

TRADITION AND LAW IN CHINA: A REVIEW OF  
WEJEN CHANG'S *IN SEARCH OF THE WAY:*  
*LEGAL PHILOSOPHY OF THE CLASSIC*  
*CHINESE THINKERS*

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Professor Wejen Chang's eagerly anticipated survey of ancient Chinese legal philosophy makes a key contribution to the study of Chinese law, a field increasingly important in a world where the future of Asia is a central concern. *In Search of the Way: Legal Philosophy of the Classic Chinese Thinkers* stems from a lifetime of reflection upon the deeper implications of traditional Chinese law by a scholar who has made numerous detailed and empirical contributions to its study. Over the course of 500 pages, Professor Chang wears his scholarship lightly and has thus produced a book that will be both accessible to newcomers and of great interest to specialists in the field. The book's special qualities come partly from the fact that, though educated at the modern National Taiwan University and later at Yale and Harvard law schools, its author is an increasingly rare example of a contemporary Chinese intellectual who was immersed during his childhood in a fully traditional regimen of classical Confucian<sup>1</sup> training. Over the centuries, that regimen involved memorizing the ancient canonical texts and grappling with millennia of the often-conflicting commentaries on them. That process, as well as the texts themselves,

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1. I use the conventional term "Confucian" in this review because it is more familiar to most Western readers than the more technically correct term "Ruist" used by Professor Chang. Ruist is a direct transliteration of the Chinese term used in reference to what Westerners call Confucian. As Professor Chang notes, the term and the school it describes pre-date Confucius and were applied to him by his contemporaries. WEJEN CHANG, *IN SEARCH OF THE WAY: LEGAL PHILOSOPHY OF THE CLASSIC CHINESE THINKERS* 11-12 (2016).

shaped the attitudes of traditional Chinese thinkers and those of Professor Chang. The structure and content of *In Search of the Way* enable the non-specialist reader to enter that thought world and become a participant in an ongoing dialogue on the questions raised in the ancient texts. For Chang, and for many Asians of his generation, those questions are not antiquarian. They are existential.

In addressing the topic of Chinese “legal philosophy,” Professor Chang wades into a discussion among specialists that is often characterized by circular definitional arguments about what can or cannot be considered “legal” in the context of traditional Chinese culture. During much of the nineteenth and twentieth centuries, law was defined in the West by ideals and values such as institutional independence and protection of individual autonomy. Chinese thinkers, however, expressed themselves differently and did not raise these values. Comparing their own ideals with the dislocated, corrupt, and violent reality of nineteenth-century China, and pointing to the alien discourse of Chinese thinkers who downplayed the importance of law, Western observers often refused to describe Chinese thought or institutions as “legal.” While they were certainly aware of the criminal punishments applied in China and of the existence of criminal codes, they felt that these criminal provisions were the sum total of Chinese law. Accordingly, they saw Chinese law as lacking a concern for the civil sphere that was so central to the self-image of Western legal systems. The resulting perception that traditional Chinese values were backward helped legitimate the nineteenth-century European imperial enterprise and framed the terms in which subsequent Chinese legal reforms were discussed.<sup>2</sup> As Professor Chang demonstrates, however, many traditional Chinese ideas could promote law and its values as experienced in the context of Chinese society. He therefore avoids the definitional argument and, instead, argues forcefully for the importance of traditional Chinese thought both for Asian and for Western law in the twenty-first century.

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2. See Hugh T. Scogin, Jr., *Civil “Law” in Traditional China: History and Theory*, in *CIVIL LAW IN QING AND REPUBLICAN CHINA* 13 (Kathryn Bernhardt & Philip C.C. Huang eds., 1994) (discussing the impact of European perceptions of Chinese culture on traditional views of Chinese law).

Specialists in the field of Chinese legal history—many of whom have studied with Professor Chang and most of whom have used his work—may be taken aback by the nature of his arguments in this book. To be fair, one must keep in mind what the book is not. It is not a description of how the institutions of Chinese law actually functioned over the centuries. Chang has addressed that topic in many prior writings and is currently at work on another book with a more comprehensive treatment of Chinese legal institutions.<sup>3</sup> As law professors would say, *In Search of the Way* is normative, not descriptive. It unapologetically presents a very Confucian perspective. To the extent that this will arouse debate among specialists, it is probably intended. Professor Chang is being a Confucian provocateur and wants to encourage readers to engage with the Confucian tradition.

