

Some Aspects
of the
Chinese Concept of Justice

1. Etymology: 義, 正 義, (Yi, Ching Yi)
- a. Noun: 羊 + 我 = Sheep and Ego
- Meaning (1) Meek, fair, kind conduct demanded from Ego; to help those in difficulty and assist those who have gone astray
 - (2) Practical expression in deeds that are fitting in a certain situation of need
- b. Adjective: Just
- In such expressions as: Just man, hero, duty, mulier fortis, faithful virgin, vo unteers, free schooling, beyond the call of duty (as opposed to obligatory, or out of profit)

2. In the Context of Moral Life

The following virtues, personal and communal, are all related to Yi:

- a. Jen 仁 (dianthropy): content
- b. Yi 義 (righteousness): expression, in scarcity *not country cost*
- c. Li 禮 (politeness): in plentifulness
- d. Che 耻 (sense of shame): the beginning of Yi

3. In the Context of Metaphysics and Changes

Jen 仁 belongs to Yang (male, positive, sun, heaven, etc.)

Yi 義 belongs to Yin (female, negative, moon, earth, etc.)

4. Some Conclusions

- a. Concrete rather than abstract
- b. Personal rather than reified (impersonal)
- c. Interpersonal rather than object-ive
- d. Responsibility falls on me rather than on others
- e. Orthopraxis rather than orthodoxis
- f. Relational: related to other virtues rather than isolated
- g. Opposed to profit
- h. Complementary to Jen, and forming a whole
- i. Negative and passive aspects both stressed; consequently,
 - positive and active dimensions are needed;
 - actualization and integration are to be emphasized rather than reconciliation and liberation.
- f. Homeostasis: Life in harmony with nature; past and present.

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5. Questions

- Do these aspects differ from those of other cultures?
- Is the Chinese concept of justice similar to the biblical concept of justice?
- Is the Chinese concept of justice similar to and/or dissimilar from the concept presented in the decrees of 32GC
- What are the steps to be taken in order to implement the spirit and decrees of 32GC within the Chinese context?
- How pluralistic is the concept of justice, and in promoting it, what should our program be?

Chinese Justice
My duty towards others
rather than my right
- act in deeds
Justice is always
in relationship to
other concepts

9- The Evolutions of Li

Later Confucianism received considerable Taoist influence. In the political and social philosophy of one part of the Confucian school, this influence is well represented in the section entitled 'The Evolutions of Li' (Li Yun 禮運) in the Li Chi (ch. 7): 禮記

"Confucius said: 'I have never seen the practice of the great Tao, and the eminent men of the Three Dynasties, though I have had a mind to do so. When the great Tao was in practice, the world was common to all; men of talents, virtue and ability were selected; sincerity was emphasized and friendship was cultivated. Therefore men did not love only their parents, nor did they treat as children only their own sons. A competent provision was secured for the aged till their death, employment for the able-bodied, and a means of upbringing for the young. Kindness and compassion were shown to widows, orphans, childless men, and those who were disabled by disease, so that they all had the wherewithal for support. Men had their proper work and women had their homes. They hated to see the wealth of natural resources undeveloped, but also did not hoard wealth for their own use. They hated not to exert themselves, but also did not exert themselves only for their own benefit. Thus (selfish) schemings were repressed and found no development. Robbers, filchers and rebellious traitors did not show themselves, and hence the outer doors were left open. This was the period of Great Unity (ta t'ung 大同)

"Now that the great Tao has fallen into obscurity, the world has become (divided into) families. Each loves but his own parents, and treats as children only his own children. People accumulate material things and exert their strength for their own advantage. Great men take it as the proper li that their states should descend in their own families. Their object is to make the walls of their cities and suburbs strong, and their ditches and moats secure. Li and standards of justice (i) they regard as the bonds whereby to keep in its correctness, the relation between ruler and subject; in its generous regard, that between father and son; in its harmony, that between elder and younger brother; in a community of sentiment, that between husband and wife. They use them to formulate institutions, lay out lands hamlets, adjudge courageous and wise men as superior, and regulate accomplishments for their own advantage. Hence scheming practices come thereby and militarism arises.

"It was in this way that Yu, T'ang, Wen, Wu, King Ch'eng and the Duke of Chou obtained their distinction. Of these six great men, each paid great attention to li. Thus they displayed their justice, tested their sincerity, exposed errors, exemplified virtue and discourse about courtesy, thus showing to the people the invariable constants. All rulers who did not follow this course lost power and position, and all regarded them as pests. This was the period of Small Tranquility (hsiao k'ang 小康) (pp. 364-367).

