

# 传统儒家义利之辨之检讨\*

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**摘要：**儒家将义理解为一种具体的规则，用来规范人们的行为，即以义裁心。接受道义规范的心所发动的行为能够形成一个秩序整体，其目的是让其成员能够获得更大的利益，这便是义利之辨的实质，作为权利的利益的的确是群体的终点。权利乃是人们对于某种客观存在的觉悟的产物，这种客观存在有两种，即物质利益和抽象存在，前者便是“利”，后者则是抽象权利。儒家的道义论终究以物质利益为追求，这种权利观念产生于自然本能，且具有排他性，成员之间容易陷入争斗中。当主体追求自目的性行为时，他不仅享有某种抽象权利，而且这些追求必然是规范的、合秩序的，避免了争斗。

**关键词：**儒家义利道群

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在现实中，人们常常形成这样的观念，中国人常常将大量的时间和精力消耗在“内斗”上。这自然让人困惑与烦恼，为什么会出现这样的事情呢？这是本文讨论的中心问题。本文认为，主要原因在于中国传统的义利观，即传统儒家倡导“义”重于“利”，但其终点依然是利——认为依靠道义而形成的秩序群体最终能够给成员带来更大的利益，物质利益成为评价的主要标准。以义求利本身并无问题，即人类建构秩序群体的目的是利益或权利。需要注意的是：此处作为群体最终追求的权利或利益不仅指代物质利益，即汉语所说的“利”，还包括抽象权利。这些抽象权利不仅是客观的，更是主体性的，即出于主体的觉悟而形成的观念。依据主体的觉悟而形成的权利观念与追求必然是道德的、符合秩序的，不会产生冲突或内斗；出自物质利益而产生的权利追求可能会破坏社会或道德秩序、形成内斗。将人的追求从有限的物质利益追求转向或扩大至抽象权利追求，可能有助于人们走出内斗的泥潭。

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一、义是道<sup>[16]</sup>

义本来是一个形容词，表示某种性质。孔子对子产说：“有君子之道四焉：其行己也恭，其事上也敬，其养民也惠，其使民也义。”（《论语·公冶长》）用义的方式去指导百姓是君子之道，义是正确行为的“性质”。反过来说，“不义而富且贵，于我如浮云。”（《论语·述而》）义乃是某类行为的性质，不义便是没有此类性质的行为。孟子也用义来指称某类行为的性质，如“行一不义，杀一不辜，而得天下，皆不为也：是则同。”（《孟子·公孙丑上》）义即指某类行为的性质。“君仁，莫不仁；君义，莫不义。”（《孟子·离娄下》）君子做到仁与义，天下人便会随之而为，义是某类事情或事迹的性质。在此基础上，孔子将义提升为一个抽象概念，从形容词变成了名词。孔子曰：“君子喻于义，小人喻于利。”（《论语·里仁》）义成为一个抽象概念，指称某种具备某一性质的行为或现象。“见利思义，见危授命，久要不忘平生之言；亦可以为成人矣！”（《论语·宪问》）这种义的观念乃是指导人们正确行为的观念。“君臣之义，如之何其废之？欲洁其身，而乱大伦。君子之仕也，行其义也。道之不行，已知之矣！”（《论语·微子》）君臣之义即君臣之间的交往规则。“务民之义，敬鬼神而远之，可谓知矣。”（《论语·雍也》）敬畏鬼神而远之便是众人对待神灵的原理。义成为抽象概念或观念，指称了具备某种性质的行为。这种典范性行为便是正确行为的方法，即道。

义即道。孟子曰：“仁，人之安宅也；义，人之正路也。旷安宅而弗居，舍正路而不由，哀哉！”（《孟子·离娄上》）“夫义，路也；礼，门也。惟君子能由是路，出入是门也。”（《孟子·万章下》）义即道路，这种正确的道路能够通达目的地，这种达到目的途径便是道。故孟子曰：“劳心者治人，劳力者治于人；治于人者食人，治人者食于人。天下之通义也。”（《孟子·滕文公上》）劳心者管理劳力者便是治理天下之道，义成为人类行为的标准，即道。孟子曰：“伊尹耕于有莘之野，而乐尧、舜之道焉。非其义也，非其道也，禄之以天下，弗顾也；系马千驷，弗视也。非其义也，非其道也，一介不以与人，一介不以取诸人。”（《孟子·万章上》）义便是孟子认可的道，或者说，道是一个外延更广的概念，义便是儒家所认可的道，儒家之道便是仁义。“故士穷不失义，达不离道。穷不失义，故士得已焉；达不离道，故民不失望焉。”（《孟子·尽心上》）不失义便是不脱离道。“仁义而已矣。杀一无罪非仁也，非其有而取之非义也。居恶在？仁是也；路恶在？义是也。居仁由义，大人之事备矣。”（《孟子·尽心上》）仁义是成就理想人生的最佳道路，义即道。

荀子将义当作对某种客观之道的主观再现。荀子曰：“君子审后王之道，而论于百王之前，若端拜而议。推礼义之统，分是非之分，总天下之要，治海内之众，若使一人。故操弥约，而事弥大。五寸之矩，尽天下之方也。”<sup>①</sup>仁义是纲领性原理，也是一切人类行为的标准。这种标准，在传统哲学看来，便是道。荀子曰：“先王之道，仁之隆也，比中而行之。曷谓中？曰：礼义是也。道者非天之道，非地之道，人之所以道也，君子之所道也。”<sup>②</sup>先王之道便是礼义。礼义之道是做人之道。这种道即义乃是心中之道。荀子曰：“夫义者，内节于人而外节于万物者也；上安于主，而下调于民者也；内外上下节者，义之情也。”<sup>③</sup>这种心中之道即义，能够内在地节制人心、规范人情。因此，作为道的义具有主

① 王先谦：《荀子集解》卷二，《诸子集成》（第2册），上海：上海书店出版社，1986年，第120页。

② 王先谦：《儒效》，《荀子集解》卷四，《诸子集成》（第2册），第77页。

③ 王先谦：《强国》，《荀子集解》卷一一，《诸子集成》（第2册），第204页。

观性。荀子将义称作“通义”：“少事长，贱事贵，不肖事贤，是天下之通义也。”<sup>①</sup>通义即公共原理或观念。通义又叫“公义”：“《书》曰：‘无有作好，王之道。无有作恶，遵王之路。’此言君子之能以公义胜私欲也。”<sup>②</sup>王道便是公义，公义即公共观念，是对某种公共存在的语义指称。义陈述了普遍之道。这种陈述本身也是一种道。义即作为观念的道。

《周易》强调了圣人制作仁义之道，曰：“昔者圣人之作易也，将以顺性命之理，是以立天之道曰阴与阳，立地之道曰柔与刚，立人之道曰仁与义。”（《周易·说卦》）阴阳是天道，刚柔是地道，仁义则是人道。其中的仁义，《周易》曰：“昔者圣人之作易也，幽赞于神明而生蓍，参天两地而倚数，观变于阴阳而立卦，发挥于刚柔而生爻，和顺于道德而理于义，穷理尽性以至于命。”（《周易·说卦》）仁义是圣人依据于天地变化而阐明的人类行为原理。董仲舒则将人道与天道勾连起来，曰：“古之造文者，三画而连其中，谓之王。三画者，天地与人也，而连其中者，通其道也。取天地与人之中以为贯而参通之，非王者孰能当是？”<sup>③</sup>圣王便是贯通天、地、人三者的神人，即圣人能够通过深察天地之意，其中的天意便是天道。在此基础上，圣人能够作出名号：“名之为言，鸣与命也，号之为言，诰而效也。诰而效天地者为号，鸣而命者为名。名号异声而同本，皆鸣号而达天意者也。”<sup>④</sup>圣人能够通过制定各种名号来表达天意或天道。这种规则便是“义”：“春秋别物之理以正其名，名物必各因其真，真其义也，真其情也，乃以为名。”<sup>⑤</sup>其中的义便具有真实而客观的内容，作为人道的仁义乃是对客观之天道的再现。道是义的客观内容，义是道的主观（主体）再现。董仲舒曰：“是义与仁殊。仁谓往，义谓来；仁大远，义大近。爱在人谓之仁，义在我谓之。仁主人，义主我也。”<sup>⑥</sup>义作用于主体，是客观之道的主观形式，或者说，义即主观之道。

道在心中便是义。程子曰：“学者识得仁体，实有诸己，只要义理栽培。如求经义，皆栽培之意。”<sup>⑦</sup>从语言学的角度来看，义即称谓（meaning），经义即经典所称谓的内容。比如，“故《诗》有六义焉：一曰《风》，二曰赋，三曰比，四曰兴，五曰《雅》，六曰《颂》，上以《风》化下，下以《风》刺上，主文而谏，言之者无罪，闻之者足以戒，故曰《风》”<sup>⑧</sup>。《诗经》有六义，六义即六项内容或称谓。经属于语言，义便是其称谓的内容。这一内容，从实践哲学的角度来看，又叫理或道。一方面，从指称来看，道即义所指称的内容，义便是道、便是理，“在天为命，在义为理，在人为性，主于身为心，其实一也”<sup>⑨</sup>。义指称了客观之理；另一方面，义又是客观之道的主观化形式，是心对于道的接受或反映。理在心中便是“用”：“盖仁者体也，义者用也，知义之为用而不外焉者，可与语道矣。”<sup>⑩</sup>理在心中，作用于心。义是心的活动，或者说，义是客观之道的主体形式。朱熹曰：“四者皆心之德，而仁为主；分而言之，则仁是爱之理，义是宜之理，礼是恭敬、辞逊之理，知是分别是非之理也。”<sup>⑪</sup>义是最合适的理。合起来，义便是义理。王阳明曰：“心，一而已。以其全体恻怛而言谓之仁，以其得宜而言谓之

① 王先谦：《仲尼》，《荀子集解》卷三，《诸子集成》（第2册），第71页。

② 王先谦：《修身》，《荀子集解》卷一，《诸子集成》（第2册），第22页。

③ 参见苏舆：《王道通三》，《春秋繁露义证》卷一一，钟哲点校，北京：中华书局，2015年，第320—321页。

④ 苏舆：《深察名号》，《春秋繁露义证》卷一〇，钟哲点校，第278页。

⑤ 苏舆：《实性》，《春秋繁露义证》卷一〇，钟哲点校，第304页。

⑥ 苏舆：《仁义法》，《春秋繁露义证》卷八，钟哲点校，第248页。

⑦ 程颢、程颐：《河南程氏遗书》卷二上，《二程集》，王孝鱼点校，北京：中华书局，2004年，第15页。

⑧ 《毛诗序》，《毛诗正义》，阮元校刻：《十三经注疏》，上海：上海古籍出版社，1997年，第271页。

⑨ 程颢、程颐：《河南程氏遗书》卷一八，《二程集》，王孝鱼点校，第204页。

⑩ 程颢、程颐：《河南程氏遗书》卷四，《二程集》，王孝鱼点校，第74页。

⑪ 黎靖德编：《论语二》，《朱子语类》卷二〇，王星贤点校，中华书局，1986年，第466页。

义，以其条理而言谓之理；不可外心以求仁，不可外心以求义，独可外心以求理乎？”<sup>①</sup>因为有了理而“适宜”，适宜即“义”即“理”，义即“理”或“道”。

