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ARTICLE

NATURAL JUSTICE AND ITS POLITICAL IMPLICATIONS: LEGAL PHILOSOPHY REVEALED IN THE DOCTRINE OF THE MEAN

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The Doctrine of the Mean is one of the major Confucian classics focusing on natural justice and its political implications via cosmic dynamics and its harmonious eternity. The rule of the saints modeling themselves after the heaven's virtue is advocated as the so-called rule of man, or the rule of virtue, in which natural harmony in the cosmos is believed to be the manifestation of eternal and universal justice. Both the editors of The Doctrine of the Mean in pre-Qin dynasty and its commentators in the Tang dynasty have availed themselves in repudiating the legalist utilitarianism abused in the despotic Qin dynasty and empty-world thoughts of Buddhism prevalent in the Tang dynasty by virtue of natural justice and cosmic fairness in heaven-mandated-nature theory. Their academic endeavors are directed at consolidating cosmological faith and moral fairness for Confucian political ideology in self-disciplining, family establishing, country ruling, and world harmonizing.

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INTRODUCTION

The Confucian Classic is a documentary ladder system comprising three basic rungs of *The Four Books* (四书), *The Five Classics* (五经) and *The Thirteen Classics* (十三经) respectively. Such a documentary system was meticulously organized by Confucian scholars in gradual enlargement of contextual amount and intellectual complication. In the incipient rung of *The Four Books*, two of which, i.e., *The Great Learning* (大学) and *The Doctrine of the Mean* (中庸), are just two essays in *The Book of Rites* (礼记), one of *The Thirteen Classics*. These two essays were selected as independent essays by Confucian scholars in the ancient Tang dynasty and authorized to be Confucian classics in the Song dynasty. Being so selected and authorized by Confucian scholars, these essays were thought to be appropriate intellectual sources to meet the challenge from alien Buddhist sutras, succinctly expressive of religious commitments indigenous to China, and political and legal principles of Confucian heritage. *The Great Learning* is focusing on how to cultivate oneself into a great people by the integration between heaven and human (天人合一), and *The Doctrine of the Mean* targets at natural justice and ideal politics in the rule of saints via the principle of the Confucian heaven-mandated-nature theory.

I. INTELLECTUAL BACKDROP OF THE DOCTRINE OF THE MEAN

The Doctrine of the Mean, which was in its origin only a short essay with less than 5000 words in *The Book of Rites*, far shorter in length than any of a modern dissertation, is gorgeously rich in its intellectual reflections, and was extracted as an independent paper for study by Confucian scholars in the Tang dynasty and annotated and listed as one of *The Four Books* by Zhu Xi (朱熹) in the Song dynasty, hence being decreed as a compulsory textbook for civil service examinations for 600–700 years from the southern Song dynasty to the late Qing dynasty.

Though *The Book of Rites* was widely regarded as the compilation by Dai Sheng (戴圣), a prestigious Confucian scholar on Zhou's rites, the major contents in each chapter revealed the stories obviously earlier than the western Han dynasty. But according to Yinke Chen (陈寅恪), the most reputable historian in the 20th century China, *The Doctrine of the Mean* as an essay in *The Book of Rites* should be the work of a Confucian scholar in the Qin dynasty, which addressed itself mainly on cosmic dynamics (诚) in integrating life philosophy

with cosmology.[1] And this cosmic dynamics was further explored by later Confucian scholars in expounding and testifying natural justice advocated by Confucius as the heavenly road (天道), and the ideal political implications in the rule of saints, which were acknowledged as the secular representation of cosmological entity and natural law based on the heaven-mandated-nature theory.

During the six dynasties period in southern China between Jin and Sui dynasties, from the third to sixth century A.D., Buddhism introduced from India was prevalent in China. Converted himself from a Taoist to a Buddhist, Emperor Liangwu (梁武帝) in the southern dynasty, justified himself in accepting the Buddha nature theory by referring to his own Chinese tradition in the heart-nature theory from *The Doctrine of the Mean*, but failed to extract its political and legal implications surpassing Buddhists in their stoicism.

In the Tang dynasty, the Buddhist cosmology based on Buddha nature theory and life philosophy based on Nirvana were gaining more popularity in China, their otherworld oriented philosophy being blatantly contrary to Confucian philosophy of this world. The alienated intellectual situation as such created a thrilling panic among Confucian scholars, and Han Yu (韩愈), one of the leading Confucian scholars at that time, purposefully chose one essay from *The Book of Rites*, namely *The Great Learning*, to refute Buddhism its cultivating heart and nature by abandoning family and society by Confucian doctrines in self-disciplining (修身), family-making (齐家), country-ruling (治国), and world-harmonizing (平天下).

Furthermore, another Confucian scholar at the same time, named Li Ao (李翱) — Han Yu's student as well as his intimate friend, extracted *The Doctrine of the Mean* in *The Book of Rites*, advocating social justice and worldly rule revealed in the heaven-mandated-nature and cosmological entity devoid of physical sounds and smells. Following the popular Buddhist conviction of

[1] In addressing the backcloth of *The Great Learning* and *The Doctrine of the Mean*, prof. Yinke Chen wrote: "In short, the essay of *The Great Learning* from *The Book of Rites* by Dai Sheng states the stereotyped doctrine of Confucian self-regulating, family-making, country-ruling, and world-harmonizing, being simultaneously self-assumed representations of Confucian scholars in the late Eastern Han dynasty. My judgment is not difficult to be documented in the Biographies of the Repudiated Confucian Officials in *The Book of Late Han Dynasty* (后汉书・党锢传) and other relative documents. But before the early Western Han dynasty, what had been stated in *The Great Learning* was nothing more than an ideal life imagined and desired by Confucian scholars. So I suggest *The Great Learning* to be the compilations of Confucian scholars before the middle Han dynasty, and the essay of *The Doctrine of the Mean* to be the work of Confucian scholars in the Qin dynasty. As for the authorship of *The Doctrine of the Mean* I have already explained in other article." See Yinke Chen ed., in 金明馆丛稿初编 (Papers Assorted from Jin Ming Guan Manuscripts), part I, Shanghai Classics Press (Shanghai), at 42 (1980).

Dharma heritage (法统), Han Yu put forward, and strongly advocated, a brand-new Confucian conviction of *Dao* heritage (道统) as a traditional Chinese doctrine to discredit the Buddhist one.

Contrary to the abnegation of family and society, the otherworld-oriented tradition initiated by Buddhist patriarchs, Han Yu proposed that Confucian *Dao* heritage had been created and sustained by the doctrine of this-world, establishing family, ruling the society, and harmonizing the world, i.e., Confucian saints before and in the Xia, Shang, and Zhou dynasties like Yao (尧), Shun (舜), Yu (禹) and Tang (汤), and King Wen (文王), King Wu (武王), and Duke Zhou (周公) in the Zhou dynasty did usher into Chinese history a political and legal heritage of ruling this-world by *Dao*: "Such a heritage was passed on to Confucius and Mencius, but lost its authentic trace after Mencius. Even some Confucian scholars afterwards, like Xunzi (荀子) and Yang Xiong (杨雄), claimed to have inherited *Dao* from the previous saints, but Xunzi failed in his pertinent extraction while Yang Xiong failed in his coherent explanation."[2] He went so far as to exclude Xunzi and Yang Xiong, Confucian scholars in the Warring States Period and the Han dynasty respectively, out of the Confucian camp, accusing Xunzi of failure in inheriting Confucian quintessence and Yang Xiong for his failure in explicitly advocating Confucian texts. There have been some points in accusing these two Confucian scholars, Xunzi being so also for two of his disciples, Han Fei (韩非) and Li Si (李斯), who were the leading legalists associated with the despotic Qin administration engaging in the burning books and slaughtering Confucian scholars (焚书坑儒), and Yang Xiong being so also for his imitating Confucian classics in creating *The Grand Metaphysics* (太玄) after *The Book of Changes* (易经) and *The Doctrinal Analects* (法言) after *The Analects of Confucius* (论语), which were unable to resist the introduction and wide acceptance of the Buddha nature theory and Nirvana among Chinese in the Tang dynasty.

