

**EXCURSIONS ON THE WAY:  
A COMPARATIVE STUDY OF WANG BI'S *LAOZI* AND JOHN FINNIS'  
NEW CLASSICAL NATURAL LAW THEORY WITH SPECIAL ATTENTION  
TO THE RELATIONS BETWEEN METAPHYSICAL SPECULATION AND  
POLITICAL THEORIZING**

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## Summary

In this thesis I study the place metaphysical speculation of the Dao or of God has in the political and social theorizing of two great philosophical traditions as developed by its respective scholars and commentators: Aquinas' Natural Law Theory as defended by the New Classical Natural Law Theorists (especially John Finnis), and Wang Bi's commentarial reading of the *Laozi* or *Dao de Jing*.

Finnis' recent refreshing interpretation of Aquinas's natural law theory offers a coherent and compelling reading of the thomistic texts. Because Finnis recasts Aquinas' ideas in the clear and lucid structures of analytic philosophy, natural law theory is able both to defend itself well against unwarranted criticism, develop itself with critical self-reflection and engage other influential (analytic) philosophies in order to further stretch its philosophical limits. Its potential as a credible and stable philosophical system that is at the same time open is not just immense, but has also been actualized to a great extent. While Lee Yearly's *Mencius and Aquinas* does mention natural law theory in passing, to date the new classical natural law theory has not seriously engaged Chinese philosophy. My thesis is a first attempt to push the frontiers of the new classical natural law theory in the direction of the oriental east.

I have chosen to compare natural law theory with the *Laozi* because amongst the many Chinese philosophical traditions it is one of those that maintains there are some natural moral norms. More importantly like Aquinas, it seems to have a strong metaphysical component. Its speculation on the Dao as the origin and source of the

myriad things suggests that it has a conception of a creator, even if impersonal. Not surprisingly the reason the Jesuits gave for translating the *Laozi* into its first western Latin version, submitted to the British Royal Society in 1788, was to show that the ancient Chinese knew of the mysteries of the Trinity and the Incarnate God. I have chosen to focus on Wang Bi's interpretation of the *Laozi* because like Aquinas' Thomism, Wang Bi's reading of the *Laozi* has a strong critical and speculative element, as opposed to other readings that reduce the text to religion. Set in the Wei-Chin period where scholars practiced *ching-tan* (free/pure discussion/talking), Wang Bi did not hesitate to tease out and develop critically the logical connections and implications of the *Laozi* text, especially when it comes to speculating about the Dao and its political insights. For this reason Wang is often credited as one of the pioneers of the Profound Studies movement (*xuan xue*). Through this comparative study, we may better see how classical natural law theory sits with an influential school of thought in the (Neo) Daoist tradition. (After that, perhaps we may continue to research its compatibility with other Chinese traditions).

Because the connection between metaphysics and political theory is often not clear, this study hopes also to illuminate the relation between them. For some time metaphysics was thought to have been a basis for natural law theorizing but Finnis has argued that this is not so. Since Wang's *Laozi* has much to say on the Dao and the modeling of the Dao, is metaphysical research also some form of premise for political theorizing? What else, if any, is the place of metaphysical research for the political theorist in both traditions? These questions are an important focus of our thesis.

I begin my comparative study with the argument in Section I that both traditions do not develop metaphysical claims in order to infer political strategies. Rather the reverse is true, though in rather different ways. Thus Section II: Natural Law starts with self-evident precepts and moves towards a metaphysics of God, whereas Wang's *Laozi* begins with a study of human behavior, develops political conclusions and integrates metaphysical claims of the Dao with the political doctrine of non-intervention through a clever play of literary metaphors, and offers an "inferential trace" to the Dao as the ultimate origin or source of the desired community and of words and names. I will include an analysis of the strong similarities between the metaphysics of the Dao and the thomistic metaphysical doctrine of God.

Further under Section III, I will suggest how although both traditions share similar negative strategies informed by their appreciation of the limits of the use of coercion to create the desired society, there remain differences when it comes to applying positive strategies. These differences are not the result of metaphysical premises of God or the Dao, but are the result of different theories of what constitutes authentic moral action.

Finally, Section IV will explain how metaphysics re-enters in the natural law theorists' political theorizing: by attending to the realization that practically reasonable political action is an analogous likening and fulfillment of God's very own Normative Being and Will, the natural law political theorist has a new motivation to act reasonably in politics: to imitate God. This however, does not feature very much in

Wang's *Laozi*, which seems to recommend that the metaphysics of the Dao be forgotten once the central political doctrine is grasped.

The purpose of this study is to compare two prominent and influential philosophical traditions which have a strong metaphysical component. My hope is that such an "excursion on the Way (Dao)" would be useful for scholars, especially my fellow natural law theorists, friends and colleagues, as well as those fellow scholars of the Daoist tradition, when each attempts to dialogue with the other in this age of globalization wherein the East daily meets the West, and vice versa.

Just as well, readers from outside these two traditions will find interesting the very different approaches with which these two traditions see the role and place metaphysics has for political theorizing. These ideas can help inform their own political theorizing. In particular, policy makers in the political arena will be alerted to the practical implications which metaphysical propositions (whether positive or negative) may have on the construction of the desired society. These connections are largely captured in Section II of this thesis. Equally interesting would be Section III, which lays out the efficacies of different policies in the construction of the desired society.

Finally politicians and policy makers with a religious bent will much appreciate Section IV, and there find inspiration for reinterpreting their vocation of good governance as a participation of a greater nobility.

I would not be so bold as to say that this study or thesis has covered all grounds, and there remains much room for further research. Still I believe that I have



addressed the more prominent issues relevant to the contemplation of the relation between metaphysics, ethics and politics in these two great traditions.

**I****The Non-deducibility of Political Precepts from Metaphysics**

## Chapter 1

### The Non-Derivation of Ethics and Politics From Metaphysics In John Finnis

#### Introduction

In this opening chapter I will lay out the basis of the ethical and political theory of John Finnis' New Classical Natural Law Theory. I show that in Finnis, ethical and political precepts are not derived or inferred from (a) metaphysics (of God). I also argue that Finnis' interpretation is largely consistent with the traditional concerns and assumptions concerning the philosophical connection between ethics and human nature. In Finnis, saying that we do not derive the first principles of natural law from metaphysics or from a theory of human nature does not commit us to the position that the natural law is independent of human nature or metaphysics, or that these are irrelevant.<sup>1</sup>

#### John Finnis' New Classical Natural Law Theory

Ever since the papal encyclical *Aeterni Patris* by Pope Leo XIII of happy memory which commissioned the revival of scholastic philosophy, the philosophy of St. Thomas Aquinas had been studied by Catholic intellectuals with renewed interest.

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<sup>1</sup> Parts of this chapter has been previously submitted as the final chapter of my 1997/1998 Honors Thesis, *On the First Principles of Natural Law*, submitted to the National University of Singapore.

In that encyclical letter given in 1879, the Roman Pontiff had explicitly urged the study of St. Thomas, having ranked him as “the chief and master of all [the scholastic doctors]”<sup>2</sup>.

Since then, a tradition of scholarship has developed which is called *Thomism*<sup>3</sup> alongside a particular criteria for determining if any philosophical doctrine may be received under its banner and whether its professor may be considered an orthodox Thomist. And because popular reading understands St. Thomas as having integrated Aristotle's philosophy into his thought<sup>4</sup>, the tradition is also understood to be Aristotelian-Thomistic.

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<sup>2</sup>Leo XIII, "Aeterni Patris: The Study of Scholastic Philosophy", in *The Great Encyclicals Letters of Pope Leo XIII*. (USA: TAN Books and Publishing, 1995). p. 48

<sup>3</sup> Whether there is such a thing as Thomism is itself a matter of debate among scholars. Some argue that there is no such thing, that St. Thomas himself was not a Thomist, and that to aspire to Thomisms or such like is a betrayal of the spirit of the Angelic Doctor. Nevertheless, let that not bother us. The common opinion is that there is a Thomism.

<sup>4</sup> Of course, as Alasdair MacIntyre has argued, St. Thomas integrated both Platonism (under the guise of St. Augustine) and Aristotelianism into his thought. See his *After Virtue*. 6th ed. 1996: Duckworth (UK) St. Thomas is popularly associated with Aristotle because he was the first to seriously integrate Aristotle, as compared to his contemporaries who stuck with St. Augustine only. Hence compared with them, St. Thomas was very much more Aristotelian. Yet a proper reading of St. Thomas based on the last 40 years of research suggests that his philosophical insights might also have a (Neo-) Platonic as well as an Aristotelian base. See John. D. Caputo, *Heidegger and Aquinas: An Essay on Overcoming Metaphysics*, op. cit., pp 125-8. Also, Kevin Corrigan's article in *The Thomist*, "A Philosophical Precursor to the Theory of Essence and Existence in St. Thomas Aquinas" where the real distinction of St. Thomas is linked to the *Enneads* of Plotinus., p. 219-240.

John Finnis works from that tradition. And in *Natural Law and Natural Rights*, John Finnis maintains that Aquinas teaches there are many underived first principles of natural law:

“...Stone [asks:] ‘Have natural lawyers shown that they can derived ethical norms from facts?’ And the answer can be brisk: They have not, not do they need to, not did the classical exponents of the theory dream of attempting any such derivation. ..[It is not] true that for Aquinas ‘good and evil are concepts analysed and fixed in metaphysics before they are applied to morals’. On the contrary, Aquinas asserts as plainly as possible that the first principles of natural law, which specify the basic forms of good and evil and which can be adequately grasped by anyone of the age of reason (and not just by metaphysicians), are *per se nota*, (self evident and indemonstrable). They are not inferred from speculative principles. They are not inferred from facts. They are not inferred from metaphysical presuppositions about human nature, or about the nature of good and evil, or about the ‘function of a human being’, nor are they inferred from a teleological conception of nature or any conception of nature. They are not inferred or derived from anything. They are underived (though not innate). Principles of right and wrong, too, are derived from these first, pre-moral principles of practical reasonableness.”<sup>5</sup>

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<sup>5</sup> John Finnis, *Natural Law and Natural Rights*, (Oxford: Clarendon Press, 1980), 33-34

To say that these principles are not derived means that (following Aquinas) one does *not* develop a metaphysical theory of God or any thing else, and then deduce ethical precepts from that metaphysics. Instead, starting with these un-derived principles of practical reason, we then derive all other principles of morality, including socio-political policies or precepts. In other words, we never start philosophically with metaphysics and end with an ethics. We begin already with self-evident principles of ethics: “Such and such a good ought to be sought and done”.

In the context of the tradition, the new classicists, John Finnis and his collaborators Germain Grisez and Joseph Boyle, have been subject to such criticism for their interpretation of St. Thomas that they have denied any association with that tradition. In “Practical Principles, Moral Truth, and Ultimate Ends”, under a heading “Please Note Well”, they declare,

“While this paper proposes philosophical clarifications and arguments rather than textual interpretations, it uses some language common in the (broadly speaking, Thomistic) natural-law tradition from which we developed that theory. But what we say here differs in various ways from the theories articulated by Aristotle, Thomas Aquinas and others.”<sup>6</sup>

#### Self-Evident Precepts and Human Nature

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<sup>6</sup> Germain Grisez, Joseph Boyle, and John Finnis, "Practical Principles, Moral Truth, and Ultimate Ends in Natural Law" in *Natural Law: Volume I*. (ed.) John Finnis. 1991: Dartmouth (UK), p. 237.

The primary charge against the new classical reading, amongst other things, is that it denies that ethical principles are founded on human nature. Henry B. Veatch, one of the new classicists' most vehement critics<sup>7</sup>, complains,

“True, there is a sense in which our human moral obligations can scarcely be said to be “inferable” from a knowledge of human nature. And yet Finnis is surely going too far when he would apparently conclude from this that “the norms referred to in any theory of natural law” are not to be regard as being even “based upon judgments about nature (human and/or otherwise)” (NLNR, 1980. p. 35)”.<sup>8</sup>

But it will not be too difficult to point out that Finnis never concluded what Veatch accuses him of concluding. Out of context, the phrase “based upon judgments about nature” is ambiguous and Veatch capitalizes on that for his equivocation. “Based upon judgments about nature” can mean “inferred from judgments about

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<sup>7</sup>See also Russell Hittinger, *A Critique of the New Natural Law Theory*, 1987: Univ. Notre Dame Press (USA) which argues that the new classicists fail to “interrelate systematically practical reason with a philosophy of nature” (p.8). Also see Robert P. George's reply in "Recent Criticism of Natural Law Theory" in *University of Chicago Law Review*, (55), 1988. Includes a reply also to Lloyd L. Weinreb's *Natural Law and Justice*, which criticizes the new classicists on this and other counts.

<sup>8</sup>Henry Veatch, "Natural Law and the 'Is' - 'Ought' Question: Queries to Finnis and Grisez" in *Swimming Against the Current in Contemporary Philosophy*, (Washington, DC: Catholic University of America Press, 1990). p. 300. Footnoted to this very same quote is the following: "Be it noted that Finnis and Grisez would not argue that ethics is independent of metaphysics merely in the way which, say, physics is independent of metaphysics. For in addition, ethics is to be distinguished from metaphysics, they would say, in the way in which a practical science is different from, and hence independent of, any theoretical science..." So by "independent of" Veatch means something more than just mere differentiation.

nature” or “having an ontological connection with judgments about nature.” While Finnis means the former, which renders Veatch's statement an uninformative tautology, Veatch makes him out as concluding the latter.

Finnis' reply is embarrassing. With “an invitation to Professor Veatch to read what we [Finnis and Grisez] have written”, the apology goes:

“Henry Veatch's “sharp questions” are directed to those who deny that morals and ethics have any basis in nature or the facts of nature; to those who “insist that ethical principles can have no grounding in fact and nature”; to those who suppose an “absolute independence of ethics as over against metaphysics, or of moral with respect to a knowledge of nature,” so that “principles of morals and ethics are really not to be thought [of] as being in any sense principles of being or of nature at all”. Veatch's questions and objections, therefore, are not properly directed to either Germain Grisez or to myself. Neither Grisez nor I subscribe to any of the foregoing denials, affirmations, and suppositions; indeed, we reject them all. Neither of us has published anything which might reasonably be interpreted, in its context, as involving or entailing any such view.”<sup>9</sup>

Veatch is not alone, of course. Anthony J. Lisska has his own “worries”: Can one have an Aristotelian meta-ethical theory without a consistent metaphysics of

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<sup>9</sup>John Finnis, "Natural Law and the 'Is' - 'Ought' Question: An Invitation to Professor Veatch" in *Catholic Lawyer*, (26) 1981, p. 266.



human nature?<sup>10</sup> Is Finnis correct in suggesting that the role of human nature is not a necessary condition for natural law ethics?<sup>11</sup> Then, rebuking what he supposes is Finnis' position, he quotes two noted Thomists to justify his position against Finnis:

“In his *The Tradition of Natural Law*, Yves Simon suggested that a theory of universals, or essences, is a necessary condition for an elucidation of the concept of natural law:

Let us confess that it is meaningless to argue seriously about natural law without having ever raised the question of universals. It is obvious that the theory of natural law opposed by the nominalist tendency and probably would be impossible by a strictly and consistently nominalistic philosophy, if such could exist.

In *Man and the State*, Maritain argues explicitly for the concept of essence as a necessary condition for understanding Aquinas on natural law. He writes:

What I am emphasizing is the first basic element to be recognized in natural law, namely the ontological element; I mean the normality of functioning which is grounded in the essence of that being: man. Let us say, then, that in its ontological aspect, natural law is an ideal order relating to

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<sup>10</sup>Anthony J. Lisska, *Aquinas' Theory of Natural Law*, (Oxford, UK: Clarendon Press, 1983), p. 140.

<sup>11</sup> *ibid.*, p. 148

human action, a divide between the suitable and the unsuitable, the proper and the improper, which depends on human nature or essence and the unchangeable necessities rooted in it.”<sup>12</sup>

Precisely. The irony of it all is that these auctoritates really support rather than contradict the new classical reading. The point that Yves Simon and Maritain is making is that the principles of natural law presuppose a human nature or essence. This is an ontological point. We are talking about what is the case, objectively, from a third-person-point-of-view. To talk about principles of natural law is to talk about a set of objective ethical principles which are somehow fixed. If they are fixed, then it implies there must necessarily be an essence in man, a stable “what-ness” in man, so that it may give rise to this fixed set of ethical principles called natural law. At the metaphysical or ontological level then, the Aristotelian-Thomistic natural law theorist is always implicitly committed to essentialism.<sup>13</sup> Thus Simon rejects a natural law with a nominalistic, non-essential ontology and Maritain talks about natural law depending on “human nature or essence and the unchangeable necessities rooted in it”.

But the new classicists do not deny this. Compared with the above ontological point, theirs is epistemological point, namely, that our knowledge of the principles of natural law does not presuppose our *knowledge* of human nature or essence. This is perfectly consistent with the ontological point in the preceding paragraph which Simon and Maritain made. As a matter of fact, the ontological point is implied because

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<sup>12</sup> *ibid.*, p. 149-50

<sup>13</sup> I owe this insight to Alan Brown.

as was said above, to assert such a thing fixed as natural law in man is to assert something essential in man.

To see the implication, let us use an example. Suppose I walk into the room, and staring at the floor I see some tiles. Now, if I were to smash the tiles up, I would see beneath them the concrete ground. Now, epistemologically, the tiles were prior as compared to the concrete grounds. But the concrete floor was beneath the tiles, supporting the tiles. And so ontologically, or “in the order of generation” as the scholastics are wont to say, the concrete ground was prior as differ from the tiles. Without the concrete ground being there first, the tiles could never be in place. Indeed, the existence of the tiles is determined by the existence of the concrete ground. Yet I see the tiles first before I actually discover the concrete ground underneath them.<sup>14</sup> Another (perhaps better) example is to consider the eye and its seeing. For the eye, the light and data that enters the eye has epistemic priority, yet were it not first that the eye had a retina, it could never see. In fact the eye will never see its own retina, so that the retina is forever epistemically last, yet it is there ontologically prior to everything it sees, i.e., to the light which enters the eye, which, as is obvious, is epistemically prior as contrast with the retina.

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<sup>14</sup> This example is adapted from Fritz Wenisch's “A Defense of Dietrich von Hildebrand's Approach to Ethics” in *ALETHIEA*, (5): Truth and Value, 1992. The point is that there is no necessary connection between the ontological and epistemic order.

So it is with the case of human nature/essence and the principles of natural law. While the principles of natural law have epistemic priority, human nature/essence has ontological or metaphysical priority. Robert P. George puts it very well:

“Knowledge that comes as the fruit of practical reflection becomes available to (i.e., provide data for) speculative inquiry (e.g., in metaphysics or theology). On the basis of one's practical grasp of the intelligible ends of human acts, one may derive propositions about the nature of human beings. The point is that in the epistemological mode of inquiry, our (practical) knowledge of human good(s) is methodologically prior to our (speculative) knowledge of human nature. The latter knowledge presupposes the former: It is not, as neo-scholastics suppose, the other way round.

Let us shift for a moment to the ontological mode. Here, if we reflect on Aquinas's methodological principle, it is clear that the human goods are goods for (i.e., fulfillments of) human beings precisely because human beings have a nature as they do. As Finnis says, “[t]he basic forms of good grasped by practical understanding are what is good for human beings with the nature they have.” Were human nature otherwise, human goods would be correspondingly different. In this sense, the basic goods depend, ontologically, upon human nature. So in the ontological mode of inquiry, an account of the human goods will refer to human nature: “Why are these the ends fulfilling of human beings?” “Because human nature is

constituted as it is.” But this answer in no way entails that our knowledge of the ends as human fulfillment is derived from prior speculative knowledge of human nature.”<sup>15</sup>

### Self-Evident Precepts and A Metaphysics of God

I think the Robert P George’s conclusion is sound. We may develop George’s analysis. We are interested in whether a metaphysics of God enters anywhere into the picture; I argue that metaphysics is a corollary, and is not irrelevant. If an account of human nature or a created world of which human beings and human nature are a part entails some ontological Creator, which we call God, then ontologically God is even prior to human nature, which He creates. Hence ontologically, our knowledge of the precept of natural law is last, whereas God is first. Because: God first existed, and then caused human being and human nature to exist, which in turn makes possible the experience of the natural law by human beings. We are all familiar with Aquinas’ *quinque viae* for an uncreated Creator of all creation, of all dynamism, and of all progressions from potentialities to actualities. In a later chapter I offer my own natural law version of an ontological argument for God’s existence, and where God is a Normative Being. (See Chapter 6) There we move from practical reasons backwards towards an affirmation of such a Normative Being’s existence. The way to see this is to understand that metaphysics features at the end of the order of knowing. But even

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<sup>15</sup> Robert P. George, "Recent Criticism of Natural Law Theory" in *University of Chicago Law Review*, (55), 1988, p. 1416

if it is that which is last known, that does not mean it is unrelated to that which is first known. Furthermore, while articulating an ethics or political theory does not require prior knowledge and affirmation of any metaphysics of God, an explicit *denial* of God's existence undermines ethics and politics. (See chapter 6 and 8). The point remains that in the thomistic tradition, claiming that the natural law is self-evident in no way entails that a metaphysics of reality or of God falls completely out of the picture.

### Conclusion

I have argued that Finnis' natural law theory, following Aquinas, does not derive its practical precepts from any form of metaphysics of God or of human nature. This does not mean however, that it is completely disconnected with metaphysical claims of God or of human nature; as shall be shown, metaphysical claims of God have their important place. We are ready to turn to Daoism. Like Finnis' treatment of Aquinas' ethical and political theory, I will argue in the following chapter that Wang Bi's *Laozi* does not derive political principles from a metaphysics of the Dao, as some scholars suppose. Rather, by carefully unpeeling the layers of metaphors he reads in the text, we see that Wang Bi's *Laozi* starts with a social analysis of human behavior and derives political policies based on that analysis. However, Wang also cleverly integrates metaphysics into his analysis, using metaphorical literary devices. The rest of this thesis will explore all these issue surrounding the purpose and place of the metaphysics of God or Dao for political theory in these two traditions.

## Chapter 2

### Sagely Politics as Modeling of the Dao in Wang Bi's *Laozi*

#### Introduction

This thesis compares natural law theory with Wang Bi's reading of the *Daode Jing* (*Laozi*). Wang Bi was born in 226 and lived only 23 years of age, to die in 249. In that short life, he had earned a reputation for being a young genius. He Shao's biographical notice<sup>16</sup> writes:

“Wang Bi revealed his intelligence and wisdom even when still a child. By the time he was only about ten years of age, he had already developed a liking for the *Laozi*, which he understood thoroughly and could discuss with ease...”

Wang Bi's *Laozi* has much to say about the Dao. Scholars have always been interested in how the Dao is related to the political theory in the Wang Bi *Laozi*. Some scholars argue that the metaphysical claims about Dao are premises for developing the political theory. I disagree. In this chapter, I will argue that Wang's *Laozi* does not attempt to derive political or ethical precepts from a metaphysics of the Dao.

#### Modeling the Dao in Wang's *Laozi*

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<sup>16</sup> C.f. Richard John Lynn. *Classic of the Way and Virtue: A New Translation of the Tao-te ching of Laozi as Interpreted by Wang Bi*. Richard John Lynn (transl.), (New York: Columbia University Press, 1999), 11. Hereafter quotes as *The Classic*.

A T Nuyen expresses nicely the frustration of the serious student of the *Laozi* as he engages this classical work:

“The *Daode Jing* is an enigma. The reader encounters the sense of enigma in its very first two lines. This sense of enigma is maintained throughout the work as it seemingly fluctuates between the metaphysics and the ethics. What is the relationship between the metaphysical discussions and the ethical teachings? Is the *Daode Jing* an attempt to show the way of the invisible way, to name the unnameable name?...”<sup>17</sup>

Part of its illusiveness is the precise connection between the metaphysical or cosmological pronouncements of the Dao and its normative recommendations, on top of the already well known paradox of proclaiming that its pronouncements about the Dao do not quite get to the real Dao. In this chapter, we will try to shed some light on the first question. Here, we are principally concerned with Wang Bi’s *Laozi*.

Some interpretations of the *Daode Jing* read the text as suggesting that one imitate the ways of Heaven, the Dao. However this modeling of the Dao can be taken in at least a couple of ways. One way is to read the *Daode Jing* as developing a metaphysical account of the Dao *for* delivering normative principles, applicable to politics. Rudolf Wagner’s most recent book *Language, Ontology and Political*

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<sup>17</sup> c.f. A T Nuyen, “The Dao of Ethics: From the Writings of Levinas to the *Daode Jing*”, in *Journal of Chinese Philosophy* 27:3, (September 2000), 287-298 @287



*Philosophy in China: Wang Bi's Scholarly Exploration of the Dark* clearly sees things this way. He writes:

The Wang Bi *Laozi*...propose that the ruler look at the fundamental dynamics governing the relationship between the One and the Many, between the Dao or Negativity and the ten thousand kinds of entities, in order to understand the laws of this relationship and map out a course of action that consists of imitating and translating into the human world the way in which the One actually manages to be and remain the One of the Many, their “That-by-which”. *The Wang Bi Laozi therefore deals with the problems of ontology, the relationship of Being and Entity, the One and the Many, and Negativity and the ten thousand entities only because and only insofar as it is necessary in order to extract these laws. These can be and are to be translated into a successful course of action by the ruler. The Wang Bi Laozi is prescriptive political philosophy based on analytic ontology.* When summarizing the essence of the *Laozi*, Wang Bi does not talk about Negativity, the Dao, or the Sage. The grammatical form of this summary—and he claims that the *Laozi* can be summed up in one phrase—is prescriptive, not analytic.<sup>18</sup>

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<sup>18</sup> Rodulf Wagner, *Language, Ontology and Political Philosophy in China: Wang Bi's Scholarly Exploration of the Dark*, (NY: SUNY, 2003) 212-213, *Italics*. Rudolf G Wagner is Professor of Chinese Studies at the University of Heidelberg. He is also the author of *The Craft of a Chinese Commentator: Wang Bi on the Laozi* (NY: SUNY, 2000). Emphasis is mine. In these two recent books on Wang Bi, Wagner offers a detailed analysis of Wang Bi's art and technique as a commentator, of his philosophy of language that underlies his treatment of the classical texts, of his ontology that

Wagner rightly notes that Wang Bi's one phrase summary of the essence of the *Laozi*, given in the *Outline Introduction to the Laozi*, is prescriptive: "it does nothing more than encourage growth at the branch tips by enhancing the roots". Wagner also correctly notes that Wang's explication of that prescription, viz. that one ought to encourage growth at the branch tips by enhancing the roots, has little to do with Negativity, the Dao or the Sage. This is a very important observation. Indeed Wang Bi goes on *not* about Negativity or any form of Daoist ontology. Instead his explanation runs more like a social analysis. He simply points out the kinds of effects that follow from social (dis)incentives like punitive action or the gifts of honor, name, reputation or prestige for conforming to moral rules. If the ruler were to employ these kinds of social policies, people might behave morally, but ultimately, insincerely. And insincere moral behavior, or what is the same, moral acts aimed not at moral ends, is really no authentic morality at all. Such political policies are hence self-defeating and futile. Wang then goes on to infer other possible things that the ruler might do to remedy this in-authenticity, and in turn the poor consequences of such inauthenticity. He concludes: the ruler ought to abandon the kind of paternalistic interference that punishes immorality through the law and rewards morality through honors.

Intermittent that social analysis, he speaks of the Dao of pristine simplicity, which he understands at least as a kind of symbolic analogue for the policy of repudiating (specific kinds of) social and political interference. And so Wagner is

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marked a watershed in the history of Chinese philosophy and of his political philosophy for which his ontology provided the model and logic.

right to note some form of ontological, if you must, parallel between the Dao and the Sage Ruler's *modus operandi*. Clearly this parallel is undeniable.

However, what seems to me incorrect is that Wagner reads the parallel as some form of inference or derivation, of the kind of an argument from analogy. He reads the speculation on the Dao as constituting some form of premise for inferring the desirable political policies. But Wagner himself notes that Wang's own summary and explication of that one phrase which captures the essence of the *Laozi* is sparingly metaphysical. This appears to me as a clue that the metaphysics or ontology of the Dao is *not* the philosophical basis for the social policies that Wang reads the *Daode Jing* as finally prescribing.

Wagner's own analysis should have alerted him to this hermeneutic possibility. Elsewhere in that same chapter on Wang's political philosophy, Wagner writes:

What form could and should the conscious application of the Dao's interaction with the ten thousand kinds of entities take? What does it mean to "reject" and "abandon", to "discard" and "cut off" the very means that common sense would suggest as the instruments of securing the ruler's life and position and social order? Obviously there is little question of the ruler's stepping down and actually being "lowly," "orphaned," "solitary," as there is of the Dao relinquishing its role as the origin and support of the ten thousand kinds of entities. The solution must lie in the ruler's remaining in his position but consciously projecting himself in a manner that would make him One over the Many, and not One among the

Many. In this exploration, Wang Bi has little to go by in the *Laozi* itself. The development of a political theory out of the *Laozi* that can be applied to and translated into practical policies must be considered one of Wang Bi's main intellectual contributions.<sup>19</sup>

Wagner then goes on to explain that for Wang, the public performance of the ruler should be to manifest simplicity in order not to stir up the desires of the people, which if aroused would lead to competitive contention and disorder. Filling in such connections between the ruler's social policies and performance and the kinds of social effects that follow truly is one of Wang's main intellectual contributions. But Wagner credits Wang not only with developing and drawing the kinds of causal relationships between social policies and their respective effects, but also of inferring these recommended social and political policies *from* the ontology of the Dao:

What began as a highly sophisticated philological and philosophical inquiry into the That-by-which, with its double characteristics of being the condition of the possibility of the ten thousand kinds of entities and being utterly elusive and "dark," has developed into a philosophically guided political analysis of societal dynamics and an applicable set of policies.<sup>20</sup>

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<sup>19</sup> *ibid.*, 202

<sup>20</sup> *ibid.*, 209

This however is not entirely on the mark. As has already been pointed out, Wang seems to develop his argument for the social policies which he eventually recommends by simply mapping out the kinds of causal connections between the ruler's acts and policies and their effects on the people. In other words for Wang the said policy recommendations really are justified based on the good effects that follow from them. The metaphysics of the Dao, i.e., how the Dao operates, does not seem to be the reason for the recommended policies. As Wagner's analysis unwittingly reveals, one does not decide what the Sage ruler must do (in imitation of the Dao) by examining the Dao. Rather: one begins by examining the kinds of effects that would follow if one acted on a particular social policy. Why should the ruler not literally step down, live in isolation, etc, as Wagner so quickly rules out? I suggest: only because there is no political causality between doing so and benefiting the people. In other words, the final and only justificatory basis for deciding what is to be done always points back to practical policies and their social effects, not to the metaphysics of the Dao.

Perhaps the speculation on the metaphysics of the Dao might be a *supplementary* justification. But even this too cannot be. We can see how philosophically any attempt to infer a social policy from a Daoist ontology is a failure. The conclusion that would follow from this kind of a metaphysics-to-social-policy move is generally non-sequitur; the move from up there to down here is fraught with difficulties. Suppose we tried to infer some form of policy on the part of the Sage ruler from the metaphysics of the Dao. Taken in context, one would examine how the Dao works and then try to infer from this how the Sage ought also to work. And of course

the implicit premise is that the sage operates in a fashion similar to the Dao, since the Sage models the Dao. This seems to be what Wagner has in mind. He thinks Wang is taking the Dao as an exemplary pattern with which to derive similar applicable norms.

Thus,

There are two standard forms of this imitation structure [between the Sage and Heaven]. The first takes the form “the spontaneously Great Ones (Heaven, Earth, Dao and so forth) are/do X, that is why the Sage does x1,” x1 being a derivative or imitation of x. The Sage’s “taking Heaven as model” or “harmonizing his capacity/receipt with [that of] Heaven and Earth” is expressed through the “that is why” linking the section about Heaven/Earth and the Sage, respectively....The second states, usually as a paradox, some form of operation of the negative opposite, which is the characteristic of the relationship between the One and the Many, and ends with “that is why the Sage...”<sup>21</sup>

But it becomes apparent that one can infer everything and nothing from the metaphysics of the Dao. All one knows is that the sage ruler will *imitate* Heaven (or the Dao). Since the Sage and the Dao are certainly not the same type of entity, the imitation cannot be univocal. Which means to say: it cannot be an *exact, replicative* imitation. So the imitation is analogical, which means that the sage will operate in a way similar to the way the Dao operates. But to speak of “similarity” is to say that

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<sup>21</sup> *ibid.*, 179

there are some *ways which are the same, and other ways which are different*. So the next question is: Which are the same, and how are they the same? Which are the ways of the Dao that the ruler should model, and how shall he model them? Cast in the jargon of Wagner's analysis, we could ask how does one derive  $x_1$  from  $X$ ? I argue that the move from  $X$  to  $x_1$  is necessarily arbitrary.

Consider the following example. Suppose I said that Mary has a cousin who looks like her. Mary has long, blond hair, big brown eyes, a high nose, high cheekbones and rosy cheeks, is 1.6 meters tall and slim. Mary's cousin's name is Peter. What would Peter look like? We cannot except with arbitrary choice choose whatever we will choose of Mary's likeness to reproduce in our profile of Peter, because whatever we leave out could equally well be included in our conception of what Peter may look like. Should Peter have blond hair, a high nose and brown eyes? Well, there is no reason to think that Peter may have only one or two of these qualities, or that Peter may have any other plausible combinations. But that is not the only difficulty. Peter and Mary are generally of the same type, i.e., human beings, though not of the same gender. Suppose I said that Mary has a dog which also looks like her (though not to her distress). Things get even more complicated, because then we would have to try to figure out not only what, but *how that which is replicated is in fact replicated*. Brown eyes are straightforward, but suppose we think that the dog would also have features like those of Mary, who has a high nose and a certain construction of cheek bones. How would a dog have a "high nose"? Would it tip upwards, or would it merely be long so that it extends somewhat beyond the mouth? Or its facial structure: how would it be similar to Mary's? How can a dog have "high

cheekbones”? Will it have a wide face that parts at the eyes, or will it have cheeks that shift the eyes upwards? Suppose further: not only do Mary’s cousin and dog bear a likeness to her, she even owns a car that has an uncanny semblance to her. Now this is where it gets really tough: Mary is an organism and the car is a machine. How will the car’s external features replicate the likeness of Mary’s high nose and facial construction, her slim build and her height? I will leave it to your imagination. But that is the point: imagination. There is no trustworthy inference here. It is at best an inductive leap, and the leap is wider as the genetic distance between the two entities being compared increases.

Reverting then to the Dao and the Sage, we have here two kinds of entities genetically very, very distant. How will the Sage imitate, model, bear an analogous likeness to (the way) the Dao (operates)? It is anybody’s guess. To say, as Wagner makes Wang out as saying, that one could infer the particular policies from (the way) the Dao (operates) seems to me impossibly non-sequitur.

Let me venture my interpretation. I suggest that the practical policies of the Sage are *not* derived from a metaphysics of the Dao. As Wang’s own discussion amply evidences, they are obtained from a non-ontological, practical analysis of the social consequences and effects of various kinds of political action:

The sage does not establish punishments and names in order to impose restraints on the people. [If one tries to control the people with punishments, cleverness and treachery will surely arise; if one tries to



define with names how people should behave, order and consideration will surely be lost]<sup>22</sup> Nor does he create promotions and honors in order to cull and discard the unworthy. [If...the splendors of reputation and conduct are publicized and exalted, one will cultivate that which can exalt him in hope of the praise involved and cultivate that which can lead to it in expectation of the material advantage involved. Because of hope for praise and expectation of material advantage, he will conduct himself with diligence, but the more splendid the praise, the more he will thrust sincerity away, and the greater the material advantage, the more contentious he will be inclined to be. The heart felt feelings that fathers, sons, older brothers, younger brothers should have for one another will lose their authenticity]<sup>23</sup> He enhances the natural state of the myriad folk but does not serve as the starting point for them...Because he does not exalt the worthy and the resourceful, the common folk do not contend. Because he does not value goods hard to get, the common folk do not become thieves. Because he does not allow them to see desirable things, the hearts/minds of the common folk are not subject to disorder...<sup>24</sup>

To be sure, Wang does ask that we keep in mind the Sovereign Dao when we act or say anything. He asks that we recall that the Dao is the ontological cause of all (the dynamisms) of the myriad things, including human beings: “In what one says, do not

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<sup>22</sup> Wang Bi, *The Classic*, op. cit., “Outline Introduction”, 34.

<sup>23</sup> *ibid.*, 39

<sup>24</sup> *ibid.*, 101

put the progenitor at a distance, and in what one undertakes, do not neglect the Sovereign [Dao].”<sup>25</sup> But effectively in the case of human beings this comes down to saying that we should keep in mind *human nature’s* mode of operation, and how that can inform politics. For: human nature is itself a product of the Dao, so being attentive to human nature is in a sense being attentive to the Dao. This is the closest that one can get to the claim that the Dao can help inform our construction of social policies. Still, this is not so much deriving social and political policies from a metaphysics of the Dao so much as deriving policies from a *philosophical anthropology* while at the same time appreciating the Dao as the origin of that anthropology. The metaphysics of the Dao is here philosophically redundant. In its essence, the policies are the fruit of a purely non-metaphysical, social analysis, built on an attentiveness to human nature and its mode of operation, rather than the way the Dao operates. Even if we did not know that the Dao was nameless and formless, was not benevolent, etc, the arguments that the Sage ought to practice a policy of *wuwei* and *ziran* would have still gone through. That conclusion was premised on the *structures of human behavior*, *i.e.*, *human nature*, rather than the structure of the Dao and its comings and goings. Section 47 and Wang’s commentary bring out all this nicely:

*[Laozi:] Know all under heaven without even leaving your gate; see the Dao of Heaven without even peering out your window. [Wang Bi:] Matters have a progenitor, and things have a master. Although roads differ, they all bring one back to the same place, and, although there might be*

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<sup>25</sup> *ibid*, 37

hundreds of ways to deliberate, there is an ultimate congruence in thought. The Dao has its great constancy, and principle has its great perfection, so “hold on to the Dao of old to preside over what exists now.” Although we live in the present, it is possible for us to know how things were at the beginning of time. Thus one can know [the Dao] without leaving his gate or peering out his window.

*[Laozi:] Thus it is that the sage knows without making a move and names without seeing.* [Wang Bi:] Because the sage grasps the principle of things perfectly, although he does not make a move, he is able to know what happens just by his power of inference. Because he recognizes the progenitor of things, although he does not see what happens, the principles of right and wrong are his to name.

*[Laozi:] He brings about the completion of things without taking deliberate action.* [Wang Bi:] He understands the nature [*xing*] of things and does nothing other than stay in accord with it. Thus although he does not take deliberate action, he brings about their completion.<sup>26</sup>

Does this mean therefore that the metaphysics of the Dao has nothing to do with the social philosophy? Not entirely. For: when placed side by side, there are many analogical parallels to be drawn between the Sage’s political *modus operandi* and the way the Dao operates. Indeed, it is *now* that there can be sensible talk of the Sage modeling the Dao. With the metaphysics of negativity and the Dao on the one

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<sup>26</sup> *ibid.*, section 47, 141-142.

hand, and the Sage's political strategy on the other (non-metaphysically, socially obtained), we have now two things before us to compare. They are not totally identical, but there are some interesting similarities to be drawn. As I read Wang, these parallels are for him not merely ontological, but much more interestingly, semantic. Wang's reading of the *Daode Jing* brings out the kinds of semantic analogies, or *puns*, if you like, between descriptions of the Dao and descriptions of the Sage's political strategies. Such analogies include *improper* analogies which are really equivocal and hence are more *metaphors* than analogies of proportionality, to borrow a neo-scholastic distinction. By "metaphor" I mean the use of a word to refer to something else that the word was not originally a signifier of in its original context. The Sage's modeling or imitation of the Dao and Heaven is hence so broadly (and interestingly too) conceived that it goes beyond the ontological parallels, but includes the kinds of descriptive similarities that exist—descriptions which are semantically identical but nevertheless equivocal. That is to say, they describe totally different events and states of affairs, but they share the same kind of description.<sup>27</sup> Let me bring out the prominent ones.

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<sup>27</sup> see also Alan Chan, *Two Visions of the Way: A Study of the Wang Pi and the Ho-shang Kung Commentaries on the Lao-Tzu*, (NY:SUNY, 1991) 45-57 which so carefully argues that for Wang Bi, the terms or concepts like "wu" and "li" do not necessarily have positive metaphysical (ontic) referents. Rather they are heuristic or explanatory terms expressing the relation between the Dao and the world. I agree with Chan in the first following sense: that these concepts do not necessarily have metaphysical referents, because sometimes they have non-metaphysical referents. Rather, these are terms with broad possible meanings, and so can metaphorically and hence equivocally capture non-metaphysical claims, such as political strategies or social policies, or analogical parallels between the Dao's and the Sage's operative modes. In this sense Chan's claim that such terms do not necessarily extend to the ontic is true, and I agree. But still such terms do at times capture metaphysical insights about the Dao, namely its formlessness (and thus namelessness), and it would

The ontological similarities are more apparent. With something of a kind of naïve argument for the existence of a transcendent being, the *Daode Jing* argues that some kind of transcendent being or principles (the Dao) must exist, because there are these effects: the ten thousand entities or myriad things are caused to exist, and caused to fulfill their natures or dynamisms. Here there is a kind of simple effect-to-cause inference. And, this Dao does not cause the ten thousand things to fulfill their natures or dynamism with any obvious form of interfering activity: in fact it seems rather hidden. And to add to its hidden-ness is the fact that the Dao has no phenomenal shape or form, and cannot be sensed, heard, touched or tasted:

*[Laozi:] When we look for it but we see it not, we call it the invisible. When we listen for it but hear it not, we call it the inaudible. When we try to touch it but find it not, we call it the imperceptible. Because these three aspects of it are impossible to probe, it remains a single amorphous unity.*

[Wang Bi:] It is shapeless, leaving no image, and soundless, leaving no reverberation and reaches absolutely everywhere. We cannot get to know it and even less know how to give it a name derived from how it looks, sounds or feels. Thus, because it is impossible to probe, it remains a single, amorphous unity.

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be wrong for Chan to say that such concepts do not extend to metaphysical claims. However Chan's point is not that they do not extend to making metaphysical claims, but rather that these metaphysical claims about the Dao are not ontically positive, but really negative claims. They tell us what the Dao is not, or what it lacks (namely, that it lacks a form). (p. 50) In this sense Chan says that concepts like "wu" have no metaphysical extension. If taken in this sense, I also agree with Chan, and I concur with him when he says that insofar as "wu" is concerned, "logically the idea of substance is not intrinsic to Wang [Bi's] analysis" (p 51).

[Laozi:] *Its risings cast no light, and its settings occasion no dark. On and on it goes, unnamable, always reverting to nothingness. This we refer to as the shape of that which has no shape, the image of that which has no physical existence.* [Wang Bi:] You might wish to say it does not exist, but everything achieves existence because of it, and then you might wish to say that it does exist, but we do not see its form. This is why the text refers to it as “the shape of that which has no shape, the image of that which has no physical existence”.<sup>28</sup>

Similarly, because the Sage is aware (by way of a non-ontological social analysis) that policies of social interference are really self-defeating and socially frustrating, he does not engage in them. For: intensifying punitive action—even if mainly paternalistic—will just encourage the subjects to devise more cunning ways to avoid the laws, and promises of honors for compliance lead to insincere and corrupt motives. And just as the Dao is hidden, out of sight, so too the sage does his best to stay out of the public eye. For: the Sage Ruler knows that common folk are eager to pursue his ideals to win his favor.<sup>29</sup> His *public proclamations* of his likes and dislikes, which come through in his differentiations of what is good and bad lead people to comply to these standards of behavior for non-moral reasons, and thus authentic morality is not encouraged. Hence like the Dao, he does not engage in unnecessary social interference, and keeps a very low profile. And for doing so, the people under his governance or care in fact flourish: they do not wrangle in competitive strife to

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<sup>28</sup> Wang Bi, *The Classic*, op. cit., Section 14, 72-73

<sup>29</sup> *ibid.* 159, 183

win honors, or become more cunningly perverse through devising ways to get around the law, and thus society will benefit from avoiding the kinds of moral perversion that would follow from such striving.

Hence putting the Dao and the Sage side by side, we see how they in fact parallel each other in their modes of operation. And thus we have the famous straw-dogs passage, showing how the Sage ruler models Heaven and Earth. Since Heaven and earth take their models from the Dao,<sup>30</sup> by extension, the Sage models the Dao. For the way of the Daoist Sage-Ruler, of Heaven and Earth, and of the Dao is to not engage in conscious effort (*wuwei*), the latter understood specifically as not applying policies of behavioral manipulation and not simply doing nothing.

*[Laozi:] Heaven and Earth are not benevolent and treat the myriad things as straw dogs. [Wang Bi:] Heaven and Earth allow things to follow their natural bent and neither engage in conscious effort nor start anything, leaving the myriad things to manage themselves. Thus they are “not benevolent.” The benevolent have to establish institutions and influence behavior, for they are prone to use kindness and make conscious effort. But when institutions are established and behavior influenced, people lose their authenticity, and when subject to kindness and conscious effort, they no longer preserve their integrity. If people do not preserve their integrity, they no longer have the capacity to uphold the full weight of their existence. Heaven and earth do not make grass grow for the sake of beasts,*

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<sup>30</sup> *ibid.* 96

yet beasts eat grass. They do not produce dogs for the sake of men, yet men eat dogs. Heaven and earth take no conscious effort with respect to the myriad things, yet because each of the myriad things has what is appropriate for its use, not one thing is denied support. As long as you use kindness derived from a personal perspective, it indicates a lack of capacity to leave things to themselves.

*[Laozi:] The Sage is not benevolent and treats the common folk as straw dogs.* [Wang Bi:] Because the sage makes his virtue conform to that of Heaven and Earth, he likens the common folk to straw dogs.<sup>31</sup>

And there are more parallels. But beyond this the parallels drawn by Wang's *Laozi* need to be grasped as parallels that are not just ontological correspondences. They are, I would argue, more poetically and interestingly conceived.

### Metaphors

Our analogies so far have been ontological. If we extend the analogies beyond the ontological, interesting ideas emerge. The Dao is nameless and formless. But the sage is also formless and nameless—not ontologically, but *politically*. Because the sage avoids interventionist politics, he avoids forming or shaping his subjects through punitive rules or the law. He does not seek to “cut things” into the desirable shapes or forms. Thus he is “formless”:

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<sup>31</sup> *ibid.*, 60



He [the Sage] follows the natural bent of the people, neither formulating nor implementing...Instead, he should follow the nature of the people and not try to carve them into shapes according to forms external to them<sup>32</sup>

Again, he avoids explicitly intervening to encourage moral conformity by distributing honors, promotions and prestige, i.e., he avoids establishing “names” (*ming*: honors, prestige). Thus he is nameless. By being formless and nameless, i.e., by not trying to enforce morality or desired social norms, he avoids promoting the kind of competitive wrangling that is morally insincere and aimed merely at seeking the goods of honors and avoiding punitive consequences. He avoids breeding a nation of people who are simply pretentious do-gooders but who are doing good for the wrong (or at least, less than ideal) non-moral reasons (e.g., for obtaining material advantage, reputation and esteem, etc). Wang’s commentary on Section 38 of the *Laozi* delivers these ideas clearly:

It is because one functions not by using forms and rules and by not using names that it becomes possible for benevolence and righteousness, propriety and etiquette to manifest and display themselves. If one upholds the people with the great Dao and presses on them with the nameless, they will have nothing to exalt their hearts and their hearts/minds will have nothing to scheme for. As each person tends to his own proper affairs and acts out of his own sense of sincerity, the virtue of benevolence deepens,

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<sup>32</sup> *ibid.*, 100

the practice of righteousness rectifies itself, and propriety and etiquette become pure accordingly.<sup>33</sup>

Notice here how these two attributes, “formlessness” (*wuxing*) and “namelessness” (*wuming*) refer to very different qualities when applied to the Dao and to the Sage. When applied to the Dao they refer to its metaphysical structure. When applied to the Sage, they refer to his political strategies, and not to his metaphysical structure. Thus when the Dao and the Sage are said to be formless, “formless” here is used *equivocally*, and likewise for “nameless”. Compare this with the earlier corresponding parallel drawn between the Dao and the Sage where both are said to be practicing *wuwei*, i.e., not engaging in conscious effort. There at least “*wuwei*” is analogical, for it describes the *way the Dao and the Sage similarly operate*. The parallels were still ontological, because they were parallels of the way both the Dao and the Sage act and behave. Here, however, ontological parallels are not the interest. Instead, the comparative parallel points out how two very ontologically distinct beings, qualities or occurrences are covered by the same descriptive term. What seems to be happening here is that Wang’s *Laozi* is constructing *metaphors or puns*. Wang is trying to *describe different ideas with the same term or phrase*. He is picking out two different phenomena and describing them with the same words or phrases. When applied to these two different phenomena, the descriptive words or phrases operate *equivocally*. The metaphysics of the Dao no more signifies ontology; it now references political theory. It is used as a metaphorical code for the political doctrine.

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<sup>33</sup> *ibid.*, 123

### Metaphysical Metaphors

These are of course not the only instances of such metaphorical parallels. If one examines Wang's *Laozi* one will see Wang pointing out many such metaphors in overlapping layers, and intermingled with the metaphysical or ontological parallels. I have been far from exhaustive. Still, we are ready, at this point I think, to appreciate what I believe to be Wang's grasp of the full meaning of the two opening stanzas of the *Daode Jing*: *Dao ke Dao, fei chang Dao; ming ke ming, fei chang ming*.

What is clear from Wang's commentary is that these two stanzas refer to the formlessness of the real Dao, and hence its namelessness.<sup>34</sup> They capture a metaphysical truth about the Dao, its ontological structure and the inability of language to describe it precisely. Hence if you could describe through speech a Dao, that "Dao" cannot be the unchanging, constant Dao, itself indescribable: *Dao ke Dao, fei chang Dao*. Again, if you could give it a name, then that name that you gave to the Dao could not be an accurate name, because the Dao, being formless, has no corresponding name: *ming ke ming, fei chang ming*.

Yet that is not all that is said. They also capture political insights. These ontological claims about the Dao are a kind of *metaphor or imagery* for a whole set of political wisdoms, themselves arrived at on the basis of a purely social analysis. For just as the terms "nameless" and "formless" express the metaphorical analogies or merely semantic parallels between the metaphysical structure of the Dao and the

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<sup>34</sup> *ibid.*, 51

Sages' political strategy, so also *the metaphysics of the Dao* is expressed by two stanzas. Notice that my claim is not merely that the *two stanzas* capture the political insights, but that *the metaphysics of the Dao* captures metaphorically these political insights. Let me explain.

It is easy to see how the two lines express in some manner the political and policy insights of Wang's *Laozi*. Here and there the *Laozi* speaks of the Sage as practicing the teaching that is not expressed in words. As could easily be gathered from Wang's own social analysis, if one tries to speak or preach (*Dao*) moral behavior (*Dao*) through a policy of institutional intervention, then you will not in fact get authentic morality, or at least you will not get morality that lasts (*chang Dao*). So that morality (*Dao*) that you can get from such institutional preaching (*Dao*) is not the unchanging and authentic morality (*chang Dao*): *Dao ke Dao fei chang Dao*. Again, if one promoted or praised (*ming*) the morally worthy (*ming*), then the worthy would be overcome with seeking praise and soon lose that true moral worthiness. In other words, the moral worthiness (*ming*) that is praised or honored with promotions (*ming*) just would not be the kind that is true, authentic moral worthiness, or at least it would not be the kind that lasts (*chang ming*): *ming ke ming, fei chang ming*.

But I think there is a deeper and more interesting metaphorical analogy than this in the text of Wang's *Laozi*, very cleverly brought out by Wang's own commentary. This metaphorical analogy is that *between the metaphysics of the Dao*, as explicated by Wang, and the political and policy insights of the *Daode Jing*. Meaning, the political insights are captured not merely semantically by the two opening stanzas, but by the *metaphysics of the Dao expressed by these two stanzas*.

The two stanzas express a sophisticated metaphysical account of *the namelessness and formlessness of the Dao*, which in turn is a kind of metaphorical imagery for the political insights of the *Daode Jing*.

