Origins of Moral-Political Philosophy in Early China: Contestation of Humaneness, Justice, and Personal Freedom

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Origins of Moral-Political Philosophy in Early China: Contestation of Humaneness, Justice, and Personal Freedom, by Tao Jiang. Oxford University Press, 2021. ISBN: 9780197603499, 514 pages (e-publication accessed via VitalSource).

The Hundred Schools of Thought is the name given to philosophers and their disciples that flourished between 770 and 221 BCE. Marked by great intellectual advancements, this era was nevertheless shot through with suffering and chaos, for it was during the Spring and Autumn (770-475 BCE) and the Warring States (475-221 BCE) periods that the Chinese people experienced the collapse of their social and political worlds. The myriad attempts to restore social order and meaning to life, as well as their relationship to competing and complementing visions during this period, daunt every student of Chinese philosophy. Tao Jiang's book excellently frames the development of the moral-political philosophy of this period, offering a refreshingly original interpretive thread.

Jiang's main contention is that "the origins of Chinese moral-political philosophy can be fruitfully understood as the contestation of humaneness, justice, and personal freedom in the early Chinese effort to negotiate the relationships among the personal, the familial, and the political domains, under drastically different conceptions of Heaven and its evolving relationship with the humans" (45). Jiang makes his case across three parts and seven chapters. Part I, consisting of Chapter 1, focuses on Confucius and his teachings in the fifth century BCE. Here the focus is on Confucius' struggle with the tension between humaneness and justice that sets the stage for subsequent developments in classical Chinese moral-political philosophy. Chapters 2, 3, and 4 constitute Part II, "Humaneness versus Justice: Grappling with the Familial-Political Relationship under a Naturalizing Heaven." Detailed analyses of Mozi,

Mencius, Laozi, and the early *fajia* thinkers show that "the concerns for humaneness and justice diverged, accompanied by shifting evaluations of the norms operative in the private and the public domains, as well as the increasing bureaucratization of the state" (45). In Part III, consisting of Chapters 4, 5, and 6, Jiang examines, respectively, personal freedom in Zhuangzi, humane justice in Xunzi, and statist impartiality in Han Feizi. The book concludes with a reflection on "a path not taken," namely "a Zhuangist-*Fajia* synthesis" (474).

Before turning to an overview of these chapters, I first want to discuss two methodological points made in the Introduction that inform them. What Jiang describes as "the disciplinary chasm or mountain between Sinology and philosophy within the Western academy concerning the interpretation of early Chinese texts" frames the first (2). Most scholars of classical Chinese philosophy acknowledge the Sinological consensus that most of these texts had more than one author. The resulting textual ambiguities present serious challenges to philosophers, whose assumptions regarding single authorship help to ground interpretations that explain away or otherwise elide internal tensions. Jiang proposes a strategy of philosophical interpretation that seeks to avoid an over-reliance on what Foucault called "the author function" (16). On the one hand, Jiang distinguishes between historical author and textual author. "A historical author is a person who has left behind traces in historical records, in addition to the text traditionally attributed to him, which support the claim of authorship (the ambiguity and complexity of the concept notwithstanding), whereas a textual author is the personality who has been credited as the author of a classic in a tradition". On the other hand, he distinguishes between "inherited texts"—historically influential texts—and "original texts," "that emerged at a particular historical juncture" (21). These distinctions come together in a methodological commitment to incorporate "relevant Sinological discussions on the historicity of the classical texts, various controversies concerning their authorships, and the new materials made available through recently excavated manuscripts, in order to properly contextualize the philosophical analysis of the inherited texts" (25).

Jiang less clearly states his second methodological point, framed as it is in terms of the contemporary discussions of the nature, or even

existence, of Chinese philosophy. If his first point concerns *how* he treats those texts on which he focuses in this book, then it is reasonable to assume that his second methodological point concerns his process for identifying *what* texts he focuses on. Towards this end, Jiang points out—at the conclusion of the section—that "the scholarly object of Chinese philosophy is precisely the conceptual resources available in inherited Chinese classics that can be rigorously critiqued and appropriated, through fruitfully dissecting and constructing the textual author and the textual intent within various interpretative contexts, for contemporary philosophical discourses and explorations" (33). This point seems to justify, for example, Jiang's use of excavated bamboo-slip texts and other sources in his subsequent discussions regarding inherited texts like the *Analects* (see Chapter 1, §5).

