

1 Introduction – Justice in the *Xunzi*?

To start, some questions: Does the *Xunzi* 荀子 propagate justice? One obvious place to look is at the word behind the character *yi* 義.¹ *Yi* often appears in connection with a wide range of relationships in the *Xunzi* – between prince and minister, minister and people, between father and son, between colleagues, merchants, artisans. Then we can ask: Is there one feature “justice” present in all of the manifestations of *yi*? But *yi* extends beyond the human in our text, and that suggests another line of inquiry: is *yi* a given, or is there a basis for *yi*? More generally: What is the authority, justification or legitimacy of *yi*? Is there grounding for *yi* behavior in terms of what the related humans, or animals, need or want? Suppose *yi* is a form of justice, we have to decide which elements of this complex notion are in play, for example, does *yi* concern distribution of honors and punishments? Or is it the acme of virtue towards others? Most fundamentally, given that justice can be predicated of a range of subjects (deals, actions, states, humans, for example), is *yi* ever predicated of a human?² In this paper, we will concentrate on the question of what aspect of justice may be covered by *yi* in the *Xunzi*, and touch on the kind of grounding offered for it. I wish to cast doubt on the idea both that *yi* is an intrinsic characteristic of a single human, and that it has to do with any of the many facets associated with justice, bar one.

Perhaps we should have begun by asking: why look for justice in an early Chinese text at all? For it may appear that a norm so characteristically “Western” would be a strange intruder in the normative landscape of rites, kings, and clans. At least at a linguistic level, justice occurs in many translations, for example Ernest R. Hughes’ *Chinese Philoso-*

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1 There are of course other terms which are relevant, e. g. *gong* 公, fair, as pointed out to me by Michael Nylan e. g. *Xunzi* 9.4 (“Wangzhi” 王制). My title is also misleading in that I use several books of the *Xunzi*, whereas one may be concerned that terms are not being used in the same way across books. And my view is supported here only by a selection of texts.

2 Justice has in any case a distinctly problematic status as a virtue (Williams 1980), or relationship to the virtues (O’Neill 1996).

phy in Classical Times, an unhappily forgotten collection of translations from early Chinese philosophy,³ as well as in a series of interpretations of early Chinese thought, keen to show what it can offer in the way of justice. And of course supposing we want to discuss the nature of the norm *yi*, indeed, of any term from any normative landscape, supposing that, as is likely, no one to one correspondences will be on offer, we have to analyze content and function of any term, or group of terms, by relating them to more familiar terms. So too with other virtue terms, so too with virtue itself, and, for example, law, rule and commandment. But relating to the topic of the *Xunzi* and *yi*, we have a contribution from no less a scholar than Heiner Roetz⁴ in which he argues that indeed justice, in a Rawlsian sense, is to be seen as the contribution of *yi* to a harmonious state in the *Xunzi*. Thus there are both general and specific reasons for pursuing the relation between *yi* and justice, reasons arising both from the nature of the project of understanding early Chinese persuasive writings for the princes of states, and from trying to understand the *Xunzi* specifically.

A word about the translations used here. Part of my purpose is analytical, and I think that too often interpretation is performed to a great degree by translation. There are several hallowed translations I wish to avoid – prominently, “heaven” for *tian* 天. For it seems to me at least a substantive thesis to say that in early China there is something such as religion, politics or society, let alone philosophy, as we understand them today. These disciplines, or fields of activity are not distinguished, although no doubt one can make out differences of emphasis in different contexts. Secondly, and at the heart of this paper, another translation that I use, also in my title, which is not standard is *li* 理, by “grain,” that is grain in the sense of the grain of wood, meat, or stone, rather than “pattern.”⁵ I translate “grain,” rather than the more usual “pattern,” because I think that “grain” is a fundamental meaning of the term, and the trouble with “pattern” is that it tends to be abstract, and also to make it relative to someone using it as a pattern.⁶ In current English it is more common to say that something goes against the grain, when someone is forced to do something that does not suit their temperament or character. In the *Xunzi*, following

3 Hughes (1942, 246) translates *yi* in the “Wangzhi” chapter (see below) by “justice,” with the clarification: “In the wide Platonic sense of equity, including a positive ethical recognition of other people’s rights.” in the footnote. His attempt to say exactly what *yi* means must be honoured, even if the result is not satisfactory, neither for Plato nor for the *Xunzi*. See also Weber-Schäfer 1999 on justice in early China. On the legal context, see Liu 1998, Lewis 1990. This context appears to play no role in the *Xunzi*’s use of *yi*.

4 Roetz 2010, building on remarks in Roetz 1992.

5 For some remarks on *li* 理 the in the *Xunzi*, see Tessenow 1991, 81–83, and for the history of this term, cf. Ziporyn 2014, 49ff.

6 Tessenow (1991) has a similar attitude to the term, although he wishes to hold onto a literal and an abstract use.

the pattern or grain is in some sense fundamental. In the context of many discussions of *Xunzi* this claim would appear strange in that *wei* 偽, "artificiality" or "deliberate effort," is seen as the lynchpin of his thought.⁷

It is something of a cliché to translate *yi* by "righteousness,"⁸ i. e. justice; but there has been little discussion of what this might mean, and whether this is a good idea of justice or not, if it in fact turns out to be one. Some summary remarks about the term justice are in order. We can turn to Book 5 of Aristotle's *Nicomachean Ethics*. This astonishing work serves to indicate the complexity of justice in Greek thought. Justice is by no means merely political or juridical. Indeed, even now, keeping promises or being faithful to one's spouse are just actions – paying what is due. Justice is ambiguous: on the one hand, it is a virtue relating generally to others, and on the other a virtue more specially relating to the distribution of divisible goods, punishment, reward, laws and law-making. *Yi* does not fit general justice, that is all of virtue relating to others, for, supposing there are virtues in the *Xunzi*, there are other virtues than *yi* relating to others, and which are not comprised or completed by *yi*. And there appears to be no connection between *yi* and the law, or offices.⁹

Generally, in the *Xunzi*, *yi* is associated with roles, and these roles assign obligations and, characteristically, different values ("up and down") to different members of the couple or group. Even if *yi* gets no chapter to itself, unlike learning, *li* 禮, "rites", or *tian* 天, "heaven" or "sky," roles are important in this text: it is remarkable how many of the titles of the chapters in the *Xunzi* (wherever these titles come from) refer to roles either directly, or implicitly. It is to be suspected that the *Xunzi* forms part of a history, at least a textual history, of the formalization of roles. However, in the *Xunzi* chapters to be considered here, there is no one consistent or authoritative set of roles, as there is in many later texts. In this paper, I will look at the ways *yi* serves to organise roles, consider the status of the roles, and provide (some kind of) grounding for *yi* in the "grain" (*li* 理), usually translated "pattern" which *Xunzi* sees in many aspects of human and non-human beings.

7 See e. g. the contributions in Ivanhoe and Kline 2000.

8 The Oxford English Dictionary gives as the first, and only current or common use of "righteousness": "The state or quality of being righteous or just; conformity to the precepts of divine law or accepted standards of morality; uprightness, rectitude; virtue, integrity." Clearly, the term is much broader than "just," in the current acceptance of "just;" we will see that "just" also has a broader sense as well, in which the more general meanings of righteousness may be found. But as far as I know, little effort has been made to say just which sense of righteous is to be found in *yi*. It is not a good candidate for a catch all term for being good in the *Xunzi*.

9 For an argument that the character with which the word *yi* is written has an important role in legal texts, see Lau 1997. My thanks to the anonymous reviewer for pointing this article out to me. Lau emphasizes the sacral nature of old Chinese legal norms.

2 Yi and De

De 德 is ambiguous: a wide range of semantic possibilities are there to choose from. One aspect which is particularly relevant here has to do with fulfilling and accepting obligations.¹⁰ These obligations are spelt out in relations to others. The fulfilment of these obligations is part of what makes this figure able to make *tianxia* 天下, “all under the sky,” the inhabited world, submit, viz. by putting them under an obligation. It is common to see the *Xunzi*, like many early Chinese texts as structured around virtue; and the general term collecting these virtues is meant to be *de*, a view that would see a relation of subordination between *de* and *yi*, as though one were to say so in the *Xunzi*. The strongest case for viewing *de* as virtue comes from outside this text, and it is worth casting a very brief glance at the relevant texts. For outside the *Xunzi*, there are lists of *de*, and these include *yi*. Clearly, we cannot discuss this problem at length here, so a few short remarks will have to suffice. Two questions are: must *de* be translated virtue? And, if so in what sense. The first general remark is that it is quite possible for lists of “virtues” to be given in texts where there is no sign of *de*. The *Mengzi* 孟子 (in European translations often found in the Latinized transcription *Mencius*) features the four “virtues” of *ren* 仁, *yi* 義, *li* 禮, and *zhi* 智, but the best known text for this team of four, *Mengzi* 2A6, does not use the term *de*, let alone subsume them under it.¹¹

There are of course well known texts where we have lists of virtue terms, which are then said to be *de*. Among excavated texts, we have *liude* 六德, “six virtues.”¹² In the *Zhouli* 周禮 they are explicitly mentioned: *zhi* 知, “knowledge,” *ren* 仁, “benevolence,” *sheng* 聖, “wisdom,” *yi* 義, *zhong* 忠, “loyalty,” and *he* 和, “harmony.”¹³ The “six virtues” occur there in a series with “six forms of behavior” (*liuxing* 六行) and “six arts” (*liuyi* 六藝). All serve the evaluation of men as potential servants of the king. Clearly, virtue has relations to both behavior and arts—virtues can be the dispositions to the forms of behavior, and may be identified with arts. Neither is the case in the *Xunzi*. It remains quite possible that *de* in the *Zhouli* indicates duties and not virtues.

