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Moral Dilemmas and Their Hermeneutics in Early Confucianism

ABSTRACT:

Although aspects of the moral dilemma have been discussed by Western philosophers from Plato onwards, substantially less attention has been devoted to the possibility and consequences of moral quandaries within Chinese philosophy in general and Confucianism in particular. This paper argues, against common contemporary approaches to the problem, that “hard” moral dilemmas were not avoided by classical Chinese philosophers. For this purpose, I explore the episode of the son covering for the crimes of his father in the *Analects*, which was reformulated and instrumentalized by other philosophers such as Lü Buwei and Han Fei.

KEYWORDS:

Confucianism, moral dilemmas, hermeneutics, Lü Buwei, Han Fei, filial piety

Although moral dilemmas have been extensively discussed by Western philosophers from Plato onwards, substantially less attention has been devoted to the possibility and consequences of moral quandaries within Chinese philosophy in general and Confucianism in particular.¹ Scholars have long considered that any account of such moral dilemmas is either superficial and illusory,² or impossible due

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¹ A major exception to this generalization is that of Paul R. Goldin, “Women and Moral Dilemmas in Early Chinese Narrative,” in Ann A. Pang-White, ed., *The Bloomsbury Research Handbook of Chinese Philosophy and Gender* (London: Bloomsbury Research Handbooks in Asian Philosophy, 2016), pp. 25–35, which deals with women’s moral dilemmas when faced with loyalty conflicts between obligations toward fathers and those toward husbands; and César Guarde-Paz, “Moral Dilemmas in Chinese Philosophy: A Case Study of the *Lienü Zhuan*,” *Dao. A Journal of Comparative Philosophy* 15.1 (2016), pp. 81–101, also focusing on womanhood and virtue. Two additional works that incidentally deal with moral dilemmas in Chinese historiography with no philosophical discussion of the dilemma typology are David Schaberg, *A Patterned Past: Form and Thought in Early Chinese Historiography* (Cambridge: Harvard U.P., 2001), pp. 184–85; and Li Wai-ye, *The Readability of the Past in Early Chinese Historiography* (Cambridge: Harvard U.P., 2007), pp. 150–59. I am much indebted to an anonymous reviewer for these references.

² For instance, Charles Wing-hoi Chan’s promising title, “Confucius and Political Loyalism: The Dilemma” (*MS* 44 [1996], pp. 25–99), clearly states that “Confucius considered it to be a shameful thing to accept an offer, or remain in office when the state is not operating according to the way” (p. 28) because a position in the government was “never considered to be the primary goal” (p. 35). Here “dilemma” is not used as a philosophical technical term, but rather in the popular sense of an unpleasant choice which has no conflicting moral requirements (hav-

to absence of “a close analogue in classical Chinese” to the concept of “dilemma.”³ There are two possible reasons to explain this situation: First, some definitions of Confucianism characterize it as a virtue ethics, which is usually described as agent-centered rather than action-centered and focuses on areteic concepts such as virtue instead of deontic ones (rights or duties). In such a situation moral dilemmas, which are part of the decision-making process of the moral agent and are related to deontic notions, do not enter into consideration or, as Fingarette puts it, they are “not even suggested by Confucius.”⁴ This view, however, ignores the fact that focusing on areteic concepts does not mean that deontic notions are perforce wholly ignored.

In the second place, since “the possibility of moral dilemmas refutes realism, objectivism, absolutism or rationalism in morality,”⁵ accepting that Confucianism allows the existence of moral dilemmas would render it inferior, unqualified, or even irrelevant for the modern world (this view would be held by many moral realists and monists, that is, those who believe morality can or should be reduced to the maximization of a single value or virtue).

This paper argues, against common contemporary approaches to the problem, that moral dilemmas were not avoided or disregarded by classical Chinese philosophers. For this purpose, I explore the dilemmatic nature of one of the most discussed passages in the *Analects*, the episode of the son covering for the crimes of his father, which was

ing a position in office is not a moral requirement when “the state is not operating according to the way”). On a similar note, Chan notes an apparent conflict between affection to relatives and promoting the worthy, which is immediately solved by the author on the following terms: “the importance of men of virtue and ability overrides that of close relatives” (p. 37).

³ Roger T. Ames and Henry Rosemont, Jr., *The Analects of Confucius: A Philosophical Translation* (New York: Random House, 1999), p. 54. See Henry Rosemont, Jr., “Notes from a Confucian Perspective: Which Human Acts Are Moral Acts?,” *International Philosophical Quarterly* 16.1 (1976), p. 57; idem, *A Reader’s Companion to the Confucian Analects* (New York: Palgrave, 2013), p. 17. For a different opinion see Heiner Roetz, *Confucian Ethics of the Axial Age* (Albany: SUNY P., 1993), p. 99; Julia Tao Li Po-wah, “Is Just Caring Possible? Challenge to Bioethics in the New Century,” in Julia Tao Li Po-wah, ed., *Cross-cultural Perspectives on the (Im)Possibility of Global Bioethics* (Boston: Kluwer Academic Pub., 2002), pp. 55–56; Keith N. Knapp, “Early Confucianism Reconsidered,” *Religious Studies Review* 34.3 (2008), p. 164; Ping-cheung Lo, “How Virtues Provide Action Guidance: Confucian Military Virtues At Work,” in Stephen C. Angle and Michael Slote, eds., *Virtue Ethics and Confucianism* (New York: Routledge, 2014), pp. 14–18.

⁴ Herbert Fingarette, *Confucius: The Secular as Sacred* (Illinois: Waveland Press, 1998), p. 23. For a criticism of this definition of virtue ethics, see Rosalind Hursthouse, *On Virtue Ethics* (Oxford: Oxford U.P., 1999), p. 25.

⁵ Walter Sinnott-Armstrong, *Moral Dilemmas* (Oxford: Basil Blackwell, 1998), p. 2. For the inexistence of moral dilemmas for moral realists and the scientific characterization of morality held by the monists, see W. D. Ross, *The Right and the Good* (Oxford: Clarendon Press, 2002), pp. 29–30.

reformulated and instrumentalized by other philosophers such as Lü Buwei 呂不韋 (d. 235 BC) and Han Fei 韓非 (ca. 280–ca. 233 BC), and has been occasionally compared to Plato's dialogue *Euthyphro*.⁶ Likewise, I examine the relationship of this passage with other similar texts of the period, and the hermeneutics of its reception within the wider framework of moral dilemmas. In order to offer a proper account of what moral dilemmas are in their philosophical sense, I shall start with a brief examination of the historical definitions and classifications of moral dilemmas in Western philosophy and their applicability to Chinese thought.

