

Termination of contract

1. On the basis of a contractual provision

- Right to terminate as stipulated in the contractual term (in addition to the statutory right of termination)
- Contract interpretation (regarding 'materiality' of a breach). Parties may agree to terminate the contract even on the ground of an immaterial breach?

2. On the basis of a breach

- Material breach (CJEU 1997. 4. 7 C-97/575 *Albar*, 2004Da67011; 2005Da53705 painting booth case; 2003Da15518)
- Late performance + expiration of a reasonable extension granted by the creditor; Late performance + expression of an intent not to perform (Art. 544)
- Late performance when time is of the essence (Art 545)
- Impossibility of performance (Art 546)
- Repudiatory breach: 2004Da53173 (repudiatory breach recognised on the ground of "good faith"); 2008Da29635 (repudiatory breach recognised on Art 390 of the KCC); 2018Da214210
- Question of fault? Relevant only when the other breaching party proves that the performance was rendered impossible by causes attributable to the other party or to none of the parties. (Art 546, 537, 538)

3. Method

- Notice
- Irrevocable, unconditional
- indivisible (Art. 547) unless agreed otherwise

4. Preclusion of the right to terminate

- When asked to reply whether to terminate (Art. 552): Expiry of the reasonable time for termination shall destroy the right of termination (if any). Nothing but a clear, unequivocal notice of termination within the reasonable period can save the termination right (if any).
- When the object is altered or damaged (Art. 553)
- When the claim is foreclosed upon expiry of limitation period
- Lapse of 10 years (2000Da26425)
- Waiver of termination right by express agreement. 2006.11.9 台, 2004年22971 台. “当事人得约定排除终止契约之权利; 但此种约定须以明确且无歧义之方式为之。 (The contract stipulated, “After the balance has been paid, the contract may not be terminated, however, in the event the seller terminates, double the amount of the balance payment shall be paid in compensation.” The court interpreted that the statutory right of termination in the event of the other party’s breach is not excluded by the language.)

5. Restitution (Art. 548)

- Title reverts automatically, immediately.
- Monies received must be returned with interest calculated from the date they were received. Disgorgement of unjust enrichment. The interest is not of the nature of “delay damage”.
 - Interest must be paid notwithstanding the defence of simultaneous performance (return). 2000Da9123.

- However,
 - Upon termination by mutual consent (including implicit consent), no obligation to pay interest. (95Da16011, 97Da6193)
 - When the contract has expired, is void, or voided, Art 548(2) does not apply. 92Da45025 (Where contract is voided, a good faith possessor is entitled to keep the fruit, not obligated to pay interest on the money received.) 96Da54997 (Where the contract is void, Art 548(2) does not apply.)
- Benefit/profit of using the thing must also be disgorged. But the portion of the profit attributable to the possessor's skill or investment must be deducted from the amount to be disgorged. §§ 2006.9.8, §, 2006 §26328 §
- Whether the possession was in good/bad faith is irrelevant. §§ 1997.12.9, §, 96§47586 §

6. Third party's interest (Art 548(1), proviso)

- While the title reverts automatically upon termination,
- a third party who has acquired a right opposable to others shall be protected
 - 95Da32037 (when the property was let by the purchaser with the seller's approval, the tenant will **not** be protected)
 - 96Da17653 (when the purchaser let the property once the property was under his name, the tenant is protected)
 - 99Da40937 (the creditor who attached the property while it was under the purchaser's name will be protected)
 - 99Da51685 (the creditor who attached the right to demand conveyance will **not** be protected)
 - 2005Da6341 (a third party who relied in good faith

on the real estate register entry shall be protected even if the entry was no longer valid due to termination)

7. Damages

Termination does not affect the damages claim. Art. 551

Repudiation

- [illegible]

definitively and unequivocally expresses its intent not to perform its contractual obligation and it is thus unlikely that the contract will ever be performed voluntarily, it would constitute a repudiatory breach. In that case, on the basis of good faith principle, the other party is entitled to terminate the contract forthwith. 1993年6月25日第93011821號, 1997年11月28日第97030257號()。

- [illegible]

clear, firm and definitive *intention* to refuse to perform the contract.

- An honestly, but erroneously held conviction is not a valid defence or excuse for a repudiatory breach. Where a party denies its contractual obligation on an honestly, but erroneously held conviction that it has no such obligation, the party's denial of obligation would be a repudiatory breach all the same.
- 2008Da29635 (dated 12 March 2009), for example, the seller erroneously claimed that he had no obligation because he terminated the contract. The Supreme Court found that the seller's termination was invalid and that the seller's refusal to perform the contract (which was due to the seller's erroneous view of the validity of its purported termination) is nevertheless a repudiatory breach.
- 2011Da85352 (dated 26 December 2013): "Where an obligor made a legal assessment of the grounds and the existence of the obligation and, as a result of his legal assessment, believed that he had no obligation and accordingly refused to perform and brought a lawsuit to dispute the obligation, if the obligor's legal assessment is erroneous, the non-performance of the obligor cannot – in the absence of special circumstances – be said to be without intention or negligence." (a case where the validity of the housing redevelopment permission was contested)
- 2009Da22778, dated 25 February 2010 : the guarantor who agreed to provide performance guarantee shall be liable for its repudiatory breach if it refuses to pay on the due date even if it relied on the existence of a preliminary injunction prohibiting the payment, even if it concluded (on the basis of its legal assessment, **"which it should take at its own peril"**) that it had no obligation because the underlying contract (which was the basis of the performance guarantee) was terminated.
- 2014Da19776 (dated 15 February 2017): A telecom company

refused to allow interconnection based on an erroneous belief and legal assessment that its duty to allow interconnection applies only to 2G communication service and did not apply to 3G communication service. The Court found that the telecom company's duty applies also to 3G communication service and accordingly held that the telecom company committed an "intentional" breach.

