

## Introduction

### Filial Piety beyond Confucianism

On December 25, 1815, Wang Dacai, a barber from Guangshun prefecture, Guizhou province, killed himself by stabbing an iron rod into his throat. This suicide was a result of the regret (*huihen ziqiang biming*) Dacai felt after hearing that his son, the 12-*sui* Wang Hebao, would be sentenced to death because the boy had slightly pricked the skin around his father's throat (*taoqi houxia fupi*) under the father's order. On December 17, Wang Dacai was caught committing illicit sex. The adulteress's family tied Dacai to a tree, planning to send him and the adulteress to the authorities later. Wang Dacai ordered his son, who visited him, to slightly injure him in the hope of using a countersuit to threaten his captors into dropping the adultery charge. Unfortunately for Dacai, two passers-by caught sight of the whole scene, and reported it to the local authorities. After his injury was examined, Wang Dacai was released. His son was kept in official custody and sent to the provincial capital for trial. Eventually, the son was sentenced to beheading subject to review at the autumn assizes (*zhan jianhou*), due to clemency directly from the emperor. This penalty was one degree reduced from the original penalty designated for striking one's parent, owing to the filial motivation of Hebao's action as well as his lack of full agency due to his underage status (*nian fu shi'er, youzhi wuzhi*).<sup>1</sup>

<sup>1</sup> The summary of this case is based on ZPZZ, no.04-01-01-0569-044. Under Qing law, criminal punishments fell into five general categories (The Five Punishments): (1) beating with the light bamboo stick or (2) the heavy one, (3) penal servitude, (4) exile, and (5) death. During the Qing, beating with the light bamboo stick was usually converted to beating with the enlarged bamboo stick but with a reduced number of strokes. There were two degrees of death penalty: strangulation and beheading. Both could be executed immediately or subject to review at the autumn assizes. In addition, two other forms of death penalty – death by slicing (*lingchi chusi*) and publicly displaying the head of the executed (*xiaoshou shizhong*) – were also meted out to certain crimes that were deemed particularly abhorrent. See Xiaoqun Xu, *Trial of Modernity*, 32; DLCY, Article 001.00, 1. The Great Qing Code, first promulgated in 1647, was largely based on the Ming code. It contained both statutes (*lii*), generally fixed by 1740, and statutes (*li*), which continued to change. The final revision was promulgated in 1905. References to the Qing Code are to Xue Yunsheng's (1970 [1905]) compilation, as edited by Huang Jingjia (hereafter cited as DLCY); the statutes and statutes are cited by Huang's numbering system. In Qing

## 2 Introduction

According to Wang Dacai, Wang Hebao initially refused to carry out his father's order. But the father frightened the boy into complying by threatening to kill him once they both returned home (*yi huijia chusi zhiyan weihe*). The father, like parents in many other cases that are to be examined in this book, was successful in exercising his parental control by forcing his son to conduct an action against the boy's will. However, once the Qing authorities took the case into the formal legal process upon receiving a report about a son inflicting an injury on his father, the situation quickly slipped out of the father's hands. The father's adultery was indeed a serious violation of both Qing law and morality. But it paled in comparison with a child's slight physical offense against his father, which was, in Qing legal vocabulary, a violation of fundamental human ethics (*nihun/mielun*) that called for immediate and direct attention from the emperor. Scholars of premodern Chinese law have observed: "The [Qing] magistrate acted as agent through which the parental will was carried out";<sup>2</sup> "The law was the chief instrument through which the parental will was recognized and implemented."<sup>3</sup> But these commonly accepted expressions of scholarly wisdom obviously did not apply to this case.