MORAL DILEMMAS IN WESTERN THOUGHT

Moral dilemmas have usually been defined in two different ways: A negative definition states that they occur when “doing x and doing y are equally wrong, but one has to do x or y ,” and whatever the moral agents do, “they violate a moral requirement.”⁷ These are what has been called “prohibition dilemmas,” as opposed to the second type, “obligation dilemmas,” defined by Espen Gamlund as those situations in which the moral agent has “moral reasons to perform, or is required to perform, each of two actions, but ... performing both actions is not possible.”⁸ More generally speaking, moral dilemmas are situations where a morally competent agent faces two or more alternatives with similar or equal moral value that are mutually excluding and can only be independently fulfilled. The idea of “moral value” is important because moral dilemmas are not necessarily restricted to a conflict among moral virtues (areteic conflicts), but also among different “oughts,” which can be duties, obligations, or moral principles (deontic conflicts).⁹ Hence, Charles Wing-hoi Chan's characterization of Confucian political loyalism cannot be called a moral dilemma in the philosophical sense, because the Way always remains the overriding

⁶ See, e.g., Greg Whitlock, “Concealing the Misconduct of One's Own Father: Confucius and Plato on a Question of Filial Piety,” *Journal of Chinese Philosophy* 21 (1994), pp. 113–37; and Rui Zhu, “What If the Father Commits a Crime?,” *Journal of the History of Ideas* 63 (2002), pp. 1–17.

⁷ Hursthouse, *On Virtue Ethics*, p. 44.

⁸ Espen Gamlund, “Forgiveness Without Blame,” in Christel Fricke, ed., *The Ethics of Forgiveness* (New York: Routledge, 2011), p. 116. Cf. also Sinnott-Armstrong, *Moral Dilemmas*, p. 5. For the distinction between prohibition and obligation dilemmas, see Peter Vallentyne, “Two Types of Moral Dilemmas,” *Erkenntnis* 30.3 (1989), pp. 301–18.

⁹ Philip L. Quinn, *Essays in Philosophy of Religion* (Oxford: Oxford U.P., 2006), p. 6; E. J. Lemmon, “Moral Dilemmas,” *The Philosophical Review* 70 (1962), pp. 139–58.

principle and office is considered desirable, yet expendable.¹⁰ In other words, moral dilemmas only apply to ethical issues – virtues, duties, obligations, not desires.¹¹

Moral dilemmas have also been classified in a wide variety of ways, and it would be preposterous to try to offer a comprehensive examination of all of them.¹² For the sake of clarity, we will limit ourselves to the classical scholastic framework set out by Thomas Aquinas, forasmuch as modern categorizations can be reduced or traced back to this two-fold division. Aquinas distinguished two types of “perplexity” or dilemma: epistemic dilemmas and ontological dilemmas.¹³

Epistemic dilemmas, called *perplexus secundum quid* (“perplexity in a certain respect”) by Aquinas, are those situations that present themselves to morally competent agents with a conflict that cannot be solved because of the ignorance of the moral agent. Ignorance may emerge as a relative lack of knowledge – for example, failing to have a complete vision of the problem – or due to a human ontological problem – beyond the power of human beings, as in the case of a judge who has to decide whether a convict who claims innocence is lying, or a doctor who has to amputate a leg to save the life of a sick man. These are in effect the only type of moral dilemma accepted by most Christian authors in medieval times, such as Augustine of Hippo or Thomas Aquinas.

A second type are the ontological dilemmas, called *perplexus simpliciter* or “genuine perplexity” by Aquinas, which include those cases that are the result of a genuine conflict between different moral “oughts” or virtues. Since Aquinas believed, following Gregory the Great (ca.

¹⁰ Chan, “Confucius and Political Loyalism,” especially pp. 28–37.

¹¹ The conflict between desires and virtue was categorically solved by Confucius when he asserted that “Wealth and honor are what people want, but if they are the consequence of deviating from the way 道, I would have no part in them 富與貴是人之所欲也, 不以其道得之, 不處也” (*Lunyu* 論語 4.5/7/13; trans. Ames and Rosemont, *Analects*, p. 90). In this article, numerous references to classical texts, in the above citational format, follow the ICS (Institute of Chinese Studies, Chinese University of Hong Kong) Ancient Chinese Texts Concordance Series; for *Mozi* 墨子, references are to the texts found in the Harvard-Yenching Institute Sinological Index Series. Sources from the standard histories follow the modern Zhonghua editions.

¹² For such classifications, see Hursthouse, *On Virtue Ethics*, pp. 43–87; Daniel Statman, *Moral Dilemmas* (Amsterdam: Rodopi, 1995), p. 14; M. V. Dougherty, *Moral Dilemmas in Medieval Thought* (Cambridge: Cambridge U.P., 2011), p. 84; Francesco Belfiore, *The Ontological Foundation of Ethics, Politics, and Law* (Maryland: U.P. of America, 2013), p. 123.

¹³ For the “perplexed conscience debates” in medieval times see Dougherty, *Moral Dilemmas*. “Perplexity,” the technical term employed by scholastics, is defined as “an entrapment between opposites, so that one *seems* always to be bound to sin, in whatever side one might choose” (emphasis added; see *Declaratio terminorum theologia*, as translated in Dougherty, *Moral Dilemmas*, p. 7). The idea can be traced back to Boethius’s *De consolazione philosophiae*, bk. 1, prosa 6, line 9: “Indeed, since you are not aware [*ignoras*] of the end of all things, you think that base and wicked men are powerful and happy” (in *The Consolation of Philosophy*, ed. Scott Goins and Barbara H. Wyman [San Francisco: Ignatius Press, 2012], p. 29).

540–604), that the “Eternal Law cannot err” because “[a]s in logical argument so in moral practice,” he cannot accept the existence of genuine moral quandaries that defy the power of Providence.¹⁴ Hence, virtues, duties, or obligations can only collide as the result of our own ignorance or the misfortune of our human condition and, from the point of view of Christianity, only epistemic dilemmas are real.

