

# □□□ □□□ □□, □□□□

□□ (□□!): □□□, □□□, □□□ (1996) 64-78□, 91-98□, 107-119□, 149-154□

C. F. Konrad, Book review: The Praetorship in the Roman Republic by T. Corey Brennan, *The Classical Journal*, Vol. 98, No. 3 (Feb. – Mar., 2003), pp. 341-347  
<http://www.jstor.org/stable/3298058>

## □□ (c.753 BC – c.510 BC)

- □(□□), □□□, □□ (comitia curiata, comitia centuriata)
- □□□□□□□ □□: Tities, Ramnes, Luceres □□ 10□□ □□□□□(curiae)□ □□
- □□□ □□: patricii, plebeii
- □□(gens) – □□□□□ □□: Praenomen, nomen gentilicium, cognomen

□: *Marcus Tullius Cicero, Gaius Iulius Caesar*

- □□□ (Tarquinius Superbus)□ □□ – c.510 BC

## □□□ (c.510 BC – 27 BC)

□□□(magistratus): □□□(imperium)□ □□□

- □□□(consul)  
comitia centuriata□ □□, □□□□ □□  
fasces□ □ □□□  
2□□ □□□□ □□ □□□□ □□□□, □□□(intercessio)  
dictator
- □□□□(praetor): 367BC□ □□, 242BC□ □□□□□□(praetor peregrinus)□□
- □□□□(censor)
- □□□□□(magistratus cum potestate): □□□(quaestor), □□□(aedilis)

III

- 300-1000 万人の 人口
- patres(父の 何?)の conscripti(召集された 人々)
- 元老院, 人民院, 両 院 (Senatus Populusque Romanus, SPQRの 両院)
- senatus consultumの 人民院 両院 両 院の 院, 両 院の 院

IV

- comitia curiata (元老院 院; 院 adrogatio 院)
- comitia centuriata (元老院 院; 院, 院 院 院; 院 院 院 院; 院 院 院 院; 院 leges 院)
- comitia tributa (元老院 院; 院 aediles, quaestores 院)
- concilium plebis (院; 院 tribune 院; 院 plebiscita 院 – lex Hortensia, 287BC)

## IV (27BC 院)

V

- Gaius J C Octavianusの princeps senatus, Augustusの 院の 院の 院,
- 院の 院の 院の 院 (ob ciues seruatos) の 院の 院の 院 (27BC)
- 院(consul)の 院(senatus) の 院の 院: 院 (院, 院, 院)の 院の 院の 院
- consul の tribuneの 院の 院;
- pomeriumの 院の 院の 院の 院 imperatorの 院の 院の 院の 院の 院の 院 (院の 院)
- 院の 院の 院の 院の 院の 院の 院
- imperium maiusの 院の 院の 院の 院の 院の 院の 院

VI

- 2-3の 院の 院
- 院, 院の 院の 院の 院
- comitia centuriataの 院の 院の 院の 院の 院の 院の 院

III

100

□ □ □ □ □ □ □ □

- ၁၁ ၁၂ ၁၃, ၁၄ ၁၅၁ ၁၅၂ ၁၅၃
- ၁၅၅၁၁, ၁၅၅၁၂
- ၁၅၅၁၃ (sacrum consistorium) ၁၅၅၁၄ (scrinium

epistularum, scrinium libellorum ॥)॥ ॥ ॥

□ □ :

- **comitia** (Comitia Centuriata) ▪ **leges** (leges) ▪ **codex** (code) ▪ **ius** (ius)?
- **ius** (ius) ▪ **ius** (ius) ▪ **ius** (ius), **ius** (ius) ▪ **ius** (ius)?
- **Augustus** ▪ **ius** (ius) ▪ **ius** (ius) ▪ **ius** (ius)?
- **ius** (ius) ‘**ius**’ ▪ **ius** (ius) ▪ **ius** (ius) ▪ **ius** (ius)?



c.753	□□ □□
510	□□□□□ □ □□
494	□□□□ □□, □□□□ □□
451	12□□ – fons omnis publici privatique juris ( <a href="#">Livius</a> , □□□, 3.34.6)
445	lex <b>Canuleia</b> – □□□ □□□□ □□□ □□□□□ □11□□ □ □
367	leges <b>Liciniae Sextiae</b> : □□□ □□(consul)□ □ □ □□ □; <b>praetor urbanus</b> □ □□
351	□□□ <b>censor</b> □ □ □ □□ □
337	□□□ <b>praetor</b> □ □ □ □□ □
304	<b>ius Flavianum</b> : leges <b>actiones</b> □ □□ □□□; □ □ □□□ □□□ □□□; □□□□□ □□□ □□
300	□□□ <b>Pontifex maximus</b> □ □ □ □□; □□□ □□□ □ □; <b>veteres</b>
287	lex <b>Hortensia</b> ; <b>Concilium plebis</b> □ □□□□ □ □ □□□ □□□ □ ( <b>plebiscita</b> )
c.282	lex <b>Aquilia</b> □□

264-241	10 Punic War
242	Praetor peregrinus
150	lex Aebutia: praetor urbanus
67	lex Cornelia: praetor
27	Gaius Octavianus
0	lex Iulia: praetor urbanus
131	edictum perpetuum – Hadrianus
c.161	Gaius Institutes
212	Constitutio Antoniniana (Caracalla)
313	
395	
426	law of citations
438	
c.472	
532-534	

## Warring States synthesis – Xunzi

### Reading

- Yulan Fung (Youlan Feng), *A history ...*, i. 279-311
- John Knoblock, *Xunzi: a translation and study of the complete works* (1988-94). Please refer to the pages indicated below.

Please note that my translation often differs from Knoblock's.

## 1. Towards canonisation and orthodoxy.

- Changing meanings of 'learning' (i. 139)
- Where does the learning begin? Where does it end? Speaking about the technique of learning, it begins from reciting the canonical texts and ends with reading the records on Li. Speaking about the purpose of learning, it begins from becoming an officer and ends with attaining the Sainthood.
- *Documents* set out the main outlines of handling the political affairs; *Odes* record the appropriate sounds; and the records on Li stipulate the broad classification of laws and principal distinctions among people.
- When Li inculcates the reverence for civilization; when music inculcates the sense of appropriate harmony; when *Odes* and *Documents* equip one with the comprehensive knowledge; and when one has the perceptiveness and subtlety through the study of the *Annals*, then that is all there is to be learned by man.

## 2. Various schools and Xun Zi's criticism (found in chapters 𠂇, 𠂇, 𠂇)

- Shen Zi: To uphold law to the degree of lawlessness, to downplay the need for self-cultivation and to resort to statecraft. Whatever they are told from their superior, whatever they hear from the street, they put down in writing all day long and keep composing law codes.
- Those who roughly emulate the ancient kings but do not know the overarching principle. However, they have great talents and lofty ambitions. With their broad and diverse learning, they use the old texts to put together their novel theories which they call 'the movement of five elements'. But their theories are so seriously wrong as to be peerless; apparently profound and subtle but non-sensical; and they lead to dead-ends and

straightjacket without a way-out. In an attempt to embellish and worship their theories, they say, 'These are the true sayings of the late noble man.' Zi Si (grand-son of Confucius; 子思) started this and Meng Ke joined in. In every ditch out there, you could find half-blind 'scholars' noisily debating together without knowing what is wrong. Transmitted in this manner, the saying of Zhong Ni and Zi Gong became shrouded in a thick, dark veil from the later generations. This is the crime of Zi Si and Meng Ke.

