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# IDEAL INTERPRETATION: THE THEORIES OF ZHU XI AND RONALD DWORKIN

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Almost all theories of interpretation are descriptive. Whether a theorist thinks that the primary locus of meaning is in the text (textualism), in the author (author intentionalism), or in the reader (reader-response theory), the goal is to identify what the actual meaning is, independently of whether what the author, text, or reader means measures up to an ideal to be specified shortly. Specific theorists may disagree about what understanding is; what an author, text, or reader is; and many other things, but these disagreements are consistent with the proposition that what is meant is not the same as what should have been meant. To put this in the terms of an intentionalist theory, none of these views assumes that the meaning is the result of the author having full knowledge and benevolence and the unflinching power to say what he means.

To say that a theory of interpretation is descriptive may suggest that it has no normative dimension. But that is not true. Textualists think that an interpreter ought to identify the meanings of the words of the text. Those interpretations that do are good or correct ones, and those that do not are bad or incorrect ones, *ceteris paribus*.<sup>1</sup> Something analogous could be said about author-intentionalist and reader-response theories. So correctness is one normative dimension of descriptive interpretation.

Consider a different aspect of normativity. In the so-called Adulterer's Bible, the seventh commandment is printed as "Thou shalt commit adultery." What the words of that text actually meant was that a person should commit adultery. What the text should have meant was that a person should *not* commit adultery. So there is a sense in which judging that a text contains a typographical error is making a normative judgment. It is judging that the text fails to meet a certain standard of excellence or normative standard. Since such a judgment is one of the kinds of things about which ordinary interpreters make judgments, ordinary interpretations have a normative dimension.

In fact, this is also one of the ways in which textual criticism (*jiaokan xue* 校勘學) was practiced in traditional China. In addition to being considered a great Confucian thinker and an important commentator on the Classics, Zhu Xi 朱熹 (1130–1200) is also considered a master of textual criticism; a major project that he finished in his old age was to collate and compare different editions of the collected works of Han Yu (768—824), an important Confucian thinker and essayist in the Tang dynasty. An

example of how Zhu practiced textual criticism can be found in his editing of Han's works. Zhu argued that the sentence *ze he bu xin zhi you* 則何不信之有 (therefore why should one not believe in its existence?) in an edition of Han's works should have been *ze he xin zhi you* 則何信之有 (therefore why should one believe in its existence?). In other words, Zhu thought that the word *bu* 不 (not) was a typographical error, and should not have been there. Zhu's justification was the following: "We know we have to take out this word, for when we do that, the whole text becomes completely coherent from beginning to end" (ZZQS, 24:3905).<sup>2</sup>

What we want to contrast with descriptive interpretation is not normative interpretation exactly but 'ideal' interpretation. An interpretation is ideal when the aim of the interpretation is to say what the text *should* or *ought* to mean; it is to give a text the best meaning it can have. Two comments about this description of ideal interpretation are appropriate. First, being the best of something is always relative to some goal, function, or purpose. The best weight lifter is the strongest, the best sprinter is the fastest, the best thinker is the smartest, and so on. When the goal of a book is to show a person the way to heaven or enlightenment, as it is in Islam and Buddhism, or to guide behavior in any normative way, it is appropriate to give it an ideal interpretation.

Second, concerning the phrase 'give a text,' it is possible for the ideal meaning of the text to be different from the meaning that the words have or that the actual author had, even if the author, say, intended the words to have a meaning inconsistent with the ideal interpretation. The interpreter can construct the meaning and not discover it. However, it is not necessary for the ideal and the actual meaning to differ. If the author of the text is an ideal author, someone with perfect knowledge, benevolence, and the ability to say what he intended to say, then the ideal meaning and the actual meaning coincide. So, if God or an enlightened person wrote a text, the ideal and the actual meaning coincide.

Since it is difficult to identify whether God is the author of something, a community will typically assign a special status to a text in order to ensure that interpretations of it will be ideal; that is, the text will be canonical. Officially it is held that the text is canonical because God wrote it, not that God wrote it because it is canonical. In fact, it does not matter which way the justification runs because, given a canonical text, interpretation will normally aim at being ideal.

Until the nineteenth century almost all interpretations of the Bible and the Qur'an were ideal in the way we have just described. Each was taken by its interpreters as expressing propositions about how to be saved from either sin or the miseries of this world. The goal of interpretation was to identify what those best propositions were. Sometimes, when a text seemed to be false or to be about something irrelevant to salvation—say, the Song of Songs (Song of Solomon), which is a series of erotic poems between a man and woman—exegetes would interpret it allegorically. The male was said to be God, the woman Israel or his church. So, even if the human author or authors of the Song of Songs intended only to write about their relationships, in fact God was acting mysteriously through them to talk about the relationship between God and humans.

Like Judaism, Christianity, and Islam, Confucianism has canonical texts or Classics (*jing* 經). However, the list of Confucian Classics has not been stable throughout the history of China. In the early years of the Han dynasty (206 B.C.E.–9 C.E.), the list consisted of five texts: the *Changes* (*Yi* 易), the *Odes* (*Shi* 詩), the *Documents* (*Shu* 書), the *Rites* (*Liji* 禮記), and the *Spring and Autumn Annals* (*Chunqiu* 春秋). They were called the *Wujing* 五經 (Five Classics).<sup>3</sup> By the early years of the Song (960–1279), however, the list had grown to thirteen titles; newly added texts included the *Lunyu* 論語 (Analects) and the *Mengzi* 孟子 (Mencius). Cheng Yi 程頤 (1033–1107) was the first to group the following four texts together to emphasize their central role in Confucian moral self-cultivation: the *Lunyu* (Analects), the *Mengzi* (Mencius), the *Daxue* 大學 (Great Learning), and the *Zhongyong* 中庸 (Doctrine of the Mean).

Inspired by Cheng, Zhu Xi was the first to print the four texts together as a single volume in 1190, and he was also the first to use the term '*Sishu*' 四書 (Four Books) to refer to them. He was largely responsible not only for making the Four Books canonical texts, but also for making them more important than the Five Classics in the Confucian program for moral education and self-cultivation. In fact, from the fourteenth century until the early twentieth century, Zhu's edition of the Four Books with his commentary was the standard text used in civil examinations (Elman 2000). In this essay, we focus on Zhu's hermeneutic theory regarding the Four Books.<sup>4</sup>

Although Zhu did not think that the Four Books were written by a god, he did think that the sages, who wrote these works, had infallible access to *dao* 道 or *li* 理. It was because of this belief that Zhu thought that ideal interpretations should be given to the Four Books. Also, because he thought the correct method of ideal interpretation was not widely known, he gave extensive advice about it.

The definition of ideal interpretation that we offered earlier is very similar to Ronald Dworkin's definition of natural-law theory in his 1982 essay "'Natural' Law Revisited": "Natural law insists that what the law is depends in some way on what the law should be" (Dworkin 1982, p. 165). He also claims that "if the crude description of natural law I just gave is correct, that any theory which makes the content of law sometimes depend on the correct answer to some moral question is a natural law theory, then I am guilty of natural law" (ibid.). Dworkin's definition of natural-law theory is the broadest definition possible; it captures the lowest common denominator that he shares with traditional natural lawyers. Beyond this common belief, however, they are very different. As is well known, some traditional natural lawyers believe that one can have direct access to the correct answer to moral questions without the mediation of constructive interpretation; the sources could be revelation, conscience, natural reason, or intellectual intuition. In this regard, Dworkin is different from traditional natural lawyers; he believes that the correct answer to questions of political morality must be based on a theory of interpretation, specifically a theory of ideal interpretation.

