

Legal and Ritological Dynamics of Personalized “Pillars of Shame” in Chinese Social Credit System Construction

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Abstract

This article argues that the construction of the Chinese Social Credit System (SCS) largely adheres to the Confucian ritual legal tradition, serving as a tacit “societal constitutional” framework in contemporary China. On the one hand, the SCS aligns with established normative traditions and moral language inherent in Chinese culture. On the other hand, it represents a divergence from post-WWII transnational constitutionalism and rule-of-law norms, contrasting externally with international standards and internally with socialist rule-of-law narratives. This study examines one of the most ambitious social engineering projects in post-economic reform China, which also represents a significant 21st-century governance-by-data experiment. The first part of the article leverages perspectives from Chinese intellectual history, ritual studies, and comparative legal scholarship as analytical tools to examine the deeper discursive structures within the SCS. The second part uses a transdisciplinary approach to analyze recent instances of data-driven, personalized “public shaming” as urban enforcement by local Chinese authorities. These practices, symbolizing “pillars of shame,” function not only as disciplinary mechanisms against chronic debt defaulters, known as *lǎolài*, but also as public rituals performed to restore trustworthiness in an “always-connected” society.

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1. Introduction

To begin our discussion, I would like to share a statement made by Ruiying Zhao, Director of Shanghai's Social Credit Promotion Office, regarding the ultimate goal of the Chinese Social Credit System (SCS) project in his keynote address to the 2017 International Symposium on Rule of Law & Credit System. In a speech entitled “*Dashuju shidai de lao'tianye*” (大數據時代的老天爺; The heavenly god in the Age of Big Data), Zhao declared “People are doing, Heaven is watching” (人在做，天在看 *ren zaizuo tian zaikan*), adding “Three feet above one's head there is God to judge one's good and evil deeds in the end” (舉頭三尺有神明，善惡到頭終有報 *jutou sanchi you shenming shan'e daotou zhongyou bao*).¹ The implications of this statement are quite clear. Although the symposium focused on the legal issues surrounding the SCS, Zhao's comments make it evident that the system is driven by a desire to instill a Chinese social ethos or moral character in the digital era. In rhetorical theory, the concept of *ethos* refers to the persuasive appeal of a speaker's character or credibility.² *Ethos* is one of the three modes of persuasive appeal in Aristotle's rhetorical theory, alongside *logos* (appeal to logic) and *pathos* (appeal to negative emotion).³ *Ethos* is concerned with the audience's perception of the rhetor's trustworthiness, as demonstrated in his (or her) moral character. Within the context of the SCS project, its social engineering can be seen as a type of what this article calls a “ritological” impulse to inculcate a renewed collective ethos in the age of data governmentality.

China's SCS is a complex and ambitious social engineering project that aims to rate the trustworthiness and social behavior of its citizens. One of the most controversial aspects of SCS policy experiments is the use of public shaming as a tool for enforcing the law and encouraging citizens to adhere to social norms. Public shaming in this context refers to the public exposure of individuals deemed to have engaged in behaviors that violate the SCS's rules and regulations. The purpose of such public shaming is to elicit a strong public reaction to law enforcement and to encourage individuals to comply with the system's rules. It is seen as a way to hold them accountable for their actions and to deter others from engaging in similar behavior. However, critics argue that the practice public shaming under the SCS constitutes an egregious violation of privacy and human rights, as well as a tool for political control and repression.

The invocation of *lao'tianye*, or “heavenly god,” by the aforementioned Shanghai SCS official is rooted in a deeply ingrained vernacular

socioreligious discourse in China.⁴ This colloquial honorific title for *Tian*, often translated as “Heaven” in English, is a personification of the supreme divine authority of traditional Chinese imperial religion. It is also a central component of an ancient collective memory practice grounded in the Confucian legal tradition, which is, in turn, centered around the ritualistic inculcation of societal moral character.⁵ What is particularly notable is that such a practice can retain its power and significance in a formally Marxist-Leninist political environment such as the People’s Republic of China. It thus provides a gateway to push forward the complex interplay of performance, ritual, and invocation that lies at the heart of this article and to characterize the SCS as having Chinese socialist characteristics.⁶ By examining the ways in which ancient cultural practices persist and adapt within the context of contemporary Chinese society, we can gain a better understanding of the complexities of Chinese culture and its intersection with political ideology.

The rule of law has moral and ritual dimensions that shape its operation and influence societal trustworthiness. When a collectively recognized rule system is upheld via legal procedures in the form of ritualistic public performances, it promotes a sense of moral order, accountability, and predictability beyond intimate personal ties, which is essential for societal trustworthiness.⁷ In this sense, the moral dimension of the rule of law involves promoting a system of governance that is based on socially embedded ethical principles and ideals, and the rule of law operates as a symbolic performance that conveys its moral principles and ideals. Legal procedures, court hearings, and other formal ritualistic performances are not just functional governance tools; they are also essential components of the symbolic language of the rule of law. Moreover, the ritual and moral dimensions of the rule of law are deeply intertwined. Public ritual performances of the legal system, such as trials and hearings, are designed to embody rule-of-law moral principles and ideals.⁸

The research objective of this article necessitates a transdisciplinary intervention to examine the role of ritual in the rule of law. Although modern legal scholarship has not traditionally engaged with the cultural and sociological basis of law, it is important to recognize that ritual remains an organizing principle of contemporary legal instruments. The practice of ritual sacrifice, according to René Girard, lies at the core of many normative systems that give structure to human society, including language, kinship systems, taboos, codes of etiquette, patterns of exchange, rites, and civil instructions.⁹ Capital punishment, for example,

is a form of ritual sacrifice for the inculcation of societal moral character that has been practiced for centuries. However, the role of ritual in the rule of law goes beyond criminal punishments and is a fundamental aspect of modern legal performance. The contemporary SCS provides a developing space within which the complex of rituals, performance, and structuring of sacrifice acquires an important and evolving form. To make a substantive theoretical contribution in this arena, it is necessary to bring a transdisciplinary understanding of the relationship between ritual, the rule of law, and the ritual-legal construction of societal trustworthiness in the context of the Chinese SCS. Therefore, before proceeding to close readings of rhetorical moments, it is important to fortify the article's analytical framework by examining how ritual is intertwined with the rule of law.