'Base scholars' (i. 229)

– *Wearing a big hat almost covering one's nose, with an air of specious seriousness in their speech, they walk like Wu and quicken their pace on their tiptoes like Xun. They are the base scholars of Zi Zhang's school.*

– *Neatly wearing their hat and apparel, with a solemn face, they sit tight all day long without a word. They are the base scholars of Zi Xia's school.*

– *Being unscrupulous scholars but timorous when faced with an actual affair, they shamelessly indulge in food and drinks and say 'A noble man does not labour with muscles'. They are the base scholars of Zi You's school.*

- *Shen Zi* had a conservative view of things; he did not see the progressive aspect of things. *Lao Zi* saw the point of lying low; but he did not see the point of standing up and coming out. *Mo Zi* saw the point of equality; but he did not see the point of distinctions. *Song Zi* saw the point of reducing; but he did not see the point of increasing. (iii. 22)
- *Mo Zi* was blinded by utility and did not appreciate the culture. 仁義禮樂。 *Song Zi* was blinded by the question of desire and did not appreciate the fulfilment. 仁義禮樂

□ *Shen Zi* was blinded by law and did not appreciate the talent. □ *Hui Zi* was blinded by language and did not appreciate the reality. □ *Zhuang Zi* was blinded by Heaven and did not appreciate man. □ (iii. 102)

### 3. State-centred Political philosophy

- The King – the leading ruler – a ruinous ruler
- If a ruler promotes *Li* and honours the talented, he will be the king. If he relies on law and loves people, he will be the leading ruler. If he likes profits and often resorts to fraudulent means, he will be in danger. (iii. 20)
- If a ruler establishes himself with rightness, he is the king. If he establishes himself with loyalty of the allies, he is the leading ruler. If he establishes himself with machinations, he will be ruined. (ii. 150)

### 4. Political legitimacy

- If a ruler cannot manage to nourish and provide for people, he will be estranged by the people. If he cannot manage to maintain the distinctions and rule the people, people will not be at peace. If he cannot manage to praise and promote people, people will not be pleased. If he is not elaborate and does not know how to embellish people, people will not be glorious. If he fails in these four main tasks of rulership, the whole world will leave him. Then he is to be referred to as an ordinary bloke. (ii. 182)
- When the Way exists, then the country exists. When the Way perishes, then the country perishes. (Ibid.)
- When the whole world returns to the man, he is to be called 'the king'. When the whole world deserts him, he is to be called 'a ruined man'. As *Qie* and *Chu* had lost the whole world, it is not that Tang and Wu killed a ruler. It was like executing a loner. (iii. 35)

## 5. Employment policy

- A noble man will assess each one's virtue and grade them accordingly; gauge their ability and confer the right post; and allow the talented and the lackeys to find their suitable position. Then the capable and the incapable can all obtain the appropriate post. Everything can find its right place. (ii. 72)
- Social distinctions may not be rigidly fixed; but the clear and obvious differences must certainly be recognised. Suppose the king, the dukes, the senior and the junior ministers or the officers have the offspring. If they cannot be worthy of their place according to Li and rightness, they should be ranked with the ordinary people. Suppose the ordinary people have the offspring. If they are learned and cultured, upright in their conduct and worthy of the [exalted] place according to Li and rightness, they should be ranked with the Great counsellors, senior and junior ministers and officers. (ii. 94)
- Even those whose speech and arguments are extreme, whose conduct and ability are troublesome, and those who had escaped from neighbouring countries' imposts and subversive ones should be given a post. They should be reformed for a while and observed. If they manage well, they should be recompensed. If they persist in wrongdoing, they should be punished. If they stick to their post, they should be kept. If they cannot stick to their post, they should be discarded. Those who are disabled at birth need to be provided for. According to their talents, they should be employed and given the post, food and cloths. Everybody should be covered without leaving out anyone. (ii. 95)
- If a country adopts a magnanimous employment policy, it will become big. If it has a petty employment policy, it will become small. ... Magnanimous employment policy means to put the rightness before benefit. It means,

unhindered by the distinctions between the close and the remote and between the noble and the lowly, to seek people according only to their truthfulness and ability. (ii. 154-155)

## 6. Li and law

- Law cannot stand on its own; precedents cannot enforce themselves. When they are employed by good persons, they can survive. When they lose the good persons, they perish. Law is the starting point of good governance. But noble men are at the source of the law. In the hands of a noble man, therefore, even a schematic law can have a fair result. In the absence of a noble man, however, even a well-equiped law can cause disruption, for when the relative weight of the provisions is not properly taken into account, one cannot adequately cope with the changing circumstances. Those who do not understand the meaning of law and yet decide the matter resorting to the power of law will, even if they may be widely learned, cause disruption when faced with actual cases. (ii. 175-176)
- If Li is used to straighten the country, it is as if a balance is used to determine the lightness and heaviness of things; as if a chalk line is used to determine the straightness and crookedness; or as if a square and a compass are used to determine the angle and the circle. (ii. 155)
- 仁義禮智信爲國之大法 (Lunyu 9.30)

## 7. Xun Zi's philosophy of Language (iii. 130-131)

- Names do not have inherent accuracy. They are what is named on the basis of convention. When the convention is widely accepted, we say that the name is accurate. If the use of name is different from the convention, we say that the name is not accurate.
- Names do not have inherent truth. On the basis of

convention, they are used to name things. When the convention is widely accepted, we say that the name is true.

- There are things which have the same appearance but occupy different locations; or have different appearances but occupy the same location. These are to be distinguished.
- When the appearance changes without affecting the thing itself but making it different, we say that the thing is 'transformed'
- 'To kill a thief is not to kill a man': This is to confuse the names through a misleading use of names. By investigating why names are there and by observing their usual usage, this confusion can be prevented.
- 'Mountains and lakes are on a level': This is to confuse the names through a misleading use of things. By investigating whether or not there are differences between the things referred to and by observing the usual correspondence between a thing and a name, this confusion can be prevented.
- 'Horse is not a horse': This is to confuse the things through a misleading use of names. By investigating the convention for the name in question and if we are to reject that which is incompatible with what we accept, this confusion can be prevented.

## 8. Metaphysical questions

- The movements of Heaven are constant. They do not exist because of Yao. They do not perish because of Qie. In response to them, if men govern themselves, it will be auspicious. In response to them, if men misgovern, it will be ominous. (iii. 14)
- To achieve without doing, to obtain without seeking – this is what we call the job of Heaven. Deep as it is, man cannot think about it. Great as it is, man cannot carry it out. Sophisticated as it is, man cannot

investigate it. This is what we call 'not to dispute with the job of Heaven'. Heaven controls the time, Earth has the materials, man has the government. This is what we call the three participants. To abandon the proper role in this triad and to seek to participate in the other's doing, is to invite disruption. Celestial bodies follow their courses, the sun and the moon alternate, four seasons come with regularity, Yin and Yang transform everything, the wind and the rain broadly benefit things. When each of these things obtains harmony, it lives. When each of them obtains nourishment, it grows and matures. Man cannot see this business but can see the results. This is what we call godly. Although everyone knows the author of all these, its shapelessness permits no human knowledge thereof – That is what we call the Heaven. The Saint will not seek to know the Heaven. (iii. 15-16)

- Good or bad government is not the work of Heaven, is not the concern of the Earth. (iii. 17)
- Heaven does not stop the winter simply because man hates the cold weather. The Earth does not stop being vast simply because man loathes the distance. A noble man does not stop his conduct simply because the petty and the lowly cavil at it. The Heaven has its constant Way; the Earth has its constant methods; a noble man has his constant framework. (Ibid.)
- When stars fall and trees make sound, the people of the country are all scared and say, 'What's the reason?' But I will say, 'For no reason.' Although it is rare, such things do happen as a result of the changes in the Heaven and the Earth and as the Yin and the Yang interact. One may treat them as extraordinary. But it is wrong to be afraid of them. ... What is to be feared, however, is 'human monstrosities'. To lose the right timing for farming and thus lose the harvest; to have a violent government and thus lose the people; to have the arable land turned into wilderness and have poor

harvest; to have the hyper-inflation and to have the people starve; to have the streets littered with dead bodies. These are human monstrosities. (iii. 18)

