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RHETORICS OF AUTHORITY: LEVITICUS AND THE *ANALECTS* COMPARED

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Abstract

The biblical text Leviticus and the Confucian *Analects* might appear as neither an obvious nor a very promising choice for a comparative philosophical exercise. To be sure, both texts now and then do share some similarity in matter. But such similarity in matter upon closer examination and contextualisation frequently turns out to be undermined by overt differences which call into question the comparative effort. Our comparison therefore proceeds from a different angle and is motivated by an asserted similarity in rhetoric, by which we mean to claim no more than that both texts record situations in which someone speaks to someone else. Moreover, there is a dominant speaker in each text, the Lord and the Master respectively, whose words seem to carry authority. What kind of authority is concerned in each case it is the aim of this paper to investigate. We do so by first giving an account of what philological and historical research tells us about these texts in order to better understand the task and complexities with which translators were and still are grappling when bringing these texts into the English language. Our main concern then is with a philosophical investigation into the rhetorics of authority as it presents itself to us in standard and influential English translations of Leviticus and the *Analects*. In the end, we offer some salient comparisons of the two texts as they appear to each author of this article. This will allow the comparison to arise in the eyes of our readers, whose sight quite naturally will be different from ours.¹

1. Introduction

Consider the following two sentences, which apparently express some similar matter in similar tone:

Honour thy father and thy mother...

Give your father and mother no other cause for anxiety than illness.

- 1 We should like to thank the very helpful comments and criticism of an anonymous reviewer. We have indicated further assistance and many further debts of gratitude in the footnotes.

In both sentences, someone is addressed as daughter or son, and the matter addressed is the appropriate behaviour towards parents. The sentences are cast in the imperative; though it is not clear whether the intended reaction on the side of the addressee is heed or rather some form of obedience, e.g. vowed, blind or coerced obedience.

One of these sentences is from the Torah, the other is found in the Confucian *Analects*. Taken thus out of context, can you guess which sentence is taken from which text? For some readers, this might seem all too easy to guess, given the familiarity of English translations of the Ten Commandments. But this is precisely what *both* sentences are, English translations from more “original” languages, Hebrew or Greek in the one case, classical Chinese in the other. It is therefore altogether conceivable that a translator might choose to render some Chinese character(s) as meaning “honour thy father and thy mother”, while another translator might understand a Hebrew sentence of the Torah along the lines of the second sentence given above. In fact, a recent translation of the Confucian *Analects* gives the character *xiao* 孝 in another passage precisely as “honour your parents”.² How now about guessing which sentence is taken from which text? Note that even when arriving at two identical translations it would be foolish to assume that the two sentences express anything like the *same* content if their being translations and excerpts is taken seriously.

A fuller reading of the passages brings out manifold dissimilarities:

Honour thy father and thy mother: that thy days may be long upon the land which the Lord thy God giveth thee.³ (Ex 20:12)

- 2 HINTON, 1998:16. Others translate the character in *Analects* 2:20 as “let him be filial” (Legge), “show piety towards your parents” (Waley), “be yourself a good son” (Leys), and “be filial to your elders” (Ames and Rosemont). Unless otherwise stated, we use LAU, 1979a, deviating from his rendering only with regard to names, which we give either in pinyin or in a standardisation following Robert H. Gassmann, which, when translated, renders transparent the information conveyed by the Chinese name forms. See: GASSMANN, 2006.
- 3 The Ten Commandments, and the story of their revelation to Moses is given in Ex 20, and slightly differently, in Deut 5. In their translations of Ex 20:12, the King James Authorized Version uses the unequivocally singular forms, ‘thy/thee’, whereas the New Revised Standard Version uses the undifferentiated modern forms ‘your/you’ which may be singular or plural. In the later popular reception of the Ten Commandments their communal dimension has perhaps been somewhat obscured. But in Exodus and Deuteronomy (5:1) it is made clear that they are addressed to the whole people, and that the Lord will give long life in the land that he will give is a promise to the whole people. Indeed, in Deuteronomy the

The injunction to honour father and mother is addressed to individuals as members of a group by virtue of having a common God. They inhabit a common territory given to them by their God. The injunction is linked to very grave consequences, since following it determines whether or not the days of the people will be long in that land. That fault, even indeliberate fault, undermines the community is always an implicit, and sometimes an explicit theme (Lev 5 *passim*). Compare this with the second passage rendered in full.

Meng Wu-bo asked about being filial [孝 *xiao*]. The Master said: ‘Give your father and mother no other cause for anxiety than illness.’” (A 2:6).⁴

The passage reports a short dialogue between a certain Meng Wu-bo (literally, the Wu-*maior* of the Meng lineage) and a Master, and the excerpted sentence above is the answer given to a question by the former about *xiao*, here translated as “being filial” and above in the imperative: “honour your parents”. From this perspective, the second sentence seems to specify the meaning of what honouring one’s parents implies, how filial piety or conduct is to be achieved, or how Meng Wu-bo might achieve it.⁵

It is clear that adding ever further context to the first passage would bring Exodus into full view as one book among others assembled in the Torah and as one of the sources of two or even three related but different religions: Judaism, Christianity, and Islam. With regard to the second passage, the *Analects* and perhaps its paramount influence in the Chinese narrative would find articulate expression. Eventually, one could embark on a comparison along lines such as the Abrahamic versus the Confucian tradition. However tempting such grand scale comparisons might be, we shall try to resist and try to stick to the texts themselves. This is not to say that we intend to discuss the texts out of context. On the contrary, we refer to the changing contexts whenever necessary.

singular form, ‘thou’, may be read in some verses (e.g. 5:12 and 5:15) as a reference to the people of Israel rather than simply to an individual.

4 Henceforth, quotations from the *Analects* will be given as, e.g., A 2:6.

5 It is unclear to what extent the Master’s words specifically address Meng Wu-bo. The possessive pronoun “your” in the English translation is absent in the Chinese original text, but taken by the translator as implied. Yet, reading the Master’s words as explicitly directed toward Meng Wu-bo, who was the son and the presumed or actual successor of the head of the Meng lineage (*zong* 宗), one of the two most important families in the principality of Lu, would disclose *xiao* as not only carrying familial connotations, but also as suffused with political meaning. See: GASSMANN, 2006:190–192.

In this paper, we set out to compare the third book of the Torah, Leviticus (in Hebrew *Wayyiqra*) and the Confucian *Analects* (in Chinese *Lun Yu* 論語), which at times address some similar matter in a presumably similar tone. The use of imperatives in translations of both texts seems to indicate a kind of authority, which is linked to God in the Torah (“The Lord spake unto Moses saying ...”) and to Confucius in the *Analects* (“The Master said ...”). What kind of authority is concerned in each case it is the aim of this paper to investigate. We claim that a focus on the rhetoric of the two texts is instructive. Our comparison accordingly concentrates on rhetoric rather than on matter or content. We shall use the terms ‘matter’, ‘rhetoric’ and ‘content’. How we use them may be shown by considering these notices:

1. Dangerous currents. Visitors are advised not to swim.
2. Dangerous currents. Swimming is forbidden.
3. Dangerous currents. By order of the Municipal Council, swimming is forbidden.

The *matter* is simply the answer to the question: ‘What does the notice advise or forbid?’ Accordingly, the matter is the same in all three cases. The *rhetoric* differs. In the first, not to swim is counselled; in the second not to swim is commanded but the identity of the person or body commanding is not given; in the third, the identity of the body commanding is given. The components of the notices that carry these differences we call the rhetoric. The *content* of the notice is what the reader understands; it is carried by both *matter* and *rhetoric*. One who understands the first notice as a command has failed to understand the rhetorical component of the content; one who fails to understand what is advised has failed to understand the component carried by the matter.⁶

The words ‘Dangerous currents’ present a fact as a *reason* for the advice or command and are elements of both the matter and the rhetoric. One who did not understand the words might nonetheless surmise that they expressed the reason for the advice or command without knowing what the reason was. One who understood the words but did not understand them to be the reason for the advice would fail to understand their rhetoric but not their matter. In each case, the content would be incompletely understood.

Thus, our comparative exercise is only in the first instance motivated by *prima facie* commonalities in matter that is in one way or other authoritatively communicated in Leviticus and in the Confucian *Analects*. For what is close in

6 It is, of course, true that ‘advise’ may be used as an ironical quasi-command or threat but that is not how it is used in the example.

matter can rhetorically be very different, opening different possibilities for assertions of content. Focussing on the rhetoric in these texts means to suggest that there is “rhetoric” in both texts, or more precisely, that it might be worthwhile to view the texts as if they both captured “rhetorical” situations (such as someone speaking to somebody else, someone issuing a command, someone asking a question and another answering etc.). Put differently, we are interested in going beyond merely registering *what* is being said, to discuss *how* it is being said. Although we do occasionally take into account the perspective of “original” listeners or readers, as far as we can grasp it, our main focus is on the rhetoric as encountered by later readers when engaging with what have by then become standard or authoritative editions of the text and standard translations thereof. We first discuss the text, rhetoric, and (very shortly) the influence of Leviticus, before following a similar course with regard to the *Analects*. In the end, we offer some comparative comments.

2. Leviticus

*A Note on the Text*⁷

Leviticus is the third of the five books of Moses (the Pentateuch) that make up the Torah.⁸ The Torah was for many years and until the emergence of modern biblical scholarship taken to be written by Moses, hence their traditional title ‘*The five books of Moses*’. The ascription of authorship to Moses, however, is the result of postbiblical Jewish tradition in the 1st century AD.⁹ It is now universally accepted that the books of the Torah, as we now have them, are edited

7 Consult: BLACK/ROWLEY, 1967; PLAUT, 1981; GERTZ, 2006; the articles on “Leviticus” and “Biblical Literature” in the *Encyclopædia Britannica*, 2008 (DVD ed.); SCHMID, 2008. We owe a particular debt of gratitude to Professor Konrad Schmid. Any misunderstanding of his assistance is entirely our fault.

8 The Torah is one of three parts in Hebrew bibles, the others being *Nevi'im* (Prophets) and *Ketuvim* (Writings): from their initial Hebrew letters derives the acronym TNK or TaNaKh, which gives the Hebrew Bible its name in Judaism. The Christian traditions commonly refer to the Hebrew Bible as the Old Testament, though they divide books differently and incorporate some different books, see: SCHMID, 2008: 28–32.

9 We use the acronyms BC (before Christ) and AD (anno Domini) instead of the more fashionable BCE (before the common era) and CE (common era) not because we are ignoring the Christocentrism, which the latter acronyms try to remove, but because we believe they fall short of removing it while instead surreptitiously furthering it.

from several sources.¹⁰ The formation of the Pentateuch may have occurred some time between the 5th and 3rd century BC. The individual books and parts of books are, however, earlier, some perhaps from as early as the 10th century BC.¹¹ Research on the formation of the Pentateuch currently seems to undergo paradigmatic changes, and any attempt at dating single books or parts thereof has to be dealt with the utmost caution.

It might, however, be recalled that there is no single text of the Hebrew Bible or the Old Testament that has come down to us, but instead various “textual witnesses”: fragments of leather and papyrus scrolls, the Hebrew texts from Qumran, the Samaritan Pentateuch, and various manuscripts of the Masoretic Text. As one prominent scholar therefore puts it, *the* “text of the Bible forms an abstract entity known from its textual witnesses.”¹²

In the Hebrew tradition, the third book (continuing the second, Exodus, and continued in the fourth, Numbers) has been customarily named according to its first words: “He called” (*wayyiqra*); in the Greek tradition, the title βιβλίον το Λευιτικόν refers to the presumed contents of the book, that is, the Levitic priests.¹³ Leviticus is largely a catalogue of commands, laws, statutes, or ordinances. In modern editions of the text there are twenty seven chapters each one divided into several verses. Many scholars agree to distinguish five parts. The first part (chapters 1 to 7) contains the laws relating to sacrifice; the second (chapters 8 to 10) describes the inauguration of worship and gives an account of the anointing of Aaron and his sons as priests. These chapters are more narrative in style than the rest of the book. The third part (chapters 11 to 16) contains the law of purification. The fourth part (chapters 17 to 26) is called the Law of Holiness or the Holiness Code and has been thought to be later than and distinct from the rest of the book (a thought first formulated by August Klostermann in 1877). There is discussion concerning its date but it is agreed that is no later than

10 For much of the twentieth century, it was believed that the Torah as a whole derived from four independent and datable sources: Elohist (E), Yahwist or Jahwist (J), Priestly (P) and as a source sui generis the fifth book Devarim or Deuteronomy (D). In recent decades, scholars have increasingly come to doubt this “new documentary hypothesis” and it is now believed that those parts formerly attributed to E and J were compiled from countless incoherent fragments, whereas P continues to be regarded as largely stand-alone source. See: GERTZ, 2006:197–205.

11 See: GERSTENBERGER 1993:1–3.

12 For a comprehensive discussion of the different texts as well as for the quote, see: TOV, 1992:18 (quote). Schmid makes a similar point with regard to *the* Old Testament and *the* Hebrew Bible, see: SCHMID, 2008:28.

13 GERSTENBERGER, 1993:1–3.

about 400 BC. Chapter 27, the final chapter, is the fifth part; it resumes the ordinances set out in the third part. Because the final verse of chapters 26 and 27 are almost identical, there is some reason to think of chapter 27 as more properly the conclusion of the third part rather than as a separate section and to think of the fourth part, the Holiness Code, as a later edition.

For all textual and historical scholarship we rely entirely on others. Our concern is with the rhetoric of Leviticus, and, indeed, more precisely, on the rhetoric of the English translation. We use the *King James Authorized Version* (AV) of 1611 as being the version that has come down in English, has greatly influenced the language, and remains in the imagination of many English speakers.¹⁴

Leviticus has, from chapter 18 to the end, the formula, “YHVH, your God” or, “The Lord, your God”. The AV and most later translations into English translate YHVH by ‘the Lord’ rather than by ‘Yahweh’. An exception is *The Jerusalem Bible*, which following *La Bible de Jérusalem* uses ‘Yahweh’. The difference between YHVH [Yahweh] and ‘the Lord’ is of rhetorical significance in that the first is a proper name and the second properly a title, though sometimes given in capital letters, the LORD, to indicate that the title is used as a proper name; however, because we concentrate on the Authorized Version, we do not concentrate on the difference.

Leviticus is a bringing together and writing down of traditional rules, some of very ancient origin. Nearly all laws singled out in the Ten Commandments in Shemot (Exodus), and taken up again in Devarim (Deuteronomy) are listed in Leviticus but they are not given the same kind of prominence. As the book has come down in both the Jewish and Christian traditions, it has come as a single whole, and so we take it to be in our discussion of its rhetoric.

14 The translation in the body of the text is, as we have said, that of the Authorized King James Version (AV). Modern scholars, when quoting in English, use the New Revised Standard Version (NRSV, DLT, London, 2005). This version is both more accurate, and in modern English. We have used the AV because it has entered into the English language, and, since its appearance, has been the dominant carrier in ‘that language’ of the rhetoric of Leviticus. There are, of course, very influential translations in other languages – think of Luther’s translation into German – but we hope that our analysis, based as it is on a translation, is not, for that reason, unduly limited or misleading. In a few footnotes, for clarity, we give the NRSV translation. Occasionally we refer to *The Jerusalem Bible* (DLT, London, 1966) and to *The Jewish Study Bible* (Oxford University Press, 1985).

The Rhetoric of Authority in Leviticus

In the opening verses of the first chapter we read:

And the Lord called unto Moses, and spake unto him out of the tabernacle of the congregation, saying, Speak unto the children of Israel, and say unto them, If any man of you bring an offering unto the Lord, ye shall bring your offering of the cattle, even of the herd, and of the flock. (Lev 1:1–2)

These opening verses contain the recurrent rhetoric of the entire book. As in many translations of ancient law codes, the imperative mood seems to dominate.¹⁵ That mood requires a speaker and a listener, and implicitly assumes them to be, or establishes them as, ruler and ruled. The first verse, or a very similar verse – “And the Lord spake unto Moses, saying, speak unto the children of Israel, saying ...” – is a recurrent refrain that opens most chapters.¹⁶ The refrain is not only in the imperative mood but, repeatedly throughout the book, it establishes the Lord as ruler and the people of Israel as ruled. In Justinian’s *Institutes* it is said that “it is of little purpose to know the law, if we do not know for whom the law was made”.¹⁷ The editor(s) of Leviticus might well have said that it is of equally little purpose if we do not know by whom the law was made.

The refrain is in five [six] parts, as in the following example: [1] The Lord spake [2] unto Moses [3] saying [4] speak unto the children of Israel and say to them [5]: Ye shall be holy,[6] for I the Lord your God am holy (Lev 19:1–2). Parts 4 and 5 express the matter commanded, for there are two commands, one to Moses to whom [2] the Lord spoke [1] commanding him to [4] speak to the people of Israel and say to them [5] whatever is commanded, in this example ‘to be holy’. We discuss the rhetoric of command below but it is worth pausing for a moment to consider the first part on its own.

15 As, for example, the sixth provision in the *Code of Hammurabi*: “If anyone steal the property of a temple or of the court, he shall be put to death, and also one who receives the stolen thing from him shall be put to death.” As in Leviticus, the imperative mood seems here to dominate as it does in the Roman Twelve Tables but it is worth noting that it is not dominant rhetoric in the later (2nd century AD) *The Institutes of Gaius* [Gaius] and (6th century AD) *The Institutes of Justinian* [Justinian], which for the most part set out entitlements rather than give direct commands. See below pp. 203 seq.

16 Lev 11, 13, and 15 include Aaron in the opening verse: “The Lord spake unto Moses and to Aaron ...”. The seven chapters that do not begin in this way are: 2, 3, 5, 7, 9, 10, 26. ‘The Lord’ is the more common translation into English of the original YHWH. The *Jerusalem Bible* translates the first verse as: “Yahweh called Moses ...”.