10 See Gassmann 2011. Other aspects include: good deeds.

11 Cf. also *Mengzi* 6A6.

12 See Scott Cook 2012: esp. 755. He translates *de* by “virtue.” He thinks that individual virtues are mapped onto social roles, citing *Zuo zhuan* 左傳, “Duke Yin,” 3rd year.

13 *Zhouli* 2.73 (“Diguan: Situ” 地官司徒): 以鄉三物教萬民而賓興之: 一曰六德, 知、仁、聖、義、忠、和; 二曰六行, 孝、友、睦、姻、任、恤; 三曰六藝, 禮、樂、射、御、書、數。My thanks to the anonymous reviewer for insisting I discuss this and the following text.

In the *Shangshu* 尚書, in a dialogue between Yu 禹, the king after Shun 舜, and Gao Yao 皋陶, who is meant to have been minister of crime under Shun, “nine virtues” (*jiude* 九德) are listed:

寬而栗。柔而立，愿而恭，亂而敬，擾而毅，直而溫，簡而廉，剛而塞，彊而義。

Affability combined with dignity; mildness combined with firmness; bluntness combined with respectfulness; aptness for government combined with reverent caution; docility combined with boldness; straightforwardness combined with gentleness; an easy negligence combined with discrimination; boldness combined with sincerity; and valour combined with righteousness.¹⁴

Gao Yao then goes on to specify the ranks which possession, exercise and practice corresponding to this list entitles the bearer to. In Gao Yao's list, *yi* does not seem to be a “virtue” by itself, but only in combination with *qiang* 彊 which Legge translates “valour.” So too with the other terms – as though characteristics which are in tension with one another have to balance one another out. There are two related questions here. Firstly are the terms more or less long-lasting attributes of humans? And secondly are they excellences, i. e. extremes, or at least threshold terms? For virtues are excellences. The taxonomical ambiguity here is that it makes it unclear whether *yi* is a *de* or is a *de* only in combination with something else. If *yi* requires compensation by valour, then in itself it does not look to be much good. It is also relevant that one can possess or act in accordance with, some but not all of these terms. That is the basis of the ranking Gao Yao proposes. This clearly does not prevent any of these terms from being *de*. Yet partial possession of excellence is not easy to understand. So here we have another stretch of blue water separating *de* from virtue. So how does the claim that the *Xunzi* does not subscribe to a relation of subsumption between *de* and *yi* relate to all this? In fact, there is no such subsumption in the *Xunzi*. The simple point is that these lists may be understood in a variety of ways. *De* is ambiguous, and it is not clear what exactly is meant in each case. One interesting thing is that if we do not understand *de* as a virtue, actually *yi* fits reasonably well with *de*: there are certain obligations that go along with *yi*. However, *de* and *yi* are simply not connected on the surface of the text. Let us now look at what *yi* is and does.

14 *Shangshu* 4.2 (“Yushu” 虞書, “Gao Yao mo” 皋陶謨); tr. Legge, 71.

3 Yi Marks off Humans, Like Justice.

As a first step towards some answers to our questions, let us consider a famous text from the *Xunzi* chapter “Wangzhi” 王制 (“Royal Regulations”),¹⁵ with a little more context than is sometimes given:

Text 1

水火有氣而無生，草木有生而無知，禽獸有知而無義，人有氣、有生、有知，亦且有義，故最為天下貴也。力不若牛，走不若馬，而牛馬為用，何也？

Water and fire have *qi*, but no life. Plants and trees have life, but no understanding. Birds and beasts have understanding but no *yi*. Humans have *qi*, life, and understanding and they also have *yi*. Hence they are the most valuable things under the sky. Their strength cannot match that of oxen, their running cannot match that of horses, yet they use ox and horse: how come?

曰：人能群，彼不能群也。人何以能群？曰：分。分何以能行？曰：義。故義以分則和，和則一，一則多力，多力則彊，彊則勝物；故宮室可得而居也。故序四時，裁萬物，兼利天下，無它故焉，得之分義也。

[Xun Kuang] says: Humans are able to form society, whereas these cannot. Whereby can humans form society? By divisions. How can they bring about divisions? [Xun Kuang] says: By *yi*. So *yi* brings about divisions, if there are divisions, then there is harmony, if there is harmony, then there is unity, if there is unity, then there is the strength of many, if there is the strength of many then force, and if there is force then humans conquer things. Then humans can acquire palaces and dwellings to live in. So they take the four seasons in sequence, and shape the ten thousand things, profiting universally all under the sky: this has no other ground than divisions and *yi*.

故人生不能無群，群而無分則爭，爭則亂，亂則離，離則弱，弱則不能勝物；故宮室不可得而居也，不可少頃舍禮義之謂也。

So humans in living cannot do without society: [but] if they form society together without divisions, then they fight, and if they fight, then there is chaos, and if there is chaos, then they act separately. If they act separately, then they are weak, and if they are weak, then they cannot conquer other things. Then they do not acquire palaces and dwellings to live in, and this means that the ruler cannot for a moment neglect rites and *yi*.

能以事親謂之孝，能以事兄謂之弟，能以事上謂之順，能以使下謂之君。

15 For the meaning of *wangzhi* 王制, “royal control” or “royal regulations,” as based on hierarchy and division of labour, cf. *Zuo zhuan*, “Duke Xiang” 9th year: 君子勞心, 小人勞力, 先王之制也。 “The prince’s son works with his heart, the small human works with his strength: that is the control of the former Kings.”

We call it filial piety if you are able to serve your parents, we call it fraternal duty if you are able to serve your older brother, we call it obedience if you are able to serve superiors. And you are called a prince if you are able to make inferiors serve you.

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。故養長時，則六畜育；殺生時，則草木殖；政令時，則百姓一，賢良服。

A prince is someone good at maintaining society. If society is guided appropriately, then the ten thousand things all get what is appropriate, the six beasts all can grow to maturity, the society of living things lives out their allotted life-spans. So when nurture and growth are in season, the six beasts breed and when killing and being born are in season, plants and trees flourish, when governing and commanding are in season, the hundred clans are unified, men of talent and competent men submit.¹⁶

The beginning of this text is famous, offering as it does something resembling a *scala naturae*; the mark of humans is not their reason, but *yi*.¹⁷ The first thing to be noted is that, if *yi* distinguishes humans, then it cannot simply be an excellence. For humans are not as such excellent, something our text describes abundantly. But of course one might say that what is meant here is that humans, when being really human, have *yi*; or that humans as such have this capacity. One contrast here is with Aristotle's view in the *Politics*, that humans have *logos*.¹⁸ But if one goes on reading, the text also reminds one of Plato's *Protagoras*, and his story about the value of "shame and right" (*aidôs kai dikê*): all the other weapons and defences having been exhausted, when Zeus came to humans, they were given justice as a way of staying together, and this is what enabled them to overcome the beasts, and to live together.¹⁹ So the proper comparison for *yi* would be justice, not reason. Actually, the same conclusion can be reached by reading Aristotle: in fact, the value of *logos*, articulate speech, in Aristotle lies in our being able to discuss, and hence agree about, justice, rather than merely giving voice to pleasure and pain. And this corresponds to the practice of many translators of the *Xunzi* (as well as other texts), often using the quaint, or even Biblical "righteousness, righteous." So this text poses for us the question whether *yi* is justice.

16 *Xunzi* 9.19–21 ("Wangzhi") [69–77]. In verbal quotations from *Xunzi*, following the paragraphs according to the electronic edition in ctext.org/xunzi, the line numbers in the Harvard-Yenching concordance (compiled by Hong Ye et al. in 1931) are inserted in square brackets.

17 It was for example subject to discussion in Nivison 1991a, 1991b, answered by Hutton 2000.

18 Aristotle, *Politics* I.2, 1253a7–1253a18.

19 Plato, *Protagoras*, 320C–323C: *aidôs kai dikê*; *Protagoras*, 322C, 323A–C: *dikaionunê*, "justice," is given to all humans. The danger justice allows humans to avoid is dispersion, and hence destruction.