Among other interesting and important scholarly debates, in Chapter 1, Jiang challenges the prevailing bias of *ren* as humaneness. He does so with two arguments. The so-called semantic argument highlights passages in the *Analects* that present conceptual and semantic difficulties when *ren* is interpreted as humaneness. These difficulties disappear when *ren* is interpreted as justice. The most significant of these passages are *Analects* 3.22, 14.16, and 14.17, wherein Confucius evaluates Guan Zhong.

In the former, Confucius criticizes Guan Zhong as someone who did not understand ritual, since he violated the sacrosanct honor code that bound a vassal to his master. "If we restrict the meaning of ren to the agent/recipient-relative virtue of humaneness, Guan Zhong was not a person of *ren* since he did not demonstrate sufficient devotion and loyalty to his former master" (87). But, in *Analects* 14.16 and 14.17, Confucius lays out the several reasons why Guan Zhong is, in fact, *ren*. Jiang resolves this apparent contradiction by interpreting *ren* in these passages, not in terms of agent/recipient-relative humanness, but in terms of agent/recipient-neutral justice, the "exercise of impartial judgment on the merits of persons and states of affairs, especially in lieu of articulated and publicized standards and codes, irrespective of their relations to us" (35).

What Jiang calls the philosophical argument attempts to establish a conceptual connection within the *Analects* between *ren* and justice. I reconstruct his argument as follows:

1. "Reversibility lies at the heart of any conception of justice" (92).

2. "*Shu*, commonly translated as reciprocity, is often dubbed the negative Golden Rule (or Silver Rule), in contrast with the famous Golden Rule in the biblical tradition with a positive formulation" (89).
3. At least in *Analects* 12.2, "the Golden Rule is clearly understood as constitutive of *ren*" (88).
4. Therefore, "the constitution of the Golden Rule in some of Confucius's iterations of *ren* points to the dimension of justice in the consummate virtue of *ren*" (92).

Whereas the arguments of §4 represent Jiang's application of the hermeneutical principle to resist the temptation to explain away apparent tensions within an inherited text like the *Analects* through Sinological maneuvers, §5 represents his application of his second methodological principle. Here we find him examining excavated bamboo-slip texts like the Guodian corpus. Not only do these texts offer support for many of Jiang's interpretative claims regarding the multivalence of *ren* in Confucius' thought, "they have provided us with fresh materials for our study of the period between Confucius and Mencius and a better understanding of the conceptual resources that might have been at the disposal of Mencius, especially with respect to the discourse on human nature, its relationship with Heaven, and the relationships among moral virtues" (110). Jiang undertakes this study in Chapter 2.

Chapter 2 brings this "Great Divergence" in classical Chinese moral-political thought, as Jiang terms it, into sharp relief. As he points out, the Mohists came primarily from the lower strata of society, worried especially about basic human needs (133). It is perhaps primarily for this reason that they prioritized and further developed Confucius' teaching of the Golden Rule into a kind of "universal state consequentialism," seeking to maximize wealth, order, and population through impartial care and objective evaluative criteria.

As is well-known, Mencius accuses the Mohists of being unfilial (*Mencius* 3B/9). What Jiang shows is that what informs this accusation may be Mencius's understanding of the naturalistic idea of *xing* (human nature or inclination) articulated in the Guodian Confucian texts, a result of which is the belief that being human is irreducibly familial and political at the same time. *Contra* Confucius, the familial has inherent value and is

not merely instrumental to the political. This suggests an important limit to the universalist arguments put forward by Mohists and others. To be sure, "if we allow the political to overwhelm the familial, we run the risk of losing our humanity, as Mencius's objection to the Mohist ideal of impartial care points to" (178).

Jiang's careful examination here of the Shun narrative in the *Mencius* is reminiscent of the semantic arguments in Chapter 1. The narrative challenges the normative interpretation of Mencius as one who sees a smooth transition from the personal to the familial, on the one hand, and from the familial to the political, on the other. For Jiang, the narrative makes more sense when Mencius is conceived not merely as an extensionist, but sometimes more radically, embracing the necessity to sacrifice the political for the good of the familial (176).