17 *The Institutes of Justinian*, Bk. I. Title II. 12; see: SANDARS, 1970.

The editor and both contemporary and later readers of Leviticus were familiar with Genesis throughout which, and notably in the first and second chapters, that the Lord spoke is a recurrent and encompassing rhetorical theme. The first verses of the first chapter read:

In the beginning God created the heaven and the earth. And the earth was without form, and void; and darkness was upon the face of the deep. And the Spirit of God moved upon the face of the waters. And God said, Let there be light: and there was light.¹⁸ (Gen 1:1–3)

The divine word commands and, in commanding, creates. Speech is the origin of the world and, from the outset, the emergence of the world, both human and non-human, is linked to language. The opening verses are recalled in the opening verse of the Prologue to the Gospel of John: “In the beginning was the Word. [...] And the Word was God. [...] All things were made by him; and without him was not anything made that was made.” The insistence on God’s speaking is a rhetorical trope throughout the TaNaKh and New Testament.

In the first, the cosmological and developmental, account of creation in Genesis, with one exception, each new stage is introduced with the words: “And God said, let (something happen)”.¹⁹ But in the creation of humans (Gen 1:26) instead of simply ‘Let there be man’ there is ‘Let us make man in our image, after our likeness’.²⁰ The image and likeness is in human language; it is the possibility of knowing the world as humans know it through language that distinguishes human from animal language.²¹ The relation of the human to the divine, creative and commanding word is that through language humans know that which through language God has created as knowable. Language is a sym-

18 Alternative translations for the first and second verses are noted in the NSRV: verse 1: “When God began to create” or “In the beginning God created”; verse 2: “while the spirit of God” or “while a mighty wind”.

19 The first account of creation is given in Gen 1:1–2:4 and is probably later than the second story in Gen 2:4–25, although this is disputed in recent research. The order of creation and other narrative features differ in the accounts that, read as literal histories, are incompatible: for examples, in the first account, humans, men and women together, are created last; in the second, the man, Adam, is created first and Eve is later made from his rib.

20 ‘Man’ here is not ‘the man’ but, as in the NRSV, ‘humankind’: “Then God said, ‘Let us make humankind in our image, according to our likeness ...’”

21 See the discussion of Walter Benjamin’s essay “Über die Sprache überhaupt und über die Sprache des Menschen”, in FULD, 1981:78ff. We are indebted to Professor Peter Schäublin for drawing our attention to this book and for fruitful discussion of Benjamin’s understanding of human language.

bol of understanding as well as being that by and through which understanding emerges and is expressed. The idea that God created the world by saying something – And God said – is as metaphorical as the idea that the commandments given to Moses were written by the finger of God. The metaphor is radically transformed in the Prologue to John's Gospel and in later Christian Trinitarian theology.

The exceptional verse 26 that introduces the creation of humans is developed in the following verses:

So God created man in his own image, in the image of God created he him; male and female created he them. And God blessed them, and said unto them, Be fruitful and multiply, and replenish the earth, and subdue it: and have dominion over the fish of the sea, and over the fowl of the air, and over every living thing that moveth upon the earth.”²² (Gen 1:27–28)

The rhetoric is subtly different from the earlier creative and commanding words; here God speaks to those – both men and women – whom he has already created, and commands them not simply to be, but to be in a certain way that involves their responsibility, that is, their moral being.

In the second creation account in Genesis, the divine creative word is less prominent; it occurs only once: “Then the Lord God said, ‘It is not good that the

22 In 1:26 there is the plural “Let *us* make man in *our* image” (see also Gen 3:22 for which the NRSV mentions the plural “gods” as a variant), but in 1:27 there is the singular “created *he* him in *his* image”. Martin Buber in his early addresses on Judaism, noting that Elohim (the word for God in this passage) is originally a plural form, suggested that it means approximately “the powers”, a suggestion that modern scholars find, on philological grounds, at the very least extremely doubtful. See: Martin Buber, “Myth and Judaism”, being the sixth of the early addresses (1909–1918) collected in GLATZER, 1972:95–107. For the Christian Fathers, the plural in 1:26 was a hint of the Trinity; an idea not present to the original authors or listeners. The Jerusalem Bible explains the plural form by reference to “a discussion between God and his heavenly court (the angels)”, a suggestion which seems to us unconvincing, even though it was thus understood by the Greek version (followed by the Vulg.) of Ps 8:5 (quoted in Heb 2:7). That YHVH was not the only god is shown e.g. by the place of Baal of Peor, who appears first in *Shemot* (Numbers) 25.1–5. According to the *Concordance de la Bible de Jérusalem* (Paris, Turnhout: Cerf, Brepols, 1981), over the eleven books, there are eighty-two references to Baal in the TaNaKh (the Old Testament). Only gradually did the Israelites come to understand the other gods as inadequate images of, and gestures towards, the One. “What you worship as unknown, this I proclaim to you” (Paul in his speech to the Athenians [Acts 17.22–27], and see n. 61 below), expresses an idea that was not present in earlier periods. See also: KÖCKERT, 1998:137–175; KEEL/UEHLINGER, 1998.

man should be alone; I will make him an help meet for him” (Gen 2:18). But the divine word as command is central to the story:

And the Lord God commanded the man, saying, of every tree in the garden thou mayest freely eat: But of the tree of the knowledge of good and evil, thou shalt not eat of it: for in the day that thou eatest thereof thou shalt surely die. (Gen 2:16–17)

The moral character of the man is here more clearly expressed than in the command in Gen 1:28. When this command is given to the man, Adam, he is alone in the garden; the animals and the woman, Eve, had not yet been created. God seeing that it was not good that man should be alone (Gen 2:18) created the animals and birds “[...] and brought them unto Adam to see what he would call them: and whatsoever Adam called every living creature, that was the name thereof” (Gen 2:19). The Man’s first words, echoing the creative word, yet not itself creative, names, and in naming comes to know, the animal world, and in verse 23 names the fully human world that comes about with the creation of Woman from his rib (verse 22) and describes the naming of the Woman in the same rhetoric as that of the creation in the first story, only now ‘the Man (not God) said’: “And Adam said, This is now bone of my bones, and flesh of my flesh: she shall be called Woman, because she was taken out of Man” (Gen 2:23). In this verse, the tension between the word of God and that of Man is at its most severe, and rhetorically prepares for the tension between them which erupts in the story of the Fall in the following chapter, whence it becomes the theme of the Torah as a whole and runs through Leviticus where the commanding word of God given to Moses is essentially open to refusal. The commanding word no longer unquestionably creates what is commanded.

And in this new context: “And the Lord called unto Moses, and spake unto him out of the tabernacle of the congregation, saying [...]”(Lev 1:1). The refrain is not confined to the opening verses of the chapters but occurs frequently in verses within them.²³ Nor is it confined to Leviticus. It occurs frequently in Shemot (Exodus) and in Bemidbar (Numbers) in which book it is the opening verse:

23 For example in Lev 5:14; 6:19; 7:28; 23:26; 24:13.

And the Lord spake unto Moses in the wilderness of Sinai, in the tabernacle of the congregation, on the first day of the second month, in the second year after they were come out of the land of Egypt, saying [...] ²⁴ (Num 1:1)

A closing refrain appears first in Lev 18 and is found in each later chapter except the last. Immediately following one or several precepts these or similar words occur: “I am the Lord your God.” For examples, consider:

Ye shall not steal, neither deal falsely, neither lie one to another. And ye shall not swear by my name falsely, neither shalt thou profane the name of thy God: I am the Lord. ²⁵ (Lev 19:11–12)

Ye shall do no unrighteousness in judgment, in meteyard, in weight, or in measure. Just balances, just weights, a just ephah, and a just hin, shall ye have: I am the Lord your God, which brought you out of the land of Egypt. Therefore shall ye observe all my statutes, and all my judgments, and do them: I am the Lord. ²⁶ (Lev 19:35–37)

What follows the opening refrain, or is contained between the opening and closing refrain, is a command or set of commands in the imperative mood: “You shall do (not do) X”. Most commands in Leviticus refer directly to acts that ought to be done or not done. Some refer to punishments that are to be meted out if a forbidden action has been done or a required action left undone: “A man also or woman that hath a familiar spirit, or that is a wizard, shall surely be put to death: they shall stone them with stones: their blood shall be upon them” (Lev 20:27). In this verse, what is directly commanded is the imposition of the punishment; not to be a medium or wizard is indirectly or implicitly commanded.

The refrain establishes YHWH their God as ruler, Moses as his messenger who speaks for him, and the people of Israel as his subjects. For the most part no reason is explicitly given as to why this relationship ought to be accepted, and no reason is given as to why X rather than Y is commanded or forbidden. The idea

24 Leviticus opens in only slightly different words (Lev 1:1). In both cases The Jerusalem Bible, as we have said, uses Yahweh (YHWH) rather than ‘the Lord’.

25 In Leviticus, the Ten Commandments or Ten Words are not singled out as they are in both Ex 20:1–17 and Deut 5:6–21 but many of the ten are found in different places in the book as here in Lev 19:11–12.

26 An ephah is a measure of dry commodities, e.g. flour; a hin of liquids, e.g. wine. Like the more informal measurements sometimes given in cookery books (e.g. a cupful, a spoonful) “most biblical units of capacity were originally non-specific, and their names were taken from utensils used in commerce or in the household...the *hin* [was] a pot, and the *ephah* perhaps a basket.” See BLACK/ROWLEY, 1967:38.

of a covenant between God and Israel is not dominant in Leviticus but is not entirely absent and, of course, readers of the book were familiar with Exodus in which it is the dominant theme. The idea of covenant appears most clearly, and is, indeed, the leading theme, in Lev 26. Its rhetorical importance for the book as a whole is stressed in that chapter which is the penultimate chapter and, again rhetorically, closes the book so that chapter 27 reads as if it were an appendix with a concluding verse that reads like a short form of the more developed and formal conclusion of chapter 26.²⁷

Reasons why something ought to be done or not done are rarely explicit in ancient legal codes, possibly because the codes were in great measure the expression of already accepted laws, and the reasons were at least implicitly well known and accepted. Writing, when it emerges, endures in a way that speech does not, thus making possible a new rhetorical form within language, and, in a culture where both exist, what is written is authoritative in a way in which the spoken is not. *Scripture* is the word of God. There is, furthermore, in Leviticus, an over-arching reason. The theme of Leviticus is purity. The crucial distinction between the clean and the unclean, and the many specific injunctions as well as some of the shorter narrative passages enjoin what is clean, and forbid what is unclean, or tell how what has become unclean may be made clean.²⁸ Israel is enjoined to be holy as the Lord its God is holy: “And the Lord spake unto Moses, saying, Speak unto all the congregation of the children of Israel, and say unto them, Ye shall be holy: for I the Lord your God am holy” (Lev 19:1–2). The Hebrew word for ‘holy’ is possibly related to ‘set apart’ and that in choosing the people to be his, the Lord their God sets them apart.²⁹ This association is clear in Lev 20:26: “And ye shall be holy unto me: for I the Lord am holy, and have severed you from other people that ye should be mine.”³⁰ The detailed laws in Leviticus define what is demanded, what will be the consequence of flouting

27 See: Lev 26:46 and 27:34.

28 Chapters 11 to 16 concentrate on rules concerning the clean and the unclean but the contrast between them is not confined to these. The *Concordance de la Bible de Jérusalem*, 530, lists 119 occurrences of *impur* (impure, unclean) and 41 of *pur* (pure, clean) in Leviticus. See: POSWICK, 1982.

29 We are indebted to Rabbi Dr Charles Middleburgh for the information that the word ‘holy’ translates ‘q-d-sh’ which, according to one account, derives from a root meaning: ‘being set apart’. For the ambiguous etymology of the word, see: BOTTERWECK/RINGGREN, 1989:1181.

30 NRSV: You shall be holy to me; for I the Lord am holy, and I have separated you from other peoples to be mine.

them, and what is to be done when they are disobeyed whether deliberately or unintentionally. But the fundamental law is to be holy for the Lord is holy.

The intimate connexion between holiness and purity is made very clear in the eleventh chapter:

Ye shall not make yourselves abominable with any creeping thing that creepeth, neither shall ye make yourselves unclean with them, that ye should be defiled thereby. For I am the Lord your God: ye shall therefore sanctify yourselves, and ye shall be holy; for I am holy: neither shall ye defile yourselves with any manner of creeping thing that creepeth upon the earth. For I am the Lord that bringeth you out of the land of Egypt, to be your God: ye shall therefore be holy, for I am holy. (Lev 11:43–45)

As with the same injunction in chapter 19, this passage requires that the people be holy. As does the later passage, a reason is given: Be holy, *because* I am holy. All the detailed laws define what it is to be holy; but the reason to be holy is that the Lord their God is holy. In this passage is the answer to another implicit question: Why should we be holy *because* the Lord our God is holy? The answer is this: Because I am the Lord who brought you up from the land of Egypt to be your God. That Israel was a holy nation and that its holiness depended both on their God's choice of it and on its obedience to his laws is one of three foundational reasons why God ought to be obeyed.

Verse 44 is differently rendered in different translations. We have given the AV: "For I am the Lord your God: ye shall therefore sanctify yourselves, and ye shall be holy; for I am holy." This agrees with the NRSV. *The Jerusalem Bible* following *La Bible de Jérusalem*, from which it is derivative, gives: "For it is I, Yahweh, who is your God. You have been sanctified and have become holy because I am holy." In *The Jerusalem Bible* it is God who makes the nation of Israel holy even if his doing so is contingent on its following his ordinances. This meaning fits better with the first introduction in the Torah of the idea of a holy nation in a passage from Exodus to which the passage from Leviticus seems to refer. Cross-reference between the books of the Torah is common and to readers of Leviticus and Exodus, was, as we have said, well known. It had set the basic context within which the laws were given and the context in which Leviticus was written and read:

In the third month, when the children of Israel were gone forth out of the land of Egypt, the same day came they into the wilderness of Sinai. For they were departed from Rephidim, and were come to the desert of Sinai, and had pitched in the wilderness; and there Israel camped before the mount. And Moses went up unto God, and the Lord called unto him out

of the mountain, saying, Thus shalt thou say to the house of Jacob, and tell the children of Israel: Ye have seen what I did unto the Egyptians, and how I bare you on eagles' wings, and brought you unto myself. Now therefore, if ye will obey my voice indeed, and keep my covenant, then ye shall be a peculiar treasure unto me above all people: for all the earth is mine: And ye shall be unto me a kingdom of priests, and an holy nation. These are the words which thou shalt speak unto the children of Israel. (Ex 19:1–6)

These verses express another foundational element in the rhetoric that forms the context of the remainder of Exodus, and the entirety of Leviticus. No laws are yet given. The power of the Lord is recalled: “Ye have seen what I did unto the Egyptians, and how I bore you on eagles' wings, and brought you unto myself.”³¹ The authority of the Lord is asserted: “the whole earth is mine”. A promise is given to the Israelites on one condition only, that they obey what will be commanded: “if you obey my voice and keep my covenant, you shall be my treasured possession out of all the peoples.” The Lord is to be obeyed because the whole earth is his. And this, of course, recalls both the authority and the power of God expressed in the stories of creation and fall in Genesis.

Later in the same chapter the second fundamental element is given:

And Moses came and called for the elders of the people, and laid before their faces all these words which the Lord commanded him. And all the people answered together, and said, All that the Lord hath spoken we will do. And Moses returned the words of the people unto the Lord. (Ex 19:7–8)

The people “answered together” (NRSV “as one”) and agreed to obey whatever the Lord commands or has commanded. But there is no sense in which the laws are considered, and only then agreed. This does not mean that there is in Exodus or Leviticus a theory that whatever the Lord commands is good or right *because*, and only because, the Lord has commanded it; nor does it mean that they thought that the Lord commands something *because* it is good or right. Those thoughts became explicit and controversial, as they did and remain, only when the question arose, and we suggest that for the Israelites of the time it did not arise.³² What they – or perhaps only what their sacred texts – did unques-

31 The reference is to the story, in Ex 14, of the safe passage through the Red Sea in which the pursuing Egyptians were drowned when the sea, which had parted to allow the Israelites through, “returned to his strength” (Ex 14:27); NRSV: “returned to its normal depth”.

32 The question as to whether an action is good because commanded or commanded because good appears in Plato's *Euthyphro*; and the idea, attributed to Protagoras, that the goodness of an action depends on the will of the person choosing is attacked in Plato's *Protagoras*. In

tioningly and pre-theoretically accept was their God's authority and power, and that to do whatever YHVH their God commanded was good.

The idea that the relationship between God and his people is a covenant is not as dominant in Leviticus as in Exodus but, as we have said, it is the leading theme of chapter 26 which tells of the rewards for obedience and punishment for disobedience in the basic context of a covenant or alliance between God and Israel:

If ye walk in my statutes, and keep my commandments, and do them; Then I will give you rain in due season, and the land shall yield her increase, and the trees of the field shall yield their fruit. [...] For I will have respect unto you, and make you fruitful, and multiply you, and establish my covenant with you. [...] And I will set my tabernacle among you: and my soul shall not abhor you. And I will walk among you, and will be your God, and ye shall be my people. I am the Lord your God which brought you forth out of the land of Egypt, that ye should not be their bondmen; and I have broken the bands of your yoke, and made you go upright.³³ (Lev 26:3–4, 9, 11–13)

But even in case Israel falls away, and the people are in the land of their enemies:

[...] I will not cast them away, neither will I abhor them, to destroy them utterly, and to break my covenant with them: for I am the Lord their God. But I will for their sakes remember the covenant of their ancestors, whom I brought forth out of the land of Egypt in the sight of the heathen, that I might be their God: I am the Lord. (Lev 26:44–45)

What is of cardinal rhetorical significance, however, is that the Israelites *agreed* to do what the Lord commanded. The answer to the question as to why they did what the Lord commanded is not simply because the Lord had commanded it but because *they had agreed* to do whatever the Lord commanded. Fundamental to the rhetoric is contract or covenant. Someone makes a contract because it seems advantageous to do so. Why, in the account, does it seem reasonable for the

the high period of the schoolmen, the first of these was disputed between Thomists and Occamites. Aquinas' most succinct argument that some actions are good by their nature and, if commanded by God, are commanded because good, is in his *Summa contra Gentiles*, Book III, 129. See also: MURPHY/WEBER, forthcoming; BARDEN, 1990, esp. ch. 6; 1999, esp. ch. 9.

