

11. The progressive ones

1. The Master said, "The progressive ones in matters of Li and music are those from the countryside. The less progressive ones in matters of Li and music are from the nobility. In using Li and music, I am in the train of the progressive ones."

[illegible]

2. The Master said, "Those who followed me to Chen and Cai have all left my school now."

3. As for virtuous conduct, Yan Yuan, Min Zi Qian, Ran Bo Niu and Zhong Gong excelled. In speech, Zai Wo and Zi Gong excelled. In politics, Ran You and Ji Lu excelled. In erudition, Zi You and Zi Xia excelled.

[illegible]

4. The Master said, "Hui does not help me. Anything I say, he finds delight in it."

[illegible]

5. The Master said, "Excellent indeed is Min Zi Qian in serving his family members! People do not cavil at what his parents and brothers say about him."

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6. Nan Rong would often recite the poem 'White jade'.
Confucius gave his niece to him in marriage.

白璧微瑕 (‘‘Flaws in white jade mace, they can be grinded off. Flaws in speech, nothing can be done about them.’’ 白璧微瑕))

7. Lord Ji Kang asked, "Among your students, who is fond of learning?" Confucius replied, 'A man called Yan Hui was fond of learning. Unfortunately, he died early. Now there is none.'

a natural death.'

[illegible]

14. People in Lu were going to refurbish the treasury building. Min Zi Qian said, "Why not use the old one? Do they really have to redo it?" The Master said, "This man does not talk. But when he does, he surely hits the mark."

[illegible]

15. The Master said, 'Listen to You (子) playing the lute! How could it ever pass as a sound of Qiu's school?' Fellow students did not show respect to Zi Lu. The Master said, 'You (子) has come to the door. He simply hasn't entered in the room yet.'

[illegible]

16. Zi Gong asked, 'Between Shi (Zi Zhang) and Shang (Zi Xia), who is better?' The Master said, 'Shi goes too far and Shang falls short.' 'Shi is better, then?' said Zi Gong. The Master said, 'Going too far is similar to falling short.'

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17. Lord Ji was wealthier than the Duke of Zhou. Qiu worked for him and managed to accumulate and save further to enrich him more. The Master said, 'Qiu is not our man. You guys might as well beat the drums and attack him.'

[illegible]

18. Chai is thick. Shen is dull and pompous. Shi is specious.
You is rough and tough.

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19. Hui was almost perfect. But he had nothing. Ci did not accept the heavenly mandate. He instead made a fortune. His speculation often turned out right.

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20. Zi Zhang asked about the way of a good person. The Master said, "If you don't tread on others' footsteps, you won't

enter into the room."

□ □

21. The Master said, "Suppose a person's discourse is sincere. Does that mean that he is a noble man or he merely has a splendid appearance?"

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22. Zi Lu asked, "Should I carry out what I heard?" The Master said, "You have parents and brothers still around. How can you carry out what you heard." Ran You asked, "Should I carry out what I heard?" The Master said, "Carry out what you heard." Gong Xi Hua said, "When You (子; Zi Lu) asked whether to carry out what he heard, you said no by referring to 'parents and brothers'. When Qiu (丘; Ran You) asked whether to carry out what he heard, you said yes. I am confused. May I ask why the difference?" The Master said, "Qiu (丘) is passive, so I wanted to encourage him. You (子) is full of energy, so I wanted to slow him down."

[illegible]

23. The Master was under threat in Kuang. Yan Yuan fell behind and appeared later. The Master said, "I thought you had died." Yan Yuan replied, "When you are still around, how dare I die?"

[illegible]

24. Ji Zi Ran asked, "Zhong You and Ran Qiu, can they be called great ministers?" The Master said, "I thought you would ask about something more extraordinary than You and Qiu. Great ministers are those who take the proper way to serve the ruler. When they cannot do so, they resign. Now, You and Qiu may be called ministers who are merely employable. Ji Zi Ran said, "Will they do what they are told, then?" The Master said, "If they are told to kill the father or the ruler, they will not follow though."

[illegible]

[illegible]

26. Zi Lu, Zeng Xi (father of Zeng Zi), Ran You, and Gong Xi Hua were in attendance. The Master said, "Although I am a bit older than you, please do not make much of it. You sit around and say, 'They don't know me!' Suppose a ruler knows you and you are given an opportunity, what would you do? Zi Lu brashly responded, "Take, for example, a country of a thousand chariots caught between bigger countries. Suppose it is invaded by numerous armies and suffering from famine. If the country is put under my helm, within three years, I can make people valiant and have them figure out what to do." The Master smiled wryly. "Qiu (丘; Ran You), what about you?" He answered, "If a place of 60 to 70 square miles or 50 to 60 square miles is entrusted to me, within three years, I shall ensure that people have sufficient provisions. Regarding Li and music, I shall wait for a noble man." "Chi (赤; Gong Xi Hua), what about you?" He answered, "I won't say I can do these things. But I wish to learn. In ceremonies at ancestral temples and at important meetings, I would serve as a low level minister dressed in dark robe and black linen cap." "Dian (甸; Zeng Xi), what about you?" The strumming of lute was fading as Dian stopped playing. He put away the lute and stood up. He answered, "Mine is different from what these three have elaborately laid out." The Master said, "No problem. Each one says what he wishes to do." Dian said, "In late spring, properly attired in vernal fashion, I would like to go with five or six young lads and six or seven boys to the river Yi (沂). We will bathe there, enjoy the breeze at the rain altar, and return home singing." The Master exclaimed 'Wow' and said, "I am with Dian!" The three went out and Zeng Xi remained

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Ren (仁) and Li (禮)

- If you do not have the ethical integrity, what will become of li? If you do not have the ethical integrity, what will become of music?
 無德而用樂，則民將何用？ (論語, 3.3)
- Yan Yuan asked about ren (仁). The Master said, “To overcome oneself and bring oneself to the path of Li (禮), that is ren (仁).” 顏淵問仁。子曰：克己復禮為仁。(12.1)
- Zhong Gong asked about ethical integrity (仁). The Master

said, “When you are outside, behave courteously as if you are having an audience with a great guest (君子). When you employ people, treat them with respect as if you are conducting a solemn ceremony (祭). What you yourself do not want, do not do it to others. Make sure that there is no grievance in the country and in your household.” Zhong Gong said, “Although I am not smart, I shall mark these words.” (12.2)

- Zi Xia asked, “‘Enchanting smile, revealing the dimples; Beautiful eyes, with a dark iris; Plain white, making patterns colourful.’ What does that mean?’ The Master said, ‘Painting is to be done on white.’ Zi Xia said, ‘Li comes afterwards, you mean?’ The Master said, ‘You move me, Shang! Now we can talk poetry together.’ 子夏曰：‘巧笑倩兮，美目盼兮，素以絢兮。’ 子夏曰：‘禮在後，子意之乎？’ 子曰：‘吾欲使夏禮居吾上，故曰：吾欲夏禮居吾上。’ (Lunyu, 3.8)
- Does ‘ceremonial’ Li (禮) have much to do with Ren (仁)?
 - Guan Zhong (管仲)’s case

1. Ren (仁) and beauty (美)

There is no one whose ren (仁) is as beautiful as him (管仲),

There is no one whose drinking manners are as beautiful as him (管仲),

There is no one whose horse riding stance is as beautiful as him (管仲)

– (管仲, 子夏, 子貢)

His ren (仁) is beautiful (美),

His neat hair is beautiful (美),

His firm posture is beautiful (美).