During the Tang dynasty, Buddhism was so prevalent that Confucianism was eclipsed both in the plebeian and patriarch classes. Such intellectual challenge reminded Han Yu of Mencius, who in his lifetime rose against the then popular alien thoughts in Taoism (道家) and Mohism (墨家); therefore, he promised himself to defend Confucian doctrines in the courage of a Great Man from the constant incursions of Buddhism and Taoism. This was the motive of Han Yu selecting *The Great Learning* in *The Book of Rites*, a collection of essays appeared in different chapters, as the basic theory in line with Confucian life philosophy, insinuating its metaphysical supremacy over Buddhist Dharma. Inheriting into Han Yu's perseverance for the established Confucianism, Li Ao

[2] The Dao of Confucianism, 原道・韩昌黎全集 (Retracing the Dao・The Complete Works of Han Yu), vol. 11, China Bookstore Press (Beijing), at 174 (1991).

started searching cosmological arguments among Confucian classics to refute Buddha nature theory, which cosmologically grounded the Buddhist life philosophy in the form of Nirvana, and he finalized in choosing *The Doctrine of the Mean* from the same source, i.e., *The Book of Rites*, as cosmological arguments for Confucian life philosophy, mainly expressed in the rule of saints. With this academic endeavor he assumed to have enhanced the authenticity of Confucianism in the Chinese intellectual tradition. To his estimation, there had been systematically reflected cosmologies in the Chinese intellectual tradition that were finalized in the essay *The Doctrine of the Mean*, far before Buddhist cosmology had been imported into China. He traced these indigenous cosmological reflections to the heaven-mandated- nature theory, stating that Confucius himself had discussed the way how to elaborate on the heaven-mandated-nature to its fullest extent, and Confucius' grandson Zi Si (子思) obtained this way by a family bequest and narrated it in *The Doctrine of the Mean*, tutoring it to Mencius. But when Mencius passed away, academic enthusiasm on heart-nature and heaven-mandated-nature had been in recession before it was eclipsed by Buddhist cosmology based on Buddha nature.

Added to Li Ao's account of *The Doctrine of the Mean*, Zhu Xi in the Song dynasty substantiated this academic genealogy with Zengzi (曾子) — one of Confucius' most favored disciples, and who had been the channel between Confucius and his grandson Zi Si. Zhu Xi explained that the motif revealed in *The Doctrine of the Mean* was the ideal rule of ancient saints (like Yao and Shun), and when this secularly motivated ruling tradition was passed on to Confucius, he really met with an unprecedented predicament by a saint with virtue but without position, in contrast to the previous saints with both virtue and position, and thus Zhu Xi concluded: "Our master Confucius, though not being in ruling position, but being concentrative exclusively on virtue, has distinguished himself more gorgeously from ancient saints Yao and Shun, having morally revolutionized the saint's ruling tradition."[3] The clue as being stated in *The Doctrine of the Mean* "a saint with grand virtue must have his high position, bountiful commissions, prestigious reputation, and long life" paved the way for Zhu Xi in establishing an even higher position for Confucius than ancient saints like Yao and Shun, as a moral tutor for secular kings. Since secular kings were regarded as the God's sons, their tutor must be the ruler of saint rulers, alluding his being identical to cosmological being, and that might be the most appropriate position agreeing with Confucius distinguished virtue and cogently leading to the Confucian heaven-mandated-nature cosmology.

After Zhu Xi's explanation and argument, many Confucian scholars in the

[3] Zhu Xi, 中庸章句序 (Preface to The Doctrine of the Mean), in 四书集注 (Annotations to The Four Books) , Yuelu Press (Changsha), at 22 (1987).

Song dynasty were convinced of the proposition that Confucius definitely had a sacred position in cosmos superior to that of ancient saints. The motto "if Confucius were not incarnated by the heaven's mandates, human history would just have been remaining in dark" began to be popular among Confucian scholars at that time, suggesting obviously that Confucius, though not crowned as previous saint kings, had converted what had been initiated as great undertakings in ruling the world under heaven by Yao and Shun into a category of cosmological spirit, bequeathing it in the form of heaven-mandated-nature theory to Zengzi, from whom to Zi Si in the series of will-inheritance then to Mencius, resulted in the establishment of the Zi Si and Mencius school (思孟学派), and the incipient tradition of the heart-nature theory.

In connection with the first sentence "what has been mandated by heaven is the universal nature" in *The Doctrine of the Mean*, it is inferred from Mencius' "the full performance of heart's function is to understand the universal nature, hence to testify the holy heaven's mandates" that the integration between heaven and human reveals in essence the intellectual unity between cosmology and life philosophy, addressing the value for a cosmologically committed life philosophy in the form of the heart-nature theory, and rejecting the life philosophy in the alien Buddhist doctrine of witnessing nature by heart enlightenment by adhering to the Confucian political and legal tradition of the saint's ruling.

Basing themselves on the philosophical and political implications made by Han Yu for his expounding *The Great Learning* and Li Ao for his expounding *The Doctrine of the Mean*, Confucian scholars in the Song dynasty organized them into a series of textbooks in tutoring their disciples with *The Analects of Confucius* and *The Works of Mencius* (孟子), building up a stable and concise classic system for Confucianism authorized as *The Four Books*. The objective of *The Four Books* was to provide the prerequisite and paramount knowledge for Confucian intellectual traditions, overshadowing Buddhism in its other-world oriented cosmology and life philosophy, and Taoism in its nature-oriented cosmology and life philosophy, and creatively having transformed the Confucian tradition of this-world oriented cosmology and life philosophy. The newly renovated Confucian cosmology and life philosophy were very soon accepted to integrate with the official service examination, constituting the mega trends of Chinese culture in the form of neo-Confucianism in the spirit of ruling the world and securing the peoples in succession of the metaphysics in the Wei and Jin dynasties and the Buddhism in the Sui and Tang dynasties. The concepts of cosmic dynamics (中) and cosmic harmony (和) in *The Doctrine of the Mean* were meticulously gauged and accentuated by Li Ao as the cosmological arguments for the Confucian political and legal philosophy to update the previous Confucian reflections on its saint's ruling, and their theoretical charms can never be over appreciated or it does not afford to be ignored in studying the rule of rites

regarding Chinese political and legal history.

With its obvious features of cosmological reflection, *The Doctrine of the Mean* is often regarded as a classic peer to the most authoritative work in cosmological tradition, i.e., *The Book of Changes*, being academically and terminologically abbreviated as the unity between changes and mean or the combination of *The Book of Changes* and *The Doctrine of the Mean*, and apparently such combination shows the influence of Taoism in terms of its nature-oriented cosmology. This association with *The Book of Changes* alluding to the conceptual impacts from Taoism could help people to better understand the incentive incursion from alien Buddhism, which was introduced into China by its paralleling cosmology and life philosophy with Taoism, and the committed defense of Confucian tradition by its adherent scholars.

This historical and intellectual context was thus comprehensively commented on by Youlan Feng (冯友兰), a master Confucian philosopher of the 20th century: "In Confucian academic tradition, *The Book of Changes* and *The Doctrine of the Mean* are the most eminent classics directly influenced by Taoism, stimulating its philosophy in a more sophisticated dimension." As for the authors of these books, the popular acknowledgement is that Confucius authored *The Book of Changes*, but the latest research indicates that his authorship cannot be evidenced. The same situation about the authorship happens to *The Doctrine of the Mean*. It is not sure that Confucius' grandson Zi Si had authored *The Doctrine of the Mean*, but rather be sure that some parts of the book was written by Zi Si, the rest of which was written and collected by his disciples. Evidently, both *The Book of Changes* and *The Doctrine of the Mean* are not the work of one person, i.e., either Confucius or his grandson Zi Si. But what is evident is that Taoism had influenced most of their authors. When one reads these sentences in Laozi (Lao-tzu) "*Dao* consistently transcends all physical terms, thus remaining the onto" (chapter 32), and "When *Dao*, the onto, is physically represented, it reveals its instrumental features" (chapter 28). Here it is in clear contrast between metaphysical onto *Dao* (道) and physical instruments *Qi* (器).

A similar metaphysical clue is seen in *The Book of Changes* as "It is only the metaphysical God that conveys a full speed overtaking all physical speeds, and a consummate destination discounting all physical marches." And the same elaboration in *The Doctrine of the Mean* as "the cosmological entity bears mega sense of distinction without being seen, mega motion without being moved, mega accomplishment without being maneuvered," has similar allegory in Laozi in his "the narrow-minded person is bound to scoff at metaphysical *Dao*." As a metaphysical entity, these distinctive statements like "What is metaphysical is what *Dao* means, what is physical is what *Qi* means" in *The Book of Changes* and "As stated in *The Book of Songs* (诗经), virtue can be as fine as hair, which still comes into the physical category." But the heaven's entity is perfectly

accomplished transcending all voices and tastes in *The Doctrine of the Mean*. Such are the academic impact from Taoism, pushing Confucian tradition further in the metaphysical direction. Again let us see Mencius in his cosmic commitments in cultivating his mentality in a fully occupied space between the heaven and the earth as well as incarnating oneself with cosmic creation, he was obviously in the mood of metaphysical transformation of astronomical heaven and geological earth. But Mencius, even his statements being eminently of metaphysical merits, did not seem to notify the metaphysical entity in fear of spoiling his Great Man personality.