By stabbing an iron rod into his throat at the exact spot where his son had injured his skin under his own command, the father conveyed, albeit probably unintentionally, his resentment against a system that was supposed to support his control over his child but that actually merely upheld the impersonal authority of parent over child as relational power parallel to the ruler's supremacy over his subjects. Wang Dacai's case as cited complicates existing scholarly understandings regarding state–family relations in Qing China, raising important questions on the nature of state rule in the China-based empire as well as the role of filial piety in sustaining the imperial state.<sup>4</sup>

In this book, I follow stories of locals, like Wang Dacai and his son, as well as their circumstances, choices, reasoning, and actions. At the same time, the state – empire and republic alike – played a conspicuous role in these stories, with law serving as the medium of communication between state and non-state actors. Law in late imperial China did not put the

China, a newborn was considered one *sui* old. After passing his/her first Chinese New Year, he/she became two *sui*. A twelve-*sui* boy was likely eleven years old in December.

<sup>2</sup> Mühlhahn, *Criminal Justice in China*, 51.

<sup>3</sup> Qu, *Law and Society in Traditional China*, 24.

<sup>4</sup> For a similar case involving state punishment of children against parental will in support of the impersonal cult of filiality, see Li Songnian's case of 1822, where a mother committed suicide after hearing that her son, who had been sent to the county court for discipline by the mother herself, would be exiled to imperial frontiers. For my analysis of Li Songnian's case and Qing policies of punishing habitually disobedient sons harshly regardless of parental preference, see Yue Du, "Parenthood and the State in China," 62–64; for Qu Tongzu's reference of this case in the context of the Qing definition of "forcing parents to commit suicide," see Qu, *Law and Society in Traditional China*, 56.

family outside of the reach of the formal justice apparatus; neither was it the case that “the government merely acted as agent, framed the [family-related] regulations and saw to it that they were carried out.”<sup>5</sup> As this book will demonstrate, late imperial Chinese law, and the imperial state behind the law, had its own logic in reinforcing parental authority. Available legal tools could be employed by parents who sought assistance in controlling their children’s persons, social relations, labor, and property. Nevertheless, law was first and foremost a language of politics, rather than an instrument of Confucian morality or parental will. It was the political concern centered on dynastic legitimacy and imperial governance that lay at the heart of the legally sanctioned cult of filiality, which was crystallized in the well-known maxim – “ruling the empire by the principle of filial piety” (*xiao zhi tianxia*).<sup>6</sup>

This book is a study in state regulation of parent–child relations as an arena where morality, law, state governance, and local life were formed and reformed. It treats “ruling the empire by the principle of filial piety” as a governing mechanism that characterized the China-based empire in its second millennium. This governing mechanism, which influenced how family relations were perceived by the imperial state and local actors alike, set the stage for state-sponsored family reform in twentieth-century China. In a country where the ruling polity, the nation, and the state were and are literally referred to as *guojia* (state–family), the imperial cult of filiality and its modern appropriation provide a particularly revealing lens through which to analyze the entanglement between state and family.<sup>7</sup>

### Filial Piety as the Axis of Chinese “Generational” Relations

Traditional Chinese ethics, theorized by Henry Rosemont, Jr. and Roger T. Ames as “role ethics,” conceptualized humanity not in terms

<sup>5</sup> Qu, *Law and Society in Traditional China*, 24.

<sup>6</sup> For an example of the application of this maxim, see Milne, trans. and annot., *The Sacred Edict*, 29.

<sup>7</sup> *Guojia* meant a hereditary fiefdom in pre-Qin literary Chinese. It had been used as an equivalent to the hereditary, dynastic state throughout imperial Chinese history, until a new meaning – a trans-dynastic nation-state featuring the people as the sovereign – emerged in the late Qing in diplomatic engagement with Western countries and through translation of international law. Nevertheless, the lingering connection between the political dynasty as broadly defined and the nation-state remained and still remains in what *guojia* connotes, making it easy to conflate the ruling regime with the nation in political discourse and daily language. The multifarious notion *guojia* and its role in China’s imperial politics and modern state building will be the topic of my next monograph, *China: From a Nationless State to a Nation Defined by State*. For the late Qing transformation of *guojia*, see Yue Du, “From Dynastic State to Imperial Nation.”

