

Empire of Luck: Trust and Suspicion in Early China

By

Trenton Wayne Wilson

A dissertation submitted in partial satisfaction of the

requirements for the degree of

Doctor of Philosophy

in

History

in the

Graduate Division

of the

University of California, Berkeley

Committee in charge:

Professor Michael Nylan, Chair

Professor Nicolas Tackett

Professor Robert Ashmore

Summer 2021

Abstract

Empire of Luck: Trust and Suspicion in Early China

by

Trenton Wayne Wilson

Doctor of Philosophy in History

University of California, Berkeley

Professor Michael Nylan, Chair

This dissertation proposes a new framework for examining the problem of “trust” (*xin*) in China’s early empires, from the third century BCE to the third century CE. Much of the current scholarship on trust in early China focuses either on trust as one of the virtues or the problem of personal trust as an organizing principle of imperial institutions. My dissertation brings the ethical and the institutional discussions together. I show that the ethical problem of trust is much more complex than its meaning as a virtue and the institutional problem of trust goes beyond problems of personal trust and favoritism. The dissertation proposes two paradigms to understand debates about trust in early China: (1) the paradigm of the invisible seer; and (2) the paradigm of the visibly blind. In the first paradigm, rulers, courtiers, and thinkers argue that reliable, trustworthy institutions come about by positing the possibility of a view from nowhere, inhabited by the ruler, that surveils and measures all. In that position one is invisible, but nevertheless sees everything. In the second paradigm, it is incumbent upon the ruler or gentleman to be exposed and visible. He assumes that other people are looking at him as a guide for action, so he tries to make himself appear more legible and reliable. At the same time, he works to be blind to the faults and possible deceptions of others. He is visible to all, yet blind to others. These two paradigms concern the distribution of visibility in imperial life. The dissertation further argues that regardless of paradigm, “trust” was set against “luck” and “favor” (*xing*). Reliable institutions required the elimination of luck. Through an examination of debates about social status and social hierarchy, on the one hand, and amnesty and law, on the other, I show how this struggle against luck—the empire *over* luck—marked out the limits of both of the paradigms of trust examined in the dissertation.

For my parents,
Wayne and Joyce Wilson

Table of Contents

Acknowledgments	iii
Introduction: Chinese Suspicion and a Framework for Trust	1
Chapter 1: Theories in Institutional History and the Imperial “Trunk”	35
Chapter 2: Status Confusion, Moral Confusion, and the Struggle for <i>Xin</i>	58
Chapter 3: Accusation, the Invisible Seer, and the Visibly Blind	137
Chapter 4: Giving the Benefit of the Doubt: Renewal, Amnesty, and Trust	190
Chapter 5: Wang Bi’s 王弼 (226-249) Politics and Hermeneutics of Trust	223
Bibliography	239

Acknowledgments

Professor Nylan will recall an early trip to Muir Woods where there arose the question of who will carry whom through the coming years. The verdict is in: Professor Nylan and so many others carried me through some of the roughest years, especially the last year or so. It's great to have a community of people around me who are so sustaining even when I have nothing to offer in return. I am truly grateful.

Professor Nylan has been an untiring guide, teacher, and advocate during my time at Berkeley. In what I can only imagine were the most trying months, she patiently made the dissertation better and provided a place to explore crazy ideas and pursue bizarre connections.

Benjamin, Yang Hua, and Julia are the best comrades. Many times they provided a haven for us. Benjamin taught me so much about historical thinking—about the thrill of stories and not just theory; about the humor and absurdity of sources; and about music, pop culture, and everything else. Yang Hua is my favorite dissident, and not just about the politics of an old empire. And Julia. What can I say? She's the best role model a little Finn could hope for.

Zheng Yifan shaped the dissertation in ways he probably doesn't know. He was always a patient sounding board and somehow always had the right bibliographic suggestion. He *made* my Wuhan study trip possible. Yifan is also the model of friendship.

Jianye! She showed me around the stacks of the East Asian library before I even decided to come here and she was helping me get books to complete this thing just last week. I almost hesitate to say anything about her library work—which is amazing—because some may think I'm just thanking a librarian for doing a good job. Jianye is friend, teacher, sister, scholar, psychologist, restaurant aficionado... She's the best.

The last year has been harder because I missed out on all of the sustenance from those reading groups at Professor Nylan's house. Those days and those reading companions are missed.

Professor Mark Csikszentmihalyi and Professor Robert Ashmore have taught me so much over the years and are incredibly generous readers and listeners. Professor Ashmore provided much help with the manuscript at the eleventh hour, sparing me much embarrassment. The remaining embarrassments, of course, are my own doing.

I also want to thank everyone who made my (really "our") year in Wuhan possible. The Social Science Research Council and the Confucius China Studies Program provided financial support and were helpful in shaping the direction of the project. There were many friends and scholars in Wuhan who helped make my time there meaningful and rewarding. Professor Xu Shaohua was the best host and scholarly guide. Professor Guo Tao at Huazhong Normal organized an amazing reading group—along with Professors Ye Qiuju and Wu Youjiang. Dan Changwu is a great friend and fellow historian.

I'd also like to thank the Center for Chinese Studies for all of their support. CCS provided much financial support over the years and has been a great forum for meeting people and exchanging ideas.

Finally, I'd like to thank my family. Amy and Lexi still felt like my little sisters when I began this. They now seem older and wiser than me. Mom and Dad taught me everything I ever needed to know about generosity, trust, and love. I found the strength to complete this thanks to them.

Finn reminds me every day that the world is a beautiful place. My little rock-climbing, drum-playing, ballet-dancing, tennis and baseball-playing, explorer of the world is the greatest. No doubt he's so cool because his mom wants the world for him. Xiuhong, you've done so much to get me out of books and out into the world and you showed me the depths of empathy and love.

INTRODUCTION: CHINESE SUSPICION AND A FRAMEWORK FOR TRUST

“Trust is...the great civility.” –Steven Shapin

“A lonely man always deduces one thing from the other and thinks everything to the worst.”—Martin Luther

“In Lacedaemonia, stealing was permitted; in China, deceit is permitted.”—Montesquieu

“When you throw something at a rat, beware the vessels nearby.” –a proverb

Brief History of a Trope: Suspicious and Deceitful Chinese

Two near contemporaries, one at either end of the Eurasian continent, came to the conclusion in the late seventeenth and early eighteenth centuries that Chinese institutions and ethics were made by and for “cunning, inquisitive, mistrustful, artful, designing” men.¹ Chinese political and social virtues were, in other words, the virtues of thieves. Huang Zongxi 黃宗羲 (1610-1695), an original thinker who witnessed the collapse of the Ming 明 dynasty (1368-1644), wrote that the laws and institutions of imperial China were built on fear of losing power and had thus “set up laws for fear of what might happen” 思患於未然以為之法.² This anticipatory pessimism directed rulers to, so to speak, “deduce one thing from the other and think everything to the worst.”³ According to Huang, the ideal institutions of the early sage kings were not, however, constantly “fearful and suspicious” (yí 疑) and so they had once created an order in which dignity was shared among everyone. Those not at court did not feel they were reduced to the ranks of the “base” (jiān 賤) and thus they had no particular reason to look on those in power with envy or to detest their own position.⁴ That earlier ideal world was public and shared, an ideal that Huang described using the language of *Zhuangzi*: “the realm was hid inside the realm” 藏天下於天下.⁵ Using another image

¹ Citations for the four opening quotations: Steven Shapin, *A Social History of Truth: Civility and Science in Seventeenth-Century England* (Chicago: The University of Chicago Press, 1995), 8; Luther cited in in Hannah Arendt, “Ideology and Terror,” in *The Origins of Totalitarianism* (Cleveland: Meridian Books, 1951), 477; Montesquieu, *The Spirit of the Laws*, translated by Anne M. Cohler, Basia Carolyn Miller, and Harold Samuel Stone (Cambridge: Cambridge University Press, 1989) (4th printing 2019), Part 3, Book 19, Chapter 20, 321; For the rat/vessel problem, see Yan Zhenyi 閻振益 and Zhong Xia 鍾夏, eds., *Xinshu jiaozhu* 新書校注 (Beijing: Zhonghua shuju, 2000), *juan* 2, “Jie ji” 階級, 80.

² Huang Zongxi 黃宗羲, *Mingyi daifang lu* 明夷待訪錄, in *Huang Zongxi quanji* 黃宗羲全集, vol. 1 (Hangzhou: Zhejiang guji chubanshe, 1985), 6. William Theodore de Bary, trans., *Waiting for the Dawn: A Plan for the Prince: Huang Tsung-hsi's Ming-I tai-fang lu* (New York: Columbia University Press, 1993), 97.

³ Cited in Hannah Arendt, “Ideology and Terror,” in *The Origins of Totalitarianism* (Cleveland: Meridian Books, 1951), 477. On the question of optimism and pessimism, see Thomas Metzger, *A Cloud Across the Pacific: Essays on the Clash Between Chinese and Western Political Theories* (Hong Kong: The Chinese University of Hong Kong Press, 2006). For a powerful critique of Metzger’s argument, see Ci Jiwei, *Moral China in the Age of Reform* (Cambridge: Cambridge University Press, 2014), Chapter 4, 63-88.

⁴ “High esteem was not reserved to those at court; nor were those in the countryside necessarily held in low esteem. Only later was this kind of Law criticized for its looseness, but at that time the people were not envious of those in high place, nor did they despise humble status.” *Waiting for the Dawn*, 98. *Mingyi daifang lu* 明夷待訪錄, 6.

⁵ *Zhuangzi*, Chapter 6, “Da zong shi” 大宗師, in Guo Qingfan 郭慶藩, *Zhuangzi jishi* 莊子集釋 (Beijing: Zhonghua shuju, 2012) (2016 rpt.), 248.

from the *Zhuangzi*, Huang wrote that later imperial institutions, fearful of thieves and suspicious of everyone, tried to hide the empire in a “trunk:”

The laws of later ages sought to hide the world in a trunk. Rulers did not wish that anything beneficial should be left to those below, but rather that all blessing be gathered up for those on high. If one employs a man, he is suspicious that the man will act in his own interest, and so another man is employed to keep a check on the other’s selfishness. If one measure is adopted, there are immediate fears of its being abused and evaded, and so another measure must be adopted to guard against abuses or evasions. All men know where the trunk lies, and so the prince is constantly fretting and fidgeting out of anxiety for its security. Consequently, the laws have to be made tight, and as they become tighter they become the very source of disorder. These are what one calls “un-Lawful laws.”

後世之法，藏天下於筐篋者也；利不欲其遺於下，福必欲其斂於上；用一人焉則疑其自私，而又用一人以制其私；行一事焉則慮其可欺，而又設一事以防其欺。天下之人共知其筐篋之所在，吾亦鯁鯁然日唯筐篋之是虞，向其法不得不密。法愈密而天下之亂即生於法之中，所謂非法之法也。⁶

Suspicion, fear of deception, and a defensiveness were at the heart of this form of institutional design. Worse yet, these institutions *taught* men to be suspicious and thus failed to produce “well-ordered men” 治人. With such institutions, men “cannot overcome inhibiting restraints and suspicions (*xianyi*)” 終不勝其牽挽嫌疑之顧盼.⁷

On the other side of the world, Eusèbe Renaudot (1646-1720), whom one modern commentator has called a “mediocre anti-Jesuit controversialist,” published a French translation of a ninth-century Arabic travel record of two merchants, Sulayman and Abū Zayd al-Sīrāfī in the context of the Chinese Rites Controversy.⁸ He had been working on the translation since at least the 1680s when he made inquiries of Jesuit missionaries in Rome regarding Chinese-language accounts of events recorded in the Arabic text.⁹ A complete French translation was published in 1718 (and translated into English in 1733).¹⁰ Accompanying the translation was a lengthy essay on the Chinese sciences filled with anti-Chinese and anti-Jesuit arguments. The translation of the Arabic travel report and the essay on Chinese sciences were both meant to put to rest Jesuit claims about the continuity between Chinese and Christian learning, the so-called “natural theology” arguments so important to the Jesuits. In the course of writing his essay on the Chinese sciences, Renaudot, who had no Chinese-language knowledge, stumbled onto an interesting argument about the Chinese

⁶ *Waiting for the Dawn*, 98. *Mingyi daifang lu* 明夷待訪錄, 6. Minor changes made to translation. I prefer the flavor of “trunk” to de Bary’s “treasure-chest.” *Mingyi daifang lu* 明夷待訪錄, in *Huang Zongxi quanji* 黃宗羲全集, vol. 1 (Hangzhou: Zhejiang guji chubanshe, 1985), 6-7.

⁷ *Ibid.*, 7. *Waiting for the Dawn*, 99.

⁸ Günther Lottes, “China in European Political Thought, 1750-1850,” in *China and Europe: Images and Influences in Sixteenth to Eighteenth Centuries*, ed. Hongqi Li (Hong Kong: Chinese University Press), 71. For a modern translation of the Arabic text, see Abū Zayd al-Sīrāfī, *Accounts of India and China*, translated by Tim Mackintosh-Smith (New York: NYU Press, 2017).

⁹ Cornel Zwiernlein, “Orient contra China: Eusèbe Renaudot’s Vision of World History (ca. 1700),” *Journal of the History of Ideas* 81, no. 1 (January 2020): 30.

¹⁰ Eusèbe Renaudot, trans., *Anciennes relations des Indes et de la Chine, de deux voyageurs Mahometans, qui y allèrent dans le neuvième siècle* (Paris: Jean-Baptiste Coignard, 1718); Renaudot, *Ancient accounts of India and China: by two Mohammedan travellers, who went to those parts in the 9th century* (London: Sam Harding, 1733).

virtues he had come to know through translation. In “Other Virtues According to the Chinese,” he writes:

They are, say they, Justice, Fidelity to Friends, and the Virtue by which we measure the Sense of others [celle par laquelle nous mesurons l’esprit des autres]...nor can any Thing be more out of the way, than to make a Virtue of what they call *Measuring the Sense of others*. If these enigmatical Words are expressive of any Thing, they mean the Talent of diving into the Thoughts of others, of guessing at their good and evil Intentions, of getting at their Capacity, and of thence forming a prudential Judgment, according to which we are to behave. But this is not having the primary or simple Idea of Virtue, to apply it to such a Character; for a cunning, inquisitive, mistrustful, artful, designing Man, is for the generality better able to *Measure the Sense of others*, than an honest, plain, upright, and sincere Person.¹¹

Renaudot, undoubtedly for the wrong reasons, had stumbled onto an interesting criticism of Chinese virtues. Is it possible to be honest, plain, upright and sincere while also having the ability to, as the first Latin translation of the *Analects* put it, “immediately smell, feel, or perceive any hidden fraud or deceit”? That was, in any case, how *Confucius Sinarum Philosophus* (1687) had translated the second half of *Analects* 14.31: “Not anticipating betrayal (*ni zha*), nor expecting untrustworthiness, yet still being the first to perceive it—this is a worthy person indeed!” 不逆詐，不億不信，抑亦先覺者，是賢乎¹² Perhaps Renaudot had drawn inspiration for his criticism of the virtue of “measuring the sense of others” from his reading of the then recently published *Confucius Sinarum Philosophus*. This kind of perception attuned to incipient deceit was also, in early Chinese texts, labeled “knowledge” (*zhi* 智) or “penetrating sight” (*cha* 察).

The trope of the duplicitous, suspicious, cunning, conniving, mistrustful-because-not-trustworthy Chinese that would become so important in later Western and Chinese scholarship might be traced to the period between Huang Zongxi and a much more famous later contemporary of Renaudot, Charles Louis de Secondat, the Baron de Montesquieu (1689-1755). Montesquieu wrote in his *The Spirit of the Laws* (1748) of the “paradox about the Chinese,” which he formulated in the following way:

It is strange that the Chinese, whose life is entirely directed by rites, are nevertheless the most unscrupulous people on earth. This appears chiefly in commerce, which has never been able to inspire in them the good faith natural to it. The buyer should carry his own scale as each merchant has three of them, a heavy one for buying, a light one for selling, and an accurate one for those who are on their guard.¹³

The details of Montesquieu’s account here was based on the travel account of Lorenz Lange (1690-1752), a Russian envoy who travelled in China in 1715-1717 and had an audience with the Kangxi emperor (r. 1661-1722). Lange reported that “c’est une affaire bien difficile que d’être engagé en commerce avec cette Nation, parcequ’il faut à tout moment être sur ses gardes avec un *Chinois*.”¹⁴

¹¹ Renaudot, 1718 French edition, 373; 1733 English edition, 235.

¹² Edward Slingerland, trans., *Confucius’ Analects: with selections from traditional commentaries* (Indianapolis: Hackett Publishing, 2003), 161. Huang Kan 皇侃, *Lunyu yishu 論語義疏* (Beijing: Zhonghua shuju, 2017), 376-377.

¹³ *The Spirit of the Laws*, Part 3, Book 19, Chapter 20, in Anne M. Cohler, Basia Carolyn Miller, and Harold Samuel Stone, trans., *The Spirit of the Laws* (Cambridge: Cambridge University Press, 1989) (4th printing 2019), 321.

¹⁴ Lorenz Lange, *Journal du sieur Lange, contenant ses negotiations à la cour de la Chine en 1721 & 1722 avec des remarques*, in Jean Frédéric Bernard, *Recueil de voyages au nord, contenant divers mémoires très utiles au commerce & à la navigation*, vol. 8 (Amsterdam:

The need to be “on one’s guard” conveyed the same sense of anxiety expressed in Huang’s assessment of a society that had descended into mutually suspicious sideways glances. Montesquieu, who identified the governing principle of Chinese despotism as “fear,” argued, as one scholar has summarized, that “the ruler’s fear for his throne, the people’s battle for subsistence, formed a symbiotic whole.”¹⁵ The specific conditions of China, including climate and population, had made it such that the “Chinese government is not as corrupt as it should be,” Montesquieu noted, but the mixture of relentless pursuit of personal interest for the sake of survival and constant fear of rebellion marked out the contours of a particularly terrible form of despotism. (Interestingly, Montesquieu notes that China of earlier times perhaps functioned differently.)¹⁶ Using an image strikingly similar to Huang’s Zhuangzian “trunk,” Montesquieu wrote that Chinese despotism was “less a civil government than a domestic government,” explaining:

This is what has produced the rules that are so much discussed. Some have wanted to have laws reign along with despotism, but whatever is joined to despotism no longer has force. This despotism, beset by its misfortunes, has wanted in vain to curb itself; it arms itself with its chains and becomes yet more terrible.¹⁷

There was this tragic aspect, then, to Chinese despotism. It sought *in vain* to limit itself with laws. Montesquieu, again like Huang, recognized the significance of Chinese laws, but the admixture of laws and domestic government always tilted in favor of the despotism of domestic government.¹⁸ Laws required a kind of trust that did not exist, however, so, fearing misfortunes “that had not yet happened,” the government tried to chain society down even more perfectly.

Montesquieu’s assessment of the “domestic government” of the Chinese also matches Huang’s own idea that Chinese monarchy was really a family business and had nothing to do with the common good. According to Huang, “once [the world] comes to be looked upon as a personal estate (*chanye*) who does not desire an estate as much as the prince?”¹⁹ Once seized, one hoped that the family business might be passed on to future generations so the emperor sought—again quoting *Zhuangzi*—“to tie his fortune down and lock it up tight.”²⁰ Unfortunately, “the cleverness (*zhili* 智力) of one man is no match for the greed of all,” so rulers are forced to tie up the “trunk” more tightly until the family racket becomes unsustainable and the entire order suddenly collapses.²¹

Huang and Montesquieu’s arguments were more structural than Renaudot’s, but the thrust was similar. The latter saw a certain rot at the heart of Chinese virtues themselves. Knowledge (*zhi*), “measuring the sense of others,” was really just the suspicious gaze of a petty man who would see

Chez J.F. Bernard, 1727), 363. These passages were copied into commercial dictionaries of the time. For example see Jacques Peuchet, *Dictionnaire universel de la géographie commerçante*, vol. 3 (Paris: Chez la Veuve Estienne et fils, 1748), 388: “il est certain, que c’est un malheur que d’être engagé en commerce avec cette nation, parce qu’il faut à tout moment être sur ses gardes.”

¹⁵ Jonathan Spence, *Chan’s Great Continent* (New York: W.W. Norton & Company, 1998), 93.

¹⁶ “Therefore, China is a despotic state whose principle is fear. In the first dynasties, when the empire was not so extensive, perhaps the government deviated a little from that spirit. But that is not so today.” *The Spirit of the Laws*, Part 1, Book 8, Chapter 21, 128.

¹⁷ *The Spirit of the Laws*, Part 1, Book 8, Chapter 21, 128.

¹⁸ Montesquieu’s view here should be read in tandem with his subtle understanding of the role of “censors” in despotic governments and China. “It is manifest that there must be no censors in despotic governments. The example of China seems an exception to this rule, but in the course of this work we shall see the singular reasons for its establishment there.” *The Spirit of the Laws*, Part 1, Book 5, Chapter, 19, 71.

¹⁹ *Waiting for the Dawn*, 93. *Mingyi daifang lu* 明夷待訪錄, 3.

²⁰ Ibid. For the image from *Zhuangzi*, see Chapter 10, “Qu qie” 肱篋, 350.

²¹ *Waiting for the Dawn*, 93. *Mingyi daifang lu* 明夷待訪錄, 3.

signs of incipient treachery all around. By looking to “set up laws for fear of what might happen,” “prudence” would see calamity everywhere. Renaudot would not have been disappointed to read Huang’s text and would have felt further vindicated if he were able to read children’s primers from Ming and Qing China. There we find a wholly pessimistic view of human interaction, encapsulated in phrases such as:

Tell people only a third of what’s on your mind, don’t reveal your whole heart.
逢人且說三分話，未可全拋一片心；
Don’t trust the upright among the upright and guard against the inhumane among the humane.
莫信直中直，須妨仁不仁；
Good people are deceived; good horses are ridden.
人善被人欺，馬善被人騎。²²
If someone condescends in ritual obeisance, they must want something.
禮下於人，必有所求。²³

This is a world where it’s more dangerous to be around people than to be around beasts of prey:

Don’t fear the ferocious tiger in the mountains, only fear double-edged human feeling
入山不怕傷人虎，只怕人情兩面刀。²⁴
Draw a tiger, draw his skin, it’s hard to draw his bones; know a person, know a face, it’s hard to know his mind
畫虎，畫皮，難畫骨；知人，知面，難知心²⁵

The intellectual historian Chen Lai says of this kind of late imperial “worldly wisdom” (*shisu zhibui* 世俗智慧), “While these maxims only appear in a portion of children’s primers, they irrefutably reflect a universal mode of living and action for Chinese people.”²⁶ Chen further suggests how they show “the difficulty of measuring the mind of men and display a deep sense of distrust for other people.”²⁷ Qin Hui used these passages to show, in perfect alignment with Renaudot’s point, that “the suspicious mind and methods of guarding against others in Chinese civilization reached a perhaps unique—certainly seldom seen—height among all civilizations.”²⁸ In fact, Qin wryly remarked that *only* “foreign devils” (*yang guizi* 洋鬼子) with no worldly experience would take Chinese claims of innate human goodness seriously. Any Chinese person would know that people are not trustworthy.²⁹

²² *Zeng guang xian wen* 增廣賢文 quoted in Chen Lai 陳來, “Ming Qing Shisu Rujia lunli yanjiu: yi mengxue wei zhongxin” 明清世俗儒家倫理研究：以蒙學為中心, in *Zhongguo jinsbi sixiangshi yanjiu* 中國近世思想史研究 (Beijing: Sanlian, 2010), 523-524.

²³ Chen Lai, “Ming Qing,” 523.

²⁴ Ibid., 523.

²⁵ Cited in Ibid., 523.

²⁶ 虽然这些格言只是在一部分蒙学读物中出现，但在反映中国人的生活态度与行为方式方面，有着无可争辩的普遍性 (Ibid., 521).

²⁷ Ibid., 523.

²⁸ Qin Hui, “Xi-Ru huirong, jiegou Fa-Dao hubu” 西儒匯融，解構法道互補 in *Chuantong shilun: bentu shehui de zhidu, wenhua jiqi biange* 傳統十論：本土社會的制度，文化及其變革 (Shanghai: Fudan daxue chubanshe, 2003), 191.

²⁹ Ibid, 207.

Renaudot, again, would have felt vindicated by the work of Zhang Yingyu 張應俞 (fl. 1612-1617) whose *A New Book for Foiling Swindlers, Based on Worldly Experience* 江湖歷覽杜騙新書 (henceforth *Book of Swindles*) provided a kind of guidebook for navigating the cunning of his age. “Let them try their thousands of tricks—their cleverness will not exceed what is found in this collection.”³⁰ In line with the basic sentiments of Huang, Renaudot, and Montesquieu, Xiong Zhenji’s 熊振驥 1617 “Preface” to Zhang’s text says:

In these times far removed from antiquity, morals degenerate and fraud flourishes with every passing day. The crafty take advantage of the artless and the wise (智) deceive the foolish (愚). A person’s glib tongue may well conceal the dagger in his heart. This one harbors deceit, that one suspicion—no human interaction nowadays can be heartfelt and candid. Demons and spirits haunt the world and phantasms sweep the heavens. Everyone is secretly armed, pitting mental pikes against shields of the will. Intrigues blanket the benighted earth, like imps spitting poison at shadows in the dust. Still, bright sunshine can unmask mountain demons and a cunning rabbit may magically escape the snare.³¹

This extraordinarily dark (and beautifully written) picture of the seventeenth century puts the writings of the two Frenchmen in the shade. Only “bright sunshine” and “cunning” might allow one to survive in such a world. This kind of “prudence,” however, required one to be familiar with all of the wickedness in the world. Failure to be “crafty” and “wise” would simply make one prey to others who were crafty and wise. Xiong may have agreed with Montesquieu’s discussion of the “paradox of the Chinese,” which concluded in this way: “Everyone in China has had to be attentive to what was useful to him; if the rascal has watched over his interests, he who is duped has had to think of his own. In Lacedaemonia, stealing was permitted; in China, deceit is permitted.”³²

³⁰ Zhang Yingyu, *The Book of Swindles: Selections from a Late Ming Collection*, translated by Christopher Rea and Bruce Rusk (New York: Columbia University Press, 2017), 211.

³¹ Ibid., 210.

³² *The Spirit of the Laws*, Part 3, Book 19, Chapter 20, 321.



Figure 1: Wen Qiao's Rhinoceros Horn

The image (Figure 1) following the table of contents in Ming editions of the *Book of Swindles*—one of four images at the beginning of each of the text's four *juan*—could have served as the image for Renaudot's vision of that other Chinese virtue.³³ It depicts the *Jinshu* 晉書 story of Wen Qiao 溫嶠 (288-329) who put a torch to a rhinoceros horn near a demon-infested river, bringing strange figures into the light of day, “some riding a horse drawn carriage wearing red clothing,” that is, the clothing of convicts.³⁴ The Ming *Book of Swindles* inscription reads: “Lighting the rhinoceros horn, the water demons are exposed; with an alert mind one hundred swindles cannot attack.” The meaning of the original Wen Qiao story, however, was less felicitous. One of those demons visited him in a dream, saying: “You and I are on either side of the division between light and dark, for what purpose did you shine the light on me” 與君幽明道別，何意相照?³⁵ Wen died shortly thereafter. This is a haunting image for a book meant to prepare the reader for battle in a world of duplicity. The story of Wen Qiao actually appears as a perfect illustration of the ancient

³³ The image appears in the earliest woodblock editions of the text. The image can be viewed in digital photoreproduction online. See 鼎刻江湖歷覽杜騙新書, Cunren tang, Jianyang, Fujian, in Tōyō Bunka Kenkyūjo (Institute for Advanced Studies on Asia) of the University of Tokyo. Photoreproduction at <http://shanben.ioc.u-tokyo.ac.jp/pdf/009526-鼎刻江湖歷覽杜騙新書四卷明刊本-卷首.pdf> (accessed June 14, 2021). The image above is from 鼎刻江湖歷覽杜騙新書, Cunren tang, Jianyang, Fujian, in Harvard-Yenching Library, <https://curiosity.lib.harvard.edu/chinese-rare-books/catalog/49-990081049710203941> (accessed June 14, 2021).

³⁴ Fang Xuanling 房玄齡 et.al., *Jinshu* 晉書 (Beijing: Zhonghua shuju, 1974) (2017 rpt), 67.1795.

³⁵ Ibid.

Chinese proverb: “it is inauspicious to see penetratingly into the waters in which fish swim; knowing and measuring what is hidden is cause for disaster” 察見淵魚者不祥，智料隱匿者有殃。³⁶

The image of the rhinoceros horn torch became shorthand for penetrating knowledge of hidden wickedness and was, in later usage, no longer tinged with the burden of the demon’s haunting words: why do you shine a light into my darkness? The present history is an attempt to recover the political and philosophical discourses from China’s early empires that sought to draw lines in various ways to protect those in the darkness from peering, suspicious eyes. Every society has to come to terms with how much it can leave in the dark and how little evidence it will require to trust. The insight of Xunzi 荀子 (fl. 3rd c. BCE) was not idle. He wrote, “Govern the light, do not govern the dark” 治明不治幽.³⁷ This history is, in one sense, an extended reflection on this Xunzian insight and an exploration of the bad dreams that come from trying to know too much.

We can draw a straight line from these seventeenth and early to mid-eighteenth century discussions through Immanuel Kant (1724-1804), Max Weber (1864-1920), Zhang Taiyan 章太炎 (1869-1936), Wada Sei 和田清 (1890-1963), Karl Wittfogel (1896-1988), Yu Yingshi 余英時 (1930-), Qin Hui 秦暉 (1953-) and Francis Fukuyama (1952-).³⁸ These scholars are key modern points of reference for any study of “trust” in China and all came to the conclusion that suspicion, not trust, defines Chinese modes of order-making. The present history will cover the period from the third century BCE to the third century CE, but the framework for analyzing the problem of trust in China is so tied up with the historical and intellectual developments since late imperial China that we must come to terms with that later historical frame before we can enter into earlier debates. This introduction will function as a genealogy of the problem of trust in China and will point to the very immediate social and political stakes in my project.

In his lectures on physical geography, Kant writes in a vein similar to Renaudot’s assessment of virtues, Zhang Yingyu’s description of deceptions, and Montesquieu’s account of the reasons for duplicity:

They lurk behind the hedge and seek to investigate the minds of others [Er hält hinter dem Berge und sucht die Gemüter anderer zu erforschen] ... They deceive artfully. They can sew together a torn up piece of silk so nicely that even the most attentive businessman does not notice, and patch broken porcelain with an in-laying of copper wire so well so that no one notices the initial crack. He is not ashamed if he is confounded in a lie, but is ashamed only to the extent that, through a slip, he allowed the lie to be discovered.³⁹

The source for Kant’s surprisingly specific account of deception is unclear, but his reference to “investigating the minds of others” is surely a reference to Renaudot or to a common third source that they shared. As the idiom Kant uses makes clear—“to lie lurking behind the Hedge”—Chinese investigated others from a position of invisibility. The idiom was defined in a 1798 German/English

³⁶ The phrase is in *Liezi*, Chapter 8, “Shuo fu” 說符. See Yang Bojun 楊伯峻, *Liezi jishi* 列子集釋 (Beijing: Zhonghua shuju, 1979) (2008 rpt.), 248. A similar phrase is used in the *Han Feizi* 韓非子, *juan* 7, Chapter 22, “Shuolin shang” 說林上. See *Han Feizi jijie* 韓非子集解 (Beijing: Zhonghua shuju, 1998) (2009 rpt.), 181.

³⁷ *Xunzi* 荀子, *juan* 7, Chapter 11, “Wang ba” 王霸, in Wang Xianqian 王先謙, *Xunzi jishi* 荀子集釋 (Beijing: Zhonghua shuju, 1988) (2010 rpt.), 223.

³⁸ Fukuyama’s work on China can be found in *Trust: The Social Virtues and the Creation of Prosperity* (New York: Free Press, 1995), especially Part II. The other scholars are discussed in the following.

³⁹ First sentence translated from Kant, *Physical Geography*, in *Kant und die Religionen des Ostens*, vol. 5, ed. Helmuth von Glasenapp (Kitzingen-Main: Holzner-Verlag, 1954), 84. The rest follows translation of Gregory M. Reihman, “Categorically Denied: Kant’s Criticism of Chinese Philosophy,” *Journal of Chinese Philosophy* 2006, p. 63, note 18.

dictionary as, “to proceed with Dissimulation and Subtlety, to conceal your Design and Intentions; to dissemble.”⁴⁰

Father Jean-Baptiste Du Halde (1674-1743), a source for Montesquieu and others as well, told stories of the type Kant details:

This Ingenuity in Fraud is principally observ’d among the vulgar, who have recourse to a thousand tricks to adulterate what they sell; there are some that have the Secret to open the breast of a Capon, take out all the Flesh, fill it so cunningly again, and to close the Opening so dexterously that it is not perceiv’d till it comes to be eaten. Others counterfeit so exactly the true Hams, by covering a piece of Wood with a sort of Earth instead of Flesh, and then wrapping it in Hogs Skin, that the deceit is not discover’d till it is serv’d up at the Table, and going to be carv’d; however, it must be own’d that they seldom practice these sort of Tricks but with Strangers, and in Places distant from the Seacoast; the Chinese themselves will not credit them.⁴¹

Many stories of this sort were circulating and Kant appears to follow the assessment of Montesquieu that everyone expected each person to watch out for his own interests, a conclusion that appeared in Du Halde as well. While the Chinese “are not so deceitful and knavish as P. Le Comte paints them, it is however true that Honesty is not their favorite Virtue, especially when they have to do with Strangers, whom they seldom fail to trick when it lies in their Power, and boast of doing so; there are some who, being catch’d in a Fault, are impudent enough to apologize for their want of Dexterity; *I am but a Blockhead, as you perceive, say they, you are more dexterous than I.*”⁴²

Du Halde also relates the story of a ship captain who was very angry to discover that the silk payment he had obtained was, except for the initial bale he expected, completely filled with rotten silk:

Upon which he grew very angry , and reproach’d the Chinese in the severest Terms for his Disingenuity and Knavery; the Chinese heard him, and made only this Reply, *Blame, Sir, says he, your Rascal of an Interpreter, for he protested to me that you would not open the Bales.*⁴³

⁴⁰ Johann Ebers, *The New and Complete Dictionary of the German and English languages*, vol. 2 (Leipzig: Breitkopf and Haertel, 1798), 163.

⁴¹ Jean Baptiste Du Halde, *The General History of China, Containing a geographical, historical, chronological, political and physical description of the empire of China, Chinese-Tartary, Corea and Thibet*, vol. 2 (London: John Watts, 1736), 133.

⁴² Ibid., 132. The passage continues: “in reality it is said that some Europeans have taught them their trade.”

⁴³ Ibid., 133. Du Halde also includes an interesting explanation of the Chinese suspicion of missionaries: “The greatest part of the Chinese are so self-interested, that they can scarcely believe any thing is ever undertaken without a View of Interest; so that when they hear it said, that the only Motives that the Missionaries have to leave their Country, Friends, and all that they have dear in the World, are to glorify God and to save Souls, they are strangely surpriz’d, and it seems to them almost incredible: They see them cross the vast Ocean with immense Dangers and Fatigues, they know that it is not Necessity that brings them to China, since they subsist without asking any Favour, or without expecting the least Assistance; nor yet the Desire of amassing Riches, since they are Witness to the Missionaries Contempt of them; for which reason they have recourse to Politick Designs, and some are simple enough to persuade themselves that they come to endeavor a Change in the Government, and by secret Intrigues to make themselves Masters of the Empire. However extravagant this Suspicion may seem, there are some so weak as to take it for Truth...This unreasonable Accusation gained Credit among People naturally distrustful and suspicious...there are however a great Number, who knowing the Missionaries better, are so struck by their uncommon Disinterestedness, that it is one of the most prevailing Motives that inclines them to embrace the Christian Faith.” (134).

These stories appearing in missionary accounts and commercial guides matched in color those of Zhang's book of swindles. Du Halde also described how "[self]-interest is the grand foible of the Chinese." "When they have any gain in view, they employ all their cunning, artfully to insinuate themselves into the favour of persons...assuming all sorts of characters with surprising address, and turning to their advantage the most trifling occasions to obtain their ends...this puts them in a continual motion, fills the streets, the rivers, and the high roads with infinite numbers of people, who pass and repass, and are always in action." This image of the flexibility of roles, favor, and the liquidity of action will be discussed in more detail below.

Max Weber would repeat these earlier conclusions stating baldly, "The typical distrust of the Chinese for one another is confirmed by all observers."⁴⁴ He even marked with some surprise that the "cohesion of social organizations" stood in contrast to the "lack of genuine sympathy and warmth, often even among people who are personally close."⁴⁵ Karl Wittfogel, who in one sense could have been a disciple of Huang Zongxi, described the bound "trunk" logic of Chinese governance in a section entitled "Total Loneliness" in his masterpiece *Oriental Despotism*. The ruler, the official, and the commoners are characterized by three qualities, respectively, "Trust No One," "Eternal Suspicion," and a "mutual distrust" that prevents any fellow feeling.⁴⁶ Balazs, no doubt following Wittfogel, speaks of a "totalitarian state" in which "there was a *secret-police atmosphere* of mutual suspicion, in which everyone kept watch on everyone else."⁴⁷ "Prudence" in such a world meant imagining the worst outcomes of any action and defending oneself against them. "Measuring the sense of others" meant, as Renaudot apparently rightly imagined, honing one's own abilities for cunning and deception. Honesty and integrity were for dupes.

It has become fashionable too in twentieth scholarship, drawing on Huang's insights, to see the main cultural movers in Chinese institutional history as fear, suspicion, and distrust. The attempt to seal and chain down the "trunk" was not a feature of any particular dynasty, but was, according to this view, a feature of the entire sweep of Chinese civilization. Chinese and Japanese scholars have characterized the *entire* history of the Chinese state as an attempt to make a better trunk.⁴⁸ I will return to this historiographical problem below, but let me note here, at the outset, how scholars like Qin Hui have traced this theme down through the Cultural Revolution, showing how each generation of rulers sought to develop better capacities for *solitary* (*du* 獨) seizure of the realm whereby they would be safe from the ambiguities of *shared* (*gong* 共) power. When the chains on the trunk became strong enough to limit the ruler himself—to put the ruler in the trunk and thereby "hide the world inside the world"—the ruler or ruling group, so the argument goes, would seek to get outside of the chains by developing new offices, relationships, or techniques for maintaining power. As Montesquieu put it, "This despotism, beset by its misfortunes...arms itself with its chains and becomes yet more terrible." If we were to follow out this line of thought, we might argue that the apotheosis of suspicious, trunk-ified government can be found in the recent discussions of a

⁴⁴ Max Weber, *Religion of China*, translated by Hans H. Gerth (New York: The Free Press, 1951), 232.

⁴⁵ *Ibid.*, 231.

⁴⁶ Karl A. Wittfogel, *Oriental Despotism: A Comparative Study of Total Power* (New Haven: Yale University Press, 1957), 155-156.

⁴⁷ Etienne Balazs, "China as a Permanently Bureaucratic Society," in *Chinese Civilization and Bureaucracy*, translated by H.M. Wright (New Haven: Yale University Press, 1964), 17.

⁴⁸ Wada Sei, *Shina kansei hattatsushi : tokuni chūō shūken to chihō bunken to no shōchō o chūshin to shite* 支那官制發達史：特に中央集權と地方分權との消長を中心として (Tokyo: Kyuko Shoin, 1973). Both Xu Fuguan 徐復觀 (1979) and Yu Yingshi 余英時 (1976) cite and develop Wada Sei's argument. See Xu Fuguan, *Liang Han sixiang shi* 兩漢思想史 (Shanghai: Huadong shifan daxue chubanshe, 2001), 159-161; Yu Yingshi, "Jun zun chen bei? xia de junquan yu xiangquan" '君尊臣卑'下的君權與相權, in *Lishi yu sixiang* 歷史與思想 (Taipei: Lianjing chuban shiye gongsi, 1976), 47-76.

“social credit system” (*shehui xinyong xitong* 社會信用體系). The modern Chinese state, in the face of what it has labeled a society-wide “crisis of trust,” has sought to use new technologies of “knowing” and surveillance—a veritable technological rhinoceros horn torch—to record current deceptions, remember previous deceptions, and guard against future deceptions. In the name of integrity and trust, the state has developed a system with the capacity for maximum suspicion, treating everyone as a current or potential deceiver. The modern state has decided that the Chinese people are, as Montesquieu wrote three centuries ago, “the most unscrupulous people on earth.”

This unscrupulous Chinese character has even recently been projected into the science fiction future in Chen Qiufan’s wonderfully satirical story about “controlled personality shattering” as a native Chinese antidote to a future cyborg pandemic. As human brains become more integrated with computers in the future, a form of malware infects the human brain causing it to lose control of its ability to shift between different social roles. For instance, “when an infected user flirted with her lover, the personality for dealing with the boss came to the front.”⁴⁹

To halt the spread of the malware, social networks were partitioned into quarantine zones... Amazingly, mainland China was scarcely affected by this network storm. On the map tracking the malware’s progress across the globe, China remained the only patch of healthy dark green, a fact that attracted worldwide interest.⁵⁰

Tight control of the internet and China’s Great Firewall helped slow the malware, but, crucially, a “surprising discovery” was “made after a detailed comparison of the fMRI and ECoG data from Chinese users and a control group, which showed that Chinese users’ subconscious was already fundamentally fragmented and could seamlessly switch between different egos. Most important, *each fragmentary personality was absolutely and sincerely convinced that it was the true self.*”⁵¹ In other words, malware was able to infect other cultures because it could infect a single ego that negotiated the various roles. The Chinese ego, on the other hand, was not singular so there was nothing to infect. It was fragmented all the way down so there was no question of some stable ego adopting or playing roles. There were only roles. As Du Halde had noted, one could in this culture “[assume] all sorts of characters with surprising address.”⁵² This was a huge opportunity for the future Chinese state. They sent cadres abroad to staff the new Lao Tzu Institutes, allowing China to “export its wondrous values to the world.”

Problems of cultural prejudice and misunderstanding notwithstanding, these ideas about Chinese trust and suspicion are widespread enough to demand our careful reflection. Assumptions about how to handle duplicity, darkness, and deception were central to the way ideas about political institutions were framed in early China. Trustworthiness (*xin* 信) as a virtue has generated a great deal of scholarly interest, but the bigger problem of trust in institutional design and broader concerns about confusion, suspicion, and doubt as institutional problems have garnered little interest.

These questions matter. To give but two examples of how events shape ideas and ideas shape events in surprising ways, the Ming-Qing cataclysm inspired Huang to think about the need

⁴⁹ Chen Qiufan, “A History of Future Illnesses,” in *Broken Stars: Contemporary Chinese Science Fiction in Translation*, translated by Ken Liu (New York: A Tom Doherty Associates Book, 2019), 424.

⁵⁰ Ibid., 425.

⁵¹ Ibid., 425 (my emphasis).

⁵² This is, as far as I can tell, a perfect illustration of Paul D’Ambrosio’s idea of “genuine pretending.” See Hans-Georg Moeller and Paul J. D’Ambrosio, *Genuine Pretending: On the Philosophy of the Zhuangzi* (New York: Columbia University Press, 2017).

for “looser” institutions. The failure of the Ming state inspired an attempt to abandon trunk-thought. By the early twentieth century, however, some of China’s local officials had adopted Montesquieu’s position to defend the failing Qing against its critics and reformers. Republican government is impossible in China, says one, as “our people of the central plains have been nourished by despotism (*zhuanzhi* 專制) for four thousand years. Submission to command and fear of the spirits has long since become habit.”⁵³ A suspicious and duplicitous people only respond, so the argument might go, to despotism.

Trust and Civilization: A New Approach to the Problem

Huang was writing in a long tradition that viewed rule by “knowledge” (*zhi* 智) or “penetrating sight” (*cha* 察) with great suspicion. This dissertation is a study of the earliest Chinese empires in which this critical tradition was alive and well in political and ethical discourse. In that early period, we find the sources of Huang’s political insights and many allies for Renaudot’s criticism of “measuring the sense of others.” Indeed, we can see in these early texts how the refusal to measure the sense of others or “anticipate deception” (*ni zha* 逆詐) were the hallmarks of civilization itself. Many argued that “it is inauspicious to see penetratingly into the waters in which fish swim; knowing and measuring what is hidden is cause for disaster” 察見淵魚者不祥，智料隱匿者有殃.⁵⁴ Civilization required a different kind of “clarity” (*ming* 明), namely the *display* of integrity, good faith, and trust. The difference between civilization and barbarism was, in many early texts, the difference between *displaying* one’s integrity and *demanding* integrity from others or otherwise trying to sniff out their dishonesty.

In the late first century BCE, for instance, the cunning and suspicious Xifu Gong 息夫躬 (d. 1 BCE) “suspected” that the Xiongnu leader’s failure to come to court on account of sickness was cover for some “other treachery” 疑有他變. The emperor convened the high ministers and generals to discuss Xifu Gong’s position. General of the Left Gongsun Lu 公孫祿 argued forcefully:

The Central States (*zhongguo*) always embrace and subdue the barbarians (*yidi*) with authority and trust (*wei xin*). Xifu Gong, anticipating deception (*ni zha*), proposes a dishonest plan. This cannot be allowed. The Xiongnu, on account of the virtue of the former emperors, guard the passes and have submitted. The Shanyu now is unable to come to court on account of sickness and has sent an emissary to explain. He has not failed in the ritual decorum of a minister or son.

中國常以威信懷伏夷狄，躬欲逆詐造不信之謀，不可許。且匈奴賴先帝之德，保塞稱蕃。今單于以疾病不任奉朝賀，遣使自陳，不失臣子之禮。⁵⁵

Xifu Gong replied, deploying all of his intellectual resources to defend the “trunk”:

⁵³ Hou Xudong, “Zhongguo gudai zhuanzhi shuo de zhishi kaogu” 中國古代專制說的知識考古, in *Jinguan zhonggu shi: Hou Xudong zixuan ji* 近觀中古史：侯旭東自選集 (Shanghai: Zhongxi shuju, 2015), p. 334, citing the Chinese: 查我中原民族，休養於專制政體之下已四千餘年，服教畏神，久成習慣。

⁵⁴ The phrase is in *Liezi*, Chapter 8, “Shuo fu” 說符. See Yang Bojun, *Liezi jishi*, 248.

⁵⁵ Ban Gu 班固, et.al. *Hanshu* 漢書 (Beijing: Zhonghua shuju, 1962) (2013 rpt.), 45.2183. (All citations to standard histories will follow *juan* number.page number citation format.)

Your servant makes preparations for incipient beginnings. I plan for what is to come and anticipate what is not yet visible. I plan for the next ten thousand generations. Gongsun Lu, General of the Left, however, offers his dog and horse teeth as a guarantee for what his eyes have seen. Your servant diverges from Gongsun Lu's argument. The two positions should not even be spoken on the same day [i.e., they differ like night and day].

臣為國家計幾先，謀將然，豫圖未形，為萬世慮。而左將軍公孫祿欲以其犬馬齒保目所見。臣與祿異議，未可同日語也。⁵⁶

The imperial court, perhaps always tempted by such pessimism, disbanded other members so as to discuss things with Xifu Gong alone 獨與躬議. This brief exchange between Gongsun Lu and Xifu Gong highlights the component pieces of their respective positions. Gongsun Lu argued for trust, ritual, shared norms, past precedent and visibility. Xifu Gong argued that one should attend suspiciously to the incipient and invisible future. He also claimed special, independent insight that does not even deserve to share the same space at court with others. Xifu Gong's argument is part of a larger narrative arc in his biography. Xifu quickly loses favor and is executed on suspicion of treachery, a kind of perfect poetic justice.

This same set of arguments appears in Fan Ye's 范曄 (398-446) assessment of suspicion at the late Eastern Han court. Scholars and ministers of the period were quick to accuse everyone and anyone of being hypocritical fame-seekers. Fan Ye rightly recognized, however, that the example of the emperor *showing* his respect for men should supersede constant suspicion about a person's motives or moral purity. The only other option, Fan thought, was a never-ending contest of suspicion that would shred the entire social order. In a beautifully crafted judgment, Fan argues that these suspicious men,

disparage the best of the empire believing that the strength of deception might save the kingdom from decline; that written laws alone are enough to bring about peace; that knowledge is nothing but suspicion (*cai*) and penetrating sight (*cha*); that the *dao* is only law and ordinance. Even if they make it work for ten-thousand generations, they would be no better than barbarians...What's worse, it would not in fact work in all cases?

賤斥國華，以為力詐可以救淪敝，文律足以致寧平，智盡於猜察，道足於法令，雖濟萬世，其將與夷狄同也……況有未濟者乎！⁵⁷

Fan's position is so striking because he sets aside the effectiveness of these tactics in favor of a principled argument about civilization. Of course, he thinks that these tactics of suspicion, force, and treachery will not work, but he tries to hedge against the vulgar man pointing to their effectiveness by making the stark contrast between civilization and barbarity.

This history will excavate the components of this critique of suspicious rule in early China. Reining in rule by "knowledge" which sought to "decide on the doubtful" (*jue yi* 決疑) through *non-shared* tactics or technologies of cunning, penetrating sight, surveillance, and so forth, was a serious practical and theoretical problem in early China. The seriousness of this issue goes well beyond better understood discussions of rule by benevolence or virtue. It did overlap with those discussions and drew important resources from those discourses, but the critique of suspicious rule went deeper. Those who made the critique most forcefully argued that the *only* way to have legitimate order was to be, at least partially, blind, ignorant, and forgetful. Otherwise, there could be no order, only the *ad*

⁵⁶ *Hanshu* 45.2183-2184.

⁵⁷ Fan Ye, *Hou Hanshu* 後漢書 (Beijing: Zhonghua shuju, 1965) (2011 rpt.), 82A.2725.

hoc maintenance of peace through force and a constant battle propelled by knowledge and cunning. Paradoxically, if one wanted to eliminate gaps in the order, one needed to make gaps of knowledge an integral part of the order.

To excavate these problems, this study examines trust (*xin*) and “resolving doubt and confusion” (*jue yi* 決嫌疑) in debates about institutions in early China. “Resolving doubt” was a central concern in every aspect of early Chinese imperial culture, appearing as a watchword in discussions on politics, law, ritual, and prognostication. Indeed, one might argue that resolving doubt, confusion, and ambiguity was *the* central question of early Chinese society. The word *yi*, sometimes written in the two character form of *xianyi* 嫌疑, meant a number of things beyond simply “doubt.” It referred to “confusion,” especially the confusion that might exist between two roles or statuses or the ambiguity of signs and insignia. The drive to reduce this kind of doubt and confusion to tolerable levels drove many of the key discussions in early China. At the heart of all of these discussions was this question: **to what degree must order be premised on the elimination of doubt, confusion, and ambiguity?** This was a—maybe *the*—question of civility and civilization. Adam Seligman and Robert Weller have posed a similar question with respect to human societies generally. They ask, “How do human societies reduce ambiguity to a level we can live with? How can we manage in a world where the laws of regularity too often fail to work, where the alternative schemes of categorization confound our conventions, and we are left with a totally open field of possibilities in our relations to one another?”⁵⁸

I show that these debates about doubt and trust were about the *distribution* and *arrangement* of visibility and invisibility in imperial society. Put succinctly, there were two paradigms structuring discussions: (1) the invisibility paradigm with its invisible seer and (2) the visibility paradigm with its visibly blind gentleman. Both of these paradigms laid claim to the concept of *xin* 信, but their *approach* to the problem could not be more different. The *meaning* of *xin*, I will show, remained similar in both paradigms, but the organization of visibility and invisibility was nearly perfectly opposite. Importantly for my argument, we must distinguish *approach* and *meaning* in this way. *Xin* meant proof 驗, evidence (徵, 著), reliability, predictability (期), and necessity (*bi* 必). The question of trust was not so much about the *meaning* of *xin*, but whether proof was demanded of others (paradigm 1) or offered by oneself (paradigm 2). I will use “trust” in a second sense to describe the willingness of those following paradigm 2 to accept *less* proof, namely a willingness to give the person the benefit of the doubt.

I will refer to these two approaches to trust, somewhat clumsily, as the invisible seer and visibly blind paradigms. The meaning of invisible seer is easy to comprehend. The seer casts her gaze on all from a space hidden away from everyone else, what appears to them as an invisible vista. The phrase visibly blind is somewhat more cumbersome and paradoxical, but the phrase nicely situates the idea. I take the idea of the visibly blind from the Eastern Han *Bobu tong* 白虎通 description of the king’s cap with dangling beads impeding the eyes and plugs blocking the ears. The *Bobutong* says that the significance of the cap is that it “shows the ruler does not value exacting knowledge of those below” 明不尚極知下.⁵⁹ The ruler is visibly blinded. The visibility of his blindness was also a mark of his integrity—*xin* 信 and *cheng* 誠. By *not* seeing, his integrity shone forth. Up to this point, the formulation is more or less clear and gets to the core issue. The phrasing, “visibly blind,” however, places a bit too much emphasis on the visibility of *blindness*. The more general importance of visibility

⁵⁸ Adam B. Seligman and Robert P. Weller, *Rethinking Pluralism: Ritual, Experience, and Ambiguity* (Oxford University Press, 2012), 24.

⁵⁹ Chen Li 陳立, ed., *Bobu tong shuzheng* 白虎通疏證 (Beijing: Zhonghua shuju, 1994) (2017 rpt.), *juan* 10, “Fu mian” 紉冕, 499.

should also be emphasized. Besides showing blindness, the ruler or the gentleman had the burden of making himself visible to others more generally. He *showed* (zhang 章) what he was and distinguished himself through show.

A concise way of speaking about this difference between the two paradigms would be to speak in terms of the difference between *ming* 明, “perspicacious (in)sight,” and *zhang* 章, “display.” Now, as we saw, *ming* could of course mean “to display” or “shine forth” and did not always mean penetrating perspicacity, but I want to emphasize for the moment this latter sense of the word. The difference that I am drawing here was the same one made in the third century CE about the Eastern Han emperors Ming and Zhang. Emperor Wen of Wei 魏文帝 (Cao Pi 曹丕, 187-226) summarized their difference: “Emperor Ming was penetrating in his surveillance; Emperor Zhang was magnanimous” 明帝察察，章帝長者.⁶⁰ Emperor Ming, according to Fan Ye, was “exacting and piercing” (*ke qie* 苛切) while Emperor Zhang, “embodied whole-heartedness and empathy (*zhong shu*) and patterned himself according to ritual and music” 體之以忠恕，文之以禮樂. The image of the “magnanimous” 長者, oft-used in the Han period, referred to someone who *displayed* (*zhang*) great virtue and was forgiving, tolerant, and blind to the faults of others, even as his virtuous display inspired others to be better. His virtue was visible to all so he had no reason to surveil others. The force of his example was sufficient. The main arguments of this history can be helpfully organized around these two terms, *ming* and *zhang*, or what I will call the the invisible seer (*ming*) and that of the visibly blind (*zhang*).

Relatedly, I show that the problems of “luck,” “favor,” and (unfounded or excessive) “hope” (all translations of *xing* 幸) were inextricably intertwined with the debates around trust and doubt. There was widespread agreement that the purpose of institutions was the elimination of luck, favor, and hope. A typical statement of this position was Jia Yi’s 賈誼 (200-168 BCE) description of an ordered society in which all people would know their place and “wicked men would have no place to hope for favor and the masses would trust their superiors and not be doubtful or confused” 姦人無所冀幸，群眾信上，而不疑惑哉.⁶¹

The invisible seer paradigm claimed to resolve the problem of luck directly. If a ruler can surreptitiously survey the whole scene then, at least in theory, there is no way to play one’s luck. Furthermore, the ruler’s invisibility inspired fear and awe and made it such that people did not think they would escape punishment. From the perspective of the visibly blind, however, the invisible seer would fail to eliminate luck and hope because he would be drawn out into the world of men, pursuing them, accusing them, surveilling them. Rather than inspire fear and awe, he would simply teach his subjects the dark arts of treachery, double-dealing, and duplicity. Worse, he would reveal himself as unworthy of fear and awe because his tactics marked him as just another clever commoner, distinguished by nothing but superior cunning. His surveillance strategies might become more sophisticated, but his subjects would become more shameless. The *Xunzi* 荀子, a text with an enormous influence on imperial institutional debates, said concisely:

If those above are defensive and secretive, then those below will be confused and dazed. If those above are hidden and treacherous, then those below will be increasingly deceitful... Thus, if the way of the ruler is in the light of day, those below will be at ease. If the way of the ruler is dark, then those below will be in danger. When those below are at

⁶⁰ HHS 3.159.

⁶¹ Yan Zhenyi 閻振益 and Zhong Xia 鍾夏, eds., *Xinshu jiaozhu* 新書校注 (Beijing: Zhonghua shuju, 2000) (2015 rpt.), 92.

ease, then those above will be treated as noble (*gu*). When those below are in danger, then those above will be treated as base (*jian*). When those above are easy to know, then those below will trust them. When they are hard to know, those below will fear them. When those below trust those above, those above will be at ease. When those below fear those above, those above will be in danger. In the way of the ruler, nothing is more despised than being hard to know; and nothing is more dangerous than making those below fear one.

上周密，則下疑玄矣；上幽險，則下漸詐矣……故主道明則下安，主道幽則下危。故下安則貴上，下危則賤上。故上易知，則下親上矣；上難知，則下畏上矣。下親上則上安，下畏上則上危。故主道莫惡乎難知，莫危乎使下畏己。⁶²

Fear and awe, while never abandoned completely as political values, were highly destabilizing.

The visibly blind paradigm, however, had its own problems. Blindness could become a liability for one's desire to be visibly trustworthy. Hence, while there was a strong impulse to "self-blame" or "assuming the blame oneself" (*zi ze* 自責) in which the faults of others would be overlooked or even attributed to one's *own* failures, the forgiveness of errors or the amnesty of crimes might make one *appear* inconsistent and untrustworthy. For this reason, the sharpest critics of the imperial amnesty—the institution of imperial "self-accusation" *par excellence*—were those who otherwise advocated for what I am calling the visibly blind paradigm. The amnesty allowed people to hope for luck and favor where they deserved neither. The visibly blind paradigm thus struggled with the limits of blindness. Self-blame and its attendant refusal to "accuse others"—its blindness—was felt by the exculpated as "favor" (*xing* or *de* 德) and scripted as such in the evidence available to us, both in narrative histories and excavated letters. This kind of favor in which another's faults were not directly named was supposed to inspire shame and spur one to self-correction, even self-punishment. This is what allowed the actor's blindness to work in the first place. Namely, it was the confidence that *most* people would respond with the appropriate sense of shame-inspired self-correction that justified blindness. The idea, however, that "people would take advantage" of one's blindness pushed at the limits of this paradigm.⁶³ In the name of *xin*, predictability, and reliability, even those most committed to this paradigm had trouble turning a blind eye to too much.

The need for *clearly visible* (*zhang* 章) institutions meant that there was an enormous burden to make it appear that the law was being applied perfectly in all corners of life.⁶⁴ Those who escaped punishment would appear to others as the recipients of special favor, thus destroying the basis of trust in institutions. The visibly blind paradigm was pressured to be more *ming/cha* in order to sustain its own visible dignity. If it looks like the law is applied haphazardly say, for instance, in the practice of issuing amnesties, the laudable blindness to fault performed with the amnesty may make affect the visible integrity of legal institutions. This is a better way, I think, of framing what has been widely called the duplicity of Chinese institutions.⁶⁵ This is not a question of speaking "Confucian" values but rather acting in the manipulative way of the "Legalist." There is a real problem here emerging from *within* the framework of a sophisticated intellectual tradition with many moving parts. Given the practical limitations of any set of institutions, the problem of the visibility of integrity was/is basically intractable. That being said, early Chinese texts were incredibly sophisticated in their approach to this problem, showing how any institution *must* work to counteract the cynicism

⁶² *Xunzi jijie*, *juan* 12, Chapter 18, "Zheng lun" 正論, 322.

⁶³ See Hartmut Rosa, *The Uncontrollability of the World*, translated by James C. Wagner (Cambridge: Polity Press, 2020), 90.

⁶⁴ For a set of similar issues in a later context, see Ying Zhang, *Confucian Image Politics: Masculine Morality in Seventeenth-Century China* (Seattle: University of Washington Press, 2016).

⁶⁵ Dingxin Zhao, *The Confucian-Legalist State: A New Theory of Chinese History* (Oxford: Oxford University Press, 2015).

inspired by inconsistencies. Institutions needed to be supported by constraints on suspicion, both at the level of institutional design and at the level of ethics.

A term of art that is central to my thesis is 責, “accusation” or “blame.” The main tactic of the visibly blind was assuming the blame oneself (責 自責). The technique of the invisible seer was other-directed blame. Blindness was always paired with self-blame. Indeed, we might say that self-blame was the warrant for being blind towards or tolerant of the faults of others in the first place. “It’s not you, it’s me,” went the gentleman’s self-presentation. The invisible seer, on the other hand, insisted on saying, “no, the problem really is you.” When, as we will see in Chapter 1, Li Si 李斯 taught the Second Emperor 秦二世 how a gentleman acted, he said that the gentleman stood above everyone and judged the whole world *alone*. That was the quintessential image of the invisible seer accusing everyone equally.

The problem of “accusation” directs us back to the problem of social status. In this history, the problem of status confusion will appear first as Chapter 1, but I introduce it here after the discussion of the two paradigms and the problem of accusation because I discovered this problem last. While reading the sources for this study, the terms “gentleman” 君子, “petty man” 小人, noble 貴, base 賤, worthy 賢, and unworthy 不肖 appeared everywhere. This is hardly news because these terms *are* ubiquitous. However, early Chinese writers and rulers constantly returned to the distinction between these terms as *the* problem of confusion to be resolved. Who are gentlemen? Petty men? How does one tell the difference? Who gets to decide?

The unified empire had, by design, flattened social differences, turning everyone into “registered households and equalized commoners” 編戶齊民, so it was no longer possible to argue that these distinctions were a matter of any substantial historical inheritance or immutable “chain of being.” There were thus two different ways in which distinctions were talked about: (1) as distinctions of strength 力, power of position 勢, wealth 財, and knowledge 智; and (2) as distinctions of virtue. The first set of distinctions—strength, power of position, wealth, and knowledge—did not actually produce *real* distinctions, but they were ways of organizing power under the conditions of equality obtaining between petty men. Strength, wealth, and knowledge were all ways in which one could make accusations and demands of *others* under natural conditions. Distinctions of virtue were, in the minds of early contemporaries, the only way of maintaining anything like a real hierarchy of offices, that is, offices made and maintained by and for humans. Such a human-made hierarchy would be animated by a spirit of self-blame in which officers would keep themselves in bounds and act with forbearance toward others. Self-blame and its attendant humility were the ways in which humans shake off the equality of their natural condition.

The above is a rough sketch of the set of problems examined in this thesis. Order required the elimination of doubt/confusion (*xianyi*) and luck/favor (*xing*) while at the same time establishing *xin* 信. The invisible seer paradigm was supported by a ruler who was an all-measuring *ruler*, establishing a kind of **cult of impersonality** reliant upon a solitary knower who made demands and accusations (責) of all.⁶⁶ The paradigm of the visibly blind, on the other hand, was supported by a **moral economy of trust** that sought to remove solitary knowers from the scene.⁶⁷ The former tried to see or frighten away all forms of deceit and dishonesty out there in the world; the latter tried to eliminate deceit starting with oneself. The invisibility paradigm tried to conquer luck and favor by a preponderance of knowledge or force; the visibility paradigm worked because of its sensitivity to

⁶⁶ For cult of impersonality, see Theodore M. Porter, *Trust in Numbers: The Pursuit of Objectivity in Science and Public Life* (Princeton: Princeton University Press, 1995), 90.

⁶⁷ Steven Shapin, *A Social History of Truth: Civility and Science in Seventeenth-Century England* (Chicago: The University of Chicago Press, 1995), 27.

the limits of action and knowledge. In the former, there was no weight to one's position separate what might be achieved through technical means—surveillance, cunning, and force; in the latter, the gravity of one's position was the weight of a gentleman's dignity.

Defining Terms

This is not a study of the idea of “trust” or “trustworthiness” (*xin* 信) as a virtue in Chinese philosophy. Many such studies exist, but they do not take up the problems of institutional design and ethical practice I am interested in here.⁶⁸ While there is much to be said about the uses of the word *xin* 信 in various contexts, I want to focus in this dissertation on the particular problem of how *xin* 信 is made a public thing. My two paradigms, the paradigm of the invisible seer and the paradigm of the visibly blind, try to get at how a commitment to *xin* and fear of *yi* (doubt, confusion, conflation) were approached from two different directions, namely (1) as something to be *seen* and *measured* from a position of invisibility and (2) as something to be *performed* and *made visible* from a position of shared visibility.

The word *xin* was, somewhat surprisingly perhaps, closely associated with “proof” and “evidence” in early Chinese texts. *Xin* meant proof (*yan* 驗, *xiaoyan* 效驗), evidence (*zheng* 徵, *zhuo* 著), reliability, predictability (*qi* 期), necessity (*bi* 必). A beautifully articulated statement of this relationship between *xin* and evidence is seen in Xu Gan's 徐幹 (171-218) chapter “Valuing Proof” 貴驗:

The coldness of water, the hotness of fire, the hardness of metal and stone: these several things have never spoken yet everyone knows what they are like. This is because their *xin* shines forth from their bodies. If my *xin* were like that of these things, who would ever doubt me?

水之寒也，火之熱也，金石之堅剛也，此數物未嘗有言，而人莫不知其然者，信著乎其體也。使吾所行之信，若彼數物，而誰其疑我哉？⁶⁹

Xin shines forth. It is for this reason that studies of trust in Chinese thought are rightly framed in terms of *trustworthiness*, the desire to make oneself appear worthy of trust.⁷⁰ This emphasis on the visibility of *xin*, however, is open to the kind of invisible seer perspective, as well. If *xin* must be visible, then one can *make* it visible by establishing objective and completely impersonal measures. Why trust that anyone will cultivate themselves and eventually shine forth with integrity? The idea of “proof” as a core idea of trust can go in two directions, *giving proof* and *demanding proof*.

Alexei Procyshyn and Mario Wenning have recently argued that Confucian ideas of trust allow us to improve on Hegel's notion of trust because the former were *not* premised on the desire or struggle for recognition. They argue that for Confucius, “recognition is simply not relevant for

⁶⁸ See, e.g., Cecelia Wee, “*Xin*, Trust, and Confucius' Ethics,” *Philosophy East and West* 61, no. 3 (July 2011): 516-533; Lu Zhaolu, “Fiduciary Society and Confucian Theory of *Xin*—On Tu Wei-ming's Fiduciary Society,” *Asian Philosophy* 11, no. 2 (2001): 85-101; Yan Buke 閻步克, “Chunqiu Zhanguo shi 'xin' guannian de yanbian jiqi shehui yuanyin” 春秋戰國時‘信’觀念的演變及其社會原因, *Lishi yanjiu* 歷史研究 6 (1981): 3-12.

⁶⁹ Sun Qizhi 孫啟治, ed., *Zhonglun juegu* 中論解詁 (Beijing: Zhonghua shuju, 2014) (2015 rpt.), 67. A slightly different translation can be found in John Makeham, translator, *Balanced Discourses* (New Haven: Yale University Press, 2002), 61.

⁷⁰ Alexei Procyshyn and Mario Wenning, “Recognition and Trust: Hegel and Confucius on the Normative Basis of Ethical Life,” *Dao: A Journal of Comparative Philosophy* 18, no. 1 (2019): 15.

exemplary action.”⁷¹ By refusing recognition, they further argue, Confucians do not presuppose a normative order that serves as the *medium* of trust and recognition. Confucians act according to what is right in any particular circumstance and thus confidently assert their integrity regardless of what others might think. As Confucius’ thought emerged in a broken world in which a coherent medium of recognition no longer existed, one needed to demonstrate one’s own trustworthiness, knowing full well that this might not be recognized.⁷² As *Analects* 3.18 says, “if one observes all the rules of propriety in serving a ruler, others will see one as a sycophant.”⁷³ Acting in such a world, one could only rely on oneself and one’s own conscience. Everyone else be damned.

This kind of moral elitism *was* a distinct possibility, even a frequent temptation. The colorful behavior of those “pure” (*qing* 清) cultivated men at the end of the Eastern Han is a case in point.⁷⁴ Indeed, such a claim to moral righteousness joined well with the invisible seer paradigm that said something like, “I am a gentleman so I must survey all the petty men from my position of confidence.” There was, however, an absolutely central refutation of this kind of moral elitism as a type of arrogance: “it is shameful to be a gentleman alone” 恥獨為君子 or to be too “singular” in one’s claims to cultivation.⁷⁵ To “monopolize” virtue (自專仁義) was not virtuous.⁷⁶ Part of being *zhongyong* 中庸 was to be “common,” both in the sense of not standing above the crowd but also in the sense of sharing with others. There was a common order that could be opposed to an order based on a monopoly of virtue, worth and/or ability.

Contra Procyshyn and Wenning, the visibly blind paradigm—which encompasses much of what they would call Confucian—is much better articulated in terms of Robert Brandom’s Hegelian “spirit of trust.” Brandom helpfully articulates “forgiveness” as one of the key elements of Hegel’s idea of “trust.” The “magnanimous” actor works together with other actors to create social order. The power of this kind of magnanimity is that it works as a social hermeneutic that refuses to attribute only base motives to the actions of others. It is, to use my word, blind to that hermeneutic opening. This hermeneutic of magnanimity, then, redeems even the basest actions by trying to bring them into the fold. The patron/client relationship discussed below was importantly an example of

⁷¹ “Recognition and Trust,” 15.

⁷² Interestingly, early texts did raise the question of Kongzi’s actions in terms of the structure of recognition, but the results were, to say the least, ambivalent. In the *Kongcongzi* 孔叢子, Zengzi 曾子, for instance, asks Zisi 子思 why he acts so haughty around the rulers of the world when Kongzi “never departed from the ritual propriety proper to a servant” 未嘗失人臣之禮. Zisi responded that the times have changed. In Kongzi’s time, “while Zhou institutions were broken, rulers and ministers were secure in their positions, superiors and inferiors supported one another, as though of one body. Thus, if one wished to carry out his way, he would be refused entry unless he acted with ritual propriety” 周制雖毀，君臣固位，上下相持，若一體然。夫欲行其道，不執禮以求之，則不能入也。In Zisi’s time, however, one would be treated as inferior (*xia*) or base (*jian*) if one did not treat oneself as “high” (*gao*) or “noble” (*gu*). See Fu Yashu 傅亞庶, ed., *Kongcongzi jiaoshi* 孔叢子校釋 (Beijing: Zhonghua shuju, 2011), 130.

⁷³ 子曰：事君盡禮，人以為諂也。Huang Kan 皇侃, *Lunyu yishu* 論語義疏 (Beijing: Zhonghua shuju, 2013) (2017 rpt.), *juan* 2, 69. *Analects* paragraphing follows Simon Leys, translator, *The Analects: A Norton Critical Edition*, edited by Michael Nylan (New York: Norton, 2014), 9.

⁷⁴ See Michael Nylan, “Confucian Piety and Individualism in Han China,” *Journal of the American Oriental Society*, Vol. 116, No. 1 (Jan-Mar 1996): 1-27. For a more recent study of “purity” and the rejection of service, see Xu Chong 徐冲, *Zhongguo shidai de lishi shuxie yu huangdi quanli qiyuan* 中古時代的歷史書寫與皇帝權力起源 (Shanghai: Shanghai guji chubanshe, 2012), Part 4, 169-255.

⁷⁵ The “shamefulness of being a gentleman alone” is seen at *HHS* 56.1825 and *HHS* 67.2210. See also Chen Shou 陳壽, *Sanguo zhi* 三國志 (Beijing: Zhonghua shuju, 2013), 6.210. The importance of not appearing “singular” (*du* or *zhuan*) in one’s cultivation was, however, already spelled out in *Xunzi* 荀子, Chapter 2, “Xiushen” 修身, 30. See also commentary reference to 獨為君子 in *Xunzi*, Chapter 3, “Bugou” 不苟, 50.

⁷⁶ *HHS* 67.2210.

how *criminals* (either as patron or client) can be redeemed through magnanimity to create a new form of social order. Brandom's book is filled with helpful ways of framing this problem, but his description of a game where counters are played is particularly helpful:

...forgiveness and trust embody an *expansion strategy*, by which self-conscious individuals identify with actual goings-on over which they exert some real, but always only partial authority, identify themselves as the seats of responsibilities that outrun their own capacity to fulfill. Confession of the need for forgiveness and trust that it will be forthcoming both acknowledge the sense in which *others* are in a distinctive way also *responsible* for what *I* have done. For the eventual significance of my performance, the content of the commitment I have adopted...is now left in their care...I must play the counter in the game for a move to have been made. But then, in another sense...my fellow community members, those whom I recognize in the sense of trusting them to forgive my performance, are responsible for finding a way to make it have been a successful application of the concept expressed by the counter I played.⁷⁷

The talk of “confession” and “forgiveness” here is, perhaps unfortunately, stamped by a certain Christian feel. The larger point, however, is sound as a way of approaching our present problem. The visibly blind paradigm worked through “self-accusation” (zi ze 自責)—Brandom’s “confession”—and generosity vis-a-vis the faults of others—“forgiveness.” The dynamic of *xin* in these early texts was such that the cultivated man worked to make himself trustworthy, to offer up proof, knowing full well that such proof may be insufficient. He *hoped* that his performance would be read generously, but would *forgive* others for their bad readings. This would spur him to work harder to make his *xin* shine forth.

Brandom’s discussion of two “meta-attitudes” is also a fruitful way of approaching the question in this dissertation. He uses Hegel’s terms “edelmütig” and “niederträchtig,” referring to “noble” and “base” or, in Brandom’s preferred rendering, “magnanimous” and “pusillanimous.”⁷⁸ The helpful overlap with words for social status is important for this history as one of the things at stake, as I noted earlier, is the nature of the relationship between gentlemen and petty men. This is the central theme of Chapter 1. The valet is the quintessential example of a base or pusillanimous attitude. The base character—whether ruler or jealous official—is constantly on the lookout for self-serving behavior, unable to imagine that there could actually be a commitment to shared norms. This character, however, makes a mistake in thinking that he could judge everyone else as *base* without himself becoming base. The existence of an order in which “isolated individuals” imagine themselves as morally upright while everyone else is base is no order at all. Such “sagacity” and “knowledge” can only be maintained defensively which means, in the end, not at all.

Brandom’s use of the term “counter” is also helpful in highlighting the public nature of *xin* I explore in the dissertation. As we saw above, *xin* could quite plainly mean evidence or proof. Considerations of *xin* were never far away from discussions of counters, emblems, signs, and seals at play in the world. The character and character component *jie* 卩 meant “auspicious proof” (*ruixin* 瑞信) and thus appeared, according to the *Shuowen jiezi* 說文解字, in characters like *ming* 命, *jie* 節, *yin* 印 and *jie* 卩 referring to markers of public authority.⁷⁹ Like the staff of a general, the token of an

⁷⁷ Robert Brandom, *A Spirit of Trust: a reading of Hegel’s Phenomenology* (Cambridge, MA: The Belknap Press of Harvard University Press, 2019), 623.

⁷⁸ Brandom, *A Spirit of Trust*, 547.