The following is a roadmap of the analysis presented herein. First, following a brief review of relevant recent SCS scholarship, the article sets the stage by outlining the socio-political context of the SCS, along with the transdisciplinary theoretical intervention of the analysis. Drawing on relevant perspectives from Chinese intellectual history, ritual studies, and comparative legal scholarship, this section of the article provides analytical heuristics for unpacking the deeper discursive structures that are intertwined within the SCS project. In so doing, the article highlights the various ideological and cultural underpinnings that have shaped the SCS's development and implementation.

In the subsequent section, the article applies transdisciplinary heuristics to the construction of the SCS. Focusing on a series of SCS enactments that strategically deploy urban spaces as stages of experimental public shaming rituals by a wide array of local authorities, this section explores the multifaceted ways in which SCS discourse appropriates various ritual and theological elements of sacrifice. Through this analysis, the article seeks to shed light on the symbolic and cultural dimensions of the SCS and to demonstrate how those dimensions are inseparable from the larger political and economic goals of the SCS project.

Finally, the concluding section provides a summary of the article and broader reflection on the significance of the SCS project. In particular, the section emphasizes the ambitious nature of the project as one of the most comprehensive social engineering experiments undertaken in post-Mao China. Additionally, the section highlights the ways in which the SCS project was prompted by a ritual impulse to inculcate Chinese societal moral character in the big data age of governmentality. Overall,

the article’s aim is to contribute to a better understanding of the SCS and its broader socio-cultural implications, while also providing a model for transdisciplinary analysis that can be applied to other complex and multi-faceted phenomena.

2. Ritological Intervention

“Shaming the Untrustworthy and Paths to Relief in China’s Social Credit System,” an article published by Marianne von Blomberg and Haixu Yu in 2023, explores how China’s SCS “innovates public regulation by implementing a strategy for regulatory shaming from the central level.”¹⁰ The authors argue that the SCS has innovated the old practice of applying moral disciplining in governance rather than simply operating as a score-based state surveillance instrument. They emphasize that the SCS has formalized reputational regulation and added assessments of individual and corporate trustworthiness to the regulatory performances of Chinese state agencies across all social domains. Von Blomberg and Yu also caution that traditional legal measures are unsuitable for shaming and delineate the way in which the SCS disrupts public policy by implementing regulatory public shaming from the central level. They argue that legal relief for social credit shaming is scarce, as its rule-of-law position remains unclear.

Jo Ann Oravec’s analysis of online shaming rituals underscores the merging of the ancient “rule of shame” and modern “rule of law” in the digital age. Oravec critiques the use of digitized social shaming within administrative systems, noting the potential for injustices and the reinforcement of social inequalities owing to the sometimes inaccurate and stigmatizing information used in the practice of public shaming.¹¹

A 2019 study by Engelmann et al. delves into the mechanics of the SCS, highlighting the system’s employment of both public shaming and public exaltation to manage social behavior. Their findings indicate that the narratives of public shaming are not only more prevalent but also more detailed than those of public exaltation, pointing to a prioritization of punitive measures over the incentivizing of good behavior in the SCS.¹²

In exploring the SCS’s use of public shaming rituals as an effort to legislate morality within the context of big data, this review employs the perspective of “societal constitutionalism” to dissect the moral engineering impulse of the SCS. Gunther Teubner’s concept of societal constitutionalism elucidates how socially embedded legal norms may at times

diverge from codified laws, with the author arguing that such norms act as substantial legislative and enforcement mechanisms within society.¹³ In his more recent work, Teubner explores how societal constitutionalism is adapting to the challenges posed by the rapid digitization of communication and administrative systems, suggesting that cultural norms can serve as an effective rule-of-law framework when enforced through hypermediated social transactions.¹⁴

Building on Teubner's framework, Larry Backer examines how formal rule frameworks become internalized as largely tacit societal norms through the process of constitutionalization, demonstrating the transformative potential of societal norms into governance mechanisms that are often more influential than formal legislative systems.¹⁵ Backer's 2019 article "Next Generation Law: Data-driven Governance and Accountability-based Regulatory Systems in the West, and Social Credit Regimes in China" presents a comparative assessment of data-driven governance in the regulatory landscapes of the West and China. Backer argues that emerging data-driven governance structures are transforming the way that states and other governance systems operate, as they are "grounded in principles of accountability and embedded in incentive-based systems for reducing risk and managing behaviors through mechanisms of choice and markets."¹⁶ He suggests that the concept of "social credit" represents an expression of new forms of governance and marks a significant shift in the relationship between law, state, government, and private morality.¹⁷

Similarly, in their 2021 analysis of post-WWII Japanese constitutional norms, Wang and Teraoka also utilize the societal constitutional lens in their inquiry. They highlight the continuity of normative and ritualistic elements from the pre-WWII Imperial Constitution in modern Japanese governance, arguing that these ritualistic norms, conceptualized as a "constitutional *ecclesia*," have profoundly shaped rule-of-law norms, often more significantly than codified laws.¹⁸

