CONFUCIAN CONSTRUCTIVISM:
A RECONSTRUCTION AND APPLICATION OF
THE PHILOSOPHY OF XUNZI

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The idea for this project had two sources. One was my encounter with John Searle’s *The Construction of Social Reality* in a directed reading with Kenneth Kipnis. The other involved recognizing certain problems with Burton Watson’s translation of the *Xunzi*, while comparing it to the classical Chinese text in preparation for one of Roger Ames’ seminars. Reconsidering key passages with Searle’s ideas still fresh in my head, an alternative interpretation, which I labeled “constructivism,” began to take form.

During the next several years, from the struggle to articulate a viable proposal to the completion of this document, I accrued many debts. I am grateful, first of all, for my dissertation committee’s patience and for the latitude they afforded me in developing my views, as well as for their skillful balance of encouragement and critical review. Especially noteworthy are the comments I received from Jim Tiles—detailed and helpful constructive criticisms, encouragements, and suggestions of the nature his students have come, by habit, to expect from him. Of my chairman, Roger Ames, suffice it to say here that he was an inspiration, both personally and philosophically, from long before this project took form.

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Finally, I would be remiss not to note a special kind of gratitude owed to the late John Knoblock, who has furnished the only complete English translation of the Xunzi, and to P. J. Ivanhoe, as well as all the others whose views I have in these pages criticized. Were it not for their pioneering work, this project would not have even been thinkable. I hope, humbly, that I have at least helped create a space, a not yet clearly articulated domain between the views advocated and those criticized, wherein a more adequate account may continue to be worked out.

ABSTRACT

In Part I, I offer a “constructivist” interpretation of Xunzi’s philosophy. On the constructivist view, there is no privileged description of the world. Concepts, categories, and norms as social constructs help us effectively manage our way through the world, rather than reveal or express univocal knowledge of it.

In the opening chapter, I argue that dao should be understood as open ended and that Xunzi’s worldview allows for a plurality of legitimate daos—at least at the theoretical level. Chapter Two discusses the concepts of li 理 (patterns) and lei 類 (categories) and rejects the idea that true categories follow from a “god-like” understanding of rational patterns. Rather, patterns and categories are mutually entailing. That is, categories are not simply based on patterns, but are at the same time a precondition for patterning. Chapter Three addresses the related concept of ming 名 (names, or name-concepts), and the idea of zhengming (the attunement of names). Attuning names is not matching them to any transcendent standard, but making them fitting given our nature and circumstances. It is constructing and maintaining a socially responsible language. I also discuss here the complex manner in which early Confucians understood names to be developed and sanctioned. In Chapter Four I discuss ritual theory and argue that Xunzi offers a this-world centered religious sensibility. Far from a matter of slavishly following a code of behaviors set down perfectly by ancient sages, the performance of li 禮 (ritual propriety) requires interpretation in every application. Further, norms associated with li may evolve in response to changing needs and conditions. In the final chapter of Part I, I turn
to the issue of virtue and moral development, arguing that there is no fixed set of virtues.

Part II shifts focus to the contemporary relevance of a constructivist way of thinking by using it to understand the cross-cultural dynamics taking place in international discourse on human rights. In short, interpreting the arguments of contemporary representatives of East-Asian countries through a constructivist lens reveals them to be more compelling than they might otherwise have seemed.
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PREFACE

ENGLISH TRANSLATIONS AND RECENT COMMENTARY ON XUNZI

Currently there are four substantial English translations of the Xunzi. John Knoblock's three volume set completed in 1994 is the only complete one. Burton Watson and Homer Dubs both offer translations of what they consider to be the most important chapters. Dubs' was first in 1928, and Watson followed in 1963 covering nearly the same material as Dubs. Most recently (2001), Eric Hutton has translated important sections from several chapters, though this is substantially shorter than the translations of Dubs and Watson.

Most texts on the history or philosophy of China devote a section or chapter to Xunzi, but this is usually confined to a handful of pages. Relatively recent books on Chinese philosophy such as A. C. Graham's Disputers of the Dao, and Chad Hansen's Daoist Theory of Chinese Philosophy, and David Nivison's The Ways of Confucianism, also deal with Xunzi to some extent, but there are relatively few books exclusively devoted to Xunzi's philosophy. There are, however, numerous articles addressing specific aspects of his thought.

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1 There are also various chapters, sections, as well as bits and pieces published here and there. See, for example, Wing Tsit-chan 1963, Eno, Machle, Mei, and Duyvendak. While some chapters (A Discourse on Tian, The Attunement of Names, and Human Nature is Evil) have been translated many times, the majority of the text has been published in English only once.

2 Dubs (first published in 1927), Cua 1985, Machle, and Goldin.

3 A good selection of these have been published in a volume edited by P. J. Ivanhoe and T. C. Kline. A second set focusing on religious aspects of Xunzi's philosophy (also edited by Kline) is forthcoming soon.
While there is a fair amount of literature on Xunzi, the scholarship devoted to Confucius or Laozi dwarfs that focused on Xunzi. Until very recently, Mencius and Zhuangzi have likewise enjoyed more scholarly attention. Although the difference here is less drastic, it does seem out of proportion with the importance of this thinker in the development of Chinese philosophy and culture. He is clearly among China’s seven most important classical thinkers, and offers us the most closely argued text of that period. To study Confucius but not Xunzi would be like studying sayings attributed to Socrates while ignoring Aristotle.

**YEARLEY ON XUNZI**

More than twenty years ago, Lee H. Yearley published an insightful paper entitled “Hsin Tzu on the Mind: His Attempted Synthesis of Confucianism and Taoism,” which came close to anticipating the need for this dissertation (though the bulk of the literature I address is written after Yearley’s paper). His paper pointed the way toward a constructivist understanding of Xunzi. Yearley’s paper is worth quoting at length:

Xunzi cannot argue that people should become Confucians on the grounds that Confucianism represents the one eternally true way, the only way that reflects what people really are and what the universe really is. (Yearley, p. 479)

He denies both that language’s distinctions have an intrinsic appropriateness and that they convey some stable reality. But he joins those denials with the ideas that language is necessary and that some forms of language, given certain situations, are better than other forms of language for the creation of an orderly society and orderly people.

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4 Chad Hansen articulates a position seemingly similar to Yearley’s. However, the similarities here are superficial. Though Hansen is credited as having a “conventionalist” interpretation of Xunzi, we will see that his interpretation is that Xunzi is incoherently both conventionalist and absolutist, but with absolutism being primary. In the end, Xunzi is not viewed as a synthesizer of Confucianism and Daoism, but rather Xunzi’s philosophy fails, by Hansen’s lights, because it is not Daoist.
Xunzi does sometimes write as if moral judgments are universally applicable, and almost all interpretations of him focus on this strand in his work. He appears to assert that the problems humans face are so similar that a single resolution—that resolution represented by the rules of at least the later sage-kings—should bind all people. The extraordinary insight of the sage-kings gave people the only rules that work, no matter how apparently different the present social situation is from that of their time.

Xunzi may waver between varying positions, but it seems more likely that he espouses this universalist position only in exoteric writings aimed to affect the unsophisticated. His relativistic position is more basic, as we can see when we focus on how he emphasizes the need to apply all abstract judgments to particular situations, chooses which sages to follow on the pragmatic grounds of available information about them, hints at the way changing circumstances may modify certain sage-like judgments, and argues for a position on language that necessitates maintaining at least the possibility that judgments may change. (Yearley, p. 476)

This dissertation will take the argument a step further. Rather than dismissing seemingly problematic passages for what I will call a “constructivist” reading, I attempt to rethink those passages to see if they truly imply a “universalist position” or some such similar interpretation, or whether, on the contrary, they are compatible with constructivism.

**XUNZI'S CONTEXT AND INFLUENCE**

Xunzi lived during the Warring States period, shortly before the unification of China in 221 BCE under Qin Shi Huangdi, the so-called “first emperor” (who’s unearthed army of terracotta warriors may be seen in Xian). At this time, the various states which composed China were engaged in a mortal struggle, either vying for supremacy or else fighting for their lives. It was a time of great upheaval. It was a time rich in philosophy.

Xunzi is sometimes said to occupy in the history of Chinese philosophy the place of Aristotle in the Western philosophic tradition, appearing at the end of the heyday of the classical period (see Knoblock 1988, p. vii). He is chronologically third of the three great Confucian thinkers of that period—the
first being Confucius himself, who lived from about 551 to 479 BCE. Since Confucius’ ideas left ample room for interpretation, Mencius (forth century BCE) provided a more determinate account of key doctrines. Xunzi (fl. 298-238 BCE) arrives on the philosophical scene shortly after Mencius. Two of Xunzi’s pupils Li Si and Han Feizi played roles in the formation of the legalist philosophy adopted by the first emperor. The Qin dynasty was short lived, however, and Confucianism was adopted as the orthodox philosophy of the Han which followed, lasting four hundred years, from 206 BCE to 220 CE. Several of Xunzi’s students were instrumental in editing and transmitting Confucian classics, ensuring Xunzi’s indirect influence on the development of Confucian thinking throughout the Han period and beyond. Xunzi’s direct influence during the Han was also substantial. For example, as Homer Dubs notes, “The greatest scholar of the period, Dong Zhongshu, was profoundly influenced by Xunzi” (Dubs 1966a, p. 136).

Xunzi revered Confucius, but was sharply critical of Mencius, at least with respect to one important doctrine, the evaluation of xing (which for Xunzi meant the dispositions we are born with, but for Mencius was something which could grow and develop). The dispute led to the question of who was the legitimate transmitter of the Confucian way. Though Xunzi’s ideas informed Confucian thinking for centuries, by the time Zhu Xi (in the twelfth century CE) compiled the “Four Books”—the Analects of Confucius, the Mencius, the Daxue (Great Learning), and the Zhongyong (Doctrine of the Mean)—which served as the basis for the examination system that qualified aspiring civil servants for political office, it was clearly Mencius who was dubbed “orthodox” and Xunzi was marginalized. However, as Dubs notes, “The fact that Xunzi was later condemned because of his teachings about human nature does not alter his influence upon Confucianism, for at the time when that judgment was finally passed by Zhu Xi, Xunzi’s teaching had already passed into the orthodox stream
of thought and even Zhu Xi himself had been influenced by it" (Dubs 1966a, p. 136). Further, strains of Xunzi's philosophy are even more apparent in the works of Confucian critics of Zhu Xi, such as Zhu Xi's contemporary Chen Liang, and the Qing dynasty's Dai Zhen, as well as Tokugawa Japan's Ogyu Sorai.

While a host of commentaries on the great thinkers of the Zhou dynasty were authored during the Han, the earliest extant commentary on the Xunzi (by Yang Liang) dates back only to 818 CE. By then a thousand years had passed. Dynasties had risen and fallen, and Buddhism had entered China and mingled with Daoist sensibilities for at least 500-700 years. The gulf that separated the first known commentator on the Xunzi from his subject matter is nearly as wide as the gulf that separates us from the text today.

The history of ideas is important, in part, because there is a continuity between how people conceive the world and how their intellectual ancestors did. In addition, the way people conceive the world influences the way they endeavor to manage their way though it. Though Westerners are not the intellectual heirs of ancient Chinese philosophers, our world is becoming smaller, and we are more and more in contact with those who are. Whether this contact is a collision or a constructive collaboration will depend in part on the adequacy of our mutual understanding. Understanding Xunzi, to some degree, contributes to the understanding of Chinese thought and culture. Further, while this type of justification would hold for any historical figure, its force is particularly great for Xunzi and our topic.

Xunzi is arguably the single most brilliant philosopher of the rich classical Chinese tradition, with the possible exception of Zhuangzi. Further, what is not adequately acknowledged is that Xunzi fully understood and appreciated the significance of Zhuangzi's fundamental insight into the conventionality of

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5 During this period, sometime after 26 CE., Liu Xiang compiled, edited and arranged some 322 manuscripts of the Xunzi (mostly duplicates) down to the 32 chapter-length books we have now. The present sequential order of the books, however, is a result of changes made by Yang Liang.
language and social norms. However, he saw this insight as a something which could be useful to Confucianism, not as the repudiation of it.

On one interpretation, Xunzi is thought to claim that the sages of old "gave birth" to a language which truly and uniquely describes the world and our roles and reciprocal obligations in it. The ritual patterns embodied by the sages are uniquely appropriate, and universally and eternally so. Moral categories expressed in language are real, and alternative interpretations are necessarily false and thus pernicious. There is no room for discussion, unorthodox doctrines are to be silenced, and the crooked are to be pressed straight in conformity with the true standard.

This dissertation seeks to establish that the text supports a different—and more reasonable—interpretation. The moral categories and roles and responsibilities that go along with them which were articulated and put into practice by the sage kings serve as a model for achieving the order necessary for a flourishing community. But there is a difference between saying they serve as an exemplary model, and saying they serve as an absolute standard. The sages over time and through trial and error developed a workable set of social institutions. This does not entail that it is the only, or even absolutely best, set of institutions which are final, complete, universal or timeless. Rather, institutions are social constructs designed to facilitate peace and social harmony. As circumstances change, the institutions may also change.

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6 As exceptions, see Yearley and also Nivison 2000.

7 Actually, no one person has stated this position so baldly. It is a composite. Its various aspects are articulated or implied by at least some interpreters, and the overall picture seems to guide many interpretations and translations. The argument that a host of interpreters have something resembling this view builds piecemeal throughout this work.
CONTEMPORARY IMPLICATIONS FOR HUMAN RIGHTS DISCOURSE

In the continuing debate on human rights, there remains a disconnect between East and West. Each side fails to fully understand the other’s position. From the perspective of representatives from East Asia, the imposition of Western style rights on non-Western cultures is (or at least can be) a method of cultural imperialism. From a Western perspective that sees rights in terms of natural law, East Asian reluctance to embrace the concept of human rights is a sign intellectual dishonesty. They don’t want to admit what is self-evidently so. East Asian arguments against the implementation of a robust set of human rights protections are depicted as disingenuous self-serving attempts by those in power to keep as much of it as possible.

No doubt, politics plays a role on both sides. But if we focus on the difference in fundamental assumptions, we can get to the source of the disconnect. It is my contention that East Asians generally assume a kind of constructivist worldview, and that when we understand their arguments in this way they become compelling. For rights to make sense from this point of view, they must be attuned to the situation in which they are to apply, rather than characterized as abstract truths.

NOTES AND CONVENTIONS:

pp/cc/l1 = Page/chapter/line number, in A Concordance to the Hsiin Tzu.
K: 12.3a = Chapter 12 section 3a in Knoblock’s translation.
W 123 = Page 123 in Watson’s translation (Hsün-tzu: Basic Writings).
H 123 = Page 123 in Hutton’s translation.
D 123 = Page 123 in Dubs’ translation.
GH Y = Guhanyu Changyongzi Zidian
ABC = ABC Chinese-English Dictionary.
GSR: 123a = character number 123a in Karlgren’s Grammata Serlea Recensa.

Chinese terms occurring in quotations, if romanized by any system other than pinyin, have been converted to pinyin. Also, for the sake of uniformity, simplified Chinese characters have been converted to traditional ones.
Unless otherwise indicated, translations are my own. References to the Chinese text of the Xunzi are to A Concordance to the Hsiün Tzu. References to John Knoblock’s translation, as well as Burton Watson’s translation (when there is one), and occasionally others, are provided for comparison.
PART I

A CONSTRUCTIVIST INTERPRETATION OF XUNZI
1.1 INTRODUCTION

There is a sense of realism which maintains not merely that there is a reality independent of our thoughts about it, but that there is a privileged description of this reality, that concepts can and should mirror it, and that there is a uniquely correct way of being in it. In particular, properly chosen moral concepts capture eternal truths revealing the one true way. In most recent interpretations, and implicit in existing English translations, Xunzi\footnote{I use the personal name "Xunzi" as a convenience to refer to the text bearing that name, and to the ideas presented in it, which I take to be at least inspired by, if not mostly written by, the philosopher himself. However, neither the actual thought of the historical figure nor the evolution of the text are my main concern here. Rather, I am concerned with articulating a compelling interpretation of the received text.} is taken to be a realist in this strong sense. He is thought to claim that the sage is able to perceive the way the world really is and thus is able to make the uniquely correct distinctions. I believe this is an undeserved impoverishment of Xunzi's philosophy. It is philosophically problematic on its own, and it fails to provide the most coherent interpretation of the Xunzi. Further, the realist interpretation masks many subtle and philosophically compelling aspects of his thought.

As an alternative, I will offer a "constructivist" reading of Xunzi's philosophy, that is, one that stresses the importance of formulating
constructive social constructs. The distinctions made by the sages have no 
absolute status. Rather, categories are judged according to values, such as 
harmony and social stability, which are in turn justified by their critical role 
in facilitating the satisfaction of a substantial number of our desires. Given 
that we humans are constituted the way we are, some sets of conceptions and 
social structures work better than others for providing what we find (or can 
find) satisfying. However, Xunzi's underlying worldview—informing 
everything from his philosophy of language to his understanding of the role 
of ritual propriety—suggests that there may be more than one way to achieve success in constructing a moral world.²

In this chapter I will examine the claim that for Xunzi there is a unique solution to the task of achieving a harmonious society, and then begin to sketch an alternative constructivist theory.

1.2 UNIQUENESS INTERPRETATIONS

I would like to begin by laying out the position with which I wish to take issue. Unfortunately, there is not so much a position as a group of themes.³ A commonality among them, a feature which brought them to my

² This view has resonance with certain later Confucian thinkers, for example Chen Liang, a twelfth century Confucian scholar famous for his debate with Zhu Xi. Chen, who was strongly influenced by Xunzi, conceived of dao as both plural and ever-changing. As Hoyt Cleveland Tillman explains, "[Chen's] willingness to consider the Dao plural in number and ever-changing in nature contrasts significantly with the insistence of philosophers like Zhu Xi who maintained that the Dao was one and constant" (Tillman, p. 24). Moreover, "Chen held that laws, ritual, and the Dao evolved as inherent aspects of the process of history, as situations changed with the times. He suggested that laws should accord with the times and declared that we should 'make rules based on situations.' . . . [H]e told Zhu Xi that the Dao of Confucius 'was based on arriving at the public interest in accordance with the times.' In essence, Chen had found a manner of reconciling two demands: that rites and social norms change, but not in an arbitrary manner" (Tillman, p. 32).

³ Xunzi is characterized variously as a realist, an objectivist, an intellectualist, and an absolutist. For example, Robert Eno claims, "Xunzi's theory of language is realist. Although individual words are initially chosen arbitrarily, their consistent use and syntactic relations in
attention, is the thesis that Xunzi holds the sage to have a uniquely correct conception of reality, both physical and moral. Often what underlies the “uniqueness” claim is a conception of *li* (理 pattern) which is fixed and singular. But before we look beneath these interpretations, it would be instructive to get a sense of their surface features. And while not all interpreters have adopted a uniqueness interpretation, the list of those who, in one form or another, propound it with seemingly great confidence includes an impressive array of top scholars in the field. It includes the following interpreters: P. J. Ivanhoe, Donald Munro, Chad Hansen, Benjamin Schwartz, and David Nivison—to name only the those whom I will discuss in this chapter. In addition, this view is assumed in the most often cited translations of Xunzi’s works, those by Burton Watson and by John Knoblock.

1.2.1 Strong Fixed Uniqueness:

In a footnote to a discussion on Xunzi’s position, Ivanhoe states that “Xunzi believed that the society worked out by the former sages provided the one and only way to a happy and flourishing world” (Ivanhoe 2000, p. 247 n8). This seems to follow from his claim that “The Confucian rituals ... provide a way to realize an orderly design inherent in the world” (Ivanhoe 2000, p. 240). If the world has a singular order that the sage is privy to, and rites are
essentially a social mapping of the real and singular relations in nature, then there can be only one legitimate social construction. At least, this is how Ivanhoe’s reading seems to have it.

Elsewhere Ivanhoe goes further, suggesting that not only is there just one legitimate dao, but that it is fixed and changeless. “This is the key to understanding how Xunzi justified the Confucian rites as the ‘unalterable patterns’ for human beings to follow. The rites alone provide for universal harmony and the common flourishing of heaven, earth and human beings. Only the dao offers the possibility of this happy symmetry” (Ivanhoe 1991, p. 321). Let’s call this type of position “Strong Fixed Uniqueness” (SFU), where “strong” indicates that it is a fixed and unique solution not merely in a general way, but in its particulars. The precise way that the “sages of old” worked out the various kinds social constructions and norms is fixed and unique.

Ivanhoe makes his stance abundantly clear: Xunzi’s position is that the way of the sages is complete, unchanging and unique:

[T]he rites that human beings follow, would seem to require regular adjustment and modification. Xunzi did not see things this way. He did not believe the world could change as much as we know it does. Though he believed that the rites went through a process of evolution, he believed that this process had reached a conclusion in the rites of the Three Dynasties. Xunzi did not provide an elaborate exposition of the process of the evolution of the dao, but he clearly believed that the sages had brought the process to a successful conclusion and that the Confucian Way provided the unique solution which would be valid for all times. (Ivanhoe 1991, p. 318)

He quotes the following passage from Burton Watson for support: “The Way is the proper standard for past and present. He who departs from the Way and makes arbitrary choices on the basis of his own judgments does not understand wherein fortune and misfortune lie” (Ivanhoe 1991, p. 318; W
What does it mean to say “The way is the proper standard for past and present”? One could take it to mean that there is a fixed way that is appropriate for all time. But this is not the only possible reading, nor the one I would suggest best fits a coherent interpretation of Xunzi. Notice that, while this English rendering would suggest the idea of a “fixed” standard, the concept of fixity is not explicitly stated, nor is it to be found in the Chinese. At any point, past or present, what serves as the proper standard is called by the name “dao.” It can serve as the proper standard because, given the tendencies of nature and the propensity of the circumstances (shì 势), it leads in a productive direction, that is, toward harmony. Not to follow such a road would be a misfortune. The particulars of the path, however, are not fixed but context dependent. So, while Watson’s translation is not incorrect, it is misleading. It seems to have led Ivanhoe into an interpretation which disregards the fact that Xunzi explicitly acknowledged that, for example, if sages were to arise again, in addition to reviving old names, they would create new ones. This indicates that, even if Xunzi believed in a “unique solution,” he apparently did not believe that it had been brought to completion.

Ivanhoe’s premise of SFU leads him to go as far as to say that, for Xunzi, “The rites provide the only way out of the state of nature” (Ivanhoe 1991, p. 314). This cannot be Xunzi’s view given his positive evaluation of the legalist policies of the overlords (ba 霸) as an inferior position to his own, but

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4 Ivanhoe also cites two other passages in a footnote: “‘When they (i.e. the rites) are properly established and brought to the peak of perfection, no one in the world can add to or detract from them” (W 94) and “Music consists of unchanging harmonies; rites are unalterable patterns” (adapted from W 117). See Ivanhoe 1991, p. 318n. See also section 4.3 for a discussion of these passages.

5 See footnote 58.

6 “If true kings were to arise, they would certainly revitalize old names and create new ones.” 若有王者起，必將有德於舊名，有作於新名。（83/22/11-12; K: 22.2a).
nonetheless a second best option which is better than nothing. Legalism's failure, in Xunzi's eyes, is not that it fails to elevate a community from the state of nature, but rather that it fails to achieve much more than this. Legalism is capable of maintaining a degree of order and stability, and of accumulating and maintaining sufficient economic necessities with reasonably fair distribution. But it cannot deliver a high degree of harmony within a community or true contentment among its members. The state of Qin is an example. Ivanhoe's claim illustrates a "slippery slope" phenomenon: while SFU does not necessarily entail that the rites are only way out of the state of nature, SFU sometimes slides into even more suspect interpretations.

Ivanhoe is not alone in advocating an SFU interpretation of Xunzi. For example, Donald Munro writes:

7 Xunzi offers a hierarchy of successful government: "A ruler who exalts ritual propriety and reveres virtuous people will be a true king. One who stresses law and loves the common people will be an overlord. One who is fond of profit and deceitful is in danger. And, one who engages in schemes and intrigue, and commits subversive and devious acts, will die." (K: 16.1) This passage reoccurs in K: 17.9, W 86, D 182; and (without the last sentence) in K: 27.1.

8 The overlord’s legalist policies do have some merits. "Overlords are not like [true kings]. They open lands for cultivation, fill storehouses and granaries, and facilitates equipment usage. They carefully recruit and select scholar-officials of talent and skill, and then gradually lead them forward with praise and rewards, and correct them with severe punishments and penalties. In matters of life and death, and when the continuation or annihilation of lineages is at stake, they defend the weak and prohibit violence." (K: 9.8; W 40).

9 "The state of Qin is in this category [of being extremely well ordered (zhi zhi zhi 之至)]. Nevertheless it is in fear. Despite having numerous positive qualities concurrently and in the greatest possible degree, if one measures it by the success and fame of a true king, it is far inferior. Why is this? Because of the dearth of Confucians. Thus it is said, 'Pure, a true king; mixed, an overlord; otherwise one is annihilated.'" (K: 15.1). [言思] indicates a single character composed of these components. It is interpreted here as jù (fear, dread), following Yang Liang.
The 1i [rites] dictate that certain phenomena stand in definite relation to others, that the noble and base are distinguished from each other, and that some things should obey other things. There is a right way for one season to follow another and a wrong way, a right way for one natural body (mountain, river, planet, or element) to be related to another and a wrong way. There are antecedently fixed rules dictating which actions by all objects including man, are good or bad. (Munro 1969, p. 33)\textsuperscript{10}

This is a "fixed uniqueness" position which at least seems to be of the strong variety.

1.2.2 Weak Fixed Uniqueness:

Burton Watson explicitly denies the "strong" part of SFU, but nevertheless holds a view of the way as fixed and singular:

Xunzi maintained that, although political and social conditions invariably change, human nature and basic moral principles do not, and therefore the principles that were correct and brought order in the past will, if faithfully followed, do so again. He is thus calling not for a return to the precise ways of antiquity, but for a reconstruction of the moral greatness of antiquity in terms of the present. As he states in one of the sections not translated here, if you apply these \textit{eternally valid moral principles} of the sages today, 'then Shun and Yu will appear again, and the reign of a true king will arise once more.' (Watson, p. 6, emphasis added)\textsuperscript{11}

The position that, rather than specific rules, roles, rites, categories and so on being constant, it is some more general aspect which remains fixed,

\textsuperscript{10} This is based on a passage in Book 19. See K: 19.2c; W 94; D 223-224, or note 30 below. See also section 4.3.

\textsuperscript{11} The text which he cites ("sec. 11," presumably 11.7c in Knoblock) discusses the problem of partiality in promoting officials. If a ruler simply sought out the truly able, "it would be like Yu and Shun had returned and the work of a true king had resumed." 如是則崩痘退五。王業復起。 (41/11/84-85; K: 11.7c). The point, I take it, is that impartiality in making promotions is an enduring "basic moral principle" which will be effective in Xunzi's time just as it was in the times of Yu and Shun. However, to use the language of "eternally valid moral principles" is a stretch.
such as "basic moral principles," may be called "Weak Fixed Uniqueness" (WFU). The problem with this view, as found in Watson, is not that is far off track—indeed, constructivism assumes that there are regularities in the world and that these should inform our constructs. Moreover, it is along these lines that "the connecting thread of the way" should be understood in the following passage: "If something did not change throughout the period of the hundred kings, this is enough to consider it a connecting thread of the way. One should respond to the ups and downs of history with this thread. If one applies constructive patterns to this thread there will not be disorder. But if one does not understand it, one will not know how to respond to changing circumstances." However, it needs to be remembered that although certain moral principles may endure, and although they may find grounding in insights regarding human nature gleaned from long experience, they nevertheless may be legitimately formulated in more than one way. And, structures which realize them may both differ and evolve.

The real problem with WFU is that it tends toward overstatement, employing terms and expressions that are inappropriate in a description of the classical Chinese tradition—expressions like "eternally valid moral principles." It raises the question: Why has the interpretation slipped into such language?

David Nivison also seems to have a WFU interpretation, but a more problematic one than the one briefly stated by Watson. Rather than enduring "basic moral principles," Nivison believes that, for Xunzi, the rules that give moral principles form admit of only one correct formulation. He writes, "The set of rules that optimizes human satisfaction and minimizes conflict can be worked out essentially in only one way—the way the sages did it. It thus can
be thought of as (we might say) an overflowing into the human social order of the necessity of the order of the universe as a whole” (Nivison 1996b, p. 48). The word “essentially” is enough for us to categorize this claim as the weak variety, though we must then take the phrase “the way the sages did it” as “roughly the way the sages did it” or else this would be an example of SFD. Also, note the connection being made between the order of the universe and the social order, with the fixity and “necessity” implied by the former carrying over into the later.

According to Nivison’s interpretation, Xunzi does not believe that the human situation changes over time sufficiently to require modification of dao. He writes, “if Xunzi thought that the ‘Way’ of the ‘sages’ was final and perfect, he must suppose that this human situation does not really change over historical time, and is not altered even by the events of history. It seems to me that Xunzi did tend to think this; but others in his day, such as the Legalists and the Daoists, would have none of it; and even Confucius seems to be ambivalent on the matter” (Nivison 1996a, p. 331). Just as Watson went from “basic moral principles” into “eternally valid” ones, Nivison here begins to sound like he is suggesting SFU, saying that Xunzi tended to believe that “the ‘Way’ of the ‘sages’ was final and perfect.”

Although others have also suggested that Xunzi did not believe that conditions changed very much,13 it is a much more plausible interpretation of Xunzi’s understanding of history to say that, while he believed that nature (tian 天) and human nature (xing 性) had enduring regularities, he acknowledged the existence of significant social change. As Murase Hiroya puts it:

Although, regardless of the period of human history, the given natural

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13 See, for example, Ivanhoe 1991, pp. 318-320. See also section 2.2 for a passage seeming to support this conclusion.
conditions for the most part don't change, if human circumstances vary greatly depending on the time period, this definitely depends wholly on the methods put into practice by people themselves, and especially on the question of how people interact toward nature, which continues its workings regardless of human [actions]. Thinking along these lines, Xunzi emphasized the responsibility of people themselves toward the order and disorder of society and the fortune and misfortune of people. 14

Were Xunzi to confront the proposition that social conditions do not change very much, he would in all likelihood respond with the same kind of hostility that he did to Mencius' theses that human nature is good—and for substantially the same reasons. If conditions do not change, what need would there be for sages, or for their attunement of names and ritual propriety, what need would there be for his own effort to articulate a way for society to achieve a stable harmony? That is, Xunzi had philosophical reasons to reject the view that the conditions of history are basically unchanging, even if direct historical evidence was lacking—which it was not. Xunzi was painfully aware that there were times of order and times of chaos.

While it is sensible to speak of general ("weak") and enduring (more or less fixed, as far as we can see) principles, such principles would not necessarily have the privilege of being the only possible set of workable principles, nor is there only one legitimate way in which they could be conceived or parsed. 15

14 所与の自然条件は人類史上的各時代もほとんど変わりないので、人類状態の変化は時代によって大きく異っているとすれば、それは明らかに人類自身の実際方法、とりわけ人類とは無関係の歴史を続けていく自然に対して人類がいかに対応するかということに決定的に依存している、というのである。こうして荀子は、社会の治乱や人類の吉凶に対する人類自身の責任を強調する。(Murase, p. 23)

15 At the same time, however, Xunzi does see a practical problem in trying to have more than one set of self-coherent guiding principles concurrently. See section 1.4.1 below.
1.2.3 A Mixture of Methods:

At this point I would like to draw attention to a complicating factor, the implications of which are often overlooked, that is, that Xunzi's dao is an amalgamation of various elements. It cannot, for example, simply be stated that li (ritual propriety) is the unique solution to humanities problems, because li must interact with other components of the system. Consider Chad Hansen’s remark:

How do we know that the Confucian li uniquely offers this positive outcome? It is hard, as I said, to find a direct argument, as opposed to these elaborate statements of faith. The direct argument he gives for li is his claim that li controls and channels desires. He must assume not only that li does this, but that it does it in a uniquely efficient way, the only way that preserves order and social harmony given human psychology and the background conditions. (Hansen 1992, p. 312)

To the extent that this thesis is construed narrowly, or implies that li can operate alone as the solution, it is a flawed.

Xunzi did seem to believe that li (禮 ritual propriety) was necessary to facilitate social harmony in his time. However, this does not mean that he was taking a hard line on exactly what the content of li should be (i.e., precisely that of the later kings), or that it is unchanging (i.e., always that of the later kings). Rather, since what distinguishes li from fa (法) in the sense of "law" is the requirement of personalization; the content of li, by definition, should change as appropriate to meet changing needs. Xunzi was conservative, that is, he was reluctant to deviate from the proven successful ways and standards of the past. But, a conservative reluctance is still a good distance from the position that there is one and only one never changing solution to the human predicament, and that this way has been found, articulated, and given form in singularly appropriate rules and standards.

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Nonetheless, even if the content of *li* is subject to change as appropriate, tempered by a conservative attitude, Xunzi clearly held *li* in high esteem.

However, one must remember—and this is the main point here—that Xunzi’s system, while exalting *li*, does not rely on it exclusively. Laws and penalties are to some degree required. So, the system is not simple or pure; it is a mixture which is subject to change due to changing circumstances as well as refinements. His was a fluid conception of *dao* which stressed *li* as an important component, integrated with other aspects.

Extending these considerations to the idea of “basic moral principles,” we can state a corollary to Xunzi’s dictum that “A model cannot stand on its own, categories cannot apply themselves”: principles cannot stand on their own, nor can they organize themselves. Exemplary people are needed to interpret them, and coordinate them with circumstances. Further, since principles can compete, their relative weights must be assessed. This cannot be done in the abstract. A principle’s weight in a particular case depends, in part, on the degree to which the principle is instantiated in that case. People must judge this. The accumulation of judgments based on principles applied to particular cases influences not only the understanding of those cases, it influences the understanding of the principles as well. That is, while principles may be thought of as enduring in some sense, specific conceptions must undergo ongoing re-evaluation in attuning them to emerging contexts.

Thus, even weaker forms of “fixed uniqueness” interpretations, insofar as they imply a pure mechanism (e.g., ritual propriety alone) for instituting the way, or suggest that moral principles can be completely abstracted and held fixed and independent from an evolving social world, do not well describe Xunzi’s position.

17 故法不能獨立，類不能自行。（44/12/2; K: 12.1）
1.2.4 Variable Uniqueness:

Perhaps we could salvage the uniqueness hypothesis by making it variable. Thus "Variable Uniqueness" (VU) would hold that there is just one best way to organize society (and articulate the relations in the natural world) while acknowledging that this way may change with the circumstances. What would motivate the idea that Xunzi holds this position? Xunzi certainly has positions for which he argues aggressively. However, simply taking a position on an issue does not commit one to a uniqueness theory. Positions are staked out in the context of known rivals. A more interesting question may be: What motivates the very idea of a "uniqueness" position from the perspective of these contemporary western commentators? The answer lies, perhaps, in their own assumptions. One of the realist assumptions which underlies uniqueness claims is that a certain kind of necessity is in play. Why would one expect there always to be only one best solution to any complicated social problem, unless one believed that this was somehow necessarily so?

1.3 NECESSITY IN A CHINESE WORLD

There is an important difference between saying that there is a uniquely efficient solution to a particular problem, and saying that this is necessarily the case. If it is necessary, what is behind the necessity? "Uniqueness" interpretations seem to have an inappropriate sense of necessity underlying them. Consider the character bi, which is often translated as "necessarily," "certainly," or "must" (GSR: 405a). It does not denote logical necessity, but rather applies when the shi (istry propensity) of the circumstances is overwhelming. Rather than strict necessity, it is ineluctability.

18 For more on this position, see section 2.2, "Uniqueness and Contingency."
Reflecting on Xunzi’s treatment of possibility and impossibility may illuminate his conception of necessity. Xunzi does, for example, deal in detail with the idea of not being capable of doing something while still having the potential to do it. He gives the example that everyone has the potential to walk around the world, but no one yet has been able to actually do it (89/23/74; K:23.5b; W 167-168). Statements of the “impossibility” of an occurrence take the form: “I have never yet seen such a case.” They often employ the character wei 未, or the combination wei chang 未常, both meaning “never yet.” If Xunzi wanted to express the idea that something would never occur he could have used a combination such as yong bu 永不 (literally: forever-not). In fact, the character yong occurs only three times in the Xunzi, and in each case it is in a quotation of the Odes. His “failure” to use strong terms such as yong is one more reason to be suspicious of the claim that Xunzi held that circumstances, and thus the moral categories and social structures help us cope with them, would always remain the same.

1.4 DISPPELLING OBSESSIONS

1.4.1 No Two Ways?

Paul Goldin maintains that, for Xunzi: “There is only one Way. The Sage Kings apprehended it, and their rituals embody it. There is no other Way, and no other constellation of rituals that conforms to the Way” (Goldin 1999, p. 73). There is prima facie evidence for this claim that needs to be addressed.

The opening paragraph of the “Dispelling Obsessions” chapter contains the following passage, which on Burton Watson’s translation reads: “There
are not two Ways in the world; the sage is never of two minds."¹⁹ John Knoblock’s and Homer Dub’s translations are similar.

The passage must be understood with reference to other relevant passages. Consider the following passage from Book One, “Exhorting Learning”: “One who [tries to] travel two roads [at the same time] will not reach his destination. One who serves two lords will not please [them]. The eye cannot, when looking at two things, see them clearly. The ear cannot, when listening to two things, hear them well.”²⁰ Xunzi is suggesting that practical problems arises when an individual—or a state—is not settled on a definite course: energies will not be aligned and attention will be divided. A similar problem is raised in Book Fourteen: “The ruler is the most exalted in the state. The father is the most exalted in the family. Exalting one [results in] order; exalting two [results in] chaos. From ancient times to the present, there has never been a situation that was able to endure for very long with two exalted, each contending for respect.”²¹ Again Xunzi is indicating that, as a practical matter, having two daos is not going to work very well.

Retranslating, and putting the passage in question into the context of the discussion in which it occurs, further makes the case:

Generally, people suffer from obsession with one small point and are in the dark about important patterns. If this problem is alleviated, then one may restore classical norms. If one is in doubt about two [conflicting views] then there will be confusion. [When] the world does not possess two [competing] doctrines, sages are not of two minds. Now, the feudal lords have different governments, the hundred schools

¹⁹ 天下無二道，聖人無兩心。 (78/21/1; K: 21.1; W 121).
²⁰ 行兩道者不至。事兩君者不洽。目不能兩視而明。耳不能兩聽而聰。 (2/1/22; K: 1.6).
²¹ 君者，國之隆也。父者，家之隆也。隆一而治，二而亂。自古及今，未有二隆爭重而能長久者。 (53/14/22-23; K: 14.7).
have different theories, certainly some are right and some are wrong, some are well governed, some in chaos.22

Notice that Xunzi says that some of the feudal lords are governing well. It could be that only the rulers that follow the one right way achieve order, but the passage actually seems to suggest, on the contrary, that all the feudal lords govern differently and some of those various approaches are successful. This would be a less than straightforward way of making the claim that there is a single effective method of achieving order. The claim that is being made is that there is an inherent practical difficulty in achieving order, especially on a large scale, when there are competing doctrines about how to achieve it.

1.4.2 A State of Mind Allowing Access to Knowledge of Reality:

Additional textual motivation for “uniqueness” interpretations can also be found in the “Dispelling Obsession” chapter. Benjamin Schwartz addresses a theme in this chapter as follows:

What the sage ultimately attains through his powers of reason is a comprehensive, impartial, “unbeclouded” view of reality. He totally understands that the human deliberative consciousness is a frail if precious possession. Not only can it be easily drowned in passion, it can easily become obsessed with some one lopsided aspect of reality which totally “beclouds” the grasp of the whole. “The sage knows that the great calamity in the mind’s pursuit of true method is that the mind will become beclouded and obstructed.” How does the sage maintain a transcendent overview? How does man truly know the Way? The answer is “through emptiness, unity and quietude. The mind has never ceased to accumulate and yet it has what is called emptiness. It has never ceased to have different thoughts and yet it is pervaded with what is called unity. It has never ceased to be in motion and yet it has what is called quietude.” ... [It is also suggested that somehow “emptiness, unity, and quietude” are a necessary precondition of a truly “objective” grasp of reality. (Schwartz, pp. 314-315, quoting K: 21.5a, 21.5d; W 126, 127)

22 凡人之患，蔽於一曲而闕於大理。治則優經，兩疑則惑矣。天下無二道，聖人無兩心。今諸侯異政，百家異說，則必或是或非或治或亂。(78/21/1-2; K: 21.1).
Chad Hansen quotes the “empty, unified, and still” passage in support of the following conclusion: “[Han Feizi and Xunzi] both start with the authoritarian assumption of an absolute correct way. They assert what Zhuangzi denies, the possibility of achieving a frame of mind that gives unbiased access to it” (Hansen 1992, p. 340). This leads Hansen finally to speculate thus:

I am most tempted to the hypothesis that Xunzi reverts to authoritarianism in the awareness that the analytical conventionalist argument does not get him home. His absolutist conclusion then uses the doctrine of a privileged preconventional vantage point. This brings him very close to Mencius, but since he looks outward with this special mindset, he claims to read the correct dao in nature. Here he uses the language of empty, unified, and still, the allegedly Taoist terms. But the doctrine is not pluralism; it is absolutism. (Hansen 1992, p. 310)

His evaluation of Xunzi is an unflattering one:

The tradition expresses little doubt about the authenticity of the major segments of The Xunzi. There seems, however, to be at least two different thinkers writing there. One is a philosopher, aware of the philosophical issues motivating Zhuangzi’s skepticism. The other is a dogmatic, toadying, propagandist for a draconian authoritarian social-political dao. He panders to rulers who are looking for ministers and a governing strategy. The central terms occur in both contexts. The philosopher sounds like a pragmatist faced with a form of relativism that he fully understands. The political dogmatist sounds as though he has no grasp of the philosophical problems of realism and relativism. (Hansen 1992, p. 308)

Hansen, perhaps motivated by his desire to defend Daoism, fails to apply his well-articulated strategy of adopting the interpretation that makes the author more “reasonable,” the so-called “principle of humanity” (see Hansen 1992, pp. 10-11). Instead, he interprets Xunzi as philosophically schizophrenic.

But is a more “reasonable” interpretation possible? Or is the realist interpretation the only one that can adequately account for passages in
“Dispelling Obsession” and the other scattered passages which seem also to support it? Below I will outline an alternative position. For now, let’s just consider what I take to be the most critical passage. Knoblock’s translation reads:

Emptiness, unity, and stillness are called the Great Pure Understanding. Each of the myriad things has a form that is perceptible. Each being perceived can be assigned its proper place. Each having been assigned its proper place will not lose its proper position. . . . By penetrating into and inspecting the myriad things, he knows their essential qualities. By examining and testing order and disorder, he is fully conversant with their inner laws. (K: 21.4d-21.5e, emphasis added)

My reading of the passage is as follows:

A state of receptivity, continuity, and equilibrium is called great clarity and insight. [For one with such clarity and insight,] of the myriad things, none having form lack perceptible features, none with perceptible features cannot be appraised, none that have been appraised will lose their station ... Keenly observing the myriad things, he appreciates distinctive features. He examines and compares [conditions leading to] order and disorder, and plumbs their depths.23

The difference between the two translations may at first sight seem stylistic, but the worldview behind the translations is fundamentally different. The import of the passage is that one who meets certain conditions is capable of a high degree of insight into relations relevant to achieving order, not that there is a univocal view of the universe, and all within it, to which a certain state of mind allows access.

23 能静而培。謂之大清。事物無形而不見。莫見而勿論。無論而失位。… 稱觀事物而知其情。審察治亂而通其度。(80/2141-42; K:21.4d-21.5e; W 128-129). I am tempted to read 莫論而失位 as “no one who arranges [the world] will lose the throne,” but this loses the parallelism with the two previous clauses.
1.4.3 Constructive Distinctions and False Dichotomies:

Xunzi does not maintain that we simply make up a structure to describe what is itself unstructured. On the contrary, the world is not unstructured; it is over-structured. If we try to cut it at its joints, one cut restricts the next. Xunzi writes, "Whenever the myriad things are differentiated, each parsing will obscure (bi 萬) others. This is the downfall common among ideologies." 24 For example,

Mozi was blinded (bi) by utility and did not appreciate the significance (zhì 知) of cultural patterns. Master Song was obsessed with the satisfaction of desires and did not understand how to obtain this. Shen Dao was blinded by laws and did not appreciate the role of virtuous people. Shen Buhai was obsessed with technique and did not know knowledge. Huizi was blinded by language and did not understand actualities. And, Zhuangzi was obsessed with tian and did not know the role of people. 25

What bi—"Obsession"—means in the Xunzi is being overly focused on one aspect of a situation such that one cannot accommodate competing ways of thought. 26 And, for this reason, one misses opportunities for forwarding

24 凡百物異則莫不相為蔽，此心術之公患也。（78/21/7; K: 21.2; W 122). A. S. Cua, following Watson, translates the passage differently, but makes the point equally well. “[In general,] when one makes distinctions among myriad thing, one's mind is liable to be obscured by these distinctions” (Cua 1985, p. 143). Knoblock gives an altogether different reading.

25 墨子蔽於用而不知文，宋子蔽於欲而不知得，慎子蔽於法而不知賢，申子蔽於施而不知知，惠子蔽於辭而不知實，莊子蔽於天而不知人。（79/21/22; K: 21.4; W 125).

26 Cua makes the same point. “Since bi is contrary to reason (li 理), it may be regarded as a state of irrational preoccupation with one side of a distinction at the expense of careful consideration of the other” (Cua 1998, p. 227). Xunzi writes: “Seeing the desirable quality of something, one must sooner or latter consider its detestable (e 恶) qualities. Seeing the beneficial aspects of something, one must sooner or latter consider its harmful aspects. Weigh (quán 質) these aspects together, thoroughly gauge them, only then can one be confident whether the thing is desirable or detestable, whether to choose it or to reject it.” 見其可欲者，則必前後慮其可惡者，見其可利者，則必前後慮其可害者，而兼權之，孰計之。然後定其欲惡取舍。（8/3/45-47; K: 3.13; Cua 1998, p. 260). The various aspects ought to be “weighed together” in order to form a truly considered judgment. For example, by focusing only on a short term advantage, one may overlook reasons why it could have long run problems.
the Confucian project of continually achieving harmony in an ever changing environment. Criticizing competing schools of thought, Xunzi writes: “Each of these various attempts addresses merely one corner of the way. The dao embodies regularities while always changing. One corner is not sufficient to raise it up.” It is not that the way does not involve considerations of utility, curbing desires, legal measures, and so on. Rather, if one relies exclusively on distinctions drawn from focusing on just one of these, then one inevitably misses the opportunities available from considering things from other angles. As a holistic guiding discourse, dao indicates an effective and reliable way of governance that engenders social harmony. At any point in time this holistic discourse is called by the name dao. This, however, does not entail that its contents are unchanging. In fact, this passage asserts that they are always changing.

*Bi* leads one to take a distinction as a strict dichotomy not allowing consideration of other factors. A. S. Cua puts it this way: “All distinctions owe their origin to comparison and analogy of different kinds of things. They are made according to our current purposes, and thus are relative to a particular context of thought and discourse. Distinctions, while useful, are not dichotomies. In *bi*, a person attends exclusively to the significance of one item and disregards that of another” (Cua 1997, p. 206). *Ming* (clarity) being the opposite of *bi*, implies seeing various distinctions simultaneously and thus being in a position to begin to weigh them in relation to the particular circumstances and desired outcomes. In order to do this one’s mind should be empty, unified, and still. Xunzi writes, “Not using what is already stored up to disrupt with what will be received is called open-mindedness. … Not

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27 此故異者，皆道之一隅也。夫道者。體常而盡變。一隅不足以舉之。（79/21/24-25; K: 21.4; W 126).
using one thing to disrupt another is called unity." One must be able to maintain an open enough mind to evaluate various ways of dividing things up before one can competently articulate constructive divisions.

This position may be seen as an extension of Confucius’ view expressed in *Analects* 2.14, at least on Arthur Waley’s reading of it: “A gentleman can see a question from all sides without bias. The small man is biased and can see a question from only one side” (Waley, p. 91).

1.4.4 Establishing Constructive Distinctions:

P. J. Ivanhoe’s interpretation suggests that *dao* is some mystical entity (or principle) which stands independently of us, as a possible object of our understanding, and which, when understood and put into practice, makes the real world an ideal place. In a word, *dao* is treated as transcendent. He writes:

> Whereas Zhuangzi saw human distinctions as the source of all the world’s ills, Xunzi saw them as the unique possibility for universal harmony and flourishing. If one could understand and master the *dao*, things would fall into place on a universal scale. The Way could protect one from all harm, offer one every benefit and bring peace, order, and prosperity to all the world. (Ivanhoe 1991, p. 317)

I would argue, on the contrary, that Xunzi fully understood and appreciated the significance of Zhuangzi’s insights into the conventionality of

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28 不以所已藏害所將受謂之虛... 不以大一勞此一謂之壹。 (80/21/36-38; K: 21.5d).
29 子曰：「君子周而不比，小人比而不周。」
30 Ivanhoe quotes the following passage from Watson in support of his position: “Through rites heaven and earth join in harmony, the sun and the moon shine, the four seasons proceed in order, the stars and constellations march, the rivers flow, and all things flourish; men’s likes and dislikes are regulated and their joys and hates made appropriate. Those below are obedient, those above are enlightened; all things change but do not become disordered; only he who turns his back upon the rites will be destroyed. Are they not wonderful indeed!” (Ivanhoe 1991, p. 317; W 94). Note that there is nothing in this passage, even as translated here, which dictates a realist interpretation. See section 4.3 for more on this passage.
distinctions. In fact, Xunzi saw this conventionality as an opportunity to be proactive in shaping a harmonious cultural environment. Xunzi’s dao is not something out there waiting to be understood and then put into practice, the putting it into practice is integral to the understanding. Xunzi is explicit on this point: “One should study until one puts it [the way] into practice. To practice it is to understand.” “Completely integrate one’s learning, put it fully to use, and only then is one learned.”

It is difficult to construct a system of social arrangements which will produce order, harmony, and joy. Yet, sages have insight into how things hang together and a clearness of mind which enables them to weigh a variety of considerations without being obsessed with any single distinction, and they constantly learn about the effect of moral categories on the moral development. Over time they are able to differentiate strategies likely to be effective from ill conceived ones. This does not imply that there is a unique solution. Another passage in the “Dispelling Obsessions” explains: “If you guide [the mind] with constructive patterns, support it with clarity, and let

31 Virtually the same point is made by Tetsuo Najita regarding Laozi and Ogut Sorai (A Japanese Confucian philosopher influenced by Xunzi). Najita writes, “[A]lthough Sorai firmly rejected Laozi’s ideal of the natural community, he nonetheless retained in his overall theory Laozi’s insight that Confucian ideas were artificial constructs and not extensions of the natural order. Whereas Laozi denounced them for this reason, Sorai endorsed them as creative constructions of the Sages” (Najita, pp. xvii-xviii).

32 金之盡之，然後學者也。 (24/8/102-103; K: 8.12).

33 金之盡之。然後學者也。 (3/1/45-46; K: 1.13; W 22; H 252).

34 “[One who’s ideas regarding] categories of ethical relations are not penetrating, and are not continuous with appropriateness vis-a-vis human connectedness, is not worthy of being called ‘good at learning.’ Learning is certainly learning the continuity of these.” 倫類不通，仁義不一，不足謂善學，學者也。國學一之也。 (3/1/44-45; K:1.13; W 22). Learning is has to do with insight into ethical categories governing human relationships such that these categories are personally reconstructed mindful of their purpose to foster a harmonious society. Thus the categories should be tied to, or “one with,” human connectedness understood through a developed sense of appropriateness (ren y i) regarding the application of what one has learned.

35 See section 2.5 (near the end) for justification of the translation of li as “constructive patterns.”
nothing destabilize it, this will suffice for it to establish right and wrong, and clear away doubts and suspicions."36 Burton Watson ends his translation of the same passage as follows: "it will be capable of determining right and wrong and resolving doubts" (W 131, emphasis added). It is instructive to note that the word "determining" here could be understood in the sense of ascertaining the truth of the matter, or in the sense of setting or establishing it. I suspect most readers of Watson's translation would assume the former was intended. But, the character being translated as "determining" (ding 存) really means something closer to the latter. Karlgren defines it as "settle, establish, fix" (GSR: 833z). Given certain conditions, the heart-mind is capable of establishing moral principles, which if followed will enable one to satisfy many desires over the long term.37

We also find passages, even in existing translations, which support the view that, far from being fixed for all time, the important distinctions must be reevaluated daily. For example: 

> "[W]hen it comes to the duties to be observed between ruler and subject, the affection between father and son, and the differences in station between husband and wife—these you must work at day and night and never neglect" (W 85).38 The meaning here is not that one should work hard at fulfilling fixed and rigid roles, but that the roles themselves must be fitted to one's personal circumstances, and this requires constant self-tailoring. One must always be refiling the important distinctions, as Edward J. Machle in a more literal translation of the same

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36 故導之以理，養之以清，物莫之傾，則足以定是非決嫌疑矣。 (81/21/56-57).

37 Xunzi writes: “Is not long deliberation and taking into consideration what comes later excellent indeed!” 長慮顧後非不甚善矣哉。 (11/4/64-65; K:4.11). Knoblock has “considering the long view of things and thinking of the consequences” 長慮顧後, which amounts to the same thing. The context of the passage makes clear that something of this nature is the intended meaning.

