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THE “MANDATE OF HEAVEN”: MENCIUS AND THE DIVINE COMMAND THEORY OF POLITICAL LEGITIMACY

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In Confucius' time, it was supposed that the sovereign had the mandate of heaven (*tianming*) to rule. Both Confucius and Mencius speak of a legitimate ruler as someone who has such a mandate and of a deposed ruler as someone who has lost it. Commentators have recently turned their attention to what the reference to the mandate of heaven means, as there are implications for the prospects of democracy in a Confucian state. The result is a wide spectrum of views. In what might be called the liberal interpretation of the “mandate of heaven,” Confucianism, or Mencius more specifically, allows for a popular revolt against a despotic ruler (hence for the possibility of democracy). In what might be called the conservative reading, this is denied. The liberal view locates the mandate of heaven in the will of the people whereas the conservative view takes the mandate to rule to lie in a heaven that transcends the people. To subscribe to the latter is to subscribe to what might be called the “Divine Command Theory of political legitimacy,” analogous to the Divine Command Theory of morality. Just as the latter says that an action is morally obligatory (or forbidden) because God commands (or forbids) it, the former says that a ruler is legitimate (or illegitimate) because heaven has given to (or withdrawn from) the ruler the mandate to rule. By contrast, the liberal reading of “mandate of heaven” is analogous to the “moral autonomy” position. Just as the latter says that a rational person can autonomously make moral judgments, and that if there is a God He would endorse the correct ones, the former says that the people can judge the legitimacy of a ruler on the basis of the ruler's performance, and their judgment can be called the mandate of heaven.

In what follows I will restrict myself to Mencius' view on political legitimacy. I will discuss this in terms of the Divine Command Theory. One reason for doing so is to permit a comparison with Kant's account of moral judgments. In one interpretation, Kant is a Divine Command theorist, one who holds that something is a duty because God commands it. In another, he is a “moral autonomy” theorist, one who holds that our practical reasoning enables us to arrive at correct moral judgments, which would be endorsed by God. In turn, the reason for comparing the case of Mencius with that of Kant is to highlight the difficulties for both the liberal and the conservative positions on Mencius' account of the mandate of heaven.

As is well known, the Divine Command Theory of morality and its opposite, the moral autonomy theory, are the two horns of a Euthyphro-like dilemma. In the *Euthyphro*, Socrates asks Euthyphro whether the pious is what the gods love or whether the gods love the pious because it is pious. If the former, then piety is capricious; if the latter, then the gods are irrelevant. Likewise, if something is good or right (or bad or

wrong) because God commands (or forbids) it then morality is arbitrary; but if God commands (or forbids) it because it is good or right (or bad or wrong) then God is either irrelevant or powerless on moral questions. Either horn has troubling consequences. We can now see the difficulties that beset both the liberal and the conservative readings of the mandate of heaven if we cast it in terms of the Euthyphro dilemma: is the ruler legitimate because heaven says so, or does heaven say so because he is qualified as a legitimate ruler (by the way he benefits the people)? The conservative reader takes the first horn and risks being accused of endorsing any kind of ruler, including despotic ones, or at least being accused of reading Mencius' view as totally anti-democratic. The liberal reader takes the second horn and risks being impaled on the view that heaven is irrelevant, or the view that the people have the right to depose a ruler whenever they, not heaven, judge him to be despotic. In what follows, I will review the cases for both the liberal and the conservative readings. I will then turn to Kant and show how he manages to avoid being impaled on either horn of the Euthyphro dilemma by grasping *both* horns. I will then return to Mencius and argue that the third reading that incorporates both the liberal and the conservative ones, one that appeals to Kant's maneuver, is more consistent with textual evidence and renders Mencius' position more coherent.

Before proceeding, the use of the term "dilemma" needs to be clarified. Etymologically, "dilemma" simply means "two propositions." The term is now used to refer to a difficult choice. The choice is difficult not necessarily because the "two propositions" are logically contrary or contradictory. It may be difficult because accepting either proposition has undesirable consequences. In the case of the Euthyphro dilemma, the difficulty for Euthyphro is that if he accepts that the pious is what the gods love then he may be forced to accept that piety is capricious, but if he concurs that the gods love the pious because it is pious then he may be forced to agree that the gods are irrelevant. For those who believe in both morality and God, the difficulty is that if they accept the proposition that something is good or right (or bad or wrong) because God commands (or forbids) it then they may be forced to accept that morality is arbitrary; but if they agree with the proposition that God commands (or forbids) it because it is good or right (or bad or wrong) then they may be forced to agree that God is either irrelevant or powerless on moral questions. Naturally, the difficulty arises only if the "two propositions" exhaust all options, or they are accepted to be a fair description of the choice one has to make. There may be no dilemma, no difficulty, if there are other options available, or if the choice presented is a false one.

