

Depictions of the State of Nature in Early Modern Japan

Paulus KAUFMANN

Depictions of the state of nature had, as is well known, a great impact on European philosophy and political thought in the seventeenth and eighteenth centuries. Thinkers like Hobbes, Locke, and Rousseau included such depictions in their philosophical writings and used them to support their particular accounts of legitimate political authority. It is much less well known that political thinkers of the same period in Japan also developed ideas about the state of nature. Ogyū Sorai, Dazai Shundai, Yamagata Daini, Andō Shōeki, and Fujita Tōko, among others, likewise used such accounts to promote their theories about political power and good government. In this paper I will present their ideas of the state of nature and analyse how these ideas are employed in their respective political theories.

The depictions of the state of nature I am interested in are *methodological tools employed in political argument*.¹ It is not really surprising

1. Mere literary or historical descriptions of human life before the establishment of governments are thus not within the scope of this paper. A relatively clear example of a narrative that is not politically motivated is the account of paradise in Genesis 2–3. This

that this tool became popular in political philosophy, because it seems natural—as Kinch Hoekstra has noted—“to reflect on human nature and the nature of political society by speculating about how humans were or would be outside of such society.”² It is, nevertheless, remarkable that the same methodological tool appeared in very different and completely unrelated political discourses. This coincidence alone is likely to arouse our curiosity about the communalities and differences that exist between these discourses.

Depictions of the state of nature are, moreover, a good starting-point for a comparison of different political philosophies. In contrast to abstract conceptions of equality or human rights, for example, such accounts are relatively easy to discover.³ At the same time they often express *in nuce* the author’s view of human nature and of the role of political institutions. For this reason it is not uncommon to compare the political philosophies of Hobbes, Locke, Rousseau and other

depiction of the state of nature was politically interpreted in the Middle Ages, however, and, in general, the boundary between literary and politico-philosophical accounts is fluid: Lucretius’ description of human life before the creation of political institutions in chapter 5 of *De rerum natura*, for example, looks like an empirical account of the history of nature without any concrete political aim. Lucretius had such aims, however, and they certainly influenced his depiction of the state of nature; see NICHOLS 1976. The Buddhist *Aggañña Sutta*, on the other hand, describes the beginning of the earth and the birth of social order with the apparent aim of rejecting the brahmanic caste system. It also contains a kind of contract theory of monarchy and thus seems to be politically motivated; see HARVEY 2000, 114 and 118–19. This reading of the *sutta* has been harshly criticized, however, by COLLINS 1996 and HUXLEY 1996, among others. Generally speaking, the Buddha does not really put forward a political argument in his sermon, but makes fun of other genealogical accounts of human society—see GOMBRICH 1992—and emphasizes that the Buddhist soteriological system is independent from all such social conventions. Finally, the two Japanese imperial histories *Kojiki* and *Nihon shoki* clearly depict the origin of the world and of the Japanese islands in order to legitimize the political ambitions of the Yamato clan; see, for example, NOSCO 1990, 7–8 and ANTONI 2012, 274. These works do not, however, develop any kind of political theory. These examples can thus be understood as borderline cases for depictions of the state of nature that aim at the legitimation of political authority.

2. HOEKSTRA 2007, 109.

3. This does not mean that such depictions are unrelated to abstract philosophical notions. I will argue, on the contrary, that Japanese depictions of the state of nature express specific interpretations of some of the most important ideas for political philosophy.

Western philosophers by comparing their depictions of the state of nature.⁴ It is plausible to assume that the same interpretative approach can be fruitfully employed with regard to non-Western narratives about the human condition before government as well. I will therefore analyse the depictions of the state of nature in the work of Sorai, Daini, Shōeki, and Tōko as a convenient way of bringing the essentials of their political philosophies to the fore and compare them to each other.⁵

Although I am focussing on thinkers of the early modern period, it is necessary to take their predecessors into account. This is true for Western philosophy where the classical and medieval sources of Hobbes and Locke are still sometimes neglected,⁶ but by now carefully studied by intellectual historians.⁷ Japanese political philosophers, on the other hand, relied heavily on the Confucian tradition of China. It is beyond the scope of this paper to give an overview of Chinese depictions of the state of nature, but I will at least present some examples that were well known to the Japanese thinkers of the Edo period and certainly influenced their view, positively or negatively, about the original human condition.

By pointing to the variety of positions that political thinkers presented about the state of nature in the Edo period I also wish to correct some common misconceptions about its intellectual history. The Edo period (1603–1868) is often subsumed under the label “Confucianism,” but a detailed investigation of the diverse ideas about the state of nature reveals the underlying heterogeneity. Such heterogeneity is not, moreover, only brought in by critics of Confucianism such as Andō Shōeki or Motoori Norinaga, but also exists *within* Japanese Confu-

4. See, for example, KERSTING 1994.

5. I thus do not aim to juxtapose two cultural treatments of the state of nature theme. I refer to Western depictions of the state of nature primarily because their history has been thoroughly studied and because a careful look at the differences within the Western discourse may sharpen our awareness for differences that also exist in the Japanese case.

6. See, for example, RYAN 1987.

7. See, for example, SKINNER 1978; BRETT 1997; BRETT, TULLY, and HAMILTON-BLEAKLEY 2006.

cianism. It also existed within ancient and medieval Confucianism in China and we should resist the tendency to ascribe a homogeneous political philosophy to Confucianism in general or to the political thought of the Edo period in particular.⁸

Each thinker I deal with undoubtedly deserves more space and a more detailed investigation of his political ideas. In this paper, however, I only aim to introduce the general idea of a state of nature into the discussion of Japan's Early Modern history of thought and hope to analyze it in more detail on another occasion. I therefore do not present results of a long-time research in this paper, but only a draft of a future research project.

THE STATE OF NATURE IN EUROPEAN POLITICAL THOUGHT

Thomas Hobbes characterized the state of nature in the thirteenth chapter of the *Leviathan* entitled "Of the Natural Condition of Mankind as Concerning Their Felicity and Misery" as follows: "... during the time men live without a common power to keep them all in awe."⁹ From this short quotation it already follows that the state of nature is not understood in such theories as a state of the earth before human beings came into existence, but as a state of human beings before the beginning of civilization. The idea of a state of nature, therefore, does not oppose men and nature, but civilization and nature. The concept of civilization is, however, very vague and it is not clear which forms of human life must be established in order that one may speak of a civilized society. Hobbes is primarily interested in political institutions and is, therefore, quite explicit in his depiction of a state of nature: the state of nature is a state without *political authority*, i.e., without a power that is accepted by a significant number of people as

8. This tendency can be seen, for example, in WONG 2011.

9. HOBBS 1960, 82.

being legitimate in enforcing compliance with its directives. Hobbes asks how this political authority came into being and what it must look like to fulfil the function it was invented for.¹⁰

This political use of the state of nature was not invented by Thomas Hobbes. The sophist Protagoras describes the original condition of humanity in order to defend Attic democracy, as can be seen in Plato's dialogue of the same name.¹¹ Protagoras describes how the gods created all living creatures and then ordered Prometheus and Epimetheus to distribute properties among them.¹² Unfortunately, Epimetheus "heedlessly squandered his stock of properties" on the animals and left men "naked, unshod, unbedded, unarmed." As this story was one of the first stories to recount the original human condition,¹³ I want to quote it at length:

Then Prometheus, in his perplexity as to what preservation he could devise for man, stole from Hephaestus and Athena wisdom in the arts together with fire... and he handed it there and then as a gift to man. Now although man acquired in this way the wisdom of daily life, civic wisdom he had not.... Thus far provided, men dwelt separately in the beginning, and cities there were none; so that they were being destroyed by the wild beasts, since these were in all ways stronger than they; and although their skill in handiwork was a sufficient aid in respect of food, in their warfare with the beasts it was defective.... So they sought to band themselves together and secure their lives by founding cities. Now as often as they were banded together they did wrong to one another

10. We see in the title of Hobbes' chapter that he uses the term "the natural condition of mankind" to refer to the state of humanity before political authority was created. Richard Hooker spoke of "those times wherein there were no civil societies," but William of Ockham had already used the term "state of nature" to refer to that state and it was Ockham's term that was adopted by John Locke (LOCKE 1960, §4, 287) and most authors after him (see GILLESPIE 2008).

11. My presentation of the early history of European depictions of the state of nature owes much to the presentation in KLOSKO 2005.

12. PLATO 1975, VOL. 3, 320c–323a.

13. As far as I know, there was no Greek or Latin equivalent of the English term "state of nature." They simply speak about "antiquity" or "former times" and we have to look at the context to decide whether they refer to the state of nature or not.

through the lack of civic art, and thus they began to be scattered again and to perish. So Zeus, fearing that our race was in danger of utter destruction, sent Hermes to bring respect and right among men, to the end that there should be regulation of cities and friendly ties to draw them together. Then Hermes asked Zeus in what manner then was he to give men right and respect: “Am I to deal them out as the arts have been dealt? That dealing was done in such wise that one man possessing medical art is able to treat many ordinary men, and so with the other craftsmen. Am I to place among men right and respect in this way also, or deal them out to all?” “To all,” replied Zeus; “let all have their share: for cities cannot be formed if only a few have a share of these as of other arts...” Hence it comes about, Socrates, that people in cities, and especially in Athens, consider it the concern of a few to advise on cases of artistic excellence or good craftsmanship..., but when they meet for a consultation on civic art, where they should be guided throughout by justice and good sense, they naturally allow advice from everybody, since it is held that everyone should partake of this excellence, or else that states cannot be.¹⁴

The last sentences of this quotation suggest that Protagoras was thinking of Attic democracy as the form of government that was most suitable to finish the state of nature in which humans were either killed by stronger animals or harmed by other humans in a struggle for scarce resources. Protagoras depicts human beings as creatures that are deficient by nature and need society in order to survive. Humans also naturally lack a sense of justice and other social virtues, however, and needed the help of the gods to establish a stable community. Due to this divine intervention human beings possess the arts and virtues to build cities and protect against the dangers of nature. In Plato’s *Republic* this *divine* act is replaced by a *human* agreement on complying with mutually binding laws and contracts.¹⁵ Cicero tells us, on the other hand, how the brutish and unjust human life was overcome by a wise and eloquent man:

14. PLATO 1975, VOL. 3, 321C–323a.

15. PLATO 1975, VOL. 5, 358E–359b.

He perceived what materials there were, and what great fitness there was in the minds of men for the most important affairs, if any one could only draw it out, and improve it by education. He, laying down a regular system, collected men, who were previously dispersed over the fields and hidden in habitations in the woods into one place, and united them, and leading them on to every useful and honourable pursuit.¹⁶

We thus see that the classical authors agree that human life was miserable and immoral in the state of nature, but they differ significantly in their descriptions of how this state was brought to an end.

Medieval philosophers adopted the tradition of referring to the state of nature in order to promote political ideas. For many Christian thinkers, the state of nature was described in the *Bible*, because they identified this state with the condition in the Garden of Eden as depicted in Genesis 2–3. Augustine, for example, argued that political authority became necessary only after the fall, i.e., after Adam and Eve committed the first sin and were consequently expelled from the pre-political state of paradise. Because Adam and Eve had surrendered to lust, they and all their descendants suffer from an inner conflict between reason and will that externally leads to social conflict and war.¹⁷ Political power is necessary, according to Augustine, to settle these conflicts at least temporarily, and rests ultimately in God “who ordained political authority as a remedy for sin.”¹⁸

We thus see an interesting shift from the ancient to the medieval depictions of the state of nature. Whereas the original human condition was described as immoral by many classical thinkers,¹⁹ medie-

16. CICERO 2006, i.2.2.

17. AUGUSTINE 1998, XIV.28 and XV.1.

18. WEITHMAN 2001, 239. The interpretation according to which Augustine believes that political authority emerges only after the expulsion from paradise is not uncontroversial; see BURT 1997, for example.