3 Yi and Roles

The end of Text 1 prescribes four forms of *xing* 行, “behavior,” that are fixed in current ways of speaking: filial piety is son serving his parents, fraternal piety is the younger brother serving the older brother, obedience is inferiors serving superiors; the converse of the last one is the prince being able make inferiors work. This may suggest that we have here role virtues, most clearly in the case of *xiao* 孝, “filial piety.” And, indeed, some readers see in *yi* a kind of role virtue. Thus the online “Thesaurus Linguae Sericae” (TLS) says of *yi*:

- Justice
- Virtue of Moral Appropriateness, and Conformity to the Law
- The standard word for rectitude and justice is *yi* 義 “what is right and proper”

And in the entry on *de*, *yi* finds its place:

- The most current *de* 德 “virtues” recognised in pre-Buddhist China are *ren* 仁 “kind-heartedness”, *yi* 義 “rectitude”, *li* 禮 “propriety”, *zhi* 智 “wisdom”, and *xin* 信 “good faith”.
- The most general word is *yi* 義 “rectitude” which is often used to refer to what is proper and what is one’s proper duty in general and also duties in particular.
- RECTITUDE “notion of what is right”: “VIRTUE” which is an “ENDURING DESIRE to ACT CONFORMING to what is APPROPRIATE”.

And “virtue” is glossed as follows:

- VIRTUE: EXCELLENCE of CHARACTER IN a PERSON.²⁰

As a first orientation, this is very useful. Many philosophical questions are raised by the terms used here. We will of course want to know how “RECTITUDE” is to be cashed out. Perhaps: the right as opposed to the good? Correctness, of judgment, of assessment, as a contribution to the good? And of course, we need to know just what kind of “MORAL LAW” is being adhered to here. The term is too prominent in some strands of Western ethical thought to be used without great care. And “APPROPRIATENESS”: is this perhaps to be aligned with the “fittingness of things” familiar from enlightenment “rationalist” ethics?²¹ Or is there another way of understanding “appropriateness”? And finally, is there the idea here that a virtue is to be seen as an enduring desire, sc. “ACT CONFORMING to

20 All entries given above are from: tls.uni-hd.de. Cf. also Harbsmeier 2015, which we discuss below.

21 E. g. Samuel Clarke 1998, §12: “things have different relations to one another” and so “there necessarily arise agreements or disagreements of some things to others, or a fittingness or unfittingness in the application of different things or relations to one another.”

what is APPROPRIATE"? Virtue seems to be much more than that, namely a kind of character or disposition. If virtue is a kind of character, we will want to know if knowledge is also involved, and how, and also if the desire is necessarily realized, necessarily has actually lead to action, and will continue to do so. For many desires remain unrealized.

A similar translation of *yi* is given by Paul Kroll:

what is right [...] propriety, dutiful(ness), esp. of responsibilities and appropriate actions owed to one's acknowledged "we" group, as function of one's proper social relations and status [...]²²

Kroll's formulation leaves us with the questions of how "social relations and status" are distributed, so as to be "proper." And Eric Hutton, in his recent translation of the *Xunzi*, transliterates *yi* and says of it:²³

In the *Xunzi* *yi* has two main meanings. On the one hand it refers to a certain set of ethical *standards* that were created by the ancient sage kings to bring order to people (e.g. 23.17–31). These standards delineate proper social roles and the privileges and responsibilities attached to them (e.g. 27.691–97). On the other *yi* also refers to a *virtue*, namely the tendency to adhere to these standards and the order they contain (e.g. 15.355–57). In other texts, one commonly sees the latter sense of *yi* translated as "righteousness," and the former sense is sometimes translated as "duties."²⁴

Here we see on the one hand, the roles mentioned by TLS, but also the "virtue" the TLS mentions, derived very straightforwardly as a tendency to fulfil the duties the roles prescribe.²⁵ It would appear from this description that the "standards" Hutton sees in *yi* are free standing, dependent simply on their establishment by "sage kings to bring order." We want to know more about this "order."

Finally, Hermann Tessenow in his extended study of the notion argues that *yi* is role-relative in the *Xunzi*.²⁶ Thus *yi* behavior, *xing*, is appropriate, given the relationships holding between the humans involved. His treatment of the *Xunzi* is brisk indeed, and he tends, as is perhaps inevitable, to see the treatment of *yi* in the *Xunzi* as closely related both

22 Kroll 2014, 550, s. v. This is a "students's dictionary." There is no philosophical dictionary of old Chinese.

23 Hutton 2015, 346.

24 Cf. also Knoblock 1988, I, 95; Graham 1989, e. g. 242.

25 It is not clear to me what the other meanings of *yi* referred to here are in the *Xunzi*; as far as I can see Hutton never specifies them. In his MA thesis (Hutton 1996, 18), he sees in *yi*, besides norms and a corresponding virtue, "a system for social organization like *li*," i. e. like the rites. Quite how these meanings are connected in his account is not clear to me.

26 Tessenow 1991, on the *Xunzi*, with *Mengzi* and *Mozi*, ch. II.3, esp. 67, 76–91.

to near contemporaries the *Mengzi* and the *Mozi* 墨子, but also the further development of the concept in the Song dynasty. Tessenow's treatment is complex, and this is only one element in his treatment. We will be pursuing other elements of it below (Text 8).

One feature constant in these accounts of *yi*, it seems to me is that it makes *yi depend* on social roles, rather than *ordering* social roles, let alone *justifying* social roles. The text we began with offers a characteristic chain of conditionals, showing what there is or is not, depending on *yi* or its absence, leading either to order or chaos. A tough question is the status of these conditionals, and hence the nature of *gu* 故, "ground" that *yi* provides for the *fen* 分, "divisions:" one way of looking at these conditionals is to say that they represent what occurs in the usual run of things. In my view, it is a mistake to assimilate these conditionals either to causal regularities or to tautologies. I think there are cases where they resemble the one, and others where they resemble the other.

In the rest of this paper, I wish to argue that *yi* in the *Xunzi* represents only a very restricted notion of justice, and that it is derivative, to wit, on a flexible list of roles,²⁷ and on the grain, *li* 理, that many things human and non-human instantiate. *Yi* appears to derive, in some way, in the last instance from *li* the grain, as in stone or wood, which also serves to differentiate sky and earth. It is unclear whether there is one feature occurring as the same feature in all the relationships it occurs in, or whether it alters. Furthermore, the nature of the derivation of "justice" remains unclear.

There are further questions here, which we cannot now pursue, concerning as they do the complete system of normative terms in the *Xunzi*. In this paper I assume that it is possible to discuss some of the norms governing our life without discussing them all. This assumption is only of a methodological nature, and should not be taken to imply that these norms operate apart from one another, or impinge on our knowledge as separate entities. Why this is a problem is clear firstly if one considers the way the *Xunzi* discusses ethical terms: never on their own, always in combination with other terms. This will be apparent in the texts we discuss. And if one thinks of Plato, the "Socratic" dialogues (e. g. the *Laches* on courage, *Charmides* on self-control, *Crito* on justice, *Euthyphro* on piety), are all attempts that, on the face of it, fail. They are replaced by the positive doctrine of the *Republic*. In the latter dialogue, all four virtues form a complex whole, namely the whole of the human good. The reason this is a good idea is that unless one discusses the whole of the human good, one misses human good. For of course, one does not want the good of one norm to be defeated by ignoring another. For example, in the *Xunzi*: If *yi* is propriety, then what

27 Cf. On *yi*: Harbsmeier 2015, 531–532 "Abstract rectitude dissolves into concrete duties towards others." He unpacks the term using *Liji* 禮記 9.18 ("Liyun" 禮運), "duty," "rectitude," with ten roles: 父慈、子孝、兄良、弟弟、夫義、婦聽、長惠、幼順、君仁、臣忠十者，謂之人義。

is *li* 禮, "rites?" Hutton's account of *li* makes it sound very like *yi* indeed: he lists three functions of *li* 禮 – firstly, to display and secondly to cultivate attitudes and emotions, and,

A third important function of the rituals is to allot different responsibilities, privileges, and goods to different individuals, and thereby help prevent conflict over these things among people.²⁸

Given the wide scope of rites, from state ceremony to clothing, do rites not tie down, even constitute propriety? Perhaps *yi* simply follows from *li*: the proprieties would then fall out of the rites, in the form of *yi*.²⁹ We will briefly consider later one text (Text 8) which seems to order at least *ren* 仁, *yi* and *li*.