In the case of Mencius, it has to be stressed that the dilemma, the difficulty, *lies with the interpreter of Mencius*. It is *not* suggested here that Mencius himself faces any difficulty. Indeed, there is no textual evidence to suggest that Mencius was struggling with any dilemma about the mandate of heaven. As such, Mencius is *not* in the same position as Kant insofar as Kant is aware of the difficulty he has to face as someone who believes both in God and in morality. Further, the *Mencius* is not a unified text, and so propositions that seemingly express incompatible views are to be expected. Thus, it is *we* who have to struggle in our understanding of Mencius and in reading the text. The difficulty *for us* is that if we saddle Mencius with any one view,

liberal or conservative, we risk imposing on him a view that he would not accept, or risk rendering various propositions in the *Mencius* really incompatible. It follows from all this that the “two propositions” that present a difficulty for us, namely those of the “liberal” and the “conservative” positions, are *not* meant to apply to Mencius. Indeed, any talk of being liberal or conservative is totally alien to Mencius. The present essay is concerned merely with *our* different readings of Mencius, *two* of which present *us* with a difficulty, a dilemma. The aim here is to suggest how *we*, not Mencius, can avoid the difficulty, or being impaled on either horn of the dilemma.

Liberal versus Conservative Readings of Mencius

Commentators who hold the liberal view concerning Mencius’ understanding of the mandate of heaven include Tu Wei-ming and Chung-ying Cheng, although it can also be found in earlier commentators, such as Fung Yu-lan. Thus, in the new edition of his *History of Chinese Philosophy*, Fung claims that the well-known passage at 1B8, where Mencius comments on King Wu’s removal of King Zhou, shows that Mencius believes in the people’s “right of revolution.”¹ Tu Wei-ming concurs with this reading, saying that the passage in question speaks of the “right of the people to rebel against a tyrannical dynasty.”² Likewise, Chung-ying Cheng argues that Mencius endorses the people’s right to take action to secure their just entitlements to the good life:

Some notion of the natural right to change a government for the well-being of the people was conceived by Mencius, based on his view of human nature as an embodiment of the Mandate of Heaven from which people are entitled to claim what is originally intended for them by Heaven.³

To support the liberal view that Mencius endorses the people’s “right of revolution,” or “right to change a government,” liberal readers either brush aside the notion of “mandate of heaven” or downgrade its significance. This can be done, as we will see, by interpreting the concept of *tian* in a particular way. By contrast, many commentators have offered a conservative reading of the notion of mandate of heaven. One conservative reader is Julia Ching, who calls the notion that the people have the right of revolution a grand deception.⁴ Justin Tiwald, though not quite as conservative, also rejects the liberal reading.⁵ Marshaling impressive textual evidence, Tiwald argues that “Mengzi takes pain to avoid endorsing” the view that there is “a genuine popular right of rebellion,” holding instead that “political authorities cannot come into being except by appointment, and that at bottom the appointer of the ruling monarch is Heaven” (p. 270). Citing *Mencius* 5A5, where Mencius in replying to the question “Who gave the empire to Shun?” says “Heaven gave it to him,” Tiwald suggests that for Mencius, “the real source of political authority is Heaven” (p. 275). While Tiwald’s own position is nuanced, as we will see, the view that the transcendent heaven is the source of political authority is just the conservative reading of the “mandate of heaven.”

As it turns out, liberal and conservative readers differ on how *tian* is understood and therefore on what the “mandate of heaven” amounts to. As we will see, the liberal reader downgrades the significance of *tian* when judged against the conservative reading of it. Conversely, the conservative reading entails that *tian*’s mandate is arbitrary when judged against the liberal reading. The issue, once again, is how to resolve these different readings, not how Mencius or the early Confucians would confront the liberal-conservative dilemma, since there is no reason to think that either Mencius was or the early Confucians were worried about any difficulty concerning the mandate of heaven. In order to resolve, or reconcile, the different readings offered by commentators mentioned above, we need to understand the nature of their difference, and, as Sor-hoon Tan has pointed out, since a great deal hangs on how we interpret the notion of “heaven” (*tian*),⁶ an excursion into the background literature on it is necessary.

Contemporary Western commentators inherit the translation of *tian* as “heaven” from Jesuit scholars who translated the Chinese classics into Latin in the seventeenth century, a translation that suggests that the mandate of heaven comes from a divine being, or from a source that transcends the people. However, Edward Machle has shown that there is a long tradition of interpreting *tian* non-religiously as “nature,” or the “natural moral order” (a view that he challenges).⁷ Indeed, Robert Eno claims that when it comes to Xunzi, “a consensus has emerged” according to which Xunzi sees *tian* “not as anthropomorphic god, but as an impersonal force of Nature, or as natural or universal law” (a consensus from which Eno wants to depart).⁸ The naturalistic reading of *tian* is clearly evident in Cheng’s remark above and is in general that which underlines the liberal reading of the notion of “mandate of heaven.” Thus, as Eno has argued, if *tian* refers to the natural moral order then it is reducible to *min*, the people. It follows that the “mandate of heaven” just is the “mandate of the people.” It may be worth pointing out that the term “mandate of the people” (*minming*) can be found in the *Book of Historical Documents*. Given this naturalistic reading of *tian*, the talk of a ruler having the mandate of heaven is just a way of saying that the ruler is judged to be legitimate by the people and that he rules *as if* he has such mandate.