- Suppose *yu* (the ritual for praying for rain) is followed by rain (*yu*). What is the reason? I would say, 'For no reason.' It is just like having the rain when no *yu* ceremony has been done. When there is a solar or lunar eclipse, people do a ritual to fend it off. When there is a drought, people do *yu* ceremony to pray for rain. People also do divination and resort to oracles before making major decisions. But these are not meant to give the solutions. They are cultural gestures. Thus, a noble man would treat them as cultural events whereas the people will treat them as having the godly efficaciousness. If one approaches them as cultural expressions, they will be auspicious. If one approaches them as godly affairs, they will be ominous. (iii. 19-20)
- Funeral ceremonies are aimed at sending off the dead with a broad likeness of the living. Hence, it should be as if the person is now dead, now alive; now present, now absent. (iii. 67)
- What is to be retained in ancestral sacrifices is the sentiments of yearning and love. For a noble man, they are human being's business. But people treat it as a ghostly business. (iii. 72)
- To serve the dead as if they are alive, to serve the absent as if they are present. This is to portray the shapeless and the shadowless. That is the hallmark of an elaborate culture. (iii. 73)
- A noble man has reverence for what is in him. He does not yearn for what is in the Heaven. (iii. 18)
- He who clearly understands the distinction between Heaven and man may be called the ultimate man. (iii. 15)

## 9. Natural mind, emotions, desires and mind

- What makes a living being as it is, we call 'nature (xing 人性)'. When the nature is joined to a creature, emotions are put together and feelings arise in response but when that is not artificial but natural, we call it 'natural mind (xing 人性)'. Likes, dislikes, joy, anger, sorrow and delight of the natural mind, are called 'emotions'. While emotions may arise just like that, when the mind does the choosing and retaining, we call it 'to think'. When, with a thinking mind, we proceed to act, we call it 'to make a conscious effort'. With accumulated thoughts and through practice, achievements can then be made – they are what I call 'conscious efforts'. If benefit is the main concern when such efforts are made, we call it an 'affair'. If rightness is the main concern when such efforts are made, we call it a 'conduct'. That with which one can know these affairs and conducts in people, is called 'knowledge'. That in which knowledge is put together, is called 'intelligence'. When intelligence enables one to do things, we call it 'ability'. When abilities are put together, we call 'to be capable'. (iii. 127)
- Natural mind itself is something I cannot do anything about. But I can transform it. Emotions are something I do not own. But I can do something about them. [Practice and habits which are developed and single-mindedly repeated over a long time will transform a person.] Man becomes a Saint, therefore, through what he has accumulated. ... If a person follows the dictates of emotions and natural mind and does not sufficiently inquire and learn, he becomes petty and lowly. (ii. 81-82)
- Man is born with desire and only death will put an end to it. The amount of desire is a question of emotions. Orderly or disorderly government is a question of what the mind permits or prohibits, not a question of what and how much the emotions desire. (iii. 135)
- He who is inwardly cultivated will treat outward things

lightly. A noble man have the things work for him; the petty and the lowly work for things. (i. 154)

- Natural mind is as Heaven would have it. Emotions depend on the quality of natural mind. Desires are the responses of emotions. (iii. 136)

## 10. The Way and *wu wei*

- A noble man rightly responds to the changes because he knows when to bend and when to remain straight. (i. 175-6)
- Everything is a part of the Way. Each thing is a part of everything. Stupid people treat a thing as an isolated piece. (iii. 22)
- What we call the Way has the constant framework but constantly changes. It is impossible to take one corner of it and try to lift the whole thing up. Those who have distorted knowledge see one corner of the Way. While their knowledge is not enough to understand the Way, it is enough to allow them to embellish their knowledge. Their knowledge, however, is full of self-contradiction. And it misleads others too. What they say here hinders what they say there. (iii. 103)
- Confucius had wonderful wisdom and he was unhindered. His learning, therefore, had his technique under control. ... He was not hindered by what he has achieved or by what he has acquired. ... A saint knows the danger of having his mind occupied by technique, sees the harm of being hindered and stuck. Therefore, he harbours no desire, no aversion; no beginning, no end; no closeness, no remoteness; no comprehensiveness, no shallowness; no past, no present. He approaches everything at the same time and rightly weighs all of them. (Ibid.)
- What is it 'to weigh' ? That's the Way. The mind, therefore needs to know the Way. If the mind does not know the Way, one cannot talk about the Way; one may instead disparage the Way. (Ibid.)

- How do we know the Way? It depends on the mind. □ How does the mind know the Way? Through emptiness, oneness/wholeness and serenity. □□□ (iii. 104)
  - As we live, we acquire knowledge. With our knowledge, we form fixed ideas. Fixed ideas are stored. It is, however, possible to talk about emptiness. When what is already stored does not hinder what will be stored, we may refer to it as **emptiness**.
  - As we have mind, we have knowledge. As we have knowledge, we distinguish. To distinguish is when we know two things at the same time, we know that they are two different things. It is, however, possible to talk about oneness. When one thing does not hinder the other, we may refer to that as **oneness/wholeness**.
  - When our mind is left lying around, we dream about things. Those who are unscrupulous will go ahead and do as they fancy. Those who use their imagination will conspire. Our mind is thus never at rest. It is, however, possible to talk about serenity. When what we fancy does not disrupt our knowledge, we may refer to it as **serenity**.
  - When the mind is empty, new things can enter. When the mind is one (whole), one can be thorough. When the mind is serene, one can observe. He who knows how to observe the Way, how to proceed along the Way and thus embodies the Way, can be called empty, whole and serene. That is what we call 'SUPREME CLARITY'. □□□ (Ibid.)

## 11. Xun Zi's fallacies

- Man's natural mind is bad; what makes it good is man's conscious efforts. (iii. 150)
- Even if you may lay the firewoods in one heap, the fire will proceed to the dry ones first. Even if the ground may be level, water will proceed to the damp corners

first. (i. 137-138)

- A Noble man maintains his arguments untainted. Thus, the same kind of men will agree. His speech is good. Thus, similar kinds of men respond. This is just like when a horse brays hee, another horse responds haw. That is not because the horse has the knowledge but because that is how the influence works. (i. 177)

---

# Misunderstanding Confucius – Meng Zi

Reading

- Yulan Fung (Youlan Feng), *A history ...*, i. pp.106-131
- Kwong-loi Shun, *Mencius and Early Chinese Thought*, pp. 48-83, 180-231
- Kim-Chong Chong, “Xunzi’s Systematic Critique of Mencius”, *Philosophy East and West*, Vol. 53, No. 2 (Apr., 2003), pp. 215-233

## 1. Misunderstanding 仁 (Ren)

### (a) Closeness within family circle, that is 仁 (仁)

We all have things which we cannot tolerate. To have that mindset with regard to what we can tolerate, that is 仁. We all have things which we do not do. To have that mindset with regard to what we do, that is righteousness. 仁者愛人 仁者無所不愛。仁者無所不愛。 (孟子 31)

仁 means to offer what one loves to those whom one does not love. Lack of 仁 means to offer what one does not love to

those whom one loves. 仁者愛人也。見人之父母也。 (卷 1)

A man of 仁 has none that he does not love. As a matter of priority, however, he focuses on his parents and on the talented. ... Yao and Xun's 仁 meant that they loved people without taking sides. But they loved their parents and the talented as a matter of top priority. 仁者愛人也。見人之父母也。 (卷 46)

Tao Ying asked, "Suppose Xun was the Son of Heaven; Gao Yao, his officer. Gu Sou commits a murder. What should happen?" Meng Zi said, "He will be arrested." "You mean, Xun will not intervene?" Meng Zi said, "Even Xun would be wrong to intervene as it is about what he has received from his predecessors." "Then what should Xun do?" Meng Zi said, "Xun will regard abandoning the world as no different from abandoning a worn out pair of shoes. He will sneak in, carry his old man on his back and escape. They will go to a seaside and settle there. Until his last day, they will be happy like that. In his happiness, Xun will forget about the world." (卷 35)

Wan Zhang said, "Xun's parents had Xun repair a granary. Once Xun was up there, they removed the ladder. Gu Sou then set fire to the granary. They had Xun bore a well. Once Xun was inside, they blocked the well. Xiang said, 'The plot to bury him in the well is all to my credit. Xun's cattle, Xun's granary may go to my parents. But I must keep Xun's armoury, his lute and his bow. Also, his two wives must now attend my bedroom.' Xiang went to Xun's palace. Xun, however, was on his bench playing the lute. Xiang said, somewhat embarrassed, 'Well, er, I was thinking about you ...' Xun said, 'You're always kind to the staff and to the people. Why don't you help me govern?' Is it not because Xun did not know that Xiang was trying to kill him?" Meng Zi said, "How could he not know? But when Xiang was unhappy, Xun was unhappy too. When Xiang was happy, Xun was happy too." (卷 2)

