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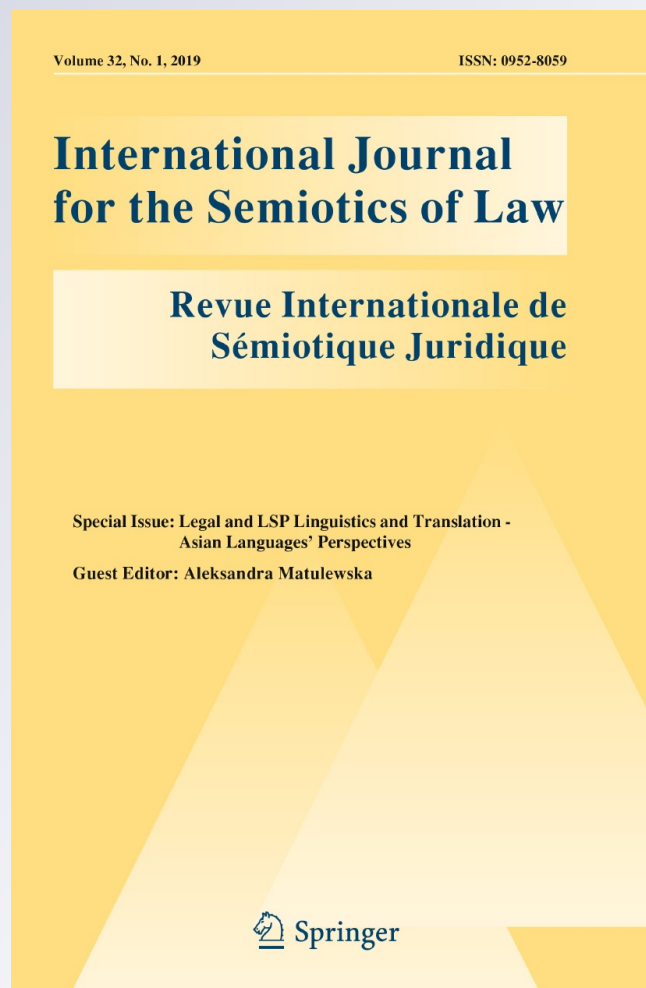
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Desperately Seeking ‘Justice’ in Classical Chinese: On the Meanings of *Yi*

Deborah Cao¹ 

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Abstract This essay sets out to search for an equivalent Chinese word to the English word ‘justice’ in classical Chinese language, through ancient Chinese philosophical texts, imperial codes and idioms. The study found that there does not seem to be a linguistic sign for ‘justice’ in classical Chinese, and further, *yi* resembles ‘justice’ in some ways and has been used sometimes to translate ‘justice’, but *yi* is a complex concept in traditional Chinese philosophy with multiple meanings and it is dissimilar to ‘justice’ in their semantic and pragmatic meanings in Chinese and English legal culture. While ‘justice’ is a keyword and fundamental to Western law, *yi* is not a legal word or concept in classical Chinese in traditional China. Given its complexity, *yi* does not have a one-to-one equivalent in English. It sometimes carries a sense of ‘righteousness’ and occasionally ‘justice’, but *yi* and ‘justice’ are not equivalent. In view of these, it becomes understandable that the translations of *yi* in contemporary Chinese usage vary ranging from ‘friendship and justice’ to ‘greater good’, among others. The meaning of *yi* is still uncertain and context sensitive as it was two thousand years ago.

Keywords Chinese law · Legal language · Classical Chinese · Justice · Legal meaning

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1 Introduction

In October 2015, when the Nobel Prize winners were announced, they were widely reported by the official media and on social media in China. Of the Peace Prize, the Norwegian Nobel Committee's citation was translated and reported in the Chinese media that the motivation for the 2015 Peace Prize Winner of Tunisia National Dialogue Quartet was: 2011年突尼斯政局突变后局势恶化, 该大会为促进突尼斯多元民主进程做出决定性贡献 (the Quartet making decisive contribution to the building of a pluralistic democracy in Tunisia in the wake of the deteriorating situation after the sudden political change in Tunisia in 2011).¹ Interestingly, the original statement about the motivation from the Nobel Committee says that it is 'for its decisive contribution to the building of a pluralistic democracy in Tunisia in the wake of the Jasmine Revolution of 2011'. As we can see, the phrase 'Jasmine Revolution' was omitted and changed in the Chinese translation. 'Jasmine Revolution' of the Arab Spring in 2010 was a taboo term in China.

Omissions or deliberate changes are not uncommon in translation. For a reverse example in law related translation from Chinese into English, one can point to an early case of the English translation of the Qing Code published in 1810 translated by Sir George Staunton [1]. As pointed out, Staunton bends over backwards to make the translation of the imperial Chinese law comprehensible to the English readers [2]. He adds words such as 'precedent', 'just', 'justice', 'flagrant injustice', and 'impartiality' into his translation where the original Chinese code says none, and omits words such as 'concubine' [2]; he also introduces a distinction between civil and criminal law that does not exist in the Chinese code, and even writes extremely long sentences in his translation to reproduce the legal style of nineteenth-century England [2]. Apart from Staunton, many other translators and writers in English would write about the Chinese imperial Ministry of Justice, and magistrates administrating justice in imperial court of law. These added, tweaked and enhanced English words may give one the impression that the imperial Chinese legal process and legal system operated and functioned in a somewhat similar fashion to English courts, or that more basically, law functioned or played a similar role in traditional Chinese society as in Western culture. However, one would be seriously mistaken if one forms such an impression. Chinese courts and legal order never operated in similar ways to Western courts, certainly not in the past, and in many ways, not so even today. Language and choice of words sometimes can be misleading, creating a false impression.