Such is the liberal reading of “mandate of heaven.” We can see that it is a problematic reading when we realize that the liberal reader has opted for the “right-of-the-people” horn of the Euthyphro dilemma about political legitimacy, thus risking being impaled on it. Among the risks that the liberal reader runs is severely downgrading the significance of *tian* in Chinese thought. Indeed, given the liberal reading, the talk of *tian* is otiose. In this respect, the liberal reader is like the moral theorist who opts for the “moral autonomy” horn as opposed to the “Divine Command” horn, thus running the risk of rendering God impotent on moral matters (which is fine if he or she is a non-believer). Another risk that the liberal reader faces is running roughshod over the Mencian view of *tian* and the relationship between *tian* and the people.

Thus, as Sor-hoon Tan has pointed out, “there is a complex relationship between *tian* and the people” (p. 136). While personally believing that the “assumption of separate existence [of *tian* and the people] does not stand up well under closer ex-

amination” (p. 137), she points out that many commentators do believe that the Confucians view “*tian* as a deity with a will” (p. 138). Indeed, she claims that there is “textual evidence showing that the Zhou rulers ... identified their indigenous notion of *tian* with the Shang personal deity, the Lord-on-High” (ibid.). For some commentators, the fact that *tian* embodies the moral order is not a reason to reduce it to *min*, the people: if anything, it confirms the transcendence of *tian* if the moral order is to have any authority. Heiner Roetz, for instance, argues that the transcendent heaven is what gives the moral order that it embodies a proper grounding, and any suggestion that *tian* is reducible to *min* is demeaning to Chinese thought.⁹ For Benjamin Schwartz, it is the transcendence of *tian* that permits a robust critique of any actual state of affairs whenever it is seen to fall too far below the ideal social order dictated by *tian*.¹⁰

All of this severely undercuts the liberal reading of “mandate of heaven” and encourages the conservative reading of it. However, the conservative reading is problematic when we realize that the conservative reader has opted for the “Divine Command” horn of the Euthyphro-like dilemma of political legitimacy. Just as the Divine Command theorist runs the risk of having to admit that morality is arbitrary, depending on the whims of God, the conservative reader may have to admit that the legitimacy of a ruler cannot be questioned. Just as it is possible for God to command us to perform an act that we judge to be immoral—after all, God did command Abraham to kill Isaac—it is possible for heaven to give its mandate to a ruler we judge to be unjust. In any case, insofar as the will of heaven is not transparent, the conservative position on the meaning of “mandate of heaven” leaves its interpretation open to abuse by a tyrant who claims to know heaven’s will and to have its mandate.

The debate between the liberal reader and the conservative reader of Mencius on the popular right of rebellion seems to have reached an impasse. Textual evidence can be found to support both the liberal and the conservative views. The liberal reader can refer to numerous passages in the *Mencius* where Mencius stresses the link between political legitimacy and the well-being of the people, such as 5A5 and 7B14, and between the loss of mandate, leading to the removal of the ruler, and the unhappiness of the people, such as 1B6 and 1B8. For their part, conservative readers can refer to passages, such as 2A5 and 2B8, where Mencius says that only a “Heaven’s Delegated Official” (*tianli*) is authorized to remove a ruler and the people have no right to do so, no matter how unhappy they are. Indeed, some of the passages cited by the liberal reader to support the liberal reading can also be cited by the conservative reader to support the conservative reading, such as 5A5. Unfortunately, the difference between the liberal and the conservative readers is further complicated by the different distinctions of *tian* that may be discerned in the background literature reviewed above—for example:

1. Whether *tian* is a natural moral order or a divine being;
2. If *tian* is a moral order and the mandate of *tian* is the mandate of the people, whether such mandate resides wholly in the people or transcends the people in some respects;

3. If *tian* is a divine being, whether it is an anthropomorphic god or a wholly transcendent being; and
4. Whether the people, or just the ruling elite could know the will of *tian*, whatever *tian* may be.