## 二、道理与秩序 [18]

义是道。《说文解字》曰：“道，所行道也。”<sup>②</sup>道的本义是道路。朱熹解释曰：“道，犹路也。”<sup>③</sup>道即路。道路的功能是帮助人们顺利地到达某个目的地。“由是而之焉之谓道”<sup>④</sup>，道路能够通达某处。后来，人们将这种行走经验对象化、观念化，形成了某种经验意识，产生了道路的观念，活动的经验变成了观念的经验。后来这一内涵被放大，即人们将某种能够使人达到某个目的的手段、方法、途径等叫作道，道指称“正确的生活方式、管理方法、生存的理想方式、宇宙的存在方式等”<sup>⑤</sup>。道即正确的（客观的）行为方式与（经验的）行为原理。前者指某种客观法则，如天道；后者指经验的规则，如人道。孔子曰：“朝闻道，夕死可矣。”（《论语·里仁》）道即人道，是可以被听见（“闻”）的观念。孔子曰：“富与贵，是人之所欲也；不以其道得之，不处也。”（《论语·里仁》）道是人类正确行为的方式。如，“射不主皮，为力不同科，古之道也。”（《论语·八佾》）射不主皮便是古来之道即行为方式或观念。孔子曰：“参乎！吾道一以贯之。”（《论语·里仁》）“我”一生秉持相同的行为方式或原理。曾子曰：“夫子之道，忠恕而已矣。”（《论语·里仁》）孔子倡导的行为方式或观念便是忠恕。子贡说：“夫子之言性与天道，不可得而闻也。”（《论语·公冶长》）天道即自然界的运行方式。有子曰：“先王之道，斯为美；小大由之。”（《论语·学而》）先王之道即尧舜等明君的行为原理或观念。孟子曰：“逢蒙学射于羿，尽羿之道，思天下惟羿为愈己，于是杀羿。……我不忍以夫子之道反害夫子。”（《孟子·离娄下》）道有“羿之道”和“夫子之道”。“羿之道”指射箭的基本方法或原理，“夫子之道”便指仁义原理。大禹依靠“水之道”，即水流的运行方式或原理而成功治水。故“道也者，治之经理也”<sup>⑥</sup>，道是治理天下的纲领性原则，具有普遍性。道是普遍原理。

这种兼具客观性与主体性的道（笔者将客观性的道称为法则，主观性的道称为规则），到了宋代便被严格地区分，道或天道仅仅指客观而超越的法则。程子曰：“上天之载，无声无臭之可闻，其体则谓之易，其理则谓之道，其命在人则谓之性，其用无穷则谓之神，一而已矣。”<sup>⑦</sup>道即理，是不可认知（“无声无臭”）的客观实体。朱熹则以为道是“人所共由之路”<sup>⑧</sup>，是某种公共性原理，具有客观实在性，即“公道自流行”<sup>⑨</sup>。公道普遍生效于物我之间，是客观的存在。陆九渊曰：“吾儒之道，乃天下之常道，岂是别有妙道？谓之典常，谓之彝伦，盖天下之所共由，斯民之所日用，此道一而已矣，不可改头换面。”<sup>⑩</sup>儒家的仁义之道乃是天下公共之道，是客观存在。王阳明曰：“道，天下之公道

① 王守仁：《传习录中》，《王阳明全集》卷二，吴光、钱明、董平等编校，上海：上海古籍出版社，1992年，第43页。

② 许慎：《说文解字（点校本）》，陶生魁点校，北京：中华书局，2020年，第60页。

③ 朱熹：《中庸章句集注》，宋元人注：《四书五经》（上册），天津：天津市古籍书店，1988年，第1页。

④ 韩愈：《唐宋名家文集·韩愈集》，卫绍生、杨波注译，郑州：中州古籍出版社，2010年，第183页。

⑤ Herbert Fingarette, *Confucius: The Secular as Sacred* (New York: Harper & Row, 1972), 19.

⑥ 王先谦：《正名》，《荀子集解》卷一六，《诸子集成》（第2册），第281页。

⑦ 程颢、程颐：《河南程氏粹言》卷一，《二程集》，王孝鱼点校，第1170页。

⑧ 黎靖德编：《性理三》，《朱子语类》卷六，王星贤点校，第99页。

⑨ 黎靖德编：《性理三》，《朱子语类》卷六，第111页。

⑩ 陆九渊：《陆象山全集》，北京：中国书店，1992年，第13页。

也。”<sup>①</sup>仁义便是普遍生效于宇宙万物的公共之道，具有客观性与实体性。

这种公道又叫作理。最早的“理”字作动词使用，“理，治玉也”<sup>②</sup>，理是正确的处理方式。荀子曰：“诚心行义则理，理则明，明则能变矣。”<sup>③</sup>理即治理、管理，诚心而行便是理。这种处理或管理有其“所以然”者，即客观必然性。这种必然性便是作为名词的道或理，理即理。这种作为行为的客观必然性的理便是超越于人类经验的法则，理即法则。朱熹曰：“文是文章，如物之文缕；理是条理。”<sup>④</sup>理即条理，也是生存或行为的必然依据，如同玉中的纹理是治玉的依据一样。朱熹曰：“理则就其事物各有其则者言之”<sup>⑤</sup>，顺从理而产生的行为即合理的存在。比如忠、孝，“父子有父子之理，君臣有君臣之理。”<sup>⑥</sup>父子君臣之间有确定的行为必然性，这种必然性便是理。理是让忠孝等行为获得合法性的东西。有了这个理，此行为便是合理的，反之便是不合理的。“大而天地事物之理，以至今治乱兴亡事变，圣贤之典策，一事一物之理，皆晓得所以然，谓之道。”<sup>⑦</sup>理是事物发生、发展时所体现出的“所以然”者，这种“所以然”者便是某种必然性法则。王阳明曰：“以其条理而言谓之理。”<sup>⑧</sup>理即条理、行为的必然法则。符合这种法则者便是合“理”者，反之便是不正当，不合理。

道或理是客观法则。从知识论的角度来看，法则体现了某种必然性关联，一个为因，一个为果，二者之间因此形成某种必然性关联。荀子曰：“万物为道一偏，一物为万物一偏。”<sup>⑨</sup>对于具体万物而言，道属于一种普遍原理，是“公道”<sup>⑩</sup>。这种公道能够将宇宙万物整合为一个整体，即“仁者，以天地万物为一体，莫非己也。认得为己，何所不至？若不有诸己，自不与己相干。如手足不仁，气已不贯，皆不属己”<sup>⑪</sup>。万物一体而贯通便是仁。贯通的仁能够将宇宙万物连成一个整体。王阳明曰：“以全其万物一体之仁，故其精神流贯，志气通达，而无有乎人己之分，物我之间。譬之一人之身，目视、耳听、手持、足行，以济一身之用。”<sup>⑫</sup>万物贯通一体而如同一人，万物亲爱无间而贯通，如同血脉贯通一样，宇宙众生或万物组合为一个生命体。仁即贯通一体，这种贯通一体之仁便是理。作为理的仁是宇宙一体存在的依据，有了仁或理，万物形成一个整体；没有此理，万物便会成为混乱的堆积，无法形成一个秩序整体。

从人类生存来看，荀子曰：“故先王案为之制礼义以分之，使有贵贱之等，长幼之差，知愚能不能之分，皆使人载其事而各得其宜。然后使恣禄多少厚薄之称，是夫群居和一之道也。”<sup>⑬</sup>道是群居而和一的方法，在这种和一的群体中，人人各司其职、各行其事。此事即礼，其依据便是义或道。这种道能够将相关方整合为一个和谐的群体。荀子曰：“力不若牛，走不若马，而牛马为用，何也？曰：

① 王守仁：《传习录中》，《王阳明全集》卷二，吴光、钱明、董平等编校，第78页。

② 许慎：《说文解字（点校本）》，陶生魁点校，第9页。

③ 王先谦：《不苟》，《荀子集解》卷二，《诸子集成》（第2册），第28页。

④ 黎靖德编：《中庸三》，《朱子语类》卷六四，王星贤点校，第1595页。

⑤ 黎靖德编：《性理二》，《朱子语类》卷五，王星贤点校，第82页。

⑥ 黎靖德编：《性理二》，《朱子语类》卷五，王星贤点校，第83页。

⑦ 黎靖德编：《礼三》，《朱子语类》卷八六，王星贤点校，第2218页。

⑧ 王守仁：《传习录中》，《王阳明全集》卷二，吴光、钱明、董平等编校，第43页。

⑨ 王先谦：《天论》，《荀子集解》卷一一，《诸子集成》（第2册），第213页。

⑩ 王先谦：《君道》，《荀子集解》卷八，《诸子集成》（第2册），第157页。

⑪ 程颢、程颐：《河南程氏遗书》卷二，《二程集》（上），王孝鱼点校，第15页。

⑫ 王守仁：《传习录中》，《王阳明全集》卷二，吴光、钱明、董平等编校，第55页。

⑬ 王先谦：《荣辱》，《荀子集解》卷二，《诸子集成》（第2册），第44页。

人能群，彼不能群也。人何以能群？曰：分。分何以能行？曰：义。”<sup>①</sup>人之所以能够使用牛马，原因在于人能够群居、能够通力合作。协作的依据便是道，即义。比如对于一个国家来说，“道者何也？曰：君道也。君者何也？曰：能群也。能群也者何也？曰：善生养人者也，善班治人者也，善显设人者也，善藩饰人者也。……道存则国存，道亡则国亡。”<sup>②</sup>国家的存亡在于君主能不能依据道而行，依道而为了便能治国，国家的秩序依据便是道，道即法则，有了法则才能有国家或社会等整体的存在。朱熹曰：“所谓道者，只是日用当然之理。事亲必要孝，事君必要忠，以至事兄而弟，与朋友交而信，皆是道也。……道理也是一个有条理底物事，不是囫圇一物，如老庄所谓恍惚者。”<sup>③</sup>君臣、父子兄弟之间必须遵循某种道理，如忠孝之道等。只有遵循了这些原理，君臣之间、父子之间，乃至人与人之间才能形成和谐的关系，进而产生秩序的整体。道是“人所共由之路”<sup>④</sup>，道是某种公共性原理。儒家的仁义之道乃是天下公共之道，是普遍的行为原理。它能够确保社会的秩序与安宁。

