

## Article

# Laozi's Conception of Justice in the *Daodejing*: Distinguishing the Constant Dao from the Dao of Heaven

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**Abstract:** Throughout the pages of the *Daodejing*, Laozi reveals a complex conception of justice. Understanding it demands that we strictly distinguish the four central notions around which it is structured: the Constant Dao, the Dao of Humans, the Dao of Heaven, and Heaven and Earth. After situating Laozi's conception of justice in the opening section, this study then examines the ancient ritual background from which he injected innovative content into these four notions before moving on to a textual analysis of their deployment throughout the *Daodejing*. In contrast to other modern Western analyses of the text's philosophy that focus on the naturalism of the Constant Dao while disregarding the theism of the Dao of Heaven, this study attempts to re-envision the text's complementarity of the religious and the philosophical.

**Keywords:** Laozi; *Daodejing*; justice; Constant Dao; Dao of Heaven; Dao of Humans

## 1. Orientations to Laozi's Conception of Justice

If the basic meaning of justice is fairness in distribution and in retribution, then although the *Daodejing*<sup>1</sup> contains no term for it, it remains one of the dominant themes that runs throughout. Among the many potential terms that come closest to expressing the text's conception of justice, none is more characteristically representative of Laozi's ethos than "natural equality" (*zijun* 自均), as it is found in *Daodejing* Chapter 32:

The Dao is constant and nameless.

In its simplicity it is small, yet the world does not dare to put it into its service.

Were princes and kings able to preserve it,

Then, the myriad beings would naturally submit.

Heaven and Earth would come together and release sweet dew,

Falling with natural equality on all things without a single person ordering it.

There are several elements of this passage that make it uniquely expressive of Laozi's conception of justice. The first is seen in its presentation of the Dao, about which we learn four of its qualities that are recognizable from other parts of the text: it is constant, it is nameless, it is simple, and it cannot be put into service. To say that the Dao is constant means that it is never absent in the world, where it ceaselessly exudes life for the myriad beings even as it absorbs back into itself their deaths. Yet, it is also nameless, such that language about it, especially our Western language with its habit of using the determinative "the" before a capital "D," inevitably reifies it, in which case we can consider simply referring to it as *dao*, which allows its verbal sense to come to the fore. However, we chose to refer to it; being nameless means that it is, in comparison to every other thing in the world about which we can speak, simply other.

This Dao is also simple in the sense of elemental and essential because it embodies the movements and energies of life and death. Our efforts to conceive of its simplicity invariably complicate it as we too easily place it at the center of metaphysical schemes that would locate its pulsing presence outside of the world, an effect that serves to separate our understanding of the Dao from its simple situatedness in the world. Finally, the Dao



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cannot be put into service because is too pervasive, its presence too immediate yet also too subtle, residing as it does in the pivot between form and formlessness, where it can never be harnessed to human political or economic interests; as when grasping falling snow, the Dao always slips through.

The next two lines of the passage turn to the myriad beings, inclusive of all forms of life among the multitudes of flora and fauna on the ground, under water, and in the sky; yet, human beings stand at the top of this profusion with a special charge that Heshang Gong, in a comment to *Daodejing* Chapter 42, puts in this way: “Heaven puts the myriad beings in motion, Earth transforms them, and humans raise and nourish them.” Laozi here recognizes this special charge by referring to “princes and kings” (*houwang* 侯王) as those who stand above all other humans because of their special responsibilities in safeguarding the movements of the Dao and the benefits of life and death that follow from them. This is to say that the myriad beings share this world in equal measure, where no single being has any privileged prerogative over any other.

Nevertheless, we might ask about this submission of the myriad beings: to whom or to what do they submit? It may seem that they submit to the authority of the princes and the kings, but on deeper inspection, it becomes clear that they submit to the Dao itself. What this means will become clear in the following sections of this study.

The final two lines of the passage serve to give the situatedness of the entire context: Heaven and Earth are not included among the myriad beings; yet, they are also different from the Dao. Heaven and Earth exist on an altogether different register, where they receive the life-endowing exudations of the Dao, called *qi* 氣, which may be conceived as the genetic stuff of existence not entirely different from oxygen. Heaven receives its *yang* 阳 and Earth its *yin* 阴, which they distribute to the myriad beings: the *yang* provides their spirit, consciousness or mind, and their sensory awareness, while the *yin* provides their bones, flesh, and blood. Each of the myriad beings receives the amount of *qi* appropriate to their own kind, filling the world with its uniquely spectacular varieties of life, from trees and grasses to fish and birds to the many creatures who walk on varying numbers of legs.

In addition to *qi*, Heaven and Earth also provide the dwelling place for the myriad beings. Few articulations of this have reached the clarity of Martin Heidegger’s formulation, given its deep influence from the *Daodejing*; thus, we may quote him here:

Earth is the serving bearer, blossoming and fruiting, spreading out in rock and water, rising up into plant and animal. The sky is the vaulting path of the sun, the course of the changing moon, the wandering glitter of the stars, the year’s seasons and their changes, the light and dusk of day, the gloom and glow of night, the clemency and inclemency of the weather, the drifting clouds and blue depth of the ether. (Heidegger 1971, p. 147)

Laozi situates the myriad beings between Heaven and Earth wherein circulate the elemental forces of *qi* that give rise to the rhythms of life and death, and he articulates this in what can be called, echoing Heidegger, his Daoist fourfold as found in the Guodian Laozi edition of *Daodejing* Chapter 25 (see Michael 2022a, pp. 108–16):

Heaven makes great.  
Earth makes great.  
The Dao makes great.  
And the King also makes great.

This formulation significantly differs from that of the received text, in which the fourfold begins with the Dao and “great” (大 *da*) serves an adjective. The Guodian version (see Michael 2022b) situates the world below Heaven and on top of Earth, and the Dao circulates in the in-between, a space that is equally shared with humans, represented by “king” (*wang* 王), which many readers of the text understand as referring to “humans” (see Chen 2020, pp. 175–77) together with the myriad beings. Taking a verbal understanding of the Dao, Eric Nelson writes that “*dao* 道 (as way and, originally, verbal wayfaring and waymaking) can be articulated as the lived or performative enactment of the intrinsic value and life of

the myriad things, of ‘sky and earth’ or the natural world (*tiandi* 天地) as such and as a whole . . . ” (Nelson 2009, p. 295).

Bo Mou restates Laozi’s moral perspective on the organic wholeness of humans with the natural world:

Laozi’s naturalistic Daoism not only takes the human being as a part of the whole organic universe; it also emphasizes that the evolving ways of all things in the universe are fundamentally the manifestations of the same metaphysical Dao as the fundamental unifying force that Nature possesses on its own . . . . In Laozi’s account, the humanistic morality is thus eventually based upon a naturalistic metaphysical foundation . . . Laozi’s teachings in this aspect seem to be insightful when the human being is considered as essentially part of the whole universe and in a correlative relation with the other things in the universe. The reason why Laozi’s view in this regard is morally relevant and constructive insight, rather than mere fancy guesswork, is that the human being, as a matter of fact, is part of the universe and that all those natural things like the human being, its living environment and the other animals, as a matter of fact, are correlated into an organic whole. (Bo 2001, p. 176)

This organicism points to Laozi’s conception of justice. It is often claimed that justice is the original virtue as well as the source and sum of all virtues; yet, the *Daodejing* is not unique among early Chinese writings that do not have a single term for it. Deborah Cao admits that her data-based study “has not been able to identify and find an equivalent word or expression in classical Chinese to the English word “justice”” (Cao 2019, p. 25). However, is it necessary that a text has a specific word for justice to reveal a conception of it? Cao continues: “The Chinese people always had a strong sense of what is right and wrong, the notion of fairness, and a sense of morality or moral righteousness . . . ” (Cao 2019, p. 26).