19. There are certainly also classical authors who depict the state of nature in more pleasant terms. Seneca, for example, praises the simple life before all goods of luxury were invented. At the same time he tells us, however, that strong leaders and laws were necessary to control human avarice; see SENECA 1985, no.90.

val philosophers consider the state of nature to be good. It was only through Adam's original sin that vice came into the world and made authority necessary. The late medieval philosopher Marsilius of Padua inherited Augustine's biblical interpretation of the state of nature:

And had he [Adam] remained in this state [of innocence], the institution or differentiation of civil functions would not have been necessary to him or to his posterity, in that nature would have brought forth for him in the earthly paradise or pleasure-garden things needful and pleasurable for the sufficiency of this life, without any penalty or demand upon him.²⁰

Augustine and Marsilius thus agreed that political authority was necessary in order to control humanity's corrupt moral condition. In contrast to Augustine, Marsilius did not believe, however, that the resulting state was necessarily a hierarchical society of dominion. The law that should bring order to human society was created, according to Marsilius, by each human community or by "the weightier part thereof."²¹ Marsilius should certainly not be read as offering a secular, republican theory of politics, but his account already comprehends elements of political self-determination and consent that we saw in Protagoras and that became dominant in the famous state-of-nature theories in the Early Modern period.²²

State-of-nature theories have also been criticized since ancient times. Aristotle famously argues that man is a *zoon politikon*, a political animal, and this opinion was seen by some interpreters to be at odds with the idea of a state of nature without political institutions. Aristotle methodologically agrees that "he who considers things in their first growth and origin, whether a state or anything else, will obtain the clearest view of them." He believes, however, that rulers and subjects exist as naturally as husband and wife: "For that which can foresee by

20. MARSILIUS 2005, I.6.1–2.

21. See BRETT 2003, 291–2.

22. See NEDERMAN 1995, 47.

the exercise of mind is by nature intended to be lord and master, and that which can with its body give effect to such foresight is a subject, and by nature a slave.”²³ This account was adopted by many medieval philosophers, including Thomas Aquinas, who argued that authority was necessary even in the Garden of Eden.²⁴ Aristotle’s objection to state-of-nature theories is still visible in the Age of Enlightenment. Robert Filmer (1588–1653), for example, argues in such an Aristotelian vein. John Locke later wrote his *First Treatise of Government* against Filmer’s ideas that he summarizes as follows:

Men are not born free, and therefore could never have the liberty to choose either governors, or forms of government. Princes have their power absolute, and by divine right; for slaves could never have a right to compact or consent. Adam was an absolute monarch, and so are all princes ever since.²⁵

Adam is understood by Filmer as a monarch who received the right to rule from God while still residing in the Garden of Eden. After his expulsion from paradise Adam passed this right on to his sons and all kings have to be understood as heirs to this divine gift. Hobbes, Locke and Rousseau revolt against this idea of natural or divine authority. They instead agree with Marsilius that there was a time when humans lived without political authority and that this authority was created by human convention. In our short synopsis of ancient and medieval accounts of the original human condition we have seen, however, that not all state-of-nature accounts are contractarian. Such accounts are used to legitimate diverse forms of government and do not necessarily point to an agreement between human beings to understand the formation of political authority. The ancient, medieval and early modern depictions of the state of nature also differ

23. ARISTOTLE 2000, I.2.

24. See KLOSKO 2012, 276–7.

25. LOCKE 1960, §35, 161. Filmer’s own arguments can be found in FILMER 1949, 57–8 and 187–8.

in many other regards: Hobbes distinguishes himself from the Christian tradition, for example, in depicting a miserable state of nature and thereby follows the ancient models. Rousseau, on the other hand, shows us a peaceful world before the advent of civilization that has clearly paradisiac features. Related to the quality of the state of nature is the question of whether there is no form of community at all in that state. While Protagoras, Plato, Cicero and Hobbes argue that life in the state of nature is solitary, Locke depicts some forms of cooperation in the state of nature, and Augustine, Marsilius and Rousseau see people living in peaceful communion there. A much debated topic for later state-of-nature theories is whether we have to include property in the things that exist before or after the foundation of civilization. John Locke famously argues that people have property even without political authority, whereas Hobbes and Kant deny that property can be more than provisional in the state of nature.²⁶

Later accounts about the state of nature inherit, moreover, an ambiguity from the medieval debates about what life was like in the Garden of Eden. As Augustine tells us, some authors understood the biblical depiction to be real and some interpreted it as fictive.²⁷ Hobbes, Locke, and Rousseau use contemporary sources about “uncivilized” cultures in the Americas, for example, to warrant their claims about the state of nature. They thus seem to aim for a historically correct depiction of that state. Hobbes, at least, concedes, however, that his account might be fictive, but he defends its explanatory potential. Modern authors like Rawls, Gauthier, and Nozick adopt this later approach and agree that their depictions are non-historical thought experiments.²⁸

26. See LOCKE 1960, §32, 308–9; HOBBS 1960, 83; and KANT 1900, VI: 269.

27. AUGUSTINE 1998, XIII.21. An early sophist text of unclear origin even suggests that a narrative about the state of nature was invented with the purpose of making people stop their violence and worship the gods, thus introducing “the most pleasant of lessons,” but “concealing the truth with a false account”; see DAVIES 1989.

28. See RAWLS 1971, §20; GAUTHIER 1986; and NOZICK 1974, ch.1.

“State of nature” is thus an open concept that allows different concrete designs. The common element in state-of-nature theories is only that they depict the pre-political state of human beings in order to legitimize political authority and defend particular standards of good government. A similar variety of depictions of the state of nature can also be found in the intellectual history of China.

THE STATE OF NATURE
IN CHINESE POLITICAL THOUGHT

It is one of the paradigms of Confucianism that a Golden Age of government existed in ancient China. The social institutions of this age were supposed to make up the first form of society emerging on Chinese soil and it was believed that these institutions were created by sage rulers such as Fu Xi, Yao, Shun, Wen and Wu. The narrative of the creation of social institutions by the sage kings implies that before that creation there was a state of nature and it invites speculation about what human life looked like without government. One unusually explicit depiction of this state can be found in the first century CE, in the *Comprehensive Discussions in the White Tiger Hall* (白虎通義) by Ban Gu:

In olden times²⁹ the three major and the six minor relationships³⁰ did not exist yet. People knew their mothers only, not their fathers. They knew how to cover the front part of their bodies, but not how to cover the back part. They slept snoring and awoke puffing and screaming. When hungry, they searched for food; when satisfied, they threw

29. As the ancient Greek and Roman authors Chinese writers did not have a particular term to refer to the state of nature. They also used expressions such as “in olden times” (古之時) or “primordial past” (太上) instead. Japanese Confucians usually used these same expressions, but Yamagata Daini, for example, also employed the archaic but synonymous term 鴻荒.

30. The Three Major Relationships are those between ruler and subject, father and son, and husband and wife. The Six Minor Relationships are the relation with one’s father’s brothers, with one’s elder and younger brothers, with one’s kinsmen, with one’s mother’s brothers, with teachers and elders, and with friends; see T’JAN 1949, 559.

away the remnants. They devoured their food hide and hair, drank the blood, and clad themselves in skins and rushes. Then came Fu Xi and looked upward and contemplated the images in the heavens, and looked downward and contemplated the occurrences on earth. He regulated the union between husband and wife, put right the order of the Five Elements, and laid down the laws of humanity. He devised the eight trigrams, in order to gain mastery over the world. When all under heaven had been subjugated, he civilized them.³¹

In his depiction of the state of nature Ban Gu not only describes life without government, but also stresses that other forms of human relations are absent. It is for him a bad state³², with unjust family structures and brutish manners and needed the advent of the first legendary sage Fu Xi to bring order into the social chaos and to gain “mastery over the world.” The reason why Fu Xi was able to promote order and civilization was his capacity to “read the signs of nature.” In contrast to ordinary human beings he had the cognitive skills to detect stable patterns in the dynamics of nature and was thus able to create political institutions, social hierarchies and technical innovations that fit these natural patterns. This idea is also expressed in the ancient Chinese myth that Fu Xi invented the angular measure and the Chinese writing system.

From the above quotation alone it is not clear if Ban Gu’s depiction had a legitimating function and thus fits my definition of state-of-nature theories. Fu Xi is understood in the Confucian tradition as a ruler, however, and Ban Gu justifies the authority of Fu Xi and of his successors by pointing to their intellectual and creative achievements that overcame the miserable state of nature. This Confucian idea was actually much older³³ and proved to be very influential in

31. The original text can be found online as part of the Chinese Text Project: <http://ctext.org/bai-hu-tong/hao>. For the translation of this passage I used parts of the translations from TJAN 1949, 232 and WILHELM and BAYNES 1967.

32. The negative evaluation of the state of nature is also explicit in Yang Xiong’s *Fayan* where he states that “the sages hated the primeval time”; see NYLAN 2013.

33. Older depictions of the state of nature can be found in the *Book of Changes*, *Xi ci*

East Asian political thought. It was already adopted by the Legalist author Shang Yang (390–338 BCE) who largely agrees with the Confucian picture:

During the time when heaven and earth were established, and the people were produced, people knew their mothers but not their fathers. Their way was to love their relatives and to be fond of what was their own. From loving their relatives came discrimination, and from fondness of what was their own, insecurity. As the people increased and were preoccupied with discrimination and insecurity, they fell into disorder. At that time, people were intent on excelling others and subjected each other by means of force; the former led to quarrels, and the latter to disputes. If in disputes there were no justice, no one would be satisfied; therefore men of talent established equity and justice and instituted unselfishness, so that people began to talk of moral virtue. At that time, the idea of loving one's relatives began to disappear, and that of honouring talent arose.³⁴

Whereas Ban Gu stressed the brutish, animal-like form of living in the state of nature, Shang Yang emphasizes its unmoral condition. In contrast to Ban Gu, the legalist author Shang Yang believed family relations to have existed in the state of nature and emphasizes their negative effects on society's welfare. "Men of talent" thus had to establish social institutions in order to end the disorder brought about by human egoism and nepotism. The *Book of Rites* (禮經), a Confucian Classic believed by some Confucians to have been compiled by Confucius himself, depicts a more positive picture of the state of nature:

In antiquity, Heaven and Earth acted according to their several natures, and the four seasons were what they ought to be. The people were virtuous, and all the cereals produced abundantly. There were no fevers or

11.2, for example; see LEGGE 1996.