– (管仲, 子夏, 子貢)

00, 00 Duke of Zhou's prayer for his brother's recovery from illness

Please take Dan's (=Duke of Zhou's) body instead of his body (□□□□□). My ren (□) resembles our deceased father (□□□□). I have many talents and I have many skills. I can serve ghosts and spirits. My elder brother does not have as many talents or skills as myself. He cannot serve ghosts and spirits. Moreover, he has the task of making your descendents prosper in this land.

□□□, “□□ □□□ □□□ □□”, □□□□ □20□(2003)

2. What is truly beautiful?

- The Master said, "To live with 仁 (ethical integrity; inner beauty) is truly beautiful. If you choose not to live with integrity, can you claim to have wisdom?" 子曰：「有仁義而欲富貴，天下之無能及也。」 (4.1)
- The Master said, "Soothing words and pleasant face; there can hardly be ethical integrity." 子曰：「巧言令色，鮮矣仁。」 (1.3) (17.17)
- The Master said, 'Soothing words, pleasant face and lots of politeness. Zuo Qiu Ming regarded them as shameful. I (Qiu) also regard them as shameful. To hide grievance and pretend to be friend with the person. Zuo Qiu Ming regarded it as shameful. I also regard it as shameful.' 子曰：「巧言令色，鮮矣仁。」 (5.25)

3. Firm, decisive, courageous – backed up with fury

- Firm, enraged, undecorated and terse. These are closer to ethical integrity. 質實剛毅 (qi, 13.27) → yi → 義實剛毅 義實剛毅
- The Master said, 'Only a man of ethical integrity can

love a person or hate a person.’ 子曰， 有德 有言 (子曰， 4.3)

- The Master said, “A person with ethical integrity is bound to have courage. A courageous person does not necessarily have ethical integrity. 有德此有人， 有言此有行 (子曰， 14.4)

- Fury (怒 nu)

- Duke Ai (哀) asked, “Among your students, who is fond of learning?” Confucius replied, “A man called Yan Hui was fond of learning. He was unwavering in his wrath. He did not repeat the same mistake twice (不而再). 6.3
- “Without a heart seething with rage, you won’t understand. Without gnashing your teeth, you won’t develop yourself further. When I raise one corner and if you don’t respond by raising the remaining three corners, I won’t repeat again.” 不而再 (7.8)
- Confucius described himself as a person “who would forget about eating when he is outraged (忘食)” (7.19)

- Courage (勇 yong)

- The Master said, ‘If you indeed have ethical integrity, you would not give in to an army of 2500 soldiers.’ 有德此有勇 (子曰， 15.36)
- 有 means “if you have 有”
- 有 was used in this manner in 有， 有 (有， 有)
- 有 means 2500 soldiers. 有， 有 (有， 有) · 有， 有 Zhu Xi (11.26 有， 有 (有， 有) 有， 有)
- Existing translations, however:
 - “When it comes to being Good, defer to no one, not even your teacher.” (Edward Slingerland, Analects of Confucius, 2003)
 - “When encountering matters that involve the question of humaneness, do not yield even to your teacher.” (Annping Chin, The Analects,

- “Le bien doit avoir le pas même sur le maître.” (Jean Lévi, Confucius, Entretiens, 2019)
- One may not yield the performance of virtue even to his teacher. (James Legge)
- What do they mean by “being Good”?

- The Master said, “A determined officer who has 仁 will not seek to live if it undermines 仁. He will sacrifice his life to fulfil 仁.” 子夏曰:“死而無憾者,吾知其有仁也。” (論語 15.9)
- a perfect man? “If you think about what is right when faced with a benefit, if you sacrifice your life when faced with a critical situation, and if you do not forget old promises, you can be called a perfect man.” 子貢曰:“死而無憾者,吾知其有仁也。” (14.12, also see 19.1 子貢曰)
- Abide by the good Way even at the cost of your own life. (論語) (8.13)

4. The Master rarely spoke of ethical integrity...

- The Master rarely spoke of benefit, destiny or ethical integrity. 寥寥寥寥 (pp 9.1)
- 仁 appears 109 times in Lunyu. 智 appears 219 times. 德 (仁, 20; 智, 1; 德, 1)
- Meng Wu Bo asked whether Zi Lu (子路) was a man of ethical integrity. The Master said, 'I don't know.' He asked again. The Master said, 'You (子路) could control the army in a country of thousand chariots. But I don't know about his ethical integrity.' 'What about Qiu (子貢)?' The Master said, 'Qiu could serve as an administrator in a town of thousand houses or in a household of hundred chariots. But I don't know about his ethical integrity.'

‘What about Chi (齊)?’ The Master said, ‘Chi could, donning himself with a robe, be in attendance in court and entertain guests. But I don’t know about his ethical integrity.’

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- Zi Zhang asked, ‘Governor Zi Wen had the governor’s post three times. But he did not appear to be pleased. He lost the post three time. But he did not appear to be displeased. He informed the details of his administration to his successors. How’s that?’ The Master said, ‘He is loyal.’ ‘Was he a man of ethical integrity?’ asked Zi Zhang. The Master said, ‘I don’t know. Was he?’ ‘Lord Zui assassinated the prince of Qi. Chen Wen had enough horses to equip ten chariots. He abandoned them and left. He arrived in another country. But he said, “You guys are all like Lord Zui of my country.” And he left. He went to another country. But he again said, “You guys are all like Lord Zui of my country.” And he left. How’s that?’ asked Zi Zhang. The Master said, ‘He is clean.’ ‘Was he a man of ethical integrity?’ asked Zi Zhang. The Master said, ‘I don’t know. Was he?’
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□□□□□□□□□□ (□□□, 5.19)
- Someone said, ‘Yong is a man of ethical integrity; he does not have a silky tongue.’ The Master said, ‘What is the point of having a silky tongue? If you manipulate people with smooth talk, you will end up being hated. I do not know about Yong’s ethical integrity, but what is the point of having a silky tongue?’
- (□)□□□□□
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- Xian asked ‘If one refrains from love of superiority, boasting, having resentments or covetousness, can we call it integrity? The Master said, ‘That would be

[illegible]