- Termination which is allowed in the event of the other party's repudiatory breach is considered to be a 'legal' right, as distinct from a 'contractual' right. As a result, the terminating party is not required to be bound by contractually stipulated requirements for exercising a contractual right of termination, such as giving an advance notice requesting rectification of the breach. In the event of the other party's repudiatory breach, the termination can be done immediately upon present notice.

□□□ □□ □□ (Submission of written works) – 2018, 2nd semester

Written works should not exceed 2 sides of an A4 sheet. Please upload your written works [at this page](#). Make sure that you do not commit plagiarism. [See this](#).

Please hand in your work by 23:00 on 21 November 2018.

Korean Contract Law I

Discuss Article 69 of the Commercial Code and compare it with

the Civil Code, Article 580 and Article 582.

Ancient Chinese Law and Philosophy

Are we bound by law? or by ethics?

In preparing your written work, please consult Joseph Raz, ["The Obligation to Obey: Revision and Tradition"](#), 1 Notre Dame J.L. Ethics & Pub. Pol'y 139 (1985).

Ancient Chinese Law and Philosophy End Term Exam

The examination will be held in Room 412, Woodang Hall on 18 December 2017 (Monday) at 2:00pm.

It will be an open-book examination. During the examination, you may consult any materials (including online materials) in your possession.

焚書(焚書 BCE 179-104) 及 坑儒 ‘
坑’

焚書坑儒(fen shu keng ru; 213 BC)

- the burning of books and burying of Confucian scholars

(Ban Gu, 班固 32-92, 班固, 班固 57)

-

1. Genesis

(1)

[]

[illegible]

耶和華對摩西說：“你對以色列人說：『你們要聽耶和華的話，因為耶和華是神。』” (出 17.19)

1000 1000 1000 1000 1000 1000 1000 1000. “1000 1000 1000 1000 1000 1000 1000 1000?” 1000 1000 1000 1000 1000, 1000 1000 1000. “1000 1000 1000 1000 1000 1000 1000 1000?” (1000 11.12)

2.

_____ 年 _____ 月 _____ 日 在 _____ 市 _____ 区 _____ 街 _____ 号 _____ 楼 _____ 单元 _____ 室 (_____) 签订。

_____ , _____
 _____ (_____) _____

[illegible]

()

00 00 00 000 00 000, 00 00 00 000 00 000. 00 0(0)00 00 00(0)00.
 ... 000 0000 000 000. 000 000 000 0000. 000 0000 000 000. 000 00
 00 000 0000. 000 0000 000 000. 000 0000 000 0000. ... 00 00 000
 00 000 00 00 0000 0000 00 00 000, 000 00 000 000. 0000 0000 00
 0 000 00 00 000 00 000 0000 00 00 00 00, 000 00 000 00 00 000,
 000 00 000 00 00 000 00. 00 000 000 000 0(0)0 0000 0(0)0 0000
 000, 0(0)0 0000 000 00(0)0 0000 000 000. 000 000 00 000 00 00
 0000 00 00 000 000 000 000 0 00 00 00. 000 00 000 000000 00 00
 0 0000 000 000, 000 000

[illegible][illegible][illegible]

[] []

□□ □□ □□□ □□□□ □□ □,

(mm, ppm 5)

□□□□□□□□□□□□□□□□□□□□□□□□ (Lao Zi, □□□ Dao De Jing, 42)

[illegible]

□□□, □□(!) □□□□ □□□□□□□□□□ (□□□□ 7)

3. □□□□ □□□□ □□□□

Q: 如何將一個數組中的元素按升序排列？請用 C++ 實現。
A: 可以使用 C++ 中的 `std::sort` 函數來實現。該函數位於 `<algorithm>` 頭文件中，其原型如下：
`template<typename BidirectionalIterator>
void sort(BidirectionalIterator first, BidirectionalIterator last);`
其中，`first` 和 `last` 分別表示數組的起始和結束位置。以下是一個簡單的示例代碼：

```
#include <iostream>  
#include <algorithm>  
  
using namespace std;  
  
int main() {  
    int arr[] = {5, 2, 8, 1, 9, 3, 7, 4, 6};  
    int n = sizeof(arr) / sizeof(arr[0]);  
    sort(arr, arr + n);  
    for (int i = 0; i < n; i++) {  
        cout << arr[i] << " ";  
    }  
    return 0;  
}
```

輸出結果為：1 2 3 4 5 6 7 8 9

[illegible]

□□ □□□, □□ □□ □□□ □□□□□ □□ :

00 00 00 000 00 000, 00 00 00 000 00 000. 00 0(0)00 00 00(0)0
 0. ...

_____年____月____日，_____（姓名）
_____（职务），_____（单位）。 （盖章）

[illegible][illegible]

6. 占筮 (Theory of omen)

[illegible][illegible]

Heaven will judge it for you. Be not judges of others, and you will not be judged; do not condemn others and you will not be condemned. Seek instead to control and correct yourself. Most of all, love others.

