

Since childhood, Kong Qiu 孔丘 (Confucius's formal name) worked on odd jobs but nevertheless managed to obtain elementary education in a village school. Starting from the age of fifteen he began a lifelong pursuit of knowledge, learning from whoever had anything to teach him. He famously said that, in a group of several persons, there must be someone who could teach him something.² But, for more specific and profound knowledge, he travelled in his twenties to the capital of the Zhou and visited many learned men, including several great historians, maestros, statesmen and Laozi, then a government archive keeper.

He was particularly interested in the rites performed on various important occasions in people's life and in the local community and served as an assistant in those ceremonies, asking about, and pondering on, the meaning of the rituals. By the time he was thirty, quite a few people came to him for instructions, and he became a teacher. Traditionally higher education was reserved for aristocrats, to teach them *liu-yi* (六藝 six arts) – *li* (禮 the rites), *yue* (樂 music), *she* (射 archery), *yu* (御 charioteering), *shu* (書 calligraphy), *shu* (數 mathematics). He taught commoners, as well as some aristocrats who also came to study with him, the rites and music but substituted archery and charioteering with the *Shi* (詩 poetry), the *Shu* (書 historical documents), the *Chun-qiu* (春秋 annals of the State of Lu) and the *Yi* (易 the principles of ceaseless change): basically, the humanities and metaphysics.

In his twenties he served as a minor functionary in the government of the Lu. In 501 BCE at the age of fifty-one, he was appointed a district magistrate. In the next two years he was promoted first to the position of vice minister of public works, then chief judge, and then acting principal minister. Two years later he resigned because of a policy disagreement with the Duke of Lu and the principal minister. For the next fourteen years, he and a group of his disciples travelled back and forth in four other states seeking opportunities to realise his ambitions but failed. In 484 they returned to the Lu. He devoted his remaining years to teaching and to editing *The Book of Poetry*, *The Book of Historical Documents*, and *The Chun-qiu*. He died in 479 at the age of seventy-three.

Confucius was moderate, insisting that he was not an innovator but only a narrator of tradition. That was an understatement. He was familiar with the ideas and beliefs of his time and acquiesced in many of them but often gave them some new meaning. He also had new ideas, some of which were not quite conventional. Nevertheless, to say that he founded a new school, called "Confucian" in the West, is a mistake. Long before his time there were many people who recognised the special potentials of human beings and wanted to have those better potentials developed further to create a distinctive form of life that is constructive and moral – a civilisation. Among such people he particularly admired Duke Zhou 周公, one of the founders of the Zhou Dynasty,³ who formulated many rites, or rules of proper conduct, and institutions for their implementation. In more than five centuries, between the establishment of that dynasty and Confucius's birth, countless people who shared the duke's ideas and ideals and tried to bring them to reality were known as *ru* 儒. The duke was labelled as such and so were

Lun-yu 論語

PART 2 INTERPRETATION

The changes in the sociopolitical system in the later period of the Zhou Dynasty happened together with a change in people's perceptions and conceptions. Passages in *The Book of Historical Documents* and *The Book of Poetry* show that when, gross injustice became prevalent – too often the debauched thrived, the virtuous suffered; good deeds were left unrewarded, wrongdoings unpunished – people felt perplexed and dispirited. Most of them had little control of their lives; they hoped that Heaven would take care of them. Now that that hope seemed unrealistic, they began to see Heaven as inscrutable and unreliable and wondered what they were to do. Could they have better ways to divine Heaven's will? If so, what were the ways? Or should they disregard Heaven and try self-help? If so, how should they conduct themselves? Were there common rules for their behaviour? If so, what were the rules and how could they be learned and implemented? Could people following such rules free themselves from the will of Heaven? Or were they hopelessly to remain in its or something else's iron grip, no matter what they would do? If so, had life any meaning and purpose? Was it worth living at all? These difficult questions were beyond the ability of ordinary people to answer. It was up to the thinkers to find solutions.

One of the first great thinkers was Confucius (551–479 BCE). Thanks to intense interests in his life, detailed records are available¹ to show that he was a descendant of aristocrats of the Song 宋, a vassal state established by the Zhou Dynasty in its beginning for the people of the defeated state of Yin. Six generations before him, his family emigrated to the Lu 魯, another vassal state of the Zhou, after losing a political struggle in the Song, and became commoners. His great grandfather was appointed a district magistrate and so was his father. His mother was a commoner, and her marriage to his father was considered informal and, therefore, shortly after giving birth to him, she was expelled from the Kong family. She moved to another town with the baby and lived in abject poverty.

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Confucius and his followers. They were different from other thinking men who, like Laozi, denied the special human potentials and disparaged civilisation.

Throughout his life Confucius developed and disseminated the ideas and ideals of the Ruists but what came down to us as the most authentic record of his words and deeds, plus some comments by his disciples, is a book known as *Lun-yu* (論語 *The Analects*). It is a small volume but its coverage is astonishingly wide. From the point of view of students of law, we see that he touched upon many basic legal topics, including the need for social authority and norms, their bases and objectives, the characteristics and hierarchical positions of various norms, the methods of making and enforcing laws, and the relationship between the individual, the authorities and the state.

(A) The need for social authority and norms

Most ancient thinkers discussed why human beings had to live in society and society had to have leaders and norms. Confucius did not say much on these topics. Apparently, he took this need for granted when he remarked that the world would not be in order if there was not a single authority to initiate and enforce norms, nor would it be so if each person did not play his role – a ruler, a subject, a father, a son, and so on – according to the norms prescribing it. He spent more time probing the nature of authority and norms.

(B) The authorities

(1) Heaven and fate

For a very long time it was commonly believed that the basis of social authority was the will of Heaven though, in late Zhou, some people began to have doubts about this. Confucius apparently accepted Heaven as a powerful force that caused the four seasons to go around and the myriad things to come into being, but he was unsure whether it also determined events in human life. He obviously sided with those who believed that, if it did, its decision was capricious and inscrutable. He was saddened and dumbfounded when Boniu, a particularly virtuous disciple, was stricken by an incurable disease. The premature death of his favourite student, Yan Hui, undoubtedly shook him even more. Sometimes he seemed to be uncertain about what was to happen to himself and his cause. For instance, when he and his followers were in danger in the state of Song and in Kuang, a district of the state of Wei, although he remained calm and talked about Heaven having bestowed upon him an ability and a responsibility to continue the development of civilisation begun by King Wen of Zhou, he was not positive about Heaven really wanting this civilisation to survive.

In addition to Heaven, many people believed in fate, a predetermined course from which people were unable to escape. It did not appear to have a will and was not always consonant with reason and ordinary human intelligence, and therefore largely incomprehensible and unpredictable. Some thinkers characterised it as the law of nature. Hard pressed to explain the kind of events mentioned

above, Confucius was also found resorting to the popular belief of fate. He said this explicitly when one of his most able disciples, Jilu (also known as Zilu) was slandered by a fellow official, Gongbo Liao, in the court of Lu. His seemingly resigned response was: "It is fate if the Way prevails; it is also fate if the Way falls into disuse. What can Gongbo Liao do in defiance of fate?" Moreover he once observed: "Life and death are determined by fate; wealth and honours depend on the will of Heaven." On another occasion he averred: "If wealth and honours can be gained simply through one's own effort, I would not mind being a carriage driver", implying that there was something beyond human control that influenced human events, either by the name of Heaven or that of fate.

Was Confucius a fatalist? A true fatalist denies the existence of human free will and the value of human efforts. He is like a fallen leaf drifting along in a current, with no volition or ability to change what happens to be its course. Confucius could not be such a person. Even a casual reading of *The Analects* makes it clear that Confucius believed the opposite. Despite his remarks, his equanimity in adverse circumstances betrayed his true faith. It must have been his conviction that human beings are free agents with the ability to improve themselves and their living conditions, making life more enjoyable and meaningful. To him what was enjoyable and meaningful was civilisation, the glorious achievement of humankind. Every person should be proud of it and responsible for its advancement. It must be this belief that made him eager to make his contribution, regardless of its result. And obviously for this reason, as we shall see, he was known as the person who knowingly worked against overwhelming odds.

But if this understanding of Confucius is correct, how are some of his apparently fatalistic remarks to be interpreted? What did he mean when he said that he came to know Heaven and fate when he was fifty, and why did his disciples say that he seldom talked about Heaven and fate?

No passage in *The Analects* gives direct help but careful reading of the work can lead us to imagine Confucius making the following argument about fate. A social event is the product of many factors. A person involved in the event may have control over some of them and, if he tries hard, he may increase their number. But there are always other factors beyond his ability to see, let alone control. For convenience, such uncontrolled factors may be collectively called "fate". But fate is not cast in stone; to some extent it can be changed by human efforts. Therefore, it is worthwhile for a person involved in an event to gain control over as many influencing factors as possible. All else being equal, he who has more such factors in hand will have greater influence over the event. He may still be unable completely to determine the outcome but his chances are better than those who control fewer factors. If, after having tried hard, a person still fails to get the result he wants, he knows that he has not gained control of enough factors, not because a superbeing is wilfully against him nor because he is in the trap in a predetermined course. This became clear to Confucius when he reached fifty, perhaps after resigning from high office in the state of Lu.

This line of thought is of crucial importance to Ruist philosophy. On the one

hand, it affirms the freedom of the human will and emphasises human ability in determining events to a certain degree; on the other hand, it points out the limitations of both the freedom and the ability, discourages unrealistic expectations and saves a person from the depression of failure after making earnest efforts. It is a rational, scientific way of thinking. It offers no assurance, as most religions try to do, that a person will receive rewards for his good deeds and retribution for his bad ones – if not in this life then in the next; if not to himself then to those close to him and his descendants. It is not a comforting thought to the faint-hearted but to those with a strong will and high intelligence it provides justification for their efforts in trying to improve themselves and their environment. It gives civilisation a meaning, makes a reasonable person believe that life is worth living, despite all the vicissitudes and uncertainties, and enables him to try hard to achieve what he wants and to keep his peace of mind if he fails. Thus the Ruist attitude is far from fatalistic; it is, rather, realistic, positive, and even optimistic. It was this attitude that prompted his attempts to improve the world and his invitation to others to do the same.

This argument may sound unfamiliar to most students of Confucius's philosophy. But it was clear to Xunzi. We shall see later that he explored this line of thought in dramatic ways and made it abundantly clear and convincing.

It is in the light of this thought that Confucius's remarks on life and death, and on wealth and honours, should be understood. While it is quite obvious to most people that life and death are matters determined by too many factors beyond human control, so were wealth and honours to Confucius. He did not gain much wealth and many honours but not because he did not try – he was eager to enter public service in order to realise his ideas and ideals. It was the intervention of "fate" – the cluster of factors beyond his control – that failed him. It was this belief that freed him from bitter disappointments.

Confucius's statement about getting to know Heaven and fate when he turned fifty can also be interpreted along this line. He did not mean that by then he became privy to Heaven's secrets and prescient. As a believer in human free will, he could not have meant that. What did he mean then? Keeping in mind his philosophy as a whole, we can confidently assume this: at the mature age of fifty, he finally came to understand that Heaven was not a wilful superbeing and fate a predetermined course. They both meant the same thing: a collection of factors that could influence events and could be, in many instances, beyond human control. When this occurred to him, he was able to feel that being "defeated" by Heaven and fate was not something to be ashamed of or bitter about.

(2) Gods and spirits

Moreover, the same belief must have made Confucius agnostic about gods and spirits as agents of Heaven capable of influencing human events. He did not deny their existence but thought an attempt to get their help less worthwhile than an effort to work with other humans. When he was told that it was more effective to pray to one god than to another one, he said if a person had been condemned

by Heaven, there was nowhere he could turn in his prayers. Interpretation: when one has failed to gain enough control of the influencing factors of an event, one has no chance of getting a desirable result by appealing to numinous powers. His advice was to respect them but keep them at a distance.

In short, Confucius found Heaven and fate formidable and, in many instances, dominating. But they do not determine everything. Denying Heaven and fate as the absolutely controlling factors of human events was a necessary step before Confucius could build his theory that norms could have a more concrete and intelligible basis.

(3) Men

If Heaven and fate are not omnipotent, they cannot determine what humans are to do. But, if humans with their free will were to be let loose, there will be chaos and conflicts. They need norms, and authorities to make and enforce norms. Some norms can be formed more or less spontaneously among people in small communities and enforced by them in the form of customs. But, in a large society, rules have to be made and enforced by particular people – initially those with physical and intellectual force and later those with acknowledged authority. At Confucius's time, many people in political power made rules with disastrous results. He thought that to have order rules had to be made by a single supreme authority which he called *tian-zi* (天子 Son of Heaven). The person with this title was supposed to be an agent of Heaven but, since Heaven had been discredited, he could only be a person with high qualities and widely recognised authority. At Confucius's time the designation was still used for the king of the Zhou Dynasty but he used it only twice in *The Analects*, in both cases referring to an idealised sovereign of the entire world. More often he used the term *jun-zi* (君子 literally, a prince's son) for a noble man of high virtue and superior ability or, often more specifically, a good ruler of a state.

What qualities should a good ruler have? Because, according to Confucius, the main responsibility of such a ruler was to enforce the norms issued by the Son of Heaven and to correct the people, and, in order to be able to correct the people, the ruler must correct himself first, the essential qualities of a good ruler were those necessary for a good person. A good person must be filial and compassionate, have self-restraint, and be observant of the rites. In addition, a good ruler must be able to lead, be dedicated to his job and work tirelessly. He did not need knowledge and skills in any practical field but must know and abide by the basic norms of humanity and demonstrate this knowledge and abidance in his actions. He must select the righteous as officials to educate the common people. He must know when and how to employ the people without causing undue hardship. He must be generous but not wasteful, forceful but not overbearing. He should never be cruel, oppressive, tyrannical and petty. He must be trustworthy or the people would not follow him. Above all, he must know that to be a ruler is not easy and avoid abusing his power and authority.