4 Introduction

of rights-bearing individuals but role-bearing persons whose roles were “first, foremost, and most basically” defined by their relationship to their parents.<sup>8</sup> While the importance of parent–child relations in pre-modern China has long been recognized, scholarly treatment of generational relations is focused on the formation of strong emotional and social bonds between parents and children, primarily drawing from prescriptive, commemorative, and biological writings produced by cultural elites.<sup>9</sup> One outstanding example is Maram Epstein’s recent monograph *Orthodox Passions: Narrating Filial Love during the High Qing*, which examines how adult identity in premodern China was constructed through a conjugal family that was an extension of, rather than an antithesis to, the intergenerational family structure. Epstein successfully restores filial piety (*xiao*) to the heart of the discussion of the family as a site of sentiment.<sup>10</sup> While generating valuable scholarly dialogues, studies of parent–child relations in the context of the sentimental family have not adequately studied either the state, with its coercive legal machinery, or non-elites, who constituted the greatest portion of society. This gap invites questions about the role the state played in appropriating, disseminating, and enforcing the fundamental ethics of filial piety beyond intergenerational connections between members of the literati class.

Average subjects of the imperial state did not generally have perfect understanding of orthodox notions of family ethics. But they were aware of and adept at using the leverage law-enforced family ethics provided them. In Wang Dacai’s case of 1815, for example, the father used the threat of killing his son – perfectly within a parent’s legal authority over his disobedient child during the Qing (1644–1911) – to force his son into doing his bidding.<sup>11</sup> On the one hand, this general conformity between state conception and social production of the parent–child hierarchy indicated the entrenchment of filial piety in society as a result of centuries of mutual reinforcement between imperial rule and family order. On the

<sup>8</sup> For the theorization of role ethics in traditional China, see Ames, *Confucian Role Ethics*. And see Rosemont and Ames, *Confucian Moral Ethics*; citation is from 52.

<sup>9</sup> For studies of social and emotional bonds between parents and children in elite families in pre-modern China, see, for example, Hsiung, *A Tender Voyage*; her “Constructed Emotions”; and her “Female Gentility in Transition and Transmission.” Weijing Lu, “A Pearl in the Palm”; and her “Reviving an Ancient Ideal.” Epstein “Patrimonial Bonds.” Cong Ellen Zhang, *Performing Filial Piety in Northern Song China*.

<sup>10</sup> Epstein, *Orthodox Passions*.

<sup>11</sup> DLCY, Article 319.00, 949–950. It was stipulated that grandparents and parents who beat their children to death “without reason” (*feili*) would be punished by 100 strokes of beating by the heavy bamboo stick; but if the child disobeyed parental instruction and died in the process of being beaten by the parent without the parent’s intent of killing the child, the parent would not be liable for any penalty.

other hand, the discrepancy between formal administration of law and local understanding of justice, also evident in Wang Dacai's misunderstanding of the boundaries of his parental power, reveals the uneven interaction between state and society. The difference between legal prescription and vernacular understanding became a chasm in the first half of the twentieth century, during which waves of legal reforms accompanying frequent regime changes made it difficult for many in China to pin down the situation. This chasm proved to be a formidable challenge which the state had to confront in its legally enforced projects of modernizing Chinese families.

The immediate context within which Wang Dacai forced his son to do something against his son's will was exceptional. The degree of parental authority Dacai exercised was nonetheless typical of late imperial Chinese society. While by no means static, the Qing was consistent in its promotion of filial values in discourse and in its buttressing of parental power by law. Qing sponsorship of filial piety was not significantly different from Ming (1368–1644) practice despite a trend toward more vigorous legislation in the eighteenth century. Foreign invasions in the mid-nineteenth century shook neither moral foundations nor ruling mechanisms of the Qing in a fundamental way, with the influence of the Self-Strengthening Movement (1861–95) mostly limited to state-run military and commercial projects. Even the Taiping Heavenly Kingdom (1850–64) that ravaged the Qing with a localized Christian religion featured filial piety to be one of the most frequently discussed virtues in its theology.<sup>12</sup> No major changes concerning state regulation and social practice of generational relations, at least as reflected in law codes and local cases, can be detected until the last decade of Qing rule.