One of the main points of this article is that Zhu Xi has a theory of ideal interpretation similar to Dworkin's. This is significant because Zhu has usually been com-

pared to traditional natural lawyers in the West since Leibniz first wrote about Zhu in his 1716 essay “Discourse on the Natural Theology of the Chinese” (Leibniz 1994).<sup>5</sup> During the Song dynasty, the position that was structurally similar to that of traditional Western natural lawyers was the theory promoted by many of Zhu’s contemporary Confucian scholars, who were heavily influenced by Zen Buddhism (we shall refer to them as ‘Buddhist-Confucians’). The Confucian scholars that Zhu believed to have been influenced by Zen Buddhism or of “being simply Zen” included Lu Xiangshan 陸象山 (ZZQS 2:1515, 1557–1577), Zhang Jiucheng 張九成 (ZZQS 5:3473–3491, 32:3135–3136), Lü Benzhong 呂本中 (ZZQS 5:3492–3496), Xie Liangzuo 謝良佐 (ZZYL 5:92, 101:2559), Yang Shi 楊時 (ZZYL 101:2558), and Wang Xinbo 王信伯 (ZZQS 23:3397; Chen 2000, p. 351). Some of these scholars (such as Zhang Jiucheng) eventually converted to Buddhism. Zhu once commented that Lu Xiangshan “taught ideas of Zen Buddhism in Confucian disguise like a salt smuggler who covered his load with salted fish” (Chan 1963, p. 577).

Zhu took pains to argue against ideas held by these Buddhist-Confucian scholars. One of Zhu’s arguments is against what we shall call the Buddhist-Confucian “direct access” thesis, which is that one can have direct access to the mind of the sages without the mediation of constructive interpretation of the Classics. This thesis rejected by Zhu is similar to a thesis that Dworkin would also have rejected, which is that judges have direct access to the minds of lawmakers without the mediation of constructive interpretation. We shall argue that Zhu’s theory has more in common with Dworkin’s than with the traditional natural-law theory in this regard.

This article has two sections. In the first section we discuss Zhu’s constructive theory of ideal interpretation. In the second we compare Zhu’s views with the views that Dworkin espoused primarily in *Taking Rights Seriously* because we think there are striking structural similarities between the two.<sup>6</sup>

### *Zhu Xi’s Theory*

We begin with Zhu’s belief that the sages had discovered the moral truth (*dao* 道, *li* 理, *daoli* 道理, or *tianli* 天理), a belief that he shared with other scholars of the time.<sup>7</sup> This moral truth exists independently of the sages, who had written the Classics.<sup>8</sup> The sages’ words are the expression of their mind, which contains the moral truth.<sup>9</sup> That is, he held

Z–1. The Four Books contain the moral truth.

Here one possible objection to our formulation might be that what we call ‘the moral truth’ is only one aspect of Zhu’s multilayered concept of *dao*, *li*, *daoli*, or *tianli*. Zhu does sometimes use the term *li* to refer to a pattern or order of things that is expressible by words. However, our formulation seems to have left out what some scholars would have called the ‘ontological’ or ‘cosmological’ aspect of the concept.<sup>10</sup> This is our response to the objection. It is indeed a fact that Zhu often uses *li* to refer to the

so-called ontological and cosmological final cause out of which all things are generated, which is also called *taiji* 太極 (the Great Ultimate). Zhu says, “*Taiji* is nothing other than *li*” (ZZYL 1:2). In fact, he often uses the two terms interchangeably. However, it can be argued that Zhu’s *taiji* or *li* refers not to the physical cause of the movement of yin and yang, but rather to the pattern (order or coherence) or reason that governs the movement of yin and yang.<sup>11</sup> In this essay, since we are primarily interested in Zhu’s theory about how one should read the Four Books, and how reading them can help one become virtuous, we shall only understand the meaning of *li* or *dao* as the truth about the patterns or reasons that govern human ethical life, or simply the ‘moral truth.’<sup>12</sup>

From Z-1, Z-2 immediately follows:

Z-2. Any interpretation of the Four Books that maintains that the text means something incompatible with the moral truth must be false.

Z-2 certainly justifies giving an ideal interpretation to the Classics, and if one has independent and direct access to the moral truth or the sage’s mind, one can then use Z-2 to rule out any interpretation that is not consistent with the moral truth. However, with regard to whether a person could have direct access to the moral truth or the sages’ mind, Zhu and his rival Buddhist-Confucian scholars differ. The Buddhist-Confucian scholars claimed that they could have direct access to the sages’ mind without the mediation of constructive interpretation of the Classics, and that our mind is identical with the moral truth (*xin ji li* 心即理). For them our mind is something that we share with the sages, the ‘original mind’ (*benxin* 本心). They believed that truth is beyond language, and that it is possible—and better—to transmit the moral truth not through language, but through the mind. As Zhu points out, this idea of ‘transmission through mind’ (*xin zhuan* 心傳) was clearly influenced by the Zen Buddhist method of “not relying on language, just pointing directly to people’s mind” (不立文字·直指人心) (ZZYL 126:3011; also see ZZYL 8:141). This is one of the reasons why they claimed that one did not even need to read books (ZZYL 124:2978, 2985; 52:1236). Instead of reading books, one could have direct access to one’s original mind through a variety of ways: intuiting (*wu* 悟), meditating (*jingzuo* 靜坐, literally meaning ‘quiet sitting’), observing [one’s own] mind (*guanxin* 觀心), seeing nature (*jianxing* 見性), or telepathy (*ta xin tong* 他心通). Zhu took pains to argue against these Zen approaches to the moral truth; in fact, he said explicitly that “Zen is most harmful to the moral truth (*dao*)” (ZZYL 126:3014).<sup>13</sup> An anonymous author<sup>14</sup> who represented the Zen Buddhist theory of ‘transmission through mind’ wrote: “What is transmitted is in fact not the sages’ *dao*, but the sages’ mind. What is transmitted is in fact not the sages’ mind, but my mind. My mind is no different from the sages’ mind” (ZZQS 23:3397). To this Zhu replied:

Only by studying the sages’ *dao*, can one come to know the sages’ mind. One knows the sages’ mind in order to use it to regulate one’s own mind, and this eventually leads to one’s own mind to become no different from the sages’ mind. This is really what we mean by “transmission through mind.” (ZZQS 23:3397)

In general, Zhu believed that there is no immediate access to the sages' mind or the moral truth, hence:

Z-3A. The sages' mind (and hence the meaning of the Four Books) can be known only through the mediation of learning (including reading and interpretation of the Four Books).<sup>15</sup>

When the literal meaning of a text is underdetermined, Zhu believed that an ordinary reader could determine which interpretations are best by using certain principles about what a text should mean. The key principle is the following: "When one reads the Classics, one should look for the reason why the sages wrote the Classics, and the sages' intended purpose [in writing the Classics]" (ZZYL 19:444).<sup>16</sup> He used the following terms interchangeably to refer to intention: 'intention' (*yi* 意) (ZZYL 19:444), 'original intention' (*benyi* 本意) (ZZYL 25:608; ZZQS 23:2941), 'purpose' (*zhi* 旨) (ZZYL 11:194), 'point' (*zhi* 指) (ZZYL 11:191), 'intended point' (*yizhi* 意指) (ZZYL 124:2978), 'pointed intention' (*zhiyi* 指意) (ZZQS 23:2986), and 'what [the sages] want to do with it' (*yao jiang zuo he yong* 要將作何用) (ZZYL 124:2978).