Meng Zi said, “A noble man’s attitude towards things is this: he loves them (愛). But it is not 爽. Regarding people, he loves them with 爽. But it is not closeness (仁). Love your parents with closeness (仁); love people with 爽; and love all things (物). 爽爽乎其仁也，無所違也。仁者愛人，有愛人之心者也。愛物者無所違也。 (論語 45, qin qin, ren min, ai wu)

To love your family members with closeness, that is 爽. “爽爽” (論語 15, 仁 3)

However, Confucius said:

“Guys, when you are at home, serve your parents. When you are outside, treat everyone with brotherly love. Be earnest and trustworthy. Comprehensively love all living beings but closeness should be based on ethical integrity. Conduct should come first. Then, read books (讀) when you have energy to spare.” 爭鮮彌縫，無所違也。仁者愛人，有愛人之心者也。愛物者無所違也。 (論語 1.6)

## (2) **Mea culpa, mea culpa!** (論語)

- Don’t blame others! Never fight!
- Scrutinise yourself all your life.

Mencius said thus: “What differentiates a noble man from the people is that he preserves his heart with 爽 and 爽. A man of ren loves people. A man of li respects people. He who loves people is bound to be loved by people. He who respects people is bound to be respected by people. Now, if there is a person who treats me with atrocities, if I am a noble man, I would scrutinise myself thus, ‘I must have lacked ren and lacked li. Otherwise, how can this happen to me?’ If his atrocities are not due to my lack of ren or li, if I am a noble man, I would scrutinise thus, ‘I must have lacked loyalty.’ If I was loyal to him as well and he nevertheless committed these atrocities to me, then if I am a noble man, I would say, ‘ ‘This is a gone case. He is no different from a beast. Why should I take issue with a beast?’ Thus, a

noble man has life long worries. He would not have a day's calamity...." (孟子 28)

How should you worry? Worry like Xun did. 言必有物 (孟子 28)

Mencius said thus, "仁 is like archery. An archer will shoot the arrow after obtaining the correct posture. If he misses the mark, he does not blame the winner. He turns on himself to scrutinise his own shortcomings." (孟子 7)

Cf. The Master said, "A noble man has no reason to fight. But if he has to fight, he will do it as in the archery. He will bow and give way as he mounts to shoot. Afterwards, he dismounts and will share the drinks. This is how a noble man fights."

子曰：君子无所争。争气也。有君子无争。争气也。(論語 4.7)

Cf. Si Ma Niu asked about noble man. The Master said, "A noble man does not worry, is not afraid." Si Ma Niu said, "'No worry, not afraid'? Is this what a noble man is about?" The Master said, "When you look at yourself and find no blemish, why would you worry, why should you be afraid?" 子曰：君子无所争。争气也。有君子无争。争气也。(論語 12.4)

Cf. Someone asked, "When a person causes you grievances, how about reciprocate them with virtue?" The Master said, "When a person treats you with virtue, with what will you reciprocate? When a person causes grievances, you reciprocate them with frankness. When a person treats you with virtue, you reciprocate it with virtue." 子曰：君子无所争。争气也。有君子无争。争气也。(論語 14.34)

## 2. Misunderstanding 仁 (Li)

Meng Zi said, "仁 boils down to serving your father. 仁 boils down to obeying your elder brother. 仁 boils down to knowing these two and not to abandon them. 仁 boils down to regulating and institutionalising these two. 仁 boils down to

deriving pleasure from these two." (論語 27) 論語

Duke Jing of Qi was out on the field. He summonned a game keeper with a pennon. The game keeper did not come. And the game keeper was going to be put to death for this. A determined officer does not forget that he may end up dead in a ditch or in a valley (坎); a courageous officer does not forget that he may have his head chopped off. What did Confucius want to illustrate with this? He wanted to show that when the summon was not properly done, one should not respond. Wan Zhang asked, "May I venture to ask how the game keeper should have been summonned?" Meng Zi said, "With a leather hunting cap. A commoner should be summonned with a plain pennant; an officer, with an embroidered pennant; magnates, with a pennon. As the game keeper was summoned with a pennon which is used to summon a magnate, the game keeper dared not respond even though he risked being executed for his refusal. How can a commoner have the audacity to respond to a call which was done with an insignia for summoning a high ranking official?" 論語 7, 論語 1

- Cf. The Master said, "Li (禮)! Li! Do you think I am talking about jade and silk?" 論語子罕篇第十一(論語 17.11)
- Cf. The Master said, "When a noble man broadly learns civilisations and constrains himself with Li, he would not cross the line." 論語子罕篇第十二(論語 6.27) (12.15)
- Cf. Zi Gong said, "Guan Zong lacked ethical integrity, did he not? When Duke Huan of Qi had his brother Jiu killed, Guan Zhong was unable to commit suicide. He instead served Duke Huan as his minister." The Master said, "Guan Zhong acted as prime minister to the duke Huan, made him leader of all the princes, and united and rectified the whole kingdom. Down to the present day, the people enjoy the gifts which he conferred. But for Guan Zhong, we should now be wearing our hair unbound,

and the lappels of our coats buttoning on the left side. Will you require from him the small fidelity of common men and common women, who would commit suicide in a stream or in a ditch (¶), no one knowing anything about them?" (¶ 14.17)

- Cf. The Master said, “A determined officer, a person of integrity would not seek to live undermining ethical integrity. He will sacrifice his life to fulfil the ethical integrity.” 《論語》卷第十一 15.9
- Cf. The Master said, “To follow the Li, ceremonial caps should be made of Hemp. Nowadays people use silk cap, which is economical. I follow the general trend...” 《論語》卷第十一 (9.3)

### 3. Metaphysical, mysterious Mencius

Meng Zi said, "Bo Yi was holy and remained clean. Yi Yin was holy and undertook responsibilities. Liu Xia Hui was holy and achieved harmony. Confucius was holy and knew the right timing. What Confucius did was to assemble and achieve a grand ensemble. To assemble and achieve a grand ensemble is to start with the sound of iron bells (鐘) and to end with the vibration of jade carillon (磬). The sound of iron bells signifies the beginning of the way things work; the vibration of jade carillon signifies the end of the way things work. The start of the way things work means wisdom. The end of the way things work means holiness. Wisdom is like skills. Holiness is like the strength. 鐘磬 1

#### 4. Xing [Original mind]

- The Master said, “The original mind is more or less the same; what we do afterwards tends to make us different.” (卷 17.2)
- *Zhong Yong*, preamble: “We call ‘original mind’ what Heaven has ordained in us.”
- Zi Gong said, “About our Master’s brilliant learning,

you can hear. But you cannot hear him talk about man's original mind or the Way of Heaven." 你聽得到他說話，  
聽不到他談人的本心和天道。(卷 5.13)

A 2x5 grid of rectangles. The top row has 4 rectangles, and the bottom row has 5 rectangles. The last rectangle in the bottom row is outlined in blue.

[ 111 ]

我國的《中華人民共和國海商法》第157條規定：「船舶碰撞的賠償責任，應當根據碰撞的過錯程度，按照過錯相應原則來分擔。」

□ □□ □ □□□□ □□□□□ □□ □ □□□ □ □ □□□□, □ □□□□ □ □ □ □ □ 30□ □ □ □□  
□□□□ □□□, □□ □□□□□□ □□ □□□□□□ □□ □□□ □□□ □□□.