In "Interplay with Variation: Approaching Rhetoric and Drama," D. S. Mayfield explores the relationship between rhetoric and dramaturgy in the context of staged performance. He suggests that the production of staged performance is a highly rhetorical art, forever teetering in a balancing act between textual production, dramaturgically strategic gestures, and desired audience reactions.¹⁹ Applying this rhetorical analysis to the focus of this article, in the legal arena, the focus and locus of law reside in the being-already (a consubstantive audience able to judge the *ethos* or perceived legitimacy of a legal action) and the not-yet-being (regularized and socially

embedded legal performance as 禮 or *nomos*). The formal legislative process operates merely as a liminality rite, as dramaturgical symbolic enactment to formally signal the transition from the *being-already* to what is *not-yet-being*. Whether or not this transition occurs depends on the audience response to the strategic dramaturgical gestures.

The term *ecclesia* (ἐκκλησία, “ministry”) is used in both a narrow sense to describe an organized religious institution and a broader sense to describe a community with a shared belief framework that is maintained by collective memory practices. Here, I borrow the theological concept of *ecclesia* to describe the *ritological* basis of the rule of law because, as Giorgio Agamben and Daniel Heller-Roazen have observed, in terms of its cultural and sociological operation, the rule of law resides within the social-cultural system of religion.²⁰ Both law and religion function as collective rule frameworks whose operation requires the dyadic co-presence of formal doctrines and ritual performances.

The rule framework governing an *ecclesia*, irrespective of whether formally labeled as “rule of law” or “religious doctrine,” operates around a substantively similar set of ritological organs: in specifically constructed ritual spaces (i.e., temples, courthouses), wherein *ecclesia*-sanctioned ritual actors (i.e., clergy, judges), with the help of ritual props (i.e., clerical robes, court attire), perform ritual acts for a corresponding ritual occasion and audience (i.e., religious or civil marriage ceremony), using prescribed ritual language and a sequence of symbolic transactions (i.e., exchanges of vow). More importantly, the ritual performances are governed by communally upheld rule frameworks that may be codified (i.e., scripture, statutes) or unwritten (i.e., religious custom, customary law). In dramaturgical analysis of ritual performances, the ritual act (legal or religious) is considered legitimate only by its *consubstantive* audience, who are members of the faith community and therefore able to recognize the “ritual-ness” of the act, which, upon repetition, automatically implies a certain continuity with a shared past and reaffirms communally upheld totems and taboos.²¹

3. Embeddedness of Confucian Ritual Legal Tradition in SCS Project

This section elucidates the moral engineering dimension of the SCS, showing it to substantially follow the Confucian ritual legal tradition as its societal and constitutional underpinning. The profound impact of

Confucian ethics and ritual practices on modern and contemporary Chinese political and legal institutions has been extensively documented. For instance, Xiaofei Kang examines how Confucian themes were woven into the political fabric of early Communist China, suggesting a continuity of cultural paradigms.²² Furthermore, the edited volume by Theodore Hutters, R. Bin Wong, and Pauline Yu explores the persistent, albeit tacit, influence of Confucian governance ideals and rituals that have pervaded official performances and political discourse throughout modern Chinese history, despite revolutionary ideological reforms.²³

More recent work by Yi-Huah Jiang illuminates a contemporary trend within the Xi administration, marking a more overt embrace of Confucian political and legal sensibilities. Jiang articulates the way in which ancient norms are increasingly being recognized and integrated into contemporary governance structures in China.²⁴ Xu Bin's work is notable for its application of dramaturgical sociological analysis to the contemporary Chinese context. Expanding on Erving Goffman's work on performativity and the dramaturgical pentad developed by rhetorical theorist Kenneth Burke, Xu employs a scene-based framework in his analysis of Chinese leaders' public ritual enactments in response to national disasters.²⁵ The objective of his analytical heuristics, according to Xu, is to excavate "underlying cultural structures" underpinning visible occasions of "strategic impression management."²⁶ He notes that "at the group/community level, 'memory' means mnemonic practices in the form of face-to-face interactions and communications, including symbols, words, and rituals at the local level, [and] 'generation' is both a cognitive category and a cultural identity used by the participants to label themselves in their interactions."²⁷ Xu's sociological approach integrates dramaturgical analysis in his study of civic engagement and public mourning rituals in the aftermath of the 2014 Sichuan earthquake. He describes post-earthquake episodes of self-mobilized acts of civic engagement and governmental reactions as a "social-political" civic drama performance.²⁸ In addition to dramaturgical analysis of social interactions, this article also draws on recent advances in cultural anthropology in its study of ritual practices in communal and civic contexts.²⁹

Ritualism (禮教 *lijiao*) serves as a core—and enduring—societal-constitutional framework within Chinese political and legal culture, epitomizing the Confucian legal tradition. That tradition emphasizes the importance of maintaining proper conduct through symbolic repetitive actions, which inherently cultivate a sense of shame with respect to

behaviors that violate collectively recognized standards of propriety, trust, and self-control.³⁰ Public messaging that stems from the Confucian ritual legal tradition typically reinforces established hierarchies, promotes predictability, and adheres to protocol while making ritualistic appeals to tradition. Such official discourse also strives for performative harmoniousness, aiming for a uniform message across various agencies and administrative levels while typically concealing policy debates and disagreements from public view. Additionally, there is an implicit “parental” authority imbued in administrative and legal frameworks, which actively works to instill a sense of shame over conduct considered to be improper, further underscoring the deep-rooted values of propriety, trust, and self-control.³¹