34. The original text can be found online as part of the Chinese Text Project: <http://ctext.org/shang-jun-shu/opening-and-debarring>. The translation is taken from SHANG 1963, VII.1.

other diseases, and no apparitions or other prodigies. This was what we call “the period of great order.”³⁵

Although human life was in harmony with nature it was still uncomfortable, as another passage from the *Book of Rites* illustrates:

Formerly the ancient kings had no houses. In winter they lived in caves which they had excavated and in summer in nests which they had framed. They knew not yet the transforming power of fire, but ate the fruits of plants and trees, and the flesh of birds and beasts, drinking their blood, and swallowing (also) the hair and feathers. They knew not yet the use of flax and silk, but clothed themselves with feathers and skins. The later sages then arose, and men (learned) to take advantage of the benefits of fire. They moulded the metals and fashioned clay, so as to rear towers with structures on them, and houses with windows and doors. They toasted, grilled, boiled, and roasted. They produced must and sauces. They dealt with the flax and silk so as to form linen and silken fabrics. They were thus able to nourish the living, and to make offerings to the dead; to serve the spirits of the departed and God. In all these things we follow the example of that early time.³⁶

Apart from these technical innovations, religious beliefs and rituals, the sages also established “the duties between father and son, and between ruler and subject, for the guidance of society.” This led to an even better human society, to “great tranquillity.”³⁷ The Daoist author Zhuangzi, on the other hand, paints a very different picture of the state of nature and openly rejects its Confucian interpretation:

And moreover I have heard that anciently birds and beasts were numerous, and men were few, so that they lived in nests in order to avoid the animals. In the daytime they gathered acorns and chestnuts, and in the night they roosted on the trees; and on account of this they are called the people of the Nest-builder. Anciently the people did not know the use of clothes. In summer they collected great stores of faggots, and

35. The translation is from LEGGE 1966, IX.42.

36. Ibid., XIX.6.

37. Ibid., IX.42.

in winter kept themselves warm by means of them; and on account of this they are called the people who knew how to take care of their lives. In the age of Shennong, the people lay down in simple innocence, and rose up in quiet security. They knew their mothers, but did not know their fathers. They dwelt along with the elks and deer. They ploughed and ate; they wove and made clothes; they had no idea of injuring one another: this was the grand time of Perfect virtue. Huang-Di, however, was not able to perpetuate this virtuous state. He fought with Chi-you in the wild of Zhuo-lu till the blood flowed over a hundred li. When Yao and Shun arose, they instituted their crowd of ministers. Tang banished his lord. King Wu killed Zhou. Since that time the strong have oppressed the weak, and the many tyrannised over the few. From Tang and Wu downwards, (the rulers) have all been promoters of disorder and confusion.³⁸

We thus see that all these authors accepted an account of the state of nature according to which people originally led their life like animals without agriculture and housing, without clothing and table manners, and, above all, without ordered social and political relations. The ancient Chinese writers also agree that this state ended due to the activities of certain individuals who claimed to be the people's rulers. But whereas Confucians and Legalists praise the achievements of the ancient sage rulers, the Daoist Zhuangzi holds them responsible for a degeneration of human life.³⁹ Confucians also believe that a degeneration of human society took place, but they believe that it happened after the Golden Age of the sage rulers, when the Zhou dynasty collapsed and a period of civil strife, the Warring States period, began. This picture is still the dominant Confucian paradigm in the seventeenth century, as can be seen in the work of Huang Zongxi (1610–1695):

In the beginning of human life each man lived for himself and looked to his own interests. There was such a thing as the common benefit, yet

38. The translation is adopted from LEGGE 1962, xix. i.

39. I would like to thank Lorenzo Marinucci for urging me to include Daoist depictions of the state of nature in my synopsis.

no one seems to have promoted it; and there was common harm, yet no one seems to have eliminated it. Then someone came forth who did not think of benefit in terms of his own benefit but sought to benefit all-under-heaven.... In ancient times all-under-Heaven were considered the master, and the prince was the tenant. The prince spent his whole life working for all-under-Heaven. Now, the prince is master, and all-under-Heaven are tenants. That no one can find peace and happiness anywhere is all on account of the prince.... Thus he who does the greatest harm in the world is none other than the prince. If there had been no rulers, each man would have provided for himself and looked to his own interest. How could the institution of rulership have turned out like this?⁴⁰

In Huang's account, the state of nature was insufficient primarily because all human beings merely aimed to satisfy their individual needs. The first rulers were needed because they established institutions that served the common benefit and thereby greatly improved human life. In contrast to the traditional accounts of humanity's original condition, Huang seems to conclude that rulers are only beneficial when they pursue this common benefit. Once they start to pursue their own interests and subdue the interests of their subjects, the state of nature would be preferable to this state of selfish rule.

We thus see that China had a long tradition of depicting the state of nature in order to defend political ideals and institutions. These depictions differ significantly with regard to the moral assessment of the original state, the forms of human relations that are believed to have existed in it, and consequently the political institutions that are promoted by the depictions.

40. HUANG 1993, 91-2.

DEPICTIONS OF THE STATE OF NATURE
IN EARLY MODERN JAPAN

The reception of Confucianism in Early Modern Japan began with the neo-Confucianism of thinkers like Cheng Yi (1033–1107) and Zhu Xi (1130–1200).⁴¹ This form of Confucianism developed in the Song-period (960–1279), but was adopted in Japan only from the sixteenth century onward.⁴² Neo-Confucianism integrated several Daoist and Buddhist ideas into the Confucian framework and significantly changed the understanding of many traditional Confucian concepts. As one of the consequences of this re-interpretation, neo-Confucians did not make use of depictions of the state of nature, but believed that political authority emerged simultaneously with human beings. As in the political philosophy of Aristotle, Aquinas, and Filmer, there is thus no human life without political relations for neo-Confucian writers. The idea of the naturalness of political authority is clearly expressed in the work of the Japanese neo-Confucian author Hayashi Razan (1583–1657):

When the Supreme Ultimate moves, it produces *yang*; when it is still, it produces *yin*. Together, yin and yang make up the “one, originating material force.” Once they have divided, they become two. When they have divided again they become the five processes. These five processes are wood, fire, earth, metal, and water. These five processes create everything. When they combine and form things, man is one of their products. Skin comes from earth, hair comes from wood; the vital fluids come from water; man’s skeleton and muscles come from metal; and man’s energy comes from fire.... The master of the physical form created by the intermingling of principle and material force is called “mind.” Since this mind contains the original principles of the great ultimate, it

41. I would like to thank Matteo Cestari for asking me about the neo-Confucian position on the state of nature.

42. On the adoption of neo-Confucianism in Japan, see BOOT 1983.

is empty and open like Heaven. Lacking both shape and sound, it consists simply of moral goodness and is devoid of any evil.⁴³

We see in this passage that Razan believed that human beings emerged spontaneously from natural processes.⁴⁴ In these processes, not only man's body and mind were created, but the mind also contained moral goodness already. Even human relations were present at this early stage of human development, as the following quotation makes clear:

The Five Relations of lord and retainer, father and son, husband and wife, older and younger brother, and friend and friend have existed between heaven and earth in antiquity as they exist now.⁴⁵

Rulers thus emerged, according to Razan, as soon as the first groups of human beings came into being. These rulers differ from ordinary human beings by the quality of the material force (氣) they receive at birth. In material force, according to Razan, "both purity and pollutants, good and evil, coexist" and moral virtues as well as selfishness are due to the "heterogeneous nature of material force, when people are created."⁴⁶ Heaven assigns this material force and will thereby "select someone whose heart and capacities are sufficient to enable him to govern the realm."⁴⁷ According to neo-Confucians like Hayashi Razan people thus differ in their moral qualities from birth onward and society has to display these differences in strict hierarchies. Political authority is here a species of natural authority, namely the rule of the worthiest by nature.

People can change their moral quality within their lives, how-

43. RAZAN 1975, 161–2; for the translation see DE BARY and DYKSTRA 2001, vol. II.1, 54. Further similar passages by Razan and other Edo period thinkers are quoted in MARUYAMA 1974, 195–205.

44. As usual, I refer to the thinkers of the Edo period by their forename that is actually a pen name chosen by the author, often expressing his Confucian motto.

45. RAZAN 1975, 159.

46. RAZAN 1975, 162; DE BARY and DYKSTRA 2001: 54.

47. DE BARY and DYKSTRA 2001, 68.

ever, if they cultivate the sprouts of goodness that can be found in every human being.⁴⁸ By making an enormous effort in moral cultivation and learning every human being can become a sage according to neo-Confucian doctrine. The ancient sage kings—who were understood as the intellectually superior creators of cultural and social institutions in the Chinese classics—are mentioned in neo-Confucian texts as well. Their role has changed significantly, however, because they are not seen as the creators of social institutions anymore, but primarily as role models of socially beneficial behaviour.⁴⁹ Cheng Yi, one of the founding fathers of neo-Confucianism therefore said: “When people want to become sages, one can study and learn with them.”

From the late 17th century onward neo-Confucianism became the target of a group of Japanese scholars who were later called the neo-Classical school of Confucianism (*kogaku* 古学). Yamaga Sokō (1622–1685), Itō Jinsai (1627–1705), and Ogyū Sorai (1666–1728) are the most influential members of this movement. Itō Jinsai, to begin with, still accepts Razan’s and Cheng Yi’s claim that in principle everybody can become a sage. He warns, however, that “aspiring to sagehood is indeed fine for people with prodigious talent and exceptionally extraordinary abilities. However, if normal people try to become sages, maladies might result.”⁵⁰

Ogyū Sorai was far more radical in this regard. He accuses the Song-Confucian philosopher Zhu Xi and Itō Jinsai of having left the way of the ancients. “These two teachers,” he indignantly observes, “simply advocated studying to become a sage.”⁵¹ In his eyes, the wisdom of the sages is out of reach for ordinary human beings and any attempt to become a sage oneself has to be regarded as presumptuous. The correct way of learning that he defends instead “makes faith in

48. RAZAN 1975, 165–6; DE BARY and DYKSTRA 2001, 56.

49. See, for example, Razan’s description of the exemplary behaviour of the sages with regard to benevolence (仁) in RAZAN 1975, 119–20.

50. JINSAI 1971, 81; for the translation see TUCKER 1998, 196.

51. SORAI 1973, 165 and 249; for the translation see TUCKER 2006, 314.

the sages primary.”⁵² His understanding of rulers as unique creators of social institutions is explicitly defended in the following passage:

The term “sage” refers to those who create.... The ancient sons of heaven, possessing the virtues of intelligence, brilliance, perception, and wisdom, penetrated the way of heaven and earth and fathomed the natures of men and things.... Fu Xi, Shennong, and the Yellow Emperor were all sages. Yet during their time, the way of correct virtue had not yet been created. Rites and music not yet emerged.⁵³

Due to this change in the understanding of the sages Sorai could also accept the idea of a state of nature. In contrast to the neo-Confucians, rulers did not emerge naturally, for Sorai, but appeared at a specific moment in time, when human life was brutish and miserable:

In the state when the sages did not become active yet people lived scattered and without unity. They knew that they have a mother, but they did not know that they have a father. They did not mind when their children and grandchildren spread into the four directions. They did not have a soil to stay, things to profit from or a place to live. When somebody died they did not bury him, when somebody deceased they did not bemoan him. They died among the birds and beasts, rotted amid the trees and grass. For these reasons people have no fortunes and cannot achieve the height of humanity. Therefore, the sages ordered the spirits of the ancestors and thereby united the people. They built shrines to venerate the ancestors and made people stay there. They created feasts for the ancestors and made people profit from them. They headed all officials, families and offices and made people serve.⁵⁴

We can see in this passage that Sorai adopted many ideas and even expressions from the Chinese tradition of depicting the state of nature. He is especially close to Ban Gu in describing human life as solitary without stable family relations. Human manners were very primitive as

52. SORAI 1973, 169 and 250; for the translation see TUCKER 2006, 319.

53. SORAI 1973, 63 and 216; the translation is adopted from TUCKER 2006, 197.

54. The passage is quoted from OGATA 1991.

there was no agriculture, housing or property of any kind, and because men did not worship their gods and ancestors. Only when the sages, i.e., beings with extraordinary intellectual capacities, appeared, did human society become ordered. The sages established technical innovations, religious rites and political institutions and brought peace and well-being to the people. Sorai's disciple Dazai Shundai (1680–1747) continued his teacher's efforts to influence shogunal politics by pointing to the institutions that were founded by the ancient sages.⁵⁵ The picture he paints of humanity's original condition is even darker than Sorai's:⁵⁶

The place where human beings were born just after heaven and earth opened up was like an old pond where fish are born and perish, and insects grow. They were born as a result of the natural changes of material force. The people of that time were for that reason not yet distinguished in noble and mean, in higher and lower ranks and they all belonged to the same pack (同輩). These humans are therefore called “the common people.” Their bodies were like those of humans, but their hearts were like those of birds and beasts. Men and women all flocked together and passed their days. Because among them the wish for food and clothing was never fully satisfied, the uneducated people in their natural wisdom had no planning on how to stop their hunger and how to protect against cold. All the people differed in nature and there were clever as well as stupid, strong as well as weak persons. Clever people managed to escape hunger and cold, but stupid people couldn't. Strong people robbed the cloths and food from the weak, and the weak were robbed by the strong. In this way struggle among the common people began.⁵⁷