According to John Rawls, “Justice is the first virtue of social institutions” (Rawls 1971, p. 3), whose foundational content is fairness with respect to distribution and retribution; however, there are different ways that it can be determined that are not necessarily aligned with Western conceptions. Laozi sees it woven into the fabric of the natural world rather than the result of human behavior, which is one alternative way that does not just contrast with Western conceptions, but also with other Chinese conceptions.

Bongrae Seok helps to frame Laozi’s conception of justice; he writes:

The overall picture of Daoist society is very similar to Jean-Jacques Rousseau’s state of nature where humans (sometimes referred to as noble savages) live a natural, free, and peaceful life. Even the notion of justice (the principles regarding the distribution of social resources and the rules of restorative measures) is foreign to the people in this original state of nature. As complex social systems are developed, however, these natural humans abandon the simplicity and self-sufficiency of the natural life to live in the artificial and conventional relations that require ever complicated regulation and control . . . Ultimately, human relations and social order should follow the natural progression of the universe such as the cyclic movement and the natural balance of *yin* and *yang*. Whether distributive or restorative, Daoist justice reflects the cosmic balance and harmony, not the conventional social justice maintained by laws and contracts. (Seok 2011, pp. 643–44)

The *Daodejing* shows its concern with justice through numerous social and political critiques running throughout the text. Some of them focus on just distribution, some on unjust distribution, and some on retribution. It sees unjust distribution as the source of suffering and resentment among the common people, which is the surest mark of the breakdown of natural harmony. Restoring fairness requires retribution. In the best modern case scenario, retribution is the concern of courts of fair law based on equal representation; in their absence, as with the world of the *Daodejing*, it is exacted by human means or theistic means.

In the view of the *Daodejing*, the power structures that generate injustice are so ingrained that only retribution can ameliorate the situation. It traces the movement from the ancient past when the just distribution of the Constant Dao was the norm to the present age when just retributions are exacted against the ruling elite. The naturalness endorsed by the text strongly dissuades humans from exacting their own retributions; instead, it lays this task on the Dao of Heaven.

Laozi structures his conception of justice around four central notions that have a complex history grounded in the ancient sacrificial practices of the Western Zhou, but he injects them with innovative content. They are:

1. Heaven and Earth (*tiandi* 天地) that pertains to the fabric of the natural world into which justice is woven.
2. The Constant Dao (*changdao* 常道) that pertains to just distribution in the ancient past.
3. The Dao of Humans (*rendao* 人道) that pertains to injustice in the current age.
4. The Dao of Heaven (*tiandao* 天道 or *tianzhidao* 天之道) that pertains to just retribution in the current age.

This study examines Laozi's conception of justice by way of these four notions. The next section examines certain features of these four notions as they developed from the Western Zhou sacrificial background, the following section examines the natural justice of the Constant Dao, the section after that examines the Dao of Humans, and the final section examines the retributions of the Dao of Heaven.

## 2. The Sacrificial Background of Laozi's Conception of Justice

If the *Daodejing* is approached historically as a late Spring and Autumn period text, then one of its more remarkable features is the absence of references to sacrifice. As Liang Yiqun 梁一群 notes, "As soon as we see the Dao in the *Daodejing*, it seems to be immediately self-complete, with no boundaries and no clues" (Liang 2012, p. 104). Nevertheless, its notions of the Constant Dao and the Dao of Heaven remain deeply imbued with an unspoken sacrificial ideology identified with the Western Zhou. However, given the complexities of revealing this ideology from the murky depths of ancient China, the current study can only point to a small part of this, and it limits itself to those features that are most relevant to understanding Laozi's conception of justice.

The central sacrifice of the Western Zhou was the Sacrifice to Heaven, and among the handful of modern studies that focus on it, Jean Levi's remains paradigmatic; he writes:

The rite in which the desire to create a total order by means of a sequence of perfectly ordered acts is most obvious is the great sacrifice to Heaven in the southern suburb. Conjoining a sacrifice to a divinity and one to the ancestors, it contains a complete gamut of ritual sequences . . . The sacrifice to the supreme god, powerful illustration of the pre-eminence of the sovereign, concentrates within itself the entire meaning of the sacrificial system. Through it is revealed the regulatory and governing function of Heaven, of which royal power is but the human hypostasis. (Levi 2009, pp. 648–49)

The sacrifice to Heaven "is a solar sacrifice that marks the victory of the principle of generation and life over the *yin* forces of decline and death" (Levi 2009, p. 650), and it was performed at the spring equinox at the start of the agricultural season. The primary recipient of the sacrifice was deific Heaven as the source of life and the guarantor of the dynasty, for the Zhou Dynasty was founded by the virtuous King Wen only because Heaven took its Mandate (*tianming* 天命) away from the profligate last ruler of the Shang Dynasty and gave it to him. However, there is another recipient at the sacrifice, namely Hou Ji 后稷 (Lord Millet), the founding ancestor of the royal Ji 姬 clan, and both Heaven and Hou Ji received their own young bullocks. The bullock sacrificed to Heaven was placed on a pyre to be entirely consumed by the flames, but the bullock sacrificed to Hou Ji was cut up, some parts of which, for example, the entrails and the heart, were served to the spirits and

the ancestors, while the flesh, in other words the “leftovers,” was boiled, distributed, and consumed by the humans—all of this accompanied by numerous libations and prayers.

The distribution of the leftovers that proceeds in widening circles follows a ritual sequence that defines status: the first to partake is the “corpse” (*shi* 尸), namely a grandson of the royal clan into whom the ancestor has descended, followed by the king, followed by the Three Ministers, then the Six Great Officers, then the Eight Officers, followed by inferior attendants, and so on until there is nothing left. Within this transitory cycle of life and death, explains Levi, the disappearance of the leftovers reappears in the form of “the return gift” (*bao* 報), necessitating a duty of recognition that takes the form of filial piety and absolute devotion that guarantees one’s own continued existence as an ancestral spirit. However, the sacrifice to Heaven is something other, and it remains entirely outside of the law of the leftovers since it neither receives any leftovers nor gives any; it is in fact the source of all leftovers. Levi writes:

Heaven, as it were, is on equal footing with the leftovers. Both belong to non-being: it is its disappearance that makes the leftover an active principle; it is its absence or evanescence which marks Heaven’s transcendence. By virtue of being outside the common norm, Heaven determines the ontic specificity of each being or, to use more consensual terminology, Heaven’s norm, *li* 理, is the cause or, if one prefers, the pretext of distribution without itself being involved, just as the leftovers in their cascading descent determine, in the sacrifice, the place and name of one and all. Thus Heaven is at once the absent and the central element of the ceremony. The relationship of Heaven to the leftovers is identical to that which, later on and in another context, will link the Dao 道 and the De 德, the Way and its efficacious manifestation or Virtue.