38 論曰，萬物之怪書不說，無用之論，不急之察，棄而不治，若夫君臣之義，父子之親，夫婦之別，則日切磋而不舍也。 (64/17/37-38; K 17.7). See also section 4.3, toward the end.
passage brings out, these are “patterns to be cut and polished daily” (Machle, p. 117).

1.5 CONFOUCIAN CONSTRUCTIVISM

For Xunzi, when the sage articulates moral categories, or devises ritualized rules of deference, he is not reporting on the true nature of things which an “unbecloaked” mind enables him to comprehend, but he is rather developing constructs (i.e. something constructed by the mind) which he believes will be constructive (i.e. useful, beneficial). For this reason, I chose the label “constructivism” for this interpretation, playing on both senses of the word.

Constructivism as a philosophy of science maintains that what counts as scientific knowledge depends on social conditions and the interests of individual scientists in addition to the constraints of the world science seeks to describe. “For example, constructivists claim that the way we represent the

39 There is a form of constructivism which only partly resembles the theory I am ascribing to Xunzi. Onora O’Neill describes it as follows: “Unlike realists, constructivists deny that there are any distinctively moral facts or properties, whether natural or non-natural, which can be discovered or intuited and which provide the foundations of ethics.” (O’Neill, p. 631, emphasis hers.) So far so good. But, O’Neill continues her description, saying: “Unlike conventionalists or relativists, constructivists think that it is possible to justify universal ethical principles . . . The distinctive feature of constructivism in ethics is the claim that universal ethical principles can be built out of quite minimal accounts of action and reason.” She has in mind a more specific doctrine John Rawls coined “Kantian constructivism.” Confucian constructivism, however, is hardly Kantian. While it does reason from what may be called minimal assumptions (e.g. that social harmony is desirable), it does not presume that there is one exclusive universally applicable system of morality. Ivanhoe himself uses the phrase “constructivist account” (Ivanhoe 2000, p. 239) as a contrasting position to his own. What he seems to have in mind here is the Kantian constructivism described above and should not be confused with the position I am taking.

40 A. S. Cua notes: “Xunzi does explicitly state that the sages are responsible for the existence of a through conscious or productive activity (we i)” (Cua 1985, p. 69). See section 1.7.

41 Or, perhaps, it plays on three senses of the word: The constructivist endeavors to construct constructive constructs.
structure of DNA is a result of many interrelated scientific practices and is not dictated by some ultimate underlying structure of reality” (Downes, p. 624). This is not to say that constructivists deny a structured reality, they deny only that reality dictates a singular description. In Xunzi’s language, “Tian can generate things but cannot articulate distinctions among them. Earth can support people but cannot order them. The myriad things of the whole world, and all living people, await sages—and only then are they apportioned.”42 In other words, a constructivist denies that there are intrinsically appropriate descriptions of objects. “Name-concepts have no intrinsic appropriateness.”43

For Xunzi daoing is an art, or a craft. He writes, “The mind is the artisan and steward of the way,”44 indicating that the mind is responsible both for giving the way shape and for overseeing its ongoing development. As an example, naming for Xunzi is a practical matter. It is folly to try to have a different name for every individual thing, Xunzi tells us, just as it would be not to make any distinctions, calling everything by the same name. Things are named according to perceived similarities deemed sufficiently important and relevant to some task. When there is no longer any productive purpose in making finer distinctions we stop making them.45 Further, as A. S. Cua has

42 天能生物不能辨物也。地能載人不能治人也。宇中萬物。生人之屬。得聖人然後分也。 (73/19/78-79; K: 19.6; W 103). Cf. “The exemplary person is the beginning of ritual propriety and of a sense of appropriateness. ... Thus, nature and the earth produce the exemplary person, and the exemplary person applies patterns (li) to earth and nature ... If there were no exemplary people, nature and the earth would not be patterned.” 君子業義之始也。... 故天地生君子。君子理天地。... 無君子則天地不理。 (28/9/64-66; K: 9.15; W 44-45).

43 名無固宜。 (83/22/25; K: 22.2g; W 144). For a justification of ming as “name-concepts,” see section 3.2 and Appendix II: Key Terms.

44 心也者。道之工宰也。 (82/22/40; K: 22.3f W 147).

45 “After [we have perceived something] it is named accordingly, what is considered similar is given a similar name, what is considered different is given a different name. ... Appreciating [the principle of] 'different names for different things' and thus, so as not to cause disorder, letting all different things have a different name, is as bad as letting all different things have the same name. ... We press on dividing them up—where we make a distinction there is a distinguishing [term]—until we reach a point where there is no more [productive] distinctions to
argued, “[G]eneric terms originate not from discovering ‘essences’ but from empirical comparison and analogy” (Cua 1985, p. 200 n4).

We can never reveal the one true description of reality, and to try to do so is not the Confucian project. It is not necessary to deny that we live in a world with pre-existing interrelated aspects to hold that there is necessarily a creative and prescriptive element in any description of it. And, this allowance of creativity is not contrary to the Confucian and common sense idea that there are more and less responsible ways to shape a version of our world.

Xunzi recognized that names (and the categories and distinctions they signal) involve an element of conventionality. He took this as an opportunity to be proactive in shaping a harmonious cultural environment. One does not cut a piece of jade to reveal the way it is, but to bring forth a beautiful way it can be.

It is important, however, to stress the distinction between constructivism and mere conventionalism,46 in which agreement is the sole standard of appropriateness. On the conventionalist view, the world is like a pie for which any slice can be considered equally well made. There is no pattern or structure which favors one way of slicing over another. Thus our cutting imposes a structure on what was itself unstructured.

The constructivist, on the other hand, groups things together on the basis of their perceived qualities and human interests. While these groupings have no privileged status, they have their basis both in a natural patterns and propensities, as well as the interests of those doing the grouping. Categories are not considered purely natural kinds.47 Nevertheless, this does not imply

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46 For a critique of the conventionalist side of Chad Hansen’s interpretation of Xunzi, see Van Norden 1993.

47 Consider the status of marsupial mice. Would a taxonomy which grouped them with ordinary mice rather than with their genetically closer relative the kangaroo be less “true,” or
that any grouping is as good as any other. Categories are not univocal, but neither are they arbitrary. They answer to some purpose or use. Xunzi writes, "The myriad things share the same world but have different forms. They lack an intrinsically appropriate articulation, but have a use for people. This refers to the art of discriminating regular patterns (shu)." An important aspect of constructivism is that it allows for creative pluralism rather than implying that there is a unique solution to the ways in which the world may be legitimately divided. For a realist, distinctions are supposed to "truly" reflect the physical or moral world, and two mutually contradictory distinctions cannot both be "true." But, it is possible for two systems to be roughly equally good with respect to satisfying some common purpose while at the same time being composed of different, mutually contradictory, distinctions. If in an Aristotelian virtue system disposition X is a virtue, while in a Confucian system it is a vice, the realist must say that at least one of them is wrong. They cannot both have described X truly, as a virtue and a vice. For the realist, a claim about X is a claim about how the world really is, and thus can be (at least theoretically) judged independently from any other distinction. But for the constructivist, one component of a system cannot be judged independently of its role in the whole system, since even just plain wrong? Xunzi would not think "truth" is an appropriate standard of assessment. I hasten to concede that it is indeed useful, given the purposes of biology, to group kangaroos together with marsupial mice at some level. But, this is a very different claim than that of the strong realist.

48 載物同字而異義，無宜而有用為人。數也。(31/10/1). Knoblock translates shu 數 as "the natural order of things," where as Dubs renders it "an art." Knoblock's translation reads: "The myriad things share the same world, but their embodied form is different. Although they have no intrinsic appropriateness, yet they may be of use to humanity: this is due to the natural order of things" (K: 10.1). Cf. Dubs' translation, "All things are present together in the world, but have different forms. Of themselves they are not appropriate; but they are used by men—this is an art" (D 151). As I read it, they each capture one element of its meaning. That is, shu 數 simultaneously carries the meanings of "regular patterns" as well as "art." The idea is that the process of skillfully utilizing the regular patterns of the various aspects of our surrounding conditions is an art.
what is at issue are consequences that depends on the interaction of everything in the system. So, since it is possible that both systems could be roughly equally good at satisfying the same purpose, it is possible that X is a virtue in one system and a vice in another, given the different dynamics of those systems, just as monkshood is both a medicine and a poison. Clearly, though, these considerations would hardly suggest that every distinction is as good as every other. On the contrary, the standard is efficacy toward the realization of some worthwhile goal.

The constructivist project involves an element of creativity in the process of moving toward the goals of community cohesion, political stability and harmonious intercourse. These values are in turn justified by their important role in the satisfaction of people’s desires. If everyone tried to satisfy his or her own individual desires whimsically, they would end up frustrated. Xunzi writes:

> Departing from the way and choosing from the inside [i.e., according to one’s original desires] is like exchanging two for one. How can there be a gain? The [fulfillment of] one’s desires accumulated over a hundred years would be exchanged for the dubious [gratification] of a single instance. Anyone who does this does not understand the calculations involved.

Dao is the name for a path which is forged with an eye to the deep and broad satisfaction of human needs and wants. Such a path is not easily found, and following our immediate inclinations tends to lead us astray. Xunzi believed that by appreciating the accumulated wisdom and experience of the sage kings, and the lessons of their successes, can we have confidence that we are “on the right track” as we continue the endeavor to make our way.

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49. "離道而內自擇，是猶以兩易一也。奚得，其累百年之欲，易一時之嫌。然且為之不明其數也。" (86/22/77-78; K: 22. 6c; W 154).

29
1.6 MORALITY AS MORAL: A PROBLEM FOR NIVISON

Now that various views have been introduced, we are in a position to confront a meta-ethical “problem.” David Nivison identifies Xunzi’s problem as “how to secure the Confucian tradition of moral rules and values against a variety of voices... and how to do this in a nonarbitrary way” (Nivison 1996b, p. 52). He addresses this problem by reflecting on the position of the Qing Dynasty Confucian thinker Zhang Xuecheng.

The main point of his discussion is that the sages come up with their moral system piecemeal (and this, as Nivison points out, can reasonably be traced back to Xunzi’s idea of ji wei 積偽, the accumulation of constructive activity). This addresses the question of why a person cannot simply make up their own way and claim that it is on par with the way of the sages. “The mistake in the question is that I shouldn’t be comparing myself with some person or persons in the past, but with a (perhaps still continuing) historical process” (Nivison 1996b, p. 53). Nivison, however, is not entirely satisfied, and he hesitates to attribute Zhang’s position to Xunzi, calling it a “decent revision” (Nivison 1996b, p. 54). Moreover, he finds the position somewhat problematic on its own. He writes: “There is a price to be paid for a view like this: (1) The positive moral order is a historical product, perhaps still unfolding, not final. (2) A present-day person or ruler in the right ‘position’ can keep on creating, if a need exists and it is that person’s function to meet it.” (Nivison 1996b, pp. 53-54).50 Why does Nivison tally these on the negative side of the ledger? For a constructivist these are not costs.51

Elsewhere, after explaining that Xunzi gives consequentialist reasons to follow dao and what amount to aesthetic reasons to love it, Nivison

50 Nivison continues: “But so can I; and another person is as much bound by the past as I am.”
51 It should be noted that the process of constructing a moral order is more complicated than implied in Nivison’s statement. As an example, see section 3.4, “Naming: The Ruler’s Prerogative?”
wonders whether this gives an account of "morality as moral." He writes, "Morality is an illusion, really, in this point of view" (Nivison 1996b, p. 274). What exactly is taken to be an illusion on this view? Dao, embodied as it is in the norms of ritual propriety, is not illusory. Only morality as conceived in moral realist terms is illusory. Here is the issue for Nivison: "one may still ask whether utility plus cosmic beauty account for morality as moral—whether, e.g., they can show me why I am doing something morally wrong if I fail to observe mourning for my parents" (Nivison 1996b, p. 274, emphasis in original). Confucians have ample resources for critique of such a person. On the other hand, I would readily concede to Nivison that on this view there is no claim regarding actions mapping to any other realm where what really is wrong is kept track of. But for whom is this a problem? From the constructivist perspective, what Nivison considers problems are non-issues.

Henry Rosemont has said, "Confucian philosophers never considered the philosophical question of the meaning of life, but rather focused their energies on constructing a value system in which everyone could find meaning in life" (Rosemont 1971, p. 213). Similarly, we could say, Confucians were not concerned with the question of whether some activity really was moral, but rather were concerned about constructing a world imbued with moral meaning. Making a related point, Takeuchi Yoshio writes, "Morality is not conduct based on our natural constitution, it is something artificial which rectifies and ornaments our nature, that is, it is wei (artifice)." Morality is not something given. It can be found neither in our nature nor the nature of the world. It is something devised, in full consideration of the constraints of our condition, both to improve ourselves and the state of our circumstances, making our journey through the world meaningful.

52 道徳は天性に本づく行でなく、性を痛筋する人為的のもの即ち為である。（Takeuchi, p. 105).
Perhaps Nivison worries that on the view that he outlined the ancient sages would lose their authority. While sages could not be viewed as absolute authorities from this viewpoint, innovation in keeping with the spirit of the tradition need not diminish the importance of the sages. Indeed, it makes the appearance of new sages all the more important—and it is new sages that Xunzi’s educational philosophy is designed to produce.

There is always a role for sages to revive the old and make it relevant to the contemporary. In this way evolving standards are both “projections” of tradition and to some degree novel. As Abe Yoshio explains it: “Since the authority of the later kings is something that one should recognize as a projection of the former kings, one can acknowledge that for Xunzi the new *li* established by the later kings have the same dignity as the *li* of the former kings.”

Nishi Junzo goes further, claiming: “For Xunzi there is no given order or morality. All of that people personally choose and establish.” This claim is problematic as it stands and needs to be qualified. While morality is a social product (in which the sages have a key role), there are constraints—both natural and historical—which restrict individual choice in its construction. Xunzi recognized moral construction as a continuous and complex negotiation between various levels of society (the masses, the ruler, and the elite).

Xunzi likewise appreciated the importance of balancing the enduring lessons of history and the evolving needs of the present. He writes, “*Dao is

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53 いずれにせよ、荀子はこの後王の権威は先王の投影として承認すべきだと主張するのだから、後王によって制定される新禮は、先王の礼と同じ等の尊厳を有するものと認められる。(Abe, p. 61).
54 荀子にとっては、所与の秩序・道徳はなく、すべては人が自ら択び自ら定めるものである。(Nishi, p. 44).
55 See, for example, section 3.4 for a discussion of the dynamics involved in attuning names.
the proper balance (quan 権) of past and present. Those who depart from dao and make choices from personal inclinations do not appreciate that on which fortune and misfortune depend." Interpreting this passage Kakimura Takashi and Azuma Jiiji write: "Thus, in making choices, people must put the prudence and wisdom of their minds to work, and weigh the various aspects of advantages and disadvantage in a balance, in order not to be 'confused regarding weal and woe.' And, it is precisely this way (dao) that is the 'proper balance of ancient and present.' Dao, in this case, is the dao of the following passage: 'Dao is not the dao of tian, nor the dao of earth. It is the way people conduct themselves.' Dao is the balance: the way made by thoughtful, prudent people.

The root metaphor behind the character quan 権 is the sliding weight of a steelyard, and in the context of this passage it means "balance." It may be considered the ongoing balancing of conditions relevant to maintaining harmony in the midst of changing circumstances. And though the primary

56 I have chosen to translate this in a way that maintains an ambiguity in the text. Considering the larger context, the meaning is probably that dao is the proper balance both of the past and of the present. This is generally how it is taken, and my discussion assumes this reading as well. However, it could also mean dao involves finding the proper balance between the past, on the one hand, and the present, on the other. In other words, as is suggested at the end of my discussion of the passage, it could mean the balance between tradition and current needs. Cf. Knoblock's translation: "The Way, from antiquity to the present, has been the right balance" (K:22.6b).

57 道者。古今之正權也。離道而內自 хозяй不知禍福之所託。 (86/22/74; K: 22.6b; W 153).

58 したがって人は、取捨選択をおこなう場合、心の恩慮と熟慮をはたかせて諸方面の利害を権衡（はかり）にかけ、「禍福に感わ」ないようにしなければならない。そして、道こそは、「古今の正權」である。この場合の道は、「道とは天の道に非ず、地の道に非ず。人の道（おこ）なる所以なり」（儒教篇）という、その「道」である。 (Kakimura and Azuma, p. 428). The passage cited is: 道者非天之道。非地之道。人之所以道也。君子之道也。君子之道也。 (20/8/23-24; K: 8.3). Cf. A. C. Graham's translation: "The Way is not the Way of Heaven, nor the Way of Earth, it is what man uses to make his way, what the gentleman adopts as the Way" (Graham, pp. 242-243).

59 It is in fact the same character used by Mencius when he approves of using one's discretion regarding the ordinary norms of li in extraordinary cases, such as saving someone from drowning.
meaning is balance, it may be thought to continue to suggest the other aspects of its meaning. It represents a kind of power, an authoritative influence. It implies the nimble adjustment to change, adaptability, flexibility. When used as an adverb it has the sense of “tentatively.” And as a verb, in addition to “to weigh” or “to assess,” it means “to handle a task provisionally.” Thus the meaning of the passage seems to be that *da o* has always been a matter of finding the proper balance for one’s time and circumstance. Acting in accordance with these considerations is contrasted with following own’s shortsighted desires and feeling. *Dao* is a path forged, and still being forged, by the exemplars of tradition. It is a product of the always accumulating wisdom of a tradition in an endeavor to achieve and maintain social and human values. Following such a path leads to fortunate circumstances, but following our immediate inclinations leads to misfortune.

Also, when considering the import of this passage, we would do well to remember that Xunzi also wrote that “Those who are good at articulating the ancient necessarily need to show that it is applicable in the present.” Indeed, one may read the passage in question to state that *da o* is the proper balance of tradition and the current situation.” In fact, this interpretation is supported by a passage in the “Dispelling Obsessions” chapter which describes *da o* as the balancing of various dichotomized categories including the past and present.

Sages know the peril of ideology of the mind, and see the misfortunes of obsessing on one thing and being blind to others. Thus [they neither obsess on nor are blind to] . . . the ancient or the present [among other things]. They simultaneously set out the myriad phenomena and

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60 A fuller and more literal translation puts the statement into context: “Those who are good at articulating the ancient must have a tally to the present. Those who are good at articulating tian must have verification of its relation to people. Generally speaking, theoreticians value coherent distinctions and conformity to experience.” 故善言者必有節於今。善言天者必有徵於人。凡論者貴其有辨合有符驗。 (88/23/44-45; K: 23.3b; W 163).
impartially hang them in a balance. For this reason, the multifarious
distinctions do not obstruct each other and thereby throw their
arrangement into chaos. What do we call this balance? "Dao." 61

The idea of balancing tradition with present needs and conditions could be
considered a corollary to one of Xunzi’s principles of clear mindedness: “Not
using what is already stored up to disrupt what will be received is called being
empty.” 62 For Xunzi, to see only the traditional would be a form of bi
(obsession). As David Hall and Roger Ames contend that “Both pragmatists
and Confucians would consider the question of how one might balance the
demands of novelty with the claims of tradition to be one of the most
significant social questions” (Hall and Ames 1999, p. 156).

1.7 A CASE IN POINT

Thinking through the ideas presented in the Xunzi from a
constructivist viewpoint reveals a more coherent and compelling
philosophical viewpoint. As an illustration, I will close this chapter with a
final example of the constructivist position as a better fit than the realist one.

P. J. Ivanhoe interprets a passage, which likens the art of instituting
social norms with pottery, to suggest that through the effort of the sages
cultural patterns are brought to “perfection.” “The sages brought these
cultural patterns to a state of perfection through a long and arduous process of
trial and error, just as a potter learns to fashion bowls and develops the art of
pottery” (Ivanhoe 1991, pp. 313-314). He offers the following translation
adapted from Watson in support of this position:

61 聖人知心術之患，見蔽塞之過。故(無欲無 思，無始無終，無近無遠，無博無淡。)無古無今。
兼陳萬物而中盤衡焉。是故眾真不得相蔽以亂其倫也。何謂術。日。道。(79/21/28-30; K: 21.5a-b;
W 126-127; H 274).

62 不以所已蔽者所將受謂之虛。... 不以夫一害此一謂之壹。 (80/21/36-37; K: 21.5d; W 128).
All rituals and social norms are produced by the conscious activity of the sages; essentially they are not products of man's nature. A potter molds clay and makes a vessel, but the vessel is the product of the conscious activity of the potter, not essentially a product of his human nature. A carpenter carves a piece of wood and makes a utensil, but the utensil is a product of the conscious activity of the carpenter, not essentially a product of his human nature. The sage gathers together his thoughts and ideas, experiments with various forms of conscious activity, and so produces rituals and social norms and sets forth laws and regulations. (Ivanhoe 1991, p. 314; Cf. K: 23.2a; W 160)

There is nothing in this passage that suggests that the product is perfect, or that it is a unique solution. On the contrary, this passage supports a constructivist interpretation. Just as not all forms will make equally good bowls, not all social norms will be equally constructive. But also, just as there may be more than one form which makes a good bowl, so too there may be more than one set of social constructs which are conducive to harmony. Further, just because someone has made a good bowl, which may serve as a model for the next generation of bowl makers, that fact does not rule out the possibility of refinement, or that changing circumstances may call for alterations. In fact, human aesthetic sensibilities require that bowls be different. What makes a potter authoritative is sustained quality in difference, not replication.
CHAPTER 2

LI AND LEI: CONSTRUCTIVE PATTERNING OF CATEGORIES

Xunzi has largely been interpreted as suggesting that the way of the sage kings was the uniquely effective way to achieve a harmonious society. And, in strong versions of this interpretation, Xunzi is thought to regard the dao 道 of the sage kings as perfect in every detail. In first half of this chapter I will consider how certain interpretations of the concepts of li 理 and lei 類, patterns and categories, tend to support this type of theory. In the second half, I will question the viability of these interpretations and offer a constructivist alternative, which views categories as human constructs designed to be constructive. On this view, there is not one true way to understand the world and our roles and responsibilities in it. Rather, constructivism allows conceptual room for pluralism, as well as for progress without teleology. While some ways of organizing social constructs are more conducive to forming a harmonious society than others, conceptually ordering our world is an ongoing process that has no final or perfect articulation.

2.1 THE PATTERNS OF "HEAVEN"

One explanation underlying the purported uniqueness of the way is that li 理 (pattern)\(^1\) refers to a kind of rational structure or "reason." This is

\(^1\) I will use the word "pattern" as a gloss for li 理. Later, I will suggest the phrase "constructive patterns" to signal that li are patterns picked out for their positive effect. A. S. Cua has
the view we see expressed, for example, in John Knoblock's characterization of \( li \) in the introduction to his translation of the *Xunzi*: “wherever a distinctive pattern provided the order of a thing, there was \( li \). It was the principle of order that provided the pattern, regulated the thing, and made it recognizable as that thing and function as that thing functions. It is the reason and rationality common to the minds of all men” (Knoblock 1988, p. 80). He goes on to say that, “The \( li \) is the rational basis of all order. It is natural order, and it is reason.”

This interpretation is also suggested in his translation of \( lei \). Since \( li \) is reason, \( lei \), which is taken as the unique set of categories truly based on it, are thought of as “proper logical” categories, as in the following: “When knowledgeable, he [the gentleman] understands the interconnections between phenomena and can assign them to their proper logical category” (K: 3.6). There is, however, nothing in the text that corresponds with either “proper” or “logical.” The passage merely says, “The intelligent\(^3\) categorize with clarity of mind and penetrating insight.”\(^4\)

expressed valid worries about the use of “pattern” as a translation for \( li \). See Cua 1997, p. 201. Nevertheless, rendering \( li \) as “pattern” is judged to best serve our purposes here.

\(^2\)Phrases like “proper categories” are ubiquitous in translations of the *Xunzi*. Often there is nothing corresponding to “proper” in the text. The resulting “translation” seems to indicate something along the lines of a realist position. But the only justification I can see for the addition of the key word suggesting that position is the prior assumption of it.

\(^3\)Zhi \( (\text{intelligence}) \) should be understood as a highly developed appreciation for how things hang together. A. C. Graham states that for *Xunzi*, “intelligence is what Anglo-Saxons call ‘common sense,’ the sort which values a synthesizing grasp of how things hang together above analysis, and which prefers not to push analysis further than needed to resolve issues arising in controversy” (Graham 1989, p. 254).

\(^4\)The extended passage reads: “The junzi is the opposite of the small man. The broad-minded junzi, [respecting] the way things hang together, leads the way. The small minded, fearful of doing what is appropriate, are tied in knots. The intelligent categorize with clarity of mind and penetrating insight. The simple minded follow the model with uprightness and honesty.” (7/3/16-17; K: 3.6).
A.C. Graham expresses a similar view to that of Knoblock. Referring to Xunzi’s philosophy, he says: “Morality has the pattern (li) by which it is knowable by thought; man has, presumably in his nature, the equipment by which, although his desires run the other way, it is possible for him to know it” (Graham 1989, p. 249). Although Graham avoids the word “reason,” the view expressed seems to be that morality has a rational pattern and we have the capacity, reason, to know it in the abstract.

Another formulation of a similar idea is that the world is “naturally ordered” and we are equipped with mental faculties which can discern this order. This view is expressed by Robert Eno: “Zhengming [the attunement of names] constructs a model of the proper function of language on the basis of the claim that the role of ‘names’ (generally, substance words) is to distinguish differences in ‘realities’ (shi). The world is pictured as a field of objects that are naturally ordered into sets on the basis of sameness (tong) and difference (yi). Man is innately equipped to distinguish these two primal qualities” (Eno, p. 146, cf. Puett below). On this view, since sameness and difference are the “primal qualities” of things, and since we are given mental faculties which can discern sameness and difference, we can thus divide things up in accord with their true nature. Only things that are truly the same will be grouped together. This way we generate a set of real categories.5 As Donald Munro puts it: “In the Xunzi the universe is presented as an ordered entity, each object having definite relationships to others. But the pattern cannot be grasped unless a person develops his mind” (Munro, p. 157).

A different view, with similar implications, is that knowledge of the true nature of things is attained through mystical experience. This view is offered by Henri Maspero:

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5 Strictly speaking, it would only be the sage, being free from obsession, who properly exercises his cognitive faculties.
Xunzi has borrowed from the mystical school certain of its techniques, and seeks to attain truth not by reasoning (by that one risks 'by being wrong on a single point, being in the dark with relation to the Great Doctrine', the sole truth, as happened to Mozi, Songzi, and so many others), but by a meditation pushed very far, to the point where the spirit, freed from all surface phenomena, grasps the very nature of things directly and becomes capable of knowing them and naming them without mistake. (Maspero, pp. 351-352)

On this view, though we go about arriving at the truth differently (through meditation rather than reason), in the end we know the real set of categories. This view, however, seems to involve a deeper conception of reality than simply nature. Paul Goldin’s account at times also suggests that the true nature of things, for Xunzi, is not nature itself, but some deeper level of reality. He writes, “Xunzi enjoins us rather to inquire into the ontic presence that lies behind everything we see in the world—and then to bring ourselves into harmony with that force” (Goldin, p. 104).

*Tian* 天, interpreted as “Heaven,” is sometimes thought to be some more “ultimate” level of reality that is taken as akin to reason. Consider Benjamin Schwartz’s statement: “The ‘objective’ order of society embodied in *li* [ritual propriety] and law is also on some level embedded in the order of Heaven and that in fashioning the human order the sages do not freely invent but actually make manifest a universal pattern somehow already rooted in the ultimate nature of things” (Schwartz, p. 316). Schwartz fleshes out “Heaven” in terms of “the ultimate nature of things,” but that does not

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6 Similarly, Chad Hansen attributes to Xunzi the position that “a mystical, unbiased, apprehension of the correct *daō* is possible to Confucians” (Hansen 1992, p. 313, emphasis added).

7 While “*li*” in this passage refers to 禮 (ritual propriety), the “order of Heaven” described here seems to apply to both 禮 禮, patterns generally (paradigmatically those found in nature), and 禮 禮, patterns of social behavior. See section 2.3 for a discussion of the relation between *li* 禮 and *li* 禮.

8 The use of the word “somehow” here suggests that Schwartz himself found this relation mysterious.
answer for us whether this ultimate nature is to be read from the world of things or whether the world of things is somehow already in accordance with some more primary order. Schwartz's view of Xunzi's position toward logic seems to suggest a rationalistic reading. “[Xunzi’s] attitude toward ‘logic’ is that the sages in their cogitations had not only developed whatever logic was required for their needs but had already embedded it in a language which provided a complete and comprehensive map of reality” (Schwartz, p. 314). The logical nature of “the order of Heaven,” having been reasoned out through the “cogitations” of the sages, was used to create a perfect language which truly captured the unique set of real logical categories. Or so this interpretation seems to have it.

Consider also Michael Puett’s interpretation of “Heaven” and its relation to proper categories. He writes: “the sages’ acts of creation involve not arbitrary inventions but rather the bringing to humanity of a normative order rooted, ultimately, in Heaven” (Puett, p. 493). Puett’s conception of the normative order being rooted in “Heaven” seems to include two components of Heaven, (1) “Heavenly faculties,” which we use to perceive the world, and (2) Heaven as the object of knowledge. These two are linked, it seems, such that “correct” use of the Heavenly faculties allows us (or at least the sages) to discern the “proper,” Heavenly privileged, categories. Puett sees this relation as teleological. Correctly utilized faculties, given by Heaven, enable one to know It. “Heaven thus gives man the faculties which, if used properly, will guide his actions. In order to further highlight the implicit teleology here, Xunzi refers to the final stage of this process of cultivation as ‘knowing Heaven’ ” (Puett, p. 488). What we will know when we know Heaven is predetermined by Heaven, mediated by our Heavenly faculties.

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9 Cf. Goldin, p. 54 (emphasis added): “[Xunzi] postulates instead a set of Sage Kings, who knew the Way of Heaven, and established a code of ritual for future generations to follow.”
As for ritual and morality, these were "generated from the Heaven-given mind" (Puett, p. 490). Puett argues that the usage of the word sheng (generate) rather than zuo (create) indicates that sages were not innovating when they "gave birth" to ritual and morality (see Puett, p. 493). He recognizes that he has to account for the passage which says: "If true kings were to arise, they would certainly revitalize old names and create (zuo) new ones." He explains: "Xunzi is agreeing [with the Mohists] that sages must now arise and innovate (zuo), but he strongly limits the ways in which sages can do so: innovation must be based in the correct usage of the faculties given by Heaven, and these faculties, correctly used, will allow the sage to discern accurately similarities and distinctions in the natural world" (Puett, pp. 492-493).

This description does not give much room for innovation, except where innovation means innovating a system that could only have been innovated correctly in one way—but that would be discovery, not innovation. Rather than abandon the conclusion that the sage does not innovate, and move his analysis in a constructivist direction, Puett sticks to a teleological view. It may seem he would have to abandon his thesis of a strict distinction between sheng and zuo, and say that neither sheng nor zuo involves true innovation. Instead, however, he suggests that only names qua labels are innovated, while the categories which underlie them are determined.12

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10 若有王者起，必將有循於舊名，有作於新名。[83/22/11-12; K: 22.2a; W 141]. See Puett, p. 491, for his discussion of this passage.

11 It seems here that one aspect of "Heaven" is thought to be the natural world properly categorized.

12 Puett is not alone in this interpretation. A. C. Graham writes: "the divisions marked by naming are subjective for Zhuangzi but objective for Xunzi.... although naming is conventional, the divisions they mark are inescapably there" (Graham 1991, p. 285). Similarly, Bryan Van Norden takes Xunzi as endorsing the following: "the distinctions among things in the world picked out by the (arbitrarily chosen) words of Chinese are themselves objective" (Van Norden 2000, p. 132 n61). See also section 3.2.
Names may vary, but the patterns of Heaven admit only one formulation.\textsuperscript{13} “Names are created by a sage only after he has correctly differentiated reality by properly using the faculties with which he was born. Thus, Xunzi \ldots has limited the arbitrariness of such conscious activity by defining it normatively as the process of correctly using one’s Heaven-given faculties” (Puett, p. 492).

In the process of “knowing Heaven,” sages are said to have “correctly differentiated reality,” and to be able to “discern accurately similarities and distinctions in the natural world” (Puett, pp. 488, 492, 493). On this basis, the sage is thought to have “generated” rites, duties, laws, and standards, where the word “generated” (from sheng 生, to give birth to) is not thought to involve innovation on the part of the sage.\textsuperscript{14}

Intriguing though it is, we have to reject the thesis that the use of sheng rather than zuo implies that what is “generated” does not involve any innovation.

The potter makes a vessel using a clay mold. If this is so then the vessel is generated (sheng 生) from the artifice of the potter, not original human nature. The carpenter carves wood to make a vessel. If this is so then the vessel is generated by the artifice of carpenter, not original human nature. The sage accumulates thoughts and deliberation, and practices conscious activity thereby generating ritual propriety combined with a sense of appropriateness, and gives rise to laws and standards. If this is so then likewise ritual propriety combined with a sense of appropriateness and laws and standards are generated by the conscious activity of the sages, not original human nature.\textsuperscript{15}

\textsuperscript{13} Puett does occasionally use language which suggests his position may allow some wiggle room in defining concepts, but he makes it clear that, if any, it is very little.

\textsuperscript{14} “the rites, duties, laws, and standards instituted by the sages were generated (sheng), not created (zuo), by the sages” (Puett, p. 490).

\textsuperscript{15} 故陶人埏埴而為器。然則器生於工人之偽。非故生於人之性也。故工人斷木而成器。然則器生於工人之偽。非故生於人之性也。聖人積思慮習為故以生禮義而起法度。然則禮義法度是生於聖人之偽。非故生於人之性也。(87/23/23-25; K.23.2a; W 160). See section 1.7, “A Case in Point,” for more on this passage.
Any given vessels, as products of potters and carpenters, are not generated the one and only possible way they could have been. So too with the roles and standards "generated" by the sages.

2.2 UNIQUENESS AND CONTINGENCY

The views expressed in the preceding section seem to suggest that a complete articulation of the way of the sage kings would hold universally and for all time, circumstances not withstanding. This view has been explicitly expressed by P. J. Ivanhoe, Donald Munro, and most recently, Paul Goldin. Ivanhoe states that rites are "unalterable patterns" (Ivanhoe 1991, p. 321) and that "the Confucian Way provided the unique solution which would be valid for all times" (Ivanhoe 1991, p. 318). Munro writes: "There are antecedently fixed rules dictating which actions by all objects including man, are good or bad" (Munro, p. 33). Goldin makes a similarly strong claim: "The Way is not merely the intermingling of yin and yang, but the eternal and unchanging Way that governs all the processes of the cosmos" (Goldin, pp. 103-104).

Benjamin Schwartz goes as far as to suggest that li (ritual propriety) is a kind of "natural law." Consider the following extended quotation:

It [the cosmic dimension of li] is a dimension which seems to run against any view that interprets Xunzi's notion that "Man makes culture" to mean that culture is an arbitrary "conventional" (in the Greek sense of nomos) invention. ... Here the word li is elevated to

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16 Note too that elsewhere li is described as being "fashioned" (zhi 堅). See section 4.1, and the footnote near the end of section 3.3.

17 David Nivison at times also seems to suggest something like this. Nivison writes: "[I]f Xunzi thought that the 'Way' of the 'sages' was final and perfect, he must suppose that this human situation does not really change over historical time, and is not altered even by the events of history. It seems to me that Xunzi did tend to think this" (Nivison 1996a, p. 331). See section 1.2.2.

18 Burton Watson also uses "eternal" language. He writes, "As he states in one of the sections not translated here, if you apply these eternally valid moral principles of the sages today, 'then Shun and Yu will appear again, and the reign of a true king will arise once more'" (W 6, emphasis added).
the status of a principle of order governing both the cosmos and the human order. The western idea of convention and contrivance suggests that what has been made might have easily been made in some other fashion. . . . To Xunzi, however, the good order of society which he describes is the universal order of civilization. Hence, when we speak of the sages as “making it” or “forming it,” we find that what they actually do is make manifest the overall pattern appropriate to the end of harmonizing the centrifugal tendencies found in the individual human organism. It may not be innate in the individual but it seems to be latently present in the objective cosmic order. The \textit{li} is in essence a kind of “natural law” in the stoic and medieval sense. Like natural law, it is not self-enacting. Yet it would appear that what the ancient sages did in bringing the order of society into existence was not invent an arbitrary system of \textit{li} but “discover” it by a process of arduous reflection. Again, one need not imagine here a Platonic realm of eternal forms and yet in some sense \textit{li} are part of the larger cosmic pattern and as such are much more than simply utilitarian devices. They are certainly not arbitrary conventions. (Schwartz, pp. 301-302, emphasis in original)

Although we can agree that the \textit{li} are not arbitrary, much of this characterization sounds suspiciously western. While he tells us not to imagine Platonic forms, Schwartz nevertheless writes that, “\textit{li} is elevated to the status of a principle of order governing both the cosmos and the human order,” that it is “latently present in the objective cosmic order,” and that it is a kind of “natural law.” Below I will offer an alternative understanding of \textit{li} as continually changing and contingent on our situations and interests, and which does not imply that there is a single correct and universally valid articulation of \textit{li}.

But, for the moment, consider that “uniqueness” could be tied to contingency such that problems always have some single uniquely effective solution, with specifics dependent on circumstances. The constructivist would balk on accepting even this much as necessarily the case. Whether or not there is a single best solution to a problem, even given a specific set of circumstances, depends on those circumstances. That is, there may in some
cases be a clear and uniquely favorable alternative, but the constructivist can see no reason to declare in advance that in each case this would be so.

Chad Hansen’s conception of the sage as pathfinder seems to imply this “contingent uniqueness” interpretation. “Heaven sets the natural regularities that make some daoos promote stable, harmonious satisfactory human life more effectively than others. The configuration of the forest dictates a path as much as does the intended destination. Given a social goal, the natural structure (the forest) determines the optimal dao. But it does so via the creative work of the pathfinder” (Hansen 1992, p. 312).\(^{19}\) This sounds like a constructivist metaphor except for the use of the singular “the optimal dao.” Why would we assume that there is always only one best way to get through a forest? Hansen seems not to appreciate the constructivist implications of his own metaphor.\(^{20}\) Complex practical problems generally allow for a variety of solutions, each with both merits and demerits relative to competing solutions. That is, solutions typically involve tradeoffs.

Frequently, however, when sentiments of contingency to circumstances are expressed with regard to Xunzi, they are coupled with claims like “[Xunzi] did not believe the world could change as much as we know it does”\(^{21}\) (Ivanhoe 1991, p. 318). David Nivison also at times seemed to suggest something like this. He writes: “if Xunzi thought that the ‘Way’ of the

\(^{19}\) Cf. “The creative sage-kings have blazed the uniquely efficient path to that goal [the survival of the human species] in the natural context” (Hansen 1992, p. 312). And, “Objective or absolute justification of ‘realist’ traditionalism are available by making maximizing survival and effectiveness the test of the correct system of names (dao)” (Hansen 1983, p. 182).

\(^{20}\) Xunzi uses a similar metaphor when he likens the rites to markers to assist in crossing a river (96/27/10-11; K: 27.12 and 64/17/48-49; K: 17.11; W 87). Such markers signal a way across, marking known dangers and relatively safe alternatives. But there may be more than one way to cross a river. The rites, being taken from successful points of the tradition, mark a known way, not necessarily the only way. See section 4.4.

\(^{21}\) It is this consideration which lead Ivanhoe to his above-mentioned conclusion that “the Confucian Way provided the unique solution which would be valid for all times” (Ivanhoe 1991, p. 318).
'sages' was final and perfect, he must suppose that this human situation does not really change over historical time, and is not altered even by the events of history. It seems to me that Xunzi did tend to think this” (Nivison 1996a, p. 331). Thus whether the justification is absolutist or conditional, since conditions are thought not to change significantly, the conclusion tends to be that the way and its categories are uniquely correct and do not change.

The claim that Xunzi thought that circumstances do not significantly change is generally simply stated without reference to supporting passages. Presumably, the following passage is seen as making the point plain enough:

Fools say, “The ancient and present are different circumstances, so the ways which bring order and chaos will differ.” And the masses are deluded by this. . . . Why are sages not deceived? I say it is because sages use themselves as the measure. Thus they use their understanding of people to measure people, their understanding of circumstances to measure circumstances, and their classifications to measure classifications. They use their theories to measure achievement, and their way to view the whole. They take measure of the continuities between the ancient and the present. Their categories do not become contrary; over a very long stretch of time their patternings remain similar.22

A. C. Graham23 interprets Xunzi’s answer to the question raised in this passage as follows: “Why is the sage not deceived? Because he can think out the ideal form of government himself” (Graham 1989, p. 257). Graham’s interpretation seems to be the result of two points. They are, as he translates them: (1) “Past and present are one; if kinds are not violated, however long it continues the patterns are the same;” and (2) “The sage is one who measures

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22 無妄人日，古今異情，其以治亂者異道，而眾人惑焉。．．．聖人何以不欺？曰：聖人者，以已度者也。故以人度人，以情度情，以類度類，以說度功，以道觀盡，古今一也。類不悖久同理。（14/5/33-36; K: 5.5; D 74; Graham 1989, p. 257).

23 Graham’s analysis of Xunzi’s philosophy in his Disputers of the Tao seems supportive of a constructivist reading up to the point where he says: “However, no one [including Xunzi] had yet questioned that in discovering his wisest course man also discovers what Heaven has decreed for him” (Graham 1989, p. 247).
by himself."24 Taking these ideas together, the sage is thought to be able to reason out a solution which will forever apply.

The passage does support the notion that human and natural propensities are enduring and that some basic moral principles are likely to endure as well. Xunzi points out that the masses are confused by claims that lessons from the past are inapplicable. The sage considers the past success or failure of theories to be important. But Xunzi also, elsewhere, states, "Those who are good at articulating the ancient necessarily need to show that it is applicable in the present."25 Graham's interpretation that the sage can "think out the ideal form of government" is not entailed by the first passage, and is not compatible with the second. Xunzi believes that there are more and less effective ways of dealing with persistent features of the human condition, but he does not posit an abstract ideal to be reasoned out.

Further, as Edward J. Machle notes: "Xun speaks of 'responding to changing conditions' 15 other times [in addition to two discussed by Machle], and it is yi (moral common sense, the aisthesis of the phronimos) that guides the application of unchanging li [ritual propriety] in a changing world. This fact alone should turn the edge of the charge of rigid authoritarianism that some have aimed at Xun Qing" (Machle, p. 130). Machle himself, however, clings to a conception of "unchanging li," though he accepts that the application of it changes in response to a changing world. But can li really be separated from the application of it? The standard for li is in the exemplary person's application.26

24 See Graham 1989, p. 257, for more of his translation.  
25 A fuller quotation puts the statement into context: "Those who are good at articulating the ancient necessarily need to show that it is applicable in the present. Those who are good at articulating tian necessarily need to show its relevance to people. Theories are valued for coherent distinctions and conforming to experience."  
26 See Chapter 4, especially sections 4.2 and 4.7.
2.3 RELATION OF LI 禮 AND LI 禮

Li 禮 (ritual propriety) is thought to be based on li 理 (patterns) which are in turn considered the real design of nature. In P. J. Ivanhoe’s words, “The Confucian rituals ... provide a way to realize an orderly design inherent in the world” (Ivanhoe 2000, p. 240). Robert Eno best describes this presumed relation. “In describing a world sliced into pieces and roles, and a human mind that learns truth by distinguishing classes, the Xunzi designs rationalizing theories that make its ritual ethics appear to be an analogue of Nature. By providing li with this structural affinity to Nature, it becomes possible to claim that ritual is an extension of Nature’s organizing principles” (Eno, p. 147). Later he adds:

The notion of study as the delineation of the bounds of knowledge relates to our earlier discussion of the Xunzi’s taxonomic portrait of the world. As we noted there, when the Xunzi slices the world into pieces and principles, it does so not only for objective entities but for life conceived as situations and roles. This analogous structure between natural and ethical worlds allows the Xunzi to make an implicit but clear claim to the effect that ritual li embody intrinsic principles of ethical existence fundamentally equivalent to principles of natural existence, or “li” 禮. Ritual li are, in essence, the extension of natural principles into the human sphere. (Eno, p. 152, emphasis mine)

If one can learn the “truth” regarding the classes (lei 類) of things in the world, and the rational structure (li 理) that underlies them, and if a particular set of articulated ritual roles and norms (li 禮) are considered “an analogue of Nature,” then one might conclude that the Confucian Way could be known and justified with more than good degree of confidence. Bryan W. Van Norden goes as far as to claim that Xunzi “held what might be described as an ‘intellectualist’ position: Confucianism can be justified with almost mathematical certainty” (Van Norden 1996, p. 3).

Eno states that there is a “continuity between natural principles and ritual forms” (Eno, p. 163). Fair enough. There is analogy which holds
between them. *Li* 理 are the patterns we understand in the world around us generally, and *li* 禮 are the patterns we understand specifically in our social world. Without patterns the world would be chaotic, incomprehensible.\(^\text{27}\) But must this continuity between *li* 禮 and *li* 禮 involve "natural principles" which are absolute and whose absoluteness carries over to ritual forms, as Eno's description seems to suggest?

### 2.4 DISSENTING VIEWS: *LI* AND *LEI* AS MUTUALLY INFLUENCING

The notion that the activity of naming in the Chinese tradition broadly involves bringing about order, rather then merely discerning a pre-existing order, has been discussed by David Hall and Roger Ames: "Not only are names used to name the order, they are also used for effecting order in what is to be named. The *Guanzi* describes this function of names: 'Names (*ming*) are the means whereby the sages organize the myriad phenomena'" (Hall and Ames 1987, p. 274). This claim is made in the context of a discussion of Confucius, and is not explicitly applied to Xunzi.

Similarly, in his book on Xunzi's moral epistemology, A. S. Cua offers an interpretation of the relation between *li* 理 and *lei* 順 as mutually influencing.

Both observation and purpose of discourse may thus be regarded as providing the *li* or rationales for assigning things to different classes (*lei*). *Li*, in this way is a rationale of classification. Alternatively put, *li* is implicit in the notion of *lei*. On the other hand, to give a *li* of *x* is not simply to give a rationale, say, for the existence of *x* as a particular object, event, or state of affairs; it is also to presuppose that *x* belongs to a certain *lei* or class. Consequently, the *li* of *x* has to be understood in

\(^{27}\) Cf. "In Chinese Confucianism, to be 'reasonable' (*he li* 合理) is to think and act in accordance with the order of things as mediated through tradition. *Li* 理 understood here as 'pattern' or 'coherence' is inclusive of the more narrowly defined *li* 禮 as ritual. It entails being aware of those constitutive relationships that condition each thing and which, through patterns of correlation, make the world meaningful and intelligible." (Hall and Ames 1999, p. 157).
terms of the lei to which \( x \) belongs. . . . Just as every lei has \( li \) as a basis, every \( li \) involves lei as a precondition;\(^{28}\) that it is through lei that \( li \) is manifest, and it is through \( li \) that we attain lei (i.e., rest satisfied with our classification). (Cua 1985, p. 54)\(^{29}\)

Later, in *Anticipating China*, Hall and Ames, citing Cua and making the same point, give a reformulation of their original claim as it applies to Xunzi. "On the one hand, \( li \), which involves the mapping out of patterns, can only operate on the basis of assumed classifications (\( lei \)); at the same time, it is the mapping operation of \( li \), including and excluding on the basis of perceived similarities and differences, that establishes classifications (\( lei \) in the first place" (Hall and Ames 1995, p. 208). They go on to make explicit their position that for Xunzi the distinctions that demarcate a world are not necessary ones: "One appropriates an always-interpreted world through language acquisition and enculturation, and then continues the historical process of world-making. Distinctions, as ad hoc conventions, are always contingent and performative. Thus, as a distinctly historicist thinker, Xunzi makes no appeal to transcendent principles or necessary distinctions" (Hall and Ames 1995, p. 208). Unfortunately, little textual evidence from the *Xunzi* has yet been given in support of these interpretations.\(^{30}\)

\(^{28}\) Cua gives credit to Wei Zhengtong for this idea, and also cites Chen Daqi, specifically, Wei, p. 19, and Chen 1954, p. 73.

\(^{29}\) Cua cites a study which supports the view that classification and perceived similarity do in fact influence one another. The study concludes: "changes in grouping (produced by the replacement or addition of objects) lead to corresponding changes in the similarity of the objects. These results shed light on the dynamic interplay between similarity and classification. It is generally assumed that classifications are determined by similarities among the objects. The preceding discussion supports the converse hypothesis: that the similarity of objects is modified by the manner in which they are classified. Thus, similarity has two faces: causal and derivative. It serves as a basis for the classification of objects, but it is also influenced by the adopted classification" (Tversky, p. 344).

\(^{30}\) Cua's claim, however, is part of a lengthy and complex argument. See Cua 1985, especially "Phases of Argumentation," pp. 39-87. Also, note that the following passage expresses the dependency of patterns on categories, the often overlooked side of the relationship between the two. "[The authoritative social person (\( ren ren \) 仁人) appropriates ritual propriety combined with a sense of appropriateness as a tapestry of cultural patterns (\( wen \) 文), and appropriates
2.5 THE CONSTRUCTIVIST VIEW

It may be helpful to begin a reconstruction of the concept of *li* 理 by considering its non-philosophic meaning. John Knoblock explains that, “As a verb, it means to cut along the veins of a piece of jade or to lay out fields according to the requirements of land forms” (Knoblock 1988, p. 80). To *li* a field or a piece of jade involves an element of creativity. The creation is not *ex nihilo* but rather complementary to what is given, necessarily emphasizing some features and suppressing others. There are veins in jade, and they influence the way the jeweler will shape it. But, would two experts at carving jade cut the same piece of jade in exactly the same way? Their respective incisions would be best thought of as interpretations, which bring certain features to light at the expense of others. Articulating the *li* relative to a given topic highlights and brings into focus particular aspects of it, and orders the subject matter accordingly. It should also be kept in mind that *li* is an ethical relations and categories as constructive patterns (*li* 理).” 禮義以為文，倫類以為理。（51/13/42; K: 13.7).

31 Cf. “*li*, often translated ‘reason’ or ‘principle’; originally probably [meant] ‘to mark out fields,’ but later ‘to carve jade according to its veins’—not following the veins could ruin the jade” (Machle, p. 128). Cf. also: “Actually, in its earliest occurrence, *li* conjures up the image of ‘dividing up land into cultivated fields in a way consistent with the natural topography.’ [Book of Songs 210] It refers to the pathways that permit access to the fields under cultivation. The *Shuowen*, a Han dynasty Chinese lexicon, inspired perhaps by the fact that *li* is classified under *yu* 矣, the ‘jade’ signfic, suggest that ‘dressing or polishing jade’ and the ‘veins or striations within the jade’ are its most fundamental meanings. Significantly, the dressing of jade requires craftsmen to conform their creative expression to those possibilities resident in the natural striations of the stone. In fact, the best lapidary is the one whose art maximizes the richest possibilities of the stone itself. As Tang Yi in his analysis of *li* observes, the process of dressing jade entails cutting and splitting the stone, as well as bringing out its luster through polishing. There is an immediate analogy here with the manner in which language is perceived to ‘dress’ the world, both cutting it up and arranging it” (Hall and Ames 1995, pp. 212-13, emphasis in original).

32 Note that not everybody is equally qualified to cut jade.
activity\textsuperscript{33} as much as it is a pre-existing structure. Li involves the highlighting of patterns. Li is li-ing, that is, patterning, highlighting particular aspects of a subject matter for some purpose.

Wing-tsit Chan makes the following observations:

An examination of ancient Confucian Classics reveals several surprising facts. One is that the word [\(\text{li}\)] does not occur in most of these Classics. It is not found in the Analects, the Spring and Autumn Annals, the Yi li (Book of Ceremonial), the text of the Book of Changes, or the Great Learning. Secondly, where the word does occur, it does not mean principle but means to put in order (\(\text{zhi}\)) or to distinguish. The earliest occurrence of the word is probably in the Book of Odes, where it occurs only once, in the sentence \(\text{wo jiang wo li}\), which may be rendered to read, “We define our boundary and form (\(\text{li}\)) small divisions.” Professor Demiéville thinks that \(\text{li}\) here means pattern. The implication is unmistakable, but the word is definitely used as a verb. (Chan 1964, p. 123)

Chan further notes that, in the Book of Rites, “The term li appears nineteen times, chiefly as a verb, meaning to order” (Chan 1964, p. 124). And, in the Zhuangzi, “The ideas of li as pattern and putting to order are prevalent” (Chan 1964, p. 125). In reference to the Xunzi, Chan writes:

Aside from the many uses of the word in the sense of putting to order the meaning of li as order and pattern (\(\text{wen li}\)) is also very prominent. Likewise, the meaning of moral principle (\(\text{yi li}\) or \(\text{dao li}\)) is outstanding. What is more significant is that Xunzi not only talked about the principle of the world (\(\text{tian xia zhi li}\)) but also “the great principle” (\(\text{da li}\)). Furthermore li is considered universal, permanent, and unchangeable, thus making principle absolute. (Chan 1964, p. 126)

Although it may be tempting to read \(\text{da li}\) in the singular, which seems to motivate a universalistic reading, it is more likely that its meaning in the Xunzi is something closer to "great (or broad) principles and patterns" as opposed to particular ones. Chan himself comes close to noticing this.

\textsuperscript{33} The li of a finished piece of calligraphy is still temporal and dynamic, always suggesting movement.
Immediately after attributing a kind of universalism to Xunzi, he remarks: “At the same time, Xunzi mentioned the principle of silkworms, the specific principle of a specific thing” (Chan 1964, p. 126). Reading da li as “broad patterns and principles” as opposed to “particular patterns and principles” would better fit with Xunzi’s discussion of broad and particular name-concepts (ming 名) in the Zhengming chapter immediately preceding his claim that “name-concepts have no intrinsic appropriateness.”

