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Natural justice and its political implications: Legal philosophy revealed in The Doctorine of the Mean

Abstract
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Keywords
cosmological harmony, natural justice, sages and rulers, cosmic dynamics, Cheng, Doctrine of the Mean, Zhong Yong, Zhongyong, Chung-Yung, Buddhism in China, Confucianism

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Natural Justice and its Political Implications: Legal Philosophy Revealed in *The Doctrine of the Mean*

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Abstract: *The Doctrine of the Mean* is one the major Confucian classics focusing on natural justice and its political implications via cosmic dynamics (*Cheng*) and its concepts of equilibrium and harmony. The rule of the sages modeling themselves after heaven's virtue is advocated as the so-called 'rule of man' or '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 this Pre-Qin Dynasty text and its commentators in the Tang Dynasty have availed themselves of its ideas on natural justice and cosmic fairness (in a Heaven-Mandated-Nature Theory) to repudiate Legalist utilitarianism (abused in the despotic Qin Dynasty) and the 'Empty-World' concepts of Buddhism prevalent during the Tang Dynasty. Their academic endeavors were directed at consolidating cosmological faith and moral fairness as the basis for a Confucian political ideology focused on self-regulation, family relationships, moral governance and world-harmony.

Key Words: Cosmological Harmony, Natural Justice, Sages and Rulers, Cosmic Dynamics, Cheng, Doctrine of the Mean, Zhong Yong, Zhongyong, Chung-Yung, Buddhism in China, Confucianism

The Confucian Classics were a documentary 'ladder system' comprising the three basic rungs of *The Four Books*, *The Five Classics* and *The Thirteen Classics* respectively. Such a documentary system was meticulously organized by Confucian scholars, gradually enlarging its content and intellectual complexity. In the first rung of *The Four Books*, there are two texts, *The Great Learning* and *The Doctrine of the Mean*, which are just essays in *The Book of Rites* (one of *The Thirteen Classics*). These two essays were selected as independent papers by Confucian scholars during the Tang Dynasty and authorized as 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 the alien Buddhist sutras, succinctly expressive of religious commitments indigenous to China, and the political and legal principles of the Confucian heritage. *The Great Learning* is focusing on how

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to cultivate oneself into a developed person by the 'Integration between Heaven and Human', and *The Book of the Mean* focuses on natural justice and ideal politics via the rule of sages, using the principles of a Heaven-Mandated-Nature Theory.

The Intellectual Backdrop of The Book of the Mean

The Book of the Mean, which in its origin was only a short essay of less than 5000 words in *The Book of Rites* (far shorter in length than any modern dissertation), is gorgeously rich in its intellectual reflections and was extracted as an independent paper to study by Confucian scholars in Tang Dynasty, then annotated and listed as one of *The Four Books* by Zhu Xi during the Song Dynasty. Thus, it became 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 of Dai Sheng, a prestigious Confucian scholar on Zhou's rites, the major contents in each chapter revealed stories obviously earlier than the Western Han Dynasty in which the compiler lived. However, according to professor Chen Yinke, the most reputable historian in 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 Qin Dynasty. The text addressed itself mainly towards cosmic dynamics (*Cheng*) in integrating a life philosophy grounded within a cosmology.[2] These cosmic dynamics were further explored by later Confucian scholars in expounding and testifying the natural justice advocated by Confucius as the Heavenly Way or the Heavenly Tao (*Tian Dao*) and the ideal political implications in the rule of sages, who were acknowledged as the secular representations of cosmological equilibrium and natural laws based on a Heaven-Mandated-Nature Theory.

During the Six Dynasties Period in Southern China (between the Jin and Sui Dynasties from the 3rd to the 6th Century A.D.), Buddhism introduced from India became prevalent in China. Converted from a Taoist to a Buddhist, King Liang Wu or Xiao Yan in the Southern Dynasty justified himself in accepting Buddha-Nature Theory by referring to his own Chinese tradition of the Heart-Nature Concept (from *The Doctrine of the Mean*), but failed to extract its political and legal implications

[2] In addressing the background of *The Great Learning* and *The Doctrine of the Mean*, Prof. Chen Yinke wrote: "In short, the essay of *The Great Learning* from *The Book of Rites* by Dai Sheng is stating the stereotyped doctrine of Confucian self-regulation, establishing the family, country-governance and world-harmonization（*xiu qi zhi ping*, being simultaneously self-assumed representations of Confucian official scholars in the Late Eastern Han Dynasty. My judgment is not difficult to be document in the *Biographies of the Repudiated Confucian Officials* in the Book of the Late Han and other related documents. But before those days in the Early Western Han Dynasty, what had been stated in *The Great Learning* was nothing more than an ideal life picture imagined and desired by Confucian scholars. So I would 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 another paper, so I will rather stop here." Seen in *Papers Assorted from Jin Ming Guan Manuscripts*, Part I, by Chen Yinke, printed by Shanghai Classics Press, 1980, p.42.

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which surpass Buddhists in their stoicism. During the Tang Dynasty, the Buddhist cosmology based on Buddha-Nature Theory and its life philosophy based on Nirvana were gaining more popularity in China, their other-worldly oriented philosophy being blatantly contrary to Confucian philosophy focused on this world. The alienated intellectual situation as such created a thrilling panic among Confucian scholars and Han Yu, one of the leading Confucian scholar, purposefully chose one essay from *The Book of Rites*, named *The Great Learning*, to refute Buddhism (cultivating heart and nature by abandoning family and society) with the Confucian doctrines of self-regulation, family relationships, moral governance and world-harmony

Furthermore, another Confucian scholar named Li Ao, Han Yu's student as well as intimate friend, extracted *The Doctrine of the Mean* from *The Book of Rites,* advocating social justice and worldly rule revealed via a Heaven-Mandated Nature and cosmological reality 'devoid of sounds and smells' (*Wu Sheng Wu Xiu*). Following the popular Buddhist conviction of a Dharma Heritage, Han Yi put forward and strongly advocated a brand-new Confucian Dao Heritage as a traditional Chinese doctrine to discredit the Buddhist one. Contrary to the abnegation of family and society, the other-world oriented tradition initiated by Buddhist patriarchs, Han Yi proposed that the Confucian Dao Heritage had been created and sustained by the doctrine of focusing on this world, establishing the family, ruling society and harmonizing the world, i. e, Confucian Sages and Saints before and during the Three Dynasties, e.g. Yao, Shun, Yu and Tang. Likewise, King Wen, King Wu and Duke Zhou (Zhou Dynasty) ushered in Chinese history and its political and legal heritage of ruling 'this world' by the Dao: "Such a heritage was passed on to Confucius and Mencius, but lost its authentic trace after Mencius. Even some Confucian scholars afterwards like Xun Zi and Yang Xiong claimed to have inherited Dao from the previous sages, but Xun Zi failed in its pertinent extraction while Yang Xiong failed in his coherent explanation."[3] He went so far as to exclude Xun Zi and Yang Xiong, master Confucian scholars in Warring States Period and Han Dynasty, from the Confucian camp, accusing Xun Zi for his failure to transmit the Confucian quintessence and Yang Xiong for his failure to explicitly advocate Confucian texts.