The different readings of Mencius could well encourage the uncharitable view that Mencius is inconsistent on the question of political legitimacy, or at least uncertain about the matter, perhaps as uncertain as King Xuan, who changed the subject when asked by Mencius himself whether a king should be removed if unable to govern, having agreed that a marshal of the soldiery should be removed if he is unable to manage his soldiers (*Mencius* 1B6). As a rule of hermeneutics, an uncharitable reading of any author should be avoided. In what follows, I will argue that it is possible to avoid reading Mencius uncharitably. Focusing on the last distinction, or (4) above, I will argue that there is a possible reading that allows us to pass safely over the horns of the Euthyphro dilemma. Such a reading reconciles the textual evidence and shows that Mencius is consistent throughout. To effect this reading, I will first turn to Kant, who appears to have passed successfully over the horns of the Euthyphro dilemma concerning moral legitimacy.

Kant on Moral Legitimacy

Is Kant a Divine Command theorist or a moral-autonomy theorist on moral legitimacy? Does he say that something is a duty because God commands it, or does he say that God commands it because it is a duty? As in the case of Mencius, there is strong textual evidence to support both interpretations. Those who want to read Kant as a Divine Command theorist can find ample textual evidence in *Religion within the Limits of Reason Alone*. For instance: "As soon as anything is recognized as a duty, . . . obedience to it is also a divine command," and "when [men] fulfill their duties to men . . . they are . . . performing God's commands."¹¹ For their part, those who want to read Kant as a moral-autonomy theorist turn, naturally enough, to the *Critiques*. For instance, at A819/B847 of the first *Critique*, he is emphatic that "we shall *not* [my emphasis] look upon actions as obligatory because they are the commands of God, but shall regard them as divine commands because *we* [my emphasis] have an inward obligation to them."¹² Indeed, just as both the liberal and the conservative readers of Mencius can find support from the same passages in the *Mencius*, the two kinds of readers of Kant can find support from *Religion* itself. Thus, only a few pages after the passages from *Religion* just cited, Kant asks "whether morality should be expounded according to the Bible or whether the Bible should not rather be expounded according to morality," and answers his own question as follows: "I should try . . . to bring the New Testament passage [containing divine commands] into conformity with my own self-subsistent moral principles" (p. 101). It appears that Kant has contradicted himself within the space of a few pages.

One way of avoiding impaling Kant on either horn of the Euthyphro dilemma is to read him as *neither* a Divine Command theorist *nor* a moral autonomy theorist,

but something in between, thus allowing him to pass safely between the two horns. Unfortunately, this turns out to be even less charitable than accusing him of being inconsistent: it is to dismiss all the passages such as those cited above, or to say that his real position is contradictory to all the things that he says in these passages. Another way of saving Kant is to say that he is *both* a Divine Command theorist *and* a moral-autonomy theorist and thus he does mean all the things that he says in these passages. This is possible if we can render consistent the things that he says. It is also far more charitable. Observing the hermeneutical rule of avoiding uncharitable readings, I have elsewhere argued that there is indeed a way of rendering consistent the seemingly conflicting passages above, that Kant in fact grasps both horns of the dilemma.¹³ My argument consists of showing that there is a sense in which Kant is a Divine Command theorist but also a sense in which he is a moral-autonomy theorist. I will now briefly review that argument before applying it to Mencius.

The claim that Kant is both a Divine Command theorist and a moral-autonomy theorist depends on an obscure but crucially important distinction made in the often neglected essay *Principiorum primorum cognitionis metaphysicae nova delucidatio*.¹⁴ It is a distinction between two kinds of determining conditions, the *ratio antecedenter determinans* and the *ratio consequenter determinans*. Something, A, is the *antecedenter determinans* of B if A makes B possible (i.e., B would be impossible without A), and it is the *consequenter determinans* of B if it allows B to be known (i.e., B would remain totally unknown without A). This distinction is repeated in the second *Critique* under different names: the *ratio essendi* and the *ratio cognoscendi*.¹⁵ While the discussion of it in the second *Critique* is brief—indeed, confined in a short footnote—its significance is immense. It is necessary in order to render consistent Kant's claims that freedom is the condition of the moral law *and* the moral law is the condition of freedom. As Kant explains it, when he asserts the former he means to say that freedom is the *ratio essendi* of the moral law, and when he asserts the latter he means to say that the moral law is the *ratio cognoscendi* of freedom. To say that freedom is the *ratio essendi* (or *ratio antecedenter determinans*) of morality is to say that freedom is the rational condition of morality, that which makes morality possible (i.e., morality would be impossible without freedom). One is here reminded of Kant's dictum "ought implies can": the "can" (i.e., freedom) is the necessary condition of the "ought" (i.e., morality). To say that morality is the *ratio cognoscendi* (or *ratio consequenter determinans*) of freedom is to say that it is through morality that we get to know freedom, or, as Kant puts it, "the moral law is the only condition under which freedom can be known" (*Critique of Practical Reason*, p. 65). Without freedom morality is impossible, but without morality we would not know that we are free. Freedom and morality are mutually dependent.