We have pointed out how the Sage is formless and nameless because he does not promulgate many rules to cut people into forms and does not use promises of prestige or names to persuade people to behave well. We could be more specific. Because the sage knows that the ruler's proclamations of good and bad have the effect of influencing the common folk to conform to these ideals for non-moral or insincere reasons, he avoids these proclamations. Effectively it means that he avoids making normative differentiations. That is, he avoids spelling out to the public what he means by "good" or "bad". For a normative differentiation attempts to delineate specifically what "goodness" or "badness" refers to. This does not mean that he is normatively neutral. What it does mean is that he *avoids making known* his judgments of what is "good" and "bad", so that the common folk cannot know them. But one need not restrict "making known" to the verbal, because the performative also reveals. So by extension, he avoids *actions* which make known what he thinks are morally praiseworthy qualities, such as "benevolence", "righteousness" and "propriety". Such actions include establishing institutions or enacting policies which exemplify or promote these qualities, or these "forms". For: it becomes quickly apparent to the watching common folk that such "forms" are *what the Ruler thinks* are good or worthy qualities, which *he himself* embodies and thus esteems, and wishes to inculcate in others.

It is important to note also that what he wishes the common folk to not know are *his* judgments of morality, of good and bad. This is not the same as saying that he does not wish them to know what is morally right or wrong; quite the contrary. Nor is this saying that he would suppress the teaching of morality. These states of affairs are not mutually exclusive. Someone *else* other than the Sage Ruler could teach morality, and the common folk could all be morally informed, but all the while they may not know what the Sage Ruler's moral opinions are. The purpose of leaving his judgments on these notions muddled (not in himself but) amongst the common folk is that it discourages conformity to these qualities or replicating these moral acts for ulterior, non-moral motives rather than for their own sakes. Hence paradoxically, by not making known his judgment on what are moral virtues, authentic morality flourishes. In this way, those who would be called or named "moral" are now truly moral, as their names suggest. Thus,

When the Dao is rejected as the means to uphold [the people] and discarded as the means to sustain their lives, use is then made of the concrete forms it takes and application of what the intelligence perceives of it. If [it takes the form of] benevolence, one shows it esteem. If [one takes the form of] righteousness, one wrangles about it. If [one takes the form of] propriety, one makes it an object of dispute. Therefore the deepening of the virtue of benevolence is impossible for one who uses [the form of] benevolence; the rectification of the practice of righteousness is not achieved by one who uses [the form of] righteousness; and the

purification of propriety and etiquette is not attained by one who uses [the form of] propriety.

It is when one upholds them with [the people] with the Dao and unites them and controls them with the mother that benevolence may be manifest but there is no esteem of it, and righteousness and propriety may be displayed but there is no wrangling over them. It is by making use of the nameless that names become honest and by making use of the formless that forms become perfect. If one preserves the child by holding fast to the mother and makes the branch tips flourish by enhancing the roots, forms and names will all exist, but anomalies will not occur.<sup>35</sup>

If we place this social analysis alongside Wang's metaphysical commentary on the ontology of the Dao, the metaphorical parallels become clear. Wang's Dao is nameless because it is formless, metaphysically. Yet the myriad things, which have forms and thus are nameable and so have names, are completed and perfected in existence by this formless and nameless Dao:

*Dao ke Dao fei chang Dao; ming ke ming, fei chang ming*

The Dao that can be rendered in language and the name that can be given it point to a thing or reproduce a form, neither of which is in its constancy.

That is why it can neither be rendered in language nor given a name.

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<sup>35</sup> *ibid.*, 123

...before it has forms and when it is still nameless, it serves as the origin of the myriad things, and once it has forms and is named, it matures them as their mother. In other words, the Dao, by being itself formless and nameless, originates and brings the myriad things to completion.<sup>36</sup>

Like the Dao, the Sage Ruler is formless and nameless, and completes the myriad things, which have forms. But all these have to be grasped in a different sense, i.e., in terms of Wang's social analysis: the Sage Ruler does not use (institutional) forms, *xing* (of moral qualities), and so he is formless. Because he does not use any of these forms, he does not reveal his honoring or esteeming (*ming*) of any of these forms. Hence he is nameless. Nonetheless, the moral forms become authentic, perfected, and the names become honest, in the sense that people develop the true actualities which the moral names name.

In other words, the metaphysics of the nameless and formless Dao as the origin and completing principle of the myriad things with forms and names becomes a kind of imagery for the social teaching that the wise Sage Ruler uses, avoiding forms and names, and is hence nameless and formless, with the effect that forms and names come to exist and are perfected. Hence the metaphysical speculation of the Dao becomes a kind of metaphor which captures in an equivocal manner, but no less interestingly, the *Daode Jing*'s social doctrine of effective governance. This, I dare to conclude, is the *only* place of the metaphysics of the Dao in the social and political thought of the *Daode Jing*—not for deriving the practical policies, but for *capturing in*

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<sup>36</sup> *ibid.*, 51



*a metaphorical manner these practical policies.* At least, this is the way I think Wang saw it.<sup>37</sup>

The reasons for thus mapping the social doctrine of the *Daode Jing* could be various: perhaps it was to enable its easy remembrance, like some form of memory key where each aspect of the metaphysics of the Dao could associatively recall some aspect of the social doctrine; perhaps the interest was purely contemplative, to see how the Sage Ruler curiously parallels the cosmic order; or perhaps it was pedagogical, because it aroused curiosity and edged the reader on with its amazing cosmic parallels.<sup>38</sup> My guess is that for Wang, the author of *Daode Jing* had a little of all of these in mind. But whatever the intent of the author, the fact remains that there is this metaphysical map, which captures the social doctrine of the *Daode Jing*, and Wang's particular contribution to all of us readers of this classic ancient text, young as he was, was the gift of his genius that surfaced it, and much to our delight. As he said it, "let it be those who think in terms of corresponding analogies, and none will fail to take

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<sup>37</sup> It is useful just to note that while I argue Wang does not derive ethics or political policies from metaphysics, I mean precisely that he does not derive it from a metaphysical doctrine of the dao. There is still, in a certain sense, some form of derivation of political doctrine from a metaphysics *of human nature* or philosophical anthropology. This is because he makes observations of human behavior and infers what works and what does not when enforcing various political strategies to make them moral. In this sense he is informed by a metaphysics of human nature, even if not a metaphysics of the Dao. I am thankful to David Wong for alerting me to this.

<sup>38</sup> see *ibid*, 34. See also Lynn's footnote 45 on pg. 44 which quotes Zheng Xuan and Kong Yingda's *Record of Rites*: "Thus it is that the teaching of the noble man is metaphorical. It leads but does not drag you, is strong but does not force, and starts you off but does not take you all the way. Because it leads but does not drag, you go along harmoniously. Because it is strong but does not force, you go along easily. Because [it] starts you off but does not take you all the way, it makes you think..."

delight in the correspondences its thought makes and, as such, grasp the concepts they seek in it.”<sup>39</sup>

### Continuity and Change

I have tried to illuminate the double-layeredness of Wang’s reading of the *Laozi*. My theory, as I have argued, is that there is always a metaphorical parallel to a speculative reading of the text. Underlying and perhaps superimposed onto the metaphysical reading is the political or pragmatic reading. However the political or pragmatic doctrine is never derived from the metaphysical doctrine. This is my main departure from Wagner’s Wang Bi study. I will offer one more reason why my interpretation is better: because it coheres better with the results of recent research in Daoist scholarship.

Chad Hansen in his 1992 influential work, *A Daoist Theory of Chinese Thought* argued against the “name-change hypothesis” and suggested that the many metaphysical or mystical readings of the first two lines of the *Laozi* misrepresents the true point of the *Laozi*, which is really a theory about practice or activity. Applying a distinction between the metaphysical-Dao and performance-Dao, he suggested that *Laozi*’s message was not about the indescribability of a metaphysical entity called the Dao, but really a claim that any spoken teaching is not (always) the Dao that should guide our practical performances. Contrary to the claims of the name-change hypothesis, “Dao” has not, Hansen argues, somehow evolved from a term designating

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<sup>39</sup> *ibid*, 35

performance or behavior to some kind of onto-theological entity. That is, *Laozi's* teaching is not that we should be skeptical about attempts to describe the One Metaphysical Entity called the Dao, but a skepticism about claims by teachers to teach through speech the Way (Dao) or the right way we should behave. It calls into question not metaphysical or onto-theological discourse. Instead, it calls into question guidance discourse. In other words, for Hansen, Daoism is not about metaphysical onto-theology. It is about language and politics, and has never quite deviated from this.<sup>40</sup> Thus Hansen:

“Strangely, practically everyone agrees...that [the first line of the *Laozi: Dao ke Dao fei chang Dao*] asserts the ineffability of the metaphysical, mystical object called *Dao*. That is, the first line...speaks of something of which it claims it cannot speak. That consensus is wrong. The first line does not assert that *anything* is ineffable. It entails neither the existence nor the ineffability of a single metaphysical *or* prescriptive *Dao*...In Chinese, modifiers precede the terms they modify. One grammatically acceptable parsing *Dao ke Dao* is as a verb-object. (Remember that subject terms are optional in classical Chinese.) Hence: *speak the speakable*. The conclusion may be, first, that doing so *is not constant speaking*. (Remember that *Dao* speaking is guiding speech. Guiding speech will change.) Or it may be, second, that doing so would not yield a

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<sup>40</sup> see Chad Hansen, *A Daoist Theory of Chinese Thought*, (NY: Oxford University Press, 1992), 216

constant performance *Dao*. The passage reminds us of the interpretive problem: *no linguistic guides give constant guidance.*”<sup>41</sup>

According to Hansen’s study, the implicit supposition in Daoism is that language has practical or behavioral consequences. Language divides reality by constructing distinctions. Often these divisions are not purely neutral and non-evaluative. When reality is cut up as either X or not-X, things falling under one type are then preferred and the other not. So to divide has the practical effect of evaluating. To say that something is this or that is implicitly to present it as desirable or not, or what ought to be or what not, or what ought to be done, and others not, what is good and what is bad. Daoism’s point is that these linguistic divisions are often artificial and conventional, and following that, the many forms of evaluations. Its point is that we should be skeptical about the evaluations that follow from these linguistic divisions, and to realize that they are not always invariant. These evaluations, buried in the spoken language, do not yield that constant invariant performance-Dao. The “Dao” that is speakable or spoken does not (always) yield the constant invariable (performance) Dao. Hansen’s research is an illumination for Daoist scholarship. I quote:

“Interpreters have long puzzled about the practical, political focus of the text. If the central doctrine is metaphysics, what is all this political advice doing? We avoid this interpretive quandary if we do not treat the central doctrine as mystical metaphysics but as linguistic skepticism. That skepticism arises against a background assumption that language is a

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<sup>41</sup> *ibid*, 215-216

social mechanism for regulating people's behavior. The political doctrines thus play a role in the *Daode-Jing's* pragmatic theory of language. Their point is to illustrate the inconstancy of any guiding terms and discourse. He illustrates his point in the common language of Chinese philosophical reversal of *conventional* political and moral attitudes. He reverses conventional values, preferences, or desires. His advice signals, as well, continuing acceptance of the *Ru-Mo* psychological model. Whatever practical outcome we achieve will flow from social leaders. This part allows the *Daode Jing* to be used by political theorists as advice to the ruler.

“This practical advice is the Daoist reversal of opposites. Political advice is only one manifestation...The pragmatic (as opposed to metaphysical or semantic) difference between each pair of opposites lies in out preferences. A single distinction creates both names. We learn some pattern of preference or desire for one and aversion for another. Laozi's political doctrine illustrates the inconstancy of names and *Daos'* consisting of names. He shows us that we *can* reverse all those conventional *preferences*. They do *not* provide constant guidance. There are cases where opposite guidance (reversing the value assignments) is better.<sup>42</sup>

As we saw above, Wang's reading of the *Laozi* makes a similar point. He too warns of the kinds of influences that differentiating speech has on people listening, especially

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<sup>42</sup> Chad Hansen, 222-223

when these differentiations are promulgated by the Ruler. At the same time, like Wagner, I am convinced Wang's theory has an explicitly metaphysical or onto-theological component. What then shall we say of Hansen's claim that the metaphysical onto-theological reading of original Daoism is incorrect, and by implication, my or Wagner's interpretation of Wang's own reading of the *Laozi*?

Hansen's study was of course on *Shen Dao* and the *Laozi* text itself, and not Wang's commentary. Still, his study raises interesting issues for Wagner. Because: if the constant "Dao" is truly the performance-Dao, then under Wagner's interpretation, Wang's commentary has altered the Dao's original meaning and arrived at a novel interpretation and perhaps wrongly understood of the "Dao". Recall that for Wagner, Wang starts off with the metaphysical reading of the text, speculating on the constant "Dao" as non-being (*wu*) and giving rise to the plenitude of beings (*you*). The metaphysical reading of the constant Dao then becomes a general premise for inferring or deriving political principles. Under Wagner's reading, the constant "Dao" has no double meaning—it refers to some form of onto-theological source of the plenitude of beings. This reading of the constant "Dao" as a metaphysical or mystical Dao then excludes the notion of the constant Dao as the performance Dao, i.e., the performance Dao which Hansen thinks is the Dao of the *Laozi*. In other words, it seems to me that Wagner's reading suggests Wang has made a radical break from authentic Daoism. The kind of name-change of the "Dao" that Hansen sought to argue against would in fact be realized in Wagner's Wang Bi commentary.

My reading, however, pictures the development of Daoism differently. While like Wagner I defend the ontological reading of the constant Dao in Wang, I am able

at the same time to maintain a stronger continuity of the Hansenian, if you like, or the authentic reading of the constant Dao as the performance Dao in Wang. In other words, compared with Wagner's reading, my story is that there is a strong continuity from the original meaning of the *Laozi* (under the Hansenian reading) through to Wang's own commentarial reading. I do maintain that there is an *additional* reading of the constant Dao in its metaphysical slant, superimposed in the very same text. Still, the reading of the constant Dao as "performance Dao" with its pragmatic or behavioral slant is not replaced or rejected: it persists in Wang. You may already see how this is the case. According to my theory of the use of metaphors in Wang's commentarial reading of the *Laozi*, the two interpretations of the text and of the "Dao" are not mutually exclusive. As I have tried to demonstrate above, the text can accommodate both understandings of the constant Dao, with their two respective meanings. By reading the words or phrases of the text as metaphorically capturing a second layer of meaning, Wang Bi's interpretation of the *Laozi* finds in the Daoist classic both lines of thought about the constant Dao: first the Unnameable as a metaphysical ontological source (metaphysical/mystical Dao) of all beings and secondly that authentic morality (performance Dao) that cannot be spoken or taught.

### Conclusion

I have argued that Wang's *Laozi* does not read his political theory as a derivation from a metaphysics of the Dao. Wang's complex and intriguing reading of the *Laozi* impresses me as a philosophical and literary masterpiece. At the center of it all is his theory of language: that there is a certain relation between names,

designations, forms and actualities. In the next chapter, I hope to discuss the origins of Wang's theory of language, and to flash out clearly how it serves as the key to his very original and fascinating commentarial reading of the *Laozi*, which has the Dao as the source of his desired political society, thus integrating a metaphysics of the Dao with political theorizing.



## II

### Deducing the Dao/God as the Source of the Desired Society

### Chapter 3

#### Tracing the Dao in Wang Bi's *Laozi*

##### Introduction

This chapter starts by tracing the historical development of the theory of language in Chinese philosophy in order to uncover the philosophical antecedents and possible influences of the linguistic epistemology of the 3<sup>rd</sup> Century Chinese commentator of the *Daode Jing*, Wang Bi (AD 226-249). This will help us arrive at a description of the basic tenets of Wang's theory of language. As we shall see, Wang Bi's theory of language builds on the correlative theory of names (*ming*) and actualities (*shi*) of Dong Zhong Shu (BC 179-104) and Xu Gan (AD 170-271). These latter theorists departed from a nominalist theory when they insisted that names have a real ontological and epistemic dependence on actualities (*shi*) by way of the form (*xing*). They therefore concluded that we could trace a name back to its correlated form or actuality. Wang's own linguistic epistemology is heavily influenced by that. I will argue that his very unique original reading of the *Daode Jing* is influenced and made possible by his theory of language. As I will demonstrate, Wang has a metaphorical reading of that theory of language, and that allows him to "infer" the form or actuality of a name, through political reflection all the way to the Dao as its source, thus ushering the school of profound discourse (*xuan xue*).

##### The Story of Names

We start with the classical period of Chinese Philosophy, about 500 BC to 150BC. In fact, one could well begin with Confucius (551-479 BC) and his theory of the correction of names (*zheng ming*). In the *Analects* 13.3, we read:<sup>43</sup>

Zilu said, “If the Lord of Wei left the government in your hands, what would you attend to first?”

The Master said, “It would be the correction of names, I should think.”

Zilu said, “Are you really so out of touch with things? Why would you correct names?”

The Master said, “How boorish you are! In matters that he knows nothing about one would expect the gentleman to show some reserve. If names are not correct then affairs are not brought to fruition; if affairs are not brought to fruition then ritual and music will not prosper; if ritual and music do not prosper then punishments and penalties will be inappropriate; if punishments and penalties are inappropriate then the people will not know where to put hand and foot.”

There are interpretative disagreements regarding what exactly Confucius meant by the term “correction of names”. Still, for Confucius it is clear that the “correction of

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<sup>43</sup> Quoted in John Makeham, *Name and Actuality in Early Chinese Thought*, (NY: SUNY, 1994), 35

names”, or having the names corrected, rather, leads to right social and political order. Commentators gloss their interpretation of what is specifically at stake in the process of *zheng ming* in either one of the two ways. The first, typical of Sima Qian, understand Confucius to be referring to *zheng ming* in the context of social relations. For them this passage is to be understood in the context of actual historical events in which the passage is set. In particular, this interpretation understands the social roles of ‘father’ and ‘son’ to be the referents of the names, *ming*. In the *Shiji*, the Historical Records, Sima Qian explains, just before quoting the above passage from the Analects 13.3:

At this time, the father of Lord Zhe of Wei was unable to be installed [as Lord of Wei] and he remained outside of Wei. The Feudal lord repeatedly expressed the view that Zhe should yield the throne to his father. Further, many of Confucius’ disciples were serving in Wei and the Lord of Wei wished to obtain Confucius’ political services.

The story goes like this. In 496 BC, Prince Kuai, the father of Zhe and the son of Duke Ling, then Lord of Wei, was exiled after an unsuccessful attempt to kill his mother, wife of Duke Ling, for rumors of her adulterous affair with Song Chao. During this time Duke Ling died (493 BC), and when his heir apparent, Ying, turned down the offer to cede the throne as Lord of Wei, the grandson and the son of Kuai, Zhe took over the throne instead, and became Lord Zhe of Wei. But rightfully, Zhe is the son of his father, Kuai, the latter who should inherit the throne to Wei. Yet when Kuai came to

reclaim his throne, he was crushed by an army sent by Zhe. In a sense, father and son had their names “mixed up”, as it were, since the son Zhe, had taken himself to do and be what was his own father, Kai’s rightful role, i.e., to cede the throne. Hence the *Shiji* continues with Confucius’ recommendation: that one should correct names, *zheng ming*—meaning correct the names of those two historical persons, Zhe and Kai, who had wrong mixed up their names, “father” and “son”.<sup>44</sup>

So for Sima Qian *zheng ming* refers to Confucius’ desire to dispute Zhe’s legitimacy, and to have him, who is posing as father through claiming the father’s rightful throne and wrongly naming himself “father”, be re-installed as a “son”, and therefore have Kai re-instated to the throne as a “father” who had the right to the throne. This interpretation is hence socially specific, and deals with getting social relations right. In a word, to put each one in his place as his real name indicates. If you are a “son”, you will be where a “son” should be, and not pretend to be named “father” and stand where a father should be, as it were.

Other commentators, as early as in the Han dynasty, however, extend the referents of the names or *ming* beyond social roles, to “any and all things generally,”<sup>45</sup> perhaps mistakenly. Hence Dong Zhongshu writes,

The *Spring and Autumn Annals* differentiated the distinguishing marks of things so as to correct the names of things<sup>46</sup>

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<sup>44</sup> see *ibid.*, 35-8

<sup>45</sup> *ibid.*, 39

<sup>46</sup> c.f. *ibid.*

Mistake or not, this is where things begin to become exciting for our narrative, because this extension of the referent of names (*ming*) to all things leads the way to the Neo-Confucian-nominalist theory of naming that will become school of thought that Gu Xan and Wang Bi will resist. As John Makeham points out, when “the Confucian concept of *ming*, understood as referring to a broad range of entities, had become sufficiently popular, a new interpretation of *zheng ming* evolved which eventually became the other standard traditional Chinese gloss of the term.”<sup>47</sup> For example, Zheng Xuan, who exemplarizes that interpretation, writes,

*Zheng ming* means the correction of ‘written words’. In ancient times they were called *ming*, now they are called *zi*. *Li ji* says, “Where there are more than one hundred words (*ming*) they are written on bamboo strips.” Confucius saw that the teachings of his time were not being put into practice and therefore wished to correct the misinterpretation of written words (*wen zi*).<sup>48</sup>

Now several things are appearing here in the evolution of the Confucian doctrine of the rectification of names. Firstly we recall that the notion of names has already been extended to referents other than social relations. Secondly, and very importantly, as the above indicates, Zheng Xuan, as most Han commentators, understood Confucius to be the master who came to offer social and political corrective to what seems to be a

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<sup>47</sup> *ibid.*, 43

<sup>48</sup> *c.f.*, *ibid.*

rather undesirable social-political situation. Hence, the Confucian enterprise was *prescriptive*, in that it sought to bring about something better according to Confucian ideals. As a matter of fact, Confucius sought to look back into tradition and restore it in the unhappy present in order to recreate the more ideal conditions which existed in the past. What *is* the case now in the unhappy present is not at all important, but rather what is important is what the ideal *ought to be*, and how that ideal *was to be* realized. Therefore the Confucian enterprise was concerned with influencing rather than passive reception; it was prescriptive rather than descriptive. The whole grain of the Confucian enterprise was to re-create an ideal to replace the present reality. Hence taken in this context, the above text from Zheng Xuan means that he saw Confucius desiring through *zheng ming* the *prescription of the right names*, i.e., the correct carrying out of the teachings and words which had been recorded and now were not being carried out (presumably because of misinterpretation). The analyses of the problem concluded that names and words have been misread (and hence were incorrect), so that the wrong teachings were conveyed and wrong practices followed. Through *zheng ming*, getting the names right, i.e., getting the words rightly interpreted, the right practices would follow.

If we append to this reading the first point about the fact that the referents of names had been extended to all things, then we can see immediately how this Confucian doctrine of *zheng ming* is a signal antecedent to a more general nominalistic theory of names which understands names as having an ontological and epistemic priority over actual reality: given that the Confucian enterprise is prescriptive rather than descriptive, and is aimed at transforming reality then merely passively accepting

it, then for Confucius, the realities or actualities (understood as what things really are) should follow the names, rather than vice versa. Meaning to say, in the Confucian material logic, realities follow upon the names, and names have a logical priority and determining function on one's conception of reality—reality understood originally as social and political, but extended to the actual state of all things besides. Thus John Makeham,

Names, not actualities, were Confucius' primary concern. He did not regard names as passive labels but rather as social and hence political catalysts. This was a function of the performative role that names were perceived to play in the networks of social patterns and human relations that constituted the underlying structure of *li*...It is this notion that in naming one can thereby cause something to be brought about which lies at the heart of what I term "nominal prescriptivism": the use of names to prescribe entities or affairs.<sup>49</sup>

Such an *all embracing* nominalism is found more explicitly in the works of the Neo-Mohist logicians and the Neo-Confucian Xun Qing's *Xun Zi*. So Xun Qing writes,

A name has no intrinsic appropriateness; rather, the appropriateness of a particular name is demarcated by being ordained (*ming* lit., to cause to be brought about by naming). The demarcation having been fixed

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<sup>49</sup> *ibid.*, 46;47



and its custom established, then the name is called appropriate. Should a name then differ from custom, it is called inappropriate. A name has no intrinsically corresponding object; rather its corresponding object is demarcated by being ordained. The demarcation having been fixed and its custom established, then it is called the object's name.<sup>50</sup>

This clearly reveals that for Xun Qing, names are conventional signs and their creation is not so much dependent on the object as rather marking out the objects. Hence names have dependent priority over the object, in the sense that names do not correspond to or depend on some intrinsic structure or ontological basis in the objects. This comes through quite well also in the Mohist notion of knowledge, which is understood more in terms of marking out reality or picking out objects *using the name*, rather than naming from the things themselves. So names here have priority in discovery; objects are discovered according to *names* or definitions, rather than that names are defined according to (what I would call naturally, *ziran*, demarcated) objects—as one might observe later in the Daoist essentialists. Knowing is more an *art* of constructing reality, than discovering *naturally* determined definitions. In this way, as in the following passage, even if someone did not know anything, by being able to demarcate these unknown objects, as “unknown” suffices as knowing. Here knowledge suffices when using names you could pick them out, even if in admittedly not knowing these, it implies that the object does not “inform” you, as it were. Clearly

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<sup>50</sup> Quoted in John Makeham, “Names, Actualities and the Emergence of Essentialist Theories of Naming in Classical Chinese Thought”, *Philosophy East and West*, Vol. 41, No. 3 (1991), 341-363; 345

the emphasis is not on knowing in the sense of letting the object or reality determine knowledge (and therefore names), but rather that the subject determine reality through naming, in this way sufficing for “knowledge”. Hence, the Mohist Summa:

*Canon B 48*

Knowing what he does not know. Explained by: picking out by means of the name.

*Explanation*

If you mix together what he does know and what he does not know, and ask about them, he is obliged to say, ‘This I do know, and this I do not know’. To be capable of picking out the one and disclaiming the other is to know them both.<sup>51</sup>

We may adapt the Chinese jargon *ming* and *shi* as indicating the polarities of the name and the named objects respectively, and here for Xun Qing and the Mohist, we say *ming* do not depend on *shi*. As a matter of fact it seems fitting to credit the Neo-Mohist logicians for coining the standard jargons of this semiotic of names (*ming*) and entities (*shi*), a *ming-shi* jargon that was to be carried through into future linguistic debates. In the Neo-Mohist *Explanation to Canon A* we read,

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<sup>51</sup> c.f. Makeham, *Name and Actuality in Early Chinese Thought*, op. cit., 56

That by which something is called is its *ming*; what is so called is a *shi*.<sup>52</sup>

While *ming* rather straightforwardly signifies a name for a state of affairs, *shi* evolved from originally signifying ‘particular objects’ in the *Xunzi* and the Mohist nominalist discourse towards the later essentialist notion of what Makeham calls ‘actuality’. On the nominalist meaning of *shi* as concerned with particular objects, Makeham’s explains:

The *shi* graph is composed of a roof with good below. The primary meaning of this ‘full house’ image is being ‘full of’, ‘filled with’, ‘inner substantiality’. This meaning is also implicit in the word *fu*, ‘rich’, ‘wealth’, which Xu Shen uses to gloss *shi*. He in turn glosses *fu* as *bei*, ‘to be provided/endowed with’. This meaning is again evident in the case of the word *ri*, ‘sun’, which Xu Shen glosses as *shi*, ‘being filled in’, as opposed to *yue*, ‘moon’, which he glosses as *que*, ‘lacking’...From this primary meaning arose the extended meanings of ‘replete’, ‘complete’, ‘solidness’, ‘substantiality’, and ‘filled out’. These meanings share the common sense of ‘substantial manifestation’. *Shi*, meaning ‘fruit’, is derived from this sense of substantial manifestation. As an application of this sense of substantial

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<sup>52</sup>c.f. Makeham, “Names, Actualities and the Emergence of Essentialist Theories of Naming”, op. cit., 342

manifestation, throughout the summa *shi* is used consistently to mean particular objects or entities.<sup>53</sup>

Indeed as it is used consistently in the Mohist Canon, it refers to *particular* entities or objects. A text from the *Explanation to Canon A 78* bears this out:

‘Thing’ is the universal name; any object necessarily requires this name. Naming something ‘horse’ is an example of a generic name; one necessarily uses this name for those things which are like the object. Naming something ‘Cang’ is an example of a private name; this name is restricted to this object.<sup>54</sup>

But this simple meaning of *shi* as particular objects took a more sophisticated turn with the essentialist thinkers, beginning perhaps in the late 3<sup>rd</sup> Century BC with “Daoist and Huang-Lao-Centered syncretic writings,”<sup>55</sup> which began to distinguish *shi* from the particular object itself. *Shi* began to be understood as at least conceptually distinct from the object as such. What then is this *shi* which gets to be distinguished from the object then? Previously there was no philosophical interest in the subject’s ontological status in itself, since names demarcated, as it were, their ontological structure—in the sense that names marked out what they are. And in fact, there was

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<sup>53</sup> *ibid.*

<sup>54</sup> *ibid.*

<sup>55</sup> *ibid.*, 346. Also see Hans Georg Möller, “The Chinese Theory of Forms and Names (Xing Ming Zhi Xue) and Its Relations to a Philosophy of Signs”, *Journal of Chinese Philosophy*, 24 (1997), 179-190

the explicit denial in Xun Qing, as we saw, of any intrinsically ontological markers for names, for it was not as if there was a name there to be found or discovered in the object. Rather names were determined by the human subject. In the essentialist tradition, this is rather reversed. Now names are found with the objects, and follow upon the objects, and depend on the objects. But if now this is reversed, so that names have to be determined by the objects, then there in the objects we must posit some ontological principle which would indicate that to such an object belonged this name rather than another. This ontological principle, which determines the intrinsically appropriate names, is *shi*. And, names follow upon *shi* rather than the other way around. In Guan Zi's 'Xin shu shang', we read,

Things inherently have form, and forms inherently have names. If the names correspond (*dang*), then such a person is called a sage.<sup>56</sup>

Here the form in the thing is results in the appropriate name in the thing. If these ontological structures like forms which determine the names are referred to collectively as *shi*, then we to discover *ming* we must figure out the *shi*. As Guan Zi's 'Bai Xin' writes,

Trace things back to their origins and determine what their *shi* are; make one's foundation that which give birth to things. If you want to know something' image, then you search its form. If you follow

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<sup>56</sup> *ibid.*, 348

something's distinguishing marks, then you will come to know its essential qualities; if you search back to its starting point, then you will come to know its name.<sup>57</sup>

Here to know the name, essential qualities or image, one searches for its starting point, distinguishing marks, form of a thing respectively. The later three belong to the more apparent, which helps to reveal the hidden earlier three. What is clear is that the names are not conventional, but are grounded in the thing itself. In the same way one's visual image of the object is not one's invention, but determined by its form or shape. Again, the essential qualities are not humanly defined, but are present objectively but discoverable by following its distinguishing marks. "In the same way *shi* is essential, being the germ or that which is at the core of things."<sup>58</sup> In using *shi* to signify that which is essential or the core of objects, *shi* takes on a distinct meaning from the meaning of *shi* as objects as such (as was in Xun Qing) in which *shi* inheres. *Shi* now is *in* the objects—as a structural principle—rather than the objects themselves—as a composite whole constituted by that structural principle *shi* in question.<sup>59</sup> Makeham translates *shi* here as 'actuality', meaning: 'that without which an entity would not be what it is,' or 'that by virtue of which an entity is what it is'.<sup>60</sup>

While in *Guan Zi* we find the emphasis of naming according to the *shi*, still there is no further explicit speculation as regards *why* this might be *normatively*

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<sup>57</sup> *ibid.*, 347

<sup>58</sup> *ibid.*

<sup>59</sup> *ibid.*

<sup>60</sup> *ibid.*

*sanctioned*, nor why this was what is “right”<sup>61</sup>—at least not as strongly as we might find in the syncretist Dong Zhong Shu, who goes further to ground the appropriateness of the priority of actualities over the names in the Will of Heaven. Thus, his *Sheng cha ming hao* writes,

The [standard of] correctness for names and appellations is found in Heaven-and-Earth; Heaven-and-Earth provide the ultimate correctness for names...Although names and appellations have different sounds, yet their basis is the same; both are cries and calls which serve to give expression to Heaven’s intentions...Names are that whereby the sage promulgates Heaven’s intentions.<sup>62</sup>

Again,

Investigate into actualities to make names...<sup>63</sup>

And,

All things come into existence carrying their own name; the sage names a thing in accordance with its image.<sup>64</sup>

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<sup>61</sup> c.f. Makeham, *Name and Actualities in Early Chinese Thought*, op. cit., 88

<sup>62</sup> quoted in *ibid.*, 89

<sup>63</sup> *ibid.*, 92

<sup>64</sup> *ibid.*

On the one hand, like Guan Zi, names derive from having an ontological dependence in the *shi*. So objects, having *shi*, come in a package already with an appropriate name. But references to Heaven's intentions take this one step further in providing a justification for recognizing this and according names with its given *shi*. Hence one cannot say, "so what if names come with *shi*? What is it that obliges me to name according to *shi*?" In fact there seems no particular sequence in which "things as they are" *obliged* one normatively to act in a certain way, or to do things in a certain way. One might borrow from the analytic jargon and say we have here something of an is-ought gap: granted names come with actualities, but this does not mean I *ought* to name in accordance with actualities—even if it seems the natural (*ziran*) thing to do, as Guan Zi might say, but which could mean nothing more than that we have been do this without much thought, rightly or wrongly. Yet as Makeham explains, Dong Zhong Shu articulates a theory in which names *rightly* follow upon *shi*, actualities, and this is *proper* because it is ultimately Heaven's intention that the *shi* of things would have its appropriate name. Hence there is a kind of cosmic sanction regarding the essentialist procedure of naming: in ruling the names according to actualities, one would accord to Heaven's intentions—namely that such an actuality should have such an appropriate name. So the fact-value gap is bridged with a further premise: this reveals Heaven's Will and one ought to do the Will of Heaven. Names through in actualities come ultimately from Heaven, and one ought to accord in naming with the way Heaven intended it.



But a second and important refinement, especially insofar as this is assimilated by the later Xu Gan and Wang Bi, is that even while Heaven determines the appropriate names for each actuality, there is a stage in Dong Zhong Shu wherein the process of naming requires the sage *coin* the names according to his discretion. Here Dong Zhong Shu recognizes the stages of the naming procedure in which there is a place for man *to do his part*, even if this part is *to be done according to Heaven's intentions*. Here Dong Zhong Shu goes beyond Guan Zi in his detailing this need for human co-operation and the part that man plays. In a parallel discussion on human nature, where he points out that human nature as inherited from Heaven is good, still it needs to be perfected in that direction of goodness *on the part of man*. Hence Heaven may grant something and intend something, but Heaven does just so much, and to have the intention *completed*, man has to do his part in accordance with that intention. What heaven gives is necessary but not sufficient to bring about the *point* or the perfection of that gift; we need man to do his part. Thus he writes,

Goodness is like a kernel of rice; human nature is like a stalk of rice. Although a stalk of rice produces kernels of rice, yet it may not be called a kernel of rice. Similarly, although human nature produces goodness, yet it may not be called goodness. Kernels of rice and goodness are *the external completion of that which is inherited from heaven; they do not fall within the realm of that which is done by Heaven. That which is done by Heaven extends to a certain point and then stops*. That which lies within this realm is referred to as belonging

to Heaven; that which lies outside is referred to as belonging to the ‘kingly teachings’. Although the kingly teachings lie outside human nature, yet human nature must advance in that direction.<sup>65</sup>

Hence Dong Zhong Shu is attentive to the distinction between the basic endowments granted by Heaven which propel us in a certain direction, and the final result, which requires human assistance in bringing it about according to that direction. Man has to play his part where Heaven stops. Yet nonetheless in playing his part where Heaven stops, for Dong Zhong Shu, it is axiomatic that he should discern Heaven’s intention and bring about the original endowment to completion *according to that intention*. Bringing this back to his theory of naming, Heaven determines things with their *shi*, and with it their appropriate names, but stops at the actual coining of names, which must be done by the sage—yet the sage must do so *according to Heaven’s intention*, which is that names follow *shi*, and not according to his subjective conventions. As Makeham explains,

Initially Heaven’s will is made manifest as actualities, and then these actualities produce names. The actual coining of the names, however, is left to the sage or sage king. The same principle that applies to kernels of rice and human nature applies analogously to names: “That which is done by Heaven extends to a certain point then stops. That which lies outside is referred to as kingly teachings.” Thus while in

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<sup>65</sup> quoted in *ibid*, 91. *Italics mine*.

*Guan Zi* the sage apprehends correct names, in [Dong Zhong Shu's] *Chun qiu fan lu* the sage also coins names. In both cases, the sage plays the role of a 'mid-wife', but only in *Chun qiu fan lu* is it evident that he also chooses the particular words to be used in naming.<sup>66</sup>

Let us pause here and summarize how the theory of names has evolved thus far, because this will generally be carried through Xu Gan and Wang Bi. Two things must be held in mind: firstly, that the relationship between *shi* and *ming* is such that the *ming* must follow and accord with the *shi*, since to each *shi* there is a (Heaven intended) appropriate name. Secondly, even though (as Heaven intended) each *shi* comes with its appropriate name, still the coining of names is where Heaven stops at, and where the sage must do his part.

What I want to draw the reader's attention to is the following. On the one hand there is the insistence of intrinsically appropriate names for their respective actualities. On the other hand, there is also the admission that the sage has to do his part in coining the names—yet note this: this coining while left to the sage is *not* arbitrary nor conventional, nor subjective in the sense that the sage is licensed to name as he wishes, but more specifically and differently, he does his part in coining the names *according to the shi of things*, as Heaven intended. These two general orientations of such a correlative theory with some minor modifications I will try to show to be in Wang Bi. A quick look at a near contemporary of Wang Bi, Xu Gan (170-217), who died just ten years before Wang was born will help corroborate this. "After Dong

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<sup>66</sup> *ibid.*, 93

Zhong Shu and before Xu Gan, no Han thinker can be identified as having more than a trivial contribution to the tradition of *ming shi* discourse.”<sup>67</sup> Because Xu Gan’s theory of naming derives much from that of Dong Zhong Shu, this helps to further corroborate the thesis that Wang Bi’s theory of names was correlative in that it was set in a time when correlative theories was influential, as was in the case of Xu Gan. So in Xu Gan we read,

A name is that which is used to name an actuality. When an actuality has been established, its name follows after it; it is not the case that a name is established and then its actuality follows after it. Thus if a long shape is established then it will be named ‘long’ and if a short shape is established then it will be named ‘short’. It is not the case that the names ‘long’ and ‘short’ are first established and then the long and short shapes follow after them.<sup>68</sup>

I think this passage from Xu Gan establishes that he subscribes to a correlative theory of naming akin to Dong Zhong Shu, as opposed to the nominalist type espoused by the Mohists and Xun Qing. There seem to be some differences between Dong Zhong Shu and Xu Gan’s notion of *shi*, so that in the latter it came to include a principle of development, and not just a static core, as it were.<sup>69</sup> But this difference is united in a common intention: that however one understands *shi*, *shi* always retains that meaning

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<sup>67</sup> *ibid.*, xvii

<sup>68</sup> quoted in *ibid.*, 7

<sup>69</sup> see *ibid.*, 8

of an inner essential core which ontologically determines the subject (in which it inheres), whether this essential core is developmental or static. Thus the basic epistemic orientation of the ontological dependency of names remains: *ming* follows from *shi*.

Now for Xu Gan this is not merely a theoretical, descriptive exercise in semiotics, but has social relevance: he was eager that a person's name (*ming*) should correlate and derive from his real abilities or actuality, his *shi*. Hence the philosophical idea that "*ming* follows from *shi*" can be broadened beyond its more restricted meaning in semiotics. It also stood for the normative idea that one's name or reputation *should* or ought to accord with one's true abilities or capabilities.

By the time we come to Wang Bi, he would have been likely familiar with the whole debate on names and actuality from Confucius through to Xu Gan. He would have been at home with the idea that the linguistic debate on names is not all there is; there is always the political component. Therefore, it is not unlikely that his own *ming-shi* theory has broader philosophical implications outside of semiotics. Like Xu Gan, he may have been concerned that one's name or reputation should correspond to one's true abilities, though this must be said with qualification. (The situation with Wang is more complex, because he has a more sophisticated appreciation of social behavior. Wang is attentive to how the publication of reputation (name, *ming*) can often tempt people to seek to replicate such reputation. While this would pose no general problem for the cultivation of skills or technical abilities, the cultivation of *moral virtues for the sake of fame or reputation* can be self-defeating. And moral

actualities rather than technical abilities are *of* primary concern for Wang. Hence even if someone is really moral Wang would be reserved about making his moral actuality (*shi*) known. It would therefore be more accurate to say that for Wang, he would not want reputations to be assigned to persons who do not deserve them, but neither would he be eager to publicize truly corresponding reputations.)

So that philosophical idea that *ming* follows *shi* can be broadly taken to express a *normative social* doctrine: that a person's moral reputation *ought not to be* wrongly accorded to persons without true moral worth. But just as well, the more restrictive meaning of insisting that *ming* follow *shi* is a *descriptive* claim about the correlative linguistic theory of names. Here I think we are on very secure ground. Whether it ought to be or not, clearly for Wang, the names do in fact correlate to a certain actuality, a certain reality, and is not something which is random or frivolous. In his *Laozi Zhilue*, he presents explicitly the correlative theory of naming:

All names arise from forms [phenomenal manifestations, (*xing*)]; never has a form arisen from a name. Therefore if there is this name, there must be this form, and, if there is this form, there must be its separation [*fen*] [from all other forms]. If “benevolence” [*ren*] cannot be called “sagehood” [*sheng*] or “intelligence” [*zhi*] called “benevolence,” each must have its own actuality.<sup>70</sup>

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<sup>70</sup> Wang Bi, “Laozi zhilue (Introduction to the Laozi)” in *The Classic of the Way and Virtue*, Richard John Lynn (trans.), (NY: Columbia Univ. Press, 1999), 39. Henceforth, *Introduction*. The Laozi text and commentary will be henceforth referenced as *The Classic*.

This passage clearly indicates that for Wang Bi names are not *conventionally* determined, but are determined depending on the *shi* of things, on which basis he can say that one cannot trade a name for another, since names have to accord with their actualities, and are determined by depending on these actualities, and not according to the fancy of the person. Again, names arise from *xing*, not the other way around, for “the name arises from how it appears to us”<sup>71</sup> So in effect for Wang Bi the *shi* is manifested through the *xing*, and the names are determined according to the *xing*. Thus names ultimately are dependent on the *shi* through the *xing*, and the names are dependent immediately on the *xing*. Hence he can say that if there is this name, there must be this form (*xing*), since the form is the source of the name. Names come from somewhere objective, and this somewhere is the form.

But surely this cannot be right for *all* words—after all, there are some words which are simply the product of convention. Not everybody goes about naming something by examining its *xing* or phenomenal manifestation—often times we adopt a name or word for something because that is the way it has been called. Granted. To accommodate this latter class of words which are conventional in order to distinguish it from the determination of *names* which follow from phenomenal manifestations (*xing*), Wang Bi calls it “designation” *cheng*:

To name [*ming*] is to determine [*ding*] objects [*bi*]. To designate [*cheng*] is to follow what objects are conventionally called. A name

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<sup>71</sup> Wang, *The Classic*, 36

arises from the object, but a designation issues from the subjective  
[*wo*].<sup>72</sup>

Now the designation is said to be subjective because when I designate something, I simply follow a convention and not the objective *xing*. Compared to naming, it appears that it is up to me (*wo*) that the designation is what it is; I am not immediately constrained by the objective form in the thing itself, as I would be in naming. After all, in choosing to adopt a conventional designation, I have implicitly chosen to follow convention *even if the words fail to name or correspond to the phenomenal xing, if there is one*.

But the subjectivity of designations cannot be overstated. Subjectivity is not arbitrariness. We should be clear that designation is subjective *comparatively*, not absolutely. For despite its (comparative) subjectivity, designation for Wang is not divorced from objective reality *simpliciter*. It is only divorced from the objective reality *qua* form or shape. Thus he writes, "...designations do not arise without cause."<sup>73</sup> To best see this, let us turn to Wang's treatment of the designation of the *Dao*.

Because designations have no corresponding *xing*, it becomes particularly useful for expressing how we can "talk about" the *Dao*. Since names follow upon the form, if something has no form or *xing*, it cannot be said to have a name. Now the *Dao*

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<sup>72</sup> *ibid.*, 36. See also Christoph Harbsmeier, *Science and Civilization in China: Logic and Language*, Joseph Needham, Kenneth Robinson (eds.) Vol. 7:1, (Cambridge: CUP, 1998), 357

<sup>73</sup> Wang, *The Classic*, 36



has no form, and because the *Dao* is formless, it has no name. Thus, Wang, commenting on section 25 of the *Laozi*:

*Text* : We do not know its [Dao's] name.

*Comment* : Names [*ming*] are used to determine forms [*xing*], but amorphous and complete, it has no form, so we cannot make any such determination. Thus the text says, "we do not know its name."<sup>74</sup>

Still, even if one cannot *name* the *Dao* because the *Dao* has no corresponding *xing*, one can still *designate* it:

Text: [We]...style it "Dao"

Commentary: Names [*ming*] are used to determine forms, and style names [*zi*] are used to designate [*cheng*] attributes [*ke*]. To speak of "Dao" [Way] is derived from the fact that absolutely nothing fails to follow it and because, of all the terms that might be used to address the "amorphous and complete," this one has the broadest meaning.<sup>75</sup>

The text makes it clear that when styling something, one is designating and not naming it. And so "Dao" is the style name, the designation. But see how the commentary goes on to explain *why* it is styled or designated (even if not named) "Dao". In designation, one is not engaged in a random act of signification. One is still

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<sup>74</sup> *ibid.*,95

<sup>75</sup> *ibid.*

guided by the truths about the object of designation. One may not be guided by truths about the form or *xing* of the object. Still one is guided by the truth about how it affects other things. That is, if we cannot name an object, say the Dao, in terms of its form or *xing*, (as it were, in itself), we could still describe the *object in terms of its properties or attributes* viz. how it is related to other things and so in terms of these other things. For: to say that *x* is *that which is related to y in such and such a manner* is to express *x* in terms of *y*. The designation is thus *derived from* these properties it has.<sup>76</sup>

In other words, the fundamental difference between a name and a designation is better expressed as a difference between a word which corresponds to a *xing* and a word which does not correspond to a *xing*. While the latter is comparatively more subjective than the former, neither of them is divorced from reality. Whether it is a matter of naming or of designating something, there are objective standards to go by and to guide.

Therefore we may sum Wang's theory of language in this way. Every word corresponds to a certain reality or an actuality (*shi*). In the case of a name (*ming*), the correspondence is mediated by a phenomenal manifestation, a *xing*. In the case of a designation, the correspondence is not mediated by a *xing*. But whether there is or is not a *xing*, the basic essentialist *ming-shi* theory of language holds true for Wang. Names and designations are both rooted in some reality (*shi*), and correspond to it.

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<sup>76</sup> *ibid.*, 96

Wang's theory of names and designations is essentially, like that of Xu Gan, correlative and realist.

### Wang's Correlative Semiotics is the Key

Wang's theory of language has many important philosophical and interpretive implications. Firstly, as seen above, the distinction that Wang has between designation and naming helps him get around the tension of speaking about the Dao and affirming that the Dao cannot be spoken of. We cannot name it, but we can still apply designations to it. We will return to this with greater detail in a later chapter.

Secondly, this very correlative theory of names fits in very nicely with Wang's metaphorical reading of the text. This is, that it equivocally captures the Wang's justification for his social-political doctrine of non-interference. The *ming-shi* correlative semiotic or theory of names is used to capture metaphorically his idea that promises of prestige do not encourage authentic moral character development is at once subtle and beautiful. The last chapter's merely brief mention of this warrants a second detailed look.

It took me a while to notice how Wang explicitly reads the *ming-shi* semiotic as a metaphor, but when I saw it, it was just unmistakable. Wang's *Introduction to the Laozi* often playfully reads the *ming-shi* semiotic as a metaphor for his social doctrine that giving people titles of prestige to tempt good behavior does not cultivate the desired moral character: "All names arise from forms; never has a form arisen from a

name”<sup>77</sup> We know that for Wang the word *ming* (names) means also prestige or reputation. *Xing* (form) in turn means more than just the physical shape or form. It refers also to the character of a person. Hence, Wang speaks at times of not using the law to cut people into shapes, i.e., into the desired character. Thus the talk of the form never arising from the name is the metaphor for the idea that good character can never be elicited by the offering of rewards of reputation or prestige. That is, in this context, its important point is not merely semiotics, though it may appear to be on first look. Its other point is Wang’s social and political doctrine of non-interference.

We can see clearly this play of metaphors by analyzing the context of his discussion. Here after the discussion of the causal relation between the form and the name, he urges the ruler to “repudiate Sagehood”, i.e., to discard the very inferential skills of a Sage which enable him to discern the ultimate causes of a thing. The Sage, he says, should not apply those inferential skills when it comes to “exhaust[ing] one’s sagely brightness in scrutiny of [depravity] and dry[ing] up one’s intelligence and power of inference [lu] in how to control it”<sup>78</sup> . Thus just a while ago Wang commends us to imitate the Sage by inferentially seeking the true ultimate cause(s) of an effect. Yet now in the context of scrutinizing behavior he ask that the Sage “who can employ skills and devises that extend discernment and discover secrets”<sup>79</sup> not apply his intelligence and inferential skills. In other words, be a Sage *qua someone with great inferential skills* only in the context of discerning the Dao as the cause of effects, but abandon being such a Sage when it comes to scrutinizing undesired

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<sup>77</sup> Wang, *Introduction* 39

<sup>78</sup> *ibid.*, 38

<sup>79</sup> *ibid.*, 39

behavior in order to censure it. Do not use one's Sagely intelligence in the latter situation. The context surrounding the discussion of the names and form is hence this: Wang is prescribing what is politically beneficial and what is not. But notice how Wang relates this discussion with the semiotic point that names never give rise to forms: "So, when we read the phrase 'repudiate sagehood' in the light of this comparison of actualities and determination of names, can there be any doubt what it means?"<sup>80</sup> What it means is immediately given in explicit detail:

"If the virtues of honesty and the uncarved block are not given prominence but the splendors of reputation and conduct are instead publicized and exalted, one will cultivate that which can exalt him in hope of the praise involved and cultivate that which can lead to it in the expectation of the material advantage involved. Because of hope for praise and expectation of material advantage, he will conduct himself with diligence, but the more splendid the praise, the more he will thrust sincerity away, and the greater his material advantage, the more contentious he will be inclined to be. The heartfelt feelings that fathers, sons, older brothers, and younger brothers should have for one another will lose their authenticity. Obedience will not be grounded in sincerity, and kindness will not be grounded in actuality. All this is brought about by the publicizing of reputation and conduct."<sup>81</sup>

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<sup>80</sup> *ibid.*

<sup>81</sup> *ibid.*

This whole paragraph is completely captured by the metaphor of the form never arising from the name. Here the “names” or prestige viz. the “publicizing of reputation and conduct” fails to give rise to the relevant “form” or desired moral character. And just as a name that exists without having arisen from a form will not be traceable to an actuality, so also someone who seeks and achieves a reputation or name for any moral character will have ironically not acquired the character; in fact he will likely have lost it, if he had any of it to start with. For such a person, who may now have made himself a name for that certain moral trait, his moral trait would paradoxically not be traceable to its only true source, its actuality. And the implication is that since it did not arise from its only possible source or actuality, it cannot be authentic; it is bogus morality. Clearly for Wang the discussion of names and forms or actualities is not merely about semiotics but really also a metaphor for the point that the offering of rewards of reputation and prestige will not bring about true moral goodness.

Thirdly, this correlative theory of language makes possible the speculative task of the sage who, as explained in the preceding discussion, is that intellectual genius who has great competence in drawing inferences. But this trades not on the differences between naming and designation, but on their similarity. For: whether the words are names or designations, words have an ultimate corresponding actuality in reality. And since words have a corresponding reality, the sage can try to discover what are the meanings of these words. Not as if: looking up the dictionary. Rather: trying to grasp, or to infer what are the realities viz. some social or moral phenomena. The effort is to

try to move *from* the word, whether a name or designation, *in the direction towards* the reality which the word covers or signs.

Some inferences are rather elementary. Consider the following. A certain word has a corresponding meaning or referent. But any particular word (type)<sup>82</sup> is differentiated from another particular word (type). Since each word corresponds to its own particular actuality or reality or meaning, then for every word, corresponding to these two words, there will be also two different and distinct meanings or actualities. So the first task in getting to any one of these actualities is to avoid confusing them with another actuality. If someone mistakes a word (say, A) for another word (say B), then inevitably he will seek the wrongly corresponding actuality or meaning. Suppose A corresponds to the actuality  $\alpha$  and B corresponds to actuality  $\beta$ . He will mistake A for B, and say that the meaning of A is that of B. In this way, he will also take the corresponding actuality of A for the corresponding actuality of B. In other words, when seeking the corresponding actuality of A, he will think that B is really A, and trace B's actuality to A, which means that he will affirm the actuality  $\beta$  to be that which corresponds to A, when in fact  $\alpha$  corresponds to A. The short of this is that at the very least one has to be clear how each word is different from another and how each corresponding meaning is different from the other respectively corresponding meaning. So Wang explains:

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<sup>82</sup> not "word" in the sense of each particular scribble on paper, but each character. So if I wrote two similar characters, they are one word. I put here "word (type)" to make this point, meaning, a word of the same type, no matter how many different instantiations.