Traditionally there are two ways to check abuse of power and authority – by

self-restraint or by outside control. Confucius, starting with the premise that authority should belong to particularly virtuous persons, could not advocate outside control; he had to emphasise self-restraint. As he saw it, the worst sin of a person with authority was being megalomaniacal, that is, being conceited, self-indulgent, and self-righteous. Thus, when he was asked whether there was such a thing as a single remark which could lead a state to ruin, he replied that, if a ruler says he finds no pleasure in being a ruler except for the fact that no one goes against his orders, the state is sure to be ruined.

(C) Norms

(1) Types and hierarchy

In ancient China there were many types of norms, including *dao* (道 “Way”), *de* (德 morality), *li* (禮 rites) *fa* (法 law) and *ling* (令 orders). People often found that, in a particular situation, there were several different and conflicting norms applicable. It was not always easy for them to make the right choice and they became befuddled and incapable of acting. Thinkers offered some guidance – often elevating one type of norm as paramount and characterising other types as secondary or dismissing them as misleading. The Ruists did more in helping people to choose. They arranged the various types of norms in a hierarchy consisting of several levels and sublevels. The idea was expressed by Confucius when he said that there were three classes of noble men: one who kept their personal behaviour above reproach and carried out government assignments successfully was in the first class; one who was praised by members of their clan and village for being filial and brotherly was in the second; one who kept their word and persisted in their deeds was petty and was in the third class. The implication was that the norms observed by men in these different classes were of different significance. This point was made clear by Zixia, a disciple of Confucius, when he said that there were *dade* (大德 major virtues) and *xiaode* (小德 minor virtues) and that where one followed strictly the norms for the pursuit of major virtues one could be allowed some discretion in observing norms for the pursuit of the minor virtues.

Several passages in *The Analects* provide illustrations of this point. One was Confucius’s comments on the conduct of Guan Zhong 管仲. When Duke Xiang of the state of Qi 齊襄公 died, his two younger brothers engaged in a struggle to succeed him. The first younger brother, Prince Jiu 公子糾, failed and one of his aides, Shao Hu 召忽, died with him, but another aide, Guan Zhong, surrendered to the successful second younger brother, Prince Xiaobai 小白, who became Duke Huan 桓公. Later Guan Zhong became the prime minister and lived in a luxury inappropriate for his status. Many people thought he was disloyal to his former master Prince Jiu, and Confucius criticised him for transgression of the rites prescribing proper lifestyle. Nevertheless, Confucius affirmed Guan Zhong’s contribution to the preservation of China’s peace and civilisation by suppressing strife among the feudal lords and assembling them in defence against the barbarous nomads on the borders of the Zhou Empire. For these achievements

Confucius ignored Guan Zhong’s violations of minor norms and enthusiastically hailed him as a humane man, praise that the Master seldom lavished on lesser characters.

The point was central to two of Confucius’s own deeds. When asked first (in 502 BCE) by Gongsan Furaο 公山弗擾, a magistrate of district Bi 費 of the state of Lu, 魯 and then (in 490 BCE) by Bi Xi 佛肸, a magistrate of district Zhongmu 中牟 of the state of Jin 晉, to assist their rebellious causes, Confucius was ready to go but, in both cases was stopped by his disciple Zilu 子路 who thought it was not what a noble man should do. But Confucius probably thought that, although by revolting against their rulers the two officials had violated the political hierarchy he supported in principle, yet they were not entirely beyond salvation because of the fact that they sought his service. It was an indication that they valued his ideas and accepted his deeds which were by then well known. In any case, assured by his own moral strength – like something tough enough to withstand grinding and white enough to repel black dye – he was confident that he would not be used by his employers but that, rather, he would do his job with his principles upheld and his integrity intact. And, more importantly, he thought he could use the opportunities to achieve something of great significance, such as recreating a sociopolitical system similar to that of *Dong Zhou* (東周 the Eastern Zhou established by Duke Zhou 周公 in Luoyang 洛陽). To him it would be a mission, a command of a higher norm. And to respond to this command and carry out the mission, he did not have to be overly concerned about the moral character of the person who gave him the opportunity.

(2) *Dao* as the supreme norm

Among the many norms, *dao* (道 the Way) was regarded by practically all ancient Chinese thinkers as the highest, though they had different ideas about what it was. Confucius said when *dao* prevails, orders come from the king; when it is not, they come from the feudal lords. But he did not spell out what is *dao*, and his disciples did not hear him talking much about it. He said that, after studying the ways of the various dynasties, however, he found the way of the Zhou most admirable and therefore he would follow it. He even alleged that, before his health declined, he used to see Lord Zhou, one of the founders of the Zhou, in dreams. Presumably they would discuss the Way of the Zhou which was, in his words, magnificently civilised. Thus, his Way was not an abstract concept. It was not, as we shall find later, “natural” as Laozi said about his Way; nor was it preordained by a supernatural force such as Heaven as the Way Mozi advocated. It was artificial. Its course and goal, established by Wen 文 and Wu 武, the first two kings of the Zhou, were on record, and it was still followed later, though not strictly, by the state of Lu. Confucius believed that, with some correct changes, that state could be brought back to the Way.

The idea that the Way was an artificial norm has the obvious advantage of being more intelligible. But this idea is also problematic. An artificial norm needs constant human effort to maintain its relevance. Thus, this Way can prevail or

fall into disuse, depending on whether there are the right people caring for it and implementing it. Most people of Confucius's time did not know how to address this problem. Indeed, many did not even know what his Way was. That was why he said a noble man must have his mind set on learning and following the Way. According to him, having heard about the Way in the morning, a person should have no regrets if he were to die in the evening. That was why he devoted his life to learning the Way, explaining it to people with the hope that enough of them could take his advice and acquire the qualities of noble men and help make the Way prevail again.

Another problem with Confucius's Way is that it was mainly a guide for how society might reach for a lofty objective. This was pointed out by his disciple, Youzi, who said that the beauty of the Way of "the former kings" (the sage rulers including King Wen and King Wu of the Zhou) was to seek harmony in society as the ultimate goal of humankind. To most people this aim might seem too high and nebulous and the course too difficult to follow. But Confucius thought it was not. According to him the starting point of the Way was filial piety and brotherly love. His disciple, Zixia, expounded on this saying that to learn and implement the Way one should start with learning the correct manner in doing the small chores of everyday life. After this training, one will be able to distinguish right from wrong and know what ought or ought not be done: for instance, that one should enter government service to implement the right policies not simply to earn remuneration, and that wealth and honour obtained in a wrong way is not worthy. This point was further explained in *Da-xue* (大學 *The Great Learning*):⁴ The learning of the Way is to enable one to have one's heart rectified, one's mind made sincere, one's personal behaviour correct and refined, one's family put in order, one's country better ruled, and the world pacified. Thus the Way is in essence the *right way* to do everything and therefore it is a supreme norm above all lesser norms as its ramifications.

(3) *De* as the primary norm below the *Dao*

(A) *REN*

People in ancient China recognised many norms known as *de* (德 moral principles) that were not as lofty as *dao* but more practical because the values they pursue were more specific and concrete. Unlike *dao*, these norms were not a priori, why should they be obeyed? The explanation was provided by Confucius. He observed that humans have something in common. It was labelled by later thinkers as *renxing* (人性 human nature) and discussed in great detail. Confucius, with his characteristic dislike of speculation, did not say much on this subject except that people are similar in nature but become different through learning. He did not elaborate what was similar but it is reasonable to assume that he meant some common human feelings, needs and aspirations. Norms based on similar human nature ought to be obeyed because disobedience would damage those feelings and make fulfilment of those needs and realisation of those aspirations difficult

or impossible. For this reason, he held that a human being ought to take another human being as a human being basically like himself. He called this principle *ren* (仁). This character, being a combination of two *ren* (人 person), meant how people were to be together, and was thus used by Confucius to mean the right, humane way people are to treat one another. Thus, to put it simply, *ren* means a *human being should treat another human being as a human being*. Confucius maintained that every human being should strive to follow this principle, or *qiu-ren* (求仁 to be humane or to achieve humanity). To him this was the primary moral principle from which other moral principles could be derived.

What is exactly the concrete way to be humane? How is a person to achieve humanity? In *The Analects* there are many passages addressing these problems because it was evidently unclear to most of Confucius's disciples. He gave different answers to them, depending on the occasion and each disciple's character and ability to comprehend. In one case, he simply said "To be *ren* is to love your fellow man". In other cases he said to be *ren* was to be respectful, tolerant, sincere, diligent and kind; to lead in overcoming difficulties and to stay behind others in reaping benefits; to practise self-restraint and observance of the rites – not to look, listen, speak and move in violation of the rites. More specifically, he suggested two commandments: first, "Do not impose on others what you do not like" and second, "While you wish to establish yourself, help others establish theirs; while you wish to reach your goal, help others reach theirs". These commandments are concrete because they are obviously based on common human feelings, needs and aspirations; they are easy to follow because one needs only to reflect on one's own feelings, and so on; and they are very significant because the first one provides the basis for right and wrong, and the second helps society improve.

How can one tell whether a particular act is right or wrong? The criterion used to be something external – the command of a superbeing or an abstract notion or a utilitarian result. Confucius gave people an internal criterion – their own feelings, needs and aspirations. Besides being easy to comprehend, this criterion has another merit – it is not arbitrary and dogmatic but can be tested and proved right or wrong by human experience.

The significance of Confucius's second positive commandment is even greater. Only when people are willing to help one another realise their respective aspirations can society progress. Many other cultures had similar commandments. Admittedly, Confucius's proposition can be problematic because, though people may have similar aspirations, it is not always easy for a person to identify and approve the particular aspirations of others. But, of course, in Confucius's mind, the aspirations of a person worthy of the help of others must be congruent with the Way and other norms.

(B) *XIAO*

Among the more concrete moral principles, Confucius particularly emphasised *xiao* (孝 to be filial) because it is based on the most natural emotion a human being has towards another, hence the most basic expression of *ren*. Many of

Zhuang-zi 莊子

PART 2 INTERPRETATION

What interests we humans most are, naturally, human problems – physical, psychological, social, environmental and so on. Most ancient Chinese thinkers were engrossed in social problems concerning a person's relationship with his fellows. Little of their attention was paid to other things. They were anthropocentric. They thought everything, including a superbeing, existed for humans, and they thought that for all human problems there was a human solution or, more specifically, a societal solution – a solution that could be devised and carried out by an organised society.

The biggest problems for humans are how to meet their physical and psychological needs, develop their talents, realise their aspirations, live in peace with others, and help society reach its goals. Confucius recognised all these problems and recommended self-cultivation and a hierarchical social structure where people would have mutual obligations and behave according to a set of time-honoured rules of propriety. Mozi did not think much about the individual. He wanted a more tightly organised society where people were like automatons sharing the values of a supreme ruler, obeying his orders and striving for his objectives, all in the hope that chaos and misery could thus be avoided, and individual well-being achieved as part of the general well-being of society as a whole. Laozi seemed to oppose this view but, in fact, wanted a sage to lead people back to a small, self-sufficient society where they would live a simple life, under the watchful eye of that sage.

These societal solutions to human problems share two crucial presumptions and leave one important question unanswered. The first presumption is that all humans have something in common. It can be called human nature or by some other name. In any case, it is supposed to be very basic to being human. The second presumption is that this basic human quality is capable of being changed.

The three thinkers whom we've discussed so far did not have the same degree of belief in these presumptions. Confucius believed that humans do have a common nature, or at least a similar one, when they are young, though it may become different in each person when he grows up, as a result of his education and experience. This is why Confucius saw great promise in education for solving human problems. But he also thought that there is a limit. Human beings are unique because of a special characteristic which may be called humanness. You can change a person only to a certain degree. Beyond that, his humanness will be destroyed.

Laozi did not say much about human nature but, in the description of his utopia, we can clearly see that he implicitly recognised that a human has an innate good nature which makes communal life possible. Unfortunately, this precious nature was corrupted by false sages but, if the corrupting influence is removed, the good nature can be restored.

Mozi did not believe that a human has a good nature but he seemed to think that humans are infinitely malleable. Thus, he advocated standardisation of people's behaviour and thought.

To realize their solutions to human problems, all three thinkers stated that they would need sages as rulers. Now, even if we do not ask where sages would come from, how they would carry out their missions, and what would happen to the people if a sage-ruler overstepped his authority, we cannot avoid this question: is this the way individuals should live in a society – more or less like sheep in a herd being led by a shepherd? None of the three thinkers answered this question. They did not even ask it. It was raised and answered by Zhuang Zhou.

Zhuang Zhou 莊周 (365–290 BCE), respectfully called Zhuangzi, was once a minor official of the state of Song who lived in poverty but refused high offices offered by the state of Chu.¹ Not known for having many disciples, he probably wrote down his own thoughts in a volume, *Zhuangzi*, though some parts of it were obviously written by others.²

By Zhuangzi's time, more than a century-and-a-half after that of Confucius, and a century after Mozi, the world had fallen into greater disorder. More people frantically tried to change the situation, and Zhuangzi was one of them. His work was a reaction to the prevailing theories and practices of the Ruists and the Mohists and, to a lesser degree, an endorsement of the ideals of Laozi. Its main theme was to emphasise the importance of nature, both human and cosmic, and therefore to refute the efforts of humans to change nature. More specifically, Zhuangzi condemned the efforts of organised society against individual freedom. As he saw it, society, with its authorities and norms, was itself a problem. Only when individuals were emancipated from the authorities and norms, and left completely alone, could human problems be solved and true peace and happiness realised. Probably because his views were too unconventional to be presented in conventional language, he resorts to a special narrative method, using fantastic dialogue or soliloquy or the behaviour of fictitious persons and imaginary things

to argue or illustrate his points. This method freed him from common sense and strict logic, and invited his reader to forget the ordinary and think the unthinkable.