The revival and explicit integration of Confucian principles into governance are clearly reflected in recent official narratives. Notably, at the 2023 World Internet Conference, the Nishan Dialogue on Digital Civilization focused on AI governance. This event, organized by the Cyberspace Administration of China under the theme “The Age of AI: Building a Digital World of Exchanges, Mutual Learning, and Inclusiveness,” took place at Confucius’s birthplace.³² Furthermore, a *People’s Daily* article published on 26 August 2023 and titled “Adapting Tradition to Times: Confucius Birthplace Explores Cultivation of Governance Virtue in Officials” reports that the Shandong Provincial Committee of the Chinese Communist Party (CCP) organized pilgrimages for government officials and party cadres to such sacred Confucian sites as Mount Taishan and the Temple of Confucius in Qufu (曲阜). During their visits, officials participated in workshops focusing on “Governance Virtue Education.”³³ This report from the CCP’s official newspaper suggests a deliberate move to incorporate Confucian rituals into modern policy frameworks and public administration practices.

Finally, the SCS itself serves as a vivid example of this ideological shift. The public education materials on the SCS’s official website—CreditChina.gov.cn—feature a significant number of narratives modeled on traditional Confucian moral fables.³⁴ Notably, of the 166 “exemplary true stories of trustworthiness (誠信典故 *chengxin diangu*), featured on Credit China, 105 are traditional Confucian moral fables recounting the virtuous deeds of venerated historical Chinese figures, 15 of them revolving around Confucius himself.³⁵ This emphasis not only illustrates the direct influence of Confucian ideals on the SCS but also highlights the system’s role in perpetuating traditional values through modern digital governance mechanisms.

The mandate for the SCS's social and moral engineering efforts can be translated into the Confucian ritual law concept of *liyue benghuai* (禮樂崩壞; collapse of rites and hymns). The concept describes a socio-political condition characterized by the diminishing legitimacy of the *tianzi* ("son of heaven," i.e., the ruler), prolonged dysfunction in governance frameworks, and a resultant breakdown in social relations and trustworthiness.³⁶ Historically, the term "Son of Heaven," as used in pre-Qin texts such as the *Shangshu* (*Book of Documents*), specifically denoted the ceremonial title of Zhou dynasty monarchs (1046–256 BC). However, in broader Confucian thought, *tianzi* represents any sovereign recognized by his or her subjects as the legitimate ruler of China.³⁷ The influence of Confucianism on the Chinese political and legal tradition extends beyond imperial times and continues to shape contemporary Chinese practices. Today, the CCP has adopted its own version of Confucian *zhengming* (正名; rectification of the name), a state rite known as "Socialism with Chinese Characteristics," which is ritualized in legislative and political ceremonies and various political campaigns.³⁸

Thus, ritual, in its broadest cultural and social function, can be understood as a collection of memory practices guided by explicit or implicit rules and procedures. Rituals are used to cultivate shared values and standards of "acceptable behavior" through repetition and a continuous connection with a shared historical past.³⁹ This conceptualization of ritual in the production of social norms aligns with neo-Confucian philosopher Wang Yangming's (王陽明) notion of the unity of act and thought, which emphasizes the deep connection between ritual conduct and reasoned governance.⁴⁰ Thus, not only does the phrase "unity of act and thought" regularly appear in official SCS propaganda materials, but Wang Yangming is also the second most frequently mentioned philosopher in Credit China's collection of "exemplary fables of trustworthiness" after Confucius himself.⁴¹

4. Ritological Dramaturgy of the SCS "Pillars of Shame"

Having clarified the theoretical imperatives, it is time to apply these transdisciplinary heuristics to the context of the SCS's construction. Given that the interpretative impulse of ritological analysis emerges from close readings of dramaturgical moments, we focus our investigation on a series of SCS enactments that strategically deploy urban spaces as stages of experimental public shaming rituals conducted by a wide array of

Chinese local authorities to explore the multifaceted ways in which SCS discourse appropriates various ritual and theological elements of sacrifice. Our investigation also explores the implications of applying ritological instruments to policy measures that seek to transform social *ethos* in an “always-on” society and traces the fractures and tensions of their ritual-audience dynamics. Lastly, through critical engagement of these strategically designed SCS ritual occasions, the article also explores innovative approaches to mapping out the relationship between the formal legal domain of societal trustworthiness and the tacit collective memory base embedded within the socio-cultural system.

In the context of policymaking and the rule of law in contemporary China, the role of the Confucian ritual legal framework extends far beyond a simple set of “ism’s.” It is embedded in the political ritualology of everyday life—in collective memory practices that, via performance and repetition, automatically imply a certain continuity with a shared past and communal moral framework.⁴² In the mid-16th century, China experienced two concurrent processes of modernization. The first, driven by the spread of Western learning, influenced the scientific and technical domains through the emergence of *xixue* (西學) scholar-officials such as Xu Guangqi (徐光啓).⁴³ However, they were unsuccessful in applying Western studies outside technical fields. The second process, led by Neo-Confucian scholar-officials such as Wang Yangming, affected the political, legal, and religious/moral knowledge domains. Wang’s legal philosophy emphasized the ritual of law over ideology and greatly influenced early modern political and legal development in East Asia.⁴⁴