Levi explores how this position of Heaven as the source of leftovers will lead to Laozi’s notion of the Dao as the ultimate source of distribution and retribution. In particular, he looks to *Daodejing* Chapters 38 and 42,<sup>2</sup> which “project the cosmic process of the fragmentation of the unconditioned whole giving birth to the multiplicity of reality on the human sphere . . . We have here, expressed in a few words, the very essence of the sacrifice generating its cascade of remainders” (Levi 2009, pp. 659–60). He continues:

Thus the Dao is to Being what Heaven is to the sacrifice: its power is the result of the fact that it is absent from the process it engenders. The cult of Heaven creates a dynamics that is nothing other than the capacity of the cascade of remainders to generate a hierarchy without acting and without participating, just as the Dao, source of all beings but itself pure nothingness and transcendence, does not participate in phenomena as an immanent principle. The power of the Dao or of Heaven produces a distribution which is the source of blessings and can therefore be called good . . . At the end of the process there remains only the pure transcendence of a form without content, that is, of stereotyped behavior determined by ceremonial protocol and subsumed under the universal Norm of social relationships. (Levi 2009, p. 660)

Levi has given a straightforward hypothesis according to which Laozi somehow substitutes the concept of Heaven with the concept of Dao, but this only goes part of the way into the four central notions of his conception of justice. Liang Yiqun’s question deepens this exploration: “How did the Dao in its ancient meaning evolve into the Dao of the philosophers, such as the universal Dao of the *Daodejing*? There should be another turning point in it, and the notion of the Dao of Heaven has a great influence here” (Liang 2012, p. 96).

Similarly to Levi, Liang also sees a connection between the ancient notion of the Dao and the Western Zhou ritual ideology, and after a quick glance at the ancient texts including the *Classic of Documents* 書經, the *Classic of Songs* 詩經, and the *Zuozhuan* 左傳, he shows that its primary references were to human affairs. Quoting *Zuozhuan* “Chenggong 13” (“The major events of the country are sacrifices and military affairs”), he writes, “Certainly, the ancient origin of the word Dao should be related to the rituals of offering sacrifices to gods



in ancient times” (Liang 2012, p. 98). Turning to the ritual ideology while also considering one base meaning of Dao as roadway, Liang redirects its thoroughfare from a horizontal to a vertical plane in pinpointing two effectively sacrificial directions: a downward direction connecting humans to Heaven, whose expansion of meaning led to the notion of the Dao of Humans, and an upward aspect connecting Heaven to humans, whose expansion of meaning led to the notion of the Dao of Heaven; he writes:

The notion of “Dao” evolved into “the way of people walking,” which is the downward way that developed the ancient meaning of Dao as being able to communicate up and down. But at the same time, the meaning of the ancient word Dao develops upward, which tends to connect with Heaven, which involves notions of the Dao of Heaven. However, the development of this understanding of Dao did not directly point to the universal [Constant] Dao of Laozi . . . The development of this universal Dao of the *Daodejing* formed when he fused these directions together in his own conception of the Dao. (Liang 2012, p. 98)

However, what about the notion of the Dao of Heaven? Liang shows how it evolved from the notion of the Mandate of Heaven, which originally referred to the theistic Heaven and its decisions to confer its mandate on a worthy clan to found and rule a dynasty or, when that clan had lost its moral authority to rule, to take it away and confer it onto a more worthy clan. For the centuries after its founding, the Western Zhou enjoyed the Mandate, and Heaven’s will was exclusively directed to this single concern; nevertheless, due to a variety of historical events, the moral authority of the Zhou rulers eroded, which severely downgraded Heaven’s authority. Robert Eno, for example, gives a good overview of these happenings from a Western perspective<sup>3</sup>:

The fall of the Western Zhou left Heaven morally bankrupt . . . As long as Heaven remained linked to a strong human king, it was a just and discerning deity. Once the world of man degenerated into injustice and blind suffering, the king’s god disappeared into the tradition of the sky god, terrific, unjust, and blind. As social values collapsed, so did the value of Heaven . . . The fall of Heaven raised an issue capable of stimulating a transformation of religious thought to philosophy. Simply put, it was the problem of theodicy: how can a deity prescriptively good allow a world descriptively evil? (Eno 1990, p. 27)

Although not many Western scholars note this, Liang is not alone among the Chinese scholars who find that the notion of the Dao of Heaven directly derived from the loss of the authority of Heaven’s Mandate, which Eno’s comments indirectly recognize in the change from a Heaven identified with the Mandate of the ruling clan to a Heaven identified with retribution exacted on the common man. According to Liang, with the decline of the ritual Western Zhou culture, it was more reasonable to believe in the universality of the Dao of Heaven than to believe in the exclusiveness of the Mandate of Heaven. In his own insightful study of the turning of the notion of the Mandate of Heaven into the Dao of Heaven, Guo Chenhui 郭晨晖 writes, “In the Spring and Autumn Period, the Son of Heaven was no longer the only recipient of the Mandate of Heaven, and everyone from the princes to the common people could receive the blessings and arrangements of Heaven [as well as its punishments] . . . The Son of Heaven no longer monopolized the connection between Heaven and man, and the right to interpret the Dao of Heaven became generalized” (Guo 2021, p. 151).

Liang (2012, p. 99) writes that the Dao of Heaven had two primary associations: one with retribution and the other with the regularity of celestial phenomena. I do not discuss its associations with celestial phenomena<sup>4</sup> here; however, as far as it pertains to retribution, a general understanding of this widening circle of retribution, from the Mandate of Heaven exclusive to the ruling clan to the Dao of Heaven that punishes even the common man, can be seen in the claim from the *Guoyu*, “Zhouyu Zhong,” that “the Dao of Heaven rewards goodness and punishes depravity” (天道賞善而罰淫). Note that this sentiment

is suspiciously similar to the one from *Daodejing* Chapter 79, which states: “The Dao of Heaven has no favorites; it constantly sides with good people” (天道無親常與善人).

This brief overview points to the sacrificial background from which Laozi developed his four central notions around which he structured his conception of justice. Three of them are directly discussed in the ancient writings, including the *Guoyu* and the *Zuozhuan*. The first is the notion of the Dao itself, which was more or less synonymous with the Dao of Humans and primarily referred to human sacrificial and political affairs; Laozi would go on to associate the Dao of Humans with injustice, specifically the injustices brought about by less-than-ideal rulers. The second notion is the Dao of Heaven, which evolved from notions surrounding the Mandate of Heaven, and Laozi would go on to associate it with retribution against those who commit injustices. The third notion is that of a demystified and naturalized Heaven as the sky that was often coupled with Earth as the territory, and although Laozi shows little concern with either celestial phenomena or with “calculations” (*shushu* 數術), he granted a central place to Heaven and Earth into which natural justice was woven.

Laozi’s fourth central notion, the Constant Dao, has few analogues in the ancient culture, and represents his most important philosophical innovation that opened the way from the ancient sacrificial background to the philosophical flowering of the Warring States and beyond. Zhang Zengtian 张增田 (Zhang 2002, p. 1) discusses three elements considered in Laozi’s conception: its existence was placed anterior to the formation Heaven and Earth, and it also formed them; it has been denuded of all associations with celestial phenomena to stand as a pure form of circulation that is not reducible to what can be perceived, and note that *Daodejing* Chapter 25 states that it “moves in cycles and is never threatened” (*zhouxing er budai* 周行而不殆) precisely because it stands apart from contingency; and the relationship of the Constant Dao to Heaven and humans transcended the ancient relationship between Heaven and humans.