(A) Universal relativism and individual uniqueness

To begin with, Zhuangzi asks us to start looking at things from an unusual angle – a cosmic, rather than anthropocentric, one. From this angle, we see that everything appears to be unique, has a value of its own and is an end in itself. Therefore, everything is entitled to have its point of view and opinion, and all different views and opinions are relative – none is absolute, none has an inherent value greater than the other, and none is completely right or completely wrong. Thus, he pointed out, the likes and dislikes of different species are different – humans and monkeys prefer different places to live; beautiful women charm men but scare the fish and deer; the legendary bird *yuanchu* 鶇鶇 ate only the seeds of bamboo; the owl eats rotten rats; a seabird being treated like a human (fed with meat and wine and entertained with orchestral music) died in three days. So, Zhuangzi asked rhetorically, who could claim to have the right tastes? Here, of course, he was not emphasising the differences among different species; rather, he wanted to illustrate the differences among different persons, though the allegories were not strictly appropriate – a common problem for those who speak in allegories and metaphors rather than in straightforward language.

Besides tastes, all other judgements are, according to Zhuangzi, equally relative. Whether a thing is big or small, noble or mean, real or unreal depends entirely on who is looking at it and in what context or framework it is viewed. Zhuangzi told a story that, in a dream, he found himself to be a butterfly but, when awake, he found himself to be Zhuangzi, and he was unsure which had had the dream – the butterfly or Zhuangzi – and which was real. Are dream and day life, fantasy and reality relative? Are life and death also relative? If a person believes in existence after death, then, to him, life and death are not really very different but only two stages in a continuous process, like dreaming and awakening. There is no reason for such a person particularly to cherish life because, from his point of view, the existence after death might be more enjoyable. This lesson was what Zhuangzi learned from an old skull (while in a dream) which refused to regain life, and that was why he was found tapping a pottery jar and singing after his wife's death – he was happy that she was relieved from the misery of life.

The most important point that Zhuangzi wanted to make is that there can be no commonly accepted right and wrong. Everyone is partial; no one is above personal bias to make objective judgements. Moreover, in everything, there is always certain rightness, and also certain wrongness. As different people have different focuses of attention, the rightness and wrongness exist only in the eyes of the beholder. Therefore, Zhuangzi said, "The world cannot decide what is right and what is wrong."

(B) The inborn nature, its importance and protection

If right and wrong are purely subjective, is there anything that is objective for everyone? What about the "human nature" discussed by other thinkers – the characteristics that supposedly make human different from other animals? Zhuangzi did talk about this subject. According to him, human beings have a "constant inborn nature". But it is only to seek food when hungry and warmth when cold. It is, therefore, not uniquely human but, rather, common to all animals. Thus, he did not really believe in a common "human" nature. When he talked about people's "inborn nature", he was actually talking about the unique character of each individual.

This denial of a common human nature is crucial to Zhuangzi's philosophy. It explains why he thought that it was acceptable that everyone takes what agrees with his "nature" as right and rejects what disagrees with it as wrong. It also explains why he thought no one is in a position to make decisions for anyone else. In another allegory, he pointed out that the duck's legs are short and the crane's are long but, in each case, they serve their function well. Therefore, he warned, do not try to stretch or shrink them because you will maim the bird and it will not be happy. Similarly, while an eagle wants to reach the skies and travel to the end of the world, a little sparrow enjoys hopping over tall grass; while Yao wanted to rule the world, his friend Xu You 許由 wished only to live a simple life like a sparrow or a mole. Can and should anyone force anyone else to do what one thinks to be the right thing?

Therefore, Zhuangzi maintained, the most important thing to a person is his unique character, or "inborn nature". All other things – wealth, honour, prestige, glory, and so on – are secondary and not worth pursuing, certainly not at great cost, such as using a priceless pearl as a pellet to shoot at a sparrow 1,000 yards up in the air, and worse still, if the pursuit would damage one's own vital interests. To illustrate this point Zhuangzi told a story of the states of Han and Wei fighting over a piece of land. A man named Zihuazi 子華子 went to see Lord Zhaoxi 昭僖侯 of Han and asked him whether he would seize the empire if he were to lose a hand, and got from him a negative answer.

In another story Zhuangzi made up, the Lord of Lu was worried by problems of his state. Shinanzi 市南子, another wise man, told the lord that the state was like the beautiful fur of a fox or leopard that attracts hunters, and advised the lord to abandon the state and get lost in the wilderness and become happy with the Way.

The lesson of the first story – to seize something of relatively small value at great cost – can be readily accepted. But Zhuangzi obviously went too far with the metaphor in the second story. The fur is an inherent part of an animal's body, not something external to it which can be abandoned. And it is also not a feasible solution to the troubles of a state if its ruler simply quits. This is a problem common to thinkers who push a point to its extreme. But, to a certain extent, Zhuangzi had a good point: one should not risk one's physical well-being, moral

integrity, inner peace and true happiness in pursuit of something superficial, such as social position, power and wealth, manifested in carriages and high hats and other goods, because, in the final analysis, they are peripheral and transient, attached to a person only temporarily. Unfortunately, such misguided persons who, in pursuit of things external to themselves, lose their inborn nature are legion. Zhuangzi had a name for them: *daozhi zhi min* (倒置之民 the upside-down people or people of wrongly inverted priorities).

Zhuangzi himself, needless to say, would not sacrifice so much for so little. Thus, when offered a post in the government of the state of Chu, he told the king's messenger to get out of his sight and let him be as free as an old turtle dragging its tail in the mud or a lonely calf grazing in the pasture. He was, of course, following the steps of such legendary wise men as Xu You and Zizhou Zhifu 子州支父 who both declined Yao's offer of the empire.

(C) The inborn nature and the Way

Besides escaping from a problem, an often unrealistic option, how is one to live happily with one's inborn nature intact? Zhuangzi suggested strict observation of the Way. All Chinese thinkers of old times talked about "the Way". Zhuangzi said it is something real, with its own body and roots. Yet it is formless and thus it can be perceived but not seen. It can be understood intuitively but not talked about in ordinary language. It has been in existence before heaven and earth, given birth to everything, and regulated the movements of everything. With it everything lives; without it everything dies. Does not this sound like what Laozi said? Indeed, because both these thinkers used similar language of myth in describing *dao* (道 the Way), they were called the Daoists though, as we shall see, their Ways are quite different.

We may recall that the Way of Laozi is universal and external to all things. Only a true sage can "see" it. Zhuang thought the Way is intrinsic, existing in the nature of everything. Thus, he said, the Way could be found in an ant, in weeds, in tiles and shards, and in piss and shit.

Because everything has its own Way, everything follows its own Way – the skies turn round and round, and the earth stays immobile, not because something external is causing them to do so, they simply cannot but do so. And when things follow their own Ways, they act naturally with no obvious effort. Thus, to the mythical animal *kui* 夔 which had only one foot to hop around, it was a pity that a millipede had to manoeuvre a thousand feet to make a move. But, as Zhuangzi pointed out, the millipede did not have to make an effort to manoeuvre its feet; it merely puts in motion the *tianji* (天機 heavenly mechanism) built in its body, and that was easy.

(D) The world of "Perfect Virtue"

Therefore, in an ideal state which, according to Zhuangzi, existed in the past, everything was left alone, with its inborn nature unadulterated, and it behaved using its *tianji* and obedient to the rules of its inborn nature. Human beings lived

in peace with the birds and beasts, and the myriad things coexisted in harmony. If there was social organisation, people would not have been aware of it. The authorities, if any, would be like high boughs, and the people would be like wild deer. They would have little to do with each other.

How did a human being in this golden past meet his basic needs? If we believe Zhuangzi, this primitive person was probably a vegetarian. He certainly did not hunt. He played with animals and evaded some of them by living in a tree house; he would climb high to watch birds in their nests but would not harm them. He ate only the grains he grew and wore only the textiles he wove. So we might say he was good-natured. But Zhuangzi would not characterise human nature as good. He thought that to label it one way or another was meaningless.

Another distinctive character of this person in Zhuangzi's utopia was innocence. We see that he was intelligent enough to plant and weave but he had no intention of developing his intelligence and acquiring more knowledge. He had few desires and no goals to strive for. He was not conscious of his activities but merely followed his nature – though he was actually upright, loving, faithful and trustworthy, he knew nothing about righteousness, benevolence, loyalty and honesty. He was aware of the activities of others but he passed no judgements. Indeed, he did not see things as good or bad, right or wrong. He had no arbitrary standards and knew no social norms.

A person like this, according to Zhuangzi, was happy. Life was simple but carefree; death was not feared but considered as another phase in an endless cycle.

(E) The fall of the Way

Unfortunately, this paradise did not last for long. The situation, according to Zhuangzi, began to deteriorate when people accumulated knowledge. According to him, people in great antiquity had no knowledge and lived carelessly and happily together with everything in the world. In his utopia people had some rudimentary skills to grow food and make clothing. But then someone with more know-how came and taught people to make gadgets and contrivances which were to save labour and make life easier. He did not explain why someone saw the necessity of making life easier or how that person acquired the know-how to make the gadgets and contrivances. He just said that it happened, and to illustrate this occurrence, he told a story of an imaginary encounter between an old man who, through a trench, carried water from a deep well to irrigate his fields, and Zigong 子貢, a disciple of Confucius, who tried to convince the old man about the utility of a device called *gao* (槔 well-sweep), which was designed to save time and energy in bringing water from a well and thus to help increase productivity. Apparently, Zigong did not invent the device; he simply spread the knowledge of it. The old man did not dispute the utility of the device and thus implicitly admitted that his own work was hard. But he pointed out something that had escaped Zigong's attention: those who have *jixie* (機械 gadgets) will do *jishi* (機事 clever things); those who do clever things must have *jixin* (機心 scheming hearts); those who have scheming hearts are no longer innocent and have no peace of mind. Therefore the old man said

that he had heard about the well-sweep before but decided to avoid it and stick to his simple, albeit hard, way of life rather than be sucked into a spiral of wanting to have ever more gadgets, and engaging in endless pursuit of schemes.

In addition, Zhuangzi gave many more examples of why the Way fell – the myriad things lost their inborn nature: the horse trainer Bole 伯樂 tortured horses to turn them into draught animals; the ancient sage rulers made people into competitors, rivals, rebels, sophists, thieves and robbers. In all cases, it was because the culprits used their knowledge, specifically the petty knowledge of making gadgets and rules.

On this point Zhuangzi agreed with Laozi and both believed that there was a different kind of knowledge – in Laozi's case the knowledge of the Way; in Zhuangzi's case the knowledge of the Ways. They also differed on how one can gain that knowledge. Laozi said a true sage could know the Way of Heaven without leaving his room. Zhuangzi did not think one can easily know the Ways. More definitely, he thought no one could learn them from another person because they could not be expressed in any language. Thus, in the chapter entitled *Zhi-bei-you* (知北遊 Knowledge wandered north) in *Zhuangzi*, he said that Huangdi (黃帝 The Yellow Emperor) who answered the question raised by the fictitious figure Zhi about how to know the Way, did not know the Ways; another fictitious figure, Kuang-qu (狂屈 the wild but witless one), who thought he knew but forgot what he could say, probably knew something about the Ways; only the third one, Wu-wei-wei (無為謂 the one with nothing to do and nothing to say), who did not give any answer, really knew the Ways. According to Zhuangzi, heaven, earth, and the myriad things between all have their Ways but will not reveal them. Only a great sage, who carefully observes everything between heaven and earth, is able to perceive the Ways of things – their different inborn natures.

(F) The rule makers

It is not easy to perceive the various Ways of the myriad things. Even the ancient rulers – *San Huang* (三皇 Three Sovereigns) and *Wu Di* (五帝 the Five Emperors) – were incapable of doing so. To begin with, Zhuangzi pointed out that, though much hailed by the world as sage kings, they were actually of questionable character and deeds – When the Yellow Emperor fought Chiyou 蚩尤, the leader of the Miao tribes, countless people died, their blood flowed 100 *li*. Yao was a cruel father who killed his oldest son. Shun was an unfilial son and an unkind brother who exiled his father and younger sibling. Yu over worked and became partially paralysed [and thus hurt his inborn nature]. Tang banished his sovereign Jie, and King Wu murdered his ruler Shou. As to the norm makers of later times, Zhuangzi observed, Duke Huan of Qi 齊桓公 killed his elder brother and married his widowed sister-in-law; Tian Chengzi 田成子 murdered his king and usurped the throne of Qi. Why then did they become rulers and make rules for others to follow? It was the victor's Way. That is why, Zhuangzi pointed out, the petty thief is punished but the big thief is made a feudal lord. Those ancient kings were able to impose their rules on others because they were successful big thieves.

Secondly, Zhuangzi thought that those ancient rulers who tried to make rules for the world did not have the ability to do so. Their governments actually made the world worse off: first, they made the people lose unity, and then general compliance, and finally simplicity and purity. People became mutually alienated, distrustful, and contentious, and everyone became confused and deprived of his inner peace. Why so? Because those rulers made norms that violated people's inborn nature. And, after the problems they created, the Ruists and the Mohists and various other schools sprang up, trying to fix the situation by spelling out more and more norms of lesser and lesser inherent virtue. Why so? Because, said Laozi, these self-proclaimed wise men, like the rulers, had inadequate knowledge and little wisdom. Zhuangzi agreed and added that, even the so called sage kings of the past, did not know enough to understand why the sun and the moon shone, why mountains stayed and rivers flowed, and why the four seasons rotate endlessly – in short, they did not know the rules of nature, or the Ways. They misunderstood and misinterpreted, causing confusion and conflicts, and inducing the creation of numerous contradictory theories and strife. Their knowledge was thus more poisonous than the tail of a scorpion.