### 三、秩序与利益 [20]

所谓公道，即公共规则或法则。这些法则或规则通常指某种关系，如因果法则便揭示了作为原因的存在实体与作为结果的存在实体之间的必然性关联。通过这种必然性关联，原因与结果之间形成了一个整体。因此，法则乃是某些要素之间的必然性关联。这种必然性不仅将因与果关联起来，而且通过这种关联的必然性形成了稳定的秩序，即当一个原因出现便必然出现某种结果，这种发生便是必然的，必然的发生便是稳定的、秩序的存在，这便是法则的意义。只有遵循规则（rule）才能保证一定程度上的秩序。<sup>⑤</sup>规则或法则是秩序的保障。《周易·系辞上》曰：“一阴一阳之谓道”，即阴气和阳气的交替互感的法则确保了自然界生息的秩序。同样，对于人类来说，只有仁义之道才能确保人类社会的秩序。

这些法则通过作用于人心而产生义务行为。康德说：“义务乃是出于对法则的遵循而行为的必然性。”<sup>⑥</sup>通过义务，人们确定了自身行为的必然性。这种必然性让人的行为具有约束力。康德说：“义务和约束是我们称呼我们和道德律的关系仅有的名称。的确，我们不仅以自由的身份而可能成为（由理性呈现于我们面前而成为尊重对象的）道德王国里的立法成员，而且我们在其中，不是主宰者，而是臣民。”<sup>⑦</sup>作为现实的自然世界的一员，人是有限的存在。它必须接受制度的安排和约束，即我们只是服从的臣民，接受制度的约束。这也是义的性质，即义乃是作用于心的公道。这种作用方式便是制约。董仲舒曰：“义者，谓宜在我者，宜在我者，而后可以称义。”<sup>⑧</sup>作为法则的义能够规范行为者的心灵，即“正我”，从而产生符合社会法则的行为。这些符合法则的行为构成了秩序的群体。秩序依赖于法则如道、理等。

① 王先谦：《王制》，《荀子集解》卷五，《诸子集成》（第2册），第104页。

② 王先谦：《君道》，《荀子集解》卷八，《诸子集成》（第2册），第156页。

③ 黎靖德编：《论语十五》，《朱子语类》卷三四，王星贤点校，第863页。

④ 黎靖德编：《性理三》，《朱子语类》卷六，王星贤点校，第99页。

⑤ 参见哈耶克：《自由秩序原理（英文）》，北京：中国社会科学出版社，1999年，第148—161页。

⑥ Immanuel Kant, *Grundlegung zur Metaphysik der Sitten*, in bk. IV of *Kant's gesammelte Schriften* (Berlin: Druck und Verlag von Georg Reimer, 1911), 400.

⑦ Immanuel Kant, *Kritik der praktischen Vernunft*, in bk. V of *Kant's gesammelte Schriften* (Berlin: Druck und Verlag von Georg Reimer, 1913), 82.

⑧ 苏舆：《仁义法》，《春秋繁露义证》卷八，钟哲点校，第248页。

那么,人类为什么要建构一个秩序群体并接受其法则的约束呢?这便是群体的实践意义所在:秩序的整体能够给人们带来利益,这便是人们建构群体的主要目的。“司法法规的标准形式通常表现为两种,即它意味着一种普遍性行为,以及适用于一般性群体——这些群体成员预计会知道这些法则适用于他们并遵循它们。”<sup>①</sup>司法法规和道德法则等的共同目的便是维护整体秩序。准确地说,它规范了人的权利和义务。通过这种规范,群体成员之间形成一种稳定的关系,这种稳定的关系便是秩序,秩序确保了群体的整体性。在整体中,各成员之间的关系由法律来规范,包括行为,而义务是人们为了收获相应权利而付出的成本。人们不会无缘无故地接受法则的约束,通常另有所图,即有目的。在大自然面前,人类常常发现自身的弱小并产生恐惧。为了消除这种恐惧,人们常常会聚集为一个群体,这便是“人类团结的动机”<sup>②</sup>,比如建立家族、种族等群体形式。人们建立政治共同体如国家的目的也是获得未来利益,它表现为对权利的诉求。黑格尔说:“在普遍意志与特殊意志的同一性中,权利和义务相统一。在伦理生活中,一个人只要有义务,便有权利,反之亦然。我有抽象的权利,另一个人便有相应的义务。”<sup>③</sup>在一个群体中,权利和义务是对等的、一致的,规范义务便是为了保障权利。这是对群体的要求或群体存在的意义。群体所依赖的“制度依据其如何确保平等地推进人们的目标或有效地推进那些能够有利于所有人的共享目的的效率被排名。正是在这个意义上,维护公共秩序和安全、或者是有效地推进人们的健康与安排的手段的合理规则提高了公共利益”<sup>④</sup>。人们总是为了某种利益建构或加入某个群体,如万物一体中,万物之间相亲相爱而不相害、最终能够形成互惠互利。这便是群体的意义或功能:利益。

这种利益,中国古人称之为“利”。《周易·乾》曰:“元者,善之长也,亨者,嘉之会也,利者,义之和也,贞者,事之干也。君子体仁,足以长人;嘉会,足以合礼;利物,足以和义;贞固,足以干事。”义和利相互关联,因义而形成的和谐能产生利,和谐的秩序能够带来利益。《左传·襄公九年》引此文并解释曰:“体仁足以长人,嘉德足以合礼,利物足以和义,贞固足以干事。”利益众生与和顺之义,即利义之间并非仅仅是冲突的,二者可能相互促进。“德、义,利之本也。”(《左传·僖公二十七年》)只有义才能产生利。“君能制命为义,臣能承命为信,信载义而行之则为利。谋不失利,以卫社稷,民之主也。”(《左传·宣公十五年》)符合义的行为才能有利于国家和民众。“名以出信,信以守器,器以藏礼,礼以行义,义以生利,利以平民,政之大节也。”(《左传·成公二年》)号出于真言,真言表达了礼,礼体现了义的观念,这种观念能够产生利益帮助民众,这才是政治最重要的东西。假如我们将义视为一种法则,那么儒家也可以被定义为规则功利主义,即“存在着某种特别的规则体系、这一体系的出现能够让人们的福利的最大化”<sup>⑤</sup>。在这种伦理学体系中,“合理化行为的方针是在长期进程中,即在满足欲望的最大化进程中,便于产生后果系列,而非其他结果系列”<sup>⑥</sup>。利益是群体规则(即方针)的终极追求。义的目的便是为了利益。

义确保秩序,其目的在于利,即我们建构一个和谐而有秩序的群体如国家,目的便是为了利。荀子曰:“国者,天下之制利用也;人主者,天下之利执也。得道以持之,则大安也,大荣也,积美之源

① H. L. A. Hart, *The Concept of Law*, 2nd ed. (Oxford: Oxford University Press, 1997), 21.

② Montesquieu, *The Spirit of Laws* (Chicago: Encyclopaedia Britannica, 1952), 2.

③ Georg Wilhelm Friedrich Hegel, *Grundlinien der Philosophie des Rechts oder Naturrecht und Staatswissenschaft im Grundrisse*, Georg Wilhelm Friedrich Hegel Werke 7 (Frankfurt am Main: Suhrkamp Verlag, 1970), 304.

④ John Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971), 97.

⑤ Richard B. Brandt, *A Theory of the Good and Right* (Oxford: Clarendon Press, 1979), 295.

⑥ Brandt, *A Theory of the Good and Right*, 154.

也。”<sup>①</sup>人们建立国家的目的在于利，建立国家的最重要机制是法则，只有法则才能确保国家秩序。故法则则是秩序的基础。只有仁义之道之类的法则才能确保秩序、带来利益。“国者，巨用之则大，小用之则小；綦大而王，綦小而亡，小巨分流者存。巨用之者，先义而后利，安不恤亲疏，不恤贵贱，唯诚能之求，夫是之谓巨用之。”<sup>②</sup>建立国家之后便可以产生利益。荀子也有类似于墨家的说法：“汤武者，循其道，行其义，兴天下同利，除天下同害，天下归之。……道德诚明，利泽诚厚也。”<sup>③</sup>仁义道德不仅能够形成一个秩序整体（如国家），而且能够给民众带来切身利益。“以义制事，则知所利矣。论知所贵，则知所养矣；事知所利，则动知所出矣。”<sup>④</sup>依据义的原理去做事能够带来好处。董仲舒曰：“天常以爱利为意，以养长为事，春秋冬夏皆其用也；王者亦常以爱利天下为意，以安乐一世为事，好恶喜怒而备用也。”<sup>⑤</sup>天以爱利为目的，王以利天下为目的。我们可以将“天、王”理解为群体（即天下）的主宰。作为一个整体，其目的便是利益。“故圣人之为天下兴利也，其犹春气之生草也，各因其生小大而量其多少。”<sup>⑥</sup>对于王、圣人和天来说，利益是其标准。《礼记·表記》曰：“仁者，天下之表也；义者，天下之制也；报者，天下之利也。”利是仁义的最终追求。扬雄曰：“圣人存神索至，成天下之大顺，致天下之大利，和同天人之际，使之无间也。”<sup>⑦</sup>对于作为君主的圣人来说，兴天下之利是政治的终极追求。对于群体来说，利是唯一的标准，即利益是人们建构群体的目的。《荀子》曰：“公正无私，反见从横。志爱公利，重楼疏堂。”<sup>⑧</sup>群体的利益叫作公利。古汉语的“公”字是一个象形字，“公，平分也，从八从厶。八犹背也”<sup>⑨</sup>，公字上“八”下“厶”，“八”表示分配，“厶”表示财物，平均分配财物便是公。所谓平均分配财物并非简单按照某个原则来分配，而是说这并非某个人的私利，而是整体的利益，公即公利，如家族财产、组织财产、国家财产等。这些财产理论上是人人有份，其本质是说这不是个人的私利。然而，不是私利的公利事实上是不存在的，所谓的公利实质上仍是统治者的利益。

到了宋明时期，理学家们以为宇宙万物合为一个整体，共同遵守统一之道。张载曰：“万物虽多，其实一物”<sup>⑩</sup>，世上无数之物最终统一于一体，即“天地一体”<sup>⑪</sup>。在同一个整体中，其成员便成了手足同胞，如人与人之间。张载曰：“乾称父，坤称母；予兹藐焉，乃混然中处。故天地之塞，吾其体；天地之帅，吾其性。民吾同胞，物吾与也。”<sup>⑫</sup>万物、众生因此与我同类（“物与”），甚至是同胞兄弟（“民胞”）。万物如兄弟般血脉相连。血脉相连确保了成员之间亲亲相爱和谐的关系。这种和谐关系的保证便是天道。张载曰：“天人一物，辄生取舍，可谓知天乎？孔孟所谓天，彼所谓道。”<sup>⑬</sup>天人共为一个整体，共同遵守天道，才能形成和谐的一体。二程也认为“天人无间断”<sup>⑭</sup>，以为“天人本