Most contemporary Western studies do not recognize the radical differences between the Constant Dao and the Dao of Heaven, but this is a common feature of Chinese scholarship that examines the ritual background of the *Daodejing*. Liang returns many times to this recognition; he writes, for example, that “acting in accordance with the [Constant] Dao and acting in accordance with the Dao of Heaven are two completely different categories” (Liang 2012, p. 100). Noting, as well, that the force of the terms Dao and Heaven in the “Dao of Heaven” is on the nominative Heaven, not Dao, and that the Dao of Heaven could only be born from the Constant Dao, and not the other way around, Zhang Zengtian (Zhang 2002, p. 5) remarks that it is primarily characterized by its intelligibility, whereas the Constant Dao is primarily characterized by its mystery. He also writes:

We can see that there are in fact two dimensions of Laozi’s pursuit of the abstraction of the Dao of Heaven. One is pointing to the ultimate source [the Constant Dao]; the other is still hovering within the framework of the Dao of Heaven guiding humanity. (Zhang 2002, p. 5)

The textual study of Laozi’s conception of justice can begin with an examination of the Dao of Heaven as presented in *Daodejing* Chapter 47, because it sums up some of the important ideas to this point; it says:

Know the world without leaving the door.

See the Dao of Heaven without peering through the window.

The farther one goes, the less one knows.

Here, there are two phrases of particular interest. The first is “to know the world” (*zhi tianxia* 知天下). However, what parts of the world can be known without going through the door? No place is as any other place; therefore, to know the world must entail going to each place, which would require leaving through the door. Instead, what can be known are the mechanisms at play in the world, its principles. In general, according to the *Daodejing*, there are two primary principles in the world: the principle of life identifiable with the Constant Dao, and the principle of retribution identifiable with the Dao of Heaven.

The next lines make clear which principle it is that can be known without leaving the door through the second phrase of interest, namely “to see the Dao of Heaven” (*jian tiandao* 見天道). However, how can the Dao of Heaven be seen? As with many other principles, only through its effects; and of all effects, those of the Dao of Heaven are the most obvious and most awesome: disorder, misfortune, disaster, catastrophe, calamity, and, most poignantly, untimely death, all of them exacted by the Dao of Heaven as retributions for the injustices of the Dao of Humans.

### 3. The Natural Justice of the Constant Dao

Laozi sees justice woven into the natural world of Heaven and Earth, and he assesses acts of justice against the standards of distribution that their bounty establishes. Since this largely explains why the *Daodejing* holds to a conception of natural justice, it is important to understand how the Constant Dao originally established it.

The *Daodejing* provides several depictions of the formation of the world; Chapter 25 says:

There is a thing completed in chaos that was born before Heaven and Earth.  
Empty and still, it stands on its own and does not change.  
It moves in cycles and is never threatened.  
It can be taken as the Mother of Heaven and Earth.  
I do not know its name; I call it the Dao.

This passage portrays the Constant Dao existing in a timeless eternity as it begins to give form to the world. It is not inert and motionless, but most closely resembles a mother, or even the womb of a mother. *Daodejing* Chapter 21 recognizes the almost amniotic life materials within its body as “images ... entities ... and vitalities” (*xiang/wu/jing* 象/物/精), while *Daodejing* Chapter 42 names the different stages of the world’s formation:

Dao gave birth to the One.  
The One gave birth to the Two.  
The Two gave birth to the Three.  
The Three gave birth to the myriad beings.  
The myriad beings carry *yin* on their backs and embrace *yang*.  
Through the blending of *qi* they arrive at a state of harmony.

The text does not explain these numbers, but Heshang Gong’s 河上公 Eastern Han commentary says that the One refers to “original *qi*” (*yuanqi* 元氣) or “harmonious *qi*” (*heqi* 和氣), the formless stuff that will give form to Heaven and Earth and the myriad beings. The Two refers to the original *qi* that separates into *yang* that is bright and light and *yin* that is dark and heavy. The Three refers to Heaven that formed from the ascending *yang*, Earth that formed from the descending *yin*, and humans that formed from the unseparated harmonious *qi* in between. In this unfolding of the world, Heshang Gong says that Heaven receives *yang* from the Dao and distributes it to the myriad beings to form their spirit, intelligence and senses, and Earth receives *yin* from the Dao and distributes it to the myriad beings to form their physical bodies, while humans nurture and care for them.

The natural births of the myriad beings are then described: born facing Heaven, they “embrace *yang*” (*baoyang* 抱陽), and with their backs supported by Earth, they “carry *yin*” (*fuyin* 負陰), with harmonious *qi* flowing throughout their bodies.

Although the text situates this in the “ancient past” (*gu* 古), all of the myriad beings continue to acquire form and life from the *qi* that is emitted by the Constant Dao, and in balanced proportions: Heaven is pure *yang* and Earth is pure *yin*; mountains are predominantly *yang* and valleys are predominantly *yin*; birds are predominantly *yang* and fish are predominantly *yin*; and males are predominantly *yang* and females are predominantly *yin*.

Natural justice is demonstrated in the balanced distribution of *qi* to each of the myriad beings, which mirrors the balanced distribution of resources in the natural world: the



gazelles eat the grass but just enough to be sustained; the lions eat the gazelles but just enough to be sustained; and humans eat the grass, the gazelles, and the lions, but just enough to be sustained. At the same time, humans also appropriate the benefits of Heaven and Earth to nurture and care for the myriad beings, for example, by applying their intelligence to make tools for building houses, sewing clothes, and making fire for heat and cooking. There is birth and there is death, and there is love in the community and there is violence in the hunt, but it is fairly distributed; each of the myriad beings have just enough and none overreach their appetites—such is natural justice.

Taking the One as the harmonious *qi* of the Constant Dao, *Daodejing* Chapter 39 shows how it the very stuff that is fairly distributed:

Of those in the past that attained the One —  
 Heaven attained the One and became clear.  
 Earth attained the One and became stable.  
 Spirits attained the One and became divine.  
 Valleys attained the One and became full.  
 The myriad beings attained the One and were born.  
 Princes and kings attained the One and became the standards for the empire.  
 It is the One that brought them to this.

*Daodejing* Chapter 34 returns to the image of the Dao as the Mother while also pointing to its very active and involved presence in the lives of the myriad beings:

The Great Dao pervades everything, it can go both left and right.  
 The myriad beings depend on it for their birth, but it does not speak.  
 This merit completed, it does not go on to possess them.  
 Clothing and nurturing the myriad beings, it does not act as their master.  
 The Dao gives birth to them, and its Virtue raises them.  
 They are given birth but not possessed.  
 They are acted on but not put into service.  
 They are grown but not put under command.  
 This is called Profound Virtue.

This motherly care for the myriad beings is intimate, compassionate, and nurturing, but it is also natural and devoid of the divine commands familiar to other religions. Yet, the Dao remains the source of great authority through which it provides the stuff of life that it justly distributes to sustain the world. The opening line of *Daodejing* Chapter 4 demonstrates this feature of the Dao even as it describes other of its activities that serve to quell dissatisfactions, blockages, and resentments of all sorts:

The Dao is empty, but in being used it never drains.  
 It is an abyss, the ancestor of the ten thousand living things.  
 It blunts their sharpness.  
 It untangles their confusions.  
 It merges with their brightness.  
 It unites with them in the dust.  
 It is immersed but constantly persists.

Here, the gentle harmoniousness of the Constant Dao is expressed, the ultimate source of the sheer goodness of life itself, wherein no bounds are overreached due to the desire for more or the desire to control. It is against this vision of the natural justice of the ancient past that the text will present the injustices of the Dao of Humans.