Forming categories (lei) is a process of extending an exemplary case on the basis of these highlighted patterns. Knoblock’s own translation of a brief passage makes the point. “[Sage ministers] draw inferences from the categories by analogical extension and connect things with comparable cases in order to handle those cases for which there is no paradigm in the model.”

Rather than everything nicely fitting into a “proper logical category” (as he often translates lei), categories either accommodate or exclude instances based on analogical reasoning, grounded in perceived patterns, in comparison to more paradigmatic cases. If a sage, having a developed sense of appropriateness, takes an instance as relevantly similar to paradigmatic cases, then it is counted as an instance of that category. A fuller account of this process is given as follows:

They model the later kings, unite ritual propriety (li) and appropriateness (yi), as well as unify and regulate measures. They use the shallow to grasp and keep hold of the broad. They use the ancient to grasp and maintain the present. They use particulars (yi 少) to grasp and manage the myriad. If they are of the category of authoritative

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34 名無周宣。见文周草案。(83/22/25; K: 22.2g; W 144). See section 3.2 for more on this passage, and for a justification of the translation of ming as name-concepts.

35 推類接舉以附無方。(49/13/5; K: 13.1).

36 The text actually says “former kings” here, but since he is describing the best category of Confucians, and since he makes it clear elsewhere that it is the later king that should be followed, I take it that the “later kings” is what is intended. I am following Knoblock in this regard.
persons with a sense of appropriateness, although they may live among birds and beasts, they make distinctions easily as if black from white. They rely on observations and are suspicious of changing to what has never been heard of and never been seen. They start with one corner and respond to it by promoting unified categories. There is nothing about which they are confused or ashamed. Extending the model, they systematize it, like enigmatically fitting together a tally. These are the Great Confucians.

Since every circumstance, just like each piece of jade, is unique, and since categories are always grounded in particular instances, they require a degree of re-interpretation in every application. As Xunzi succinctly puts it: “A model cannot stand on its own, categories cannot apply themselves.”

Deciding how a rule applies in a given situation requires an interpretation of the situation, the rule, and the relation between the two. Similarly, in order for categories to function constructively they need to be applied by competent and sensitive interpreters. Those who both appreciate the function and importance of constructively formulated categories, and have cultivated their character to the point of developing the virtue of public spiritedness, qualify as Great Confucians capable of authoring categories. Xunzi writes: “Their purposes have comfortably settled on the public good; their conduct has comfortably settled into self-cultivation. And, they thoroughly appreciate the significance of the guiding principle of categories. Such a person may be called a ‘Great Confucian’.”

Realizing that categories, which rely on the process of patterning for their rationale, have a conventional aspect, Xunzi saw that they may be

37 Note that this is what makes the Great Confucians qualified to author names.
38 法先王·統禮義。一制度。以淺持博。以古持今。以一持萬。苟仁義之類也，雖在鳥獸之中若別白黑。倚物怪變。所未嘗聞也。所未嘗見也。卒然起一方。則舉統領而應之。無偏[作]，張法而度之。則暗然若合符節。是大儒者也。 (24/8/97-100; K: 8.10).
39 故法不能獨立。類不能自行。 (44/12/2; K: 12.1).
40 志安公。行安道。知通統類。知是則可謂大儒矣。 (25/8/122; K: 8.12).
designed to facilitate social harmony and personal fulfillment. They could be crafted as tools to serve constructive purposes. As with any tool, they are assessed by how well they perform their function. Thus, the legitimacy of a distinction lies in its workability rather than a special status it might have resulting from its rational structure or correspondence with some deeper level of reality. Consider Xunzi’s criticism of Master Song’s doctrines.

"[Master Song] made alterations to them [the concepts of honor and disgrace] with a single morning’s deliberation. His theory will certainly not work in practice. This is analogous to using mud balls to dam up a large river or sea. It is like using the Jiao pygmies to support Mount Tai. In no time they will stumble and fall and it will break into pieces." The problem is not that Master Song’s way of marking out the categories of honor and disgrace fails to correspond to how things really are, but that it is not serviceable. His case exemplifies the folly of arbitrarily and carelessly crafting distinctions.

When constructive categories (which includes norms defined by li) are successfully instituted, social harmony (or what may be called the "flourishing of human connectedness") can be realized. This is called "hitting the mark." Xunzi makes it clear in the following passage that this "hitting the mark" does not have to do with a correspondence with tian; rather, the standard is set by people, specifically those who lead society in a constructive direction and are thereby worthy of being examples to others:

“The way of the ancient kings was the flourishing of human connectedness.”

41 慷一朝而改之，說必不行矣。譬之猶以 hely 濯塞江海也，以焦僕而戴泰山也。茲跌碎折不待頃矣。(69-70/18/112-113; K: 18.9).

42 To say that social harmony can be realized is not to posit a fixed ideal waiting for a corresponding achievement in practice. Success in realizing a harmonious situation is always a matter of degree, leaving room for improvement. And, just as the world is always in flux, constructive responses to changing circumstances will always be needed. Further, there is no presumption that there is only one constructive way to respond to a given situation.

43 GHY gives longsheng, which has the sense of "abundance" or "flourishing," as a possible meaning for long. The example it gives with this meaning is from Han Feizi, so it is
This is hitting the mark in putting it [a way, a doctrine] into practice. How would I describe ‘hitting the mark’? I say it consists in ritual propriety combined with a sense of appropriateness. ‘The way’ is not the way of tian 天, neither is it the way of the earth. It is that by which the people are lead; it is the path of the exemplary person.”

This passage problematizes the claim that Xunzi’s dao is one in which social patterns are extensions of the ultimately real patterns of tian, whether tian is considered natural, metaphysical, or rational. Why is it that people rather than tian serve as the standard for patterns? It is because prior to the patterning of the sage tian is unpatterned. “Tian can generate things but cannot articulate distinctions among them. Earth can support people but cannot order them. The myriad things of the whole world, and all living people, await sages—and only then are they apportioned.”

not far off from Xunzi. Knoblock renders it “exalting,” which is consistent with commentaries implying something “lofty” or “eminent,” or the making of it so. Knoblock’s translation is a reasonable one, and I too use “exalting” for long in other passages where that makes the most sense of the context. Using “flourishing” in combination with the conception of ren as “human connectedness” expresses what it might look like when a king has “hit the mark” in putting the way into practice. But, following my reading of the passage is not critically important to my argument. In the end, there is little difference, since exalting something should result in its flourishing, that would be the point of exalting it. Similarly, if we took a more conventional translation of ren, say “human heartedness,” or even “benevolence,” the result of elevating it should be the deepening of social bonds, in keeping with the Confucian project of fostering social harmony.

44 先王之道。仁之隆也。比中而行之，皆謂中。曰，禮義是也。道者非天之道。非地之道。人之所以道也。君子之道也。(20/8/23-24; K: 8.3). Cf. A.C. Graham’s translation: “The Way is not the Way of Heaven, nor the Way of Earth, it is what man uses to make his way, what the gentleman adopts as the Way” (Graham 1989, pp. 242-243).

45 This is not to say that tian is unstructured. See sections 1.4.3 and 1.5. Cf. Laozi: “Lacking names, the beginning of the world. Having names, the mother of the myriad things.” 無名天地之始。有名萬物之母。Naming is what brings the myriad things into existence as the myriad things.

46 天能生物不能辯物也，地能載人不能治人也，宇宙萬物，生人之屬。待聖人然後分也。(73/19/78-79; K:19.6; W 103).
Reminiscent of the *Analects* 15.29, "People are able to broaden the way, it is not the way which broadens people," Xunzi states that:

Nature (tian 天) and the earth are the beginning of life. Ritual propriety and a sense of appropriateness (li yi 禮義) are the beginning of good government (zhi 治). The exemplary person (junzi 君子) is the beginning of ritual propriety and of a sense of appropriateness. Acting on them, stringing them together, increasingly emphasizing them, and bringing about fondness for them, is the beginning of the exemplary person. Thus, nature and the earth produce the exemplary person, and the exemplary person applies patterns (li 禮) to earth and nature. . . . If there were no exemplary people, nature and the earth would not be patterned.48

Here we have a statement of the virtuous cycle connecting the development of exemplary person with the development of liyi 禮義, ritual propriety combined with a sense of appropriateness. People striving to be exemplary, the shi 師 acting in accordance with ritual propriety, following the model of their teachers, thus develop an intellectual appreciation for li as well as a habit of acting in accordance with them. They also develop a kind of "practical wisdom" regarding how to apply li to novel circumstances: this is yi. As times change and as the cultural tradition develops greater understanding, li may be modified, but this is not something outside the liyi scope just described. Modification of li is a special case of using one's developed sense of appropriateness in the application of li.

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47 子曰:人能弘道,非道弘人。

48 天地者生之始也。禮義者治之始也。君子者禮義之始也。為之貫之。積重之。致好之者。君子之始也。故天地生君子。君子理天地。 . . . 無君子,則天地不理。 (28/9/64-66; K: 9.15; W 44-45).

49 See Ames and Rosemont, p. 62.

50 Cf. *Mencius* 4A.17, and *Analects* 9.3.

It is only after one has gone through this process of developing yi, that one is exemplary, that is, worthy of being an example. The junzi's continual interpretation of li through action is the "beginning of liyi" all over again for the next generation of shi and posterity as well, filtered through each successive generation. In this way, the junzi is the beginning of liyi; and, acting in accordance with one's developed sense of what li call for in each situation, as well as the attendant growing fondness for these cultural patterns, is the beginning of becoming a junzi oneself. It is only the junzi who is capable of "applying the patterns to earth and nature," and to moral categories as well. And this is what the junzi is in effect doing when interpreting and applying and thus redefining li, the most important set of patterns (li). Since patterns are applied by the junzi with an eye to good government, I will often translate li as "constructive patterns" signaling that these are patterns picked out for their positive effect, not for their representing exclusive ontological truth. For example:

Generally, in conducting affairs, what contributes to good government should be established. If it does not contribute to constructive patterns then abandon it. This is called "hitting the mark" in conducting affairs. Generally, in realizing theories, those that contribute to constructive patterns should be acted on. Those that do not should be given up. This is called "hitting the mark" with theories. In conducting affairs, missing the mark is called treacherous affairs. In realizing theories, missing the mark is called a treacherous way. Treacherous affairs and treacherous ways are abandoned in a well-governed age, but followed and acquiesced to in a chaotic one.

52 Cf. "[The junzi's] social relations are characterized by categories which follow from a sense of appropriateness (yi)." 其交遊也。緣義而有類。 (45/12/27; K: 12.3). This is what is meant by zhengming. The junzi's behavior is attuned with a set of "names" which indicate categories that are constructed from a developed sense of appropriateness grounded in the successful elements of one's tradition. The concept of zhengming will be further addressed in the next chapter. Note that Xunzi provides a description of the most important relational categories earlier in the same section (i.e. K:12.3).

53 凡事行有益於理者立之。無益於理者廢之。夫是之謂中事。凡知說有益於理者為之。無益於理者舍之。夫是之謂中說。事行失中謂之失事。知說失中。謂之失道。失事失道。治世之所棄。而亂世之所從服也。 (21/8/31-34; K: 8.4). The concordance notes that the first occurrence of li 理
What is our guide for making constructive distinctions? It is yi, our developed sense of appropriateness. Speaking of social divisions, Xunzi asks and then answers himself: “How are we able to put social divisions into practice? I say it is yi. If yi is used in forming divisions then there will be harmony.”\(^{54}\) Harmony is realized by setting up categories through the use of our developed sense of what will be conducive to it. That is, given our accumulated understanding of how things hang together, we make social division (and the same holds true for categories in general) with a mind to making the most out of our circumstances. “If a sincere mind applies a sense of appropriateness then constructive patterns will result.”\(^{55}\)

A problem with the characterization of the junzi’s “knowing Heaven” as knowing the ultimate patterns of reality is that for the junzi knowledge is always practical. Xunzi goes as far as to say that “The sage is somewhat exceptional for not seeking to know tian.”\(^{56}\) Tian, in this case, stands for was changed from zhi. The meaning of the characters zhi and li overlap in that both imply a sense of orderliness. The use of zhi in the first instance indicates the sense of “order” intended throughout the passage, that is, the sense of “good government.” The parallelism helps infuse this sense of order in each occurrence of li that is repeated, since li occupies in the second clause the place of zhi in the first. This both enriches and clarifies the passage. The reason this is important is that zhi being replaced by li results in translations like Knoblock’s “paths of action and undertakings that hold benefit for what accords with order should be established” (K: 8.4, emphasis added). This may be mistaken as a statement of some kind of correspondence with an independent principle of order, when the passage simply advocates establishing sound governmental practices.

\(^{54}\) 分何以能行。曰義。故義以分則和。 (29/9/71; K: 9.16a; Goldin, p. 75).

\(^{55}\) 誠心行義則長 (7/3/27-28; K: 3.9).

\(^{56}\) 唯聖人無求知天。 (62/17/10; K: 17.2b; W 80). Cf. “Regarding the myriad things of tian and the earth, [junzi] do not devote themselves to explaining how these things are as they are, but rather are devoted to the skill of utilizing their resources.” 其於天地萬物也。不務求其所然。而致善用其材。 (45/12/25; K:12.3). Sages and junzi do have an appreciation for how things hang together, but they do not concentrate on studies of things which are beyond human influence and which have no bearing on how one should live. They do not seek to understand, for example, why the seasons are the way they are. Rather, appreciating certain regularities about them, they want to make sure crops are planted at appropriate times.
propensities of nature which are outside people's power to influence. This statement does not imply that the sage does not have a sophisticated appreciation for these propensities, but knowing the workings of nature are not what Xunzi's junzi seek. They have practical ends in view.

Which is better, emphasizing tian and pondering it, or systematizing things and livestock?
Which is better, following tian and singing its praises, or curbing its forces and utilizing them? . . .
Which is better, contemplating things as if they were given, or patterning them so as not to miss their potential?
Which is more important, the source from which things are produced, or that by which they are completed?
Thus, if one neglects people and ponders tian, one will miss the actual situation regarding the myriad things. 57

Tian has its propensities, but it is up to people to conceptually as well as practically organize them. The organization is done with a mind to getting the most out of it in terms of social harmony. It is an ongoing process, and while there may be progress, in the sense of improvements over past accomplishments, it is not teleologically approaching a singular or perfect arrangement.

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57 天之生，裁物而制之；從天而誥之，裁與制天命而用之。 . . . 裁物而物之，裁與理物而勿失之；願於物之所以生，裁與有物之所以成。故謂人而思天，則失萬物之常。 (64/17/44-46; K:17.10; W 86; Graham 1989, p. 240).
CHAPTER 3

ZHENGMING: NAMING AS A CONSTRUCTIVE PROJECT

In this chapter, I challenge the view of several interpreters of Xunzi regarding the status of names, ming 義. I maintain that Xunzi’s view is consistent with the activity we see not only in his own efforts to influence language, but those of Confucius as well. Based on a reconsideration of translations and interpretations of key passages, I argue that names are regarded neither as mere labels nor as indicating a privileged taxonomy of the myriad phenomena. Rather, Xunzi conceives them as constructs designed to facilitate social goals. In addition, I will suggest an alternative to overly simplistic understandings of how appropriate names are fashioned and of who is responsible for their form.

3.1 THE CONSTRUCTIVE USE OF ZHENGMING IN THE ANALECTS

The phrase zhengming 正名, often translated “the rectification of names,” occurs in only one passage in the Analects:

Zilu inquired, “If the lord of Wei were to entrust you with the governance of his state, what would you do first?”

The Master answered, “Wouldn’t it necessarily be the attunement of names (zhengming)?”

Zilu replied, “That is what you would do? You go roundabout. Why this attunement?”

The Master said, “You are a boor, Zhong You [=Zilu]. With respect to that which he is ignorant, the exemplary person (junzi 君子)
defers . . . There is nothing lax in the exemplary person's attitude toward language, period!"}

A number of scholars, going back at least to Arthur Waley, have regarded this passage as an interpolation (see Waley, p. 22). But although it is possible to challenge the authenticity of his passage and question whether Confucius himself explicitly advocated the procedure of zhengming, the place of the procedure in the Confucian tradition can hardly be questioned. As Chad Hansen puts it, "the rectification of names can be regarded as a genuine Confucian teaching in the sense that without it, the ethical system of Confucius would be considerably less coherent" (Hansen 1983, p. 181n, emphasis in original).

Examples generally considered to illustrate the zhengming process often appear to infuse new meanings into existing terms. And, it is widely accepted that Confucius, though claiming to be a mere transmitter and not an innovator (Analects, 7.1), did precisely this. For example, Confucius' usage of the term ren apparently struck his followers as so unusual that they asked him repeatedly for clarification of its meaning. In addition, prior to Confucius' time "junzi" merely indicated a political category, and li was limited to formal ritual matters. Confucius imbued these terms with moral content. Also, according to Huang Chun-chieh, "The word translated as meaning 'duke' is gong. Confucius changed the meaning of this word from 'rulership' to 'public,' that is, people at large" (Huang, p. 62).}

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1 子路曰: 君子和子而無誤, 子該勿屈! 子路曰: 有是哉? 子之過也! 無其正?子曰: 野哉, 由也! 君子於其所不知, 蓋開如也。 ... 君子於其所言, 無所苛而已矣。 Analects, 13.3.

2 Roger Ames and Henry Rosemont Jr. make the same point writing: “The fact that Confucius is asked so often what he means by the expression ren would suggest that he is reinventing this term for his own purposes, and that those in conversation with him are not comfortable in their understanding of it” (Ames and Rosemont, p. 50).

3 Confucius could be accused of what C. L. Stevenson termed "persuasive definition." “A ‘persuasive’ definition is one which gives a new conceptual meaning to a familiar word without
Much of the *Analects* is devoted to this process of re-characterizing and giving new meanings to evolving concepts so that they would be responsive to the needs of the times. For example, the *Analects* records many statements like the following: “Junzi make appropriateness their basic character, put it into practice by observing ritual propriety, expresses it with modesty, and complete it by living up to their words. Such are junzi indeed!”4 Here Confucius is neither describing the way junzi happen to be, nor postulating an external source of authority. He is rather stipulating a re-conceived category (lei 雷). As Paul Goldin describes Confucius re-evaluation of the category of junzi: “The only junzi worthy of the name, in other words, were people who lived up to the highest moral standards, regardless of whether they were noble or base by birth” (Goldin, p. vii).

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4 子曰：「君子義以為質,禮以行之,孫以出之,信以成之。君子哉!」 *Analects*, 15.18.
Zhengming, like most of classical Chinese doctrines, is fundamentally ethical in nature. Rectifying names is not so much a task of getting them right in an epistemological sense as designing them to be effective for social and ethical purposes. It is because zhengming was such a critical component of Confucius' project that he reacted so strongly when Zilu failed to see its importance even when told explicitly.

As we explore the notion of zhengming in the Xunzi, we will do well to keep in mind that zhengming is the process that Confucius is constantly engaged in throughout the Analects as he answers question about various ethical concepts. It is not a process of explaining what is already there in language, nor of what exists prior (logically or temporally) to our mental activities. Zhengming is an effort to go beyond how a term is used or what it means, and to stipulating how it should be used and what it should mean. While this stipulation involves a creative element, we will see that it is one which operates within boundaries and answers to standards.

3.2 NAMES HAVE NO INTRINSIC APPROPRIATENESS

For understanding Xunzi's conception of naming, perhaps the most critical passage is a controversial one from the Zhengming chapter. Burton Watson's translation reads: "Names have no intrinsic appropriateness. One agrees to use a certain name and issues an order to that effect. . . . Names have no intrinsic reality [shi]. One agrees to use a certain name and issues an order that it should be applied to a certain reality" (W 144).

Bryan Van Norden argues that the first claim concerns which sounds constitute words, and the second claim concerns which of these words are made to correspond to each type of thing. He writes, "First, it [weak conventionalism] claims that it is a matter of convention which
combinations of phonemes are words and which are not. Second, weak conventionalism asserts that the connection between a particular symbol and the thing that it is a symbol for is arbitrary and contingent. This seems to be all that Xunzi is asserting in this passage” (Van Norden 1993, p. 376). This interpretation seems to regard ming 作为 a mere symbol, a label, if you will. Thus, Van Norden takes the first claim to involve the formation of labels, and the second claim to involve attaching these labels to (presumably already given) categories.

The very idea of zhengming, however, militates against such a narrow understanding of ming. Although consistency in the sounds and written forms of words is important for communication, Zhengming is not primarily concerned with using sanctioned labels. As a primarily ethical doctrine, Zhengming has two sides: the name (ming) and the actual situation (shi); stipulating appropriate categories, and living up to the standards set by them. When categories are fitting, then living up to them is zhengming. When

5 Benjamin Schwartz expresses a similar view: “[Xunzi’s] view that it [language] is a human creation leads him to adopt the view that there is no ‘inherent’ relation between the sounds of words and their meanings. . . . As for the names of categories of institutions, ranks, laws, and so on, the lucid minds of the sage-kings made it possible for them to assign all these categories of experience to their proper classes, categories, and relations, and once they had done so they conventionally assigned certain meanings to certain sounds” (Schwartz, p. 312).

6 Hu Shih also notes these two sides to zhengming: “The object is, first, to make the names stand for what they ought to stand for, and then to so reorganize the social and political relations and institutions as to make them what their names indicate they should be. The rectification of names thus consists in making the real relationships and duties and institutions conform as far as possible to their ideal meanings which, however obscured and neglected they may now have become, can still be re-discovered and re-established by proper study and, literally ‘judicious’ use of names” (Hu, p. 26, emphasis in original). Hu sometimes sounds as though he leans toward a realist interpretation. For example, it is not entirely clear how strong a sense of “ideal meanings” he has in mind here. The idea of re-discovering these ideal meanings seems to suggest that there is something fixed which is to be re-discovered. On the other hand, his rendering of zhengming as a “judicious use of names,” links naming with the exercise of judgment. See also Hu's remark quoted in the final footnote of this chapter.

7 Cf. “[W]hen a son does not live up to his obligations, the ‘name’ (ming) of being a son requires ethical correction. Ideally, correction of misconduct will be accompanied by a transformation of
they are not, then to zhengming is to reconstructing them in a constructive way. In other words, attuning names involves making the actual situation congruent with a constructive ethical vocabulary. Thus, one must both tune behavior and the ethical concepts which give behavior its guidance.

We should keep in mind here that the Guanzi also suggests that, rather than serving as a mere symbol for pre-existing and unproblematic classifications, the idea of imposing order on the world is central to the meaning and usage of ming. "Naming (ming) is the means by which sages arrange the myriad phenomena."8 Also, the shiming, a Han dynasty dictionary, defines ming as follows: "Naming is clarifying. Applying names to actualities enables clear demarcations."9

In addition, ming is ubiquitously translated in the Japanese literature on Xunzi as gainen 概念 (concept).10 The introductory remarks preceding Murase Hiroya’s Japanese translation of parts of the Zhengming chapter are particularly revealing. First he says that ming can mean either a "term" (J: meiji 名辞) or concept (J: gainen). He writes, "For the word ming 名, as mentioned before, there are both cases in which it indicates a ‘term’, that is, a

the person’s character. In this sense, rectifying names (zhengming) is a procedure for rectifying misconduct. This Confucian view finds a partial affinity with that of Arthur Murphy: ‘The term “brother”, in the statement of a ground of obligation, is not a practically non-committal term. To be a brother is not just to be a male sibling—it is a privilege, a burden and, whether we like it or not, a commitment’” (Cua 1997, p. 204).

8 聖人之所以紀萬物也。 Guanzi, “Xinshu.”
9 名, 明也, 名賢使分明也。 Shiming, “Shiyanu.”
10 For example, Kaizuka Shigeki writes, “[For Xunzi] knowledge comes about by making names, that is to say ‘concepts’ (gainen 概念), and by seeking a coincidence with actualities having objective existence. This is assured by what we should call the subject’s inherent phenomena-recognition ability. But the concepts were based on a social viewpoint established by a kind of social agreement.” 客観的な存在にあたる実にたいして名すなわち概念を製してその一致を求めることによって知識が成立する。それは主観の先天的ともいうべき事物認識能力によって保証されるのであるが、その概念は人間が一種の社会的約束によって定められるという社会的な立場で基礎づけたのであった。(Kaizuka, p. 173). Cf. Kakimura and Azuma, p. 446; Kaji, p. 44, Watanabe, p. 807 (see footnote 3). See also “ming” in Appendix II: Key Terms.
symbol, as well as cases where it indicates the meaning of the symbol, that is, a 'concept.' However, he states that in the case of zhengming, ming refers to the former (Murase, p. 147). But consider his translation of the "intrinsic appropriateness" passage (rendered into English): "It is not the case that names (i.e. symbols) carry meanings which are valid by nature; they are established by nothing more than the mutual agreement of people." Despite his explicit indication that he takes ming to merely mean "symbol" in this case, Murase nevertheless interprets the passage to say that what is established by agreement is not the symbol itself but rather the meaning it will carry.

On Chenyang Li's understanding, Ming includes "not only names in the sense the English word usually means but also descriptions" (Li, p. 64). He says that Xunzi "did not speculate about what kinds of things there are in themselves apart from human awareness. It is clear that, for him, naming and classification are the same process; it is we who do the classification on the basis of our experience of things" (Li, p. 69). And his interpretation stresses "the active role of the knower in the process of knowing" (Li, p. 69). He writes, "In knowing, the mind/heart is not passively dependent on what the senses register. It processes what the senses register and produces judgment on what things are and how to name them" (Li, p. 70). Further, Xunzi's "taxonomy," Li says, "does not distinguish natural kinds and artificial kinds, both being 'things.' We divided 'things' further and further into lesser general categories depending on our needs" (Li, p. 85).

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11 なお、「名」という語には、前述の通り、「名称」＝シンボルを指す場合と、シンボルの「意味」すなわち「概念」を指す場合がある。(Murase, p. 148).

12 名称（名＝シンボル）はもともとそれによって通用する意味を担っているわけではない、人びと相互の約束によってかく定められたにすぎない。(Murase, p. 166).

13 While Li at one point writes that "Xunzi developed a realist theory of names" (Li, p. 68), it is unclear in what sense he means this. He could not mean the strong realist position that I have been arguing against.
This last point refers to a passage\(^\text{14}\) that occurs immediately prior to the "intrinsic appropriateness" passage and discusses broad and specific ming. The broadest ming (da gong ming 大共名) is "thing" (wu 物), and the narrowest ming is one for which no more useful distinctions (bie 别) can be made. What is broad or narrow is not the label but the meaning indicated by it.

The idea that ming means something like "concept" supports John Makeham’s translation and interpretation of the passage in question. His translation reads: "A name has no intrinsic appropriateness; rather, the appropriateness of a particular name is demarcated by being ordained... A name has no intrinsically appropriate object [shi]; rather, its appropriate object is demarcated by being ordained" (Makeham, p. 63).\(^\text{15}\) On Makeham’s view, not only are the names qua labels conventional, but what is picked out by a name is also a matter of convention.\(^\text{16}\) Makeham writes, "[T]he ruler determines what object a name demarcates. By ordaining a particular denomination the ruler establishes boundaries which serve to demarcate one

\(^{14}\) 83/22/21-25; K:22.2f; W 143-144; Graham 1989, p. 265.

\(^{15}\) Cf. A. C. Graham’s translation of the key phrases, “Names have no inherent appropriateness, we name by convention... No object belongs inherently to a name, we name by convention” (Graham 1989, p. 266). Wing-tsit Chan’s translation seems ambiguous on this point. He translates, “Names have no correctness of their own. The correctness is given by convention. When the convention is established and the custom is formed, they are called correct names. If they are contrary to convention, they are called incorrect names. Names have no corresponding actualities by themselves. The actualities ascribed to them are given by convention. When the convention is established and the custom is formed, they are called names of such-and-such actualities. But some names are felicitous in themselves. When a name is direct, easy to understand, and self-consistent, it is called a felicitous name” (Chan 1963, p. 126). Chad Hansen’s translation of this passage leans in the constructivist direction. However, his interpretation is more radical, suggesting that there are no standards for the appropriateness of distinctions other than mere convention. See Hansen 1983, pp. 79-81. For my own translation of this passage, see section 3.4 below.

\(^{16}\) The convention is not arbitrary, things are grouped together which are judged to be relevantly similar, perhaps simply to each other, or to a paradigmatic case.
object from another. Only then is a name made a matter of convention” (Makeham, p. 59).

In the final section I will consider the degree to which naming can be considered simply the prerogative of the ruler. Be that as it may, on Makeham’s interpretation there seems to be no necessity to demarcate an object in correspondence with any univocal standard. The demarcation of an object, to which a name refers, has no “intrinsic appropriateness” (gu yi 固宜); the boundaries are demarcated by being “ordained” (ming 命). In other words, the sage has a hand in defining the boundary conditions which are not thought to be inherently pre-existing.

This stands in contrast to Paul Goldin’s treatment of the passage in his recent book on Xunzi. Completely ignoring the second claim, he offers an excerpt of the passage which includes the first claim only. He immediately concludes: “Thus, while the names themselves are arbitrary, there can be no discussion over what gets named” (Goldin, p. 96, emphasis in original). Even the venerable A. C. Graham, at times, expressed what seems to be a similar position: “[T]he divisions marked by naming are subjective for Zhuangzi but objective for Xunzi. . . For Xunzi on the contrary, although naming is conventional, the divisions they mark are inescapably there” (Graham 1991, p. 285). Whatever Graham may have intended here, at least we can say that statements of this nature might lead one in the direction of an interpretation like that of Goldin.

Chad Hansen takes the passage in question, and others in the Zhengming chapter, to indicate a conventionalist strain in Xunzi’s thinking. But Hansen thinks that Xunzi articulates two contradictory views and, in the

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17 Cf. “[W]hile the actual names of objects may be a trivial matter, the objects themselves are not open to interpretation” (Goldin, p. 99).
final analysis, he considers Xunzi to be an “absolutist.” Interestingly, those who find fault with Hansen’s interpretation tend to fault the conventionalist side rather than the absolutist side of his interpretation.

Robert Eno is not convinced that the “intrinsic appropriateness” passage contradicts a realist interpretation of Xunzi. He writes:

Interpretation of the Xunzi’s theory of language has focused on the phrases, “Names have no intrinsic appropriateness,” and “Names have no intrinsic reality,” to argue that the Xunzi takes a conventionalist approach to language. However, when viewed as a whole, the Xunzi’s theory of language is realist. Although individual words are initially chosen arbitrarily, their consistent use and syntactic relations in language create a perfect correspondence between the elements and structure of language and the objects of the world and their relations. It is this characteristic of language that allows the text explicitly to limit its conventionalism: “Names can be intrinsically good: those that are straightforward and simple, without contradiction.

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18 “But the other Xunzi—the political absolutist—also comes through even in philosophical sections. This theorist is an uncritical absolutist. He asserts the possibility of direct access to the correct da o” (Hansen 1992, p. 309). Cf. “Xunzi reverts to authoritarianism in the awareness that the analytical conventionalist argument does not get him home. His absolutist conclusion then uses the doctrine of a privileged preconventional vantage point. . . . But the doctrine is not pluralism; it is absolutism” (Hansen 1992, p. 310).

19 For Bryan Van Norden’s critique of the conventionalist side of Chad Hansen’s interpretation of Xunzi see Van Norden 1993.

20 Here Eno cites Hansen 1983, p. 81.

21 There is a kind of correspondence which makes sense when talking about a theory of truth, and could function in the early Chinese tradition as well. But it is not Eno’s “perfect correspondence between the elements and structure of language and the objects of the world and their relations.” Rather, statements about states of affairs can correspond to those states of affairs, not as they are absolutely, but as they are given an interpreting scheme. While categories themselves do not map to something ultimately real, statements can correspond with what is the case, where both the statement and what is the case are interpreted through the same scheme. This is roughly the kind of correspondence theory of truth that John Searle defends. See Searle, pp. 199-226. The kind of correspondence Eno appeals to is no longer tenable, and attributing that view to the Xunzi makes it less interesting and is unwarranted.
(fu) are called good names." 22 Implicitly, names may "contradict" 23 reality. (Eno, p. 272 n 65)

Eno's rebuttal focuses on the lines immediately following the "intrinsic appropriateness" passages. In particular he seems to stress that names can be "intrinsically good" and that good names (shanming 善名) are "without contradiction (fu 伐)"). And, he seems to assume that this refers to the possibility of names contradicting reality, rather than each other.

Shanming, felicitous names, are those that are "straightforward and simple" and don't conflict with each other. Felicitous names involves such things as labels signaling relationships between categories. Consider the terms zheng 政 (to govern) and zheng 正 (proper). The word zheng (proper) is ultimately conventional as a label. Considered independently, one could say the same of zheng (to govern). But, considered together this is an example of

22 名有固善。經易而不拂。謂之善名。(84/22/27; K: 22.2g; W 144). I read this passage as follows: "There are names which are intrinsically apt. Names which are easy and straightforward, and do not conflict, are called 'apt' names."

23 Cf. Knoblock's translation of another passage: "Things of the same class do not become contradictory even though a long time has elapsed because they share an identical principle of order." 類不恃難久同理。 (14/5/36; K: 5.5). My translation reads: "Categories are not unreasonable, although a long time may pass, they will exhibit similar constructive patterns." Here bei (contrary, absurd) is used rather than fu (go against). Constructive categories and the relations they highlight are thought to be enduring. Cf. Criticizing the doctrines and policies of the prime minister of Qi, Xunzi says, "They are as absurd (bei) and preposterous decreasing what one has in insufficient quantities while emphasizing what one has in surplus, and in this way seeking the success and fame of Kings Tang and Wu. Ruling in this manner is like lying down to lick the sky, or rescuing a hanging man by pulling on his feet. Such doctrines will certainly not work in practice. The more one acts on them the farther away from one's goal one becomes." 损己之所不足。以重己之所有餘。若其悖繆也。而求有湯武之功名可乎。弊之是猶詐而詐天。救絛而引其足。詐必不行矣。愈務而愈逕。(60/16/44-45; K: 16.4). Similarly, Xunzi make an analogy between the "great stupidity" of forsaking liyi 禮義 and "desiring longevity and slitting one's throat" 是獲欲願而物[如]顔也。(60/16/47-48; K: 16.4). In each case, there is a practical contradiction. Well conceived categories do not lead people to such absurdities, even after a long time.

24 Yang Liang interprets fu as weilu 造拂, meaning to go against (see Wang, p. 420). According to Karlgren, weilu 造 means: go against, disobey; oppose; go away, leave; deviate from; err, fault; perverse (GSR: 571d).
felicitous naming, since the same pronunciation, as well as one character
deriving from the other, signals an analogy between the two meanings. The
meanings are also influenced by the relationship. Concepts are often defined
in classical Chinese in precisely this way. The definition of naming
mentioned earlier, "Naming (ming) is clarifying (ming)," is a fitting example.
Both the label and the conceptual aspect of names can relate in felicitous ways
without implying realism.

Eno also claims, "The notion of making distinctions (bian), which is no
more than a 'true' perception of natural divisions in the constitution of the
world, is inextricably linked to the idea of creating proper order" (Eno, p. 146).
He offers two passages from Xunzi in support of this claim. I will take them
up in turn and then consider their implications.

The first passage is: "Making fair equity (pingjun) universal, with all
ordered according to their distinctions (zhishian): in this the hundred kings
were alike; this is the great role (fen) of ritual and law (lifa)" (Eno, p. 146-147).
I read this passage somewhat differently: "Everything in the world is
distinguished and adjusted, everything is ordered and differentiated. This is
what was similar among the hundred kings, and is the great role of ritual
propriety and law." On either reading, this passage does not state that the

25 Cf. Analects 12.17 $\text{zheng 行 is making proper (zheng 正).}$ See
also Hu, p. 24.

26 Eno's translation. It should be noted that Xunzi is quoting here. While it is not clear exactly
where the quotation ends, the fact that it is repeated in K: 11.9a, up to and including the part
translated here, suggests that this is likely all part of the quotation.

27 天下莫不平均。其不治辨。是百王之所同也。而禮法之大分也。(40/11/62-63; K: 11.5b).
Karlgren says that the seal form of $\text{ban 章, also read bian, is similar to that of ping 平 and}
that this $\text{bian 章 is cognate to bian 辨 "distinguish," which occurs in the second clause (see}
GSR: 195a). Ping can be a loanword for $\text{ban with a sense similar to bian. Reading pingjun as}
"distinguished and adjusted" makes more sense along side $\text{zhiz bian, "ordered and}
differentiated" than something like Eno's "fair equity." Knoblock has "unbalanced and
unadjusted" for $\text{bu ping bian which is not bad as a "middle way."}
way the hundred kings differentiated things and brought order to the world was “identical,” as one would think “natural divisions” would be, and as Eno often translates the word tong 同.28 First, tong 同 does not mean “identical,” but rather “similar.”29 If two things are relatively similar they may be loosely called “the same” or “alike” when the respect and degree of similarity is understood, without implying that the items are identical. Further, in this passage, it is not distinctions themselves that are claimed to be the same, but rather the fact that things were regulated and disciplined into order in the reign of each king. And, when we look at the larger context of the passage, what it really amounts to is the importance of division of labor and delegation. The sage kings were all good at making sure things and affairs, and the responsibilities for them, were divided up so as to enable effective management. This was a critique of Mozi, who is characterized, unfairly,30 as suggesting that a king should rely merely on his own personal efforts.

The second passage Eno offers is: “Duties (fen) divided without disorder above; talents without exhaustion below: this is the ultimate of order according to distinctions” (Eno, p. 147).31 Here Xunzi is concerned with not

28 Note Eno’s use of “identical” as a translation of tong: “Things which are of identical type and essence are perceived by the tian-like faculties [i.e., sense organs] identically.” (Eno, p. 272 n. 64, brackets in original, quoting Xunzi 83/22/16; K 22.2c). More frequently he uses “sameness,” but in keeping with his realist understanding of the text, he seems to have in mind a sense of sameness which implies strict identity. See Eno, pp. 145-146.

29 Cf. Mencius 6A: “As a rule, the same category (tong lei 同類) selects out the mutually similar.” 故凡同類者，舉相似也。Ju 擇 has the senses of choose, elect, and promote. It implies that there was an element of choice and indeterminacy, as well as advocacy, which underscores the prescriptive element of lei. It is not that a lei is articulated to express the singularly correct groupings of identicals, but rather its purpose is to promote particular groupings based on selected elements of perceived similarities.

30 See Mozi Book 11, “Obeying one’s Superior,” for his description of how governmental responsibilities should be divided up.

31 Eno’s translation. 分不亂於上。能不繁於下。治術之極也。 (22/8/55; K 8.6).
over burdening people. Thus he advocates allocating responsibilities according to individual abilities, that is, what each person can manage.

Eno's point that bian, "making distinctions," is linked to the idea of creating order is well taken. However, his idea that bian "is no more than a 'true' perception of natural divisions in the constitution of the world" is suspect. When we consider the two passages he offers, this claim does not follow. The first passage stresses the importance of having attuned names (zhengming) by suggesting that each of the Hundred Kings did this well, but does not imply that they necessarily did it the same. In fact, common sense together with scant historical records would suggest the contrary. The second passage identifies two criteria for judging success in creating order via a set of distinctions. Such criteria are the kind a pragmatist might use to adjudicate between competing claims. A realist, one would think, would be more interested in somehow loftier concerns than the practical matter of achieving orderly government by assigning duties according to the particulars of each individual's skills and abilities.

3.3 ATTUNING NAMES

To fully understand zhengming, one must keep in mind the concepts of li 理 and lei 類, for they are intimately bound up with the zhengming process. Whenever one engages in zhengming one is marking a lei (category) of some kind or another (it could be a moral category as well as a physical one) and of some scope (it could be a relatively "general name," gongming 公名, or a more "specific name," bieming 別名). And, how the category should be delimited depends on the li (patterns) of the matter in question. But these patterns are not foundational, they in turn depend on previously conceived categories. As Antonio Cua succinctly puts it, "just as every lei has li as a
basis, every *li* involves *lei* as a precondition" (Cua 1985, p. 54). Spelling out this insight, David Hall and Roger Ames write, "On the one hand, *li*, which involves the mapping out of patterns, can only operate on the basis of assumed classifications (*lei*); at the same time, it is the mapping operation of *li*, including and excluding on the basis of perceived similarities and differences, that establishes classifications (*lei*) in the first place" (Hall and Ames 1995, p. 208).

Some interpreters of Xunzi’s thought, however, take names (*ming*) and categories (*lei*) to represent privileged groupings, their special authority being assured by virtue of their correspondence with the deep structure of the universe. Names and categories are grounded in *li* taken as “principles of natural existence,” or the Way as the “plan and pattern” of reality.

Robert Eno provides the clearest description of this position. He writes:

*Zhengming* constructs a model of the proper function of language on the basis of the claim that the role of “names” (generally, substance words) is to distinguish differences in “realities” (*shi*). The world is pictured as a field of objects that are naturally ordered into sets on the basis of sameness (*tong*) and difference (*yi*). Man is innately equipped to distinguish these two primal qualities. (Eno, p. 146)

[When the Xunzi slices the world into pieces and principles, it does so not only for objective entities but for life conceived as situations and roles. This analogous structure between natural and ethical worlds allows the Xunzi to make an implicit but clear claim to the effect that ritual *li* embody intrinsic principles of ethical existence fundamentally equivalent to principles of natural existence, or “*li*” [理]. (Eno, p. 152)

Benjamin Schwartz articulates a similar view. He writes:

Both [the Mohists and Xunzi] are convinced that a *truly correct language* which provides a clear and unambiguous picture of both the natural and human world is a product of conscious human activity. What divides them fundamentally is Xunzi’s belief that such a language has already been created by both the people and the sage-kings of old... Yet clearly Xunzi is quite prepared to draw on their [i.e.}
Mohist categories to provide us with a more precise defense of what he considers to be the true language of the sage-kings... Xunzi believed not only that the sages had clearly established the fundamental logical categories and classes but that they had also solved the problem of applying them to reality so that what they had bequeathed was a complete map of social reality. (Schwartz, pp. 312-313, emphasis added)

Paul Goldin likewise expresses a similar view. He writes: “In the term dao, or Way, Xunzi postulates a single and universal ontology. The Way is the way of the universe, and the “plan and pattern” [jing li 經理] of reality, and theories are “heterodox” if they do not conform to it. The exalted rectification—or rectification of names—is a tool that the philosopher can use to distinguish lewd\(^{32}\) antinomies from truths compatible with the Way” (Goldin, p. 98).

Goldin offers the following translation of a key passage as support for this position:

Names are that by which different objects are designated. Propositions connect the names of different objects in order to sort ideas into one. Disputations and explications do not differentiate [between] reality and name in order to illustrate the Way of movement and quietude [this statement is inherently ambiguous in the Chinese original as well]. Designating and naming are the application of disputations and explications. Disputations and explications are the mind’s image of the Way. The mind is the craftsman and manager of the Way. The Way is the plan and pattern of order... Using the correct Way to distinguish lewd [doctrines] is like leading [i.e. stretching] rope to determine the crooked and straight. For this reason, heterodox explications cannot [cause] chaos, and the Hundred Schools have no place to hide.\(^{33}\)

\(^{32}\) It is unclear exactly what Goldin has in mind here. The word “lewd” does have an archaic sense roughly equivalent to “vulgar” in the sense of “common.” However, Goldin also uses “lewd” as a translation of the character jian 鬼 (composed of three women) meaning wicked and deceitful, and which—in another context—could mean “adultery.”

\(^{33}\) Goldin’s translation of Xunzi 84/22/38-43. (Goldin, p. 98, brackets and ellipsis in original. Cf. K: 22.3f; W 147-148). Michael Puett’s account is similar to Goldin’s. See Puett, p. 492, for his translation and analysis of this passage. For the Chinese text, see the notes below.
This is a rich passage, and deserves explication. Retranslating, I will break it up and consider it part by part.

Name-concepts (ming 名) are that by which different things or processes (shi 實) are specified (qi 章). A phrase unites the names of different actualities thereby to state a single meaning. Distinctions and explanations, by not “differing” [i.e. varying] names and tokens, illustrate the dao of movement and stillness.

It should be kept in mind that this part of the chapter deals with Xunzi’s response to the paradoxes of the sophists. The meaning of the last sentence of the quotation, which is often translated such that it sounds like a non-sequitur, can be understood by looking at it in that light. The import of the sentence is that by being consistent in the use of names with respect to the things to which names refer, one can discourse about the way while avoiding paradoxes.

Specifying (qi) and naming (ming 命) are the practical uses of distinctions and explanations. Distinctions and explanations are how the mind represents dao.

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34 I read leí 禮 as yi 畏 here, as most translators do. The visual similarity combined with the fact that the phrase yi shi 畏實 occurs in each of the next two statements support this alteration. (However, leí also occurs just shortly before this passage, where it means “accumulate”.) Duyvendak suggests, further, that the alternative (the unamended text) does not make much sense. He renders it, “Names serve to define joined realities.” (Duyvendak, p. 241) Or, putting it in my own words, “Names are that by which specifications bind (leí) together actual objects.” To a constructivist way of thinking, this makes pretty good sense. I believe it is a viable alternative.

35 See Appendix II: Key Terms for justification of my interpretation of qi as “to specify.”

36 名也者。所以顯實也。辭也者。兼著之名以論一意也。辨說也者。不具實名以喻動靜之道也。(84/22/38-40; K:22.3f; W 147).

37 命也者。辨說之用也。辨說也者。心之象道也。(84/22/40; K: 22.3f; W 147).
Rather than being “eternal and unchanging” yet “ultimately ineffable,” as Goldin understands Xunzi’s dao, it is rather because dao is always in flux that it resists a final articulation. Nevertheless, as this passage indicates, Xunzi did not regard dao as something mysterious and beyond expression. On the contrary, he regarded it as something which we can discuss, making distinction and offering explanations, as we do when we lay down stipulations and give reasons for choosing to characterize things the way we do. Not only can the way be discussed, but it is at root “discourse” (dao).

The mind is the craftsman and manager of dao.

Here we have the relation between dao and the mind stated plainly. It is not a picture of a passive mind reflecting an independent and prior dao. Rather, the mind crafts the way. And once crafted, dao does not become fixed or static. The mind must continue to manage the way.

\[ Dao \text{ is regulating and patterning (jing li) order (i.e. good government).} \]

Dao is active, it is verbal, it is something one does.

[When] one’s mind is in accord with dao, explanations accord with the mind, and phrases accord with explanations. There is precise naming (zhengming) and specifying, “stuff” is clear and understood, distinctions differentiate without going to far [i.e. splitting hairs] and

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38 “The Way is not merely the intermingling of yin and yang, but the eternal and unchanging Way that governs all the processes of the cosmos. Xunzi avoids lengthy characterizations of the Way because it is ultimately ineffable” (Goldin, pp. 103-104).

39 “Each of these various attempts addresses merely one corner of the way. The dao embodies regularities while always changing. Addressing one corner is not sufficient to raise it up.“ 此數異者。皆道之一隅也。夫道者，體常而盡變。一隅不足以舉之。 (79/21/24-25; K: 21.4; W 126).

40 心也者。道之工宰也。 (82/22/40; K: 22.3f; W 147). I keep close to Goldin’s translation here to highlight that even his translation, in this instance, suggests a constructivist interpretation.

41 道也者。治之經理也。 (84/22/40-41; K: 22.3f; W 147).
categories are extended [by analogy] without including contraries. Listening accords with refined patterns (wen), and distinctions are made with exhaustive reasoning.

It is somewhat ironic that Goldin omits this part of the passage, for it is here that, at first blush, it seems as if his conception of dao as a "single and universal ontology" finds its best support. What does it mean for one’s mind to be in accord with dao? It may seem from this part of the passage that dao comes first, and then the mind is either in accord with it or not. But, how can that mesh with the mind being the craftsman and manager of dao, which is stated just two sentences earlier? A change of perspective has taken place. When Xunzi first speaks of the mind as the craftsman and manager of dao, he is speaking of defining a discourse which conduces to orderly, patterned government. But then he wants to make a claim about the condition for communicating with clarity. He tells us that when we are thinking and speaking according to constructively designed patterns of discourse (dao), we can be clear and understood without lapsing into fallacy and paradox. This does not contradict his claim that dao is ultimately a human construct. While the image of the "craftsman and manager of the dao" suggests the idea that language and the categories it marks are socially constructed, Xunzi makes the qualification here that, given a linguistic convention X, it is sensible to talk about whether some "actual thing or event" (shi) that one has in mind

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42 Cf. Knoblock’s translation of the following passage: “They draw inferences from the categories by analogical extension and connect things with comparable cases in order to handle those cases for which there is no paradigm in the model.” 概類接儒以得無方。 (49-50/13/5-6; K: 13.1). Cf. also a similar passage: “If there is a law (fa) carry it out. If there is not, proceed (ju) by analogical extension (lei).” 其有法者以法行，無法者以類舉。 (26/9/13; K:9.2; W 35). Ju has the senses of "to choose" or "to promote," the passage thus suggests contingency.

43 心合於道，說合於心，辭合於說。正名而已。質諸而喻。辨異而不過。推類而不悖。聽則合文。辨則盡故。 (8/22/41-42; K: 22.3f; W 147-148). This section Goldin chose to omit in his excerpt.
legitimately counts as an X, that is, whether it qualifies according to the conventions which set the boundaries of the category marked by X.

Continuing with the translation of the passage:

Taking a precise course and distinguishing it from what is perverse and deceptive (jian 坤), is like stretching a cord to oppose crooked and straight. For this reason improper (xie 邪) explanations are not able to cause disorder, and the hundred schools have nowhere to flee.45

When a constructive way has been clearly articulated, and the terms of discourse are set, that is, when it is clear what is the way and what is not, sophists will not be able to confuse people with their word games.

This whole passage was supposed to support the following claim: “One way or the other, the consequence is inescapable: within Xunzi’s system, once names are chosen, they demand strict compliance. For names represent reality, and their abuse results in a faulty characterization of the world” (Goldin, p. 97, emphasis in original).

Indeed, the image of stretching a cord signals some standard against which names are measured.46 The mind, being like a carpenter, develops

44 Sometimes glossed as “evil,” Xie 邪 is the opposite of zheng 正, and means “crooked, awry, askew” or “heretical, irregular,” and by extension “improper, illegitimate” and even “wicked or depraved.” Perhaps most tellingly, in Chinese medicine it indicates unhealthy influences that cause disease—just as ill-conceived distinctions can lead to moral and social degradation.

45 以正道而辨異。猶引繩以持曲直。是故邪說不能亂。百家無所置。（84/22/42-43; K: 22.3f; W 148).

46 Although the metaphor of a carpenter square might lead one to imagine some transcendent form (i.e. the Right Angle) which sets a standard independent of human intentions, Xunzi’s use of a variety of other metaphors militates against the idea that he was thinking about it in anything like this manner. For example, he uses images of sharpening metal, cutting and polishing, as well as the carving of utensils and the molding pots, none of which suggest a corresponding singular and fixed standard (see sections 5.2, 5.3, and the latter part of 4.3). Similarly, his metaphor of the rites as markers which enable people avoid deep spots while fording rivers does not suggest that there is only one route across (see the end of section 4.4). Further, the metaphor of a straightening board, while suggesting the idea of shaping something to meet a certain form, does not suggest that there is a privileged shape for the frame itself. Consider: the straightening board metaphor is twice paired with the metaphor of
tools appropriate for its trade. The carpenter uses a chalk line, or a carpenter’s square to manage the sides and corners of his product, keeping them in line with his intentions. The sagely mind constructs distinctions which when adhered to forward the project of achieving a stable harmonious society, and thwart the efforts of those who would use language to confuse others and disrupt social cohesion.

So there are two levels of standards employed by Xunzi. One is the standard an established distinction sets. It is when Xunzi is discussing this level that he sounds the most authoritarian. Perhaps, as Lee Yearley has suggested, at times like these Xunzi is addressing less sophisticated audiences (see Yearley, p. 469). As for the merits of distinctions themselves, they answer to the standard of efficacy in achieving a level of order and stability in a community in which the common people as well as the elite can find contentment in a generally happy and fulfilling social life. 47 Although Xunzi rails against those like Master Song who all too often make alterations in sharpening metal (K: 1.1, W 15 & K: 23.1, W 157), and once followed by the metaphors of carving utensils and molding bowls (K: 23.3c, W 164). The message is that there must be strenuous effort applied in producing a good product. As for the point of the carpenter’s square metaphor, it is that by maintaining clear standards we can avoid being taken in by fallacious arguments. The metaphor simply is not addressed to the question of whether or not these standards themselves have a conventional element. Also, see section 1.6 for how the metaphor of a balance (quan 權) implies indeterminacy.

47 See Book 9, “The Regulations of True Kings,” for Xunzi’s descriptions the relationship of mutual support between the people and the good and wise ruler. In the same book, Xunzi writes, “A ruler is good at grouping. If the grouping and the guiding discourse (dao) are mutually coherent (dang), then the myriad things all receive what is suitable to them. [For example,] the six domestic animals all will get to grow to maturity, and members of all classes will get to live out their full life span.” 君者善群也。群道常則萬物皆得其宜。六畜皆得其長。群生皆得其命。 (29/9/75-76; K: 9.16a; W 46).

48 “[Master Song] made alterations to them [the concepts of honor and disgrace] with a single morning’s deliberation. His theory will certainly not work in practice. This is analogous to using mud balls to dam up a large river or sea. It is like using the Jiao pygmies to support Mount Tai. In no time they will stumble and fall and it will break into pieces.” 慶一朝而改之，說必不行矣。譬之是猶以塗塗塞江海也，以焦壠而載大山也。蹔躇破碎不待頌矣。 (69-70/18/112-113; K: 18.9). Cf. “Their reflections are not deep; their choices are not circumspect; their determination
important distinctions without due care, the fact that there is a standard of efficacy at work does not imply that the distinctions based on this standard represent one true “reality.”