My argument, then, is that the relationship between freedom and morality explicitly stated by Kant carries over to the relationship between God and morality, the latter not so explicitly stated by him. My claim is that, for Kant, God is the *ratio essendi* (or *ratio antecedenter determinans*) of morality and morality is the *ratio cognoscendi* (or *ratio consequenter determinans*) of God.¹⁶ Without God morality would not be possible, but without morality we would not be able to think of God or

to have any idea of God. (Both God and freedom are ideas of reason but only freedom can be known by the Faculty of Reason. God, however, can be “thought” by reason, that is, supposed to exist as a postulate of reason. Neither, though, can be understood by the Faculty of Understanding.) Thus, God and morality are mutually dependent. Morality depends on God for its rational ground, but God depends on morality to be an idea in our thought. There is no circularity here because two different kinds of dependency are involved. The dependency is asymmetrical: God is the *ratio essendi* of morality but not conversely because God is self-determining; morality is the *ratio cognoscendi* of God but not conversely because we do not need God to know the moral law, which is “knowable through unassisted reason” (*Religion*, p. 127). It follows that there is a sense in which Kant is a Divine Command theorist but also one in which he is a moral-autonomy theorist. He is a Divine Command theorist insofar as he asserts a strong dependency of morality on God: without God morality is impossible. He is a moral-autonomy theorist insofar as he asserts that the moral law is “knowable through unassisted reason,” thus denying that we must derive moral laws from divine commands.

One advantage of reading Kant as positing a mutual dependency between God and morality, thus grasping both horns of the Euthyphro dilemma, is that we can render consistent the textual evidence cited above. Thus, when Kant talks about fulfilling duties as divine commands, he is giving an account of God as the *ratio essendi* of morality, or as the rational ground of morality, and when he talks about bringing our thought of God into conformity with our “self-subsistent moral principles,” he is giving an account of morality as the *ratio cognoscendi* of God, or as the condition that makes our thought of God possible. Furthermore, we can now see why the Moral Law should fill our minds with awe and admiration: it is God’s Law. And we can see why morality is not arbitrary: it is knowable only through practical reason. There are no risks of being impaled on either horn of the Euthyphro dilemma. Morality is not abandoned to the capriciousness of divine will as the Divine Command theory implies, and there is no blaspheming against God as the moral-autonomy theory might suggest.

By the same token, it may be said that in grasping both horns of the Euthyphro dilemma, Kant risks being impaled on both. The Divine Command theorist may object that Kant effectively restricts what God morally commands to those discovered by human reason, and thus he cannot think of God as an object of worship and adoration. For their part, moral-autonomy theorists may say that if moral laws are grounded in God then Kant cannot deny that they are ultimately contingent and arbitrary. However, it is precisely by grasping both horns that Kant manages to avoid being impaled on either: by saying that practical reason alone discovers moral laws he can deny that moral laws are capricious or arbitrary, and by saying that moral laws are essentially grounded in God he can deny any suggestion that God has been sidelined. Naturally, the price we have to pay is to reject any suggestion that God could ever command an evil act, such as commanding one of us, for example Abraham, to kill an innocent person, for example Isaac. For Kant, there is in fact no price to pay, insisting that anything that “flatly contradicts morality ... cannot be of God

(*Religion*, p. 82). For Kant, the set of moral laws is identical with the set of divine commands. By grasping both horns of the dilemma, Kant can move freely from one to the other.

A Kantian Reading of Mencius

A Kantian reading of Mencius¹⁷ involves reading Mencius as grasping both horns of the Euthyphro dilemma on political legitimacy, though not quite in the same way as Kant grasps the horns of the dilemma concerning morality. Mencius is a conservative, a Divine Command theorist, insofar as he asserts that heaven confers political legitimacy on a ruler, giving the ruler the mandate to rule. It is heaven that gave the empire to Shun, says Mencius at *Mencius* 5A5. At the same time, Mencius is a liberal insofar as he asserts that it is the people and only the people who give expression to the mandate of heaven. However, while Mencius' grasp of the "divine" horn is as firm as Kant's, his grasp of the "secular" horn is very different from Kant's. For Kant, each rational person is capable of the kind of practical reason that allows him or her to make correct moral judgments, the judgments that God Himself would make. Mencius, by contrast, is not all that confident about the ability of ordinary people to make political judgments. He is not as liberal about political freedom as Kant is confident about moral freedom. Nevertheless, Mencius insists that it is through the people, through what they see and hear, that the command of heaven is known. It is only by reading Mencius in this way that we can render consistent seemingly conflicting remarks cited by both the conservative and the liberal readers of Mencius, as well as remarks that are seemingly internally inconsistent typically avoided by both kinds of reader, such as "Heaven gives it [the mandate] to him [the ruler] and so the people give it to him" (5A5).¹⁸