⁷⁹ Zang Kehe 臧克和 and Wang Ping 王平, ed., *Shuowen jiezi xinding* 說文解字新訂 (Beijing: Zhonghua shuju, 2002), *juan* 9, 598.

emissary, or the seal of an official, they were all forms of proof offered to establish one's status, power, identity, or credentials.⁸⁰ To *xin* someone, then, was to take whatever was visible as sufficient proof of status, power, identity, character, and so forth. Just as Brandom emphasized, there are several meta-attitudes possible in relation to this problem. The magnanimous person may be willing to accept much less as proof than the small-minded, for instance.

That *xin* has to do with public proof—playing counters in public—can be shown in many scenes of trust in early China. A Han reading of the *Odes* 詩經 poem “She Bore the Folk” 生民 (Mao #245) is an excellent example of such a scene. Jiang Yuan prayed for a son and was miraculously impregnated by the Lord on High (*di*). She gave birth to Houji, the legendary founder of the Zhou 周. The ease of her birth was, according to the Eastern Han *Odes* commentator Zheng Xuan 鄭玄 (127-200) “visible (*zhuo* 著) proof (*yan* 驗) showing with certainty (*shen* 審) that there was a spirit” (*shenling*) involved in the birth. However, Zheng Xuan further explains, this virtuous mother was not at ease because her pregnancy was “achieved through prayer and not through the human way (*rendao*), so she privately and quietly gave birth to the son, fearing that people would not believe her.”⁸¹ Public proof of Houji's divine parentage would have to be further established, so the child was abandoned to the elements in order to “show the spirit” 顯其靈.⁸² The private and hidden is made public and visible through action geared at dispelling suspicion. This is why visibly clarifying doubts, or *zhang yi* 章疑, was so central to the problem of trust. The virtuous person would attend to the way his or her signs would appear in public and act accordingly. By the same token, the ritual texts say that the widow should avoid crying at night lest those who hear her “suspect that she is longing for sex” 嫌思人道.⁸³ The problem of trust was a problem of public display.⁸⁴

The *Lüshi chunqiu* 呂氏春秋, a mid-third century BCE text, illustrated the meaning of *xin* with reference to the visibility of a large tree:

Today, whenever a traveler sees a large tree, he loosens his clothing, hangs up his cap, props up his sword and sleeps under it. While the tree is not a close relative or a bosom friend, he nevertheless is at ease under it. Why? Because it is reliable (*xin*). People use large trees on the side of a hill as a meeting place because they are easy to know (*yi zhi*). How much more is this the case for gentlemen? Because the virtue (*yi*) of the gentleman can be known one can expect (*qi*) him to act in a certain (*bi*) way.

⁸⁰ See Teresa Morgan, *Roman Faith and Christian Faith: pistis and fides in the early Roman Empire and early churches* (Oxford: Oxford University Press, 2015), 6. The relationship between *xin* and public proof is not unique to the Chinese term. Both the Latin *fides* and the Greek *pistis* could mean these things.

⁸¹ Ruan Yuan, ed., *Maoshi zhushu* 毛詩注疏, in *Chongkan Songben Shisan jing zhushu* 重刊宋本十三經注疏 (Taipei: Yinwen yinshuguan, 1965) (rpt. of 1815), *juan* 17, 590-1.

⁸² *Maoshi zhushu*, 591-2.

⁸³ Ruan Yuan, ed., *Liji zhushu* 禮記注疏, in *Chongkan Songben Shisan jing zhushu* 重刊宋本十三經注疏 (Taipei: Yinwen yinshuguan, 1965) (rpt. of 1815), Chapter 30, “Fang ji” 坊記, 873-1. The Tang sub-commentary to *Liji*, Chapter 9, “Li yun” 禮運, takes the example of the widow crying at night as the main illustration of the ritual principle of *biexian* 別嫌, “distinguishing things that might appear similar.” See *Liji zhushu*, 422-2.

⁸⁴ The “Jinteng” 金滕 chapter of the *Shangshu* included an excellent scene of trust, again tracing an arc from the private and hidden to the public and shared. During King Wu's 武王 illness, the Duke of Zhou 周公 secretly prayed that he might die in the king's place and then locked evidence of the prayer away. The king recovered. During the reign of King Cheng 成王, King Wu's son, suspicions were raised about the Duke of Zhou's loyalty to the kingdom at which point the secret evidence was produced and the Duke's good faith was demonstrated. Ruan Yuan, ed., *Shangshu zhushu* 尚書注疏, in *Chongkan Songben shisan jing zhushu* 重刊宋本十三經注疏 (Taipei: Yinwen yinshuguan, 1965) (rpt. of 1815), 185-2-189-2.

今行者見大樹，必解衣縣冠倚劍而寢其下。大樹非人之情親知交也，而安之若此者信也。陵上巨木，人以為期，易知故也。又況於士乎？士義可知故也，則期為必矣。⁸⁵

The large tree is *xin* because it is evident and can be used as a meeting point (*qi* 期). (Interestingly, etymologies of the English word “trust” also link it to “tree.”) To be *xin* is to be “easy to know” and *qi* 期, a word that combines the sense of “appointment,” “meeting,” “expectation,” even “standard.” The gentleman needs to make himself clearly known in the way that a giant tree is clearly visible and can thus serve as a meeting place for all around. This was very much the image of gentlemanly trust. The Han commentator Gao You understood *qi* quite literally, writing “people gather together and meet (*qihui*) at his place in order to seek advice.”⁸⁶ In a section titled “Confusing Similarities” 疑似, the same text claims that the biggest cause of confusion is the “similarity of things.”⁸⁷ Perfectly in line with the *Xunzi* passage cited above, the *Liushi chunqiu* also says that the most detestable thing is that “which cannot be known” 無惡於不可知. “Without a place” (*wu chu* 無處) things would “lack category” (*wu mu* 無目) and thus have “no place that can be named” 無處可名之.⁸⁸

Xin was something that needed to be “illustrated” (*yu* 諭) and given shape (*rong* 容).⁸⁹ The Han writer Zou Yang 鄒陽 (d. 120 BCE), however, complained that the burden to prove trustworthiness was too high and would entangle one in various unethical political machinations. Zou lamented the need for further proof after he found himself in jail following slanderous charges: “I have heard it said that the loyal are all rewarded and the trustworthy do not meet suspicion and I thought that that was the case, but now I know it is just empty talk.”⁹⁰ He describes a scene in which beautiful jades “are offered up to people on a dark street.” In response, “there are none who would not reach for their swords and cast sideways glances.”

Why? Because someone has approached without a proper introduction. Yet crooked wood and twisted roots can serve as vessels for rulers of ten thousand chariots. Why? Because they been given shape by those around them.

何則？無因而至前也。蟠木根柢，輪囷離詭，而為萬乘器者。何則？以左右先為之容也。⁹¹

The solution to suspicion-inducing darkness was the light of introduction and shaping. Zou Yang believed that the burden of proving oneself in these ways opened the possibility to greater fraudulence. Social connections, wealth, and so forth, overtook the real signs of virtue. Zou was worried about what counted as proof and the burden of proof imposed upon courtiers who sought to demonstrate their integrity but, regardless, the question of how the counters were played and received in public was central to Zou’s understanding of trust.

⁸⁵ Xu Weiyu, ed., *Liushi Chunqiu jishi* 呂氏春秋集釋 (Beijing: Zhonghua shuju, 2009) (2015 rpt.), *juan* 22, “Shen xing lun” 慎行論, 611.

⁸⁶ Ibid.

⁸⁷ Ibid., 606-610.

⁸⁸ Ibid., 612.

⁸⁹ Yan Zhenyi 閻振益 and Zhong Xia 鍾夏, eds., *Xinshu jiaozhu* 新書校注 (Beijing: Zhonghua shuju, 2000) (2015 rpt.), *juan* 7, 279.

⁹⁰ Sima Qian 司馬遷, et. al., *Shiji* 史記 (Beijing: Zhonghua shuju, 1959), 83.2470. (*Shiji* will be cited henceforth as *Shiji* *juan*.page number.)

⁹¹ *Shiji* 83.2476.

By focusing on the way in which *xin* appears in public we shift our attention from individual integrity and honesty to the more interesting—by my lights—problem of making an order that is trustworthy, reliable, and predictable. These were and are separate issues. The visibly blind paradigm combined an intense focus on the display of personal integrity with a blindness to the failures of *xin* in other people. Indeed, one mark of one's integrity was the ability to ignore the dishonesty of others.⁹² The invisible seer paradigm, on the other hand, reversed the terms. It sought to make the dishonesty of others a question of public accountability while hiding the dishonesty—even praising the dishonesty and cunning—of the ruler.

Virtue or Vigilance?

We might echo the conundrum, in slightly different terms, Bernard Williams set forth at the beginning of his book *Truth and Truthfulness*. The commitment to “trust” (*xin*) in early China was universal, but the two main approaches to the problem of trust were, as we have already seen, almost exactly opposite. As Williams argued about modern thought and culture, there was, too, in early China “an intense commitment to truthfulness—or, at any rate, a pervasive suspiciousness, a readiness against being fooled, an eagerness to see through appearances to the real structures and motives that lie behind them.”⁹³ At the same time, however (and this is where we depart from Williams' formulation), there was also a longing to be trusted, to be allowed to play certain “counters” without the other reducing one's actions to some base motive. Williams helpfully connects this problem of truth and suspicion to the problem of power and authority with reference to David Mamet's provocative play *Oleanna*. The play navigates, Williams argues, a difficult space between taking a person's actions as emerging from justified authority and those emerging from a lust for power—or some other base motive. People are often working in a space in which any action could be construed in either way.⁹⁴ This problem too will appear as a central theme in this history, especially in Chapter 2, in which we explore the relationship between “nobility,” legitimate esteem/authority, and trust/suspicion. One's approach to *xin* invariably implicates questions of status and authority.⁹⁵

On this point, the work of Steven Shapin has been most instructive. He is concerned with the social mechanism by which people came to think of scientific knowledge as “objective.” The usual account to which he opposes his own work is that “solitary knowers” come to understand the world through a kind of radical skepticism that produces certainty without trust. Shapin, however,

⁹² In his *On the Genealogy of Morality*, Nietzsche helpfully formulated this issue: “The ‘creditor’ has always become more humane to the degree that he has become richer; finally the amount of injury he can bear without suffering from it even becomes a *measure* of his wealth. It would not be impossible to imagine a *consciousness of power* in society such that society might allow itself the noblest luxury there is for it—to leave the one who injures it *unpunished*...” Friedrich Nietzsche, *On the Genealogy of Morality*, trans. Maudemarie Clark and Alan J. Swensen (Cambridge: Hackett Publishing, 1998), 47–48.

⁹³ Bernard Williams, *Truth and Truthfulness* (Princeton: Princeton University Press, 2002), 1.

⁹⁴ Williams, *Truth*, 7–8.

⁹⁵ Williams draws part of his inspiration for his study of truthfulness from Nietzsche's reflections on the “will to truth.” Here again, Williams' and Nietzsche's formulations are helpful. Nietzsche writes: “This unconditional will to truth—what is it? Is it the will not to let oneself be deceived? Is it the will *not to deceive*... By why not deceive? But why not allow oneself to be deceived?”

“Consequently, ‘will to truth’ does *not* mean ‘I do not want to let myself be deceived’ but—there is no alternative—‘I will not deceive, not even myself; and with that we stand on moral ground.’” (Quoted in Williams, *Truth*, 14.) In this formulation we can hear the echo of Renaudot's conclusion that vigilance against deception—measuring the minds of others—is really not a matter of morality at all. Such a prudence is purely instrumental and, as such, may be taken up by thieves and others as a matter of course.

argues that this account is ahistorical. Scientific knowledge was reliant on relations of trust between early modern gentlemen who were able to advance knowledge and collectively create “objectivity” because they trusted one another. There was a “moral economy” hidden behind any claim to scientific knowledge. A community of trust and not the skepticism of “epistemic individualism” shaped the contours of the early scientific community. Scientific knowledge required “removing solitary knowers from the center of knowledge-making scenes and replacing them with a moral economy.”⁹⁶

Shapin has helpfully referred to the two types of knowledge-making as vigilance versus virtue. Is the scientific community maintained through skepticism, doubt, and continual demands for verification and proof? Or is it maintained through a kind of moral economy of trust? This is a perfect characterization of the tensions within the two paradigms of resolving doubt I proposed above. The visibly blind paradigm sought to create a “moral economy” of trust in which actors would work to correct themselves and make themselves more perfect and would trust that others would do so as well *or* trust that their model would inspire others to become part of this moral economy. The idea of a gentleman (*jūnzǐ*) who carried himself with integrity and attributed gentlemanly status to (certain) others gave social order a gravity that prevented it from falling into a contest of wealth, knowledge, and power.

By this account, the suspicious hermeneutic of the solitary knower was, on its own, unsustainable and threatened the fabric of society. It is impossible to be suspicious all the way down. The fabric of social and political life would be, like Shapin’s scientific community, “distorted or destroyed by enforced skepticism.”⁹⁷ Likewise, early imperial writers feared, referring to *Analects* 14.31, that “anticipating deception would destroy upright laws” 逆詐廢正法.⁹⁸ A striking example of this was legal expert Guo Gong’s 郭躬 (d. 94 CE) refusal to execute the eunuch Sun Zhang 孫章 for mistakenly delivering up a convict’s punishment. The emperor argued that “Zhang was from the same county as the convict so there is reason to suspect that it was intentional.”⁹⁹ Chen Gong persuaded the emperor that such conspiracy thinking would distort imperial laws and punishments. He said:

[As the *Shijing* said:] The way of the Zhou was as smooth as a whetstone and as straight as an arrow. [Or as *Analects* 14.31 says:] The gentleman does not anticipate deception. The king models himself on heaven. His punishments do not therefore give rise to guessing because of bending or distortion.

周道如砥，其直如矢。君子不逆詐。君王法天，刑不可以委曲生意。¹⁰⁰

It was possible to raise doubts about the less-than-pure motives of any particular person. Greed, envy, personal enmity, hypocrisy, and so forth were/are *always* available as characterizations of another person’s behavior. The maintenance of visibly reliable institutions often meant making hard choices between *perfect justice*—what if the special insight of the emperor was right and Sun Zhang

⁹⁶ Steven Shapin, *A Social History of Truth: Civility and Science in Seventeenth-Century England*, 27.

⁹⁷ Steven Shapin, “Trust, Honesty, and the Authority of Science,” in *Society’s Choices: Social and Ethical Decision Making in Biomedicine*, edited by Ruth Ellen Bulger, Elizabeth Meyer Bobby, and Harvey V. Fineberg (Washington, D.C.: National Academy Press, 1995), 403.

⁹⁸ *Analects* 14.31, *Lunyu yishu*, *juan* 7, 376-377. *Hanshu*, 84.3415

⁹⁹ *Hou Hanshu*, 46.1544: 章與囚同縣，疑其故也。 This passage might also be read, “there is reason to suspect they were acquaintances.”

¹⁰⁰ *Ibid.*

had acted vengefully?—and *shared norms*. The latter required certain limits on knowledge, suspicion, and “resolving doubts.”

Excessive doubts were thought to debase the entire order. The visibly blind paradigm worked on the assumption that vigilance and fear were worse than the disease to be cured. Shapin makes the same sort of plea in his defense of a moral economy in science:

If what I have had to say about the fundamental and ineradicable role of trust in science is broadly correct, then systematic attempts to subject the conduct of the scientific community to vigilant policing are more likely to kill the patient than to cure the disease. Vigilance can do serious damage to science for the reason that *trust relations* among scientists are constitutive of the making, maintenance, and extension of scientific knowledge, that is, to the capacity of the scientific community to produce consensual knowledge upon which others may rely. Only when that trust dependency is ignored or seen solely as a *problem* for science do vigilance models possess their apparent appeal. Vigilance as a solution to problems of dishonesty amounts in practice to the enforcement of skepticism and distrust among scientists.¹⁰¹

Driving home the point, Shapin argues:

Nothing can be as effective as the *daily visibility* of respected individuals who are seen to be doing science “for the love of truth,” “for the pleasure of solving puzzles and getting it right,” and not “for the love of lucre.”¹⁰²

To translate this into terms relevant for the current enterprise, social order in the imperial world required the visibility of people who acted with integrity—or were treated *as if* they acted with integrity. The invisible seer’s hermeneutic of suspicion at any level of society ran the risk of creating more treachery than it might cure.

The problem, as Bruno Latour, another historian of science, put it, is really about the difference between certainty and trust. The difference between certainty and trust is not “reliability” *per se*, but about the proper understanding of how reliable knowledge is produced.¹⁰³ The appeal to “certainty” is vulnerable to cooption insofar as it demands something that no one could reasonably produce. It is thus employed by, in Latour’s case, the cynics and skeptics who can continually produce doubts as a way of refuting the “certainty” or “authority” of capital S science. Thus, like *Zhuangzi*’s “sagacity” and “knowledge,” one is always fighting a proxy war with other claims to “sagacity” or with doubts about one’s own “sagacity.” This war, however, could be immediately stopped with reference to a moral economy of shared, if admittedly partial, “sagacities.” The insight of the discourse of virtue in early China—and I argue in the last chapter that this is the *entire* point of third century mystery learning (*xuanxue* 玄學)—is the attempt to install virtue and trust through the creation and maintenance of shared institutions rather than “solitary” seers or moral elites.

¹⁰¹ Shapin, “Trust, Honesty, and the Authority of Science,” 401-402.

¹⁰² Ibid., 405 (my emphasis).

¹⁰³ Bruno Latour, *An Inquiry into Modes of Existence: An Anthropology of the Modern*, trans. Catherine Porter (Cambridge: Harvard University Press, 2013), 5. “Now, in its early days, in the 1980s, this field [science studies] was perceived by many scientists as a critique of scientific certainty—which it was—but also of reliable knowledge—which it most certainly was not. We wanted to understand how—with what instruments, what machinery, what material, historical, anthropological conditions—it was possible to produce objectivity. And of course, without appealing to any transcendent Certainty that would have all at once and without discussion raised up Science with a capital S against public opinion.” (5)

To repeat: the question of trust and doubt was not so much about the *meaning* of *xin*, but whether proof was demanded of others (invisible seer) or offered by oneself (visibly blind). As with the distinction between certainty and trust as used by Shapin and Latour, the distinction is not so much about the *content* of what is trusted, but about the way in which one organizes institutions. The two paradigms that I propose here both make claims to the same notion of *xin*—and their notion of duty and office also largely overlap—but they institutionally and ethically situate *xin* in different ways. The invisible seer paradigm demanded objectivity without trust, certainty without a moral economy, and vigilance without virtue. The visibly blind paradigm strives to have it the other way around. We might show the two paradigms in the following way with *xin* and its cognates filling in the middle space where the ideals overlap (Table 1):

Table 1: Paradigms of Trust and Related Vocabulary

Invisible Seer/Vigilance	<i>Xin</i> 信	Visibly Blind/Virtue
Solitary/monopolistic 獨/專	Proof/evidence 驗/證	Shared 共
Blame others/demand from others 責人/求諸人	Evident 徵	Blame self/assume blame 責己 / 自責
Hidden 幽	Evident 著	Visible 明
Penetrating sight 察	Necessity/predictability 必	Show/display 章
Listening to the subtle 聽微	Without confusion or doubt 無嫌疑	Distinguish confusing things through display 章疑
	Fair/public 公	Illustrate 喻
	Cut off hope and luck 絕冀 / 幸	Amnesty 赦 / 貸
Seek out treachery 求姦		Extend good faith/integrity 推誠

Both paradigms make claims about securing those goods in the middle column, but their approaches could not be more distinct. It is useful to categorize intellectual and political debates in this way because it immediately clarifies the common ground—*xin*—and the distinctions and tensions within the early imperial world. As we will see, especially in the discussion of status in Chapter 2 and amnesty in Chapter 4, the difference between the visibly blind and the invisible seer paradigms is nothing more than a shift in the way the distinction between gentleman and petty man is drawn. The invisible seer is, viewed from the perspective of the visibly blind, simply an overly confident and self-righteous gentleman.

Knowledge as a form of vigilance and epistemological etiquette

The distinction between virtue and vigilance that I draw here does not map easily onto the “ideological” divisions allegedly at play in early China. I argue that the stakes of intellectual disagreement are better understood through the paradigms I propose here rather than the more typical pseudo-ideological divides. There is large overlap between the “invisible seer” paradigm and certain so-called Legalist 法家 tropes, but there was also a tendency to treat what I call the invisible seer as an avatar for sages generally. There was a tendency for the idea of sagacity to bleed into the invisible seer paradigm, a possibility that the *Zhuangzi* story about the trunk (Chapter 1) was dealing

with directly. At the same time, however, we need to see how there were sophisticated resources throughout the various early intellectual traditions for reining in the notion of the sage as a solitary knower.

These resources are more or less ignored in contemporary discussions of Chinese epistemology and philosophy.¹⁰⁴ Barry Allen's fascinating study of Chinese epistemology, *Vanishing into Things*, argues that foreknowledge, "penetrating the subtle," "discerning the concordant and contrary" does not only belong to the military commander, "it is the ecumenical understanding of sage knowledge in Chinese tradition; it is not strictly universal—there are exceptions—but it is the leading idea."¹⁰⁵ Allen adduces many examples, moving between sources cited in books like *The Tao of Spycraft* to sources from other Confucian and Daoist texts. He emphasizes that no one hides from the sage because it is impossible "to keep a secret from a sage."¹⁰⁶ "Chinese tradition is bullish on knowledge," he continues, citing A.C. Graham who argued that knowledge is "the ultimately unchallengeable imperative of Chinese thought."¹⁰⁷ Knowledge produces a kind of "enhanced effectiveness," which is derived from the suspicious attention to others:

A prominent quality in the early vocabulary of knowledge is effectiveness, or more precisely amplified effectiveness. The point of knowledge is the productiveness it enhances, preternatural efficacy being the proof of knowledge, distinguishing it from commonplace cognition...we see the early priority of knowing others, knowing people, their strength and weakness, especially when they have something to hide.¹⁰⁸

Trying to keep knowledge ethical, he adds, "Knowledge is valuable only when subordinated to humanity, meaning subordinated to ceremonial practice," but this keeps "knowledge" in the driver's seat.¹⁰⁹ The failure to consider the ethical suspicion of knowledge itself as key to ritual—especially in its suspicious gaze towards those who "have something to hide"—prevents Allen from getting at the political and ethical stakes of these early discussions. Allen's knowledge *liquifies* everything:

The problem is to see deeper into the world, to know it more intimately than concepts and language allow—to know not what is in the world, but what the world is becoming. The Chinese worry is not access, but getting stuck. What we call objects are processes and constantly changing. We must unlearn objectivity, not fixate on forms. Impartiality is its own reward. The point of detachment is not ocular, to see better what was always there anyway. Detachment is good as a means to the desired flexibility, overcoming differences that

¹⁰⁴ Some of this material is covered in Yu Yinghi's essay on "anti-intellectualism," but the evidence is given a negative reading. See Yu Yingshi, "Fanzhi lun yu Zhongguo zhengzhi chuantong" 反智論與中國政治傳統, in *Lishi yu sixiang* 歷史與思想 (Taipei: Lianjing chubanshiye gongsi, 1976), 1-46.

¹⁰⁵ Barry Allen, *Vanishing Into Things: Knowledge in the Chinese Tradition* (Cambridge: Harvard University Press, 2015), 3.

¹⁰⁶ Allen, 2.

¹⁰⁷ Allen, 8, also note 9, p. 238. The use of the word "knowledge" as a translation of *zhi* already directs the conversation in certain directions. It might be softened for instance by understanding it as "understanding," even "recognition." The interest in "knowledge" already directs our attention to the kind of uncovering, penetrating aspects of the problem. For a careful study of the various aspects of early Chinese *zhi*. See Lisa Raphals, *Knowing Words: Wisdom and Cunning in the Classical Traditions of China and Greece* (Ithaca, NY: Cornell University Press, 1992). The emphasis is again on "metic" intelligence, an undoubtedly important part of the tradition, but something that also had important ethical and political critiques as discussed in this thesis.

¹⁰⁸ Allen, 12.

¹⁰⁹ Allen, 22.

separate us from the *dao*, the spontaneous flow of changes. Instead of transcending perspectives we become skilled at never getting stuck in one, vanishing into things.¹¹⁰

This is the art of the despot. There is no problem of *shared* knowledge here. Indeed, as Allen says, “action must flow spontaneously; there is no deliberation, calculation, or indecision.”¹¹¹ “Such seeing penetrates to the virtual depths of the world, perceiving incipient mutation, recognizing opportunities to align and transform with the changes.”¹¹² Allen seems to implicitly agree with Li Zehou’s account of early Chinese philosophy. The dialectical and dynamic nature of Chinese philosophy was grounded in the experience of war.¹¹³

A critique of the language of “process,” “flux,” and so forth, was central to Hannah Arendt’s critique of totalitarianism and is not irrelevant here. Totalitarian ideology was, for Arendt, a way of “vanishing into things.” In those ideologies, “the term ‘law’ itself changed its meaning: from expressing the framework of stability within which human actions and motions can take place, it became the expression of the motion itself.”¹¹⁴ Such an ideology “operates neither without guidance of law nor is it arbitrary, for it claims to obey strictly and unequivocally those laws of Nature or of History from which all positive laws always have been supposed to spring.”¹¹⁵ The claim of the totalitarian ideologue is that he has vanished into processes. By shifting from the “manifest” to the hidden and trying to see “deeper” into the world, one invariably claims a higher level of insight—even more *impartial*. But this “refined impartiality” (*jing gong* 精公), to use the language of one early Chinese text, was, in some cases, a kind of violence. It was not a coincidence that the *Liji* 禮記 said that those who studied the *Changes* 易 might err towards “violence” (*zei* 賊) in precisely this way. Zheng Xuan 鄭玄 (127-200 CE) explained: “The *Yi* is subtle and refined...therefore it is unable to tolerate people and comes close to harming them.” 易精微……則不能容人，近於傷害。¹¹⁶ Refinement and subtlety were problems to be reflected upon. While Allen rightly emphasized the role of ritual and “the good” in shaping Chinese conceptions of knowledge, he does not develop (as early Chinese texts do) how knowledge frequently ran up against the boundaries of ritual propriety. How a deep view of “processes” runs up against the “framework of stability within which human actions and motions can take place.”¹¹⁷ Those boundaries were there to provide bearings for living together in a *shared* world. As early Chinese thinkers and officials were wont to emphasize in many contexts, this shared world required a sage or a gentleman who was *visibly blind*.

The kind of knowledge that Allen so vigorously and gleefully presents was indecorous, even uncivilized. It was the kind of barbarity that remained a temptation for a tradition that could be over-optimistic about sages, but nonetheless met with frequent critique. The sage should not be simply a knower; she should be an actor. As actor, she sees that other people are there and may

¹¹⁰ Allen, 10-11.

¹¹¹ Allen, 23.

¹¹² Allen, 2.

¹¹³ Li Zehou, *Zhongguo gudai sixiang shilun* 中國古代思想史論 (Beijing: Renmin chubanshe, 1985), chapter 3.

¹¹⁴ Arendt, *The Origins of Totalitarianism* (New York: Meridian Books, 1958), 464.

¹¹⁵ Ibid., 464.

¹¹⁶ Ruan Yuan, ed., *Liji zhushu* 禮記注疏, in *Chongkan Songben Shisan jing zhushu* 重刊宋本十三經注疏 (Taipei: Yinwen yinshuguan, 1965) (rpt. of 1815), “Jingjie 經解,” *juan* 50, 845-1.

¹¹⁷ Arendt, 464.

produce resistance or give support. There is indecision and deliberation. It's not always auspicious to "penetrate the virtual depths of the world."¹¹⁸

Philosophers are perhaps overly excited by the image of a virtuosic knower who sees through everything, even into the future. "Foreknowledge" was meant to "master the future in its becoming where its tendencies are birthing and pliant. Such knowledge requires a kind of penetration not from appearance to reality but from the manifest to the latent, from the obvious to the subtle, from the actual present to the virtual and tending."¹¹⁹ Viewed from the level of actual social practice and the concerns of people acting together in society, foreknowledge was seen as a stupidity (*yu* 愚) that comes to know things that any child could know if given *evidence*.¹²⁰ Foreknowledge appeared as the rejection of shareable evidence and amounts to either a kind of unnecessary craftiness or hostile suspicion.

Michael Nylan has helpfully described the etiquette of seeing and knowing in early China, emphasizing that gentlemen who "wanted to see and be seen" nevertheless "[reserved] the right to defend themselves against potentially intrusive and aggressive looks."¹²¹ "Impressive human beings...commanded respect, insofar as they enjoyed a measure of autonomy from close examination."¹²² Citing Shadi Bartsch on the Roman tradition, freedom was freedom from the "invasive gaze."¹²³ Nylan has also argued that careful attention to the positive and negative valences of "the hidden" and "subtle" (*wei* 微) in early China will show us how men and women sought to find the "auspicious balance of hiddenness and display."¹²⁴ Historically thick approaches to early China give us a different sense of the problem of seeing and knowing than that of the philosophers who like their sages to see, penetrate, and "guess" about (*she* 射) everything.

Trust as an Early Chinese Problem, too

In his work *The Problem of Trust*, Adam B. Seligman situates the question of trust in terms of the specific structures and ideas of modernity. He argues against overarching theories of trust—he includes Niklas Luhmann in this group—which posit trust "as an ontological aspect of social existence."¹²⁵ He continues:

¹¹⁸ See also Barry Allen's *Empiricisms: Experience and Experiment from Antiquity to the Anthropocene* (New York: Oxford University Press, 2021). There Allen speaks of Chinese ideas of "experiment" and "proof," again privileging the position of the vigilant knower. On vigilance, see especially, 389.

¹¹⁹ Allen, *Vanishing into Things*, 25.

¹²⁰ See *Laozi*, Chapter 38, 前識者，道之華而愚之始. Lou Yulie 樓宇烈, ed., *Wang Bi jijiaoshi* 王弼集校釋 (Beijing: Zhonghua shuju, 1980) (2009 rpt), 93. Wang Xianshen 王先慎, *Han Feizi jishi* 韓非子集釋 (Beijing: Zhonghua shuju, 1998) (2009 rpt), *juan* 6, Chapter 20, "Jie Lao" 解老, 134-135. The *Han Feizi* defines "foreknowledge" (*qianshi* 前識) as "baseless and haphazard guessing and measurement" 無緣而妄意度.

¹²¹ Michael Nylan, "Beliefs about Social Seeing: Hiddenness (*wei* 微) and Visibility in Classical-Era China," in *The Rhetoric of Hiddenness in Traditional Chinese Culture*, ed. Paula M. Varsano (Albany, NY: State University of New York Press, 2016), 103.

¹²² Nylan, "Beliefs," 104.

¹²³ Cited in Nylan, "Beliefs," n. 58, 104. Bartsch summarizes her earlier work that "the performative quality of senatorial public life was distorted by the invasive gaze of emperors such as Nero, whom our sources figure as monitoring the senatorial elite so closely that they felt compelled to dissimulate their behavior and opinions to ensure their safety."

¹²⁴ Nylan, "Beliefs," 54.

¹²⁵ Seligman, *The Problem of Trust* (Princeton: Princeton University Press, 1997), 8.

I maintain that trust, as both a solution to and an articulation of a specific interactional problem, is tied to a particular idea of the self that we identify, most broadly with modern social formations. I further argue that any attempt to generalize the problem of trust to human history *tout court* loses that specificity that alone explains its centrality in the construction of modern forms of social life.¹²⁶

For Seligman, modernity meant that local, territorial, and family ties had no particular pull on individuals, so trust was the means of constructing a new society on the basis of belief without local bond:

It may even be said that the attempt to found a political community on the basis of mutual promise-keeping was essentially an attempt to construct a new community of belief predicated not on blood, but on belief itself.¹²⁷

In the modern world, according to Seligman, the question of “role” became a problem for the first time because there were no longer shared norms about what it meant to fulfill a role. “Trust is something that enters into social relations when there is role negotiability, in what may be termed the ‘open spaces’ of roles and role expectations.”¹²⁸

In his work on trust, Seligman tries to articulate the specific parameters of a generalized problem of trust. Before we turn to Seligman’s later work which, notably, turns back to the ancient world, let me outline here that *even* in the terms outlined in *The Problem of Trust*, there was a problem of trust in early China, especially in the early imperial period. As Procyshyn and Wenning correctly pointed out, Kongzi’s theory of trust can be understood in terms of a response to the complete breakdown of social norms. Furthermore, “roles” *were* a problem for early Chinese thought, as the work of Roger Ames and Henry Rosemont has repeatedly emphasized. Interestingly, however, Ames and Rosemont are wont to say that “roles” was a problem *specific* to early China and differed from our more modern individuality. They emphasize roles as a way of showing that there was no autonomous individual in early China. The absence of any overarching standard for assessing role performance combined with the demand to perform various roles with skill produced a number of tensions. As Ames notes in his epilogue to *Confucian Role Ethics*, the absence of any external standard made it so all excellence had to be “self-evident,” which meant that there was a constant fear of dissemblers.¹²⁹

Chapter 2 will show how political unity and administrative and theoretical commitments to a general sameness of status meant that role distinctions often appeared shaky. On this front, Bai Tongdong has provocatively argued that China entered modernity very early with the emergence of “a large, populous, well-connected, mobile, and plebeianized society of strangers. Under these conditions, the premodern, feudal institutional answers that were once applicable to a small, close-knit, nobility-based society of acquaintances no longer worked.”¹³⁰ Trust plays a very small role in Bai’s own analysis of early Chinese thought, but his big picture seems to match the conditions under which Seligman says trust becomes a problem. Bai drastically overstates the similar conditions of early modern Europe and early China, to put it mildly, but it is not wrong to emphasize the way status confusion became a problem of trust in the early empire.

¹²⁶ Ibid.

¹²⁷ Ibid., 15.

¹²⁸ Ibid., 24-25.

¹²⁹ Roger Ames, *Confucian Role Ethics: A Vocabulary* (Hong Kong: The Chinese University Press, 2011), 265.

¹³⁰ Tongdong Bai, *Against Political Equality: The Confucian Case* (Princeton: Princeton University Press, 2020), xii.

Interestingly, since the publication of *The Problem of Trust*, Seligman has been working his way back into the pre-modern world and has discovered there resources for thinking about the problem of trust. In his interesting *Modernity's Wager*, he tries to come to terms with the problem of authority. "For trust, I soon learned, had to do most of all with human agency, and agency stands but darkly between veils of either authority or power...hence the current project."¹³¹ In this book, he tries to recover for modernity the possibility of "transcendental," "sacred, and "heteronomous" forms of authority, turning back to the "axial age" and "ritual" to do so. He thinks that these pre-modern practices might be helpful in responding to the modern crisis of authority and trust, but he still does not seem to think that these earlier practices were developed as a response to a *pre-modern* crisis of authority and trust.

Chapters 2 and 3 looks at approaches to *xin* in early China as responses to a widespread doubt about the reliability of status and authority. One needed to decide how to think about, for instance, the nature of one's authority as a gentleman. In what did the gentleman have authority? In what way did he show his good faith and in what way did he respond to the real or potential duplicity of others? The way a ruler or gentleman responded to "deceit" (*qi* 欺) defined his character and the character of his rule. In his additions to the *Shiji* 史記, Chu Shaosun (?104-?30 BCE) cited a "tradition" (*zhuan* 傳) differentiating three different ways rulers might respond to deceit:

The tradition says: "When Zichan governed Zheng, the people *were unable to deceive* the ruler. When Zijian governed Danfu, the people *could not bear to deceive* the ruler. When Ximen Bao governed Ye, the people *did not dare to deceive* the ruler. " Of these three forms of capable rule, which was the best? Those who are discerning in governing ought to be able to distinguish the differences.

傳曰：子產治鄭，民不能欺；子賤治單父，民不忍欺；西門豹治鄴，民不敢欺。三子之才能誰最賢哉？辨治者當能別之。¹³²

In the third century, Wei Emperor Wen 魏文帝 (r. 220-226) posed this passage as a question to his assembled ministers: "Of the three forms of 'not deceiving,' which one shows a ruler's greater virtue (*de*)?"

The Senior Commandant Zhong You, Minister over the Masses Hua Xin, Minister of Works Wang Lang replied: "Your servants take this phrase to mean that when a ruler deploys virtue in ruling, his officials and subjects are so impressed by his moral authority that they cannot bear to deceive the ruler. When the ruler deploys surveillance instead, his officials and subjects so fear being found out that they are unable to deceive the ruler. And when the ruler deploys punishment, his officials and subjects so fear punishment that they dare not deceive the ruler. The first is equivalent to [as in *Analects* 2.3] "guiding by virtue and equalizing with ritual so that people have shame and correct themselves."¹³³ The latter two are the same as "guiding by administration and equalizing with punishments so that the people are shameless. "

¹³¹ Adam Seligman, *Modernity's Wager: Authority, the Self, and Transcendence* (Princeton: Princeton University Press, 2000), xii.

¹³² *Shiji* 66.3213.

¹³³ *Lunyu yishu*, *juan* 1, 24.

太尉鍾繇、司徒華歆、司空王朗對曰：臣以為君任德，則臣感義而不忍欺；君任察，則臣畏覺而不能欺；君任刑，則臣畏罪而不敢欺。任德感義，與夫導德齊禮有恥且格等趨者也。任察畏罪，與夫導政齊刑免而無恥同歸者也。¹³⁴

The question of “deceit” as the problem of order was a unique feature of the early imperial way of conceiving governance. It was this focus on deceit, I think, that motivated the sophistication of thinking about the problems of *xin* in the period. It is important to note here that all three forms of governance are associated with exemplary local administrators. Emperor Wen’s interlocutors further connected these three forms of governance to the three forms of “humaneness” in the *Liji* which “had the same effects but differed in their reality” 同功而異情.¹³⁵ Humaneness was achieved, according to that text, through being either benevolent (*ren*), wise (*zhi* 知) or inspiring fear of punishment. This tripartite division mapped onto “could not bear to deceive,” “were unable to deceive,” and “did not dare to deceive,” respectively. In short, political responses to deceit took the form of *virtue/ritual*, *knowledge/surveillance*, and *punishment/force*.¹³⁶

Chapter Overview

Chapter 1, “Theories in Institutional History and the Imperial ‘Trunk,’” follows up on the frameworks for understanding Chinese institutions initiated in the late imperial period, especially in the work of Huang Zongxi and his scholarly descendants, most notably, the twentieth-century scholar Zhang Taiyan. Their understanding of the Chinese state and the development of Chinese bureaucracy places trust and suspicion front and center, a decision that has had an immense influence on all subsequent institutional histories. In modern institutional histories, the definitions of “private” and “public,” bureaucracy and corruption, ritual and favoritism, formal and informal institutions, and so forth, are worked out within the context of this understanding of trust and suspicion. As this chapter shows, the power of these readings is precisely in their apparent intuitive appeal to *our* modern perspective on what really happens under the surface of history. As one author discussed in the chapter will say, “from our modern perspective” we know that any claims to duty or public commitment are actually empty. In opposition to this perspective, what I will call, following Hegel, the “valet perspective,” I look at Masubuchi Tatsuo’s discussion of trust in the formation of Chinese bureaucracy. Masubuchi reverses the perspective of Zhang Taiyan and others. Instead of seeing personal relationships and favoritism as the corruption of bureaucracy, he identifies the late Zhanguo patron-client relationship as an archetypal relationship that buttresses the bureaucracy. He shows how the relationship of favor at the foundation of the patron-client relationship was fundamentally ambivalent and could lend itself to two different modes of articulating duties—the “virtue” mode and the “technique” mode. The explanatory power of Masubuchi’s perspective exceeds that of the valet historian because he recognized that the goal of historical explanation is not to reduce public duty to private interest but to see how, through the lens of favor, private and public were inextricably linked. The ambiguity and ambivalence of “favor” shaped the ethics of bureaucracy. The invisible seer and visibly blind paradigms I propose in this dissertation are meant,

¹³⁴ Cited in *Shiji jijie* 史記集解 commentary, *Shiji* 126.3213.

¹³⁵ *Liji zhushu*, *juan* 54, Chapter 32, “Biao ji” 表記, 909-2.

¹³⁶ These three forms of governance can be mapped onto the three forms of “authority” (*wei* 威) in *Xunzi*: “authority of virtue” (*daode zhi wei* 道德之威), “authority of violent clarity” (*baocha zhi wei* 暴察之威), and “authority of crazed unpredictability” (*kuangwang zhi wei* 狂妄之威). See *Xunzi jijie*, *juan* 11, Chapter 16, “Qiang guo” 強國, 292.

in the spirit of Masubuchi, to clarify the structure of that ambiguity. What we want to achieve is not the reduction of history to personal relationships, which is of course possible. The goal is to get at the way certain claims position actors vis-à-vis one another. What did it mean to extend to people the benefit of the doubt, to favor them, and thus inspire them to perform their duties? What did it mean to demand the execution of duties directly?

Chapter 2, “Status Confusion, Moral Confusion, and the Struggle for *Xin*,” examines the overarching problem of *xianyi* 嫌疑, doubt, confusion, and conflation. This chapter shows how the flattening of social distinctions in the late Zhanguo and early imperial period produced anxieties about how to determine who are noble and base, gentleman and petty man. The flattening happened in two different ways simultaneously. On the one hand, all men were actual or potential laboring bodies (*shen* 身) who could be measured, apportioned, calculated, and managed as such. At the same time, all men were actual or potential gentlemen (*junzi*) who could serve the realm as officials and govern other men. The two paradigms will be discussed as two different ways of dealing with the two-sided nature of the imperial subject. The invisible seer posited people as “things” or “bodies” who inhabited offices and could be distinguished and managed through various administrative techniques, including surveillance. The visibly blind paradigm organized (potential and actual) *junzi* in a shared moral economy. Furthermore, the insight embedded in the visibly blind paradigm is that the elimination of doubt required setting certain doubts aside and creating spaces of distinction buttressed by realms of doubt. I will call this, following Jia Yi, the rat/vessel problem, because it recognizes that there are certain rats who must go uncaught in order to prevent the entire order (the vessel) from descending into the cycles of suspicion described so clearly by Huang Zongxi and others.

Through a careful reading of a host of different sources, this chapter traces how the moral economy of gentlemen was situated against what we might call the economy of accusation (*ze* 責). In a flattened social order there was the tendency, these texts argue, to resolve confusions by reference to a kind of natural patterning. Left to their own devices, the imperial world of “registered households and equalized commoners” will work out social order on the basis of relative cunning (*zhi* 智), strength (*li* 力), or wealth (*cai* 財). While social distinctions can be articulated in these ways, the text argue, such a “resolution” is confusing because it is based on nothing but the brute capacities that exist in the world. Real social distinctions, these texts argued, were based on, paradoxically, a willingness to share and condescend (in a positive sense). Accusatory demands directed at others quickly turned into battles of wit, strength, and wealth.

Chapter 3, “Accusation, the Invisible Seer, and the Visibly Blind,” places the problem of accusation front and center. The invisible seer and the visibly blind paradigms both made claims to resolve doubts and establish *xin*, but they did so by directing accusation in different directions. The former was directed at the other; the latter was directed at the self. Following from the conclusions of Chapter 2, this chapter shows how closely these two paradigms were tied to status claims. The willingness to adopt an accusatory or surveilling attitude towards others—to see them from a position of invisibility—positioned one as a gentleman or noble who was confidently casting his gaze at petty men. That kind of gentlemanly self-understanding was viewed with great suspicion and even critiqued as “the shamefulness of being a gentleman alone.” The moral economy of the visibly blind was, on the other hand, meant to draw people into the order by being self-critical about the failures of oneself or imperial institutions and extending the benefit of the doubt (blindness) to others whenever possible.

Chapter 4, “Giving the Benefit of the Doubt: Renewal, Amnesty, and Trust,” looks at a key institution of the visibly blind paradigm. I show how the “cruel” Qin invented this institution and how it was sustained and argued for throughout the Han. The institution was an important point of

contention, however, since the visibly blind paradigms commitment to *blindness*, *self-blame*, and *magnanimity* ran up against the imperative for displaying integrity and good faith. Many of those most committed to rule by virtue were the most critical of the imperial amnesty. The amnesty was a major site of contention and shows the limitations of the visibly blind paradigm.

Chapter 5, “Wang Bi’s (226-249) Politics and Hermeneutics of Trust,” examines the third-century Mystery Learning (*xuanxue* 玄學) scholar who, perhaps more than anyone, clung to the possibility of establishing order by “extending integrity.” His rejection of “anticipating deception” and his defense of sagely blindness were two key themes in his political philosophy. Departing from much of the current scholarship on Wang’s “metaphysics” or “ontology,” this chapter shows how Wang developed a key distinction between *gong* 功 and *yong* 用, the outward result and the internal processes that produced that result, as a way of grounding his more open hermeneutic. If the outer result or apparent form of a thing does not give us direct access to the inner processes that made that result possible, Wang argues, we are on very shaky ground when we make excessive demands (*ze*) of the outer surface of things, including texts and people.

CHAPTER 1: THEORIES IN INSTITUTIONAL HISTORY AND THE IMPERIAL “TRUNK”

This chapter will outline two different approaches to the problems of trust, duty, and bureaucracy in modern historical scholarship about early China. We might call these the “vortex” and “spatial” approaches, following the use of the terms *xuanwo* 漩渦 and *chang* 場 in the secondary scholarship. The question basically boils down to whether one sees political relationships as entirely reducible to private relationships stripped of any reference to duty or virtue or whether one sees political relationships as emerging in a space which has a moral texture or potential. In these accounts, the role of “favor” (*xing* 幸 or *hui* 惠)—Hou Xudong’s study revolves around “favoritism” (*chong* 寵)—looms large, but the arguments can be run in completely opposite directions, depending on the way one provides the subtext for sources. Some scholars see the language of favor as fundamentally corrosive of duty, liquifying (to continue the water metaphor) all real public obligations. Others like Masubuchi Tatsuo see “favor” as productive of both virtue and bureaucratic administration. Indeed, he argues, favor was the lifeblood of the imperial order and a key marker of the life-giving face of the ruler.

Masubuchi’s approach has been most instructive for the present study. His key insight is that the underlying socio-political relationship—the late Zhanguo and early imperial patron-client relationship—was sufficiently rich and ambiguous that it could support multiple different interpretations of what duty meant. This thesis is built on a similar approach. Discussions of *xin* likewise mapped out a space for contesting and asserting status and articulating virtue and office. Masubuchi is correct to identify the patron-client relationship as a key imaginary for the early imperial order, but his identification of “virtue” (*de* 德) versus “technique” (*shu* 術) as two ways of thinking about the patron-client relationship can be further clarified with the invisible seer and visibly blind paradigms that I propose in this thesis. Masubuchi resolves the problem perhaps too cleanly by suggesting that there is the Confucian (*de*) and the Legalist (*shu*) interpretations of the patron-client relationship. What we need is a framework in which we can see these interpretations on a spectrum. The framework of *xin* and its two approaches provides that. What Masubuchi calls “virtue,” I explore under the heading of the visibly blind that imagines a moral economy of gentlemen who place more emphasis on assuming blame than on accusing others. What Masubuchi calls “technique,” I look at under the banner of the invisible seer that imagines a solitary knower who looks out over an empire of small men whom he—a solitary gentleman—can blame with confidence.

This latter approach overlaps with the kinds of conclusions that those who speak of vortexes are inclined to draw, but the present task is to clarify the moral texture of the relationships and not the existence of “relational processes” (*guanxi guocheng* 關係過程) *per se*. Read carefully, authors such as Hou Xudong repeatedly reveal that they are carrying out an unmasking project by which they can confidently assert, from, as Hou says, *our modern perspective*, that in fact there was no such thing as virtue and any claims about virtue or public duty were simply subterfuge, a cipher for something else. This approach is heavy on “processes” and light on “relationships.” We learn little about the texture of relationships and much about how they all fail in the end. The failure is then read back onto the relationships as evidence of a timeless historical structure—the futile pursuit of favor.

Zhuangzi and the Theory of the Imperial “Trunk”

Huang Zongxi and Eusèbe Renaudot had, for different reasons, come to similar conclusions about the suspicious character of Chinese institutions and virtues. Renaudot argued that Chinese

virtues were not in fact virtuous whereas Huang wanted to argue that the unfolding of history, especially the rise of imperial institutions since the unified Qin 秦 (221 BCE-207 BCE), had actually twisted the society and its values. Huang's repeated reference to the opening passage of the "Qu qie" 祛箴 chapter of the *Zhuangzi* provides us with a helpful point of entry to consider both the institutional and ethical problems at play here. The time between the *Zhuangzi* passage and its earliest commentator, Guo Xiang 郭象 (d. 312 CE), also conveniently marks the time period to be covered in this dissertation, roughly the late Zhanguo to the period directly following the Eastern Han abdication in 220 CE.

The *Zhuangzi* text says that "knowledge" and "sagacity"—*zhi* 知 and *sheng* 聖—aim to protect one from "great thieves." However, the cleverer one is, the *more* one's efforts aid the greatest thieves:

To protect your trunks, your sacks, your cabinets from thieves who would break into them, rifle through them, bust them open, no doubt you will bind them with seals and ropes, secure them with latches and locks. This is what the world calls wisdom (*zhi*). But when a great thief arrives, he will take the cabinet on his back, haul off the trunk, shoulder the sack, and make off with them—fearing nothing more than that the seals, ropes, latches, and locks are not secure enough. So this thing you've been calling 'wisdom'—is it anything more than the piling up of loot for the greater thieves? Let me try to explain this further. Is there anything at all that the conventional world calls wisdom that is not really just piling up loot for the great thieves? Are there any so-called sages who are not just guards in the service of the great thieves?¹

將為祛箴、探囊、發匱之盜而為守備，則必攝緘、縶，固扃、鑄，此世俗之所謂知也。然而巨盜至，則負匱、揭箴、擔囊而趨，唯恐緘、縶、扃、鑄之不固也。然則鄉之所謂知者，不乃為大盜積者也？故嘗試論之，世俗之所謂知者，有不為大盜積者乎？所謂聖者，有不為大盜守者乎？²

The text says that "sagacity" is nothing other than the ability to "haphazardly guess where the hidden treasure is" 妄意室中之藏. This was not a singularly Zhuangzian image of sagacity, but a widespread understanding of what a sage does. (Of course, polite discourse would never accuse a sage of "haphazardly" 妄 doing anything.) The sage had "singular vision" 獨見, "singular hearing" 獨聞, and "foresight" or "foreknowledge" 前識.³ The virtue of "wisdom" (*zhi* 智) was defined as "knowing" (*zhi* 知) which was to have "singular vision and foreknowledge (*qianwen*), to not be confused by affairs, and to be able to see the barely visible (*wei*)."⁴ The *Bobu tong* 白虎通, purportedly an edited record of court debates in 79 CE, included an alternative view in which even the sage was doubtful (*yi* 疑) about "subtle things that have no trace" 清微無端緒.⁵ When the third century writer Wang Bi 王弼 (226-249) came to define what was to be rejected in rejecting "sagacity" and

¹ Brook Zipporyn, *Zhuangzi: The Complete Writings* (Indianapolis: Hackett Publishing, 2020), 84.

² *Zhuangzi jishi*, Chapter 10, "Qu qie" 祛箴, 350.

³ For *dujian*, see, e.g., *Shuoyuan jiaozheng* 說苑校證, Chapter 2, "Chen shu" 臣術, 34; Chapter 17, "Za yan" 雜言, 423. For an example of the sage general, *Huainanzi jishi*, *juan* 15, "Binglue" 兵略, 1096.

⁴ See *Bobu tong shuzheng*, *juan* 8, "Wu xing liu qing" 五性六情, 382: "Wisdom is knowledge. Alone seeing and hearing in advance. Those who are not confused by affairs see the subtle" 智者，知也，獨見前聞，不惑於事，見微者也。

⁵ See *Bobu tong shuzheng*, *juan* 7, "Jue yi zhi yi" 決疑之義, 328.

“knowledge” he singled out “the “penetrating sight into the most difficult to see” 察見至微 and “measuring and guessing at what is hidden” 探射隱伏 (more on this in Chapter 4).⁶

“Guessing” or “trying to see it in the mind” (yi 意), i.e., trying to measure the unfathomable and shifting world with one’s mind alone, was also an image of sagacity or knowledge frequently rejected in early texts. “Guessing” or “measuring” with one’s mind was the subject of early and frequent criticism. The third-century BCE *Lüshi chunqiu* 呂氏春秋 (ca. 239 BCE) text describes in a chapter titled “Observing External Signs” 觀表 that the sage proceeds from “evidence” 徵 and “does not guess with the mind” 非意之.⁷ The “Liyun” 禮運 chapter of the *Liji* 禮記, a text perhaps compiled in the Han period, also says that the sage “does not try to see it in the mind.” That text emphasizes that the sage “must know the way things are” 必知其情 rather than trying to, as the Tang subcommentary says, “fathom and measure (*cedu*) things with one’s mind and scheme and plan” 以意測度謀慮.⁸ Clarifying that “what is hidden in the human heart cannot be fathomed and measured” 人藏其心不可測度, the “Liyun” argues that the mind can only brought into order through shared rituals (*li*).⁹

Knowledge and sagacity in the *Zhuangzi* passage should be understood in this specific context. In this way, then, we can understand the specific objection to the use of “weights and measures,” “tallies and seals,” and “humaneness and benevolence,” in other words, the specific technologies and moral teachings of early unified empire. The *Zhuangzi* passage argues that one should smash these things, attack the sages, and “free the thieves” as a way of bringing about order. This exaggerated rhetoric should be understood as an attack on the notion of singular, perfect, and unshared knowledge and sagacity. Thus, the text argues on the positive side for eliminating all sorts of technical and moral perfection as a way of allowing people to (1) “participate in discussions and arguments” 民始可與論議; (2) “hold onto their own sense of hearing” 天下始人含其聰矣; (3) “hold onto their own sense of sight” 而天下始人含其明矣; (4) “maintain their own skills” 而天下始人有其巧矣; (5) “hold onto their own character” 人含其德.¹⁰ By eliminating the solitary knower and singular perfection from the scene, the world is able to “darkly unify” 玄同. By shattering the solitary knower and sharing one’s lights throughout the empire, the “great thieves” have no one thing they can steal.

Guo Xiang’s reading of this passage sees a kind of tragic relationship between sagely rule and rule by great thieves. If one emulated the “sagely model” then everyone would “swallow their voices and silently submit” 吞聲而闇服. To great thieves, this silent submission would be misunderstood as the product of their perfect sagely knowledge rather than the shared order of everyone participating in the “dark unity.” It would thus become “the thing upon which the Robber Zhi would rely the most to accomplish his great theft.”¹¹ The thievish ruler would thus turn to securing the realm with suspicious knowledge, sagacity, and “penetrating sight” (*cha*), whereas the true sage deploys “integrity” and trust, refusing the temptation to tie down the trunk. Guo Xiang quoted the

⁶ “Laozi zhilue” 老子指略, in *Wang Bi jijiaoshi*, 199.

⁷ Xu Weiyu 許維通, ed., *Lüshi Chunqiu jishi* 呂氏春秋集釋 (Beijing: Zhonghua shuju, 2009), *juan* 20, “Guan biao” 觀表, 580.

⁸ *Liji zhushu*, *juan* 22, Chapter 9, “Liyun” 禮運, 431-1.

⁹ *Ibid.*, 431-2.

¹⁰ *Zhuangzi jishi*, Chapter 10, “Qu qie,” 362.

¹¹ *Ibid.*, 357: 故人無貴賤，事無真偽，苟效聖法，則天下吞聲而闇服之，斯乃盜跖之所至賴而成其大盜者也。

“sayings of an Ancient” to describe his idea of a more perfect form of rule in which one “attacks the sages and frees the thieves”:

Preserving one’s integrity is the way to stop wickedness. Stopping it has nothing to do with being good at penetrating sight. Getting rid of excesses and eliminating ostentation has nothing to do with making punishments graver.

故古人有言曰，閑邪存誠，不在善察；息淫去華，不在嚴刑；此之謂也。¹²

This “ancient” was Wang Bi, Guo Xiang’s near contemporary, who made the argument forcefully in his *Laozi zhibi*. The argument itself is drawn from the “Wenyan” 文言 reading of Qian 乾 hexagram, Line two. There Kongzi says that the image of the dragon in the field describes the virtue of the ruler (*jun de* 君德) who is “trustworthy in his common (*yong*) words and careful in his common conduct. To stop wickedness, he preserves his integrity. While good, he does not boast. Broad in virtue, he transforms the world” 庸言之信，庸行之謹，閑邪存其誠，善世而不伐，德博而化。¹³

By rejecting “singular” knowing and sagacity, the *Zhuangzi* text and Guo Xiang’s interpretation shared key tropes with the *Xunzi*.¹⁴ In line with that tradition, the *Zhuangzi* passage ends with a rejection of various models of singular perfection that establish models of behavior that cannot be shared among all.¹⁵ The importance of the “common” (i.e. “ordinary”) and the rejection of the “singular” and “alone” (*du* 獨) was key to this idea of good order. Integrity was paired with a refusal to *know* or penetratingly survey the world. One trusted in the plurality of knowledges, skills, and arguments.

Into the Vortex: Solitary Suspicion and the Liquidation of Offices and Duties

While the “singular” solitary sage/knower sought to guard against thieves, he inadvertently produced more thieves. The solitary ruler modeled selfish, defensive behavior which incited an empire-wide arms race in suspicious and clever tactics. This was the argument that Huang Zongxi would pick up on centuries later. Huang’s followers in the Qing 清 (1644-1912) would develop the argument and apply it to their reading of the Han histories and beyond. Hua Zhan’en 華湛恩 (1788-1853) in his “Preface to the Table of Eastern Han High Ministers” 後漢三公年表自序 argued that the logic of the Eastern Han collapse was already written in the actions of the founder, Emperor Guangwu 光武 (5 BCE-57 CE; r. 25 CE-57 CE). By not “trusting the Three Nobles...and hoping to prevent the devolution of power so as to maintain control of the administration from above” the founding emperor of the Eastern Han set in motion a process that would leave later emperors alone and unprotected.¹⁶ Those later emperors, having no real ministerial power to lean on, would be forced to continually deploy *ad hoc* arrangements and alliances with less than savory people in order to keep the “trunk” tied down. The emperor then necessarily rewarded those “dishonest” men for their merit which caused more worry and a greater need for other *ad hoc* measures and

¹² Ibid., 358.

¹³ *Zhouyi zhu* 周易注, in Wang Bi *jijiaoshi*, 214.

¹⁴ *Xunzi jishi*, *juan* 2, Chaptre 3, “Bu gou” 不苟, 50.

¹⁵ *Zhuangzi jishi*, Chapter 10, “Qu qie,” 362

¹⁶ This is not the typical account of Guangwu. For a more standard account see Rafe de Crespigny, *Fire over Luoyang: A History of the Later Han Dynasty, 23-220 AD* (Leiden: Brill, 2017), Chapter 1.

countermeasures. Emperor Guangwu's initial "sagacity" and "knowledge," then, led to the "theft" (*qie* 竊) of the realm and its eventual collapse. Hua summarizes:

It is clear that great power cannot be held by the ruler alone (*du*). It must be shared (*gong*) with others. When ministers are weighty and esteemed, the ruler sits at ease above them and one does not worry about power falling (*pangluo*) on lesser men.
夫天下之大權，人主不能以一人獨操之，明矣。必與人共操之。故重臣之權尊，則人主安坐于上，而權不患其旁落。¹⁷

Hua gives a carefully documented historical illustration of the *Zhuangzi*'s larger argument. Hua's argument, by the way, is not unlike Alexis de Tocqueville's assessment of the success of seventeenth century French despotism. By the time of the revolution, Tocqueville argued, "Nothing was left that could obstruct the government, nor anything that could shore it up." Or as the poet François Andrieux said: "On ne s'appuie que sur ce qui résiste" (You can only lean on what offers resistance).¹⁸

Twentieth-century histories of Chinese bureaucracy have turned the insights of Huang Zongxi and Hua Zhan'en into a full-fledged theory of Chinese political development. Looking for the logic or patterns of history, scholars have discovered imperial suspicion of power-sharing as a main mover in Chinese history. Zhang Taiyan 章太炎 (1869-1936) was the first to see the entire development of Chinese bureaucracy in these terms, expanding on Huang's general account of the logic of imperial reason and Hua's more specific account of bureaucratic change and practice in the Han. He argued that emperors moved to displace their chancellors "the moment their authority reached too great a height" 威權既亢. The ruler preferred the familiarity of close favorites and "hated those who were esteemed because they imposed restrictions on the ruler" 憎尊望者之逼己.¹⁹ In 1942, the Japanese scholar Wada Sei 和田清 called this, perhaps independently of Zhang (in any case, not citing Zhang), the "ripple effect cycle" 波紋式的循環發生 of Chinese history. Ministers of the government would be pushed out and replaced with trusted favorites who would then be pushed out again when they too took on the independence of public rather than private servants.²⁰

Xu Fuguan 徐復觀 (1904-1982) would develop his arguments from these sources, specifically citing Hua and Wada. Xu's own reading, however, drew deeply from Huang's more "psychological" insights about the nature of political power, allowing him to clarify the precise hermeneutic of suspicion at play:

¹⁷ See Hua Zhanen, *Hou Han Sangong nianbiao* 後漢三公年表 (Changsha : Shangwu yinshuguan, 1939), 1.

¹⁸ Cited in John Elster, "Introduction," in *Tocqueville: The Ancien Regime and the French Revolution* (Cambridge: Cambridge University Press, 2011), xvi. Tocqueville himself describes it: "Nothing was left that could obstruct the government, nor anything that could shore it up." (Ibid., 124) On the importance of ambivalence and tension for traditional Chinese institutions, see Joseph Levenson, *Confucian China and Its Modern Fate: The Problem of Monarchical Decay* (Berkeley: University of California Press, 1964), 26: "The loss of this ambivalence, this Confucian-monarchical attraction-repulsion, comprised the Chinese state's attrition. And if in its time that traditional state was a very hardy, perennial, perhaps its vitality, in a truly Nietzschean sense, was the measure of its tolerance of tensions: their release was the bureaucratic monarchy's death."

¹⁹ "Guan tong shang" 官統上 in *Jianlun* 檢論. See Zhu Weizheng 朱維錚, ed., *Zhang Taiyan quanji* 章太炎全集: 廬書初刻本、廬書重訂本、檢論 (Shanghai: Shanghai renmin chubanshe, 2014), 565.

²⁰ Yu Yingshi, "'Jun zun chen bei' xia de junquan yu xiangquan," 55; also cited at length earlier by Xu Fuguan, *Liang Han*, vol. 1, 160-161. Wada Sei, *Shina kansei battatsushi : tokuni chū shūken to chibō bunken to no shōchō o chūshin to shite* 支那官制發達史 : 特に中央集權と地方分權との消長を中心として (Tokyo: Kyuko Shoin, 1973).

The psychology of despots (*zhuanzhi* 專制), past and present, is that, because they think of the realm (*tianxia*) as their own personal estate (*chanye*), they feel that politics is the capture of human and material resources for the sake of their own security, wealth, and glory and they do not feel they bear any responsibilities to the people. Hence, they always look at offices (*guan* 官) through the lens of power (*quanli* 權力) and never through the lens of duty and responsibility (*yiwu* 義務). Since they view it through the lens of power they see the objectification (*keguan* 客觀化) of officialdom as objectified power. For this reason, the destruction of official independence and its ability to play an independent role is the common path taken unconsciously by all despots, past and present.²¹

The problem of “objectification” 客觀化 curiously entered the discussion here as a key term and was used a few years later by Yu Yingshi 余英時 in his own account of the same problem. Arguing that ministerial and bureaucratic power was always seen as “derivative,” Yu, as with his predecessors, described how rulers feared nothing more than independent, autonomous officials. “Objective beings (*keguan de cunzai*) have their own paths of development and functioning and no longer completely move according to the subjective (*zhuguan*) wishes of the ruler.”²² Yu argued that there were few “formalized and institutionalized” restraints on power even though there were “formless (*wuxing*) and spiritual (*jingshen*) restraints.”²³ We will return to the problem of “objectification” and formed or formless restraints in a moment, but it is important to pick up on Xu’s distinction between power and duty, because this distinction is absolutely essential to our argument about trust.

Xu’s argument suggested that *any* claim to objective or independent status could be viewed through the lens of duty *or* power. It was this double-valence of action that made for the problem of trust in early China. Competence or moral uprightness—and this is borne out clearly in early sources—looked suspicious because they might cast those around oneself in a bad light and therefore look like an attempt to seize power by winning over others. *Because power was supposed to be moral, moral action might always look like a claim to greater authority—or, at the very least, hypocritical reputation seeking.* The “Difficulty of Being a Worthy” 賢難 chapter of Wang Fu’s 王符 (83-170 CE) *Qianfu lun* 潜夫論 is a stunning study of this problem, but any number of other sources examine it as well. Zhuangzi’s “In the World of Men” 人間世 and Han Feizi’s 韓非子 “Shuo nan” 說難, for instance, all study this problem. The competent and upright chancellor Xiao He’s 蕭何 (d. 193) public “self-polluting” (*zi wu* 自汙) carried out in order to alleviate the first Han emperor’s suspicions is an excellent example of the dynamic.²⁴ Even the Kongzi of the *Mengzi* is said to have acted in an intentionally double-valent fashion when he left his home country in disgust. In this way, he could plausibly claim to have acted uprightly in response to his ruler’s terrible actions while at the same time those not in the know could accuse him of being merely greedy.²⁵ From the perspective of ministers and servants of the realm, one had the obligation to craft one’s actions in a way that would not look like a claim to “singular” virtue and therefore “singular” power.

²¹ Xu Fuguan, *Liang Han*, 159.

²² Yu Yingshi, “Jun zun chen bei’ xia de junquan yu xiangquan,” 52: 客觀的存在，有它自己的發展和運行的軌道，不再完全隨君主的主觀願望而轉移了。

²³ Ibid.

²⁴ *Shiji* 53.2018.

²⁵ *Mengzi* 6B6. Jiao Xun 焦循, *Mengzi zhengyi* 孟子正義 (Beijing: Zhonghua shuju, 2007), *juan* 24, 834. 乃孔子則欲以微罪行。

Roger Ames writes in his epilogue to *Confucian Role Ethics: A Vocabulary*, “The Limits of Confucian Role Ethics,” that the

foremost concern of Confucius is with dissemblers: persons who are not what they purport to be. In an ethic in which models, rather than principles, are the final arbiters of proper conduct and cultural values—that is, appeal to the excellent person rather than an abstract standard—the most fundamental problem shifts from judging correspondence with an existing norm or compliance with a set of stipulated criteria, to an appreciation of personal excellence... Ultimately, excellence must be self-evident. It must inspire the appreciation of others by its own intrinsic worth.²⁶

As Xu pointed out, however, excellence is never self-evident as all action is fundamentally ambiguous. Furthermore, fear of dissemblers threatens to destroy excellence:

In Confucian role ethics, excellence so defined is the only appropriate basis for privilege and responsibility. This being the case, with the ever-present danger of dissemblers, there is always a thin line between righteous moral indignation and self-righteousness, between advocacy and self-promotion. And where social and political status is a necessary condition for the cultivation of excellence, it is only a short step to construe position itself as a guarantee of moral superiority.²⁷

Superior position and moral superiority were, at least ideally, united. This made all criticisms of power appear as moral self-righteousness and not genuine moral advocacy. Criticism might always look like an attack on authority and duty could always be construed as lust for power. Ames, for his part, repeats the same argument about Chinese deception that has become so central to social theory about China. Without a transcendent “principle,” there is no way to evaluate the actions of others and all actions can be legitimately called proper or, as the case may be, improper. There is no framework for evaluation.

The problem has always been intractable. There were ethical norms and institutional practices that helped to keep this cynicism at bay. The articulation of these ethical norms and institutional practices is the task of this thesis. If one wanted to, as *Zhuangzi* says, allow others to “participate in arguments and discussions” and therefore to share power, then one’s “sagacity” and “knowledge,” those capacities that sought solitary insight into looming treachery, needed to be blunted or blinded. The powers of observation and surveillance need to be partially occluded. The image of the king partially blinded and deafened by his cap and the more colloquial understanding that “good parents-in-law needed to be blind and deaf” were responses to precisely this problem (see Chapter 3 below). If one wants to *see* duty in others, then one has to be *blind* to incipient challenges to power. Duty and morality needed the support of blindness, forgetfulness, and the possibility of renewal. It is not without reason, then, that the *Zhuangzi* coupled amnesty for thieves with the attack on sagacity. Behind the sharp rhetoric was an important insight.

The struggle for authority and recognition between the first Han chancellor Xiao He and the first Han emperor Gaozu shows the potential for these relationships to go awry *and* the norms that might restrain suspicions. The scene is a brilliant example of the complex cultural norms and resources that might put an end to suspicious “sagacity” and “knowledge.” Xiao He requested that the emperor open up the Shanglin park to allow people to farm there. Gaozu immediately ascribed

²⁶ Ames, *Confucian Role Ethics*, 264-265.

²⁷ *Ibid.*, 265.

petty motives to Xiao's request: "The chancellor (*xiangguo*) requests to use my park because he has taken money from merchants." Gaozu has Xiao shackled and arrested. Gaozu argued to other ministers that Xiao was acting out of base motives to "ingratiate himself to the people" whereas a good minister, like the Qin chancellor Li Si 李斯, would "let the ruler have a good reputation and assume any bad thing himself." Wang Weiwei responded that it is the proper business of the chancellor to make requests that are beneficial to the people and there is no reason for the emperor "to suspect that the chancellor took money from merchants." Gaozu reluctantly sent an emissary to "amnesty" (*she* 赦) the chancellor. The elderly Xiao crawls into court to beg Gaozu's pardon (*xie*). The emperor says, with more than a hint of sarcastic exasperation,

Just stop it, Chancellor. By not granting your request to use the gardens, I am but a ruler on par with Jie and Zhou. The Chancellor is a worthy chancellor. For this reason, I arrested you in order to let the people know of my errors.

相國休矣！相國為民請苑，吾不許，我不過為桀紂主，而相國為賢相。吾故系相國，欲令百姓聞吾過也。²⁸

Gaozu recognized that the terms of the game were different than those for the "hooligan" 無賴 who "captured the deer" and seized the emperorship.²⁹ His petty suspicions had to give way to a respect for office and his public performance required the willingness to *show* error. The corollary to blunted "sagacity" was the willingness to be visibly wrong, a rhetorical feature of imperial rule throughout the early period (See Chapter 4 below). As *Analects* 19.21 said, "the errors of the gentleman are like solar and lunar eclipses. They are visible to all so that when they are corrected all look up in wonder."³⁰

We can fruitfully relate Xu Fuguan's argument to Georg Wilhelm Friedrich Hegel's (1770-1831) discussion of the moral valet. In fact, Xu's particularly framing of the issue was perhaps drawn from that key passage in Hegel's *Phenomenology of Spirit* in which Hegel too discussed the problem of "objectification" and the imputation of motives to others:

Just as every action is capable of being looked at from the point of view of conformity to duty, so too can it be considered from the point of view of particularity [of the doer]; for, qua action, it is the actuality of the individual. This judging of the action thus takes it out of its outer existence and reflects it into its inner aspect, or into the form of its own particularity. If the action is accompanied by fame, then it knows this inner aspect to be a desire for fame...*Since, in the action as such, the doer attains to a vision of himself in objectivity, or to a feeling of self in his existence, and thus to enjoyment*, the inner aspect is judged to be an urge to secure his own happiness, even though this were to consist merely in an inner moral conceit, in the enjoyment of being conscious of his own superiority and in the foretaste of a hope of future happiness. No action can escape such judgment, for duty for duty's sake, this pure purpose, is an unreality...*No man is a hero to his valet; not, however, because the man is not a hero, but because the valet—is a valet.*³¹

²⁸ *Shiji* 53.2019; *Hanshu* 39.2011.

²⁹ *Hanshu* 1.66.

³⁰ *Analects* 19.21. *Lunyu yishu*, juan 10, 509: 君子之過也，如日月之食焉：過也，人皆見之；更也，人皆仰之。

³¹ Cited in Brandom, *The Spirit of Trust*, 551.

According to Xu, the ruler made the same error Hegel attributes to the valet, seeing the “objectivity” of duty as nothing other than the pursuit of the power and influence which may or may not accompany the fulfillment of duty. The scene is, however, reversed. While Hegel imagines petty *valets de chambre* mocking a great man or ruler, Xu imagines a ruler or emperor peering into the “inner aspect” of his ministers and finding petty men. Seeing petty men everywhere, the ruler then quite literally turns to his own valets, those trusted with his quotidian care, to vanquish the “esteemed ministers” who apparently threatened his power.

Hou Xudong 侯旭東 is the most recent well-known scholar to develop the theory of the “ripple effect cycle” of Chinese history.³² His history is an excellent example of what we might call valet history. He places particular emphasis on the relationship between the emperor and the so-called “intimate ministers” (*jinchén* 近臣) and many others who had private and personal relationships with Western Han emperors. These are the people who, according to the ripple model, pushed aside the independent ministers of the “outer court” and who would later themselves become “objectified” in the continual unfolding of history. His study of these imperial “trust” relationships, which he views as coincident with the relationship between the emperor and his “favorites” (*chong* 寵), is meant as a corrective to Hegelian-style history. By restoring the “relational processes” 關係過程 at play between specific emperors and their particular favorites, he tries to reinsert contingency and change back into the “linear history” of historical and institutional processes. The latter form of history did not think in terms of relationships but in terms of “substance” (*shiti* 實體).³³ The focus on “relations” is meant to restore agency to historical actors and prevent the “order from solidifying,” that is from becoming simply the mechanical functioning of offices and institutions.³⁴ Not to be outdone by the more “linear” historians, however, he refuses to stop at “thick description” and proposes his own “structural existence” (*jiegouxing cunzai* 結構性存在) residing beneath Chinese history: the “endlessly repeating” cycle of seeking, attaining, and losing favor.³⁵ While this is maybe more dynamic than some other modes of emplotment, Hou makes sure that we recognize that this structure of repetition compelled people to act in dangerous and futile ways. While agency is restored, people are left to act in quite narrow profit-seeking ways. Indeed, Hou says, their actions did not even take place in a well-defined “space” (*chang* 場) but rather in a “vortex” or “whirlpool” (*xuanwo* 漩渦). In this whirlpool (which is not a *space* for action) there are no groups (*qunti* 群體) or cliques (*jituan* 集團), except those that are formed temporarily for short-term benefit.³⁶ Those drawn into the vortex of playing for favor, Hou writes, were not like Max Weber’s Calvinists who hoped in the dark for the “grace” of God. There was no such higher calling in China and thus this dynamic could not produce anything “revolutionary.”³⁷ By turning away from Hegelian history, Hou lands right back where Hegel’s world history had started: a stagnant China. This faux dynamism that Hou wishes to restore to Chinese history is but the dynamism of the Red Queen’s country: “Now, here, you see, it takes all the running you can do, to keep in the same place.”³⁸

³² Hou Xudong, *Chong: Xin-renxing jun chen guanxi yu Xi Han lishi de zhankai* 寵：信任型君臣關係與西漢歷史的展開 (Beijing: Beijing shifan daxue chubanshe, 2018), 218.

³³ Ibid., 7.

³⁴ Ibid.

³⁵ Ibid., 220.

³⁶ Ibid., 222.

³⁷ Ibid., 22.

³⁸ Lewis Carroll, *Alice’s Adventures in Wonderland and Through the Looking Glass*, ed., Peter Hunt (Oxford: Oxford University Press, 1982), 145.