If one cannot distinguish among names [*ming*], it is impossible to discuss principles [*li*] with such a person. If one cannot determine how names apply, it is impossible to discuss actualities with him either. All names arise from forms; never has a form arisen from a name. Therefore if there is this name, there must be this form, and if there is this form, there must be its separation [*fen*] [from all other forms]. If “benevolence” [*ren*] cannot be called “sagehood” [*sheng*] or “intelligence” [*zhin*] called “benevolence,” each must have its own actuality.<sup>83</sup>

But Wang goes further. Not only is he interested in tracing out accurately the meaning or actuality of each or a particular word, he presses further in that same direction to seek the *ultimate causal source(s)* of the reality which the word signifies. Or at least this is what he seems to suggest. Thus rather interestingly he adds,

Discernment of the most minute indicates the ultimate of perspicacity [*ming*]. Discovering what lies completely hidden indicates the ultimate power of inference [*lu*]. Who can extend perspicacity to the ultimate, can this be other than the sage? One who can extend the power of inference to the ultimate, can this be other than the wise?<sup>84</sup>

Parallel passages suggest that for Wang, this “ultimate” is the Dao. For Wang writes again:

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<sup>83</sup> *ibid.*, *Introduction*, 39

<sup>84</sup> *ibid.*



...those whose vision is limited to physical manifestations and [do] not reach the Dao...[will] feel anger at the words they find in [the Laozi]. If one wishes to determine what the original substance [ben ] of things is, although they might be near, he must verify where they start far away. If one wishes to cast light on where things come from, although they might be perfectly obvious, he must trace the roots where they emerge out of the dark. Thus it is that one takes from what is outside Heaven and Earth [the Dao] to cast light on what is within phenomenal appearance [xinghai] and to cast light on what it means for lords and princes to be “the orphan” or “the widower”. It is by thus tracing things back to the unity of the Dao that one makes clear where they all begin. Therefore let it be those whose scrutiny is limited to the nearby and does not reach the source from which all things flow, none will fail to regard its [the Laozi’s] words as absurd and think there is nothing in them.”<sup>85</sup>

In other words, what Wang seems to be proposing here is a philosophical enterprise that attempts to infer the causes of realities, and not just the reality or forms of names. He shifts the whole *ming-shi* discussion up onto a different level by suggesting that the Daoist sage not only get the actualities of words right, but that he seek out the deeper causal reality of this actuality. In this way Wang transforms what started out as a semiotic exercise of tracing the realities corresponding to the words into an

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<sup>85</sup> *ibid*, 35-6

experiment in ontology: tracing or inferring [lu] the *ultimate* ontological cause of these very realities. With this emphasis on tracing things to the Dao, which is also called the dark or the mysterious or the profound [*xuan*], Wang had sparked a new movement. As Alan Chan points out,

...according to the *Wen xin tiao long* (The literary mind and the carving of dragons), Wang [Bi] and Ho Yen did not only spark new interests in the Taoist classics, but had in fact charted a new course in the intellectual landscape of third century China. This is described in terms of a shift from the doctrine of “names and principles” (*ming-li*) to that of “profound discourse” (*xuan-lun*).<sup>86</sup>

### From Language to Metaphysics

It is this shift from a discourse on names and forms to a discourse in metaphysical profundities that marks Wang off as turning Daoist philosophy profound (*xuan*). We will examine this shift and the relevant debates that surround this metaphysical reading of the *Laozi*.

We can start with a problematic. It is not easy to pin down what accounts for the “shift”. How does the theory that “names arise only from forms” inspire Wang with the idea that “one should trace that Dao as the source of all these names”? How is it that suddenly an interest in semiotic should spark off an interest in metaphysical

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<sup>86</sup> Alan Chan, *Two Visions*, op. cit., 22

speculation? Indeed, the precise philosophical connection between the correlative theory of names and the novel project of inferring the Dao as the ontological source of all things is not immediately clear. The connection does not seem to be that of a premise and its conclusion. The idea that “one can and ought to trace names to their forms” does not seem to me as self-evidently implying that “one can and ought to trace forms to the Dao”. And Wang does not seem to have explained why the discussion of names and forms points him towards the metaphysical speculation of the Dao as the source of all things. And it would be hard to; nothing controversial in the discourse of names and forms seems to have required a resolution through the projected ontological speculation. Whether the Dao is the source of all things is of no consequence to the debate on name and forms. Rather the reverse is true. The kind of semiotic one holds as correct determines the possibility or impossibility of ontological speculation. The discussion between nominalistic post-modernists who deny onto-theology and thomist realists who affirm the accessibility of the Being of metaphysics is evidence of this. This means that while a primary interest in ontology would lead one to discuss semiotics, a primary interest in semiotics would not philosophically lead one to discuss metaphysics. Therefore, there seems to be a missing philosophical link between the interest in semiotics and the interest in ontology in the evolutionary progression of Wang’s Daoism.

Perhaps the connection is not to be found in the subject matter, but in the Sage. Wang does say that the Sage is he who can trace or infer things and events to their ultimate source, the Dao. Still the question remains why suddenly in the history of Chinese philosophy the sage who is no doubt competent in such inferential

speculations should suddenly want to apply his skills and competencies to ontological or metaphysical speculation. Why is it that suddenly the Sage's domain of enquiry has shifted from semiotics to ontology or metaphysics?

One may credit this shift of interest to the *Daode Jing* text. One may want to point out that the Wei Jin intellectuals like Wang found in the *Laozi* text the reference to the Dao as the source of all things, and so was inspired to prove these claims. Wagner seems to think this was the case:

“In Wang Bi's work...the classics, including the *Laozi*, have no intrinsic authority. They owe their authority to the fact that they, by implication or explicitly, dealt with the only relevant problem—the features of the “That-by-which”—and that their insights, whether spelled out or implied, could be proved by discursive philosophy in the form of commentary or *lun* to be arguably true. In this manner, they justified the story of these texts having been written by Sages or their close seconds.”<sup>87</sup>

I think Wagner is onto something here. However this still begs the question. Why is it that the *Laozi* text was *interpreted* with this metaphysical slant? Why was it *read as* suggesting a metaphysical quest for the metaphysical Dao as the source of all things? Why was there this shift in the interpretation? Why was it that Wang saw something new—a metaphysical claim that the Dao is the source of all things—in the text? What accounts for the shift from the interest in language to an investigation in metaphysics? Unless the *Laozi* text is self-evident, we cannot say that Wang picked out the metaphysical interpretation just by staring at the text; more likely than not he

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<sup>87</sup> Rudolf Wagner, *Language Ontology and Philosophy in China*, op. cit., 89

would have had some interpretive orientation to start with. And the text is not self-evident: “[Wang’s] revolutionary turn to discursive philosophy thus comes as the claim to rediscover what was most clearly relevant and most radically forgotten in the hallowed texts handed down by tradition.”<sup>88</sup>

Our questions here parallel some of Chad Hansen’s worries (earlier discussed) when he wonders if those who read into the *Laozi* a metaphysical discourse may have misread the text. At the center of these questions and worries is the abruptness of the transition in Chinese philosophical Daoism from some topic of long standing interest to a rather novel examination of speculative metaphysics. For Hansen, it is the claimed shift from socio-political theorizing to metaphysics. For this present study of Wang, it is the seeming shift from a discourse of names and forms to the discourse on metaphysical origins. Hansen’s research can compliment our study. The new interpretive veil which reads metaphysical research into the *Laozi* text stand in stark contrast to the traditional *political* reading of the *Daode Jing*. The traditional reading is centered not on the metaphysical/mystical Dao, but on the performance or pragmatic Dao. In his own recent words,

“I find little motivation in ancient Chinese concepts of background beliefs for the kind of universal-particular analysis characteristic of ancient Greek (and Indic) thought. While handy for us today in understanding what a *Dao* is, we are unlikely to find echoes of this metaphysical structure in Daoist writing from the classical period of Chinese thought. Thus, while we have no overt reason to reject this metaphysical analysis of the Dao, it

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<sup>88</sup> *ibid.*, 90

departs from the conditions on a solution that we began with. Arguably, it is not what would occur to a Chinese thinker with the conceptual structure and philosophical agenda of ancient China.”<sup>89</sup>

His warning calls us to re-think Wagner’s suggestion that Wang had read into the *Laozi* a proposal for metaphysical research. Given that the discourse of names and forms has always been tied up with political reflection, we can ask if it is safe to assume that Wang would so quickly read into the *Laozi* text a major research proposal in metaphysics rather than language and politics. So the shift from linguistic and political concerns to an interest in metaphysical speculation is still curious. It warrants some explanation of how the new interest has any connection with the old concerns, and why the old concerns seems to have fallen out of view.

Indeed, I have never seen any satisfactory explanation of how or why the shift occurred in Wang. No study has well explained how the correlative theory of names leads Wang to his idea that one ought to infer the Dao as the ontological source of all things. All scholars so far have done is simply to assert, as a historical fact, that this sudden shift occurred.

This question is related to another, which is also pertinent and has to be addressed here. One can also ask how philosophically Wang goes about justifying the claim that the Dao is the source of all things. One might imagine that Wang would have some form of metaphysical argument in his commentary. And true enough, Wang has these statements to that effect. For example, in the opening lines of his *Introduction to the Laozi*, Wang writes, “It is generally true with regard to that by

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<sup>89</sup> Chad Hansen, “The Metaphysics of Dao” in *Comparative Approaches to Chinese Philosophy*, Bo Mou (ed), 2003: Ashgate, UK, pg 214

which things are created—that things are necessarily created out of the “featureless” / [and] that by which achievements are brought about—that achievements are necessarily based on the “nameless”. As Wagner explains,

“...in the center of Wang Bi’s philosophic inquiry is the relationship between the “That-by-which” and the ten thousand kinds of entities. As the features of the latter, namely, “forms” and “names” are accessible to immediate cognition, while those of the “That-by-which are not, Wang Bi infers from the verifiable structures of the ten thousand kinds of entities what the features of their “That-by-which” must be. His method is thus inductive...”<sup>90</sup>

The problem with some of these “ontological arguments” is that they seem less intent on establishing the ontic existence of a Source called the Dao than they are in just highlighting some characteristic of the Dao similar to the myriad things or the way the Dao orders the world. That is, Wang does not necessarily seem committed to a substantive metaphysical Dao; rather the Dao seems merely posited to analogously capture some concrete earthly, social or political structure. The Dao seems less a being in reality, and more of an imaginary mind-map. Alan Chan’s study in *Two Visions* brings this out well. His insightful studies of the “Dao as non-being (*wu*)”, which develops A C Graham’s analysis, and of the “Dao as principle (*li*)” are instructive. I quote at length:

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<sup>90</sup> Wagner, *Language, Ontology and Political Philosophy in China*, op. cit., 93

“In Wang [B]i’s commentary on the [*Laozi*], the term *wu* is used to describe the nature of [D]ao...As A C Graham points out, “When *yu* and *wu* are used as nouns, a serious ambiguity arises; they may mean either ‘(there-)being’ and ‘(there-)not-being’ or ‘something’ and ‘nothing’.” The question...is whether *wu* can be taken [to be]...an *abstract* noun when it is applied to the [D]ao...[A]s Graham writes, “Those who identify the [D]ao with *wu* mean primarily that it lacks form and other qualities, and...that it is not a thing which exists in the world.” Wang [B]i, according to Graham, is precisely one of those who exemplified this interpretation...<sup>91</sup>

...On chapter 40, where the *Lao-tzu* itself states that “All things in the world come from itself states that “All things in the world come from *yu*; *yu* comes from *wu*,” Wang Pi remarks: “The things of this world have life by virtue of being; the origin of being is rooted in *wu*. If fullness of being is to be attained, one must return to *wu*.” ...The claim that *wu* is the origin of being may suggest the idea of an “original substance.” When viewed more closely, however, *wu* remains a primarily negative concept.<sup>92</sup>

...On the...line of chapter 1, “The nameless is the beginning of heaven and earth; the named is the mother of the ten thousand things,” Wang Pi writes:

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<sup>91</sup> Chan, *Two Visions*, 45-46

<sup>92</sup> *ibid.*, 48



“All things originate from *wu*. Thus before there were form and names, (Tao) then is the “beginning of the ten thousand things”. When there are forms and names, (Tao) then “brings them up, nourishes them, makes them secure and stable”; it is their “mother”. This means that Tao in its formlessness and namelessness originates and completes the ten thousand things. They are thus originated and completed, but without knowing why—this is what is “more profound than the deepest profundity”.

The myriad creatures are not only produced by the Tao, but are in fact dependent on it in every aspect of their existence. But Tao is here described as *wu* only in the sense of what is “formless” and “nameless”; there is no direct ontological discussion of the nature of *wu* as [an ontic] “Nonbeing”.<sup>93</sup>

And again, on Wang’s understanding of principle (*li*), Chan explains:

“The knowledge of the sage...has to do with the inner structure, with the “nature” of things. And what makes this kind of knowledge possible is precisely the idea of a “principle” that characterizes the workings of the Way. In itself the Way is indeed beyond description, but its “constancy”

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<sup>93</sup> *ibid.*, 49

reveals a meaningful pattern which can be captured by our “following” it...[T]he concept of *li* serves to describe the ordered and ordering manifestation of the Tao in the world...The idea of principles in Wang Pi’s commentary on the *Lao-tzu*, like the notion of *wu*, lacks the sense of ontological independence that is apparent in later development of the concept...[I]n Wang Pi’s commentary, *li* is understood primarily as a *heuristic* concept, which seeks to articulate the way in which Tao is related to the world, and its implications for self-cultivation. In this case, it may be permissible to abandon the standard translation of *li* as “principle,” and render it by “pattern” or “paradigm”.<sup>94</sup>

“...chapter 42 of the *Tao-te Ching* depicts the “Taoist” cosmogony in terms of the generation of primary numbers....After indicating the “oneness of all creation and the movement from *wu* to *yu*, Wang Pi continues: “Thus with respect to the production of the ten thousand things, I know its master. Although there are myriad forms, the blending of the generative force makes them one. The people have their own minds and different states have different customs; but kings and rulers who have obtained the “One” become their master. Since “One” is the master, how can it be abandoned?” ...Political parallel suggested in this passage is significant, for it shows that Wang Pi’s concern is not an exclusively metaphysical one. The reason why *wu* may be identified with “One” is

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<sup>94</sup> *ibid.*, 54

quite clearly that they both point to the Way. Whereas the former describes its formlessness and namelessness, the latter explains the principle of unity that is inherent in the “Tao-ist” world...Neither *wu* nor “One”...may therefore be elevated to the level of an absolute; they remain servants of the mind in its attempt to disclose the wonder of the Way. Nowhere in Wang’s commentary are they made into a godlike substance which exists independently of the realm of experience.”<sup>95</sup>

Surely, therefore, there is more than meets the eye.

#### Equivocating metaphors once more

In the discussion thus far, I have tried to surface the challenges of explaining how the shift from a discourse in language and names to a discourse on the Dao as the source of all things occurs. It is hard to grasp how there was the sudden and abrupt shift of interest and for that matter how the supposed inference towards the Dao could be demonstrated. At least it will be hard as long as we are trying to find a *strictly philosophical (and metaphysical) inference* towards the Dao as the source of all things. And we will continue to be puzzled until we realize that Wang’s commentarial reading is much more sophisticated than that. What do I mean? Well, recall how the preceding discussions have unveiled Wang’s very clever employment and play of equivocal meanings of the same words. Recall the metaphorical reading of key terms

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<sup>95</sup> *ibid.*, 55,56

of the *Laozi* text by Wang. If we are to make sense of how Wang's project of inferring the Dao is related to his theory of names, I suggest we have to interpret his intellectual project in the light of all these.

My suggestion is that the shift from the correlative theory of names to the task of inferentially tracing the Dao as an ontological source is bridged by and only by Wang's metaphorical reading of the correlative semiotics. Recall that the correlative theory of names states that all names arise from forms, and that it is never the case that a form should arise from a name. Metaphorically, this is the *equivocal* parallel for the socio-political or ethical point that authentic moral character or forms can never arise from lures of prestige as rewards for good behavior. In other words what started off as a discourse in semiotics suddenly and equivocally becomes a completely different discussion on how authentic morality cannot be brought about. The point can be broadened. Lures of prestige and rewards for good behavior cannot bring about a political community of authentically moral citizens; rather the opposite results. The country would be flooded, under these kinds of enticements, with hypocritical people.

The natural question that comes to mind would be, "well, what then would bring about a political community filled with people of authentic morality?" The effort to seek or infer the cause of authentic morality leads to Wang's theory of a policy of non-interference as the best way to encourage morality. Here we need to recall the discussion in chapter 2. As I have explained, since authentic morality cannot be encouraged with enticements of prestige as rewards (and Wang would add) nor the implementation of a plenitude of punitive measures or the law to "cut people into shape", nor any attempt to exemplify the moral forms since citizens will adopt these

forms for inauthentic reasons, the best way to encourage the desirable political community composed of moral and well behaved citizens is to avoid enticing people with prestige or *names* and to avoid shaping people morally through the use of the law or institutions exemplifying any moral *form* or characteristic. Hence, the best policy to adopt as a political leader is to be *nameless* and *formless*, respectively. In other words, the causal source of a desirable political community is a policy of *namelessness* and *formlessness*. The nameless and the formless becomes the source of the true forms and names.

Now, for the last time, make a literary paradigm shift. The “nameless and formless” has for the while referred to the political *policy* of namelessness and formlessness. But it can metaphorically and equivocally refer once more to the metaphysical source of all things, the *Dao*, which is also nameless and formless. Therefore, the trail of the source of the names and its form or actuality has ended on the nameless and formless Dao.

In other words, the “shift” is not strictly a philosophical one. It is a literary shift. By equivocating on the terms “forms” and “names”, the discussion moves over from semiotics to politics. And finally by a further equivocation on the terms “namelessness” and “formlessness”, the discussion moves from politics to metaphysics. The “inferences” are hence not strictly speaking merely philosophical. There is a constant play and exploitation of the terms and their equivocations. Each equivocation facilitates the shifting transition from semiotics to politics to metaphysics. The intellectual journey from names to forms to the Dao is thus paved by three different kinds of tiles: the *linguistic* names and forms; the *moral or political*

names and forms; and finally the *ontologically* nameless and formless. When seen like this, the relevance of the correlative theory of names and forms becomes evident: it serves to usher in the political discussion of the doctrine of non-interference, which in turn will eventually lend itself to the discussion of the Dao as the source of all things.

Furthermore, the *inference* in the discovery of the Dao as the source of names and forms is thinly metaphysical. At least the central inference that moves from “names” and “forms” to the “Dao” is not an investigation in metaphysics. It is in the main a study in political governance: the causes and policy-origins of the desired society. It explains and sums up the strategy of namelessness and formlessness that effects the good society. This doctrine needs no metaphysical premise; it stands alone, justified by pragmatic political reflection. So the centre piece of the inference to the Dao is really political reflection. This sits well with Hansen’s study, which argued that the major interest in classical Chinese Daoism is political reflection. So also Wang’s interpretation of the text as a research in political theory does not surprise us, precisely because Wang does not see the text in large part as a research in ontology. Consistent with the Hansenian theory of classical Daoist interpretive orientations, Wang’s interpretive glasses sees mostly political concerns. It is only at the last stage where the equivocation on the terms “namelessness” and “formlessness signifying the political strategy of non-intervention brings the discussion to a point where there is the reference to the Dao, the ontological source of all things, itself structurally formless and hence nameless.

Still, rather obviously there is a separate discourse on the metaphysical Dao, about which the political terms “namelessness” and “formlessness” equivocally signify. It would therefore be wrong to say that there is no metaphysical speculation on the Dao in Wang. While Hansen’s point that in Daoism political reflection remains dominant holds true for Wang, Hansen’s playing down of metaphysical speculation of the Dao therefore cannot be unreservedly applied here. The way to see it is to recognize that there are two speculative inferences towards the Dao, and unless these two are sorted out, Daoist *xuan xue* scholarship will be plagued with confusion.

There is firstly the inference that the Dao exists, period. This stands on its own and is not clearly related to the discourse on names and forms. Its basic line of thought is the naïve ontological claim that there must necessarily be a Source for all the things in the world, and since this Source is imperceptible, it is formless and hence nameless. Its premises have little to do with the correlative theory that names arise from forms and never the other way around, or the political doctrine that character-forms cannot be effectively encouraged by promises of names and prestige. Wagner’s scholarship correctly flashed out its presence in Wang’s commentary.

The second “inference” is the one that moves from the discourse of names and forms, shifting from that to political reflection and then finally to the Dao, and wherein the shifts are facilitated by equivocating on the terms “names” and “forms”. This was explained above. My sense is that Chan had noticed this second line of thought in Wang, and so was unwilling to reduce all of Wang’s ontological speculation into a simplistic discourse in ontic-metaphysics, typical of the first form of inference. Therefore he was persuaded to suggest that Wang’s discourse on the Dao

as non-being (*wu*) was merely a heuristic device to capture its metaphorical parallel, political policy of namelessness and formlessness, and added further that the Dao though ontological was not ontic. This latter claim is a rather unstable position, since there seemed on the other hand distinct references to speculation on a causal origin. While there is nothing in Wang which necessarily implies any ontic Dao, nothing in Wang has explicitly excluded it. I cannot of course argue from ignorance; I cannot say the ontic Dao is in the text because I know of nothing that resists it. Just as well, Occam's razor is a double edged sword; to interpret a text most economically need not always preserve the truth. If I must risk to err, I would so by giving Wang more credit. My inclination is to say that for Wang, some of his references of the Dao were aimed at articulating some ontically existent origin of the myriad things. I am also inclined to conclude this way because of Wang's treatment of his correlative theory of names. Even while the theory of names is employed metaphorically to capture his political doctrine of non-interference, he does take the correlative theory of names as an independently credible semiotic, and employs that in articulating how the formless Dao cannot be named. In other words, while he does read his linguistic speculations metaphorically when it comes to politics, he does take them seriously on their own account. Therefore, it would seem consistent that Wang would treat his speculations on the Dao likewise. That is, Wang would read the nameless and formless Dao as a metaphor of the political strategy of non-intervention, but would nonetheless treat his metaphysical speculations on the nameless and formless Dao seriously and regard them as aiming at true ontological claims.



Therefore, it seems to me Chan may have erred in the opposite direction, which is that he had tried to interpret all of Wang's metaphysical inferences as non-ontic ontological speculation and merely heuristic analogues to political doctrine. The way to see how both Wagner and Chan are correct in their own way is to realize that they had spotted each of the two lines of "metaphysical" thinking in Wang. For just as the first metaphysical and (I dare say) ontic discourse of the Dao exists, so also this second line of metaphysical speculation exists. But this second metaphysical speculation exists in a way that is not unconnected to the discourse on names and politics; it exists in addition to and together with the political reflection. Its principal purpose is not metaphysical enquiry; rather this second line of "metaphysical" speculation is an artistic, creative and literary way of metaphorically capturing a political doctrine of nameless and formless non-interference.

### It Goes Both Ways

We can test my interpretation. We can see how the shifts facilitated by the equivocation of terms like "nameless(ness)" or "formless(ness)" creates a coherent and literarily beautiful reading of how knowledge of the Dao as the origin can inform the Sage's political decisions.

After having "inferred" the Dao as the source of all things, Wang then requests that we move in the opposite direction. For: given that we have "traced" the Dao as the causal source of things and events, we are now in a position to infer the

consequences of this. In this way, one moves from the Dao back to reality so to judge how best to operate in the reality of the myriad things. In other words, having moved from present phenomenal realities (corresponding to names) back to the Dao as the primordial source of all things, one can understand how things arise. But now that one knows how things arise by means of the Dao, one can now in turn know how things will occur. This knowledge can guide the political theorist or the Sage ruler.

Indeed, for him this is the entire message of the *Laozi*: knowing the Dao as the origin and how this information can guide political governance. In a very important passage, Wang sums up the above as the thread that runs through the *Daode Jing*:

As a book, the *Laozi* can almost be completely covered by a single phrase: Ah! It does nothing more than encourage growth at the branch tips by enhancing the roots. [In other words,] observe where things come from, and follow them to where they inevitably return. In what one says, do not put the progenitor [the Dao] at a distance. In what one undertakes, do not neglect the Sovereign [the Dao]. Although the text consists of five thousand words, there is a single unity that runs through all of them.<sup>96</sup>

If we are to read this in an unsophisticated manner, one would think of philosophically, perhaps inductively, inferring political precepts from one's knowledge of the Dao. In the last chapter I argued that this was Wagner's approach, and rejected it as seriously mistaken and impossible. If however we attend to the

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<sup>96</sup> Wang Bi, *Introduction*, 37

literary shifts which I have argued Wang constantly makes by exploiting the equivocations of the terms “formless(ness)” (*wu xing*) and “nameless(ness)” (*wu ming*), a picture that is more credible and workable (I think!) emerges.

Recall that on my theory of Wang’s reading, one moves from names and forms through to a reflection on the causes of some desired social behavior and then to the nameless and formless Dao. When one is able to do this, one can arrive at principles (*li*). For: one can take a desired social behavior, trace its source and, presumably, as Wang reads the *Daode Jing* as saying, end up on the Dao as its source. The desired social behavior Wang had in mind was moral and law abiding behavior. How is the Dao the source of this behavior? Not in the sense of a metaphysical cause. Remember, the Dao *qua* nameless and formless, equivocally signifies the strategy of “nameless” and “formless” non-interference. *This latter political strategy is the Source.* But it is also equivocally the “Dao”, which is metaphysically nameless and so formless. And now that one knows the “Dao” as the source of that social behavior, one what one should or should not do, since some things that one does would either assist that cause or hinder that cause. What should or should not be done, so to assist and not hinder that cause, then is the (ordering) principle [*li*]. This principle then becomes a useful prudential norm for guiding the Sage ruler or political governor, who may be interested in promoting the desirable social behavior.

As was pointed out, some of these prudential norms are analogously similar to how the Dao operates, and so the principle gets extended to describe how in fact the Dao acts and relates to the myriad or ten thousand things. But more significantly, there are also the metaphorical and equivocal parallels. The final result is that we have

principles like “namesless”(wu ming), “formlessness” (wu xing), “naturalness” (ziran) and “no action” (wu wei) which describe how the Dao operates in relation to the myriad things,<sup>97</sup> and also how the ruler or governor prudentially ought to deal with his myriad subjects. Hence each principle signifies two related ideas: how the Dao works and orders the world, and how the sage governor or ruler ought to prudentially operate to benefit society.<sup>98</sup> More poetically, the principles express analogously or metaphorically/equivocally the way, both of the Dao and of the Daoist Sage. In a sense then, the principle of the “Dao” is a kind of an exemplar, pattern or paradigm<sup>99</sup> for the Sage’s mode of operation. We saw this, in all its clever complexity and in its many different layers within the Wang Bi *Laozi* in the previous chapter.

Again, to warn that one not put the Dao at a distance or not neglect the Dao is to ask that one constantly remember that the “Dao” is the source of all things, and when one keeps this fact in mind, one would be in the better position to know how to co-operate with the Dao’s actions and not to hinder its causal activity. What does this mean? Is this merely saying that one examine how the metaphysical Dao operates and mimic its processes? For the last time, No! The “Dao” here refers not to the metaphysical Dao, but to the “Nameless and Formless”, i.e., the political strategy of non-interference.

At the bottom of it all, Wang’s *Daode Jing* is a still in main a social science. It is a theory about how to best manage society, attentive to the causal sources of the

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<sup>97</sup> see Alan Chan, *Two Visions*, 54

<sup>98</sup> Hence *li* is a heuristic concept which captures parallel ideas. It has no ontological or cosmological reference to a law of nature, contrast with the Neo-confucian concept of *li*. See Alan Chan’s very good discussion in *Two Visions*, 53-54

<sup>99</sup> see Alan Chan, *Two Visions*, 54

desired social or political community, which traces causally ultimately to the nameless and formless political strategy, equivocally called the nameless and formless “Dao.”

### Do It Yourself

However, there is a catch. As Wang admits, the *Daode Jing* did not spell everything out to him. It points one in directions and leaves one to do one’s homework. If however one would pursue the causes of things, the *Laozi* is confident that he or she will end up as the text has concluded. He or she will find corroboration in the many insights scattered about the text. Thus Wang writes,

...the text is composed in such a way that it verifies a beginning by fulfilling the conclusion to which it leads and it fulfills a conclusion by establishing from where it begins. It offers openings but does not go all the way; it leads but does not drag you there. *Only after searching for it can you arrive at what it means; only after pursuing inferences can you fully understand the principles involved.* It starts its discussion by excellently revealing how things begin and concludes its arguments by lucidly showing how things converge. Therefore if those who sympathize with its approach are moved to express themselves, none will fail to praise how it serves as the starting point that inspires them to speak and, in doing so, elaborate on it. If those who differ with its aims write something original of their own, none fail to be pleased at evidence for a congruence of views

and, as such, corroborate what they say in it. Although roads differ, they all bring one back to the same place, and, although there might be hundreds of ways to deliberate, there is an ultimate congruence in thought. Thus it is that it [the *Laozi*] cites the ultimate nature of such congruence to cast light on perfect principle. Therefore let it be those who think in terms of corresponding analogies [chulei], and none will fail to take delight in the correspondences [ying] its thought makes and, as such, grasp the concepts [yi] they seek in it.<sup>100</sup>

Unlike me, Rudolf Wagner does not see this passage as an invitation to philosophize, but as a caution about the difficulty of grasping the meaning of the text. He reads this passage as Wang's warning about the limitations of the philosophical language used to express the ideas of the *Laozi*. Quoting this very same passage, Wagner comments:

“the essential unreliability of philosophical language does not prompt Wang Bi to adopt an attitude of negligence with regard to the actual rhetorical devices used in the *Laozi*. The opposite is the case. Wang Bi deals with the text as a model of philosophic rhetoric, stressing again the importance of its literary craft and the necessity of understanding it in order to grasp the text's elusive meaning...”<sup>101</sup>

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<sup>100</sup> *ibid*, 35

<sup>101</sup> Rudolf Wagner, *The Craft of the Chinese Commentator: Wang Bi on the Laozi* (NY: SUNY, 2000), 118

For Wagner, the admonishment to pursue inferences (for oneself) is not a call to reason for oneself the philosophical connections of the claims of the *Laozi*. Instead, the pursuit of inferences refers to the inferences about what the text is saying. Wagner sees Wang inviting the reader to trace for himself the *meaning* of the text, i.e., *what* the text is saying. I on the other hand read Wang as inviting us to trace for ourselves the philosophical reasons or justification for the claims in the text, i.e., *why* the text claims what it claims.

I would have no objection in principle to the point that it is not easy to grasp the meaning of the text of the *Laozi*, and like Wagner, I think Wang is attentive to interpretive difficulties. However, it seems to me incorrect to think of Wang as merely pointing out the elusiveness of the text's meaning and the need to independently decipher its meaning. The reason is this. If we examine the context of the passage, we will notice that Wang is lamenting how readers of different schools wrongly read the text as advocating their own philosophies and approaches to philosophizing. The reason they do this is that they notice philosophical notions similar to their own philosophies:

“...when they observe references to uniformity, the call is “Legalist”;  
 when they detect references to defining actuality, they call it “nominalist”;  
 when they discover references to complete love, they call it “Confucian”;  
 when they find references to frugality, they call it “Mohist”; and when  
 they see a lack of affiliation, they call it “Eclectic”. They adjust the name

they apply to it in accordance with what they find and insist on interpreting it in terms of what they like...”<sup>102</sup>

However, Wang’s objection to this error is that these kinds of biased readings restrict the text: “although as a place can be the same when roads to it differ, so an ultimate congruence [of thought] can be achieved when approaches to it disagree”<sup>103</sup> In other words, Wang’s reply to these biased readings of the text is that each biased reading denies and excludes other readings the text, when other readings could equally be accommodated. And after criticizing these restrictive and exclusive readings, then Wang continues:

“...the text is composed in a way that it verifies a beginning by fulfilling the conclusion to which it leads, and it fulfills a conclusion by establishing where it begins. It offers openings but does not go all the way; it leads but does not drag you there. Only after searching for it can you arrive at what it means; only after pursuing inferences can you fully understand the principles involved...”<sup>104</sup>

The fact that this passage, which is the passage Wagner quotes, comes right after the criticism is significant. It strongly suggests that there is a flow of thought between this passage and the criticism that goes before it. Wang’s criticism is that exclusive readings of the text are wrong because there can be many approaches to the same ideas or truths of the *Laozi*. The passage then says that the text offers openings but does not go all the way, and that one needs to seek its meaning and pursue

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<sup>102</sup> Wang Bi, *Introduction* 34

<sup>103</sup> *ibid.*

<sup>104</sup> *ibid.*



inferences. If we read the passage as a point about the difficulty of arriving at the meaning of the text, then the passage and the criticism seems to me disjointed: why would a possible plurality of approaches have anything to do with the difficulty of grasping the text's elusive meaning? Is Wang suggesting that: because the meaning of the text is difficult to grasp, there can be a plurality of approaches to the text? Or *vice versa*? This seems unreasonable and highly unlikely. Notice: the warning about the text's elusive meaning is, as Wagner understands it, a warning about the difficulty of getting the *right* meaning of the text. It is a warning about the need to attend to the rhetorical devices in the text and to pursue inferences *in order to grasp the correct meaning of the text*. But if this is what Wang is advocating here, it seems to contradict his criticism of exclusive readings—a criticism aimed at endorsing different approaches to the text. After all, if it is already difficult to get the right meaning of the text, why then still encourage a plurality of approaches? Should not the reasonable thing be to discourage a plurality of approaches, and to introduce the one best approach?

Therefore, my suggestion is that this is not what Wang was talking about. Instead, it seems to me Wang is explaining how the way the text is written supports the plurality of approaches or readings. This plurality is not a plurality of conclusions but of justifications and arguments. In other words, after putting down exclusive readings of the text with their respective philosophical reasons and maintaining that there can be more than one way of understanding how the ideas of the *Laozi* are true, Wang points out how the text exemplifies the latter. Because the text does not offer merely one kind of argument for its claims, it leaves the reader to search for his own

philosophical justifications for the claims. Precisely by not stating the justifications for its claims, many different justifications for the claims can be all accommodated (so long as they are independently sound). Naturally then, the passage continues with the suggestion that “if those who differ with its aims write something original of their own, none will fail to be pleased at evidence for a congruence of view, and, as such, corroborate what they say in it. Although roads differ, they all bring one back to the same place, and, although there might be hundreds of ways to deliberate, there is an ultimate congruence in thought”<sup>105</sup>

In other words, Wang proposes that the reader be open to many different ways of justifying or arriving at the conclusions of the *Laozi*. With that also, Wang sees the *Laozi* as inviting these many different justifications of its claims. This I think is what Wang is referring to when he says that one must seek its meaning and pursue inferences to understand the *Laozi's* principles.

For the reasons above, I see the commentator not merely as someone seeking the meaning of the text of the *Laozi*, but whose contribution includes, perhaps most significantly, the justifications for the claims of the *Laozi*. Wang Bi here exemplifies very well the role of the commentator. His unique contribution was to demonstrate and explain the various claims in the *Laozi*. He adds to and develops the Daoist (and *Xuan Xue*) tradition with his original justification of the claims of the *Laozi*. We have examined many of Wang's own “inferences”—both philosophical and literary—in this chapter and the previous chapter. Starting off with a correlative theory of names and forms where forms cannot arise from names, he switches the discussion to a political

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<sup>105</sup> *ibid.*

reflection on how names cannot generate forms. As he points out, by implementing punitive measures to suppress immorality and using lures of prestige (names) to encourage good behavior (form) is ultimately self-defeating. Suppressing evil with more laws and “bright scrutiny” or intensified surveillance only results in more sophisticated deviance, whereas honoring good behavior with prestige or “names” ironically breeds insincere and thus morally undesirable subjects. Therefore, the best political approach to encourage moral and well behaved compliance would be a policy of non-interfering “namelessness” and “formlessness.” Since the nameless and the formless is the source of this desirable state of social-political affairs, the Dao which is nameless and formless is also the source, albeit metaphorically. Thus he concludes, all things trace back to the Dao. Again, as the policy of non-interfering “namelessness and formlessness” is what generates the desired political society, so the Sage should always apply the “Dao” qua the “nameless and formless” when deciding how to act.

The riddle then, I think, is solved. The right way to understand Wang’s commentarial reading of the *Laozi* is to see that some of Wang’s speculations of the Dao as the source of all things do not always proceed philosophically. Wang’s commentarial reading of the *Laozi* sews old interests neatly together with the new. The discourse on names and forms and the concern with politics is playfully stringed up with the metaphysical discourse on the Dao. One need not logically imply the other; but there exists the literary connection. Each patchwork is joined together with the other with metaphorical bonds to form the picture of a quest that starts from names and form ending with the Dao.

For the analytically rigorous thinker this patchwork is bound to tear. Under the bar of modern analytic philosophy, some portions of his speculations would be severely condemned, such as the “equivocal inferences” explicated above. But precisely his employment of equivocation is what gives his own reading of the *Laozi* its original beauty and genius. To appreciate and acknowledge his brilliance, we have to understand him with less Anglo/Euro-centric eyes.

### Conclusion

In the previous chapter I argued how, like Finnis’ thomistic natural law theory, Wang does not derive his political theory from a metaphysics of the Dao. We have seen in this chapter how Wang integrates the metaphysics of the Dao with his political theory, crafting an “inference” of the Dao as the source of his desired political community. In the next chapter we shall consider how a thomistic natural law (jurisprudential-political) theory compares with Wang’s inferences. Unlike Wang’s employment of metaphors and equivocations, Western Thomism regards equivocation as a serious flaw. However, I will argue that there can be a philosophically rigorous inference of the cause of a desirable society which terminates in some metaphysical Transcendent Being or Warrant, or God as its ultimate cause. This is similar to Wang Bi’s argument that the desirable political community traces itself to the Dao as its cause, only that in the case of thomistic natural law theory, the inferential moves are not metaphorical and never intend to employ equivocations. A later chapter will then compare how this thomistic Warrant or God compares with the Dao in Wang Bi’s

*Laozi.* My analysis will suggest that there are strong similarities between the Dao and the thomistic God, and that this God can be called “Dao”. In this way, we might offer an alternative vision of how political reality is philosophically connected with that metaphysical Transcendent, God or Dao. To borrow from Wang Bi: “Although roads differ, they all bring one back to the same place, and, although there might be hundreds of ways to deliberate, there is an ultimate congruence in thought.”

## Chapter 4

### Choosing a Central Case of Law

#### Introduction

This chapter is mainly preparatory and outlines the kind of desirable political community for promoting the common basic goods which the natural law (and thus also, Natural Law Theory) directs us to promote. Such a society has a certain form of Rule of Law, and shares some qualities of Wang's desired society. Together with the next two chapters (5 and 6), it offers a thomistic natural law argument for the existence of metaphysical Transcendent Warrant, Norm or God, through analyzing the normative authority of the Rule of Law and practical reasoning. We will then compare how this "God" compares with the metaphysical Dao in Wang.

#### Tracing the Dao

Previously we saw how Wang's *ming-shi* theory of language yields a social science and an inference to the Dao. Because names have a corresponding form and are not the product of random fancy, one could attempt to infer that form which corresponds to the name. (Here an equivocation and literary shift takes place) Again, since forms do not arise from names, we cannot try to attempt lure people to behave well, hoping to shape them into moral forms with promises of prestige or names. Just as well, if we use any institutional forms, people will obey for inauthentic motives,

and thereby not become moral. Generally the policy should be non-interference: namelessness and formlessness. It is the nameless and formless (political policy) that generates the good society. Since the nameless and the formless is the Dao, the good society has the “Dao” as its source. Therefore, the “inference” proceeds from social reality all the way to a metaphysical origin as its source, although not always philosophically, and some significant places, rather fallaciously, even though these moves are intriguingly and delightfully clever.

Yet however delightful it may be, without the metaphorical reading of the correlative theory of names and forms or of the notion of the Dao as “nameless” and “formless”, Wang could not develop a purely philosophical inference of the Dao as the source of his desired political society. Or at least, it seems to me he did not see how he could have, given the lack of any such an inference in his commentary. His strictly philosophical inference of the Dao was merely a rather naïve<sup>106</sup> and general claim that for every *xing* or shape, there were causal processes, and for these in turn there had to be, beyond the many mediating causes, an ultimate unifying cause, which is the Dao:

*The Dao gives life to them; virtue nurtures them, matter gives them physical form, and characteristic potential completes them.*

Once things achieve life, they are nurtured. Once nurtured, they acquire physical form [xing]...What is the origin from which life comes? It is the Dao...From the way all things achieve life to the way the potentiality of things reach completion, all these processes have an origin. Because there has to be an origin for them, this origin without exception is the Dao.

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<sup>106</sup> not meaning stupid, but meaning technically unsophisticated.

Thus, if we trace these processes back to their ultimate origin, we arrive inevitably at the Dao. It is when we follow them back to their individual causes that we find separate terms for these causes.<sup>107</sup>

If we recall that according to Wang's semiotic, for every form there was a word, then it becomes clear that Wang's "inference" amounts to no more than the general claim that to every word, there corresponded a form which, in the final analysis, was caused by the Dao. The discussion on politics is completely left out of the picture. Unless we weave in the metaphorical reading of the correlative theory of names and forms that captures the politics of non-interference, it seemed unlikely Wang saw how he could have integrated the discussion of politics into that inferential speculation of the Dao.

#### Metaphysics From Natural Law Political Theorizing

In the thomistic new classical natural law tradition, a parallel analysis like this is possible. The subject of my analysis is law, and a careful and sound analysis of the concept of law reveals law's normative sources to be practical reasoning. Practical reasoning in turn points to some transcendent, Normative Warrant. Since we are working from within the western Aristotelian tradition, the premium will be logical consistency, and the disease is equivocation. Hence every move is intended to be strictly philosophical, and no literary shifts like those of Wang will be employed.

In spite of this difference, our thomistic analysis shares many assumptions with Wang's *Laozi*. Wang had an idea of an ideal political community and its kind of governance. It is this certain kind of society and its political arrangement that Wang

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<sup>107</sup> Wang, *The Classic*, 149



had in mind consistently throughout his commentary on the *Laozi*, and it is this ideal society that he thought important and worth defending and securing--i.e., its branch tips to be flourished—based on the political strategies he finds in the *Laozi*. Thus also it is the causes and foundations of such a society that he had in mind when he spoke of the roots and the Dao that were to be enhanced. This society is not unlike the kind that I, following Finnis (and Aquinas) think ideal and important.

Wang may at times seem to read as if he recommends doing away with law altogether. But in contemporary society, this will be impossibly utopian. As society becomes more complex and human action requires co-ordination and organization, it becomes quickly apparent that no society can do without the law. If society cannot do without the law, then in choosing an ideal society we will always have to pick one in which the rule of law exists. Nevertheless, we could still choose from amongst the different societies according to which there are different forms of the rule of law. For not all societies have the law rule in the same manner. So the choice of *the* society from many of its analogical instances turns out to be a choice of Law from amongst its many analogical instances. Call this *ideal* case of law the “focal” or “central” case, about which many less ideal and peripheral cases surround.

Now, Wang’s own commentary reveals his ideal type of political governance to be one which draws compliance not from fear of punishment, nor by promises of honors and pleasures. His reasons were that ruling people by fear proves ultimately inefficacious and promoted various undesirable effects. H L A Hart’s own choice of the concept of legal governance was based on his own observations of the educated Englishman’s internal experience of the law. For sure, Hart was constructing a *realist*

concept of law when he affirmed that law moves after the manner of rules rather than as imperatives. Our purpose is to arrive as natural law theorists at an *ideal* concept of law.<sup>108</sup> Yet it would be wrong to think that Hart's realist concept of law cannot guide our choice of an ideal concept. Although Hart was principally interested in descriptive sociology, Hart's own methodology could not avoid the kind of *evaluative choice in determining what he would or would not include* in his concept of law.

Because: for a fact, some people do experience law as nothing but the brute coercions of a greater power; yet Hart would differentiate and exclude that Austinian version of 'law' from *his* concept of 'law'. In choosing what are the elements to be included in his concept of law, Hart appealed to what he called the internal point of view, that is, the view point of certain persons who experienced law as rules rather than as coercive imperatives. Yet his choice of the internal point of view of *these persons* who experienced law as rules as data for the construction of the law over that of those other persons who took law as merely a coercive power was unavoidably an *evaluative choice*: for Hart these former view points were *better*, to be preferred. His preference was not arbitrary; we could agree with his reasons. Hart had preferred that concept of law because for him it was more efficient. It worked better to overcome the difficulties Hart saw in the "pre-legal" world. As Finnis points out,

...with Hart's 'unreflecting inherited or traditional attitude...or mere wish to do as others do'[, t]hese are attitudes which will, up to a point, tend to maintain in existence a legal system (as distinct from, say, a system of despotic discretion) if one already exists. But they will not bring about the

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<sup>108</sup> An "ideal" concept of law is not an "imaginary" concept of law, but a *preferred concept of law*

transition from the pre-legal...social order of custom or discretion to a legal order, for they do not share the concern, which Hart himself recognizes as the explanatory source of legal order, to remedy the defects of pre-legal social orders.<sup>109</sup>

However Hart had aimed to be a realist in his construction of the concept of law, he could not avoid the idealism in choosing a concept of law that was *to him*, the theorist, more important than other competing concepts. As Finnis so insightfully noticed,

By a long march through the working or implicit methodology of contemporary jurisprudence, we arrive at the conclusion reached more rapidly (though on the basis of a much wider social science) by Max Weber: namely, that the evaluations of the theorist himself are an indispensable and decisive component in the selection or formation of any concepts for use in description of such aspects of human affairs as law or legal order.<sup>110</sup>

As Finnis explains, a natural law theorist would also have a central paradigm instance of that Law and its Rule. In departing from the gun-man model of legal obligation, this paradigm instance shares much of what Hart has pointed out in

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<sup>109</sup> John Finnis, *Natural Law and Natural Rights*, (NY: Oxford University Press, 1980), 13-14

<sup>110</sup> *ibid.*, 16

opposition to Austin for reasons of law's efficacy. But the natural law theorist goes further: when it comes to deciding the kind of law that is *worth having*, one has also to decide beforehand *what are the things or goods* that are worth seeking. For: any social entity or civil institution worth having like (the rule of) law would exist to secure such goods. For just as one who wishes to decide which kind of sport is worth picking up would have to know what kinds of muscles are worth his development, or one who wishes to choose what to eat would need to know what kinds of food are healthy and so worth eating, so also one who wishes to pick out the ideal and worthy central case of law would need to know what are the objects that law and its rule should promote. A legal institution which (aims to) effectively promote(s) and secure(s) *those goods worth securing* would be more ideal and desirable than one which fails to secure such goods, and so would be a better pick for the paradigm instance or a central case of law that is worth having, important or ideal. The self-evident principles of natural law direct us to these goods. Such goods worth securing include life, friendship, knowledge, practical reasonableness, aesthetic experience, play, etc. Since they are commonly participate-able by all persons, we call them common basic goods.

In other words, this is a good candidate for a thomistic natural law theorist's focal concept of law: Law as a legal system which directs through co-ordination its compliant towards the promotion or protection of the basic common goods. However, such a Law and its Rule is one which draws compliance not merely out of fear and the prediction of punishment; instead it draws compliance through something internal in the law, after the fashion of a rule.

Wang certainly does not have the list of basic goods which Finnis (and Aquinas) has. He has however, some concept of morality and human benefits which he is eager to promote, as his commentary on Section 5 of the *Laozi* shows:

“...when institutions are established and behavior influenced, people lose their authenticity, and when subject to kindness and conscious effort, they no longer preserve their integrity...Heaven and Earth do not make grass grow for the sake of beasts, yet beasts eat grass. They do not produce dogs for the sake of men, yet men eat dogs. Heaven and Earth take no conscious effort with respect to the myriad things, yet because each of the myriad things has what is appropriate for its use, not one thing is denied support...”<sup>111</sup>

Furthermore, he would also agree that men should not be governed coercively: “...as scrutiny is curtailed, attempts to evade it will also be curtailed, but as brightness of one’s intelligence dries up [through scrutinizing non-conformity], ways to evade it will become ever more perceptive.”<sup>112</sup> Were Wang alive today, he might not resist our choice of a focal concept of law, or of our ideal of a society ruled by such a concept of law.

In any event, it is this type of Law and its Rule that interests us as social theorists, especially natural law theorists stemming from Aquinas. For the natural law theorist such a concept of law and its rule is *important and worth having*. Because natural law prescribes the seeking and promotion of common goods, then a Rule of Law which effectively coordinates human action towards participation of these human

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<sup>111</sup> Wang Bi, *The Classic*, Section 5, 60

<sup>112</sup> Wang Bi, *Introduction*, 38

goods is derivatively something that one also ought to seek and promote. Such a Rule of Law becomes an important *means* for fulfilling the ends of the natural law. Since this is a desirable form of civil governance viz. *this* Rule of Law, it would therefore be worth analyzing and examining its foundations for the purpose of strengthening them. With these foundations strengthened or preserved or protected, its effects viz. the Rule of law will also be preserved. As Wang would have said it, the strategy is to enhance the roots in order to flourish the branch tips.

### Conclusion

At the end of this chapter, I will say a little about chapters 4 and 5. Having arrived at a focal concept of law in this 3<sup>rd</sup> chapter, the next will seek the foundational sources of such a concept of law and its normativity. It concludes with the first principles of practical reasoning or natural law as the only source of law's normativity. For: there are no other sources of normative *reasons* beside the first practical principles. Thus natural law does not merely identify the goods worthy to be sought and promoted, but it is itself the very source of the norm that such goods *ought to be sought*. Identifying the goods to be sought enables us to frame a central case of law that is important and desirable, but having the norms is what makes the seeking of these goods through the rule of law a seeking that *ought to be done*. While both are contributions of the natural law, often framed as a proposition of the type "such and such a good/value ought to be sought", they are still logically distinct aspects of natural law's prescriptivity; the one tells *what* are the values or goods, the other tells us that such values or goods *ought to be sought and done*. Chapter 5 will point out

natural law's contribution of the latter, viz., practical *reasons's normativity*, to account for law's very normative power. Chapter 6 then moves on to ask what practical reason's normativity entails. And I argue that practical reason's normativity entails nothing less than some form of external normative warrant, some transcendent creative power which *intended* that our epistemic faculties delivered these practical reasons. Such an ultimate cause of normativity, the Norm Itself, is what in Christian (and Thomistic) Philosophy is called God. It is similar to what Wang and the *Laozi* would have identified as the *Dao*. Thus chapter 7. This said, we now proceed.

## **Chapter 5**

### **Law's Reasonable Foundations**

#### **Introduction**

In the previous chapter we settled on a central case of law. Such a concept of law obligates after the manner of rules, and directs these rules towards the coordinated pursuit of human welfare or benefits. In this chapter, we hope to discern the sources of law's obligatory, normative or authoritative powers—i.e., the source of its capacity to motivate people just like rules obligate those under the rules, in contrast with the imperativity of coercive orders.

#### **The Sources of Rule-Normativity**

To go about this we will build on the results of Hart's analysis but we need to go some distance further. This is because Hartian Legal Positivism lacks certain anthropological commitments and frames its explanation of legal obligation accordingly. In so doing, Legal Positivism does not describe with desirable precision the phenomenon of law as a *human* social institution. It fails to follow through with the implications of social reality constituted by *human* actors. While attentive to the uttered expressions of the experience of law, it failed to pick out other clues besides



those present in the utterance: namely, in the *utteror*. Insofar as Hart was informed by the subtle meanings in the utterance of obligated individuals—meanings which indicate that law motivates (or obligates) through (social habits adopted as) evaluative *reasons* (to the extent that they operate as rules), Hart did not see himself committed to any particular theory *why* people chose to be thus (legally) obligated, even though his account of law captures the description that they in fact do. But attention to the utteror *qua human person qua being with practically reasonable capacities* equally informs us about the law, and in accommodating that information, we shall argue for the place of practical reasons as the source of the normative authority of law.

To see all this we may begin with Hart's notion of a secondary *rule* of recognition. For Hart, the (secondary) rule of recognition expresses social habit, but not just any kind of social habit but such social habits *adopted as rules*, as identified *from an internal point of view*, i.e., by examining the internal perspective of the person who adopts the social habit.<sup>113</sup> When used as rules, it means that those (officials) who adopt it use the rules as *reasons* (whatever they are) for criticizing non-compliance and appraising compliance.<sup>114</sup>

Now it follows for Hart that insofar as rules are *reasons appealed to for criticizing non-compliance and appraising compliance*, rules have *normative* force—whatever the substantive content of the reasons are. This intrinsic normative capacity

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<sup>113</sup> H L A Hart, *The Concept of Law*, (Oxford, UK: Oxford University Press, 1961), 56-57. Henceforth, *Concept*.