There was some point in accusing these two master Confucian scholars, as well as two of Xun Zi disciples, Han Fei and Li Si, who were the leading Legalists associated with the despotic Qin Administrative that engaged in 'burning books and slaughtering scholars' (*Fen Shu Keng Ru,* i.e. burying scholars alive). Yang Xiong imitated Confucian classics in creating his *Grand Metaphysics (Tai Xuan)* after *The Book of Changes (I Jing),* and his *Doctrinal Analects (Fa Yan,* sometimes translated as *Words to Live By),* but these were unable to resist the introduction and wide acceptance of Buddha-Nature Theory and the Nirvana doctrine among Chinese during the Tang Dynasty. During this period, Buddhism was so prevalent that Confucianism was eclipsed both in the plebeian and patriarch classes. Such intellectual challenges

[3] On the Confucian Dao, Vol.11, *The Complete Works of Han Yu*, by China Bookstore Press, 1991, p.174.

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reminded Han Yu of Mencius, who in his lifetime rose against the then popular doctrines of Taoism and Mohism. Therefore, Han Yu promised himself to defend Confucian doctrines from the constant incursions of Buddhism and Taoism. This was the motive of Han Yu in selecting *The Great Learning* from the many chapters or essays collected in *The Book of Rites* as the basic theory in line with a Confucian life philosophy, suggesting its metaphysical supremacy over the Buddhist Dharma.

Inheriting Han Yu's perseverance for established Confucianism, Li Ao set out to search for cosmological arguments among Confucian classics to refute Buddha-Nature Theory, which cosmologically grounded the Buddhist life philosophy in the form of Nirvana. Li Ao finally chose *The Doctrine of the Mean* as the cosmological argument for a Confucian life philosophy, mainly expressed in the 'rule of sages'. With this academic endeavor Li Ao assumed he had enhanced the authenticity of Confucianism in the Chinese intellectual tradition. To his estimation, there had been systematically reflected cosmologies within the Chinese intellectual tradition that were finalized in the essay *The Doctrine of the Mean*, long before Buddhist cosmology was imported into China. He traced this indigenous cosmological reflection to a Heaven-Mandated-Nature Theory, stating that Confucius himself had discussed the 'Way to Elaborate the Heaven-Mandated-Nature to its Fullest Extent' (*Jin Xing Ming Zhi Dao*) and Confucius' grandson Zi Si obtained this 'Way' by a family bequest and narrated it in *The Doctrine of the Mean*, expounding it to Mencius. But when Mencius passed away, the academic enthusiasm for Heart-Nature (Heart-Mind) and Heaven-Mandated-Nature concepts had been in recession before they were further eclipsed by Buddhist cosmology based on the '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 Zeng Zi, one of Confucius' most favored disciples, 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 sages such as Yao and Shun, and when this secular-motivated ruling tradition was passed on to Confucius, he met with an unprecedented predicament being 'A Sage with Virtue and without Position' (*You De Wu Wei*) in contrast to the previous 'Sages with Both Virtue and Position' (*You De You Wei*). Thus Zhu Xi concluded: "Our master Confucius, though not in any ruling position, but being concentrated exclusively on virtue, has distinguished himself more beautifully than the ancient Sages Yao and Shun, morally revolutionizing the Sage's ruling tradition."[4] The clue as stated in *The Doctrine of the Mean,* "A Sage with Great Virtue must have high position, bountiful commissions, prestigious reputation and long life" paved the way for Zhu Xi to establish an even higher position for Confucius than the ancient exemplars King Yao and King Shun, since his ideas would teach kings. Since the secular kings were regarded as the Sons of Heaven, their tutor must be a ruler of the sages, alluding to his being identical to the cosmological ideal. Therefore this might be the most appropriate position agreeing with Confucius' distinguished virtue,

[4] Preface to *The Doctrine of the Mean*, in *Annotations to The Four Books by Zhu Xi.*

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cogently leading to a Confucian Heaven-Mandated-Nature cosmology. After Zhu Xi's explanation and argument, many Confucian scholars in Song Dynasty were convinced of the proposition that Confucius definitely had a sacred position in the cosmos superior to that of ancient sages. The motto, "If Confucius were not incarnated by Heaven's Mandate, human history would just remain in dark" (*Tian Bu Sheng Zhong Ni, Wan Gu Ru Chang Ye*) began to be popular among Confucian scholars at that time. It suggested that Confucius, though not crowned, as were previous sage kings, had converted what had been initiated as great undertakings by King Yao and King Shun into a category of cosmological spirit, bequeathing it in the form of Heaven-Mandated-Nature Theory to Zeng Zi, thence to Zi Si and then to Mencius, resulting in the establishment of Zi Si and Mencius School and the incipient tradition of Heart-Nature Theory (Heart-Mind Theory). In connection with the first sentence "what has been mandated by heaven is the universal nature" in *The Doctrine of the Mean*,[5] we can infer from Mencius' "The full performance of the heart's function is to understand the universal nature, hence to testify the holy mandates of heaven" that the 'Integration between Heaven and Human' (*Tian Ren He Yi*) reveals in essence the intellectual unity between cosmology and life philosophy. This emphasizes the value of a cosmologically-committed life philosophy in the form of Heart-Nature Theory and rejects the alien path of Buddhist doctrine.