We now begin with *yi* and roles, and then move on to *yi* and *li*, the grain, before touching the question of *yi*'s status. There are of course texts where *yi* is associated with roles of one kind and another. One example among many:

Text 2

故先王案為之立文，尊尊親親之義至矣。

So, on this basis, the earlier kings made (rites) and established visible patterns, the *yi* of honouring the honourable, being kind to kin is the utmost.³⁰

To that extent, it is clearly true that *yi* is closely connected with behavior that derives from roles. But having said that, one has not even begun to broach the question of what *yi* is. As mentioned at the outset, I wish to cast doubt both on the idea that *yi* is a characteristic of a single human, and secondly that it has to do with any of the many facets that may be associated with justice, bar one. *Yi* is not a virtue: it is, grammatically, not used to describe a

28 Hutton 2015, xxvii.

29 *Yi* also occurs in the *Xunzi* in combination with other words, notably with *li* and *ren*. I ignore these occurrences here – they raise questions to which I have nothing to say here, above all, how binomes work in these texts, and what *ren* and *li* are. Also: if there is some notion of complete human goodness in the *Xunzi*, how this is constructed out of *ren*, *yi*, *li*, *sheng* 聖, *xin* 信, and other norms. These questions go beyond the scope of this paper.

One puzzle about the relations between rites and *yi* is that the roles *yi* plays, the regulation of relationships, can also be played by *li* – they may be functionally equivalent: *Xunzi* 12 ("Jundao" 君道), 3. Serving in the four (!) relationships: prince and minister, father and son, older brother and younger brother, husband and wife. There is no mention of *yi*: what regulates them is *li*. And of course, *ren* may also regulate relationships (below Text 3): so *yi* is not the specific norm regulating relationships. Rather, it seems that all norms presuppose certain relationships. On *liy* in the *Xunzi*, see Sato 2003, 205–206.

30 *Xunzi* 19.32 ("Lilun") [119–120].

human, as a predicate in the *Xunzi*.³¹ So the *Xunzi* at least is not Protagorean: the basis of human society is not justice.

4 Other Aspects of Justice in the *Xunzi*

A quick look at a couple of texts on distribution and punishment, suggests that in the *Xunzi* these activities are seen as being possible without any mention of *yi*. As to distribution: *Xunzi* 19.4 (“Lilun” 禮論, “Discussion of Rites”) presents an elaborate account distributing the goods in life, such that some roles fit the occupant to have fine things, being the son of the sky, for example, and other roles go with coarse things. Here is distribution, but no *yi* is mentioned at all. And when we turn to punishments, there is a similar lack of texts using *yi*.³² So let us stay with relationships. These are clearly ruled by *yi*.³³ But the situation is complicated: there are also relationships ruled by *ren*, and there is also a dependence of *yi* on the rites:

Text 3

親親、故故、庸庸、勞勞，仁之殺也；貴貴、尊尊、賢賢、老老、長長、義之倫也。行之得其節，禮之序也。仁、愛也，故親；義、理也，故行；禮、節也，故成。仁有里，義有門；仁、非其里而處之，非仁也；義，非其門而由之，非義也。

Treating as close kin those whom one should regard as close kin, treating old friends as old friends, treating servants as servants, labourers as labourers: these are the gradations in benevolence. Valuing the truly valuable, honouring the truly honourable, treating the tal-

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- 31 As noticed by Hermann Tessenow, and according to TLS, *yi* serves as an intransitive verb. Clearly this is possible in OC. Cf. Schuessler 1987, 749 (Yi 50): “Be right, righteous proper.” He also refers to 732 (Yi 18, 宜) appropriate. *Shangshu*, “Yushu,” “Gao Yao mo,” 2: *qiang er yi* 強而義, “The ruler is strong and yet righteous.” Thus in the *Shangshu*, *yi* appears to be the predicate applying to a ruler, also an adj. of *min* 民, “the people”. And in the *Shu* *yi* is used in connection with punishments. *Shangshu* 37.13 (“Zhoushu,” “Kanggao” 康誥; Legge, 391): 用其義刑義殺，勿庸以次汝封。乃汝盡遜曰時敘，惟曰未有遜事。“But you must see that those punishments, as well as the penalty of death, be righteous. [...]” The text from *Shangshu* in *Xunzi* 14.5 (“Zhi shi” 致士) and 28.3 (“You zuo” 宥坐) is quoted in a slightly abbreviated form –義刑義殺，勿庸以即，予維曰未有順事。– but the sentiment appears to have no repercussions in the understanding of *yi* 義 in the *Xunzi*.
- 32 E. g. xing 刑 in *Xunzi* 4.8 (“Rongru” 榮辱). In *Xunzi* 9.26 (“Wangzhi”) *zheng ping* 政平 is used of punishments: “ordered and equal.” For an argument connecting *yi* in Legal texts with clan totems, i. e. the sheep found in the character *yi* 義, see Lau 1997.
- 33 Eric Hutton has pointed out that in *Xunzi* 11.2 (“Wangba” 王霸) the good ruler is said to promote *yishi* 義士. One use of *yi* 義 as an attribute of officials does not make it a virtue term, it seems to me..

ented as talented, treat the elderly as elderly, treating those with seniority as seniors: these are the proper orderings of *yi*. If, in performing these, you succeed in achieving due measure, then that gives you the ritual order of precedence. Benevolence is love, hence the closeness. *Yi* is the grain, hence the performance. Rites represent due measure, hence the completion. Benevolence has a neighbourhood, *yi* has the household gates. If benevolence does not have its neighbourhood, and you make [another] room for it, then that, by definition, is not benevolence. If *yi* is used and does not emerge through its own household gate, then that, by definition, is not *yi*.

推恩而不理，不成仁；遂理而不敢，不成義；審節而不和，不成禮；和而不發，不成樂。故曰：仁義禮樂，其致一也。君子處仁以義，然後仁也；行義以禮，然後義也；制禮反本成末，然後禮也。三者皆通，然後道也。

If you extend favour, but without the following the grain, then benevolence is not completed. If you follow the grain, but without daring, then you do not complete *yi*. If you use restraint, but without harmony, then you do not complete the rites. If there is harmony, but without sending it out, then music is not complete. So [Xun Kuang] says: Benevolence, *yi*, rites and music – they are achieved by the same thing: if the junzi dwells in benevolence with *yi*, then it is benevolence. If he performs *yi* using the rites, then it is *yi*. Regulated by the rites, he turns back to the trunk and completes the branches, then there and only afterwards do we have rites. If all three of these work together, then there is guidance ("the Way").³⁴

One should perhaps hesitate to take "Dalüe" 大略, "the Great Digest," too seriously, it is a derivative collection of short texts, i. e. derivative on the great treatises earlier in the work, without the same complexity of development that we find in many of the early chapters of the *Xunzi*. Perhaps, the kind of fare offered to beginners in the lineage, to be learned by heart, and later understood.³⁵ Still, this short text is complex enough; it tackles one interesting question, namely how *ren*, *yi* and *li* connect, as well as giving us material for our present subject: *yi* is said to be the grain *li* 理 itself. Below (Text 10), we will see that *yi* is also *following* the grain. This wobble is understandable enough: if you follow the grain, then your behavior is, as it were, grainy, an example of the grain, and hence grain.

Here *ren* serves to regulate relationships, intimate relationships and those to inferiors. So this function is not specific to *yi*. The division of labour between *ren*, *yi* and *li* is very interesting – a form of hierarchy is present. The completion of the three, leading to *dao* 道, lies with *li* (including music), whereas the basis, the village, the unit of composition of the state is where the work of the prince has to begin. Why does *yi* have a gate?

34 *Xunzi* 27.21 ("Dalüe") [19–24].

35 Michael Nylan has suggested to me that, on the contrary, such pithy statements are precisely what such thinkers, at that time, are aiming at.

Well perhaps so it goes out of the household, and extends it beyond the gate of the household; *and doing this demands daring*: “If you follow the grain, but without daring, then you do not complete *yi*.”³⁶ So, for this text at least, it is true to say that the elements of human norms cannot be understood in isolation: for *yi* to be *yi*, rites are needed, and indeed daring. This text also offers help with some of the questions posed at the outset. None of the three, rites, *yi* and *ren* are used here as predicates of the junzi. Rather they seem to be established forms of behavior which interlock and support one another, involving a number of people, centered perhaps on the prince, but by no means predicable of him in isolation. After all, what would it mean to say that music is predicated of him? That he is a good musician, that he appreciates music. Well, perhaps, but it is still, even with the flexibility of early Chinese, a strange predication, as also with *li* 禮, “rites,” if not with *ren* 仁, “benevolence;” and reasons for making this move, that is, predicating rites or benevolence of an individual, are obvious, namely the project of finding virtues in early China.³⁷ (Even with benevolence the question arises why one must assimilate it to virtues, and not its ancient companions, rites and *yi*.) Furthermore, the modality of virtue, a disposition, not merely a capacity, is unmarked on the surface of the texts.³⁸

Having seen that *yi* is relative to *li* 理 and *ren* and to the rites, we must go on and see what it is: What kind of a thing is *yi*? Here are some possibilities: A virtue, a rule, a law, a body of rules, a body of laws, a model, a pattern, a form of behavior, a form of knowledge, being guided by knowledge. There are problems with such a list; for these terms are by no means unambiguous. Another is that each of these possibilities is hardly exclusive. For example, a virtue may consist in following certain laws, or following a model. Then virtue and model are different things, but systematically related. While the categorization of *yi* goes well beyond the scope of this paper, one might think of it as an institution. However, in finding one’s way in ancient ways of living, we have to be careful about importing observer vocabulary.³⁹ As already suggested, it appears to be a form of behavior. That is an insufficient answer to the questions just asked, but it allows us to pursue a line of interpretation.