- 33 The promise that God would walk among them recalls the story, in Gen 3:8, of God "walking in the garden in the cool of the day" (NRSV: "walking in the garden at the time of the evening breeze") before the expulsion from Eden.

Israelites to contract to do what the Lord commands? The reason is clear and explicit: if you agree “ye shall be a peculiar treasure unto me above all people”; and that promise is made in the immediate context of their release from bondage in Egypt whence they have been borne “on eagles’ wings”.³⁴

God’s covenant with Abram in Genesis is between a single person and his God but the later covenant announced by Moses is between “the whole congregation of the people of Israel” and their God. The people agreed to the provisions of the covenant when, as reported in Ex 19:8: The people all answered together and as one: “All that the Lord hath spoken we will do [...]”.³⁵ The ordinances set down in Leviticus – the Law – are not simply rules that each person ought to obey – although they are that also; they are rules that bind, preserve and identify the people as a people. To break the rules, even unintentionally, is to defile the community, for it is not only the intention but the act itself that defiles.³⁶ In one place, and in the context of unintentional sin, it is said clearly that if it is the anointed priest who sins, guilt is brought on the people (Lev 4:3). It is not clear that the same is true when the sinner is not a priest, but the communal consequence of personal actions seems present if ambiguous throughout. The ambiguity is marked not so much in Leviticus itself but in its underlying context: the earlier and seminal stories of Noah and Lot stress the importance of the individual good person in the midst of evil; and in the second of these stories the Lord promised Abraham, who had beaten him down from fifty to ten, to save Sodom from destruction if ten just people were found there:

And he (Abraham) said, Oh let not the Lord be angry, and I will speak yet but this once: Peradventure ten shall be found there. And he (the Lord) said, I will not destroy it for ten’s sake. And the Lord went his way, as soon as he had left communing with Abraham: and Abraham returned unto his place. (Gen 18:32–33)

34 See Ex 19:3–6.

35 Earlier in Ex 6:8–9, before Israel was freed from Egypt, the Lord promised that he would bring them: “in unto the land, concerning the which I did swear to give it to Abraham, to Isaac, and to Jacob; and I will give it you for an heritage: I am the Lord. And Moses spake so unto the children of Israel: but they hearkened not unto Moses for anguish of spirit, and for cruel bondage.”

36 Lev 4 *passim*. That the sin of one person brings guilt on the people is said explicitly only of the anointed priest at Lev 4:3 but of everyone it is said that unintentional sin brings guilt. Perhaps a modern reader may better understand the notion of guilt following unintentional fault by thinking of injury or damage: it is perfectly possible unintentionally to injure another, and yet be responsible or liable for that unintentional damage.

The covenant demanded not only the agreement of the people of Israel to obey but a corresponding promise by their God set out in some detail in the verses from chapter 26 given above. Questions arise: why did God make the covenant with Abram recounted in Genesis?³⁷ Why did he call Abram?

Now the Lord had said unto Abram: 'Get thee out of thy country, and from thy kindred and from thy father's house, unto a land that I will shew thee. I will make of thee a great nation, and I will bless thee, and make thy name great, and thou shalt be a blessing: And I will bless them that bless thee, and curse him that curseth thee: and in thee shall all the families of the earth be blessed. (Gen 12:1–3)

Why did God do this? Obviously that question is not asked within a theoretical context; it is, however, rhetorically present as it is rhetorically present in the accounts of creation, and appropriately it gets a rhetorical answer: no reason for God's action is given because none is known except that, as in the story of Noah:

And God saw that the wickedness of man was great in the earth, and that every imagination of the thoughts of his heart was only evil continually. And it repented the Lord that he had made man on the earth, and it grieved him at his heart. And the Lord said, I will destroy man whom I have created from the face of the earth; both man, and beast, and the creeping thing, and the fowls of the air; for it repenteth me that I have made them. But Noah found grace in the eyes of the Lord. (Gen 6:5–8)

In Deuteronomy (Devarim), the fifth and last book of Moses, there appears explicitly another reason, one that becomes increasingly dominant in the later books of the TaNaKh or Old Testament, and in the New Testament.

The Lord did not set his love upon you, nor choose you, because ye were more in number than any other people; for ye were the fewest of all people: But because the Lord loved you, and because he would keep the oath which he hath sworn unto your fathers, hath the Lord brought you out with a mighty hand, and redeemed you out of the house of bondmen, from the hand of Pharaoh king of Egypt. (Deut 7:7–8)

Later in the same book:

Behold the heaven and the heaven of heavens is the Lord's thy God, the earth is also, with all that therein is. Only the Lord had a delight in thy fathers to love them, and he chose their seed after them, even you above all people, as it is to this day. (Deut 10:14–15)

37 Gen 15:18 and Gen 17.

The theme of the Lord's love, translated as 'mercy' in the AV, as the reason for his choosing his people and, indeed, for his choosing to create the world is a recurrent theme in the Psalms, of which the following is a prime example:

O give thanks to the Lord for he is good: for his mercy [NRSV: love] endureth forever [...]
 To him that by wisdom made the heavens: for his mercy endureth forever
 To him that stretched out the earth above the waters: for his mercy endureth forever
 To him that made the great lights: for his mercy endureth forever
 The sun to rule by day: for his mercy endureth forever:
 The moon and the stars to rule by night: for his mercy endureth forever.
 To him that smote Egypt in their firstborn: for his mercy endureth forever.
 And brought out Israel from among them: for his mercy endureth forever [...] ³⁸ (Ps 136:1 and 5–11)

That his love is the reason for the actions of YHWH, their God, is not explicit in Leviticus but it is not inconsistent with it. In that book, as in Exodus and Numbers, the initiative comes from God. It is God who calls in Exodus: "The Lord called unto him out of the mountain, saying [...]" ³⁹ Leviticus begins with the words: "And the Lord called unto Moses". In Genesis the same structure is found in the two otherwise very different creation stories, and in the stories both of Noah and of Abram. ⁴⁰ However, as we have said, that love is the reason for God's action is not explicitly stated before the seventh chapter of Deuteronomy.

There are two places in Leviticus in which love is commanded:

Thou shalt not avenge, nor bear any grudge against the children of thy people, but thou shalt love thy neighbour as thyself: I am the Lord. (Lev 19:18)
 And if a stranger sojourn with thee in your land, ye shall not vex him. But the stranger that dwelleth with you shall be unto you as one born among you, and thou shalt love him as thyself; for ye were strangers in the land of Egypt: I am the Lord your God. (Lev 19:33–34)

Here "to love your neighbour as yourself" and "to love the stranger (NRSV: alien ⁴¹) as yourself" are the matter of the command. In each case the rhetoric is

38 Verses 5–9 recall the order of creation in Genesis.

39 Ex 19:3.

40 The cosmological story is in Gen 1:1–2:4; the other, maybe older, mythical story is in Gen 2:4–3:2. The story of Noah is given in Gen 5:28 to 9:29. A covenant between God and humans is first mentioned at 9:9. The story of Abram – later Abraham (17:5) – runs from Gen 11:26 to 25:10. The account of the covenant with Abram begins at 15:1.

41 In the NRSV 'alien' replaces the AV 'stranger' as being more in keeping with the formal and legal character of the book.

the recurrent command to obey because (“because” is as usual implicit) “I am the Lord your God”. In verse 19 no other reason is given as to why one should love one’s neighbour, whereas in verse 34 the added reason is “for ye were strangers in the land of Egypt”. Israel is to treat the alien as Israel was treated by their God; and how the alien is to be treated is given: “thou shalt love him as thyself”. By treating the alien as themselves, they treat the alien as they were treated; and so obliquely the way in which they were treated by their God is by having been chosen and loved by him.⁴²

However, despite the laws to love one’s neighbour and the resident alien as oneself and their subsequent importance in both Jewish and Christian reflection, and despite the underlying theme that the Lord their God has chosen Israel for himself, love is not the explicit theme of Leviticus. The people of Israel is not *explicitly* required to love the Lord; that command is explicit first in Deuteronomy:

Hear, O Israel: the Lord our God is one Lord: And thou shalt love the Lord thy God with all thine heart. And with all thy soul, and with all thy might. And these words, which I command thee this day, shall be in thine heart: And thou shalt teach them diligently unto thy children, and shalt talk of them when thou sittest in thine house, and when thou walkest by

- 42 Because our attention is not focussed on the matter of commands we discuss neither what precisely is required when one is commanded to love, nor who more precisely is covered by the term “neighbour” in verse 18. We ignore the polemical arguments that triumphantly insist upon the idea that by “neighbour” is meant, and in principle confined to, one’s fellow Israelite or “any person living close by”. In *The Hebrew Study Bible*, the word, translated in the NRSV and in many other versions by “neighbour”, is translated by “fellow”. We assume that when Leviticus was written, its readers took for granted that their neighbours were those associated with their everyday life. We do not, on the other hand, assume that the rule was accompanied by the unexpressed addition “and do not love those who are not associates”. Indeed, it would be merely bizarre to understand Lev 19:35: “You shall do no unrighteousness in judgment, in meteyard, in weight, or in measure” as being accompanied by the rider “unless you are dealing with a foreigner”. Specific laws governing the treatment of strangers are found throughout Exodus, Leviticus, Numbers and Deuteronomy and the idea that the people should love the resident alien (or, in the older, more beautiful if less legal, expression, “the stranger who dwells amongst you”) as themselves is specified in several places in the rule that there is to be a single law for the native and the resident foreigner (e.g. Ex 12:49; Lev 24:22; Num 9:14 and 15:26) although there are situations, for instance in the granting of debt remission written of in Deut 15:1–3, in which a foreigner (perhaps to be distinguished from a resident alien) may be treated differently from a native. We are indebted to Rabbi Dr Charles Middleburgh for illuminating discussions concerning the terms *reyah* (‘neighbour, fellow, friend’ – as in the Rheims-Douay version (1609–1610); the only English translation we know that gives ‘friend’) and *ger* (‘alien, stranger, refugee’).

the way, and when thou liest down, and when thou risest up, And thou shalt bind them for a sign upon thine hand, and they shall be as frontlets between thine eyes, And thou shalt write them upon the posts of thy house and on thy gates. (Deut 6:4–9)

The implicit chain of reasons in this passage seems to be: keep the commands because God is to be loved and God is to be loved because the Lord is our God. In Leviticus the chain seems to be: keep my commandments because I am the Lord and have chosen you, and because if you do so you will inherit a land flowing with milk and honey:

Ye shall therefore keep all my statutes, and all my judgments, and do them: that the land whither I bring you to dwell therein, spue you not out. And ye shall not walk in the manners of the nations which I cast out before you: for they committed all these things, and therefore I abhorred them. But I have said unto you, Ye shall inherit their land, and I will give it unto you to possess it, a land flowing with milk and honey: I am the Lord your God, which have separated you from other people.⁴³ (Lev 20:22–24)

In this passage there is an explicit reason for obedience “that the land whither I bring you to dwell therein, spue you not out”, and a later verse in the same chapter repeats the recurrent and encompassing command to be holy: “And ye shall be holy unto me: for I the Lord am holy, and have severed you from other people, that ye should be mine” (Lev 20:26). The immediately preceding verse is rhetorically significant:

Ye shall therefore put difference between clean beasts and unclean, and between unclean fowls and clean: and ye shall not make your souls abominable by beast or by fowl, or by any manner of living thing that creepeth on the ground, which I have separated from you as unclean. (Lev 20:25)

The word “therefore” indicates that the entire verse is a reason for action. Why is a distinction to be made between the clean and the unclean? The answer is given in 20:24: [Because] I am the Lord your God. I have separated you from the peoples. And 20:26 makes the intimate connection between God, holiness, separation, having been chosen, and purity. Notice that 20:25 ends with the statement that the Lord has set apart some animals and birds as unclean, or, in the NRSV version, to be held to be unclean. Hence, the first answer in Leviticus to the question as to why a creature is unclean is that the Lord has set it apart as

43 We have remarked the possible linguistic association between being ‘separated from the peoples’ and ‘holiness’. See n. 29 above.

unclean. Scholars from various disciplines and other perspectives, such as anthropology, comparative law, comparative religion or nutrition, may try to discover other reasons. We do not deny that there are such reasons. More important still, we do not suggest that the people did not know or surmise other reasons. Our intention is simply to disclose the reason given in Leviticus.

For the more detailed injunctions in Leviticus, and in the Torah generally, intrinsic reasons are rarely given. This does not distinguish them from many other ancient, and indeed modern, legal codes.⁴⁴ There are, however, exceptions both in the Torah itself and in other ancient codes such as that of Hammurabi:

If a man take a wife and she give this man a maid-servant as wife and she bear him children, and then this maid assume equality with the wife: *because* she has borne him children her master shall not sell her for money, but he may keep her as a slave, reckoning her among the maid-servants.⁴⁵

In Exodus an intrinsic reason is given for the rule against taking a bribe:

Thou shalt not wrest the judgment of thy poor in his cause. Keep thee far from a false matter; and the innocent and righteous slay thou not: for I will not justify the wicked. And thou shalt take no gift: *for* the gift blindeth the wise, and perverteth the words of the righteous.⁴⁶ (Ex 23:6–8, our emphasis)

The passage from Exodus is interesting in that, for the fundamental rule that one ought not pervert the course of justice, it gives both an extrinsic and an intrinsic reason – “for I will not justify the wicked” and that a bribe ought not be taken *because* a bribe blinds the adjudicator and subverts justice. No reason is given for the fundamental rule developed in Lev 19:15: “Ye shall do no unrighteousness in judgment: thou shalt not respect the person of the poor, nor honour the person of the mighty: but in righteousness thou shalt judge thy neighbour.”⁴⁷

44 On the other hand, the provisions of *The Institutes of Gaius* and *The Institutes of Justinian* are sometimes explicitly reasoned.

45 HOOKER, 1999.

46 The NSRV may be, for a modern reader, clearer: “You shall not pervert the justice due to your poor in their lawsuits. Keep far from a false charge, and do not kill the innocent or those in the right, for I will not acquit the guilty. You shall take no bribe, *for* a bribe blinds the officials, and subverts the cause of those that are in the right” (emphasis ours).

47 NRSV: “You shall not render an unjust judgment; you shall not be partial to the poor or defer to the great: with justice you shall judge your neighbour.” The injunctions not to “respect the person of the poor nor honour the person of the mighty” means in the Jacobean English of the AV that one ought not irrelevantly take account of the fact that a litigant is

No reason is given as to why one ought to judge justly but, however difficult they may find it to articulate and defend a proposed reason for the rule, most readers will find that it commands what is obviously right.⁴⁸ Even the most extreme positivist would be uneasy with the view that to pervert the course of justice, and so subvert the cause of those who are in the right, is as good as trying to arrive at a just verdict.

Many of the injunctions in Leviticus seem reasonable to modern readers in that they command or forbid actions that many may easily incline to think ought to be commanded or forbidden; the following, all from chapter 19, are, we suppose, uncontroversial examples:

Ye shall not steal, neither deal falsely, neither lie to one another. (Lev 19:11)
 Thou shalt not defraud thy neighbour; neither rob him [...] (Lev 19:13)
 Ye shall do no unrighteousness in judgment [...] (Lev 19:15)
 Do not prostitute thy daughter, to cause her to be a whore [...] (Lev 19:29)
 Ye shall do no unrighteousness in judgment, in meteyard, in weight, or in measure [...] (Lev 19:35)

Some injunctions may sound to some modern ears more controversial or irrelevant to modern circumstances but perfectly intelligible:

[...] the wages of him that is hired shall not abide with thee all night until the morning. (Lev 19:13)
 Thou shalt rise up before the hoary head, and honour the face of the old man, and fear thy God [...] (Lev 19:32)

Yet others in the same chapter will to many modern readers seem simply strange:

poor or rich. That one ought not have “respect to persons” is explicitly related to the fundamental injunction to love one’s neighbour as oneself in The General Epistle of James (Jas 2:8–9).

48 What we call here “the obviously right” is akin to what Gaius, and centuries later Justinian, call a conclusion of natural reason, e.g.: “But it is not only by being given them that we acquire things as a matter of natural reason; but this applies also to things that we get being the first to take them and which become ours because they previously belonged to no-one, for example, everything caught on land, in the sea or in the sky.” *Institutes of Gaius*, ii.66.

[...] Thou shalt not let thy cattle gender with a diverse kind: thou shalt not sow thy field with mingled seed: neither shall a garment mingled of linen and woollen come upon thee. (Lev 19:19)

And when ye shall come into the land, and shall have planted all manner of trees for food, then ye shall count the fruit thereof as uncircumcised: three years shall it be as uncircumcised unto you: it shall not be eaten of. But in the fourth year all the fruit thereof shall be holy [NRSV: set apart, see n. 15 above] to praise the Lord withal. And in the fifth year shall ye eat of the fruit thereof, that it may yield unto you the increase thereof: I am the Lord your God. (Lev 19:23–25)

Ye shall not round the corners of your heads, neither shalt thou mar the corners of your beard. (Lev 19:27)

The reader to whom these do in fact seem strange lives in a cultural context within which he can find no reasons for them; they strike that reader as ‘unreasonable’ as the rules enjoining one not to defraud or not to judge unjustly do not. The reader who would be more than a comic controversialist will suppose the readers of Leviticus to have been living in a context within which the rules were ‘reasonable’; and will try as best may be to reconstruct it.