A final word should be said about the problem of resolvability, which is usually related to the concept of a “lesser evil.”¹⁵ Classical authors believed that praying and *synderesis* (natural disposition to apprehend universal moral principles) were the only possible instruments to overcome a moral dilemma. In such cases, it was only through moral reason – sometimes aided by divine power through prayer – that the moral agent could find either a way out or a solution by choosing a lesser evil over the greater one. This lesser evil could be one of the two moral pathways the moral agent faces, but also a different way of action such as “not choosing” or suicide. In any case, choosing does not mean that the conflict is solved, but that the moral agent is willing to continue his or her own existence (or finish it) by accepting a “moral loss.” For this reason, famous moral dilemmas such as Agamemnon’s sacrifice of his daughter or Sophie’s choice in William Styron’s novel of the same name could not be considered solved just because the moral agent has been able to choose. Chinese philosophy offers a rich collection of stories dealing with ontological dilemmas that, due to its irresolvability, end up with suicide or self-mutilation.¹⁶ Only when the harmony between opposite values is restored can we safely say that the dilemma has been solved.¹⁷ With these distinctions in mind, we examine the Confucian story of the son covering for his father.

¹⁴ See Thomas Aquinas, *Summa Theologica*, I-II, question 19, article 6, reply to objection 3, translated in *Summa Theologiae. Volume 18 (1a 2ae. 18–21). Principles of Morality*, ed. Thomas Gilby (Cambridge: Cambridge U.P., 2006), p. 67. Aquinas explicitly denies the existence of ontological dilemmas in two passages from *In II librum Sententiarum* (d. 39, question 3, article 3, reply to objection 5) and *Super Romanos* (1A.2, section 1120), translated in Dougherty, *Moral Dilemmas*, pp. 138–39.

¹⁵ See Aquinas, *Summa*, II-II, question 110, article 3, argument 4; Dougherty, *Moral Dilemmas*, pp. 20–22. Prior to Aquinas the 12th-c. philosopher Gratian believed that ontological dilemmas may appear due to the actions of the devil. In such situations a “dispensation” was required by choosing a lesser of two evils. See also the “deceiving demon dilemma” of Johannes Capreolus, in Dougherty, *Moral Dilemmas*, pp. 168 ff.

¹⁶ See Guardé-Paz, “Moral Dilemmas in Chinese Philosophy,” and Charles Sanft, “The Moment of Dying: Representations in Liu Xiang’s Anthologies *Xin xu* and *Shuo yuan*,” *AM* 3d ser. 24.1 (2011), pp. 127–58.

¹⁷ Statman, *Moral Dilemmas*, pp. 21 and 38. For the concept of “moral loss” or “dilemmas with remainder,” see Hursthouse, *On Virtue Ethics*, pp. 44 ff.

SHOULD A SON COVER FOR HIS FATHER?

In what follows I show that the classical story collected in the *Analects* about the son covering for his father's misdoings can be read as a genuine case of ontological moral dilemma that, even if it was not considered such by Confucius himself (for we lack of any proper context or further explanation within the text), it was indeed taken as a real dilemma by other authors who created a rich hermeneutical tradition around this anecdote. As Confucius reportedly said:

The Governor of She in conversation with Confucius said, "In our village there is someone called 'True Person.' When his father took a sheep on the sly, he reported him to the authorities."

Confucius replied, "Those who are true in my village conduct themselves differently. A father covers for his son, and a son covers for his father. And being true lies in this." 葉公語孔子曰: "吾黨有直躬者, 其父攘羊, 而子證之." 孔子曰: "吾黨之直者異於是. 父爲子隱, 子爲父隱, 直在其中矣."¹⁸

Was Confucius advocating some sort of soft nepotism, setting a precedent or moral prescription by offering preference to familial interests over the rule of law? Or is it the result of a non-normative decision based on some particular conditions irreducible to this situation? Although we don't have any context to understand properly the scope of the decision-making process behind this anecdote, Rosemont's assumption that it merely confirms "that the law does not trump the family" is as sound as Weingarten's statement on the same passage about a "conflict between family solidarity and social obligations toward one's ruler," a possibility worth exploring if we are to take Confucianism seriously from the point of view of modern ethical discussions.¹⁹

If we take into account Ames and Rosemont's note to this passage, the word here employed for "steal" (*rang* 攘) would mean, according to Zhu Xi's 朱熹 commentary, "to steal when in difficult straits." Ames and Rosemont do not offer an exact bibliographical reference to Zhu Xi's words, nor do they provide the Chinese words for this quotation, but it can be easily inferred that they are probably alluding to Zhu Xi's "to steal for some reason is called *rang* 有因而盜曰攘," a sentence found

¹⁸ *Lunyu* 13.18/35/22-23 (trans. Ames and Rosemont, *Analects*, p. 167). Cf. a similar passage in *Huainanzi* 淮南子 13/125/14-15. For the identity of this "Governor of She" see Oliver Weingarten, "Delinquent Fathers and Philology: *Lun Yu* 13.18 and Related Texts," *EC* 37.1 (2014), pp. 230-31, n. 25.

¹⁹ Ames and Rosemont, *Analects*, p. 254, n. 213; Weingarten, "Delinquent Fathers," p. 251.

in a number of commentaries to the *Analects*,²⁰ and often ascribed to Mr. Zhou 周氏, that is, Zhousheng Lie 周生烈 (195–256).²¹ According to the commentaries of Huang Kan 皇侃 (488–545) and Xing Bing 邢昺 (932–1010), Mr. Zhou's etymological explanation means that Confucius used the word *rang* because “someone's property entered his own house and was concealed. To hide what you have taken is called *rang* 他人物來己家而藏隱取之謂之攘也.”²² This sense of illicit appropriation of a lost property could have been considered by Confucius as a particular case that, due to its minor importance, may be “concealed” because *Liji* 禮記 clearly states that “in serving one's parents concealing is not a crime 事親有隱而無犯.”²³

This “concealment,” however, initially referred to not speaking bad words openly or publicly about someone who has a close relationship with the moral agent, as another passage from *Liji* points out:

Shun was greatly wise! Shun was fond of asking and examining the words of those nearby, whose defects he would conceal and whose excellence he would praise, holding their two extremes he would employ their Mean on the people, this is how Shun was! 舜其大知也與! 舜好問而好察邇言, 隱惡而揚善, 執其兩端, 用其中於民, 其斯以為舜乎!²⁴

Here it should be noted that, according to Schuessler, the word employed by Confucius and in the *Liji* passage to denote the idea of “concealment,” *yin* 隱, may have been a cognate with “garment” *yi*