Xunzi does not assume that there can be a singularly correct articulation of reality. “Among the myriad things, different concrete things have similar appearances. There is no intrinsic appropriateness, but there is a use for people. This refers to the art of discriminating regular patterns (shu 數).”49 Here we find a statement asserting a pragmatic justification for the classification of things. There are patterns of regularity out there, and on the basis of those patterns categories are picked out for their potential usefulness for human purposes. This process is an art, and the sum of the resulting categories are referred to as the “myriad things.”

Describing the process of categorizing and naming, Xunzi writes:

After [we have perceived something] it is named accordingly, what is considered similar is given a similar name, what is considered different is given a different name. . . . Appreciating [the principle of] “different names for different things” and thus, so as not to cause disorder, letting all different things have a different name, is as bad as letting all different things have the same name. . . . We press on dividing them up, where we make a distinction there is a distinguishing [term] until we reach a point where there are no more [productive] distinctions to be made and then we stop.50

of what to accept and what to reject is flippant and careless. This is why they are in danger.”

49“萬物同字而異體。無適而有用為人。數也。”(31/10/1; K: 10.1). With Knoblock, I also supply the word “intrinsic,” reading 無若 as 無固宜. I also agree with Knoblock that shu here suggests something like “natural order of things” in the sense of “regular patterns” (shu 數 = guīlǜ 規律). But I believe it may at the same time be suggesting the process is an “art.” (See GSR: 123r.) Cf. Homer Dubs’ translation: “All things are present together in the world, but have different forms. Of themselves they are not appropriate; but they are used by men—this is an art” (D 151). The import of the passage is that the process of skillfully utilizing the “regular patterns” of the various aspects of our surrounding conditions is an “art.”

50“然後隨而命之。同則名之。異則異之。. . . 知異實者之異名也。故使異實者莫不異名也。不可亂也。猶使異實者莫不同名也。. . . 推而別之。別則有別。至於無別然後止。”(83/22/21-25; K:22.2f; W 143-144; Graham 1989, p. 265).
Xunzi says we depend on our sense to make distinctions. And he does indicate, as Okamoto Tetsuharu notes, “Under similar conditions, the senses operate similarly, and so bring about similar results.” Nevertheless, distinctions are not simply determined by the senses. Kodama Rokuro describes it this way: “In the heart-mind there is a faculty of knowing, and in the five senses—the ears, eyes, nose, mouth, and shape—there is a faculty of sensation. The phenomena of the external world is ‘caught’ by the five sense, and this signal is sent to the heart-mind. Xunzi considers the judgment of what that signal means to occur in the heart-mind.”

What does Kodama mean by “a faculty of knowing”? He uses the combination 徴知, lifted from the Xunzi, which can be understood by its components as knowing the sign, indication, or symptom. Thus it does not seem to suggest any special knowledge beyond the phenomenal experience. That is, it does not seem to suggest that through the senses we are able to understand the ideal or essential nature of things, or anything in that vein. To describe how this faculty gets its data, Kodama uses the word kyatchi (キャッチ) from the English “to catch,” which has usages including the way a camera “catches” the action in a photo, as well as the sense of to get the idea.

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51 同じような状況のもとでは、天官は同じように作動し同じような作動結果をもたらす。それで、荀子はいう。(Okamoto, pp. 74-75). Note that Okamoto interprets the Chinese word tong 同 as onajiyo 同じよう (similar) rather than simply onaji 同じ (the same). The relevant passage reads: “What do we rely on to determine the similar from the different? I say, we rely on the sense. Generally speaking, when people experience things of similar category and similar quality, their senses regard the thing similarly.” 何故而以同異。曰，嫁天官。凡同類同情者。其天官之意物也。同。(83/22/15-16; K: 22.2c; W 142).

52 心に徴知（知る）の機能があり、耳目鼻口形の五官には感覚という機能がある。外界の事象は五官によってキャッチされ、その信号が心に送られる。心ではその信号がにを意味するかを判断する、と荀子は考察している。(Kodama 1992, p. 394). Cf. “According to the Zhengming chapter, names are necessary in order to differentiate actual similarities and differences. And the basis on which these are established is taken to be perceptions of the senses and the cognition of the mind.” 「正名篇」によれば、名は現実の異同を弁するために必要で、これを制定する根拠は五官の知覚と心の認識によるとする。(Abe, p. 62).
or hang of something—to catch on to. But what is “caught” by the senses is the phenomena, not principles underlying the phenomena. The phenomena is caught as image, sound, smell, taste and shape, and the heart-mind must then makes judgments or decisions (手判断) regarding its meaning or significance (意味)—and this is an interpretive process which depends in part on the purposes at hand.

Also, not all concepts and categories are equally dependent on immediate sense experience. And it is the more abstract categories, such as "junzi," that are most important to Xunzi. In this type of case it is particularly clear that the process of categorization cannot be done automatically by the senses. Consider also Okamoto Tetsuharu’s remarks regarding Xunzi’s view of names of social phenomena:

What kind of conduct will be taken as what degree of high merit, and what kind of prize will the person who does this action receive? While holding the various ceremonies, what kind of expression is materially fitting? There must be mutual agreement among people regarding these matters (sometimes, as a matter of fact, this mutual agreement might be a one-side coercion). It is after this mutual agreement on the object, that the mutual agreement regarding the name has meaning. If there is no mutual agreement on the object, the object doesn’t exist. 53

Consider also Burton Watson’s translation of the following passage:

"[T]he wise man is careful to set up the proper distinctions and to regulate

53 どのような行為がどの程度に高い勲章を受けるのか、その行為者はどんな変装を受けるのか、さまざまな儀礼をとり行うにあたって、物的にどのような表現が必要か。こういうことについて、人びとの合意がなければならぬ（時として、事実上は、合意は一方的な強制であるかもしれない）。実についてのこの合意の後に、名についての合意が意味を有するのである。実についての合意がなければ、実が存在しないのである。（Okamoto, p. 66). Kakimura and Azuma make a similar point: "Our recognizing a tree as a ‘tree’ means that our mind puts this object in the known category (象 物) ‘tree.’ ... If there does not already exist the category ‘tree’ in our experience, we cannot understand ‘this thing is a ‘tree’." 我々がある樹を「樹」として認識するというのは、我々の心がその個物を、既知の「樹」という類にとらえることを意味する。...もし我々の経験の中にあらかじめ「樹」という類が存在しなければ、その個物が「樹」だとはわからない。（Kakimura and Azuma, p. 446).
names so that they will apply correctly to the realities they designate. In this way he makes clear the distinction between eminent and humble and discriminates properly between things that are the same and those that are different” (W 142). This translation seems to imply that some things really are the same. I read the passage as follows: “Therefore the wise make distinctions and fashion (zhì 制) names, using them to identify actual objects. In this way noble and base are made clear, and things that are similar are distinguished from those which are different.”

The key difference between the two translations is that the former takes there to be a single ultimate pattern and the latter allows for a number of patterns. On the latter reading a choice is made. The sage, considering the purposes relevant to the distinction, and focusing on the patterns relevant to those purposes, chooses to group things which are similar with respect to the selected patterns. As Antonio Cua points out: “[C]lassification in general depends on similarities adjudged to be important for the purpose at hand. . . This point appears quite clear in Xunzi’s remark that ‘just as there are no laws (fa) that can stand by themselves [without men who carry them out], there are no classes (lei) that can by themselves be applied’” (Cua 1985, p. 46, brackets in original). One looks for patterns in the matter at hand such that picking out those patterns in particular ways is useful for influencing people to behave in a way which conduces to social harmony. Xunzi is keenly aware of the perlocutionary force of language.

54 故知者之分別制名指實。上以明貴賤。下以辨同異。(83/22/14; K: 22.2b; W 142). The underlying metaphor of the character zhì 制 is “to cut out cloths,” thus “to fashion” (zhì 制) (see GSR: 335a-b). It’s meanings include: make, institute, stipulate, establish, regulate, govern. See also Appendix II: Key Terms.
3.4 NAMING: THE RULER’S PREROGATIVE?

If, on Xunzi’s view, the distinctions and categories delineated by naming are human constructs, rather than being “natural divisions,” who is responsible for assuring the adequacy of the naming process (zhengming)? One interpretation is that Xunzi takes it to be the prerogative of sage kings to set the terms of discourse, for their clear-mindedness and lack of bias uniquely equips them to make sagacious judgments. John Makeham puts it this way: “The kingly prerogative to decide how objects should be tailored and the resulting distinctions fixed as names, meant that for Xun Qing [Xunzi], consensus regarding a term’s usage came after the king had decided what should be named and how” (Makeham, p. 59).

This is not to say that kings decide arbitrarily when they set terms. They have social aims, and must determine whether their distinctions will further those ends given the propensities of their circumstances. A ruler cannot command that his distinctions will be productive. Some distinctions will serve better than others. Thus, a king must be careful how he decides.

But the naming process, for Xunzi, is more complicated than simply a top down imposition, where naming conventions are the dictates of a wise king alone. After all, Xunzi himself was no king, yet he strove to affect the moral agenda through the zhengming process. The same is true of Confucius, as we saw earlier. The simple assertion that naming is the king’s prerogative is missing something.

Recall a passage quoted earlier: “The wise make distinctions and set terms, using them to identify actual objects.” This may be interpreted as discussing the “wise among rulers,” still indicating that it is the ruler’s prerogative. However, in a Confucian system, while an authoritative king

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55 故知者為之分別制名以指實。 (83/22/14; K: 22.2b; W 142).
clearly sets the moral tone, his main function was to promote the worthy, filling the ranks of government with people of moral and intellectual qualities which make them competent to participate in achieving, maintaining and enhancing a harmonious society. Henry Rosemont Jr. goes as far as to say, “Xunzi’s ruler has one major political function to serve, namely, the appointment of the officials who will otherwise manage the state’s affairs” (Rosemont 2000, p. 22). Thus, in determining conventions the ruler would likely seek recommendations from those most capable, in this case, “the wise.” While it is the ruler’s responsibility to see to it that names are attuned, the wise ruler is first and foremost one who surrounds himself with wise advisors. Xunzi quotes a traditional saying, “Recognizing the worthy is called enlightenment.” It turns out to be the role of the exemplary person, more than anybody else, to influence terminology positively. “Exemplary people apply patterns (li 理) to earth and nature. . . If there were no exemplary people, nature and the earth would not be patterned.”

56 In other words, “Xunzi’s monarch was to reign more than to rule” (Rosemont 2000, p. 22). At least it can be said that the ruler had a fairly limited number of important things to do. Xunzi writes: “With care, he recruits, selects, and reviews scholar officials of talent. He encourages them with awards and praise, and curbs them with the prospect of severe punishment. He chooses those scholar officials who know how to take care of business, and employs them to carry out the affairs of state. By this means ample stocks will accumulate, sufficient for both useful things and adornments.” 安道慕。選材任之士。然後漸貴以先之，嚴刑罰以防之。 擇士之知事者使相率貫也，是以厥然蓄積修飾。而物用之足也。 (30-31/9/114 116; K: 9.19b; W 53; D 147-48). Note: This is not a description of a True King, but of a second best type, an overlord (霸 bα). Here we see Xunzi’s concession to the legalists that they are capable of a certain degree of, and certain kinds of, success in governance.

57 如賢之謂明。 (79/21/20; K: 21.3; W 125).

58 君子理天地。 . . 君子則天地不理。 (28/9/65-66; K: 9.15; W 44-45). Cf. “The junzi is the opposite of the small man. The broad-minded junzi, [respecting] the way things hang together, leads the way. The small minded, fearful of doing what is appropriate, are tied in knots. The intelligent categorize with clarity of mind and penetrating insight. The simple minded follow the model with uprightness and honesty.” 君子小人之反也，君子大心則[敬]天而道。小心則義而節。知財明通而類，愚則端慈而法。 (7/3/16-17; K: 3.6). Cf. also, “The way is not the way of
Also, consider the role of remonstration, 諫 (jian), an important and enduring signature of the Confucian governmental structure. The ruler is not an infallible authority. "Tradition has it: 'One should follow the way, not follow one's lord.'" As further evidence that Xunzi did not take the ruler's judgment to be the final word, consider his advise to generals: "There are three instances in which [a general] is not subject to the commands of his lord. Though he may be put to death, he cannot be made to take a position which is untenable. Though he may be put to death, he cannot be made to attack where he will not win. Though he may be put to death, he cannot be made to deceive the common people." The exemplary person may be considered to be in an analogous position. When there is a severe conflict between the rulers orders and what would be appropriate, the exemplary person follows the way, not his lord.

In fact, those who have made themselves authoritative through study and moral training have duty to engage the ruler on moral matters. As David Hall and Roger Ames point out, "Scholars, teachers, and intellectuals within their respective societies, as well as members of the world

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The exposition of Confucianism as a political vision is its stress upon the duty of 'remonstrance (jian 諫),' the mutual obligations of rulers and ministers require that the latter are expected to behave not only as functionaries mediating decrees of the rulers, but as responsible advisors, as well" (Hall and Ames 1999, p. 154). See K: 29.2-3.

第59 恭于主之命，親之過，可殺而不可使處不當。可殺而不可使盡節。可殺而不可使欺百姓。（55/15/51-52; K: 15.1e; W 66).
community, may then [when culturally informed] take up the duty of remonstrance” (Hall and Ames 1999, p. 155). Xunzi writes: “When a ruler is involved in schemes and affairs which go too far, and one fears they will endanger the state, high officials and senior advisors are able to approach and speak to the ruler. Approving when one’s advice is used and leaving when it is not is called ‘remonstrance’.” Xunzi recognizes rulers do not reason in a vacuum. They are, and ought to be, influenced by those around them.

However, Xunzi is also concerned that a constructive agenda may be undermined if external opposition arises and publicly contradicts the “party line.” The traditional form of critique in the Chinese tradition was not confrontational. Rather, disagreements with the ruler were raised in accordance with rules of propriety. Xunzi lays plain the criteria for a constructive discussion as follows:

Do not answer those whose questions are crude and insubstantial. Do not question those whose answers are crude and insubstantial. Do not listen to those whose explanations are crude and insubstantial. Do not engage in discriminating discourse with those of contentious spirit. If they have arrived where they are via the dao, only then engage them. If they have not, avoid them. Thus, if they respect ritual propriety, only then can one speak meaningfully with them about the direction of the way. If their disposition is considerate, only then can one speak meaningfully with them about the patterns of the way.

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62 君有過謀過事。將危國家。衡社稷之體也。大臣父兄有能進言於君。用則可。不用則去。謂之誣。 (50/13/12-13; K: 13.2). In reference to this passage Knoblock quotes the Liji: “It is a matter of ritual for men who are ministers not to make a display of remonstrance. One should remonstrate up to three times, and if one’s advice is not taken, then one should flee.” (Knoblock 1990, p. 325 n11; Liji, “Quli,” Knoblock’s translation). Cf. “King Wen took note of the fate of Zhou of Yin, and thus took control of his heart-mind and governed it cautiously, this way he was able to employ Li Wang for a long time and not lose the way in his personal conduct.” Watson interprets yang (to use, employ) as “to benefit from the good advise,” which seems to be apt in this context. A similar account is given of Cheng Tang employing Jie of Xia. Jie and Zhou Xin, on the other hand, are said to have failed to recognize the merits Guan Longfeng and Qi, the prince of Wei, respectively. See K: 21.2.
demeanor is deferential only then can one speak meaningfully with them about transmitting the way.63

It is not that there is only one moral path and that the ruler has access to it, but that in order to preserve the value of solidarity, there are limits to the ways in which articulation of competing moral conceptions may be expressed. Observance of deferential ritual formalities is indicative of cultural attainment, qualifying one for having a contributing voice in the discussion of the way.

Turning to a different but related issue, it has been suggested that Xunzi's philosophy may be criticized for serving only the interest of the elite. Chad Hansen sarcastically remarks, "[Xunzi] simply assumes the authority and interests of the ruling class. He all-too-frequently starts his arguments from the obviously correct and cultivated sensibility of the junzi (superior man)" (Hansen 1992, p. 312, emphasis in original).64 While it is possible for Xunzi's views to be appropriated by an unworthy elite for self-serving purposes, there are a couple problems with Hansen's charge. First, it seems to equate the authority of the ruling class with that of the junzi. Second, it lumps together the very different considerations of authority of a group on the one hand, and the interests of that group on the other. In so far as the claim is that Xunzi attributes a large degree of authority to the junzi, this is quite accurate. But we must keep in mind that a junzi is not merely a person of high station, but one worthy of such responsibility. Xunzi does not merely "assume" that junzi are authoritative. Rather, having developed the

63 靡若者，勿告也。告若者，勿問也。說若者，勿聽也。有爭氣者，勿與辯也。故必由其道，至然後接之。非其道則避之。故禮恭而後可與言道之方。辭順而後可與言道之理。色從而後可與言道之致。（3/1/39-42；K: 1.12；W 21）

64 Cf. "The absolutist Xunzi takes the authority of the junzi (gentleman) and the political leader for granted. Their choices are the unquestioned standard of shì (this:right) and fèi (not this:wrong)" (Hansen 1992, p. 309).
sensibilities that qualify one to be authoritative is a good part of what it means to be a junzi. Zhengming would require that those in authority be authoritative. By suggesting that the junzi acts out of a narrow self-interest, Hansen implies that Xunzi is using "junzi" in an arbitrary and even immoral way.

The Confucian junzi, being interested in what is appropriate rather than what is profitable, is not (at least in theory) self-interested. And, whether the ruling class is authoritative depends on whether or not the king surrounds himself with morally cultivated people and aspires to such cultivation himself. By placing authority in the hands of the cultivated, Xunzi does not privilege their interests, but rather offers a scheme which is designed to be in the best interest of everybody. The ruler’s care for the people is thought to have a stabilizing effect, keeping the ruler happily in power. It follows that it is in the long term best interest of the ruler to take care of the people, and this aspect plays a part in Xunzi’s pitching his program to rulers. But the beauty of the system is that it is balanced, and is designed to be mutually beneficial.

In theory, positions of influence are open to people of any class, since the junzi is thought to rise through the ranks by virtue of both moral and scholarly achievement. Xunzi writes, “Although one may be a descendent of commoners, if one accumulates culture and learning, is upright in personal

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65 Cf. “[T]he Confucian idea of ‘authority’ entails indispensable moral and aesthetic content” (Hall and Ames 1999, p. 158).

66 “If a ruler of the people desires ease and stability, there is nothing like fair policies and loving the people. If he desires glory, there is nothing like exalting ritual propriety, and respecting scholar officials. If he desires achievements and fame, there is nothing like esteeming the virtuous, and employing the able in government. These are the crucial points of a ruler. If these three points are properly dealt with, then all remaining matters will be properly dealt with.” 故君子者，欲安則莫若平政愛民矣，欲榮則莫若隆禮敬士矣。欲立功名則莫若尚賢使能矣。是君者之大節也。三節者當，則其餘莫不當矣。 (26/9/22-23; K: 9.4; W 37; D 125).
conduct, and is able to devotedly apply oneself to the observance of ritual propriety with a sense of appropriateness, such a person should be brought up to the status of chief minister or high official." Thus, people achieve a status where influence on the moral agenda is possible by first cultivating themselves. Through this process they become qualified to exercise their growing influence with competence and compassion.

And, finally, even the common people play a role in the naming process, as can be seen from a passage we encountered earlier:

Names do not have intrinsic appropriateness. They are arranged by decree. Arrangements that are settled upon to the point of becoming customary are called appropriate. If something differs from the arrangement then it is called inappropriate. Names do not have intrinsic actual objects. By arranging the objects, we thereby name them. If the arrangement has become fixed and has succeeded in becoming customary, the term may be called the object's name.

While those in high station have a particular responsibility regarding the generation and maintenance of effective terminology, if a term or corresponding distinction does not resonate with the common people and thus fails to become customary it is found to be “inappropriate.” A doctrine which involved harsh punishments for those who did not follow the king’s imposed terms would be a legalist one, not a Confucian one. The Confucian

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67 雖庶人之子孫也。積文學。正身行。能屬於禮義。則歸之卿相士大夫。 (9/26/3; K:9.1; W 33).

68 名無固宜。約之以命。約定俗成謂之宜。異於約則謂之不宜。名無固實。約之以命實。約定俗成。謂之實名。 (83-84/22/25-27; K: 22.2g; W 144). Cf. Burton Watson’s and John Makeham’s translations of this passage quoted earlier. Also note that the shi 實 of 約之以命實 is thought by some commentators to be an accidental addition. See Wang, p. 420.

69 The character su 俗 explicitly refers to the lower of the common people.
would rather seek to persuade by convention and authoritative example. The appropriateness of an attempt at persuasion is judged ultimately by whether it resonates with the people.

Also consider that the "Zhengming" chapter begins with a description of how the latter kings employed ready-made names, following the Yin, the Zhou, and names fixed by ritual usage. This implies that names are both cumulative and change over time. And, importantly, Xunzi writes here that for common names the latter kings followed established customs. In each case there was a legitimating authority which served to stabilize a widely shared terminology. For common names this legitimating standard was popular usage—what had taken root and become customary.

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70 "The exemplary measure themselves with a stretched cord. In their contacts with others they use an bow-frame. Because they measure themselves with a stretched cord, they may be taken as a model worthy of emulation everywhere. By using a bow-frame in their contact with others, they are thus able to be magnanimous and tolerant." (14/5/47-48; K: 5.7).

71 This refers to "the ready-made names of the latter kings." 后王之成名. (82/22/1; K:22.1; W 139). For cheng 成, GHY lists yi ding de 已定的 and xiancheng de 现成的 (already fixed, ready made). Cheng ming 成名 may also suggest that the skillful adoption of names is how the latter kings achieved (cheng) their fame (ming).

72 Note the similarity here with Confucius' discussion of the evolution of the rites in Analects, 2.23: "The Yin dynasty was based on the rituals of the Xia, what was added and subtracted can be known. The Zhou dynasty is based on the rituals of the Yin, what was added and subtracted can be known. If there is a dynasty which inherits Zhou culture, although a hundred ages may pass, it can be known." 聚因于夏禮,所損益,可知也;周因于殷禮,所損益,可知也。其承周者,雖百世,可知也。

73 Cf. Hu Shih's interpretation of Xunzi's naming process: "Being an extreme humanist and always demanding historical evidence, Xunzi dismissed the mysterious origin of names and substituted for it a theory which derives the names from sense experience and mental activity. But he retained the view that names were first 'instituted' by acts of governmental power, although he did not deny that the later governments had the same power to institute new names and to ratify and rectify the names that had arisen from time to time without governmental sanction" (Hu, p. 159, emphasis added).
I conclude that it is inaccurate to claim that, on Xunzi's view, naming is the sole prerogative of sage-kings, or that the zhengming process assumes the interest of the ruling class. Rather, the process of zhengming is a complex negotiation between the ruler, the moral and intellectual elite, and the people.
Chapter 4

The Nature of Ritual Propriety

Homer Dubs contends: "Xunzi's chief interest is philosophical, and there is little, if anything, that can be called religious, in his writings" (Dubs 1966a, p. xxi). To the contrary, I will maintain that Xunzi's philosophy was deeply religious, but that his religious sensibility was wholly this-world centered. In making my case, I will focus on the concept of li 礼 (ritual propriety). Specifically, I will offer a characterization of Confucian li as a rich and layered concept, both grounded in tradition and yet open to change. And, while elaborating on various aspects of li, I will challenge the view that, for Xunzi, the rituals of the sage kings were uniquely valid.

Li are pragmatic devices which give concrete form to vague ideals, and encourage and facilitate the development of virtues, that is, admirable character traits. They have some naturalistic basis in that they are justified in terms of their efficacy in creating and maintaining social conditions conducive to human flourishing, and in this human nature cannot be ignored. Nevertheless, they are neither determinate nor exclusive, for they are dependent not only on nature but also on the contingencies of their historical development. Further, they are context dependent, and fundamentally open to interpretation. They may be continually amended to better fit changing circumstances, as well as refined, but they are not approaching any specific end.
4.1 INTRODUCTION

Xunzi is most famous (or infamous) for his rejection of Mencius' view that human nature is good. "Original human nature is crude (xing e')," writes Xunzi, by which he means: we are born with a problematic set of desires and impulses, and thus we need a means of reshaping our motivational structure in order to beautify it. He believed "ritual propriety" (li 禮) to be the best means to that end. But it is a means, we will see, which becomes an end in itself.

Xunzi's account of the origin of li and its relation to our problematic human nature is given at the beginning of his "Discourse on Ritual Propriety." He writes, "How did ritual propriety (li 禮) arise? I say: People are born with desires. If these desires are not fulfilled, they will surely be sought after. If this seeking has no measure or bounds, contention will be inevitable. If there is contention then there will be chaos, and if there is chaos there will be difficulty and impoverishment (qiong 窮). The ancient kings detested this chaos. Thus they fashioned (zhi 制) ritual and propriety (liyi 禮義), and

1 The slogan "xing e," often translated "human nature is evil," occurs repeatedly (and only) in the chapter by that name. Xunzi makes explicit his understanding of xing: "That which resides in people which cannot be learned and cannot be acquired through work is called xing" 不可學不可事而在人者謂之性。87/23/12; K: 23.1c; W 158). In another formulation he says, "What is so by virtue of birth is called xing" 生之所以然者謂之性。83/22/2; K: 22.1b; W 139). Thus it is our "original nature." The character e, however, does not mean "evil," in anything like the Christian sense. Sometimes it is translated, somewhat more adequately, with the bland word "bad." It is the opposite of shan (good, or morally adept) and of mei (beautiful, admirable). Xunzi's evaluation of original human nature is perhaps most accurately described as "crude" or "unadorned."

2 For Xunzi, our original desires and impulses are associated with our senses, for example, the eyes and ears are fond of colors and beautiful sounds (K:23.1a, 23.2a; W 157, 160). However, desires are also situational, we desire warmth when we are cold, rest when weary, and food when hungry (K: 23.1e; W 159). Further, original desire are thought to includes a general greediness (K:23.1a, 23.2a; W 157, 161).

3 I have opted for the same translation as Robert Eno for liyi, "ritual and propriety," which I take as nearly synonymous with li, "ritual propriety." On Eno's view, "The compound is fundamentally a linkage of explicit conventional rules and a more abstract ethical notion, close to 'right.' The linkage is often understood as a way of enlarging the prescriptive range of ritual,
thereby made divisions which nurture (yang 養) people’s desires and provide for their satisfaction.”

Xunzi held the Mencian conception of a human nature, that human nature contained the sprouts of virtues, to be dangerously misleading because it encouraged people to overlook the importance of ritual, study, and moral practice in the shaping their character. This compelled Xunzi to oppose Mencius in the strongest of terms on this point, and to insist that ritual propriety was of central importance in assuring a harmonious society.

Too often Western scholars, upon reading Xunzi’s hyperbolic remarks in praise of li, attribute to him a view which is overly rigid, and insufficiently subtle. The view they present has resonance with some Western sensibilities which seek perfection, finality, and absolute truth. However, traditional Chinese thinkers did not generally hold a worldview which would easily support a rigid absolutism. And Xunzi was no exception. In the course of this discussion of li, I will argue against the interpretations of several scholars who suggest that, according to Xunzi, the precise rituals established by sage kings of the past express the fixed and singularly correct solution to humanity’s moral predicaments.

Xunzi’s concerns were practical. And yet, while he held a worldview which is fundamentally humanistic, he nevertheless expressed a profound reverence for ritual which was entirely sincere. His conception of ritual allowing individuals to act according to what seems ethically right even if it is not in absolute accord with convention” (Eno, p. 273 n71).

4 禮起於何也。曰。人生而有欲。欲而不得。則不能無求。求而無度量分界。則不能不爭。爭則亂。亂則窮。先王惡其亂也。故制禮義以分之。以養人之欲。給人之求。(70/19/1-2; K: 19.1a; W 89).

5 In section 4.3 below, I focus especially on the views of P. J. Ivanhoe, T. C. Kline, and Brian Van Norden.

6 The claim that traditional Chinese thought generally is at odds with absolutism is supported by the work of A. C. Graham, Roger Ames, Nathan Sivin, Joseph Needham, and Tang Junyi.
propriety is situated in a worldview which may be described as a this-world centered religiousness, where religion is understood in the sense described by Jonathan Z. Smith: “What we study when we study religion is one mode of constructing worlds of meaning, worlds within which men find themselves and in which they choose to dwell. . . . Religion is a distinctive mode of human creativity, a creativity which both discovers limits and creates limits for humane existence. What we study when we study religion is the variety of attempts to map, construct and inhabit such positions of power [which enables people to influence their ‘situation’ and make life meaningful] through the use of myths, rituals and experiences of transformation” (Smith 1978, pp. 290-291). In Xunzi’s effort to construct a moral world, he emphasized li as a complex concept whose scope included ceremonial “rites” and norms of appropriate behavior, as well as an attitude which makes certain actions in some sense sacred. Li were considered pragmatic devices (wei) which gesture at ideals, but not fixed or determinate ones.

One of the benefits of reconsidering Xunzi’s conception of li in this light is that it reveals an avenue for potential religious expression which would be unavailable to those who identify religion with forms of absolutism they cannot accept. At the same time, it may also address concerns held by those who find the notion of ritual too stifling. Further, if it is right that on Xunzi’s view rituals reached their perfect and ultimate form in the rites of the Zhou kings, then the study of Xunzi’s thought would be merely an exercise for our curiosity, for nobody would take the idea of a return to these particular ritual practices as a serious and viable course. However, if li are understood as ritualized norms of propriety which evolve in communities in

Robert Campany provides a good description of the practical functions of li: “[R]itual serves to train human desires, to express human emotions, to give structure and coherence to human society, to provide a total cultural habitat in which virtue and wisdom can flourish” (Campany, p. 212).
response to existing condition and concerns, then the study of this process and its effects, to which Xunzi has provided valuable insights, may be of no small value.

4.2 CONFUCIAN LI: CODE OR DISPOSITION?

In our effort to understand li, we would do well to reflect on a provocative statement made by Confucius in *Analects* 12.1: “Yan Hui asked about ren [the Confucian ideal]. Confucius responded, ‘Practicing self restraint and returning repeatedly to li is the way to become ren…’ Yan Hui asked, ‘May I inquire about its specific details?’ Confucius replied, ‘Don’t look in a way which is not li, don’t listen in a way that is not li, don’t speak in a way that is not li, don’t move in a way that is not li’.” Since Confucius consistently tailored his advise to the needs and level of the person with whom he was speaking, and since Yan Hui was Confucius’ most promising and astute follower, we can be confident that he was making an advanced and subtle point.

Commenting on this passage, Patricia Buckley Ebrey writes, “In the first part of this exchange, li could be taken to mean propriety or correct behavior in a moral sense. The second part of this exchange shows that li was at the same time seen as conformity to an established or external code of behavior regulating every movement, glance, and word” (Ebrey, p. 17). The point that Confucian li includes “propriety or correct behavior in a moral sense” is well taken. However, does the latter part of the passage really imply the existence of an external code with which one must conform in every movement? After all, as Ebrey also observes: “[L]i was also spoken of as a virtue, and scholars like Mencius often listed it with other virtues such as humanity, filial piety,

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8 顔淵問仁。子曰:「克己復禮,為仁…」顏淵曰:「請問其目。」子曰:「非禮勿視,非禮勿聽,非禮勿言,非禮勿動。」
and sincerity. In such cases li meant the ethical attitude that leads people to treat others with respect and deference\(^9\) (Ebrey, p. 31). This aspect, which is too often neglected, is the more important aspect of li (and the ultimate goal of its formal aspect) on Confucius’ reconstruction of li. Further, I would suggest, this meaning pervades even the most ceremonial cases\(^10\)—the fact that norms of proper behavior of various levels of specificity were included in the concept of li notwithstanding. In the passage in question, while it encourages acting according to li at every moment, no specific details are given, despite Yan Hui’s asking for them. Is it not precisely the “ethical attitude that leads people to treat others with respect and deference” in every moment, rather than the following of some formalized code, that is being encouraged?

Catherine Bell describes a “sense of ritual” which may clarify what Confucius is promoting. “It is through a socially acquired sense of ritual that members of a society know how to improvise a birthday celebration, stage an elaborate wedding, or rush through a minimally adequate funeral” (Bell, p. 80). She elaborates, “This ‘sense’ is not a matter of self-conscious knowledge of any explicit rules of ritual but is an implicit ‘cultivated disposition’” (Bell, p. 98).\(^11\) This is Confucius’ li, first and foremost—a point we should not lose sight of when we discuss li’s more formal aspects.

\(^9\) It should be mentioned that, on the Confucian view, not everyone is entitled to the same respect and equal deference. The degree of respect and deference one deserves is a function of one’s place and role in society.

\(^10\) When asked about the root of li, Confucius answers: “In the observance of ritual propriety (li) it is better to error on the side of frugality rather than extravagance, and in mourning it is better to error on the side of grief rather than taking it too lightly.” (Analects 3.4) 林放問禮之本。子曰：「大成問！禮，與其禮也。不成。」 理之易也。知之易也。 Ames and Rosemont translate the last phrase as: “[I]t is better to express real grief than to worry over formal details” (Ames and Rosemont, p. 83).

\(^11\) Cf. “The ultimate purpose of ritualization is . . . nothing other than the production of ritualized agents, persons who have an instinctive knowledge of these schemes embedded in their bodies, in their sense of reality, and in their understanding of how to act in ways that both maintain and qualify the complex microrelations of power. Such practical knowledge is
Echoing Confucius, Xunzi remarks, “One must not abandon ritual and propriety (liyi) for even a moment.” In this case Xunzi uses the compound liyi, ritual combined with a sense of appropriateness. His common pairing of these two concepts suggests a close relation between them, perhaps even an inseparability. Also, there is more context here to guide our understanding. For one thing, the statement is made as a summation of the importance of yi, rather than li. In addition, it is immediately followed by a description of relational roles, with the implication that ritual appropriateness is effectively fulfilling those roles. For example, “Being able to thereby serve one’s parents is called being filial.” What is being encouraged, it seems, is the conscientious fulfillment one’s various social roles, and the responsibilities associated with those roles.

These roles form the exemplary person’s ritualized world. Junzi never abandon liyi because, when they have sufficiently reformed themselves, they become at home in that world to the point where their “inner” feelings and “outer” expressions are in harmony. Xunzi writes: “When refined patterns and emotion are made the inner and outer of each other, that is, the exterior expression and the inner content, and when they proceed in parallel yet as a mixed composite, this is striking the middle course in ritual propriety. Thus, exemplary people... dwell in this mean. Whether walking or running, hurried or in haste, they never leave it. It is their sacred world and palace.” Consider this in light of Jonathan Smith’s account of religion: “Religion is the not an inflexible set of assumptions, beliefs, or body postures; rather, it is the ability to deploy, play, and manipulate basic schemes in ways that appropriate and condition experience effectively. It is a mastery that experiences itself as relatively empowered, not as conditioned or molded” (Bell, p. 221).

12 不可少頼合禮義之謂也。 (29/9/74; K: 9.16a; W 46; H 259).
13 能以事親謂之孝。 (72/19/38-40; K: 19.3; W 96; H 268). * indicates character substitution.
quest, within the bounds of the human, historical condition, for the power to manipulate and negotiate one's 'situation' so as to have 'space' in which to meaningfully dwell" (Smith 1978, p. 291). If we accept such an open account of religion, then Xunzi is a religious philosopher, for it seems that this is precisely the role of ritual propriety in Xunzi's thought.

Xunzi sums up the section just quoted with a line from the Odes: "Ritual ceremony, completely according to the standard; laughing and talking, completely appropriate." According to Yang Liang's commentary, "By quoting this he makes clear that, for the person who has li, every movement is fitting and appropriate" (Wang, p. 358). Indeed, Xunzi elsewhere explicitly states that li are not fundamentally the specific elements associated with ritual actions, but are rather actions and interactions which answer to an aesthetic sense of what is fitting. He quotes a saying which can be found in Analects 17.11, "Surely saying 'ritual this, ritual that' is more than talk of jade and silk." Xunzi comments, "If it is not timely and fitting, if it is not respectfully sociable, if it is not cheerfully enjoyed, although it may be beautiful, it is not ritual propriety."

It should be noted that Ebrey recognizes that, "Although Confucius spoke of conformity to li, he expected it to be tempered by reason and custom. Not every detail had to be exactly as in the prescriptions" (Ebrey, p. 18). Still, she regards li as "external and objective codes of behavior." For example, she writes, "Chapter 10 of the Analects gives many examples of li treated as an external or objective code of behavior. The man who has mastered li, for instance, when saluting his colleagues he moves his hand to the right or left..."
as need, while keeping his robe even in front and behind. He quickly advances with dignity” (Ebrey, p. 17 n14; quoting Analects 10.3; Waley, p. 146).

While the living body of li is composed of social norms which may be legitimately viewed as external and in some sense objective, the idea of an external and objective code has an unnecessarily rigid ring to it. D. C. Lau uses the word “rules” rather than “code” to a similar effect: “The rites (li) were a body of rules governing action in every aspect of life and they were the repository of past insights into morality” (Lau 1979, p. 20).

Rather than strict rules, the formal aspect of li is better thought of as involving norms of varying specificity, grounded in tradition, yet necessarily evolving as a result of individual appropriation over time. It may be that neither Lau nor Ebrey mean to convey anything very different from this. But the language of rules and codes can be, at least, misleading. Worse, as we will see, others have taken this line of thought to the point of attributing an extremely inflexible view to Xunzi.

A. S. Cua distinguishes two functions of li, one instrumental and limiting, the other expressive and evaluative. He writes, “Negatively, as a set of procedures for regulating human intercourse, it directs attention to the problematic nature of man’s basic motivational structure, that is, his natural feelings and desires, and its liability to conflict. . . . But positively, li has the function of nourishing or transforming man’s basic motivational structure by way of inculcation of a regard for moral virtues and the development of moral character. A li-performance is here no longer a ritualized routine behavior, but a display of moral virtue or virtues relevant to the occasion. It is a moral performance” (Cua 1979, p. 380). These should be see as two functions of li, not as two kinds of li. Indeed, Cua also makes a similar distinction in his analysis of the “delimiting function,” “supportive function,” and “ennobling function” of li. See Cua 1989, pp. 114-223. The first two he considers to be regulative, and the third to be constitutive. However, it is not that some li are merely regulative while others are constitutive. They are all to some degree both.

The same may be said of A. S. Cua, who at times refers to li as a “ritual code,” and yet he has a flexible understanding of what that means. For example, he writes, “[T]raditional ritual code is essentially a codification of ethical experiences based on ren and yi. Its relevance to the present, particularly in exigent situations, is a matter of reasoned judgment” (Cua 1998, p. 290). Further, on Cua’s interpretation, “Ethical judgments . . . are not only liable to error, but also revisable in the light of our historical understanding of an ethical tradition and its prospective significance. In this respect, even if the mind (xin) is completely free from bi [obsession], its ethical judgments have only the status of plausible presumptions” (Cua 1993, p. 171).
The passage cited by Ebrey, rather than describing a detailed code of proper behavior to be slavishly followed, may be better understood as containing a depiction of the graceful behavior of one person, namely, Confucius. While his behavior stands out as a model, the description of it does not provide a regulation. In their translation of the Analects, Roger Ames and Henry Rosemont read nearly all of Book Ten under this assumption. The first passage may serve as a representative example, “In Confucius’ home village, he was most deferential, as though at a loss for words, and yet in the ancestral temple and at court, he spoke articulately, though with deliberation” (Ames and Rosemont, p. 134).

A. S. Cua illuminates this view. He writes, “a particular piece of li-conduct displays a ‘style of performance’ which exemplifies a noteworthy manner of behavior. The slow and unhurried manner in which one eats one’s soup, or the cautious way in which one carries oneself in executing a task, betrays a deliberate deportment. . . . And if it has moral import, it is an expression of a cultivated attitude or virtuous disposition which may uniquely reveal the actor’s character” (Cua 1979, p. 382).

Is it not admirable conduct, as Cua suggests, rather than a fixed code which sets “standards of inspiration”? Again quoting Cua: “Arguably, Confucius’s notion of junzi expresses the idea of paradigmatic individuals as exemplary embodiments of the spirit and vitality of the tradition. In addition to functioning in moral education, they also serve as living exemplars of the transformative significance of the ideal of the tradition, thus invigorating the tradition. Even more important, for those committed to tradition, paradigmatic individuals serve as points of orientation, as standards of inspiration” (Cua 1998, pp. 241-42). That ritual prescriptions by themselves are insufficient can be seen in Xunzi’s statement that, “In learning, nothing is as useful as drawing near to the proper people. Rituals and music may be taken
as models but they do not offer explanations."\textsuperscript{21} Just as "a model cannot stand on its own, and categories cannot apply themselves,"\textsuperscript{22} \textit{li} requires interpretation in every performance. Thus a teacher is needed in order to give this interpretation concrete form. Nevertheless, the teacher's example must ultimately become a model of \textit{how to interpret}.

We can gather from the depictions of Confucius in Book Ten, and throughout the \textit{Analects}, that he was not one to take details lightly. Moreover, on Xunzi's account, "Every word, every subtle movement, may be taken as a model and pattern."\textsuperscript{23} But what was the importance of detail in ritualized behavior? Rather than following a code in which details have been painstakingly perfected, Ebrey insightfully observes, "Thinking about the details of ritual provided a way to think about behavior and morality in general" (Ebrey, p. 220). Or, as Jonathan Smith remarks, "Ritual is, first and foremost, a mode of paying attention" (Smith 1987, p. 103). Xunzi comes close to making this point himself: "It is asked: How can all of this [i.e. each person fulfilling their respective role appropriately] be accomplished at the same time? I say: By carefully examining \textit{li}. The former kings of olden days paid careful attention to \textit{li}, and thereby when traveling round the world their movements were always fitting. Exemplary people are reverent but not pressed, respectful but not bound. When poor, they were not tied in knots; when wealthy and honored, they were not arrogant. When they encounter changing circumstances, they carefully examine \textit{li}... The exemplary person's

\textsuperscript{21} 學莫便乎近其人，禮樂法而不説。詩書故而不切。（2/1/34; K: 1.10; W 20).
\textsuperscript{22} 故法不能獨立，類不能自行。（4/12/2; K: 12.1).
\textsuperscript{23} 端而言，端而動，一可以為法則。（2/1/31; K: 1.9; W 20; H 250).
response to change is reasonable, and regularly provides benefits and success without causing confusion."\textsuperscript{24}

This passage also exemplifies how existing translations mislead readers into overly punctilious interpretations. Knoblock's translation of this passage says: "The Ancient Kings minutely observed [\textit{shen} 審] ritual principles." The word "observe" is ambiguous in English. It can mean "to notice" or "pay special attention to," or it can also mean "to adhere to some standard," or "to comply with a rule (or something of like-nature)." The character \textit{shen} means: to carefully observe or study and make clear, in the sense of to examine, discriminate, and judge. Thus, translating \textit{shen} as "minutely observed" is not inaccurate so long as "observe" is understood in the first sense. But since the object here is \textit{li}, something which may be taken as rule-like, "observe" here is likely to understood in the later sense. Thus, the reader is misled into thinking that Xunzi is here claiming that rituals were adhered to in their every detail by the Ancient Kings, when the passage, in fact, asserts nothing of the sort.

\textbf{4.3 The Status of Ritual in the Xunzi}

As I now begin a critical review of interpretations of the status of \textit{li} in the \textit{Xunzi}, it maybe useful to start with a point of, at least partial, agreement. Describing the process of fashioning rituals in early times, T. C. Kline writes: "The early sages found themselves in a world in which there were already patterns that could be seen in the movements of the cosmos and the behavior of human beings and animals. Through their cognitive ability to perceive and understand these patterns sages were able to begin fashioning rituals and

\textsuperscript{24} 請問兼能之奈何。曰。著之禮也。古者先王著禮以方皇周採於天下。動無不當也。故君子恭而不靜。敬而不震。賞罰而不約。富貴而不矜。遇變態。著之禮也。... 其應變故也。兼給便簡而不惑。 (45/12/21-25; K: 12.3).
regulations that brought the human and natural orders into harmony with one another” (Kline, p. 172). Kline refers here to the circumstance in which the “early sages” found themselves. To speak of “early sages” is appropriate, since there was never a “first sage.”

D. C. Lau has remarked: “It is never very clear whether in Xunzi’s view one particular sage king invented morality or a number of sage kings invented it. It would be difficult to know what the other sage kings were responsible for, if only the first was responsible for the invention. It is equally difficult to see how a number of sage kings coming at fairly long intervals could have been jointly responsible for the invention” (Lau 2000, p. 218 n60). While this is a problem which has vexed many interpreters of Xunzi, the conclusion that David Nivison suggests (but does not himself wholeheartedly embrace) seems right. That is, the invention of culture is a product which accumulates over time, a “(perhaps still continuing) historical process” (Nivison 1996, p. 53). When one abandons the assumption (which we will see is commonly attributed to Xunzi) that “the invention” must be perfect, uniquely optimal, unchanging, and so on, Lau’s problem disappears. The second alternative becomes unproblematic, that is, people (in particular “sages”) over time are jointly responsible for the invention of constructive artifice (wei) such as li.

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25 On this model, he adds, “the positive moral order is a historical product, perhaps still unfolding, not final” (Nivison 1996, p. 53). Summarizing one of Nivison’s points, Bryan Van Norden writes that Xunzi is torn between two positions, one of which is that “the Confucian tradition is the result of a process of historical ‘accumulation.’” On Van Norden’s view this position “makes it more mysterious how the sages managed to come up with that tradition in the first place” (Van Norden 1996, p. 6). This is not mysterious from the perspective I am suggesting Xunzi holds. The constructivist does not assume a unique solution at which the sages must arrive. There was always a tradition to build on, and there will never be a singular and final exhaustive set of maximally efficient categories or norms. The way of the sage kings sets a standard because it marks a high level of effectiveness. Xunzi is an advocate of building on the tried and true.
Now, when Kline writes, “The early sages found themselves in a world in which there were already patterns,” he is doubly right, for people have always found themselves in a world which was already patterned—in two senses. In one sense, there are regularities in nature, such as the seasons, which exist independent of our picking them out as salient. Also, one is inevitably born into a culture where these regularities are already in some way, and to some degree, parsed, explicitly distinguished, or if you will, “patterned.” David Hall and Roger Ames have expressed the view that: “One appropriates an always-interpreted world through language acquisition and enculturation, and then continues the historical process of world-making. Distinctions, as ad hoc conventions, are always contingent and performative. Thus, as a distinctly historicist thinker, Xunzi makes no appeal to transcendent principles or necessary distinctions” (Hall and Ames 1995, p. 208).

When Kline writes that the early sages were able to “perceive and understand these patterns” and on that basis “begin fashioning rituals and regulations,” this could simply mean that from understanding the progression of the seasons, the life cycle, and so on, forms of behavior were developed which enabled people to live harmoniously with these forces. This seems both compelling, and consistent with Xunzi’s thought. 26

26 Xunzi writes, for example, “According with the progression of the four seasons, and apportioning the myriad things, widely benefits the whole world for no other reason than this: it achieves proper divisions and is appropriate (yi). ... A ruler is good at grouping. If the grouping and the guiding discourse (dao) are mutually coherent (dang), then the myriad things all receive what is suitable to them. [For example] the six domestic animals all get to grow to maturity, and members of all classes will live out their full life span.” 故四時之載萬物，兼利天下。無它故焉，得之分義也。... 君者善群也，群道當則萬物皆得其宜，六畜皆得其長。群生皆得其命。(29/9/72-76; K: 9.16a; W 46). Sugimoto Tatsuo comments, “The point is, people engaged in productive activity in accord with the conditions of the four seasons, and nothing other than this could bring forth the benefit of all people. This is precisely [due to] the social order and liyi (ritual propriety and appropriateness).” 要するに、人間が春夏秋冬の環境にしたがって、生産活動に従事し、万人の利益を生み出すことができるのは、ほかでもない、社会秩序と礼・義あればこそだ。(Sugimoto, p. 88). In other words, Xunzi maintains that what brings
Kline, however, apparently wishes to suggest something stronger than just this. He writes: "The Dao of human beings that is manifest in the ritual and music created by the sages constitutes not simply a pattern of interaction that orders the state by keeping people out of conflict. It is not simply a prudential order. It is the proper set of practices and activities that bring human beings into harmony with their own natures as well as the patterns of the rest of the cosmos. The Dao is the moral order. It is the way in which human beings ought to pattern their actions" (Kline, p. 165).

As an indication of how important he takes this thesis to be, Kline writes: "Although this belief in the Dao as the proper pattern of the moral order, as well as the order of the entire cosmos, rarely gets discussed at great length, it cannot be stressed enough for understanding why Xunzi believed that cultivation through ritual was both effective and necessary" (Kline, p. 165). Clarifying the position in question he writes, "[Ritual] embodies not just a set of patterns, but the unique and most fully harmonious patterns of activity" (Kline, p. 166, emphasis his). In support of this view he cites the following passage from Watson's translation: "A man without ritual [li] cannot live; an undertaking without ritual cannot come to completion; a state without ritual cannot attain peace" (4/2/9-10; K: 2.2; W 25).27

Notice that this passage suggests only that li of some sort are necessary, not that there is only one uniquely harmonious set of formal patterns. In fact, this passage occurs near the beginning of the "Improving Yourself" chapter and is preceded by the liking of ritual propriety to the practice of "impartial goodness" (bian shan). This is preceded by a discussion of such things as critical self-examination at the sight of someone else's good or bad behavior, and discrimination between a true teacher and a flatterer. And it is benefits to people is a sensible social order supported by ritualized norms appropriately attuned to the environment.

27 故人無禮則不生，事無禮則不成，國家無禮則不存。 (4/2/9-10; K: 2.2; W 25).
immediately followed by the same ode we saw earlier in a different context:
“Ritual ceremony, completely according to the standard; laughing and talking, completely appropriate.”28 Taken as a whole the conception of li depicted here seems rather open, almost to the point of meaning something like “the diligent exercise of sound and sincere judgment.” As Arthur Waley long ago remarked: “[I]t was with the relation of ritual as a whole to morality and not with the details of etiquette and precedence that the early Confucians were chiefly concerned” (Waley, p. 67, emphasis added).29

Also, consider the implication of the following passage with respect to Kline’s position: “Embody respect with a truly sincere heart. Practice liyi (ritual and propriety) with the inner emotion of love for others. When traveling the world, although you may be surrounded by barbarian tribes, everyone will regard you with esteem.”30 On the narrow view of li as a singular specific set of rituals, it is hard to reconcile the existence of barbarians with the idea that people need li to live. One may argue that barbarians, for Xunzi, are not “ren” (people). However, even with this possibility in mind, the view that some forms of li are necessary, rather than a privileged specific set, seems like the more plausible alternative. What would barbarians need to do in order to be considered “people”? Would they need to adopt the precise rituals of the Zhou kings just to attain this status? Li in this passage, as in the one quoted by Kline, probably means appropriate displays of deference and social skills generally, rather than any specific set of formalized behavior.

Even barbarian tribes, if they are to survive, must develop some patterns of

28 許曰。禮儀卒度。笑語卒獲。此之謂也。

29 Note that li covers both matters of etiquette and morality. Indeed, Confucians make no clear distinction between the two. Henry Rosemont writes, “To say, then, that an action is in accordance with li is to say that it is moral, and that it is civil, mannerly, customary, proper, and, in an important sense, religious” (Rosemont 1976, p. 466).

30 體恭敬而心忠信。術禮義而情愛人。橫行天下。雖四夷。人莫不貴。 (5/2/22; K: 2.6; W 27).
deference, and they are able to recognize such patterns even when they are exhibited in forms other than their own. Thus the point of Kline’s passage becomes: some forms of *li*, considered in a broad way, are needed to form a stable society—a much more reasonable claim.

Further, this view of *li* is consistent with Xunzi’s view of language. Consider Lee Yearley’s observation: “Xunzi’s position on moral judgments parallels his position on language. He denies both that language’s distinctions have an intrinsic appropriateness and that they convey some stable reality. But he joins those denials with the ideas that language is necessary and that some forms of language, given certain situations, are better than other forms of language for the creation of an orderly society and orderly people” (Yearley, p. 476). This could be said of Xunzi’s view on the status of rituals as well, especially when viewed broadly. It is necessary that we fashion some devices which formalize behavior in a way which enables us to reform our problematic original nature such that we may live together in peace and harmony.

Kline quotes two other passages from Watson’s translation here as well: “No man who derides true principles [*li* (patterns)]\(^{31}\) in his mind can fail to be led astray by undue attention to external objects. No one who pays undue attention to external objects can fail to feel anxiety in his mind. No man whose behavior departs from true principles can fail to be endangered by external forces. . . . In such a case, a man may be confronted by all the loveliest things in the world and yet be unable to feel any gratification” (W 154-55).
And, “If he does not possess ritual principles, his behavior will be chaotic, and if he does not understand them, he will be wild and irresponsible” (W 162).

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\(^{31}\) I would translate this phrase as “those who make light of constructive patterns.” In any case, what is doing all the work for Kline’s interpretation here is Watson’s translation of *li* as “true principles.” Knoblock renders it as “rational principles” (K: 22.6d), and Y. P. Mei opts for “moral principles” (Mei, p. 65). See Chapter 2 for a discussion of *li* (pattern). See also Cua1997.
These passages seem to be used in support of the statement that: “to go against the ritual patterns is to try to swim upstream against the Dao” (Kline, p. 166). This much can be accepted. But the quotations seem also to be used to support the claim: “The patterns of activity set down in the ritual order of the sages provide the optimal patterns of human action in the world. Any deviation results in a loss of efficiency of one’s own efforts” (Kline, p. 166). I can see no reason to conclude this, even as the passages stand.