Wang Yangming’s notion of social progress via the unification of intelligence and performativity is reflected in contemporary Chinese society through implementation of the SCS, a public ritual complex of monitoring and assessing trust behavior that aims to inculcate collective moral character and promote social harmony.⁴⁵ Similarly, Wang’s unification of ritualology and jurisprudence suggests that the *logos* of law and policy operate within the same plane as the *logos* of ritual and religion, and the SCS can be seen as a contemporary articulation of this idea.⁴⁶ As a social engineering experiment, the SCS operates within a framework of unified ritual law, whereby local authorities assume a parental role in performing rituals in compliance with the central government’s mandate. The system not only involves a series of rewards and punishments based on assessments of individual and corporate trust performance, as determined by their behavior in financial transactions and their general

law-abidingness, but also incorporates public dramaturgy that is strategically deployed to elicit audience reactions that formally affirm *xin* (信; trustworthiness) as a cardinal virtue of public life. Through the repetition of these rituals, individuals are expected to discipline their egos and conform to the expectations of society, thereby bringing the rule of law into alignment with the Confucian principle of *keji fuli* (克己復禮; self-control and a return to rituals).⁴⁷

In the construction of the SCS, a common response among local government entities to the policy imperative to reform societal trustworthiness took the form of experimental deployments of new forms of public shaming ritual. To understand the dramaturgy of these ritual enactments, we must view their performance through the internal *terministic screen* of the tacit legislative norm from which they emerged.⁴⁸

The SCS can be understood as ritual and strategic dramaturgy aimed at inculcating collective trustworthiness. Its construction involved a “solution first, law-up later” legislative knowledge performance process that effectively operated in a framework of consultative decentralization, leading to divergent local solutions to the problem of trustworthiness in the big data age. The SCS’s policy instruments emerged from a consultative process, beginning with a political directive from the CCP Central Committee, which was followed by various governmental bodies and local authorities responding with their own policy solutions, often in the form of targeted campaigns and crackdowns. These policy solutions were subject to a high degree of internal discretion, highlighting the ritualistic aspect of the SCS. Finally, the central CCP authority issued additional political decrees and launched a legislative process with public consultation to formalize, legitimize, standardize, and fine-tune the various local policy solutions, indicating the strategic aspect of the SCS. Overall, the SCS can be viewed as a public gesture aimed at inculcating trustworthiness in society by ritualistic and strategic means, with local authorities assuming a public “parental” role performed in compliance with a central government mandate.⁴⁹

The SCS legislative process can be illustrated through the 2014 State Council decree entitled “Outline of the Social Credit System Construction Plan 2014–2020,”⁵⁰ which instructed governmental bodies and local authorities to establish an internet credit blacklist system to “promote the formation of social restraint and punishment, improve the public opinion supervision mechanism, strengthen the disclosure and exposure of dishonest behaviors, give full play to the role of the masses to review,

discuss, criticize reports, etc., through social moral condemnation, form[ing] social deterrence and restrain[ing] social members from dishonest behavior.”⁵¹ This decree was followed by policy experiments and enforcement mechanisms at various levels of government, such as the targeted campaigns against online fraud and *chaoxin* (炒信; manipulated fake online reviews) conducted by local offices of the Cyberspace Administration of China (CAC) in Beijing in 2015 and in Zhejiang province in 2016. Joint punishment measures were applied to entities listed in the internet *chaoxin* blacklist. A 2018 National Development and Reform Commission policy document entitled “Notice on Strengthening the Special Enforcement Against Untrustworthy Issues in the E-commerce Field” called for local CAC offices and committees to implement joint punishment measures against blacklisted e-commerce entities. These measures reflect the consultative decentralization and strategic dramaturgy used to inculcate collective trustworthiness under social credit experimentation.⁵²

This relatively decentralized, “implementation-before-legislation” approach to SCS policy experimentation, which encourages local ad-hoc policy experimentation, comes with advantages and disadvantages. On the one hand, the fluidity and rapidly evolving technological infrastructure modulating social transactions in the big data age imply that the task of reinventing the SCS’s *lao’tianye* God-function requires a high degree of adaptability on the policymaking end of business. In this regard, a decentralized, consultative-based “implementation-before-legislation” process can reduce legislative inertia and bureaucratic red tape, thereby allowing quicker policy reflexes, a higher degree of local customization, and policy optimization via rapid iterations of the trial-and-error process. On the other hand, with respect to the formal-legal side, “implementation-before-legislation” is clearly contrary to transnationally established rule-of-law norms, making SCS policies appear illegitimate to many observers outside China, as well as to many within China who embrace a more transnational rule-of-law sensibility. The rule-of-law *ecclesia* in China is heterogeneous and contested, with fault lines along education, income, age, and urban/rural demographic contours.⁵³ The “implementation-before-legislation” approach also contravenes the audience adaptation principle under *keji fuli*, or disciplining the ego through the repetition of rituals.⁵⁴ As the ritual inculcation of communal values requires the target audience’s automatic identification of the ritual act in conformity with socially ingrained totems and taboos—a phenomenon known in










dramatistic analysis as “audience consubstantivity”—the ad-hoc nature of policy implementation under this legislative approach, coupled with the lack of uniformity and constitutional security, tends to invite situations in which ritual enactment is both materially ineffective and normatively transgressive for its target audience, thereby inviting public resentment.