① 王先谦：《王霸》，《荀子集解》卷七，《诸子集成》（第2册），第131页。

② 王先谦：《王霸》，《荀子集解》卷七，《诸子集成》（第2册），第136页。

③ 王先谦：《王霸》，《荀子集解》卷七，《诸子集成》（第2册），第147页。

④ 王先谦：《君子》，《荀子集解》一七，《诸子集成》（第2册），第302页。

⑤ 苏舆：《王道通三》，《春秋繁露义证》，钟哲点校，第322页。

⑥ 苏舆：《考功名》，《春秋繁露义证》，钟哲点校，第175页。

⑦ 扬雄撰，汪荣宝注疏：《问神》，《法言义疏》，陈仲夫点校，北京：中华书局，1987年，第141页。

⑧ 王先谦：《赋》，《荀子集解》卷一八，《诸子集成》（第2册），第318页。

⑨ 许慎：《说文解字（点校本）》，陶生魁点校，第36页。

⑩ 张载：《正蒙·太和》，《张载集》，章锡琛点校，北京：中华书局，1978年，第10页。

⑪ 张载：《横渠易疏》，《张载集》，章锡琛点校，第77页。

⑫ 张载：《正蒙·乾称》，《张载集》，章锡琛点校，第62页。

⑬ 张载：《正蒙·乾称》，《张载集》，章锡琛点校，第64页。

⑭ 程颢、程颐：《河南程氏遗书》卷一一，《二程集》，王孝鱼点校，第119页。

无二，不必言合”<sup>①</sup>，天地万物与人类之间本无分离，是一体的。对于个体而言，其躯体内各个要素通过血脉等贯通。这种万物一体而贯通的状态便是“仁”：“医书言手足痿痹为不仁，此言最善名状。仁者，以天地万物为一体，莫非己也。”<sup>②</sup>中医学将一体感通或感知称作仁，仁即一体之贯通，即气之通达，反之为不仁。相互感通为手足便是爱。仁爱即宇宙之道。或者说，对道的遵循不仅能够让万物形成一体，而且作为该个体的组成部分——万物能够亲如手足、和谐共处。这种和谐共处便是仁爱。朱熹曰：“不须问他从初时，只今便是一体。……若爱，则是自然爱，不是同体了方爱。惟其同体，所以无所不爱。所以爱者，以其有此心也；所以无所不爱者，以其同体也。”<sup>③</sup>万物同体，成员之间不仅连为一体，而且相互之间自然亲爱，如同手足，这便是万物一体之仁。

仁爱造就了和谐整体，和谐整体则带来利益。朱熹进一步解释曰：“利不是不好。但圣人方要言，恐人一向去趋利；方不言，不应是教人去就害，故但罕言之耳。盖‘利者义之和’，义之和处便利。”<sup>④</sup>利是好东西，如果能够守义，自然能够产生更大的利益。朱熹曰：“盖凡做事只循这道理做去，利自在其中矣。”<sup>⑤</sup>符合义、遵循义，自然能够带来好处。王阳明曰：“盖其心学纯明，而有以全其万物一体之仁，故其精神流贯，志气通达，而无有乎人己之分，物我之间。譬之一人之身，目视、耳听、手持、足行，以济一身之用。目不耻其无聪，而耳之所涉，目必营焉；足不耻其无执，而手之所探，足必前焉；盖其元气充周，血脉条畅，是以痒疴呼吸，感触神应，有不言而喻之妙。”<sup>⑥</sup>万物一体，仁气流畅而贯通，成员之间相亲相爱，这种和谐关系的基础便是道或仁道。道或道义的尽头是利或利益，人们遵从某种法则或规则，即义，义不仅能够形成和谐而秩序的群体，而且这个整体能够给人们带来更大的利益。“只有建立起公正、正义的秩序，以及人与人之间的良善关系，才能更好地追求利，这是两千多年前孟子给我们的启示。”<sup>⑦</sup>人们之所以愿意接受公共规则的约束，其目的还是利益。虽然我们因此断定利益是义的唯一追求，但是，我们可以肯定：利是义的旨趣之一。这也是传统儒家义利之辨的本质，即人们遵循公共法则、形成和谐整体的主要目的便是为了利益。义即公利：“求公利，求别人的利，是行义。”<sup>⑧</sup>

#### 四、“利”和权利 [21]

利益作为人们建构群体或共同体的目的，被现代哲学称之为“权利”，即我们制定法则、建立秩序共同体的目的是拥有权利。洛克说：“平等状态下，所有的权利和司法是相对应的，即没有人比别人享有更多的权利。很显然，那些天生的同等和同类的存在者，享有一样的官能，相互之间应该是平等的，没有谁臣服于谁。除非他们的头通过自己的宣言来表明自己的心愿，让他们同意通过一种显而易见的、清晰的任命形式，享有一个主管的权利。”<sup>⑨</sup>这些权利（权力）首先指生存权，其次是财产

① 程颢、程颐：《河南程氏遗书》卷六，《二程集》，王孝鱼点校，第81页。

② 程颢、程颐：《河南程氏遗书》卷二，《二程集》，王孝鱼点校，第15页。

③ 黎靖德编：《论语》，《朱子语类》卷三三，王星贤点校，第852页。

④ 黎靖德编：《论语》，《朱子语类》卷三六，王星贤点校，第949页。

⑤ 黎靖德编：《论语》，《朱子语类》卷三六，王星贤点校，第948页。

⑥ 王守仁：《传习录中》，《王阳明全集》卷二，吴光、钱明、董平等点校，第55页。

⑦ 梁涛：《孟子义利之辨的三个层面》，《学术月刊》2024年第3期。

⑧ 冯友兰：《新原道：中国哲学之精神》，北京：生活·读书·新知三联书店，2007年，第7页。

⑨ John Locke, "Two Treatises of Government" and "A Letter Concerning Toleration" (New Haven, CT: Yale University Press, 2003), 101.

权。生存权和财产权等类似于中国传统思想中的利。建立国家、形成司法制度、维护社会秩序的最终目的便是保障人们的权利。权利是人们聚起群体的主要目的。

作为追求对象的权利是现实的，具有确定性。康德说：“作为一个对应于（道德视角）的义务概念的权利，首先指人与人之间的外在的、实践的关系，这种关系能直接或间接地通过其作为事实的行为相互影响。其次，权利概念并不暗示着一个行为与他人的希望或欲望之间的关系，比如说表现为仁慈或不友善等，而仅仅揭示了其自由行为对于他人的行为的自由的关系。最后，在自愿行为的相互关系中，权利概念并不关心意愿行为的（一个人意愿行为所关联的）目的的实质内容。”<sup>①</sup>与无限的义务相比，权利是一种外在的、现实的东西。它区别于不确定的意愿等，是外显的、确定的。这种确定的权利让法律活动具有了限度，即任何法律都不能侵犯其成员的权利。清晰的权利界限让法律行为受到限制。

这种能够被规范的、具有确定性的权利乃是一个主观性与客体性相统一而形成的概念，即它是人们对某种客观实在的觉悟与意识。康德说：“从这个术语的严格意义来看，权利自身可以被视为彻底外在的。现在，这种权利无疑立足于每一个个体依据法则而产生的行为的意识基础之上。”<sup>②</sup>权利基础便是人们的意识，即只有当人们对某种客观存在产生了意识比如声张并得到了他人的承认之后，关于某种客观存在的占有才能形成权利。简单地说，权利是一种意识，具有主观性。这也是权利（*Recht, right*）一词的本义：正确的。“正确的”的权利概念由两个要素构成，一个是主观性的觉察、意识和承认，另一个便是客观存在。只有当人们意识到并共同承认某种客观存在之后，权利才能产生。没有主观性的权利并不存在。

其中，作为权利基础之一的客观存在分为两类，一类是自然的、可以直观观察到的物质存在，另一类是无法直观观察的抽象或超越存在。依据这两类不同的客观基础，我们可以形成两类不同性质的“权利”观。其中，基于物质存在而形成的权利主要表现在儒家“利”概念上。古汉语的“利”字，《说文解字》曰：“利，铎也。从刀。和然后利，从和省。”<sup>③</sup>利即刀刃的锋利。《周易·系辞上》曰：“二人同心，其利断金。”一旦两人同心便可以产生强烈的效果，如同锋利的刀子，锐利而有效。荀子曰：“故木受绳则直，金就砺则利，君子博学而日参省乎己，则知明而行无过矣。”<sup>④</sup>利指锋利，如金属加以摩擦便会锋利。后来，人们将这种关系引申为有用、功用。利即功利。

这些功利具有自然的直观性，是可知的。孔子曰：“今之成人者何必然？见利思义，见危授命，久要不忘平生之言，亦可以为成人矣。”（《论语·宪问》）利是可见的物体，“泛指物质利益”<sup>⑤</sup>孟子曰：“天时不如地利，地利不如人和。”（《孟子·公孙丑下》）相比较于天时与人和来说，地利便是现实中可以看见的物体，如，“三里之城，七里之郭，环而攻之而不胜。夫环而攻之，必有得天时者矣；然而不胜者，是天时不如地利也。”（《孟子·公孙丑下》）地利是各种可见的地势或设施等。利是有形的物体。董仲舒曰：“义者心之养也，利者体之养也。体莫贵于心，故养莫重于义，义之养生人大于利。”<sup>⑥</sup>利益能够养身体，义也能养心。这种能够满足人的生理需求的利只能是物质利益。扬雄曰：

① Immanuel Kant, *Die Metaphysik der Sitten*, in bk. VI of *Kant's gesammelte Schriften* (Berlin: Druck und Verlag von Georg Reimer, 1914), 230.

② Kant, *Die Metaphysik der Sitten*, 232.

③ 许慎：《说文解字（点校本）》，陶生魁点校，第139页。

④ 王先谦：《劝学》，《荀子集解》卷一，《诸子集成》（第2册），第1页。

⑤ 葛荣晋：《心灵主宰论——儒家义利观的现代诠释》，《中共中央党校学报》2010年第3期。

⑥ 苏舆：《身之养重于义》，《春秋繁露义证》卷九，钟哲点校，第257页。

“吾闻先生相与言，则以仁与义；市井相与言，则以财与利。如其富！如其富！”<sup>①</sup>利即直观的物质财富。这便是利的真正内涵：利乃是一种基于可见的物理存在而形成的意识。单纯的客观存在并不能形成利，或者说，利并非纯粹客观存在。利是一种基于可见存在的意识。

除了这类具体存在的意识之外，还存在着另一类依据抽象存在而形成的意识，即抽象权利。在西方传统看来，作为理性存在者的人，其行为一定具有目的，即人的行为总是在追求什么。亚里士多德曰：“在所有的行为与理性选择中，目的便是善，因为正是为了这个目的，人们才会做某事。”<sup>②</sup>目的是行为的终点。目的是“行为的方向”<sup>③</sup>，比如房子、健康等便是人类某种行为的目标或方向，它们的实现便是人类行为的目的或目标。在亚里士多德看来，目的有两种形态，一个是作为手段的目的，另一个是作为目的的目的，即“自目的”。所谓作为手段的目的，即这个目的仅仅被当作一种手段，而非真正的目的，或者说这样的目的本身并没有什么价值，它仅仅是一种手段或工具。比如医学上的手术，一些医生常常为了做好一次手术勤学苦练，做手术便是其练习的目的。但是这些手术并不是目的，它是健康的手段，即人们常常是为了健康而做手术。这便是作为手段的目的。