0000 0000 000000 00 00 0000. 0000 0000 00 00 00 00 0000. 00000 0000 0000
 0 00, 0000 0000 00000 0000. 00000 00 00 0000 00, 00 00 0000 00000. 00
 00000 00 0000, 00 0000 00 0000 00 0000 00 00 0000 00000 0000 00000 00,
 0000 0000 0000 0000 00. ... 00000 0000 0000 0000 00 00000. 00 0000 0000 0000
 0 00 00 0000 000000 00 0000. 00 0000 0000 00000 00 00, 0000 00000000 00
 0000. 00 00000 00 00 0000 00 0000 00000 0 00000 00 0000 00 0000, 0000 0
 0000 00000 00 0000 000000 00000000 00 00 00 0000.

[illegible]

□□□ □□□□ □□□ □□□□□(□□□□□□□□□), □□□□ □□□□ □□ □□□ □ □.

☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐

[illegible]

()

[illegible]

[illegible]

... ...

第 1 页

5. Self-interest ☐☐☐☐☐

በሰጠው የቅርንጫፍ ምልክት መሰረት በተዘጋጀው የጥናት ዓላማ መሰረት፣ የጥናት ዓላማውም የሆነው፡

የጥናት ዓላማው (የጥናት ዓላማ 3)

[illegible]

□□□ □□□ □ □□□ □□□□ □□□□ □□□ □□□ . □□□ □□ .

[illegible]

6.

0000 000 000 00000 000 00 000 0 00 000, 00 000 00 00 00 0000 0
 0 000 0000 000 000 00 0...

[illegible]

000 0000 000 0000... 000 000 000 00, 000 000 0000 00, 000 000 00
 00 00, 000 000 0000 00, 000 000 000 0000 00

(2)

<div style="border: 1px solid black; width: 20px; height: 20px;"></div>	<div style="border: 1px solid black; width: 20px; height: 20px;"></div>	<div style="border: 1px solid black; width: 20px; height: 20px;"></div>	<div style="border: 1px solid black; width: 20px; height: 20px;"></div>	<div style="border: 1px solid black; width: 20px; height: 20px;"></div>	<div style="border: 1px solid black; width: 20px; height: 20px;"></div>	<div style="border: 1px solid black; width: 20px; height: 20px;"></div>	.	<div style="border: 1px solid black; width: 20px; height: 20px;"></div>	<div style="border: 1px solid black; width: 20px; height: 20px;"></div>	<div style="border: 1px solid black; width: 20px; height: 20px;"></div>	<div style="border: 1px solid black; width: 20px; height: 20px;"></div>	<div style="border: 1px solid black; width: 20px; height: 20px;"></div>	...
---	---	---	---	---	---	---	---	---	---	---	---	---	-----

□□□□□□□□□□□□□□□□□□ (□□ 3)

የሚገኝበት የሰው ልግ ስላለው ጥራት ምን ያህል ነው፡፡
የሚገኝበት የሰው ልግ ስላለው ጥራት ምን ያህል ነው፡፡ (ገጽ 3)

[ገጽ]

የሰው ልግ ስላለው ጥራት ምን ያህል ነው፡፡ የሰው ልግ ስላለው ጥራት ምን ያህል ነው፡፡ የሰው ልግ ስላለው ጥራት ምን ያህል ነው፡፡

የሰው ልግ ስላለው ጥራት ምን ያህል ነው፡፡ (ገጽ 9)

የሰው ልግ ስላለው ጥራት ምን ያህል ነው፡፡ የሰው ልግ ስላለው ጥራት ምን ያህል ነው፡፡

የሰው ልግ ስላለው ጥራት ምን ያህል ነው፡፡ (ገጽ 15)

[ገጽ]

“የሰው ልግ ስላለው ጥራት ምን ያህል ነው፡፡” የሰው ልግ ስላለው ጥራት ምን ያህል ነው፡፡ “የሰው ልግ ስላለው ጥራት ምን ያህል ነው፡፡” የሰው ልግ ስላለው ጥራት ምን ያህል ነው፡፡ “የሰው ልግ ስላለው ጥራት ምን ያህል ነው፡፡” የሰው ልግ ስላለው ጥራት ምን ያህል ነው፡፡ (ገጽ, 13.24)

“የሰው ልግ ስላለው ጥራት ምን ያህል ነው፡፡” የሰው ልግ ስላለው ጥራት ምን ያህል ነው፡፡ (6.23)

የሰው ልግ ስላለው ጥራት ምን ያህል ነው፡፡ (4.10)

ገጽ: ገጽ ገጽ ገጽ ገጽ

1. ገጽ v. ገጽ

- የሰው ልግ ስላለው ጥራት ምን ያህል ነው፡፡ የሰው ልግ ስላለው ጥራት ምን ያህል ነው፡፡ (ገጽ 31)
- የሰው ልግ ስላለው ጥራት ምን ያህል ነው፡፡ የሰው ልግ ስላለው ጥራት ምን ያህል ነው፡፡ (ገጽ 1)
- የሰው ልግ ስላለው ጥራት ምን ያህል ነው፡፡
 - የሰው ልግ ስላለው ጥራት ምን ያህል ነው፡፡ የሰው ልግ ስላለው ጥራት ምን ያህል ነው፡፡ (ገጽ 2) የሰው ልግ ስላለው ጥራት ምን ያህል ነው፡፡ (ገጽ 35)
 - የሰው ልግ ስላለው ጥራት ምን ያህል ነው፡፡ “የሰው ልግ ስላለው ጥራት ምን ያህል ነው፡፡” የሰው ልግ ስላለው ጥራት ምን ያህል ነው፡፡ “የሰው ልግ ስላለው ጥራት ምን ያህል ነው፡፡” የሰው ልግ ስላለው ጥራት ምን ያህል ነው፡፡ ... የሰው ልግ ስላለው ጥራት ምን ያህል ነው፡፡ የሰው ልግ ስላለው ጥራት ምን ያህል ነው፡፡