This essay sets out to search for a linguistic equivalent Chinese word to the English word 'justice' in classical Chinese language, through ancient Chinese philosophical texts, imperial codes and Chinese idioms. As *yi* is sometimes used as a lexical equivalent to the English word 'justice', this study considers whether *yi* is an equivalent in semantic, legal and pragmatic meanings as used in traditional Chinese philosophy and law to the English word 'justice' in Euro-Angelo jurisprudence.

¹ <http://world.people.com.cn/n/2015/1013/c1002-27691154-5.html>.

2 Search for 'Justice' Through Classical Chinese Lexis

To identify 'justice' and its equivalent in English and other European languages is an easy and simple matter, but it is not a simple or straightforward task when it comes to classical Chinese. Although we often come across the term 'Ministry of Justice' in English writings about imperial Chinese law, there was actually no government body called the Ministry of Justice in imperial China. The government branch in charge of legal matters was called *Xing bu*, Board of Punishments. *Xing* is a prominent word in classical Chinese, meaning 'punishment', 'corporal punishment', 'criminal law' and 'law' (see Cao [3]). In modern Chinese, there is a semantic equivalent to 'justice', 正义 (*zhengyi*). The corresponding word for *zhengyi* in classical Chinese would be *yi*, as classical Chinese, largely monosyllabic, uses *zheng* (straight) and *yi* (righteousness) as two separate words. According to a Chinese dictionary (online)(<http://xh.5156edu.com/>), *yi* has the following basic meanings: fitting or appropriate reasons or acts, just or of public good, friendship, meaning, regarding as family or adoptive, artificial, and a surname. Thus, the question: is *yi* the Chinese equivalence of 'justice'? and does *yi* have the semantic, functional or pragmatic meanings similar to 'justice' in English?

2.1 Data Sources

For the purpose of this study, searches of classical texts and dictionaries were carried out to identify an equivalent Chinese word to 'justice', and to examine the core meanings of *yi*. The data for the study come from the following classical Chinese sources: (1) ancient Chinese philosophical writings, including the major works of Confucianism, Legalism and Mohism in pre-imperial China; (2) major imperial codes, i.e., the Tang Code and Qing Code; and (3) Chinese idioms. Searches were made through the original Chinese texts and databases, and also through the English translations for some of the texts for the purpose of identifying the Chinese equivalent to 'justice'. For classical Chinese works of the pre-Qin and Han period, an online database, <http://ctext.org/>, was utilized. This database, *The Chinese Text Project*, is an online open-access digital library with a large number of pre-modern Chinese full texts, mostly in Chinese and some classics also have English translations. According to the website, it has over thirty thousand titles and more than five billion characters, the largest database of pre-modern Chinese texts in existence. The site has a search function by Chinese characters through its corpus.

2.2 Imperial Codes

A search was made in two most important imperial law codes, the Tang Code and the Great Qing Code, in original Chinese. No word or cluster of words were identified to correspond or approximate the English word 'justice'. Following this, given the approximate meanings of *yi* to 'justice' in the sense of 'just' and 'righteousness' as mentioned earlier, *yi* was searched. *Yi* is used in the imperial codes in different contexts with varying meanings. For instance, *yi* is used 79 times

in the Great Qing Code. The meanings of *yi* in the Qing Code vary, but none is related to the meaning of 'justice' and 'righteousness'. The major meanings of *yi* in the Qing Code are described next, and English translation is taken mostly from Jones for the sake of illuminating the meaning of the Chinese [4].

First, a prominent use and meaning of *yi* in the Great Qing Code is 'duty', and it is found in several provisions, for instance:

其义未绝 (*qi yi wei jue*, Art. 331.1)—her duty not being distinguished (313, [4]);
其义已绝 (*qi yi yi jue*, Art. 331.2)—the duty to his former household head is distinguished (313, [4]);

义重 (*yi zhong*, Art. 32.1)—duty is important (66, [4]);

不义 (*bu yi*, Art.3)—failure to fulfil one's duty (36, [4]);

贼义 (*zie yi*, Art. 4.2)—to violate duty (38, [4]).

A similar meaning of *yi* is 恩义 (*en yi*, Art. 286) in the sense of grace, gratitude, or obligation (272, [4]). An important phrase used in the Qing Code is 义绝 (*yijue*, Art.12). It refers to the officially mandated annulment of marriage or divorce when one spouse commits a serious crime against the other or his/her clan. This was part of traditional Chinese marriage law as stipulated in the successive imperial codes. The practice and the phrase are no longer current in modern China. Another important phrase containing *yi* found in the Qing Code is 义田 (*yi tian*, Art. 93.04). *Yi tian*, translated as 'charitable field or land' or 'charitable estate', refers to land purchased by property owners for communal or charitable use in traditional China. It also refers to land that property owners purchase for the purpose of supporting members of one's clan. *Yi* here may be understood as one's voluntary act or as a duty to buy such land to support one's extended family or for common good.² A totally different meaning of *yi* found in the Qing Code is for referring to 'adoptive parents' and 'adopted children', for instance, 义男 (*yi nan*, adopted son, Art. 101.4); 义父母 (*yi fumu*, adoptive parents, Art. 319).³ Another meaning of *yi* used in the Qing Code is 'meaning' as in Art. 266.10 and Art. 289.3. This meaning is still used commonly today.