另一种是自目的行为。自目的行为具有两层含义。一方面，它是一种意识或观念，即人们总是追求着某事。对某事的追求便是一种意识。这种意识构成了其存在的意识。亚里士多德曰：“假如我们做某些事本身存在着目的，且这些事或目的本身便是目的（其他的事情也是为了此目的），我们也不会为了其他的某事情选择所有的事情（这样的话整个过程便无限化，而我们的欲求必将落空。）很显然，这个目的便是善本身即主要善。”<sup>④</sup>我们做某事的目的本身便是目的，而不是为了别的目的，比如游戏本身便有其价值，即人们之所以玩游戏在于游戏本身的价值，而不是为了别的什么。或者说，玩游戏本身便是终极目的。这种自目的的目的便是主要善。亚里士多德指出：“很明显，主要善是某种完全的事物。假如存在着某一种完全的目的，这便是我们追寻的对象。假如存在着数种，那么，它指那种最完全者。我们之所以称某物是完全的、自目的性的、因此值得追求，而不是指那种为了其它的目的去追求。自目的性者不是为了其它的目的，而是自身是目的，因而成为被追求的对象。我们将这种自目的性者称为完全者。”<sup>⑤</sup>自目的即完全的目的、自足的目的。这一目的本身便是终极性追求。这种追求构成了某种权利意识，即这是行为人所期望的结果，属于行为人的权利。

其次，这种终极性追求，尽管是主体的追求，但是却区别于自然的情感、现实的利益。它是主体的自为的行为。这种自为的行为，亚里士多德称之为“幸福”：“幸福是灵魂的活动。”<sup>⑥</sup>幸福便是灵魂的活动。这种理性灵魂所主导的行为，“应当被置于自为的一类，而不是为他的一类，因为幸福不缺乏任何东西，它是自足的。人们欲求这类行为，仅仅出于其行为自身，而不为其他。有修养的行为也是如此，因为行善是一个以自身为欲求目的的事情”<sup>⑦</sup>。幸福是一种活动。它具有自足性，即自己是自己存在的目的。“幸福被认为是完全的而无任何的属性，因为我们选择幸福的目的便是幸福自身，别无它物。……的确，没有人会为了别的目的而选择幸福。”<sup>⑧</sup>这种自足的道德行为本身具有价值、是值

① 扬雄撰，汪荣宝注疏：《学行》，《法言义疏》，陈仲夫点校，第35页。

② Aristotle, *Nicomachean Ethics*, trans. and ed. Roger Crisp (Cambridge: Cambridge University Press, 2004), 10.

③ Aristotle, *Metaphysics*, trans. W. D. Ross, in vol. 1 of *The Works of Aristotle* (Chicago: Encyclopaedia Britannica, 1952), 543.

④ Aristotle, *Nicomachean Ethics*, 4.

⑤ Aristotle, *Nicomachean Ethics*, 10.

⑥ Aristotle, *Nicomachean Ethics*, 20.

⑦ Aristotle, *Nicomachean Ethics*, 6.

⑧ Aristotle, *Nicomachean Ethics*, 10-11.

得追求的对象或目的。这种行为便是自我实现。这种自我实现并非出于自然的情感的驱使，也不受狭隘的利益考量。它是纯粹的、自由的行为。

康德把这种自目的行为的基础叫做定言命令：“定言命令宣称这个行为本身，在无别的目的的前提下是必要的。行为自身便是目的，具有客观必然性。”<sup>①</sup>定言命令即范畴命令，范畴命令是绝对的、自足的先验命令，它产生于主体的自主，即人们仅仅因为愿意做此事而作出行为，此事本身便是目的。康德曰：“定言命令宣称这个行为本身，在无别的目的的前提下是必要的。行为自身便是目的。”<sup>②</sup>做此事、完成此事本身便是目的，亦如同游戏，即人们做游戏本身便是目的，而不是为了别的目的。在这种自目的行为，行为人可能因为其身处社会竞争之中而有胜负之分，但是这并不妨碍其实现“出色”，即“被打败却更为出色”<sup>③</sup>。主体对自己所追求的某种与情感和现实利益无关的追求活动的意识，便是一种抽象权利。抽象权利便是自我的自由行为，也可以解释为自我实现。自由的自我实现便是主体的抽象权利。

## 五、结语：两种权利之间 [23]

权利乃是主体对某种客观实在的承认、诉求或意识。这种诉求与承认不仅是主观的觉悟，而且依赖于客观存在。首先，权利概念产生于主体的觉悟。我们既可以借助于直接观察到的客观实体而形成财产权等权利意识，也可以通过主体的反思而对非直观的行为形成抽象权利观念。事实上，即便是自然的、物质的利益也离不开意识。中国古代所说的“利”概念也离不开主观性。作为“锋利”的“利”主要表达两个物体之间的关系。准确地说，二者的关系不仅是客观的，而且依赖于人们的理解或意识，即利或权利乃是人们对某种关系的意识或觉悟。休谟说：“因此，财产存在于某些内在关系中，即存在于那些物体的外部关系对人的心灵和行为的影响中。”<sup>④</sup>财产关系其实是一种意识观念，和利的内涵高度近似。利或权利乃是一种基于客观存在关系的意识。

其次，权利意识不仅是一种主观意识，而且依据一定的客观基础。两种不同的客观基础能够产生不同的权利意识。基于客观的、有形的物质利益的觉察而形成的权利（即利）有两个特征。第一是相对性，即对可见的、客观的物质或物质之间的关系的意识具有相对确定性。这些相对确定物体以及对这些物体的意识具有排他性。对某个物体的占有或意识上的占有都意味着否定了他人对其的占有。当一个物体归属于某人时，这便意味着他人的失去。在对这些有形物体的占有关系中，人与人之间非此即彼、不可调和。这构成了行为主体之间冲突的可能。

第二是自然性，即面对客观而可见物体的关系形成的意识是人的自然反应。荀子曰：“材性知能，君子小人一也；好荣恶辱，好利恶害，是君子小人之所同也；若其所以求之之道则异矣。”<sup>⑤</sup>喜欢利益乃是人自然的本能的反应。“及至其致好之也，目好之五色，耳好之五声，口好之五味，心利之有

① Kant, *Grundlegung zur Metaphysik der Sitten*, 414.

② Kant, *Grundlegung zur Metaphysik der Sitten*, 414.

③ Alasdair MacIntyre, *Whose Justice? Which Rationality?* (Notre Dame, IN: University of Notre Dame Press, 1988), 27-28.

④ David Hume, *A Treatise of Human Nature: A Critical Edition*, ed. David Fate Morton and Mary J. Norton (New York: Oxford University Press, 2007), 338.

⑤ 王先谦：《荣辱》，《荀子集解》卷二，《诸子集成》（第2册），第38页。

天下。”<sup>①</sup>人心之所以好利便出于人的本能。伊川曰：“逐物是欲。”<sup>②</sup>对物质利益的追求乃是人的自然反应，即欲。这些反应具有自然性，区别于人类特有的反思性行为。在追求物质利益过程中，人可能因为失去了行为的主体性而堕落于自然生物。此时，人是私意的主体，“每一个人按照自己所愿意的方式运用自己的力量保存自己的天性——也就是保存自己生命——的自由”<sup>③</sup>。每一个人都意欲维护自己的利益。在自然状态下，人们自然地对那些物质利益形成反应，且这些反应之间是冲突的。由此，人与人之间，假如仅仅为了追求这些物质权利，必然会陷入冲突、形成内斗。此时如果没有法则且失去了秩序，人与人之间的关系便会陷于自然的弱肉强食的关系中。即便有了法则来规范，对利益的追求会让成员始终处在斗争关系中，即他人对某种物质利益的占有意味着行为入利益的丧失，这让行为入之间始终处在斗争关系中。

抽象权利则属于另一种权利，即只有当某人觉悟到此方面的存在实体性之后，才可能会形成这方面的权利意识。这些权利存在于主体自身的意识中。我们甚至可以说这类权利产生于自我的意识，没有意识便无权利。对于一个不在乎自己意愿的独立性的人来说，他不仅不会形成人权意识、尊严意识，也不会在乎行为本身的目的。事实上，他可能仅仅将自己甚至自己的行为当作某种世俗目的的手段。对个体的尊严、自由的行为权利意识完全立足于主体的觉悟。比如对于儿童来说，家长通常不会在意其隐私权，因为儿童本身不会有自主性的觉悟。只有当其成长到一定阶段之后才会形成对自我行为、独立人格与意志的关心与意识，才会获得隐私权等。

更重要的是，这类权利意识立足于主体自身，与他人之间的权利并不形成必然的冲突，即主体的这种权利意识并不具有排他性。每一个人都可以自主地追求这种基于自我意识而形成的权利或利益。这便是自目的行为。为了实现这一目的，理性主体必须在“正确的”观念指导下而作出行为。这种“正确的”观念必然符合群体法则，进而必然产生义务观念。由这类义务观念而产生的权利或“给出”的客观实在，基于义务的秩序与和谐，也必然是秩序的、和谐的。因此，在理性观念指导下的自目的行为乃是一种秩序的行为。在这种秩序行为中，一方面，行为入能够通过完成某项活动达到自己的目的、获得自己的权利；另一方面，这种在理性观念指导下的活动必然是合秩序的，不会与他人产生冲突。事实上，当一个人沉湎于做自己喜欢的、同时又是合法的事情时，他不仅不关心与别人争夺排他的利益、不关心内斗，而且能够为群体的秩序与发展带来好处。

这种自目的行为便是“玩的心态”的行为。中国人通常以为玩物丧志，从而否定玩的积极意义。事实上，玩更多地体现出个体的自由追求与理想。也就是说，当一个人以玩的心态工作时，他不仅能够完成社会义务，而且能够获得自我满足与自由，从而实现道德义务与个体自由的统一。如果一个人将工作理解为“喜欢的玩”，他自然不会计较世俗的得失，也就不会陷于内斗中。

(责任编辑:王紫玥 责任校对:张菀蕙)

① 王先谦:《劝学》,《荀子集解》卷一,《诸子集成》(第2册),第11页。

② 程颢、程颐:《河南程氏遗书》卷二上,《二程集》,王孝鱼点校,第297页。

③ William Molesworth, *The English Works of Thomas Hobbes of Malmesbury*, vol. 3 (London: John Bohn, 1839), 116.

# An Examination of the Traditional Confucian Concepts of Righteousness and Benefit\*

Shen Shunfu\*\*

**Abstract:** In Confucianism, righteousness is conceptualized as a moral standard that governs the behavior of individuals, which means that it is used to shape the mind. Actions motivated by the mind that accepts regulation from moral righteousness can form an orderly whole, enabling its members to pursue greater benefits. This is the essence of the concepts of righteousness and benefit, whereby the group's objective is indeed to realize benefits as rights. Rights are the product of human awareness of a certain objective existence, which can be categorized into two types: material benefits and abstract existence. The former can be defined as "benefits," and the latter as "abstract rights." The ultimate goal of the Confucian theory of moral righteousness is the pursuit of material benefits. This view of rights stems from natural human instincts, and, due to its exclusivity, can lead to internal struggles within groups. When individual subjects act based on their own purposes, they can indeed enjoy some abstract rights. However, it is also imperative that their actions are normative and conform to order, thus avoiding strife.