Textual evidence clearly shows that for Mencius heaven is ultimately the *ground* of political legitimacy, its *ratio essendi*. Alternatively, we can say that it is heaven that determines who is fit to rule and thus has the mandate to rule, thus antecedently determining the legitimacy of a ruler, in which case heaven is the *ratio antecedenter determinans* of a political regime. In this way, conservative readers are right in saying that Mencius denies that people have the right to rebellion if this means that the mandate to rule comes from the people. Since the people have no right to confer or withdraw the mandate to rule, they have no right to attack a ruler with whom they are unhappy. At 2B8, Mencius says that only an official delegate of heaven is permitted to launch such an attack, not the people themselves. Tiwald is right when he says that "for Mengzi, even under circumstances of complete social and political breakdown, the people are justified in revolting only if led by someone who wins the clear approval of Heaven" (p. 274). He is right in saying that "at bottom the appointer of the ruling monarch is Heaven" (p. 270). However, it is my Kantian reading of Mencius that makes clear what "at bottom" amounts to. In my reading, we can cash out Tiwald's "at bottom" as the *ratio essendi* or the *ratio antecedenter determinans*. More importantly, it is the Kantian reading that reveals the picture lying above the "bottom" and accounts for the link between the two.

Before showing how the Kantian reading of Mencius allows us to go above what is “at bottom,” it is worth restating the advantages of attributing to Mencius the Divine Command view of political legitimacy. One advantage is that it restores to the overall picture of Mencius what is missing in the liberal reading, namely the role that the notion of *tian* plays in the Mencian universe. It is true that the statement at 5A5 cited above, namely, “Heaven gives it [the mandate] to him [the ruler] and so the people give it to him,” can be rendered consistent if we simply equate “heaven” with “the people” (as many liberal readers want to do). However, this makes the statement a tautology, as trivially analytic as “His Alma Mater gave him the degree and so his college gave it to him.” More importantly, it renders *tian* completely redundant and simply does not square with the way Mencius speaks of *tian* generally. It is more probable that Mencius is someone who takes the idea of *tian* seriously, taking it as having divine powers and authority, as having an unquestionable dignity and as deserving of the utmost respect. One other advantage follows from this, namely that we can consistently attribute to Mencius the view that the rationale for political obedience lies in the authority of heaven, a view more in line with textual evidence than alternatives such as the Hobbsean distaste for the state of nature, or the Rawlsian social contract.

Turning to what happens above the bottom line, the Kantian reading shows that Mencius conceives of a moral framework within which political judgments can be properly made, not leaving them vulnerable to a tyrant who claims to know heaven and who gives an opportunistic interpretation of heaven’s will. Thus, just as Kant insists that the Divine will on moral matters can be known, indeed can only be known, by human practical reason and not through any divine revelation, Mencius insists that heaven’s will on political matters can and must be known by all the signs that manifest themselves here on earth. As in Kant, while heaven’s will is divine, the manner of knowing it is completely secular. The signs that manifest heaven’s will are all related to the welfare of the people. It is only through the people, through their vicissitudes, that such will is known. “Heaven [itself] does not speak” (*Mencius* 5A5). Thus, the people serve as the *ratio cognoscendi* of heaven’s will. Alternatively, we may say that political legitimacy (illegitimacy) is confirmed as the consequence of seeing that the people are prospering (suffering), in which case the people’s fate is the *ratio consequenter determinans* of heaven’s will. The people are, or their welfare is, the *reason why* (the *ratio*) a ruler is fit or unfit to rule, and it is through them, or through how they fare in life, that it is known if someone has or has lost the mandate to rule. To this extent, liberal readers of Mencius are correct, but to say that it is Mencius’ view that the mandate to rule comes from the people, that they have the right of rebellion, is to fall right through the bottom line for Mencius, namely the authority of heaven.

However, as pointed out above, Mencius does not think that ordinary people are capable of knowing heaven’s will. This is not to gainsay the claim that the welfare of the people is the *ratio cognoscendi* of political legitimacy. It is not to say that they do not know the connection between their welfare and the legitimacy of a ruler. Chung-ying Cheng is right in saying that “the people are entitled to claim what is originally

intended for them by Heaven.” They know what is intended by heaven and know that a ruler is meant to rule in such a way that they get what is intended. However, well-being or suffering is a matter of degree, and the people do not know when the right degree has been reached. To know this is to be able to interpret the overall situation, to balance the happiness of some against the unhappiness of others. It takes certain people with certain abilities to make this kind of judgment call. Thus, while Kant attributes the ability to know how God must have wanted us to behave and to act accordingly to all rational beings who are capable of practical reasoning, Mencius restricts the ability to know the mandate of heaven to a certain class of people and restricts the ability to act politically to an even smaller circle. As Tiwald has pointed out, “by Mengzi’s lights the people generally lack the education and cultivation necessary for managing human affairs on a large scale” (pp. 272–273). Only the ruling class has the ability to see the big picture and to judge whether a ruler still has the mandate of heaven to rule or has lost it, and only a specific person within this class, “Heaven’s Delegated Official,” can take action to overthrow a ruler.