Filial piety law was under fierce attack by reformist legislators during the late Qing New Policy Reform (1902–11). When the Qing empire fell in 1911, China's two thousand years of imperial tradition fell with it, leaving a legacy of the cult of filiality that the modern nation-state in China struggled to overcome under the early Republican (1912–28), the Nationalist (1928–49), and the Communist (1949–present) governments. Within a few decades after the fall of China's last dynasty, an empire that conceived the emperor as parenting his children-subjects (*wei min fumu*) through layered delegation of power was reconceptualized into a fatherland (*zuguo*) that called for loyalty and sacrifice directly from its sons and daughters. As the modern state put its hope in younger generations and in the future, it demolished the legitimating and governing mechanisms of the empire, and it endeavored to establish a new system of

<sup>12</sup> Kilcourse, *Taiping Theology*, especially 125–130.

6 Introduction

unmediated state–citizen relationship. To achieve the goal of overcoming intertwined political and legal traditions inherited from the empire, modern state builders in China were determined to reform familist (*jiazu zhuyi*) law into statist (*guojia zhuyi*) law. But it proved to be a complex task to make the foreign-inspired modern state and its legal apparatus grow effectively in the social soil influenced by centuries of imperial rule. In the 1910s and 1920s, an overabundance of filial sons was condemned in cultural discourse and in the legislative hall as a major cause of China’s “backwardness.” In the 1930s and 1940s, new civil and criminal codes were promulgated to reorient laws that had once viewed family members differentially, depending on their relative status, so that each family member was treated as an autonomous individual. In the 1950s and 1960s, children were expected not only to educate their parents on values of a new society but also to denounce those parents who failed to keep up with the ever-faster pace of the revolutionary state. In the context of direct state–citizen relations, upholding parents’ power over their children was not the state’s priority; conversely, the state took legal means to curb parental authority.

The twentieth-century reform of state-sponsored filiality embodied the principal struggle of modern China: How to build a modern nation-state as both an heir to and an antithesis of the China-based empire. Parent–child relations, more so than any other family relations, saw the most dramatic changes in China’s empire-to-nation transformation. Generational power dynamics were almost overturned in China within a few decades, as this book will show in detail. This family revolution was intimately connected to the guiding, and often coercive, hand of the state. The highly politicized nature of state-sponsored reconstruction of generational order makes this aspect of family reform particularly important for studies of state–family relations in China’s long twentieth century.

Approaching state and family through examining parent–child relations enables this book to bridge two isolated bodies of scholarship on state building in China: one on high Qing administrative incorporation and moral penetration of local society, and the other on waves of foreign-inspired reforms and revolutions that turned China from a semi-colony into an authoritarian party-state. In the past few decades, the role of state regulation of family relations in Qing state building and civilizing projects has received considerable attention from scholars. Work done by such historians as Matthew Sommer, Janet Theiss, and Hsieh Bao Hua have greatly transformed scholarly understanding of Qing empire building, presenting the Qing as an early modern state that masterfully employed social policies and law, as well as war and political maneuvering, as governing tools. This body of scholarship, with the notable exception of

Norman Kutcher's *Mourning in Late Imperial China: Filial Piety and the State*, studies Qing regulation of family relations mostly, if not exclusively, from the angles of sexuality and marriage.<sup>13</sup> Interestingly, sexuality and conjugal relations are also the favored lenses through which scholars, such as Susan Glosser, Margaret Kuo, Lisa Tran, Elizabeth Remick, Zhao Ma, Xiaoping Cong, among others, have discussed the relationship between the family and the modernizing state in the first half of the twentieth century.<sup>14</sup> Surprisingly little research has been done on generational relations in Qing and Republican China, especially where law and discipline are concerned.<sup>15</sup>