Hou's history is interesting because he reads history the way Huang Zongxi, Hua Zhan'en, Zhang Taiyan, Wada Sei, Xu Fuguan, and Yu Yingshi say the ruler reads his own ministers and servants. It is unabashedly the psychological perspective of the valet. As Hegel said:

These psychologists are particularly fond of contemplating those peculiarities of great historical figures which appertain to them as private persons. Man must eat and drink, he sustains relations to friends and acquaintances; he has passing impulses and ebullitions of temper. "No man is a hero to his valet-de-chambre."³⁹

Or as Hou puts it:

As individuals (*geti*) or members of a family (*jiaren*), emperors differ widely in personality, proclivities, passions, and experience. At the same time, they are deeply embedded in relational processes that become the object of struggle amongst the many...Some emperors will even take advantage of or develop these relationships in order to govern. The agency unleashed by "relations" is continuous and its activity is endless—it is the deep and stubbornly powerful mover of an age.⁴⁰

The mixed metaphors notwithstanding (a "mover" hidden deep within the epoch and the "unleashing" of agency) the argument is clear. Hou is interested in the particularity of these men which is not understood in terms of ideals, aspirations, or values, but in terms of personalities, proclivities, and passions. He is trying to uncover the "inner aspect" that even the sources themselves try to cover over:

Understood more exactly, the expressions of contemporaries are incomplete. The scholars (*rusheng*) who controlled history writing imagined themselves to be above those consorts and favorites who eagerly struggled for favor. Viewed with the *lens of today*, the scholars were also eager participants, even if their goals were somewhat different...Sometimes the difference was simply a matter of words as scholarly ministers (*ruchen*) governed by taking advantage of and seeking out various relationships.⁴¹

At the same time, Hou divides the discourse of "Confucians" (*rujia*)⁴² from the practice of classical scholars (*rusheng*) at court. This allows Hou to posit the previous structural cycle in which "private" relationships constantly eat up "public" offices and duties, while also arguing for a different kind of eternal structure. "Confucians" put private relationships first and then extended them to the public (先有私，後入於公), but

scholars (*rusheng*) adopted the attitude that private and public could not exist in the same space and thus left no space for the private feelings and relationships of the emperor. It was only natural that their ideas were in friction with the emperor's ways of thinking and acting.

³⁹ G.W.F. Hegel, *Lectures on the Philosophy of History: Complete and Unabridged*, trans., Ruben Alvarado (Aalten, the Netherlands: WordBridge, 2011), 29-30.

⁴⁰ Hou Xudong, *Chong*, 219.

⁴¹ *Ibid.*, 220.

⁴² I am hesitant to translate it this way, but Hou seems to have in mind a "school" or intellectual tradition that had a coherent and lasting impact on the formation of Chinese (political?) culture. In other words, he's using it in the usual anachronistic way of contemporary scholars.

From the Han dynasty on, this clash lasted for two thousand years. This situation came about due to the fact that the Ancients had a very fuzzy idea about the difference between public and private and the dividing line between public and private was unclear.⁴³

This is a rich and difficult passage to parse. Hou argues that “the Ancients” were unable to draw the line clearly, but scholars tried for two thousand years to keep private relationships out of public matters. The “friction” came about, we surmise, because there was not universal agreement about how to treat private and public matters. It is nevertheless odd, at least on Hou’s terms, that any friction would exist in the first place as there were, as he said, few stable substances to rub against one another.

The scholars just discussed all emphasize how the ruler’s suspicion of a minister’s selfishness—growing out of the ruler’s own selfishness—dissolved every “objectified” “substance.” These scholars all sense that there is a certain discomfort with anything independent and objective, but even on their own terms they emphasize “friction” and opposition, suggesting that there is always something there through which the ruler has to plow. In a moment, we shall see another possibly interpretation that proceeds to explain how the entire bureaucratic administration grew out of personal relationships, how “objective” and “independent” roles came about in the first place, but I want to say one last thing about the Chinese suspicion of substance and solidity, an assumption that is at the core of these scholars’ reflections.

Fei Xiaotong’s 費孝通 (1910-2005) concept of *chaxu geju* 差序格局, “differential frame,” has left a remarkable impact on the social sciences in China, an impact that is unmistakable in Hou Xudong’s study of “favoritism.”⁴⁴ The “differential frame” imagines Chinese society as a set of relationships proceeding outward from various selves, like the ripples generated by a rock thrown into water.⁴⁵ The expansion and contraction of these “private relationships” 私人關係 is a feature of the social order such that every single relationship is living under constant threat of abandonment. This is why, Fei writes, Chinese people have a particular sensitivity to the sudden changes between warm and cold relationships 世態炎涼.⁴⁶ For Fei, notably, even family relationships are not safe from this kind of violent contraction and expansion.⁴⁷ (A late imperial primer included the old proverb, “No one recognizes a poor man living in a crowded market; but to be wealthy in the mountains one finds distant relatives.”⁴⁸ This point, too, seems to agree with Huang Zongxi who described the scene of the last Ming ruler chopping off his own daughter’s arm as the rebels closed in. This was typical of the selfishness of the ruler’s understanding of the world. “Why did you have to be born in my household?” the emperor says as he tries to kill his own daughter.) Fei summarizes, “in our traditional social ethic *only personal connections (siren lianxi) produce any meaning.*”⁴⁹ In other words, any relationships that are not defined by personal connection are viewed with suspicion.

⁴³ Hou, *Chong*, 167. The ideas are fundamentally fuzzy. See Raymond Geuss, *Public Goods, Private Goods* (Princeton: Princeton University Press, 2003).

⁴⁴ When Hou references the differential frame he emphasizes that it is one of several possible forms of relationship, the other being the “public” (*gong* 公) institutions and laws. Hou does want to emphasize the “contradictory unity” 矛盾統一 of different forms of relationships, but he clearly thinks that the “favoritism” “vortex” is the major structuring force. For Hou on Fei Xiaotong and the *chaxu geju*, see 241-242.

⁴⁵ Fei Xiaotong, *Xiangtu Zhongguo* 鄉土中國, ed., Liu Haoxing (Shanghai: Shanghai renmin chubanshe, 2013), 25.

⁴⁶ *Ibid.*, 26.

⁴⁷ *Ibid.*

⁴⁸ *Zengguang xianwen* 增廣賢文, cited in Chen Lai, “Ming Qing shisu rujia lunli yanjiu,” 523.

⁴⁹ Fei, *Xiangtu zhongguo*, 29.

The other mode of social organization against which the “differential frame” is understood is the “group frame” (*tuanti geju* 團體格局). Relationships in this mode presupposed a relation between group and group member (*geren*). The group was a “substantial entity” (*shizai* 實在) that could “control the behavior of individuals” and upon which those parts who made up the group could rely.⁵⁰ This “substance” did not have form (*xing*) but could be “symbolized and expressed with form.”⁵¹ This kind of “group mode” was instantiated in the same culture that produced the idea of a god that “covered all things” (*longzhaowan you* 籠罩萬有) acting as a real being who was an arbitrator of a shared justice. This is exactly the sort of thing Hou and others say the ruler is suspicious of. How could there be, the question goes, anything that is real or objective outside of the concrete, private relationships of individuals?

(It is unclear to me exactly how these various concepts of *shizai*, *shiti*, and *keguan hua* entered into these conversations, but they have had a powerful organizing role in both social science theory and philosophy.)

In further agreement with Hegel’s theory of the valet, Fei says that this “differential mode” still produces some kind of real “order” (*zhixu* 秩序), but this order is given no positive expression as it would have in the “group mode” where members found meaning and strength by being a member of something greater. For Fei, the morality supporting Chinese “order” was “the conquest of the self (*keji*) and acquiescence to the outer world, namely changing the self in order to adapt to the outer order.”⁵² Or, as Hegel would put it, the valet view of the world “produces a view of morality as a perennial and hostile struggle against one’s own satisfaction, as in the injunction: ‘Do with repugnance what duty commands.’”⁵³ Taking pleasure in acting out of duty would, as Xu and others noted, appear as a hostile attack on rulers or peers. For the valet, the only form of objectification is *power*, *vanity*, and *greed*. Fei further argues that the repugnance of duty produced a completely “hypocritical” society in which “to save face” people merely refused to “disobey on the surface” 表面的無違. Beneath the surface was a lurking dissatisfaction with obedience because obedience had no meaning or apparent purpose other than momentary, fleeting needs to achieve one’s ends. Without any substantive entity, group organization, or distribution of offices, the order was, Fei thought, in a state of constantly impending (or real) civil war.⁵⁴

These analyses provide a theory of imperial power and morality that is complicit with the perspective of the suspicious ruler or selfish actor of which the authors are more or less critical. This complicity, however, thinks of itself as a more objective form of history writing in which there are no gentlemen, but only varying degrees of petty men acting in the world. Again, as Hegel perceptively writes:

The consciousness that judges in this way is itself base, because it divides up the action, producing and holding fast to the disparity of the action with itself. Further, it is hypocrisy, because it passes off such judging, not as another manner of being wicked, but as the correct

⁵⁰ Ibid., 31.

⁵¹ Ibid.

⁵² Ibid., 45.

⁵³ G.W.F. Hegel, *Elements of the Philosophy of Right*, ed., Allen Wood (Cambridge: Cambridge University Press, 1991), para. 124, 152.

⁵⁴ Fei, *Xiangtu zhongguo*, 92. Fei Xiaotong’s reading might be fruitfully compared to a roughly contemporary study of Italy, Edward Banfield’s *The Moral Basis of a Backward Society* (New York: The Free Press, 1958). The same sort of arguments are made there. Anti-organization, suspicion, and selfishness. Banfield, for instance, says that “in a society of amoral familists, the claim of any person or institution to be inspired by zeal for public rather than private advantage will be regarded as fraud.” (p. 98)

consciousness of the action, setting itself up in this unreality and conceit of knowing well and better above the deeds it discredits, and wanting its words without deeds to be taken for a superior kind of reality.⁵⁵

These Chinese writers who see this process of gaming favor with varying degrees of disgust adopt a position that is apparently *not* purely self-interested. We would be hard-pressed, I think, to say in good faith of Hou what Hou says of earlier scholar-historians, namely, that his analysis is just cover for his own selfish motives. We could, of course, read Hou's own attack on Hegel and the idea of a "personified" history doing things in the world as a thinly veiled attack on the Chinese Communist Party and its ideology. In other words, the emphasis on the contingency of history and the importance of personal relations is merely an attempt to restore humanity to a bureaucratic machine that has lost its soul. But surely this would be an overly suspicious reading. Hou's assessment of "favorites" and the emperor's private relationships reproduces the critique of early scholars who opposed luck and favor (*xing* 幸), but tries to hide the value judgment. The earlier value judgment is ignored by judging early scholars' criticism of "favor" as another move in the game to win the emperor's favor. Having made this move, Hou asserts that early thinkers were unclear on private and public relationships because they all blended together. This kind of thing quickly becomes ahistorical in the name of a more thoroughgoing suspicious reading of history. Like the ruler who sees treachery everywhere, the historian will find exactly what he's looking for.

Suspicion liquifies. Allow me to conclude this section by reflecting on the liquid metaphors that gather around this reading of imperial distrust. In this rendering, historical actors are not in a well demarcated space (*chang*) but are rather sucked into a whirlpool or vortex. The order "ripples." Things that are solid or object-like are washed away and replaced by other things that are less rigid. The "fluid" nature of Chinese power and institutions have become so much a part of the historiography of China that the scholar Kishimoto Mio 岸本美緒 in her studies of the "feeling of status" in late imperial China can posit it as the consensus position to be attacked. Her summary of the position helpfully brings together the threads outlined above and her research points a way forward. She says:

The idea that Chinese "power" (*quanli*) is not institutional and is presuppositionless has been discussed in many different forms. Organizations of various kinds in local society, including villages and guild organizations, have no legal personhood that transcends individuals, and are really just the accumulation of relationships between individuals...For this reason, the tautological phrase, "the only power (*lilang*) that can make people obey is power (*quanli*)," is in the end the only way to make sense of a fluid order that lacks any institutional framework.⁵⁶

Displeased with this framework, she seeks to write the history of how social distinctions *felt*. It is not enough, she thinks, to stop at fluidity, there must be something besides force that puts up resistance, that asserts itself, that marks itself out as the "space (*chang* 場) of human interaction." In fact, she argues that it was precisely the fluidity of society that demanded the creation of carefully articulated

⁵⁵ *The Spirit of Trust*, 550-551; Robert Brandom, *Heroism and Magnanimity: The Post-Modern Form of Self-Conscious Agency* (Marquette University Press, 2019), 59.

⁵⁶ Kishimoto Miao, "Min Shin jidaishi no mibun kankanku" 明清時代の身分感覚, in *Min Shin jidai no kibon mondai* 明清時代の基本問題, eds., Mori Masao, Noguchi Tetsuro, Hamashima Atsutoshi, Kishimoto Mio, and Sato Fumitoshi (Tokyo: Kyuko shoin, 1997), 404.

ways of drawing distinctions. Distinctions were working against an abyss of indistinction which made them appear all the more important.

These metaphors are important for conceptualizing these issues. It is not a coincidence that Hou opposes the use of the word *chang* 場 (field, site, place, space). Ritual relationships happen in places. The private relationships that Hou wants to analyze happen in a vortex. Mio proposes to study the concrete *chang* 場 in which people interact in order to oppose the abysmal fluid darkness in which all cows are black, all men are petty, and people obey because people obey.

Spaces for Action: Fellow Feeling, Favor, and Trust at the Root of Offices and Duties

According to the above scholarly narrative, independent officials appeared as a constant threat to the ruler's freedom and esteem and he thus sought to neutralize them by deploying his own private servants. This section examines the literature that takes the argument in the other direction. The question here is not how suspicion and fear undermined the bureaucratic order, but how the bureaucratic order emerged as an independent force from private relationships. This is the necessary corollary to the above narrative. Here we learn how *valets de chambre* become respectable, independent public servants. This is quite literally the case in some instances in the global history of bureaucracy. The "title of chamberlain, borne by some of the king's exchequer officials, shows its origin in the king's bedroom or chamber." These private chamber servants moved from caring for "treasure in a box in [the king's] bedroom" to becoming the head of separate office with their own staffs and separate responsibilities.⁵⁷

One of the more sophisticated approaches to this side of the problem is Masubuchi Tatsuo's 増淵龍夫 (1916-1983) book, *State and Society in Ancient China* 中国古代の社会と国家. He too emphasizes "feeling," but his approach to the problem is more complicated than the simple division between "public" and "private" relationships or, as Hou Xudong would have it, "ritual" and "trust" relationships. Masubuchi wants to find the underlying passions and customary practices that shape and legitimate an otherwise mechanical and cold bureaucratic order. He takes the *solidity* of that order for granted and wants to find the feelings, norms, and customs that underwrite that order:

The bureaucratic system of the Han was, from the perspective of institutions, essentially a governing system run by an autocratic ruler. However, within the framework of that kind of system, its real workings show another mechanism hidden in the lived feelings and customs of each bureaucrat.⁵⁸

This is the opposite of the tack taken by the scholars above. Those scholars looked to *reduce* gentlemen officials to petty men vying with one another for favor and fame. Masubuchi wants to show what kinds of feelings and practices might make emperor, official, and commoner join together and esteem one another in the first place.

In a kind of Weberian move, Masubuchi wants to show how the apparent rigidity of order was once animated by customs and feelings that appear in tension with the bureaucratic

⁵⁷ T.F. Tout, "The Emergence of a Bureaucracy," in *A Reader in Bureaucracy*, ed., Robert Merton (The Free Press, 1952), 70. Also cited in Yu Yingshi, 60.

⁵⁸ Masubuchi, *Zhongguo gudai de shehui yu guojia* 中国古代の社會與國家, trans., Lü Jing 呂靜 (Shanghai: Shanghai guji chubanshe, 2017), 23. I will cite from this Chinese translation. The translation is based on Masubuchi Tatsuo, *Chügoku kodai no shakai to kokka* (Tokyo: Iwanami Shoten, 1996).

phenomenon itself. Emerging out of the late Zhanguo practice of patronage, these feelings and customs were open to several different kinds of further development: the Confucian emphasis on ritual, magnanimity, and cultivation; the Legalist emphasis on the calculation of reward and punishment; and the knight-errant (*xia*) emphasis on trust and the faithful repayment of kindnesses. The ideal-type of this new form of relationship was, for Masubuchi, seen in the late Zhanguo period patrons. These patron relationships exemplified a form of trust relation built among non-family members after the collapse of a strong lineage society.⁵⁹

Masubuchi's description of this ideal type of relationship that he found at the source of the early bureaucracy is worth quoting in full as it contains in miniature the components of the trust problem explored in this thesis:

In their treatment of the private retainers and guests, the patrons would condescend and treat them with great generosity regardless of their status. Even if they were criminals fleeing the law, as long as they requested protection, they would be brought in and cared for as retainers and guests. This *modus operandi* had already become by this point a social custom. In this custom, insofar as retainers and guests had established a solid emotional-ethical (*qingyi*) connection with the patron, they would gladly commit their persons to his service in order to repay the great favor (*en*) they had received.⁶⁰

Masubuchi further argues that the appearance of knight-errant culture “among the people” was a popularization of this paradigmatic form of joining with others. The sophistication of Masubuchi's account lies in his analysis of the ethical and technical ambiguities of this kind of relationship. Does the retainer repay his patron because the retainer himself is virtuous (has *de*)? Does the retainer repay because this is a purely transactional relationship in which the debt incurred has to be cleared? What is the meaning of the patron's condescension? Is that an expression of the patron's virtue or is it a kind of manipulative ritual technology for compelling obedience? Is it, as the late imperial primer had it, simply moral manipulation (“If someone condescends in ritual obeisance, they must want something” 禮下於人，必有所求)?⁶¹ Is there a difference?

Masubuchi isolates two different directions one might go with this relationship, namely, in the direction of *virtue* (*de* 德) and in the direction of *technique* (*shu* 術). The basic, everyday meaning of *de*, Masubuchi argues is “favor.” He adduces a number of Zhanguo and Han sources to show that this is the case. *De* can thus be understood as a kind of benefit (*li* 利) that one receives. With the receipt of benefit comes the expectation of repayment. That is the basic frame of *de* as understood on an everyday level.⁶² To underscore the point, Masubuchi cites Sima Qian's opening remarks from the “Biography of the Knight-Errants”:

Vulgar men have a saying: “What do I know about humaneness and right (*renyi*)? Those who benefit me have virtue.” Thus, Boyi and Shuqi were disgusted with the Zhou, but King Wen and King Wu were not thereby demoted; Robbers Zhi and Qiao were violent, but their

⁵⁹ Ibid.

⁶⁰ Masubuchi, *Zhongguo gudai*, 189.

⁶¹ Chen Lai, “Ming Qing,” 523.

⁶² For detailed studies of the meaning of *de* 德 and its relationship to favor, see Nivison's “paradox of virtue,” in David S. Nivison, *The Ways of Confucianism: Investigations in Chinese Philosophy* (Chicago: Open Court, 1996), chapters 2-4; see also Robert Gassmann, “Coming to terms with *de*: The deconstruction of ‘virtue’ and an exercise in scientific morality,” in *How should one live? Comparing Ethics in Ancient China and Greco-Roman Antiquity*, eds., Richard King and Dennis Schilling (Berlin and Boston: De Gruyter, 2011), 92-125.

followers spoke of right (*yi*) endlessly. Viewed from this perspective it is not empty to say, “Those who steal buckles are executed, while those who steal kingdoms become noble lords. Humaneness and right (*renyi*) exist only at the gates of the noble man.

鄙人有言曰：何知仁義，已饗其利者為有德。故伯夷醜周，餓死首陽山，而文武不以其故貶王；跖、矯暴戾，其徒誦義無窮。由此觀之，竊鉤者誅，竊國者侯，侯之門仁義存，非虛言也。⁶³

Sima Qian makes the same argument made in the *Zhuangzi* and even cites the same parable about the theft of kingdoms. This suspicious reading of virtue follows the same line as explored by the scholars above. It is this kind of “favor” that Hou has in mind when he speaks of private relationships. This deflationary reading of favor and virtue was, to repeat, always available, but as Masubuchi rightly points out, the patron-retainer “site” (*basho* 場所) added important elements that elevated the grammar of virtue and shaped it in new and interesting ways, either as *virtue* or as *technique*.

The idea that “humaneness and right exist only at the gates of the noble man” itself was a deeply ambiguous phrase. On the one hand, it seems to indicate that might makes right. On the other hand, however, the concept “noble” had its own weight and demanded a set of different practices. By virtue of attaining the position of noble or king, a famous or successful thief is at least forced to pretend that he is different from just any other thief. The “Robber Zhi” 盜跖 chapter of the *Zhuangzi*, the great allegory of early imperial power, shows Kongzi trying to persuade the most violent man in the world to seize power and rule as a true king. The story is reworking the “trunk” problem from the other direction. Instead of ruler’s fending off thieves with misguided “sagacity” and “knowledge,” we have Kongzi persuading a thief to take up political power—to seize the kingdom. Kongzi tries to turn Robber Zhi into a respectable ruler by teaching him how to act like Masubuchi’s great patrons:

If the General [Robber Zhi] were to build a great wall of several hundred *li* and set up a city with hundreds of thousands of people, the general would be esteemed as a noble lord (*zhuhou*). You could give the entire world a new start (*yu tianxia gengshi*), disband the army and rest the troop, gather and support brothers who would make offerings together with you to your ancestors. This is the virtuous behavior of a sage or talented gentleman and the hope for the entire world.

使為將軍造大城數百里，立數十萬戶之邑，尊將軍為諸侯，與天下更始，罷兵休卒，收養昆弟，共祭先祖。此聖人才士之行，而天下之願也。⁶⁴

In both Masubuchi’s account of the early patrons and Kongzi’s recommendations here, we find *amnesty* (*yu tianxia gengshi*) as an essential component of order-making. If the “Robber Zhi” chapter dates from before the reign of the Qin Second Emperor, then this would be the earliest reference to amnesty as a “new beginning” seen anywhere in Chinese sources, excavated or otherwise. The next reference is in the Second Emperor’s edict in 209 BCE. The cynic might still look at empire as a mafia of organized private relationships, but the grammar of virtue placed certain restrictions on how rulers should appear in public.

⁶³ *Shiji*, 124.3182.

⁶⁴ *Zhuangzi jishi*, Chapter 29, “Dao zhi,” 986-987.

One possible development of the patron-client relationship was the idea of rule by virtue. The patron would attend to his own virtue as a way of moving others to act virtuously. Attending to one's own actions was one way of acting with duty vis-à-vis others. This kind of attention to one's own public actions—in other words, one's social cultivation—performed trust in the sense of the visibly blind paradigm developed in this thesis. The patron or ruler publicly takes on blame, explaining the infractions of others as one's own failure of virtue. The expectation was that the visibility of one's actions in assuming blame would have a salutary effect on others. Instead of seeing infractions or crimes as a threat to one's rule, one saw them as a possible opening for bringing the other into the fold. This is why the acceptance of criminals, amnesty, and forgiveness were essential to the art of the magnanimous patron/ruler. Assuming blame paired with (partial) blindness to others faults could move the whole world.

Masubuchi relates the example of the “knight-errant” (*xia*) Guo Xie 郭解 (mid second c. BCE) as proof that these kinds of bonds continued into the two Han empires. In fact, Sima Qian argues that the Han knight-errants were Han versions of the Zhanguo patrons.⁶⁵ The story of Guo Xie is instructive because it shows a kind of ethical growth like that anticipated in Kongzi's encouragement of the Robber Zhi. Guo Xie was once a “sly and violent” 陰賊 young man who was ready to attack at the slightest sign of impropriety. In other words, he was suspicious and crafty. In his maturity, however, his character changed and he “repaid resentment with favor and gave generously but expected little in return” 以德報怨，厚施而薄望. This new, mature attitude was on full display in his response to someone who treated him with great rudeness. Guo's own retainers were ready to kill the man, but Guo said to them with, “I have been disrespected because I have not cultivated my virtue 吾德不修, so what crime has the other committed?”⁶⁶ Guo also used his connections to keep the offender from having to do corvée labor. The man was deeply moved by Guo's “virtue” and appeared before him “baring the skin of his chest and begging pardon for his offense” 肉袒謝罪.⁶⁷

Virtue, condescension, and blindness to faults were the key markers of what Masubuchi called the Ru development of the Zhanguo patron relationships. The tension between Guo and imperial power—especially the tension felt by certain Ru who believed they were acting to defend imperial order—existed because Guo's actions looked so similar to imperial power and virtue. As if to dramatize the parallel between Guo's actions and imperial power, Sima Qian relates how the Emperor Wu 武帝 (156-87 BCE) period Ru chancellor Gongsun Hong 公孫弘 (d. 121 BCE) goes against the law and revoked an imperial amnesty to punish Guo for crimes that his followers committed without Guo's knowledge. After becoming chancellor, Gongsun Hong himself had established a hall for retainers and welcomed many worthy men, following the form of the patron-client relationships Masubuchi discusses. He was, however, “by nature suspicious, outwardly tolerant but inwardly brooding” and would exact retribution on others even as he “pretended to be friendly” with them.⁶⁸ Gongsun Hong was, in other words, a petty man. Thus, exactly like Guo's followers who disregarded the tolerance and virtue of their patron, Gongsun disregarded both the emperor's amnesties and imperial laws to exact a brutal punishment on Guo. He had his entire clan executed.⁶⁹

Guo's crime was acting like the emperor himself. Ban Gu 班固 (32-92 CE), in a much less friendly assessment of the knights-errant, argued that these local patron-client relationships blurred

⁶⁵ *Shiji* 124.3183.

⁶⁶ *Shiji* 124.3186.

⁶⁷ *Ibid.*

⁶⁸ *Shiji* 112.2951.

⁶⁹ *Shiji* 124.3188.

social distinctions, the purpose of which was to prevent subjects from “looking for favor and luck” (*jìyú* 覬覦).⁷⁰ Officials should “uphold the laws and follow commands in the execution of their offices; those who are derelict in their duties are punished and those who impinge on offices are fined.”⁷¹ This same fear of blurred distinctions was present in Jia Yi’s earlier criticism of local kings who adopted the accoutrements of imperial power, including the ability to amnesty. This is the tension at the heart of the imperial order. The magnanimous emperor acts in a way that encourages others to be magnanimous and virtuous in their own relationships, but the emperor cannot tolerate too many other people who are as magnanimous as the emperor, so the emperor has to turn to the more mechanical enforcement of social hierarchy—offices, laws, and so forth.

Excesses notwithstanding, the patron-client relationships of men like Guo and his impartial sense of justice (he refused to defend the improper actions of his own family members) showed a sense of uprightness that went beyond a purely instrumental relationship maintained by coercion, wealth, or suspicion. Sima Qian makes a point of distinguishing between this kind of bond and the bonds of local magnates who gather friends and form cliques, “using their wealth to employ (*yì* 役) the poor” and “bullying those who are weak and alone.”⁷² Even Ban Gu, who puts Guo on the other side of the line, still credits the actions of other “knights-errant” with a “gentlemanly air” 君子之風, even as Guo’s own actions sadly did not “enter into the realm of virtue (*daode*).”⁷³ This is a narrow line to hold and was constantly threatened by the kinds of suspicions outlined in the previous section.

The Quality of Favor (*xíng* 幸)

The language of virtue and favor was central to the articulation of the emperor’s relationship to his officers, both at court and in the provinces. Far from making a sharp distinction between private favor and public office, as Hou does, the language of “favor” supported the independence and “objectification” of officers *as* officers. Implicit in one idea of “favor” is that one deserves it. It is because of this that the language of favor actually functions as a means of self-assertion for officials. The connection between “favor” and self-assertion is seen everywhere. We see in these texts the adoption of the patron-client language as a means of arguing for the client’s commitment to duty. In the *Chuci* 楚辭, for instance, the author of the “Jiu Bian” 九辯 says:

I would willingly gag my mouth and say nothing,
Had I not once enjoyed rich favors from my lord.
願銜枚而無言兮，嘗被君之渥洽。

And in the same poem:

My lord has banished me far off and will not examine my cause:
Even though I wish to be loyal, I have no means to show it.
I should like to keep silent and sunder all links with him;

⁷⁰ *Hanshu* 92.3697.

⁷¹ *Hanshu* 92.3697. 百官有司奉法承令，以脩所職，失職有誅，侵官有罰

⁷² *Shiji* 124.3183 至如朋黨宗彊比周，設財役貧，豪暴侵凌孤弱，恣欲自快，游俠亦丑之。

⁷³ *Hanshu* 92.3705.

But I dare not forget the great favor (*bou de*) he once showed me.
君棄遠而不察兮，雖願忠其焉得？
欲寂漠而絕端兮，竊不敢忘初之厚德。⁷⁴

The critique the author utters against his ruler is complicated by the favor the ruler once showed him, favor that invigorates the speaker with a strong sense of duty. Only a return gift of integrity is worth such great favor, and mindless obedience would not suffice.

Similar arguments are found throughout the Han histories as well. For instance, an imperial emissary angers the emperor with his claim that imperial favor demands that he prosecute an imperial favorite:

Your servant is most fortunate (*xing*) to be made an emissary. The office demands that I attack and promote impartially. I dare not cower before the powerful positions of those most honored and favored by you, and thereby block your penetrating insight.
臣幸得銜命奉使，職在刺舉，不敢避貴幸之勢，以塞視聽之明。⁷⁵

Official administrative documents evoke this language as well. In a recently excavated legal case from Wuyi guangchang 五一廣場 dated to 104 CE, local officials are accused of running a moonshining scheme with the help of convict laborers and others under their command. While enumerating these specific crimes, the document also laments that the officials

in holding office [the offenders] were blanketed with favor (*en*), and despite that, they did not strive with all their might to act loyally [in return]. Nor did they cleanse their hearts and maintain their sense of duty [lit., possess themselves].
蒙恩在職、不思竭力盡忠。洒心自守。⁷⁶

In each of these instances, the ruler's favor is the *reason* why one can assert himself, even against the ruler.

It is in this sense that offices and duties might emerge out of these seemingly “private” patron-client relationships, as Masubuchi argued. The idea of “favor” contains within it a respect for the independence of the favored and not simply a manipulative and one-sided demand for obedience and unthinking loyalty.

Another possible development of the patron-client relationship of “favor,” Masubuchi argues, was the “technical” (*shu* 術) one. This develops the idea of the “benefit” of favor in a purely instrumental or, to use Masubuchi's Weberian turn of phrase, “rational” direction. The patron-client relationship did not work because of condescension and blindness to faults but due to the calculation of benefit. The ruler could then grasp the “handles” of reward and punishment to command the behavior of officials and subjects. Han Feizi and other so-called Legalists would develop this line of thinking. Masubuchi's key insight is that the instrumentalization of *de* emerged from the same basic ideal-type relationship that produced the other discourse of rule by virtue.

⁷⁴ Hong Xingzu 洪興祖, *Chuci buzhu* 楚辭補注 (Beijing: Zhonghua shuju, 1983), p. 189-190; See David Hawkes, trans., *Songs of the South: an ancient Chinese anthology of poems by Qu Yuan and other poets* (London: Penguin Classics, 1985), 212-213, modified slightly.

⁷⁵ *Hanshu* 77.3262.

⁷⁶ Changsha shi wenwu kaogusuo 長沙市文物考古所, et. al., ed., *Changsha Wuyi guangchang Dong Han jiandu* 長沙五一廣場東漢簡牘, vol. 1 (Shanghai: Zhongxi shuju, 2018), #378, 2010CW1(3):199-1, p. 84.

The frequent indistinguishability of these two types and the ways in which they might bleed into one another will be shown throughout this thesis. The dynamic of “favor” (*de* or *xing* 幸) is difficult to contain. In both the virtue and the technical modes, “favor” requires recognition *and* transformation. In the virtue mode, one shows favor and respect to another in recognition of something in them deemed worthy of esteem (recognition). It may very well be the case that what is worthy of esteem is not *apparent*—as in the case of the rude person or the criminal—so the favor or respect shown is intended to inspire or reveal the gentleman hidden beneath the petty man, so to speak (inducing transformation). In the technical mode, reward recognizes duty well done, thereby creating an incentive for performing one’s office or duty (inducing transformation). These two modes, however, are premised on two different self-images of the patron. In the virtue mode, the patron is a gentleman who lowers himself to show respect and reverence to other actual or potential gentleman. In the technical mode, the patron is a gentleman who rewards (and punishes) actual and potential petty men. The decision, then, to develop the patron-client relation and the ruler-ruled relation into either of these two directions concerns a decision about the basic structure of status in society composed of gentlemen and petty men, *junzi* 君子 and *xiaoren* 小人.

By drawing our attention to the patron-client relation and the language of *favor* (*de*) at the root of the imperial order, Masubuchi dramatically complicated the picture of both rule by virtue and rule by technique. Building on Masubuchi this dissertation shows that neither those who speak in terms of rule by virtue nor those who speak in terms of rule by technique have favorable things to say about favor. Order was ideally, across the board, the elimination of rule by haphazard favors. The *Han Feizi* caricatures Kongzi’s political philosophy as teaching rule by favor—teach people to remember favor 教民懷惠—but this was, by any measure, simply a caricature. The authors of the *Han Feizi* feared that rule in such a way would allow “those without merit to receive reward, and criminals to go free” 無功者受賞，而有罪者免。⁷⁷ The same chapter continues to argue for an order devoid of all favor and resentment. The elimination of favor and resentment is paired with a “perspicacious ruler’s sight”:

The perspicacious ruler sees the smallest wickedness when they are still subtle, so the people have no great plans; punishments are made for the smallest of things, so the people are not greatly disordered. This is what is called planning for the difficult while things are still easy and thinking of the big while things are still small. In this way, those with merit will certainly receive rewards, but those rewarded will not treat it as favor from the ruler because it was brought about by their own efforts. Criminals will certainly be punished, but those punished will not be resentful of their superiors, because the punishment came about because of crime. The people know that punishments arise because of their own actions, thus they feverishly tend to their own business and do not receive gifts from the ruler.

明君見小姦於微，故民無大謀；行小誅於細，故民無大亂；此謂圖難於其所易也，為大者於其所細也。今有功者必賞，賞者不得君，力之所致也；有罪者必誅，誅者不怨上，罪之所生也。民知誅罰之皆起於身也，故疾功利於業，而不受賜於君。⁷⁸

The ideal here is clearly responding to a picture of ruler/ruled relationships modeled on the patron/client relation Masubuchi described. The description here of everyone getting what is owed to them, without favor or resentment, is the underlying ideal motivating all political ideas in the early

⁷⁷ *Han Feizi jijie*, *juan* 16, Chapter 38, “Nan san” 難三, 374-375.

⁷⁸ *Ibid.*

empires. However, the framing of this in terms of virtue or technique has important practical implications.

To put the difference between virtue and technique succinctly, rule by virtue embraces the picture of perfect rule just described, but wants to preserve the language of favor, to *misrecognize* the exchange between ruler and ruled as one of favor. The technical version of the patron/client relation, on the other hand, works excise every last remnant of the feeling of getting something one does not deserve. The language of favor always corrupts, the argument goes, the sense of what is upright. As we saw before, the existence of the *language* of favor, however, did not imply the existence of a purely “private” relationship in the way Hou meant. The language of favor performed an important role in communicating duties without making explicit demands or accusations of the other. The assertive minister says to his ruler, as we saw above, “You favor me because you see in me the potential to speak the truth.” Those committed to virtue also rejected favor in the sense of “buying” off one’s loyalty. They were wary of the instrumentalization of gratitude that reeked of the machinations of petty men. A Han reading of the *Analects* 4.11 line, “The gentleman holds norms in his breast, the petty man holds favor” 君子懷刑，小人懷惠, emphasized, for instance, that the gentleman finds comfort in *norms* (*xing* 刑) whereas the petty man finds comfort in *favor* (*hui* 惠).⁷⁹ When the Eastern Han commentator Zhao Qi 趙岐 (d. 201) commented on *Mengzi* 2B3 he underscored the contempt that the gentleman shows to this kind of favor. In that passage, Mengzi’s student Chen Zhen asks why his teacher accepts some gifts and not others. Gifts, Mengzi says, to be licit must have a certain occasion. He did not accept a gift in Qi because, “there was no occasion for a gift, and to send someone a gift in the absence of any occasion for it is bribery. Is it possible to procure (*qu*) a gentleman with a bribe” 若於齊，則未有處也。無處而餽之，是貨之也。焉有君子而可以貨取乎？⁸⁰ Exactly how a gentleman might be “procured” or “taken” (*qu*) is left out of the *Mengzi*. Zhao Qi, for his part, described the *feeling* that a bribe is meant to instill in a person:

If there is no proper (*y*) pretext for the gift, this is an attempt to procure (*qu*) me with wealth. The giver wants to make (*shi*) me remember favor (*huai hui*). But how can the gentleman be procured with wealth? He allows only what is permitted by ritual (*li*).
義無所處而餽之，是以貨財取我，欲使我懷惠也。安有君子而可以貨財見取之乎？
是其禮當其可也。⁸¹

The same sentiment is expressed by Wang Chong 王充 (25-100 CE) who says that those who feel compelled by gifts are poor, petty men. The gentleman who “has the *dao*” is not purchased by the gift, because he is confident in his own ability to “repay” with his commitment to right conduct.⁸²

Both discourses—virtue and technique—reject the vulgar feeling of favor that demands unprincipled loyalty or slavish obedience to the whims of the patron. In practice, of course, this gets quite messy, especially because the language of favor was so central to the language of imperial rule. An excellent example of the confusion that this language could produce is Qin Hui’s reading of Qing emperor Yongzheng’s 雍正 (1678-1735) criticism of his ministers use of polite language. Yongzheng corrected a courtier who said, employing the colloquially polite language of the period,

⁷⁹ *Lunyu yishu*, *juan* 2, 89.

⁸⁰ *Mengzi zhengyi*, *juan* 8, 263.

⁸¹ Ibid.

⁸² Huang Hui 黃暉, ed., *Lunheng jiaoshi* 論衡校釋, (Beijing: Zhonghua shuju, 1990) (2011 rpt.), *juan* 12, “Liang zhi” 量知, 547.

“The ruler’s favor is so weighty, someone as petty as I can hardly repay it” 君恩深重，涓埃難報。Yongzheng replied with a criticism:

Ancient men were upright and did not seek profit. They made clear the way and did not calculate their achievements. If you speak of gratitude and repayment when awards are presented, this is a lesser form of duty. You should just do what should be done according to the principles for a minister. What need is there to speak of the depth of a ruler’s favor? If you can act with this mind, favor will arrive of its own accord.

古之人，正其誼，不謀其利，明其道，不計其功，若於賞賚時而始言感激圖報，則落第二義矣。但盡臣節所當為，何論君恩之薄厚，能秉此心以往，自無不蒙。⁸³

Qin only cites the above underlined portion of Yongzheng’s instruction, explaining, “that is to say, even when the ruler does not act like a ruler, the minister is not allowed to *not* be a minister.”⁸⁴ Qin believes this is an excellent example of a “Legalist” ruler demanding unconditional loyalty and is thus emblematic of the real Legalism shaping traditional Chinese politics below the “Confucian” surface.⁸⁵ In fact, Yongzheng is merely restating what must have been obvious to everyone steeped in classical learning: *doing what is right is not premised on the personal favor shown by the ruler*. (Indeed, in the portion not quoted by Qin but cited here, Yongzheng explicitly cites the Han thinker Dong Zhongshu 董仲舒 (ca. 198 BCE to ca. 107 BCE).⁸⁶) If Yongzheng had done anything “anti-Confucian” it was the refusal to continue the public misrecognition of favor language—although that is significant.

What Yongzheng’s comment shows more than anything is the ambivalence of “favor.” Indeed, he seems to be doing exactly the opposite of what Zhang Taiyan’s hypothesis suggested. Zhang said that the ruler feared independence and would seek to develop relationships of private favor in order to limit the power of independent offices. Here, however, we have a “despotic” ruler doing just the opposite. He is trying to limit the claim to a personal tie between official and ruler. This seems to confirm, as Joseph Levenson said many years ago, that the self-abasement of the official or courtier, the expressions of loyalty and gratitude, were really the mechanisms for self-aggrandizement.⁸⁷ The expressions of loyalty and gratitude kept the ruler in *visible* relationships with his subjects, the visibility of which imposed certain demands on all parties. The “anti-Confucian” argument is not about the content of what is demanded, but the *way* it is demanded. If the ruler retreats from the relationship and tries to make demands in which his own person is not at stake—making demands from a non-place invisible to all—the argument then becomes “Legalist.” This shift in the ethics of the relationship is substantial, but the difference cannot be seen in terms of the content of the words he utters. The difference is revealed only in the context and actions brought to the encounter.

The difference between the suspicious rulers of the previous section and those who sought to rule by virtue is the difference between *penetrating knowledge* and *misrecognition*.⁸⁸ The patron/client

⁸³ Qin Hui, “Xi-Ru huirong,” 178-179.

⁸⁴ Qin, “Xi-Ru huirong,” 178-179.

⁸⁵ Ibid. A more surprising aspect of Qin’s misreading is its internal inconsistency. Qin argues explicitly—and I think rightly—that the Legalist position, unlike the Confucian’s, tries to keep in play an individual’s desire for personal benefit. By saying that his minister should not speak of benefit and favor means, on Qin’s *own* terms, that he is making an anti-Legalist argument.

⁸⁶ *Hanshu* 56.2524.

⁸⁷ Joseph Levenson, *Confucian China*, 71.

⁸⁸ For “misrecognition,” see Pierre Bourdieu, *Outline of a Theory of Practice*, trans., Richard Nice (Cambridge: Cambridge University Press, 2013) (French original, 1972), 164 and *passim*.

bond provided the possibility that self-cultivation, self-blame, and the bestowal of favor on even apparently bad men might have salutary effects. These relationships, like any relationship of trust, required the assumption of certain risks, however, including the risk that one's favor would be abused or the risk that others would view the relationship between gentlemen simply as the exchange of petty favors between thieves. The degree to which a ruler could endure this risk was, perhaps, a testament to his own commitment to virtue, but it was equally a testament to the dangers of not assuming the risk, as shown in the rat/vessel dilemma of the next chapter.

CHAPTER 2: STATUS CONFUSION, MORAL CONFUSION, AND THE STRUGGLE FOR *XIN*

“Those above and below each attaining their position is called *xin*. *Xin* is not a matter of perfect equality.” 上下皆得其所之謂信。信非至齊也。¹

“Only a hierarchical society that knew its distinctions well could have placed so much value on the gentleman’s capacity for condescension—that voluntary humiliation, that willing descent from superiority to equal terms with inferiors.”²

The two historiographical approaches of the last chapter and the related ambiguity of favor we might say reproduces the confusion and doubt in early sources about the nature of status, power, and duty. It would hardly be news to men and women in early imperial China that virtue, duty, and office were never pure and unadulterated. They were frequently mixed in with strength, wealth, cunning, and connections. This did not mean, however, that there were two different realms—the realm of ritual and office, on the one hand, and the realm of connections and relations, on the other. The attempt to distinguish realms along those lines will confuse the issue and impose categories—like clearly defined boundaries between private and public—that even historians who are wont to make such distinctions admit were non-existent at the time. What we need is an outline of how early imperial China attempted to create a legible and dignified order with those very real confusions and suspicions about duty and power. How did they create and maintain markers against the backdrop of a natural sameness—even natural equality—that they saw threatening the possibility of order?

In this chapter, I explore the problems of status and moral confusion and begin to mark out the language and strategies clear-thinking people used to salvage some kind of dignified order from the seemingly hopeless condition of a natural sameness. The watchword under which I will bring this conversation is *xianyi* 嫌疑. The term denoted the anxieties around conflation, confusion, doubt, imitation, pretense, duplicity, ambiguity, and so forth.

The Problem: What is *xianyi* 嫌疑?

Conflation, Similarity, Equality

The single character *luan* 亂 could mean chaos *or* order. How does one know which meaning is meant in any particular context? Guo Pu 郭璞 (276-324) in his commentary to the *Erya* 爾雅 explains:

“Departing” (*cu*) can mean “staying” (*cun*) in the same way that “chaos” (*luan*) can mean “order” (*zhi*), the “past” (*nang*) can mean the “future” (*xiang*), and “then” (*gu*) can mean “now” (*jin*). These are all examples of opposite meanings in hermeneutics (*guxun*). What is beautiful and ugly are not confused even if they have the same name (*bu xian tong ming*).

¹ Li Ling 李零, *Guodian chujian jiaoduyi* 郭店楚簡校讀記 (Beijing: Zhongguo renmin daxue chubanshe, 2007), 207; Christoph Harbsmeier, “A Reading of the Guodian Manuscript Yucong as a Masterpiece of Early Chinese Analytic Philosophy and Conceptual Analysis,” *Studies in Logic* 4.3 (2011): 39.

² Gordon Wood, *Radicalism of the American Revolution* (New York: Vintage Books, 1991), 41.

以徂為存，猶以亂為治，以曩為曩，以故為今，此皆詁訓義有反覆旁通，美惡不嫌同名。³

Put another way, these characters can have completely opposite meanings because the meanings are so different that they could not possibly be confused (*xian*). As anyone who has tried to make sense of ancient texts knows, this optimistic view is bound to produce all sorts of confusions, but let us assume for the moment that Guo has a better sense of what a character *must* mean in every context than we do. Behind the idea that distant and opposing things cannot be confused even if they are called the same name is the presupposition that there is a “we” who shares a large set of assumptions about meaning and interpretation.

The idea that the beautiful and ugly cannot be confused even if they share the same name can be traced back to the *Chunqiu* 春秋 hermeneutic traditions, especially the Gongyang 公羊. The premise of that interpretive tradition was that Kongzi embedded judgments in the terse historical annals by carefully reworking the language of the text to alert the reader to his interpretation of historical events. The fact is, however, that there are many things in the text that are *not* distinguished linguistically. In the face of this apparent “confusion,” the Gongyang interpreters resorted to the authority of their own community. For instance, when the commentators note that Kongzi apparently did not distinguish between rulers who inherited their position and rulers who came to power through regicide, saying that both *jimei* 即位, they resort to the tactic Guo Pu would later use. “Noble and base are not confused even if they are called the same name, the beautiful and ugly are not confused even if they use the same phrase” 貴賤不嫌同號，美惡不嫌同辭。⁴ Things far apart are not a problem. Only those close to one another may be confused.

In ritual texts and practices, there are many examples of how the main problem to be resolved is closeness and proximity. By the logic of *bu xian tong ming*, it is easy to distinguish who is most esteemed and who is least esteemed, it is much more difficult to distinguish everything in between. Certain ritual practices took care to position those who have a higher rank in lower rank, thus allowing those with lower rank to be treated with more esteem for the purpose of the ritual. This works because everyone already knows the order of precedence and this sends a message to those of higher rank to not overstep their bounds and encroach upon those who are highest. A remarkable example of this is seen in the *Liji* chapter, “The Meaning of Banquets” 燕義. The protocol for treating guests runs up against the order of rank and must be resolved. The ritual demands that the ruler make ritual obeisance as if equal to his guests (*bin* 賓), but in order to prevent this condescension from becoming an occasion for confusion, only the lower ranking counsellors (*dafu* 大夫) and not the higher-ranking lords (*gongqing* 公卿) were allowed to be treated as guests. In this way, the ruler condescends and salutes the counsellors, treating them as equals, but as they are much lower in rank, this condescension does not threaten the hierarchy. As the text says:

The lords and ministers are not treated as guests, but the counsellors are treated as guests. This is because this would create some confusion (*yu*). This is what is meant by clarifying [possible] confusions (*xian*).

³ Ruan Yuan 阮元, ed., *Erya shu* 爾雅疏, in *Chongkan Songben Shisanjing zhushu* 重刊宋本十三經注疏 Taibei: Yiwen yinshuguan, 1965), *juan* 2, 28-2.

⁴ Chen Li 陳立, *Gongyang yishu* 公羊義疏 (Beijing: Zhonghua shuju, 2017), Duke Yin 隱公 Year 7, *juan* 8, 293. The first chapter of the *Chunqiu fanlu* 春秋繁露, “Chu Zhuang wang” 楚莊王, is an extended reflection on this problem. See Su Yu 蘇輿, ed., *Chunqiu fanlu yizheng* 春秋繁露義證 (Beijing: Zhonghua shuju, 1992) (2007 rpt.), *juan* 1, esp. 2-4.

不以公卿為賓，而以大夫為賓，為疑也，明嫌之義也。⁵

According to Zheng Xuan's commentary, treating someone who is already esteemed with the further esteem of a guest, would "make him too close to the ruler in esteem" 尊與君大近。⁶

The early Han courtier and academician Jia Yi 賈誼 (d. 168) described the confusion of proximity well. His "Confusion (*yi*) about Vestments" 服疑⁷ says:

When there are confusions (*yi*) about vestments, there is competition to be first. When there are confusions about favor (*zhehou*), people compete for reward. When there are confusions about power, people compete to be the strongest. When the steps of rank are not bounded, people compete for esteem. Among people, proximity leads to hope for favor/luck (*xing*) and confusion leads to comparison and competition. Thus, ranks must be clearly divided so that those below cannot be confused with those above. When power is extraordinary servants (*chen*) have no hope or ambition. There are five ranks below the Son of Heaven and they are all servants (*chen*). There are five ranks below the ministers and they are all coachmen (*pu*). The coachmen use the ritual proper to the servant, but calls himself "coachmen" and dares not call himself "servant" so that the son of heaven is raised up and conflation (*xianyi*) are avoided.

衣服疑者，是謂爭先；澤厚疑者，是謂爭賞；權力疑者，是謂爭彊；等級無限，是謂爭尊。彼人者，近則冀幸，疑則比爭。是以等級分明，則下不得疑；權力絕尤，則臣無冀志。故天子之於其下也，加五等，已往則以為臣；臣之於下也，加五等，已往則以為僕。僕亦臣禮也。然稱僕不敢稱臣者，尊天子、避嫌疑也。⁸

Proximity leads to comparison which leads to struggle. The purpose of articulating differences is to prevent those closest to one another from imagining themselves in the position of the other. *Hope for favor and luck* is the enemy of a well-articulated order.

Mixture, double-ness, and combination were the worst enemies of order. Silk manuscripts excavated at Mawangdui 馬王堆 (terminus ante quem 168 BCE) described the need for distinctions

⁵ *Liji zhushu*, juan 62, Chapter 47, 1022-1.

⁶ Ibid.

⁷ For a systematic treatment of these sections in Jia Yi's writings, see Charles Sanft, "Rule: A Study of Jia Yi's *Xin shu*" (PhD Dissertation, Westfälischen Wilhelms-Universität, 2005), 219. Sanft reads these characters as *fu ni*, reading *ni* 擬 for *yi* 疑. This is right and gets at the central problem of "imitation" directly. I hope that readers will keep the valence of "imitation" in mind, but also recognize the broader sense of "confusion" that leads to the possibility of imitation. It is not just that people imitate others, but that the institutions themselves are structured in a way that lead to confusions and thus the possibility of imitation.

⁸ Yan Zhenyi 閻振益 and Zhong Xia 鍾夏, eds., *Xinshu jiaozhu* 新書校注 (Beijing: Zhonghua shuju, 2000) (2015 rpt.), juan 1, 53. The textual problems of the *Xinshu* 新書 are many. The debates are outlined briefly in Michael Nylan's summary of *Xinshu* editions and debates about authenticity in Michael Loewe, ed. *Early Chinese Texts A Bibliographical Guide* (Berkeley: The Society for the Study of Early China, 1993), 161-170. The debates are more or less inconclusive and highly technical. For a defense of the authenticity of the text—or at least a refutation of the texts major critics—see Luo Shaodan, "Getting beyond the dichotomy of authenticity and spuriousness in the study of the *Xinshu*," (PhD Dissertation, University of California, Berkeley, 2002). See also the more technical critique of Rune Svarverud's methodology: Luo Shaodan, "Inadequacy of Karlgren's Linguistic Method as Seen in Rune Svarverud's Study of the *Xinshu*," *Journal of Chinese Linguistics* 31 (2003): 270-299. For Svarverud's own linguistic analysis, see *Methods of the Way: Early Chinese Ethical Thought* (Leiden: Brill, 1998). I will use the *Xinshu* material as if it were Western Han material, but I also hope to show how Jia Yi is making arguments in a way similar to many of his contemporaries (or earlier writers) which perhaps alleviates some of the worry about the text's dating.

in rank, summarizing, “with confusion there is harm, with mixture there is defensiveness” 疑則相傷，雜則相方(防).⁹ A similar passage can be found in the *Shenzi* 慎子, traditionally attributed to Shen Dao 慎道 (born ca. 360 BCE):

With confusion there is movement, with doubleness there is struggle, with mixture there is harm. The harm comes from togetherness (*you yu*), not from being alone (*du*).
疑則動，兩則爭，雜則相傷，害在有與，不在獨也。¹⁰

This passage provides a quite subtle reflection on the problem of doubt and confusion. It is responding to what must have been a widespread sense that the thing to be hedged against is an independent source of power. The text clarifies that *that* is not the problem and the real issue is the confusion that occurs with togetherness, proximity, and mixture. There is a kind of double-bind in this formulation. Fearing independence, rulers tried to establish forms of sharing and mutual esteeming that might buttress distinction. Fearing togetherness, at the same time, required one to recognize the distinctiveness of everyone, an idea which allowed the ruler—who was also alone, independent, and solitary (all *du*)—to achieve a kind of impartiality only at the expense of a broader moral economy. That is to say, the ruler could maintain this particular idea of impartiality by ensuring that everyone was clearly situated as isolated, independent, and singular entities. In this latter mode, there could be a hierarchy, but the hierarchy had no moral significance. It was merely the technical manipulation of abstractly equal and solitary people.

A wonderful image attributed to Shenzi is cited in the third century BCE *Lüshi chunqiu* on the same question of confusion and equality. The *Lüshi chunqiu* authors argue, “If one knows that one is not the equal (*di*) of another, then one is far removed from the path of similar kinds (*silei*) and confusions (*xianyi*)” 知無敵則似類嫌疑之道遠矣.¹¹ The text then argues, along the same lines we have seen, that “doubt produces conflict and conflict produces chaos” 疑生爭，爭生亂. The argument is then punctuated by a quotation from Shenzi:

Shenzi says: Now a rabbit runs and a hundred people chase after it. This is not because one rabbit is enough to be divided between one hundred people. Rather, it is because divisions have not yet settled. When divisions are not yet settled, even Yao will exhaust his strength (*li*) in pursuit, not to mention the masses? If rabbits are piled up in a market, people will walk by without looking. It is not that they do not want rabbits; it is because the divisions have already been settled. Even a vulgar man would not struggle. Thus, the governance of the world and kingdoms is nothing other than fixing distinctions.

慎子曰：今一兔走，百人逐之。非一兔足為百人分也，由未定。由未定，堯且屈力，而況眾人乎？積兔滿市，行者不顧。非不欲兔也，分已定矣。分已定，人雖鄙不爭。故治天下及國，在乎定分而已矣。¹²

⁹ Qiu Xigui 裘錫圭, ed., *Changshu Ma Wangdui Hanmu jianbo jicheng (si)* 長沙馬王堆漢墓簡帛集成（肆）(Beijing: Zhonghua shuju, 2014), 178. For a well-annotated edition, see Chen Guying 陳鼓應, *Huangdi sijing jinzhu jinyi* 黃帝四經今注今譯 (Beijing: Shangwu yinshuguan, 2007), “Cheng” 稱, 357.

¹⁰ Xu Fuhong 許富宏, *Shenzi jijiao jizhu* 慎子集校集注 (Beijing: Zhonghua shuju, 2013), “De li” 德立, 48. The *Shenzi* is reconstructed from quotations in various sources and the textual history of the work is complex and disputed. For a study of this complexity see Paul M. Thompson, *The Shen Tzu Fragments* (PhD Diss., University of Washington, 1960). For the present fragment, see Thompson, vol. 1, 371.

¹¹ *Lüshi Chunqiu*, juan 17, “Shen shi” 慎勢, 464-465.

¹² *Lüshi Chunqiu*, juan 17, “Shen shi” 慎勢, 464-465.

“Chasing the rabbit” here foreshadows the explanations given a civil war half a century later in which various men “chased the deer,” that is, contended for control of the empire. The ability to establish a situation in which neither the worthy or the vulgar would compete *was* the task of making order. As we will see, a key term here is *li* 力, “strength” or “effort.” The elimination of doubt and confusion was, almost by definition, the elimination of the competition by strength. The way in which authors sought to hem in strength and effort differed, but strength was almost always at odds with good order.

The character *xian* 嫌 referred to suspicion, doubt, indignance, even disgust, arising from two things being combined (*jian* 兼) into one. *Yi* 疑, doubt and confusion, referred to a similar problem. *Yi* concerned the confusion of things, especially “imitation” (*ni* 擬), which allowed one thing to impinge on another and confuse roles or identities. Both *xian* and *yi* could arise from a kind of equality (*di* 敵) in which two things attempt to inhabit the same place. The “Wenyan” 文言 tradition of the *Zhouyi* 周易 alludes to these meanings in its reading of the top *yin* line in the Kun 坤 hexagram. The text reads: “Top Six: Dragons battle in the wilderness; their blood is dark and yellow.”¹³ The top line of a hexagram refers to the ultimate development of the dynamic in the hexagram and is usually volatile because of this extremity. In the case of the top line of Kun, an overly arrogant *yin* threatens to occupy the space of *yang*. Furthermore, impinging on *yang* in this way in a hexagram that is purely *yin*, there may be doubt as to whether there even is any *yang*. This requires clarification. The “Wenyan” thus reads:

Yin is confused (*yi*) with *yang* so there must be “battle.” Because one might suspect (*xian*) that there is no *yang* here, the text speaks of “dragons” [a *yang* animal].
陰疑於陽必戰，為其嫌於无陽也，故稱龍焉。¹⁴

Because there is suspicion, certain things must be said. If there was no chance of confusion, things could go unremarked. The same dynamic is at play in the “Tan gong shang” 檀弓上 chapter of the *Liji*. There Zengzi 曾子 condemns Zixia 子夏 for “making it so the people of Xihe would confuse (*yi*) him for Kongzi” 使西河之民疑女於夫子.¹⁵ There is some disagreement about exactly how Zixia managed to do this. Huang Kan 皇侃 (488-545) argues that he made it so they would think he was actually Kongzi. Zheng Xuan 鄭玄, however, reads it as a failure to “speak (*cheng*) of his teacher” 不稱師 which made it so the people of Xihe would think he was “similar” 似 to his teacher and therefore just as excellent.¹⁶ Zengzi condemned Zixia for these offenses (*zui* 罪).

Xian and *yi* were thus concerned with the problem of “similarity” (*yisi* 疑似 or *silei* 似類). Much ink was spilled over this problem in early China. The mid-third century BCE *Lüshi chunqiu* 呂氏春秋 has an entire section devoted to “Confusing Similarities” 疑似. It begins:

The similarity of things necessarily produces great confusion. Jade craftsmen worry about nothing more than rocks that look like jade. Those who judge swords worry about nothing more than swords that look like the best sword of Wu. Worthy rulers worry about nothing

¹³ 上六：龍戰于野，其血玄黃；Lou Yulie, *Wang Bi jijiaoshi, Zhouyi zhu*, 229.

¹⁴ Ibid.

¹⁵ *Liji zhushu*, juan 7, Chapter 3, 128-2.

¹⁶ Ibid. The reading of “similar” is provided by the Tang sub-commentary, but it is a coherent development of Zheng Xuan’s logic.

more than people who look like they have understanding because of their wide learning and discriminating words. Rulers of kingdoms in decline appear wise; ministers of kingdoms in decline appear loyal. Similar things are a cause for great confusion among the stupid, but a matter of particular concern for the sage.

使人大迷惑者，必物之相似也。玉人之所患，患石之似玉者；相劍者之所患，患劍之似吳干者；賢主之所患，患人之博聞辯言而似通者。亡國之主似智，亡國之臣似忠。相似之物，此愚者之所大惑，而聖人之所加慮也。¹⁷

The same chapter tells the story of a man who kills his real son after being insulted by a ghost pretending to be his son. An old man got drunk in the market and was criticized all the way home by a ghost that looked like his son. Remembering this even after he sobered up, the father accused his son of being unfilial. The son provided a convincing alibi, so the father returned to the market the next day to kill the impostor. Fearing that his father would not make it back, the son went to the market to fetch his father who struck him down with his sword and killed him:

The wisdom of the old man was confused by a ghost who looked like his son, so he killed his real son. Those confused by those who look like worthy men will miss really worthy men. Such was the wisdom of the old man. One cannot but investigate (*cha*) the traces of similarity. For such an investigation one must turn to others. This is why when Shun was driver with Yao on his left and Yu on his right, they entered the marsh to inquire of a child; they went upriver to inquire of a fisherman. Why? Because they had certain (*shen*) knowledge. Mothers can always tell twins apart because their knowledge is certain.

丈人智惑於似其子者，而殺於真子。夫惑於似士者而失於真士，此黎丘丈人之智也。疑似之跡，不可不察。察之必於其人也。舜為御，堯為左，禹為右，入於澤而問牧童，入於水而問漁師，奚故也？其知之審也。夫人子之相似者，其母常識之，知之審也。¹⁸

The conclusion of this passage is somewhat surprising. Men need the help of others to be able to distinguish between similar things, yet those others may very well lack understanding. One is left with the solution that the ruler must be able to identify worthy people who are capable to identifying worthy people.

The *Han Feizi* says that “the similarity of certain affairs is the reason why the ruler punishes incorrectly and the means by which great ministers accomplish their selfish aims” 似類之事，人主之所以失誅，而大臣之所以成私也。¹⁹ This was one of the six subtleties (*liu wei* 六微) that required investigation by the ruler. The trouble with this line of thought is that in the world of human affairs there are few things that are as clearly distinguished as noble and base or beautiful and ugly (discussed above). There was always the fear of conflation. Hence, the attitude towards similarity is as important as the worry about similarity. Is one inclined to err on the side of calling something a jade or a stone? The difference between magnanimity and suspicion lies there.

The Han thinker Yang Xiong 揚雄 (53 BCE-18 CE) spelled out the stakes clearly:

¹⁷ *Lüshi chunqiu jishi*, juan 22, 606.

¹⁸ *Lüshi chunqiu jishi*, juan 22, 608-610.

¹⁹ *Han Feizi jijie*, juan 10, Chapter 31, “Nei chushuo xia” 內儲說下, 241-242.

Someone asked me about men. “They are hard to know.” “Why so hard?” “It is hardly difficult to tell the difference between Mount Tai and an anthill, on the one hand, or between the Yangzi and Yellow Rivers, and a rivulet, on the other. But the great sage and the hugely clever knave—those are very hard to tell apart. How sad! Those who can actually distinguish between similar things will surely experience no trouble.”²⁰

或問人。曰：艱知也。曰：焉難？曰：太山之與蟻垤，江河之與行潦，非難也。大聖之與大佞，難也。烏呼！能別似者為無難。²¹

The *Gongyang* interpreters were prepared to allow for the obviousness of certain distinctions, but Yang Xiong warned that it was difficult to tell the difference between sages and sycophants. Creating order in such a world was difficult, to say the least, and could not rely on knowledge alone. Knowledge needed to be tempered by certain limitations lest all sages be called knaves and all knaves sages.

To use the *Analects* metaphor for ambiguity, most of the world is purple. Kongzi said he “hated purple stealing from vermillion” 惡紫之奪朱.²² As an “in-between color” (*jianse* 間色) it looked similar enough to vermillion to displace it.²³ *Mengzi* 7B/37 says the same: comparing purple throwing red into chaos (*luan* 亂) to the morally suspect figure of the “village paragon” (*xiangyuan* 鄉原), “the thief of virtue” 德之賊. The Eastern Han commentator Zhao Qi elaborated on *Mengzi*’s description of the “village paragon” saying:

He can hide his evildoing. One condemns him but cannot make it stick; one attacks him, but there is no place to attack. His mind is the same as the vulgar man and his actions are as dirty as those common to the age. When he gives people his advice, he looks like (*si*) the loyal and trustworthy; when he acts, he appears upright and clean. The many are pleased with his actions and praise him. He himself thinks that his behavior is correct, but he lacks the substance of virtue.

鄉原之人能匿蔽其惡，非之無可舉者，刺之無可刺者，志同於流俗之人，行合於污亂之世，為人謀，居其身若似忠信，行其身若似廉絜為行矣，眾皆悅美之，其人自以所行為是，而無仁義之實。²⁴

This kind of similarity is difficult to fight against and the attempt to do so may very well do more harm than good. In early texts, we find great sensitivity to this problem and to the differences between various ways of dealing with the problem. What I call the invisible seer and the visibly blind paradigms are responses to this vexing problem of *xianyi*.

Order of Offices vs. Distinction between Gentleman/Petty Man

Xianyi was at play in two theoretically distinct, but overlapping discourses. One concerned public norms and distinctions of office or rank—emperor, minister, servant, and so forth. The other concerned assessments of character—sage/knave or true/false gentleman. As we saw in the introduction, these two often bled into one another. Those in positions of power were expected to

²⁰ Michael Nylan, *Exemplary Figures* (Seattle: University of Washington Press, 2013), 5.26, 83.

²¹ *Ibid.*, 82.

²² *Analects* 17.18. *Lunyu yishu*, *juan* 9, 462.

²³ See Kong Anguo 孔安國 commentary in *Lunyu yishu*, *juan* 9, Chapter 17, 461.

²⁴ *Mengzi zhengyi*, *juan* 29, 1032.

be gentlemen, meaning they would do their duty without illicit hopes or ambitions. There was, however, always the lingering worry that the person filling the role was in fact a petty man, in which case even the performance of office might look like a seizure of power or the achievement of undeserved wealth, status, and esteem.

Complicating matters further, the idea of the “gentleman” (*junzi*) was inherently destabilizing to the sociopolitical order, especially officialdom. One was worthy to “govern people” (*zhi ren* 治人) by virtue of being a gentleman. From this perspective, however, there could be no deep difference (except office held) between emperor, minister, governor, magistrate, or anyone charged with governing men. The justification of the legitimacy of power was directed at petty men, not at other gentlemen, which meant that the only thing keeping a gentleman in his place was his sense of duty and willingness to accept his lot. This created a certain uneasiness amongst those qualified to “govern men.” This anxiety took two forms. There was endless anxiety about whether one was being treated as a “laborer” (*yi* 役) rather than a real (gentle)man (*dazhangfu* 大丈夫). The anxiety about failure to achieve higher status can be seen in many places, most obviously in the famous literary form *shelun* 設論, “hypothetical discourses,” examined below. A related anxiety was that the equality between gentleman would impinge on the authority of those who ruled over gentleman in the administration, including, but not limited to, the authority of the emperor. On what basis does the emperor rule if he is *merely* one gentleman among many?

Justifications of authority to command people in early China usually took the form of separating *junzi* from *xiaoren*. There is no need to justify ruling *junzi*, because they are either ruling or are content with their lot and therefore not a threat to order. The real threat came from *xiaoren* who appeared as *junzi*. That was the problem to be solved. But how to solve it under the conditions of unity?

Imperial Unity and the Great Conflation: Distinguishing Emperors and Laborers

Appropriately, one of the early acts of the First Emperor of Qin 秦始皇 was to change the way the character for emperor (*huang* 皇) was written. According to a wooden board excavated at Liye, Hunan, from the Qianling 遷陵 county office of the Qin empire, the older form of the character composed of 自+王 would be written henceforth as 白+王, the form commonly used today.²⁵ This change is visible in excavated Qin manuscripts and inscriptions, the most telling example being a weight excavated in 1964 with two inscriptions—one from the First Emperor and the second from the Second Emperor 二世—in which the characters for *huang* are written in two different forms, the First Emperor using the older form.²⁶ The First Emperor would use the changed form himself in other places, indicating that this change did not occur immediately in 221 BCE, but was one of a series of nomenclature changes taking place over time.

²⁵ Chen Wei 陳偉, ed., *Liye Qinjian jiaoshi (Di yi juan)* 里耶秦簡校釋 (第一卷) (Wuhan: Wuhan daxue chubanshe, 2012), 156. “The old *huang* will now be changed to this *huang*” 故皇今更如此皇. A modern Chinese transcription is given here, but the character change is passed over without comment. One must consult the photograph to see that there is any issue at all here.

²⁶ For the 1964 excavated artifact, now commonly referred to as the Gaonu shi quan 高奴銅石權, see Shanxi sheng bowuguan 陝西省博物館, “Xi’an shi xijiao Gaoyao cun chutu Qin Gaonu tong shi quan” 西安市西郊高窑村出土秦高奴銅石權, *Wenwu* 9 (1964), 42-46. See also Wu Hong 巫鴻, “Qin quan yanjiu” 秦權研究, in *Gugong bowuyuan yuankan* 故宮博物院院刊 4 (1979): 33-47. Wu provides a summary of the different forms of *huang* on p. 36.

The rationale for this change is hard to know, but the Eastern Han scholar Xu Shen 許慎 (2nd century CE) gives us a possible clue. Xu did not know that the written form of the character *huang* had changed during the Qin. Indeed, Xu was working under the impression that *huang* took its meaning from *zì* 自, meaning “nose” 鼻 or “first,” as in the custom of calling the first born the “nose son” 鼻子.²⁷ If such an interpretation could hold, the First Emperor perhaps changed the written form of the character *huang* to *avoid* the improper claim of being the first, in line with his rejection of the original proposal for his new title, *taihuang* 泰皇. Even though *Taihuang* was the most esteemed (*guì* 貴) title of the ancient rulers, the first emperor decided to reject *tai* and keep the *huang*, adding the ancient *dì* 帝 to the title to make *huangdì*.²⁸ There was a balancing act between new and old, precedent and innovation, that shaped these conversations. Perhaps changing the written form of *huang* was another part of that balancing act. Conversely, perhaps the First Emperor wanted to keep the title *huang* (自+王) to himself so that all successors would not share a title with him. Given that inscriptions from the period of the First Emperor already use 白+王, this was probably not the case.

Clearly, Xu Shen did not know much about Qin changing the character *huang*. He did know that the Qin had changed the written form of “crime” (*zui* 罪).²⁹ The old character *zui* 罪, according to Xu, also took its meaning from “nose” 自. Combining “nose” and “bitter” 辛, the word meant something like scrunching one’s nose at something bitter. Xu then adds:

Because *zui* looked like the character for *huang*, the Qin changed it to *zui*.
秦以罪似皇字，改為罪。³⁰

According to the principle that vastly different things will not cause confusion (美惡不嫌同名) one would think that these two characters would be the easiest to distinguish. It seems a bit too Zhuangzian—the emperor is also a criminal—to suggest that this was the rationale for the change, but perhaps it was. In any event, the change probably did not happen in the order that Xu proposed. There is now some evidence from the Yuelu Academy Qin unprovenanced material, unfortunately not scientifically excavated, showing how the written form of *huang* had already changed prior to changing the character *zui* 罪.³¹ If Xu’s explanation of the rationale for the change is right, *huang* was perhaps first changed to avoid looking like *zui*, and then only later did *zui* change from 罪 to 罪.

These nomenclature changes, of which there were many, show a world obsessed with making distinctions to avoid ambiguity, doubt, and confusion. Distinctions were drawn where one was easily confused with another. Where there is confidence in meaning or in role, distinction-making was less important. Another Eastern Han writer, Cai Yong 蔡邕 (ca. 133-192 BCE) argued

²⁷ Zang Kehe, *Shuowen jiezi*, juan 1, 11.

²⁸ *Shiji* 6.236.

²⁹ See Chen Wei, “Qin jiandu zhong de ‘zui’ yu ‘zui’” 秦簡牘中的‘罪’與‘罪’, *Bamboo and Silk Manuscripts*, 11-27-2016, http://www.bsm.org.cn/show_article.php?id=2673. Chen shows that there is no dated evidence of the character *zui* 罪 in Qin material before the Fifth Month of Year 30. Chen Wei has also done a similar study of Qin material with respect to the use of words for “slave.” Chen Wei, “Cong ‘chenqie’ ‘nuqie’ dao ‘nubi’,” 從臣妾、奴妾到奴婢, *Bamboo and Silk Manuscripts*, 1-27-2017, http://www.bsm.org.cn/show_article.php?id=2715.

³⁰ Zang Kehe, *Shuowen jiezi*, juan 14, 974.

³¹ Chen Songchang 陳松長, ed., *Yuelu shuyuan cang Qin jian* (肆) 岳麓書院藏秦簡 (肆) (Shanghai: Shanghai cishu chubanshe, 2015), slips 217-218, 140: 任有罪刑罪以上，任者貲二甲而廢；耐罪、贖罪，任者貲一甲；貲罪，任者弗坐。任人為吏及宦皇（217）帝，其謁者有罪，盡去所任，勿令為吏及宦……(218)

that the Qin had made a point of drawing distinctions where before there was no need to do so. For instance, the first person pronoun *zhen* 朕 was once shared among all men, noble and base, but the Qin emperors had adopted it as their sole prerogative, no longer shared with others:

Zhen means “I.” In ancient times, it was shared between noble (*zun*) and base (*bei*). This is what is meant by noble and base can share the same name without confusion (*xian*)...In the Qin, the Son of Heaven adopted it as his term alone and the Han continued this without change.

朕，我也。古者尊卑共之，貴賤不嫌，則可同號之義也……至秦，天子獨以為稱，漢因而不改也。³²

Cai says the same thing happened with seals (*xi* 璽). In the past, seals with different knobs—dragon or tiger—were shared (*gong* 共) among noble and base. The seals (*yin* 印) of men of different ranks could also all be called *xi* 璽. Cai cites Wei Hong 衛宏 (first century CE) who says that taste (*hao* 好) had once determined whether and when a certain knob was used, but, since the Qin, the emperor had the sole (*du* 獨) privilege to use and confer these knobs. Only the emperor (and empress) could use jade and call his seal a *xi*.³³ These claims to sole power showed, according to Cai, a manifest lack of confidence. Being unsure of one’s position, outer distinguishing features became more important.

The First Emperor of Qin 秦始皇 sought the “clarification of the doubtful and ambiguous (*xianyi*) and the unification of the not yet unified.” He sent thousands of standardized weights throughout the empire, declaring both the end of a long period of division and the promulgation of a unified standard:

Year Twenty-Six: The emperor (*huangdi*) has now completely combined (*bingjian*, “annexed”) the local lords of the All-under-heaven and the people now have a great peace. The title “emperor” (*huangdi*) is hereby established. Thus I instruct (*zha*) the Chancellors Zhuang and Wan: “Make models for the weights and measures. Clarify and unify all those that are ambiguous (*xianyi*) and not unified.

廿六年，皇帝盡並兼天下諸侯，黔首大安，立號為‘皇帝’，乃詔丞相狀、綰：‘灋度量，則不壹、歟疑者皆明壹之’。³⁴

Similar declarations were made on stone steles throughout the empire. There the emperor declared that in the new order “tasks would not be confused (*xianyi*)” 事無嫌疑 and, relatedly, the order would “meticulously distinguish tasks and duties” 審別職任.³⁵ The new order, and this new way of envisioning it, pointed in two different directions. It was itself, in other words, deeply confusing. If I may be permitted to pursue the unintended pun between *jian* 兼 and *xian* 嫌 in the emperor’s edict, earlier distinctions were effaced through the act of violent combinatory annexation (*bing jian*)

³² D.C. Lau, ed., *A Concordance to the Cai Zhonglang ji* 蔡中郎逐字索引 (Hong Kong: The Commercial Press, 1998), *juan* 4, 80.