In this passage, Shundai stresses the immoral character of the state of nature. His teacher Sorai still maintained that although the sages differ from ordinary human beings “as heaven differs from the earth”

55. See WATANABE 2012, 181–4.

56. See FLUECKIGER 2014, 215–17.

57. This passage from Shundai's *Bendōsho* 弁道書 is quoted in MAEDA 2012.

in their intellectual capacities, all people are morally alike in “having minds that mutually love, nourish, assist, and perfect one another.”⁵⁸ All humans strive for cooperation and companionship, they just don’t know how to organize and unify society, according to Sorai. Shundai, on the other hand, depicts an original condition where might makes right and people suffer not only from the lack of social organization, but also from the violence of their fellow men. Shundai is thus closer to the legalist Shang Yang than to Ban Gu in this respect, but he certainly agrees with Sorai that the miserable state of nature was brought to an end by the sage kings in Chinese antiquity:

Thereafter persons called sages appeared in the world, they installed the teachings of propriety and justice, and taught the people respect and shame. They ordered the relation between husband and wife, clarified the differences between men and women, and taught the people the wrongness of incest. They established the rules for giving and taking things, and taught the people that looting, robbing and stealing do not accord with the way of humanity. From then on the people of the realm knew justice and they knew shame. They stopped the former behaviour of birds and beasts, and maintained the way of human morality.⁵⁹

The later Confucian scholar Yamagata Daini (1725–1767) is said to have been deeply influenced by these accounts of the Sorai School.⁶⁰ Especially his depiction of the state of nature has many similarities

58. SORAI 1973, 54 and 213; the translation is taken from TUCKER 2006, 187; see also McMULLEN 2001, 252–3.

59. SHUNDAI 1972, 79.

60. My use of the term “Sorai School” should not be understood as implying a formal organisation or doctrinal unity among its members. Dazai Shundai was a direct disciple of Sorai, but he disagreed with him on various issues; see FLUECKIGER 2014, 216–17. Yamagata Daini learned with teachers from different backgrounds and was thus not only influenced by Sorai’s thought; see WAKABAYASHI 1995, 45. Sorai, Shundai and Daini share similar ideas about the state of nature and its political implications, however, and so I use the term “Sorai School” as a convenient way of referring to these three authors. There were, of course, other like-minded politicians and political theorists in the Edo period, but I will not mention further examples.

with Shundai's account.⁶¹ His work *The New Discourse of Master Wil-low* (柳子新論) contains his very detailed depiction:

It is heaven's nature (天性) that men are born naked. There are neither nobles nor commoners and in their crawling around in search for food and satisfaction of desire they do not differ from the birds and beasts. The birds and beasts differ in their abilities to fly and to run, however, they are distinguished in their outfit made of feathers or fur and they are divided in small and large. Even small insects with their scales and shells are all divided, just as grasses and trees are divided into different kinds. Man is not like this, however. There are no differences between humans who can fly and those who walk. There are no differences in feathers and furs. Nose and mouth make their faces equal, arms and legs make their bodies equal, words and speech make their behaviour equal, sounds and colours make their desires equal. There are thus no differences and kinds.

Sorai, Shundai, and their Confucian predecessors in China described human life in the state of nature as similar to the life of birds and beasts. Daini agrees with this assessment, but he also stresses that men differ from other animals in possessing no natural differences in behaviour, outfit or size.

These differences exist in later times, however, and Daini asks himself how these social distinctions emerged:

The reason why the distinction between noble and common developed is that the strong subdued the weak, the brute despised the gentle, they harmed and injured, maltreated and killed each other without asking if the opponent is a friend or a stranger, if he is old or young. They dwelt in caves and slept on grass. They died among the birds and beasts, rotted amid the trees and grass. That's how it was in ancient times.

According to Daini, social distinctions are thus a tool against the *bellum omnium contra omnes* that characterizes the state of nature. In answering the question of who invented this tool he follows Sorai and

61. See WAKABAYASHI 1995, 64–5.

Shundai and understands the sage kings of ancient China as the intellectually superior creators of these institutions:

Man alone is the spirit (靈) of all things, a spirit that is divine (靈則神). There are necessarily people who stick out of the crowd. As they could handle their own lives, they were able to influence the lives of others. As they could nourish their own bodies, they were able to nourish the bodies of others. They produced food and fed them. They produced cloths and clothed them. Then they taught them to till and to weave, they made everything useful and benefited life. As the stars move towards the Northern Star, so people took refuge in them.... Thereafter, people were distinguished by different names and acted as ruler and subject, father and son, husband and wife, old and young.... The strong did not subdue the weak anymore; the brute did not despise the gentle. The habits of harming and injuring, of maltreating and killing ended. By creating the rites distinctions were established.⁶²

Daini subscribes in this passage to the idea that humanity is the pride of creation because of its spirit.⁶³ So if we look for differences between human beings we should not look at their behaviour, outfit or size, but at their intellectual capacities. Here, according to Daini, we find significant differences between human beings. Most distinguished are the intellectual capacities of the ancient Chinese sage kings like Fuxi, Shennong, Yao and Shun. Ordinary people, therefore, naturally look to these wise people for guidance. They move towards them like the stars move towards the northern star. This intellectual superiority leads to the emergence of political authority and the installation of stable hierarchies.

From this survey of depictions of the state of nature in Early Modern Japan we see that the Sorai School developed a specific account of humanity's original condition that drew inspiration from accounts of the Confucian tradition in China. Sorai, Shundai, and Daini differ in

62. DAINI 1969, 74–5; translations can be found in WAKABAYASHI 1995, 135–6; BEIER 2007, 307–8.

63. On the history of the Pride of Creation theory in Japan see JOLY 2014, 264–5.

many details, but they agree that a pre-political state of nature existed and that it was brought to an end by intellectually superior individuals. This account of the state of nature is a good starting point to consider, in a next step, what follows from it with regard to some key terms of political philosophy and to specific proposals for new policies and institutional reform. This examination will also give me the chance to contrast the positions of the Sorai School with other voices in the political discourse of the Edo period.

EQUALITY

In order to present the Sorai School's conception of political authority, it is helpful to compare its depiction of the state of nature with the one that Plato ascribes to Protagoras. I will focus on Daini, in particular, because he offered the most detailed account of the state of nature. Like Protagoras, Daini points out that humans are naked at birth and are as such defenceless against wild animals. The forming of communities to join forces against the dangers of nature thus seems to be an obvious solution. But Daini and Protagoras both believe that man's nature contains asocial features that lead to oppression and violence. Some superior beings, therefore, had to intervene and teach people civilized behaviour. In Protagoras' case, this role was performed by the gods who brought technical inventions and social virtues to the humans in danger of extinction. Daini, in contrast, considers the ancient sage kings to be the saviours of humanity. As the sage kings are understood in the Confucian tradition to have received extraordinary intellectual capacities from heaven, the difference between Protagoras' and Daini's *dei ex machina* does not seem to be too great. Given these similarities between Protagoras and Daini and Daini's emphasis on the equality of all human beings in the state of nature, it seems plausible to suppose that Daini would also promote an egalitarian and participatory system of government just as Protagoras did. And indeed, Daini has been understood as promoting such a system by political theorists

in Japan after the Second World War.⁶⁴ This interpretation presupposes that Daini believes equality to be something valuable. The context of his depiction of natural equality makes it unmistakably clear, however, that this would be a misunderstanding of his position.

Dazai Shundai somewhat dismissively described human beings in the state of nature as “not yet distinguished in noble and mean” and as “all belonging to the same pack (同輩).” In this description we see that the word for “equal” or “same,” the Japanese word 同 is used with a negative connotation. Daini shares this negative assessment and tells us that the original human beings without social distinctions were just “crawling around” like the birds and the beasts. The equality of all human beings is thus *part of* the miserable condition in the state of nature for Sorai, Shundai, and Daini. In Protagoras’ story, Zeus asks Hermes to distribute respect and a sense of justice evenly in order to create a stable society. Daini believes, on the contrary, that human society needed the sage kings with superior intelligence who can create social and political institutions. In this regard Daini is closer to stoic philosophers like Cicero and Seneca who also wrote that human society was founded by “wise men.” But while the ancient Greek and Roman authors might have considered their narratives about the state of nature to be nothing more than instructive myths, the thinkers of the Sorai School hold the sages to be real persons. Ogyū Sorai, in particular, stresses that the sages were flesh and blood humans who lived in China some millennia ago. Thereafter, when the last sage had died, less gifted but still extraordinary rulers were necessary to adapt, maintain, and protect the institutions of the sages. When Daini stresses the equality of human beings in the state of nature, he therefore does not want to promote equal claims to political participation. Just social and political institutions are for him not supposed to build on human equality, but should, on the contrary, establish differences in ranks and rights in order to prevent social unrest and war. Although equality was

64. See WAKABAYASHI 1995, 17–24, and BEIER 2007, 32–6.

seen to be natural by Daini, it was seen as something bad for humans. Inequality thus had to be created in order to establish a just and peaceful society.

Sorai, Shundai, Daini, and their Chinese predecessors certainly did not want to maintain hierarchies for the purpose of humbling the inferior.⁶⁵ They wanted to create a stable society and believed hierarchies to be a necessary means to this end. According to their view of humanity, the miserable condition of humanity in the state of nature was primarily due to the tendency of humans to compete with each other.⁶⁶ These competitions lead to social unrest and even wars, and the Confucian thinkers thought it best to make competition impossible by fixing what everybody gets: scarce and valuable goods are restricted to the social elite, because this elite shoulders the responsibility for society and sacrifices its private interests for the common benefit. More prevalent goods should be available to the rest of society so that everyone gets what he needs. The Sorai School believed that this strictly organized distribution of goods would stop competition, in the long run, and lead to a stable and prosperous society.⁶⁷

When Daini speaks about natural equality, he thus does not argue against someone who wants to build social hierarchies on inborn talents. The main targets of Daini's emphasis on human equality in the state of nature are neo-Confucian writers like Hayashi Razan. Sorai, Shundai and Daini criticize the neo-Confucian position according to which differences in rank and political institutions develop naturally. They agree that people naturally differ in intelligence and virtue, but these differences do not suffice to build a stable society. For this task, the extraordinary and inaccessible capacities of the ancient sage kings and their creation of social and political institutions were

65. SORAI 1973, 313; see also HIRAISHI 2003, 186.

66. See, for example, SORAI 1973, 313–14; cf. also HIRAISHI 2003, 184–7; SHUNDAI 1967, 566–74; DAINI 1969, 76–7 and 92–6.

67. This line of argument can already be found in XUNZI 1988, in IV.13, IX.2.4 and X.3, for example.

necessary. Daini thus emphasizes that human society did not emerge naturally from the state of nature, but was only made possible by the interventions of the sage kings. The position of the Sorai School is in this regard comparable to the position of Western philosophers in the middle ages who criticized the Aristotelian assumption of the natural origin of power. They do not criticize the neo-Confucians for not sufficiently respecting human equality, however, but because the inequality they profess is too vague to create a stable society.

The fact that the Sorai School did not promote egalitarian ideals does not mean that such ideals were absent in the political discourse of the Edo period. Ideals of equality had to abolish the positive understanding of sage kings, however. We saw that in the intellectual history of China Zhuangzi already reversed the traditional understanding of the sages and made them responsible for the degeneration of human society. The rural politician and writer Andō Shōeki (1703–1762) revolted against the Confucian depiction of nature in a similar way:⁶⁸

The circulation of the Living Truth does not cease for even the moment of a single breath. It produces and produces all living things and is never exhausted. This is the Right Cultivation of the Living Truth in Heaven-and-Earth.... Human beings cultivate grain and weave cloth throughout their lives. This is the Right Cultivation of the Living Truth among human beings. Heaven-and-Earth are one substance. Neither is ruler or ruled.... But the sages appeared in the world. They did not cultivate the land, but were idle and greedily devoured the fruits of the Right Cultivation of Heaven and humanity.... The sages then went on to establish the distinction between ruler and ruled.⁶⁹

We can see clearly in this passage that Shōeki is distancing himself from the Confucian discourse in his depiction of the state of nature.