According to Jiang, Chapter 3 shows how "Laozi pushed the [Great Divergence] further by completely rejecting humaneness in the political domain and embracing a vision of justice that naturally operates in the world without human intervention" (229). Jiang attributes this development to two conceptual innovations on the part of Laozi. First, Laozi naturalizes justice and impartiality as the operative principles in the Dao-generated cosmos (§3).

With reference to two excavated bamboo-slip texts—*Tai yi sheng shui* from Guodian and *Heng xian* from Shanghai Museum—Jiang situates the *Laozi* in the context of a "naturalistic turn" underway in the late fourth century BCE (198). Laozi's innovation is to conceive of the Dao, not merely as a way or path, but as the origin of the world and the source of order. Unlike the anthropomorphized Heaven, favored by Confucians and Mohists—whose universal justice was distributive and retributive—the Dao metes out a purely distributive justice for all.

In addition to a naturalized cosmology whose operative principle is distributive justice, Laozi puts forth a critique of the mainstream moral-political project that is metaethical (second-order) (§4). At issue here is the distinction between *wuwei* and *youwei*. While many contemporary scholars of Chinese philosophy follow Edward Slingerland and understand the former as the virtue of perfect alignment between a person's inner and outer states, resulting in effortless or non-deliberative action, Jiang offers a novel interpretation of "*wuwei* as an exercise in metaethics that is

formulated to scrutinize the nature of morals by examining the roles of conscious awareness, effort, and motivation in moral actions" (212).

As Jiang notes—based on his analysis of Chapters 2, 18, 19, 33, 38, and 65 of the *Daodejing*—this exercise is genealogical (§4.2):

1. Virtues are either superior or inferior.
2. The cultivation and practice of inferior virtues require great focus and effort (*youwei*) while superior virtues do not require any focus or effort at all (*wuwei*).
3. The cultivation of familial virtues like *ren*, *li*, *yi*, and *zhi* and their application into the political realm require great focus and effort.
4. Therefore, virtues like *ren*, *li*, *yi*, and *zhi* are inferior virtues.
5. But justice should be articulated in terms of superior virtues, namely those that do not require any focus or effort at all (*wuwei*).
6. Virtues like "fairness (*gong*), accommodation (*rong*), and illumination (*ming*)" are *wuwei* (222).
7. Therefore, justice should be articulated in terms of *gong*, *rong*, and *ming*.

Here, we can see that Laozi agrees with the Mohists that justice is best conceived of as universal impartiality. The difference is that the Mohists believe that achieving universal justice requires human agency, whereas Laozi believes this is the prerogative of Heaven alone. As such, he, like Mencius, is acutely aware of the challenges of universalist justice in the human world. As Jiang summarizes:

> Ideally for Laozi, justice should be left to Heaven as any human effort at justice would be too heavy-handed, on the one hand, while forcing humans to forsake naturally endowed human inclinations, on the other. Humans should aim at preserving our natural inclinations within a familial, kinship, or small local communal environment. This means that the Laoists were actually trying to preserve the most natural expressions of humaneness, i.e., in a familial, kinship, and small local communal context (*xiao ci*), without such expressions being appropriated or even hijacked by the pretense of universal(ized) humaneness in the hands of the Confucians for the latter's moral-political project. (224)

Part II concludes with an examination of early *fajia* thinkers Shen Buhai (c. 400–c. 337 BCE), Shang Yang (c. 390–338 BCE), and Shen Dao (c. 350–c. 275 BCE), respectively. In doing so, Jiang makes two important points. First, while common to translate *fajia* as Legalism, *fa* has a broader connotation; in addition to law, the term can refer to method, standard, regulation, model, etc. Keeping this extension in mind allows readers to more fully appreciate the myriad powerful and effective, bureaucratic tools (and not merely laws) these thinkers developed to manage and regulate the state.

Second, Jiang makes the case that this bureaucratic turn can be understood as the logical conclusion of Mohism, if not also Laoism. On the one hand, "with these *fajia* thinkers, we see that impartiality, first formulated and defended by the Mohists, became the most important institutional norm that eclipsed personal virtues like filiality or even humaneness and righteousness." On the other hand, "these *fajia* thinkers advocated implementing the Mohist impartiality in the state bureaucracy such that the state apparatus could function by itself without constant intervention from the ruler" (232). To achieve the latter, Shen Dao embraced a broadly Laoist cosmology, modeling the state after the natural system of Heaven.