²⁰ Ames and Rosemont, *Analects*, p. 254, n. 212. Cf. Zhu Xi, *Lunyu jizhu* 論語集注 (SKQS huiyao 薈要 edn., vol. 72), j. 7, p. 6a. All translations from the latter are my own. I suspect “in difficult straits” is the result of a *lapsus clavis* given the similarity between *yin* 因 and *kun* 困. This sentence is also quoted by at least the following commentators: Huang Kan 皇侃, *Lunyu jijie yishu* 論語集解義疏 (SKQS, vol. 119), j. 7, p. 12a; Qian Dian 錢坫, *Lunyu houlu* 論語後錄 (Xuxiu 續修 SKQS, vol. 154), j. 7, p. 12b; Chen Shan 陳鱣, *Lunyu guxun* 論語古訓, *ibid.*, p. 7b; Liu Baonan 劉寶楠 and Liu Gongmian 劉恭冕, *Lunyu zhengyi* 論語正義 *ibid.* (vol. 156), j. 16, p. 16b; Huang Shisan 黃式三, *Lunyu houan* 論語後案, *ibid.* (vol. 155), j. 13, p. 15b; Pan Yantong 潘衍桐, *Zhuzi Lunyu jizhu xungu kao* 朱子論語集注訓詁考, *ibid.* (vol. 157), j. 2, p. 14a; Huan Maoyong 宦懋庸, *Lunyu ji* 論語稽, *ibid.*, j. 13, p. 10a. Cf. the different opinion of Dai Wang 戴望, *Dai shi zhu Lunyu* 戴氏注論語, *ibid.*, p. 4a: “*rang*, to steal 攘盜也.” If not stated otherwise, all references to Qing-era commentators are to the Xuxiu SKQS edition.

²¹ For these two figures, see John Makeham, *Transmitters and Creators: Chinese Commentators and Commentaries on the Analects* (Cambridge: Harvard U.P., 2003), pp. 382–83.

²² Huang Kan, j. 7, p. 12b. See also Xing Bing, *Lunyu zhushu* 論語注疏 (SKQS huiyao edn., vol. 70), j. 13, p. 11a. This probably inspired James Legge's translation of *Mengzi* 孟子 6.8/34/10: “Here is a man, who every day appropriates some of his neighbor's strayed fowls” (emphasis added), where the philosopher also employs *rang* with a negative sense. Western philosophy offers and interesting parallel in Aristotle's *Rhetoric*, 1373b35–1374a15, where illicit seizing (*labein*) of property is not considered theft (*klepsai*) under some circumstances.

²³ *Liji* 3.2/11/1. However, *rang* is opposed to *li* 禮 in 10.19/66/12 and called “unrighteous 非義” in both *Mengzi* 6.8/34/11 and *Mozi* 28/17/1–7. See also *Baihutong* 12/33/11–22.

²⁴ *Liji* 32/142/31–32.

衣.²⁵ It is then possible that this idea, as expressed in the *Liji*, was somehow related to ancient notions of shame that required moral subjects to “cover up” minor faults of those belonging to their family circle. Similar notions existed in Ancient Greece, where “*aidōs* [shame] is appropriate among *philoī* [relatives] ... towards the reactions and status of the other party to this relationship,”²⁶ and although it may be rather impossible to specifically define the values of an ancient culture and their relation to a particular emotion, “the basic experience connected with shame is that of being seen” and avoiding external or social exposure.²⁷ The idea of “concealment” (*yin*) when faced with unethical situations is also related to “shame” (*chi* 恥) in one passage of the *Analects*, where Confucius advises his disciples to be “known when the way prevails in the world, but remain hidden away [*yin*] when it does not. It is a disgrace [*chi*] to remain poor and without rank when the way prevails in the state 天下有道則見，無道則隱。邦有道，貧且賤焉，恥也。”²⁸

Zhu Xi’s interpretation of *rang* as “to steal when in difficult straits” is in consonance with the idea that Confucius is not setting a prescriptive rule, but enunciating a middle way to find a way out of a dilemma featuring filial piety (*xiao* 孝) against “trueness” or “uprightness” in a particular case, in order to ensure the continuity of the actions of the moral agent. This moral quandary was also seen by the late-Ming commentator Hao Jing 郝敬 (1558–1639), who explained this passage with the following words:

The sage does not take reporting a father as uprightness, but takes father and son covering for each other as uprightness. This is because it is the rule of Heaven to collect knowledge and [then] per-

²⁵ Axel Schuessler, *ABC Etymological Dictionary of Old Chinese* (Honolulu: U. Hawai’i P., 2007), p. 563.

²⁶ Douglas L. Cairns, *Aidōs: The Psychology and Ethics of Honour and Shame in Ancient Greek Literature* (Oxford: Clarendon Press, 2002), p. 92. *Aidōs* was considered a family obligation (*oikeiotes*) to those belonging to the circle of close kin (*anchisteia*) or relatives (*philoī*, not limited to blood ties). See *Odyssey* 6.329–30. I believe these examples from Homeric literature are richer and more enlightening than the usually compared passage from Plato’s *Euthyphro*, for which Weingarten, “Delinquent Fathers,” pp. 246–52, offers persuading criticism.

²⁷ Bernard Williams, *Shame and Necessity* (Berkeley: U California P., 1993), p. 78. Besides the seminal work of E.R. Dodds, *The Greeks and the Irrational* (Berkeley: U. California P., 1951), see also the bibliography included in Michael Nylan, “Living Without Sin’: Reflections on the Pre-Buddhist World of Early China,” in P. E. Granoff and Koichi Shinohara, eds., *Sins and Sinners: Perspectives from Asian Religions* (Leiden: Brill, 2012), p. 58, n. 5, and Antonio S. Cua, *Human Nature, Ritual, and History* (Washington, D.C.: The Catholic University of America Press, 2005), pp. 191–243.

²⁸ *Lunyu* 8.13/19/9–10 (trans. Ames and Rosemont, *Analects*, p. 123). This passage seems to indicate a relationship between the ideas of honor or recognition and shame, a theme common to Ancient Greece, for which see Cairns, *Aidōs*, and N.R.E. Fisher, *Hybris: A Study in the Values of Honour and Shame in Ancient Greece* (Warminster: Aris & Phillips, 1992).

fect intentions, for it does not have a properly established rule. The limits between what is regarded as public or private, and genuine or false, are very subtle. The sage does not have presuppositions as to what may and may not be done. This is called weighing. 聖人不以證父爲直. 而以父子相隱爲直. 是謂天則致知誠意. 非規矩名法所及. 公私誠僞之介甚微. 聖人所以無可無不可. 謂之權也.²⁹

Hao Jing continues comparing this passage with the story of Shi Que 石碣, who did not cover for his son Shi Hou 石厚 and even killed him in order to stabilize the country. This anecdote appears in *Chunqiu Zuozhuan* 春秋左傳, where the dilemma is rejected under the premise that “great duty should override familial affection 大義滅親,”³⁰ and Hao Jing is of the opinion that both stories are somehow related to *quan*, literally “weighing one thing against another,”³¹ by means of which the sage evaluates conflicting situations where virtues or duties collide, providing nonnormative decisions.³²

The *locus classicus* of this concept, which appears also in the *Analects*, is the well-known story of the drowning sister-in-law that is found in Mencius.³³ It is, however, better explained in another passage wherein

²⁹ Hao Jing, *Lunyu xiangjie* 論語詳解 (Xuxiu SKQS, vol. 153), j. 13, p. 17a. The second line is a reference to the “Great Learning” (*Daxue* 大學) sect. of *Liji* 43.1/164/27, and the last one to *Lunyu* 18.8/53/9, for which I follow the translation in Ames and Rosemont, *Analects*, p. 216.

