



清华大学法学院凯原中国法治与义理研究中心论文集

黄帝思想与道、理、法研究

轩辕黄帝研究（第一卷）

徐 炳 主编

社会科学文献出版社
SOCIAL SCIENCES ACADEMIC PRESS (CHINA)



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图书在版编目(CIP)数据

黄帝思想与道、理、法研究/徐炳主编. —北京: 社会科学文献出版社, 2013. 10

ISBN 978-7-5097-5075-9

I. ①黄… II. ①徐… III. ①黄老学派-法治-思想评论-文集 IV. ①B223.05-53②D909.22-53

中国版本图书馆 CIP 数据核字 (2013) 第 218342 号

黄帝思想与道、理、法研究

主 编 / 徐 炳

出 版 人 / 谢寿光

出 版 者 / 社会科学文献出版社

地 址 / 北京市西城区北三环中路甲 29 号院 3 号楼华龙大厦

邮政编码 / 100029

责任部门 / 人文分社 (010) 59367215

电子信箱 / renwen@ssap.cn

项目统筹 / 关志国

经 销 / 社会科学文献出版社市场营销中心 (010) 59367081 59367089

读者服务 / 读者服务中心 (010) 59367028

责任编辑 / 关志国

责任校对 / 李有江

责任印制 / 岳 阳

印 装 / 北京画中画印刷有限公司

开 本 / 787mm×1092mm 1/16

版 次 / 2013 年 10 月第 1 版

印 次 / 2013 年 10 月第 1 次印刷

书 号 / ISBN 978-7-5097-5075-9


定 价 / 89.00 元

印 张 / 18.25

彩插印张 / 5

字 数 / 392 千字

本书如有破损、缺页、装订错误, 请与本社读者服务中心联系更换

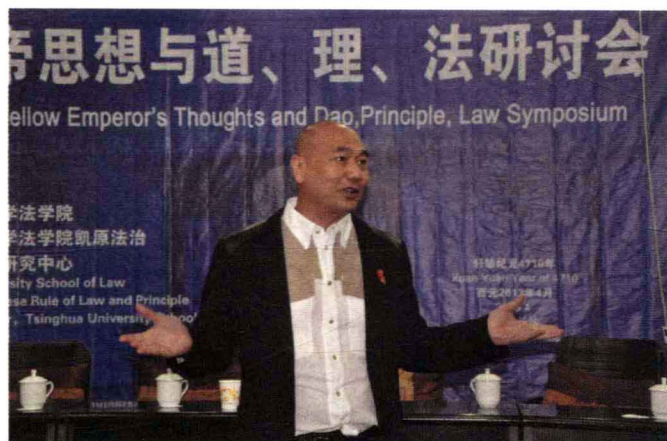
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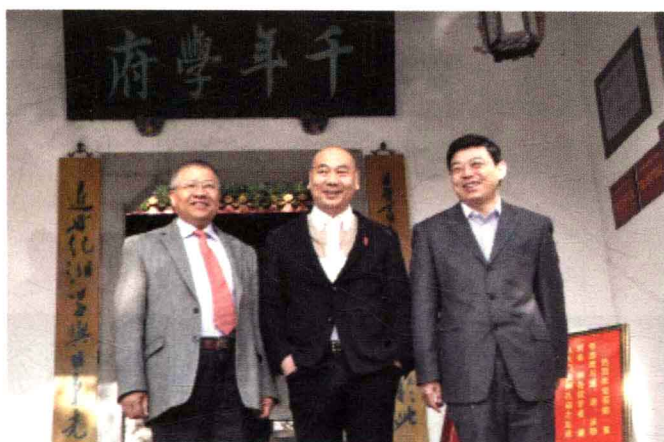
余明光先生获得首届“凯原轩辕奖”，从左至右为王振民、徐炳、余明光、廖凯原、杜钢建