Superior to him, I would highly praise the authors of *The Book of Changes* and *The Doctrine of the Mean* for their full awareness in advocating metaphysical beauties. In terms of clearly-articulated cosmology, I would conclude that the authors of the two books are smarter than Mencius.[4] With Feng's analysis and suggestion, I would here contribute to this assumption that there is a process in Confucian cosmology from the intuitional ethical reflection to the ethically-oriented integration between heaven and human, prominently influenced by Taoist nature-oriented cosmology in its procedural transformation. But this ethical cosmology of Confucian tradition being academically and pedagogically established with stabilized written text as its classics, i.e., *The Four Books*, which was ultimately the consequence of neo-Confucian innovations in the Song dynasty in responding to the challenges that the Buddhist cosmology in the form of the Buddha nature theory and the Buddhist life philosophy in the form of Nirvana had been posing.

II. RULE OF COSMOLOGICAL HARMONY

As has been stated, it is held that Li Ao is creditable for these points, that he selected *The Doctrine of the Mean* from *The Book of Rites* as an independent classic, he contributed his own insights on the genealogy of the classic as being from Confucius to his grandson Zi Si, who, in turn, passed it onto Mencius; but Mencius' demise caused the heart-nature doctrine to be ignored and unappreciated. The oblivion of Confucian heaven-mandated-nature in *The Doctrine of the Mean* or the heart-nature theory in Mencius surrendered an ideological market for Buddhist and Taoist cosmologies to have performed an easy occupation. In campaign against these alien incursions, Li Ao in the Tang dynasty did manage to have a revival of Confucian cosmology with the consistency shown in the first sentence "The universal nature has been destined

[4] Youlan Feng, 三松堂全集 (The Complete Works from the Hall of Three Pines), vol. 5, Henan People's Press (Zhengzhou), at 59 (2000).

by the heaven's mandates" and the last sentence "Heaven's entity is perfectly accomplished transcending all voices and tastes" in *The Doctrine of the Mean*, reminding readers that Confucius' teaching on nature and the heaven's way or *Dao* could not have come out for Zi Gong (子贡).

But Confucius meant by nature and the heaven's way was not the usual cosmology in explaining the origin and becoming of a physical cosmos, and what Confucian scholars inherited and developed from nature and the heaven's way was its cosmological motif in justifying their ideology to rule the world under the heaven, and distinguished themselves from Buddhist other-world philosophy and Taoist nature-world philosophy. Therefore, Confucian scholars in both the Tang and Song dynasties were still on the traditional track of the Confucian rule of saints, having sought cosmological sources for consolidating their political and legal philosophies.

Zhu Xi in the Song dynasty made this cosmological feature explicit in the preface to his annotated version: "Who authored *The Doctrine of the Mean*?" Zi Si authored it simply for fear that Confucian doctrine might miss its track. Since the ancient saints had been ruling by the heaven's mandates, they had gradually established this ruling tradition sanctioned by the heaven accordingly. Hence, this ruling of saints had resulted in the rule of cosmological harmony which Yao bequeathed to Shun, and Shun to Yu, with an inference to "The faculty of the human heart is its being diligent, the faculty of *Dao* heart is its cosmological subtlety. Since *Dao* testifies itself in cosmological one, humans should follow the rule of cosmological harmony." "What a great prophetic motto Yao made in one phrase, and Shun added three more sentences to facilitate its comprehension, leaving nothing to be desired."[5] Zhu Xi took the rule of cosmological harmony as the kernel of *The Doctrine of the Mean*, revealing the top secret of ancient Confucian saints in their ruling. It was assumed that saint Shun apprehended the quintessence of Yao's motto and interpreted it in an extended form of "sixteen words motto" (十六字真言) to admonish his successor Yu the Great (大禹). In the Confucian genealogy of saint rulers, Yao, Shun and Yu are the most veteran saint kings, among whom Yao and Shun are legendary saints ruling the world under the heaven for public good, and their political succession was accomplished in such a way known as gentleman-transfer of throne (禅让), the most desirably peaceful mode of charming personality and graceful politics, shedding eternal glories on the idea of recommending a sage by abdicating one's own throne (选贤与能), and the institutional principle of appointing by their merits (任人唯贤) in the service examination system.

Confucian scholars tend to believe that saint King Yao abdicated his throne to

[5] See Zhu, fn. 3 at 21 (1987).

recommend saint King Shun for his being sage, and saint King Shun did the same to Yu the Great for his subduing the flood, benefiting the people under the heaven. But when Yu the Great declined into old age, he bequeathed his throne to his son Qi (启), starting a hereditary rule in Chinese political history by transforming "the ruling for the public" (天下为公) into "the ruling for one family" (天下为家), and this shift of ruling for the selfishness of one family, one clan, and one nation, instead for the public good, has become the constant condemnation of Confucian scholars against utilitarian tyranny. According to the Confucian political logic, the ruling for selfishness is destined to become constitutional dictatorship and its dictator's moral corruption, and only the social revolution proves to be its remedy. Such logic was frequently testifying itself in eulogizing the power shifts in the three dynasties by "the revolutions conducted by Shang Tang (商汤) and King Wu in the Zhou dynasty are justified by the heaven's mandates as well as human morality."[6]

In such understanding, convinced by either legends or historical documents, Confucian scholars are always on good terms with two forms of power shift: gentleman-transfer of throne, and revolution. Both gentleman-transfer of throne and revolution have their supreme legitimacy in the heaven-revealed morality. The heaven, being a natural and substantial body, gives birth to both human physical structure and moral conscience, as Mencius quoted from *The Book of History* (尚书): "Heaven created human beings, consecrating their monarch and tutor."[7] In this quotation, the monarch symbolizes the actual political ruler, while the tutor the moral conscience of society, both being combined in evidencing sanctity and validity. The same conviction is also sensed in Confucius in his praise to Yao."[8]

The Confucian faith and mind-set in the integration between the heaven and human might tell that the heaven does not stand for the cosmology in explaining natural evolution, but more importantly reveals human spirit in natural justice, especially the political and legal sanctity and validity. So the vocabulary pertinent to moral, ethical, virtue, or legitimacy in Chinese is in fact the two-word combination: *Dao* for cosmological dynamics and *De* for cosmological phenomenon, be it physical, biological, botanical, mineral, or social. And *Daode* (道德), or the cosmological virtue, conveys the synthetic implications of both natural evolution and human value.

What Zhu Xi assessed as the principal theme was the rule of cosmological harmony, being expanded into the following sentences to testify its full sense: The faculty of the human heart is its being diligent, the faculty of *Dao* heart is its

[6] 周易・革・彖辞 (The Book of Changes・Ge・Tuan Ci).
[7] 孟子・梁惠王下 (The Works of Mencius・Duke Liang Hui, II).
[8] 论语・尧曰 (The Analects of Confucius・Yao's Words).

cosmological subtlety. Since *Dao* testifies itself in cosmological one, human should follow the rule of cosmological harmony. But Confucian scholars have never furnished themselves with documentary evidence to confirm whether Yao bequeathed Shun the rule of cosmological harmony, and those were the actual administrative philosophy that Yu inherited from Shun.

It is highly possible that Zhu Xi himself concluded from his observations and reflections on relative Confucian classics. In my understanding, the rule of cosmological harmony might be what Zhu Xi briefed from a sentence in *The Doctrine of the Mean* in connection with another relative in *The Analects of Confucius*, for the former has: "What an intelligent king Shun is! He is good at inquiring and deducing from simple words; he is considerate of encouraging what is good and discouraging what is evil; he is always ready to accept suggestions from the opposite perspectives but apply to his ruling only what he proportionately evaluated. And this is his greatness!" And the latter has: "When Yao called Shun: Hi, Shun, the throne is destined to you by the heaven's mandates, just follow the rule of cosmological harmony. Even the secular world is surrounded by poverty and hardship; you will enjoy eternal guardianship from heaven. And this holy admonishment Shun also passed on to Yu."[9] But the sentences before Zhu Xi's preface to *The Doctrine of the Mean* were first to appear in the pseudo-version of *The Book of History* (伪古文尚书) presented to Emperor Yuan (元帝) by Mei Ze (梅赜) in the eastern Jin dynasty.

Personally, much sense cannot be seen in distinguishing the sentences concerned whether they are the admonishments from Shun or the later annexations. The sense lies more with the agreement of these sentences with Confucian integration between heaven and human than their documentary sources, for they are eligible as intellectual resources for Confucian scholars in their political and legal philosophies. To explain the insights in the rule of the cosmological harmony, Cheng Yi (程颐) — another Confucian scholar in the northern Song dynasty, had this analysis regarding the sentences: "People have their selfish hearts, tending not to be diligent, but heaven has a cosmic heart, tending to be metaphysical subtlety. In this contrast the value can be seen in its metaphysical origin. Such an origin is the justification of secular rules, and therefore the rule of cosmological harmony reflects the zenith to which the rule may ultimately attain."[10]

In this context it can be seen that Zhu Xi in his addressing the four sentences did not outshine what had been pinpointed by Cheng Yi, but he did distinguish himself in spotlighting what had been stressed in the incipient statement in *The*

[9] Id.