In Chapter 5, Jiang introduces the third concept enumerated in the book's subtitle, namely personal freedom. The *contest* between it, humaneness, and justice is the subject of a later chapter. Here, the focus is on Zhuangzi's conception of personal freedom as an alternative to "the suffocating and crushing relationality of the lifeworld whose governing norms, characterized as humaneness and justice in this book, were debated by the mainstream philosophers at the time, including the Confucians, the Mohists, the Laoists, and the *fajia* thinkers" (335).

As Jiang emphasizes, there are two spaces of personal freedom schematized in the *Zhuangzi* (§5). *Fangwai* refers to the oft-noted-and-celebrated roaming at the margins of the lifeworld, *beyond* the boundaries of morality, society, and politics. Whether normative and non-physical, or more place-based, this kind of roaming serves as a repudiation of social-political-moral norms. *Fangnei* refers to the freedom to roam *within and between* the constraints and boundaries of the ritualized lifeworld. The

story of Cook Ding in the "Yangsheng Zhu" Chapter of the *Zhuangzi* is illustrative of this type of roaming.

Of special note is Jiang's work to connect the details of Zhuangzi's "lone project" with thinkers treated earlier in the text. In §3, therefore, we find an informative comparison between Mencius, Laozi, and Zhuangzi regarding how best to conceive of the heartmind and its connection to the lifeworld, *contra* Confucius. And in §5, Jiang draws a favorable comparison between Zhuangzi's and Laozi's conceptions of the proto-Daoist sage-ruler.

Xunzi is the focus of Chapter 6, whose deliberations were conducted not only during the late Warring States period but within a broadly Laoist cosmology. What Jiang shows is that, unable to appeal to either a Heaven indifferent to human affairs or a chaotic and conflictual human nature, Xunzi's efforts to establish peace would require a conception of justice that synthesized the Confucian, Mohist, Laoist, and early *fajia* considerations. Central to Xunzi's conception of justice is ritual.

According to Jiang, ritual is a "deserts-based distributive system" of material goods, professions, and official ranks (391). What is important is that rituals are established by sage-kings. Sage-kings cultivated an empty, unified, and still heartmind through what for Xunzi came to refer to a celebrated quality, unique to humans: "deliberate effort" (*wei*). It is this cultivated heartmind that allows them to bring about "the right order in the human world, both within each moral agent and in the sociopolitical world" (356).

Jiang points to *Xunzi* 17.253–254 to show that what makes Xunzi's conception of justice *humane* is his reconceptualization of *jian*. "Xunzi regarded *qi* [uniformity] as a key component of *jian* in Mohist thought, but he removed the former from the latter, taking away the implication of uniformity or undifferentiation in *jian* while keeping its universality. This means that Xunzi embraced the Mohist universalism but rejected what he perceived to be the Mohist advocacy of uniformity" (396).

If Xunzi is among the most-ardent defenders of Confucianism in the late Warring States period, then Han Feizi counts among those opposed to such a ritual-centered moral-political order that embodied justice *and* humaneness. In Chapter 6, Jiang frames his account of Han Feizi's statist political order in terms of the latter's comprehensive repudiation of

Confucius' model. This model relies on two assumptions, which Han Feizi ably challenges.

First, contrary to the Confucian view that "the moral character, or virtue, of the ruler…was foundational to the polity under his rule" (410), Han Feizi makes two points. Not only are sages scarce, but they also appear mostly unable to rouse and influence people, as—Han Feizi points out with relish—Confucius's own case underscores. Rather, political authority is structural, deriving from political order alone (414).

Second, instead of a seamless transition between the familial and the political domains assumed in the Confucian model, Han Feizi shows great tension. Following early thinkers like the Mohists, Mencius, Laozi, and the early *fajia* thinkers, "Han Feizi highlighted the ways familial ties and interests could subvert the interest of the state" (415). Jiang underscores that these kinds of threats are structural in nature and cannot be solved through the education or the moral cultivation of deviant family members. A structural problem deserves a structural solution.