None of this takes from the rhetorical fact that the statutes set out in Leviticus are presented as divinely revealed rather than as humanly discovered. That this is so is stated in the closing verse of both the penultimate and the final chapter:

These are the statutes and judgments and laws, which the Lord made between him and the children of Israel in mount Sinai by the hand of Moses. (Lev 26:46)

These are the commandments, which the Lord commanded Moses for the children of Israel in mount Sinai. (Lev 27:34)

We suppose, therefore, that those to whom those statutes were addressed considered that they were legally obliged by them, took them to be reasonable, and accepted that they were morally obliged by them. Still, the dominant rhetoric of Leviticus is not the reasonableness of the commands but their source. The statutes are from God and were given by Him to Moses. In contrast, the dominant rhetoric in Roman law, that other source of western jurisprudential reflection, is that law is discovered by “natural reason” and is, or ought to be, “reasonable”.

Whatever many modern religious Jews or Christians, for whom the Torah is a sacred text, may believe about the story of the revelation of the Lord’s com-

mands to Moses, it is true that some have taken it literally.⁴⁹ How the story of Moses was taken by the Hebrews of the time is perhaps impossible for us very precisely to know. It seems likely that just as the question as to whether what God commanded was right because commanded or commanded because right did not arise, so, neither did the question of the literalness of the story of Moses, much as the precise historical character of the original time was not traditionally an issue for the Australian Aborigines.⁵⁰ We try to understand metaphor; but before it is understood, it is lived: metaphor is not code; the finger of God writing on the tablets of stone is immediately and unquestioningly understood as the presence of God to his people: “And he gave unto Moses, when he had made an end of communing with him upon mount Sinai, two tables of testimony, tables of stone, written with the finger of God” (Ex 31:18). How many fingers God had, and, if more than one, with which finger he wrote are not questions within Exodus.⁵¹

- 49 Precisely what is meant by the Torah being a ‘sacred text’ is a theological question but the Bible, like the Koran, and in clear contrast with the *Analects*, is thought of by religious Jews, Christians and Muslims alike as revealed or inspired. The full title of both the AV and the NRSV is *The Holy Bible*. And in the Koran, the Torah is spoken of thus: “Yet before it [that is, the Koran] the book of Moses was revealed: a guide and a blessing” (The Sand Dunes 46:10 and also Hūd 11:15). See: DAWOOD, 1999:157, 354.
- 50 The original time, often misleadingly called the “dream time”, is the time when the ancestor-animals, often part animal, part human, in their journeys through the desert, established, where some significant event occurred, the sacred sites of the present time. The events in the original time are not simply in the past as are other events, for the ancestors still live in it; it is rather another temporal dimension (although not spoken of in that way). The present is a falling away from the origin – one sign of which is the present difference between animals and humans – and ritual is the act that relates the present to the origin, thus giving the present the power and energy that it needs and of itself lacks. This interpretation of ritual among the Ngatjara is based on fieldwork, supported by the Australian Institute of Aboriginal Studies and the University of Western Australia, undertaken by Garrett Barden in 1968–1969. See BARDEN, 1973:331–343.
- 51 They are, however, real questions, whether asked innocently by children or merely polemically. Whether or not they occurred to any child or adult at the time cannot certainly be determined. That no child asked about the number of God’s fingers is not unquestionable; questions do emerge only to be in various ways ‘socially’ set aside. See Claude Lévi-Strauss’ discussion of the sceptical shaman in LÉVI-STRAUSS, 1958. When such questions become seriously accepted, they open the way to profound questions of the relation between image and reality in religious reflection, and show what was perhaps obscurely present in the injunction against graven images.

The source of the commands is God; what he commands is beyond question, and unquestionably right. The idea that God is questionable simply did not arise. That God is the source is shown in the repeated refrain: "The Lord spake unto Moses, saying: [...]" Evidently, that this refrain is repeated does not prove that it is true; and it is no part of our present purpose to try to show either that it is or that it is not. Our purpose is to show that, for the readers of Leviticus and the other books of the Torah, the function of the refrain is to make clear that the laws that bind the people together are not man-made, not merely the discovery, however wise and well intentioned, of human lawmakers.⁵²

Influences of Leviticus and its Rhetoric on Later Ages

No one doubts that the books of Moses have greatly influenced later Judaism, Christianity and Islam, and, largely yet not exclusively through Christianity, the culture and civilization of the West. The influence is sometimes rightly taken to come from the matter of the commands, even if it is accepted that the matter has exerted its influence much more on Judaism than on Christianity. In general, the Christian denominations have dropped most the dietary laws which remain important within Judaism where, even within non-religious Jewish communities, they still serve the function of defining the community. Many of the other laws, in particular the ritual laws, in Leviticus remain within Judaism but not with Christianity; and despite its importance in the Western tradition two of the ritual commandments of the Decalogue itself have been abandoned in Christianity: the injunction against graven images, given up by many but not all Christian communities, and the commandment to remember and keep holy the Sabbath.⁵³

52 The idea that at least some laws were in some sense of divine origin is, of course, not confined to Hebrew thought. It is found, for example, in the Prologue to *The Code of Hammurabi*, and upon it depends the dramatic tension in Sophocles' *Antigone*. One of the great earlier paradigmatic stories of a divine command is in Genesis when God commands Abraham to sacrifice his son, Isaac. This event became in the late Middle Ages a source of theological dispute and led William of Occam, in opposition to Thomas Aquinas, to the conclusion that murder was wrong only because forbidden by God. Abraham faced another and different dilemma: God had promised that through Isaac Abraham should have a great posterity, and how could the promise be honoured were Isaac to be sacrificed.

53 The commandment against graven images is more significantly a commandment against idolatry (viz. "Thou shalt not bow thyself to them, nor serve them [i.e. graven images that are the likenesses of false gods] for I the Lord thy God am a jealous God." Ex 20:5) and, as such, it remains. Christian iconoclasts have always accused of idolatry those Christians that made images of God and the saints. The futility of idols and the injunction against their

(Although the name ‘Sabbath’ is often retained, all Christian communities keep Sunday, not the Sabbath, holy.)

Nonetheless, the Decalogue, often referred to in the Christian theological tradition as the Divine Law, has been, and to a lesser extent still is, the well known expression of very fundamental social laws. No one supposes that the injunction against indiscriminate killing is unique to the Decalogue but the historical fact remains that it is through the Decalogue that the injunction has come rhetorically down through the centuries in Western Christian culture.

Without any doubt, the most significant influence from Leviticus in so far as the matter of law is concerned is the injunction in Lev 19:18: “[...] thou shalt love thy neighbour as thyself: I am the Lord.” That rule is not singled out or emphasised in Leviticus but it was reflected upon over the centuries and by the time of Christ was understood as summing up the entire Torah.⁵⁴ It comes into the Christian Scriptures or New Testament for the first time in the Epistle of Paul to the Romans:

Owe no man anything, but to love one another; for he that loveth another hath fulfilled the law. For this, Thou shalt not commit adultery, Thou shalt not kill, Thou shalt not steal, Thou shalt not bear false witness, Thou shalt not covet; and if there be any other commandment, it is briefly comprehended in this saying, namely, Thou shalt love thy neighbour as thyself. Love worketh no ill to his neighbour: therefore love is the fulfilling of the law.⁵⁵

worship is found throughout The Koran, and is usually referred to Abraham and Moses; for example in Cattle 6:79–80, The Cow 2:21&165, in Dawood’s translation.

54 “When Hillel, at the beginning of the Christian era, was asked to sum up the entire Torah briefly, he replied: ‘What is hateful to you, do not do to your fellow.’ This negative form of the golden rule was apparently proverbial in Hillel’s time for it appears in practically the same words in the apocryphal book of Tobit.” See: PLAUT, 1981:892. The reference is to Tobit’s advice to his son, Tobias, in Tobit 4:15 which is translated in the NRSV by: “And what you hate, do not do to anyone.” The Book of Tobit is canonical in the Septuagint but not in the Hebrew Bible and, therefore, is not translated in the AV which follows the Hebrew canon.

55 Romans, 13:8–10. Evidently, verse 9 refers to Lev 19:18; the same is said in Galatians 5:15. Possibly verse 8 refers at least obliquely to the injunction in Lev 19:13: “[...] you shall not keep for yourself the wages of a labourer until morning”; which appears in Tobit 4:14 as: “Do not keep until the next day the wages of those who work for you, but pay them at once.” The idea seems to be to repay promptly and not to withhold what you owe, rather than never to borrow anything.

Paul's examples, as at least some of his readers would have known, are the six commandments of the Decalogue that concern how one is to treat one's fellows; the remaining four of the ten concern how the people of Israel is to deal with the Lord, their God. This law to love one's neighbour, which fulfils the law, and is said by Jesus to be the second of the two great commandments, is more familiar within Christianity from the Gospels of Matthew and Mark.⁵⁶

We conclude our discussion of Leviticus with some, necessarily tentative, conjectures as to how it has rhetorically influenced Western thinking. First, that the laws in Leviticus are presented as God's commands has made the definition of law as command so obviously correct that to think of them in any other way seems distinctly odd. Thomas Aquinas in the thirteenth, and Thomas Hobbes in the sixteenth century agree that, in Hobbes's formulation, "first it is manifest, that Law in generall, is not Counsell, but Command."⁵⁷ The idea that law is command is present in both Aristotle and Plato, and cannot be attributed to the Torah alone but it seems undeniable that the influence from the Hebrew source was great. It is noteworthy that in Roman Law, that other great source of Western law, *lex* (law) is not quite so clearly defined and, indeed, is variously used. Gaius in the first paragraphs of his *Institutes* writes:

- 1 Omnes populi qui legibus et moribus reguntur, partim suo proprio, partim communi omnium hominum iure utuntur....
- 2 Constat autem iura populi Romani ex legibus, plebiscites, senatus consultis, constitutionibus principum, edictis eorum, qui ius edicendi habent, responses prudentium.
- 3 Lex est, quod populi iubet atque constituit.⁵⁸

56 Matthew 22:9–40; Mark 12:28–34.

57 HOBBS, 1978:312. Thomas Aquinas in his *Summa Theologica*, IaIIæ, Question 90, Article 4, makes the same distinction between counsel and command.

58 Gaius I.1, 2 & 3: (1) All peoples who are ruled by laws and customs, use rights that are partly theirs alone and partly those common to all humans [...]. (2) The Rights (*iura*) of the Roman people are established by laws, resolutions of the Senate, imperial enactments, edicts of those who have the right to issue them, and the responses of the jurists. (3) A law is what the people decide and enact. The translation is ours with reference to that of GORDON/ROBINSON, 1988. We have translated *ius* as 'Right'. The Latin *ius* is universally regarded as difficult if not impossible to translate into modern English. It is usually translated as 'law'. 'Right' is not ideal but it has the advantage of allowing the distinction between *ius* (Right, Droit, Recht, Diritto, Derecho...) and *lex* (Law, Gesetz, Loi, Lei, Ley).

Justinian's *Institutes* with clear reference to Gaius have:

- 3 Constat autem jus nostrum aut ex scripto aut ex non scripto, ut apud Græcos: τῶν νομῶν οἱ μὲν ἐγγράφοι, οἱ δὲ ἀγράφοι. Scriptum jus est lex, plebiscite, senatus consulta, principum placita, magistratuum edicta, responsa prudentium.⁵⁹

In both passages *lex* (law) is one of the expressions of *ius* (Right). In Roman jurisprudential thought and practice, Right is more fundamental than Law, and Right, as is clear from Gaius' opening paragraph, is constituted and expressed both in custom and in law. In Gaius' second paragraph, there are listed several sources of the rights of the Roman people, including, not only the decision of the Emperor but also, as in the passage from Justinian, the responses of the jurists to new and as yet undecided problems, for "The responses of the jurists are the sentences and opinions of those entrusted with developing Right".⁶⁰ Although this idea lingered in English Common Law, its influence faded, and Hobbes's definition of law as command, within a tradition in which the Hebrew image had come to prominence, is today, at least in English, a definition of what, as he wrote, law manifestly is.

Secondly, the law is revealed to Moses. In Leviticus, the Lord, their God is presented to Israel as both entitled to command, and as commanding what is correct. This presentation of their God was within a world in which there were many gods. The first commandment – "I am the Lord thy God, which have brought thee out of the land of Egypt, out of the house of slavery; thou shalt have no other gods before (NRSV: besides) me" (Ex 20:2)⁶¹ – is given to a people that may be expected to be tempted to have other and rival gods. As Judaism developed the rival gods were gradually understood to be non-existent rather than less powerful, and by the time of Christ this development was complete; the gods of the Greeks and the Romans were not other gods but

59 Justinian I.II.3: Our Right (*ius*) is established both in the written and the unwritten; just as among the Greeks the laws (νομῶν) included the written and the unwritten. The written part of Right consists of law, resolutions of the Senate, imperial enactments, edicts of the magistrates, and the responses of the jurists. The translation is ours with reference to that of SANDARS, 1970.

60 Gaius I. 5 & 7 and Justinian I.II.8

61 See also Deut 5:6&7. Even if there were many gods, the God of the Torah is never presented as simply a more powerful god; there is always some sense, not always totally clear, the 'the Lord, their God' is the only God. By the time of Hadrian, however, the Jews were utterly clear on this question and, to their great cost, simply could not accept the Roman gods alongside the one creator God who was 'the Lord, their God'.

figments of an imagination that intended an unknown reality as appears in Paul's speech to the Athenians recounted in the book of the Acts of the Apostles:

Ye men of Athens, I perceive that in all things ye are too superstitious. For as I passed by and beheld your devotions, I found an altar with this inscription, TO THE UNKNOWN GOD. Whom therefore ye ignorantly worship, him declare I unto you. God made the world and all things therein, seeing that he is Lord of heaven and earth, dwelleth not in temples made with hands; Neither is worshipped with men's hands, as though he needed any thing, seeing he giveth to all life, and breath, and all things; And hath made of one blood all nations of men for to dwell on all the face of the earth, and hath determined the times before appointed, and the bounds of their habitation; That they should seek the Lord, if haply they might feel after him, and find him, though he be not far from any of us [...].⁶² (Acts 17:22–27)

Although the conviction that the fundamental laws by which a community lives are of superhuman origin is almost universal, and not first introduced into the Roman Empire through Hebrew influence, it remains that as Christianity spread throughout Europe, the idea that fundamental laws were of divine origin, in the way that the Torah had said, became, in several ways, increasingly important in theologico-jurisprudential thought.

Two significant jurisprudential questions arose from Christian reflection on the Torah. On the assumptions that the laws – in particular the Ten Commandments or Decalogue – had been revealed to Moses, and unquestionably bound not only Jews and Christians, but also other peoples because the scope of the revelation of Christ and Christianity was held to be universal, it was asked whether those laws commanded what was intrinsically good or if the actions commanded were good only because commanded. The answer, associated, as we said, with William of Occam, that the actions commanded were good only because commanded inevitably led to the various streams within the positivist tradition. The answer, associated with Thomas Aquinas that the actions commanded were intrinsically good, and for that reason commanded, led to the various streams within the 'natural law' tradition. For Aquinas – as, indeed, four centuries later, for Thomas Hobbes, who is too easily thought a positivist – the provisions of the second part of the Decalogue, that is those dealing with

62 It should not be overlooked that Paul was a Jew who followed Christ. There is nothing in the passage quoted that he could not have said as a Jew. It is worth recalling that the Romans considered the Christians to be atheists because they did not believe in the Roman gods. Note that the NRSV translates the first sentence as: "Athenians, I see how religious you are in every way."

relations between people, and listed by Paul in Romans, were in principle discoverable by natural reason, a conclusion in harmony with the *jusnaturalism* of among others Cicero, Gaius, Ulpian as well as Tribonian and the other editors of the *Corpus Juris Civilis*. Thus, theological reflection on the Torah influenced the emergence of the question to which incompatible answers, which gave rise to two important streams of thought, were given.

Whichever of these incompatible answers and incompatible traditions was at any time politically dominant, the conviction, shared by the opposing Christian thinkers and by Christians generally, that there was a Divine Law, was accompanied by the belief that the laws of the Decalogue were infallibly right. Whether they were good because commanded or commanded because good, they were the commands of God and, for that reason, even if for no other, were to be obeyed. The divine law is not alone command but the command of One who is unquestionably entitled to command, and is unquestionably correct. In the rhetoric of Leviticus, the source of the laws, even of very ordinary laws, is God, not human ingenuity. In contrast, human ingenuity is, in Justinian and in Gaius, the source of *jus gentium*:

Jus autem gentium omni humano generi commune est. Nam usu exigente et humanis necessitatibus gentes humanæ quædam sibi constituerunt.⁶³

The laws in Leviticus are, in fact, responses to the exigencies of human living; but that is not how they are presented. Later commentary, both Jewish and Christian, distinguishes the more important from the less important laws but this is not done in Leviticus. Even the great commandment that was gradually understood to fulfil the Law is in chapter 19 merely one injunction among others.

As the laws are not presented as human discoveries answering human needs, neither is there in Leviticus any suggestion that development may be

63 Justinian I.II.2 (“The right of nations is common to all humankind. For nations have established certain laws as occasion and human needs required.”) *Jus gentium* is usually translated as “the law of nations”. We have translated it as “right”, which can also mislead and is often distinctly odd, to indicate that the Latin is *ius*, not *lex* and to recall the fact that the Roman jurists did not think of their *ius* exclusively as command, as we moderns tend to do. There is one place in Justinian’s *Institutes* [I.III.11] where the “laws of nature” (*naturalia iura*), which are sometimes identical with “the law of nations” and sometimes, as at I.II.preamble, with the law shared by animals and humans, are said to have been “established by divine providence” (*divina quadam providentia constituta*) but the idea is not prominent, and is absent from Gaius although present in Cicero’s *De Officiis*.

needed. That development is needed is implicit in the passage quoted above from Justinian and is a clear feature of the *Institutes* in general. In Gaius, one of the several sources of right (*ius*) is the decisions and opinions of the jurists whose task it was to develop the *ius* in the light of new and undecided questions.⁶⁴ It is all too easy to exaggerate the extent to which Roman Law was open to change in response to new demands, and it was, as is any law, more open in practice than in theory. Law tends to stasis. The rhetoric of Leviticus inclines its readers to consider the law as given once for all and, despite the development in practice both in Jewish and in Christian reflection, that image exerted, and continues to exert, its influence. Only in the nineteenth century did historical mindedness come to theoretical prominence.