Basing themselves on the philosophical and political implications made by Han Yu in expounding *The Great Learning* and Li Ao in expounding *The Doctrine of the Mean*, Confucian scholars in Song Dynasty organized them into a series of textbooks in tutoring their disciples with *The Analects* of Confucius and the works of Mencius, 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 the Confucian intellectual tradition, overshadowing Buddhism in its other-worldly oriented cosmology and life philosophy and Taoism in its nature-oriented cosmology. This creatively transformed the Confucian tradition into a 'this-world oriented' cosmology and life philosophy. The newly renovated Confucian cosmology and philosophy were very soon accepted and integrated within 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 Its People' (*Jing Shi Ji Min*) in succession to the Metaphysics of the Wei and Jin Dynasties and Buddhism under the Sui and Tang Dynasties. The concepts of the 'Cosmic Dynamics' (*Zhong*) and Cosmic Harmony (*He*) in *The Doctrine of the Mean* were meticulously gauged and accentuated by Li Ao as the cosmological arguments for Confucian political and legal philosophy in order to update the previous Confucian reflections on sage-kings. The theoretical charms of this extended tradition cannot be over appreciated and must not be ignored in studying Chinese political and legal history.

[5] See the parallel translation in Chan, Wing-Tsit (trans.) *A Source Book in Chinese Philosophy*, Princeton, Princeton University Press, 1963, p.98: "What Heaven (*T'ien*, Nature) imparts to man is called human nature".

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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 the cosmological tradition, *The Book of Changes*, being academically and terminologically abbreviated as the Unity between the Changes and the Mean (*Yi Yong*) or the combination of *The Book of Changes* and *The Doctrine of the Mean*, apparently showing the influence of Taoism in terms of its nature-oriented cosmology. This association with *The Book of Changes,* alluding to conceptual impacts from Taoism, could help us better understand incursions from alien Buddhism concepts introduced into China by its paralleling cosmological and life philosophies found within Taoism. This historical and intellectual context was comprehensively commented on by Professor Feng Youlan, a master Confucian philosopher of 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 to a more sophisticated dimension. As for the authors of these books, the popular acknowledgement is that Confucius authored *The Book of Changes*, but our latest researches can tell that his authorship cannot be proved. The same situation about the authorship happens to *The Doctrine of the Mean*. We can't say for sure that Confucius' grandson Zi Si had authored *The Doctrine of the Mean*, but rather be sure that some parts of the book are written by Zi Si, the rest being 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 most of their authors had been influenced by Taoism. . . . . In terms of a clearly-articulated cosmology I would conclude that the authors of these two books are smarter that Mencius.[6]

Noting Feng's analysis and suggestions, I would here contribute to this assumption that there is a process in Confucian cosmology from 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 the Confucian tradition, being academically and pedagogically established with stabilized written texts as its classics (*The Four Books*), was ultimately the consequence of Neo-Confucian innovations in the Song Dynasty responding to the challenges that Buddhist cosmology provided (in the form of the Buddha-Nature Theory and the Buddhist concept of Nirvana)

Rule of Cosmological Harmony (Yun Zhi Jue Zhong)

As has been stated, we hold Li Ao creditable for these points, in 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 descending from Confucius to his grandson Zi Si, who in turn passed it on to Mencius. However,

[6] *The Complete Works of Feng Youlan*, printed by Henan People's Press, 2000, Vol.5, p.59.

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Mencius' demise caused the Heart-Nature doctrine to be ignored and depreciated. The oblivion of Confucian Heaven-Mandated-Nature concept in *The Doctrine of the Mean* and the Heart-Nature Theory in Mencius provided an ideological terrace on which Buddhist and Taoist cosmologies could build. In the campaign against these alien incursions Li Ao during did manage to begin a revival of a consistent Confucian cosmology, which can seen in the first and last sentences of *The Doctrine of the Mean*: "The universal nature has been destined by heaven's mandate" and "Heaven's operations are perfectly accomplished, transcending all voices and tastes" of *The Doctrine of the Mean*.[7]

But we should always bear in mind that what Confucius meant by 'Nature and Heaven's Way' was not the usual cosmology in explaining the origin and evolution of a physical cosmos. What Confucian scholars inherited and developed from 'Nature and Heaven's Way' was its cosmological motif justifying their ideology to rule 'all under heaven', distinguishing themselves from Buddhist and Taoist philosophies. Therefore, Confucian scholars in both the Tang and Song Dynasties are still on the traditional track of Confucian sage-rulers, having sought cosmological sources for consolidating their political and legal philosophy. Zhu Xi in Song Dynasty made this cosmological feature explicit in his preface to his annotated version:

> Why was *The Doctrine of the Mean* authored? Zi Si authored it simply in the fear that Confucian doctrine might miss its track. Since our ancient Sages have ruled by heaven's mandate and they have gradually established this ruling tradition sanctioned by heaven accordingly. Hence these ruler-sages 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 the Dao heart is its cosmological subtlety. Since the Dao testifies itself in cosmological Unity, the Human should follow the Rule of Cosmological Harmony.' What a great prophetic motto Yao made in one saying, and Shun added three more sentences to facilitate its comprehension, leaving nothing to be desired.[8]

For Zhu Xi took the Rule of Cosmological Harmony as the kernel of *The Doctrine of the Mean*, revealing the highest secret of ancient Confucian sages and their statecraft. It was assumed that Sage Shun apprehended the quintessence of Yao's motto and interpreted it in the extended form of the "Sixteen Words Motto" (*Shi Liu Zi Zhen Yan*, Shun's four expounding sentences are expressed in sixteen Chinese words) to admonish his political successor, Yu the Great. In the Confucian genealogy of ruling Sages, Yao, Shun and Yu are the most senior, among whom Yao and Shun are legendary wise emperors ruling all the 'world under heaven' for the public good, and their political succession was accomplished via abdication and appointment of a worthy successor (*Shan Rang*). This was based on the idea of recommending a new

[7] See the parallel translations in Chan, Wing-Tsit (trans.) *A Source Book in Chinese Philosophy*, Princeton, Princeton University Press, 1963, p.98, p.113: "What Heaven (*T'ien*, Nature) imparts to man is called human nature" and "The operations of heaven have neither sound nor smell."

[8] Preface to *The Doctrine of the Mean*, in *Annotations to The Four Books by Zhu Xi*.

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sage-ruler based on virtues and talent, by abdicating one's own throne (*Xuan Xian Yu Neng*) and the following institutional principle of appointing people by their merits (*Ren Ren Wei Xian*) in the service examination system. Confucian scholars tend to believe that Emperor Yao abdicated his throne to recommend Shun for his wisdom, and Shun did the same in favour of Yu for his subduing the flood and benefiting 'all under heaven'.