轩辕纪年4710年4月7日“黄帝思想与道、理、法研讨会”在湖南大学岳麓书院召开



廖凯原先生在研讨会上演讲



清华大学法学院凯原中国法治与义理研究中心主任廖凯原先生与副主任王振民教授、执行主任徐炳先生合影



轩辕纪年4709年廖凯原先生与徐炳先生在华山讨论黄帝思想

序 言

王振民*

适逢马王堆《黄帝四经》出土 40 周年之际，西元 2013 年，轩辕纪元 4710 年清明时节，由清华大学法学院凯原中国法治与义理研究中心和湖南大学法学院联合举办的首届“黄帝思想与道、理、法研讨会”在千年学府——岳麓书院隆重举行。来自清华大学、北京大学、中国社会科学院、湖南大学、西南政法大学、华东政法大学、杭州师范大学、上海政法学院、黄陵基金会、陕西省公祭黄帝陵工作委员会等单位的黄帝子孙 40 多人齐聚一堂，从不同角度、用不同方法对以《黄帝四经》为主要载体的黄帝思想进行了深入研讨。大家一致认为，此书也许是经过千年口耳相传，到战国时代成书的《黄帝四经》，它应该是中国诸子百家思想的源头。《黄帝四经》失传两千多年后重新问世，是 20 世纪世界最重大的考古发现之一，对于研究中国古代思想具有十分重大的意义。该书博大精深，政治法律思想丰富，是中华先人关于治国理政经验的总结，黄帝的畏天、爱地、亲民的观念至今仍有现实意义，法学界、政治学界和哲学界应当深入研究、传播。但是，40 年来，人们普遍关注的似乎只是马王堆出土的女尸及大量的工艺品和其他随葬物品，对《黄帝四经》未给予应有的重视。据说，以黄帝思想为主题的大型国家级学术会议尚不多见。本书以这次会议上专家学者提交的论文为基础编辑而成，是集体智慧的结晶，是研究黄帝思想的首部集体学术著作，本人为此作序，深感荣幸！

打开本书，读者不难发现，其中非常耀眼的一篇论文是廖凯原先生的论文。廖凯原先生是著名美籍华裔企业家、慈善家，清华大学名誉校董、

* 清华大学教授、法学院院长、清华大学法学院凯原中国法治与义理研究中心副主任。

客座教授，清华大学法学院凯原中国法治与义理研究中心主任。他出生于印度尼西亚，在美国接受了高等教育，先后获得哥伦比亚大学国际关系学硕士学位（MIA）和纽约大学法学院的法律博士学位（JD）。毕业后他没有像法学院毕业生惯常的那样去做律师，而是“下海”从商，于1989年创办了国际软件屋公司（Software House International）并兼任董事长至今。该公司是一家全球技术外包公司，提供软件、个人计算机采购、数据储存和云计算等服务，是世界最大的非上市公司之一，是黄帝子孙在海外创办的最大的公司。廖先生在认真研究了《黄帝四经》之后深为震撼，他认为该书的思想价值不可估量，应该是中华民族精神和文化传统的起源，不仅对中华民族，而且对人类的发展都产生了巨大影响。他因此决定提供一切必要的支持，研究、推广黄帝思想，他甚至把研究和弘扬黄帝思想作为毕生事业。

廖凯原先生是海外黄帝子孙的杰出代表，他是我们黄帝子孙的骄傲！

因此，在他事业成功以后，在中国改革开放的高潮之时，来到中国，寻根问祖。令人意外的是，他没有在中国投资兴业，扩大他的商业帝国，而是从事了一个很多人都不理解的事业——黄帝思想研究。他痴迷于黄帝思想，认为西方各种政法思想、哲学思想都无法超越黄帝思想，黄帝以后中国历代的治国理念都是黄帝思想的发扬光大。他甚至认为黄帝应该被视为全世界华人的“耶稣”，黄帝思想应该成为所有华人的共同信仰。而也只有黄帝思想的指引下，才可以把全世界华人团结起来，这样我们才会有共同的精神信仰、身份认同和文化印记。不管政治理念如何，不管有何兴趣爱好，不管家住何方，不管信仰何种宗教，黄帝是全球华人最大的文化公约数。廖凯原先生希望用黄帝思想、用中华优秀传统文化升华中国人的精神世界！

在本书即将付梓之际，我们看到一幕令人发指的暴力犯罪案件的发生，犯罪是针对毫无抵抗能力的儿童，令人撕心裂肺，痛心不已！更令人心酸的是，残忍加害儿童的人居然是该儿童的亲属！即便没有任何法律意识，只要稍有一点良知，也不至于下如此之毒手。正是因为没有精神信仰和道德约束，才会不择手段，为所欲为。我们常说中华民族勤劳、勇敢、善良，今天我们善良的美德哪里去了？在一些国人的头脑中，是否除了金钱和权力，除了物质享受，已经没有别的东西、没有什么精神追求了？我们不得不承认，这些年随着经济的飞速发展，我们本来就所剩不多的传统文化在

迅速消失，国人的平均道德水准在大幅下降，道德底线被不断突破。除了物质生活，国人几乎没有任何精神生活和追求！看来，大力开展道德建设、填补国人的精神空虚，势在必行，刻不容缓！