A little knowledge is a dangerous thing. A person who is capable of knowing only partial truth is more dangerous than a completely ignorant one because he, like the legendary blind man who learns about an elephant by touching only a part of it, would insist that what he knows was the truth and would dismiss all other views as false. And, more unfortunately, he would hold high his knowledge as good and condemn that of others as evil.

(G) Man-made rules

(1) *Some are outdated and irrelevant*

Now let us take a look at the norms made by the so-called sages and later holders of power. From Zhuangzi's point of view, most of them were not worthwhile. While many of his contemporaries, particularly the Ruists, hailed the norms made by rulers of the ancient times, he pointed out that, as time passed and society changed, those rules were outdated. Thus, he compared applying rules of the early Zhou Dynasty in the state of Lu in his time to pushing a boat over land.

(2) *Some are meaningless*

Some other rules were meaningless, ludicrous or absurd. Among them, Zhuang particularly (and repeatedly) named those that required mourners to wail in a certain manner. First of all, he saw life and death only as phases of a natural cycle, like successive dreams, or the forming and bursting of a boil, and therefore mourning was meaningless. He conceded that certain expression of spontaneous feelings towards the deceased is acceptable but to turn it into a ritual is ridiculous. He was reacting to the practices and theories of the Ruists who had made funerals elaborate ceremonies that provided jobs for them as directors and for others as professional wailers.

(3) Some contradict nature and are thus harmful to people

Some other norms actually harmed people. To illustrate his point, Zhuangzi told us to look at the horses. As wild animals, they were perfectly happy with what they had – hoofs to tread frost and snow, a fur coat to keep out wind and cold, grass to eat, and stream water to drink – and they wandered and galloped as they pleased. Then, along came Bole, the horse trainer. “I am good at handling horses”, he announced and proceeded to singe them, shave them, pare them, brand them, bind them with martingale and crupper, and tie them up in stable and stall. After all this, two or three out of ten horses would be dead. Then he went on to starve them, make them go thirsty, race them, make them prance, pull them into line, force them to run side by side, control them with bit and rein, and terrorise them with whip and crop. After all this, over half the horses would be dead, and the remaining half were turned into draught animals. Though subdued, they occasionally would act with anger and snap the crossbars, break the yoke, or even hurt people.

Now let us look at the people. In a time of Perfect Virtue, Zhuangzi said, the gait of men was slow and ambling; their gaze was steady and mild . . . In other words, they were innocent and happy. Then along came the sage, huffing and puffing about benevolence, reaching on tiptoe for righteousness, and the world for the first time had doubts; mooning and mouthing over his music, snipping and stitching away at his rites, and the world for the first time was divided. Some people would be called gentlemen and given privileges because they were supposedly benevolent and righteous, and they played music and observed rites. Others would be branded petty persons, and were oppressed and exploited because they had doubts about benevolence and righteousness and did not have the means and leisure to toy with music and rites.

This division, of course, caused friction and conflict. But, more unfortunately, the new norms made no one happy because everyone was constrained by them like horses by the bit and rein. Or, as Zhuangzi said in another passage, everyone was forced to conform to the norms like materials being shaped into circles and squares or bound tight by glue and rope. In any case, they would lose their inborn nature and be miserable. As Zhuangzi saw it, they sacrificed themselves at the altar of benevolence and righteousness.

(4) Some can be easily abused and become harmful to society

Worse still, many norms could be easily abused and become harmful to society as a whole. To begin with, Zhuangzi pointed out that rules are like tools which can be used to do good or evil depending on the person who uses them. For instance, pecks and bushels, scales and balances, are fashioned to establish standards and ensure fairness but people use them to cheat. In one of his most sarcastic passages, he said that the same rules for a good ruler are followed by a successful robber: “Making shrewd guesses as to how much booty is stashed away in the room is sagacity; being the first one to break in is bravery; being the last one to escape is

righteousness; knowing whether the job can be pulled off or not is wisdom; dividing up the loot fairly is benevolence.” Thus, the way of the robber was the same as the way of the sage. Similarly, benevolence, righteousness and other norms are created to reform people but people can use them to camouflage their wrongdoing. Thus, a petty criminal, who simply breaks standards and norms, gets caught and pays with his life but a great one, who uses the standards and norms artfully, becomes a ruler. Thus, Zhuangzi observed, “inside the doors of the feudal lords ‘benevolence’ and ‘righteousness’ are kept”.

Indeed, the more effective a set of norms is the easier the norms can be abused. To illustrate this, Zhuangzi first pointed to a simple fact: to guard against thieves, the owner of a treasure box would have it secured with strong ropes and locks to prevent it from being easily broken open but a great robber would simply carry it on his back and run away, worrying only that the ropes and the locks were not strong enough. Then, Zhuangzi referred to a historical event: the ruler of the state of Qi made numerous strict laws to preserve order and his own position but Tian Chengzi, a treasonous minister, simply murdered him and took over his state and its laws. The people of Qi offered no resistance because, having become strictly law-abiding, they were incapable of making independent decisions about right and wrong, and simply subjected themselves to whoever in the government held the same laws.

(H) Enforcement of man-made rules*(1) Giving orders and using rewards and punishments*

Thus, Zhuangzi showed us that artificial norms were defective. He further pointed out that such norms were difficult to enforce. First, he refuted the allegation of some simple-minded persons who thought that to govern the world a ruler needed only to issue orders for the people to obey. He called this fraudulent, saying that to try to govern the world in this way was like walking on the surface of the ocean, drilling a hole in a river, or making a mosquito carry a mountain. Even Yao and Shun, the most praised rulers in ancient times, who established laws and standards and worked hard for the people, were unable to get everyone to obey and therefore had to exile the Sanmiao (三苗) tribes to the region of Sanwei, and banish Gonggong to the Youdu.

So, to enforce the rules it was necessary to punish the violators. But Zhuangzi noted that, in his time, the victims of the death penalty lay heaped together, the bearers of cangues trod on each other's heels, and the sufferers of punishments were never out of people's sight. These facts demonstrated the futility of punishment as a means to enforce norms. Then there was the suggestion that rewarding those who obey the rules would help. But, he said, if many people were law-abiding, there would not be enough resources for the rewards.

(2) *Using benevolence and love and resorting to higher norms*

Many ancient thinkers believed that the solution was in resorting to higher norms. Confucius and Mozi suggested that, if people would abide by the principles of benevolence, righteousness, and universal love, they would not only avoid violating the lower norms, such as laws and orders, but actually find them superfluous. Zhuangzi also thought a high norm essential but it is not benevolence and righteousness, and so on, because they, like all other artificial norms, constrain people and force them to do what they do not naturally do. They are like bit and rein, whip and crop that control and compel horses to become draught animals. The idea of making people love benevolence, and so on, is as preposterous as making a horse love bits, and so on. Therefore, these norms are not good enough. What he had in mind was the norm of letting everything follow its inborn nature, its own Way. If everyone was left free to act according to his Way he would be naturally right and could very well fend for himself without receiving any form of help from anyone else. The snowbird is white by itself, needing no one to help bathe it, the crow is black by itself, needing no one to dye it. And, in any event, when one is prevented from following one's own Way, benevolence from others is never adequate. When fish are stranded on land splashing each other with moisture and wetting each other with saliva, this does not save them. Why not simply let them go back to rivers and lakes and forget one another? That is the Way for them to do well.

(I) **The way to clear up chaos and return to order**(1) *To get rid of the rules and dismiss their makers*

Thus, originally, when people had their inborn nature intact, the world had peace and order. This state was damaged by people who invented gadgets and norms. These artefacts were defective and difficult to use but easy to abuse because their makers had only small talents and petty knowledge but grotesque pretensions, outrageous ambition and questionable intentions. Therefore, they and their norms were the cause of human problems not the solution to them. We have seen that Zhuangzi used the conversation between Zigong, a disciple of Confucius, and an old farmer about the well-sweep to make the point. Unfortunately, the norm-makers did not realise this. When problems became more serious and numerous, more norms were made. Zhuangzi used an allegory to illustrate the futility and disastrous result of this effort. "Once there was a man", he said, "who was afraid of his own shadow and hated his own footprints. So he tried to get away from them by running. But the more he lifted his feet and put them down again, the more footprints he made. And no matter how fast he ran, his shadow never left him. Thinking that he was still going too slowly, he ran faster and faster without a stop until his strength gave out and he fell down dead." This man was really stupid, Zhuangzi commented, "He did not understand that by lolling in the shade he could have

got rid of his shadow and by resting in quietude he could have put an end to his footprints."

The lesson is obvious. People should stop making more norms and thereby causing more problems. But what about the norm-makers and the norms they had already made? Zhuangzi, like Laozi, suggested *juesheng qizhi* (絕聖棄知 discredit the sage and discard knowledge). When we discussed Laozi, we tried to work out what he meant by *zhi* – 智 intelligence or 知 knowledge. In his work, Zhuangzi clearly used *zhi* to mean knowledge. We recall that, in the chapter "Zhi-bei-you", Zhuangzi maintained that the Ways of the myriad things are unknowable to ordinary people. What they can have is only petty knowledge which is, by nature, inadequate. A true sage who has studied everything may know their Ways but he is unable to transmit his knowledge to others. Moreover, since true sages and evil people used the same sort of knowledge and there are always more evil people than true sages, knowledge is more likely to be misused. Zhuangzi wanted people to see that everything has its own Way and therefore all values are relative. It is meaningless to assign to a thing an artificial value and cause people to vie for it. Thus, he said, "Break the jades, crush the pearls, and petty thieves will no longer rise up." He then wanted people to abandon the arbitrary devices of measurements, such as bushels and balance, scales and seals, that were to determine and affirm the values of things, so that the people will no longer dispute and wrangle. Finally he wanted to "dismiss and wipe out the laws that the sage has made for the world". Only then, he argued, will people be free from outside constraints that distort their nature and, at last, they can be engaged in a discourse about their behaviour which is meaningful to them.

Laozi also wanted people to dismiss "sages" and discard knowledge, and suggested that ordinary people should stop acquiring petty knowledge; false sages who disseminate such knowledge should be discredited; and a true sage should make sure that the ordinary people stay innocent, or ignorant. Zhuangzi did talk about a *da sheng* (大聖 great sage) and a *jun-xi* (君子 noble man) "who has no choice but to direct and look after the world". But, unlike Laozi, Zhuangzi did not specify what unusual qualities this person had to have. He said only that a person who loves the world like he loves his body can be trusted with the world. What he meant was that only a person who cares for his own inborn nature knows the value of the inborn nature of all things and takes care of it. In other words, the great sage must have great wisdom and great knowledge. He must know the rules of nature, or the nature's Ways.

(2) *To govern by inaction*

Now what was the great sage to do? In one passage, Zhuangzi warned those who are in government against meddling with the people's hearts because they are wild and uncontrollable. In another passage, he said, when a great sage rules the world, he lets the minds of the people roam freely to form their own guidelines and customs, to wipe out harmful thoughts and to pursue their own objectives.

Anyone who says he can do any of these for others was, in Zhuangzi's eyes, a fool or a fraud whose task is impossible, like walking on the surface of the ocean, drilling a hole in a river, or making a mosquito shoulder a mountain. Therefore, he said, when a noble man has no choice but to direct and look after the world, the best course for him is inaction. He should keep the stillness of a corpse and the silence of a deep pool. He should not exert himself to do much for the world because he understands that he cannot do much and that, when left alone, a person can do much more for himself than others can ever do for him. To illustrate this point, Zhuangzi told us that even animals do well for themselves – the bird flies high in the sky where it can escape the danger of arrows; the field mouse burrows deep down under the sacred hall where it will not have to worry about men digging and smoking it out. In addition, he made up a story in which King Wen trusted his state to an old fisherman who, for three years, did nothing – he never changed the existing laws and issued no new ones – and yet, at the end of that period, the state was transformed and there was trust, peace and unity.

Thus Zhuangzi's true sage is less active than Laozi's. It is because Laozi believed in a Way that is external to man and the myriad things and guides them from the outside. When people are misled by false sages and stray from this Way, the true sage has to remove the misleading factors and bring them back to it. It is a lot of work for him. But Zhuangzi's Way is within everything itself so, when people were misled and stray from their own Ways, the true sage needs only to remove the misleading factors and leave people alone. They will return their own Ways by themselves. He has only a part of the work of Laozi's sage.

Nevertheless, how is Zhuangzi's sage actually to remove the misleading factors? In the story of the old fisherman, he did not abolish the existing laws. Presumably, he simply left them unenforced. But what about the problems they had already caused – the disputes and conflicts, and so on? Is Zhuangzi's sage going to let the people fight it out among themselves? What will be the outcome? Zhuangzi did not answer these questions. Here we see a difference between him and Laozi. Though it is a small book, *Laozi* devotes many passages to the tactics of implementing his plans. Reading them, we get a sense that he was serious about his plan. In *Zhuangzi*, a much larger work, there are only brief statements about a general strategy – to discredit sages and abandon knowledge – and a few somewhat specific measures – to destroy goods that are difficult to get (pearls, jades, and so on), implements that are to ensure trust (seals, tallies, and so on), tools that are to establish standards (balances, pecks, and so on), and, above all, the norms created by sages. As discussed in the chapter on *Laozi*, it is not easy to carry out such a strategy and measures because people had spent long time and great effort to gain knowledge and invent the gadgets for a purpose, and they are unwilling to give them up. The great sage of Zhuangzi, like the sage of Laozi, had to have schemes and a secret agenda, which is to enable people to find their own Ways. Thus, though being an “efficient

tool”, it is not to “enlighten”, let alone compel them. It is to be kept hidden, like fish in deep water. So, here again, while using similar language, Zhuangzi is different from Laozi.