Самые высокие в мире горы, высотой более 8000 метров, расположены в Центральной Азии. Самая высокая гора в Центральной Азии — Гималайская гора Эверест (8848 м). Самая высокая гора в Европе — гора Эльбрус (5642 м). Самая высокая гора в Америке — гора Аконкагуа (6962 м). Самая высокая гора в Африке — гора Килиманджаро (5895 м). Самая высокая гора в Австралии — гора Кангуру (2813 м). Самая высокая гора в Южной Америке — гора Айгуардия (6700 м). Самая высокая гора в Азии — гора Гашербрум-II (8035 м). Самая высокая гора в Африке — гора Килиманджаро (5895 м). Самая высокая гора в Австралии — гора Кангуру (2813 м). Самая высокая гора в Южной Америке — гора Айгуардия (6700 м). Самая высокая гора в Азии — гора Гашербрум-II (8035 м).

iii)  $\lim_{n \rightarrow \infty} \frac{1}{n} \sum_{k=1}^n \frac{1}{k}$ , iv)  $\lim_{n \rightarrow \infty} \frac{1}{n} \sum_{k=1}^n \frac{1}{k^2}$ .

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

□□ □ □□ □□□, □□□□ □□□ □ □ □□□ □□□□□ □□□, □ □ □□ □□□  
□ □ □□□□ □□ □□□ □□□□□ □□□□ □. □□□ □ □ □□□ □ □ □□□ □□□  
□ □□□□ □ □ □, □□□ □□ □ □□□□ □□□ □ □□ □, □□□□□ □□□ □  
□ □ □□□□ □□ □ □□ □ □ □□□ □□□□□ □ □□ □□□□□ □ □□ □.

[□□□]

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

Four empty rectangular boxes for writing, arranged in two groups of two.

10 of 10

1. 〇〇 〇〇〇 〇〇〇〇〇 〇〇〇,  
http://www.korea.ac.kr/%7Elawlec/obl/22648.html 〇〇〇 〇〇〇. 5/23  
□ 24:00□□.

2. 『한국법학』, 『한국법학』, 『한국법학』,  
<http://www.korea.ac.kr/%7Elawlec/obl/4298.html> 200 200. 6060  
24:0000.

10 of 10

Dig. 17.1.1.4

5 23 24:00

2.      :

Digitized by srujanika@gmail.com

66 24:00

□□□□ □ □□, A4 □□ 2□□ □□ □□ □□□□ □□□□,  
<http://lawlec.korea.ac.kr/essay> □□ □□□□□ □□□□.

# Continuations and variations of the Confucian system

## Mo Zi

## Reading

- Yulan Fung (Youlan Feng), *A history ...*, pp. 76-105
- Xinzhang Yao, *An introduction ...*, pp. 71-80
- Burton Watson, *Basic writings of Mo Tzu, Hsün Tzu, and Han Fei Tzu* (New York, London, 1967), pp. 39-49, 52-61, 65-77, 78-83, 110-116, 124-136.

Peculiar style, similar to Pali suttas

## example

Mo Zi and his followers – passages from *Mo Zi Jian Gu*

## 1. Shang Xian [Upholding the talent]

*[It is good for the state to have plenty of skilled archers and charioteers. By offering them good benefits, the state can secure many of them. Likewise, it is good to have plenty of] talented and good administrative staff who are ardent in the practice of virtuous conducts, clear in discourse, broadly learned in the Way and methods. They are the treasures of a state, keepers of the altars of soil and grain. They too must be enriched, honoured, respected and praised. Then, they may be obtained in plenty.*

*[The ancient sage kings said,] no rightness, no rich; no rightness, no honour; no rightness, no favour; no rightness, no closeness ... Having heard this, everybody strove for rightness.*

*Ancient sage kings venerated and honoured the talent. Their appointment was based on ability. No partisanship for the kin, no preference for the noble or the rich, no favouritism for the good-looking. Talented persons were employed and promoted. Wealth and honour were bestowed on them. Leading posts were given to them. Incapable ones were suppressed, impoverished, dishonoured and pressganged to labour. Then the people – encouraged by the recompense and fearing the punishment – all strove to become talented. The talented persons became numerous; the incapable ones became few. This is called 'advancing the talent'.*

*Upholding the talent is the foundation of good governance.*

cf. Lun Yu (論語 v 10)

1.7 有能富其國而能貧其身者與

4.16 有能富其國而能貧其身者與

## 2. 'Radical' understanding of *Lun Yu*, 3.4

(Lin Fang asked about the root of Li. The Master said, 'Great question! Regarding Li, you should rather be frugal than splashing out. Regarding funeral, you should rather have a genuine sentiment of poignancy than nicely decorating the graves. 老子曰：「葬者，當以誠為節，不必以華為美。」)

### ▪ Jie Yong [Moderation of comfort]

*Then, what should be the method of building a house? Mo Zi said, walls should be able to shield from winds and coldness; the roof should be able to shield from snow, frost, rain and dews; the inside should be clean enough to offer ancestral sacrifices; partitions and outside walls should be able to maintain the distinction between men and women. This should be enough and no more. All additional expenses which do not add to the benefit of the people were avoided by the sage kings.*

### ▪ Jie Zang [Moderation in funerals] (葬，6)

*[As a result of elaborate funeral and lengthy grief period], the rulers will not be able to discharge their official duties, the people will not be able to pursue their activities. If the rulers do not discharge their official duties, the punishment and government will be disrupted. If the people do not pursue their activities, the basic materials for subsistence will be lacking. In the event of the shortage, a younger brother asking for help from his elder brother would not be able to get it. The younger brother who is not affectionately looked after is bound to blame his elder brother. A son asking for help from his father would not be able to get it. Then the son will not be respectful and is bound to blame his father. A subordinate asking for help from the boss will not be able to get it. Then the subordinate will not be loyal and is bound to usurp his superiors. [Then it will be impossible to govern.]*

*Food and clothes are the benefits of the living. A measured approach is necessary. Funerals and burials are the benefits of the dead. Then why shouldn't there be a measured approach for this?*

*This is Mo Zi's method of not losing the benefits of the living and the dead.*

- *Fei Yue [No music] – cf. Lun Yu, 3.23 (“I know something about music. You begin, then you move on to unison, you then phase into polyphony. The sound should be clear and distinct. Yet it should be unbroken and continuous. That’s how you play.”), 17.11 (“Music, music! Do you think I am talking about bells and drums?”)*

*The body does know what is comfortable, the mouth knows what is sweet, the eyes know what is beautiful, the ears know what is delightful. Seeing, however, that music was not among the sage kings’ business; understanding that it is not in the interest of people, Mo Zi says, ‘No music!’*

*[With a complete array of able-bodied musicians, music is played.] Magnates alone listen to it. What pleasure? This argument certainly applies to the people as well as to the ruler. While listening to the music, the ruler cannot listen to the people. While listening to the music, the people cannot pursue their [productive] activities ... Mo Zi therefore says, ‘No music!’*

### **3. Jian Ai [Reciprocation of love]**

*In a poem of Zhou [Shu Jing, Hong Fan], it is said, ‘The kingly Way is immense. No sides, no parties. The kingly Way is even. No parties, no sides.’ It was straight as an arrow, straightforward as a grinding stone. I am not making this up. In olden days, the king Wen and the king Wu rightly divided*

up equally. In rewarding the talented and in punishing the violent, no favouritism was shown to a father, an uncle, a brother younger or elder.

*In the Odes, the poem Ya has it, 'No word fails to get a reply; no virtue fails to get a recompense. Toss me a peach, I will pay you back with a pear.' This means that he who loves others is bound to exude love; he who hates others is bound to exude hatred.*

*If we all reciprocate benefits to each other, we will all have the benefit. It will be so easy ... I believe that no ruler has yet explained this. If a ruler explains this, encourages the people with prizes and honours and threatens them with punishments, I believe that people will proceed to mutual love and reciprocation of benefits just as a flame proceeds upward and water proceeds downward.*

cf. *Lun Yu*,

1.6 (□□□□□□□),

6.30 (Zi Gong said, 'How about broadly looking after people and thus bringing all living beings to their fulfilment? Can it be called ethical integrity?' The Master said, 'How can it merely be ethical integrity? It must be Sainthood!).

15.24 (己所不欲勿施于人)What you yourself do not want, do not do it to others.),

#### 4. Fei Gong [No war of aggression]

[Wars of aggression cause loss of man-power and material resources which could otherwise be used to venerate the Heaven, appease the ghosts and bring comfort to people.] Is the aggression, then, in the interest of the Heaven? Is it, then, in the interest of ghosts? Is it, then, in the interest of man?