Let us continue the reconstruction, then, by taking seriously this view of *yi* is *xing* 行, “behavior.” Take the definition in the chapter “Zheng ming” 正名:

36 Cf. also *Lunyu* 2.24, which has *yong* 勇, rather than *gan* 敢: 見義不為, 無勇也。

37 See Csikszentmihalyi 2004, van Norden 2007 for readings of Ruist texts in terms of virtues, Schofer 2000 for the *Xunzi* and King 2012 for skepticism about this move in understanding early Ruism.

38 *Renren* 仁人 and *renzhe* 仁者 in the *Xunzi* look as though a property is attributed to an individual, cf. Sato 2003.

39 For such use, cf. e. g. Lloyd 2009.

Text 4

正利而為謂之事。正義而為謂之行。

If the benefit is properly aligned, then it is called “[good] service”; if the *yi* is properly aligned, it is called “behavior.”⁴⁰

But what is a *xing*? This is clearly not just any behavior, but good, correct, perhaps even moral comportment. Furthermore, it is a form of behavior, directed to someone who is not a superior (in a narrow sense) – here it is contrasted to service. This behavior may be that of someone- it is *their* behavior-without thereby being an attribute of theirs. As already noted, *yi* is never predicated of a human or humans in the *Xunzi*. Thus behavior may belong to someone, but it is not thereby, necessarily, a characteristic of that person.⁴¹ So if *yi* is a form of behavior, what kind of behavior is it? One way of distinguishing forms of behavior is by saying what it does. And I think that *yi* in the sense of forms of forms of behavior brings humans, but also other animals with humans, together, into a *qun* 群, “society,” using the divisions, *fen*, which *yi* makes possible.⁴² Even the living things outside human society, the ten thousand things, flourish through this order. (One might compare the whole performance to a dance with many performers.⁴³) As the passage from “Wangzhi” which we began with, Text 1, shows, *yi* distinguishes humans from other things, and allows them to “conquer” other things. Thus *yi* does not restrict itself to interpersonal relations. So in some sense, *yi* as behavior embraces the relationships listed in “Wangzhi” 20, along with other relationships.

The basis for the *Xunzi*'s reflections on the origins and necessity of a *guo* 國, “ruling house,” rest, explicitly, not on need, but on fighting.⁴⁴ (In other chapters of the *Xunzi*, the

40 *Xunzi* 22.2 (“Zhengming”) [4–5].

41 This might suggest that there are two distinct sets of norms. It might also suggest that just as one has the way one goes, following e. g. one's father, so too you have your own *yi* – with all the possibility of discord that that might unleash. The phrase *qiyi* 其義 – what does it mean to have (an) *yi*? Sometimes *yi* appears in parallel to *dao*: In *Xunzi* 11.18 (“Wangba”): 湯武者，脩其道，行其義，興天下同利，除天下同害，天下歸之。und – very similar – *Xunzi* 17.5 (“Zhenglun” 正論): 湯武非取天下也，脩其道，行其義，興天下之同利，除天下之同害，而天下歸之也。 *qi* 其 refers to *tianxia* 天下. In *Xunzi* 19.18 (“Lilun”): 其義止，誰得行之？其義行，誰得止之。 *qi* refers to the rites. Clearly such possessive uses do not relate to a human.

42 On the connection between these words, see Sato 2003: 356-9.

43 Sato 2002 compares *Xunzi*'s state to the performance of an orchestra.

44 Cf. *Xunzi* 15.7 (“Yi bing” 議兵): 隆禮貴義者其國治，簡禮賤義者其國亂；治者強，亂者弱，是強弱之本也。

text points to the love, actual care of their kind shared by humans and animals.⁴⁵) One might argue that in the end, it is needs, for food, clothes, safety, that motivates us in fighting others, and even perhaps animals, but we should note that no mention is made of agriculture, of the five grains, of irrigation, all topics closely allied to food production, and of course to the fulfilment of needs, which are otherwise prominent.

Animals do not have *yi* nor *fen*. Does *yi* make *fen*, or does *fen* make *yi*? It appears in Text 1 (“Wangzhi”), that *yi* brings about *fen*. Yet what is it that brings about *fen*? The grain, *li* – in stone and wood; for grain is not uniform. It has a direction which suggests or dictates how one can best work the wood and stone. This pattern is what is followed, perhaps: reproduced, when one follows *yi*.

The reader may want to say: that is what justice does, for example in Plato’s *Republic*, or in Plato’s *Protagoras*. But that does not mean that *Xunzi* shares this view. There are two questions here, which I would like to express by saying that there is on the one hand what *yi* does, and on the other the content of *yi*. So far nothing has been said about the content of *yi* behavior. While what *yi* does is to divide people, and this appears here to place them in hierarchical relations. It is unclear what the content of *yi* is, such that it can achieve this. One answer is that there is a division according to fittingness, or appropriateness, as in dictionaries where *yi*, *yi ye* 義宜也, “justice is appropriateness,” is a tag.⁴⁶ The question is then where this appropriateness comes from, and why it is binding. The roles we have been considering are hierarchical, dividing humans into up and down. Where does up and down come from? That is the way things are: above all, there is the sky. Consider another text from the *Xunzi*:

45 *Xunzi* 19.26 (“Lilun”); cf. also the dogs and pigs in *Xunzi* 4.2 (“Rongru”): 乳彘觸虎，乳狗不遠遊，不忘其親也。人也，憂忘其身，內忘其親，上忘其君，則是人也，而曾狗彘之不若也。

46 *Xunzi* 4.12 (“Rongru”): 夫貴為天子，富有天下，是人情之所同欲也；然則從人之欲，則缺不能容，物不能贍也。故先王案為之制禮義以分之，使有貴賤之等，長幼之差，知愚能不能之分，皆使人載其事，而各得其宜。然後使穀祿多少厚薄之稱，是夫群居和一之道也。故仁人在上，則農以力盡田，賈以察盡財，百工以巧盡械器，士大夫以上至於公侯，莫不以仁厚知能盡官職。夫是之謂至平。故或祿天下，而不自以為多，或監門御旅，抱關擊柝，而不自以為寡。故曰：「斬而齊，枉而順，不同而一。」夫是之謂人倫。《詩》曰：「受小共大共，為下國駿蒙。」此之謂也。 Cf. also *Xunzi* 3.12 (“Bu gou” 不苟), 6.11 (“Fei shi’erzi” 非十二子).

In the Kangxi Dictionary (*Kangxi zidian* 康熙字典, “Yangbu” 羊部 7, *yi* 義) we read: 臣鉉等曰：與善同意，故从羊。《釋名》義，宜也。裁制事物，使各宜也。“I [Xu] Xuan and others say it has the same meaning as good, hence comes from [the character] sheep. *Yi* is appropriateness. In shaping and controlling affairs and things, *yi* makes each [thing and human] appropriate.”

Text 5

少事長，賤事貴，不肖事賢，是天下之通義也。有人也，缺不在人上，而羞為人下，是姦人之心也。志不免乎姦心，行不免乎姦道， [...].

The young serve the adult, those of low status serve those of high, the lesser serve the worthy: this is the *yi* that communicates to all under the sky. If the position of one who possesses others (i. e. a ruler) is not above others, and he is ashamed to be below others, this is the heart of a treacherous human.⁴⁷ If the intentions do not avoid the heart of the treacherous, then one's behavior cannot avoid the way of treachery.⁴⁸

Thus the "justice" *yi* everywhere under the sky is hierarchical, in relationships of service. What is discomforting about this text is that the different pairs of servants and served ("The young serve the adult, those of low status serve those of high, the lesser serve the worthy.") are not entirely parallel. Perhaps the young serve the old, but this is surely different from the lower strata serving the higher. The lumping together of different cases does not encourage one to see that thought has gone into working out precisely what it is that constitutes *yi*. And all we are told is that the heart that does not see this is "treacherous" i. e. exemplary for an abused relationship, "ugly." Still, we have not got to the bottom of where *yi* comes from and how.

5 The *Qing* 情 of *Yi*

Let us consider a text in which we are told about the *qing* 情 of *yi*. I take this to mean the way that humans *au fond* should respond⁴⁹ to things around them, in a broad sense:

Text 6

凡姦人之所以起者，以上之不貴義，不敬義也。夫義者，所以限禁人之為惡與姦者也。今上不貴義，不敬義，如是，則天下之人百姓，皆有棄義之志，而有趨姦之心矣，此姦人之所以起也。且上者下之師也，夫下之和上，譬之猶響之應聲，影之像形也。故為人上者，不可不順也。夫義者，內節於人，而外節於萬物者也；上安於主，而下調於民者也；內外上下節者，義之情也。然則凡為天下之要，義為本，而信次之。

In all cases, the rise of treacherous humans lies in superiors not valuing *yi* and not paying due respect to *yi*. *Yi* is what prevents people from doing bad and treacherous things. Nowadays, superiors do not value *yi*, do not respect *yi*: thus, humans and the hundred clans under the sky all are determined to abandon *yi*, and have a heart hurrying to treachery: this is

47 Michael Nylan pointed out to me the parallel to *Shuoyuan* 說苑 2.21 ("Chenshu" 臣術).

48 *Xunzi* 7.8 ("Zhongni" 仲尼) [35–37].