那么，拿什么填补国人的精神空虚呢？西方那一套显然不行，不会被国人接受。我们中国人本来就有一整套完整的礼仪道德规范体系，如果能够恢复，自然大有裨益。这是包括廖凯原先生在内的海内外广大有识之士的共同心声。这正是开展黄帝思想挖掘整理和研究传播最大的意义。相信通过这本书以及后续一系列有关书籍的出版，我们会见证这批中华民族的有识之士为国人精神重建和文明再启蒙所作出的巨大努力，我们从阅读中也会获得灵感、智慧和力量。这才真正是为天地立心，为生民立命，为往圣继绝学，为万世开太平。

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The Xuan Yuan Operating System 2.0

(4708 X. Y-Infinity)



By

Prof. Leo KoGuan

*I would rather be a bumblebee poet than not to be,
Blood and tears of Wang Yangming's pearls as red lanterns shining
the path of hope in darkness,
I am buzzing my way around to sing and praise Xuan Yuan's Da Tong.*

Director, KoGuan Chinese Rule of Law and Principle Studies Center
at Tsinghua University School of Law, Professor
leo@shi. com

April 7, 4710X. Y (2013)
Yue Lu Academy

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1. 《祭黄帝文》

2. 《立政》–Establishment of Government



Abstract of the Xuan Yuan Operating System 2.0 :

Xuan Yuan's principle < = > LOVE < = > Giving first Taking later < = > 5 Mandates (Dao) < = > the 9 anti-entropic quantum steps < = > many manifestations (5 Mandates + guofa + de + renqing) < = > Scientific Outlook Rule of Law and Principle < = > Scientific Outlook Free-Lunch Economic System < = > abundant objects of desire for all to enjoy in a harmonious unity of harmonious global society with nature and in nature < = > LOVE.

Introduction

黄帝四经·立命

吾受命于天，定位于地，成名于人……吾畏天爱地亲民，立无命，执虚信。吾畏天爱地亲民，立有命，执虚信。

礼记·礼运大同篇

大道之行也，天下为公。选贤与能，讲信修睦。故人不独亲其亲，不独子其子。使老有所终，壮有所用，幼有所长，矜寡孤独废疾者，皆有所养。男有分，女有归。货恶其弃于地也，不必藏于己。力恶其不出于身也，不必为己。是故谋闭而不兴，盗窃乱贼而不作。故外户而不闭，是谓大同。



I believe China is about to enter the final state of Chinese Socialism or Da Tong that was conceptualized by our ancestors and founders that directly derived from Xuan Yuan's lifelong mission for mankind about 5 thousand years ago taken from His lifelong mission on Chapter 10 of the Four Canons is to help each person to realize his/her goal in life. He proclaimed:

From the Heaven I have received the mandate... On the Earth I have gained a footing, and from the people I have won endorsement... Revering the Heaven, cherishing the Earth, and holding the people dear, I help the disorientated find the right direction for their life... I help the well orientated carry on their lifelong mission, and I make them prosper. ①

We can simply summarize it:

From each to each according to his/her dreams and aspirations.

Our Ancestor Xuan Yuan envisioned that the reason of culture-state and state of reason is simply that a culture-state is a legal fiction and like a modern corporation is a creature of a legal fiction and that like a corporation, a culture-

① Quoted from Sherwin Lu, Trans. "The Yellow Emperor's Four Canons, 10: Lifelong Mission".

state is created and distributed for her shareholders and stakeholders. Therefore, culture-state's existence has only one meaning and one reason that is to benefit her citizens. In other words, the *raison d'être* or reason for being of Xuan Yuan's culture-state, in contrast to that of the European Westphalian sovereign nation-states system conceptualized from the Peace of Westphalia in 1648, is Not for the glorification of her state, Nor for the glory of her state-leaders, Nor for expansionary of her territory, Nor for the prosperity of her rich-few among the poor-many, but For providing her citizens rich cultural heritages with effective free education, actual free health care and reasonable free material wealth, so that each citizen has his/her foundations, resources and means to realize his/her dreams and aspirations. Da Tong is NOT a utopian state of mind but a truly achievable culture-state of material existence not for the few-rich among the many-poor but to all her citizens here and now. Here means here on earth and now means achievable at this moment and no delay in action without excuses. Therefore, the reason for the existence of Xuan Yuan's culture-state here and now is to benefit her citizens, shareholders and stakeholders. In a simple crystal clear sentence to those who are willing to listen without prejudicial attitude against Him, He proclaimed His intention: "I help the disorientated find the right direction for their life... I help the well orientated carry on their lifelong mission, and I make them prosper."^① This Chinese culture-state is designed for one and only one purpose that is to assist her citizens to achieve their dreams and aspirations whatever they might be within the framework of the Scientific Outlook Rule of Law and Principle. Thus Xuan Yuan's culture-state is indeed people-first culture-state.