[illegible]

- 𐤀𐤓𐤕 𐤓𐤕 𐤓𐤕𐤕 𐤓𐤕𐤕𐤕, 𐤓𐤕 𐤓𐤕𐤕 𐤓𐤕𐤕𐤕. 𐤓𐤕 𐤓𐤕 𐤓𐤕𐤕 𐤓𐤕𐤕𐤕, 𐤓𐤕𐤕𐤕 𐤓𐤕 𐤓𐤕 𐤓𐤕𐤕𐤕. 𐤓𐤕𐤕 𐤓𐤕𐤕𐤕 𐤓𐤕 𐤓𐤕𐤕𐤕 𐤓𐤕𐤕 𐤓𐤕 𐤓𐤕𐤕𐤕 𐤓𐤕, 𐤓𐤕𐤕 𐤓𐤕𐤕𐤕 𐤓𐤕 𐤓𐤕𐤕 𐤓𐤕 𐤓𐤕𐤕𐤕 𐤓𐤕. 𐤓𐤕𐤕𐤕 𐤓𐤕𐤕𐤕 𐤓𐤕𐤕 𐤓𐤕𐤕 𐤓𐤕𐤕𐤕 𐤓𐤕𐤕 𐤓𐤕𐤕 𐤓𐤕𐤕 𐤓𐤕𐤕 𐤓𐤕𐤕 ‘𐤓𐤕 𐤓𐤕 𐤓𐤕𐤕 𐤓𐤕𐤕 𐤓𐤕𐤕 𐤓𐤕𐤕𐤕. 𐤓𐤕 𐤓𐤕 𐤓𐤕 𐤓𐤕𐤕𐤕 𐤓𐤕𐤕’𐤓𐤕 𐤓𐤕𐤕𐤕. 𐤓𐤕 𐤓𐤕𐤕 𐤓𐤕𐤕 𐤓𐤕𐤕𐤕, 𐤓𐤕𐤕 𐤓𐤕𐤕𐤕𐤕 𐤓𐤕𐤕 𐤓𐤕𐤕 𐤓𐤕𐤕 𐤓𐤕𐤕 𐤓𐤕𐤕 ‘𐤓𐤕 𐤓𐤕𐤕𐤕𐤕𐤕’𐤓𐤕 𐤓𐤕𐤕 𐤓𐤕𐤕𐤕. 𐤓𐤕 𐤓𐤕𐤕 𐤓𐤕𐤕 𐤓𐤕𐤕𐤕𐤕 𐤓𐤕𐤕 𐤓𐤕𐤕 𐤓𐤕𐤕 𐤓𐤕𐤕 ‘𐤓𐤕𐤕 𐤓𐤕𐤕. 𐤓𐤕 𐤓𐤕 𐤓𐤕 𐤓𐤕. 𐤓𐤕𐤕 𐤓𐤕 𐤓𐤕𐤕𐤕𐤕’𐤓𐤕 𐤓𐤕. 𐤓𐤕𐤕𐤕 𐤓𐤕𐤕 𐤓𐤕 𐤓𐤕𐤕𐤕 𐤓𐤕𐤕 𐤓𐤕𐤕 𐤓𐤕𐤕𐤕(𐤓𐤕𐤕𐤕𐤕𐤕) 𐤓𐤕 𐤓𐤕𐤕 𐤓𐤕𐤕𐤕𐤕 𐤓𐤕. (𐤓𐤕𐤕 28)
- 𐤓𐤕 𐤓𐤕𐤕𐤕 𐤓𐤕. 𐤓𐤕𐤕 𐤓𐤕𐤕 𐤓𐤕 𐤓𐤕𐤕 𐤓𐤕𐤕𐤕 𐤓𐤕 𐤓𐤕𐤕𐤕 𐤓𐤕. 𐤓𐤕𐤕𐤕 𐤓𐤕 𐤓𐤕𐤕 𐤓𐤕 𐤓𐤕 𐤓𐤕 𐤓𐤕𐤕𐤕 𐤓𐤕 𐤓𐤕𐤕 𐤓𐤕 𐤓𐤕𐤕 𐤓𐤕𐤕 𐤓𐤕𐤕 𐤓𐤕𐤕. (𐤓𐤕𐤕𐤕 7)
- “𐤓𐤕𐤕 𐤓𐤕𐤕 𐤓𐤕𐤕? 𐤓𐤕𐤕𐤕𐤕 𐤓𐤕 𐤓𐤕.” (𐤓𐤕𐤕 28)

[illegible]

- “ $\lim_{n \rightarrow \infty} \frac{1}{n} \sum_{k=1}^n f(x_k)$ ” 的期望值 是 $\int_a^b f(x) dx$ (定理 5.25)

[illegible][illegible]

(□□ 6.27; □□ 12.15)

5.

[]

□□□□□□□□□□ (□□, 9.1)

[illegible]

□□□□□□□□□□□□□□ (□□ 17.2)

[]

[illegible][illegible][illegible]

በሰላም ስላለን በሰላም ስንገባ... በሰላም, በሰላም, በሰላም, በሰላም (በሰላም በሰላም) በሰላም በሰላም, በሰላም በ ሰላም በሰላም በሰላም በሰላም, በሰላም በሰላም በሰላም በሰላም በሰላም, በሰላም በሰላም በሰላም በሰላም በሰላም.