68. Other passages from *Zhuangzi* that resemble those of Shōeki are cited in JOLY 2014, 269. Joly also points out, however, that Shōeki criticized Zhuangzi as harshly as the Confucian writers.

69. SHŌEKI 1966, 649–50; for the translation, see YASUNAGA 1992, 233–4.

Whereas the Confucians painted a bad picture of human life before the advent of the sages, Shōeki reverses this picture and idealizes the life of humans in the original state and blames the sages for destroying the idyllic union of man and nature. For Shōeki the equality of all human beings in the state of nature actually has the consequence that no one should rule:

Under heaven all people are one. As they are a single being, who can say this one should be the lord, these the vassals below, and therefore say, here is the sovereign, here the subjects? Or who can decide that this one is as sage, this one a fool?⁷⁰

Due to such passages Shōeki was often interpreted as an anarchist by his modern readers.⁷¹ It is far from clear, however, by means of which political system Shōeki wished to realize a return to the state of nature. He sometimes speaks of his hope that a “Right Man” may come and lead society back to the state of nature. If such hopes are futile he suggests that rulers should become equals again and begin to cultivate the fields just as all their subjects do. The resulting society would be a world of equality, but it would certainly not be a world of liberty. In order to re-establish humanity’s original condition Shōeki actually thought it necessary to prohibit almost all technical and cultural achievements. In his ideal world there would be no architecture, no arts, no theatre, no entertainment, no consumption of meat and alcohol, no science, no philosophy, and no literature.⁷²

To control and enforce these prohibitions Shōeki seems to accept authoritarian means of rule, at least in the period of transfer to the state of nature. Shōeki thus does not seem to rebel against authority in general, but against inequality. Radical positions about equality were thus indeed propagated in the Edo period. They did not have much

70. This passage is quoted and translated in WATANABE 2012, 204.

71. Examples are given in JOLY 2014, 258–9; RAMBELLI 2013, 29 and 34; and MÜLLER 2011.

72. See WATANABE 2012, 205–8.

success, however, and were defended neither by the neo-Confucian mainstream nor by its opponents of the Sorai School.⁷³

ILLEGITIMATE POWER AND THE SOCIAL CONTRACT

The Sorai School's insistence on a hierarchical framework for society should not be understood as an uncritical appraisal of the status quo. Confucians in general can become very uncomfortable voices in the political arena when they believe that politicians do not fulfil their assigned roles correctly. Rulers in China and Japan therefore looked with mixed feelings at their Confucian advisers and got rid of those whose public opinions were deemed dangerous. Pertinent examples in Japan are Kumazawa Banzan (1619–1691) who was placed under house arrest, Yamaga Sokō who was exiled, and Yamagata Daini who was even executed for his political convictions. The form and content of political protest largely depended on the school of the Confucian critic. Neo-Confucian philosophers assumed that political power emerged naturally and criticised politicians for their deviations from the Way of Heaven and Earth. The Sorai School, in contrast, made use of the idea of a state of nature to argue for specific institutions and policies. They believed that the ancient sage kings established political measures and that a government that did not employ these measures was illegitimate and worthy of harsh critique. Daini even went as far as to accept the violent elimination of a bad ruler:

If performed for the good cause of eliminating evil and promoting benefits, even a subject's deposing of his ruler qualifies as benevolence because it coincides with popular will.⁷⁴

The idea of legitimate tyrannicide (放伐) has a long tradition in

73. Shōeki's influence on the political discourse of the Edo Period is controversial; see the antithetic opinions of BOOT 1995, 221 and JOLY 2014, 258.

74. DAINI 1969, 97; the translation is from WAKABAYASHI 1995, 166.

Confucianism and was already accepted by Mengzi.⁷⁵ Japanese Confucians also debated vigorously about the legitimacy of this *ultima ratio* measure⁷⁶ and in the above quotation we see that Daini tries to justify violence by appealing to the popular will (民志). This idea had also already been employed by Mengzi. In discussing the rules for succession, Mengzi argued that the new designated ruler can be seen as possessing the mandate of heaven when the various spirits and the people accepted him. This acceptance is manifested through the events that immediately follow the enthronement. If there are no extraordinary meteorological phenomena, and if the people “are at ease” with the new ruler, his authority is accepted by heaven and is in accordance with popular will.⁷⁷

Daini speaks in a similar vein about the people taking refuge in the wise rulers, “like the stars move towards the Northern Star.” If the ruler is unjust, however, it is equally in accordance with the popular will to get rid of him, according to Daini. The assassination of an unjust ruler is a means of establishing a new ruler, but it is not an attempt at changing the political system as a whole.⁷⁸

Such systematic changes cannot be legitimate in the eyes of the Sorai School. Any attempt to establish institutions that are in opposition to the sage institutions must fail, because they are presumptuous and built on inferior knowledge. We thus see that Daini’s appeal to the *volonté général* cannot not be understood as a plea for popular participation in the formation of social institutions. In the eyes of the Sorai School, popular agreement is not able to establish stable political structures. The idea that a social contract can end the state of nature—an idea expressed in the political philosophy of Marsilius of Padua,

75. See LEGGE 1970, 1B8.1–3.

76. The topic was an object of controversy within Yamazaki Ansai’s Kimon School, for example; see MARUYAMA 2014, 397–406. Sorai rejected the legitimacy of tyrannicide and blamed Mengzi for insensitively introducing the topic; see SORAI 1994, vol.1 42; cf. McMULLEN 2007, 143–4.

77. See LEGGE 1970, 5A5.1–8.

78. See also MARUYAMA 2014, 397.

Thomas Hobbes and their followers—is thus foreign to the state-of-nature theory of the Japanese Sorai School.⁷⁹

Dazai Shundai, however, mentions the idea of a contract between rulers and subjects:

In the administration of a country there is such a thing as a contractual statute. “Contractual” meaning “agreement,” a contractual statute is when a law is settled and above and below agree on preserving it.... An agreement is a pledge and [the ruler] agrees with the people that he will never change this law in his reign. As a method of governing a country in this world, there is nothing better than contractual statutes.... If a ruler contradicts this agreement, this must be announced to his family and to his ancestors. One must appeal to the high ministers, and with the unanimous mandate of the ministers and the mandate of the ancestors, one shall expel the ruler and install his son or his brother in this position.⁸⁰

Shundai’s contractual statute is not a contract that constitutes political authority. It is a means of enforcing laws, especially criminal law. Shundai explains that this measure was introduced by the first Han emperor Gaozu (256–195 BCE). The former Qin dynasty collapsed, among other reasons, because of its inhumane laws and punishments. Gaozu who was of low birth and participated in the protests against the Qin rulers then presented his new laws as contractual statutes in order to make his new subjects comply with them. Gaozu was much later than the ancient sage kings and his policy was not, therefore, among the institutions that concluded the state of nature. The supposed contractual agreement was not, moreover, a historical event, but a rhetorical strategy. We see at the end of the quotation, however, that a breach of the fictive agreement can have severe consequences for the ruler. Like the legitimate tyrannicide, the idea of an agreement between ruler and subjects is here a means of discarding an unjust indi-

79. See also OGATA 1991 and SHOGIMEN 2002.

80. SHUNDAI 1967, 597–8; see also WATANABE 2012, 453.

vidual. Shundai's quotation therefore shows that Confucian thinkers in the Edo period had an idea of a contract with legitimating force, even if it was not a tool to justify the political system and political authority in general.

Besides the contractual statutes we also find the idea that the ruler is an employee of the people in Confucian texts. We have seen already that Huang Zongxi argued that "in ancient times all-under-Heaven were considered the master, and the prince was the tenant."⁸¹ Huang even seems to imply that a state of nature in which "each man would have provided for himself and looked to his own interest" would be better than a state with a ruler who believed himself to be the master. In Japan a similar idea is expressed in an anonymous text written sometime before 1664:

The sovereign is not an official for whose sake the people labor; he is an official who labors for the sake of the people.... The people and I [the ruler] are independent agents. The people come to me and ask me to work for them. I agree to do so. As a result, they raise me up as their sovereign. In working for the people as their sovereign, I am fulfilling a pledge.⁸²

This reference to a supposed pledge of the ruler to his subjects goes beyond Shundai's contractual statutes, in *defining the role* of the ruler in terms of this contract. The contract is still not a social contract in the Hobbesian sense, as Watanabe has already emphasized (*ibid.*), because it is *not* a contract between free and equal individuals *before* the establishment of political authority. The contract is not concluded in the state of nature, but only after political structures have already been established. It is remarkable, however, that the idea of a contract or a pledge between ruler and subject also emerged in a Confucian context. As in the Western tradition, this idea was employed, furthermore, to criticize the illegitimate use of power. A ruler who did

81. See HUANG 1993, 91–2.

82. WATANABE 2012, 95.

not govern for the benefit of the people was said to act against the people's will and to breach the contract that defines his role in society. Such a breach of contract could be punished by his replacement or even his killing. The contract was not seen, however, as defining the form of government or as a basis for greater popular participation in decision-making.⁸³

MODERNITY AND HUMAN AGENCY

In his seminal collection of essays *Studies in the Intellectual History of Tokugawa Japan* Maruyama Masao compares Sorai's contribution to the political discourse of the Edo period to the influence of Thomas Hobbes on Western thought. He argues that in his critique of neo-Confucianism Sorai liberated society from the necessity of nature, just as Hobbes had rejected the medieval idea of the inseparability of nature and politics.⁸⁴ As we have seen, Sorai would indeed agree with Hobbes that political authority did not simply grow out of nature, but was established through the creation of cultural and political institutions by human beings. Maruyama sees this understanding of the state of nature as an important step towards modernity:

So long as the Way is seen as the way of the universe and nature, in other words, so long as it is based on an impersonal idea, history is inevitably examined only to see whether or not it corresponds to this idea.... Only by denying the idea that the Way itself is the ultimate source of authority, by founding it upon a number of personalities who have made a unique appearance in ancient China, and by raising these personalities to an otherworldly level is it possible to free "this-worldly"

83. It seems that Huang Zongxi goes somewhat further than the Japanese Confucians in this regard. He supports general education, for example, and promotes an important role for the educational institutions in policy-making. Huang can still not be seen as a democratic or liberal theorist, however; see OMMERBORN 1999.

84. MARUYAMA 1974, 223–8.

(*diesseitig*) history for the first time from the fetters of fixed standards; only then is it possible for history to develop freely.⁸⁵

Maruyama bases his judgement on the fact that Sorai criticizes the neo-Confucians for viewing history as a mere sequence of fixed patterns. Sorai holds instead that “heaven, earth, and people are active phenomena”⁸⁶ and stresses that political institutions were invented by human sage kings and preserved by later wise rulers. For Maruyama this emphasis on the agency of the rulers was an intermediate stage before Japanese philosophers could fully embrace the modern idea that political authority rests on the agency of all human beings. To assess this assumption we must have a closer look at Sorai’s view of history.

We have seen above that for Sorai the history of civilization has a well-defined starting point. The appearance of the sages was a unique historical event and since then human beings know how to farm, to produce goods, to worship the gods and, above all, they know what they can do in order to harmonize society. The sages established a Golden Age of government in which people lived peacefully together. Even this Golden Age had to come to an end eventually, because all dynasties must fall after some time, according to Sorai. He considers decline to be a natural and unpreventable property of every society, but he believed that the duration of a society can be extended by establishing institutions that emulate the creations of the ancient sage kings.⁸⁷ Sorai believes that history has moved cyclically since the appearance of the sages, and the improvement of society has to be cyclically repeated by adapting the ancient measures to new geographical, social, and cultural circumstances.⁸⁸

85. MARUYAMA 1974, 99.

86. See SHIMADA 1973, 432–3; MARUYAMA 1974, 100–2.

87. See SORAI 1973: 458–9; this and other related passages are translated in MCEWAN 1969: 29–34. This view of history was not peculiar to Sorai. Muro Kyūsō (1658–1734), for example, defended a similar view against the Shinto argument for Japan’s uniqueness; see WAKABAYASHI 1995, 57–9.