Natural justice thus built into the structures of the world could never become a conscious virtue or an essential good for the simple fact that there was no contrarian state

against which to recognize it. The harmonious *qi* flowed unobstructed and without manipulation and the proper proportions for each of the myriad beings were invariably met. Taking life itself established in natural justice as the highest good, *Daodejing* Chapter 51 speaks of its sheer sacrality:

None among the ten thousand living things does not venerate the Dao and honor its Virtue.

As for this veneration of the Dao and honoring of its Virtue: nobody orders it, it is constantly natural.

*Daodejing* Chapter 29 expresses this sacrality in different words:

I see that one who desires to take the world by intentionally acting on it will never obtain it.

The world is a sacred vessel: it cannot be intentionally acted upon, and it cannot be held.

One who intentionally acts on it destroys it, and one who holds it displaces it.

In addition to this vision of natural harmony, this passage strikes an ominous note, for it recognizes the injustice that will characterize the Dao of Humans in the present world and its root cause: human desire that seeks to acquire more than one's fair share and that, unchecked, will tear apart natural justice.

#### 4. The Injustices of the Dao of Humans

*Daodejing* Chapter 77 succinctly characterizes the injustices of the Dao of Humans as:

Reducing the deficient by supplementing the excessive.

The most notable mark of the Dao of Humans is the desire to become the ruler of it all. However, its first appeal is to power rather than to goods. This makes a certain amount of sense in that even the desire to have more than one's natural share of goods is not possible without a previous desire to exercise one's authority (physical, intellectual, political, economic) over the person who possesses them. *Daodejing* Chapter 2 pinpoints this genesis of injustice by simply stating:

When everyone in the world recognizes the beautiful as beautiful, ugliness comes into being.

When everyone recognizes the good, then the not good comes to be.

Those which is recognized as beautiful and good are desires of the mind and not of the body, because it is not a question of having a greater quantity (of food, clothing, heat), the need for which does not contravene the standards of justice since survival is itself a necessary link in the continuation of the natural balance. Rather, the desire for the beautiful and the good is for quality over quantity and pertains to power over others, while the unjust desire for more than one's fair share arises as an inevitable consequence.

However, the *Daodejing* does not encourage a person to eradicate the roots of desire; it is more concerned with the damaging effects of injustice on the world and the well-being of the myriad beings. This breakdown is made clearer in the continuation of *Daodejing* Chapter 39, which discusses, in a series of future hypotheticals, the damaging effects that can occur when the One cannot be justly distributed:

If Heaven were without that by which it is made clear, it would tear apart.

If Earth were without that by which it is made stable, it would shatter.

If spirits were without that by which they are made divine, they would exhaust.

If valleys were without that by which they are made full, they would dry up.

If the myriad beings were without that by which they came to be born, they would perish.

If princes and kings were without this standard by which they are ennobled and made high, they would topple.

This passage demonstrates the attunement of the natural world of Heaven and Earth with human beings, and what damages one thus damages the other. Nevertheless, the causality of humans on the natural world can be better considered if the series is read in reverse: it begins not just with human injustices, but more particularly with the political injustices that appear with “the desire to take the world” (*yu qu tianxia* 欲取天下). Once unleashed, this desire for power leads to a chaos whose grip is established in the senses that are inundated by the beautiful that gives rise to the ugly and the good that gives rise to the not good, as *Daodejing* Chapter 20 states:

How great is the difference between agreement and rejection?  
 What is the difference between goodness and ugliness?  
 One who is feared by others must also because of this fear them.  
 Unrestrained, it will never come to an end!

*Daodejing* Chapter 12 depicts the avalanche of desire that all too easily overwhelms, thus marking the nearly unstoppable dissemination of injustice:

The five colors cause the eyes to go blind.  
 The five tones cause the ears to go deaf.  
 The five flavors cause the palate to go bland.  
 Racing horses and hunting cause the mind to go mad.  
 Goods that are hard to obtain pose obstacles to one’s travels.

This describes the Dao of Humans, which is born with the rejection of natural justice. Its establishment reveals the wide variety of virtues that were unrecognizable before; *Daodejing* Chapter 18 says:

Only when the great Dao is rejected, there is benevolence and righteousness.  
 Only when knowledge and wisdom appear, there is great hypocrisy.  
 Only when the six social relations are not in harmony, there is filial piety and paternal love.  
 And only when the country and its families are in disruption and chaos, there are loyal ministers.

In the ancient past, unrecognized natural justice was inseparable from all other unrecognized virtues as one effect of natural justice. Once virtues are recognized, however, they become instrumental and corrupt, as *Daodejing* Chapter 38 explains:

Highest virtue is not “virtue,” therefore it is truly virtue.  
 Lowest virtue never loses sight of “virtue,” therefore it is not virtue.

Highest virtue is natural, unrecognized, and expressed without forethought, whereas lowest virtue represents a conscious moral standard and is expressed deliberately. Its instrumentalities and calculations pave the way for the dissemination of the momentous force of the Dao of Humans. Stemming this momentum is a losing battle, as the continuation states:

For this reason, when the Dao is lost, then there is virtue.  
 When virtue is lost, then there is benevolence.  
 When benevolence is lost, then there is righteousness.  
 When righteousness is lost, then there is ritual comportment.  
 As for ritual comportment, it is the thin edge of loyalty and trust, and the beginning of disorder.

*Daodejing* Chapter 46 begins to lay out the contours of the Dao of Humans:

No crime is greater than having excessive desires.  
 No disaster is greater than not knowing how to be satisfied.  
 No misfortune is greater than the desire to possess.

Instead of imputing these desires to any individual person, the *Daodejing* recognizes the Dao of Humans as an insidious poison that sucks people into its expanding orbit, from those at the top of the political and economic orders to those at the bottom. *Daodejing* Chapter 53 launches a series of later chapters that provides instances of injustice; it says:

When the courts are spotless, the fields are full of weeds and the granaries are completely empty.

Their clothing is patterned and embroidered, and they carry sharp swords on their sides.

They are gorged with drink and food, and they have a wealth of possessions and goods.

This is called thievery and aggrandizement, and it is not the Dao.

The fields are empty because those who wield power have sequestered for themselves the products of the common people through excessive taxation, which they transform into their own luxury goods: fashionable clothing, expensive swords, gourmet cuisine, and rare treasures; they have succumbed to their own profligacy, and the common people suffer from it.

Chapter 57 states:

The more taboos and prohibitions there are in the world, the poorer will be the people.

The more sharp weapons the people possess, the more muddled will be the state.

The more craftiness and cleverness the people possess, the more depraved will be their behavior.

The more legal matters are made prominent, the more numerous will be robbers and thieves.

This passage demonstrates state-sanctioned injustices legislated into prohibitive laws, enforced by state weapons that guarantee compliance, leaving the common people no options except to commit their own petty crimes if only to survive.

*Daodejing* Chapter 75 continues:

The people do not eat their own harvests because their superiors eat their grain tax to excess.

For this they do not eat their own harvests.

The people are difficult to manage because their superiors pursue their own agendas.

For this they are difficult to manage.

The people trivialize death because their superiors are consumed with their own pursuit of pleasure.

For this they trivialize death.

The terrible extent of the Dao of Humans is seen when the rulers force the common people from their fields, where they ought to be tending to the crops that will nourish them, instead conscripting them for invading neighboring states to quench their own desires for power and accumulation. *Daodejing* Chapter 46 succinctly expresses this:

When the world has the Dao, plow-horses are used in the fields.