Furthermore, Zhu claimed that there was only one overall purpose or point,<sup>17</sup> which had the following two connected components: (1) to change a reader so that he would become a sage,<sup>18</sup> and (2) to manifest the moral truth (*mingli* 明理).<sup>19</sup> The sages' purpose in writing the Classics corresponded to the reader's or interpreter's purpose: (a) to let the sage's words change the reader's psychophysical temperament (*qizhi* 氣質), so that the reader would become a sage as well,<sup>20</sup> and (b) to know the moral truth illuminated by the sages. In short,

Z-4. The sages' overall purpose in writing the Four Books, as well as the purpose of ordinary people in reading them, is for the ordinary reader to know the moral truth and to become a sage.<sup>21</sup>

There are many examples of how Zhu used this principle to determine which interpretation is the correct one in his commentary on the Four Books. For example, if we compare the Han commentator Zhao Qi's 趙岐 (d. 201) commentary with Zhu Xi's commentary on the *Mencius*, we would see that the literal meaning of the text is often ambiguous enough to allow for both Zhao's interpretation of the *Mencius*, which often rendered the passages as to be addressed to rulers or literati-officials regarding political and policy issues, and Zhu's interpretation, which rendered them as moral instructions about how ordinary people can become sages (Du 2004). Zhu often relied on Z-4, which claimed that the purpose of the Classics is to offer instructions about how ordinary people can become sages, to determine that the latter should be the correct interpretation.

Since Zhu rejected the Buddhist-Confucians' intuitionist approach to the moral truth, he could not claim that he knew Z-4 to be true because he intuited (*wu* 悟) its truth. He simply assumed it to be true, and he did not allow it to be up for interpretive grabs. This might be due to the fact that for him it was a basic principle of

his founding framework that provided a normative constraint on the interpretive process.

As Peter Bol has shown, Zhu's view of the overall purpose of learning was actually a radically new and highly controversial idea in the Song dynasty (Bol 1989 and 1992). Zhu was the main synthesizer of *daoxue* (the school of the learning of *dao*) that emerged in the Song, which has been called 'Neo-Confucianism' by Western scholars. Cheng Yi (1033–1107), one of the founders of *daoxue*, was the first to establish as an 'article of faith' that distinguished *daoxue* from other schools of Confucianism the idea that the purpose of learning is to become a sage.<sup>22</sup>

Zhu also held a principle that might be called 'the Principle of Unity':

Z-5. If one proposition of an interpretation of the Four Books is true and another proposition of an interpretation of the Four Books is true, then they both describe the same moral truth, *dao* or *li*.

In Zhu's words, "The sages' words may seem different, but they have always been united by one thread. . . . There is actually only one *li* (moral truth)" (ZZYL 12:207). While it may not be obvious that two propositions describe the same thing, "with work the reader would see for himself the interrelatedness of the texts" (Gardner 1990, pp. 41; also pp. 41–42). In this context, Zhu often justified Z-5 by appealing to what Confucius said in *Analects* 4.15, namely that there is "one single thread running through" all of his teachings. Zhu believed that this single thread also runs through the Four Books.

Z-5 is the hermeneutic version of Zhu's famous doctrine of '*li yi fen shu*' 理一分殊, which means '*li* is one but its manifestations are many.' Zhu believed that *li* is the pattern (order or coherence) that governs the world. For Zhu, *li* cannot be something passive and impotent; on the contrary, it must realize itself everywhere in the world. In other words, *li* must be one and many at the same time. It has to be mediated by actual and concrete things in the world.

A corollary of Zhu's Principle of Unity is the Principle of Coherence:

Z-5A. If one proposition of an interpretation of the Four Books is inconsistent with another, one of them must be false.

Here Zhu is guided by the same paradigm set up by Confucius in *Analects* 11.22, in which Confucius insists on the unity of the purposes behind his two utterances, in spite of the apparent contradictions of their literal meanings. This paradigm enabled Zhu to ignore the apparent disunity or contradictions of the literal meanings of certain passages in the Four Books; Zhu always tried to find unifying theses running through the Four Books.<sup>23</sup>

Z-4, Z-5, and Z-5A provide normative constraints on interpretations, but they have their limits. For example, Z-4 can only be used to rule out interpretations that are *incompatible* with the sages' purpose as specified by Zhu, which is to manifest the moral truth and help ordinary people become sages. However, if one encounters



two different interpretations, both of which are compatible with the sages' purpose, we cannot use Z-4 to determine which one is the correct one. Similarly, when one encounters two different sets of interpretations of the Four Books, both of which are internally coherent, Z-5 and Z-5A cannot determine which set is the correct interpretation.

For Zhu, it takes a very special kind of reading of the Classics for one to acquire the true knowledge of the moral truth. When one reads, one has to experience the Classics personally:

Z-6. The reader has to "experience" a text personally, in such a way and until "its ideas seem to come from our own minds" (ZZYL 10:165, 168; also see Chu 1990, pp. 132, 135).

While Z-6 may be vague, it can be made more explicit by considering some of Zhu's other doctrines. He does not believe that the meaning of the canonical text is recoverable solely in the text or solely by trying to determine the author's intentions through the text, or in a combination of text and intentions.

Another reason Zhu held Z-6 is due to his doctrine of ethical internalism. Both Zhu and the Buddhist-Confucian scholars believed in Mencian internalism, the view that virtuous actions must come from one's inner self—that is, one's internal desires, emotions, and beliefs. For the Buddhist-Confucian scholars, since they believed that our mind is already the same as the sages' mind, we do not need to learn the moral truth from the outside, and our virtuous actions would just flow from our innately good "original mind" (*benxin* 本心). However, as Chen Lai has convincingly argued, there is no room for the concept of *benxin* in Zhu's philosophical system (Chen 2000, pp. 247–250). Zhu emphasized that ordinary people have to read books because they are not sages yet; ordinary people who are not born with the innate knowledge of the moral truth need to learn it from the Classics. Of course, they must practice the moral truth to its fullness until they realize that it would seem to come from their own minds. And Zhu argued that the moral truth acquired in this way should still be said to be "from within" (ZZYL 124:2976).

This is why Zhu also held

Z-6A. One must find the meaning of the text "in ourselves" (ZZYL 11:181; Chu 1990, p. 1495.26).<sup>24</sup>

According to Zhu, every one of us has the same potential to become a sage. He claimed that "The moral truth is not a thing in front of me; it is in my mind" (ZZYL 9:155; also see 5:85, 15:303). Zhu claimed that even *xiao-ren* (little men) have the dao-mind (*daoxin* 道心)—meaning that every human being has the capacity to perceive the moral truth and moral emotions (ZZYL 78:2011). The likelihood of finding the meaning of the text in ourselves is increased if the mind is made receptive to it. This requires a mental or spiritual discipline. One's mind must be made *jing* 敬 (reverent, sincere), and this is achieved by practicing a certain regimen: "The head

should be upright, the eyes looking straight ahead, the feet steady, the hands respectful, the mouth quiet and composed, the bearing solemn" (ZZYL 12:212; Chu 1990, p. 172). The regimen gives the mind access to one's deepest self, namely the dao-mind, but this deepest self is not peculiar to one person. Each person has the dao-mind, and this dao-mind is the same in all human beings. So the ideas or propositions that an interpreter discovers or recovers are not partial or biased in favor of any one individual person.

Given this belief, it is plausible that Zhu also held

Z-6B. The ideas in the canonical text are ideas that the impartial and unbiased dao-mind would express.

Conversely, it is implausible that Zhu holds that the ideas of the canonical text should be the ideas that the psychophysical human-mind (*renxin* 人心) would express since he is giving principles of ideal interpretation and the human-mind could only perceive senses and desires, not the moral truth.

Our guess is that Zhu's belief in an original, unbiased dao-mind that needs to be liberated from a psychophysical, biased human-mind also underlies his belief that

Z-7. A reader must have an "open" or "empty" mind in the sense that it is unprejudiced (ZZYL 11:179; Chu 1990, p. 147).