When you kill one person, people will say it is wrong. You committed the crime of killing one person. Proceeding along

*this line of argument, we may say that killing ten persons are ten times as wrong. It must be the ten-fold crime of killing. Killing one hundred persons is hundred times as wrong. It must be the hundred-fold crime of killing. About this, all noble men know and condemn and say that it is wrong. But when it comes to committing the great wrong of attacking a country, they do not condemn. They go along and extol it. They say it is right ... We can tell that all noble men of this world are seriously mixed up in their ability to tell the right from the wrong.*

*[War of aggression v War of retribution]*

## **5. Shang Dong [Upholding uniformity]**

*In the beginning, when people started to appear, punishment and governance were not yet in place. Everybody had his own standard of what is right and what is wrong ... The whole world was in a chaos just like the animal world.*

*[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, continual feare, and danger of violent death; And the life of man, solitary, poore, nasty, brutish, and short. – Hobbes, Leviathan, ch. 13.]*

*[The Heaven, therefore, installed the Son of Heaven, who then installed three grand dukes, who then installed the feudal rulers (kings), who then installed regional governors, who then installed village chiefs.]*

*The Son of Heaven then proclaims to the people of the world, ... 'Report to your superior.' The village chiefs then proclaim*

*to the villagers, 'If you hear something good or something bad, you shall report to the regional governor.' [In this manner, intelligence can be gathered and] the regional governor can obtain uniformity of what is right and what is wrong. The region is then governed. The regional governor proclaims to the people of the region, 'When you see or hear something good or something bad, you shall report to the feudal king.' [In this manner,] the king can obtain uniformity of what is right and what is wrong. The kingdom is then governed. The king proclaims to the people of the kingdom, 'When you see what is good for the kingdom or what is bad for the kingdom, you shall report to the Son of Heaven.' The Son of Heaven can then obtain uniformity of what is right and what is wrong. The whole world is then governed.*

*When a ruler upholds the uniformity of the opinion, the ruled dare not criticise. What the ruler affirms to be right is bound to be right. What the ruler confirms to be wrong is bound to be wrong. If you wish to purge bad discourse, study the good discourse of your ruler. If you wish to purge bad deeds, study the good deeds of your ruler. The ruler of an area must be the talented man of the area. When the people of the area emulate him as the model, the area is well governed.*

*The ruler obtaining intelligence about the ruled, this is what governing is about. Only when the uniformity of right and wrong is thus upheld, can the governing be properly done. If there persists discord as to what is right and what is wrong, parties and cliques will appear.*

*However, when the uniformity is achieved all the way up to the Son of Heaven, but not up to the Heaven itself, a disaster will strike.*

[cf. *Lun Yu*, 3.16, 13.23 ('A noble man seeks harmony but not uniformity. The petty and the lowly seek uniformity but not harmony.' )]

[cf. *Lun Yu*, 3.9 仁者無所逃於天地之間也 仁者無所逃於天地之間也]

## 6. Tian Zhi [The will of Heaven]

[仁者, 1] *If a person residing in a household commits a crime against the head of the household, the culprit can escape to a neighbouring household. ... If a person residing in a state commits a crime against the head of the state, the culprit can escape to a neighbouring state. ... Now, everybody resides in this world under the Heaven. A person who commits a crime against the Heaven has nowhere to escape to. Heaven sees everything clearly.* [cf. *Lun Yu*, 3.13 仁者無所逃於天地之間也]

[仁者, 2] *Then, what does Heaven desire? What does Heaven abhor? Heaven desires rightness; Heaven abhors crookedness. ... How do I know? If there is rightness in this world, all live. If there is no rightness, all die. If there is rightness, wealth ensues. If there is no rightness, poverty ensues. If there is rightness, there is order. If there is no rightness, there is chaos. Heaven, however, desires life and abhors death; desires wealth and abhors poverty; desires order and abhors chaos. As this is [obviously?] right, I know that the Heaven desires rightness and abhors crookedness.*

*Only rightness can put things right.* [cf. *Lun Yu*, 2.19 仁者無所逃於天地之間也] *You may not follow the inferior to put the superior right. You must follow the superior to put the inferior right. The stupid and base people cannot correct the noble and intelligent people. The latter can correct the former. This is how I know that rightness does not come from the stupid and base. It comes from the noble and intelligent. Then, who is noble and intelligent? Heaven is noble; Heaven is intelligent. This is how I know that rightness comes from the Heaven.*

[仁者 6] *Now, Heaven reciprocates its love to the whole world. ... I know Heaven's love for the people is great. This is*

because he laid out the sun, the moon and the stars and guides them brilliantly; he created the four seasons and leads them in order; he makes the snow, frost, rain and dews fall so that five grains and hemp can grow; he lets the people harvest them so that these materials can benefit them; he made the mountains, rivers and valleys; and he disposes and propagates all things therein. He superintends the people's conducts good and bad. He installs the kings, dukes, counts, viscounts to rule the people. He rewards the talented; punishes the violent. He provides the metal, wood, birds and animals in abundance. He tends five grains and hemp so that people can have them as food and clothes. Of old until now, things have always been like this. Now, imagine the same in human relationship. A father graces the son with love. He expends all his might and single-handedly endeavours to benefit the son. The son grows and does not render unto the father the things that are father's. [Matt. 22.21] All noble men of the world will say that it is immoral and blasphemous.

[孟子, 7] Mo Zi said, 'I have the Will of Heaven just as a wheelwright has the gauge; just as a carpenter has the square. Wheelwrights and carpenters take the gauge and the square; they measure wheels and angles of the world and say, "This is correct." "This is not correct." These days, scholars and rulers have produced so many books. Their arguments are inexhaustible. Grand dukes have their theories, small scholars have their theories. As far as ethical integrity 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.'

[孟子, 8] 孟子

[cf. *Shi Jing* [Odes], Huang Yi]

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.'

## 7. Ming Gui [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 Ji Lu asked about serving spirits and ghosts. The Master said, 'While we haven't managed to serve human beings, how could we serve ghosts?' 'May I then ask about human being's death?' The Master said, 'We don't even know about life; how can we know about death?'

7.21 鬼神之問

2.24 The Master said, 'If you are not awe-inspired by ghosts, offering sacrifice to them is a flattery.' 鬼神之問

7.35 The Master was ill. Zi Lu wanted to pray. The Master said, 'Do you have the phrase?' 'Yes,' said Zi Lu, 'in an obituary, it is said, "I pray for thee, to the spirits of the

above and of the below, with reverence ...

” The Master said, ‘I have been praying like that for a long while already.’

## 8. Fei Ming [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.*

[cf. *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. Fei Ru [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!'*

*Jing Gong of Qi asked An Ying, 'What is Confucius like?' [After much hesitation,] An Ying replied, 'Kong Qiu contemplates deeply, schemes thoroughly and supports the rebels. He thinks elaborately, knows exhaustively and does evil things. He encourages the subordinates to usurp the superior, teaches the ministers to kill their boss. This is not a wise man's deeds. He enters a country and sides with*

*the rebels. He is not among the right sort of people. He knows when people are disloyal and quickens the rebellion. This is not ethical integrity nor rightness. After he flees, he plots. After he escapes, he criticises. His practice of rightness is not clear to the people. His plots and contemplations are not in common with the rulers and their ministers.*

*An Ying said, 'Confucians are haughty and self-righteous. You cannot take them [as the example] to teach the people. They like music and decadent. You cannot let them rule the people. They believe in fate and lazy in doing the job. You cannot let them keep their post. They take funerals seriously and grief endlessly. You cannot have them pity the people. They wear their clothes in all pomp and pretend that they are humble. You cannot let them guide the people.'*

*[An Ying continues,] 'Kong Qiu was in trouble caught between Ca and Chen. For ten days on end, he was surviving on vegetable porridge without even a broken grain of rice in it. Zi Lu finally managed to serve pork. Kong Qiu did not even ask where the meat came from and ate it. Having stripped someone's clothes, Zi Lu managed to serve wine. Kong Qiu did not even ask where the wine came from and drank it. [Later] Ai Gong received Kong Qiu. He did not sit down complaining that the cushion was not properly laid out. He did not eat complaining that the meat was not properly cut. When they came out, Zi Lu asked, 'How come you are so different from when we were caught between Chen and Ca?' Kong Qiu said, "Come closer. I will tell you. You and I now need to practice rightness. When you are starving and hard up, you should not hesitate to grab anything and everything. When you can relax and your belly is full, you put up some appearances." Now, who can surpass him in the art of self-embellishment using dirty tricks and crooked hypocrisies?'*

[cf. Lun Yu,

3.18, The Master said, "If you serve your boss in full compliance with *Li*, people will say that you are a flatterer.