We would mention one more influential feature in Leviticus' rhetoric. There are laws that regard the relation of Israel to God and laws that regard the relation between humans; the Decalogue also, as we have said above, is divided in the same way. But what runs throughout, although it is never directly adverted to, is that an offence against another is an offence against God. Chapter 6, in verses 1–7, brings out very clearly that if one defrauds one's neighbour, one "trespasses against the Lord by deceiving a neighbour" and to be forgiven one must not only repair the injury as best may be but must also make a guilt offering. It is this identity at a deep level between injury to another and offence against God, that brings together the two commandments to love one's neighbour in Leviticus and to love God in Deuteronomy, and is a source of the teaching in the First Epistle of John that: "And this commandment have we from him, That he who loveth God love his brother also."⁶⁵ Leviticus' images of law as essentially command, and of divine origin and so unquestionable, remain obscurely, controversially, yet influentially, within the mosaic that is modern Western culture.

64 Gaius I.7 *Responsa prudentium sunt sententiæ et opiniones eorum quibus permissum est iura condere*. ("The responses of the jurists are the decisions and opinions of those entitled to build up [*condere*] rights [*iura*]."). The verb *condere* has several, some obviously inappropriate, meanings including 'to pickle', 'to bury' and 'to hide' but it is, we think, safe to assume that the task of the jurists was not to pickle, bury or hide rights.

65 I Jn 4:21. NRSV: "The commandment we have from him is this: those who love God must love their brothers and sisters also." Sisters are not specifically excluded in the AV translation nor in the original Greek and no sane reader would, on grammatical grounds, have excluded them or considered that only males were given the commandment but neither are they specifically mentioned. We incline to think that 'he' and 'brothers' are used in an epicene sense.

3. The *Analects*

The Textual Formation of the Analects

The standard and authoritative edition of the *Lun Yu* 論語, or the *Analects*, is divided into twenty “books” (*pian* 篇), each of which is named after the first two defining characters in the text. Each book is composed of several “paragraphs” or “chunks of text” (*zhang* 章), numbered consecutively, though not in all editions uniformly. Over all, there are roughly 500 such paragraphs. When analysing the rhetoric in this text, we shall mainly engage with it philosophically. Yet, we do well to take first into consideration some recent philological, historical, and archaeological research to avoid what would in the light of that research be obvious misconceptions about the *Analects*.⁶⁶

Tradition has it that disciples of Confucius (Kong zi 孔子, 551–479 BC) compiled and wrote down the *Analects*, and that they thereby delivered to posterity a fairly truthful account of the words as they actually had been uttered. Arguably, a vast majority of readers in the past – and, as Bryan W. van Norden reminds us, “most scholars (whether Eastern or Western)”, too – have understood the *Analects* precisely in this way and many today continue to do so.⁶⁷ Yet, as early as the second century AD, single scholars were aware of the fact that at least three discrepant versions of the *Analects* existed in the early Han dynasty and that the first authoritative edition (the so-called *Zhang Hou Lun* 張侯論) was compiled from two of these by the hands of a certain Zhang Yu 張禹 (d. 5 BC).⁶⁸ It was this version on which later Han commentaries, such as the influential ones by Zheng Xuan 鄭玄 (127–200) and by the group around He Yan 何晏 (190–249), relied. The established standard edition of the *Analects* has come to us as part of the commentary by He Yan and his colleagues, the *Lun Yu Ji Jie* 論語集解 (Collected Explanations of the *Analects*), which was inscribed

66 As with Leviticus, we rely entirely on others for all textual and historical scholarship. We are much indebted to the suggestions and the criticism by Professor Robert H. Gassmann.

67 VAN NORDEN, 2002:3.

68 The three early versions of the *Analects*, the so-called *Lu Lun* 魯論 and *Qi Lun* 齊論 versions (named after the states in which they were transmitted) as well as the *Gu Lun* 古論 (purportedly recovered from the walls of Confucius’ family premises in the mid to late second century BC and named after its archaic script) are mentioned in the preface of the commentary by He Yan and others, a translation of which is provided in: GARDNER, 2003:15–16. For more on the three versions, see: MAKEHAM, 2003:363–367.

into Tang steles in 837 AD and in the Song dynasty provided the template for the first impressions.⁶⁹

For a considerable amount of time, scholarly interest did not engage substantially with the complicated question of the textual formation of the *Analects*. Only in the late Tang was the issue taken up again, and by the Song dynasty the thesis was explicitly put forward that the text might be composed of several layers.⁷⁰ In the 17th century, Chinese scholars more resolutely pursued the work of trying to distinguish between older and later parts of the *Analects*, that is, to distinguish between authentic and distorted chapters and to identify possible interpolations. Recently, much scholarship on the topic has come forward in the wake of a series of archaeological findings in Mawangdui 馬王堆 (1973), Dingzhou 定州 (1973), and Guodian 郭店 (1993).⁷¹ Further, the discovery of bamboo slips of unclear origin in 1994, now in the Shanghai museum and published in parts, is thought by many to be very promising.⁷² Some scholars have pointed out that these findings from the last decades demand no less than a “rewriting” of ancient Chinese texts.⁷³

Debate on the textual formation of the *Analects* continues, but it is now broadly agreed upon that many hands put the text together over a period of time that transcends considerably the lifetime of Confucius and his immediate followers. It has been suggested that the main parts of the core books had been put together within the first fifty years following Confucius, that is, between 469 and 436 BC, with Book 4 perhaps being the earliest part.⁷⁴ With regard to the editing of all the material that eventually found its way into the extant versions of the *Analects*, opinions differ considerably: whereas some date the compilation of the text to a period stretching from 479 to 249 BC, others propose a more narrow time period from 157 to 87 BC (Zhu Weizheng 朱維錚) or highlight

69 See the helpful diagrams illustrating the complex textual formation of the *Analects* in: SIMSON, 2006:153, 221.

70 BROOKS/BROOKS, 1998:339.

71 Among the Dingzhou findings is also a manuscript called *Ru Jia zhe Yan* 儒家者言 (*Words of the Ru Lineage*), in which conversations apparently similar to those between Confucius and his disciples are recorded (including some clear text parallels). See: SCARPARI, 2007:461; CSIKSZENTMIHALYI, 2002:156, n. 39.

72 Among the titles are such named (by the modern editors) after Confucius' followers, *Zeng Zi* 曾子, *Zeng Zi Li Xiao* 曾子立孝, *zi-Lu* 子路, as well as others such as *Kong Zi Shi Lun* 孔子詩論 and *Kong Zi Xian Ju* 孔子閒居, whose contents might be breaking further ground. See the folio volumes MA, 2001–2008.

73 SHAUGHNESSY, 2006.

74 VAN NORDEN, 2002:17.

some decisive years from 150 to 140 BC (John Makeham).⁷⁵ Hence, the actual arrangement of the *Analects* as a text – this much seems to be agreed upon – did not occur until several centuries after the time of Confucius, while the title, *Lun Yu*, is not mentioned in any text before the second century BC.⁷⁶ The excavated fragmentary version of Dingzhou differs only slightly from the standard version, which provides us with a *terminus ad quem*, 55 BC, before which the process of compilation must have been achieved.⁷⁷

What is further agreed upon is that discrepancies among versions cannot be explained merely by the fact that Confucius' actual sayings have been transmitted across a large span of time (and possibly at the beginning mainly orally) during which memory might have failed early followers or copying mistakes easily might have occurred, as certainly was the case.⁷⁸ As already the commentators around He Yan noted in their preface, each of the three versions mentioned above (see n. 68) “had its own master teachers and transmitters.”⁷⁹ Indeed, it has been thought that soon after the death of Confucius different “schools” formed under the lead of individual followers such as Zeng zi 曾子 and You zi 有子.⁸⁰ These followers attributed different meanings to Confucius' words, and it is possibly to give prominence to their respective interpretations that some of their sayings are recorded in the received text of the *Analects*.⁸¹ Difference in interpretation and contention among followers is clear from A 19:3, and also, for example, in the “Tan Gong” 檀弓 chapter of the *Li Ji* 禮記 (Book of Rites), where Zeng zi reproaches zi-Xia 子夏 for having misled the people of Xihe 西河 into thinking that he himself is the master and where there

75 See: BROOKS/BROOKS, 1998:248; CHENG, 1993:313–323; MAKEHAM, 1996:1–14; ZHU, 1987:40–52.

76 SCARPARI, 2007:443.

77 AMES/ROSEMONT, 1998:9; SIMSON, 2006:148–152. For a transcription of the Dingzhou fragments, see: HEBEISHENG WENWU YANJIUSUO, 1997.

78 Hans Stumpfeldt, in a short piece on textual repetitions and references in relation to A 16.10, points out the likeliness that Confucius, being a splendid “teacher”, might have adapted his words to differing situations, that he might at times not have remembered the precise wording of his own previous teachings, that “disciples” might have recorded the Master's words slovenly, or that they might have put them down exactly as they thought them to make sense. See: STUMPFELDT, 1990:168. We are indebted to Oliver Weingarten for directing our attention to this text.

79 GARDNER, 2003:15.

80 In the *Mencius*, several disciples (but not Zeng zi) are said to have been willing to accept You zi as their new master because of his resemblance to Confucius (*Mencius* 3A:4).

81 LAU, 1979b:233.

is discussion about Confucius' words and You zi challenges Zeng zi by insisting that this is not what the master ever said.⁸² Xun zi mentions different *ru* 儒 ("Confucian") schools each associated with a different follower (zi-Zhang, zi-Xia, zi-You).⁸³ In the *Han Fei Zi* 韓非子, in one of the parts written by Han Fei himself in the 3rd century BC, there is talk of eight *ru* factions.⁸⁴ Modern scholars tend to emphasise how various factions (each pursuing a political agenda of its own) actively shaped the contents of the single books that became the *Analects*.⁸⁵ Moreover, it is possible that, while trying to lend credence to their own interpretation, some followers of Confucius have not shied away from appropriating quotations from other sources to suit their interests. It has been suggested, for instance, that some of Confucius' followers adopted single lines from popular quotation books, which contained the words of ancient sages and were used in debates.⁸⁶

In short, the received text – in contrast with the traditional account – seems to be the result of factional and other interventions and, most probably, includes much that has nothing to do with what Confucius ever said. Confucius, the historical person, is not the author of the *Analects*, and we have little reason to believe that in it his words have been recorded as actually uttered.

The Master Said, Confucius Said, X Said

A first conspicuous rhetorical feature in the *Analects*, one of nearly universal prominence today, recurs in about every second chapter and simply seems to report what someone, referred to as *zi* 子, "said", *yue* 曰. Statements are thus typically introduced by the signal phrase *zi yue* 子曰. In Book 4, all but two

82 XU, 1999:28–35.

83 *Xun Zi* 6:18. Translating *ru* with "Confucian" is, of course, highly simplifying. For an extensive discussion, see: ZUFFEREY, 2003.

84 *Han Fei Zi*, §50. Han Fei points out that despite advocating different if not contradictory doctrines and practices each faction lays claim to represent the true teaching of Confucius. He asks: "But since we cannot call Confucius [...] back to life, who is to decide which of the present versions of the doctrine is the right one?" WATSON, 1964:118.

85 The point is further corroborated by the conspicuous absence of sayings by Yan Hui, who was Confucius' favourite disciple but who died during Confucius' lifetime (see A 9:10 and 11:9) and for that matter was no longer around to build a school of his own after the master's death. See also: LAU, 1979c:219.

86 Scarpari discusses this possibility with a view to A 7:6 and A 9:4 and based on a text called *Yu Cong* 語叢 (Thicket of Sayings), which is among the Guodian findings. See: SCARPARI, 2007:464–465.

paragraphs exhibit this form. However, it never occurs in Book 10 or in the three last books (with the exception of A 20:3). The character *yue* ㊦ is a prime marker of a rhetorical situation.⁸⁷ Together with other grammatical markers (such as question markers, negatives of prohibition, or other modals) found in the *Analects*, it suggests that single paragraphs intend to capture speech situations.⁸⁸ Where such additional markers are absent, it is however entirely the choice of the scholar whether or not to punctuate and render the originally unpunctuated text as capturing direct speech, i.e. to use quotation marks for the text following the signal phrase.⁸⁹ This practice today is almost universally followed, and as such is not contested. In the context of the present rhetorical analysis, it might nonetheless be appropriate to note that the choice *for* direct speech and *against* indirect speech increases the rhetorical effect of the text considerably.⁹⁰ The character *zi* 子 is said to relate to a “graph with a simple circle as head and a rudimentary body with two arms”, and to convey the meaning ‘son’ or ‘gentleman’.⁹¹ James Legge, the paramount figure among early English translators, tells us, “子, ‘a son’ is also the common designation of males, – especially of virtuous men. We find it, in conversations, used in the same way as our ‘Sir’.”⁹² Probably owing to Jesuit Latin translations of the phrase *zi yue* as *magister ait*, the first English translators rendered it as “The Master said” (a practice, to our knowledge adopted by almost all later translators).⁹³ The interpretation of *zi* as meaning master is further warranted by

- 87 Harbsmeier writes that *yue* is “entirely specialized, introducing quotations or lists and the like” and claims that it could never “be found in a nominal or any other non-verbal function”. HARBSMEIER, 1998:134.
- 88 The use of particles such as *yi* 矣, *yi* 已矣 and *huzai* 乎哉, which register the “very hemming and hawing of actual conversation”, further corroborate the point that some paragraphs in the *Analects* clearly intend to record speech situations. See: HOLZMAN, 1956: 225. This view, however, is not undisputed: for one, it is disputed whether instead of final particles there are not other characteristics of the text that indicate spoken language; but the text is still taken as in one way or other indicative of spoken language. See also: HARBSMEIER, 1990:141–143.
- 89 For an extensive treatment of quotation marks, direct speech, punctuation and the concept of a sentence in classical Chinese, see: HARBSMEIER, 1998:63, 173–181, 417.
- 90 Lau, albeit usually using direct speech, in A 5:16 also employs indirect speech, as do e.g. Ames and Rosemont in their translation of that passage.
- 91 KARLGREN, 1996:254. See also: SAGART, 1999:164.
- 92 LEGGE, 1971:137.
- 93 In a Latin translation of the late 19th century, *Magister ait*, *Philosophus ait*, and *Confucius ait* are used. See: ZOTTOLI, 1879. For someone objecting to this practice and – following

the frequent occurrence of *fu-zi* 夫子 as a form of address in the *Analects*.⁹⁴ Legge remarks that *fu-zi* commonly denotes a “teacher or master”.⁹⁵

What does this rhetorical trope “The Master said” evoke in readers’ minds? An English reader might be drawn to, and dither between, one of two relationships of authority, one being the master-servant relationship, the other the master-disciple relationship. The former conveys a strong sense of authority, aiming to command and incite obedience; the latter may (but need not) be less imperative, going as far as merely offering advice which it is hoped will be heeded. Any reading obviously depends much on readers’ prejudgments. If readers think the master a divinity, they might readily embrace the words as commands. If they take the word “master” to denote simply somebody who has mastered something, who is for that reason an authoritative teacher, they might accept his words for this reason and just so far, but might still weigh each word and eventually decide their own course of action. Be this as it may, clearly, words uttered by a master seem worthy of attention; in one way or another, a master’s words wield authority.

In the *Analects*, it seems quite natural that readers would understand the phrase *zi yue* as shorthand for *Kong zi yue* 孔子曰, “Master Kong said”, one reason being that this is what readers expect when engaging with what is commonly introduced as a collection of “sayings by Confucius”. And indeed, this understanding has been stipulated and almost universally shared by scholars. Legge, for example, holds that “standing single and alone, as in the text, [*zi*] denotes Confucius, *the philosopher*, or, rather, *the master*”.⁹⁶ In the text, the name Kong zi occurs frequently, around forty times, and in most instances is used after someone superior in station has already spoken, and Confucius is responding, *Kong zi dui yue* 孔子對曰.⁹⁷ As a substitute of the signal phrase *zi yue* at the beginning of a paragraph, *Kong zi yue* is found only in Book 16 as well as in some versions of A 20:3. It should be mentioned that some scholars have questioned the inference from *zi* to *Kong zi*, that is, have doubted that *zi* is

Ezra Pound – insisting on translating *zi yue* as “He [Confucius] said”, see: HARBSMEIER, 1990:139–140.