When the world is without the Dao, war-horses are reared on the borders.

The horses are the same: in a just world, they remain in the fields performing the proper work of agriculture; however, in the unjust world of the present age, they are moved to the battlefields, leading to the situation depicted in *Daodejing* Chapter 30:

Where troops are stationed, only thorns and brambles will grow.

In the wake of a great army, there will inevitably be a year of famine.

Chapter 31 continues:

Weapons are inauspicious instruments, and there are those who hate them . . .

Weapons are inauspicious instruments, and are not instruments of the nobleman . . .

Weapons are not beautiful, but to see them as beautiful things is to delight in killing.

The momentous corrosion of the Dao of Humans has bled into the moral bearings all involved, including even the common people, as *Daodejing* Chapter 74 says:

The people are not afraid of death, so how could they be frightened by the threat of death?

The Dao of Humans has completely ruined natural justice, and Heaven and Earth have become a death-world for the myriad beings. It is in this situation that the Dao of Heaven makes its awesome appearance.

### 5. The Retributions of the Dao of Heaven

Far worse than the injustices perpetuated against the common people is the annihilation of hope that anything can be different. Responding to this travesty, the *Daodejing* introduces an agent of change possessing the awesome ability to rectify the world through retribution: the Dao of Heaven.

The *Daodejing* never shows retribution exacted on a specific individual in a definite place and time for a singular act of injustice. This anonymity is a stylistic feature of the overall text that reflects the perspective of the Constant Dao: detached but not ambivalent, cosmic but focused on details, and comprehensive but without linear sequence.

Because some of the retributions in the *Daodejing* are not clearly attributed to the Dao of Heaven, they can appear as spontaneous and agentless causal processes. However, since retributions are only exacted for injustices, because no other agent is ever complicit with them, and because Laozi unambiguously stipulates *wuwei* 無為 (“doing nothing”) as the activity of the Constant Dao but never of the Dao of Heaven, every retribution in the text must be attributed to the Dao of Heaven.

*Daodejing* Chapter 24 presents the single instance that refers to the Dao of Heaven simply as the Dao, where all other textual references to the Dao are to be taken as the Constant Dao. It states:

One who stands high is not stable.

One who strives does not move forward.

One who displays himself is not bright.

One who asserts himself is not prominent.

One who brags does not achieve merit.

One who praises himself does not live long.

In the view of the Dao, these are all called “leftover food” and “cumbersome comportments.”

Others will loathe him.

This array of comportments includes self-display, self-assertion and bragging about and praising oneself. The final lines give a privileged insight into the Dao: “in the view of the Dao” (*qi zai dao ye* 其在道也), which regards these comportments as unworthy of respect as if they were “leftover food” (*yushi* 餘食) or “cumbersome comportments” (*zhuixing* 贅行). However, since the Constant Dao is never shown to have any conscious reactions to the Dao of Humans, this Dao must also be taken as referring to the Dao of Heaven.

The first instance of retribution is found in *Daodejing* Chapter 9:

Storing and accumulating is not as good as stopping.

Polishing and sharpening, it will be long preserved.

Gold and jade filling the halls cannot be protected.

Arrogantly accumulating wealth and honor, disasters will naturally follow.



The work completed and the body retired: this is the Dao of Heaven.

Retribution in this instance is identified with comportments from which “disasters will naturally follow” (*zi yi qi jiu* 自遭其咎), namely “arrogantly” (*jiao* 驕) hoarding more than one’s fair share of wealth and exercising one’s power over others. In both cases, the results are inescapable: the loss of one’s wealth and the end of one’s court. The final line implicates the Dao of Heaven, but how is unclear: whose work is completed and whose body is retired? Is it one who does not hoard and tyrannize, or is it one who exacts retributive disasters on the unjust? Given the devastation of this retribution, it could not be result of any individual; therefore, it can only be the Dao of Heaven that “completes its work” (*gong sui* 功遂) of retribution before “retiring its body” (*shen tui* 身退).

*Daodejing* Chapter 44 presents a series of existential choices that assumes the Dao of Heaven without naming it:

Which is more precious: fame or your life?

Which is worth more: your life or your goods?

Gaining (fame and goods) or losing (your life): which causes more sickness?

This is why craving (for fame) leads to great expense.

This is why hoarding (goods) leads to great loss.

The threatened retributions for unjust accumulations of wealth and unjust exercises of fame and power are even more dire here because at stake is one’s very life. This ultimate retribution remains definite but also without clear attribution. In the absence of any other, unexplained mysterious mechanism at hand, some agentless force that somehow causes the body to spontaneously crumble and perish, it can only be the Dao of Heaven.

*Daodejing* Chapter 16 presents the base causality of retribution:

Not knowing constancy is to act blindly for disaster.

Justice is represented by a comportment that is best understood in terms of an uncorrupted “constancy” (*chang* 常) that does not succumb to the Dao of Humans. Constancy corrupted, on the other hand, brings inevitable retribution in the form of “disaster” (*xiong* 凶).

This chapter serves to distinguish the Constant Dao from the Dao of Heaven. The continuation states that “knowing constancy leads to Heaven, and Heaven leads to the Dao, and the Dao leads to long life, such that the body will never decay.” The Constant Dao, if properly cultivated, offers the possibility of long life, while the Dao of Heaven, responsible for a litany of disasters and even ultimately death, has nothing to do with long life. We may here recall Liang Yijun’s comment, that “acting in accordance with the [Constant] Dao and acting in accordance with the Dao of Heaven are two completely different categories” (Liang 2012, p. 100).

The possibility of long life notwithstanding, in all other cases, death is the inevitable outcome for all living beings. However, the death at issue here is not a natural one coming at the end of one’s fulfilled life, but a bad death that arrives long before old age. Of all possible retributions, this is the direst, and the text threatens it at many points. *Daodejing* Chapter 50, for example, states:

We come out into life and go back into death.

Three out of ten are followers of life.

Three out of ten are followers of death.

Three out of ten are people of life, but their actions lead to death.

Why is this? It is because they use their life to live in the thickness of life.

This is a perplexing passage. First, out of ten people, it only recognizes nine; second, the distinctions in the life that some people have, the death that other people have, and the life that still other people have that turns into death are not entirely clear. The first two kinds of people can be understood as those who live to an old age and those who do not, but it is the third kind, the ones who have life but squander it, that wants further explanation. According to the text, they overly exert themselves in the “thickness of life” (*sheng zhi hou*

生之厚), by which should be understood excessiveness, profligacy, and taking more than their fair share, and “these actions lead to death” (*dong zhi si ye* 動之死地).

*Daodejing* Chapter 52 contrasts long life with untimely death; it states:

Block up the holes and close the doors,  
And to the end of one’s life the body will never be exhausted.  
Open the holes and add to the projects,  
And to the end of one’s life the body will never be saved.

The first lines show how constancy may lead to long life: blocking the holes of the senses (eyes, ears, nose, mouth) to avoid things that entice desire and maintaining attention to the body. The second lines show how corrupted constancy leads to an untimely death: opening oneself up to the sensory stimulations of the world, one becomes enmeshed in affairs wherein desires run unchecked, resulting in profligacy and injustice, which in turn leads to untimely death.

Referring to these two types of comportments, the passage draws no obvious links to the Dao of Heaven, nor does it explicitly recognize this untimely death as a retribution. However, the contrast between a positive and a negative comportment remains, which helps to understand the refrain repeated in *Daodejing* Chapters 30 and 55, in which the term “prime” (*zhuang* 壯) refers to the height of a person’s physical, intellectual, and moral development:

As soon as things reach their prime, they begin to age.  
This is called “Not Dao.”