In short, the study has not been able to find a word equivalent to justice in the Tang and Qing imperial codes. A search of Jones' [4] authoritative English translation of the Great Qing Code shows that the English word 'justice' was not used for *yi* or for any Chinese word in the law. Interestingly, the word 'injustice' (冤 *yuan*) is used in the Great Qing Code, but there is no word for 'justice' in either Chinese or its English translation. A conclusion at this point is that *yi* is used in the

² *Yi tian* is said to be an influential model for corporate ownership of land in ancient China first established by the Song Dynasty (960–1279) bureaucratic scholar Fan Zhongyan (989–1052) to provide benefits to his agnatic relatives [5].

³ Some believe that *yi* here is a shortened version of *jiēyì* (avowed, or sworn) as in a 'sworn child' [6], or 'avowed brothers', meaning taking an unrelated child or brother through swearing loyalty or adoption. But the Chinese dictionary explains the meaning of this *yi* as 'to call someone in name', that is, to call someone 'son' or 'parents' through using the family name, that is, not through biological heredity. This usage of *yi* is still current today.

imperial code, but none of the usages in the Great Qing Code has the meaning of 'righteousness', 'just', 'justice' or any meaning close to such a sense.

2.3 Classical Philosophical Texts

Searches were carried out in selected classical Chinese works in *The Chinese Text Project* database. Reading and study of the high frequency words in the classical schools including major works in Confucianism, Legalism and Mohism failed to identify a word or cluster of words that may be considered equivalent to the English word 'justice'.⁴ These include the major works in Confucianism during the pre-Qin and Han periods, such as *The Analects* (论语), Mencius (孟子), *Liji* (礼记), Xunzi (荀子), *Xiaojing* (孝经) and *Luxuriant Dew of the Spring and Autumn Annals* (春秋繁露) by Dong Zhongshu, Han Feizi (韩非子), *Shang Junshu* (商君书), Shen Bu Hai (申不害), and *Guangzi* (管子) for the school of Legalism, and Mozi (墨子) for Mohism.⁵

Searches were then made for *yi*. It was found that *yi* appeared 2564 times in Confucianist works, 362 times in the works of Legalism, and 294 times in Mohism, confirming that *yi* is indeed an important key word in classical philosophy in early China. For a comparative perspective, other important related words in classical Chinese philosophy in the corpus were searched in addition to *yi*. These words represent the central concepts in Confucianism, the so-called five constant virtues (*wuchang*) which constitute the foundation of Confucianism: 义 (*yi*, righteousness), 仁 (*ren*, benevolence), 礼 (*li*, rites), 智 (*zhi*, wisdom or knowledge), 信 (*xin*, sincerity or trustworthiness). The five constant virtues have been part of the moral teachings for being a virtuous person for the last 2000 years in Chinese culture. For a comparison, two more key Confucian and classical Chinese philosophical concepts, 德 (*de*, morality, virtue), and 孝 (*xiao*, filial piety) were added, together with two legal words 法 (*fa*, law) and 刑 (*xing*, punishment, law). The following figure shows the frequency of the nine significant words used in the three major philosophical schools in early China, and how *yi* compares with them in terms of frequency of use (Fig. 1):

⁴ Legalism is a philosophical school of thought in early China active around the same time as Confucius during the Spring and Autumn and Warring States period (770B.C.–221B.C.), and one of the major schools alongside Confucianism, Daoism, and Mohism. The major thinkers in Legalism include Han Fei (d. 233 B.C.), Shang Yang (d. 338 B.C.) and Shen Buhai (d. 337 B.C.). Mohism is another main philosophic school fundamental to Chinese philosophy and culture during this same period but it is much less known than the others. Mohist main contributions are in the areas of philosophy of logic, rational thought and science to Chinese ancient thought and civilization. It later declined and parts of the thought of Mohism were absorbed by Legalism and some merged into the Daoism, disappearing as an independent school of thought (see Johnston [6]).

⁵ For other works in Confucianism, Legalism and Mohism in the corpus, see ctext.org.

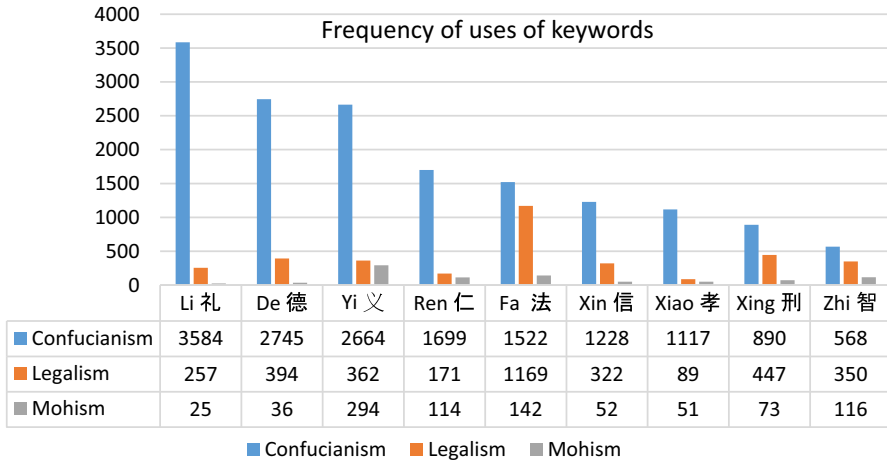


Fig. 1 Frequency of keywords in classical Chinese philosophical texts

The search results show that *yi* is indeed important as said early, the third most important word after *li* (rites) and *de* (morality), surprisingly, more frequent than *ren* (benevolence), an essential Confucian notion. They also show that these nine words are key words and concepts in classical Chinese philosophy, and they are more prominent with higher frequency of presence in Confucianism than the other two schools. For instance, in Confucianism, *li* (rites), *de* (virtue or morality), *yi* (righteousness) and *ren* (benevolence) are the most prominent concepts. *Yi* has a prominent place in all three schools, being the third frequent word in Confucianism, the first in Mohism, and fourth in Legalism. It is noted that *yi* in these works and in Chinese language usage in general have several basic meanings (see below). Not all the *yi* found in these texts are righteousness related.⁶ In the following, the meanings of *yi* as represented in the leading texts are examined to illuminate its meanings.

