TO RULE BY RITUAL: THE THEORIZATION OF RITUAL PSYCHOLOGY IN THE BAMBOO TEXTS OF GUODIAN

by

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Abstract

This study examines the development of a theory of ritual psychology in Chinese political thought during the Warring States period (c. 450 - 221 BCE), as found in four Confucian bamboo manuscripts from the Guodian corpus which were discovered in 1993 in a tomb that had been sealed in c. 300 BCE. These four texts, called here the Ritual Authority manuscripts, provide new evidence of a political theory that applied ritual practices to the management of the state, with implications for our understanding of both the development of the Confucian tradition and of the formation of the early Chinese empire.

The introduction surveys how the concept of ritual has been framed in studies of Chinese history, and argues that this new evidence of a conscious theorization about ritual psychology should compel us reexamine this topic. Chapter One makes use of the insights offered by the cross-disciplinary field of Ritual Studies to create a working definition of "ritual" as an academic term of analysis, and then examines a range of primary sources from the Warring States period in order to reconstruct the discursive field of meaning encompassed by the Chinese term *li*, or "ritual propriety," which was the focus of this theorization. Chapter Two considers the implications of the previous chapter's insights by examining how ritual practices rely on a sense of historical authority, which embroils these practices in a larger tension between tradition and innovation. Chapter Three examines the development of theories of political authority in the Warring States period, and shows how these presented a fundamental challenge to the Confucian emphasis on ritual practices. Chapter Four turns to the Ritual Authority manuscripts from Guodian and closely examines how they reveal an attempt to incorporate a theory of ritual psychology into a defence of traditional ritual practices. This study finally concludes by considering the larger implications of this intellectual innovation, and suggests several possible directions of future research based on this research.

Lay Summary

The present work examines the development of political theories from early China (approximately 450 - 221 BC). More specifically, it attempts to understand how and why certain political theorists at this time believed that ritual practices should be used as a tool by these early governments to manage and control their people. The discovery of texts that had been sealed in a tomb in approximately 300 BC have offered historians new evidence that political theorists at this time had developed a theory that people's moral character and emotions were affected by the performance of basic rituals of respect. The evidence of this insight into human psychology has implications for our understanding of how the early Chinese state was formed, and this study suggests that ritual practices should be taken seriously as one of the tools used by early rulers and government administrators to manage China's first empires.

Preface

This dissertation is original, unpublished, independent work by the author, C. Ashton.

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For my parents,
Murray and Susan.

For everything.

Introduction

The unification of China under the Qin 秦 state in 221 BCE remains a convenient bookend to demarcate China's imperial era from its pre-imperial history, even if the reality is not so neat. The Qin empire would be short lived, collapsing into civil war in 206 BCE, not long after the death of its first emperor, Ying Zheng 嬴政. And yet, China would soon be brought together again under the Han 漢 (206 BCE - 220 CE), a second empire whose relative stability, though not free of internal conflicts, would stand in stark contrast to the centuries of disunity that had preceded it. Before this, the region had been defined by intensifying interstate conflicts that had resulted from the fall of the Western Zhou 周 capital in 771 BCE. The Zhou king's legitimacy would continue to recede until it came to a conclusive end in the fifth century BCE with the rise of large, warring territorial states whose rulers no longer felt beholden to the political norms of the Zhou state or the authority of the ruling family and their descendants. This era, called in hindsight the Warring States (*Zhanguo* 戰國) period (c. 450 - 221 BCE), was a time of intense conflict but also of famously creative ferment, giving rise to a new kind of total war defined by large conscript armies but also to new technologies, philosophies, and political institutions.

From one perspective, the Qin and Han unification can be understood to represent the culmination of these centuries of creativity and change. For the historian of early China who wishes to understand the ideas and institutions that made possible this early empire, it may be especially valuable to consider the "long century" from about 350 to 221 BCE. During this time, the military stakes were raised as a smaller number of very powerful states came to dominate the region, and developments in the intellectual world were also intensified by emerging methods of logic, concepts of the body, and new ways of writing. The full scope of what made possible the management of this large, centralized empire involved a complex nexus of military and civil institutions, methods of propaganda and communication, knowledge production, and intellectual innovations. In his study of Chinese political culture, Yuri Pines has noted that in order to understand the developments that led to the enduring stability of the Chinese empire, we must examine the dynamic process of how the intellectual concepts of political theory were actually put into practice.[1] This means considering the realm of ideas together with the realm of institutions and political practices. Designing new institutions and practices of government that could accomplish the increasingly complicated task of administrating large territorial states would require the construction of a conceptual toolbox with which these complexities could be worked out in abstract terms. This conceptual toolbox would include, in part, new ways of thinking about human nature, the body, psychology, political authority, culture, and social customs. The borrowing of ideas and productive debate led to novel ways of making use of these ideas and applying them to political institutions.

It is the contention of this study that among these many developments, one particularly compelling and notable conceptual innovation would emerge regarding the nature of ritual. New developments in scholarship have recently been occurring in studies of both ritual and early Chinese thought that — taken together — present an opportunity to examine this conceptual development and to draw fresh insights from such an examination. The emerging field of Ritual Studies has opened up conversations between disciplines, helping to render the concept of ritual into a term of rich analytical value, while in the field of early Chinese thought the most important development has without question been the sudden influx of new textual discoveries. Texts written on silk, bamboo or wood have been found that date from both the late pre-imperial and early imperial periods. These texts have offered new evidence of the political and religious world of this early period, including insights into the development of theories of ritual and arguments for how ritual practices should be incorporated into political philosophy.

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[1] Yuri Pines, *The Everlasting Empire: The Political Culture of Ancient China and its Imperial Legacy* (Princeton: Princeton University Press, 2012).

One well-known dynamic from Chinese political theory is what Scott Cook describes as the tension between suasive and coercive approaches to rulership, more famously known as the persistent debate between the relative value of “rule by virtue” (*yi de zhi guo* 以德治國) versus “rule by law” (*yi fa zhi guo* 以法治國).[2] While the suasive approach, favoured by Confucian thinkers, would emphasize the role of moral charisma and instruction in managing the state, the coercive strand would emphasize the application of harsh punishments and rewards based on codified penal regulations. We have recently been offered a window into the development of this particular debate with the discovery of the Guodian 郭店 manuscripts, a major corpus of Warring States archaeological texts that were discovered in Hubei Province, China, in 1993. As Cook notes, the Guodian manuscripts have allowed us to better understand how this particular debate between coercive and suasive rulership developed over time. What the present study suggests, however, is that there is a deeper insight yet to be made from a study of these manuscripts, one that is only revealed with an appropriate focus on the way that the specific concept of *li* 禮, or “ritual propriety,” occupies the centre of this suasive theory of government practice. It is argued here that this insight can only be fully fleshed out when this examination of *li* makes full use of the academic tools offered by the field of Ritual Studies. This study asks what conclusions the historian might draw if they were to take ritual seriously not simply as the specific practices within a narrowly construed system of religion or philosophy, but as a pervasive phenomenon within human societies — and as something which can be recognized by historical actors as something with a strategic value in the world. This means placing ritual next to other conceptual and institutional phenomenons such as “bureaucracy” or “law,” which are perhaps more recognizable features in early state development.

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[2] Scott Cook, “The Debate over Coercive Rulership and the ‘Human Way’ in Light of Recently Excavated Warring States Texts,” *Harvard Journal of Asiatic Studies* 64.2.

This approach is prompted particularly by the discovery within the Guodian manuscripts of a set of ideas that have focused on the necessary role of ritual practices within a larger approach to the problem of political authority. This larger approach is represented by four specific manuscripts that present the argument that political practice needed to proceed on the basis of a thorough understanding of human psychology.

The Ritual Authority Manuscripts

The field of early Chinese history has recently been reinvigorated by the archaeological discovery of early texts, including examples of legal and administrative documents, mantic texts, military theory, and political and religious essays. These works have added new voices and ideas to the collective body of historical writings, unfiltered by the editorial processes and historical vagaries that shaped the received corpus of early China. They also present their own difficulties.[3] The bamboo texts in particular have offered challenges to interpretation due to the state in which they were found. The binding straps that had originally kept together the thin bamboo strips on which these texts were written had disintegrated long before these texts were recovered, leaving scholars with the challenge of carefully piecing these together again into discrete and correctly ordered bundles. Because these texts were written prior to the standardization of the Chinese script, there have also been philological challenges in reading some of the content. Some of these texts have been archaeologically excavated, while others have arrived on the black market, their authenticity and archaeological context uncertain, which has raised both methodological and moral questions.[4] These black-market texts have nevertheless become a major part of this new development in early Chinese studies, and it has become clear that any full account of this period will need to take into account the insights from all of these sources.

As these texts now settle into their position as important tools of inquiry into this creative and foundational period of Chinese history, we are finally reaching a point where the significance of the ideas to be found within them can be fully considered. This is especially true of the Guodian manuscripts, which have been the focus of considerable philological scholarship. Scott Cook's publication of a complete study and translation of these manuscripts has made these works available to a wider readership, and has brought the major research and textual issues together into a single location.[5] For this reason, the Guodian texts are an especially valuable resource for discussing the insights from archaeological texts both within the field of early Chinese studies and to a wider academic audience.[6]

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[3] For discussions specific to the nature of textual production and authorship, see Edward L. Shaughnessy, *Rewriting Early Chinese Texts* (New York: State University of New York Press, 2006), William G. Boltz, "The composite nature of early Chinese texts," in *Text and Ritual in Early China*, ed. Martin Kern (Seattle: University of Washington Press, 2014), Matthias Richter, *The Embodied Text: Establishing Textual Identity in Early Chinese Manuscripts* (Leiden: Brill, 2013), and Dirk Meyer, *Philosophy on Bamboo: Text and the Production of Meaning in Early China* (Leiden: Brill, 2012).

[4] Paul R. Goldin, "*Heng xian* and the problem of studying looted artifacts," *Dao* 12.2 (2013).

The Guodian manuscripts had been sealed in a tomb in the ancient state of Chu 楚 around the beginning of the third century BCE.[7] The corpus includes both distinct versions of important canonical works in the received tradition, as well as texts that were previously unknown. The presence within this corpus of texts of a version, in three different bundles, of passages from the received *Laozi* text captured the most initial attention due to the insights this discovery could afford into our understanding of this influential work from the Chinese philosophical tradition. However, attention was soon also garnered by another text, which the editors of the 1998 publication of the manuscripts titled *Xing zi ming chu* 性自命出 "Human nature emerges from the mandate."[8] The attention in this case was due to this text's discussion of human nature, a concept important to the development of Confucian thought.

Although they have received less attention, there were also three other texts within this corpus that appeared to share certain characteristics in common with *Xing zi ming chu*. These include the texts whose titles, also given by the editors of the 1998 publication, are *Liu de* 六德 ("The Six Virtues"), *Zun deyi* 尊德義 ("Honouring Virtue and Rightness") and *Cheng zhi* 成之 ("Bringing to completion").[9] The bamboo slips of all four of these manuscripts were of the same length, measuring at 32.5cm, and the space between their original binding straps were also the same distance of 17.5cm. The script of these four manuscripts also appear to have been written in the same calligraphic "style," with *Liu de* and *Xing zi ming chu* having also been written in the same hand.[10] In addition, the texts have significant terminological and ideological overlap.

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[5] Scott Cook, *The Bamboo Texts of Guodian: A Study and Complete Translation* (Ithica: East Asia Program, Cornell University, 2012).

[6] There is also now a monograph on the topic: Kenneth W. Holloway, *Guodian: The Newly Discovered Seeds of Chinese Religious and Political Philosophy* (Oxford: Oxford University Press, 2009).

[7] Sarah Allan and Crispin Williams date it to somewhere in the vicinity of one two two decades earlier than 300 BCE, "An Account of the Discussion," in Sarah Allan and Crispin Williams (eds.), *The Guodian* Laozi*: Proceedings of the International Conference, Dartmouth College*, May 1998 (The Society for the Study of Early China, 2000), 113-184.

[8] Jingmenshi bowuguan, *Guodian Chu mu zhujian* 郭店楚幕竹簡 (Beijing: Wenwu, 1998). No title was provided on any of these original four manuscripts, and the titles provided were all based on textual passages from the contents of the documents. For the purpose of avoiding confusion, I retain these titles throughout this study.

Considering these four texts together is to assert that they share in common a unified vision, with ideas and arguments that work together as part of the same strand of thought.[11] It cannot be definitively claimed that these four manuscripts constitute a single "corpus" in the sense that they were always placed together as a unit,[12] or that that these four works should be considered intellectually aligned to the exclusion of the rest of the Guodian manuscripts. However, their ideological unity and material similarities provide sufficient justification for considering them together as a unit, and a close reading of the texts only seems to further verify the reasoning behind this decision. The issues of authorship, audience and textual production are more complex, and there are many questions yet to be answered about the nature of early Chinese manuscripts and the purposes and methods of their production and reproduction. For now, it may not make sense to expect specific works to be collected together into meaningful bodies of work in the sense that we have come to expect from the textual traditions that arose in the Han empire, particularly after the editorial labour of scholars like Liu Xiang 劉向. The production of texts appears to have existed alongside other forms of knowledge production and transmission, including oral transmission, teacher-student interactions, and communities of shared practice. The reading of these texts together is based on the view that these four works together represent the core ideas of a single and consistent political view.

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[9] The text now referred to as *Cheng zhi* had originally been called *Cheng zhi wen zhi* 成之聞之, but a now accepted re-organization and re-reading of the text's bamboo slips has resulted in this shortened title.

[10] Matthias Richter, "Tentative Criteria for Discerning Individual Hands in the Guodian Manuscripts," in *Rethinking Confucianism: Selected Papers from the Third International Conference on Excavated Chinese Manuscripts, Mount Holyoke College, April 2004*, ed. Wen Xing (San Antonio: Trinity University, 2006), 133.

[11] The text *Yucong I* 語叢一 also very likely belongs within this same "school" of thought, but is being considered separately because of significant differences in style and materiality. The other text whose content might lead a reader to consider it together with these manuscripts would be *Wu xing* 五行, a text which also deals with many similar themes, but whose particular views on the nature of human physiology suggests it be considered, at least tentatively, distinct despite some overlapping concerns. For a full discussion of *Wu xing*, see Mark Csikszentmihalyi, *Material Virtue: Ethics and the Body in Early China* (Leiden: Brill, 2004).

[12] In fact, the presence of *Xing zi ming chu* in the Shanghai Museum collection without the other three manuscripts suggests that this may not have been the case. This text can can be found in Ma Chengyuan (ed.), *Shanghai bowuguan cang Zhanguo Chu zhushu* v.1 上海博物館藏戰國楚竹書 (一) (Shanghai: Shanghai gu ji chubanshe, 2001).

The views presented in these texts can be categorized under the umbrella of "Confucianism," a term that I will be employing in this study in spite of some very strong arguments that could be made against it.[13] The primary justification for using this term is that it continues to be a recognizable and familiar term to an audience that does not have an expert understanding of early Chinese history. For the purposes of this study, Confucianism should be understood as referring to a perceived tradition and strand of thought belonging to those identified, by themselves or by others, as the Ru 儒 — the "literati," "classicist," or "ritualist" scholars whose knowledge was focused on the cultural traditions of the Central Plains culture of early China. These thinkers established a pedagogical and textual legacy directly inspired by and aligned with the late Spring and Autumn (*Chunqiu* 春秋) period (771 - c. 450 BCE) thinker Kong Qiu 孔丘 (d. c. 479 BCE), now known to the English speaking world by his latinized title Confucius. Self-identified Ru in early China share in common a focus on preserving and extolling the cultural traditions of the so-called "Three Ages" (*Sandai* 三代) — the three successive states that held some form of hegemonic or legitimate authority over the Yellow River Valley region. These are the semi-mythical Xia 夏,[14] the historical Shang 商 (c. 1554 - 1046 BCE) and most importantly the Zhou (1045 - 256 BCE).[15]

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[13] For a discussion of the problems with religious "isms" more generally, see Robert Ford Campany, "On the Very Idea of Religion (In the Modern West and in Early Medieval China)," *History of Religions* 42.4 (2003). Campany's discussion focuses on early medieval China specifically, but his discussion is valuable for this problem more generally. For a discussion of the way that later narratives have shaped our impressions of these pre-imperial "schools" of thought, see Mark Csikszentmihalyi and Michael Nylan, "Constructing Lineages and Inventing Traditions through Exemplary Figures in Early China," *T'oung Pao* 89.1 (2003).

What these four specific texts share in common is an overarching argument that political practices must be based on a specific understanding of human psychology, and that the only way to correctly and ideally employ this understanding is to make use of the cultural traditions of the Zhou. Shared arguments, ideas and terminology all connect these works together in a way that is difficult to deny. The importance of ritual and music in particular is asserted in ways that are consistently connected to arguments about the limitations of coercive forms of authority that rely on punishments and rewards. Another consistent view is regarding the tension between family relationships and the public relationships of the political sphere. I have titled these four texts together the "Ritual Authority manuscripts" on the basis of the fact that they turn to ritual practices to describe and justify their larger theme, which is directed towards explaining how cultural traditions can be employed to cultivate and assert political authority. As will be discussed below, the prominence of a concept of ritual propriety (*li* 禮) in Chinese history is a well established fact, but the significance of this focus on ritual has yet to be fully fleshed out. Because the Ritual Authority manuscripts employ a conceptual understanding of ritual psychology in order to explain the power and purpose of the concept of *li*, they offer the possibility of a new and much deeper understanding of the role that the concept of ritual has played in both the development of the early Chinese state and the character of the later empire.

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[14] There is no historical data to verify the existence of a Xia state, but it may possibly be connected to the archaeologically attested "Erlitou" 二里頭 culture (c. 1900 - 1555 BCE). See Li Feng, *Early China: A Social and Cultural History* (Cambridge: Cambridge University Press, 2013), 41-65.

[15] Dates from Li Feng, *Early China*, xx.

The Ritual Authority manuscripts appear to represent be the last surviving attempt in the Warring States period to defend a cosmologically rooted Confucian worldview, in which the traditions and practices of the Zhou state could be linked in some way to Heaven's direct agency in the world. This provides an essential link in our understanding of the development of the ideas of late Warring States thinker Xunzi, whose instrumental view of human cultural institutions otherwise seems a historically abrupt viewpoint. In this way, the Ritual Authority manuscripts may also provide an example of a religious tradition being slowly adapted into what might be described as a "secular" system of ethics, specifically in the sense that Xunzi would identify the Confucian worldview as a fully human construction, justified by its instrumental value to society. This reveals how certain ritual practices can, in some ways, become unmoored from their cosmological justification, a process that appears to be a feature of both the early Chinese and recent Western "discoveries" of ritual as an abstract concept. For this reason, the Ritual Authority manuscripts are a particularly useful place to begin problematizing the full significance of ritual's place in the Chinese empire. In these texts we can find a clearer picture of how the theorization of ritual psychology came to be formed.

The “Discovery” of Ritual

In this study it is argued that the Ritual Authority manuscripts demonstrate the development of a theorization of the psychology underlying the performance and conduct of *li*, or ritual propriety. That a concept describing a much narrower set of inherited cultural norms and ritual traditions would be employed to fill the explanatory gap created by this “discovery” of an abstract quality should not surprise us. This is very nearly a mirror image of the historical and intellectual process through which the concept of “ritual” also came to be used to fill an explanatory gap within Western intellectual circles much more recently. The timing of this focus on ritual in the West, which occurred in tandem with the development of the academic fields of religious studies and anthropology, is not a coincidence. It seems likely that the encounter with a wide variety of cultural “Others” during the ages of exploration and early colonialism resulted in an intellectual demand for a concept that could be used to describe some universal feature of human culture. It is not a difficult conceptual leap from Catholic liturgy to other cultural practices that involve some or all of the features that we now put under the heading of ritual: rehearsed, repetitive or symbolic actions whose causal relationship with their ultimate goal is opaque. We can imagine that similar leaps have been made before.

In early China, the recognition of this “abstract quality” underlying certain social interactions and behaviours would also produce the need for a term that could provide the explanatory power necessary to describe it. The availability of new ideas about human nature provided the intellectual framework through which to conceptualize a theory of ritual psychology. In this case, the conceptual leap from a term that described the inherited ritual traditions and aristocratic norms of the Central Plains cultures to a more robust concept that included this “abstract” quality and its implications for moral psychology is also not difficult to imagine. What is particularly notable about the Chinese case, however, is that this “discovery” would become a major feature of an ideology dedicated to offering political solutions to a society perceived to be in decline.

Ritual in China

The concept of “ritual” (*li* 禮) has occupied a prominent place in the social and political history of China to a degree that demands attention. *Li* is arguably a heavily-laden term, representing a broad set of issues relating to personal conduct, filial respect, and ancestral veneration. It also implicitly contains beliefs about the inherently hierarchical structure of human society and the need for a ruler to manage and maintain the state’s moral order. Ritual practices were a major focus of the imperial state’s claims to legitimacy, and the empire was tasked with keeping a close eye on astrological signs, maintaining regular sacrifices to Heaven and sustaining the vast logistics of the ancestral cult throughout its territory.[16]

A rich body of ethical, religious and philosophical thought which focused on the importance of ritual has long stood at the centre of Chinese intellectual life. With the incorporation of Confucian texts into the imperial state’s civil service examination system, *li* was assured a place at the very centre of discussions of ethics and politics until at least the end of the imperial government structure in the early twentieth century. This means that this history of ritual as a focus in Chinese thought and politics is thoroughly entangled with the fortunes of Confucianism, at least since the Warring States period. Confucian thought formed the framework within which the conceptualization of ritual would take shape and be transmitted, and this would also cause this particular concept of ritual to become tied to the intellectual and religious commitments that defined the Confucian worldview. Because of this, the study of ritual in China has largely taken place under the broad heading of the study of Confucian thought. Contemporary attempts to find a meaningful definition of Confucianism have also, in some cases, shifted away from a narrow focus on the intellectual content of Confucianism as a scholarly and philosophical tradition and towards including ritual practice as both a defining feature of this tradition and as a powerful means of transmitting the tradition well into the twenty-first century.

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[16] Robert Campany, for example, notes that the Chinese empire can be described as being “among other things, a religious system for the maintenance and control of relations with divine powers,” *Making Transcendents: Ascetics and Social Memory in Early Medieval China* (Honolulu: University of Hawai’i Press, 2009), 198.

In this sense, Confucianism is not only the tradition that helped shape the history of ritual in China, but is also a tradition largely defined by imperial China's ritual practices. Studies of Confucianism are, for example, now looking at the history of the Confucian temple as a locus for commitment to the tradition and as a source for the creation of the state cult of Confucius, revealing how these specific ritual practices became intertwined with the imperial state itself.[17] The end of the imperial state apparatus in 1911 created a disjunction between Confucianism and the state, raising questions about what would actually constitute a Confucian tradition in a post-imperial China. The re-invention of Confucianism after 1911 China tended to focus on the intellectual and moral traditions of the core early texts of the tradition, and on the "religious" and

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[17] See, for example, Thomas A. Wilson. "The Ritual Formation of Confucian Orthodoxy and the Descendants of the Sage," *The Journal of Asian Studies* 55.3 (1996). For a diachronic study of religious and political dimensions of the Confucian temple, see Julia K. Murray, "'Idols' in the Temple: Icons and the Cult of Confucius," *The Journal of Asian Studies* 68.2 (2009).

"philosophical" components that could be found within them. In contrast to this, scholars have more recently argued that this presents a misleading narrative of the history of the Confucian tradition. We can see arguments now that ritual has been a more stable constitutive element of this tradition than any specific ethical precept or textual tradition. For example, Anna Sun has argued that "ritual has been the fundamental element that holds this tradition together through thousands of years of fractions and discontinuities," and that "Confucian rituals have been and will possibly remain the most salient component of this complex tradition, from the time of Confucius' teaching to the dawn of the twenty-first century."[18] In their innovative sociological research, Sebastien Billioud and Joel Thoraval have investigated the ways that Confucian rituals have been a major feature of a modern resurgence of interest in this tradition, particularly as a point of overlap and contention between a grass-roots "popular" Confucianism (*minjian rujia* 民間儒家) and the state-organized ceremonies that celebrate "tutelary figures of Chinese civilization" for the purposes of laying claim to political legitimacy.[19] What this new work shows is that ritual not only occupies a place of central prominence within the Confucian tradition, but is also one of its defining features.

The difficulty of extricating the concept of ritual from the history of Confucianism as an ethical tradition has had the effect of hiding in plain view an issue that deserves more focus than it has so far received. This issue is regarding the question of why it was the case that ritual practices would come to be so richly conceptualized in the first place as an object of such urgency and concern. How and why this came to be is itself an extraordinary fact, and one that has yet to be fully examined. Its significance has bearing on precisely how we understand ritual to have played a role in Chinese political and social history. The formation of Confucianism also serves as an important early historical example of ritual acquiring a theoretical framework and serving as a key component of early political theory. If we shift our focus away from the question of what influence Confucianism had on the formation of the early Chinese state, we are able to ask the equally important question of what role ritual specifically had in this formation. This shift in focus also makes it possible to draw on the vocabulary and methodological toolkit of the burgeoning field of Ritual Studies.

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[18] Anna Sun, *Confucianism as a World Religion: Contested Histories and Contemporary Realities* (Princeton: Princeton UP, 2013), 7.

[19] Sébastien Billioud and Joël Thoraval, *The Sage and the People: The Confucian Revival in China* (Oxford: Oxford University Press, 2014).

As Yuri Pines has noted, the "unique role played by ritual in Chinese society" is finally beginning to attract some attention; however, in his view the studies that have looked at this question have been limited and have employed a "theoretical framework" that has proven "inadequate."[20] In his own influential research, Pines has argued that the *Zuo zhuan* 左傳, a historiographical work detailing the events of the Spring and Autumn period, provides evidence which allows us to trace the development of the concept of ritual in this early pre-Confucian time-period.[21] As will be discussed in Chapter Two of this study, there remains some question as to whether or not the *Zuo zhuan* can indeed be taken as an authentic source of history for this early time period, but at the very least Pines' work should be taken seriously as a call for a deeper investigation into this "unique role" played by ritual in Chinese society. His approach represents a serious attempt to investigate how ritual-political norms came to be conceptualized by Spring and Autumn statesmen as a solution to the mounting political crises of the Eastern Zhou, a necessary first step towards seriously considering the question of how ritual came to occupy such an important place in Chinese society in a way that is not entirely limited to the study of Confucian thought.

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[20] Yuri Pines, "Disputers of the *Li*: Breakthroughs in the Concepts of Ritual in Preimperial China," *Asia Major* 13 (2000), 2. In making this point, Pines draws on James Laidlaw, "On Theatre and Theory: Reflections on Ritual in Imperial Chinese Politics," in Joseph P. McDermott (ed.), *State and Court Ritual in China* (Cambridge: Cambridge UP, 1999).

[21] Yuri Pines, *Foundations of Confucian Thought: Intellectual Life in the Chunqiu Period (722-453 BCE)* (Honolulu : University of Hawai'i Press, 2002).

Ultimately, Pines deliberately avoids raising questions about the broader implications of this putative historical development, preferring to engage in an "internal" study of the development of ritual within early China that does not employ a Western ritual theoretical framework. This wariness in making use of the theoretical insights of Ritual Studies is understandable, and it would be a mistake to assume that the correct approach to investigating the significance of the conceptualization of ritual in early China would simply involve the application of a set of theoretical terms from contemporary ritual scholarship to early China. One possible danger of such an approach would be the careless insertion of particular cultural assumptions from Western studies of religion into early China. The obvious advantage of Pines' "internal" approach is that it largely avoids any such dangers. It must also be noted that the field of Ritual Studies does not provide a toolset to "decode" specific cultural and historical examples of ritual. If anything, the recent collaborative and interdisciplinary work of this new area of research has shown the opposite: that "ritual," as a constructed tool of analysis, remains in need of further refinement. Nevertheless, for reasons to be discussed below, I believe that the advantages of applying concepts from Ritual Studies outweigh any supposed disadvantages.

It should also be noted that there are some indications that scholarship is beginning to more explicitly draw on the concepts of Ritual Studies. One example is the work of K.E.

Brashier, who has made use of the insights from performance theory to study the place of ancestral memory in early China.[22] More relevant to this study is the work of Michael Puett, who has written extensively on the concept of ritual in early China, and also the work of Ori Tavor who has noted the theorization of ritual practices as a "corporal technology."[23] In light of this recent scholarship, now would seem to be the moment to begin fully addressing the question of how the study of ritual theory contributes to our understanding of how *li* emerged to become such a prominent theme in Chinese religious and political life.

Towards this goal of being more explicit about our assumptions regarding ritual, the application of ideas from Ritual Studies offers at least two advantages. First, Ritual Studies has provided a new means for interdisciplinary conversation about the topic of ritual.[24] The relationship between the study of ritual in early China and the field of Ritual Studies needs to be a dialectic, with insights from both areas contributing to each other. Second, although internal studies of ritual in early China are necessary and do not "need" the terminology of ritual studies in order to provide important insights into this topic, they also cannot fully escape the problem of importing cultural and methodological assumptions into their conclusions. The danger of a study of the Chinese conceptualization of ritual that does not adequately problematize the concept of ritual is that it risks uncritically appropriating assumptions about ritual into its analysis. This problem can be seen when we examine the standard narrative of how *li* first came to acquire its significance as an ethical concept in early China. To find what we might call a consensus view on the place of ritual in early China, one place to look would be a popular undergraduate textbook on Chinese history. In Valerie Hansen's *The Open Empire: A History of China to 1600*, the concept of ritual first appears in reference to Confucius:

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[22] K.E. Brashier, *Ancestral Memory in Early China* (Cambridge, Mass.: Harvard University Asia Centre for the Harvard-Yenching Institute, 2011).

[23] For just one example of Michael Puett's writing on the subject see his article on the "Liyun" (禮運) chapter of the *Record of Rites* as an example of early Chinese theories of ritual: "Ritualization as Domestication: Ritual Theory from Classical China," in *Ritual Dynamics and the Science of Ritual* Vol. 1, ed. Axel Michaels (Weisbaden: Harrossowitz Verlag, 2010). See also his contributions to Seligman et al., *Ritual and its Consequences Ritual: An Essay on the Limits of Sincerity* (Oxford: Oxford University Press, 2008). For Ori Tavor's work, see "Xunzi's Theory of Ritual Revisited: Reading Ritual as Corporeal Technology," *Dao: A Journal of Comparative Philosophy* 12.3 (2013).

[24] For an insights into the formation of Ritual Studies, see Ronald L. Grimes, *Beginnings in Ritual Studies* (Columbia, S.C.: University of South Carolina Press, 1995).

> In his concept of ritual (li), Confucius also introduced something new. His contemporaries used the term to refer to specific rituals, but Confucius recognized an abstract quality common to them that applied to the forms of all social interactions. If men could learn to employ this quality, he taught, society could be reformed. The word ritual may today suggest the rigid following of fixed forms that deny the individual an opportunity for self expression. But to Confucius, ritual offered the individual the best opportunity to develop his own humaneness (ren), an essential quality also translated as "benevolence," "goodness," "exemplary humanity," and "manhood-at-its-best."[25]

Hansen's description manages to be both succinct and thorough, and provides ample space for considering the implications of these claims. There are four distinct elements to Hansen's description that should be considered separately: (1) the Chinese term *li* 禮 can be translated as "ritual", (2) that Confucius was able to identify an "abstract quality" within all rituals that went beyond the description of specific rituals, (3) that for Confucius, ritual offered an opportunity for both self-expression and the development of interior moral virtues, and finally (4) that Confucius' claims were novel, which suggests a clean distinction between ritual as a set of practices and its later overt theorization by Confucius and his followers.

The relationship between "ritual" and *li* is the first issue. To some extent this is mainly a problem of translation, and in specific instances in which someone is writing about

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[25] Valerie Hansen, *The Open Empire: A History of China to 1600* (New York: W.W. Norton & Company, 2000), 70.

Confucianism or Chinese ritual practice it is understandable that a convenient and recognizable term like "ritual" should be employed to convey the meaning of *li*, if accompanied with some additional qualifications to clarify precisely what ritual means in this context. In some cases, "ritual" or "the rites" may be used as a translation,[26] while other writers may prefer to employ the narrower term "ritual propriety"[27] to indicate the normative component of *li* and the fact that it can refer to etiquette and deportment. Still others may seek to avoid the problem altogether by maintaining use of the Chinese term *li* in order to avoid the connotations of any specific English term, or else to allow for the shifting semantic range of the term over time.[28] There are clear advantages to this approach, as it makes it possible for *li* to be defined and discussed in "native" terms of discourse without presuming that the concept's full range of meaning can be contained by a single English term. Unfortunately, when it comes time to define and discuss *li*, it becomes difficult to do so without making reference to the suite of terms that often do fall under the heading of ritual, such as ceremony or rites. At the very least this indicates that regardless of one's particular choice of translation, some sort of conceptual analysis of what constitutes "ritual" and how this relates to the full semantic range of *li* is required.

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[26] For example, Philip J. Ivanhoe explains that "the basic structure of moral life was a constellation of such obligations defined by a set of rituals and social practices known as the 'rites' (li 禮)." Philip J. Ivanhoe, *Ethics in the Confucian Tradition* (Indianapolis: Hackett, 2002), 1. Pines, *Foundations of Confucian Thought*, also uses the term "ritual" to translate *li*.

[27] One example is David Schaberg, *A Patterned Past: Form and Thought in Early Chinese Historiography* (Cambridge, Mass.: Harvard University Asia Center, 2001).

[28] This is the approach taken by Masayuki Sato, although he notes that in recent years, the term "ritual" has been used as the dominant translation of *li* due largely to the greater meaning attributed to this term since the nineteenth century, in addition to the fact that Western scholars have of late begun to "ponder the philosophical meanings of rituals", Sato, *The Confucian Quest for Order: The Origin and Formation of the Political Thought of Xun Zi* (Leiden: Brill, 2003), 166.

The second issue is regarding Confucius' recognition of an "abstract quality" within the concept of *li*. A similar wording is employed by Masayuki Sato who, in his study of the intellectual origins of thought of late Warring States thinker, Xunzi, suggests that "contrary to the general impression, the concept of *li* had reached a fairly high level of abstraction before Xun Zi's articulation."[29] Sato presents an analysis of the ways that the concept of *li* underwent semantic change, noting that the "theoretical conceptualization of *li* seems to have been a product of the rise of analytical discourse by the Jixia Academy thinkers,"[30] the mid to late Warring States scholars who debated and taught at schools supported under the auspices of the King of Qi 齊. In his insightful and thorough analysis, Sato comes very close to drawing out this fact of *li* acquiring a theoretical framework as a discrete issue of investigation, but his interest in this particular study is dedicated to elucidating the intellectual context within which Xunzi developed his own syncretic Confucian theory of *li*. As early as 1992, Robert Campany also pointed to Xunzi in his own call for an approach that took this thinker seriously as a ritual theorist on terms comparable to Émile Durkheim.[31] Clearly, the Confucian concept of *li* acquired a theoretical framework at least in the work of Xunzi, whose essay, "Discourse on Ritual" (*Lilun* 禮論) is devoted explicitly to the discussion of and apologia for *li*. However, as Hansen points out in her summary, some sort of abstract component to *li* was already being at least implied in the thought of Confucius, and, as Sato demonstrates, this abstract quality continued to be developed throughout the Warring States period.

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[29] Sato, *Confucian Quest*, 235.

[30] Sato, Confucian Quest, 235.

[31] Robert Campany, "Xunzi and Durkheim as Theorists of Ritual," in *Discourse and Practice*, ed. by Frank Reynolds and David Trace, 197-231 (Albany : State University of New York Press, 1992).

The third claim of Hansen's is regarding the potential that ritual presents for Confucius for self-expression as well as for interior psychological moral development. This is a topic richly explored in the field of Confucian ethics,[32] and also the key insight that is offered by the Guodian manuscripts being examined in the present study. That Hansen feels the need to contrast Confucius's view on ritual with the "rigid following of fixed forms" is also telling, and raises further questions about how to negotiate the meaning of *li* with the implications attached to the concept of ritual. This connects to what Geir Sigurðsson describes as the "modern opprobrium of ritual," noting an expectation that "Westerners will find the notion of 'ritual propriety' rather unattractive, hinting as it does at formal, stagnant, predetermined behavior."[33] Hansen's claim suggests that Confucius saw something beyond these rigid and fixed practices, and discovered the capacity for these prescribed actions to affect people's interiority.[34] This point especially may be an indication of the importing of assumptions about what constitutes "ritual," and the very possibly anachronistic "opprobrium" derived from this view. As Seligman et al. also note, there is the additional danger of importing a Christian, and, more narrowly, Protestant set of assumptions into our reading of ritual activities.[35]

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[32] This is so vast a field that only a few examples can be provided here. For English language scholarship, the reader is directed to David S. Nivison, *The Ways of Confucianism: Investigations in Chinese Philosophy*, ed. Bryan W. Van Norden (Chicago: Open Court, 1996), Philip J. Ivanhoe, *Ethics in the Confucian Tradition* (Indianapolis: Hackett, 2002), and Antonio S. Cua, *Human Nature, Ritual, and History: Studies in Xunzi and Chinese Philosophy* (Washington, D.C.: Catholic University of America Press, 2005).

[33] Geir Sigurðsson, *Confucian Propriety and Ritual Learning: A Philosophical Interpretation* (Albany: State University of New York Press, 2015), 13-17.

[34] Buried within this view there is, arguably, another assumption, that *li* historically referred to specific rituals, which are often taken narrowly to mean religious sacrifices. This view may be accurate, but in light of the fact that, as will be shown in Chapter One of this study, in the Warring States the term referred with relative consistency to social norms and mores, this view may need to be further problematized as well.

[35] Seligman et al., *Ritual and Its Consequences*.

The fourth issue comes directly out of the third. The suggestion that Confucius did something novel with this active speculation about the psychological and social effects of ritual practices also suggests that, prior to his insight, there was no clear sense of ritual necessarily "doing" anything. It is clear that rituals and ceremonies occupied a central position in the political and religious life of China before Confucius,[36] but to what extent people actively thought about ritual as a discrete subject of consideration or were aware of the strategic or psychological value of ritual as such remains an open question.[37] Prior to the historiographical accounts of the Spring and Autumn period, we have scant textual resources to work with, and are largely left trying to triangulate from information gleaned from archaeological objects, bronze vessel inscriptions, and oracle bones to understand early ritual practices.[38] It is beyond the scope of this paper to address the question of what ideas or folk theories of ritual may have predated Confucius, but when considering the insights that derived from the Confucian focus on ritual practices we should also consider the possibility that there was not necessarily a pure distinction between ritual as praxis and ritual as a theorized object of study. A more focused and fully conscious appreciation of the importance of ritual may have led to the particularly nuanced theory of ritual psychology that we find in the Ritual Authority manuscripts, but we should not necessarily assume a definitive failure to acknowledge ritual's significance prior to the Confucian emphasis on *li*. Instead, the theorization of ritual in China may be a more nuanced development rather than a sudden epiphany.

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[36] Li Feng, for example, argues that descriptions of ceremonies of the Western Zhou indicate the use of ceremonies to establish the legitimacy of the Zhou state in this early period, *Bureaucracy and the State in Early China: Governing the Western Zhou* (Cambridge: Cambridge University Press, 2008).

[37] As noted above, one exception would be Yuri Pines, who contends that we can find evidence of the development among Spring and Autumn statesmen of an awareness of *li* as a system of norms that needed to be employed to solve the political crisis of interstate conflict.

[38] Beides Li Feng's work, noted above, Zhou uses of ritual are examined by Martin Kern, "Bronze Inscriptions, The *Shijing* and the *Shangshu*: The Evolution of the Ancestral Sacrifice During the Western Zhou," in *Early Chinese Religion, Part One: Shang Through Han (1250 BC - 220 AD)*, ed. by John Lagerwey and Marc Kalinowsky (Leiden: Brill, 2009), and Lothar von Falkenhausen, "Late Western Zhou Taste," *Études Chinoises* 18.1. It is often difficult to separate actual early ritual practices from textual accounts of them, which may have been shaped by political and religious developments of a later period.

Taking a closer look at our assumptions about the history of *li* exposes some areas where our conclusions may be unwarranted, or at least demand further nuance. Although it is not my intention to answer all of these important issues that have been raised, it is the contention of this study that by taking seriously the concept of ritual as a recognizable feature of the human experience it is possible to be more explicit about our assertions regarding the history of ritual in China. The striking prominence of a conceptual appreciation of ritual in the social and political life of China from its pre-imperial period right up to at least the twentieth century has obscured an important academic question that can only be fully addressed when we take ritual seriously as feature of human history, and when we make use of this approach to ask some of these basic questions about the origins and significance of China's unique focus on the question of ritual.

Structure and Methodology

This study takes the Ritual Authority manuscripts as evidence of a "discovery" of ritual that has intriguing parallels to the development of similar theories in the West. Using these texts as a case study of the theorization of ritual by Confucian thinkers in the Warring States period, this study considers the question of what prompted this theorization and how this historically specific example of such a theorization took shape. In order to fully consider these questions, it is necessary to first flesh out the concept of ritual as a term of analysis that can be applied to a variety of cultural and historical cases, and then to ask how the particular nature of ritual practices would constrain and shape the fortunes of the political theory that emphasized them.

Chapter One of this study sets the parameters of this study by addressing these questions. This chapter constructs a working definition of “ritual,” drawing on the conceptual and terminological insights offered by the field of ritual studies. Following this is an examination of the concept of *li* 禮, which carried the conceptual weight of the early Confucian theorization of ritual. A close reading of primary sources from the Warring States reveals that *li* was not exclusively of importance to Confucian writers. This term conveyed widely understood social mores and rules of etiquette in early Chinese society and carried implications regarding notions of public order and political dynamics. For many thinkers these mores and rules were also seen as the constitutive elements of their very civilization, and so they were linked to a specific and normative sense of tradition and cultural refinement. When these Warring States writers provide concrete examples to express or describe *li*, they turn to the ritualized practices of submission and respect, the sumptuary rules of clothing, the bodily restrictions of interactions between the sexes, and political ceremonies. In this way, the mores and expectations of *li* are more narrowly enacted through these specific employments of ritualized activities.

Chapter Two examines the implications of these insights, particularly in the political sphere. The nature of ritualized practices is such that they tend to both rely on and re-create historical authority. For the Confucian thinkers who emphasized the role of *li* within the political sphere, this was particularly significant because the political and social changes of the Warring States period presented a very real threat to this historical authority. *Li* was, therefore, inevitably embroiled within larger debates about the nature of tradition and the historically contingent nature of specific cultural practices. This is made especially clear in examples where a parallel concept of *su* 俗, or “social customs,” is used to talk about social customs in terms that did not carry the same entanglements of historical authority as *li*. In these discussions of social customs, it is argued that the cultural practices of the Zhou state are historically contingent, and can therefore be reformed, changed or abandoned when doing so benefits the state and its populace.

Chapter Three looks at the threat posed to Confucian ideas by new ideas regarding political authority. The Warring States period was marked by the development of increasingly centralized territorial states, and the rulers of these states were seeking new ways of centralizing their authority and administrating their regions. The drive towards centralization was exacerbated by the rise of intensified practices of total war, which demanded that states be able to efficiently and consistently draw upon the labour and resources of highly populated states. The need to push people within the state apparatus towards performing their narrowly defined bureaucratic tasks was at odds with the Confucian view of a more personalized form of government that emphasized people’s moral and emotional dispositions. In combination with the threats to the historical authority of Confucian practices, these new approaches to political authority would compel Confucian thinkers to answer their opponents in a way that both defended their views and offered skeptical statesmen a convincing argument of how their ideas could be used as effective tools of state control.

In Chapter Four, we finally turn to the Ritual Authority manuscripts that prompted this study. These texts represent an attempt to make use of the new conceptual vocabulary of this dynamic intellectual period to respond to these threats to a Confucian political theory. The result is a nuanced theory of ritual psychology that was at once oriented towards the past and yet also deeply innovative. The views of ritual offered in these texts are shaped by and directed towards the problem of cultivating political authority, but they offer a compelling argument for why ritualized practices can be an effective tool for the state to manage their increasingly complex administrative needs. By focusing on the emotional elements of human interpersonal dynamics, this theory appears to address some of the weaknesses of the more narrow coercive strand of thought seen in the Legalist theories of authority.

The conclusion of this study considers some of the potential implications of this development of a theory of ritual psychology. Three avenues of potential future research are suggested: first, regarding the role of this theorization of ritual practices in the ongoing development of ideas about *li* in the early empire; second, regarding the development of state institutions and political practices during the early empire; and third, regarding the significance of this specific historical case study to our understanding of ritual more broadly. This study should be of interest not only to scholars of early China, but also to those outside the field. The example provided by these manuscripts will hopefully shed light on how people identify, speculate about, and make use of ritualized behaviour not only for the academic study of cultures but also as a means for shaping their world. This has implications for our understanding of ritual as a phenomenon of human behaviour, and as a feature of the evolution of the political state.

Chapter 1: Theories of Ritual and Propriety

Introduction

One of the central claims of this study is that the Ritual Authority manuscripts evince the development of a conceptually rich theory of ritual psychology that overlaps significantly with the more recent emergence of theories of ritual in the West. This claim suggests parallel intellectual innovations in two very distinct cultural and historical settings, and so it will be necessary to clarify what is meant when using the analytical term "ritual," and how this is distinct from the early Chinese concept of *li* 禮. The term "ritual" is being employed as a broader concept that transcends specific historical settings, while *li* refers to a narrower set of practices specific to early China. The purpose of this chapter is to construct a working definition first of "ritual" as a useful term of academic analysis that can be applied across cultures, and then to consider the semantic range and normative implications of the concept of *li*, not only as it is defined by Confucian writers but also by a broader spectrum of thinkers in the Warring States period.

The concept of *li* in early China referred to a normative set of social rules and ritual practices that were used to define the proper social customs specific to the "civilized" people of the central states (*Zhongguo* 中國). In the Ritual Authority manuscripts, it was also closely related to *yue* 樂, a term that refers most broadly to "music," but also more narrowly to the ritualized performance of music and dance, a complex affair involving an array of affective and aesthetic components such as bronze bells and costumes, and which also had religious and ceremonial implications due to their additional intended audience of ancestral spirits.[39] These twin concepts of ritual propriety and musical performance are the affective core of a larger set of cultural traditions that the texts present as tools necessary for creating a stable and functioning political state, including the tradition of recorded Histories (*shi* 史) and the poetic Odes (*shi* 詩). Because *li* and *yue* refer to practices that carry the weight of historical authority through their association with a perceived cultural legacy, they involve specific and normative implications not present in the academic term "ritual," which is intended to describe a phenomenon of human behaviour that is not specific to any one cultural tradition. The idea of *li*, on the other hand, could be used to delineate ethnic or class boundaries through its association with specific clothing and hair-styles, social mores and cultivated court etiquette, as well as through the political-ritual system of the Yellow River Valley ruling classes dating back to the semi-mythical Xia dynasty.

Embedded in the claim that this suite of perfected traditions could be used to achieve political ends is the assertion that there is something inherent to human psychology that makes these practices uniquely effective in transforming people's behaviour. It is in this speculation about the unique power of *li* that we can see the development of a theory of something innate to human beings that the practices of ritual propriety and musical performances evoke. This more universal phenomenon is what this study refers to as ritual psychology, a term that also requires some unpacking and justification, as early Chinese thinkers were conceptualizing human psychology in ways that are distinct from today. The psychological features of this theory were made possible by philosophical developments in the mid-Warring States period. Theories of medicine and meditation occurred alongside political arguments that mirror, in many ways, those of the European Enlightenment over the relationship of the individual and the state. These discussions led to new innovative concepts that thinkers in this period would be compelled to factor into their arguments. Of particular pertinence was the concept of human nature (*xing* 性), a term that appears to have been made prominent by the thinker Yang Zhu 楊朱 (fl. c. 350 BCE)[40] who argued that the fundamental nature of human beings, including the senses, desires, and natural lifespans of their physical bodies, was derived directly from Heaven (*Tian* 天) and should not be subjugated by the pressures and obligations of the political state or the arbitrary moral directives of people like Confucius or his followers.[41] Answering the objections of people like Yang Zhu required justifying political and moral arguments by rooting them in discussions about the innate nature of human beings.

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[39] See Lothar von Falkenhausen, *Suspended Music: Chime-Bells in the Culture of Bronze Age China* (Berkeley: University of California Press, 1993).