<sup>114</sup> *ibid.* This amount to what Hart here (*ibid.*) calls “a reflective critical attitude”.

Hart calls the internal aspect of rules.<sup>115</sup> ‘Normativity’ here means that they are appealed to as reasons for evaluating behavior, but nothing presupposes that these reasons are in any manner morally sound, or that they depend on or trace to or are reducible to further such moral premises. Similarly ‘legal *authority*’ traces to these rules’ *being appealed to in justifying behaviour* and end there. Just as, if someone were to ask for reasons why there is such a ‘law’, the answer would point to the rule of recognition *as a reason*, and it would (quite sufficiently) end there; so also, if we are to ask why some precept has ‘legal authority’ and is ‘legally binding’, we would appeal to the rule of recognition *as a reason* for the legality of this particular precept, and its authority, and the answer (quite sufficiently) ends there. The answer, in offering (good or poor) *reasons as justification*, just sufficiently shows up ‘normativity’ (or ‘authority’ or ‘obligation’) in law (as well as its existence).<sup>116</sup> Hence there exists for Hart’s account of law’s normativity an implied indifference to the substantive content of the law. But this is not all: for Hart saw himself as also not committed to the *reasons for adopting* the normativity-conferring reasons, i.e., the social rules. The distinction between the two non-commitments is this. To say that one uses the rule of recognition *as a* (good or poor) *reason* for criticizing non-compliance or appraising compliance leaves out giving the *reasons* for using the rule of

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<sup>115</sup> *ibid.* Here also note how Hart speaks of the existence of “binding” rules.

<sup>116</sup> *Concept*, 102. See also *Concept*, 90, where Hart, comparing the external from the internal point of view, writes, “what the external point of view, which limits itself from to the observable regularities of behaviour, cannot reproduce is the way in which rules function as rules in the lives of officials, lawyers, or private persons who use them, in one situation after another, as guides to conduct of social life, as the basis for claims, demands, admissions, criticism, or punishment, viz., in all the familiar transactions of life according to rules. For them the violation of a rule is not merely a basis for the prediction that a hostile reaction will follow, but a *reason* for hostility.”

recognition as a reason for criticizing non-compliance and appraising compliance. So in Hart's notion of law, *why* the rules came to be is an open question; *that the rules are* what laws are composed of is a settled issue. Hart's reply to Ronald Dworkin in his *Postscript* to the 2<sup>nd</sup> edition of the *The Concept* totally bears this out. He writes, and I think it is worth quoting at length:

[Social] rules establish *duties* and *reasons for action* to which appeal is made when such rules are cited, as they commonly are, in criticism of conduct and in support of demands for action. This reason-giving and duty-establishing feature constitutes their distinctive normative character and that their existence cannot consist in a merely factual state of affairs as do the practices and attitudes which according to the practice theory constitute the existence of a social rule. According to Dworkin, a normative rule with these distinctive features can only exist if there is 'a certain normative state of affairs'. I find these quoted words tantalizingly obscure...Dworkin, it appears, means by a normative state of affairs the existence of good moral grounds or justification for doing what the rule requires...If this is what Dworkin means by a normative state of affairs required to warrant the assertion of a normative rule *his account of the existence conditions of a social rule seems to me far too strong. For it seems to me to require not only that participants who appeal to rules as establishing duties or providing reasons for action must believe that there are good moral*

*grounds or justifications for conforming to the rules, but that there must actually be such good grounds.*<sup>117</sup> Plainly a society may have rules accepted by its members which are morally iniquitous, such as rules prohibiting persons of certain colour from using public facilities...*Indeed, even the weaker condition that for the existence of a social rule it must only be the case that participants must believe that there are good moral grounds for conforming to it as far too strong as a general condition for the existence of social rules.*<sup>118</sup> For some rules may be accepted simply out of deference to tradition or the wish to identify with others or in the belief that society knows best what is to the advantage of individuals. These attitudes may co-exist with a more or less vivid realization that the rules are morally objectionable. Of course a conventional rule may both be and be believed to be morally sound and justified. *But when the question arises as to why those who have accepted conventional rules as a guide to their behaviour or as standards of criticism have done so I see no reason for selecting from the many answers to be given...a belief in the moral justification of rules as the sole possible or adequate answer.*<sup>119</sup>

As the last line indicates, Hart does not intend at all to answer the (very different) question: *why did the law come to be?* This question, explicated in terms of

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<sup>117</sup> Emphasis mine.

<sup>118</sup> Emphasis mine

<sup>119</sup> H L A Hart, "Postscript" in *The Concept of Law*, (NY: Oxford University Press, 1980) 2<sup>nd</sup> Edition, 256-7. (Final Emphasis also mine)

the Hartian notion that a union of rules (being something adopted with an internal point of view and hence used as *reasons* for evaluating compliance or non-compliance) constitute what we (here still) mean by “law”, asks the question: *for what reason* were these rules (esp. the rule of recognition) so adopted as rules (i.e., as behaviour-evaluating reasons)? To this question, *whatever the reasons*, once these rules are adopted as rules, the necessary and sufficient conditions of law obtain for Hart.

### Some Wrong Paths

So rules are normative just when appealed to as *evaluative reasons*. For Hart legal normativity or obligation means that law motivates as *reasons for evaluating behavior*. But Hart also avoids pinning down the particular reason for the adoption of the social habits as evaluative reason(s), i.e., as rules. Indeed there seem to be many possible reasons for adopting the social habits as evaluative reasons. Does this mean therefore, that one can say that *any* reasons (or even non-reasons) for adopting the rules go? I think not. Consider Jules Coleman's offer.

The internal point of view should be understood...as the exercise of the basic and psychological capacity of human beings to adopt a practice or pattern of behavior as a norm. This capacity can be given a philosophical analysis in terms of behavioral and psychological dispositions—among them, the disposition to conform to the norm or

rule, to evaluate oneself and others on its basis, and to form certain beliefs and other intentional states associated with such a commitment. However, there may be no further *philosophical* explanation of the ground or source of this capacity. Its existence is to be explained in some other way—causally, sociologically, biologically, or more broadly, by invoking an evolutionary argument that identifies that adaptive value of such a capacity (for example, its usefulness to individuals in enabling them to undertake projects and to secure the gains of coordinative activity). Understood in this more sophisticated sense...as the exercise of a basic capacity to adopt a pattern of behavior as a norm—the internal point of view is essential to the explanation of the Rule of Recognition’s normativity.<sup>120</sup>

But that sophisticated account is a misleading, as well as an illuminating one. Coleman, I grant, is careful not to characterize the internal point of view and its normativity as some kind of evolutionary or anthropological dispositional tendency or capacity to adopt a social habit as a norm (as it surely is not). Instead he says it is the *exercise* of that dispositional tendency to adopt a social habit as a norm. Hence according to Coleman, given this tendency to adopt a social habit as a norm, *once in fact the tendency is exercised (or acted upon)*, i.e., once the norm is actually adopted as a norm (by giving reasons for compliance and criticizing non-compliance), we have

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<sup>120</sup> Jules Coleman, “The Conventionality Thesis” in *Social, Political and Legal Philosophy (Philosophical Issues Vol. 11)*. Ernest Sosa & Enrique Villanueva, (ed.), (Oxford: Blackwell, 2001), 354-387 at 369

the internal point of view and normativity. In short, normativity exists with the *exercising* of such capacities.

But as Hart points out, normativity is in the reasons and legal obligation is found there: in the *essentially normative reasons*, and not anything beyond that. Normativity is not something incidental to (evaluative) reasons, as if a property added to it. Quite the contrary: once there are (evaluative) reasons, there is normativity. How then does “the exercise of psychological tendencies to apply a social habit as a norm” in fact help *explain* normativity in the (rules of) law? If this ‘explanation’ intends to offer any elucidation on how in fact the *adoption* of rules gives rise to normativity, then surely the “insight” (if any) is that it is (by elimination) thanks *primarily* to these psychological tendencies (to adopt social habits as norms) that we are motivated adopt the norms—and *hence there exists the normativity of rules*. And this is not because there are evaluative *reasons*, but because such tendencies are exercised or acted on.

But then the puzzle still remains unsolved: how, one may ask, does being motivated by psychological capacities to adopt a social habit as a norm in fact grant normativity? Not only is this explanation simply unhelpful, but it seems to me that Coleman here sets the positivist tradition back into the primitive by going against the evolutionary grain of its intellectual trajectory: Hart’s motivation to resist John Austin’s theory of law was to include the user’s *appeal to reasons* in accounting for law’s obligatory powers (even if these reasons were not necessarily moral), in opposition to the Austinian account which failed to capture that inner life of the law-obligated person. This inner life (or what Hart called the ‘internal point of view’) is marked by appeals to evaluative reasons, as signaled by expressions such as “I have an

obligation [should, ought] to...”<sup>121</sup> Hence on Hart’s account evaluative reasons *are necessary* and sufficient to explain law’s normativity or legal obligation for its human (i.e, rational) users. Yet Coleman’s account, *per* our analysis, really attributes the principal agency of legal motivation to unreasonable tendencies which are later camouflaged by *rationalizations*<sup>122</sup> (which are of themselves not central in accounting for normativity in the law). On this account of legal obligation, evaluative reasons are absolutely redundant, and take on the quality of an epi-phenomenon. Here master and commentator are headed in opposite directions.

### No More Excuses

Let me elaborate on this last point. The unwitting opposition between Coleman and Hart helps to bring out the very subtle difference between (a) someone who uses the rule as rationalization for his behavior (and hence not *qua* rules!), and (b) someone who properly uses the rules *qua rules qua evaluative reasons* to guide his behavior. Only (b) expresses the Hartian account of legal obligation from the internal point of view. In the former (a), while the rules (i.e., evaluative reasons) may be *used* to explain his behaviour in the sense that he appeals to them to explain his own

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<sup>121</sup> Hart, *Concept*, 90

<sup>122</sup> see also John Finnis, *Aquinas: Moral Political and Legal Theory* (NY: Oxford University Press, 1998), 74: “Reason in passion’s service does its master’s bidding by inventing intelligent and attractive but, in the last analysis, specious and imperfectly intelligent *rationalizations* for doing what one (emotionally) wants, against some reason or reasons for not so acting. By ‘rationalization’ ...I mean reasons which one recounts to oneself or to others, for doing an action that one in fact is undertaking for emotional satisfaction, for emotional ‘reasons’ that are not the reasons which intelligence understands and reason affirms and develops.” This expresses very well what I mean here and in the immediate following as (legal) *rationalization*.



conformity to the social rules, they do not motivate him. Meaning: he is first motivated by *other* (irrational) causes, and then uses the rules to *justify* his behaviour. This does not correctly express the internal point of view of the legally obligated person.<sup>123</sup> Indeed while the two instances (a) and (b) are indistinguishable insofar as both *appeal to* social rules as *reasons* in order to *explain their behavior*, (a) is not motivated by the reasons which he uses as an explanation to justify his action. For Hart, when appealing to rules as evaluative reasons, the obligated person is not merely justifying his legal compliance with these rules. Rather, he is describing *the historical cause* of his obedience. Thus, Hart intends therefore not merely explanatory power for these reasons, but motive power. Thus normativity exists when social habits are appealed to as reasons for evaluating behaviour—wherein to “appeal to” reasons is not merely to call up those reasons to rationalize one's act (however otherwise motivated), but to give an account of *that which in fact so moved me to act*. In which case, the adoption of the social habits as rules cannot be motivated by reasons extrinsic to the rules (*qua* evaluative reasons) themselves. Meaning to say, it cannot be the case that the social rules were adopted for causes totally unrelated to the rules, such as psychological tendencies, for if that were the case, then the reason why one adopts the social habits as guiding principles of behavior is some motive different from the rules itself--and hence the person is not so much obligated by the social rule (as is the case

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<sup>123</sup> Again, *Concept*, 102. See also *Concept*, 90, where Hart, comparing the external from the internal point of view, writes, “what the external point of view, which limits itself to the observable regularities of behaviour, cannot reproduce is the way in which rules function as rules in the lives of officials, lawyers, or private persons who use them, in one situation after another, as guides to conduct of social life, as the basis for claims, demands, admissions, criticism, or punishment, viz., in all the familiar transactions of life according to rules. For them the violation of a rule is not merely a basis for the prediction that a hostile reaction will follow, but a *reason* for hostility.”

with law), but rather motivated by something else apart from the social rules. He is, if he did this, rationalizing his (otherwise motivated) law abiding behaviour, but not at all being obligated by the law. Therefore we might even say that ‘to adopt a social habit as a rule (or norm in the Hartian, stronger sense) for non-reasonable motives (such as psychological tendencies)’ is an internally contradictory statement: to adopt a social habit *as a rule* is to *have the rule motivate my compliance* to the social habit, but now here I am further saying that I am adopting or complying with the social habit for some *other* reason (that does not involve the rule), and hence not motivated to comply *on account of the rule*.<sup>124</sup>

### Determinatio

In other words, if we are to progress in our analysis of law’s authority, then we must press on with the Hartian insight that it is legal *rules* operating as *evaluative reasons* that best describes the internal view-point of law’s obligatoriness. Its normative force is what Hart means by the *internal aspect* of legal rules. He had in mind this aspect of rules that was not externally visible. Meaning, these evaluative

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<sup>124</sup> This account does not imply that ordinary law-abiding citizens who go about their daily business without breaching the law are therefore *rationalizing* with the law. Rationalization can occur only when persons *use* the legal rules to *justify* their obedience, i.e., they *claim they are being guided by the legal rules* (when in fact not so). Hence persons who appeal to the law and use it are really only officials. Ordinary citizens who do not violate the law do not ordinarily appeal to it nor use the law in any strong sense, and hence do not engage in legal rationalizations when motivated to comply without concern for the legal rules. My case then, is that law can only be present where there are at least officials who are properly under law’s obligations and not using the legal rules to rationalize their otherwise motivated compliance. I am grateful to Joseph Raz for alerting me to this point.

reasons (i.e., legal rules) legally obligate by being: (1) *contra Austin*: not merely data for predicting behavior; (2) *contra Coleman*: even less, excuses for rationalizing behavior otherwise motivated, but rather *the very reasons for the behavior*, i.e., sources of intelligent *motivation* for one's law abiding acts. In relation to (2), which is what my analysis above concerns, this excludes the possibility that the social rules which constitute the law were so adopted for non-reasonable motives.

But the question still remains: how it is that these rules, operating as evaluative reasons, have such evaluative, normative and hence internal motive force? Where do they get their normative authority from? Aquinas' natural law model of *determinatio*, which explains how legal rules are derived from and hence related to the natural law, is helpful here. John Finnis explains *determinatio* very nicely:

*Determinatio* is best clarified by Aquinas' own analogy with architecture. The general idea or form of a dwelling-house (or a hospital), and the general ideas of a door and a doorknob (or a labour ward), must be made determinate as this particular design and house (or hospital), door, doorknob, etc.; otherwise nothing will be built. The specifications which the architecture or designer decides upon are certainly derived from and shaped by the primary general idea, e.g. the commission to design a dwelling-house (or maternity hospital). But the specifications decided upon reasonably have been different in many (even in many) dimension and aspect, and require of the designer a multitude of decisions which

could reasonably have been more or less different. Stressing the designer's wide freedom within the ambit of the commission or other general idea, Aquinas says that laws whose derivation from natural law is of this second type have their force 'from human law alone' (*ex sola lege humana vigorem habet*).<sup>125</sup>

It is important to understand the claim that positive law derived from natural law have their force from human law alone with delicacy, so as not to obscure positive law's dependency on the moral content of natural law. Finnis' critical commentary highlights the latter relation. Thus:

This last statement really goes further than the analysis itself warrants. (More accurate is another of Aquinas' descriptions: such laws have their binding force not only from reason, but [also] from their have been laid down.) The precise requirements imposed in laws made by *determinatio* would have no moral force but for law's enactment, and the lawmaker had no moral duty to make precisely those laws. *But once such a law has been made, its directiveness derives not only from the fact of its creation by some recognized source of law* (legislation, judicial decision, custom, etc), *but also from its rational connection with some principle or precept of morality.*

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<sup>125</sup> John Finnis, *Aquinas*, op. cit., 267

His very important analysis continues:

...this connection is not simply with the general moral norm...that lawful and just authority should be respected. It is the connection of a law's *content* with morality's permanent principles and precepts as they bear on that law's subject matter. There is a sense in which the rule of the road—keep to the left/keep to the right—gets all its force from the authoritative custom, enactment, or other determination laying it down. *But there is another and equally important sense in which such a rule of the road gets 'all its normative force' from the principles of practical reason which require us to respect (and our legislative representatives to promote) safety on the road, taking those principles in combination with non-positated facts about communication difficulties, traffic flows, braking distances, human reaction times and so forth. Though the law's determination is in a sense free, it must be made with due consideration for the circumstances which bear on the appropriateness of alternative eligible laws.*<sup>126</sup>

Let us schematize the relations between the positive legal rule and its sources of authority as spelt out in the above analysis. Suppose we represent a positive legal rule with "R". Such a legal rule is a properly posited law, enacted by the competent authorities. From this enactment it derives in large part its authority or force. But not entirely. Their rational connection with the principles of practical reason also

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<sup>126</sup> *ibid.*, 267-268

contributes to the normative authority of these laws. In *determinatio* the determined legal rule R gets its authority from the principles of practical reason.

Suppose we represent the principles of practical reason with “P”. The posited law R gets its normative authority from these practical reasons P, and to the extent that the derivation from the practical reason fails, the normative authority of the posited precept is diminished. So to have a normatively authoritative legal rule R, it must be successfully derived from P. Let us represent this successful derivation or *determinatio* with the “→” sign. A successful derivation, or a *determinatio*, resulting in an authoritative legal rule would be this:

“P → R”

As can be gathered from Finnis’s analysis above, the derivation of the legal rule from the practical reason by *determinatio* can fail in two ways. And the first way derivation can fail is in the derived legal rule R. While determination is free in the sense that there are many eligible possibilities for the choice of a law, there are limits. Driving on the left or driving on the right are both possibilities for a law aimed at promoting road safety, just as speed limits of 60, 70, or 90 km/h are eligible possibilities. Some other candidates, however, are not eligible.

Some ineligible candidates are the impossible: driving on the left and right at the same time, or driving less than 60km/h but more than 70km/h. These are clearly ineligible because they cannot be realized in any possible world. A law requiring the impossible would be absurd. Other candidates could be realized in some possible worlds, but not in our world. So a law requiring we drive our cars 5 meters above the ground may be logically possible in a possible world where earth existed without

gravity, but this remains impossible or at least very difficult given the conditions in our world. These proposed laws would be ineligible because we are positing laws in our present world, and so long as in our world these proposed laws cannot be realized to enact them would be absurd. Still other ineligible candidates would simply be those which are not effective in bringing about the goal aimed at by the practical reason. So a law permitting a driver to choose at his or her own whim and fancy which side of the road at any time, and setting speed limits of up to 200 km/h just are not effective means for achieving road safety, so would be ineligible for enactment as law. In other words, for a successful *determinatio*, the legal rule R must require actions which are possible to perform (in our world), and such actions must be effective means for securing the goals sought after by the practical reason (in our world). Suppose we call our world “O”. So:

$(P \rightarrow R)$  implies that (in O, R is neither impossible nor ineffective)

From this it follows *modus tollens* that where R is either impossible or ineffective for securing the aims of P, then there cannot have been a successful *determinatio* resulting in a normatively authoritative legal rule R. Thus,

$\sim(\text{in O, R is neither impossible nor ineffective})$  implies  $\sim(P \rightarrow R)$

Now, there is furthermore a second way *determinatio* resulting in an authoritative legal rule can fail. This failure is traced not to the derived legal rule R, but to the practical reason P itself. An implied assumption thus far has been that practical reasons are themselves normatively authoritative. It is because they are that a successful determination yields a normatively authoritative legal rule. But if a “practical reason” P turns out to be normatively dubious, then it has no normative

authority. A legal rule R derived from such a “practical reason” will carry no normative weight. When this happens, *determinatio* fails. The fault of this failure lies in P, and not in R. In other words, even if R is an effective means for securing the goals in P, if P is not normatively authoritative, R lacks any normative authority. So:

$(P \rightarrow R)$  implies that (P is normatively authoritative)

Again, where P is not normatively authoritative, it implies *modus tollens* that there cannot have been a successful case of determination, and hence no authoritative legal rule has been obtained. Thus:

$\sim(P \text{ is normatively authoritative})$  implies that  $\sim(P \rightarrow R)$

The role of P’s normative authority in securing a normatively authoritative legal rule R can easily be overlooked, as does Matthew Kramer. In his *In Defense of Legal Positivism*, he proposes the possibility that certain very evil and monstrously oppressive regimes can still properly, for normative prudential reasons, be guided by the Rule of Law to achieve their evil aims. Hence such an evil regime is motivated by evil ends, but see the Rule of Law as effective means of achieving these ends. Thus in opposition to the natural law position, and his foil being Finnis, amongst several others, Kramer writes:

The very point at issue here is whether the aforementioned function of law, [being the function to provide human beings with security and autonomy and social co-ordination] is indeed invariably the principle function of full-fledged legal systems. To be sure, no one should doubt that benevolent legal regimes are characterized by the primacy of such



a function. But in certain other full-fledged legal systems, the paramount function resides in the sustainment of the officials' oppressive dominance and the pursuit for their sundry flagitious objectives. Though virtually every regime will probably provide most people with greater security than would exist in anarchic chaos, the provision of the security is derivative of the regime's primary purpose and is therefore carried on only inasmuch as it deserves that purpose. Both in fact and in the eyes of the wicked officials who run such a regime, its overriding function is to reinforce their potent sway. The internal perspective of the officials is orientated toward the accomplishment of that function and is thus entirely prudential in its tenor. Yet in connection with that very function, there will be strong reasons for those officials to endow their regime with the essential characteristics of law...to just as great an extent as would be undertaken by the officials in a benevolent legal system. When the evil officials act on those reasons, their regime in all its monstrousness is a straightforward instance (a central case) of legal governance.<sup>127</sup>

The officials of such a regime, no doubt, will see that the Rule of Law is a plausible means to effect their own evil ends. We must not put the cart before the horse by saying that evil officials use the Rule of Law, as if to say that *already* there is the Rule of Law so to be used; the existence of the Rule of Law is itself the matter of

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<sup>127</sup> Matthew Kramer, *In Defense of Legal Positivism: Law Without Trimmings*, (NY: Oxford University Press, 1999), 237-8

controversy here. Now, to speak of the Rule of Law is to say that there is a legal system in place. This means that there are normatively authoritative legal rules. But this begs the question: are there really normatively authoritative legal rules?

We know that authoritative legal rules are authoritative insofar as they are derived via *determinatio* from practical reasons P. And there is a first way that *determinatio* can fail, resulting in rules which are not authoritative. This has to do with the legal rule R, wherein R is either impossible or ineffective for securing the goals of P.

No doubt as Kramer would point out the evil officials see their legal rule(s) R as effective means for securing P, and these evil officials are probably correct. But we know that this does not quite settle the question whether the legal rules R turn out to be normatively authoritative. It is important to recall that the second way *determinatio* can fail. This occurs when the practical reasons P from which R is derived are normatively dubious. If the practical reasons P are normatively dubious, then whatever is derived from them is also normatively dubious.

And this is the case with an evil regime. Such an evil regime has evil goals. Their legal rules are obtained by determination from their (pseudo) “practical reasons” directing them to fulfill these evil aims. But such evil “practical reasons” are normatively dubious. Hence the determination is not successful, and no normatively authoritative legal rules are obtained. The upshot of this is that there is no Rule of Law.

It is this concern that Kramer's rejoinder fails to address, and which seems to have escaped his reading of Finnis. Let us look again at Finnis' comment on Rolf

Sartorius' paper, a comment to which Kramer thought he had offered an adequate reply. Finnis writes,

One sign of Hart's openness to reality has gone unnoticed by Sartorius. In *The Concept of Law*, the end or 'aim' which is the basis for the 'natural' or, better, 'rational necessity' of the central features of law is said to be 'survival'. Sartorius rightly suggests that 'surely room must be made for loftier human pursuits than mere survival...' But Hart got there before him; in his 1967 essay 'Problems of the Philosophy of Law', Hart proposes as the final point of law not mere survival, but rather that 'whatever other purposes law may serve, they must, to be acceptable to any rational person, enable men to live and organize their lives *for the more efficient pursuit of their aims...certain rules [are] necessary if fundamental human needs are to be satisfied...*' No doubt the faithful and cautious interpreter of Hart's works might see in this shift no more than a new stratagem in the unaltered grand strategy of declining to participate (or at least to involve jurisprudence) in the great 'dispute' about the point of human existence, the basic forms of human flourishing and the basic requirements of practical reasonableness; the new stratagem is...of saying (no more than): *if anything* is wanted, these [primary goods] will be needed. But one who speaks at all of human needs and human rationality cannot prevent his hearers reflecting that human intelligence can also understand some "ultimate" wants as really

no more than worthless means of self-gratification while other objects of desire are really desirable or worthwhile. Human rationality can also reflect that the arbitrariness in unrestricted self-preference is itself a deviation from 'rationality' and something one *needs to avoid whatever else one wants...*(my emphasis)”<sup>128</sup>

Attention to the last few lines alerts us that Finnis' primary concern is not (yet) the plausibility that evil officials might think of the rule of law as required or necessary (whether on a long or short term) for effecting their evil aims. While Finnis thinks they cannot and do not,<sup>129</sup> even if on this point the empirical evidence suggests the contrary, the main and prior concern remains unaddressed.

This concern is that the evil motives are not normatively authoritative practical reasons. The charge then is that evil officials who are thus motivated by these pseudo “practical reasons” really have *no reason* from which to derive their legal rules. Their derivation does not yield normative legal rules. The legal rules R may truly effectively secure the aims of the “practical reasons” P. But the goals which P directs us to seek are not what one ought to seek in the first place. Hence P is a normatively unsound principle or precept. A legal rule R directing us to effectively fulfill a normatively unsound precept cannot be normatively authoritative. It cannot be normatively authoritative because its source has no normative authority.

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<sup>128</sup>John Finnis, "Comment" in *Issues in Contemporary Legal Philosophy: The Influence of HLA Hart*, Ruth Gavison (ed.), (Oxford: Clarendon Press, 1987), 62-75, @ 63. *Italics original, underline mine.*

<sup>129</sup>John Finnis, *Natural Law and Natural Rights*, op. cit., 273-4. Also see Matthew Kramer, *In Defense of Legal Positivism*, op cit., 64-65

Let us take stock. Thus far we have been discussing how legal rules get their normative authority. We have offered Aquinas' model of *determinatio* as an explanation. By analyzing the *determinatio* model the derivation of legal rules from practical reasons, we exposed ways which determination can fail to give us normative legal rules. The first way is what the legal rules are impossible or ineffective means to secure the goals of the practical reason. The second way is where the "practical reason" is itself not normatively sound or authoritative.

This second way that *determinatio* can fail is a reflection of the fact that the normative authority of the legal rules comes from the normative authority inherent in the *sound practical reasons*. Absent these sound practical norms which are truly normative and authoritative, legal rules have no normative authority. This is important and we can pursue this. We can ask: what are these sound practical reasons?

John Finnis' *Natural Law and Natural Rights* was an effort to reveal some of these sound, truly normative practical reasons. There Finnis ask that we consider the points of our action, asking oneself "why did I do this *for?*" Having arrived at an answer, if one presses on with asking "why did I do *that in turn for?*", one arrives ultimately at some several basic, irreducible intelligible goods. It is an effort that can be embarrassingly difficult, not least because trying to describe one's own intentional states and sort out the intelligibility or absurdity of one's practical proposals can be typically challenging, let alone infer those of others, which seems to me impossible. Still, in doing so one recognizes one's own responsiveness to practical *reasons* which

identify basic intelligible goods as worth seeking: “such and such a good ought to be sought”. These goods include life, knowledge, play, aesthetic experience, friendship, practical reasonableness and religion.<sup>130</sup>

Reasons, being intelligible and having data, are not *feelings*.<sup>131</sup> Nor are the points of our seeking mere good feelings. Were the ultimate points of our seeking mere pleasure, one would have no qualms about plugging oneself once and for all into an experience machine offering a lifetime of every possible pleasurable feelings. But we would hesitate at such an offer, because we recognize that some *non-feeling* goods are at stake, and will be sacrificed at taking up such an offer. Indeed we would even resist it, recognizing that many such non-feeling goods that would be sacrificed are true objects of human *fulfilment*, in comparison with pleasure.<sup>132</sup>

It is these practical reasons, identifying the basic goods worth seeking, that gives *normative force* to all other intelligent seekings (whether as rules, counsels, instruction, or other prescriptive propositions). For: other seekings are sought worthily insofar as they lead to the attainment of that basic good that is worth seeking: “I ought to seek *x* because getting *x* helps me get the basic good *y*, which I ought to seek for itself; and where it the case that I ought not seek *y*, then neither ought I seek *x*.” These practical *reasons* identifying basic goods as worth seeking, as *ought to be sought*, are thus the only *sources* of norms. Because they begin and ground all other seeking, they are the first principles of practical reasons, the starting norms of all other

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<sup>130</sup> see Finnis, *Natural Law and Natural Rights*, 59-99

<sup>131</sup> Even Hart recognized the difference between feelings and normative principles.

<sup>132</sup> see John Finnis, *Fundamentals of Ethics*, (Oxford: Oxford University Press, 1983), 37-42

subsequent norms which are normative on their account. The first principles of practical reason are what Aquinas calls the natural law.

### Conclusion

Let us summarize our finding thus far in this chapter. We have argued that Law and its normative Rule is inevitably traced to the natural law as an important source. If the law moves, it is because the legal precepts derive their normativity from some first principle of practical reason. Thinking through the implications of practical reasons as the true source of normativity and defining an appropriate political strategy for preventing its normativity from being suppressed or deflected is the task of the following chapters 8 and 9. Attentiveness to this source therefore enables us to figure how best to strengthen it. But before that we must press on one last leg, inferring reason's own normativity towards its ultimate cause, the External Norm (Chapter 6).

## Chapter 6

### From Reasons to Metaphysical Supernaturalism

#### Introduction

In this chapter we continue with the task of inferring the causes of the Rule of Law. Having established practical reasons as the source of law's normative power, we will argue that the normative authority of practical reasons in turn implies some form of Metaphysical, Transcendent Warrant, or God. In this way I argue that natural law ethics leads us to affirm a metaphysics of God, and, consistent with the position in chapter 1, I criticize any attempts to argue in the opposite direction.

#### Proper Functionalism

In the second volume *Warrant and Proper Function* of his highly appraised trilogy, Alvin Plantinga reminds us of what he calls the "sober truth". This last is the epistemic virtue (the normatively desirable factor) in human thought processing which he hopes we will consider: proper function. I quote,

As a first step to developing a satisfying account of warrant, I should like to call attention to still another epistemic value: having epistemic faculties *functioning properly*...<sup>133</sup>

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<sup>133</sup> Alvin Plantinga, *Warrant and Proper Function* (NY: Oxford University Press,



The basic idea is this. An account of human knowing has to include in that account the supposition that the warranted intentional data is the deliverance of properly functioning faculties. In other words, minimally, if the data is to be warranted, it cannot be said to be the product of malfunctioning epistemic processes. The breakthrough, I think, is his next step in that subtle line of reasoning: that to speak of "proper" function seems to lead us in the direction of a creationist, metaphysical supernaturalism. An apologetic vindication for the theist. Crudely put, the strategy is to press for the implications of the assertion that there is a notion of proper function. If there is such a thing as "proper function", then there seems to follow the implicit presupposition that somehow our epistemic faculties were *designed*, whether in ourselves or in our genetic ancestors. A claim of design in turn suggests a designer, whom we may call God.

You might arrest me here. Is this question begging from the start? After all, is it not true that we are sneaking in a normative concept of "proper" functioning? What is the basis of this "proper"? Should we not more accurately just say "functioning" faculties, neither proper nor improper. This seems enough--enough to guarantee certain results, that is, whether normatively intended by design or not. Ernest Sosa recently made this point when commenting on Plantinga's Proper Functionalism. He writes,

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1993), 4

...in seeking an alternative to proper functionalism, let us try to understand "working properly" without appealing to notions like "design" or "design plan" or "Divine design" or even "evolutionary design." What then might it mean to say that something is "working properly"? According to a very weak and basic notion of "working properly," all that is required for something to work properly relative to goal G in environment E is that it be  $\phi$ 'ing where  $\phi$ 'ing in E has a sufficient propensity to lead to G."<sup>134</sup>

An example could illustrate this. Suppose I were an abstract performance artist meddling with a new art form integrating electronic media and other bizarre electronic gadgets. I am interested in capturing on the electronic monitor patterns which register brainwaves, and I have here an electronic probe to attach to the temple of my subject. As he begins to have mental movements, patterns are registered in various colors and shapes in the monitor, which are for me an art form. Unfortunately, when I put a philosopher on the stand, his rigor and systematic thought, though by all academic standards most proper and sane, registers a dull blue line on the monitor. For the artist this mind is not working properly with respect to producing the desired patterns. Instead, he manages to get a man from the funny farm, strapped in a straight jacket as subject, and in spite of his psychological absurdities, produces on the monitor various interesting moving patterns of many exotic colors when his temple is attached to the probe. For the purposes of art, one might in fact say that the subject's mind is working properly only if it is working improperly with respect to say logic. In either situation,

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<sup>134</sup>Ernest Sosa, "Proper Functionalism and Virtue Epistemology", *NOUS*, 27:1 (1993), 51-65 at 57-58

to say further that the mind was or was not "*designed* to function in this manner" seems somewhat out of place. All one can say is that the mind's workings were *useful*--whether by design or not.

But sometimes, it is not just a matter of leaving out the word "proper" or "improper". In fact, even if we leave out the "proper" or "improper" predication, just the use of very notion of "function" can already be design-normative. For something can be said to function, and also not function, i.e., break down. There can already be a kind of "ought" there: there is a *certain way a thing ought to work*, and when it actually does work *in that particular way*, it is functioning. Otherwise, i.e., when it is not operating as it ought, it is not functioning. Plantinga, I think, was attentive to this when his reply to Sosa points out that Sosa' talk of faculty and such related notions already presuppose some kind of normativity that is design-laden:

...the problem for Sosa, I think, is that *the notion of a faculty involves the notion of proper function*. A faculty or power—perception, or memory, or reason in the narrow sense, or digestion, or one's ability to walk—is precisely the kind of thing that can function properly or improperly. So we don't really avoid that notion [of proper function]; we smuggle it in in the very notion of a faculty<sup>135</sup>

Indeed common parlance blurs these two equivocal senses of the term

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<sup>135</sup> Alvin Plantinga, "Why We Need Proper Function", *NOUS*, 27:1 (1993), 66-82 at 79

"function": a stronger and a weaker one. Let us start with the latter. A weaker sense of function means merely that something is occurring, that something is happening. There is no additional clause, "as it ought to be".

So suppose we see for the first time a small UFO landing in the garden of one's backyard, and lying still there for several hours. We wonder if anything will happen, and we do not know what will happen. In a sudden it starts to jiggle. We exclaim to each other, "look! It's working! It's functioning!" In this weak sense then, there is no place for the normativity that leads to the supposition of a design plan. There is no concept that it "ought to work *in this and that way*". Suppose on the other hand that after some jiggles the UFO gives a puff of smoke accompanied by a moderate bang of an explosion. One might then be tempted to say, "Oh dear, it's not functioning." Here the notion of function is stronger than the one above. Here we mean not that it is not working, or that nothing is happening, but rather that it is not working or happening *as it ought to*—because we know, from cartoons perhaps, that things are not supposed to work—i.e., not designed by intelligent minds to work—with a loud bang and a huge puff of smoke. Some kind of normative judgment is present here. Implicitly there is a sense that the UFO ought have worked in a certain way, and it failed to. This sense of (non) function, when asserted, includes the implicit judgment that there is a kind of intended operation, presumably intended by intelligent design. Here too, to function is to function properly. Conversely, to not function is to function badly or improperly. It is to malfunction. So if one starts off with the second stronger claim of function, one can easily shift into speaking of proper function. However, if one starts off with the weaker meaning of function, viz. just mere operation, period or activity, period,

then one needs additional premises to show that there is a sense in which some occurrences are "proper" and others therefore improper". Otherwise, there will be no basis for that distinction, because to happen one way is as equally to "happen, to function" as another way--neither more properly nor improperly than the other. So we must be careful, and note this possible equivocation. To my mind, in speaking of a faculty as a functioning capacity, Plantinga's "faculty" has the stronger and more robust sense of function; whereas Sosa uses "faculty" in the weak sense of function. Both equivocate on the same word, so start off with distinct referents.

Still, claims of operational normativity beg for proof. If Occam is to be believed,<sup>136</sup> then Plantinga has the burden of proof; he cannot simply rest asserting (not that he does) that there are these design-normative notions implicit in our articulations; for all purposes we could simply be careless in our linguistic articulations, so that we have slipped in these notions without prejudice. What needs to be done is to discuss, more further, whether to speak of faculties or functions or such like cognate terms in their design normative sense, we are justified in so doing. Or, if not, then we should seek more neutral expressions, so to be honest as well as meaningfully economical. Hence the task before us is to further consider if our use of the term "function" itself is question begging.

Similarly, as pointed out above, the move from the weaker sense of function to proper function requires the additional premise that there is a way the said faculty was intended to function. This additional premise is something which needs to be established independently prior to the claim of proper function, and not something that

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<sup>136</sup> Not that he should be, and even less for a thomist, I suspect.

*follows from it.* Plantinga's claim, in contrast, is not that one needs an additional and separate argument which concludes that things were designed, and *therefore* we can speak of proper function, but rather, that we do in fact understand or have a notion of proper function, and this in turn leads to or implies a kind of design plan and thus a metaphysical supernaturalism which admits some kind of transcendent designer. In other words, the claim of proper function is prior, and proves the designed universe--at least, the designed human mind. That is to say, Plantinga started off with the premise that independently of any claims that the world was designed, there is a notion of proper function. His "function" is the stronger one: already, there is an implicit normativity in the operation or function. There is an implicit normative judgment that certain things are to operate in this way and not in another. This is not because we think there is a design plan--rather we think there is a design plan *because of this*. So the more-than-putative success of his anti-naturalism campaign stands or falls on the quest for the normative. Like Plantinga, this too is my quest. But my realm is not that of the speculative, but in the practical.

#### Natural Law, Proper Function and God

Now, my thesis. Concurring with John Finnis I think it futile and vain to think natural law theory can benefit from a derivation from metaphysics, because no "ought" from an "is". But the reverse, I argue, could be fruitful. Natural law theory, rather than presupposing a knowledge of God, can actually lead us to an account of a creator. To this effect, it can be fruitful for the natural law theorist to adopt

Plantinga's strategy. In a way akin to what Plantinga has done for the domain of the speculative, I hope to show that the natural law theorist can in fact develop a powerful argument against metaphysical naturalism, moving *from* natural law *qua* practical reasons *to* metaphysics.

Let us see what are practical reasons. Here I am (developing my theory of natural law by) building on the work of John Finnis, Germain Grisez and Joseph Boyle, which elaborates on Aquinas' own account of natural law *qua* the first principles of practical reason.<sup>137</sup> Attention to the data of intentional action reveals a field of experience quite distinct in their character from what are brute emotions. The phenomena of these experiences consists in their peculiar ability to motivate in an intelligible manner; to persons thinking about what is to be done, they appeal as meaningful points worth promoting or acting for. Because intelligent and distinct from the propulsion of emotions, we call them reasons; and because reasons in response to practical question of what is to be done, we call them practical reasons. Thus also, in proposing themselves as worth promotion for their own sakes, i.e, as what ought to be done or sought, they express a normativity, captured by the term "ought" which is not reducible to an imperativity of passionate compulsion. Nor is this ought merely instrumental or prudential, for its normativity hinges not on the value of some further value, as it were, that such and such ought to be sought for some other good. Rather: such and such a good ought to be sought for its own sake--thus

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<sup>137</sup>see their "Practical Principles, Moral Truth and Ultimate Ends", *American Journal of Jurisprudence*, 32 (1987), 99-151. Also see John Finnis, *Natural Law and Natural Rights*, (Oxford: OUP, 1980), and his *Aquinas: Moral Political and Legal Theory* (NY: Oxford University Press, 1998)

the ought, as it were, is not reducible to the useful. So there is a real normativity here that is closer to the right:<sup>138</sup> its normative authority or obligatoriness is not reducible to the impetus of force, nor the contingency of benefits.

Let us consider one of these principles, adequately expressed by a proposition such as

"knowledge ought to be sought"

Phenomenologically, this precept has within its intentional structure an "ought". Substantively therefore it has normativity. By "substantively" I mean that the content of the directive precept includes in it the normativity which is signified by the "ought (to be sought)"

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<sup>138</sup>but not yet 'morally right', where moral rightness requires not merely the use of this precept but further than it be followed through consistently without deviation. But this is not to say that therefore it is morally irrelevant, as Steven Long ("St Thomas Through the Analytic Looking-Glass", *The Thomist*, 65 (2001: 259-300 at 268-272) rightly worries about. Indeed it is a source of morality, wherein whatever follows validly from this would be moral, but still, standing alone, we could not say without qualification that morality is already present; one has to add that whatever follows does indeed follow consistently--and then, in this consistent relation to the first principles, we have morality. So Finnis' various works (*Natural Law and Natural Rights*, *Aquinas*) downplays the moral character of the first principles by saying that they are non-moral to highlight this existential contingency of morality. But the point is however, clear: as fully normative precepts they are morally relevant, i.e., that whatever follows validly from them are themselves moral, but apart from these, we could not yet say that there is morality until we can be sure that what follows from these does so coherently without deviation. For the essence of morality is right reason, and not just muddled practical deliberation, which even heretics and vicious men do, as Aquinas teaches.



But if we look more closely at this precept with its substantive “ought” viz the normativity that is within its intentional structure, we see that this alone is not all that there is to be said. For when we say or grasp that:

“knowledge ought to be sought”,

we mean not merely that there is this intentional data “knowledge ought to be sought” but that this intentional data should not be otherwise. For if this were not the case then the substantive “ought” would be severely undermined. Consider, that if it were merely,

I grasp that: “knowledge ought to be sought”

To merely say that I grasp that knowledge is to be sought is not to exclude the possibility that I could well have grasped that knowledge ought not be sought. If so, then I could have just so happened to have grasped this norm instead of the contrary. Hence it could well be that

I grasp that: “knowledge ought to be sought” *but if I grasped that*

“knowledge ought *not* be sought”, that would do as well.

If this above were possible, then the normativity of “knowledge ought to be sought” must be severely undermined. For this norm could in fact have had an arbitrary

genesis. In that case, to say that such a “norm” (whose genesis is arbitrary) is a norm *qua* something normatively authoritative is something of a contradiction. This is because it could equally have been the exact opposite of what it is, and that would neither be better or worse off; why then, should such a precept be of any determining authority by determining that things should go one way rather than another, since its opposite could just equally be? Indeed, it would be nonsensical to claim something arbitrary as a normative rule. Yet if we are to maintain that the normativity is present to be followed through, then something else is necessarily included over and above the substantive ought. I need not merely that I have indeed grasped that “knowledge ought to be sought”, but further, to think that:

*I ought to* grasp that: “knowledge ought to be sought”

In other words, I have to think that my grasping this precept is not arbitrary, even if there be a general consensus on its assent. It ought to be this way and no other contrary. And I ought to have grasped this, and no other contrary. Let us call this “ought” which is outside the substantive intentional structure of the normative data the epistemic ought, or the epistemic normativity, because it has to do with the right way about one’s epistemology, or theory of knowing. But to return to the immediate above: why do I need to have had this epistemic “ought”? Well, the reason is this. Only with this epistemic “ought” was the arbitrariness that will necessarily arise without it excluded. Only with this epistemic “ought” could it be that the particular norm was not replaceable by the opposite of what I have grasped. So if my precept

and its substantive normativity is present, then implicitly its presence presupposes that this is the way it is supposed to be, and that it should not be otherwise; in other words, what I grasp is what I ought to have grasped.

Now there can be a misunderstanding here. I am not saying that one ought to grasp that “knowledge ought to be sought”. I am not making a normative claim here. Rather it is the reverse: saying (meaningfully) that knowledge ought to be sought entails that one ought to so grasp it. Nor am I saying that as a matter of objective fact, I am not mistaken or that I indeed have grasped in a manner that I ought to. Indeed, it is not just about being “mistaken” for to speak of “mistakes” or “errors” suggests that there is still an objective, non-arbitrary standard. But the point is that without the epistemic normativity, one cannot even coherently worry of “errors” or “mistakes” or such likes, because there just are not any of these: one thing is just as good as another. Deviations are guiltless. Rather: I am saying that the person who experiences the practical reason as normative *must believe* that such a precept was grasped in a way it ought to be have been grasped. I am describing what phenomenologically is included in the eidetic essence of any normative practical precept. What I am saying is that *if* the normative precept is substantively normative, then the epistemic normativity is included. This means, that given the fact that we do indeed experience such normative orientations, then necessarily associated with these normative orientations are beliefs about epistemic normativities without which the substantive norm itself cannot be. For: if we took the epistemic normativity and separated it from the substantive norm, the substantive norm loses its robust normativity. Unless we include the assumption

that the way we grasp that which we grasp is indeed the way we ought to grasp, then whatever it is that we have grasp would in fact be arbitrary, and hence would not be normative.<sup>139</sup> Hence to say that have grasped that I ought to do such and such, at the same time includes the claim that I ought to have so grasped it. Aquinas, it seems to me, had this in mind in the corpus of question 16, article 2 of his *De Veritate*.<sup>140</sup> After explaining in the previous article that we know the first principles of practical reason without inference, just as angels intellect knowledge, he poses the question: “whether there can be error in *synderesis*, which is the habit (permanent faculty) for delivering first principles of practical reason?” Note the context of the question. This question follows nicely from the previous because precisely as asserted in the previous question, the first principles are not inferred, so the issue of their truth becomes especially pertinent. If the precepts were derived, then to ask if they could err would just be foolish--of course they could err, as all inferences can be fallacious. And the way to know if they are mistaken or erroneous is simply to examine their logical connection to the premises they were derived from, since their truth or falsehood stems from evidence of the previous premises. But now, precisely because they are not inferred and hence no inferential mistakes are possible, so equally also there is no way to establish their truth as one would be able to if they were inferred. Hence the question, "can it be mistaken?" is very fitting, because it seems that we cannot know,

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<sup>139</sup> In the same way St Thomas aims to discern the essence of any being (say a phoenix, Aquinas’ own example), and when abstracted from existence, the essence remains as it is, so the essence of a being does not include in it the concept of existence. See Thomas Aquinas, *De Ente et Essentia (On Being and Essence)*. Armand Maurer CSB (trans.), (Toronto: PIMS, 1968), Chapter 4, 55.

<sup>140</sup> St. Thomas Aquinas, *On Truth (De Veritate)*, q. 16, art. 2, corpus, James McGlynn SJ (trans.), (Chicago: Henry Regnery Co., 1953), Vol. 2., 304

as contrasted with how we would be able to know if it were inferred. What then is Aquinas' answer? Or what should we expect his answer to be? What ever it is, we can be sure what it is not: he is not going to infer the truth of the precepts--indeed he cannot; the question of the truth of the precepts is relevant precisely on account of their non-derived nature.

Indeed, his answer is that there cannot be any because then there would be no probity or normative authority in whatever follows from it. So he does not appeal to some other premise to (inferentially) establish their normativity. Instead he takes for granted (and therefore affirms) that the normative authority is already present, which traverses into the other precepts inferred from them, and this supposedly present normative authority (from the inferred secondary precepts all the way to the first principles) would be incompatible with the claim that they were mistaken. The point being, that if we think as we do that (first principles of) practical reasoning are truly normative, then we have to grant that the first principles are supposed to be what they are--which is logically distinct from merely saying that they are such and such (which is not necessarily yet what it should be), for to say that this is what it is supposed to be adds :that this which is what-it-is is precisely what-it-ought-to-be and none other). Hence it is to say that whatever which *synderesis* grasps as the first principles of practical reason, then I ought to grasp it.

Effectively then, a fully flashed out experience of the normative (first principles of) practical reasons has these 2 components:

[1] The *substantive norm*: “such and such a good/value (e.g., life, knowledge, friendship) *ought* to be sought”

[2] The *epistemic norm*: “I *ought* to grasp that: [1]”,  
 i.e., “I *ought* to grasp that: such and such a good/value *ought* to be sought”

But to say that I ought to grasp this and that is really to suggest, if anything at all, that this was the way my mind was intended to grasp it: that if my mind was functioning this way, it was functioning as it was intended to, as it ought. I.e., it means that my mind was functioning properly. And not just "properly" with respect to the principles which would well be one way or another, as perhaps Sosa would insist, but properly with respect to the principles which are normatively authoritative and so cannot be other than what they are. In sum, it means that implicit in the normative authority of practical reasoning is the assumption that my mind is working properly, that my epistemic faculties are sound.

Hence--capturing the above point--Aquinas' next article probes how, if ever, can practical reason's first principles be other than what it is, and his answer is that when and only when one's epistemic faculties are damaged, or malfunctioning, in which case the first principles will be destroyed. Put another way, if they are not destroyed, then one's faculties are operating properly, soundly. They are working the

way that they should or ought to work.

From this we may reach other implications. For when we say that my epistemic faculties were working the way they ought to work, and thus I ought to grasp whatever substantive norms that I have grasped, implicitly I mean to say that it is in accord with some kind of external normative standard—i.e., such a normative standard itself external to the epistemic normativity and yet consistent with the epistemic normativity that we have so far revealed in our analysis. What are these? Well perhaps we should start with what are those which are *not* consistent with the normativities fleshed out in our analysis. Evolutionary naturalism is one of these. In a very fine piece Thomas Nagel most insightfully asks,

What does it mean to say that my practical reasons are efforts to get the objectively right answer about what I should do, rather than manifestations of biologically selected dispositions that have no more objective reality than a taste for sugar? The idea of a harmony between thought and reality is no help here, because realism about practical reasons and ethics is not a thesis about the natural order at all, but a purely normative claim. It seems that the response to evolutionary naturalism in this domain must be purely negative. All one can say is that justification for actions is to be sought in the content of practical reasoning, and that evolutionary explanation of our dispositions to accept such arguments may undermine our confidence in them but cannot provide a justification for accepting them. So if

evolutionary naturalism is the whole story about what we take to be practical reasoning, then there really is no such thing."<sup>141</sup>

We may recast the point positively this way. Evolutionary naturalism, which says that the way we are is the result of blind chance devoid of any creative Theistic intentions or design, cannot cohere with the epistemic normativity implicit in the first principles of practical reasoning, themselves substantive norms which respond to the question, “what ought to be done?”. We have seen that the answers to that question are the substantive norms which include epistemically normative assumptions. Meaning, that the mind ought to work in a particular fashion, in a certain way, or that it function properly. If we believe that the mind ought to work this way rather than that, but we have come to be by forces without conscious, intentional design, then it would seem that this “ought to work this way” is really a vacuous claim. For things could well have turned out in another way, and that way (being that way different from the way that the mind does indeed now work) could equally be as good. In fact to speak of “equally as good” is not quite right—to be more accurate, we should say that the other way things might turn out is neither better nor worse in itself. One way things turn out cannot be fittingly said to be more or less (im)proper than the other. For unless there is some transcendent Author or Ought-er, that Standard which sets the stage for saying that there is an Intended End (so that something which is more efficient to that end is better) or that there is a blue-print with which to compare our mind’s epistemic processes (so that what matches better that blue print is better), there is just no basis

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<sup>141</sup>Thomas Nagel, *The Last Word* (NY:Oxford University Press, 1997), 141-2



for comparison, no basis for judgment. In his very fine *Real Ethics: Rethinking the Foundations of Morality*, John Rist displays a firm grasp of this very problem. He writes,

In the world of realist morality, the 'determination' that this *ought* to be done is not something secured by a human will reacting to inclinations, but something to be first recognized by the human mind de facto, simply because the world is as it is. Though human reason may give the command that X should be done (in the belief that X 'morally' ought to be done), that 'ought to be done' ...implies further authorization--and that not merely because of the inability of the human mind to determine correctly even when it determines sincerely. In justifying itself as moral rather than prudential or at best constructively rational in the Kantian sense, fallible human reason requires...some sort of external warranting. In default of the Platonic Form (which does not give commands) that external warrant can only be God, whose 'nature'...is communicated by way of non-arbitrary commands. Insofar as practical morality provides us with *obligations* rather than simple appeals to our (limited) reason, it requires the justification not of an impersonal and inactive Form but of an omniscient, providential and perceptive deity.<sup>142</sup>

The principles of practical reason must therefore, in the final analysis, be thought

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<sup>142</sup>John M Rist, *Real Ethics: Reconsidering the Foundations of Morality*. (Cambridge: Cambridge University Press, 2002), p 259

of not merely as prescribing normativities, period, but: prescribing normativities *which are intended (by design) by a transcendent source (outside of the structures of the human epistemic processes)*. Otherwise what we hold as normatively credible will be but an incoherently vacuous fiction.