But when Yu the Great declined into old age, he bequeathed his throne to his son Qi, starting a hereditary rule in Chinese political history by transforming "ruling for the public good" (*Tian Xia Wei Gong*) into "ruling for selfish one family"(*Tian Xia Wei Jia*), and this shift to ruling for selfishness of one family, one clan and one nation instead of for the public good has become the constant condemnation of Confucian scholars. According to Confucian political logic, ruling for selfish goals is destined to lead to constitutional dictatorship and its dictator's moral corruption – its only remedy is social revolution. Such a logic is often found in eulogizing the power shifts in the Three Dynasties: "Revolutions conducted by Tang Shang and Zhou Wu Wang are justified by the mandate of heaven as well as human morality."[9] To their understanding, convinced by either legends or historical documents, Confucian scholars are always on good terms with two forms of power shift: merit-based-transfer of the throne (as discussed above) or revolution (due to loss of the Mandate of Heaven). To them, both these paths have their legitimacy grounded on a heaven-revealed morality. 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* (*Shang Shu*): "Heaven created human beings, consecrating their monarch and tutor."[10] In this quotation, 'monarch' symbolizes the actual political rule and 'tutor' the moral conscience of society. The same conviction is also sensed in Confucius via his praise to Yao: "When Yao called Shun: Hai, Shun, The throne is destined to you by Heaven's Mandate, just follow the Rule of Cosmological Harmony."[11]

The Confucian faith and mind-set based on the 'Integration between Heaven and Human' reminds us that Heaven does not stand for the cosmology of natural evolution, but more importantly reveals human spirit in natural justice, especially via political legitimacy and legal validity. So the vocabulary pertinent to morality, ethics, virtue or legitimacy in Chinese is in fact the two-word combination: *Dao* for cosmological dynamics and *De* for cosmological phenomena, be it physical, biological, botanical, mineral or social. And *Dao De*, 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, was expanded into the following four sentences to testify its full sense:

[9] Ge, Tuan Ci, *The Book of Changes*.
[10] Duke Liang Hui II, *The Works of Mencius*
[11] Yao's Words, *The Analects of Confucius*.

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The faculty the of human heart is its being diligent, the faculty of Dao heart is its cosmological subtlety; Since the Dao testifies itself in cosmological Unity, Humans 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 whether the four sentences were the actual administrative philosophy Yu inherited from Shun. It is highly possible that Zhu Xi himself concluded them from his observations and reflections on related Confucian classics. For my understanding, the Rule of Cosmological Harmony might be what Zhu Xi derived from a sentence in *The Doctrine of the Mean* in connection with another one relative in *The Analects* of Confucius, for the former we have: "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 applies in his ruling only what he has proportionately evaluated. And this is his greatness!", and from the latter we have: "When Yao called Shun: Hai, Shun, The throne is destined to you by Heaven's Mandate, just follow the Rule of Cosmological Harmony. Even if the secular world is surrounding by poverty and hardship, you will enjoy the eternal guardianship from Heaven. And this holy admonishment Shun also passed on to Yu."[12]

However, the four 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* (*Shang Shu*) presented to Emperor Yuan (Yuan Di) by Mei Ze during the Eastern Jin Dynasty. I, personally, do not see much sense in distinguishing whether the four sentences concerned are the admonishments from Shun or later annexations. Their sense lies in agreement with the Confucian concept of 'Integration between Heaven and Human'. To explain the insights in the 'Rule of the Cosmological Harmony', Chen Yi, another master Confucian scholar in the Northern Song Dynasty, had this analysis regarding the four sentences: "People have their selfish hearts, tending not to be diligent, but heaven has a cosmic heart, tending towards metaphysical subtlety. In this contrast we see value in its metaphysical origin. Such an origin is the justification of our secular rule and therefore the rule of the cosmological harmony reflects the zenith to which our rule may ultimately attain."[13] In this context we see that Zhu Xi in his addressing the four sentences did not surpass what had been pointed out by Chen Yi, but he did

[12] Yao's Words, *The Analects of Confucius***.** D.C. Lau provides an alternative translation:

> Yao said,
>
> > Oh! Shun,
> > The succession, ordained by Heaven, has fallen on thy person.
> > Hold thou truly to the middle way.
> > If the empire should be reduced to dire straits
> > The honours bestowed on thee by Heaven by Heaven will be terminated for ever.

It was with these same words that Shun commanded Yu. (in Confucius, *The Analects*, trans. D.C. Lau, Harmondsworth, Penguin, 1979, Book XX.1).

[13] Vol.19, *The Posthumous Works of Chen Brothers*, printed by Shanghai Classic Press, 1991, p.202.

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distinguish himself in spotlighting what had been stressed in the first statement in *The Doctrine of the Mean*, i.e. the Heaven-Mandated Nature as the Cosmic Heart (*Dao Xin*), and Zhu Xi aligned this to the principle and objective for humans being universally benevolent. I might thus paraphrase his stress and logic: the Cosmic Heart epitomized the natural rationale which guided human behavior towards sincerity and diligence. Since there is a subconscious selfishness in each human heart, a cosmic heart must be introduced to curb it from becoming recklessly egotistical. Given all the academic merits both Chen 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 to the sophistication of the classic itself and Li Ao's elaborated repudiation of Buddhist doctrines (see above).

If we agree with professor Chen Yinke in his judgment about *The Doctrine of the Mean* during the Dukedom of Qin 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 state of Qin and its dominant interest might not be totally confined in the adherence of human heart to the cosmic heart. Rather, the human heart avails itself of the cosmic heart as its key principle and objective to evaluate and transcend the secular politics and legalist doctrines favored in the Dukedom of Qin. With this clue we could cogently read the following sentences attributed to Confucius in *The Doctrine of the Mean*: "It is possible to rule substantially the dukedoms and the world under 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 sage ruler is to punish the convict by similar amount of harm caused to his victim, thus being instrumental in rectifying evil deeds." "Confucius thus stated: Knowledge is easy to obtain by dedicated studies, humaneness by its earnest application, and courage by self-sensed shame. These three sorts of human quality enable us to cultivate personality gracefully, to rule people humanely and to rule the world under heaven harmoniously." "What a great principle that Sage Kings justify themselves in ruling! It is the cosmic principle that helps create every physical being, as donating universal grace for all under heaven. In its marvelous emulation, our sages invented and introduced for his rule three hundred ritual forms and three thousand obligatory codes. These political and legal mechanisms are readily applicable only for the people that are conscientiously committed."