*State and Family in China* is inspired by these excellent studies of state–family relations, but it unapologetically focuses on the inadequately studied generational dynamics when investigating the epic journey China went through in its transformation from an empire that “ruled through the principle of filiality” to a self-proclaimed revolutionary regime that justified its authoritarian rule in the name of parental tutelage. As will be shown in detail in this book, the late imperial Chinese state upheld the hierarchy between parents and children much more rigidly than it did the supremacy of husbands over wives. Yet, the Republic of China delivered generational equality more than gender equality in law. This state-sponsored drastic change in generational relations in China’s empire-to-nation transformation means one thing: The relationship between parents and children lay at the core of imperial rule in China and was a key to the making of modern China, with the gender hierarchy as subordinate to it. Chinese family order can be best conceptualized as “genderational” – generational and gender orders closely intertwined with each other. Only by offering a longue durée analysis of the reconfiguration of parent–child relations without neglecting its gendered attributes is it possible to develop a comprehensive view on

<sup>13</sup> Theiss, *Disgraceful Matters*; Sommer, *Sex, Law, and Society in Late Imperial China*; and his *Polyandry and Wife-Selling in Qing Dynasty China*; Hsieh, *Concubinage and Servitude in Late Imperial China*; Elliot, “Manchu Widows and Ethnicity in Qing China.” For a review of the cult of chastity in late imperial China, see Tillman, “Female Virtue and Confucian Order.”

<sup>14</sup> Glosser, *Chinese Visions of Family and State, 1915–1953*; Kuo, *Intolerable Cruelty*; Tran, *Concubines in Court*; Remick, *Regulating Prostitution in China*; Ma, *Runaway Wives, Urban Crimes, and Survival Tactics in Wartime Beijing*; Cong, *Marriage, Law, and Gender in Revolutionary China*.

<sup>15</sup> There are a few exceptions in books on state–family relations in Republican China that do address generational relations. One is Johanna Ransmeier’s *Sold People*, which discusses both gender and generational relations in the context of human trafficking. Another is Margaret Tillman’s *Raising China’s Revolutionaries*, which concentrates on the concept of childhood, mostly from the perspective of educational institutions and international collaboration. In *State and Family in China*, “child” is used to refer to a (grand)son or (grand)daughter of any age, in relation to descent. Intergenerational relations, rather than childhood, is the focus of this book.



8 Introduction

how China navigated through sharp turns over state–family relations in its political and social reconstruction. As Maram Epstein suggests in her study of filial sentiment, “taking filial piety seriously,” despite modern paradigms that predispose scholars to focus on conjugal relations, would allow Chinese history to be written and read in an entirely different way.<sup>16</sup>

### Filial Piety beyond “Confucianism”

Filial piety is often described as uniquely Chinese or East Asian, but it is not a distinguishing characteristic of those cultures; nor is it properly attributed solely to Confucian influence. Most societies emphasize reverence for parents. For example, in the Islamic tradition, the Qur’an instructs children to show kindness and respect to parents when speaking to them; and in the *ḥadīth*, Heaven is described as at the feet of mothers.<sup>17</sup> Jewish laws and ethics feature filial responsibilities, and regard parents and offspring as bound to each other not only for practical or humanistic reasons, but also as a way of honoring God.<sup>18</sup> “Honor your father and your mother” (Exodus 20:12) in the Ten Commandments, shared by Judaism and Christianity, was used by Chinese Christians in the Ming and Qing periods to justify their practice of ancestral worship.<sup>19</sup> Taiping leaders not only referred to the Ten Commandments to claim filial piety as the will of God, but they also instructed their followers to display filial loyalty to a universal God – Heavenly Father.<sup>20</sup> “Honor your father and your mother” was again cited in the last decades of the Qing by prominent scholar-officials, such as Zhang Zhidong (1837–1909), to argue that the Westerners upheld the “father–son” cardinal bond just as the Chinese did.<sup>21</sup>