子曰：「從周。」

1.1: 'People don't understand you and you don't mind; you sure are a noble man!']

## 10. **Gui Yi [Endearing rightness]** – *yi* (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.

[cf. *Lun Yu*, 4.16: 'Noble men always go by rightness; the petty and the lowly always go by benefit.]

Fundamentalist fanatics?

---

## Concept of Li in early Confucian texts

Reading:

Fung Yu-lan, *A history of Chinese philosophy*, 2nd edn. (Princeton, 1952) [vol.1, ch. 4, pp. 43-75](#)

[Select passages from Lun Yu](#)

[K0 Thompson, "The Archery of" Wisdom" in the Stream of Life:" "Wisdom" in the Four Books with Zhu Xi's Reflections", Philosophy East and West 2007](#)

H Rosemont, R Ames, "Family Reverence (xiao 孝) as the Source of Consummatory Conduct (ren 仁)" *Dao*, Vol. 7, No. 1, 9-19

### 1. What are we constrained by?

*He broadens me with learning and he tightens me with Li (Lun Yu, 9.11, 學而篇第十一).*

### 2. Irrational – rational – supra-rational ?

- You mean, the chap who does things knowing that they are not achievable? (*Lun Yu*, 14.38)
- A noble man always goes by the rightness; the petty and the lowly always go by benefit and loss (*Lun Yu*, 4.16).
- Lin Fang asked Confucius, 'What is the ultimate root of *Li*?' Confucius replied, 'Blimey! That is a good question! When it is about provisions, to be genuinely frugal; when it is about funeral, to have a genuine sentiment of poignancy. That is the root of *Li*' (*Lun Yu*, 3.4).

\* Bodhisattva should produce 'an unsupported thought, ...a thought unsupported by sights, sounds, smells, tastes, touchables or mind-objects.' – The Diamond Sutra, ch. 10c (Edward Conze, *Buddhist Wisdom Books*, pp. 47-48).

### 3. Li 仁

- The Zhou dynasty modelled itself upon the two preceding ones. What a splendid civilization! I follow Zhou (*Lun Yu*, 3.14).
- To follow the *Li*, the cap should be of Hemp. But nowadays everybody uses silk cap and it is economical. I follow the general trend. To follow the *Li*, one ought to bow before climbing up the steps. Nowadays, everyone bows after climbing up the steps, which is rude. Going against the

general trend, I follow the proper practice of bowing beforehand (*Lun Yu*, 9.3).

- A noble man does not worry, is not ashamed. When you look at yourself and find no blemish, why would you worry, why should you be ashamed? (*Lun Yu*, 12.4)
- You do not mind if people don't understand you; boy, you sure are a noble man! (*Lun Yu*, 1.1)
- *Li, Li!* Do you think I am talking about jade or silk? (*Lun Yu*, 17.11)

#### 4. **Ren** ☐

- Soothing words and pleasant face; there can hardly be any *ren*. Stiff, firm, crude, with few (awkward) words; they are closer to *ren* (*Lun Yu*, 1.3, 13.27).
- Only the man with *ren* can truly love someone and truly hate someone *Lun Yu*, 4.3).
- To overcome oneself and bring oneself back to *Li*, this is what *ren* is all about (*Lun Yu*, 12.1).
- A man of moral fortitude (*ren*) is bound to have courage' (*Lun Yu*, 14.4).

#### 5. **Subjectivity**

- The original mind (with which we are born) is more or less the same; what we acquire afterwards tends to make us different (*Lun Yu*, 17.2).
- When Buddha was staying in a city called Kesaputta, members of Kalama clan asked him: 'Various religious leaders and brahmans come to this city and they all explain how wonderful their teachings are and how useless are the others. We have doubts as to which of those teachers are telling the truth and which are lying.' Buddha replies: 'You are indeed right to have doubt

because your doubt is about a thing which is doubtful in the first place. Do not be carried away by those stories, religious traditions, or by what you have heard elsewhere. ... But when you yourself know that certain things are good and that these laudable things are practised by wise men, and that when one practises them, they lead to satisfactory results, then take those things and practise yourself.' – Kalama-sutta, *Anguttara-nikaya* (Pali Text Society edition) vol.1, pp. 187-91.

## 6. Xue □

- Learning will make you overcome the narrow-mindedness (*Lun Yu*, 1.8).
- Studying without thinking produces false knowledge, thinking without studying is dangerous (*Lun Yu*, 2.15).
- Zi Xia said, 'If you know better than knowing, overcome appearances, support your parents with all your force, support your boss with all your power, socialise with your friends with amity and abide by your words, who can say that you are not learned? I will certainly say that you are learned.' (*Lun Yu*, 1.7)
- Listen, You (Zi Lu's name), do you want me to tell you what knowing is? To know that you know, to know that you do not know, that is what knowing is (*Lun Yu*, 2.17).
- To learn and to apply your learning at the right moment, isn't it wonderful? (*Lun Yu*, 1.1)

## 7. Zhong □

- I know something about music. You need to know when to start, when to pause, when to sing in polyphony, when to sing in unison, when to go the

opposite way, when to come back and move in parallel, when to hit hard, when to strum gently. That's how you play (*Lun Yu*, 3.23).

- Music, music! Do you think I am talking about drums and bells? (*Lun Yu*, 17.11)
- For a noble man, 'balanced' means to know the right timing. For the petty and the lowly, 'balanced' means to have no shame, no fear. – *Zhong Yong* (Middle Way and Constant Practice), ch. 1.

## 8. **Yong** □

- Some know as soon as they are born, some know after some learning [like Confucius himself], some know with great difficulty. But there is no difference in knowing. Some carry out their practice with ease, some do it with profit, some do it with great effort and resolute determination. But there is no difference in carrying out the practice (*Zhong Yong*, ch. 19).
- A noble man does not bend (forget about) his moral fortitude even while eating; even in extreme haste, even in extreme peril, he will act always with moral fortitude (*Lun Yu*, 4.5).
- And how, O Vasettha, a disciple has the attention and comprehension? This is how, Vasettha. In going and coming, the disciple acts with attention and comprehension. In looking in front and looking around, he acts with attention and comprehension. In stretching and bending his limbs, he acts with attention and comprehension. In eating, drinking, chewing and tasting, he acts with attention and comprehension. In defecating and in urinating, he acts with attention and comprehension. In standing up, in sitting down, in sleeping, in waking up, in talking, in keeping quiet, he acts with attention

and comprehension.' — *Tevijja-sutta*,  
*GanakaMogallana-sutta*

## 9. The Way (道 Dao) forward

*If I understand the Way [attain the Enlightenment] in the morning, it wouldn't matter if I should die in the evening (Lun Yu, 4.8).*

---

# Legal institutions of Shang and Zhou

Reading:

[Liu, Yongping, \*Origins of Chinese law\*, ch. 1 \(file size: 2.1 Mb\), ch. 4 \(file size: 2.0 Mb\)](#)

Book review (see pp. 650-653 of [this file](#))

[Select texts from \*Shu Jing\*](#)

[Historical background](#)

[Shu Jing, Kang Gao](#)

Regarding the feudal state of Wei 壴 (which was placed under the rulership of Kang Shu), see [this](#).