These statements, whether uttered by Confucius himself or edited in his stead, divulged direct political and legal evaluations to dispute legalist utilitarianism and as despotically embodied in the Dukedom of Qin. This was in contrast with the rule of sages, humane-ness personified in cultivated individuals, and sage-rulers such as Yao, Shun, Yu, Duke Wen Wang and Duke Wu Wang. Therefore these statements can be assessed as insights on actual political and legal issues at the time when they were assembled and edited by Confucian scholars. Within the framework of the Confucian 'Integration between Heaven and Human', such conceptions as the Heaven-

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Mandated-Nature, Cosmological Dynamics (suggesting notions of natural equilibrium and balance) or otherwise Dao De and Cosmological Harmony are themselves abundant in humanistic value-orientations and political philosophy, being more than physical correlations between cosmological dynamics and its human representational phenomena.

Returning to Han Yu for his approach to cosmological dynamics (*Dao De*), he believed that cosmological dynamics in the Confucian tradition are distinguished from the Taoist tradition in their this-world orientation rather than the Taoist nature-world orientation, ridiculing the latter with the allegory of 'observing heaven by sitting in the well.' He stated: "Lao Tzu belittled humanity and righteousness not because he destroyed them but because his viewpoint was small. If a man sits at the bottom of a well, looks up at the sky and says, "The sky is small," it does not mean that the sky is really small. Lao Tzu considered little acts [of kindness] as humanity and isolated deeds [of good] as righteousness. It is no wonder that he belittled them. What he called the Way was only the Way as he understood it and not what I call the Way. What he called virtue was only the virtue as he understood it and not what I call virtue. What I call the Way and virtue always involve both humanity and righteousness, which is the opinion shared by the whole world."[14]

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 following the natural doctrine of the cosmos in general, but should be associated with the natural justice in its been applied to government, its humanistic value being outlined by Confucian exemplary rules (see above). 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 Legalism and its constitutional embodiment, the despotic Qin Dukedom. But in the Tang Dynasty, Han Yu and Li Ao by advocating *The Great Learning* and *The Doctrine of the Mean* respectively had their very clear-sighted objectives in repudiating Buddhist enlightenment focused on the individual and Taoist concepts of self-incarnated immortals. Instead, they stressed notions of Confucian social responsibility and the goal of a cultivated personality by adhering to Confucian philosophies of governance.

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 essence" and the natural justice in Taoist cosmological evolution, advocated his 'Reviving Human Nature Theory', integrating an epistemological heart specific to humans with the cosmological nature of universe in innovating the heart-nature doctrine for the Confucian tradition. By suggestion of a Confucian heart-nature doctrine in *The Doctrine of the Mean*, Li Ao managed to unite what might otherwise be alienated in

[14] "An Inquiry on the Way (Tao), by Han Yu", in Chan, Wing-Tsit (trans.) *A Source Book in Chinese Philosophy*, Princeton, Princeton University Press, 1963, p454. See further On the Confucian Dao, Vol.11, *The Complete Works of Han Yu*, by China Bookstore Press, 1991, p.172.

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Buddhist and Taoist philosophy back into a Confucian ethics and humanely-oriented politics, invigorating the true sense of rule of rites (*Li Zhi*) or rule of virtue (*De Zhi*) embodied by Confucian sage-kings. This allowed the negation of the 'Rule by Doing Nothing' (*Wu Wei Er Zhi*) in Taoist natural philosophy and the 'Rule of Family and World Abandonment' (*Chu Jia Chu Shi*) within the wider concept of Buddhist Nature-Emptiness-in-Cosmological-Interdependence (*Yuan Qi Xing Kong,* based on the idea of dependent co-origination with essential emptiness as the gateway to Enlightenment).

I would link the four sentences that first 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 to Xun Zi in his interpreting the rule of Shun. In one chapter of Xun Zi wrote: "In ancient times, Sage Shun ruled the world under heaven by not commanding specific affairs, yet everything has its due course to self-realization. . . . Therefore the Cosmological Doctrine (*Dao Jing*) declared, 'The faculty of human heart is its being diligent, the faculty of the Dao heart is its cosmological subtlety.' Only enlightened sages are qualified in seeing the margin between being diligent and cosmological subtlety."[15] In the Confucian tradition, the advocacy of "manifesting himself in the universe" (*Biao Bing Yu Zhou*) and "saint's aspiring after the Heaven" (*Sheng Xi Tian*) aims at the integration between human volition and cosmological doctrines. So the rule of sages in Xun Zi also reflects his adherence to natural justice revealed in cosmological harmony, which has no selfishness but can be referred to as a cosmological heart expressive of all universal categories. With this cosmological doctrine or 'Dao Heart', universal beings thus have their physical identities respectively, and this ontological and cosmological dialectic can be comparable to that of "One and many" in the ancient Greek philosopher Plotinus, which suggests convincingly the relations between cosmology and ontology as dancing partners in a model of 'Unity in Diversity'. The faculty of the human heart notifies itself in apprehending the faculty of the Dao heart or the cosmological doctrine, to contain its own selfish smallness. Therefore Confucian sages are distinguished in their rules of society by the spirit of cosmological fairness and justice. By stating that sage-kings are perfect, we mean they are the embodiments of the perfect social rules matching cosmological fairness and creativity. Following this logic we may say that Confucian scholars in Song Dynasty were intelligent when they condensed the four sentences in *The Doctrine of the Mean* into the moral principle of "universal benevolence over individual profits"(*Da Gong Wu Si*), demanding that in society we should, from our human heart, honestly follow this moral principle revealed by the Dao heart, implementing the rule of the cosmological harmony. The concept of harmony in this context is a substantially universal doctrine in cosmic evolution, from which humans can draw concepts of social justice to respect and safeguard each social member. Confucian scholars in Tang and Song Dynasties did not confine themselves to the intellectual campaigns, but politically committed themselves in transforming traditional cosmological and moral principles into an administrative rule based on this

[15] See further Unravel Perplexities, *The Works of Xun Zi*.

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ideology of governance.

Natural Justice Revealed in The Doctrine of the Mean

Though in *The Doctrine of the Mean* the Confucian editors focused their attention on the rule of sages and reflections on politics and legality, they still explored the authoritative track of the 'Integration between Heaven and Human", basing themselves on cosmological doctrines in reflecting on human rules. Specifically, they elucidated Confucian political and legal philosophy by uniting natural fairness and justice with human intuition and rationality.