Whatever is “Not Dao” dies prematurely.

This repeated refrain of “Not Dao” (*budao* 不道) that causes “untimely death” (*zao yi* 早已) resonates with retribution, but again, which Dao is at play is not explicitly designated. If it is the detached Constant Dao, then it would have to do with health, since if one is not aligned with its rhythms, then in pursuing unhealthy practices one’s body will quickly wear out and perish. However, if it is the Dao of Heaven, then it will have to do with retribution exacted for injustices, and it will kill you.

Four late chapters (73, 77, 79, and 81) present the most explicit discussions of the Dao of Heaven. Because the text leaves certain features unclear, I turn to Heshang Gong’s commentary, which highlights the unjust suffering of the common people caused by the ruling elite.

Among all the *Daodejing* representations of the Dao of Heaven, those in Chapter 77 are the clearest, particularly because they are set in direct contrast to the Dao of Humans; it says:

Is not the Dao of Heaven like the drawing of a bow?  
It presses down the high and reduces the excessive.  
It pushes up the low and adds to the deficient.  
The Dao of Heaven reduces the excessive and increases the deficient.  
The Dao of Humans is not the same.  
It reduces the deficient by supplementing the excessive.

This passage points to the force of unchecked desire at the core of the Dao of Humans, decimating the natural justice of the Constant Dao. As the ruling elites establish their control over the common people, an important order of their business is to enact laws and other strategies that cement their power to appropriate the already meager wealth of the common people: they “supplement (their own) excess” (*feng you yu* 奉有餘) by “reducing (what is already) deficient” (*sun buzhu* 損不足).<sup>5</sup> It is precisely here that the Dao of Heaven exacts retribution against them by “reducing (their) excesses” (*sun youyu* 損有餘), which serves to “increase the deficiencies” (*bu buzhu* 補不足) of the common people.

In his commentary explaining this passage, Heshang Gong writes:

The Dao of Heaven is shadowy and obscure, so this type of object [e.g., a bow] is used as a metaphor. This passage indicates that by drawing a bow the two extremes adjust in balance, and only then can it be used. The Dao of Heaven brings down the lofty and raises up the lowly, and it diminishes the powerful while increasing the weak.

The Dao of Heaven reduces the excessive and augments the modest. It always considers central harmony best. The Dao of Humans stands opposed to the Dao of Heaven: the vulgar and worldly people take from the poor to give to the rich, and they seize from the weak to enhance the strong.

Very similarly to Laozi, Heshang Gong shows little concern with individual morality and the cultivation of a personal ethics; rather, both identify injustice on a social scale and identify it with the Dao of Humans, such that if an individual is guilty of injustice, it reflects not on that person but on the entire ruling class of which that individual is a member. In the same way, neither speaks of individual victims of injustice since they too are representative of the entire class of common people. Because the retributions of the Dao of Heaven target classes instead of individuals, it can be thought of as impersonal and unbiased, which significantly differs from the impersonal nature of the Constant Dao that cares equally for all beings on a cosmic scale.

*Daodejing* Chapter 79 says:

When a great resentment has been settled, inevitably there will be resentment left over.

How could this be regarded as good?

Heshang Gong interprets this with attention to the injustices experienced by the common people:

This refers to killing those who murder and mutilating those who harm others to equalize [suffering] through retribution.

Here, “those who murder” (*sha ren zhe* 殺人者) and “those who harm others” (*shang ren zhe* 傷人者) likely refer to those common people who have been found guilty of crimes committed as survival responses and sentenced to death or mutilation. Since they have no representation, they can only suffer the injustices as their resentment boils within. Heshang Gong’s commentary keeps an eye on their suffering and refers to them as “the good people” (*liangren* 良人):

Those who employ mutilation lose the good faith of the people and so hatred remains even among good people. If even one person cries out from suffering, then their heavenly heart is lost. How then can equalizing hatred be considered good?

The continuation turns to the impersonal nature of the Dao of Heaven:

The Dao of Heaven has no favorites; it constantly sides with good people.

Heshang Gong, here referring to “the good people” as 善人 *shanren*, writes:

The Dao of Heaven is not close to or estranged from anyone. It only gives to good people.

*Daodejing* Chapter 73 provides a rhetorical answer for why Heaven, or, more precisely, the Dao of Heaven executes its retributions on the unjust: it “hates” (*wu* 惡) injustice for the suffering it causes to the common people; it says:

Who knows the reasons why (the Dao of) Heaven hates something?

The Dao of Heaven does not compete, yet it is good at winning.

It does not speak, yet it is good at being followed.

It does not summon, yet others naturally come.

It is at ease, yet it is good at taking precautions.

Heaven’s net is vast, vast, yet nothing slips through.

The authority of the Dao of Heaven over human life is demonstrated here. To say that it is good at winning means there is no escaping its awesome retributions, and to say that it is good at being followed means that there is no mitigating them either. Heshang Gong explains this in more detail:

Although the Dao of Heaven is broad and encompassing, it is good at considering and analyzing human affairs. Those cultivating goodness or pursuing evil all receive their due.

Heaven's net is vast and so great. Although it is open and far off, it supervises and inspects people's good and bad behavior, and nothing is missed.

*Daodejing* Chapter 81 gives the final mention of the Dao of Heaven, and it is situated in connection with the Dao of the Sage (*shengren zhi dao* 聖人之道):

The Dao of Heaven is to benefit and not injure.

The Dao of the Sage is to act for others and not compete.

Given the many textual demonstrations of the devastating retributions of the Dao of Heaven, to say that it does not injure seems to be a contradiction; however, it must be read in context, especially as it is tempered by its connection to the Dao of the Sage. Combining the ultimate goodness of these two Daos closes the text on a powerful note of hope.

## 6. The Complementarity of the Religious and Philosophical in the *Daodejing*

Understanding the distinctions between the Constant Dao, the Dao of Humans, the Dao of Heaven, and Heaven and Earth opens new paths for reading the *Daodejing*. Few Western studies engage with the text's conception of justice probably because it incorporates a definite streak of theism that seems at odds with its naturalistic philosophy of the Constant Dao, and the rare studies that discuss it tend to collapse the Dao of Heaven into the Constant Dao. This theism differs significantly from its religious content that hints at the immortality first examined by Henri Maspero (1981). A proper understanding of the Dao of Heaven can also reveal new insights into the ways that Laozi's conception of justice continued to nourish Daoist political philosophy as well as Daoist religion, especially with respect to the various uprisings with which it is associated.

Jia Jinhua's study of the religious origins of Laozi's conception of the Dao is a case in point. Just where she begins to recognize the theism at stake in the Dao of Heaven, she stops short and writes, "With new light shed by the religious origin of the Dao as representing High God and the movement of Heaven, I argue that the central concern of the authors of the *Daodejing* was to redefine the identity of Dao" (Jia 2009, p. 477), where the "identity" she has in mind refers to the metaphysical Constant Dao rather than to the theistic Dao of Heaven, which she also never connects to Laozi's conception of justice. Nevertheless, she did recognize one important feature of the *Daodejing*, that it "keeps a balance between religion and philosophy, from which it produces the perpetual, stimulating power of the text: rational yet mystical, philosophical yet religious" (Jia 2009, p. 478).