(J) Social relationships

(1) Relationships between individuals

While Zhuangzi dreamed about his utopia, he realised that people lived in a less ideal society where few of them were left alone by themselves. They had to interact with one another according to certain rules which were not necessarily in agreement with everyone's own Way. How should each one behave? First, because each individual has his own Way, everyone is equal and should recognise and respect this fact. A person should not try to distinguish himself from others by reaching for special achievements because what he considers as valuable may not be appreciated by others and, besides, Zhuangzi pointed out, a thing of distinction becomes extinguished more quickly than the ordinary: a person who boasts about his achievements is sure to be criticised and fall into disgrace – a particularly straight tree gets cut down first; a well of sweet water is emptied first.

Thus, according to Zhuangzi, a person should be modest and yielding and then he will not be attacked and harmed. He will be able to mix in with the masses anonymously, becoming just one of them. And, as a result, he will to a degree be left alone unnoticed and he will be able largely to keep to his own Way and be safe and happy.

Another piece of advice from Zhuangzi is that a person should not have a very close relationship with anyone, especially a mutually profitable relationship because, when the profit becomes less tangible, the relationship will become untenable. Thus, when Confucius was experiencing difficulties, his disciples began to desert him. “Therefore,” Zhuangzi said, “the friendship of noble persons is plain like water; the friendship of petty men is sweet as wine. Noble persons can stay close because their relationship is plain and incorruptible; petty men break apart because their relationship is sweet and easily becomes sour.”

In short, what is suggested by Zhuangzi is simply to keep as much room as possible for one's own Way. To seek recognition of one's achievements by others is to subject oneself to their scrutiny and criticism. To become closely tied up with others is to be tied down physically and emotionally with them. In either case, one will lose a certain amount of freedom and will live for others. This is not how to keep one's own Way and be happy.

(2) Relationships between the people and their ruler

Since great antiquity people had lived in social systems under the control of a ruler. What should their relationship be? How should they interact? Practically all ancient Chinese thinkers, including Laozi despite his protestations, maintained

that a ruler should lead and the people should follow. Zhuangzi had some very unusual ideas. In his utopia, there is no distinction between the ruler and the ruled. Even in a less ideal situation, where there is such distinction, he said, the ruler should be like the top branches of a tall tree and the people like wild deer – the two do not have much interaction at all. But, in a still less ideal situation, where interaction was inevitable, he had some practical suggestions.

(A) HOW THE RULER IS TO TREAT THE PEOPLE: HAVE SELF-RESTRAINT, BE CAREFUL AND CONSIDERATE

According to Zhuangzi, those who ruled the world in ancient times had remarkable self-restraint. They were almost without desire and were not overactive. They were silent and unfathomable, and yet the world was satisfied, the myriad things settled, and the people rested in peace. Zhuangzi's emphasis on the ruler ridding himself of desire and refraining from action is based on his belief that the ruler cannot do much for the people without depriving them of their freedom and dignity and, more importantly, damaging their inborn nature and thereby making them less capable of fending for themselves.

Thus, in case a noble man has no choice but to rule, he should try to do little and, when he does something – such as getting rid of sagacity and knowledge or, more specifically, abandoning those things that establish standards for measurements and social behaviour – he should not act haphazardly and ruinously. In other words, he should treat the people with care and compassion.

In another passage Zhuangzi, said the rulers of old attributed what success they had to the people and what failure they had to themselves. What he meant is probably this: an ideal ruler realises that the people, following their innate nature, can do no wrong; whatever problems they have must be the result of his doing and, therefore, he takes the blame whenever something goes awry. In the same passage, Zhuangzi noted that the rulers of his time did exactly the opposite – they made things obscure and then blamed people for not understanding; they increased the difficulties and then punished people for not being able to cope with them; they piled responsibilities on people and penalised them for not being able to fulfil them; they made the journey long and then chastised people for not reaching the end of it.

But when people were pushed to the limit, Zhuangzi pointed out, they would first cheat and then revolt, just as a horse yoked and lined up in harness and shafts and overworked would learn to snap the harness, break the yoke, rip the carriage top, champ the bit and chew the reins. That was why Zhuangzi said, "Things are lowly and yet must be used in accordance with their nature; the people are humble and yet must be governed in accordance with their wishes."

(B) HOW THE PEOPLE ARE TO TREAT THE RULER

But that statement was only a gentle reminder to those in the government. Zhuangzi said nothing about what the people could do when those in the government ignored the reminder and abused their power. Instead, he turned to the

people and offered three pieces of advice on how to keep their personal freedom and dignity in their relationship with the authorities.

(i) Do not covet rewards and lose freedom and dignity

First, Zhuangzi advised the people not to covet the ruler's rewards. He used a story of Cao Shang 曹商 to illustrate that to earn a favour from a ruler one has to pay a steep price. In this case, Zhuangzi suggested Cao was probably rewarded with one hundred carriages by King of Qin for licking the sovereign's piles. It was a nasty remark. The point is that, in human relations, a person's dignity and freedom can be preserved only if he is not excessively dependent on another person for the satisfaction of his desires. If he is, then the other person can use what he can give to force this person to be enslaved.

One way to avoid this dependency and subjugation is to lower one's desires so that it will be easy to resist temptation. That was why Zhuangzi preferred a simple life and was able to refuse office. The story of the sheep butcher Yue 屠羊說 provides another example of such a self-denying but dignified, independent, and freedom-loving person. He fled the state of Chu simply because he lost his job after the state was overrun by enemy forces. But the king insisted on interpreting Yue's behaviour as loyalty and wanted to press some rewards on him. It was an act of a typical power-holder who saw a political reason behind everything and believed that everyone depended on him, wanted favour from him, and therefore was subjected to him. But this humble sheep butcher declined his rewards and preserved his freedom and dignity. It is a great story.

(ii) Do not succumb to pressure and live in disgrace

Zhuangzi's second piece of advice for the people was not to compromise their principles under political pressure. He gave five legendary persons, Beiren Wuze 北人無擇 (The Choiceless Northerner), Bian Sui 卞隨 Wu Guang 務光, Boyi 伯夷 and Shuqi 叔齊, as examples of those who stood up to coercive power. In the first three cases, each person was offered the empire and each declined because, in every case, the offerer had acquired the empire by treason. In none of the cases was the offer bona fide; it was made to win over the receiver or silence him. The refusal was a form of criticism. It was not to be tolerated, and all three knew that. So they committed suicide instead of succumbing to the traitors.

In the cases of Boyi and Shuqi, because they removed King Wu's mask and revealed the ugly face of a rebel, they were not to be allowed to live in peace, disseminate the truth and disrupt his designs. They knew that, and that was why they fled into the mountains and starved to death. To them, death was less painful than becoming accomplices of the devil. And, because they were willing to give up life, they were free to speak their minds and to die as dignified and free men.

the reclamation but, rather, negatively to punish avoiding agricultural work in general. The rationale for this is spelled out succinctly in various chapters other than the one entitled *Ken-cao* (墾草 to weed).

The Order does not appear in the form of a law. Instead of articles it had twenty passages reading like policy suggestions. They can be grouped into five categories.

(i) Rules to win people's trust in the government

The first one concerns government operation, obviously designed to win people's trust in the government. It suggests that all taxes are to be paid in grain; that government actions affecting the interests of the people should be prompt; that government posts and honours should not be awarded to people who do not engage in agriculture; and that the various parts of the state should have the same government system and follow the same operating rules.

(ii) Rules against misconducts of officials

The second category consists of rules against misconduct by officials, suggesting that they should be prohibited from academic studies and sophisticated disputations as well as travelling to, and living in, the countryside to display their luxurious lifestyle; and that the price of wine and meat should be high and taxes on them be heavy to prevent officials and the common people from indulging in drinking and feasts that would impede agricultural work and waste food.

(iii) Rules against vagabonds and idle dependants

In the third category are prohibitions against vagabonds and idle dependants. People should be banned from migration. Hotels along travel routes are to be closed. Aristocrats who keep large households with many dependants are to be taxed heavily and the dependants will be liable to *corvée* service. They will be prohibited from employing many servants and craftsmen on large construction projects, and their sons will not be allowed to stay idle but are to work for the government. Mountains and lakes are to be placed under government control so that those unwilling to engage in farming cannot go there freely to make a living as loggers, hunters and fishermen.

(iv) Rules against merchants

The fourth group of rules is against the merchants. They and their employees and servants will be registered and made liable for *corvée* service. They are prohibited from buying and selling grain for profit, doing business in military camps, and charging fees for transporting grain while doing it as a *corvée* service.

(v) Rules against potential and actual criminals

Finally, there is a set of rules against potential and actual criminals. Those who are quarrelsome, litigious, lazy, extravagant and wicked, and those who actually disrupt social order are to be punished severely and their relatives and associates

held collectively responsible. No one is allowed to petition officials, asking permission to provide food for the convicts.

Obviously these measures were designed mainly to make life difficult for those who tried to avoid agricultural work. But, in order to facilitate their implementation, Gongsun Yang sensibly included a number of rules to win the people's trust in the government, including, for instance, a uniform tax rate. It is interesting to note that, at the end of every passage spelling out a measure, he concluded: "As a result the waste land will certainly be cultivated".

(D) Law

Besides the Order for cultivation of waste land, the state of Qin had, of course, other laws, many enacted when Gongsun Yang was in power. It is reported that he made laws regulating many mundane and trifling aspects of people's lives: such as punishing them from throwing dirt in the street and using incorrect measuring instruments; prohibiting parents and adult children from living in the same room; fining grown-up brothers who remain in a single household; and condemning men marrying into their wives' family.⁴

(1) Bases

Shang-jun-shu has also numerous passages on jurisprudence concerning the bases, objectives, functions, and enforcement of law. Other thinkers have perceived rules of nature or human dispositions or social relationships as the bases of law; Gongsun Yang said that, in making law, the ruler has to take into consideration the people's feelings and the social conditions, otherwise law cannot be carried out smoothly. But he made a twist here. He did not mean that law should provide what the people obviously want and adapt to the existing social conditions. As analysed above, the ruler needs only to know that people want to have profit and fame and avoid deprivation and hardship, danger and disgrace. On the basis of this knowledge, law is to be made to encourage people to work hard and risk danger or suffer greater hardship. Gongsun Yang would argue that, eventually the people will achieve profit and fame but the beneficiary may very well not be the individual but the state and the ruler.

(2) Objectives and functions

Indeed, Gongsun Yang said that laws are to "restrain the people", to "limit their opportunities of using their talents", and to "establish an effective ruler" whom even the people with greater virtue and knowledge, valour and strength, and in overwhelming numbers, dare not challenge.

Thus law is a means for the ruler to control the people, to keep everyone in his place and play an appointed role. This function of the law is of crucial importance to prevent disorder. To illustrate this point, Gongsun Yang told us that, when a wild rabbit runs in the field, hundreds of people will consider it as fair game and try to catch it but no one in a market full of rabbits on sale will glance at them without intending to buy any. It is because when the ownership,

or *ming-fen* (名分 legal title), of the rabbits is settled, people cannot raise contending claims.

We have seen the word *ming* (名 name) was given great significance by Confucius who emphasised rectification of names as the first step correctly to identify a thing and justify an action. Here, Gongsun Yang added the word *fen* (分 share) to *ming* to make clear that an appropriate share of resources will go to a person of a certain position. There is a chapter in *Shang-jun-shu*, under the title of "Ding-fen" (定分 fix the shares), in which this subject is discussed. In Gongsun Yang's view, positions and shares should be assigned by law. When a person's position and share are unclear, they can be determined by the law just as weight can be determined by scales and length by a ruler. It is not that no one can determine weight and length without these instruments, it is that no one can always determine accurately without them. So, when an objective standard is used, the result will always be accurate and there will be no disputes. People can thus live in peace, "even the very crafty would become scrupulous and trustworthy and the ordinary people would all become honest and guileless, each one restraining himself", Gongsun Yang asserted.

(3) Making and enforcing law

(A) MAKE LAW THE SUPREME NORM

In any society, there are many norms competing for people's attention. Law is but one of them made by political authorities. It is often arbitrary. People do not readily observe law; often they prefer other norms which may be perceived as more rational or more in agreement with human feelings. But, in Gongsun Yang's view, as mentioned above, this preference has three problems: first, moral principles are ineffective in making people good and keep the world in order. Second, since those norms do not provide universal standards, they let the wicked cheat and cause chaos. Third, rules that guide people to pursue values other than those sanctioned by the authorities create "six fleas" and *du* (蠹 woody worms) and bring about disorder and destruction. Therefore, if a ruler allows his people to follow those principles and rules in defiance of the law he adopted, his state will be ruined.

The authority of law can also be undermined in two other ways. If, after law is established, a ruler, in making decisions, disregards it and relies on his personal judgement, and, if he listens to opinions that may conflict with and contradict the spirit of the law, in both cases, the law will be uncertain and not respected.

Therefore, Gongsun Yang said, a bright ruler is careful about the law. "He will not listen to words that are not in accordance with the law, exalt actions that are not in accordance with the law, and perform deeds that are not in accordance with the law." He will do the opposite. And "his officials, clerks and the common people, even those who are virtuous and wise, would not dare say a word that distorts the law, and even those who are rich with 1,000 taels of gold would not dare use a single coin to bend the law". This, according to Gongsun Yang, is "the height

of good government and an imperative for a ruler to examine". In other words, a good ruler shall make law the supreme norm to which no challenge is allowed. This is a drastic departure from the teachings of all other thinkers discussed above.

(B) MAKE LAW CLEAR AND DEFINITIVE

(i) General principle

If law is to be observed, the people must know its prescriptions and proscriptions. To enable the people to know, law must be expressed in plain, straightforward language, otherwise there will be problems for, as Gongsun Yang said, arcane words and abstruse statements are difficult even for the highly intelligent. That is why sages formulate law in such a way that its meaning can be clearly and definitively understood by everyone, clever or stupid.