[illegible]

0000 00000 00, 00000 0000 00, 0000 00, 000 000 000 000 000 00.
000

□□□ □□□ □□□ □□□□□ □□(□□□)

[illegible]

_____ (four limbs) _____.

□□□□□□□□□□□□□□ (□□□□ 6)

[illegible]

00 000, “0 0 000 00 00 0 00 000 0000 00 000. 00 00 00 00 0000,
 0 00 0000 00 000. 00000 0000 0000 00 00000 00. 00000 00 0000 00 00000

[illegible]

ॐ(ॐ)ॐ ॐॐ ॐॐॐ, ॐ(ॐ)ॐ ॐ ॐॐ ॐॐॐ ॐ ॐॐॐ, ॐॐ(ॐॐ)ॐ ॐॐॐ
 ॐ ॐॐॐ, ॐॐ ॐॐ ॐॐ ॐ ॐॐ ॐॐॐ. ॐॐ ॐॐॐॐ ॐ ॐ ॐॐॐ(ॐॐ). ॐ
 ॐॐ ॐ ॐ ॐॐॐॐ ॐ ॐॐ ॐ(ॐ)ॐ ॐॐ ॐ(ॐ)ॐ ॐॐ. ॐ ॐॐ ॐ ॐॐ
 ॐॐ ॐॐ, ॐॐ ॐॐ ॐ ॐॐ ॐ ॐॐ. ॐ ॐॐ ॐॐ ॐॐ ॐॐ, ॐ ॐॐ ॐ
 ॐॐॐॐ ॐॐ. ॐॐ ॐॐ ॐॐ ॐ ॐ, ॐॐॐॐ ॐ ॐॐ ॐ ॐ. 100ॐ ॐॐॐ ॐ
 ॐ ॐ, ॐॐ ॐॐॐ ॐ ॐॐॐ, ॐॐॐ ॐ ॐॐ ॐ ॐ ॐॐ. (ॐॐ 1)



□□□, “□□(□□)□ □□□”, □□□□□□ □□□□ 18□2□ (2013)

□□□, “□□□□ □□(□□) □□□ □□ □□”, □□□□□□ □17□ □1□ (2015)

[illegible][illegible]

☐☐[Moderation in funerals]

[illegible]

□□□□□□□□□□□□□□□□□□□□ (□□□ 1)

$\square(\square\square)$ $\square(\square\square)$ $\square(\square\square\square\square)$ \square $\square\square\square\square$,

□□□□ □□□□ □□□□, □ □□□ □□□□ □□ □□ □□

□□□ □□□□□□ □□□ □□□,

□□□ □□□□□□ □□□ □□□,

□□□□□ □□□□□ □□□ □□.

□□□□ □□ □□□ □□□□ □□□ □□□□ □□□ □□□ (□□□□□□□□□□□□□□□□□□□□□□□□□□□□)

□□□ □□□ □□□ □□□□□□ □□□ □□□(□□□□□□□□□□□□□□□□□□)

[illegible]

11

[illegible]

□□□□ □□□□, □□, □□□□ □□□□ □□□□ □□ □□.

[illegible][illegible]

000 000 000000 000 00 0000 0000 000 0000, 000 000 000 00.

[illegible]

3. ㄱ[Reciprocation of love]

5. □□ [Upholding uniformity]

[illegible][illegible]

[In such condition, there is no place for Industry; because the fruit thereof is uncertain: and consequently no Culture of the Earth; no Navigation, nor use of the commodities that may be imported by Sea; no commodious Building; no Instruments of moving, and removing such things as require much force; no Knowledge of the face of the Earth; no account of Time; no Arts; no Letters; no Society; and which is worst of all, continuall feare, and danger of violent death; And the life of man, solitary, poore, nasty, brutish, and short. – Hobbes, *Leviathan*, ch. 13.]

[illegible]

0000 0000 0000 0000 0000. “0000 00 00 00 0000 0000 0000 0000 0000. 0000
 0000 0000 00 0000 0000 0000 00 00, 0000 00 0000 0000 00 0000 0000 00 0000
 00 00. 0000 0000 0000 0000 00 0000, 0000 0000 0000 0000 00 0000 00. 0
 0000 0000 00000000 00 00 00 0000 00 0000 00000000 0000 00. 0000, 0000
 00 00 00 0000 0000 0000 00, 0000 0000 0000 00 0000 00 0000, 0000 00 00
 0 0000 00 00 0000 00 0000, 0000 0000 0000 0000 00 0000 00, 0000 0000 00
 0 0000 00 0000, 00 000000 00 000000 0000 0000 00 000000 00 00 0000 0000 00

[illegible]

000(00)0 0000 00 0 0000. 0000 00 00000 000 0000. “000 00 00 00
 000 000 000 000 000(00)00 0000. 0000 000 000 00 000 000 000 00
 00, 0000 00 000 000 00 000 000 00 000 00 00. 00 00 00 00 0000
 000 00 000, 00 000 00 00 0000 00 000 0000 0000 000 0000 000 00
 0000?” 0000 000 000000 0000? 0000 00 000 0000 000 0000 0000 000
 0 000.

(□□□ 4, 5, 6)

[illegible]

6. 天 [The will of Heaven]

[illegible]

have their theories. As far as moral fortitude and rightness are concerned, however, they are all way off the mark. How do I know? I know because I have obtained the brightest measure of this world and measure them.’ (Chapter 7)

cf. 詩, 卷之四, 四

The Lord spoke to the king Wen,

‘I have bright virtue in me

But my voice is not loud, my appearance is not striking

My whip is not long, my lash is not thick

You won’t see me, you won’t know me

Follow my rule.’