³³ Ibid., *juan* 4, 80.

³⁴ For inscription, see Guojia jiliang zongju, Zhongguo lishi bowuguan, Gugong bowuyuan 國家計量總局、中國歷史博物館、故宮博物院, eds., *Zhongguo gundai duliang heng tuji* 中國古代度量衡圖集 (Beijing: Wenwu chubanshe, 1984), 44-45, 58-72, 112-25.

³⁵ *Shiji* 6.250. For study of these inscriptions and translation, see Martin Kern, *The Stele Inscriptions of Ch’in Shib-huang: text and ritual in early Chinese imperial representation* (New Haven, Conn.: American Oriental Society, 2000), 46.

even as new distinctions were necessarily coming into existence. These new distinctions were not “natural” or even rooted in a deep history. There was an uneasiness and lack of confidence that made for a shaky imperial order.

Combination (*jian*) was the basis for the new differentiation (*xian*). Combination was, first and foremost, a kind of flattening. The flattening of the world might even be taken literally, as we see in one of the First Emperor’s steles:

He tore down and destroyed the inner and outer city-walls,
Broke through and opened the river embankments,
Levelled and removed the dangerous obstacles.
Now, that the topography is fixed,
The numerous multitudes are free from corvée,
And all under heaven are pacified.
Men find joy in their fields,
Women cultivate their work:
Every task has its proper order.³⁶

墮壞城郭，決通川防，夷去險阻。地勢既定，黎庶無繇，天下咸撫。男樂其疇，女修其業，事各有序。

The levelling of the world was the prerequisite for well-defined tasks, here defined literally *and* metonymically in terms of the division between the labor of men and women. Walls, barriers, and obstacles all came down, creating a topography able to support standardization and the univocal ordering of tasks. The boundaries separating the former kingdoms were marked to denote their obsolescence. They were called “the former boundaries and passes” 故塞\故徼.³⁷

“The complete combination of local lords” (*bing jian*) involved first and foremost the military annexation of the remaining rival states of the third century BCE. The Qin empire’s own documents referred to its imperial forces straightforwardly as the “land-seizing army” 略地軍.³⁸ The more euphemistic phrase *bing jian*, however, also pointed to a process of “combination” and “confounding” in which previously distinct elements entered into a new union. The word *jian* 兼, seen also as the semantic component in the word *xian* 嫌 (read *xian* 嫌, ambiguous, doubtful, conflated) in the edict, means to take things that were once separate and put them together. The “unification” of empire created equivalencies and sameness backed by violence. We can see how the conflation/combination declared in the edict—“completely combined the local lords,” that is annexed rival states—worked on the wooden board described above. Listing many of the nomenclature changes pushed by the First Emperor, we see, for instance, that the former “ducal houses” (*gongshi* 公室) and “royal houses” (*wangshi* 王室) were renamed *xianguan* 縣官, “the government.”³⁹

³⁶ Kern, *The Stele Inscriptions of Ch'in Shih-huang*, 42-43.

³⁷ Chen Wei 陳偉, ed., *Liye Qinjian jiaoshi (Di yi juan)* 里耶秦簡校釋 (第一卷) (Wuhan: Wuhan daxue chubanshe, 2012), 8-461, 157.

³⁸ Liye 7-1. Chen Wei, “Qin Cangwu, Dongting jun de zhongyao ziliao” 秦蒼梧、洞庭鈞的重要資料, *Bamboo and Silk Manuscripts*, 9-10-2019, http://www.bsm.org.cn/show_article.php?id=3415.

³⁹ Chen Wei 陳偉, ed., *Liye Qinjian jiaoshi (Di yi juan)* 里耶秦簡校釋 (第一卷) (Wuhan: Wuhan daxue chubanshe, 2012), 8-461, 157. On this meaning of *xianguan*, see Michael Loewe, “The Organs of Han imperial government: *zhongdu guan*, *xianguan*, and *xiandao guan*,” *Bulletin of SOAS* 71, no. 3 (2008): 519.

The creation of the category of the “black-headed ones” (*qianshou* 黔首) and the idea of the *bianhu qimin* 編戶齊民 was a natural extension of the demolition of dukes and kings. Everyone became “an equal person in a registered household,” even the princes of the Qin royal family.⁴⁰ This category and its attendant policies, including the division of family units into separate households (*yibu* 異戶), even made it such that, as one early critic saw it, sons and daughters-in-law no longer understood the things owed to their parents.⁴¹ Such was the power of the new bureaucratic logic of conflation and fungibility. Divination manuals and games also recorded the fears of rulers, fathers, and slave masters who worried they might be replaced by or confused with a subject, an outsider, or a slave at any moment.⁴² Conversely, of course, we might say they recorded the *hopes* of subjects, outsiders, and slaves. Imperial documents promulgated a new word for “slave” (*nu bi* 奴婢) so as to clearly distinguish “slave” from “subject” (*chen qie* 臣妾). The two concepts—*chen* and *nu* or *qie* and *bi*—were once linguistically indistinguishable. This attempt at “resolving confusions” was no doubt premised on the fear of indistinguishability revealed in, e. g., the divination manuals.

Luke Habberstad has analyzed one of these sources, a board game from Kongjiapo, which dramatizes the two extremes of life in the early empire: death and replacing the ruler. The space of the game was wide-open, then, and it was not articulated by offices or ranks, as in the later promotion games of late imperial China. Careers were determined by nothing other than “luck, human connections, and relationships.”⁴³ Habberstad argues further:

While people in later eras imagined government as a hierarchical collection of defined offices slotted into categories, early imperial subjects saw not categories but relationships, which were centered around the imperial court and regulated by rewards and punishments.⁴⁴

If the game is any indication of the extremes of fortune in the early empire, it was possible to confuse the “emperor” and the “criminal.” With a roll of the dice, one becomes an emperor. With the next roll, a convict in the gallows. This flattening *was* real, but it only heightened concerns for hierarchy and office.

The First Emperor’s political declaration of “combination” in a sense acted on the assumptions that were already at play in Zhanguo administrative practices and intellectual culture. At the level of institutions, it became possible in the late Zhanguo to see all members of a kingdom or an empire as laboring bodies—*shen* 身—employed (*yi/shi* 役使) by the ruler in war, corvée, or

⁴⁰ For a study of *bianhu qimin* as an organizing concept in the early empires see Du Zhengsheng 杜正勝, *Bianhu qimin: chuantong zhengzhi shehui jigou zhi xingcheng* 編戶齊民：傳統政治社會結構之形成 (Taipei: Lianjing chubanshiye gufen youxian gongsi, 2014). For reference to the Qin princes as commoners, see *Shiji* 6.274. This process was, of course, often more ideal than real. See Michael Nylan, “Han Views of the Qin Legacy and the Late Western Han ‘Classical Turn,’” *The Bulletin of the Museum of Far Eastern Antiquities* 79 (2020): 23-50.

⁴¹ *Xinshu jiaozhu*, *juan* 3, “Shi bian” 時變, 97.

⁴² In the daybook from Kongjiapo, we find the phrase “slave succeeds the master”/“servant succeeds the ruler” 臣代其主. Hubei sheng wenwu kaogu yanjiusuo 湖北省文物考古研究所 and Suizhou shi kaogu dui 隨州市考古隊, ed. *Suizhou Kongjiapo Hanmu jianbo* 隨州孔家坡漢墓簡牘 (Beijing: Wenwu chubanshe, 2006), 30; See Mawangdui “Jingfa” 經法: “If the son acts as father and the servant/slave acts as master/ruler, even if one is strong, he will not be king” 其子父, 其臣主, 雖強大不王. Qiu Xigui 裘錫圭, ed., *Changshu Mawangdui Hanmu jianbo jicheng (si)* 長沙馬王堆漢墓簡帛集成 (肆) (Beijing: Zhonghua shuju, 2014), 134. See also the Mawangdui divination text, “Tianwen qixiang zazhan” 天文氣象雜占. There are worries about “servant/slave and master/ruler changing places” 臣主貿處 and “servant/slave attacking the master/ruler” 臣攻主. Ibid., 269.

⁴³ Luke Habberstad, *Forming the Chinese Court* (Seattle: University of Washington Press, 2017), 8.

⁴⁴ Ibid., 9.

government service. The degree of abstraction at play in the treatment of the abstracted body in this period cannot be underestimated. The invention of new concepts such as “person-day” (called *rengong* 人功 or simply *ren* 人), for instance, meant that one way of tracking corvée and convict labor, and even population more generally, was to count the number of bodies available for labor in a given period of time, not the number of people. To give a simple illustration, an account of five men who worked for ten days would be recorded as 50 *ren* or *person-days*. If one worker died on the fifth day, thus depriving the empire of 5 person-days, the account would show 45 *ren*. Even the Liye population records recorded the cumulative number of “household-days” (*ji hu* 積戶) in a year rather than (or, in any case, alongside) a count of the actual number of households present at a given time.⁴⁵ Bodies were carriers of work and debt that could be moved around the empire like numbers between modern bank accounts. Records of debt, crime, reward, and so forth moved with the body across the empire. Treating bodies as *person-days* would in theory prevent double-counting as laborers and population left one locale for another, forcibly or otherwise. Even in their individuated form and not in their abstract identity as *person-days*, subjects’ bodies stood before local officials and underwent “measurement” (*tan* 探).⁴⁶ Local officials took down various biometric data—age, complexion, height, physical features, and so forth—as well as other information about criminal background and debts.⁴⁷ The privilege of being released from this kind of treatment, even if temporarily or partially, was appropriately called *fu qi shen* 復其身, “the redemption of the body.”⁴⁸

In philosophical writings, an effacement of human difference was taking place as well. In the Ru traditions of the fourth and third century BCE all men could be a Yao or a Shun, defined by nothing other than their self-cultivation and their accordance with the *Dao* 道. This meant that any cultivated person could take up any position in the structure of government. There was nothing that marked a person from birth as a carrier of the *Dao*. Cultivation (*xiushen* 修身) and achieved status were all that distinguished the body of a gentleman from any other body.⁴⁹ In the “Legalist” traditions, too, all men could be Yao or Shun, but only on account of their achievement of a certain position (*wei* 位) and its attendant *dispositif* (*shi* 勢).

In summary, Zhanguo administrative practices and philosophy created a deeply ambiguous situation in which there was abstract equality pointing in two different directions—as laboring bodies and as gentleman. The task was the creation of a reliable order of differentiated duties, offices, and tasks out of this undifferentiated situation. While the purely technical manipulation of laboring bodies in terms of corvée, agricultural, and administrative work (*gong* 功) was one possible solution to the problem of *xianyi*, such a vision of order was essentially that of a powerful lord governing an estate, the kind of vision we will see in Xu Gan’s lament that those who do not deserve slaves nonetheless have them. The alternative ideal-type vision of order was the shared government of gentleman who could be trusted to execute their offices with a sense of duty, proportion, and propriety.

⁴⁵ For a discussion of this and the confusion it once created in understanding the Liye material, see Tang Junfeng 唐俊峰, Liye Qinjian suo shi Qin dai de ‘jianhu’ yu ‘ji hu’ 里耶秦簡所示秦代的‘見戶’與‘積戶’, *Bamboo and Silk Manuscripts*, 2-8-2014, http://www.bsm.org.cn/show_article.php?id=1987.

⁴⁶ For the “measuring” (*tan* 探) of people in front of county officials, see Liye 9-885, 9-757, 9-1223, 8-985. See Chen Wei, ed., *Liye Qin jian du jiaoshi (Di er juan)* 里耶秦簡牘校釋 (第二卷) (Wuhan: Wuhan daxue chubanshe, 2018).

⁴⁷ Ibid.

⁴⁸ See, e.g., *Shiji* 68.2230.

⁴⁹ On achieved status, see Yan Buke 閻步克, *Cong jue benwei dao guan benwei: Qin Han guanliao pinwei jigou yanjiu* 從爵本位到官本位：秦漢官僚品位結構研究 (Beijing: Sanlian, 2017).

Given this basic framework of equality pulling in two different directions—one towards the base and menial existence of the laboring body and the other towards potential nobility—there was a great amount of anxiety and confusion about status. The Qin emperor’s inability to share the term *zhen* was perhaps a reflection of that anxiety. Rulers could not distinguish properly between base and noble and those who thought of themselves as gentlemen regularly lamented that they were being treated merely as laborers (*yi* 役). There were no emblems that marked one unambiguously as holding one status or another. In a striking passage Cui Shi’s 崔寔 (d. 170 CE) *Zhenglun* 政論, we read, “so long as ‘Kong Qiu of Lu’ and ‘Meng Ke of Zou’ is not written on one’s face, then there can be no certainty that one will be respected or trusted” 自非題榜其面曰‘魯孔丘，鄒孟軻’，殆不必見敬信。 (As my mom used to say, “Does my forehead have ‘servant’ written on it?”) Cui immediately backtracks, however, to say that the rulers also treated Kongzi and Mengzi as “base” (*jian*) servants who were only good for humiliating labor (*lao ru* 勞辱).⁵⁰ Even Kongzi and Mengzi were not recognized by the rulers of their time. Cui continued:

If worthy and unworthy were as far apart as Mt. Tai and an anthill [recalling Yang Xiong], and the merits of policies and plans could be known as the difference between the sun and moon and the lightning bug, then even a stubborn and stupid man would be able to clearly tell them apart.

向使賢不肖相去如泰山之與蟻垤，策謀得失相覺如日月之與螢火，雖頑嚚之人猶能察焉。⁵¹

There were no clear signs separating true gentleman from everyone else.

Cui Shi’s late Eastern Han reflection was already prefigured in Zhangguo thought. In a late Zhangguo (?) manuscript in the Tsinghua collection we read, “Is there really a constant seed (*zhong*) for the good and the not good” 彼善與不善，豈有恆種哉？⁵² Chen She, the corvée laborer who led the earlier rebellion against the Qin, used a similar idea as his rallying call: “is there really a seed [or kind] for kings, nobles, generals, and ministers” 王侯將相，寧有種乎？⁵³ The unprovenanced Tsinghua manuscript spells out the problem with as much clarity as any late Zhangguo text:

Does nobility and baseness lie somewhere else? Someone is treated as noble or base and is therefore noble or base. What favor should be felt in nobility and what shame should be felt in baseness? Even if one is poor and base, so long as he truly possesses a way, he can oversee the masses, administer the government, oversee official business, and head an office. 貴賤之位，豈或在它？貴之則貴，賤之則賤，何寵於貴，何羞於賤？雖貧以賤，而信有道，可以馭眾、治政、臨事、長官。⁵⁴

Whether one “possessed the Way” was, according to the manuscript, ultimately assessed in terms of merit (*gong* 功) and the observation of one’s actions (*xing* 行), appearance (*mao* 貌), and speech (*ci*

⁵⁰ Sun Qizhi 孫啟治, ed., *Zhenglun jiaozhu Changyan jiaozhu* 政論校注 昌言校注 (Beijing: Zhonghua shuju, 2012) (2013 rpt.), 50.

⁵¹ Sun Qizhi, *Zhenglun jiaozhu*, 50.

⁵² Qinghua daxue chutu wenxian yanjiu yu baohu zhongxin 清華大學出土文獻研究與保護中心, ed., *Qinghua daxue cang zhangguo zhujian (ba)* 清華大學藏戰國竹簡 (捌) (Shanghai: Zhongxi shuju, 2008), slip 8, 136.

⁵³ *Shiji* 48.1952.

⁵⁴ *Ibid.*, slip 3, 136.

辭).⁵⁵ Those who passed such an assessment were then eligible for employment to “assist one in managing the household” (*xiangjia* 相家).⁵⁶ The text ultimately pointed to an order in which each class of people—ruler, minister, gentleman, craftsman, merchant, farmer—held to their own tasks, but these tasks were by no means hereditary.⁵⁷

This formulation of the anti-aristocratic argument could point in two different directions: technical and the ethical. On the one hand, one might argue on the basis of a text like the Tsinghua manuscript that “noble” and “base” were outdated categories that should be replaced with an order based solely on competence in some technical arena. The difference between farmer and ruler was not one of relative nobility and baseness but merely one of different technical competencies. At the same time, “possessing the Way” as a description of the justification for rule suggests a kind of meta-competence which, even if not tied strictly to idea of nobility, nevertheless perpetuated a key understanding of nobility: the ability to legitimately govern and assess others. Hence, even though governing others was arguably merely one form of “employment” (*yi* 役) with its own mode of public evaluation, authors and actors worked to distinguish governors from *mere* labor by reference to the concept of the *Dao* or Way, as we will see in a moment.

The great reversal that occurred between the third century BCE and the third century CE might be described as the transformation of a hereditary technical bureaucracy into a hereditary aristocracy of the Way, with powerful families claiming their right to govern by virtue of their birth, learning and pedigree.⁵⁸ In the third century BCE, there *was* in fact a hereditary group—a *zhong* 種 of sorts—that formed the backbone of the government and, at least according to *Xunzi*, could provide continuity even across regime change:

Officers and officials meticulously followed the laws and rules, the weights and measures, criminal penalties, and maps and registers. They did not understand the meaning (*yi*) but carefully guarded their regularities (*shu*) and were prudent not to presume to add or subtract to them. They had them down from father to son in support of kings and dukes. For this reason, the well-ordered laws of the Three Dynasties were preserved even though the dynasties perished. This is the reason why officers and officials were given rank and salary. 循法則、度量、刑辟、圖籍、不知其義，謹守其數，慎不敢損益也；父子相傳，以持王公，是故三代雖亡，治法猶存，是官人百吏之所以取祿職也。⁵⁹

While providing a stable trans-dynastic framework, “mechanisms and numbers” (*xie shu* 械數), *Xunzi*’s term for tallies, contracts, weights, and measures, were still derivative of, or “downstream” from, what actually constituted order, i.e., the gentleman’s understanding of the meaning (*yi* 義):

Mechanisms (*xie*) and numbers (*shu*) are downstream and are not the source of order. The gentleman is the source of order. Officers preserve the regularities (*shu*) and the gentleman nurtures the source. If the source is clear, it will be clear downstream. If the source is muddy, it will be muddy downstream.

⁵⁵ Ibid.

⁵⁶ Ibid.

⁵⁷ Ibid.

⁵⁸ Cf. Yan Buke 閻步克, *Cong jue benwei dao guan benwei: Qin Han guanliao pinwei jiegou yanjiu* 從爵本位到官本位：秦漢官僚品位結構研究 (Beijing: Sanlian, 2017).

⁵⁹ *Xunzi jijie*, *juan* 2, Chapter 4, “Rong ru,” 59. For a slightly different translation, see John Knoblock, *Xunzi: A Translation and study of the complete works*, vol. 1 (Stanford: Stanford University Press, 1988), 189-190.

故械數者，治之流也，非治之原也；君子者，治之原也。官人守數，君子養原；原清則流清，原濁則流濁。⁶⁰

The “hundred officials” of the earlier passage held to numerical regularities, performing mechanical tasks that could serve various ends. Their proximity to techniques placed these officials on the side of laborers and petty men (*xiao ren*), or a status very close to them. Making exactly the argument *Zhuangzi* makes as analyzed in the introduction the strategizing, selfishness, and greed of rulers could turn all of these technical mechanisms into tools for deception, unfairness, treachery, and exploitation. That is why techniques were derivative. As if trying to underscore the argument of the *Xunzi* or *Zhuangzi*, Xiao He 蕭何 seized the “statutes and ordinances and government charts and records” 律令圖書 from the Qin chancellor and *yushi* offices in Xianyang while the other generals in Liu Bang’s rebel entourage were pillaging gold and silk from the Qin empire’s coffers.⁶¹

The irony is that the one form of power that had a hereditary element in late Zhanguo philosophy was the form of power *most separate* from one’s existence as a gentleman. These “hundred officials” did important work, but they were meant to disappear into the rules, measures, penal codes, and records that they produced and managed. They could be construed as having no separate ethical existence in the status schemes of the period making them precariously close to the people they were charged with recording and assessing.

In the *Xunzi*, the other possible hereditary titles—kings, nobles, and so forth—were illegitimate without virtue. Without virtue, even *their* sons should become commoners. Conversely, with “ritual and duty” (*liyi* 禮義) the sons of commoners should join the ranks of the high ministers and counsellors (*qingxiang shidafu*).⁶² *Xunzi* had replaced Shang Yang’s “military merit” 軍功 with “ritual and duty,” but from a social perspective the thrust of the argument remains much the same:

If members of the royal house do not have military merit, they cannot be registered with the family. Distinctions of nobility, orders of honor, and rank will be shown with differences in registered fields and houses, number of slaves, and type of clothing. Those with merit will be honored; those without merit will have no sheen even if they are wealthy.

宗室非有軍功論，不得為屬籍。明尊卑爵秩等級，各以差次名田宅，臣妾衣服以家次。有功者顯榮，無功者雖富無所芬華。⁶³

For both Shang Yang and *Xunzi*, wealth and inherited status were the enemies of a clearly articulated—that is, not confused (*xianyi*)—order.

Crucially, no thinker of any persuasion ever gave up on the idea of the necessary *visibility* of merit. Hence, whether the orders of honor invented by Shang Yang or the sumptuary regulations imagined by *Xunzi*, merit on behalf of the order needed to be accompanied by wealth, power, land, distinguishing garbs, servants, ritual deference, and so forth. As Nishijima Sadao 西嶋定生 has compellingly argued, the expanded orders of honor, for instance, worked because they still felt traditional, taking their power from the way they could be conflated in a person’s mind with the

⁶⁰ *Xunzi jijie*, *juan* 8, Chapter 12, “Jun Dao” 君道, 232. See John Knoblock, *Xunzi: A Translation and study of the complete works*, vol. 2 (Stanford: Stanford University Press, 1988), “On the Way of the Lord,” vol. 2, p. 177.

⁶¹ *Shiji* 53.2014.

⁶² *Xunzi jijie*, *juan* 5, Chapter 9, “Wangzhi” 王制, 148-149.

⁶³ *Shiji* 68.2230.

orders of nobility from the Zhou period that they imitated (*ni* 擬).⁶⁴ This expansion of dignity or the possibility of esteem, including the periodic promulgation of orders of honor for all male commoners (*min jue* 民爵), lifted all into the realm of possible gentlemen and publicly marked “labor” (*yi*) as its opposite.

This mode of distinction was premised on the ontological sameness of everyone. No one was distinguished by “seed” or kind. This made it possible for people to think esteem was something tacked on from the outside. Indeed, the visible signs *were* tacked on as insignia and other markers of status. The visible forms of status became their own force in society and were often thought to be separate from the legitimate sources behind the visible form. In a judgment of the early imperial culture of *jue* 爵, a third-century CE writer could say that even low orders of honor became a way men could “lord over and bully their fellow villagers” and higher orders gave one the right to “be arrogant towards fathers and elder brothers.”⁶⁵ This use of the insignia of virtue was completely separate from “virtue” (*de*). “Only a hierarchical society that knew its distinctions well could have placed so much value on the gentleman’s capacity for condescension—that voluntary humiliation, that willing descent from superiority to equal terms with inferiors.”⁶⁶ Early imperial society was not such a society in reality, but the ideal of real gentlemanly condescension, virtue, and magnanimity still existed as an ideal to live up to.

The ideal of an outwardly visible order that perfectly matched merit or virtue would have required incredible forms of state intervention to maintain itself, reapportioning land, wealth, power and honor in every generation. Needless to say, this did not happen with such frequency and the early empire made many privileges heritable, not only official status through the *yinren* privilege but also commoner honors (*min jue*) through inheritance laws. Ideas of inherited goodness and inherited merit never went away. The confluence of these various ideas about virtue, merit, and status made for an order in which people lacked confidence in the basis of their own status and others looked for signs beneath the insignia of status that a person was in fact merely a petty man in gentleman garb.

A fascinating case discovered in an early Han tomb at Zhangjiashan 張家山 shows this situation well. The case records events from the sixth century BCE, but the case itself likely dates to the late Zhanguo period as it seeks to analyze earlier legal terms anachronistically in the terms of that later period. In the case, an assistant clerk (*zuo* 佐) stole one *dou* of grain from the kingdom of Lu 魯. When he was captured, he was wearing a “kingfisher cap”—the cap of the *ru* 儒. The investigation showed that his “merit boards” (*gongdie* 功牒) recorded that he was “able to conduct rituals and wear *ru* garb” 能治禮儒服. His punishment was made harsher because, not only did he commit robbery, his actions demonstrated that he did not live up to his credentials. “*Ru* garb is the insignia (*jie*) of the gentleman. Ritual is what the gentleman studies. Theft is the heart of the petty man” 夫儒者，君子之節也，禮者君子學也。盜者小人之心也, the prosecutor argued.⁶⁷ His

⁶⁴ Nishijima Sadao, *Chugoku kodai teikoku no keisei to kōzō: nijūto shakusei no kenkyū* 中国古代帝国の形成と構造; 二十等爵制の研究 (Tokyo: Tokyo Daigaku Shuppankai, 1961). For Chinese translation, see Nishijima Sadao, *Zhongguo gudai diguo de xingcheng yu jigou: Ersbi dengjue zhi yanjiu* 中國古代帝國的形成與結構：二十等爵制研究, trans., Wu Shangqing 武尚清 (Beijing: Zhonghua shuju, 2004).

⁶⁵ *Jinshu* 50.1393. 故閭閻以公乘侮其鄉人。郎中以上爵傲其父兄

⁶⁶ See chapter epigram.

⁶⁷ See Anthony Barbieri-Low and Robin Yates, *Law, State, and Society in Early Imperial China: A Study with Critical Edition and Translation of the Legal Texts from Zhangjiashan Tomb no. 247* (Leiden: Brill, 2015), 1370-1371. Yates and Barbieri-Low translate this line incorrectly as “a Confucian is the embodiment of the principles of the Gentleman.” (1371). They note that the German translation reads *jie* 節 as “das Rangabzeichen” (rank insignia). Yates and Barbieri Low are wont to see

punishment was made all the more harsh because his failure to live up to his credentials amounted to “deceiving his ruler” 訖其上。A man can adorn himself with the signs of status, but may nevertheless be a petty man. This whole framework of an insignia-adorned body lacking real substance or real substance lacking insignia opened up a realm of ambiguity that was difficult, if not impossible, to clarify.

Everybody wants to be the Son of Heaven

The *Xunzi* writes:

To be as esteemed as the Son of Heaven and to possess the riches of the entire world—this is the common desire of the human condition.

夫貴為天子，富有天下，是人情之所同欲也。⁶⁸

Perhaps no single sentence better states the early imperial zeitgeist than this one. Articulating offices and duties for the imperial ritual and political order had to respond first and foremost to the inability to fulfill this common desire. Given the *common* (*tong*) desire, *divisions* (*fen*) had to be made:

But if all men gave free rein to their desires, the power of position would not tolerate it and things would be inadequate to satisfy. This is why the Former Kings acted on this basis to make ritual and right (*li yi*) to divide them, making differences in noble and base, distinctions between young and old, and disparities between wise and stupid, able and incapable. These distinctions made it so all men would carry out their affairs and each would receive his due. Only after this would one weigh out the amount and substance of salary. This is the way to living together in harmony and unity.

然則從人之欲，則勢不能容，物不能贍也。故先王案為之制禮義以分之，使有貴賤之等，長幼之差，知愚能不能之分，皆使人載其事，而各得其宜。然後使穀祿多少厚薄之稱，是夫群居和一之道也。

Thus, when a humane man is above, the farmers use their strength (*li*) to exhaust the potential of the fields; merchants use their perceptiveness (*cha*) to get the most of their property; and the hundred artisans use their skill (*qiao*) to make the best implements and vessels; and all from the gentlemen up to the lords all execute their official duties with humaneness, generosity, knowledge, and ability. This is what one calls perfect peace. Thus, while one takes the entire world as his salary, he does not think it excessive; and though one be only a gatekeeper or night watchman, he does not think his salary too small. It was said:

a battle between “Legalist scribes” and Confucians throughout the text. While there may be some playfulness with the use of the *chong* 虫 radical in the writing of *Ru* 儒, there is no such ideological struggle going on here. The strangeness of Yates and Barbieri-Low’s reading is exemplified by their discussion of what they see as the text’s apparent anachronism: “*Ru* 儒, i. e., Confucians, the descendants of disciples of Confucius (d. 479 BCE), were known in Warring States times for their habit of wearing antique clothing and their mannered ways of walking... In this story, Ding [the assistant clerk] is said to have been judged by Liuxia Ji, who lived in Lu before Confucius was active, yet Ding wore Confucian clothing. Evidently, this detail is anachronistic. As mentioned in slip no. 177, the word *Ru* is indicated in the text by a graph that contains the ‘insect’ semantic classifier and likely means ‘to crawl or wriggle like a bug.’ The legalist scribe probably intended to slight the Confucians, whom he considered filthy vermin.” Note 12, pp. 1374-1375.

⁶⁸ *Xunzi jijie*, *juan* 2, Chapter 4, “Rong ru,” 70.

“Uneven yet equivalent; bent yet obedience; different yet united.” This refers to human relationships.

故仁人在上，則農以力盡田，賈以察盡財，百工以巧盡械器，士大夫以上至於公侯，莫不以仁厚知能盡官職。夫是之謂至平。故或祿天下，而不自以為多，或監門御旅，抱關擊柝，而不自以為寡。故曰：斬而齊，枉而順，不同而一。夫是之謂人倫。⁶⁹

There are various ranking schemes at play here. At the most abstract level there is noble and base, young and old, wise and stupid. Overlapping with this, there are the humane (*ren ren*), the gentlemen, farmers, merchants, and craftsmen. In the first instance, the “humane” refers to the ruler alone, but in the second appearance of the ruler, he is situated at the top of a gentlemanly hierarchy that includes many people. There are the various ranks between gentlemen (*shidafu*) and lords (*gonghou*), namely those charged with governing the farmers, merchants, and craftsmen. The ranks of the humane thus include a wide range of positions, from the emperor who “takes the entire world as his salary” to the gatekeepers at the bottom. The distinctions might be drawn in this way (Table 2):

Table 2: Rank in *Xunzi*

Wise 知	Noble 貴	Humane 仁	Office/Duty 官職	Son of Heaven 天子
				Lords 公侯
				Gentlemen 士大夫
				Gatekeepers and Night watchmen 監門御旅，抱關擊柝
Stupid 愚	Base 賤			Farmer (Strength) 農（力）
				Merchant (Perceptiveness) 賈（察）
				Artisan (Skill) 百工（巧）

Loubna El Amine is correct to emphasize the status distinction animating early “Confucian” thought. There was, as it were, a set of ideas applicable to *junzi* and a different set of ideas for everybody else.⁷⁰ Indeed, the legitimacy of order relies on being able to distinguish between noble and base, *junzi* and *xiaoren*. What needs to be emphasized, however, is the incredible ambiguity of this way of establishing order. Not only is the starting point seemingly arbitrary (how, after all, does one person get what everyone desires, namely to be Son of Heaven?) moreover, the space between the various levels is hard to maintain. The bottom of officialdom bleeds into the top of the ranks of the base. The proximity of gatekeepers to baseness is even further underscored by the fact that convicts regularly tended to the gates.⁷¹ From the other side looking up, merchants are distinguished by their “intelligence” (*cha*) and of course wealth, which moves them closer to the realm of the “knowledgeable” and noble even if they are often viewed as base. The intelligence of merchants and

⁶⁹ Ibid. 70-71.

⁷⁰ Loubna El Amine, *Classical Confucian Political Thought: A New Interpretation* (Princeton: Princeton University Press, 2015).

⁷¹ See the note in *Xunzi jijie*, 71.

their ability to appropriate the signs of power was a continual thorn in the side of the imperial body politic, as we will see below.

The bottom of what we might call the *junzi* spectrum—the gatekeepers and bell ringers—was a place of much anxiety because it was this position that functioned as the pivot between the world of rulers and ruled or, to speak the more abstract language of the time, the gap between the order of bodies (*shen* 身) and the order of the Dao. That was the line that separated labor 役 from office 職. The line between body and Dao here, however, also reminded gentleman at the top that the gap between them and the most menial was thin, indeed. *Mengzi* 5B/5 had a similar scheme in mind when he said that gentlemen do not take office in order to alleviate their poverty, but if they must take office to alleviate poverty they should reject the most noble and the most well-paid positions in favor of the most poorly paid positions. What position is that? The gatekeepers and bell ringers.⁷² These lower positions had more circumscribed duties and while they kept one fed and in the realm of the *junzi*, they barely did so. *Mengzi* makes the narrow confines of these low positions clear. In such a “low position to speak of high affairs would be a crime. [But] to stand in the court of a person and not have one’s Dao carried out would be shameful.”⁷³ This low position is already marked by the lack of concern for the Dao. One has the dignity of a *changzhi* 常職, a regular office,⁷⁴ but none of the high-level ambitions of a court advisor—someone who had the right to have a Dao.

These lower positions were given a certain glamour by the fact that Kongzi had once held offices of similar stature. According to *Mengzi*, Kongzi served as granary official where the only thing he concerned himself with was the “accuracy of the accounts” 會計當而已. He also served as a steward of the fields (*chengtian* 乘田), concerning himself only with the growth of the cattle and sheep under his care.⁷⁵ He was, as the *Shiji* writes in the same context, “poor and base” 貧且賤, so had to take up this kind of lowly work.⁷⁶ Wang Chong compared this kind of work to that of “county officials” 縣吏 working under the a county magistrate and noted how admirable it was that Kongzi was not choosy about taking up such work.⁷⁷ Wang Chong modeled his own character on Kongzi’s lack of “lust for wealth and high status” 不貪富貴.⁷⁸ Wang’s comments speak to his society, however, precisely because such work was on the cusp of unbearable debasement for a *junzi*.

These status anxieties are seen throughout the *Analects* as well, a text strongly shaped by the anxieties of Han gentlemen.⁷⁹ When a certain high official (*taizai* 大宰) in *Analects* 9.6 mockingly inquires of Zigong 子貢 why a sage would have so many skills (*neng* 能) Kongzi corrects Zigong’s defense of his master saying that he was “base” as a young man and therefore acquired knowledge of many “petty things” 鄙事.⁸⁰ A *junzi*, Kongzi insists, does not take pride in possessing so many skills. In *Analects* 9.7, the master is reported to have said that he acquired these “arts” 藝 because he was not employed in any real official capacity.⁸¹ It may have been some consolation to the early imperial reader to have in Kongzi a *junzi* who found equanimity even in the midst of petty work. That the Han reader understood the status stakes in these discussions is made clear again by Wang

⁷² *Mengzi zhengyi*, *juan* 21, 708.

⁷³ *Mengzi zhengyi*, *juan* 21, 709. 位卑而言高，罪也；立乎人之本朝，而道不行，恥也。

⁷⁴ *Mengzi zhengyi*, *juan* 21, 712. 抱關擊柝者，皆有常職以食於上。

⁷⁵ *Mengzi zhengyi*, *juan* 21, 709.

⁷⁶ *Shiji* 47.1909.

⁷⁷ Huang Hui, ed., *Lunheng jiaoshi*, *juan* 30, “Ziji” 自紀, 1191.

⁷⁸ *Ibid.*

⁷⁹ See Mick Hunter, *Confucius Beyond the Analects* (Leiden: Brill, 2017), 250-252.

⁸⁰ *Lunyu yishu*, *juan* 5, 212.

⁸¹ *Ibid.*, 213.

Chong who uses these passages as evidence that something as “esteemed, noble, high, and grand” as Heaven would not concern itself with petty accusations and punitive calamities—those would be like Kongzi’s “many skills” (*duo jineng* 多技能).⁸²

Having “skills” in this way put one way too close to the realm of those who *served* and thus out of the realm of those who ruled. This trope is already clear in the “Metal Coffer” (*Jinteng* 金滕) chapter of the *Documents* classic 尚書, where the Duke of Zhou makes the case in a prayer aimed at curing the king’s illness to the spirits that he should die in King Wu’s place. The Duke of Zhou says “I am good⁸³ and clever with many skills and arts that can serve the ghosts and spirits” 予仁若考能，多材多藝，能事鬼神。⁸⁴ The ill King Wu does not have these skills and is unable to serve the spirits, *but* he has been “given a charge in the court of the Lord on High (*di*)” to govern the four directions and bring peace and prosperity to his progeny.⁸⁵ The argument here is clear: I, the Duke of Zhou am a petty man who can serve you, but my king has been charged with governing, not serving. The premise of the argument is that ghosts and spirits of the afterlife are looking for men to *serve* them, a task that better suits the Duke of Zhou.⁸⁶

A similar sort of status anxiety can be seen in funerary documents in the Han as well. Funerary relocation documents often include particular stipulations that the deceased has been freed of corvée labor in the afterlife.⁸⁷ A particularly interesting text is found on a bottle discovered in Xi’an county dated to 147 CE. The accompanying lead figurine was offered as a replacement for the deceased, including a textual resume of its skills: “He can pound rice and cook. He can drive a chariot. He can hold a brush and write” 能舂能炊，上車能御，把筆能書。⁸⁸ The ability to write and the work done by these petty officials at the bottom of the *junzi* spectrum could be viewed as parallel to the skills of corvée labor—pounding grain, cooking food, and driving chariots. Wang Chong posed just such a question to himself:

⁸² Huang Hui, ed., *Lunheng jiaoshi*, juan 18, “Ziran” 自然, 785.

⁸³ Tsinghua manuscript reads as 佞. Qinghua daxue chutu wenxian yanjiu yu baohu zhongxin 清華大學出土文獻研究與保護中心, ed., *Qinghua daxue cang zhanguo zhujian (yi)* 清華大學藏戰國竹簡 (壹) (Shanghai: Zhongxi, 2010).

⁸⁴ Ruan Yuan, ed., *Shangshu zhushu* 尚書注疏, in *Chongkan Songben Shisan jing zhushu* 重刊宋本十三經注疏 (Taipei: Yinwen yinshuguan, 1965) (rpt. of 1815), 186-2.

⁸⁵ Ibid.

⁸⁶ The difference between the Tsinghua University and received manuscripts on this passage has generated much discussion. See Dirk Meyer, “The art of narrative and the rhetoric of persuasion in the ‘Jin Teng’ (Metal Bound Casket) from the Tsinghua collection of manuscripts,” *Asia* 68 (4) (2014), 937-968; Magnus Ribbing Gren, “The Qinghua ‘Jinteng’ Manuscript: What it does not tell us about the Duke of Zhou,” in *Origins of Chinese Political Philosophy: Studies in the Composition and Thought of the Shangshu (Classic of Documents)*, eds., Martin Kern and Dirk Meyer (Leiden: Brill, 2017), 193-223; Dirk Meyer, “Shu’ Traditions and Text Recomposition: A Reevaluation of ‘Jinteng’ 金滕 and ‘Zhou Wu Wang you ji’ 周武王有疾,” in *ibid.*, 224-248. The arguments in these chapters come down to how we view the meaning of “having many skills and arts.” Meyer and Gren both argue that this claim made in a secret prayer suggests that the Duke of Zhou is pleading that he is more worthy and thus should be the rightful ruler of the Zhou. I think the claim is better understood, however, in terms of the culturally specific meaning of being good at many arts. That claim looked like one was positioning oneself as a servant rather than ruler.

⁸⁷ See Guo Jue, “Western Han Funerary Relocation Documents and the Making of the Dead in Early Imperial China,” *Bamboo and Silk* 2.1 (2019): 141-273.

⁸⁸ See Shanxi sheng wenguanhui 陝西省文管會, “Chang’an xian Sanli cun Dong Han muzang fajue jianbao” 長安縣三里村東漢墓葬發掘簡報, *Wenwu cankao ziliao* 文物參考資料 7 (1958). For image and further discussion of this figure and similar figures, see Sun Ji 孫機, *Handai wuzhi wenhua ziliao tushuo* 漢代物質文化資料圖說 (Shanghai: Shanghai guji chubanshe, 2008), 464, 466.

The functionary skills of writing, the ability to manage and settle accounts and verify and arrange detailed affairs, using all of his strength (*jīnlì*) and skill (*cáinéng*) in service to the court, even without the learning of the Dao, is it not also a way of demonstrating (*xiaoyan*) one's loyalty to the ruler?

文吏筆札之能，而治定簿書，考理煩事，雖無道學，筋力材能盡於朝廷，此亦報上之效驗也。⁸⁹

Such men are, Wang argues, “like the poor who owe the government a huge debt and, having nothing to repay the debt, are forced to labor with their bodies in the government offices until their debt has been paid” 此有似於貧人負官重責，貧無以償，則身為官作，責乃畢竟。⁹⁰ This kind of labor is like *corvée*, building, pounding city walls, and so forth.⁹¹ The student of the Way, however, was like a wealthy man who had the means to pay his debts without menial physical labor.

The status scheme articulated in the *Xunzi* is repeated in the technical vocabulary of the Han imperial bureaucracy in Xu Gan's 徐幹 (170-217 CE) *Zhonglun* 中論:

In the rites and laws instituted by the past kings, the noble held positions that were always honored, while the lowly held hierarchically ranks positions. The gentleman and petty man each had a different office. Hence there was no transgression by those below encroaching upon the authority of those above them, and so the labor (*yì*), wealth (*cái*), and strength (*lì*) was able to supply a sufficiency for all...

昔之聖王制為禮法，貴有常尊，賤有等差，君子小人，各司分職，故下無潛上之愆，而人役財力，能相供足也……

Today, those people who are without virtue yet possess wealth should be among those who are ruled by others and feed others. These men, however, employ (*yì shì*) servants and tenants and do not exert their muscle strength. They communicate with their eyes and direct with their chins, residing in leisure with their robes at rest. How could a man surpass them even if he is a loyal and trustworthy gentleman who reads the books of sages and wise men, standing at court in ceremonial dress and holding the courtier's tablet? Furthermore, there are many gentlemen who are too poor and have slaves in their homes. Even if they have them, they do not suffice to do the work, so the gentleman's wife must work hard making the fire and doing the cooking herself. Why is this? It is the fault of those men who net profits and vie with the gentlemen, and also the fault of those well-dressed magnates who annex other people's land. They have caused this.

今夫無德而居富之民，宜治於人且食人者也，役使奴婢，不勞筋力，目喻頤指，從容垂拱，雖懷忠信之士，讀聖哲之書，端委執笏，列在朝位者，何以加之？且今之君子，尚多貧匱，家無奴婢，既其有者，不足供事，妻子勤勞，躬自爨烹，其故何也？皆由罔利之人與之競逐，又有紆青拖紫并兼之門使之然也……

If one conducts the empire so that honest and courteous gentlemen are deprived in this way while greedy men have more than they need, this is not the way to differentiate respectable from disreputable, to grade the noble and base, to treat wealth and profit as base pursuits, or

⁸⁹ Huang Hui, ed., *Lunheng jiaoshi*, juan 12, “Liang zhi” 量知, 548-549.

⁹⁰ Ibid.

⁹¹ Ibid.

to elevate virtue. Today, governors and magistrates who style themselves “rulers” (*jun*) bestow rewards and punishments on their own initiative. In the same way, commoners who keep slaves, sometimes numbering in the hundreds, also bestow rewards and punishment on their own initiative. How, then, are they different from the senior clerks (*zhangshi*) of the commanderies and counties? Although slaves may be base, they have the five constants. They were originally the good commoners of emperors and kings, but now these registered petty men are employed by these magnates. Sad and destitute, they have lost their proper place and have no place to report their case. Have they not been wronged?

為國而令廉讓君子不足如此，而使貪人有餘如彼，非所以辨尊卑、等貴賤、賤財利、尚道德也。今太守令長得稱君者，以慶賞刑威，咸自己出也。民畜奴婢，或至數百，慶賞刑威，亦自己出，則與郡縣長史又何以異？夫奴婢雖賤，俱含五常，本帝王良民，而使編戶小人為己役，哀窮失所，猶無告訴，豈不枉哉？

Today, officials from the ranks of those whose salaries are given in terms of pecks and bushels (*doushi*) and accessory clerks (*zuoshi*) up to the local kings are all those who rule over people, so it is appropriate that they keep slaves. Farmers, artisans, merchants, as well as runners and messengers, are all engaged in the employment of their strength and physical labor, and are thus ruled over by people. They ought not to be allowed to keep slaves.

今自斗食佐史以上，至諸侯王，皆治民人者也，宜畜奴婢。農工商及給趨走使令者，皆勞力躬作、治於人者也，宜不得畜。⁹²

The entire bureaucratic hierarchy, from the officials whose salaries are given in terms of pecks and bushels (*doushi*) up to the local kings (*zhuhou wang*), are equal in terms of their ability to “govern people” (see Table 3) As “governing people” is in some sense analogous to managing those of servile status wealthy people with hundreds of slaves encroach on the authority of the legitimate governing class. However, the text also states that all people are the emperor’s “good commoners” and should not be subject to enslavement. Those who are qualified to legitimately “govern men” are nevertheless fit to have slaves and servants. Indeed, these men *must* have slaves and servants for otherwise they are not rewarded sufficiently for their virtue. The argument about slaves being complete in the “five constants” is not a general anti-slavery statement, but is rather deployed as one argument in a litany of arguments against the seizure of power by *xiaoren* adopting the commanding gestures and leisure of the *junzi*. The reference to the “five constants” here nonetheless underscores again how confusing the imperial status system in fact was. No one should be deprived of moral dignity as all have the “five constants” yet some men may legitimately rule over other men by virtue of their status as gentlemen.

The ranking schema as laid out in Table 3 is Xu Gan’s idealized understanding of the proper order, but it reflects the actual Han scheme, as seen in the *Hanshu* and excavated manuscripts (more below), of marking officialdom from the Accessory Clerks on up. The claims about relative nobility and baseness exist on a spectrum, so of course the kings will be considered more noble than the Accessory Clerks, but it is important for Xu to emphasize that, while there is a spectrum, there is also a clear divide between kinds of people. Perhaps the most problematic label is that of relative virtue insofar as each kind of person has virtues specific to their work and has within them, as Xu emphasizes, the “Five Constants.” Nevertheless, Xu emphasizes that there is something about the virtue of the gentleman that deserves to command, even possess, other people who are, if not lacking in virtue, at least less virtuous.

⁹² Sun Qizhi *Zhonglun jiegou*, 383-389.

Table 3: Xu Gan's Ranks

Rulers 治人	Noble 貴	Gentlemen 君子	Virtuous 有德	Local kings 諸侯王
				Commandery Governors 郡太守
				County magistrates 縣令長
				County senior clerks 郡縣長史
				Functionaries/Accessory Clerks 斗食／佐史
Ruled 治於人	Base 賤	Petty men (registered households) (編戶) 小人	Lacking in virtue 無德	Runners and Messengers 給趨走／使令
				Farmers 農
				Merchants 商
				Artisans 工
				Slaves 奴婢

A key part of Xu's argument is that the visible credentials of gentlemanly status were easy enough to fake. Indeed, by commanding slaves and making commanding gestures with the eyes or chin from a position of comfort and ease, one looked like a gentleman. The appearance in many a Han painting of a "great man" and his spouse sitting at a small table surrounded by literally smaller men was the image of the gentleman. In a passage we will have occasion to return to below, Jia Yi had come to the conclusion that most people imagined "the Son of Heaven as simply someone whose family had sufficient wealth and who leaned on a table and glared at people."⁹³

The salaried and accessory clerks were at the very bottom of the gentleman spectrum, a fact born out in excavated materials from the Qin and Han period.⁹⁴ The name *doushi* referred originally to the daily salary of one *dou* of grain per day, but by the late Western Han the salary was given monthly as with other officials.⁹⁵ These officials were as far away from the emperor as a *junzi* could be and still maintain *junzi* status. When the *Shiji* says that Kongzi moved from his menial accountant positions to become *sikong* 司空, "director of public works," contemporary Han readers would have seen a move up the ladder similar to the one seen in the strip 10-5 from Liye where a man served successively as *guanzu* 官佐, county *lingzu* 縣令佐, county *doushi* 縣斗食, county director of public

⁹³ *Xinsbu jiaozhu*, juan 3, "Shi bian" 時變, 97.

⁹⁴ For a discussion of this important space "between officials and commoners," see Kiyoshi Miyaki 宮宅潔, "Handai guanliao zuzhi de zuixia ceng—guan yu min zhi jian 漢代官僚組織的最下層：官與民之間," in *Zhongguo gudai falü wenxian yanjiu* 中國古代法律文獻研究, ed., Xu Shihong (Beijing: Shehui kexue wenxian chubanshe, 2013), 127-161.

⁹⁵ Huang Yijun 黃怡君, *The Officials Selection and Promotion System during Western Han Dynasty* 西漢官吏的選任與遷轉 (PhD Dissertation, National Taiwan University, 2020), 35.

works 縣司空, and finally acting assistant in Qianling country 守遷陵丞.⁹⁶ It is with this hierarchy in mind that Empress Dou 竇太后 (d. 135 BCE), an avid reader of the writings of Laozi, could respond to the scholar Yuan Gu's 轅固 (Jingdi 景帝 reign) accusation that Laozi's teachings were "the words of a house servant" 家人言. Not to be outdone in the status accusation made by Yuan, the empress responds sarcastically, asking: "And how did you come across the records of convict labor composed by the Director of Public Works (*sikong*)" 安得司空城旦書?⁹⁷ In legend, Kongzi did serve as *sikong*, but Kongzi's position was higher in esteem than the lowly convict herder in the imperial counties. The barb works not only because it associates Kongzi, who served as *sikong*, with the harsher adherence to the statutes and ordinances, but because it condemns Kongzi to a status barely above the bottom ranks of the *junzi* hierarchy.

Nevertheless, such a status was still, as Xu Gan observed, within the realm of gentlemen and the ethical expectations for such gentleman bore that out. A model resume of a *doushi lingshi* 斗食令史 excavated at Xuanquan in the northwest dated to 70 BCE (本始元年) describes the abilities of the man as: "Able to write, make accounts, govern office and commoners, excellent knowledge of the written statutes and ordinances" 能書會計治官民頗知律令文.⁹⁸ This description of skills can be found throughout the excavated record, combining the concrete skills of the bureaucrat—writing and account making—with a statement regarding their ability to govern offices and commoners. The governance of offices and commoners was already seen in the Qin period official handbook, *Serving as an Official in Governing Offices and Commoners* 為吏治官及黔首.⁹⁹ These guides, already seen in the pre-imperial Qin, *The Way of an Official* 為吏之道, combine technical and ethical guidance for officials like Xi 喜, the man buried with the latter handbook, who served in the lowest levels of the bureaucracy, making it as high as a *lingshi* 令史, head clerk.¹⁰⁰ Another handbook from the Han discovered in the northwest describes three kinds of bad officials: (1) "sycophantic officials" (*yuli*), yes-men who "secretly sought out what their superiors liked and offered those things up"; (2) "officials who fill out the quota" who have no particular principles which cause them to "care for their private business and ignore public matters" and who "devote their minds to treachery and hiding their skills, blending in with the movement of the age;" and (3) "stupid officials" who cannot be taught to do anything but who "love to show off even though their position is low."¹⁰¹

As *Xunzi* flatly stated, all of these men desired to be Son of Heaven. Indeed, they were all rulers (*jun* 君) over both officials and men and could legitimately claim the capacity to rule. While ritual and legal norms were meant to carve out a space where each was given their proper place, that place was completely artificial. These human-made hierarchical distinctions were meant to "settle the people's mind" 定民志 and "cut off the ambitions and hope" thus securing "trust" in the social order and the elimination of "confusion." Confusion was a constant, however, and produced prickliness about status at every level of society. Cai Yong was not far off the mark when he wrote

⁹⁶ Liye 10-15, cited in Huang Yijun, 37-38.

⁹⁷ *Shiji* 121.3123.

⁹⁸ Zhang Junmin 張俊民, "Xuanquan Hanjian suojian wenshu geshi jian" 懸泉漢簡所見文書格式簡 in *Jianbo yanjiu* 簡帛研究 (Guilin: Guangxi shifan daxue chubanshe, 2011): 121.

⁹⁹ Zhu Hanmin 朱漢民 and Chen Songchang 陳松長, eds., *Yuelu shuyuan cang Qin jian (yi)* 岳麓書院藏秦簡 (壹) (Shanghai: Shanghai cishu chubanshe, 2010), 109-173.

¹⁰⁰ Chen Wei, ed., *Qin jiandu heji* 秦簡牘合集, vol.1 (Wuhan: Wuhan daxue chubanshe, 2014), 320-348.

¹⁰¹ See Hsing I-tien 邢義田, "Qin Han jiceng yuanli de jingshen suyang yu jiaoyu" 秦漢基層員吏的精神素養與教育, in *Jin chen ji* 今塵集 (Shanghai: Zhong-Xi shuju, 2019), 101-110.

that the new imperial dispensation required excessive attention to what could be held singularly by the emperor precisely because there was no commonly accepted order of noble and base.

The tensions of this order were on full display in the “Wang Ba” 王霸 chapter of the *Xunzi* where the common desire of every person is to be “called a sage, controlling others and not controlled by others” 名為聖人，兼制人，人莫得而制。¹⁰² Order regularly breaks down, however, because rulers exclude the worthy (*xian*) and subjects “compete for office and are jealous of the worthy” 爭職而妒賢。If only the ruler would expand his search for the worthy, refusing relatives and not distinguishing between noble and base, then subjects would “take the business of their office lightly, yielding to worthy men and be at following behind others” 則人臣輕職業讓賢，而安隨其後。¹⁰³

The new markers of the imperial body politic were, however, insufficient to dash the hopes of the ambitious. Noble and base, worthy and unworthy were, in fact, easily conflated. Furthermore, in the world of ideas, the abstract, fictional existence of “an equal person in a registered household” was in tacit alliance with an equally abstract ideal of the “great man” or the “gentleman” who, regardless of origin, rank, or role could meet on the wide and flat plane of the Way. The stories told of Liu Bang 劉邦, the founding emperor of the Han, dramatize this well. While doing corvée labor (*yi* 役) in the Qin capital of Xianyang, Sima Qian’s 司馬遷 *Shiji* 史記 records, Liu Bang had occasion to see the First Emperor of Qin on a procession through the city. “Oh,” the young Liu reportedly said, “a great man should be like that” 大丈夫當如此也。¹⁰⁴ The ideal of the “great man” 大丈夫, like that of the “gentleman” 君子, was, as much as any bureaucratic fungibility of laboring bodies, a cause for much confusion of rank and role. Liu Bang, the story more than implies, could already see himself in the position of emperor. It did not matter that he was, at that moment, merely a laborer (*yi*) in the vast machinery of empire. By the time he was serving as village heads (*tingzhang* 亭長), he was already in the ranks of the gentlemen, or close enough to expect to move into those ranks. Indeed, the story of Liu Bang begins by showing how status was a game that could be played with false credentials, as his faked calling card to his future father-in-law’s gathering plainly shows.¹⁰⁵

The other contender for power, Xiang Yu 項羽 of a powerful Chu noble family, had an almost identical experience. Seeing the First Emperor of Qin touring Kuaiji and crossing the Zhe river, Xiang Yu says: “He can be seized and replaced.”¹⁰⁶ There was no demonstration of power that could, as Jia Yi hoped, tamp down the ambitions of lesser men. Even the early rebel Chen She 陳涉, who Jia Yi called “a child of rope-hinged doors and a menial man,”¹⁰⁷ was able to stand in the fields as a hired laborer (*yong* 庸) and imagine a day when he too would be “wealthy and esteemed.”¹⁰⁸ After all, he said, does nobility “really have a seed?” As if to underscore the point, Chen, acting together with Wu Guang, killed the officials leading his group of conscripts and pretended to be the Qin prince Fusu and the Chu noble Xiang Yan.¹⁰⁹ Chen’s kingship came to an abrupt end, however, because he failed to *share* power, favoring those who were “harsh and penetrating” 苛察 and

¹⁰² *Xunzi jijie*, *juan* 7, Chapter 11, 216.

¹⁰³ *Ibid.*, 218.

¹⁰⁴ *Shiji* 8.344.

¹⁰⁵ *Shiji* 8.344.

¹⁰⁶ *Shiji* 7.296.

¹⁰⁷ *Shiji* 48.1964.

¹⁰⁸ *Shiji* 48.1949.

¹⁰⁹ *Shiji* 48.1950.

refusing to allow his officials to openly pursue legal accusations. Chen would “manage [the cases] alone” 自治.¹¹⁰

A commoner, a low-ranking official, and a noble man could all see themselves in the position of emperor.

The thinkers from the century before Liu Bang had already given voice to the ambition implicit in Liu’s idea of “a great man” (*da zhangjun*). The *Mengzi*, for instance, had already given voice to the highly ambiguous concept of “great man” that could undergird Liu’s ambitions *and* the structure of ideal authority in the new empire. Nothing, Mengzi said, distinguished one man from another except his “place” (*ju* 居). Even princes were all simply “sons of men” 人之子 who had attained their special character, even tone of voice, from their “place.”¹¹¹ A *truly* great man, however, could make a place for himself without having any actual position or any other outward marker of authority. He was defined not by birth, rank, or role but by his ability to “place (*ju*) himself in the wideness of the world, occupy an upright position in the world, and carry out the great way” 居天下之廣居，立天下之正位，行天下之大道.¹¹² One might be forgiven for confusing this with a description of actual imperial power. The grandeur of this character was *explicitly* modeled on the character and cultivation of the prince and, if anything, gave the cultivated person reason to believe that he might surpass the prince even without the position. In any case, the lack of real position was *merely* a product of the “command of fate” (*ming* 命) and hardly a question of any real ontological difference.

The *Xunzi* 荀子 articulated the disposition of the “great man” with even greater clarity:

With a cultivated mind, one can be haughty in the face of wealth and nobility; when one’s Way and Rightness (*dao yi*) are weighty, one can treat kings and duke’s lightly; when the inner is cultivated, one can treat outer things lightly. Thus a tradition says: ‘The gentleman employs (*yi*) things; the petty man is employed (*yi*) by things.’

志意脩則驕富貴，道義重則輕王公；內省而外物輕矣。傳曰：君子役物，小人役於物。¹¹³

“Even the sons and grandsons of kings and dukes should be returned to the ranks of the common man if they are unable to act with ritual and duty (*li yi*)” 雖王公士大夫之子孫也，不能屬於禮義，則歸之庶人.¹¹⁴ The opposite was, of course, also true. Both *Mengzi* and *Xunzi* hold the critical question at arm’s length, speaking only of the sons of kings and of princes, but the implication is clear. If anyone could be either body or agent of the *Dao* there could be no *qualitative* difference between laborer and emperor. Sima Qian’s narration of Liu Bang the corvée laborer (*yi*) looking upon the “great man” was meant to call forth these third century images comparing the gentleman who *employed* (*yi*) others and the petty man who was *employed* by others.

If anyone can be a Yao or a Shun, then anyone could be an emperor. When Liu Bang finally becomes emperor and holds a court ceremony in Changle Palace 長樂宮 at the beginning of his seventh year, he had what can only be described as an out-of-body—out of *shen* 身—experience. Implicitly recalling his earlier encounter with the First Emperor of Qin, Liu says, seeing himself

¹¹⁰ *Shiji* 48.1960-1961.

¹¹¹ *Mengzi zhengyi*, *juan* 27, 933.

¹¹² *Mengzi zhengyi*, *juan* 12, 419.

¹¹³ *Xunzi jijie*, *juan* 1, Chapter 2, “Xiushen” 修身, 27.

¹¹⁴ *Xunzi jijie*, *juan* 5, Chapter 9, “Wangzhi” 王制, 148-149.

performing the emperor as if from the outside, “I finally, today, understand the nobility of acting as emperor” 吾乃今日知為皇帝之貴也。¹¹⁵ He *is* emperor because he is *acting* as emperor. Or, to deploy *Mengzi* image of “lendings,” “If one borrows something long enough, how will they know you do not possess it?” 久假而不歸，惡知其非真有也. *Xunzi* too would make much of the importance of these “lendings” (*jia* 假). The difference between a bunch of drunk men swinging swords at each other in the palace and the grandeur of the emperorship was razor-thin indeed.¹¹⁶ “Unaccommodated man is...such a poor, bare, forked animal.”¹¹⁷ After the Qin debacle, “the decent drapery of life” “furnished from the wardrobe of a moral imagination” needed to be refitted to “cover the defects of our naked, shivering nature, and to raise it to dignity in our own estimation.”¹¹⁸

Nobody wants to be a laborer (*yi* 役) or, joining the 1%

By the end of the Western Han in 5 BCE, officials in the empire, according to the *Hanshu* account, numbered 130,285.¹¹⁹ The total number of households was 12,233,062. If we take each household as having one adult male qualified for official service, then the number of officials is roughly 1% of the total adult male population. If Xu Gan’s definition of “gentleman” is taken seriously, namely those from Accessory Clerks (*zuoshi*) up to the nobilities, 130,285 or 1% of the total adult male population is roughly the number of credentialed gentlemen in the empire. The *Hanshu* includes more than Xu did, including everyone from Chancellor (*chengxiang* 丞相) in the capital down to accessory clerks in the counties, but the point remains. The *Hanshu* numbers are surprisingly consistent, in terms of percentage, with excavated evidence from local administration. The Yinwan Collected Accounts (*Jibu* 集簿) from 11 BCE gives a total of 2,203 officials for Donghai Commandery with a total population of 1,397,343. Of those, there were 501 *doushi* and 1,182 Accessory Clerks and village heads (*tingzhang*). Many of those men would, as we already see in the Yinwan records, be able to work themselves up the ladder. If we take the number of households in Donghai, namely 266,290, as a rough number for the number of adult men in the commandery, the percentage of gentleman in the commandery was also roughly 1% of the adult male population ($2203/266,290=0.0085$).¹²⁰

Now, to be clear, these numbers include only those local men who were a part of centrally appointed officialdom and do not refer to the locally hired runners, clerks, and many others, many of whom were likely highly literate, who were essential to the maintenance of government at the local level. Some of those men, as we saw in Table 3 above, would fall into the category of “runners and messengers.” This would put them among the “petty men.” What I am calling the one-percent

¹¹⁵ *Shiji* 99.2723.

¹¹⁶ *Shiji* 99.2722. 群臣飲酒爭功，醉或妄呼，拔劍擊柱

¹¹⁷ Shakespeare, “King Lear,” Act 3, Scene 4.

¹¹⁸ Edmund Burke, *Reflections on the Revolution in France* (Indianapolis: Hackett, 1987), 67. (Original, 1790)

¹¹⁹ *Hanshu* 19.743. See Bielenstein, *The Bureaucracy of Han Times* (Cambridge: Cambridge University Press, 1980), 156. The *Zhonghua shuju* edition of the *Hanshu* gives 120,285, but other editions give the 130,285 number. See Bielenstein, 205, n. 1. On the basis of the Yinwan materials, Loewe estimates the empire outside the capital region had 99,214 officials, but allows for the fact that the capital region alone could have had 30,000 officials. Loewe, *The Men who governed China—Companion to a Biographical Dictionary of the Qin, Former Han and Xin Periods* (Leiden: Brill, 2004), 70.

¹²⁰ Lianyungang shi bowuguan 連雲港市博物館, et.al. ed., *Yinwan Hanmu jiandu* 尹灣漢墓簡牘 (Beijing: Zhonghua shuju, 1997), 13.

is only a rough estimate of what we might call the ruling class, but it nonetheless marked out a visible, if idealized, divide between gentlemen and petty men.

Zhongchang Tong 仲長統 (180-220) made a calculation similar to the one I make here at the end of the Eastern Han and, through a somewhat more mechanical statistical manipulation, set the number of gentleman at roughly 1% of the population as well. Zhongchang's framework is important because it reflects the by then well-established divisions between laborer and gentlemen:

In the past, the number of households (*hu*) in the empire exceeded 10,000,000. If we exclude the old and weak, there is one able-bodied male (*dingzhuang*) per household, that is 10,000,000 such people. Many would be left out of this count and barbarians living in Han lands would not be included. Among every ten men, there would necessarily be someone able to serve as the leader (*zhang*) of the *shi* and *wu*, that is 1,000,000 people. Divided by ten again, there would be 100,000 people with the talent of accessory clerk or above. Divided by ten again, there would be 10,000 people who could be employed in positions of administration (*zhengli*).

向者，天下戶過千萬，除其老弱，但戶一丁壯，則千萬人也。遺漏既多，又蠻夷戎狄居漢地者尚不在焉。丁壯十人之中，必有堪為其什伍之長，推什長已上，則百萬人。又十取之，則佐史之才已上十萬人也。又十取之，則可使在政理之位者萬人也。¹²¹

The percentage of gentlemen (pool of actual and potential qualified officeholders) is, according to this count, 1.1% of the total population. Here a distinction was made between those at the level of accessory clerk and above and those at the level of county magistrates and commandery governors (*zhengli* 政理 or “administrative” positions), but this was not a distinction between petty men and gentleman, but involved movement within the ranks of the gentlemen. The more fundamental division was outlined in the very next passage:

Those who are employed on account of the strength of their muscles are called persons (*ren*). “Person” requires an able body. Those employed on account of their talent and wisdom (*cai zhi*) are called “gentlemen” (*shi*). With the gentleman in service age is esteemed. If the people of the empire are employed to the fullest extent of these institutions, there should be a surplus, so how could one worry about insufficiencies? Some things that would not be sought so there would never be a time without things. Some gentlemen would not be employed so there would never be an age without gentlemen.

以筋力用者謂之人，人求丁壯；以才智用者謂之士，士貴耆老。充此制以用天下之人，猶將有儲，何嫌乎不足也？故物有不求，未有無物之歲也；士有不用，未有少士之世也。¹²²

Informing such calculations was the bigger idea that “the stupid would labor (*yi*) for the intelligent like the branches attach themselves to the trunk” 愚役于智，猶枝之附幹。¹²³ While the reference to “things” clearly refers to the annual agricultural crop, the slippage from persons/gentlemen to things/gentlemen should not go without remark, as this kind of slippage appears in many passages.

¹²¹ Sun Qizhi, *Zhenglun jiaozhu Changyan jiaozhu*, 293-294.

¹²² Ibid., 294.

¹²³ Ibid., 288.

We can fruitfully compare it with what the *Zhuangzi* referred to as the “most noble” 至貴. *Zhuangzi* speaks of a “great thing” as that which “not being a thing itself is able to treat all other things as things.” The political argument behind this is clear even if *Zhuangzi* pushes it to a limit where all in the world are equalized. He writes: “By understanding that the thing that things thing is not a thing, is this only good for governing the people (*baixing*) of the world?”¹²⁴ To be a gentleman is to employ stupid things but to not be employed by them (more on this below).

The use of the term person (*ren*) in the passage from Zhongchang was very close to the abstract calculation of person-days referred to earlier. An example of such a use would have been commonplace in Zhongchang’s world appears in an inscription dated to 60 CE, which commemorates the construction of the Baoxie road in Hanzhong Commandery, modern Shaanxi province:

In the Sixth Year of Yongping (63 CE) Hanzhong Commandery accepted, by imperial decree, laborers (*tu*) from Guanghan, Shu, and Ba commanderies, 2,690 people (*ren*) in total, to open the Baoxie Road. In total, the labor employed came to more than 766,800 person-days (*ren*); tiles numbered 369,808; money used was more than 1,499,400 cash; grain was...it was completed in the fourth month of the Ninth Year of Yongping (60 CE).
永平六年（63）漢中郡以詔書受廣漢、蜀郡、巴郡徒二千六百九十人，開通褒余道。最凡用功七十六萬六千八百餘人，瓦卅六萬九千八百八器，用錢百四十九萬九千四百餘，斛粟……九年四月成就。¹²⁵

Divided out, 2,690 people working 766,800 person-days comes to roughly 285 days of labor over three years. The unit of *gong* for those who use “the strength of their muscles” is a person-day, which was directly convertible into the cost in money or grain needed to sustain such a labor force.

To be clear, gentlemen were subject to an administrative assessment of *gonglao* 功勞 as well, but the underlying concept was different. *Time* meant something different. If we look at the documents excavated from the Han tomb at Shuihudi, for instance, we can get a rough sense of this difference. The “rank of merit” 功次 for office assistants in 162 BCE of Emperor Wen’s reign reads (in part):

Order of Merit for Office Assistants (*guanqiu*) in Year Two:
Dingyi: two merit points and three months and one day of work
Rencheng: two merit points and three months of work
Jiuying: two merit points and two months of work
....
二年官佐功次
定邑功二，勞三月一日
任成功二，勞三月
救嬰功二，勞二月
...

¹²⁴ *Zhuangzi jishi*, *juan* 4, Chapter 11, “Zai you” 在宥, 402.

¹²⁵ Luo Ergang 羅爾綱, *Jinshi cuibian jiaoben* 金石萃編校補 (Beijing: Zhonghua shuju, 2003), *juan* 5, 80.

¹²⁶ Chen Wei 陳偉 and Xiong Beisheng 熊北生, “Shuihudi Hanjian zhong de gongci wenshu” 睡虎帝漢簡中的功次文書, *Wenwu* 3 (2018), 66.

As Hu Pingsheng pointed out, four years of work (*lao*) is equivalent to one point of merit (*gong*).¹²⁷ Merit, however, is not calculated in terms of time alone and work time can be artificially added in the form of a “gift of days” 賜日. For instance, the fall archery competitions were an occasion for receiving a gift of work days.¹²⁸ The notion of time is different here for two reasons. First, time accumulates to one person in the form of official experience. In the “person-day” accounting of labor, the person is *used up* every day and reappears as another person-day the following day. One person working as a laborer for one year is 365 *ren*. One official, however, working for one year is still one official and that year becomes ¼ of a *gong* that can then serve as the basis for future advancement. An official has a *curriculum vitae*—a course of life. The laborer has his menial task. Second, there is, to my knowledge, no instance of a corvée or convict laborer receiving a gift of days. Being good at archery (a gentlemanly occupation, in any case) did not mean one gets to pound less dirt or move less kindling. We might cast that the system of amnesty (*she* 赦) as a gift of days, but this way of gifting time was a form of subtraction and not addition. The debt owed became smaller and smaller until one finally returned to the ranks of the equalized commoner. There is, importantly, some conceptual ambiguity here as the amnesty and the institution of gifting “commoner ranks” (*min jue*) treated the average commoner in the manner in which one would treat a gentleman. But for the fortunate official there were any number of ways to advance quickly up through the ranks of officialdom.

The abstract idea of corvée and convict “labor” (*gong* 功) reduced some of the “equal persons in registered households” to laboring bodies (*shen* 身). “The noble had knowledge; the rich had wealth; and the poor had their bodies” 貴者有知，富者有財，貧者有身, says the third-century *Heguanzi*.¹²⁹ The gentleman made a claim to having “knowledge” to escape the subjection of his body. As we saw above in the passage from Wang Chong, those “scholars” who possessed the way were able to claim a nobility that *mere* functionaries were unable to claim given that their work was simply “labor” on par with that of anyone else laboring for the empire. That’s why freedom from corvée labor was a kind of “redemption” (*fu* 復). The gentleman official, however, was not, at least ideally, in this kind of relationship with the empire. He was, as Wang emphasized, like a wealthy man who was confident that any favor he received would be paid out in the course of dignified social intercourse and made no demands on his body. It also did not debase him through a feeling of dependency. The “favor” shown to an appointed official was, as an Eastern Han legal documents writes, an opportunity to “cleanse the heart and secure oneself” 洒心自守.¹³⁰

The deeper criticism of “functionaries” (*wenli* 文吏) in the Han must be understood in this way. It was not a criticism, as many have insisted, about the use of law and punishment *per se*, it was a criticism of the unprincipled fickleness of the bureaucrat who, lacking any means of “securing his

¹²⁷ See Hu Pingsheng 胡平生, “Juyan Hanjian zhong de gong yu lao” 居延漢簡中的功與勞, *Wenwu* 4 (1995).

¹²⁸ Ibid.

¹²⁹ Huang Huaixin 黃懷信, ed., *Heguanzi jiaozhu* 鶡冠子 (Beijing: Zhonghua shuju, 2014), Chapter 1, “Bo xuan” 博選, 10; The same body problem appears in *Shuoyuan*: “The masses think damaging the body is shameful; the gentleman thinks damaging virtue is shameful 眾人以毀形為恥，君子以毀義為辱. See Liu Xiang 劉向, *Shuoyuan jiaozheng* 說苑校證 (Beijing: Zhonghua shuju, 1987) (2009 rpt.) *juan* 16, 404. See Mark Edward Lewis, *Honor and Shame in Early China* (Cambridge: Cambridge University Press, 2021), 147: “The ruler must act as a noble man. Common people, in contrast, worry only about their physical existence, being attracted to sensual pleasures and fearing physical pain. Consequently, only scholar-officials and an ideal ruler respond to the moral education based on honor-shame which underlay proper government.”

¹³⁰ Changsha shi wenwu kaogusuo 長沙市文物考古所, et. al., ed., *Changsha Wuyi guangchang Dong Han jiandu* 長沙五一廣場東漢簡牘, vol. 1 (Shanghai: Zhongxi shuju, 2018), #378, 2010CW1(3):199-1, p. 84.

body” (*shou shen* 守身) entered into all sorts of petty machinations at the local level, including unprincipled gift-giving and favor-gaming. In other words, the *wenli* acted the way many today might find typical of “Confucian” culture.¹³¹

The *Heguanzi* passage and Wang Chong’s own understanding of gentlemanly status implicitly marked, however, a tension that was difficult to resolve. “Nobility” was tied to having “knowledge,” but it was not necessarily tied to “wealth.” The poor gentleman nonetheless found himself in a predicament as his claim to “nobility” and dignity was difficult to sustain, both in his own mind and the minds of others. The unprincipled violence of local officials in the empire might be partially explained in terms of this status anxiety. If one has the power to subject others, then it feels like a kind of nobility to be able to call command men who exceed one in both wealth and influence at the local level. It was hard to make good on one’s gentlemanly status without the connections and confidence brought by *real* wealth and not the metaphorical wealth in the *dao* described by Wang Chong. Wang Fu described how poverty would squeeze the gentleman out of wealthy society and into the ranks of the petty commoner who was simply a dependent body:

When wealthy and noble, it is easy to do what is appropriate. When poor and base, it is difficult to do what is right. If one wears good clothing, it will be called excessive and encroaching; bad clothing will be called pathetic. If one walks slowly, they will say it is because one is hungry. If one walks quickly, they will say one is fleeing creditors. If one does not pay visits, they will say one is arrogant and haughty. But if one comes to often they will say one is seeking food. If one comes to visit empty-handed, they will think one lacks sincerity. If one brings a gift, they will think one is looking for a loan. If one is polite and yielding, they will think you are unworthy. If one is overly confident, they will think one lacks self-cultivation.

故富貴易得宜，貧賤難得適。好服謂之奢僭，惡衣謂之困厄，徐行謂之飢餒，疾行謂之逃責，不候謂之倨慢，數來謂之求食，空造以為無意，奉贊以為欲貸，恭謙以為不肖，抗揚以為不得。¹³²

The poor gentleman was thus treated as a dependent commoner who was thinking about hunger, debt. The gentleman sought to flee the feeling of indebtedness to others by claiming a kind of “self-possession,” but such a task was difficult and one always risked sinking back into the undifferentiated masses who had nothing but their *bodies*.