49 Cf. Puett 2004 on *qing*, and the debate between Hansen 1995 and Harbsmeier 2004.

whereby the treachery arises. But superiors are the models of inferiors. Now, as we all know, there is the harmony of inferior with superior, like the echo answering a sound, and a shadow a shape. Thus the superior must follow *yi*. Now, as we all know, *Yi* inside means due moderation towards others, while outside means due moderation towards the ten thousand things. And when the superior is secure as lord, and towards those below can chime with the people, then inside, outside, above and below [refers to status relations] exercise due moderation, this is the nature of *yi*. That being so, in general, makes for the essentials [of securing] the realm: that *yi* be the trunk and trust will come afterward.⁵⁰

The emphasis here is on the way up and down conform, in fact, the inferior conforms to the superior, like a shadow to a bodily shape. And the basis for this lies in the respect superiors show for *yi*. The rise of the treacherous (their appearance, and appointment in high places), that is humans who abuse relationships, lies, almost as a matter of definition, in there being no respect for *yi* in superiors. But *yi* also relates to the ten thousand things, I take it here, non-human things above all living beings. Attention has to be paid to what their natures require, so that they can be nourished, and so flourish. Within human relationships, if one starts from *yi*, then trust will also find a place, namely in the relationships structuring human society.

Does *yi* rely on a division already made between up and down? Or does *yi* establish hierarchies? The texts we will consider show, I think that *yi* is derived, by a variety of analogical reasoning from up down relations, which are held to be widely spread. Thus *yi* seems derivative from the “up and down”; the “up and down” is a pre-established general configuration. Most fundamental is the relation between sky and earth, and then natural human relations: older-younger, clan relations, and further relations of up and down beyond human relations, for example to animals.

In the context of the *Xunzi*, this is interesting because he insists on animals caring for their sort *lei* 類, but denies animals *yi*. This suggests, quite rightly, that in some cases there is care in animal life, but without *yi*. So the origin for *yi* does not lie simply in the family, in familial care. For this order seems based on another one:

Text 7

分均則不偏，欵齊則不壹，眾齊則不使。有天有地，而上下有差；明王始立，而處國有制。夫兩貴之不能相事，兩賤之不能相使，是天數也。欵位齊，而欲惡同，物不能澹則必爭；爭則必亂，亂則窮矣。先王惡其亂也，故制禮義以分之，使有貧富貴賤之等，足以相兼臨者，是養天下之本也。《書》曰：「維齊非齊。」此之謂也。

50 *Xunzi* 16.10 (“Qiang guo” 強國) [75–80].

If the apportionments are equal, then there is no partiality; if the positions are equal then they are not one and the same. If the masses are equal, there is no making them serve properly. Since there is the sky and there is the earth, so high and low are to have their distinctions. When the bright kings first took up their places, then they dwelt securely in their capitals with their regulations. Two high-status humans cannot serve one another, nor can two low-status humans send another to out to work: these are the fixed regularities of the sky. If power and status are equal, then their desires and aversions are similar: (equal) things cannot be tranquil and they inevitably fight. If they fight, then they inevitably induce chaos. And if there is chaos, they must be brought to dire straits. The earlier kings hated such chaos, hence they established rites *li* and *yi* to apportion their lots, and brought it about that there are the ranks of rich and poor, high- and low-status, enough so that they all live mutually close to one another: this is the trunk of nourishing all under the sky. The *Documents* say: "Only equality is no equality." This [namely the situation described above] is what it [the Document quote] means.⁵¹

Here we have up and down, between sky and earth, as one form of basis for hierarchy. We have here a trunk, *ben*, in the sense that this is the supporting structure holding up all else. Another basis for hierarchy is the need for using, employing people: on this depends wealth and peace. "Up and down" is surely meant in a social, not spatial sense; services simply correspond to that: the lowly people serve those above. But there is also the notion that the sky is above the earth.

Perhaps one may see these two sources of hierarchy as parallel to one another. That way the relation to the sky is not merely spatial, but also one of service.⁵² The reckoning of the sky would appear to have something to do with the course of the seasons, the pattern of growth and decay that is counted by the movements of the bodies in the sky, and also determines the kinds of service called for.⁵³ The first lines of this text are hard to understand;⁵⁴ they might be taken to imply that equal division (of privileges) is what is to be

51 *Xunzi* 9.4 ("Wangzhi") [15-19].

52 Thus humans form a triad with heaven and earth. Cf. *Xunzi* 17.2 ("Tianlun" 天論): 不為而成，不求而得，夫是之謂天職。如是者，雖深、其人不加慮焉；雖大、不加能焉；雖精、不加察焉，夫是之謂不與天爭職。天有其時，地有其財，人有其治，夫是之謂能參。舍其所以參，而願其所參，則惑矣。

53 Cf. *Lüshi chunqiu* 呂氏春秋 8.1/36.6 ("Zhongqiu ji" 仲秋紀, "Bayue ji" 八月紀): 是月也，易關市，來商旅，入貨賄，以便民事。四方來雜，遠鄉皆至，則財物不匱，上無乏用，百事乃遂。凡舉事無逆天數，必順其時，乃因其類。

54 Hutton translates: "if the division of goods is all even, they they cannot be made ample enough." He follows Wang Niansun 王念孫: *Pian* 偏 is to be read as *bian* 遍 (i. e. 遍). He compares 4.294–320. But *pian* 偏 does not mean ample, it means aslant, often with a pejorative connotation. Here it would have a positive one: if humans are divided evenly, then they

desired. But in the further course of this passage we move to much more familiar ground: the impossibility of two illustrious humans serving one another, and hence for the need for order, up and down. So we are forced I think to understand the first words to mean that we need *partial* (the opposite of impartial) i. e. unequal, division, for *clearly* there should be unity and *clearly* the masses must work. This form of division resembles that of geometric relations used by Aristotle to distribute honors: to each according to their value.⁵⁵ So seeing justice in *yi* is right, up to a point; it is not clear that justice, as understood since Aristotle, can be divided up like this, really, nor is it clear to me that such a mathematical reading of *yi* does not do violence to the *Xunzi*. And finally, justice is not considered normally, let alone essentially in terms of roles.⁵⁶ On the contrary, it is considered an attribute above and beyond all roles. It has now become quite clear that this kind of justice, Xunzian justice, if such it be, is derivative of pre-established order. For it presupposes differing values of the humans standing in these relations. And it is only a small part of what falls under justice in the Western tradition.

6 Sorts and Series

There is still much to be said about series, that is, including up and down, and how they are conceived in our text. One way of thinking about series is to say that sorts, 類 *lei*⁵⁷ bring about series.

Text 8

以類行雜，以一行萬。始則終，終則始，若環之無端也，舍是而天下以衰矣。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；君子者，天地之參也，萬物之摠也，民之父母也。無君子，則天地不理，禮義無統，上無君

are not aslant, i. e. up and down. This is the meaning of the quotation from the *Documents* that sums the passage up. The divisions here, and in *Xunzi* 3 (“Rongru” 榮辱), are not divisions of goods (unlike in *Xunzi* 23, “Xing e” 性惡, and in *Xunzi* 19, “Lilun”), but the divisions of humans according to nobility, age, knowledge and ability, as the basis for each having tasks (note: not needs). In “Rongru”, this is achieved by *yi and li*, “rites.”

55 Aristotle, *Nicomachean Ethics*, V.3, esp. 1131a21–1131a30: Distribution of awards is according to value, but democrats think value is one thing, oligarchs another. Cf. also *Politics*, VI.