In conjunction with these discussions of human nature was the development of other theories of the mind and body that centred especially on the concept of *xin* 心. This term originally referred literally to the physical organ of the heart, but by the Warring States period came to refer more generally to the locus of cognition and the emotions. By extension, it came to be the term used in discussions of human psychology in the abstract. Attached to these discussions of psychology was another important term, *qing* 情, which could simply mean the

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[40] No writings by Yang Zhu himself have survived to the present, and many of his ideas need to be pieced together by later "Yangist" writings and by often pejorative references to him by critics. The assessments of his views that I have presented here are based most heavily on the Yangist text "Robber Zhi," from the *Zhuangzi* text.

[41] See John J. Emerson, "Yang Chu's Discovery of the Body," *Philosophy East and West*, 46.4 (1996), A.C. Graham, "The Right to Selfishness: Yangism, Later Mohism, Chuang Tzu," in *Individualism and Holism: Studies in Confucian and Taoist Values*, ed. by Donald J. Munro (Ann Arbor: Center for Chinese Studies, University of Michigan, 1985), and Thomasine Kushner, "Yang Chu: Ethical Egoist in Ancient China," J*ournal of Chinese Philosophy* 7.4 (1980).

"essence" of something, but in discussions of psychology tended to mean instead emotions, or "emotional dispositions."[42] Theories of psychology turned on these concepts, and were further attached to the particular understanding of the cosmos and body that held at this time. This understanding involves additional concepts such as *qi* 氣, the cosmic "pneuma," or vital energy of the body, and by extension to the individual emotional responses within the body that would take form in response to specific situations. This concept was of particular importance to writings on meditation techniques, which largely focused on the cultivation of *qi* in a refined form, and the stabilization of emotional responses through breathing exercises and calisthenics.[43] These concepts will be further discussed in Chapter Four of this study, but for now it should be noted that speculation about human nature, the mind, and the emotions became prevalent around the middle of the Warring States period, and provided the conceptual framework for the theory of ritual psychology that we see in the Guodian manuscripts. This speculation about human nature touched on a wide array of intellectual fields, shaping discourse on the emotions, physical and spiritual exercises, and views on ethics and politics.

The Guodian manuscripts drew on and responded to these conceptual innovations about human nature and psychology and used them to justify a comprehensive picture of the socio-political order with the practices of ritual propriety at its centre. The result of this is a theorized concept of ritual psychology that is employed to explain why the specific culturally transmitted practices of *li* are so effective as a mechanism for achieving social stability. They argue that the practices of *li* make use of innate psychological tendencies. The moral and psychological dispositions of human beings are shaped by their interactions with the world, and there is something particularly potent about both music and ritual propriety in determining the way that these moral dispositions are shaped.

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[42] Michael Puett, "The Ethics of Responding Properly: The Notion of Qing in Early Chinese Thought," in *Love and Emotions in Traditional Chinese Literature*, ed. Halvor Eifring (Leiden: Brill, 2004).

[43] See especially Harold D. Roth, *Original Tao: Inward Training and the Foundations of Taoist Mysticism* (New York: Columbia University Press, 1999).

Understanding the full scope of this intellectual development requires noting an additional layer of significance, that of "ritual" as a term of analysis. The political arguments of the Guodian texts are only made possible by the ability to conceptualize ritual behaviour in the abstract. Because this conceptual framework is built out of the ideas about human nature and psychology discussed above, it goes beyond the specifics of *li* as a set of inherited traditions and speaks instead of a tendency that is, by definition, deemed to be universal. Thinkers in early China were attempting to speculate about and understand an intuitively apparent behavioural tendency in human beings that, it will be argued here, overlaps significantly with the contemporary concept of "ritual" that developed in Western academia more recently. To the extent that ritual can in fact be understood as a cross-cultural phenomenon significant to how humans behave in the world, an examination of the historical importance of this early Chinese speculation about ritual psychology requires us to more thoroughly address this concept of ritual and define its parameters.

In effect, this involves the investigation of two historically distinct theoretical constructions: the contemporary academic theory of ritual, and the early Chinese theory regarding the psychological and political value of the practice of *li*. This study aims to investigate not only the development of ideas of *li* in early China but also to highlight the historical significance of a conscious application of ritual to answer political and social problems during a key moment in China's early state formation. This requires a clear idea of what ritual means as a theoretical term of analysis before applying this analysis to the specific setting of Warring States China. This chapter will attempt to lay out this approach in two parts: first, an attempt to provide a working definition of ritual from the perspective of contemporary ritual studies; and second, examining the meaning and implications of *li* in Warring States political discourse. Finally, this chapter will conclude by considering some of the ways that the cultural values implied by *li* may have determined the way that a theory of ritual in early China would ultimately take shape.

Defining Ritual

Talal Asad offers a tentative genealogy of how the concept of ritual came to be the focus of a theoretical focus in the West by examining the change in meanings over time in the entries for "ritual" and "rite" in the *Encyclopedia Britannica*.[44] Here, he notes that the original sense in which ritual was defined was as a text that instructed the reader in performing divine service in a particular church or diocese. By 1797, the entry acknowledges that the pre-Christian world also had their own "rituals" that explained to them how to perform their own religious ceremonies. Rather suddenly, however, we see in the late nineteenth and early twentieth century the appearance of ritual in a sense that we now take it. In the 1910 edition, when a major change occurs to the entry for "ritual," it not only makes references to the works of people like Tylor, Frazer, Robertson Smith and Mauss, but also gives a much broader definition to the term, allowing that ritual applied not only to religion but also described a type of routine behaviour that symbolizes or expresses something. It was seen as a crucial part of religion, but by virtue of its routinized nature it also existed in other observances which were not strictly religious in character. In short, two concomitant changes occurred in its understanding: it now described a type of behaviour rather than a manual of behaviour; and it was no longer restricted to religion. According to Asad, another more important change underlies this semantic shift. Not only had ritual been redefined from a manual of behaviour to a type of behaviour, but it had come to be defined as symbolic behaviour, which was held to be distinct from practical, i.e. technically effective, behaviour. This dichotomy between the symbolic and the practical meshes neatly with the preferences of the Reformation, where the interior life of belief was held to be supreme, while ritual was deemed to be empty form.

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[44] Talal Asad, "Toward a Genealogy of the Concept of Ritual, in W. James and D.H. Johnson (eds.) *Vernacular Christianity. Essays in the Social Anthropology of Religion* (Oxford: JASO, 1988), 73-87.

Asad's work was continued and in some ways refined by Barbara H. Boudewijnse[45] and Jan N. Bremmer[46], who have examined the ways that the concept of ritual was further developed within specific European regional and academic contexts. Both thinkers further problematize the ways that the conceptualization of ritual was shaped by the particular cultural and academic contexts within which it occurred. Bremmer argues that the concept of ritual took on particular connotations depending on whether its usage was being employed within a Protestant or a Catholic context, or else by Orientalists who were using the term to describe "their own ritual texts, in particular the Rig-Veda."[47] According to Boudewijnse, the term in its own recognized academic sense finds its origins largely in the work of William Robertson Smith. The term was adopted by Frazer, then by English classical and anthropological circles, later by Durkheim in France, and eventually in other parts of Europe.[48] Bremmer concludes that this particular historical context and the "fact that we can locate the moment of the birth of the terms discussed with a fair amount of accuracy suggests that contemporary users should remain conscious of their 'invention'. The terms are not faithful reflections of reality but scholarly constructs of which the definitions remain up for negotiation and adaptation."[49]

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[45] Barbara H. Boudewijnse, "The Conceptualisation of Ritual. A History of its Problematic Aspects", *Jaarboek poor Liturgieonderzoek* 11.

[46] Jan N. Bremmer, "'Religion', 'Ritual' and the Opposition 'Sacred vs. Profane'. Notes towards a Terminological 'Genealogy'", in Fritz Graf (ed.), *Ansichten griechischer Rituale. Geburtstags-Symposium für Walter Burkert. Castelen bei Basel 15. bis 18. März 1996* (Stuttgart: Teubner, 1998), 9-32.

[47] Bremmer, *Notes*, 16.

The study of ritual continues to be plagued by problems of definition, and there has so far been little consensus on where to draw meaningful boundaries around the concept. It has proven particularly difficult to provide a definitive list of features necessary for a given act to be considered a ritual which cannot find an exception. Despite this difficulty, many scholars persist in using the term, largely on the basis of their intuitive sense of what constitutes a ritual. The ability to recognize an example of ritual persists in discussions of human activity, even if the term itself remains disputed. These ritual actions seem to be set apart from ordinary behaviour, and there are certain characteristics of these supposed ritual actions that appear with frequency, even if it continues to be difficult to use these characteristics to provide a clean definition of ritual. Most commonly, these characteristics include the presence of formality, a fixed script for the performance of that activity, repetition and stereotypy, and what Roy Rappaport has described as a “lack of material efficacy,” but which many now describe as “opaque causality.”[50] While “ordinary" instrumental actions have a recognizable connection to the purported purpose of that action, this does not appear to be the case with ritual.

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[48] Bremmer traces the history of the term's adoption in Germany, Holland and Italy. Bremmer, "Notes," 18-22.

[49] Bremmer, "Notes," 31.

To many observers, this lack of apparent instrumental value to ritual action demands an explanation. In response to this demand, explanations of the purpose behind ritual have often focused on the symbolic or metaphorical content of ritual behaviour, or to the function of ritual within human societies. However, answering the question of what ritual is *for* before explaining what it *is* may be putting the cart before the horse. Roy Rappaport, in his own attempt to provide a definition, deliberately sought to avoid these elements which have come to be expected in discussions of ritual. As he notes,

> this definition obviously does not stipulate what ritual is “about” or what it is “for.” It is neither substantive nor functional, but gives primacy to the sensible features common to rituals always and everywhere, the features that may, in fact, lead us to recognize events as rituals in the first place.[51]

He also notes the apparent ubiquity of ritual when he claims that “no society is devoid of what a reasonable observer would recognize as ritual.”[52] This apparently pervasive cross-cultural presence of ritual actions appears to be at odds with the ongoing difficulty in defining ritual in a way that provides it with analytic value. If taken on their own, these most common elements, such as repetitiveness or formalism, can potentially apply to an extremely broad set of human behaviours, ranging from large-scale religious ceremonies down to formalized human interactions such as shaking hands, or even repetitive habitual practices such as brushing one's teeth. This places any academic discussion that hopes to draw on the concept of ritual as a meaningful category of analysis into a difficult position, as an overly specific definition of ritual can constrain the value of the term as a meaningful cross-cultural phenomenon, while too loose of a definition can push the applicability of ritual into so broad a range of human behaviours as to be of questionable use.

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[50] Roy A. Rappaport, *Ritual and Religion in the Making of Humanity* (Cambridge: Cambridge University Press, 1999). Stanley Tambiah, for his performative theory of ritual, also focuses on the way that ritual actions are characterized “in varying degree by formality (conventionality), stereotypy (rigidity), condensation (fusion), and redundancy (repetition),” “A Performative Approach to Ritual,” in *Culture, Thought and Social Action* (Cambridge, Mass.: Harvard University Press), 119.

[51] Rappaport, *Ritual and Religion*, 26.

[52] Rappaport, *Ritual and Religion*, 31.

One of the most well-known critiques along these lines was given by Jack Goody who argued that although there are certain common forms of human behaviour and social acts that include features of formalism and repetition, it is unclear if there is anything to be gained analytically by tying these acts together under the title of "ritual." Applying this term to any of these examples of human behaviour exposes a belief that there is "some key we can discover that will unlock this universe of social action, some common code that will reveal all to the enquiring mind," a grandiose implication that does not necessarily arise if we use any other range of available and more neutral terms such as "ceremonies" or "public acts" to describe these same activities.[53] Goody further suggests that this belief may derive in part from a problematic us/them dichotomy that presumably has its roots in assumptions about cultural evolution that underly early theories of ritual. This dichotomy presumes a loaded "rational us" vs. "irrational them" distinction between the civilized behaviour of modern Europeans and the primitive behaviour of less advanced cultures. This can also take the form of a putative distinction between the irrational "religious" and the rational "secular," a dichotomy commonly described as the "sacred" and the

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[53] Jack Goody, "Against 'Ritual': Loosely Structured Thoughts on a Loosely Defined Topic," in *Secular Ritual,* ed. Sally F. Moore and Barbara G. Myerhoff (Assen: Van Gorcum, 1977), 28.

"profane." For Goody, this problematic assumption makes the study of ritual immediately problematic from the outset — a term used to attempt to explain behaviour that was deemed irrational.

To take Goody's critique seriously is to acknowledge that we cannot place every example of a human activity containing elements of formalism under the broad heading of "ritual" unless the analytic value of this term can be meaningfully described and justified. This places the onus on those who do employ the concept of ritual to justify its use. One response to this problem can be seen with the development of the cross-disciplinary field of Ritual Studies, a field of study that employs the writings and vocabulary of scholars from a range of fields, including anthropology, sociology, religious studies, cognitive science and more. The desire to draw together scholars from a wide variety of disciplines is driven by the belief that ritual crosses multiple domains of human behaviour, and that understanding its significance requires conversation among scholars from many fields. The results have so far been productive, and we can see attempts to address many of the problems that Goody points out in his critique, including novel approaches to this problem of defining ritual.

Ongoing difficulties in providing a consistent definition of ritual has less to do with ritual itself than with the categories of definition that have historically been applied to it. Early attempts to define ritual have tended to rely on an Aristotelian category, in which a list of necessary elements must be present in order for a particular example to fit within that category. In contrast, a "radial" categorization may be a better approach. These are definitions that rely on categories that have prototypical centres, a form of definition that attempts to take into account the way that humans cognitively recognize categories based on perceptually salient prototypes and exemplary types.[54] From this perspective, we can picture an ideal example of a “ritual,” with other examples radiating outwards from ideal prototype. Within the field of ritual studies, one example of an attempt to grapple with this problem of definitions is that of Jan A.M. Snoek. Snoek takes a similar approach to radial categories, but employs instead the terminology of polythetic and monothetic classes of definition. He blames the use of “monothetic classes” of definition for the difficulties of defining ritual. Like Aristotelian categories, these require that “each member of the class has all the characteristics defining the class as a whole” and that “each of these characteristics is possessed by all of those members”.[55] This monothetic approach is highly limited, and indeed is exactly the kind of approach to ritual that has led to the persistent problem where no clear and consistent set of required qualities can be determined that applies to all rituals. Polythetic classes, on the other hand, allow for differences between individual cases:

> A class is polythetic if and only if (A) each member of the class has a large but unspecified number of a set of characteristics occurring in the class as a whole, (B) each of those characteristics is possessed by a large number of those members, and (if fully polythetic) (C) no one of those characteristics is possessed by every member of the class.[56]

Snoek does not offer his own definition but does propose a possible approach for doing so. This approach begins with an extensive list of characteristics that can be found widely in existing literature on ritual: for example, rituals may be “marked off from the routine of everyday life,” “liminal,” “collective,” or “prescribed.” These qualities may define how *most* forms of ritual behaviour occur while still allowing for specific examples that may have certain characteristics to a greater or lesser degree, or which may lack certain specific characteristics.

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[54] See Eleanor H. Rosch, “Natural Categories, in *Cognitive Psychology* 4.3 (1973), George Lakoff, *Women, Fire and Dangerous Things: What Categories Reveal about the Mind* (Chicago: University of Chicago Press. 1987), and Edward Slingerland, *What Science Offers the Humanities: Integrating Body and Culture* (Cambridge: University of Cambridge Press, 2008), *59.*

[55] Jan A.M. Snoek, “Defining ‘Rituals,’” in *Theorizing Rituals: Issues, Topics, Approaches, Concepts*, ed. Jens Kreinath et al. (Leiden: Brill, 2008), 3-14

[56] Snoek, “Defining ‘Rituals’”, 4-5.

Snoek also discusses how he has employed a similar approach to the difficult question of defining "religion." A useful approach for him has been to focus first on the adjectival form of the word before attempting to define the noun, because the "scope of the adjective is wider than that of the substantive" by virtue of the fact that it describes behaviour rather than an entity.[57] In the case of ritual, this would result in a definition beginning with "ritual behaviour" before providing definitions of accompanying nouns such as a "rite", "ritual," or "ceremony." Although here it is framed in grammatical terms, Snoek's point about the benefits of focusing on ritual behaviour rather than ritual events has been at the centre of one of the more productive approaches to ritual in recent years, which will be discussed below.

Ritual Practice

One of the primary insights that has come out of the field of ritual studies has involved a shift in focus away from the interpretation of individual rituals as loci of cultural "meaning," and towards examining the concept of ritual practice as a form of behaviour. The most notable proponent of this approach is Catherine Bell, who was able to draw on the rich body of work on ritual that preceded her and to propose a comprehensive rethinking of the academic approach to ritual. Most fundamentally, her approach has focused on "ritualization," a term used to describe the strategic construction of ritual acts.[58] This offers a potential way out of some persistent definitional problems by suggesting that the production of specific ritual acts can make use of a variety of strategic elements, but that no one specific element is required for the activity to fit the definition of a ritual act. Bell uses the term ritualization

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[57] Snoek, "Defining 'Rituals'", 12.

[58] Catherine Bell, *Ritual Theory, Ritual Practice* (Oxford: Oxford University Press, 1992) and *Ritual Perspectives and Dimensions* (Oxford: Oxford University Press, 1997).

> to draw attention to the way in which certain social actions strategically distinguish themselves in relation to other actions… for setting some activities off from others, for creating and privileging a qualitative distinction between the 'sacred' and the 'profane,' and for ascribing such distinctions to realities thought to transcend the powers of human actors.[59]

This approach also provides one way of answering Goody's critique that ritual is applied to too broad a range of human activities. By Bell's definition, ritualization is an act undertaken by actors within a specific cultural setting that contains its own web of values and norms, constraining and prescribing the available social options of the person in question. In other words, ritualization involves making use of available sources of cultural meanings, and the "sense" of ritual that one has by virtue of "being a socially aware person" in a specific cultural setting. Because ritualization is enacted in order to set something apart from the "ordinary" behaviour of everyday activity, we must be careful not to apply an idea of ritual that has been disconnected from the cultural setting within which it operates.

This approach allows for a framework to discuss and debate the question of which actions should be considered to constitute a ritualized act. Brushing one's teeth, for example, by this definition should not be included as ritual simply because it is a habitual individual practice; this is because such an act does not employ strategies of ritual construction. We can, however, imagine scenarios in which the brushing of teeth could be used within a ritual production. We could easily imagine, for example, a special brush that had been deemed "sacred"[60] being used symbolically in a communal tooth-cleansing ceremony. In this example, we can see elements of ritualization — the sacralization of an object, the use of symbolic or metaphorical meaning, and a special ceremony that has been given elements of formality to set it apart as meaningfully distinct from an otherwise banal and routine act. This also presents an example of opaque causality, as the application of the ritual toothbrush in this communal ceremony would have purposes that transcend the ostensible end of cleansing one's teeth.

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[59] Bell, *Ritual Theory*, 74.

We should not expect that participants in such a ceremony would all provide the same explanation of the meaning behind this ceremony or its historical origins, and there would also be room for disagreement among them over the precisely correct way to perform it. This point is made most forcefully by Frits Staal who has suggested that this fact can be explained by the hypothesis that ritual ultimately "has no meaning, goal or aim," but is instead "pure activity."[61] Staal also draws from pre-existing views of ritual, perhaps most notably Rappaport whose definition of ritual also circumvented the ostensible "purpose" or pure symbolic meaning of ritual action.[62] In Staal's argument, ritual acts are "useless" in the sense that their purpose is self-contained, and not oriented towards some goal or meaning "beyond" the actual ritual performance itself. There may be positive social or personal side-effects that rituals produce, such as the bonding of participants, reinforcing solidarity, or connecting with ancestors, but these side-effects cannot explain the ritual's origin.[63]

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[60] For the purposes of this example, "sacred" is being used to describe an object being set apart in some special sense. "Sacredness" should also be treated as a term whose definition is going to be specific to the cultural setting in which it is used. The approach used by Anne Taves is helpful in understanding ritual. She has argued that terms such as sacred, holy or numinous might be more usefully described under the broader category of "special things" or "things set apart," *Religious Experience Reconsidered: a Building Block Approach to the Study of Religion and Other Special Things* (Princeton: Princeton University Press, 2009), 17. For classic discussions of concepts such as the sacred, holy or numinous see Rudolf Otto, *The Idea of the Holy: An Inquiry into the Non-rational Factor in the Idea of the Divine and its Relation to the Rational*, trans. John W. Harvey (New York: Oxford University Press, 1958), and William James, *The Varieties of Religious Experience: A Study in Human Nature* (Oxford: Oxford University Press, 2012).

[61] Frits Staal, "The Meaninglessness of Ritual," *Numen* 26.1 (1979), 8-9.

[62] Where Staal goes further is in his rejection of ritual's role as even being communicative, at least in its origins. This is arguably in contrast to Rapport's analysis of ritual in *Pigs for the Ancestors: Ritual in the Ecology of a New Guinea People* (New Haven: Yale University Press, 1967).

Although Staal's argument goes too far, it is useful for highlighting some important features of ritual that distinguish it from other forms of activity. Viewing ritual activity as something possessing its own self-contained meaning within the realm of "pure activity" is a helpful way of conceptualizing the way that ritual acts are distinguished from ordinary activity. The very act of performing something in a prescribed and formal way imbues the activity with a quality that sets it apart from the ordinary and instrumental. Although the details of a formula for ritual practice may appear arbitrary to an outside observer, for a ritualized act to remain distinct from ordinary behaviour it may be necessary to retain a sense that certain prescribed rules are inflexible. As he notes, "these side-effects fail to explain the most curious fact about ritual preservation: rituals are always guarded jealously and with extreme conservatism."[64] This is because, in Bell's terms, it is the inflexible and historically authoritative prescription that makes the action ritualized rather than ordinary.

If we accept this view of ritual, then we can understand why it is the case that we can intuitively recognize a ritual action, and yet be unable to provide a precise and universal definition of what constitutes a ritual. The basic behaviour of constructing a ritual act is recognizable, but there is room for vast differences in how such acts can be constructed. The advantage of this perspective is that it preserves ritualization as a useful category of analysis that can answer Goody's challenge; the disadvantage, if we want to put it this way, is that it does not allow us to detach "ritual" in the abstract from the specific instantiations of ritualized activities and the attendant complexities of history, culture and individual agency. In this way, Goody is correct that ritual does not provide a key to unlocking a universe of social action, but he is wrong to suggest that we should abandon ritual as a useful analytical term for understanding the human condition.

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[63] Staal, "Meaninglessness," 11. These "side-effects" are in fact central to any functionalist approach to ritual, such as those put forward by Émile Durkheim, Bronislaw Malinowski, or Roy Rappaport. See Émile Durkheim, *Elementary Forms*, trans. Carol Cosman (Oxford: Oxford University Press, 2001), Malinowski, *Coral Gardens Coral Gardens and their Magic: Soil-tilling and Agricultural Rites in the Trobriand Islands* (Bloomington: Indiana University Press, 1965), and Rappaport, *Ritual and Religion*. This study does not proceed from a functionalist approach, but at the same time does not deny their value.

[64] Staal, "Meaninglessness", 11.

A similar approach to Bell has also been taken by those who pursue a cognitive study of ritual. Pascal Boyer, for example, speaks of ritual as a "behavioural modality." To clarify what he means by this, he gives the example of dancing: we can instantly recognize examples of dance cross-culturally, but it would be unproductive to attempt a universal definition by collecting the details from a single example:

> In some societies dancing is collective, elsewhere it is only done in isolation; it may be thought of as pleasurable here and painful there, or maybe embarrassing or compulsory or tedious. It may be an artistic performance or a religious act or just fun. There is nothing common to all these situations except, precisely, that dancing is used in all of them. So we must distinguish two elements here, a certain behavioural modality on the one hand (the stylized usage of distorted ordinary gestures in this case), and a set of situations in which it is used in the other. We should not presume that this latter set has any common feature other than the usage of the behavioural modality in question.[65]

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[65] Pascal Boyer, *The Naturalness of Religious Ideas: A Cognitive Theory of Religion* (Berkeley: University of California Press, 1994), 189.

Boyer's perspective suggests that the rich variability of ritual-like behaviours does not imply uselessness of ritual as a category, but rather that the performance of ritual is something very basic to human cognition.

This has been further emphasized by more recent cognitive approaches to ritual, which have attempted to study the specific cognitive processes that underly and comprise ritualization. The approach from cognitive science has added an additional element to our understanding of ritual, particularly the growing evidence, as Jesper Sørensen puts it, that "human cognition is constrained to a certain extent by domain-specific categorisation."[66] Cognitive approaches to ritualized behaviour have mainly focused on the particular ways in which specific cognitive domains act and interact to create ritualized actions. One insight from the cognitive approach is in the way that some ritualized activities appear to alter the way that ritual actors think about their actions. As Liénard and Sørensen note, "in ritual, the smooth integration of low-level actions (gripping, lifting, drinking) into a broader scenario (having coffee) is hampered."[67] Boyer and Liénard describe this effect as "goal demotion," in which,

> people's attention is typically drawn to the details of performance, the particular direction of a gesture, the specific number of times an action should be performed, and so on. Conversely, the description of ritual action in terms of goals is either not available or in any case irrelevant… Although there may be a goal for the overall ritual script, there are no obvious sub-goals for its components.[68]

In other words, the routinized and prescribed nature of ritualized activity and its focus on specific actions results in a "momentary overloading or 'swamping' of working memory, especially if the action sequences are represented at the fine-grain parsing level."[69] This example should not be taken as an absolute explanation for the presence of ritual in human culture, but it does point to at least one example in which a cognitive approach to the apparent opaque causality of ritualized behaviours — the "meaninglessness" of it in Staal's terminology — can explain some of the ways in which ritualized behaviour actually does affect human cognition. In this view, one of the reasons that some ritualized activities are made up of small, routinized actions that have no instrumental purpose is because this results in the brain processing these actions in a significantly different way.

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[66] Jesper Sørensen, "The Question of Ritual: A Cognitive Approach," *Ritualistic* 18, 14.

[67] Pierre Liénard and Jesper Sørensen, "Tools for Thought: The Ritual Use of Ordinary Tools," in *Origins of Religion, Cognition and Culture*, ed. Armin W. Geertz (Durham: Acumen, 2013), 346.

[68] Pascal Boyer and Pierre Liénard, "Why Ritualized Behavior? Precaution Systems and Action Parsing in Developmental, Pathological and Cultural Rituals," in *Behavioural and Brain Sciences* 29 (2006), 605.

A further question that the approach of ritual practice attempts to address is that of what ritualized behaviour actually "means." Bell discusses how academic approaches to ritual have historically assumed a strict but problematic dichotomy between "thought" and "action,"[70] and Talal Asad also addresses this problem by discussing how the study of ritual in modern anthropology has long presupposed a "distinction between 'feelings' as private and ineffable and 'ritual' as public and legible."[71] For both Asad and Bell, this problematic view of ritual derives at least in part from the analytical approach of the anthropologist for whom ritual becomes akin to a text to be interpreted. This perspective is problematic on at least two levels: first, it presents ritual as something devoid of thought, purpose or feelings; and second, it potentially falls into the trap of assuming a relationship between individuals and a reified "society" or "culture" whose beliefs and collective actions can be understood through the interpretive lens of ritual's symbolic actions.

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[69] Boyer and Liénard, "Why Ritualized Behaviour?", 605.

[70] Bell, *Ritual Theory*, argues that scholars have historically argued that ritual is, paradoxically, both an example of pure thoughtless action and the mechanism by which societies resolve this supposed dichotomy. For Bell, this means that past theories of ritual have tended to use this concept to solve a problem that only exists because of the way that academics initially framed their questions about ritual.

[71] Asad, "Genealogy," 72.

A number of recent attempts to resolve these problems with ritual theory have turned to the body as a locus of the performance of ritual and its meaning.[72] One example is Talal Asad who discussed how the performance of ritual acts by medieval monastics was intended to inculcate religious virtues, and so was clearly not "empty" action devoid of thought or feelings. He wonders why the early work of Marcel Mauss and his *Techniques of the Body* was not more influential on the study of ritual, as it presents a rare early example of a theorist of ritual treating the body seriously as the source of ritual's purpose and meaning. According to Asad, this failure to address the body more fully in early instantiations of ritual theory was unfortunate. As he notes:

> According to Mauss, the human body was not to be viewed simply as the passive recipient of "cultural imprints," still less as the active source of "natural expressions" that are "clothed in local history and culture," as though it were a matter of a inner character expressed in a readable sign, so that the latter could be used as a means of deciphering the former. It was to be viewed as the developable means for achieving a range of human objectives, from styles of physical movement (e.g. walking), through modes of emotional being (e.g. composure), to kinds of spiritual experience (e.g., mystical states). This way of talking seems to avoid the Cartesian dualism of the mind and objects of the mind's perception.[73]

From this perspective, the apparent "meaninglessness" of ritual practices derives from the mistaken conviction that all ritual acts should be interpretable on a symbolic level, and even more problematically that “thought” and “action” are fundamentally distinct. Turning to the body allows us to reintegrate action and meaning by not treating thought as disembodied.[74]

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[72] See Bell, *Ritual Theory*, 94-117 for a useful review of the theoretical literature on ritual and the body.

[73] Asad, Genealogy," 76.

Another useful approach for resolving this problem while also addressing the place of social values and meanings is Pierre Bourdieu’s concept of *habitus*,[75] which he defines as

> systems of durable, transposable dispositions, structured structures predisposed to function as structuring structures, that is, as principles which generate and organize practices and representations that can be objectively adapted to their outcomes without presupposing a conscious aiming at ends or an express mastery of the operations necessary in order to attain them.[76]

Put more simply, *habitus* is intended to help conceptualize the complex dialectical relationship between culture and the individual. This is helpful for avoiding the dangers of reifying society as a monolith with which individuals interact via ritual, and also of viewing ritual as “thoughtless” action. The norms and beliefs of society do not, in the strictest sense, exist in concrete terms “out there” in the world, but are inculcated within individuals through their lived experience within a society. The dispositions of *habitus* take the form of “schemes of perception, thought and action” that derive from one’s experience in a social and cultural setting, but are at their most powerful when they are unconscious and informal.[77]

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[74] This kind of Cartesian duality has been further attacked by proponents of the concept of embodied cognition or the “embodied mind”. See George Lakoff and Mark Johnson, *Philosophy in the Flesh: The Embodied Mind and its Challenge to Western Thought*, (New York: Basic Books, 1999), and Mark Johnson, *The Meaning of the Body: Aesthetics of Human Understanding* (Chicago: University of Chicago Press, 2007).

[75] As Asad notes, Bourdieu appears to owe an intellectual debt to Marcel Mauss in his use of the concept of *habitus*, “Genealogy,” 75 n20.

[76] Pierre Bourdieu, *The Logic of Practice*, trans. Richard Nice (Stanford: Stanford University Press, 1980), 53.

[77] Bourdieu, *Logic of Practice*, 54.

The body is an important locus for this meaning, and Bourdieu argues ritualized acts function through the

> hidden persuasion of an implicit pedagogy which can instil a whole cosmology, through injunctions as insignificant as 'sit up straight' or 'don't hold your knife in your left hand', and inscribe the most fundamental principles of the arbitrary content of a culture in seemingly innocuous details of bearing or physical and verbal manners, so putting them beyond the reach of consciousness and explicit statement…. The cunning of pedagogical reason lies precisely in the fact that it manages to extort what is essential while seeming to demand the insignificant.[78]

This perspective overlaps in significant ways with the more recent premise of the embodied mind, which argues that insights from cognitive science force us to acknowledge that thought cannot be meaningfully separated from the body, and that there is no category of "pure" reason that can be separated from the emotions.[79] In terms similar to this, Bourdieu speaks of the role of the body in shaping our inner dispositions, and the ways in which ritual enactments can have affective qualities. As he puts it, the body "believes in what it plays at: it weeps if it mimes grief… What is 'learned by the body' is not something that one has, like knowledge that can be brandished, but something that one is."[80] Approaching culture from a Marxist perspective, Bourdieu focuses on the ways this "cunning of pedagogical reason" is employed within power structures. In contrast, both Bell and Asad argue that ritual can also have a "redemptive" role, and can be employed by people to achieve their own social or religious ends as well even if these ends are, admittedly, shaped by each person's *habitus*.

Theories that view ritual as "thoughtless" or simply symbolic references to the more meaningful components of religion such as "myth" or "belief" fail to acknowledge the forms of embodied meaning and the affective consequences of ritual actions. The body's role as a locus of meaning in ritual action helps avoid the problem of contrasting "thought" and "action" by demonstrating that the two cannot be separated meaningfully. Put another way, ritual acts *do* something and are not merely symbolic of something more meaningful. This also helps us to better understand what Bell means when she speaks of ritualization as a strategic act.

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[78] Bourdieu, *Logic of Practice*, 69.

[79] Lakoff and Johnson, *Philosophy In the Flesh*.

[80] Bourdieu, *Logic of Practice*, 73.

Taken together, this study presents an approach to ritual that views "ritualization" as a basic and pervasive element of human behaviour across cultures. As a working definition, it is suggested that ritualization involves the deployment of strategies to distinguish the ritual act from ordinary behaviour. This performance of distinct acts can be applied to a wide range of otherwise ordinary behaviours, which complicates our picture considerably. The distinction of ritual from ordinary behaviour can take a variety of forms, distinguishing the "sacred" from the "profane," or imbuing actions with other forms of socially contextualized meaning. This helps account for the many forms that ritual can take, and the many apparent "purposes" for which it can be employed, including rites of passage, ceremonies with specific religious intentions, or ritualized activities that convey or inculcate social norms. Finally, this study presumes that the body is a primary locus of the meaning of ritual actions, and that the "power" of ritual acts is therefore expressed in ways that assume an embodied mind, and that the performance of ritual acts can have affective qualities that can influence people's interior psychological states. This is a view that is being gradually supported by findings from cognitive science, which have so far pointed to the ways ritualization may exploit the domain-specific categorization of the human cognition.

Ritual Propriety

With this working definition of ritual in place, it is now possible to consider the semantic range and implications of the early Chinese concept of *li* 禮. Ritualized behaviour can be manifested in a variety of ways, and the "ritual sense" that allows for the strategic construction of ritual acts is based on inculcated and historically specific cultural values and norms. The purpose of this section is to consider the historical and social context within which the theorization of *li* took place. A close reading of these primary sources reveals that there are some specific senses in which *li* is discussed: (1) it can refer broadly to social mores, a meaning with implications for how political thinkers in particular were conceptualizing their idea of public order; (2) it can refer to courtesy and etiquette, which has implications for how political thinkers were concerned about problems of interpersonal dynamics at court; and (3) it can refer to the social expectations and hierarchical structure that define the perceived civilization of the Yellow River Valley region, with implications for how political thinkers understood ritual to be a necessary feature of a complex society. Each of these senses in which *li* is discussed suggests a different set of stakes for the Confucian writers who would present their theory of ritual psychology in the Guodian texts. When these Warring States writers require concrete examples of *li* in action, they tend to describe performances of embodied ritualized conduct that fits neatly within the working definition of ritual provided above, a point that will be considered briefly in the concluding section of this chapter.

Mores and Public Order

One of the most prevalent senses in which *li* was discussed in Warring States texts was as a term referring to the general social mores of polite society. Although the Confucians are noted for their particular emphasis on *li*, this was a concept with meaning and relevance that extended well beyond their own ideological circle. Ritual propriety involved the correct adherence to a set of widely understood and largely accepted social values, violations of which would have been seen as problematic by a wide cross-section of people. Specific expectations may have differed across class and gender, while some central ethical concepts such as filial piety (*xiao* 孝) would have been considered important for virtually every member of society. This represented a normative discourse within which there would be room for disagreements and interpretation, but which would have employed a shared vocabulary of normative assumptions and concepts.

This can be seen clearly in two debates over the importance of *li* from the *Mengzi* text, which presents the thought of mid-Warring States thinker Mencius (Mengzi 孟子). By looking at these debates, it will be possible to gain a clearer picture of how *li* conveyed a meaning that was shared by both Confucians and their critics, even if the Confucians were sometimes portrayed as being too pedantically concerned with these rules of polite personal conduct. The first example is Mencius’s putative debate with Chunyu Kun 淳于髡. Little is known about this figure, but he appears to have been an important figure at the Jixia Academy and may have held an important office in the state of Qi.[81]

> 淳于髡曰：「男女授受不親，禮與？」

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[81] These assertions are based on the accounts in *Shiji*, where Chunyu Kun appears in the biographies of Mengzi and Xunzi, and elsewhere. Masayuki Sato discusses Chunyu Kun and his relationship with Xunzi and the Jixia academy. Sato, *Confucian Quest for Order*.

> 孟子曰：「禮也。」
> 曰：「嫂溺則援之以手乎？」
> 曰：「嫂溺不援，是豺狼也。男女授受不親，禮也；嫂溺援之以手者，權也。」
> 曰：「今天下溺矣，夫子之不援，何也？」
> 曰：「天下溺，援之以道；嫂溺，援之以手。子欲手援天下乎？」
>
> Chunyu Kun said, “Is it the rule of ritual propriety that a man and a woman should not touch hands when giving and receiving items?”
> Mencius replied, “That is correct, according to ritual propriety.”
> Chunyu Kun asked, ‘So, if a man's sister-in-law were drowning, should he not offer his hand to save her?”
> Mencius said, ‘To not rescue one’s sister-in-law from drowning would be the behaviour of a wolf. It is the rule of ritual propriety that a man and a woman should not touch; however, to offer your hand to a drowning sister-in-law is a case of weighing the particular situation.
> Chunyu Kun said, ‘Now, All-Under-Heaven is drowning. How can it be that you will not reach out to save it?’
> Mencius answered, ‘When All-Under-Heaven is drowning, one must offer up the Way to save it; when a sister-in-law is drowning, one must offer up their hand. Sir, do you wish me to save All-Under-Heaven with my hand?”[82]

The criticism against Mencius here appears to be based on two points. Perhaps most importantly, is the supposed Confucian tendency to avoid getting their hands dirty with the pragmatic responsibilities of holding political office, due to concerns with the ethical propriety of the ruler.[83] The second level of criticism appears to be a favourite target for critics of Confucianism, as Mencius’ attention to the rules of ritual properiety are portrayed as comically pedantic. Mencius’ response is based on the issue of “weighing” (*quan* 權)[84] a particular situation when choosing a moral course of action. For Mencius, the analogy does not work because neither the crisis nor the capacity to solve it are on the same scale. From Chunyu’s perspective, the scale of the analogy does hold, and his criticism is directed towards the suggestion that the political crisis of the Warring States period is going to be resolved through the performance of the rules of polite behaviour. For the purposes of our discussion, however, the point to be noted here is regarding tho concrete example that Chunyu Kun provides in his attempt to get at the issue of ritual propriety. When he grasps for an example of *li* to highlight, he turns to the rule of men and women not touching.

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[82] Translation, with emendations, from Bryan W. Van Norden, *Mengzi: With Selections from Traditional Commentaries* (Indianapolis: Hackett, 2008) 97-98.

[83] In Book 6 of the *Mengzi*, Chunyu Kun once again criticizes Mencius’ refusal to take part in the running of the state.

[84] For a discussion of *quan* 權, see Griet Vankeergberghen, "Choosing Balance: Weighing ("quan" 權) as a metaphor for action in early Chinese texts, *Early China* 30 (2005-2006).

With this in mind, we should examine a second example from the Mengzi, the putative debate between Mencius' disciple Wu Luzi 屋廬子 and an anonymous critic:

> 任人有問屋廬子曰：「禮與食孰重？」
> 曰：「禮重。」
> 曰:「色與禮孰重？」
> 曰：「禮重。」
> 曰：「以禮食，則飢而死；不以禮食，則得食，必以禮乎？親迎，則不得妻；不親迎，則得妻，必親迎乎！」
> 屋廬子不能對，明日之鄒以告孟子。孟子曰：「於答是也何有？不揣其本而齊其末，方寸之木可使高於岑樓。金重於羽者，豈謂一鉤金與一輿羽之謂哉？取食之重者，與禮之輕者而比之，奚翅食重？取色之重者，與禮之輕者而比之，奚翅色重？往應之曰：『紾兄之臂而奪之食，則得食；不紾，則不得食，則將紾之乎？踰東家牆而摟其處子，則得妻；不摟，則不得妻，則將摟之乎？』」
>
> A man of Ren asked the disciple Wu Luzi, "Between ritual propriety and eating, which should be given greater weight?"
> Mengzi replied, "Ritual propriety."
> The man said, "Between sex and ritual propriety, which should be given greater weight?"
> Mengzi replied, "Ritual propriety."
> The man said, "So, if by obeying the rules propriety when eating should result in one starving to death, but disobeying the rules of propriety in eating would result in getting food must one still adhere to ritual propriety? And if one adheres to the rule of welcoming one's wife in person, he will not be able to find a wife, but if by not adhering to this rule he shall find a wife, must he still adhere to this rule?"
> The disciple was unable to find a response to these questions, and the next day he went to Zou to tell this to Mengzi. Mengzi said to him, "Where is the difficulty in answering this question? If you do not line them up at their base, but instead only hold them level at the top, a piece of wood only one inch square in size can be measured to the same height as the peak of a tall

> building. Gold is heavier than feathers, but does this apply to a comparison between a small hook made of gold and a carriage filled with feathers? Why would you use as a single case of comparison an instance where eating is of greater weight than ritual propriety and stop there? Why would you use as a single case of comparison an instance where sex is of greater weight than ritual propriety and stop there? Go and respond to him by saying, "If by twisting your elder brother's arm and taking his food you can get food, while by not twisting his arm you cannot, then shall one go ahead and twist his arm? If by climbing over the wall of your neighbour's home and dragging away his virgin daughter you can get a wife, but by not dragging away his daughter you may not, shall one go ahead and drag her away?"[85]

This interaction is similar to the first, once again coming down to the question of measuring situations to determine the correct response, and also targeting Confucian pedantry. In this case, the rules of propriety are being contrasted with food and sex (*shise* 食色), a common metonymic pair for the basic needs for life. What appears to be at stake in this passage is the putative power of ritual propriety as a panacea for the social ills of the time. Wu Luzi is forced by his opponent to acknowledge that there are more immediate biological concerns than the rules of interpersonal conduct, and the result is to make such rules appear pedantic and of secondary concern. Mencius is forced to point out that the rules ritual propriety exist contextually and are enacted with discretion. The rules of ritual propriety should not be seen as preventing people from pursuing their basic biological needs, but rather as a means of regulating the competing needs of people in a society in which conflict can potentially arise in pursuit of these needs. In this case, when the anonymous critic seeks a concrete example to describe ritual propriety, he turns first to the polite rules of refusing food, and then to the ceremonial rule for greeting a new wife. In Mencius' response, he turns to respect for an elder brother.

These examples help us to trace the contours of *li*'s meaning within Warring States thought, and the different ways that the idea of ritual propriety could be employed and emphasized. The common point of agreement here seems to be that ritual propriety shapes the expectations of behaviour and interactions. Common points of reference are the separation of the sexes, the relationships between elders and youths. The strictures about the greeting ceremonies for a wedding are also a reference that we can find again elsewhere when criticizing the Confucians, suggesting this may have been a common concern for these thinkers,[86] as are discussions of burial and mourning practices, as will be discussed in the following chapter. The basic virtues emphasized by Confucian writers were rarely directly condemned by critics, and many attacks on these ideas would focus on a question of means and ends, as seen in Chunyu Kun's pragmatic critique of Mengzi. This is seen, for example, in the "Schemes" chapter (*Huace* 畫策) of the *Book of Lord Shang* (*Shangjun shu* 商君書), where these moral virtues of a morally right (*yi* 義) order are treated as positive goals, but the legal reforms entailed by reference to "standards" or "laws" (*fa* 法) are put forward as the only means for achieving these ethical ideals:

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[85] Adapted from Van Norden, *Mengzi*, 158-9.

> 聖人有必信之性，又有使天下不得不信之法。所謂義者，為人臣忠，為人子孝，少長有禮，男女有別.... 此乃有法之常也。聖王者，不貴義而貴法；法必明，令必行，則已矣。
>
> A sage has a nature that cannot help but be trustworthy (*xin* 信), but he also has a method (*fa* 法) by which he compels All-Under-Heaven to not fail to be trustworthy. That which is called right (*yi* 義) is where ministers are loyal and sons are filial, where there is ritual propriety (*li* 禮) between youth and elders, and separation between men and women…. All of this is (simply) the constant state of affairs when there are standards (*fa* 法) in place. The sage does not value rightness, he values standards. The standards must be clear, and directives must be put into practice, and that is enough.[87]

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[86] This is targeted in the "Against the Confucians" (*Fei Ru* 非儒) chapter of the *Mozi*.

[87] Book of Lord Shang, "Schemes" (*Huace* 畫策).

Here, *li* is explicitly used to describe a basic sense of proper and ideal behaviour. The "propriety between younger and elder" (*shao zhang you li* 少長有禮) is used alongside other examples of proper conduct that specify the appropriate relationships between different spheres of social life, including the "separation between men and women" (*nan nü you bie* 男女有別).

In the *Mozi* text we can see a similar tendency. For example, in the "Eschewing Faults" chapter (*Ci guo* 辭過), the following is said regarding the utility of building homes and palaces:

> 子墨子曰：古之民，未知為宮室時，就陵阜而居，穴而處，下潤濕傷民，故聖王作為宮室。為宮室之法，曰：(室)高足以辟潤濕，邊足以圉風寒，上足以待雪霜雨露，宮牆之高，足以別男女之禮，謹此則止。
>
> Our Master Mozi said: The people in antiquity, in the time before they knew how to build palaces and houses, arrived at hills and mounds and lived there, and came to caves and resided there. The dampness of these lowly places made the people sick, and so the sage kings built palaces and homes. In establishing the standard for these palaces and homes, they declared: the height should be enough to avoid the moisture and dampness, the walls sufficient to keep out the winds and cold, the roof sufficient to hold back the snow, frost, rain and dew; the height of the palace walls should be sufficient to maintain the propriety (*li* 禮) of the separation of men and women. They took care to maintain these (principles) and go no further.[88]

Here, of course, the rhetorical point being made by the Mohists is regarding their principle of utility, and they are arguing that there is no need for lavish expenditures in construction so long as these basic needs are met. Notably, however, one of the necessities listed is that the palace walls should be built high enough to ensure the ritual propriety of the separation of the sexes. A similar view is also presented in Part II of "Exalting Worthiness" (*Shang xian zhong* 尚賢中), where the *Mozi* text also offers the following description of the behaviour that runs rampant when the behaviour of people of quality is not encouraged:

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[88] *Mozi*, "Eschewing Faults" (*Ci guo* 辭過).

> 則賞亦必不當賢，而罰亦必不當暴。若苟賞不當賢而罰不當暴，則是為賢者不勸而為暴者不沮矣。是以入則不慈孝父母，出則不長弟鄉里，居處無節，出入無度，男女無別。使治官府則盜竊，守城則倍畔。
>
> If rewards are not appropriate to worthiness, and punishments are not appropriate to wickedness then those who are worthy will not be encouraged, and those who are wicked will not be stopped. If this is so, at home there will not be kindness and filial behaviour towards parents, and abroad there will not be proper regard for those who are older and younger in districts and villages. At home, there will not be moderation, and abroad there will not be restraint. Nor will there be the proper distinction between men and women. Those who are put in charge of the official treasury will plunder and steal from it, and those who are charged with defending the city will betray and forsake it.[89]

The signs of corruption in society are framed in terms that would normally be considered "Confucian:" a lack of filial respect for parents, a lack of the respect for elders, and men and women going about and interacting as they please. This specific sense of *li* as a positive description of how people interact in an orderly society could probably best be translated as "mores", a term which in English conveys the basic customs, conventions or morals within a specific community. In these usages, the term is not being used as part of a larger political theory, is not tied to ideas of the Western Zhou political system, and is not a point of debate. Simply put: in an ideal world, people would adhere to these basic mores in their daily lives.

There are deeper implications, however, to this particular view of propriety, related to the issue of public order. Often boiling down to issues of the separation of men and women, or the distinctions between youth and elders, this sense of public order is a pervasive concern that can be seen in the above passages from the *Mozi* as well as in some of the political theory chapters of the *Guanzi* compilation, where the distinction between men and women is also provided as a clear indicator of social disorder.[90] Han Fei speaks of this in terms of court intrigue and strategies of political authority in his chapter, "Decline and Ruin," in which he gives a list of indicators of problems of authority and statecraft that are indicative of possible ruin:

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[89] Translation from Johnston, *The Mozi: A Complete Translation* (New York: Columbia University Press, 2010), 69.