³⁰ *Chunqiu Zuozhuan* 春秋左傳 B1.4.5/7/26–31. For the translation, see Myeong-Seok Kim, “An Inquiry into the Development of the Ethical Theory of Emotions in the *Analects* and the Mencius,” Ph.D. diss. (University of Michigan, 2005), p. 115.

³¹ A. C. Graham, *Later Mohist Logic, Ethics and Science* (Hong Kong: The Chinese University Press, 1978), p. 84. See Paul R. Goldin, “The Theme of the Primacy of the Situation in Classical Chinese Philosophy and Rhetoric,” *AM* 3d ser. 18.2 (2005), pp. 1–25; Griet Vankeerberghen, “Choosing Balance: Weighing (“quan” 權) as a Metaphor for Action in Early Chinese Texts,” *EC* 30 (2005–2006), pp. 47–89, esp. pp. 67–73.

³² The non-normative character of *quan* recalls the following passage from *Hanshi wai-zhuan* 韓詩外傳 2.3/7/24: “The Way is two-fold: The Constant is called *jing* 經, the Changing is called *quan* 夫道二, 常之謂經, 變之謂權.” Cf. *Gongyang zhuan* 公羊傳 2.11.3/14/27–28: “*Quan* means going against 反 the standard 經, so that afterward one can possess the good 權者反於經, 然後有善者也” (trans. Vankeerberghen, “Weighing as a Metaphor for Action,” p. 76), and *Shenjian* 申鑒 2/9/.21: “A measure of expedience is itself contradictory to what is constant and normal, and has nothing [to do with set rules] 權者反經, 無事也” (trans. Chi-Yün Ch’én, *Hsün Yüeh and the Mind of Late Han China: A Translation of the Shen-Chien* [Princeton: Princeton U.P., 1980], p. 147).

³³ *Mengzi* 7.17/38/26; cf. *Lunyu* 9.30/22/18. The Mencian passage is discussed by John Ramsey in two papers, “The Role Dilemma in Early Confucianism,” *Frontiers of Philosophy in China* 8.3 (2013), p. 384, and more specifically in “Mengzi’s Externalist Solution to the Role Dilemma,” *Asian Philosophy* 25.2 (2015), pp. 188–206. His characterization of “role dilemmas” seems to imply a conflict between virtues and duties (which are usually role-related). However, his statement that “the Confucian virtue ethicist also evades it [the dilemma], arguing that the demands of one’s social roles are defeasible in light of humaneness” (p. 378), would indicate that Confucianism is a moral realism where areteic concepts (virtues) are *prima facie* obligations that override social roles, in which case the Mencian dilemma would not be a genuine

Mencius criticizes the philosophers Yangzi 楊子 and Mozi 墨子, who advocated the radical principles of absolute egoism and absolute altruism. Mencius praises Zimo 子莫 for taking a middle position between both extremes:

[B]y holding to the Mean he was closer to it. But holding to the Mean without allowing for exigencies resembles their holding to one point. The reason I dislike holding to one point is that one steals from the Way, holding up one point while suppressing a hundred others. 執中，執中爲近之，執中無權，猶執一也。所惡執一者，爲其賊道也，舉一而廢百也。³⁴

But more importantly, the idea that philosophical principles are not constant rules that men must steadfastly abide reappears in another story collected in the same book: Tao Ying asks Mencius what would happen if Gusou 瞽瞍 had killed a man while his son Shun 舜 was sovereign. Mencius answers that he should have been apprehended by Gao Yao 皋陶, minister of justice and vassal of Shun, and that Shun had no authority to forbid this. Tao Ying then asks Mencius how Shun should behave in such a situation:

Shun would have regarded abandoning the realm as he would abandoning an old shoe. Secretly, he would have taken his father on his back and fled, dwelling somewhere along the seacoast. There he would have happily remained to the end of his life, forgetting, in his delight, about the realm. 舜視棄天下，猶棄敝屣也。竊負而逃，遵海濱而處，終身訢然，樂而忘天下。³⁵

This passage presents a third possibility to the Confucian question “Should a son cover for his father?,” offering an answer that is different from Confucius’s mere concealment or the death penalty defended by the author of *Chunqiu Zuozhuan*. It is, in fact, a middle way that demands some creativity from the moral agent to achieve a measured re-

ontological dilemma, that is, a dilemma without resolution (for these concepts and relationships, see Ross, *The Right and the Good*, pp. 29–36).

³⁴ *Mengzi* 13.26/70/5–6; trans. in Irene Bloom (trans.) and Philip J. Ivanhoe (ed.), *Mencius* (New York: Columbia U.P., 2009), p. 150.

³⁵ *Mengzi* 13.35/71/7–18. For the translation see Bloom, *Mencius*, p. 152. Because Shun’s father is guilty of murder, a comparison between this passage and Plato’s *Euthyphro* would be more appropriate, as it has been recognized by Nicholas F. Gies, *The Virtue of Nonviolence: From Gautama to Gandhi* (Albany: SUNY P., 2004), p. 104, and Fan Ruiping, *Reconstructionist Confucianism* (London: Springer, 2010), p. 37. Confucius’s and Mencius’s cases could be better compared, within the Western classical tradition, with Cicero’s *The Offices*, 3.23: “Again, suppose a father were robbing temples or making underground passages to the treasury, should a son inform the officers of it? Nay... . But once more – if the father attempts to make himself king, or to betray his country, shall the son hold his peace? Nay, verily; he will plead with his

sponse to a moral quandary between law (or propriety) and filial piety: the son should somehow find a way to protect his father, but cannot forbid the rule of law. This is reinforced in the Mencian story by the fact that Shun actually has the authority to hide the crime and that the executioner, so to speak, is his vassal Gao Yao.