When law lacks clarity and definitive meaning, people can legitimately criticise it in many ways. When there are many criticisms, the law cannot be readily enforced and there will be disorder: the people will challenge the authorities and the wicked will do evil.

Of course, when people clearly and definitively understand a law, they may still dislike it and be unwilling to obey it. But that was not Gongsun Yang's concern because, in his view, the law is imposed upon the people and, when it is made clear and definitive, criticisms will not be tolerated. The people will have no choice but to obey. Knowing what the law promotes and what it prohibits, they will learn what to approach and what to avoid. Thus, there will be order before the law is actually applied. This is how a clever ruler achieves order in his state. There is a simplistic optimism underlying Gongsun Yang's theory which will be discussed further in due course.

(ii) Specific measures

To avoid misunderstanding and misinterpretation of law, a number of suggestions for the safekeeping of law records and dissemination of correct knowledge of law were spelled out in the chapter "Ding-fen". Because some government positions and institutions mentioned were created long after Gongsun Yang's time, the chapter was clearly not written by him. The points made in it seem to be consistent with his ideas, however, and, for this reason, they are briefly summarised below.

Copies of laws and orders are to be kept in the royal palace and in Forbidden Rooms in government offices. Law officials will be appointed and assigned to the central and local governments. They will study the laws and orders. Other officials, as well as the common people, who want to know about the prescriptions and proscriptions of a law can ask a law official. He has to give them the correct answer and write the question, the answer and the date down on a pair of wood tallies, give the questioner the left part and keep the right part in the Forbidden Room. If a dispute arises, the two parts are to be brought together to show the correct answer. In this way, the people will know the law. As the official who administers law knows that the people also know it, he will not dare to misuse it.

(C) ENCOURAGE REPORTING

To make law effective, it is not enough that its prescriptions and proscriptions are clearly set forth and easily understandable. There must be ways in which to identify those who violate it. Gongsun Yang knew this well as he said, "All states have laws that prohibit crime and wickedness, and punish those who steal, rob and maim, but no law guarantees that such evil and wicked people always get caught." Actually, he thought that always catching the culprit after a law has been violated is not good enough; it is better to catch him when he is about to commit a crime. In his words, "If punishments are applied to accomplished crimes, wrongdoing will not be stopped; if rewards are bestowed for actions which the people consider to be righteous, it will not help deter misconduct. If punishments cannot stop wrongdoing, nor rewards help deter misconduct, there certainly will be disorder. Therefore a true king inflicts punishment on those who are about to commit wrong, so that major offences will not occur; he gives reward to those who inform the authority about vice, so that small transgressions will not go unnoticed." Therefore, Gongsun Yang established the reporting system: anyone who knows someone's criminal design must report it to the authorities; the informant will be exempted from penalty for conspiracy and given material rewards, and, in case the suspect has a title or official post, it will be taken away and bestowed upon the informant. When this system operates in the best way, Gongsun Yang said, not only can ordinary people not conceal one another's crimes, "husband and wife, friends and acquaintances, regardless of their closeness cannot mutually cover up each other's evil deeds and mistakes". As a result, no offences, big or small, will escape the ruler's notice and punishments.

We have seen that such reporting was strongly censured by Confucius who analysed its terrible consequences. But, apparently, they never occurred to Gongsun Yang to be a problem.

(D) EMPHASIS ON REWARDS AND PUNISHMENTS

(i) A general principle

It has been mentioned that Gongsun Yang considered it a basic principle that, in governing the people, they should be presumed "essentially wicked". He further advocated that a good ruler should find out what is evil in the people but not publicise their good deeds. He should punish the wicked but not reward the virtuous. In his words, "Rewarding the virtuous is like rewarding those who do not steal and rob."

Moreover, he had a rather unusual view about justice. To understand it, a complete passage from *Shang-jun-shu* is quoted here:

What the world now calls just is to establish what people like and abolish what they dislike, and what the world calls unjust is to establish what people dislike and to abolish what they like. In fact, the two words – just and unjust – are

mistakenly used and what they denote are the very opposite. If you establish what people delight in, they will suffer from what they dislike but, if you establish what the people dislike, they will be happy in what they like. How do I know that this is so? Because, while in anguish, people think and, by thinking, they become resourceful; while happy they are dissolute and, in dissoluteness, they become unprincipled . . . Thus, in making people correct, if what they dislike is used as a means, they will in the end attain what they like. On the contrary, if what they like is used as a means, they will be in the end ruined by what they dislike.

This sounds paradoxical. But the idea is the same as that which Gongsun Yang presented in the policy discussion with Duke Xiao and two other ministers summarised earlier, namely the common people are short-sighted, capable of seeing only the immediate results of an action, not its long-term consequences. But the two views are usually in conflict, and pursuit of instant gratification often brings lamentable results in the future. Knowing this, a good ruler would use punishments to prohibit people from seeking what they instinctively like and force them to seek eventual, long-lasting benefits. This is *yi* (義 just). A bad ruler will do the opposite and that is *bu-yi* (不義 unjust). Thus, Gongsun Yang said the *xing* (刑 punishments) he talked about is *yi zhi ben* (義之本 the foundation of justice) and what the world calls *yi* is actually *bao zhi shou* (暴之首 the fountainhead of violence).

(ii) Make rewards few and inexpensive

Because of the ideas that, in governing the people, all of them should be presumed basically bad, and that rewarding the virtuous is like rewarding those who do not steal and rob, it follows that a ruler should seek out the people's faults but not their good deeds and that rewards should be few. Gongsun Yang observed that, in a well-governed state, the ruler uses punishments nine times more often than rewards, and that the more rewards are given the weaker the state will be because its resources are limited. A better way to use reward is to give it only to those who are meritorious in military campaigns against foreign enemies. When a state is victorious in an aggressive war, it can divide up the land and the people of the defeated and give them to its officials and soldiers. The rewards will cost the victorious state nothing but make the recipients greatly satisfied, encourage them to fight for more spoils, and thus make the state stronger and more aggressive.

(iii) Make punishments numerous and harsh

Nevertheless, Gongsun Yang believed that punishment is a far more effective means of government. It is not only to chastise criminals but to deter people from committing crime and, ultimately, make punishment unnecessary. To achieve these objectives, he suggested two measures: to make punishments numerous and to make them harsh. The first measure will criminalise many activities that seem to be innocent to many ordinary observers. They include pursuits of many

values disapproved by the government and attempts to avoid agriculture and war. Because those engaged in such activities are numerous, a “true king”, in managing the people’s affairs, applies punishments in nine cases out of ten.

It is one thing to make numerous prohibitions; it is another to catch all those who breach them. And then there is yet another puzzling fact that, even when culprits are always caught and punished, crimes continue to rise. Why? Gongsun Yang had a simple answer: because the punishments were too light. Therefore, he proposed the second measure. He recognised that it was commonly held that, because there are trifling as well as serious wrongs, there should be correspondingly severe and lenient punishments. This position was especially stressed by the Ruists but, to Gongsun Yang, it was a misconception. People are calculating and, when punishment is made to fit the crime, a reckless person can be tempted to take a chance to get what he wants. If he is caught, he may already have enjoyed the fruits of his crime and face only proportionate punishments. Since criminals are not always caught, those who have escaped will become more audacious and commit more serious crimes. This is not the way to prevent offences but to allow them to proliferate. In his words, “If in application of penalty, major offences are given heavy penalties and minor offences light penalties, the minor offences will not be stopped and, consequently, there will be no means of stopping the major ones.”

In support of his suggestion of harsh punishments, Gongsun Yang observed that the sage kings of the past prescribed such corporal punishments as amputation of a foot or a tattoo on the face for persons who committed minor offences. In his view “it is not that they sought to harm the people; they wanted to suppress evil and stop crime”, and “there is no better means of suppressing evil and stopping crime than by making punishments heavy”. A punishment whose harshness far outweighs the seriousness of a crime is the most effective deterrent to potential wrongdoers. To follow the “sage kings”, Gongsun Yang expanded the numbers of crimes punishable by corporal punishment and the death penalty, and, according to *Han-shu* (漢書 *The History of the Han Dynasty*), he added drilling the skull, extracting the sinews, and boiling alive in a pot. Furthermore, he initiated laws of collective criminal responsibility, making all members of a serious criminal’s father’s, mother’s and wife’s clans liable to the same punishment given the criminal.⁵ To him, and according to him, “the sage kings” too, the ultimate purpose of such punishments is to make the calculatingly minded people stop violating prohibitions and, consequently, to make all punishments unnecessary.

To demonstrate that this result is possible, Gongsun Yang gave two historical examples. In the past, when Duke Zhou 周公 served as the regent of the young King Cheng 成王, two of his own brothers were disobedient. Duke Zhou executed one of them and banished the other. The people were frightened and sufficiently warned, and order was established. Recently, when Duke Wen of the state of Jin 晉文公 held court, one of his favourite officials arrived late. The duke ordered law officers to execute him by breaking his spine. The people were frightened and sufficiently warned. Thereafter, when the duke sent his army into

battles, the soldiers were so well disciplined that they marched like flowing water and stopped as if they had had their feet cut off, and vanquished his enemies.

Having his belief that disproportionately heavy punishments can prevent crimes thus proven, Gongsun Yang went further, hailing the righteousness of *yi-xing qu-xing* (以刑去刑 using punishments for elimination of the need of punishment) and compared it to *yi-zhan qu-zhan* (以戰去戰 launching war for the purpose of eliminating future wars). When, as a result, punishment is no longer necessary, the people will live in peace and become virtuous. Obviously, it never occurred to him that excessive punishments could brutalise the people and that they, being widely subjected to such punishments, might find life not worth living and, as Laozi said, would no longer fear death, and then the most severe punishment – death – could no longer deter them from committing ever more serious crimes.

(E) Effects of law being properly made and enforced

(1) *The rule of law*

Gongsun Yang had faith in the mysterious character of the law. First of all, as discussed above, he believed it is automatically applicable in solving social problems in the way that scales could determine weight and a ruler could measure length. In this sense, he believed in the rule of law. Law must be used mechanically. Anyone who misinterprets a law, let alone alters a word of it, will be punished.

Second, he asserted that law is more effective in regulating human behaviour than other norms. According to him, virtues, at best, merely make a subject loyal, a child filial and a junior courteous to the seniors, but law makes a hungry person not eat if it is not lawful and not live and avoid death if it is not lawful. The law will make all people scrupulous, even a robber, such as the notorious Zhi 跖, trustworthy. How so? He told us that human nature can be manipulated with the use of rewards and punishments.

(2) *Self-government by the people*

Gongsun Yang asserted that, when his policies are properly implemented – where affairs are conducted by officials according to law; where punishments are eliminated because people are strictly organised in local security units; rewards are not unduly given; and evil deeds are always reported to the authorities – the state would be well governed by the people themselves. It is because they were taught law and told to ignore other norms that they knew what to pursue and what to avoid and were not confused by other considerations. Whenever something unusual happens, proper judgements about its correctness are made by each individual, family, village, and district. He called such process *xia-duan* (下斷 judgements being made below). The result will be remarkable. In his words, “Where the people know how properly to respond to orders from above, and decisions made in the family are acceptable to the authorities, then judgements can be made in the family . . . In a state where judgements are made in the family, the

state is kingly; where judgements are made by officials, the state is strong; where judgements are made by the ruler, the state is weak." When correct judgements are made at the bottom, the decision-making process is simplified and speeded up. Gongsun Yang observed that where decisions are made quickly, the state is strong; where they are delayed the state is disorderly.

But self-government was not voluntary. People were only observing the law which prescribed what was right and wrong. Any deviation would bring extremely severe punishments.

(F) Social relationships

Thus, in Gongsun Yang's "self-governing" state there, is a very strange human relationship – in his words, "A bright ruler had no loyal ministers and a loving father had no filial sons". Why? It is because he believed that mutual affection and care made people partial to their relatives and discriminate against those outside their clans and tribes and caused strife among them. To keep a large state cohesive, all its members should be loyal to a single ruler who could keep them in order and catch those who broke it. Laws should be made to require everyone to report wrongs committed by others and to punish those who failed to do so. In such a state everyone would be under the surveillance of everyone else and treat one another as a potential danger to one's own interests and safety. As a result, mutual trust would be lost; loyalty, filial piety, friendship, sympathy and compassion become luxuries few could afford. People had no emotional connections; each person was alienated from the next one and tried to have as little to do with each other as possible.

(G) Ideal government

The ruler was, of course, different. Being the operator of the state machine, he had to have control over everything. In order to do so, according to Gongsun Yang, he had to be incredibly intelligent and knowledgeable of human needs and weaknesses, skilful in exploiting them, using various tactics to "weaken", "overcome" and "control" the people, to manipulate them and make them into what he wanted them to be like a potter would do to clay and a smith to metal. In particular, he would use rewards and punishments to force them to achieve what he wanted – making the state rich and strong, and his own position unassailable. It would be a wonderful feat that only a Sage could accomplish, and it is, indeed, a lesson which a careful reader of Gongsun Yang's book would certainly get. Yet, at the end of the book, there is this strange passage insisting that the task was easy. When the law was made supreme and clear, and strictly applied, the people would regulate themselves and the ruler could govern without much to do. This reflected a blind faith in law. As we shall see, it is one of the serious problems in Gongsun Yang's theory.

Among the thinkers we study here, Gongsun Yang was the only one who exercised government power and accomplished much. The book *Shang-jun-shu* is

supposed to provide the theory behind his actions but the result is unsatisfactory. It is because many of his ideas are flawed and therefore the arguments to justify them are controversial.