A mind that was closed could not liberate the dao-mind that was in effect imprisoned and obscured by the psychophysical human-mind, and a mind that is not empty is one that is controlled by the psychophysical self. Since the Buddhists also talked about 'emptying one's mind,' Zhu took pains to emphasize the differences between his view and theirs. When the Buddhists talked about 'emptying one's mind,' they meant that (1) one should be completely rid of one's psychophysical human-mind (senses and desires) in order to know the truth, and (2) one should be completely rid of all of one's ideas and beliefs in order to know the truth. Zhu rejected both claims. First, he did not think that we should try to get rid of the psychophysical human-mind; he believed that even the sages could not be without it. Instead, one should make one's dao-mind the master of the human-mind, so whatever one's human-mind desires, it would always be what the dao-mind would approve of (ZZYL 78:2011). Second, Zhu did not believe that one should try to be rid of all ideas and beliefs (*yijian* 意見), as Lu Xiangshan urged; one only needed to get rid of the morally wrong ideas and beliefs (*xie yijian* 邪意見), but not the correct ones (*zheng yijian* 正意見) (ZZYL 124:2972).

At this point, we will depart from exposition in order to offer an argument supporting Zhu's view. While the aim of interpreting a text with an open mind is laudable, it should not be confused with interpreting with a mind empty of any ideas or beliefs. To interpret a text is to locate it within one's complex network of beliefs. Doing this satisfactorily involves connecting at various points the propositions that

express the interpretation with the other propositions that constitute the network. For example, in order for someone to add the belief that Li and Dai are getting divorced, a person would have to connect it with such other beliefs as that Li and Dai were married, that marriage is a personal and emotional relationship between two human beings, that Li and Dai are human beings, and so on. One of the reasons that “Quadruplicity drinks procrastination”<sup>25</sup> normally cannot be interpreted is that it does not connect with other beliefs. (If, however, it is taken as a figure of speech, it could be interpreted as meaning that when four persons or nations meet to establish a policy their procrastination is analogous to water drunk by people who are thirsty, and this proposition could be connected with various propositions about numbers, persons, nations, meetings, thirst and so on.)

Without an extensive network of beliefs, it is impossible to make these connections. That is one reason that children and simple-minded people cannot understand sophisticated texts. The interpreted propositions may be added to the network but cannot be integrated into it because their networks are insufficiently rich.

To say that all interpretation depends on preconceptions or a prior network of beliefs is not to say that such interpretation is biased or that it is impossible to recover the original meaning of the text. The prior presence of a numerous set of propositions does not determine what the interpretation of a novel text will be even though the possible interpretations may be constrained by that set. There is no reason to think that a preexisting set of propositions  $\{p_1, p_2, \dots, p_n\}$  necessitates that the content of an interpretive proposition of some text will be of the form ‘The author meant that  $q$ ’ rather than ‘The author meant that not  $q$ ,’ even when the set entails that  $q$ .<sup>26</sup>

The Buddhists were far from being alone in mistakenly thinking that interpretation should involve no preconceptions. The mistake is often the result of confusing it with the principle that an interpretation should not be based on beliefs held only by the interpreter and not also held by the author or others in the context of the original text. Except in unusual circumstances, a person in the twenty-first century should not attribute to a person in the seventeenth century the beliefs that the universe is more than four billion years old or that men and women are equal in intelligence and political rights.<sup>27</sup>

We now return to Zhu’s views. Given that the sages had access to the Way (dao), which is unitary, and that the truth about the Way is recoverable by the original-self dao-mind, Z-8 seems to follow

Z-8. There is only one correct ideal interpretation.

As one scholar explicates this idea, “the truth in the text is the same for every reader” because the original dao-mind is the same in all individuals.<sup>28</sup>

Because of Z-6 (understood as Z-6B) and Z-8, Zhu holds ‘the Original Meaning Principle’:

Z-9. A reader should understand the original meaning of the text.

The obvious question to ask about Z-9 is "What is the 'original' meaning of the text, when the interpretation of the text is supposed to be ideal and not necessarily actual?" One of Zhu's answers is that the reader is supposed to "read for the meaning of the ancients" (ZZYL 10:166; Chu 1990, p. 132). This view sounds like a version of the author-intentionalist theory of descriptive interpretation. The reason why it is also acceptable to Zhu as a principle of ideal interpretation is that he assumed that the author had unfailing access to the Way. In other words, because the author is ideal and because the meanings of the words of the text are often the single best evidence of what the author meant, the Original Meaning Principle is compatible with a descriptivist version of author's-intention theory. Authors are supposed to choose those words that best express their communicative intentions.

We think that propositions Z-1 through Z-9 express some of the most important components of Zhu's views on principles of ideal interpretation. In addition to these, he has less central ones, which, if not essential to ideal interpretation, fill out his interpretive method. One is

Z-a. A student should read the classic texts intensively and should not strive to read broadly for its own sake.

A text should be read over and over (ZZYL 10:168, 169; also see Van Zoeren 1991, pp. 231-234). The repetitious reading should be oral recitation, not silent reading (ZZYL 10:170; Chu 1990, p. 138 and also pp. 139, 140, 147). One might think that from the principle of intensive repetition, it follows that few works should be read. In fact, it does not follow because the restriction on reading broadly applies only when the reading is done for "its own sake," not for the sake of understanding the canonical text (Van Zoeren 1991, pp. 234-237). A reader should go to commentaries when repeated readings do not yield the meaning (ZZYL 11:191; Chu 1990, p. 155; see also p. 154). Complete understanding of the canonical texts requires some reading of "the various annotations, commentaries, and explanations" that previous scholars have provided (ZZYL 10:162; Chu 1990, p. 129). Consequently, Zhu says, "Don't value quantity, value only your familiarity with what you've read" (ZZYL 10:167; Chu 1990, p. 134).

Maximum comprehension requires this:

Z-b. A student should read slowly rather than quickly (ZZYL 10:165; Chu 1990, p. 132).

and

Z-c. A reader should begin with the easiest texts and proceed to the most difficult ones.

It is plausible that what he means by the simplest ones is not just the easiest to understand, but the most important ones for becoming humane. "Snow is white" is

at least as easy to understand as “The Way is one.” But it appears that Zhu would want students to understand the latter before the former.

The belief that the classic works are ideal texts seems to dictate

Z–d. A reader should read each sentence in the order in which the text presents it and not skip around through the text (ZZYL 10:166; Chu 1990, p. 133, 4.28).

An author with unfailing access to the Way will write the best words in the best order: “The words spoken by the sages and worthies are naturally coherent, each arranged in its proper place” (ZZYL 11:194; Chu 1990, p. 159).

Not all of Zhu’s advice is helpful. When he says, “In your reading of them [the Classics], penetrate deeply. If you simply read what is on the surface, you will misunderstand. Steep yourself in the words; only then will you grasp their meaning” (ZZYL 10:162; Chu 1990, p. 129). How, one wants to know, does one do this? The question is the same one that a reader wants to ask Descartes when he says in his *Discourse on the Method*, “Break a problem into its simplest parts.” How does one identify the simplest parts?

Also, deep or penetrative understanding, in contrast to superficial understanding, suggests that the deep understanding of a text will be an unusual interpretation, because people will agree about superficial interpretations. But Zhu admonishes against coming up with unusual interpretations (ZZYL 10:175; Chu 1990, p. 142).

In addition to the apparently unhelpful advice, some of the advice seems contradictory. His comment “don’t be concerned whether you’re [reading] slow or fast” (ZZYL 10:164; Chu 1990, p. 131) seems to contradict Z–b, as does his next comment, “There are a great many books in the world. If you just read them as you have been, when will you finish with them?” (ZZYL 10:165; Chu 1990, p. 131).

Most, if not all, of these contradictions and tensions could be eliminated by filling out or making more precise each proposition in some way. If we were to do this, it would be important not to attribute to Zhu something that he did not really mean, for that would be to engage in ideal interpretation, and exposition should be descriptive; it should expound what he actually meant and not what ideally he meant.