88. Besides this cyclical pattern of historical development Sorai also recognizes a lin-

We can clearly see the limitations for human agency within such a cyclical view of history if we compare Sorai's view with that of Andō Shōeki. For Shōeki the state of nature was an ideal age that was brought to an end by the egoistic behaviour of the sage kings and their Confucian ideologists. Humanity thus entered a dark age that already differed from the state of nature because it was historical: since the appearance of the sages, human society has developed and has seen a long succession of different rulers and dynasties. Shōeki hopes, nevertheless, that humanity may be able to return to the ahistorical state of nature in the future. The way towards this promising future is difficult and Shōeki is torn between different methods for reaching this aim. He nevertheless believes that such a return is possible and thus exemplifies a view of history that resembles the Judeo-Christian eschatology. According to this, view humanity moved from paradise to the loss of paradise and will come back to paradise at the end of time.⁸⁹ Shōeki thus has a linear understanding of history and envisions an absolute progress of humanity. For Sorai, in contrast, all progress is relative and temporary, and he would harshly reject Shōeki's utopia of a completely different form of society that can be achieved by collective human effort.⁹⁰

Apart from his cyclical understanding of history, Sorai's faith in the "otherworldly" intellectual capacities of the ancient sages also prevents him from embracing autonomous individual agency in the foundation of political institutions. Sorai believes that the sages differ from

ear movement of history, namely an increasing alienation of later dynasties from the age of the sages. The growing distance is primarily due to the usually unrecognized change of language. Sorai argues that the scholars of the Han period did not fully understand the ancient texts that transmitted the achievements of the ancient sages. This problem grew further so that in the Song period Confucian scholars could claim that their neo-Confucianism is in accordance with the ancient teachings. Sorai believed to have discovered this change of language, however, and to have clarified the original meaning of the ancient terms. From his time on societies would thus be able to return to the age of the sages again; see, for example, SORAI 1973, 10–12 and 200.

89. See YASUNAGA 1992: 87.

90. On the utopian character of Shōeki's thought, see MÜLLER 2005.

ordinary human beings “as heaven differs from the earth.”⁹¹ Therefore, he restricts all intellectual activity to the heteronomous application of the principles detected by the ancient kings.⁹² Accordingly, Sorai saw himself as returning to the ancient Confucian sources of China rather than creating something new. Maruyama’s verdict that Sorai and his school can be seen as forerunners of the modern understanding of political authority is therefore unconvincing. Maruyama has often been criticized along these lines,⁹³ and Watanabe Hiroshi directly opposes him when he calls Sorai “a complete reversal, a precise negative of the modern.”⁹⁴

RELATIVISM AND THE STATE OF NATURE IN JAPAN

Besides his notorious claim that Sorai was a modernizer, Maruyama also points to an indirect influence of the Sorai School on later intellectual developments in Early Modern Japan. Although Sorai believed the way of the sages to be universal, his view of history naturally raises questions about the relativity of the institutions established by the sage kings. As we have seen, Sorai stresses again and again that the sages were flesh and blood humans who lived in China some millennia ago.⁹⁵ The sages’ humanity emphasized by Sorai makes it more rational to believe in their existence, but more difficult to accept that their institutions shall have normative weight for all eras and areas.⁹⁶ This problem was already seen in the Edo period. The later Confucian scholar Hirose Tansō (1782–1856), for example, criticized the Sorai School for their relativism:

91. SORAI 1973, 54 and 213; the translation is taken from TUCKER 2006, 187.

92. On Sorai’s assumption of the heteronomy of ordinary human beings, see also KAUFMANN [forthcoming].

93. See, for example, BITŌ 1978.

94. WATANABE 2012, 179.

95. See, for example, SORAI 1973, 67 and 218; a translation of this passage can be found in TUCKER 2006, 201; see also MARUYAMA 1974, 94–5.

96. A similar point is made by MCMULLEN 2007, 130.

Since they [the Sorai school] think the Way a creation, they treat the good and grave gentlemen of this world as hollow poseurs and believe their own crew of dissolute delinquents to have discovered the truths of heaven and earth.⁹⁷

Sorai tries to solve this problem by distinguishing between the universal principles that were discovered by the ancient sage kings and particular situations of application. Sorai believed that adaptations (斟酌) were necessary and already took place in the Golden Age of Chinese antiquity.⁹⁸ He thus emphasizes on the one hand that “because the knowledge of the Sages is the highest knowledge, people should understand that the Way of the Sages is suitable for any age.”⁹⁹ On the other hand, he stresses that the creations of the sage kings are “institutions of a different era and a different country” and that one “must not simply employ them in the present era and destroy the existing laws.”¹⁰⁰ It is not easy to see how Sorai differentiates between adequate and inadequate adaptations of the ancient institutions, but he offers two criteria in his political manual *Discourse on Government* (政談):

True institutions mirror the ancient past and are made with a view both to the future and to ensuring peace and prosperity for a long time. In mirroring the ancient past we see that, generally speaking, there are no differences in human feelings in different ages, they are the same in olden and modern times. The ancient sages knew well the human heart and arranged their institutions in a way that best accorded with it.¹⁰¹

An adequate adaptation must accordingly serve the same aim as the institutions of the sages and ensure peace and prosperity. Secondly,

97. WATANABE 2012, 186. For a similar neo-Confucian critique of the Sorai School, see MARUYAMA 1974, 242.

98. SORAI 1973, 484; see also MARUYAMA 1974, 98.

99. SHIMADA 1973, 431; the translation is taken from YAMASHITA 1994, 43; see also YAMASHITA 1984, 162–3.

100. This passage is quoted and translated in MARUYAMA 1974, 97.

101. SORAI 1973, 312; I have adopted Lidin's translation with a few minor changes; see SORAI 1999, 146.

it must fit human feelings. According to Sorai, these feelings do not change and are thus a standard that can be used to assess any policy proposal. These criteria still leave much leeway for interpretation and it seems that this did not bother Sorai. He never gives a clear description of the ancient institutions he considers unchangeable and believes that a well-educated Confucian advisor will be able to see what changes are called for without employing abstract criteria to choose them. We therefore do not often find passages in Sorai's writings where he picks out specific political measures and argues that they are not compatible with the institutions of the ancient sages. His critique is usually rather general and admonishes that many institutions simply "have been determined by the course of events in the world" and are not the result of careful decisions with regard to their results and their feasibility.¹⁰² Yamagata Daini mentions a similar critique:

Customs today are really leftover folkways from an age of disunity and civil war, the residue of barbarism.... Some leaders do see that our customs are unsuitable and must be changed. But they pursue hit-or-miss policies based on short-term gain that work fine at dawn and go awry at dusk, or cure today's ills but not tomorrow's.¹⁰³

Despite their unity in leaving leeway for institutional design and stressing the need for careful and consequent political rule, Sorai and Daini differ in many details with regard to the policies they recommend. Sorai is more willing than Daini, for example, to accept the division of power between shogun and emperor that characterizes the political system of the Edo period. Sorai would furthermore agree with Dazai Shundai in rejecting the idea that "Japan had any norms for governing society before the importation of Confucianism."¹⁰⁴ Sorai and Shundai instead insist that the institutions that brought the state of nature to an end are all the creations of the sages. They only tolerate

102. SORAI 1973, 312–13; the translation is Lidin's; see SORAI 1999, 147.

103. DAINI 1969, 78; the translation is adapted from WAKABAYASHI 1995, 141.

104. FLUECKIGER 2014, 217.

the myths and rituals of Shinto, for example, as a part of Japan's religious tradition that can be used in order to pacify the people.¹⁰⁵ Sorai accordingly writes:

There is no such thing as Shinto, but these spirits and demons must be worshipped. The Way of the Sages expects those of us born in this country to revere the gods of the country. We must endeavour not to neglect them.¹⁰⁶

Therefore, Sorai and Shundai do not consider the myths of Shinto to have any cognitive value with regard to the creation of political institutions. For Daini, in contrast, the Japanese myths have already become part of the state of nature:

In our Eastern Land it was the August Divine [Emperor Jinmu] who created the foundation [of society].... With all his power he formed the way to make things useful and promote human life. His illustrious virtue shone more than thousand years in all four directions. Rules for cloths and ceremonial caps were then established [by Shōtoku Taishi] and the teachings of rites and music introduced.¹⁰⁷

Like the scholars of the school of National Learning, Daini refers here to the ancient Japanese myths of the *Kojiki* and the *Nihon shoki* from the eighth century. The writers of these imperial histories were influenced by Confucian ideas, but they presented a very different state of nature in which the Japanese emperor ruled as a direct offspring of the sun goddess. Daini introduced this myth into his political philosophy and understood the creation of social institutions as a cooperation between the Japanese gods and the Chinese sage kings.¹⁰⁸ In

105. For Sorai's attitude towards religion and his political ideas about it, see ANSART 2009.

106. SORAI 1973, 452; the translation is contained in MARUYAMA 1974, 99.

107. DAINI 1969, 70; for translations see WAKABAYASHI 1995, 129; or BEIER 2007, 291.

108. Daini wrote very little about the contribution of the ancient Japanese emperors, as Bob Wakabayashi has observed; see WAKABAYASHI 1995, 61. But the description of the Japanese emperors as creators and Daini's reference to them with the term "the illustrious

the preceding quotation Emperor Jinmu acts as the descendant of the gods, Prince Shōtoku Taishi in turn introduces knowledge from the continent and establishes institutions that are in accordance with the older Chinese models. This syncretism leads to a remarkable mixture of situations in the state of nature: whereas the state of nature in China resembled Hobbes' *bellum omnia contra omnes*, Daini believed that life in Japan was primitive but peaceful. This introduction of nativist elements was made possible, according to Maruyama, because the Sorai School argued that political authority was created by human beings.¹⁰⁹

Although Maruyama's emphasis on Sorai's concept of human agency seems exaggerated, as we have seen, we may agree with him that the vagueness of Sorai's distinction between universal principles and regional adaptations contributed to the integration of nativist elements into the Confucian framework. But this was certainly not the only incentive for a synthesis between Confucian and nativist accounts of antiquity. This synthesis was also advanced by nationalist feelings that prevented many political thinkers in Japan from accepting the supremacy of China. Such feelings were already present in the work of neo-Confucians like Yamazaki Ansai (1619–1682), but they combined most astonishingly with Confucian depictions of the state of nature in the account of Fujita Tōko (1806–1855), a scholar from the late Mito school:

The life of the people is like this: They do not have more urgent worries than hunger and cold. The Heavenly Ancestor [Amaterasu] thus opened the way of tilling and of rearing silkworms. Then the people could eat and cloth. The people do not know evils that are worse than illness and natural disasters. Ōnamuji no mikoto und Sukunabikona

virtue of the former kings" (先王之明德) that was used in traditional Confucianism only with regard to the Chinese sages are already significant deviations from the older members of the Sorai School.