This says that the government and society so striven for by some of the Confucians is, in the final analysis, only that of the Small Tranquility, and which there is the government of Great Unity. This idea is one plainly borrowed from the social and political philosophy of the Taoists. In recent times the philosophy of the Confucian school exemplified here has been much exalted by certain Chinese political leaders, such as the reformer, K'ang Yu-wei (1858-1927), and Sun Yat-sen.

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1. Etymology: 義 Yi, 正 義 Cheng Yi

a. Noun

The word Yi as a noun originated from two words, namely, the generic noun, sheep, or goat, or lamb, which indicates meekness, fairness, kindness. The other word is I or Ego, indicating a duty or responsibility that falls upon me. Therefore, Yi implies that right conduct is demanded from me, either to help those who are in difficulty, or to assist those who have gone astray or are in need.

Yi has also the meaning of expressing oneself in deeds: deeds that fit a situation. Besides, in Chinese, we also have another word Yi, written differently, and meaning: fitting or proper. If we want to go a step further in searching for the meaning of Yi, then we have the adjective, Yi.

b. Adjective

The adjective Yi is found in such expressions as, Yi Jen, Yi Se, Yi Wu, etc. - just man, hero, duty, mulier fortis, faithful virgin, volunteer, free schooling, beyond.

It is clear that Yi means free - free of charge - as opposed to obligatory, or for profit.

Therefore, in order to understand the meaning of Yi, Righteousness, or Cheng Yi, the Right Road, we should ask the right question. Either I put the emphasis on my right, or I put the emphasis on my duty.

It is clear that the Chinese concept of justice indicates my duty towards others, more than my right with regard to others. It also puts the emphasis on right conduct, according to person, time, place or position.

It is not hard to conclude that the concept of justice is never an abstract idea. The character itself is composed of two elements: the sheep part and the ego part. It is also a personal thing, since it is a duty that devolves upon me, and is directed towards others. It is an action-oriented concept, since it demands from me the right conduct in a concrete situation.

So much for the research from the etymological point of view of the words Yi and Cheng Yi.

2. In the Context of Moral Life

Either in the moral life of a Chinese or in the Books of Ethics, one would not find it difficult to discover that Yi, or Righteousness, or Justice, never stands alone. It is in relation with other aspects of life or of other virtues, such as;

- a. Jen 仁 - Jen may be translated as dyanthropy or love between two people. Jen is the very nature of human beings. Jen - the virtue of dyanthropy; Jen, the man. Jen is considered as the basis of all other virtues; so much so that one has to take Jen (dyanthropy) as the ideal of one's whole life. If we want to extend Jen from self to family; from family to country or nation; from nation to the whole world, basically, the common denominator is Jen. Jen is greater than one's life, just as Yi is greater than one's life.

Therefore, it is the ideal of a gentleman to give up his life to fulfill Jen - dyanthropy; and also to sacrifice his own life, in order to gain Yi - righteousness; just like the first, second and third degrees of humility are greater than our life, so are Yi and Jen.

- b. Yi 義 - Yi, as we have said, is the right conduct demanded from me. The difference, the criteria distinguishing a "gentleman" from a "small man" is that a gentleman takes the criteria of righteousness for his actions or conduct, while a small man takes profit as the criteria for his conduct. A gentleman takes the ideal and principle or objective as the guide of his conduct. It is not his concern to be too anxious about the result; much less about the profit.

Therefore, Tung Chung-shu once said: "To put justice in its right way - one does not count the profit. To illustrate tao - the way - one does not count the result." This sounds very much like the prayer for generosity of St. Ignatius.

- c. Li 禮 - With regard to Li - politeness, we have this to say. When things are plentiful, people's usual attitude is that of politeness, because there will always be something left for me, since there is plentifulness. However, when things become scarce, people then want to assert their rights.

In the Chinese context in which we are discussing a just man, a person would assert his own duty towards others rather than his right; the right of others rather than their duty.

- d. Che 耻 - Another virtue which is related to Yi, is Che - sense of shame, not sense of guilt. The sense of shame is the beginning of Yi, or justice. In the face of temptation and of weaknesses, the sense of shame would keep one from doing what is unjust. Therefore, it is the beginning of Yi, or righteousness.

Incidentally, I want to comment on the "loss of face" which has been talked about so very often, particularly about the Chinese; they want "to save face," or they do not want "to lose face."

As a matter of fact, in Chinese, we have two words which are apparently the same, but which basically, are very different.