### *Ronald Dworkin’s Theory*

We shall now show that Dworkin’s theory of interpretation is similar to Zhu’s with respect to Z–1 through Z–9. Just as Zhu thinks that the Classics contain the moral truth, Dworkin subscribes to an analog of Z–1:

D–1. The U.S. Constitution and the valid Supreme Court decisions about constitutional law contain the truth about justice for Americans.

For Dworkin, judicial decisions are supposed to aim at justice or, as he sometimes puts it, “political morality” (Dworkin 1985, p. 216; see also Dworkin 1977, p. 364). Judges must understand the law to be “structured by a coherent set of principles

about justice and fairness and procedural due process,” and they “must enforce these in the fresh cases that come before them, so that each person’s situation is fair and just according to the same standards” (Dworkin 1986, p. 243). In hard cases, judges must “make judgments of political morality in order to decide what the legal rights of litigants are” (Dworkin 1977, p. 90). We need the phrase “for Americans” because justice, the protection of political rights, is not abstract but is embodied within historical traditions. Dworkin says,

Political rights are creatures of both history and morality: what an individual is entitled to have, in civil society depends upon both the practice and the justice of its political institutions. . . . [A judge] does not choose between history and justice. He rather makes a judgment that requires some compromise between considerations that ordinarily combine in any calculation of political right. . . . [I]nstitutional history is part of the background that any plausible judgment about the rights of an individual must accommodate. (Dworkin 1977, p. 87)

Dworkin reiterated his view in *A Matter of Principle*: “I am defending an interpretation of our own political culture, not an abstract and timeless political morality” (Dworkin 1985, p. 216; see also 1986, p. 398).<sup>29</sup> Nations with different constitutions and traditions, for example Great Britain, Canada, France, and Sweden, embody justice in accordance with their historical traditions. The historicity of justice may make it relative, but not perniciously so. The concept of justice is the same across nations even though each has its own conception of it.

Conceptions of a concept are concrete specifications or ways of applying justice. Constitutional texts and hence constitutional laws are usually underdetermined. The underdetermination may be in two dimensions. First, sometimes words are vague or ambiguous, or a text is terse or incomplete. In such cases, which apply to every kind of text, the meaning provided by the words of the text does not determine an answer to every question that might be made about its meaning. If the text is “He’s going,” the answers to the following questions will be underdetermined: ‘Is he beginning to move or is he about to die?’ and ‘Is he going to Wuhan or somewhere else?’ and ‘Is he going now or at some later time?’—to mention only a few examples. Second, and more importantly, sometimes the meanings of words do not determine what decision a person should make. As it applies specifically to the law, sometimes the meaning of a text or the communicative intentions of the author of the text or the conjunction of the two do not determine what decision should be made about the disposition of some case. That is, much legal interpretation is nonpure interpretation. In addition to the pursuit of the meaning of the text, whether that pursuit is directed to actual or ideal meaning (pure interpretation), legal interpretation typically contains an additional element that colors the interpretation that is arrived at. A case comes before a court, and a question is posed: Was a certain transaction an instance of interstate commerce, and if so, prohibited? Is a certain entity a person, and if so, what rights does he have? Was a layperson who signed a contract written in legal language adequately informed of its terms? Legal interpretations are often guided to a greater or lesser extent on what the practical consequences of the inter-

pretation will be. The interpretation affects decisions that people have to be able to live with. As is now often said, “The Constitution is not a suicide pact.” No matter what the words mean and no matter what the authors intended, no interpretation that has as a consequence the destruction of the people or government will be acceptable.

For our purposes, it is not necessary to discuss further the differences between these two kinds of underdetermination. What is important is that the underdetermination requires that the gaps in the meaning of the text be filled in, in some appropriate way. According to Dworkin, the concept of law is an interpretive concept, which means that it has to be understood as intended to serve a particular point or purpose. In order to best serve that purpose, a legal interpretation should supply the best politically moral sense that can be given to a legal text (e.g., see Dworkin 1985, pp. 410–411). That his view is controversial is not our concern. We are interested in what Dworkin believes is required a morally best or ideal interpretation.<sup>30</sup> For legal texts—and here for the sake of simplicity we restrict ‘legal texts’ to the American Constitution and Supreme Court decisions about constitutionality—the best interpretation is the one that explains how best to achieve justice.

Insofar as justice must be fair, the rules of justice must be consistent: “fairness demands consistency” (Dworkin 1977, p. 75). However, Dworkin also recognizes that as good as the Constitution and constitutional decisions have generally been, they contain mistakes as regards justice. So Dworkin’s principle about the consistency of constitutional law is somewhat weaker than the strict analog of Z–2:

D–2. Any interpretation of constitutional law that maintains that the law means something that is incompatible with justice must be either false or constrained by the literal meaning of the text.

The part of D–2 preceding the ‘or’ clause has the same spirit as Z–2 in that constitutional interpretation aims at complete compatibility with political justice:

Hercules must discover principles that fit, not only the particular precedent to which some litigant directs his attention, but all other judicial decisions within his general jurisdiction. . . . He must construct a scheme of abstract and concrete principles that provides a coherent justification for all common law precedents. (Dworkin 1977, pp. 116–117)

Further, his commitment to consistency does not stem from purely logical considerations. Rather it is a consequence of his commitment to integrity (Dworkin 1986, p. 219). Integrity, seeking the best interpretation of the law, is sometimes the means by which consistency is restored in a legal system. Dworkin illustrates this point with a bygone law of Britain. At one time the members of all professions but one were held “liable for damage caused by their carelessness” (p. 219). The exception was barristers. This exception involved a hidden inconsistency because the principle behind the law was that trained persons engaged in activities that can cause great harm to people should be held accountable for their carelessness. Lawyering is obviously such a profession; so exempting barristers was inconsistent with the principle; and in

time the courts reestablished consistency in the law by including barristers under the general rule.

Notwithstanding the value of integrity in restoring or preserving consistency (at least in large parts of law), legal systems do contain inconsistencies. This is why D-2 needs to be weaker than Z-2: the ideal interpreter "will find, in practice, that the requirement of total consistency he has accepted will prove too strong." He must regard "some part of institutional history as a mistake." Otherwise, "he will be unable . . . to find any set of principles that reconciles all standing statutes and precedents." Unlike the assumption that Zhu made about the sages, Dworkin accepts that not all of "the legislators and judges of the past" had "the ability or insight" of a fully enlightened judge (Dworkin 1977, p. 119).

His general strategy in handling these mistakes is to stipulate that the mistakes are to be deprived of their normal logical power. The implications they would have had if they were consistent with political justice are blocked. Dworkin uses a metaphor from physics to explain his view. Good constitutional laws have "a gravitational force" that affects other decisions "even when these later decisions lie outside its particular orbit" (Dworkin 1977, p. 111). The gravitational force of a precedent "is defined by the arguments of principle that support a decision" (p. 114). When a judicial decision is mistaken, a judge must "limit the number and character of the events" that could be affected by it (p. 121). He does not deny its specific authority but he does deny its gravitational force, and he cannot consistently appeal to that force in other arguments (p. 121).