詩經卷之四

詩經卷之四

詩, 卷之四, 四

詩經卷之四

詩經卷之四

詩經卷之四

詩經 卷之四 詩經 卷之四 (四=四)

7. 詩 [Proving the existence of ghosts]

[Why is the whole world now in a chaos?] This is because everybody is in doubt as to the existence or non-existence of ghosts and spirits. Nobody is clear about the ability of the ghosts and spirits to recompense the talent and punish the violent.

The way to investigate the existence or non-existence of a phenomenon is to see whether many people have actually witnessed or heard it. A mere account that a certain this saw it or a certain that heard it will not be enough.

Those who insist on non-existence of ghosts say, ‘So many people claim to have seen or heard the ghosts and spirits. But who exactly have done so?’ Mo Zi says, ‘In fact, many people saw it together, heard it together. Du Bo is the case

in point ...'

Those who insist on non-existence of ghosts say, 'This is no more than many people's account of what they saw or heard. Is it enough to settle the doubt? How can a man who aspires to be a noble man of this world can be so gullible as to believe many people's account of what they saw or heard?' Mo Zi says, 'If many people's account of what they heard or saw is not enough to believe, not enough to settle the doubt, we won't know what the ancient sage kings Yao, Xun, Yu, Tang, Wen, Wu were like. Then, how can you say that they are to be emulated? Those who are above average all agree that the sage kings of the previous three dynasties are good enough to be emulated. [In numerous books which record their deeds, however, we may see that] they all believed in the existence of ghosts and spirits. They all served them well. Those who insist on the non-existence of ghosts go against the practice of the sage kings. Going against the practice of the sage kings is not the way of a noble man.'

Those who insist on non-existence of ghosts say, 'If the intention is not genuine, [offering sacrifice to the ghosts] is merely harming the interest of family members. Would such a practice make a respectful son?' Mo Zi says, '[In most cases, the sacrifice will be for the ghosts of one's deceased parents or relatives.] If these ghosts should be there, it is to offer food and drinks to one's parents and relatives. Is it not a great benefit? Even if these ghosts should not be there, the expenses of offering sacrifices are not wasted because family members and village people can all eat and drink. Through these occasions, people can get together and rejoice resulting in good bonding of the village people.'

Those who insist on non-existence of ghosts say, 'Ghosts and spirits simply do not exist. That is why you should not offer food, drinks and sacrificial animals. It is not that I cherish the food, drinks and sacrificial animals. I simply do not see what can be gained.' This is against the books of the

sage kings, against the deeds of respectful sons.

[cf. *Lun Yu*,

11.12 子夏曰百工居處以義，成其事，立於世。

7.21 子曰居處恭，執事敬。

2.24 子曰居處恭，執事敬。

7.35 子曰居處恭，執事敬，雖之夷狄不可棄也。

8. 命 [No Fate]

[Some say that there is the fate; some say that there is no fate.] If many people saw or heard it, we may know that there is the fate. If not, we may know that there is no fate. As none of the people have ever seen or heard the fate, we may conclude that there is no fate. If the base people are not to be trusted, why not observe the feudal lords' account or sayings? Again, none of the feudal lords have ever heard the sound of the fate, seen the shape of the fate. Let us then observe the affairs of the sage kings.

[Whether there was a good government or a bad government depended on the ability of the ruler. So there was no fate. Only the tyrants had claimed the fate. But the sage kings have all vanquished them. In their good reign, all said that it was due to their effort.]

[Why do people work hard? If they don't, they will lose the benefit of good government, peace, wealth, honour, prosperity, warmth, and a full belly. If they should believe in the fate, who would work hard?]

Noble men of the world who wish to promote the interest of the world and remove the harm of the world should condemn the theory of fate.

Sivaka-sutta: One day ... Moliya-Sivaka asked Buddha, Oh! Venerable Gautama, there are the religious and the bramans who hold this view, "All feelings joyful, sorrowful and

neutral of an individual are the result of the actions which the person committed in the past.” What say you, Venerable Gautama?’ Buddha said, Oh! Sivaka, there are also feelings which arise because of the physical condition (three kinds of humour – pitta semha, vata – and their combination). The existence of these feelings is generally recognised by people as truthful. The religious and the bramans who say “All feelings joyful, sorrowful and neutral of an individual are the result of the actions which the person committed in the past” go too far from the facts recognisable by personal experience and from the facts generally admitted by people. There are also feelings which arise because of the seasonal changes. ... There are also feelings which arise because of irregular events. ... There are also feelings which arise because of sudden accidents. ... There are also feelings which arise because of maturation of actions.’

9. 𑀓𑀲 [Against Confucians]

Throughout summer, they beg barley and rice. When five grains have all been harvested, they go after big funerals. They bring along their children and relatives to the funeral and bloat out. A few funerals will be enough to get them going. At the expense of other’s family, they fatten themselves. Relying on other’s field, they promote themselves. If a rich man has a funeral, they go crazy with joy and say, ‘This is the beginning of good food and good clothes!’

