
Ritual and Justice in Chinese Philosophy

1. Justice Based Upon Ritual

On the one hand, ritual can be considered as a source of justice in Chinese Philosophy, but on the other hand, justice seems to transcend ritual. As an example of this complicated relation between ritual and justice, I would like to begin by considering these two approaches to it in the *Mencius*.

The first approach is to regard ritual as a source of justice.

Mencius said, “When Tang dwelled in Bo, his territory was adjacent to Ge. The Lord of Ge was dissolute and did not perform sacrifices. Tang sent a messenger to inquire about this. He said, ‘Why do you not perform sacrifices?’ The Lord of Ge said, ‘I have no way of obtaining sacrificial animals.’ Tang had oxen and sheep sent to him. The Lord of Ge ate them and still he did not perform sacrifices. Tang again sent a messenger to inquire, ‘Why do you not perform sacrifices?’ The Lord of Ge replied, ‘I have no way of obtaining millet.’ Tang sent the people of Bo to help with the plowing and had the elderly and the young bring gifts of food. The Lord of Ge led his people out to intercept those who were bringing the wine and food, millet and rice, seizing the gifts and killing those who did not hand them over. There was a boy who was bearing provisions of millet and meat; he was killed and his present was seized. When the *Classic of Documents* says, ‘The Lord of Ge was an enemy to the provision-bearers,’ it refers to this.”

“It was because of the murder of this boy that Tang punished the Lord of Ge. All within the four seas said, ‘It was not for the sake of [getting the wealth of] all-under-Heaven but *to avenge the loss of a common man and woman*.’” (*Mencius* [Bloom 2009], 3B3, 65)

This is a story of a just war, a punitive expedition against a “dissolute” rogue. Why is the Lord of Ge treated as a “dissolute” rogue? It is because he ignores, neglects, and violates ritual based upon sacrifice. The reason why this punitive expedition is regarded as a “just war” is that it tries to recover ritual. In this respect, ritual is a necessary condition of justice. However, it does not seem a sufficient condition of justice. In order to realize justice in this world, there must be something extra in the reasoning. We could say that it is in accord with the “emotions” of common people. As the last part of this citation from the *Mencius* shows, this is a war “to avenge the loss of a common man and woman.” As far as ritual is in accord with the “emotions” of common people, it becomes a sufficient condition of justice.

2. *Justice Beyond Ritual*

A similar structure can be found in the second approach to the relation between ritual and justice. If we look at the *Mencius*, again:

Chunyu Kun said, “Is it a matter of ritual propriety that, in giving and receiving things, men and women should not touch one another?”

Mencius said, “This is according to ritual.”

“If one’s sister-in-law is drowning, may one save her with his hand?”

“If one’s sister-in-law were drowning and one did not save her, one would be a wolf. For men and women, in giving and receiving, not to touch one another is according to ritual. To save a sister-in-law from drowning by using one’s hand is *a matter of expedience*.”

“Now the whole world is drowning, and yet you do not save it. Why is this?”

“When the world is drowning, one saves it through the Way. If one’s sister-in-law is drowning, one saves her with one’s hand. Would

you like me to save the world with my hand?” (*Mencius*, 4A17, 82.)

In this dialogue, Mencius admits that in the event of an emergency justice should be realized beyond ritual. In order to indicate this judgment in emergency, he uses the word “expedience” [權] instead of “normality” [正]. In *Mengzi Zhangju*, Commentary to the *Mencius*, Zhu Xi explains this notion of “expedience” as follows:

“Expedience” [權] is originally a weight of balance. It weighs the gravity of things to take the medium. *It is nothing but ritual.*¹

By redefining and expanding the notion of ritual, Zhu Xi tries to reconcile it with justice based upon the judgment of “expedience.” Ritual is never a kind of categorical law, but a set of norms that are appropriate or expedient in time and place. If it can be in accord with the concrete situation, ritual becomes a source of justice again.