Dworkin is reluctant to accept a stronger position that suggests itself. It would seem that it is not incumbent on an ideal interpreter to give any weight to a mistake; and it is possible for a mistake to occur even in the most basic political or legal document to be interpreted. So, it would seem, if equality and, hence, equal protection under the law are moral principles of American law, then the Constitutional provisions that permitted the enslavement of blacks and excluded women and others from voting were mistakes, mistakes from the very beginning. This line of reasoning seems to be implicit in the following passage:

[T]he law of a community consists not simply in the discrete statutes and rules that its officials enact but in the general principles of justice and fairness that these statutes and rules, taken together, presuppose by way of general implicit justification. The general structure of the American Constitution presupposed a conception of individual freedom antagonistic to slavery, a conception of procedural justice that condemned the procedures established by the Fugitive Slave Acts. . . . These principles were not simply the personal morality of a few judges. . . . They were rather, on this theory of what law is, more central to the law than were the particular and transitory policies of the slavery compromise. (Dworkin 1975, p. 1437; see also 1996, p. 10)

Of course, jurists of the time either did not recognize that such articles and statutes were mistakes or, if they did, were unable or unwilling to correct them. But they were mistakes nonetheless. As mistakes, perhaps Dworkin should not allow these offensive and unjust provisions to be part of the law, for then there would be no con-



sistent set of principles that could reconcile all the propositions of the Constitution (Dworkin 1977, p. 119). As he later says,

He [the ideal interpreter] does not satisfy his duty to show that his decision is consistent with established principles, and therefore fair, if the principles he cites as established are themselves inconsistent with other decisions that his court also proposes to uphold. (Dworkin 1977, p. 116)

However, if Dworkin maintained that the slavery clause of the Constitution and the Fugitive Slave Laws were not actual laws, then he would be subject to the same criticism as natural-law theories, according to which a supposed law that violates justice is not a law.

So, at least after 1977, Dworkin accepted the slavery clause and the Fugitive Slave Laws as laws. Slavery was what he called an “embedded mistake,” one that could be rectified only by constitutional amendment. But he limits the harm that slavery could do by adopting the following tactic: “If he [the ideal interpreter] classifies some event as a mistake, then he does not deny its specific authority but he does deny its gravitational force, and he cannot consistently appeal to that force in other arguments” (Dworkin 1977, p. 121). That is, Dworkin tried to seal off these offensive mistakes from the rest of the Constitution. In this way, they are prevented from infecting the rest of the law.<sup>31</sup>

Who the author or authors of the Constitution were is a vexed question. As for the actual authors, their intentions are somewhat obscure and contested. This is one reason that Dworkin does not subscribe to an originalist or intentionalist theory of constitutional interpretation (Dworkin 1986, pp. 312–337). Also, even if their intentions were known, they would not be ideal leaders. They were men with limited knowledge and intelligence, limited goodness, deficient sensibilities, and imperfect literary skills, and bound by their own prejudices. None of this is to say that they were bad people or that the Constitution was badly written. The point is that it does not make sense for a nation dedicated to justice to settle for less than the best interpretation of the documents that guide them.

However, Dworkin in effect accepts

D–3. The mind of the author or authors can be known only through interpretation, because the proper interpreter of the Constitution is a person who would have written and meant it in its best sense, that is, in the sense that the ideal interpreter assigns to it. In effect, the ideal interpreter is the author of the document he interprets. Although reader-response theory is not plausible as a general theory of interpretation, it is a reasonable strategy to adopt when the interpreter is ideal. Since the ideal meaning is arrived at only through interpretation, D–3 is a fair statement of Dworkin’s view. Another way to see this result is to consider the question of whether Dworkin has an ideal-author theory or an ideal-reader theory. According to the ideal-author theory, a text should be interpreted as if it had been written by an author with full knowledge and unfailing benevolence. But since all ideal-reader

interpretation posits an ideal author, all ideal interpretations posit an ideal author. If the author is actually ideal, then the real is the ideal. When the author is not actually ideal, then what the reader says the ideal author meant is tantamount to what the ideal author said. In these cases, an ideal-author interpretation is a reader-response theory. Dworkin wants judges to be ideal readers.

Dworkin's positing of an ideal interpreter of texts, whom he calls 'Hercules,' avoids the pitfalls of textualism and intentionalism. Hercules possesses "superhuman skill, learning, patience and acumen" (Dworkin 1977, p. 105). He knows all the factual, constitutional, and statutory information relevant to the case that needs to be decided, and also is unfailing in his reasoning. He is constructed in order to have a model of the perfect interpreter of political justice in the American tradition. In other words,

D-4. The overall purpose of an interpreter of the Constitution and constitutional law is to discover the truth about political justice.

Hercules proceeds as he does because law is an interpretive concept (Dworkin 1977, p. 147; 1985, p. 147; 1986, p. 87). That is, the law has a value and serves "some interest or purpose . . . that can be stated independently of just describing the rules that make up the practice. . . , that is, it has some point" (Dworkin 1986, p. 47). Also, the rules of law have to be "sensitive to its point, so that the strict rules must be understood or applied . . . by that point" (Dworkin 1986, p. 47).

For Dworkin, these rules constitute a body of propositions that are appropriate to just one thing, political justice. This gives rise to the analog of Z-5:

D-5. If one proposition of an interpretation of the law is true and another proposition of an interpretation of the law is true, then they both describe the same thing, political justice.

D-5 is presupposed by Dworkin's opposition to legal positivism, according to which law is a purely formal concept and does not need to contain anything of morality. For Dworkin, law must include principles, and principles are moral standards required of "justice or fairness or some other dimension of morality" (Dworkin 1977, p. 22). Supposed laws that are not part of a system about justice or fairness are not parts of a legal system (Dworkin 1986, pp. 33-43). D-5 does not mean that all the principles of political morality follow from some one principle. Dworkin rejected this interpretation, which was advanced by Joseph Raz (Raz 2005; Dworkin 2005, p. 381). Dworkin had explicitly said in *Law's Empire* that the best overall interpretation of the law involves "independent" and "competing" principles (Dworkin 1986, pp. 268-270).

Concerning the analog to Z-6, since Hercules is our model of the ideal interpreter, each judge attempts to be Hercules. To the extent possible, interpreters of the Constitution and constitutional law ought to be as well informed as possible about the text and the relevant facts, and ought to present a logically cogent defense

of their view. In effect, just as Zhu Xi wanted readers to experience a text personally, Dworkin wants each interpreter of the Constitution to be Hercules, and in ideal legal judgments come from the interpreter's own mind that way:

D-6. The reader has to experience a text personally, in such a way and until "its ideas seem to come from our own minds."<sup>32</sup>

Dworkin's commitment to D-6 gives rise to a misunderstanding, which is expressed as an objection to it. The objection is that, *pace* Dworkin, "a judge must never rely on his personal convictions about fairness or justice" (Dworkin 1986, p. 259). He should "not substitute his own political convictions for the politically neutral correct interpretation" (p. 260). In fact Dworkin agrees with the content of this objection, and for this reason the objection has no force. For Dworkin, as for Zhu Xi, a judge or other interpreter of the law is not allowed to draw upon his prejudiced views. The constructive interpretation comes from that part of the mind that consists only of legally relevant principles and information (Dworkin 1977, pp. 117-118; see also Dworkin 1986, p. 260).

Dworkin criticizes a judge who appeals "to the fact that he *himself* has a particular political preference" and that "since he himself happens to favor abortion, he will hold anti-abortion statutes unconstitutional." Dworkin approves of a judge relying "upon his own belief in the . . . sense of relying upon the truth or soundness of that belief." Hercules "uses his own judgment to determine what legal rights the parties before him have" (Dworkin 1977, pp. 124, 125). Since there is no real Hercules, it must be said that the principles come from our own minds, reflecting or 'experiencing' the Constitution, and the relevant laws and precedents. This is tantamount to holding

D-6A. One must find the meaning of the text in ourselves,

which is the analog of Z-6A.

Because in hard cases Hercules cannot simply apply some constitutional principle or law in order to reach the right decision, Hercules has to look for the best way of extending his constitutional and statutory information in order to arrive at some principle that will apply to the case at hand. What Hercules is doing is filling in the gaps in meaning or working out a theory of law complete enough to decide the case:

Hercules must discover principles that fit, not only the particular precedent to which some litigants direct his attention, but all other judicial decisions within his general jurisdiction and, indeed, statutes as well, so far as these must be seen to be generated by principle. . . . (Dworkin 1977, p. 116)

Hercules "must elaborate the contested concepts that the successful theory" employs. This elaboration often depends on weighting some rights of constitutional or statutory provisions more heavily than others.