The most serious problem with his theory is the absence of a vision for society and its individual members. Unlike the Ruists, Mohists and Zhuangzi, who visualised a state where individuals are allowed to develop their best potentials and society to have happiness and harmony, Gongsun Yang merely wanted the state to be rich and strong; beyond this, no higher and broader prospects are manifest in his book. It is possible that, when a state is rich, its wealth can trickle down and improve the well-being of the common people. But Gongsun Yang did not want to have this result because, he said, when people are well off they become lazy and indulge in idle activities, such as academic studies. So he suggested that, when the people have surplus strength, the ruler should dissipate it by sending them to aggressive wars. What is a state to do after conquering all its rivals? Gongsun Yang did not enlighten us.

Gongsun Yang's focus on agriculture as the only means for wealth creation is naive, and his condemnation of other values and undertakings misguided. We have seen that this view was advocated by the Agriculturalist School and definitively refuted by Mencius who pointed out that, for a person to survive, he needs many others to provide for his necessities. It is only too obvious that craftsmen making various tools – including weapons – and educators teaching behavioural rules – including law – are necessary. Even the much criticised merchants are indispensable in moving goods around to meet needs in different locations.

Gongsun Yang realised that agricultural work is hard and war dangerous but he believed that people can be made to engage in them by rewards and punishments because people are calculating. But this idea is itself a miscalculation – there is a limit to what rewards and punishments can accomplish. We have already mentioned Laozi's argument against excessive punishments. Zhuangzi also pointed out that, when a horse suffers too much abuse, it will rebel. So it is false for Gongsun Yang to assume that human behaviour can be completely changed. More importantly, his idea reflects a simplistic view of human nature. People are not all self-centred; to many, there are things more precious than worldly gain and more dreadful than death. Mencius gave a good example to illustrate the point that, in certain circumstances, people will act without considering profit and fame. And there are many stories in *Zhuangzi* about famous historical personages committing suicide in defence of moral principles.

Gongsun Yang insisted that law must be made the paramount, if not the only, norm. This is the source of the problems of his legal theory. It is generally recognised that, for a norm system to be effective, it should have certain characteristics. First of all, it should be justifiable. A command from a mere mortal is usually not enough to be accepted as a norm. That is why advocates of a legal system often claim as its bases something more profound, such as the will of god, or rules of nature or common human dispositions. Gongsun Yang did not try to deify the ruler who made law. He said that the ruler should be more far-sighted

than others but did not say that artificial law should be in agreement with natural law or human nature. He did say that the ruler should know that people have their likes and dislikes but, instead of helping them achieve what they like, he said the ruler should manipulate their desires, guiding them to pursue the objectives of the state. He did not recognise an immutable natural law known to many thinkers as “the Way”. He thought law must change along with changes in society. When it is made by a ruler who claims to know the circumstances and decides to change it, his law should be supreme.

The trouble is that artificial law cannot be comprehensive. A law can be made very broad and general but, to apply it to real cases involving circumstances not precisely foreseen by the law-maker, it needs innovative interpretations which may be inconsistent or even conflicting. Or, each time a new case arises, a new law is adopted and applied retroactively, but this will result in uncertainty and impair judicial authority. On balance, a law must be specific enough for a particular category of cases, and flexible enough to accommodate the different circumstances of each case. But this was not recognised by Gongsun Yang. For strict application of the law, he saw it as a measuring instrument, such as scales and rulers, that can correctly and uniformly determine right and wrong in human affairs. But human affairs involve more complicated elements. Therefore, in its application, a law inevitably needs to be interpreted and, because it is not self-justifiable, interpretations have to be based on something beyond and above it. Hence, making law a set of grossly imperfect and hardly well-received rules the supreme norm will induce disagreement, contention and litigation, a result quite opposite to that which Gongsun Yang predicted.

Another problem is that artificial law cannot be free from bias and arbitrariness. This problem has no solution because everyone is a product of his circumstances; even sages of the past, as Gongsun Yang himself pointed out, were limited in their views. Laws perceived as unjust or ineffective can be changed but new ones will harbour new bias and arbitrariness. This is why other thinkers raised higher norms as standards for law to pursue. Gongsun Yang’s dismissal of the higher norms makes law forever a victim of the whims of political power.

Being so defective, law cannot easily win wide and enthusiastic support of the people. It has to be imposed upon them and implemented by force. Gongsun Yang was quite aware of this and, to support his policy of making law supreme, he gave two novel theorems: first, he narrated a three-stage social development that ends at a time when order was finally and definitively established under the rule of a single political authority who is completely free to make laws for everyone to obey and exercises absolute power to enforce his laws; second, he argued for an uncommon connotation of justice that mandates harsh, disproportionate punishments that will force absolute obedience and eventually make punishments unnecessary. Obviously, by these arguments, he wished to justify authoritarian rule and a brutal legal system to facilitate it. But the first proposition is mere conjecture. There were long periods of peace and order in ancient Chinese history when the government and the people followed not laws made by

a single authority but by customs and rites. The second proposition contradicts human experience. As pointed out by Laozi, when there is general disorder, the disenchanting and aggrieved will not be deterred by the death penalty. Even in ordinary times, a thinking person may even commit a more serious crime to get more of what he wants because, if he is caught, the result would be the same as if he committed a less serious crime. This is why oppressed people will rebel against the government – the ultimate “crime”. The ideal of a society without crime is not new. Confucius wished to make litigation unnecessary and, by implication, crimes rare. The difference between him and Gongsun Yang is in the means to this end. To Confucius it was moral education; to Gongsun Yang it was punishments. Moral education may not be sufficient; harsh punishments may momentarily deter some offenders but, in the end, brutalise the whole population and make crimes multiply.

Finally there is a problem that underlies all of Gongsun Yang’s other problems. He said that, when his laws and policies are fully carried out, the government will be left with little to do. The ruler can “recline on his couch, listen to music, and the world will be in perfect order”.

This ideal of *wu wei er zhi* was popular among all ancient Chinese thinkers but none of them was naive enough to think it easy to realise, and Gongsun Yang was no exception. Though, according to his theory, when the absolute rule of law is realised, people can govern themselves, he recognised that there has to be a *ming-zhu* (明主 clever ruler) who, though supposedly reclining on a couch, nothing can go unnoticed by him. But, regrettably, Gongsun Yang did not tell us where to find such an extraordinary man. Indeed, he himself admitted as much – in another passage, he more realistically said, “In managing the affairs of a state, it is easy to know the principles but difficult, even for a sage, to carry them out”.

Thus both in the views of the other thinkers we studied, and by Gongsun Yang’s own admission, his theory is flawed. It was put into practice only because he had the support of Duke Xiao, a ruler who had no higher ideals than making his state rich and strong. Together, they forced draconian measures on the people who submitted but were resentful. Gongsun Yang knew this and his own precarious situation. It was reported that, at the zenith of his career, he would not venture outside his home without an extraordinary security arrangement – his vehicle would be surrounded by guards marching along with long spears and sharp swords, followed by several tens of chariots carrying armoured soldiers. He was accused of treason immediately after the duke’s death. While on the run, he could find no shelter because he lacked travel permits; when captured and killed, his body was torn apart and put on public display, and his entire clan extinguished. Thus, in the end he became the victim of his own brutal laws.⁶

His tragic end was not viewed with much sympathy. Sima Qian called him *tian-xi ke-bo ren* (天姿刻簿人 a man of mean nature) obviously because he made harsh laws and enforced them cruelly. But some of his critics did point out that, as an official, he was completely devoted to his duties, doing everything for the state, nothing for his own interests; and, in implementing law, he was absolutely

(C) Need of social organisation

[22] It takes hundreds of special skills to produce goods to meet the needs of a single person; yet no one is able to have numerous skills and manage multiple jobs. If men live separately and do not serve one another, there will be poverty. If they live together in a group without classification there will be strife. Poverty breeds hardship and strife produces calamity. To alleviate hardship and eliminate calamity, it is best to form social organisations and keep social classification clear. (Chapter 10, "Fu-guo" 富國 pp. 113–14)

[23] Man's strength is not equal to that of an ox; his running is not equal to that of a horse; yet oxen and horses are used by him. Why? It is because men can form social organisations but the animals cannot. How is it that men can form social organisations? It is because men are separated into different classes. What makes this separation work? It is justice. If the division is in accordance with justice there will be harmony. Where there is harmony there is unity. When men are united they have great strength. When they are strong they can dominate other things. (Chapter 9, "Wang-zhi" p. 104)

(D) Need of government authority

[24] Where two persons are both of high social status, they cannot serve each other; where two persons are both of low social status, they cannot employ each other. This is natural. Where people have equal status and power and the same likes and dislikes and there are not enough resources for satisfaction, they inevitably compete. Competition will inevitably lead to disorder and disorder will result in poverty. The ancient kings hated the disorder, so they established rites and justice to separate the people into different classes of the poor and the rich, the privileged and the humble, and thus enabling some to supervise the others. This is the most fundamental arrangement for the care of the world. (Chapter 9, "Wang-zhi" p. 96)

[25] When social classes were not established, people's positions were determined by their personal relations. But, if a descendant of a king, a feudal lord, an official or officer cannot follow rites and justice, he is to be relegated to the class of commoners. If a descendant of a commoner has acquired learning, developed a good character, and is able to observe rites and justice, he is to be elevated to the class of officials. (Chapter 9, "Wang-zhi" p. 94)

(E) Need of social norms

[26] Someone asked, "If human nature is evil, where do rites and justice come from?" The answer: "Rites and justice are products of sages. They do not come from human nature . . . The sage deliberates and learns about customs and creates rites and principles of justice and establishes the laws. Thus rites, justice and the laws are creations of the sages, not the outcome of human nature. (Chapter 23, "Xing-e" p. 291)

[27] Whence come the rites? Man born with desires. When desires are not

satisfied, he cannot but search for satisfaction. When this search is carried out without restraint, there cannot but be strife. When there is strife, there will be disorder; when there is disorder, there will be poverty. The ancient kings hated this disorder, so they created rites and justice to dispel it and to satisfy man's desires and end his search. They wanted man's desires not to exceed the resources and the resources readily available for man's desires. They want the two to be co-related and developed together. It is for this reason that rites were created. (Chapter 19 "Li-lun" 禮論 p. 231)

(F) To learn the norms*(1) Need of education*

[28] Man is born petty. Without teachers and norms he can only see what is profitable . . . With only his mouth and stomach to care for, how could he know rites and justice, courtesy and modesty, shame and virtue? He would only eat and chew to keep his belly full. Without teachers and norms a man's mind sets only on his mouth and stomach. (Chapter 4, "Rong-ru" p. 40)

[29] Without teachers and norms those who are intelligent will commit theft; those who are brave will physically injure others; those who are talented will cause disorder; those who are discriminating will become eccentric; those who like to debate will become argumentative. (Chapter 8, "Ru-xiao" p. 90)

(2) Objectives

[30] The mind must not be ignorant of the Way. If it is, it might disapprove of the Way and approve the wrong way . . . If a person who disapproves of the Way is to choose company, he will side with those who do not follow the Way, and this will be the source of disorder . . . Therefore, the most important thing for establishing order is to know the Way. (Chapter 21, "Jie-bi" 解蔽 p. 263)

[31] True knowledge is to know what is right as right and what is wrong as wrong. Ignorance is to take what is right as wrong and what is wrong as right . . . Rectitude is to say what is right is right, what is wrong is wrong. (Chapter 2 "Xiu-shen" 修身 p. 14)

[32] Not hearing about something is not as good as hearing about it; hearing about a thing is not as good as seeing it; seeing it is not as good as knowing it; knowing it is not as good as practising it. The ultimate objective of learning is to put into practice the lessons one has learned. (Chapter 8, "Ru-xiao" p. 90)

[33] As for the objectives, the initial one is to be a gentleman; the final one is to be a sage. (Chapter 1, "Quan-xue" 勸學 p. 7)

(3) Methods

[34] He who lives in Chu becomes a man of Chu; he who lives in Yue becomes a man of Yue; he who lives in Xia becomes a man of Xia. (Chapter 8, "Ru-xiao" p. 92)

[35] At what point should one start one's formal education and what is its end? I say that, as far as book-reading is concerned, it is to start with reciting the Classics and to finish with reading books on rites. (Chapter 1, "Quan-xue" p. 7)

[36] The gentleman knows that his knowledge will not be good enough if it is not comprehensive and pure. Therefore, he repeatedly reads the Classics to find their central themes; he ponders on related problems to achieve a general understanding; and then tests it by placing himself in the situation of the persons encountering problems. (Chapter 1, "Quan-xue" p. 11)

[37] When enough earth is gathered to form a mountain, wind and rain will originate there. When enough water is accumulated to form a lake, dragons will breed there. When enough good deeds are done, a person becomes self-content and sage-like. Therefore, without taking single steps one would not travel 1,000 *li*; without accumulating water from small streams, rivers and seas cannot be formed. A fast horse in one leap cannot cover 10 paces but an old, worn-out nag walking for ten days can travel a long distance. What matters is perseverance. Without perseverance one cannot break a piece of decayed wood; with perseverance one can carve metal or stone. The earthworm has no sharp claws and teeth, no strong sinews and bones, and yet it can eat the hard clay and drink the deep groundwater, because it can concentrate; a crab has six legs and two pincers, yet it has no shelter other than the holes of snakes and eels, because it is impatient. Thus, he who has no unwavering determination will have no conspicuous achievements; he who does no patient preparation will have no shining success. (Chapter 1, "Quan-xue" pp. 4-5)

[38] With teachers and norms, those who are intelligent will quickly become knowledgeable; those who are brave will quickly become awesome; those who are talented will quickly become successful; those who are discriminating will quickly find the truth; those who like to debate will quickly arrive at correct conclusions. Thus, teachers and norms are the greatest treasure a man can have, and the lack of teachers and norms is the greatest misfortune a man can suffer. (Chapter 8, "Ru-xiao" p. 91)