> 后妻淫亂，主母畜穢，外內混通，男女無別，是謂兩主，兩主者，可亡也。
> If the second wife is wanton and disorderly, the ruler's mother is fawning and licentious, those of the inner and outer chambers mix, and there is no separation between men and women, then this is called having divided rulership. If the state has divided rulership, then ruin is possible.[91]

Here, the line "no separation between men and women" (*nan nü wu bie* 男女無別) speaks more broadly of a lack of clarity in the roles of men and women, but presumably also refers very directly to a lack of propriety in physical and sexual contact. This concept of public and social order is tied together with presumptions about gender roles and sexual propriety.

What these discussions show is that one of the main senses in which *li* was employed was in discussions of social mores, a basic concept of interpersonal propriety with implications for how gender roles and generational relationships were understood, performed and regulated. This concept of social mores also had strong implications for how concepts of public order were conceptualized. This fact will become important in Chapter Three of this study where political theories about social regulation and control are discussed. Because these mores were performed, evoked and enacted through specific ritualized acts and prohibitions, this also has implications for how we understand the role of ritualization in discussions of public order. This fact creates a setting in which it could be meaningfully asserted that ritual psychology is a major concern when discussing the maintenance of public order, with ritual as a tool for doing so.

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[90] These examples from the *Guanzi* will be discussed in greater detail in Chapter Three of this study.

[91] *Han Feizi*, "Decline and Ruin."

Courtesy and Etiquette

As noted above, discussions of mores and public order often make use of the term *li* to describe a particular form of propriety, whether it is the *li* of the separation of the sexes or the *li* of the relationship between elder and youth. There is another sense of the term, though, that is largely specific to life at court. In these discussions, acts of courtesy and deference represent the proper medium of polite expression and interaction, and they structure the hierarchical dynamics of court actors. On this level, this concern has strong administrative and diplomatic implications, because the violation of these acts could have dire consequences, and because proper adherence to them could also, in some thinkers' eyes, maintain the smooth operation of the state apparatus. This is done by ensuring the correct emotions and virtues between hierarchical relationships such as rulers and ministers, and between relatively equal relationships such as between state leaders or between bureaucrats. This is no small matter; discussions over court etiquette could carry a strong sense of danger, because navigating the ambiguous and vague interpersonal dynamics at court could result in career advancement or ruin, or could even cost a person their life.

In the "Relying on Rulers" (*Shi jun* 恃君) chapter of the *Annals of Lü Buwei* (*Lüshi Chunqiu* 呂氏春秋), we can see one example of this distinction between public order and court life. This chapter opens with the text's version of the origins of political rulership by giving its account of a world before hierarchies developed:

> 昔太古嘗無君矣，其民聚生群處，知母不知父，無親戚兄弟夫妻男女之別，無上下長幼之道，無進退揖讓之禮，無衣服履帶宮室畜積之便，無器械舟車城郭險阻之備，此無君之患。故君臣之義，不可不明也。

> Long ago, in great antiquity, there were no rulers, but people lived together in societies. They knew their mothers but not their fathers. There were no distinctions made between close and distant relatives, older and younger brothers, husbands and wives, or men and women; no Dao for interacting between superiors and inferiors or elders and youth; no ritual propriety (*li* 禮) governing advancing and withdrawing or bowing and yielding; nor any such conveniences as clothing, shoes, belts, houses, and storehouses; nor any such facilities as tools and utensils, boats and carts, inner and outer city walls, or border fortifications. This is the calamity that exists in a world without rulers. Accordingly, we cannot but make clear the moral principles (*yi* 義) that govern the relations between ruler and minister.[92]

This passage shows a similar conceptualization of public order as the examples above, defined by the relations between clan and family, the establishment of clear gender roles and the interaction between superiors and subordinates and elders and youth. Ritual propriety, however, appears in direct reference not to the rules of social and public order but to a set of ritualized and prescriptive actions, particularly those that define acts of respect and submission: advancing and withdrawing (*jintui* 進退), bowing with hands clasped (*yi* 揖), and "yielding," or acts of polite refusal and deference (*rang* 讓). These are the rules of conduct specific to life at court and between court elites, and they speak to a second meaning of *li* that might best be called "courtesy", a term that in English still conveys its etymological relationship to "court," and implies rules of polite and refined conduct.

While in this passage the *Annals of Lü Buwei* is explicit about the precise ritual acts of courtesy under discussion, other Warring States texts do not always clarify the precise actions and rules that constitute this court etiquette. Perhaps in part because of this ambiguity, discussions of courtesy can convey a sense of danger, because violating them can have dire consequences. This is the primary point that the Warring States political theorist Han Fei makes when he discusses the importance of *li*, a concept that in his pragmatic political theory does not carry much normative weight, but is established as a simple fact of life at court. Especially when portrayed by Han Fei, the rules of *li* serve as the ubiquitous social expectations that must be carefully navigated in the world of politics and diplomacy. The *Han Feizi* gives examples of where courtesy is an important quality that people must be aware of. In his "Ten Faults" chapter, he provides warnings of the negative pragmatic consequences of a failure to be courteous:

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[92] Translation, with emendations, from John Knoblock and Jeffrey Riegel, *The Annals of Lü Buwei: A Complete Translation and Study* (Stanford: Stanford University Press, 2000), 511.

> 三曰、行僻自用，無禮諸侯，則亡身之至也。
>
> The third (fault) is to enact personal biases and follow your own (counsel), and to behave discourteously before the regional lords; this is how one comes to personal ruin.[93]

> 十曰、國小無禮，不用諫臣，則絕世之勢也。
>
> The tenth (fault) is having a small state but behaving without courtesy, and neglecting remonstrating ministers; this is the condition for the extermination of one's posterity.[94]

His third example of a fault, the failure of an individual to be courteous before the feudal lords is the very height of self-destruction. In the tenth fault, the failure of a small state to be courteous in diplomatic relations will result in the extermination of one's lineage. Fault ten will be raised once more in Chapter Two of this study, but for now we will look at fault three, upon which Han Fei elaborates with the following historical account:

> 奚謂行僻？昔者楚靈王為申之會，宋太子後至，執而囚之，狎徐君，拘齊慶封。中射士諫曰：「合諸侯不可無禮，此存亡之機也。昔者桀為有戎之會，而有緡叛之；紂為黎丘之蒐，而戎、狄叛之；由無禮也。君其圖之。」君不聽，遂行其意。居未期年，靈王南遊，群臣從而劫之，靈王餓而死乾溪之上。故曰：行僻自用，無禮諸侯，則亡身之至也。
>
> What is meant by "enacting personal biases"?

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[93] *Han Feizi*, "Ten Faults."

[94] *Han Feizi*, "Ten Faults."

> In the past, King Ling of Chu held a conference at Shen. The crown prince of Song was late in arriving, and so he was seized and imprisoned; he also slighted the ruler of Xu and detained Qing Feng of Qi.
>
> One of his officiants remonstrated with him, saying "When bringing together the regional lords, you must not act with such lack of courtesy (*wuli* 無禮) — this is a situation on which life or death is decided. In ancient times, (the tyrant) Jie held a conference at You Rong, and the You Min revolted against him; (the tyrant) Zhou held a gathering at the Li Hills, and the Rong and Di revolted against him. In both these cases, this was due to a lack of courtesy. I ask that my lord reconsider."
>
> But his lord did not heed this counsel, and (continued to) follow his own whims. Before ten years had passed, King Ling was touring the south and his ministers took advantage of this situation to seize control. (Defeated at) Ganxi, King Ling would be reduced to a death by starvation. And so it is said: to enact personal biases and follow your own (counsel), and to behave discourteously before the regional lords — this is how one comes to ruin.[95]

Other examples in *Han Feizi* convey similar warnings:

> 國小而不處卑，力少而不畏強，無禮而侮大鄰，貪愎而拙交者，可亡也。
>
> If his state is small and yet he do not act humbly; if his (military) strength is meagre but he will not respect strong enemies; if he is discourteous (*wuli* 無禮) and yet insults (*wu* 侮) his large neighbours; if he is greedy and stubborn and yet is lacking in diplomatic ability, then ruin is possible.[96]

> 簡侮大臣，無禮父兄，勞苦百姓，殺戮不辜者，可亡也。
>
> If he slights and insults the great ministers and is not courteous (*wuli* 無禮) to his father and elder brother, if he overworks the common people and slaughters the innocent, then ruin his possible.[97]

In the *Annals of Lü Buwei*, *li* also takes the form of courtesy, but the text displays a different set of anxieties from Han Fei. In both of these cases, the concept of courtesy is employed with an accompanying sense of danger, because violations of the rules of courtesy can fracture interpersonal relationships. For Han Fei, this is particularly dangerous in the context of court and international diplomacy, and particularly so for the weaker party in an asymmetrical power dynamic who must always be wary of antagonizing the powerful. In the *Annals of Lü Buwei*, courtesy is also of importance in situations of unequal power, but the text's authors are attempting to strategically use concepts of courtesy to rearrange the power dynamic at court. In this case, it is suggested that antagonizing experts and wise advisers will result in a ruler being left with no useful advice for ruling his state.[98]

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[95] *Han Feizi*, "Ten Faults."

[96] *Han Feizi*, "Ten Faults."

[97] *Han Feizi*, "Ten Faults."

Historical examples also serve to demonstrate the importance of *li* in the *Annals of Lü Buwei*, both in terms of pragmatic consequences but also in the form of supernatural interference. An example of Heaven itself responding to courtesy is that of King Wen of Zhou. When he falls ill and omens begin to indicate Heaven's displeasure, he asks for advice on how to correct the situation. Given advice that he must employ the people to enlarge city walls, he rejects this and states that Heaven punishes one for guilt of some crime, and that he must therefore be guilty of some such offence. He therefore reforms his conduct rather than attempting to pursue more construction projects:

> 文王曰：「昌也請改行重善以移之，其可以免乎。」於是謹其禮秩皮革，以交諸侯；飭其辭令，幣帛，以禮豪士；頒其爵列等級田疇，以賞群臣。無幾何，疾乃止。文王即位八年而地動，已動之後四十三年，凡文王立國五十一年而終，此文王之所以止殃翦妖也。
>
> King Wen replied, "I, Chang, am requested to alter my conduct and multiply my good deeds in order to avert it." After this, paying careful attention to ritual precedence, he presented the feudal lords with gifts of skins and furs as tokens of friendship. Observing utter refinement in his formulations and commands, he increased the gifts of jade insignia and silk to be presented to his most eminent scholar-knights in accord with protocol. Promulgating his various titles and the distinctions among the various ranks, he had fields measured out as rewards for those with meritorious accomplishments. When he and his ministers had done this, it was not long before the king's illness was cured.

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[98] For a discussion of attempts by *shi* bureaucrats to assert their power in the Warring States, see Pines, *Everlasting Empire,* 76-103.

> When King Wen had been on the throne for eight years the earth quaked; after this happened, he ruled for another 43 years. King Wen had ruled his state a total of 51 years when he died. This is how King Wen halted further calamity and drove off inauspicious signs.[99]

The audience intended for this text were the ruling lineage of the Qin state and the point is clear: that Heaven itself will be displeased if one does not treat his court with courtesy, and that this displeasure will not be appeased through more labour projects. In this viewpoint, the rules of *li* are the direct concern of Heaven, and so cannot be understood as contingent social practices. The text is even more obvious at points, as seen here in the "Carefully Listening" (*Jin ting* 謹聽) chapter:

> 諸眾齊民，不待知而使，不待禮而令。若夫有道之士，必禮必知，然後其智能可盡。
>
> Now, a ruler can use the masses of undistinguished commoners without appreciating their individual worth, and he can order them about without observing ritual courtesies (*li* 禮). But with scholar-knights (*shi* 士) who possess the Dao, a ruler certainly must observe ritual courtesy and appreciate their worth, for only then will he obtain the full benefits of their knowledge and abilities.[100]

Or here again in a chapter titled "Lowering oneself before the worthy" (*Xia xian* 下賢):

> 賢主則不然，士雖驕之，而己愈禮之，士安得不歸之？
>
> Worthy rulers are not like this. Even when scholar-knights are arrogant towards them, such rulers respond by treating them with even greater courtesy (*yu li zhi* 愈禮之); how could the scholar-knights fail to turn to them in such a case?[101]

In the context of courtesy under discussion in both the *Han Feizi* and *Annals of Lü Buwei* texts, the underlying issue of personal emotions and interpersonal dynamics is the issue of primary importance, outweighing any interest in the specific rules and prescriptions of how to master the performance of courtesy. At the same time, discussions of *li* continue to imply the specific ritualized actions that enact the complex of values and norms contained in *li*. In the "Regretting Mistakes" (*Hui guo* 悔過) chapter of the *Annals of Lü Buwei*, one example is given of a violation of *li* that comes down to specific actions:

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[99] Translation from Knoblock and Riegel, *Annals of Lü Buwei*, 164-5.

[100] Translation from Knoblock and Riegel, *Annals of Lü Buwei*, 294.

[101] Translation, with emendations, from Knoblock and Riegel, *Annals of Lü Buwei*, 347.

> 夫秦非他，周室之建國也。過天子之城，宜櫜甲束兵，左右皆下，以為天子禮。今袀服回建，左不軾，而右之超乘者五百乘，力則多矣，然而寡禮，安得無疵？
>
> Now, Qin is unlike other states in that the house of Zhou established it. When passing by the city of the Son of Heaven, its soldiers ought to wrap up their armor and sheathe their weapons. The left and right armored chariot guards should dismount out of courtesy to the Son of Heaven. Now, the entire army is all dressed in the same uniforms and the proper order of positions in the chariots has been reversed. The soldiers in the chariots on the left do not bow down and touch the crossbars, and those accompanying the chariots on the right indecorously leap into the five hundred chariots. Their physical strength is certainly great, but such display diminishes ritual propriety (*li* 禮). How could this army not suffer disaster?[102]

Here, the conduct of *li* indicates the moral quality of the state itself, and is employed here to suggest that even military success can be predicted by observing the normative conduct of the state's populace. In this case, the violation of *li* is particularly startling, as the actions of Qin indicate a failure to acknowledge their relationship with the Zhou king. Although it is not made clear in this passage, it may be implicitly stating that Heaven may directly intervene in their fortunes.[103]

Although discussions tend to refer to *li* without showing any concern with specific actions, when attempting to provide specific examples of *li* we do find that texts turn to particular dynamics (between sexes, age groups or court hierarchies) or else the particular embodied actions that convey these relationships, such as the practices of deference described in the *Annals of Lü Buwei*. Ritual practice is how these relationships and the larger field of meaning within which these relationships operate are actually performed and given real action in the world. These discussions place *li* at the very heart of the political world, and this provides a second setting in which Confucian assertions about the importance of *li* would have resonated among political thinkers and statesmen in the Warring States period.

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[102] Translation from Knoblock and Riegel, *Annals of Lü Buwei*, 387.

[103] As Ralph D. Sawyer notes, prognostication was a basic feature of military campaigns, and so failure could certainly be determined by supernatural forces or agents, "Martial Prognostication," in *Military Culture in Early Imperial China*, ed. Nicola Di Cosmo (Cambridge, Mass.: Harvard University Press, 2011).

Transgressing the Norms

Finally, there is a third set of implications for *li*. For thinkers who viewed civilization itself as a negative, the normative strictures and hierarchical structure of the entire social and political complex of the Three Dynasties was unnatural and oppressive. There was not likely one single intellectual movement that formed in opposition to the perceived oppressive structure of the complex political state, but a range of particular tendencies that arose, emphasizing individualist and primitivist tendencies.[104] The individualist view is best represented by the ideas of Yang Zhu who appears to have argued that one's own Heaven-endowed nature took priority over the unnatural and external structure of the state or the moral assertions of those who would defend the enterprises of the state. Primitivist arguments focused on the negative consequences that derive from the cunning and artful inventions of scholars and sages and could take utopian form in a vision of a simple agrarian society of dispersed villages.[105] Most famously, this vision is presented in the *Laozi* text, and both individualist and primitivist views can also be found in parts of the *Zhuangzi* text.

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[104] These terms are from A.C. Graham. See *Disputers of the Tao* (La Salle, Illinois: Open Court, 1989), "The Background of the Mencian Theory of Human Nature," in *Essays on the Moral Philosophy of Mengzi*, ed. Xiusheng Liu and Philip J. Ivanhoe (Indianapolis: Hackett, 2002), and "The 'Nung-chia' 農家 'School of the Tillers' and the Origins of Peasant Utopianism in China. Bulletin of the School of Oriental and African Studies, University of London, 42.1.

Thanks to the discovery of an earlier version of the *Laozi* text within the Guodian corpus, we are able to gain a clearer picture of how a primitivist rhetoric that specifically targeted Confucian ideas was developed over time.[106] Although we should be careful not to draw too strong a conclusion from the textual discrepancies between a single archaeological rendition of the text and the received version, there is a notable difference in how the two textual versions approach the concept of *li*. These textual discrepancies have caused some scholars to wonder if the anti-Confucian rhetoric of the text was, in fact, a later addition.[107] This appears of greatest importance when we look at the different versions of chapter 19 of the received text,[108] where we find the two following lines:

> 絕聖棄智，民利百倍；
> Cut off sageliness (*sheng* 聖), abandon wisdom (*zhi* 智), and the people will benefit one-hundred-fold.
> 絕仁棄義，民復孝慈。

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[105] See Hagop Sarkissian, "The Darker Side of Daoist Primitivism," *Journal of Chinese Philosophy* 37.2 (2010) for reading of early primitivism as revolutionary.

[106] In the Guodian corpus, the *Laozi* passages were divided among three different bundles of bamboo slips, one of which also included the previously unknown "The Great One Gives Rise to Water" (*Taiyi sheng shui* 太一生水) text. This raises further questions about the nature of the *Laozi* text, and whether or not the individual passages now seen as part of a single text had by this point in time yet been considered a single work.

[107] See Scott Cook, *Bamboo Texts*, 201-216 for a summary of the discussions over the significance of these textual discrepancies.

[108] Here, the received text is the same as the Mawangdui version, a silk text version of the *Laozi* text from the Han dynasty.

> Cut off benevolence (*ren* 仁), abandon righteousness (*yi* 義), and the people will return to being filial and kind (*xiaoci* 孝慈).

In the Guodian version of the text, the first half of the first line is instead, "cut off knowledge (*zhi* 智)[109] and abandon distinctions (*bian* 辨),"[110]while the first half of the second line is instead, "cut off ingenuity (*wei* 偽) and abandon deception (*zha* 詐)."[111] It has been argued that this textual discrepancy suggests the received *Laozi* was influenced by later anti-Confucian thought that had not yet affected the Guodian version.[112] This discrepancy does help us at least to refine the issue being critiqued from the rough position that we might call the *Laozi*-primitivists, even if we cannot clearly date the different renditions of the texts. Although in the received and Mawangdui texts, the "Confucian"[113] moralistic terms of *ren* and *yi* are singled out for attack, in both cases the underlying point being condemned is that of intellectualism and hypocricy. If we accept the argument that the anti-Confucian rhetoric of the received text is a later influence, then this would suggest that this critique of the inauthentic and artificial would eventually crystallize into an attack on specific moral terms such as *ren* and *yi*, and as we see in Chapter 28, also of *li*, where we are given this passage:

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[109] In the received *Laozi*, the context of *zhi* 智 clearly indicates it should be interpreted to mean "wisdom," while in the Guodian manuscripts the context indicates it should be read closer to its cognate character *zhi* 知 to indicate an active intellectual "knowledge" with pejorative implications.

[110] Here, *bian* 辨, "distinctions," could be read alternatively as *bian* 辯, "disputations." See Cook, Guodian, 225 n.4 for a discussion, and his decision to render this as *bian* 辨, which he translates as "discriminations." Either reading is plausible, but "distinctions" would be more consistent with the context.

[111] It should be noted that in the Guodian manuscripts, both wei 偽 and zha 詐 appear with the "heart" (*xin* 心) radical. I have followed the translation in Cook, *Bamboo Texts*, 230 for these two terms, because "deception" and "ingenuity" convey the cognitive and emotional interiority of the concepts under attack in the text.

[112] For a discussion, see Cook, *Bamboo Texts*, 201-216.

[113] These views can be understood as either critiquing a broad Confucian-Mencian view, or else a Confucian and Mohist moralism, as the *Mozi* text also makes use of the pairing of *ren* and *yi*. See Chen Guying, "Chu du jianben 'Laozi'" 初讀簡本《老子》, *Wenwu* 文物 509 (1998).

> 上德不德，是以有德；
> 下德不失德，是以無德。
> 上德無為而無以為；下德為之而有以為。
> 上仁為之而無以為；上義為之而有以為。
> 上禮為之而莫之應，則攘臂而扔之。
> 故失道而後德，失德而後仁，失仁而後義，失義而後禮。
> 夫禮者，忠信之薄，而亂之首。
>
> Those of highest Virtue (*de* 德) do not strive for Virtue and so they have it.
> Those of lowest Virtue never stray from Virtue and so they lack it.
> Those of highest Virtue practice nonaction and never act for ulterior motives.
> Those of lowest Virtue act and always have some ulterior motive.
> Those of highest benevolence (*ren* 仁) act, but without ulterior motives.
> Those of highest righteousness (*yi* 義) act, but with ulterior motives.
> Those who are ritually correct (*li* 禮) act, but if others do not respond, they roll up their sleeves and resort to force.
> And so,
> When the Way was lost there was Virtue;
> When Virtue was lost there was benevolence;
> When benevolence was lost there was righteousness;
> When righteousness was lost there were the rites.
> The rites (*li* 禮) are the wearing thin of loyalty and trust, and the beginning of chaos.[114]

In this chapter, *li* is singled out as as the very apex of a corrupted and inauthentic society. The only other reference to *li* appears in Chapter 21 where the "rites of mourning" (*sangli* 喪禮) are referenced in a positive light and the decorous practice of ritual is described as a means of expressing the proper mental attitude towards employing the military:[115]

> 吉事尚左，凶事尚右。

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[114] *Laozi* 38, translation from Ivanhoe, *The Daodejing of Laozi* (New York: Seven Bridges Press, 2002), 41.

[115] Conducting war was in fact a highly ritualized affair, with religious implications. See Yates, "Law and the Military in Early China" and Sawyer, "Martial Prognostication," both in *Military Culture in Imperial China*, edited by Nicola di Cosmo (Cambridge, Mass.: Harvard University Press, 2009).

> 偏將軍居左，上將軍居右，
> 言以喪禮處之。
> 殺人之衆，以哀悲泣之，
> 戰勝以喪禮處之。
>
> On auspicious occasions, precedence is given to the left;
> On inauspicious occasions, precedence is given to the right.
> The lieutenant commander is stationed on the left;
> The supreme commander is stationed on the right.
> This shows that the supreme commander is associated with the rites of mourning.
> When great numbers of people have been killed, one weeps for them in grief and sorrow.
> Military victory is thus associated with the rites of mourning.[116]

While this positive reference to the rites of mourning appears in both the Guodian manuscripts and the received *Laozi*, the attack on *li* found in received Chapter 28 is not found in the Guodian texts. Without making too strong a claim about this discrepancy, it should at least be noted that the version of the text contemporaneous with the Confucian Guodian manuscripts under discussion in this study does not directly attack Confucian ideas. This could represent the ideology of the tomb occupant, who preferred a version of the text that did not condemn Confucian ideas directly, it could be reflect nothing more than happenstance in terms of the particular passages that ended up in this version of the text. At the very least, we should acknowledge the possibility that a general critique of complex society may have, over time, come to be directed explicitly towards the moral virtues associated with Confucian writers, and that ritual propriety would come to be seen as the core feature of this corrupted society.

In the Outer and Miscellaneous chapters of the *Zhuangzi* we can see ways in which the development of this critique against civilization targeted the notion of *li* as representative of the hypocritical and corrupted state of individuals in the central states. In the “Mountain

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[116] *Laozi* 32, translation from Ivanhoe, *Daoedejing*, 31.

Tree” (*Shanmu* 山木) chapter, the unrefined and uncorrupted nature of foreign (or barbarian) peoples of the southern regions are used to exemplify this point:

> 南越有邑焉，名為建德之國。其民愚而朴，少私而寡欲；知作而不知藏，與而不求其報；不知義之所適，不知禮之所將；猖狂妄行，乃蹈乎大方；其生可樂，其死可葬。吾願君去國捐俗，與道相輔而行。
>
> In Nanyue there is a city and its name is The Land of Virtue Established. Its people are foolish and naïve, few in thoughts of self, scant in desires. They know how to make, but not how to lay away; the give, but look for nothing in return. They do not know what accords with right, they do not know what conforms to ritual. Uncouth, uncaring, they move recklessly -- and this way they tread the path of the Great Method. Their birth brings rejoicing, their death a fine funeral. So I would ask you to discard your state, break away from its customs, and, with the Way as your helper, journey there.[117]

In this passage, the Lord of Lu 魯侯 is the audience of this speech, and this choice is not incidental. Lu represented not only the home of Confucius, but by extension also the very core of Zhou culture. We can see a further example in which Lu and its refined culture is once again the target of criticism in the “Tian zifang” 田子坊 chapter:

> 中國之民，明乎禮義而陋乎知人心。昔之見我者，進退一成規，一成矩.
> These men of the central states are enlightened in ritual principles (*liyi* 禮義) but stupid in the understanding of men's hearts. Yesterday, when this man came to see me, his advances and withdrawals (*jintui* 進退) were as precise as though marked by compass or T square.[118]

In the “Miscellaneous” chapter, “Gengsang Chu” 庚桑楚, we can see a primitivist critique that is precisely in line with Chapter 28 of the *Laozi*, and the hypocritical construction of virtues and practices that exemplify the corrupted moral state of complex society is highlighted. In this case, a very clear and mundane example of ritualized courtesy is provided, but with the twist that the more elaborate the enactment of ritualized conduct the less meaningful and sincere the social relationship:

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[117] Translation from Burton Watson, *The Complete Works of Zhuangzi* (New York: Columbia University Press, 2013), 158.

[118] Translation, with emendations, from Watson, *The Complete Works of Zhuangzi*, 167.

> 蹍市人之足，則辭以放驁，兄則以嫗，大親則已矣。故曰：至禮有不人
> If you step on a stranger's foot in the market place, you apologize at length for your carelessness. If you step on your older brother's foot, you give him an affectionate pat, and if you step on your parent's foot, you know you are already forgiven. So it is said, true ritual propriety (*zhi li* 至禮) makes no distinction of persons….[119]

In these primitivist chapters of the Miscellaneous chapters of the *Zhuangzi*, the refined values of elite society are repeatedly contrasted with the earthy, humble and genuine conduct of people whose natures have not yet been corrupted by the artful cunning of learned men, and the deportment and precise ritualized conduct of society are deliberately transgressed to make this point. Perhaps nowhere is this more famously or obviously done than in the passages regarding death and mourning, such as the account in “Perfect Happiness” (*Zhile* 至樂) where Huizi visits Zhuangzi to offer condolences on the death of his wife only to find his friend sitting with his legs splayed out, drumming on a tub and singing.

These examples show that the strictures of ritualized conduct became a target of criticism for the schools of primitivism and individualism that we see most clearly in the Outer and Miscellaneous chapters of the *Zhuangzi*, as well as in certain sections of the *Laozi*. In these cases, the values encompassed in the term *li* are widely understood, and attempts to provide clear examples of *li* in practice point out the embodied enactments of courtesy, such as advancing and withdrawing or apologizing. Transgressive acts that are employed to shock the audience and demonstrate a more authentic nature are also performances that only make sense within the context of a shared vocabulary of ritual decorum. Zhuangzi sitting with his legs splayed out (*jiju*

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[119] Translation, with emendations, from Watson, *The Complete Works of Zhuangzi*, 196-7.

箕踞) and singing[120] is a very clear ritualized performance that makes use of a sense of ritual and the available vocabulary and syntax of ritual formalism and respect. On one hand, this ritualized conduct is carefully designed to offend a conservative audience, but by doing so it also makes use of ritual to perform a very particular concept of authenticity. The body becomes the medium through which civilization itself is critiqued through ritual expression. This example is particularly important because it shows how someone can be perform what we, as a Western academic audience, would describe as “ritual,” as a provocative and conscious violation of what these early Chinese thinkers would describe as *li*.

Conclusion

Although the Confucian emphasis on the importance of *li* would be a contributing factor in how the term was received and discussed, it also clear that the term had its own meaning within Warring States society that was not beholden to Confucian thinkers. *Li* was widely understood to refer to a shared sense of normative interpersonal conduct, as well as the specific ritualized actions that defined this conduct. For some thinkers, such as the authors of the *Annals of Lü Buwei*, the moral conduct of *li* also had at least an implicit connection to Heaven, which lent it an additional normative weight. For thinkers both within and outside Confucian circles, the social mores and rules of courtesy that defined *li* had implications for important political problems relating to public order and the often dangerous dynamics at court. Finally, the strictures of *li* also encompassed views about the very nature of complex society, which is to say the social and political structure requiring social stratification and hierarchies. For both critics and proponents of the social order of the Three Dynasties and its implied political structure and cultural values, the values and practices of *li* are seen as foundational.

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[120] In “The Great and Venerable Teacher” (*Dazongshi* 大宗師), another example is given of people playing music and singing in the presence of a corpse. Confucius’ disciple, Zigong 子貢 comes upon this scene and asks in horror, “Singing in the presence of the corpse, is this in accordance with ritual propriety?” (臨尸而歌，禮乎?).

As *li* was more aggressively asserted within the political arena by Confucian thinkers, critiques of *li* would become more clearly articulated. This is most clearly demonstrated in the Outer and Miscellaneous chapters of *Zhuangzi*, where individualist and primitivist arguments are couched in terms that condemn the civilizing, and hence inauthentic, force of ritual propriety and the way that it defined the way that people should express themselves. Transgressions of social norms are performed in these narratives through ritualized acts that deliberately invert assumptions about formalism and tradition in order to express these authors' views on the properly authentic expressions of their inborn nature. Primitive and "barbarian" cultures are also used to exemplify an untarnished version of human nature. As will be more thoroughly discussed in Chapter Two of this study, this contrast between the social customs of the Zhou cultural sphere and foreign cultures could be defined by the presence or lack of *li*.

The very concept of civilization could be defined by the norms and expectations of *li*, and such a civilized society was only deemed possible by the way the individual and their body were induced to perform this structure through acts of ritual. In the *Annals of Lü Buwei*, the origins of complex and ordered human society is presented as beginning with the division of people by gender, age and status, and also by the rules of deference and submission that are enacted by the body through the conduct of advancing, withdrawing and bowing. These actions are at their most refined and elaborated at the highest echelons of elite society, but they would also cascade into society more broadly, down to the villagers and common people. In this account, the social technology of *li* precedes even the material innovations of storehouses and elaborate clothing. This view would be put even more strongly by late Warring States Confucian thinker Xunzi who would provide his own account of the origins of human civilization in his essay, "Discourse on Ritual" (*Lilun* 禮論), where the regulating power of *li* is presented as the origin by which the fundamentally selfish nature of human biology was tamed. However, as we have seen, even for critics of Confucianism *li* is expressed as a founding principle of complex society; to the extent the demands of this society might go against the grain of people's natural selves, *li* must be transgressed and discarded.

These interconnected issues show the larger setting within which Confucian thinkers would develop a justification for *li* as a tool for regulating the affective elements that underlie public order, court interactions, and the ethnically and hierarchically delineated concept of civilization. This view carried with it implications about the dynamics of political power, and the expectations of public responsibility (or oppression) that this concept could convey.

Chapter 2: Reforming the Rites and Changing Conventions

Introduction

This chapter explores some of the challenges and consequences involved in positioning ritual as a valuable tool in the political sphere. As we have seen in the previous chapter, the idea of *li* was connected to the history of the Three Ages and the ideas of civilization and refined customs and practices that this entailed. These concepts of interpersonal behaviour and refined customs were associated with specific ritualized and normative cultural practices, including the wearing of appropriate clothing and the embodied practices of submission and respect. They also implied values of tradition, gender distinction and social hierarchy that, through their association with ideas of civilization, carried assumptions about the correct political and ritual structure of society. Because of these wider implications of *li*, the theories about ritual psychology proposed in the Guodian manuscripts were also entangled within broader debates over culture and tradition. Asserting ritual's value as a form of social technology that could achieve specific political goals required these thinkers to clarify the nature of ritual and specifying the ways that ritual practices functioned in society. One potential result of this rhetorical approach was that it could place historical practices into the realm of open debate, raising questions about their social utility. If ritual practices are justified by their instrumental value in terms of cultivating political authority and creating social order, then this also creates a rhetorical opening for critics to argue for alternative practices and customs that might better achieve these goals.

These would become major points of contention as thinkers were forced to construct their political arguments within the context of beliefs about an idealized view of the past. The Warring

States period was marked by dramatic social and political changes, and so even as this idealized past was being imagined and fixed through the act of writing, major political reforms were being implemented all across the Chinese cultural sphere that pushed against the actual practices of antiquity. This meant that political arguments were often couched in terms that addressed issues of continuity and change, or tradition and innovation. The construction of a political theory could also require presenting a new historical paradigm in order to explain and justify it. These historical paradigms were often framed in terms of the origins of civilization, or the emphasis of particular historical periods as representative of the best practices of state rulers. While Confucians would tend to emphasize the Zhou state, Mohists tended to privilege the deeper antiquity of the early sage kings; thinkers of a primitivist or individualist bent would tend to privilege examples from an even deeper antiquity before civilization was deemed to have become too corrupted. Han Fei would take the strongest reformist line by arguing that models from the past, while instructive, should not be blindly followed when dealing with contemporary problems.

This contention over tradition would be particularly pertinent for theories of ritual, due to the relationship between ritual and historical authority.[121] Ritual practices are closely tied together with a sense of tradition, and the assertion of historical precedent is a prevalent strategy in the production of ritualized acts. As Bell argues, it is the "fixity of ritual's structure" that lends it its prestige, and consequently much of its social power.[122] Formalization, one of the key constitutive elements of ritualization, is able to lend ritual a form of traditional authority through appeals to the past.[123] This can be done subtly, as the very act of formalization can imply its own prestige by employing models of the past. Through its ties to the practices of historical precedent, formalized language and actions can also draw on feelings about ethnicity, nostalgia, and the cosmological order.

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[121] For a thorough discussion of ritual's connection to historical authority see Bell, *Ritual Theory*, 118-124; see also Bell's discussion of the strategic use of traditionalism in the construction of what she called "ritual-like activities," *Ritual Perspectives and Dimensions*, 145-150.

[122] Bell, *Ritual Theory*, 120.

At the same time, "tradition" is not fixed, and ritualization does not simply employ concepts of tradition to legitimize itself, but can also engage in the act of constructing tradition in new ways. This means that ritual is not simply the rote enactment of a fixed sense of tradition, but must be understood as one form of strategic action embedded within a particular cultural and historical setting. As Bell puts it:

> The continuity, innovation, and oppositional contrasts established in each case are strategies that arise from the 'sense of ritual' played out under particular conditions — not in a fixed ritual structure, a closed grammar, or an embalmed historical model.[124]

Understood as a strategic form of action, ritualization plays an active role in the construction, replication and employment of concepts of tradition, but the way that it does so depends on the field of cultural meaning within which it is used, as well as the political and social stakes for those participating in or debating on ritual practices.

For Confucian thinkers, the legitimacy and authority of ritual propriety comes largely from its connection to the past, but the relationship is not quite so simple. In the *Analects* we can see some examples in which the construction of ritual acts is being considered in terms that weigh the strategic value of tradition. Confucius speaks most broadly of this, of course, with his claim that he merely “transmitted” (*shu* 述) but did not “innovate” (*zuo* 作)[125]. In this case he is speaking broadly about cultural traditions. However, there are also examples where this plays out more specifically in terms of ritualized acts:

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[123] Bloch, *Political Language and Oratory* (New York: Academic Press, 1975): 3-4, 9. Cited in Bell, *Ritual Theory*, 120.

[124] Bell, *Ritual Theory* 124.

> 子曰：「麻冕，禮也；今也純，儉。吾從眾。拜下，禮也；今拜乎上，泰也。雖違眾，吾從下。」
>
> The Master said, “A ceremonial cap made of linen is prescribed by the rites (*li* 禮), but these days people use silk. This is frugal, and I follow the majority. To bow before ascending the stairs is what is prescribed by the rites, but these days people bow after ascending. This is arrogant, and — though it goes against the majority — I continue to bow before ascending.”[126]

Here, the concern is over the internal feeling of submission associated with the ritual conduct, and a very limited range of change is allowable in the case of the ceremonial cap. The *Analects* is fraught with a sense of ongoing loss of traditional practices and Confucius is portrayed in this text as taking on the tragic mantel of the preserver of these practices. In the passage above, he attempts to navigate the divide between following the practices of the majority (*cong zhong* 從眾) and the need to preserve the best version of ritual practice by opposing them (*wei zhong* 違眾). Implicit to this tension is an awareness that historical practices are, at some level, constructed and contingent and that it takes effort to preserve them. In this particular case, the strategic construction of the ritual act involves at least three elements: the embodied act of submission through bowing, the physical space of the stairs that leads up to the ruler, and Confucius’ evocation of a putative historical authority by deliberately bowing before ascending. The fact that he was no longer in the majority suggests that this evocation of historical authority was not particularly powerful, and was perhaps no longer undergirded by shared assumptions about the authoritative relationship between ministers and rulers.

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[125] *Analects* 7.1.

[126] *Analects* 9.3, translation from Slingerland, *Analects*, 87.

The *Analects* also demonstrates an awareness that these customs and ritual practices developed over time — from the Confucian perspective, they were improved over time until they reached their apex in the Western Zhou.[127] The loss of these ideal versions of ritual practice represents the ongoing dissolution of the authoritative structure of the Western Zhou state, a point made clear by Confucius' frustration with the ministerial families' gradual encroachment on the sumptuary and ritual privileges of the Zhou ruling family and their descendants.[128] This sense of loss is presented somewhat ambiguously in the following passage, where Confucius is critical of his disciple Zigong:

> 子貢欲去告朔之餼羊。子曰：「賜也，爾愛其羊，我愛其禮。」
> Zigong wanted to do away with the practice of sacrificing a lamb to announce the beginning of the month. The Master said, "Zigong! You regret the loss of the lamb, whereas I regret the loss of the rite (*li* 禮).[129]

Here too, Confucius laments the ongoing disappearance of the Zhou state ritual system. The disappearing *gushuo* 告朔 ritual appears to have been one that represented the connection between the ruler of the Zhou state and his regional lords, and its loss can be presumed to have been an indication of moral decay. In this case, the historical and religious setting of the *gushuo* ritual seems to have been largely lost.

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[127] See especially *Analects* 2.23 and 3.14. As noted in the previous chapter, this perfection of culture is made clearest in Xunzi's essay, "Discourse on Ritual," and as we will see in Chapter Four of this study this view of ritual is also laid out very clearly in the Guodian text *Xing zi ming chu*.

[128] For example, in *Analects* 3.1.

[129] *Analects* 3.17, translation from Slingerland, *Analects*, 24.

To perform these effectively "lost" rites of bowing before ascending stairs or the *gushuo* sacrifice is to evoke a complicated relationship with tradition. Confucius' performances assert the propriety of specific political relationships by employing the legitimizing power of historical authority, but they are also arguably creative in the sense that he is attempting to construct a model for solving problems of his own age.[130] The small allowance of a change to the material of the ritual cap suggests an idea of a best practice of ritual, and the model of ritual practices that can best achieve his specific political ends are those that emphasize the social and political relationships that defined the Western Zhou state. This connection of *li* to the Western Zhou state, although not totally ahistorical, was also something that Confucian thinkers were continually imagining and constructing. It also created a direct association between the Confucian agenda and a highly specific set of social, religious and political concepts that were largely at odds with the general trend of social change that marked the Warring States period.

This chapter will explore the complicated relationship that *li* had with with historical authority and political reform in the Warring States period. This will be done first by looking at the different Warring States narratives of the Spring and Autumn statesman Chong'er 重耳, first from the *Han Feizi*, then from the *Zuo zhuan* 左傳 and then finally focussing on the narrative from the *Guoyu* 國語 text. The differences between each text's portrayal of the moral lesson to be drawn from the life of Chong'er show how authorial purpose shaped the portrayal of *li* in these texts. The example from the *Guoyu* text in particular presents a clear attempt to construct a notion of tradition in which a Confucian conceptualization of *li* is at the centre. In this idea of tradition, the patrilineal system of relationships between the living and their ancestors is asserted as the core element of *li*'s relationship to politics.

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[130] As will be noted in more depth below, this "ambivalence" regarding creation and innovation is a prevalent tension in early Chinese thought, as has been demonstrated by Michael Puett, *Ambivalence of Creation: Debates Concerning Innovation and Artifice in Early China* (Stanford: Stanford University Press, 2001).

The second part of this chapter then turns to the wider issue of social customs, and explores how the Confucian assertion of *li* as a valuable social technology is embroiled within a larger debate about culture and innovation. Because *li* was tied to a specific picture of traditional political and social order, these customs were at odds with the need for political reform that many statesmen and thinkers were pursuing. While Confucian thinkers would push for the value of the practice of traditional normative ritual behaviour encapsulated in the concept of *li*, a parallel concept of social customs, or *su* 俗, was also available for thinkers to conceptualize the cultural traditions and customs that varied across time and space. Just as *li* would assert the value of normative customs of clothing, funerals, and the performance of ancestral veneration, discussions of *su* could argue that any such performances are historically contingent and should be judged by their social utility, not their putative historical authority. This point also raises compelling questions about the place of not just tradition but also social practice more generally in any attempt to accomplish political reform. These examples provide greater context for understanding what was at stake in the development of a theory of *li*, as well as how intellectual opponents countered the appeals to historical authority that justified the Confucians' political vision.

The Historiography of *Li*

It remains an open question precisely how and when *li* came to take on its meaning as an internal, ethical value and a concept that could restore and resolve the political turmoil of the Eastern Zhou period. Sources are scant for understanding the intellectual world of the Spring and Autumn period (771 - c. 400 BCE), and so it remains uncertain to what degree Confucius and his followers were innovative in their ethical conceptualization of *li*, versus to what degree they were simply continuing a trend that was already underway. One possible historical source for answering this question is the *Spring and Autumn Annals* (*Chunqiu* 春秋, henceforth *Annals*), the historiographical record from which the Spring and Autumn period derives its name. This text is organized chronologically into the reign periods of twelve Dukes of the state of Lu 魯, a region with historical associations to Confucius, to whom authorship of the text would come to be ascribed. The *Annals* is laconic, often only giving the date and barest description of events, apparently drawing on the practice of court scribes (*shi* 史) who documented court events for the purposes of leaving a record for posterity and for communicating to ancestral spirits. Scribes presumably also transmitted additional information about these accounts across generations, and there was almost certainly also a living oral tradition of narrative accounts of figures from history. The terse and often unclear nature of these scribal documents gave rise to other historiographical and narrative historical accounts that came to surround the *Annals*, most notably the *Zuo Tradition* (*Zuo zhuan* 左傳, henceforth, *Zuo*), a text that, although not quite a commentary on the *Annals*, does expand upon, elucidate and make moral assertions based on the events recorded in the *Annals*.[131]

Yuri Pines has argued that careful exegesis can allow us to make use of the speeches of statesmen in the *Zuo* as an authentic historical source of the political ideas of the Spring and Autumn period. He concludes that we can trace in the *Zuo* a change in how ritual order was conceptualized, with the concept of *li* gradually taking on the broader ethical concepts so often attributed to Confucius. As he frames it,

> By distilling the hierarchical principles of *li* from its ceremonial form, they succeeded in expanding its meaning to encompass ever broader spheres of activity, and to extend the relevance of *li* from a handful of higher dignitaries to the majority of the populace.[132]

For Pines, this gradual change resulted in *li*'s meaning shifting from specific reference to sacrificial rites[133] to include the wider space of the ritual-political order and even people's internal moral qualities. Unfortunately, this is complicated by the fact that the *Zuo* is a problematic and difficult text, comprised of multiple layers of editing and authorship that are difficult to sort out. As David Schaberg has noted, the *Zuo* text takes the form of a literary narrative, which might more appropriately place the text within the category of literature than that of "historical record".[134] What makes the use of this text particularly problematic is that the most clearly ideological layer of authorship employs the concept of *li* as the normative lens through which political events are interpreted. The fact that the speeches asserting the primary importance of *li* to the political order so frequently mirror this ideological viewpoint raises significant questions about their historical veracity. Ultimately, it is difficult to separate the narrative intention of the authors of the *Zuo* from any authentic record of state speeches, and there is also little evidence beyond these historiographical texts to suggest that this innovative idea of *li* as political solution to the political turmoil of the times predated the Warring States period, or was common outside of Confucian, or at least what Schaberg calls "traditionalist," circles.

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[131] See especially Schaberg, *Patterned Past* and Pines, *Foundations.*

[132] Pines, *Foundations*, 91-92.

[133] The view that *li* originally referred to sacrificial rites largely derives from the etymology of the character, and the definition in the *Shouwen jiezi* 說文解字, "*Li* is "to carry out"; it is the means by which one serves the spirits to gain good fortune" (禮：履也。所以事神致福也).

[134] Schaberg, *A Patterned Past*.

Thoroughly tackling this issue ultimately lies outside the scope of this study, and so for now it will suffice to say that regardless of the authenticity of the speeches of the *Zuo* text, by the Warring States period the meaning of *li* seems to have mainly referred to notions of decorum, etiquette and social mores, along with the associated practices involved in the social enactment of these notions that were discussed in the previous chapter. Confucian writers were asserting *li* as a concept of urgent political importance, and regardless of whether this was a continuation of ideas deriving from Spring and Autumn statesmen or an innovation of their own, they presented *li* as representative of the traditional moral and religious structure of the Zhou state.

Here, I want to look at just one example of this traditionalist perspective on *li*, and the way that this was built into a specific view of politics and inter-state relations as expressed through ritual action. This will be done by considering three different versions of the same narrative. The narrative in question is of Chong'er 重耳 (697-628 BCE), more famously known as Duke Wen of Jin (*Jin Wen Gong* 晉文公). According to these narratives, he spent years in political exile after fleeing his home state of Jin during a succession crisis, wandering between states, both of the "foreign" Di 狄 polity as well as several Zhou states before finally returning to

Jin to rule briefly but successfully from 636 to 628 BCE. His importance to history is owed to the power achieved by the state of Jin during his reign that ultimately culminated in his becoming the second Hegemon, or Lord Protector (*ba* 霸), a title nominally conferred by the Zhou king but which in fact indicated his weakening authority.[135]

The accounts of Chong'er's years of exile differ in some details between the three versions of the narrative, but the basic story remains the same. Due to political intrigue caused largely by the non-Chinese concubine of his father, Chong'er is forced to leave the state of Jin. He eventually begins to wander with his retinue between different Zhou states. During this exile, a number of state rulers ignore the remonstrations of their advisors and treat Chong'er without "courtesy" (*li*). These advisors are able to see that Chong'er, a man of quality with a retinue of superb followers, is bound to eventually take control of the powerful state of Jin and will likely exact his vengeance upon those who mistreated him in his exile. Where these accounts differ most sharply is in the respective lessons that are drawn from the events.

Han Fei's account of Chong'er's years of wandering is used to illustrate one of the "Ten Faults" (*Shiguo* 十過) of the chapter of that name, in this case "having a small state but behaving without courtesy, and neglecting remonstrating ministers." For Han Fei, the ruler of a weak state should not risk angering his more powerful neighbours. Violating *li* could have very real and significant consequences, giving one's enemy a potential *casus belli* for a punitive campaign. As in all of these accounts, in the *Hanfeizi* Chong'er travels in his exile to a variety of states, where he is subject to slights and humiliations. First, he goes to the state of Cao 曹, where the ruler rudely demands him to remove his upper garments so that he can see Chong'er's famous fused ribs. The Duke of Cao's minister, Xi Fuji 僖負羈 attempts to remonstrate with him, but is ignored. On the advice of his wife, Xi sends a gift of food with jade discs hidden within to Chong'er, who accepts the courteous intention but declines the jade. As predicted by Xi's wife, upon taking control of the Jin state, Chong'er is swift to deliver retribution to Cao. The only figure to survive this retribution is Xi, who is informed that his household compound will be spared any slaughter, allowing him to shelter a number of families. This outcome leads Han Fei to note, "This is the value of courtesy" (*ci li zhi suo yong ye* 此禮之所用也), and he concludes with the following historical lesson:

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[135] The first Lord Protector was Duke Huan of Qi (齊桓公, r. 685-643 BCE), during whose reign and under the premiership of Guan Zhong 管仲 (c. 720-645 BCE) the state of Qi 齊 became a major power. Duke Huan established a league of northern states, with Qi in a position of leadership, ostensibly to unite the Zhou cultural sphere and defend the authority of the king against foreign enemies.