5. Easy explanation

- Fan Chi asked ... about ethical integrity. The Master said, 'A man of ethical integrity would tackle the difficult things first and leave the spoils to be considered afterwards. You can call it ethical integrity.' 問曰 ... 何謂之志 (問, 6.22)
- Fan Chi asked about ethical integrity. The Master said, 'Be polite at home. Be respectful when you do things. Be loyal in your dealings with others. Even if you find yourself among barbarians, you should not forget about these.' 何謂之志 (問, 13.19)
- Fan Chi asked about ethical integrity. The Master said, 'It means to love people'. He asked about knowledge. The Master said, 'It means to know people'. Fan Chi didn't get it. 何謂之志 (問, 12.22)
- Zi Gong said, 'How about broadly looking after people and 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! Even Yao and Shun fell short of this. Ethical integrity means no more than this: As I want to stand so I help others to stand too; as I want to succeed so I help others to succeed too. Being able to derive lessons from what is near and to apply them to more remote situations; this can be called the method of practising ethical integrity.' 何謂之志 (問, 6.30)
- Zi Gong was in the habit of comparing people. The Master said, "Ci must be winning, eh? I have no time for this." 何謂之志 (問, 14.29)

- Zi Zhang asked Confucius about ethical integrity. Confucius said, "If you can actually do five things wherever you go in the whole world, that can be ethical integrity." Zi Zhang inquired further. The Master said, "Politeness, forbearance, trustworthiness, diligence and liberality. If you are polite you won't be treated with disrespect. If you are tolerant, you will win many people's heart. If you are trustworthy, people will entrust you with a task. If you are diligent, you will achieve a lot. If you are generous, people will work for you." 子張問曰：「何事可以踐之於天下而無憾？」子曰：「有五事：一曰尊人，二曰老長，三曰恤孤，四曰愛眾，五曰取信。尊人則所加無憾，老長則所損無憾，恤孤則所與無憾，愛眾則所取無憾，取信則所使無憾。」（《論語·微子》，17.6）
- Chai (Zi Gao) is stupid. Shen (Zeng Zi) is dull and pompous. Shi (Zi Zhang) is specious. You (Zi Lu) is rough and tough. 柴也愚，申也詘，公冶長也，漆雕開也，端木蕢也，公冶長也，端木蕢也。（《論語·公冶長》，11.18）

6. Don't flee!

- The Master said, ‘Wealth and high position are what people desire. But if you did not get them through the proper Way, do not dwell there. Poverty and low position are what people loathe. But if become poor and and be removed from your position not through the proper Way, do not flee. If a noble man abandons ethical integrity, loathsome indeed is his reputation as a noble man! A noble man does not go against ethical integrity even while eating. Even in extreme haste, even in extreme peril, he will always abide by ethical integrity.’ 貧而後教(4.5)

7. Don't seek reward!

- Zi Gong said, ‘Bo Yi and Shu Qi, what kind of men were

they?’ The Master said, ‘They were superior men of the olden days.’ ‘Did they not have grievances?’ said Zi Gong. The Master said, ‘They sought after ethical integrity and they got it. What grievance, then?’ 子貢曰：「彼等先王，何故有怨？」（論語，7.15）

- The Master said, ‘Is ethical integrity far from you? If you want it, you will have it.’ 子曰：「遠哉！若其有之，則近矣。」（論語，7.30）

8. Don't be a prick!

- The Master said, ‘If you cherish courage and hate poverty, you become disruptive. If you hate very much a person lacking in ethical integrity, you become disruptive.’ 子曰：「好勇疾貧，亂也。惡害甚，亂也。」（論語，8.10）
- I have not seen a man who cherishes ethical integrity and yet loathes a person lacking in ethical integrity. A man who cherishes ethical integrity does not make a fuss about it. He who loathes a person lacking in ethical integrity is making a virtue of his own loathing. Do not use a person lacking in ethical integrity to aggrandize yourself. 子曰：「吾未見好義而惡不義者也。好義之人，無所怨，無所惡。惡不義之人，是怨之所由興也。怨之所由興，則德將衰矣。」（論語，4.6）
- Si Ma Niu asked about ethical integrity. The Master said, ‘The man of ethical integrity does not say much.’ Si Ma Niu said, ‘Does not say much! Is this ethical integrity?’ The Master said, ‘To practice what you say is difficult enough. Should you not be cautious in what you say?’ 子馬牛問曰：「何謂之義？」子曰：「義者，宜也。君子宜其言。」（論語，12.3）

9. The joy of living with ethical integrity

The Master said, “The joy of a wise person is like water. The joy of a person who has ethical integrity is like a mountain. A wise person is dynamic. A person of integrity is serene. A

wise person will have a delightful life. A person of integrity will live long."

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Zi Gong 子貢

- Zi Gong said, 'In poverty, yet not be abject; in affluence, yet not be arrogant. How's that?' The Master said, 'Possible. But still, it is not as good as being poor yet in delight; being rich yet fond of Li. Zi Gong said, 'The Odes have it, "Like a gem! Now quarried, now filed, now sculpted and now polished!" Is that what you mean?' The Master said, 'Ci, Now we can talk poetry together! I tell you one thing and you understand the next.'

(, 1.15)

- The Master said, "To be in poverty without resenting it is difficult. To be in affluence without being arrogant is easy."

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- The Master said, 'A noble man is not a vessel.'

[illegible]

- The Master spoke of Zi Jian: “He is a noble man indeed!”

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- Zi Gong asked, 'What about me?' The Master said, 'You are a vessel.' 'What do you mean, a vessel?' said Zi Gong. The Master said, 'You are a wonderful vessel made of jade.'

- The Master said, “Ci, do you suppose you and I are those who have learned a lot and gained the knowledge?” Zi Gong answered, “Yes, are we not?” The Master said, “No. I just stick to one overarching principle, that’s all.”
 子曰：「盍各言爾志。」公曰：「盍各言爾志。」（《論語》 15.3）
 - Zi Gong is in the habit of comparing people. The Master said, “Ci must be a talented man, eh? I have no time for this.”
 子曰：「盍各言爾志。」公曰：「盍各言爾志。」（《論語》， 14.29）
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What is li (禮) ?