[10] Cheng Hao & Cheng Yi, 二程遗书 (The Posthumous Works of Cheng Brothers), vol. 19, Shanghai Classic Press (Shanghai), at 202 (1991).

Doctrine of the Mean, i.e., the heaven-mandated nature as the cosmic heart (道心), and Zhu Xi aligned this to the principle and objective for human insistence on being universally benevolent. Thus, I might paraphrase his stress and logic this way: The cosmic heart epitomized the natural rationale, being obligatory in guiding human behavior in diligence. For there is subconscious selfishness at each human physiological heart; a cosmic heart must be introduced to curb it from becoming recklessly egotistical. Given all the academic merits both Cheng Yi and Zhu Xi contributed in their heuristic expounding on the central themes of *The Doctrine of the Mean*, I still see their failures in attaining the sophistication of the classic itself, and the elaborated anticipation in repudiating Buddhist doctrines by Li Ao in his ardent advocacy for it.

If admitting Yinke Chen's judgment about *The Doctrine of the Mean* compiled and edited in the Qin Dukedom of the Warring States Period, I should further infer that the essay was the collection of critical reflections by Confucian scholars on legalist utilitarianism and political despotism in the Qin Dukedom and its dominant interest might not be totally confined to the adherence of human heart to cosmic heart, but rather that human heart avails itself of cosmic heart as its holy principle and objective to evaluate and transcend secular politics and legalist doctrines favored in the Qin Dukedom.

With this clue those sentences by Confucius in *The Doctrine of the Mean* could be cogently read, such as "It is possible to rule substantially the dukedoms and the world under the heaven; it is also possible to resign political posts and service salary, to brave fatal swords, but it is impossible to accomplish the rule of cosmological harmony." "The rule of saint is to punish the convict by similar amount to the harm caused to his victim, thus being instrumented for rectifying evil deeds." "Politics acquires its validity in human applications, while earth its vitality in trees." Confucius thus stated: "Knowledge is easy to be obtained by dedicated studies, humaneness by its earnest application, and courage by self-sensed shame. These three sorts of human qualities enable people to cultivate personality gracefully, to rule people humanely, and to rule the world under the heaven harmoniously." "What a great principle those saint kings justified themselves in ruling! It is the cosmic principle that helps create every physical being, as donating universal grace for all under the heaven. In its marvelous emulation, the saints invented and introduced for ruling three hundred ritual forms and three thousand obligatory codes. This political and legal mechanism is readily applicable only for the people conscientiously committed."

These statements, whether uttered by Confucius himself or edited in his stead, divulged visible political and legal evaluations to dispute legalist utilitarianism and its despotically embodied Qin Dukedom, with the rule of saints, humaneness personified in gentleman, and saint kings like Yao, Shun, Yu, King Wen and King Wu as symbolized concepts against those legalist dogmas instrumentally

expressed as legalities, positions, and contraptions. Therefore, these statements can be assessed as the insights on actual political and legal issues at the time when they were assorted and edited by Confucian scholars. In the frame of Confucian integration between heaven and human, such conceptions as heaven-mandated-nature, cosmological dynamics (or *Daode*) and cosmological harmony are themselves abundant in humanistic value orientation and political philosophy, being more than physically consequential correlation between cosmological dynamics and its human representational phenomena.

Now, back to Han Yu again for his approach to cosmological dynamics, he believed that cosmological dynamics in Confucian tradition is distinguished from Taoist tradition in this-world orientation rather than Taoist nature-world orientation, ridiculing the latter with the allegory of observing the heaven by sitting in the well. His remark was this: "When Laozi belittled Confucian humaneness, he disgraced himself more than Confucius, like the guy sitting in the deep well, and his observation of the heaven reflected his own narrow vision rather than that of the heaven. So, what the cosmological dynamics claimed by Laozi is not what I maintain; what the cosmological phenomenon is not what I maintain, either. What I maintain as cosmological dynamics and phenomenon is the unity between the humaneness and the righteousness, being benevolent for the public good. Laozi, in his conception of cosmological dynamics and phenomenon, naturally purified from Confucian humanistic virtues, revealing only what was privately good for his observations."[11] From the perspective of Confucian in vesting cosmological dynamics with human values, the rule of cosmological harmony in *The Doctrine of the Mean* cannot be simply apprehended as the natural doctrine of cosmos in general, but should be associated with the natural justice as being applied to social ruling; its humanistic value being outlined as those by Confucian saint kings.

In the social context before the Qin dynasty, Confucian scholars edited such an essay with an obvious political and legal orientation distinctive to that of the legalist and its constitutional personality, the despotic Qin Dukedom, but in the Tang dynasty, Han Yu, and Li Ao for their advocating *The Great Learning* and *The Doctrine of the Mean* respectively had their very clear-sighted objectives in repudiating Buddhist enlightened individualism and Taoist immortal incarnate by stressing Confucian social personalities, and in refuting Buddhist other-world philosophy and Taoist nature-world philosophy by adhering to Confucian rule of this-world philosophy.

Specific to *The Doctrine of the Mean*, Li Ao, stimulated, as well as inspired, by the natural fairness in "All natural beings have their Buddha nature in

[11] On Confucian Dao, 原道・韩昌黎全集 (The Complete Works of Han Yu), vol. 11, China Bookstore Press (Beijing), at 172 (1991).

essence" and the natural justice in Taoist cosmological evolution, advocated the restorative nature theory (复性说), integrating epistemological heart specific to humans with cosmological nature to universe in innovating its heart-nature doctrine in Confucian tradition. By suggestion of Confucian heart-nature doctrine in *The Doctrine of the Mean*, Li Ao managed to unite what might otherwise be alienated in Buddhist and Taoist philosophies back to Confucian ethical personality and humane-oriented politics, invigorating the true sense of the rule of rites (礼治) or the rule of virtue (德治) embodied by Confucian saint kings to the negation of the rule of inaction (无为而治) in Taoist natural philosophy and the rule of family and world abandonment (出家出世) in Buddhist nature emptiness in cosmological interdependence (缘起性空).

In fact, it links with the four sentences that initially appeared in Mei Ze's pseudo version of *The Book of History* and the phrase "The Rule of the cosmological harmony" in *The Analects of Confucius* with Xunzi in his interpreting the ruling of the saint Shun. In his book, he wrote: "In ancient times, the saint Shun ruled the world under heaven by not commanding specific affairs, yet everything has its due course to self-realization. To be diligent with one, grace goes to everyone automatically; to worship one for its cosmological subtlety, grace becomes visible before becoming discernible. Therefore the cosmological doctrine (道经) declared, 'the faculty of human heart is its being diligent, the faculty of *Dao* heart is its cosmological subtlety.' Only enlightened saints are qualified in seeing the margin between being diligent and cosmological subtlety." And he thus highly praised the Confucian saint kings as "the saint is the perfect embodiment of the human, and king of constitution. The saint king, being perfect in both human and his constitution, attains what is perfect in the world under the heaven."[12] Perfection is the criterion for each physical category; if it is achieved in that category, it implies the realization of cosmological doctrine. In Confucian tradition, the advocacy of "manifesting himself in the universe" (彪炳宇宙) and "saint's aspiring after the heaven" (圣希天) aims at the integration between human volition and cosmological doctrine. So the rule of saints in Xunzi also reflects its adherence to natural justice revealed in cosmological harmony, which has no selfish entity expressive of a certain category but can be referred to its cosmological heart expressive of all universal categories.

With its cosmological doctrine (or *Dao* heart) unidentified, universal beings thus have their physical identities respectively, and this ontological and cosmological dialect can be comparable to that of "the one and the many" of ancient Greek philosopher Plotinus, which suggests convincingly the relations between cosmology and ontology as dancing partners in a model of the unity in

[12] Xunzi, 解蔽篇 (Unravel Perplexities), in 荀子 (The Works of Xunzi).

diversity. The faculty of the human heart notifies itself in apprehending the faculty of *Dao* heart or the cosmological doctrine, to contain its own selfish smallness and imitate the cosmological greatness in bringing about all universal beings. Therefore, Confucian saints are distinguished in their rules of society by the spirit of cosmological fairness and justice. By stating that saint kings are perfect in both human and constitution, it means that they are the embodiment of the perfect social rules matching the cosmological fairness and the creative validity. In such logic, the Confucian scholars in the Song dynasty were smart when they condensed the four sentences in *The Doctrine of the Mean* into the moral principle of "universal benevolence over individual profits" (大公无私), demanding that in social rules people should, from the human hearts, honestly follow this moral principle revealed by *Dao* heart, implementing the rule of the cosmological harmony. The concept of harmony in this context is nothing quantitatively moderate, but more a substantially universal doctrine in cosmos evolution, from which humans can infer their social justice as to respect and safeguard each social member of its right to exist.