Franklin Perkins provides a sustained examination of the *Daodejing*'s theism involving the Dao of Heaven. He draws a distinction between *Daodejing* Chapters 1–66, which he finds relatively devoid of theism, and Chapters 67–81, in which the theism of the Dao of Heaven is most pronounced. However, he also does not distinguish the Constant Dao from the Dao of Heaven, and this leads him to impose a sharp separation between the text's philosophical and religious thought; he writes:

The contrast drawn here has particularly significant consequences for how we understand the split between what is commonly called "philosophical" and "religious" Daoism. If the *Daodejing* incorporated two different views of the ultimate—one an anthropomorphic divine Heaven and the other a spontaneously generative Dao—then both approaches can be taken as right (for one part of the text) and wrong (for the other part). (Perkins 2014, p. 28)

If one insists on a consistent [philosophical] reading, though, the contradictions can be used just as well to argue the opposite direction, taking the whole text as theistic. Ultimately, “philosophical” and “religious” readings of the *Daodejing* appear to be equally legitimate, or equally illegitimate. I hope in this essay to have established another alternative, which is simply to recognize that the current *Daodejing* combines together (at least) two distinct perspectives on the ultimate, one of which could be called more “religious,” the other more “philosophical.” Such an approach becomes available once we give up an *a priori* commitment to the unity of the text. (Perkins 2014, p. 30)

Against Perkins, I find it difficult to give up the commitment to the unity of the text. In part, this is because it covers a lot of ground that falls outside of any reasonable definition of philosophy, and I therefore do not consider it a work of philosophy strictly speaking. The same can be said for considering it a work of religion. Nevertheless, it incorporates an abundance of philosophy and an abundance of religion and theism.

Similarly to other products of non-Western cultures that do not share our own modern and post-modern distinctions between religion and philosophy, a more fruitful approach to the *Daodejing* would consider the ways in which its religious and philosophical ideas mutually support and complement each other.

The *Daodejing* presents no single, systematic philosophical system. In fact, I have argued elsewhere that the received text’s philosophy of the Constant Dao is radically at odds with the Guodian *Laozi*’s philosophy of the Temporalizing Dao (*heng dao* 恒道) (Michael 2022b). Nevertheless, given their aphoristic format, neither version on its own can be said to present a systematic philosophical system; that work belonged to the long line of *Daodejing* commentaries and exegesis. Additionally, as little as there is in the text of a systematic philosophy, there is even less of an institutionalized religion.

The complementarity of the *Daodejing*’s religious and philosophical ideas are visible in other ways as well. A case in point is the religious veneration given to the Constant Dao from *Daodejing* Chapter 51; it says:

None among the myriad beings does not venerate the Dao and honor its Virtue.

As for this veneration of the Dao and honoring of its Virtue:

Nobody orders it, it is constantly natural.

The Chinese term used here, *zun* 尊, carries a deeper religious content than the English term “veneration” that is typically directed to elders and statesmen. Laozi uses it to express the natural response of the myriad beings in celebration of the life they have received from the Constant Dao. While this passage hints at a kind of natural religion whose congregation includes even plants and animals, its veneration is not directed to a god or other theistic being, for example, the Dao of Heaven, but rather to the Constant Dao itself.

As a theistic notion, the Dao of Heaven is never the object of veneration; it receives no offerings, sacrifices, or prayers; it gives no commands and communicates absolutely nothing, either through words, divination, revelation, or even through its silence; it is far removed from the natural patterns of Heaven and Earth; and it cannot be taken as a model of ethical behavior, for what would it mean for a human to model the Dao of Heaven, whose only function is to exact retribution for injustice?

There is no spiritual pantheon in the *Daodejing*, and the Dao of Heaven has no spiritual associates. Laozi says that it protects good people, but that happens indirectly, a kind of delayed relief as it punishes those who cause unjust suffering, since it otherwise provides no other blessings or benefits, such as good crops or good weather or success in any undertaking. Finally, there is no explanation of its origins: the text’s cosmogony does not mention it, and it cannot be counted among the myriad beings.

Given the ultimate presence of the Constant Dao, the worldview of the *Daodejing* cannot in any meaningful sense be characterized as fundamentally theistic, even though it mentions spirits. *Daodejing* Chapter 39 says: “Spirits acquired the One and became numinous,” and Chapter 60 presents an odd statement about them as well; it says:



Approaching the world by using the Dao, its ghosts do not become potent.

Not only do its ghosts not become potent, its spirits also do not injure people.

Chen Guying showed how many traditional commentaries whitewashed the theism of this passage to focus on its philosophy by changing the meaning of “ghost” (*gui* 鬼) and “spirit” (*shen* 神) to synonyms for *yin* and *yang*, or by reading *gui* as “to return” and *shen* as “to extend,” and even Chen’s own comments downplay their presence; he writes: “This Chapter also eliminates the common idea of ghosts and spirits and explains how disasters and calamities all depend on people’s actions. If people’s actions are appropriate, then disasters and calamities will not occur” (Chen 2020, p. 332).

Laozi did not reject the idea of ghosts and spirits, but their interventions into daily life were not a serious concern. Similarly to the Dao of Heaven, they too are not seen as valid targets of offerings, which is different even from Confucius’s approach, who welcomed the religious rituals; *Analects* 3.12 says: “One should sacrifice to the spirits as if they were present. The Master said, ‘If I do not sacrifice with my whole heart, I might as well not sacrifice’.” Laozi had no such fondness for sacrifice, and when we see the sage (probably Laozi) gazing on the festive sacrifice depicted in *Daodejing* Chapter 20, he is utterly detached and confesses to his own detachment from it.

While Laozi does not deny the existence of spirits, they play no substantial part in the world generated and sustained by the Constant Dao; yet, there remains the streak of theism identified with the Dao of Heaven, the sole agent of retributive justice. In some ways, Laozi’s gall in recognizing it mitigates against seeing it as representative of an alternative system of values for without the Dao of Heaven, this world under the sway of the Dao of Humans would never again know justice. Given the on-going presence of the Constant Dao and Laozi’s belief in the goodness of life even in the face of pervasive injustice, he gives hope for humans and all the myriad beings to live once again a satisfying life based in the natural justice of fair distribution. However, since retribution is not a feature of the Constant Dao, his final hope rests with the Dao of Heaven.

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## Notes

- <sup>1</sup> References to Chinese source texts are from The Chinese Text Project at [ctext.org](http://ctext.org). All translations are my own and rely on Michael (2015) with slight modifications. All translations from recent scholarly works in Chinese herein are also my own. Where appropriate for textual coherency, all references from quoted works to the *Laozi* have been changed to the *Daodejing*, references to the *tao* or *dao* have been changed to the Dao, and references to *tian*, *t’ian*, and heaven have been changed to Heaven.
- <sup>2</sup> *Daodejing* Chapter 38: “When the Dao is displaced, then there is De. When De is displaced, then there is benevolence. When benevolence is displaced, then there is righteousness. When righteousness is displaced, then there is ritual comportment.” *Daodejing* Chapter 42: “Dao gave birth to the One. The One gave birth to the Two. The Two gave birth to the Three. The Three gave birth to the myriad beings”.
- <sup>3</sup> For a more in-depth version of this sort of Western account, see Roetz (1993).
- <sup>4</sup> See, for example, Qu Bingrui (Qu 2021).
- <sup>5</sup> Levi (2009, p. 661) has much to say about the ritual background of “those who have more than enough” and “those who do not have enough”.

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