1. Protocols for ceremonies and rituals

- Zhu Xi: “Li is the heavenly way which is institutionalised. It refers to the rules of ceremonies conducted by humans.” Commentaries to 1.12 (《論語集注》)
- Rules of ceremonies and rituals dedicated to mountains, rivers or to the ancestors
- King Xun accomplished 5 kinds of ceremonial protocols. 5 kinds of jades, 3 kinds of silk, 2 kinds of live animals and 1 dead animal are used. 《禮記》（《禮記》， 卷 4）
- Rules governing rituals and ceremonies conducted in the course of human life 禮儀（capping, marriage, funeral, ancestral ceremony）
- Filial love (孝 xiao) means “While your parents are alive, serve them according to Li. When they die, do the funeral according to Li. Then, do the ancestral ceremony according to Li.” (《孝經》) (2.5)
- When Confucius paid a visit to the Grand Temple, he asked about various aspects of the Li (《禮記》).

the horizontal beams of his house. Did he know anything?" (5.18)

- The Master spoke of Lord Ji (季子 Ji Ping Zi). "He had the 8 row dance in his garden. How can this be tolerated? How on earth can this happen?" (3.1)
- Master You (有子) said, "Among the uses of Li, bringing people together is the most important. Previous kings' way elevated Li to the realm of beauty. Li defined the big and the small." (1.12)

3. Li and money

- Lin Fang asked about the root of Li. The Master said, 'Great question! Regarding Li, you should rather be frugal than lavish. Regarding funeral, you should have a genuine sentiment of mourning rather than nicely decorating the graves. (3.4)
- The Master said, "Ceremonial caps should be made of Hemp. That is Li. Nowadays people use silk cap, which is economical. I follow the general trend." (9.3)
- Zi Gong said, "In poverty, yet not be abject; in affluence, yet not be arrogant. How's that?" The Master said, "Possible. But still, it is not as good as being poor yet in delight; being rich yet fond of Li." (1.15)
- Yan Yuan died. Yan Lu inquired whether the Master could sell his carriage to pay for the outer coffin. The Master said, 'This is not about money. It is about one's son. When Li(子) died, he was buried in a coffin without an outer coffin. I did not go on foot in order to have the outer coffin. As I am in the train of dignataries, I could not go on foot.' (Lunyu, 11.8)
- The Master said, "If substance overshadows erudition, you become vulgar. If erudition overshadows substance,

you become bookish. Only when substance and erudition complement each other, will you become a noble person.
 文質彬彬，然後君子(論語 6.18)

- Zhu Xi's commentary on 文: "When the way manifests itself, we call it wen (文). The entirety of Li and Music are also called 文 (sophisticated culture)." (論語集注卷之六 文質)" 文質, 論語 9.5. 文 can also mean books.
- The Master said, 'The Zhou dynasty modelled itself upon the two preceding ones. What a splendid civilisation (文)! I follow Zhou.' 子曰: "周上於文, 故自當之。"(論語, 3.14)
- The Master said, "You may have superb talents like the Duke of Zhou. But if you are arrogant and stingy, the rest of you is not worth looking at." 子曰: "自當之。"(論語, 3.14)
- Lord Ji Kang Zi (grand-son of Ji Ping Zi) asked, "What should I do to encourage people to be respectful and loyal?" The Master said, "Face them with splendour, they will be respectful. Serve the parents and treat the little ones with compassion, they will be loyal. Take the good examples to teach the lackeys, that is to encourage."
 子曰: "自當之。"(論語, 3.14)
 Also see 15.33.
- Zi Xia asked, " 'Enchanting smile, revealing the dimples; Beautiful eyes, with dark iris; Plain white, making patterns colourful.' What does that mean?" The Master said, "Painting is to be done on white." Zi Xia said, "Li comes afterwards, you mean?" The Master said, "You move me, Shang (子夏)! Now we can talk poetry together." (3.8)

4. Code of conduct; rules of ethics regulating the behaviour



김재규(Kim Jae Kyu)



Majid Kavousifar



유관순(Yoo Gwan Soon)

guide people. He broadens me with learning and he constrains me with Li ... “

子曰 ... 吾聞之 ... 吾聞之 ... (9.11)

- The Master said, “A noble man would have righteousness as his base. His behaviour will be in accordance with Li. He asserts himself politely. He completes his project reliably. Such is a noble man!”

子曰 ... (15.18)

5. What are we bound by? Li (禮) or Xing (行)?

- Does law bind us? Why?
- The Master said, “Noble persons know well what is right, the petty and the lowly know well what is beneficial.” 子曰 ... (4.16)
- J-J Rousseau, [Du contrat social](#), (Liv. 1, Ch. 3, On the law of the strongest; Du droit du plus fort)
- “The force is a physical power; I do not see what morality can result from its effects. To give in to the force is an act of necessity, not of volition; it is at most an act of prudence. In what sense can it be a duty? (La force est une puissance physique; je ne vois point quelle moralité peut résulter de ses effets. Céder à la force est un acte de nécessité, non de volonté ; c’est tout au plus un acte de prudence. En quel sens pourra-ce être un devoir? ...)
- However, what is a law which perishes when the force stops. If one has to obey because of force, [that means] one does not need to obey because of duty; and if one is no longer forced to obey, one is no longer obliged to obey. You see that this word law adds nothing to the force. It has no meaning at all here. (Or, qu’est-ce qu’un droit qui périt quand la force cesse ? S’il faut obéir par force, on n’a pas besoin d’obéir par devoir ; et si l’on n’est plus forcé d’obéir, on n’y est plus obligé. On voit donc que ce mot de droit n’ajoute rien à

la force ; il ne signifie ici rien du tout...)

- Let us therefore agree that the force does not make law and that one only has an obligation to obey the legitimate powers and nothing else. (Convenons donc que force ne fait pas droit, et qu'on n'est obligé d'obéir qu'aux puissances légitimes.)
- The Master spoke of Gong Ye Chang (公冶長): "He is marriageable. Although he was imprisoned, it was not his fault." The Master gave his daughter to him in marriage. 公冶長字子長，齊人也。公冶氏，字也。長，字也。公冶長，字也。 (論語 5.1)
- The Master said, "A noble man's standard is the whole world: nothing is correct, nothing is incorrect. Rightness goes with him." 子曰：「天下之無道也久矣，自是以來，未有能及之者也。」 (論語 4.10)
- Zi Gong asked, "If a person is liked by everyone in the village, how about him?" The master said, "Not quite." "If a person is hated by everyone in the village, how about him?" The Master said, "Not quite. It is not the same as being liked by the good people of the village and hated by the bad people of the village." 子貢曰：「鄉人皆好之，何如？」子曰：「未可也。」曰：「鄉人皆惡之，何如？」子曰：「未可也。不如鄉人之好之，而惡其不善者也。」 (論語 13.24)
- Scrates, Apologia, 39 : For neither in a trial nor in battle is it right that I or any one else should employ every possible means whereby he may avoid death; for in battle it is frequently evident that a man might escape death by laying down his arms, and throwing himself on the mercy of his pursuers. And there are many other devices in every danger, by which to avoid death, if a man dares to do and say every thing. But this is not difficult, O Athenians! to escape death; but it is much more difficult to avoid depravity, for it runs swifter than death. And now I, being slow and aged, am overtaken by the slower of the two; but my accusers, being strong and active, have been overtaken by the swifter, wickedness. And now I depart, condemned by you to death; but they condemned by truth, as guilty of iniquity and

injustice: and I abide my sentence, and so do they. These things, perhaps, ought so to be, and I think that they are for the best.

- Joseph Raz, "[The Obligation to Obey: Revision and Tradition Opens in a new window](#)", 1 Notre Dame J.L. Ethics & Pub. Pol'y 139 (1985)
 - "If there is a general obligation to obey the law, it exists because it was voluntarily undertaken."