3 The Meanings of *Yi* in Traditional Chinese Thought

Around 2013, the Chinese government media outlets started to promote the so-called ‘correct notion of *yi li*’ of Xi Jinping, the current Chinese president. According to the Chinese government mouthpiece, Xi Jinping’s *yi li guan* in foreign policy was first mentioned in 2013 by Xi during his visit to Africa; since then he has repeatedly referred to and explicated the ‘correct notion of *yi li* in China’s foreign policy,’⁷ a new political jargon. Xi Jinping used the term in his speech to the 2015 United Nations Climate Change Conference in Paris that 中国坚持正确义利观

⁶ Similarly, *fa* (law) also means ‘methods’, among other meanings. Thus, in Confucian works, *fa* is used in different senses, not just in the sense of ‘law’.

⁷ http://cn.chinadaily.com.cn/2016xivisiteeu/2016-06/19/content_25762023.htm.

(*Zhongguo jianchi zhengqu yili guan*)—this was rendered as 'China upholds the values of friendship, justice and shared interests' in the official English translation from China.⁸ The phrase *yi li* has also been translated in the Chinese media as 'upholding justice and pursuing shared interests', 'the values of friendship, justice and shared interests',⁹ and 'the greater good and self-interest',¹⁰ and 'morality and benefit'.¹¹ The Chinese official commentaries devoted to the topic acknowledged that the idea of the *yi li* dichotomy came from ancient Chinese philosophers. Thus, such recycled phrase is ambiguous, vague, and polysemic, baffling to the Chinese as well as to the non-Chinese.

So, what does *yi* mean in ancient Chinese philosophical discussions? Does it mean 'morality', 'friendship', 'friendship and justice', 'justice', 'the greater good' as the current Chinese official terminology suggests? What does *yi* mean in the classical works in early China examined in this study?

First of all, as we know, *yi* is an important concept in the leading philosophical schools in early China as indicated by the high frequency of the word in the works of ancient Chinese philosophers described earlier. But how important is *yi* and what is its status as a moral precept? Mohism, one of the most important philosophical schools of thought in early China, has an essay on *yi*, titled *Gui yi*, meaning 'valuing *yi* (righteousness)' or 'esteem for *yi* (righteousness)'. Many Chinese ancient writers refer to or discuss *yi*, but it is a rare that a whole essay is devoted to *yi*. The Mohist essay starts:

Mo Zi said: Of the multitude of things none is more valuable than *yi* (righteousness). Suppose we say to a person: We shall give you a hat and shoes on condition you let us cut off your hands and feet. Would he agree to this? Of course, he will not agree. Why? Just because hats and shoes are not so valuable as hands and feet. Again (if we say), we shall give you the whole world on condition you let us kill you. Would he agree to this? Of course, he will not agree. Why? Just because the world is not so valuable as one's [body]. Yet people have struggled against one another for a principle. This shows righteousness is even more valuable than one's body. Hence we say, of the multitude of things none is more valuable than righteousness [7].

Undoubtedly, *yi* or righteousness is taken to be of critical importance, deemed more important than one's life according to Mohism.

As Fig. 1 indicates, *yi* is the third most frequently used word among the key Confucian concepts, after *li* (rites) and *de* (virtues). For Confucius, *yi* is used 24 times in *The Analects*. It can be said that in Confucianism and China's traditional philosophy in general, *yi* is a core concept. In *The Analects*, *yi* is explained this way:

The Master said: Exemplary persons understand what is *yi* [appropriate]; petty persons understand what is *li* [personal interest].

⁸ http://www.china.org.cn/chinese/2015-12/01/content_37207254.htm.

⁹ http://www.chinadaily.com.cn/world/XiattendsParisclimateconference/2015-12/01/content_22592469.htm.

¹⁰ http://china.org.cn/chinese/china_key_words/2014-11/18/content_34085512.htm.

¹¹ <http://au.china-embassy.org/eng/xw/t1119520.htm>.

There is no definition or description of *yi* in Confucius, and *yi* is generally understood to refer to rectitude, justice, or simply, correct, or right [8]. Confucius did not define what is considered 'right', 'correct' or 'just'. It was said that Confucius holds that there was a right principle governing every relationship and a right way for a person to follow in his dealings with the world [8]. As Confucius believes in basic feelings and aspirations common to all humans, it can be argued that what is in agreement with common human feelings and aspirations is right, and people should know this innately, although this argument is not on firm ground [8]. In this regard, another important explanation found in *The Analects* relates *ren*, *yi* and *li* (rites), the three most important concepts in Confucianism:

Benevolence [*ren*] is the characteristic element of humanity, and the great exercise of it is in loving relatives. Righteousness [*yi*] is the accordance of actions with what is right, and the great exercise of it is in honoring the worthy. The decreasing measures of the love due to relatives, and the steps in the honor due to the worthy, are produced by the principle of propriety [*li*] [9].