Understanding how a law would affect each person does not mean understanding how the law would affect only the individual reader. Morality is general, a system of rules created by citizens for the good of all the citizens. This requires that each lawyer understand how a law would affect himself not as something that has limited and individual experiences, biases, and personal values, but how it would affect anyone and everyone (e.g., see Dworkin 1977, pp. 123–124, 126; 1996, p. 10). Understanding the meaning of the Constitution and various laws requires an impartial and unbiased view. This is analogous to Zhu’s Z–6B:

D–6B. The ideas of the Constitution and the relevant laws are ideas that the impartial and unbiased self would express.

D–6B is specified by D–7, which is the analog of Z–7:

D–7. An interpreter should have a mind that is open or empty in the sense that it is unprejudiced.

To be impartial and unbiased is to have an open or empty mind. The evidence presented for D–6B is sufficient to establish Dworkin’s acceptance of D–7.

Let’s now consider the analog to Z–8. Although Dworkin is sometimes said to hold that there is always only one correct ideal interpretation, he does not hold this strong view. Perhaps the reason that Dworkin is mistakenly taken to hold this view is that in answer to the objection that one cannot always prove which single interpretation is correct, he says that the inability to prove which interpretation is correct does not mean that there is not one (Dworkin 1977, p. 81).<sup>33</sup> What he says is that his argument “supposes that there is often a single right answer to questions of law and political morality (Dworkin 1977, p. 279). So he holds the weaker principle:

D–8. There is often only one correct ideal interpretation.

Dworkin allows that different ideal interpreters could, on some occasions, come to different decisions about the applicability of a contested law. This will occur when the “discriminating power” based on “justifying different aspects” of the constitutional and statutory scheme “is exhausted” before a decision is reached (Dworkin 1977, pp. 81, 107). In such a case, the interpreter will complete his theory with principles that “reflect his own intellectual and philosophical convictions” (p. 118). One apparent way to avoid introducing one’s own intellectual and philosophical convictions is to weight the various relevant principles. However, if neither principles nor statutes nor previous decisions determine the relative weightings, then two ideal interpreters, Hercules<sub>1</sub> and Hercules<sub>2</sub>, might come up with different decisions, and there would be no principled way of preferring one over the other (p. 128). So Dworkin’s ideal interpreter is not ‘ideally ideal.’

As regards the analog of Z–9, that is, D–9:

D–9. A reader should understand the original meaning of the text.

the same problem arises that was discussed in connection with D-3. Initially it seems that Dworkin would not accept D-9 because he seems to reject originalism, and would accept what he calls 'moral reading': "The moral reading insists that the Constitution means what the framers intended to say. Originalism insists that it means what they expected their language to do" (Dworkin 1996, p. 13). However, Dworkin has made it clear that what he calls 'moral reading' here is what he calls 'semantic originalism' elsewhere (Dworkin 1997), and what he calls 'originalism' here is what he calls 'expectation originalism' (Dworkin 1997). When interpreting the clauses of the Bill of Rights, an expectation originalist would hold that "these clauses should be understood to have the consequences that those who made them expected them to have," whereas a semantic originalist would insist that "the right-granting clauses be read to say what those who made them intended to say" (Dworkin 1997, p. 119). Clearly, Dworkin only rejects expectation originalism, and he accepts semantic originalism (also see Dworkin 1993, pp. 132-144). So we think it is fair to ascribe D-9 to Dworkin.

### *An Objection and Conclusion*

One might object that it is not surprising that Zhu and Dworkin share what we have said they do, the reason being that propositions Z-1 through Z-9 and D-1 through D-9 are either analytic or trivial. A theory of ideal interpretation could not help but espouse these propositions, so the comparison between Zhu Xi and Dworkin is unilluminating.

We think this objection is mistaken. Concerning analyticity, even if some of the principles were analytic, it would still be as worthwhile to articulate and explain them as it is to articulate or explain any analytic proposition about fundamental concepts. Such articulations and explanations are not trivial. Also, they are not trivial in the sense of being commonplaces. We don't know of any similar systematic statement of the principles of ideal interpretation. Nor are these principles obvious. Apropos of Z-1 and D-1, ideal interpretation need not be of canonical texts. A literary critic may apply ideal interpretation to any poem. Apropos of Z-2 and D-2, any reader giving a descriptive interpretation would reject them. Apropos of Z-3 and D-3, Buddhist-Confucians denied that interpretation was the only way to the sages' mind, and so-called 'non-interpretivist' legal interpreters claim that judges may sometimes use moral principles that are external to the text (Dworkin 1985, pp. 34-36).

Apropos of Z-4 and Z-5 and D-4 and D-5, other ideals could be posited, for example aesthetics, and descriptivists pursue only the meaning of the text, without prejudging whether one of more truths are involved. Furthermore, as we have mentioned, scholars have shown that Z-4 and Z-5 were highly controversial claims in Zhu's time. And contrary to Dworkin's claim that his principles about the overall point of the law are "sufficiently abstract and uncontroversial" (Dworkin 1986), scholars such as Julie Dickson have argued that they are indeed controversial (Dickson 2001 and 2004). For example, Raz does not regard law as having one overall function (see Dickson 2001, p. 118).

Apropos of Z-6 and D-6, an interpreter can maintain that the truth of a text comes from outside the person. Apropos of Z-7 and D-7, Zhu and Dworkin disagree with the Buddhist-Confucian scholars. Apropos of Z-8 and D-8, many scholars, pluralists, deny that there is only one correct interpretation of the Constitution (Stecker 2003, pp. 26–27, 55–58). Apropos of Z-9 and D-9, Zhu and Dworkin espouse a kind of originalism that would be rejected by many originalists and all non-originalists.

## Notes

Abbreviations are used in the Notes as follows:

*ZZQS* *Zhu zi quan shu* 朱子全書 (Collected works of Zhu Xi). 2002. Shanghai: Shanghai Guji Chubanshe.

*ZZYL* *Zhu zi yu lei* 朱子語類 (Conversations of Master Zhu arranged topically). 1986. Beijing: Zhonghua Shuju.

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- 1 – The ‘*ceteris paribus*’ qualification is necessary because good interpretations are those that follow certain rules that tend to yield correct interpretations. However, when circumstances are adverse, for example when an author embeds a secret communication in a text that only privileged readers can discern, a good interpretation may be incorrect.
- 2 – What Zhu did to such a non-canonical text here is rather modest; he was just taking out one word. However, Zhu made much more dramatic changes to the canonical texts. For example, he rearranged the order of the paragraphs of one of the Four Books, the *Daxue* (Great learning) (*ZZQS* 6:17); furthermore, he believed that there was one paragraph missing in the original text, and he added a completely new paragraph that consisted of his own composition (*ZZQS* 6:20). For a fine account of how Zhu transformed the *Daxue*, see Gardner 1986. Zhu made similarly drastic rearrangements with regard to the *Xiaojing* (Classics of Filial Piety) (*ZZQS* 32:3204–3213).
- 3 – For a fine introduction to the history of these five Classics (*jing*), see Nylan 2001.
- 4 – The reason why we focus only on Zhu’s hermeneutic take on the Four Books is that his treatment of them is very different from his treatment of the Five Classics. For example, as Joseph Adler has convincingly shown, Zhu’s reading of the *Yijing*, one of the Five Classics, is different from his reading of the Four Books (Adler 1984 and 1990). We cannot address Zhu’s reading of the Five Classics here due to lack of space.