The opening paragraphs of the Prologue lay out a series of questions about the selected thinkers which the book is intended to answer:

What was their time? Why was it difficult? Was there an earlier period that was better? If there was, what changed it for the worse? What solutions had the thinkers suggested? How should we, more than two-and-a-half millennia thereafter, look at their suggestions? Can we find relevance of their theories to our time and learn anything from them?<sup>4</sup>

Thus, Professor Chang is quite transparent about his agenda for *In Search of the Way*.

The book alternates between translations and analytical discussions of primary sources. This structure will be helpful to readers unfamiliar with the material. In their original form, most of the texts are loosely organized and aphoristic. Many of them emerged over time as followers of various schools collected materials. In addition, during the Han Dynasty (206

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3. For a sampling of Professor Chang's many works on the Chinese legal system, see 1-3 ZHONGGUO FAZHISHI SHUMU [AN ANNOTATED BIBLIOGRAPHY OF CHINESE LEGAL HISTORY] (1976); 1-3 QINGDAI FAZHI YANJIU [RESEARCH ON THE LEGAL HISTORY OF THE QING DYNASTY] (1983); and MO-JING: FAXUE JIAOYU LUNWEN JI [POLISHING THE LENS: ESSAYS ON CHINESE LEGAL EDUCATION] (2012).

4. CHANG, *supra* note 1, at 1. Professor William Alford's concise and lucid Forward provides helpful additional context. *Id.* at viii.

BC–AD 220), many texts were excavated and reconstructed following the book burnings that occurred in the Qin Dynasty (221 BC–207 BC). Professor Chang has extracted from the original texts selected passages relating to social or philosophical issues that he views as relevant both to the law of the past and of the present. They are then organized thematically for each author. The result makes individual thinkers' views of the law perhaps more systematic than they would otherwise be, but it makes those views more comprehensible to non-specialists. For these reasons, the book can serve as a point of entry for newcomers to the field. Professor Chang does not include and, with some exceptions, does not discuss the voluminous commentaries that have been written by Chinese scholars over the past two millennia. That would require a multi-volume set. Instead, in the tradition of those predecessors, he has provided his own commentary to each thinker. The texts included in the book are the Confucian *Lun-yu*, *Meng-zi*, and *Xun-zi*; the Taoist *Lao-zi* and *Zhuang-zi*; the Legalist *Shang-jun-shu* and *Han-fei-zi*; and the *sui generis* *Mo-zi*.<sup>5</sup>

Professor Chang's selection of these eight seminal thinkers might seem strange to readers expecting "legal philosophy." All of them were dead before the imperial legal institutions were developed and most of them either did not directly address the law or, when they did, stressed its inadequacy as a means of ordering human society. In characterizing their philosophy as legal, Chang does not engage in an abstract discussion of the definition of law. Instead, he selects a series of philosophical issues that were not inherently legal but whose implications, when applied to the law, can lead to differing views of the law's purpose and function. Though many of the ancient texts themselves did not make these connections, Professor Chang sees them, especially in the Confucian tradition, as affecting the course of Chinese law's development. He rearranges his extracts from the often-aphoristic ancient texts to make these connections clearer for the reader, while maintaining the original numbering of the passages to allow the reader to see what he is doing.

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5. Most of these texts' titles share names with their authors. I have italicized the names when referring to the texts and left them in standard font when referring to their authors. Because the author of the *Lao-zi* is a composite of legendary figures, I only refer to the text.

The issues selected vary from thinker to thinker, but they focus on concerns such as the source of morality, the relation between human society and nature, the basis for a ruler's legitimacy, what makes a ruler good, whether human nature is good or evil, the effect of society on human nature, how one can lead a moral life in a difficult environment, the purpose of government, and the role of social institutions and status, among others. The book provides a detailed analysis of the nuances found in each ancient thinker's approach to these issues. In the hands of subsequent Confucian thinkers, these concerns certainly influenced Chinese law over the centuries, but they often did so in support of measures whose authoritarian effects were at odds with many of the normative values that Professor Chang admires. Anti-Confucian reformers in the modern era have seen these negative effects as inherent to Confucianism. In distinguishing these subsequent applications from the original texts he presents in his book, Chang argues that these later approaches were a "betrayal" of Confucianism and do not detract from the value of Confucian ideas in the current world. This concern for the present is consistent with his inclusion of Taoist and Mohist texts. After the Han Dynasty, they may have had little to do with the development of Chinese law, but, especially in the case of Taoism, they are inherently interesting and useful to those trying to make sense of a rapidly changing world.