94 The term is also used in a sense similar to “minister” (A 14:25) and to “lord” (A 16:1).

95 LEGGE, 1971:142. For a more detailed comment, see: LAU, 1979b:223.

96 LEGGE, 1971:137.

97 LEGGE, 1971:152. See for variations of this practice, for example, when the formula occurs in the context of a disciple asking a question: LAU, 1979b:223. These passages have been interpreted as later interpolations or as parts of later books.

simply an abbreviation for *Kong zi*.⁹⁸ If, however, a majority of later readers have understood *zi yue* as Confucius speaking – and there is not much reason to doubt that – then it seems for the purposes of the present article appropriate to treat the phrase as shorthand for “Master Kong said”.⁹⁹

This also means that our analysis relies on an interpretation of *zi* and *fu-zi* as “master” and of *Kong zi* as “Master Kong”. What if this interpretation is unwarranted? We shall digress here for a moment and discuss these notions as to their meaning in the “original” historical context. Robert H. Gassmann has recently challenged the standard interpretation in a study on kinship and society in ancient China, in which he analyses the meaning of the character *zi* as part of names and as form of address and reference.¹⁰⁰ He argues that *zi* was used to indicate a title of nobility conferred upon a person either hereditarily or, in the case of those serving as high ministers, transitorily. Disassociating himself from the interpretation of *zi* as master, Gassmann proposes to translate the character as German *Junker*, that is, a squire.¹⁰¹ Consistently, *fu-zi* becomes “honourable squire” (*ehrenwerter Junker*) and *Kong zi* “squire Kong” (*Junker Kong*). Whoever was addressed as *fu-zi*, Gassmann suggests, was among those referred to as *jun-zi* 君子, which he renders as “prince-squire” (*Fürstjunker*).¹⁰² In short, Confucius, who allegedly occupied a high position in his home state of Lu, under this interpretation is thought to have been a *jun-zi* and for that reason was addressed as *zi*.¹⁰³

The prominent Chinese scholar Fu Sinian 傅斯年 (1896–1950) argued that, during the Spring and Autumn period (722–481 BC), the character *zi* underwent a process of degradation, from denoting a title for dukes and princes (*zhuhou* 諸

98 The Chinese scholar Jin Kemu 金克木 (1902–2000) offers the most sceptical comment with regard to the inference, holding that in the light of the thirty-seven instances in the *Analects* in which disciples are recorded as saying something (e.g. *zi-Xia yue* 子夏曰), it is far from clear that *zi yue* always means Confucius. See: Jin Kemu, quoted in JIN, 2006:128.

99 For a textual analysis of the signal phrases *jun-zi yue* 君子曰 and *Zhongni yue* 仲尼曰 in the *Zuozhuan* 左傳, see: HENRY, 1999.

100 GASSMANN, 2006:495–533.

101 GASSMANN, 2006:343.

102 “Honourable squire” and “prince-squire” are literal translations of Gassmann’s German renderings; they do, of course, sound distinctly odd in modern English. Social positions and their associated titles differ from society to society and from time to time in different societies, and there is no generally applicable honorific in modern English.

103 This reading of *zi*, in Gassmann’s view, might not only explain why Confucius is so frequently addressing matters related to the *jun-zi*, but also shows Book 10 to be more directly in tune with the overall text than is commonly assumed. See: GASSMANN, 2006: 522–525.

侯) to an official title below a minister but higher than a councillor (*daifu* 大夫), to scholars (*shiren* 士人) such as Confucius, and finally to juniors (*xiaozi* 小子) and even prostitutes (*biaozi* 婬子).¹⁰⁴ From this perspective, the question would be whether Fu Sinian is right in understanding *zi* in *Kong zi* as expressive of a stage of degradation past the one of *daifu*. Or could it be the case that the interpretation of *zi* as master was retrospectively read into the *Analects* due to a coincidence? Namely, that Confucius was an official (and therefore was called *Kong zi*) and that he was among the first known to assemble followers (*zong zhe* 從者) around him who were willing to learn and to whom he spoke and spoke frequently about the topic of learning (as is clearly the picture portrayed in the *Analects*)? Did these followers want to learn from Confucius how to get into office? The master often speaks on the topic of governing (*zheng* 政), sometimes being questioned explicitly by his “followers” (A 2:3, 12:7, 12:14, 13:1). The specific topic of earning or losing office is addressed in the *Analects* variously, most prominently in A 4:14 where the master says (purportedly to his followers): “Do not worry because you have no official position [*wei* 位]. Worry about your qualifications.”¹⁰⁵ Brooks and Brooks characterise those around Confucius along these lines as office-seekers:

These were, properly speaking, his official protégés (the term ‘disciples’ implies a relationship which arose only later, as the Confucian school became more organized): young men whom he had been guiding in the early years of a civilian court career.¹⁰⁶

As similar practices developed around other influential persons, Confucians and others, such as Meng zi 孟子 (Mencius), Xun zi 荀子, Han Fei zi 韓非子, Mo zi 墨子, but also Zeng zi and You zi (all of which reportedly at one time or another held official positions), the more narrow case of teaching how to get into office might have been extended to embrace all sorts of teaching. Gradually, the relationship between these persons and their followers was understood as one between teacher and disciple. On this account, and with a view to Fu’s thesis of degradation, Confucius might have been a *daifu* and not a *shiren* in its meaning

104 Fu Sinian, quoted in: JIN, 2006:128.

105 See also: A 3:24, 3:26, 7:11, 8:14, 14:26. In A 6:8, Ji Kang-zi 季康子 (literally Kang-squire of the Ji-lineage), i.e. the head of the families who de facto ruled Lu, asks Confucius explicitly about the ability of three disciples to serve in political office (*cong zheng* 從政).

106 BROOKS/BROOKS, 1998:11. See also GASSMANN, 2006:422–423, where Confucius’ followers (*tu* 徒) are located in a military setting and the term *shi* 師 read accordingly as denoting a military leader as well as a teacher.

of ‘scholar’. Based on his official background, he might have engaged in teaching a group of followers about how to obtain an official position, which – and that perhaps was Confucius’ twist – first and foremost for him meant that one strive to become a “virtuous” and “exemplary” person. Rather than exemplifying an established image of a scholar as “teacher or master”, his activities might have been, or soon might have been taken to be, constitutive of that image.¹⁰⁷

This view of the historical context has of course speculative elements, but serves to underscore that the translation of *zi* as “master” is far from literal and might be questioned. At least, though a master-disciple relationship became the dominant interpretation early on in the text’s reception – which is what we are mainly interested in – it warrants the question in what sense of “master” Confucius is presumed to speak in the *Analects*. For a statement to be rhetorically effective it might obviously make some difference depending on whom we think it is who is reported to have said something.

Whatever his precise position, it is clear throughout that the speaker is presented as being worth listening to. Thus, the signal phrase *zi yue* is rhetorically effective because someone worth listening to is claimed to have said something, because a worthwhile speaker is quoted. Consider the use of such phrases in ordinary speech, covering situations such as a scholar throwing a decisively disarming “but Kant says” at an intellectual opponent, a little boy trying to impress his companions and exclaiming “my daddy says”, the more formalistic but frequent “I have been told” (which amounts to “someone says”), or simply “science says”. “So-and-so says” is a formula often used to underscore a point and a means of persuasion that works by invoking a mutually acknowledged authority or even by merely creating the illusion of authority. It constitutes what has been called “argument from authority”, that is, an argument

107 Something similar might hold for the transition of *jun-zi* from referring to the honorific *Fürstjunker* to its “moral” meaning of gentleman or exemplary person. For Confucius’ frequent comments on the *jun-zi*, see e.g. A 14:24, 14:27. Cf. A 6:13 (in Ames and Rosemont’s translation): The Master remarked to *zi-Xia*, “You want to become the kind of counsellor [*ru* 儒] who is an exemplary person [*jun-zi* 君子], not the kind that is a petty person [*xiao ren* 小人].” See also AMES/ROSEMONT, 1998:246, n. 161, where they assert that the term *jun-zi* in the *Analects* might very well have varying meanings, as the term was “undergoing transition from a political to a moral category”. See also GASSMANN, 2006:339–355, where he discusses the changing meaning of *jun-zi* in detail and argues that the term was being invested with moral connotations starting only some time after Confucius’ lifetime and reaching climax during the Han dynasty.

“which uses the acts or opinions of a person or group of persons as a means of proof in support of a thesis”.¹⁰⁸ We do, however, usually distinguish in practice between the use of an authority to prove a thesis, and the acceptance of an authority as being worth listening to or, provisionally, believing.¹⁰⁹ Mark Lewis highlights the importance of this aspect for the disciples around Confucius, when commenting on the relationship between writing and authority in what he calls the “enunciatory scene” in the *Analects*:

Authority was imputed to a voice, which in the early texts was actually written into the ‘enunciatory scene’. [...] Thus from the very beginning authority appeared in the guise of quotation, with the quoted words rendered authoritative by the implicit presence of disciples as audience and scribes.¹¹⁰

The signal phrase *zi yue* works rhetorically on many levels and contributes to the authoritativeness of what is said.

The *Analects*, however, do not record only what the Master or what Confucius said.¹¹¹ Altogether seven disciples of Confucius are reported to have said something (*X yue*), without any mention of their master. Book 19 is almost entirely composed of such sayings. Among them, *zi-Xia* and *Zeng zi* do have the word most frequently, each about a dozen times. They often are recorded as giving statements similar to Confucius, as when *zi-Xia* says, “When the small man makes a mistake, he is sure to gloss over it” (A 19:8), or *Zeng zi* asserts, “A gentleman [*jun-zi* 君子] makes friends through being cultivated [*wen* 文], but looks to friends for support in benevolence [*ren* 仁]” (A 12:24). Besides, *zi-You*, *zi-Gong*, *Min zi-Qian*, *zi-Zhang*, and *You zi* are recorded as making pronouncements of their own. In two cases, *zi-Xia* is mentioned as having his own disciples (*men ren* 門人, A 19:3, 19:12), which at least implicitly points to his some-time status as a master. Explicitly, this status is in the *Analects*

108 PERELMAN/OLBRECHTS-TYTECA, 1969:305.

109 We do, for example, accept the time-table information service of a railway company as being an authoritative guide to the schedule of available services, and commonly act in accord with the information given; yet we should hardly say we take that information as proof.

110 LEWIS, 1999:95.

111 This is not to say that such conflation does not quite frequently occur. For instance, when Chinese president Hu Jintao held a speech in February 2005 in front of Chinese functionaries on the topic of social cohesion and quoted from the *Analects* that “harmony is the most valuable” (*he wei gui* 和為貴), it made world news that he had quoted Confucius, although in A 1:12 it is actually *You zi* whose speech is recorded.

accorded only to four disciples: Zeng zi, You zi, Min zi (Min zi-Qian, A 11:3), and Ran zi (Ran You, A 6:4, 13:14¹¹²). In A 14:13, Confucius himself inquires about someone else's master, to whom he refers as *fu-zi*. Hence, even if the *Analects* were the only text someone ever read, that person could have hardly reached the conclusion that Confucius was to be understood as the one and only master.¹¹³

Dialogues and Descriptive Sentences

A second perspicuous rhetorical situation in the *Analects* is dialogue. Short dialogues usually begin with the structure: "X asked about Y. The Master replied Z", where "The Master replied" is also *zi yue* in Chinese. Questions are posed mostly by disciples, less often by rulers such as Duke Ai of Lu or Ji Kang-zi, and only seldom by household stewards or by unidentified persons ("someone", *huo* 或). The topics asked about concern matters such as filial piety (*xiao* 孝) and government (*zheng* 政). In some dialogues, questions and answers go forth and back several times, and more than two interlocutors participate (A 5:19, 11:22, 11:26, 13:20, 20:4). Not always is Confucius asked before engaging in dialogue. In several instances, Confucius makes the first move, e.g. asking a disciple directly or commenting upon a situation in a manner that triggers off a dialogue. Most of the time, Confucius has the last word and if he has not, it is generally because disciples add a statement to affirm the master's words, as when Yan Hui (A 12:1) or zhong-Gong (A 12:2) end their conversation by saying: "Though I am not quick, I shall direct my efforts towards what you have said." Yet the tone is not usually that servile, and Confucius' last word in several instances assumes the form of a rhetorical question (A 9:14, 11:12, 12:21, 13:4, etc.). David Elstein highlights that disciples "frequently question, correct, and disagree with their master, often with his acceptance and approval."¹¹⁴ In one case (A 17:24), for example, a disciple self-confidently voices his own opinion markedly different from, yet not opposed to, the master's opinion:

Zi-Gong said, "Does even the gentleman [*jun-zi*] have dislikes?"

The Master said, "Yes. The gentleman has his dislikes. He dislikes those who proclaim the evil in others. He dislikes those who, being in inferior position, slander their superiors. He

112 Cf. A 11:17, where Confucius dissociates himself from Ran You in the strongest terms.

113 Cf. the paragraphs where zi-Gong is lauded by various people to be better than Confucius, although zi-Gong is not willing to accept the praise (A 19:23–25).

114 ELSTEIN, 2009:144.

dislikes those who, while possessing courage, lack the spirit of the rites. He dislikes those whose resoluteness is not tempered by understanding.”

The Master added, “Do you, Si [zi-Gong], have your dislikes as well?”

“I dislike those in whom plagiarizing passes for wisdom. I dislike those in whom insolence passes for courage. I dislike those in whom exposure of others passes for forthrightness.”

Finally, some paragraphs report short dialogues among disciples about the master (A 1:10, 16:13) or among interlocutors without mention of Confucius where one disciple assumes a role similar to Confucius (zi-Xia in A 12:5, zi-Gong in A 12:8, You zi in A 12:9).

Recorded sayings by a single person and recorded dialogues are the two major types of rhetorical situations captured in the *Analects*. A third type complements them, which is not explicitly rhetorical because neither the presence of a speaker nor of an audience is suggested. Nonetheless, they ought not go unnoticed, as there are after all about forty such paragraphs that assemble descriptive sentences or short stories about the master’s behaviour. Examples are:

During his leisure moments, the Master remained correct though relaxed. (A 7:4)

There were four things the Master refused to have anything to do with: he refused to entertain conjectures or insist on certainty; he refused to be inflexible or to be egotistical. (A 9:4)

Ru Bei wanted to see Confucius. Confucius declined to see him on the grounds of illness. As soon as the man conveying the message had stepped out of the door, Confucius took his lute and sang, making sure that he heard it. (A 17:20)

In the many descriptive sentences in Book 10, it is not made explicit that they relate to Confucius (with the exception of A 10:1), but translators have understood them in that way.

He did not converse at meals; nor did he talk in bed. (A 10:10)

Even when a meal consisted only of coarse rice and vegetable broth, he invariably made an offering from them and invariably did so solemnly. (A 10:11)

“He” in these sentences hence has been commonly read as referring to Confucius, which in the eyes of a reader of the standard and authoritative edition is – given the explicit reference in A 10:1 to Confucius and his home village – certainly what the text suggests.

Context-specific, General, or Universal Statements?

How the master or Confucius speaks in the *Analects* may be further qualified by discussing how the situation in which he is reported to speak is contextualised in the text. This is of course the case when questions are addressed to him, but there are other ways of contextualisation. In some paragraphs, the signal phrase *zi yue* 子曰 is differentiated as *zi X yue* 子 X 曰 or as *zi wei X (yue)* 子為 X 曰, meaning that “The Master remarked on a topic X” or “toward a person X” (e.g. A 2:18, 5:1). At times, Confucius speaks upon hearing some story, *zi wen zhi yue* 子聞之曰 (A 3:2, 9:2, 9:6, 14:18), which is first presented. Indeed, very frequently, there is a descriptive sentence preceding the master’s (or somebody else’s) words.

Zi-Zhang was studying with an eye to an official career. The Master said: “[...]” (A 2:18)

Zi-Gong wanted to do away with the sacrificial sheep at the announcement of the new moon. The Master said: “[...]” (A 3:17)

When under siege in Kuang, the Master said, “[...]” (A 9:5)

The Master was seriously ill. Zi-Lu told his disciples to act as retainers. During a period when his condition had improved, the Master said, “[...]” (A 9:12)

These chapters bring up the fundamental question of the importance of context in the *Analects*. When Confucius is reported as speaking in these situations, does he address specifically the preceding context or does he make general or even universal statements that are unconstrained by it? Obviously, the question does not arise in all cases equally trenchantly. In some paragraphs, it seems rather clear that he addresses a specific situation:

Bo-Niu was ill. The Master visited him and, holding his hand through the window, said, “We are going to lose him. It must be Destiny. Why else should such a man be stricken with such a disease? Why else should such a man be stricken with such a disease?” (A 6:10)

On becoming his [i.e. Confucius’] steward, Yuan Si was given nine hundred measures of grain which he declined. The Master said, “Can you not find use for it in helping the people in your neighbourhood?” (A 6:5)

In the second of these paragraphs, Confucius gives advice directed at Yuan Si with regard to a specific situation, which is depicted beforehand. However, nothing tells against an interpretation which holds that Confucius in this situation is making a more general point, namely that *any* person in such or a similar situation must not refuse the grain or *anything else* offered, but pass it on to his

or her neighbourhood. Sometimes, it seems as if Confucius is indeed making a more general point based on a concrete incident:

Zai Yu was in bed in the daytime. The Master said, "A piece of rotten wood cannot be carved, nor can a wall of dried dung be trowelled. As far as Yu is concerned what is the use of condemning him?" The Master added, "I used to take on trust a man's deeds after having listened to his words. Now having listened to a man's words I go on to observe his deeds. It was on account of Yu that I have changed in this respect. (A 5:10)

Here, Confucius might be understood as making the general point that he believes that one should judge the words of a person by the deeds of that person. However, nothing tells against an interpretation which holds that Confucius in this situation is using the general point specifically for the situation at hand, because he thinks that this is what might best be said to Zai Yu in this *specific* situation. The ambiguity is also manifest in the following paragraph:

The Governor of She asked zi-Lu about Confucius. Zi-Lu did not answer. The Master said, "Why did you not simply say something to this effect: he is the sort of man who forgets to eat when he tries to solve a problem that has been driving him to distraction, who is so full of joy that he forgets his worries and who does not notice the onset of old age?" (A 7:19)

Is Confucius here giving an account of himself as he actually sees himself, or is he being ironic about himself, or is he merely thinking that this answer would have been a good answer for zi-Lu to give to the Duke of She? Examples of this kind abound in the *Analects*.

In some instances, Confucius is concerned to take into account the different age, background, education, and temperament of his interlocutors.¹¹⁵ In one such passage, Confucius answers the same question differently when asked by a different disciple.

Zi-Lu asked, "Should one immediately put into practice what one has heard?" The Master said, "As your father and elder brothers are still alive, you are hardly in a position immediately to put into practice what you have heard?"

Ran You asked, "Should one immediately put into practice what one has heard?"

The Master said, "Yes. One should."

Gongxi Hua said, "When You [zi-Lu] asked whether one should immediately put into practice what one had heard, you pointed out that his father and elder brothers were alive.