Nevertheless, it may be instructive to consider, briefly, the second passage. As I read it: “Without ritual and propriety (liyi), there will be chaos. If liyi is not understood, there will be confusion and contention.” This statement, which occurs in the xing e (Original Human Nature is Crude) chapter, is part of a discussion of the condition in which we are born. In that condition, not having our problematic desires and impulses curbed or shaped in any way, we tend toward wrangling and strife. The point is that we need some means of reforming our character, but there is no reason here to conclude that only the specific rituals of the sage kings would be effective.

In a similar passage, Xunzi writes: “People who lack a model are at a loss and uncertain. Those who have a model but do not understand its meaning are ill at ease. When one accords with the model and in addition has a profound understanding of its categories, only then will one’s actions be congenial and cordial.” On Eric L. Hutton’s translation: “If he has the proper model but does not fix his intentions on its true meaning, then he will act too rigidly” (H 256). As justification for Hutton’s reading, one could cite Yang Liang who comments that “‘not knowing its meaning’ means merely

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32 人無禮義則亂。不知禮義則悖。（88/23/35-36; K: 23.2b; W 162）

33 人無法，則徃依然。有法而無志其義則梁梁然。依乎法而又深其類，然後溫然。（5/2/36-37；K: 2.10; W 30）

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holding fast to the letter”34 (Wang, p. 33). The message is that li as a virtue is the mean between aimless confusion and punctiliousness.

Kline however, is by no means alone in his view that Xunzi is speaking of a precise set of rituals that had already been perfected. For example, in his recent book on Xunzi, Paul Goldin writes: “There is only one Way. The Sage Kings apprehended it, and their rituals embody it. There is no other Way, and no other constellation of rituals that conforms to the Way” (Goldin, p. 73).

Also, in two influential articles, P. J. Ivanhoe has made claims such as, “Xunzi believed that the society worked out by the former sages provided the one and only way to a happy and flourishing world” (Ivanhoe 2000, p. 247 n9), and that only the “particular set of rituals and norms: those of Confucianism” could “provide an optimally satisfying life” (Ivanhoe 2000, p. 240). His view is based on the notion that there is a design to the world and that the Confucian rites hold some privileged relation to it. He writes, “Xunzi believed the rites showed human beings the unique way to cooperate with heaven and earth for the fulfillment of all three, a way that realized a design inherent in the universe itself” (Ivanhoe 1991, p. 310; Cf. Ivanhoe 2000, p. 240). Ivanhoe clearly suggests that for Xunzi the Confucian rites are singularly correct and unchangeable. He characterizes them as “unalterable patterns” (Ivanhoe 1991, p. 321), and as “immutable” (Ivanhoe 1991, p. 310), and suggests that Xunzi’s ethics is “a form of ethical realism” (Ivanhoe 2000, p. 247 n10). As far as the development of rites, the process of evolution is over. “[Xunzi] clearly believed that the sages had brought the process to a successful conclusion and that the Confucian Way provided the unique solution which would be valid for all times” (Ivanhoe 1991, p. 318).

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34 (不識其義，謂但拘守文字而已。)
Chad Hansen, in contrast, has a complex view including both conventionalist and absolutist elements. On the conventionalist side he writes, "[Xunzi] began to doubt any purely naturalistic basis for values. Values, he argued, were products of cultural tradition, not of nature... He, like Zhuangzi, turned the tables on the antilanguage version of his school and celebrated the unavoidable conventionality of any scheme of values" (Hansen, p. 309). While I agree that Xunzi saw values as, at least in part, "products of cultural tradition," I do not endorse the radical conventionalist side of Hansen's interpretation of Xunzi. Values are not all equal, some—such as peace and harmony—are more compelling than others—such as wrangling and strife. Similarly, it is not the case that any ritualized mode of social interaction would be as good as any other. Rituals are recognized by Xunzi as contingent historical products, but he did not consider them arbitrary. They are evaluated on their efficacy in creating and maintaining a stable and harmonious society.

It should be noted that Hansen sees the absolutist side of Xunzi as more basic. He writes, "But the other Xunzi—the political absolutist—also comes through even in philosophical sections. This theorist is an uncritical absolutist. He asserts the possibility of direct access to the correct $\text{da}o$" (Hansen, p. 309). Hansen concludes:

I am most tempted to the hypothesis that Xunzi reverts to authoritarianism in the awareness that the analytical conventionalist argument does not get him home. His absolutist conclusion then uses the doctrine of a privileged preconventional vantage point. This brings him very close to Mencius, but since he looks outward with this special mindset, he claims to read the correct $\text{da}o$ in nature. Here he uses the language of empty, unified, and still, the allegedly Taoist terms. But the

35 A.S. Cua observes, "Li as civility or decency expresses, so to speak, conventional wisdom. However, it is important not to consider the conventional character of formal prescriptions as altogether arbitrary in the pejorative sense... Conventions may be criticized and revised" (Cua 1985, p. 11).
doctrine is not pluralism; it is absolutism. (Hansen, p. 310)

In response to the conventionalist side of Hansen's interpretation, Bryan Van Norden writes, "As attractive as a conventionalist reading might be in some ways, numerous passages in the Xunzi demonstrate that this philosopher is an objectivist and 'monist' about ritual, music, the Way, and at least some aspects of language use" (Van Norden 2000, p. 120). And, he claims, "Xunzi is an objectivist about values. The practices of the ancient sage kings are, Xunzi holds, uniquely optimal for producing social organizations which are 'correct, well-patterned, peaceful, and well-ordered'" (Van Norden 2000, p. 122). He also writes, "Xunzi does hold that the Way had to be invented, but he holds (rather naively) that the Way of the sage kings is the uniquely optimal way for structuring a society. Xunzi holds that this particular Way is the one that does best the many things which such schemes are supposed to do" (Van Norden 2000, p. 121, emphasis in original).

In support of their positions, Ivanhoe and Van Norden both offer the following quotations which are either from, or based on, Burton Watson's translation of the Xunzi:36

Through rites Heaven and earth join in harmony, the sun and moon shine, the four seasons proceed in order, the stars and constellations march, the rivers flow, and all things flourish. ... When they [i.e., the rites] are properly established and brought to the peak of perfection, no one in the world can add to or detract from them. (Van Norden 2000, p. 120; Cf. Ivanhoe 1991, p. 317; W 94).37

36 Van Norden and Ivanhoe also both cite the following passage: "The Way is the proper standard for past and present" (Van Norden 2000, p. 120; Cf. Ivanhoe 1991, p. 318; W 153). And, Van Norden's list of quotations also includes, "In the world there are not two Ways. The sage is not of two minds" (adapted from W 121). See Chapter 1 for detailed interpretations of these passages. Suffice it to say here that the point of the second passage is a practical one: having two competing moral doctrines (dao), Xunzi believes, is destabilizing. And, the gist of the first passage is that "Dao is proper balancing."

37 Henry Rosemont warns against making too much of this passage. He writes, "[It] is the only one of its kind, and is flatly incompatible with those other of Xunzi's writings in which the
Music is unalterable harmonies. The rites are unexchangeable patterns.38 (Van Norden 2000, p. 120; Cf. Ivanhoe, 1991, p. 318 n; W 117).

Depending on how they are translated and interpreted, these passages do not necessarily imply a belief in a fixed set of specific and uniquely optimal rituals. Let's consider them beginning with a fairly standard reading of the second passage: "Music is composed of harmonies which cannot be changed, the rites are composed of patterns which cannot be changed."39

One must keep in mind that i is a broad category which includes detailed ceremonial procedures. As Patricia Ebrey observes, "In many contexts writers use i to refer to the rules for such details as the placement of objects during ceremonies, with no suggestion that they invested these details with great moral significance. This side of the polarity could also be expressed in the Chinese term yi, 'form, etiquette, ceremony' " (Ebrey, p. 31). It is this aspect of i which seems to be at issue here.

sage-kings are praised for having produced the i. . . . Indeed, a good case could be made for maintaining that it was partially because they were man-made that Xunzi held the i in such high esteem" (Rosemont 1971, p. 212 emphasis in original). Rosemont cites Derk Bodde, who writes: "The mystical tone of this passage, however, accords poorly with Xunzi's usual humanistic outlook. Indeed, at the very beginning of the same chapter in which it appears (Dubs, p. 213), Xunzi gives an entirely rationalistic explanation of the origin of the i, saying that they were originally instituted by the early kings in order to put an end to human disorder. On the other hand, the passage is reminiscent of certain metaphysical interpretations of the i found in such Confucian compilations as the Li Ji, or Book of Rights [Bodde cites Fung, pp. 343-44]. As a matter of fact, it happens to be one of several passages in the Xunzi which also appear almost verbatim either in the Li Ji or the closely analogous Da Dai Li Ji. The thesis has already been advanced, on grounds other than those given here, that all or most of such passages do not actually come from Xunzi's hand at all but have been incorporated at a later time into the work now bearing his name from these ritualistic texts, rather than the other way round as traditionally assumed" (Bodde, p. 78). These considerations notwithstanding, I will treat the passage as genuine.

38 Translating this phrase differently, A. S. Cua comments: "We are told, for example that 'i is what reason cannot alter.' But to lay stress on this point without regard to other remarks on personal cultivation and the moral basis of social distinctions is to do a great injustice to Xunzi's ethics" (Cua 1979, p. 378).

39且樂也者。和之不可變者也。禮也者。理之不可易者也。 (77/20/33; K: 20.3; W 117).
At this point, Confucius' position on changes to ceremonial practice may be helpful to consider. On the one hand, if a ritual called for a gu drinking vessel, then using some other vessel would not do (Analects, 6.25). Once a rite is fashioned, a person performing the rite is not at liberty to casually alter it. Just as a particular tune fails to be that tune if you change the notes, a ritual ceremony fails to be that ceremony if you change the patterns. However, Confucius did allow for ceremonial rites to evolve and change. It always falls on the exemplary person to validate alterations. Recall Confucius' remark: "A hemp cap is called for by li, but nowadays a silk one is worn as a matter of frugality. On this matter I follow the common practice. To bow before ascending is called for by li, but nowadays people bow after ascending. This is arrogant. Although diverging from the common practice, I bow before ascending." Confucius, by (in one case) following the change in custom, validates it because it has a rationale. Confucius' actions also illustrate the point that "ritual activities, in their doing, generate distinctions between what is or is not acceptable ritual" (Bell, p. 80, emphasis mine).\(^{41}\)

Analects 2.23 also implies a view of li as evolving. There Confucius says: "The Yin dynasty was based on the ritual patterns (li) of the Xia, what was added and subtracted can be known. The Zhou dynasty is based on the ritual patterns of the Yin, what was added and subtracted can be known. If

\(^{40}\)麻冕, 據也；今也純, 應, 吾従眾。拜下, 禮也；今拜乎上, 恭也。韓庖, 吾従下。 (Analects 9.3). (The character zhong has been replaced by its variant 素.)

\(^{41}\)"[O]rdinary actors find themselves in a world of practical actions having the property that whatever they do will be intelligible and accountable as a sustaining of, or a development or violation, etc. of, some order of activity. This order of activity is, as Garfinkel puts it, 'incarnate' in the specific, concrete, contexted and sequential details of actors' actions. . . . It is through these same properties that the actors' actions, to adapt Merleau-Ponty's phrase, are condemned to be meaningful" (Heritage, p. 110, emphasis in original). It is in this sense that li is continuously negotiated through action, though not everybody's actions have equal weight.
there is a dynasty which inherits Zhou culture, although a hundred ages may pass, it can be known.”

I expect Xunzi’s position is not different from that of Confucius in this regard. As we already noted, Xunzi’s common pairing of li with yi (appropriateness) suggests that he took the exercise of ritual propriety as inseparable from the use of a sophisticated sense of what is appropriate for the circumstances. Further, that Xunzi’s believed in a living tradition is evident from his statement that, “If true kings were to arise, they would certainly revitalize old names and create (zuo) new ones.” The Japanese scholars Abe Yoshio and Murase Hiroya agree that for Xunzi li can legitimately evolve. Abe writes, “At any rate, since the authority of these later kings is something that one should recognize as a projection of the former kings, one can acknowledge that for Xunzi the new li established by the later kings have the same dignity as the li of the former kings.”

And, Murase reasons, “Based on the accumulation of thought and experience, and having considered the actual situation, sages established norms of ritual propriety (liyi). Assuming this, if norms of ritual propriety, which were established in this way, lose their compatibility with the actual situation due to a change of circumstances, then they may always be modified by the same procedure, and one would expect no objection.”

As for li outside the scope of formal ritual, Xunzi goes as far as to assert that norms governing the most basic relations should be continually refined:

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42 舊國於夏禮，所損益，可知也；周國於殷禮，所損益，可知也。其成德周者，雖百世，可知也。 *Analects*, 2.23; Cf. Ames and Rosemont, p. 81.

43 若有王者起，必將有循於舊名。有作於新名。 (83/22/11-12; K: 22.2a; W 141).

44 いずれにせよ、荀子はこの後王の権威は先王の投影として承認すべきだというのか、後王によって制定される新礼は、先王の礼と同等の尊厳を有するものと認められる。 (Abe, p. 61).

45 聖人は、思案と経験の蓄積をもとに、現実を考慮して礼義の規範を制定したのである。とすれば、かつて制定された礼義の規範も、もし状況の変化によって実情への適合性を失うならば、同じ手続きによっていつでも変更されて差しつかえないはずである。 (Murase, p. 62).
“Distinctions which serve no purpose, and observations on matters which are not pressing, should be discarded and not mastered (zhǐ). But as for the appropriate relation between ruler and ministers, the close relations between father and son, and the respective roles of husband and wife, cut and polish them every day and do not give up.” The character zhǐ has the meaning here of “to study” or “research extensively,” thus “master.” But we should also keep in mind a common meaning which covers the senses of: to order, to arrange, to manage, to govern. Useless distinctions, in contrast to important ones, need not be attended to in the sense of extensively studied, and also in the sense of being judiciously organized and continuously fine tuned. That is, important distinctions, especially the roles, attitudes and rituals that relate to the most important and paradigmatic relationships must be continuously evaluated, re-evaluated, shaped, brought into order, and maintained. As Roger Ames and Henry Rosemont contend, “Full participation in a ritually-constituted community requires the personalization of prevailing customs, institutions, and values. What makes ritual profoundly different from law or rule is this process of making the tradition one’s own” (Ames and Rosemont, p. 51). Confucians well recognize that: “Ritualization will not work as social control if it is perceived as not amenable to some degree of individual appropriation” (Bell, p. 222).

Finally, consider A. C. Graham’s translation of the passage in question: “Moreover ‘music’ is the unalterable in harmonising, ‘ceremony’ is the irreplaceable in patterning. Music joins the similar, ceremony separates the

46 無用之言，不急之察。棄而不治。若君臣之義。父子之親。夫婦之別。則日切磋而不同也。（64/17/37-38; K: 17.7; W 85).

47 Cf. Confucius’ comment in Analects, 2.3: “Lead them with legalistic government, keep them in order with punishments, and the common people will avoid trouble but have no sense of shame. Lead them with de (charismatic virtue), keep them in order with li (ritual propriety), and they will develop a sense of shame and furthermore will reform themselves.” 子曰：「道之以政，齊之以刑，民免而無恥；道之以德，齊之以禮，有恥且格。」 The notion of reforming oneself implies personal appropriation.
different” (Graham, p. 261). Here both music and ceremony are active, they are establishing standards, rather than conforming to them. Though unconventional, one must admit that Graham’s reading does a better job than the standard reading could in revealing a link with the second sentence—harmonizing is joining together, while patterning is making distinctions.

Now, turning to the other passage, I offer a slightly extended version:

The earth and sky accord with each other according to li. The sun and moon, by li, shine [in alteration], just as the four seasons proceed in order, and the stars traverse the sky. The rivers and streams flow according to patterns of li, and the myriad things flourish. Likes and dislikes are moderated by li, and pleasure and anger thereby suit the circumstances. Through li subordinates become deferential and superiors become insightful. Though the myriad things transform they do not bring disorder. Not to concentrate on li would be a cause for sorrow. Has not ritual propriety reached great heights (zhi)? Establishing and exalting it and making it the ridgepole, nothing in the world can add to or subtract from this.

The character zhi 至, meaning “to arrive” on the one hand, and “the utmost” on the other, may be thought of in the combined sense of “to have reached a pinnacle.” Burton Watson chose to translate it as “peak of perfection” which seems to imply there was singular ultimate end. But it is an open question, relative to this passage, whether other great heights are possible.

Note that John Knoblock’s translation of the last part of the passage is superficially similar to the one offered above, but there is a significant difference. His version reads, “Establishing them and exalting them, make of them the ridgepole, and nothing in the world can add to or subtract from them.” On this reading the content of the rites cannot be changed, whereas on

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48 天地以合。日月以明。四時以序。星辰以行。江河以流。萬物以昌。好惡以節。喜怒以時。以為下則順。以為上則明。萬物變而不亂。載之則後也。禮至不至矣哉。立隆以為極。而天下莫之能損益也。(71/19/26-29: K: 19.2c; W 94).
the proposed reading the point is simply that there is nothing better or more important than making ritual principles the centerpiece of one's ethical development. The text just says "nothing [or 'no one'] can add or subtract." So either interpretation seems possible. A more free translation could read: "Nothing in the world is better than establishing and exalting ritual propriety, making it the ridgepole."

As for the sun and the moon, the elegance and orderliness of the movements of the heavenly objects are a fitting metaphor for the aesthetic component of *li*, as in the following passage: "In the heavens there is nothing so bright as the sun and the moon. . . . Among people there is nothing so bright as ritual and propriety. If the sun and the moon were not high, their light would not shine with fiery awesomeness. . . . If ritual and propriety are not applied in a state, its achievements and due fame will not be clearly apparent."49 While Xunzi's veneration of *li* can have an cosmic tone, he recognizes the object of his esteem as intelligently constructed "artifice," that is, the product of conscious activity (*wei*).50 And though he regards the development of ritual propriety as an unparalleled cultural achievement, in both beauty and significance, culture is at the same time a work of art always in progress. As Abe Yoshio observes, "This theory of *li* being made by the sages does not amount to an explanation of the ultimate origin of *li*, but we can recognize the sages as formulators of *li* that have been formulated along with the times" (Abe, p. 61).51

49 In 天者莫明於日月。. . . 在人者莫明於禮義。故日月不高。則光燭不赫。. . . 礼義不加於國家。则功名不白。64/17/40-42; K: 17.9; W 86).

50 See Cua 1979 for a discussion of the "moral dimension," "aesthetic dimension," and "religious dimension" of *li*.

51 この場合の聖人制礼の論は、礼のそもそもその起源を説明することにはならないが、時代ともに制定されて行く礼の制定者として、聖人を認めることが可能なわけである。
There are other passages which could be cited in support of more rigid views of *li* like those held by Ivanhoe, Van Norden, Kline, Goldin and others. One passage in particular stands out as requiring comment: “What is the three year mourning period? I say: It is balancing the emotions and establishing refined patterns (*wen*). By doing so it adorns society and provides a venue for distinguishing the intimate and the distant, as well as the eminent and the humble. It can neither be increased nor decreased. Thus it is said that it is a method which ought not be changed without a suitable (*shi*) [alternative].”

This translation differs from existing ones. Knoblock, for example, follows Yang Liang in reading *shi* (suitable, appropriate) as *di* (match, equal). Based on this alteration of the text, he translates the last line as “they are methods that are matchless and unchanging.” On the one hand, this change may seem allowable since it appears to result in not much more than an echo of the previous sentence which says, or seems to say, that the term of mourning can neither be increased nor decreased. But, despite the implications of taking that sentence literally, I’m not sure that the concluding line doesn’t really amount to something closer to: “How great indeed is this method.” After all, the reasons given, while providing a reasonable defense of the process, do not justify the claim that twenty five months is always an exactly perfect time period. Of course, his argument was never intended to be a deductive proof, but rather a largely rhetorical defense. However, if the argument is considered in such a light, why not the conclusion as well? The conclusion is, really, “follow the ritual!” Absolutist inferences to Xunzi’s worldview here would probably not be justified. And, although the role of *shi*
in this passage is not entirely clear, we always do well to give privilege to an unamended text.

It should be noted, also, that Xunzi considers it particularly important to take care with the rites associated with mourning. He writes, “Ritual propriety is being cautious in the management of life and death.”54 Or, as Burton Watson renders the same passage, “Rites are strictest in their ordering of birth and death” (W 96). Much of his chapter on li focuses on the rites of mourning. And it would be fair to say that, for Xunzi, with matters regarding the transition from life to death, one must be particularly circumspect. Thus, an observer of the rites is not at liberty to make an exception of himself in the manner of his observance most especially in the case of mourning. But as for whether the ritual itself may evolve as a result of further considerations and changing circumstances, when we consider Xunzi’s characterization of the purpose of mourning rites, we find nothing to exclude this possibility. For example, Xunzi writes, “The funeral rites are for nothing other than this: To illuminate what is appropriate in both death and life. And, sending off the dead with grief and reverence, finally to bury them.”55 That is, funeral rites are artifice developed to facilitate the handling of an emotional circumstance in a way which gives form to appropriate displays of emotions and to enable people to come to terms with what has occurred. It is edifying for the ritual participants and observers alike.

Reflecting on statements regarding mourning rites, such as “the sacrificial rites originate in the emotions of remembrance and longing,”56 David Nivison concludes that li, for Xunzi, has a universal scope. He writes:

54 禮者謹於治死者也。 (72/19/42-43; K: 19.4a; W 96). Cf. “Ritual propriety is being cautious with respect to the auspicious and inauspicious, so that they don’t obstruct each other” 禮者謹於言凶。不相虞者也。 (72/19/54; K: 19.4c; W 98).
55 故喪禮者無它焉。明死生之義。遂以哀喪而終周藏也。 (74/19/89-90; K: 19.7b; W 105).
"[Xunzi's view] was a view large enough for him to see human customs, 'rites', norms, as both products of human invention, and so 'conventional', and yet as 'universal'. They had to happen, come to be, in more or less the form they have, sooner or later; and the fact that we see they are man-made does not insulate them from our commitment to them: their 'artificiality' thus in no way renders them not really obligatory and normative" (Nivison 2000, p. 185). However, though the rites may be said to "originate" in natural emotional responses, specific ritual form is not dictated by them on Xunzi's account. Essentially, our emotions are the "origin" of the rites in the sense of being what the rites have to deal with. Rather than a fixed set of universally applicable rituals, li are products of the always-ongoing practice of conscious activity. Xunzi states plainly, "Ritual and propriety are produced by the conscious activity (wei) of sages. They are not products of people's original nature." Rituals are fashioned in response to our nature, but may be tailored to circumstances. Further, there is no reason to assume that on Xunzi's view only one design could be fitting.

Interpreting wei, Jonathan W. Schofer writes, "Conscious activity as a part of learning includes studying texts, practicing ritual, being conscious of good and bad qualities in oneself and others, following the instructions of a teacher, associating with good and learned people, and concentrating on

57 諸禮義者。是生於聖人之偽。非故生於人之性也。 (87/23/22-23; K: 23.2a; W 160).

58 Characterizing Xunzi's view of morality, Takeuchi Yoshio states: "Morality is not based on our natural constitution, it is something artificial which rectifies and ornaments our nature, that is, it is wei (artifice)."道徳は天性に本づく行でなく、性を揚揚する人為のもの即ち偽である。 (Takeuchi, p. 105). Robert Campany has a more balanced view: "[O]n the one hand, ritual belongs to the realm of wei or conscious activity and not that of xing or innate nature, but on the other hand, to the extent that ritual is patterned on the structure of, and can have real effects on, the course of nature itself, it takes on a 'natural' dimension (no longer a mere human artifice) which lends it greater power in the eyes of Daoist opponents" (Campany, p. 223 n38). It is fair to say that li is in some sense patterned on nature. Indeed, Wei itself is not mere human artifice. All forms of constructive artifice must be responsive to conditions, including natural ones.
attaining the qualities exhibited by a Confucian sage" (Schofer, p. 70). On this view, which I endorse, conscious activity is necessarily situated. That is, it is tied to tradition, draws inspiration from social and educational affiliations, and culminates in insights had in relation one’s study and moral experience. Quoting Schofer again, “Xunzi states explicitly that rituals, the principles embodied in ritual, and the process of conscious activity are not ‘natural,’ that is, they are not part of people’s innate or spontaneous nature. The ancient sages created rituals and their underlying principles as a potter molds pots out of clay” (Schofer, p. 72). Note that this metaphor does not well suit the theory that there is only one unique solution to our moral problems. Clay may be fashioned into various shapes and forms. Not all would be equally useful or elegant, but neither is there a single privileged uniquely optimal form. On the contrary, each pot is a singular aesthetic expression which may be evaluated as anything from crude to elegant.

Xunzi expresses the relation between nature and artifice such as li in the following passage: “Thus I say: Original nature (xing) is the root and beginning, the unadorned raw material. Wei (artifice/conscious activity) is the flourishing abundance of cultural patterns. If there was no original nature, then there would be nothing to which wei could add. If there was no wei, original nature would not be able to beautify itself.” Note that beauty is an aesthetic quality not suggestive of a singular privileged instantiation.

Xunzi sees our original nature as problematic, and the rites were part of a solution which evolved through the cumulative efforts of exemplary individuals’ intellectual and moral efforts. Nivison himself quotes the passage: “Heaven and earth are the beginning of life, rites and norms are the

59 The potter metaphor, along with similar ones, occurs twice in almost identical form in Chapter 23, xing e, 87/23/23-25, 89/23/51-53; K: 23.2a, 23.4a; W 160, 164.

60 故曰。性者本無善惡也。祿者文理隆盛也。無性則圖之無所加。無祿則性不能自美。
(73/19/75-76; K: 19.6; W 102; Goldin, p. 77; Graham, p. 251).
beginning of order, and the gentleman is the beginning of rites and norms” (Nivison 2000, p. 184; W 110-11). Norms and rites, though designed to be “fitting” given our nature, are products of the ongoing interpretation of the exemplars of a tradition. The extended passage reads as follows: “Nature (tian 天) and the earth are the beginning of life. Ritual and propriety (liyi 礼义) are the beginning of good government (zhi 治). The exemplary person (junzi 君子) is the beginning of ritual and propriety. Acting on them, stringing them together, increasingly emphasizing them, and bringing about a fondness for them, is the beginning of the exemplary person. Thus, nature and the earth produce the exemplary person, and the exemplary person applies patterns (li 理) to earth and nature... If there were no exemplary people, nature and the earth would not be patterned.”

There is a virtuous cycle which connects the rise of ritual propriety and self-cultivation. Through following li and modeling one’s teacher, one develops not only a habit of, but a fondness for, acting in accordance with li, that is, one develops the virtue of ritual propriety. For Xunzi, people who develop this virtue sufficiently also acquire a kind of practical wisdom, or sense of appropriateness yi, which allows them to skillfully apply li in novel circumstances. While the novice is expected to simply follow a model, the exemplary person’s example sets the standard to be followed. The evolution of li is a natural consequence of the personal appropriation and interpretation of exemplary people over a period of time.

Interpretation, however, takes place within the context of understood norms. These norms have a basis both in their reasonableness, and their conventionality. Xunzi characterizes the three year mourning period as a compromise, a middle course sufficient to serve its purpose. At the same time, it was a way of setting a fixed time when even the most dutiful should say...
“enough is enough,” and return to a normal life. “The former kings and sages settled the matter by establishing a middle course, fashioning a fixed term. Once it adequately achieves ornamentation and reasonableness, mourning should finally come to an end.”62 Just as in Xunzi’s doctrine of zhengming (attunement of names) it is “inappropriate” to use names differently from their established meanings, the mourning period was not to be “increased nor decreased” because it had been “set” as a reasonable convention. Its rationale is explained as follows: “At the point when a change in emotion shows in one’s countenance sufficient thereby to differentiate the auspicious from the inauspicious, and to clarify the distinction between the eminent and the humble, and the nearness or distance of relation, then the period of mourning should come to an end.”63 But this rationale does not dictate a specific time period, so there is a degree of convention necessarily involved. Thus other peoples may be thought to be able to reasonably set different norms.

In fact, Xunzi explicitly discusses and approves of differences in ritual implements and protocol. When the extent of the success of kings Tang and Wu was called into question by those who argued that those kings were unable to extend their influence to the regions of Chu and Yue (where rituals were practiced differently), Xunzi defended Tang and Wu by advancing the view that the details of ritual, rather than being universal, should be fitted to one’s circumstances. He writes:

Why would they necessarily be uniform? The people of Lu use cups, the people of Wey use vats, and the people of Qi use containers made

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62 先王聖人安為之立中制節。一使足以成文理。則舍之矣。 (75/19/103; K: 19.9c; W 107; H 271). In lines directly preceding this passage, Xunzi rhetorically asks whether we should follow depraved people who forget their parents immediately, or whether we should follow those who are so cultivated that they would go on mourning without limit (Xunzi may be being sarcastically critical of the practices of some Ruist schools, as is suggested by Knoblock).

63 故情義之盡足以別吉凶。貴賤親疏之節。期止矣。 (73/19/67-68; K: 19.5b; W 101; H 269).
of hide. When the soils, land, and inherent qualities of the topography are not the same, it is impossible that their vessels and implements should not be differently prepared and ornamented. Accordingly, the various states of Xia have similar obligations for service to the king and similar standards of conduct. The countries of the Man, Yi, Rong, and Di barbarians perform similar obligatory services to the king, but the regulations governing them are not the same.  

Also, Xunzi twice uses the image of fording a river to describe the relation between rituals and the way. He likens rituals to markers which enable people to manage their way across the river while avoiding the deep spots. By focusing on this metaphor, we can understand how Xunzi can have both a traditionalist attitude, and a worldview which allows for the possibility of pluralism. While he advocates a return to following the way marked by the successes of the sage kings, his image does not suggest that there are no other ways, or that the way outlined will remain absolutely constant. In fact, he characterizes rituals as markers which help people avoid pitfalls, not as a singular course.

The rites of mourning are not justified by virtue of some privileged relationship to our emotions (and thus by extension to the universe).  

Rather, they are justified by their consequences, how effectively they help us

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64 《禮記·檀弓》: “故魯人以殤。衛人以宋。齊人以姜。土地刑制不同者。城用備禦不可不異也。故諸夏之國同服同儀。蠻夷戎狄之國同服不同制”。 (67/18/47-49; K: 18.4; Translation adapted from Knoblock).

65 “Those who ford rivers indicate the deep spots, allowing others to avoid falling in. Those who bring order to the common people indicate the sources of disorder, enabling others not to fall into error. Rituals are the markers. The former kings used rituals to indicate the sources of the world’s disorder. To abandon ritual now is to remove the markers. Thus, the common people are confused and mislead, and fall into misfortune and disaster. That is why punishments are so numerous” (Yijing, Nivison writes, “[T]he explanation for ‘rites and norms’ must be the basic structure of the universe.” He quotes this passage to suggest that the view he attributes to Xunzi is a way of thinking “obvious to 4th and 3rd century China” (Nivison 2000, p. 185). See also section 4.7 below.

66 Interpreting a passage from the Yijing, Nivison writes, “[T]he explanation for ‘rites and norms’ must be the basic structure of the universe.” He quotes this passage to suggest that the view he attributes to Xunzi is a way of thinking “obvious to 4th and 3rd century China” (Nivison 2000, p. 185). See also section 4.7 below.
deal with our situation and our emotions regarding it. Their specific forms are the result of a contingent historical process. While they are intended to be advantageous, they are not deduced. And though they may be judged “appropriate” or “inappropriate” for a time and place, they need not be considered inevitable or universal.

4.5 A REASONABLE TRADITIONALISM

Xunzi valued stability and harmony, and he believed uniting the people around a single moral order was the only practical way to achieve this. His worldview, however, included no absolute standard with which he could ground a unifying moral discourse. All he really needed was an acceptable standard, not an absolute one. He needed it to be stable, but not immutable. He needed it to be unifying, but not universal. Tradition provided an acceptable unifying standard. But the standard also had to be a good one. Selective traditionalism isolates successful periods, and the common elements of those might be thought to continue to provide success. But Xunzi went further and attempted to show why they were effective. He explained the reasonableness of traditional ritual practices; he articulated their rationales (li, patterns).

Describing the intellectual climate of the time, Patricia Buckley Ebrey writes: “li were man-made and therefore alterable. From the time of Xunzi at least, scholars were aware that rituals were not god-given but had been created by human beings; they also realized that rituals carried meanings and wanted them to carry ethically desirable meanings. This intellectual framework provided possibilities for invention” (Ebrey, p. 221).

At the same time, Ebrey writes,

Xunzi was a rationalizer, but he was not a reformer: all of the existing practices should be continued because they could all be explained in
rational ways once one understood that they were based on human nature and the patterns of heaven and earth. Xunzi's concern to prove the rationality of each step of the rituals suggests that he saw his secular attitude as a potential threat to the objective, external authority of the rites. He did not want people to infer that because the rites were social creations they could be easily curtailed or ignored. He wanted established traditions preserved as much as the punctilious ritualists did. (Ebrey, p. 28-29)

Overall, Ebrey's characterization is balanced and reasonable, but it overstates the case to say that Xunzi rationalized each step. In our discussion of the three year mourning period we saw that Xunzi's reasoning provided a rationalization for having norms for mourning, and not just any norms, but ones that were carefully conceived. But the justifications fell short of showing that only those precise norms would do the job. A. S. Cua observes, "[Xunzi's] principal preoccupation pertains to the rational justification of li rather than specific rules of proper conduct" (Cua 1979, p. 391 n4). Nevertheless, the thrust of Ebrey's characterization seems right. There is a conservativism in Xunzi that cannot be denied. Still, it is a conservativism more consistent with a constructivist worldview than a rationalist one.

Chen Jingpan's characterization of Xunzi's rationalizations expresses it well: "Xunzi tried to give new rationalistic interpretations of the traditional beliefs in God, Heaven, Earth, spirits, and the religious ceremonies. He gave new and different meanings to them, while still retaining the use of those terms and practices. He justified their existence not because of their objective realities or truths, but because of their subjective usefulness or expediency" (Chen, p. 372).

In another formulation, Ebrey provides a sensible account of Xunzi's conservativism without having to attribute to him an overly rigid system of rituals based on an implausible worldview. She writes:

The fundamental features of the rites were tied to enduring moral truths unaffected by social change. For people of all social stations to
participate in the same overall structure was a way to integrate them into a common moral system, leading to social and political harmony. Change was inevitable, but slowing it down was better than speeding it up. ... Efforts to adapt rites so that they could match current social arrangements or sentiments were justified by a desire to preserve the true core of the rites by whatever expedient would work, not by any notion that rites ought to change. (Ebrey, p. 218)

Ebrey's characterization of rites as being tied to "enduring moral truths" seems apt. Xunzi writes: "If something did not change throughout the period of the hundred kings, this is enough to consider it a connecting thread of the way. One should respond to the ups and downs of history with this thread. If one applies constructive patterns to this thread there will not be disorder. But if one does not understand it, one will not know how to respond to changing circumstances."67 Throughout changing conditions, people's (undeveloped) problematic set of desires and emotions remain more or less the same. The aspects of li which effectively foster harmony throughout changing circumstances may be considered the "true core" of the rites. But the image of correspondence with a single rational universal structure is inappropriate, as is the language of absolutism, realism, and objectivism.

4.6 RITUAL PROPRIETY AS AN INTRINSIC VALUE

Turning to a point of general agreement, consider P. J. Ivanhoe's remark on the process by which the rites move from being regarded as something with merely instrumental value to something seen as having great intrinsic value:

Confucian rites... redirect, regulate, and refine the desires, embellish the search for satisfaction, and ultimately enhance the satisfaction we

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67 百王之無變。足以為道貫。一廢一起。應之以貫。理貫不亂。不知貫。不知應變。(64/17/46-47; K: 17.11; W 87).
experience. Because the rites prevent disorder, lead to the satisfaction of our desires, and extend and enhance our satisfaction, they have great *instrumental* value. But Xunzi claims that as one cultivates a deeper understanding of the rites, one begins to see them as *intrinsically* valuable practices worthy of profound respect and complete devotion. At the highest stage of moral awareness [that of a sage] the collective rites, the Confucian Way, become an end unto themselves. (Ivanhoe 1991, p. 310)

In a similar vein Jonathan W. Schofer writes, “An important part of learning is that people come to value the process, the objects of their study, and the forms they practice as inherently good” (Schofer, p. 71). Xunzi seems to be aware of dynamics such as the movement from extrinsic to intrinsic motivations. “Li is nurturing. The exemplary person, having received his nourishment [from *li*], also cherishes its distinctions.”68 But, being aware of it as *a dynamic*, enables one to conceptually step out of it and observe that this dynamic, of coming to see certain forms as “inherently good,” could have occurred differently. The forms have some objective validity in being responsive to our nature, as well as maintaining a sufficient level of both coherence and comprehensiveness, while always being tied to an ever progressing tradition. And, one who follows *li* learns to love them, comes to take them as intrinsically valuable, and in this process develops a compelling character (*de* 德). This is enough to justify them. They do not require any deeper or more fundamental grounding.

When Xunzi is speaking as one who has gone through this transformational process himself, he speaks of the rites as the true believer he is. But he is also capable of stepping back, and taking a more removed stance. He is not being contradictory, he is just speaking from two perspectives which are both available to him. Here I am in agreement with Lee Yearley, who writes, “Astute Confucians who follow Xunzi must always be aware that both

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68 故禮者養也。君子既得其養，又好其別。 (70/19/5-6; K: 19.1b-c; W 89).
the affirmation of their way of life and their ease in it arise from their choice
to become what they now are. They conditioned themselves both to be the
sort of people they now are and to feel the surety they now do” (Yearley, p.
479). Their confidence in and commitment to the dao which they practice and
advocate does not require a philosophical stance which regards the status of
rituals as fixed and singular. Yearley sums this up well:

Xunzi cannot argue that people should become Confucians on the
grounds that Confucianism represents the one eternally true way, the
only way that reflects what people really are and what the universe
really is. Nevertheless, his most basic reason for asking people to
become Confucians remains intact: if you become a Confucian you will
become—or stand a good chance of becoming—an admirable person.
Xunzi’s main argument for choosing to become a Confucian rests on
the existence of Confucians who live the kind of life that others would
like to live. Unlike the choice to become, say, a Christian, no belief
element is involved here, no sense that you must believe the universe
is set up in a certain way. (Yearley, p. 479)

4.7 CONFORMITY AND THE ROLE OF RITUAL IN FORMING VALUES

Some interpreters of Xunzi disagree with Yearley’s assessment. They
believe that in Xunzi’s philosophy the Confucian rituals have a privileged
status precisely because the universe is set up in a certain way, that is, rituals
embody a true moral order somehow embedded in the deep structure of
reality. Consider for example the following remarks by P. J. Ivanhoe, Robert
Eno, Benjamin Schwartz, and Donald Munro: “Only the Confucian Way can
insure that the needs of all are met, because it alone accords with the inherent
structure of the universe itself” (Ivanhoe 1991, p. 311). “This analogous
structure between natural and ethical worlds allows the Xunzi to make an
implicit but clear claim to the effect that ritual li embody intrinsic principles
of ethical existence fundamentally equivalent to principles of natural
existence, or ‘li’ [pattern]. Ritual li are, in essence, the extension of natural
principles into the human sphere” (Eno, p. 152). “The ‘objective’ order of society embodied in li [ritual propriety] and law is also on some level embedded in the order of Heaven and that in fashioning the human order the sages do not freely invent but actually make manifest a universal pattern somehow already rooted in the ultimate nature of things” (Schwartz, p. 316). “[F]or Xunzi, man’s task is to establish the social distinctions that have their counterparts in the natural hierarchical order” (Munro, p. 39).

Li are often interpreted as the embodiment of the way. Indeed, this is in one sense accurate: they give concrete form to the vague ideal of a system which produces and sustains social harmony. But primarily, in the Confucian context, while they may be said to “give form,” rituals neither correspond nor conform. They do something; they perform. That is, for example, a bow may be a show of deference (whether to someone present or to a distant ancestor), but as such it is adding content to the situation, not representing or conforming to something outside of it. It is presenting oneself as exemplary. Ritual actions may gesture at a vision of an ideal, but they don’t reflect a determinate moral way implicit in nature of the world—nor in “reason,” the order of some other transcendent world, or any other absolute ground for that matter. The idea that rituals might correspond to the true nature of the world is outside the scope of concern for the early Confucians. A ritual’s meaning, for Confucians, is in its pragmatic effects.

Ritual’s power to produce these effects, at least in part, comes from its suggestiveness. And rituals become more suggestive as they become further removed from the normal course of things. Jonathan Z. Smith observes, “Ritual is a means of performing the way things ought to be in conscious tension to the way things are. Ritual relies for its power on the fact that it is concerned with quite ordinary activities placed within an extraordinary setting, that what it describes and displays is, in principle, possible for every
occurrence of these acts. But it also relies for its power on the perceived fact that, in actuality, such possibilities cannot be realized” (Smith, p. 109).

Thinking about it in this way, Confucius was described fittingly as “the one who knows it is impossible, but acts it out anyway.”

Ebrey voices a similar theme, “Rituals need not reflect actual social circumstances: they can function most powerfully when they create images of a ‘true’ order at considerable odds from the actual social order” (Ebrey, p. 219).

It is not entirely clear what Ebrey means here by a “true” order, but given her account of Confucianism generally it is unlikely she means “the true” singular ideal order in anything like the Platonic sense, but rather an ideal. That is, when rituals are incongruent with the existing social situation, they may gesture powerfully at a possible better way. Again quoting Smith, “From such a perspective, ritual is not best understood as congruent with something else—a magical imitation of desired ends, a translation of emotions, a symbolic acting out of ideas, a dramatization of a text, or the like. Ritual gains force where incongruency is perceived and thought about” (Smith, pp. 109-110).

Just as the attunement of names (zhengming) is an assertion of a ethical distinctions in language, ritual provides modes of moral motivation through the assertion of value distinctions within participatory settings.

“Acting ritually is first and foremost a matter of nuanced contrasts and the evocation of strategic, value-laden distinctions” (Bell, p. 90). “Ritual is, above all, an assertion of difference” (Smith:109, emphasis mine). Both in attuning names, and in interpreting ritual through practice, ideals are postulated. To the degree that rituals and moral language represent, they represent a vision, not a reality that is already present—neither in this world nor in some other.

69 Commenting on this statement, Sam Gill notes, “The impossibility of achieving perfection ‘in actuality’ is precisely why ritual must be understood as a genre of play” (Gill, p. 298 n23).

70 是知其不可而為之者與？ (Analects, 14.38).
And, to the degree they conform, they conform to the needs of the social circumstances. Thus, “Those who apply their moral aptitude to harmonize with others are called ‘compliant.’”

“Compliance” in this sense cannot escape change, because one always needs to interpret the situation and make one’s compliance fitting. On the other hand, change requires conformity as a medium to take place. As Anthony Giddens noticed, “properties of society are fundamentally recursive” (Giddens, p. 171). Using language as an example, he explains:

When I utter a grammatical sentence, I draw upon various syntactical rules of the English language in order to do so. But the very drawing upon those rules helps reproduce them as structural properties of English as recursively involved with the linguistic practices of the community of English language speakers. The moment (not in a temporal sense) of the production of the speech act at the same time contributes to the reproduction of the structural qualities that generated it. It is very important to see that “reproduction” here does not imply homology: the potential for change is built into every moment of social reproduction (as a contingent phenomenon). (Giddens, pp. 171-172)

With the following suggestive comment, Cheng Chung-ying illuminates the implication this has for our understanding of Confucian conformity. He writes:

The notion of propriety (禮 li) is the notion of social norms and ethical rules which should always have applications to actual human relationships. Propriety was tested and found by the sage-kings to be conducive to peace, order, and the realization of human good. Therefore individuals should try to conform to li in their conduct. This

71 以善和人者謂之順。(4/2/11; K: 2.3; W 25; H 254).

72 Giddens concludes, “[T]here can be no theoretical defence for supposing that the personal encounters of day-to-day life can be conceptually separated from the long-term institutional development of society. The most trivial exchange of words implicates the speakers in the long-term history of the language via which those words are formed, and at the same time in the continuing reproduction of that language” (Giddens, p. 173).
conformity is not passive, but active. It is the beginning of active participation in a civic and social life from which individuals derive satisfaction, and through which they will achieve self-control. (Cheng, p. 6-7, emphasis added)

Cheng does not elaborate further on the meaning of active conformity. He could merely mean to take action to conform to just the way it is. But a more radical distinction may be made here. As we actively participate in civic society and social life, is ongoingly negotiated and interpreted. There is a mutual shaping that goes on between the specific content of and the people who perform it as they actively seek to maintain an appropriate conformity to evolving norms and negotiate their "way" through the flux of circumstance.
This chapter concludes part I, a Confucian constructivist interpretation of the philosophy of Xunzi. The topic of this chapter is moral development and its relation to the underlying worldview I have ascribed to Xunzi. The main purpose is to show how Xunzi's understanding of virtue and moral development dovetails with his positions, as I have characterized them, on other topics. Further, a society of legal institutions is incomplete without mechanisms to facilitate moral cultivation, for morally cultivated people are necessary to continually interpret and apply the various norms and standards of society in a constructive way. With this in mind, let us briefly retrace some of the major points we have discussed so far.

First, a constructivist assumes that the patterns and categories that inform his or her perceptions of the world are, in part, contingent products of an always-ongoing cultural tradition. As the work of history is never complete, cultural constructs must always be intelligently managed. And, a Confucian constructivist is, as a manager, also an artisan. In Xunzi's words, "The heart-mind is the craftsperson and steward of the way."  

In addition, names (ming 名), according to Xunzi, "have no intrinsic appropriateness." He takes the contingent nature of cultural artifice, such as

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1 82/22/40; K: 22.34; W 147.
2 See section 3.4 for my translation of the extended passage, and see section 3.2 for a discussion.
words and their associated meanings, as an urgent call to diligence. One form of this diligence, in Confucian language, is zhengming (正名), the attunement of names. The management of names and the categories, relations, and values they signal, is of fundamental importance for Xunzi, as it was for Confucius. In various ways Xunzi indicates that the wise and morally cultivated use their developed sense of appropriateness to articulate constructive patterns. Further, he says directly that, were sages to arise again, they would not only revitalize old names, but create new ones as well.³ Craftspeople such as potters and carpenters are offered as metaphors for sages, whose products, in addition to names, include liyi (禮義, ritual and propriety), as well as laws and standards.⁴

The sages over time and through trial and error developed an effective set of social institutions. These institutions, though regarded as great achievements worthy of reverence and study, are nonetheless ultimately social constructs designed to facilitate peace and social harmony, and as such are subject to alteration. Xunzi sees names and categories as well as patterns of ritual propriety as always evolving, as exemplars strive to achieve and maintain social harmony in the midst of changing circumstances.

In this chapter, I will describe Xunzi’s conception of the process of self-cultivation in a way that further reveals his thoroughgoing constructivist outlook. I will begin with a discussion of Xunzi’s negative evaluation of initial human dispositions, proceed to his theory of how we may acquire new dispositions through a process of continual accumulation of instructive and productive habit forming experiences (that is, learning experiences), and then consider the nature

³ "If true kings were to arise, they would certainly revitalize old names and create new ones." 若有王者起，必救有庸於舊名，有作於新名。 (83/22/11-12; K:22.2a; W 141).
⁴ K: 23.2a; W 160. Cf. K: 23.4a; W 164.
of the end result, an admirable character. Finally, as a segue to Part II, I will briefly suggest a social-political implication of this view.

5.1 ORIGINAL HUMAN NATURE AND CONSTRUCTIVE ACTIVITY

Xunzi is notorious for his slogan *xing e* (xing人), generally translated as "human nature is evil." The slogan, while it may indeed be Xunzi's own words, does not straightforwardly express his position, especially in its familiar English translation. "Original human nature is problematic," would be a more accurate description of his view. Focus on the slogan too often results in an unfairly pessimistic, "glass is half empty," caricature of a philosopher who was trying to

5 Reasons to suspect that the slogan may be an interpolation include its relative isolation. In the *Xunzi*, the phrase "Xing e" occurs only in the chapter that is named as such. For a short discussion whether *xing e* is an interpolation, and its place in Xunzi's philosophy, see Munro, pp. 77-78.

6 Both Watson and Knoblock translate the chapter title as: "Man's Nature is Evil." Similarly, Dubs renders it: "The Nature of Man is Evil." Hutton improves on this slightly: "Human Nature is Bad."

7 On Kodama Rokurou's interpretation, human nature is crude, or unadorned, and easily becomes bad, but is difficult to make good. He writes: "At the root of Xunzi's thought, when we think about the fact that he considered the basic character of humans to be plain and without affectation, the real substance of Xunzi's theory of human nature, rather than the common view of it as a 'human nature is evil theory' we consider it more appropriate to express it as 'human nature is plain or crude' (seibakusetsu 身朴説)." 荀子の思想の根深に、かれが人間の本性を素朴な飾り気のないものであると考えていたことを思えば、荀子の人間本性論の本質は、通説の「性朴説」にかえて、「性朴説」なる語で表現するのが最も適当であると考えるのである。(Kodama 1992, p. 19). And also, "The division between basic nature and learned nature expounded by Confucius, '[People] are close by nature, but distant by learning' (Analects 17.2), is nothing but the division between *xing* and *wei* in Xunzi. Consequently, on the basis of the structure of Xunzi's theory of human nature, we submit that the phrase 'Human nature is e, its goodness is wei,' quoted at the beginning of this chapter, should be interpreted as 'the basic nature of human beings becomes bad easily, nature which has become good is reformed nature'.” 孔子が「性相近也, 習相遠也」（論語・陽貨）と説く本性・習性の分はとりも直さず荀況のいう性朴之分である。ゆえに荀況のかかる人性論の構造に立って、本稿は性朴論冒頭の「人之性惡, 其善者偽也」の語を「人間の本性は悪になりやすい。性が善になったのは偽性である」と解釈すべきであると提起するものである。(Kodama 1973, p. 89). This last phrase also reinforces a point I make in section 5.2 below: *wei* is not only artifice (i.e. man-made) but also reformed nature, that is, a made-person.
help people learn how to improve themselves and lead more fulfilling lives. His prescription involved using our intelligence to create and maintain structures (wei 儀) that would enable desires to be largely satisfied, partly by reforming those desires.

While Xunzi characterizes xìng (性 original nature) as something we have by virtue of birth,8 he nevertheless holds that people's character can change and grow. In fact, his philosophy is designed to show how we can improve ourselves. As many scholars have pointed out, the substantial disagreement between Xunzi and Mencius regarding the goodness of human nature was not so great. According to Ōmuro Mikio, for example, "While [Xunzi] concludes that human nature is e [crude], he agrees with Mencius’ doctrine of the goodness of human nature at its root. At least, one piece of evidence is the optimistic ethical doctrine that if one accumulates virtue by means of ritual propriety, even the ordinary person on the street may be cultivated into a sage" (Ōmuro, p. 115).9 It is not that Xunzi had a fundamental disagreement with Mencius over whether people, when properly nurtured, can develop virtues. They both thought this. They both also would agree that an improper upbringing could result in pettiness, or worse. Xunzi’s point was that moral cultivation requires hard work, not merely following our natural dispositions. Our original desires and emotions, which Xunzi takes as the content of xìng, are such that if we follow these we will wind up creating a truly ugly situation for others and ourselves.10 For this reason,

8 Xunzi describes xìng as follows: “Xìng is something given by nature. It cannot be learned nor acquired through work.” 凡性者 天之就也 不可學不可事。 (87/23/11; K: 23.1c; W 158; H 285). He also writes: “What is so by virtue of birth is called xìng.” 之所以然者謂之性。 (83/22/2; K: 22.1b; W 139; H 278).

9 人間の性は悪だと断定しながら根底において孟子の性善説に一致する、すぐなくとも礼義によって積善すれば、路傍の凡人も聖人に教化できるという楽観的な道徳論もその一証である。

Ōmuro’s paper was written using some traditional style kanji. They have been converted to standard modern ones.

10 See the opening lines of “Xìng E,” “Human Nature is Crude.”
constructs such as norms of ritual propriety are needed. Xunzi writes: “People are born with desires. If these desires are not fulfilled, they are certain to be sought after. If this seeking has no limit or bounds, contention is inevitable. If there is contention there will be chaos, and chaos leads to ruin. (qiong 窮). The ancient kings detested this chaos. Thus, they fashioned (zhi 封) ritual and propriety (liyi 禮義), and thereby made divisions which nurtured and cultivated (yang 養) people’s desires, and provided for their satisfaction.” The project is to fashion a social system in which we may all find greater satisfaction.

Though he criticized Zhuangzi for only seeing part of the big picture, Xunzi fully understood and appreciated the significance of Zhuangzi’s fundamental insight into the conventional aspect of language and social norms. He also saw how this insight could be useful to Confucianism, rather than a repudiation of it. Since names, categories, and norms, are not absolutes, they can be shaped and reshaped as needed and appropriate.

Xunzi uses the character wei 儀 to refer to social devices devised to encourage and facilitate moral growth and social harmony. Itano Chōhachi comments: “The relation between xing and wei is the relation between the natural (tian-given) and the artificial (man-made), in other words, the relation between the natural and the human. Xunzi’s theory of crude human nature is based on the roles of xing and wei as well as the different roles of nature and humanity.” Just as people—through well ordered social arrangements—make the most out of the conditions that tiandi (nature) provides, it is incumbent upon people—through intelligently directed diligence—to make the most of themselves. Morality is what we do with what we are naturally provided.