56 Cf. Stalley 2015 on filial piety in Plato.

57 Cf. the expression *lunlei* 倫類 in *Xunzi* 1.17 (“Quan xue” 勸學): 百發失一，不足謂善射；千里蹞步不至，不足謂善御；倫類不通，仁義不一，不足謂善學。學也者，固學一之也。一出焉，一入焉，塗巷之人也；其善者少，不善者多，桀紂盜跖也；全之盡之，然後學者也。

師，下無父子、夫婦，是之謂至亂。君臣、父子、兄弟、夫婦，始則終，終則始，與天地同理，與萬世同久，夫是之謂大本。故喪祭、朝聘 師旅一也；貴賤、殺生、與奪 一也；君君、臣臣、父父、子子、兄兄、弟弟一也；農農、士士、工工、商商一也。

By sorts manage the complex, by one manage 10,000 (things). If it begins, then it ends, if it ends then it begins, like a jade armband having no ends: if this is lost, then what is under the sky declines. Sky and earth are the beginning of life, rites and *yi* are the beginning of order. The *junzi*⁵⁸ is the beginning of rites and *yi*. Practice them (= *liyi*, rites and justice), go through this, accumulate them and give them weight, bring them about and cherish them: this is the beginning of the prince. So sky and earth bear the *junzi*, the *junzi* is the grain of sky and earth. The *junzi* is the third along with sky and earth, the completion of the 10,000 things, the father and mother of the people. If there is no prince, then sky and earth are not patterned, rites and *yi* are not fulfilled, above there is no prince and teacher below there is no father and son, no husband and wife: this is called ultimate chaos. Prince and minister, father and son, older and younger brother, husband and wife: if they begin, they end, if they end they begin, along with the general pattern of sky and earth, with the general time of a thousand generations: we call this the great trunk. So burial and sacrifice, court audiences and military invasions unify. Worthy and worthless, killing and giving birth, giving and taking unify. The prince is prince, the minister is minister, the father is father, the son is son, older brother is older brother, younger brother is younger brother, farmer is farmer, officer is officer, worker is worker, merchant is merchant.⁵⁹

Here, the idea of order begins from the sorts of living things, especially humans, which the ruler must attend to, and hence also the order derived from him: living things are not uniform, they are bitty, fall into sorts, they are full of distinctions. The order is preserved by reproduction through the generations, involving a life cycle ("like a jade armband"). There would appear to be the idea of perpetuity secured by the repetition of generations, in families, service and learning. The order thus constituted is regulated by roles: the second lot of roles includes economic roles, and also those of officialdom. Note that the relationships here are due to both *yi* and *li*. In the relationships considered, there is some laxity: *shi* 師, "general (?)," is replaced by the more usual *chen* 臣, "minister," as the corresponding part to the prince. This passage, of course, may be compared with *Lunyu* 12.11, but we must take into account the much wider scope of relationships here. As already indicated, roles may be both descriptive and prescriptive – it is true or not that you are a father; being a father im-

58 *Junzi* 君子, originally the "prince's son," here still someone of rank obeying certain standards of behavior. The feudal hangover is hard to dislodge, something that R. Gassmann has emphasised: "gentleman" *vel. sim.* is much too familiar, too little concerned with the realities of hierarchy.

59 *Xunzi* 9.18 ("Wangzhi") [63–69].

poses obligations.⁶⁰ *Zhi* 制, “control,” is the rulership of the *li* grain. This is described by the three sentences at the outset: It does make clear that there is one grain *li* that sky and earth, and the various relationships listed here, share. It also indicates that the division of labour between rites and *yi* does not lie in one of them being responsible for relationships, and the other not. There are different situations in which rites and *yi* govern relationships.

So far we have considered uses of *yi*. It is the grain, and it is the grain to be followed in regulating a flexible list of roles. In each case it occurs without being isolable as a general principle. This suggests that, strictly speaking, it is a mistake to look for a definition: we see the grain in many cases and so learn to recognize it. Analogies help where generalities fail.⁶¹ This is one general account, taken from the Big Abstract.

7 Yi and Soldiers

Let us now consider *Xunzi* 15 (“Yi bing” 議兵), the “Debate on the Military,” where we also find a related, but not identical general account. Now we not only have justice as the grain, but we follow the grain.

Text 9

陳囂問孫卿子曰：先生議兵，常以仁義為本；仁者愛人，義者循理，然則又何以兵為？凡所為有兵者，為爭奪也。

Chen Xiao asked Master Sun Qing: When the earlier men of distinction debated soldiery, often they took benevolence and *yi* to be the trunk. Benevolence is caring for others (humans), *yi* is following the grain [i. e., the inherent order of things]. But then what is one to think of warfare of any kind? In all cases one has weapons for fighting and stealing.

孫卿子曰：非汝所知也！彼仁者愛人，愛人故惡人之害之也；義者循理，循理故惡人之亂之也。彼兵者所以禁暴除害也，非爭奪也。故仁者之兵，所存者神，所過者化，若時雨之降，莫不說喜。

Master Sun Qing answered: It is something you do not understand! If benevolence is caring for others: well, if you care for others, then you hate others harming them. *Yi* is following the grain: and if you follow the grain, then you hate others making things chaotic. Now those troops are the means to prohibit violence and root out harm; the armies are not fighting and stealing. Hence the troops led by benevolent men preserve what is sacred and best; wherever the troops pass through, there is transformation.⁶² They are like the falling of timely rain, how can people not be gratified and delighted?⁶³

60 Cf. Prior 1976.

61 See Lloyd 2015.

62 Cf. *Mengzi* 7a13 for this formulation – there of the *junzi*: 孟子曰：「霸者之民，驩虞如

The main idea here, as elsewhere in this chapter, is that the military can be used when made subservient to the ends of civil authority. No soldier kings here. This is clearly a fundamental idea for the ordering of humans not on the basis of violence, but using violence to preserve order. Violence, yes, but violence controlled by norms.⁶⁴ This order is on the one hand caring for humans, and so preventing them from being harmed, the achievement of benevolence, and on the other the preserving of the ordering of humans, and so preventing mayhem. The military is then the way in which chaos, violence and harm are removed, and is thus the implementation of benevolence and justice. What is said here about *yi*? That it is following the grain. But this formulation about *yi* is not the contribution of Master Sun Qing ("Master Minister Sun" who is taken to be Xun Kuang), but that of his interlocutor. Still, the logic of the debate requires that Sun Qing agrees with the point. The unknown Chen Xiao (a pupil?) thinks that only violence and robbery follow from military activity, whereas Sun Qing points out that it can lead to order. Furthermore, *yi* is coupled with *ren*, and it is on *ren* that Sun Qing places the emphasis – after all, how can one care for humans with halberd and bow? The answer is, of course, simple enough: by using them to prevent mayhem. What about *yi*? "Following the grain" is perhaps not a perspicuous formulation. The end result is happy spirits⁶⁵ and pleasure.⁶⁶ Still the passage is suggestive of a ground for the way in which things have a grain, including human relationships. Whether *yi* is the grain, or following the grain, is, as already suggested, not a material difference. If you follow the grain, then you are a case of the grain.

This passage makes clear the connection between the military, flourishing and following the grain.⁶⁷

8 All under the Sky, Submit!

The next passage is, in a sense, even more far-reaching. For it concerns the submission of all under the sky. Not only that, it is very interesting for the question whether *yi* might be the attribute of a person. Our next text, *Xunzi* 6 ("Fei shi'erzi" 非十二子), tells us about the heart of someone who can make under the sky submit:

也；王者之民，皞皞如也。殺之而不怨，利之而不庸，民日遷善而不知為之者。夫君子所過者化，所存者神，上下與天地同流，豈曰小補之哉？」

63 *Xunzi* 15.18–19 ("Yi bing") [66–69]; Wang Xianqian 1988, 348.

64 See Lewis 1990.

65 Michael Puett has emphasized just how dangerous these can be, if not humored.

66 For pleasure in early China, see Michael Nylan's various contributions e.g. Nylan 2015.

67 For peace and soldiers, see the closing lines of the chapter: *Xunzi* 15.27 ("Yi bing") [117–118]: 故凝士以禮，凝民以政；禮脩而士服，政平而民安；士服民安，夫是之謂大凝。以守則固，以征則強，令行禁止，王者之事畢矣。

Text 10

兼服天下之心：高上尊貴，不以驕人；聰明聖知，不以窮人；齊給速通，不爭先人；剛毅勇敢，不以傷人；不知則問，不能則學，雖能必讓，然後為德。The heart of the man who makes all under the sky submit: he is high and superior, noble and honorable, not haughty to others; he is understanding and knowledgeable, not to exhaust others; he is equal in giving, reaches throughout fast, does not fight to take precedence over others; he is hard and decisive, bold and daring, but not to harm others; If he does not know, then he asks. If he is unable, then he studies.