> 故曹小國也。而迫於晉、楚之間。其君之危猶累卵也。而以無禮蒞之。此所以絕世也。故曰。國小無禮。不用諫臣。則絕世之勢也。
>
> Thus, Cao was a small state, pressed between Jin and Chu.[136] The danger for Cao's ruler was (as precarious) as a pile of eggs, and yet he treated (his guest) without courtesy. This is how it came that his posterity was cut off. So, it is said: having a small state and behaving without courtesy, and neglecting remonstrating ministers is a condition that will result in the cutting off of one's posterity.[137]

The *Zuo* version of the story draws greater significance from the concept of *li*. For Han Fei, *li*'s importance only extends as far as the capacity for rudeness to have negative political consequences for rulers of small states, but the *Zuo* text makes *li* into an issue of much greater significance. In the *Zuo*'s layers of authorial perspective, both the anonymous Gentleman (*Junzi* 君子) and Confucius himself use ritual performance as a means for judging the decisions of historical actors, and other characters within the narratives themselves will sometimes use violations of ritual norms as a means for prognosticating political and personal futures.[138] As Durrant et al. note,

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[136] At this point, almost certainly the two most powerful states in the Chinese cultural sphere.

[137] Han Feizi, "Ten Faults" (*Shiguo* 士過).

> The order *Zuozhuan* offers as the surest antidote to the growing chaos of the age is ritual propriety, or *li* 禮. In speech after speech, *Zuozhuan* rhetoricians warn of the deleterious results of departures from ritual propriety. In fact, the motor of historical change — invariably change for the worse — is deviation from ritual.[139]

In Schaberg's description, *li* "names an ideal order of mimesis in which prescribed social structures and procedures outlive the successive generations who use them."[140] Thus, failures to adhere to *li* are often viewed as signs of impending disaster, even if the way these stories play out are not always clear-cut. Perhaps the most famous example is the account of a battle between the states of Song and Chu at Hong 泓 River in the twenty-second year of Lord Xi (638 BCE). In this battle, the Song troops had the advantage of having already formed their ranks before the Chu troops were able to cross the river. Against the advice of his advisor, Ziyu 子魚, the duke waited for the Chu troops to cross the river and fully form their ranks before attacking. The result was a total defeat for the Song. When criticized by the capital populace (*guoren* 國人), the duke defends his actions with reference to the proper and ethical conduct of war:

> 君子不重傷，不禽二毛，古之為軍也，不以阻隘也，寡人雖亡國之餘，不鼓不成列。
>
> The noble man does not inflict wounds twice, nor does he take as prisoners those with graying hair. When the ancients engaged in warfare, they did not take advantage of difficult terrain and

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[138] Durrant et al. note that there are "seventy-eight instances distributed relatively evenly through out the text" of the Gentleman providing historical judgements, and twenty-five instances of Confucius being quaoted, "mostly in the years of the Lu Lords who ruled in the latter part of the Spring and Autumn period." *Zuo Tradition*, xxviii.

[139] Durrant et al., *Zuo Tradition*, xxviii.

[140] Schaberg, *Patterned Past*, 74-75.

> narrow straits. Although I, the unworthy one, am but a remnant of a fallen domain, I do not bang the drum to urge an attack upon those who have not formed their ranks.[141]

However, at no point in the text are the Song Duke's actions stated to be "in accordance with ritual," and indeed the entire point of this narrative appears to be to point out his arrogant and foolish personality. Despite Chu winning the battle, the following account is provided in which an explicit failure to adhere to the rules of *li* by Chu is given as an example of why the king will fail to fulfill his own ambitions:

> 楚子入饗于鄭，九獻，庭實旅百，加籩豆六品，饗畢，夜出，文芊送于軍，取鄭二姬以歸，叔詹曰，楚王其不沒乎，為禮卒於無別，無別不可謂禮，將何以沒，諸侯是以知其不遂霸也。
>
> On the dingchou day (9), the Master of Chu entered Zheng to receive ceremonial toasts. There were nine wine offerings, and in the court goods were displayed by the hundreds. Supplemental delicacies in bamboo and wooden containers amounted to six types. When the ceremonial toasts were over, the guests came out by night, with Mi, the wife of Lord Wen of Zheng, escorting the Master of Chu back to his military camp. He took two women of the Zheng ruler's family and returned home. Shuzhan said, "I expect the King of Chu will not die a natural death! In performing the ritual, he ends up by making no distinctions between male and female (*wu bie* 無別)" What lacks appropriate distinctions cannot be considered ritual propriety. How will he die a natural death?" The regional lords knew by this that the Master of Chu would not achieve his goal of becoming Lord Protector.[142]

In this example, neglecting the rules of *li* takes the form of failing to properly separate men and women, a violation that is sufficient to determine the fate of the state of Chu. Implicit in this critique is the argument that the cultural values of Chu are so fundamentally depraved that its leaders cannot achieve political success. This view of *li* is consistent throughout *Zuo zhuan*, and although the precise lessons to be gleaned from these events are not always consistent with what we might expect from a Confucian reading of history, *li* is clearly viewed in the text as having a genuine moral force in the world.

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[141] *Zuo zhuan*, Lord Xi 22. Translation from Durrant et al., *Zuo Tradition*, 357.

[142] *Zuo zhuan*, Lord Xi 22. Translation from Durrant et al., *Zuo Tradition*, 359. Emendations have been made for the sake of consistency in translation of titles and terms in this study. Durrant et al. translate *ba* 霸 as "overlord" and *zhuhou* 諸侯 as "princes,"where I have translated these terms as Lord Protector and Regional Lords respectively.

In terms of the narrative of Chong'er's years of wandering, the *Zuo* account is much longer than Han Fei's. When he finally leaves the land of the Di, he first passes through Wey 衛 where it is simply stated that he they did not treat him with courtesy (*bu li yan* 不禮焉). He then travels to Qi where he is treated so well he does not wish to depart, and in a slapstick affair his advisors are forced to get him drunk and cart him out of the state. He then arrives at Cao where the ruler of Cao, hoping to see his famous fused ribs, spies on him while he is bathing. Here, we also hear the story of Xi Fuji and his wife. In Zheng he once again is treated without courtesy before he finally arrives in Chu, where the ruler treats him with a banquet (*xiang* 饗). The consequences for Xi Fuji in the *Zuo* account are similar to the account from *Han Feizi*. On defeating Cao,

> 令無入僖負羈之宮，而免其族，報施也。
> He ordered that no one enter Xi Fuji's residence, and he pardoned his entire line. This was to reward Xi Fuji's generosity.[143]

In the *Zuo* account, this angers two of Chong'er's advisors who set fire to a building belonging to Xi Fuji's family.

Finally, the *Guoyu* closely follows the *Zuo* account, but appends some lengthy speeches from the remonstrating advisors, using these characters as mouthpieces for an ideological interpretation of *li* that embeds it within a specific traditionalist political philosophy. In this account, when Chong'er arrives in the state of Wey 衛, the duke, anxious about the military threats from the Xing 邢 and Di 狄 polities, is too preoccupied to be properly courteous to his guest. Chong'er then travels to the state of Cao 曹, where the duke is discourteous (*buli* 不禮) to him, spying on Chong'er while he bathes in order to see his fused ribs, and once more he is treated to rude behaviour in Zheng. In each of these cases, the rude ruler in question has an important advisor attempt to warn him of the foolishness of his behaviour, and in each case this advice is rebuffed.

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[143] *Zuo zhuan*, "Lord Xi 28." Translation from Durrant et al., *Zuo Tradition*, 411. Durrant et al. translate *zu* 族 as "house," whereas I have translated it as "line" for consistency with other translations in this study.

In the first instance, the Duke of Wey is advised by his Prime Minister, Ning Zhuangzi 甯莊子, not to treat courtesy as a minor issue that can be set aside during times of distress:

> 夫禮，國之紀也；親，民之結也；善，德之建也。國無紀不可以終，民無結不可以固，德無建不可以立。此三者，君之所慎也。今君棄之，無乃不可乎！晉公子善人也，而衛親也，君不禮焉，棄三德矣。
>
> *Li* is the guiding principle of the state, kin affection is the binding knot of the people, and goodness is the foundation of Virtue. A state without a guiding principle will not be able to endure, a people without a binding knot will not be able to unite, and Virtue without a foundation will not be able to stand. These are the three things over which a Ruler must be concerned. My lord must not cast them aside! This prince of Jin is a good person and is of close kin relation to Wey, but when my lord does not treat him with courtesy he has thus cast aside these three virtues.[144]

Immediately after presenting this argument based on the moral virtues of necessity to the state, Ning takes a different tack:

> 康叔，文之昭也。唐叔，武之穆也。周之大功在武，天祚將在武族。苟姬未絕周室，而俾守天聚者，必武族也。武族唯晉實昌，晉胤公子實德。晉仍無道，天祚有德，晉

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[144] "Records of Jin" (*Jinyu* 晉語"), *Guoyu* 國語. Translations from *Guoyu* are my own, but I was also able to make reference to sections translated in Alan Imber, "Kuo Yü: An Early Chinese Text and its Relationship with the Tso Chuan," Doctoral Dissertation, Stockholm University (1975).

> 之守祀，必公子也。若復而修其德，鎮撫其民，必獲諸侯，以討無禮。君弗蚤圖，衛而在討。小人是懼，敢不盡心。
>
> Kang Shu was enshrined to the left of King Wen, and Tang Shu was enshrined to the right of King Wu.[145] The great success of the Zhou resides with Wu[146], and so Heaven's favour was conferred upon his line (*zu* 族). If the Ji have not yet been cut off from the Zhou court and still preside over Heaven's concerns, then this must be attributed to the Wu line. Of the Wu line, only Jin has truly prospered, and of the descendants of Jin this prince is truly virtuous. Jin is now without the Way, but Heaven confers its favour upon the Virtuous and so it must be this prince who will (once again) oversee its sacrifices. If he returns home and then cultivates his virtue and pacifies and nurtures the people, then he will surely win over the regional lords and use (this authority) to pursue punitive campaigns against those who did not treat him with courtesy. If my lord does not reconsider this action immediately, Wey will be subject to this punitive action. Your humble servant fears this outcome, and so dares to speak so frankly.[147]

In the second instance, in the state of Cao, the duke's minister Xi Fuji provides his ruler with a warning over his failure to treat Chong'er with proper courtesy and receives the following rejoinder from his lord:

> 諸侯之亡公子其多矣，誰不過此！亡者皆無禮者也，余焉能盡禮焉！
>
> Among the regional lords there are plenty of exiled princes, and who among them has not passed through here? As these exiles are all lacking courtesy themselves, why should it be I who must extend full courtesy?[148]

Xi Fuji responds by emphasizing the moral importance of *li*, particularly in caring for those who are related kin (*qin* 親):

> 臣聞之，愛親明賢，政之干也。禮賓矜窮，禮之宗也。禮以紀政，國之常也。
>
> Your servant has heard it said that the pillar of good government lies in caring for those of close kin relation and recognizing worthiness; that the root of *li* is being courteous (*li*) to

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[145] Kang Shu was the founder of the state of Wey, and Tang Shu was the founder of the state of Jin. Both were immediate family members of the Zhou royal lineage, and therefore of the Ji 姬 lineage.

[146] For having overthrown the tyrannical King Zhow of the Shang 商紂王, and establishing the Western Zhou state.

[147] "Records of Jin" (*Jinyu* 晉語"), *Guoyu* 國語.

[148] "Records of Jin" (*Jinyu* 晉語"), *Guoyu* 國語.

> guests and taking pity on those in need; (and) that the constancy of the state lies in treating *li* as the guiding principle of government.[149]

He then continues with the following historical account, mirroring Ning Zhuangzi's remonstrance above:

> 先君叔振，出自文王，晉祖唐叔，出自武王，文、武之功，實建諸姬。故二王之嗣，世不廢親。今君棄之，不愛親也。晉公子生十七年而亡，卿材三人從之，可謂賢矣，而君蔑之，是不明賢也。謂晉公子之亡，不可不憐也。比之賓客，不可不禮也。失此二者，是不禮賓，不憐窮也。守天之聚，將施于宜。宜而不施，聚必有闕。玉帛酒食，猶糞土也，愛糞土以毀三常，失位而闕聚，是之不難，無乃不可乎？君其圖之。
>
> The former ruler Shu Zhen[150] was of the issue of King Wen; the progenitor of Jin, Tang Shu, was of the issue of King Wu. The success of Wen and Wu truly established the foundation for the Ji. And consequently the descendants and inheritors of these two kings do not discard their close relations. My lord is now doing away with this, and is not caring for his close relations. At the age of seventeen, this prince was exiled, and three of the men who follow with him are of the quality of great ministers and can truly be said to be worthies. Yet, my lord treating him with disdain is a failure to recognize worthiness. This so-called exiled prince of Jin cannot but be treated with sympathy. As he is your guest, you cannot but treat him with courtesy. To be without these two principles is to fail to treat guests with courtesy, and to fail to care for the needy. To preside over Heaven's concerns means to enact Rightness. If Rightness is not enacted, then there will insufficiencies among Heaven's concerns. Jade, silk, liquor and food are like manure to fertilize the soil. Fall in love with this manure at the expense of these three principles and you will lose your position, and mobs will arrive at the palace. Surely it can not be anything but a disaster if my lord intends to act in this fashion.[151]

One partial exception is the treatment of Chong'er by the King of Chu, but the correctness of this treatment is portrayed in an ambiguous way. Despite the Chu King's wisdom in seeing the worthiness of Chong'er and his retinue, it remains possible that Chu is being obliquely criticized for their encroachment on the Zhou king's ritual prerogatives.[152] Chu's treatment of Chong'er is described as follows:

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[149] "Records of Jin" (*Jinyu* 晉語"), *Guoyu* 國語.

[150] Zhenduo of Cao 曹振鐸, one of King Wen of Zhou's children, and the younger brother of the Duke of Zhou. Zhenduo was appointed lord over the Cao territory. He would have been of the Ji lineage (*xing* 性), but of the Cao sub-lineage *shi* (shi 氏), and of the line (*zu* 族) of King Wen, rather than of King Wu.

[151] "Records of Jin" (*Jinyu* 晉語"), *Guoyu* 國語.

> 楚成王以周禮享之，九獻，庭實旅百。公子欲辭，子犯曰：「天命也，君其饗之。亡人而國薦之，非敵而君設之，非天，誰啟之心！」
>
> King Cheng of Chu presented him with a banquet in accordance with the ritual decorum of Zhou[153] toasting him nine times and setting out the array of sumptuary vessels and hundred offerings. Chong'er wanted to decline this treatment, but Zifan said to him, "This is Heaven's mandate that my lord is feasted in this way. Although you are an exile, the state has officially welcomed you (as though you were a state guest), and although you are not of his rank, the ruler has laid out these offerings (as though to a lord). Whose will could this be expressing, if not Heaven's?[154]

In all three of these instances, *li* remains largely confined to the concept of courtesy, in terms similar to what we saw in the previous chapter. The instances of failures to adhere to the rules of ritual propriety are acts of clear rudeness in terms of direct personal interactions, or else failures to greet and host prestigious visitor in the correct ritual fashion. In the case of the example of the king of Chu, although he may have possibly overshot the bounds of propriety in his ritual greeting, the precise way in which he succeeds in being courteous is importantly described in conservative and specific terms: the laying out of sumptuary sets and offering of toasts. It is up to the authors of the respective narrative versions to draw out the moral lessons to be taken from what must have been a widely known historical account, and to explain how *li* relates to politics.

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[152] Since King Wu of Chu 楚武王 (d. 690), the rulers of the southern state of Chu had taken on the title of king. They were the first state to do so, and this was the justification for Duke Huan of Qi's punitive campaign against them as the first Lord Protector.

[153] Or, alternatively, in accordance with the *Rites of Zhou* (*Zhou li* 周禮) text.

[154] "Records of Jin" (*Jinyu* 晉語"), *Guoyu* 國語.

What is important about the *Guoyu* account is how it embeds its discussion of *li* within the political structure of the Western Zhou state and the way that the territorial regions were first appointed to members of the king's own immediate family. This structure is based on the ancestral lineage system and the Ji 姬 surname of the Zhou king. In each instance of rude treatment of Chong'er, an advisor attempts to explain to his ruler the kin relationship (*qin* 親) that connects their own state with that of Jin. The progenitors (*zu* 祖) of the Zhou states are mentioned alongside their place in the lineage structure, with the Ji family of the Zhou king listed first, then their issuance within the lineage segments (*zu* 族) of the particular kings, either Wen 文 or Wu 武, and finally the lineage branches (*shi* 氏).[155] Explicit reference is also made by the Wey Prime Minister Ning Zhuangzi to the ancestral temple layout, when he notes "Kang Shu was enshrined to the left of King Wen, and Tang Shu was enshrined to the right of King Wu."[156]

The *Guoyu* is attempting to directly tie the relevance of ritualized enactments of courtesy to a larger political ideology based on the lineage system of the Zhou, and by extension to the ritual structure of the ancestral cult. This rhetorically places ritualized acts at the heart of a process of constructing tradition, and asserts that this ritual order must be maintained to ensure political stability. The particular version of tradition the *Guoyu* is arguing for was made up of the very elements of the political and social structure that were losing their relevance during the

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[155] For discussions on the history of the family in this period see Wang Lihua, *Zhongguo jiating shi, Di yi juan: xian-Qin zhi Nanbeichao shiqi* 中國家庭史第一卷：先秦至南北朝時期 (Guangzhou: Guangdong renmin, 2007); Zhu Fenghan, *Shang Zhou jiazu xingtai yanjiu* 商周家族型態研究 (Tianjin: Tianjin chubanshe, 2004). See also Pulleyblank, "Ji 姬 and Jiang 姜: The Role of Exogamic Clans in the Organization of the Zhou Polity." As Pulleyblank notes, many studies from China on the history of the family tend to use a Marxist historical framework, which carries with it certain teleological historical assumptions.

[156] For a discussion of the ancestral temple see Martin Kern, "Bronze Inscriptions."

Warring States period. This suggests some of the ways in which the assertion of *li* as part of a political theory was fraught. The practices of *li* derive much of their legitimacy from historical authority, and yet the entire political-social structure from which it derived its authority was waning.

Much of the political thought in Warring States China took place under the long shadow cast by the Western Zhou state, both in the imagination of Warring States thinkers and in terms of the actual institutions that formed the structure of the political system even after the formal elements of this system had ceased to be relevant. The Zhou conquest of the Shang state in c. 1045 BCE and the subsequent defeat of an uprising from the newly conquered Shang territories resulted in a system of authority with the Zhou king at the head, located in the traditional Zhou homeland along the Wei 渭 river, and with territorial commanderies in the eastern territories with appointed regional lords from the ruler's family.[157] This seems to have relied on a system of ritualized semi-bureaucratic appointments that focused on the legitimate authority of the ruler being tied to his position at the ancestral temple in the Zhou heartland.[158]

These ceremonies, and the authority of the Zhou ruling house along with it, are commemorated in the ritual inscriptions on the aesthetically impressive bronze vessels that were part of a broader ritualized system centred on veneration of patrilineal ancestors.[159] Our understanding of the Western Zhou ritual-political system is somewhat fragmentary, relying largely on bronze vessel inscriptions as well as later written sources, the earliest of which include the *Book of Odes* (*Shijing* 詩經) and the *Book of Documents* (*Shangshu* 尚書). However, the arguments about political legitimacy and the structure of the ancestral temple that we piece together from these documents very likely represent the result of a series of changes towards the end of the Western Zhou period in the face of increasing political instability.[160] We also see indirect evidence of an attempt to re-orient the ritual-political system in the archaeological record of a late Western Zhou ritual reform. This apparent reform is shown in the disappearance of vessels used for holding liquor and an increased focus on vessels for sacrificial foods, an increased focus on clearly delineated sumptuary sets that indicated social and political ranking and privilege, and an increased focus on a simple and austere aesthetic in the bronze vessels.[161] If this reform occurred during the outset of the late Western Zhou period, then this would indicate it took shape during a period of political instability, perhaps a time when the legitimacy of the Zhou king was being challenged by powerful members of the aristocracy, and in the face of an ongoing and increasingly distressing military threat from foreign polities, particularly on the northwest frontier.[162]

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[157] Li Feng, *Landscape and Power in Early China: The Crisis and Fall of the Western Zhou, 1045 - 771 BC* (Cambridge: Cambridge University Press, 2006).

[158] Li Feng, *Bureaucracy and the State*.

[159] See Falkenhausen, "Late Western Zhou Taste."

This instability would eventually result in a succession crisis and a major military defeat, with the so-called Western Rong 戎 conquering the Zhou capital in 771 BCE. The sacking of the Western Zhou capital and the subsequent move of the capital to the east would create a persistent sense of political turmoil. The Spring and Autumn period was marked by the disintegration of the

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[160] Kern, “Bronze Inscriptions”.

[161] Falkenhausen, C*hinese Society in the Age of Confucius (1000-250 BC): The Archaeological Evidence* (Los Angeles: Cotsen Institute of Archaeology, University of California), 49-50. See also, Rawson, *Arthur M. Sackler Collections*, Falkenhausen, “Late Western Zhou Taste.”

[162] Li, *Landscape and Power*.

Zhou ruling lineage's authority and centuries of self-destructive internecine war amongst the noble houses.[163] Simplifying these complex political and social changes, the result can be described as a thinning of out of the noble houses and a starker social gap opening up between the rulers of large territorial states and the increasingly prominent *shi* 士 class of knight-scholars who were given much of the responsibility of managing the state apparatus.[164] The social, religious and political changes of the Spring and Autumn period were complex, and involved changes in the role of ancestral veneration in managing political and social relationships with both the living and the dead,[165] and consequently in the shape of the ritual-political nature of the state.

In the *Guoyu* example above, ritual acts were being conceptualized as enactments of a particular system of traditional political authority focused on ancestral veneration. This was part of a larger attempt seen in the *Zuo zhuan* and *Guoyu* texts to interpret political history through the lens of *li*, and so at least in part to present ritual performance as a means to reconstitute an ideal form of moral governance, based on the Western Zhou state. Because one of the most salient strategies employed to construct ritualized acts is the exertion of historical authority, this placed ritual within a contentious space of political debate. This was particularly true for a theory of ritual focused on *li*, as this was unavoidably attached to notions of tradition.

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[163] Hsu, Cho-yun, *Ancient China in Transition: An Analysis of Social Mobility, 722-222 B.C.* (Stanford: Stanford University Press, 1965).

[164] See Falkenhausen, *Age of Confucius*, for the archaeological evidence of this widening social gap. See Pines, *Enduring Empire*, for a discussion of the *shi* class and their attempts to assert their power in the Warring States period.

[165] For analyses of the changing perception of the afterlife and the decreasing importance of ancestors see Falkenhausen, *Age of Confucius*; Mark Edward Lewis, *Sanctioned Violence in Early China* (New York: State University of New York Press, 1990). These ongoing changes would continue on into the Warring States period and are dramatically attested in the archaeological record: see John S. Major, "Characteristics of Late Chu Religion," in *Defining Chu: Image and Reality in Ancient China*, ed. Constance Cook and John S. Major (Honolulu: University of Hawai'i Press, 1999), and Cook, *Death in Ancient China: One Man's Journey* (Leiden: Brill, 2006).

The *Guoyu* text presents an example in which an already existing historical narrative is given greater significance through emphasis on historical authority, and the violation of notions of decorum are interpreted as a failure to understand and participate in the ancestral political-ritual system of governance asserted by Heaven itself. *Guoyu* draws the reader's attention to *li* as specific ritualized enactments of a historically authoritative moral order. Xi Fuji and the Chu King represent the only clear example of people who enacted ritual decorum, in both cases through particular ritualized acts. Acts of ritual violation are the embodied indications of a failure to evoke and participate in this same ritual order; however, in the case of the *Zuo* the implications of *li* are much more subtly intertwined within the narratives than in the *Guoyu* where, for example, in the narrative of Chong'er, violations of *li* are very directly tied to the ancestral lineage structure of the Western Zhou state, and the familial bonds of the states are directly evoked. This tied *li* together with a clearly articulated narrative about the Zhou political state, and helped shore up the view that *li* was one of the primary constitutive elements tying together the Zhou people as they were surrounded by foreign enemies, and as state elites slaughtered each other through centuries of internecine conflict.

Social Customs

The example from the *Guoyu* text shows an active attempt to draw a connection between the practices of *li* and the authoritative and historical structure of the Western State and its basis within the ancestral lineage system. In this example, the historical authority of these practices are used in an attempt to construct a historical narrative in which *li* is fundamental to the origins and structure of the Zhou state itself. In doing so, this created the possibility of arguing that violations of the rules of ritual decorum are inherently corrosive to the social and political order. In contrast, we can see in discussions of the concept of "social customs," *su* 俗, examples where a the reliance on historical authority to legitimize ritual practices becomes a point of rhetorical weakness for Confucian thinkers. At its very broadest, *su* simply denotes common or typical practice, and when part of the compound term *shisu* 世俗 it could simply mean "common practice" or simply "the present age."[166] More specifically, *su* could convey meanings of "vulgar" customs, referring to the particular cultural practices of non-elites generally, or else the related concept of "local" customs, referring to variations of particular religious, cultural and social practices across different regions and territories; it could also be used to describe "foreign" or "barbarian" cultural practices, referring to the customs of peoples not considered related to the Huaxia 華夏, or "Chinese", ethnicity connected to the Three Dynasties and the Zhou cultural sphere. In these ways, *su* was a term that allowed for the conceptualization of "culture" in the abstract, in a way that could contain normative value judgments by implying that the practices of *su* are vulgar, unrefined, or strange, but which could also describe cultural practices in a (relatively) neutral "anthropological" tone.

In the *Annals of Lü Buwei* we find some of these meanings of *su*, for example when reference is made to the "backward tongues" (*fanshe* 反舌), "peculiar customs" (*shusu* 殊俗) and "strange practices" (*yixi* 異習) of the Man and Yi, a common metonym for neighbouring non-

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[166] In the *Mozi* text, for example, the elites that are target of the text's criticism are sometimes referred to simply as the "Gentlemen of the present age" (*shisu zhi junzi* 世俗之君子).

Chinese polities and cultures.[167] In this same text, divergent social customs are presented as a problem that needs to be addressed by the moral instruction of the state ruler. For example, in this historical narrative of the kings of antiquity, this is presented as the key accomplishment of the sage-king Yu who did not achieve the full model of "kingship" later accomplished in the Zhou:

> 昔舜欲旗古今而不成，既足以成帝矣。禹欲帝而不成，既足以正殊俗矣。湯欲繼禹而不成，既足以服四荒矣。
>
> Formerly, Shun desired to be a standard for antiquity and the present, but he was not successful although he was able to become a Sovereign (*di* 帝). Yu wanted to be a Sovereign but he was not successful although he was able to correct peculiar customs (*zheng shusu* 正殊俗). Tang desired to carry on the example of Yu, but he did not succeed although he was able to bring the wild lands of the four directions into submission.[168]

The rectification of social customs is presented as an important part of the civilizing political mission that the sage king of antiquity were attempting to accomplish. This relationship between political authority and the social customs of the state's people is also apparent in its discussion of music. In this case, music is also a means of communicating moral and political instruction to the state's populace:

> 故治世之音安以樂，其政平也；亂世之音怨以怒，其政乖也；亡國之音悲以哀，其政險也。凡音樂通乎政，而移風平俗者也，俗定而音樂化之矣。故有道之世，觀其音而知其俗矣，觀其政而知其主矣。故先王必託於音樂以論其教。
>
> Thus, the tones of an orderly age are peaceful and joyous because its policies are stable. The tones of a chaotic age are resentful and angry be cause its policies are perverse. The tones of a doomed state are sad and mournful because its policies are dangerous. It is a general principle that music is influenced by government and affected by customs. When customs are fixed, music adjusts itself to them. Thus, in an age that possesses the Dao one has only to observe its music to know its customs, to observe its customs to know its government, and observe its

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[167] *Annals of Lü Buwei*, "Gong ming" 功名.

[168] Translation from Knoblock and Riegel, *Annals of Lü Buwei*, 298.

> government to know its ruler. The former kings were, therefore, certain to rely on music as a means of professing their teachings.[169]

This passage is part of a discourse on the role of music in demonstrating the appropriate balance of the desires and emotions and so in shaping the moral disposition of the people — ideas that find both conceptual and textual parallels in the writing of Confucian thinker Xunzi and in the *Record of Rites*.[170] The Confucian rhetoric that shapes this brief essay on the importance of music suggests that *su* was seen by its authors to have moral consequences. These customs refer broadly to the social and ethical practices of the people, but these practices can potentially be strange, divergent or immoral. Similar ideas are once again expressed in Confucian terms in this following passage, where reform of “practices and customs” is directly tied to the virtues of rightness between ruler and minister and of the proper hierarchical sequence between father and son. In this case, these are words from Wuqi in conversation with Shang Wen[171]:

> 治四境之內，成馴教，變習俗，使君臣有義，父子有序，子與我孰賢？
> For bringing order to everything within the four borders, perfecting training and instruction, reforming practices and customs, and causing ruler and ministers to interact according to principles of Rightness, and fathers and sons to interact according to the proper order, who is worthier, you or I?”[172]

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[169] Translation from Knoblock and Riegel, *Annals of Lü Buwei*, 145.

[170] There are direct textual parallels between portions of this chapter and the “Record of Music” (*Yueji* 樂記) chapter of the *Record of Rites*, and in Xunzi’s essay, “Discourse on Ritual” (*Lilun* 禮論) and less directly in Xunzi’s essay, “Discourse on Music” (*Yuelun* 樂論).

[171] Wuqi 吳起 was a legal reformer and putative author of the military treatise *Wuzi* 吳子. See Sawyer, The *Seven Military Classics of Ancient China* (Boulder: Westview Press), 191-202. Shang Wen 商文 was presumably a minister in the state of Wei 魏 where Wu had served for some time before going to the state of Chu. See Xu, *Lüshi chunqiu jishi*, 470.

[172] Translation, with emendations, from Knoblock and Riegel, *Annals of Lü Buwei*, 436.

In the *Annals of Yanzi* (*Yanzi Chunqiu* 晏子春秋)[173], *su* is also discussed in terms of the rectification of customs and the instructional role of the ruler, but in less overtly Confucian terms. In one case Yanzi provides his view on the way that the enlightened ruler should instruct the people:

> 古者百里而異習，千里而殊俗，故明王修道，一民同俗。
>
> In ancient times, every hundred *li* would find a strange practices and every thousand *li* would find peculiar customs. Therefore, the enlightened kings cultivated the Dao to unite the people and unify the customs.[174]

Elsewhere, when asked about the political methods of Lord Huan of Qi, the first Lord Protector, Yanzi gives an answer that includes the assertion that he "governed by reforming customs" (*bian su yi zheng* 變俗以政). In this case, the reforming of customs represents one of the bases of the civilizing force that resulted in the original formation of the political state.

The *Annals of Lü Buwei* also uses the concept of divergent social customs as an analogy to make a separate point about the variability of political practices over time. The sage kings of the past, it is argued, employed government practices that were appropriate for their time; the past can therefore be instructive but the policies of the past cannot be directly adopted into the new situation of the present. The text gives the following analogy to explain:

> 殊俗之民，有似於此。其所為欲同，其所為欲異。口惽之命不愉，若舟車衣冠滋味聲色之不同，人以自是，反以相誹。
>
> The divergent customs of the various peoples is analogous to this. Since their boats, carts, clothes, cuisine, music, and ideas of feminine beauty are not the same, and their desires are the

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[173] This text is difficult to date correctly, and contains multiple layers of authorship. It is, however, likely to be at its core made up of writing that predates the Qin dynasty. For a discussion see Milburn, *The Spring and Autumn Annals of Master Yan* (Leiden: Brill, 2016), 3-67; Durrant, "Yen tzu ch'un ch'iu," in *Early Chinese Texts: A Bibliographical Guide*, ed. Michael Loewe (Berkeley: Society for the Study of Early China & The Institute of East Asian Studies, University of California, 1993).

[174] *Annals of Yanzi*, Inner chapters, "Questions" (*Wen* 問) I.18.

> same, what they do in response to these desires is different.[175] The mode of speech of one group is not understandable to the other, so each group thinks itself correct and condemns the practices of others.[176]

In this way, *su* was a term that could be employed to discuss the variability of human cultural practices and social customs, sometimes in terms that were somewhat "neutral," even if they continued to carry assumptions about the superiority of certain cultural forms. This anthropological framework of *su* and its conceptual power in thinking about the origins and developments of cultural practices in the abstract is particularly apparent in the way that the term is employed in one particularly compelling example from the *Mozi* text. In the extant "Moderation in Funerals" (*Jie zang* 節葬) chapter, the text presents a defence to a critique from the defenders of traditional elite burial and mourning practices:

> 今執厚葬久喪者言曰：「厚葬久喪，果非聖王之道，夫胡說中國之君子，為而不已，操而不擇哉？」子墨子曰：「此所謂便其習而義其俗者也。」
>
> Now the arguments of those who adhere to elaborate funerals and prolonged mourning say: "If elaborate funerals and prolonged mourning are really not the Way of the sage kings, how do you account for the fact that gentlemen of the central states have not ceased their practice of them and have not abandoned their importance?" Master Mozi said: "This is what is called considering one's practices suitable (*bian qi xi* 便其習) and one's customs right (*yi qi su* 義其俗)."[177]

The main point being made here by the author of this chapter is that what one views as historical tradition can often be little more than the inertia of what one is accustomed to. More notable is the final line, in which the author argues that the continuing on of traditions also comes down to viewing one's customs as "right," (*yi* 義). This is notable because what the text's authors are talking about here, in terms of burial customs, might be discussed by Confucian writers in terms of ritual propriety, while the *Mozi* text frames these practices as the more normatively neutral concept of "social customs."

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[175] This passage appears to be corrupted, but Knoblock and Riegel's interpretation here seems reasonable. See Xu, *Lüshi chunqiu jishi* 呂氏春秋集釋, 390.

[176] Translation from Knoblock and Riegel, *Annals*, 368.

[177] Translation, with emendations, from Johnston, *Mozi*, 227.

One of the major political reforms that the Mohists sought to achieve was the reduction of certain elite practices of extravagant spending, and this involved a critical focus on musical performances as well as lavish funerals and extended mourning periods. While the Mohists continued to defend strict distinctions of social hierarchy and political authority, they condemned the excessive and luxurious markers of social capital that for many Confucian thinkers represented the refined and sophisticated ritual and aesthetic culture of the Three Dynasties. The Mohists sought to rhetorically divest these particular practices of their historical authority by showing how they were historically contingent and arbitrary in their details.

In the extant "Moderation of Funerals" chapter, the text goes on to answer its critics by providing an explanation of what is meant by "considering one's habits convenient and one's customs right." This can be seen in the following account of historical practices of burial amongst foreign cultures:

> 昔者越之東有輆沐之國者，其長子生，則解而食之。謂之『宜弟』；其大父死，負其大母而棄之，曰鬼妻不可與居處。此上以為政，下以為俗，為而不已，操而不擇，則此豈實仁義之道哉？此所謂便其習而義其俗者也。楚之南有炎人國者，其親戚死朽其肉而棄之，然後埋其骨，乃成為孝子。秦之西有儀渠之國者，其親戚死，聚柴薪而焚之，燻上，謂之登遐，然後成為孝子。此上以為政，下以為俗，為而不已，操而不擇，則此豈實仁義之道哉？此所謂便其習而義其俗者也。
>
> Formerly, to the east of Yue, there was the country of the Kaimu. When a first son was born, but died in infancy, he would be eaten.[178] They called this 'fitting for the younger brother'.

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[178] The precise practice being described here is unclear, but I have interpreted this in light of the fact that this passage is describing funeral and mourning practices, resulting in a different rendering than Johnston. In two parallel versions of this passage, *jie* 解 appears as *xian* 鮮. See Wu, *Mozi jiaozhu* 墨子校注, 289 n. 147 for a discussion.

> When the paternal grandfather died, they carried the maternal grandmother away and abandoned her, saying: ‘We cannot live with a ghost’s wife’. If, above, these things are taken to be government practice and, below, they are taken to be customs, continued to be put into practice, implemented and not discarded, then are they the way of true benevolence and righteousness? This is what is called considering one’s habits suitable and one’s customs righteous.”[179]

> 楚之南有炎人國者，其親戚死朽其肉而棄之，然後埋其骨，乃成為孝子。秦之西有儀渠之國者，其親戚死，聚柴薪而焚之，燻上，謂之登遐，然後成為孝子。此上以為政，下以為俗，為而不已，操而不擇，則此豈實仁義之道哉？此所謂便其習而義其俗者也.
>
> To the south of Chu there is the country of the Yan people. When their parents die, they allow the flesh to rot and discard it. Afterwards they bury the bones, taking this to be [the mark of a] filial son. To the west of Qin there is the country of the Yiqu [people]. When their parents die, they gather up kindling and firewood and burn them, and, as the smoke rises, say they are rising far off. After that they have fulfilled their roles as filial sons. If, above, these things are taken to be government practice and, below, they are taken to be customs, and are carried out and not stopped, implemented and not discarded, then are they the Way of true benevolence and righteousness? This is what is called ‘[considering] one’s practices suitable and one’s customs right.’[180]

The text concludes by considering the relative viewpoints of, first, the three foreign cultures in question, and second the “Gentlemen of the central states” (z*hongguo zhi junzi* 中國之君子):

> 若以此若三國者觀之，則亦猶薄矣。若以中國之君子觀之，則亦猶厚矣。如彼則大厚，如此則大薄，然則葬埋之有節矣。 故衣食者，人之生利也，然且猶尚有節；葬埋者，人之死利也，夫何獨無節於此乎。
>
> If we consider this matter by examining these three states, then [their practices] are indeed meagre! Examining the Gentlemen of the central states, [their practices] are indeed excessive! On that side there is the very excessive, and on this side there is the very meagre; and so there is such a thing as moderating funerals and burials. Thus, clothing and food are benefits for people who are living, but moderation is still valued with regard to such things. Funerals and burials are benefits for people who are dead, so why is there no moderation only in regard to such things?[181]

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[179] Translation, with emendations, from Johnston, *Mozi*, 227.

[180] Translation, with emendations, from Johnston, *Mozi*, 229.

[181] Translation, with emendations, from Johnston, *Mozi*, 229.

What is notable about this argument is the way that it is presented as a kind of anthropological argument, contrasting the social customs of foreign peoples with the practices of the Gentlemen of the central states. The point of the text is to show that these practices, which were presumably being used to deliberately horrify the text's audience, also carry the weight of historical authority within their own locale. The "rightness" of a particular set of social customs should, for the authors of this text, be determined by judging, in Mohist terminology, how a particular practice increases benefit (*li* 利) and reduces harm (*hai* 害) for the state. The correct social practice is laid out in the chapter's conclusion in precise terms:

> 子墨子制為葬埋之法曰：「棺三寸，足以朽骨；衣三領，足以朽肉；掘地之深，下無菹漏，氣無發洩於上，壟足以期其所，則止矣。哭往哭來，反從事乎衣食之財，佴乎祭祀，以致孝於親。故曰子墨子之法，不失死生之利者，此也。
>
> The rules which Master Mozi formulates for the conduct of funerals and burials state: "A coffin should be three *cun* [thick], sufficient for rotting bones. Burial garments should be of three layers, sufficient for rotting flesh. The depth of the ground dug out should be such that it does not reach water below, and it does not let vapours escape above. The burial mound should be sufficient to make the place [of burial] recognisable and that is all. There should be weeping going to and from [the funeral], but then there should be a return to the matters of clothing and food. There should be such attention to sacrifices as accords with being filial to parents." Thus it is said that this is what constitutes Master Mozi's rules of not losing the benefits (*li* 利) to either the living or to the dead.[182]

While the *Mozi* text is not devoid of appeals to historical authority, the ideal version of history tends to be of much deeper antiquity than that privileged by the Confucians,[183] and the value of that authority is based on the way in which the very ancient kings were able to bring about social order and stability without devolving into the excesses of later ages. The framework of this rhetorical strategy reveals how the authoritative weight of tradition lies in contested territory.

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[182] Translation, with emendations, from Johnston, *Mozi*, 230-31.

[183] See Brown, "Mozi's Remaking of Ancient Authority," in *The* Mozi *as an Evolving Text: Different Voices in Early Chinese Thought*, ed. Carine Defoort and Nicolas Standaert (Leiden: Brill, 2013). Brown notes, relying on that the appearance in writing of a developing idea of a mythical and remote past of "Sage kings" (*Shengwang* 聖王) seems to be a Warring States development, and may even be an innovation of the Mohists. Prior appeals to the past tended to refer to a more recent time period.

Innovation and Cultural Technology

As has been richly explored by Michael Puett, the discourse in early China's intellectual tradition demonstrated an "ambivalence" towards the very concept of innovation. As he notes:

> Time and again the Western Zhou model of posing culture and the state as constructed objects, forged through a line of transmission beginning with Heaven and continuing through the succession of Zhou kings, is the position from which, or against which, thinkers approached the issue.[184]

Puett demonstrates that this understanding of cultural practices as "constructed" forms the framework within which any intellectual debate over cultural practices was bound to take place. In the case of ritualized practices, the historical authority that could be strategically asserted was necessarily bound within this ambivalence over cultural construction and innovation. Attempts to argue against the authority of such practices could therefore make use of the constructed nature of cultural practices to justify further innovation based on the particular needs of the time and place. While the *Mozi* would assert the historical precedent of deep antiquity to justify its own political reforms, other thinkers would not feel so beholden to the past.

To further look at the political stakes involved in a debate over the historical authority of traditional practices, we will examine two passages that could best be described as "persuasive narratives." First, the opening chapter of the *Book of Lord Shang,* and second a chapter from the *Intrigues of the Warring States* (*Zhanguo ce* 戰國策). Although these two narratives are in different texts, they are remarkably similar in style and tone, and may both either belong to the same genre of writing or perhaps even share authorship. The connection to Shang Yang found in the first passage may have been sufficient for its compiler to feel that it belonged in the *Book of Lord Shang*, and although it serves as a compelling opening to the text it is significantly different from the rest of that volume in style and format. Both of these passages may in fact be examples of what Crump describes as a school of rhetoric,[185] providing textual examples of argumentative skills being employed successfully in a court setting. Both of these persuasive narratives employ a similar argument, and both are involved in debates in which the need for political reform is being argued by famous proponents against opponents who assert the historical authority of accepted cultural practices in order to argue against such reforms.

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[184] Puett, *Ambivalence of Creation*, 38.

The example from the *Book of Lord Shang* is the opening chapter, "Reforming Standards" (*Bian fa* 便法). This chapter speaks directly to the question of cultural practices as an obstacle to political reform. In it, a discussion takes place between Duke Xiao 孝 of Qin (r. 361 - 338 BCE) and his three Great Ministers (*dafu* 大夫): Shang Yang 商鞅, Gan Long 甘龍 and Du Zhi 杜摯. This conversation represents what, even as early as the Warring States period, has been historically viewed as a political turning point. Like the southern state of Chu, the western state of Qin was a frontier region whose geographic distance from the core regions of the Eastern Zhou provided it with certain economic and strategic advantages, but made it somewhat of a cultural outsider.[186] Shang Yang is given much of the credit for the sweeping political reforms that Qin undertook, many of which must have seemed at odds with the structural relationship between individual families and the state, and traditional hierarchical relationships. These reforms were not unique to Qin but do appear to have been most drastically implemented there, and perhaps also in Chu, and were also perhaps best represented by Qin given their increasing military success towards the end of the Warring States period.

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[185] Crump, *Chan-Kuo Ts'e* (Oxford: Clarendon Press), 15-22.

[186] By the late Warring States period, Qin's economic and military strength was undeniable. Confucian thinker Xunzi would travel there and was forced to acknowledge its accomplishments, despite its problematic lack of Ru scholars (*Xunzi*, "Strengthening the State" (*Qiang guo* 疆國).

The discussion in this chapter centres on Shang Yang's attempts to persuade Duke Xiao to ignore his anxiety over upsetting tradition. His argument centres on several important issues: changes to the affairs of the times (*shishi zhi bian* 世事之變), the root of rectifying standards (*zhengfa zhi ben* 正法之本), and the Dao of employing the common people (*shimin zhi dao* 使民之道). This reflects the political anxiety over employing the common people that is seen throughout *Book of Lord Shang*. Duke Xiao ultimately hopes to push forward new reforms, but is anxious that these large-scale reforms will be seen as a threat to tradition, possibly attracting opposition and criticism.

Duke Xiao commences by stating:

> 代立不忘社稷，君之道也；錯法務明主長，臣之行也。今吾欲變法以治，更禮以教百姓，恐天下之議我也。
>
> The Way of the ruler is to not forget the altars of earth and grain when taking his place; the role of the minister is to implement the laws and put into practice the wisdom of his ruler. Now, I wish to alter the standards in order to govern and reform the rites in order to instruct the hundred surnames, but I fear that All-under-Heaven will condemn me.[187]

Shang Yang answers that the Duke should not feel any need to be constrained by tradition:

> 法者，所以愛民也；禮者，所以便事也。是以聖人苟可以強國，不法其故；苟可以利民，不循其禮。

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[187] Book of Lord Shang, "Reforming Standards" (*Bian fa* 便法).

> The purpose of the laws is to care for the people; the purpose of the rites is to make affairs suitable. Therefore, if the sage is able to strengthen the state, he does not (need to) model himself on antiquity; if he is able to benefit the people, he does not (need to) follow the rites.[188]

As with the Mohist attack on lavish funerals, this account of Shang Yang’s persuasion of Duke Xiao focuses on the arbitrary nature of any tradition. Each generation confronts its own particular challenges, and as Puett has demonstrated, there was broad acknowledgement in the Warring States era that these traditions were at some point constructed and have changed over time. The target of this text is the very notion of antiquity carrying any kind of authoritative weight — a view that would come to mark much of Reformist doctrine, and which would become a central facet of Han Fei’s critique of Confucianism:

> 前世不同教，何古之法？帝王不相復，何禮之循？伏羲神農教而不誅，黃帝堯舜誅而不怒，及至文武，各當時而立法，因事而制禮。禮法以時而定，制令各順其宜，兵甲器備各便其用。臣故曰：『治世不一道，便國不必法古。』湯武之王也，不循古而興；殷夏之滅也，不易禮而亡。然則反古者未可必非，循禮者未足多是也。君無疑矣。

> Those of former times did not have the same doctrines, and so which antiquity should be the model? Sovereigns and kings did not follow each others’ (models), and so which rites should be followed? Fu Xi and Shennong instructed without punishments; The Yellow Emperor, Yao and Shun punished without anger; up to Kings Wen and Wu each (ruler) acted in accordance to his own time when establishing their laws and followed their own situations when instituting the rites. The rites and laws were fixed in accordance to their time; each rule and decree was done in correspondence to what was suitable; weapons and armour, tools and equipment were each suitable for their use. Your minister therefore says, “There is not one Way to govern an age, nor any need to follow the models of antiquity when benefitting the state.” When Tang and Wu rose to become kings, they did not achieve their positions by following antiquity; and when the Yin and Xia collapsed, they did not fail by changing the rites. Based on this, opposing antiquity does not warrant condemnation, nor is following the rites sufficient to heap praise. My lord should have no doubts (about his plans).[189]

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[188] Book of Lord Shang, “Reforming Standards” (*Bian fa* 便法).

[189] Book of Lord Shang, “Reforming Standards” (*Bian fa* 便法).

This account of Shang Yang's persuasion of Duke Xiao functions mainly as a means of showcasing a particular rhetorical means for attacking traditionalist appeals to antiquity. This suggests a number of possibilities about the intellectual environment of Warring States China. First, there is the fact that the text is portrayed as a persuasive conversation between a wise minister and his ruler. From the outset it is established that the ruler is in fact favourable towards political reform, but that the main issue holding him back is his concern over his ritual responsibilities. This, in turn, comes down to an anxiety over the possibility that his reformist actions will result in him being condemned. This is very much in line with the kind of general anxiety over employing the people that we find throughout the *Book of Lord Shang*. Political reform is potentially held back by the fact that there are people who still cling to a sense of tradition and who might be unwilling to support reforms that seem to threaten the inherited values and practices of antiquity as they perceived them. What is actually at stake in this particular story is the important policy attributed to the Qin state's cultivation of new territories. Once Duke Xiao has finally been persuaded by Shang Yang, the text declares: "Thereupon, in consequence, he issued the order to bring waste lands under cultivation" (於是遂出墾草令).