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11 人生而有欲。欲而不得。則不能無求。求而無度量分界。則不能不爭。爭則亂。亂則窮。先王惡其亂也。故制禮義以分之。以養人之欲。給人之求。(70/19/1-2; K:19.1a; W 89).

12 性と偽との関係は、天与のものと人為的なものとの関係すなわち天人との関係であって、荀子の性悪説は性偽の分に、さらに天人の分に基づくものである。(Itano, p. 270).
Despite his assertion of different roles for nature and people (*tian ren zhi fen* 天人之分), 13 Xunzi never abandons the idea of continuity between the natural and the human (*tian ren he yi* 天人合一). 14

Consider an assertion made by Kakimura Takashi and Azuma Jūji: “Morality is man-made, and is included in what [Xunzi] calls ‘artifice’ (*wei*).” 15 *Wei* is conscious activity or the products thereof, thus “artifice” is a common translation. It can be conceived of as that which is constructed to serve the Confucian goal of social harmony. It is “constructive activity” 16 and the resulting “constructs.” In other words, *wei*, for Xunzi, is a web of mechanisms designed to curb harmful behavior and to encourage, facilitate, and guide the development of productive habits and beneficial desires. In all this, however, one must work with the materials on hand. That is, human nature cannot be ignored in the constructive process.

Among the most important types of *wei* is *li*, ritualized roles and responsibilities. Equally critical, and integral to his project, is the idea of *zhengming*. Names, and the categories to which they point, are socially defined artifice. Institutions, rites, terminology, and so on, ought to be designed to further the satisfaction of our desires by forming a structure wherein we can develop a set of virtues which will allow us to satisfy our (new) desires. These new “desires,” what one has learned to be fond of, resemble “values” more than they do our original desires.

13 See 62/11/5-7 K: 17.1-17.2a; W 79-80.

14 Kodama Rokurō also argues that Xunzi holds both *tian ren he yi* as well as *tian ren zhi fen* (see Kodama 1992, p. 78). But while Kodama and I seem to share an common understanding of *tian ren zhi fen*, his interpretation of *tian ren he yi* is quite different from the characterization I have given it.

15 道徳とは人為的なものので、いわゆる「偽」に属するのである。（Kakimura and Azuma, p. 423).

16 This reading of *wei* was first suggested to me by an anonymous reader of another paper.
Xunzi was an optimist. He believed that, starting with a selective\textsuperscript{17} revival of the successful ways of the past, it would be possible to once again construct a peaceful and flourishing society in which there is a virtuous cycle linking the constructs that facilitate moral growth and the people who manage these constructs. “Ritual propriety is that by which one's person (shen 身) is attuned (zheng 为). A teacher is the means by which ritual propriety is attuned.”\textsuperscript{18}

But how could one articulate such a constructivist philosophy given the Mencian conception of \textit{xing} and the notion \textit{xing shan} 性善 (human nature is good)? On the Mencian view, all that is needed to become virtuous is to nourish one’s “natural” tendencies. The critical functions of constructs (wei) such as ritual propriety and moral language would not be adequately appreciated if this view held sway. Further, Xunzi saw that a standard of efficacy, that is, of what works in practice, is needed for evaluating social norms, and such a standard would not seem so compelling if people thought that they could rely simply on their natural inclinations as a reliable guide for moral development, and that this would be enough to ensure a harmonious society.

In addition, while the Mencian view might leave one in doubt regarding the importance of the sages, their role is clear from a Xunzian perspective.

\textsuperscript{17} As evidence that this was selective, consider Xunzi's remark describing people who devote themselves to understanding the ways of the ancient kings: “Sagacious, they alone clearly perceive and elucidate wherein the former kings achieved it, and wherein they lost it. They know a state's conditions of peace and those of peril, its good and bad, as clearly as distinguishing white from black.” (66/12/40; K:12.5). Cf. Knoblock’s translation: “Fully understanding, only he elucidates how the Ancient Kings succeeded and wherein they failed. He would recognize the signs of danger and of security, of good and of bad, in the government of a state as easily as one distinguishes black from white.” This passage suggests that the ancient kings were fallible and that, in reconstructing the way, those who study the ancients well can separate what was effective from what was not, and build on those successful parts.

\textsuperscript{18} 律者所以正身也。師者所以正禮也。(5/2/37; K: 2.11; W 30).
Conscious activity, devising mechanisms which will work to facilitate moral development and produce a harmonious society, is what the sages involved themselves in—designing and instituting workable artifice.\(^{19}\)

All this, however, is not to say that xing shan, as Mencius defined those terms, is false. Whether it is true or false is never really the question.\(^{20}\) Rather, the problem Xunzi has with Mencius is that conceiving things in Mencian terms hinders the project of building a better society. Let's consider the most relevant passage. Xunzi writes:

Theories are valued for coherent distinctions and conforming to experience. Sitting, one discusses it. Rising,\(^{22}\) one is able to set it up. Extending it, one is able to carry it out and put it into practice. Now, Mencius says, “Human nature is good.” This is both incoherent and fails to conform to experience. Sitting, one may discuss it,\(^{22}\) but rising, one is unable to set it up, and extending it, one is unable to carry it out and put it into practice. How could it not be colossal mistake? If human nature is

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\(^{19}\)A. S. Cua observes, “Xunzi does explicitly state that the sages are responsible for the existence of li [propriety] through conscious or productive activity (wei)” (Cua 1985, p. 69).

\(^{20}\)As Donald Munro has written, “What were important to the Chinese philosophers, where questions of [ultimate] truth and falsity were not, were the behavioral implications of the statement or belief in question” (Munro, p. ix). I have added the word “ultimate” to Munro’s claim to distinguish this issue from the question of pragmatic truth—whether something can be effectively put into practice—which is a different matter, and an issue very important to Xunzi. I would also extend Munro’s claim to cover not only statements and beliefs but also words and their meanings.

\(^{21}\)Qi is likely doing double duty here. It clearly means “rise,” in opposition to the previous phrase involving merely sitting. But equally it means chuxian 出現, “arise” in the sense of “appear” or “emerge” as well as chansheng 產生 “produce; engender” or “emerge; come into being.” It also means jianzao 建造 “build; construct; make.” So, the meaning is that a theory should be constructed such that it is able to stand, that is, that it will work in practice. Also notice how the usage of characters employed here has evolved. In modern Mandarin, she 建 is used for jianshe 建設 “build, construct,” and for sheji 設計 “design, plan.” And, shi 執 “execute, carry out” is used for shigong 施工 “construction.”

\(^{22}\)One might think that since Xunzi says that Mencius’ view is incoherent, that is, that it lacks distinctions which fit together (無辨合), he should say here that “sitting, one cannot discuss it intelligibly.” But given the emphasis on the inseparability of knowledge and practice, incoherence is precisely being able to say it convincingly while not being able to actually make it work in practice; the distinctions don’t fit in a way that is effective.
good then we may cast aside the sage kings, and ignore ritual propriety and appropriateness. But if our original endowments (xing) are crude, then, along with the sage kings, we place value in ritual propriety and appropriateness.23

Xunzi concludes that we should understand xing in such a way as to make clear the importance of sages and the social artifice they create. Although one can talk about it differently, as Mencius did, this way of conceiving things hinders our efforts to realize social goals.

Therefore, in keeping with his conception of zhengming as the articulation of constructive concepts that forward the project of achieving a better world, Xunzi reconstructs the concept of xing. He defines it in a way he believed would be useful. He then contrasted it with wei (constructive activity-artifice) in a way that enabled him to raise wei while lowering xing saying, “People’s original nature is crude. Their goodness is a product of wei.”24 To define xing such that it makes sense to call it “crude” allows him to emphasize the importance of creating structures to sometimes curb our desires, and sometimes to allow for the fulfillment of them in synergetic ways. At best, these structures enable us to transform our desire such that the new desires (no longer considered part of xing) cannot be frustrated,25 and such that their fulfillment becomes beneficial to society. In a less antagonistic moment, Xunzi spells out the respective roles of xing and wei as follows: “Original nature (xing) is the root and beginning, the

23 凡論者貴其有合有符驗。故常言之。起而可設。張而可施行。今孟子曰人之性善。無 辯合符驗。常言之。起而不可設。張而不可施行。豈不減甚矣哉。故性善則去聖王益禮義矣。性惡 則與聖王益禮義矣。 (88/23/44-47; K:23.3b; W 163; H 288-298).
24 人之性惡。其善者僞也。(86/23/1; K:23.1; W 157).
25 Henry Rosemont makes a similar point. “By shifting attention away from material goods Xunzi increases the probability—especially among the literati—that goals will be reached and desires satisfied... Every budding official can achieve his goal if he desires to win fame as a moral exemplar, or write poetry, hear good music, or contemplate the beauty of a ritual state sacrifice” (Rosemont 2000, p. 12). Cf. K: 29.8.
unadorned raw material. *Wei* (artifice/conscious activity) is the flourishing abundance of cultural patterns. If there were no original nature, then there would be nothing to which *wei* could add. If there were no *wei*, original nature would not be able to beautify itself.”

Since *wei* as artifice comes from *wei* as conscious activity, it seems that people are the source of these constructs. Indeed, numerous passages also indicate explicitly that it is through the creative activity of people, in particular exemplary people and sages, that a moral world is constructed.

Xunzi writes, for example:

A tradition says: “Order is produced by exemplary people.”

Constructs constitute the flow of order, but they are not its wellspring. Exemplary people are the wellspring of order.

“The way” is not the way of *tian* 天, neither is it the way of the earth. It is that by which the people are lead; it is the path of exemplary people.

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26 許曰:性者本無美惡,自然之物也。自然之物,無自然而無所加。無所加者,自然之物也。(73/19/75-76; K:19.6; W 102; Graham 1989, p. 251).

27 陈大齐的解释认为,“礼仪制度、礼仪仪式,这些都开始于圣人,是人们自己发明、建立的,不是自然存在的。”(陈 1954, p. 5). 也见陈 1954 pp. 4-5 for additional relevant passages.

28 傅曰:治生于君子。(26/9/14-15; K: 9.2; W 36 and 52/14/13; K: 14.2).

29 I’ve translated *xie shu* 城数 simply as “constructs.” *Xie* 城 means apparatus, and *shu* 数 has several meanings centering around numbers, amounts and counting. Probably as an extension of this, *shu* also means “rule, norm” as well as “method, art” (See GSR: 123r). Knoblock interprets the metaphor here to mean that *xie* and *shu* are the consequences of order. I believe that idea of *liu* 流 (stream, flow) expresses more than mere result; constructs form the substances of order as well as being the result of the creative process of exemplary people.

30 故城数者,治之流也。非治之流也,君子者,治之流也。(44/12/10-11; K: 12.2).

31 先王之道,治之道也。比者而行之。常而行之,治之道也。道者之治也,非治之道也。非道之道也,人之所治也。君子之道也。(20/8/23-24; K: 8.3) Cf. A.C. Graham’s translation: “The Way is not the
Tian can generate things but cannot articulate distinctions among them. The earth can support people but cannot order them. The myriad things of the whole world, and all living people, await sages only after which are they apportioned.  

Thus, the earth and nature produce exemplary people, and exemplary people apply patterns to earth and nature. . . . If there were no exemplary people, the earth and nature would not be patterned.

Xunzi is equally clear regarding how people are able to create constructive social distinctions: by virtue of yi 義, a developed sense of appropriateness. He writes:

How are we able to put social divisions into practice? I say it is yi. If yi is used in forming divisions then there will be harmony.

If a sincere mind applies a sense of appropriateness (yi) then there will be constructive patterns (li 理).

[The exemplary person's] social relations are characterized by categories which follow from a sense of appropriateness (yi).

Moral categories, and the roles and responsibilities that go along with them, as contingent products of sages and exemplary people, provide no absolute standards. Rather, important distinctions, roles and norms, must be continually refined. So too must a person's character. Here I concur with Lee Yearley, and it is worth recalling a statement cited in the previous chapter:
Xunzi cannot argue that people should become Confucians on the grounds that Confucianism represents the one eternally true way, the only way that reflects what people really are and what the universe really is. Nevertheless, his most basic reason for asking people to become Confucians remains intact: if you become a Confucian you will become—or stand a good chance of becoming—an admirable person. Xunzi’s main argument for choosing to become a Confucian rests on the existence of Confucians who live the kind of life that others would like to live. (Yearley, p. 479)

5.2 WEI AS ACQUIRED CHARACTER

Something important is obscured when wei is construed as “artifice” or “constructs”—as if they are merely external. Yang Liang 楊倞, in the earliest extant commentary on the Xunzi, notes: “Wei 偉 means wei 為 [to do or accomplish, to be or become] and jiao 矯 [to straighten, rectify, correct; to raise high]. It is to straighten/raise up one’s original nature. Things which are not natural tendencies but rather accomplished by people, are all called wei 為. Thus, the character composed of ren 人 [a person] beside wei 為 [to become] is also an associative compound character [that is, a character formed from the meaning elements of other characters].”³⁸ Wei indicates that by which one straightens one’s nature, and the straightened nature as well. In other words, while wei 偉 indicates something man-made (人為), it equally means making (為) a person (人). That is, while wei is indeed constructive activity and its products, its

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principal product is a transformed person. Moral norms and concepts are important, even critical, but nonetheless secondary.

Consider the following passage: “The sages Yao and Yu and exemplary people are valued for being able to transform their original nature and being able to give rise to wei. As wei emerges, liyi is produced. Thus the liyi of the sages and their accumulation of wei is like a potter producing pots.” The image of a potter making pots may give us the false impression that the object is external, but similar metaphors, such as the following from the Daxue (Great Learning) show that this kind of metaphor applies reflexively to the character of the artisan. The Daxue comments on a passage from the Book of Songs, which says: “The refined person, like cutting and filing, like carving and polishing.” The comment reads: “‘like cutting and filing’ is learning the way; ‘like carving and polishing’ is self-cultivation.”

Also consider Xunzi’s distinction between xing and wei: “Ritual propriety and a sense of appropriateness (liyi) are the products of sages. They are what people become capable of through learning; they are what people can accomplish through work. What resides in people and cannot be learned or acquired through work is called xing. What resides in people that they are capable of through learning and can accomplish through work is called wei. This is the

39 Both the interpretations of wei as constructs and wei as acquired character can be found in the Japanese literature on Xunzi. For example: “Ritual propriety and division of roles are constructions (human products) of sages.” (Nishi, p. 43). And, on the other hand, “Sages, transforming original nature into acquired character (wei), established ritual propriety.” (Abe, p. 61).

40 凡所貴重為君子者。能化性能起偽。偽起而生禮義。然則聖人之於禮義禮義。亦猶陶埏而生之也。 (89/23/55-56; K: 23.4a; W 165, H 289).

41 有斐君子。如切如磋。如琢如磨。（Daxue 3.4）

42 「如切如磋」者。道也；「如琢如磨」者。自修也。（Daxue 3.4）
distinction between *xing* and *wei*.” Here Xunzi is clear that *wei* is something which resides in us, it is the part of our character that we can self-mold.

With this in mind, let’s consider how we might best interpret the following passage: “Someone may ask, ‘If original human nature is crude, where do ritual propriety and a sense of appropriateness come from?’ I would reply that they are produced by the constructive activity (*wei*) of sages.” Watson translates *wei* here as “conscious activity,” while Knoblock renders it “acquired nature.” Our discussion so far implies that they each capture one dimension of the meaning. I have said that *wei* means both conscious activity and its products—especially the effect on one’s character. Xunzi writes, “What the mind deliberates and is able to put into motion is called *wei* (conscious activity). Deliberations accumulate and one is able to become practiced in them, after this is accomplished, it is [also] called *wei* (acquired character).” In the passage in question we can see how *wei* may carry these meanings vaguely, rather than ambiguously. As I have argued, sages and exemplary people are responsible for constructive artifice by virtue of their *yi*, their developed sense of appropriateness. *Yi* is a way of being. It is the virtue of consistently exercising one’s hard earned practical wisdom. Ritual propriety is not born directly from the cogitations of the sages, but out of their exemplary actions. Thus, Knoblock’s “acquired nature” is perhaps the more instructive translation. It is the persuasive force of the acquired character of sages, of their developed virtues in action.

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43 順義者。聖人之所生也。人之所學而能所事而成者也。不可學不可事而在人者謂之性。可學而能所事而成在人者謂之偽，是性偽之分也。(87/23/11-13; K: 23.1c; W 158; H 285).

44 問者曰。人之性惡則禮義惡生。應之曰。凡禮義者。是生於聖人之僞。(87/23/22; K: 23. 2a; W 160; H 286; D 305).

45 心慮而能為之動謂之僞，慮積焉能習焉而後成謂之偽。(83/22/4; K:22.1b; W 139-140). Cf. Donald Munro’s translation of the first part: “By *wei* is meant the direction of one’s sentiments as a result of the mind’s reflections” (Munro, p. 80).
which gives rise to appropriate social norms. Rendering *wei* as constructive activity here preserves the ambiguity (or, rather, vagueness). Both considered judgment and virtuous action are integral to forming social norms in a productive way, and Xunzi does not make a clear distinction between the two—indeed, for him, the two are one.

Itano Chōhachi makes clear the integral relation between thought and action as it relates to *wei*: “*Wei* is the work of the heart-mind such as conduct that is the product of thoughtful deliberation, or work that is fulfilled by virtue of accumulation of thought. In other words, *wei* is people’s self-conscious conduct or the product thereof.” *Wei* is “self-conscious conduct” and the dispositions acquired by the continual exercise of such conduct.

On Murase Hiroya’s interpretation of Xunzi’s theory of moral development, active and independent personal molding of one’s character is likened to the role of humans taking advantage of what is given in the natural environment. “In ‘A Discussion of *Tian*,’ [Xunzi] advocates ‘different roles for *tian* and people’ and emphasizes the independence and activeness of humans toward external nature. And, in this chapter, [‘Human Nature is Crude’] he clarifies the ‘different roles of *xing* (original human nature) and *wei* (artifice),’ and he clears the way for people’s independence and activeness toward their own internal nature.” Independence and activeness in self-cultivation implies the result will be a personal achievement unique to oneself. As I will argue in the following sections, just as there are better and worse institutions people might devise to organize society and to take advantage of the propensities of

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46 心の働き例えば性格が加わってなされる行為、または性格が重なって成就する仕事が偽である。換言すれば人間の自覚的な行為以外の所産が偽である。（Itano, p. 267）

47 「天論篇」では「天・人の分」を唱え、外的自然に対する人間の主体性・能動性を主張した荀子は、ここでは「性・偽の分」を明確にし、自己自身の内包的自然に対する人間の主体性・能動性に道を拓こうとする。（Murase, p. 58）
nature—but no single ultimate set, similarly, while there are better and worse ways to develop one's character, there is no single best set of disposition or personality, no single best complete character.

5.3 THE ACCUMULATION OF CHARACTER

In the preceding chapter, I argued that social constructs such as norms of ritual propriety are products of historical accumulation as each generation builds on, refines, and adapts existing norms according to their own interpretations and in consideration of current needs. Accumulation applies to self-cultivation as well as to building social constructs. The constructivist position, in fact, is reinforced by the centrality of personal accumulative cultivation.

Several passages describe Xunzi's view of virtue as a result of a process of accumulation. For example, he writes: "Whether one is able to become a sage like Yao or Yu, or a tyrant like Jie or robber like Zhi, or a craftsman or artisan, or a farmer or merchant, this resides solely in the accumulation of the forces of circumstance, what one concentrates on and what one puts aside, and habits and customs." By focusing on what we want to be, setting aside our natural inclinations, and developing habits through the practice of li, we accumulate desirable dispositions. The result is an ever-increasing propensity (shi 功) to become capable of further moral development. By taking appropriate action, one

48 The passage goes on to state that, "If one becomes a Yao or a Yu, then one normally will be settled and secure, and honored. If one becomes a Jie or Zhi one is normally in danger and will suffer disgrace. If one becomes a Yao or Yu then one is normally content and at ease." 可以为尧 為可以偉 華可以為匠 工匠可以為農農在執法歸俗之所積也... 為堯者則常安樂。為桀 華則常危恐。為堯者則常踐。" (10-11/4/45-48; K: 4.9). Note that Knoblock also uses the word "normally" for the first two occurrences of chang, though he opts of the stronger "constantly" in the third instance. While the word "constantly" is open to either a strict or loose interpretation, Chang does not mean "always" in any strong sense. This is clear in the passage just prior to this, where Xunzi makes explicit that there are exceptions to the generality stated in this passage. (See 10/4/41-42; K: 4.8). Note also that I'm reading 功 as 功 and 功 as 功.
can transform one’s dispositions. Again quoting Xunzi: “Being a teacher and a model is achieved by an accumulation. It is not something received from one’s original nature, which is insufficient by itself to establish order. Although ‘original nature’ is something we are unable to do anything about, there can be a transformation. Although ‘accumulation’ is not something that we possess, we can do something about it. Original nature is transformed by establishing a process and becoming accustomed by practice.”

Xunzi offers several metaphors for this transformation: “Wood as straight as a plumb line may be bent into the shape of a wheel, with a curvature as true as a compass. Even if it is dried in the sun, it will not return to its former straightness, because the bending process has made it like this. Thus, if wood is marked with a plumb line, it will become straight; if metal is put to a whetstone, it will become sharp; if the exemplary person studies broadly and examines himself daily, his wisdom will become illuminating and his conduct will be without fault.”

Xunzi’s point here is not to make things conform to a singular privileged form, but rather that the original character of a thing can be transformed into a product with resilient new features. T. C. Kline explains this process well:

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49 木直中繩，輮以為輪。其曲中規。雖有槁暴，不復挺者，輮使之然也。故木受繩則直。金就礪則利。君子博學，而日參省乎己。則智明而行無過矣。(1/1/1-3; K:1.1; W 15).

50 木直中繩，輮以為輪。其曲中規。雖有槁暴，不復挺者，輮使之然也。故木受繩則直。金就礪則利。君子博學，而日參省乎己。則智明而行無過矣。(2/1/17-18; K:1.6; W 17-18).
Xunzi conceives of cultivation as analogous to the bending and steaming and squaring involved in crafts. A craftsman takes raw material and shapes it into the desired form. The finished product does not grow out of the form of the raw material. Rather it is shaped and molded by the intentional activity of the craftsman... This is not to say that the properties of the material itself can be ignored. To be successful the craftsman must understand the properties of the raw material and as far as possible work with the grain as opposed to against it. (Kline, p. 157)

In the case of moral development, the raw material is human endowments, limitations, and potentials. Thus, in devising workable constructs one must consider how they will resonate with people who try them out. Xunzi reasons:

Humans are born with the firm dispositions of an inferior person. If they lack a teacher and a model, they will see only personal profit... Consider: if one had never tasted the meat of grain-fed animals, and rice and fine millet, but only beans, pulse leaves, husks and chaff, then one would consider this sufficient. If one were then suddenly presented with portions of fine meats, rice and millet, splendidly displayed, one would gaze at them with a look of horror and say: "What strange things are these?" But since the smell does not disturb the nose, the taste is sweet to the mouth, and eating it puts the body at ease, anyone would abandon the original diet and take up the new one.

This passage shows a kind of naturalistic objective standard at work in Xunzi's thinking. We are so constituted that some experiences tend to be reinforcing. When we apply ourselves to a constructive way, Xunzi is suggesting, we will find it to be satisfying, and sustaining. He writes, "Those who follow proper categories are called fortunate, those who go against them are called hapless. This is called tian's regulation." It is because of tian—the way things hang together and the propensities of nature—that constructive categories prove themselves beneficial. This is why it is called tian's regulation. However, these

51 人之生固小人。無師無法則唯利之見耳。...今使人生未嘗嘗養而不知。則以至足為在此也。聞而異然有乘豎粟養而主者。則顚然視之。曰。此何怪也。彼美之而無異於昔。常之而甘於口。食之而安於體。則異不莽此而取彼矣。 (11/4/49-55; K: 4.10).

52 順其類者謂之禍。逆其類者謂之禍。夫是之謂天政。 (62-63/17/12-13; K: 17.3a; W 81).
categories, as we have seen, are human constructs. People who structure their lives based on categories devised and promoted by sages will benefit, not because they are acting in accordance with a uniquely true view of the way things are, but because the categories that give shape to their lives where chosen, by those most competent to choose, precisely because they were judged to be conducive to such beneficial results. Constructive artifice provides the means by which the conditions leading to virtue can accumulate.

It is not necessary for Xunzi to hold that there is one true picture of the world in order for him to appreciate that there are propensities in nature and in human nature, and that we can use our insights into these in ways that promote virtues and foster a society in which all may find a greater share of contentment.

5.4 PERFECTION AND UNIQUENESS: EXCELLENCE IN ONE'S OWN WAY

We turn now to a consideration of the nature of virtue itself. Eric L. Hutton's recent (2001) translation of various sections of the Xunzi is in some ways an improvement over previous ones. At times, however, his translation is misleading regarding what it is to be an achieved person, one who has developed an admirable character. Translating de 德 as "Virtue" with a capital "V," which suggests some connection with the divine or with an absolute reality of some kind, is emblematic of a realist understanding of virtue, and his use of words such as "perfect" and "complete" suggest a closed conception of human moral potential. For example, he translates a section near the end of the first chapter, "Exhorting Learning" (quanxue 勉學), as follows: "Make it perfect and complete, and only then is it truly learning. The gentleman knows that whatever is imperfect and unrefined does not deserve praise" (Hutton, p. 252). Shortly after this, the chapter concludes, in Hutton's translation, as follows: "When one has grasped Virtue, then one can achieve fixity. When one can achieve fixity,
then one can respond to things. To be capable both of fixity and of responding to things—such a one is called the perfect person. Heaven shows off its brilliance, earth shows off its breadth, and the gentleman values his perfection” (Hutton, p. 252). This may give the impression that there is some perfect way for a person to be, and that when one achieves this state one no longer changes or grows—one has achieved “fixity.”

In the classical Chinese tradition, the unifying criterion is beauty (mei). Thus, since Xunzi contrasts human nature being crude or ugly with constructive artifice (li in particular) being beautiful, it would make sense for him to also suggest that li, and the person well versed in it, is “consummate.” If we use the word “perfection,” we must understand that is an aesthetic perfection, and thus one that is non-exclusive and non-final. Below I will consider the argument for non-exclusivity, that is, that there is no unique way for a person to be consummate. For the moment, I will concentrate on establishing that for Xunzi moral development never reaches a state of finality or completion.

The first words of “Exhorting Learning” (and thus of the entire text) read: “Exemplary people say: Learning must never cease.” Later in the chapter more detail is given:

Where does learning begin, and where does it end? I say: Regarding its method, it begins with reciting the classics and ends with studying ritual propriety. Regarding developing a sense of appropriateness, it begins with becoming a scholar-official and ends with becoming a sage. When one has accumulated one’s strength for a long time, then one is ready to begin. Learning continues until death and only then stops. Thus, the method of learning has an end, but it is never appropriate to abandon it. To do it is to be human; to abandon it is to be a beast.
What is true of Xunzi’s idea of individual moral development is likewise true of his ideal of cultural development. There is no completed culture any more than there is a completed person.

Now, retranslating the two passages in question reveals an alternative understanding of Xunzi’s message here, one both more consistent with Xunzi’s thought overall, and with the purpose of the chapter stated in its title and opening sentence—exhorting people to continually learn and improve:

Completely integrate one’s learning, put it fully to use, and only then is one learned. Exemplary people know that what is neither whole (quan 全) nor pure (cui 操) is not sufficient to be deemed beautiful or admirable (mei 美).

Once one has moral power (de 德) and personal integrity (cao 操), only then can one be resolute (ding 定). When one is resolute, only then can

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55 Quan 全, which is often translated as “complete,” means “whole.” In this passage, it is a wholeness which implies being fully integrated. Quan is defined as wanzheng 完整, “complete, integrated, intact,” and qiquan 單全 “complete, all in readiness.” (See GHY and ABC for the Chinese and English definitions in turn.) The sense of “all in readiness” is precisely what Xunzi has been describing in this passage. Once one has achieved integrity, one is ready to be a model. But, unlike the word “complete,” this does not at all imply that the work is over—indeed here it suggests that the work has only begun.

56 That this passage is concerned with integrity is further supported by considering that cui 操 (pure) can be a loan for cui 蹲 (gather together). In either case really, but more clearly in the case of “gather together,” the idea of integrity is implicit. I have used the standard translation “pure” with some reservation. The English word “pure” has several meanings, most of which are misleading in this context. It is the sense of “unmixed” that is intended, implying consistency of conduct as well as a congruence between theory and practice, that is, invariably following one’s considered sense of propriety.

57 全之書之。然後學者也。君子知夫不全不粹之不足以為美也。 (3/1/45-46; K: 1.13-14; W 22; H 252; D 40).

58 GHY gives the following definition for cao 操: “Personal Integrity, a kind of quality of conduct of being able to insist that one’s own belief is right or proper.” 操守，能堅持自己認為正確的行為的一種品質。 A common meaning of cao is “to grasp,” and that is how Hutton takes it. But, if taken this way, the verb-object order would be reversed—which is possible but unlikely here. Since “personal integrity” fits the context so well, this seems a more viable reading.
one be responsive and adaptable (ying 應). Such people are called an accomplished people (chengren 成人). The value of the heavens is seen to be its brightness; that of the earth is seen to be its breath; what exemplary people value is their wholeness (quan 全).\(^{59}\)

On this reading, these passages do not suggest a terminal point in moral development. Let’s turn now to the second point, which I promised to discuss, that to be an achieved or accomplished person is to be admirable (mei) in one’s own unique way. Consider the following short passage: “Those who are subtle are the most achieved people (zhiren 至人).”\(^{60}\) Watson and Knoblock both translate zhiren as “perfect man” (Knoblock goes as far as to capitalize this). Hutton improves on this only slightly; eschewing sexist language, he renders it “perfected person.”

Consider what the idea of subtlety implies. Can subtlety be characterized in terms of specific kinds of dispositions with particular directions and degrees? Does it not rather suggest that truly achieved people, each in their own enigmatic way, exhibit a kind of effortless activity (wuwei) arising from a developed character uniquely fitting for both the enduring aspects of morality as well as their own personal traits and personality? It is more likely closer to the latter. Achieved people are not all alike. They are each subtle in their own way.

For example, Xunzi’s characterizes Confucius as follows: “Confucius was ren 仁\(^{61}\) and wise, and moreover was not obsessed. His study of an eclectic variety of doctrines and arts is sufficient to rank him among the former kings. [Appropriating them into] a single school, he achieved an encompassing way. He

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\(^{59}\) 德操然後能定。能定然後能應;能定能應。夫是之謂成人。天見其明，地見其光，君子貴其全也。（3/1/50-51; K: 1.14; W 23; H 252; D 41).

\(^{60}\) 之微者至人也。（81/21/55; K: 21.7d; W 133; H 278).

\(^{61}\) Ren can be considered a combination of zhong and shu, doing one’s utmost in the service of others. It includes exhibiting an array of virtues. See Appendix II: Key Terms for more on the meaning of ren.
promoted it, and put it to use, without being obsessed by old customs.\(^{62}\) Thus, he had transformative power (de) on par with the duke of Zhou, and acquired fame equal to that of the three kings. These are the fortunes of not being obsessed."\(^{63}\) Confucius is described here not as someone who met some specific preexisting standard, but someone who developed his own way, and an inspiring character.

Jonathan W. Schofer has made the following instructive observation: "A discovery model of attaining virtue is based on ontological notions that people have a 'fundamental nature' or 'true self' that is covered or obscured. In a discovery model, attaining virtue consists in touching or realizing that true self. The person thus discovers a true essential self. Xunzi's view of how people attain virtue is clearly not a discovery mode" (Schofer, p. 71). One would expect broad agreement here, that Xunzi does not offer this kind of discovery model. There does seem, however, to be another kind of discovery model at work in some interpretations of Xunzi that I would question. Regarding ritual propriety, for example, Benjamin Schwartz writes, "[I]t would appear that what the ancient sages did in bringing the order of society into existence was not invent an arbitrary system of li but 'discover' it by a process of arduous reflection"\(^{62}\)

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\(^{62}\) Morohashi, citing this passage, defines cheng ji as: "Something established as a custom. Old custom." 習慣として出来上ったもの, 古いならばし. He is following Yang Liang, who comments, "cheng ji means old custom" 成積, 較習也. This passage occurs in the context of a criticism of other philosophers for being blinded by their main concern. For example, Mozi was so obsessed with the practical use of things (yang \(？\)) that he did not appreciate cultural refinement, and Zhuangzi was so blinded by the propensities of nature (tian \(？\)) that he failed to appreciate the role of people. The meaning of this passage is that Confucius, on the contrary, indeed stressed the value of ancient customs, but he was not blinded by or obsessed with them. That is, he was also cognizant of other relevant considerations: the role of nature as well as that of humans, the importance of utilitarian considerations as well as cultural refinement, and so on. Thus, this passage strongly suggests that interpretations of Confucianism that imply blind obedience to tradition are suspect.

\(^{63}\) 孔子仁知且不蔽, 故學亂世足以為先王者也。一家得周道舉而用之。不蔽於成積也。故德與周公齊。名與三王並。此不蔽之福也。 (79/21/26-28; K: 21.4; W 126; H 274).
Similarly, Xunzi’s position may be taken to be that while we do not discover who we really are, we do discover the best way for us to be. Virtues, on this model, like the unique set of specific rites that lead to them, would still turn out to be discoveries.

There would seem to be, on this model, a predetermined ideal that, through ritual practice, we may come to realize.

Similarly, in the context of a discussion of Xunzi’s thought, A. C. Graham has written, “Morality has the pattern (li) by which it is knowable by thought; man has, presumably in his nature, the equipment by which, although his desires run the other way, it is possible for him to know it” (Graham 1989, p. 249).

According to the model of moral development being presented here, on the contrary, moral wisdom for Xunzi is gained through a process of habituation and is not a product of detached rational thought. Kakimura Takashi and Azuma Jūji go as far as to claim, “Human nature assimilating virtue and morality (ren yi dao de) is nothing more than becoming habituated to them.” We can say, at least, that for Xunzi moral development goes through stages that involve following the model of exemplary people and acquiring from that experience an appreciation for the rites and a fondness for acting virtuously.

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64 Schofer does not address the issue of this kind of discovery model explicitly, and there are conflicting indications of whether he would endorse it.

65 For Xunzi, moral insight is not derived solely from reason, or pure reflection. As Schofer points out, “Conscious activity is not simply a matter of reflection. In fact, Xunzi sees pure reflective thought as having little value for learning” (Schofer, p. 70). Xunzi writes, “I once spent an entire day thinking. But it was not as good as a mere moment of learning.” (Kakimura and Azuma, p. 433). What I have translated simply as “virtue and morality” could be read: ren, yi, dao, de; that is, doing ones best for others, acting according to what is appropriate, following the way, and exhibiting moral excellence.

66 非が仁義道德に同化することは、仁義道德を習慣化することにほかならない。(Kakimura and Azuma, p. 433). What I have translated simply as “virtue and morality” could be read: ren, yi, dao, de; that is, doing ones best for others, acting according to what is appropriate, following the way, and exhibiting moral excellence.

67 ‘When one emulates those of outstanding character and one’s purpose is firm, when one is fond of cultivating oneself according to what one has been taught, thereby raising and adorning one’s emotional nature . . . such a person may be called a sincere and magnanimous exemplary person.” 行法至堅・好修正其所聞・以模範其情性…如是則可謂賢君子矣。 (22/8/57-59; K: 8.7).
Nevertheless, as Schofer also points out, a “development model” in which virtues develop in a way analogous to plant growth does not fully capture Xunzi’s view since he uses images of external standards as the means of reforming one’s character, such as a straightening board being used to straighten wood. It warrants comment, however, that these means are not entirely external. Murase Hiroya makes the point that one does not rely on external standards alone in reforming one’s character. He writes:

For Xunzi, “human formation” means transforming one’s internal nature (the raw material)—which is given as a simple possibility—by infusing artificial operations, and in this way realizing human values (the flourishing of cultural patterns). However, the artificial operations that are at work in this case are not just actions from the outside like education; they also include one’s own inner operations, the main organ of which is the heart-mind. In other words, it is not the case that Xunzi is talking about human formation as leaving out the active thinking operations of the heart-mind.68

On Xunzi’s conception, “inner” and “outer” are interpenetrating and complementary. The so-called “external” means are, after all, artifice (wei). As such, they are the product of conscious activity—which cannot be construed as entirely external. Indeed, Murase’s points dovetails with this one: it is constant (re-)interpretation (“the active thinking operations of the heart-mind”) which always-ongoingly determines, reaffirms, and adjusts these allegedly “external” standards.

“Their purposes settle comfortably on the public good; their conduct settles comfortably in self-cultivation. They thoroughly understand the guiding principle of categories. Such people may be called ‘Great Confucians.’” 志定公，行安修，知過綱顯，如是則可謂大儒矣。（25/8/122; E: 8.12).

68 すなわち荀子にあっては，人間形成とは，単なる可能性として与えられている内部の自然（本始材朴）に人為的作業を加えてこれを変革し，そこに人間的価値性（文理隆盛）を実現することであるが，その際，ここに働く人為的作業には，教育のような外部からの作用だけでなく、「心」を主体とする自己内部の作用も含まれている。つまり荀子は「心」の能動的な思慮作用を抜きにして人間形成を語っているわけではないのである。（Murase, p. 50).
Speculating on why Xunzi did not offer any detailed account of individual virtues, Schofer writes, "he [Xunzi] does not want people to think that they can have a clear sense of what virtue is without re-forming themselves through ritual and study" (Schofer, p. 84). This seems consistent, for example, with Xunzi's emphasizing that there is no short cut to learning. "If there is no dark and dogged will, there will be no shining accomplishment; if there is no dull and determined effort, there will be no brilliant achievement." Notice that in Xunzi's characterization of learning there may be "shining accomplishments" and "brilliant achievements," but there is no suggestion of a final end. It is likewise with the attainment of virtue—and with the construction of culture for that matter. Schofer speculates, "Perhaps Xunzi is afraid that if he were to give focused attention to human excellence itself, he would lead people to think that they know what virtue is before they reach a state where they are truly able to have that knowledge" (Schofer, p. 84). Given Xunzi's conception of the unity of knowledge and practice, it would indeed be impossible to have "knowledge" of virtues without embodying them in one's conduct. Xunzi writes, "One should study until one puts it [the way] into practice. To practice it is to have clarity." In addition, considering the view of li presented in the previous chapter, we may speculate that virtues, likewise, have no determinate form; there is nothing fixed of which one might have knowledge. That is, perhaps, Xunzi does not outline the specific characteristics of virtues because the cultivated and subtle person, who becomes truly authoritative, becomes the author and re-interpreter of virtue, rather than attaining some predestined form of it. In other words, through ritual

69 是故無冥冥之志者。無昭昭之明。無惛惛之事者。無赫赫之功。(2/1/21-21; K:1.6; W 18). Watson's translation.
70 学至於行之而止矣。行之而明也。(24/8/102-103; K: 8.11). Cf. "Completely integrate one's learning, put it fully to use, and only then is one learned." 全之盡之。然後學者也。君子知夫不全不粹之不足以為美也。 (3/1/45-46; K: 1.13; W 22; H 252).
practice, study, and in other ways doggedly striving to cultivate oneself, one develops, not the knowledge of what virtue is—in the sense of a specific set of definable virtues—but rather the ability to act effectively in ways that are worthy of admiration and emulation. This is, in essence, to have de 德, moral power.

Schofer does outline some “specific virtues such as oneness, having broad intentions, being respectful, and subtlety” (Schofer, p. 85). It is perfectly appropriate and potentially illuminating for us to look back at Xunzi’s work and try to clarify what Xunzi’s own view of some set of virtues may have been, as Schofer has done with his explication of “oneness” as a preservative virtue, and “subtlety” as a virtue characteristic of a sage. Nevertheless, that Xunzi had his own interpretation of virtues does not commit him to the view that there is only one real, exclusively legitimate, specific set of virtues, and that he got it right for everywhere and all time. That is, while he does employ a conception of virtues, we need not ascribe to him a worldview that would support absolutist claims about them. In fact, describing one who has attained particularly clear insight, Xunzi goes as far as to ask rhetorically, “So extensive, so expansive, who know

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71 Schofer acknowledges that fully cultured people use their own judgment, “their own sense of ‘proper order’.” He writes, “The sages’ excellence, or ‘brightness,’ is internal. They follow their desires and their own sense of ‘proper order’; they no longer have to rely on external guides and prods, such as teachers and a burning stick, to know and do what is good. In other words, the sages have fully acquired virtuous dispositions.” (Schofer, p. 81) However, this statement seems ambivalent to the question of whether an exemplary person’s “own sense of proper order” will necessarily always yield the same knowledge of what is good, and result in identical virtuous dispositions.

72 The classification of subtlety as a virtue is questionable, since subtlety is a more holistic concept than are traditional virtues. If we take a broad view of what count as a virtue, uniqueness itself may be considered a virtue. The opening passage in the Zhongyong may be interpreted to suggest this: “[E]xemplary persons are ever concerned about their uniqueness.” (Ames and Hall’s translation 2001, p. 45, 89).

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his limits? So broad-minded, so boundless, who knows his virtue? Boiling and bubbling, from one to another, who knows his form?"73

It should not be too surprising that those who are morally cultivated never stop changing and growing, and responding in innovative ways to new circumstances. After all, considering Confucius’ own moral struggle, we may readily infer that the exemplary person never gives up trying to become better. In addition, Xunzi’s assumption that there may be more than one way to be virtuous is consistent with Confucius’ teaching. For example, when asked by Zilu about the accomplished person (chengren 成人), Confucius suggests that there is more than one possible description of such a person, saying: “People who are as knowledgeable as Zhang Wuzhong, as free from desires as Gongzhuo, as brave as Bian Zhuangzi, as skilled in the arts as Ranyou, and are cultivated by means of ritual propriety and music, surely they can be considered accomplished people.” He continues: “Must accomplished people today necessarily be like this? At the sight of profit, those who think of what is appropriate, at the sight of danger, those who would offer their lives, when in want for a long time, those who do not forget the words they lived by in better times, they surely may also be considered accomplished people.”74 The Analects also records several passages

73 求其所長。知其所短。晝暮為善。孰知其德。孰知其形。（80/21/43-44; K: 21.5e; W 129). Knoblock, following commentaries, suggests reading: 真 as 真, 廣 as 廣, and 深 as 深. Cf. the following passage from the Zhangyong: “The Book of Songs says, ‘Moral power (de 德) is light as a feather,’ but a feather still can be classified (fun 倫). ‘What permeates the sky above has no sound nor scent.’—an accomplishment indeed.” 詩曰: ‘德雖如毛。’毛猶有倫。「上天之載，無聲無臭。」「至矣！（Zhangyong 33). Fu Yunlong interprets the last bit tagged on at the end (zhi yi 至矣) as “This is the best description of virtues” (Fu, p. 107).

74 子路問成人。子曰: 若臧武仲之知，公絛之不欲，卞莊子之勇，冉求之藝，文之以禮樂，亦可以為成人矣。曰: 今之成人者何必然？見利思義，見危授命，久要不忘平生之言，亦可以為成人矣。 Analects, 14.12. It is ambiguous in both descriptions whether a person must have all or just one of the stated qualities to qualify as accomplished. It is unambiguous, however, that a person qualifying under either description would be considered accomplished. Further, the characterizations are non-exclusive since they are merely examples of clear cases.
in which, rather than asserting an fixed classification of prescriptions and prohibitions, Confucius says that he considers things case by case.\footnote{I am thinking here particularly of \textit{Analects}, 2.14, 4.10, and 18.8.} These considerations bolster A. S. Cua’s claim that \textit{dao}, as an ideal way of life, “is more like a theme to be developed in the concrete setting of human life than a norm that contains specific precepts of content” (Cua 1993, p. 274 n19).

Speaking of the virtue \textit{ren} in Confucianism generally, Cua makes a similar point, clarifying his distinction between an “ideal theme” and an “ideal norm.” He writes, “[\textit{Ren} is more an ideal theme, a standard of inspiration, than an ideal norm. The realization of \textit{ren} will thus be manifested in an individual’s style or manner of performance and/or style of life. As an ideal theme, \textit{ren} is a quasi-aesthetic vision that provides a point of orientation. It is expected that the achievement of \textit{ren} as an ideal theme will be a polymorphous exemplification, especially in the lives of paradigmatic individuals”\footnote{Expressing the manner in which the \textit{junzi} serves as a “standard of inspiration,” Cua also writes, “Arguably, Confucius’s notion of \textit{junzi} expresses the idea of paradigmatic individuals as exemplary embodiments of the spirit and vitality of the tradition. In addition to functioning in moral education, they also serve as living exemplars of the transformative significance of the ideal of the tradition, thus invigorating the tradition. Even more important, for those committed to tradition, paradigmatic individuals serve as points of orientation, as standards of inspiration” (Cua 1993, pp. 241–42).} (Cua 1993, p. 233). As a “theme” this ideal accommodates differing exemplifications. The theme itself may be thought of as being composed of these differing exemplifications, and thus is subject to movement since the sum of specific personalizations will vary over time.

Roger Ames and Henry Rosemont use different language, saying there is “no ideal.” Indeed, the language of “ideals” can be at least misleading. Nevertheless, the description they offer does not seem to be at odds with the intent of Cua’s “ideal theme.” They write, “Given that \textit{ren} denotes the qualitative
transformation of a particular person, it is further ambiguous because it must be understood relative to the specific concrete conditions of that person. There is no formula, no ideal. Like a work of art, it is a process of disclosure rather than closure, resisting fixed definition and replication" (Ames and Rosemont, p. 50).

Those aspiring to moral cultivation take a worthy teacher as their standard. The teacher, in order to be "worthy" of being an example to others, must be morally admirable. Nevertheless, the standard the teacher offers could be called, to use Cua’s words, “a standard of inspiration.” The teacher provides a concrete interpretation worthy of emulation, though ultimately to emulate is not the same as to copy. The teacher’s actions always involve an interpretation of what is called for in a situation. Thus to truly emulate the teacher, the student must also learn to interpret. 77 If this depiction is accurate, though this process takes place in the context of existing norms, these norms themselves are not the standard to which one conforms. One cannot conform to an uninterpreted abstract standard, but one can model the concrete interpretation of these standards exhibited by a moral exemplar. It is the role of exemplary people to continually interpret norms and standards.

In a recent article comparing Aristotelian and Confucian virtues, Nicholas F. Gier opines, “Aesthetic order focuses on the concrete particulars so thoroughly that there can be no substitution and no interchangeability. This applies to a work of art as much as to a person of great virtue” (Gier, p. 291). Gier offers the following reformulation of Gaozi’s famous woodworking analogy,78 noting that he believes that Xunzi would embrace the new version:

77 Analects 15.36 suggests that, at least in some situations, an individual’s own interpretation can override even his or her teacher’s: "Facing ren 仁 (an opportunity to exhibit the highest virtue) do not yield even to your teacher." 竝仁，不議於師。

78 “Gaozi said: ‘Nature is like a willow. Appropriateness is like cups and dishes. Making a virtuous person with a sense of appropriateness out of human nature is like making cups and
Woodworkers always look for certain features in the wood they select, sometimes choosing certain patterns in the wood’s grain or even a knot around which there are sometimes beautiful swirls. In this alternative reading of Gaozi’s analogy, the person of vice would be like the woodworker who works against the grain and destroys the beauty of the original forms. The virtuous person, on the other hand, works with the grain of her own nature, respecting its innate patterns, and makes herself into a thing of moral beauty. (Gier, p. 294)

Gier makes clear that the resulting set of virtues would and should be unique to each person rather than corresponding to some specific set of privileged dispositions. He writes, “The virtue-ethics approach is . . . to develop a unique ensemble of behaviors, dispositions, and qualities that lead to human excellence” (Gier, p. 300). Note that it is not that we must develop the unique ensemble that leads to human excellence, but rather an ensemble unique to each of us.

In contrast to the father who tells his son “Be just like me,” a contemporary Confucian (following the craft analogy) would say “Be your own person” and develop a unique ensemble of character traits, moral dispositions, and behaviors. Confucius might have said: “Don’t be just any old mug, be a gem!” Or a contemporary Confucian would say: “Don’t be a chip off the old block, but carve your own nature.” It is significant to observe that we sometimes use the word ‘gem’ to describe a person of good character. (Gier, p. 297)

If there is a privileging of some trait in this depiction it is that of always making a conscientious effort to personalize one’s self-cultivation.

79 Note that while Gier’s idea works well for Xunzi, it was not the point Gaozi was trying to make. Willows are notoriously difficult to use to make anything. Mencius observes that, on Gaozi’s view, one must do violence to one’s willow-like nature in order to become virtuous. Xunzi, however, though he does take our original nature to be crude, is quite optimistic about our ability to develop it. And, though he suggests that this will take strenuous effort, it is done in consideration of human aspirations, potentials, and even some of our natural feelings such as “rememberence and longing” (see W 110; K: 19.11).
It is clear that Xunzi believed that our problematic original nature can and should be transformed to allow people and society to flourish. Moreover, he believed, we can and should construct categories and practices that facilitate this. While we would expect a person who had achieved noteworthy success in self-cultivation to be admirable in many ways, it is not clear that Xunzi believed that there was a privileged conception of precisely what such a person would be like. The categories that describe the virtuous person would, after all, be constructs, and as such, they would be subject to continuous re-interpretation, re-evaluation, and re-appropriation.

5.5 POLITICAL IMPLICATIONS

In the following passages, Xunzi indicates the social-political importance of moral development.

There are disorderly rulers, not disorderly states. There are orderly people, not orderly laws and norms (fa). The methods of the archer Yi are not lost, yet such an archer does not appear generation after generation. The laws and norms of the sage king Yu [of the Xia dynasty] still exist, yet the Xia could not continue its rule. Thus, laws and norms cannot stand alone. Categories cannot apply themselves. If there are good people, then [the state] will survive. If there are no good people then it will be lost. Laws and norms are the starting point of orderly government. Exemplary people are the wellspring of these laws and norms. Thus, if there are

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80 As T. C. Kline observes, Xunzi recognizes virtuous dispositions as products of wei. Referring to virtuous motivation, as contrasted with our original desires, Kline writes, “This new motive is explicitly described as a result of deliberative activity wei. It is definitely not a naturally occurring state of mind, emerging from human nature” (Kline, p. 161).

81 Cf. Knoblock’s translation (K: 12.1): “There are lords who produce chaos in their states, but there are no countries that are naturally chaotic; there are men who can bring order about, but there is no model that will produce order.” This spells out the point better than the more literal yet cryptic version given in the main text. It is fundamentally the same point that Xunzi makes at the beginning of the tian lun (Discussion of tian) chapter where he states that rather than being the work of tian, peoples own actions give rise to their fortune or misfortune. Tian, for Xunzi, may be thought of as natural propensities associated with “the heavens.”
exemplary people, this is sufficient for a vast state, even if laws and norms are omitted. But if there are no exemplary people, then although a state may be equipped with laws and norms, it will misstep in the application of priorities, and its inability to cope with changing circumstances will suffice to result in anarchy.\textsuperscript{82}

When it comes to managing a myriad changes, adjudicating\textsuperscript{83} the myriad phenomena, nurturing and cultivating (yang) the myriads of common people, and simultaneously governing the whole empire, those who do their utmost in the service of others (ren ren 仁人) are the best (shan). Their wisdom and planning are sufficient to manage the changes. Their virtue and generosity are sufficient to pacify the common people. And, the resonance of their moral power (de) is sufficient to transform them. If such people are obtained, there will be order; if not, there will be chaos.\textsuperscript{84}

While Xunzi recognized a role for law in governance,\textsuperscript{85} he did not consider law to be the best focal point for social theory or practice. What is most important for good government is good people, and since people’s original set of desires are problematic, a society needs mechanisms (wei) that will encourage and facilitate moral development. With Confucius (Analects 2.3), he recognized that law was not the best means to achieve this.

\textsuperscript{82}有亂君。無亂國。有治人。無治法。而 Yi 之法非亡也。而 Yi 不世中。而之法猶存。而夏不世王。故法不能獨立。無法不能行。而其人則存。失其人則。法者治之端也。君子者法之原也。故有君子。則法雖失。足以駕矣。無君子。則法雖具。失先後之施。不能應事之變。足以駕矣。 (44/12/1-4; K: 12.1). 適* bian stands in place of its variant with 适 radical, and the character for the name of the archer Yi is simply romanized.

A similar sentiment is expressed in the Zhongyong: “The orders issued by King Wen and King Wu written on bamboo strips were effective only when there were wise and virtuous officials. If there were no wise and virtuous officials, the orders would not have been effective.” (Zhongyong 20, Fu Yunlong’s translation, p. 61).

I follow Knoblock and Yang Liang in reading cai 材 as cai 栝, and endorse this reading. The entry for cai 材 in GHY includes cai 栝 (citing this passage). The meaning of cai 栝 comes from the idea of cutting cloth. It is made up of zai (to cut) and yi 衣 (clothing). “Thus to cut cloth (into clothing) ... cutting came to represent being decisive and hence judging” (Henshall, p. 275). Karlgen defines cai 栝 as “to cut out cloths,” “regulate, moderate,” and “decide” (GSR: 943c).

84 治萬變。材萬物。養萬民。兼制天下者。為莫若仁人之善也。夫故其知慮足以治之。其仁厚足以安之。其德威足以化之。得之則治。失之則亂。 (33/10/30-32; K: 10.5).