115 AMES/ROSEMONT, 1998:5.

But when Qiu [Ran You] asked whether one should immediately put into practice what one had heard, you answered that one should. I am puzzled. May I be enlightened?"

The Master said, "Qiu [Ran You] holds himself back. It is for that reason that I tried to urge him on. You [zi-Lu] has the energy of two men. It is for this reason that I tried to hold him back." (A 11:22)

Similarly, when Confucius says that three of his disciples would have no problem serving in office, he offers different reasons for his opinion based on differences between them.

Ji Kang-zi asked, "Is Zhong You [zi-Lu] good enough to be given office?"

The Master said, "You is resolute. What difficulties could there be for him in taking office?"

"Is Si [zi-Gong] good enough to be given office?"

"Si is a man of understanding. What difficulties could there be for him in taking office?"

"Is Qiu [Ran You] good enough to be given office?"

"Qiu is accomplished. What difficulties could there be for him in taking office?" (A 6:8)

Again, context is valued to the extent that there is not only one reason qualifying a person for office.

However, the existence of these passages that portray Confucius' attention to differing contexts shows merely that he did not intend to express a universal truth in each and every statement of his. It does not rebut the thesis that some statements of his are of a general or universal character while others are contextual.¹¹⁶ As mentioned previously, there are many chapters in the *Analects* without preceding sentences that provide direct context or without a dialogical situation of question and answer that naturally sets a context. Consider the following paragraphs:

The Master said, "Claims made immodestly are difficult to live up to." (A 14:20)

The Master said, "Learn as if you could not reach your object, and were always fearing also lest you should lose it." (A 8:17, Legge's translation)

Yet, here also, one cannot be certain whether to understand the master's words as directed specifically towards a disciple or as a general statement as to how he

116 Cf. Yang Xiao, based on his reading of A 11:22, sees Confucius as giving in this chapter a "hermeneutical blueprint for its own interpretation" and makes a strong claim for general context-dependency of Confucius' utterances. XIAO, 2007:498.

believes everyone should go about claims or is supposed to study.¹¹⁷ Something similar obviously can be said about what in the first instance might strike a reader as clearly general statements.

The Master said, “While your parents are alive, you should not go too far afield in your travels. If you do, your whereabouts should always be known.” (A 4:19)

The statement comes across as even more general if the absence of the possessive pronouns in the Chinese text is reflected in the translation, as in Arthur Waley’s. Also Ulrich Unger renders the statement as: are father and mother still alive, then one does not travel far; in case one does, then only for a known destination (“*Sind die Eltern am Leben, reist man nicht weit; wenn aber, dann mit bestimmtem Ziel*”). He reads A 4:19 as stating a “principle” (*Grundsatz*) adjoined by an exception in the epiphraasis.¹¹⁸ Further examples for apparently general statements are the following:

The Master said, “If, for three years, a man makes no changes to his father’s ways [*dao* 道], he can be said to be a good son [*xiao* 孝].” (A 4:20)

The Master said, “A man should not be ignorant of the age of his father and mother. It is a matter, on the one hand, for rejoicing and, on the other, for anxiety.” (A 4:21)

The absence of any preceding sentence describing the context of the Master’s words, however, does not imply that what was said was said out of context (which would be impossible) or was meant to transcend the immediate context (which would be possible, but cannot be ascertained). This is particularly the case as these paragraphs suggest a rhetorical situation in which an audience is at least implicitly present. The fact that the sentences were written down might imply that whoever wrote them down thought of them as at least of some value beyond the concrete context of their utterance. Still, whether Confucius is taken to address a more general or even a universal audience beyond the immediate audience before him is a question of interpretation that cannot directly be inferred from the text. It may, however, be safe to understand Confucius in these statements – though clearly giving an answer in a particular context – as not only answering with a view to that context. Statements such as the one in A 4:20 can

117 Lau’s translation of A 8:17 perhaps suggests less generality: The Master said, “Even with a man who urges himself on in his studies as though he was losing ground, my fear is still that he may not make it in time.”

118 UNGER, 1994:110.

perhaps be read as preceded by: “As a general rule, for the most part, in normal circumstances, on the whole, if, for three years [...]”.

Imperatives, Advices, and Authority

To whom Confucius’ words are addressed is a different question from *how authoritatively* he addresses whomever he addresses.¹¹⁹ Clearly, Confucius does not give commands as a ruler does (which, e.g., would read *ming yue* 命曰). There are, however, paragraphs in the *Analects*, in which Confucius is translated as using the imperative (highlighted in italics):

The Master said, “In serving your father and mother you *ought to dissuade* them from doing wrong in the gentlest way. If you see your advice being ignored, you *should not become* disobedient but *remain* reverent. You *should not complain* even if in so doing you wear yourself out.” (A 4:18)

Zi-Gong asked, “Is there a single word which can be a guide to conduct throughout one’s life?” The Master said, “It is perhaps the word ‘shu’ [*shu* 恕]. *Do not impose* on others what you yourself do not desire.” (A 15:24)

Though such imperatives are frequently used in translations of the *Analects*, that no-one has rendered Confucius as saying “you shall (not) do X” at least indicates how authoritative these imperatives may be thought to be. Indeed, E.G. Pulleyblank has written that there is in classical Chinese “no special mark of the imperative as such, [though it] is possible that in the spoken language there was a special intonation for the imperative, but only context can serve as a guide as far as the written language is concerned.”¹²⁰ Others, starting with Marcel Granet (1884–1940), have argued that every word and sentence in classical Chinese is a latent imperative; an assumption which, e.g., precludes for that language all possibility of formulating truth claims.¹²¹ Be that as it may, for our purposes it suffices to note that translators are largely at a loss whether or not to translate a given sentence in the imperative.

119 For a recent suggestive article on the authority of the master in the *Analects*, see: ELSTEIN, 2009.

120 PULLEYBLANK, 1995:138. A more recent contribution identifies a verbal prefix *mǎ-, whose function, it is argued, was to mark deontics or imperatives. See: SAGART, 1999:84.

121 For a short discussion of Granet’s views and a rejection thereof, see: ROETZ, 2006:14–15 and 23–27.

A comparison between Ames and Rosemont's and Lau's translation of A 7:6 shows the consequences of the absence of a "special mark of the imperative" impressively:

The Master said, "Set your sights on the way [*dao* 道], sustain yourself with excellence [*de* 德], lean upon authoritative conduct [*ren* 仁], and sojourn in the arts." (A 7:6, Ames and Rosemont's translation)

The Master said: "I set my heart on the Way, base myself on virtue, lean upon benevolence for support and take my recreation in the arts." (A 7:6, Lau's translation)

There are, to be sure, two negatives of prohibition, *wu* 毋 and *wu* 勿, which appear in the *Analects* for example in A 9:25 or as above in A 15:24: "do not impose" (*wu shi* 勿施).

The usefulness of notions such as "imperative mood" and "modals" for understanding classical Chinese is, however, contested. Yang Xiao, drawing on speech-act theory, argues against what he calls a "grammatical approach" to classical Chinese, which takes the presence of certain particles in early Chinese texts to indicate the "grammatical mood of sentences", that is, as indicating whether they are in the "indicative", "imperative", "interrogative", or "subjunctive" mood.¹²² Instead, he regards these particles as conveying the pragmatic force of an utterance, that is, of what it is "doing". A focus on "the pragmatic aspects of communicative practice in the *Analects*", he claims, allows for judgements about the force of an utterance even when sentences do not include any particles. Such a focus, however, demands that special attention is given to "the concrete contexts in which the sentences are put to work".¹²³

Whether to understand Confucius as uttering an authoritatively imperative statement or as merely giving an advice again comes down to how one judges the context of the statement as well as what specific construction of Confucius one has in mind either when approaching the text or finds presented in the overall text itself. Consider the following statement in the translation by Ames and Rosemont, cast in the imperative mood: "The Master said, 'Do not plan the policies of an office you do not hold'" (A 8:14).¹²⁴ In a footnote to their translation, they append a comment to indicate that the passage could alternatively be

122 These particles capture what classical Chinese scholars describe as the "tone of voice" (*kouwen* 口吻) or the "tone of speech" (*yuqi* 語氣). XIAO, 2005/2006:236–238. See also XIAO, 2007.

123 XIAO, 2005/2006:236.

124 The statement is repeated verbatim in A 14:26, though with a comment by Zeng zi.

rendered as: “The Master said, ‘Unless you hold office, you don’t get to plan policy.’” (A 8:14).¹²⁵ Under this reading, the imperative has completely disappeared and the matter somewhat changed. What Confucius is now saying might be interpreted as a reminder to a disciple who may have indulged excessively or prematurely in details of planning policy. This points to yet another rhetoric that is perhaps more subtly, but arguably also more widely manifest in the *Analects*. “The Master said, ‘If one is guided by profit in one’s actions, one will incur much ill will’” (A 4:12). This could easily have been formulated as a *command* for which a *reason* is given, which would perhaps read: “The Master said, ‘Do not act with an eye to personal profit because it incurs a lot of resentment.’” Yet, this is not the rhetoric suggested by the text. In A 4:12, there is very clearly a different rhetoric at play. All Confucius is doing is pointing out consequences, which he thinks some specific behaviour will entail (cf. A 2:16). Rather than exerting his authority *qua* master, Confucius seems to be leaving it to his interlocutors to choose whether or not to take his words authoritatively.

On the basis of our analysis of the rhetoric in the *Analects*, there is at least no compelling reason why, for instance, the content of the frequent characterizations of the *jun-zi* (A 1:8, 1:14, 4:10–11, 4:16, 4:24) or his many answers to questions about a certain topic (A 2:6–7) should not be understood as practical advice in the immediate context (though of course of experiential value to similar future situations), rather than as pronouncement of some revealed or demonstrated truth. That the Confucius referred to in the text did not intend his disciples to take his words as unquestionably correct is clear from the following paragraphs:

The Master said, “When faced with the opportunity to practice benevolence do not give precedence even to your teacher [*shi* 師].” (A 15:36)

The Master said, “If one learns from others but does not think, one will be bewildered. If, on the other hand, one thinks but does not learn from others, one will be in peril.” (A 2:15)

The Master said, “Hui is no help to me at all. He is pleased with everything I say.” (A 11:4)

The Master said, “If anyone can, while dressed in worn-out gown padded with old silk floss, stand beside a man wearing fox or badger fur without feeling ashamed, it is, I suppose, You [zi-Lu]. ‘Neither envious nor covetous, How can he be anything but good?’” Thereafter, zi-

125 AMES/ROSEMONT, 1998:243, n. 127. Lau translates: The Master said, “Do not concern yourself with matters of government unless they are the responsibility of your office.”

Lu constantly recited these verses. The Master commented, “The way summed up in these verses will hardly enable one to be good.” (A 9:27)¹²⁶

Indeed, when turning further to the matter recorded in the *Analects*, which of course informs the rhetoric, the picture of Confucius as a teacher or a leader (*shi*) becomes more pertinent, regardless of what subjects or skills he is understood to have taught. He is said to have advocated that a teacher is a person who “gets to know what is new by keeping afresh in his mind what he is already familiar with” (A 2:11) and to have described himself as someone “learn[ing] [*xue* 學] without flagging” and as “teach[ing] [*hui* 誨] without growing weary” (A 7:2). He is further reported to have taught [*jiao* 教] under four categories: “culture [*wen* 文], moral conduct [*xing* 行], doing one's best [*zhong* 忠], and being trustworthy in what one says [*xin* 信]” (A 7:25) and is described as “cordial yet stern, awe-inspiring yet not fierce, and respectful yet at ease” (A 7:38). Furthermore, in the text, he easily acknowledges the superiority of others, as when admitting that he is no match for Yan Hui, who when “told one thing [...] understands ten” (A 5:9).¹²⁷ When once being reproached for partiality, he claims himself fortunate because others notice when he goes astray (A 7:31). Confucius is further depicted as a demanding teacher, who puts a lot of emphasis on mutual learning and on a common effort by teacher and disciple:

The Master said, “I never enlighten anyone who has not been driven to distraction by trying to understand a difficulty or who has not got into a frenzy trying to put his ideas into words. When I have pointed out one corner of a square to anyone and he does not come back with the other three, I will not point it out to him a second time.” (A 7:8)

The Master said, “Even when walking in the company of two other men, I am bound to be able to learn from them. The good points of the one I copy; the bad points of the other I correct in myself.” (A 7:22)

Very clearly, Confucius, the master, is presented in the *Analects* as fallible and as someone who thinks of himself as striving to “follow what is good” in what he has heard (A 7:28).¹²⁸

126 Ames and Rosemont translate the last sentence as: “How can this remark deserve to be treasured so?”

127 For different readings of this passage, see: ELSTEIN, 2009:160–161.

128 See also: HARBSMEIER, 1990:147, where he writes that Confucius “expects recalcitrance from an intelligent disciple”.

Ex-post Constructions of Confucius

The authority that readers attribute to the rhetoric in the *Analects* seems to depend on two issues: what it means to read the words of a master and what kind of a master one thinks Confucius was. The answers to these issues cannot be certainly inferred from the text, but depend to a large degree on interpretation. Who Confucius has been thought to be has also varied considerably across time and space. From the very beginning, Confucius has been subject to construction by others. In the context of the Han dynasty, for instance, a distinction is often drawn between the “historical Confucius”, about whom very little is known, and the “mythical Confucius”, which designates a prominent image of Confucius at the time. Mark Csikszentmihalyi tells us:

[During the Han] Confucius was thought to have possessed superhuman abilities, have displayed visible marks placed by Heaven that proved his destiny to rule as king, have transmitted esoteric teachings and prophecies to his disciples, and have been sanguine about serving the ghosts and spirits. Because of these qualities, Confucius was seen and treated increasingly as a divinity.¹²⁹

Although this image of Confucius lost currency again toward the end of the Han, it arguably has never quite been undone, but instead may have had its influence on many a reader in subsequent centuries. Put more generally, the Confucius presented to us in the *Analects* has always been, and still is, part of a larger context of constructions potentially influencing a reader’s understanding of that person by the name of Confucius in the *Analects*.

To illustrate the point we shall mention some such likely influences. First, beyond the popular image just described, the many stories about Confucius and sayings attributed to him other than the ones in the *Analects* as well as a series of other writings are likely to have influenced readers of the text as early as the Han.¹³⁰ Secondly, the role of commentary on the *Analects*, often applied follow-

129 CSIKSZENTMIHALYI, 2002:135.

130 Han readers might have been acquainted with the *Book of Rites*, but also the *Da Dai Li Ji* 大戴禮記 (Elder Dai’s Book of Ritual), the *Kong Zi Jia Yu* 孔子家語 (Family Sayings of Confucius), or the *Fa Yan* 法言 (Model Sayings). In the *Meng Zi*, Confucius is quoted 28 times, of which eight quotations can be related to the *Analects* while only one is identical. None of the many Confucius quotations in the *Xun Zi* is found in the *Analects*, and the same holds true for the *Zuo Zhuan* 左傳 (Commentary of Zuo). See: SCARPARI, 2007: 444–446. Of the six commentaries to the *Yi Jing* 易經 (Book of Changes), unearthed in 1973 at Mawangdui, Confucius is the main protagonist in at least two of them, the *Er San Zi Wen* 二

ing each paragraph (and for that matter not unlike Rabbinical commentary on the Torah or Aquinas' commentaries on Aristotle), cannot be overestimated.¹³¹ Since the end of the Han, the text was transmitted, read, and often memorised together with the comments by He Yan and his colleagues, as later on with Zhu Xi's commentary, *Lun Yu Ji Zhu* 論語集注, which formed part of the basic texts for the civil service examinations from 1313 up to 1905. Thirdly, once canonised as a part of the Four Books (*si shu* 四書) in the mid Song dynasty, the *Analects* stood in almost inseparable thematic relation with the *Mencius* (*Meng Zi* 孟子) and two brief chapters of the *Book of Rites*, the *Great Learning* (*Da Xue* 大學) and the *Doctrine of the Mean* (*Zhong Yong* 中庸). Fourthly, English speakers owe the name Confucius to Jesuit missionaries, who in the late 16th century began to use in their writings *Confusius* (Italian: *Confutio*), which probably is a Latinization of the Chinese name *Kong fu-zi* 孔夫子.¹³² Scholars have pointed out how the early Jesuits' accommodationist strategy led them to construct their own 'Chinese' frame of reference: conflating the archaic god figure *shangdi* 上帝 with the Christian God, and, styling themselves as the true defenders of the teachings of the Chinese saint (*santo*), some Jesuits took *Confusius* to be a

三子問 (*Questions of the Various Disciples*), which includes a series of comments by Confucius on the *Yi Jing*, and in the *Yao* 要 (*The Essentials*), which records a conversation between an aged Confucius and *zi-Gong*. See: SHAUGHNESSY, 1996. Many more anecdotes and sayings of Confucius which today are lost were certainly passed around at the time. Of considerable influence are also Sima Qian's 司馬遷 biography on Confucius (see "Kong zi shi jia" 孔子世家) as well as the many collected sayings by Confucius and his disciples (see "zhong-Ni di zi lie zhuan" 仲尼弟子列傳) in his *Shi Ji* 史記 (Records of the Grand Historian). For recent research including extensive listings of text parallels between the *Analects* and later texts such as the *Meng Zi* or the *Xun Zi*, see: HAUPT, 2009.