## 1. Human sacrifice

Yin dynasty	Wu Ding(1254-1197), about 60 years	Zu Geng – Wen Wu Ding (1206-1110), about 90 years	Di Yi – Di Xin (1121 – 1041), about 60 years
Human sacrifice	5418	1950	75

Highest number of humans killed per ceremony	1000	300	30
Number of tortoise shells where human sacrifice is mentioned.	379 pieces	277 pieces	32 pieces

Huang Zhanyue, *A General Treatise on Ancient Human Sacrifice* (《夏商周人类牲》)

## 2. Pre-Zhou punishments (wu xing 五刑, etc.)

- Emperor Xun showed proper punishments. He used banishment to mitigate five punishments, used whips as official punishments, used sticks for educational punishments, used fine for redemption punishments. If the offence was not deliberate and resulted from a mishap, pardon was granted. If the offence was deliberate, the offender was executed. (Shang Shu, Xun Dian 6) 《商书·仲尼》曰：“五刑之属具于五，或五刑而具于一人。” (商, 仲尼 6)
- Emperor Xun said, “Listen Gao Yao. Barbarian tribes are harrassing us and there are robbers, murderers, insurgents and traitors. As the judicial officer, you should apply five punishments to ensure their submission.” (Shang Shu, Xun Dian 12) 《商书·仲尼》曰：“五刑之属具于五，或五刑而具于一人。” (商, 仲尼 12)
- According to the law of Yin, anyone who throws ashes on a public road shall have his hands cut. (Han Fei Zi, Nei Zhe Shuo I, 33) 《韩非子·内储说上》曰：“凡有四过，乃及于刑。” (韩非子, 内储说上 33)
- People of Yin used the five punishments to deal with traitorous crimes. By inflicting mutilation, they admonished evil deeds. (Han Shu, Dong Zhong Shu Zhuan 19) 《汉书·董仲舒传》曰：“五刑之属具于五，或五刑而具于一人。” (汉, 董仲舒传 19)

## 3. Textual evidence of Shang punishments

- If you do not obey the words which I have spoken, I will

put you and your children to death; and you will find no forgiveness. (Shang Shu, Tang Shi [admonitions of king Tang of Shang addressed to the members of Shang zu]) 商書商誥商誓 (商, 2)

- Without regard to whether you are close to me or not, those who commit crime shall be executed and those who demonstrate good deeds shall be praised. If the country prospers, it is thanks to you all. If the country does not prosper, it is all due to my fault in administering the punishments (Shang Shu, Pan Geng [the speech of king Pan Geng of Shang to his people]) 商書商誥商誓 (商, 7)

## 4. Shang society

- zu (族): gens? cf. Marcus Tullius Cicero, Gaius Julius Caesar, Marcus Licinius Crassus (nomen gentilicium)
- zu yi (子弟)
- zu yin (姻戚)
- zu customary law, clan law

## 5. Shang and its neighbours

- Shang: a loose federation of numerous zu (clans) with blood ties
- Fang: neighbouring “states”, with no blood tie with clans making up Shang

## 6. Zhou punishments (wu xing, continued)

- If there are doubts, five punishments should be commuted to five fines. If there are doubts, five fines should also be commuted. (Shang Shu, Lu Xing 7) 商書商誥魯刑 (商, 7)

(商書, 亂世 7)

- When Tatooing should be commuted, fine of 100 Huan must be applied. When cutting off the nose is commuted, the fine should be doubled. When cutting off the foot is commuted, the fine should be more than double depending on the seriousness of the offence. When castration is commuted, fine of 600 Huan must be applied. When capital punishment is commuted, fine of 1000 Huan should be applied. (Shang Shu, Lu Xing 7)
- In total, 3000 offences are subject to five punishments. 五刑之屬 (Shang Shu, Lu Xing 7)

## 7. Punishments (刑) and virtue (德)

- Officers controlled the people with appropriate punishments and taught them to uphold virtues with respect (Shang Shu, Lu Xing 3) 以刑德而治之
- He occupies the high throne with dignity, shining brightly to the four corners of the kingdom. He does not fail to abide by the virtues and thus ensures the appropriate application of punishments. He thus leads the people so that they can all be upright (Shang Shu, Lu Xing 3) 以德而治之
- Those who harm others would be placed in remote prison with hard labour. With clear punishments, let them have a sense of shame. 以刑而治之 (商書, 亂世 57)
- A noble man uses punishments in clear and prudent manner 以刑而治之 (商書, 亂世 57)

## 8. *Tian Ming Mi Chang* 天命靡常 (天命靡常)

- 唐書, 亂世 (Tang Shi) King Tang of Yin's speech (on the occasion of attacking [Jie](#) of Xia)
- 天命靡常

King said, "Come, ye multitudes of the people, listen all to my words. It is not I, the little child, who dare to undertake a rebellious enterprise; but for the many

crimes of the sovereign of Xia, Heaven has given the charge to destroy him.

- 夏王有罪而我畏天子而不敢不杀之(the sovereign of Xia is guilty, and as I fear the emperor in Heaven, I dare not but punish him.)
- 微子, 周公 (King Wu 周 of Zhōu's speech on the occasion of attacking [King Zhòu 周 of Yin](#))
- 商罪殷殃天降灾殃我无以赦The iniquity of Shang is full. Heaven gives command to destroy it. If I did not obey Heaven, my iniquity would be as great.)
- 天子之仁'Just as Heaven showers benefits to people, the sovereign should reverently carry out Heaven's commands. )
- 古者有言曰: 惟天子能恤民, 惟天子能安民, 惟天子能威民, 惟天子能利民, 惟天子能害民, 惟天子能生民, 惟天子能死民The ancients have said, "He who soothes us is our sovereign; he who oppresses us is our enemy." This solitary fellow Shou, having exercised great tyranny, is your perpetual enemy. ) King Zhou (周) = Shòu (叟) or Shòudé (庶德)

- 文王, 周公

文王之仁

Profound was king Wen; Oh! continuous and bright was his feeling of reverence.

周公之仁

Great is the appointment of Heaven! There were the descendants of [the sovereigns] of Shang; –

周公之仁

The descendants of the sovereigns of Shang, Were in number more than hundreds of thousands;

周公之仁

But when the ruler in Heaven gave the command, They became subject to Zhou.

周公之仁

They became subject to Zhou. The appointment of Heaven is not constant.

...

○○○○○○○○○○

The doings of high Heaven, Have neither sound nor smell.

○○○○○○○○○○

Take your pattern from king Wen, And the myriad regions  
will repose confidence in you.(○=○)

---

## Liberty – Thomas Hobbes

Leviathan, ch. 21

The liberty whereof there is so frequent and honourable mention in the histories and philosophy of the ancient Greeks and Romans, and in the writings and discourse of those that from them have received all their learning in the politics, is not the liberty of particular men, but the liberty of the Commonwealth: which is the same with that which every man then should have, if there were no civil laws nor Commonwealth at all. And the effects of it also be the same. For as amongst masterless men, there is perpetual war of every man against his neighbour; no inheritance to transmit to the son, nor to expect from the father; no propriety of goods or lands; no security; but a full and absolute liberty in every particular man: so in states and Commonwealths not dependent on one another, every Commonwealth, not every man, has an absolute liberty to do what it shall judge, that is to say, what that man or assembly that representeth it shall judge, most conducing to their benefit. But withal, they live in the condition of a perpetual war, and upon

the confines of battle, with their frontiers armed, and cannons planted against their neighbours round about. The Athenians and Romans were free; that is, free Commonwealths: not that any particular men had the liberty to resist their own representative, but that their representative had the liberty to resist, or invade, other people. There is written on the turrets of the city of Luca in great characters at this day, the word LIBERTAS; yet no man can thence infer that a particular man has more liberty or immunity from the service of the Commonwealth there than in Constantinople. Whether a Commonwealth be monarchical or popular, the freedom is still the same.

...

To come now to the particulars of the true liberty of a subject; that is to say, what are the things which, though commanded by the sovereign, he may nevertheless without injustice refuse to do; we are to consider what rights we pass away when we make a Commonwealth; or, which is all one, what liberty we deny ourselves by owning all the actions, without exception, of the man or assembly we make our sovereign. For in the act of our submission consisteth both our obligation and our liberty...

Leviathan

□□□

<http://oregonstate.edu/instruct/phl302/texts/hobbes/leviathan-contents.html> □ □□□.