𑀓𑀲𑀲𑀲 𑀓𑀲𑀲𑀲 𑀓𑀲𑀲𑀲 𑀓𑀲𑀲𑀲 𑀓𑀲 𑀓𑀲𑀲 𑀓𑀲𑀲𑀲, 𑀓𑀲𑀲 𑀓𑀲𑀲𑀲 𑀓𑀲 𑀓𑀲 𑀓𑀲𑀲 𑀓𑀲𑀲𑀲 𑀓𑀲𑀲 𑀓𑀲 𑀓𑀲𑀲𑀲, 𑀓𑀲 𑀓𑀲𑀲𑀲 𑀓𑀲𑀲𑀲 𑀓 𑀓𑀲𑀲 𑀓𑀲𑀲𑀲𑀲𑀲 𑀓𑀲, 𑀓𑀲𑀲𑀲𑀲 𑀓𑀲𑀲 𑀓𑀲𑀲𑀲𑀲𑀲 𑀓𑀲𑀲𑀲𑀲. 𑀓𑀲𑀲 𑀓𑀲𑀲 𑀓𑀲𑀲 𑀓𑀲 𑀓𑀲 𑀓𑀲𑀲𑀲. 𑀓𑀲𑀲𑀲 𑀓𑀲𑀲𑀲𑀲 𑀓𑀲 𑀓𑀲𑀲 𑀓𑀲𑀲𑀲𑀲 𑀓𑀲𑀲 𑀓𑀲𑀲 𑀓𑀲𑀲 𑀓 𑀓 𑀓𑀲𑀲𑀲. 𑀓𑀲𑀲𑀲𑀲 𑀓𑀲𑀲𑀲 𑀓𑀲𑀲𑀲𑀲 𑀓𑀲𑀲 𑀓𑀲𑀲 𑀓𑀲𑀲𑀲𑀲𑀲 𑀓𑀲𑀲𑀲𑀲, 𑀓𑀲𑀲 𑀓𑀲𑀲 𑀓𑀲 𑀓𑀲𑀲 𑀓𑀲𑀲𑀲. 𑀓𑀲𑀲 𑀓𑀲𑀲 𑀓𑀲𑀲 𑀓𑀲, 𑀓𑀲𑀲𑀲𑀲 𑀓𑀲 𑀓𑀲 𑀓𑀲𑀲𑀲𑀲. 𑀓𑀲𑀲 𑀓𑀲 𑀓𑀲 𑀓𑀲𑀲 𑀓𑀲𑀲 𑀓 𑀓𑀲𑀲𑀲 𑀓𑀲𑀲𑀲 𑀓𑀲𑀲𑀲𑀲, 𑀓 𑀓𑀲𑀲 𑀓𑀲𑀲𑀲 𑀓𑀲𑀲𑀲 𑀓𑀲𑀲𑀲 𑀓𑀲 𑀓𑀲𑀲 𑀓𑀲𑀲𑀲 𑀓𑀲 𑀓 𑀓𑀲 𑀓 𑀓𑀲𑀲𑀲.

𑀓𑀲𑀲 𑀓𑀲𑀲𑀲 𑀓𑀲𑀲𑀲 𑀓𑀲 𑀓𑀲𑀲𑀲𑀲 𑀓𑀲𑀲𑀲𑀲 𑀓𑀲 𑀓𑀲𑀲𑀲 𑀓 𑀓𑀲 𑀓𑀲𑀲𑀲. 𑀓𑀲𑀲 𑀓𑀲𑀲𑀲 𑀓𑀲 𑀓𑀲

[illegible]

[An Ying continues,] 哥哥 哥哥， 哥哥 哥哥 哥哥 哥哥 哥哥 哥哥 哥哥 哥哥
哥哥 哥哥。 哥哥 哥哥 哥哥 哥哥 哥哥 哥哥 哥哥 哥哥 哥哥 哥哥。 哥哥 哥哥 哥哥
哥哥 哥哥 哥哥 哥哥 哥哥 哥哥 哥哥 哥哥。

[illegible]

“那么，你，你希望我们成为什么样的朋友？”他问，然后停顿片刻：“你希望我们成为什么样的朋友。我们希望你成为什么样的人。我们希望你成为什么样的人。我们希望你成为什么样的人。”

□□□ □□ □□□ □□□ □□ □□□□? (□□, □□□, 11)

10. $\square\square$ [Endearing rightness] – y_i (rightness) or li (benefit)?

Suppose a man offers you a hat and shoes. In return he proposes to chop your hands off. Would you agree? You wouldn't. Because a hat and shoes are not as dear as your own limbs. Suppose a man offers you the whole world. In return, he proposes to take your life. Would you agree? You wouldn't because the whole world is not as dear as your life. Over one word, however, people kill each other. This shows that rightness is dearer than one's own life. Nothing, therefore, is dearer than rightness.

Noble men of the world treat rightful scholars with even less esteem than they treat a coolie carrying cereal. Imagine this. A coolie has rested on the roadside. Now he wants to stand up again with his load of cereal. But he is having difficulty. A noble man sees this. Without any regard to the

age, low or high status of the person, he will help him to stand up. Why? `Because it is right', he says. These days, noble men who [supposedly] practice rightness transmit the Way of ancient kings only to preach; they do not do what they expound. Rather, they deny and defile it. This is why I say noble men of the world treat rightful scholars with even less esteem than they treat a coolie carrying cereal.

Mo Zi said, `Merchants go to all corners. To sell their wares in markets, they move about with passport. In spite of the difficulties of crossing the check-points and toll-gates, in spite of the danger of thieves and robbers, they do it. Scholars, however, can remain seated and discuss rightness. There is no difficulty of crossing the check-points and toll-gates, no danger of thieves and robbers. [The comfort] is incomparable to the discomfort of having to move about with passport. Still, they don't do it. That is, scholars cannot calculate the benefit while merchants even investigate it.