The second passage in question is the very similar discussion from the *Intrigues of the Warring States*. If we do not presume that these texts were intended simply as examples of disputation technique, then there is the possibility that these represent the remnant of a particular line of thought that sought to defend political reform against traditionalist critics. It is certainly the case that both passages not only provide examples of successful rhetoric, but also provide a very clear ideological stance towards the question of tradition and the need for political reform. This passage concerns a conversation between King Wuling 武靈 of Zhao 趙 (r. c. 325-298

BCE) and his uncle, and centres on the famous controversy over the decision to adopt the dress of the Hu 胡 people and the military technique of shooting bows from horseback. Bordering China's northern frontier along the Central Asian steppe, the state of Zhao would have had first hand experience with the military strength of the nomadic cultures of this region. Their ability to move and retreat swiftly, combined with the ability to fire arrows from horseback would give these nomadic militaries a major advantage in battles with the sedentary cultures around them. After unification, the Chinese empire would continue to be plagued by nomadic military power throughout its imperial history and would continue to try to make use of this power for themselves, both through the adoption of military techniques and the absorption of nomads into their own military.

Unfortunately for King Wuling, adopting a new military strategy is not a simple affair. It would require a number of complex social and political innovations, involving the perfection of a difficult technique and the efficient and wide-spread training of military troops, as well as the production of military tools such as weapons and horses. As Chinese statesmen would learn in the Han, the military technique of shooting bows from horseback relied on an entire socio-economic and cultural lifestyle that could not be easily adopted by the sedentary Chinese state. This connection between the adoption of a specific military technique with a cultural and economic system is important because the particular problem for King Wuling that would ultimately become inscribed in the narrative historiography of China was precisely the issue of customs and tradition; and the controversy, as we now understand it, would ultimately centre on the unlikely military technology of trousers.[190]

When the King ordered the men of his state to adopt Hu clothing to facilitate these new military techniques, he appears to have immediately encountered resistance. The clothing of an elite Chinese gentleman, which included heavy robes with loose sleeves, was especially ill suited to the needs of nomadic horse-riding and archery, but it also had clear ties to people's sense of cultural self and tradition, and presumably also a sense of cultured refinement. The resistance faced by King Wuling is perhaps the clearest early example of the stark cultural gap that stood between the sedentary Central States and their pastoral nomadic neighbours. A full account of this crisis is presented as what we must assume is an imagined discourse in the *Intrigues of the Warring States*. This narrative portrays a debate between King Wuling and his uncle, Gongzi Cheng. King Wuling has ordered the men at court to wear this nomadic clothing in order to provide an example to the rest of the state, but his uncle is ashamed to do so. We can treat the basic incident and the clear political difficulties presented by King Wuling's decision to adopt Hu clothing as real issues that occurred in the political court of Zhao, but the way in which this problem was expressed in *Intrigues of the Warring States* cannot be assumed to be a genuine record of the conversation between Wuling and his uncle. The account given in *Intrigues of the*

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[190] The history of trousers is intimately tied to the development of the pastoral nomadic lifestyle in Inner Asia. This article of clothing can best be understood as a technological development offering a number of benefits to the overall social practices involved in this mode of life, making long-term horse riding more comfortable and providing advantages to the military techniques of combat from horse-back. Understood within the wider scope of the technological innovations that people adopt in order to facilitate their needs, trousers must be understood not simply as an arbitrary cultural peculiarity but as an "essential part of the tool kit with which humans improve their physical qualities," Ulrike Beck et al., "The Invention of Trousers and its Likely Affiliation with Horseback Riding and Mobility: A Case Study of Late 2nd Millennium BC Finds from Turfan in Eastern Central Asia," *Quaternary International* 348 (2014).

Warring States is a compelling example of the way that controversies of tradition and ritual propriety could have real consequences in political affairs.

King Wuling describes his own actions as "setting an instructive example by changing his manner of dress" (*zuo jiao yi fu* 作教易服), and Gongzi Cheng's failure to follow suit threatens his authority. As he says to his uncle:

> 家聽於親，國聽於君，古今之公行也；子不反親，臣不逆主，先王之通誼也。今寡人作教易服，而叔不服，吾恐天下議之也。夫制國有常，而利民為本；從政有經，而令行為上。故明德在於論賤，行政在於信貴。
>
> Since antiquity, it has been (the standard of) public conduct that a family listens to their kin, and a state to their ruler. It was the pervasive standard of the kings of antiquity that a son should not disobey his kin nor a minister his lord. Now, this lowly one wishes to enact a doctrine of altering our dress, and yet my uncle will not obey it. I fear that All-under-Heaven will criticize me. There is a constant (principle) to administering the state, and at its root is bringing benefit to the people; there is a guiding thread to practicing government, and at its head is enacting decrees. Therefore, one's brilliant Virtue relies on the subservience of inferiors, and the enacting of government relies on the trust of the nobility.[191]

His uncle's wish to cling to the historical authority of his own practices has hindered the conduct of government. Gongzi Cheng attempts to argue that, to the contrary, it is the king's insult to tradition and consequence violation of the people's will that has caused the problem:

> 臣聞之，中國者，聰明睿知之所居也，萬物財用之所聚也，賢聖之所教也，仁義之所施也，詩書禮樂之所用也，異敏技藝之所試也，遠方之所觀赴也，蠻夷之所義行也。今王釋西，而襲遠方之服，變古之教，易古之道，逆人之心，畔學者，離中國，臣愿大王圖之。
>
> Your servant has heard that the central states is the place where intelligence and knowledge is be found, where the myriad forms of wealth gather, where the worthies and sages conduct their teachings, where Humaneness and Rightness are practiced, where the Odes, Histories, Rites and Music are put to use, where cunning and diverse cultural arts are plied, upon which those of distant foreign lands can gaze up, and from which the Man and Yi learn to practice Righteousness. And now my King would discard this and take on the dress of distant foreign places, reform the teachings of that ancients, alter the Way of antiquity, oppose the will of the

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[191] Adapted from Crump, *Chan-Kuo Ts'e*, 297.

> people, depart from the learned, and distance himself from the central states. It is the hope of your minister that his great King will think on this.[192]

The king gives a lengthy response, and the points he makes are important to this study, and so will be considered in full. Opening with words that are nearly identical to those used by Shang Yang in the "Reforming the Laws" chapter of *Book of Lord Shang*, he first notes:

> 夫服者，所以便用也；禮者，所以便事也。是以聖人觀其鄉而順宜，因其事而制禮，所以利其民而厚其國也。
>
> (The nature of) clothing is based on what is suitable for use; (the nature of) ritual propriety is based on what is suitable for affairs (of state). For this reason, the sages observed their region and then followed what was suitable, and instituted the rites in response to the affair (of state). By this they sought to benefit the people and strengthen their states.[193]

To this he adds examples of variant customs amongst other regions and peoples, which are notable for their strangeness:

> 被髮文身，錯臂左衽，甌越之民也。黑齒雕題，鯷冠秫縫，大吳之國也。禮服不同，其便一也。是以鄉異而用變，事異而處易。是故聖人苟可以利其民，不一其用；果可以便其事，不同其禮。儒者一師而禮異， 中國同俗而教離，又況山谷之便乎？
>
> To wear the hair unbound and tattoo the body, decorate the arms with pigments and fasten their clothes on the left is (the custom) of the people of Ouyue. To blacken the teeth, engrave the forehead and wear caps of sheepskin is the (custom) in the state of the Da Wu. Their rituals (*li* 禮) and clothing differ, but are united in that they are suitable (to their location). For this reason, if the county varies the practice will change, if the affairs vary the place will change. Thus, if it was to the benefit of the people, the sages would avoid (unnecessarily) unifying practices; if the consequence was to make affairs suitable, the sages would avoid (unnecessarily) making rites the same. The Ru scholars had one teacher, and yet their rites differ, the central states have the same customs and yet their teachings differ, and is not not even more true for what is suitable to the conditions of those in the mountains and those in the valleys?[194]

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[192] Adapted from Crump, *Chan-Kuo Ts'e*, 298.

[193] Adapted from Crump, *Chan-Kuo Ts'e*, 298.

[194] Adapted from Crump, *Chan-Kuo Ts'e*, 299.

Notably, this passage points out the Confucians (Ru scholars) for specific critique, noting that despite their insistence of following the correct rules of ritual propriety, after the death of Confucius even his disciples failed to be consistent in their practices. Each state also differs in their practices, despite their shared history, and the cultural differences between highland people and valley people are, finally, the starkest of all.

The king's speech concludes with a very compelling point:

> 故去就之變，知者不能一；遠近之服，賢聖不能同。窮鄉多異，曲學多辯，不知不疑，異於己而不非者，公於求善也。今卿之所言者，俗也。吾之所言者，所以制俗也。
>
> Thus, even the knowledgable cannot unite the changes from the past until now, and even a worthy sage cannot unify the practices of clothing of distant and near places. The ruder the village the more it finds strange in the world outside and the backwoods scholar discovers food for debate in everything. But show me a man who does not suspect something simply because he is ignorant of it, one who condemns nothing merely because it is strange to him and you show me a man who works for the common good. My uncle has been speaking of customs, while I have been speaking of the regulation of customs.[195]

There are two issues to be kept in mind here: the first is the actual historical event in which King Wuling ordered the adoption of Hu clothing, and the second is the narrative account provided here which employs this event in order to make a larger rhetorical point about the historically contingent nature of cultural practices. The two cannot be entirely separated as they both relate to the problems faced by state reformers who wished to reform cultural practices for instrumental purposes. In the latter case, an argument is presented within a presumably fictional debate over the role, history and value of tradition. At the centre of this debate is the permissibility of a ruler introducing reforms to the state that could be interpreted as an affront to the traditional values of the populace. King Wuling's words here sum up what is at stake in this debate when he asserts that "what you speak of is custom (*su* 俗). What I speak of is the regulation of customs (*zhi su* 制

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[195] Adapted from Crump, *Chan-Kuo Ts'e*, 299.

俗).” This is the clearest example in which the historical contingency of culture is asserted as part of a rhetorical argument justifying government interference in the practices of the state’s populace. Regional variation of common practice is explained not simply by a contrast between the establishment of rules of ritual propriety by the Three Ages, but also by the fact that the particular value of common customs lies in what is “suitable” or “convenient” (*bian* 便) to the particular needs of a time or place. In a variant of what may have been a common expression at the time, or may at the very least have become a kind of convenient motto for political reformists, King Wuling states: “(The nature of) clothing is based on what is suitable for use; (the nature of) ritual propriety is based on what is suitable for affairs (of state).”

In terms of ritual practice, the adoption of appropriate clothing is a pervasive strategy for the construction of ritual acts, drawing on the elements of formalism to assert a social value or position. In the case of early China, drawing on these elements of formalism and meaning in the use of clothing embroils the ritual actor into a larger arena of meaning that also encompasses issues of ethnicity and tradition.[196] In the debate between King Wuling and his uncle, we find that the ritual values ascribed to clothing create a tension between the historical authority of traditional practices and the instrument value of Hu clothing, whose tight sleeves and trousers are necessary for the adoption of nomadic military techniques. This would present a genuine threat to Confucian practices, whose rituals were legitimized by claims of historical authority.

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[196] In the *Analects* we can see that clothing is an important and persistent element of the larger picture of ritual propriety that this text portrays. Most relevant to this chapter, we have Confucius’s claim that were it not for the famed statesman Guan Zhong, “would all be wearing our hair loose and fastening our garments on the left,” i.e. the practices of barbarian cultures. *Analects* 14.17, translation from Slingerland, *Analects*, 161. The effortless ability to choose and wear ritually appropriate clothing also appears in Book 10 of the *Analects*, e.g. 10.6, 10.7 and 10.19.

Conclusion

What these narratives demonstrate is that the ritualized acts of *li* exerted a sense of historical authority through the strategic use of formalism. However, a clear sense that these traditions were constructed to suit particular purposes placed them within a problematic and contested arena. For proponents of a Confucian interpretation of *li*, the strategic construction of ritualized acts was tied to historical precedents, and this resulted in a limited scope for cultural innovation. A re-imagination of this history seen in *Guoyu* shows that ritual could also be employed to construct a new, idealized concept of tradition. While the *Guoyu* shows how depictions of ritual could be used to construct a concept of history, the attacks on the validity of Confucian practices also reveal a weakness in these assertions of historical authority. For political reformists, the problem was reversed. For them, pushing through political reforms could also mean pushing against notions of traditions. The need shown in the *Mozi* and the two persuasive narratives to logically and rhetorically attack the relevance of historical authority suggests that this was a genuine problem for rulers who wished to reorganize the state. Even the adoption of social technologies such as the clothing of nomads, which facilitated new military techniques, was complicated by the historical authority tied to the ritual elements of clothing.

These accounts show how ritual existed in a political arena in which forms of cultural technology and practices were deeply contentious. Implementing them could cause tensions, and statesmen were not in agreement over how to navigate these disputed issues. For primitivists and individualists, abjuring tradition could be a performative necessity to adhere to their philosophy, but political reformists were faced with the political challenge of ensuring participation in their state enterprises. Neither the Mohists nor the statesmen depicted in the persuasive narratives could simply renounce this concept of civilization or the sources of historical authority that were tied to the performances of ritual acts, because they also needed to ensure that their orders and political changes would actually be carried out. They presumably would not want to risk excessive anger or disagreement among their family, the members of the state apparatus or the common people.

Culture and ritual were issues of importance to statesmen because they represented particular areas in which reforms could be stymied by people's unwillingness to have their established customs changed or threatened. On one hand, this gave the arguments in favour of *li*, as found in the Guodian manuscripts, an advantage in these debates. These values and practices were already attached to the sense of ethnic identity of elites in the Zhou cultural sphere, and the ritualized practices of courtesy, burial and sacrifice already contained an authoritative position even if critics of the Confucians felt that they took their pedantic concern with these practices too far. On the other hand, the waning authority of these practices in the face of sweeping social and political changes also put the Confucians in a weak position. The historically contingent nature of these practices, made all the more obvious by these changes, created a rhetorical opening for those who would push through further reforms to the political and social structure of the state. The concept of *su* was particular valuable for this rhetorical undoing of historical precedent, not least because discussions of common social customs already presumed that these were diverse across territories and time, and that the civilizing mission of the sage kings required in large part the reforming of these vulgar customs, and the unification of cultural practices. As these practices were considered from a more sophisticated theoretical perspective, the whole suite of cultural conventions such as clothing and social relations were potentially open to question, and ripe for innovation.[197]

As will be shown in Chapter Four of this study, the Guodian manuscripts would also need to assert that the customs being discussed were uniquely adjusted in order to work with the natural tendencies of human nature. This was particularly true in light of the fact that one of the main alternatives to the use of ritual to achieve the goals of political authority and public order was the establishment of consistent and clearly manifested penal regulations. For many statesmen the use of these regulations was an appealing alternative to the Confucian emphasis on refined cultural practices. This issue is discussed in the following chapter, which focuses on a final contextual issue before proceeding to Chapter Four, which will examine the Guodian manuscripts in detail. The anxieties presented in the persuasive narratives above, over how to effectively employ the common people and ensure that orders are carried out throughout the state was one of the most important problematics of political theory in the Warring States period. This can be seen very clearly in the Guodian manuscripts, which focus primarily on this problem of political authority, but in order to understand what was truly at stake in this debate we must more fully understand the alternative tools for cultivating this authority that were being argued for in the Warring States.

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[197] Indeed, as Martin Kern has shown convincingly, the Qin state would engage in its own sophisticated reinvention of sacrificial ritual as part of a public relations campaign to assert their authority over the core Zhou cultural regions in the east. Kern, *The Stele Inscriptions of Ch'in Shih-huang*.

Chapter 3: Authority and the Law

Introduction

For the state rulers and political reformers of the Warring States period, one of the central and ongoing problematics of statecraft was the "usage" or "employment" (*yong* 用) of the people, and the ability to enact (*xing* 行) high-level ruler decrees (*ling* 令). Top-level decision-making and policy designs would eventually encounter the problem of social participation and resistance, as well as the multitude of logistical and pragmatic difficulties entailed in implementing theoretical ideas in the real world. While the persuasive narratives examined in the previous chapter appear to indicate a specific concern over the problem of cultural practices, they also suggest an anxiety over the problem of overcoming resistance to political reforms more generally. This attachment to tradition represents only one example in which a resistance to the directives of the state's ruler could take shape and threaten his authority. Put broadly, this anxiety over authority comes down to the question of how a small governing elite can manage to effect their will over a large region made up of individuals and groups who each have their own particular motivations, desires and intentions. Finding ways to solve this problem was one of the main intellectual driving forces of this period, and designing solutions to this complex problem would require thinking about it in abstract terms; the result was a newly developed conceptual vocabulary for analyzing and debating political authority. Of particular importance would be ways of thinking about how to channel, control and direct people's behaviour.

This problem of achieving political authority is one of the central questions that the "Ritual Authority Manuscripts" attempt to address, and it is towards this anxiety over authority that they address their argument for the power of ritual psychology. It is argued that this psychological feature of human nature needs to be understood if state rulers hope to acquire true authority over their population, and it is on this basis that ritual practices were justified as effective political tools. It is, therefore, necessary to have a clear understanding of the development of theories of authority in the Warring States period in order to more fully understand the particular context within which the Guodian manuscripts' theory of ritual psychology was meant to be persuasive.

The precise challenges related to the development and maintenance of political authority were shaped by the increasing centralization of territorial states during this time.[198] These states developed clearly delineated borders and an increasingly centralized bureaucracy in order to maintain, order and draw resources from this defined political region. As was discussed in Chapter Two of this study, social stratification was also simplified with a smaller and more authoritative and autocratic central elite gaining greater authority, and with the state increasingly being managed by *shi* 士 bureaucrats. These changes in the nature of political authority and the structure of the state apparatus resulted in new ideas about how to assert power, and how to define and structure political relationships between rulers and their ministers. As we have seen in the *Annals of Lü Buwei*, the concept of *li* was one way of theorizing and asserting these new political dynamics at court. In addition, a moral vocabulary about the proper emotional values to be developed between rulers and their ministers would take shape with discussions of specific virtues such as “loyalty” (*zhong* 忠),[199] and political arguments about the need for a system of meritocratic appointment based on the skills or moral qualities of valuable ministers or “worthies” (*xian* 賢). In contrast to these arguments about the value of worthy ministers and the attempts to assert the importance of bureaucratic ministers in running the state, we also see the development of new ways to conceptualize and consolidate the power of the state’s autocratic, hereditary ruler.

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[198] Bruce Trigger, *Early Civilizations: Ancient Egypt in Context* (Cairo: The American University in Cairo Press, 2001), 10-13, defines a territorial state as one in which a centralized bureaucracy is able to draw taxes in from a large territorial region, with layers of regional administrations to effect this control. Although Trigger uses this term to describe the Shang and Zhou states, Li Feng, *Bureaucracy and the State*, 271-299, makes a compelling argument that it was not until the fifth to third centuries BCE that this term can be used to accurately describe China.

Perhaps nowhere is this argument for consolidating centralized authority clearer than in the *Book of Lord Shang.* This text demonstrates a persistent concern over the tendency of the people to draw resources away from the state through their individual whims and disinterest in obeying state directives. This is put most clearly in the chapter “Weakening the People” (*Ruo min* 弱民), which opens by asserting that “When the people are weak, the state is strong” (*min ruo gou qiang* 民弱國強).[200] In this chapter, the danger lies in giving the people the space to acquire their own wills and pursue their own desires. When they are “weak” as a force of potential resistance, they can be put to use; but when their own intentions or wills are allowed to develop, they become “strong” and recalcitrant. The entire fine-tuned state apparatus required to fill the ranks of the military and also feed, clothe, arm, motivate and administer them is constantly in danger of collapse. The gradual dissipation of the state’s resources and collective will ultimately result in a weakened military, and when this occurs there are enemy states ready to crush the state's armies in the battlefield.

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[199] Goldin, “When Zhong 忠 Does not Mean ‘Loyalty’”; Cook, “The Changing Role of the Minister in the Warring States,” in *Ideology of Power and Power of Ideology in Early China*, ed. Yuri Pines et al. (Leiden: Brill, 2015). See also Slingerland, “The Problem of Moral Spontaneity” for a discussion of how the Confucian Guodian manuscripts conceptualize this relationship through metaphoric kinship relationships, a point that will be further discussed in Chapter Four of this study.

[200] *The Book of Lord Shang*, “Weakening the People” (*Ruo min* 弱民).

The state is described as being managed by three primary functions. If those who are meant to fulfill these functions are given too much liberty to pursue their own personal ends, the result is six specific forms of parasitic behaviour:

> 農、商、官三者，國之常官也。三官者生蝨官者六：曰歲，曰食，曰美，曰好，曰志，曰行，六者有樸必削。
>
> Farming, trade and government are the three constant offices of the state. There are six kinds of parasite that these three offices give rise to: they are called care for the aged and the consumption of food, desire for beautiful things and personal predilections, willfulness and principled conduct. If these six parasites are allowed to flourish, (the state) will inevitably become weak.[201]

These six parasites refer to particular kinds of individuals within three major classes: the agricultural class, merchants, and government officials. When they are allowed free reign to pursue their own desires and agendas, they become a drain on the state without offering anything back to it. The specific nature of how these parasitic individuals arise depends on the class, and in the case of government officials, the problem arises when they are appointed to office but not put to use. Left with too much free reign, they pursue their own interests, weaken the state and ultimately weaken the strength of its military. The cultivated practices of Ru scholars, for example, would have no place in the state apparatus; their interest in self-cultivation would represent their development into state parasites, using up state resources without contributing anything to the administrative system required to maintain the military. This suggests at least one level on which the stakes were indeed high for Confucian thinkers to defend the value of their ideas to the administration of the state.

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[201] *The Book of Lord Shang*, "Weakening the People." A parallel version of this passage is also found in the "Dissipation of Strength" (*Qu qiang* 去強) chapter of the same text.

This concern over ensuring that the increasingly centralized states could effectively control and manage its population and direct its resources towards the focused goal of military strength resulted in theories about political authority that largely relied on coercive methods of punishments and rewards as forms of incentive. This system of punitive incentives relied on clear state directives and administrative standards that allowed much of the administrative decision-making to be offloaded on to seemingly impersonal processes that adhered to pre-defined rules and regulations. Conceptualizing the state apparatus as a smoothly-operating mechanism was an intellectual innovation that made it possible to imagine solutions to this problem of managing a large territory full of potentially willful individuals. This particular solution to the problem of political authority was another potent threat to Confucian ideas, because people's emotional and ethical qualities were effectively removed from the equations. In the view of these thinkers who focused of punitive methods of channeling people's behaviour, people's psychology only needed to be considered to the limited extent of their own self-interest. The basic incentives of punishments and rewards were deemed enough to control the state.

Theories of Authority

This approach to political authority in which the centralized power of the territorial state's autocratic ruler was being emphasized has traditionally been described as "Legalism" (*Fajia* 法家), a system of thought that has historically been viewed as the ideological opponents of the Confucians. While the Confucians emphasized the moral instruction of the people by a ruler who also served as a moral paragon, the Legalists supposedly presented an amoral approach to government that demanded the harsh application of punishments and rewards based on inflexible rules and prohibitions. This traditional account of ideological camps is also tied in with the history of the early Chinese empire. The Qin state has been closely tied to the history of Legalism due to the political approaches put into practice by its most famous Prime Ministers, Shang Yang 商鞅 (d. 338 BCE) and Li Si 李斯 (d. 208 BCE), as well as the interest shown in the ideas of the political philosopher Han Fei 韓非 (d. 233 BCE) by Qin's first emperor, Ying Zheng 嬴政 (d. 210 BCE). This connection was also given a more concrete form through the narrative constructed around the idea of the Qin state by the rulers, historians and intellectuals of the Han empire that would follow the Qin's brief tenure.[202]

Fully understanding the history of these conceptual approaches to authority requires carefully extricating the development of these ideas from the narratives that surround them. In fact, there is nothing to suggest that in the Warring States there was a discrete "school" devoted to the "law" (*fa* 法), and it is almost certainly the case that we owe this particular classification to Han dynasty historian Sima Tan 司馬談 who retroactively classified the various thinkers of the Warring States era into the taxonomy of "The six houses of thought" (*Liujia* 六家).[203] The term "Legalism" can be taken as a useful heuristic to refer to those thinkers whose political theories emphasized coercive authority and increased centralization, but the limitations of this heuristic should also be kept in mind;[204] the danger of an alluring heuristic is that it can create the impression that the heavy lifting of analysis has already been done, but in the case of Legalism this does not fully appear to be the case. This makes it necessary to provide at least a brief account of the term *Fajia* and to probe the history of the theories of coercive authority that have been associated with it, as well as to question if "law" is in fact a reasonable translation of *fa*, as the English translation "Legalism" may also have misleading implications.

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[202] This issue is discussed in several articles in Yuri Pines et al. (eds.), *Birth of an Empire: The State of Qin Revisited* (Berkeley: University of California Press, 2014).

[203] Paul R. Goldin, "Persistent Misconceptions about Chinese 'Legalism." *Journal of Chinese Philosophy* 38.1 (2011), 88.

The intellectual lineage of Legalism is usually traced back to early reformers such as Li Kui 李悝 (fl. c. 350 BCE?), a minister in the state of Wei 魏 and supposed compiler of the *Classic of Law* (*Fajing* 法經), a lost legal code that now exists only in apocryphal form, and Shang Yang, who supposedly brought Li Kui's code with him to the state of Qin where he was employed as Prime Minister. Shang Yang is most commonly given credit for instituting the reforms in Qin under the rulership of Duke Xiao that allowed for the state's eventual military success over its rival in the late Warring States. Little is known about the specifics of Shang Yang's reforms, and we are left to piece together an idea from later writings, such as Han historian Sima Qian's 司馬遷 accounts, as well as from the *Book of Lord Shang*. Although Legalism is traditionally connected to these statesmen, if we want to understand the roots of the conceptual and philosophical ideas associated with Legalism we must look to people such as Shen Dao 慎到 (fl. ca. 300 BCE?), Shen Buhai 申不害 (d. 337 BCE) and finally Han Fei, the aristocrat from the state of Han 韓 who is often credited as the syncretist whose writings represent the culmination of Legalist thought. These are presumably the "Legalists" that A.F.P.

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[204] Goldin, "Legalism," argues that the term does not even offer much heuristic value, and ultimately obfuscates more than it clarifies.

Hulsewé is referencing when he notes in a passing remark that "in spite of their preoccupation with law, hardly a legal rule is to be found in their voluminous writings."[205]

The term *fa* in its most general sense would better be translated as "standards" or "model,"[206] and it is in this sense that the political theorists Shen Dao and Shen Buhai appear to employ the term. In this sense, it is used as part of an argument for creating consistent "models" or "standards" of behaviour and job performance, and employing consistent mechanisms of punishments and rewards to ensure that people conform to them. Rather than viewing this as a concept of "law" it it would better be described, as Goldin puts it, as "an impersonal administrative technique of determining rewards and punishments in accordance with a subject's true merit."[207] The need to create a consistent standard of behaviour for both the common people and members of the state apparatus to was one of the quintessential features of this strand of political theory. For Shen Dao,[208] the primary virtue of the administrative technique of *fa* is that it is consistent and impersonal, making it possible to take the individual whims of the ruler out of the equation. This is contrasted this with the "private" (*si* 私) desires and discretions of the ruler, which can have a corrupting influence. The danger of injecting the private into the administrative process is that it will lead to resentment, as the meting out of punishments and rewards is seen to be personal.[209] For Han Fei, who was clearly influenced by Shen Dao's ideas, this leads to the additional danger that when the meting out of punishments becomes based on the ruler's own personal preferences, this endangers his authority by giving court figures insights into how to influence him and gain his trust. Han Fei was particularly obsessed with the danger of power blocs forming that could lead to state rulers being overruled or overthrown. Although Shen Dao and Han Fei differ in the ways that they interpret the precise dangers inherent to the ruler's private discretion being employed, they do appear to agree that the value of impersonal standards is primarily administrative.

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[205] A.F.P. Hulsewé, "Ch'in and Han Law," in *The Cambridge History of China. Volume I: The Ch'in and Han Empires, 221 B.C. - A.D. 220*, ed. Denis Twitchett and Michael Loewe (Cambridge: Cambridge University Press.1986), 526.

[206] Hulsewé, "Ch'in and Han Law," 526, for example, argues that *fa* might most commonly be translated as "norm" or "model."

[207] Goldin, "Legalism," 92.

[208] The *Shenzi* fragments are a reconstruction of passages and ideas widely believed to have originally been written by Shen Dao. For a discussion of the process of this reconstruction, see Thompson, *The Shen Tzu Fragments*.

Theorizing about the nature of political authority would provide the means for thinking about the complex problem of administering a large state apparatus made up of individuals, and also for maintaining the ruler's position in the face of potential rebellion or court intrigue. Two terms in particular were used to express this concept of authority: *quan* 權, which in its most literal sense might be translated as "weight," and so which can suggest the inherent "heft" of a ruler's authority, and *shi* 勢, a term that most literally means "situation," and which can be used to indicate the authority conferred by the "situational advantage" conferred simply by possessing a position of authority.[210] This notion of authority, as given simply by social position, is contrasted with one's own personal merits or inherent "worthiness" (*xian* 賢).[211] As Shen Dao notes, it is the happenstance of one's political position that determines their power in society, not their inherent moral qualities or abilities. Finally, political power and authority could be expressed in terms of one’s might (*wei* 威) or charismatic virtue (*de* 德), a term that conveys very specific moral and religious connotations when employed by Confucian thinkers, but not necessarily so when employed in other political theory writings.[212]

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[209] Yang Soon-ja, "Shen Dao's Own Voice in the *Shenzi* Fragments," *Dao*:10 (2011), 201, and Harris, *Shenzi Fragments*, 26-28 and 31-36.

[210] For a brief discussion on *shi*, see Harris, *Shenzi Fragments*, 56-61.

[211] See Yang Soon-ja, "Shen Dao," 193-194 for a discussion of these terms.

One of the key intellectual insights made by Shen Dao derives from his pragmatic perspective on the nature of power and the state. In this view, ethical considerations and the will of Heaven are detached from political realities, a fact made most explicit in Shen Dao’s discussion of situational power. Shen argues that dynamics and hierarchies of power are exerted by the simple nature of political authority, and that the ethical conduct or personal abilities of the people involved do not enter into the actual dynamics of power. As he states, in a passage that would later be quoted by Han Fei:

> 故騰蛇遊霧，飛龍乘雲，雲罷霧霽，與蚯蚓同，則失其所乘也。故賢而屈於不肖者，權輕也；不肖而服於賢者，位尊也.... 由此觀之，賢不足以服不肖，而勢位足以屈賢矣... 身不肖而令行者，得助於眾也
>
> So, the winged snake travels on the mists, and the flying dragon rides the clouds. But when the clouds are gone and mists dissipate, then they become the same as worms, because they have lost that upon which they were riding. Thus, when person of worth bends before one who is unworthy, this is because his authority (*quan* 權) is light; that one who is unworthy is able to make a worthy submit to him is out of respect for his position (*wei* 位)... Looking at it from this viewpoint, being worthy is not sufficient to make the masses bow down, but situational power and status are sufficient to make worthies bend… So, those who are not renowned but still decide matters are able to do so because their authority is weighty. If a crossbow is weak, but its bolt flies high, it is because the bolt rides on the wind. If one is not worthy, and yet one’s orders are carried out, it is because one has obtained the assistance of the masses.[213]

For Shen Dao, the solution to political turmoil is not to seek out worthy people to fill government offices, but to ensure that the state apparatus runs based on consistent and clear standards. In this way, members of the bureaucracy are more like artisans who each learns to master their own particular and learnable task through rote.[214] More important than personal virtuosity are "standards" (*fa* 法) — rules and metrics that instruct the individual member of the state apparatus in how to perform their own role. This concept would also be adopted by Han Fei in his own syncretic political theory.

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[212] For example, in his translation of the *Shenzi* fragments where *de* clearly does not have moral implications, Harris translates it as “potency” or “potent.” Harris, *Shenzi Fragments*, 106.

[213] Translation, with emendations, from Harris, *Shenzi Fragments*, 108.

Within this larger framework of conceptualized political authority, the virtue of "standards" is that they provide a means of depersonalizing some of the ruler's decision-making processes and clarifying and communicating expectations for ministers and bureaucratic office-holders. This view of the state as a machine in which individual members of its apparatus are cogs each working at his own particular job highlights what would be called, in Weberian terms, a rationalizing process, and it clearly forms one of the primary administrative requirements for a centralized and at least partially bureaucratized system of government. This system of standards was fundamentally at odds with certain elements of the Confucian view of ritual psychology. This is largely because the view of human dispositions portrayed in the *Shenzi* fragments, and at least implied in *The Book of Lord Shang*, is that human incentives as relatively straightforward and based mainly on self-interest. The *Shenzi* fragments are particularly clear that government practices should adhere to human nature, but only insofar as self-interest is a reliable and universal tendency that can be used to the advantage of state rulers:

> 天道因則大，化則細。因也者，因人之情也。人莫不自為也，化而使之為我，則莫可得而用矣。

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[214] This is noted in Fragments 17-18. See Harris, *Fragments*, 109. See Lothar Ledderose, *Ten Thousand Things: Module and Mass Production in Chinese Art* (Princeton: Princeton University Press, 2000), and Anthony J. Barbieri-Low, *Artisans in Early Imperial China* (Seattle: University of Washington Press, 2007), for a clearer understanding of the place of artisans in early Chinese society.

> One who adheres to the Way of Heaven will be great, and one who tries to alter it will be insignificant. To "adhere" means to adhere to people's dispositions (*qing* 情). Among people there is no-one who does not act in their own self-interest. If you (try and) change them and make them act in your interest, there will be no-one whom you will be able to employ (*yong* 用).[215]

The way to control people is not through developing a sense of personal loyalty,[216] but to give people a reason to obey you through salaries and emoluments. To "employ" the people requires a ruler to "employ" people's own self-interest, a much more reliable system of ensuring political authority, and one that is less likely to introduce feelings of resentment within the interpersonal dynamics of the political class. This passage also directly attacks the premise of personal self-cultivation, or the inculcation of ethical feelings as a factor in government. This opposition to the premise of altering people's characters appears to be a direct attack to the Confucian view of personal moral changes as being a fundamental element of achieving political success.

Constructing Walls and Securing Locks

Shen Dao's theory of political authority approached the question of employing people and ensuring orders were enacted that was based on making use of people's self-interest. From this perspective, people's psychological dispositions only needed to be taken into account sufficiently to develop a system that would clarify the standards for each bureaucratic position and ensure that whoever held that position would realize the benefits of correctly adhering to them. This theory of power represented one major strand of thought that sought to find solutions to the problem of political centralization that marked this period, and an early example that takes a similar if, arguably less “cynical” approach is the political theory of the Mohists. Mohist political theory represents an early example of an attempt to construct a systematic theory of political power, although, unlike Shen Dao, the *Mozi* text grounds its theory in moralistic terms and an emphasis on the role of Heaven and ghosts in establishing political authority.

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[215] *Shenzi* fragments 28-29.

[216] Loyalty is discussed in *Shenzi* fragments 46-52. See Harris, *Fragments*, 115-118.

In the synoptic “Exalting Worthiness” (*Shang xian* 尚賢) and “Exalting Unity” (*Shang tong* 尚同) chapters, we can see the beginning of a proposed system of meritocracy relying on offices hearing accounts of the qualities of those subordinate to them as a means for the ruler to determine who is worthy of employing in office. In the “Exalting Worthiness” chapter, it is argued that this system of meritocracy would actually function by encouraging good behaviour, and the basis for this system of behavioural control is described with the following analogy, which opens by rhetorically asking why this meritocratic system results in people’s behaviour changing for the better:

> 是其故何也？曰：上之所以使下者，一物也，下之所以事上者，一術也。譬之富者有高牆深宮，牆立既，謹上為鑿一門，有盜人入，闔其自入而求之，盜其無自出。是其故何也？則上得要也。
>
> What is the reason for this? I say it is that there was only one principle by which superiors commanded their subordinates, and only one method by which subordinates served their superiors.[217] It is like the rich man who builds a high wall surrounding his house. When the wall is complete, he is sure to make only a single entry gate so, when robbers enter, he can close off the entrance and pursue them and they have no way out. Why is this so? It is because the superior man secures the key point.[218]

From this view of basic incentivization, the best way to alter and control people’s behaviour is to channel them into a narrow set of available choices and to clearly advertise the benefits of doing so. This could be done through large rewards to entice quality ministers, as was the case for the Mohists, or with the additional incentive of punishments that would befall anyone who failed to adhere to these standards. This concept of behavioural control works by constraining people's available options but also clearly communicating to them in direct and straightforward terms what is expected of them and what sorts of behaviours will result in their rising through the political ranks. Here, the description is largely in terms of state administration and the best means for members of the state apparatus to succeed; however, we can presume that this system would also cascade into lower levels of the society as well. This means that this view of managing people's behaviour would also have implications for concepts of public order and maintaining control throughout the territory down to the village level.

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[217] Johnston translates *wu* 物 as “standard” and *shu* 術 as “path,” see Johnston, *Mozi*, 56 n14.

[218] Translation, with emendations, from Johnston, *Mozi*, 57.

This view is expressed even more clearly in the political theory texts that can now be found in the *Guanzi* compendium. This collection of texts, named after the famous Spring and Autumn period minister of Qi, Guan Zhong, is a mixed bag of works, the majority of which are likely connected to the Jixia 稷下 Academic centres that were patronized by the Qi rulers during the Warring States.[219] Although this anthology does not have a unifying theme, there is a core of political theory texts that do appear to have shared a common approach and ideology.[220] In his discussion of the evolution of theories of coercive rulership, Scott Cook notes the following passage from the “Eight Points of Observation” (*Baguan* 八觀) chapter:

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[219] For a survey of scholarship on the Jixia Academies see Andrew Meyer, "The Altars of the Soil and Grain are Closer than Kin 社稷戚於親: The Qi 齊 Model of Intellectual Participation and the Jixia 稷下 Patronage Community", Early China 33/34: 37-99 and Oliver Weingarten, "Debates around Jixia: Argument and Intertextuality in Warring States Writings Associated with Qi," *Journal of the American Oriental Society* 135.2.

[220] The texts examined here are ones that I believe can be dated to the late Warring States period. Some works of this anthology are almost certainly from the Han, and have not been examined here. For discussions on the *Guanzi* text see, W. Allyn Rickett, *Guanzi: Political, Economic and Philosophical Essays from Early China* (Princeton: Princeton University Press, 1985), 3-50, and "Kuan tzu," in *Early Chinese Texts: A Bibliographical Guide*, ed. Michael Loewe (Berkeley: Society for the Study of Early China & The Institute of East Asian Studies, University of California, 1993).

> 故形勢不得為非，則姦邪之人慤愿。禁罰威嚴，則簡慢之人整齊。憲令著明，則蠻夷之人不敢犯。賞慶信必，則有功者勸。教訓習俗者眾，則君民化變而不自知也。是故明君在上位，刑省罰寡，非可刑而不刑，非可罪而不罪也。明君者，閉其門，塞其塗，弇其跡，使民毋由接於淫非之地。是以民之道正行善也若性然。故罪罰寡而民以治矣。
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> Thus if the lay of circumstances is such that people are unable to do wrong, then the wicked and depraved will become honest and sincere. If prohibitions and penalties are awesome and severe, then the indolent and negligent will be put in order. If the statutes and commands are prominent and clear, then the rough and barbarous[221] will not dare violate them. If prizes and rewards are assured and invariable then those with merit will be encouraged. If those instructed and habituated in [proper] customs are numerous, then the ruler's people will gradually transform without knowing it. For this reason, when an enlightened ruler occupies the supreme position and punishments are lessened and penalties few, this is not because [people] deserve to be punished and yet are not, or that they deserve to be incriminated and yet are not. The enlightened ruler is one who shuts the gate, blocks the road, and covers the tracks, ensuring the people will have no routes to lead them to the land of transgressions and wrongs. Because of this, the people will come to walk the proper paths and practice goodness as if it were in their natures to do so. Thus crimes and penalties will be few and the people will thereby be well ordered.[222]

What we should note about this passage is the way that it employs a very similar analogy to the *Mozi*’s story about the rich man’s walls. This approach also parallels what Shen Dao describes as the self-interested (*ziwei* 自為) tendency of people. Clarifying expectations has the effect of revealing the path of ideal behaviour. In a sense, people make the “voluntary” decision to act in the way desired by state rulers, because the consequences of failing to do so are made clear, as are the personal benefits of making the correct choice. For the increasingly centralized theory of political practice that is seen in the writings of people like Shen Dao and those influenced by him, such as Han Fei, the implementation of clear standards of administrative practice, or *fa* 法, allows the government to operate in a way that is increasingly free of chaotic and inconsistent individual whims. Because it is systematic, it also does not rely on discovering the “worthy” virtuosos described by the Mohists and Confucians in their idealized conceptualization of a meritocracy. In the “Shepherding the People” (*Mu min* 牧民) chapter of the *Guanzi*[223] this point is framed in terms of clarifying precisely what actions lead to the starkest of punishments and which result in personal gain:

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[221] Rickett translates this more literally as, “If the statutes and orders are clear, [even] the Man 蠻 and Yi 夷 barbarians will not dare violate them,” Rickett *Guanzi*, 226.

[222] Translation by Cook, “Coercive Rulership”, 422.

> 錯國於不傾之地，積於不涸之倉，藏於不竭之府，下令於流水之原，使民於不爭之官，明必死之路，開必得之門奧隊.
>
> Place your state upon a foundation that does not tilt, accumulate your (grain) in granaries that do not deplete, and keep your [wealth] in storehouses that do not run out. Issue your orders down like the wellspring of a flowing stream, and command the common people with offices that do not contend. Make clear the road to certain death, and open up the gates to certain gain.[224]

These passages are focused on establishing public order all the way down from the ruler to the village-level, and it is argued that the state will not flourish unless this public order is pervasive at every level of society. This can be seen very clearly in the “Eight Points of Observation,” where the ideal state of public order is clearly described:

> 大城不可以不完，郭周不可以外通，里域不可以橫通。閭閈不可以毋闔。宮垣關閉，不可以不修。故大城不完，則亂賊之人謀。郭周外通，則姦遁踰越者作。里域橫通，則攘奪竊盜者不止。閭閈無闔，外內交通，則男女無別。宮垣不備，關閉不固，雖有良貨，不能守也。
>
> The main city wall must be well constructed, the suburban walls impenetrable, village boundaries secure from all sides, gates kept closed, and residential walls and door locks kept in good repair. The reason is that if the main walls are not well constructed, rebels and brigands will plot to make trouble. If suburban walls can be penetrated, evil fugitives and

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[223] This chapter is also highlighted by Cook in “Coercive Rulership.”

[224] Adapted from Rickett, *Guanzi*, 55.

> trespassers will abound. If village boundaries can be crossed, thieves and robbers will not be stopped. If gates are not kept closed and there are passages in and out, men and women will not be kept separated. If residential walls are not solid and locks are not secure, even though people may have rich possessions, they will not be able to protect them.[225]

The overarching theme of this chapter is that the ruler must be kept apprised of state affairs in his realm at all levels — from the village all the way up to the behaviour of court officials and finally even beyond the borders of his own state, in terms of inter-state relations. The demands of increased centralization required a theory of statecraft in which the ruler could be certain that the behaviour of every element of his state be kept in check, so that there was no potential for political chaos or turbulence to arise, and that a steady flow of the all-important resources of agricultural goods and a mobilized population of corvée labour and military conscripts would not be interrupted. Public order is expressed in terms of not only personal security from thieves, robbers, fugitives and trespassers but also in terms of the sexual separation of men and women, a point that was discussed in Chapter One of this study.

In this view, social order is tenuous, and thieves, robbers and rebels can arise when care is not taken and the moral order decays such that men and women interact inappropriately. This concern with moral order is persistent in these texts, with illicit sexual interactions as a common indication of moral decay, perhaps even as a kind of metonym for public disorder. The "Cultivating Authority" (*Quan xiu* 權修) chapter also presents a useful metric for determining social disorder:

> 商賈在朝，則貨財上流；婦言人事，則賞罰不信；男女無別，則民無廉恥.
>
> If merchants and traders are received at court, goods and wealth will flow upward [in the form of bribes]. If women have a voice in the affairs of men, rewards and punishments will not be

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[225] Translation from Rickett, *Guanzi*, 226.

> reliable. If men and women are not segregated, the people will have neither a sense of integrity nor a sense of shame.[226]

The "Establishing Government" (*Li zheng* 立政) chapter has more to say about the basic question of ensuring social order, in a tone very much along the same lines as the "Eight Points of Observation." Villages represent potential hotbeds for disorder, and because they are also the farthest away from the eyes of the ruler there needs to be a mechanism in place to ensure that order is kept:

> 築障塞匿，一道路，博出入，審閭閈，慎筦鍵，筦藏于里尉。置閭有司，以時開閉。閭有司觀出入者，以復于里尉。凡出入不時，衣服不中，圈屬群徒，不順於常者，閭有司見之，復無時。若在長家子弟臣妾屬役賓客，則里尉以譙于游宗，游宗以譙于什伍，什伍以譙于長家，譙敬而勿復。一再則宥，三則不赦。
>
> Set up strong points and close off [the approaches to villages] with barricades. Let there be but a single road [leading into each village], and let [people] leave or enter only one at a time. Let the village gates be watched and careful attention paid to keys and locks. The keys shall be kept by the village commandant, and a gatekeeper shall be appointed to open and close the gates at the proper time. Let the gatekeeper observe those who come and go in order to report on them to the village commandant. All cases of leaving or entering at improper times, wearing improper clothing, or members of households or their retainers not conforming to the accepted norms shall be reported by the gatekeeper immediately, no matter what the time. If [such irregularities] involve the sons, younger brothers, male or female slaves, retainers or guests of the head of a household, the village commandant shall warn the clan elder of the circuit. / The clan elder shall [in turn] warn [the leader] of the group of ten or five who shall [accordingly] warn the head of the household.[227]

Available historical sources cannot confirm how thoroughly and pervasive this theory was put into practice during the Warring States period, but it does seem likely that this basic structure of political authority and control was something that was becoming increasingly common, and was certainly in place in the Qin state in some form. This structure includes the mutual responsibility system of the household units of fives and tens, and we can presume that specific offices were needed to answer to those above them. The state was divided into smaller manageable administrative districts in which villages and households are broken down into the units of five and ten that watch each other based on a mutual responsibility system, with word being passed up the chain of command on whether or not individuals and families are adhering to rules of conduct that range from filial piety to the wearing of appropriate clothing, in accordance to one's place in the state hierarchy. Although many of these administrative practices must presumably have grown out of earlier political structures, the Warring States period is marked by an increased concern with the ruler's direct control over these issues, and with developing political institutions and practices to make this centralized control possible.

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[226] Translation from Rickett, *Guanzi*, 95.

[227] Translation from Rickett, *Guanzi*, 104.

If we were to consider this political theory in Foucauldian terms, we might consider this a kind of village panopticon: a system in which the average person is made fully aware of the "automatic functioning of power,"[228] through clear instruction of the correct forms of behaviour, and a knowledge of the constant gaze of their own neighbours for whom any infraction within the mutual responsibility system could mean disaster for their own selves and immediate family. Foucault was speaking of the system of power and discipline that was developed in eighteenth century Europe, and which functioned because of its invisible and omnipresent nature. This is something that was not achieved in early imperial or pre-imperial China; nevertheless, the political writings of this period are marked by a very clear attempt to understand and make use of the psychological dispositions of people in order to effect more constant and thorough power over them by the ruler and his highest ministers. A key term in this system of political authority is the effect of an awesome "might" (*wei* 威). Knowledge of the invariability and extremity of these punishments was intended, in many of these political writings, to weigh so heavily on the minds of the populace that only the most daring and incorrigible would dare to disobey them. The panoptic nature of this form of political authority comes from the clear promulgation of these rules as an attempt to constrain and redirect the actions of the people, as shown by the examples above of “making clear the road to certain death”, and the *Mozi*’s metaphor of the rich man’s compound with only one gate.

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[228] Michel Foucault, *Discipline and Punish: The Birth of the Prison,* trans. Alan Sheridan (New York: Vintage Books, 1997), 201.