**Keywords:** Confucianism, righteousness, benefit, the Way, group

Compared with Westerners, Chinese people spend a great deal of time and energy on internal strife. In our opinion, the main reason for this lies in the concepts of *yi* 义 (righteousness) and *li* 利 (benefit) in Chinese tradition. Traditional Confucianism advocates that righteousness outweighs benefit, but its final destination is still benefit. It believes that an orderly whole formed by means of moral righteousness can ultimately bring greater benefit to its members. However, material benefits constitute the main standard for evaluation. There is nothing wrong in itself with seeking benefit through righteousness, but the rights or benefits that a group of people ultimately pursue should not be limited to material benefits alone, for

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they also include abstract rights. Abstract rights not only are objective but also consist in concepts formed by the consciousness of subjects. Therefore, they must be moral and orderly, and not give rise to conflicts or internal strife. The pursuit of rights driven by material benefits may undermine social or moral order and cause internal strife. Shifting or expanding people's pursuit from limited material benefits to abstract rights may help them get out of the quagmire of internal strife.

### Righteousness Is the Way [Refer to page 38 for Chinese. Similarly hereinafter]

The Chinese character *yi* 义 was originally an adjective, descriptive of the nature of a righteous action; and its opposite, *buyi* 不义, referred to those actions devoid of such nature. Confucius elevated the term to an abstract concept, referring to an action or phenomenon of a certain nature. As recorded in *Analects* 4:16, Confucius said, "The man of noble character understands righteousness, whereas the lesser man understands benefit."<sup>1</sup> "Righteousness" here means a concept of guiding people's correct actions. "How, then, can one discard the righteousness that obtains between ruler and subject? . . . The man of noble character takes office in order to put his righteousness into effect" (18:7). Here, the "righteousness that obtains between ruler and subject" refers to the rules of interaction between the two sides. "Working to ensure righteousness among the common people means respecting ghosts and spirits while keeping them at a distance" (6:22). This concerns the principle with which the common people should treat the spiritual.

Righteousness means the Way (*dao* 道). This concept is expressed particularly in many paragraphs of the *Mencius*. "Humanity (*ren* 仁) is the secure habitation of man, and righteousness is his correct path."<sup>2</sup> Such a path as is able to lead to the destination is the Way. "Those who labor with their minds govern others; those who labor with their strength are governed by others. . . . This is the righteousness common to the world under Heaven" (*Mencius* 3A:4). Righteousness represents the criterion for human actions, and it is the Way acknowledged by Confucianism. "A man of noble character does not lose righteousness even when he is impoverished, nor does he leave the Way when he is successful" (7A:9). "If he dwells in humanity and follows righteousness, the task of a great man is complete" (7A:33). The Way cherished by Confucianism consists in humanity and righteousness, which mean the best way by which one achieves one's ideal life.

Xunzi regarded righteousness as the subjective representation of the objective Way.

The man of noble character carefully scrutinizes the Way of the later kings before arranging in their proper grades the various kings of earlier times, as though he were deliberating in court robes with arms folded in a formal stance. He derives guidelines from ritual and moral principles, makes sharp the division between right and wrong, binds together the essentials of the world, and governs the multitude within the seas, as though in the service of a single man.<sup>3</sup>

Humanity and righteousness constitute the guiding principle and also the criterion for all human actions, that is, the Way.

Righteousness means that which regulates the person within and the myriad things without. Above it produces security for the ruler, and below it creates a fine-tuned balance

- 1 The English translations of the citations from the *Analects* in the text are based on Edward Slingerland's version, with some alterations.
- 2 *Mencius* 4A:10. The English translations of the citations from the *Mencius* in the text are based on Bryan W. Van Norden's version, with some alterations.
- 3 "Nothing Indecorous" [不苟], in *Xunzi*. The English translations of the citations from the *Xunzi* in the text are based on John Knoblock's version, with some alterations.

for the people. Within and without, above and below, regulation is the essential quality of righteousness. (*Xunzi*, “Strengthening the State” [强国])

Therefore, righteousness as the Way has a subjective quality. *Xunzi* refers to righteousness as “*tongyi* 通义” (universal righteousness) in the sense of universal principles or concepts, or as “*gongyi* 公义” (common righteousness) in the sense of semantic reference to some kind of common existence. Righteousness states the universal Way, and this statement itself also conveys a sense of the Way, that is, righteousness as the concept of the Way.

The “Commentary on the Trigrams” [说卦] in the *Book of Changes* says,

In the distant past, the way the sages made the [*Book of*] *Changes* was as follows: It was to be used as a means to accord with the principles of inherent nature (*xing* 性) and destiny (*ming* 命). It was for this reason that they determined what the Way of Heaven was, which they defined in terms of *yin* 阴 and *yang* 阳; what the Way of Earth was, which they defined in terms of softness and hardness; and what the Way of Humanity was, which they defined in terms of humanity and righteousness.<sup>4</sup>

Dong Zhongshu 董仲舒 (179–104 BCE), who connected the Way of Humanity and the Way of Heaven, believed that the sage-king was a god-like man who connects Heaven, Earth, and humanity,<sup>5</sup> and that the sage could convey the will or Way of Heaven with names and designations he created by examining deeply the will of Heaven and Earth (i.e., the Way of Heaven).<sup>6</sup> “The *Spring and Autumn Annals* distinguishes the inner principles of things to rectify their names. A name and its referent must each accord with what is true: true to its meaning, and true to its character. Only then is it considered a correct name.”<sup>7</sup> Righteousness possesses true and objective content, and humanity and righteousness as the Way of Humanity are a representation of the objective Way of Heaven. When righteousness acts on the subject, it is the subjective form of the objective Way, that is, the Way of subjectivity.

The Way, as it dwells in the mind, is righteousness. “A student should understand the substance of humanity and make it concretely part of his own self. Then all that is necessary is to nourish it with moral principles. All such things as seeking the *yi* of the classics are meant to nourish it.”<sup>8</sup> From the viewpoint of linguistics, the *yi* here refers to meaning, and the *yi* of the classics concerns the so-called content of the Confucian classics. This content, from the perspective of practical philosophy, is also known as *li* 理 (principle) or the Way. On the one hand, the Way consists in the content which *yi* refers to, and righteousness means the objective Way and principle. “What man and things receive from Heaven is called endowment. What is inherent in righteousness is called principle. What is endowed in man is called inherent nature. And as the master of the body, it is called the mind. In reality, they are all one.”<sup>9</sup> On the other hand, righteousness is the subjective form of the objective Way and the mind’s reception of or reflection on the Way; principle

4 The English translations of the citations from the *Book of Changes* in the text are based on Richard John Lynn’s version, with some alterations.

5 See Su Yu 苏舆, “The Kingly Way Penetrates the Three Powers” [王道通三], in vol. 11 of *Evidenced Meanings of the Luxuriant Gems of the Spring and Autumn Annals* [春秋繁露义证] (Beijing: Zhonghua Book Company, 2015), 320–321. The English translations of the citations from the *Luxuriant Gems of the Spring and Autumn Annals* [春秋繁露] in this paper are based on Sarah A. Queen and John S. Major’s version, with some alterations.

6 See Su, “Deeply Examining Names and Designations” [深察名号], in vol. 10 of *Evidenced Meanings of the Luxuriant Gems of the Spring and Autumn Annals*, 278.

7 Su, “Substantiating Human Nature” [实性], in vol. 10 of *Evidenced Meanings of the Luxuriant Gems of the Spring and Autumn Annals*, 304.

8 Cheng Hao 程颢 and Cheng Yi 程颐, “Surviving Works of the Cheng Brothers of Henan” [河南程氏遗书], vol. 2, pt. 1, in *Collected Works of the Cheng Brothers* [二程集], ed. Wang Xiaoyu 王孝鱼 (Beijing: Zhonghua Book Company, 2004), 15. The English translations of the first two citations from Cheng Hao and Cheng Yi respectively here are based on Wing-tsit Chan’s version, with slight alterations.

9 Cheng and Cheng, “Surviving Works of the Cheng Brothers of Henan,” vol. 18, 204.

dwells in the mind, and when it acts on the mind, it indicates its “function.” “Humanity is the substance, and righteousness is the function. When someone understands that the function of righteousness does not take place externally, one can talk with him about the Way.”<sup>10</sup> Righteousness consists in the activity of the mind, which is the subjective form of the objective Way, and it is the most appropriate principle. Combined, the two characters *yi* and *li* for righteousness and principle make the word *yili* 义理, or moral principle. Wang Yangming 王阳明 (Wang Shouren 王守仁, 1472–1529) said, “The mind is one, and that is all. In terms of its total sympathy, it is called humanity. In terms of its attainment of what is proper, it is called righteousness. And in terms of its orderliness or patterns, it is called principle.”<sup>11</sup> It is because there is a principle that there is properness. This properness refers to righteousness, and also to principle. Thus, righteousness is principle or the Way.

### The Way, Principle, and Order <sup>[40]</sup>

The Chinese character *dao* 道 originally means “road” or “path,” that is, something that helps people reach a certain destination smoothly. Ancient Chinese people objectified and conceptualized their experience of walking and developed a certain experiential consciousness and the concept of *dao*. Thus, their experience of walking on a road turned into a conceptual experience. Later, the concept was extended to refer metaphorically to all the means, methods, and approaches that could help people realize their goals. Today, “*dao*” can be defined as “the right way of life, the way of governing, the ideal way of human existence, the way of the Cosmos, among others.”<sup>12</sup> The Way means correct (objective) ways of action and (experiential) principles of action. The former refers to objective laws, such as the Way of Heaven, while the latter refers to experiential rules, such as the Way of Humanity. Confucius said, “Having in the morning heard that the Way was being put into practice, I could die that evening without regret” (*Analects* 4:8). The Way of Humanity is a concept that can be heard, and it refers to humankind’s correct way of action. The way of action or concept advocated by Confucius was “dutifulness tempered by forbearance” (4:15). The Way of Heaven refers to the working way of the natural world. In early ancient times, when trying to tame floods, Yu 禹 relied on “the Way of water” (*Mencius* 6B:11), that is, the way or principle of water flowing, and he was successful in the end. The Way is the guiding principle for governing the world, which is universally applicable.