Let us take stock. At this point, we have defended the thesis that naturalism and practical norms are incompatible. Thus, the following conditional and its corollary:

“If naturalism is true *then* practical norms do not exist”

and *modus tollens*: “if practical norms indeed exist *then* naturalism is false”

We could go further: since naturalism is false precisely because of the problem of arbitrariness, then whatever is entailed by the epistemic normativity as the source of this normativity must itself not be arbitrary. So the external Warrant, as something which must itself not be arbitrary, must itself be normative—there must in it be some Intention, or Design, some ultimate Normativity—call this the ‘metaphysical Norm’. But we have no understanding of *what* all these norms (*ought to be’s*) are except through our grasp of the content of the first principles. Meaning, we have no idea of how our mind ought to work (i.e., *this* way rather than that way), or further, how the external Warrant should design our minds (i.e., *this* design rather than another), except through the substantive norms. For if the substantive norms were one way (say,  $x$ : one ought to seek  $\psi$ ) rather than another (say,  $y$ : one ought not seek  $\psi$ ), so also the epistemic norms are one way (e.g., that properly function faculties are faculties  $F(x)$ )

that ought to function to generate  $x$ ) rather than another (e.g., that properly functioning faculties are those faculties  $F(y)$  that ought to function to generate  $y$ ), and also the metaphysical Norm would be one way rather than another (e.g., that It intended or designed  $F(x)$  rather than  $F(y)$ ).

From this we see how we might get a glimpse of what the nature of the metaphysical Norm is—namely, that it is one such Ontological Principle, that intends  $F(x)$  and therefore  $x$ . Suppose we call this Ontological Principle God. We have no grasp of its nature in itself, and certainly nothing of the sort of the things that revealed Faith teaches us about God (e.g., God is an uncreated Trinity of Persons, at once omnipotent, omnipresent, omniscient and omni-benevolent) could be approached here. But in terms of His *normative* effects—i.e., its *intending* or *designing* things to be one way rather than another—we may perchance be able to say something about it. God is that which intended and designed  $F(x)$  and hence  $x$ . But normativities like intentions and designs are not random acts; in choosing things to be one way rather than another God shows Himself to be someone who *chooses*  $F(x)$  rather than  $F(y)$ . Here we approach a very poor grasp of the kind of Being God is: that he is One who would sanction through his choice  $x$  rather than  $y$ . Now a Being that would sanction  $x$  rather than  $y$  seems not just any Being but an intelligent being, with a Mind that would judge  $x$  in favour of  $y$ . Yet also our mind and our grasp of the first principles of practical reasoning would also have judged  $x$  in favour of  $y$ . Have we not here, in the human practical intellect, then, a certain sharing and con-geniality with the Mind of God?

Therefore my last suggestion: even if one as a moral *philosopher*, stripped of the premises of revelation, might not call practical reasoning or natural law a certain

participation of the eternal law, co-extensive with the Divine Substance,<sup>143</sup> as St. Thomas did, one can certainly approximate this definition. The principles of practical reason hence are always grasped as principles sanctioned and determined by a Transcendent Warrant, a Normativity, a Mind that shapes the normativity which human beings experience. If we call this Transcendent Source of Norm or Warrant God, or a Mind, then our normativities and mental proclivities *qua* product of Its determination, would be some kind of a sharing of that Normativity or (God's) Mind. (Be it noted, however that this sharing need not necessarily come through by way of the precepts themselves, as would be for example when God infusing the precepts themselves directly to us. Rather, this sharing could be simply by way of the secondary causes of the precepts, such as the designed shaping of our faculties, which then, operating of themselves, delivers the normative precepts.)

### Can't Do Without Metaphysics?

Still I would mention some reservations I have of Rists' account of natural law or practical reason's normativity. He concludes therefore that natural law theorists such as Grisez and Finnis *cannot avoid* a Theistic metaphysical context. Indeed Rist picks on Finnis and Grisez for precisely this. Thus Rist continues,

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<sup>143</sup>as Russell Hittinger reminds us of and request we do so. See *his The First Grace: Rediscovering the Natural Law in a Post Christian World*. (Delaware: ISI Books, 2003)

We are forced to concede that moral obligation--only obligation clearly separable from prudence or enlightened self-interest--remains a utopian dream in a non-theistic (and therefore...non realist) universe, and vain are attempts of theists to deny this in hope of persuading secular moralists that the debate between them is resolved in purely this-worldly terms. As they should have foreseen, philosophers who, like Grisez and Finnis, attempt to argue that God need not be invoked in such debates are no more able to avoid him than was Kant, who, attempting to show that morality needs no metaphysical foundations (in his understanding of metaphysics), had to allow that without the ultimate sanction of God, his moral universe would collapse: a side of Kant...well appreciated by Nietzsche, who held that after the 'death' of God there could be no foundation for morality.<sup>144</sup>

As I pointed out, Rist thinks an account of ethical normativity "cannot avoid" a theistic metaphysics. Nonetheless I think one has to be careful about overstating this. Instead of understanding "cannot avoid" as meaning that natural law requires such a metaphysical context as a philosophical premise to *establish* reason's normativity, it would be more accurate to say (which is what I have been saying) that natural law theory "cannot avoid" such a theistic metaphysics in the sense that only such an account is consistent with practical reason's admissible self evident normativity. The possible inconsistency between a robust account of practical reasoning and certain naturalistic metaphysical assumptions was not blind to Finnis (even if not elaborated

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<sup>144</sup>Rist, *Real Ethics*, 259-260

at great length), nor certainly to Aquinas. In the final chapter of his *Aquinas*, Finnis writes:

[the] reflective account of Aquinas' social, political and legal theory has mostly been within *moralis philosophia*. That is to say, it has been concerned with the (third) order that practical reasons can bring into one's deliberations and free choices, rather than with the (first) order of realities which are what they are quite independently of our reasoning about them. But no course of reflections could reasonably remain confined to the practical, to third-order considerations. For the very fact that there *is* a third type of order--that rational order can indeed be brought into one's choices, that there *are* first principles of practical reason--is a first order reality, a kind of given, something remarkable that is somehow independent of and prior to one's practical thinking. The projects or options which we conceive and deliberate upon--like the logic by which we guide our thought, and like our products and techniques--have their immediate explanation, their cause, in human thinking. But our capacities to make and carry out a choice--like our capacity to think logically, and the availability and malleability of the materials out of which we make our products--are factors in the first order: they are what they are, independently of our thinking and willing...All these realities, like everything else in the first order, provoke the question: Why? What is their explanation? What other factors contribute to their being as they are and

working out as they do? What must the world be like for such thing to be the case? It would be very good to know!...In tracing some of Aquinas' fundamental reflections on first order realities, we will not be straying from the subject of this book...*For everyone is aware how close is the fit between first-order and third order positions--how smoothly, for example, the thought that everything is no more than material particles evolving by blind chance towards eventual motionlessness fits with the thought that nothing really matters save getting pleasures while we may. And though the natural sciences themselves have a self-correcting, critical method and integrity, it would be rash to assume that the tendency to rationalize one's wrongful choices plays no part in the genesis, defence and successful diffusion of wider 'scientific world-views'. (not to mention loquaciously irrational "post-modernisms").*<sup>145</sup>

The point being, (especially in that last part of the quotation) that a mechanistic world view coheres with and leads to an account of “morality” which condones rationalization. And by “rationalization” Finnis means here and elsewhere “reasons which one recounts to oneself or to others, for doing an action that one in fact is doing for emotional satisfaction, for emotional ‘reasons’ that are not reasons which intelligence understands and reason affirms and develops.”<sup>146</sup> In other words, in keeping with such a mechanistic world-view, only such non-reasons or pseudo reasons

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<sup>145</sup>John Finnis, *Aquinas: Moral Political and Legal Theory* (NY: Oxford University Press, 1998), 294-296

<sup>146</sup>Finnis, *Aquinas*, 74

will have any credible appeal because practical reasons, which are the only real *reasons (prescriptions with normativity)*, would in fact be reduced to nonsense. This point we saw Nagel and Rist were perceptive to, as explained above. From the perspective of those who do affirm the reality of practical reasons *qua reasons qua authentic normative directions*, rationalization will be the order of the day. Simply put, such a world view reduces a reasonable normative morality to an absurdity.

But *modus tollens*, if it is true that there are practical reasons *qua* prescriptive norms, then equally and in the opposite direction, such a world view is false. This last is what we are arguing for, and which Finnis (and Grisez) do not develop but are attentive to and thus are certainly not opposed to, as we saw in the above. What they deny, however, is simply that an account of the *content* of the principles of practical reasoning or natural law requires a metaphysical knowledge about God, or for that matter, premises about human nature. Not only does it not require, it cannot use that knowledge, because of the logical gap between the descriptive and the normative.<sup>147</sup>

Indeed the extended debate between the traditional readers of St. Thomas and the New Natural Law theorists concerning the disassociation of human nature and natural law fleshes out the possible confusion between the priority of the ontological and the priority of the epistemological which Finnis et al are insistent on clarifying. What is epistemologically first is not human nature, and we might add, as is relevant here, any metaphysical account of reality. What is epistemologically first are the experiences of practical reasoning: the experience of the intelligible goods and their prescriptivity. What is ontologically first, however, would indeed be human nature

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<sup>147</sup>John Finnis, *Fundamentals of Ethics* (UK: Georgetown University Press, 1983), 20-23.



and the larger metaphysical reality--for unless these first existed, there could be no cosmological *reality* of which beings are a part, nor human beings with their particular *human natures* with a capacity to think and know. But insofar as knowing is concerned, the relationship is reversed: for we know we are beings with a nature to know thanks only to the fact that we do experience objects of knowledge, from which we infer that there are knowing faculties, and then that we are such beings which can know. We need not over-labour this point, already well clarified by Robert P. George.<sup>148</sup> (see chapter 1). Similarly, we can also infer that we exist, and as we have pointed out, that we exist in an anti-naturalistic universe. But this final inference is not a claim that such a universe is not first required—indeed it is *very necessarily first and very much first needed—ontologically, that is*. The whole notion of practical reasoning would be quite vain were it not for the ontological reality that there is some kind of External, non-Arbitrary Intelligent Author or Creative Designer, whom we might call God. So practical reasoning, as a coherent concept and reality, leads to this metaphysical truth, which is ontologically prior. That is to say, the reality of practical reasons entails that that I agree that God exists, and that He exists *prior* in being (and time) *compared to my knowing here and now* (that there are practical reasons or that he does indeed exist in being and time prior to my so knowing that he does or indeed, any truth at all). But that being said, knowing *what* these practical reasons are by no means presupposes that I *first* believe there is such a God, or know anything about Him. Discovering the *what* of the precepts is achieved by reflecting on the choices one makes when one asks oneself the question, “what am I to do?” Once more,

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<sup>148</sup>see Robert P George, "Natural Law and Human Nature", *In Defense of Natural Law* (NY: Clarendon Press, 1999), 83-91

believing that God exists, forced by the reality of practical reasons which are not categorical fictions, tells us nothing about *what* these practical reasons *qua normative prescriptions* are, which are known without prior hint of God.

But Rist is aware of this. Thus my sense is that his charge goes deeper. His complaint is that without us *already* having established and therefore knowing that God is there to guarantee their normativity, even the substance or content of the precepts would be called into question *from the very beginning*. So granted one could know these precepts, what normative authority they would have is at most tentative or dubious. Because: if their normative truth or credibility is vulnerable to a radical skepticism to begin with, nothing else follows. Finnis might indeed have given us the right methodology for knowing the precepts of the natural law, but until God is there to guarantee that such ends are indeed worth seeking as we seem to have grasped (presumably through guaranteeing the credibility of our epistemic faculties) why should we even obey these natural laws qua reason's practical prescriptions? So Rist is really asking the "Cartesian" question: without the guarantee of a benevolent God, how are our epistemic deliverances guaranteed to be free from skepticism *from the very start*? Just as Descartes invited us to question the normative authority *qua* veritability of the first logical (speculative) principles in the *Meditations*, so Rist invites us to question the normativity of the first practical principles. As Descartes asked, "how can we be sure that our logical principles are really true, until we have established that they are not the conniving of an evil genius but the products insured by a non-deceiving good God?", so Rist asks the same of the practical domain: How

can we be sure, save by some theistic guarantee, thanks to a loving God, that these precepts are *objectively, really* true *qua* credibly normative? In this way Rist takes to task not only Finnis, but Anthony Lisska, who, contra Finnis, thinks one can indeed derive the precepts of the natural law from an account of human nature. Thus,

Even supposing that we could come up with our rationally derived list, we would have shown no more than that if we want to flourish, as we have defined flourishing, we would do well to live in a certain way...If we are a substantial set of dispositional properties tending to a certain end or good, there seem in a non-theistic naturalism to be no more than prudential arguments as to why the human race should *accept* that good. We incidentally may not *want* to be 'human' or 'fully human'...so why should we not decline any 'obligation' to be moral, that is choose to make ourselves something else, something 'non-human'? Of course, if we are *designed* by God to go in a certain direction as towards our ultimate and individual end, and if that directedness is the plan of an ultimate goodness, the situation is quite other. In that case, and in that case alone, a choice of immorality is stupid pride.<sup>149</sup>

Basically Rist is eager to ground the normativity of practical reasoning, and that on a metaphysical premise of a loving and commanding God. Introducing the possibility of deriving the precepts complicates matters somewhat—partly because it

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<sup>149</sup>Rist, *Real Ethics*, 154-155

is I think fallacious from the start, and also partly because as Rist rightly points out, such derivations capture only a prudential norm—but the bottom line is, no matter derived or self-evident, supposing we have here what are norms which are normative in the fully robust sense, Rist is still not going to be satisfied. Because until he knows that God is there to guarantee that these “norms” are *indeed, in a supra-phenomenally objective sense, truly normative*, they are for him weak foundations to proceed with. So his quest, if I may, is to build an ethics on a good God.

Unfortunately his quest seems to me to be wrong-headed, and this for three reasons. Firstly, the project is meaningfully problematic. Secondly, the project involves some kind of performative self-contradiction, or self-referential inconsistency, if you will; for: the very posing of the question—i.e., its very problematizing—can only be thanks to the very principles the question seeks to undermine. Thirdly, his arguments are fallacious. To best see all these we could examine Rists' proposal. He suggests that unless we first know there is a *loving* God, we would not yet find the precepts of practical reason to be normative in their fully robust sense. Distinguishing his theory from a brutish divine command theory, He writes,

If...God's love is an attribute inseparable from his power, we can be certain that what he commands will not be right *merely* because he commands it (even though he will and 'must' command it if it is right), but right because it is good as God is good...Granted the truly divine commands of a God

whose nature is love, we can assume that actions are wrong because alien and hostile to that divine nature, and against his will because God does not command what is contrary to his excellence. *Thus a viable 'realist' morality --the alternative to the ethics, or better 'moralities', of choice, rational calculation or obligation for obligation's sake -- involves obedience to divine commands not because they are commands, but, as the Platonists always put it, because what is good is in itself inspiring to us,* just as, analogously, a loving being will not use power unjustly, even though he or she may have the physical capability of doing so...<sup>150</sup>

This looks right, but is in fact a wild goose chase. I raised three objections; I will now elaborate on them in turn. Firstly, in line with St. Thomas, I say that Rist too casually overlooks the difficulties in employing moral predicates to God, as he so freely does. For a fact, we have no idea what God's nature is. All we know is—to the extent that we would be successful deducing from the fact that we are essentially (quidditatively) limited instances of really distinct<sup>151</sup> existence {*esse*}—that God is

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<sup>150</sup>Rist, *Real Ethics*, 262

<sup>151</sup> On Real Distinction see: John Wippel, *The Metaphysical Thought of Thomas Aquinas: From Finite Being to Uncreated Being* (Washington DC: CUA Press, 2000), 132-176, Reginald Garrigou-Lagrange OP, *God: His Existence and Nature* (NY: Herder, 1946), Vol. 2, Epilogue, 548-558 There is a spectrum of interpretations on how “real” the distinction is. While I am more sympathetic to Wippel’s exposition on this matter, the reader should be attentive to other competing accounts. On one end of the spectrum which argues that the distinction is not real to the point where essence is ontologically other than existence, we have William E Carlo’s *Ultimate Reducibility of Essence into Existence* (The Hague: Martinus Hijhoff, 1966), 103-104 and Rudi Te Velde’s very fine study, *Participation and Substantiality in St. Thomas Aquinas* (Leiden, Netherlands: E J Brill, 1995), 151-152; On the other end where the real distinction is claimed (I think, erroneously) to be not merely a distinction of two

pure Unlimited Existence {*Esse*}.<sup>152</sup> We may indeed predicate Goodness of God, and God may indeed be morally good but philosophically the transcendental Good is not a moral predicate; it is a metaphysical (or ontic) predicate. At least, it is not a “moral” predicate in the sense that Rist can find useful. For ‘good’ adds nothing except a concept of a relation to ‘being’; good is that being which is related to another being by perfecting the other being existentially. But for all we know, that ‘good’ being might be perfecting another being for malicious intentions, though God himself forbid. Because God's Essence is Existence {*Esse*}, and existence {*esse*} perfects everything that exists by bringing it into being and sustaining it in being,<sup>153</sup> therefore God is most fittingly said to be good—not morally good, but good qua *that which perfects (existentially) another (as an end)*.<sup>154</sup> Existence {*Esse*} perfects every existent {*ens*} as an end by bringing it into existence and hence no matter with reference to whichever being {*ens*}, God is focally and fittingly predicated good *qua* existential perfector with reference to every being, to the extent that it exists. For this reason, St. Thomas following Augustine says that everything is good insofar as it exists, not however by an exemplary form (in which case divinity would be in the essence of the creature) but by participation,<sup>155</sup> thus outside of the really distinct essence of the creature but nevertheless so intimate with it as to form a unity {*unum per se*}

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ontologically distinct principles, but rather two things (*res*), we have Giles of Rome and to a controverted extent according to some scholars, Cajetan's commentary on Aquinas's On Being and Essence, his *In De Ente et Essentia*, who speaks of the distinction of essence and existence “as if two things”.

<sup>152</sup> *De Ente et Essentia*, 60-61

<sup>153</sup> *ibid.*

<sup>154</sup> St. Thomas Aquinas, *De Veritate*, op. cit., Vol 3, Q. 21, art. 1, 6-7

<sup>155</sup> St. Thomas Aquinas, Qq., 2, q 2., a. 1 in *Quodlibetal Questions 1 and 2*, Sandra Edwards (trans.), (Toronto: PIMS, 1983); *De Ente et Essentia*, 55-56.

composite from which no third thing emerges. This much we know philosophically of God's nature: that he IS, as the IS which, through his generous free gift of this IS is the metaphysical perfectant of everything else that *has*<sup>156</sup> is-ness and therefore also is, he is called Good from every point of view, because he perfects everything, every being {ens}. But outside of scripture and revelation, God's nature is hidden. This revelation also testifies, as St. Thomas notes well, since when in the Exodus 3:14 God revealed his Name, he told Moses that he was "He Who IS", that he was "I am who AM" {*Ego sum qui SUM*}, period, not he who is such and such. He IS, not is what.<sup>157</sup> For this reason, while we can be philosophically sure that God Exists, and as Pure Existence lacking absolutely nothing is Perfect, he is therefore good, we need *faith* to trust in his infinite (moral) goodness. So strictly speaking, philosophically to say that God is good and loving are just not *morally* meaningful—*unless*, in a very limited manner as I pointed out earlier near the end of the first section, by way of the normativities *which we already experience*<sup>158</sup>; but Rist would not yet endorse these norms. So crippled without the premises of revelation, a philosophical ethicist who doubts the normativities of practical reasoning cannot, even if he appeals to metaphysics, find in 'a morally good God' a meaningful referent, let alone a ground or basis for obligations.

Now do not misunderstand: surely as Aquinas would say, God is good in a

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<sup>156</sup> *Habens esse*

<sup>157</sup> St. Thomas Aquinas, *Summa Contra Gentiles*, Bk 1., Anton Pegis (trans.), (NY: Hanover, 1955), Chapter 14, 2; Chapter 22, 9-10

<sup>158</sup> and that only if we further suppose that 'moral goodness' is defined in terms of some kind of agreement with these norms, because all I claimed back then was that there was some correspondence between God's Mind and ours, but that does not seem to rule out the possibility that He is Evil and I'm a demon.

moral sense, where *specifically* to be ‘moral’ is to be perfectly rational, and God is perfectly rational. But, this morality is a claim about God’s not lacking in anything whatsoever as pertains to right reason and this “not lacking anything *whatsoever* as pertains to right reason” tells us nothing about these “whatsoever” in themselves. It just tells us that whatever ought to be there—and God knows what it is that ought to be there—if it is there, then God is moral. Now these whatever-that-ought-to-be-there as pertains to rationality (and God knows what they are!) must indeed be there since God is perfect as Infinite Being lacking nothing, and so he is moral. But notice how there is no illumination regarding the content of God’s moral goodness; rather, there is only the claim that *whatever these contents are that ought to be there, there they are*. To borrow a Heideggerian distinction, to say that God is morally good is an ontic statement, rather than an ontological one. It is to say that God is morally good qua perfect Being (and hence also fully *existing*) lacking nothing, but tells us nothing about *what* that Infinite Being which exists is.<sup>159</sup> But in that case, this claim that God is morally good is of no use to Rist. Remember, Rist wants to say that God is good,

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<sup>159</sup> Also see Qq. 2, q. 2. a 1, *op. cit.*, where Aquinas most explicitly explains how he means God is good. God’s goodness is always ontically defined, i.e., in terms of his infinite plenitude of being. Something is good insofar as it is. God is goodness itself because he is essentially existence, IS. We in turn share that goodness—because ontically we also are but participate in being: “we must say that ‘being’ (ens) is predicated in the manner of an essence of God alone, inasmuch as divine being (esse) is subsistent and absolute being. However it is predicated of any creature in the manner of participation, for no creature is its being but rather is something which has being. So also we call God ‘good’ in the manner of an essence because he is goodness itself, we call creatures ‘good’ in the manner of participation because they have goodness. For anything is good inasmuch as it is, according to what Augustine says in *De Doctrina Christiana* 1, that inasmuch as we are, we are good.” So to say that God is good is to say that he is Infinite Being, but does not explain anything about his moral character or behavior. Unfortunately it is the latter sense of “good” that Rist requires in saying that God is good for his purpose of grounding ethics in the divine commands of such a good God.



*and therefore whatever he commands will be good.* But in this very conjunction “God is good and therefore whatever he commands will be good”, Rist wants the latter ‘good’ to say something ontologically substantive (as opposed to merely ontically substantive) about the commands, i.e., that they are good *qua* morally agreeable precepts, because commanded by a morally agreeable God, *rather than merely commanded by God, period.* So for Rist it is important that somehow the moral goodness of the commands derive their moral goodness from the moral goodness of God. Because God is good, somehow that goodness translates into the goodness of the commands. But just at this point the ontic goodness of God cannot deliver: because this says no more than that God IS he who lacks nothing, and *whatever* it is that he does not lack, they are there, and on the basis of that *whatever* that the lacks not, he commands. Now this seems to me no different from the brutish divine command theory Rist was trying to escape from. In this case, *whatever* he is, that *whatever* gets translated or transmits into the character of his commands. Wherein these commands, being *whatever they are*, would come from a God who IS perfectly *Whatever* he is. If we are going to call this “whatever” under descriptive terms such as loving, morally good, etc., then what we really have before us is indeed is a divine command theory that equates moral goodness and lovingness with *whatever* God commands.

Further, even if God revealed himself to be morally good, it would seem difficult for us to have any grasp of that moral notion of God unless we first had some kind of earthly grasp of what moral goodness consists in. Morally descriptive terms like a *good* and *loving* God are at best empty signs, unless we can make an analogical induction by magnifying to infinity the moral goodness and the lovingness that *we*

*already grasp here*, even if vaguely. The kind of proper and fitting sense in which God is good and loving—i.e., his nature—is something quite beyond the grasp of the human intellect; it is something that is given and known only in the beautiful vision when the intellect is supported by the power of grace. Telling someone that God is infinitely good is just vacuous nonsense because we simply do not have access to the referent of the phrase ‘infinitely good’. If however it is to mean *anything*, it has to be none other than some kind of analogy of what we already think good *qua* morally agreeable or some other this-worldly notion. And even that would be hard to endorse, as St. Thomas and the Pseudo Denis would warn. So eventually that moral “goodness” of God still leads us back down here *first*. Prior to all that goody talk of a moral God, we must *first* have some stable notion of what objectively moral goodness is. But if we need to have some kind of this-worldly account of moral goodness *before we can even make the meaningful claim that such a morally good God is giving commands*, then it seems to me that the metaphysics of a morally good God cannot be a ground for ethics. Rather, in reverse: ethics becomes the basis for any possibly meaningful metaphysical articulation about the moral God which Rist hopes to appeal to to guarantee his ethics. Nor would it help for Rist to say that whatever God reveals himself to be, that we call ‘morally good’—because in that case what is morally good is what God commands as proceeding from his ‘morally good nature’, and we are back to the raw divine command theory that Rist was eager to dissociate himself from.

But secondly, and more importantly, suppose I do know what it means for God to be morally loving and good, still: *why ought I obey God, who loves and commands*

*what is good?* Given that I am dissatisfied with obeying God simply because he commands it, then unless I already think that I ought to obey what is good, it matters not a dint that God commands what is good. For it is not itself evident that I should blindly obey the good that God commands, even if I should be so sure that he cannot but command goodness—unless I already *first* agree that I ought to obey the good. And Rist himself confesses this; as Rist himself says, if we obey the good that God commands, it is because “what is good is in itself inspiring to us”—but what does that mean? I suggest: nothing more than whatever it is we think is good *qua* worth doing, seeking or promoting, *that "whatever" ought to be so done, sought and promoted.* I.e., until it matches up to the very self-evident principle, what is good ought to be sought and done, and what is contrary to that good ought to be avoided, Rist would not sanction it. So Rist is muddled: while he is so adamant about God’s commands, his analysis betrays its irrelevance.<sup>160</sup> For ultimately, whether God commands or not, the crux of the matter is that *I, independently of God and his commands, understand that good ought to be done.* But to agree—as Rist must now agree—that “good ought to be done, *never mind the fact that a good God commands the good*”, is to admit that the “ought” is already fully normative *sans* God’s commanding the precept. In other words, Rist's project to ground the normative credibility of (the deliverances of)

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<sup>160</sup>Also see Michael S. Moore's (I might add, absolutely brilliant) "Good Without God" in *Natural Law, Liberalism and Morality*, Robert P George (ed.), (NY: Clarendon/ Oxford University Press, 1996). 221-271. Moore thinks Finnis' final appeal to God in the last chapter of *Natural Law and Natural Rights* to mitigate the subjectivity qua "merely relative to us" does not succeed. For Moore, God on close inspection does no work. I am inclined to agree with Moore. Still, bear in mind that the subjectivity in question is not that of arbitrary opining, which there is not. But I do not do justice to Moore with these superficial comments; I earnestly ask our reader to inspect the exceptional paper for himself.

practical reasons from the start itself in the commands of a loving God cannot be meaningful except by presupposing the normative credibility of the very practical principles he hopes to justify. Unless we are motivated by these first principles, we would not even be concerned to seek out a schema or account like the kind which Rist proposes. Rists' whole quest for the ground of morality is not *because* he believes in a Good God, much as he may. It is motivated--insofar as his analysis of obligations display--by a concern to match up to certain insights about what really constitute meaningful norms, viz. self-evident insights which are intelligently satisfying answers to the question "what ought I do?" And such a norm is: "I ought to do what is good--no matter Who or What commands me to do them." Indeed, Rist aside, *any* attempt to ground ethics in a theory of divine commands *of a loving God* (and not just in a God who commands) paradoxically demonstrates the inherent, fully robust normativity present in practical reasoning apart from God's commanding them.

Thirdly, and following somewhat from the second, even if we grant that the normativity which we claim is self-evident and which Rist himself appealed to as self-evidently normative is not really normative, and that he does not self-referentially appeal to them, Rists' project to ground ethical obligation on the divine command of a loving God still fails. Simply put, his argument is fallacious. For a fact, Rist cannot reconstruct or re-establish the normativity that he doubted. Recall that Rist is indeed, as we have argued, entitled to affirm the inconsistency between naturalism and the existence of practical normativity: *if* (p) naturalism is true, *then* (q) practical reason's normativity cannot exist. But while to affirm (not q) the existence of practical norms

entails (not p) the falsehood of naturalism, *affirming that there is a loving God giving commands, i.e., that there is a Theistic universe and thereby* (not p) *denying the truth of naturalism proves nothing*. To think that it warrants the conclusion that *therefore* (not q) there are practical norms by merely affirming that there is a theistic universe would be faulty reasoning on account of denying the antecedent. Of course, if there is a loving God giving good commands, then there are loving and good commands being given, and so there are loving and good commands to be obeyed. But this will not do for a satisfactory account of obligation, as we saw in the second objection, since either the loving commands will be obeyed *because* they are commanded, or obeyed *despite* being commanded. Now he cannot here admit the latter, since there are no trustworthy norms to oblige apart from God's commands. So he is left with the first. Yet as we saw, Rist would disassociate his account of ethical obligation from the first. So he is left with nothing. So if Rist starts off without admitting any self-evident norms, not even calling out to God would help him.

### Conclusion

Thus far, I have tried to demonstrate how an account of practical reasoning which takes seriously the normativity of reasons leads us to a supernaturalistic metaphysics. Further, I argued that such an account of ethical obligation cannot be grounded in such a metaphysics, and any effort to ground ethics in metaphysics is either linguistically meaningless, self-referentially inconsistent or just plain false. Such a metaphysics includes at the very least some external Creative principle, itself a Norm and not arbitrary. Working from the thomistic tradition, one would call this

principle God.

In Wang's *Laozi*, Wang comments on a passage in a manner which gives us a rather naïve, ontological argument, a *via* to the Dao, if I may borrow from St. Thomas:

You might wish to say that it does not exist, but everything achieves existence because of it...<sup>161</sup>

How does this Dao that Wang's *Laozi* refers to compare with the God in Aquinas' metaphysics? Some scholarship has suggested that Daoist ontology and Christian ontology are incompatible<sup>162</sup> and to a great extent scholarly interpretations of the Dao as intrinsically incomprehensible reinforce that impression.<sup>163</sup> In the following I offer an alternative reading of the namelessness of the Dao in accordance with the interpretation of Wang Bi which preserves the *Dao* from an intrinsic absurdity, and with this I demonstrate the comparative similarities between the Thomistic metaphysics of Unlimited Being and the Namelessness of the Dao. Aquinas' discussion of God—explained as the Being which is itself unlimited being—is complex, and is built on the tradition of the Neo-platonic Fathers and developed over

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<sup>161</sup> Wang, *The Classic* 73

<sup>162</sup> R. P. Peerenboom, "Cosmogony, the Taoist Way", *Journal of Chinese Philosophy*, 17 (1990), 157-174.

<sup>163</sup> A. T. Nuyen, "Naming the Unnameable: The Being of the *Tao*", *Journal of Chinese Philosophy*, 22, (1995) 488

time with the philosophical apparatus of Aristotle. There can be no question of claiming that the *Daode Jing* has a conception of a being called God as sophisticated as that of Thomism. However there are many startling parallels.

## Chapter 7

### Nameless Dao and Unlimited Being

#### Introduction

Having examined in previous chapters how political reflection integrates metaphysical reflection of the Dao and of God in the Daoist and Natural Law tradition respectively, it is fitting in our thesis to compare these two metaphysical conceptions of the ontological origin of all things. So this chapter compares the Thomistic metaphysics of God as Unlimited Being with Wang's conception of the Dao as Nameless and Formless. I will argue for parallels in both conceptions of that Origin, and conclude with the suggestion that the Thomistic God can be named "Dao" also.

#### Nameless Dao

The *Daode Jing* begins with the lines insisting on the namelessness of the *Dao*:

*The Dao that can be described in language is not the constant Dao; the name that can be given it is not the constant name*<sup>164</sup>

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<sup>164</sup> Wang, *The Classic*, 51



What is clear from the above text is that language somehow fails to capture fully the *Dao*.<sup>165</sup> According to one presentation of the precise meaning of this text, the reason for this failure, however, can fall either on the side of language itself, or on the nature of the *Dao* itself. Meaning, is to say that the *Dao* is unnameable to point out the limits of language itself, or the inexpressible nature of the *Dao* itself? Criticizing the first opinion, which is D. C. Lau's, A.T. Nuyen writes,

It is clear that for Lau the *Dao* is in principle *characterizable*. He goes on to say that the only problem we have with characterizing it is in the inadequacy of language: "There is no name that is applicable to the *Dao* because language is totally inadequate for such a purpose". Lau's view is misleading to say the least. Surely the first two lines convey much more than a sense of linguistic inadequacy. They point out the source of inadequacy lies in the paradoxical nature of the *Dao*. The truth of the matter is that there is no name that is applicable to the *Dao* because it is unnameable. Indeed the *Dao* is uncharacterizable.<sup>166</sup>

I am sympathetic to Nuyen's criticism. But only because "a *Dao* that is in principle characterizable but cannot be characterized due to the inadequacy of language" makes

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<sup>165</sup> In a recent paper Bo Mou points out that this does not mean that the *Dao* cannot be spoken of--notice that after this line the Laozi spends the rest of the chapters precisely talking about the *Dao*--but rather that language cannot fully exhaust--i.e., characterise--the *Dao*, so that the first line is a conjunction of two claims: that the (genuine) *Dao* can be spoken of, but cannot be characterised in language. See "Ultimate Concern and Language Engagement: A Re-examination of the Opening Message of the *Dao-De-Jing*", *Journal of Chinese Philosophy*, 27, (2000) 429-439.

<sup>166</sup> A. T. Nuyen, "Naming the Unnameable: The Being of the *Tao*", *op. cit.*

no sense. If language is inadequate for naming or characterizing the *Dao*, it will be difficult to see how in any sense the *Dao* can still be “in principle characterizable”. It would seem that something which language is inadequate to characterize is *a fortiori* in principle uncharacterizable. Logically, *to be characterized is to be characterized by a language*. There seems to be no sense in speaking of something that is in principle characterizable and at the same time to declare that no language is adequate to the task. It would be like speaking of something that in principle can be heard when there are no ears in the world that can hear it. Just as sound as 'something heard' can logically exist only when it is heard, so also logically the *Dao* can be characterizable (i.e., can be characterized *by a language*) only when there is a language that can characterize it. But we have already admitted that no language can do this, and hence we run into an absurdity.<sup>167</sup> Hence it seems that we cannot say with Lau that there is a sense in which the *Dao* is still in principle characterizable, when we admit that no language is up to the task.

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<sup>167</sup> Note here that the discussion is about characterizability, i.e., an attempt to fully articulate it, and not about epistemic entrances into the *Dao*. There is nothing to imply that what is not characterizable is not knowable. Yet the point remains, even granted that we can *know* the *Dao*, that when we say that language is inadequate for characterizing the *Dao*, it is not consistent logically for us to admit that it is still characterizable *in principle*.

Nonetheless, the distinction that Nuyen wants to make between (1) the nature of *Dao* as the source of its own namelessness and (2) the inadequacy of language as the reason for the namelessness of the *Dao* must be specified carefully, and here I think Nuyen has made too much of it. Nuyen of course accents the former as the real reason for the *Dao*'s namelessness. More specifically, Nuyen points out that the *Dao* is not merely nameless but unnameable in the following manner. The unnameable is unnameable not merely because of the inadequacy of language but also because of its peculiar ontological structure: that it intrinsically defies any possibility of being named—by no means the fault of language. It is in this ontological sense that the *Dao* is not only nameless but also unnameable. Thus:

In the standard view, the *Dao* is to be named "the nameless," is to be characterized as "non-being." This is to miss the fundamental point that the *Dao* is nameless because it is *unnameable*, not even as "the nameless."<sup>168</sup>

This assumes that there is something deeper than the inadequacy of language in naming the *Dao*: that somehow *per se* it is due to the *Dao*'s nature that it cannot be named, that is to say, that language is not up to the task only *per accidens*.

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<sup>168</sup> A. T. Nuyen., *op. cit.*, 487-497

In contrasting the *Dao* with absolute non-being or privation, Nuyen points out that the *Dao* is not negative non-being in the simple sense of the opposite of positive being. Neither is it a negativity nor a simple non-being. It is not nothingness.<sup>169</sup>

However, in line with his emphasis on crediting the unnameableness of the *Dao* to the intrinsic nature of the *Dao* itself, Nuyen further adds:

Rather, it is a positive negativity; it is a non-being with a being, or a reality. Thus its nature is *paradoxical*. The standard view does not come to terms with the paradox of the *Dao* that is clearly announced in the first two lines...This nothing-which-is-something, this non-being-that-has-being, is nameless because it is truly unnameable; it is characterless because it is truly uncharacterizable.<sup>170</sup>

This leaves the *Dao* not merely uncharacterizable, but also quite unintelligible. In trying to “prevent a premature assessment of the *Daode Jing*, as merely a series of murky rumblings, and from being rejected as mystical”,<sup>171</sup> I am concerned that Nuyen has ironically led us to a *Dao* which is altogether absurd. While it is to be conceded that the paradoxical unnameableness of the *Dao* is to be traced to the nature of the *Dao* itself, this is not to say that the *Dao* is of its nature altogether paradoxical. It is one thing to say that the *Dao* is unnameable, and quite another to say that the *Dao* is a unity of mutually contradictory principles. Nuyen it seems to me has overstepped

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<sup>169</sup> *ibid.*

<sup>170</sup> *ibid.*

<sup>171</sup> *ibid.*, 498

reason. He moves illicitly from the suggestion that the *Dao* is ontologically unnameable to saying further that the *Dao* is ontologically absurd.

Rather, the *Dao* as unnameable (given the inadequacy of language) could well be due to the *nature of the Dao* (not as intrinsically paradoxical) *but as having a nature which is unnamable because it is without any principle of formality*, and as such cannot be named. To put it simply, the *Dao* cannot be named because names designate a form which the *Dao* lacks. The *Dao's* nature is such that it is without any formal principle by which names as linguistic signs can necessarily designate. Let me propose this as an alternative reading that dispenses with having to admit an intrinsic absurdity on the part of the constant *Dao*.

Wang Bi explains the first two lines like this:

The *Dao* that can be rendered in language and the name [*ming*] that can be given it point to a thing / matter or reproduce a form [*xing*], neither of which is it in its constancy [*chang*]. This is why it cannot be rendered in language nor given a name.<sup>172</sup>

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<sup>172</sup> Wang, *The Classic*.

Wang Bi understands the name as a linguistic sign that picks out a form. Writing about the *Dao* again in section 25 of his commentary, Wang says:

Names [*ming*] are used to determine forms [*xing*]...<sup>173</sup>

The commentary explains that insofar as constancy is incompatible with the having of forms, then the *Dao* as constant cannot have form. It follows then that the *Dao* cannot be named. What according to Wang Bi is the reason for the unnameableness of the *Dao* is its constancy, rather than it being paradoxical, as Nuyen supposed.

According to this reading then, the *Dao*'s constancy is inconsistent with its being represented by a *form-representing name*. This helps to illuminate one important sense by which the *Dao* is constant and nameless: *Tao* is not constituted by a formal principle. Exegetically the metaphysical implication seems to be that that which is of constancy (or invariability) excludes formality, and hence is nameless. It follows then that to speak of the unnameableness of the (constant) *Dao* can be to point out its lacking any principle of formality, rather than its intrinsic absurdity.

Again, since constancy is opposed to formality, and is also opposed to being a thing that can be pointed to, Wang Bi seems to suggest that things have form in them.

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<sup>173</sup> *ibid.*, 95

And so we read in the next part of his comments on the 3<sup>rd</sup> and 4<sup>th</sup> lines of the *Daode Jing*:

*Nameless, it is the origin of the myriad of things; named it is the mother of the myriad things.*

Anything that exists originates in nothingness [*wu*], thus, before it has forms and when it is still nameless, it serves as the origin of the myriad things, and, once it has forms and is named, it grows them, rears them, ensures them in their proper shapes, and matures them as their mother. In other words, the Dao, by being itself formless and nameless, originates and brings the myriad things to completion. They are originated and completed in this way yet do not know how it happens. This is the mystery beyond mystery.<sup>174</sup>

Thus, the commentator points out clearly that in saying that it is nameless, we refer to the time when it does not yet have forms. Again, when it has forms, then it is named. Hence the namelessness refers precisely to the formlessness of the *Dao*. In the parallel commentary Wang Bi writes in referring to in Section 25 to the *Dao*:

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<sup>174</sup> *ibid.*, 51

Names [*ming*] are used to designate forms [*xing*], but, amorphous and complete, it has no form, so we cannot make any such determination.

Thus the text says "we do not know its name."<sup>175</sup>

Yet what is also interesting is that already in the second line of the *Laozi*, the *Dao* is named and is said to be the mother of the myriad things. We know that Wang Bi attributes the namelessness of the *Dao* to its being formless. How then does he explicate the *Dao* as named? In line with the interpretation that relates namelessness with formlessness, when the *Dao* is named, it must then already have some kind of formal principle--yet not in itself, but as "the myriad things". That is, once the *Dao* causes these myriad things, "it has forms and is named". Therefore the *Dao* "by itself formless and nameless", can be named not *qua Dao*, but as the myriad things that come from it, and also which have forms and hence can have names.

Immediately a problem arises, which will press our specification of the relation between the nameless *Dao* in itself and the named *Dao* qua the formed myriad things. If the nameless *Dao* is now the named *Dao qua* the myriad things, can it still be said to be *Dao* or is there a contradiction? That is to say, these myriad things with formal principles in them and hence nameable--can they still be called the (constant) *Dao*? The first sentence has ruled this. The *Dao* that has form and which can then be named is not the (constant) *Dao*. But as Wang Bi's commentary has it, as *named* the *Dao* is the various things with forms. It would seem that this is not possible: if the *Dao*

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<sup>175</sup> *ibid.*, 95



properly refers to the formless, then once anything has formality, it cannot be the *Dao*. Hence is Wang Bi's reading mistaken in suggesting that *qua* these formed myriad things, it is still the *Dao*? If not, then one has to account for the tension between the nameless *Dao* and the naming of the myriad things as *Dao*. In order to understand this seeming tension, I propose an interpretation that suggests that Wang Bi is arguing that although the *Dao* is nameless and hence not any of the myriad things with form, it is also in some sense *within* these myriad things. Thus in calling the myriad things *Dao*, Wang Bi is trying to communicate the presence of the *Dao* in the myriad things.

To get a better sense of the problematic here, let us consider the *Dao* as absolutely transcendent. If the *Dao* is absolutely transcendent and is therefore totally apart from the myriad things within which it dwells, then this accords with it being formless and nameless, as contradistinct from the myriad things which are formed and named. This nameless and formless origin we call *Dao*. What is named, is therefore *not* the *Dao*. If I should then say that the myriad things, which are named, are *Dao*, this would be a blatant contradiction. Therefore Wang Bi is trying to communicate the ontological presence of the *Dao* in the myriad things when he says that the *Dao* "has forms and is named" as the myriad things. The nameless *Dao* is not the formed and myriad things, but in a sense (to be discussed later) is within the myriad things. Since it is not totally apart from the myriad things, a way to communicate this presence of the *Dao* is to say when the *Dao* dwells in things, it can be. But this is simply an effort

to communicate the abiding presence of the *Dao* and at the same separate the *Dao* from these things.

Hence I would paraphrase Wang Bi's phrase "once it [*Dao*] has forms and is named" as "when the *Dao* is present in the myriad things which have forms and hence named". This reading of the naming of the *Dao* understood as the presence of the *Dao* in the myriad things is reflected in the fact that the *Dao* is then immediately named the mother of all the myriad things. The image of a mother Wang Bi explains refers to the *Dao* as maintaining them: "grows them, rears them and ensures them in their proper shapes." The *Dao* is somehow in the world maintaining it.

In a recent paper R. P. Peerenboom gives support to my interpretation. He writes:

Part of the confusion regarding the status of *Dao* emerges from the use of the term "transcendence." [*Dao*] is not transcendent in the sense of existence entirely apart from the world...as Izutsu points out, this is a "very peculiar kind of transcendence" in that *Dao* is also immanent.<sup>176</sup>

Nevertheless granted some form of immanence, the exact specification of the way in which the *Dao* is immanent needs to be laid out. Because the *Dao* as origin of

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<sup>176</sup> R. P. Peerenboom, *op. cit.*

the myriad things is a major theme, the Judeo-Christian metaphysics of creation *ex nihilo* can be a helpful model for articulating the *Dao's* origination and relation with the myriad things. It must be stated that Peerenboom rejects such a comparison. His reason is that the Judeo-Christian metaphysics of creation *ex nihilo* hinges upon a conception of transcendence that leaves no room for immanence because for him this model understands the creator and creation as absolutely apart. Thus:

*Dao* is immanent in that the world is *Dao* differentiated into form. *Dao* as *wu* gives rise to *Dao* as *yu* which will return to *wu* in a continuous cycle of transformation. Moreover, not only is *Dao* immanent in the world, but because the world as *wu* and *yu* are both aspects of *Dao*, one is really talking about the ontological precedence of one of the two aspects of *Dao* and not transcendence of a separately existing entity. *Daoist* cosmogony, then, does entail not *creatio ex nihilo* as in the Judeo-Christian version.<sup>177</sup>

While he rightly points out that a main emphasis of the text is the ontological precedence of the *Dao*, his rejection of the Judeo-Christian metaphysics of creation *qua* a metaphysics of absolute transcendence of creator and creation as a model for articulating *Daoist* cosmogony betrays a serious misunderstanding of the Judeo-Christian conception of the creator-creation relation. This is most evident in his caricature of the Christian model as presupposing a transcendence that leaves no place for immanence.

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<sup>177</sup> *ibid.*, 166

I regard this as a gross misrepresentation. For the rest of this section, I will attempt to offer a true picture of the Judeo-Christian metaphysics of the relation between creator and creature. This will show that the creator both transcends creation, and at the same time is intimately bound up with creation. Here transcendence and immanence can be affirmed together. This analysis involves the metaphysics of the participation of being in Thomas Aquinas, or what has been traditionally called in scholastic terminology as the *doctrine of limitation of act by potency*. It will demonstrate not only the mutuality of transcendence and immanence of the *Dao*, but also explicate the namelessness of the *Dao qua* its lack of formality and the nameable dimension of the myriad things due to their formed nature.

### Unlimited Being

St. Thomas' metaphysics of participation brings together both transcendence and immanence. That is to say, in specifying the relationship between creator and creature, the Thomistic account leaves room for affirming the presence of the creator in creation, just as it affirms its independence over and above creation. A representative text is to be found in St. Thomas' *De Ente et Essentia*. In this early text he writes,

There are in fact three ways in which substances have essence. There is a reality, God, whose essence is his very being. This is why we find

some philosophers who claim that God does not have a quiddity or essence, because his essence is not other than his being...<sup>178</sup>

Essence is found in a second way in created intellectual substances. Their being is other than their essence, though their essence is without matter. Hence their being is not separate but received, and therefore it is limited and restricted to the capacity of the recipient nature....<sup>179</sup>

In a third way essence is found in substances composed of matter and form. In these too, being is received and limited, because they have being from another...<sup>180</sup>

As Etienne Gilson remarks Thomas' doctrine of being (*esse*) which distinguishes a principle of existence separate from essences radically differentiates him from other metaphysicians. Against those who focus merely on the essential or formal sources of beings, St. Thomas articulates a principle which he calls *esse*, translated as “being”, which is an act or rather an active source of the existence of beings (*ens*). That is to say, central to St. Thomas' vision of reality is this principle he calls *esse* or being, which is responsible for the fact that being (*ens*) are rather than not. In the classic study, *Being and Some Philosophers* Gilson writes:

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<sup>178</sup> St. Thomas Aquinas, *De Ente et Essentia (On Being and Essence)*, Armand Maurer CSB (trans.), 2<sup>nd</sup> Edition (Toronto: Pontifical Institute Of Medieval Studies, 1968), 61

<sup>179</sup> *ibid.*, 62

<sup>180</sup> *ibid.*, 65

.....Thomas Aquinas could not posit existence [or being] (*esse*) as the act of a substance actualized by its form, without making a decision which, with respect to the metaphysics of Aristotle, was nothing less than a revolution. He had precisely to achieve the dissociation of the two notions of form and act. This is precisely what he has done and what probably remains, even today, the greatest contribution ever made by any single man to the science of being. Supreme in their own order, substantial forms remain the prime acts of their substances, but, though there be no form of the form, there is an act of the form. In other words, the form is such an act as still remains in potency to another act, namely existence [or being]. This notion of an act which is itself in potency was very difficult to express in the language of Aristotle. Yet, it had to be expressed, since even "those subsisting forms which, because they themselves are forms, do not require a formal cause for being one and being, do nevertheless require an external acting cause, which gives them to be." In other to receive its to be, a form must needs be in potency to it. "To be," then, is the act of the form, not *qua* form, but *qua* being.<sup>181</sup>

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<sup>181</sup> Etienne Gilson, *Being and Some Philosophers*, 2<sup>nd</sup> Ed. (Toronto: PIMS, 1952), 174-5

In the *De Ente*'s concept of the way being (*esse*) and essence are related in the different orders of beings, St. Thomas concludes that there are three kinds of beings, whose metaphysical constitutions differ. There is first God, and then separate substances, which are the angels and the separated souls, and finally there are the composite substances, which refer to man and every other being that has a material principle. The important point in saying that God's essence is being itself is to assert the fact that nature of God is unlimited by any essential principle. This doctrine aligns itself with the theme of the namelessness of the *Dao* as owing to the lack of any formal principle.

For those unfamiliar with Aquinas' metaphysical categories, to say that God is not constituted by a limiting essence and then to assert that he has an essence which is his being can sound like a contradiction. It seems like we are insisting that he both has and has not an essence. But we must distinguish essence as a logical principle and essence as a metaphysical principle. To say that God's essence is his being is to use "essence" as the logical place-holder when it comes to the variable "what". To put it in another way, to say God's essence is his being is to answer the question, "what is God?". In answering this question, we say that God's essence is his being in the sense that God is simply being, without referring to a *metaphysical* essence that would limit him. To ask for the "what" or "quiddity") of something is to ask for the essence *qua* a logical place-holder or variable *x*. This *x* in its turn is a variable which will be an ontological principle that metaphysically limits being. One may ask, for example,

about the essence of nothing. The answer would be that the essence of nothing is complete privation. But this response in turn asserts that there is no presence of an ontological essence. This is because nothingness excludes the existence of everything including any ontological principles including that of an essence. One may logically assume that everything has an essence and therefore pose the question "what is it?" But this is not the same as saying that therefore everything has an ontological principle called an essence. Again, God's essence is pure being; his essence (logically) is essence-less (ontologically).

If God is without a metaphysical essence, creatures, on the other hand are constituted by reception in such a metaphysical essence. Therefore in speaking of the second and third ways essences are found, he speaks of essences--whether simple or composite--which receive being and limit them. Because "everything that receives something from another is potential with regard to what it receives, and what is received in it is its actuality"<sup>182</sup>, hence the essence is also called the principle of potentiality, or simply *potency*, whereas being is called the principle of actuality, or simply, *act*. In this way pure being is called pure act, unlimited by any potency *qua* (metaphysical) essence, whereas creatures are constituted as composites of act and potency. Hence the scholastic principle, "act is limited by potency, without which act would altogether be unlimited" captures the grade of beings from God to rocks.

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<sup>182</sup> St. Thomas Aquinas, *De Ente, op. cit.*, 57



As I remarked a moment ago, the doctrine of the namelessness *qua* formlessness of the *Dao* in the *Laozi*, as read by Wang Bi, aligns itself very well with the Thomistic doctrine concerning the formal unlimitedness of the highest Being, who is God. This Being is not received in a formal principle, and hence is infinite. But more than that, it is precisely also because it is not received in a formal principle that it has no proper name, or rather it has a proper name which has no formal predicate. In the *Contra Gentiles*, St. Thomas writes,

Everything, furthermore, exists because it has being. A thing whose essence is not its being, consequently, is not through its essence but by participation in something, namely, being itself. But that which is through participation in something cannot be the first being, because prior to it is the being in which it participates in order to be. But God is the first being, with nothing prior to Him. His essence, is therefore, His being.<sup>183</sup>

To say that God's essence is His being is not to imply that essence as a formal ontological principle limits God in constituting Him. Rather, what St. Thomas means here is that all that God is—his *quiddity*, whatness—is simply being. Given that God does not participate--i.e., have a share of something from another—in being, there can be nothing ontologically prior to Him, in the sense of Him depending on it for being.