Punishments and Prohibitions

These theories of political authority, particularly the promulgation of laws and the employment of punishments and rewards to control the behaviour of the state populace, were grounded within real administrative institutions, and so in order to understand the political and social framework within which these debates occurred it is necessary to consider the legal system of early China. The strict application of punishments and rewards required the centralization and standardization of specific rules of conduct and actual administrative figures to conduct this system. On this level, the description of *Fajia* theorists as “Legalists” does have merit, because the way that these standards of behaviour were actually enforced was through the writing and promulgation of actual laws. These laws applied to both state administrative figures, to ensure that they adhered to correct standards of professional behaviour, and to the broader populace, to ensure both public order and obedience to state directives. The way that laws were being conceptualized could not be clearly detached from this concept of standardizations, and the way that the law was applied does appear to have been largely directed towards the goal of controlling people’s behaviour in the terms described in the political theory texts above.

There are several issues that potentially cloud our understanding of the development of law in early China and its role in the political arena. The first is the term "law" itself, for which, as A.F.P. Hulsewé notes, no unambiguous corresponding term will be found in early Chinese.[229] We must be careful not to carry into our discussion of early Chinese law any concept of it in the sense that the "law" existed to protect individuals from the power of the state or to limit the power of state rulers.[230] This is to say, "law" does not appear to have existed as a clear abstract notion that was designed for the purpose of ensuring justice for the individual. The second issue is the distinction between two meanings of *fa* 法. On the one hand there is the application of the law, with all of its complex bureaucratic offices and records and which played out in the real world in ways that are difficult to reconstruct from available historical sources; on the other hand, there are writings about the cultivation and maintenance of political authority within which legal promulgations are discussed in principle but not in detail. The political theory texts that were discussed above represent attempts to construct abstracted concepts that made it possible to think about the state in theoretical terms.

To clarify these issues, we should first consider the available vocabulary of terms that could be used to refer to either specific "laws" or potentially to "the law" in the abstract. There are some specific examples where *fa* appears to be used to refer to specific laws. For example, the "Fixing Allotments" (*Ding fen* 定分) chapter of the *Book of Lord Shang* speaks repeatedly of *fa* 法 and *ling* 令. These term could be translated broadly as "standards and decrees" if we assume nothing more specific was intended, but the particular use of the term within the chapter itself suggests that it may be referring more narrowly to written statutes and ordinances, which would more commonly be written as *xian* 憲 or else *lü* 律, the latter being the term that would eventually become standard under the Qin. This seems to be the meaning in the following passage:

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[229] Hulsewé, "Ch'in and Han Law," 526.

[230] Michael Loewe, "The Laws of 186 BCE", in *China's Early Empires: A Re-appraisal*, ed. Michael Nylan and Michael Loewe (Cambridge: Cambridge University Press, 2010), 253.

> 公問於公孫鞅曰：「法令以當時立之者，明旦欲使天下之吏民，皆明知而用之如一而無私，奈何？」
>
> The Duke questioned Gong-sun Yang, saying: 'Supposing that one established laws (*fa* 法) and decrees today, and wished that, tomorrow, all government servants and people, throughout the empire, should understand them clearly and apply them, so that all should be as one, and should have no selfish intentions - how can one bring this about?[231]

The chapter argues that political authority and order cannot be achieved without *fa* and *ling*, and it is made clear that this practice of standards (or laws) and decrees requires clear and definitive legal statutes being written down in texts to which the ruler is directly associated, and that this has the effect of deterring criminals from daring to disobey the law. The terminology used to refer to specific laws was relatively fluid, but does not necessarily demonstrate a consistent and abstract concept of "law" being used, or of a clear "school" devoted to its study. Even here, where it seems *fa* might be a term of meaning that goes beyond "standards", the primary point being made in this passage is that of employing a practice of government that allows for the employment of the people, and of the consistent and unified action of those people towards the benefit of the state, rather than towards pursuing their own personal interests. Nevertheless, it does seem clear that because administrative and public standards of behaviour were exerted through promulgated rules, the use of *fa* to describe "laws" and as "standards" blur together in many cases.[232]

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[231] *Book of Lord Shang*, "Fixing Allotments" (*Ding fen* 定分).

There may be no clear correlate for the English term "law," but there is a body of vocabulary that when combined together can provide us a picture of how the law, as we understand it by that word, was conceived of, expressed and put into practice in early China. Looking beyond *fa* for a vocabulary of law, we must also consider *xing* 刑 and *fa* 罰, which refer more explicitly to punishments applied to those who violate legal rules. Legal "statutes" (*xian* 憲 or *lü* 律) and state "directives" or "decrees" (*ming* 命 or *ling* 令) refer to the actual codified rules and legal "prohibitions" (*jin* 禁). We should also consider a term like *yu* 獄, which refers to criminal hearings. As Bodde and Morris note, "the written law of pre-modern China was overwhelmingly penal in emphasis,"[233] which suggests it might be preferable to refer not to the "legal" system as such, but rather to the "penal system," a system of rules designed to ensure the proper punishment of individuals who transgress codified social norms.

For the most part, our knowledge of the specific statutes of penal law from early China is sparse. As Hulsewé notes, the "earliest code we possess in its entirety is the Tang penal code of 653 in its revised version of 725, and hundreds of Tang administrative rules."[234] More recently, however, archaeological discoveries have provided greater knowledge of the specific form of penal regulations. Most notably, we have the Han legal texts discovered at Zhangjiashan 張家山

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[232] It may also be the case that this conceptualization of *fa* as "laws" was a late Warring States or early Qin development. Yuri Pines, *The Book of Lord Shang*, 243, notes that the "Ding fen" chapter quoted above was likely written later than the other chapters of this text.

[233] Derk Bodde and Clarence Morris, *Law in Imperial China: Exemplified by 190 Ch'ing Dynasty Cases* (Cambridge, Mass.: Harvard University Press, 1967), 3.

[234] Hulsewé, "Ch'in and Han Law," 520.

in 1983,[235] which also make references to Qin precedents, as well as the Qin legal texts from Shuihudi 睡虎地 discovered in 1975 and the Qin administrative texts found in a well at the city-site of Liye 里耶 in 1996.[236] Thanks to these discoveries, it is now possible to see that there did exist a tradition of considering and weighing the role of specific legal statutes at least as early as the Qin. There was also likely a rich body of legal literature from early China that has been largely lost and is only to be recovered through archaeological textual research. In their work on the archaeologically recovered Han dynasty legal texts from Zhangjiashan, *Law, State, and Society in Early Imperial China*, Anthony Barbieri-Low and Robin Yates discuss the role of Judiciary Scribes (*Yushi* 獄史), highly literate members of the bureaucratic class whose station in society was not especially high, but who nevertheless wielded considerable power due to their role in the legal system of the early Chinese state.[237] Although there is some debate over the precise role of these texts and of their intended audience, Barbieri-Low and Yates argue that the *Book of Submitted Doubtful Cases* (*Zouyan shu* 奏讞書) text, for example, may represent not only writings intended to be used as legal references, but may also have elements more in line with an early example of 'court-case literature' (*gong'an xiaoshuo* 公案小說), intended at least partly for entertainment. Regardless of the intended purpose of these texts, it appears that there did exist some kind of "legal" culture, that arose out of the lived experience of participating in the system of criminal cases, and which can now only be glimpsed through the occasional revealingly "human" moments in these recovered archaeological writings.

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[235] Two legal texts were found at Zhangjiashan: *Ernian lüling* 二年律令 and *Zouyan shu* 奏讞書. These texts date to the Han dynasty, but contain legal precedents from the Qin as well. For a thorough study of these legal texts, see Anthony Barbieri-Low and Robin D.S. Yates, *Law, State, and Society in Early Imperial China: A Study with Critical Edition and Translation of the Legal Texts from Zhangjiashan Tomb no. 247*.

[236] For a brief description of the Liye texts, see Li Xueqin. "A Preliminary Study of the Qin Period Inscribed Slips from Liye," *Chinese Archaeology* 2003.1.

[237] Barbieri-Low and Yates, *Law, State, and Society*, especially 3-5.

In the Zhangjiashan legal texts, we can find a number of statutes, most likely in an abbreviated form.[238] When looking at these specific legal texts, the primary terms that have the greatest correspondence to our concept of "law" would be "statutes" (*lü* 律), specific explanations of acts considered to be criminal and the rules governing how these were to be prosecuted and punished, as well as "ordinances" (*ling* 令), directives from the ruler intended to respond to immediate and specific needs and circumstances. These ordinances could have a "single aim or subject", they could "list regulations for the operation of offices and bureaus", or they could "[set] out specifications for the penal system".[239] One of the key texts found in the Zhangjiashan corpus is the "Statutes and Ordinances of the Second Year" *Ernian lüling* 二年律令,[240] a text whose surviving reconstructed version is devoted to the description of twenty-seven specific categories (*zhong* 種) of statutes as well as one category of ordinances. These categories of statutes cover a wide range of issues, including specific malicious genres of criminal activities. To take just two examples, "assault" (*zei* 賊) represents a broad category indicating "harm" to other persons or directly to the state,[241] and "robbery," (*dao* 盜) conveys a broad range of malicious activities from theft of property to grave robbing, bribery and embezzlement.[242] Also included are "statutes on the composition of judgements" (*Ju lü* 具律), which is largely devoted to the discussion of specific sentences for crimes, and to the "mitigations or aggravations to standard sentences that took into account the rank, age, gender, or special status of the criminal."[243]

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[238] For argument as to why these are an abbreviated version of legal statutes, see Barbieri-Low and Yates, *Law, State, and Society*, 26-32.

[239] Barbieri-Low and Yates, *Law, State, and Society*, 73-74.

[240] This name is based on what appears to be the intended "title" of this particular bamboo bundle, possibly written on the outermost bamboo slip as it was being prepared for the occupant's tomb. Barbieri-Low and Yates, *Law, State, and Society*, 49-50.

[241] Barbieri-Low and Yates, *Law, State, and Society*, 384.

In the Zhangjiashan texts we can find examples in which public morality is regulated, with rules against illicit sexual intercourse, with specific punishments based on the scenario and the people involved.[244] We can also find rules for maintaining public order that bring to mind the village panopticon of the *Guanzi* texts:

> 自五夫=(大夫)以下，比地為伍。以辨(券)為信。居處相察，出入相司(伺)。有為盜賊及亡者，輒謁吏。典、田典更挾里門籥（鑰），以時開。
>
> For [those householders holding] Fifth Grandee or lower [rank], adjoining properties shall form [mutually-responsible] groups of five. They are to use divided [contract tallies] as proof of their trustworthiness. The residents are to investigate one another and inspect one another's comings and goings. When there is one among them who commits robbery or assault, or absconds, [they are] immediately to inform the officials. The Village Chief and the Chief the Fields are to rotate possession of the key to the village gates and open [and close] them at the appropriate times.[245]

Acts that will receive punishment range widely from acts of violence, theft and corruption, but also include cases where people attempt to benefit unethically from the legal structure or whose actions go beyond the limitations imposed upon their particular office. For example, in the state of Qin, aristocratic rank (*jue* 爵) was bestowed to commoners for successes in military endeavours as proven by delivery of the severed heads of enemies,[246] but in one case from the Qin statutes, it is suggested that a person will be punished if they attempt to acquire a rank using the head of a criminal instead.[247] Barbieri-Low and Yates also note similar regulations in the Han, pointing out one example from the "Statutes on the Establishment of Officials" where it is clearly stated that people should not go beyond the prescribed duties of their own office:

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[242] Barbieri-Low and Yates, *Law, State, and Society*, 457.

[243] Barbieri-Low and Yates, *Law, State, and Society*, 496.

[244] Barbieri-Low and Yates, *Law, State, and Society*,

[245] Zhangzhiajian slips 305-6. Original text and translation from Barbieri-Low and Yates, *Law, State, and Society*, 789.

> 官名有辨。非其官事勿敢為。非所聽勿敢聽。
> Each office is to have its own different [responsibilities]. What is not its office business, it is not to dare to do it. What it should not listen to (eg. denunciations, complaints), it is not to dare to listen to it.[248]

These archaeological examples of legal statutes all date from the early imperial period, and so we must be careful not to attribute too many specific insights from these texts to the earlier Warring States period. What can be surmised from reading them is the general approach to legal statutes that must have already been developing, at least in the Qin state, by the end of the Warring States period. They also provide concrete examples of how a codified set of behavioural standards for both administrators and common people may have actually functioned when put into practice. Looking at these statutes not only helps to demonstrate how the penal system would have helped to manage the extraordinary complexities involved in managing the administration of the early Chinese empires, but they also provide concrete examples of how people's self-interest was employed to constrain their behaviour through the incentives of punishments and rewards. The system of incentives could include not only beatings, death and financial punishments and rewards but also conferral or removal of ranks within a strict social hierarchy that carried benefits for both individuals and families. The need for lengthy and pedantic additions to the rules, and the creation of statutes to take into account people's attempts to abuse the system or misuse their position highlights what the Confucians would argue was a major flaw in a system of social regulation that relied on promulgated rules and regulations. As they would argue, a punitive system fails to actually create a populace who actively and willingly obey; instead, you create a society in which people simply seek to evade punishment.

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[246] This is mentioned, for example, in one statute where it is clarified that a person who dies before the appointment, the rank is not inherited by his family. A.F.P. Hulsewé, *Remnants of Ch'in law : an annotated translation of the Ch'in legal and administrative rules of the 3rd century B.C. discovered in Yün-meng Prefecture, Hu- pei Province, in 1975* (Leiden: Brill, 1985), 82-3.

[247] Hulsewé, *Remnants of Ch'in Law*, 118.

[248] Barbieri-Low and Yates, *Law, State, and Society*, 111.

Those Who Would Shepherd the People

The application of punishments and rewards may have been the most direct way of using people's self-interest to control their behaviour, but the *Guanzi* texts also suggest an awareness that this was not enough to secure genuine authority. The political theory in these texts appear to temper the harsh application of punitive regulations with an understanding that in order to more fully direct the people's behaviour, they needed to publicly project the ruler and the state to the people in a positive light and to prevent feelings of resentment among the people. To better understand this, it is useful to consider a methodological framework that was employed by Charles Sanft. In his discussion of the Qin state and its development of new techniques of statecraft, he emphasizes the need for both communication and cooperation.[249] His view is that the Warring States period was marked, at least in part, by new "insights into human behaviour", which made it possible to develop techniques of governance that made possible the large, unified state structure of the Qin. Because Sanft argues that the basic functioning of government requires the organized cooperation of the common people, these insights into human behaviour were key for the ability to expand the reach of a centralized state administration. As Sanft argues, "the common people's participation was by definition active and the people had to be persuaded to give it."[250] There are indications in Warring States political writings that thinkers were aware of this problem, as seen for example in the persuasive narratives discussed in Chapter Two where we can see rulers' anxiety that their directives will be subject to criticism and resistance. This can also be seen in Book One of the *Mengzi*, where we see Mencius' attempts to argue that moral rectitude is the best means of gaining the approval of the people, and in the *Annals of Lü Buwei* where we can find arguments about the need to gain the people's support. Mark Edward Lewis also notes how in the Spring and Autumn period, there was a need to gain the approval and consolidate the support of the capital populace (*guoren* 國人).[251] In some Warring States texts, this problem of disapproval is expressed in terms of mobs or masses arriving at the palaces to complain. Addressing people's "hearts" is therefore a necessary precaution in political theories of the Warring States, and this idea appears to have been thoroughly adopted by the end of the period. As Sanft argues, this issue was taken very seriously by the Qin state in their consolidating and centralizing project.

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[249] Charles Sanft, *Communication and Cooperation in Early Imperial China* (Albany: State University of New York Press, 2014).

In both "Shepherding the People" and "The Eight Points of Observation", punishments and rewards are only part of a broader political approach that also expresses a need to keep the people happy. In “Shepherding the People” this program includes “prohibiting luxury and artfulness” (*jin wenqiao* 禁文巧) so that punishments can be reduced, and making the people obedient by honouring the spirits (*ming guishen* 明鬼神),[252] respecting the mountain and river gods (*qi shanchuan* 祇山川), revering the ancestral temples (*jing zongmiao* 敬宗廟) and venerating ancestors and great men of the past (*gong zujiu* 恭祖舊).[253] In “The Eight Points of Observation” this broader program also requires entering the capital and towns and observing them to see if the state is being “wasteful or frugal” (*chi jian* 侈儉).[254] A state not imposing reasonable limits upon the production and consumption of luxury goods by elites will impoverish the people and give rise to “wicked ideas” (*jian zhi* 姦智).

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[250] Sanft, *Communication and Cooperation*, 38.

[251] Mark Edward Lewis, *Sanctioned Violence in Early China*, 48-49. Securing this support may have been one of the main purposes of the Spring and Autumn period blood covenant texts discovered in Houma and Wenxian, for which see Crispin Williams, "Ten Thousand Names: Rank and Lineage Affiliation in the Wenxian Covenant Texts," *Asiatische Studien* 63.4 The shift towards increasingly centralized territorial states presumably would have altered this relationship between rulers and capital inhabitants, but Warring States texts still show a concern over uprisings and anger among the populace.

While the basic tactics required in the *Guanzi* texts for achieving political authority rely on the promulgation of clear rules of behaviour and their accompanying punishments, the texts also argue that the active cooperation of the populace is required before anything can be accomplished. When the populace has thoroughly “departed” or “become distant” (*li* 離) from the ruler, they cannot be won over by the simple application of punishments, as this will drive them even further away. If the people turn away from their ruler, see their own contributions to the state through the production of their goods being wasted on luxuries, or else see do not see that their own behaviour will have any consistent consequences in terms of punishments and rewards, they can no longer be administered and orders will not be followed. To take just one example, in the “Eight Areas of Observation” chapter, this exact problem is conveyed as a failure to make it clear to the people that they have a stake in the success of the state, and that the following of orders will reliably benefit them:

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[252] Following major commentators in reading *ming* 明 as “venerate”, “respect”, or “honour,” Guo, *Guanzi jijiao*, 3-4. This line of argument is also reminiscent of the extant “*Ming gui*” 明鬼 chapter of the *Mozi* text, where a belief in ghosts is put forward as one of the key tools for ensuring social stability: “Now if all the people in the world could be brought to believe that ghosts and spirits are able to reward the worthy and punish the wicked, then how could the world be in disorder?” (今若使天下之人，偕若信鬼神之能賞賢而罰暴也，則夫天下豈亂哉). Translation from Johnston, *Mozi*, 279.

[253] Translation from Rickett, *Guanzi*, 53.

[254] Translation from Rickett, *Guanzi*, 228.

> 置法出令，臨眾用民，計其威嚴寬惠，行於其民與不行於其民可知也。法虛立而害疏遠，令一布而不聽者存，賤爵祿而毋功者富，然則眾必輕令，而上位危。
>
> Calculate the degree of strictness or leniency in setting up laws, issuing orders, supervising the masses, and employing the people to ascertain whether or not these things are effective among the people. If laws are instituted in a thoughtless manner and are harmful to those removed [from court], if from the moment orders are issues there are those who pay no attention to them, if the lowly are given ranks and those with no merit become rich, the masses will certainly treat orders lightly and the position of the sovereign will be endangered.[255]

This need for active cooperation, in Sanft’s framework, raises a problem for the ruler, who has no choice but to consider the likes and dislikes of the people when considering what demands to make of them. On the most basic level, he must ensure that he simply does not demand too much. As the “Laws and Standards” chapter notes, pushing too much will be counter productive:

> 求多者，其得寡，禁多者，其止寡。令多者，其行寡。
>
> If he seeks too much (from them), little will be gained; if he prohibits too much, little will be stopped; if he orders too much, little will be carried out.[256]

A true balance must be achieved, but the ruler also needs to pay strict attention to the basic desires of the people. Besides clear and strict punishments to overwhelm the people with the awesome might of the state and to clarify the “road to certain death,” correct action must be seen to dependably lead to prizes and increases in rank.

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[255] Translation from Rickett, *Guanzi*, 223.

[256] Translation, with minor emendations, from Rickett, *Guanzi*, 252.

Perhaps drawing on some of the ideas put forward by Confucian thinkers,[257] the *Guanzi* texts also note that there is a risk of losing the people's cooperation if they feel the ruler is hypocritical, or if it becomes clear that the state's resources are being used excessively for his own benefit. These indications of extravagance and hypocrisy can lead to anger and resentment:

> 厚愛利，足以親之。明智禮，足以教之。上身服以先之。審度量以閑之。
>
> Being generous with care and [material] benefits is sufficient to gain the affection of the people. Manifesting wisdom and ritual propriety is sufficient to instruct them. [However], the sovereign himself must submit [to these qualities] in order to serve as an example for them and see that there is proper measure in exactions and expenditures in order to guard against [excesses].[258]

At points, the texts appear to borrow very directly from the Confucian vocabulary, emphasizing the moral rectitude of the sage kings of antiquity and of the capacity to inculcate within the people a proper sense of "shame" (*chi* 恥), so that they conduct themselves appropriately. These views are curious, and sometimes feel appended to otherwise pragmatic political philosophies. One example of this can be found in the "Standards and prohibitions" (*Fajin* 法禁) chapter:

> 聖王之身，治世之時，德行必有所是，道義必有所明；故士莫敢詭俗異禮，以自見於國.... 是故聖王之教民也，以仁錯之，以恥使之，修其能，致其所成而止。故曰：「絕而定，靜而治，安而尊，舉錯而不變者，聖王之道也。」
>
> During the age when the sage kings personally exercised their rule, virtuous conduct was certain to be prevalent, and moral standards were clear. Therefore none of the scholars (*shi* 士) dared offend against established custom or distort the rules of propriety in order to make himself known throughout the country…. For this reason, when the sage kings instructed their people, they used goodness (*ren* 仁) to manage them and a sense of shame (*chi* 恥) to motivate them. They cultivated their abilities to attain that which they could do, and that is all. Therefore it is said: "Decisive, and thus stable; calm, and thus ordered; at peace, and thus

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[257] Cook, "Coercive Rulership."

[258] Translation from Rickett, *Guanzi*, 93.

> venerated; establishing protocols without (later) altering them— such was the way of the sage kings."[259]

Despite the window-dressing of this Confucian vocabulary, the texts nevertheless consistently argue for the instrumental application of punishments and rewards, and a focus on people's basic self-interest. The need for careful projection of the ruler's image is limited to the danger of resentment arising if the people feel that their labour is not benefiting them because the ruler has using the state's wealth to fund a luxurious lifestyle, or if the vocabulary of morality is employed against the people by a ruler who himself appears to be morally depraved. This approach to cooperation bears more similarity to contemporary practices of public relations than to the Confucian project in which moral emotions are carefully inculcated.

What the *Guanzi* texts do contribute to this instrumental approach to politics is more in terms of Sanft's concept of "communication." This is true first of all because of the way that the authority of the state and the rectitude of the ruler need to be communicated. Much of the discussion of authority in these works includes a communicative and instructive element, "making clear" the road to certain death and ensuring that the people are made aware that the ruler does not hypocritically disobey his own standards. The people also must not see examples of extravagance in the use of state resources, or else they will begin to take orders lightly. Taken broadly, communication also includes ritual elements,[260] at the very least in order to clarify the social hierarchy. This is built into the "panoptic" structure discussed above, with violations of ritual-hierarchical norms being noted and communicated up the command chain with strict consequences. It is this form of communication that must also reach into the very hearts of the people and ensure that their dispositions toward the state are kept correct. This can be seen most clearly in "Cultivating Authority" where both institutional and ritualized elements of the social hierarchy are emphasized:

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[259] Translation, with emendations, from Rickett, *Guanzi*, 239-40.

[260] Sanft, *Communication and Cooperation*, 27-29; 46-48.

> 朝廷不肅，貴賤不明，長幼不分，度量不審，衣服無等，上下淩節，而求百姓之尊主政令，不可得也。
>
> If the dignity of the court is not preserved, and the positions of the honoured and lowly are not clearly defined; if the old and young are not distinguished, and proper measure [in regard to exactions and expenditures] is not observed; if there are no gradations of clothing [according to rank], and sovereign and subject both exceed the proper limits, it is impossible to expect the hundred surnames to honor the government and orders of their ruler.[261]

Finally, this system of maintaining social order and ensuring communication also includes an instructional component. In the *Guanzi* texts, "instruction" involves the communication of strict rules of behaviour. The specific concerns about people's moral behaviour comes down to the issue of public order, in the sense that indications of moral depravity, such as the illicit interaction between sexes, are a standard metric of disorder. This can be seen in "Cultivating Authority":

> 凡牧民者，使士無邪行，女無淫事。士無邪行，教也。女無淫事，訓也。教訓成俗，而刑罰省，數也。
>
> Those who would shepherd the people cause men to refrain from evil acts and women to refrain from illicit affairs. When men do not commit evil acts, it is because they have been [properly] instructed. When women do not engage in illicit affairs, it is because they have been [properly] admonished. When instruction and admonition mould customary behaviour, punishments decline.[262]

Following this section is a long and repetitive set of passages that argue for the need of the ruler, in shepherding the people, to ensure the people follow the basic moral virtues of ritual propriety

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[261] Translation from Rickett, *Guanzi*, 95-6.

[262] Translation from Rickett, *Guanzi*, 96-7.

(*li* 禮), righteousness (*yi* 義), and honesty (*lian* 廉). These virtues, it is argued, can only be ensured so long as the state is meticulous in demanding them even in small affairs. The role of the state is to "prohibit even the slightest beginnings of evil"[263] (*jin wei xie* 禁微邪). This moral instruction represents another form of communication, and there is some indication of how the *Guanzi* texts believed this instructional role was performed, in the person of the district governor (x*iangshi* 鄉師), who in "Cultivating Authority" is responsible for "guiding" (導)[264] the people before they are made aware of the specific statutes and directives (*xian ling* 憲令) of the law. In the *Rites of Zhou* (*Zhouli* 周禮), the "Confucian" vision of the ideal state, we can find a description of this district governor performing a role similar to that described in "Cultivating Authority":

> 鄉師之職：各掌其所治鄉之教而聽其治。以國比之法，以時稽其夫家眾寡，辨其老幼、貴賤、廢疾、馬牛之物，辨其可任者與其施舍者，掌其戒令糾禁，聽其獄訟。
>
> The office of the District Governor: Each is responsible for the instruction of those residing in the district over which he governs, ensuring that they heed his command so that standards are in accord with the state. In accordance to the season, he should make an inspection of the households to see which are (too) large and which are (too) small, taking account of the old and young, noble and base, the injured and sick, of wealth in horse and cattle, and who can be employed and who should be given charity. He is responsible for admonishments and proclamations, rectification and prohibition, and for hearing criminal cases.[265]

In the *Rites of Zhou*, this officer appears to be responsible for communicating between the state and the districts, with a "guiding" role, ensuring that the people are kept obedient through proclamations and instruction and, when necessary, through the hearing of criminal cases in which we can assume a decision would be rendered in terms of what sort of punishment will be put into practice.

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[263] Rickett *Guanzi*, 97.

[264] Reading 道 as 導, Guo, *Guanzi jijiao*, 39. The *Guanzi* text actually states that the District Governor should "*shuo dao* 說道," and there is some debate over whether the 說 character is excrescent. Rickett leaves this character in the text and translates it as "exhort."

[265] *Rites of Zhou* (*Zhouli* 周禮), "Diguan situ" 地官司徒.

In the "Establishing Government," the nature of these communications up the chain of command are expression in the vocabulary of public order:

> 凡孝悌忠信、賢良俊材，若在長家子弟臣妾屬役賓客，則什伍以復于游宗，游宗以復于里尉。里尉以復于州長。州長以計于鄉師。鄉師以著于士師。
>
> All [special] cases of filial piety and respect for elders, loyalty and faithfulness, worthiness and goodness, or refinement and talent on the part of the sons, younger brothers, male or female slaves, and retainers or guests the head of a household shall be reported accordingly by the leaders of the groups of ten or five to the clan elder of the circuit. The clan elder shall report them to the village commandant who [in turn] / shall report them to the subdistrict prefect. He shall summarize them for the district governor who will record them for the chief justice (*shishi* 士師).[266]

Some of this terminology about public order does give the impression of the influence of Confucian ideas. As we will see in the following chapter, the Guodian's Ritual Authority Manuscripts are particularly concerned with how these virtues manage social relationships. Filial piety and respect for elders are seen as virtues that guide interactions between generations, and loyalty and faithfulness are virtues that guide the interactions between ruler and minister. The "Eight Points of Observation" text even goes so far as to argue that "If [those on high] turn their backs on the social order and behave like [wild] birds and beasts, within ten years [the state] will be annihilated."[267] This concept of the "social order" or the "human relations" (*renlun* 人倫) is one of the most fundamental parts of the Guodian manuscript's approach to government, and the appearance of these concepts in the *Guanzi* texts suggests that this emphasis did gain some currency in discussions of political philosophy. The *Guanzi* texts may even have directly borrowed terms directly from the Guodian manuscripts or similar writings, but when employed within these texts their importance only extends as far as expressing concepts of public order or else concepts of public projection of the ruler to the people.

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[266] Translation from Rickett, *Guanzi*, 104-5.

[267] Translation, with emendations, from Rickett, *Guanzi*, 233. Rickett translates *renlun* 人倫 as "the five human relations", but this seems to be an overly specific and possibly anachronistic reading of the text.

Conclusion

The need to conceptualize the problem of political authority was one of the driving forces for new ideas in Warring States political theory. For the rulers of the increasingly centralized territorial states, there was a need to find ways to ensure control over the population, accomplish desired political reforms and maintain the strength of the military. One major approach to this problem involved the channeling and directing of people's behaviour by promulgating clear standards of behaviour, and strictly rewarding or punishing people on the basis of their performance. This approach assumed that people's psychological tendencies were relatively straightforward, with basic self-interest being the only consistent and effective element of their disposition that needed to be taken into account. This approach also aided in the development of the state bureaucracy by offloading the ruler's need to make personal decisions about appointments, or to consider too deeply the moral or personal qualities individual members of the state apparatus. At the same time, there are indications that this theory of authority was insufficient. As Sanft has argued, the project of the centralized empire in the Qin also required taking into account the need for public cooperation in state enterprises, as well as systems of communication between the state and its population. Indications of these concerns can also be found in Warring States writings, and are most clearly expressed in the political theory chapters of the *Guanzi*. In these texts, the problem of communication is mainly resolved by creating institutions that keep a close eye on the behaviour of people throughout the realm, and also clearly communicating the standards of behaviour and the consequences or benefits for violating or fulfilling them. Any indication of moral depravity was a clear sign of incipient public disorder, a problem that carried risks for the management of the state as a whole. The problem of cooperation was mainly resolved through careful attention to the way that the state and its ruler were projected to the people. This required ensuring that basic concerns of public relations were taken into account so that the people did not feel their wealth was being wasting elite luxuries and that the ruler was not a moral hypocrite.

This emphasis on the application of punishments and rewards represented one of the largest threats to the Confucian view of politics, which emphasized self-cultivation, the historical authority of the traditional structure of the Zhou state, and the maintenance of public order through the careful inculcation of norms. For Confucian thinkers, the promulgation of codified rules was a deeply problematic approach to the problem of political authority. If the historical account in the *Zuo* is to believed, then the earlier iterations of this debate came down not so much to the problem of enacting punishments, but to the fixing of these punishments through the act of inscription. The well-known accounts in the *Zuo* text claim that in 536 BCE the state of Zheng 政 first cast a list of punishments in bronze, while Confucius himself would later lament the state of Jin 晉 casting its own penal code on their infamous “punishment tripod” (刑鼎) in 513 BCE. This problem of inscribing the punitive statutes is complex. Scott Cook suggests that in this early critique against the inscription of legal statutes, the ministerial class was concerned with the clear establishment of written and standardized penal codes diminishing their own status in society.[268] As Cook points out, the promulgation of standardized penal rules would have centralized the power to render legal decisions into the hands of the state's rulers at the expense of ministerial autonomy. In the *Analects*, we can find examples of the role of the ministerial class in deciding criminal cases, for example in Confucius's description of his disciple Zilu 子路:

> 子曰：「片言可以折獄者，其由也與？」
> The Master said, "Able to decide a criminal case after only hearing one side — does this not describe Zilu?"[269]

This individualized approach to dealing with social regulation is certainly diminished by the inscription and promulgation of punitive rules, and Confucian thinkers would also add that there is no method being employed to reduce the incidents of criminal behaviour in the first place. From the perspective of the Confucian critique, another problem with the promulgation of penal prohibitions is that it frames moral conduct in terms of precise rules rather than any inherent moral order. One consequence of this listing of prohibitions is that people have been effectively given an instruction sheet of the precise prohibitions to avoid violating, while perhaps still pursuing immoral ends. This framework dates back to at least as early as the received *Analects*, where Confucius delivers one of his most famous lines:

> 子曰：「道之以政，齊之以刑，民免而無恥；道之以德，齊之以禮，有恥且格」。
> The Master said, "If you try to guide the common people with coercive regulations (*zheng* 政) and keep them in line with punishments , the common people will become evasive and will have no sense of shame. If, however, you guide them with virtue, and keep them in line by means of ritual, the people will have a sense of shame and will rectify themselves."[270]

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[268] Cook, "Coercive Rulership", 404-5.

[269] *Analects* 12.12. Translation from Slingerland, *Analects*, 131.

[270] *Analects* 2.3. Translation from Slingerland, *Analects*, 8.

As with so much of the *Analects*, a lot is packed into this dense quotation. At the heart of this Confucian attack on coercive authority is the question of the common people's interior psychological state. The text presents two clear alternative technologies of social control, and suggests that the blunt instrument of punitive regulation may appear to be the simplest and most direct but it ultimately fails through its misunderstanding of human psychology. Ritual propriety, on the other hand, is presented as a practice whose subtle relationship with people's interior moral qualities makes it the more useful tool.

It is on this question of human psychology that the true distinction between the penal approach to political authority and the Guodian manuscript's "ritual authority" are distinguished. For Shen Dao, attempting to alter people's psychological dispositions is ineffective, and the only reliable feature of human psychology is their self-interest. A similar approach is taken in the *Guanzi* texts. As "Cultivating Authority" puts it:

> 人情不二，故民情可得而御也。審其所好惡，則其長短可知也.
> People's dispositions are (basically) the same, and so it is possible to get hold of their feelings and so "steer" them. By examining their likes and dislikes, their strengths and weaknesses can then be known.

Addressing the problem of political authority required thinking through the highly complex problem of managing a vast territorial state made up of individuals with their own desires and whims. This resulted in the development of a new conceptual vocabulary for thinking about the problem in abstract terms, which prominently included concepts of human psychology. For the so-called Legalist thinkers in particular, the creation of standards of behaviours was the best approach to the question of human psychology. Cultivating centralized authority required channeling people's behaviour towards the interests of the state in a consistent and reliable way, and this in turn meant removing as much as possible the personal and emotional commitments that were emphasized by Confucians.

It was in light of both this threat to Confucian values and the development of a conceptual vocabulary of political authority that the Guodian manuscripts were written. Chapter Four of this study will explore how these ideas about human psychology and the problem of managing the state are addressed in four particular manuscripts from the Guodian corpus. In these texts we find nuanced theory of ritual psychology at the heart of a political theory in which the moral emotions are a key feature of a functional approach to political authority. These manuscripts address the suite of concerns expressed in political writings of this time, including the problem of public cooperation and communication, as well as the problem of public order. Ritual psychology is the most important feature of this theory because of the way deals with the specific social dynamics that underly the management of the state. For these manuscripts, the problem of political authority can only be fully resolved if it takes into account the actual motivations and intentions of the people who make up the state.

Chapter 4: The Ritual Authority Manuscripts

Introduction

In this chapter, we finally turn to the Guodian manuscripts that first prompted the question at the heart of this study. The comprehensive view of these four manuscripts taken together is used to defend the historical authority of Zhou traditions by arguing that the contingent nature of culture, rather than threatening the authority of Confucian practices, highlights the fundamental importance of these practices in creating a moral, stable and culturally refined society. The texts focus particularly on the value of the ritual practices of *li* 禮. The unique power of *li*, according to these texts, is that these practices evoke an inherent and universal psychological tendency in human beings that shapes and guides their moral dispositions. These practices are portrayed as part of a cultural system that was perfected by the sages, providing the virtuous ruler with an administrative tool that is uniquely capable of addressing people’s complex moral emotions. Through a close reading of these four Ritual Authority manuscripts, this chapter will examine the broader program within which ritual is asserted as the most important political tool, and then consider more closely the question of how these ritualized practices are portrayed. These texts appear to represent the clearest manifestation of a suasive approach to government, and so offer a particularly useful perspective on how ritual came to be the subject of this theorization.

When considered within the context of other recently discovered archaeological texts of a political and philosophical nature, such as those in the Shanghai Museum collection or Tsinghua University collection, these Ritual Authority manuscripts contribute to our understanding of how political problems were being conceptualized in fresh and dynamic ways during this period. For example, Sarah Allen examined four different archaeological manuscripts[271] to investigate the ways that legends of abdication were being used at this time to contemplate the idea of a truly meritocratic government.[272] These legends show a mythic/historical precedent for state rulers being decided by merit rather than heredity that could be used to ask fundamental questions about the nature of how the state should be organized at a fundamental level. In a similar vein, the Guodian texts show a concerted effort to think seriously about the historical development of complex societies, and to consider what conclusions should be made from the acknowledgement that societies change and evolve over time. Implicitly acknowledging that human beings originally lived in societies that were smaller, based on simpler social and material technologies, and were governed by local, kin-based authoritative structure, the Ritual Authority manuscripts argue that the cultural accomplishments of the early Zhou sages should nevertheless be defended.[273]

The previous chapters of this study have looked at these issues of culture and social regulation with a wide lens, considering the ways in which these concepts were being discussed over the course of the entire Warring States era and by a variety of thinkers. In contrast, this chapter narrows its focus to four specific manuscripts that share a unified intellectual approach. Because they were archaeologically recovered, we can provide a clear *terminus ante quem* of c.

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[271] Allan's study looks at *Tang Yu zhi dao* 唐虞之道 from the Guodian corpus, *Zigao* 子羔 and *Rongchengshi* 容成氏 from the Shanghai Museum collection and *Bao xun* 保訓 from the Tsinghua University collection. These texts are not considered to be directly connected by anything other than their theme of meritocracy.

[272] Sarah Allan, *Buried Ideas: Legends of Abdication and Ideal Government in Early Chinese Bamboo-Slip Manuscripts* (Albany: State University of New York Press, 2015).

[273] This is discussed in Slingerland, "The problem of moral spontaneity."

300 BCE, which allows us to consider these writings as representing the intellectual developments of a particular moment in time. As Cook argues, this particular moment appears to represent an apex in the suasive strand of thought, and in these manuscripts we also find an important moment in the transition from a defence of Confucian practices that is still at least partly grounded in a view of *li* as being linked to the cosmos itself and the purely instrumental view of Xunzi.

As noted in Chapter Two of this study, the political reforms and social changes that defined the Warring States period had resulted in changing dynamics in early China's social relationships, both between the family and the state and between the ruler and his administrators. This gave rise to new political theories that sought ways to consolidate the centralized authority of the ruler and create a more consistent and pervasive form of political authority. These theories relied on increasing bureaucratization, and made use of the basic incentives of punishments and rewards in an increasingly codified and elaborate penal system to motivate and control people's behaviour. Intellectually justifying these reforms also required taking on the historical authority that adhered to inherited cultural forms by rhetorically portraying social customs as contingent and changeable practices. These two threats to the Confucian view of politics compelled at least one strand of Confucian thinkers to craft a response that took on the views of these political reformists.

This was also a moment when new and innovative philosophies were being developed on the subjects of ethics, medicine, meditation and the body. Thinkers from a range of schools of thought appear to have been able to interact most directly at the Jixia academy that existed under the auspices of the Qi king, allowing for the borrowing of ideas. By the time the Guodian manuscripts were authored, new concepts about the body and methods of logic had developed, and these ideas are clearly incorporated in these texts. The views and ideas of political reformists such as Shen Dao both challenged and invigorated Confucian philosophy. Making use of the insights afforded by new conceptual vocabularies of both the human body and the body politic, we can see in these Guodian manuscripts a theorization of ritual psychology that was used at once to defend a conservative and traditionalist view of society and to present an innovative new approach to political theory.

This chapter will consider how the Ritual Authority manuscripts responded to these historical developments and intellectual threats, and why this resulted in the development of a theory of ritual psychology focused on the practices of *li*. I will examine the core ideas behind this theory of ritual psychology in five sections. The first section discusses the manuscripts' overarching theory of government, represented by the concept of the "Human Way," (*ren dao* 人道) a theory of government that relied on a nuanced understanding the people's psychological dispositions. This view is laid out most clearly in the text *Zun deyi*. The second section discusses the concept of the "Great Constancy," (*dachang* 大常), in which these manuscripts' normative conceptualization of the ideal structure of the social world is discussed. This issue is the primary theme and focus of the *Liu de* text which first lays out the six social roles of the human world before problematizing the tension between the private world of kin relations and the socially constructed public world of the state. The third section discusses the theorization of ritual psychology laid out in the first section of the *Xing zi ming chu* text. In this text, it is argued that human beings are unique in the world in the way that their behaviour is shaped fundamentally by culture. The fourth section discusses the importance of political trust and emotional commitments, as highlighted in the second and third chapters of *Xing zi ming chu* as well as the *Cheng zhi* text. In these texts, it is argued that trust can only be established when the people running the state have cultivated genuine moral emotions. Finally, the fifth section looks at the importance of moral instruction, a form of political communication that differs fundamentally from the promulgation of penal regulations. Most importantly for the purposes of this study, the actions of ritual propriety are portrayed as the most effectual method of moral communication. In this view, ritualized conduct can demonstrate and instruct moral and emotional qualities in a way that coercive government cannot.

The Human Way

Of these four manuscripts, the text that has received the least amount of scholarly attention is the one to which the editors of the 1998 publication gave the title *Zun deyi* ("Honouring Virtue and Rightness").[274] This lack of attention is unfortunate, as the text offers the clearest overarching picture of the philosophical and political position that is staked out in these manuscripts. The central theme is the need to take into account the psychological dispositions of human nature when engaging in government — a view most clearly expressed by the concept of the "Human Way" (*ren dao* 人道), or "Way of the People" (*mindao* 民道, *min zhi dao* 民之

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[274] See Cook, *Bamboo Texts*, 627-637 for an introduction to this text. See also Chen Ming, "Minben zhengzhi de xin lunzheng" 民本政治的新論正, in *Guodian Chujiuan guoji xueshu yantaohui lunwenji*, ed. *Wuhan daxue Zhongguo wenhua yanjiuyuan*, who argues that *Zun deyi* helps show how some Confucian thinkers continued to offer Warring States political discourse a theory of politics focused on the common people.

道).[275] This term is perhaps the clearest expression of how the Ritual Authority manuscripts rhetorically address the problem of political authority and justify the value of Confucian practices and ethics in the face of the widespread political reforms that emphasized coercive rulership and centralized power. In contrast to the tools of punishment and reward, the “Human Way” is presented as a method of government that offered a more nuanced approach to managing people’s behaviour. As Scott Cook notes, this discourse on the Human Way is used to defend ritual and music as methods of moral instruction that are unique in their ability to nurture human nature “with a kind of harmony and rhythm that keeps it within its proper balance without the least bit of coercion.”[276]

While the application of punishments and rewards may appear to be the easiest and most consistent way of employing the people, *Zun deyi* argues that if these practices are not based on a genuine understanding of people’s natures they will not be effective:

> 賞與刑，禍福之旗[277]也，有前之者矣。
> 爵位，所以信其然也;
> 徵斂[278]，所以攻〔戰也〕;
> 刑〔罰〕[279]，所以□遷[280]也;

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[275] For a discussion, see Cook, *Bamboo Texts*, 154-156.

[276] Cook, “Coercive Rulership,” 403.

[277] Following Cook, *Bamboo Texts*, 641 n17, in reading this as 旗 rather than 基. In the latter reading, this passage would read as “rewards and punishments are the foundation of fortune and calamity.”

[278] Following Cook, *Bamboo Texts*, 642 n21, in reading these two characters as 徵斂.

[279] The three characters at the top of slip 3 are illegible. I have followed Cook, *Bamboo Texts* 642 n22 , 643 n23, in reading these characters.

[280] As Cook, *Bamboo Texts*, 643 n24, argues, these lines appear to have loosely rhymed, making 遷 a likely reading for this character.

殺戮，所以除害(怨)[281]也;
不由其道，不行。
仁為可親也;
義為可尊也;
忠為可信也;
學為可益也;
教為可類也。
教非改道也，教之也。學非改倫也，學己也。

> Rewards and punishments are the banners of fortune and calamity, but there is (a principle) that comes before these.
> Through rank and position make (authority) credible
> Through administration and prohibitions combat….
> Through (punishments and penalties?) … promote….
> Through killings and executions remove resentment
> But if these are not done in accordance with the right Way, they will not succeed.
> Through goodness you can earn affection
> Through rightness you can earn respect
> Through loyalty you can earn trust
> Through study you can enhance (yourself)
> Through education you can provide a model (for others).
> "Education" does not mean to alter the way, but (rather) to instruct it. "Study" does not mean to alter the human relations, but (rather) to learn (about) oneself. [282]

Zun deyi's argument for the place of the moral emotions as a fundamental issue to be addressed in conceptualizing the state apparatus should be understood against the backdrop of political reform in which thinkers such as Shen Dao had emphasized the need for a centralized and "automated" state. As was discussed in more detail in Chapter Three of this study, Shen's focus on designing the machinery of the state with individual bureaucrats functioning like artisans mastering their own niche specializations represents the development of a "rationalized" nascent bureaucracy, in Weberian terms. The advantages of this system, according to Shen, was that this helps avoid the problems that arise from overly personal court dynamics. It would also remove the need for the political and moral virtuosos, or "worthies," praised by Mohist and Confucian thinkers, by creating a system of government practice that can be run even by mediocre officiants.

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[281] Following Cook, *Bamboo Texts* 643 n25, in reading this as 怨.

[282] *Zun deyi*, 2-5.

Importantly, Shen Dao's theory was based on the assumption that it was a fruitless endeavour to try and alter people's emotional dispositions or natures. His theory of a centralized bureaucracy assumes that the only realistic way to engage with people's psychology is to be clear-eyed about their nature, and to rely on their own self-interest rather than remaining attached to any moralistic or naïve concept of loyalty or virtue. This view is the basis for what we might call Shen's early "science" of administration, based on a naturalistic understanding of the world in which human agency is capable of making use of the natural world, but Heaven has no direct moral concern for the human world.[283] As Harris notes, this "idea that political thought needs to begin with the state and the people as they actually are, rather than with a vision of how they ought to be" seems to be one of the themes that connects the so-called "Legalist" thinkers together, in contrast to those who seem either to view political philosophy as "an exercise in applied ethics or otherwise to think that the normativity to be desired in the political realm bears a necessary relationship with the normativity of the moral realm."[284] Approaching practices of government should take the same approach as the engineering project of managing water, a technology closely associated with the accomplishments of the mythical sage-king Yu 禹 who is traditionally credited with both taming the floodwaters of the Yellow River valley region and founding the first of the states of the Three Ages.

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[283] Harris, *Shenzi Fragments*, 12-28.

[284] Harris, *Shenzi Fragments*, 24.

Shen argues in contrast that the management of flood waters is a technique that should be credited to a careful understanding of water's own nature, not the unique genius of a sage:

> 治水者，茨防決塞，九州四海，相似如一，學之於水，不學之于禹也。
> Those who work to control water build up dikes and undo blockages. Even among the Yi and Mo, the methods are similar. [These methods] are learned from water, they are not learned from Yu.[285]

Zun deyi appears to be responding to this approach by accepting its premise but rejecting its conclusion. While the Ritual Authority manuscripts would assent to the view that administrative theories should indeed be based on a careful understanding of people's natures, they disagree that such a view must necessarily find no moral tendencies within that nature. This point is defended by stating that the approach of moral suasion is not predicated on a futile attempt to alter people's natures; rather, this suasive approach subtly educates and nurtures already present inclinations. As the text argues, it was through knowledge of this specific "Way" of human beings that the sage king Yu was able to successfully govern his people as well as the reason why the tyrant Jie 桀, whose misrule brought about the fall of the Xia state, brought disorder and turmoil to his people. It was not that Jie somehow fundamentally altered the people, nor that Tang, who subsequently founded the Shang dynasty, fundamentally altered Jie's people before successfully managing them.[286] Effectual government, therefore depends on understanding the Human Way and being able to work within the means of this Way. This point is further refined with its own analogy of Yu taming the flood waters:

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[285] *Shenzi* fragments, 68. Translation from Harris, *Shenzi Fragments* 121; for a discussion see Harris, *Shenzi Fragments,* 21-26.

[286] *Zun deyi* 5-6.