There are two points that are worth noting about the relationship between Confucius's and Mencius's stories.³⁶ Shun's decision to forget the realm and flee to a far place along the seacoast recalls the notion of social retirement (*yinju* 隱居) or seclusion (*yinzhe* 隱者). In some way Shun is also "concealing" his father from society due to his moral fault, just as Confucius's literary son "concealed" his own father. That *yin* was associated with retirement can be seen in a number of passages from the *Analects*,³⁷ and the relation between both stories in *Analects* and Mencius has been pointed out by a number of important commentators of Confucius's *Analects* who believed that they had the same ethical background regardless of their distinct origin. The first was one of Cheng Yi's 程頤 (1033–1107) pupils, Xie Liangzuo 謝良佐 (ca. 1050–ca. 1120). His testimony has been preserved by Zhu Xi, who acquired and studied his work when he was sixteen, and it was repeated by the late-Qing scholar Huang Shisan 黃式三 (1789–1862):

father not to do so. ... if things point to the destruction of the state, he will sacrifice his father to the safety of his country" (from Walter Miller's translation in Cicero, *The Offices* [London: Harvard U.P., 1913], p. 367).

³⁶ Weixiang Ding reminds us that the "opposition between the Ru 儒 (Confucians) and the Mo 墨 (Moists) is one of the great controversies in the history of Chinese culture" ("Mengzi's 孟子 Inheritance, Criticism, and Overcoming of Moist Thought," *Journal of Chinese Philosophy* 35.3 [2008], p. 403). Because of this opposition between both schools, on one hand, and Mencius's posthumous dialogue with Mozi, on the other, I would like to suggest the possibility that both stories were in fact linked together through a hypothetical piece of criticism contained in Mozi's lost chapter "Against the Confucians, 1" 非儒, 上. It is of course possible that Mozi 墨子 28/17/1–7, where the philosopher criticizes a man for "stealing [*rang*] another's dog, hogs, chickens and suckling pigs 攘人犬豕雞豚," was aimed against Confucius's story, although *Mengzi* 6.8/34/10 ("Here is a man who each day steals one of his neighbor's chickens 今有人日攘其鄰之雞者") seems a more appropriate response to this. See, for the relationship between Mozi and Mencius, Thomas Radice, "Manufacturing Mohism in the *Mencius*," *Asian Philosophy* 21.2 (2011), pp. 139–52; the quoted trans. is from Ian Johnson, trans., *Mozi: A Complete Translation* (New York: Columbia U.P., 2010), p. 167. I am well aware of Oliver Weingarten's contribution, where he defends with excellent philological accuracy the notion that *Lunyu* 13.18 should be dated *after Lüshi chungiu* 呂氏春秋 (ca. 239 BC). His argument about the relationship between both texts, however, can go both ways or even be traced to a more ancient oral source, as he himself recognizes ("Delinquent Fathers," p. 236). Additionally, this passage seems to be in connection with the next saying, 13.19, both dealing with "the contemporary problem of nonuniversal social values" and "the challenge of cultural relativism" (E. Bruce Brooks and A. Taeko Brooks, *The Original Analects* [New York: Columbia U.P., 2001], p. 102).

³⁷ *Lunyu* 16.11/46/26; 18.7/53/1; 18.8/53/8.

Mr. Xie said: To comply with the Principle is uprightness. If a father does not cover for his son or his son does not cover for his father, how can they comply with the Principle? If Gusou had murdered someone, Shun would have taken his father on his back and fled, dwelling somewhere along the seacoast. At that time, the heart of those fond of their relatives prevailed: whether he was being upright or not upright, how could it have been a matter of calculating its advantages? 謝氏曰：順理爲直。父不爲子隱，子不爲父隱，於理順耶？瞽瞍殺人，舜竊負而逃，遵海濱而處。當是時愛親之心勝。其於直不直，何暇計哉？³⁸

According to this, uprightness when covering the shameful deeds of a relative is the result of an intuitive “moral reflex” springing from the heart of the moral agent, rather than a tacit calculation of the advantage or disadvantages of any given option (*ji* 計), and moral competence can be found even in situations that defy the standard principles of Confucianism.³⁹ This does not mean that the Confucian scholar should not reflect when faced with moral quandaries. He must acquire a moral training that allows him to weigh situations in a natural way based on his inner heart rather than external profit from planned calculation, and to make decisions that may be at odds with common principles.

THE HERMENEUTICS OF RECEPTION FROM HAN FEI TO LIU XIANG

As it has been noted, the Confucian story of the son covering for his father has not only a rich hermeneutic tradition within the valuable works of the commentators of the *Analects*, but it was also reflected in a number of works from different schools of thought. Of these, Lü Buwei's *Lüshi chungiu* 呂氏春秋 and Han Fei's chapter “The Five Pests” 五蠹 are the earliest and were composed at about the same time, Han Fei's version having probably been conceived prior to Lü Buwei's.⁴⁰ If one may speculate that Han Fei's understanding of Confucianism was

³⁸ Zhu, *Lunyu jizhu*, j. 7, p. 6a (punctuation added). See also Huang, *Lunyu houan*, j. 13, p. 16b.

³⁹ For this idea in Zhu Xi, see his *Zhuzi yulei* 朱子語類 (SKQS edn., vol. 301), j. 96, p. 22a: “The general principle is something like that but people sometimes cannot fulfill it 大綱恁地，但人亦有不能盡者” (trans. Wing-tsit Chan, *Chu Hsi: Life and Thought* [Hong Kong: The University of Hong Kong, 1987], p. 36).

⁴⁰ Weingarten, “Delinquent Fathers,” p. 239. In what follows I understand Lü Buwei as the putative author of *Lüshi chungiu*. The text was compiled by a number of retainers he gathered at his court and Lü Buwei himself had little, if any, part in its composition. For a discussion on the authorship and production of the *Lüshi chungiu*, see John Knoblock and Jeffrey Riegel, *The Annals of Lü Buwei* (Stanford: Stanford U.P., 2000), pp. 27–32.

gained under the mentorship of Xunzi 荀子 (ca. 335–238 BC), or that the text itself received a Xunzian influence,⁴¹ “The Five Pests” chapter in general and the story of the son who in this case reported his father could be a philosophical answer to the Mencian story. In any case, just before Han Fei’s criticism of Confucians and knight-errants, which includes the mentioned story of the son not covering for his father, he also criticizes the schools of Confucius and Mozi for their notions of the relationship between fathers and sons as applied to government. This is followed by a short digression on Confucius and duke Ai of Lu 魯哀公 (r. 494–468 BC), which reflects on Xunzi’s discussions on filial piety and the governance of the state contained in books 29 and 31 of his work.⁴² Then Han Fei attacks Confucius with the following words:

When there was a True Person in Chu, and his father stole a sheep and he reported him to the officials, the chancellor said: “Kill him.” He believed himself to display straightness toward his ruler, but [in fact] behaved deviously toward his father, so he reported him and thus implicated him in a crime. From this point of view, a ruler’s true subject is a violent son to his father. ... Therefore: The chancellor ordered an execution and crimes in Chu were no longer reported to the superiors. 楚之有直躬，其父竊羊而謁之吏，令尹曰：“殺之，”以爲直於君而曲於父 ... 故令尹誅而楚姦不上聞。⁴³

This text seems indeed to be rooted in the story collected in the *Analects*, although there are a few notable differences. Confucius’s tale takes place in the city of She, not the state of Chu, although the former belonged to the latter at the time.⁴⁴ When Han Fei was writing these words, the political situation of the state of Chu was rather turbulent: its people were already in exile after their defeat by the state of Qin in 278 BC, when they lost half of their territory, including the capital. If we take into consideration Han Fei’s criticism – that subsequently Chu’s people followed the Confucian policy of not reporting fathers’

⁴¹ Han Fei’s studentship under Xunzi, which is based upon a passage from *Shiji* 史記 63, p. 2146, has been challenged by a number of authors, the most recent being Masayuki Sato, “Did Xunzi’s Theory of Human Nature Provide the Foundation for the Political Thought of Han Fei?,” in Paul R. Goldin, ed., *Dao Companion to the Philosophy of Han Fei* (London: Springer, 2013), pp. 147–65.

⁴² See *Xunzi* 29/142/7–13 and 31/144/27–31/147/18. Here Xunzi speaks of the “five levels of deportment for men 五儀,” which could have been behind Han Fei’s idea of the “Five Pests” if, once more, Han Fei or the author of the text received a direct influence from Xunzi.

⁴³ *Hanfeizi* 韓非子 49/145/23–28; following, with minor changes, the translation of Weingarten, “Delinquent Fathers,” p. 232. Confucius is mentioned just after this in another story and then, in the concluding paragraph, it is insinuated that Chu’s policies which made people stop reporting crimes to their superiors were the fault of Confucians.

⁴⁴ *Chunqiu Zuozhuan* B8.15.7/214/18.

crimes, his use of Chu instead of She could suggest that the political situation of the time was motivated by their advocacy of Confucian philosophy.

Furthermore, Han Fei seems to recognize a dilemma or moral quandary when he says “a ruler’s true subject is a violent son to his father 爲直於君而曲於父.” He is suggesting that the Confucian virtues of loyalty and filial piety may be at odds with each other in some situations. He, however, does not offer a solution to this quandary because the text aims to criticize Confucianism for allowing such conflicts among virtues to happen, conflicts that “plunge the law into disorder 亂法” and result in the collapse of the empire. In this regard, a comparison between Han Fei and Plato’s *Euthyphro*, where Socrates does not offer an answer but criticizes the conception of morality of his age, would be instructive.⁴⁵

On the other hand, Lü Buwei’s text offers an interesting variation of the story that might be seen as a compromise between Mencius’s use of weighing (*quan*) and Han Fei.⁴⁶ The same “True Person” reports his father after he has stolen a sheep, but before the father is executed, Lü Buwei’s True Person asks for permission to take his place. He expects to save his father and his own life, and thus addresses the ruler:

Did I not indeed prove my trustworthiness when I reported my father after he stole a sheep? Does it not indeed demonstrate filial piety that I am taking the place of my father ...? 父竊羊而謁之, 不亦信乎? 父誅而代之, 不亦孝乎?⁴⁷

The king then spares him, but the *Lüshi chungiu* passage adds some criticism from Confucius (“[this man] twice gets a reputation out of a single father! 一父而載取名焉”), which recalls the Master’s censure of “bragging about my own abilities 無施勞” that had been pronounced by his disciple Yan Yuan 顏淵 in the *Analects*.⁴⁸

This same story is repeated, with some variations, later in *Lüshi chungiu* Book 19, and also in a number of Han sources, two of which

⁴⁵ Plato’s criticism is against the morality contained in classic tragedy. See, for instance, Martha C. Nussbaum, *The Fragility of Goodness: Luck and Ethics in Greek Tragedy and Philosophy* (Cambridge: Cambridge U.P., 2001), pp. 25–26.

⁴⁶ Han Fei had Li Si 李斯 (ca. 280–208 BC) as his classmate during his time with Xunzi. Li Si left Lanling to respond to Lü Buwei’s call (*Shiji* 85 pp. 2509–10) and was later responsible, presumably, of a court intrigue in Qin that led to Han Fei’s death in 233 BC. Thus, a rivalry between both philosophers, Han Fei and Lü Buwei, was not impossible. See Knoblock, *Xunzi* 1, pp. 34 and 37, and for the relation between Li Si and Lü Buwei, Masayuki Sato, *The Confucian Quest for Order* (Leiden: Brill, 2003), p. 37.

⁴⁷ *Lüshi chungiu* 11.4/56/6–9 (trans. Weingarten, “Delinquent Fathers,” p. 233).

⁴⁸ *Lunyu* 5.26/11/19 (trans. Ames and Rosemont, *Analects*, p. 102).

are of particular interest to us because they clearly reflect the reality of the moral dilemma: *Hanshi waizhuan* 韓詩外傳 and Liu Xiang's 劉向 *Xin xu* 新序.⁴⁹ These versions are almost identical and were probably directly or indirectly derived from the second story collected in *Lüshi chungiu*: A *shi* 士 from Chu named Shi She 石奢, who was in charge of justice, pursued a killer just to discover that this was his own father. Recognizing the dilemma twice, he addressed the ruler:

To employ one's father to accomplish the government policies is to lack filial piety; not to uphold the prince's law is disloyal; to relax punishments is against the law, and assuming the guilt, this subject submits to it. ... Not to be partial toward one's father is lack of filial piety. Not to uphold the prince's law is disloyal. To live with a guilt that merits death is not upright. Your Majesty's readiness to pardon me expresses the generosity of a superior. That I, your subject, should not deviate from the law is the duty of a subordinate. 以父成政, 非孝也; 不行君法, 非忠也; 弛罪廢法, 而伏其辜, 臣之所守也. ... 不私其父, 非孝也; 不行君法、非忠也; 以死罪生、不廉也. 君欲赦之, 上之惠也; 臣不能失法, 下之義也.⁵⁰

These late versions of the Confucian dilemma evoke the Mencian story of Shun's acceptance of the punishment for his father. The authors emphasize the moral quandary, explaining that Shi She, like Shun in Mencius, also holds a political position that forces him to implement the rule of law, but it also gives him the power to exonerate or cover for his father. Mencius's solution was weighing the situation in order to find a "middle way" that would allow the moral agent to continue his/her existence while carrying a "moral loss." However, both *Lüshi chungiu* and late-Han sources show a different turn of events: The True Person asks the ruler to be killed instead of his father but, although the ruler recognizes his righteousness and forgives him, he ultimately commits suicide, cutting his own throat.⁵¹ This is meant to show that the conflict

⁴⁹ It appears also in *Huainanzi* 13/125/14-15 and *Shiji* 119, p. 3102, which calls him Shi She.