Among the eight thinkers in the book, the main exceptions to the general downplaying of law were the Legalist thinkers Lord Shang and Han-fei-zi. In their unflinchingly cold-eyed view of the state and insistence that people can only be motivated by fear of punishment, they argued that law, brutally applied, was the only possible vehicle by which a ruler could order his state. Other values and social norms were a distraction that undermined the state. The combination of the Legalists' forthright arguments and their frightening application during the short-lived first imperial dynasty, the Qin, led the dominant normative tradition, with a few exceptions, to hold law in opprobrium. The Legalists' philosophy and what Professor Chang finds to be the authoritarian implications of Mohism and Taoism become for him the foils to a Confucianism that he sees as more conducive to the values of a humane system of law.

The de-emphasis of law by the authors of most Confucian texts has colored the views of Western observers for a remarkably long time. While it served the interests of nineteenth-century imperialists as well as twentieth-century social theorists, it has an even longer pedigree. In recent decades, however, new archeological discoveries and the opening of mainland Chinese archives to Western scholars has enabled historians to study the actual functioning of imperial Chinese law on a scale and in a way that was largely impossible before. The result has been a proliferation of articles and monographs that have compared the normative tradition's portrayal of the operation of Chinese law to the evidence of what truly happened in actual court proceedings.<sup>6</sup> These studies have led to an increased awareness, on the one hand, of the persistence of legal structures that Confucian norms rejected in theory as Legalist and, on the other hand, of the often creative use by magistrates of Confucian norms' implications in order to produce workable results in cases. Though Professor Chang seldom expressly refers to this body of scholarship in his book, its findings are implicit in much of his discussion.

Professor Chang's approach can be illustrated by his treatment of Taoism. He sets aside the popular religious cult of Taoism—which was a separate phenomenon often linked to popular revolts—and includes in the book the two classic Taoist texts: the *Lao-zi* and the *Zhuang-zi*. After the fall of the Han Dynasty in the third century, the dominant trend in philosophical Taoism was a quietistic approach that rejected artifice and sought to ground life in its spiritual essence and in the energy of nature that underlay it. This approach later had a profound influence on the development of Zen Buddhism. While Confucianism stressed social engagement and service to the state,

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6. For two influential examples, see the conference volumes *CIVIL LAW IN QING AND REPUBLICAN CHINA*, *supra* note 2, and *CONTRACT AND PROPERTY IN EARLY MODERN CHINA* (Madeleine Zelin et al. eds., 2004). Access to mainland Chinese archives provided a far greater number of raw source materials than the collections of selected case decisions published during the imperial dynasties. Important books by many authors using such materials can be found in the Stanford University Press series *LAW, SOCIETY, AND CULTURE IN CHINA*. For a recent collection of articles that apply late imperial era case materials to a wide range of issues, see *RESEARCH FROM ARCHIVAL CASE RECORDS: LAW, SOCIETY AND CULTURE IN CHINA* (Phillip C.C. Huang and Kathryn Bernhardt eds., 2014).

Taoism has generally been seen as providing an alternative path, creating spiritual space for people during periods when civic engagement was inconsistent with a moral life. This tradition was derived largely from the two texts included in the book. Many readers would therefore be surprised to find them described as containing a legal philosophy.

*In Search of the Way's* discussion of Taoism does not emphasize the detached spirituality familiar to Western devotees but, rather, a more authoritarian view. From this perspective, norms are to be derived from nature, but nature is unknowable, amoral, and has no concern for human beings. Only an enlightened sage ruler can use his unique insight to understand the way of nature and order a state. The enemies of nature and the sources of human suffering are knowledge and the distractions of society. The sage ruler should therefore eliminate knowledge and the structures of society that stand between him and the people in order to return the people to a state of nature and to an unmediated connection to his radiating example. To succeed, he needs to respond flexibly to the changing circumstances presented by nature and avoid rigid normative positions. At the same time, he needs to keep the people passive and supportive by making himself seem unthreatening and one of them. Such an approach would strengthen his "mysterious unity" with them and diminish obstacles to his actions.