In terms of natural doctrine in the universe, the Mean (*Yong*) 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 Mean (*Yong*) can be phonetically identical to Application (*Yong*), which bears the transformative sense of the empirical world contrasted to the Cosmological Doctrine (*Ti*). But the relations between the Cosmological Doctrine and its Application also suggests the unity between heir metaphysical and physical being, attributed with messages of cosmic vitality and natural justice. This unity can also be expressed with one Chinese word, *Cheng*, or a cosmic dynamics suggesting an integration or unity of natural and moral orders.[16] This intellectual back-cloth is significant in apprehending the insights of *The Doctrine of the Mean*. Now let's come to both the first and last sentence in the essay: "The universal nature has been destined by heaven's mandate" (the first) and "Heaven's entity is perfectly accomplished transcending all voices and tastes" (the last).[17] So from beginning to the end, *The Doctrine of the Mean* seems to accentuate its interpretation of cosmological evolution and its natural status, but a patient scrutiny on the contents disclosed the intention to infer moral norms and social rules by comparing cosmological doctrines and natural justice. From human sensations and cognitive principles, the cosmos is a generalized unity between natural principles and their evolutionary phenomena.

As phenomena sensed by the human cognitive faculty, being happy, angry, sad and pleased are visible or perceivable, but hidden deep behind there exists a metaphysical unity which is invisible and subtle, being the essential nature of all things. If such essential nature can be represented through rational norms and proportion, the natural principles and harmony will be sensibly revealed, as to avoid chaotic situations in human experiences such as "fluctuation between being happy and angry"(*Xi Nu Wu Chang*), "getting dizzy with success" (*De Yi Wang Xing*) and "tragedy caused by ecstasy"(*Le Ji Sheng Bei,* i.e. extreme joy begets sorrow). These perceivable feelings and senses are what human beings can use to evaluate cosmological harmony.

[16] See further Zhang, Dainian *Key Concepts in Chinese Philosophy*, trans. Edmund Ryden, Beijing, Foreign Languages Press, 2005, pp.140-146.

[17] A parallel translation for the first line is: "What Heaven (*T'ien*, Nature) imparts to man is called human nature." Chan, Wing-Tsit (trans.) *A Source Book in Chinese Philosophy*, Princeton, Princeton University Press, 1963, p.98.

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The human implications of cosmic dynamics in the natural evolution were also a source of inspiration for Zhou Dunyi, a well-known Confucian scholar in the Song Dynasty. In his interpretation of human justice, he traces the origin of political and legal justice to their relative cosmological sources: "What a prodigy the universe is! It just gives rise to all beings and their existence. It reflects the cosmic dynamics in its creative origin. Cosmological evolution gives rise to each natural being in its nature and life, thus accomplished the cosmic dynamics."[18] But Confucian scholars, be they in the pre-Qin period or during the Tang and Song Dynasties, did not stop with the idea of the cosmological entity or 'cosmic dynamics' embodying only natural principles or laws. They purposely explored their implications for human ethical and political thinking, i.e. the natural justice and their transformative values in politics and legality. Thus, "Sages model themselves after heaven in its due rule and administration. . . . If not in the principle of natural fairness and justice, sages cannot be clear-sighted and steadfast in their ruling and administering."[19]

Confucian scholars 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 creativity in the cosmos (*Zhi Cheng Wu Xi*)", which openly attests its prodigious vitality and creativity, setting up a universal example for human politics and legality. Therefore in Confucian philosophy we also have "The Cosmic Dynamics in Humans" as parallel to "The Cosmic Dynamics in Heaven or Nature", where "Perfect Cosmic Dynamics never ceases to engender productivity in the cosmos". It is in this humanistic comparison that *The Doctrine of the Mean* declares: "Only those who are absolutely sincere can fully develop their nature. If they can fully develop their nature, they can then fully develop the nature of others. If they can fully develop the nature of others, they can fully develop the nature of things. If they can fully develop the nature of things, they can assist in the transforming and nourishing process of Heaven and Earth. If they can assist in the transforming and nourishing process of Heaven and Earth, they can thus form a trinity with Heaven and Earth."[20]

Confucian scholars thus encourage and praise human involvement in witnessing fairness and justice, and recommend them as paramount principles for politics and legality. In this context of Confucian ethical cosmology, cosmic dynamics are not the absolute otherness of a creative God as in the West. Rather, cosmic principles integrate 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 experience are addressed by Confucian exemplars such as Yao, Shun, Yu, Tang Shang, the Duke Zhou Wu, with their rule being the application of natural justice. When they decreed policies and ruled by rites,

[18] Cosmic Dynamics, I, *Universal Scholarship, by Zhou Dunyi.*
[19] Proper Penalty, *Universal Scholarship, by Zhou Dunyi.*
[20] Section 22, Chan, Wing-Tsit (trans.) *A Source Book in Chinese Philosophy*, Princeton, Princeton University Press, 1963, pp.107-108.

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they never betrayed natural rights and justice. That is why Confucius responded to Ai Gong in the Dukedom Lu with his political counseling of the necessary ties between cosmological nature and humanistic politics. As stated in *The Doctrine of the Mean*:

> "The governmental measures of King Wen and King Wu are spread out in the records. With their kind of men, government will flourish. When their kind of mean are gone, their government will come to an end. When the right principles of man operate, the growth of government is rapid, and when the right principles of soil operate, the growth of vegetables is rapid. Indeed, government is comparable to a fast growing plant. Therefore the conduct of government depends upon men. The right men are obtained by the ruler's personal character. The cultivation of the person is done through the Way, and the cultivation of the Way is done through humanity. Humanity (*jen*) is [the distinguishing characteristic of] of man, and the greatest application of it is in being affectionate towards relatives. Righteousness (*i*) is the principle of setting things right and proper, and the greatest application of it is honoring the worthy. The relative degree of affection we ought to feel for our relatives and the relative grades in honoring the worthy give rise to the rules of propriety . . . Therefore the ruler must not fail to cultivate his personal life. Wishing to cultivate his personal life, he must not fail to serve his parents. Wishing to serve his parents, he must not fail to know man. Wishing to know man, he must not fail to know Heaven."[21]

This discourse on politics by Confucius in *The Doctrine of the Mean* should be associated with the first paragraph of the text:

> What Heaven (*T'ien*, Nature) imparts to man is called human nature. To follow our nature is called the Way (Tao). Cultivating the Way is called education. The Way cannot be separated from us for a moment. What can be separated from us is not the way. Therefore the superior man is cautious over what he does not see and apprehensive over what he does hear. There is nothing more visible than what is hidden and nothing more manifest than what is subtle. Therefore the superior man is watchful over himself when he is alone. [22]

In this respect, ancient exemplars such as Yao, Shun, Duke Wen and Duke Wu have provided examples of successful rule. In other words, short of the virtue from modeling cosmological harmony, no rule could be peacefully achieved and maintained. By this association, we are able to explain the idea of the "rule of the human being" as "rule of sages in their modeling of cosmological harmony"(*Sheng Ren Ze Tian Zhi Zhi*). In this type of Confucian rule, "human" embodies the cosmological personality of natural justice, expressive of fairness and absolute equity. All monarchs or kings unsupported by cosmological harmony are disdained as despotic and duped, such as Xia Jie and Shang Zhou being nicknamed as "solitary

[21] Section 20, Chan, Wing-Tsit (trans.) *A Source Book in Chinese Philosophy*, Princeton, Princeton University Press, 1963, pp.104-105.
[22] Section 1, translated in Chan, Wing-Tsit (trans.) *A Source Book in Chinese Philosophy*, Princeton, Princeton University Press, 1963, p.98.