- 5 – The latest example is Wood 1995, especially chap. 6, “Statecraft and Natural Law in the West and China.”
- 6 – Although Dworkin has modified his views, the position he espouses in *Taking Rights Seriously* is the one closest to Zhu’s views. It should also be pointed out at the outset that we are aware of the obvious differences between Zhu and Dworkin in terms of their political philosophy, metaphysics, moral psychology, and epistemology. Here we deliberately focus on the structural similarities of their theories of ideal interpretation.
- 7 – The main difficulty with figuring out Zhu’s philosophical system as well as his theory of interpretation is that he never wrote a book or treatise to summarize them. A quick survey of the twenty-seven volumes of Zhu’s collected works shows that the majority of the materials consist of commentaries on the canonical texts, records of Zhu’s conversations with his students, and letters he wrote to students and friends. Most of the time Zhu was either commenting on concrete passages or giving instructions on how to read the canonical texts and how to become a sage; we have to reconstruct his theories based on these materials.
- 8 – He emphasized that the moral truth was not invented by the sages: “Had the sages not written [the Classics], this *tianli* would still have existed in the world by itself. . . . We should not say that, had the sages not spoken, this *daoli* would not have existed. This *daoli* has always existed by itself in the world, and it just uses the sages to express it at one time” (ZZYL 9:156).
- 9 – ZZYL 7:2913.
- 10 – We are grateful to one of the anonymous readers for urging us to address this objection.
- 11 – Our understanding of Zhu’s concept of *li* is indebted to Peterson’s perceptive study of the concept (Peterson 1986). It can be argued that if we accept this interpretation, we can see that Zhu’s *taiji* or *li* is very similar to Aristotle’s ‘unmoved mover,’ when it is given the ‘metaphorical’ interpretation, as several Aristotle scholars have suggested (Andriopoulos and Humber 1971, pp. 292–293; Randall 1960, p. 135), according to which “the Unmoved Mover has nothing whatever to do with any creator of motion. . . . It is a logical explanation, not a physical cause, a natural law, not a force” (Randall 1960, p. 135). Our attempt to use Zhu and Aristotle to shed light on each other is inspired by, and indebted to, Stephen Clark’s pioneering work (Clark 1975).
- 12 – We are still not completely happy with our translation of *li* as “the moral truth,” because it does not fully capture the following aspect of Zhu’s use of the term: Zhu also use *li* to refer to non-moral truth, such as the reason why boats can only move in rivers and not on land. In fact, Zhu’s *li* seems to be both normative and descriptive (Ivanhoe 2000, pp. 46–7); he explicitly says that “to exhaust *li* is simply to seek to know the reasons for which things and affairs are

as they are and the reasons according to which they ought to be" (ZZQS 32:3136).

- 13 – For Zhu's critique of the Zen method based on 'intuiting,' see ZZQS 24:3494–3495 and ZZYL 28:715. For his critique of the method of 'observing one's own mind,' see his essay "On Observing Mind" (ZZQS 23:3278–3279). For his critique of 'seeing nature,' see ZZQS 24:3478–3479. For his critique of 'telepathy,' see ZZYL 11:180. Zhu himself studied and practiced Zen Buddhism intensively for about fifteen years when he was young (Shu 2003, pp. 81–121). This might have been one of the reasons why it was almost an obsession on his part to critique Zen Buddhism so relentlessly. We should point out that we do not claim that Zhu's understanding and interpretation of Zen Buddhism and the scholars who are influenced by it are necessarily accurate. We are simply reporting his critique of the Buddhist-Confucian scholars as he understood them.
- 14 – Scholars have now identified the anonymous author as Wang Xinbo 王信伯 (Chen 2000, p. 351). He was a student of Cheng Yi's, but departed from Cheng's ideas under the influence of Zen Buddhism.
- 15 – Learning, for Zhu, largely consists in 'gewu' (the investigation of things), and Zhu regards 'reading the Classics and history books' also as *gewu* (ZZYL 15:284). We thank one of the anonymous readers for urging us to clarify Zhu's thoughts about the relationship between knowing the sages' mind and *gewu*, as well as the relationship between *gewu* and reading.
- 16 – This key principle of Zhu's hermeneutics belongs to a long tradition that goes back to the hermeneutic practice and theory in the *Analects* and the *Mencius*; for detailed arguments, see Xiao 2007.
- 17 – ZZYL 13:230, 243.
- 18 – ZZYL 8:134, 135, 137; ZZQS 24:3813. He said, "There is not a word from the sages that is not about how to become virtuous" (ZZQS 23:2758).
- 19 – ZZQS 21:1561; ZZYL 103:2607.
- 20 – Zhu's term 'qizhi' meant one's inborn psychophysical temperament and character. He also used the term 'qibing' 氣稟.
- 21 – We can find Zhu's formulation of the sages' twofold purpose in his preface to the volume of the Four Books he first put together in 1190 (ZZQS 24:3895; also see ZZQS 23:2758).
- 22 – One of the anonymous readers of this article suggests that "Z-4 is not merely Zhu's assumption; it is rather based on Zhu's reading of some passages of classics in which it is clear that sages aim to teach people to become sages." We do not deny that this assumption Z-4 could be found in some passages in the Four Books, when they are interpreted in a certain way. However, nearly all Confucian philosophers before the end of imperial China have claimed that their ideas could be found in the Classics. We believe that their claim should



not be accepted uncritically. As Bol has argued convincingly in his nuanced historical account, the idea of what we call Z-4 was actually a rather revolutionary one in Cheng's and Zhu's time. For the literati in the Tang and Song dynasties before Cheng's time, the purpose of learning was not perceived as transmitting the 'moral truth' (*dao*), but rather transmitting 'culture' (*wen* 文). In fact, the purpose of studying the Classics at one time mainly consisted in acquiring literary skills in order to write eloquent essays and poetry. Cheng was the first to challenge this practice (Bol 1992), and Zhu further developed Cheng's ideas and arguments (Bol 1989). In other words, it was part of the founding myth of *daoxue* (the 'learning of dao' school) that the idea behind Z-4 is claimed to be the true meaning of the sages' ideas in the Classics. What is valuable about Bol's argument is that it represents recent scholarship on the formation of *daoxue* that does not accept uncritically *daoxue* scholars' own account (see also Tillman 1992).

- 23 – For a detailed analysis of *Analects* 11.22 and how scholars of later generations such as Zhu have emulated the hermeneutic paradigm depicted in it, please see Xiao 2007.
- 24 – “In reading, we cannot seek moral principle solely from the text. We must turn the process around and look for it in ourselves” (ZZYL 11:181; Gardiner 1990, 5.26).
- 25 – See Russell 1962, p. 162.
- 26 – Giving one reason is sufficient: the interpreter may not realize that  $\{p_1, p_2, \dots, p_n\}$  entails that  $q$ .
- 27 – The reason that this confusion occurs is that people are often inappropriately egocentric and ethnocentric. They mistakenly think that what is true of them or their society is true of other people or other societies.
- 28 – Gardner 1990, p. 54.
- 29 – However, Dworkin sometimes also claims the opposite. There is an ongoing debate about this issue in Dworkin scholarship (Dickson 2001, pp. 22, 29 n., and 2004).
- 30 – Guest 1991, p. 20.
- 31 – But it is doubtful that this solution works. Suppose one article of a constitution states that some people are slaves, and some other article declares that property moved to another state without the owner's consent must be returned to him. Either (1) the article about property should not apply to slaves because the article about slavery has been sealed off from all other laws, or (2) the article about property applies to slaves, and the slavery article has not been sealed off. If (1) is the case, then Dworkin's view that fundamentally unjust laws have no gravitational force is tantamount to nullifying it, or if (2) is the case, then the article about slavery has its normal gravitational force.

- 32 – We use Zhu Xi’s phrase because it perfectly describes Dworkin’s position, and Dworkin himself might have used it.
- 33 – A commentator who denies that Dworkin accepts D–8 is Guest 1991, pp. 137–147.

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