6. Punishment (罰) v. Li (禮) , "rule of law"?

- The Master said, 'Govern people with politics and align them with punishments, they will evade and have no shame. Govern them with virtue and align them with Li they will have decency and things will be in the right place.'

政者正也。子未遇刑自也。 (論語, 2.3)

- If names are not correct, the speech will be convoluted. If the speech is convoluted, tasks cannot be accomplished. If tasks are not accomplished, the Li and the Music will not flourish. If the Li and the Music do not flourish, punishments will be improperly administered. If punishments are improperly administered, people would not know where to stand. 名不正則言不順，言不順則事不成，事不成則禮樂不興，禮樂不興則刑罰不中，刑罰不中則民無所措手足。 (論語, 13.3)
- Duke Ai asked, "What should I do to make people obey?" Confucius replied, "If you promote the upright to grind out the crooked, people will obey. If you promote the crooked to grind out the upright, people will not obey." 子夏曰：「魯有初。」 (論語 2.19) (also see 論語 12.22) 礪=cù (grinding stone), cuò (to remove, to dismiss)
- The Master said, "A noble man reflects upon virtue; the petty and the lowly reflect upon land. A noble man

reflects upon punishment; the petty and the lowly reflect upon gift.” 刑罰之於民，猶天之於地也(4.11)

- Li does not reach down to the ordinary people. Punishments do not reach up to the magnates. (Li Ji) 刑罰之於民，猶天之於地也 (Li, 68) See Liu Yucai and Luke Habberstad, “The Life of a Text: a brief history of the Liji 禮記 and its transmission”, Journal of Chinese Literature and Culture 1:1-2 (2014).
- It was about that time that Confucius executed a magnate (卿) Shao Zheng Mao for disrupting the politics. When the news of this manner of governing got around and three months have gone by, merchants selling mutton and porc were not inflating the price, men and women used different sides of the street, lost items remained untouched and visitors from everywhere got what they wanted from the officials without having to offer a bribe. 刑罰之於民，猶天之於地也 (Li, 68) See Liu Yucai and Luke Habberstad, “The Life of a Text: a brief history of the Liji 禮記 and its transmission”, Journal of Chinese Literature and Culture 1:1-2 (2014).

Limits of rationality – ‘supra-rationality’ of ethical choice

Rightness v. Benefit (義 v 利)

Confucius said, “A noble man finds joy in rightness, the petty and the lowly find joy in benefit.” (Lunyu, 4.16)

君子居則思義，小人居則思利 (Lunyu, 4.16)

[Thích Quàng Đức](#)

Mengzi had audience with King Hui of Liang. The King said, "You did not consider thousands of miles to be a long distance and came all the way to see me. That means that you have something which would benefit my country." Mengzi replied, "Why do you have to mention benefit? There is also ethical integrity and rightness. If the King would say, 'How can I benefit my country?' then magnats would say 'How can I benefit my household?' Ordinary citizens would say, 'How can I benefit myself?' If people of higher status and lower status invade each other to gain benefit, the country will be in a peril. The lord of a country with 10,000 chariots will be assassinated by a lord with 1,000 chariots. The lord of a country with 1,000 chariots will be assassinated by a lord with 100 chariots. Alternatively, a lord with 10,000 chariots will conquer a lord with 1,000 chariots. A lord with 1,000 chariots will conquer a lord with 100 chariots. Such events would not be rare. If you put benefit before rightness, you would keep grabbing others' shares. He who has ethical integrity has never abandoned his parents. He who has rightness has never treated his ruler as being of secondary importance. The King should also talk about ethical integrity and rightness. Why do you mention benefit? (Mengzi, Liang Hui Wang I)

孟子見梁惠王。王曰：「西伯伯也，自當天下，然則小國欲事之，小國欲事之，則何如？」

孟子曰：「天下無道久矣，自當天下，然則小國欲事之，小國欲事之，則何如？」
王曰：「何如？」
孟子曰：「天下無道久矣，自當天下，然則小國欲事之，小國欲事之，則何如？」 (孟子, 梁惠王 I, 1.1)

Confucius said, "If you pursue benefit in your conduct, you will attract a lot of grievances."

子曰：「居！吾將語女。天下無道久矣，自當天下，然則小國欲事之，小國欲事之，則何如？」 (孟子, 4.12)

Ethical integrity and Benefit (義 and 利)

Confucius said, "Those who do not have ethical integrity cannot remain bound by ethics for long. They cannot remain joyfully bound by ethics for long. Those who have ethical integrity are at peace with ethics. Wise people derive benefit

from their ethical integrity.

□□□□□□□□□□□□□□□□□□□□□□□□ (□□, 4.2)

The Master said, 'Delighted is a man of wisdom, like free-flowing water. Delighted is a man of ethical integrity, like a majestic mountain. A man of wisdom is dynamic. A man of ethical integrity is serene. A man of wisdom is full of joy. A man of ethical integrity lasts long.'

[illegible]

Futile efforts?

Zilu was spending a night at Shi Men. The gatekeeper asked him, "Where do you come from?". Zilu replied, "I am with Mr Kong." The gatekeeper said, "You mean, the guy who does things knowing that they are not feasible?"

[illegible]

'Objective' recognition?

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

□□□□□□□□□□ (□□, 1.1)

'Do not worry if others do not understand you; you should worry if you do not understand others.'

[illegible]

Zi Gong asked? "If a person is liked by everyone in the village, how about him?" The master said, "That is not enough." "If a person is hated by everyone in the village, how about him?" The Master said, "That is not enough. It is better to be liked by the good people of the village and hated by the bad people of the village."

(□□, 13.24)

The master said, 'A noble man's standard is the whole world. Nothing is correct, nothing is incorrect. He abides only by

the rightness.'

□□□□□□□□□□□□□□□□□□□□ (□□, 4.10)

'Genuine heart', unconcerned by social pressure or censure.

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.'

[illegible]

People start to cut grass around the grave only recently.

□□□□□□(□□, □□ 55) (□=□□□□; □□□□) □□□ □□ □□ □□ □□ □□ □□ □□.
(□□ □□ □□□□ '□□'□ □□□□ □□□□ □□)

Zilu said, 'I heard the master say thus, "Regarding funeral, having enough provisions to abide by li without having enough sadness, is not as good as having enough sadness without having enough provisions to abide by li. Regarding ancestral ceremony, having enough provisions to abide by li without having enough respect for the dead, is not as good as having enough respect for the dead without having enough provisions to abide by li. (Li ji, Dan Gong 56)

(□□ 56)

'Subjectivity', conviction (groundless or proper)

The Master said, 'A man of wisdom is not distracted by doubts, a man of ethical integrity is not plagued by worries, a man of courage is not shriveled by fear.'

□□□□□□□□□□□□□□□□□□ (□□, 9.29)

The Master said, 'You may learn together but you may not choose the right path together. Perhaps you may choose the right path together but you may not achieve the goal together. Perhaps you may even achieve your goal together, but you cannot make judgment together.'