When I say a blind man does not know black and white, I do not mean that he does not know the name. I mean he does not know what the name refers to. ... I say noble men of the world do not know ethical integrity. They do know the name but they do not know what it refers to.

Refuting my argument with your argument is just like hitting a boulder with an egg. Use all the eggs in the world. The boulder will still be right [there]. You cannot even make a dent.

Fundamentalist fanatics?

□□□□□□□□□□□□□□□□□□□□(□□□ 177)

□□ (ca. 720BC-645BC) □□□ □□

□□□, “□□□□ □□□” □□□□ □19□ (2003)

□□□, “□□□ □□ □□□ □□□ □□□(□□□□) □ □□□”, □□□□□□ □34□ (2012)

1. 000 00, 000

00 0(0)0 0 000 00 0000, 000 00 00 000 00000. 00 000 0(0)00 00
 000 00 “000 0”0 000, 00 0000 000 000 0000 00000, 00 0000
 0 0000 0 00 000 000 000 0 0, 00000 0000 00 0000 00000. 000 000
 000 0000 0 0000 000 0000 00 0000 0000 0000 00000 00000. 00 00
 000 00, 000 000(000 00, 000 000, “000 000 000, 000 000 00 000”
 000 00000), 00 0 00 000 00 00 000000. 000 000 00(000)0 00 000
 0(000 “0000(0000)”) 000 000 0000 0000 000 0000000. 000 000 00
 0 00 0000, 000 000 000 00 0000 “00”0 “000”0 00000 0000 0000.
 “000 00(0)”00 000.

2. ! !

[illegible][illegible]

3. ,

[illegible]

(14.9)

וַיֹּאמֶר יְהוָה אֶל מֹשֶׁה. “אַתָּה (אַתָּה) תִּשְׁמָר אֶת הַחֻקִּים אֲשֶׁר אֲנִי מְצַוְךָ, וְאַתָּה (אַתָּה) תִּשְׁמָר אֶת הַחֻקִּים (אֲשֶׁר) אֲנִי מְצַוְךָ וְאַתָּה (אַתָּה) תִּשְׁמָר אֶת הַחֻקִּים (אֲשֶׁר) אֲנִי מְצַוְךָ.” (14.16)

[illegible][illegible]

□ (□) □ □ □ □

(1) :

註： “台灣 台灣 台灣 台灣， 台灣 台灣 台灣(台灣) 台灣” 台灣， 頁 1.12 (台灣 台灣台灣台灣)

- 00(00)00 0000 000 000 000 00
- 000 0000 0000 0000 00 00(00)0 000 000 00
- 0000

11

- $\lim_{n \rightarrow \infty} \frac{1}{n^2} = 0$ (證明)
- $\lim_{n \rightarrow \infty} \left(\frac{1}{n} + \frac{1}{n^2} \right) = 0$ (證明)
- $\lim_{n \rightarrow \infty} \left(\frac{1}{n} + \frac{1}{n^2} \right) = 0$ (證明)
- $\lim_{n \rightarrow \infty} \left(\frac{1}{n} + \frac{1}{n^2} \right) = 0$ (證明)

0000 000 000: “[000 000 00 000] 00(00)00 000 000 0000, 0
000 00000 0000(0) 00 0000 00 00 00.” 00 8.11

[illegible]

- 000000 00 00000 00000 00 000000.
00000000000000000000 (00, 14.41)

(4) 000 00 00

00000 0000 0000. “0(0), 0(0) 00000, 00 000 00 000 00 0 00? 000 000
000 00 000 0 000 00 0 00?”

0000000000000000000000000000000000 (00, 17.11)

0000000000000000000000 (00, 00, 00 4) 00000 00000 00 000 0000000, 00 00
00 0 00 000 0 00 00000 00000 0 00 00 00000 00000 00000.

00000 0000 0000. “0000 00 00 00000 00 000, 000 00 00 00000 00000 00,
0000 00 00 00000 00000 00000 00, 0000 00 00 00000 00 00 00000 00.”
(8.2)

“0000 0000 0 00 0000 00000 0000 0000000 00 0000 0000.” (6.25, 12.15)

00000 0000000 00000 00 00000 0000 00000 00 0000 00 0000 00000 00 0000 0000,
00(0)00 00 000000(00000) (9.10)

00000 0000 0000. “0000 0000 00000 00, 00(0)0 00 00000, 00000 0000, 00000
00 00 000000. 00 00 00000!” (15.18)

[00 00 0000 0] 00 00000 0000 00 00(0)00 00000 0000 0000 00 00. 00 00
00 0000 00000 00 00 0000000 00 00000 00000(0000) 00 00 00000 00000.
(9.3 0000)

0000 0000 0000 00 0000 000000 0000 0000. “0000 000000 00(0)0 0000 00 0000 0
00. 00000 0000 000000 0000 0000 0 0000 0000000 0 0 00. 0000 0000 00 00000
00000000. 00000 0000 0000 0000 0 0000?” 0000 0 0000 0000 0000 00000 0000 00
0. “0000 000000 00 0000 00, 0000 00, 000000 00, 0000000 00.” 0000 0000 00
00. “00 00 0000000 0000, 0 0000 0000 00000000.” (12.1)

*

*

*

00000 0000 0000. “00 0000 000000 000000 00000 0000, 00 0000 0000000 0000 0000
0, 00 000000 0000 00 00 000000 00 0000 0000 00 0 0000?” (00 3.26)

□ □ □ □ □ □ □ □ □ ...

0000 000 000. “000 000 000 00 00000 000 0000.”
 00000000000000000000(00 2.11)