With Xunzi's clue of "The faculty of human heart is its being diligent, the faculty of *Dao* heart is its cosmological subtlety," people could better understand the natural rationale and justice in the rules of the saint Shun and the political and legal philosophy of the Confucian editors in *The Doctrine of the Mean* in repudiating legalist instrumentalism in ruling people, while insisting on the integration between cosmological harmony and human social ruling. Finally, another point still merits attention that Confucian scholars in the Tang and Song dynasties did not confine themselves to intellectual campaigns against Taoist nature-world philosophy and Buddhist other-world philosophy, but politically committed themselves to transforming the cosmological (yet moral) principles traditionally worshipped into an administrative rule of saint ideology for the ideologically confused Chinese society.

III. NATURAL JUSTICE REVEALED IN THE DOCTRINE OF THE MEAN

Though in *The Doctrine of the Mean* Confucian editors focused their attention on the rule of saints and the reflections on politics and legality, still they remained academics on the authoritative track of the integration between heaven and human, basing themselves on cosmological doctrines in reflecting on human rules, specifically elucidating Confucian political and legal philosophies by uniting natural fairness and justice with human intuition and rationale.

In terms of natural doctrine in the universe, the mean (庸) in *The Doctrine of the Mean* may signify any natural phenomenon in the universe as the means to

the cosmological end. In Chinese terminology, the means can be phonetically identical to the application (用), which bears transformative sense of empirical world contrastive to cosmological doctrine (道体). But the relations between the cosmological doctrine and its application also tells the unity between metaphysical entity and physical beings, being attributed with messages of cosmic vitality and natural justice, and this unity can also be expressed with one word *Cheng* (诚) or cosmic dynamics. This intellectual backdrop is significant in apprehending the insights of *The Doctrine of the Mean*.

Now let us come to both the first and last sentences in the essay, which are "The universal nature has been destined by the heaven's mandates" (the first) and "The heaven's entity is perfectly accomplished transcending all voices and tastes" (the last). So, from the beginning to the end, *The Doctrine of the Mean* seems to accentuate its interpretation on cosmological evolution and its natural status, but a patient scrutiny on the content in-between would disclose the intention to infer moral norms and social rules of Confucian dimension by comparing cosmological doctrine and natural justice.

From human sensation and cognitive principles, cosmos is a generalized unity between natural principles and evolutionary phenomena: "With its subtlety, cosmological entity cannot be visibly sensed, being the absolute otherness as cosmological one, so a gentleman should be sanctimoniously aware of the cosmological one. Before the senses of being happy, angry, sad, and pleased, there exists cosmological entity; when this entity represents itself proportionately in all physical beings, there comes the cosmic harmony. Therefore, cosmological entity is the grand norm in the world under the heaven, and cosmological harmony is the perfect evolution. In the unity between cosmological entity and harmony, heaven and earth are distinguished with their respective faculties, which hatch out and nurse up all physical beings."

As the phenomena sensed in the human cognitive faculty, being happy, angry, sad, and pleased is visible or perceivable, but hidden deep behind exists their metaphysical entity which is invisible and subtle, being the essential nature of all beings. If such an essential nature can be represented through rational norm and proportion, the natural principles and harmony will be sensibly revealed, as to avoiding the chaotic situations in human expressions like "fluctuation between being happy and angry" (喜怒无常), "being too pleased to be gentle" (得意忘形) and "tragedy caused by ecstasy" (乐极生悲). These perceivable feelings and senses are what human beings can infer as to evaluating the cosmological harmony, equally admonished in *The Great Learning* as "cosmic dynamics as one entity that can only be perceived by its physical being, so a gentleman should be sanctimoniously aware of the cosmological one."

Here, the cosmological one is the absolute otherness that witnesses the universe in its evolution, identical to cosmological entity as being expounded that

"The cosmic dynamics is *Dao* of the heaven. The cosmic dynamic remains as the cosmological entity before representing itself in universal beings." In due sense, the cosmic dynamic naturally manifests the heaven's nature. The human implications in cosmic dynamics in the natural evolution were also inspiring to Dunyi Zhou (周敦颐), a well-known Confucian scholar in the Song dynasty, who (in his interpretation of human justice) traces the origin of political and legal justice to their relative cosmological sources: "How prodigious the universe is! It just gives rise to all beings their existence. It reflects the cosmic dynamics in its creative origin. Cosmological evolution gives rise to each natural being its nature and life, thus accomplished the cosmic dynamics."[13] But Confucian scholars, whether in pre-Qin dynasty, or in the Tang and Song dynasties, did not stop where the cosmological entity or the cosmic dynamics was embodying only natural principles or laws; they purposely explored into their implications in human ethical and political rationale, i.e., the natural justice and its transformative values in politics and legality: "The saints model themselves after the heaven in its due rule and administration. If not in the principle of natural fairness and justice, saints cannot be clear-sighted and steadfast in their ruling and administering."[14]

Confucian scholars have focused their attention on the cosmic dynamics in relation to natural principles in the evolutionary process, but their efforts soon divulged a humanistic orientation in the phrase "Perfect cosmic dynamics never ceases to help produce in the cosmos (至诚无息)," which openly attests its prodigious vitality and generosity, setting up a universal example for human politics and legality from which to learn. Therefore, in Confucian philosophy "cosmic dynamics in human" as parallel to "cosmic dynamics in heaven or nature," where "Perfect cosmic dynamics never ceases to help produce in the cosmos" being matched with "Perfect human dynamics never ceases to motivate himself in his undertakings." It is in this humanistic comparison that *The Doctrine of the Mean* declares: "It is the perfect cosmic dynamics that can embrace universal nature; it is the universal nature that can embrace human nature; it is the human nature that can penetrate into the nature of substance. If he can penetrate into the nature of substance to the utmost, a human just gets himself involved in the cosmological evolution; if he commits himself to cosmological evolution, a human is thus integrating himself with heaven and earth in the evolutionary process."

Grounding on nature in referring to universal rights to exist reveals the concept of natural fairness and justice, Confucian scholars encourage and praise human involvement in witnessing such fairness and justice, and recommend to be

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[13] Dunyi Zhou, 通书 • 诚上 (Cosmic Dynamics), vol. I.
[14] Dunyi Zhou, 通书 • 刑 (Proper Penalty).

the paramount principles for social politics and legality, as being adhered in *The Doctrine of the Mean*: "A gentleman is highly appreciated for his accomplishing cosmic dynamics," and "The way to manifest the cosmological subtlety is to be incarnated with it by human involvement." In this context of Confucian ethical cosmology, the cosmic dynamics is not the absolute otherness like creative God in the West, but the absolute otherness integrating human intuitional conscience and the empirical world, by which the natural evolution, cosmological fairness and natural justice are manifested. Such cosmological ethics and human subjective sanctity are henceforth addressed to those Confucian saints like Yao, Shun, Yu, Tang, King Wu, their rulings being the applications of natural justice.

When decreeing policies and ruled by rites, they never allowed an inch in betraying natural rights and justice revealed in cosmological evolution, and that is why Confucius responded to Ai Gong (哀公) in Dukedom Lu in his political counseling with the necessary ties between cosmological nature and humanistic politics: "The politics of King Wen and King Wu was implemented by their decrees and rules. As being saints, they had their politics accomplished vigorously; but when they passed away, their politics gradually declined into oblivion. Politics acquires its validity in human applications, while earth its vitality in trees (人道敏政，地道敏树). To administer politics is to water the reeds. Therefore, to administer politics is to be dependent on the human; to appoint a human in position is to evaluate his personality; to cultivate his personality is to follow *Dao* or cosmological principle; to follow *Dao* is to manifest humaneness. Humaneness is being witnessed in loving one's parents; righteousness is being witnessed in respecting the nobles. Rites as rules are being administered in loving one's family members with different kinships and respecting distinctively the nobles within their ranks. Without superior support, the lower rank might not be able to rule successfully. That is why a gentleman should cultivate his personality; to cultivate his personality, he should begin from loving his parents; to love his parents, he should learn to understand human; to understand human, he should refer it to the heaven."

This discourse on politics by Confucius in *The Doctrine of the Mean* should be associated with the first paragraph stated as "The universal nature has been destined by heaven's mandates, to attest this universal nature is to apply *Dao* or cosmological dynamics, to inculcate *Dao* is to carry out education. What can be called *Dao* is imminent in everything; otherwise, it cannot be *Dao*. Therefore a gentleman should be diligent on what is invisible, be vigilant on what is inaudible. With its subtlety, the cosmological entity cannot be visibly sensed, being the absolute otherness as the cosmological one, so a gentleman should be sanctimoniously aware of the cosmological one."