As regards its character (§3.1), Han Feizi's statist political order included standardized legal codes, as well as criteria of the selection and evaluation of officials. These standards "should be clear, publicly promulgated, and executed impartially, uniformly, and reliably" (428). As regards its instruments (§3.2), Han Feizi relied on the "two handles" of reward and punishment

> to realign people's desires with the interest of the state. Furthermore, he promoted the idea of *xingming*, articulated by earlier *fajia* thinkers, as the instrument to appoint and evaluate officials in regulating the bureaucracy. Finally, he embraced the idea of *shi*, positional power, as the foundation of a monarch's political authority. (432)

Jiang spends the remainder of the chapter (§3.3) articulating the several ways that Han Feizi's thought can be profitably understood as a development of the Mohist political philosophy, especially as it appears to operate on a version of state consequentialism that pushes a statist vision of justice and impartiality to its logical conclusion.

Jiang returns to Zhuangzi in the conclusion of the book. Recall, according to Jiang, Zhuangzi was an outlier in early Chinese philosophy, the only scholar (treated in the book) to take seriously the idea of personal

freedom during the Warring States period. Framed in terms of Isaiah Berlin's famous essay, "Two Concepts of Freedom," Jiang wonders how to make the *Zhuangzi* more relevant to the modern discourse on political and social freedom (475)? The answer is "a paradigm shift, away from the axiomatic premise of self-cultivation and epistemic superiority of a cultivated sage, an assumption that is shared by almost all traditional Chinese thinkers, including Zhuangzi" (471).

My concern is not so much with the answer—which blends Zhuangzi's conception of personal freedom with the *fajia* valorization of the ordinary person—but with the question itself. Why should readers be interested in Zhuangzi and his conception of personal freedom at all, and especially in the context of Berlin's two conceptions of freedom?

Berlin's distinction between negative and positive freedoms has set the parameters for discussions of freedom for more than six decades. And freedom is arguably the most important concept in contemporary political philosophy. So, it is no wonder that Jiang seeks to situate Zhuangzi's conception of personal freedom in terms of Berlin's influential distinction.

When he does, we see that, while both Zhuangzi and Berlin underscore negative freedoms, there are crucial differences. For one, the question of negative freedom is, for Zhuangzi, a spiritual problem that requires personal cultivation; for Berlin, it is a social and political problem that requires the collective effort of a political community (472). When integrated with the *fajia* political system, Jiang asserts that Zhuangist negative freedom is an alternative worth considering.

But why? Jiang does not offer much critical analysis of Zhuangzi's conception of personal freedom to recommend it, especially considering its "marginalization (and internalization) with little direct engagement with the mainstream moral-political discourse [of its time]" (473). Rather, the Acknowledgements provide the answer to this question. Here, Jiang notes that the book is the fruit of a project originally focused on Zhaungzi's philosophy. For him, Zhuangzi's project of personal freedom is "cogent and compelling" (xiii).

There is also a dearth of critical engagement with the scholarly literature referenced throughout the book. While Jiang's scholarship is remarkable—the book's bibliography is sixteen pages long—he uses his copious references to secondary literature mostly to frame and

contextualize the issues that are his focus. There is little, if any, direct confirmation, refutation, or correction of his interlocutors. In general, this critique also applies to Jiang's treatment of the positions and arguments put forward by the central figures he considers in this book.

As a result, I do not believe that researchers already familiar or engaged with the issues discussed in this book will find much to convince them to accept Jiang's thesis. But those just beginning their advanced study of early Chinese philosophy will find much of value in this book. Each chapter offers clear and comprehensive descriptions of contemporary and classic scholarship on the respective figures and issues. In addition, Jiang's overall narrative regarding the development of moral-political philosophy in early China is, if not compelling, tantalizingly suggestive.

For these reasons, I also recommend this book to instructors of undergraduate courses on, for example, Chinese or Asian philosophy: not to assign as required course reading—the book is too dense for that—but as a resource for informing class lectures, discussions, and assignments. The connections and interplays it suggests will no doubt help these students to not only make sense of this formidable period in the history of philosophy, but also excite a productive engagement with the figures and issues discussed in the book. Students in a capstone or advanced seminar who read Chapter 1 will learn some important lessons about the methodology of the history of philosophy, as well as of Sinology.

Jiang's labor over the past decade and a half earned him an honorable mention from the Joseph Levenson Prize committee earlier this year. This honor is well-deserved. The book is a valuable resource for those interested in exploring humaneness, justice, and freedom in early Chinese philosophy.