無所依倚，無所恃，無所歸，無所歸，無所歸，無所歸 (道經，9.30)

Unsupported thought

Guan Yin Zi said, ‘Judgment of the petty and the lowly results in evil; judgment of a noble man results in good; judgment of a saint results in no gain. Only when your judgment leads to no gain will you be practicing the Dao.’ (Wen Shi Zhen Jing)

無所依倚，無所恃，無所歸，無所歸，無所歸，無所歸

無所依倚，無所恃，無所歸，無所歸，無所歸，無所歸，無所歸，無所歸，無所歸，無所歸 (道經，9.30)

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).

Defeatism? Escapism? Or courageous engagement ?

無所依倚，無所恃，無所歸，無所歸，無所歸，無所歸

無所依倚，無所恃，無所歸，無所歸，無所歸，無所歸

Confucius, the man

1. Un homme sensible, lui

Confucius was mourning Zilu’s death at the courtyard of the house. A person arrived to show respect to the dead. Confucius greeted him. After the mourning (ceremonial wailing) was finished, Confucius asked what happened. The person answered, “They pickled his body.” Having heard this, Confucius ordered the servant to throw away pickles. (Liji, Tan Gong I, 7)

無所依倚，無所恃，無所歸，無所歸，無所歸，無所歸 (道經，9.30)

Yan Yuan died. The Master said, 'O! Heaven is forsaking me! Heaven is forsaking me!' (Lunyu, 11.9)
□□□□□□□□□□□□□□□□ (Lunyu 11.9)

Yan Yuan died. The Master wailed in great grief. The attendants said, 'Sir, you grieve greatly.' 'Do I?' said the Master. 'If his loss does not cause grief, what will?' (Lunyu 11.10)
□□□□□□□□□□□□□□□□ □□□□□□□□□□□□□□□□ (Lunyu 11.10)

[...] After circling around, the birds came down and gathered together. The Master said, "Nice pheasants! Right time! Right time!" Zilu served him the bird. Three times he sniffed the dish, then he rose.
□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□ (Lunyu 10.18)

[In preparing ceremonial offerings] The dishes are not fully cooked, the elaborately piled meat is not to be tasted. They are to be sniffed three times and not eaten. (Xun Zi, Li Lun 11)
□□□□□(=□)□□□□□□□□□□□□□□□□□□□□□□□□(□□, □□ 11)

Then one day accompanied by some worthy sons of his father's ministers, friends full of varied converse, – with a desire to see the glades of the forest and longing for peace, he went out with the king's permission. Having mounted his good horse Kamthaka, decked with bells and bridle-bit of new gold, with beautiful golden harness and the chowrie waving, he went forth like the moon mounted on a comet. Lured by love of the wood and longing for the beauties of the ground, he went to a spot near at hand on the forest-outskirts; and there he saw a piece of land being ploughed, with the path of the plough broken like waves on the water. Having beheld the ground in this condition, with its young grass scattered and torn by the plough, and covered with the eggs and young of little insects which were killed, he was filled with deep sorrow as for the slaughter of his own kindred. And beholding the men as they were ploughing, their complexions spoiled by the dust, the

sun's rays, and the wind, and their cattle bewildered with the burden of drawing, the most noble one felt extreme compassion. Having alighted from the back of his horse, he went over the ground slowly, overcome with sorrow, – pondering the birth and destruction of the world, he, grieved, exclaimed, 'this is indeed pitiable.' (Ashvaghosha, Buddhacarita, 5.2 – 5.7)

Zi Gong wanted to discontinue the killing of a lamb for the monthly sacrifice. The Master said, "Si, you cherish the lamb. I cherish the Li." 子貢欲去殺羊，子曰：「盍已乎？吾嘗食肉矣，未有今日之所聞也。」 (Lunyu, 3.17)

2. Under-privileged, progressive

Confucius lost his father when he was young. Confucius did not know where his father's grave is located. [When Confucius's mother died] he placed (his mother's) coffin in the street of Wu-fu. Those who saw it all thought that it was to be interred there. It was prepared very carefully but it was (only) a coffin. By inquiring of the mother of Man-fu of Chu, Confucius managed to bury his mother in the same grave (with his father) at Fang. (Liji, Tan Gong I, 10)

孔子之居，自魯至楚，凡所居者，皆以孝聞。 (Liji, Tan Gong I, 10) (孔子=Confucius)

A high ranking official asked Zi Gong, 'Is it true that your teacher is a Saint? How come he is good at so many things?' Zi Gong said, 'The Heaven originally ordained him as a Great Saint. He has many talents as well.' The Master heard this and said, 'The high ranking official surely knows me. When I was young, I was lowly. That's why I am good at many mundane jobs. Is a noble man good at many things? No, he is not.' (Lunyu, 9.6)

子曰：「吾欲夏禮，而國先乘夏車；吾欲夏禮，而國先乘夏車。」 (Lunyu, 9.6)

The Master said, 'The progressive ones in matters of Li and music are those from the countryside. The less progressive ones in matters of L^y and music are from the nobility. In

using Li and music, I am in the train of the progressive ones.’ (Lunyu, 11.1)

用禮和樂，我與進德之君子共進 (11.1)

The Master wanted to live among the nine barbarian tribes. Someone said, ‘Squalid out there, wouldn’t it?’ The Master said, ‘Where a noble man dwells, how can there be anything squalid?’ (Lunyu, 9.14)

夫子欲居九夷。或曰：『陋，如之何？』夫子曰：『有君子居則小人化。』 (9.14)

3. ‘Wide’ circle of friends

A friend of Confucius died. But the deceased had no one who would give a funeral. Confucius said, ‘We will have the coffin in my house.’ (Lunyu, 10.15)

孔子之友死。無棺。公西赤曰：『請以棺。』孔子曰：『有棺，吾將視之。』 (10.15)

4. Fine taste

Over a dark costume, he would wear a black lamb skin coat; over a white costume, he would wear a deer skin coat; over a brown costume, he would wear a fox skin coat. (Lunyu, 10.6)

緇衣(=black)羔裘(=black lamb skin)麕裘(=deer skin)狐裘(=fox skin) (10.6)

He didn’t hate finely milled rice and thinly sliced meat. ... When the color was bad, he would not eat. When the smell was bad, he would not eat. When the dish is over-cooked, he would not eat. When it is not the right time, he would not eat. When it was not neatly cut, he would not eat. When it was not properly seasoned, he would not eat. (Lunyu, 10.8)

飯疏食，飲水，曲肱而枕之，樂在其中矣。不食嗇也。不食餒也。不食過也。不食不節也。不食不潔也。不食不味也。不食不香也。不食不熟也。不食不潔也。不食不節也。不食不潔也。不食不節也。 (10.8)

If the seating is not properly arranged, he would not sit. (Lunyu 10.9)

席不正，不坐。 (10.9)

Even when there is plenty of meat, he would not let his appetite win over him. But he drank like a whale. He would

not, however, go out of control.