Here, *yi* (righteousness) is explained by another Chinese word, a homonym, *yi* (宜), with the same pronunciation as *yi* (righteousness) but written different. This second *yi* means 'fitting', 'suitable', or 'appropriate', that is, appropriate for a situation or context.

For another classical Confucian philosopher, Mencius, a close follower of Confucius, *yi* is used frequently in his writing. It refers generally to being ethical in Mencius and *yi* involves acts importing significance into the world through optimizing appropriateness in relations with others [10]. Such acts of *yi* contribute to the cultivation of an exalted self that is not an atomistic individual constantly in competition or at war with others but a person-in-context for whom social relations are constitutive of their sense of self [10]. In this connection, Mencius developed and explained the dichotomy of *yi* versus *li* (righteousness vs. interest or profit), the same phrase mentioned earlier that has been recycled by the Chinese leadership today, and *ren yi* (benevolence and righteousness). Mencius explains:

... the feeling of commiseration is essential to man, that the feeling of shame and dislike is essential to man, that the feeling of modesty and complaisance is essential to man, and that the feeling of approving and disapproving is essential to man. The feeling of commiseration is the principle of benevolence [*ren*]. The feeling of shame and dislike is the principle of righteousness [*yi*]. The feeling of modesty and complaisance is the principle of propriety. The feeling of approving and disapproving is the principle of knowledge. Men have these four principles just as they have their four limbs [9].

This has also been understood as Mencius' insight into the origin of *yi*. To Mencius, the feeling of shame is the beginning of *yi*, and this feeling is rooted in human nature and amounts to a natural human propensity, focusing on the inherent dignity of a person among his peers and in social relationships. To be able to foster *yi* in this sense is to be able to preserve the intrinsic dignity and social responsibility of a person and as a specific virtue (186, [11]). As pointed out [12], Mencius devotes the most discussions to benevolence and righteousness of the four virtues. He holds that

benevolence is manifested in the affection one has for one's own kin, as well as compassion for the suffering of other humans, and even concern for non-human animals, with *ren* possessing cognitive and behavioral dimensions. A fully benevolent person will be disposed to recognize the suffering of others and to act appropriately. As for *yi* (righteousness), it is a disposition to disdain or regard as shameful dishonorable behavior or demeaning treatment, also possessing cognitive and behavioral dimensions. Thus, a righteous person would object to being addressed disrespectfully, would not engage in an illicit sexual relationship, and would also recognize that it is just as shameful to accept bribes [12]. To illustrate the application of these concepts, Mencius suggests that the core of benevolence is serving one's parents; the core of righteousness is obeying one's elder brother; the core of wisdom is knowing these two and not abandoning them; and the core of ritual propriety is the adornment of these two (101, [12]). In short, according to Mencius, doing the right thing and doing the appropriate thing stems from basic innate human goodness.

As for the *yi* versus *li* dichotomy, *yi li* (righteousness vs. interest, benefit, or profit) are often used together as a phrase, as a contrast. The positive *yi* and negative *li* and their relationships have been part of the intellectual debates and contentions in subsequent Chinese intellectual history since pre-imperial times. Confucius contrasts *yi* for the exemplary person and *li* for the petty person, cited above. *Yi* is the moral and ethical norm, while *li* represents people's self-interest and pursuit of such interest. For Confucius, one cannot have both *yi* and *li*, and one is taught in Confucianism to seek *yi* at the expense of *li*, curbing one's desires to seek self-interest. Mencius thought there was almost an inherent conflict between the two (Chang, 2016, p. 50). Mencius explains the balance or conflict between *yi* and *li*:

Mencius replied, 'Why must your Majesty use that word "profit? [*li*]" What I am provided with, are counsels to benevolence [*ren*] and righteousness [*yi*], and these are my only topics. 'If your Majesty say, "What is to be done to profit my kingdom?" the great officers will say, "What is to be done to profit our families?" and the inferior officers and the common people will say, "What is to be done to profit our persons?" Superiors and inferiors will try to snatch this profit the one from the other, and the kingdom will be endangered... but if righteousness [*yi*] be put last, and profit be put first, they will not be satisfied without snatching all. There never has been a benevolent man who neglected his parents. There never has been a righteous [*yi*] man who made his sovereign an after consideration. Let your Majesty also say, 'Benevolence [*ren*] and righteousness [*yi*], and let these be your only themes.' Why must you use that word 'profit?' [*li*] [9].

As we can see, Mencius much prefers *ren* (benevolence) and *yi* (righteousness) to *li* (profits). To him, *yi* means living and behaving according to Confucian moral standards and virtues instead of seeking personal gains or self-interest.

In short, *yi* is highly valued in Confucianism as part of a person's moral compass as the highest state of moral behaviour. *Yi* is the ethical set of moral principles that underlies Confucianism. *Yi* represents the right action, duty, and righteousness. We can say that in Chinese traditional culture and philosophy, *yi* is a comprehensive,

concrete, practical and personal concept. It is about the right or appropriate thinking and acting from one's own viewpoint, with rational action, self-restraint to resist temptation and the fortitude to do one's duty in one's social relations and interactions, and preserving one's integrity. As thus, *yi* is considered one of the basic virtues and character traits of a humane and virtuous person behaving appropriately.