In their association, people could easily see the humanistic revelation that secular education on rites has acquired from heaven-mandated-nature faith or

cosmological doctrines. From the visible exhibition of cosmological beings, it tells universal benevolence and natural justice of the cosmologically invisible subtlety, and its being cosmological one (独) is the absolute principle that has been guiding the whole cosmic evolution which commands people's diligence and vigilance in cultivating and ruling. In this respect, ancient saints like Yao, Shun, King Wen, and King Wu have set up examples in successful ruling. In other words, short of the virtue in modeling after the cosmological harmony, no ruling could be peacefully achieved and maintained. By this association and inference, it is able to explain the entry "rule of human" as "rule of saints in their modeling after cosmological harmony" (圣人则天之治).

In such type of Confucian rule, "human" embodies the cosmological personality of natural justice, expressive of immense fairness and absolute equity, more cogent to "the rule of law" in the West rather than to its "rule of man" in the consecrated monarchism. For the Confucian rule of human, a virtue sanctified by cosmological harmony is positioned above the sovereign to transform human into saint, and this ethical containment only admits the saint kings as the model "rule of human" like Yao, Shun, Yu, King Wen, and King Wu. All monarchs or kings unguaranteed by cosmological harmony are just disdained as despotic and duped, like Xia Jie and Shang Zhou being nicknamed "solitary public thieves" (独夫民贼).

The social ruling principles and humanistic spirit revealed in the cosmological doctrines in *The Doctrine of the Mean* are authentically elucidated by linking with moral personalities in Confucian saints like Yao, Shun, Yu, King Wen, King Wu, and Duke Zhou, and such elucidations are complementary to the discourses on the social and dukedom ruling in *The Analects of Confucius*, which excavated full humanistic merits from the cosmological vitalities in promulgating universal moral rights and humaneness-oriented politics, hence consolidating its administrative principles and spiritual roots. Being cautious of this consecrated linkage, Confucius eulogized the saint Yao: "How majestically the saint Yao ruled! What the grandeur of heaven he worshipped and modeled after! How gorgeously he administered that people feel unable to find proper words in its praise!"[15] His exclamation inspired more commentaries on natural justice and social equity by later Confucian scholars in connection with cosmological doctrines: "Human being acquires his physical body in cosmological substance. So when in discussion of human nature, it is traced to a natural heaven. If the human knows his cosmological ties with the heaven, he should follow what the heaven's mandates.

In Xi Ci (系辞) of *The Book of Changes*, there is the document that Bao Xi (包牺氏) ruled the world under the heaven majestically by observing principles of

[15] Tai Bo, 论语 • 泰伯 (The Analects of Confucius • Tai Bo).

the heaven and the earth. It also tells the story that Huang Di (黄帝), Yao, and Shun ruled the world under the heaven by tidy dressings, distinguishing coats and trousers vertically like upper sky and downward earth. So, from the ancient times on, all saint kings have been ruling in adhering to cosmological principles. If more explanation is needed, people could say that the grandeur of the heaven suggests holy height, and being politically gorgeous suggests longer rule for more population.

What betrays proper words in praise is virtue shown in Yao's ruling. For words in praise, Huang Fumi (皇甫谧) expounded that whatever is beneficial attracts people to praise in words, but words are also introduced to disgrace evils. As for cosmological benevolence, no one can specify it; it has attained unbiased perfection in benefiting universal beings, leaving no words feasible in praising. What man can describe is the heaven or natural being, identical to cosmological dynamics. Such principle applied to the social ruling requires no special favor for a ruler's son and fair treatment to his subjects. Nature manifests itself in punishing what is evil and awarding what is good. So the rule of cosmological harmony attests credit for merit, yet free from over reputation, and penalty for crime, yet free from over torture. Such ruling principles copied from cosmos are conventionally applied to people's daily lives, with no visible efforts in matching words."[16] In this context, heaven is not only the source of human biological life, but also his holy principles from which all social norms are derived. From the conviction that ancient saints ruled by cosmological principles that consequently led to the society of grand harmony (大同社会), Confucian scholars summarized that human society must be ruled by cosmological principles since the natural harmony has been formed in its evolutionary process. In Confucian vocabulary, either the Grand in Grand Harmony or the Great in Great Way (大道), just signifies the value orientation of rights to live, fairness, justice, and equity exhibited in the cosmic evolution. So, all saint kings openly declared their commitments to the heaven's mandates, following the Great Way in achieving the Grand Harmony, like Yao, Shun, and Yu who engaged themselves in "uniting the world into a family, and China a personhood."[17]

Based on both legendary and historical documents on these saint kings, Confucian scholars declared the rule of man or the rule of saint kings (圣人之治) to be the best political constitution for country-ruling and world-harmonizing (治国平天下), i.e., humaneness-oriented politics (王道仁政). This idealized type of rule is also the theory that Confucian scholars justified themselves in criticizing

[16] Baonan Liu, 论语正义・泰伯 (Notes to Tai Bo, Authentic Introduction to the Analects of Confucius), from the anthology of scholars before Qin dynasty, Shanghai Bookstore (Shanghai), at 166 (1986).

[17] 礼记・礼运, Universal Ruling・The Book of Rites.

legalists' rule of legality and their despotic politics in the Qin Dukedom. In their political and legal discourse, Confucian scholars accentuated the heaven's virtues in equity for all cosmological beings and in justice for cosmological harmony (to be confirmed by the phrase "cosmological evolution gives rise to each natural being its nature and life (乾道变化, 各正性命)."[18]

The sanctity and authenticity in the heaven-mandated-nature not only proves to be the spiritual manifestation that cultivates saint king personality, but also spotlights Confucian constitutional merits in containing monarchal powers by virtue, at least achieving in forcing the imperial administrative orders decreed in the form of "following the heaven's doctrine, his honorable emperor thus decrees" (奉天承运, 皇帝诏曰). And eventually inspired and nurtured by this Confucian constitutional virtue, the powerless Chinese plebeians rose against monarchal powers in defiance of the son of heaven (or emperor) in a position of the people "performing the political mission in the heaven's stead" (替天行道).

Take the famous example given in the rule of man: "Revolutions conducted by saint Tang and King Wu are justified by the heaven's mandates as well as human morality." Generally speaking, in the means of cosmological beings and human daily lives, Confucian scholars validated their political and legal philosophy in cosmological harmony via *The Doctrine of the Mean* and the coherence between the cosmological entity and the Confucian constitutionalism, exemplified in that "Cosmological harmony must witness its certainty and validity in three successive kings durable in history, between the heaven and the earth identical to cosmological doctrines, in convincing ghosts and spirits with religious commitments, in persuading future rulers with administrative miracles. By convincing ghosts and spirits, a saint ruler shows his worship for the heaven; and by persuading future rulers, a saint ruler shows his respect for the human. Therefore a saint ruler motivates with the heaven's mandates, activates with the heaven's principle, and speaks with the heaven's rules."

In their parallel and coherence, I would not grudge my commentaries on Confucian scholars in editing and advocating *The Doctrine of the Mean* that cosmological doctrines have contributed natural fairness, justice, and rights to exist and that humans should transform them into social fairness, legal justice, and political equity. Such secular and creative transformation, to my conscience, is also the moral obligation for Confucian adherents, or ordinary Chinese, for they are anticipated by Xunzi as "most valuable species in the natural world for his integration of universal substance, animated life, intellectual faculty, and moral righteousness," and also by Zhang Zai (张载) as "to testify a cosmic heart between heaven and earth."

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[18] 周易 • 乾 • 彖, The Book of Changes • Qian • Tuan.

IV. IDEAL POLITICS IN THE RULE OF SAINT KING

Once Confucius was quoted (as saying in *The Doctrine of the Mean*): "Only a gentleman can adhere to the doctrine of cosmological harmony, while a narrow-minded person acts against the doctrine of cosmological harmony. This comparison means that the gentleman acts in accordance with the cosmological doctrine while the narrow-minded person violates the cosmological doctrine volitionally." The term "gentleman" and "narrow-minded person" symbolizes moral personality by Confucian scholars rather than their biological and social status, conscious of moral and political attitude towards cosmos including human natural life by human beings.

This is the stance that Confucian scholars take to spotlight "ought" in social rule inspired by natural harmony in the cosmos, very similar to that of "ought" in the human right endowed by nature. "Ought," in this case, stands for idealized value that the human has attributed to cosmic nature which a gentleman is consecrated to refer to as the most authoritative intelligence for his political and legal philosophy, while a narrow-minded person just regards cosmic nature as the source of "the law of jungle" devoid of any human value that his political and legal philosophy only tells "is," as the legal positivist proclaims. And it is this very insistence on "ought" that encourages Confucian scholars to stick to their moral value and religious commitment agreeable to harmonious cosmos; such intellectual and spiritual aspiration in *The Doctrine of the Mean* has been stated as "human cultivation" or "saint inculcation," with the gentleman in spiritual attainment in that sense while narrow-minded person in despising "ought" in a harmonious cosmos.