Professor Chang's characterization of Taoism coincides with new scholarship on the subject. New archeological discoveries in recent decades have brought to light ancient Taoist texts—called Huang Lao—that relate Taoist assumptions more directly to problems of political control and the needs of rulers than did the *Lao-zi* or *Zhuang-zi*.<sup>7</sup> They provide context for the fact that during the early decades of the first successful long-lasting imperial dynasty, the Han, Huang Lao Taoist thought was a major force. Over the same period, notwith-

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7. See, e.g., Jan Yun-hua, *The Silk Manuscripts on Taoism*, 63 T'OUNG-PAO 65 (1977) (analyzing key textual issues and their significance for understanding Taoism); Tu Wei-Ming, *The "Thought of Huang Lao": A Reflection on the Lao Tzu and Huang Ti Texts in the Silk Manuscripts of Ma-Wang-Tui*, 39 J. OF ASIAN STUD. 95 (1979) (emphasizing the potential relationship of Taoism and Legalism); see also R. P. PEERENBOOM, *LAW AND MORALITY IN ANCIENT CHINA: THE SILK MANUSCRIPTS OF HUANG-LAO* (1993) (providing a general introduction to the Huang-Lao texts in the context of Chinese thought).

standing the Han founder's assurances to the contrary, many Legalist-inspired provisions from the Qin remained in effect.<sup>8</sup> The Huang Lao texts show how the potential applications to law and governance that Professor Chang sees as implicit in Taoism were actually present and used by rulers. They constituted, however, one of many schools of Taoism. By and large they did not survive the Han Dynasty.

Given the relation of the Huang Lao texts to law and governance, it is interesting that none of them are included in the present book. Rather, the classic texts of *Lao-zi* and *Zhuang-zi* are provided as a basis for evaluating the legal philosophy of Taoism. Those texts, which survived the Han Dynasty, were taken in a very different direction than the Huang Lao texts and have continued to exert a spiritual influence to the present day. For readers accustomed to the more quietistic view of Taoism, Professor Chang's characterization of the *Lao-zi* and *Zhuang-zi*'s implications for law will challenge their assumptions. Specialists in the field might feel that this is unfair. The Huang Lao school was not long-lived. They might view its political application of Taoism as an aberration. The spiritual tradition of quietistic Taoism has been a more long-lasting and influential aspect of Chinese culture. Though that is a valid point, Professor Chang's real concern seems to be with the implications of these texts and their ideas for the present. His boldly stated views will force readers to rethink their assumptions and grapple with the texts. The Taoist texts may be ancient, but ideas similar to the ones Chang sees as inherent in them have been applied in many parts of the world in the twentieth century, and their effects still reverberate today.

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8. When the Han founder first entered the Qin capital, he proclaimed to the assembled leaders, "You elders have long suffered under the harsh laws of Ch'in . . . [I] make an agreement with you that the law shall [consist of] only three sections: He who kills others shall die; he who harms others or steals from them shall incur appropriate punishment. For the rest, all other Ch'in laws should be abolished." Hugh T. Scogin, Jr., *Between Heaven and Man: Contract and the State in Han Dynasty China*, 63 S. CAL. L. REV. 1325, 1386 (1990) (ellipsis in original). Examples of Qin survivals in Han laws can be seen in newly excavated materials dating from the period of Huang Lao influence. See, e.g., Li Xueqin & Xing Wen, *New Light on the Early-Han Code: A Reappraisal of the Zhangjiashan Bamboo-slip Legal Texts*, 14 ASIA MAJOR 125, 138-46 (2001) (discussing implications for Han law of the bamboo strips excavated from a tomb at Zhangjiashan).

The treatment of Confucianism is in many ways the inverse of the discussion of Taoism. The Confucian normative tradition's largely negative characterization of law and its emphasis on social norms and hierarchy are well known. In the nineteenth century, Confucianism's link to an often corrupt and oppressive system made it the subject of criticism by many reformers. Many later scholars also saw a different reality behind the altruistic norms. In the 1960s, Ping-ti Ho famously described traditional imperial institutions of the Han Dynasty and of later periods as "substantively Legalist and only ornamentally Confucian."<sup>9</sup> He reflects the common view among scholars that, over the last millennium, the more reciprocal concept of social obligation found in the early texts, such as those included by Professor Chang, was superseded by a more authoritarian one emphasizing obedience to superiors. He summarizes this by quoting a revealing comment from the Qing Dynasty Emperor Yongzheng (1723–35):

Ordinary people know only that Confucius' teaching aims at differentiating human relationships, distinguishing the rights and obligations of the superior and the inferior, rectifying human minds and thoughts, and amending social customs. Do they also know that after human relationships have been differentiated, the rights and obligations of the superior and inferior distinguished, human minds and thoughts rectified, and social customs amended, the one who benefits the most [from his teaching] is the ruler himself?<sup>10</sup>

The Confucian emphasis on the moral role of intermediate social and family institutions is thus seen by many observers as an authoritarian structure in which each layer enforces obedience on those below.