109. The synthesis of Confucianism and Shinto was no doubt already furthered at the beginning of the Edo period by Hayashi Razan and Yamazaki Ansai, for example; see OOMS 1985, 221–32. What was new in Daini's work was the mixture of Confucian and Shinto narratives about the state of nature.

no mikoto thus fixed the methods to heal illnesses and prevent natural disasters. Then the people led a safe life. Nothing aggrieved the people more than their worry about the dead. Susanoo's son Isotakeru no mikoto thus planted woods and produced lumber. Then the people could lead a pleasant life and care for funerals. With the help of divination they predicted good and bad luck, with the help of ordeals they decided in trials, with the help of purification ceremonies they got rid of pollution and with the help of songs they expressed their feelings and thoughts.¹¹⁰

Tōko clearly draws his depiction of the state of nature from Confucian sources, but like Daini he integrates Japanese mythology into this picture. Tōko and Daini differ in many respects, however. Whereas for Daini the Japanese emperors contribute to the creation of cultural institutions, the Japanese gods fulfil this role for Tōko. He is also much more explicit than Daini concerning the concrete civilizing achievements that are created by them. According to Tōko, the gods created all the things that were attributed to the sages in China and are responsible for the invention of farming, medicine, religious worship and divination. The Japanese gods did not create political institutions, however. They sent the divine grandson, Emperor Jinmu, to the earth instead and ordered him to rule over its people.¹¹¹ Even before any offices were created, “the humans above considered love for the people a virtue, and the humans below were willing to serve those above wholeheartedly.”¹¹² The state of nature thus already contains some kind of natural authority according to Tōko. In this regard his position is close to the Aristotelian idea that political authority emerges simulta-

110. FUJITA 1973, 272; a German translation of the passage can be found in KRACHT 1975, 81.

111. The *Kojiki* mentions humans that exist on earth already, but we do not hear anything about their way of life. It is clear, however, that hierarchies existed at a very early stage. This is one of the reasons why the depiction of the Age of the Gods in the *Kojiki* and the *Nihon shoki* can only be seen as borderline cases of accounts of the state of nature; see also footnote 2 and compare Nosco's argument that in the Japanese myths “the exodus from primordial time into historical time is gradual rather than abrupt”; see NOSCO 1990, 7.

112. FUJITA 1973, 271.

neously with the first human communities. The only break in the history of humanity is the introduction of names by Confucian teachers:

Among the animals of heaven and earth man is the most elevated. To be able to live he needs food to eat, clothes to be warm, and houses to live. It thus might seem that he does not match the birds and the beasts, the fish and the worms, who manage their life flying, swimming, and running around. But as man uses arrows to shoot what flies, rods to catch what swims and nets to capture what runs, we see that he is the pride of creation (靈). From olden times on the dignity of the Country of the Gods was unsurpassed among the ten thousand countries. While essence (質) was abundant, civilization (文) was still lacking. Reality (実) was perfect, but the names (名) were still missing. In the countries of the Western Realm [China] acumen and skilfulness were highly developed. Its institutions and writings were brilliant. It was thus in accord with the principle of heaven and earth that the sage and wise [emperor] used this plenty and complemented what we were missing.¹¹³

We see in these sentences how close Tōko is in many expressions to Daini. Both call human beings the “spirit” or “pride of creation,” for example. Daini uses the idea of humanity as the pride of creation, however, to point to the intellectual capacities of human beings and to the great individual differences that exist in their regard. Tōko, in contrast, stresses that what makes human beings superior are skills and tools that were created by the Japanese Gods and already existed in the state of nature. Civilization was thus not necessary to lift humans from the level of the birds and beasts, but only as an adornment:

In antiquity society was simple, and people were naïve. There was no writing, and what we now call the Way had not yet been clearly articulated. Does that mean that the Way could not have originated in ancient Japan? No, why should it mean that? It means only that the *name* of the Way did not yet exist. As for *substance*, however, there is no aspect of the Way that did not originate [in Japan] with the Gods.¹¹⁴

113. FUJITA 1973, 287.

114. FUJITA 1973, 260; the translation of this passage is taken from KOSCHMANN

Tōko still appraises the arrival of Confucianism in Japan and considers the introduction of names to be important.¹¹⁵ He would admit that names are the only means to access the Way in later times, but the introduction of names did not alter “the essential purity of our way.”¹¹⁶ We thus see a complete reversal of the Confucian state-of-nature theories that were represented in Japan by the Sorai School. For Sorai and Shundai, life was miserable before the sages established their teachings and institutions. This situation was thought to be universally applicable and Japan was only one case of application. Japanese traditions had to be respected when introducing new policies, but these traditions did not have any value in themselves. For Tōko and other members of the Mito School, in contrast, Japan was almost perfect in the state of nature. It was ruled by a divine ancestor and the Japanese deities had created all the things that were necessary to live a peaceful and prosperous life. In this version of the narrative, the idea of the state of nature almost lost its explanatory value, because it was neither conceived as a Golden Age to be returned to—as in the theory of Shōeki—nor as a miserable state that had to be overcome by political institutions that are able to remedy its ills—as in the theory of the Sorai School. In Tōko’s political theory, the legitimation of political authority instead hinges on the divine origin of the Japanese emperors and not on any features of the state of nature. In the course of the synthesis of nativist and Confucian ideas the explanatory value of the accounts of the state of nature was thus reduced to a minimum and the narrative about the divine ancestors of the Japanese emperors became prevalent. This justification of political authority was adopted by the thinkers of the Meiji Restoration and led them to promote a monarchy with the emperor as

1987, 49.

115. In this regard Tōko clearly differs from writers of the School of National Learning like Kamo no Mabuchi (1697–1769) who agree with Tōko that life in Japanese antiquity was perfect, but deny that the introduction of Confucianism was of any use; see, for example, NOSCO 1990, 143–4.

116. FUJITA 1973, 261; see also KOSCHMANN 1987, 50.

the only head of state.¹¹⁷ Within a few years these ideas were realized, the shogunate collapsed and Emperor Meiji became the official ruler of Japan. At that time Western depictions of the state of nature entered Japan and again deeply influenced its political discourse.¹¹⁸

CONCLUSION

We have seen that the flourishing of state-of-nature theories was short-lived in Japan. Depictions of the original condition of mankind became influential in the early eighteenth century when Ogyū Sorai and his school rebelled against neo-Confucianism and promoted a return to the institutions created by the ancient Chinese sage kings. Such depictions also played a role in the work of Andō Shōeki, almost a contemporary of Sorai, but were used there to denigrate the activities of the sages. In the work of Yamagata Daini we see a detailed and clear depiction of the state of nature, but we also find a mythological account of the creation of political authority in Japan that is at odds with the original Confucian picture. The depictions of the state of nature survived until the nineteenth century, but in the work of Tōko they are merely illustrative, because political authority is justified by its supposed divine origin and not by its power to overcome the state of nature.

Depictions of the state of nature were, nevertheless, very fruitful in Early Modern Japan's political discourse. They influenced this discourse in many ways and provoked reactions that range from simple rejections to creative adaptations and new syncretic forms. Japanese thinkers were strongly influenced by Chinese depictions of the state of nature, but they also went on to change these depictions and make them fit with Japanese feelings and realities. The Japanese accounts

117. This conclusion was never drawn by Tōko himself; see WAKABAYASHI 1995, 4; and WATANABE 2012, 363.

118. The works of Rousseau, for example, were quickly translated into Japanese; see WATANABE 2012, 418–19.

thereby show a diversity that is comparable to the diversity in the Western or the Chinese tradition.

While many different models for legitimizing political authority existed in the Edo period, what was specific about the state-of-nature theories was their emphasis on the function of authority. The state of nature was either understood as a miserable state and in this case authority had to overcome those features of the state of nature that made it miserable. If the state of nature was understood to be a good state, authority had to overcome those forces that ended the state of nature and promote policies that led to a return to it. In contrast to theories that base the legitimacy of a ruler on his divine origin, depictions of the state of nature thus provide their proponents with clear means of criticizing institutions and policies. *In this sense* we might agree with Maruyama that the Sorai School contributed to Japan's modernization, because it enabled Japan's political thinkers to name the ills of society and argue in favour of specific countermeasures. Unfortunately, these voices were often ignored or suppressed in the centuries that followed, but modern political critics and theorists can indeed look to Japan's past in order to find insight and inspiration from its depictions of the state of nature.

* Work on this paper was made possible by a generous grant from the Fritz Thyssen Foundation for which I am very grateful. I would also like to thank John Maraldo and Francis Cheneval who read earlier versions of this paper and helped me to improve it.

BIBLIOGRAPHY

ANDŌ Shōeki 安藤昌益

1966 『自然眞嘗論』, Bitō Masahide 正英尾藤, ed., 近世思想家文集, [Works of modern thinkers] (Tokyo: Iwanami Shoten), 25: 649–63.

ANSART, Olivier

2009 “Making Sense of Sorai: How to Deal with the Contradictions in Ogyū Sorai's Political Theory,” *Asian Philosophy* 19: 11–30.

ANTONI, Klaus

- 2012 *Kojiki: Aufzeichnung alter Begebenheiten* (Frankfurt: Verlag der Weltreligionen).

ARISTOTLE

- 2000 *Politics*, trans. by Benjamin Jowett (Adelaide: University of Adelaide Library).

AUGUSTINE

- 1998 *The City of God against the Pagans*, trans. by Robert Dyson (Cambridge: Cambridge University Press).

DE BARY, William Theodore, and Yoshiko Kurata DYKSTRA

- 2001 *Sources of Japanese Tradition* (New York: Columbia University Press).

BEIER, Axel Stefan

- 2007 *Loyalität und Auflehnung in Japan am Vorabend der Moderne* (Münster: Lit-Verlag).

BITŌ Masahide 尾藤正英

- 1978 "Ogyū Sorai and the Distinguishing Features of Japanese Confucianism," in Tetsuo NAJITA and Irwin SCHEINER, eds., *Japanese Thought in the Tokugawa Period* (Chicago: University of Chicago Press), 153–60.

BOOT, Willem Jan

- 1983 *The Adoption and Adaptation of Neo-Confucianism in Japan: The Role of Fujiwara Seika and Hayashi Razan*. PhD dissertation, University of Leiden.
- 1995 "Review of Andō Shōeki: Social and Ecological Philosopher of Eighteenth-Century Japan," *Journal of Japanese Studies* 21: 219–22.

BRETT, Annabel S.

- 1997 *Liberty, Right, and Nature: Individual Rights in Later Scholastic Thought* (Cambridge: Cambridge University Press).
- 2003 "Political Philosophy," in A. S. McGrade, ed., *The Cambridge Companion to Medieval Philosophy* (Cambridge: Cambridge University Press), 276–99.

BRETT, Annabel S, James TULLY, and Holly HAMILTON-BLEAKLEY

- 2006 *Rethinking the Foundations of Modern Political Thought* (Cambridge: Cambridge University Press).

BURT, Donald X.

- 1997 "Cain's City: Augustine's Reflections of the Origins of the Civil Society," in Christoph HORN, ed., *De Civitate Dei* (Berlin: Akademie Verlag), 195–210.

CICERO, Marcus Tullius

- 2006 *De Inventione*. Trans. by Charles Duke Yonge, <http://ReadHowYouWant.com>.

COLLINS, Steven

- 1996 “The Lion’s Roar on the Wheel-Turning King: A Response to Andrew Huxley’s ‘The Buddha and the Social Contract,’” *Journal of Indian Philosophy* 24/4: 421–46.

DAVIES, Malcolm

- 1989 “Sisyphus and the Invention of Religion,” *Bulletin of the Institute of Classical Studies* 36/1, 16–32.

DAZAI Shundai 太宰春台

- 1967 「経済録」, Takimoto Seiichi 滝本誠一, ed., 『日本経済大典』 [Cyclopedia of Japanese economics] (Tokyo: Meiji Bunken).
- 1972 「聖学問答」, Rai Tsutomu 頼 惟勤, ed., 『徂徠学派』 [The Sorai school], 日本思想体系 [Anthologies of Japanese thought] (Tokyo: Iwanami Shoten), vol. 37.

FILMER, Robert

- 1949 *Patriarcha and Other Political Works* (Oxford: B. Blackwell).