The concept of legitimacy, as expressed in the term *zhengming*, is closely intertwined with the Confucian formulation of its moral universe around transactions in the private sphere that emerge from one’s kinship and family upbringing and extend into everyday entanglements with one’s peers, superiors, subordinates, and role models.⁵⁵ The term “respectability” can be thought of as a loosely equivalent concept to *zhengming*. When applied in the art of ritualization—in the sense of deploying strategically designed public reenactments to effect the transformation of the moral character of society—*zhengming* can also be considered the *terministic screen* through which the dramaturgy of ritual enactment is interpreted in terms of its conformity to Confucian notions of propriety. A consubstantive audience (in this case, a member of the Confucian moral community) will judge a dramaturgical event or strategic public performance first and foremost by its conformity to shared norms, beliefs, and family values.⁵⁶

The dramaturgy of political ritual enactments is always viewed by its audience (targeted or otherwise) through the rule-of-law terministic screen, and the political and legal dramatistic performance will be interpreted as ritual enactment when actions are recognized as repetitions in communion with collective memory-practice and shared values. The intrinsic logic and artistry of a rectified public “name” or *zhengming* are legitimized through ritual enactments when performed and delivered to the consubstantive target audience by the appropriate ritual actors (as defined by their perceived roles, relations, hierarchy, and moral character), on the appropriate ritual occasion (as defined by timing, location, and circumstance), under the appropriate ritual set (props and curated ritual space), via appropriate means (channel, medium, and proportionality), and with the appropriate ritual act (a transaction whereby the offering is taken from the accursed in order to maintain the sacred).⁵⁷ Thus, the public performance of political and legal drama, when viewed through the Confucian terministic screen, tends to frame itself on a ritual or *li* (禮 ritual propriety) basis—a situation in which “one should see nothing improper, hear nothing improper, say nothing improper, do nothing improper”—through the practice of *keji fuli*.⁵⁸

The table below presents visualizations of representative SCS drama-turgical implementations in the form of personalized “pillars of shame” in public gathering places, arranged chronologically.

Table1: Pillars of Shame in Chinese Cities

		
<p>Dongping (東平), 18 September 2014</p>	<p>Foshan (佛山), 1 April 2016</p>	<p>Changchun (長春), 18 March 2016</p>
		
<p>Zhanjiang (湛江), 22 June 2016</p>	<p>Dongguan (東莞), 4 August 2016</p>	<p>Linli (臨澧), 30 August 2016</p>
		
<p>Xi'an (西安), 25 November 2014</p>	<p>Tianjin (天津), 5 April 2017</p>	<p>Shanghai (上海), 5 July 2017</p>

On 18 September 2014, the Dongping County government in Shandong province, incidentally the birthplace of Confucius, was one of the first to respond to the aforementioned decree by erecting a public billboard on the county courthouse. The billboard continuously displayed the headshots and personal information of individuals blacklisted by the SCS and targeted for joint punishment.⁵⁹ By early 2016, similar public “pillars of shame” had appeared in Foshan, Guangdong province, and Changchun, the capital of Jilin province, despite their geographical differences. Unlike the billboard in Dongping, these billboards were placed in high-traffic areas such as shopping malls.⁶⁰

By 2017, these public digital displays for shaming chronic defaulters under the SCS system, known as “*laolai* billboards” (老賴; frequent trust breaker), had spread across China, including in major cities with a substantial degree of self-governance. For instance, Xi’an initiated “Operation Autumn Wind” in November 2014, placing *laolai* billboards in busy shopping areas to publicly shame chronic debt defaulters. Tianjin followed suit several months later. In July 2017, Shanghai, known for its progressive policies, installed *laolai* billboards in its bustling high-speed railway stations.⁶¹ In 2018, local governments in Guangdong adopted and expanded Shanghai’s approach by installing digital billboards not only in high-speed railway stations but also on public buses and subway cars, transforming static “pillars of shame” into mobile shaming platforms.⁶²

These developments underscore the ritualistic aspect of *laolai* billboards, which serve as a modern embodiment of traditional Confucian public shaming rituals. Our analysis links the surface visibility of these billboards to their deeper socio-political significance, illustrating how they reinforce the authority of the CCP and serve specific group interests within Chinese society. By examining how *laolai* billboards are used to maintain public order and morality, we see a direct connection to the Confucian virtue of *li* in the maintenance of public face and governance.⁶³

The extensive use of public shaming under the SCS reflects a broader societal effort to inculcate and transform citizen behavior, aligning with the state’s role as a moral and ethical guide. Although effective in promoting social norms, there is a need for caution to prevent potential abuses and ensure the fair targeting of these public shaming practices, and especially to protect the rights of marginalized or vulnerable populations. The local implementation of shaming rituals must therefore be continually assessed to ensure that it aligns with constitutional principles

and broader societal values and that the rituals are carried out in a just and balanced manner.⁶⁴

To provide further context, classical Confucian thought prioritizes enforcing social trustworthiness in ways that preserve one’s privacy and save one’s face, rather than through public shaming: “The superior man does not wait till he sees things to be cautious, nor till he hears things to be apprehensive. There is nothing more visible than what is secret, and nothing more manifest than what is minute. Therefore, the superior man is watchful over himself, when he is alone.”⁶⁵ This quote not only serves as a reminder that individuals should behave appropriately in both public and private settings, and that private behavior can have public consequences, but also highlights the constraints of explicit performance public shaming as a governance instrument.

Although the collage in the above table represents distinct rhetorical moments occurring in disparate urban settings, they nonetheless share similar underlying exigencies (the specular appropriation of urban public spaces for SCS shaming rituals) and a similar institutional consequence (administrative enforcement in the form of joint punishment). The government authorities involved also faced similar rhetorical constraints in terms of the difficulty of radically shifting the acceptable threshold for personalized shaming in public spaces, as well as of dramatizing the remarkable “insubordination” of their accursed *laolai* subjects.

The policy implications of public shaming via *laolai* billboards under the auspices of the SCS touch upon the state’s role in molding and reshaping the morality and ethics of its citizens. The government employs these shaming rituals in public spaces to underscore and reinforce societal norms and values, setting clear expectations for behavior within targeted areas of daily life. They thus act as potent reminders of what behaviors are considered unacceptable in a society that is always connected and constantly monitored.