In his more positive view of Confucianism, Professor Chang recognizes this reality, but sees it as a "betrayal" of Confucianism, rather than as its natural result. One aspect of Confucianism's appeal for Chang derives from Xun-zi's distinction between mankind's *xing* (inborn nature) and *qing* (inborn nature's manifestation). There had long been an ongoing debate

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9. Ping-ti Ho, *Salient Aspects of China's Heritage*, in 1 CHINA IN CRISIS I, 13 (Ping-ti Ho & Tang Tsou eds., 1968).

10. *Id.* at 15.

among Chinese thinkers as to whether mankind's nature was good or evil. Xun-zi held that all humans, regardless of condition or circumstance, had universal and unavoidable needs for necessities such as food and shelter that were scarce. This led to strife and selfishness. Their universal inborn nature was thus evil. That nature, however, had an outward manifestation in people's actions. These individual actions were the result of effort and could result in transforming (*hua*) the cumulative manifestations of a person's nature (*qing*) into something good. The media for such transformation were education and the various social relations in which individuals were embedded. The unavoidable fact of inborn nature creates a positive role for law in curbing the antisocial aspects of human nature and providing the preconditions for transformation of its manifestations.

The application of Confucian norms to law was often described as the need for the enforcement of law to accord with *tian li* (natural reason) and *ren qing* (human feelings) in order to soften the harsh results of applying the letter of the law inflexibly. The usual translation of *ren qing* as "human feelings" does not fully capture the implications of the distinction discussed above between innate nature (*xing*) and its cumulative manifestations (*qing*). In relation to the law, human feelings were those arising from the web of social relationships in which people were enmeshed. For Confucians, those social relationships were the vehicle for transformation to a higher moral state and their maintenance was a key goal of judicial decision-making.

The tradition of *tian li*, *ren qing*, and the law goes all the way back to the Han Dynasty. It was a common feature of official state pronouncements in succeeding dynasties and was carved on the walls of many magistrate's halls in the Qing Dynasty. More cynical observers have generally seen this as propaganda. Others have rightly pointed to the authoritarian dangers of giving judges too much discretion in applying the law. These norms have often been viewed as obstacles to a Western style rule of law. On the other hand, scholars of Chinese legal history have seen judges in their decisions conscientiously applying the norms of *tian li* and *ren qing* to the facts of difficult cases as early as the Song Dynasty (960–1279) and as late as

the Qing.<sup>11</sup> The tradition was persistent. When professors Lucie Cheng and Arthur Rosette interviewed mainland Chinese judges in the 1980s, they were sometimes told by those judges that in rendering decisions, they took into account the need to accord with *qing* (i.e. *ren qing*), *li* (i.e. *tian li*), and the law.<sup>12</sup> The effect of imperial Chinese law on the practices of private parties at the local level can be seen in surviving contracts and related materials from the Ming and Qing Dynasties.<sup>13</sup>

Professor Chang's prior research has often involved details of Chinese judicial decisions from the late imperial era. In arguing so forcefully for the positive role of a Confucianism freed from its "betrayers," he again challenges the assumptions of many of his readers, who will be less optimistic about Confucianism's possible contributions to a more just legal system. His position may partly reflect his experience with the flexible use of Confucian norms by creative judges, who, over the course of several dynasties, were faced with the need to deal with real-life disputes or crimes. It also demonstrates his intent to make readers think anew about the relevance of Confucianism to the role of law in the present. An important aspect of this reconsideration is the nature of the intermediate social structures on which Confucians have relied. This web of relationships in imperial China, the medium for the manifestation of *ren qing*, has been seen by many as inherently authoritarian and as an extension of the ruler's will. By going back to the earlier, more purely normative view of these relationships' re-

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11. See THE ENLIGHTENED JUDGMENTS: CH'ING-MING CHI: THE SUNG DYNASTY COLLECTION (Brian E. McKnight & James T. C. Liu trans., 1999) (providing English translations of selected judicial decisions from a leading Song Dynasty collection); see also DERK BODDE & CLARENCE MORRIS, LAW IN IMPERIAL CHINA (1967) (translating selected cases from a Qing Dynasty collection). Bodde and Morris discuss a significant case in which Emperor Jiaqing (1796–1820) was persuaded not to lighten the punishment imposed by a lower court because there was no relevant precedent for doing so. *Id.* at 298–300; Derk Bodde, *Comments by Derk Bodde*, in CHINA IN CRISIS, *supra* note 9, at 54. Here the concern for *ren qing* gave way to the need to maintain consistency with legal precedents.