4 Popular Meanings of *Yi* in Chinese Language

As is seen earlier, *yi* is not used in Chinese imperial laws in the sense of 'righteousness' or 'justice', and does not have a particular legal meaning in the imperial law. *Yi* is not a legal but a philosophical concept. Apart from its use in legal and philosophical texts, what is the meaning of *yi* in the ordinary use in the Chinese language? As a linguistic sample, we now examine one particular type of linguistic expression, Chinese idiomatic expressions, *chengyu*, that contain *yi* as a window to its cultural and popular meanings. It is believed that idioms and set phrases, in any language, often carry cultural meanings in terms of the language users' worldviews, national character and traditional values. For the word 'justice' in English, there are many common idioms, for instance, 'to bring someone to justice', 'miscarriage of justice' and 'travesty of justice', 'poetic justice', 'rough justice', 'social justice', 'justice is blind', 'justice is served', 'natural justice', 'justice has long arms', among many others. Most of these expressions are often used in relation to law or legal process. Similarly, in Chinese, *chengyu* pervade ordinary Chinese life, a distinctive linguistic feature with heavily loaded cultural meanings. *Chengyu* are used widely in both literary works and ordinary speech and most of them have ancient origin, and many of them represent distinctive and rich Chinese cultural values and traditional conceptions.

For this study, the data source for *chengyu* comes from a major online Chinese dictionary, *zaixian chengyu didian* (Online Chengyu Dictionary: <http://cy.5156edu.com/>). It has been utilized for the purpose of extracting and identifying idioms containing *yi*. *Chengyu*, or set phrases or idioms, are traditional idiomatic expressions, usually consisting of four characters, and most from classical works. They are part of the classical Chinese developed over the centuries and are commonly used today in both everyday speech and in writing.

The study found that there are 171 *chengyu* (idioms) containing *yi*. Of these, five contains the phrase *zhuyi* (-ism) which is unrelated to *yi*. Some idioms are deleted as they are duplicates with the first two characters and the last two characters in reverse order. Thus, a total of 155 idioms are studied for the meanings of *yi*. The major meanings of *yi* in these idioms can be summarized into four groups: 1. Meaning; 2. Friendship and loyalty; 3. Righteous, righteousness, or just; 4. Duty.

First, for the 'meaning' sense of *yi*, there are these commonly used idioms, for instance: 断章取义 (*duan zhang qu yi*) to interpret out of context; to make a deliberate misinterpretation out of context; 顾名思义 (*gu ming si yi*) to see the name of a thing one thinks of its function; just as the term implies or suggests; 开宗明义 (*kai zong ming yi*) to make clear the purpose and main theme from the very beginning; to come straight to the point; to make clear at the outset; 望文生义 (*wang wen sheng yi*) to take the words too literally; to catch the meaning of words

literally from the context; interpret without real understanding. These idioms are still current and widely used in modern Chinese today, but this sense and usage of *yi* is not directly relevant to our discussion here and will not be further commented on.

Second, an important meaning and usage of *yi* is found in the sense of 'friendship and loyalty'. This is very common and used frequently in Chinese, especially in everyday speech. For instance: 恩山义海 (*en shan yi hai*) gratitude as high as mountains and friendship/loyalty as deep as the sea, meaning deeply grateful and loyal; 恩高义厚 (*en gao yi hou*) gratitude high and loyalty deep; 情深义重 (*qing shen yi zhong*) deep feelings and strong friendship. This meaning of *yi* is also used in idioms and phrases that are antonyms to the above expressions, that is, to say that someone is ungrateful and shows no gratitude, for instance: 无情无义 (*wu qing wu yi*) to show ingratitude for kindness received; heartless; 背信弃义 (*bei xin qi yi*) breach of trust and betrayal of loyalty; 忘恩负义 (*wang en fu yi*) ungrateful and treacherous; ingratitude for kindnesses and friendship received.

Third, an important meaning of *yi* is the sense of just cause, or righteous or just action. These expressions are used widely in modern Chinese, for instance:

见义勇为 (*jian yi yong wei*) to do bravely what is righteous; not hesitate to do the right and brave thing; to rise gallantly to a dangerous occasion;

大义凛然 (*da yi bing ran*) awe-inspiring sense of righteousness and fearless in the face of death;

舍生取义 (*she sheng qu yi*) to sacrifice one's life for righteousness and honour; 义愤填膺 (*yi fen tian ying*) to be filled with immense righteous or moral indignation;

义无反顾 (*yi wu fan gu*) duty-bound not to turn back or hesitate;

仗义执言 (*zhang yi zhi yan*) to speak out bravely to uphold righteousness;

侠肝义胆 (*xia gan yi dan*) or 忠肝义胆 (*zhong gan yi dan*), literally, loyal liver and righteous gallbladder, or the liver of a loyal friend and gallbladder of a righteous swordsman, that is, bravely helping one's friends or others to fight off dangers or wrongs out of a sense of righteousness;

义形于色 (*yi xing yu se*) righteous or moral indignation showing on one's face; to express moral indignation;

明公正义 (*ming gong zheng yi*) just and honourable;

大义灭亲 (*da yi mie qin*) to place righteousness above loyalty to one's family; to sacrifice family members for the sake of righteousness and justice.