With this point we conclude part I, for it is with this in mind that we should consider the question underlying the arguments of part II: Is a legalistic conception of human rights that ignores considerations of moral development the most appropriate centerpiece for international moral discourse?
PART II

CONSTRUCTIVISM AND HUMAN RIGHTS
The preceding chapters have focused on an interpretation of Xunzi, and to some extent Confucianism more broadly, an interpretation I have styled "constructivism" or "Confucian constructivism." This chapter is an application of that interpretation, and deals with a contemporary issue in international moral discourse, namely, human rights. I will use the constructivist model developed in the preceding chapters to contribute to issues in that debate, noticing that the positions taken by East Asian representatives are generally consistent with this worldview. At the same time, I will be clarifying and refining the notion of constructivism itself. Given the current debate over the status of so called "Asian values" and their relevance to the notion of universal human rights, our topic is particularly appropriate for a discussion of the contemporary relevance of Confucianism.

I will begin by creating a space for a constructivist theory of rights by rejecting the dichotomy between a univocal conception of natural law and an amoral conception of positive law. Next, I will discuss ways in which Western characterizations of rights have been inconsistent with the treatment of rights in practice, and how a constructivist view gives a more accurate description of the way they are in fact treated. Then I will defend the East Asian position on rights, arguing that it is having a positive influence on international moral discourse. Finally, after a brief summary of some accounts of how the discourse on rights has been manipulated for political
gains, I will make some suggestions for achieving constructive cross-cultural engagement on moral issues such as human rights.

6.1 NATURAL LAW OR POSITIVE LAW? A FALSE DICHOTOMY

International discourse has moved to the point where the general concept of “rights” has gained widespread acceptance as a valid moral category. Today, we cannot but speak in “rights language.” Nevertheless, clarity and agreement regarding what we are speaking about, when we speak of rights, has not yet been achieved. Questions needing clarification are fundamental ones. What kind of things are rights? What rights are legitimate rights? What is their specific content? Do they even have a fixed specific content? Do they have a fixed priority? What is their scope of applicability? How do they relate to other moral concerns? And, importantly, in what manner ought they be secured?

Characterizing the way rights have been understood in the West, Jennifer Goodman writes:

There are, many Western idealists believe, certain rights with which every human being is endowed at birth, rights that cannot be denied by any human authority. This concept of human rights seems to be founded in the idea of a standard of human dignity that transcends culture, springing from a sense of shared human nature. At this point the Western thinker holds with the Realists, that there are abstract values, “universals,” that really exist, and that human rights are entities of this kind. This way of thinking leads to a concept of international law as based in natural law, and to the idea that human rights exist in nature . . . (Goodman, p. 374).

Let us briefly explore the implied relation between realism and natural law. According to D. J. O’Connor: “In so far as any common core can be found to the principal versions of the natural law theory, it seems to amount to the statement that the basic principles of morals and legislation are in some sense
or other, objective, accessible to reason and based on human nature” (cited in Perry, p. 68, emphasis in original). On this view, it may seem that natural law need not entail moral realism. There may be more than one legitimate set of basic moral principles that have some reasonable basis in human nature and some kind of claim to objectivity. Or, at least, basic moral principles can be understood in different ways, through different concepts and categories. Moreover, institutions designed to address these principles may legitimately vary.¹

On the other hand, the idea of natural law suggests a conceptually singular order. Consider for example the following remarks by John Finnis (perhaps the best known contemporary defender of natural law theory). “Even when a natural law theorist argues (as most do) that the ultimate explanation of those principles and norms (as of all other realities) is a transcendent, creative, divine source of existence, meaning and value, the theorist usually will maintain also that moral precepts divinely commanded are commanded because fitting and obligatory, not fitting or obligatory because commanded (or that the source of their obligation is rather divine wisdom than divine will)” (Finnis, p. 685).² Grounding principles and norms (and everything else) in a transcendent source, while not logically entailing a single privileged order, is at least suggestive of one. Divine wisdom tends to see the one way that is uniquely fitting. Generally, one does not think of there being a number of incommensurable sets of natural laws. If this is the case, the line between realism and natural law theory becomes hard to draw.

¹ This position was voiced by Singapore's Minister for Foreign Affairs, Wong Kan Seng, at the Vienna World Conference on Human Rights in 1993 (hereafter “the Vienna Conference”): “Order and justice are obtained in diverse ways in different countries at different times” (Tang, p. 243).

² Cf. Simon Blackburn describes rights as the “conditions necessary for societies that accord human beings their full dignity. The common core may be thought of as 'natural rights', although the term only makes good sense in a metaphysical or theological context in which nature is conceived as capable of creating moral imperatives” (Blackburn, p. 331).
Natural law is often contrasted with positive law. For example, Richard W. Wilson writes, "In conceptualizations rights can, indeed, be thought of in legal terms as traditional legal rights, nominal legal rights, and the positive legal rights of specific classes of people or of individuals. A moral right, however, passes beyond the notion of legal entitlement and embodies the enjoyment of possibilities established (usually) by appeal to natural law or to some body of transcendent moral principles, the violation of which constitutes a grave affront to justice. This is clearly the sense of rights as they are articulated in the Universal Declaration of Human Rights" (Wilson, p. 114). Some rights advocates are willing to adopt a positivist view and use the U.N. declaration and other international documents to assert that rights are now positively universal. Others fear that a movement towards a positivistic conception, in which there is no necessary connection between law and morality, is morally problematic and practically unworkable.

When positivism is assumed to be the only alternative, movement away from natural law toward a positive law model (what Jennifer Goodman calls "law as a convention, the law of contracts") is regarded as a cause for concern, for "this change subverts any form of international moral authority" (Goodman, p. 376). However, the choice between natural law and positive

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3 "Many in the West, including the most influential NGOs in the human rights field... [hold that] [s]tates are obligated by these instruments [of international law] regardless of the degree to which, or the ways in which, their cultures support the human rights idea" (Bell, Nathan, and Peleg, p. 14).

4 Michael W. Dowdle sums up this problem nicely. "[D]ependence on institutional enforcement forces the human rights community to seek to defend its already weak positivist fortress with weapons it simply does not have" (Dowdle, p. 134).

5 Admirably seeking a strategy for multi-cultural legitimation of human rights, Goodman looks to Daoism (and to Boethius, and Geoffrey Chaucer) to find a way to return to a kind of natural law that could be cross-culturally acceptable. She writes, "By recognizing a natural order of things the Daoist sage also recognizes the existence of innate human nature, underlying the many variations created by human cultural practices. This the Daoist contrasts against the artificial qualities imposed by higher forms of civilization, which tend to detract from the original natural order of society... Living in balance with nature (the Dao) and freely
law represents a false dichotomy. There can be other positions. The position here advanced, briefly stated, is the following. Rights are social constructs (wei 僔). The scope of a given formulation (or “conception”) of a group of rights is that (moral, legal, and social) system which authors and underwrites them. What specific rights exist in a system, and the content of those rights, as well as the manner in which they are secured, are all negotiable, and they are necessarily interdependent on contextual variables including moral traditions. It is assumed, further, that rights will evolve. However, while cultures and moral systems may differ, human emotions are similar by nature, and while values also may differ, one would not expect total incommensurability. Thus, exercising one’s natural rights may only be different ways of expressing a similar idea” (Goodman, p. 378). In setting up a system to guarantee our “natural rights,” however, we necessarily make choices which introduce “artificial qualities.” Mechanisms to support or enhance our rights, or in other ways promote the good, would of necessity be such artifice. She writes that, “Daoism would encourage us to look beyond the ‘social construction of identity,’ the post-modern version of the ‘social contract,’ to the fundamental needs of the physical—and spiritual—human being” (Goodman, p. 378). But to even articulate these needs is to engage in construction. They don’t come prepackaged.

6 Liu Huaqiu, head of the Chinese delegation at the Vienna Conference, remarks: “The concept of human rights is a product of historical development. It is closely associated with specific social, political and economic conditions and the specific history, culture and values of a particular country. Different historical development stages have different human rights requirements. Countries at different development stages or with different historical traditions and cultural backgrounds also have different understanding and practice of human rights. Thus, one should not and cannot think of the human rights standard and model of certain countries as the only proper ones and demand all other countries to comply with them” (Tang, p. 214).

7 The problem of what counts as a “system” may be dealt with pragmatically, acknowledging overlapping systems. The world as a whole, can be thought of as a single international system, with the U.N. as one of its major institutions. Thus the U.N. Universal Declaration of Human Rights is important. But its meaning for each sub-system may vary.

8 “The view expressed by these [Asian] governments is that human rights have a different meaning in group-oriented Asian cultures from their meaning in the individualistic West. They argue that Asian cultures value family over the individual, harmony over conflict, discipline and deference to authority over self-assertion, and welfare over freedom. A set of related arguments cites state sovereignty, economic development, and political stability as current Third-World goals to which Western-style human rights policies are inimical.” (Bell, Nathan, and Peleg, p. 8) These differences in values and goals, most if not all of which are better thought of as differences in degree than in kind, do not establish that rights are not applicable to East Asia. But differences in value, just as differences in situation, are relevant to many
we may justly maintain optimism about the potential for mutually beneficial cross-cultural dialog and progress in consensus building on moral issues such as rights. To articulate values is to engage in constructive activity. Moreover, while there may be more than one viable construction of a set of values, this by no means suggests that people should not compare competing constructs and call to attention the shortcomings of one and the merits of another. Indeed, this should be part of the process at every step.

John Rawls' theory of justice is among the most influential in Western philosophical circles today, and rights activists often cite him. However, his view is at bottom a constructivist view⁹ (a version he styles “Kantian constructivism”), which denies the moral realist outlook underlying strong interpretations of natural law. He writes, “What justifies a conception of justice is not its being true to an order antecedent to and given to us, but its congruence with our deeper understanding of ourselves and our aspirations, and our realization that, given our history and the traditions embedded in our public life, it is the most reasonable doctrine for us” (Rawls, pp. 306-307).

Constructivism proposes a vision of human rights that brings them down to earth without striping them of moral content. It allows for different understandings of what counts as a right, their descriptions, and strategies for assuring their enjoyment. Better said, constructivism provides a framework

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⁹ Rawls' "Kantian constructivism" is not the same as "Confucian constructivism" as I have been describing it. And I by no means intend to attribute all the views I have presented under the label "constructivism" to him. Nevertheless, there seems to be a fundamental similarity in basic outlook. On Marcus Singer's account, "Constructivism maintains that moral ideas are human constructs and the task is not epistemological or metaphysical but practical and theoretical—[for Rawls] that of attaining reflective equilibrium between considered moral judgements and the principles that coordinate and explain them" (Singer, p. 510). For Confucian constructivism the task is the practical realization of social harmony through an intelligent use of moral categories and norms.
for understanding how alternative moral systems may in different ways answer the concerns that the concept of human rights seeks to address. Notably, a strong “rights culture” may not be the only way to practically secure a robust version of human rights, and may be a poor way to do any better than that.

6.2 THE SEPARATION OF THEORY AND PRACTICE

Political declarations have borrowed the language of strong conceptions of rights while in practice, and sometimes explicitly in the documents themselves, rights are qualified. Let’s consider some historical declarations of human rights. Perhaps most famous, at least in the U.S., is the preamble to the Declaration of Independence. Thomas Jefferson (a slave owner) writes, “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.” The Virginia Declaration of Rights, upon which Jefferson drew, asserts “That all men are by nature equally free and independent and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and the pursuing and obtaining happiness and safety” (Section 1).

However even the historical declarations were sometimes ambiguous and equivocal on the absolute status of rights. For example, the French Declaration of the Rights of Man (often taken to be one of the strongest declarations) claims to speak of “natural, unalienable, and sacred rights of man.” Yet it qualifies these rights, as in Article 10: “No one shall be disquieted on account of his opinions, including his religious views, provided their manifestation does not disturb the public order established by law.” Article 11
makes similar qualifications: "The free communication of ideas and opinions is one of the most precious of the rights of man. Every citizen may, accordingly, speak, write, and print with freedom, but shall be responsible for such abuses of this freedom as shall be defined by law" (emphasis added).

More recently, in Vienna 1993, the United Nations reaffirmed its original 1948 declaration on human rights and clarified, "The universal nature of these rights and freedoms is beyond question." The original declaration actually fell short of making this claim explicit. It is a significant fact, though a largely ignored one,¹⁰ that the United Nations declaration was titled a "Universal Declaration of Human Rights" and not a "Declaration of Universal Human Rights." What was claimed to be universal was the declaration, not the rights in and of themselves. This can be seen in the preamble as well, which states, "[T]he advent of a world in which human beings shall enjoy the freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people" (emphasis added). Note that what seems to be grounding the rights claims here is simply the assertion of an aspiration, a vision, a wish that calls forth action, nothing more, nothing less.¹¹ "The text of this declaration on international human rights was designed to create and then proclaim a vision" (Lauren, p. 234). It is a "rallying cry for those who want change" (Lauren, p. 283).

While the 1948 declaration reads more like a wish list than a philosophically defensible set of metaphysical truths, it has a certain

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¹⁰ For example Howard and Donnelly overlook this when they write, "Human rights are, by their nature, universal; it is not coincidental that we have a Universal Declaration of Human Rights, for human rights are the rights of all men and women" (Howard and Donnelly, p. 5, emphasis in original).

¹¹ If expressed in philosophical jargon, the U.N. declaration is better described in Nietzschean terms than in Platonic ones; it is more an expression of will-to-power than a description of pre-existing universal Forms.
seductiveness. To question, for example, that “Everyone has the right to life, liberty and security of person,” (Article 3) or that “Everyone has the right to freedom of opinion and expression” (Article 19), would seem to suggest that some people have these rights and others do not. When one reflects and finds no basis on which that could be true, it is hard not to assent. We just plain have those rights, and so does everybody else. Thus, it may seem, there are rights, and they are universal.

But all is not what it seems. For to question the truth of universal claims like those of Articles 3 or 19 is not to assert that some people are born with inalienable rights while others are not. Rather it is to question whether rights are the kind of things that can be inherent in people independent of social—and thus contingent—constructs. Characterizations of rights as absolute, inalienable, inherent, inviolable, and necessarily strictly universal, stem from misrepresentations of the kind of thing that rights are.

Rights are, to use Xunzi’s language, “artifice” (wei), they are the product of conscious activity of human beings; they are man-made. They are, to use John Searle’s language, part of “social reality” grounded at least in part in “collective acceptance.” They form a part of one way of constructing a moral system. Nevertheless, they are not for this reason arbitrary or wholly separable from human nature.12 The East Asian challenge to human rights is, in part, an effort to re-conceptualize rights along these more reasonable lines, to conceive rights in a way that more accurately reflects how they have in practice always been treated.

For example, the right to free speech is not treated in the West the way Western critics of East Asia pretend. Rather than being inherent, inviolable,

12 The concept of “human nature” is itself a construct—as all concepts are. But that is not to say that there is nothing in the world that limits and helps us determine the concept in an effective way. There are characteristics and propensities which are universal (or nearly so) and enduring among human beings.
or absolute, its scope of application is socially negotiated. In England, it is unlawful to promote racism (Dworkin 1985, p. 335); in Germany, it is unlawful to deny the holocaust; and even in the United States, it is unlawful to incite violence. Those are not “protected” forms of speech. Slanderous speech (libel) and obscenities are likewise restricted. The extent to which courts have had to decide what the provisions of rights entail suggests that—whatever rights there may be—there can be no absolute expression of them. Expressions of rights will always be subject to clarification and interpretation. All of the above mentioned limitations on rights have some reasonableness, and the German law is clearly related to its particular history. Rather than the right to free speech being absolute, it would be more accurate to say that there are circumstances where it may be overridden and, further, that what those circumstances can never be exhaustively expressed.

The view of social institutions and moral conceptions as contingent and evolving is a natural one from the Confucian perspective, as we have understood it. It is perhaps not coincidental then that the claims made by representatives of East Asian countries in the Bangkok Declaration are best understood from this perspective (as we will see in quotations below). The East Asian challenge to human rights assumes this less loaded Confucian constructivist conception. We thus concur with Randall Peerenboom’s assessment: “[R]ights in China will be viewed as a product of Chinese culture, traditions, and historical and economic conditions. As such, they may or may not be appropriate for other countries. Further, rights will differ not only between China and other states but within China from one period to the next. This of course is the reality everywhere in the world. What will differ is that in China jurisprudential rhetoric may match reality” (Peerenboom, p. 53).

On the Confucian view, *dao* is a historically continuous yet evolving holistic vision of conditions and categories conducive to harmonious social
living in tune with both the contemporary social circumstances and enduring features of human nature. If this characterization is accurate, then there is no reason the concept of rights could not be, or cannot become, part of dao. There is also no guarantee that it will, or that it morally must do so. For Confucians, dao invokes a concept cluster, and "rights," as such, have not been traditionally among those concepts. Relevant Confucian concepts, particularly for Xunzi, include wei (constructs) which itself includes li (ritual propriety) and zhengming (attunement of names). Also included, but de-emphasized, are fa (law), and xing (punishment). Confucianism traditionally includes precepts that cover much of the ground covered by rights, though they were not regarded as individual claims but rather duties of government. We are accustomed to thinking of rights and duties coming in pairs, but while a right may entail a duty, a duty need not entail a right. Further, a social organization which includes duties but not rights may not be morally problematic (making people into slaves) so long as those duties are indeterminate and yet social expectations combined with (largely informal) coercive measures and influences ensure that the system as a whole is maintained such that benefits flowing from the fulfillment of these duties are adequately spread. In such a situation one would have duties to others, but would also have the freedom to decide how to fulfill them. And, while one could claim no right to any specific return, one would expect, and in fact receive, many benefits from being a part of this social organization.

For example, Kawashima Takeyoshi argues that in traditional Japanese culture "The indeterminateness of social obligations... does not allow the existence of the concept of 'right' as the counterpart of social obligations" (Kawashima, p. 274). This is in part because "the actual value of social

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13 The broader conception of fa as "moral model," however, is a central Confucian concept, especially for Xunzi.
obligations depends upon the good will and favor of the obligated person” (Kawashima, p. 263). Thus, “social obligations of this sort do not fit the lawsuit, which will inevitably bring about a breach of the close personal relationships based on the spirit of wa [harmony; Chinese: hē hē]” (Kawashima, p. 267). Moral and political theories that stress legalistic mechanisms are suspect in the Confucian world. Therefore, while there may be a place for, and even need for, some version of rights in the contemporary Confucian world, their role may be a limited and subordinate one.

6.3 TAKING ALTERNATIVE VIEWS SERIOUSLY

During the last decade, representatives of East Asian countries have been articulating their own conceptions of rights. These re-conceptualizations have contributed to a more nuanced (that is, both more complicated and more reasonable) conception of rights. While most “purists” (to use Michael J. Perry’s word to describe non-politically motivated rights activists) continue to espouse a “universalism” with respect to rights, many are adopting a softened one, a “tempered universalism” (Nathan, p. 363). In addition, the positive side of Asian values, emphasizing “positive rights” such as the right to subsistence, has largely been accepted and adopted. Purists however are loath to conclude that “Western values” encompassed in civil and political rights may be overridden by them. Rather both sets of rights have validity, and thus when conflicts arise between them, there needs to be an appropriate balancing. However, there is indeterminacy in this balancing, as well as in the interpretation of any specific right. These considerations require that any

14 It should be noted that Kawashima believes that the Japanese attitude has shifted and is continuing to change in the direction of accepting “rights” as a legitimate concept. This is in part due to changes in the structure of society. More and more relationships, such as tenant-landlord, have become temporary ones, and thus the informal pressures and incentives to stay on good terms with the other party has lessened.
claim of universality be qualified, and that absolutist conceptions give way to conceptions that more accurately reflects the way rights are, will be, and have always been treated in practice.\footnote{Few would maintain that every defendant in a criminal trial and every voter actually enjoy equal rights. Westerners, no less than others, inhabit a culture in which equal rights are sharply skewed by hierarchies of values substantiated by social practices (Morris, p. 88).} As Michael W. Dowdle remarks, “In order to respond effectively to the challenges of the East Asian nations, we need to start taking their arguments seriously, and develop a more realistic description of how traditional human rights relate to other legitimate moral concerns with which they must sometimes compete” (Dowdle, p. 126).

Proponents of Asian values, such as those who together drafted the Bangkok Declaration, have also made considerable concessions. To agree to foreign terms of discourse in their acknowledgement of “rights” is itself a major concession. They have even been willing to describe them as “universal,” although they only acknowledge this universality in two limited senses.\footnote{The Bangkok Declaration say that while “Stressing the universality, objectivity and non-selectivity of all human rights,” its contributors, “Recognize that while human rights are universal in nature, they must be considered in the context of a dynamic and evolving process of international norm-setting bearing in mind the significance of national and regional particularities and various historical, cultural and religious backgrounds” (Bell et al., p. 391, 392).} First, the idea that people should have rights is considered to be universally accepted at a broad and vague level. This is understood as meaning that rights are a legitimate way of talking about some moral matters that relate to ways in which people are similar. Universalism in this sense can be considered as analogous to the manner in which the Confucian view of dao or ren may be considered “universal.”\footnote{Rather than the strict sense of “for all X,” “universal” here should be taken as closer to the sense of pubbian 普遍, that is, general, widespread, pervasive, common.} According to Antonio Cua, “[T]he vision of dao, or ren in the broad sense, is indeed universal, in that it expresses an ideal of human care and concern for the well-being of all existent things, an ideal of the unity and harmony of humans and all things in the

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world. Implied in this vision is not a norm to be spelled out in a set of universal principles of conduct, but something more like a theme that admits of diverse interpretations of its concrete significance" (Cua 1998, p. 307). Different ways of conceiving, interpreting and balancing rights allows for a variety of legitimate alternatives. Confucian ethics “makes no claim to certainty nor universality in interpretation” (Cua 1998, p. 307). Likewise, Xunzi—as well as Confucius (Analects 17.2)—recognized that people are similar in nature, and that basic moral principles tied to these similarities could be considered applicable to everybody. But, at the same time, any specific expression of such principles would involve an interpretive element, and such expressions would also need to address the particularities of historical and cultural circumstances.

The idea of vague universal agreement coupled with differences in interpretation was expressed by Singapore’s Wong Kan Sen in his statement at the Vienna Conference. “All cultures aspire to promote human dignity in their own ways . . . Most rights are still essentially contested concepts. There may be a general consensus. But this is coupled with continuing and, at least for the present, no less important conflicts of interpretation” (Tang, p. 244). Adopting a holistic conception of rights allows for different weighing of individual rights and tailoring moral systems to different social, cultural and economic circumstances. Dworkin’s distinction between a vague “concept” and a specific “conception” (Dworkin 1977, p. 134) can aid us here. The concept of “rights” has been universally acknowledged to be a legitimate and important moral category. Nevertheless, there is no universal consensus, the U.N. declaration notwithstanding, on any particular conception of rights.

An exception to this lack of consensus leads us to the second way in which human rights may be considered universal. One of the strongest

18 Cua credits this view to Chang Tsai.
arguments for the need for a robust international rights regime is the fact that atrocities continue in various places around the world. Michael J. Perry’s compelling book (1998), while not resting on a mere appeal to emotion, derives some of its force from emotional responses elicited through the graphic depictions of such atrocities. With a provocative picture on the cover, the text is sprinkled with relatively recent documented accounts of savagery that no minimally socialized person from any culture would condone. However, this aspect of the case for human rights does not weigh against the East Asian challenge. The East Asian position grants a small set of core universal human rights that cover these horrendous cases. In doing so it makes no concession, for such abominations as depicted by Perry have always been condemned by Confucianism. Indeed, they are condemned by all cultural traditions. As Wong Kan Seng, representing Singapore, one of the strongest defenders of Asian values, says in his address to the Vienna Conference, "Diversity cannot justify gross violations of human rights. Murder is murder whether perpetrated in America, Asia or Africa. No one claims torture as part of their cultural heritage" (Tang, p. 244). But even with respect to "hard core" rights, the general caveat applies: interpretation is required in every application. In other words, what counts as, say, "murder" is contestable.

In any case, while conceding that for a small number of rights there may be universal agreement in more specific terms, these rights are considered relatively few in number. For example, Bilihari Kausikan, a representative of the government of Singapore and a strong backer of Asian

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19 According to a 1991 white paper, China’s position is that it “has always held that to effect international protection of human rights, the international community should interfere with and stop acts that endanger world peace and security, such as gross human rights violations caused by colonialism, racism, foreign aggression and occupation, as well as apartheid, racial discrimination, genocide, slave trade and serious violations of human rights by international terrorist organizations” (Information Office of the State Council, Beijing, p. 61).
values, asserts, "The hard core of rights that are truly universal is smaller than many in the West are wont to pretend. Forty-five years after the Universal Declaration was adopted, many of its 30 articles are still subject to debate over interpretation and application—not just between Asia and the West, but within the West itself" (Kausikan 1996, pp. 229-230).

Given their view of rights in general, do Asian values proponents create a conceptual problem for themselves when they acknowledge any hard core rights as universal? Kenneth E. Morris implies they do. "[W]hile the opponents of rights generally support a modest range of rights they give no reason for doing so" (Morris, p. 78). For example, Kausikan states that with regard to "genocide, murder, torture, or slavery . . . there is a clear consensus on a core of international law that does not admit of derogation an any grounds" (Kausikan 1996, p. 231). But, says Morris, "When I challenged him on just this point (1997, New York) Kausikan replied that he had no interest in engaging in a discussion based upon philosophical 'first principles' but, as a diplomat, was simply acknowledging that core rights have been universally granted by the positive law of international documents" (Morris, p. 92 n 9). Since Kausikan was answering off the cuff, he may not have given the best reply his position would allow. Nevertheless, if we have understood the East Asian position correctly, a response to the effect that one was merely being diplomatic in the acknowledgement of the existence of some rights is an appropriate one. The answer is really: "We would prefer not to talk in rights terms at all. And we certainly do not hold the strong metaphysical position regarding rights that some advocates do. Nevertheless, since there is agreement on condemning certain things, we are willing to stipulate this in rights language for the sake of moving the dialog forward. Don't hold that
against us.\textsuperscript{20} In cross-cultural dialog, “rights” may serve as a way of agreeing to certain practical conclusions supported by differing moral reasons. When agreeing to endorse a right we are not necessarily agreeing on an ontological or metaphysical claim, or even on a conceptual framework, but only that different frameworks can have similar implications.\textsuperscript{21}

In other words, one may assent to a conclusion of an argument framed in the language of rights and still not think that “rights” are the best terms in which to think about the issue.\textsuperscript{22} One is not forced into the position of admitting that there are rights in a moral realist sense just because one agrees that, say, torture is (almost) always wrong—even if sufficiently specific conditions allows one to drop the “almost.” The claim that there can be universal agreement on a moral issue is different from the claim that there is a determinate moral structure to the human world. Universal agreement on a core of rights does not necessary slide into a realist position. A constructivist can acknowledge that some things may be regarded as bad no matter how moral concerns are parsed, that is, no matter what categories one employs to understand them, and under any set of viable human values.

The distinction between the two ways in which rights may be considered universal leads to two ways in which rights may be treated. One
way is to treat rights legalistically, but only for a “hard core” of rights. Here there is an opportunity for reaching broad cross-cultural agreement to back international law that could support effective responses to clear abuses. The other way is to treat rights programmatically for a wide range socially desirable ends. One need not insist on specific agreement here. Nevertheless, these two possibilities can also be combined. Indeed, such a mix is both the vision of rights propounded by the champions of “Asian Values” as well as the direction in which international discourse has headed. This view has a Confucian parallel in the idea of legalism (punishment) for those guilty of serious offenses, and government informed by \textit{zhong} and \textit{shu}, facilitated through \textit{li} (that is, good—Confucian—government) for the rest.

In any case, Asian representatives have tied their acknowledgement of (general) universality with a “non-selectivity” regarding a broad variety of rights. This may seem to be in conflict with the limiting of universality to a narrow list of “hard core” rights and a broad vague vision amenable to various interpretations. But, first of all, the call for non-selectivity can be understood as defense against the assertion that all countries should interpret rights in the same way. It asserts that it is illegitimate to privilege certain rights over others \textit{in the abstract}. Rather, interpreting rights involves fitting them to circumstances. Balancing rights needs to be done in consideration of the most pressing needs of the people to whom they apply. The demand for non-selectivity is clearly aimed at the position that privileges narrow civil and political rights and puts these first regardless of circumstances. To be

\footnote{Some would argue that desirable ends are not properly “rights” at all. But international discourse on rights has evolved in a very inclusive direction, as is discussed below. Glancing at the U.N. Declaration on Human Rights should suffice to establish that the concept of rights is given a very broad understanding in international discourse, libertarian objections notwithstanding.}

\footnote{In circumstances involving extreme poverty, for example, subsistence rights and the right to economic development are thought to deserve priority. For example, Singapore’s Wong Kan Seng states, “[P]overty makes a mockery of all civil liberties. Poverty is an obscene violation of}
"non-selective" is to balance a broad range of concerns, rather than privileging certain ones and using them to "trump" other legitimate moral matters, that is, obsessing on one concern to the point of being blinded to the validity of other concerns—what Xunzi calls bi (obsession).25

It has been charged that "the need to give equal emphasis to all categories of human rights" is inconsistent with giving high priority to economic rights (Chan 1995, p. 31-32). Equal emphasis means that priority is determined by the most pressing needs, not by a pre-selected subset of rights.26 When East Asian representatives stress the importance of economic rights or the right to subsistence it is always within the context of the needs of

the most basic of individual rights. Only those who have forgotten the pangs of hunger will think of consoling the hungry by telling them that they should be free before they can eat. Our experience is that economic growth is the necessary foundation of any system that claims to advance human dignity, and that order and stability are essential for development" (Tang, p. 245). This shows not only that rights depend on circumstances, but that they depend on cultural expectations. In this case the expectation (a minimal standard of material well-being) is clearly related to the circumstance (poverty). The United States, not only having historically developed values that emphasize freedom but also enjoying prosperity, puts the freedom to acquire whatever one can (whether it be material necessities or medical care) above the right to any minimal standard. Education is perhaps the exception that proves the rule. In the U.S. there is nominal agreement that everyone deserves good quality basic education, yet there are drastic inequalities tied chiefly to the economic success of the parents.

25 Just as absolutisms would be considered forms of bi (obsession), relativism too is guilty of selectivity resulting in a skewed view. Values, for example, are not simply relative to culture. They are in part relative to culture. In conceiving values, however, there are aspects of human nature that cannot be ignored. While moral judgments (right, wrong, praiseworthy, acceptable, unwise, depraved and so on) are made within a moral system, moral systems are cultural constructs which nevertheless must deal with propensities—which at least some are not a function of culture. Human beings are malleable, but not infinitely so. They have characteristics which must in some way be taken into account by any moral system. Thus it is not unlikely that some actions would be judged in similar terms (say, "wrong") by all cultures. That is, some things may be wrong by the standards of any viable moral system.

26 Ronald Dworkin makes a distinction between treating people equally and treating them as equal. A parent who treats his children as equal will give a full dose of medicine to the sick child rather than splitting it evenly between the sick child and the healthy one, which would be treating them equally (Dworkin 1977, p. 227). Analogously, we can distinguish between treating all rights as applying with equal weight in all circumstances, and the idea that emphasizing rights equally is applying appropriate weight according to the circumstances. It is the latter that East Asian countries are advocating.
developing countries. Giving priority to those rights in developing countries is the result of considerations of the conditions of such countries. The idea that the right to subsistence is more important than the right to (a high degree of) free speech in developing countries is not being selective, it is making the appropriate judgment for the needs of a particular situation. This is in keeping with Xunzi's position that "Those who are good at articulating the ancient must show that it is applicable in the present. Those who are good at talking about natural propensities (tian) must show the relation to people." Likewise, those who argue for stressing a particular right must show its relation to real human needs in the particular time and place.

A demand for non-selectivity in this sense does not suggest that there is only one valid interpretation. Rather, it implies that given the variety of social, cultural, and economic condition around the world one should expect different interpretations and implementations of rights. It is also not inconsistent with the idea that only a small number of specific rights can be universally regarded as nonderogable, for this is merely an acknowledgement that for some specific rights there are no (ordinary) situations where the violation of those rights would be tolerable by any viable moral standard. The

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27 According to a Chinese white paper on Human Rights, "China believes that as history develops, the concept and connotation of human rights also develop constantly. . . . To the people in developing countries, the most urgent human rights are still the right to subsistence and the right to economic, social and cultural development" (Steiner and Alston, p. 233). Also note, "As [Andrew] Nathan points out, a prominent feature of Chinese rights is that they have varied from one constitution to the next. He attributes this to the belief of authors of the Chinese Constitutions that rights are grants from the state, and hence may be added or subtracted at the will of the state. . . . The conception of a social order as historically contingent and evolving may also explain this phenomenon: as the society changes, so must rights" (Peerenboom, p. 54).

28 荀子曰：『善者，天之於人也。善者，天之於人也。』(88/37/4; K: 23.3b; W 163).

29 Chuan Leekpai, then Prime Minister of Thailand, states “Perception of rights does not exist in pure air. It is a result of complex interaction among several groups in the society. . . therefore, it is natural that approaches to the implementation of fundamental rights vary because of differences in socio-economic, historical, cultural backgrounds and conditions” (cited in Caballero-Anthony, p. 41).
East Asian position is that while there are no circumstances in which "hard core" rights should be violated, there are circumstances where civil rights should not be the highest priority. Insisting on privileging those rights for all cases is being "selective."

All this is not to say that Asia's representatives never couch their statements in overly strong language. For example, it may be misleading to say, as Liu Huaqiu does: "The concept of rights is an integral one. . . The various aspects of human rights are interdependent, equally important, indivisible and indispensable" (Tang, p. 214). This language has been, at least to some degree, adopted from rights advocates and repeated as a concession to them. The fact that this leads to seeming contradictions in the East Asian position is better understood as evidence that they have different conceptions of these terms and ideas, or that they are coming to them from a fundamentally different perspective, rather than as a sign of incoherence.

6.4 ARE RIGHTS ABSOLUTE TRUMPS?

The East Asian position is gaining ground on the issue of absoluteness versus contextualization. Most advocates have retreated from strong moral absolutist stances. The mainstreams of human rights defenders have replaced moral absolutism, which is difficult to defend philosophically, with practical "nonderogable" law, as a reasonable construct.

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30 For example, Pierre Sané probably has a different conception of "indivisible" in mind when, as the secretary general of Amnesty International, he says, "Human rights are not relative. They cannot be divided or ranked. All human rights are universal and indivisible" (Sané, p. 18).

31 Those still defending absolute conceptions of rights include rationalists like Alan Gewirth, and defenders of strong versions of natural law, such as John Finnis who bases his argument in defense of an absolute interpretation of basic rights on the idea of "divine providence." For a short critique of the latter, see Perry, pp. 104-015.

32 See Perry, pp. 87-106.
However, some advocates continue to take a hard line, often citing Ronald Dworkin for his characterization of rights as “trumps.” Sometimes Dworkin is used in support of positions stronger than he in fact holds. For example, Margaret Ng writes:

These [negative] rights may not be all that is necessary to bring about the ideal society, but they are fundamental, axiomatic, and inviolate. Basically the same concept of rights, the rights of the individual against the collective, is notably supported in contemporary thinking by Ronald Dworkin and Robert Nozick. In Dworkin’s terms, “A right against a government must be a right to do something even when the majority thinks it would be wrong to do it, and even when the majority would be worse off for having it done.” (Ng, p. 60, citing Dworkin 1977, p. 194)

However, Dworkin does not regard rights as strictly “inviolate.” While he uses the word “trump,” his interpretation is much more guarded than Ng’s characterization suggests. For instance, he does say: “Individual rights are political trumps held by individuals. Individuals have rights when, for some reason, a collective goal is not a sufficient justification for denying them what they wish, as individuals, to have or to do, or not a sufficient justification for imposing some loss or injury upon them” (Dworkin 1977, p. xi). However, he cautions himself as follows:

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33 For example, Rhoda F Howard and Jack Donnelly, in the introduction to their *International Handbook of Human Rights*, write: “As Ronald Dworkin put it, rights in ordinary circumstances ‘trump’ other moral and political considerations” (Howard and Donnelly, p. 1).

34 Charles Fried offers a succinct rebuttal to such claims. “We can imagine extreme cases where killing an innocent person may save a whole nation. In such cases it seems fanatical to maintain the absoluteness of the judgment, to do right even if the heavens will in fact fall” (cited in Perry, p. 87).

35 Cf. “But those Constitutional rights that we call fundamental like the right of free speech, are supposed to represent rights against the Government in the strong sense; that is the point of the boast that our legal system respects the fundamental right of the citizen. If citizens have a moral right of free speech, then governments would do wrong to repeal the First Amendment that guarantees it, even if they were persuaded that the majority would be better off if speech were curtailed” (Dworkin 1977, p. 192).
I must not overstate the point. Someone who claims that citizens have a right against the Government need not go so far as to say that the State is never justified in overriding that right. He might say, for example, that although citizens have a right to free speech, the Government may override that right when necessary to protect the rights of others, or to prevent a catastrophe, or even to obtain a clear and major public benefit . . . What he cannot do is to say that the Government is justified in overriding a right on the minimal grounds that would be sufficient if no such right existed. He cannot say that the Government is entitled to act on no more than a judgment that its act is likely to produce, overall, a benefit to the community. (Dworkin 1977, p. 192)

Dworkin advocates taking rights seriously, not taking them absolutely. He advocates giving them substantial weight. But, in the end, Randall Peerenboom’s assessment is a sensible one: “[T]aking human rights seriously [does not] necessarily entail that rights be considered absolute and inalienable, a trump against any and all interests of the state, or as invariably of greater moral weight than matters of policy or social consequences. Indeed, no system takes human rights that seriously in practice” (Peerenboom, p. 57). For example, he explains:

The U.S. also limits rights in the name of the public good. Our system first distinguishes between rights. Some are classified as “fundamental” or “preferred”—for example, freedom of religion and speech. But even these fundamental rights are not absolute or inalienable; they may be overridden if on strict scrutiny the court finds a compelling state interest. Other rights, for example economic rights, may be infringed on finding nothing more than a minimally rational basis for the trumping legislation. (Peerenboom, p. 31 n9)

36 Cf. “Non-fundamental rights are measured by a mere minimum rationality test: the legislature must have had some intelligible reason for enacting the rights limiting legislation . . . Not all rights are created equal. One must distinguish between explicit constitutional rights, implicit constitutional rights, legislative rights, legal rights, and nonlegal rights (social rights or rights in theory—philosophical rights—and so forth)” (Peerenboom, p. 40 n53).
Is it any wonder that absolutist interpretations of rights find little traction in international discourse? When human rights are portrayed as absolute by the representatives of governments (like the U.S.)\(^{37}\) which in practice do not themselves treat rights as such, this hypocrisy damages their credibility and potential for moral influence.

6.5 THE STATUS OF POSITIVE RIGHTS

The status of so called “positive rights” remains a contested issue. David Sidorsky goes as far as to say: “The inclusion of a number of human rights that relate to social and economic development ... and the priority to be assigned to social and economic rights, has become the single most contested item in discussions of contemporary theory of human rights” (Sidorsky 1996, p. 172). This is so, perhaps, because several other issues hinge on this one. For example, the broadening of the concept of rights combined with the idea that one right does not trump another, but rather they need to be balanced, allows for a “rights based” justification of the programmatic governmental approach.\(^{38}\) Margaret Ng worries that if we include positive

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\(^{37}\) For a critique of American use and abuse of rights language see Mary Ann Glendon’s *Rights Talk*. “Our rights talk, in its absoluteness, promotes unrealistic expectations, heightens social conflict, and inhibits dialogue that might lead towards consensus, accommodation, or at least the discovery of common ground. In its silence concerning responsibilities, it seems to condone acceptance of the benefits of living in a democratic social welfare state, without accepting the corresponding personal and civic obligations. In its relentless individualism, it fosters a climate that is inhospitable to society’s losers, and that systematically disadvantages caretakers and dependents, young and old. In its neglect of civil society, it undermines the principal seedbeds of personal and civic virtue” (Glendon, p. 14).

\(^{38}\) “The inspirational character of Confucian ethics explains in part an observation of Andrew Nathan, namely, that rights in Chinese constitutions are programmatic—‘that is, they are presented as a goal to be realized’. ... What are minimal ethical and political restraints imposed on the government in the West become in Confucian China ethical ideals through which social beings can realize a humane society. These ideals must be translated into practice and given expression in light of the particular circumstances. Thus, in seeking harmony, one begins but does not end with rights” (Peerenboom, p. 42 n60).
rights in the concept of rights, “Rights are no longer immediate and compelling. They become a matter of agenda and collective planning. By expanding the concept of rights, we have lost our rights altogether” (Ng, p. 62).

In addition, absolutist approaches to rights, which are on weak ground anyway, are further undermined by the acceptance of positive rights as legitimate rights. As the distinction between a benefit and a right weakens, so does the position that “The prospect of utilitarian gains cannot justify preventing a man from doing what he has a right to do” (Dworkin 1977, p. 193).

While the case that human rights ought to include positive as well as negative rights has garnered broad international acceptance, the status of those rights among rights is more contentious. For example, Howard and Donnelly accept a broad list of rights and point out that “claims by officials of the Reagan administration that economic and social rights are not really true human rights are almost universally denounced” (Howard & Donnelly, p. 11). However, they reject the notion that basic civil rights must come after economic ones.

Against this position Michael W. Dowdle argues that while some maintain that “there is never any necessary tradeoff between economic development and the protection of civil and political rights” because, on the whole, civil and political rights advance economic development, “this argument enjoys little empirical or theoretical support. Empirical studies supporting this claim are contradicted by equal numbers of studies that refute it.” Further, “studies that do account for levels of economic development evince strongly that the economic benefits of civil and political rights only kick in once a minimal, prior level of economic and social development has already been achieved” (Dowdle, p. 138).³⁹

³⁹ See Dowdle for various citations.
From the perspective of developing countries, it must seem disingenuous for prosperous countries that have already achieved economic security to deride assertions of its importance. For affluent counties to demand the observance of political rights seems merely a ploy to assure their continued economic dominance by hamstringing serious efforts at economic development.\textsuperscript{40} This is exasperated by the knowledge, which few in the comfortable West like to reflect on, that their own current economic position was attained, in part, through exploitation and even slavery. Playing the “political rights” card now, as if it is a “trump,” is seen as merely a hypocritical, self-serving attempt to continue this shameful legacy.\textsuperscript{41}

In addition, the conditions in countries that emphasize negative rights are less then enticing: high crime rates, and homelessness, among other social problems.\textsuperscript{42} Political rights are not worth much if they are ineffective in solving social problems. “The idea that the freedom to complain about joblessness and no medical coverage is a fundamental human right, but that jobs and health care are not, seemed ridiculous in China” (Weil, p. 31).

It is sometimes said that positive rights “can only be aspirational” (Ng, p. 61). However, even if this is true, they are not for this reason less important, or subordinate to negative rights. Ng worries that “If rights are a matter of

\textsuperscript{40} “Third World countries often regard human rights as a Western imposition. . . . they regard the inequality of power between superpowers and Third World countries as necessarily putting them on an unequal footing. Western countries have not only defined all the terms of discourse but also utilized their positions of economic and political superiority to pressure weaker parties to comply. Put simply, the human rights regime is viewed as an ideological resource of the ‘West’ to colonize the ‘East’ ” (Lee, p. 87).

\textsuperscript{41} Robert A. F. Thurman makes a similar point: “While we . . . feel thankful for our liberties and proud of our respect for human rights, we avoid reading Bury My Heart at Wounded Knee” (Thurman, p. 90).

\textsuperscript{42} For China’s official position on a host of rights issues see the 1991 white paper “Human Rights in China.” Also, see the China Daily, March 11, 1996, pp. 3-4, “Human rights in China and US compared,” for a list of 24 ways in which the “US lags China in guarding rights.” These are, of course, propaganda pieces, but they do reveal a different perspective, and some points have at least partial legitimacy.
aspiration and priority, then it would appear all too reasonable that each community should decide for itself what its priorities are, considering both its practical circumstances and common values” (Ng, p. 62). It seems reasonable indeed.

It is legitimate, however, to raise the practical concern that endorsing too many rights, and in particular rights which cannot be guaranteed, runs the risk of diluting the potency of more “fundamental” ones. Again quoting Ng, “What needs to be pointed out is that even if ‘welfare rights’ are to be accepted as a new species of ‘rights’, they must be recognized as secondary to political and civil rights. They are not on a par. They may be an addition to them, but not a substitute. There should be no question of violating a fundamental right in the name of advancing an aspiration, as the modern trend in the discussion of rights appears to advocate” (Ng, p. 62). The problem with this is that the distinction between rights that are merely aspirational and those that are truly inviolable cannot be sustained. Supposedly negative rights often in fact require positive state action. For example, it may need to take actions to prevent some people from infringing upon rights of others, or to establish a system for handling legal matters in an acceptable manner. In some circumstances, these goals may not be fully achievable. Thus, the right becomes programmatic or aspirational, possibly different in degree, but not different in kind, in this respect, from “positive rights.” For example, the freedom from arbitrary arrest is inseparable from the right to “due process,” for no one has a right to be free from arrest absolutely. However, the institutions needed to insure that this process is adequate do not come cheap. Securing this right may involve substantial tradeoffs in places where, for example, there is an under-developed judicial infrastructure and inadequate financial resources to improve it. Securing this right may or may not be more
important then some other moral concern or social goal, but not because one
is aspirational while the other is not.43

In more general terms, if "some things ought not be done to anyone,"44
does not the government have a duty, not merely to refrain from such
activities, but to take active measure to assure that people are free from such
things?45 If so, should this duty be limited only to legal measures?46 Arguably,
as a matter of protecting individual rights, government has the responsibility
of providing some kind of moral training to inculcate virtues to aid in this
protection.47

This would be even truer for the positive side of rights, that "some
things ought to be done for everyone." Government may not be able to
directly provide all these things. But that does not relieve it of its
responsibility to facilitate their provision, by nurturing a culture where

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43 Charles Taylor argues that the right to life is also, in a way, positive. "If the individual is
regarded as self-sufficient, the right to life requires only that others refrain from attacking
him. But when one considers the extent to which the very conditions of life—especially those
of a fully human existence—are assured by society, it must be conceded that the rights of the
individual may demand not only the non-interference of others but their active assistance"

44 Michael J. Perry often uses phrases like this when discussing the negative side of rights.

45 In a famous story in the *Mencius*, Mencius asks King Hui of Liang whether there is any
difference between killing a man with a knife and killing him with misrule (*Mencius* 1A4). The
implication for human rights would be that allowing rights to be violated through
irresponsible government is just as blameworthy as the direct violation.

46 Confucius worries that this would be ineffective. "Lead them with legalistic government,
keep them in order with punishments, and the common people will avoid trouble but have no
sense of shame. Lead them with *de* (charismatic virtue), keep them in order with *li* (ritual
propriety), and they will develop a sense of shame and furthermore will reform themselves"
(*Analects*, 2.3). 子曰:「道之以政,齊之以刑,民免而無恥;道之以德,齊之以禮,有恥且格。」

47 It should be noted that the Chinese tradition is interested more in actual protection than
theoretical protection. When viewed from this perspective, the application of the cluster of
Confucian concepts may provide as good or better protection then the adoption of legal rights.
Which system actually would work better in practice is an empirical question. And, it may be
found that given different cultural conditions and circumstances it may be the case that a
system of rights is most effective in one environment and the Confucian cluster in another.
people develop the moral virtues which in turn help assure that what ought to be done for people actually gets done.

6.6 COOPTING A VISION

Paul Gordon Lauren speaks of “proclaiming a vision of international human rights” (Lauren, p. 234). He writes, “[T]here were those creative and courageous enough to envision a different kind of world in which all people would be treated with dignity and equality. . . . [S]lowly but nevertheless determinedly there began to emerge visions that all men and women had certain responsibilities to those in need and possessed certain natural or inalienable rights simply as the result of being human” (Lauren, pp. 35-36). This statement of the vision, however, conflates two distinct ideas: that of a envisioning a possible better world, and that of holding a particular metaphysical understanding of the world. Are we to foresee and work to bring about a world where certain ideas, what we call “human rights,” are universally acknowledged both formally and substantially, a world where all that is required to be entitled to these rights is to be human? Or, are we being asked to accept a metaphysics in which we have these rights inherently or naturally “simply by virtue of being human.”48 The first kind of vision implies a creative element in the construction of moral categories, the second version denies this element. Thus, only a vision of the first kind can be a constructivist vision, unless the metaphysical vision is understood as ultimately a noble lie. That a constructivist vision of human rights should be responsive to human nature notwithstanding, any particular version of this

48 Statement like the following also conflate these two “visions” seeming to speak of the first, but using language which implies the second: “[I]nternational human rights advocates . . . have seen in their mind’s eye a world in which all people might enjoy certain basic and inherent rights simply by virtue of being human” (Lauren, p. 1).
vision must at the same time be the product of an interpretation of this nature, and to some degree a projection of imaginative ideals.

Can a vision of universal rights be a Confucian vision? One route to suggesting an affirmative answer to this question is to dig up a quotation from a famous Confucian in support of rights. For example, Lauren quotes Xunzi as saying, "In order to relieve anxiety and eradicate strife, nothing is as effective as the institution of corporate life based on a clear recognition of individual rights" (Lauren, p. 10). One does not have to consult the original to know that the text does not really say that—because there was no way to say that within the classical Chinese concept cluster. What Xunzi says here is: "To alleviate suffering and eliminate misfortune, there is nothing like clarifying roles, enabling sociality." This is hardly an endorsement of universal human rights based on an inherent equality.

Nevertheless, while rights were not part of the traditional Confucian vocabulary, Confucianism is an evolving moral discourse, which from the beginning made efforts to address issues similar to those that concern rights

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49 A more general question is: "Must any legitimate vision now include the notion of rights?" Can there not be competing visions in incompatible with, but not morally inferior to, the vision universal rights? Any vision which endorses the routine toleration of the worst abuses cannot be a viable moral vision. But the more difficult question is whether there can be a viable competing vision which does not have a place for rights as such in its moral repertoire, that is, whether moral concerns can be conceived of differently. Could a vision of harmony in which government is a partner, rather than an adversary, where moral authority carried greater weight the right to blind equality? Does Confucianism need rights to be a vision for the twenty first century? History has forced a resolution to these issues, if not a philosophical answer to the questions. Rights are part of the discourse now, whether they were needed or not.

50 "There is no expression in any ancient or medieval language correctly translated by our expression 'a right' until near the close of the middle ages: the concept lacks any means of expression in Hebrew, Greek, Latin or Arabic, classical or medieval, before about 1400, let alone in Old English, or in Japanese even as late as the mid-nineteenth century" (MacIntyre, p. 67). See also Rosemont 1988, p. 173. For Xunzi's use of "quanli," a Chinese neologism for "rights," see Angle, pp. 629-630.

51 散思於易,則莫若分便群矣。(31-32/10/6-7; K: 10.1). Apparently, the character being interpreted as "human rights" is fen 分, roles or duties, but these were based on the particulars of the relations involved, not uniform across humanity.
advocates. For example, Confucius, Mencius, and Xunzi all made benefiting the common people a priority (Analects 6.30, 20.2; Mencius 7B14), emphasized the importance of fairness (Analects 5.16, 6.22; Xunzi K: 9.2, W 35, and K:9.19a, W 52), and provided a practical social framework emphasizing ren (doing one's best in the service of others) and li (ritual propriety) which arguably can do a better job than individual rights at honoring human dignity. While Confucians, and Xunzi in particular, showed little hesitation in administering swift and severe punishments for incorrigible menaces to society, they never countenanced cruelty (Analects 20.2, Xunzi K: 28.3), and they advocated leniency in minor matters (Analects 13.2). Whenever possible, however, they favored informal negotiated modes of reconciling differences to formalistic legal processes (Analects 2.3, 12.13); they favored the humane over the sterile.

But can Confucianism embrace rights as such? Historically Confucianism has shown itself to be remarkably accommodating and adaptable, coopting and appropriating Daoist, Mohist, and Buddhist themes as needed. Contemporary representatives of East Asian countries are now, having no other real choice, accepting the concept of rights, even as they re-articulate Asian—largely Confucian—values. They have not accepted the concept of rights uncritically. Rather, they have in effect, in political alliance with developing countries around the globe, reshaped the vision of rights.54

52 "Rites were understood by Confucius as a time-honored means of celebrating the momentous occasions as well as the ordinary events of human life, of ensuring balance and dignity in human interactions, of giving appropriate expression to human feelings, and of observing forms conducive to the cultivation of particular moral attitudes" (Bloom, p. 131).

53 "In hearing litigation, I am no different from any other. But if one insists on a difference, it is that I try to get the parties not to resort to litigation in the first place" (Analects 12.13). 子曰：聽訟，吾猶人也。必也，使無訟乎！

54 As a sad testimony to the power of their vision, an originally strong backer of human rights, the United States, having lost the moral argument for the primacy of negative rights, has now, for all intents and purposes, abdicated its leadership role. See the next section.
“[T]he rhetoric of absolute, ahistorical, universal rights is at odds with China’s philosophical and cultural traditions. The hope that China will adopt wholesale American rights ideology is misplaced. China may adopt a more rights-oriented public policy, but even then, rights in China will remain rights with Chinese characteristics” (Peerenboom, p. 57). If Confucianism can embrace rights, it will be a coopted version of rights.

While Confucian constructivism can support a theory of universal human rights, if it is to remain Confucian, it would not emphasize this because Confucianism perceives reasons not to foster a strong rights culture. Rights are viewed as legalistic mechanisms which, if over-emphasized, can erode informal mechanisms such as *li* (ritual propriety), the maintenance of which is considered critical to maintaining a healthy society. Citing several passages from the Xunzi, along with other Confucian texts, Ch’ü T’ung-Tsu concludes: “Confucians firmly believed that . . . The order or disorder of a state . . . depends completely upon the maintenance or the decay of *li*” (Ch’ü, p. 241). To the degree rights seem to undermine rites, they will likely continue to be resisted.