不亦甚乎(10.8)

Except for funerals, he would always wear jewellery. 不亦甚乎
(10.6)

Yan Yuan died. Yan Lu inquired whether the Master could sell his carriage to pay for the outer coffin. The Master said, 'This is not about money. It is about one's son. When Li died, he was buried in a coffin without an outer coffin. I did not go on foot in order to have the outer coffin. As I am in the train of dignataries, I could not go on foot.' (Lunyu, 11.8)

不亦甚乎(11.8)

5. Awkward meetings

The Master had an audience with Nan Zi (南子). Zi Lu was not pleased. Confucius solemnly swore and said, "If I did something inappropriate, Heaven will loathe it. Heaven will loathe it!"

不亦甚乎(6.28)

6. Knows what really matters

The stable was burnt down. He came home from the court. He said, 'Was anybody hurt?' He did not ask about the horse. (Lunyu, 10.12)

不亦甚乎(10.12)

Compare it with 11.8

7. Reformist

The Master said, 'Sayings of the proper law – can you ignore them? Reforming them, however, is more precious. Sayings offered by way of a praise – can you not feel happy? Sift through them, however, is more precious. To be happy without sifting through the praise, to conform without reforming – I don't know how one can do that.' (Lunyu, 9.24)

will emerge. They should be banned.

Let the Records Officer burn all records other than the official records of Qin. Collected Poems, Documents and various other texts except the texts in the possession of Propaganda Officers must all be burned. Afterwards, those who gather together to discuss the Poems and the Documents should be executed in the marketplace. Those who criticise the current affairs referring to old histories (史記) should be killed together with their family members. Those who do not burn such books within 30 days should be tattooed and sent to the frontiers to forced labour. The books which are exempt from destruction are those on medicine, pharmacy, divination, seeds and trees. Those wishing to learn the law should learn it from officials. 史記, 卷六, 38 (213 BCE) 史記34(史記213): 史記(史記)

9. Supreme being

The Master was freed from the following four: prejudice, imperative, inflexibility and self-importance. (Lunyu, 9.4)

□□□□□□□□□□□□□□(□□ 9.4)

What we conjecture in our mind, we call it \square . What remains of the \square , we call it \square (□□□□, □□□, □□, 2 □□□□□□□□□□□□□□□□).

Lex Aquilia 1

1. iniuria (iniuria)

non enim sufficit occisum, sed oportet iniuria id esse factum. (Dig.9.2.4pr.)

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Sed et si quemcumque alium ferro se petentem quis occiderit,
non videbitur iniuria occidisse: et si metu quis mortis furem
occiderit, non dubitabitur, quin lege aquilia non teneatur.
sin autem cum posset adprehendere, maluit occidere, magis est
ut iniuria fecisse videatur

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Dig.9.2.45.4 (Paulus 10 ad sab. Qui, cum aliter tueri se non
possent, damni culpam dederint, innoxii sunt: vim enim vi
defendere omnes leges omniaque iura permittunt... illum enim
solum qui vim infert ferire conceditur, et hoc, si tuendi
dumtaxat, non etiam ulciscendi causa factum sit.)

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¶¶¶¶¶ ¶¶¶ ¶¶¶¶¶ ¶¶¶ ¶¶¶¶ ¶¶. Dig.9.2.5.3 – Dig. 9.2.6 (Ulpianus
18 ad ed. sutor, inquit, puero discenti ingenuo filio
familias, parum bene facienti quod demonstraverit, forma
calcei cervicem percussit, ut oculus puero perfunderetur.
dicit igitur iulianus iniuriarum quidem actionem non
competere, quia non faciendae iniuriae causa percusserit, sed
monendi et docendi causa: an ex locato, dubitat, quia levis
dumtaxat castigatio concessa est docenti: sed lege aquilia
posse agi non dubito: (Paulus 22 ad ed.) Praeceptoris enim
nimia saevitia culpa adsignatur.)

2. ¶¶¶¶

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¶¶ ¶¶¶¶¶ ¶¶¶¶¶?”¶¶¶¶ ¶¶ ¶¶¶¶¶¶. ¶¶ ¶¶ ¶¶ ¶¶¶. Dig.9.2.5.2

(Ulpianus 18 ad ed. si furiosus damnum dederit, an legis aquiliae actio sit? et pegasus negavit: quae enim in eo culpa sit, cum suae mentis non sit? et hoc est verissimum.)

700 00 00 000000 0 00, 00000 000 000 000 0000 00 000000 00000000 0 0 000 000000 000, 00 00 000 000 000 000 0 00 00. Dig.9.2.5.2 (Ulpianus 18 ad ed. quodsi impubes id fecerit, labeo ait, quia furti tenetur, teneri et aquilia eum: et hoc puto verum, si sit iam iniuriae capax.)

3. “0000” (si quis corpore suo damnum dederit)

00 000 000, 000000 0000 00 0000 0000 00 00 000000 0000 0000. 000 0 000 00 0000 00000000 000 00000000(actio in factum)00 0000 00. 0 0 00, 000 000 0000 000000 000 00, 0000 00 0000 00 000000 00000000 000 0000000000 0000 00. Dig.9.2.7.6 (Ulpianus 18 ad ed. Celsus autem multum interesse dicit, occiderit an mortis causam praestiterit, ut qui mortis causam praestitit, non aquilia, sed in factum actione teneatur. unde adfert eum qui venenum pro medicamento dedit et ait causam mortis praestitisse, quemadmodum eum qui furenti gladium porrexit: nam nec hunc lege aquilia teneri, sed in factum.)

000 0 000 000 000 00, 0000 000 00 000 00 0 00 0000 00 0000 000 0000, 00 0000 00 0000 000 0000 0000 000 000000 00000000, 0 000 00. Dig.9.2.9pr. (Ulpianus 18 ad ed. Item si obstetrix edicamentum dederit et inde mulier perierit, labeo distinguit, ut, si quidem suis manibus supposuit, videatur occidisse: sin vero dedit, ut sibi mulier offerret, in factum actionem dandam, quae sententia vera est.)

0000 00 000 000 0000 00, 0000 0000 0000, 000 0000, 000 00 000 000 0000 000 00 00000000 0000 000 0000 000. 00 000 000 000 000 000 00.Dig.9.2.7.7 (Ulpianus 18 ad ed. Sed si quis de ponte aliquem praecipitavit, celsus ait, sive ipso ictu perierit aut continuo submersus est aut lassatus vi fluminis victus perierit, lege aquilia teneri, quemadmodum si quis puerum saxo inlisisset.)

4. “Thin skull” 问题?