When the late Zhanguo or early Han *Guanzi* argued that “the ruler of people is good in his knowledge (*zhi*) and the servant (*yi*) is good in his person/body (*shen*)” 知善，人君也。身善，人役也, it was staking out a claim about status as much as about governing. Interestingly, it is “knowledge” that prevents ruler from becoming unfair and *too sensitive to favor*. If the ruler “was good in his person, it would not be fair (*gong*). If he was not fair, he would treat rewards as favors bestowed and would be unable to bear punishing others.”¹³³ This was a variation on the theme of the bad official who was bad not because of outright cruelty, but because he was prone to the machinations of favor, on the one hand, and fickle violence, on the other. The bad official had

¹³¹ See, e.g., Mayfair Mei-Hui Yang, *Gifts, Favors, and Banquets: The Art of Social Relationships in China* (Ithaca, NY: Cornell University Press, 1994).

¹³² *Qianfu lun jianzheng*, Chapter 30, “Jiaoji” 交際, 438.

¹³³ Li Xiangfeng 黎翔鳳, *Guanzi jiaozhu* 管子校注 (Beijing: Zhonghua shuju, 2006), 553-55: 知善，君也。身善，人役也。君身善則不公矣。人君不公，常惠於賞而不忍於刑。

nothing to sustain his person—no learning, no commitment to principle, and so forth—so was susceptible to the kinds of petty dealings that brought more uncertainty into the empire.

A key feature of early Chinese intellectual history was this: *there was no claim to a form of rulership that was not also a claim about the relationship between gentlemen and petty men, between knowledge and labor.* The working out of “imperial order” was the attempt to find a stable way of distributing gentleman vs. petty men. The *Guanzi* passage was, for instance, ambiguous in its implications, as it fails to state who is the *jun* 君 and how many there are? If there was only one *jun*, then the entire populace is reduced to various forms of “labor” (*yi* 役). If there are many, then there are many who might be able to escape the status of “labor.” At one extreme, the so-called “Legalist” vision of order was premised on the assumption that one could be a gentleman acting alone. At the other extreme was the vision of an order in which all were, or had the potential to become, gentlemen. The early empires were not completely averse to this idea and tried to instantiate it in certain practices, including the use of *minjue* 民爵 and the general amnesty. The more frequent claim, however, was somewhere in between. The fluidity and context-specific nature of claims about status opened up a space for negotiation that could be worked out in terms of wealth and power, but also in terms of mutual esteeming.

In the larger scheme of things outlined by the *Heguanzi*, there were subjects who were better than the ruler, who the ruler treated either as teacher or friend, those equal to the ruler, and everyone else, namely corvée (*yi*) and convict labor (*tuli* 徒隸), the “bodies” of the poor. Rulers who treated their servants as teachers, friends, and equals would prosper. The others would not. In an excavated silk manuscript from the early Han tomb at Mawangdui a similar passage is included in a long list of common sayings: “...the minister of a realm in danger is a minister in name, but a laborer (*yong*) in reality; the minister of a collapsing realm is a minister in name, but a captive in reality” 危者臣，名臣也，其實庸；亡者臣，名臣也，其實虜也。¹³⁴ The same *name*—*chen* 臣 in this case—could refer to different realities. (The idea that a *chen* should act like a *chen* 臣臣, as the famous *Analects* line would have it, says too little to be useful in thinking through these complexities. After all, as the Qin nomenclature change made clear, the word itself did mean “slave.”¹³⁵) This opened up a space for much negotiation, worry, and suspicion both on the part of the *chen*, but also on the part of the ruler. The late Eastern Han *Kongcongzi* 孔叢子 illustrates this well. A certain Zishun 子順 is called to serve as chancellor in the kingdom of Wei 魏. Zishun distinguishes, as many in the Han would do, between “merely seeking to subdue my body” 徒欲制服吾身 and seeking to “employ my Way” 用吾道. If, he says, the ruler’s wish is to simply to subdue his body, then “I would be just like any other male” 吾猶一夫爾。¹³⁶ This was a real concern for those with any ambition in the unified empire.

In a wonderfully contorted move to shame his patron, Sun Bao 孫寶 (late first century CE), for instance, refused an insufficiently reverent offer to be a teacher to the Imperial Counsellor’s son, but accepted a “lowly” position to be the Imperial Counsellor’s keeper of accounts (*zhu bu* 主簿). Sun explained his decision in this way, tapping into the two abstract orders of the early empires, *Dao* and *shen*, Way and body:

¹³⁴ Qiu Xigui 裘錫圭, ed., *Changshua Mawangdui Hanmu jianbo jicheng* (si), 176-177. See Chen Guying, *Huangdi sijing jinzhubujinyi*, “Cheng” 稱, 353.

¹³⁵ *Analects* 12.11. *Lunyu yishu*, juan 6, 310.

¹³⁶ Fu Yashu, *Kongcongzi jiaoshi*, juan 5, Chapter 15, “Chen shi yi” 陳士義, 329.

Great gentlemen (*gaoshi*) do not serve as keepers of accounts, but you thought that I would be suitable for the position and no one in your office objected, so how could I act alone in putting on airs? Earlier, your son wanted to study letters, so you moved *me* closer. The ritual, however, is to *come* for study. It would be inappropriate for me to *go* to you to teach. *The Way cannot be bent to one's will; but to bend the body to one's will surely harms nothing.* Not to mention, those who do not meet with recognition can do anything, even serve as keeper of accounts.

高士不為主簿，而大夫君以竇為可，一府莫言非，士安得獨自高？前日君男欲學文，而移竇自近。禮有來學，義無往教；道不可詘，身詘何傷？且不遭者可無不為，況主簿乎！

When the Imperial Counsellor heard this, he was deeply ashamed. The argument is that the sort of bureaucratic work entailed in keeping accounts brought one too uncomfortably close to the undifferentiated laborers who might be employed for just anything.

This kind of sentiment was everywhere, appearing with increasing intensity towards the end of the Eastern Han.¹³⁷ “The great man should fly like the rooster; how can he roost like the hen” 大丈夫生當雄飛，安能雌伏, said Zhao Wen 趙溫 complaining of his position as *jingzhao juncheng* 京兆郡丞.¹³⁸ Of his work as a village leader (*tingzhang*) Peng Meng 逢萌 said, “How can a great man be employed by others?” 大丈夫安能為人役耶.¹³⁹ The great Eastern Han classicist Zheng Xuan 鄭玄 even deployed the same framework—*dao* vs. *shen*—when interpreting the *Liji* 禮記 line, “In ritual, one takes of a person, but does not seize a person” 禮聞取於人，不聞取人. Zheng reads: “This speaks of ruling people. ‘Taking of a person’ means to raise up and revere their Way. ‘Seizing people’ means to ‘subdue their body’ 謂君人者。取於人，謂高尚其道；取人，謂制服其身.”¹⁴⁰ This was a profoundly anti-bureaucratic sentiment, expressing an ideal of humanity that rejected being treated as a body to be employed (*yishi* 役使). As a third century CE commentator understood well, the bureaucratic technology of registering someone’s name and residence was the means to “subdue their body.” Referring to the king’s bureaucratic management of ghosts and spirits, Wei Zhao 韋昭 (204-273 CE) writes that the ruler “grasped the registry (*luji*) and therefore was able to subdue their bodies and know the places where they reside” 把其錄籍，制服其身，知其居處. Quoting an unknown contemporary source, Wei compares it to “the ability to employ the vengeful ghosts” 能使殤矣.¹⁴¹ Recording, subduing, and employing bodies was the essence of early imperial bureaucratic technology.

Making Order in the Empire of Luck

Turning *luck* into legitimate *command*—*xing* 幸 into *ming* 命—was the task of making order in early China. How can one justify imperial power and ground an unconfusing hierarchy in the

¹³⁷ See Xu Chong 徐沖, *Zhongguo shidai de lishi shuxie yu huangdi quanli qiyuan* 中古時代的歷史書寫與皇帝權力起源 (Shanghai: Shanghai guji chubanshe, 2012), Part 4, 169-255.

¹³⁸ *Dongguan Hanji jiaozhu*, juan 14, 533.

¹³⁹ *Dongguan Hanji jiaozhu*, juan 18, 821.

¹⁴⁰ See *Liji zhushu*, Chapter 1, “Qu li” 曲禮, 14-1.

¹⁴¹ Xu Yuangao 徐元誥, *Guoyu jijie* 國語集解 (Beijing: Zhonghua shuju, 2002) (2008 rpt.), Chapter 17, “Chuyu shang” 楚語上, #8, 502.

apparent arbitrariness of status—including the emperor’s status? This is also the problem that is most pressing in our consideration of *xin*. Order needed to be established on something that produced real and enduring *esteem* for the dynasty, so imperial discourse regularly disparaged wealth, power, and cunning. Wealth (*cai* 財), power or strength (*li* 力), and knowledge (*zhi* 智) dissolved social order because they worked on a logic that was unstable and countenanced no hierarchy of esteem. Wealth could be made without virtue; strength could be deployed without reference to status; and knowledge was synonymous in many contexts with cunning and treachery which, as we saw, has no time for distinctions of status. Seeking (*qiu* 求), demanding (*ze* 責), hoping (*ji* 冀), searching for luck/favor (*jiaoxing* 僥倖) were all threats to social order because, insofar as they were directed outward at others, they could be directed at *all* others without reference to position or status. This is the deep reason underlying certain Han writers’ understanding of the Qin’s failure. The success of the new Qin order was that it effected a radical flattening of social relations in which it made things appear as though nothing succeeds like success, emptying everything of any moral significance from the family to the political order. The Qin died in the nihilism that it had inadvertently unleashed. I want to emphasize here that this Han insight goes well beyond considerations of Qin cruelty or harshness. For Han readers, the Qin did not collapse because it was mean, but because it created an order that no longer had any real bearings, which made cruelty appear even more intolerable.

Both *Xunzi* and later Sima Qian were right to emphasize that the rise of the Qin empire made sense in terms of overarching historical and institutional patterns and regularities (*shu* 數), *Xunzi* repeatedly emphasizing that Qin success was a matter of *shu* 數 and not *luck* 幸. Still, by the end of the third century BCE, Chen She, Liu Bang, and Xiang Yu were all able to see the Qin emperor as nothing but just another man who had power for no particular reason. The Qin had turned into an empire of luck and the territory of the new empire had become a space for “chasing the deer” 逐鹿. The success of the Han would require, if it wanted to survive, an empire *over* luck. It had to find the ideas and institutions that would turn an order founded on Liu Bang’s skill and strategy into an order based on legitimate esteem for the dynasty.

The *Shiji* account of the Second Emperor of Qin is composed of many contradictory elements, depicting the emperor as careening back and forth between a calm confidence in Qin institutions and a petty obsession with personal status. In the second mode, the *Shiji* shows how the Second Emperor himself was swept into the third-century world of status anxiety, fearing that he too would fail to get the benefits of emperorship and would be reduced to the status of servile laborer. He wanted the thing that *Xunzi* had said all men wanted: to govern others but not to be governed by others. In the midst of Chen She’s rebellion, the Second Emperor posed a question to Chancellor Li Si about the labors of imperial power. Perhaps ironically (to us), the emperor was annoyed at the teachings of Han Feizi in a private court conference (*siyi* 私議) many years earlier. Master Han had described to him the labors and burdens of rule. The emperor thus asked Li Si:

But to be so noble as to possess all under Heaven, does one really wish to burden the body and labor the soul, one’s body (*shen*) inhabiting temporary lodging, one’s mouth eating the food worthy only gatekeepers, one’s hands doing the labor of servants and slaves? That is what the unworthy (*buxiao*) devote themselves to and not the business of worthy (*xian*) men. 然則夫所貴於有天下者，豈欲苦形勞神，身處逆旅之宿，口食監門之養，手持臣虜之作哉？此不肖人之所勉也，非賢者之所務也。¹⁴²

¹⁴² *Shiji* 87.2553.

Fearing for his son's life, Li Si responded with a concrete strategy for a "ruler to alone control the world without being controlled by anyone" 主獨制於天下而無所制. Li recommended a strategy of "surveillance and accusation" (*duzhe* 督責) in order to avoid turning the world into "shackles" (*zhigou* 桎梏) for the emperor.¹⁴³ If we recall the image of *Zhuangzi*'s "trunk" from the introduction, one can get a sense of the way the emperor imagined his situation. Is he really *in* the world of men? If he is, then he is shackled. He needs to get outside of the trunk's confines in order to secure it even more tightly with surveillance and accusation. Li Si plays up the emperor's status anxieties:

If one sacrifices one's person (*shen*) for the people, then one is merely a laborer (*yi*) for commoners and not the master (*chu*, lit., one who raises livestock) of the realm. How could that be sufficiently noble! If others sacrifice themselves for you, then you are noble and they are base. If you sacrifice for others, then you are base and they are noble. That the base sacrifice for others and the noble are sacrificed to has always been true. In general, the worthy are esteemed because they are noble and the unworthy are detested because they are base.

以身徇百姓，則是黔首之役，非畜天下者也，何足貴哉！夫以人徇己，則己貴而人賤；以己徇人，則己賤而人貴。故徇人者賤，而人所徇者貴，自古及今，未有不然者也。凡古之所為尊賢者，為其貴也；而所為惡不肖者，為其賤也。¹⁴⁴

His speech continues with more status talk:

That the perspicacious ruler and sage king is able to maintain his esteemed position and hold to his weighty power, alone monopolizing the benefits of the realm requires nothing more than the ability to decide everything alone (*duduan*), meticulously surveil and accuse, and make harsh punishments certain (*bi*). Then no one dares to disobey... To be unable to employ the methods of the sages, and instead abandons them to be a mere laborer (*yi*) for the realm? What is that? Isn't it pathetic?

明主聖王之所以能久處尊位，長執重勢，而獨擅天下之利者，非有異道也，能獨斷而審督責，必深罰，故天下不敢犯也……夫不能行聖人之術，則舍為天下役何事哉？可不哀邪！¹⁴⁵

Li Si is giving voice to what was surely a common sensibility. If I accuse others, demand things from them, direct them with my gestures, then surely I am more noble than them. Li has, however, reversed the order of priority found in texts like the *Xunzi*. It is not because one is noble that one is esteemed; it is rather because one is esteemed as a worthy man that one legitimately holds a noble post. As we will see, the ability to assume blame rather than accuse others was *the* mark of the gentleman.

The brilliance of the *Shiji* account here is the way it shows how at almost the same moment the Second Emperor and the lowly laborer Chen She become the same type of historical character. Chen She turned to *kecha* 苛察, rewarding people for their violence, and refused to use the public processes of legal prosecution. He examined everything *alone*. The Second Emperor, pleased with Li

¹⁴³ *Shiji* 87.2555.

¹⁴⁴ *Ibid.*

¹⁴⁵ *Shiji* 87.2556.

Si's advice, become even more exacting in his "surveillance and accusation," praising those who were harshest to the people and those who killed the most men.¹⁴⁶ Despite centuries of Qin rule behind him, the Second Emperor came to think about power in the same way that a field laborer did, confirming that the Son of Heaven was just another man with petty desires, just like everyone else.

If the point were not already clear enough, the *Shiji* account of the Second Emperor's forced suicide at the hands of Yan Le shows the emperor negotiating his status. The scene is poignant and pathetic:

The Second Emperor says: "I would like to get a commandery and serve as king."

Yan Le wouldn't allow it.

The emperor asked further: "I would like to be a noble with ten thousand households."

Yan Le wouldn't allow it.

The emperor asked: "I would like with my wife to be made a commoner as happened with the other princes (*gongzi*)."

Yan Le said: "I have received my command from the chancellor and am killing you on behalf of the realm. However much you plead, I dare not assent." He waved his weapon and advanced. The Second Emperor killed himself.

二世曰：吾願得一郡為王。弗許。又曰：願為萬戶侯。弗許。曰：願與妻子為黔首，比諸公子。閻樂曰：臣受命於丞相，為天下誅足下，足下雖多言，臣不敢報。麾其兵進。二世自殺。¹⁴⁷

As Zhao Gao 趙高, Yan Le's "chancellor," said in justification: rebellion in the former Zhanguo kingdoms had made clear that the "title of emperor (*di*) was empty." He had thus killed the Second Emperor and reestablished the Qin as a kingdom. The Second Emperor's nephew Ziying was established as a king (*wang*) and the Second Emperor was buried as a commoner (*qianshou* 黔首).¹⁴⁸

What does making order look like with *that* as the (back)ground? How could Liu Bang, or anyone else, be any different? In the early Han, the arbitrariness of Liu Bang's success was conceded without hesitation. Order was *made* and later emperors, not Liu Bang, would have to maintain it or die. In his recommendations to Liu Bang's son Emperor Wen 文帝, Jia Yi told the emperor that he no longer had the advantages of leading a band of brothers in the midst of chaos. He could no longer rely on *skills* or *favors* to subdue otherwise equal men. "Now Your Majesty has risen to the position of Son of Heaven, do you think you are able to find any ease?" Jia pointedly asks. He then describes Liu's rise with a frankness that would later disappear in Han discourse:

The world had fallen into chaos so Gaozu and the other lords (*zhuhou*) rose together, shoulder to shoulder. Without possessing the power (*shi*) of a cadet branch to organize the seats, the lords who had long been favored (*xing*) became inner advisors and those below them became clients. Gaozu faced south and called himself emperor. The many lords became servants because Gaozu vastly surpassed them in skill.

天下殽亂，高皇帝與諸侯併肩而起，非有側室之勢，以豫席之也，諸侯率幸者乃得為中涓，其次僅得為舍人。高皇帝南面稱帝，諸公皆為臣，材之不逮，至遠也。¹⁴⁹

¹⁴⁶ *Shiji* 87.2557.

¹⁴⁷ *Shiji* 6.274.

¹⁴⁸ *Shiji* 6.275.

¹⁴⁹ *Xinshu jiaozhu*, *juan* 3, "Qin shu wei lun" 親疏危亂, 119.

Even with this personal relationship, many of Liu Bang's allies had rebelled against Liu in the succeeding decade. Jia tells Emperor Wen directly: "Your Majesty has not subjected these lords in a personal contest of skill (角材 *jiao cai*) nor did you personally enfeoff them...so how does Your Majesty think that you alone might find any ease?"¹⁵⁰ Jia predicted the upcoming rebellion, saying:

While the local princes are your servants in name, they actually think of your relationship on the model of siblings among commoners. They all seek control and act as Sons of Heaven, bestowing titles and amnestying crimes without authorization. In the worst cases, some of them even put yellow-tiled roofs over their heads. Han law is not established nor are Han ordinances carried out in their lands.

諸侯王雖名為人臣，實皆有布衣昆弟之心，慮無不宰制而天子自為者。擅爵人，赦死罪，甚者或戴黃屋。漢法非立，漢令非行也。¹⁵¹

Jia recognized immediately that the empire still needed to contend with the Zhanguo status confusion. Liu Bang was successful because of his exceptional skill and use of favor, but that was not a long-term strategy for the ruling house. A proper order was one in which everyone knew their place and no longer "hoped for favor" 無所冀幸, an order in which the "masses trusted their superiors and were not confused" 群眾信上，而不疑惑。¹⁵² But wasn't Liu Bang's rise precisely an example of "hopes" and unsettled ambition? Didn't it prove that if one were strong enough or talented enough, one could act on the desire to be Son of Heaven?

Some of Jia Yi's writings had become unfashionable by the early Eastern Han and an imperial disclaimer appears alongside his "Faulting Qin" 過秦論 cited in Sima Qian's *Shiji*. The disclaimer, appearing now in every edition of the *Shiji*, insists that the collapse of the Qin was a foregone conclusion and, *contra* Jia, could not have been fixed by any actions the Second Emperor or his successor might have taken. Ban Gu 班固, scion of the Ban family who compiled the *Hanshu* 漢書, made his name arguing this very position at court.¹⁵³ If the Qin collapse was not pre-ordained, then the rise of the Han would appear too fragile.

The first explicit discussion of the Han mandate (*ming* 命) at the Han court took place between the Academician (*boshi*) Yuan Gu and a certain Huang Sheng 黃生. The argument was over whether Tang and King Wu, founders of the Shang and Zhou dynasties, were regicides. Yuan took the position that they were not, since they had acted in concert with the people and had had heaven's authorization to kill the tyrants. Huang took the position that there is an order to things and that "no matter how tattered the hat, it must be worn on the head and no matter how new the shoes, they must enclose the feet." Yuan responded: "If it is as you say, then it was wrong for Gaozu to replace the Qin as Son of Heaven." An awkward moment ensued, and a nervous Emperor Jing 景帝 interrupted at this point: "If you taste meat but refuse to taste the poisonous horse's liver, no one will fault you for not being a connoisseur. If you speak of scholarly things, but refuse to mention the mandate of Tang and King Wu, no one will fault you for stupidity."¹⁵⁴

¹⁵⁰ Ibid., 120.

¹⁵¹ Ibid.

¹⁵² Ibid., *juan* 3, "Su ji" 俗激, 92.

¹⁵³ For the disclaimer attached to all later versions of the *Shiji* see *Shiji* 6.290-293.

¹⁵⁴ *Shiji* 121.3123.

Later, in the chaos after Wang Mang's 王莽 (d. 23 CE) usurpation of Han power, the question of the justification of Han power emerged again with full force. Wei Ao 隗囂 (d. 33) asked Ban Gu's father Ban Biao 班彪 (3-54 CE) whether the empire had fallen into the same condition as seen in the third century BCE where anyone might contend for imperial power.¹⁵⁵ Ban forcefully rejected Wei's suggestion:

Vulgar men see the rise of Emperor Gao from the ranks of the commoners and, not understanding the reason for it, think that meeting with violence and chaos he was able to take up his sword. Persuaders even compare his seizure of the empire to chasing a deer, saying he was able to seize it with luck (*xing* 幸). They do not understand that the sacred vessel is bestowed by command (*ming* 命) and cannot be sought with cunning or strength. 世俗見高祖興於布衣，不達其故，以為適遭暴亂，得奮其劍，遊說之士，至比天下於逐鹿，幸捷而得之。不知神器有命，不可以智力求。¹⁵⁶

Ban Biao insists that the order was clear from the beginning; there was never a time of equality among the contenders. It was not as Jia Yi said a matter of personal favor and equality. The best men in Liu Bang's entourage already "understood their positions" and the "hopes and ambitions" (*jìyù* 覬覦) of those who did not were swiftly "cut off" (*jue* 絕). Liu Bang had the mandate because of his ancestry as a latter-day descendant of Emperor Yao. In addition, he had auspicious signs on his body, demonstrable success in martial process, tolerance, and the ability to employ others. In striking opposition to Chen She and the Second Emperor's understanding of imperial power, this understanding validates the importance of following advice and ability to be surrounded by men better than himself. The idea of the mandate here gave one reason for confidence and therefore tolerance and generosity. By getting rid of the status anxiety and making the order immutable, the emperor was able to condescend to take advice from many, even allowing someone like Li Yiji to interact with him using the ritual decorum between equals. By finding the mandate at the beginning, Ban emphasizes how a generous order was already there and there was never a moment of "chasing the deer." We should, he says, not be "cynically blinded by power and benefit and seek to overstep rank and haphazardly build up one's power base" 苟味權利，越次妄據。¹⁵⁷

The Ban family wanted to emphasize the pre-ordained nature of Liu Bang's mandate. He was a scion of an ancient family that had moved around what would later be his empire. That is why, the *Hanshu* writes, he established ritual offices for the shamans (*wu* 巫) of Qin, Jin, Liang, and Jing, namely, all of the places his ancestors had resided. Liu is an descendant of Yao but also combines the reaches of the empire into his own family history, giving him a claim to power that is far from arbitrary or coincidental.¹⁵⁸ It was rooted in the deep past.

Wang Chong, a contemporary of Ban Gu, went further, claiming that the Han was *better* than all previous dynasties, precisely because it was grounded in nothing. The rulers of earlier dynasties all had things upon which they could rely (*yinyuan* 因緣): office, land, and so forth. The sources of Han authority were purer. The two founders of the Western and Eastern Han had "without an inch of land or a single position to rely upon received the mandate directly from heaven (*zhi feng tianming* 直

¹⁵⁵ *Hanshu* 100.4207. *HHS* 40.1323.

¹⁵⁶ *Hanshu* 100.4208.

¹⁵⁷ *Ibid.*

¹⁵⁸ *Hanshu* 1.81-82.

奉天命) and unfolded (*tui*) their own natures (*ziran* 自然).¹⁵⁹ In an extraordinary metaphor, Wang says that to have the mandate allows the person to act with the kind of confidence that holds between friends. It is natural; not *for* anything (*ziran wuwei* 自然無為). There is no force or compulsion at play. Moreover, if one has the mandate, one acts on it from birth and does not receive it later. One's entire life is a command performance, that is a performance of one's mandate:

Nature does not act for the sake of anything (*ziran wuwei*). That is the way of Heaven. To command King Wen with a red bird or King Wu with a white fish is to have some purpose (*youwei*). When Guan Zhong divided wealth with Bao Shuya and took a larger share, Bao did not give it and Guan Zhong did not seek it (*qiu*). They knew one another well and each regarded the other as himself. Guan Zhong thus took with no doubt or hesitation (*yi*). *When sages rise to become kings, it is like Guan Zhong taking wealth.* Friends do not speak of “you” and “me” and “giving.” If High Heaven is natural yet has verifiable signs commanding people and making (*shi*) them do things, then it would be the case that the way of Heaven acts for the sake of something (*youwei*) while friends act naturally (*ziran*). When Gaozu cut the snake in half, who or what made him do it? Did the way of Heaven show up first so only then he dared to cut it? No, his courageous *qi* poured forth out of his natural constitution (*xing ziran*). (my emphasis)

自然無為，天之道也。命文以赤雀，武以白魚，是有為也。管仲與鮑叔分財取多，鮑叔不與，管仲不求，內有以相知，視彼猶我，取之不疑。聖人起王，猶管之取財也。朋友彼我無有授與之義，上天自然，有命使之驗，是則天道有為，朋友自然也。當漢祖斬大蛇之時，誰使斬者？豈有天道先至，而乃敢斬之哉？勇氣奮發，性自然也。¹⁶⁰

Wang's formulation is working against the same enemy as Ban Biao—*seeking* (*qiu* 求). Wang's account was imagining the question of command in real time, as it were, whereas Ban Biao's only works, one might argue, as an *ex post facto* explanation. If Liu Bang believed the things that Ban Biao said legitimated his power *while* he was acting, then he could have acted upon them and sought out what was rightly his. Power would have appeared to him as a goal that he could seize and feel justified in seeking. Ban Biao's version of the command would be like a friend who felt that the other friend *owed* him the extra money he took. It would completely reposition the relationship and perhaps destroy the friendship. A central problem of the discourse of command and mandate in early China was how to speak of *ming* without encouraging a sense of entitlement, to have title without entitlement. Wang and Ban were speaking to that much larger problem, but each in his own way.

The opposition between luck and command/mandate parallels that between doubt and confidence. *Xing* (luck, favor) was private. *Ming* (command, mandate) was public. Believing that the world is organized by luck, one would act as Chen She and the Second Emperor did in order secure what could be taken from them at any moment through *seeking*, *accusation*, *surveillance*, and paranoia of *sharing* with others. Imagining the world as organized by command (*ming*), one proceeds from a confidence that gives one the ability to share the world with others, to listen to their remonstrations, even to tolerate their insolence. As we will see, thinkers in the Han thought that a sustainable order could only be premised on the latter. Order was, almost by definition, the elimination of luck and

¹⁵⁹ Huang Hui, ed., *Lunheng jiaoshi*, juan 19, “Hui guo” 恢國, 826.

¹⁶⁰ Huang Hui, ed., *Lunheng jiaoshi*, juan 3, “Chu bing” 初稟, 128-129.

(unwarranted) favor. The elimination of luck, however, paradoxically required the elimination of the many forms of accusation and surveillance that appeared, at first glance, to prevent others from taking advantage of one's blindness.

Hypothetical Discourses 設論¹⁶¹

In his now classic assessment of the virtues of the Han system, Yan Gengwang argued that an important feature of the Han government was the link between provincial service and high ministerial power. "From the governors down to the accessory clerks all vigorously employed their many skills in hope of passing the assessments of superiors." "Talent was distributed throughout the four corners of the empire. All sought to demonstrate their merit and perfect their virtue. No one underestimated their own worth and all had eyes on joining the ranks of the high ministers."¹⁶² If men in the third century BCE had pursued the common aim of becoming emperors, men in the Han set their sights one degree below the emperor, aiming at the chancellorship, the role of imperial counsellor, or one of the other high positions at court. As Xu Gan made clear, imperial order was conceived as a collective enterprise in which a society of gentlemen, including the emperor, would rule over petty men together.

The equality of gentlemen and the vast number of men who, even without the credentials of office, could claim gentlemanly status created a great number of anxieties in the period. The fact that "no one underestimated their own worth" made it difficult to achieve the humility *Xunzi* described of men who "yielded to worthy men and were at ease trailing behind others." Gentlemen took great pleasure in knocking arrogant men in high positions off their pedestal. The literary trope of a high official criticizing a lower official (or even commoner) for failure to achieve status was a site for the working out of these anxieties about status and ideals about proper order. It was also a site for reflecting on the thin line separating gentleman from the mass of laborers in society. The literary game is meant to be won by the lower ranked person and is essentially rigged from the beginning towards this end. The very fact that the higher ranked gentleman makes the *accusation* that the lower ranked gentleman is not worthy already reveals his own unworthiness. The humble commoner or low-ranking official who had nothing was already able to be better than the high-ranking man by virtue of the fact that wealth and power has not yet cast doubt on their position.

Even though the ranks of the gentlemen make up roughly 1% of the total population, the unified empire was a much larger arena with fewer real patrons for competition between gentlemen. This meant that the possibility of disappearing in the crowd altogether or descending into the mass of commoners and potential laborers was heightened. The "hypothetical discourses" (*shelun* 設論) of Dongfang Shuo 東方朔 (d. 93 BCE), Yang Xiong 楊雄 (53 BCE-18 CE), Ban Gu 班固 (d. 92 CE), and Cui Yin 崔駰 (d. 92 CE), spanning the Western and Eastern Han all reflect this problem.¹⁶³ A unified and peaceful empire meant that it was more and more difficult to justify the distinctions that

¹⁶¹ I follow Dominik Deleclercq's translation of this genre. See *Writing Against the State: Political Rhetorics in Third and Fourth Century China* (Leiden: Brill, 1998). See also Deleclercq, "Perils of Orthodoxy: A Western Jin 'Hypothetical Discourse,'" *T'oung Pao* 80 (1994): 27-60.

¹⁶² Yan Gengwang 嚴耕望, *Zhongguo difang xingzheng zhidushi: Qin Han difang xingzheng zhidu* 中國地方行政制度史: 秦漢地方行政制度 (Taipei: Changda yinshua youxian gongsi, 1990), 5.

¹⁶³ The first three are given as examples of "hypothetical discourses" in *Wenxuan* 文選, *juan* 45, 2000-2022. They are also included in the authors biographies in the *Hanshu* 65.2864-2872 and a truncated version in *Shiji* 126.3206-3207. (Dongfang Shuo); *Hanshu* 87.3566-3573 (Yang Xiong); *Hanshu* 100.4225-4231. Cui Yin's text is included in his biography in the *HHS* 52.1709.

had made and unmade gentlemen in the Zhanguo period. Dongfang Shuo's "Disputation Responding to a Guest" 答客難 responded to critics who asked Dongfang why his "office did not exceed that of gentleman in attendance" (*shilang* 侍郎) even with all of his learning. (This status was, even though it granted certain access to the center, essentially a guard or gatekeeper, parallel to the *baoguan* in the *Mengzi* account cited above.) Dongfang responded that his own age was no longer the same as the glorious age of the Zhanguo when gentlemen could make a name for themselves. That strategists like Su Qin and Zhang Yi were once able to serve as high ministers in the Zhanguo period was a product of their broken world. The unified world of empire, however, was vaster and the differences between gentlemen more difficult to ascertain:

Today, it is different...the empire has been equalized and joined together into one family. Deploying men and undertaking affairs is done with great ease, like turning over a hand. How are the worthy and unworthy to be distinguished?
今則不然……天下平均，合為一家，動發舉事，猶運之掌，賢與不肖，何以異哉？

164

It was no longer the case that "those who attained gentlemen would be strong and those who lost them would collapse." The unity and flattening of the empire increased the anxiety of gentlemen seeking to make it in this new world because the ideas that buttressed their self-understanding belonged to that earlier world. The equality of empire was experienced as real and potential whiplash:

Treated with esteem, they became generals (*jiang*)¹⁶⁵; treated as base, they became slaves (*lu*). Raised up, they were higher than the clouds; held down, they were beneath the deepest pools. Employed, they were tigers; not employed, they were rats. Even if one wished to devote one's virtue (*jie*) to the demonstration of integrity (*qing*), how could one know whether he would end up ahead or behind?
尊之則為將，卑之則為虜；抗之則在青雲之上，抑之則在深淵之下；用之則為虎，不用則為鼠；雖欲盡節效情，安知前後？¹⁶⁶

The vastness of the new world meant the wishes of many went unfulfilled:

A mass of gentlemen and commoners in the vastness of heaven and earth expend all of their energy and let their ideas have free rein. Countless are drawn into the spokes of power and devote all of their strength looking up...If Su Qin and Zhang Yi were born together with me in this age, they would not even attain the position of keeper of precedents (*zhanggu*). How bold they would be to look on the position of gentleman in attendance.
夫天地之大，士民之衆，竭精馳說，並進輻湊者，不可勝數，悉力慕之，困於衣食，或失門戶。使蘇秦張儀與僕並生於今之世，曾不得掌故，安敢望侍郎乎！¹⁶⁷

The openness of a unified empire, however, made up for the apparent failure to give everyone high office by creating a framework in which people could achieve their own ends. Here, in a remarkable

¹⁶⁴ *Shiji* 126.3206.

¹⁶⁵ "General" (*jiang* 將) could refer to magistrates and governors as well.

¹⁶⁶ *Hanshu* 65.2865.

¹⁶⁷ *Ibid.*

passage, Dongfang Shuo turns the blindness of the emperor—the inability to recognize everyone perfectly—into a virtue of empire:

In the clearest water, there are no fish; the most perspicacious man has no friends. The dangling beads on the front of the ruler's cap are there to block his sight; the plugs dangling near the ears are there to block the ruler's hearing. There are things that his sight does not see; there are things that his hearing does not hear. He raises up great virtue and amnesties small faults. This corresponds with the idea of not seeking everything in a single person.

水至清則無魚，人至察則無徒，冕而前旒，所以蔽明；黈纆充耳，所以塞聰。明有所不見，聰有所不聞，舉大德，赦小過，無求備於一人之義也。¹⁶⁸

The sages taught people to “attain their own” 自得 which would make people “sharper and broader” 敏且廣. Sages merely provided a framework of order and norms in which this personal cultivation could take place.

Yang Xiong's “Dispelling Ridicule” 解嘲 worked over the same set of problems, responding to a critic who accused him of failing to attain high status even with all of his deep learning. “Yang had just finished the draft of his *Taixuan* 太玄 and, having something by which he might maintain himself (*zishou* 自守), was quite at ease. Someone mocked him for still being ‘white’ even after all of his ‘dark’ (*xuan*) learning.”¹⁶⁹ The “guest” further prodded, “if one is not born then so be it, but if one is born in the world then he should be esteemed by rulers and bring honor to one's parents,” holding honors, salaries, and appointments. How is it that Yang is but a gentleman in attendance (*shilang*) and is a temporary servant at the Yellow Gates?¹⁷⁰ As with Dongfang Shuo, Yang argues that rulers were more reliant on gentlemen in the divided times of the Zhanguo period and even men like Mengzi who stuttered and those with strange ideas like Zou Yan could attain status. The “great Han” empire is more vast, both geographically and demographically. The empire stretched from Donghai to Jusou, from Fanyu to Jiaotu. Furthermore, every gentleman in the empire thought he was a Ji, Qi, Gaoyao, or Yiyin, the most excellent ministers of the ancient past. “Even children a mere 5 *chi* in height were ashamed to be compared to Yan Ying and Guanzhong.”¹⁷¹ The confidence of gentleman combined with mutual contempt for those who tried to stand above the crowd, a fact that was further exasperated by the lack of multiple patrons as existed in the Zhanguo period:

Today, county magistrates do not invite worthy gentlemen to join their staffs; governors do not welcome teachers; ministers do not have guests whom they treat as equals; and generals and chancellors do not lower their gaze. Those who have something unusual to say are viewed with suspicion and those who act in unconventional ways get punished. Thus, those who might otherwise wish to speak on court affairs, fold up their tongues and join the chorus, and those who would otherwise want to act boldly, adjust their step to get in line.

當今縣令不請士，郡守不迎師，羣卿不揖客，將相不俛眉；言奇者見疑，行殊者得辟，是以欲談者卷舌而同聲，欲步者擬足而投迹。¹⁷²

¹⁶⁸ *Hanshu* 65.2866.

¹⁶⁹ *Hanshu* 87.3565-3566.

¹⁷⁰ *Hanshu* 87.3566.

¹⁷¹ *Hanshu* 87.3568.

¹⁷² *Hanshu* 87.3570.

If the men of earlier times lived in the Han, Yang continues, they would similarly struggle for recognition.

The lower ranked gentleman needed the support of ideas of timing and fate to keep his equanimity in the face of haughty peers. Xiao Wangzhi 蕭望之 (d. 46 BCE) another man who made it to the chancellorship, needed to endure the mockery of those who were willing to endure strip search for weapons in order to gain audience with the powerful regent Huo Guang 霍光. Xiao refused and lingered in the position of *lang* even after successfully passing the *jiake* exams. His peer, another scholar (*rusheng* 儒生) named Wang Zhongweng (they were both recommended at the same time by Bing Ji 丙吉), was willing to endure Huo's treatment and advanced quickly into the inner circle. He was "followed by slaves and servants and was called to with great favor when he descended his carriage to pay someone a visit." He mocked Xiao, saying: "Unwilling to work hard, you are stuck as a gatekeeper (*baoguan*)." To which Xiao replied: "Each will follow his own ambition."¹⁷³

Ban Gu followed in the literary form developed by Dongfang Shuo and extended by Yang Xiong. He would add an element perhaps only implicit in the writings of the earlier men. Some men, he argued, sought to engineer their success through haphazard means, "relying on gaming their luck and riding out their wickedness in search of one day of wealth and nobility."¹⁷⁴ The key concepts here, *jiaoxing* 徼幸, "seeking favor/luck," and "searching" (*qiu* 求), as we saw above, were used to delegitimize a person's achievements and position. The unity of empire in which "everyone came from the same source and flowed together" 同源共流 meant that success and failure could not be *sought* out, but happened, Ban says, like propagation in spring and falling leaves in autumn.¹⁷⁵ "How is there a question of the thickness of one's engagement in human affairs?" The equality of all things—they come from the same source and live under the same heaven—is the reason why people feel compelled to game their luck and search for favor, but it is also the reason why that search will be fleeting or futile. As no one has a greater claim to the legitimacy of their position, each should cultivate himself and, as Xiao said, follow his own ambition. Or, as the *Analects* 7.12 put it: "If wealth could be sought (*qiu*), I would even serve as a whip holder. Since it cannot be sought, I will follow what I love."

Cui Yin 崔駰 imitated Yang Xiong's "Dispelling Ridicule" and crafted his own hypothetical discourse, "Understanding Purpose" 達旨. Unified empire had brought about a condition of general excellence, Cui argued. This was a provocative riff on the claim that the purpose of empire was pedagogical. To the extent that the empire succeeded in its stated goals, it should produce a realm in which everyone became excellent. This was in the abstract, of course, a good thing, but, as we have seen throughout this chapter, the degree to which the empire succeeded on this front made it harder for gentleman to make any claim to having some special virtue or merit. Cui describes the situation:

Today, the sagely emperor instructs the people. They are made simple with the substance of the ancient emperors and carved with the patterns of Tang. There is great ease in the six directions and the humane line the streets. The many differences of the world are unified and the ten thousand distinctions between various types are equalized. There are differences but there is one standard; pots are made on the same wheel. All living things attain their principle and the various achievements are consolidated. Every family has that by which they find pleasure and harmony; all people have that by which they consider themselves excellent.

¹⁷³ *Hanshu* 78.3272.

¹⁷⁴ *Hanshu* 100.4227.

¹⁷⁵ *Hanshu* 100.4228.

今聖上之育斯人也，樸以皇質，雕以唐文。六合怡怡，比屋為仁。壹天下之眾異，齊品類之萬殊。參差同量，坏冶一陶。群生得理，庶績其凝。家家有以樂和，人人有以自優。¹⁷⁶

This generalized excellence made it such that the less humble among men took any number of less than savory paths to sell their virtue. Like men in the market they hawked their goods and “showed off their wisdom to bedazzle the age” 暴智耀世 hoping thereby to attain official position and salary.¹⁷⁷ Given the anxieties and self-confidence of gentlemen, those who “show off” are always *those* people who appear to be less worthy than oneself. How does one live with *that* anxiety without turning the self-confidence into a kind of misanthrope?

A major task of institutional design was to distribute esteem without encouraging gentlemen to become the kinds of shameless careerists or jealous partisans who threatened to turn everything into a game of wealth, power, and connections. This was a difficult task because *every* achievement could be viewed through the lens of the jealous partisan, reduced to the product of social machinations. Officials who achieved high status were subject to the same kinds of suspicions that were leveled at the Han founder(s). Did they “capture the deer” or did they achieve their position because of some deeper merit or cosmic command (*ming*)?

A famous son of the Donghai commandery referred to above, Kuang Heng 匡衡 (Yuandi period), came from a poor family and provided for himself by “working as a laborer” 庸作. According to the *Hanshu*, his family had been farmers for generations, but Kuang “loved to study” and worked hard to raise himself into the ranks of gentleman and scholars. Later tradition would say that he cut a hole in the wall to “borrow light” from the neighbors so that he could read. (This is the source of the idiom, *zaobi touguang* 鑿壁偷光, “make a hole in the wall to steal light.”) He even worked as a laborer and accepted no payment, only asking that he be able to read all of the books in his wealthy employer’s home.¹⁷⁸ An interpolation in the *Shiji* says he worked to “provide himself with food and drink” 給食飲 and the *Hanshu* says he “provided for his needs” 供資用, but in any case, he was poor and worked his way up into arguably the most powerful position in the empire, chancellor.¹⁷⁹

This was the kind of success story that invigorated the Han gentleman’s mind, but it was also the kind of story that irritated. For every high position, one might ask: Is this a case of real merit? Or did he get lucky? Surely he had some elaborate plot to secure his position? The biographical material for Kuang Heng from an interpolated section of the *Shiji* and the later *Hanshu* material shows this well. The *Shiji* section emphasized that he “had little talent” 才下 and only succeeded in passing the third tier of the *shece* 射策. The *Hanshu* emphasizes that he did not pass the first level of the exam and was only able to serve as a “keeper of precedents” 掌故. With the help of patrons and others, however, Kuang was able to move quickly up the ranks and, after the accession of Emperor Yuan, quickly became chancellor. The *Shiji* account says: “In only ten years he became chancellor without

¹⁷⁶ HHS 52.1713.

¹⁷⁷ HHS 52.1715.

¹⁷⁸ Fukui Shigemasa 福井重雅, ed., *Yakuchū Seikei zakkai. Dokudan* 訳注西京雜記・独断 (Tōkyō : Tōhō Shoten, 2000), 65.

¹⁷⁹ *Hanshu* 81.3331. *Shiji* 96.2688. The example of Kuang Heng also appears in *Qianfu lun*. See *Qianfu lun jian jiaozheng*, Chapter 1, “Zan xue” 讚學, 8-9: 倪寬賣力於都巷，匡衡自鬻於保徒者，身貧也；貧陋若彼，而能進學若此者，秀士也。

ever leaving the city of Chang'an. This is surely an example of meeting the right moment and the command of fate" 豈非遇時而命也哉。¹⁸⁰

The comment in the *Shiji* from the late Western Han (?) attributed spuriously to the "the grand archivist" 太史公 Sima Qian describes the various ways of thinking about this kind of *ming*. The passage is almost perfectly parallel to the argument made later in Ban Biao's writings on the Han mandate discussed above:

The Senior Archivist says: If we think deeply, the reasons why few gentlemen can be made nobles in the course of their career are exceedingly subtle. Indeed, many make it to the office of the imperial counselor and then leave. Those who serve as imperial counselor are just a step away from chancellor and they hope (*jixing*) in their hearts that the chancellor will die. Some secretly try to damage the chancellors' reputation in order to replace him. Some will serve for a long time and still not attain the position whereas others will get it in a few days. To be made a noble really is a question of the command of fate! The imperial counselor Zheng Hong did not get the position after several years. Kuang Heng made it in less than a year, taking up the position after the death of Wei Xuancheng. How can it be attained by cunning! There are many who, possessing the talent of great worth and sagacity, are trapped and cannot advance.

太史公曰：深惟士之游宦所以至封侯者，微甚。然多至御史大夫即去者。諸為大夫而丞相次也，其心冀幸丞相物故也。或乃陰私相毀害，欲代之。然守之日久不得，或為之日少而得之，至於封侯，真命也夫！御史大夫鄭君守之數年不得，匡君居之未滿歲，而韋丞相死，即代之矣，豈可以智巧得哉！多有賢聖之才，困厄不得者衆甚也。¹⁸¹

This is a deeply ambivalent assessment of Kuang's ascent, bordering on contempt for his accomplishments. The discourse of *ming*, as in the case of Liu Bang, is a lesson in humility. Hope, luck, and cunning are one way of assessing success, but *ming* directs the mind to a different set of concerns. All things being equal, there is no reason to enter into the cunning manipulations of power because in the end *ming* is a more powerful determinant. This assessment works on many levels. For those in high positions, it is a doctrine of humility. For those in low positions, it is a spur to cultivation over cunning.

The doctrine of *ming* was helpful because it both inspired confidence and humility—with a collateral cost (or benefit) of encouraging a kind of productive irreverence. The "Effort (*li*) and Command" 力命 chapter of the *Liezi* dramatizes this well with its first two pericopes. The opening dialogue occurs between "Effort" and "Command," with effort claiming to be the maker of longevity, success, nobility, and wealth. "Command," however, gets the last word, saying that all of those things (and their opposite) are attained spontaneously (自貴自賤, etc.) and are not the product of effort.¹⁸² If the first dialogue gives the general theory, the second dialogue in the chapter gives an expanded account that makes the implications for social order clear. A certain Beigongzi asks Ximenzi why the latter is better in every regard. There are people who are *equal* (並) in every regard but end up with very different outcomes, Beigongzi says:

¹⁸⁰ *Shiji* 96.2689.

¹⁸¹ Ibid.

¹⁸² *Liezi jishi*, Chapter 6, "Li ming" 力命, 193.

They are their equals in terms of serving as officials, but the other is more noble; they are equal in terms of being farmers, but the other is wealthier; they are equal in terms of being merchants, but the other is more profitable.

並仕也，而人子貴；並農也，而人子富；並商也，而人子利。¹⁸³

He continues and then raises the question:

At home they all want to get rid of me and at court they all give me a haughty look. For a long time now, I cannot pay any visits (*qingye*) or join in outings. Is it really that your virtue surpasses my own?

在家熙然有棄朕之心，在朝譁然有敖朕之色。請謁不相及，遨遊不同行，固有年矣。子自以德過朕邪？¹⁸⁴

Ximenzi, the intellectual enemy in the story, makes the argument that surely many would make: “Is this not proof (*yan* 驗) that we differ in the thickness of our virtue? You are shameless to call yourself my equal.”¹⁸⁵ Demoralized and despondent, Beigongzi leaves and meets Master Dongguo on the road home. He tells Dongguo what happened and the latter gives him advice on how to respond to Ximenzi’s insult. Ximenzi’s success is but a difference in “talent” (*caide* 才德) and not a question of “virtue.” The “thickness” of which Ximenzi spoke is misplaced:

Beigongzi is thick in virtue and thin in command; Ximenzi is thick in command and thin in virtue. His success was not made through wisdom/cunning/intelligence (*zhi*). Beigongzi’s failure was not a product of stupidity (*yu*). It was all the work of Heaven and not the work of people. Acting arrogantly out of the thickness of command (*ming*) as Ximenzi does and feeling ashamed out of a thickness of virtue as Beigongzi misunderstands unyielding principle (*guran zhi li*).

夫北宮子厚於德，薄於命；汝厚於命，薄於德。汝之達，非智得也；北宮子之窮，非愚失也。皆天也，非人也。而汝以命厚自矜，北宮子以德厚自愧，皆不識夫固然之理矣。¹⁸⁶

Beigongzi delivered this speech to Ximenzi, putting him in his place. He then returned to his decrepit home, put on his simple clothes, ate his simple food and drove his old carriage, treating these things *as if* they were the rewards of nobility and thus no different from the warmth of fur, the vast expanses of an estate, and the decorated beauty of a carriage.¹⁸⁷

While it was fashionable to speak of the basic justification of political order and hierarchy as the “the stupid (*yu*) laboring for the intelligent (*zhi*),” the “intelligent” should not, ideally, make too much of their intelligence. They did not get to where they were on account of their intelligence, cunning, or strength. Thinking of their own virtue in that way would make a justified order of the intelligent governing the stupid into an order in which “the intelligent dupe the stupid” 智欺愚, the very definition of a corrupt order.¹⁸⁸ The anxieties of men like Beigongzi who had made it into the

¹⁸³ Ibid., 194.

¹⁸⁴ Ibid. 194-195.

¹⁸⁵ Ibid., 195.

¹⁸⁶ Ibid., 195.

¹⁸⁷ Ibid., 196.

¹⁸⁸ *Hanshu* 48.2244.

ranks of gentlemen but had not been very successful called into question the framework of the intelligent governing the stupid. The framework was *apparently* unimpeachable—surely one does not want the stupid to govern?—but for those who thought of themselves as gentlemen and thus capable of sharing in the rule of the intelligent it was difficult to stomach being treated like one of the “stupid.” This did not reject the framework as a whole—there were, after all, surely petty men who could be confidently subjected to the rule of the intelligent—but it required the support of institutions and ideas to keep gentlemen from thinking of themselves simply as smart commoners.

No gentlemen wanted to be treated as a petty man. Haughtiness and arrogance were despised so much between gentlemen precisely because it looked like the haughty treated the other as a petty man. (Recall the image of the wealthy master who directed his servants with movements of eyes and chin.) The gentleman needed to be singular and independent (*du*) without being overbearing and monopolistic (*zhuān*). He had “knowledge” but also a practiced blindness. The *Xunzi* was already full of these considerations:

He is penetratingly perspicacious but comes to harm on account of his suspicion; he is broad in knowledge but does not advance because he accuses others;...he is upright but is not recognized because he takes pleasure in being better than others; he is clean but is not esteemed because he is too sharp...he is trustworthy but not respected because he loves to act alone. These are the ways in which a petty man acts and not the way a gentleman should act.

察察而殘者、忮也，博而窮者、訾也……直立而不見知者、勝也，廉而不見貴者、劇也……信而不見敬者、好剽行也。此小人之所務，而君子之所不為也。¹⁸⁹

Those who “fight” (*don*), *Xunzi* continues, are stupid precisely because they pretend to be gentlemen alone:

In general, those who fight necessarily think that they alone are correct and that the other is wrong. If one is, in fact, correct and the other is, in fact, wrong, then one is a gentleman and the other a petty man.

凡鬥者，必自以為是，而以人為非也。己誠是也，人誠非也，則是己君子，而人小人也。¹⁹⁰

This is why cultivation must take into consideration the way that the petty among gentlemen will perceive virtue. “The gentleman does not wish to insult the vulgar on account of cultivating himself alone” 士欲獨修其身，不以得罪於比俗之人也。¹⁹¹ The world of opinion was hostile such that, “if one holds a position for too long, gentleman (*sh*) will be jealous; if one has a salary that is too large, the people will be resentful; if one has a position that is too esteemed, the ruler will despise one.” For this reason, the higher one goes the more humble one needs to be “so as not to insult...gentlemen or commoner.”¹⁹²

In light of this, the proper assessment of *zhi*—wisdom, intelligence, and cunning—became absolutely crucial. The rule of the “intelligent” over the “stupid,” understood properly, meant the rule of those-wise-enough-to-know-that-rule-was-not-based-on-intelligence over those who were

¹⁸⁹ *Xunzi jijie*, *juan* 2, Chapter 4, “Rong ru,” 54.

¹⁹⁰ *Ibid.*, 55.

¹⁹¹ *Ibid.*, *juan* 1, Chapter 2, “Xiu shen,” 30.

¹⁹² *Ibid.*, *juan* 20, Chapter 32, “Yao wen” 堯問, 552.

stupid-enough-to-think-that-intelligence-meant-the-petty-domination-of-others. This was difficult to institutionalize because it went against strong impulses to *know* and *accuse*, but the development of a partially blunted perspicacity was a central institutional ideal. Again, as with so many discussions in the early empires, social status became a way of speaking about this divide:

The *Chunqiu* says: “If one’s governance is loose and aloof, he can serve as high minister (*qingxiang*); if governance is penetrating in its perspicacity, he can be a commoner (*pifu*).” The high minister concerns himself with the unfurling of the web of order and the implementation of ritual and rightness. Assistants and clerks are concerned with checking documents and deadlines.

春秋曰：其政恢卓，恢卓可以為卿相。其政察察，察察可以為匹夫。夫維綱不張，禮義不行，公卿之憂也。案上之文，期會之事，丞史之任也。¹⁹³

The accessory clerks and others at the lower end of the gentleman spectrum were close to commoners both in status and the details of their work. The *modus operandi* of the clerk was like that of the commoner. It was not only that these lower officials did mechanical work, but they lacked a sense of propriety, and were drawn into the petty perspicacity of men who thought they could achieve their ends through various machinations, including haphazard benevolence and punishment.

This divide is dramatized well in the biographies of Xue Xuan and Zhu Bo, two men who “rose from the ranks of the accessory clerks up to the position of chancellor.” While effective in the provinces, they were utterly ineffective at the capital, Xue’s “reputation suffered because he was harsh and penetrating in his perspicacity (*kecha* 苛察), his capacity reaching its end.” Zhu, similarly, “ran around trying to get ahead and thought nothing of virtue,” until ultimately one of his plots was discovered. Ban Gu caps his assessment of these men with a quotation of Kongzi: “Zilu has been acting with duplicity for a long time” 久矣哉，由之行詐也。¹⁹⁴ The connection between duplicity (*zha* 詐), perspicacity, cleverness, and petty concerns for advancement was close.

How to bring gravity or weightiness (*zhong* 重) to a world in which “all things flowed together from the same source?” As we have seen up to this point, the anxiety of gentlemanly status came from a profound lack of confidence in his position. From emperor on down, it was important to create norms and practices by which that anxiety could be assuaged and those with claims to be gentlemen could be given their proper deference.

The Rat/Vessel Dilemma: Creating Reliable Esteem in a Confused World

Jia Yi has the reputation of being one of the chief critics of the Qin, but his understanding of order was very much in line with the stated goals of Qin propaganda. If we compare the First Emperor of Qin’s stele inscription on the eastern vista of Mt. Zhifu with Jia Yi’s own writings, the connection is uncanny. Both visions of order come down to creating a legible order free of “confusion” (*xianyi*) and “doubt.” The First Emperor’s inscription reads:

He [the emperor] creates and establishes the great principle,

¹⁹³ Wang Liqi 王利器, *Yantie lun jiaozhu* 鹽鐵論校注 (Beijing: Zhonghua shuju, 2015), *juan* 2, Chapter 10, “Ci fu” 刺復, 143.

¹⁹⁴ *Hanshu* 83.3409.

Brilliantly arranges the preparations and implements,
 So all have their insignia and banners.
 The officials in service respect their divisions,
 Everyone understands what he should do,
 And tasks are without ambiguity (*xianyi*).
 The black-haired people are transformed and civilized,
 Distant and near share unified measures,
 Facing the old, he is extraordinary (*jue you*).¹⁹⁵
 The constant offices are now settled,
 Later successors will continue the achievements,
 Forever holding up this sagely order.

作立大義，昭設備器，咸有章旗。職臣遵分，各知所行，事無嫌疑。黔首改化，遠邇同度，臨古絕尤。常職既定，後嗣循業，長承聖治。¹⁹⁶

As we will see, Jia Yi thinks that certain aspects of Qin culture caused this ideal to flounder and ultimately collapse, but Jia's own vision for order *matched* the First Emperor's vision articulated here. In one passage Jia sets forth his vision for repairing the broken social order:

Today, the matrix of order is lacking (*wei bei*). For this reason, wicked men hope for unwarranted favors (*xing*) and the masses are confused (*yihuo*). If constant institutions can be established such that rulers are rulers, ministers are ministers, there will be distinctions between superior and inferior, and fathers, sons, and the six family relations will all attain their appropriate place. Then wicked men have no way to hope for unwarranted favor (*xing*) and the masses can trust (*xin*) their superiors. Would there be any confusion then? When this work is settled, there will be peace for all the ages to come, and those who come after us will have something to follow.

今四維猶未備也，故姦人冀幸，而眾下疑惑矣。豈如今定經制，令主主臣臣，上下有差，父子六親，各得其宜，姦人無所冀幸，群眾信上，而不疑惑哉。此業一定，世世常安，而後有所持循矣。¹⁹⁷

The goal of order was the elimination of *luck/favor* and *confusion*, on the one hand, and the creation of trustworthy distinctions on the other. *Xing* 幸 and *yi* 疑 are both the opposite of *xin* 信, or trust. *Xin* 信 requires the creation of visible markers of order like the Qin inscription's reference to "insignia and banners" so that distinctions can be created out of a homogeneous mass of sameness. *That* was the challenge of making an order.

Jia Yi describes the predicament clearly in another essay:

People's nature does not differ and their facial features and appearance are similar. The distinction between noble and base is not written on the bodily form by heaven. The way to maintain the distinction between noble and base and display relative honor is through ranking (*dengi*), power (*shili*), clothing (*yifu*), and appellations and commands (*baoling*).

¹⁹⁵ *Shiji* 6.250. (following Martin Kern's translation, with slight modifications) Kern renders this last line, "viewed against the old, [our times] are definitely superior." This is not wrong *per se*, but it does not make clear the political claim being made here—or rather, makes a different kind of political claim. Kern, *The Stele Inscriptions of Ch'in Shih-huang*, 39.

¹⁹⁶ *Shiji* 6.250.

¹⁹⁷ *Xinshu jiaozhu*, *juan* 3, "Su ji" 俗激, 92.

Unending chaos and flattened order with no distinctions is due to the fact that heavenly principle (*tianli*) is the same (*tong*) yet human affairs make no distinctions (*bie*). Thus, for those called “subject” and “ruler,” without any concrete provisions for the one’s eminence above the other, or constant norms of reverence and lowliness, these become simply a matter of a distinction based in facial form.¹⁹⁸

Therefore, those at a remove have nothing to imitate and the masses (*zhongshu*) have nothing and no one to trust (*qi*). In such a case, how would those below not be confused with (*yi*) those above. If ruler and servant are of the same rank and those of different ranks wear the same clothing, then how would those above not be confused by (*xuan*) those below...Kongzi said: “Those above can be known by sight; those below can be recognized and categorized by kind.” In this way, the ruler is not confused with his minister and the minister is not confused by his ruler. If one does not act in this way, washing away all boundaries, this is an occasion for long sighs.

人之情不異，面目狀貌同類，貴賤之別，非天根著於形容也。所持以別貴賤明尊卑者，等級、勢力、衣服、號令也。亂且不息，滑曼無紀，天理則同，人事無別。

然則所謂臣主者，非有相臨之具，尊卑之經也，特面形而異之耳。近習乎形貌然後能識，則疏遠無所放，眾庶無以期，則下惡能不疑其上？君臣同倫，異等同服，則上惡能不眩其下？……孔子曰：為上可望而知也，為下可類而志也。則君不疑於其臣，而臣不惑於其君。而此之不行，沐瀆無界，可為長太息者此也。¹⁹⁹

In terms of “heavenly principle” (*tianli*) things are all the same. Distinctions are made in the course of “human affairs” (*renshi*). This Xunzian argument is a staple of Jia Yi’s political and ritual argument. I say Xunzian because it is this mixture of heavenly sameness and human distinction that is at the core of Xunzi’s vision for order. Xunzi’s “Li lun” 禮論 chapter begins with the physical needs of *all* humans. They are the same, but since resources are limited rituals must be established to “divide” (*fen*) things up. This division, however, does not argue for a distinction of rank and could, in theory, very well proceed along the lines of an equal distribution of limited resources. The chapter then shifts subjects. The problem is no longer *humans* in general—who are the same in “heavenly principle”—but the desires of the gentleman (*junzi*). The gentleman is unhappy with “getting nourishment” and desires more. He “desires distinctions” 好其別. Only at this point does Xunzi introduce “rankings for noble and base, distinctions between young and old, and proportions for rich, poor, light, and heavy.”²⁰⁰ (The dissatisfaction with *mere* nourishment is intimately related to the gentleman’s rejection of being treated as a body (*shen*) discussed above.) Xunzi’s chapter then proceeds to describe those things that can be possessed only by the Son of Heaven which, as we saw earlier, Xunzi says elsewhere are desired by everyone. Xunzi’s essay further argues, anticipating Jia’s argument:

When Heaven and earth join, they give birth to the ten thousand things. When yin and yang connect, they give rise to changes; nature and artifice join to bring order to the world. Heaven can give birth to things, but it is unable to distinguish (*bian*) them. Earth can hold

¹⁹⁸ I thank Robert Ashmore for the suggestion of wording in this sentence.

¹⁹⁹ *Xinshu jiaozhu*, *juan* 1, “Deng qi” 等齊, 47.

²⁰⁰ *Xunzi jijie*, *juan* 11, Chapter 19, “Li lun,” 346-347.

people, but it cannot govern them. The ten thousand things and the living depend on the sage for distinctions.

天地合而萬物生，陰陽接而變化起，性偽合而天下治。天能生物，不能辨物也，地能載人，不能治人也；宇中萬物生人之屬，待聖人然後分也。²⁰¹

Ritual order was a response to natural sameness.

In the essay cited above in which he argued for the elimination of luck, Jia Yi also wrote:

Establishing ruler and servant, creating ranks for superior and inferior, making it so fathers and sons have ritual and the six relatives are ordered, none of this is Heaven's doing. It is a matter of human construction (*she* 設). Things that are constructed by humans are not set up unless they are made; they become rigid if they are not cultivated; they are corrupted if they are not followed.

夫立君臣，等上下，使父子有禮，六親有紀，此非天之所為，人之所設也。夫人之所設，弗為不立，不植則僵，不循則壞。²⁰²

The ritual and political order is a fragile plant that must be carefully cultivated. In his commentary to the *Odes* line, “High heaven has its command (*ming*), the two rulers accepted it. King Cheng dares not rest, day and night giving the command (*ming*) a foundation to bring peace,” Jia describes the transformation of heaven's command into enduring institutions

“Command” means to “make ordinances.” “Foundation” means “constant” and “set up.” ...King Cheng...not daring to rest, day and night sought to inherit the business and measures of King Wen. He promulgates patterns and sets forth norms, makes enduring (*jing*) institutions, and establishes sacrifices so that all within the four seas will preserve their virtue and each will follow his own path.

命者，制令也。基者，經也，勢也……及成王……不敢怠安，蚤興夜寐，以繼文王之業，布文陳紀，經制度，設犧牲，使四海之內，懿然葆德，各遵其道。²⁰³

Here again “setting up” (reading *shi* 勢 as *zhi* 執) and cultivating enduring institutions is the task of order making. The same *Odes* line is read in the *Guoyu* 國語 where the meaning of *ming* 命 is given as *xin* 信.²⁰⁴ When Jia Yi speaks of an order in which there is no confusion, he is thinking of this kind of *visible* order in which each person has visible, demonstrable proof of their status. “Those above can be known by sight; those below can be recognized and categorized by kind.” To *xin* something, as we saw in the introduction, is to accept something as offering sufficient proof of what it is. As we saw in the case of impersonating a gentleman—stealing his *jie* 節—from Zhangjashan, this is a very fragile thing, indeed, and requires norms by which one will be willing to accept tokens as proof.

The Qin failed in this regard, Jia writes, because they obliterated all distinctions (*wucha* 無差). One consequence of the obliteration of distinctions was the assumption that any distinctions that

²⁰¹ Ibid., 366.

²⁰² *Xinshu jiaozhu*, *juan* 3, “Su ji” 俗激, 92.

²⁰³ *Xinshu jiaozhu*, *juan* 10, “Lirong yu xia” 禮容語下, 369.

²⁰⁴ *Guoyu jijie*, “Zhou yu xia” 周語下, #4, 103. Commentators have argued that Jia Yi's reading, “make ordinances” 制令, was related to this other reading because *ming* and *ling* share the common component *jie* 卩 meaning “auspicious proof” 瑞信. This kind of *jie* 節 is the credential carried by representatives of the empire proving their status and power.

existed were merely the product of wealth and power (*cai li* 財力). Without the difficult work of cultivating distinctions based on the distribution of dignity and esteem, sameness tended to divide itself up according to wealth and power. In a situation of sameness, the desire to “get ahead” (*jinqū* 進取) shredded everything from the family to the court. As we saw above, it came to the point that the Son of Heaven himself was viewed as nothing more than a wealthy man who exploited everyone else. Even the Second Emperor began to think of himself in that way. Jia Yi describes the situation:

If one is poor on account of failing engage in some evildoing, the fellow villagers curse him; if an uncorrupt official leaves his office and returns home, his townsmen will mock him. If one becomes wealthy by daring to do some evil deed, he is a worthy official. If some private person breaks the law for the sake of benefit, he is a talented gentleman. Elder brothers thus encourage their younger brothers, and fathers their sons. The wickedness of customs has got us to this.

民不為姦而貧，為里罵；廉吏釋官，而歸為邑笑；居官敢行姦而富，為賢吏；家處者犯法為利，為材士。故兄勸其弟，父勸其子，則俗之邪至於此矣。²⁰⁵

Even members of the same family made petty accusations against one another. Everything became a matter of calculating relative debts and weighing power and wealth. There was no dignity except that which a person could steal or snatch.

The brilliance of Jia Yi's approach to this problem is not in his discovery of the need for “humaneness and right,” but in his careful reflection on the relationship between dignity and blindness. Sameness tended to make people suspicious and cynical of others. Suspicion and envy encouraged people to ascribe the worst motives to others' success. The way out of the problem was the institutionalization of various *gaps*. Real dignity required blindness and misrecognition. Using Jia Yi's image I will call this the rat/vessel dilemma. There were, undoubtedly, wicked and petty men (“rats”) in the ranks of gentleman. One cannot, however, straightforwardly pursue the elimination of petty men by trying to *uncover* whether each man is in fact a gentleman or a petty man. This way would lead to the debasement of oneself and others, the destruction of the precious “vessel” nearby. Jia's argument was very much about cultivating the appearance of power and socializing people to think in terms of the actual dignity of social rank rather than blunt forms of power:

The vulgar saying goes: “If you want to throw something at a rat, beware the vessels nearby.” This is an excellent image. If the rat is too close to the vessel, one is fearful and does not throw anything, lest harm will come to the vessel. How much more is this the case when noble great servants are close to the ruler? One governs gentlemen with shame and ritual, hence one allows them to commit suicide but does not humiliate them. The punishments of fettering, binding, beating, caning, shaving, cutting off leg, tattooing, and cutting off the nose should not reach up to the counsellors (*dafu*) because they are not far from the ruler.

鄙諺曰：欲投鼠而忌器。此善喻也。鼠近於器，尚憚而弗投，恐傷器也，況乎貴大臣之近於主上乎。廉醜禮節，以治君子，故有賜死而無戮辱，是以係、縛、榜、笞、髡、劓、黥、劓之罪，不及士大夫，以其離主上不遠也。²⁰⁶

²⁰⁵ *Xinshu jiaozhu*, *juan* 3, “Shi bian” 時變, 97.

²⁰⁶ *Xinshu jiaozhu*, *juan* 2, “Jie ji” 階級, 80. This text also appears in *Hanshu* 48.2254, with slight variations.

It is in the interests of the ruler to treat gentlemen as if they are equipped with a sense of shame because to treat them like any other petty man or convict would show that there is no *real* order of rank. Each and every person would be simply another body that can be used and abused by the empire. In such a world in which everyone else is reduced to that lowly status, only the emperor would have dignity which, for Jia Yi, was no dignity at all. Jia imagines metaphorical stairs that proceed from the lowest ranks of society up to the highest. If the treatment of each and every person were the same, there would be too few steps between the bodies of the masses and the dignity of the emperor, potentially lowering the emperor substantially. Jia's stairs proceed from the ministers at court down to the officials in local offices (*guanshi xiaoli* 官師小吏)—and then down to the masses.²⁰⁷ By articulating privileges for the intervening ranks, the emperor raises himself up and displays a kind of dignity that goes beyond wealth and raw power.

Ritual texts provided images for this kind of dignity. For instance, just as one does not measure the age of a ruler's horse, those things closest to the ruler must be respected just as much as the ruler himself. "Even if a favored minister of the ruler were to commit some error (*guo*), it shows esteem (*zun*) for the power (*shi*) of the ruler to not mutilate or humiliate his minister's body."²⁰⁸ By extending his own esteem to those around him the ruler "treats the many ministers as his own body and appearance (*timao*) and thus inspires their integrity" 體貌群臣而厲其節.²⁰⁹ To *timao* 體貌 those closest to the ruler we might translate as "giving the ministers face" by allowing their errors to remain hidden by attending to the appearance of the role rather than the verification of whether the person inhabiting the role lives up to it in all of its details. This is why the Son of Heaven "changes his own appearance (*rong*)" and treats the ministers as his own body and appearance.²¹⁰ This kind of condescension brings the ruler and minister into a much closer relation of shared dignity, even, in a certain sense, sharing the same body. Jia is working on a theme found in many texts, including the "Zhongyong" chapter of the *Liji* which argues that if the ruler "treat the ministers as his own body, gentlemen will be repay (*bao*) with heavy ritual."²¹¹ The Han commentator Zheng Xuan 鄭玄 reads *ti* 體 here as *jiena* 接納, "to accept or bring close," which has been further elaborated to mean that the ruler "brings the ministers close so that they are of the *same* body" 與之同體.²¹² The logic is further explained in terms of status: "Even if the ministers are base, the ruler generously (*hon*) brings them close. Feeling the ruler's favor (*en*), the minister will be willing to die for the ruler."²¹³ The much-discussed ideal of mutilating punishments not reaching up to the *dafu* 大夫 was a reflection of the shared body of the ruler and his representatives.²¹⁴

Jia Yi emphasized how political order requires acculturation (*xi* 習). The improper resolution of the rat/vessel dilemma would threaten that acculturation:

The base and lowly are acculturated to understand the affairs of the esteemed and noble. But if suddenly a menial man might impose punishments on the noble, this is not the way to

²⁰⁷ Ibid.

²⁰⁸ Ibid. 君之寵臣雖或有過，刑戮之罪不加其身者，尊君之故也。

²⁰⁹ Ibid.

²¹⁰ Ibid.

²¹¹ *Liji zhushu*, juan 52, Chapter 31, "中庸," 888-2.

²¹² Ibid. 889-1.

²¹³ Ibid., 888-2: 體羣臣，則士之報禮重者，羣臣雖賤而君厚接納之，則臣感君恩，故為君死於患難，是報禮重也。

²¹⁴ Mark Edward Lewis, *Honor and Shame in Early China*, 128. The discussion there is instructive: "The passage is also significant for arguing that the honor of the Son of Heaven depended upon honoring his officials, implying likewise that the honor of officials depended upon that of the ruler. Thus the honor of the entire government rose and fell together."

acculturate the realm and is not the way to esteem the esteemed and make noble the noble. Those who have once been respected by the Son of Heaven and beloved by the masses, if they must die, then so be it, but how could one allow base people to humiliate them in this way?

夫卑賤者習知尊貴者之事，一旦吾亦乃可以加也，非所以習天下也，非尊尊貴貴之化也。夫天子之所嘗敬，眾庶之所嘗寵，死而死爾，賤人安宜得此而頓辱之哉。²¹⁵

On these grounds, Jia was very critical of the way Emperor Wen handled the accusation of rebellion against Chancellor Zhou Bo 周勃:

Someone accused Zhou Bo of plotting rebellion. He was arrested and detained in Chang'an while legal officials investigated the case. Nothing came of the case in the end and his orders of honor and fief were restored. Jia Yi criticized the emperor for this. The emperor took Jia's words to heart that one should treat ministers with restraint. After this, whenever as great minister was accused of a crime, they all commit suicide and they avoided punishment. Only during the time of Emperor Wu did they begin to be imprisoned again—the first case being that of Ning Cheng.

人有告勃謀反，逮繫長安獄治，卒亡事，復爵邑，故賈誼以此譏上。上深納其言，養臣下有節。是後大臣有罪，皆自殺，不受刑。至武帝時，稍復入獄，自甯成始。

²¹⁶

The prison functionaries 獄吏, as was their wont, humiliated Zhou Bo. After his release from detention, Zhou wryly remarked: "I once commanded an army one million strong, but how could I have known the noble position of the prison functionary" 吾嘗將百萬軍，然安知獄吏之貴乎。²¹⁷ Jia's primary concern was the way Zhou Bo's punishment would affect the integrity of the imperial system. If a great general, chancellor, or lord could be treated this way by low-ranking officials, what's to prevent other people from thinking that the emperor—merely one move away from Zhou Bo—should be treated in this way as well?

The case of Zhou Bo exemplifies the problem of status at play in this chapter and the concerns central to Jia Yi's own vision of a new order. Zhou was once a commoner who wove baskets and played music at funerals to make a living. He joined Liu Bang as a *zhongjuan* and made a name for himself fighting to overthrow the Qin and defeat Xiang Yu. Later as a high minister he put down the Lü clan's attempt to take control of the empire and thus put Emperor Wen on the throne, under whom he would serve as chancellor. When he contemptuously complained about the "nobility" of the low-ranking officials, he was not speaking from a position of well-established nobility, but from the position of someone who rose "from the ranks of the vulgar laborer (*yong*) to the role of the emperor's right hand man" 鄙樸庸人，至登輔佐。²¹⁸ His "skill and ability did not exceed the that of the average laborer" 才能不過凡庸, Sima Qian further writes, but his contributions to the empire were greater than those of Yi Yin and the Duke of Zhou.²¹⁹

Officials subjected Zhou Bo to the humiliation of punishment at the mere whiff of impropriety, thus showing just how thin the gap was between the height of esteem and the height of debasement. Jia Yi argued that if punishment is required, these noble men should be given the

²¹⁵ *Xinshu jiaozhu*, *juan* 2, "Jie ji" 階級, 81.

²¹⁶ *Hanshu* 48.2260.

²¹⁷ *Hanshu* 40.2056.

²¹⁸ *Hanshu* 40.2063.

²¹⁹ *Shiji* 57.2080.

opportunity to preserve their dignity and take their own life. Yet, some have argued that Jia's focus on the dignity of the ruler is primary here—and that is true—but it would be wrong to conclude from this that the prohibition against mutilating punishments “turns out to be more limited than one might expect (or hope, if one were a grandee).”²²⁰ Jia Yi, I think, does not envision a situation in which the ruler simply replaces humiliating punishment with the constant threat of being forced to commit suicide. Jia argues that the key is the maintenance of this boundary between noble and base, worthy and vulgar.

Jia Yi recognized that imperial power is not well-established if it is built on the shifting sands of a general sameness. Ritual generosity benefitted the throne for very practical reasons and it was in the best interests of the ruler. One must be able to tolerate others, give them the benefit of the doubt, and so forth, lest the shared dynamic between gentleman turn into, as Xunzi says, a battle between a lonely gentleman and a petty man. The odds are not in favor of the lonely gentleman.