遇君則脩臣下之義，遇鄉則脩長幼之義，遇長則脩子弟之義，遇友則脩禮節辭讓之義，遇賤而少者，則脩告導寬容之義。

Although he is able, he certainly yields, only then does he fulfill obligations. When he meets a Lord, he cultivates the *yi* of a minister⁶⁸ below. When he meets villagers, then he cultivates the *yi* between old and young. When he meets an adult, he cultivates the *yi* of son and younger brother. When he meets a colleague, he cultivates the *yi* of rites, restraint, polite refusal, yielding. When he meets an inferior, or someone younger, he cultivates the *yi* of instructing and leading and is of a generous complaisance.⁶⁹

The topic is the heart of the man who makes all under the sky submit; here, I can only draw attention to the features immediately relevant to the task at hand. We have the character and behavior of someone who can make the world submit – first, attention is paid to *de*, through a series of eight cola. Only then do we turn to *yi*. This is thus a good passage to consider when asking the question, as I am here, if *yi* is a virtue. For a heart is the motivational and intellectual centre of humans. Furthermore there is talk of cultivation, *xiu* 脩; and it has often seemed to readers that the theme of cultivation is one that ties early Chinese ethics to the notion of virtue. Yet the cultivation here appears to be momentary, and *yi* is otherwise not the product of lengthy habituation. Rather, *yi* is displayed in informal meetings, the way these do and should turn out. Thus while we are being told about the heart of this man, what is actually presented is behavior, characteristic behavior.⁷⁰ Here forms of *yi* are distinguished by the relation prospective rulers have towards others; these

68 Phrases of the form “the *yi* of A” are here used flexibly: A.

69 *Xunzi* 6.11 (“Fei shi’erzi”) [27–30]; For *kuanrong* 寬容 cf. *Xunzi* 13.4 (“Chendao” 臣道): 調而不流，柔而不屈，寬容而不亂，曉然以至道而無不調和也，而能化易，時關內之，是事暴君之義也。

70 Not perhaps as innocent as the English term suggests. *Liji* 2.106 (“Qu li, xia” 曲禮下): 諸侯未及期相見曰遇，相見於卻地曰會。諸侯使大夫問於諸侯曰聘，約信曰誓，蒞牲曰盟。 *Liji* gives summaries of rules: *yu* 遇 refers to an unplanned meeting of those of rank. It is broader here, in that villagers are included. This may be a way of embedding *yi* in ritual – not the other way round. *Yi* follows from the rites.

relations are determined by service, locality, age, being a colleague, finally, rank or age. A miscellaneous collection, not of course without parallels, but, also clearly, not a fixed listing of standardised relations. One very interesting point is that the humans who can get all under sky to submit also meet a prince; it is not clear if it might be their prince. If so, then we have a misfit between actual hierarchy and what is deserved. For surely if you are equipped to make all under the sky submit, then you should rule. Then you meet a prince, by rights, only as an underling.⁷¹ Clearly, for one thing, some relations are missing; the choice is determined, not by a view of the relations in which all humans stand, but of the relations crucial for making all under sky submit. The way the passage ends suggests that in fact what we are working towards is a justification of a ruler killing members of his own family, should they be involved in a conspiracy towards him.⁷² If you are such as to rule under the sky, then you protect yourself, even from sons and brothers.

One way of taking this text would be to say that *de* is virtue: We have seen that there is some relation between *de* and virtues in important texts, and that dominant interpretative strands see early Chinese ethics as forms of virtue ethics. In the present text, one might think that the first cola fix virtue, and then, perhaps, we explicate the ways in which this virtue is exercised towards others. Interestingly, if one accepts this line of thought for a moment, only *yi* is mentioned – although there are several other terms used here, not usually considered among the virtue terms in early China.⁷³ That *yi* is to be taken as a virtue, might be suggested by the idea that the ruler here “cultivates” *xiu* 脩 different forms of *yi*. And obvious virtue terms are missing. Clearly, there is some connection between *de* and *yi*. But this need not mean that we have the relation of subsumption: *de* is virtue, *yi* is a virtue. But neither of these statements is true. So how are these two terms related here? As we have seen, one other possible relation in our text is that *de* has to do with fulfilling and accepting obligations.⁷⁴ These obligations are then spelt out in relations to others. The fulfilment of these obligations is then part of what makes this figure able to make all under the sky, the inhabited world, submit, viz. by obligating them.

So let us now see what is awkward about seeing *yi* as a virtue here. One reason for assuming it is, is that we are talking about the *xin* 心 of the able ruler. His *xin* is part of him, the core of his knowledge, feelings, actions and reactions. However, it seems to me to be in keeping with the other passages we have considered to say that *yi* is understood here as

71 Dennis Schilling suggests to me that the text here is about a future ruler, who can then of course meet princes before he himself is ruler.

72 *Xunzi* 6.11 (“*Fei shi'erzi*”) [32]: 如是，而不服者，則可謂詿怪狡猾之人矣，雖則子弟之中，刑及之而宜。

73 E. g. *yi* 毅, “resolute,” “decisive,” “firm,” “persist,” in *Lunyu* 8.7, for example, and *qi* 齊 equal.

74 Cf. Gassmann 2011.

forms of behavior, perhaps in some cases with motivation as an additional aspect,⁷⁵ even characteristic forms of behavior. Whether that allows us to say it is a fixed disposition is another question. It is the behavior of this character, not unambiguously his character. The text does not elucidate any dispositions, but forms of behavior, originating in the heart in question. Thus one could see in this passage support for the view that *yi* is not clearly a virtue, as we have already seen. It is not the attribute of a human, but behavior.

9 Closing Remarks

In conclusion let me bring together some of the main points our look at these texts in the *Xunzi* have allowed us to make. From the evidence considered, it makes sense to translate *yi* as just, but with several provisos. It is restricted to the obligations imposed by relations towards others: behavior is *yi* if these obligations are fulfilled: even if there is no clear linguistic marking of obligation and right, it is clear that relations, apparently an open ended list, impose forms of behavior on those who, at the time, fulfil these relations.

One sense of “justice” is the acme of virtue relating to others. Can we take *yi* to be this? Not easily. There are other prominent norms besides *yi*, *ren* and *li*, above all. We have not posed the question of whether there is some such conception of complete goodness, nor indeed how *yi* and *li* and *ren* fit together in the frequent combinations we find them in. And this general justice is a problematic virtue, for it applies to arrangements of society, as well as to the individual. And where is the proof that these predicates have the same sense? Classic modern treatments of justice are concerned with society not the soul. As we have seen, the *Xunzi* does not focus on the idea of *yi* being a fixed disposition, belonging to a subject that remains the same in different relations. The passages we have looked at are concerned with the regulation of relations on the one hand, and on the other getting under the sky to submit and the way to do that is by putting others under obligation, by in turn fulfilling one’s obligations. *Yi* is then not the whole of the norms governing us, but forms of behavior we, in various relations to others, are obliged to pursue.

Is *yi* localised in a human: does it belong to him as a non-relational property? But all virtue is relational in that others are required for its acquisition and exercise; so relationality is not the problem. The question here is whether a single feature is meant to inhere in individuals. The origin of order is meant to be the *junzi*. This does suggest that *yi* is localised. It sounds as though there are certain individuals for whom *yi* is an intrinsic possession: Yao, Shun, Yu. At least, it is historically fixed; for the past cannot be altered. It is much harder with the living to say who is good and who is not.⁷⁶ Much of the text is con-

75 *Bu yi* 不以 is ambiguous: it may refer to consequences or purposes.

76 Kant thinks that such attributes can never be necessary attributes (*Kritik der praktischen Vernunft*,

cerned with persuading pupils, persuading humans in general, even if the audience is limited. But of course the *junzi* can put others under obligation by his actions, and also by his good relations with the spirits, especially his ancestors,⁷⁷ without either actions or relationships being intrinsic properties. The factors enabling the *junzi* to do this are not restricted either to his character, nor to features we would easily call moral.

The web of obligations, giving and taking, the *de* of the *junzi* and the *de* of the people is crucial in early China. *Yi* is clearly a pivot of this system in the *Xunzi*. One question to be raised is whether both of the pair must behave right – fulfilling their obligations – or if one may be for example a good father to a bad son. There are many stories from early China of good brothers and bad brothers, good sons and bad fathers: thus it seems possible that one part of the relation is fulfilled, the other not. If *yi* is concerned with the fulfilment of obligations, that is beginning to sound much more like justice. In a recent article Christoph Harbsmeier⁷⁸ argues that much of Chinese ethics is concerned with role relative duties “*duties as*” but the list of roles is open, there are core ones (for example, prince-minister, father-son), but the list goes on and on. And the roles you should fill vary. Perhaps the idea is that whomever you meet, you know to act along the grain. Things may not be codified, but you should never be at a loss. You will always, when faced with someone, have a role to play, hence the list of chance meetings in our Text 10, and the dance they require of you.

One final word about rites and *yi*. Michael Puett has argued in a series of publications⁷⁹ that *li* should be taken as a kind of order which we enact “*as if*” it obtained. If this is true about *li*, it may give one a way to distinguish between rites and *yi*: for we must ask what about say, the reality of punishment, payment, distribution? Now, *yi* does not seem to be concerned with these aspects of justice, but it does regulate relations, and surely this is something that is thought to actually take place. *Yi* is a more workaday norm than *li* rites, less removed from the reality of everyday life. Which is good, if it is meant to regulate our relationships.

§7, Note), surely rightly. The question is then whether such characteristics need to be necessary to be reliable. Cf. Aristotle’s remarks on the good man in *Nicomachean Ethics*, I.12 in adversity. He is not completely above being altered by suffering, but as much as may be humanly.

77 See e. g. *Xunzi* 19.17 (“Lilun”) on the *junzi*’s view of funerary rites.

78 Harbsmeier 2015.

79 E. g. Puett in Seligman et al. 2008; Puett 2014.

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