One is "mien tze" - face; the other one is "lien" - which is also face, but is closely related to one's integrity or righteousness; deeply rooted in one's moral life; so much so, that if a person loses "lien" it means that he does not have a sense of shame - he is shameless. He has no moral principle. He gives up his own

more superficial

integrity, especially as far as his moral life is concerned.

If we understand this - these distinctions are fundamental in Chinese culture - this also becomes a criterion for distinguishing the sheep from the goats, experts in Chinese culture from amateurs in Chinese culture; it distinguishes a person who is inculturated from one who is not yet inculturated.

Therefore, in the understanding of a sense of shame and loss of face, while apparently the difference is so insignificant, there is yet a nuance which is so subtle and essential, that one cannot disregard it too lightly. We can say that the sense of shame is related to justice, while the loss of face depends entirely on others' judgment or opinion. One may easily "give up his face." However, he cannot afford to lose his integrity and sense of shame. Confucius has a triad: wisdom, dyanthropy and fortitude. Mencius has a quadriad: dyanthropy, righteousness, politeness and wisdom. Pan Ku has a quinquiad: dyanthropy, righteousness, politeness, wisdom and loyalty. As a matter of fact, the fortitude of Confucius means two things: righteousness and politeness. According to Kwan Tze, who summarizes the doctrine of his predecessors' scholasticism: "Politeness, righteousness, probity, sense of shame are just like the four corners of a country. If the four corners do not stand, a country will fall."

We may summarize what we have discussed until now by saying that the moral life of a Chinese, or of the Chinese people, is a dynamic system that has the homeostatic aspect that all virtues, either personal or communal, are related to each other, even if they are distinct.

It is not hard to conclude that just as life is something integral and synthetic, so are these moral virtues related to each other, having functional autonomy. It changes according to time; reacts, responds to the situation, having however, and keeping its own unity or identity.

It is particularly true that there is a close relationship with Jen (dyanthropy) and Yi (righteousness); so much so, that even today when we say "Jen Yi Tao Te" - we take these two words - dyanthropy and righteousness - as representing the whole of moral life or ethical teaching.

3. In the Context of Metaphysics and Change

Jen and Yi - dyanthropy and righteousness - are two virtues living in symbiosis - born like twins, living like twins. According to the "Book of Changes," Jen, or dyanthropy, is related to heaven and is born from heaven. While Yi, or righteousness, is related to the earth and is born from the earth. Therefore, heavenly ways belong to dyanthropy, while earthly ways belong to righteousness. Dyanthropy is positive, while justice or righteousness is negative. Dyanthropy is metaphysical essence, while righteousness is opposite to metaphysical virtue; it is physical virtue.

According to this metaphysics, man is composed of these aspects of heaven and earth, of above and below, of positive and negative, of metaphysical and physical. Therefore, he should have within himself the virtue of dyanthropy to let him govern himself. Then, and only then, can he be able to govern the world around him with righteousness. Dyanthropy is therefore the content, while righteousness is the expression.

Confucius took Jen, or dyanthropy, as the kernel of his teaching, while Mencius took righteousness as the dominant theme of his teaching. They taught in different ages and circumstances, facing different challenges and people. They are complementary to each other, although they differed in expression.

Based on the metaphysics of the Chinese milieu, since Yi is considered as negative and passive in category, belonging to the Yin category, it looks to the past, in search of the ideal situation. Jen, dyanthropy, and Yi, righteousness, are complementary to each other, and form a whole, a totality. If we considered Chinese culture itself as more feminine, belonging to the Yin category instead of the Yang category, passive rather than active, it is clear then, that it needs the positive and the active dimensions. However, the starting point is the negative, passive and the Yin aspect of the culture.

If we want to help Chinese culture towards its fulfillment, the emphasis seems to be rather in actualization and integration, rather than reconciliation or liberation.

In the context of evangelization, I want to make a few comments as follows: Being a Chinese myself, I have the impression that for a Chinese, to live in prosperity is more difficult and dangerous than to live in hardship or disaster, because in prosperity, it is much easier for him to lose his soul, meaning his person, his personal relationship, his harmony and his value system.

Justice, for him, or for me, is certainly not limited to the social, economic or political aspects, because for him, to live like a person is of supreme value. Injustice has many dark sides; it has many forms and shapes in the milieu. However, it is always easier to talk about injustice than to actualize or perform just deeds.

The mission of Jesuits in the Chinese milieu seems to aim at total human development in an integrated way - material and spiritual, wealth and humaneness, culture and faith, natural and supernatural, brotherhood of man and fatherhood of God - only in this integrated way may we have life and life in abundance.

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