However, the application of such tactics raises significant concerns about potential overreach and abuse. When used to shame individuals or organizations for actions that are technically legal but deemed unethical by state standards, they can foster a climate of fear and risk aversion. Shaming tactics can also fuel mistrust and cynicism toward the government’s intentions and capabilities. Additionally, there is a risk of unfairly targeting vulnerable or marginalized groups such as low-income individuals, who may be shamed for struggling financially, thereby exacerbating their difficulties.

Given these concerns, shaming rituals within the SCS must be deployed with care to balance the enforcement of social norms with the protection of individual rights and maintenance of social harmony. Local authorities are tasked with continually assessing and adjusting their approaches to ensure that they adhere to constitutional principles and the broader social and ethical objectives of the central government. Careful oversight is thus essential to ensure that shaming practices are implemented justly and equitably and to avoid any potential for misuse or harm.

Initially, the placement of the *laolai* billboard by the Dongping County government at the public entrance to the county courthouse both adhered to and deviated from traditional shaming rituals. The billboard's location—akin to a local magistrate's office—reflected continuity by being situated in a space traditionally associated with public notices, thereby aligning itself with long-established civic rituals that legitimize public shaming. However, a departure from traditional shaming rituals can be seen in the use of modern technology and the specific definitions applied to those being shamed.

Laolai billboards have been posted in areas that conform to historic civic rituals, such as at the county courthouse entrance in the example above, substantiating their use as a legitimate form of public shaming. This ritual-space setting functions as a formal repetition of a civic drama, connecting the act of shaming with collective memory of past practices. However, current SCS shaming initiatives also mark a departure, as they adapt familiar civic rituals to new, technologically advanced circumstances. Such adaptation of an old normative governance semiotic to the emerging technocratic landscape raises questions not only about whether controversies are being addressed but also about the scope and boundaries of public shaming laws in China.⁶⁶

As the practice of shaming has evolved and spread to other localities, there has been a noticeable shift away from the previously restricted notion of “appropriate and proper” grounds for public shaming. The focus has turned toward maximizing audience impact, leveraging urban spaces as tools to enhance visibility rather than adhering to the traditional constraints of ritual space. From commercial areas to central business districts, and eventually to the country's busiest high-speed railway stations, each shaming iteration has seen an expansion of the public dimension of the shaming ritual, progressively eroding the traditional “appropriate and proper” constraints in terms of audience expectations.

This evolution highlights a significant transformation: the sacred, formally restricted grounds of the Primary People’s Court—ritualistically akin to a traditional magistrate’s office—are fundamentally different from the unrestricted publicness of commercial urban spaces. Unlike the magistrate’s space, which is defined and confined, commercial urban spaces are open and fluid. Individuals can enter and move about freely within these areas, which facilitates a different kind of engagement and visibility for public shaming rituals, reflecting a shift from the traditional *logos* of an enclosed space to the *nomos* of an expansive, open space.

Later iterations of *laolai* billboards and their variations in public shaming rituals increasingly engaged audiences in a manner that appeared “extra-political” and “extra-territorial.” This shift enabled audiences to enter the ritual shaming space without preconceived expectations about the appropriate occasion or setting for such displays. Such an approach to audience engagement reflects Deleuze and Johnson’s concept of “nomadic” knowledge performance, which suggests a detachment from traditional territorial statehood and political spaces, promoting neutral and indifferent engagement.⁶⁷ However, the shift also has critical implications for the way that audiences perceive and interact with shaming displays. Positioned in increasingly fluid and commercial public spaces, these shaming totems potentially foster an “infantilized” perception of audience roles. Within these settings, individuals may feel as if they are under constant parental supervision, rendering them perpetually cautious and alert for signs of surveillance and ritualistic drama that typify a “household-society.” Continuous monitoring can influence an audience to adopt a passive, watchful stance, reflecting the broader societal dynamics of control and oversight inherent in the SCS framework.

In the context of the ritual space of *laolai* billboards, no participant can achieve a completely objective perspective on the performance owing to the inherent limitations of language and the symbolic representations of the ritual. Interpreting and translating the aspects of the ritual that underpin the social and moral engineering goals of the SCS is a complex task. The rise of global capitalism introduced a universalizing framework that often overlooks local nuances, reducing embedded practices to issues of legal legitimacy alone.⁶⁸

However, the integration of transnational rule-of-law principles with local traditions complicates the establishment of a clear, predictable understanding of SCS rituals. The challenge lies in balancing a centralized national rule system with the acknowledgment of local diversities

and specificities. The SCS aims to regulate behavior and foster social harmony but faces the intricate task of navigating local constraints, a situation that necessitates a nuanced approach to formulating a uniform standard that can harmonize global rule-of-law values with the distinct traditions and needs of different localities.

Critically examining the limits of the rule of law within the SCS framework helps to illuminate the tensions and challenges inherent in the system. Understanding these tensions/challenges is essential for effectively navigating the complexities of the SCS and for the SCS to achieve its intended objectives. The success of the SCS ultimately hinges on how well it can balance the globalizing pressures of market-driven social transactions with the localized traditions and necessities that influence its practical implementation.

When analyzing the ritual occasion of *laolai* billboard implementations, their “execution first, permission later” approach can be understood in two distinct ways. On the one hand, it can be viewed critically as a breach of due process, potentially leading to such adverse outcomes as violations of individual rights. This perspective highlights the potential dangers of acting without the necessary legal sanctions and the risks associated with bypassing established protocols.⁶⁹ On the other hand, there is an alternative interpretation that underscores the necessity of prompt action in response to rapidly evolving social issues. This view suggests that certain situations demand immediate intervention by local authorities to mitigate harm, as waiting for formal legislation could be impractical or ineffective. In this light, the “execution first, permission later” tactic is seen as a pragmatic response, prioritizing the immediate implementation of public shaming rituals to leverage their dramaturgical impact, maximizing the “surprise” effect on the target audience and enhancing the performative aspect of the ritual.

