

## Natural Law in Traditional China: The Philosophy of Wang Yangming (1472-1529) by Assistant Professor Norman Pai Ho Peking University School of Transnational Law

Chaired by Associate Professor Gary F. Bell, Faculty of Law, NUS

23 March 2017, Thursday, 12.00pm – 1.30pm

Federal Bartholomew Conference Room, Federal Building, NUS (Bukit Timah Campus)

### ABSTRACT

Did natural law theory or natural law thinking exist in traditional Chinese legal thought? There have principally been 3 answers to this question. The most popular, conventional response has been that natural law did exist in traditional China in the form of Confucianism, and more specifically, in the idea of *li* (ritual propriety). Others argue that natural law did exist in traditional China, but not primarily in the idea of *li* (ritual propriety) but rather in other concepts, such as the *dao* (the Way) or laws of nature. Others say that natural law theory did not exist in traditional China, and even if it did, it cannot be located in Confucianism. These 3 arguments have primarily focused on pre-Qin Confucianism, and their methodology has largely been selecting various passages from different ancient Chinese thinkers to prove their positions. There has also been little comparison done with Western natural law theorists. In this seminar, I take a different position and argue that Ming dynasty Confucian philosopher WANG Yangming's (1472-1529) philosophical system can be understood as a coherent natural law theory. In Wang's system, the natural law and its norms are not only in, but actually are, the human "heart-mind" (*xin*) itself, equivalent to "Heavenly Principle" (*tianli*). They are discoverable *via* reason, as seen through his concept of "innate knowing" (*liangzhi*). His is also a "pluralist" natural law theory in the sense that it is based on, and can therefore accommodate, various sources and bases, including the eternal order of the cosmos, laws of nature, self-evident values, and practical reason. Indeed, Wang's philosophical system is arguably the closest thing traditional Chinese legal thought has to classical Western natural law theory. To try and show this particular point, I will also briefly highlight the similarities (and differences) of Wang's theory of natural law with Aristotle's and especially St. Thomas Aquinas's (who is regarded as the seminal Western natural law theorist). Finally, I will also examine Wang's actions as a government official to examine how his natural law thinking functioned in practice. It is hoped that this project can contribute not only to our understanding of traditional Chinese legal thought, but also to comparative legal theory by broadening the traditional canon of natural law thinkers.

### ABOUT THE SPEAKER



Norman P. Ho is an assistant professor of law at the Peking University School of Transnational Law ("STL") in Shenzhen, PRC and an ASLI Visiting Fellow (February to April 2017) here at NUS. His research interests broadly are in legal theory and legal history, and he writes specifically in the areas of premodern Chinese legal history and legal theory, comparative jurisprudence, property theory, and Asian-American jurisprudence. He has also taught as a lecturer in the University of Hong Kong ("HKU") Faculty of Law and has served as a Visiting Fellow in the HKU Center for Chinese Law. Prior to joining the STL faculty, Norman practiced in the Hong Kong offices of Morrison & Foerster and Slaughter and May, where his practice focused on capital markets and private equity transactions. He received his JD degree from NYU School of Law and his undergraduate and graduate degrees in Chinese history from Harvard University.

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### REGISTRATION

There is no registration fee for this seminar but seats are limited.

Light lunch will be provided on a first-come, first-served basis.

Closing Date: **16 March 2017, Thursday**

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