> 聖人之治民，民之道也。禹之行水，水之道也。造父之御馬，馬（也）之道也。后稷之藝地，地之道也。莫不有道焉，人道為近。是以君子人道之取先。
>
> The method of governing the people used by the sage is the Way of the People. The method of channeling the waters used by Yu was the Way of Water. The method of steering horses used by Zao Fu[287] was the Way of Horses. The method of cultivating the earth used by Houji[288] was the Way of the Earth. There is nothing that does not have a Way within it, and the Human Way is the one most immediate (for us). Therefore, the Gentleman takes the Human Way as paramount.[289]

The approach of the Human Way is by nature suasive and subtle, making use of the moral tools of ritual and music. This approach to cultivating political authority is contrasted with the other available methods, which include strategies of "instructing" (*jiao* 教) the people by means of disputation and persuasion (*bianshuo* 辯說), situational authority (*shi* 勢), ingenuity (*ji* 技), (persuasive) words (*yan* 言), administrative service (*shi* 事), or through the disingenuous means of raw authority (*quan* 權) or political scheming (*mou* 謀).[290] The ultimate problem with these other strategies of controlling people and maintaining authority is that they do not take into account the motivating structures of human psychology:

> 凡動民必順民心，民心有恒，求其養。[291]
>
> Motivating the people must be done in accordance to the people's hearts. The people's hearts have a constant (nature), and you must seek to nourish this.[292]

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[287] A famed and mythical master of horses and expert charioteer.

[288] Houji 后稷, often translated as "Lord Millet" or "Lord of Millet" is the mythical figure credited with the advent of agriculture in ancient China.

[289] *Zun deyi*, 6-8.

[290] *Zun deyi*, 13-16.

[291] Following Cook, *Bamboo Texts*, 654 n87, in reading this as *yang* 養 rather than *yong* 永.

[292] *Zun deyi*, 39.

The text illustrates the way that these lesser strategies for controlling, managing and ordering the people all ultimately fail to address the issue of their internal motivation. By ignoring this "invisible" aspect of managing a populace, there are unanticipated consequences to how the people will actually ultimately behave.

This also plays out within the state apparatus itself, and the text expresses concern that a Legalist approach to state administration also fails to take into account people's psychological dispositions. In Shen Dao's view, government offices should be treated like the work of artisans who acquire professional ability through specialization in their own post. When "constant standards" (*changfa* 常法) are not being applied to government offices, the state goes into decline and people begin to yearn for the "worthy and the wise" (*xianzhi* 賢智).[293] In this bureaucratic theory, rewards and punishments are given on the basis of one's performance of clearly laid out rules, and the "education"[294] of officials only extends as far as clarifying the correct standards required for the performance of the office. In contrast, *Zun deyi* would argue that training for the job alone is insufficient:

> 夫生而有職事者也，非教所及也。教其政，不教其人，政弗行矣。
> That a person has the responsibilities of office from birth is not the result of education. If one educates in terms of the office and does not educate in terms of the person, then (the duties) of their office will not be carried out.[295]

At the heart of *Zun deyi*'s Human Way is the view that human beings are much more complex beings than the administrative theories of people like Shen Dao acknowledge. Failing to take into account the complexity of human psychological dispositions results in an incomplete and ineffectual approach to government. This argument appears to be directed specifically towards the debates over the problem of political authority, and the overarching theory of the Human Way is contrasted explicitly with the coercive use of punishments and rewards.

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[293] *Shenzi* Fragments 19-20.

[294] A term also employed in *Shenzi* fragment 19, where it is warned that "although instruction may be complete, government offices will not be up to the task" (教雖成，官不足).

[295] *Zun deyi* 18b - 19. Scott Cook has changed the top portions of strip 18 and 32, and slip 18b refers to the bottom portion slip18. See Cook, *Bamboo Texts*, 636-7.

What is striking about *Zun deyi*'s rhetoric is the way that it seems to be simultaneously inspired by and directed against the emerging "science" of administration that we can see in Shen Dao's writings, with the value of the Human Way is expressed as the rational application of the understanding of human psychology. This means understanding how to successfully motivate the people in a way that understands and makes use of their natural tendencies. This, in turn, requires a form of "instruction" that goes beyond the conceptualization of the bureaucrat as an artisan fulfilling his niche purpose by also taking into account the person himself.

This Human Way is presented as an approach to government that addresses something more fundamental to human psychology than the base self-interest that punishments and rewards take into account, based on the Confucian virtues as well as the traditional structure of human society. While *Zun deyi* presents the basic overview and defence of this administrative theory of human psychology, these constitutive elements of instruction through ritual and music, psychology and motivation, and the traditional structure of human society are elaborated upon with much greater depth in the other three texts, as we will see below.

The Great Constancy

The development of these theories that favoured political centralization raised the stakes for Confucian thinkers and demanded a response that was as conceptually nuanced as those of their opponents. The concept of the Human Way responded to these intellectual threats by arguing that Confucian cultural practices were uniquely suited to the task of government because they were based on a thorough understanding of human nature. Spurred on by the naturalistic political philosophy of people like Shen Dao, the Human Way provided a justification of Confucian practices that was also based on the premise of a consistent human disposition. However, while Shen Dao's view argued against the premise of a normative order having been built into the world, the position of the four Ritual Authority manuscripts is more ambiguous. There are points at which the texts appear to be arguing that Heaven played a direct role in providing a moral framework to the inheritors of the cultural traditions of the Three Ages, and this placed upon the ruler a moral responsibility to protect and maintain this culture. On the other hand, the texts also acknowledge the contingent and constructed nature of these cultural traditions. It was ultimately the sages whose work resulted in this ideal cultural system. Recognizing the role of culture in shaping people's moral dispositions, they took the existing and contingent social customs and improved them so that they could inculcate true ethical tendencies in people that were in line with the extrinsic moral values of "rightness" (*yi* 義). To this extent, the sages are not borrowing anything from Heaven, and may simply be using their genius to design a cultural system that is uniquely suited to reshape the innate biological nature of human beings into something morally superior.

By the time the Guodian texts were written, there was already a general, but not universal, trend underway towards viewing the concept of Heaven (Tian 天) as an expression of the natural world — something with less anthropomorphic agency than we see in the earlier writings of the *Mozi* or the *Analects*,[296] where Heaven directly intervenes in human affairs through the actions of ghosts and omens, or through the human agency of a figure like Confucius.[297] The late Warring States thinker Xunzi would take the starkest view in this direction with his argument that people should not concern themselves with trying to understand the purpose of Heaven, but should focus instead of their own actions in the world.[298] There is very good reason to believe that Xunzi was heavily influenced by the Guodian manuscripts,[299] and so it is worth considering his views here in some detail.

In terms of his perspective on the moral structure of the world, Xunzi appears at first glance to share more in common with Shen Dao than the Confucius of the *Analects*, who is portrayed as being on mission from Heaven to preserve and restore the culture (*wen* 文) of the Zhou. This is revealed especially by his emphasis on the role of human agency in constructing the ethical rules of *li*. However, as Philip J. Ivanhoe notes, in Xunzi's view:

> The Confucian rites not only made peace between human beings, they located human beings in a greater, harmonious natural system. This grand *ecological ethic* went well beyond our contemporary warnings about the danger of wasting and dispelling our natural resources; it was not merely prudential advice. Xunzi believed the rites showed human beings the unique

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[296] Or indeed in the probably contemporaneous text, *Mengzi*.

[297] Erica Brindley argues that the speculation we see about psychology in this period was prompted in part by the emergence of such cosmologies that "present the cosmos as a harmonious, impersonal, patterned, and all-encompassing entity. As such, they speak of the human relationship to the divine realm not in terms of arbitrary, personal relationships with deities but in terms of more universal, systematic correspondences among all objects and phenomena of the world," "Music, Cosmos, and the Development of Psychology in Early China," *T'oung Pao* 92.1 (2006), 5.

[298] This is made clearest in his essays, "Discourse on Heaven" (*Tianlun* 天論) and "Discourse on Ritual" (*Lilun* 禮論), but these ideas appear throughout his writings.

[299] Paul R. Goldin, "Xunzi in the Light of the Guodian Manuscripts," *Early China* 25 (2000).

> way to cooperate with heaven and earth for the fulfillment of all three, a way that realized a design inherent in the universe itself.[300]

Thus, the rites are effectively the “cultural artifacts” produced by the sages — “social practices that were as much a part of their culture as the glorious bronzes one can hold and admire.”[301] Ivanhoe notes that because Xunzi believe that these social practices were designed on the basis of a careful investigation and understanding of the natural world and human nature, they result in a kind of “happy symmetry” between human beings and the natural world of Heaven and Earth. Xunzi clearly sees human agency as being responsible for the design of these cultural practices, and yet he also seems to view the result as something that could perhaps only be described as “sacred.”[302] Xunzi, therefore, appears to see the social customs of the Zhou as both a contingent construction and yet also morally right in a cosmic sense. This is a tension that also appears in his discussion of the concept of “rightness,” a term used to describe the ethical norms that must be acquired through education. As Eric Hutton shows, Xunzi appears to believe that people are innately capable of developing a fondness (*hao* 好) for the ethical precepts of rightness even if this fondness is not predetermined by their inborn nature.[303] Rightness, a moral system that is predicated on the hierarchical structure and specific moral expectations that define the high culture of the Zhou, is also portrayed as the correct ethical ideal, but one that required the conscious deliberation and attention of the sages to discover and create.[304]

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[300] Philip J. Ivanhoe, “A Happy Symmetry: Xunzi’s Ethical Thought,” *Journal of the American Academy of Religion* 59.2 (1991), 310.

[301] Ivanhoe, “Happy Symmetry,” 313.

[302] As Ivanhoe notes, the well-ordered society run by the rules of *li* is described by Xunzi as a “godlike order” (*dashen* 大神) in his essay “The Institutions of the King” (*Wang zhi* 王制), “Happy Symmetry,” 317.

[303] Eric Hutton, “Does Xunzi have a Consistent Theory of Human Nature?” in *Virtue, Nature and Moral Agency in the Xunzi*, ed. T.C. Kline III and Philip J. Ivanhoe (Indianapolis: Hackett, 2000).

The Ritual Authority manuscripts are also left to deal with the same ethical tension. They acknowledge Shen Dao's view that administrative practices should be based on a naturalistic understanding of the world, while also asserting that the cultural traditions of the Zhou are based on a superior and more correct understanding of this natural world. In this sense, the Confucian view of ethics is simply more effectual than Shen Dao's reliance on self-interest; however, the texts place greater emphasis on the role of Heaven in providing this moral system and they also emphasize the moral responsibility of the ruler to manage and protect this system. Depending on how the texts are read, this could suggest something half-way between the *Analects*, where a human agent like Confucius is required to restore and protect the transmitted culture of the Zhou, and Xunzi, for whom this system is entirely constructed by human beings and yet is also morally superior simply on the basis of the fact that it is the only approach that actually works. It is possible to at least partially resolve this apparent tension if we interpret the text's view of Heaven in terms discussed by Erica Brindley, as a relatively impersonal "cosmos" with which human beings are capable of achieving a harmony.[305]

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[304] As noted by both Ivanhoe, "Happy Symmetry," and Hutton, "Human Nature," for Xunzi, this moral framework assumes the hierarchical distinctions (*fen* 分) of a complex society, in which both social status and material allotments are divided up unequally but justly. Xunzi appears to be influenced by the view in the "Exalting Unity" chapter of the *Mozi* where the standardization of "standards" or "norms" (*yi* 義) under a king is described as the origin of stable society. Xunzi's views on distinctions may also have been influenced by Shen Dao's discussion of "allotments" and the necessity of the concept of private ownership of property (*fen* 分).

[305] Brindley, "the Development of Psychology."

Zun deyi opens, at least in its current arrangement of bamboo slips, with a terse statement about the qualifications necessary for a true political ruler:

> 尊德義，明乎民倫，可以為君。
> One who honours virtue and rightness and has a clear understanding of the social order of the people is capable of being a ruler.[306]

Here, the ruler must hold virtue and morality in high regard, but just as importantly he must have a clear understanding of the importance and nature of the relationships that putatively define human society. This concept of the human social order (*renlun* 人倫 or *minlun* 民倫) is central to the argument presented in the Ritual Authority manuscripts, and it is in the discussions of this concept that we see the clearest attempt to deal with the ambiguities presented by the Confucian defence of the historical authority of traditional cultural practices. This is the theme that is elaborated upon, explained and justified most clearly in the text that the editors of the Guodian manuscripts gave the title *Liu de* 六德 ("The Six Virtues"), in which human society is divided into six prescribed social positions, each of which is given a particular virtue that defines the ideal form of conduct for someone occupying that role. In the current arrangement of the Guodian corpus's bamboo slips, it is actually in the *Cheng zhi* text that we find the clearest outline of this central theme — a fact that has led Chen Wei to argue that these strips should actually belong to the *Liu de* text.[307] This passage speaks of a "Great Constancy" that descends from Heaven and provides an ineluctable structure to human society:

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[306] *Zun deyi*, 1.

[307] Chen Wei, "Guanyu Guodian Chujian 'Liu de' zhupian bianlian de tiaozheng" 關於郭店楚簡《六德》諸篇編連的調整, in *Guodian Chujian gouge xueshu yantaohui lunwenji*. For a discussion, see also Cook, *Bamboo Texts*, 596-598. As Cook notes, close attention to the calligraphic style of the two texts suggests that these passages do belong in *Cheng zhi*. This would help to support the view of a consistent philosophical position between these manuscripts, or at the very least between *Cheng zhi* and *Liu de*.

> 天降大常，以理人倫。制為君臣之義，著為父子之親，分為夫婦之辨。是故小人亂天常以逆大道，君子治人倫以順天德。
>
> Heaven sent down the Great Constancy in order to structure human society (*renlun* 人倫). It establishes it in the form of the rightness of ruler and minister, it manifests it in the form of affection between father and son, it is divided in the form of the distinction between husband and wife. Thus, (when) the petty person brings disorder to Heaven's Constancy it is in opposition to the Way; when the Gentleman brings order to the human relations it is in accordance with the Virtue of Heaven.[308]

The text goes on to use a quotation from the "Kang Gao" chapter of the *Book of Documents* (*Shang shu* 尚書) about the origins of the state's punitive system, before explaining:

> 此言也，言不奉[309]大常者，文王之刑莫厚(重)焉。是故君子慎六位以祀天常。
>
> What these words express is that King Wen's heaviest punishments were reserved for those who did not uphold the Great Constancy. Thus, the Gentleman pays homage to Heaven's Constancy by being conscientious about the six positions.[310]

Here, the structure of human society is portrayed as having been sent down by Heaven itself, and the ruler is given the imperative of defending and protecting this social structure, something for which King Wen made use of the punishments. This links the Great Constancy at the very least to the foundation of the Western Zhou state, but still leaves relatively ambiguous the question of Heaven's role in the origins of the Confucian cultural system.

The concept of the Great Constancy deals with the ambiguity regarding the historical authority of the Zhou's cultural practices through the framework of the "internal" (*nei* 內) relationships and the "external" (*wai* 外) relationships. The internal relationships are those inherent to the psychological tendencies of the inborn human nature, while the external relationships are those of the public and socially constructed world, such as the relationship between ruler and minister. In this way, although the texts acknowledge the obvious fact that specific social customs are historically contingent and therefore on some level arbitrary, they also appear to be arguing that the specific structure of the political and public relationships of the Zhou state are also part of the moral framework provided by Heaven itself. These sacred cultural practices are also portrayed as being uniquely effective at ordering the state because they are based on a powerful insight into human nature. The Human Way is, therefore, at once a political approach that was historically "invented," and an ethical system grounded in a belief in the role of Heaven in the achievements of the Zhou state.

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[308] *Cheng zhi*, 31-33.

[309] Tentatively reading this character as 奉. See Cook, *Bamboo Texts*, 624 n169 for a discussion.

[310] *Cheng zhi*, 39-40.

In *Liu de* we find much greater detail about the nature and importance of this view of the human social order. This text is split into two sections, as indicated by a black section maker on slip 26. The first section describes the six core social positions into which human beings are divided, and explains the ideal virtues and forms of conduct that should define these roles, exhorting the ruler of the state to defend this structure and to employ it in managing the people. Finally, the six canonical texts of Zhou civilization are cited as evidence that this view of society has historical authority and must be defended at all costs. The second section of the text problematizes the purported tension that exists between the kin relationships, which are seen as rooted in the innate nature of human beings from birth, and the public relationships, which are seen as socially constructed and tenuous. This tension between the "internal" kin relationships and the "external" public relationships represents the key problem of complex society, which can only be resolved and managed through the application of the cultural traditions of ritual and music.[311] This tension also plays out in terms of the nature of the social and moral emotions that people should ideally feel towards others. When dealing within the private sphere of the family, a person should privilege their immediate and spontaneous feelings of care that are viewed as innate to human nature, while in external public relationships a person needs to acquire an external set of norms that are characterized by a firmness and decisiveness. Because these external norms belong to the contingent social world, developing a spontaneous and moral disposition of this sort can only be derived from careful moral instruction.

In the first section of this text, the "six positions" mentioned in *Cheng zhi* are presented in detail, and are shown to include the ruler, minister, father, son, husband and wife. To put the Way into effect requires understanding these relations in order to both govern the people and bring about public order and political authority, as well as to morally cultivate oneself:

> 生民〔斯必有夫婦、父子、君臣〕，〔此〕六位也。有率人者，有從人者；有使人者，有事人〔者〕；〔有〕〔教〕者，有〔受〕 者；此六職也。既有夫六位也，以任此〔六職〕也，六職既分，以別六德。六德者〔.....大者以治〕[312]人民，小者以修其身。為道者必由此。何謂六德？聖、智也，仁，義也，忠，信也。
>
> From birth, among the people there must be husband and wife, father and son, ruler and minister; these are the six positions. There are those who lead and those who follow, those who command and those who serve, those who [instruct] and those who [receive (instruction)]; these are the six duties. Once the six positions are established, we can then assign (to them) the six duties; once the six duties have been apportioned, we can then distinguish the six virtues. As for the six virtues…. [on a large scale they can be used to order] the people, and on a small scale they can be used to cultivate oneself. One who would put the Way into practice must proceed from this. What are the six virtues? Sageliness and wisdom, goodness and rightness, loyalty and faithfulness.[313]

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[311] Slingland, "Problem of Moral Spontaneity."

[312] Following Cook and others in placing strip 47 between strips 10 and 1. Following Chen Wei, "Guanyu Guodian Chujian 'Liu de,'" in placing 大者以治 as a likely phrase here. See Cook, *Bamboo Texts*, 772 n11.

[313] *Liu de*, 6-10, 47, 1. This is tentatively following Cook's ordering of the slips, which is uncertain.

In terms of its importance to the ruler and the management of the government at a high level, these virtues are described as fundamentally necessary in order to properly morally instruct and punish the people, to bring about both public and inter-state order and to employ the people in the task of agriculture:

> 聖與智就矣，仁與義就矣，忠與信就〔矣〕。作禮樂，制刑法，教此民黎，使之有向也，非聖智者莫之能也。親父子，和大臣，寢四鄰之抵牾，非仁義者莫之能也。聚人民，任土地，足此民黎，生死之用，非忠信者莫之能也。君子不變如(於?)人道。
>
> Sageliness goes along with wisdom; goodness goes along with rightness; loyalty goes along with faithfulness. To create ritual and music, establish the punishments and laws, to use these to instruct the masses and to command them and so give them direction: none but the sagacious and the wise are capable of this. To create affection between fathers and sons, unite the great ministers, and mollify the conflicts of the four neighbouring polities: none but the good and the righteous are capable of doing this. To bring the people together, cultivate the land, and make this sufficient for the people and so employ them in life and death:[314] none but the loyal and faithful are able to do this. The Gentleman does not alter this Human Way.[315]

The text then goes on to describe the ideal forms of conduct for each of these six positions and to explain what the precise moral demands are for each social role. For the ruler, rightness (yi 義) is key, and should be employed when he chooses who to employ and advance with the state apparatus. The text is unfortunately damaged at this point, and the beginning of the passage is missing, and yet the passage is notable in the way that it appears to be suggesting that the ruler needs to make his choices based on purely meritocratic terms and not based on his own personal preferences:

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[314] Or, just as likely, the meaning of this passage may not refer to "employing the people in life and death," but "to ensure they have enough from life to death." For a discussion, see Cook, *Bamboo Texts*, 775 n22.

[315] *Liu de*, 1-5.

> ......〔諸〕[316]父兄，任者(諸)子弟，大藝者(諸)大官，小材藝者(諸)小官，因而施祿焉，使之足以生，足以死，謂之君，以義使人多(者也)。義者，君德也。
>
> …to fathers and elder brothers, and gives assignments to sons and younger brothers; great talent go to the great offices, and small talent goes to the small offices, and in accordance with this they are given their emoluments, such that they have enough in life and enough at death; we call one (who can do this) a ruler: one who commands with righteousness. Righteousness is the virtue of the ruler.[317]

This emphasis on meritocracy rather than nepotism and personal desire is also hinted at on slip 48:

> 親戚遠近，唯其人所在。得其人則舉焉，不得其人則止也。
>
> Whether of close or distant relation, whether near or far in proximity, all that matters is (the quality) of the person in question. If you have found the right person, then advance him; if you have not found the right person, then leave him where he is.[318]

If these textual passages were clearer it might be possible to make a stronger claim about the text's view on the proper conduct in the political realm, but it certainly appears that *yi* denotes a moral value system that goes against the grain of our biological instincts. In the case of a ruler, this might require him to not hire on the basis of personal preference or nepotistic desires. Warring States political texts are replete with admonishments against selecting advisors on the basis of their looks, their ability to flatter, or their relationship with the ruler.

The social role that is counterpart to the ruler is that of the minister. The virtue of the minister is loyalty, which is described in terms of the way in which a minister should be willing to work themselves endlessly and even risk their very lives. Notably this loyalty is based upon viewing their ruler as akin to a father, who has reared him despite not being biologically related:

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[316] Strip 13 is missing its upper half, and only a small part of the character above 父 is visible. Cook, *Bamboo Texts*, 778 n42 is likely correct in reading this character as 者 (諸).

[317] *Liu de*, 13-15.

[318] *Liu de*, 48.

> 非我血氣之親，畜我如其子弟，故曰：苟濟夫人之善它(施?)，勞其臟腑之力弗敢憚也，危其死弗敢愛也，謂之〔臣〕，以忠事人多(者也)。忠者，臣德也。
>
> Though he is not of my blood-and-*qi,* he has raised me as if I were his own son or younger brother. Of this it is said: if his actions may bring about good for another, then though it test the strength of his viscera he dare not give in to fear, and though it place him in danger of death he dare not cherish (his life): such a one is called a minister, who serves another with loyalty. Loyalty is the virtue of the minister.[319]

This leaves the husband, wife, father and son. The husband's virtue is his "wisdom" (*zhi* 智), which is put into action through his capacity to know how to make decisions, presumably for the entire household; the wife's virtue is her "faithfulness" or "fidelity" (*xin* 信) which appears to be defined by her submissiveness and loyalty to her first husband, not remarrying after his death but rather remaining faithful to his memory and so to the family household into which she married; the father's virtue is his "sageliness" (*sheng* 聖), defined by his ability to provide education to his children; and finally, the son's virtue is "goodness" (*ren* 仁), which appears to be defined by his willingness and earnestness in bettering himself, although the text is not entirely clear:

> 子也者，會(合)埻(敦?)長材....[320] 〔謂之〕仁。仁者子德也。
>
> As for a son, he is harmonious and earnest (?)[321] in cultivating his talents…. such a one is called good. Goodness is the virtue of a son.[322]

Finally, this first section of the text concludes with a passage that lays out its argument for the value of these social positions and their respective ideal version of conduct, and connects this to the classic texts that, at least in this passage, appear to define the canon of Zhou tradition for these Confucian writers:

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[319] *Liu de*, 15-17.

[320] Cook, *Bamboo Texts*, follows Chen Wei, "Guanyu Guodian Chujian 'Liude,'" in following slip 21 with Strip 23. Slip 23 is broken at the top, leaving a lacuna of most likely four characters, two of which are most likely 謂之.

[321] The meaning of this passage is unclear and I have tentatively followed Cook's translation. For a discussion, see Cook, *Bamboo Texts*, 782 n68.

[322] *Liu de*, 21, 23.

> 故夫夫，婦婦，父父，子子，君君，臣臣，六者各行其職而訕誇[323]亡由作也。觀諸《詩》、《書》則亦在矣，觀諸《禮》、《樂》則亦在矣，觀諸《易》、《春秋》則亦在矣。親此多(者也)也，欽(密)此多(者也)，美此多(者也)也。[324]
>
> Thus, with fathers acting as fathers, wives as wives, sons as sons, rulers as rulers, and ministers as ministers, each of the six fulfilling their duties, there is nowhere from which legal disputes (?) can arise. Look for this in the *Odes* and you will indeed find it there, look for it in the *Rites* and you will indeed find it there, look for it in the *Music* and you will indeed find it there, look for it in the *Changes* and you will indeed find it there, look for it in the *Annals* and you will indeed find it there. This is what (the classic texts) take as dear, what they take as close, what they take as beautiful.[325]

This final passage in the first section of the text is very clearly reminiscent of the famous passage from the *Analects* where Confucius advises Duke Jing 景 of Qi on governing (*zheng* 政) by stating that people should act within the boundaries of their respective social positions:

> 君君，臣臣，父父，子子。
> Let the lord be a true lord, the ministers true ministers, the fathers true fathers, and the sons true sons.[326]

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[323] It is uncertain how to read the characters 訕誇. See Cook, *Bamboo Texts*, 783 n74 for a thorough discussion. In my translation I have tentatively followed Chen Wei, “Guodian Chujian bieshi” 郭店楚簡別釋, but this reading is far from certain.

[324] Three final characters follow this passage before a black band indicates the end of a chapter or section. The remaining text on strip 23 can therefore be assumed to be a new section of the text. The meaning of these three characters is not entirely clear, and I have omitted them. Cook’s reading of “道＝(道行)宎(妄)止” (“[When] the way prevails, recklessness ceases”) is plausible, but it seems just as likely that these characters indicate the title of the above chapter/section. See Cook, *Bamboo Texts*, 785 n83 for a discussion.

[325] *Liu de*, 23-26.

[326] *Analects* 12.11. Translation from Slingerland, *Analects*, 130.

The text's purported tension between the "internal" (*nei* 內) and the "external" *(wai* 外) human relations also corresponds to the conceptual moral pair of goodness (*ren* 仁) and rightness (*yi* 義):

> 仁，內也。義，外也。禮樂，共也。內位父、子、夫也；外位君、臣，婦也。
> Goodness is internal; Rightness is external. Ritual and music (have elements) of both. The internal positions are father, son and husband; the external positions are ruler, minister and wife.[327]

This passage, perhaps more than any other in *Liu de*, has captured the attention of scholars of early Chinese thought because of the way it immediately calls to mind a very well-known debate in the *Mengzi* text between Mencius and the figure known as Gaozi 告子 over question of the basic moral tendencies of human nature.[328] In this debate,[329] Gaozi too claims that goodness is internal and rightness external, but the contextual thrust of this claim had been lost until the discovery of the Guodian manuscripts. In light of these manuscripts, it now seems difficult to dispute that Gaozi is making a similar claim as is found in *Liu d*e and *Xing zi ming chu*. This dramatically changes the interpretation of the passages, which should likely now be understood as a debate between two people who each self-identifies as Confucian.

In this debate, Gaozi and Mengzi spar over the issue of human nature. While Mencius argues that human nature contains all of the incipient qualities necessary for a person to develop an ethical character, Gaozi holds that an ethical character must be constructed out of our raw nature. Gaozi arguably takes the point further than the Guodian manuscripts, but this could be the result of authors of the *Mengzi* text presented his views uncharitably. More important to this study is how, as the debates become increasingly more concrete, the examples of moral conduct used to make their respective points take the form of how respect (*jing* 敬) for elders is expressed through ritualized conduct, as seen, for example, in the hierarchical sequence by which one pours liquor at a banquet. As Meng Jizi 孟季子, most likely a disciple of Gaozi, notes in a debate with Mengzi's disciple Gongduzi 公都子, despite one's internal preference for one's own older brother over that of an unrelated village elder, one would pour liquor first for the elder because of his age. Although the *Mengzi* text portrays this as a misunderstanding of the actual origins of moral feelings, it is clear that what is truly at stake here is the historical contingency of the rules of ritualized conduct. Mencius has greater faith in the capacity of human beings to recreate appropriate ritual practices because of their innate moral capacity of respect for parents and elders.[330] The Ritual Authority manuscripts, on the other hand, seem concerned with the apparent inconsistency in human behaviour that derives from the variations in culture across different regions and societies.

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[327] *Liu de*, 26-27.

[328] For a discussion, see Cook, *Bamboo Texts*, 685. See also Goldin, "Xunzi," and Pang Pu, "Kong Meng zhi jian: Guodian Chujian zhong de Rujia xinxing shuo" 孔孟之間：郭店楚簡中的儒家心性說, in Guodian Chujian yanjiu, ed. Zhang Guangyu (Taibei Shi : Yiwen yinshuguan, 1999).

[329] *Mengzi* 6A1-6.

When viewed in terms of the argument we find in the Guodian manuscripts, the debate with Gaozi represents an attempt to think around the question of whether or not the rules of the ritualized social practices of *li* derive from our inherent, biological feelings or if they are constructed, and therefore contingent, historical practices. If we take Gaozi's views to be similar to the Ritual Authority manuscripts, then Mencius has treated his opponent's ideas unfairly by excising the important point that “ritual and music have elements of both” the internal and the external. In the Ritual Authority manuscripts, there is a cultural means for taking people's innate moral feelings and redirecting them towards the socially constructed values of the political realm. The internal relationships ultimately take priority over the external because they is more fundamental. This also plays out in terms of how one is meant to act in private life versus public life. While goodness is defined by the internal, spontaneous and forgiving qualities, in public life we require rightness, a quality defined by a firm and unbending quality:

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[330] As seen, for example, in Mencius' vivid description of a scenario in which people reconstruct the basic form of a filial burial custom when they are horrified at the sight of the decomposing corpses of their parents. This argument is made to argue against a Mohist in *Mengzi* 3A5.

> 為父絕君，不為君絕父。為昆弟絕妻，不為妻絕昆弟。為宗族殺朋友，不為朋友殺宗族。人有六德，三親不斷。門內之治恩掩義，門外之治義斬仁。仁類莇(柔)而速，義類止(持?)而絕，仁莇而光，義強而柬。放之為言也，猶匿匿(暱)也，少而尞多(者也)也。
>
> One may forsake the ruler for the sake of the father, but may not forsake the father for the sake of the ruler. One may forsake the wife for the sake of one’s brother, but may not forsake the brother for the sake of one’s wife. One may end a friendship for the sake of one’s ancestral clan (*zongzu* 宗族), but may not end a clan relationship for the sake of one’s friend. Human beings have six virtues, (but) the three familial relationships may not be severed. When maintaining order within the gates (of the family compound), kindness/sentiment takes priority over rightness; When maintaining order beyond the gates (of the family compound), rightness *takes priority* over goodness. Cases of goodness are flexible and binding; the manner of rightness is firm and uncompromising. Goodness is flexible and therefore lenient; Rightness is firm and therefore resolute. As a word, “lenient” (*ni* 匿) is like “concealing” (*nini* 匿匿)[331]; and is a meticulous and prudent (quality).[332]

The text views these social dynamics to be the basis of the basic social structure, but they also need to follow a specific order, building from basic moral virtues that begin with the performance of filial piety. This is because the internal virtue of goodness is something that emerges spontaneously from one’s internal nature, while the external qualities need to be carefully developed over time. This is one of the primary values of culture and instruction, a point we will see developed much more clearly in *Xing zi ming chu*. Ultimately, filial piety is the most fundamental and important of moral actions to inculcate these values. This is largely because the affection that needs to develop correctly between father and son needs to be extended to the parallel ruler-minister relationship:

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[331] This passage is not certain, and I have tentatively followed Cook, *Bamboo Texts*, 512 n177. In his translation of a parallel passage in the Guodian *Wu xing* 五行 text, Mark Csikszentmihalyi, *Material Virtue*, 303-5, follows another possible reading by changing the second 匿 to 暱, which would suggest that the passage specifically argues in favour of leniency towards close family members.

[332] *Liu de*, 26-33.

> 君子不啻明乎民微而已，又以知其一矣。男女不辨，父子不親。父子不親，君臣亡義。是故先王之教民也，始於孝弟。君子於此一體者亡所廢。
>
> The Gentleman does not merely understand the fine details about the people, but also knows what unifies them. If men and women are not kept distinct, then father and son will not be affectionate. If father and son are not affectionate, then ruler and minister will lose rightness (between them). For this reason, when the former kings instructed the people, they began with filial piety and respect for elders (*ti* 弟). When the Gentleman unifies (the people) through this (emphasis on filial piety), none (of the virtues) are abandoned.[333]

This view of the social structure has at least two major implications for our understanding of the development of a theory of ritual psychology in early China. The first point is the way the text uses this traditional view of the family relationships to justify and defend the cultural practices of the Zhou. The second is regarding the implications of the precise way in which ritualized actions are argued to be effective as practices. The emphasis on the human social structure, the Great Constancy that derives from Heaven, has implications because of the way in which *li* represents a set of ritualized actions that are specifically shaped by the social hierarchy and family dynamics. The distinction (and division) between men and women and the affection between father and son are expressed and evoked through the embodied actions that represent these moral sentiments. In a pattern that we see throughout these texts, when an example is offered to demonstrate the meaning and importance of these relationships, ritualized conduct is provided.

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[333] *Liu de*, 38-40.

So, when explaining the distinction between the internal and the external relations, the text gives this summary, based on the rules of ritual propriety regarding mourning garments:

> 疏斬，布絰，杖，[334]為父也，為君亦然。疏衰齊牡麻絰 ，為昆弟也，為妻亦然。袒免[335]，為宗族也，為朋友亦然。
>
> Coarse hem-less (garments), cloth sashes, and a cane are (donned in mourning) for a father; (mourning) for a ruler is also thus. Coarse, hemmed garments and hemp sashes are (donned in mourning) for a brother; (mourning) for a wife is also thus. Baring of the left arm and tying of the head wrap are (in mourning) for members of the ancestral clan; (mourning) for friends is also thus.[336]

For these manuscripts, the rules and practices of ritualized conduct are the means through which the entire social order of the Zhou is regulated and maintained.

The internal feelings innate to our biology form structured constraints upon people’s innate moral psychology. The emotions of affection and respect for one’s father and elders represent powerful innate moral capacities shared by all people. On the other hand, the parallel social relationships, particularly of ruler and minister, can only acquire the spontaneous and genuine moral feelings of rightness and loyalty if one is able to extend the innate feelings and apply them to this fictive and constructed relationship within the state. The parallel forms of ritual expressions of mourning provided above demonstrate how these innate moral capacities are mirrored in the socially constructed relationships, but at the same time the biological feelings must always take priority. The precise way that cultural practices, and particularly ritual and music, work to achieve this extension of moral feelings is more clearly explained in the *Xing zi ming chu* text, as we will see below.

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[334] Li Xueqin “Guodian Chujian ‘Liu de’ de wenxianxue yiyi" 郭店楚簡《六德》的文獻學意義, 19-21.

[335] Following Cook, *Bamboo Texts*, 787 n92, in reading this character. As Cook notes, “The 免 here, also written 絻 in some texts, involves both removal of one’s cap and the tying up of one’s hair with a head-wrap.”

[336] *Liu de*, 27-29. Translation from Cook, *Bamboo Texts*, 786-7. As noted by Cook and many other commentators, this passage is similar to the discussion of sumptuary mourning clothing regulations in the “Sang fu” 喪服 chapter of the *Ceremonies and Rites* (*Yili* 儀禮) anthology, but with some differences in the details.

Ritual Psychology

No single text within the Guodian corpus, aside from the Guodian *Laozi* manuscripts, has received more scholarly attention than the one to which the original editors gave the title *Xing zi ming chu* 性自命出 ("Human nature emerges from the mandate"). There is good reason for this: the text provides a fascinating and nuanced discussion of human nature and ethics that has implications for our understanding of the development of major intellectual innovations that would remain central to the Chinese philosophical tradition long after the Warring States period came to an end. The presence of an alternative version of this text in the Shanghai Museum collection also suggests that this may have been a popular or important work at the time. This second version of the text has also aided scholars in organizing and reading the text, especially in portions that were damaged or unclear in one version of the text but not in the other. The Guodian version of *Xing zi ming chu* is separated into three distinct sections by clear black section markers into three distinct sections whose relative order is not entirely certain.[337]

Of the four Ritual Authority manuscripts, *Xing zi ming chu* most directly answers the threat to Confucian ideas imposed by the historically contingent nature of social customs. It explains how the inborn nature of human beings is fundamentally distinct from that of animals because of the profound role played by culture in shaping people's behaviour and character. This point is explained with a careful and insightful discussion of the ways in which people's emotional dispositions are shaped by their interactions with the world around them. Particular forms of stimulus prod, motivate, and hone people's psychological tendencies, and the ability of human beings to deliberately and consciously tweak and perfect our cultural practices in order to exploit these forms of stimulus in a moral direction creates an opportunity to better the human condition through culture and education. These cultural forms include the odes (*shi* 詩), the histories (*shu* 書) and, more importantly, ritual and music. Although music is touted as the most direct and immediate means of reaching and eliciting the emotions, it is the ritual practices of *li* that are described as having the most important role in shaping people's moral capacities.

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[337] This uncertainly is complicated by some differences between the Shanghai Museum collection version and the Guodian version of the text. For a discussion, see Cook, *Bamboo Texts*, 686-695. Although the two versions are very similar, some differences between them should not surprise or concern us. As William G. Boltz, "The Composite Nature of Early Chinese Texts," and Matthias Richter, *The Embodied Text*, have noted, early Chinese texts tended to vary between manuscripts, with short paragraph-length textual blocks often being internally consistent, but their order and inclusion varying with each new production of a text.

Although this nuanced discussion of psychology makes *Xing zi ming chu* in many ways the most narrow and technical of the four manuscripts under consideration, it also presents the most unified theory for why morality, social customs and the structure of human society are all interconnected issues. All of these problems can be better understood with a careful investigation into human nature, which reveals the way that culture and education create the human capacity for cultural variation as well as the reasons why only the Confucian system of ritual propriety is capable of inculcating moral feelings within people. It is also in this text that we see the ways that recently developed conceptual innovations regarding human nature and psychology provided a means for Confucian thinkers to not only craft a powerful rhetorical defence of their worldview and cultural traditions, but to develop their own innovative sophisticated theory of ritual psychology.

The text opens with a now famous passage, explaining that the inborn nature of people does not contain a pre-set moral inclination; instead, the heart's inherent capacities must be drawn out and stimulated by the external world, giving rise to specific emotional responses. These inherent emotional capacities, which are inborn to us and come from Heaven's mandate, are contrasted with "rightness" (*yi* 義), the codified rules of morality that are socially constructed and must be learned and internalized:

> 凡人雖有性，心亡奠志，待物而後作，待悅而後行，待習而後奠。喜怒哀悲之氣，性也。及其見於外，則物取之也。性自命出，命自天降。道始於情，情生於性。始者近情，終者近義。知〔情者能〕出之，知義者能納之。好惡，性也。所好所惡，物也。善，不〔善〕，〔性也〕，所善所不善，勢也。
>
> Although people have an innate nature, their hearts lack a fixed will: it awaits (external) objects before it stirs, it awaits pleasure before it sets into action, and it awaits (habitual) practice before it becomes fixed. The *qi* of happiness, anger, grief and sorrow are qualities of human nature. When these emotions are manifested in the outer world, it is because (external) objects have drawn them out. Human nature comes out of the mandate, and the mandate descends from Heaven; the Way begins in the dispositions ,and the dispositions are born from human nature. At the beginning, it is closest to the dispositions, at the end it is closest to rightness. Thus, one who understands the dispositions is able to express it (appropriately) and one who understands rightness is able to internalize it. (The ability) to like or dislike derives from human nature; that which is liked and that which is disliked are external things. (The ability) to deem as good or [not good derives from human nature]; that which is deemed as good and that which is deemed as not good are (particular) circumstances.[338]

This passage makes use of the terminology of the body and mind that had been developed around the mid-Warring States period. The inborn nature (*xing* 性) describes the inherent qualities with which someone is born, and which distinguish different creatures from each other. The inborn nature of a human differs from the inborn nature of an ox, and this explains the predictable and inherent qualities that are found in common between animals of the same kind. As briefly discussed in the Chapter One of this study, the concept of this inborn nature was most most likely popularized by the individualist thinker Yang Zhu, and was also used to contrast the natural tendencies and telos of an individual human being with the socially constructed and artificial strictures and demands of society, particularly of the kind of complex society that developed after the advent of agriculture and the rise of the political state. One of the goals of this text is to reframe the relationship between human nature and civilization and to rhetorically turn the individualist concept of human nature on its head.

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[338] *Xing zi ming chu*, 1-5. As with the other Guodian texts, my translations have benefitted immensely from Scott Cook's translation into English, but in the case of *Xing zi ming chu* I have also been able to benefit from the annotated translation of the text by Li Tianhong into modern Chinese in *Guodian zhujian "Xing zi ming chu" yanjiu* 郭店竹簡《性自命出》研究 (Wuhan: Hubei jiaoyu chubanshe, 2002), 133-200.

The ideas here also reflect what Mark Csikszentmihalyi describes as a "continuum that stretches from medicine, through religion and philosophy."[339] As he notes, a major strand of thought during the Warring States period reflected an interest in understanding the "material" and physiological nature of the moral virtues, in this way blurring any categorical distinctions between these branches of thought. Csikszentmihalyi traces the development of this discourse of "material virtue" as it appears in the writings of Mencius and in the archaeologically recovered versions of the *Wu xing* text, a version of which is found within the Guodian corpus.[340]

This passage from *Xing zi ming chu* employs the concepts of the heart (*xin* 心) a term used to describe people's primary emotions and the locus of their cognition. The *qi* (氣) of these emotions arise in response to external stimulation in a way that may appear at first glance to be passive until the important role of the heart enters the picture.[341] As Michael Puett has noted, it is ultimately the concept of *qing* (情) that is used to describe the more complex issue of how people develop an emotional disposition that characterizes the way that they respond to the world.[342] This emotional disposition can be trained through self-cultivation to react in ways that are in line with with ethical norms. As the text puts it, the things that they learn to deem as desirable or not desirable, or a morally good or not good, are external to a person and the particular way that a person responds to these things can be trained through education. This larger ethical set of values are those that define the cultural framework of the Zhou, while human nature is only the raw material out of which a fully formed person with a set moral disposition and inclination is formed:

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[339] Csikszentmihalyi, *Material Virtue*, 8.

[340] In this study, I am considering Wu xing to be sufficiently distinct in its views from the Ritual Authority manuscripts to be treated seriously, but this is an issue worth further consideration. There are overlapping terms and concepts, which is to be expected if these texts are all considered to be generally Confucian in their views.

> 凡性為主，物取之也。金石之有聲，〔弗扣不〕〔鳴〕，〔人之〕雖有性，心[343]弗取不出。凡心有志也，亡與不〔可〕，〔心之不可〕獨行，猶口之不可獨言也。
>
> Xing is the basic material that external things draw out. (Although) metal and stone (instruments each) have a tone, [if they are not struck (the tone) will not ring out]. (In the same way), although people (each) have a nature, if the heart does not draws them out, their (qualities) will not emerge. If there is nothing to engage with it, the heart cannot have a will. That the heart cannot act on its own is the same as how the mouth cannot speak on its own.[344]

This capacity of human beings to have their moral and emotional dispositions shaped by culture is the thing that fundamentally distinguishes us from animals, whose behaviour is predetermined by their inborn nature:

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[341] Franklin Perkins, "Motivation and the Heart in the *Xing Zi Ming Chu*," *Dao* 8.2 (2009).

[342] Puett, "The Ethics of Responding Properly.

[343] There is considerable debate over whether to punctuate this sentence before or after the 心 character. The meaning changes considerably depending on whether one views the heart here as part of the object of the sentence or as the subject. It is also possible the 心 character here is a scribal error and should be rendered as 也.

[344] *Xing zi ming chu*, 5-7.

> 牛生而長，雁生而伸(陳)，其性〔也。人生（？）〕[345]而學，或(又)使之也。
> That oxen are born to spread out (in herds), and geese are born to line up (in flocks) is due to their nature.[346] Humans are born to learn, and this also shapes (their behaviour).[347]

As we saw in Chapter Two of this study, there was a conscious awareness in early China that social customs and cultural practices differed significantly, not only between the people of the central states and their strange, foreign neighbours, but also from village to village, and between valley, mountain and flatland regions. That people's values, behaviour and moral conduct could so drastically differ is a fact that demands explanation. In contrast to the apparent lack of cultural and behavioural diversity within animal species, people are not consistent in their behaviour. The text makes this point, employing some of the conceptual tools of logic that had also become prevalent by this time:

> 凡物亡不異[348]也者，剛之柱也，剛取之也。柔之約，柔取之也。四海之內其性一也。其用心各異，教使然也。
>
> (Of all the various kinds of) things of the world, there are no (two kinds) that are alike. When a hard (thing) stands upright, this is the hard thing drawing on (its own intrinsic quality of hardness). When a soft (thing) bends pliantly, this is the soft thing (itself) drawing on (its own intrinsic quality of softness). Between the four seas, all (human beings) share the same nature (and yet) each differs in the use of their heart. It is education that makes this so.[349]

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[345] Strip 7 is broken and only a fragment of the final character, generally rendered 性, remains. There is space after the breakage for most likely three characters.

[346] This passage is often read to mean that oxen grow large and geese develop long necks. This is a feasible reading, but Scott Cook's interpretation, which I have followed here, makes considerably more sense both in general and especially in this context where it is behaviour that is under discussion, rather than appearance. Cook, *Bamboo Texts*, 702 n43 and n44.

[347] *Xing zi ming chu*, 7-8.

[348] This character is uncertain. Its form is considerably different from the character rendered as 異 below, and I have only tentatively read it as 異 here. Cook reads this as 期, *Bamboo Texts* 703 n50; consequently, he renders this passage as "In general, that there is nothing that does not carry expectations is as follows", *Bamboo Texts*, 705.

[349] *Xing zi ming chu*, 8-9.

This concept of education, or instruction, is then described in elaborate terms. How this works is by engaging directly with the inborn nature of people, which is naturally drawn, guided and shaped by certain forms of interactions and stimulation. In the terms of *Zun deyi*, this is the Human Way, a deliberate and sophisticated method of making use of the innate emotional tendencies of human psychology to instruct and morally shape people's behaviour:

> 凡性或動之，或逆之，或交[350]之，或礪之，或出之，或養之，或長之。凡動性者，物也；逆性者，悅也；交性者，故也；礪性者，義也；出性者，勢也；養性者，習也；長性者，道也。凡現者之謂物，快於己者之謂悅，物之勢者之謂勢，有為也者之謂故。義也者，群善之蘊也。習也者，有以習其性也。道者，群物之道。
>
> Now, with the inborn nature: there is something that compels it, something that welcomes it, something that engages with it, something that hones it, something that draws it out, something that nourishes it, and something that makes it grow. What compels it are (external) things; what welcomes it is pleasure; what engages with it is purpose[351]; What hones it is rightness; what draws it out are the circumstances[352]; what nourishes it is practice; what makes it grow is the Way. That which manifests itself is called an "(external) thing"; that which brings satisfaction to the self is called "pleasure"; the particular occurrence of a thing is called a "circumstance"; that which is deliberate is called "purpose;" "Rightness" refers to the collection of the various kinds of goodness. "Practice" refers to that which is created (out of) one's nature through habit; the "Way" is the particular way of the various things (in the world).[353]

These various ways of drawing out, shaping and perfecting the inborn but unformed qualities of the inborn nature provide the opportunity of particular cultural practices to be deliberately and consciously shaped and perfected in order to ensure the best educational outcome. Culture is powerful because of the way in which it shapes human behaviour so profoundly and results in sometimes wildly distinct societies and practices, but also because it resides in the external world where it can be observed and changed. While cultural practices come about naturally from the expression of human needs, thoughts, and desires, they also change and develop over time. Most importantly, cultural practices and social customs can be deliberately tweaked and perfected. However, as these manuscripts argue, such tweaks must be done only with a full and thorough understanding of the basic nature of human psychology. This is precisely what the genius of the sage kings was able to accomplish, and so it is argued that the historically transmitted cultural forms prized by the Confucians are, in fact, the best version of culture precisely because they take into account human psychology in ways not accounted for by other thinkers and theorists. *Xing zi ming chu* famously defends the Confucian version of historically transmitted culture by suggesting that these forms of culture are ideally suited to shaping people's moral characters:

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[350] Cook reads this here and in the following sentence as most likely either 節 or 砥, and translates it as "tempers."