The concept of the Way, which possesses both objectivity and subjectivity (the present author refers to the former as “*faze* 法则” [law] and the latter as “*guize* 规则” [rule]), was rigorously distinguished into two concepts in the Song dynasty (960–1279). The *dao*, or the Way of Heaven, began to mean only the objective and transcendental law. For example, Cheng Yi 程颢 (1032–1085) said, “The doings of highest Heaven have neither sound nor smell to speak of. Its substance is called change, and its principle is called the *dao*.”<sup>13</sup> The *dao* is principle, an objective entity that cannot be perceived. Zhu Xi 朱熹 (1130–1200) regarded it as “the common path that all people follow,”<sup>14</sup> representing a certain common principle,

10 Cheng and Cheng, “Surviving Works of the Cheng Brothers of Henan,” vol. 4, 74.

11 Wang Shouren, *Instructions for Practical Living II* [传习录中], vol. 2 of *Complete Works of Wang Yangming* [王阳明全集], eds. Wu Guang 吴光 et al. (Shanghai: Shanghai Classics Publishing House, 1992), 43. The English translation of the citation from Wang Yangming here is based on Wing-tsit Chan’s version.

12 Herbert Fingarette, *Confucius: The Secular as Sacred* (New York: Harper & Row, 1972), 19.

13 Cheng and Cheng, “Pure Discourses of the Cheng Brothers from Henan” [河南程氏粹言], vol. 1, in *Collected Works of the Cheng Brothers*, 1170.

14 Li Jingde 黎靖德, ed., *Classified Conversations of Master Zhu* [朱子语类], vol. 6, annotated by Wang Xingxian 王星贤 (Beijing: Zhonghua Book Company, 1986), 99.

which possesses objective reality and takes universal effect on things and the self. As Lu Jiuyuan 陆九渊 (1139–1193) said, “The *dao* pursued by us Confucians is the constant Way under heaven, so how can there be any other mysterious Way?”<sup>15</sup> And as Wang Yangming said, “The *dao* is the common Way under heaven.”<sup>16</sup> They all believed that the Confucian Way of humanity and righteousness is the common Way which has a universal effect on all things in the cosmos, and thus possesses objectivity and reality.

The common Way is also called *li* (principle). The Chinese character *li* 理 was a verb originally, meaning “to produce jade from stone.”<sup>17</sup> *Li* means the correct way of managing or dealing with something. As the chapter “Nothing Indecorous” [不苟] of the *Xunzi* states, “If morality is upheld with sincerity of mind, there will be *li*; where there is *li*, there will be numinous clarity; where there is numinous clarity, there can be transformation.” Here, “*li*” refers to governance and administration. Management or administration has its objective necessity, and thus the Way or principle, as a noun, means laws that transcend human experience. As Zhu Xi said, “principle means pattern,”<sup>18</sup> and this refers to the inevitable basis for survival or action. Action resulting from complying with principle means that, whenever used to handle things, it is a rational existence. For example, “Working between a father and his son is the principle of father and son, and working between a ruler and his minister is the principle of ruler and minister.”<sup>19</sup>

The Way or principle is an objective law. From the viewpoint of epistemology, a law reflects a certain necessary connection. The chapter “Discourse on Heaven” [天论] of the *Xunzi* says, “The myriad things constitute one aspect of the Way, and a single thing constitutes one aspect of the myriad things.” As far as the specific myriad things go, the Way means a universal principle, which is the “common Way” spoken of in the chapter “The Way of a Ruler” [君道]. It can integrate the cosmos and the myriad things into one whole. That is, “Humanity means that all heaven, earth, and the myriad things are one body and nothing is not contained in it.”<sup>20</sup> This humanity, which penetrates all as one body, is principle itself, and humanity as principle is the basis on which all things in the cosmos exist as one body.

From the viewpoint of the survival of humankind, the Way means the method of “making a group live together in harmony and unity” (*Xunzi*, “Honor and Disgrace” [荣辱]). In a group, every member performs his or her own functions, and this is based on righteousness or the Way. The Way integrates all relevant parties into a harmonious group. The survival of a state hinges on whether its ruler can govern it in light of the Way, and when a ruler can, then its governance will be carried out well. Zhu Xi said,

The so-called Way is only indicative of the principles over daily life as a matter of course. When waiting on his parents, one should be filial; when serving his ruler, one should be loyal; when attending on his elder brother, one should be respectful; and when associating with a friend, one should be faithful. All these manifest the Way.<sup>21</sup>

The relationship between ruler and minister, between father and son, and between brothers must be governed by the Way and principle, as only in this way can a harmonious relationship be formed among people, and an orderly whole thereby be developed. The Way

15 Lu Jiuyuan 陆九渊, *Complete Works of Lu Xiangshan* [陆象山全集] (Beijing: Cathy Bookshop, 1992), 13.

16 Wang Shouren, *Instructions for Practical Living II*, 78.

17 Xu Shen 许慎, *Explaining Graphs and Analyzing Characters (Annotated Version)* [说文解字 (点校本)], ed. Tao Shengkui 陶生魁 (Beijing: Zhonghua Book Company), 60.

18 Li, *Classified Conversations of Master Zhu*, vol. 64, 1595.

19 Li, *Classified Conversations of Master Zhu*, vol. 5, 82.

20 Cheng and Cheng, “Surviving Works of the Cheng Brothers of Henan,” vol. 2, 15.

21 Li, *Classified Conversations of Master Zhu*, vol. 34, 863.

is “the common path that all people follow,”<sup>22</sup> and a certain type of common principle. The Confucian Way of humanity and righteousness is the common Way under heaven and the universal principle of action, which can ensure the orderliness and peacefulness of society.

## Order and Benefits [42]

The so-called “common Way” refers to common rules or laws. These rules or laws usually mean certain relationships. For example, the law of cause and effect reveals the necessary connection between an existing entity as cause and an existing entity as effect, thus rendering the cause and the effect into a whole. This is what is meant by law. A degree of order often arises from the fact that the individuals act according to certain rules.<sup>23</sup> As far as humankind is concerned, only the Way of humanity and righteousness can ensure the order of human society.

Through acting on people’s minds, these laws enable them to perform obligatory actions. Immanuel Kant said, “Obligation is the necessity of an action out of respect for the laws.”<sup>24</sup> As a member of the natural world in reality, humankind is a limited existence and must be bound by institutions. This is also the nature of righteousness. As a law, righteousness can regulate the minds of actors and generate actions that conform to social laws, and thereby form an orderly group. Order depends on laws, such as the Way and principle.

Then, why does humankind need to construct orderly groups and accept the constraints of their laws? This is where the practical significance of the group lies: an orderly group can bring benefits to its people. The common purpose of judicial regulations and moral laws is to maintain the overall order, that is, to form a stable relationship among the group members through norms. And obligations are the cost that people pay in order to obtain the corresponding rights. In a group, rights and obligations are equal and consistent. To regulate obligations is to safeguard rights, which is a requirement for the group or the meaning of its existence. From this, it can be determined that the meaning or function of a group is benefit.

This benefit was called *li* 利 by the ancient Chinese. As noted in the “Special Explanation of the Words of the Text” [文言] for the “Qian” [乾] of the *Book of Changes*, “Benefit is the harmony of all that is right.” Between benefit and righteousness, there is not only conflict, but also the possibility of mutual promotion.

Virtue (*de* 德) and righteousness are the basis of benefit.<sup>25</sup>

When a ruler gives out his command, it is a righteous action which he discharges, and when a minister receives that command, he is bound in fidelity to fulfil it. The faithful fulfillment of the righteous command brings benefit to the state, and he who lays his plans so that that benefit shall be secured for the defence of the altars is the people’s master. (*Zuo’s Commentary on the Spring and Autumn Annals*, “Fifteenth Year of Duke Xuan” [宣公十五年])

In this sense, only righteous actions can benefit the state and its people. If righteousness is regarded as a law, then Confucianism can also be defined as rule-based utilitarianism, that

22 Li, *Classified Conversations of Master Zhu*, vol. 6, 99.

23 See Friedrich A. Hayek, “Law, Commands, and Order,” chap. 10 of *The Constitution of Liberty* (Beijing: China Social Science Publishing House, 1999), 148–161.

24 Immanuel Kant, *Grundlegung zur Metaphysik der Sitten*, in bk. IV of *Kant’s Gesammelte Schriften* (Berlin: Druck und Verlag von Georg Reimer, 1911), 400.

25 “Twenty-Seventh Year of Duke Xi” [僖公二十七年], in *Zuo’s Commentary on the Spring and Autumn Annals*. The English translations of the first two citations from *Zuo’s Commentary on the Spring and Autumn Annals* here are based on James Legge’s version, with slight alterations.

is, “there is some other specifiable set of rules, . . . which would maximize welfare.”<sup>26</sup> In this ethical system, the guideline of acting rationally is to facilitate the generation of a series of consequences rather than any other series of results in a long-term procedure, that is, in a procedure fitted to maximize the satisfaction of desires.<sup>27</sup> Benefit is the ultimate pursuit of a group’s rules (i.e., guidelines), and the purpose of righteousness is to gain benefits.

Benefits constitute the purpose with which people make a group, and the common benefit is the group’s benefit. In classical Chinese, the character *gong* 公 (common) is a pictograph, which consists of the upper component 八 and the lower component 厶, which meant distribute and property, respectively. This means that distributing property equally is what was originally meant by the character.<sup>28</sup> This so-called distributing property equally means that, in theory, everyone has a share of the property, and in essence, the property is not a certain person’s private benefit but the whole group’s benefit. However, the common benefit, which is not a private benefit, does not exist in reality, and the so-called common benefit is in essence the benefit of the ruling class.

In the Song and Ming (1368–1644) dynasties, Neo-Confucians believed that the cosmos and all things are integrated into one body and abide by the same unified Way. Zhang Zai 张载 (1020–1077) said, “All people are my brothers and sisters, and all things are my companions.”<sup>29</sup> The state when all things are integrated and interconnected is humanity, and the mutual perception and interpenetration of brothers and sisters is love. Humanity and love constitute the Way of the cosmos. Or rather, adhering to the Way enables all things to form a single body, and coexist in harmony as components of this “living organism,” akin to brothers and sisters.

Humanity and love create a harmonious whole, and this harmonious whole brings benefits. “Only by establishing a just and fair order and good relationships among people can benefits be better pursued. This is an inspiration that Mencius gave us over two thousand years ago.”<sup>30</sup> Although it cannot be asserted that benefit is the sole pursuit of righteousness, it is certain that benefit is one of the purposes of righteousness. This is also the essence of the traditional Confucian concepts of righteousness and benefit, that is, the main purpose for people to follow common laws and form one harmonious body is to pursue benefits. Righteousness means common benefit, that is, “to seek for the common benefit or the benefit of others is to perform righteousness.”<sup>31</sup>

## Benefits and Rights [45]

People build groups or communities to pursue benefits, which modern philosophy calls “rights.” Locke said of “a state also of equality, wherein all the power and jurisdiction is reciprocal, no one having more than another.”<sup>32</sup> “Power” here refers first to the right to

26 Richard B. Brandt, *A Theory of the Good and the Right* (Oxford: Clarendon Press, 1979), 295.

27 Ibid., 154.

28 See Xu, *Explaining Graphs and Analyzing Characters (Annotated Version)*, 36.

29 Zhang Zai 张载, “Correcting Youthful Ignorance” [正蒙], in *Collected Works of Zhang Zai* [张载集], ed. Zhang Xichen 章锡琛 (Beijing: Zhonghua Book Company, 1978), 62. The English translation of the citation from Zhang Zai here is based on Wing-tsit Chan’s version.