The most striking argument in Jia's rat/vessel discussion is his reading of the Second Emperor's “execution” at the hands of Yan Le. The Second Emperor had been taught—acculturated 習—in the study of penal law and criminal cases. He knew nothing of “yielding” (*cirang* 辭讓). “What he learned was either chopping off people's noses or executing three generations of a person's clan.”²²¹ “He called loyal remonstrance slander and deep planning rumor.”²²² As we saw, he took pleasure in “surveillance and accusation” (*duze*) and understood gentlemanly status to be a matter of “deciding alone” (*duduan*). For Jia, this way of situating the relationship between himself and other men led directly to Zhao Gao “charging the Second Emperor with a capital crime” 二世見當以重法. That was the product of “becoming acculturated in throwing things at rats without concern for the vessels nearby.”²²³

The scene of the Second Emperor's execution and Zhao's explanation of the “charges” (*zhuang* 狀) against the emperor are stunning. The emperor was charged with *impersonating* the emperor (*di* 帝). The title of emperor had become an “empty name” (*kong ming* 空名) and he could therefore be killed, Zhao argued.²²⁴ In one sense, this is a natural way of reading the meritocratic argument of the times. If one fails in virtue and has the position of ruler without acting like one (*jun bu jun* 君不君), then one can be executed, as *Mengzi* said, just like any other “solitary man” 獨夫. The claim to be a solitary gentleman who could “decide alone” (*du duan* 獨斷) had turned the Second Emperor into a “solitary man.” That he died begging to live in peace with his wife as a commoner is a perfect commentary to the Mencian argument.

For Jia Yi, a more sophisticated Xunzian, the lesson is clear. The proper functioning of hierarchy and esteem requires a certain willingness to give the benefit of doubt to appearances. This places requirements on everyone within the small group to keep up the appearance of esteem. After all, Jia says, following the proverb, “no matter how new the shoes, one does not lay his head upon them; no matter how tattered the hat, one does not wrap his feet and walk in it 履雖鮮，弗以加枕；冠雖弊，弗以苴履.”²²⁵ (As we saw earlier in the court conversation between Yuan and Huang, the argument about caps and shoes was a good way of defending even the worst rulers and condemning their regicides.)

²²⁰ Charles Sanft, “Rituals that Don't Reach, Punishments that Don't Impugn: Jia Yi on the Exclusions from Punishment and Ritual,” *Journal of the American Oriental Society* 125:1 (Jan-Mar 2005), 35. (complete 31-44)

²²¹ *Hanshu* 48.2251 所習者非斬剗人，則夷人之三族也。

²²² *Hanshu* 48.2255.

²²³ *Ibid.*

²²⁴ *Shiji* 6.275.

²²⁵ *Xinshu jiaozhu*, *juan* 2, “Jie ji” 階級, 80.

Jia Yi's discussion of the "faults of Qin" is, I think, in line with this more magnanimous attitude towards power. Where Zhao Gao charged the emperor with "crimes" (zui 罪) and had him executed, Jia listed the "faults" (guo 過) of the Qin and made counterfactual proposals about how those errors might have been overcome. Even where he used harsh legal language—accusing the Second Emperor of "immorality" 不道, a crime punishable by death—he thought that it was still possible for the Qin to continue as a dynasty. As we saw above, the generosity of Jia's position towards the Qin was not lost on Han readers. While the Second Emperor reaped exactly what he sowed and Jia no doubt recognized the poetic justice of a brutal ruler executed in the name of the law, Jia also understood that the language of *error* was more generous than the language of *crime* and extended to the Qin dynasty a generous expectation for potential reform. Jia hoped to live in a world in which he could criticize a ruler directly for "faults" and be forgiven for any "faults" of speech he himself may have made. "Even if a favored minister of the ruler were to commit some error (guo), it shows esteem (zun) for the power (shi) of the ruler to not mutilate or humiliate the minister's body."

A comparison of the dynamic between the Second Emperor and Zhao Gao, on the one hand, to Emperor Wen and Zhou Bo, on the other, helpfully underscores Jia's argument. Emperor Wen used the two tools at his disposal—law *and* amnesty—to redeem Zhou Bo, trying to mend the potentially terrible effects of his earlier petty treatment of Zhou. After looking at the legal documents (yuci 獄辭), Emperor Wen "begged pardon" (xie 謝) saying, "The officials have just proven Zhou's innocence and released him." The Emperor then sent an emissary to amnesty (she 赦) Bo and to restore his title and lands.²²⁶ This two-part move was important because legal exoneration showed that the amnesty was not merely fortuitous. The amnesty showed that the emperor understood his own fault in the situation and publicly declared that fault.²²⁷

The rat/vessel dilemma is a description of this dynamic. *Even if* (especially if) a ruler thinks he is dealing with rats, he must be cautious how he proceeds. There is real danger to himself and to his ruling line in unleashing the kinds of pettiness that inevitably emerge when pursuing hidden rats. Jia's persuasion is so effective because it stares down the problem of the suspicious ruler. There *are* rats out there. But they must be dealt with generously when possible, and handled according to legal institutions, when tolerance is not possible. "Small crimes should simply be tolerated. If there is some great wickedness, it should be dealt with openly before judges so that it can be shared with all" 小罪宜隱忍而已，如有大惡，宜暴治理官，與眾共之。²²⁸

Sima Qian on the Problem of Wealth, Haphazard Means, and Humility in a Broken World

Jia envisioned an order in which dignity and esteem could be maintained in a way that was not simply about wealth and power. In that order, the outward emblems of political power and, therefore, legitimate esteem would be reliable markers of social order. These markers of difference were established on an otherwise flat terrain which, in order to have any credibility and widespread support, would require the benefit of the doubt just described. The Qin had inadvertently created a culture of "getting ahead" (jinqi 進取) which, in practice, organized society around wealth and power, threatening the credibility of any other form of organizing society. Differences in wealth impinged on that more ideal order, because they created relations of dominance and hierarchy that had nothing to do with legitimate honor, or so the argument might go. Desire for wealth was Janus-

²²⁶ *Shiji* 57.2072.

²²⁷ The same dynamic is at play in the Xiao He story discussed in Chapter 1.

²²⁸ *Hanshu* 77.3253.

faced because it was both the great equalizer—conceivably everyone was acting for the sake of wealth—and productive of relations of domination.

There is perhaps no better guide to this question of the confusions of wealth, status, and virtue than the historian Sima Qian. In his “Biographies of Money Makers” 貨殖列傳, the main subject of this section, Sima Qian was much less optimistic than others about the ability to reverse the trend of wealth becoming its own social force, its own form of “nobility.” He thinks, apparently *contra* Xunzi and Jia Yi, that customs have changed so much that one can no longer impose the kinds of sumptuary regulations that would, perhaps too mechanically, match virtue, wealth, and esteem. Since at least the time of the early kings described in the classics, he says, *all* people have sought the same pleasures of music, beauty, good food, bodily ease, and honor. This great equality of desire placed concrete limitations on what might be done for the sake of order: “The best would be to follow the trend; second best would be to guide it to one’s benefit; next best would be to instruct; the next best would be to order and rank (lit. equalize); the worst would be to compete with it.”²²⁹

Sima Qian was aware of the terrors of the wealthy preying on the poor, but he also emphasized the ability of wealth to inspire virtue and fitness:

Ritual propriety is born from having and is destroyed by not having. When the gentleman is wealthy, he takes pleasure in acting with virtue; when the petty man is wealthy, he fittingly employs his strength (*li*). Fish are born in deep waters; beasts gather in the depths of the mountain. Humaneness and duty gather around a person’s wealth. When the wealthy gain power (*shi*), it is all the more visible; when they lose power, their clients all depart. If one is unhappy about this, he is all the more barbaric...Kings of one thousand chariots, nobles with ten thousand families, a lord of one hundred houses all worry about poverty, how much more is this the case of commoners in the registered households.

禮生於有而廢於無。故君子富，好行其德；小人富，以適其力。淵深而魚生之，山深而獸往之，人富而仁義附焉。富者得執益彰，失執則客無所之，以而不樂。夷狄益甚……夫千乘之王，萬家之侯，百室之君，尚猶患貧，而況匹夫編戶之民乎！²³⁰

We might say that Sima Qian’s analysis here is actually a friendly amendment to the arguments of Xunzi and Jia Yi. If all people desire the wealth and power of the Son of Heaven, then social order must take seriously the material needs of all. Whereas the Xunzian argument moved quickly from the desires of all to the gentleman’s desire for “distinction” (*bie* 別), Sima Qian works the argument another way. If all people have the same desire, then what are the material needs of the poor such that they turn from wicked pursuits to the “proper employment of their strength.” In a well-ordered society, all would be able to use their abilities and the distribution of wealth would allow each to attain their desires without the “administrative commands, deployment of corvée, or bureaucratic deadlines” 政教發徵期會.²³¹ Rather than pursuing good order by “blocking people’s eyes and ears” (that is, pretending one could block their desires), the empire would create a framework in which Xunzi’s ideal might actually be attainable. The distinction between the bodies of petty men who employ their strength and wealthy gentleman who employ their virtue is still maintained here, but the text is much less *junzi*-centric.

A good example of Sima Qian’s approach can be seen in a short passage about the employment of slaves:

²²⁹ *Shiji* 129.3253: 故善者因之，其次利道之，其次教誨之，其次整齊之，最下者與之爭。

²³⁰ *Shiji* 129.3255.

²³¹ *Shiji*, 129.3254.

The people of Qi generally despise slaves, but Dao Xian alone valued them and appreciated their worth. Most men worry in particular about slaves who are too cunning and clever, but Dao Xian acquired all he could of this kind and put them to work for him, sending them out to make a profit peddling fish and salt. Though he traveled about in a carriage with a mounted retinue and consorted with governors and prime ministers, he came to rely more and more upon his slaves, and in the end managed by their labor to acquire a fortune of twenty or thirty million cash. Hence the saying, “Is it better to have a title in the government or work for Dao Xian?” meaning that he made it possible for his best slaves to enrich themselves while at the same time he utilized their abilities to the fullest.

齊俗賤奴虜，而刀閒獨愛貴之。桀黠奴，人之所患也，唯刀閒收取，使之逐漁鹽商賈之利，或連車騎，交守相，然愈益任之。終得其力，起富數千萬。故曰寧爵毋刀，言其能使豪奴自饒而盡其力。²³²

Slaves could be employed so that their strength could be used to its fullest extent, even giving them honor and esteem in the process. The person who was able to employ slaves in this way no longer feared the “wickedness and treachery” of the slave. That potential treachery had been transformed through *trust* into a more fruitful relationship. The dignity bestowed by Dao’s treatment was such that slaves would ask themselves: “Would I rather have an order of honor and depart from the ranks of the employed commoner (*zuo min*)? Or would I rather say as Mr. Dao’s slave?”²³³ The actual treatment of slaves and servants in the Han notwithstanding, Sima Qian’s anecdote underscores through the extremity of its formulation the possibility of wealth bringing about a dignity even where status as an “employed commoner” would suggest the complete lack of such dignity when compared to that of the credentialed gentleman. Wealth created dignity which in turn inspired virtue.

From the perspective of later writers, Sima Qian was not sufficiently condemnatory of money-making, but a careful reading of his chapter shows that his argument is more sophisticated than many suggest. Money-making, like any other arena of activity, has its own virtuous (and vicious) logics. Just as one cannot condemn political power *in toto* because some rulers come to power through less than savory means (a position that commands the assent of any would-be servant of the early empire) one cannot condemn money-making across the board simply because some money-makers are morally suspect. Sima Qian, for instance, suggests that courtiers and officials are all interested in money and will, like the *honest* merchant, gain wealth over time. While it looks as though this desire for wealth is the same for the honest official, honest merchant, *and* the many others who achieve wealth through unsavory means, Sima Qian is clear to show that these latter forms of wealth have limitations such that “when knowledge is gone and ability is used up, there will be no strength left they will finally have to yield their fortunes” 此有知盡能索耳，終不餘力而讓財矣²³⁴ That is to say, reliance on cleverness and cunning suffices only so long. It does not take much imagination to read this as a comment on the fortunes of a dynasty which tries to maintain itself through cleverness and knowledge alone. When a ruler’s cleverness runs out, they will have to yield their regime to another.

Sima Qian hearkens back to this earlier passage about knowledge and ability at the end of the chapter with an even more explicit connection to politics:

²³² *Shiji* 129.3279. The translation follows Burton Watson, *Records of the Grand Historian*, vol. 2 (New York: Columbia University Press, 1961), 497.

²³³ *Hanshu* commentary at *Hanshu* 91.3692.

²³⁴ *Shiji* 129.3271.

Those who make wealth through secondary means, maintain that wealth through the primary occupation. After achieving haphazard (*yi qie*) success with arms, one maintains it with civility. When there is a standard (*gai*) within these changes, *that* is what is worth emulating as a method.

以末致財，用本守之，以武一切，用文持之，變化有概，故足術也。²³⁵

This passage immediately calls to mind the writings of Jia Yi where we find a discussion of the different methods appropriate to seizing and maintaining power.²³⁶ This framework, of necessity, does not condemn seizure *per se*, but it does place strict limits on what is possible *in the long-term*. While frugality and use of strength were the proper ways to make a livelihood, Sima continues, the wealthy often achieved success initially through some “extraordinary” means. These extraordinary tactics often involved petty, humiliating, immoral, or illegal means, precisely the kinds of tactics that one might use to attain power as well. Given Sima’s larger picture, however, there were very real questions whether those extraordinary tactics are sustainable in the long-run.

“Haphazard” success, or *yi qie* 一切, was an important term of art in early political discussions. The term refers to a temporary response to dynamic conditions and is associated with *quan* 權, the prudential response to contingencies, as opposed to *jing* 經, the constant or normal way of doing things. The *Hanshu* commentator Yan Shigu gives a vivid description of how the term, literally meaning “one cut,” comes to mean “haphazard”: “It is like a knife cutting something—one takes a clean cut haphazardly (*gouqu zibengqi* 苟取整齊) without paying attention to proportion.”²³⁷ The term also means, “according to one standard” 一概 with the extended meaning of “all,” a use continued in modern Chinese. There is some disagreement amongst commentators about whether a term that means to take without attention to proportion, i.e. according to one standard, could mean prudential response to contingency (*quan shi* 權時).²³⁸ That disagreement, however, gets to the heart of the issue. Prudence apparently requires a sense of balance and proportion—the term *quan*, of course, means “balance”—but such a prudential response is only necessary required in a crisis situation. In such a moment, one gains the ability to ignore the normal hierarchies and ethical norms and can treat everything as the *same* for the sake of survival. No matter how one puts it, *quan* is necessarily tainted with the logic of sameness, commensurability, and fungibility. Getting ahead through cunning *yi qie* is simply the extension of that logic. As we saw in the writings of Jia Yi, the Qin failed because unity (*bingjian*) produced a series of category errors. Emperors were just wealthy men and officials were just really good at getting rich. The Qin thus functioned through the “prudence of taking and seizing and the art of haphazard cutting” rather than the “constancy” that grounded more stable political power.²³⁹

The *Shiji* contrast between Kongzi’s disciples Yan Hui 顏回 and the famously wealthy Zigong 子貢 bears out the distinction between haphazard and normal “success” well. While Yan is frequently poor and Zigong is wealthy, the latter’s wealth is a product of “guessing” (*yi* 億) and luck.

²³⁵ *Shiji* 129.3281.

²³⁶ *Shiji* 6.282: 攻守之勢異也

²³⁷ *Hanshu* commentary at *Hanshu* 12.349.

²³⁸ *Shiji* commentary at *Shiji* 87.2541: 一切猶一例，言盡逐之也。言切者，譬若利刀之割，一運斤無不斷者。解漢書者以一切為權時義，亦未為得也。

²³⁹ See *Huainanzi jishi*, *juan* 20, “Tai zu” 泰族, 1424: 張儀、蘇秦之從衡，皆掇取之權，一切之術也。

Kongzi condemns Zigong for his “not accepting command (*ming*) and making money as a merchant. He guesses and often hits the mark.”²⁴⁰ The third century CE commentator He Yan 何晏 explains:

While Zigong does not exhaustively understand principle, he is lucky to hit the mark; while he does not understand heavenly command (*ming*), he is coincidentally (*ou*) wealthy. For these reasons he is not humble.

雖不窮理而幸中，雖非天命而偶富，亦所以不虛心。²⁴¹

There is a matter of *luck* and *coincidence* in a wealthy man’s success. The success is haphazard and should not be occasion for confidence or excessive self-congratulation. Kongzi and Sima Qian are nevertheless ambivalent about Zigong’s wealth. Kongzi’s condemnation is not as harsh as it is for many other disciples. Sima Qian, for his part, recognized that Zigong’s wealth contributed to Kongzi’s fame, a fact that does not bode well for those who think that virtue pulls itself up by its own bootstraps. But the larger point is not lost in this ambivalence: haphazard means and lucky wealth cannot be completely divorced from virtue. One’s luck and skill eventually run out.

The problem of *yiqie* is further explored in Sima Qian’s distinction between gentlemanly wealth and the wealth in the reach of the “registered commoners” (*bianhu zhi min* 編戶之民). In this regard, he is much closer to his critics, perhaps, than they would like to admit. He first introduces his notion of “un-titled nobility” (*su feng* 素封) not merely as a recognition of wealth as a real form of social power, but also as a claim about the relationship between wealth and virtue, principally the kind of virtue characteristic of the landed wealthy man. (Admittedly, the second time he uses the term at the end of the chapter he is less clear about its connection to virtue, but there the term lingers as a question: does wealth really create a kind of untitled nobility?) In the first instance of “untitled nobility,” he speaks of the ambitions of “worthy men.” After cultivating an agricultural estate for one hundred years, one is able to attract the virtuous. The importance of *long-term* cultivation of an estate is important here. It is the potential for longevity that distinguishes this form of wealth from other more predatory and haphazard forms of money-making. In this way, the wealthy estate owner is like the landed nobility. By cultivating a large estate or collecting interest on loans, these people do not need “not look at the market, nor travel between cities, but sit and wait to collect. Their persons are like the retired gentleman (*chushi*) who collects all he needs.” He concludes with a highly typical vision of gentlemanly wealth and esteem: “Now, as for tending to one’s life, to provide for one’s needs without endangering one’s body (*shen*) is what wise men strive for” 今治生不待危身取給，則賢人勉焉。²⁴²

The Senior Archivist says, on the other hand, that among

registered commoners, when a person is ten times more wealthy, one grovels beneath him; when one is a hundred times more wealthy, one fears him; a thousand times, one is his laborer (*yi*); ten thousand times, one is his slave (*pu*). This is the principle of things.

²⁴⁰ See *Shiji* 67.2185. *Analec*s 11.19, *Lunyu yishu*, *juan* 6, 280. Ban Gu moves this passage into his own *Huozi* chapter “Huozi zhuan” 貨殖傳, 91.3684. For a discussion of this and other differences, see Béatrice l’Haridon, “The Merchants in *Shiji*: An Interpretation in Light of Later Debates,” in Hans van Ess, Olga Lomová, and Dorothee Schaab-Hanke, eds., *Views from Within, Views from Beyond: Approaches to the Shiji as an Early Work of Historiography* (Harrassowitz Verlag, 2015).

²⁴¹ *Lunyu yishu*, *juan* 6, 280.

²⁴² *Shiji* 129.3272.

Unlike the gentleman who pursued landed wealth, the kind of money-making in reach of the poor were those “secondary professions” where one “leans against the market gates.” This is where the money-making logic of *yiqie* comes to the fore. Relative wealth was one way of constructing a hierarchy under conditions of abstract equality—“registered households and equalized commoners.” That this is the “principle of things” should refer us to that larger Xunzian discourse of principle prevalent in the Han. Jia Yi too wrote about the sameness that held in terms of “heavenly principle.”²⁴³

The *locus classicus* of Sima Qian’s argument here about equal commoners is the writings of Shang Yang who first argued that the logic of honor and fame—*jue* 爵 and *rongxian* 榮顯—could transform equal commoners into a hierarchy of men willing to die for the realm:

Wealth and poverty are what allow men of the same rank to enslave one another. Strength and weakness are what allows men of the same substance to annex (*bingjian*) one another...If a wise ruler wants to use what is not his and employ people who are not his own, the wise ruler values giving orders of honor (*jue*) for substantive contributions. Such rewards of orders of honor will give honor (*rong*) and fame (*xian*) to men. Without honor, people will not be eager to pursue the reward; without fame in the ranks, people will not serve those who have orders of honor because the honors are too easily attained.
同列而相臣妾者，貧富之謂也。同實而相并兼者，強弱之謂也……故明主者用非其有，使非其民。明主之所貴，惟爵其實；爵其實而榮顯之。不榮則不急；列位不顯，則民不事爵。爵易得也，則民不貴上爵。²⁴⁴

Shang Yang envisioned a state in which the “natural” hierarchy between wealth and poor would be coopted by the ruler. By rewarding people for contributions and giving them honor and fame, the ruler could insert himself into the natural mode of hierarchy-making by providing wealth and power to those at the top. This “meritocratic” mode of reward would, however, simply stamp wealth and power with official legitimacy rather than transforming social relationships through real esteem and misrecognition. As one early critic of the Qin is quoted as saying in the *Shiji*: “The Qin is a kingdom that rejects ritual and duty (*liyi*) and privileges the merit of taking heads. Gentlemen are employed through inconstant means (*quan*) and the people are employed as conquered slaves.”²⁴⁵

Sima Qian’s argument about the “principle of things” obtaining between equal commoners should be read as a *recognition* of Shang Yang’s insight. However, Sima Qian corrects (or, depending on one’s orientation, clarifies) that argument. Wealth has its own virtuous circle and requires careful cultivation over time. It cannot be managed with haphazard or arbitrary tactics, strength, and ability alone. Likewise, the maintenance of imperial order required more than clever estate management. It may have, Sima Qian argues, began with martial strength and cunning, but it must be continued through other means.

The historian may have drawn his ideas about the commoner’s understanding of wealth and status from the *Zhuangzi* as well. A dialogue in Chapter 29 of the text between Wuhu 無足 and

²⁴³ In the *Liezi* 列子 the authors say, “all the myriad things of heaven and earth are all equally living things like me. Among them there is no noble and base, but they control one another through size, cunning, or strength, becoming food for one another in turn” 天地萬物，與我並生類也。類無貴賤，徒以小大智力而相制。 *Liezi jishi*, *juan* 8, “Shuofu” 說符, 270.

²⁴⁴ Jiang Lihong 蔣禮鴻, *Shang jun shu zhui zhi* 商君書錐指 (Beijing: Zhonghua shuju, 1986), *juan* 3, Chapter 9, “Cuo fa” 錯法, 64.

²⁴⁵ *Shiji* 83.2461; 彼秦者，棄禮義而上首功之國也，權使其士，虜使其民。

Zhihe 知和 begins by arguing that all men seek wealth. Wealth and the status it confers can provide for everything a person desires, securing “music, beauty, flavors, and power” 聲色、滋味、權勢:

When he is wealthy, others gather around him. When they gather around him, they lower themselves before him. When others lower themselves before him, he is made noble (*gu*). Being esteemed and made noble in this way is the way to a long life, ease of body, and pleasure of mind.

彼富則人歸之，歸則下之，下則貴之。夫見下貴者，所以長生、安體、樂意之道也。²⁴⁶

Anticipating in part Sima Qian’s concept of the “un-titled nobility,” the *Zhuangzi* says that some wealthy men would be able to attract talent and thus “without possessing a kingdom have the solemn authority of ruler or father.”²⁴⁷ The attainment of wealth implies both “knowledge” (*zhi* 知) and “strength” (*li*). Wuhu asks whether Zhihe lacks the ambition, the knowledge or the strength to attain wealth, because the inability to turn money into esteem could only mean a failure of ambition or skill. Zhihe rebuts by arguing that knowing how to act instrumentally (*wei wei* 為為) is insufficient. Using the same language we saw in the *Xunzi*, Zhihe says that without certain limitations on instrumental action “one would not avoid disaster even if one were as noble as the son of heaven and possessed the riches of the entire world.”²⁴⁸ Knowing the disaster that might befall if one turns nobility into a game of wealth and cunning, the truly noble would “not be arrogant towards others on account of their nobility even if they possessed the power of the Son of Heaven and would not toy with people on account of their wealth even if they possessed all the wealth in the world” 勢為天子而不以貴驕人，富有天下而不以財戲人。²⁴⁹

In its vast sweep, Sima Qian’s history examines the many ways in which virtue might appear in the known world. The political significance of this kind of history writing is worth serious consideration. It is a kind of generous historical methodology in which the rats of history—the wealthy, the bravados, the petty diviners, the barbarians, the jesters, and so forth—are given the benefit of the doubt. From one perspective, Sima’s history conveys unprincipled praise for various uncouth characters. However, as Jia Yi argued so powerfully, protecting the “vessel” might just require the kind of generosity and trust that others will, perhaps rightly, call amnesty for “rats.”²⁵⁰ Sima’s history was, however, even more than giving havens to the uncouth. He wanted to look at virtue and power from multiple perspectives, showing both how virtue resides in the lowliest types and how virtue is absent in precisely those who claim legitimate wealth and power on account of their worthiness.

Two chapters earlier, in his “Biography of the Day Diviners” 日者列傳, Sima Qian tells the story of Jia Yi and Song Zhong going into the markets during their bathing days in search of “sages”

²⁴⁶ *Zhuangzi jishi*, *juan* 9, Chapter 29, “Dao Zhi,” 1002.

²⁴⁷ *Ibid.*, 1004.

²⁴⁸ *Ibid.*, 1003.

²⁴⁹ *Ibid.*, 1005.

²⁵⁰ Sima’s approach to history might be compared to Cao Shen’s 曹參 approach to the governance of Qi. When leaving for the capital to serve as chancellor, Cao instructed his successor in the following say: “Lawsuits and markets are havens (*ji* 寄). Be careful not to disturb them...Lawsuits and markets are places that taken in everyone (*bing rong* 並容). Now, if you disturb them, where will wicked people be able to find a place (*rong*).” 以齊獄市為寄，慎勿擾也。後相曰：治無大於此者乎？參曰：不然。夫獄市者，所以并容也，今君擾之，姦人安所容也？吾是以先之。 *Shiji* 54.2029.

amongst the diviners and doctors. The money-makers chapter just discussed may rightly be viewed as Sima Qian's own trip to the markets of the wealthy commoners and the estates of the untitled nobility in search of virtue. The very fact that one might find sages in the marketplace or nobles amongst the wealthy is already an emblem of the status confusion in the period. On their own journey, Jia Yi and Song Zhong find a diviner, Sima Jizhu, who they promptly humiliate with questions of status. (The dialogue here is a version of the literary form *shelun* discussed above.) If Sima Jizhu is so wise, they say, "then why do you reside in such a lowly position and pursue a disreputable occupation?" Jia and Song clarify their imagined relationship of correspondence between position and virtue:

The world looks up to men who occupy high posts and receive generous stipends and therefore men of worth and talent are to be found in such positions. But your present position is certainly quite different, and so we spoke of it as lowly (*bei*). The words of a diviner cannot be trusted, the value of his actions cannot be verified, and he gets his living by inappropriate means. Therefore, we said that your occupation was disreputable.
官厚祿，世之所高也，賢才處之。今所處非其地，故謂之卑。言不信，行不驗，取不當，故謂之汙。²⁵¹

Sima Jizhu will have none of this and gives a detailed criticism of Jia and Song's fantasy about the relationship between power and virtue. He begins with the claim central to the present chapter and to nearly all early discussions of status: "Few are able to know and distinguish between the worthy and the unworthy."²⁵² This should be a doctrine of humility, but Jia and Song think that their status at court has provided them with *proof* of their virtue. Furthermore, there are rats among gentlemen and officials. They grovel without principle and enter into all sorts of sordid business for the sake of advancement:

Bowing and scraping, they appear before the ruler; fawning and flattering, they speak their piece. Banding together for greater power, leading each other on with promises of profit, they flock together into cliques to drive out honest men. Seeking position and fame, living off the public funds, they devote themselves to private advantage, pervert the ruler's laws, and prey upon the farmers. Using their offices to terrorize others, taking advantage of the power of the law, they seek by every violent and unlawful means to win gain.
卑疵而前，嬖趨而言；相引以勢，相導以利；比周賓正，以求尊譽，以受公奉；事私利，枉主法，獵農民；以官為威，以法為機，求利逆暴。²⁵³

They do not "yield to worthy men" and instead "seek out the convenient power of esteemed office" 以求便勢尊位。²⁵⁴ The term *bian shi* 便勢 here refers to exactly that kind of power Wang Chong called *qiaobian* 巧便, power seized through clever, haphazard tactics. The achievement of position does not necessarily provide proof (*xin* 信 or *yan* 驗) of anything deeper than clever tactics. The diviner Sima Jizhu, however, shows how he is a *true* gentleman who has developed a way of acting in the world—his "business" 業—which is, unlike the cunning and ability of the money-maker,

²⁵¹ *Shiji* 127.3216. Watson, vol. 1, 470.

²⁵² *Shiji* 127.3216.

²⁵³ *Shiji* 127.3216. Watson, vol. 1, 471.

²⁵⁴ *Shiji* 127.3217.

“inexhaustible” 無盡索. This inexhaustibility was premised on a humility and willingness to accept the imperfections of the world.

Heaven sags in the northwest, and therefore the stars and constellations move in that direction. Earth slumps in the southeast, and so the waters all flow there to form a great sea. The moment the sun reaches the meridian, it begins to move on. As soon as the moon is full, it starts to wane. The way of the ancient kings sometimes flourishes in the world and sometimes it is lost. You attack the diviners and demand that everything they say must be true, but are you yourselves not confused in thinking so?

天不足西北，星辰西北移；地不足東南，以海為池；日中必移，月滿必虧；先王之道，乍存乍亡。公責卜者言必信，不亦惑乎！²⁵⁵

The expectation of “completeness” (*quan* 全) (see below) and the need for necessary “proof” or “evidence” of virtue is a bar too high for the world as it is. The art of inexhaustibility needed to allow for gaps and imperfections in the world.

The demand (*zhe*) for perfect *xin* was, for Sima Jizhu, proof of Jia and Song’s status as petty men. Even heaven and the earth are imperfect and could be criticized for their failures, how much more so a human being. The implication that all speech and action *pay off* with some reward that gives evidence or proof of one’s virtue was, as the *Analects* put it, the attitude of a petty man and not that of the gentleman (*shi* 士).²⁵⁶ The *Analects* and *Mengzi* discussion of this problem includes two possible interpretations of the pettiness, both dealing with the problem of evidence of character. Sima Qian is, I think, playing with both of these interpretations. On the one hand, as I just mentioned, is the idea that speech and action should have a *payoff*, that one expects (*bi* 必, *qi* 期) one’s actions to translate into some benefit or attainment. Yet, the gentleman should do what is right *without* expectation of some reward. Things are not done, as *Mengzi* says in a similar context, for the sake of salary, status, or reputation. The gentleman “acts according to the standard and awaits the command of fate (*ming*).”²⁵⁷ The clever actions of the petty man are not marked by this kind of humility. He pursues goals with a clear benefit in mind, making his action purely instrumental.

The second interpretation of the pettiness of perfect *xin* is that it places undue demands on a person acting in a broken world. Action demands various sorts of compromise which will necessarily implicate one in some sordid affairs. The way one acts in such a world does not necessarily make one a hypocrite. Such action is simply a fact of acting in a complex and imperfect world. The demand for perfection in such a world is simply ungenerous.

The need for the generous treatment of error (*guo*) was the message of Jia Yi’s rat/vessel dilemma. A different warrant for that argument is provided by Sima Jizhu’s plea that even heaven and earth are broken. The “Zhong Gong” text in the Shanghai museum collection uses the same image of a broken natural world to argue for the need for generosity.

Zhongni [Kongzi] said: Treat the elderly as they should be treated, be kind to the young; give precedent to one’s officials; raise up the worthy and talented; and forgive errors and amnesty crimes. This is the beginning of government.

²⁵⁵ *Shiji* 127.3219: Watson, vol. 1, 473-474.

²⁵⁶ *Analects* 13.20

²⁵⁷ *Mengzi* 7B/33. *Mengzi zhengyi*, juan 29, 1013: 君子行法，以俟命而已矣。

Zhong Gong says: “How will the people learn to be good (*hou*) if one forgives errors and amnesties crimes? Mountains collapse, rivers dry up, the sun, moon, and stars all have gaps, and there are no people who do not error.”

仲尼曰：老=慈幼，先有司，舉賢才，宥過赦辜，政之始也。

仲弓曰：宥過赦辜，則民何厚？山有崩，川有涸（竭），日月星曆（辰）猷（猶）差，民亡（無）不有過。²⁵⁸

A similar passage is found in *Analects* 13.2.²⁵⁹ To return to an earlier discussion, the ideas are further developed in the *Da Dai Liji* and the *Kongzi jiaoyu* 孔子家語. The latter says, in a passage already seen in Dongfang Shuo’s hypothetical discourse:

In antiquity, sage rulers wore the cap with dangling beads in the front so as to block their sight. Silk blocked their ears so as to stop up their listening. In the clearest water there are no fish; with intense surveillance, one has no followers. The bent are treated as straight so that they will get it themselves; the haughty are treated kindly, so they will seek it themselves; things are measured so that they will search it out themselves. When people have small errors, one must look for the good and forgive (*she*) the error. When people have great crimes, they must look to the reason at the source so that humaneness can assist in transforming them. It is good if one is able to make those who commit a capital crime live.

古者聖主冕而前旒，所以蔽明也；紘紕充耳，所以揜聰也。水至清即無魚，人至察則無徒。枉而直之，使自得之；優而柔之，使自求之；揆而度之，使自索之。民有小過，必求其善，以赦其過；民有大罪，必原其故，以仁輔化。如有死罪，其使之生，則善也。²⁶⁰

Very much in line with Brandom’s connection between trust and forgiveness explored in the introduction, the argument here combines a commitment to ethical self-cultivation with a generous forgiveness or bestowal of benefit of the doubt to others (“seek out their goodness”). Indeed, the latter is the condition of possibility for the former.²⁶¹

²⁵⁸ Ma Chengyuan 馬承源, *Shanghai bowuguan cang zhanguo chu zhushu* 上海博物館藏戰國楚竹書, vol. 3 (Shanghai: Shanghai guji chubanshe, 2003), 261-283.

²⁵⁹ Mick Hunter has a helpful discussion of the differences between the two texts in *Confucius Beyond the Analects* (Leiden: Brill, 2017), 250-252.

²⁶⁰ D.C. Lau, *A Concordance to the Kongzi jiaoyu* 孔子家語逐字索引 (Hong Kong: The Commercial Press, 1992), Chapter 21, “Ru guan” 入官, 42.

²⁶¹ The argument is expanded in the next chapter, “Biographies of the Turtle and Milfoil Diviners” 龜策列傳. In an addendum by Chu Shaosun, he examines why a turtle whose shell can be used to divine the future is unable to save his own life. In other words, this is another accusation directed at the imperfection of things. The response employs the same images as in the “Biography of the Day Diviners.” Even heaven and earth are imperfect so “how can you demand perfection from people” 奈何責人於全? Kongzi is quoted as the authority here to the effect that there is nothing without its gaps, imperfections, and failures. Indeed, the aspect of every thing is double. “People have what makes them noble, but also what makes them not” 人有所貴，亦有所不如. The divisions and hierarchies that exist in the world are, in fact, a product of this imperfection. “The steps that exist in the world are produced because things are incomplete” 天下有階，物不全乃生也. While the incompleteness of *things* (*wu*) versus the completeness of the Dao was, as we will see in the next chapter, also a way of arguing for a less generous and more suspicious form of government, the argument here is that the demand for evidence, proof, and perfection must be hedged in with a certain humility in a broken and complex world. All the links in the great chain of being are broken and *that* is what makes for difference. The task is to create a theory and practice of order with that brokenness at its core. *Shiji* 128.3237.

Sima Qian's methodology, especially in the last chapters of the *Shiji*, seems to be very much in line with the idea of looking for the good and forgiving the errors. In each chapter, Sima Qian seeks to find the Dao among the rats of history. He often says that some group of people or some individual does not accord with *yi* 義, but is nevertheless worthy of our respect in some way. As he says at the beginning of the "Guji liezhuan," a text which praises three men of low status "the way of heaven is vast." This kind of argument is central to the historian's practice and appears in various guises throughout the Han histories. This same kind of generous hermeneutic will be developed by thinkers like Wang Bi (subject of the last chapter) who, like Sima Qian, rejected a simple notion of *xin* and showed how, in an almost Xunzian way, order is the product of the true and the false (*qing wei* 情偽) interacting. He, too, will emphasize the "vastness" of the Dao.²⁶²

Ban Gu and His Precursors: Equality and Hope in Huainanzi's "Equalizing Customs" and the *Discourses on Salt and Iron*

As is well known, when Ban Gu reworked much of Sima Qian's money-making material for his "Huozhi zhuan" 貨殖傳, he was less generous in his assessment of the virtues of wealth. He would, however, follow up with some of Sima Qian's conclusions but sharpened the criticism. In some ways, Ban Gu simply held a more rigid and dogmatic version of Sima Qian's position on wealth. Ban's worn-on-his-sleeves contempt was rhetorically, if not substantially, different than Sima Qian's inquisitive, sometimes ironic, but always incisive tone. Where Sima Qian ends with a genuine question about whether those who achieved wealth through petty means might be counted as "untitled nobility," Ban Gu says flatly: "they all exceeded what was allowed by law" 皆越法. Even then, however, Ban Gu was not as lacking in subtlety as we might imagine and he distinguishes between those who "nevertheless held to their business, gradually accumulating profit" and those who competed with kings and commoners for wealth.²⁶³ He was especially contemptuous of those who made their money through gambling and illegal or clever schemes.

Ban argued that in the past sage kings had created social order by partitioning people according to their tasks. By organizing people according to Guanzi's "four classes of people" 四民—gentlemen, artisans, merchants, and farmers—there would be no "mixture" 雜處.²⁶⁴ Each class would have their own language—the language of virtue, skill, profit, and farming, respectively—and, having both a legitimate form of life and a set of values about which they could speak, they would "not look at those other things and seek to change themselves."

Even though they saw extreme beauty and glitz, they would not be accustomed to these things so it would be like the Rongdi entering the land of the Yue, they would not mix together.

雖見奇麗紛華，非其所習，辟猶戎翟之與于越，不相入矣。²⁶⁵

²⁶² Wang Bi *jijiaoshi*, "Ming yao tong bian" 明爻通變, 597.

²⁶³ *Hanshu* 91.3694. 循守事業

²⁶⁴ *Hanshu* 91.3679.

²⁶⁵ *Hanshu* 91.3680.

The difference between classes would analogous to differences between cultures and thus there would be no occasion for envy or a desire to be like the other. By installing distinctions in this way, “superior and inferior would be ordered and the people would have settled their ambitions.”²⁶⁶

The decline of the Zhou house, however, had created a world in which “superior and inferior confronted one another” 上下相冒 and social distinctions disappeared. “Ritual and duty were no longer sufficient to contain gentlemen and mutilating punishments were no longer sufficient to overawe petty men.” Wealth began to organize more and more. Here, Ban repeats Sima Qian’s assessment that in a world of “registered households and equalized commoners, people of the same rank rule over one another according to wealth and power. As long as one was wealthy, one would not even show shame if one were a slave” 其為編戶齊民，同列而以財力相君，雖為僕虜，猶亡慍色。²⁶⁷ Sima differs from Ban in that he thought that wealth might redeem itself through virtuous acts—even the Qi slave would have dignity through the use of his strength, writes Sima. Ban was also genuinely worried about wealth shaping social order and social esteem.

Creating hierarchical order out of sameness was their shared problem. Ban Gu’s key arguments and images in the opening preface to his “Huo zhi zhuan” were borrowed from the “Equalizing Customs” 齊俗 chapter of *Huainanzi* 淮南子. That chapter argued, in part, that all customs were equal. Ban Gu and Sima Qian also argued for this kind of equality in difference. Each profession or class had its own form of life and must find some kind of ease within that form. Sima Qian thought that it would be possible for the poor to “find what was fitting to their strength,” a sentiment seen in the *Huainanzi* chapter as well: “all use what is fitting for them and do what is appropriate for them. That is, all things are equal and have no reason to claim superiority” 各用之於其所適，施之於其所宜，即萬物一齊，而無由相過。²⁶⁸ In the grand scheme of things,

there is no noble and base. If we look at what makes a thing noble and treat it nobly then all things are noble. If we look at what makes a thing base and treat it basely then all things are base.

由此觀之，物無貴賤。因其所貴而貴之，物無不貴也；因其所賤而賤之，物無不賤也。

From this perspective, Ban Gu and Sima Qian were not far apart. Both would agree that wealth should not be the *basis* of power or the source for legitimate rule. Wealth does not justify power. Ban Gu further agrees with Sima Qian that people should achieve wealth and ease suitable to their capacities.

The authors of the *Huainanzi* chapter, Sima Qian, and Ban Gu all agreed that one danger of equality and sameness is that wealth and cleverness will come to define social order. The *Huainanzi* uses the image later seen in Ban Gu’s chapter on moneymaking:

There is no means to distinguish (*yi*) among those in the registered households and equalized commoners, but the distance between the rich and the poor is even greater than that between rulers and slaves. Deploying clever skills (*qi ji*) or undertaking wicked schemes will allow one to have enough for one generation; but those who are upright and follow principles, refusing to haphazardly (*gou*) gain, will not escape the worry of hunger and cold. If

²⁶⁶ *Hanshu* 91.3679. 上下序而民志定

²⁶⁷ *Hanshu* 91.3682.

²⁶⁸ *Huainanzi jishi*, juan 11, “Qi su” 齊俗, 768.

one wishes to have people abandon the secondary and return to the root, one needed to open the source but block the sprawling channels downstream.

故其為編戶齊民無以異，然貧富之相去也，猶人君與仆虜，不足以論[論]之。夫乘奇技、偽邪施者，自足乎一世之間；守正修理，不苟得者，不免乎饑寒之患。而欲民之去末反本，由是發其原而壅其流也。²⁶⁹

For Ban Gu and the authors of the *Huainanzi* chapter, confusion about status was the problem, not wealth *per se*. The administrative equality of all men—all were “equalized commoners”—made it easy for different realms of discourse to combine into one. Social order needed to keep realms of value separate so as to keep people from making category errors of the kind we saw before in Jia Yi’s analysis. The Son of Heaven was not simply a clever wealthy person.²⁷⁰ The *Huainanzi* passage from which Ban Gu draws to argue against “mixture” (雜處 *za chu*) makes clear again the problem of “confusion”:

People should not combine (*jian*) offices; offices should not combine (*jian*) affairs.²⁷¹ Gentlemen, farmers, artisans, and merchants should be distinguished like hamlets and separated like provinces. Thus, farmers speak to farmers about strength (*li*); gentlemen speak to one another about virtuous conduct (*xing*); artisans speak to one another about skill (*qiao*); and merchants speak to one another about numbers (*shu*)... They are all at ease in their nature and do not interfere with one another. The northern barbarians are comfortable on horses and the people of Yue are comfortable on boats. Different forms (*xing*) and different kinds (*lei*) fall into chaos when they change their tasks. Baseness is the loss of place; nobility is the attainment of one’s position (*shi*). The sage combines and uses these according to one pattern (*shu*).

人不兼官，官不兼事，士農工商，鄉別州異，是故農與農言力，士與士言行，工與工言巧，商與商言數……各安其性，不得相干……胡人便於馬，越人便於舟，異形殊類，易事而悖，失處而賤，得勢而貴。聖人總而用之，其數一也。²⁷²

The cultural analogy employed may suggest that these divisions were immutable. The reference to “different forms and different kinds” and talk of each kind finding ease in its “nature” looks opposed to Jia Yi’s idea that “the distinction between noble and base is not written on the bodily form by heaven,” but cultural difference was generally thought of in terms of a kind of “second nature” rather than an order written on the body by heaven. In any case, these distinctions were absolutely crucial for order lest the different types of discourse—virtue, wealth, strength, and number—contaminate one another. These different types all belonged together in the same body politic and could be “combined and used” by the sage ruler but they should be distinguished from one another just as administrative units or different regional customs are distinguished.

²⁶⁹ Ibid., 823-824.

²⁷⁰ This kind of category error is of the sort Meghan Markle made when she imagined that meeting the Queen was the same as meeting her husband’s “famous” grandma. She says, remarkably, “I had confused the idea. I grew up in LA, you see celebrities all the time. This is not the same but it’s very easy, especially as an American, to go, ‘These are famous people’. This is a completely different ball game.” Megan Markle/Oprah Winfrey interview, <https://www.the-sun.com/news/2475583/meghan-markle-oprah-interview-full-transcript/>. Accessed 6-15-2021. Ban Gu and the *Huainanzi* authors argue that society functions best when everyone know what ball game they were supposed to be playing.

²⁷¹ See *Xunzi jijie*, *juan* 6, Chapter 10, “Fu guo” 富國, 176: 能不能兼技，人不能兼官

²⁷² *Huainanzi jishi*, *juan* 11, “Qi su,” 810.

The “sage” at the top made it possible to “combine” (*jian* or *zong*) these different things into one pattern or unity, thus re-introducing confusion at another level. There were well developed patterns of thought for dealing with that confusion. The *Xunzi*, for instance, argued in a similar context that while the gentleman had no “skills” (*ji* 技) he was nevertheless able to be the teacher for the other three offices—farmers, merchants, and artisans. As the gentleman had a “subtle understanding of the Way” and not, as the others, merely “a subtle understanding of things,” he was able to not avoid “being thing-ed by things” 以物物. By avoiding such a fate, he was able to “thing all (*jian*) tings” 兼物物 and was thereby able to “settle right and wrong and decide on the similar and confused” 定是非決嫌疑.²⁷³

The best example of the question of *xin* at the core of these reflections on status and sameness, especially the question of wealth as a source of authority, is the problem presented by Sang Hongyang’s 桑弘羊 (152-80 BCE) ascent to high office. Many have argued that the “Huozhi liezhuan” chapter of the *Shiji* is actually a criticism of Sang Hongyang’s rise to power and the economic policies he promoted, especially the government monopolies on salt and iron and the system of price controls.²⁷⁴ The claim made in both the *Shiji* and *Hanshu* that the proper ordering of the “economy” could be accomplished without government mobilizations and administrative deadlines strongly suggests that Sang’s economic planning, designed to help the empire through the wars of expansion, may have been a target. That being said, even a figure like Ban Gu who apparently embraced stark divisions between professions and statuses, as we saw above, praised Sang’s patron Emperor Wu for welcoming many different voices and talents from different status groups—including Sang—to court:

Bu Shi was pulled from farming and herding; Sang Hongyang was promoted from the merchants; Wei Qing arose from the slaves; and Jin Midi emerged from surrendered prisoners of war. It is clear that this is just as in ancient times, when wall-builders and cattle-feeders were raised to high office. This was the height of Han’s attainment of talent. 卜式拔於芻牧，弘羊擢於賈豎，衛青奮於奴僕，日磾出於降虜，斯亦曩時版築飯牛之明已。漢之得人，於茲為盛。²⁷⁵

On the long list of those who entered office during Emperor Wu’s reign were many who Ban Gu would criticize—including the likes of Sima Qian, Huo Guang, Sang Hongyang, and many others. Ban recognized, as even the “slanderer” of Emperor Wu, Sima Qian, had before him, that Emperor Wu was a mixture of terror and tolerance. Given the quite deadly alternative, it was better to praise a ruler for listening broadly than joining with those who would prosecute various men for allegedly immoral policy proposals. (Incidentally, Ban Gu compares the plurality of voices in Emperor Wu’s reign favorably to the talents at the more *ru* and literary-centered court of the “Legalist” Emperor Xuan.²⁷⁶ As one can see plainly, our persistent modern categories are very different from those of Han contemporaries.)

Emperor Wu quite literally “combined and used” all. This combination at the top, however, mixed the various classes in precisely the way Ban Gu, in the “Huozhi zhuan,” said should not

²⁷³ See *Xunzi jijie*, *juan* 15, Chapter 21, “Jie bi” 解蔽, 399-400.

²⁷⁴ See Ruan Zhisheng 阮芝生, “Huozhi yu liyi: *Shiji* *Huozhi liezhuan* xilun” 貨殖與禮義：史記貨殖列傳析論 *Tai Da lishi xuebao* 臺大歷史學報 19 (1996): 1-49. Ruan’s student Lü Shihao 呂世浩 follows this up in his *Cong Shiji dao Hanshu* 從史記到漢書 (Taipei: Guoli Taiwan daxue chubun zhongxin, 2009).

²⁷⁵ *Hanshu* 58.2633.

²⁷⁶ *Hanshu* 58.2634.

happen. The ideal of an equality between actual and potential gentlemen sat uneasily with the distinctions that should hold between the various “languages”—virtue, profit, skill, and farming—of the professional “cultures”—gentleman, merchant, artisan, farmer—in the empire. The salt magnate Xian Yang 咸陽 and iron magnate Kong Jin 孔僅 joined Sang Hongyang at Emperor Wu’s court. These three *did* have their own language: “the three of them spoke in the most hair-splitting detail about profit” 三人言利事析秋豪.²⁷⁷ The idea that the son of a merchant or other wealthy monopolist could ascend to the highest ranks risked sending the message that those in the highest ranks were not gentlemen but rather simply merchants commanding political power. Sang Hongyang was well versed in the language of gentlemanly rule and argued that the whole point of his proposed monopolies was to combat the excess wealth of local magnates and get people back to farming.²⁷⁸ But the optics of a merchant with political power combined with Sang’s proposal to allow offices to be bought, crimes to be redeemed, and corvée to be remitted with donations of grain or cash *did* mix power and justice with wealth. The herder-cum-chancellor Bu Shi hoped, in the midst of a drought, to have Sang executed for the mixture of officials and merchants: “Now Sang Hongyang makes the officials sit in the market stalls and sell goods for profit. Boil him and heaven will rain.”²⁷⁹

As we have seen throughout this chapter, a key function of social and political hierarchy was the elimination of inappropriate aspirations and hope. Reliable (*xin*) roles required the elimination of hope for luck (*xing*). This problem of mixture, hope, and *xin* was a topic of debate between the counsellor (*dafu* 大夫)—often thought to be the figure of Sang Hongyang himself—and the man of learning (*wenxue* 文學) in Huan Kuan’s *Discourse on Salt and Iron* 鹽鐵論 purportedly based on the court debate in 81 BCE. In a chapter called “Criticizing the Powerful” 刺權, the counsellor begins by arguing, as one would expect from a gentleman, that the whole purpose of the monopolies is to prevent powerful families from sapping the empire of important resources. The man of learning (*wenxue*) responds that the government involvement in these affairs had brought all of the merchants and magnates into the halls of power and created opportunities for even greater participation in the empire. Any attempt to limit their power in this way would only make their power more visible. Furthermore, their sons, wives, and slaves would appear all the more haughty because their wealth was backed by real political power. Seeing this, people would only be more eager to imitate the wealthy and compete with them for glamour and glitz.²⁸⁰

At this point, the argument shifts and the split between the counsellor and the man of learning (*wenxue*) widens. There are two kinds of power: one built on wealth and one built on virtue. The counsellor argues that giving these merchants and magnates political power would justifiably bring wealth and nobility to their entire families:

When the husband is noble at court, the wife is noble at home. To be wealthy was to be admirable. That is the way of the ancients.

故夫貴於朝，妻貴於室，富曰苟美，古之道也。²⁸¹

Referring here to *Analects* 8.1, he argued that wealth is not bad *per se* and that political power and salary justifiably beautify one’s entire family. He then cites *Mengzi* to argue that kings and people are

²⁷⁷ *Hanshu* 24B.1164.

²⁷⁸ *Hanshu* 24B.1175. For an analysis of Sang Hongyang’s policies, see Michael Loewe, *Crisis and Conflict in Han China, 104 BC to AD 9* (London: George Allen & Unwin Ltd, 1974), Chapter 4.

²⁷⁹ *Hanshu* 24B.1175-1176.

²⁸⁰ Wang Liqi, *Yantie lun jiaozhu*, *juan* 2, Chapter 9, “Ci quan” 刺權, 132-133.

²⁸¹ *Ibid.*, 133.

the same but differ simply because of their position. In the context of the *Mengzi*, this is an argument about the possibility of cultivation and explicitly *not* about the appearance of wealth. Upon seeing the son of the Qi king, Mengzi sighs at the gentlemanly air of the prince. Mengzi, however, concludes from this that it was *merely* a matter of position and that there was no deeper difference—“are we not all the sons of men?” Mengzi continued:

The residence, carriage and horses, and clothing of the prince may be just the same as another person's, but the prince appears in that way because his position has made it so. How much more is this the case for someone who resides in the wideness of the world!
王子宮室、車馬、衣服多與人同，而王子若彼者，其居使之然也；況居天下之廣居者乎？²⁸²

Where *Mengzi* sees the possibility of cultivation to make one even greater than the prince, the counsellor reads the passage as an argument against hope:

Mengzi says: Kings and people are the same, but the king is as he is on account of his position. To reside in the ranks of the registered commoners and hope to be like the son or grandson of a high minister is like a cripple hoping to run as fast as Lou Ji or a man with no money hoping to have treasures worth a thousand gold. Is that not an empty hope?
孟子曰：王者與人同，而如彼者，居使然也。居編戶之列，而望卿相之子孫，是以跛夫之欲及樓季也，無錢而欲千金之寶，不亦虛望哉！²⁸³

In this literary representation of the debate, the counsellor here shows his true colors. He *does* think that social order is really just the display of wealth! In this reconstructed debate, this was a great opening for the man of learning (*wenxue*) who is then able to condemn the counsellor for so many petty desires. The man of learning (*wenxue*) begins: is political power really about taking care of one's wife? When the sage kings of the past came up from commoner status they saw the suffering of others and felt as if they themselves had been “pushed into the gutter.” The gentleman “does not take pleasure in the power” of office, but uses it to do what is right. If political power were simply the display of wealth and the gaming of connections, there would be no order at all and everyone would strive for glory and gain:

Relatives would recommend one another. Friends and allies would raise one another up. A father who had achieved esteemed status would have a son at home who acted excessively. A husband who was noble at court would have a wife running around paying visits. If one does not have the virtue of the Duke of Zhou but possesses his wealth; or if one does not have the accomplishments of Guanzhong but possesses his extravagance; then cripples in the registered households would hope to run fast.
親戚相推，朋黨相舉，父尊於位，子溢於內，夫貴於朝，妻謁行於外。無周公之德而有其富，無管仲之功而有其侈，故編戶跛夫而望疾步也。

The metaphor of disability—or other physical limitations—was frequently used in discussions of status and hope.²⁸⁴ The man of learning does not reject the metaphor but says rather that those who

²⁸² *Mengzi zhengyi*, juan 27, 933.

²⁸³ *Yantie lun jiaozhu*, juan 2, Chapter 9, “Ci quan” 刺權, 133.

²⁸⁴ *Huainanzi jishi*, juan 11, “Qi su,” 810.

are wealthy and play the game of luck and favor are crippled where it counts—they are crippled in their virtue. The display of wealth may have power but lacks authority and thus invites others to compete. In other words, wealth does not cut off hopes. It instigates them.

The virtuous ruler had authority but also had a shared fellow-feeling with the ruled, thus inspiring imitation but not competition. Or so the argument seems to go. Virtue must be rewarded by wealth and power, but the virtuous man must craft his public persona such that his wealth does not become a source of envy. Wealth should merely give a certain sheen (*run* 潤) to virtue, the man of learning argues.

Huan Kuan shows us the tension and ambivalence of the imperial dispensation quite clearly. What is the nature of position and status? The counsellor's (mis?)reading of *Mengzi* reveals how difficult it was to think about this issue. If all people are the same and anyone could inhabit any position, then what is it about status that cuts off hope and unfettered ambition? Jia Yi, Huan Kuan, Ban Gu, and others wanted to secure the integrity of social order with reference to respect-commanding virtue and without reference to power, wealth, or force. They wanted authority without power.

At the same time, however, Ban Gu reminds us that there is a certain arbitrariness in *who* may come to occupy positions of authority. Even as he praises Emperor Wu for raising so many from commoner status, he emphasizes that such men would be nothing if they had not been born at the right time. "If they had not met the right time, how could they have come to this position?" They were geese whose wings were meant to fly vast distances, but they were trapped among the sparrows, sheep, and pigs.²⁸⁵ Being trapped among the pigs, however, should not be humiliating because, as Ban Gu emphasized in the "Huozhi zhuan" chapter, each status group has its own form of life and thus has no reason to desire anything else. There was no reason to complain about one's own lowly position because this was only a question of position and not an issue of nobility or baseness. Besides, those who have achieved higher status only did so thanks to some good timing.

As we saw in the earlier section on Sima Qian, social rank was a product of imperfection (*buquan* 不全)—*tianxia you jie, bu quan nai sheng* 天下有階，不全乃生. This was a doctrine of humility based on the equality of imperfections. It was not a "great chain of being" in which people inhabited some pre-ordained role. The imperfection of human beings and their institutions meant rather that some geese would be trapped among the sparrows. It was not that one *was*, in fact, a goose or a sparrow, but that the imperfection of one's condition meant that one could be one or the other depending on time, circumstance, and recognition. This was just as true of sage rulers as much as anyone else. The *Huainanzi* would make the typical argument that "it is the nature (*qing*) of humans to not be without shortcomings" 夫人之情，莫不有所短.²⁸⁶ Even the sage kings were "not complete in their virtue" 未能全其行.²⁸⁷ Indeed, authority and nobility were simply the recognition of one's incompleteness. In a low position, such a person would have equanimity. In a high position, she would have humility. Excessive demands and accusations (*ze* 責) of others would betray a person's true vulgarity, because it would show that she had lost touch with both her own and others' imperfections:

Today people remember the faults of others and forget their strengths. To seek after the worthy in this way is difficult indeed. Bailixi fed cattle, Yi Yin carried tripods in the ritual kitchen, Taigong was a butcher, Ningqi sang at funerals. But within each there was

²⁸⁵ *Hanshu* 58.2633: 公孫弘、卜式、兒寬皆以鴻漸之翼困於燕雀，遠跡羊豕之間，非遇其時，焉能致此位乎？

²⁸⁶ *Huainanzi jishi*, *juan* 13 "Fan lun," 963.

²⁸⁷ *Huainanzi jishi*, *juan* 13, "Fan lun," 965.

something admirable. The vulgar person, however, seeing the baseness (*beijian*) of their position and the humiliating nature of their work, did not know their great ability and thus thought they were unworthy (*buxiao*). When they finally became one of the Son of Heaven's *sangong* and stood as a worthy chancellor to local lords, men began to trust (*xin*) that they were different from the many. Released from work in the kitchen, coming out from the butchers stalls, freed from shackles, and brought up from under cattle, these men were given a bath and purified in ritual fire. Standing in court and leaning on the position of the *sangong*, they were neither ashamed in front of the emperor, nor embarrassed in front of the local lords. What they had within matched their credentials of power.

今志人之所短，而忘人之所修，而求得其賢乎天下，則難矣。夫百里奚之飯牛，伊尹之負鼎，太公之鼓刀，甯戚之商歌，其美有存焉者矣。眾人見其位之卑賤，事之洿辱，而不知其大略，以為不肖。及其為天子三公，而立為諸侯賢相，乃始信於異眾也。夫發於鼎俎之間，出於屠酤之肆，解於累綆之中，興于牛額之下，洗之以湯沐，祓之以燿火，立之於本朝之上，倚之於三公之位，內不慚於國家，外不愧于諸侯，符勢有以內合。²⁸⁸

A virtuous butcher is a shower and a ritual purification away from looking like a high minister. It is his status that gives trustworthy proof (*xin*) of his virtue, but this proof is always only partial and must be cultivated with a proper sense of humility. The counsellor Sang Hongyang in the *Discourses* misunderstood the nature of status. He imagined that one could overawe the “equalized commoners” with an overwhelming display of wealth. It was, however, precisely that impulse to overawe and demand respect that marked him *as a commoner*:

The gentleman does not demand (*ze*) perfection in a single person. He is upright but not cutting; he is straight but not sharp; he has wide understanding but not haughty; he is both civil and martial yet not demanding (*ze*) on that account. He seeks from a person according to their ability and cultivates himself according to virtue. Demanding (*ze*) from others in accordance with their ability it is easy for them to repay him; cultivating himself with virtue is to do something difficult. By doing something difficult, his character is made lofty; by being easy to repay, his desires are always fulfilled.

君子不責備於一人。方正而不以割，廉直而不以切，博通而不以訾，文武而不以責。求於一人則任以人力，自修則以道德。責人以人力，易償也；自修以道德，難為也。難為則行高矣，易償則求澹矣。²⁸⁹

The higher status of the gentleman was maintained by holding himself to a higher standard which meant, paradoxically, maintaining a closer, more empathetic relationship with his inferiors. The mark of vulgarity was nothing other than the claim to surpass others on account of one's cunning, strength, or wealth in the way a runner surpasses the cripple.

²⁸⁸ Ibid., 267-268.

²⁸⁹ *Huainanzi jishi*, Chapter 13, “Fan lun” 汎論, 966.

Zhongchang Tong (180-220), Status, and the Dynastic Cycle

The Eastern Han writer Zhongchang Tong (180-220) witnessed the final years of the Han dynasty and died in the year of Han Emperor Xian's 獻帝 abdication to Cao Pi 曹丕, Emperor Wen of the Wei dynasty. He composed, at the other end of the Han period, an important essay on the cycle of dynastic power drawing on the same set of arguments Jia Yi had laid out at the beginning of the Western Han period. His writings, called *Changyan* 昌言, were, according to his friend, on par with the greater Western Han writers Dong Zhongshu, Jia Yi, Liu Xiang, and Yang Xiong.²⁹⁰ Zhongchang was eccentric and often refused to serve in government, but he did serve as a military advisor for Cao Cao 曹操 for a brief period of time, a fact that would cast a shadow for some over the appropriateness of his writings. The argument in his essay "Principles of Governance" 理亂, boils down to a description of a three-part dynastic cycle: (1) status confusion and competition; (2) settled order; and then (3) status arrogance. The period of status confusion and competition looked to later readers like a good description of the final years of the Eastern Han with warlords contending for power.²⁹¹

Zhongchang's essay "Principles of Governance" begins with a vivid description of civil war in which all distinctions (*fen*) are missing. "Without divisions in the world, warriors arise in competition" 無天下之分，故戰爭者競起焉。²⁹² As the Han commentator to the *Chuci* 楚辭 would point out, *jing* 競, "competition," was synonymous with *bing* 並, "all together."²⁹³ Competition is the natural state of equality and lack of division. During such a time people would make "false claims to heaven's authority" 偽假天威. They would compete with one another in contests of "cunning and skill" 角才智 and try to assess who had "courage and strength" 程勇力. "Confusion and error" 疑誤 would reign throughout the world. There is no legitimacy in this situation—not even the component parts of legitimacy. The tools and techniques of competition are not those of order. Cunning, skill, courage, strength (and he will later add wealth) allow for competition but they do not create lasting order. The only order possible on these terms, as we have seen repeatedly, is the order of mutual humiliation between "registered households and equalized commoners." When "cunning" and "strength" run out, some will have to hang their heads in submission. Among those who submit to the victor

some will have been my esteemed master; some will have been my equal; some will have once enslaved me; and some will have once imprisoned me. They will murmur and all of them cursing me in their hearts and damning me in their bowels. Each and every one of them will consider my failure their good fortune. Their aspiration thus enlivened, how would they accept this order as their lifelong allotment?

²⁹⁰ HHS 49.1646.

²⁹¹ The fact that Zhong would write this in the last years of the Eastern Han appeared to some to be in poor taste. Su Yu 蘇輿 (1874-1914), living in a period of dynastic decline himself, wrote: "His argument is right, but is he really speaking for the Han when he speaks so openly in this way during the time when the Cao clan controls the government." The modern editor of *Changyan*, Sun Qizhi, would argue that Zhong was more honest than most ancient writers because he admitted what we now find to be "shallow and obvious"—that political power is simply the product of conquest, power, and violence. Don't we all believe that the only logic of legitimacy is "those who succeed are kings and those who fail are criminals" 成王敗寇? Sun's own vision of political power is indeed "shallow" but it is not for that reason "obvious."

Changyan jiaozhu, 230.

²⁹² *Changyan jiaozhu*, 257.

²⁹³ Cited in *Ibid*.

夫或曾為我之尊長矣，或曾與我為等儕矣，或曾臣虜我矣，或曾執囚我矣。彼之蔚蔚，皆匈詈腹詛，幸我之不成，而以奮其前志，詎肯用此為終死之分邪？²⁹⁴

This is the situation Jia Yi described to Emperor Wen as well. Liu Bang had forced some to submit, but they all still considered themselves his equal, a problem that Emperor Wen would have to resolve.

Succeeding rulers, Zhongchang continued, would have to change the terms of this competition among equals into a situation where patronage, honor, and wealth all flowed from a single source. In this way, “the ambitions of powerful magnates would be cut off and the minds of gentlemen and commoners would be settled.”²⁹⁵ This is similar to Jia Yi’s recommendation to create an order in which one might eliminate “hope” for “luck” and “favor.” Zhong would argue that this order would create the conditions in which a “lowly and stupid” ruler would be able to maintain the throne even in the face of competition from several thousand Dukes of Zhou and Kongzis. Even a million of the bravest men from antiquity would have no place to use their courage.²⁹⁶ (Let us note here again that the proportion of sages (several thousand) to brave men (one million) is still roughly, at most, 1/100, or a sage population of about 1% if “several thousand” presses closer to 10,000. I think it is fair to say that Zhongchang’s numbers here reflect well-established opinion about the likely ratio of gentleman to brave bodies.) Stable order would no longer be maintained through competition thus rendering even those most capable of competing unable to compete. We will return to what this stable order must look like in terms of actual practice, but let us first conclude the cycle.

After experiencing a long period in which no one competed with the ruling house for precedence, latter day rulers would begin to think about their power arrogantly:

Seeing that there was no one in the world who would dare to disobey, they said to themselves that they were as secure as unperishing heaven and earth.

彼後嗣之愚主，見天下莫敢與之違，自謂若天地之不可亡也。²⁹⁷

All sorts of excesses would ensue until “in the course of a morning they entire order would collapse like the earth collapsing and tiles falling.” The status confusion would emerge again:

Those sons and grandsons whom I had once nourished and nursed would all turn into villains and enemies ready to drink my blood.

昔之為我哺乳之子孫者，今盡是我飲血之寇讎也。²⁹⁸

This would all happen almost imperceptibly because these rulers would be blinded by their own wealth and nobility. Herein, Zhong concludes, lies the “cycles of order and chaos and the great pattern (*shu*) of heaven’s constant way.”²⁹⁹

He identifies the fundamental error of rulers as *yiqie* 一切. The creation of any real order requires the abandonment of *yiqie* 一切. He uses the term in the same way that Sima Qian did before him, referring to the kind of haphazard prudence that treats everything in the same way. For

²⁹⁴ *Changyan jiaozhu*, 257.

²⁹⁵ *Changyan jiaozhu*, 259.

²⁹⁶ *Ibid.*

²⁹⁷ *Ibid.*, 261.

²⁹⁸ *Ibid.*

²⁹⁹ *Ibid.*

Zhongchang, the convulsions of the last five hundred years showed how fragile order was. In less than five hundred years, the world had fallen apart three times—the Qin collapse, Wang Mang’s usurpation, and the political chaos of the late Eastern Han. The chaos of his own period was, as far as he could tell, worse than anything that had come before:

After each change the world becomes more suspicious and later ages become more cruel. If this continues, the Han will collapse. Oh, I do not know with what way future sages will save us. And I do not know to what end heaven will finally put an end to the current pattern (*shu*).

變而彌猜，下而加酷，推此以往，可及於盡矣。嗟乎！不知來世聖人救此之道，將何用也？又不知天若窮此之數，欲何至邪？³⁰⁰

In a way, Zhongchang was a predecessor of Huang Zongxi (see Introduction). In the midst of chaos and collapse, he came to see the problem of Eastern Han rule as the failure to create real institutions. There was only *yiqie*, the haphazard deployment of cleverness and cunning. There were no real divisions or social distinctions, so everything devolved into the fungibility of wealth, cunning, and duplicity:

What governments like to call order is merely “taking a single cut” (*qu yiqie*). Unable to weigh the distinctions between the worthy and the stupid, they thus set in motion the predictable dynamic (*shu*) of ascendancy and decline. Each day we are further from the ancients. Are we not very far away now? Since the rise of the Han, people thought of one another as the same, all being ‘equalized commoners in registered households,’ and those who thus ruled one another with wealth and strength (*cai li*) have been many. Clean and pure gentlemen are besieged in the midst of thorns and have no effect on customs...If one is able to employ cunning and treachery to get something, as long as one gets it, no one considers it criminal...The mistake of latter-day rulers is this “single cut” (*yiqie*).

又政之為理者，取一切而已，非能斟酌賢愚之分，以開盛衰之數也。日不如古，彌以遠甚，豈不然邪？漢興以來，相與同為編戶齊民，而以財力相君長者，世無數焉。而清絜之士，徒自苦於茨棘之間，無所益損於風俗也……苟能運智詐者，則得之焉；苟能得之者，人不以為罪焉……斯下世人主一切之愆也。³⁰¹

The *Hou Hanji* provides an appropriate visual pun on the idea of “ruling one another with wealth and strength,” writing *junzhang* 君長 simply as *jiong* 窘, “to force.” (The word *jiong* is written as “ruler” pressed under another character component.) Lacking any other meaningful distinctions, rule started to look simply like force—*jun* 君 became *jiong* 窘. Sameness was the ally of force, wealth, cunning, suspicion, and treachery. All things being equal, what’s the difference between cutting it this way and that? There are no kings and gentleman, simply commoners who are more or less shameless and capable.

Threading the Needle: Guo Xiang on Status, Virtue, and Command

These arguments about ability, status, timing, luck, and hope would have a long afterlife. Allow me to break from the chronology for a moment to tackle a post-Han thinker before returning

³⁰⁰Ibid., 270-271.

³⁰¹ *Changyan jiaozhu*, 264-265.

to Zhongchang Tong at the end of the Eastern Han. The key image of “hope” in Guo Xiang’s 郭象 *Commentary to the Zhuangzi* 莊子注 was “standing on one’s tiptoes” (*qi* 跂) and thereby seeking to reach what was beyond one’s physical capacities. Guo would extend the Han argument about “hope,” “luck,” and status clearly articulated first in Jia Yi’s writings. Guo said that each thing has its own integrity (*ji xin* 己信) and “true nature” (*zhenxing* 真性) meaning that it is at ease in whatever position it finds itself. From the perspective of “nature” all things are equal even though they fill different positions. This order of equality in difference poses problems for thinking about hierarchy, however. The *Zhuangzi* text inquired into the order of the human body with its many bones, orifices, and organs that all exist together:

are they all slaves? but if they are all slaves then they would not be able to govern one another? do they then take turns being ruler and servant?
如是皆有，為臣妾乎，其臣妾不足以相治乎？其遞相為君臣乎？³⁰²

On which Guo comments:

Those whom the age treats as worthy are rulers and those whose talents do not match the age are servants. This is like heaven being naturally high and earth being naturally low; like one’s head naturally sitting on top; and one’s feet naturally residing below. How could they take turns? While this is not *arranged* appropriately, it is necessarily appropriate of its own accord.

夫時之所賢者為君，才不應世者為臣。若天之自高，地之自卑，首自在上，足自居下，豈有遞哉！雖無錯於當而必自當也。³⁰³

Guo continues in the next comment:

All attain their true nature and use it for-themselves (*zimei*). Even if one is a servant in dark robes (*zaoli*) he would still not care about slander or praise, naturally finding ease in his enterprise. Thus the wise and the ignorant are all at ease. If, on the other hand, one were to open the paths to hope and favor, those below would be confused with those above, things would lose their true natures and people would forget their origins. In the midst of slander and praise people would lose their bearings.

凡得真性，用其自為者，雖復皂隸，猶不顧毀譽而自安其業。故知與不知，皆自若也。若乃開希幸之路，以下冒上，物喪其真，人忘其本，則毀譽之間，俯仰失錯也。³⁰⁴

By the same token Guo Xiang develops the *Zhuangzi*’s argument elsewhere that one should not “treat gatekeepers as base.” They are in the position because that is what suits their abilities (*neng* 能). They were not situated (*cuo* 措) there on account of being base (*jian*).³⁰⁵ This is a subtle distinction. By allowing, as the *Huainanzi* explicitly did, the possibility that “nobility” was simply a matter of

³⁰² *Zhuangzi jishi*, *juan* 1, Chapter 2, “Qi wu lun” 齊物論, 61.

³⁰³ *Ibid.*, 64.

³⁰⁴ *Ibid.*

³⁰⁵ *Zhuangzi jishi*, *juan* 6, Chapter 17, “Qiu shui” 秋水, 573.

finding one's proper place and not an issue of *real* nobility and baseness written into the order of the world, Guo is able to have hierarchy without humiliation.

Importantly, Guo begins his commentary to the *Zhuangzi* with a comment about winning and losing:

While things differ in size, they are all set free on the field (*chang*) of their own self-attainment (*zide*). Things employ their natures and affairs match abilities. Each achieves its appropriate allotment and are the same in terms of their free roaming (*xiaoyao*). How could there be room for victory and loss?

夫小大雖殊，而放於自得之場，則物任其性，事稱其能，各當其分，逍遙一也，豈容勝負於其間哉！³⁰⁶

The use of the word *chang* 場 is important here. A *chang* is a bounded space (see discussion in the “Introduction”). While there *are* things and principles that are out of bounds, that is, beyond one's “nature,” those things must be ignored. The field is not the territory where one “chases the deer” in a competition between equals for supremacy. It is not the “competition of skill” (*jiaocai* 角材) that Jia Yi described when he tried to make sense of the difference between Liu Bang's claim to the throne and the claim that later rulers might make. This field has no “paths for hope and favor” in which one's cunning, strength, or wealth could ensure success. Such success might be attained, but it would be fragile because it was out of bounds. There are no winners and losers on this field and thus no reason for honor or shame based on one's position. Honor and nobility was the ability to be at ease wherever one lands on the field. *Virtue was the ability to hold a title or position without feeling entitled (or disparaged), that is, without holding on to it jealously (or in shame).*

Lest this become merely ideological justification for the status quo, Guo Xiang contended that one was always in the dark about the full extent of one's own allotment in life. The key component of his theory was, quite traditionally, that calculative striving was ineffective against the unknown. Status was neither achieved by one's own efforts nor bestowed by the favor of a patron. It was *commanded* by fate (*ming*). As such, there was no reason to think of one's status as a “victory” over others or as a successful manipulation of social connections. Similarly, there was no reason to hang onto one's position suspiciously and jealously because fate *commanded* one hold such a position. One might then act in the way Wang Chong says Liu Bang did, with the confidence of a friend taking money from a bosom friend and not like a merchant calculating gains and benefit. The discourse of command and timing worked simultaneously to limit the arrogance of those with status and provide for their confidence. It also provided for the confidence of those without status who were given reason to believe that their apparent failures were *merely* a matter of timing.

³⁰⁶ *Zhuangzi jishi*, *juan* 1, Chapter 1, “Xiao yao you” 逍遙遊, 1.