- 131 Gardner writes: "As a sort of reflection on the words and ideas of a text, interlinear commentary conveys the commentator's understanding of the meaning of the text while it shapes and conditions future readings and understandings of that text by others, both contemporaries and later generations." GARDNER, 2003:3. Similarly, Makeham writes: "[...] often passages of text serve as pretexts for the commentator to develop and expound his own body of thought." MAKEHAM, 2003:3.
- 132 Jensen has provocatively argued that even the Chinese name *Kong fu-zi* has been a Jesuit invention, see: JENSEN, 1993:414–449. Jensen himself notes that the name appears in pre-Jesuit China only once in the late 13th century during the Yuan dynasty in the context of a state ceremony, in which the Mongol emperor is squarely put in one line with *Kong fu-zi*. See: JENSEN, 1993:431. Yet, as Van Norden notes, John Makeham has noted that the term *Kong fu-zi* occurs in an influential writing of Zhu Xi, the *Zhu Zi Yu Lei* 朱子語類 (with which the Jesuits would have been acquainted). See: VAN NORDEN, 2002:32, n. 41.

presage of natural and divine truth.¹³³ Yet, back in Europe, the name ‘Confucius’ underwent a shift of meaning. For the educated secular circles, ‘Confucius’ became the symbol of either noble savagery or enlightened rationality.¹³⁴ Both strands of appropriation, the religious and the secular, set the tone for the further reception of ‘Confucius’ and later on of ‘Confucianism’ in the Western world. The two terms and the meanings that may go with them are to a lesser or larger degree Jesuit and more broadly Western fictions.¹³⁵ Fifthly, many readers are dependent on translations of the *Analects* – including a majority of Chinese readers, who read the classical Chinese helped by a translation in modern Chinese. It is by now commonplace that what constitutes an argument in literary theory, namely that translation is no different from interpretation, in the face of widely differing translations of the *Analects* is but an obvious point.

The above serves to underscore that when we analyse the rhetorical features of the text, understood as unitary, and read in its standard version, we do not claim to be uninfluenced by any of the above constructions of Confucius – having just made them a matter of reflection, this would amount to absurdity (for instance, we rely on several translations *as well as* on the standard text in classical Chinese). What it means is that we have tried as much as possible to engage with Confucius as he appears in the text, i.e. in standard translations of it: the “literary Confucius”, if you wish. It also means that we are aware of having artificially abstracted the different backgrounds of readers, making their backgrounds akin to ours.

4. Comparative Comments

We have set out our accounts of the rhetoric of Leviticus and the *Analects* to allow readers the more easily to compare them. Here we suggest some salient comparisons as they appear to each writer. We make no effort to co-ordinate the

133 JENSEN, 1993:415 and 436ff. Paul A. Rule points to the Jesuits’ “cultural transposition” in the context of their translation of the first sentence of the *Da Xue*, which depicts Confucius as no less than speaking and thinking similar to a medieval scholastic philosopher or theologian. In fact, as Rule remarks, Kong zi “has been transformed in becoming Confucius”. See: RULE, 1986:120.

134 JENSEN, 1993:416.

135 Already Rule has begun his book with the statement: “Confucius is, in a sense, a Jesuit invention.” RULE, 1986:ix. The term ‘Confucianism’ appears slightly before the 19th century. See YAO, 2003:1.

comparisons, as not to do so will allow readers to compare how the different books appear from the authors' different perspectives.

First Comparison

God is the main speaker in Leviticus, Moses is his spokesman – YHWH's *porte-parole* or 'word-carrier', the one who brings God's word to the people. He is only rarely presented as speaking for himself, as he is in the passage Lev 8:1–10:20 telling of the inauguration of the priesthood of Aaron. In the *Analects*, the character Confucius is the main – not the only – speaker, but his speech is predominantly in answer to questions asked by others who take him to be a wise authority, that is, someone neither divinely inspired nor infallible but eminently worth listening to. There is an interesting resemblance, in matter and rhetoric but not in influence, between the *Analects* and the 16th century Italian book of courtly manners, Baldassare Castiglione's *Il cortegiano*.¹³⁶ Sometimes Confucius' answers are quite explicitly to questions raised about particular people or particular problems in particular circumstances. Talking of the period of mourning following the death of one's parents, Zai Yu suggests that a year would be enough:

The Master said, "Would you, then, be able to enjoy eating your rice and wearing your finery?"

"Yes. I would."

"If you are able to enjoy them, do so by all means." (A 17:21)

Obviously, this can be reformulated to become a universal norm:

If after a year of mourning you are able to enjoy eating rice and wearing finery, then do so.

But the rhetoric of the dialogue is not universal, and the reader will at least initially take it as advice to a particular person. Confucius accepts that Zai Yu can rely upon his feelings; but there is no suggestion that everyone can so quietly rely upon their own spontaneous responses, and the 'you' in the universal formulation must be stressed and cannot too easily become the anonymous 'one'.

136 Castiglione (1478–1529) wrote *Il cortegiano* (The Courtier) between 1513 and 1518. Published in 1528, it was translated into several languages, and was greatly influential in its day. It deals, in dialogue form, with the perfect courtier, the noble lady, and the relationship between the courtier and the prince.

Sometimes his answers seem to have more general scope, as in the following passage:

Someone said, "Repay an injury with a good turn. What do you think of this saying?"

The Master said, "What, then, do you repay a good turn with? You repay an injury with straightness, but you repay a good turn with a good turn. (A 14:34)

There is certainly a universal admonition but its rhetoric is quite different from that of Leviticus. It expresses how Confucius thinks one ought to behave in a particular kind of situation. It includes a mild joke: the question "What, then, do you repay a good turn with?" with its implicit answer: "With an injury." The instructions "you repay... you repay...", translated by Legge, Waley, and Ames and Rosemont, in what may be read grammatically as the imperative mood,¹³⁷ in all translations come across less as commands and more as counsels or information as to how the exemplary person behaves, and how one ought to behave if one wishes to become an exemplary person. The dialogic character of the answer is enhanced in that it is the answer to a question about another suggestion.

The same is true of the admonition discussed already in the discussion of the golden rule in Leviticus:

Zi-Gong asked, "Is there a single word which can be a guide to conduct throughout one's life?" The Master said, "It is perhaps the word '*shu*'. Do not impose on others what you yourself do not desire." (A 15:24)¹³⁸

The rhetoric here is a rhetoric of information: there is an expression that can be acted upon; it is this: do not impose on others what you yourself do not want. It is explicitly universal but is rhetorically more counsel than command. Its matter is identical with one of the pieces of advice or instruction that Tobias gave to his son: "And what you hate, do not do to anyone." (Tob 4:15). Identical, too, with what Hobbes called "that Law of all men, *Quod tibi fieri non vis, alteri non feceris*".¹³⁹

137 "The Master replied, 'Then how would one repay beneficence? Repay ill will by remaining true. Repay beneficence with gratitude.'" D.C. Lau, whose translation we have given, refers to a passage in the *Dao de jing* (ch. 63): "Do good to him who has done you an injury." In Legge and in Waley the passage is numbered 14:36.

138 In Legge '*shu*' is translated by 'reciprocity'; in Waley by 'consideration'; in both the passage is 15:23.

139 What you do not want, do not do to another. See: HOBBS, 1978:190 [65]. In ch. 15, Hobbes refers again to that Law as that from which flow the other laws upon which civil society

Even when the matter is similar, the rhetoric of Leviticus is very different. It is unequivocally one of command. Authority has two modalities.¹⁴⁰ There is the authority of command: A is entitled to require B to do or to refrain from doing something. YHVH's authority is dominantly of this kind and rhetorically implicit – there is no explicit theory – is that the authority is infallible, unquestionable, and in scope limitless:

The Lord spake unto Moses, saying, Speak unto all the congregation of the children of Israel, and say unto them: Ye shall be holy: for I the Lord your God am holy. (Lev 19:1–2)

The second modality of authority is that which flows from the experience and wisdom of the person taken as an authority. This is present in Leviticus in that YHVH whose word, precisely because it is creative, is the word of one who knows. The second modality dominates the *Analects* from which authority in the first modality is absent. Confucius has authority because he is experienced and wise. (We are referring here to the internal rhetorical and implicit presuppositions of the *Analects* rather than to the way on which he and they may later have been received as when, during the Han dynasty as we have said, he was afforded something approaching divine status.) The *Analects* is not the Torah nor, indeed, is it the New Testament or the Koran. Those three – Torah, New Testament, and Koran – are taken to be divinely inspired or revealed.¹⁴¹ They address, and to an extent create, a people. All three address individuals as not only individuals but also as members of a community. Leviticus applies to each member of the community but the communal element is never concealed. The covenant between YHVH and his people, although less prominent in Leviticus than in Exodus, remains the foundation; obedience to the Lord's ordinances is the human side of the bargain, the other side of which is the Lord's promise:

And I will walk among you, and be your God,
And ye shall be my people. (Lev 26:12)

depends: the Laws of Nature “have been contracted into one easie sum, intelligible, even to the meanest capacity; and that is, *Do not that to another, which thou wouldest not have done to thy selfe* [...]”. See: HOBBS, 1978:214 [79].

140 The significance of the modalities of authority in jurisprudence is discussed in chapter 12 in BARDEN/MURPHY, forthcoming.

141 For examples from The Koran see 2:1 and 41:1–54.

The *Analects* include nothing approaching this belief in divine inspiration and do not thus establish a people. Confucius, even when talking of political and social life, addresses individuals as individuals; their being in society is taken for granted:

Zi-Zhang asked about government. The Master said: "Over daily routine do not show weariness, and when there is action to be taken, give of your best." (A 12:14)

The enveloping rhetorical principle guiding the reading of the *Analects* is that if Confucius' counsels are followed society as a whole, and not only the individual will be a better place. Guiding the reading of Leviticus is that if the laws made between the Lord and the children of Israel, then the Lord will be *their* God. This guiding rhetorical principle makes Leviticus more than a mere collection of commands, although it is that too.

Many of the sayings of Confucius are precisely that: "sayings", "proverbs". This fairly typical verse from Proverbs resembles the *Analects* more than it does Leviticus:

Folly is a joy to him that is destitute of wisdom:
but a man of understanding walketh uprightly. (Prov 15:21)¹⁴²

Being close both in matter and rhetoric to:

The Master said: "Learning without due reflection leads to perplexity; reflection without learning leads to perilous circumstances."¹⁴³ (A 2:15)

Either could occur in the *Analects*; neither in Leviticus. The guiding rhetorical principle for the sayings is to read them as indications as to how to be or become an exemplary person, and thus contribute to the well-being of society.

142 Proverbs opens (1:1) with the words: The proverbs of Solomon, son of David, king of Israel. Thus they are ascribed to an authoritative, but like Confucius, human speaker. Even so, the encompassing acceptance of the TaNaKh as revealed or inspired does, of course, play its part.

143 To their translation given here, Ames and Rosemont (2008:233, n. 33) append an illuminating commentary on the passage from the medieval philosopher Cheng zi: "Learn broadly, ask searchingly, reflect carefully, distinguish clearly, and act earnestly. To be lacking on one of these is to fail to learn."

Second Comparison

The rhetoric of Leviticus and the *Analects* differ dramatically. The difference may be sensed intuitively by substituting respective protagonists in single passages. Consider, for example:

The Master said: "My friends, what Yen says is right. My remark a moment ago was only made in jest." (A 17:4)¹⁴⁴

The substitution is complicated by the fact that it is far from clear who to substitute for whom. Is Confucius more like God or Moses?

God said: "My friends, what Moses says is right. My remark a moment ago was only made in jest."

Moses said: "My friends, what Aaron says is right. My remark a moment ago was only made in jest."

Much in these passages, particularly regarding the first of the above readings, would certainly strike the seasoned reader of the Old Testament as indeed peculiar or only a joke. Even if one might fancy Moses in other circumstances as addressing others around him as "friends" [*er san zi*]¹⁴⁵, it would be too much of a stretch to conceive God as ever doing so. In Leviticus, God is not portrayed as being friends with those whom He created. He is the reason for their life, and might take their life as it pleases Him, as in the case of Aaron's sons Nadab and Abihu (Lev 10:1–2). He does not raise his voice to tell whether or not what others say is right or wrong, and does not revise what He once pronounced. Also the temporality of the speech ("a moment ago") does not fit the manner in which God's speech is recorded in Leviticus. Finally, neither God nor Moses say things in sport. The tone in Leviticus is unmistakably and unrelievedly serious, as is the matter discussed therein.

A similar experience may result when inserting the master, Confucius, into passages from Leviticus:

144 For interpretations of this passage, see: ELSTEIN, 2009:151.

145 It should be noted that Lau's translation of *er san zi* as "friends" is from the point of view of philological scholarship rather unconventional. Legge uses "disciples" in most instances (A 7:23, A 11:10, A 17:4), but "my friends" in A 3:24, adding that the expression literally stands for "two or three sons" or "gentlemen". See also: ELSTEIN, 2009:147–148, 154–156.

The Lord spake unto Moses saying speak unto the children of Israel and say to them: Ye shall be holy, for I the Lord your God am holy. (Lev 19:1–2)

The Master spake unto Zeng zi saying speak unto the children of Lu and say to them: Ye shall be holy, for I Confucius your Master am holy.

Somebody accustomed to the recurrent dominant rhetoric of the *Analects* would be astonished to find this passage among the paragraphs assembled in the book. In the *Analects*, Confucius is throughout portrayed in situations *inter vivos* and is in no need of messengers to impart his words. There is no people that Confucius addresses in the *Analects* with any priority comparable to the priority that Israel is accorded in Leviticus. Of course, Lu is mentioned several times and is Confucius' home principality (A 5:2, 6:24, 13:7); yet for him it seems easily conceivable to serve any other deserving principality if only his advice be welcome (A 13:10). Finally, Confucius nowhere in the text refers to himself as master. Whether or not "holiness" could be a topic treated in the *Analects* of course depends much on what a reader understands by it. In any case, it certainly seems hard to think of a passage in the *Analects* of which the line "Ye shall be holy" could serve as obvious translation. The term "holy" is barely used in translations, not even by James Legge, who otherwise readily employs Christian terminology (e.g. A 14:37: "Heaven" for *tian* 天; a practice widely followed to the present day). Unlike the case of "honour your parents", which we used at the beginning of this article to construct an effect of similarity, "ye shall be holy" marks a clear instance of dissimilarity.

Beyond efforts at intuitively sensing differences in the rhetoric of Leviticus and the *Analects* (which might amount to no more than an inarticulate expression of specific ex-post constructions regarding protagonists and the texts more generally), some rhetorical differences manifest in the text and plain to the eyes of readers will be stated in conclusion. A first straightforward difference concerns the narrative unity displayed in the texts. The book of Leviticus obviously is part of a larger story that unfolds in the Pentateuch, even if it is a story with many storylines and one not devoid of contradictions (e.g. the two stories of creation and fall in Genesis). The text of Leviticus itself also recounts stories of considerable narrative unity. The *Analects*, by contrast, are just that, *analects*, i.e. snippets of conversation and observation that do not add up to anything like a story. In fact, given that both texts have gone through a similarly complicated process of textual formation over an extensive period of time, it is at least interesting to note the resulting differences in narrative unity. When further looking at the kind of rhetorical situations recorded in the text of

Leviticus from the point of view of the *Analects*, another difference is noteworthy. Compared to the variety of situations recorded in the *Analects*, particularly the host of dialogues, in Leviticus the speaker is presented as one who knows while those addressed merely listen. In Leviticus, around fifty instances of someone speaking to someone else are described. In most of these, the Lord is addressing Moses.¹⁴⁶ In other instances, Moses is speaking to Aaron, to other close relatives (Lev 10:4, 10:6, 10:12), and to the “children of Israel” or the “congregation”. What is striking is that all of this is one-directional, as nobody ever is reported as responding to what is being said. Only in the one instance in which Aaron is reported as addressing Moses is there a clear sense of dialogue (even of ordinary human conversation) marked as such in the text (Lev 10:16–20).¹⁴⁷

Not only is the communication in Leviticus one-directional, the rhetoric is clearly one of law and command. Throughout the text, it is repeatedly stated that what is being said is commanded (e.g. Lev 8:4, 17:2) and has the status of a “statute” or a “law” (e.g. Lev 14:57), more precisely of a “perpetual statute” for all generations to come (e.g. Lev 3:17, 7:36, 10:9, 16:34, 24:3). In whatever way Confucius’ words have been invested with authority by later interpreters and have been transformed into commands by forces perhaps inherent to the process of tradition formation, in the standard translations of the text (and arguably in the original Chinese, too) there is hardly much sign for a rhetoric along these lines. We have shown that with regard to those cases where Confucius is using imperative, he is not looking for vowed, let alone blind, obedience. Far from pronouncing laws for all future generations and throughout all dwellings, situational or contextual matters carry considerable import, although just how much import perhaps remains – on the basis of the text alone – ultimately not decidable. The different authority expressed by the different rhetoric in Leviticus and the *Analects* is also illustrated by the fact that in the former there is no authority portrayed above the Lord, whereas in the latter Confucius is clearly not the ultimate authority: there are political and other authorities whom Confucius himself seems to acknowledge and there is the intricate question of the role of *tian* 天 (a character notoriously hard to translate: “world”, “sky”, “heaven”, “Heaven”) under the authority of which Confucius to some degree and in some

146 In four instances, the Lord is reported to address Moses and Aaron, and in only one instance is the Lord speaking to Aaron only (Lev 10:8).

147 It might be worth recalling that there is some, albeit very restricted, dialogue in Ex 19:8 and between God and Abraham in Gen 18:32–33.

way seems to subject himself. Confucius is human, the Lord is not. The rhetorical playground already differs for this reason only.

Even if it might appear that *matter* in some way comparable is addressed in Leviticus and the *Analects*, as e.g. in the line “honour your parents”, and even if there is the rhetorical similarity of “The Lord spake unto Moses saying...” and “The Master said...”, the rhetorics of authority are radically different and, if noticed, cannot but lead to assertions of different content. In scholarly comparisons, the rhetorical dimension is seldom heeded. More often than not some similarity in *matter* is taken as starting point and the comparison then concluded with questionable assertions of similar *content*. If the present paper has some merit beyond the offered rhetorical analyses of Leviticus and the *Analects*, i.e. if it has some comparative merit, then we hope it might be the one that we have illustrated how difficult any assertions of shared content are, yet also how rewarding the comparative exercise is – although, or maybe because, in a sense it is an exercise that knows no end.

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