Then what is the condition of the appropriateness of ritual in this second way of thinking? It is nothing but the “emotions” of common people. According to Dai Zhen, who offers a commentary on the Mencian notion of expedience in a different way from Zhu Xi, “the sages grasp the emotions of common people under heaven and attain their desires” before the judgment of expedience.²

3. Ruined Justice

Eventually, the two different approaches that I have mentioned above equally indicate that an accord with the emotions of common people is the *sine qua non* of the realization of justice within the framework of ritual. This is a typical formula for the Confucian way of thinking. In order to clarify it, I would like to recall a famous episode on justice from the *Analects*.

1. Zhu X, *Mengzi Zhangju*, translation mine.

2. Dai Zhen, *Mengzi Ziyi Shuzheng*, chapter “權,” translation mine.

The Duke of She told Confucius: “In my land, there are Just men. If a father steals a sheep, the son will testify against him.”

Confucius said, “The Just men in my land are different from this. The father conceals the wrongs of his son, and the son conceals the wrongs of his father. This is fairness!” (*Analects*, 13: 18)

The attitude of Confucius to conceal the wrongs of one’s family in order to realize “fairness” is apparently different from that of Immanuel Kant, who categorically rejects the right to lie from philanthropy (Kant 1996, 611–615). Confucius counts the emotions as the most important condition in the realization of justice.

Zhu Xi refers to this episode, saying that “it is an extreme of heavenly principle and human emotions that father and son conceal their wrongs together.”³

However, a difficult question arises here. If an accord with the emotions of common people is intentionally or unintentionally used to achieve someone’s self-interest, is not justice decisively ruined? It may be good for close relatives to conceal the wrongs of father or son, but it might lead to deeply damage the ground of justice in general. In this respect, Zhang Binglin severely criticizes the episode of just war described in the *Mencius*, as follows:

If we think of the conspiracy of King Tang and his vavator Yiyin, it is nothing other than the conquest of others’ countries by appealing to religion. If King Tang had known that it was not difficult for Lord Ge to provide oxen, sheep, and millet and that his dissolute neglect of sacrifice was not something a neighbor could question, all King Tang had to do was just speak ironically and wait for Lord Ge’s reply. However, King Tang let the people go and till the land of Ge. This frightened Lord Ge. After a boy was killed, King Tang could make it a pretext of revenge. It is completely the same with those who invade and occupy other states today.⁴

3. Zhu Xi, *Lunyu Jizhong*, translation mine. Zhu Xi uses the same comment to another episode in the *Mencius*, 7A35: if the father of king Shun kills someone, Shun runs away with carrying him on his back and hides in a seashore.

4. Zhang Binglin, “Interpretation of Qiwulun,” in *Zhangshi Congshu*, vol. 1, p. 368, trans-

Zhang regards this story of just war as analogous to the European invasion of Asia in modern times. In other words, this story may be read as a primal scene of settling and colonization. We can say that justice is exploited for economic reasons or that injustice is legitimated by ritual and accord with the emotions of common people to achieve some particular economic interests.

4. Laozi's Criticism

This criticism is essentially the same as Laozi's criticism of Confucian values.

Thus when Dao is lost, virtue appears. When virtue is lost, humanity appears. When humanity is lost, righteousness appears. When righteousness is lost, ritual appears. Now ritual is the attenuated expression of loyalty and faithfulness, and the beginning of disorder.⁵

According to Laozi, ritual as the "beginning of disorder" is opposed to justice after all. On his account, all we have to do is to get rid of ritual and other Confucian values, and return to the capital "Dao" which supports the natural order.

However, this type of de-ritualization easily leads to a kind of totalitarianism. Everything should be returned to the capital "Dao," subtle differences in our world are erased and become meaningless in this fundamental unity. This totalizing vision could realize the "Justice," but it has nothing to do with our concrete deeds and needs.

Michael Puett refers to the de-ritualization in *Daode Jing* in comparison with the discourse of ritualization represented in "Nature Emerges from the Decree" [性自命出], and argues as follows:

And the most powerful approaches in this theoretical literature to building a better world focus not on attempts to develop a totalizing

lation mine.

5. *Daode Jing*, chapter 38, translation mine.

unity (such as the *Laozi*) but rather on, broadly speaking, ritual.