One problem for the argument above is that it may still be asked how the ruling class reads heaven’s will. The requirement that the ruling class must read it through the people does not guarantee that their decision is not arbitrary. What signs does the ruling class, or “Heaven’s Delegated Official,” look for? It is admittedly difficult to imagine how Mencius himself would respond to such a question. However, since Mencius displays a great deal of historical knowledge and since he often cites past political events in support of his claims, it is plausible to suggest that he thinks of the ruling class as consisting of people who possess similar historical knowledge and thus can compare the well-being of the people with the standard of the past and can decide on the basis of such a comparison. Conceivably also, the ruling class might adopt some utilitarian calculation, taking into account the likelihood of a rebellion from the suffering masses, balancing the prospects of civil unrests and the resulting violence and destruction against the upheaval of a regime change. Their decisions will be subject to the judgments of history, such as those made by Mencius himself on past political events.

The restrictions that Mencius places on the class of people who can judge when a ruler has lost the mandate to rule and on the people who can lead a rebellion is certainly not what liberal readers want to see in Mencius. However, this is no comfort to conservative readers. For it is the people themselves who supply the *reason why* (the *ratio*) it is known that a ruler has lost the mandate of heaven, or the *ratio cognoscendi* of his overthrow. The ruling class cannot read heaven’s will in any other way than through the people. There is no room for an opportunistic reading or demagoguery. The leader of a rebellion has no justification for the rebellion other than the suffering of the people. There is no room for anyone to rebel to serve personal ambitions. While Mencius can be read as grasping the Divine Command horn of the dilemma about political authority, he can also be read as grasping the secular horn of the same dilemma. For him, it is both the case that a ruler is legitimate because heaven says so and that heaven says so because he is qualified as a legitimate ruler (by the way he benefits the people). In this way, it is not a tautology, not analytically trivial, to

say “Heaven gives it [the mandate] to him [the ruler] and so the people give it to him” (*Mencius* 5A5). The sense in which heaven gives the mandate to a ruler is not the same sense as one in which the people give it. Heaven gives it by supplying the *ratio essendi* and the people do so by supplying the *ratio cognoscendi* of political legitimacy.

I have argued that one plausible way of rendering the various seemingly conflicting passages in the *Mencius* on political legitimacy is to say that he takes *tian* to be the ground of political legitimacy, its *ratio essendi*, and the well-being of the people as the reason why it is known whether a ruler has lost the mandate to rule and has to be deposed, or the *ratio cognoscendi* of political legitimacy. We can read Mencius as grasping both horns of the Euthyphro-like dilemma on political legitimacy. In so reading, we move over both horns and avoid being impaled on either one. This is an advantage over both the liberal and the conservative readings of Mencius. In effect, my reading agrees with Tiwald’s nuanced interpretation. However, it differs from Tiwald’s in that it provides a clear conceptual framework in which the debate on Mencius’ actual position can be understood and is a plausible way of integrating the key elements in the two rival interpretive positions. Without the conceptual framework suggested here, we will be at a loss to understand statements such as “Heaven gives it to him and so the people give it to him.”

Naturally enough, there remain a number of issues that cannot be addressed here. They include the following.

1. The different readings of Mencius are textually supported by seemingly disparate characterizations of the issue. The question, then, is why the issue is characterized in a way that gives rise to the need for scholars today to problematize Mencius’ position in a way he does not. However, if I am right in my arguments above, there are adequate Mencian resources for Mencius to resolve the liberal-conservative dilemma if he had seen the issue in this way.

2. A related question is why Mencius is so cautious in his responses when he identifies rulers who have lost the mandate of heaven. Indeed, it is Mencius’ caution that prevents his position from appearing problematic to him and his contemporaries.

3. The suggestion above concerning how the ruling class, or “Heaven’s Delegated Official,” might read heaven’s will through the people might open the door to a sophisticated consequentialist approach to the issue.

As a final note, if I am right, liberal readers might be encouraged by the thought that the gap between Mencius’ position and the ideal of a liberal democracy is precisely the gap between the *ratio cognoscendi* that the people supply and their political judgment, a gap that is bridgeable. Indeed, even Kant himself recognizes the gap between the ideal of practical reasoning and the judgments that we actually make, the latter being always tainted with inclinations. For Kant, moral maturity is a function of the closing of this gap. There is nothing in Mencius to suggest that the people cannot grow in political maturity. As the people become more politically mature, the circle of those who have the ability to make the right political call will enlarge and it will be easier and quicker for a leader to emerge from this circle around whom the

people can gather and in whom they can put their trust. There is nothing in Mencius to suggest that progress toward liberal democracy is not possible. This does not mean that the conservative reader is defeated when this happens; it does not mean that the idea of mandate of heaven vanishes with democracy. After all, it appears that many contemporary liberal democracies still ground political legitimacy ultimately in a divine being.