CHAPTER 3: ACCUSATION, THE INVISIBLE SEER, AND THE VISIBLY BLIND

In the last chapter, I showed how the political and administrative unity of China's early empires made the question of sameness a pressing political and ethical problem. Sameness meant confusion, suspicion, and doubt. The intensity of the anxiety around sameness was, I showed, enhanced by the fact that sameness could, in theory and practice, take two radically different forms. On the one hand, all men were gentlemen—*jūnzǐ* 君子 or *shì* 士. On the other hand, all men were laboring bodies—*shēn* 身 or *yì* 役. As we saw, the first division to be drawn by political actors was that between gentleman and laborer. As much as early writers might speak of “nature,” however, these categories were human-made and Han writers repeated over and over again that the task of creating reliable distinctions was a human task. The *natural* equality of the human condition tended to elaborate distinctions on the basis of strength, cunning, and wealth—that was “the principle of things.” Writers from the late Zhanguo on repeated the mantra that equal men tended to organize themselves around wealth and strength. While the Qin did not face the problem of equality as a question of fundamental political legitimacy—the Qin was too old for that question to arise in the same way—Han thinkers had the added burden of describing how a hierarchy of offices and duties could be *built up* from the flattened territory upon which Liu Bang and others “chased the deer.”

Heaven did not write rank onto the human form. That task was left to us. Jia Yi described the tasks of human-made differentiation in the following way:

When the high and the low are thus distinguished then one can have differences in: name, power, affairs, insignia, emblems, ritual favor, salary, hats and shoes, belts, pendants, chariots and horses, wives and concubines, favor, residence, couches and mats, vessels, food, sacrifice, and mourning.

是以高下異，則名號異，則權力異，則事勢異，則旗章異，則符瑞異，則禮寵異，則秩祿異，則冠履異，則衣帶異，則環佩異，則車馬異，則妻妾異，則澤厚異，則宮室異，則床席異，則器皿異，則飲食異，則祭祀異，則死喪異。¹

These differences would alleviate the natural confusion, organize seeing, and settle minds:

Establish laws to acculturate people in them; establish offices to govern people. In this way, the whole world will see one's clothing and know whether one is noble or base; look upon one's displayed insignia and know the power of one's position. People are thus made to settle their minds. Each displays (*zhūo*) its own category (*mù*) so that the world is not confused by the multitude and the whole world will recognize these markings even over long distances.

建法以習之，設官以牧之，是以天下見其服而知貴賤，望其章而知其勢。使人定其心，各著其目，故眾多而天下不眩，傳遠而天下識祇。²

I think it would be fair to say that Jia Yi is outlining a kind of lowest common denominator position about what constitutes political and social order. His vision *is* the vision of order in early China. As we saw in the previous chapter, Jia Yi's vision was the vision of the First Emperor of Qin as well. If one wanted to order something, then one needed rank and insignia. Fragments of a *Sunbin bingfa* 孫

¹ *Xinshu jiaozhu*, *juan* 1, “Fu yi” 服疑, 53.

² Ibid.

贛兵法 excavated from the Han tomb at Yinqueshan described the same kind of ordering principle in which military offices were divided up and “orders were carried out according to colored insignia” 賤（踐）令以采章 and “confusions were clarified by marking chariots with banners” 辯（辨）疑以旌輿。³ Excavated military regulations from the late Western Han that I have studied elsewhere provide a clear articulation of a military rank and insignia arrangement maintained under penalty of death.⁴

The point is this: the idea of an unambiguous order of ranks, duties, and responsibilities was universal, but the spirit animating such an ordered body could be vastly different. This chapter will take up the problem of trust implied in Jia Yi’s rat/vessel dilemma and its alternative. As described in the Introduction, the two paradigms of trust animating order were the (1) moral economy of the visibly blind and (2) the cult of impersonality of the invisible seer. As much as Jia Yi argued for the creation of an unambiguous order in which “hope” and “ambition” could be stifled, he also was quick to recognize that one could not solve the problem of order directly with reference to accusation and force without simultaneously debasing the entire hierarchy of distinctions. The refusal of “accusation” (讎) was so central to the moral economy of the visibly blind because it rejected that which was *most* common and vulgar: the pettiness of mutual blame. By *not* blaming the rats one could establish that there was a moral order that went beyond baseline equality where cunning, force, and wealth ruled. Furthermore, and this is just as important, Jia’s order was primarily about display rather than surveillance. Rank and insignia were *shown* and then they were confirmed as legitimate in practice by a kind of confident blindness to petty faults. The cult of impersonality of the invisible seer, on the other hand, would countenance none of this. Refusal to accuse and blame was tantamount to dissolving social order altogether. Failure to 讎 meant that others would get off not fulfilling their social responsibilities. Responsibilities were demanded from another as something *owed* to the self, like a debt. That *others* should perform their roles appropriately was *one’s own right*, to put it somewhat anachronistically. The onus to perform was on others and not on the self.

Even in a Han military context in which rank and insignia were treated as a matter of life and death, contemporary authors could clearly distinguish between these two paradigms. If we look at Sima Qian’s contrastive description of generals Li Guang 李廣 and Cheng Bushi 程不識 shows different animating principles quite clearly. When Li Guang moved on the Xiongnu, he did so

without arraying his men into formations. They set up camp in good spots along the water or grasslands and each person did what was appropriate for himself. He did not need to sound the military bell to alert men to defend the camp. He reduced the business of administrative documents and records. He, nevertheless, deployed wide-reconnaissance parties and thus never met harm.

廣行無部伍行陳，就善水草屯，舍止，人人自便，不擊刀鬪以自衛，莫府省約文書籍事，然亦遠斥候，未嘗遇害。⁵

³ Yinqueshan Hanmu zhujian zhengli xiaozu 銀雀山漢墓竹簡整理小組, *Yinqueshan Han mu zhujian* 銀雀山漢墓竹簡, vol. 1, (Beijing: Wenwu chubanshe, 1975), 68.

⁴ See my forthcoming, “Cao Cao, the *Art of War* and Commentarial Strategies,” *Norton Critical Edition of the Art of War*, ed. Michael Nylan (New York: Norton, 2021) (forthcoming). Guojia Wenwuju guwenxian yanjiushi 國家文物局古文獻研究室 and Datong Shangsunjiashai Hanjian zhengli xiaozu 大通上孫家寨漢簡整理小組, “Datong Shangsunzhai Hanjian shiwen” 大通上孫家寨漢簡釋文, *Wenwu* 1982:2, 22-26.

⁵ *Shiji* 109.2869.

On the other hand Cheng Bushi moved with clearly defined ranks, used the military bell to order his men, and had “officials manage keep the military records with the utmost clarity (*ming*)” 士吏治軍簿至明. His men were never at rest and they too “never met harm.” Cheng thought that Li’s style of command was “excessively simple” 極簡易 and would eventually fail, but the Xiongnu were in fact more terrified of Li’s men.⁶ This was not a flat condemnation of Cheng, of course, but it showed how the same organization might be animated by different principles. As far as the examples in the present chapter will go, Cheng was perhaps situated at the very point where the visibly blind paradigm bled into that of the invisible seer insofar as the meaning of *zhiming* 至明, “utmost clarity” is ambiguous. Clarity (*ming*) was a value of the visibly blind as well but was seen as a form of display and *not* a kind of penetrating suspicion. Cheng was still “upright” (*lian* 廉) and carefully followed the “written law” 文法. But Sima Qian would praise Li Guang as a model of exemplary integrity and trust. He exemplified the self-directed blame and display characteristic of the visibly blind:

The tradition says: “If the person is upright, then people act without being commanded. If the person is not upright, even when commanded, people will not act.” Does this not describe General Li well?...The saying goes, “The peach and pear trees do not speak, yet beneath them naturally there are paths made.” This little saying illustrates a big point. 傳曰：其身正，不令而行；其身不正，雖令不從。其李將軍之謂也？……諺曰桃李不言，下自成蹊。此言雖小，可以論大也。⁷

The peach and pear trees here are like the *xin* of the big tree that served as a meeting place in that *Lüshi chunqiu* passage discussed in the Introduction: their benefits are evident to all and thus attract others to gather around. *That* is the image of integrity and *xin*. Such integrity would ideally move in the direction of an order in which institutions existed but were idle—there were punishments but they were not used—but it could also buttress a less ideal order in which a certain humility and self-accusation would set the tenor of institutions.

Max Weber said in his “Politics as a Vocation,” “Ethics can sometimes make its appearance in what is morally a highly unfortunate role.”⁸ The usual way of describing the distinction I am making between the two paradigms is to say that this is the difference between “Legalism” and “Confucianism.” I think we would be better, however, to see “Legalism” as a species of “Confucianism” using ethics in a morally unfortunate way. This is, I think, another way of making Masubuchi’s point that Legalism and Confucianism were born out of the same ethical experience of late Zhanguo patron-client relationships. As Masubuchi points out, Legalism is the strategic calculation of moral favor implied in the patron-client relationship. Jia Yi, as we will see in a moment, understood perfectly well that the Qin brought about a *moral* revolution as much as anything else and threatened the entire social order with the universalization of blame (*ze*) masquerading as virtue. As Shalini Satkunanandan writes in *Extraordinary Responsibility: Politics Beyond the Moral Calculus*, ethics has a tendency to become “calculable responsibility” and thus understands “human responsibility as something amenable to calculation—as a series of debts that can be identified in advance, reckoned up, negotiated, balanced out, and discharged.”⁹ This is what Jia Yi said happened in the Qin. Legalism was Confucianism in which the direction of *ze*—accusation,

⁶ *Shiji* 109.2869-2870.

⁷ *Shiji* 109.2878.

⁸ Cited in Shalini Satkunanandan, *Extraordinary Responsibility: Politics Beyond the Moral Calculus* (Cambridge: Cambridge University Press, 2015), 1.

⁹ Satkunanandan, *Extraordinary Responsibility*, 2.

blame, debt seeking—was turned outward. “I will not deceive, not even myself” is where “we stand on moral ground.” I will make sure others do not deceive me is, to put it mildly, a morally unfortunate kind of ethical stance.

A focus on the difference between “law” and “morality” directs our attention to the wrong problem. Law *and* morality can be understood in multiple ways. The key question to ask is not law *or* morality, but rather sight or blindness, self-blame or other-blame. Legal institutions could be animated by the visibly blind paradigm just as they could be animated by the idea of the invisible seer. An excellent example of this is Wang Bi’s 王弼 discussion of “contract” in his *Laozi zhu* 老子注. Felicitous contracts are about *display* and *self-cultivation*, he argues. The virtuous person “clarifies the contract” 明理其契 and then “always keeps the contract in mind.” He does not “think about how he will blame (咎) the other person after resentments arise” 不念怨生而後責於人. The person who lacks virtue, however, always tries to “oversee the errors of people” 司人之過.¹⁰ The contract, just like law, could be animated with a spirit of integrity, directing attention to the errors of self and contract rather than the errors of the other. When Wang Bi returns to the same theme in his commentary to the “Dispute” 訟 hexagram of the *Zhouyi* 周易, he expands the meaning of “contract” to include the entirety of sagely institutions:

“In hearing disputes, I am just as good as any other person. Isn’t what is necessary the elimination of disputes?” To be without disputes one should “plan well in the beginning.” Planning well in the beginning means to create institutions. Disputes emerge when the contract is not clear. When things are divided and offices do not exceed their bounds, where would conflicts arise? When conflicts arise, it is the error of the contract. For this reason, the virtuous person oversees the contract and does not blame (咎) the person. 聽訟，吾猶人也，必也使無訟乎！无訟在於謀始，謀始在於作制，契之不明，訟之所以生也。物有其分，職不相濫，爭何由興。訟之所以起，契之過也。故有德司契，而不責於人。¹¹

Here is a clear statement of how institutions might be animated by the visibly blind paradigm. On the one hand, institutions are about *displaying* divisions of offices—the “contract” must be clearly articulated. On the other hand, when institutions break down and disagreements arise, one must look first to the institution and delay immediate blame or accusation.

To the petty man, “Legalism” looked like “Confucianism.” The petty man’s demands and accusations appeared first and foremost as *moral* accusations made by a *gentleman* against so many petty men. That was the idea Li Si taught to the Second Emperor: *You, the Second Emperor, can be a gentleman alone*. This is also the ambiguity at play in Qin Hui and Joseph Levenson’s reading of the Yongzheng emperor’s despotism. Like Qin, Levenson trades in the categories “Legalism” and “Confucianism,” but had a much more nuanced sense of the internal tensions at play. As Levenson pointed out, the Yongzheng emperor was keen on treating everyone as “the people,” especially those officials and ministers who would give advice. He did this for good “Confucian” reasons. Officials were really “small men trying to cover up their own deficiencies by making warped judgments on the empire.” He even claimed special insight, quoting *Analects* 8.9, “The people may be made to follow a path of action, but they may not be made to understand it.”¹² Finally, he turned

¹⁰ Wang Bi *jijiaoshi*, *Laozi zhu*, Chapter 79, 188-189.

¹¹ Wang Bi *jijiaoshi*, *Zhouyi zhu*, 249. Following Lou Yulie’s emendation, p. 255.

¹² Joseph Levenson, *Confucian China and Its Modern Fate: The Problem of Monarchical Decay*, 70.

the accusation of “selfishness” outward toward his ministers: “The phrase *dagong wusi* 大公無私, public, not private, sums up what We expect of officials.”¹³ These phrases meant nothing, however, if the emperor did not first apply them to himself as a check on his own self-aggrandizement. If he really thought that he were a lone gentleman presiding over “the people,” that is petty men, then his claim to be “public” was, by definition, empty. By turning these Confucian phrases into outward-looking demands and expectations, he sapped them of their real ethical significance. The more one accused others and imputed petty and base motives to *their* actions, the more one was exposed to legitimate moral censure. That was the imperial trap that Jia Yi had elucidated so clearly in the rat/vessel dilemma. That is all perfectly reasonable to say, but the point remains that the “Legalist” Yongzheng nevertheless imagined himself to be making a perfectly cogent *moral* argument. The “Confucian” arguments were clear in that they required demands be made in certain directions, but the “Legalist” “mistake” was an understandable, if morally unfortunate, intellectual move.

Suspicion Invades the Family: Solitary Men and Accusation

The flattening of social differences and the tenuousness of any social hierarchy produced a situation in which a generalized impulse to blame and accuse arose. More precisely, perhaps, it produced a situation in which blame and accusation became a consistent theme of political and ethical thought. The generalized impulse to blame was part of Han writers’ diagnosis of the Qin collapse. Men like Jia Yi thought, something like de Tocqueville, that a general equality created widespread suspicion tinged with a kind of arrogant self-righteousness:

Since they do not recognize any sights of incontestable greatness or superiority, in any of their fellows, they are continually brought back to their own judgment as the most apparent and accessible test of truth. So it is not only confidence in any particular man which is destroyed. There is general distaste for accepting any man’s word as proof of anything. So each man is narrowly shut in himself, and from that basis makes the pretension to judge the world.¹⁴

Xunzi had sensed the way certain moral impulses in late Zhanguo thought could produce the kind of arrogant moral autocracy that would later characterize the moral self-understanding of the Second Emperor—and men like Chen She. Xunzi writes of suspicious men quite literally shut in themselves:

Inside a cave there is a man named Ji. His character is of the type that is good at guessing (*she*) and he loves to think. His thoughts are destroyed by whatever the desires of his eyes and ears connect up with. The sound of a mosquito or gnat would destroy his focus. He stops up the desires of his eyes and ears so as to keep the sounds of mosquitos far away. Dwelling in seclusion and stilling his thoughts, he achieves penetrating understanding. Can thinking of humaneness in this way be called sublime? Mencius hated failure and so expelled his wife—this is called straining the self. Youzi hated falling asleep so burned his palm—this can be called endurance. This is not yet true goodness. Stopping up the desires of the eyes and ears can be called straining the self, but this is not true thinking. If the sounds of mosquitoes and gnats interrupt one’s focus, this is called precarity (*wei*) and not called “subtlety” (*wei*).

¹³ Cited in *Ibid.*, 70.

¹⁴ Cited in Seligman, *Modernity’s Wager*, 49.

空石之中有人焉，其名曰觚。其為人也，善射以好思。耳目之欲接，則敗其思；蚊虻之聲聞，則挫其精。是以闢耳目之欲，而遠蚊虻之聲，閑居靜思則通。思仁若是，可謂微乎？孟子惡敗而出妻，可謂能自彊矣；有子惡臥而燂掌，可謂能自忍矣；未及好也。闢耳目之欲，可謂自彊矣，未及思也。蚊虻之聲聞則挫其精，可謂危矣；未可謂微也。¹⁵

These forms of “subtlety” are too interested in “strength” and “suffering.” The sage, however, does not take these as his purpose. His cultivation is not instrumental in the way of the lonely man who sits in a rock and guesses and thinks about everything in the world. The sage is *wuwei* 無為, not acting *for* something. Xunzi describes the sage:

The sage frees his desires but combines (*jian*) many different emotions and governs according to principle. What is this talk of strain, endurance, and precarity?
聖人縱其欲，兼其情而制焉者理矣。夫何彊？何忍？何危？¹⁶

The sage concerns himself with “reverence” and with “pleasure.” He is not concerned about “strength.” This positive assessment of desire and the emphasis on an outward murkiness corrects a potential misunderstanding of an earlier passage in the same chapter in which Xunzi speaks of the “subtle understanding of the *dao*” and the “subtle understanding of things” as marking off a primary social division between gentleman and everyone else—farmers, artisans, and merchants. “Subtlety” never means locking oneself away.

The example Xunzi gives of Mengzi divorcing his wife is dramatized in early imperial sources and is used to make a significant political argument about the etiquette of the gaze and the limits of accusation. Ritual texts included many prescriptions for controlling the gaze. It was simply not appropriate to see certain things. The Western Han *Odes* tradition *Hanshi waizhuan* 韓詩外傳 records Mengzi’s failure to grasp the import of ritual decorum (*li* 禮). In the account, which is told with more lurid details and somewhat different emphasis in the late Western Han text *Lienü zhuan* 列女傳, Mengzi walks into a room and sees his wife “sitting alone, legs spread out” 獨居，距。¹⁷ Upset by the ritual insolence of his wife, Mengzi asks his mother for permission to divorce her. His mother asks, “what for?”

[Mengzi says:] She was sitting with her legs spread out.

His mother asks: How did you know this?

Mengzi responds: I saw it with my own eyes.

His mother says: Then you—and not your wife—are the one who acted without ritual decorum. Does the *Rites* not say: “when you are about to enter a room, [ask who is there]. When you are about to ascend the hall, you must call out. When you are about to enter a room, you must direct your gaze downward”? These rites are established so that one does not attack where someone is not prepared. Today, you went to where she was in private and at leisure and entered the door without making a sound. For this reason, you saw her sitting with her legs spread out. It is you who lack ritual decorum, not your wife.

¹⁵ *Xunzi jijie*, *juan* 15, Chapter 21, “Jie bi” 解蔽, 402-403.

¹⁶ Ibid.

¹⁷ Xu Weiyu 許維通, *Hanshi waizhuan jishi* 韓詩外傳集釋 (Beijing: Zhonghua shuju, 1980 (2005 rpt), *juan* 9, #17, 322.

曰：踞。其母曰：何知之？孟子曰：我親見之。母曰：乃汝無禮也，非婦無禮。禮不云乎：將入門，問孰存；將上堂，聲必揚；將入戶，視必下。不掩人不備也。今汝往燕私之處，入戶不有聲，令人踞而視之，是汝之無禮也，非婦無禮也。

After his mother's scolding, Mengzi, "blaming himself" (zi ze 自責), decides not to divorce his wife. The capstone *Ode* quotation at the end of the *Hanshi waizhuan* anecdote is a wonderful pun: "When we gather the mustard plant and earth melons/We do not reject them because of their roots (*xia ti* 下體)." ¹⁸ Likewise, one should not reject one's wife on account of the lack of decorum of her "lower body" (*xia ti*). ¹⁹ The point is that all things are *mixed*, combining, as in the case of the plant, good and bad parts. Similarly, marital harmony and social order require ways of organizing mixed and imperfect people. The message of the ode is, according to another Han commentator, "the gentleman does not seek perfection in another" 君子不求備於一人. ²⁰ Hence, while the stated purpose of ritual was to "set confusions in the light of day and distinguish what is hidden" 章疑別微 or to "determine the near and the remote, decide on the ambiguous, distinguish differences, and clarify right and wrong" 定親疏，決嫌疑，別同異，明是非, ritual was also a technology that divided up, first and foremost, what/who was to be seen, what/who was to be hidden, and how to navigate the boundaries beyond which we must accept invisibility, darkness, and ambiguity. In other words, ritual (but also other technologies of governance) did indeed clarify and distinguish things, but the first thing that one had to clarify was what realm of things demanded clarity and what the realm could continue to reside in the dark.

Accusation was a symptom of a flattened the social order. All people were equally subject to accusation and can easily adopt the stance of accuser as well. If someone was not subject to accusation, it is because esteem has taken over and there is a reticence to accuse. The reticence to accuse others and the turn to accusing the self provided for the possibility of esteem. This is dramatized well in the *Han Feizi*. Remarkably, the *Han Feizi* argues that *demanding debts be paid* (ze) turned parents and children into enemies whereas attending to oneself could draw even the most base into an order of mutual esteem:

If parents are overly simple in caring for a child, when the child grows up he will be resentful. As a grown man, he too will support his parents poorly and his parents will be angry and curse him. Fathers and sons are the most intimate, but even they might curse one another and be resentful. This is because they harbor thoughts of acting *for* the other and do not act to the utmost *for* themselves. Now, when working as a farm laborer planting fields, the master of the house will provide good food and exchange cloth for cash. This is not because he cares for the laborer (*yongke*), but rather because he says to himself: "In this way, when plowing, the laborer will work the soil deeply." The laborer exerts his effort and works hard in the fields, employing all of his skill to make good rows. This is not because he cares for the master, but rather he says to himself: "In this way, the food will be good and the cloth will be exchanged for cash." Thus, even in the maintenance of labor power, we find the benefit (ze 澤) proper to father and son, even though each harbors a mind attuned to working *for* himself.

¹⁸ Ibid.

¹⁹ The *Lienü zhuan* story moves the infraction from the "lower body" to the "upper body." In that text, Mengzi walks in and sees his wife's breasts exposed. Translated in Anne Behnke Kinney, *Exemplary Women of Early China: The Lienü zhuan of Liu Xiang* (New York: Columbia University Press, 2014), 19.

²⁰ Zheng Xuan in commentary to *Ode* as quoted in the "Fang ji" 坊記. See *Liji zhushu*, Chapter 30, "Fang ji", 871-1.

人為嬰兒也，父母養之簡，子長而怨。子盛壯成人，其供養薄，父母怒而誚之。子、父，至親也，而或譙、或怨者，皆挾相為而不周於為己也。夫賣庸而播耕者，主人費家而美食、調布而求易錢者，非愛庸客也，曰：如是，耕者且深耨者熟耘也。庸客致力而疾耘耨者，盡巧而正畦陌畦畛者，非愛主人也，曰：如是，羹且美錢布且易云也。此其養功力，有父子之澤矣，而心調於用者，皆挾自為心也。²¹

The argument here is incredibly sophisticated and shows, somewhat paradoxically, how doing things *for* others actually produces more resentment than doing things *for* oneself. By focusing on one's actions rather than a calculus of how much favor and love one has shown another, there can actually be something like esteem. The argument here is identical to that in the "Zhongyong" where, "the gentleman holds to his position and does not hope for what is out there...He corrects himself and does not seek anything from others."²² It is also working along the same lines as *Han Feizi's* reading of the *Laozi* (see below) where ritual decorum is "for oneself" (*wei qi shen* 為其身). If ritual were the calculation of how much one loves, favors, or esteems others and therefore how much others owe, then it is not ritual at all, but simply the calculation of benefit.

According to Jia Yi, the historical condition for *Han Feizi's* resentful fathers and sons was the rise of the Qin empire, especially the changes to social organization instigated by Shang Yang 商鞅 in the mid-fourth century BCE. For Shang Yang, rank was directly tied to merit and sons were forced to establish their own houses to increase production. If people are separate and isolated, then there is no fear that they might revolt because each person is personally subjected by the emperor through the system of rewards and punishment. According to Jia Yi, this had exactly the opposite effect intended. By eliminating the larger moral economy of duties, those separated men "put all the energy of mind to getting ahead" 並心於進取. This had the salutary effect of unleashing a great amount of energy, but it tended to turn everything into the calculation of gain and loss as there was no order beyond what could be seized or stolen. Jia Yi describes the resentment within families as a product of this impoverished sense of human togetherness:

Loaning their fathers a spade or a cane, sons would have an expression as if they had done some great favor; if a mother would borrow a bowl or a broom, there would be much bickering. If a daughter-in-law had a son, she would sit arrogantly leg's sprawled in front of her father-in-law. Mothers-in-law and daughters-in-law were displeased with one another and bickered and cast sideways glances. Even sons treated kindly would think only of profit and would in turn treat their parents poorly. *Remembering offenses is not the same as moral order (lunli)*. It makes us indistinguishable from beasts.

假父耨鉏杖彗耳，慮有德色矣；母取瓢碗箕帚，慮立辭語。抱哺其子，與公併踞。婦姑不相說，則反脣而睨。其慈子嗜利，而輕簡父母也，念罪非有倫理也，其不同禽獸慙焉耳。²³

The cost of a culture of accusation was too great, Jia Yi thought, and threatened the fabric of the entire order, from family on up. Political order, like family order, needed a way of maintaining distinctions that did not rely solely on the tools of *accusation*. Viewed through the lens of accusation, everything was an occasion for offense. Mutual calculation and management of moral debts and

²¹ *Han Feizi jishi*, *juan* 11, Chapter 32, "Wai chu shuo zuo shang" 外儲說左上, 273-274.

²² *Liji zhushu*, *juan* 52, Chapter 30, "Zhongyong," 883-1: 君子素其位而行，不愿乎其外……正己而不求於人

²³ *Xinshu jiaozhu*, *juan* 3, "Shi bian" 時變, 97.

offenses, without the lubricant of strategic misrecognition and blindness, tear at the fabric of social order.

Trust in the Family: Hermeneutic of (Ritual) Magnanimity

The elimination of *xianyi* required deciding between similar things. Which is real and which is fake? Trying to figure out whether “similarity” hid treachery, however, was an endless task that might very well “prove” the existence of hidden treachery, but the so-called “proof” would ultimately prove nothing. One would be left in the position of the father from Song:

A man from Song married off his daughter, but told her: “The marriage might not last. In case you are divorced, be sure to keep some of your husband’s money hidden away. If you privately store up a fortune, it will be easier to remarry.” She listened to her father’s advice and surreptitiously hid money away. Her father-in-law found out she was stealing and chased her away. The girl’s father did not think he was wrong, but rather thought he had made the right plans.

宋人有嫁子者，告其子曰：嫁未必成也。有如出，不可不私藏。私藏而富，其於以複嫁易。其子聽父之計，竊而藏之。若公知其盜也，逐而去之。其父不自非也，而反得其計。²⁴

There must be some limit to the anticipation of treachery or the whole world falls apart.

Ritual and law provided visible markers beyond which one should not seek to know. These institutions were buttressed by a hermeneutic of magnanimity that kept things within their proper bounds by refusing to anticipate the treachery of another while at the same time placing maximum pressure on the visibility of oneself. We see this kind of magnanimity clearly in two passages related to “knowing” in *Mengzi*. In *Mengzi*, there is a lengthy discussion of the proper attitude towards gift exchange. *Mengzi* says that the proper attitude is “reverence” 恭 which means that as long as intercourse is conducted “according to the Dao and one is treated according to ritual” then gifts should be reverently accepted regardless of one’s knowledge about the ethical conduct of the giver. There was an upper limit to this, namely, one should reject gifts from those who violently seized the goods of another, but it would be an improper use of categories (*lei* 類) to call every noble a “thief” (*dao* 盜) simply because he overtaxed his population. To refuse ritual intercourse on that account would be irreverent. Besides, are we really to believe that “with the rise of a king, they would kill off all of the nobles of the age?”²⁵ Surely, one would give them the opportunity to learn and improve before executing them for their failures.

Ritual reverence was supported by *not knowing*. One was not even allowed, according to *Mengzi*, to hold in one’s heart contempt for the other and reject their gift for some other reason unrelated to their alleged theft.

The most poignant example of this kind of ritual ignorance in *Mengzi* is the legendary sage king Shun’s 舜 treatment of his younger brother Xiang 象. Shun’s 舜 younger brother Xiang 象 comes into Shun’s residence after mistakenly thinking that he had successfully killed his older brother. Shun is sitting calmly playing his *qin*. Surprised to see his brother sitting there, Xiang

²⁴ *Huainanzi jishi*, juan 13 “Fan lun,” 965.

²⁵ *Mengzi* 5B/4. *Mengzi zhengyi*, juan 21, 701: 子以為有王者作，將比今之諸侯而誅之乎

blushes (*niuni* 忸怩), declaring, “I have missed you deeply.” Even the murderous Xiang feels shame at the encounter with his elder brother who, sitting calmly, has apparently extended Xiang the benefit of the doubt. Shun proceeds to offer his younger brother a share in the government, much to the chagrin of Mengzi’s interlocutor. “Does Shun not know Xiang was going to kill him?” Wanzhang asks. Mengzi replies that of course Shun knew, but is nonetheless moved by his brother’s humanity. That is to say, Xiang’s avowed longing for his brother was perfectly in keeping with what a brother *should* feel. Wanzhang further probes, “Was Shun pretending to be glad (*wei xi* 偽喜) to see his brother?” To clarify this question, Mengzi then moves from the family to the realm of politics:

No. Once, someone gave a live fish to Zichan of Zheng. Zichan instructed his pond keeper to put it into a fishpond, but the pond keeper cooked it. Going back to report, he said, “When I first released it, it seemed trapped, but after a while it came into its own and joyfully swam away.” Zichan said, “It came into its element! It came into its element!” The pond keeper went out and said, “Who says that Zichan is wise? I cooked the fish and ate it, and he said, “It came into its element! It came into its element!” *Thus a gentleman may be tricked by what is similar, even if he cannot be misled by what is contrary to the Way.* Xiang came in the way that brotherly love should have impelled him to do, and therefore Shun believed him (*cheng xin* 誠信) and was glad. In what way was he pretending?

曰：否。昔者有饋生魚於鄭子產，子產使校人畜之池。校人烹之，反命曰：始舍之圉圉焉，少則洋洋焉，攸然而逝。子產曰得其所哉！得其所哉！校人出，曰：孰謂子產智？予既烹而食之，曰：得其所哉！得其所哉！故君子可欺以其方，難罔以非其道。彼以愛兄之道來，故誠信而喜之，奚偽焉？²⁶

Zichan, who in other anecdote traditions is the epitome of the “wise” (*zhi*) man, is shown here ignoring whatever *should* create suspicion. For the Han reader Zhao Qi 趙岐, this was a question of dealing properly with ambiguity and similarity. Reading “a gentleman may be tricked by what is similar (*fang*),” Zhao explains: “a gentleman can be tricked by like things” 君子可以事類欺.²⁷ Xiang’s visit to Shun looked *like* the caring gesture of a younger brother paying a visit to his older brother. The pond keeper’s words sounded *like* the sort of thing that the pond keeper should say. Hence, in both instances the gentleman gave the other his genuine trust. That is to say, he allowed the *appearance of similarity* to be accepted as sufficient evidence of good faith.

The suspicious mind would destroy the possibility of any order because the demands for evidence of good intention would be too high. If even Shun and Zichan could extend fellow feeling and trust in extreme circumstances where the treachery was real, magnanimity in less fraught circumstances should be easy, right? *Mengzi’s* formulation of the problem with such extreme examples—nobles who are thieves, murderous brothers, and duplicitous servants—was meant, I think, as a kind of *a fortiori* argument about less difficult circumstances. As we saw, however, even the appearance of virtue (像類賢行) might be cause for suspicion. While the knowledgeable man might be congratulated for sussing out the hidden treachery beneath the sagely surface, this kind of suspicion must stop somewhere lest the entire order of mutual esteem collapse.

The problem was, however, even more acute. Legitimately virtuous action could cast one inadvertently in a negative light if those actions led to other people feeling shame. The connection

²⁶ *Mengzi* 5A/2. *Mengzi zhengyi*, juan 18, 622-628.

²⁷ *Mengzi zhengyi*, juan 18, 628.

between shame and resentment was too close for comfort. Indeed, if virtue led to shame and resentment in others, was it really virtue? Such a critique of real virtue was always available to the petty man. The “crooked timber of humanity” did not appreciate being called crooked, even if the accusation were only imagined. If one’s virtue led to another’s discomfort, it was easy enough to accuse the virtuous of being hypocritical, of *intending* the discomfort that would cast one in a good light at the expense of the other. The various acrobatics unleashed around this issue shows moral confusion and moral complexity. We might say with Judith Shklar, “These perpetual fulminations against hypocrisy are, in short, an expression of massive moral confusion, and not the fault of any one of the participating dealers in moral goods.”²⁸ Ritual magnanimity was one way of fighting that confusion by relieving pressure on the need to decide between real and apparent virtue. But this was a thin barrier.

The story of Emperor Wen’s 文帝 favorite Deng Tong 鄧通 provides a case in point. The failure of ritual generosity on the part of Emperor Wen’s son, the crown prince and later Emperor Jing 景帝, is so hard to see because we impute the worst possible motives to a character like Deng Tong almost automatically. Deng Tong came into Emperor Wen’s orbit for no other reason than his appearance matched the image of a person who helped the emperor get to heaven in a dream. His surname, Deng, sounded sufficiently auspicious—homophonous with “ascending”—to confirm that he *was* connected to the dream. After entering the emperor’s inner circle, Deng was “honest and cautious and was not fond of making outside connections,” but at the same time he had no particular talents and made no recommendations preferring only to “carefully care for his person in order to curry favor with the emperor.” This kind of “honesty and caution” and his refusal to participate in the wheeling and dealing of connection-making mark him as a rather unthreatening character. Nevertheless, it was his extreme caution combined with his willingness to do the disgusting work of caring for the emperor’s health that ultimately did him in.

Emperor Wen suffered from boils and Deng was not averse to sucking those boils to relieve the emperor’s pain. In other words, he did the disgusting work that the *Zhuangzi* marked out as the proto-typical behavior of every sycophant. Deng, however, did not take this opportunity to slander or condemn anyone. He even corrected the emperor when the emperor implied that no one cared for him more than Deng. Deng replied: “No one loves you more than your son the crown prince.” Hearing this, the emperor asked the crown prince to care for his boils in the way that Deng had done. The crown prince did so, but his displeasure was written all over his face. Shamed by being outdone by Deng, the crown prince despised the favorite and took his revenge once he became emperor.²⁹

A cynical reading of this anecdote could add much psychological drama to the historical text. One could speak of how Deng debased himself and was willing to endure disgust for the sake of continued power, wealth, and influence. But such cynical readings would not deal with the problem on the surface: a son disgusted by his own father.

The cynical reading imputes so many motives not present in the text of the histories that it might be easily dismissed. It does, however, probably approach the way the resentful Emperor Jing imagined the situation. Emperor Jing’s fantasy of Deng’s pettiness excuses his own failure as a son. If we accept his fantasy or other suspicious readings, we prevent ourselves from asking whether the crown prince (later Emperor Jing) is petty or whether Emperor Wen was testing his own son with a task that he himself knew was disgusting and inappropriate for a son—an act that would make him a bad father. We would excuse everyone except Deng.

²⁸ Judith Shklar, *Ordinary Vices* (Cambridge, Mass.: The Belknap Press of Harvard University, 1984), 62-63.

²⁹ *Shiji* 125.3913.

At least one Han reader was able to see Emperor Jing's response to Deng as a failure of magnanimity and, as such, a symptom of a more general problem of political speech and virtuous action. There was *nothing* wrong with what Deng said, the argument goes. It fit perfectly the demands of the roles at play. Are we really supposed to believe, the Eastern Han essayist Wang Fu 王符 writes, that telling a father his son loves him is a petty, criminal act? Wang used this story to illustrate the difficulty of all virtuous behavior:

Among the vulgar men of age, there are not a few who deceive their parents but despise those who respect their parents; they slight their own parents and hate those who care for their parents. Not only is this the case among those of commoner rank, the worthy and talented sometimes do this as well.

今世俗之人，自慢其親而憎人敬之，自簡其親而憎人愛之者不少也。豈獨品庶，賢材時有焉。³⁰

Emperor Jing took his revenge on Deng after assuming the emperorship, depriving him to the point that "he starved to death." Wang describes Deng's actions thus:

In action, Deng Tong devoted his mind and all of his efforts to the emperor and did not harm anyone. His words praised the crown prince, in order to make his filial kindness visible. The crown prince, unable to live up to the praise, became resentful and blamed Deng. If praising the strengths of a person in hopes of making his filial piety visible is a crime, how much more will it be a crime to point out the actual faults of another for the sake of correcting the age?

故鄧通行所以盡心力而無害人，其言所以譽太子而昭孝慈也。太子自不能盡其稱，則反結怨而歸咎焉。稱人之長，欲彰其孝，且猶為罪，又況明人之短矯世者哉？³¹

Wang's argument seems "extremely absurd" if one assumes at the outset that imperial favorites are always terrible, manipulative people. Deng's biography refutes against that kind of character assassination. Furthermore, the experience of serving the emperor makes it so *any* minister might imagine himself in Deng's shoes. For instance, Sima Qian's "Letter to Ren'an" 報任安書 expresses his gratitude that the emperor

ordered me to offer my meager skills to the court and gave me leave to come and go in the royal presence. But how can someone with a basin on his head ever look up to Heaven? So I cut myself off from the recognition of associates and ignored my duties to my family. Day and night I wore myself out thinking how best to use every meager talent that I have in service; I strove to devote myself wholeheartedly to my official duties, the better to draw close to our ruler and gain his favor.

³⁰ *Qianfu lun jianzheng*, Chapter 5, "Xian nan" 賢難, 54.

³¹ Ibid., 54-55. Anne Behnke Kinney sides with the authors of the *Siku quanshu zongmu tiyao* 四庫全書總目提要 in condemning this passage as "a blight on an otherwise excellent book." She writes: "In most cases Wang Fu's criticisms seem justified. Nonetheless, there is a historical figure one would expect to be a major target for Wang Fu's abuse, but who surprisingly wins his support. The figure is Teng Tung: one of the most eccentric statements made by Wang Fu in the *Ch'ien-fu lun* is based upon his story in the *Shih-chi*." See *Art of the Han Essay* (Tempe, Arizona: Center for Asian Studies, 1990), 88.

使得奉薄技，出入周衛之中。僕以為戴盆何以望天，故絕賓客之知，忘室家之業，日夜思竭其不肖之材力，務壹心營職，以求親媚於主上。³²

The humble script here is remarkably similar to Deng's own biography. The experience of favor incited Deng and Sima's careful cultivation of duty. The performance of duty and office here is buttressed by a feeling—or at least the expression of—unwarranted favor. Seeking to “draw close to our ruler and gain his favor” is not an unambiguous statement of sycophancy, but a way of personalizing the duties owed. (Even Kongzi recognized that the performance of duties would *look* like sycophancy.) Both Deng and Sima, however, would fail. Sima Qian would show how quickly the positive formulation of favor could shift and turn one into *merely* a favorite:

Men of letters, archivists, astronomers, and calendrical experts are classed with the diviners and invocators. In fact, these men the ruler toys with and patronizes in the same way as entertainers. They are held in disdain even by the common run of men.

文史星曆近乎卜祝之間，固主上所戲弄，倡優畜之，流俗之所輕也。³³

The experience of serving the emperor was always ambiguous in this way. All recommendations could be viewed, as a Eastern Han empress dowager would say, as a “desire to curry favor with me and seek fortune” 媚朕以要福。³⁴ This was a cynical interpretation that was always available.

Wang's position on Deng Tong here was *specific* to the particular praise of the crown prince's filial piety. Wang clearly recognized how the jealous warfare between ministers turned on pettiness. They “either played up small errors or invented accusations” out of whole cloth.³⁵ The need to have a sense of generosity in the face of perfectly banal statements prepared one ethically to allow for more contentious, and directly confrontational, claims. The desire to see wickedness lurking beneath all statements would corrode the conditions of possibility for a shared order of rituals, values, and norms.

One would be wrong to view Wang's “defense” of Deng as wholesale support for all of Deng's various behaviors and endeavors. Elsewhere Wang condemns Deng for the kinds of things that all Han writers condemn him for, namely his use of Copper Mountain to mint his own coins.³⁶ Wang would agree with the position of another Eastern Han writer, Ying Shao (140-206) who described how Emperor Wen's treatment of Deng confused all sorts of public norms. Allowing Deng to suck his boils the emperor “confused him with closest relatives” 擬於至親. Providing him with the wealth of the copper mines made him “equal to kings and enfeoffed nobles” 侔於王者、封君。³⁷ Indeed, Wang would likely even agree with prime minister Shentu Jia's 申屠嘉 public defense of the “court” (*chaoting* 朝廷), when Deng Tong acted rudely during a court conference. The prime minister had Deng called to his office and when he refused to come sought to have him executed. Emperor Wen was forced to beg the prime minister to release a terrified Deng, a scene that clearly distinguished between the private favors and the public norms of empire.

³² *Hanshu* 26.2729.

³³ *Hanshu* 62.2732.

³⁴ *HHS* 10.411.

³⁵ *Qianfu lun jianzheng*, Chapter 36, “Xulu” 敘錄, 612.

³⁶ *Qianfu lun jianzheng*, Chapter 3, “E li” 遏利, 34.

³⁷ Wang Liqi 王利器, ed., *Fengsu tongyi jiaozhu* 風俗通義校注 (Beijing: Zhonghua shuju, 2010), Chapter 2, “Zheng shi” 正失, 98.

Wang Fu's solution to these problems was wide consultation and vigorous public debate. Wang hated that rulers "could not penetratingly see the reality of the true and the false" 不察貞偽之情, but he also knew that a ruler could not rely on his own devices alone. What was to be done? The gentleman and the petty man could be distinguished when "marvelous policy proposals gathered like rain at court" in response to some exigent circumstance.³⁸ The court (*ting* 廷) was, as Ying Shao noted in his explanation of the meaning of the official title *tingwei* 廷尉, a place "shared by all" 與眾共之.³⁹ The ethical condition for allowing such a multiplicity of views at court was a kind of courageous generosity. The Deng Tong story was an example of the failure of such courage.

The practice of (ritual) generosity—even a kind of ritual ignorance—was emphasized in *Mengzi*, *Qianfu lun* and elsewhere because there was always the possibility of revoking trust at any moment. The sociologist Harold Garfinkel famously conducted "breaching experiments" in which his "students were instructed to engage someone in conversation and to imagine and act on the assumption that what the other person was saying was directed by hidden motives which were his real ones. They were to assume that the other person was trying to trick them or mislead them."⁴⁰ The early Chinese gentleman hoped to live in a world different from that, so that he could, as Shapin says, take "trusting as a routine, *not* inquiring too far or too much, *not* seeking to go too deeply beyond the 'face value' of things, letting the quality of knowledge be 'sufficient unto the day.'"⁴¹ Garfinkel and Shapin's discussion of the moral economy of trust can be fruitfully put into conversation with Seligman, Weller, and Puett's discussion of the ritual subjunctive which, while more narrowly confined, circles around the same set of issues, namely the relationship between knowledge, trust, and social order. They argue, for instance, that "ritual concentrates on the performative nature of the act rather than its denotative meaning. In fact, pure ritual *puts questions of belief or truth aside* in favor of the shared world that its ritual action creates or requires... Thus does ritual encompass the ambiguity of life in a unique manner:"

*Ritual then is a critical device that allows us to live with ambiguity and the lack of full understanding. In slightly different terms it allows us to live with the other, with what we do not fully know or understand—as indeed, we can never fully know or understand any other. The presentation of ritual's 'as if' universe, the subjunctive, requires neither a prior act of understanding nor a clearing away of conceptual ambiguity. Performance simply and elegantly sidetracks the problem of understanding to allow for the existence of order without requiring a full understanding of it.*⁴²

Ritual was a hermeneutic of magnanimity in which one meets others in a shared space where the benefit of the doubt is extended to all. This, of course, was not a panacea, and was open to any number of further problems and manipulations. If ritual is supported by a hermeneutic of magnanimity, how magnanimous does it have to be? What is the level of flexibility in dealing with ritual infractions—like the rudeness of Deng Tong at court, for instance? Isn't magnanimity the philosophy of dupes?

³⁸ *Qianfu lun jianzheng*, Chapter 5, "Xian nan" 賢難, 65.

³⁹ Cited in *Hanshu* commentary, *Hanshu* 19A.730.

⁴⁰ Garfinkel, *Studies in Ethnomethodology* (Cambridge: Polity Press, 1967), 51.

⁴¹ Shapin, *Social History*, 35.

⁴² Adam Seligman, "Ritual, the Self, and Sincerity," *Social Research* 76, no. 4 (2009): 1076-1077.

Kongzi as Teacher of Virtue of Vigilance?

The idea that ritual is a technology that allows one to “live with ambiguity and the lack of full understanding” *was* an absolutely essential idea in early China, as Seligman, Weller, and Puett rightly develop with their discussion of ritual’s subjunctive function and I develop in terms the visibly blind paradigm. Ritual, however, also privileged the discernment of signs, a fact that we cannot ignore even as I stress that many texts privileged making the emblems of one’s own trustworthiness *more* visible while ignoring the faults and infractions of others. The ideal of the ritual connoisseur nevertheless remained powerful and was just as productive of suspicion as any other more directly cynical reading of the human condition would be. By ritual connoisseur, I mean a virtuosic reader of signs who can read the break of unfolding processes starting from the emergence of the slightest improprieties—the kind of knowledge privileged in Barry Allen’s study of Chinese knowledge. This kind of person always appeared *alone* and possessed insight that no one else had about what will happen as processes unfold.

Wai-ye Li’s study of the *Zuo zhuan*, *The Readability of the Past in Early Chinese Historiography*, outlines this semiotics of human processes well. The interpretation of signs was premised on the need for “vigilance” “rooted in discernment, foresight, the awareness of imminent and ubiquitous danger.” “The underlying attitudes imply a vision of the world as intricate ordering systems poised in delicate balance; the slightest infractions of order are thus likely to cause great havoc and threaten the whole system.”⁴³ As Li points out, the “system” here is a system of appearances so infractions are judged “*qua* appearance: one instance of noncorrespondence is placed in the context of normative universal correspondences” such that “the readability of even the smallest sign is a function of the stringent coherence of the entire system.”⁴⁴

One’s attitude towards small signs and the system of correspondences could go in different directions, what Li calls “introspection” and “calculation.”⁴⁵ The *Zuo zhuan* invoked “beginnings and hidden cause...not so much in terms of introspection but as injunctions to careful actions and calculations.”⁴⁶ The distinction between introspection and calculation corresponds roughly to what I called “virtue” and “vigilance” in the introduction. The distinction between virtue and vigilance might be further refined with Li’s help by clarifying that virtue was premised on a kind of introspective vigilance rather than an outward, calculating vigilance. It makes all the difference whether, say, a ruler believes his main responsibility is attending to the way his integrity is made visible *or* whether the main responsibility is attending to whether others are acting with integrity. The former stance positions the self as the object of suspicious scrutiny whereas the latter situates others as such an object. Both stances could argue that they were working towards the “stringent coherence of the entire system,” but the experience of that order would be quite different.

A text like Kongzi’s *Annals* classic could, for instance, point in both directions. (Early imperial interpreters were careful to hedge against the suspicious aspect of the *Annals* tradition by arguing that Kongzi did not act in the world in the same way that he wrote the *Annals* or by finding sources of magnanimity within the *Annals* classic itself.) The *Han Feizi* can deploy Kongzi’s *Annals* in “typical Legalist” fashion by emphasizing the “ruler’s discernment and eradication of incipient subversion and insubordination.”⁴⁷

⁴³ Wai-ye Li, *The Readability of the Past in Early Chinese Historiography* (Cambridge: Harvard University Asia Center, 2007) 93.

⁴⁴ *Ibid.*, 97.

⁴⁵ *Ibid.*, 95.

⁴⁶ *Ibid.*

⁴⁷ *Ibid.*, 95.

Zixia said, “In the records of *Annals*, instances of ministers killing rulers and sons killing fathers come to tens and scores of cases. In all these cases, such things did not happen through causes accumulated in one day. They came about through gradual and irrevocable processes.” In all cases of treachery, acts that persist form accumulations. Accumulations form and power grows. Power grows and feeds the capacity to kill. That is why the discerning ruler eradicates [treachery] early on. Now, one could see the gradual process⁴⁸ leading to Tian Chang’s rebellion, but the ruler did not kill him. Yanzi did not make the ruler forbid the encroachments of a minister and instead encouraged him to act with magnanimity. Duke Jian thus suffered this calamity. That is why Zixia said, “He who is skillful at controlling the tendencies of things eradicates early on the sprouting of treachery.”⁴⁹

子夏曰：春秋之記臣殺君，子殺父者，以十數矣，皆非一日之積也，有漸而以至矣。凡姦者，行久而成積，積成而力多，力多而能殺，故明主蚤絕之。今田常之為亂，有漸見矣，而君不誅。晏子不使其君禁侵陵之臣，而使其主行惠，故簡公受其禍。故子夏曰：善持勢者蚤絕姦之萌。⁵⁰

For the compilers of *Han Feizi*, Yanzi’s advice looked naïve. This reading of the *Annals* was vigilant of the *others* out there who could not be trusted.

The *Annals* could also be read as an inducement to introspection. Sima Qian and others placed their emphasis there. While Sima emphasized, “ministers kill their rulers and sons kill their fathers, such acts do not come about in a single morning or evening. The realization of such acts is a gradual process,” he further clarified that reading the *Annals* would teach a kind of inner vigilance. Rulers, ministers, and sons “fell” into crime not because they were wicked, but because “in fact, they thought they were doing good but did not know what was right” 其實皆以為善，為之不知其義。⁵¹ This focus is perhaps somewhat surprising—sons really just “fall into” (*xian* 陷) killing their fathers? Still, it is consistent with the more introspective reading of the *Annals* found throughout the Han period. (It was not, of course, the only reading.) In what is likely a Han period chapter of the *Chunqiu fanlu* (and in what may very well be the earliest text to explicitly compare the *Analects* and the *Annals*) it is precisely the perspective of self-cultivation and magnanimity towards others that is at stake:

The *Annals* censures the faults of those above and pities the hardships of those below. It does not call attention to minor transgressions external to the ruler, but when they reside in the ruler himself, it records and condemns them. Now in these six examples [cited in the chapter], the text uses humaneness (*ren*) to govern others and righteousness (*yi*) to govern the self. “Criticize the self generously and censure others sparingly.”⁵² This expresses it. Moreover, the *Analects* already has articulated this principle, but others have failed to

⁴⁸ For Li’s understanding of this gradual process, see *Ibid.*, 94: “the discernment of beginnings and hidden causes is crucial because of a related idea, gradual yet irrevocable processes (*jian* 漸). *Jian* almost always signifies decline and destruction in philosophical writings taking stock of historical changes, although the possibility of accumulating goodness is also expounded, notably in *Xunzi*.”

⁴⁹ Adopting Li’s translation with modification, 94.

⁵⁰ *Han Feizi jijie*, *juan* 13, Chapter 34, “Wai chu shuo you shang” 外儲說右上, 314.

⁵¹ *Shiji* 130.3298.

⁵² This appears in *Analects* 15.15. *Lunyu yishu*, *juan* 8, 403. Interestingly, this is *not* marked as an *Analects* quotation here even though the *Analects* is apparently referred to directly in the next line.

consider it. “Do not assail the evildoing of others.” Is that not the most generous kind of humaneness? “To assail one’s own evildoing.”⁵³ Is that not the perfection of duty. Isn’t this the same as saying “meet others with humaneness, meet the self with duty”? To state one’s own evildoing is honesty; to state the evildoing of others is destructive. To search in the self is called generosity; to search in others is stinginess. To censure the self is called clarity; to censure others is called confusion. Therefore, to rely on the standards for governing the self to govern others means the ruler is not tolerant; to rely on the standards for governing others to govern the self means lacking the proper ritual reverence. Lacking ritual reverence, the people will not esteem him; if the ruler is not tolerant, he will harm his generosity and the people will not feel affection for him. If the people feel no affection, they will not trust him. If they do not respect him, they will not revere him.

《春秋》刺上之過，而矜下之苦，小惡在外弗舉，在我書而誹之。凡此六者，以仁治人，義治我，躬自厚而薄責於外，此之謂也。且《論》已見之，而人不察，不攻人之惡，非仁之寬與？自攻其惡，非義之全與？此謂之仁造人，義造我，何以異乎？故自稱其惡謂之情，稱人之惡謂之賊；求諸己謂之厚，求諸人謂之薄；自責以備謂之明。責人以備謂之惑。是故以自治之節治人，是居上不寬也；以治人之度自治，是為禮不敬也。為禮不敬，則傷行而民弗尊；居上不寬，則傷厚而民弗親。弗親則弗信，弗尊則弗敬。⁵⁴

This is in obvious tension with the *Han Feizi* account which placed all demands on the other. The author of this chapter devotes much effort to showing how an account like the *Han Feizi*’s confuses self and others—*wo* 我 and *ren* 人—a fundamental distinction that is at the basis of all other distinctions. A clear distinction between self and other provided the possibility for esteem and trust. Consistent with the passages cited in an earlier section, the focus is again on the relationship between esteem and self-directed cultivation. One acted in relationships “for the self” and was not drawn into petty calculations of another person’s contributions. Esteem (*zun*) was not produced by making demands of others, but rather by making demands on the self.

The masses do not understand this, however, and are humane and tolerant towards the self, and use duty (*yi*) to position others...People do not want chaos, but there is often chaos because, generally, people are in the dark about the distinction between self and others and do not investigate where benevolence and duty (*ren yi*) should be located.

眾人不察，乃反以仁自裕，而以義設人……是故人莫欲亂，而大抵常亂。凡以暗於人我之分，而不省仁義之所在也。⁵⁵

It is not enough to know the system of ritual correspondences and ritual demands. If it were that straightforward, a solitary knower would be able to decipher problems and act on them with certainty. The problem is much more complicated. Acting is different than knowing. Acting on one’s

⁵³ *Analects* 12.21. *Lunyu yishu*, *juan* 6, 318.

⁵⁴ Su Yu, *Chunqiu fanlu yizheng* 春秋繁露義證, *juan* 8, Chapter 29, “Ren yi fa” 仁義法, 255. For a discussion of the dating of this particular chapter see Sarah A. Queen and John S. Major, eds., *Luxuriant Gems of the Spring and Autumn* (New York: Columbia University Press, 2016), 305-306. They come to the conclusion that this chapter “may reasonably be ascribed to Dong Zhongshu or his disciples, but without direct evidence of their authorship, because they are broadly consistent with what we know about Dong’s teachings” (306). Translation adapted from Queen and Major, 317-318.

⁵⁵ Su Yu, *Chunqiu fanlu yizheng* 春秋繁露義證, *juan* 8, Chapter 29, “Ren yi fa” 仁義法, 250.

“certain” knowledge of another’s treachery, for instance, changes oneself *and* the other and shifts the entire relational dynamic, possibly with dire consequences.

The *Analects* is full of passages that deal with this problem, starting with the one cited by the *Chunqiu fanlu* compilers: “attack one’s own badness; do not attack the badness of others” 攻其惡，無攻人之惡。⁵⁶ Another passage that one might cite in this context is *Analects* 8.10, “Excessively excoriating a person’s inhumane behavior will cause him to rebel” 人而不仁，疾之已甚，亂也。⁵⁷ The gentleman *hoped* (*ji* 冀) that the person would be moved by reasonable, respectful treatment, and must be wary of overbearing treatment.⁵⁸ There was also *Analects* 17.24 where Zigong 子貢 says the three things he detests are: (1) thinking penetrating insight is wisdom, (2) unyielding behavior is courage; and (3) exposing the hidden is upright behavior 惡微以為知者，惡不孫以為勇者，惡訐以為直者。⁵⁹ Exposing the hidden (*jie* 訐) was read in the earliest commentaries as “Attacking and unveiling what is hidden and private” 攻發人之陰私。⁶⁰ In the *Kongzi jiaoyu* 孔子家語, a late Eastern Han text, the *Analects* passage is reworked and put into Kongzi’s mouth directly:

Kongzi said: The petty man thinks that damaging a person’s goodness shows discrimination (*bian*) and that cleverly exposing others and anticipating deception is wisdom (*zhi*). He feels fortunate to see others’ errors.

毀人之善以為辯，狡訐懷詐以為智，幸人之有過。⁶¹

Analects 14.31 may be added to this list as well, urging one to not anticipate treachery (*zha*) or dishonesty (*buxin* 不信).⁶²

Han writers were very sensitive to this question. When writers compared Kongzi’s teachings in the *Analects* to those of the *Annals* they often focused on this exact problem, as we saw with the passage from the *Chunqiu fanlu*. Wang Chong’s reading of Kongzi’s harsh criticism of Zaiwo for sleeping during the day in the *Analects*. Kongzi further says that he used to trust people, taking them at their word, but no longer does so because of Zaiwo’s apparent duplicity.⁶³ Kongzi, Wang Chong summarizes, “switched his techniques for knowing people” 更知人之術 because of Zaiwo. Wang struggles with how to understand Kongzi’s criticism. In what way is his criticism exemplary? Is it directed at a good man, a bad man, a common criminal, an idiot, or a worthy? Wang’s struggle reflected the ambiguity of Kongzi’s teachings, which could plausibly justify both the suspicious hermeneutic and the mode of gentlemanly magnanimity. What kind of statement then was the criticism that Zaiwo was like “rotten wood?” Was it not disproportional? Wang Chong runs through the possible options, giving us a sense of how one might think about the problems around the issue of virtue and vigilance. Wang thought that, on the face of it, Kongzi’s criticism of Zaiwo looked like a perfect example of “excessively excoriating a person’s inhumane behavior.” He continued:

If he were a lowly and stupid man who had committed a crime warranting shaving (*nai*), would he feel wronged and resent the officials if they charged him with a capital crime? Or

⁵⁶ *Analects* 12.21. *Lunyu yishu*, juan 6, 318.

⁵⁷ *Analects* 8.10. *Lunyu yishu*, juan 4, 194.

⁵⁸ See Huang Kan commentary in *Ibid*.

⁵⁹ *Analects* 17.24. *Lunyu yishu*, juan 9, 472.

⁶⁰ *Ibid*.

⁶¹ D.C. Lau, *A Concordance to the Kongzi jiaoyu*, Chapter 18, “Yan Hui” 顏回, 37.

⁶² *Analects* 14.31, *Lunyu yishu*, juan 7, 376-377.

⁶³ *Analects* 5.10. *Lunyu yishu*, juan 3, 107.

would he submit and personally accept blame? If Zaiwo were stupid, he would feel the same as the criminal accused of a crime warranting shaving. If Zaiwo were a worthy he would know that Kongzi demanded (訢) people reform themselves at the first inklings (*jīwei*) of badness. A clear statement surely would have made him aware and disseminated words would have been sufficient to show his faults, right? Giving the slightest indication would have been enough for Zaiwo to change on his own. Whether he can change on his own has nothing to do with the severity of the language used, but on Zaiwo's ability to change. 使下愚之人，涉耐罪之獄，吏令以大辟之罪，必冤而怨邪？將服而自咎也？使宰我愚，則與涉耐罪之人同志；使宰我賢，知孔子責人，幾微自改矣。明文以識之，流言以過之，以其言示端而已自改。自改不在言之輕重，在宰予能更與否。⁶⁴

In other words, Kongzi's approach to Zaiwo would have been wrong regardless of whether it was directed at a stupid commoner or at a worthy man. Directed at a worthy man, it was nearly incomprehensible. If not in this instance, Wang finally asks, "where does one use the idea of 'not seeking perfection (*bei*) in another?'" 毋求備於一人之義何所施。⁶⁵

The Moral Economy of Trust and the Art of Combination

The *Xunzi* had a name for the technique of creating trust that Dong Zhongshu attributed to Kongzi: the art of combination 兼術. The "art of combination" was a method of persuasion that allowed one to "meet the most base from a position of high esteem" and "engage with the most chaotic from a position of utmost order." It was a way of avoiding "direct confrontation" 直至. Its power came from its ambiguity, its literal in-betweenness (*jiān* 間). The technique was precisely what Kongzi had allegedly prescribed in the *Annals* classic:

Thus, the gentleman measures himself with the exactness of the plumb line, but when he interacts with others, he uses the less demanding bow-frame. Because he measures himself with the plumb line, he deserves to be considered the model and rule for the whole world. Because when he interacts with others he uses the bow-frame, he is capable of magnanimity and tolerance. For these reasons he can accomplish the greatest of undertakings. Thus, the gentleman is worthy, yet is able to tolerate the unfit; he is wise (*zhì*) yet able to tolerate the stupid; he is wide-ranging, yet able to tolerate the shallow; he is pure, yet able to tolerate the mixed. This is called the art of combination.

故君子之度己則以繩，接人則用拙。度己以繩，故足以為天下法則矣；接人用拙，故能寬容，因求以成天下之大事矣。故君子賢而能容罷，知而能容愚，博而能容淺，粹而能容雜，夫是之謂兼術。⁶⁶

The self is held to a higher standard than exists for the other. "Combination" brought together two distinct impulses in one body and arranged them in a "patterned" way. The baseness and vulgarity

⁶⁴ Huang Hui, ed., *Lunheng jiaoshi*, juan 9, "Wen kong" 問孔, 405-406.

⁶⁵ Ibid., 406. Wang explores contradictions within the *Annals* interpretive tradition on this point when he explores the meaning of *Analects* 14.25. See Huang Hui, ed., *Lunheng jiaoshi*, juan 9, "Wen kong," 423-424. The interpretation of this line that Wang disputes is unusual. See Huang Hui's careful discussion on *ibid.*, 424.

⁶⁶ *Xunzi jijie*, juan 3, Chapter 5, "Fei xiang" 非相, 85-86. Translation adapted from Knoblock, vol. 1, 209.

characteristic of the “corrupt scholars” 腐儒 was the failure to understand the importance of this patterning. “They loved what was true without a sense for pattern” 好其實不恤其文.⁶⁷ This is why, for Xunzi, the most despicable characters are not the everyday thieves, but those like Chen Zhong and Shi You who corrupted the order with their excessive punctilios and moral self-righteousness. They thought that “great esteem was simply being different from others” and were thus unable to “combine with the masses and understand the major distinctions.”⁶⁸ By the same token, Xunzi would emphasize the difference between the *dao* and things, but was quick to correct a possible misunderstanding that understanding the *dao* meant locking oneself away from others and judging them from a position of aloofness.⁶⁹ This was a corrective to a very prevalent understanding of the difference between *dao* and *things* and, by extension, the relationship between ruler and people (see below). The sage “combined the feelings” 兼情 of the world and thus had his feet in both the world of the *dao* but also in the everyday realities of things.⁷⁰

If one wanted to “combine and subdue the hearts of the world,” one needed a careful combination of disparate tactics, phrased in the typically back-and-forth way of Xunzi: X and not Y. “One should not on account of high position or esteemed nobility act arrogantly towards others. One should not on account of intelligence or sagacity push others to the limit (*qiong*)...one is vast and encompassing of all things just like heaven and earth” 兼服天下之心：高上尊貴，不以驕人；聰明聖知，不以窮人……恢然如天地之苞萬物.⁷¹ Esteem and knowledge are not occasions for arrogance or overbearing behavior. They must be shaped by a sense of yielding and softened by tolerance.

There were three ways of “combining the people” 兼人: by virtue 德, by strength 力, and by wealth 富. Each could produce order, but only virtue elevated one’s power and made it weighty. Force and wealth were able to bring about order, but they did so at the expense of esteem and gravitas and produced either weakness, in the case of rule by strength, or poverty, in the case of rule by wealth. Only rule by virtue did not produce its opposite.⁷² In short, rule by virtue was synonymous with the patterned “art of combination” described above. The other forms of combination may work, but they undermined any esteem that people might have for the powers-that-be and thus undermined the basis of their own authority in the long run. The argument here is consistent with the logic of equality described in the previous chapter. Without strategic gaps and blindness, order is only sustained in the most haphazard and seemingly arbitrary way.

Xunzi’s argument follows closely the argument of the slightly earlier Guodian text, “Jiao” 教 (also called “Chengzhi” 成之, which is essentially an essay on trust. The main problem of order is the failure of the ruler to live up to his own commands and teachings.

The frequent use of awe to subdue and punishments is due to the failure of the superior to embody his words.

威服刑罰之屢行也，由上之弗身也。⁷³

⁶⁷ *Xunzi jijie*, juan 3, Chapter 5, “Fei xiang” 非相, 84.

⁶⁸ *Xunzi jijie*, juan 3, Chapter 6, “Fei shi’er zi” 非十二子, 92: 苟以分異人為高，不足以合大眾，明大分

⁶⁹ *Xunzi jijie*, juan 15, Chapter 21, “Jie bi” 解蔽, 402-403.

⁷⁰ Ibid.

⁷¹ *Xunzi jijie*, juan 3, Chapter 6, “Fei shi’er zi” 非十二子, 99-100.

⁷² *Xunzi jijie*, juan 10, Chapter 15 “Yi bing” 議兵, 289.

⁷³ Li Ling, *Guodian chujian jiaodujie*, 158.

The word *shen*, “embody” or “self,” is homophonous with the word *xin* 信, a connection we should hear in this case. The moral economy initiated by the personal display of good faith is such that when the “superior personally carries something out, those below will necessarily do the same.”⁷⁴ The power of a ruler standing in court with flowing robes, wearing mourning garb, or wearing armor at the front of an army produces a sense of gravitas that cannot be forcibly imposed on one’s subjects. Xunzi will make a similar argument: acting in an upright fashion imposes on others in the way that taking a shower “forces” one to shake the dust off of one’s clothes. It happens as a matter of course (*shi* 勢). The Guodian text continues:

If one does not have something deeply, his weight will thereby be little. For this reason, the gentleman makes profound demands of himself.

其存也不厚，其重也不深。是故君子之求諸己也深。⁷⁵

The readiness to assume blame needed to be paired with a willingness to condescend. The noble (*gu*) share with the people; the wealthy share with the base; and the noble are yielding. Esteem and nobility are produced by sharing with others. Gravitas (*zhong*) and esteem are brought about by a more complicated process of yielding, condescension (using the old positive sense), and respect. People cannot be seized or simply led by the nose.⁷⁶

The importance of sharing the world with others was described well in a frequently cited anecdote discussing Guan Zhong’s 管仲 choice of successor as Prime Minister of Qi.⁷⁷ Seeing the impending death of his sage advisor, Duke Huan of Qi asks Guan Zhong who might replace him. Guan Zhong explicitly rejects his friend Bao Shuya who, while upright and good, is unable to be with others (*bu bi zhi* 不比之). Furthermore, “once he hears of another’s faults, he will not forget them for the rest of his life.” To govern a country in this way would throw everything into chaos. Guan Zhong thus recommends Xipeng who “standing above is forgetful so those below look up to him” 上忘而下畔.⁷⁸ The key to Xipeng’s potential success is his ability to share and *not see*:

Those who share their virtues with others are sages; those who share their wealth with others are worthies. No worthy who looks down at (*lin*) the people from on high has ever attained (*de*) the people; all worthies who place themselves below the people will attain them. In the realm, there are some things that he does not hear and at home there are some things that he does not see.

以德分人謂之聖，以財分人謂之賢。以賢臨人，未有得人者也；以賢下人，未有不得人者也。其於國有不聞也，其於家有不見也。⁷⁹

⁷⁴ Ibid.

⁷⁵ Ibid.

⁷⁶ Ibid., 158. For a more technical study of the manuscript with translation, see Dirk Meyer, “*Shu* 書 (*Documents*) Repertoire in Argument-Based Texts from Guodian: The Case of *Chengzhi* 成之 (*Things Brought to Completion*),” in Shirley Chan, editor, *Dao Companion to the Guodian Manuscripts* (Cham, Switzerland: Springer, 2019), 64-88. Another annotated translation is Scott Cook, *The Bamboo Texts of Guodian: A Study and Complete Translation* (Ithaca, New York: Cornell University East Asian Program, 2012), 583-627.

⁷⁷ *Zhuangzi jishi*, *juan* 8, Chapter 24, “Xu Wugui 徐無鬼, 838-39; *Liezhi jishi*, Chapter 6, “Li ming” 力命, 198-200; *Lüshi chunqiu*, *juan* 1, “Gui gong” 貴公, 26-27.

⁷⁸ *Zhuangzi jishi*, *juan* 8, Chapter 24, “Xu Wugui 徐無鬼, 839.

⁷⁹ Ibid.

The *Lüshi chunqiu* version of the text reads slightly differently:

In the realm, there are some things that he does not hear; among things, there are some things he does not know; and among people, there are some that he does not see.
其於國也，有不聞也；其於物也，有不知也；其於人也，有不見也。⁸⁰

The *Lüshi chunqiu* added the further clarification that this kind of blindness and ignorance was specific to those in “high offices” (*daguan* 大官) like that of prime minister (*xian* 相).⁸¹ This was another way of saying that the best among gentlemen would act in this way.

According to Guan Zhong’s assessment, Xipeng was blind and forgetful but also able to inspire the admiring gaze of people, and he did all of this without arrogance or an overbearing (*lin*) attitude. The commentators to the *Zhuangzi* and *Liezi* understood the problem of a worthy assuming a position of moral authority over others. If, Zhang Zhan writes in his *Liezi* commentary to this passage, “one seeks completeness in others, things will not join with him” 求備於人，則物所不與也。⁸² The overbearing (moral) surveillance of others would create hostility and threaten the shared world of ruler and subject—or, more narrowly, ruler and minister. “Listening and seeing,” this text’s version of “seeing and knowing,” would threaten the socio-political order. Zhan continued, “When the *Dao* works there is no reason to bother with listening and seeing. That’s why the proverb says: ‘One cannot have success unless one is blind and deaf.’”⁸³ Guo Xiang 郭象 wrote in his comment to the *Zhuangzi* version of the anecdote:

If one hears and sees everything, then all affairs will be monopolized by oneself and the many below will have no place to place their hands or feet. That is why hearing and sight can be left aside.
若皆聞見，則事鍾於己而羣下無所措手足，故遺之可也。⁸⁴

Guo Xiang is here reworking an argument that Wang Bi made a few decades earlier (see below). Surveillance and oversight—*lin* 臨 literally means to “look over”—cannot produce order. There must be some element of sharing, togetherness (*yu*), and trust if one is to have anything approaching the gravitas proper to order. Excessive oversight is tantamount to depriving others of their proper abodes, leaving them no place to grab.

In their emphasis on necessary gaps and blindness combined with a display of sharing, the passages adduced draw boundaries around what are ritually appropriate demands and accusations. Ritual limits on seeing and accusing—that is, limits on the *enforcement* of ritual norms—were at the heart of ritual norms. This point has not been sufficiently appreciated in the scholarship on ritual. Ritual understood within the context of the visibly blind paradigm emphasizes *display* rather than the interpretation of ritual signs. The emphasis is on the *legibility of the self* rather than the *legibility of others*. As the “Fangji” 坊記 chapter of the *Liji* put it:

⁸⁰ *Lüshi chunqiu*, *juan* 1, “Gui gong” 貴公, 27.

⁸¹ Ibid.

⁸² *Liezi jishi*, Chapter 6, “Li ming” 力命, 200.

⁸³ *Liezi jishi*, Chapter 6, “Li ming” 力命, 200: 道行則不煩聞見，故曰，不聾不聵，不能成功。

⁸⁴ *Zhuangzi jishi*, *juan* 8, Chapter 24, “Xu Wugui 徐無鬼, 839.

The Master says: ‘Ritual is the means to display (*zhang*) what is doubtful and distinguish the subtle. In this way, it serves as a dike for the people.’ Noble and base are distinguished, clothing is differentiated, and court positions are set up. Thus the people are yielding. 子云：夫禮者，所以章疑別微，以為民坊者也。故貴賤有等，衣服有別，朝廷有位，則民有所讓。⁸⁵

The same chapter says that “Ritual prevents excess among the people and displays their differences so that they are not confused” 坊民所淫，章民之別，使民無嫌。⁸⁶ Another chapter in the *Liji* says that “Ritual is...the means by which confusions (*xian*) are distinguished and the subtle is brought to light” 所以別嫌明微。⁸⁷ In all of these instances, confusions, conflation, and doubt are problems to be resolved through *display*.

This focus on visibility rests the attention on the agent of display rather than the actions of others. The structure of the invisible seer paradigm was thus reversed. One no longer looked at, examined, assessed, measured, or verified others from the dark place of perfect impartiality. Rather, one prepared oneself as an offering made into the dark unknown, verified, judged, and assessed by others—including spirits. This paradigm put maximum pressure on the preparation of the self and attempted to exclude, as far as possible, one’s desire to make demands (*ze*) on others, seek (*qiu*) from others, to accuse (*rang*) others, or to invite favors or gifts from others (*jiao/yao xing*). In other words, one made oneself as visibly *xin* as possible hoping that such visible integrity would move others.

The work of ritual lay in the preparation of the self. One was blind to the transgressions of others as a point of principle. The actor’s integrity would breakdown if he had to concern himself with perfect display *and* penetrating insight of others at the same time. *Refusing* the temptation to see and know all of the possible transgressions of others was built into the framework of ritual. The “Fang ji” chapter of the *Liji* repeatedly emphasized that *even with* these ritual displays, there would *still* (*you* 猶) be those who would transgress the visible boundaries.⁸⁸ Michael Ing, following Michael Puett’s work on ritual subjunctives, has recently made much of this “dysfunction of ritual.”⁸⁹ I would, however, suggest that rather than seeing a “tragic” sensibility here, we have rather an extension of the spirit of ritual order itself. Namely, as an order built on boundary articulation and display, ritual needed, first and foremost, a boundary beyond which it would not seek verification and knowledge. Ritual did not try to “govern the darkness” (*zhi you*) and left some things alone in their “dark abode” (*you zhai*).

Wang Bi 王弼 (224-249), reading *Laozi* Chapter 53, “The Great Dao is wide and flat, but people love shortcuts,” spells it out beautifully:

The Great Dao is wide-open and flat, yet people still abandon it and do not follow it, preferring to follow crooked paths and shortcuts. How much more would this be the case if one acted and thereby blocked the middle of the Great Dao?

言大道蕩然正平，而民猶尚舍之而不由，好從邪徑，況復施為以塞大道之中乎？⁹⁰

⁸⁵ *Liji zhushu*, Chapter 30, “Fang ji,” 865-1.

⁸⁶ Ibid., 871-2. Michael Ing, *The Dysfunction of Ritual in Early Confucianism* (New York: Oxford University Press, 2012), 165 incorrectly translates 使民無嫌 as “causing them to be satisfied.”

⁸⁷ *Liji zhushu*, *juan* 22, Chapter 9, “Liyun” 禮運, 422-1.

⁸⁸ *Liji zhushu*, Chapter 30, “Fang ji,” 863-2, 864-1, 865-1, 866-1, 868-1, 868-2, 869-2, 870-1, 870-2, 871-1, 871-2, 872-2, 873-1.

⁸⁹ See Michael Ing, *The Dysfunction of Ritual in Early Confucianism*.

⁹⁰ Wang Bi *jijiaoshi*, *Laozi zhu* 老子注, Chapter 53, 141.