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<sup>183</sup> St. Thomas Aquinas, *Summa Contra Gentiles*, 1, 22, 9-10, Anton Pegis, (trans.) (USA: UNDP, 1975), 120-1

Hence God must be the ontological source of his being, and therefore, his essence must be his being, since there is nothing else to confer being on Him. He, in his *quiddity*, must have being already, without having to obtain it from another. The point is that God is his own source of his existence or being (*esse*). His essence is his being. This means that his essence has no metaphysical essence which as a formal ontological principle limits him: his essence or *quiddity* is being rather than an essence, if the latter were the case, then his being would be received as something extrinsic to his *quiddity*. Finally, if this were the case, then something is prior to God which is absurd, since God is first being. From this St. Thomas draws the following conclusion.

This sublime truth Moses was taught by our Lord. When Moses asked our Lord: "If the children of Israel say to me: what is His name? What shall I say to them?" The Lord replied: "I AM WHO AM...Thou shalt say to the children of Israel: HE WHO IS hath sent me to you" (Exod. 3:13, 14). By this our Lord showed that His own proper name is HE WHO IS. Now names have been devised to signify the natures or essences of things. It remains, that the divine being is God's essence or nature."<sup>184</sup>

Alternative interpretations of the Exodus text are not an issue here. What is central is the Thomistic teaching on the predication of God. Therefore, one could say that God, strictly speaking, is without a proper predicate. As St. Thomas explains, names are used to "signify the ...essences of things". Here "essence" refers to the

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<sup>184</sup> *ibid.*, 1, 22, 10

logical place-holder called *quiddity* and not an ontological formal principle which receives being, which God does not have or need. God has no essence *qua* a receptive formal ontological principle. Therefore, God, HE WHO IS, is not HE WHO IS *SUCH-AND-SUCH*, since "such-and-such" as a name signifies a metaphysical essence distinct from being (*esse*) which actualizes it. In other words, though God has a name, he does not have a name that signifies a metaphysical essence as a limiting principle, but merely being. This is the heart of the similarity between Thomas and Wang Bi's treatment of the namelessness of the *Dao*.

One might think that for Aquinas, God has a name, whereas for Wang Bi, *Dao* is nameless, and therefore conclude that there is no fundamental agreement. But this would be a premature analysis. Though God has a name, this "name" as St. Thomas uses the term signifies God's logical essence. Strictly speaking, to the extent that if a name only signifies a formal principle such as a metaphysical essence, then God has no such name, and hence if we sought such a name for God, we could not find one. He has no formal ontological principle like a metaphysical essence. We can only find a name for him if we admit to the class of names such names which signify being (*esse*) apart from metaphysical essences. Similarly, Wang Bi, who restricts names (*ming*) to designating forms (*xing*) *qua* metaphysical principles, calls the *Dao* nameless, because it has no forms or lacks formal principles, ontologically speaking.

And again, just as for Aquinas the essentially or formally unlimited being is the source of existence or being (*esse*) for all things other than itself, so also the *Dao* for Wang Bi. Hence again,

That which is free from form and nameless is the progenitor of the myriad things.<sup>185</sup>

Even though all things are completed by it [*Dao*], we do not see its form, for this is the most perfect thing...Do you wish to say that it does exist? Well, we do not see its form. Do you wish to say that it does not exist? Well, the myriad things are produced by it...Not one single thing fails to be completed, yet it never tires.<sup>186</sup>

The second quotation returns us to the other theme of comparison, i.e., the immanence of the *Dao* and its parallel model in the Thomistic schema. As I pointed out the Thomistic model addresses well the immanence of the *Dao* analyzed in the beginning of this essay, as well as its transcendence. To understand this requires a return to doctrine of the participation of being in Aquinas' metaphysics, which is expressed in the language of Aristotle as the scholastic axiom, “act is limited by potency”.

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<sup>185</sup> Wang, *The Classic*. 73

<sup>186</sup> *ibid.*, 62

St. Thomas Aquinas' vision of the dependency of creation upon the creator is fleshed out in terms of the sharing of being (*esse*) by creatures of the Being who is God, Being itself, *Esse ipse*. Though often framed in the Aristotelian schema of act and potency, as in "act is limited by potency", this doctrine seems also to have had a definitive antecedent in the Neoplatonic works after Aristotle. Norris-Clarke, for example, suggests that this original Neoplatonic doctrine of participation was expressed in the Aristotelian schema of act and potency when St. Thomas realized that the articulation of the participation motif in terms of act and potency preserved the unity of beings.<sup>187</sup> One source of this doctrine seems to have been the pseudo-Aristotelian and Neoplatonic work, the *Liber de Causis* (*Book of Causes*), which is a summary of Proclus' theology. A critical analysis of chapter 5 of the *De Ente* reveals this to be the case. It is here that Thomas for the first time in the *De Ente* speaks of being (*esse*) as undergoing limitation by reason of the essence or nature that receives it.

Essence is found in a second way in created intellectual substances. Their being is other than their essence, though their essence is without matter. Hence their being is not separate but received, and therefore it is limited and restricted to the capacity of the recipient nature.<sup>188</sup>

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<sup>187</sup> See W. Norris Clarke SJ, "The Limitation of Act by Potency: Aristotelianism or Neoplatonism?" in *Explorations in Metaphysics: Being-God-Person*. (USA: UNDP, 1994) 65-88

<sup>188</sup> St. Thomas Aquinas, *De Ente et Essentia*, op cit., 62

In analyzing the third line of the argument, we observe that there is a suppressed premise [#2]:

1. Their being is...received...
2. [what is received is received according to the mode of the receiver]
3. ...therefore it is limited and restricted to the capacity of the recipient nature

What is instructive about this suppressed premise, which we may call the *reception principle*, is that it makes possible the *reception* of being limited by the nature of its recipient. Unless we suppose this principle, there is nothing to bring together limitation and the reception of being. There is nothing that requires reception to imply any kind of limitation. Therefore, central to St. Thomas' vision of the limitation of being is the endorsement of some form metaphysical limitation of being based on the mode of the receiver's being.

This principle is found in the *Book of Causes*, which St. Thomas constantly cites as an authority for his concluded limitation of being. For example, under proposition 10 we read,

...anything receives what is above it only through the mode according to which it can receive it, not through the mode according to which the received thing [itself] is.<sup>189</sup>

Again, under proposition 20, we also read,

For the first goodness infuses all things with goodness in one infusion. But each thing receives that infusion according to the mode of its power and its being.<sup>190</sup>

And still, under proposition 22:

Therefore, the first goodness fills all the world with goodness. But every world receives that goodness only according to the mode of its potency.<sup>191</sup>

St. Thomas' understanding of how this reception according to the mode of the recipient occurs specifies in detail how being is received “according to the mode of the receiver.” We know that the principle of essence cannot exist apart from the principle of being for it is the principle of being that grants the essence *to be*, i.e., to exist.

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<sup>189</sup> St. Thomas Aquinas, *Commentary on the Book of Causes (Super Librum De Causis Expositio)*, (USA: CUA Press, 1996), 75. Here I am quoting not St. Thomas' commentary, but the texts of the *De Causis* itself.

<sup>190</sup> *ibid.*, 120

<sup>191</sup> *ibid.*, 128

Hence being is very intimate to the structure of all creatures, since their essences are only thanks to the being which is composed with it. But there is something more.

Thomas's writes in his commentary on the fourth proposition:

if something were to have infinite power of being such that it does not participate in the being of another, then it alone would be infinite. Such is God...But, if there be something that has infinite power of being according to being that is participated from another, insofar as it participates [in that being] it is finite, because what is participated in is not received in the one according to its entire infinity but in the manner of a particular. Therefore an intelligence is composed of the finite and the infinite. [ . . . ] to the extent that the nature of an intelligence is said to be infinite in its power of being, [it also must be said] that the being it receives is finite.<sup>192</sup>

Here Aquinas mentions an infinity in its power of being that the intelligence or immaterial substance enjoys. What then is this “power of being” which is retained as infinite in the intelligence? Earlier Thomas quotes Proclus in his explanation thus:

“All beingly being is infinite, not according to multitude or magnitude, but according to power alone,” namely, [the power] of existing.<sup>193</sup>

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<sup>192</sup> St. Thomas Aquinas, *Commentary on the Book of Causes*, *op. cit.*, 33

<sup>193</sup> *ibid.* “...beingly being...” is in the original text.



This argues that being *qua power* is received *as infinite*, but *qua being* it is received in proportion to a creature's finite essence. The fact that Aquinas speaks of “all beingly being”—i.e., all the being (*esse*) of beings (or creatures)—suggests that for him the infinity of power of existing is not enjoyed exclusively by intelligences alone but all creation. Thus creatures are sustained in existence with an infinity of power to *be* what they are within the limits of their essence. The fact that there is an infinity of a power of being which creatures share from God shows that God, as it were, spares nothing in sharing his being—and therefore his own presence—with creatures. He is as intimate as possibly can be to creatures, and any failure is on the side of creation as limiting essences.

At this juncture we recall our argument with Peerenboom's thesis that the Judeo-Christian model is incompatible with a model of transcendent and immanent *Dao*. Being (in the sense of infinite being) is in principle both distinct from and at the same time intimate to all creation as the *existential constituent in the realm of creatures*. Being is *in the world holding and sustaining its creatures in existence*. That is to say, while being is transcendent to creatures, it is evermore so intimate to creatures that without being, no creature could in fact exist. And we appreciate this even more when we consider that there is an infinity of the power of being which all creatures share of God. It is therefore not totally transcendent in the manner Peerenboom supposes.

To sum up: I have tried to offer an alternative reading of the namelessness of the *Dao* in accordance with the interpretation of Wang Bi which defends the *Dao* against the charge of absurdity. I have also tried to demonstrate the *Dao*'s comparative similarities with the Thomistic metaphysics of the Unlimited Being, the “He who IS ~~What~~”. My argument rests on Aquinas’ understanding of the dynamic power of *esse* (to be). I have argued that this whole idea of creation being sustained by this nonetheless radically other dynamic power of being is comparable to the *Daoist* emphasis on the transcendence and immanence of the source of things. Flashing out this comparables does not of course erase the differences between these two ontologies. For Aquinas, Being is always something ontically positive. While not substantial in the sense that it is limited by a substantive form, it is that which stands out of nothingness, and is responsible for creation’s standing out of nothingness. It is not always definitively clear that Wang’s *Laozi* makes any positive ontic claim of the *Dao*. Even though I have argued that there are some interpretive reasons for thinking that Wang may have taken his ontological arguments for a “*Dao*” as serious proposals for the existence of an ontic reality, we must bear in mind that there is no conclusive evidence for that. In Wang the *Dao* has often been described in terms which logically do not entail any positive claim of an ontic existent. We need not overlabor this point; it is well documented and clarified in Chan’s fine analysis.<sup>194</sup> The *Dao* is often described with the concept of *wu*, which has been translated nothingness, as we read in Wang’s commentary to the opening lines: “anything that exists originates in

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<sup>194</sup> See Alan Chan, *Two Visions*, op. cit., pp 48-51

nothingness [*wu*]”.<sup>195</sup> *Wu* for Wang signifies an absence rather than a presence. As Alan Chan points out,

[D]ao is described essentially in terms of its namelessness and its generative force. There is no clear ground to extend the concept of *wu* to mean “Nonbeing” in the sense of substance. Although the concept of *wu* is central, for Wang [B]i the important point is precisely to eliminate any idea of “thingness” or “substance” from one’s contemplation of the meaning of the Way.<sup>196</sup>

#### God as “Dao”

Still, we are now almost ready to resolve the issue we were left with in the last chapter. For Wang the *Dao* is called the “Dao” because “it is that on which myriad things makes their”<sup>197</sup>. Can the thomistic God also be called Dao? We have argued that ontologically there are strong similarities between God and the Dao of Wang’s *Laozi*. Both are nameless and formless. We might be tempted to quickly conclude based on these similarities that these titles “God” and “Dao” can be swapped. But it is of course not as simple as that. I will argue that the word Dao can be applied to Aquinas’ God, but the justification will require more than mere ontological similarities.

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<sup>195</sup> Wang Bi, *The Classic*, Section 1, pg 52

<sup>196</sup> Alan Chan, *Two Visions*, 50. Also see Robert Cumming Neville, “Doaist Relativism, Ethical Choice and Normative Measure”, in *Journal of Chinese Philosophy*, 29:1 (March 2002) 5-20 @ 8-9

<sup>197</sup> Wang, *Introduction* 32

The difficulty is not the issue of applying a name to ontologically *similar* entities that might possibly turn out to be distinct. The problem is not so much that they might not be the same things, even if they are similar. In any case our claim is not so bold as to say that these ontologically similar “beings” or principles viz. God and the Dao are one and the same thing. The problem has more to do with the method of applying a descriptive term like “Dao” to something formless and hence unnameable like the Dao.

Remember that for Wang, a name arises from the form of the object. The form (*xing*) decides in great part what the name is. But when it comes to a designation, which is what we are dealing with, that which in great part decides on the designation is the subject or the designator. That designator is you and me as we attempt to sign this nameless Dao, albeit clumsily: “To name is to determine objects. To designate is to follow what things are conventionally called. A name arises from the object, but a designation issues from the subjective.”<sup>198</sup> Hence one same being may be designated in many ways: it depends not so much on the thing in itself, which for Wang would be the shape or form or appearance in itself. Rather, it depends on what that thing means to me, or what particular aspect of the thing I am trying to capture, deprived of any hint of its objective form. It depends, as it were, on which of its many properties or qualities I am trying to capture.

Hence I can name a bull from its shape, and it has only one shape, hence it will have but one name. But I could designate the same bull in a variety of ways: I could

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<sup>198</sup> *ibid.*, 36

designate it as stomper, *given its tendency to stomp the ground before it charges*, or I could designate it as destroyer, *given its tendency to ruin anything in its charging path*. Thus it is the same with designating the Dao. Deprived of any hint of the form for naming it, we can best designate the Dao. But our designation will be determined by which aspect of the Dao we are trying to capture, given some particular quality we observed. This is the issue here: what about that Dao that leads us to designate it as Dao? If we want to see if the thomistic God can be called the Dao, then we need to see if it shares *those* qualities which the designation “Dao” were seeking to capture. And the question of whether the Dao and God are one and the same thing is not immediately relevant here because even if they were the same thing, they might still not be entitled to the same designation. If the qualities we use to designate the Dao in Chinese philosophy are not what are descriptively captured in Thomism, then, to designate the thomist God “Dao” would still be incorrect, even if objectively they are the same thing. And the converse would equally be true: two distinct things can share the same designation, to the extent that they share the qualities that the designation refers to. It is not so much what they are in themselves, but *what we mean* by these designations, such as “Dao”. What qualities do the designating word “Dao” capture, and are these same qualities found in the thomistic account of God? That is the question.

In order to answer this question, we need to get a better grip of what Wang really means when he says that “the term “Dao” is derived from the fact that it is that on

which the myriad things make their way”<sup>199</sup> Parallel passages in the text are in Section 25:<sup>200</sup>

*We do not know its name*

Names are used to determine forms, but amorphous and complete, it has no form, so we cannot make any such determination. Thus the text says that “we do not know its name.”

*So style it “Dao”*

Names are used to determine forms, and style names are used to designate attributes. To speak of “Dao” is derived from that fact that absolutely nothing fails to follow it and because, of all the terms that might be used to address the “amorphous and complete,” this one has the broadest meaning.

We are already familiar with the reason why the Dao is designated and not named. But what needs to be grasped now is why the Dao is designated as “Dao”, and Wang’s explanation is that it is that upon which all things necessarily follow and that Dao has the broadest meaning. These two reasons are connected, as Wang’s commentary explains. The reason why a term with the broadest meaning is needed seems to be the desire to avoid some restricted *physicalist* or *materialist* representation of the Dao. My conjecture is that this is motivated by the already clearly made point that the Dao has no physical form. Dao for Wang escapes this restricted physicalist meaning

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<sup>199</sup> *ibid.*, 32

<sup>200</sup> Wang Bi, *The Classic*, Section 25, pg 95

because the notion of the “greatness” it is connected to has not such a restricted physicalist meaning. Wang explains:

*Forced to give it a name, we call it “great.”*

“The reason we style it “Dao” is that, of all the terms that might be used to address it, this one has the broadest meaning. Seeking the reason why this style name is assigned to it, we find that it is connected to the notion of “greatness”...

*“Great” refers to the way it goes forth.*

“Goes forth” means “operates,” so the meaning here is not restricted just to the single sense of great as in “great body.” As it operates everywhere, there is no place it does not reach. Thus the text says: “goes forth”

In other words, Wang is eager to adopt the word “Dao” because of its association with the notion of greatness. This “greatness” does not mean *spacial and physical* vastness, like the case of a huge balloon. Rather it refers to the complete operative presence of the Dao. This explains also why Wang says that the word “Dao” is derived from that fact that it is that on which all things necessarily follow: as designated by the word “great”, the Dao is all and everywhere operative.

Thus far, the meanings attached to the designation “Dao” seem much in line with thomistic description of God as sustaining Being of all creation, thus present in all finite beings. The unlimited Being is infinitely present in all beings, operatively

keeping them in existence. This seems to warrant applying the designation “Dao” to thomism’s God. However, the commentary goes on to elaborate further on this far-reaching operative presence of the Dao. It makes the point that this Dao favors no particular direction of operation. I bring this up because this seems inconsistent with what we said about God when we analyzed it from the point of view of the implications of normative precepts. In chapter 4 we concluded that the God or Transcendent Warrant of the natural law theorist was a Transcendent Norm. Meaning: this God must have intentionally willed our epistemic faculties to work *this* way rather than that, so that they would deliver *these* precepts rather than others. This implies that this Norm or God favors things to be *this* way rather than another, and seriously chose to have created *this* kind of thing and not another. Its choice to create and sustain *this* rather than that is not willy-nilly, but normatively made. To It, it is right, good, or correct for things to be this way rather than that. If that is the case, we need to see if there is any real inconsistency between Wang’s Dao for which there is “no particular direction of operation that it favors over any other”<sup>201</sup> and such the thomistic Norm, God. Let us look at the stanza:

*“Goes forth” describes how it is far-reaching, and “far-reaching” describes its reflexivity.*

“Far reaching” means “to reach the ultimate.” As it operates everywhere, there is both nothing that lies beyond its infinite reach and no particular

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<sup>201</sup> *ibid.*, p 96



direction of operation that it favors over any other. Thus the text says: “far reaching”.<sup>202</sup>

We need to get a better sense of what exactly Wang means by saying that the Dao favors no particular direction of operation. A passage further down in the same section offers some clues. There the text gives the order of the modeling of the Natural, with Dao modeling after the Natural followed by the Heaven and Earth modeling the Dao, followed in turn by the modeling of Earth by Man. The commentary runs like this:

“To take models from” means “to follow the example of”. It is by taking his models from Earth that Man avoids acting contrary to Earth and so obtains perfect safety. It is by taking its models from Heaven that Earth avoids acting contrary to Heaven and so achieves its capacity to uphold everything. It is by taking its models from the Natural that the Dao avoids acting contrary to the Dao and so achieves its capacity to cover everything. It is by taking Its models from the Natural that the Dao avoids acting contrary to the Natural and so realizes its own nature. To take models from the Natural means that when it exists as a square, it takes squareness as its model, and when it exists in a circle, it takes circularity as its model: it does nothing that is contrary to the Natural.<sup>203</sup>

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<sup>202</sup> *ibid.*, p 95-96

<sup>203</sup> *ibid.*, 96

Wang's commentary makes one major point which runs across his explanation. What Wang understands the text as prescribing is: that one must avoid acting in a way that violates the original structure of things. Instead, one should act by following the original structure of things. As the text says, one should model, via Earth, Heaven and then the Dao, ultimately the Natural, which in turn means modeling oneself after the natural structure of things. Focusing on the Dao, it says that it models itself after the Natural, which is to model the natural structure of things. This seems immensely vague still. Nevertheless, this much may be gathered. The Dao ultimately models itself after the natural structure of things. That is, it does not impose anything different from the original structure of things; quite the contrary, it takes after that original structure. This seems to fit in nicely with the earlier claim that the Dao operates without favoring any particular direction of operation: because the Dao models after the original structure of things, clearly it has no particular preference for a certain structure. *Therefore* the Dao can be said to operate without favoring any particular direction of operation. No one operation is preferred: rather it simply takes on the mode of operation of whichever being it finds itself in. It models itself after the natural structure of things, and does not impose a preferred structure on things. This seems to me the general line of thought.

If that is the case, then the basic idea is not at all that the Dao bring things into being and sustains them towards completion after the manner of an accidental, willy-nilly big bang. Rather it means simply that it does not attempt to impose a foreign structure on things; instead it moves in the very direction of the thing, or it models itself after the thing. This does not mean that as it models the thing it does not favor

this very thing being what it is. Quite the contrary; if the Dao models the Natural by modeling after the structure of each thing then it seems to me it prefers that things be what they are, rather than that they be re-constructed into something else. Hence to say that there is no particular direction of operation that it favors *over any other* is precisely that: it does not favor *one* particular direction of operation over any other. But it does favor each thing fulfilling each its original line of operation. From this it seems to me fair to conclude that nothing implied in the designation of the Dao would be inconsistent with the notion of a Transcendent Norm, as is the God of the thomist or natural law theorist. Hence, there need not be too much of an obstacle to designating the thomist God “Dao”.

### Conclusion

In this chapter I have compared the Thomistic concept of God and Wang Bi’s *Laozi*’s Nameless and Formless Dao. Rather interestingly, both share the idea that the Ontological Origin of things is metaphysically unlimited. By examining Wang’s theory of language, I also argued that there is no difficulty in applying “Dao” to the Thomistic God. It seems then that natural law theory too, like Wang’s *Laozi*, has its own philosophical analysis of the “Dao” as the source of the desired political community. Thus we end this chapter. And we move on to the next, which examines how Wang’s non-interventionist politics of the Dao finds correspondences in the political theory of natural law.

**III**

**Similarities and Differences in Political Strategies**

## **Chapter 8**

### **What Not To Do: Against Moral Legalism and Religious Coercion**

#### **Introduction**

In this chapter, I will argue for parallels in Wang's Daoist/Nameless/Formless politics of non-intervention and what I would defend as a Natural Law political theory that resists religious and moral legalism. Both traditions (in their own way) grasp the importance of a metaphysics of Dao/God, although neither of these political theories are grounded in a metaphysics of the Dao/God. Although Wang's *Laozi* speaks of honoring the Dao in politics, the "Dao" refers not to the metaphysical ontic Dao so much as the non-interventionist politics of namelessness and formlessness. This politics of non-intervention is recommended on the basis of projected human behavior. Similarly, natural law political theorizing recognizes the importance of the recognition of God for practical reason's and Law's normative credibility, but would resist using the law to coerce religious adherence and compliance with practical reasonableness for the sake of strengthening the Rule of law. These strategies are recommended not on account of a metaphysics of God, but based on the structures of practical reason and the way practical reasoning operates.

## Honoring the Dao

Wang's *Laozi* writes:

*... the myriad things without exception must honor the Dao and esteem virtue.*

The Dao is the origin of all things, and virtue is the power behind their potential. It is only after they originate that they have a potential, so this is why they must honor the Dao. Any neglect of virtue will result in harm, so this is why they must esteem it.<sup>204</sup>

Few contemporary commentaries of Daoist scholarship examine this passage, except Alan Chan's *Two Visions*, from which I draw instruction.<sup>205</sup> Indeed this passage is very fascinating. This passage points out that the myriad creatures must honor the Dao, which is the source of their being. The *Laozi* text points out that this honoring is spontaneous: "This honoring of the Dao and this esteeming of virtue, none are ordered to do so, yet it always happens spontaneously"<sup>206</sup>. Wang's commentary however does not make clear *why* the myriad things honor the Dao. What he does add is that they "must" honor the Dao because the Dao is their origin.

A few questions are relevant here. Does Wang read the *Laozi* as endorsing some kind of natural theism here, when it says that the myriad things spontaneously honor the Dao? That is, is Wang saying as a matter of fact that they do, whether they

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<sup>204</sup> *ibid.*, section 51, pg. 149

<sup>205</sup> Alan Chan, *Two Visions*, *op. cit.*, pp. 77-80

<sup>206</sup> Wang Bi, *The Classic*, 149

ought to or not? This may be the case, but certainly there is a further normative claim. The further claim is not only that they do, but that they “must”. Hence Wang seems to suggest that their honoring is somehow required, obligatory, something that should or ought to be done. And he gives the reason for this. For Wang the myriad things must honor the Dao because the Dao is their origin: “the Dao is the origin of all things...it is only after they originate that they have potential, so this is why they must honor the Dao”<sup>207</sup> Still this is vague. Why is it the case that one should honor one’s origins? Is it a matter of gratitude? This seems to me the most immediate explanation and a natural reading. If this is what Wang means, then when insisting that the myriad things must honor the Dao, Wang is simply insisting on something like a courteous response on the part of the myriad things. They must honor their origin because it is a requirement of courtesy and of gratitude. If however we do not, we are merely being ingrate or rude.

However, a more sophisticated reading of why the myriad things must honor the Dao may be possible. The sophisticated reading suggests that the honoring of the Dao has more at stake than courtesy. Intermittent the discussion of honoring the Dao is Wang’s explanation of why we must esteem virtue. And his explanation is not because it would be rude or ingrate. His reason is that there might be ill consequences. His concern is about the harms that will ensue absent this esteem: “Any neglect of virtue will result in harm, so this is why they must esteem it.” Hence as I see it, Wang may be thinking generally about the bad consequences in this part of the commentary, and not merely about etiquette. So, as in the case of the esteeming virtue, the

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<sup>207</sup> *ibid.*

requirement that the myriad things honor of the Dao need not just be merely an insistence that the myriad things express gratitude for their existence.

It may be difficult to see how failing to honor the Dao can lead to ill effects, until we import into our interpretation the idea that Dao is often metaphorically read as the doctrine of non-intervention. As pointed out in the early chapters of our thesis, Wang Bi's *Laozi* plays on the equivocations of the terms "names/nameless" and "forms/formless". By equivocating on these terms, the discourse subtly shifts from one subject matter to another: from semiotics to politics, and then to metaphysics. It is likely that the same kind of literary shift is operating here. When Wang is talking of the Dao as worthy of honor, he may be referring to the Dao *qua* the Nameless and the Formless. But the "Nameless and Formless" also refers, in another sense, to the political strategy of non-intervention (*wuwei*). For Wang, this political strategy of non-intervention is what best promotes the beneficial and moral society, because interventionist efforts to cultivate morality in people through threats of punishments or promises of rewards only encourage inauthentic moral action or more devious evasion of the law. (See Chapter 1 and 2) In other words, "we must honor the Dao" means that we must respectfully apply the political strategy of non-intervention, or else ill social effects will result.

My reading finds corroboration in Alan Chan's analysis. He quotes Wang Bi's commentary on chapter 57 of the *Laozi* and explains:

[Laozi] Text

Wang Bi's Commentary



*Thus the sage says: I take no action and the people are transformed. I love tranquility and the people are of themselves rectified. I do not engage in affairs and the people of themselves become rich. I have no desire and the people of themselves become simple.*

What the ruler above desires the people will follow quickly. If what I desire is only to have no desires, then the people will have no desires and become simple of their own accord. These four [nonaction, tranquility, nonactivity, no desire] indicate honoring the root so as to put to rest the branches.

These comments describe well the ideal state of the [*Laozi*], as represented by Wang [Bi]. By [*wuwei*], “honoring the root”, the sage will lead the people away from falsehood and return to the true. The assumption is that people will follow the sage as a matter of course. They will have few desires; they will not “avoid” the ruler, as Wang [Bi] puts it in a number of places. At the same time however, they will hardly know the sage is governing at all. Specific policies or techniques of government are not the issue here. The political vision of Wang [Bi] is centered on the claim that the transforming power of [Dao], exemplified by the ideal ruler, would permeate “naturally” the minds and hearts of the people. When Wang [Bi]

went to see the prime minister Tsao Shuang, he probably talked about this, as opposed to the abstract meaning of [Dao] in itself. This, I suspect, is also why Tsao Shuang laughed at him.”<sup>208</sup>

Paradoxically then, when Wang is speaking of honoring the Dao, he was not engaging in metaphysical discourse. Rather, he was simply saying that one should not engage in the policy of interventionist politics. And the philosophical justification for this is again not Daoist metaphysics; his non-interventionist politics is grounded in the way he thinks human nature will respond to social intervention.

In this way also, the talk of “virtue” (*de*) as if it results from (honoring) the Dao becomes understandable. Because the political social policy of Nameless and Formless non-intervention (i.e., the Dao qua *wu ming* and *wu xing*) gets the desired result, it is that very virtue or efficacy (*de*) that obtains or gets (*de*) the good effects and avoids the ill consequences. Failure to honor the Dao then becomes the neglect of virtue or efficacy (*de*), since it is the failure to do what gets (*de*) the desired consequences. Again, we agree with Alan Chan, who writes:

“Chapter 38 of the [*Laozi*] is especially concerned with the idea of virtue (*de*). According to Wang [Bi], virtue means to “obtain” or “attain” (*de*), playing on the homonymic relation of the two words. How can one

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<sup>208</sup> Alan Chan, *Two Visions*, op. cit., pp. 79-80

“obtain virtue”? Through [Dao], and more specifically by taking *wu* as “function”, which is to say to follow the Way.”<sup>209</sup>

Finally my interpretation also makes sensible the notion of the Sage Ruler as embodying the Dao, or being one in body with the Dao (*yu Dao tong ti*). This does not mean metaphysically one’s body is substantially united or indistinguishable with the Dao. Rather, as in the case with “honoring the Dao”, the “Dao” here refers to the Nameless and Formless, which is the metaphor for the Nameless and Formless politics of non-intervention. Hence “being one in body with the Dao” refers not to any kind of substantial unity between the Sage, but rather refers to the idea that the Sage is one who adopts the policy of (the Dao qua nameless and formless) non-interventionist politics. Alan Chan’s analysis gels well with our interpretation:

“In Chapter 23 Wang Bi describes the follower of the Way as “one *ti* with [Dao]” (*yu Dao tong ti*). This may indeed seem to justify the use of “substance” in redering *ti* in this context. But Wang [Bi] goes on to say, one who seeks to “attain” (*de*) virtue is also “one *ti* with attainment,” and one who “loses” it is one *ti* with loss.” If one does not wish to extend the same metaphysical meaning of “substance” to “attainment” and “loss”, which I do not, it is better to render the *literary* expression of the type *yu x tong ti* in a verbal sense as “embodying x” or metaphorically as “one body with x,” or simply “one with x.” The word “literary” is emphasized here because of Wang [Bi’s] fine skill as a writer, though generally recognized,

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<sup>209</sup> *ibid.*, 65

does not appear to have been taken much into account in current interpretations of his work.”<sup>210</sup>

### Natural Law Theory and God

Natural Law Theory would also have compelling reasons to require that God or the Dao be “honored”; Natural Law theorists recognize that there is a sense in which the recognition of the existence of the Transcendent warrant, God, is important. Further, like Wang, Natural Law theory would also have reservations about intervening with the law to promote practical reasonableness for strengthening the Rule of Law.

The requirement to honor or acknowledge the existence of God follows philosophically from the Rule of Law. This is quite unlike the clever and *literary* construction of Wang’s argument, where “Dao” signifies not the metaphysical source of all beings but the politics of non-intervention. Here “God” has a metaphysical referent. Recall the following. A careful study of the sources of legal obligation and the rule of law reveals practical reasoning’s normativity at its heart (Chapter 5). Law’s normativity derives from the normativity inherent in practical reasons, for there is no other source of normativity. Further, we have also seen (in Chapter 6) that the denial of any Transcendent Warrant for our practical reasons ultimately undermines the very credibility of these reasons. For: the affirmation that there is no Normative Intention in the origin of our epistemic capacities and *ipso facto* the epistemic

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<sup>210</sup> *ibid.*, 66

deliverances of these capacities calls into question the normativities contained in these deliverances. After all, if things came to be by mere chance, then reason's practical norms—which counsels that such and such *ought* to be this way rather than any other—are at best an illusion. Finnis' recent analysis of secularism's explicit denial of God potentially makes our point. He writes:

...denials that there is any transcendent source of meaning and value in human existence and opportunity tend to unravel the structure of practical reason and corrode its efficacy. For practical reason directs us towards states of affairs which should, according to practical reason, be made to obtain, but do not obtain. Imagination, memory, desire, aversion, and inertia all direct us towards other attractive states of affairs, alternative to those picked out by reasons considered fully reasonably. If practical reason considered fully reasonably has no transcendent ratification – no further intelligibility than that it is what we inexplicably find as one aspect of our psychic structure – its place in deliberation is understandably subject to usurpation, displacement, by alternative sources of directiveness: the passions in all their raw, spiritual, rationalized, and conventionalised forms. Their constitutional ruler loses one of its titles to legitimacy and allegiance. The pungent Nietzschean apothegm asserts that if God is dead everything is permitted, and though it is psychologistic, not logical (as is signaled by the logical absurdity of “God is dead”), the apothegm on that plane makes a fair diagnosis of practical reason's loss of

intelligibility and desirability if a secularist denial or discounting of divine wisdom and providence becomes one's working presupposition.<sup>211</sup>

Given the tight philosophical relation between the secularist denial of any Transcendent Warrant (such as God or Dao) and the weakening of reason's attractiveness and credibility, it would also seem fair to suggest that a statesman eager to enhance the rule of law would do what lies in his power to erase such denials. A society where people practice religions implicitly recognizing such a Warrant like God would be most congenial with the acceptance of practical reason's normativity. At least, such a society would be least threatening to the credibility of practical reason's normativity.<sup>212</sup> A statesman may be eager to create this state of affairs. Here again, a historically favored way to do this had been to suggest that one legally coerce the recognition (both performative and verbal) of such a God or a Dao.<sup>213</sup> Such coercion is usually manifested as punitive pressures to participate in public expressions of this recognition. Here the law enters into the spiritual domain by coercing religious worship.

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<sup>211</sup> John Finnis, "Secularism, Law and Public Policy", forthcoming in Robert P George, (ed.), *Faith, Secularism and Public Policy*. I am thankful to Professor Finnis for making his splendid paper available to me before its publication.

<sup>212</sup> This is philosophically true, even if historically false. Many religions commend that their adherents abandon natural reason's guidance. But the kind of religion I am thinking of here as worth enforcing will not commend the abandonment of reason. It is this kind of religion with its implicit acknowledgement of a Warrant or God that I am proposing may have been thought of as worth enforcing, although I eventually argue against this.

<sup>213</sup> Besides the rather obvious program of preaching the reality of the existence of such a God.

Again, one may wish to use the law to enforce punitive measures against those who dismiss practical reasoning's direction. A policy of applying punitive measures to try to coerce a people's acknowledgement of the normativity of practical principles in the form of the first principles and in the form of its derivations will not be too different. Both will be concerned with punishing immorality, since immorality includes deviations from either the first principles or its later derivations. An examination of attempts to use punishment and rewards to reinforce practical reasoning therefore includes a study of punishment's effects on not merely our grasp of the first principles, but also of the principles that follow from these. That is, a study of the efficacy of punishing immorality can at once examine the effects of punishment on our grasp of the natural law, or of morality.

An internal examination of the data of practical reasons gives rise to an account of human nature<sup>214</sup>, and also an account of metaphysical reality.<sup>215</sup> My task in the following is to use that information to explain why religious and moral legalism is counter-productive. As Finnis would have put it: "there is thus a movement to and from between, on the one hand, assessment of human good and of its practical requirements, and on the other hand, explanatory descriptions (using all appropriate historical, experimental, and statistical techniques to trace all relevant causal interrelationships) of the human context in which human well-being is variously

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<sup>214</sup> See John Finnis, *Aquinas: Moral, Political and Legal Theory* (NY: OUP, 1998). 90-94.

<sup>215</sup> see *ibid.*, 294-298. Also John Finnis, *Natural Law and Natural Rights* (Oxford: Clarendon Press, 1980), 371-410. Also see previous chapter.

realized and variously ruined.”<sup>216</sup> Attentiveness to the structure of practical reasoning’s *modus operandi* reveals that practical reasoning, both in form of the first principles (i.e., as natural law) and in its later derivations (i.e., as moral norms) cannot be enhanced by punishment or rewards. Religious coercion (call this ‘Religious legalism’) is futile because what is begotten is not authentic religion; the socially destructive denials of God persist despite the coerced pretenses. Also, policies of punishing immorality through the law, commonly called moral legalism, lead instead to counter-productive and frustrating effects, contrary to the hoped for ideal of a people with a strong grasp of practical reasoning and its normative implications. As natural law theorists seeking to promote the Rule of Law which coordinates the pursuit of common goods (because practical reason directs that: these common basic goods ought to be sought and promoted), we may conclude that these policies should not be adopted.

### Rejoining The Hart-Devlin Debate

In a recent work, the natural law theorist Robert P George rejoins the Hart-Devlin debate. Devlin had argued that not enforcing shared morality leads to the disintegration of society, whereas Hart had replied that this would not occur. In his *Making Men Moral*, George asks whether morals laws should be legally enforced, and surveying the arguments in the debate between Devlin and Hart, he gives an affirmative answer. George’s discussion is relevant for our purpose, because like him we are interested in the legal enforcement of morality for the purpose of making men

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<sup>216</sup> John Finnis, *Natural Law and Natural Rights*, *op. cit.*, 17



moral, although this will not be our final end. We are interested in making men moral for the sake of strengthening the rule of law. As was pointed out, the recognition of the normativity of legal rules derives in great part from our prior recognition of the normative precept from which the legal rule was determined (*determinatio*). But we can build on his discussion and borrow his insights on the effects of moral legalism.

We begin by locating ourselves in that debate. George had argued against Hart that Devlin means by ‘society’ not merely the physical peaceful co-existence of persons within a geographical limit, but includes some form of social and interpersonal integration and co-ordination, all of which implies a structure built on a belief consensus.<sup>217</sup> Thus, if this social co-ordination and integration is disintegrated, the mere peaceful co-existence that subsists would not constitute the subsistence of a ‘society’, but something less than a society. Hence society would indeed be destroyed. Nonetheless Devlin’s case cannot stand as it is. The criticism George has for Devlin is that Devlin errs in insisting that shared morality *simpliciter* should be enforced and at the same time rejects the additional premise that *such a shared morality must be sound*. So George writes:

...even in circumstances in which social cohesion is imperiled, as Devlin correctly supposed it could be, by the erosion of a hitherto dominant morality, a concern for social cohesion *per se* is not a sufficient ground for enforcing moral obligations.<sup>218</sup>

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<sup>217</sup> Robert P George, *Making Men Moral: Civil Liberties and Public Morality*, (Oxford: Clarendon Press, 1993), 67-70

<sup>218</sup> *ibid.*, 71

George thinks the reason for Devlin's refusal to admit the legal credentials of a sound morality as opposed to merely a shared morality is that Devlin is a moral non-cognitivist. In insisting against Devlin that moral knowledge is possible, George represents correctly the realist tradition he calls the Central Tradition (i.e., the Aristotelian-Thomistic tradition). In the name of that tradition, George then argues that one should endorse the legal enforcement of *sound moral norms*:

The justification of morals laws cannot prescind, as Devlin supposed it could, from the question of the moral truth of the obligations they enforce. A concern for social cohesion around a shared morality can justify some instances of the enforcement of morals, *but only if that morality is true.*<sup>219</sup>

We join the debate here, but to disagree with him. While a great admirer of George's work on natural law, I think here is something that needs to be debated. And I too hail to come from the Central Tradition, so-called. Still as a thomist very sympathetic to the natural law theory developed by John Finnis (and Germain Grisez) which George builds on, my aim is not to simply split ways with George, but really to point out that their very own remarks actually do not cohere with George's own conclusion on this

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<sup>219</sup> *ibid.* 71

matter.<sup>220</sup> I will try to sieve out what I think are the many brilliant insights in George's own work here in question which sanction a stronger separation between private morality and its legal enforcement. I will not debate if a shared sound morality leads to social cohesion. Rather my point will question if there will be a shared sound *morality* at all after the enforcement of morals. Will people actually develop a recognition of the normative authority of practical reason through coercion? That is my question.

### Religious Beginnings

George continues his analysis with the question of religious freedom because of its connection with any theory of 'moral liberty'. This is fortunate for us because a discussion of the question of religion freedom is also pertinent to our analysis of how the enforcement of religion may correct the undermining of practical reason by secularist denials of the Transcendent Warrant, God. He writes:

I maintain that the right to religious freedom is grounded precisely in the value of religion, considered as an ultimate intelligible reason for action, as basic good. Like other intrinsic values, religion can constitute a reason for political action; government need not, and should not, be indifferent to the value of religion. The nature of that value is such, however, that it simply cannot be realized or well served by coercive imposition. Any attempt by government to coerce religious faith and

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<sup>220</sup> Finnis is in fact less enthusiastic when it comes to endorsing paternalism. See his *Aquinas*, op. cit., 222-228. He reads Aquinas as understanding the role of the state to be limited only to external acts related to peace and justice, not internal dispositions.

practice, even *true* religious faith and practice, will be futile, at best, *and likely to impair people's participation in the good of religion.*

While religious liberty...is not absolute, government has compelling reasons to respect and protect religious freedom.<sup>221</sup>

The important point George is making here is that even though religion is a good, it is a good that can be participated by the subject only if he is to participate it in a certain manner, namely, *sans* coercion. This derives from the nature of religion as a reflexive good, i.e., “objects of choice whose value depends on their being freely chosen.”<sup>222</sup> So, “as interior acts, religious acts cannot be compelled. If they are not freely done, they are simply not done at all.”<sup>223</sup>

There is ample evidence how coercive enforcement of religion in effect short-circuits one's ability to experience the good of religion. Enforcement entices the coerced with the objective of escaping from pain, so that it is not religion as such that is aimed at, but mere external compliance for the sake of other physical and hedonistic goods. George writes, for example,

Communion with God, if God exists, is like communion with other persons in its *reflexivity*; it is not communion unless it represents a free self-giving, unless it is the fruit of a *choice* to enter into a relationship of friendship, mutuality or reciprocity. Such a relationship simply

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<sup>221</sup> Robert P George, op. cit., 220 *Italics* mine.

<sup>222</sup> see *ibid.*, 221, note 15

<sup>223</sup> *ibid.*, 221

cannot, in the nature of the thing, be established by coercion. Coercion can only damage the possibility of an authentic religious faith, a true realization of the human good of religion. Coercion deflects people from really choosing that human good, for it seeks to dominate their deliberations with the prospect of a quite different good—of freedom from imminent pain, loss, or other harms, or of some other non-religious advantage.<sup>224</sup>

Surely George is on the mark. Coercion is simply counter productive; in order to encourage anyone's participation of the good of religion, there must be a sphere of freedom. The person who has religion imposed on him through threat and complies tends to have his practical syllogism reduced to a quest ultimately of the good of freedom from pain, rather than the substantive truths of religion as such. When he considers why he should obey or give (superficial) assent to them, he is motivated, under threat, by the quest for hedonistic goods.

It is of course possible that a person under threat might still *truly* seek religion. Yet if that were so, it is not achieved by the threat at all; such a person seeks religion not *because of the threats*, but *despite the threats*. He or she must already see it as a worthy point of interest. Hence the threat is at least superfluous. But it is not just harmlessly superfluous. It becomes a hindrance to the true participation of the good of religion, because it tends practical deliberation towards intentions directed at pleasure (or freedom from pain) rather than the good of faith. And this is true not merely for

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<sup>224</sup> *ibid.* 222

threats, but for promises of pleasures as well. This is because the increase of pleasure is also the removal of pains. So just as equally, influencing a person with promises of honors or recognition for seeking a religion tends to displace any authentic religious motives and distract his practical deliberation with temptations of such non-religious, hedonistic motives.

Of course, if the threat is not too violent (say, people who do not seek the good of religion are not entitled to tax refunds on the donations they give to charities), or if the pleasure is not too intense (say, people with religion are invited to a government funded dinner function to honor them just once a year), then the distraction is diminished. And the avoidance of pain is less likely to be the *only* reason for compliance. In any case, such things can be artfully done: the law can have very light penalties for non-religiosity. Some very sensitive persons will be deflected, others will not be. These other persons, then, will see the good of religion, and comply with the law without the mere desire to avoid the penalties. So, if the good of religion cannot *always* be coerced successfully, there still are chances of success. Perhaps over a long period of time, after repeated “soft” coercion, some will come around to see the point of religion as something worth seeking. Underlying these kinds of reasoning is the assumption that somehow, it is possible to impress the good of religion in another.

But this will not work either. This has to do with the fact that what is normative *for me* is not necessarily normative for another. Now do not misunderstand. I am not saying that the precepts of the natural law are not normatively *true* for all persons. They are, and in this sense they are normative for me and for you. But in another sense, the normativity of the natural law is *not*

*transferable*: all one can do is to *agree with* what someone else finds normative. Take a precept of the natural law, like, “one should not kill the innocent (or what is the same: one should promote the good of life)”. This precept is normative for all persons, because all persons, to the extent that they have the natural law, will be bound by it. They will agree with its normative obligatoriness. But they do not agree with the precept in the sense of passively receiving this precept; rather, they find that their own practical thinking *coheres* with this precept. And since it is the natural law which obliges one to seek the good of religion, so also the obligation to seek the good of religion cannot be transferred or grafted into another. The following will try to demonstrate this.

### Do You See What I See?

John Courtney Murray once wrote:

Man’s native condition as a moral subject, who confronts demands of a transcendent order of truth and goodness, requires that he be surrounded by a zone or sphere of freedom *within which he may take upon himself the ineluctable burden—that of responsibility for his own existence*. This requirement for an environment of freedom is more stringent in what concerns man’s relation with God. This relation is personal in that it is immediate, a relation of person to person. Therefore it is to freely entered, in response to the divine initiative. And in further consequence, the responsibility for the nature of the

response, whether acceptance or rejection, in *inexorably a personal responsibility, not to be shared with others or assumed by others, much less shifted onto others*. On all these counts it clearly appears that coercion brought to bear upon the human subject, especially in what concerns his relation with God, is not only a useless irrelevance but *also a damaging intrusion. It does injury to man's personal autonomy. It stupidly seeks to replace what is irreplaceable. It does violence to the very texture of the human condition, which is a condition of personal responsibility.*<sup>225</sup>

There is a point to Murray's remark that religious choice is a personal responsibility that is not transferable, and I wish to recast in greater detail the point in the context of the (neo-thomistic) natural law theory much developed by John Finnis (and Germain Grisez and Joseph Boyle), and brought forward by George himself—who in writing that “no one can search for religious truth, hold religious beliefs, or act on them authentically, for someone else”<sup>226</sup> makes the same point—although on particular conclusions further down regarding moral legalism George and I will be diametrically opposed. Still I hope this be not so much interpreted as an opposition to their theory, but an effort to collaborate in its development. But returning to the issue at hand, here we delve more deeply into the nature of practical reasoning and the structure of its first principles—i.e., natural law, or what John Finnis calls the “non-

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<sup>225</sup> John Courtney Murray, “The Declaration of Religious Freedom: A Moment in Its Legislative History”, in *Religious Liberty: An End and A Beginning*, John Courtney Murray SJ (ed), (NY: Macmillan, 1966), 39-40, italics mine.

<sup>226</sup> Robert P George, *op. cit.*, 220



transparency of ethics". Recall that in *Natural Law and Natural Rights*, Finnis maintains that there are many underived first principles of natural law:

...Aquinas asserts as plainly as possible that the first principles of natural law, which specify the basic forms of good and evil and which can be adequately grasped by anyone of the age of reason (and not just by metaphysicians), are *per se nota*, (self evident and indemonstrable). They are not inferred from speculative principles. They are not inferred from facts. They are not inferred from metaphysical presuppositions about human nature, or about the nature of good and evil, or about the 'function of a human being', nor are they inferred from a teleological conception of nature or any conception of nature. They are not inferred or derived from anything. They are underived (though not innate). Principles of right and wrong, too, are derived from these first, pre-moral principles of practical reasonableness.<sup>227</sup>

Concurrent to this understanding of natural law is a hermeneutic that Aristotle and Aquinas' speculative conclusions about human nature and the metaphysics of reality are buttresses of a purely non-theoretical but practical moral theory. To point out that Aristotle and Aquinas' moral theories are non-theoretical but *practical* is not to make a trivial point. Although the mind is not two but one, nevertheless practical reasoning excludes merely thinking about what to do *simply in order to know what to do*.

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<sup>227</sup> John Finnis, *Natural Law and Natural Rights*, op. cit., 33-34

Theoretical thinking, which is thinking primarily in order to *know*, is distinguished from *practical* thinking. In fact, practical thinking is thinking *in order to act*. Practical thinking, is *really a kind of thinking which works on a different kind of logic*.

When discerning what is good, to be pursued (*prosequendum*), intelligence is operating in a different way, yielding a different logic, from when it is discerning what is the case (historically, scientifically, or metaphysically); but there is no good reason for asserting that the latter operations of intelligence are more rational than the former.<sup>228</sup>

This notion of practical thinking governs his interpretation of Aristotle and Aquinas. In *Fundamentals of Ethics*, when explicating Aristotle's idea of ethics as a practical enterprise, he writes:

The philosopher [Aristotle] who may be said to have initiated, and named, the academic pursuit called *ethics* also called that pursuit 'practical'. The knowledge that one may gain by that pursuit is, he said, 'practical knowledge'. People usually water down these claims of Aristotle's...The misunderstanding goes like this: Aristotle just meant that the subject matter in ethics is human action (*praxis*), or opinions about human action, or opinions about right human action, or right opinions about human action, or all of these topics.

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<sup>228</sup> *ibid.*, 34

...Of course, each of those topics is an aspect, more or less central, of the subject-matter of ethics. But in calling ethics practical, Aristotle had much more in mind. He meant that one does ethics properly, adequately, reasonably, if and only if one is questioning and reflecting *in order to be able to act*—i.e., in order to conduct one's life rightly, reasonably, in the fullest sense 'well'. And doubtless he had in mind that the questioning and reflecting which constitute the academic pursuit itself are themselves *actions*, the actions or conduct of you or me or Aristotle or those of his students who took his course seriously.<sup>229</sup>

But Finnis then goes one step further: not only is practical thinking about *what is to be done*, but also what *I* think is to be done. This phenomenological difference in practical thinking and theoretical thinking is analyzed as a difference in the object of one's intentionality. When I am thinking theoretically about *p*, my intention falls precisely on *p* as the object. Theoretical thinking about *p* obeys what Finnis calls 'transparency', and what I gather by transparency is that the person making that statement in theoretical thinking is transparent. He is not included in the propositional string which expresses *p*. He is unseen, invisible. He is not included as the object of his intentionality in any manner.

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<sup>229</sup> John Finnis, *Fundamentals of Ethics* (Washington: Georgetown University Press, 1983), 1

The theorist can say to himself (1) ‘I ought to think that ‘p’ (since the evidence favors the conclusion)’. Or he can say (2) ‘I think that *p* (since the evidence...)’. But both (1) and (2) are *transparent for* assertions that omit the first-person pronoun and verb. That is, the meaning of (1) and of (2) can be found in assertions of the form (3), ‘it is the case that [or: it’s true that] *p*, (since...)’, or most simply, the affirmation of (3’) ‘*p*’. In formulations in form (3) the theorist—oneself as a human being with one’s objective(s), one’s responsibility and one’s attainment—disappears from view.<sup>230</sup>

On the other hand, when I am thinking practically about *p*, my intention falls precisely on *my act of thinking about p*.<sup>231</sup> For Finnis, practical thinking is also a self-reflexive exercise. The object of one’s intention when thinking practically *includes the person who is thinking*. The focus of my attention when thinking practically is on *me* deciding what to do, and not merely about *what to do*. The consideration of actions in practical thinking can never abstract the “me” from *me-thinking-about-what-to-do*. Only thinking like this “kicks in”, as it were, the practical logic. The following is most explicit:

...ethics is also precisely and primarily (‘formally’) practical because the object one has in mind in doing ethics is precisely my realizing in my actions the *real* and *true* goods attainable by a human being and

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<sup>230</sup> *ibid.*, 3

<sup>231</sup> *ibid.*

thus *my participating in* those goods. Notice: ethics is not practical merely by having as its subject-matter human actions (*praxis*). Large parts of history and of psychology and of anthropology have human *praxis* as their subject matter; but these pursuits are not practical. No: ethics is practical because *my choosing and acting and living in a certain sort of way (and thus my becoming a certain sort of person)* is not a secondary (albeit inseparable and welcome) objective and side-effect of success in the intellectual exercise; rather it is *the very objective primarily envisaged* as well as the subject-matter about which I hope to be able to affirm true propositions.<sup>232</sup>

Practical thinking as practical therefore has a very strict phenomenological *differentia*: it is (*my thinking*) *about what I must do*, not merely about *things to be done*. The self-reflexive “I” always features directly in the object of one’s consciousness in practical thinking. One might say that practical reasoning is not transferable; I cannot think practically what *you* should do. I can only think practically for myself. To think practically that “I should do this” is not to say that “I should do this no matter who thinks about it”, but “I should do this *when I think about it*.” The “I” is essential in any practical pronouncement of “I should...”: I and only I can think what should be done for me when thinking practically. This is not true of theoretical thinking: the “I” can be abstracted and the thinking remains theoretical. Thinking about a piece of fact as truth or falsehood is not about its truth or falsehood for *me*.