Where religious traditions in China were concerned, both Daoism and Buddhism gave prominence to filial piety in some of their most fundamental canons.<sup>22</sup> A salient example is the Bodhisattva Avalokitesvara, who was transformed from a handsome prince into the female Guanyin

<sup>16</sup> Epstein, *Orthodox Passions*; citation is from 315.

<sup>17</sup> For a comparison between Confucian and Islamic notions of filial love, see Osman bin Abdullah, Abdul Salam Muhammad Shukri, and Normala Othman, “Filial Piety in Confucianism and Islam,” especially 141–142.

<sup>18</sup> Blidstein, *Honor Thy Father and Mother*.

<sup>19</sup> Mungello, *The Forgotten Christians of Hangzhou*, especially chapter 6, 143–168; and his *The Great Encounter of China and the West*, especially chapter 2, 17–52.

<sup>20</sup> Kilcourse, *Taiping Theology*, 125–129.

<sup>21</sup> Zhang Zhidong, “Ming Gang” (on three bonds), in his *Quan xue pian*, 33–36.

<sup>22</sup> Ikeda, “The Evolution of the Concept of Filial Piety (*xiao*) in the *Laozi*, the *Zhuangzi*, and the Guodian Bamboo Texts *Yucong*”; Lo, “Filial Devotion for Women”; Kohn, “Immortal Parents and Universal Kin”; Mugitani, “Filial Piety and Authentic Parents in Religious Daoism.”



and widely revered as such in imperial China. According to the popularly accepted legend, Guanyin was originally Princess Miaoshan who was so filial that she sacrificed herself for her father, even though her father was himself both unfilial to his own ancestors and abusive of his children.<sup>23</sup> The emphasis on unilateral devotion on the child's part to the parent can hardly be explained by Confucian influence alone. In fact, the heavy weight attached to children's indebtedness toward parents, especially mothers, can be attributed to Buddhist discourse to make donations to the monastery an essential part of debt repayment.<sup>24</sup>

Scholars of early China noticed that filial piety "has been important in the Chinese ethos since earliest times."<sup>25</sup> Recent research, based on archaeological evidence as well as bronze and oracle-bone inscriptions, suggests that ancestral sacrifices and lineage policies played a critical role in Shang (ca. 1600–1046 BCE) state politics.<sup>26</sup> As Yuri Pines has noted, prior to Confucius, or the school named after him, filial piety, primarily in the form of offering sacrifice to deceased ancestors, was one of the core virtues for rulers and the nobility of the Western Zhou period (1046–771 BCE). Pines treats Confucius and his disciples' advocacy of filial piety as both a revival of a previously prominent but recently declining virtue and a shift from its earlier emphasis on ancestral worship to reverence of living parents.<sup>27</sup> Ding Linghua, based on Lü Simian's observation, argues that the pre-Confucian practice of ancestral sacrifice with human or animal blood (*xueshi jisi*) deeply influenced the commonly accepted "Confucian" concern over cutting off one's patriline.<sup>28</sup> This preimperial notion of sacrifice by male offspring as part of filiality was carried on by the laws of imperial China.<sup>29</sup> It remained alive in vernacular understanding of parent-child relations long after patrilineal succession was culturally denounced and property inheritance was legally separated from the heir's sacrificial duties.<sup>30</sup>

Feeding living parents and obeying their instructions were as much part of filial piety as offering sacrifices to dead ancestors. Keith Knapp attributes the broader meaning of filial piety as both feeding and obeying one's

<sup>23</sup> Idema, trans., *Personal Salvation and Filial Piety*.