In such a view, innovation is simply a question of ritualization—of particular actions being taken as normative until they are replaced by others. Innovation, then, makes no foundational appeal to either the individual will or any transcendental ground; it is simply a question of endless ritualization in a world that is accepted to be endlessly fragmented. But it is also one that, by emphasizing ritual, focuses our attention back to the sorts of seemingly mundane ritualization of behavior that happens constantly in everyday life and argues that larger forms of societal innovation are in practice just more of the same sort of thing. In other words, innovation is what we are doing all the time anyway, but, if we focus on it, we can do it well. (Puett 2006, 35–36)

The most important problem is how to render justice without appealing to any foundationalism or essentialism based upon “the individual will or any transcendental ground.” Here we return to the question of the “mundane ritualization of behavior,” but in a slightly different way. That means we have to reconsider the relationship between ritual and its accord with the emotions of common people. How can we escape from the bias produced by intimate and natural emotions to realize impartial justice through ritual?

5. Xunzi: Civilization of Emotions

To this question, Xunzi proposes a suggestive idea:

What is the origin of ritual? I reply: man is born with desires. If his desires are not satisfied for him, he cannot but seek some means to satisfy them himself. If there are no limits and degrees to his seeking, then he will inevitably fall to wrangling with other men. From wrangling comes disorder and from disorder comes exhaustion. The ancient kings hated such disorder, and therefore they established ritual principles in order to curb it, to train men’s desires and to provide for their satisfaction. They saw to it that desires did not overextend the

means for their satisfaction, and material goods did not fall short of what was desired. Thus both desires and goods were looked after and satisfied. This is the origin of rites. (*Xunzi* [Watson 2003], chapter 19, 93)

According to Xunzi, the origin of ritual is related to human desire. However, unlike Laozi, Xunzi does not want to annihilate human desire for the realization of a just (ordered) society. To the contrary, Xunzi tries to reconcile human desire with ritual by training men's desires and providing for their satisfaction. Ritual must be based upon trained and satisfied desires. The next citation shows this structure accurately.

Now it is the nature of man that when he is hungry he will desire satisfaction, when he is cold he will desire warmth, and when he is weary he will desire rest. This is his emotional nature. And yet a man, although he is hungry, will not dare to be the first to eat if he is in the presence of his elders, because he knows that he should yield to them, and although he is weary, he will not dare to demand rest because he knows that he should relieve others of the burden of labor. For a son to yield to his father or a younger brother to yield to his elder brother, for a son to relieve his father of work or a younger brother to relieve his elder brother—acts such as these are *all contrary to man's nature and run counter to his emotions*. (163–164)

Our acts aiming to realize justice through ritual should be “all contrary to man's nature and run counter to his emotions.” This is the most important Confucian statement in Xunzi's thought. He never abandons ritual and its accord with the emotions of common people, but slightly intervenes between them. In order to constitute ritual, it is necessary to transform natural desires or emotions into “civilized” [文化] ones. If ritual is constituted in this way, justice will never be condemned as “partial” justice.

Such an attitude toward the emotions of common people in Xunzi is Confucian indeed, and it is consciously or unconsciously connected with the attitude in Mencius. Let's refer to Mencian doctrine of the

“four sprouts” [四端]. To realize justice, Mencius asks us to “enlarge and bring to fulfillment these four sprouts that are within us” (*Mencius*, 2A6, 35). It is not sufficient for us to just follow the “four sprouts” of morality within us, but to make some effort to enlarge and bring them to fulfillment. In short, Xunzi as well as Mencius need to transform natural emotions into civilized ones for the sake of justice.

6. Conclusion

As a conclusion, we can say that it is the transformed or civilized emotions of common people that connect ritual and justice in Chinese philosophy. This is not a strong argument for the realization of an objectively universal justice, but an “expedient” argument for subjectively universal justice, if we use Kantian terms. What is important is that we do not need to give a strong foundation such as transcendence, Will, and Reason for justice, but we had better patiently follow the process of the realization of justice in a specific time and place through ritualization.

However, we have to avoid the dreadful result that Chinese ritualization has brought in history. In other words, we have to pay attention to the reification of ritual and to keep ritual as a process of interaction with the emotions of common people. Through such a dynamic process between ritual and the emotions of common people, we could find alternative idea of justice in this world.

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