This dual perspective underscores the fundamental tension between the need for swift, decisive action and the imperative to adhere to due process. The choice between the two interpretations outlined above depends on the specific context and the urgency of the situation, with a balanced assessment required to determine which is the most appropriate in determining whether actions taken align with both the immediate goals of social discipline and the long-term values of legal and procedural integrity.

Finally, in examining the ritual act of public shaming through *laolai* billboards, we find a profound historical connection between public ritualistic acts such as sacrifices and the structured frameworks for managing

community resources, suggesting that the intensification of public shaming rituals may parallel what social psychologists describe as the intensification of institutionalized behaviors akin to human cannibalistic tendencies. In the context of modern governance, the adoption of new technologies as ritual props can inadvertently lead to a darker path in the political reformation of a community.⁷⁰

At its essence, a *laolai* billboard acts as a ritual of expropriation, whereby the individual being shamed—and his or her image and personal information displayed—transforms into a taboo object. That object, once a part of the communal body, then becomes a sacrificial offering to foster the communal virtue of trustworthiness in the big data era. Drawing on Freud’s insight, this ritual act is less about the physical aspect and more about the symbolic act of taking possession: “By absorbing parts of the body of a person through the act of eating, we also come to possess the properties which belonged to that person.”⁷¹ In the digital age, such possession translates to taking control of one’s public image and personal information to manipulate perceptions of trustworthiness and integrity within the community. This power dynamic underscores a crucial aspect of the ritual act in the SCS’s public shaming strategy, highlighting the complex interplay between traditional societal controls and modern technological capabilities.⁷²

In addition to the endogenous ritualistic performative mechanics mentioned above, our analysis also highlights the exogenous rifts between the Confucian ritual law embodied by SCS public shaming measures and the SCS’s alignment with formal rule-of-law frameworks both within China and transnationally. The SCS taps into a deeply entrenched tradition of Confucian ritual legalism that emphasizes the importance of moral education and societal harmony. Confucianism, as discussed earlier through the lens of such scholars as Xiaofei Kang and Theodore Hutters, posits that a well-ordered society relies on the cultivation of virtue among its citizens. Public shaming within the SCS, used as a mechanism to enforce social norms, directly mirrors traditional practices wherein public rituals serve to reinforce community values and promote a collective sense of responsibility and trust. This alignment demonstrates the system’s continuity with the moral language inherent in Chinese culture, which prioritizes collective well-being over individual rights, a perspective deeply embedded in the social fabric, as highlighted in the ritual studies referenced earlier.

The SCS’s approach marks a clear departure from post-WWII transnational constitutionalism, which generally emphasizes the protection of

individual rights and freedoms and the rule of law. In contrast, as Jiang's analysis of Confucian political theory suggests, the SCS embodies a governance model that integrates traditional moral imperatives with modern state control mechanisms. This divergence is evident in the SCS's prioritization of societal harmony over individual privacy, which challenges the Western liberal democratic norms that have shaped international human rights discourse since the mid-20th century.⁷³

Internally, the SCS also represents a deviation from the socialist rule-of-law narratives that have historically been promoted within the framework of Chinese socialism under Mao and his successors.⁷⁴ Although the socialist legal system also emphasizes the supremacy of collective over individual interests, its purported aim is to create a "rule of law" in which the law is an instrument of the working class (as per Marxist doctrine). However, the SCS, as analyzed through discussions of public shaming and ritual enactment, utilizes legal norms not merely as tools of class struggle but as broader instruments of moral rectification and social engineering. This shift reflects a hybrid model, one that incorporates traditional Confucian elements into the socialist legal framework, as suggested by comparative analysis of the historical adaptation of rituals in governance.

5. Conclusion

This article has established that the Chinese SCS largely reflects the Confucian ritual legal tradition, embedding it as a tacit societal constitutional framework within modern governance. Although the SCS draws from established normative traditions and moral language inherent to Chinese culture, it also marks a departure from post-WWII transnational constitutionalism and diverges from the rule-of-law norms observed both internationally and within official narratives on the Chinese socialist rule-of-law.

Public shaming within the SCS, particularly through the use of *laolai* billboards, represents a modern interpretation of age-old Confucian disciplinary methods, serving both as a mechanism to enforce societal norms and as a ritual act that reconnects contemporary practices with traditional values. These "pillars of shame" are not merely punitive; they are ceremonial tools that reinforce communal trustworthiness, which is crucial in the always-connected digital era.

The article has examined the SCS through a lens that merges Chinese intellectual history, ritual studies, and comparative legal scholarship,

uncovering the complex layers of meaning behind this new governance system. The use of public shaming to regulate behavior ties directly back to the Confucian emphasis on moral education and societal harmony, highlighting a continuity of cultural imperatives adapted to the challenges of the 21st century.

Ultimately, our analysis demonstrates the SCS’s exemplification of a sophisticated blend of historical ritualism and modern data governance, reflecting the unique trajectory of Chinese social engineering efforts. As one of the most comprehensive governance-by-data systems implemented to date, the SCS encapsulates the tension between traditional societal controls and contemporary global standards, offering a rich field for further academic exploration and discussion of its broader implications for governance and society in the digital age. In conclusion, this analysis not only deepens understanding of the SCS’s operational mechanisms but also invites broader reflection on how such systems, while deeply rooted in specific cultural and historical contexts, resonate with global issues of governance, privacy, and the ethical use of technology in public administration.

Notes

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