[351] This translation is tentative. See note above for alternate readings of 交. The character 故 can be translated in different ways depending on both one's interpretation of the passage and the context provided by one's reading of the 交 character. Qiu Xigui argues that the term can refer to social and cultural norms and traditions, which here would mean the forms of culture that the text describes as having been perfected by the sages, "You Guodian jian *Xing zi ming chu* de "shi xing zhe gu ye" shuodao *Mengzi* de "Tianxia zhi yan xing ye" zhang 由郭店簡 《性自命出》的 「室性者故也」說到《孟子》「天下之言性也」章; cited in Cook, *Bamboo Texts* 706 n69.

[352] Or, if we read 勢 as 藝, then the meaning would be "what draws it out are the arts."

[353] *Xing zi ming chu*, 9-14.

> 詩、書、禮、樂，其始出皆生於人。詩，有為為之也。書，有為言之也。禮、樂，有為舉之也。聖人比其類而論會之，觀其先後而逆訓之，體其義而節文之，理其情而出入之，然後復以教。教，所以生德于中者也。[354]
>
> The odes, the histories, the rites and music[355] all have their origins in human beings. The odes were deliberately crafted, the Histories were deliberately expressed, the rites and music were deliberately devised. The sages compared the categories (of the odes) and then divided them and collected them together (where appropriate); they examined the sequences (of the histories) and then rejected and accepted them (where appropriate); they embodied the rightness (of the rites) and then restrained and elaborated upon them (where appropriate); they regulated the emotional dispositions (of music) and then discarded and retained them (where appropriate). Once (the sages) had (done all this), (these cultural forms) were brought back for (the purpose of) instruction. instruction is the means by which virtue is engendered within.

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[354] *Xing zi ming chu*, 14-18.

[355] It is unclear if this is meant to refer to four specific texts, four genres of texts, or four forms of historical tradition. In my translation I have rendered them as genres of elite cultural tradition.

Xing zi ming chu not only explains in abstract theoretical terms how cultural practices explain the variations in cultural expqressions seen in different regions and peoples, but it also presents an argument for why these cultural practices are an issue of such importance. This argument lends itself to a conservative and traditionalist view of culture, as seen for example in discussions of how depraved versions of music can have a negative effect on people's characters. The whole suite of cultural practices are an issue of direct concern because these forms of culture separate order from chaos and the civilized world of the Zhou cultural sphere from the realm of the "barbarians." As the text goes on to discuss music, part of the purpose of doing so is to highlight the dangers of new and depraved forms of musical performance, such as the famously licentious music of Zheng 鄭 and Wei 衛.

Much of the text is devoted to a detailed analysis of the benefits and power of music specifically to immediately and successfully elicit genuine and spontaneous emotions. As Scott Cook notes, much of this is similar to the content found in the "Yue ji" (樂記) chapter of the *Record of Rites*.[356] Besides highlighting the importance of maintaining "moral" versions of music, the value of this section on music is that it provides an intuitive example of how external cultural forms can evoke emotional responses. Taking in sounds such as laughter and music, the *qi* of the core emotions of happiness, anger, grief and sorrow are immediately and spontaneously evoked. What the text is concerned with is the way in which these emotions are aroused genuinely and in proper moderation:

> 笑， 喜之淺澤也。樂，喜之深澤也。凡聲，其出於情也信，然後其入撥(BT 拔)人之心也厚。聞笑聲，則鮮如也斯喜。聞歌謠，則陶如也斯奮。聽琴瑟之聲則悸如也斯懸。

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[356] Cook, *Bamboo Texts*, 678-686.

> Laughter is the shallow release of happiness; music is the deep release of happiness. Now, when such sounds arise out of the emotions in a way that is honest, then the capacity of these sounds to enter and draw out the feelings[357] is great. When one hears the sound of laughter, they a feel a bright happiness. When hearing songs and ballads, they are roused with joy. When one hears the *qin* and *se* zithers, they sigh with melancholy.[358]

There is an automatic reaction to such interactions with the world, with music being the most immediate and expressive of the core emotions, but as we shall see below, ritual acts are also accorded an important place in this view of human emotional psychology.

Although ritual is not provided with the same immediacy as music in drawing out the emotions, it does have a more sophisticated and important role in the overarching moral theory of these texts. In the case of ritual propriety, the emotions that are evoked and shaped are more important to this moral project because they are specific to the dynamics of social interaction within a hierarchy. As the text argues, ritual actions are natural expressions of people's innate emotional dispositions, but these ritual acts can also give rise to, or elevate, these same feelings. Ritual propriety is defined as the system of expectations and rules over how to engage in social interactions, relating to the sequences of events, of priority based on rank and age, and of one's facial features and countenance. In other words, ritual propriety refers to the carefully designed system through which embodied ritualized acts express social feelings:

> 禮，作於情，或興之也，當事因方而制之。其先後之序則義道也。或序為之節則文也。致容貌，所以文節也。君子美其情，〔貴其義〕，善其節，好其容，樂其道，悅其教，是以敬焉。拜，所以〔為服也?〕[359]其數，文也。幣帛，所以為信與徵也，其貽，義道也。

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[357] Literally "draw on" or "incite" the heart (*xin* 心).

[358] *Xing zi ming chu*, 22-24.

[359] There are three characters missing here. See Cook, *Bamboo Texts*, 714 n140 for a discussion.

> Ritual propriety arises out of the emotions but it also gives rise to them.[360] (Its forms) are established on the basis of what is correct for each situation. Its sequence of first and last results in the Way of rightness. The regulation of its sequences results in cultural refinement. The expression of the countenance and expression is the (ultimate) means of putting refinement and regulation into action. The Gentleman deems his emotions to be beautiful, his morals to be noble, the regulations of conduct to be good, the (refinement of) his countenance to be desirable, the Way to be delightful, instruction to be pleasurable; and this is why others hold him in respect. Obeisance is the means by which one (expresses submission?), its gradations are refined. (Gifts of) coins and silk are the means by one garners trust and confirmation[361]; the way that these rules are governed is (in accordance with) the Way of rightness.[362]

This is the primary difference between ritual and musical performances. While both are deemed as expressions of the emotions, music tends to evoke emotions in their more basic form, while ritual is specific to the way in which ritualized acts evoke social emotions. This same view is hinted at in some of the disconnected expressions that are found in *Yucong I*:

> 禮因人之情而為之節文者也。
>
> Ritual propriety is that which adheres with people’s emotional disposition and (in turn) makes them regulated and refined.[363]
>
> 禮不同，不豐不殺。
>
> (The rules of) ritual propriety differ (according to status), neither to be augmented nor diminished (beyond what is proper).[364]
>
> 禮，交之行述也。
>
> Ritual propriety (refers to) the transmission of (rules for) interpersonal conduct.[365]

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[360] Or “elevates them”.

[361] Largely following Cook, *Bamboo Texts*, 714, in reading and translating this sentence.

[362] *Xing zi ming chu*, 18-22

[363] *Yucong I*, 97

[364] *Yucong I*, 103. Translation, with minor emendations, from Cook, *Bamboo Texts*, 833; see *Bamboo Texts*, 833 n134 for a discussion of the reading of this passage based on parallels in the “Li qi” 禮器 and “Li yun” 禮運 chapters of the *Record of Rites.*

[365] *Yucong I*, 42. A more literal rendering of 交之行 would be “conduct of interaction.”

The relationship between the emotions, as expressed in music and sounds are finally compared to the expression of strong emotions as they play out in the body. The emotions appear to reach their utmost when the heart reflects or concentrates (*si* 思) on the feelings:

> 凡憂思而後悲，凡樂思而後忻。 凡思之用心為甚。戁，思之方也。其聲變則〔心從之〕，其心變，則其聲亦然。吟遊哀也，噪遊樂也....[366]
>
> It is upon reflection that grief turns to sorrow, and that happiness leads to joy. Reflection uses the heart in its extreme. Vocalization (?)[367] is the method of reflection. When the sound changes, the feelings follow it; when the feeling change, then the sound must also do the same. Moaning is the flowing out of grief; cheering is the flowing out of joy….

Finally, these feelings find their expression in embodied actions in a passage that does not appear in the Shanghai museum version of this text:

> 喜斯慆，慆斯奮，奮斯詠，詠斯搖，搖斯舞。舞，喜之終也。慍斯憂，憂斯戚，戚斯歎，歎斯號。號斯踊，踊慍之終也。
>
> Happiness leads to joy; joy leads to excitement; excitement leads to singing; singing leads to dancing. Dancing is the conclusion of happiness. Indignation leads to distress; distress leads to sorrow; sorrow leads to sighing; sighing leads to wailing; and wailing leads to writhing (in grief) (*yong* 踊).[368] Writhing (in grief) is the conclusion of indignation.[369]

The passage bears a remarkable similarity to a passage from the Tan Gong II chapter (*Tan gong xia* 檀弓下) from the *Record of Rites*,[370] which concludes by stating that “the regulation of the degrees (of these feelings) is what is called ritual propriety” (品節斯，斯之謂禮). Throughout the “Tan Gong” chapters we find discussions of how ritual practices of mourning should be regulated, alongside examples of excessive and unhealthy performances.[371] To take just one example:

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[366] *Xing zi ming chu*, 31-33.

[367] Tentatively following Cook in reading this character as 戁, and translating it as “vocalization”. In the Shanghai Museum version of this text, the character appears without the heart radical, *Bamboo Texts*, 723 n 211.

[368] Literally “leaping”, a common expression of grief, alongside wailing and pounding the chest.

[369] *Xing zi ming chu*, 34-35.

[370] This has been noted by a number of commentators. See Cook, *Bamboo Texts*, 725 n224, for a discussion.

> 弁人有其母死而孺子泣者，孔子曰：「哀則哀矣，而難為繼也。夫禮，為可傳也，為可繼也。故哭踴有節。」
>
> In Pian, there was a man who was sobbing like a child over the death of his mother. (Seeing this), Confucius remarked: “This is certainly grief, but it would be cruel to maintain this. Thus, ritual propriety refers to [those rules] which are worthy of teaching, and which are worthy of transmitting. Thus, crying and writhing (in grief) have their moderations.”[372]

The first section of *Xing zi ming chu* presents a theory of emotional psychology in which ritual conduct is framed as the most important and fundamental of the cultural practices which allow for moral training. In *Xing zi ming chu*’s theory, ritualized acts are reminiscent of music in the way that the actions directly evoke and affect the emotions while also regulating them, but they also have the additional power of directly shaping specifically social and moral feelings. This is because these ritualized acts are the embodied expressions of the social hierarchy. *Xing zi ming chu* defines ritual propriety as the socially constructed and carefully determined rules determining the embodied expressions of social relationships. It is presumed that the emotional basis of these feelings of respect and submission derive from the biologically rooted emotions that we naturally have towards our parents and elder siblings, but cultural forms and rules are needed to properly and correctly extend and regulate these emotions in the public settings of the political world and in people's interactions with strangers and non-relatives. This requires carefully and subtly tweaked and regulated regulations regarding the physical expression of these relationships. These ritualized actions include the submissive act of obeisances (*bai* 拜), advancing and retreating, the sumptuary rules of clothing, seating order, the rules of politeness and deference in social settings such as banquets and court meetings, and by the ordered rules of ritual expressions of grief and mourning.

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[371] See Albert Galvany, “Death and Ritual Wailing in Early China: Around the Funeral of Lao Dan,” *Asia Major* 25.2 (2012), for a discussion of wailing and codified modes of expressing grief in early China. Galvanic focuses on a transgressive example from the *Zhuangzi* chapter “The Secret of Caring for Life” (*Yang sheng Hz* 養生主) in which Qin Shi 秦失 arrives at the funeral for Lao Dan 老聃 only to cry out three times and then depart. This ties the present discussion together well with the discussion of transgressive views on *li* in Chapter One of this study.

[372] *Record of Rites*, “Tang gong Section I” (*Tan gong shang* 檀弓上). Sun Xidan, *Liji jijie* 禮記集解 (Beijing: Zhonggua shuju 2007), 210.

The moral psychology presented in *Xing zi ming chu* and the concept of the trainable emotional dispositions explains how ritual performances can shape a person's character. In Bourdieu's terms, this is comparable to the "implicit pedagogy" of the body, through which hierarchical social relationships are inculcated. However, in the Ritual Authority manuscripts, this is presented in a positive light, with these social relationships being presented as the carefully developed and perfected basis of a stable and moral society. As we will see below, the texts further argue that the genuine moral feelings that are developed through the training of ritual and music are necessary to create the emotional connections that make the political system function.

Political Trust and Genuine Emotions

The second and third sections of the *Xing zi ming chu* text focus in greater detail on the question of personal self-cultivation, and in particular what Edward Slingerland has called "the problem of moral spontaneity." As he notes, in the Confucian view of education, "intellectual assent to the Confucian Way is insufficient — one must sincerely love the Way and strive to embody it in one's person."[373] The problem of cultivating these spontaneous moral emotions is especially problematic within the political realm due to the socially constructed nature of these "external" social relationships. The value of the cultural traditions of music and ritual is their ability to elicit genuine emotions that are innate to human nature, such as the affection and respect one holds for one's own father or uncle, and learning to cultivate and extend these to a political ruler to whom one is not related. More broadly, these manuscripts demonstrate a keen awareness of the difficulties involved in the building and maintaining of a cohesive and stable society which requires socially manufactured political relationships and interactions between strangers, when our innate psychological tendencies tend to privilege small kinship groups.

For these Ritual Authority manuscripts, this larger problem cannot be resolved simply through the construction of legal and bureaucratic mechanisms, but requires instead taking seriously people's psychological and emotional tendencies. The first section of *Xing zi ming chu* lays out the psychological theory for how cultural practices are the most important part of putting this Human Way into practice, and ritual practice in particular is put forward as the most important cultural tool for cultivating the internal moral feelings that can be extended into wider society in the ways that are in accord with the normative ethics of "rightness." The second and third sections of the text provide a much more detailed explanation of the ways that a Gentleman, trained under in the Confucian system of education, should act in the world.

These balanced moral characteristics are shown, however, to be particularly important because of the need to cultivate a sense of trust and consistency, both between members of the state apparatus and between the state and the populace. In the view on psychological tendencies seen in these manuscripts, one of the ways that the political order can break down has to do with this question of trust and respect for figures with whom one engages, and particularly in a person of authority within the political hierarchy. This is one of the key reasons that moral spontaneity is required for this system. If a person is not genuinely committed to these ethical precepts, their disingenuousness will eventually become apparent, which will dissolve any sense of trust or respect within the system:

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[373] Slingerland, "The problem of moral spontaneity," 243.

> 求其心有偽也，弗得之矣。人之不能以偽也，可知也。〔其〕過十舉，其心必在焉，察其見者，情焉失哉？
>
> If deliberate effort is employed in the search for feelings, one will not attain it. The inability of people to use deliberate effort (for this) is something that is known. (Observe) ten undertakings, and a person's feeling must be contained therein. Examine a person's appearance, and can you fail to find their feelings there?[374]

This concern over a person's genuine moral conduct and the problem of the "petty Ru" who successfully mimics the conduct of a cultivated Gentleman, is seen throughout the *Analects*. To take just one example:

> 子曰：「視其所以，觀其所由，察其所安。人焉廋哉？人焉廋哉？」
>
> The Master said, "Look at the means a man employs, observe the basis from which he acts, and discover where it is that he feels at ease. Where can he hide? Where can he hide?[375]

When individual people within the government fail to inculcate genuine moral traits, this leads to inconsistent and careless behaviour that will eventually come to define them in their interactions with others:

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[374] *Xing zi ming chu*, 36-38

[375] *Analects* 2.10, translation from Slingerland, *Analects*, 11.

> 凡人偽[376]為可惡也。偽斯隱[377]矣，隱斯慮(詐)矣，慮(詐)斯莫與之結矣。慎，仁之方也。然而其過不惡。速，謀之方也，有過則咎。人不慎斯有過，信矣。
>
> When a person employs conscious effort, this is something that can be considered deplorable. The use of deliberate effort leads to a person's (feelings) being hidden, and (these feelings) being hidden leads to deceptiveness; when one is deceptive, no one will want to form ties with him. Conscientiousness is the practice of goodness; and so if (one is who conscientious) commits an error, he will not be deplored. (Careless) haste is the practice of scheming, and if (such a person) commits an error they will receive blame. When a person is not conscientious, you can rely on them to commit an error.[378]

This seems to be ultimately because a person who acts in a genuine fashion has developed a consistent trait that can be seen by those around them. A person who acts with genuine feelings will not only be forgiven when he does occasionally commit an error, but in contrast to an insincere and scheming person whose accomplishments will result in no personal acclaim, a person acting with a genuine emotional disposition can be trusted to be true to his promises even before he has acted. The consequences for a ruler, and perhaps also for other state ministers and bureaucrats, cascades down into society more generally:

> 未言而信，有美情者也。未教而民恒，性善者也。未賞而民勸，含福者也。未刑而民畏，有心畏者也。賤而民貴之，有德者也。貧而民聚焉，有道者也。
>
> Though he has not spoken, his words are trusted: this is true of one whose disposition is cultivated. Though he has not yet instructed, the people are (dependably) constant: this is true of one whose nature is good. Though he has not yet given out rewards, the people are motivated, this is true of one who possesses a generous spirit.[379] Though he has not yet meted out punishments, the people are in awe: this is true of one whose heart is awe-inducing. Though of lowly status, the people treat him as noble: such a one is in possession of Virtue;

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[376] For a discussion of characters in archaeological texts employing the heart radical, see Pang Pu, "Ying Yan shu shuo: Guodian Chujian, Zhongshan sanqi xinpang wenzi shishuo" 郢燕書說: 郭店楚簡中山三器心旁文字試說. See also Slingerland, "The problem of moral spontaneity" for a discussion of the implications of this reading.

[377] Following Cook, *Bamboo Texts*, 735 n307.

[378] *Xing zi ming chu*, 48-49.

[379] This translation is tentative. Cook translates this as "one who harbours blessings within him." For a discussion, see *Bamboo Texts*, 738 n329; see also Li Tianhong, *"Xing zi ming chu" yanjiu*, 186.

> though poor, the people gather around him: this is true of one who is in possession of the Way.[380]

In terms of the ethical dynamics of public life, this plays out between different levels of the social hierarchy:

> 聞道反上，上交者也。聞道反下，下交者也。聞道反己，修身者也。上交近事君，下交得眾近從政，修身近至仁。同方而交，以道者也。不同方而〔交〕，〔以義者也〕。同悅而交，以德者也。不同悅而交，以謀者也。
>
> He hears of the Way and reflects it back upon those above: this is true of one who engages with his superiors. He hears of the Way and reflects it back upon those below: this is true of one who engages with his subordinates. He hears of the Way and reflects it back upon himself: this is true of one who cultivates himself. To engage with a superior comes close to serving a Ruler; to engage with subordinates and win over the masses comes close to conducting government. To engage with those who do not share the same methods: this is true of one who acts with rightness. To engage with those who share the pleasures in the same things is true of one who acts with Virtue. To engage with those who do not share pleasures in the same things is true of one who acts with scheming.[381]

The final passages of *Xing zi ming chu* relate to the ideal form of balanced and moderated conduct, and this is exemplified with specific examples of ritual conduct that bring to mind some of the examples of properly internalized ritual conduct from Book 10 of the *Analects*, where the ritually perfected conduct of Confucius is described. This section begins with a description of the proper regulated expressions, behaviours and conducts:

> 身欲靜而毋款，慮欲淵而毋偽，行欲勇而必至，貌欲壯而毋伐....
>
> Your bearing should be tranquil and not restless, you concerns deep and not artificial, your conduct courageous and certain to succeed, your expression should be solemn and not arrogant….[382]

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[380] *Xing zi ming chu*, 51-53.

[381] *Xing zi ming chu*, 51-59.

[382] *Xing zi ming chu*, 62-63.

It then notes an example from ritual conduct, specifying the moral feeling with which one should perform advances and withdrawals.

> 進欲遜而毋巧，退欲尋(?)[383]而毋輕，欲皆文而毋偽。
>
> When advancing you should be modest and not cunning, when withdrawing you should be deferential(?) and not contemptuous. In all cases, one should be refined but not artificial.[384]

In all cases of ritual, the actual feeling behind the ritualized action is fundamentally important, and at all times the goal of ritual conduct should be refined and cultured (*wen* 文) and not deliberate and artificial (*wei* 偽). Finally, the last section of the text draws everything together with one final discussion that uses ritual practice as an example:

> 君子執志必有夫廣廣之心，出言必有夫簡簡[385]之信，賓客之禮必有夫齊齊之容，祭祀之禮必有夫齊齊之敬，居喪必有夫戀戀之哀。君子身以為主也[386]。
>
> When carrying out his intentions, the Gentleman's thoughts should be characterized by an expansive mindset, when uttering words he should be characterized by an unwavering trustworthiness; when greeting guests accordance to ritual propriety, this should be characterized by a countenance that is respectful; when performing sacrifices in accordance to ritual propriety, this should be characterized by a reverence that is solemn; when undertaking mourning, this should be characterized by a grief that is unwilling to let go. The Gentleman provides his own conduct as an example (for others).[387]

This final point, that the Gentleman's own conduct acts as an example for the rest of society is one of the additional values of ritual conduct in these manuscripts. Ritual not only serves the purpose of refining and cultivating the moral dispositions of the Gentleman, but as a public performance ritualized behaviour also communicates and exemplifies the kind of behaviour that is desired both in the state and among the populace. Ritual, therefore, also serves as an important form of moral instruction and communication in the political sphere. This point is one of the primary themes in the final Ritual Authority manuscript to be considered, *Cheng zhi*.

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[383] This character is uncertain, and the translation here is tentative. See Cook, *Bamboo Texts*, 747 n396.

[384] *Xing zi ming chu*, 64-65

[385] For a discussion of this character, see Cook, *Bamboo Texts*, 502 n 97 and 748 n403.

[386] Following Cook in reading the 心 character here as a graphic error for 也, *Bamboo Texts* 749 n408.

[387] *Xing zi ming chu*, 65-57.

Communication and Instruction

As we saw in Chapter Three of this study, communicating expectations to both state bureaucrats and the populace was a major concern in political theory during the Warring States period. Much of the debate over this form of communication focused on the question of cultivating political authority and successfully ensuring that the ruler's orders and directives were consistently and effectively put into practice throughout society. The political reformists and Legalists would emphasize the need to promulgate clear prohibitions and expectations, and it would seem that this view gained acceptance over the course of the Warring States period. What the Ritual Authority manuscripts offer in contrast is the argument that true political authority requires taking into account people's emotions. Generating genuine motivation to participate in the state and to alter their behaviour in ways desired by political rulers is a more successful strategy. In *Cheng zhi*, the way that rulers manage the people and statesmen manage their subordinates is not through the constant application of decrees and orders, because this approach fundamentally fails to cause people to actually follow these commands. This form of rulership is framed as an indication of failure on the part of a leader to provide an example:

> 君子之於教也，其導民也不浸，則其淳也弗深矣。是故亡乎其身而存乎其詞，雖厚其命，民弗從之矣。是故威服刑罰之屢行也，由上之弗身也。昔者君子有言曰：戰與刑，人君（子）之墜德也。

> In the Gentleman's approach to education, if he is not fully immersed in his guidance of the people, then his genuine influence will not run deep.[388] Thus, if he lacks something in himself but keeps this in his words, then no matter how hefty his commands, the people will not follow them. Thus, the repeated enactment of (strategies) of might and submission, punishments and penalties comes from those above lacking (it) in themselves. In former times, the Gentleman had a saying: Wars and punishments are (signs of) the Gentleman's having let go of Virtue.[389]

There are two important features to this theory of rulership in *Cheng zhi* that are directly related. The first is the belief espoused in the texts that people are more responsive to the example provided by their superiors than they are to simply laying out decrees and orders. The text puts this most clearly with a line that appears to have been one very common to Confucian tradition,[390] appearing also in *Zun deyi*,[391] the Guodian *Ziyi*,[392] and in two received texts, the "Greater Learning" (*Daxue* 大學) chapter of the *Record of Rites*, and the *Mengzi*,[393] where it is attributed to Confucius:

> 上苟身服之，則民必有甚焉者。
> If those above embody something, then the people will inevitably embody it even more so.[394]

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[388] The second half of this sentence comes almost directly from the translation in Cook, *Bamboo Texts*, 600. It is not entirely clear how to interpret the character *jin* 浸 here, and an alternative rendering of the passage might be "If his guidance of the people does not seep (gradually/thoroughly) (into their hearts) …"

[389] *Cheng zhi*, 4-6.

[390] For a brief discussion, see Cook, *Bamboo Texts*, 380 n94.

[391] *Zun deyi*, 36-37.

[392] *Ziyi*, 14-15.

[393] *Mengzi*, "*Ten Wen Gong,* Part I" 滕文公上.

[394] *Cheng zhi*, 7.

To a certain extent, this is true in terms of the way that those in superior political positions set the tone for acceptable conduct. It is necessary to be thorough and consistent in the details of one's actions, ensuring that one carries through with their words:

> 是故君子之求諸己也深。不求諸其本而攻諸其末，弗得矣。是〔故〕君子之於言也，非從末流者之貴，窮源反本者之貴。苟不從其由，不反其本，未有可得也者。君上營成不維本，功〔弗就矣〕。農夫務食不強耕，糧弗足矣。士成言不行，名弗得矣。
>
> Therefore, when the Gentleman seeks it within himself, he does so deeply. If you do not seek it at its root, but rather tackle it at the branches, you will not attain it. Thus, when it comes to words the Gentleman does not value those that stick to the branches and streams, but rather those that have traced their way back to the very source. There is none who can attain it without adhering to the origins and going back to the roots. Should a Ruler construct a city wall without the foundation, the work will not succeed. Should a farmer, striving to produce food, not put work into tilling, there will not be enough to eat. If a scholar (*shi* 士) makes verbal commitments without following through on them, he will never achieve a good name.[395]

A second issue at play here is the problem of moral spontaneity described above. As Slingerland notes,

> A common human intuition is that emotions are in some ways less fungible than beliefs or merely intellectual convictions—that emotions possess a great deal of phenomenological inertia, as it were. Intellectual argumentation can shift easily-moved beliefs around, but genuine emotional commitment seems harder to budge.[396]

Cheng zhi suggests that when speaking or acting, a ruler presents a model to subordinates that has a greater effect on their behaviour than anything they may command. To employ a more contemporary cliché, the people respond to what the ruler does and not what he says.

In the syncretic *Guanzi* texts, we can see the same argument being made: that people will be resistant to political commands unless they feel that they have a genuine stake in the success of state enterprises. In *Cheng zhi*, this emotional commitment plays out less in terms of a nuanced version of making use of people's self interest, and more in terms of gaining people's willing participation in the state. This is framed in terms that draw to mind Mencius' discussion with King Xuan 宣 of Qi, when he argues that the people are resentful because the king "does not share his pleasures with the people" (不與民同樂),[397] and as a result the evidence of the king's pursuits of personal pleasures only serves to highlight where the state's resources are being used. In *Cheng zhi*, the argument is that the people can only be employed successfully when they are willing participants in state activities, and this can only be achieved when the ruler personally exemplifies goodness by sharing state wealth with the people:

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[395] *Cheng zhi*, 10-13.

[396] Slingerland, "The problem of moral spontaneity in the Guodian corpus", 242.

> 上不以其道，民之從之也難。是以民可敬導也，而不可揜也，可御也，而不可牽也。故君子不貴庶物，而貴與民有同也。知而比次，則民欲其秩之遂也。富而分賤，則民欲其富之大也。貴而能讓，則民欲其貴之上也。[398]
>
> If those above do not proceed by the Way, then it will be difficult (indeed) to make the people follow. Thus, the people can be respectfully guided, but cannot be dragged along, can be steered (like the horses of a chariot), but cannot be pulled about by the nose (like an ox). Thus, the Gentleman does not value lavish goods, but values instead that he share in common with the people. Though he is the one who is knowledgeable, he does not place himself above others in order, and so the people desire to follow his knowledge. Though he is wealthy, he shares with the humble, and so the people desire that his wealth be great. Though he is of noble station, he is able to politely defer to others, and so the people desire that his station be high.[399]

The second point is that these relationships between people can only truly be enacted and made to function smoothly when the ruler authentically displays these qualities. Miming and faking these qualities, or simply going through the motions, will be detected and the result will be a population that does not actually believe in or respond to the orders and commands of their ruler. This point too is framed in terms of the political problematic of “employing” the people:

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[397] *Mengzi* 1B1.

[398] The generally agreed-upon ordering of the text has strip 18 followed by strip 19, but this is uncertain. I have therefore ended this section here rather than including the last ten characters: "反此道也，民必因此厚(/重)也", which would then be followed by strips 19: "以復(/報)之，可不慎乎?" Cook, *Bamboo Texts*, 606-607 acknowledges this tentative order and translates this section as "When he guides them in the opposite of something, the people will thereby invariably place value upon that thing, and requite him accordingly — can one afford not to be cautious?"

[399] *Cheng zhi*, 15-18.

> 聞之曰：古之用民者，求之於己為恒。行不信則命不從，信不著(/圖)則言不樂。民不從上之命，不信其言，而能念德者，未之有也。故君子之蒞民也，身備服善以先之，敬慎以守之。
>
> It has been said: In ancient times, those who sought to employ (*yong* 用) the people made seeking it within themselves the constant principle. If one’s actions are not trustworthy (*xin* 信), then their orders will not be followed. If one’s trustworthiness (*xin* 信) is not manifest, then they will not take delight in his words. There has never been a case where the people were able to take Virtue to heart when they did not follow the orders of their superiors or trust their words. Thus, when the Gentleman oversees the people he provides an example for them by fully submitting to goodness in his own person, and he is reverential and vigilant in watching over them.[400]

At the heart of *Cheng zhi*’s argument is the view that the state can only function when the ruler takes into account the fact that trust and respect must be built between the ruler and the people and between superiors and subordinates within the state apparatus. This is because only by evoking the willing participation and cooperation of people can the state actually operate. Finally, there are no shortcuts in creating and maintaining the emotional bonds of trust and respect, but they must be created through an authenticity that is cultivated by paying attention to the foundations of good rulership. This comes down to trustworthiness, consistency and thoroughness. In short, the view of *Cheng zhi* is that only by focusing on and understanding the nature of interpersonal dynamics, though which people’s feelings about and towards each other are generated, can a working theory of government practice actually be developed.

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[400] *Cheng zhi*, 1-3.

This form of moral communication, however, can only be achieved through the performance of ritualized actions. When providing concrete examples of how moral instruction and self-cultivation are practiced, the Ritual Authority manuscripts repeatedly return to the rules of ritual propriety. The reasoning behind *li*'s unique effectiveness relies on the strategic employment of ritualizing behaviour. These strategies set ritual acts apart from ordinary, instrumental behaviour. By doing so they can communicate distinct and subtle layers of social and ethical significance through the body. As discussed in Chapter One, cognitive approaches to ritual are also beginning to suggest some of the ways that ritualized actions employ a distinct cognitive process from instrumental behaviour. The theories of moral psychology expressed in the Ritual Authority manuscripts provide an explanation for a particular cultural manifestation of ritual activities and expectations, but by doing so they point towards a more universal feature of the human "heart", which responds to rituals of submission and respect. These ritualized practices are narrowly defined as the refined and cultivated practices of Zhou culture, and by an idealized vision of a society divided by the hierarchies of age, sex, and social status. The actions of ritual, it is argued, express the natural feelings of respect and affection that our inborn natures are predisposed to feel towards our own family, but through the careful and habitual practice of ritualized conduct these feelings are also reshaped, cultivated and refined.

A secondary power of ritualized actions is that they can function as a form of communication. The formalism of ritualized conduct conveys an authority that is expressed through a non-instrumental attention to detailed actions. As we saw in Chapter One, the Confucius of the *Analects* attempted to express a moral authority through his actions, such as his insistence on bowing before ascending the ruler's stairs. This formalistic authority and the way that it communicates its own unique and compelling gravitas is also expressed at the conclusion of *Cheng zhi*, where the text once again turns to ritual examples to make its point. This is seen first when explaining how the ruler can only truly lead through personal example, something that can only be truly achieved when the moral feelings behind these actions are genuine and cultivated:

> 君衮冕而立於阼，一宮之人不勝其敬。君衰絰而處位，一宮之人不[....?][401]；一軍之人不勝其勇。上苟昌之，則民鮮不從矣。雖然，其存也不厚，其重也弗多矣。
>
> When the ruler dons his sacrificial robes and cap and stands atop his royal steps, everyone in the palace is overcome with respect. When the ruler dons his hempen mourning garments and occupies his position, everyone in the hall is overcome [with grief. When the ruler dons his helmet and armour and stands amidst the military drums], everyone in the army is overcome with courage. If a superior takes the lead in something it is rare for the people not to follow. Nevertheless, if what he holds is not abundant, then his gravity will not be considered great.[402]

When discussing the need for a cultivated person to successfully gain the respect of people through putting himself below them, the examples given are all of ritual performances of deference and acquiescence:

> 君子簟[403]席之上，讓而受幼；朝廷之位，讓而處賤；所宅不遠[404]矣。 小人不逞人於刃 ，君子不逞人於禮。津梁爭舟，其先也不若其後也。言語嗥(or 告)之，勝也不若其已也。
>
> When the Gentleman sits upon a bamboo mat, he defers and accepts the position of the junior. When taking his place at court, he defers and takes the position of lower status. He does not overstep his position. A petty person should not scuffle over blades, and a Gentleman should not scuffle over acts of courtesy. When fighting for a place in a boat along the ferry pier, it is

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[401] Strip 8 is broken near the middle, and is missing its lower half. See Cook, *Bamboo Texts*, 601 n18 for a discussion.

[402] *Cheng zhi*, 7-10. Translation of this passage from Cook, *Bamboo Texts*, 602.

[403] Following Cook in reading this as 簟. This could arguably be referring to a sleeping mat, but contextually this seems unlikely. See Cook, *Bamboo Texts*, 608 n64 for a discussion.

[404] This character, which also appears on strip 19 if this text, is uncertain. Qiu Xigui, Jingmenshi bowuguan, *Guodian Chu mu zhujian*, and Cook, *Bamboo Texts*, 607 n59, 608 n67, read this as either a corruption or short-hand version of 遠.

> better to be last than to be first; when fighting over words, it is better to stop talking than to win the argument.[405]

In this theory, the capacity of a ruler to control his state and bring order to both his ministers and the people rests on the subtle social expectations placed upon each individual, and through the careful maintenance of the culturally transmitted practices through which these expectations were expressed and regulated. Driven by an intellectual environment in which political rulers sought ways to control people's behaviour, the authors of the Ritual Authority manuscripts focused on the power of ritual in particular to manage the actual interactions and emotional connections that made up the social and political world. The power of ritualized actions that were identified in these texts overlap significantly with many of the points identified by contemporary ritual theorists, which raises compelling questions about the role of ritual in formation of the institutions of the state in early China. In the early empire, there is little evidence to suggest that the power of codified and promulgated penal regulations was ever abandoned, even as the theories of ritual that were developed in the Warring States period continued to spur on intellectual developments within Confucian circles.

These texts present a theory of political authority that is at once grandiose and pedantic, with an argument that the full authority of the state ruler must rest on the careful regulation of the everyday interactions between the people who actually make up society. The authors of these texts viewed these practices as tenuous; in their view, political reforms and penal regulations put the very moral fabric of society at risk, threatening a breakdown of the political trust and moral instruction that ritual alone could engender. The resulting response to this threat was the development of a richly conceptualized theory of ritual psychology that, despite its rhetorical use in defending a historical tradition, also offered an innovative conceptual tool for Chinese political theory. This theorization would also make possible a broad defence for the value of ritual, on the basis of its social utility. This idea would live on in its influence on the Confucian tradition as it took shape in the Han dynasty, as we see in the survival of this core idea, in its adapted forms, in the writings of Xunzi and the *Record of Rites*.

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[405] *Cheng zhi*, 34-36.

We can see this in the "Fang ji" 坊記 chapter of the *Record of Rites* to which the final passage of *Cheng zhi* bears a striking resemblance. Here, the words are attributed to Confucius, and he predicts a bleak future for those who fail to see the profundity lying beneath the pedantic rules that guide people's conduct:

> 子云：「觴酒豆肉讓而受惡，民猶犯齒；衽席之上讓而坐下，民猶犯貴；朝廷之位讓而就賤，民猶犯君。」《詩》云：民之無良，相怨一方；受爵不讓，至于己斯亡。
>
> The Master said: Though one defers and take less satisfying portions of liquors and meats, there will still be some who overstep what is in accordance to their age; though one may defer and set their bamboo mat in the position of an inferior, there will still be some some who overstep what is in accordance to their rank; though one may defer and go to the place of lower status at court, there will still be some who overstep what is in accordance to their relationship with the ruler.
> Thus the Odes say:
>
> People who have no conscience, Repine against each other,
> each one holding his own point of view;
> One gets a place, and shows no humility -
> Till they all come to ruin.[406]

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[406] "Fang ji" 坊記, *Record of Rites*. *Liji jijie* 禮記集解, 1284-5. Translation of the *Book of Odes* quotation is from James Legge, *The Chinese Classics* v. 4 p. 2 (Hong Kong: Lan, Crawford & Co., 1871), 405.

Conclusion

This study has examined the contents of four bamboo texts of Guodian, which I have called the Ritual Authority manuscripts. These writings, discovered in 1993 inside a Warring States tomb in the ancient state of Chu, represent a response to the political reforms and social changes that threatened the validity of Confucian cultural traditions and practices. Arguing that a successful government needed to take fully into account the role of human psychological dispositions when designing state institutions, they asserted the power of cultural practices to reshape the emotions. The result of this response is striking. By applying new ideas about the body, culture, and human nature, these authors "discovered" an abstract quality to human psychology that parallels a similar "discovery" within Western academia. This parallel should prompt historians of early China to take the concept of ritual seriously as a major component of the conceptual toolbox that made possible the political and cultural institutions of the early empire. These manuscripts give us a view of a key moment in what was a long process of speculation and debate, when the pressure to acknowledge the "profane" origins of traditional practices required a novel defence for the inherited practices and norms referred to as *li* 禮. Although these texts would not entirely reject the role of Heaven in their moral worldview, their justification of the power of *li* would be based on an inherent psychological tendency to emotionally respond to ritual practices.

As it happens, the emerging field of Ritual Studies is beginning to offer us our own conceptual tools for thinking through the implications of this moment in early Chinese religious and intellectual history. Understood as a form of strategic action in the world, ritualized behaviour delineates "special" activities, communicates historical or moral authority, and evokes through the body a range of emotional and social values. Applying this understanding of ritual to the early Chinese discussions of *li*, we find that this term encompassed the ritualized enactment of social decorum and etiquette, based on a social hierarchy defined by age, sex, and social status. These practices of *li* also constructed and reinforced ethnic and political identities. Transgressive acts of ritualized conduct could communicate resistance to social and political expectations, and a resistance to new forms of ritual could become an obstacle to political reform. This means that ritualized conduct in early China was unavoidably entangled within larger political debates over the nature of cultural practices. While Confucian thinkers made use of the historical authority of ritual practices to assert their own political views, their critics were attacking the logical foundations of this authority. Mohist arguments about moderating ritual expressions and Legalist attempts to reform social practices both attacked the premise that transmitted cultural practices should not be altered. Because the basic grammar of ritual is based on the performance of routinized and ostensibly "meaningless" actions, their power and authority often derives from their historical transmission. Viewing these practices as contingent and arbitrary created a genuine threat to their validity.

Political reforms also offered a second threat to the validity of Confucian practices. The need to conceptualize new ways to organize and manage large territorial states resulted in theories of political authority that favoured centralization and bureaucratization. States increasingly made use of punishments and rewards to channel people's behaviour into the narrow range of actions deemed valuable to the state. This political approach viewed human psychology as based on little more than self-interest. The "scientific" approach to statecraft proposed by

Shen Dao also asserted that moral virtues and ethical precepts had no material force in the real world. The Ritual Authority manuscripts reveal to us a Confucian response to these threats. They accept the premise that political theory should be based on an objective analysis of human nature, and to a certain degree they even admit that cultural practices are contingent inventions that should be justified by their utility to the state. Although they do not turn entirely away from Heaven's agency in the fortunes of the Zhou and the structure of human society, they are forced to look elsewhere for a full account of the power and importance of the Zhou's cultural, and especially ritual, legacy. Taking advantage of new philosophical insights, they turn to the human heart. In their theory, the ritual practices of *li* evoke and draw out the innate qualities of human nature, and in doing so they also elevate and regulate them. Ritual and music in particular are able to affect the genuine emotions, a fact that makes human culture an unavoidable factor of importance in political theory. Ritualized practices are especially important because they express the emotions that underly our social feelings. The political world is, in the end, little more than the complex interplay between individuals, and the Ritual Authority manuscripts attempt to place the apparently pedantic rules that regulate these interactions at the fore of their own "science" of administration. They assert that without the cultivation of genuine political trust, the gears of the state do not run smoothly.

The Ritual Authority manuscripts fill in an important historical gap in our understanding of the history of ritual concepts in early China. This idea would drive future developments within Confucianism. resulting in the ideas of later Warring States thinker Xunzi, and propelling ritual into a place of striking prominence in imperial Chinese political and social life. Prior to the discovery of the Guodian manuscripts, many of the views put forward by Xunzi were understood to have been his own original contributions to the development of Confucian thought. To take just one such example, T.C. Kline III and Philip J. Ivanhoe would note, publishing before the scholarly community could fully digest the contents of the Guodian manuscripts:

> Many of Xunzi's most significant achievements can be seen in the development of the later Confucian tradition. He was the first philosopher to designate a textual canon, a canon that the believed was crucial to the process of moral cultivation. He included five works in the canon — *Li* 禮 "*Rites*," *Yue* 樂 "*Music*," *Shi* 詩 "*Odes*," *Shu* 書 "*History*," and *Chunqiu* 春秋 "*Spring and Autumn Annals…*" Both his emphasis on the importance of teachers and his explicit justification of their role in moral education remained characteristic features of the later tradition. In addition, Xunzi expanded the understanding of tradition and argued for the necessity of both hierarchy and a unified set of standards with which to guide cultivation.[407]

Coming at the tail end of the Warring States era, Xunzi was able to make use of new style of philosophical discourse with his essays, dedicated to fully elucidating single topics in a logical and persuasive fashion. His reverential ode to the power and importance of *li* in his essay "Discourse on Ritual" had previously appeared to be an original insight into the theorization of ritual practices as topic of intensive theoretical focus. He would fully accept the instrumental history of ritual and deny Heaven's agency in their design, a conclusion that appeared historically abrupt. The Ritual Authority manuscripts complicate this picture, and show that Xunzi's own contributions are more difficult to pin down. Clearly, he included his own particular and idiosyncratic opinions into his essays, and he was also deeply read and well-versed in the thought of the major philosophical texts that had preceded him. For both these reasons, many of his concepts depart from or elaborate upon the ideas we find in the Guodian manuscripts.[408]

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[407] T.C. Kline III and Philip J. Ivanhoe, *Virtue, Nature, and Moral Agency in the Xunzi* (Indianapolis: Hackett, 2000).

[408] As Ori Tavor argues, Xunzi may have repackaged his theory of ritual partially in response to the "emergence of bio-spiritual practices such as meditation, sexual cultivation, and gymnastic exercises," "Xunzi's Theory of Ritual," 313.

Nevertheless, without reducing the importance of Xunzi as a thinker of long-lasting influence, we must acknowledge that it was not purely through his genius that theories of ritual entered into Chinese discourse. Although Xunzi would undoubtedly have a shaping influence on the character of ritual concepts in the early empire, it is now clear that we must understand him as one part of a longer process through which concepts of ritual came to be identified and elaborated. This process would continue into the Han with the coalescence and construction of an imperial tradition of Confucianism. In order to understand the role of this theorization of ritual psychology in shaping the Confucian tradition, one important place to look is the Han ritual manuals.

Similarities between passages found in the Guodian manuscripts and the *Record of Rites (Liji* 禮記*)* suggests that this text requires a closer look.[409] It is now clear that many passages from this work (and in the case of *Ziyi* 緇衣 one entire chapter) do indeed date to the Warring States period, and so this anthology should not be taken as pure Han invention. In light of these Ritual Authority manuscripts, however, this anthology should also not be taken as a faithful record of ancient ritual practices. The reality is clearly more complicated than this, and we may need to understand the actual compilation and editing of the *Record of Rites* to be the result of yet another stage of this ongoing theorization about ritual psychology. While these Han thinkers may have, in some ways, believed that they were compiling an authentic record of historical practices from pre-imperial China, they were also making use of a sophisticated paradigm through which to think through the nature of these practices. This paradigm would shape the assumptions, beliefs and logic that underlay the way that ritual practices were collected, organized and explained.

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[409] There is to date only one monograph dedicated to this text: Michael David Kualana Ing, *The Dysfunction of Ritual in Early Confucianism* (Oxford: Oxford University Press, 2012). For further information on this work and other ritual compendia, see Michael Puett, “Combining the Ghosts and Spirits, Centering the Realm: Mortuary Ritual and Political Organization in the Ritual Compendia of Early China,” in *Early Chinese Religion: Shang Through Han (1250 BC-220 AD). Vol. 1*, ed. John Lagerwey and Marc Kalinowski (Leiden: Brill, 2009).

The insights from these manuscripts also suggest a necessary reexamination of the political theories and practices in the early empire. At the outset of this study, a historical question was raised regarding the interplay between conceptual innovations and their practical applications during the formation of the Chinese imperial state. Although there may be no way to fully measure the influence of texts like the Ritual Authority manuscripts, the way that these texts were placed within the debate over the role of specific political practices prompts us to examine these early state institutions with an eye towards the use of ritual as a form of communication and instruction. State intervention into the ritualized expressions of social hierarchy, though certainly not a novel innovation of the Warring States era, may be one example where careful research may reveal an appreciation of ritual psychology as a feature of politics. Martin Kern's study the first emperor of the Qin's use of ritual to strengthen his legitimacy offers one example in which ritual plays a prominent role in the early empire.[410] Examinations that are informed by insights from Ritual Studies may offer new ways of appreciating the way that the abstract conceptualization of ritual may have played a role in the design of these early imperial practices.

Finally, there is the question of what the implications are of this historical case study for our understanding of ritual more broadly. This study began by arguing that the development of institutions and concepts of ritual in early China could be better understood if such a study were informed by the insights coming out of the field of Ritual Studies. The reverse is also true. The Ritual Authority manuscripts reveal in intricate detail the precise way that early Chinese thinkers came to conceptualize ritual in abstract terms. This was a foundational moment in the process of the theorization of ritual, where the manifestly contingent origin of these ritual practices was acknowledged, and an innate ritual psychology was identified within human nature. Both this intellectual development and the parallel theorization of ritual in Western academia occurred in tandem with new speculation about the nature of human culture and its sometimes radical variations throughout the known world. What is striking about the case in early China is that the newly theorized concept of *li* was not employed as a tool of academic analysis; rather, the insights into ritual psychology were developed to be used as a political tool. These texts envision a political state ruled by ritual, a premise so powerful that it would persist, in some form, throughout China's imperial history.

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[410] Kern, *Stele Inscriptions*.

As Jack Goody warns us, a theory of ritual will not provide a code that reveals all to the scholar who knows how to use it. The insights from Ritual Studies are more subtle than this, but no less important. As these early Chinese manuscripts reveal, ritual acts have real meaning and consequence in the world. Through ritual acts, people express and exert social values, regulate and shape their emotions, and subtly define the dynamics of political power. Taking ritual seriously as a feature in the development of the early state means affording it the same explanatory power as other innovations that helped form these complex institutions, such as the development of bureaucracy. In the view of these early Confucians, at least, discovering the secret at the heart of ritualized behaviour offered a powerful form of knowledge that, in the right hands, could be used to rule the world of All-Under-Heaven (*Tianxia* 天下). Whatever we may think today of the power that these thinkers ascribed to ritual, the force of the idea itself demands attention. This view on the mysterious power underlying ritual is perhaps best summed up by Confucius himself, the man traditionally credited with first making this insight. When asked to explain the great *di* 禘 sacrifice to one’s ancestors, he could only answer:

> 「不知也。知其說者之於天下也，其如示諸斯乎！」指其掌。
> I do not understand it. One who did understand it could handle All-Under-Heaven as if he had it right here,” and he pointed to the palm of his hand.[411]

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[411] *Analects* 3.11, translation, with minor emendations, from Slingerland, *Analects*, 21.

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