12. Lucie Cheng & Arthur Rosett, *Contract with a Chinese Face: Socially Embedded Factors in the Transformation from Hierarchy to Market, 1978–1989*, 5 J. CHINESE L. 143, 224–25 (1991).

13. 1-3 TRADITIONAL CHINESE CONTRACTS AND RELATED DOCUMENTS FROM THE TIAN COLLECTION (Tian Tao, Hugh T. Scogin, Jr. & Zheng Qin eds., 2001).

ciprocal nature, Professor Chang takes a more optimistic approach.

The degree to which Professor Chang's optimism is justified will depend on the emerging new realities of family structure and private social organizations to be found in contemporary China. The migration of Chinese workers from the countryside to China's burgeoning mega-cities has attenuated the extended family and community-based relationships that characterized traditional China. For millennia those relationships have been the context for the Confucian view of moral transformation and, more recently, the basis for modern critiques of it. This migration, the continuing impact of the now-relaxed one-child policy, and the rise of a more affluent middle class mean that more and more Chinese, though conscious of their extended family obligations, actually live their lives in a nuclear family. Similarly, the traditional private community, lineage, temple, and business associations that operated over time in Chinese communities have given way to new ad hoc private groups. All of these developments engage the energy of private actors in China, but, at the same time, they are the subject of considerable state attention. Some might feel that the new society makes Confucianism and its focus on a web of ongoing relationships less relevant. One should note, however, that Chinese society has undergone many periods of dramatic change over the centuries, and Confucianism has usually adapted to new realities and survived. To what extent have the inherently authoritarian traditions of the past survived in social relationships of the present? To what extent are private social structures still an extension of the ruler's will? In the alternative, have current social relations changed in a way that is conducive to the Confucian moral transformation idealized in the early texts? Are Confucian moral insights relevant to the concerns of modern Westerners, many of whose communities have undergone changes not unlike those facing China? The ancient texts can lead readers to think about all of these fundamental issues.

*In Search of the Way's* generally implicit, but often forcefully explicit, focus on the present can explain both its content and structure. If one were writing a more typical survey of ancient law and its theoretical underpinnings, many texts could have been included that would seem more relevant than the *Zhuang-zi* or *Mo-zi*. Texts from the imperial dynastic era, dur-

ing which the traditional legal system took shape and which all the texts included in the book pre-date, might also be appropriate. The older texts included in the book, however, are more open-ended and provide careful readers with a wider range of perspectives. The book's structure, with its alternating primary sources and the author's analytical commentaries is reminiscent of traditional Chinese scholarship. When one reads published versions of the ancient texts from later dynasties, the text is usually interspersed with voluminous commentaries by later scholars. Those commentaries were often the way in which their authors could address new ideas relevant to their times while remaining connected to a tradition. Readers were accustomed to moving from text to commentary and back as a way of grappling with the meaning of the text. The alternating text and commentary in the present book enable newcomers to the field, as well as readers familiar with Chinese thought, to re-enact the same age-old process and be provoked by Professor Chang's unapologetic positions to look at the texts with fresh eyes.

The imperial legal system developed over a period when successive dynasties waxed, waned, and replaced each other. There were great social and intellectual changes over time, but they occurred in the context of a conceptual framework that seemed to be consistent. This was especially true of the legal system. The dynastic era would therefore be more relevant to traditional Chinese law but less relevant to the present. The pre-dynastic period—when the texts included in this book were written—was one of rapid change, cultural dislocation, uncertainty, and violence. The older state system and the feudal values underpinning it had given way to arbitrary power and incessant warfare. Traditional states were being gobbled up by their enemies. New political elites lacked legitimacy. New technology meant more powerful armies and more destructive warfare. It also meant economic growth that led to concentration of immense wealth in the hands of new economic elites whose status was alien to traditional values. States grew further apart as new social policies led them in different directions. Overarching cultural norms were weakened. The thinkers selected by Professor Chang lived in this disordered world. Their writings were an attempt to deal with its chaos and help move its societies toward unity, peace, and what we might call justice. Professor Chang discusses the nature of

their era in his prologue and returns to it at various points in the book. It clearly informs his feeling for the relevance of these thinkers to our own disordered world. In the spirit of the Confucian scholarly tradition in which he was immersed as a boy in China, he has produced a work of erudition and honesty that will help readers think for themselves about the continuing relevance of ancient Chinese ideas.