[39] Hua-liu, Qi-ji . . . were good horses of antiquity. But they had to have reins to guide them, whips to drive them and Zao-fu 造父 [a great charioteer] to steer them before they could reach 1,000 *li* a day. In the case of man, even those who have good character and high intelligence must follow a wise teacher and associate with good friends. With a wise teacher, one could hear about the way of Yao, Shun, Yu and Tang; with good friends, one could learn the acts of loyalty, faithfulness, respect and modesty. As a result, one would become increasingly humane and righteous everyday without knowing it. That is because the change is gradual, subtle and accumulative. (Chapter 23, "Xing-e" pp. 299-300)

[40] Tall grass growing among shafts of hemp plants becomes straight without support. (Chapter 1 "Quan-xue" p. 3)

(4) Result

[41] [Having learned the Way], a man sitting in a room can see the world within the boundaries of the four seas; living in the present he can discuss what is far in the past and the future; glancing at the myriad things he can know their characteristics, reviewing the order and disorder in history and comprehend the rule . . . He is thus called a "Great Man". (Chapter 21 "Jie-bi" p. 265)

[42] A gentleman is called competent not because he can do everything others do; a gentleman is not called erudite because he knows everything others know . . . To plant crops a gentleman is not as good as a farmer; to conduct commerce a gentleman is not as good as a merchant . . . What a gentleman is good at is that, in speaking, his words are in accordance with reason and, in doing a job, his work fits the task. (Chapter 8, "Ru-xiao" pp. 78-9)

[43] A gentleman does not look at what is not right to see, listen to what is not right to hear, speak what is not right to say, ponder what is not right to think . . . As a result, his aims cannot be distracted by force and wealth, changed by the wishes of the masses, or overturned by the possibility of dominating the world. He lives and dies for these objectives and his acts are called "Practices of Pure Virtue" and with such practices a person can be settled. When settled he can respond properly in all circumstances. He who is settled and capable of responding properly in all circumstances is called an "Accomplished Man". (Chapter 1 "Quan-xue" pp. 11-12)

[44] Where a person's objective and intention are cultivated, he can be prouder than the rich and powerful; where his emphasis is on the right Way and justice, he can dismiss the princes. This is because, when a person pays attention to what is within himself, what is outside becomes of little importance. The Record says, "A gentleman makes things work, a petty man works for things." This is what the saying means. (Chapter 2, "Xiu-shen" p. 16)

[45] Where justice is at stake, he is never subdued by the powerful and never considers what profit he can gain. When he is given the authority to govern a whole country, he does not change his views. He values his life but will uphold justice and not bend his principle. This is the courage of a gentleman. (Chapter 4, "Rong-ru" p. 35)

[46] If a man's manner is respectful, his heart loyal and faithful, his behaviour according to rites and principles of justice, his attitudes toward others loving and benevolent, he can go anywhere in the world, even being trapped among barbarians, and be honoured. If a person would press ahead of others in doing something arduous but is willing to yield to others in doing something enjoyable, and if he is upright, faithful, sincere and trustworthy, he can go anywhere in the world, even being trapped among barbarians, and be trusted. (Chapter 2, "Xiu-shen" pp. 16-17)

[47] The gentleman may exalt the virtues and praise the good deeds of others but his act is different from flattery. He may, for the sake of justice, directly point out other people's faults but his act is different from petty criticism. He may talk about the results of his own cultivation, compare them with those of Shun and

wish them to be in harmony with heaven and earth but his act is different from self-aggrandisement. He may softly bend like a reed when the circumstances so require but his act is different from cowardice. He may be firm, forceful and determined to realise his word, but his act is different from insolence and foolhardiness. This is because he is responding to the changes outside himself according to the principles of propriety, and because he knows what is right and what is wrong. (Chapter 3, "Bu-gou" pp. 25–6)

[48] The gentleman is ashamed of not being virtuous but not ashamed of being insulted; he is ashamed of not being trustworthy but not ashamed of not being trusted; he is ashamed of not being capable but not ashamed of not being employed. Thus he is not enticed by flattery and not fearful of criticism. He strictly follows the Way, carefully rectifies himself, and does not falter because of external influences. This kind of person is called a "True Gentleman". (Chapter 6, "Fei-shi-er-zi" 非十二子 p. 64)

[49] The gentleman scarcely seeks profit, quickly stays away from harm, fearfully avoids disgrace, and courageously follows the Way. He keeps his high aspirations while in poverty, and maintains his modesty while with wealth and honour. He does not let down his spirit while resting, and appear worn out while tired. (Chapter 2 "Xiu-shen" pp. 21–2)

[50] It is easy to approach a gentleman but difficult to become familiar with him. He can be frightened but not threatened. He is fearful of harm but will not avoid death for the sake of justice. He desires benefits but will not do wrong to gain them. He can be close to people but will not become partisan. He can be eloquent but will not resort to sophistry. He is open and straight and thus distinctive in the world. (Chapter 3 "Bu-gou" p. 24)

[51] The gentleman is tolerant but not indulgent, scrupulous but not nitpicking, disputatious but not contentious, observing but not censorious, free-standing but not dominating, strong but not overpowering, soft but not drifting along with the current. He is respectful, careful and friendly towards others. (Chapter 3 "Bu-gou" p. 25)

[52] There are those who superficially follow the way of the early sage kings and thereby cause disorder in the world; who have learned disorganised lessons and do not know how to follow the later sage kings in unifying institutions and standards; who do not really observe rites and principles of justice and truly embrace the lessons of *The Book of Historical Documents* and *The Book of Odes*; . . . who merely talk about the way of the early sage kings to dazzle the stupid people and thereby make a living; . . . who obey their leaders . . . like slaves having no will of their own. They are "the vulgar Ruists". (Chapter 8 "Ru-xiao" p. 88)

[53] There are those who follow the teachings of the later sage kings, know how to unify their learning about institutions and standards; who earnestly observe rites and principles of justice and understand the lessons in *The Book of Odes* and *The Book of History*; whose remarks and actions are in accordance with great principles and yet there are things their intelligence cannot deal with – whenever they encounter something about which they have not learned from

their education or personal experience, they do not know how to categorise it; who will say they know when they really know and will say they do not know when they do not know, and thus would not deceive themselves or others; who revere the virtuous and wise, respect the law, and dare not be neglectful and arrogant. They are "the refined Ruist intellectuals". (Chapter 8, "Ru-xiao" p. 89)

[54] There are those who observe the teachings of the ancient sage kings; who are well versed in rites and principles of justice and know the unifying principles behind social institutions and standards; who are capable of dealing with the complicated by learning from the simple, of dealing with the present by learning from the past, of dealing with ten thousand by learning from one . . . When a strange thing, or a bizarre twist in circumstances never heard or seen before, suddenly appears, they are able to categorise it and respond by applying a general principle without any hesitation. The existing rules will be expanded to cover the case, and there will be a perfect match. They are "the great Ruists". (Chapter 8, "Ru-xiao" p. 89)

[55] In straightening himself, the gentleman uses the stretched string to make a straight line. In correcting others, he gives a helping hand. Because he is strict with himself, he is worthy of being a model for the world; because he is considerate to others, he can be tolerant in achieving the desired results and thus realise great success in the world. (Chapter 5, "Fei-xiang" 非相 p. 54)

(G) To make a better world

(1) Objectives and general operating principles

[56] Marquis Ying 應侯 [chief minister of the state of Qin] asked Xunzi, "What have you found since coming to the state of Qin?" Xunzi said, "Its borders are well fortified and secure; its geography is convenient for expansion; its mountains, forests, rivers and valleys are beautiful and its natural resources abundant. It is thus well-endowed. After entering into the state, I observed its customs and found that its people are simple, their music is not vulgar, their dress not garish, and they are very respectful and obedient to the officials. They are thus like people of an older, better age. When I arrived at a government office in a city, I found all the clerks are quiet, serious, diligent, and never invidious. They are thus like clerks of an older, better age. When I entered the capital, I observed the officials and found that, after leaving their homes, they head for their offices, and, after leaving their offices, they head for home, and none of them engage in any private dealings. They are impartial and not cliquy but open and fair in their actions. They are thus like officials of an older, better age. I observed the royal court and found that decisions are quickly made and nothing is left in neglect. As a result, it appears as if nothing is there to be done. It is like the court of an older, better age. It is for these reasons that, in the short period of four reigns, Qin has become victorious. It is not due to good fortune but to good management. These are what I have found. It is therefore said that the ideal government is at ease and yet

governs well; its measures are simple and yet leave no details uncovered; it is not overly active and yet accomplishes a lot. This is the ultimate form of governance, and the government of Qin is nearly like this. Nevertheless, Qin has its problems. It has all these favourable conditions and yet, compared with those of a great kingdom, its achievements fall far short. Why? The reason is that it does not have great Ruist scholars." (Chapter 16, "Qiang-guo" 強國 pp. 202–3)

[57] What the Ruists will do is different . . . They will make policies and orders fully implemented and custom elegant. (Chapter 11, "Wang-ba" pp. 149–50)

[58] A great king enriches the people; a hegemonic feudal lord enriches the gentry; one who merely preserves his state enriches his ministers; one who rules a vanquishing state fills his coffers and his treasury. (Chapter 9, "Wang-zhi" pp. 97–8)

[59] If a ruler does not care for his subjects and benefit them, he cannot expect them to be close to him and love him; if they are not close to him and do not love him, he cannot expect them to serve him and die for him; if they would not serve him and die for him, he cannot expect his army to be strong and his cities secure; if his army is not strong and his cities not secure, he cannot hope that his enemies will not attack; if his enemies attack, he cannot hope that his state will not be decimated and vanquished. (Chapter 12, "Jun-dao" p. 154)

[60] A ruler who neglects his primary responsibilities but takes care of the petty needs of the people – embrace them, chat with them, give them rice in the winter and millet and fruits in the summer – in order to win their temporary praises, is following the way of a thief. He may indeed win temporary praise from some cunning people but it is not a lasting way. His projects will not be completed and his achievement not established. It is a fraudulent way to govern. A ruler who hastily employs the people to do some work and pushes them for quick achievements, taking criticisms lightly and forgetting the hardship on the people, may have the work done but the people will be resentful. This is going to the other extreme. His project will soon collapse and what achievement he has had will be reversed. Thus it is not right for a ruler to neglect his primary responsibilities and to care for only petty needs of the people, not is it right for a ruler to pursue achievements and forgot the hardship they inflict on the people. Both are fraudulent ways to govern. The ancient rulers did differently. They made people not suffer scorching heat in the summer and freezing cold in the winter, not exhausted in carrying out urgent projects and not lag behind schedule in doing ordinary work. As a result, many tasks were completed, great achievements established, everyone up and down in the country became better off, and the people all loved their superiors and turned toward them as water flowing downward, happily regarded them as if they were their parents and were willing to die for them with no regret. The reason was simple. Towards their people the ancient rulers were extremely loyal and faithful, fair and just. Thus if such a ruler wanted people to have a task done in a hurry, his fairness and justice made them work faster than any harsh orders could push them, and his loyalty and caring made them more pleased than any rewards they might receive from him. (Chapter 10, "Fu-guo" pp. 122–3)

[61] There are three ways to win the people's allegiance: first, by the use of virtue; second, by the use of power; third, by the use of wealth . . . The state which wins the people's allegiance by the use of virtue becomes a true kingdom; the state which wins the people's allegiance by the use of power becomes weak; the state which wins the people's allegiance by the use of wealth becomes poor. This is true both in the past and in the present. (Chapter 15, "Yi-bing" 議兵 p. 191)

[62] In governing a state, he who succeeds in establishing justice becomes a great king; he who succeeds in establishing trust becomes a hegemonic lord; he who resorts to treachery will soon be vanquished. (Chapter 11, "Wang-ba" 王霸 p. 131)

[63] When the law is well maintained, the officials wise and capable, the people faithful, and the customs pleasing, the state is in a superb condition. (Chapter 11, "Wang-ba" p. 143)

[64] Someone asked how to govern a state. Xunzi said, "I have heard about how to cultivate oneself but not about how to govern a state. The ruler is like a pole in the sun and the subjects the shadow it produces. When the pole is upright the shadow is straight. The ruler is like a vessel and the subjects are like water. When the vessel is round the water in it will appear round. If the ruler likes archery, the subjects will practise with bow and arrow. When King Zhuang of Chu 楚莊王 loved slender waists, there were hungry men in his court. Therefore I say, 'I have heard about how to cultivate oneself but not about how to govern a state.'" (Chapter 12, "Jun-dao" 君道 p. 154)

(2) Concrete measures

(A) STAFF GOVERNMENT WITH GOOD PEOPLE

[65] What is a ruler? He is someone who can gather people together. How can someone gather people together? He is good at caring for them, at distinguishing them, at properly employing them and at protecting and educating them. (Chapter 12, "Jun-dao" p. 156)

[66] The king said, "What would a Ruist be like when he is a ruler?" Xunzi said, "When he is a ruler, he is great. He will have high objectives established in his mind and proper conduct cultivated in his court; laws and correct measures will be maintained by his officials; loyalty, faithfulness, love and mutual assistance will be common among his people. He would not do one unethical act nor kill one innocent man to get the empire. His rightness is trusted by men everywhere, and they respond to his actions like echoes . . . He is therefore called the teacher of man." (Chapter 8, "Ru-xiao" pp. 76–7)

[67] The state is an important institution, and to govern it is a heavy responsibility. A ruler must therefore carefully select a proper place to put it and a proper way to lead it . . . Putting the state at a proper place does not mean to give it a particular piece of land. It means to give it the right laws and to let it be governed by the right men. Thus, a ruler who follows the laws of great kings and gives the