

## **From *Yin-Lü* (Music) to *Fa-Lü* (Law)— On the Xun-zi's *On Yue* (Music) and the Development of Chinese Legal Thought**

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### **Abstract**

The Original of the Chinese law is a major issue of the Chinese legal history. The traditional scholars mainly focus on two aspects to explain—“ritual punishment” (*Li-Síng*) and “military punishment” (*Pin- Síng*). No matter which one among the two explanation should not ignored the important of *Yue* (Music).

This article argues that “music” plays an important role in the construction including the ancient political, social or cosmic order. Music often affected with the rise and fall of the imperial court. In the normative social order, the music should have equally important ceremonial function, and thereby affecting the conduct of Chinese Law.

The originally *Lü* means “music”. *Lü* is used to make music “instruments”. In the ancient times, *Yue* (Music) was one of an important ritual or religious activities, and with the coordination of social order and the cosmic harmony function during that time. In order to coordinate with such a harmonious state, *Lü* has its rule, and then derivative to other systems. Therefore, it let the significance of *Lü* extends from the “Music” to the “Law”.

In the pre-Qin Confucian thoughts, Xun Zi's *On Music* inherited the musical thought since the Western *Zhou* Dynasty and then developed into specific and complete music theory. For his comprehensive critique of the

Confucian counterattack Mozi's *Criticism Music* thought. His musical thought and theory was inherited by *Liji · Yueji*, and then was completely absorbed by *Yueshu in Historical Records*. Therefore, the music theory of Xun-zi has the significance of past and future, even most can reflect on the Confucian spirit. Analysis Xunzi's music theory can also understand his views on the relationship between “music” and “punishment”.

Keywords: FaLü (Law), YinLü (Music), Xun-zi, Mo-zi, Yue Lun (On Music), Confucianism