The gentleman and the narrow-minded person differ in perceiving the cosmological harmony not only in their subjective reflections and subjective evaluation on natural cosmos but also in their comprehensions on social relations and governmental rules. Zhu Xi thus explained their difference: "Based on the same cosmic doctrine but different cosmic substance, human beings are evolved with diversified physical sorts, the saint being cautious and moderate in following the doctrine of cosmological harmony by applying the rule of rites, music, punishment, and administration. In the true sense of human he should accomplish his human qualifications by cosmological doctrines and saint instructions, both revealing holiness for human behavior."[19] To him, a narrow-minded person failed in being cautious and moderate in following the doctrine of cosmological harmony, being the incarnation of excess or insufficiency. Only a gentleman can achieve the doctrine of cosmological

[19] Zhu Xi, 中庸章句 (Doctrine of the Mean), Yuelu Press (Changsha), at 26 (1987).

harmony in its appropriateness, deriving sacred, yet valid, political and legal philosophy from cosmic rationale. Therefore, an ideal rule of a country should be identified as "the rule of ritual and music," complemented by penal codes.

From the natural cosmological doctrine, Confucian scholars perceived and estimated what social rule could be the most suitable to human beings, the answer being the rule of saint kings like Yao, Shun Yu, King Wen, King Wu, and Duke Zhou who had been ruling China by the principle of cosmological harmony before Confucius. In their rule or administering politics, the doctrine of cosmological harmony is thought to be identical to natural justice, a value transcendent of actual social norms and political doctrine assuring its validity in constructing secular politics and legal institution. Such natural justice builds up a cosmological model, justifying idealized politics and rule of rites in the pattern of the integration between the heaven and the human; it functions itself in terms of methodology and target desired in social relations and human law. This is metaphorically stated by Confucius in *The Doctrine of the Mean*: "It is possible to rule substantially the dukedoms and the world under the heaven; it is also possible to resign political posts and service salary, to brave fatal swords, but it is impossible to accomplish the rule of cosmological harmony."

From the perspective of cosmology and natural rights, all the social or secular accomplishments are possible to be done by efforts, by which the human will not curb their efforts, his ambition burning with "the grand norm" and "the perfect evolution" identical to cosmological harmony in renovating political and legal systems, and his effort and ambition reveals his pursuit of social idealism witnessing a universally predestined harmony. The dialectics in this context tells the feature of "ought" in cosmological doctrine and "is" in human social rule, while the world of value unveiled in a vibrant and harmonious cosmos sets up a model for human politics and law. That is why Confucius thus concluded the value of cosmic doctrine: "The cosmic doctrine never distances itself from the human, and if the human adopts the cosmic doctrine to alienate human relations in society, he just violates the nature of such a doctrine. Therefore, a gentle duke endeavors his politics in social ruling, confining his policy in remedying ill behavior.

A committed loyalty and tolerance should coincide with the cosmic doctrine, so not impose on others what you would not be imposed upon. If it is believed that the human being is superior to other animals, the reason is exactly exposed in *The Doctrine of the Mean* that he can apply what has been revealed in the cosmological harmony in social ruling and administering human relations. He approaches natural justice as the universal ethical base in a fair social regulation, the golden doctrine of society being accordingly generalized as "treating people in his capacity as a human being, and being treated *vice versa*."[20] In the similar

[20] Id. at 34.

clue, Confucian scholars established a humanistic touchstone to regulate social relations and administer politics; that is, to govern the people by respecting their natural rights and dignities. The humanistic principle of ruling is inherited consciously and morally from the cosmological doctrine harmoniously governing the universe, its natural philosophy epitomized in "universal fellow beings thrive on equity, universal doctrines function well respectively." To Confucian saint kings and scholars like Yao, Shun, Yu, King Wen, King Wu, and Confucius, humanistic principle originated in and inherited from cosmological doctrine is "the unity of self-disciplined loyalty and other-considered tolerance" (忠恕); that is, cosmological doctrine endows universal beings with a right to exist in natural justice while humanistic doctrine in its holy imitation endows people with moral rights to love and respect their fellows. Such natural justice and moral right have another similar assessment in *Tao Te Ching* by Laozi: "*Dao* provides universal dynamics for physical beings, *De* represents *Dao* in concrete physical beings, physical beings (物) constitute observable beings, their potentials (势) help make what these physical beings substantially tangible."[21]

In the intellectual context before the Qin dynasty when Laozi and Confucius were busy creating their schools of thoughts, moral rights for them were universal natural rights to live and sustain revealed in the cosmos; "the unity of self-disciplined loyalty and other-considered tolerance" proves to be the universally applicable principle for lives, being worshipped as "grand norm" and "perfect evolution" in social rule and legal institution. This is the intellectual prototype for Confucian scholars in advocating the rule of virtue attributed to the rule of cosmological harmony by saint kings Yao, Shun, King Wen, and King Wu, for their legendary ruling miracles, interpreting the cosmic grandeur of selflessness in serving all universal fellow beings and spotlighting the sanctity and eternity of natural justice and ideal politics so dearly cherished in the heaven-mandated-nature of Confucian faith.

In Confucian political philosophy, the heaven-mandated-nature is not confined to enunciating the universal nature of a physical cosmos, but directs its attention to social objective for human endeavors and leading principles in social regulation, resulting in the "historical" pattern of the rule of saint kings by legendary resources. They do not care whether this frequently cited rule of saint kings is based on historical events, simply because they are chiefly concerned with the social and political ideal of "self-regulating, family-making, country-ruling and world-harmonizing" despite the fact that "the hereditary doctrine from Yao, Shun, the three kings (Yu, King Wen, and King Wu), Duke Zhou to Confucius has never been fully applied between heaven and earth in a

[21] Laozi, 道德经 (Tao Te Ching), ch. 51.

single day."[22] But Confucian scholars in the whole span of Chinese history have never ceased to worship the rule of saint kings as the idealized political constitution with irresistible intellectual charm, a convincing argument being Confucius's designation as "uncrowned king" (素王) in Gongyang Commentary to the Spring and Autumn Annals (春秋公羊传) in the Han dynasty. And even in the Reform Movement of 1898, a well known master (also a Confucian scholar) Kang Youwei (康有为) was enthusiastically advocating for the type of reform in the principle of ancient rules of Confucius, and no one was authentically curious more about his liability to confirm Confucian actual rules as a saint king than suspect the congruence between his idealized Confucian constitution with the current political situation.

For the disparity between the idealized rule of saint kings and the war-torn social situations in his life time, Confucius was clearly sighted; that was why he did not demonstrate whether Yao, Shun, Yu, Tang, King Wen, King Wu, and Duke Zhou had actualized "the virtue of the cosmological harmony," but stressed the "ought" value in it as the orientation for idealized politics, as stated in *The Doctrine of the Mean*, "The metaphysical doctrine catering to gentleman is often eclipsed by physical cases. For ordinary people, such principle is also perceivable, but its consummation even gets sage mentally befuddled. For ordinary people, such principle is also applicable, but its consummation even causes sage physically disabled. The grandeur of metaphysical world constitutes permanent attraction for the human being in what is physically unattainable." The cosmic doctrine revealed in the rule of cosmological harmony is identical to what a Confucian gentleman aspires for, and its "grand norm" and "perfect evolution" is eclipsed as invisible to the visible empirical world.

So what means extraordinary to gentleman is not what is physically visible or empirically attainable, but what is metaphysically invisible or empirically unattainable, thus a cosmic doctrine in a sense of political and legal institution is not what has been perceived and applied to the imperial rule of consecutive Chinese dynasties, but its incarnation in terms of the rule of saint kings. Accordingly, the cosmic doctrine in Confucian political and legal philosophy has acquired the import of "ought" transcending the reality of "is" in human rule, thus justifying Confucian scholars in commenting Yao and Shun as being fallible and King Wu and Duke Zhou with full filial piety in a sense of physically "is," despite their being often eulogized as metaphysically perfect.

With cosmic doctrine standing for metaphysical "ought," the physical "is" in Confucian political and legal philosophy can be more attractive and convincing to the politician or gentleman in social or administrative undertakings, as all

[22] Zhu Xi, 答陈同甫・朱熹集 (To Chen Tongfu・The Complete Works of Zhu Xi), vol. III, Sichuan Education Press (Chengdu), at 1592 (1996).

human social activities need to be ultimately justified in holy sources: "King Wu and Duke Zhou have behaved in rules with perfect filial piety, for they are good at carrying on their predecessors' commitments and undertakings. They performed properly the sacrificing rituals in the suburbs to please the Heaven Master, and in ancestral temples to please their ancestors. If one understands thoroughly the sacrificing rituals in connection with cosmological dynamics, one can apply that dynamics in social ruling as handling it in his own palm." When devotedly expressing their pious sentiments towards ancestors and heaven-earth spirits, Confucian scholars are clearly demonstrating their convictions towards life eternality in the form of family continuance, but for politicians or administrators such religious rituals obviously symbolize their ambitions and aspirations for decent political, moral, and social ideals.