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public thieves"(*Du Fu Min Zei*).

Such elucidations are complementary to the discourses on society and governance made in the *Analects* of Confucius. Thus Confucius eulogized Saint Yao: "Great indeed was Yao as a ruler! How lofty! It is Heaven that is great and it Yao who modeled himself upon it. He was so boundless that the common people were not able to put a name to his virtues. Lofty was he in his successes and brilliant was he in his accomplishments."[23] This exclamation inspired further commentaries on natural justice and social equity by later Confucian scholars in connection with cosmological doctrines: "The human being acquires his physical body from the cosmological substance Qi. So when we discuss human nature, we must trace it to a natural heaven. If he knows his cosmological ties with heaven, he should follow what heaven mandates. In the *Book of Changes* (Xi Ci II) it documents that Bao Xi majestically ruled all the world under heaven by observing heaven and the earth and their principles. . . . So from ancient times on, all sage kings have been ruling by adhering to cosmological principles . . . . As for cosmological benevolence, no one can specify it, it has attained unbiased perfection in benefiting all beings, leaving no words feasible for praise. What man can describe is heaven or nature as being identical to cosmological dynamics. Such principles applied in ruling require no special favor for the ruler's son, just fair treatment to his subjects. Nature manifests itself in punishing what is evil and rewarding what is good. So the rule of cosmological harmony attests credit for merit, yet remains free from over-valuation, and stipulates penalties for crime, yet restricts torture. Such ruling principles copied from the cosmos are conventionally applied in people's daily lives, with no visible effort in finding matching words."[24]

In this context, heaven is not only the source of human biological life, but also has great principles from which all social norms are derived. Their conviction that ancient sages ruled by cosmological principles consequently led to ideals such as the 'Society of Grand Harmony' (*Da Tong She Hui*). Confucian scholars argued that human society must be ruled by cosmological principles since a natural harmony has been formed in its evolutionary process. In Confucian vocabulary, either Grand Harmony or Great Way (*Da Dao*) signifies the value orientation of rights to life, fairness, justice and equity exhibited in cosmic evolution. So all sage-kings openly declared their commitment to heaven's mandates, following the Great Way in achieving the Grand Harmony, e.g. Yao, Shun and Yu who engaged in "uniting the world into a family and China into unified identity." [25] Based on both legendary and historical documents on these sage kings, Confucian scholars declared the Rule of the (Cultivated) Person or the Rule of Sage-Kings (*Ren Zhi*) to be the best political constitution for State-Governance and World-Harmonization (*Zhi Guo Ping Tian Xia*), i.e. a Humane

[23] *Analects* VIII.19, translated in Confucius, *The Analects*, trans. D.C. Lau, Harmondsworth, Penguin, 1979, pp.94-95. See also Tai Bo, *The Analects of Confucius.*

[24] Notes to Tai Bo, *Authentic Introduction to The Analects of Confucius*, by Liu Baonan, in *Anthology of Scholars before Qin Dynasty*, printed by Shanghai Bookstore, 1986, p.166.

[25] Universal Ruling, *The Book of Rites*.

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Politics (*Wang Dao Ren Zheng*) leading towards peace.

This ideal type of rule is also the theory that Confucian scholars used in criticizing the Legalists' notion of strict legal enforcement and their despotic politics in the Dukedom of Qin. In their political and legal discourse, Confucian scholars accentuated the heaven's virtues of equity for all cosmological beings and of justice for cosmological harmony (confirmed by the phrase "cosmological evolution gives rise to each natural being in its nature and life", *Qian Dao Bian Hua, Ge Zheng Xing Ming*, seen in *Qian Tuan*, *The Book of Changes*). The sanctity and authenticity in the Heaven-Mandated-Nature not only proves to be the spiritual manifestation cultivating the sage-king personality, but also spotlights Confucian constitutional merits in containing monarchal powers by virtue, at least forcing the imperial administrative orders to decreed in the form of "Following Heaven's Doctrine, His Honorable Emperor thus Decrees" (*Feng Tian Cheng Yun, Huang Di Zhao Yue*). Thus, eventually inspired and nurtured by this Confucian constitutional virtues, the powerless Chinese plebeians rose against monarchal powers in defiance of the Son of Heaven (the emperor) in the role of the people "performing the political mission in Heaven's stead." (*Ti Tian Xing Dao*)

Conclusion: Reflections on Political and Legal Philosophy by Cosmic Dynamics

In the mind-set of Confucian integration between heaven and human, *The Doctrine of the Mean* does not confine itself to a superficial method, but inquires into the cosmos and nature through daily phenomena and its humanistic outcomes, fulfilling the Confucian secular mission of self-regulation, establishing the family, good government, and world-harmonization.

As to its realistic 'minimal' policies, I would not negate its useful means of self-protection and surviving hardships, as in *The Book of Songs*: "to protect oneself is to be wise" or the speculative warning from Xun Zi: "To speak out properly is to be wise, to keep silent properly is also to be wise."[26] But I am more attentive to the cardinal theme of *The Doctrine of the Mean*:

> Great is the Way of the Sage! Overflowing, it produces and nourishes all things and rises up to the height of heaven. How exceedingly great! [It embraces] the three hundred rules of ceremonies and the three thousand rules of conduct. It waits for the proper man before it can be put into practice. Therefore it is said, "Unless there is perfect virtue, the perfect Way cannot be cannot be materialized." Therefore the superior man honors the moral nature and follows the path of inquiry and study. He achieves breadth and greatness and pursues the refined and subtle to the limit. He seeks to reach the greatest heights and brilliancy and follows the path of the Mean. He goes over the old so as to find out what is new. He is earnest and deep and highly respects all propriety. Therefore, when occupying a high position he is not proud, and when serving in a low position, he is

[26] Refutations against Twelve Thinkers, *The Works of Xun Zi.*

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> not insubordinate. When the Way prevails in the country, he can rise to official position through his words. When the Way does not prevail in the country, he can preserve himself through silence. The *Book of Odes* says, "Intelligent and wise, he protects his person." This is the meaning.[27]

At first glance, these sentences seem to provide a summary for *The Doctrine of the Mean*, but it also exposes itself to some theoretical confusions. Therefore it is necessary to clarify this in my conclusion.