Americans take it that it is their right to make political decisions and yet still declare their trust in God (and, as if to confirm their commitment to capitalism, the declaration “In God We Trust” appears on the national currency!). In the United Kingdom, Australia, and New Zealand, each parliamentary session begins with a prayer to God. It could well be that this is now just a ritual or a formality, but perhaps there was a time when the people in these democracies clearly believed both that they could independently and autonomously make decisions and that these decisions had their *ratio essendi* in God. There is no reason why Confucians cannot put their trust both in heaven and in themselves, or in the harmony between heaven’s will and their own political judgments. The acceptance of heaven as the *ratio essendi* of political legitimacy does not in principle rule out democracy as long as it is the people themselves who are the *ratio cognoscendi* of political legitimacy.¹⁹

Notes

- 1 – Fung Yu-lan, *A History of Chinese Philosophy* (Shanghai: Commercial Press, 1935).
- 2 – Tu Wei-ming, *Way, Learning, and Politics: Essays on the Confucian Intellectual* (Albany: State University of New York Press, 1993), p. 6.
- 3 – Chung-ying Cheng, “Transforming Confucian Virtues into Human Rights: A Study of Human Agency and Potency in Confucian Ethics,” in Wm. Theodore de Bary and Tu Weiming, eds., *Confucianism and Human Rights* (New York: Columbia University Press, 1998), pp. 142–153, at pp. 144–145.
- 4 – Julia Ching, *Mysticism and Kingship in China* (New York: Cambridge University Press, 1997). See also her “Human Rights: A Valid Chinese Concept?” in de Bary and Tu, *Confucianism and Human Rights*, pp. 67–82.
- 5 – Justin Tiwald, “A Right of Rebellion in the *Mengzi*?” *Dao* 7 (2008): 269–282.
- 6 – Sor-hoon Tan, *Confucian Democracy: A Deweyan Reconstruction* (Albany: State University of New York Press, 2003).
- 7 – Edward J. Machle, *Nature and Heaven in the Xunzi: A Study of Tianlun* (Albany: State University of New York Press, 1993).
- 8 – Robert Eno, *The Confucian Creation of Heaven: Philosophy and the Defense of Ritual Mastery* (Albany: State University of New York Press, 1990), p. 131.

- 9 – Heiner Roetz, *Confucian Ethics of the Axial Age* (Albany: State University of New York Press, 1993).
- 10 – Benjamin Schwartz, “Transcendence in Ancient China,” *Daedalus* 104 (1975): 57–68.
- 11 – Immanuel Kant, *Religion within the Limits of Reason Alone*, trans. Theodore M. Greene and Hoyt H. Hudson (New York: Harper, 1960), pp. 90 and 94.
- 12 – Immanuel Kant, *Critique of Pure Reason*, trans. Norman Kemp Smith (Houndmills, Basingstoke, Hampshire: Macmillan, 1985), p. 644.
- 13 – A. T. Nuyen, “Is Kant a Divine Command Theorist?” *History of Philosophy Quarterly* 15 (1998): 441–453.
- 14 – The English version, *A New Exposition of the First Principles of Metaphysical Knowledge*, appears as an appendix in F. E. England, *Kant’s Conception of God* (London: Allen and Unwin, 1929), pp. 210–252.
- 15 – Immanuel Kant, *Critique of Practical Reason*, trans. Lewis White Beck (Indianapolis: Bobbs-Merrill, 1956), p. 4.
- 16 – Strictly speaking, God is the *ratio essendi* of morality if God creates the logical space for morality, that is, making moral law logically possible. However, if we think of God as the creator of morality, as causing morality to come into existence, then Kant would say that God is the *ratio fiendi* of morality, not its *ratio essendi*. Both the *ratio essendi* and the *ratio fiendi* are varieties of the *ratio antecedenter determinans*, as Kant explains in the *Principiorum*.
- 17 – For a similar attempt at applying the Kantian distinction, see Li Minghui 李明揮, “Rujia sixiang zhong de neizai xing yu chaoyue xing” 儒家思想中的內在性與超越性 (Immanence and transcendence in Confucian thought), in Li Minghui, *Dangdai Ruxue zhi ziwo zhuanhua* 當代儒學之自我轉化 (The self-transformation of contemporary Confucianism) (Taipei: Zhongyang Yanjiuyuan, Zhongguo Wenzhe Yanjiusuo [Wenzhesuo] [Academia Sinica, Institute of Chinese Literature and Philosophy], 1994), pp. 129–148, at p. 141. I wish to thank Sor-hoon Tan for this reference.
- 18 – Translations of the *Mencius* are adapted from various sources.
- 19 – I wish to thank the reviewers for *Philosophy East and West* for their valuable comments, which have helped improve this essay.