So, convictions for family continuance and political aspiration express the same feeling for Chinese, but at different levels for they both gear into the ideal type of intellectual commitment to life, either in family or social contexts, where there is the unity between family and country in terms of life, and the integration between the rule of family and the rule of country. Therefore the advocacy of "ruling the world by filial principle" (以孝治天下) gained in popularity in a prosperous and powerful Han dynasty, and being great and graceful of Han people (汉人雄伟) in the Han dynasty was thought to be a historical and political witness to Confucian rule of cosmological harmony by some scholars; its intellectual traits being generalized as human responded to heaven dynamics (天人感应). Among the dozens of Chinese dynasties, only Han and Tang are labeled as great dynasties (汉唐盛世), simply because they are believed in Confucian political and legal traditions to have actualized in their rules the cosmic principles in a possibly physical extent, i.e., in their enlightened imperial policies and ambitious emperor personality.

CONCLUSION

In the mind-set of Confucian integration between heaven and human, *The Doctrine of the Mean* does not confine itself to a superficial method of no-more-no-less, but inquires into the cosmological entity through daily phenomena and its humanistic alluding to the fundamental principles and ultimate objective in fulfilling Confucian secular missions of self-disciplining, family-establishing, country-ruling, and world-harmonizing.

To its realistic policy at minimum, I would not negate its method or useful ways in self-protection and surviving hardships, like the phrase in *The Book of Songs*: "To protect oneself is to be wise"; or the speculative warning from Xunzi:

"To speak out properly is to be wise, to keep silent properly is also to be wise."[23] But I am more attentive to its cardinal theme: "What a great principle that saint kings justify themselves in ruling! It is the cosmic principle that helps create all physical beings, as donating universal grace for all under the heaven. In its marvelous emulation, the saints invented and introduced for their rulers three hundred ritual forms and three thousand obligatory codes. This political and legal mechanism is readily applicable only for the people conscientiously committed. Therefore, the virtue has not been nurtured to the utmost, the cosmological doctrine would not accompany; a gentleman would not be content before attaining perfect virtue and cosmological doctrine is incarnated on him; his goal is set at integrating with cosmological subtlety and ruling with cosmological harmony, and his undertaking is enriched by consistently learning from the past and honestly applying the proprieties.

When in the high rank, never lord it over others; when in the low rank, never betray his superior. When politics is amenable, contribute his suggestion for the country; when politics is abhorrent, just keep silent for self-protection. Bear in mind the sayings in *The Book of Songs*: "To know how to protect oneself is to be clear-sighted and wise." At a first glance, these sentences seem to make a summary for *The Doctrine of the Mean*, but it also exposes itself to some theoretical confusion. Therefore, I feel an obligation to differentiate it in my conclusion.

What has been enunciated by Confucian scholars as "the saint's rule by modeling after the heaven's virtue" can be abridged as "the rule of man" or "the rule of virtue," a more generally used term being "the rule of rites," in Confucian intellectual context. What has been exclaimed as "majestically," "grandeur" and "universal grace" is not identically confined to physical beings in an empirical world, but implying a transcendent sense in Chinese traditional faith for the heaven. They are cherished as the ultimate resources for the saint's ruling, alluding to perfect virtue, cosmological doctrine, nurture virtue, cosmos incarnation, integrating with cosmological subtlety, and ruling with cosmological harmony, with these ultimate resources "ritual forms" and "obligatory codes" being legally justified and sacredly motivated.

If the person in the rule who is both identical to, and consecrated by, perfect virtue personifies the transcendence above secular powers and good or evil state politics, and his free will vested by the heaven-mandated-nature exists in the holy world of evaluation, how could it be that such a person or saint "to be wise to protect himself" in the secular world of calculation? Therefore, the summary provided in these sentences does not coherently reflect what "the rule of saint kings" or "the rule of cosmological harmony" in *The Doctrine of the Mean* is

[23] Xunzi, 荀子 • 非十二子 (The Works of Xunzi • Refutations against Twelve Thinkers).

implying regarding "cosmological subtlety." "When politics is amenable, to contribute his suggestion for the country; when politics are abhorrent, just to keep silent for self-protection" can be comprehended as a wise means, but only if being observed as pure methodology could it straightly spoil the perfect virtue in the rule of cosmological harmony. In this context, I have to state that the editors for this Confucian classic have plunged themselves into intellectual confusion and embarrassment.

Now, what might be a comparatively appropriate concept to summarize *The Doctrine of the Mean*? Before directly coming to the answer, I should stress some points again: The classic was edited for ideologically combating legalist utilitarianism in the Qin Dukedom, and it was rediscovered and recommended in the Tang dynasty to meet intellectual challenge from Indian Buddhism and, finally, it was selected and interpreted in the Song dynasty to revive secular Confucianism, especially its idealized social ruling. With these and other backdrops concerned like Xiao Yan (萧衍), Han Yu, Li Ao, Cheng Yi, and Zhu Xi, a cogent concept to integrate cosmological dynamics with the rule of saint kings might be "cosmic dynamics," which has been frequented as metaphysical entity to channel between heaven and human. For the heaven, it suggests "Perfect cosmic dynamics never ceases to help produce in the cosmos"; for the human, it embodies "Perfect human dynamics never ceases to motivate himself in his undertakings." As revealed in *The Book of Changes*, "The cosmic dynamics is affluent in bringing about everything, so a gentleman in the same spirit may accomplish whatever may be accomplished (天行健, 君子以自强不息)."[24]

It can be linked convincingly to what has been stated in *The Doctrine of the Mean* about cosmic dynamics: "The cosmic dynamics is *Dao* of the heaven, and to attain the cosmic dynamics is *Dao* of the human. The cosmic dynamics remains as the cosmological entity before representing itself in universal beings and attains its human incarnation without much intellectual endeavor. To rule gracefully in line with cosmological harmony is to exhibit his being a saint. To attain cosmic dynamics is to dedicate in applied perseverance." And it is this concept that explains why *The Book of Changes* and *The Doctrine of the Mean* are often merged into one entry in Confucian scholarship as Yi Yong (易庸). A prime minister of the Song dynasty named Guang Sima (司马光), who spent twenty years in editing *The History as a Political Mirror* (资治通鉴) to highlight Confucian political and legal philosophy, had tutored his student Anshi Liu (刘安世) with the entry "cosmic dynamics (诚)" for five years. This anecdote might also spark some insights on the concept "cosmic dynamics."

I may here also introduce the relevant comments by a contemporary scholar, Ronggen Yu (俞荣根), whose specialized academics is Confucian legal thoughts,

[24] 周易 • 乾 • 象 (The Book of Changes • Qian • Xiang).

as my supportive sources: "It is only the cosmic dynamics in its full application that the world under heaven could be ruled harmoniously, for it exclusively testifies the cosmological entity and evolutionary principles." This sentence quoted from *The Doctrine of the Mean* suggesting that a person incarnated with the cosmic dynamics is able to establish a grand natural law, attain the cosmological virtue, and understand the evolutionary process. By cosmic dynamics, *The Doctrine of the Mean* conveys such message that it is only the saint with cosmic dynamics who is eligible to create human laws harmonious with the heaven's mandates. Therefore it leads us to the concept of saint in legislation."[25]

I would also make more comments based on his summary: The saints in legislation in the heaven's stead can be associated with another popular Confucian concept — "by nature all human fellow can be translated into a saint," in addressing political rights equal to everyone. Any adherent to the Confucian heaven-mandated-nature theory is equally vested with moral rights and political rights in terms of "rationalizing, self-regulating, family-establishing, country-ruling, and world-harmonizing" by universal rationale or cosmological dynamics echoed with its intuitional conscience. Therefore, I would agree with Yu's summary in refuting that of confining *The Doctrine of the Mean* in methodology in administering empirical issues, for the saying is academically responsive to the motivation and objective for its editors and advocates in the Qin dukedom and the Tang dynasty as well as the Song dynasty.

The striking feature, if I may stress it this way, of Confucian intellectual tradition is that the human by his nature identical to cosmic dynamics can initiate this cognitive faculty of heart to integrate his soul with the cosmological doctrine, uniting his political and legal ambitions with the sanctity and authenticity of the heaven's mandates. By this integration and unity he is optimistically conscientious of his moral right and social obligation, applying his political and legal philosophy in terms of "performing the political mission in the heaven's stead" and a living role model in "incarnating *Dao* in his body" (以身载道). His conviction and perseverance in the cosmic dynamics and the rule of cosmological harmony exercises moral restrictions on secular political powers, propagating universal human rights in Confucian context which are normally expressive of natural right for lives, and moral right for politics.

[25] Ronggen Yu, 儒家法思想通论 (Introduction to Confucian Legal Thoughts), Guangxi People's Press (Nanning), at 574 (1998).