Also in the sense of righteousness, *ren* (benevolence) and *yi* are often used together, and this comes from Confucianism (as discussed earlier):

成仁取义 (*cheng ren qu yi*) to sacrifice one's life for righteousness;

假仁假义 (*jia ren jia yi*) sham benevolence and righteousness; sham kindness and goodness;

仁义道德 (*ren yi dao de*) benevolence, righteousness and virtue or morality;

仁义君子 (*ren yi jun zi*) benevolent and righteous gentleman;

大仁大义 (*da ren da yi*) great benevolence and righteousness;

仁人义士 (*ren ren yi shi*) benevolent or kind and righteous person;

There are related phrases that also come from Confucius containing *yi* in the sense of righteousness as part of Confucian virtues, for instance: 礼义廉耻 (*li yi lian chi*) the sense of propriety, righteousness and shame; 忠孝节义 (*zhong xiao jie yi*) loyalty, filial piety, chastity and righteousness. These are considered some of the virtues advocated in Confucianism.

A phrase that also originates from Confucianism is the *yi li* dichotomy discussed earlier, and often *yi* and *li* are contrasted in the sense of righteous versus personal gains or self-interest: 见利忘义 (*jian li wang yi*) to forget the sense of righteous or honour at the prospect of profits; to disregard moral principles in pursuit of profit; to sacrifice principle for profit or self-interest; 见利思义 (*jian li si yi*) to think of righteousness in the view of gain; to remember what is right at the sight of gain; 利不亏义 (*li bu kui yi*) not to sacrifice righteousness when making gains or profits.

There are related idioms contrasting *yi* and wealth: 轻财贵义 (*qing cai gui yi*) or 轻财重义 (*qing cai zhong yi*) to make light of wealth and value righteousness; 疏财仗义 (*shu cai zhang yi*) to use or distribute wealth for just causes. Similarly, 不义之财 (*bu yi zhi cai*) means money or wealth obtained through ways that are not right, or gotten by inappropriate or dubious means, ill-gotten money.

Fourth, *yi* sometimes has the sense of duty, and this usage was used in the Qing Code (see earlier), and for other expressions, for instance: 义不容辞 (*yi bu rong ci*) one's sense of honour makes it impossible to refuse; acting from a strong sense of duty; be duty-bound not to refuse; 仁至义尽 (*ren zhi yi jin*) do everything possible or one's best in one's duty, doing the right thing.

These are the major or dominant sense groups of *yi* found in the idioms studied for this essay, not an exhaustive analysis. These idioms are commonly used in modern Chinese as well as literary and classical texts. As we can see, many of them are associated or derived from Confucian teachings. For our purpose, it is clear that none of them is associated with law (with one possible exception is 大义灭亲 (*da yi mie qin*) which can be used to refer to the sense of justice or doing the right thing so that the guilty can be punished). This forms an interesting contrast to the counterpart English 'justice'. These Chinese usages and the dominant meanings of *yi* may be seen as another indicator that *yi* is not a legal word in Chinese as the Chinese language users do not use the expression with *yi* in the legal sense or associate them with law, legal process or justice. Many of them are used with ethical or moral connotations and often are related to everyday situation or the basic moral standards for a good person, but not specially relating to law or justice. This is very much in line with Chinese philosophical teachings and the use of *yi* in philosophical texts. In this regard, interestingly, the English expression, 'justice has long arms', is often translated into Chinese as 天网恢恢,疏而不漏 (*tian wang hui hui, shu er bu lou*) literally, 'the net of Heaven has large meshes, but it lets nothing through', a saying from Laozi of Daoism. It refers to people who committed criminal acts will not be able to escape unpunished and will get caught. The Chinese expression does not use *yi* or other similar words, but a totally different metaphor compared to the English.

5 Is *Yi* an Equivalent to 'Justice'?

As we can see from the foregoing discussions, this study has not been able to identify and find an equivalent word or expression in classical Chinese to the English word 'justice'. Furthermore, given the resemblance of *yi* to 'justice', the study has attempted to identify the meanings of *yi* in classical Chinese to draw some comparison between the two words.

First, 'justice' in English and in Western civilization is a legal concept, a keyword in Western law and legal culture. In Western civilization, the concept of justice was integrated into law early in the development of Western law (that is, the legal system and legal culture originated in the Greco-Roman tradition) and it has become essential and fundamental to it. The concept of justice plays a significant role in Western philosophical, political and legal thought, and shapes the Western political and legal systems. Justice is a keyword and foundational concept in Western law and legal culture. The connections between law and justice are found throughout the history of jurisprudence and legal theory as a recurring theme in the West. In earlier times, law and justice were viewed as virtually synonymous. Semantically, law in the abstract sense in some European languages carries the sense of 'justice' or 'just', for instance, *il diritto* in Italian, *le droit* in French, *recht* in German, and *Jus* in Latin, having the meaning of rights, uprightness and justice. As noted, the Greek word for justice (*dikaiosisyne*) connotes a concrete sense of justice (dike: right, law, ethos, lawfulness) which applies to individual person (*dikaios*) and his action in relation to other people (182–183, [11]). Justice is not merely the sum of all virtues, but the sources of all virtues (183, [11]). Justice is viewed expressively and consistently as the special concern of law in Western civilization.

In contrast, *yi* in the Chinese tradition is, first of all, a Confucian and philosophical concept, not a legal word or a concept in Chinese law, although in its many different uses and connotations, it sometimes carries the sense of just and fair and occasionally the meaning of justice. As commented, one of the most important characteristics of Chinese social philosophy is its conspicuous lack of one word that we can readily translate as 'justice'; similarly, there is not a term for 'justice' in the classical lexicon of Confucius [13]. *Yi* has been translated in terms associated with justice—righteousness, principle, duty, obligation, but never consistently as justice [13]. It is possible that the reluctance of translating *yi* as justice has to do with the extremely diverse uses of *yi* in Confucian ethics (524, [14]). At the same time, *yi* does not always carry the meaning or a close meaning of 'justice'. In fact, in most cases, it does not mean 'justice' or 'just' in the general sense, nor in the specific sense of justice associated with law. Its meanings are mostly unrelated to law.