<sup>24</sup> Cole, *Mothers and Sons in Chinese Buddhism*.

<sup>25</sup> Holzman, "The Place of Filial Piety in Ancient China": citation is from 185.

<sup>26</sup> Campbell, *Violence, Kinship and the Early Chinese State*, especially chapters 5–7, 145–246.

<sup>27</sup> Pines, *Foundations of Confucian Thought*, chapter 6, 165–204.

<sup>28</sup> Ding Linghua, *Wufu zhidu yu chuantong falü*, 305–320.

<sup>29</sup> It was widely believed that even though women, as female ancestors, could enjoy sacrifices from male offspring, daughters or daughters' offspring were unable to offer sacrifices that would be accepted by patrilineal ancestors. As a result, the succession of the male line was of ultimate importance in terms of one's filial duties, and an heir had to be adopted from a man's agnatic kin if he did not have a son. See Waltner, *Getting an Heir*.

<sup>30</sup> Bernhardt, *Women and Property in China*, especially chapter 6, 133–160.

10 Introduction

parents to Confucian reinterpretation of the notion of *xiao*, which originally had more restricted meanings.<sup>31</sup> Geoffrey MacCormack shows that the oldest sections of *Book of Documents* (*Shangshu*), which goes back to the early Western Zhou period, as well as Confucius's own words, already discussed *xiao* in its full sense. To care for, protect, defer to, and revere one's parents while they were living and to remember and sacrifice to them when they had died was "a value which arguably played an important role in Western Zhou society, as it did in the Warring States and Han dynasty."<sup>32</sup> Confucius summarized pre-Confucian notions of filial piety as follows.

When Fan Chi was driving his carriage for him, the Master said, Meng Sun asked me about the treatment of parents and I said, Never disobey! Fan Chi said, In what sense did you mean it? The Master said, While they are alive, serve them according to ritual. When they die, bury them according to ritual and sacrifice to them according to ritual.<sup>33</sup>

Such a view of filial piety, which simultaneously included sacrifice to dead parents and obedience to and support for living parents, served as the backbone of normative discourse on parent-child relations by the educated elite and by the imperial state which later adopted Confucianism as one of its governing ideologies.<sup>34</sup>

Keith Knapp connects the popularity of filial piety stories in early medieval China to the growth of extended families and the triumph of Confucianism in the Han dynasty (206 BCE–220 CE) and following its fall.<sup>35</sup> Pao K. Chao uses Confucius's words on life and death to launch his discussion of filial piety and its relationship with ancestral worship.<sup>36</sup> When the right/obligation of family members to conceal each other's crimes (*rongyin*) in imperial China recently raised a hot scholarly debate around filial piety, modern participants in the debate cited and interpreted Confucius, Mencius, and later Confucian scholars' discussions of concealment in the context of parent-child relations.<sup>37</sup> This approach – exploring filiality and its ritual, moral, and legal implications largely within a Confucian context – is evident in Kuang-Hui Yeh's comment:

<sup>31</sup> Knapp, "The Ru Interpretation of *Xiao*."

<sup>32</sup> MacCormack, "Filial Piety (*Xiao*) and the Family in Pre-Tang Law," 205–207; citation is from 207.

<sup>33</sup> Waley, trans., *The Analects of Confucius*, 88–89.

<sup>34</sup> Dingxin Zhao theorizes the China-based empire, whose political institutions crystalized in the Western Han dynasty (202 BCE–9 CE), as a Confucian-Legalist state. See Dingxin Zhao, *The Confucian-Legalist State*.

<sup>35</sup> Knapp, *Selfless Offspring*, especially chapter 1, 13–26.

<sup>36</sup> Chao, *Chinese Culture and Christianity*, 18.

<sup>37</sup> For the debate, see the entire issues of *Contemporary Chinese Thought* 39.1 (2007); *Dao: A Journal of Comparative Philosophy* 7.1 (2008) and 7.2 (2008).