30 Liang Tao 梁涛, “Three Dimensions of Mencius’s Theory of Righteousness and Benefit” [孟子义利之辨的三个层面], *Academic Monthly* [学术月刊], no. 3 (2024): 39.

31 Feng Youlan 冯友兰, *New Inquiry into the Way: The Spirit of Chinese Philosophy* [新原道：中国哲学之精神] (Beijing: SDX Joint Publishing Company, 2007), 7.

32 John Locke, “*Two Treatises of Government*” and “*A Letter Concerning Toleration*” (New Haven, CT: Yale University Press, 2003), 101.

life and second to the right to property. These rights are like what is meant by “benefit” in traditional Chinese thought. The ultimate purpose of establishing a state, forming a judicial system, and maintaining social order is to safeguard people’s rights.

Rights pursued as objects are realistic, and they possess definition. As Kant said,

The concept of right, insofar as it is related to an obligation corresponding to it (i.e., the moral concept of right), has to do, first, only with the external and indeed practical relation of one person to another, insofar as their actions, as deeds, can have (direct or indirect) influence on each other.<sup>33</sup>

Compared with an infinite obligation, a right is an external and actual thing. It is different from an indefinite intention, for it is explicit and definite. Such a definite right imposes limitations on legal activities; that is, no law can infringe upon the rights of the group members.

This kind of right that can be regulated and has a definition is a concept that unifies subjectivity and objectivity, and is people’s awareness and consciousness of some objective reality. Only when people become conscious of a certain objective existence, and this consciousness is acknowledged by others, can their possession of that objective existence form their right. Simply put, a right is a kind of consciousness and is only subjective. This is also the original meaning of the word “right”: correct. “Correct” as the concept of right consists of two elements: one is subjective perception, consciousness, and acknowledgment, while the other is objective existence. Only when people become conscious of and jointly acknowledge some objective existence does a right come into being.

Among these, objective existence, as one of the foundations of rights, is divided into two categories: one is a natural and directly observable material existence, while the other is an abstract or transcendent existence that cannot be directly observed. On the basis of these two different objective foundations, two different types of views on rights can be conceived. Of the two, the right formed on the basis of material existence is mainly manifested in the Confucian concept of “benefit.” In classical Chinese, the character *li* 利 refers to the sharpness of a blade.<sup>34</sup> As noted in “Appended Remarks I” [系辞上] of the *Book of Changes*, “two persons sharing mind and heart produce a sharpness which severs metal,” which means that when two people are of one mind and heart, this can produce such an intense effect as being like a blade sharp enough to cut metal. Later, this semantic relationship was extended to mean usefulness and functionality. Thus, the character also means material gain.

Such material gains possess natural perceptibility and are knowable. This “benefit” means “in general, material benefits,”<sup>35</sup> which are visible and tangible things. Dong Zhongshu said, “Righteousness is the nourishment of the mind, and benefit is the nourishment of the body.”<sup>36</sup> Such benefits as can satisfy human physiological needs can only be material benefits. “I have heard that when gentlemen talk together, they discuss humanity and righteousness. When merchants talk together, they discuss wealth and benefits. So much for his wealth! So much for his wealth!” said Yang Xiong 扬雄 (53 BCE–18 CE),<sup>37</sup> who

33 Immanuel Kant, *Die Metaphysik der Sitten*, in bk. VI of *Kant’s Gesammelte Schriften* (Berlin: Druck und Verlag von Georg Reimer, 1914), 230. Translated into English by Mary Gregor as *The Metaphysics of Morals* (Cambridge: Cambridge University Press, 1991), 56.

34 See Xu, *Explaining Graphs and Analyzing Characters (Annotated Version)*, 139.

35 Ge Rongjin 葛荣晋, “Theory of Mind as the Master: A Contemporary Interpretation of Confucian View of Righteousness and Benefit” [心灵主宰论——儒家义利观的现代诠释], *Journal of the Party School of the Central Committee of the C.P.C.* [中共中央党校学报], no. 3 (2010): 21–25.

36 Su, “For Nurturing the Self, Nothing Is More Important than Righteousness” [身之养重于义], in vol. 9 of *Evidenced Meanings of the Luxuriant Gems of the Spring and Autumn Annals*, 257.

37 Wang Rongbao 汪荣宝, *Explaining the Meaning of the Model Sayings* [法言义疏], ed. Chen Zhongfu 陈仲夫 (Beijing: Zhonghua Book Company, 1987), 35. The English translation of the citation from Yang Xiong here is based on Jeffrey S. Bullock’s version.

mentioned “benefits” here as a word referring to material wealth that can be directly perceived. This is where the true content of benefit lies: a consciousness developed on the basis of visible physical existence.

In addition to this kind of consciousness based on concrete existence, there exists another type of consciousness formed on the basis of abstract existence, that is, abstract rights. In the view of Western tradition, whenever doing anything, a person, as a rational being, must have some end. Aristotle said, “In every action and rational choice the end is the good, since it is for the sake of the end that everyone does everything else.”<sup>38</sup> The end of an action is its destination, “to which the movement is.”<sup>39</sup> An end, as Aristotle saw it, has two forms: one is the end as means and the other, the end as end, that is, self-purpose. Self-purposed action has two further aspects in content. One of them is a kind of consciousness or concept, that is, this or that which people always pursue. This pursuit indicates a kind of consciousness. Furthermore, this consciousness constitutes their consciousness of existence. In other words, the end of doing something is its own end, and this end itself is the ultimate pursuit. This pursuit constitutes a certain consciousness of right, that is, this is the result expected by the actor and belongs to the actor’s right.

This ultimate pursuit, though it is the subject’s pursuit, is distinct from natural emotions and realistic interests. It is the self-initiated action of the subject, which is, as Aristotle put it, “Happiness . . . as an activity of the soul.”<sup>40</sup> This action, dominated by the rational soul, is self-contained; that is, it is the end of its own existence. Self-contained moral behavior itself has value, is an object or objective worth pursuing, and is self-actualization. It is not driven by natural emotions, nor by narrow considerations of benefit, but is a pure and free action.

Kant called the basis of this self-purposed action the categorical imperative: “The categorical imperative would be that which represented an action as necessary of itself without reference to another end, that is, as objectively necessary.”<sup>41</sup> The categorical imperative is the absolute and self-contained *a priori* imperative. It stems from the autonomy of the subject, and when people act just because they are willing to do so, this doing itself is its end. The actors, probably because they are involved in social competition, have to endure either success or failure, but this does not hamper them from displaying their own excellence, that is, “more excellent, but defeated.”<sup>42</sup> The consciousness of the subject toward a certain pursuit activity that has nothing to do with emotions and practical benefits is an abstract right. Abstract right is the free action of the self and can also be interpreted as self-actualization. Free self-actualization is the abstract right of the subject.

### Closing Remarks: Between Two Kinds of Right [48]

A right is the recognition, demand, or consciousness of the subject toward some objective reality. This kind of demand and recognition is not only a subjective awareness but also relies on objective existence. First of all, the concept of right arises from the awareness of the subject. The subject can either form an awareness of rights, such as property rights, by

38 Aristotle, *Nicomachean Ethics*, trans. and ed. Roger Crisp (Cambridge: Cambridge University Press, 2004), 10.

39 Aristotle, *Metaphysics*, trans. W. D. Ross, in vol. 1 of *The Works of Aristotle* (Chicago: Encyclopaedia Britannica, 1952), 543.

40 Aristotle, *Nicomachean Ethics*, 20.

41 Immanuel Kant, *Grundlegung zur Metaphysik der Sitten*, 414. Translated by Thomas K. Abbott into *Fundamental Principles of the Metaphysics of Morals* (Indianapolis, IN: Bobbs-Merrill Educational Publishing, 1949), 31.

42 Alasdair MacIntyre, *Whose Justice? Which Rationality?* (Notre Dame, IN: University of Notre Dame Press, 1988), 27–28.

relying on objective entities observed directly, or form an abstract concept of right about actions not directly observable through self-reflection. In fact, even natural and material benefits cannot do without consciousness. The concept of “benefit” spoken of in ancient China is also inseparable from subjectivity. Benefits or rights are people’s awareness or consciousness of a certain relationship.

Second, the consciousness of right is not only subjective but also depends on certain objective bases. Two different objective bases can give rise to two different kinds of consciousness of right. A right formed on the basis of observing objective and tangible material benefits is characterized by two features. The first is relativity, that is, consciousness of visible and objective materials, or the relationship between such materials, has a relative definition. These relatively defined objects and the consciousness of these objects are both exclusive. This constitutes the possibility of conflict among actors. The second is naturalness, that is, forming consciousness in the face of relations with objective and visible objects is a natural human response. Liking benefits is a natural instinctive response of humankind, distinct from humankind’s unique reflective action. In the pursuit of material benefits, human beings may degenerate into natural living things because they lose their subjectivity in their actions. At this point, they are the subjects of their selfish intentions, and everyone intends to safeguard their own benefits. Under natural conditions, people’s responses to material benefits conflict with each other. In this case, if there is no law and order is lost, the relationship between people will fall into the natural relationship of the law of the jungle. Moreover, even if there are laws to regulate it, the pursuit of benefits will keep the group members in a state of constant struggle.

Abstract rights belong to another type of right; that is, only when someone is conscious of the substantiality of existence in this aspect can they possibly form the consciousness of right in this aspect. These rights exist in the consciousness of the subject itself. It can even be said that such rights arise from one’s own self-consciousness; without consciousness, there would be no rights. The consciousness of an individual’s dignity and right of free behavior is entirely based on the subject’s consciousness.

More importantly, this consciousness of right developed by the subject has no exclusivity. Everyone can independently pursue such a right or interest as is formed on the basis of their self-consciousness. This is precisely a self-purposed action. To achieve this purpose, the rational subject must act under the guidance of the “correct” concept. This “correct” concept must conform to the law of the group and thus inevitably gives rise to the concept of obligation. The right arising from such a concept of obligation or the objective reality “given” by it must also be orderly and harmonious. Therefore, a self-purposed action under the guidance of a rational concept is an orderly action. In this kind of orderly action, on the one hand, the actor can achieve his own purpose and obtain his own right by completing a certain activity; on the other hand, such activities guided by a rational concept are bound to be orderly and will not conflict with others.

This kind of self-purposed action is an action with a “mentality of play.” Chinese people usually believe that playing with things leads to a loss of ambition, and thus deny the positive significance of play. In fact, play more reflects an individual’s free pursuits and ideals. That is to say, when one works with a mentality of play, or regards one’s work as a form of enjoyable play, one will naturally not haggle over the gains and losses of the mundane world, and thus will not fall into internal struggles. Instead, one can attain the unity of moral obligation and individual freedom.

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