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<sup>232</sup> *ibid.* (Italics original)

Although we say “I think it is true”, the subject “I” is irrelevant: we mean to say, “it is true”: it is true or false independently of me thinking it.

From this something rather significant follows. Since thinking about human actions in a subjectively disinterested<sup>233</sup> fashion does not include the “I” in its intentionality, it cannot be practical thinking. Clearly then, results of physical (understood as the philosophy of nature) or metaphysical speculations about human nature, or about ends for human beings, or about goods for nature cannot be called practical, since they are subjectively disinterested conclusions about it being true that “human nature is such and such, ends are such and such and goods are such and such”, independently of any thinker. They abstract from the “I”, in the manner we explicated above, and fail to surface the practical logic with its epistemic deliverances. Given that natural law are first principles of *practical* reasoning, it follows then that metaphysics or any philosophy of nature cannot constitute any of these principles. Nor can conclusions derived from theoretical science (physical or metaphysical) be *practical*, and so cannot be (first) principles of *practical* reason, precisely because they are not the propositions of practical but theoretical thinking. The peculiar content of practical reason, with its peculiar logic and epistemic deliverances will all have been absent from these (theoretical) truths. It follows then that if the first principles of *practical* reasoning are to be truly *practical*, they cannot be the inferred from conclusions of physical or metaphysical speculation. If physics and metaphysics exhaust all possible

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<sup>233</sup> by subjectively disinterested I do not merely mean unemotionally, but also that when I think about something, I think about with without a reference to *myself*. The self, the subject, “me”, is transparent, invisible.

candidates for deriving practical principles, then the first principles of natural law are more merely not inferred from these, but are further simply not-inferred, self-evident.<sup>234</sup>

But I wish to draw out *another* insight. Insofar as ethics is *practical*, as defined above, and natural law consists of the first principles of *practical* reasoning, then *personal* responsibility and the *non-transferability of ethical deliberation* obtain. In fact we had already pointed this out in passing. Insofar as ethical principles properly speaking are *practical*, then ethics cannot be done in proxy, by another person for someone else. The logic of practical thinking operates only when I think thus: “*I*-ought to do, seek, or work for this and that”. The inclusion of the “*I*”, as we have pointed out, governs the practicality of the discourse and thought. “*I*” can only think what is good for *me* to seek. Now of course I can think what is good *for you*,

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<sup>234</sup> Finnis et al defend the non-inference of practical reasons because the practical proposition contain the normative “ought”, which cannot be logically derived from the descriptive “is”. That is simply true and I too affirm that. But what I have done here is to develop an alternative approach (building on Finnis’ own analysis in his *Fundamentals of Ethics*) to show why practical reasons are not derived from physics or metaphysics: because different ways of thinking will yield different kinds of operational logics, and reveal different (though not contradictory) kinds of objects of thought. Theoretical thinking, being subjectively indifferent (and thinks about “what is the case, does not matter for who”), yield facts. Practical thinking, which is subjectively specific (and thinks about “what *I* ought to do”), yield meaningful points worth seeking for. Hence for those who deny the “is-ought” gap (much as it is true), it does not follow quite yet that if the gap is fused one can now derive practical principles from theoretical reasons. Even if one can derive an “ought” from an “is”, *practical* reasons, with its peculiar practical logic and epistemic deliverances, are not derived from these theoretical premises, the latter wherein the practical logical and its epistemic deliverances of *practical data* will be completely absent. These kinds of practical data which are absent from theoretical thinking include not merely the “ought”, but also the various irreducibly basic, meaningful ends worth seeking. Even if one could get the “ought” from the “is”, he would still have no access to the various meaningful points or ends which *practical* reason counsels as worth seeking.

just as I can also say, “it is good for you to...etc”, but here it is theoretical, because the statement is transparent—“it is good...”—and the *practical* logic, with its intuitively given premises, do not operate. The first principles of practical reasoning do not come to bear in this mental exercise when one ceases to think *for oneself, i.e., practically*. This should not be confused with thinking egoistically. One can think practically what it is good to do to benefit another: “*I-ought to help him or her...*”. The presence of the “I” in the intentional structure is what marks the distinction, not the thought of benefiting the “I”. Again, *in order for the practical principles to bear on my mental deliberation, only I can bring that about*. No one, not you nor anyone else, can do that for me. To tell me that you think it is good for me to seek or do such and such is to give me theory, and it is not *yet* for me to be doing ethics, or practical thinking. It is not *yet for me to experience the guiding force of the natural law*, i.e., the first principles of *practical* reasoning. And since the participation of the basic good (of religion or morality) for each person presupposes his or her thinking and seeking that good in the manner which is expressed by a non-transparent intentional string, one in which the subjective “I” is included, then it would seem that the judgment that religion (or morality) is good is a non-transferable one, meaning that: no one could possible help me intend the *goodness and worth seeking-ness* of religion in this way—or rather, at all—except myself. Unless I am motivated by the *practical* acknowledgment of religion as a good and worth seeking, i.e., “*I-ought to seek the good of religion*”, there would be no other practical motivation to seek it. If that is so, then it would be either futile or unreasonable or arbitrary for me to seek religion, when religion is not *to me* a good; whereas if it were *to me* a *good*, then insofar as the first principle of practical



reasoning “Good ought to be sought and done” directs me, it would be reasonable for me to seek religion.<sup>235</sup>

On other words, ethics or *practical* thinking—whether intending a good or resisting an evil—involves a kind of thinking which at once engages and surfaces the subjective self, the “I”. This is the peculiar structure of natural law in us, the law by through which we experience ourselves as rational creatures sharing in the providential intelligence of the eternal law, and therefore with a capacity for self-governance. The experience of this intentional structure is peculiar to the human person *qua* rational being.

Now, could anyone possibly make me or help me in any manner see that “I ought to seek the good of religion?” No: because the only way religion can be a good is *for me to see it as good, and worth seeking, moved and directed by the self-evident natural law* [i.e., *practical* first principle] in me, and moved in such a way that it is true *for ME thinking about what to do, to seek, to work for, etc.* The natural law that motivates me to see and seek the good of religion is *surfaced and operational only when I think about what “I; me” ought to do* here and now or engaged with possibilities. If I were to say “*one* ought to do this or that”, this would not be a reporting of a natural law’s motivation, unless it is clear that “one” refers exclusively

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<sup>235</sup> While only “I” can know for myself that such and such a good is to be sought, this is not to be confused with saying that only *my personal instantiation* of such a good is worth seeking. Rather, only when thinking of such a *universal-good* (qua a good that is good for myself and anyone else like me), only I can know for myself such a value to be worth seeking. The exclusivity is in the knowing, not in the known good. The good known is a universal good, but only I can know *by myself and for myself* that such a good is to be sought and to be thus reasonably motivated to seek it. I.e., I can know only *by myself* that such a *good-for-everyone* is something worth seeking.

to me—this particular subject—when I am saying it, and not an abstract, common and variable subject. The first principles of practical reasoning which provide reasons for action, i.e., the natural law, are not only self-evident, they are *operationally subject-specific*. While it is true that all of us, more or less share the same content in natural law, yet it is also true that each set of natural law in each rational subject is peculiarly each person's own and normative for him or her only, in the sense that he or she can only be moved by *those natural laws which he or she experiences in himself or herself through practical thinking*, and not another persons'. If some being did not have his or her own store of natural law, it is not for us to try to impress it upon it, but to relegate it to the genus of brutes. It is in this sense that each rational person is a center of self-governance, and hence a subject of *personal* responsibility—nobody can do *for you*, or move (reasonably) *for you*, or indeed *understand, appreciate, see for you the good of religion*.

I conclude that any coercion directed at a person who does not himself see the basic good of religion to want to seek it, with the intention of *making* him see the point of the good of religion and to seek it, is always and everywhere a waste of time and effort. Such attempts fail to attend to the anthropological fact that anyone's experience of normativity is always because of *operationally subject-specific natural laws*. Coercion seen in this light shows why it is a counter-productive activity. It is a failure to take into account a human person as a self-moving, and self-responsible being. It is to try to do for him what only he can do for himself, i.e., experience the normativity of and so be moved reasonably by the—indeed, *his*—natural law.

Recast this result into the context of one of our original concerns: legal obligation. Recall that legal normativity derives from the natural law—indeed, in the light of our analysis: from *his* or *her* grasp of the natural law that is not transferable. This normativity is called into suspicion and undermined if we deny the existence of its Transcendent Warrant. Compared to this, a society of people who are genuinely religious would implicitly acknowledge such a Warrant, and hence would be more conducive to the recognition of the normativity of practical reason. But a policy of coercing authentic religiosity with its implied admission of the normative Warrant will not be successful. Authentic religiosity is the pursuit of the basic good of religion directed by non-transferable natural law, and cannot be created by coercion.

### Let It Be

We have just discussed how the denial of a Transcendent Warrant that undermines the normative authority of practical reason should not be corrected by the legal enforcement of religion. Let us now consider if the law should actively remedy more direct disregard for the authority of practical reasons. We begin by permutating the various kinds of disregards for practical reasons, and consider what would be the effect of legal moralism in each scenario.

Persons can dismiss practical reason's normativity in two ways: firstly one can dismiss the normativity or authority of the first principles or the natural law. Secondly one can dismiss the normativity of one of its derivations, or what are moral precepts that follow from these first principles, without dismissing the normativity of first

principles. We need to consider both scenarios because law can be determined (*determinatio*) either from a general first principle or from its later derivation, and draw its normativity from either of these.

Consider the first case, which is the case of the person who does not recognize the normativity of practical reasons in its first principles. This means that he does not agree that there are intelligible motives to seek and promote certain basic goods. Now the result of legal coercion here would be obvious. As was made clear above, these first principles which constitute intelligible motives for activity are peculiar to the particular subject. I.e., these first principles, what we call *natural law*, are natural laws which are *operationally subject-specific*, and hence cannot be used to move any other person except that in which these laws inhere. This is so since the nature of human practical motivation is that he experiences the operation of intelligent motivation thanks only to his own store of the natural law, and not another's. All these we have explained at length above. So if someone does not acknowledge any intelligible normative direction by any self-evident principles of practical reason, then one cannot impress it upon the person. All such similar and equally applicable arguments we have expressed at length above in our discussion of the good of religion.

Now consider the second case. Suppose one does recognize the direction of the first principles of practical reason. But he or she is mistaken about what being practically reasonable fully entails. In which case, he or she will disregard a particular norm which objectively follows from the first principles. Yet this particular norm which follows from the first principle is the objectively moral norm. So such a person who does not acknowledge the normative authority of an objective moral norm would

be the practically unreasonable person. In contrast, a practically reasonable person recognizes the authority of norms that follow objectively from the first principles. Should we force then it on him or her, or require through law that he or she obey it? If we did, it would not help the person be practically reasonable. That is, we will not help the person recognize the normative authority of the objectively moral norm. To see this we have to consider two further possible scenarios distinguished according to two kinds of compliant persons: the emotionally less sensitive person, and the emotionally sensitive person.<sup>236</sup>

First there is the emotionally less sensitive person, who is not swayed by the fear of punishment or of promises of rewards. Instead, he obeys out of sheer will. Here coercion does not help him become practically reasonable. The reason is this: as we have seen, the only source of practical normativity is to be found in the operationally subject specific natural law or practical reasons. Only the natural law *in that person* moves him or her. I.e., if he or she must experience moral obligatoriness in its central sense, then he or she must experience being guided *by these reasons in him or her*.

It helps to employ the method used by some jurists (like Hart and Finnis) called the examination of the internal point of view. We can use this to differentiate a focal case of practical reasonableness from what may be called moral performance. Let me suggest that there is a distinct difference between the ordinary man who behaves and speaks as he believes and an actor on the stage. The actor need not believe his lines or the script he is performing. He plays the character, but he is not

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<sup>236</sup> We leave out discussion of the non-compliant, since it so obviously does them no good when they resist with vehemence what is forced on them.

the character. It is a skilled reconstruction of *someone else*, and not himself. The man on the street, however, is by and large himself. He behaves as he is. His actions come in a very real sense from him: from his beliefs, his memory, his deliberations, etc. Of course he may have his beliefs and deliberations from someone else—he may be persuaded of someone else’s ideas. But it is also true that these ideas have been appropriated by him. They have been accepted by him. An actor need accept nothing of his script; he may play a repulsive murderer, but in no way condone his character. Analogously, authentic reasonableness is not like that. It is not acting; rather it is much like to the disposition of man on the street who behaves as he believes, or on beliefs he has accepted.

An internal point of view of what it is to be practically reasonable seems to me to be this: to fully follow through with one’s own<sup>237</sup> first principles of practical reasons, and to be moved *by that normativity that finds its source in those first principles*. To be fully practically reasonable is not just imitating another’s morals script (say a point of sexual conduct made a law), disassociated with my own grasp of normative principles. If I merely imitated or were forced to act out, literally, that script, I am not experiencing practical reasonableness.

Someone who recognizes the normativity of practical reasons may not always have to be motivated to act *by reasons*. Practical reasonableness requires merely that there be the guidance of reasons, and this guidance—albeit a negative one—is at work even if at times one acts emotionally, so long as such actions do not violate reasons

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<sup>237</sup> The natural law are one’s own not in the sense of one’s own invention, but as being in me and so operationally normative *for me, and for me alone, and not for you or anyone else*.

that prescribe against such action or when reasons do not prescribe some particular action. As Finnis explains,

Aquinas' political analogy [of civil governance as opposed to despotic governance] suggests...that sometimes (perhaps even often) feelings must be accepted as legitimate guides to choices between options which, though all of them rational and reasonable, are none of them *required* by reason (none is 'dominant')....<sup>238</sup>

If I am guided by reasons, whether positively by prescribing a required course of action or negatively by excluding other actions (while permitting some choices to be settled by feelings), I am so guided because reasons are normative for me. Note however that in the context of legislating moral laws, we are not legislating a course of action which may be permissibly settled by feelings; rather we are thinking of a course of action that is in fact required by practical reason. Hence our primary concern is solely with the positive guidance of reasons. Still our analysis holds true for reasons which guide positively and negatively. If these guiding reasons constitute the substance of the moral script proposed to me for obedience, then for me to be practically reasonable, there must be a kind of continuity between that script proposed to me and what is the only thing that is for me practically normative to begin with, viz. my first principles of practical reason. So that moral script must be integrated as an extension of those first principles of practical reason, such that their normativity

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<sup>238</sup> John Finnis, Aquinas, 76

(being the only source of practical normativity for me) transits into that moral script. Following that, the morals script too becomes normative. Anyone who has truly experienced being *persuaded* by another person of a reasonable course of action which he or she previously was not convinced of will see clearly this transition of normativity. The normativity of guiding reasons is qualitatively different from the imperativity found in *willful* acts. It differs phenomenologically from behaviors which are best described as acting or just mimicry.

Thus, one may counsel, debate, discuss or even criticize severely a person who is immoral, but never coerce through punishments or pains.<sup>239</sup> Discussion and debates are efforts to demonstrate how certain conclusions follow from one's own store of natural law. Its aim is to help another see the logical continuity between the first principles and these proposed detailed courses of action, and how the normativity of the first principles in him transits also into these detailed courses of action. This will indeed bring about his or her practical reasonableness; this will help him or her recognize the normative authority of the objectively moral norm. As long as the continuity between these detailed precepts and the first principles is logically maintained, then the normativity of the detailed norms will be recognizable. If and only this continuity is fulfilled, then such practical reasonableness is *authentic*. Coercion on the other hand is inattentive to the continuity, and hopes to force the person to merely *perform* the desired acts. But precisely in succumbing willfully to this coercion the person does not become practically reasonable, because his complying acts are not motivated by the normativity of (his) practical reasons. And

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<sup>239</sup> Except of course, as an act of self-defense or punishment with regards his other-regarding acts.



any act which is not so motivated falls outside the focal meaning of a practically reasonable act. It is merely an act: literally, show. The result is unauthentic, insincere and pretentious. So we are confident that moral legalism in this case, as a paternalistic public policy, is never productive.

What about the person who is easily swayed emotionally? Under coercion an emotionally sensitive person may be strongly inclined<sup>240</sup> to be moved or influenced by other un-reasonable motives (of fear, or of pleasure) in order to (pretend to) act morally. We need not think of legal coercion merely in the negative sense of punishing non-conformity. Rather it may include being promised under the law to be rewarded with material goods or social recognition. Once more, in the context of legislating morals laws, we are not legislating a course of action which is not required by reason and may be permissibly settled by feelings; we are thinking of such a course of action that is required by practical reason. The following analysis may not be true of negatively guiding reasons, because the introduction of feelings as motives does not detract from practical reasonableness; this however is not true of positively guiding reasons, which is our restricted focus here. Where there are positive guiding reasons, practical reasonableness demands that we are moved by these reasons.

It is not difficult to see how when the emotionally sensitive person gives in to coercions to obey positively guiding reasons, he does not become practically reasonable. Practical reasonableness means recognizing the normative authority of objectively moral norms and being motivated by these objectively moral norms. But here, his practical deliberation is swayed from being guided by reasons altogether.

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<sup>240</sup> Or tempted

Instead he is motivated by emotions. Ironically he is *hindered even from being motivated by practical reasons*. Not only is the good of being practically reasonable not participated, one is constantly being deflected away from it towards other sources of motivation. Like the emotionally less sensitive person who willfully performs the act, he too suffers the lack of continuity between his first principles and the moral norm. Except that his case seems worse: he has introduced between the first principles and the moral norm a further motivation: viz. the strong feelings that move him to so act in accord with the moral norm.<sup>241</sup> To assure external acts which are in conformity with morality through coercion may indeed prevent immoral acts, but in this case it would at the same time destroy *authentically* moral, practically *reasonable* acts. This is because such reasonable acts require an environment of freedom from strong emotional influences; reasonable acts are not acts based on feelings. Here we concur with George:

Moral goods are, like the good of religion, reflexive. They can be realized only in and by freely chosen acts (or omissions). They cannot be realized by people acting solely out of fear of punishment, the hope of getting praise, or some other non-moral motive.<sup>242</sup>

However, just near the end of his book George adds:

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<sup>241</sup> Not all acts which are moved by feelings would be inauthentic. When there is no dominant reason to choose a particular course of action, acting on feelings would be legitimate. However, I have in mind here a course of action where reason clearly requires a particular course of action, and instead of being moved by that reason, the person is here moved by feelings. See John Finnis, *Aquinas*, 76-77

<sup>242</sup> Robert P George, *op. cit.*, 226

The reflexivity of moral goods does not entail, however, that no benefit is realized or harm prevented when laws deter people from immoral acts. Obviously great good is accomplished when the victims of crime and other wrongs are spared the effects of actions which their victimizers would otherwise have committed. Moreover, the immoral actors themselves are benefited, whether the acts from which they were deterred would have harmed others or only themselves. For, by deterring such acts, the law may prevent people from habituating themselves to corrupting vices which will more or less gradually erode their character and will to resist. Even people who might, in the absence of law, wish to perform the immoral act may benefit from the law by being gradually habituated to resist, freely and willingly, the very vice which they would not have attempted to resist prior to that habituation.<sup>243</sup>

I submit, apart from the prevention of harms to *other people*, the reasons justifying paternalistic coercion are not convincing. George's inferences about consequential moral benefits may not be quite as he might imagine. To be fair to George, he recognizes that those who feel morally obliged to follow through with the proscribed low conduct will in fact suffer a deflection from the moral good, insofar as he

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<sup>243</sup> Robert P George, *op. cit.*, 226-227

complies with the law out of fear of punishment, and here we are on the same page.<sup>244</sup> However, for those who do not believe that to follow through with the proscribed low conduct is a duty, he writes,

sound morals laws [do not] deflect people from realizing moral goods.

A sound morals law provides a person whose reason and will may be overwhelmed by powerful temptations...with a countervailing motive not to succumb to the tempting vice.<sup>245</sup>

But this last is at least curious: if someone should be motivated by fear of punishment, which is simply a non-moral motive, how then can one still maintain that the good of morality is not deflected? Obviously, the motivation is steered towards non-moral goals. Therefore I deny George his conclusion. Perhaps George meant that in any case, such a person did not act *with the intention of fulfilling morality (i.e., being practically reasonable) anyway*, and hence the law does not deflect the choice *from* that moral good, which was never intended. And his remark that such a person would consider himself having a moral right rather than a moral duty seems to favor such a reading.<sup>246</sup> Still in this case, the subject still ends up with non-moral motivations. Sure, he is technically not “deflected”, insofar as “deflection” implies being shifted *from* an original course to a different one, and here he had no original moral course so to be “deflected” from. Still, could this just be a play of words? We might say that he

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<sup>244</sup> see *ibid.*, 227

<sup>245</sup> *ibid.* 227

<sup>246</sup> *ibid.*, 228

was not “deflected” strictly speaking, but it is equally true he is not at all encouraged to seek the good of morality. In fact, just in bending to the impulse of fear, the participation of moral good suffers hindrance. We saw this clearly with the case of the emotionally sensitive person.<sup>247</sup> Hence I would rather conclude that in both instances, whether one feels morally obliged to carry out the proscribed low conduct, or merely tempted to do so, compliance with the law proscribing such conduct for fear of punishment in fact prevents—whether by ‘deflection’ technically speaking, or not—realization of the moral good.

In other words, in no case will legal enforcement of morality bring about the kind of recognition of the normative authority of objectively moral norms that an authentically practically reasonable person experiences. Now if that is the case, then one cannot hope to strengthen the rule of law through moral legalism, since nothing it does actually promotes the recognition of practical reason’s normativity, from which the law derives its normativity.

### Conclusion

In this chapter I have argued that, if we attend to the structure of practical reason’s *modus operandi*, we see that its normativity is not transferable. I expressed this by saying that natural law is operationally subject-specific. From this I concluded that any kind of paternalistic coercion in an effort to make men religious or moral is

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<sup>247</sup> The emotionally insensitive person, of course, would not benefit, since he is not afraid of punishments and will go about his own business. In any case, George is arguing how those who do indeed comply through fear will benefit.

inevitably futile, because in relation to the natural law or first principles, (a) it hopes to transfer the practical norm that one should seek the good of religion or other basic goods into the person coerced and this cannot be done. And, in relation to the objectively moral norm, (b) because enforcing such acts damage the continuity of the prescribed moral norm with the person's only source of normativity viz. the operationally subject specific natural law or (c) it introduces emotional motives which hinder practical reasoning. Because of all three effects (a, b, c), it does little good for enhancing the rule of law. And because of the last two effects (b, c) it harmfully hinders authentic morality. Thus natural law theory's resistance of moral legalism comes close to the non-interventionist politics of Wang Bi. Like Wang's analysis, our recommendation was built on a philosophical theory of human nature, and not on metaphysics.

Our analysis had focused on the effect of moral legalism on those who do indeed comply with the morals laws because the effect of moral legalism on those who in effect do comply is more controversial. But this of course is just half of the story. For: there are still those who would refuse to comply. And for these who will not comply with morals laws, the effect of moral legalism may be as follows. Such persons might either openly rebel against these laws to risk arrest, or more likely find ways or means to get around them. In a situation like this one could imagine the possible relevant response from the authorities: they may intensify enforcement, whatever these new forms of enforcements may be, such as increasing surveillance or finding more sophisticated ways of detecting offences. But that response may in turn breed intensification of cunning on the part the non-compliant to get around *these*

newly applied methods of detection. Wang's *Laozi* speculates freely on this, and I see no reason why natural law theorists should disagree with him:

*When wisdom and intelligence emerge that great falsehood occurs*

When one employs methods and uses intelligence to uncover treachery or falsehood, his intentions become obvious, and the form they take become visible, so the people will know how to evade them. That is why “*when wisdom and intelligence emerge...great falsehood occurs.*”<sup>248</sup>

This in turn requires that the authorities match up to these new ways of avoiding detection and develop even more creative or harsher ways of seeking out these rebels—most likely using agencies like the secret police or the military, and that in turn will inspire the offenders to raise the standard of their methods of evading detection, and *ad infinitum*. Thus Wang's commentary on the *Daode Jing*, which had long foreseen this likely effect of moral legalism adds this to his list of reasons to denounce it:

*If one governs the state with governance, he will use military with perversity. It is by tending to matters without conscious purpose that one takes all under Heaven as his charge.*

...If one governs the state with governance [zheng], perverse [ji] military action will begin. But if one tends to matters without conscious purpose, he shall be able to make all under Heaven as his charge. As an earlier section says, “*One who takes all under Heaven as his charge tends to*

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<sup>248</sup> Wang, *The Classic* 80

*matters without deliberate action. But when it comes to one who does take conscious action, such a one is not worthy to take all under Heaven as his charge.”* Thus if one governs the state with governance, because he is not worthy to take all under Heaven as his charge, he will use military with perversity. To govern the state with the Dao is to encourage growth at the branch tips by enhancing the roots. To govern the state with governance is to attack the branch tips by establishing punishments. With the roots not firmly established, the branch tips wither, and the common folk will have no means to cope with life. This is why things will surely develop to the point where one will “*use military with perversity*”,<sup>249</sup>

We can see why Wang says that “to govern the state with governance is to attack the branch tips by establishing punishments.” For: the governance of moral legalism harms rather than benefits society—the branch tips—through its punitive measures.

Well then, does this mean that we should throw up our hands and do nothing? After all, there seems nothing we can do with the law. We can neither enforce morality nor encourage it through rewards. Wang does not think so, and neither should we. To see what can be done, we move on to the next chapter, which will discuss whether Wang’s positive social policies can offer some suggestions as to what natural law theorists themselves may do.

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<sup>249</sup> *ibid*, 159



## Chapter 9

### What Is To Be Done: Minimizing Desires and Developing Reasons

#### Introduction

In the previous chapter we saw some convergences between Wang's non-interventionist *ziran/wuwei/nameless/formless* politics and what I have argued is a natural law theory political rejection of religious and moral legalism. These have focused on what should not be done, or what one should refrain from doing. This chapter, we will examine what Wang recommends can be actively done, and to what extent his recommendations can be imported into natural law theory. Because of what I regard as significant differences in both Wang's and Finnis' (and Aquinas') conception of what constitutes the goal of moral authenticity, I will argue that the kinds of positive action will not be the same.

#### Moral Relativism in the *Laozi*

Aquinas' moral theory affirms moral absolutes; the principles of practical reason should never be opposed. One's choices should never violate the principles of reason, on pain of being unreasonable, and hence immoral. Where there are reasons to promote and protect the common good of life, for example, one should never choose to act in a way to intentionally bring about the evil of death, which is the opposite of life. And there are these reasons. The self-evident principles of natural law affirm: life

is a valued good, and death, its opposite, is an evil; we should intend to promote always the first and never the second. Aquinas' moral theory is not relativistic. Compared this Aquinas, it seems possible to read into the *Daode Jing* the idea that it promotes ethical relativism: as it were, let things be what they want to be, do not distinguish good from evil and whatever turns out to be is fine. As Robert Cummings Neville explains,

The Daoist adept—perhaps a spiritual master or a military general—can locate the existential nodes of spontaneous opportunity and tie into the cosmic creativity whereby very small subtle moves can result in large differences, shining with the vitality of spontaneity. The charge of Daoist relativism usually comes at this point. Here the amoral adept has extraordinary power to do whatever he or she wants in a heroism of spontaneity.<sup>250</sup>

The text itself is not entirely blameless if it misleads a reader. After all, there are the passages about not making judgments about good and bad—all very suggestive of the lack of ethical objectivity.

But such lines of interpretation would of course be wrong. There are some of Wang's passages which seem to say that one ought not have any moral judgments, that one should accept all acts as equally good or evil without differentiation. Indeed,

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<sup>250</sup> Robert Cummings Neville, "Daoist Relativism, Ethical Choice and Normative Measure", in *Journal of Chinese Philosophy*, 29:1 (March 2002), 5-20 @10

these passages seem to say that one should not distinguish good from evil. An example is the following:

*Mine [the Daoist Sage's] is really the heart/mind of a stupid man.*

The heart/mind of a completely stupid man are innocent of distinctions, and his thoughts are free of any consideration of good and bad. As such, my tendencies [qing] cannot be discerned. Utterly compliant, I am just like him.

*Absolutely amorphous, oh!*

Innocent of distinctions I cannot be named.<sup>251</sup>

Yet such passages about not making judgments of good and bad actually have little if not nothing to do with claiming that there are no objective norms—not at least on Wang's reading. Whatever may be one's private judgments about right and wrong, good or evil, the advice seems to be that one should not let that be *known*. Cross analysis with other relevant passages is helpful in seeing that it is about not *influencing* people with your judgments rather than not having any judgments at all. What is especially important in getting beyond a superficial reading is to realize that when it uses the terms 'good' and 'bad', the text is not really referring to moral goodness and moral evil, but is instead speaking of *likes* and *dislikes*, *approvals* and *disapprovals*:

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<sup>251</sup> *ibid.*, section 20, pg 84

To regard something as good is just the same as [i.e., has the same effect as]<sup>252</sup> being delighted or angry with it. Delight and anger have the same root, and approval and disapproval come from the same gate...<sup>253</sup>

When it says one should not make judgments of good and bad, it is not at all saying that one should not have moral judgments. What it is saying is that one (i.e., the Sage Ruler) should not make public proclamations of what he/she likes and dislikes. The question of objective norms is in fact suspended; what seems to be the interest is rather the social effect of *public proclamations* of good and bad, or of *approving* and *disapproving*. Wang's commentaries on sections 49, 57 and 58 of the *Laozi* sit well with my analysis. They lay out the desirable effects of the Sage Ruler not making clear his likes and dislikes:

[The Sage's] heart/mind is free of any control, he "for the sake of all under Heaven merges his heart/mind with theirs," so his thought is without tendency to favor or slight. If there is nothing that he investigates them for, what hiding must the common folk do? If there is nothing that he demands of them, what response must the common folk make? Free of the need to hide or respond, none will fail to act in accord with his innate tendencies [*qing*]<sup>254</sup>

Therefore, nothing in these passages is a positive claim that morals are relative, or that there are no objective moral judgments. Nor is there in these passages any kind

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<sup>252</sup> my gloss

<sup>253</sup> *ibid.*, section 2, pg 54

<sup>254</sup> *ibid.*, section 49, pg 145

of substantial remark supporting a doctrine of ethical relativity. There is no claim that there ought be or that there are no objective norms. Rather: (even) if there are and whatever they are, what its advice is would merely be that the Ruler should be reserved about publicly *proclaiming* his (moral) judgments because it can tempt the subjects to conform to these judgments for non-moral reasons. An assumption is that subjects are often strongly tempted to peddle after the Ruler and to conform to his likes and avoid his dislikes: “What the sovereign desires, the common folk are quick to pursue.”<sup>255</sup> When instead the subjects do not know the Ruler’s approvals and disapprovals (because they are un-proclaimed), then they will have one less compelling non-moral reason to thwart their otherwise authentic moral behavior: “Because all I desire is to have no desire, the common folk will also become desireless and achieve simplicity by themselves”.<sup>256</sup>

Again, saying that the Sage here has no desires does not mean literally that he has no moral preferences. It means that he seeks not to have *any explicit proclamations of likes or dislikes*: “one [i.e., the Sage Ruler] who is good at the conduct of government has no identifiable form, name, deliberate purpose or procedure. Being completely muddled, he attains great government [*dazhi*] in the end.”<sup>257</sup> The point is that not proclaiming Ruler’s likes and dislikes is more conducive in aiding the subjects practice moral behavior for its own sake, rather than merely to please the Ruler: “Instead of promoting benevolence and righteousness to bring

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<sup>255</sup> *ibid.*, section 57, pg 159

<sup>256</sup> *ibid.*

<sup>257</sup> *ibid.*, section 58, pg 161

solidity to flimsy social customs, it would be better to embrace the uncarved block and thereby bring the practice of sincerity and honesty to all”<sup>258</sup>

As a matter of fact, notice how Wang’s *Laozi* actually is concerned with promoting sincerity, honesty and authenticity over the performance of moral action cultivated merely “in the expectation of material advantage...[but where the praise is] more splendid, the more will [such a moral actor] thrust sincerity away, and the greater his material advantage, the more contentious he will be.”<sup>259</sup> If so, how then can it still be said to be promoting ethical relativism? At the very least, an implicit but no less glaring moral precept that it embraces would be that authentic morality motivated by sincerity, honesty and authenticity should be promoted over kinds of moral behavior that are motivated by material advantage or mere cunning ploys to obtain human honors. Indeed, given its attention to the different kinds of motivations and its differing valuations of each of these classes of motivations, it seems to me that Wang’s *Laozi* is a morally very sensitive and concerned text—concerned enough to repudiate in such stern terms people who even if doing good are doing so for wrong motivations, such as feelings of greed and other contentious and competitive desires.

So there are things that morally *ought to be*. And Wang does not stop there, but offers policy recommendations to achieve those goals. In previous chapters (esp. chapters 2, 3) we saw how *not* to promote those goals. We are still left with the same question: is there nothing to be positively done? Should we just “let things be”? To say so would not be faithful to the various references in the text that do talk about things to be done, and exegetically it would be claiming more than the text warrants.

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<sup>258</sup> Wang, *Introduction*, 37

<sup>259</sup> *ibid.* 39

While Wang's *Laozi* does advocate naturalness (*ziran*) and non-action (*wuwei*), it does not advocate *doing nothing*. The text (in *italics*) at chapter 59 and Wang's corresponding remarks bear this out.

*“For ordering the people and serving Heaven, nothing is better than husbandry.*

“Nothing is better than” is like saying “nothing surpasses.” Husbandry refers to the farmer. The way the farmer puts his farm in order is to bring a single uniformity to it by earnestly ridding it of weeds. He fulfills its naturalness [*ziran*] by preventing the threat that it be damaged by neglect, that is, he eliminates that which causes damage by neglect [weeds]. For receiving the mandate of Heaven above and for keeping the people content below, nothing surpasses this.”<sup>260</sup>

I think a helpful distinction here in explicating in precision *wuwei* (non-action) in order to effect or promote something's *ziran* (becoming so of itself), is a distinction between “doing nothing *about* something” and “doing nothing *to* something”. When I do nothing about something, I simply do nothing at all. But when I do nothing to something, this does not mean I do nothing about it. I may still do something about it, but not however, directly to it. This latter can be consistent with *wuwei*.

This can also be clarified by the following. There is a difference between acting in such a way as to impose an alien structure on a thing so to interfere with the

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<sup>260</sup> *ibid.*, section 59, pg 163

nature of a thing, and acting in such a way as not to impose an alien structure of the thing. And the latter does not at all exclude supporting the nature of the thing and preventing that nature from being harmed. So, for example, one can grow a plant in two ways: in the first, by tugging at the leaves in artificially determined directions or bending the shoot in particular ways. Or, one can leave the plant *in se* alone, but at the same time support its growth by watering it, removing surrounding weeds and pests or by preventing it from being trampled afoot. And so this is what the text above says, precisely in view of helping people or oneself develop virtue—not as if *laissez faire* so much as avoiding actions which directly alter or manipulate the inner tendential principles of development. So the focus here is not letting alone *per se*, but more accurately the preservation of the original principle of development and its fulfillment, i.e., that the nature of the thing not be hindered from coming to its term according to its intrinsic designs. Letting-be is simply one means amongst many towards the end of ensuring the flowering of that nature: if letting be results in that inner principle of growth not developing to the full, as is the case when there are contradictory external influences, then it will not be a time to let be, but to act—to remove the weeds! To reduce Daoism to *laissez faire* is to invert the means for the ends.

Again, there is no evidence that when the *Daode Jing* speaks of *wei*, of “action”, it means broadly all kinds of action. At least not on Wang’s reading. Rather, Wang constantly zooms in on specific types of actions. As pointed out in the previous chapters, these kinds of actions include applying institutional instantiations of various moral forms (*xing*), using the punitive power of law to carve or shape (*xing*, form) people morally, or enticing them to behave well with promises of honors (*ming*,



names). Thus the polarity between *youwei* and *wuwei*, if understood as a standoff between “all action” and “no action at all” would be a gross oversimplification. More accurately, to recommend *wuwei* over *youwei* is to recommend not engaging in *particular types of action* over engaging in particular types of action. Such actions are those which are either ineffective and self-defeating or lead to bad social consequences. The *wei* therefore refers to *these specific* actions, and the *wu* simply negates these and these only.

### What is to be done?

So, what can then be done? Well, it depends on what one wants to get done. First of all, if we are interested in defending a person from bodily harm, one can physically ward off an aggressor either on his behalf or in self-defense. So there are things that physically one can in fact do, and do effectively. There is nothing futile or self-defeating about going to war to fight an enemy, if this is the only way to protect the life of the political community.

Hence the *Laozi* never preaches absolute pacifism:

*[Laozi:] One good at this [military operations] desists when the result is had and dares not use the opportunity to sieze military supremacy*

[Wang Bi:] *Guo* [result] means *ji* [relief]. This says that the good military leader sets out to relieve people from danger and then desists. He does not use military force to gain power over all under heaven.

*Have result but do not take credit for it; have result but do not boast about it; have result but do not take pride in it;*

I do not regard the Dao of military leadership worthy of esteem and use it only when there is no other choice, so what is there to take credit for or boast about?

*Have result but only when there is not choice; have result but do not try to gain military supremacy.*

In other words, although one sets for to succeed and relieve people from danger, this should only be done in cases where there is no other choice and only to quell violent insurrection. One should not go on to take advantage of such results to gain military supremacy.<sup>261</sup>

Wang's Laozi advocates against military campaigns because its consequences are generally tragic, even if one wins the war. In this passage to which Wang appends no commentary, it writes:

*[Laozi:] Weapons are instruments of ill omen; they are not instruments of the noble man, who uses them only when there is no choice. It is best to be utterly dispassionate about them, and even if they bring victory, one should not praise them. Nevertheless, to praise them means that one delights in slaughtering people, and one who delights in slaughtering*

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<sup>261</sup> Wang, *The Classic*, Section 30, pg 106

*people, of course, can never achieve the goal of ruling all under heaven...*<sup>262</sup>

Consistent with recommending the policy of *wuwei*, Wang's *Laozi* has always in mind the effects of one's political actions. Just like a *youwei* policy of actively trying to moralize people through rules and promotions leads to self-defeat, military campaigns have self-defeating effects as an effort to obtain compliance: "if one inflicts violence on all under Heaven th[r]ough the use of stiff military power, he will be despised by the people. Then he surely will fail to enjoy victory."<sup>263</sup> Hence Wang is always admonishing that we seeking out other *better, more effective, more beneficial strategic policies* for one's goals, unless there is no better way about it. In which case, going to war would be approved.

But again this is highly qualified: one goes to war only to obtain the results which it does or will very likely obtain—viz. to relieve people from danger. Here military operation works. It gets the goal. But if one is thinking about governance, military repression will not work, and so is to be rejected.

We may leave the discussion on military campaigns and world conquests here. Let us return to the more localized project of governing the state. As we already know so well, the kind of society Wang seeks to promote is the authentically moral state. His goal is promoting authentic people. His policy of *wuwei* warns about things not to do when trying to promote it. What about things to be done? Consistent with his

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<sup>262</sup> *ibid.*, Section 31, 107

<sup>263</sup> *ibid.*, Section 76, 184

general strategic methodologies we can anticipate him thinking along the lines of what works.

The answer to this for Wang lies in what *the Ruler* can do *to himself*. This is to minimize his own desires. Wagner's analysis brings it out very well. I quote at length:

Already the Wang Bi *Laozi*...writes that this agenda of non-acts and counter acts [i.e., the interfering political acts of promulgating laws to rule people and enticing them with honors] of “rejecting” and “discarding” is insufficient,” because in this way the people have nothing to “go by” or to “attach themselves to”... The argument is made in Laozi 19.1: “If [the ruler] were to discard wisdom and to reject intelligence, the benefit for the people would be a hundredfold. If [the ruler] were to discard benevolence and to reject righteousness, the people would return to filial piety and parental love. If [the ruler] were to discard craftiness and reject [lust for] profit, there would be no robbers and thieves. These three [pairs of values whose rejection by the ruler is advocated] are as statements still not sufficient. Therefore to let [his subjects] have something to go by [he would] manifest simplicity, embrace the Unadorned, and, by way of minimizing [his] private interests, reduce [his] desires.” Again, the public nature of the Sage's performance is stressed. Beyond the specific non-use of government devices expected of him, he makes a positive public performance of non-acts. The terms used in this context, “manifesting simplicity”, “embracing the unadorned”, “by way of minimizing [his]

private interests”, “reducing [his] desires”, share the same agenda with the non-acts described above, but they give a more specific guidance to the public political performance...<sup>264</sup>

What the Ruler should do and what he should not do have a very close connection. As has already been pointed out, the common folk are constantly attentive of what the Ruler approves or disapproves of, his likes and dislikes, and they follow these judgments. Revealing his likes and dislikes through political acts lead to their adopting these likes and dislikes, which then lead to all other effects like contention and materialistic desires. How the former leads to the latter need not be repeated. On the issue of not revealing his normative judgments, there are some things which he should not do, encapsulated in Wang’s *wuwei* policy. There one “acts” by not acting (in these particular ways): *wei wuwei*. But similarly, there are some other things he can do in order to further keep his normative judgments from influencing the common folk—precisely by not having any desires in the first place, and hence no normative judgments. This however, is not entirely the same as the first policy of not acting. Here the Ruler does not merely desist from a certain action; rather, he actually actively pursues it. He actively pursues in his own person simplicity, authenticity and the virtuous freedom from false egotistic desires. In this way, *even if the common folk do come to know what his likes and dislikes are, they will find that there is nothing except simplicity and a ruler with minimal desires to emulate.*

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<sup>264</sup>Rudolf Wagner, *Language, Ontology and Political Philosophy in China*, op. cit., 204-205

### What To Do in Natural Law Theory

What about natural law theory? Is there something we can prudentially do without self-defeat? Well, certainly when it comes to defending ourselves from physical assaults and other kinds of violence against oneself, the application of violent resistance may be the only way about it, just as Wang's *Laozi* admits that applying military force has its place. Hence the law certainly may legislate and enforce, without futility, the prevention of physical harms to people. The same logic would hold true in the prevention of physical harms to other persons who are unable to defend themselves, and so outlawing abortions, intentional assaults and other such like other-regarding acts of violence are things that can be done. Threats of punishment and fear in such cases are the only way to prevent harms to others, and in preventing these one is not engaged in the kind of self-defeating enterprise that a paternalistic morals law would be. For here, the person we intend to protect *does get protected*, whereas in paternalistic moral legalism, the person we hope to reform with morals laws does not become moral or legally compliant—but instead the reverse occurs: his becoming moral or practically reasonable is hindered and his moral growth is frustrated, and thus too his becoming a fully legally compliant citizen is thwarted.

But protecting other's physical good is not the only thing one can effectively do. Like Wang's *Laozi*, we may have something to say about positively aiding the moral cultivation of persons for the sake of the Rule of Law. Wang was interested in bringing about the cessation of contentions and greedy desires, and proposed that the

ruler positively, actively minimize his own desires. This he believed would aid the lessening of the desires of the common folk.

Can contemporary new classical natural law theory today also take a lesson or two from Wang's positive strategy of minimizing desires in his *wuwei* policy? Largely no. There are difficulties in straightforwardly adopting Wang's strategies and recommendations for natural law theory for today. Some of these difficulties are not the result of theoretical differences between natural law theory and Wang, but because of the different social contexts in Wang's time and in contemporary society. Wang was interested in removing the causes of contentious desires. But it was only given his historical context that he could commend his particular strategy. *Because: the common folk are always looking towards the ruler to imitate him, and they (compete to) take on his desires and favors or disfavours.* Wang's admonishment to the ruler was that he should himself become desire-less, or at least minimize his own desires. He should exemplify desireless simplicity. When this is achieved, the common folk will seek to emulate his desires, and they too would attain simplicity—precisely because they find in their ruler no desires for them to match. Since they did not have any desires to match, they would have nothing to compete for, and hence, they would not develop contentious, wrangling and competitive feelings. The context may be true in his time, but as premises for constructing our political strategy in contemporary society these suppositions would be suspect.

Firstly, Wang was thinking of a monarchical society when he had in mind the ruler who commands the attention of the common folk. In contemporary society, there is not always the king or president who commands the following of the masses. The

focus of attention is diffused. We live in a world of a plurality of attention points, and a plurality of models for the people. We may say this is a kind of a *post-modern* situation, where there are many incommensurable centers of attraction, all contending for attention. If that is the case, these many various personages will each influence their followers and admirers in their own way. We may then have to admonish each of these to temper their own desires, and to what extent this would succeed seems to me a matter of speculation. Secondly, it is also not clear to what extent it is true that the people of today would compete to take on the desires of their role models. Since, as already pointed out, there are so many incommensurable centers of modeling, there is just no basis for a competition. Each person has his or her own target, with its own rules; each is doing his or her own thing. Hence Wang's positive strategy of requiring the (political) role model(s) to minimize his or her desires or to exemplify simplicity may not be something we can adopt to any benefit.

The difficulty in adopting Wang's positive strategy is especially complicated by different goals. This second difficulty is intrinsic to the theoretical differences in these two philosophical traditions. Even though both Wang's *Laozi* and Natural Law Theory seek to promote authentic morality, what constitutes "morality" in both these traditions differs. In Natural Law theory morally authentic action is performed as a response to the normative weight of practical reasons. However, the talk of practical *reasons* as the source of practical normativity seems extremely foreign to Wang's idea of what constitutes the moral ideal. For: compared to Finnis and Aquinas's "such and such a good ought to be sought and done", Wang speaks of *feelings*:



“..the more splendid the praise, the more he will thrust *sincerity* away, and the greater his material advantage, the more contentious he will be inclined to be. The *heartfelt feelings* that fathers, sons, older brothers, and younger brothers should have for one another will lose their authenticity. Obedience will not be grounded on sincerity, and kindness will not be grounded by actuality...”<sup>265</sup>

For Wang, the goal is having the right kinds of feelings, like sincerity, or the kinds of authentic feelings that fathers, sons and brothers should have for one another, whatever such feelings may be. The moral aim is to have certain kinds of feelings. It is less important to spell out these different feelings than it is to note that for Wang, certain kinds of feelings form an important core of how behavior is right. To have these feelings forms a basis of the the rightness of a proposed course of action. A practical direction to seek to do X rather than Y has normative hold on a person only because the correct feelings are present. To behave or act rightly is not merely to fulfill a certain moral or normative principle, but to have certain feelings. Having certain kinds of feelings are important.

By contrast, for Finnis’ account of Aquinas’ moral theory, feelings are incidental. Being moral is not in the final analysis about acting on feelings, but choosing to fulfill a practical *reason*, either positively by obeying its direction or negatively by not violating its direction. Indeed in Finnis (following Aquinas), feelings have a useful though unnecessary part to play in our acting rightly or wrongly.

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<sup>265</sup> Wang Bi, *Introduction*, 39

This is true even if, as pointed out, where there is no dominant reason to do act, feelings can decide the matter. Because: when feelings decide, the decision may not be wrong, but neither is it morally right; matters decided based on feelings where there are no dominant reasons to guide fall out of the purview of morality. When it comes to right action, reasons determine the rightness. Reasons determine right and wrong on their own account, whether or not we *feel* strongly about them. The distinction between feelings and normative reasons is of great importance in Finnis' (and Aquinas') natural law theory: one cannot get from a fact that one has such experiences (feelings) to the precept that such and such a course of action *ought* to be done. No "ought" from an "is". Feeling and having sensational experiences is one thing, and understanding that one's practical directions have normative weight is another. Even if one felt very intensely about a proposed practical direction, this mere feeling does not make the practical direction *right*. John Finnis says it well:

It remains that, as Aquinas makes clear, any adequate critical account of ethics (and therefore, of politics) must acknowledge the profound difference between rational and emotional motivation. And one's grasp of that difference will not be adequate unless one understands that inherent independence of rational motives (reasons for action), *and* the way such motives can be either supported and reinforced *or* undermined and disrupted by emotional motivations. The difference between acting for reasons and acting on emotions which have subjugated reasons to their objectives (as rationalizations) is a difference so impressive to Aquinas—

that most stalwart defender of the unity of human nature—will even say that in the human person ‘there are two natures, the intellectual and the sentient {sensitive}’.<sup>266</sup>

Wang’s account of moral psychology, however, differs somewhat from Aquinas’ sharp division between feelings and reasons. As Chad Hansen points out, unlike in the Aristotelian and Western paradigm which privileges the *logos* (or reason) over emotions, Chinese philosophy, including Daoism largely has no such bifurcation. So unlike in Greco-Western philosophy, Chinese moral philosophy seeks to reject motivations by feelings not in order to preserve rational motivations, but rather to protect motivations by other kinds of feelings:

The *Daode Jing* reminds us of an assumption behind Mencius’ innatist theory: Action should be guided only by natural desires. Thus although *yu* (desires) anchors the attack on the possibility of any constant *Dao*, it also anchors the alternative possibility of a natural, non-conventional, constant *Dao*. Presocial desires could constitute a protonatural *Dao*. These desires guide how we would act if no one has ever instilled relative social distinctions in us. ... Despite this positive possibility, the dominant tone of Laozi’s analysis, like that of Western rationalists, is antidesire. His reason, however, is not desire’s effect on calm reason but its social, linguistic origin and effect. The socially induced desires dominant his

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<sup>266</sup> John Finnis, *Aquinas*, op. cit., 77

treatment because, in his view, they are the problem. Socially induced desires both enslave our natural drives and lead to destructive competition and strife. Natural desires, he optimistically assumes, would lead to human harmony.<sup>267</sup>

Hansen's analysis is true of Wang's interpretation of the *Laozi*. In several important places of the *Laozi*, Wang's commentary makes the point that some desires are to be discouraged:

“What the sovereign desires, the common folk are quick to pursue. Because all I desire is to have no desire, the common folk will also become desire-less and achieve pristine simplicity by themselves.”<sup>268</sup>

A parallel commentary explains why Wang thinks these desires should be discouraged. His reason is that such desires lead to “contention”, “becom[ing] thieves”, “disorder” and “going astray”:

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<sup>267</sup> Chad Hansen, “Qing in Pre-Buddhist Chinese Thought”, in *Emotions in Asian Thought: A Dialogue in Comparative Philosophy*, Joel Marks and Roger T Ames (ed.), (1995: SUNY, NY), 192-193. Also of interest is Chad Hansen's “Should the Ancient Masters Value Reason?” in *Chinese Texts and Philosophical Contexts*, Henry Rosemont Jr. (ed.), (Ill: Open Court, 1991), which plays up the difference between the Asian concern with feelings (understood as descriptively-factual states *which is at the same time also evaluative and so action guiding*) and the Western emphasis on rationality (which respects the Humean distinction between the descriptive “is” and the normative “ought”), and Graham's “Reply”, which classifies Hansen's “Asian Rationality” as “Correlative Thinking” and then argues that there is nothing specifically Chinese about it.

<sup>268</sup> Wang Bi, *The Classic*, Section 57, pg 159

“Because he [the sage] does not exalt the worthy and the resourceful, the common folk do not contend. Because he does not value goods hard to get, the common folk do not become thieves. Because he does not allow them to see desirable things, the hearts/minds of the common folk are not subject to disorder. It is because he keeps the hearts/minds of the common folk from desire and from going astray that ‘no one is discarded’.”<sup>269</sup>

Apart from not developing desires which lead to contention, natural desires that lead to a natural bonds and harmony will also naturally arise. This is clearly implied by Wang’s explanation of what is lost when there is social intervention:

If the virtues of honesty and the uncarved block are not given prominence but the splendors of reputation and conduct are instead publicized and exalted, one will cultivate that which can exalt him in hope of the praise involved and cultivate that which can lead to it in the expectation of the material advantage involved. Because of hope for praise and expectation of material advantage, he will conduct himself with diligence, but the more splendid the praise, the more he will trust sincerity away, and the greater his material advantage, the more contentious he will be inclined to be. The heartfelt feelings that fathers, sons, older brothers, and younger brothers should have for one another will lose their authenticity. Obedience will

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<sup>269</sup> Wang Bi, *The Classic*, Section 27, 101

not be grounded in sincerity, and kindness will no longer be grounded in actuality...<sup>270</sup>

This difference will explain how an adaptation of Wang's policy of minimizing desires will obtain a more limited result vis-à-vis the promotion of the "authenticity" that natural law seeks to promote. In Wang authenticity seems nothing more than the absence of certain contentious feelings or desires. With regards our conception of moral authenticity, it is acting on practical reasons, present or absent these desires. In Wang, authenticity is achieved once these contentious desires are absent; thereafter the natural and desirable feelings will develop. For us, even with these desires absent, it is not sufficient; people need to appreciate the normative authority of reasons and act on these reasons. We may examine this more closely.