What has been enunciated by Confucian scholars as 'sage's rule by modeling after the heaven's virtue' can be abridged as 'the rule of man' (i.e. the cultivated person) or 'the rule of virtue', a more generally used term being 'the rule of rites' in the Confucian intellectual context. What has been praised as 'majesty', 'grandeur' and 'universal grace' is not confined to physical beings in an empirical world, but implies a transcendental sense in the Chinese notion of heaven. They are cherished as the ultimate resources for the rule of sages, alluding to 'perfect virtue', 'cosmological doctrines', 'nurture virtue', 'cosmos incarnate', 'integrating with cosmological subtlety' and 'ruling with cosmological harmony'. These ultimate resources are 'ritual forms' and 'obligatory codes' but are also legally justified and sincerely motivated.

The ruling sage is both identical to and consecrated by perfect virtue and thus personifies the transcendence above secular powers and good or evil state politics. His free will is invested by a Heaven-Mandated-Nature and exists in the perfect world of evaluation. How then could it be that such a person is 'wise to protect himself' in the secular world of calculation? So the summary provided in these sentences does not coherently reflect what 'the rule of sage kings' or 'the rule of cosmological harmony' in *The Doctrine of the Mean* as regarding 'cosmological subtlety'. We can see the pragmatics of "When the Way prevails in the country, he can rise to official position through his words. When the Way does not prevail in the country, he can preserve himself through silence". But as a practical methodology it spoils the perfect virtue of rule by cosmic equilibrium and harmony. In this context, I feel regret that the ancient editors of this Confucian classic have plunged themselves in intellectual confusion and embarrassment.

Now, what might be a more appropriate concept to summarize *The Doctrine of the Mean?* Before directly coming to answer, I should stress some necessary points again: that the classic was edited in order to combat legalist utilitarianism in the Qin Dukedom, it was rediscovered and recommended during the Tang Dynasty to meet intellectual challenges from Indian Buddhism and finally it was selected and interpreted in Song Dynasty to revive secular Confucianism, especially in relation to governance. With these and other materials from Xiao Yuan, Han Yu, Li Ao, Cheng Yi and Zhu Xi, a cogent concept to integrate the concept of the 'mean' with the rule of

[27] Section 27, translated in Chan, Wing-Tsit (trans.) *A Source Book in Chinese Philosophy*, Princeton, Princeton University Press, 1963, pp.110-111.

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sage kings might be 'cosmic dynamics' (*Cheng*), which has been discussed as a metaphysical concept mediating heaven and human existence. For heaven, it suggests "Perfect Cosmic Dynamics never cease to help creativity in the cosmos"; for humans, it embodies "Perfect Human Dynamics never cease to motivate persons in their undertakings". As revealed in *The Book of Changes*, "The Cosmic Dynamic is affluent in bringing about everything, so a gentleman in the same spirit may accomplish whatever may be accomplished."[28] (*Tian Xing Jiang, Jun Zi Yi Zi Qiang Bu Xi*). We can link this convincingly to what has been stated in *The Doctrine of the Mean* about cosmic dynamics (sometimes translated in English as 'sincerity', though also with implications of 'truth' or 'reality')[29]:

> Sincerity is the Way of Heaven. To think how to be sincere is the way of man. He who is sincere is one who hits upon what is right without effort and apprehends without thinking. He is naturally and easily in harmony with the Way. Such a man is a sage. He who tries to be sincere is one who chooses the good and holds fast to it.[30]

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. A prime minister of Song Dynasty named Sima Guang, who spent 20 years in editing *The History as a Political Mirror* to highlight Confucian political and legal philosophy, had tutored his student Liu Anshi with the entry 'cosmic dynamics' for five years. This anecdote might also spark some insights on the concept 'cosmic dynamics'. I migh here also introduce the relevant comments by the contemporary scholar Yu Ronggeng, whose specializes in Confucian legal studies, to support my case:

> 'It is only cosmic dynamics in its full application that allows the world under heaven to be ruled harmoniously, for it exclusively testifies cosmological unity and evolutionary principles.' The sentence here quoted from *The Doctrine of the Mean* suggests that a person incarnated with the cosmic dynamics is able to establish the grand natural law, attain the cosmological virtue and understand evolutionary process. By cosmic dynamics, *The Doctrine of the Mean* conveys the message that it is only the sage . . . who is eligible to create human laws harmonious with heaven's mandates. Therefore it leads us to the concept of wise legislation."[31]

Any adherent of Confucian Heaven-Mandated-Nature Theory is equally vested with a concern for moral rights and political rights. Therefore I would agree with Yu's summary in refuting the confinement of the methodology of *The Doctrine of the Mean* to administering empirical issues. Yu is aware of the motivation of its editors

[28] Qian Xiang, *The Book of Changes*.
[29] Chan, Wing-Tsit (trans.) *A Source Book in Chinese Philosophy*, Princeton, Princeton University Press, 1963, p.96.
[30] Section 20, translated in Chan, Wing-Tsit (trans.) *A Source Book in Chinese Philosophy*, Princeton, Princeton University Press, 1963, p.107.
[31] *An Introduction to Confucian Legal Thought*, Yu Ronggeng, printed by Guang Xi People's Press, 1998, p.574.

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and advocates in both the Qin Dukedom and under the Tang and Song Dynasties. The striking feature of the Confucian intellectual tradition, if I may say it this way, is that humans by their nature can initiate their cognitive faculty to integrate the soul with cosmological principles, uniting political and legal aspirations with the authenticity of heaven's mandates. By this integration and unity the person is optimistically conscientious of moral rights and social obligations, applying political and legal philosophy in terms of 'performing the political mission in Heaven's stead' (*Ti Tian Xing Dao*) and living as a role model in 'incarnating the Dao in his body' (*Yi Shen Zai Dao*). This conviction and perseverance in this cosmic dynamic and the rule of cosmological harmony provides moral restrictions on secular political powers, thereby propagating universal human rights in the Confucian context, which is normally expressive of natural rights individually and moral rights politically.