FLUECKIGER, Peter

- 2014 “Human Nature and the Way in the Philosophy of Dazai Shundai,” in TUCKER and HUANG 2014, 215–32.

FUJITA Tōko 藤田東湖

- 1973 「弘道館記述義」, in Bitō Masahide 尾藤正英 et al., eds., 『水戸学』 [Mito studies], 日本思想体系 [Anthologies of Japanese thought] (Tokyo: Iwanami Shoten), vol. 53.

GAUTHIER, David P.

- 1986 *Morals by Agreement* (Oxford: Oxford University Press).

GILLESPIE, Michael

- 2008 *The Theological Origins of Modernity* (Chicago: University of Chicago Press).

GOMBRICH, Richard

- 1992 “The Buddha’s Book of Genesis?,” *Indo-Iranian Journal* 35: 159–78.

HARVEY, Peter

- 2000 *An Introduction to Buddhist Ethics* (Cambridge: Cambridge University Press).

HAYASHI Razan 林 羅山.

- 1975 「三徳抄」, in Ishida Ichirō 石田一良 and Kanaya Osamu 金谷 治, eds., 『藤原惺窩・林羅山』 [Fujiwara Seika and Hayashi Razan], 日本思想体系 [Anthologies of Japanese thought] (Tokyo: Iwanami Shoten), vol. 28.

HIRAISHI Naoaki

- 2003 “The Essence of Li (Rites) and Its Modern Significance by Ogyū Sorai,” *Sungkyun Journal of East Asian Studies* 3/2: 178–89.

HOBBS, Thomas

- 1960 *Leviathan*, ed. by Michael Oakshott (Oxford: Blackwell).

HOEKSTRA, Kinch

- 2007 “Hobbes on the Natural Condition of Mankind,” in Patricia Springborg, ed., *The Cambridge Companion to Hobbes’s Leviathan* (Cambridge: Cambridge University Press), 109–27.

HUANG Zongxi, and William Theodore de BARY

- 1993 *Waiting for the Dawn: A Plan for the Prince* (New York, Columbia University Press).

HUXLEY, Andrew

- 1996 “The Buddha and the Social Contract,” *Journal of Indian Philosophy* 24/4: 407–20.

ITŌ Jinsai 伊藤仁齋

- 1971 「語孟字義」, in Yoshikawa Kōjirō 吉川幸次郎, ed., 『伊藤東涯』 [Itō Tōgai], 日本思想体系 [Anthologies of Japanese thought] (Tokyo: Iwanami Shoten), vol. 33.

JOLY, Jacques

- 2014 “Saints as Sinners: Andō Shōeki’s Back-to-Nature Critiques of the Saints, Confucian and Otherwise,” in TUCKER and HUANG 2014, 257–75.

KANT, Immanuel

- 1900 *Kant’s Gesammelte Schriften* (Berlin, Reimer).

KAUFMANN, Paulus

- 2014 “Book Review: A *History of Japanese Political Thought, 1600–1901*, by Watanabe Hiroshi,” *Political Theory* 42/6, 745–8.
[Forthcoming] “Ogyū Sorai and the End of Philosophy,” in Raji C. Steineck and Elena Louisa Lange, eds., *What Is Philosophy?* (Leiden: Brill).

KERSTING, Wolfgang

- 1994 *Die politische Philosophie des Gesellschaftsvertrags* (Darmstadt: Wissenschaftliche Buchgesellschaft).

KLOSKO, George

- 2005 “State of Nature,” in Mryanne C. Horowitz, ed., *New Dictionary of the History of Ideas* (New York, Charles Scribner’s Sons).
2012 *History of Political Theory: An Introduction* (Oxford: Oxford University Press).

KOSCHMANN, J. Victor

1987 *The Mito Ideology* (Berkeley: University of California Press).

KRACHT, Klaus

1975 *Das Kōdōkanki-Jutsugi des Fujita Tōko (1806–1855): Ein Beitrag zum politischen Denken der späten Mito-Schule* (Wiesbaden: O. Harrassowitz).

LEGGE, James

1962 *The Sacred Books of China: The Texts of Taoism* (New York: Dover Publications).

1966 *The Li Ki* (Dehli and Varanasi: Banarsidass).

1970 *The Works of Mencius* (New York: Dover Publications).

1996 *I Ching: Book of Changes* (New York: Random House).

LOCKE, John

1960 *Two Treatises of Government*, ed. by Peter Laslett (Cambridge: Cambridge University Press).

MAEDA Tsutomu 前田 勉

2012 『太宰春台の学問と会読』 [Scholarship and discussions on Dazai Shundai], 『日本文化論叢』 [Collected essays on Japanese culture] 20: 61–82.

MARSILIUS of Padua

2005 *The Defender of the Peace*, trans. by Annabel S. Brett (Cambridge: Cambridge University Press).

MARUYAMA Masao 丸山真男

1974 *Studies in the Intellectual History of Tokugawa Japan*, trans. by Mikiso Hane (Princeton: Princeton University Press).

2014 “‘Orthodoxy’ and ‘Legitimacy’ in the Yamazaki Ansai School,” in TUCKER and HUANG 2014, 331–410.

MC EWAN, J. R.

1969 *The Political Writings of Ogyū Sorai* (Cambridge: Cambridge University Press).

MCMULLEN, James

2001 “Ogyū Sorai and the Definition of Terms,” *Japan Forum* 13/2: 249–65.

2007 “Reinterpreting the Analects: History and Utility in the Thought of Ogyū Sorai,” in James Baxter and Joshua Fogel, eds., *Writing Histories in Japan* (Kyoto: International Research Center for Japanese Studies), 127–64.

MÜLLER, Simone

2005 “Andō Shōeki und Thomas Morus: Zwei Utopisten der frühen Neuzeit,” in Stephan Köhn and Martina Schönbein, eds., *Wayō: Europa und Japan im Zeitalter der Isolation* (Hamburg: Gesellschaft für Natur- und Völkerkunde Ostasiens), 35–75.

2011 “Intellektuellenkritik und Utopie: Die Wiederentdeckung von Andō

Shōeki und Takeuchi Yoshimis Lektüre von Shōekis Kritik der Weisen,”
Asiatische Studien 65/2: 389–438.

NEDERMAN, Cary J.

1995 *Community and Consent: The Secular Political Theory of Marsiglio of Padua's Defensor Pacis* (Lanham, MD: Rowman & Littlefield).

NICHOLS, James H.

1976 *Epicurean Political Philosophy: The "De Rerum Natura" of Lucretius* (Ithaca, NY: Cornell University Press).

NOSCO, Peter

1990 *Remembering Paradise: Nativism and Nostalgia in 18th-Century Japan* (Cambridge, MA: Harvard University Press).

NOZICK, Robert

1974 *Anarchy, State, and Utopia* (New York, Basic Books).

NYLAN, Michael

2013 *Exemplary Figures: Fayan* (Seattle: University of Washington Press).

OGATA Yasushi 緒形 康

1991 「徂徠と社会契約」 [Sorai and the social contract], 『日本文学』 [Japanese culture] 2: 78–81.

OGYŪ Sorai 荻生徂徠

1973 『荻生徂徠』 [Ogyū Sorai], ed. by Maruyama Masao 丸山真男 et al., 日本思想体系 [Anthologies of Japanese thought] (Tokyo: Iwanami Shoten), 36.

1999 *Discourse on Government (Seidan)*, trans. by Olof Lidin (Wiesbaden: Harrassowitz).

1994 『論語徴』 [Remarks on the *Analects*], ed. by Ogawa Tamaki 小川環樹 (Tokyo: Heibonsha).

OMMERBORN, Wolfgang

1999 “Die politischen Ideen des Huang Zongxi (1610–1695) und ihr philosophischer und gesellschaftlicher Hintergrund,” *Zeitschrift der Morgenländischen Gesellschaft* 149: 289–336.

OOMS, Herman

1985 *Tokugawa Ideology: Early Constructs, 1570–1680* (Princeton: Princeton University Press).

PLATO

1975 *Plato in Twelve Volumes*, ed. by Harold North Fowler and W. M. R. Lamb (London: Heinemann).

RAMBELLI, Fabio

2013 *Zen Anarchism: The Egalitarian Dharma of Uchiyama Gudō* (Berkeley: Institute of Buddhist Studies and BDK America, Inc.).

RAWLS, John

- 1971 *A Theory of Justice* (Cambridge, MA: Belknap Press of Harvard University Press).

RYAN, Alan

- 1987 “State of Nature,” in David Miller, ed., *The Blackwell Encyclopaedia of Political Thought* (Oxford: Blackwell), 507–8.

SENECA, Lucius Annaeus

- 1985 *Seneca, Moral Epistles*, trans. by Anna Lydia Motto (Chico, CA: Scholars Press).

SHANG Yang 商鞅

- 1963 *The Book of Lord Shang: A Classic of the Chinese School of Law*, trans. by J. J. L. Duyvendak (Chicago: University of Chicago Press).

SHIMADA Keiji 島田慶次, ed.

- 1973 『荻生徂徠全集』 [Completed works of Ogyū Sorai] (Tokyo: Misuzu Shobō), 18 vols.

SHOGIMEN, Takashi

- 2002 “Marsilius of Padua and Ogyu Sorai: Community and Language in the Political Discourse in Late Medieval Europe and Tokugawa Japan,” *The Review of Politics* 64/3: 497–523.

SKINNER, Quentin

- 1978 *The Foundations of Modern Political Thought* (Cambridge: Cambridge University Press).

TJAN, Tjoe Som

- 1949 *Po Hu T'ong: The Comprehensive Discussions in the White Tiger Hall* (Leiden: Brill).

TUCKER, John Allen

- 1998 *Itō Jinsai's "Gomō Jigi" and the Philosophical Definition of Early Modern Japan* (Leiden: Brill).
- 2006 *Ogyū Sorai's Philosophical Masterworks: The "Bendō" and "Benmei"* (Honolulu: University of Hawai'i Press).

TUCKER, John Allen and Chun-chieh HUANG, eds.

- 2014 *Dao Companion to Japanese Confucian Philosophy* (Dordrecht: Springer).

WAKABAYASHI, Bob Tadashi

- 1995 *Japanese Loyatism Reconstructed: Yamagata Daini's Ryūshi Shinron of 1759* (Honolulu: University of Hawai'i Press).

WATANABE, Hiroshi

- 2012 *A History of Japanese Political Thought, 1600–1901* (Tokyo: International House of Japan).

WEITHMAN, Paul

- 2001 “Augustine’s Political Philosophy,” in Eleonore Stump and Norman Kretzmann, eds., *The Cambridge Companion to Augustine* (Cambridge: Cambridge University Press), 234–52.

WILHELM, Richard, and Cary F. BAYNES

- 1967 *The I Ching* (Princeton: Princeton University Press).

WONG, David

- 2011 “Confucian Political Philosophy,” George Klosko, ed., *The History of Political Philosophy* (Oxford: Oxford University Press), 771–88.

XUNZI 荀子

- 1988 *Xunzi: A Translation and Study of the Complete Works*, trans. by John Knoblock (Stanford: Stanford University Press).

YAMAGATA Daini 山形大弐

- 1969 「柳子新論」 [A new theory of Ryūshi], in Takimoto Seiichi 滝本誠一, ed., 『日本経済大典』 [Cyclopedia of Japanese economics] (Tokyo Meiji Bunkan).

YAMASHITA, Samuel Hideo

- 1984 “Nature and Artifice in the Writings of Ogyū Sorai,” in Peter Nosco, ed., *Confucianism and Tokugawa Culture* (Princeton: Princeton University Press), 138–65.
- 1994 *Master Sorai’s Responsals: An Annotated Translation of Sorai Sensei Tomonsho* (Honolulu: University of Hawai‘i Press).

YASUNAGA Toshinobu

- 1992 *Andō Shōeki: Social and Ecological Philosopher of Eighteenth Century Japan* (New York: Weatherhill).