### Two Different Goals of Authenticity

As was shown in the previous chapter, the effect of moral legalism and religious coercion includes more than what it does not achieve in the service of the rule of law. Its effects include creating "moral behavior" that is inauthentic. Hence a statesman who applies a policy of moral legalism would not merely do little good in the direction of promoting the rule of law; he may risk promoting inauthentic moral action. Similar points are made in Wang's *Introduction to the Laozi* and in sections 5 and 27 of the *Laozi* where Wang Bi comments how the Sage Ruler avoids a policy of multiplying

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<sup>270</sup> Wang Bi, *Introduction*, 39

punitive restraints and promises of honors, which lead to insincerity and contention rather than authentic behavior:

The benevolent [*ren*] have to establish institutions and influence behavior, for they are prone to use kindness and conscious effort. But when institutions are established and behavior influenced, people lose their authenticity...<sup>271</sup>

If the virtues of honesty and the uncarved block are not given prominence but the splendors of reputation and conduct are instead publicized and exalted, one will cultivate that which can exalt him in hope of the praise involved and cultivate that which can lead to it in hope for praise and expectation of material advantage involved. Because of hope for praise and material advantage, he will conduct himself with diligence, but the more splendid the praise, the more he will thrust sincerity away, and the greater his material advantage, the more contentious he will be inclined to be. The heartfelt feelings that fathers, sons, older brothers, and younger brothers should have for one another will lose their authenticity. Obedience will not be grounded on sincerity, and kindness will no longer be grounded in actuality...<sup>272</sup>

*This is how the sage is always good at saving people, so no one is discarded.*

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<sup>271</sup> Wang Bi, *The Classic*, 60

<sup>272</sup> Wang Bi, *Introduction* 39

The sage does not establish punishments and names in order to impose restraints on the people. Nor does he create promotions and honors in order to cull and discard the unworthy. He enhances the natural state of the myriad folk but does not serve as the starting point for them. Thus the text says, “no one is discarded.”<sup>273</sup>

Firstly we need to attend to what exactly Wang means by “authenticity”. Wang’s many passages speak of preserving authenticity, and often this occurs in the context of his discussion of the uncarved block. By examining parallel passages, we can get quite an accurate sense of what he means by “authenticity”. So for instance, we read under section 28:

*When the uncarved block fragments, it turns into implements. As the sage would make use of them, he stands as chief of officials over them.*

The uncarved block [*pu*] is authenticity [*zhen*]. When authenticity fragments, many different kinds of behavior emerge, and many types of people appear, just like a variety of implements...<sup>274</sup>

Here authenticity is related with the uncarved block. Parallel passages give light into what exactly this uncarved block entails. Much of it has to do with the absence of desires. Thus in Section 37 we read:

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<sup>273</sup> Wang Bi, *The Classic*, 100

<sup>274</sup> Wang Bi, *The Classic*, 103-4



*If any lord or prince could hold on to it, the myriad folk would undergo moral transformation spontaneously. Once nurtured, should desire arise, I would press down on it with the nameless uncarved block.*

In “once nurtured, should desire arise,” “arise” means the formation of desire. “I would press down on it with the nameless uncarved block” means that I would not play the master.

*With the nameless uncarved block, they too would stay free of desire.*

There would be no desire or contention.<sup>275</sup>

Thus it seems that the uncarved block, which refers to the method of “not try[ing] to carve [people] into shapes according to forms external to them” through punitive measures and promises of promotional prestige<sup>276</sup>, brings about the absence of desires. Better: such methods avoid stirring up certain desires. As Wang explains,

The sage does not establish punishments and names in order to impose restraints on the people. Nor does he create promotions and honors in order to cull and discard the unworthy...Because he does not value goods hard to get, the common folk do not become thieves. Because he does not allow them to see desirable things, the heart/minds of the common folk are not subject to disorder. It is because he keeps the hearts/minds of the

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<sup>275</sup> Wang Bi, *The Classic*, 118

<sup>276</sup> Wang Bi, *The Classic*, 100

common folk from desire and from going astray that “no one is discarded”<sup>277</sup>

But the uncarved block was related to authenticity. Is it then the case that authenticity is about the absence of desires? Indeed this seems the case. Wang’s commentary on Section 3 is most explicit:

*Do not exalt the worthy, and so keep the common folk from contention. Do not value goods hard to get, and so stop the common folk from becoming thieves. Do not let them see desirable things, and so spare the hearts/minds of the common folk from disorder.*

...because we exalt the worthy and make their names illustrious, giving more honor than their offices deserve, people act as if they are always in shooting contests, trying to determine who is more able, and, because we put more value in goods than their use warrants, those who covet such things compete to rush after them, even digging through or climbing walls to ransack chests, risking lives in thievery. Therefore if desirable things are not seen, hearts/minds will not be subject to such disorder.

*...[The Sage] keeps the common folk free from the capacity for knowing and from feeling desire.*

He preserves their authenticity.<sup>278</sup>

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<sup>277</sup> Wang Bi, *The Classic*, 101

<sup>278</sup> Wang Bi, *The Classic*, 56

Here the sage is said to preserve the authenticity of the common folk, precisely by keeping certain things from their knowledge so as not to stir up their covetous and contentious feelings or desires. And part of this includes not creating promotions and honors which could possibly become objects of contentious desires. And creating promotions and honors to tempt people to behave is precisely what the uncarved block, which refuses to try to carve people into shapes, will not do.

So what this means then is that for Wang, preserving the authenticity of the common folk means avoiding stirring up their desires. But this can mean one of three versions authenticity. There are two strong versions of authenticity. On the one hand, authenticity may mean: not having these desires, and not having these desires ipso facto entails that people will not be moved by such desires they do not have. This is the first strong reading of authenticity. There is a second strong reading of authenticity: not only do these people not have these contentious and insincere feelings, they have further other natural feelings which lead to sincerity and harmony. Compared with these two strong readings of authenticity, a weaker version of authenticity may simply mean that people who are authentic are not *moved* by such desires. This state of affairs may co-exist with their actually experiencing these feelings tugging at their will, without them giving in to these desires. That means, they may have these desires, but they are not moved by them. This is a weaker reading of authenticity, because it demands less. It permits the authentic person to experience these feelings, insofar as they do not move him. On the first two strong readings of the authentic person, he cannot even have these feelings.

It is not immediately clear which account of authenticity is Wang's. But much of what he says suggests that for him the connection between having these desires and being moved by them is tight. We know that philosophically or logically there is no necessary entailment between having a desire and being moved by it. But for all practical purposes, for Wang it seems to me that he takes it that the probability that a person will be moved by these desires is high. This can be discerned from his recurrent discussions of the presence of desires and deviant behavior. These two states of affairs are often discussed together. Hence, it is likely that Wang thinks that having these desires quite naturally leads one to act on them, and so, *modus tollens*, if one does not act on them, one must not have had them in the first place. This suggests that one of the stronger readings may be warranted.

That is to say, authentic people for Wang are those people who are without these desires, and from this it follows that they will not be motivated by them. Still, this is not to say they are absolutely without *any desires at all*. Recall already noted much earlier in chapter 3 that Wang would condone and even encourage *some other kinds* of desires such as those feelings of love between fathers and sons and brothers. So while authenticity entails not having those desires which motivate one to act in ways which for Wang are contentious or insincere, it may also include having those other kinds of feelings of desires like sincere fraternal bonds. And these sincere feelings would subsequently motivate action, which are described as behavior that is

authentic. Therefore the second strong version of authenticity I would argue is Wang's.<sup>279</sup>

This notion of authenticity comes close to what we I have meant here by moral authenticity. Like Wang, authenticity as I have meant it includes not being moved by strong emotional feelings or desires. Still, for Wang this is the result of the absence of some particular kinds of desires. This however would be too strong for my account of authenticity: for insofar as the person is not moved by these feelings or desires, he remains on my account authentic even if he has these feelings. Thus my version of authenticity is the weaker sense as contrast with Wang's stronger sense. But this difference cannot be overstated. If we agree with Wang that as it plays out in reality, having strong desires tends to very likely lead one to act on them, then it is reasonable to seek to remove these desires if we are to achieve the weaker sense of authenticity. That is to say, in order to achieve my weaker version of authenticity, we may need to promote and pursue also the stronger version of authenticity. So though we have slightly different conceptions of what "authenticity" constitutes, in seeking to promote each these different versions of authenticity, we nevertheless need to promote Wang's stronger version of authenticity. That is, just as Wang would seek to promote desirelessness in people for its own sake, so I would seek to promote desirelessness in

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<sup>279</sup> In the context of discussing the emotive state of the Sage, Alan Chan points out that it is not necessary for the Sage to not have desires, but merely he be not "fettered" (lei) by them. (Two Visions, 81) Since the Sage is spoken as being authentic, who then spreads this authenticity to the common folk, it would seem that Chan's analysis corroborates our analysis of the meaning of authenticity in Wang in this respect: we both agree that the common folk need not be completely without desires. However, we go further than Chan by distinguishing wrong feelings (such as those which lead to contention and greed, or other acts deplored by Wang) from other feelings that are not wrong. So when a person is authentic, he is not only not fettered by feelings, but not fettered by wrong feelings. See Two Visions, 80-82

them also, only that unlike Wang, this is not for its own sake, but for the sake of not tempting their choices with these feelings.

There may be another difference. Like Wang, my weaker sense of authenticity does not exclude having some other approvable strong feelings. Because authenticity is about not being moved by feelings, conceptually it matters not if one merely has these feelings. All that is required is that one does not act merely on them. For natural law theory, authenticity has the positive dimension of acting *reasonably*. This means acting on the direction of practical reason rather than on emotions. Thus a person has to have the positive quality of understanding the reasonableness of a proposed course of action in acting on it in order to be authentically reasonable. Bearing in mind that we are concerned only with positively guiding reasons, this also means that a person who merely acts on feelings will not be authentic *even if the feelings move him to act in the direction of a practically reasonable course of action*. That is to say, he may act *in accord* with morality, and so not act immorally. But this does not quite yet make his action authentically moral. Authentic moral action is reasonable action. This does not mean one should be stoic; it does mean however that even if there are strong feelings in the right direction, ultimately the reason why I act the way I do must be the result of a choice to fulfill a practically reasonable precept (to the extent that there is one). I must act on *reasons*, even if my feelings are there to support me. Now this differs from Wang. As pointed out above for Wang, acting merely on these approved feelings does not make one inauthentic. Nothing else seems required for Wang's notion of authenticity to be true in an acting agent because Wang's version of authenticity is a largely negative notion. Wang does not speak of the need of acting on

reasons. Wang's notion of authenticity requires positively less, although it excludes more. (But we need to note that this does not mean that to be authentic the person must be moved by those good feelings. He may be, but he need not.)

Hence compared to Wang, my theory seeks to promote a more restricted version of authenticity, viz. acting on reasons. Thus while we both agree that moral legalism and a program of promises of prestige should not be condoned, the reason for this differs somewhat. Wang is ultimately interested in removing the causes which stir up the wrong desires. Without these wrong desires, natural and good desires can develop and authenticity is obtained. For this reason Wang renounces moral legalism and denounces the program of tempting good behavior with promises of prestige. We have already seen how for Wang these leads to insincere, materialistic and contentious desires. Promulgating rules expressing moral guidance tell the common folk what virtues the promulgating ruler favors, and so they are tempted to compete to align themselves with these virtues, perhaps in the hope of some reward. Thus they are motivated by this materialistic desire to obtain benefits. The same is true with promises of honors for good behavior: men are motivated primarily by greed for the material benefits.

Like Wang, for natural law this tragic state of affairs with men driven by these desires will be a state of inauthenticity. Moral legalism, through introducing these motivations of desires, impedes authenticity, both in my and Wang's sense. This is particularly true of the emotionally sensitive person, since for the emotionally sensitive it introduces emotional motives that sets up a wall between the first principles and the moral norm and so prevents any continuity between the two. But I

am not interested merely in the fact that people may be tempted by desires for material rewards so to act on that account. Because my concern is not merely to ward off bad emotional influences, I go further than Wang in denouncing moral legalism because I see other effects that moral legalism has, which are more pertinent to the destruction of authenticity as I mean it. Thus, as I have argued, in the case of the emotionally sensitive, it disrupts the continuity between the first practical principles and the proposed action by introducing feelings as motives. For the emotionally less sensitive who *performs* the act, authenticity also not achieved. But this is not because there are emotional interferences; rather it is because such an act lacks the understood connection between the first practical principles and the proposed action.

Again, if a person cannot even admit that it is normatively binding to follow reasons, then of course, no enforcement would make him or her practically reasonable either, since this norm is just not transferable.

Therefore, Daoism and natural law theory will draw different conclusions concerning what needs be done. For: minimizing feelings or desires in natural law is not the issue; developing moral *reasons* are. And when it comes to developing the appreciation of the normative authority of reasons, reflective philosophical education seems to me the only way to achieve this result. Open philosophical discussion and demonstration of the logical connections between a proposed course of action, say a certain law, and one's store of practical first principles help persons to see for themselves how the prescribed law has normative force *for him*, insofar as it is rationally connected with his own source of normativity.



In other words, natural law theory cannot fruitfully adopt the policy that the political ruler minimize his desires. something else needs to be done: to promote open philosophical education which helps people see the kinds of logical connection between the reason of the law and their own grasp of reasonableness. Natural Law theory's recommendation for cementing a politics of a Rule of Law is to promote philosophical education. It is through philosophical education that people come gradually to see the point of their own actions, the normative authority inherent in their own principles of practical thinking, and to come to recognize how that those principles relate through *determinatio* to the Rule of Law as its goal. (See chapter 5) At the same time, philosophical education that encourages reflection on the substantive normative force (the "ought") of their own practical reasons will reveal the logical necessity of affirming the existence of some external Ontological Warrant or Norm, or God, and *ipso facto* the inconsistency of espousing a naturalistic atheism, which undermines the credibility of practical reasons and the force of the Law. (See chapter 6).

### Conclusion

In this chapter we have examined some differences between Wang and Aquinas's political strategies. While Wang like Aquinas does not advocate ethical relativism, there remain significant differences in the moral theories of both traditions. For Wang, the ruler's personal exemplification of desireless-ness can help stall the spread of desires and hence disorder amongst the common folk, and hence enhance the

goal of promoting moral authenticity amongst the masses. Natural Law, however, has a different notion of moral authenticity that is defined by reasonableness (and not merely the having of natural feelings). Thus, it cannot fruitfully adopt Wang's policy of desirelessness. It needs instead to promote philosophical reflection, which reveals to the reflecting person the normative authority in his practical thinking, how that normativity is related to the Law, and how that normativity implies a Transcendent Warrant or God.

**IV****A Final Place for Metaphysics**

## Chapter 10

### Forgetting the Trap Once the Rabbit is Caught:

### The (Ir)relevance of the Metaphysics of Dao/God

#### Introduction

We have arrived at the final chapter of this thesis. Our tour of John Finnis' New Classical Natural Law Theory which develops Aquinas' natural law theory and Wang Bi's commentarial reading of the *Laozi* had aimed to compare the ways metaphysical speculation of some Transcendent Being (be it God in Aquinas or the Dao in Wang) are relevant or irrelevant for political theorizing in these two traditions. We had argued that when it comes to arriving at political and ethical precepts, when deciding what is to be done, what political policies to adopt, metaphysical speculation plays a limited, if not negligent role. Neither in Finnis nor in Wang do the conclusions of metaphysical speculation of God and the Dao become premises for thinking about what to do. For Finnis, ethical and political thinking begins with self-evident ethical practical reasons; for Wang it begins with an appreciation of human behavior. At the same time, however, metaphysical speculation has its place. In Finnis' natural law theory (as I have developed it), ethical and political reflection can lead to some metaphysical affirmations of God, and the explicit denial of God's existence can have dire consequences for ethics and politics. Wang on the other hand weaves in metaphorical interpretations of the Dao's description with the political doctrine of non-interference. By exploiting the terms "Nameless(ness)" (*wuming*) and Formless(ness)" (*wuxing*), the master of the literary craft offers an ingenious

“inference” from linguistics through politics and ethics towards a metaphysics of the Dao, and argues that we “apply” the Dao (qua the Nameless and Formless) in political deliberation. So, metaphysical speculation is not irrelevant. Or is it?

### Metaphysics Not Equally Relevant

*Philosophically*, it is easier to say that metaphysical speculation is relevant in Finnis’ natural law theory: after all the metaphysical claims and conclusions work as corollaries which cannot be denied on pain of contradicting central premises in natural law theory. This is certainly not the case with Wang’s metaphysics of the Dao. While Wang does weave relevant metaphysical claims through his literary craft into the political theorizing, their relevance is just that: *literary*. The metaphysical doctrine of the Ontological Dao works as a metaphor or heuristic mind-map for the political doctrine of non-intervention. Philosophically or logically, there is no mutual entailment. Neither implies the other—at least there is nothing in Wang which suggests that he thought so. As I have consistently argued in this thesis, Wang saw the metaphysics of the Dao and the politics of non-intervention related via the playful literary equivocation of the “Nameless and Formless (Dao)”, which signifies on the one hand the shapeless and unnamable ontic source of all things, and on the other hand, the politics of not using names or prestige nor institutional forms to generate moral and law abiding behavior.

Even when constructing his inference from names and forms all the way to the Dao, the discussion shifts completely from one theme to another and the links between these themes are at best trivial. Recall how the inference proceeds. The idea that

“actuality-forms give rise to names and not the other way around” in semiotics works as a platform for introducing the political discussion, which also insists that “forms give rise to names and not the other way around”, albeit in a completely different sense: that renown or name should follow actual moral forms, and actual moral forms do not arise from lures of names or prestige. The political discussion, which is the most important discussion in Wang, then concludes that the way to encourage the moral and desirable political community is to adopt political policies of non-intervention. That is, one should be or adopt the policy of “nameless(ness) (*wuming*) and formless(ness) (*wuxing*)”, which then results in the desired society. But the nameless and form is also equivocally the Dao, which is metaphysically formless and hence nameless. So also the Dao is the ultimate source of the desired society. But notice that the discussion on political governance is related to the theory of language and the metaphysics of the Dao merely through the almost coincidental fact that they share some common terms, not because of any strong philosophical reasons. Each thematic discussion—whether it be the correlative doctrine of names and forms, the politics of non-intervention, and the metaphysics of the Dao—is in fact self-contained, and philosophically independent of each other. None of the conclusions of the discussion on one theme becomes philosophical premises for any other.

Fundamentally, Wang’s political discussion is literally superimposed onto both the discussion of language and the discussion of the metaphysics of the Dao. That very same text, those very same characters and the very same words are used to express two (or more) distinct ideas, one on top of the other. There is no explicit logical connection.

While one may be impressed with this grand display of literary genius or ingenuity, one must also realize (perhaps with some disappointment) that the metaphysics of the Dao is philosophically redundant in the Wang Bi *Laozi's* political theorizing, even if it is cleverly incorporated into the text. After all, the *reasons* for arriving at the political policies and conclusions have nothing philosophically to do with the metaphysics of the Dao. The deliberations were based on an analysis of human behavior.

Why then did Wang's *Laozi* bother crafting such an ingenious metaphysical metaphor for the political doctrine? What did Wang think was the purpose of the *Laozi's* use of metaphysics of the Dao to metaphorically signify the politics of non-intervention? My answer to that is largely conjecture, but turning to Wang's introductory chapter to the I-Ching (*Yijing*), one finds some clues. There, he explains clearly what he thought the role of images, analogies, words and metaphors are. For Wang, images, analogies, words and metaphors were but tools or means to yield the meanings, and when the meaning is understood, these tools were to be forgotten or discarded. In other words, metaphors and images were of mere instrumental value. Their purpose is purely pedagogical. He writes, and I quote at length:

“Images are the means to express ideas. Words [i.e., the texts] are the means to explain the images. To yield up ideas completely, there is nothing better than the images, and to yield up the meaning of images, there is nothing better than words. The words are generated by the images, thus one can ponder the words and observe what the images are. The images are generated by the ideas, thus one can ponder the images and so

observe what the images are. The ideas are yielded up completely by the images, and the images are made explicitly by the words. Thus, since the words are the means to explain the images, once one gets the images, he forgets the words, and, since the images are the means to allow us to concentrate on the ideas, once one gets the ideas, he forgets the images. Similarly, “the rabbit snare exists for the sake of the rabbit; once one gets the rabbit, he forgets the snare. And the fish trap exists for the sake of the fish; once one gets the fish, he forgets the trap.” If this is so, then the words are snares for the images, and the images are traps for the ideas.”<sup>280</sup>

This passage states clearly what Wang thinks of the images or metaphors which capture the ideas they image. As tools for grasping the “real” message which it images, these images can be forgotten. They are philosophically not essential. They are mere means or pedagogical aids for grasping the ideas they image. Now the metaphysical doctrine of the formless and nameless Dao is the metaphor or imagery for the political doctrine of non-intervention. As an image the metaphysics of the Dao “captures” the political doctrine of non-intervention; and, once one arrives and grasps the political ideas through the metaphysical image, one forgets the metaphysical imagery.

Indeed, the metaphysics of the Dao’s mere utilitarian value is made clear if we take seriously Wang’s criticism of those who remain fixated on the image. For Wang, once one gets the idea, one should let the imagery fall out of view. If one remains

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<sup>280</sup> Wang Bi, “General Remarks on the Changes of the Zhou (Yijing)” in *The Classic of the Changes: A New Translation of the I-Ching as Interpreted by Wang Bi*, Richard John Lynn (trans), (New York: Columbia University Press, 1998), 31



absorbed with the imagery, one has failed to get to the real message, viz. the idea that the imagery images. The fact that these metaphorical analogues are called “images” implies for Wang Bi their mere use-value, and their destiny to be lost sight of once they serve their use:

“someone who stays fixed on the words will not be one to get the images, and someone who stays fixed on the images will not be one to get the ideas. The images are generated by the ideas, but if one stays fixed on the images themselves, then what he stays fixed on will not be *images* as we mean them here. If this is so, then someone who forgets the images will be the one to get the ideas, and someone who forgets the words will be one to get the images. Getting the ideas is in fact a matter of forgetting the images, and getting the images is in fact a matter of forgetting the words.”<sup>281</sup>

This means in effect that once a person who reads the *Laozi* has understood the text, then he would have grasped the ideas that the images capture, and would have forgotten or lost sight of the images. When one truly understands the text, he loses sight of the metaphysical imagery of the Dao, and sees in it only idea of the politics of non-interference. Ironically then, when one is concerned with the metaphysics of the Dao, then it is a sign that he has not grasped the true meaning of the text, which is the political doctrine of non-interference. As an analogy, think of someone trying to see one of two images in a gestalt figure. When one sees one image, he cannot at the same

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<sup>281</sup> Wang Bi, *General Remarks on the Changes of the Zhou*, op. cit., 31-32

time be seeing the other image. Similarly, when one engages the text with the idea in mind, then the imagery of the text is “forgotten”.

And because the images can be forgotten, and have no intrinsic use of themselves, it does not quite matter which imagery one uses to capture the ideas so long as they work. Thus, Wang:

“...although the images were established in order to yield ideas completely, as images they may be forgotten...That is why anything that corresponds analogously to an idea can serve as its image, and any concept that first with an idea can serve as a corroboration of its nature. If the concept involved really has to do with dynamism, why must it only be represented in terms of a horse? And if the analogy used really has to do with compliance, why must it only be represented in terms of the cow?...”<sup>282</sup>

Although he made these remarks in the specific context of the *YiJing*, they express his general philosophical position on the variability of the image of any idea. We might hence further conjecture Wang Bi sees there is no special reason for using the metaphysics of the Dao as the analogical metaphor for the political theory of non-intervention. If there were any other usable analogue, that could have replaced the metaphysical imagery. Indeed as we have seen, Wang applies not the metaphysics of the Dao as the imagery for the political doctrine of non-intervention, but also the imagery of the correlative theory of names to capture the reasons for the politics of non-intervention. Crudely put, one can use whatever comes in handy.

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<sup>282</sup> Wang Bi, *General Remarks on the Changes of the Zhou*, op. cit., 32

So it would seem that the metaphysics of the Dao is merely a pedagogical tool, and, apart from its usability, it is an arbitrarily chosen one. In other words, the only reason why the metaphysics of the Dao was chosen to be crafted as a metaphorical analogue of the political doctrine of non-intervention seems to be its utility—its coincidental suitability for analogously mapping the political theory. The fact that the image is a *metaphysical speculation of the Dao* does not seem at all to feature as a reason for its being chosen as an image. Thus we see how seriously mistaken Wagner's reading of the Wang Bi *Laozi* is when he argues that Wang engages in the metaphysical speculation of the Dao for developing his political theory, and presents that as a radical departure from previous Chinese philosophical thinking. Wagner suggests that for once in Chinese thought, metaphysical or ontological speculation becomes an appreciated study, as if its subject matter has anything special to contribute to political theorizing. Yet for Wang Bi, the substance or content of the metaphysics of the Dao is completely irrelevant; the *words* are what Wang Bi's *Laozi* finds useful, since they capture metaphorically the political doctrine. If the content of the metaphysical speculation on the Dao had completely contradicted the present metaphysical conclusions of the metaphysics of the Nameless and Formless Dao, then to the extent that the words expressing that new metaphysics can equivocally and metaphorically capture the political doctrine, then *that* (new) metaphysics of the Dao would be used as the imagery.

Hence it seems when Wang Bi's *Laozi* pictures the Sage as modeling the Dao, there is nothing especially dignified about this. Had a fly and its metaphysics been found suitable for metaphorically capturing the politics of non-interference, then the

metaphysics of the fly too would have been used. And the Sage would have been described as modeling the fly.

### Natural Law and Metaphysics

Like Wang Bi's *Laozi*, in Natural Law theory, metaphysical speculations of God do not serve as premises for the political theory. Rather reflections on political theory, starting with the precept of the natural law that common goods ought to be promoted, lead to such a metaphysics. Because the metaphysical claims follow from the political reflection as corollaries, they are philosophically and logically related. Similarly, like Wang Bi's *Laozi*, the natural law theorist can draft out analogical similarities between the way God is or operates and the way the natural law theorist or political leader should act. When I discussed (in Chapter 6) the normativities of the principles of practical reasons and argued that it implied some form of Creator or metaphysical Source which was Itself Normative, I pointed out that we might get a glimpse of what the nature of the metaphysical Norm is—namely, that it is one such Ontological Principle, that intended and intends our human functions which generate such and such a certain precept with its substantive norm.

Suppose we call this Ontological Principle “God”. In terms of His *normative* effects—i.e., its *intending* or *designing* things to be one way rather than another—we may perchance be able to say something about it. God is that which intended and designed a certain function which in turn generates a certain precept, say *x*: “*one ought to promote life*”. But normativities like intentions and designs are not random

acts; in choosing things to be one way rather than another God shows Himself to be someone who *chooses the function which generates  $x$*  rather than *a certain other function which generates a different precept, say  $y$* : “*one ought to destroy life*”. Here we approach a (very poor) grasp of the kind of Being God is: that he is One who would sanction through his choice  $x$  rather than  $y$ .

Now a Being that would sanction  $x$  rather than  $y$  seems not just any Being but an intelligent being, with a Mind that would judge  $x$  in favor of  $y$ . Yet also our mind and our grasp of the first principles of practical reasoning would also have judged  $x$  in favor of  $y$ . Have we not here, in the human practical intellect, then, a certain sharing and con-geniality with the Mind of God? Therefore the principles of practical reason hence are always grasped as principles sanctioned and determined by a Transcendent Warrant, a Normativity, a Mind that shapes the normativity which human beings experience. If we call this Transcendent Source of Norm or Warrant God, or a Mind, then our normativities and mental proclivities *qua* products of Its determination, would be some kind of a sharing of that Normativity or (God’s) Mind. At the least, it would be a mitigated similitude (but not equality!) of that God. Our own practical norms and God’s normative intentions would cohere and be harmoniously aligned. For: what my first practical principles direct me to do, are what God Himself agrees ought to be done.

Hence someone who understands this similitude or analogy between my practical first principles, which are practical norms, and God’s very own Normative Orientation would also grasp that as he or she fulfills these first practical precepts (i.e., act with practical reasonableness), he or she is in fact not merely fulfilling the

normative direction of his or her practical reasons, but at the same time sharing, imitating, and indeed fulfilling God's very own Normative orientations, also his Will. Specifically, as he or she follows through completely with the normative direction of practical reasons, which entails adopting the appropriate policies as means or strategies (chapter 8 and 9) to fulfill practical reason's directions to promote common goods through the Rule of law, he or she understands that he or she is in fact also fulfilling God's Will. Thus Finnis writes, concurring with my analysis:

“In what ways, then, is Aquinas' social and political thought informed by affirmations about God?...The principles of practical reasonableness are...understood as having the force and depth of a kind of sharing in God's creative purpose and providence. The good of practical reasonableness is now understandable as good not only intrinsically and for its own sake but also as a constituent in the good of *assimilatio* and *adhesio* to the omnipotent creator's practical wisdom and choice. The truth of the practical principles is now understandable not only as the anticipation of the human fulfillment to which they direct us, but also as their conformity to their most real of all realities, the divine creative mind, which is nothing other than the very reality of that pure and simple *act*, God.”<sup>283</sup>

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<sup>283</sup> John Finnis, *Aquinas*, 308-309

Even better, with this understanding, he or she arrives at a new motivation (on top of the original normative motivation of practical reasons) for responding to his or her practical normativities. John Finnis explains:

“Practical reasonableness itself can also be seen...in a new light. It has the *further overarching point*, which subsumes, embraces, confirms, and explains all the other reasons for action, and which like all practical reasons is both individual and common, a reason both for individual and for interpersonal, group choices and actions. This further, more ultimate point {finis} is: to be *like* God as human persons can be.”<sup>284</sup>

It is important that this realization is possible only with the metaphysical understanding of God or that Creative Ontological Principle as one such “Being” with Normative Orientations similar to that of our first practical principles, as we have explained. Someone without this speculative grasp of the God as a Metaphysical Normative analogue of our substantively normative practical reasons would never arrive at this new understanding that as he or she fulfills the principles of practical reason, he or she is at the same time imitating God. Nor *ipso facto* would he or she have the “imitation of God” *as a new and additional reason for following through with practical reason’s direction*.

In this way the knowledge of the metaphysical affirmations of God shifts our appreciation of political governance which is consistent with and grounded in practical

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<sup>284</sup> John Finnis, *Aquinas*, 315

reasons (or natural law) to a more noble level. We understand that as we fulfill in a practically reasonable manner the precepts of the natural law by adopting the appropriate policies to promote the common goods, we are not merely doing *that*, but also being like God. Further, we are not only like God though practically reasonable governance, but we can do so *in order to be like God*, assuming that this is something worth doing.

That last qualification, “assuming that being like God is something worth doing” is of course an assumption. If being like God was not something worth doing, then even if practically reasonable governance is a likening of God, that very likening of God would not become a *reason* for governing well. Similarly, if you told me I was a chip of the old block, I may take that as a compliment, or I might take that as an insult. It all depends whether I think the old block is something worth matching up to. For Aquinas and Finnis, the assumption is a warranted one, and I am on their side. Aquinas’ metaphysical investigations informs us that that God is Unlimited pure Actuality or Completeness, having no potentiality or undevelopment (see Chapter 7).

### Modeling the Great Dao

This brings us back to the Wang Bi *Laozi*. As I pointed out, Wang’s remarks suggest that the metaphysics of the Dao was chosen merely for its literary usefulness in mapping out the political doctrine. His *General Remarks on the Yijing* lead us to conjecture that there was no special reason apart from this that the metaphysics of the Dao was used. At least it seems as if there was nothing about the metaphysics of the Dao as metaphysics *of the Dao* which lead to its being adopted as a suitable imagery; a



metaphysics of a fly, if useful, might well have been used. But if we consider how natural law theory appreciates the way metaphysical affirmations of God can totally transform our appreciation of political activity, we might not think that the use of the metaphysics of the Dao as an imagery was *that* thoughtless.

Clearly Wang Bi's *Laozi* sees the Sage Ruler's political governance and strategies of non-interference as modeling the Dao. But it is also likely that it also sees that Sage Ruler's modeling of the Dao *as a reason* for the Sage Ruler to practice those very political strategies of non-interference. If this is so, then the metaphysics of the Dao (as compared, for instance, to a metaphysics of the fly) makes perfect sense as an imagery: the Sage Ruler's very practice of Daoist political strategies becomes (also) motivated by an aspiration to approach the likeness of the Dao. In other words, like the case with natural law theory, it is my hypothesis that Wang's *Laozi* grasps that the politics of non-interference is not merely a modeling of the Dao, but is practiced *in order to model the Dao*. Certainly the metaphysics of the Dao and modeling of the Dao is no basis for *inferring* the politics of non-interference (see chapter 2). However, with an appreciation of the analogical parallels between the metaphysical Dao and the politics of non-intervention, the modeling of the Dao then becomes an *additional reason* for practicing the politics of non-intervention. In this way the Sage Ruler is urged to practice the politics of non-intervention not only because it works and is efficacious in promoting the desired society, but also because it is a way to model the Dao.

But why would the Wang Bi *Laozi* think that the Sage would be interested to model the Dao for its own sake? Why would the Sage Ruler be even interested in

imitating the Dao for imitating the Dao? Because analogous to Aquinas's admiration for God, the Wang Bi *Laozi* had great admiration for the Dao because of its reach in all myriad things, and the efficaciousness of its operations:

*[Laozi:] Forced to give it a name, we call it "great"*

[Wang Bi:] The reason we style it "Dao" is that, of all the terms that might be used to address it, this one has the broadest meaning. Seeking the reason why this style name was assigned to it, we find that it is connected with the notion of greatness...

*[Laozi:] "Great" refers to the way it goes forth.*

[Wang Bi:] "Go forth" means "operates," so the meaning here is not restricted just in the single sense of great as in "great body." As it operates everywhere, there is no place it does not reach. Thus the text says "goes forth."

*[Laozi:] "Goes forth" describes how it is far-reaching, and "far-reaching" describes its reflexivity.*

[Wang Bi:] "Far-reaching" means to reach the ultimate." As it operates everywhere, there is both nothing that lies beyond its infinite reach and no particular direction it favors over any other. Thus the text says: "far-reaching." Because it does not subordinate itself to that which it goes, as substance, it "stands alone." This is why the text refers to its "reflexivity."

Again:

*“[Laozi:] Man takes models from Earth; Earth takes models from Heaven; Heaven takes its models from the Dao; and the Dao takes its models from the Natural.*

[Wang Bi:] “To take models from” means “to follow the example of.” It is by taking his models from Earth that Man avoids acting contrary to Earth and so obtains perfect safety. It is by taking its models from Heaven that Earth avoids acting contrary to Heaven and so achieves its capacity to uphold everything. It is by taking its models from the Dao that Heaven avoids acting contrary to the Dao and so achieves its capacity to cover everything. It is by taking its models from the Natural that the Dao avoids acting contrary to the Natural and so realizes its own nature...The “Natural” is a term for that for which no equivalent exists, an expression for that which has infinite reach and scope...”<sup>285</sup>

Thus modeling the Dao or imitating the Dao is a good reason to act. For Wang Bi, the modeling of the Dao is a noble achievement because one becomes like that which is great, and which one admires. If we interpret Wang Bi’s *Laozi* this way, then we may be inclined to think that the metaphysics of the Dao is not that superfluous after all. Unlike other imageries, the imagery of the metaphysics of the Dao should not be simply forgotten and ignored once the idea of political non-intervention is grasped as the text’s central doctrine. Rather, by having in mind the analogical parallels between the metaphysics and the political theory, one understands the Sagely

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<sup>285</sup> Wang Bi, *The Classic*, 95-97

governance is a modeling of the Dao, and further, Sagely governance can be practiced *in order to model the Dao*. Thus also, the *Laozi's choice* of the metaphysics of the Dao (as compares with the metaphysics of a fly, for instance) as the appropriate imagery for the politics of non-intervention would not seem trivial and arbitrary: while no one would think much of modeling a fly, the Sage Ruler's modeling of the Dao is of great moment and a good reason and motivation for action.

The obvious problem with this hermeneutic of the Wang Bi *Laozi* is that Wang's analogies are not all ontological. (See chapter 2) For sure, his analogies developed in the "Straw Dogs" passage highlight out similar patterns of behavior in the real operations of the Dao and the Sage, and there truly the Sage parallels the "non-benevolent" Dao by practicing the *wuwei* policy of non-interventionism, leading thus to the people becoming moral of or by themselves (*ziran*). But beyond these his other analogies are *metaphorical*, and not ontological. Thus when the Sage models the Dao by being nameless (*wuming*) and formless (*wuxing*), "Nameless(ness) (*wuming*)" and "Formless(ness) (*wuxing*)" refer equivocally to radically different things. When applied to the Dao it refers to its metaphysical structure, when applied to the sage it refers to his political strategy. The only relation between these two meanings of "Namelessness and Formlessness" is that fact that they are both signed by the same style words, *wuming* and *wuxing*. If we have these two radically different significations in mind when we assert that the Sage models the Dao by being *wuming* and *wuxing*, just as the Dao is *wuming* and *wuxing*, then we are really stretching the claim that the Sage models the Dao. For: there is just no ontological analogy.

Therefore there are limits to the interpretive theory that: the choosing of the metaphysics of the Dao as the appropriate imagery for the politics of non-intervention was motivated by the fact that the Sage Ruler could hold the vision of his modeling of the Dao in mind and have that as an additional motive for practicing the politics of non-intervention. It cannot fit parts of the Wang Bi *Laozi* text where the analogies are only metaphorical. Perhaps we might say that where the analogies are metaphorical, the metaphysics of the Dao should be forgotten, and where the analogies are ontological, the metaphysics of the Dao could be kept in mind to remind us of the glorious motive of modeling the Dao.

Yet given as I have argued, Wang's particular contribution through his own reading of the *Laozi* text is his ingenious literary use of metaphors (see chapter 2 and 3). Beyond the Straw-Dogs passage, the rest of his commentary is dominantly concerned with applying and crafting the metaphysics of the Dao as a metaphorical imagery to capture and also surface the political doctrine of non-intervention. So it is likely that Wang considered the metaphorical parallels between the Sage and the Dao as central to his reading of the *Laozi*, and not the ontological parallels. For Wang Bi what is fascinating is that literal superimposition of one radically different idea on another, made possible by the "transparency" of those same words and phrases which allow *both* sets of ideas to appear through them. The importance of the *metaphysics of the Dao* as an appropriate imagery (as opposed to any other image) seems therefore much played down. Also, the idea that the practice of the political strategy of non-intervention can be a way of modeling the Dao for its own sake (even if not *only* for its own sake) was probably not very much considered, and was not much exploited

and emphasized. To paraphrase Wang, as snares for the rabbit, once the rabbit is captured, the snare is forgotten.

Hence for Wang Bi's *Laozi* the Sage Ruler who practices good politics is indeed a modeler of the Dao: in the sense that his actions are analogous to or metaphorically captured by the "Dao" qua the "Nameless and Formless". For the Natural Law Theorist, this too is true: fulfilling practically reasonable political precepts is indeed imitating the Practical Reasonableness of God/Dao. But there is more. The practically reasonable political strategist does not merely coincidentally, as it were, imitate God/Dao; he can do so as an intention, deliberately. Hence he may model God not by chance but for modeling God's sake. In this sense, under Finnis' natural law theory (as I have developed it), the sense of good governance as modeling of God is much richer: when fulfilling practical reasons in the political arena, the practically reasonable politician is modeling God/Dao, and knows that *that is what he is doing, and does it for that reason* (even if not only for that reason).

### Conclusion

I have suggested that Wang Bi's *Laozi* largely sees the choice of the metaphysics of the Dao as an imagery for the politics of non-intervention as a mere consequence of its literary usefulness. And once the metaphysics of the Dao has served its pedagogical purpose, it is to be forgotten. Natural Law theory, on the other hand, exploits the real ontological analogies between the metaphysical affirmations of God and the very practice of fulfilling the precepts of the natural law or practical reasons. As the natural law theorist or political governor goes about fulfilling the

directions of the natural law to promote common goods without violation of these precepts (i.e., in a practically reasonable manner), he can do so because of the normative direction of practical reason, or better: to imitate God. Remember that we argued (in chapter 7) that the thomistic God could be called “Dao”. Here, in thomism, we truly have an instance where the Practically Reasonable Political Governor is someone who models the Dao, and does so *to model the Dao*.

## Epilogue

We have come to the end of our thesis. In this thesis I have tried to analyze and illuminate the place metaphysical speculation has in the political and social theorizing of two great philosophical traditions as developed by its respective scholars and commentators: Aquinas' Natural Law Theory as defended by the New Classical Natural Law Theorists, and Wang Bi's commentarial reading of the *Laozi*. Comparing them, I have argued that both traditions do not develop metaphysical claims in order to infer political strategies; rather the reverse is true (though not in the same manner!). Natural Law starts with self-evident precepts and moves towards a metaphysics of God, whereas Wang's *Laozi* begins with a study of human behavior, develops political conclusions and integrates metaphysical claims of the Dao with the political doctrine of non-intervention through a clever play of literary metaphors, and offers an "inferential trace" to the Dao as the ultimate origin or source of the desired community and of words and names. I also argued that there are strong similarities between the metaphysics of the Dao and the thomistic metaphysical doctrine of God. And while both traditions share similar negative strategies informed by their appreciation of the limits of the use of coercive action to create the desired society, there remains differences when it comes to applying positive strategies. These differences are not the result of metaphysical premises of God or the Dao, but are the result of different theories of what constitutes desirably authentic moral action. Finally, I explained how metaphysics re-enters in the natural law theorists' political theorizing: by attending to the realization that practically reasonable political action is



an analogous likening and fulfillment of God's very own Normative Being and Will, the natural law political theorist has a new motivation to act reasonably in politics: to imitate God. This however, does not feature very much in Wang's *Laozi*, which seems to recommend that the metaphysics of the Dao be forgotten once the central political doctrine is grasped.

### Selected Bibliography

- Aquinas, Thomas. *Commentary on the Book of Causes. Super Librum De Causis Expositio*. (Washington DC: CUA Press, 1996)
- Aquinas, Thomas. *De Ente et Essentia (On Being and Essence)*. Armand Maurer CSB (trans.), 2nd Edition (Toronto: Pontifical Institute Of Medieval Studies, 1968)
- Aquinas, Thomas. *Summa Contra Gentiles*, 1, 22, 9-10, Anton Pegis, (trans.) (Notre Dame: UNDP, 1975)
- Aquinas, Thomas. *On Truth (De Veritate)*. James McGlynn SJ (trans.), (Chicago: Henry Regnery Co., 1953)
- Aquinas, Thomas. *Quodlibetal Questions 1 and 2*. Sandra Edwards (trans.), (Toronto: PIMS, 1983)
- Boltz, William G, "The Laozi Text that Wang Pi and Ho-shang Kung Never Saw", *Bulletin of the School of Oriental and African Studies*, 48, no.5, (1985), 493-501
- Chan, Alan K. L. *Two Visions of the Way: A Study of the Wang Pi and the Ho-shang Kung Commentaries on the Lao-Tzu* (NY: SUNY, 1991)
- Chang, Chung-yue. *The Metaphysics of Wang Pi (226-249)*. (Ann Arbor: University of Microfilms International, 1979)
- Chua, Soo Meng Jude, "Nameless Dao: A Rapprochement Between the Tao Te-Ching and St. Thomas Aquinas' Metaphysics of Unlimited Being", *Journal of Chinese Philosophy*, Vol. 30 (1), Mar 2003, 99-114
- Chua, Soo Meng Jude. "Positively Legal: Hart, Dworkin and Aquinas on Law and Morality", *Periodicum Angelicum*, 81 (2004), 65-83
- Chua, Soo Meng Jude. "Reginald Garrigou-Lagrange OP on Aristotle, Thomas Aquinas and The Doctrine of Limitation of Act by Potency". *The Modern Schoolman* LXXVIII, Nov. 2000, 71-87
- Chua, Soo Meng Jude. "The Nameless and Formless Dao as Metaphor and Imagery: Modeling the Dao in Wang Bi's Laozi", *Journal of Chinese Philosophy (forthcoming)*
- Chua, Soo Meng Jude. "What Limits?: A Comparative Look at Recent Positions on the Limitation of Existence by Essence", *Thomas Instituut te Utrecht Jaarboek 2000*, Vol. 20, 2001, 42-61

Chua, Soo Meng Jude, "Ziran and Wuwei: A Maritainian Reading". *Maritain Studies*, XIX, 2003, 85-100

Coleman, Jules. "The Conventionality Thesis" in *Social, Political and Legal Philosophy* (Philosophical Issues Vol. 11). Ernest Sosa & Enrique Villanueva, (ed.), (Oxford: Blackwell, 2001)

Finnis, John. *Aquinas: Moral, Political and Legal Theory* (NY: Oxford University Press, 1998)

Finnis, John. "Comment" in *Issues in Contemporary Legal Philosophy: The Influence of HLA Hart*. Ruth Gavison (ed.), (Oxford: Clarendon Press, 1987)

Finnis, John. *Fundamentals of Ethics* (Oxford: Oxford University Press, 1983)

Finnis, John. "Natural Law and the 'Is' – 'Ought' Question: An Invitation to Professor Veatch", *Catholic Lawyer*, (26) 1981

Finnis, John. *Natural Law and Natural Rights* (NY: Oxford University Press, 1980)

Finnis, John. "Secularism, Law and Public Policy", forthcoming in Robert P George, (ed.), *Faith, Secularism and Public Policy*.

Garrigou-Lagrange OP, Reginald. *God: His Existence and Nature* (NY: Herder, 1946), Vol. 2, Epilogue.

George, Robert P. "Recent Criticism of Natural Law Theory" in *University of Chicago Law Review*, (55), 1988

George, Robert P. "Natural Law and Human Nature" in *In Defense of Natural Law* (NY: Clarendon Press, 1999)

George, Robert P. *Making Men Moral: Civil Liberties and Public Morality* (Oxford: Clarendon Press, 1993)

Gilson, Etienne. *Being and Some Philosophers*, 2nd Ed. (Toronto: PIMS, 1952)

Glass, N Robert, "A Logic of the Heart: Re-reading Taoism and Zen Buddhism", *International Philosophical Quarterly*. Vol. 38, No. 4 (1998)

Graham, A C, " 'Being' in Western Philosophy Compared With Shi/Fei and Yu/Wu in Chinese Philosophy" in *Studies in Chinese Philosophy and Philosophical Literature*. (Singapore: National University of Singapore/Institute of East Asian Philosophies, 1986)

Grisez, Germain, Boyle, Joseph and Finnis, John, "Practical Principles, Moral Truth, and Ultimate Ends in Natural Law" in *Natural Law: Volume I*. (ed.) John Finnis. 1991: Dartmouth (UK)

Hansen, Chad. *A Daoist Theory of Chinese Thought* (NY: Oxford University Press, 1992)

Hansen, Chad. "Qing in Pre-Buddhist Chinese Thought", in *Emotions in Asian Thought: A Dialogue in Comparative Philosophy*, Joel Marks and Roger T Ames (ed.), (1995: SUNY, NY)

Hansen, Chad. "Should the Ancient Masters Value Reason?" in *Chinese Texts and Philosophical Contexts*. Henry Rosemont Jr. (ed.), (Ill: Open Court, 1991)

Hansen, Chad. "The Metaphysics of Dao" in *Comparative Approaches to Chinese Philosophy*, Bo Mou (ed), (UK: Ashgate, 2003)

Harbsmeier, Christoph. *Science and Civilization in China: Logic and Language*, Joseph Needham, Kenneth Robinson (eds.) Vol. 7:1, (Cambridge: CUP, 1998)

Hart, H L A. *The Concept of Law* (Oxford, UK: Oxford University Press, 1961)

Hart, H L A, "Postscript" in *The Concept of Law* (NY: Oxford University Press, 1980) 2nd Edition

Hittinger, Russell. *A Critique of the New Natural Law Theory* (Notre Dame: Univ. Notre Dame Press, 1987)

Hittinger, Russell. *The First Grace: Rediscovering the Natural Law in a Post Christian World*. (Delaware: ISI Books, 2003)

Kramer, Matthew. *In Defense of Legal Positivism: Law Without Trimmings* (NY: Oxford University Press, 1999)

Lisska, Anthony J. *Aquinas' Theory of Natural Law* (Oxford, UK: Clarendon Press, 1983)

Liu, Xiaogan. "On the Concept of Naturalness (Tzu-Jan) in Laozi's Philosophy", *Journal of Chinese Philosophy*, Vol 25 (4), Dec 1988. 423- 446

Makeham, John. *Name and Actuality in Early Chinese Thought* (NY: SUNY, 1994)

Makeham, John. "Names, Actualities and the Emergence of Essentialist Theories of Naming in Classical Chinese Thought", *Philosophy East and West*, Vol. 41, No. 3 (1991)

- Moore, Michael S. "Good Without God" in *Natural Law, Liberalism and Morality*. Robert P George (ed.), (NY: Clarendon/ Oxford University Press, 1996).
- Mou, Bo. "Ultimate Concern and Language Engagement: A Re-examination of the Opening Message of the Dao-De-Jing", *Journal of Chinese Philosophy*, 27, (2000)
- Möller, Hans Georg. "The Chinese Theory of Forms and Names (Xing Ming Zhi Xue) and Its Relations to a Philosophy of Signs", *Journal of Chinese Philosophy*, 24 (1997)
- Nagel, Thomas, *The Last Word* (NY:Oxford University Press, 1997)
- Neville, Robert Cumming, "Doaist Relativism, Ethical Choice and Normative Measure", in *Journal of Chinese Philosophy*, 29:1 (March 2002)
- Norris-Clarke SJ, W. "The Limitation of Act by Potency: Aristotelianism or Neoplatonism?" in *Explorations in Metaphysics: Being-God-Person*. (Notre Dame: UNDP, 1994)
- Nuyen, A. T. "The Dao of Ethics: From the Writings of Levinas to the Daode Jing", *Journal of Chinese Philosophy* 27:3, September 2000.
- Nuyen, A. T. "Naming the Unnameable: The Being of the Tao", *Journal of Chinese Philosophy*, 22, (1995)
- Peerenboom, R P. "Cosmogony, the Taoist Way", *Journal of Chinese Philosophy*, 17 (1990)
- Peerenboom, R P. "Natural Law in the Huang-Lao Boshu", *Philosophy East and West*, Vol. 40 (3), Jul 1990, 310-329
- Plantinga, Alvin, *Warrant and Proper Function* (NY: Oxford University Press, 1993)
- Plantinga, Alvin, "Why We Need Proper Function", *NOUS*, 27:1 (1993)
- Rist, John M. *Real Ethics: Reconsidering the Foundations of Morality*. (Cambridge: Cambridge University Press, 2002)
- Sosa, Ernest, "Proper Functionalism and Virtue Epistemology", *NOUS*, 27:1 (1993)
- Veatch, Henry. "Natural Law and the 'Is' - 'Ought' Question: Queries to Finnis and Grisez" in *Swimming Against the Current in Contemporary Philosophy* (USA: Catholic University of America Press, 1990).

Wagner, Rudolf G. *Language, Ontology and Political Philosophy in China: Wang Bi's Scholarly Exploration of the Dark* (NY: SUNY, 2003)

Wagner, Rudolf G. *The Craft of a Chinese Commentator: Wang Bi on the Laozi* (NY: SUNY, 2000).

Wang-Bi. *The Classic of the Way and Virtue (Tao-te Ching: A New Translation of the Laozi as Interpreted by Wang Bi)*, Richard John Lynn (trans.), with "Outline Introduction to the Laozi (by Wang Bi)", New York: Columbia University Press, 1999)

Wang-Bi. "General Remarks on the Changes of the Zhou (YiJing)" in *The Classic of the Changes: A New Translation of the I-Ching as Interpreted by Wang Bi*, Richard John Lynn (trans), (New York: Columbia University Press, 1998)

Wippel, John, *The Metaphysical Thought of Thomas Aquinas: From Finite Being to Uncreated Being* (Washington DC: CUA Press, 2000)

Chinese Glossary

Chang	常
Cheng	称
Dang	当
Dao	道
Dao deJing	道德经
Dao ke dao,	道可道, 非常道
Fei chang Dao	
De	德
Fei	非
Ke	可
Laozi	老子
Ming	名
Ming ke ming,	名可名, 非常名
fei chang ming	
Shi	实
Shiji	史记
Wang Bi	王弼
Wu	无
Wuwei	无为
Wuxing	无形
Xing	形
Xuanxue	玄学
Zheng ming	正名
Zi	字
Ziran	自然