Xuan Yuan rules that Dao creates and distributes everything that is, therefore no one including Himself can exceed Dao and everyone is equal under the Dao, since Dao by its very nature treats everyone equally. He rules that from Dao comes law and virtue. Thus, laws and virtues are equivalent to Dao in the forms of laws and virtues. Thus He rules and commands everyone (including and especially

① Quoted from Sherwin Lu, Trans. "*The Yellow Emperor's Four Canons, 10: Lifelong Mission*".

himself) must obey and abide by the same rule of law and principle. The Canon 1 says:

From the Dao comes the law. The law is the STANDARD by which to judge whatever is achieved and not achieved to see if it is in the right or in the wrong. . . . When the law is in force, order will be established and nothing against it cannot be curbed. ①

Nothing in the text above mentioned that a king or any state leader has any special treatments by any law, it says that everyone is judged by the SAME STANDARD or everyone is equal under the law. Therefore, I argue that He was the first man in the history of mankind who advocated and abided by the Scientific Outlook Rule of Law and Principle and that no one is above the law and everyone is equal under the law. He also believes in and advocates Chinese Socialism, that the state has to help each individual to pursue his/her own personal dreams and aspirations, and the state must ensure everyone is literate, and the state through rectification of name (scientific outlook) as the method of development must make each citizen healthy and wealthy living in harmonious society here and now at home and harmonious in global society here and now abroad. This idea has been embedded into the fabric of Chinese culture, so that Kongfuzi (551 B. C-479 B. C) when he edited the Book Of Rites and he naturally summarized Xuan Yuan's idea of Da Tong (Great Unity) in Li-Yun-Da-Tong, our world as one big family, in which everyone treats one another with care, honesty, trust and mutual helps. Thus, everyone will enjoy security, education, health, prosperity and happiness.

Da Tong

When the Great Dao . . . prevails, the world is like a Commonwealth State shared by all. Virtuous, worthy, wise and capable people are chosen as leaders. Honesty and trust are promoted, and good neighborliness cultivated.

① Quoted from Sherwin Lu, Trans. "The Yellow Emperor's Four Canons, 1: The Dao and the Law".

All people respect and love their own parents and children, as well as the parents and children of others. The aged are cared for until death; adults are employed in jobs that make full use of their abilities; and children are nourished, educated, and fostered. Widows and widowers, orphans and the old without children, the disabled and the diseased are all well taken care of.

Every man and woman has an appropriate role to play in society and in the family. They hate to see resources lying idle or being cast away, yet they do not necessarily keep them for themselves. They hate not to make use of their abilities, yet they do not necessarily work for their own self-interest.

Thus intrigues and conspiracies do not arise, and thievery and robbery do not occur; therefore doors need never be locked. This is the ideal world – a perfect world of equality, fraternity, harmony, welfare, and justice. This is the world called “Da-Tong”.^①

From Fu Xi/Nüwa to Shennong/Xuan Yuan, Yao, Shun, Yu, King Tang, King Wen, Duke of Zhou, Confucius, Mencius, Lord Shang Yang, Lao Zi-Zhuang Zi, Yang Zhu, Mo Zi, Dong Zhongshu, Zhu Xi, Wang Yangming, Kang Youwei, Sun Yat Sen, Chairman Mao, Deng, Jiang, Hu and Xi have Chinese dreams whatever names they called these dreams, there has been only one, yes only one Chinese dream of about 5 thousand years old that is Xuan Yuan’s Da Tong.

To achieve Xuan Yuan’s Da Tong, first we must establish the Scientific Outlook Rule of Law and Principle based on the Xuan Yuan’s idea that from Dao comes laws and virtues governing Da Tong society in which no one and no organization is above and everyone is equal under these laws and principles. From this super-infrastructure, we can build the Scientific Outlook Free-Lunch Economic System in which everyone including aliens, cyborgs, self-awaken robots has free education, free health care and free material wealth.

The Xuan Yuan Operation System 2.0 is applying the KQID’s bits-waves function engine meme ΨI (CTE) as bits-waves function of consciousness (C), time (T) and energy (E)^②:

① See <http://my.opera.com/Aprilsnow/blog/index.dml/tag/Confucius>.

② See Appendix 1.