Nevertheless, rights can be accepted, from the Confucian point of view, as something each person can expect a responsible government to provide for everybody, but not as something individuals should wantonly demand for themselves. In other words, rights that are sustained by non-confrontational

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55 For example, Confucians are concerned about the legalistic adversarial orientation of Western rights. “Adversarial advocacy is the epitome of our court system. Thus, the meaning of ‘human rights’ in the West is inseparable from the adversarial legacy in which they were conceived” (Hsiung, p. 5). Cf. “Nothing could be more important than to underscore and defend the dignity of the human person. But the person should be distinguished from the individual. . . . An individual is an isolated knot; a person is the entire fabric around that knot. . . . Certainly without the knots the net would collapse; but without the net, the knots would not even exist. To aggressively defend my individual rights, for instance, may have negative, i.e. unjust, repercussions on others and perhaps even on myself” (Pannikar, pp. 206-207, emphasis in original).

56 “To insist on one’s rights in a Chinese context is a cultural faux pas— one must be willing to negotiate, to compromise” (Peerenboom, p. 46).
and non-selfish modes of discourse and negotiation should be acceptable from a Confucian perspective. Rights should be thought of as norms that are evolving, negotiable, attuned to circumstances, and serious—just as they are treated in practice in the West. That rights might evolve differently in different places, be attuned differently to different circumstances, and be negotiated through different means, does not imply that only one place has taken them seriously, or that only one culture has gotten them right.

Human rights are sometimes cast as a matter of maintaining human dignity. However, most East Asian states “have their own traditions in which the rulers have a duty to govern in a way consonant with the human dignity of their subjects, even if there is no clear concept of ‘rights’ as has evolved in the West” (Kausikan 1996, p. 227). Indeed there is an irony in trying to foist, in the name of supporting human dignity, a theory of rights on a culture that has preferred to organize itself around rites. Surely to settle one’s disputes amiably through informal semi-voluntary practices is more dignified than going to court to claim one’s rights. As Leroy S. Rouner sees it, “A major strength of the Chinese understanding of human dignity is the extent to which ritual practice wove humanistic values into the cultural fabric, maintaining them by social pressure rather than punishment or legal action. From the Chinese point of view, reliance on the application of law, and the interpretation of human rights as a legal doctrine, dehumanizes and impoverishes the natural sources of that dignity” (Rouner, p. 13). The question of whether or not a moral system secures human rights should be distinguished from the issue of whether “rights,” as such, are an active component of that moral system. If rights are used as a standard to measure

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57 If being necessary for human dignity is the criteria for being a right, this favors the inclusion of positive rights. “Few will dispute that a person in abject condition, deprived of adequate means of subsistence, or denied the opportunity to work, suffers a profound affront to his sense of dignity and intrinsic worth” (Schachter, p. 225).
moral systems, only the former criterion is legitimate. That certain things can be counted as violations of human rights is something for which there is no serious dispute. However, the idea that all societies should be governed by a strong legalistic system to "guarantee" these rights is questionable. 58 "[W]e may find our rights best guaranteed not in opposition to others but in cooperation with them" (Bell, Nathan, & Peleg, p. 19).

In a Confucian vision of rights, people would have a right to good governance which puts the interests of the people first (governance based on ren), implemented to a large degree by the skillful application of ritual propriety (li), where people are promoted by virtue of their moral power (de) evinced by their success in benefiting (li) all the people in fitting (yi) ways; and where the people's benefit is construed broadly to include not only the alleviation of suffering, but also higher goods, so that all members can find meaning in various ways of life which are harmoniously attuned. If this is both a Confucian vision and one which does not adequately describe the situation in contemporary China, then the question for those who would engage China constructively should be: "How can we help them make that vision a reality?" rather than: "How can we supplant that vision with our own?"

58 Consider for example the astonishing boast made by Steven J. Hood. "In a democratic society, children of a certain age have the right to leave their parents and, if they choose, to never have contact with them again" (Hood, p. 109). It is less than clear that this should be a right. Further, that this kind of claim is treated as a right illuminates a danger of excessive focus on rights. Careful thinkers, such as Dworkin (1977, p. 188-189), will point out the difference between having a right to something, on the one hand, and something being the right thing to do on the other. It is a legitimate fear, however, that in common practice this distinction may get lost. People may develop the impression that anything they have a right to do would be alright to do.
6.7 THE POLITICS OF VISION

Before I close with an appeal for potentially mutually beneficial engagement, involving genuine cross-cultural dialog, it may be instructive to briefly reflect on some problematic features of the road that the discourse of human rights has thus far traveled. To do this we will just touch on the following points: 1) the less-than-noble beginnings of religious toleration, 2) the manner in which rights tend to be interpreted in self-serving ways, 3) how rights are used by the strong to enhance their own strength, and 4) the U.S. abdication of leadership on rights when perceived as contrary to its interests.

The first point is discussed by Richard Ashcraft who sees a “darker side of liberalism and the struggle for human rights” (Ashcraft, p. 198). He writes, “[I]ts practical success in winning the battle for human rights was dependent upon a set of specific prejudices, erroneous beliefs, and an attitude fed more by conspiratorial fear than rational enlightenment” (Ashcraft, p. 198). Ashcraft argues that political recognition of the right to freedom of religion had its roots in religious intolerance—and not in the way one might expect. Protestants essentially agreed to tolerate each other out of a shared suspicion of, and disdain for, Catholics. “[T]he unifying effect of a fear of Catholicism... prompted the practical alliance of Protestants, and thereby made possible the enactment of [a limited] toleration” (Ashcraft, p. 208). Ashcraft, however, finds a constructive message in all this. “To see such rights as the products of the cultural prejudices of the community, or a fragile political alliance, or fear of a common enemy, etc., may place these rights within a less attractive framework, but, at the same time, it reinforces our consciousness that such rights are impermanent, that they are the products of a political struggle, and that organized human action is necessary to guarantee their preservation” (Ashcraft, p. 208).
Turning to the second point, according to Richard W. Wilson, people who support a new moral vision tend to:

seek that pattern of rights that will not only define the new world they are creating, but will also give them an honorable niche in it. The farmer seeks an end to restrictions by the Crown on enclosure, and the factory owner on regulations that impede free trade. Since material resources are what these new people control, they support a Lockean interpretation of the world in which property is free from the restrictive influence of authority. By logical extension, worked out over a long period this right, which permits their dominance in a new type of society, extends to protection of belief and conscience and the physical integrity of the person (indeed, to a belief in respect for the individual person as the paramount virtue). (Wilson, p. 120)

A competing model develops out of circumstances where "Meeting community needs and fostering community development are seen as paramount objectives, overriding a consideration for purely individual concerns. At the same time, of course, those who guide and control this movement have enhanced prestige and status within the new social order" (Wilson, p. 121).

As for the relation between rights and power, Paul Gordon Lauren acknowledges that "visions and the language of rights could also present double-edged swords" (Lauren, p. 26). That is, rights can be used against, as well as to protect, the interests of a minority or the politically and financially weak. For example, the right to free speech allows those with the most resources to promote policies (through advertisements, lobbying and so on) that favor themselves at the expense of others. "It thus did not take much effort to use these arguments about property rights as a defense for the great holdings of the few rich against the poverty of the many unpropertied poor, and to do so when definitions of private property actually included living
human beings: slaves, serfs, and women" (Lauren, p. 26). \(^59\) Also, "in the American cases barring government from trying to prevent the distortion of the electoral process by corporate campaign contributions... the right to free speech is mobilized to reinforce domination by entrenched power" (Klare, p. 178). By placing "the right" (protected by rights) above the good, and by limiting the conception of rights to negative rights, one is able to defend outcomes that are neither good nor just. Henry Rosemont goes as far as to suggest that "[I]ndividual rights and social justice are very likely incompatible concepts when their implications are drawn out" (Rosemont 1991, p. 68).\(^60\)

Evoking a similar theme, a declaration issued by representatives of 110 NGOs in 1993 lashes out, “Market rights do not mean human rights. ‘One dollar, one vote’ does not mean democracy. Freedom to exploit does not deliver economic rights to the poor” (Bell et al., p. 398). They explain, “The economic rights of workers, especially their access to an adequate standard of living, is often neglected in the region. Transnational corporations and agencies such as the International Monetary Fund and the World Bank at times work to undermine this right in the name of economic freedom. Many abuses of worker rights in this region come from the same countries of the North which preach human rights to the South” (Bell et al., p. 402). The last point is made by Tony Evans in his book *US Hegemony and the Project of Universal Human Rights*, where he argues that it is the United

\(^{59}\) "To the extent that a particular group within a country conscientiously chooses to discriminate against and even abuse women, perhaps as a matter of religious practice or even simply as a matter of strong, reflected tradition, such abuses would have to be tolerated, and perhaps even protected, by the human rights regime that privileges negative over positive rights” (Dowdle, p. 138, citing Steiner and Alston, p. 254).

\(^{60}\) Elsewhere, Rosemont elaborates on this theme: “First-generation human rights [that is, negative rights], for example, grounded in the concept of freely choosing autonomous individuals, may indeed offer some protection from the whims of despotic governments, but they also serve to maintain a gross and growing misdistribution of the world’s wealth, they provide legal justification for transnational corporations to do as they wish, and they have led to an increasing loss of community” (Rosemont 2001, p. 90).
States which bears the brunt of the responsibility for what he perceives as the relative impotence of the human rights movement.

The presence of a hegemon is a necessary, if not sufficient, requirement for regime creation, as most theorists assert. It follows from this that the hegemon is in a position to obstruct the creation of any regime that does not serve its own purposes by failing to provide the resources necessary for regime creation. The United States of America found that it could not resist the challenge of the coalition of less developed and socialist states in the Assembly on human rights issues. As the regime emerged it took a form, content and character far removed from the limited liberal agenda set by the United States following the Second World War. Fearful of the challenge to racist, social and economic policies in many of the states, domestic interests embarked on a campaign to ensure that the United States would not ratify any legally binding agreement on human rights at all (Evans, pp. 179-180).

The fact that the U.S. lost its seat on the U.N. Human Rights Commission in 2001 affirms a widespread conviction that the America has not only failed to lead on this issue, but has become an obstacle to progress. This was reconfirmed by the detailing of U.S. hypocritical stances related to human rights that filled editorial columns during the early part of that year, explaining international frustration with American policies.

6.8 COMPLEXITY AND CONSTRUCTIVE ENGAGEMENT

The United States, it is well known, is responsible for more CO₂ emissions than any other country. If theories linking CO₂ emissions with

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61 Governments provided their representatives "with 'position papers' and 'letters of instruction' on behalf of political agendas" (Lauren, p. 225). "In the United States, for example, the Republican Party and Southern Democrats waged an active campaign against a serious international bill of human rights, as did the American Bar Association" (Lauren, p. 230). "Eleanor Roosevelt received most unwelcome instructions telling her to focus her efforts on a declaration of principles on human rights, where then United States government felt 'on safer ground,' and that any discussion about legal commitments and enforcement 'should be kept on a tentative level and should not involve any commitments by this Government'" (Lauren, p. 231-232).
global warming are accurate, many developing countries, especially in Africa, but also in Asia, and small island countries as well, stand to be disproportionately negatively effected (Noguchi, pp. 25-38). "Negatively effected" is, of course, a euphemism here. This is not a matter of degree of utilitarian gain or loss. People will die, and in large numbers. This is predicated, however, on a hypothetical: if the earth warms significantly, there will be much suffering and loss of life. Now, does the United States (or companies or individuals in it) have the right to put large amounts of CO₂ into the air? And if so, how much, and how much weight does this right have? In general, does one have a right to (recklessly) endanger others? Do others have the right not to be so endangered? How does rights theory deal with probabilities?

The war on terror, as any other war, also raises difficult problems. Innocent people are sacrificed, and euphemized as "collateral damage." In this case, the uncertainty is not a matter of "if" but rather "who" and "how many." Also, the tradeoff may be considered as lives against lives, rather than lives against economic efficiencies. But if the most fundamental rights, such as the right to life, may be traded off in this case, why not in others too?

These are not issues for which I have a specific resolution. Nevertheless, I hope they further illustrate that rights are a complicated matter, perhaps intractably so. In particular, they are not issues that submit

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62 The issue of rights becomes further complicated when one includes the idea of group rights. We will not explore that issue here beyond noting its inseparable connection with individual rights. In the view of the American Anthropological Association: "The individual realizes his personality through his culture, hence respect for individual differences entails a respect for cultural differences. There can be no individual freedom, that is, when the group with which the individual identifies himself is not free" (Steiner and Alston, p. 199). Cf. "China also insists that national sovereignty is just as much an issue of human rights as are individual liberties. Thus the very attempt of the United States to impose its will on the Chinese is seen as violating their human right to self-determination" (Weil, p. 28).
to simplistic theories or derivations. Our moral predicament is a quagmire, and simple formulations do not get us out of it. If we are to construct a viable moral world which truly strives for fairness, as we seek to both alleviate suffering and facilitate fulfillment, we need to be open minded in developing constructive artifice to effectively do that. While "rights" may play a part in that effort, we ought not be blinded (bi) by ideologies—including the ideology of rights.

The very complexity of our moral situation suggests a constructive dialog model rather than one of adjudication based on supposedly fixed concepts such as "rights" may provide a more sensible way to negotiate a better world. While there are plenty of reasons on all sides to second guess the motives of others in the debate, if we are truly to respect the dignity of persons, we need to respect their views, especially when they represent enduring and pervasive cultural convictions. When we engage in cross-cultural moral discourse we do well to remember Xunzi's criteria for moral discourse. "If they respect ritual propriety only then can one speak meaningfully with them about the direction of the way. If their disposition is considerate only then can one speak meaningfully with them about the patterns of the way. If their demeanor is deferential only then can one speak meaningfully with them about the direction of the way. If their disposition is considerate only then can one speak meaningfully with them about the patterns of the way. If their demeanor is deferential only then can one speak

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63 Cf. the remarks of Han Sung-joo, then-Minister of Foreign Affairs of South Korea, in his statement at the 1993 Vienna Conference. "[W]e should bear in mind that a simplistic and self-righteous approach to the issue of human rights could be counter-productive... Compassion and pragmatism, rather than subjective moralism, should be our guiding principle" (Tang p. 220). Wong Kan Seng states "Human rights questions do not lend themselves to neat general formulas" (Tang, p. 246).

64 Also, from a purely practical perspective, it is common sense psychology that to influence another party, it is best engage them in good faith dialog and let them decide themselves. This entails respectfully accepting decisions, even if it means agreeing to disagree. This way there is at least a chance the other party might do what one wishes, or at least move in that direction. To try to force conformance, on the other hand, by berating them and so on, is the surest way to guarantee obstinate resistance. For example, "The West went to Vienna accusing Asia of trying to undermine the ideal of universality, and determined to blame Asia if the conference failed. Inevitably, Asia resisted" (Kausikan 1996, p. 229).
meaningfully with them about transmitting the way." Self-righteousness gets us nowhere. By taking a more deferential posture we live up to our own standards of respecting human dignity, enable true dialog, and create a space for mutual learning and moral benefit.

A. S. Cua offers a Confucian strategy for furthering productive intercultural moral discourse, drawn largely from his own interpretation of Xunzi, which may serve as an example of the potential usefulness of understanding Xunzi in a manner more constructivist than realist. He suggests some potentially transcultural principles for the productive discussion of ethical concerns between differing cultural and ethical traditions. This project envisions "argumentation as a cooperative enterprise aimed at a reasoned solution to a problem of common interest among concerned and responsible members of a moral community" (Cua 1998, p. 303). On this model, parties involved in a dispute are seen as acting with the desire of maintaining a harmonious community more than deciding who is right. "Implicit in this attitude toward human conflict [i.e. one characterized by ren] is a model of personal relationship wherein disputes are seen to be a subject of voluntary arbitration or mediation, rather than adjudication, within a moral community" (Cua 1998, p. 311). (This should apply as much to general questions, such as theories of good governance, as to particular disputes.) To adjudicate is to decide who is right, leaving the side judged wrong feeling "wronged." The goal of voluntary arbitration or mediation, on the contrary, is at least a mutually acceptable settlement, and at best, consensus and community building based on mutual understanding. Constructivism assumes that people of goodwill can largely come to agree on many very basic ethical questions. At the same time, broad and well-conceived agreement

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65 間接者・ 勿告也・ 告接者・ 勿問也・ 言接者・ 勿聽也・ 有爭者者・ 勿與辯也・ 故必由其道・ 至然後接之・ 無其道則避之・ 故禮恭而後可與言道之方・ 言順而後可與言道之理・ 色從而後可與言道之致・ (3/1/39-42; K: 1.12; Watson, p. 21).
does not imply that a different good agreement might not also have been possible. Constructivism allows for shared standards without positing a univocal structure to the moral world. Two parties can have different views without one having to be wrong.

However, some believe that morality is non-negotiable, and to treat it as negotiable is to forfeit all standards. For example, Timothy Jackson maintains that, “[L]etting go of realism will in all probability leave a society without the wherewithal to found or sustain a commitment to liberty, equality, or fraternity—much less sorority. Such a society may live for a time on past cultural capital embodied in liberal institutions and traditions, but a purely conventional virtue will not last long” (cited in Perry, p. 37). Similarly, Jennifer Goodman worries, “Making any universal principle the subject of negotiation rather undermines it as an ideal. It loses the force that comes from the recognition of its transcendent reality as a law of nature or inalienable birthright. The principle becomes, instead, a convention on which the parties to a contract agree. Presumably contracts are subject to adjustment to suit the parties involved. They can be revised, revoked, altered, and emended at will, because they are only words on paper” (Goodman, p. 375).

And, Andrew Nathan writes, “In the end, most of our essays suggest that it is contradictory to argue for a value as being valid in any other way than universally. A state of affairs alleged to be relativistically right is only a preference, not a value. One is reminded of Kant’s warning that moral philosophy is not anthropology. If human rights are matters of value, then the issue to debate is whether they are right or wrong, not how widely they are held” (Nathan, p. 358).66

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66 Cf. “We reach our moral views in discourse governed by appeal to higher norms and reasons. So we are likely to (and in both cultures do) operate under a ‘one right answer’ assumption. That is, communities with highly developed second and third level discursive appeals and supports for moral attitudes are likely to regard them as adequate for objectively settling moral issues. Neither treats the answers to moral questions as relativistic historical prejudices” (Hansen
The East Asian position rightly rejects false dichotomies such as those between realism and conventionalism, and between universalism and relativism. "[A] genuine and fruitful dialogue, expanding and deepening consensus...will require finding a balance between a pretentious and unrealistic universalism and a paralyzing cultural relativism. The myth of the universality of all human rights is harmful if it masks the real gap that exists between Asia and Western perceptions of human rights. The gap will not be bridged if it is denied" (Kausikan 1996, p. 229).

Rather than asking whether a value is "right or wrong," we may do better to ask whether it can be vindicated in practice. This change in question correlates with a change in underlying worldview. It is not that there is a single answer to the questions of the validity of values. The validity of a single element of a system cannot be evaluated on its own. The questions must always be: (1) Is it valid within a given system? And, (2) is the system as a whole valid? More than one system, each containing different values, could plausibly be vindicated in practice. Whether or not they are so vindicated is, at least in part, an empirical question. While philosophical questions raised...

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1997, p. 95). Hansen supposes a false dichotomy between "relativistic historical prejudices" and "one right answer." It is not the case that denying the one right answer assumption leaves us with merely relativistic historical prejudices.

67 Nathan does concede that, "Everything happens someplace, sometime, under specific concrete conditions. Every social phenomenon is in this sense intrinsically particular. The universality that we attribute to social phenomena is conceptual, imposed and posited, not intrinsic to them as phenomena. The validity of universals lies in the validity of their construction rather than in anything intrinsically universal in the facts" (Nathan, p. 364).

68 This "other worldview" is a view which allows for a plurality of other views. From this perspective, "Human Rights are one window through which one particular culture envisages a just human order for its individuals. But those who live in that culture do not see the window. For this they need the help of another culture which sees through another window.... Should we enlarge the viewpoints as much as possible and, most of all, make people aware that there are—and have to be—a plurality of windows? This latter option would be the one in favor of a healthy pluralism" (Pannikar, p. 203).
in the Asian values debate are not new, they now need to be taken more seriously than they previously have been precisely because now the answer to the empirical question of whether alternative systems can vindicate themselves in practice appears to be “yes.”

Two societies which both accept a similar ethical standards, yet have developed very different institutions, can realize various goods to different degrees such that it may not be objectively decidable which one has done a better job. It is possible, further, that there may be different societies with different but overlapping aspirations among which it is also not possible to

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69 They have also been raised within the Western philosophical tradition. Kenneth E. Morris categorizes traditional critiques on rights into two types: ontological critiques and teleological critiques. See Morris pp. 70-73.

70 The case of Japan can be useful. In his article, “Japan: The Bellwether of East Asian Human Rights,” Ardath W. Burks provides a balanced description of the good, bad, and contentious points of Japanese law and society as they relate to human rights. He concludes, “Since Japan regained the exercise of its sovereignty in 1952, the nation has enjoyed a level of individual freedom that is, according to one observer, ‘close to the maximum attainable under any system of democratic constitutionalism.’ This is despite, or perhaps because of, the fact that the people possess an unusually strong sense of cultural unity and emphasis is placed on harmony and consensus in social relations.” (Burks, p. 47, emphasis in original) Burks also notes, “The [Japanese] Supreme Court has consistently supported the view that the public welfare (kokyō no fukushii) can be used as justification for placing limited restrictions on the exercise of fundamental freedoms” (Burks, p. 37, emphasis his). He also notes: “There is some legal justification: Article 12 states that people in enjoyment of freedoms are ‘responsible for utilizing them for the public welfare;’ Article 13 (the right to ‘life, liberty, and the pursuit of happiness’) sets a limit to the extent that it ‘does not interfere with the public welfare;’ similarly, Article 22 (residence and occupation) and Article 29 (property) are restricted by such considerations” (Burks, pp. 50-51 n28). Burks notes that Japan’s Supreme Court “has consistently interpreted individual freedom as best achieved by strengthening public welfare” (Burks, p. 46). In this way, “The new Constitution of Japan, despite its obvious American origins, opts in favor of respect for the individual person rather than for individualism” (Burks, p. 47, emphasis in original). See also James Hsiung’s evaluation of five east Asian counties (China, Taiwan, Japan, and North and South Korea) with respect to the success of the East Asian model of human rights.

71 Here we can think of the different values underlying the split between the supporters of positive rights and those who support only negative ones. “Positive and negative rights are related to different psychological attributes and, consequently, at the group level, to different value clusters that are of importance within a society. People who champion ‘freedom from’ place a great deal of emphasis on principles of justice that permit individual responsibility and that oppose encroachment or unwarranted restrictions on what a person wishes to do. Those
determine which society is best. This is easier to imagine now because it seems there is now considerable moral parity among at least some significantly different societies. “The question ‘Who’s better?’ is endlessly debatable and probably silly. Should Singapore be compared to the U.S. or Detroit? Japan with the U.S. or Italy? Suffice to say that when tallying up measures of social harmony—as well as rights violations—many Asian states compare favorably with many Western States” (Morris, p. 92 n10).

Even if Goodman is right that for a “universal principle” not to be underwritten by a transcendent reality undermines it as an absolute and eternal standard, this consequence in no way establishes that such a transcendent reality exists, or that in it would be wise to postulate one. 72 It is far from clear that an inflexible standard would be superior to an evolving one, or that a univocal standard would be superior to a polymorphous one. Constructive standards, as the products of concerned and reasonable people reflecting on the particulars of concrete situations, as well as the propensities of human nature and enduring and widespread values, or even on the ways in which values may legitimately differ, would be no mere conventions.

who support ‘freedom to’ emphasize the needs of others, their goals and feelings, and support principles of justice that encourage people to achieve their ‘fair share’ of the rewards of society” (Wilson, p. 117).

72 “The Universal Declaration is not a tablet Moses brought down from the mountain. It was drafted by mortals. All international norms must evolve through continuing debate among different points of view if consensus is to be maintained” (Kausikan 1996, p. 230).
There are indications that other early Confucian thinkers shared Xunzi’s constructivist worldview. In a recent book on the Zhongyong, Roger Ames and David Hall use the word “creative” to translate the character cheng, which is most commonly rendered as “sincerity,” or “integrity.” Applying this to the Xunzi they translate a passage: “As for those persons who are effective in constructing the proper way, if they are not creative (cheng), they are not unique.” They argue that creativity is also an aspect of the meaning of cheng, that is, cheng means “sincerity,” “integrity,” and “creativity” at the same time. To be sincere and have integrity in one’s creativity is to be constructive. Thus, if Ames and Hall are right, variations of the word “constructive” may be viable translations for cheng. Trying this out on a passage from the Zhongyong yields the following: “Construction is the beginning and the

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1 Hardly being restricted to Confucians, I believe an underlying worldview similar to constructivism is shared broadly in early China. In particular, not only is Xunzi’s constructism informed by Zhuangzi, but Laozi too can be profitably understood as espousing a kind of constructivist worldview—though his ethical conclusions are quite different from Xunzi or other Confucians. This is an issue I intend to take up in the near future.

2 Zhongyong is most often translated “The Doctrine of the Mean,” following James Legge. Ames and Hall render it “Focusing the Familiar.”

3 善之為道者，不誠則不勇。不勇則不形。 (7/3/30). Knoblock’s translation reads: “Though a man is adept at acting in accord with the Way, if he lacks truthfulness, he will not be an individual” (K: 3.9b). Compared to the relationship between being creative and being unique, the relationship between truthfulness and being an individual is less clear. Further, it is not clear that according with the Way and yet lacking truthfulness is a viable possibility. Ames and Hall’s translation at least has the advantage of making more sense.
end of things and events (wu). If there is no constructing, there will be no things or events. For this reason, exemplary people construct them [i.e. things and events] for the sake of what is valuable. Constructiveness is not simply self-achievement; it is also that whereby things and events are brought about. Self-achievement correlates with comprehensive virtue (ren 仁); bringing about things and events correlates with knowledge.” Read this way, the passage supports the general view that we have attributed to Xunzi as well as the specific point of virtue being self-creative process yielding a unique person, not an instance of a predetermined archetype.

Consider another passage from the Zhongyong, which has a clear relation to Xunzi’s idea of bringing about conditions for human flourishing through people acting together with the propensities of nature (tian 天地), forming a “triad.”

Only the world’s most constructive (cheng) are able to exhaust the potential of their original propensities (jin qi xing 盈其性). Being able to exhaust the potential of their own original propensities, they are able exhaust the potential of others. Being able to do this, they are able to exhaust the potential of the propensities of things and events (wu zhi xing 物之性). They are thus able to assist in the natural nurturing provided by heaven and earth. Being able to do this, they can thereby take their place as members of the triad.”

Translating cheng as sincerity here would not make as much sense. It would leave one wondering about the relationship between that state of sincerity and the ability to fulfill the potential of things. But that wonder is resolved if cheng

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4 Cf. “Becoming virtuous (ren) stems from oneself. How could it stem from others?” 為仁由己，而由仁乎哉? Analects 12.1. The passage continues with an exchange in which Confucius advises Yan Hui to never depart from li. This exchange and its implications are discussed in some detail in section 4.2.

5 誠者物之終始;不誠無物。是故君子誠之為貴。誠者非自成己而已也，所以成物也。成己，仁也;成物，知也。(Zhongyong 25).

6 唯天下至誠為能盡其性;能盡其性則能盡人之性;能盡人之性，則能盡物之性;能盡物之性，則可以贊天地之化育;可以贊天地之化育，則可以與天地參矣。(Zhongyong 22).
means "constructive," that is, if it means we are sincerely and earnestly using our creative powers to bring into being (cheng 成) a vision—something we can articulate (yan 言).

Another passage from the Zhongyong reads: "Constructiveness is the way of tian. Constructing it is the way of people. Those who are constructive, effortlessly striking a mean, acquiring without longing, consistently striking the way with ease, they are sages. Being constructive is choosing efficacy and clinging to it" (Zhongyong 20). If we use this idea to interpret a similar passage in Mencius, we produce a plausible picture of a constructivist Mencius. "There is a way to be constructive in one's person. If one is unclear regarding efficacy (shan 善), one will not be constructive in one's person. If this is the case, constructiveness is the way of tian, and the way of people is to think constructively. There has never been a case where the utmost constructiveness has failed to simulate positive change, nor has there been a case where the unconstructive was able to do so" (Mencius 7.12). Mencius had more faith in the natural order of things than Xunzi did, and seems to think that the propensities of nature flow in the direction of providing for people. Xunzi takes a more neutral stance. While he believes that nature provides the necessary conditions for human flourishing, it is questionable whether he would go so far as to say, "constructiveness is the way of tian." He could, however, endorse the rest of this interpretation of Mencius' statement.

In fact, the following passage from the Xunzi makes many similar points:

When it comes to managing a myriad changes, adjudicating (cai) the myriad phenomena, nurturing and cultivating (yang) the myriads of common people, and simultaneously governing the whole empire,
virtuous people (ren ren 仁人) are the best (shan). Their wisdom and planning are sufficient to manage the changes. Their virtue and generosity are sufficient to pacify the common people. And the resonance of their moral power (de) is sufficient to transform them. If such people are obtained, there will be order; if not, there will be chaos.

Seeing a text through a constructivist lense may reveal interesting and plausible interpretations. This appendix is intended to serve as a mere suggestion to consider reading other texts with this possibility in mind.

10 治萬變。物物。養萬民。科制天下者。為若仁人之善也。夫故知處足以治之。其仁厚足以安之。其德音足以化之。得之則治。失之則亂。(33/10/30-32: K: 10.5).
APPENDIX II

KEY TERMS

Note: As a loose convention, in the list of possible translations immediately following the character, quotation marks indicate a very common translation which I do not necessarily endorse. Italics, on the other hand, are used to suggest a translation deserving special consideration.

Chang 常 Constant, enduring; normally, usually, always. It does not mean “eternal” (as it is often translated in the Laozi). Rather it means “always” in a weaker sense. It is like itsumo in Japanese, which is routinely translated “always” yet often used in sentences like: “I always go, but today I didn’t.” Chang likewise allows for exceptions, as is suggested by the following passage: “Putting ren, yi, and de into practice is the normal (chang) method of achieving peace and safety. Even so, there will not necessarily be no danger.”

Dao 道 A way, or path. A holistic, coherent, and unifying, guiding moral discourse. That is, an encompassing ethical doctrine which hangs together conceptually and is tied to (or in some sense composes) a living tradition. It resonates with and is capable of uniting all levels of society, and effectively facilitates the achievement of cultural and human values such as peace, harmony, and joyful community life. “Dao” is the name for this vague ideal and for an

1 仁義倫行常安之術也。然而未必不危也。 (10/4/41-42; K: 4.8)
effective path to it. It does not indicate a determinate metaphysical reality to be understood and conformed to.

De 德 “Virtue,” excellence, inner power, moral charisma. I am inclined to follow Arthur Waley here. He suggests, depending on the situation, translating de as: moral force, character, or prestige (See Waley, p. 33). “Virtue” is probably a better translation of ren 仁 than of de (see ren below).

E 恶 “Evil,” bad, ugly, crude, unadorned. E is simultaneously the opposite of shan (good, or morally adept) and of mei (beautiful, admirable). Xing e 性恶 means “original human nature is crude and unadorned.” The gist of the “xing e” chapter, rather than “human nature is evil,” can be stated more accurately as “original human nature is problematic.”

Fa 法 “Laws” and norms; a standard, method, or model. Fa can have a meaning similar to penal law. On the other hand, more positively, it can indicate a model, in the sense of the conduct of a person who sets a standard worthy of emulation. It can also mean “method” as in “The methods (fa) of the archer Yi are not lost” (44/12/1-4; K: 12.1). These meanings are related, and often more than one is implicated to some degree. Herrlee G. Creel provides a useful characterization. He writes:

The character fa has a whole series of meanings, which are closely related to the special nature of the Chinese idea of law as being that of a model, and as including not only what we regard as law but also many things that we would regard as merely regulations. This series might be represented as follows:

model—method—technique—rule—regulation—law.

There is a logical progression. A model is the pattern for the method of following it. Technique is method made more precise and formal. A rule describes an aspect of putting technique into practice. A regulation is a formalized rule. A law is a regulation established by authority, and often
enforced by sanctions. This progression is not a series of steps, but rather a scale of infinite gradations, like a spectrum. (Creel, pp. 147-148)

**He 和 Harmony.** “The etymology of the term is culinary. Harmony is the art of combining and blending two or more foodstuffs so that they mutually enhance one another without losing their distinctive flavors” (Ames and Hall, p. 65). **He** is also associated with music, meaning harmonious music. According to Karlgren, it can also mean to tune instruments, as well as “respond in singing” (GSR: 8e). It has the sense of to mix or to blend and is in this sense related to **he 合**, which not only means “to combine” but also suggests that the combination should be fitting. **He 合** further implies mildness, and tranquility. The task of realizing a stable harmonious society is the heart of the Confucian project.

**Junzi 君子** “Gentlemen,” *exemplary person*. Confucius is responsible for altering the meaning of this term from denoting political status to indicating moral status. That is, what had meant mere prince, literally the son (zi 子) of a lord (jun 君), was altered to mean one worthy of high station by virtue of moral achievement.

**Lei 類** Category. Analogical grouping. Its more basic meaning is resemblance, in the sense of being similar or analogous. It can also be used as “roughly.” Though it can mean a “type” of thing or event, as Robert Eno notes: “When we view the text as a whole, it is apparent that the terms ‘type’ (lei) and ‘distinction’ (pien) are used to refer less to objective entities than to situations, behavior, and value” (Eno, p. 146). For example: “A model (fa) cannot stand on its own, categories (lei) cannot apply themselves.” And, “If there is a law (fa) carry it out. If there is not,
proceed (ju 舉) by analogical extension (lei). In addition, according to Karlgren, it can mean “discriminate” in the sense of “determine a category” (GSR: 529a).

Li 理 “Principle” of organization, rationale, pattern. Expressing reservations about the translation “principle,” A. S. Cua writes: “[G]iving a rationale for anything x may well be just an emphasis upon the significance or appropriateness of x within a particular context of discourse, and this does not entail the use of a context-independent notion such as the notion of principle” (Cua 1985, p.24). Cua also raises questions about the translation of li as “pattern.” He writes, “we need to have some clear answers to such questions as ‘What sort of pattern?’ ‘Are these patterns natural or artificial—that is, products of human invention?’ ‘If they are natural, how do we go about finding them?’ ”(Cua 1997, p. 201). These are good questions. But trying to answer them does not necessarily mean abandoning the word “pattern.” For more on this character see Chapter 2, especially section 2.5.

Li 礼 “rites,” “ritual,” proper conduct, norms of propriety, appropriate (ritual) behavior, ritualized roles and responsibilities, ritual propriety. In Randall Peerenboom’s words, “The li—conventionally translated as rites—may be understood more broadly to include the full range of social customs, ethical norms, and political principles embodied in the complex relations, organizations, and institutions of society. They are culture-specific norms, the contingent, ever-changing values of a particular society” (Peerenboom, p. 45). Similarly, Roger Ames and Henry Rosemont write, “Li are those meaning-invested roles, relationships, and institutions which facilitate communication, and which foster a sense of community... They are a social grammar that provides each member

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3 其有法者以法行。無法者以類舉。 (26/9/13; K: 9.2; W 35). Note that ju has the senses of to choose and to promote, and thus the passage suggests room for disgression.
with a defined place and status within the family, community, and polity. Li are
life forms transmitted from generation to generation as repositories of meaning,
enabling the youth to appropriate persisting values and to make them
appropriate to their own situations” (Ames and Rosemont, p. 51).

Li can be thought of as falling between the concepts of yi and fa, between a
general sense of appropriateness and a model for proper behavior. Indeed, in the
Xunzi, li is often paired with yi making this relationship explicit (see liyi below).
Nicholas Gier notes, “A standard translation of li as ‘propriety’ takes on deeper
meaning when we are reminded that the English word comes from the Latin
proprius—‘making something one’s own’ ” (Gier, p. 289, citing Ames and
Rosemont, pp. 51-52).

**Liyi** 禮義 *Ritual propriety combined with a sense of appropriateness.* Consider
Kwong-loi Shun’s description of the relation between li and yi. He writes, “A
person with li is not only skilled in and disposed to follow the rules of li but is
also prepared to depart from such rules when appropriate. This preparedness
involves the operation of yi, and commitment to propriety. Even when a rule of li
should be followed, yi still has a role to play in that one should ideally follow the
rule with an awareness of its appropriateness to the situation and, in that sense,
*make the observance of the rule not a mechanical action but a display of one’s own
assessment of the situation*” (Shun, p. 65, emphasis added). Yi is necessary for each
and every performance of li, the degree of leeway, however, will depend on the
particular case.

**Liyi** may be thought of as one idea with two sides, summed up in an ode
quoted by Xunzi twice: “Ritual ceremony, completely according to the standard;
laughter and speech, completely appropriate”¹ One side emphasizes the formal,
the other side emphasizes the informal and personal. Paired together they

¹ 諸子 - 礼儀卒度。笑語卒獲。此之謂也。 (72/19/42; K: 19.3; W 96; H 268).
represent the interdependence of the two sides. A performance of li without yi is no performance of li at all. On the other hand, one cannot put yi into practice in a social vacuum. Yi requires li as a medium in which to operate. Liyi, then, is a sense of appropriateness informed by established rules of proper conduct, and vise-versa.

**Ming**

*Name-concept.* Ming means name or term, but it also means something like concept, or meanings associated with a name. In the Chinese and Japanese literature on Xunzi, *ming* is often interpreted as 概念 (gainian, J: gai‘nen) meaning concept, conception, notion, or idea. For example, Zhang Pei states plainly, "What Xunzi called 'ming' is equivalent to 'concept'." More generally, according to a Japanese dictionary of Chinese thought: "A name first of all means a term, it is the resultant auditory or visual symbol which names certain objects. At the same time, because it also includes the concept of these objects, 'ming' indicates both the concept and its symbol." In other words, *ming* is a vague concept in the sense that includes both what we would distinguish as a label, on the one hand, and the idea it signifies, on the other. Though one or the other may be more prominent depending on the context, *ming* as name-concept is one idea always carrying both connotations. It has other senses as well, such as rank and fame. These too, I would suggest, are all part of a single vague concept. To have a rank is have to a degree of fame. Even one’s personal name, which is added to as one’s accomplishments grow, becomes a kind of indicator of fame. Moral terms indicate levels on honor and disgrace and thus a kind of moral rank, and when such terms attach to a person, they contribute to his or her fame or infamy.

*Ming* can also be used as a verb meaning "to name." According to A. C.

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6 名はまず名称を意味し、ある対象に対して名づけた結果の音声的視覚的符号である。同時に、その対象の概念をも含むので、概念とその符号との両者を指して名という。 (Hihara, p. 397). This entry, on names and actualities (ningshi, J: meijitsu 名実), is by Kaji Nobuyuki.
Graham, “Etymologically ming/*MIENG ‘name’ is related to falling-tone ming/*MIANG 命 ‘to ordain’ which is to name either something to be brought about (a sense distinguished by another cognate word, ling/*LIENG 令 ‘command’) or an already existing thing.” (Graham 1978, p. 196). In a world where the concept of “concept” and that of “ordaining” are both implicit in the same word, it would be difficult not to understand concepts as established—at least in part—by stipulation, and thus as contingent historical products.

*Ming* 命 “Fate,” decree, the forces of circumstance. Unlike the regularities of tian and di, ming takes into account the more random forces of circumstance, in this it is like fortuna. For example, Xunzi writes, “The circumstances one encounters are called ming.”7 The *Shuowen* defines ming as shi 使 “to cause to happen” (see Ames and Hall 2001, p. 71). Nagao Rytüchi likens the distinction between nature (J: shizen 自然) and artifice (J: jin’i 人為) in Xunzi to that between ming 命 and dao 道 in Confucius. The suggestion that dao is like artifice is consistent with idea expressed in *Analects* 15.29: “People are able to broaden the way, it is not the way which broadens people.”8 Also, the idea that ming 命 is like shizen (nature) suggests a reading of ming closer to “the forces of circumstances” than the usual “fate.”

**Qi** 期 To specify. This term typically has to do with time. It can mean “a period of time,” or “time limit.” Significantly, it is often a stipulated period of time. The usage of qi at issue here, however, is that found in the two passages from the Xunzi translated at length below. Yang Liang’s commentary on the second passage says: “Qi is that which combines (hui 會) things and events (wu 物).”9

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7 節遇謂之命。 (83/22/b; K: 22.1b; W 140; H 279).
8 子曰:人能弘道,非道弘人。
9 期，物之所會也。 (Wang, p. 342). Yang also identifies qi with hui for the first passage (期，會也 *). See Wang, p. 422.
That is, qi indicates the combining of terms to clarify one's meaning. He gives the example of a white bird. If the object is not clear when one merely says "bird," one combines "bird" with "white." As an interpretation of qi for these passages, this theory is compelling—largely because it fits so nicely as a stage between names and phrases in the progression described in the first passage. Yet, no English translation that I could find follows Yang in this regard. I, too, believe this can be only part of the answer.

Let's consider the first passage, in which I have used variations of the word "specify" to represent qi:

When things and events (shi 事) are not understood (yu 于), assign a name (ming 命). When this naming is not understood, specify (qi 期). When specifications are not understood, explain (shuo 說). When explanations are not understood, make incisive distinctions (bian 辨). Thus, specifying, naming, making distinctions, and explaining are important language patterns (wen 文) of practical use (yong 用), and they are the beginning of the kingly enterprise. Making actual things or events understood when the name is heard is the practical use of names. Accumulating and accomplishing cultural patterns is the beauty of names. Achieving both practical use and beauty is called "knowing names" (zhi ming 知名). Names (ming 名) are that by which different things or processes (shi) are specified (qi). A phrase unites the names of different actualities thereby to state a single meaning. Distinctions and explanations, by not "differing" [i.e. varying] names and the actualities they indicate, illustrate the dao of movement and stillness. Specifying (qi) and naming (ming 命) is the practical use of distinctions and explanations.10

In this passage, Knoblock, along with J. J. L. Duyvendak, and Y. P. Mei, translates qi as "define," whereas Homer Dubs and Paul Goldin opt for versions of "designate." Morohashi Tetsuji's thirteen volume dictionary of classical Chinese

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10 實不喻然後命。命不喻然後期。期不喻然後辯。故命稱上也者。用之大文也。而王業之始也。名聞而實喻，名之用也，累而成文。名之蓋也。用麗俱得。謂之知名。名也者，所以命累實也。名者，兼其實之名以喻一世也。辯說也者，不具實名而有動靜之道也。期命也者。辨說之用也。（84/22/36-40; K: 22.3f; W 146-147; H 281-282; D 290; Mei, pp. 59-60; Duyvendak, p. 241; Wang, pp. 422-423). See section 3.2 for a continuation of this passage and some additional notes on the translation, as well as Goldin’s translation of the later part of the passage.
offers support for this line of interpretation, so long the idea of a "definition" is not taken to indicate that things are fixed or "definite" in some absolute sense, but rather the practical activity of constructive stipulation.

Morohashi lists twenty definitions for qi 期, the first of which is "To meet, meet by agreement" (あう。約束してであろう。）。The third definition is "to contract, or make an agreement" (ちぎる。約束する。) The passages he cites for the first definition all equate qi with hui 会. Hui means "to gather," or "to join or bring together" in the sense of collect and unite, that is, to assemble. It also means "opportunity or chance" (jihui 機会), and as an adjective, "by chance, fortunately" (qiaqiao 恰巧), thus: a chance opportunity. Contingency is written all over this character, and yet, at the same time, it also means "specified and definite" (yiding 定). Qi also means specified and definite. Indeed, Morohashi's second definition of qi is kimeru, "to fix firmly." Expressing all this as a single concept, we could say that qi means "opportune assembly of contingent elements into a relatively stable standard, or convention." The word "specify" has been chosen as an attempt to include this meaning as well as that suggested by Yang. It means, on the one hand, to give more information to make one's meaning clearer, and, on the other hand, to stipulate what something is to mean. It is making a detailed description/prescription.

In one instance in the passage above, qi occurs as part of the phrase qi ming 期命, which Morohashi defines as 約束して定めること, that is, "something which is fixed by agreement." Sadameru 定める means "to establish, stipulate, decide, determine, set (a date)" (see Nelson). Morohashi here cites another passage from Xunzi where qi ming occurs, an extended translation of which is given below.

To Master Song's assertion that "Being humiliated is not disgraceful" (見侮不辱。) Xunzi responds:

11 I have updated the hiragana to conform to modern conventions.
Ordinarily, discussions must first establish ample standards of correctness (*zheng* 真) and only then is one able to assent [to a conclusion]. If there are no such standards, then “what is” and “what is not” are not distinguished, and arguments and controversies will not be resolved. Thus it is said: “The great and lofty of the world, the boundaries of ‘this’ and ‘not this’ (and value distinctions), what gives rise to differentiating duties and naming forms, this is kingly government.” Therefore, ordinarily, when discussions turn to specifying (*qi* 期), assigning names (*ming* 命), and saying “this is” and “this is not” (including making value distinctions), people should take the sage kings as their teachers. 12

Xunzi is concerned about the boundaries of concepts, of what is to count as “this” and what as “not this.” Specification is a part of this process in a continuum from naming to explaining (*shuo*), and finally to making incisive distinctions (*bian*). 13

*Ren* 仁 Along with *tian*, this is a term for which a suitable English equivalent has thus far proved elusive. Possible glosses and close associations include: “humanity,” kindness, sensitivity, consummate virtue, authoritative social person. Mencius defines *ren* as “to be human” or “to be a person.” *Mencius* 7B16 states, “To be *ren* is to be a person. *Dao* is the doctrine which puts these two together.” 14 Mencius also says that *ren* grows out of a sense of compassion, without which we would not be human (*ren* 人) (*Mencius* 2A6).

Confucius is responsible for this concept as we know it, and—along with the concept of *li* 禮 (ritual propriety)—it could be considered his most central...
idea. It plays a more minor role in Xunzi, but it is still a term of considerable moral weight. Confucius’ understanding of ren can be thought of as being composed of zhong and shu. Shu, conveniently, has the sense of putting oneself in another person’s shoes. And, zhong is doing one’s utmost. Thus, to be ren is to try to see things from other people’s perspectives, and then to do one’s best for them with that in mind (Analects 6.30).

Also, ren is often paired with ai (爱 love)—as in Analects 12.22 and Xunzi K: 29.7. So the connotations associated with love are likewise to be included in our understanding of ren, while not limiting it to a psychological feeling. Ren is also homophonous with ren 眞 meaning burden. In the Analects, Zengzi says, “Scholar-officials must be strong and determined, for their burden (ren 眞) is heavy and their way (dao) is long. They take ren 眞 as their own responsibility (ren 眐). Is this not heavy? And they carry it until their dying day. Is this not long?” Thus ren may be thought of as taking on a burden on behalf of those loved. As Chen Jingpan puts it, Ren “is an earnest desire and beneficent action, both active and passive, for the well-being of the one loved” (Chen 1990, p. 252).

Ren is also defined in terms of virtues, such as “Deference, tolerance, making good on one’s word, diligence, and generosity.” (Analects 17.6, Ames and Rosemont’s translation). Being ren can indeed be thought of as exhibiting the full range of Confucian virtues.

Considering the Confucian conception of the social self, and the form of the character ren 眐—that is, 人 (person) plus 二 (two)—as someone who has developed these virtues through appropriate social engagements, and has thus increased the scope of his or her relations and influence, may be termed an “authoritative social person.” In Randall Peerenboom’s words: “the Confucian

15 Irene Bloom’s note (Bloom, p. 150 n30) called this to my attention.
16 曾子曰：「士不可以不弘毅，任重而道遠。仁以為己任，不亦重乎？死而後已，不亦遠乎？」 (Analects 8.7).
concept of *ren* is a duty to act appropriately in relation to others,” it is “excellence in interpersonal relations” (Peerenboom, p. 44, 42).

*Shi* 實 object, *actuality*, the actual thing, concrete particulars. “*Shi* is the thing or affair which is indicated by the name” (Chen Daqi, p. 124). It is not the concept indicated by the name. *Ming* covers both label and concept. *Shi*, on the other hand, refers to the actual and particular things or events in the world that count as instances of a name-concept.

*Shuo* 說 Theories, doctrines, explanations. As a verb it means to discuss, or make clear through discussion, that is, to explain. It can also mean the result of discursive thought, on the spectrum from opinion to theory or doctrine. It is often interpreted as—or like—*jie* 解 meaning explain or disentangle, but connoting interpretation. It also has the sense of to make an oath. A separate set of meanings involve enjoyment.

*Tian* 天地 “What Xunzi calls ‘tian’ means *tian* as nature.” *Tian* refers to the propensities associated with the sky, for example, the progression of the seasons. *Di* refers to those characteristics of nature associated with the earth, such as natural resources and plant growth. Sometimes *tian* alone stands for the combination *tian* and *di*, the propensities of the heavens and the earth, that is, nature. A third factor is required in order to make the most of these natural propensities: *ren* 人 (people). Through the judicious use of available resources, people bring to completion what *tian* and *di* provide for (see 62/17/7; K: 17.2a; W 80).

17 實是名所指事物。

18 荀子のいう「天」は自然としての天を意味する。 (Kamimura and Azuma, p. 421).

19 Consider Ogyū Sorai’s comments on *tian*. “[It] is blue and vast and beyond measurement. Within it the sun, moon, stars, and comets move together, and wind, rain, cold and heat work their ways” (Najita, p. 114, his translation).
Wei 偃 “Conscious activity,” “Deliberative effort,” *constructive activity* and its resulting *constructs,* “artifice.” It is also—indeed it is especially—*acquired character,* in contrast to original character (*xing*). That is, it is one’s developed and refined qualities and values, as well as those constructs which facilitate the development of such characteristics. See Chapter 5, especially section 5.2.

Xin 心 Heart-mind. For *xin* I have succumb to the usage of a dash separating the words “heart” and “mind.” If one was forced to choose, in the case of Xunzi, the choice would have to be “mind.” But the character *xin* has a strong association with the region of the heart, and is more embodied then the modern concept of mind. While Xunzi concerns himself with the activities of the calm (unified, empty and still)—and thus reasonable—mind, *xin* is nevertheless something potentially susceptible to influence from emotions, and is at the same time integrated with the sense organs.

Xing 性 Original human nature, original desires. “*Xing* is something given by nature. It cannot be learned nor acquired through work.”20 “What is so by virtue of birth is called *xing.*”21 Xunzi considers our original desire highly problematic, and our original nature crude and unadorned. Through the practice of ritual propriety we develop character. “Human nature” is not an adequate translation of *xing* because it may be taken to imply how we are fated to be. For Xunzi, while our initial dispositions are base, we can and should transform ourselves.

Yi 義 “Righteousness,” “rightness,” *appropriate, sense of appropriateness.* A. S. Cua, who translate *yi* as “rightness,” explains: “*Yi* focuses principally on what is right

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20 凡性者，天之就也。不可學不可事。 (87/23/11; K: 23.1c; W 158; H 285).
21 生之所以然者謂之性。 (83/22/2; K: 22.1b; W 139; H 278).

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or fitting. The equation of yi with its homophone meaning 'appropriateness' is explicit in Zhongyong, Section 20, and generally accepted by Confucianists, e.g., Xunzi, Li Gou, and Zhu Xi. However, what is right or fitting depends on reasoned judgment. As Xunzi puts it: ‘The person concerned with yi follows reason.’ Thus, yi may be construed as reasoned judgment concerning the right thing to do in particular exigencies. Recall Li Gou’s plausible statement that what is yi is ‘decisive judgment’ that is appropriate to the situation at hand” (Cua 1993a, p. 277).

Nicholas Gier maintains, “‘Right’ rather than the traditional ‘righteousness’ is a much better translation of yi, as long as we realize that this would always mean what is right for us or right for our condition” (Gier, p. 287). And, Huang Chun-chieh submits, “In China, yi has never been a universal rule of conduct eternally fixed in the cognitive heavens, but instead has always been a matter of flexible judgment rendered to make ourselves fit for ever-changing situations” (Huang, p. 60). I would add that since yi implies an aesthetic judgment, there is no presumption of a single “right answer.” Thus, I prefer some variation on the word “appropriate.” Also, for Xunzi, yi can mean a faculty, or an ability, so sometimes it may be rendered “a sense of appropriateness.” But it is a developed sense of appropriateness. There are also times when Xunzi uses yi to mean merely that which makes such a sophisticated sense possible, in such cases it is the potential for practical wisdom.

_Zhi_ \textsuperscript{9}a “To know,” to grasp the significance of, to appreciate (in the senses of perceiving the value of something and acknowledging its legitimacy). Also, it means “to realize,” in the sense of having a robust kind of appreciation for the significance of something as a result of putting it into practice (xing 行). In this respect, it is like _tihui_ 體會, to learn through experience and embody. This
should be contrasted with the idea of knowing something abstractly and then putting it into practice.

**Zhi** 制 Curtail, restrict, make, manufacture, formulate, stipulate, establish, regulate, govern; and as a noun: regulation, system, institution. The underlying metaphor is “to cut out cloths,” thus “to fashion” (zhi 制) (See GSR: 335a-b).

Kenneth G. Henshall gives the following etymology: Zhi “originally meant prune a tree, leading by extension to put in order and thence control, with system being an associated meaning” (Henshall, p. 225). It can also mean regulations, as in the chapter title wáng zhì 王制, “Kingly Regulations.”
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