⁵⁰ *Hanshi waizhuan* 2.14/10/19-26 (partly translated in Weingarten, "Delinquent Fathers," p. 242). Cf. *Xinxu* 7.20/40/13-19. For the version collected by Lü Buwei, see *Lüshi chungiu* 19.2/121/3-9, where the man is called Shi Zhu 石渚. *Hanshi waizhuan* and *Xin Xu* call him Shi She 石奢 (the latter written similarly to *zhū* even in that period of time). The surname Shi usually appears in these anecdotes where loyalty and filial piety collide, as in *Chungiu Zuo-zhuan* B1.4.5/7/26-31, where the story of Shi Que and Shi Hou is told.

⁵¹ These versions recall some moral dilemmas contained in *Lienü zhuan* 列女傳 and the importance of death in resolving moral quandaries in both *Shiji* and the works of Liu Xiang, for which see Guardé-Paz, "Moral Dilemmas in Chinese Philosophy," pp. 81-101, and Sanft, "Moment of Dying," pp. 127-58.

cannot even be resolved by the compassion of the ruler: because there has been a violation, it should be somehow purified. Suicide does not resolve the conflict, but shows to what extent the moral agent sincerely committed himself to the Confucian framework of moral values.⁵²

CONCLUDING REMARKS

As we have seen, Chinese philosophy in general and Confucianism in particular were not totally reluctant to accept the existence of genuine moral dilemmas, usually referred to in Western scholarship as “ontological dilemmas.” The classical Chinese dilemmas resulted from potentially conflicting moral demands between, for instance, filial piety (personal obligations) and loyalty to the ruler (public duties). Weighing and attaining the middle way were seen as the most desirable course of action for early Confucians, whereas Qin and Han philosophers understood that death was their “final chance to influence the world of the future” and that “the right death became a means to higher ends.”⁵³ This can be illustrated with two brief examples featuring a son and his father that deal with tensions between deontic notions of virtue in two different, opposite ways, and whose optimum result can only be achieved after weighing conflicting moral values.

The first story was collected in *Hanshi waizhuan*, Liu Xiang’s *Shuo yuan* 說苑, and, later on, in *Kongzi jiayu* 孔子家語. It follows Confucius’s disciple Zi Yu 子輿 (505–436 BC), also known as Zengzi 曾子 and to whom the *Classic of Filial Piety* or *Xiaojing* 孝經 is attributed. According to these sources, Zi Yu had committed a transgression 有過 by mistakenly cutting some of the roots of a melon plant (the triviality of the transgression is obviously important). This irritated his father, who almost beat him to death but, once recovered, Zi Yu asked his father if he had not injured himself during the beating and, immediately thereafter, played the lute and sang to show his father he was fine.⁵⁴ After hearing this, Confucius censored his disciple for allowing his father to hurt the body of his son and, hence, allowing him to commit a moral fault 罪. According to the philosopher, Zi Yu should have taken Shun as a model of behavior and weighed the situation: when his father wanted to kill

⁵² For an analysis of this decision-making process in Han times, see Guarde-Paz, pp. 90–99.

⁵³ See Sanft, “Moment of Dying,” pp. 127 and 156.

⁵⁴ *Hanshi waizhuan* 8.26/62/27–63/18; *Shuoyuan* 3.7/20/9–15; *Kongzi jiayu* 4/15.10/28/17–25. See other late sources on the same story in Ho Che Wah 何志華 and Chu Kwok Fan 朱國藩, eds., *Tang Song leishu zhengyin Kongzi jiayu ziliao huibian*; *Tang Song leishu zhengyin Hanshi waizhuan ziliao huibian* 唐宋類書徵引孔子家語資料彙編, 唐宋類書徵引韓詩外傳資料彙編 (Hong Kong: The Chinese University of Hong Kong, 2009), p. 77.

him he would simply disappear and find a filial middle way between following the desires of his father and preserving his body.⁵⁵

The second story, which represents a typical case of how moral dilemmas were faced by Han philosophers, can also be found in *Hanshi waizhuan* and *Shuo yuan*: Shen Ming 申鳴, a *shi* whose filial piety was widely recognized, became minister of the state of Chu. After some time, an enemy of the state kidnapped Shen Ming's father and held him hostage in order to persuade Shen Ming to join them against Chu. Otherwise, his father would be executed. Shen Ming decided to attack the insurgents and, although he successfully defeated them, his father was also killed during the battle. The king rewarded Shen for his loyalty, but he could not bear the fact that he was unable to fulfill his familiar obligations at the same time he was complying with his civic duties:

To accept the blessings of the ruler but to avoid his hardship is not being a loyal subject; to follow the law of the ruler but kill my father with it is not being filial; both actions cannot be done, both positions cannot be taken. How sad! To live like this, how can I face the [other] *shi* of the realm! 受君之祿，避君之難，非忠臣也；正君之法，以殺其父，又非孝子也。行不兩全，名不兩立。悲夫！若此而生，亦何以示天下之士哉！⁵⁶

After recognizing a true dilemma between two different ways of action, Shen Ming grabs a weapon and cuts his own throat.

In a much-quoted passage from the *Analects*, Confucius resumes his life as a learning process under which the moral agent can finally find his own position in the world, giving “my heart-and-mind free rein without overstepping the boundaries 從心所欲，不踰矩。”⁵⁷ This is exactly how Shun had responded, according to Mencius, when faced with his murderous father: to follow his heart, saving him, without overstepping the legal boundaries that demanded that he denounce the culprit.

⁵⁵ See *Xiaojing* 孝經 15/5/2-5, where Confucius censures Zi Yu for asserting that filial piety equals to simply and blindly obeying the orders of one's father.

⁵⁶ *Hanshi waizhuan* 10.24/78/6-16; *Shuoyuan* 4.14/28/5-19.

⁵⁷ *Lunyu* 2.4/3/2 (trans. Ames and Rosemont, *Analects*, p. 77).