罗马法中关于“thin skull”问题的讨论，主要出现在《学说汇纂》中。在 Dig.9.2.7.5 (Ulpianus 18 ad ed. Sed si quis servum aegrotum leviter percusserit et is obierit, recte labeo dicit lege aquilia eum teneri, quia aliud alii mortiferum esse solet.) 中，乌尔比安讨论了如果一个人轻轻地击打了一个患有疾病的奴隶，而该奴隶随后死亡，是否可以根据《阿奎利亚法》追究其责任的问题。他认为，在这种情况下，行为人应当承担法律责任，因为这种疾病是他人难以预料的。

5. ‘过失’

罗马法中关于“过失”问题的讨论，主要出现在《学说汇纂》中。在 Dig.9.2.7.2 (Ulpianus 18 ad ed. Sed si quis plus iusto oneratus deiecerit onus et servum occiderit, aquilia locum habet: fuit enim in ipsius arbitrio ita se non onerare. nam et si lapsus aliquis servum alienum onere presserit, pegasus ait lege aquilia eum teneri ita demum, si vel plus iusto se oneraverit vel negligentius per lubricum transierit.) 中，乌尔比安讨论了如果一个人因超载而将货物或奴隶推下，是否可以根据《阿奎利亚法》追究其责任的问题。他认为，在这种情况下，行为人应当承担法律责任，因为超载是行为人可以选择避免的。同样，如果一个人因疏忽而将货物或奴隶推下，是否可以根据《阿奎利亚法》追究其责任的问题。他认为，在这种情况下，行为人应当承担法律责任，因为疏忽是行为人可以选择避免的。

罗马法中关于“过失”问题的讨论，主要出现在《学说汇纂》中。在 Dig.9.2.7.8 (Ulpianus 18 ad ed. Proculus ait, si medicus servum imperite secuerit, vel ex locato vel ex lege aquilia competere actionem.) 中，普罗库斯讨论了如果医生在治疗奴隶时出现过失，是否可以根据《阿奎利亚法》追究其责任的问题。他认为，在这种情况下，医生应当承担法律责任，因为医生的过失是可以通过谨慎行为避免的。

罗马法中关于“过失”问题的讨论，主要出现在《学说汇纂》中。在 Dig.9.2.8 (Gaius 7 ad ed. provinc. Idem iuris est, si medicamento perperam usus fuerit. sed et qui bene secuerit et dereliquit curationem, securus non erit, sed culpa reus intellegitur. mulionem quoque, si per imperitiam impetum mularum retinere non potuerit, si eae alienum hominem obtriverint, volgo dicitur culpa nomine teneri. idem dicitur et si propter infirmitatem sustinere mularum impetum non potuerit, si eae alienum hominem obtriverint, volgo dicitur culpa nomine teneri.) 中，盖尤斯讨论了如果医生在治疗奴隶时出现过失，是否可以根据《阿奎利亚法》追究其责任的问题。他认为，在这种情况下，医生应当承担法律责任，因为医生的过失是可以通过谨慎行为避免的。同样，如果一个人因疏忽而将货物或奴隶推下，是否可以根据《阿奎利亚法》追究其责任的问题。他认为，在这种情况下，行为人应当承担法律责任，因为疏忽是行为人可以选择避免的。

potuerit: nec videtur iniquum, si infirmitas culpa adnumeretur, cum affectare quisque non debeat, in quo vel intellegit vel intellegere debet infirmitatem suam alii periculosam futuram. idem iuris est in persona eius, qui impetum equi, quo vehebatur, propter imperitiam vel infirmitatem retinere non poterit.)

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teneri quasi occiderit, sed quasi vulneraverit, quia ex alio vulnere periit, posteriorem teneri, quia occidit. quod et Marcello videtur et est probabilius.)

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deinde tempore heres institutus est et postea ab alio ictus decessit: quaero, an cum utroque de occiso lege aquilia agi possit... igitur si quis servo mortiferum vulnus inflixerit eundemque alius ex intervallo ita percusserit, ut maturius interficeretur, quam ex priore vulnere moriturus fuerat, statuendum est utrumque eorum lege aquilia teneri. Idque est consequens auctoritati veterum, qui, cum a pluribus idem servus ita vulneratus esset, ut non appareret cuius ictu perisset, omnes lege aquilia teneri iudicaverunt.)

7. ¶¶

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¶¶ ¶ ¶¶. Dig.9.2.27.17 (Ulpianus 18 ad ed. ceterum si nullo
servum pretio viliores deterioresve fecerit, aquilia cessat
iniuriarumque erit agendum dumtaxat: aquilia enim eas
ruptiones, quae damna dant, persequitur. ergo etsi pretio
quidem non sit deterior servus factus, verum sumptus in
salutem eius et sanitatem facti sunt, in haec mihi videri
damnum datum: atque ideoque lege aquilia agi posse.)

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(Ulpianus 18 ad ed. Et si puerum quis castraverit et
pretiosiores fecerit, vivianus scribit cessare aquiliam, sed
iniuriarum erit agendum aut ex edicto aedilium aut in
quadruplum.)

http://droitromain.upmf-grenoble.fr/Anglica/digest_Scott.htm ¶
¶¶¶
<http://libguides.bodleian.ox.ac.uk/content.php?pid=286813&sid=2366766> (¶¶¶¶¶ ¶¶¶¶¶ ¶¶ ¶¶)

¶¶¶¶ ¶¶¶¶ ¶¶ ¶¶

1. International law, Law of nations

¶¶: ¶¶¶¶ “¶¶¶ ¶¶ ¶”¶¶?

ius gentium v. ¶¶¶

Ius gentium est, quo gentes humanae utuntur. quod a naturali
recedere facile intellegere licet, quia illud omnibus
animalibus, hoc solis hominibus inter se commune sit.

(Dig.1.1.1.4 〇〇〇〇 〇〇 〇〇 〇〇〇〇 〇〇〇〇 〇〇〇. 〇〇〇〇 〇〇〇〇 〇〇 〇〇〇〇〇 〇〇. 〇〇〇〇 〇〇〇〇 〇〇 〇〇〇〇〇 〇〇〇〇 〇〇〇〇, 〇〇〇〇 〇〇 〇〇〇〇〇〇 〇〇〇〇 〇〇〇 〇〇〇〇)

Omnes populi, qui legibus et moribus reguntur, partim suo proprio, partim communi omnium hominum iure utuntur. nam quod quisque populus ipse sibi ius constituit, id ipsius proprium civitatis est vocaturque ius civile, quasi ius proprium ipsius civitatis: quod vero naturalis ratio inter omnes homines constituit, id apud omnes peraeque custoditur vocaturque ius gentium, quasi quo iure omnes gentes utuntur. (Dig.1.1.9 ¶¶ 1-4)

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4. $\square\square\square \quad \square\square\square\square \quad \square\square\square\square\square?$

5. $\square\square\square$ $\square\square\square$ $\square\square\square\square$ $\square\square$?

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4. 問問 問

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- Public Interest Immunity
- Attorney -client 'privilege'
- '問問問' (special advocate)

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3. 問 問

4. 問問 問

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