If one accepts that *yi* in Confucian ethics contains some meaning of justice in the sense of 'treating like cases alike and treat different cases differently' as Xiao argues, the fact remains that *yi* in this sense was not considered fundamental or central or as a guiding principle or goal in the thinking and practice of traditional Chinese law [14]. This is because that law was predominantly regarded as a tool of punishments and rewards to carry out the state or emperor's will against the broad backdrop of a culture dominated by Confucian doctrines that lacked comparable

ideas of law in the Western style (Deng, undated: 15). *Yi* in the sense of justice was never advocated as a pillar or foundation for the legal order. *Yi* as a concept and practice was not a goal or guiding principle for law and legal process because it was not conceived that way. In this connection, as Turner (44, [15]) notes, 'It is this ultimate focus on the decisions of rulers and officials to guide and to define the goals of the legal system that distinguishes the classical Chinese idea of the function of law from that produced in classical Greek and Rome, and from what the late classical Chinese theoretical texts, legal procedural manuals and histories demonstrate, the Chinese elites who formulated and implemented the law were servants of the state, charged with protecting its interests'; and importantly, when the law 'operated in such a way that the good of the state coincided with the good of the larger community, one might argue that law served "justice". But the idea that all humans possessed the means and the right to decide what is just and lawful did not take root in early China'. In traditional China, the Chinese populace did not view the formal criminal justice process as a means through which individual justice might be secured (1195–1196, [16]). The formal criminal justice process in imperial China was essentially an instrument of state control with little concern for individual justice. There was an absence of any belief among the Chinese population that the legal process was a vehicle for securing justice (1192, [16]).

This notwithstanding, my proposition here is not to deny that *yi* sometimes carries the sense of 'just' or 'justice', or to claim that the sense of justice was completely absent from traditional Chinese culture and philosophy. Indeed, *yi* can be understood to carry some meaning of justice in the Chinese way and in the Chinese context (see [14]). However *yi* was not fundamental or central to Chinese imperial law and legal system in the same or similar way as the conception of 'justice' has been to Western law and civilization. This Chinese phenomenon is not often commented on in the literature on Chinese law, but only occasionally, for instance, as noted in Wan ([17]), the word 'justice' was seldom used in the Chinese court case drum ballads she studied: 'From the way the plots are constructed—a crime is exposed and the judge resolves it by punishing the wrongdoer—one could say that justice is a central concept in these court-case drum ballads. Intriguingly, there is no one term that clearly means 'justice' in these stories' (289, [17]). As Alford [16] states, there is as yet fully satisfactory definition of justice in imperial China, so I use his definition of justice, that is, on the most fundamental level, justice consists of the conviction of the guilty and the acquittal of the innocent. There was no definition of *yi* in the sense of justice in classical Chinese writing, but the Chinese people always had a strong sense of what is right and wrong, the notion of fairness, and a sense of morality or moral righteousness, all of which were based predominantly on Confucian ethics and rites. The following example can be used to illustrate this. Related to the question of loyalty and law, it is recorded in *The Analects*:

The Duke of She informed Confucius, saying, 'Among us here there are those who may be styled upright in their conduct. If their father has stolen a sheep, they will bear witness to the fact.' Confucius said, 'Among us, in our part of the country, those who are upright are different from this. The father conceals

the misconduct of the son, and the son conceals the misconduct of the father. Uprightness is to be found in this' (270, [9]).

Here 'upright' is *zhi* (直) is used in the sense of being correct and just. This Confucian teaching was incorporated into Chinese imperial law and was operative during the imperial times as the law of the land and regarded as an important legal principle from the Han Dynasty (202B.C.–220A.D.) onwards. In the imperial codes, it was provided that for all crimes except three types of the most heinous crimes, family members were not allowed to report or give evidence against each other; and family members who hide and assist relatives who committed crimes from being caught were legally acceptable. Of this legal principle, the younger family members who reported older relatives and family members would be deemed as committing crimes, while the older family members who were reported and were guilty of crimes would be exempt from prosecution and set free because of the reporting by younger relatives. Moreover, if the older family members reported young members to authorities, even if it was wrongful accusation, the older members would not be charged. These were considered just, moral, proper and legal and was in fact expected and mandated of the people. Such sense of morality and justice in traditional China was largely based on Confucian ethics, the origin of which was cited above. This rule is no longer current in China today. As rightly pointed out, where Plato placed his idea of political justice on a model of the human soul, Confucius and his followers based their idea of social justice on the model of the human family (184, [11]).

To conclude, the study has shown that there is no word or equivalent linguistic sign in classical Chinese for the English word 'justice'. Furthermore, *yi* has some resemblance to 'justice', but it is a philosophical concept in traditional Chinese philosophy with many layered meanings and can be interpreted and understood in multiple ways, and *yi* does not have a one-to-one equivalent in English. It sometimes carries a sense of 'righteousness' and occasionally 'justice' in some uses, but *yi* and 'justice' are not equivalent in the semantic, pragmatic and legal sense in Chinese and English culture. While 'justice' is a keyword in Western law such as English and fundamental to Western law, *yi* is not a legal word or concept in classical Chinese in traditional China. In view of these, it is understandable that the translations of *yi* in contemporary Chinese usage vary ranging from 'friendship and justice' to 'greater good', among others. The meaning of *yi* is still uncertain and context sensitive as it was two thousand years ago.

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