Wang Bi provides here, I think, a clue on how to read what has been called the “tragic” aspect of early Chinese (ritual) thinking. There *were* gaps and failures in ritual, but they were built in as necessary limits. The gentleman should not be tempted towards totality. Rather than leaning towards totalizing knowledge or control, these texts seemed to argue, the only option was to leave certain spaces in the dark and certain shortcuts open, trusting that most people would actually take care of themselves. If one, on the other hand, “multiplies the eyes in the web of the law, increasing punishments and fines, blocking off the shortcuts and attacking the hidden abode (*you zhai*) of things, then all things will lose what makes them themselves, and the people will lose their arms and legs” 若乃多其法網，煩其刑罰，塞其徑路，攻其幽宅，則萬物失其自然，百姓喪其手足。⁹¹ In light of this, we might plausibly say that when a text like the “Fangji” 坊記 repeats the phrase (using the same formula as Wang Bi), “even with X ritual norm the people will still (*you* 猶) rebel/kill/be unfilial/forgetful of parents/pursue profit and forget virtue/overthrow their rulers,” the text is not taking a “tragic” view, but rather thinking about the nature and limits of ritual norms in a society of gentlemen. The “Ji yi” 祭義 chapter includes the same sentiment. In governing with ritual, “while there will be oddities and wickedness that cannot be governed, they will be few.”⁹² The tone is not one of resignation, it is one of strength and confidence. The attempt to demand completeness and perfection (*bei; quan*) of another was, after all, the mark of a petty man. The gentleman was too rich in soul to be bothered by these failures. He was a *zhangzhe* 長者, a magnanimous man.

Somewhat unexpectedly, given other arguments lodged by the *Han Feizi* compilation, we see a succinct statement of this logic of (ritual) display and blindness in the “Jie Lao” 解老 chapter of that text, a commentary on *Laozi* 老子 Chapter 38 (according to the later order):

Ritual is the means of making inner states recognizable (*mao qing*) and the patterned display (*wen zhang*) of all appropriateness. It is there in the intercourse between rulers and ministers as well as between fathers and sons. It is the means to distinguish (*bie*) noble and base as well as worthy and unworthy. When one’s inner heart holds something that has not been communicated one thus makes it clear (*ming*) by hurried walking or deep bows. When one’s true heart is dark and unknown, one demonstrates (*xin*) it with fine words and elegant speech. Ritual is outward articulation for the purpose of communicating what is within. Thus, it is said: “Ritual is the means to display feeling.”

禮者，所以貌情也，群義之文章也，君臣父子之交也，貴賤賢不肖之所以別也。中心懷而不諭，故疾趨卑拜而明之。實心愛⁹³而不知，故好言繁辭以信之。禮者，外節之所以諭內也。故曰：禮以貌情也。

People are all moved by exterior things, but do not know how to do ritual for themselves (*wei shen*). When the many do ritual, they do it for the sake of elevating others. Thus, they are sometimes diligent and other times lax. When the gentleman does ritual, he does it for himself (*wei shen*). Done for the self the act is therefore made mysterious as in the highest of rituals. The highest of rituals are mysterious and the many are of two-minds, thus they “do not correspond.” Because they do not correspond, the text says: “The highest of rituals are

⁹¹ Wang Bi *jijiao*shi, *Laozi zhu* 老子注, Chapter 49, 130.

⁹² *Liji zhusu*, Chapter 24, “Ji yi,” 813-1: 雖有奇邪而不治者則微矣

⁹³ I thank Robert Ashmore for alerting me to the reading of this 愛 as 蔓.

done but no one responds.” The many are of two minds, but the sage still reverently performs in full the ritual with his own hands and feet. Thus it says: “He rolls up his sleeves and persists.”

凡人之為外物動也，不知其為身之禮也。眾人之為禮也，以尊他人也，故時勸時衰。君子之為禮，以為其身，以為其身，故神之為上禮，上禮神而眾人貳，故不能相應，不能相應，故曰：上禮為之而莫之應。眾人雖貳，聖人之復恭敬盡手足之禮也不衰，故曰：攘臂而仍之。⁹⁴

This passage neatly brings together the elements of the visibly blind paradigm. Ritual was a form of communication and display that sought to clarify and demonstrate what was not visible. *Xin* 信 is a verb here meaning to “make reliably known”—hence “demonstrate”—and is parallel to *ming*, “to clearly show.” It is worth noting here, even though this is not always the case, that *ming* shows through action while *xin* shows through speech. It was, however, often the case that one aspired to be *xin* without speech. Ritual was, furthermore, a practice of the self. It was “for the self” and not simply for elevating others. As a self-directed practice it was not vulnerable to the petty calculations that might motivate the respectful treatment of others. Hence, even in the case where ritual did not meet with the appropriate response of others, the sage/god-like gentleman “doubled-down” with his reverence and carried out his ritual obligations with absolute diligence. The petty man, on the other hand, “was easily pleased when others responded but accusatory and resentful when there was no response” 人應則輕歡，不應則責怨. “Modern rituals” thus fell into disrepair because while they sought “to communicate with the simple mind of others” they were “supported by the apportioning of mutual accusation” 相責之分.⁹⁵

The *Huainanzi* said that the characteristic error of ritual is its tendency towards “demands” or “accusation” 責.⁹⁶ As the Eastern Han commentator Gao You 高誘 explained, “In ritual, there is nothing that is not repaid. When something is given to someone, one demands repayment” 禮無往不復，有施于人則責之.⁹⁷ The emergence of accusation was the definition of ritual decline:

Ritual is used to distinguish esteemed and lowly and differentiate the noble and base. Righteousness is that by which the horizons between ruler and minister, father and son, older and younger brothers, husband and wife, and friends is joined. The ritual practiced in the present age is polite but resentful; those who act with righteousness bestow gifts, but treat them as favors owed.⁹⁸ Rulers and ministers blame one another and members of the same family are prone to resentment. The basis of ritual and right is thus lost so there is overcomplicated disputes and much blame.⁹⁹

⁹⁴ *Han Feizi jijie*, *juan* 6, Chapter 20, “Jie lao” 解老, 132-33. For a study and translation of this chapter, see Sarah Queen, “*Han Feizi* and the Old Master: A Comparative Analysis and Translation of *Han Feizi* Chapter 20, ‘Jie Lao,’ and Chapter 21, ‘Yu Lao,’” in *Dao Companion to the Philosophy of Han Feizi*, ed., Paul Goldin (New York: Springer, 2012), 197-256. Translation of the relevant passage on p. 230.

⁹⁵ *Han Feizi jijie*, *juan* 6, Chapter 20, “Jie lao” 解老, 134.

⁹⁶ *Huainanzi jishi*, *juan* 14, “Quan yan” 詮言, 1037: 禮之失責.

⁹⁷ *Ibid.*

⁹⁸ Another translation reads this line as “What it considers Rightness is boastful and condescending yet [is deemed] potent.” This misses the logical connection between “giving” and *de* 德. See John S. Major, et.al., *The Huainanzi: a guided to the theory and practice of government in early China* (New York: Columbia University Press, 2010), 1100.

⁹⁹ Robert Ashmore has helpfully suggested vis-à-vis the rendering of *gou*: “this sense derives from the basic sense of “compound structure, framework.” In the metaphorical application to human social problems it’s something that at a certain point has too many interconnected pieces that it’s hard to deal with in any simple way.”

夫禮者，所以別尊卑，異貴賤；義者，所以合君臣、父子、兄弟、夫妻、朋友之際也。今世之為禮者，恭敬而忤；為義者，佈施而德。君臣以相非，骨肉以生怨，則失禮義之本也。故構而多責。¹⁰⁰

Ritual, poorly understood, amounts to nothing other than outward looking calculation and accusation.

Deaf In-laws and Blind Kings

The Zhang Zhan 張湛 (317-420 CE) commentary to the *Liezi* cited above includes the peculiar proverb: “One cannot have success unless one is blind and deaf.” This was a variation of a more commonly cited phrase, going back to the problems of family life, that “One cannot be a good mother-in-law or father-in-law without being dim and deaf” 不瘖不聾，不成姑公。¹⁰¹ However, the earliest reference to the saying appears to make the opposite point made by Zhang Zhan. The *Shenzi* says:

One cannot be a king without being excellent in hearing and sight; one cannot be a father-in-law [or duke?] without being dim and deaf.

不聰不明，不能為王；不聾不瘖，不能為公。¹⁰²

The importance of dimness and deafness for the king or emperor was well-established by early imperial times and the phrase about in-laws was applied to the political realm. By at least the Eastern Han, the phrase was connected to another important image of ideal monarchical rule: the blinding and deafening form of the monarch’s headdress. The classical form of the monarch’s cap had beads dangling in front of the eyes (*liu*) and plugs dangling beside the ears (*tian*). The Eastern Han *Shiming* 釋名 would explain:

Tian refers to weightiness. Dangling next to the ears, the hope is that the person can be made to not listen recklessly. The person can thus maintain a sense of calm and gravity. It is also called an “ear-plug.” “Plug” meaning to stop up. The ears are stopped up to prevent one from hearing. There is a phrase used in the villages: “One cannot be a good mother or father-in-law without being dim and deaf.”

瑱，鎮也。懸當耳旁，不欲使人妄聽，自鎮重也。或曰充耳，充，塞也，塞耳亦所以止聽也。故里語曰：不瘖不聾，不成姑公。¹⁰³

The *Da Dai Liji* 大戴禮記 has an expanded description of the role of the king’s cap, situating it directly within the context of the visibly blind paradigm’s combination of personal display of integrity, on the one hand, and blindness, on the other (the first part of this was quoted in Dongfang Shuo’s hypothetical discourse discussed in Chapter 2):

¹⁰⁰ *Huainanzi jishi*, juan 11, “Qi su” 齊俗, 759.

¹⁰¹ Wang Mo 王謨, ed., *Shiming* 釋名, in *Han Wei congshu* 漢魏叢書 (Taipei: Dahua shuju, 1983), juan 2, 867-2.

¹⁰² Xu Fuhong, *Shenzi jijiao jizhu*, 62.

¹⁰³ Wang Mo, *Shiming* 釋名, juan 2, 867-2.

In antiquity, sage rulers wore the cap with dangling beads in the front so as to block their sight. Silk blocked their ears so as to stop up their listening. In the clearest water there are no fish; with intense surveillance, one has no followers. The bent are treated as straight so that they will get it themselves; the haughty are treated kindly, so they will seek it themselves; things are measured so that they will search it out themselves. When people commit small crimes, one must look for the good and forgive the error. If the dead can be made to live, this will cause those above and below to be intimate and not abandon one another. Thus, generosity is the beginning of government. If the government is not upright it cannot instruct. If the people are not acculturated they cannot be employed. If the gentleman hopes that his words are trusted, he can do no better than to empty out his breast; if he wants administration to be quickly implemented, he can do no better than lead as a model. If he wanted the people to quickly submit, he can do no better than steer them with the way. If one does not lead as a model, even if instructions are carried out it will be only reluctantly; if one does not steer with the way, then if even if people submit it will be forced. Thus, if one has no good faith or trustworthiness, there is no way to secure the affections of the people; if inner and outer do not match, there is no way to secure a token of trust.

古者冕而前旒，所以蔽明也；統統塞耳，所以聿聰也。故水至清則無魚，人至察則無徒。故枉而直之，使自得之；優而柔之，使自求之；揆而度之，使自索之；民有小罪，必以其善以赦其過，如死使之生，其善也，是以上下親而不離。故惠者政之始也，政不正則不可教也，不習則民不可使也。故君子欲言之見信也者，莫若先虛其內也，欲政之速行也者，莫若以身先之也；欲民之速服也者，莫若以道御之也。故不先以身，雖行必鄰矣；不以道御之，雖服必強矣。故非忠信，則無可以取親於百姓矣；外內不相應，則無可以取信者矣。¹⁰⁴

The various threads of the last section are brought tightly together in this single passage. The ruler is trusted because he leads by example, anticipating how he appears to others, while at the same time refusing to see his subjects too clearly. When possible he seeks out what is good in them to forgive them for their faults, choosing to see faults as a minor blemish rather than a subtle sign of future treachery to come. The ruler or gentleman thus establishes a culture of trust in which he makes himself worthy of trust even as he forgives what might otherwise look like treachery in others.

The Eastern Han *Bobu tong* 白虎通 takes up the same image, explaining that the cap is the emblem of the visibly blind: the cap shows (*ming*) that the king does not value excessively knowing those below 明不尚極知下. The cap is quite literally a display of blindness. The extent of the sage's knowledge—and by extension the proper limits of the ruler's knowledge—was a theme of debate at the White Tiger pavilion. In a discussion of the purpose of divination, the following question is posed:

The sage is alone in seeing and foresight, why must he inquire of the milfoil and the turtle?

[Answer]: To show that he does not monopolize things for himself.

[Another answer said]: Rarified subtlety leaves no trace therefore even the sage's [knowledge] cannot reach it. The sage is for his part in doubt here.

¹⁰⁴ Gao Ming 高明, ed., *Da Dai Liji* 大戴禮記 (Taipei: Taiwan shangwu yinshuguan, 1984), Chapter 65, "Zizhang wen ru guan" 子張問入官, 289.

聖人獨見先睹，必問著龜何？示不自專也。或曰：清微無端緒，非聖人所及，聖人亦疑之。¹⁰⁵

In each of these instances, whether blinders are put on the king's cap or ritual doubt is performed in divination or the sage ruler is, in fact, limited in his capacities, it was important to keep a space open and free of the sage's knowledge.

The Eastern Han *Yanzi chunqiu* 晏子春秋 includes a long anecdote developing the implications of the cap's form for political practice:

Duke Jing ascended to the green room. From that vantage point he saw a person cutting down a tree at the Yong Gate. He ordered an official to arrest the man and then ordered Master Yan to go have him executed. Master Yan stood in silence and did not respond. The Duke said: "I truly adored that tree by the Yong Gate. Now it's been cut down and I asked you to execute the criminal. Why do you stand in silence and not respond to me?"

景公登簣室而望，見人有斷雍門之櫺者，公令吏拘之，顧謂晏子趣誅之。晏子默然不對。公曰：雍門之櫺，寡人所甚愛也，此見斷之，故使夫子誅之，默然而不應，何也？

Master Yan said: "I have heard it said that in ancient times that when a ruler went out he took the long way, but this was not out of fear. There were dangling beads on the front of his cap because he despised seeing too much. There was silk and jade blocking his ears because he despised hearing too much. His belt weighed half a *jun* and his shoes were twice as heavy, because he did not wish to be superfluous (lit. "light"). If the ruler passed by an execution on his way to midday court, he would amnesty the criminal. I have never heard of a ruler personally incriminating a person." The Duke said: "Free him. And do not speak of it again."

晏子對曰：嬰聞之，古者人君出，則闢道十里，非畏也；冕前有旒，惡多所見也；纁紃琬耳，惡多所聞也；大帶重半鈞，舄履倍重，不欲輕也。刑死之罪，日中之朝，君過之，則赦之，嬰未嘗聞為人君而自坐其民者也。公曰：赦之，無使夫子復言。¹⁰⁶

Here, the king's sight is criticized directly. The ruler does not "personally punish" 自坐, emphasizing that one important feature of blindness is shared knowledge rather than the unique understanding of the king. The king should not be eager to see transgressions and should go out of his way to avoid seeing and punishing them or, when that is not possible, to forgive the transgression. Interestingly, the cap is linked here to heavy belts and shoes suggesting, as we have repeatedly noted, gravity and weightiness of one of the things at stake in creating this moral economy of trust.

Wang Bi will draw straight from these images of the king's cap to craft his own reading of *Laozi* Chapter 49 along these classically-oriented lines:

In this way, the beads dangling from the ruler's cap block his eyes, yet he does not fear trickery; plugs block his ears, yet he is not worried about deception. Why would a ruler belabor the hearing and sight of his single person to investigate the truth of the entire

¹⁰⁵ *Bohu tong shuzheng*, juan 7, "Jue yi zhi yi" 決疑之義, 328.

¹⁰⁶ Wu Zeyu 吳則虞, ed., *Yanzi chunqiu* 晏子春秋集釋 (Beijing: Zhonghua shuju, 1962), juan 7, 452-453.

populace? If one investigates things using keen perception (*ming*), things will compete to be even more perceptive. If one investigates things out of distrust, things will compete to be even more distrustful in response. The minds of those in the empire are not necessarily the same, yet daring not to be different, none would be willing to be honest. How harmful this would be! There is no harm greater than the use of keen perception (*ming*)...One cannot keep the people from using their intelligence and strength against oneself in which case the ruler would stand as one against ten million. If one expands the net of the law and multiplies punishments, this would block off the shortcuts and assault people's hidden abodes. Thus, things would lose what comes natural to them. The people would lose their hands and feet and even the birds above and the fish below would be in chaos.

如此則可冕疏充目而不懼於欺，黠續塞耳而無戚於慢，又何為勞一身之聰明，以察百姓之情哉。夫以明察物，物亦競以其明應之，以不信察物，物亦競以其不信應之。夫天下之心，不必同其所應，不敢異則莫肯用其情矣。甚矣，害之大也，莫大於用其明矣，夫在智則人與之訟，在力則人與之爭，智不出於人而立乎訟地，則窮矣。力不出於人而立乎爭地，則危矣。未有能使人無用其智力乎己者也，如此則己以一敵人，而人以千萬敵己也。¹⁰⁷

Distrust and oversight produce an arms race in cunning and strength. As this chapter and the last have shown, Wang Bi's argument here against cunning and strength is deeply imbedded in the literature of the times. Wang reads *Laozi* Chapter 49, 百姓皆注其耳目, to mean that "all employ their own hearing and sight," arguing as Guo Xiang did in the commentary cited above that when the ruler does not impose on the world with her excessive hearing and sight, others will find a place to use their own senses. This is really an extension of the *Da Dai* argument in which the blindness of the sage is the condition for the "self-attainment" 自得 of all other things.

Ritual as Metaphor

The *Liezi* story of Shangqiu Kai 商丘開 shows, in an extreme form, the power of ritual trust. Kongzi summarizes the story, saying, "the person of the highest integrity (*xin*) can move (*gan*) things...Shangqiu Kai trusted in false things (*xin weimu* 信偽物) and met no opposition, how much more would that be the case between those of us who have integrity (*cheng*)!"¹⁰⁸ A group of several men had promised to allow Shangqiu Kai to join their group if he could successfully retrieve several non-existent treasures from the depths of the river. Even though the whole setup was a lie, Shangqiu Kai managed to retrieve each of the items from the river. Such was the power of integrity. This kind of argument was not merely a quaint sentiment. It was built into the logic of ritual seen throughout early China. The "sacrifices of the worthy" 賢者之祭 were effective because the person "personally calls forth his integrity" 身致其誠信. In this way he "necessarily receives good fortune" but not on account of "searching for repayment from the other" 不求其為.¹⁰⁹

Whether spirits existed or not was completely irrelevant. In his *Lunheng*, the so-called "skeptic" Wang Chong even defends certain ritual practices, notably rain sacrifices using a clay dragon, on this basis: "[Dong] Zhongshu used this in order to call forth pure integrity (*jingcheng*) and

¹⁰⁷ Wang Bi *jijiaoshi*, *Laozi zhu*, Chapter 49, 129-130.

¹⁰⁸ *Liezi jishi*, Chapter 2, "Huang di" 黃帝, 57.

¹⁰⁹ *Liji zhushu*, Chapter 25, "Ji tong" 祭統, 830-1-830-2.

did not look at the falsity or reality of the thing” 不顧物之真偽。¹¹⁰ Wang took aim at the greatest minds of the Han by pointing out how they failed to argue coherently against an attack on imperial rain rituals.¹¹¹ A critic argued that these rituals were “not real” 非真 and could thus not produce any effects in the world. The “Han court wisdom-bag” 漢朝智囊 Liu Xin (d. 23 CE), one of the most renowned scholars of the age, had no response to this charge. Wang responded for him, arguing that the “critic was *right* to charge that they are not real, but that he was wrong *to not* defend the practice on the basis of similarities (*xianglei* 象類).” Ritual worked through similarity, so it was not important to distinguish between what was real and what *looked* like the real, at least for the purpose of ritual. Wang even argues that precisely because clouds are *not* sentient the ritual works:

The red wooden lure is not a real (*zhen*) fish, but even an animal with blood and knowledge (*zhi*) like the fish will respond to the likeness (*xiang*). The knowledge of clouds and rain surely do not surpass that of the fish, so how could they doubt the likeness of a clay dragon? 夫丹木、非真魚也，魚含血而有知，猶為象至。雲雨之知，不能過魚，見土龍之象，何能疑之？¹¹²

Being too ignorant to decide between the likeness and the real thing, the clouds become responsive to the ritual. Like the gentleman, the clouds allow themselves, so to speak, to be tricked by a semblance. There is a clear playfulness in the argument, but it makes a profound statement about the foundation of efficacy in ritual and social order. Social order requires spaces of ignorance in order to function. There must be some suspension of suspicion, lest the whole architecture crumble under the weight of irresolvable doubt.

The dignity of Wang Chong's clouds, but also the superior virtue of heaven, sages, and gentlemen was located in their ability *to not* make demands or accusations about others. Wang had perhaps adopted the image of the ignorant cloud from *Xunzi* whose riddle about clouds described a kind of virtue that was “not anticipatory or suspicious” 不億忌 even when violent.¹¹³ Heaven's virtue was like this as well, famously expressed in the *Analects* line, “Does Heaven speak? The four seasons follow and the hundred things are born. Does Heaven speak?”¹¹⁴ In the late Zhanguo “Zhong xin zhi dao” 忠信之道 manuscript, *xin* was also the quality of a dignified heaven. “The utmost integrity (*xin*) is like the season. They all arrive on time but there is no binding agreement” 至信如時，畢至而不結. “Without an appointment it arrives—that is heaven” 不期而可遇者，天也. “Great Integrity does not make appointments (*qi*)” 大信不期.¹¹⁵ Notably, this form of integrity was to act without appointments, agreements, or even speech.

¹¹⁰ Huang Hui, ed., *Lunheng jiaoshi*, juan 21, “Siwei” 死偽, 892.

¹¹¹ Alexis McLeod gives a good survey of the scholarship on Wang Chong as a skeptic his *The Philosophical Thought of Wang Chong* (Cham, Switzerland: Palgrave Macmillan, 2018), esp. “Introduction” and Chapter 1. Besides McLeod's study, an interesting approach to Wang Chong's methodology and epistemology was proposed by Esther Sunkung Klein and Colin Klein. Klein and Klein, “Wang Chong's Epistemology of Testimony,” *Asia Major* 29, no. 2 (2016): 115-146. Michael Nylan has situated Wang Chong within the Han classical tradition, albeit a pedantic manifestation of that tradition. See Michael Nylan, “Han Classicists Writing in Dialogue with Their Own Tradition,” *Philosophy East and West* 47.2 (1997): 133-188.

¹¹² Huang Hui, ed., *Lunheng jiaoshi*, juan 16, “Luan long” 亂龍, 700.

¹¹³ *Xunzi jijie*, juan 18, Chapter 26, “Fu” 賦, 477.

¹¹⁴ *Analects* 17.19, *Lunyu yishu*, juan 9, 463.

¹¹⁵ Li Ling, *Guodian chujian jiaodui*, 130.

A Complication: The Paradox of Display

The problem of *xianyi*, doubt and confusion, raises a number of important practical and ethical questions about the relationship between self/other and office/character. Those inclined toward the “visibly blind” paradigm attend to themselves and their duties and do not concern themselves with warding off incipient threats or finding hidden treacheries. They treat others *as if* they are gentleman, doing as Zhao Qi said in his reading of *Mengzi*’s discussion of the “true man” 信人, “the *xin* person says that others possess what one has and thus does not anticipate dishonesty (*buxin*)” 有之於己乃謂人有之，是謂信人，不億不信。¹¹⁶ This generous hermeneutic responds to evident transgressions proportionally and does not imagine that some great treacherous intent lies behind the words and actions of everyone. The bar for evidence of good faith is low and the standard for evidence of bad faith is quite high. This way of imagining institutions and ethical practices proceeded from a place of confidence and was thus willing to allow certain “transgressions” to pass without remark, refusing to enter into the petty battles of small-minded accusations that pulled at the bonds holding everything together, from the family to empire.

There was great fear that one would be misunderstood or that others would suspect one of bad faith, so this ethos raised the bar for one’s own performance of integrity, as people sought to clarify in public the nature of their intentions and anticipate how others might view the self with suspicion. The ability to anticipate the suspicious eyes of others was decidedly different from the gracious refusal to anticipate others’ bad faith and deceptions. As we saw in the divergent readings of the *Annals*, guarding against encroachment was an art that the self could cultivate and was not necessarily supposed to be other-directed, i.e., guarding against the encroachment and violence of others. The self-directed attention to the suspicious eyes of others as a way of resolving the problem of doubt and confusion was summarized well in Cao Zhi’s (192-232) poem *A Gentleman’s Ethos* 君子行:

The gentleman defends against what is yet to be,
And does not put himself in a suspicious (*xianyi*) position:
In melon fields, he does not reach down to adjust his shoe,
Beneath pear trees, he does not right his cap.
Sisters-in-law do not receive things directly from their husband’s brothers,
Old and young do not stand shoulder to shoulder.
君子防未然，
不處嫌疑間。
瓜田不納履，
李下不正冠。
嫂叔不親授，
長幼不比肩。¹¹⁷

The phrase *guatian lixia* 瓜田李下, “in melon fields and under pear trees,” has remained in Chinese as a way of denoting the problems prompting the suspicious eyes of others.

¹¹⁶ *Mengzi* 7B/25. *Mengzi zhengyi*, juan 28, 994.

¹¹⁷ Zhao Youwen 趙幼文, ed., *Cao Zhi ji jiaozhu* 曹植集校注 (Beijing: Zhonghua shuju, 2016), 793.

Emphasizing the need to tend to one's own image and dispel the suspicions of others—rather than sussing out treachery—was meant to create an order of exemplary honor. A perhaps inadvertent consequence of this idea was yet another turn in the wheel of accusation, another crime that the gentleman might be accused of. If a gentleman failed to dispel the suspicion of others and incurred their wrath, the *gentleman* could be accused of a failure of self-cultivation and wisdom. A gentleman, then, could be morally culpable for the pettiness and suspicion of others. It was he, after all, who lacked the imagination to see how his own actions would appear to others. Ban Gu condemned Sima Qian for exactly this kind of failure. Ironically, however, Ban Gu himself met his end because his own slave insulted the Magistrate of Luoyang. The magistrate took his revenge by throwing Ban in prison where he would later die. Fan Ye described the irony thus:

Ban Gu was saddened that Sima Qian, even with his broad learning, did not have the wisdom (智) to avoid the harshest punishment. However, Ban himself would fall into great shame. His wisdom was up to the task, but he was not able to hold his own person. Oh! This is why the ancients devoted much discourse to eyes and eyelashes.

固傷遷博物洽聞，不能以智免極刑；然亦身陷大戮，智及之而不能守之。嗚呼，古人所以致論於目睫也！¹¹⁸

The final metaphor refers to the ability of the Chunqiu period Yue king to see the smallest faults of others but fail to see his own faults. His eyes could see a tiny hair at a distance, but could not see his own eyelashes.¹¹⁹

The Cult of Impersonality, the Invisible Seer, and the Technology of Accusation

In a Western Han manuscript (?) in the Peking University collection titled “Zhou Lessons” (*Zhouxun* 周訓), the Zhou ruler Duke Zhaowen 昭文公 provides instructions on the art of rulership to his Crown Prince. The manuscript is unfortunately unprovenanced and is treated as a Han manuscript on the basis of its calligraphy. The editors, however, argue that the content of the text dates to the late Zhanguo period and is likely a “Daoist” or “Huanglao” text similar to one recorded in the *Hanshu* “Yiwen zhi” 藝文志.¹²⁰ The classification of the “school” need not concern us here. Somewhat hesitantly, I begin with this unprovenanced manuscript because it provides a clear statement of the “invisible seer” paradigm and deploys the in-law proverb examined above in precisely the opposite way of the “visibly blind” paradigm. The text reads:

As a ruler of men one cannot but love to listen. If a ruler does not love to listen he has no way of understanding the reality (*qing*) of those below. For that reason, one must listen but not be heard; know but approach in silence. This is what the proverb meant when it said, “Without craziness and deafness, one cannot be a lord of the people.”

為人君者，不可以不好聽，不好聽則毋從智（知）下之請（情），故必聽而勿聞，智（知）而默前。此諺之所謂曰‘不狂不聾，不能為人公’者也。¹²¹

¹¹⁸ HHS 40B.1386.

¹¹⁹ See *Shiji* 41.1748.

¹²⁰ Beijing daxue chutu wenxian yanjiusuo 北京大學出土文獻研究所, ed., *Beijing daxue cang Xi Han zhushu* 北京大學藏西漢竹書, vol.3 (Shanghai: Shanghai guji chubanshe, 2012), 121.

¹²¹ Ibid., 123.

The ruler must know, but his what he knows must be disguised, left unrevealed, and kept close to the vest. The “deafness” referred to in the passage is a kind of ploy in which the ruler listens but then makes no response *as if* he is deaf—or crazy. This is consistent with the general paranoia of the first lesson of “Zhou Lessons.” The text also argues:

As a ruler of men, one cannot say he does not know. If one admits to not knowing then this is to trap oneself. If one resides in a superior position and traps himself several times, how can he govern those below? As a ruler of men, one cannot be completely honest (*jinqing*) with his servants (*chen*). If one is completely honest with his servants, how can he be the ruler over them? As a ruler of men, one cannot be too credulous (*que*). If one is credulous and trusts others excessively, that is how one can be duped. If one can be duped, his position can be seized. The proverb says, “One rests on one’s heel but is also tripped by the heel.” Correct yourself with this proverb and you will keep your kingdom.

為人君者，不可以言不智，言不智則是自窮也。處上位而數自窮也，其何以正下？為人君者，不可以盡請（情）於其臣，盡請（情）於其臣，將何以君人？為人君者，不可以大慤，慤則大信人，大信人則可皇（誑），可皇（誑）則可奪。諺曰：踵之恃而踵是失。以諺正之，則守國。¹²²

In a reversal of the Tocquevillian lesson that one can only rely on that which gives resistance, the authors here emphasize that one must free oneself from any reliance on others in order to secure one’s position as ruler of men. Admissions of ignorance, honesty with one’s servants, and credulity are all direct threats to power. One must *hide* one’s true state if one hopes to fool others that one is superior. The difference between ruler and subject is but a difference in relative visibility. Whoever is the most hidden is the most like a ruler.

In this regard, rulership implies perfection rather than an ethical performance of self-accusation and condescension. The brokenness of the world was accepted with respect to everything except the ruler. The ruler in some accounts thus came to inhabit the fictional position of perfection from which he could survey the entirety of the broken world. The idea of the difference between *dao* and *things* was reified and formed the basis of the ruler’s ontological claim to power over things. The sage ruler no longer mixed in with things; he inhabited a nowhere position from which he surveilled the world of broken things.

In many late Zhanguo and imperial texts, authors imagined that the measurement of *gong* 功 or the assessment of “reality” (*shi* 實) in terms of “name” (*ming* 名) would produce a perfectly univocal order in which there would be “no place could hide.” A silk manuscript from Mawangdui 馬王堆 Tomb 3 (closed 168 BCE) speaks of “seeing and knowing the world without confusion” 見知天下而無惑. Achieving perfect knowledge of the world required imagining a view from nowhere. “The way of seeing and knowing is to be empty and without form” 見知之道，唯虛無有. By establishing oneself in an empty position without form, “even an autumn hair would necessarily have its form and name; as it has a form and name, black and white can be divided...and there would be no place to run or hide” 秋毫成之，必有刑（形）名，刑（形）名立，則黑白之分已……無所逃跡匿正.¹²³ A perfect impartiality (*gong* 公) that divided things correctly because it

¹²² Ibid.

¹²³ Qiu Xigui, ed., *Changshua Mawangdui Hanmu jianbo jicheng* (si), 127. See Chen Guying, *Huangdi sijing jinzhu jinyi*, 2, 10.

viewed them without prejudice from a non-place (the text says *wuchu* 無處) of formlessness was, in the minds of the authors, analogous to standardized measurement:

The affairs of the world must necessarily be assessed and verified. Affairs are as numerous as trees in the forest or grain in the silo. When *dou* and *shi* are prepared and *chi* and *cun* are set forth, there is no place to run from the spirit. That is why it is said: “When standards and measures are prepared, things are thus governed and controlled.”

天下有事，必有巧（考）驗。事如直木，多如倉粟。斗石已具，尺寸已陳，則無所逃其神。故曰：度量已具，則治而制之矣。¹²⁴

In another section of the silk manuscript, this perfect impartiality (*jing gong* 精公) makes “punishments and rewards *xin*” 賞罰信, unambiguous and reliable.¹²⁵

Perfect “seeing and knowing” (*jian zhi*) in the Mawangdui manuscripts was frequently associated with spirits (*shen*) and god-like perspicacity (*shenming*). As we just saw, the power of instruments of measure is god-like. Measures are set forth and no one can escape from their god-like perspicacity. “God-like perspicacity is the model for seeing and knowing” 神明者，見知之稽也。The spirit resided, the text argued, within the measure itself: “The spirit resides within the measure but is manifest without. Residing within the measure, it does not speak but is trustworthy (*xin*); manifest without it speaks but cannot be changed” 神明者，處於度之內而見於度之外者也。處於度之內者，不言而信；見於度之外者，言而不可易也。¹²⁶ The ruler as ruler is visible but only in its perfection, its unchangeability. This is not an ethical relationship like the one we saw before where the ruler moves people by applying the norms to himself.

The division between *Dao* and things (*wu*) becomes a division between spirit/god (*shen*) and things in the Mawangdui passage. Who is on the side of *Dao/shen*? Who is on the side of *wu*? The *Han Feizi* 韓非子 frequently made this sort of argument. “*Dao* differs from the ten thousand things” 道不同於萬物 just as the “scale differs from the heavy and the light” 衡不同於輕重 and “the ruler differs from his many servants” 君不同於群臣。In a fascinating subsequent passage, the *Han Feizi* combines the *dao*/thing distinction with a *shen*/thing distinction similar to that in the Mawangdui text:

Ruler and servant have different ways. Those below pray (*dao*) with their name. The ruler holds onto that name and the servant offers up (*xiao*) his form. If the form and name match, those above and those below are harmonized.

君臣不同道，下以名禱，君操其名，臣效其形，形名參同，上下和調也。¹²⁷

The ruler is like a spirit receiving sacrifice. The name—the declared task—is assessed in terms of what is actually offered up (*xiao*), a term that meant “proof” as well. There is no interaction here

¹²⁴ Qiu Xigui, *Changshua Mawangdui Hanmu jianbo jicheng* (si), 127. Chen Guying, *Huangdi sijing*, 16.

¹²⁵ Qiu Xigui, *Changshua Mawangdui Hanmu jianbo jicheng* (si), “Jun zheng” 君正, 132. Chen Guying, *Huangdi sijing*, 71: 精公無私而賞罰信

¹²⁶ Qiu Xigui, *Changshua Mawangdui Hanmu jianbo jicheng* (si), “Ming li” 名理, 147. Chen Guying, *Huangdi sijing*, 176.

¹²⁷ *Han Feizi jijie*, “Yang quan” 揚權, *juan* 2, 46.

between spirit and suppliant. The spirit stands above and surveils those things offered up in sacrifice.¹²⁸

The early Chinese rhetoric of *xin* understood in this way presupposed a primary division between *Dao* and things. The kind of ideological work that this division carried out is on full display in the *Xunzi*, a text that embodies well the complexity and necessary contradictions of these issues. The division between *Dao* and *things* was explicitly socio-political, relating directly to the primary division of labor in society between the “gentleman” (*junzi*) and everyone else. Farmers, merchants, and craftsmen fully understand (*jing* 精) fields, markets, and vessels, yet they cannot be “teachers” (*shi* 師) of these things. There are, however, those who have no technical abilities (*neng* 能), but are able to “govern these three offices” 可使治三官. They are able to so because they “fully understand the *Dao*” 精於道. Farmers, merchants, and craftsmen only “fully understand things” 精於物:

Those who fully understand things are thingified by things. Those who fully understand the *Dao* can thingify everything. The gentleman has an integral understanding of the *Dao* by which he is able to assist and survey things. This integral understanding makes him upright (*zheng*) and his assistance and surveying of things can be penetrating. By carrying out a penetrating analysis of things with an upright mind, all things have their office. 精於物者以物物，精於道者兼物物。故君子壹於道，而以贊稽物。壹於道則正，以贊稽物則察；以正志行察論，則萬物官矣。¹²⁹

In this way, *Xunzi* continues, one has the “sufficient means to settle right and wrong and resolve ambiguities” 足以定是非決嫌疑矣。¹³⁰ The ideal, repeatedly tirelessly in texts from the period, was to be in a position to *thingify things* without being a *thing*. The epistemological claim to perfectly impartial knowledge blended into a claim about social status.

If the *Xunzi* were to stop here the argument would be nearly indistinguishable from the position seen in the *Han Feizi* and the *Mawangdui* texts adduced above. As we saw before, however, *Xunzi* jumps from this high-level analysis to a corrective of the impulse to close oneself up from the imperfections and annoyances from the world. It is as if he anticipated the invisible seer misreading

¹²⁸ Remarkably, Hannah Arendt’s critique of Plato’s king-philosopher and the political ambitions of philosophy points out how Plato repurposed his “ideas” in exactly the same way as the proponents of the invisible seer paradigm. In Plato’s famous parable of the cave, the philosopher returns to the darkness of the cave with his “ideas” repurposed as standard measures:

These ideas can be used as measures of human behavior because they transcend the sphere of human affairs in the same way that a yardstick transcends, is outside and beyond, all things whose length it can measure. In the parable of the cave in *The Republic*, the sky of ideas stretches above the cave of human existence, and therefore can become its standard.

Normal forms of human action “must not acquire a dignity of their own but be subjected to the domination of something outside their realm.” This is a perfect description of the inner logic of the texts presently under discussion. Furthermore, this idea required a set of social distinctions to preserve its authority. “What [Plato] was looking for was a relationship in which the compelling element lies in the relationship itself and is prior to the actual issuance of commands.” Two options presented themselves to Plato: “either expert knowledge commands confidence so that neither force nor persuasion are necessary to obtain compliance, or the ruler and the ruled belong to two altogether different categories of beings, one which is already by implication subject to the other, as in the cases of the shepherd and his flock or the master and his slaves.” Arendt, “What is Authority?,” in *Between Past and Future: Eight Exercises in Political Thought* (New York: Penguin, 1977), 109, 115, 108.

¹²⁹ *Xunzi jijie*, *juan* 15, Chapter 21, “Jie bi” 解蔽, 399-400.

¹³⁰ Ibid.

of the ontological divide and offered up his “art of combination” (*jian shu*) as an important corrective.

The “gentleman” (*junzi*) or “ruler” (*jun*)—dangerously, the distinction between the two was difficult to make—had access to the view from nowhere, the *Dao*, *shenming*, and so forth. This also meant that, at least in some texts, the ruler occupied a position on par with the generative forces of the world. Another Mawangdui manuscript, the *Jiu zhu* 九主, says, for instance, that the “heavenly mold” (*tian fan* 天範) was nameless and gave birth to all things but was not itself a thing (*bu wu* 不物). As a result, “nothing went unnamed and nothing could have two names” 莫不以名，不可為二名。The “model ruler” (*fa jun* 法君), furthermore, rules over a realm that was “as if without people” 若無人。Of course, the text continues, “it was not really without people, it was simply that everyone inhabited an office” 非無人，皆居其職也。¹³¹ The ruler’s allotment was to “listen to all those who had offices from the position of not having an office” 以無職並聽有職。This primary distinction—heaven/thing; no office/office—kept the ruler from becoming a thing. “If the ruler does not pattern himself in this way, he will turn into a thing” 主不法則，乃反為物。¹³²

The *Jiu zhu* text argued for a silent (*wusheng* 無聲) order “as if without people.” The technical solution to this problem was the establishment of offices and the use of tallies to verify the duties of the officers who filled those roles. The “model ruler held to the tally and listened” 法君執符以聽 to the “arrayed duties of the hundred offices” 並列百官之職。In this way, “false matches would be unable to seize the ruler” 偽會不可得主。A tally was generally made of an object split into two halves for the purpose of verifying authority or other agreement. In the *Jiu zhu* usage, the ruler could not be “tricked” (*dang* 當) by a “false match” (*wei hui*) because the tally would immediately reveal the dereliction of duty. There would be no other relationships—“as if there were no people”—outside of these tally-described duties and all would “return to their offices and carry the tally of *xin* in their heart” 皆反其職，信符在己心。¹³³ All of this was an attempt to create a soundless (*wusheng* 無聲) order where all relationships of personal patronage were eliminated—including, importantly, the ruler as patron. “The base would not serve the noble and the distant would not serve the nearby.” Likewise, “the model ruler would seek people to fill an office but would not seek for his own benefit (*zhi qin*).”¹³⁴ Doubt, dishonesty, and treachery were thus eliminated by eliminating anything that might be construed as a tie beyond official duty.

The metaphor of tallies was also found in the *Han Feizi*. There the metaphor grounded an idea of perfect punishment and reward not unlike the perfect fulfillment of offices in the *Jiu zhu*. Again, the ruler exists on a different plane simply as the mechanism for the perfect fulfillment of duties.

Not speaking but good at responding; not bound but good at making a gain. Responding to speech, he holds to the contract (*qi*); when gains have been made, he holds to the tally (*fu*). The matching of tallies and contracts gives rise to reward and punishment. 是以不言而善應，不約而善增。言已應則執其契，事已增則操其符。符契之所合，賞罰之所生也。¹³⁵

¹³¹ Qiu Xigui, *Changshua Mawangdui Hanmu jianbo jicheng* (si), 98.

¹³² Ibid.

¹³³ Ibid.

¹³⁴ Ibid.

¹³⁵ *Han Feizi jijie*, *juan* 1, Chapter 5, “Zhu dao” 主道, 29-30.

The technical metaphor here of contracts and tallies allows the ruler to be free of any participation in doling out reward and punishment. He appears to have no business or plans of his own; rather he is the impartial mechanism by which the plans of others are assessed. He makes demands (要) of things, but those demands are really the demands of the thing itself. This point is central to the kind of argument made here, because if the demands originated with the ruler rather than with the thing, the ruler himself might be exposed *as one thing among many*. The ruler, however, is not seen or known. He sees the faults of others from his position in the darkness (以闇見疵).¹³⁶ The gaze of the ruler is concerned with the flaws of the thing. It is a suspicious gaze. We might even say that it is *having flaws* that marks a thing as a thing in the first place. Form and name appear, first and foremost, as a debt to be *charged* against the thing—an imperfection, incompleteness, or gap specific to a thing. The ruler holds to contracts the way a creditor does, but this is a very special type of creditor. He unambiguously sees the normative form and name of the thing as it shows and names itself *AND* can determine what counts as a deviation from that normative form and name. Furthermore, he does all of this without *showing* himself in the process.

The ontological or cosmogonic claim at the heart of these metaphors is spelled out in other texts too. For instance, in the Mawangdui collection of sayings, “Cheng” 稱, we read a passage with strong parallels to the *Han Feizi* text:

The *Dao* has no beginning but does respond. When it has not yet come, it lacks form; when it has already come, it appears as it is. When things are about to come, their form comes first. The form is thus established and is named according to its name. What does it [the *Dao*] say?

道無始而有應。其未來也，無之；其已來，如之。有物將來，其形先之。建以其形，名以其名。其言謂何？¹³⁷

The *Dao* is the mechanism by which things appear to us as what they are. As long as the ruler can be hidden (invisible but also “without desires” and “without affairs”). He can be like the *Dao*. These passages all point to an onto-technic form of rule in which *nothing* happens. There is “no sound” and “no people,” because each thing is settled according to its own form and name.

These metaphors only made sense in terms of an overview of all things. Only when viewed from an Archimedean point of the *Dao* does it make sense to think of unambiguous defines offices. There was a profound epistemological hubris in this perspective, which, by definition, is not shared with things. Because it is not shared with things it could apply equally to all things and achieve a refined impartiality (*jingong* 精公) from which nothing can escape.

The Overlap: Staying in One’s and/or Finding One’s Place

Interestingly, the “gentleman” servant could, in a sense, preserve his non-thingness by *actively* turning himself into a thing. In the *Jiuzhu* schema, the “model servant” (*fa chen* 法臣) actively “strengthened himself to receive [his charge of office]” 自強以受. (The unspoken assumption here is that the ruler had received his charge from Heaven in this way as well.) By strengthening himself, the gentleman was able to turn the arbitrariness of *fate*—that he ended up as servant and not as ruler—into an active *command* that he made his own. In the language of the *Jiuzhu*, “those who put

¹³⁶ Ibid., 28.

¹³⁷ Qiu Xigui, *Changshua Mawangdui Hanmu jianbo jicheng* (si), “Cheng” 稱, 175. Chen Guying, *Huangdi sijing*, 345.

their names/titles first accuse themselves [made demands of himself with that name]. Putting titles first is the command to self-strengthen” 先名者自責，夫先名者，自強之命已。¹³⁸

The “model servant” constituted an ambiguous middle position between ruler, identified with the perfection of heaven, and things, irretrievably lost in their imperfections and in need of surveillance. The “model servant” made demands of himself, naming himself without *being* named. This constituted a kind of *auto-nomy* (literally, having one’s own law) that turned the very warrant for subjection into a claim to agency.

The extreme form of the invisible seer paradigm needed each thing to have their own norms and offices so that demands could be made of them without exposing the ruler. If demands made on things were *merely* personal demands based on the ruler’s arbitrary proclivities, then the ruler would no longer be invisible and could be measured by the same standards that one would measure anything else. By demanding perfection and invisibility of the ruler, these texts were necessarily committed to the position that the ruler was simply effectuating the order already *out there* in the world. The scales do not make something either five or ten pounds. The thing itself *is* five or ten pounds. These texts thus say that the ruler is enforcing a *nomos* belonging to the things themselves. The fact that things have their own *nomos*—qualities, names, forms, etc. —is the very reason why they must be subject to a ruler who is *anomos*. From the perspective of the *Dao*/ruler, the distinctions specific to each thing appear as gaps/signs (𡗗 *hen* 朕) to be exploited, named, and measured.¹³⁹ *Auto-nomy* was, in this light, synonymous with having gaps. As the *Jinzhū* says, “Heaven is without gaps but all things have gaps...Gaps refers to that by which things are complete and that by which things can be had” 唯天無勝（朕），凡物有勝（朕）……勝（朕）者，物【之】所以備也，所以得也。¹⁴⁰

The visibly blind paradigm was, in a sense, the invisible seer paradigm turned against oneself. Instead of inhabiting a position of invisibility from which one surveilled the world, one inhabited a position of visibility and acted with the hope that one’s own visible signs would be read correctly by others. The unknown was *out there* rather than *in here*. Where the invisible paradigm accused others, the visibly blind, like the “model servant” of the *Jinzhū*, accused themselves. This trope of self-accusation (𡗗 *ze*) and “self-officing” (𡗗 *guan*) appeared frequently in the period, but Xu Gan 徐幹, at the end of the Eastern Han, articulated it most beautifully in his essay on trust, “Valuing Verification” 貴驗, in which he wrote of his desire to be as reliable and trustworthy (*xin*) as water, fire, metal, and stone:

The coldness of water, the hotness of fire, the hardness of metal and stone: these several things have never spoken yet everyone knows what they are like. This is because their *xin* shines forth from their bodies. If my reliability (*xin*) were like that of these things, who would ever doubt me? . . . Kongzi said: “If you want others to trust (*xin*) you, be diligent in carrying out even the slightest of words. If one acts diligently for a long while then affairs will be evident and clear. When they are evident and clear, all with eyes will see and all with ears will hear. How could one be deceived?”

水之寒也，火之熱也，金石之堅剛也，此數物未嘗有言，而人莫不知其然者，信著乎其體也。使吾所行之信，若彼數物，而誰其疑我哉？……孔子曰：欲人之信己

¹³⁸ Qiu Xigui, *Changshua Mawangdui Hanmu jianbo jicheng* (si), 98.

¹³⁹ Ibid.

¹⁴⁰ Ibid.

也，則微言而篤行之；篤行之，則用日久；用日久，則事著明；事著明，則有目者莫不見也，有耳者莫不聞也。其可誣哉！¹⁴¹

Xu Gan cites Zisi 子思:

Zisi says: “Affairs name themselves; sounds call themselves; appearances flash themselves; things place themselves; and people have offices of themselves [or, more literally, “office themselves].” As this all proceeds from the self, we therefore call complaining about others “blockage” (*yong*) and complaining about the self “comprehension” (*tong*). With “comprehension,” one knows of regret. With “blockage” one follows one’s errors. If one follows one’s errors, even relatives will leave. If one knows of regret, even the distant will gather around. When the distant gather around, there is constant peace and pleasure. By contrast, when relatives leave, there is constant suspicion and fear. For as long as there have been people, it has always been thus.

子思曰：事、自名也，聲、自呼也，貌、自眩也，物、自處也，人、自官也。無非自己者。故怨人之謂壅，怨己之謂通。通也、知所悔，壅也、遂所誤。遂所誤也、親戚離之，知所悔也、疏遠附之。疏遠附也、常安樂，親戚離也、常危懼。自生民以來，未有不然者也。¹⁴²

The purpose of this kind of self-accusatory cultivation was to provide proof and evidence of one’s own character. Human character, Xu writes, must make itself visible like colors applied to a blank canvas (*su*). The deeper the dye, the more vivid the colors. The more one accumulated (*ji*) good deeds, the more one would be trusted (*xin*).

Xu imagined for humans a capacity to offer perfect proof like that of rocks and fire, but rocks know nothing of regret, nor do they appear as dye on a blank canvas. Human integrity appears in time and is thus liable to both regret and accumulation. Xu’s essay on “proof” actually reworks a question in “Zhongyong” 中庸, as we can see:

Integrity is self-formation; Dao is self-guidance. Integrity is the beginning and end of things. For without integrity, there are no things... Thus, one must unceasingly act with the highest integrity. If one does not cease, then one’s integrity will become evident (*zheng*)...

誠者自成也，而道自道也。誠者物之終始，不誠無物。故至誠無息……不息則久，久則徵，徵則悠遠，悠遠則博厚，博厚則高明。¹⁴³

Xu’s essay took up this passage with slightly different language. In Xu’s citation of Kongzi, *zhuming* 著明, “evident and clear,” replaced *zheng* 徵, “evident.” Xu’s contemporary Zheng Xuan read *zheng* in the “Zhongyong” passage as *xiaoyan* 效驗, “offer up for verification,” or more colloquially, “proof.” In the analogy of prayer used in the *Han Feizi* above, “proof” is offered up and then assessed by the spirit/ruler. Fearing duplicity, such a spirit/ruler has no patience for partial or ambiguous forms of “proof.” The ruler expects, in a single moment of assessment, evidence of good faith like that of the rock. For Xu and others, such an expectation is almost, by definition, dehumanizing. Xu gives the image of the rock or fire as a kind of regulative ideal of trust, but he is

¹⁴¹ Sun Qizhi, *Zhonglun jiegou*, 76.

¹⁴² Ibid.

¹⁴³ *Liji zhushu*, Chapter 31, 896-1.

sufficiently generous to recognize that that is not the human ideal. The synchronic measurement of bodies, things, and offices was in tension with this diachronic understanding of integrity. The metaphor of water, fire, metal and stone fell apart quickly, so a new analogue needed to be found. In another passage closely related to this one, Xu, for his part, shifts the image so that the relationship between “name” and “reality”—*ming* and *shi*—is parallel to the relationship between things and seasonal time: “Names are tied to reality in the way that crops [lit., things] are tied to the seasons [lit., time]” 夫名之繫於實也，猶物之繫於時也。¹⁴⁴ Humans are more similar to a growing plant than rocks.

In the invisible seer paradigm, “things” were docile bodies existing unchanged in a particular location. The metaphors were physical (*xing*) and spatial (*ju* 居, *chu* 處). In Xu Gan and the “Zhongyong” passage, however, “things” were living organisms existing dynamically in time. As docile bodies, things became “evident” and “verifiable” despite themselves. Their “evidence” was the mark that made them governable. By leaving traces they were thus always able to get tracked down—“there would be no place to run or hide.” Indeed, even the aural pun between *zhen* (gap, sign) and *sheng* (to conquer) did not go unnoticed.¹⁴⁵ By contrast, the living organism advertised its integrity in its outward signs and strived to make those signs *increasingly* brilliant.

The counterpart to a theory of integrity that emphasized display in this way, however, was, of necessity, also a theory of a more patient viewer who was willing to extend the benefit of the doubt to others, that is, a viewer who was at least partially blind. If one expects one’s integrity to appear in the fullness of time, then partial or incomplete demonstrations of integrity, even real regrets, must be allowed to pass unremarked. One must be committed to something like the following:

I must play the counter in the game for a move to have been made. But then, in another sense...my fellow community members, those whom I recognize in the sense of trusting them to forgive my performance, are responsible for finding a way to make it have been a successful application of the concept expressed by the counter I played.¹⁴⁶

For the invisible seer, faults were evidence of failure, period. Tolerance of failure, fault, or error would only encourage further crime.

Xu Gan understood, however, that he was acting in a world that was less than generous. Indeed, the need to have proof of integrity as solid as that of rock or fire was a product of the suspicious eyes of others. This theory of self-accusation, even as it hoped to be given the room for error and regret, understood that the failure to be trusted was their own responsibility. Their strength of character was their ability to endure the suspicious eyes of others—no doubt even petty others—with equanimity. Xu, quoting Zisi again, describes the problem of slander:

Zisi says: “Their words were the same, but only one was trusted. This is because the trust came before the words. Their commands were the same, but only one was effective (*hua*). Effectiveness is beyond the command.” Slandorous words emerge from likeness (*lei*), arise from trying to avoid trouble, and are applied to similar (*si*) things. Who says Mount Hua is not high or the Yangzi and Han Rivers not long? The gentleman cultivates virtue and is high

¹⁴⁴ Sun Qizhi, *Zhonglun jiegou*, 205.

¹⁴⁵ Yinqueshan Hanmu zhujian zhengli xiaozu 銀雀山漢墓竹簡整理小組, ed., *Yinqueshan Hanmu zhujian* 銀雀山漢墓竹簡, vol. 2 (Beijing: Wenwu chubanshe, 1985), 154-55.

¹⁴⁶ Robert Brandom, *A Spirit of Trust: a reading of Hegel's Phenomenology* (Cambridge, MA: The Belknap Press of Harvard University Press, 2019), 623.

and long in this way. What worry does he have? Therefore when one seeks in oneself and not in others it is not to strain the self, but to show the wealth of character that one has. 子思曰：同言而信，信在言前也；同令而化，化在令外也。謗言也，皆緣類而作、倚事而興、加其似者也。誰謂華岱之不高、江漢之不長與？君子修德，亦高而長之，將何患矣？故求己而不求諸人，非自強也，見其所存之富耳！¹⁴⁷

This was a natural extension of the visibly blind paradigm. The gentleman was so generous towards others—even rulers—that the real moral failure of another failing to give one the benefit of the doubt was read as the *personal* failure to provide evidence of one's integrity.

Institutionalizing Visible Blindness

Laws

The “Confucianization” of the laws has been debated for many years, but the problem has been somewhat one-sidedly discussed in terms of the entry of Confucian moral *content* into the laws.¹⁴⁸ The assumption is that rule by law and rule by morality are opposed so we can measure the degree of “Confucianization” by the degree to which morality invades the legal realm. This framework does help identify changes in the law—the use of mourning relationships as a way of defining legal relationships—but misses many of the interesting debates about law that happen within the visibly blind paradigm, a paradigm that overlaps with what many are wont to call Confucianism. The idea here is that laws are about *display* and not *surveillance* and thus must make themselves visible in a way that does not encourage the excessive surveillance of the populace. In this section, I will look at two concrete examples of this in Qin and Han law before looking at an important critique of *Han Feizi* and the invisible seer paradigm in the Eastern Han.

In the unprovenanced Qin laws from the Yuelu collection, we see reference to the following law:

Starting from Year Fourteen, Month Four, *jichou* day, any commoner who privately holds a government halberd, blade, bow, or crossbow, must immediately turn it over to the officials. Officials will pay the standard price (*pingjia*) of the weapon and give cash in return. If weapons are not turned over to officials within two months of receiving this ordinance or, after hearing the ordinance, one dares to privately hold government halberds, blades, bows, or crossbows, or buys or sells such weapons, these people will be treated accorded to the laws of theft.

十四年四月己丑以來，黔首有私挾縣官戟，刃沒（及）弓、弩者，亟詣吏。吏以平賈（價）買，輒予錢。令到盈二月弗／詣吏及已聞令後敢有私挾縣官戟、刃、弓、弩及賣買者，皆與盜同【灋】。¹⁴⁹

The law seems straightforward enough. Government weapons will be turned over to the officials. Failing to do so will result in harsh punishment. The ambiguity of this law, however, became a

¹⁴⁷ Sun Qizhi, *Zhonglun jiegou*, 76.

¹⁴⁸ For a recent summary of these debates, see Chi Zeng, “Confucianization of law’ revisited,” *Asian Philosophy* 31 no. 1 (2021): 88-103.

¹⁴⁹ Chen Songchang 陳松長, ed., *Yuelu shuyuan cang Qin jian (lu)* 岳麓書院藏秦簡 (陸) (Shanghai: Shanghai cishu chubanshe, 2015), slips 5-11, 48-50.

subject of debate after its promulgation. The Chancellor and other officials petitioned the emperor to adjust the ordinance:

Servant Xin, along with Prime Minister Qi and the Holder of the Laws (*zhifa*) propose (*yi*) the following: Government weapons are easily confused (*xiang lei*) with the weapons of commoners. Some of those were awarded to commoners as gifts from the government and, when they sell them, the buyers do not know they were gifts or they are unable to know they are government weapons and hold them...

臣訴與丞相啟、執灋議曰：縣 1464/7 官兵多與黔首兵相類者，有或賜于縣官而傳（轉）賣之，買者不智其賜及不能智其縣官 1454/8 兵毀而挾之……¹⁵⁰

The petitioners thus proposed a more tolerant way of dealing with weapons, including allowing those who had purchased weapons to continue to carry them. The proposal was clearly geared towards preventing the law from becoming a way in which local officials could unfairly crack down on local populations.

Jia Yi made a similar argument about legal design in his proposals to Emperor Wen about coin policy. The policy allowed for private production of coins but punished those who debased coins by tattooing the face. Jia argued that it was not profitable to mint coins without debasing them, so the government policy encouraged the very thing that it sought to prevent. The mixed messages invited people to break the law for profit and encouraged officials to be even harsher in their attempt to root out lawbreakers. Officials would have to be even more harsh if they were to do their jobs and prevent the debasement of coins. They would necessarily fail to solve the problem, Jia thought, and would abuse and belabor the population in the process. Jia's proposals were ultimately not taken up, but his approach to legal problems was characteristic of a form of legal thinking that sought to make laws more reliable by getting rid of ambiguities that would invite popular and official excesses.¹⁵¹

In this understanding of law, law is about visible integrity rather than defensive surveillance. If law is effective, it should work without surveillance or encouraging officials to seek out hidden plots. All potential crimes should be dealt with in terms of publicly given evidence and should not be uncovered using suspicious or surreptitious tactics. Wang Chong in his essay, "Against Han" 非韓, a detailed critique of Han Feizi, provided such a criticism of Han Feizi's philosophy of technique and law. He juxtaposed two examples from the *Han Feizi* and described how they contradicted one another *and* contradicted the spirit of laws. He concludes that Han Feizi actually misunderstands law because he positions law in terms of the invisible seer rather than the visibly blind.

In the first example from the *Han Feizi* that Wang Chong explores, Duke Mu of Lu asks whether Pangjian is unfilial. Zisi says that the man respected worthies and was a good governor of people. As to any faults in his personal character, that was something "only petty men would know about." The Duke then asks another man who quickly responds that Pangjian was unfilial. The Duke then proceeded to treat Zisi "nobly" (*gui* 貴) and Zifu Libo as a "base" (*jian*) man. Han Feizi, however, thought that the reverse should be the case:

An enlightened ruler seeks out treachery (*jian*) and punishes it. Zisi did not let the ruler know of treachery; but Libo replied with knowledge of treachery. Libo should be deemed noble

¹⁵⁰ Ibid, 49.

¹⁵¹ HS 24B.1153-1156. For a translation and analysis of Jia Yi's speech, see Nancy Swann, *Food and Money in Ancient China* (New York: Octagon Books, 1974), 233-235.

and Zisi base. Now Duke Mu makes Zisi noble and Libo base, showing that he misunderstood the noble and the base.

以為明君求姦而誅之，子思不以姦聞，而厲伯以姦對，厲伯宜貴，子思宜賤。今繆公貴子思，賤厲伯，失貴賤之宜。¹⁵²

This story is interesting for many reasons, the first of which is Han Feizi's commitment to the virtue of "filial piety" as a marker of treachery. The "Confucian" Zisi *ignores* the fault and condemns interest in such things as emblematic of the petty man. Han Feizi's nobleman was, however, interested in pursuing precisely these petty things.

The second example from the *Han Feizi* similarly involved a kind of pettiness, but here Han Feizi would be more critical. In that story, Zichan of Zheng heard a woman crying when he passed outside her residence. He stopped to listen and then sent an official to question her. They discovered that she had killed her husband. Zichan's servant asked how he knew this. Zichan replied, "The sound of her cry was not painful... Today she was crying over the death of her husband, but she was fearful rather than sad, so I knew there was some treachery." Han Feizi criticized Zichan's behavior:

Isn't Zichan a busybody! If treachery could only be known with the eyes and ears in this way, then few forms of treachery would be found out in the kingdom of Zheng. Zichan did not trust the officials in charge of the city or check with the leaders of the group of five. He did not make clear the norms and measures and relied on keen hearing and sight, belaboring his intelligence to discover treachery. Is this not a lack of method (*shu*)?

子產不亦多事乎？姦必待耳目之所及而后知之，則鄭國之得姦寡矣。不任典城之吏，察參伍之正，不明度量，待盡聰明、勞知慮而以知姦，不亦無術乎？¹⁵³

Here, Han Feizi criticizes Zichan for a brazen reliance on his own personal intelligence. Institutions should not be built on that kind of independent intelligence. They should proceed cautiously, based on evidence and proof.

Wang Chong, I think rightly, sees the contradiction between these two stories in the *Han Feizi*. He thinks that Han Feizi's assessment of the second is correct, but his criticism of Duke Mu is incorrect. In the Duke Mu example, Han Feizi went on to argue that the failure to hear of incipient treachery was the cause of usurpation in Lu. Wang Chong thinks that this misses the point.

If the laws had been clear, even if one did not hear of treachery, there would be no treachery. If the laws are not clear, even if one seeks out treachery every day and tries to cut off its source, law is no more efficacious than trying to block a flood with one's hand.

夫法度明，雖不聞姦，姦無由生；法度不明，雖日求姦，決其源，鄣之以掌也。¹⁵⁴

This is the first part of Wang's criticism. The second part of the criticism involves the proper understanding of "treachery" (*jian*). "Treachery" and "evildoing" (*e* 惡) must be distinguished. Treachery is a kind of duplicity that "appears as virtue" 像類賢行. Treachery is hidden within the

¹⁵² Huang Hui, *Lunheng jiaoshi*, juan 10, "Fei Han" 非韓, 444.

¹⁵³ Ibid., 445-446.

¹⁵⁴ Ibid., 446-447.

heart and will remain there if the laws are sufficiently clear. That is why a ruler should concern himself with making the laws clear and not with seeking out treachery.¹⁵⁵

Wang has identified a key contradiction in the philosophy of Han Feizi. On the one hand, as in the criticism of Zichan, Han Fei deplores the independent cleverness of the ruler. The ruler must defer to public institutions that can check and verify crimes. On the other hand, the ruler wants to know about all forms of treachery, seeking out even hidden treachery lurking beneath otherwise good behavior. As Wang sees it, one cannot have it both ways without destroying institutions altogether. The need for mediating institutional forms that check and verify is, Wang argues, in tension with Han Fei's impulse to bypass institutional mediation and rely on clever, hidden strategems (*shu*) or unverifiable suspicions. When push comes to shove, Han Fei seems to view mediating institutions as the very thing that needs to be viewed with suspicion, thus destroying the possibility of law altogether.

Wang's chapter on Han Fei thus ends by turning Han Fei's image of good rule on its head, arguing powerfully for legal institutions that call for blindness. Han Fei had argued that officials who oversee the law are actually monopolizing the law for their own benefit and thus come to threaten the ruler. Any mediating institution between the ruler and the people should thus be viewed with suspicion. Han Fei deploys the image of a boiling pot and Kongzi's *Annals* to argue against "servants who maintain the laws:"

Now it is clear that water can put out fires. But when a pot comes between fire and water, the water boils and disappears above and the fire is able to flare up below. Water thus loses that by which it can put out fire. Now, those who would govern so as to prevent treachery understand this, but those servants who maintain the laws act like a pot and, keeping their understanding of the law alone in their breasts, lose the means to put an end to treachery. In the traditions from high antiquity and in the records of the *Annals*, those who break the law and accomplish great treachery are always the most revered and noble ministers. The laws and the punishments usually defend against and execute those who are base (*beijian*), thus the people lose all hope and have nowhere to direct their accusations.

今夫水之勝火亦明矣，然而釜鬻間之，水煎沸竭盡其上，而火得熾盛焚其下，水失其所以勝者矣。今夫治之禁姦又明於此，然守法之臣為釜鬻之行，則法獨明於胸中，而已失其所以禁姦者矣。上古之傳言，春秋所記，犯法為逆以成大姦者，未嘗不從尊貴之臣也。然而法令之所以備，刑罰之所以誅，常於卑賤，是以其民絕望，無所告愬。¹⁵⁶

The fear here about law as a mediating institutional force of men with, as Han Fei said just earlier, "weighty power" 重權 who would use the laws that they had monopolized to enrich themselves and overburden the populace. Ruling with this kind of suspicion, however, puts one in a bind. The very same chapter of the *Han Feizi jijie* argues that one should verify and check to make sure that rewards and punishments were carried out according to some standard, but when the very means of verification and checking are viewed with suspicion, there is no way to proceed.

Wang Chong adopts Han Fei's image but reverses the structure. The ruler becomes the fire and not the water. Importantly, Wang does not reject the premise that "servants and sons by nature desire to commit treacheries against their rulers and fathers," but he comes to a very different conclusion. The purpose of institutions is to *prevent* treachery. Rulers should not get worked up

¹⁵⁵ Ibid., 447.

¹⁵⁶ *Han Feizi jijie*, *juan* 5, Chapter 17, "Bei nei" 備內, 117.

about failing to “hear or know” about treachery. Trying to prevent treachery institutionally is different from paranoia about treachery. When treachery happens, it is a failure of ruling institutions and not of the ruler’s failure to know. This is an important difference. “One does not prevent drowning by blocking up the source of water; one does not prevent usurpation by seeking out servants’ treachery.” Referring again to the important logic of self-accusation, the ruler should “blame himself” and Han Feizi should “teach himself” rather than looking outward. The chapter concludes with the reversed image of the boiling pot:

Water by nature puts out fire. If one contains it in a pot then the water boils but does not put out the fire. The ruler is like the fire and servants are like the water. The laws and standards are like the pot. The fire does not seek out the treachery of water and the ruler should not seek out the crimes of the servants.

水之性勝火，如裹之以釜，水煎而不得勝，必矣。夫君猶火也，臣猶水也，法度、釜也，火不求水之姦，君亦不宜求臣之罪也。¹⁵⁷

Laws could be established in a way in which the ruler is able to bring some heat to the institutions without fearing treachery from the “water” above.

Wang Chong’s argument against Han Feizi began with Han Feizi’s desire to turn everything into an objective calculation of benefit and harm. An order based on pure calculation of benefit or efficacy (*gong* 功) is untenable, Wang argues. Indeed, Han Feizi showed through his actions that even *he* was not committed to such an order. Wang Chong accused Han Feizi of a performative contradiction. Wang shows how Han Feizi’s actions betray his teachings. Would Han Fei dare to come to court without a cap or refuse to bow before ruler or father? Does the calculation of efficacy extend even to those modes of showing mutual respect? Would one give up on ritual decorum because it is not as useful as food?¹⁵⁸ Han Feizi, like the parents and children in Jia Yi’s account, misunderstand the relationship between efficacy and esteem. The accusatory order of efficacy relies on a less obvious order, Wang Chong’s “office of the Dao” 道官. To put efficacy first is to put the cart before the horse and destroy the proper arrangement of things. This order is so fundamental that Han Feizi is blind to its workings. He makes his proposal for maximizing efficiency while bowing and speaking politely before his ruler. If all that matters is efficacy, why bother? Wang argues that there is no weight to social distinctions if there is not the visibility of certain actions done without reference to efficacy. “Nothing can be as effective as the *daily visibility* of respected individuals who” act out of duty rather than “for the love of lucre.”¹⁵⁹ The exemplarity of this kind of uselessness works its magic “without people seeing it” 非人所見.¹⁶⁰ Wang gives a beautiful defense of the importance of the “office of the Dao”:

The scholars of the age are the old levies of ritual and right. They exist without benefit, but their disappearance would be harmful. Schools have existed since time immemorial in order to give weight to origins and revere beginnings. Offices and officials were established for this reason. The office cannot be destroyed and the Dao cannot be abandoned. Scholars are officials in the office of the Dao. To abandon them because they are useless is to abandon the Dao.

¹⁵⁷ Huang Hui, *Lunheng jiaoshi*, *juan* 10, “Fei Han” 非韓, 448-449.

¹⁵⁸ Ibid., 431-432.

¹⁵⁹ Shapin, “Trust, Honesty, and the Authority of Science,” 405.

¹⁶⁰ Huang Hui, *Lunheng jiaoshi*, *juan* 10, “Fei Han” 非韓, 435.

The Dao does not demonstrate its efficacy in people, but those who are efficacious rely on it for their success. In the same way, when the foot walks a path, the path it walks is reliant on what is not walked; the body needs hand and foot to move, but relies on what does not move. Therefore, some things are useless, but the useful rely on them; some things are not effective, but the effective depend on them.

儒者之在世，禮義之舊防也，有之無益，無之有損。庠序之設，自古有之，重本尊始，故立官置吏。官不可廢，道不可棄。儒生、道官之吏也，以為無益而廢之，是棄道也。夫道無成效於人，成效者須道而成。然足蹈路而行，所蹈之路，須不蹈者；身須手足而動，待不動者。故事或無益，而益者須之；無效，而效者待之。¹⁶¹

The order of the Dao “gives weight to origins and shows reverence to beginnings,” thus providing distinctions with a weight that goes beyond the calculation of efficacy.

Dignity, Law, and Self-Aggrandizement: Two Local Cases

In the Eastern Han, a certain Zhao Zhongrang 趙仲讓, a “noble gentleman” 高士, was appointed magistrate of Gaotang. He proceeded to Gaotang in secret and changed his name and surname so that he could observe the local situation surreptitiously. He stayed in the *ting* (亭) jurisdiction for more than ten days, “secretly entering the markets and wards to observe and inspect local customs.” At the end of the period, he called the village head (*tingzhang* 亭長) to ask: “Who is the new magistrate? What office does he come from? When will he arrive?” The man responded: “The county has already sent officials to welcome the new magistrate and we expect him to take up residence soon.” To which, Zhao responded: “I am that magistrate.” The village head was terrified and made haste to bow after which he assembled the all of the county officials to meet the new magistrate. The next day he entered the county magistrate’s residence and sent word to the governor of his arrival—only to leave after a few dozen days.¹⁶²

Ying Shao, whose *Fengsu tongyi* 風俗通義 records the story, makes a detailed critique of the magistrate’s behavior:

The *Odes* say: “Do not transgress or forget/but follow the old norms (*zhang*).” The *Zuo Tradition* says: “The old norms and displays (*zhang*) cannot be lacking.” In general, officials are placed in the arrayed offices and statutes and norms (*du*) are made for these offices. Thus, if one can firmly occupy his position, there will be no one looking to take advantage (*jinyu*). Now, Zhao Zhongrang did not first pay a visit to the governor and went straight to the county where he secretly made a record (*die*) of all officials and commoners before he entered the office. The *Analects* says: “When ascending the chariot one must stand straight and take the reins. His eyes must not look about.”¹⁶³ One does not attack those who are unprepared nor look to see peoples shortcomings. The *Record of Rites* says: “If there are two shoes as the door, do not enter.” And, “When ascending the hall, make sure to raise one’s voice.” One is like this even at home, how much more should a major official act in this way!

¹⁶¹ Huang Hui, ed., *Lunheng jiaoshi*, juan 10, “Fei Han” 非韓, 433-434.

¹⁶² Wang Liqi, *Fengsu tongyi jiaozhu*, Chapter 4, “Guoyu” 過譽, 203.

¹⁶³ *Analects* 10.26. *Lunyu yishu*, juan 5, 260.

Gentlemen serve according to the Way. If the people are not shown virtue (*de*), only treachery (*zha*) is left.

詩云：不愆不忘，率由舊章。左氏傳曰：舊章不可無也。凡張官置吏，為之律度，故能攝固其位，天下無覬覦也。今仲讓不先謁府，乃徑到縣，俱謀吏民，爾乃入舍。《論語》：升車，必正立，執綏。不內顧。不掩不備，不見人短見。《禮記》：戶有二屨，不入。將上堂，聲必揚。家且猶若此，況於長吏乎？君子之仕，行其道也。民未見德，唯詐是聞。¹⁶⁴

The tactic Zhao employed to “observe and inspect local customs” was a tried and true technique of rule by manipulation, praised even by the likes of Ban Gu. Ying Shao renders Zhao’s “observation and inspection” as *ju die li min*, which should be read as “made a record” rather than simply “spy on.” A Western Han official, Xue Xuan 薛宣, who later served as chancellor before meeting his end for “cruel surveillance” 苛察, was respected for his “authority and trustworthiness” as governor of Chenliu and later served as Metropolitan Superintendent of the Left (*Zuo pingyi*). There he “secretly sought out the criminal bribes” of corrupt county magistrates and made a record (*die* 牒) of the illicit bribes taken by certain men. With these records, he quietly forced out two local magistrates, one of whom was a “great scholar of renown” 大儒有名 who had treated the people harshly. In the end, he punished more than a thousand men with labor and exile and making illicit gains of several hundred thousand *qian*. His refusal to publicly humiliate these magistrates and their patrons marked Xue’s actions as properly restrained.¹⁶⁵ In other words, tactics like Xue’s had an excellent pedigree and were rewarded with promotion in the Han period. Surely a “noble gentleman” such as Zhao was intending to do the same kind of thing in Gaotang.

Ying, however, provides a careful argument, replete with classical allusions, against such behavior saying that officials must act in the light of day, declaring their presence and *not* seeking to attack people where they are not prepared. This was the ideal of the gentleman who acted within the accepted norms of his office. In other words, the gentleman is supposed to be *seen* but he does not try to *see* too much, in a kind of public ritual hygiene for the empire’s gaze.¹⁶⁶ Officials should not attack from a position of invisibility lest they become a participant in that base world of treachery and moral manipulation. Xue Xuan, for his part, *was* sucked into that world of moral blackmail in which his surreptitious tactics were designed to combat the surreptitious tactics of local county officials who themselves “had the goods” on earlier governors 持郡短長, rendering those governors ineffective.¹⁶⁷ The wickedness of certain local powerholders was a constant temptation to the debasement of gentlemanly rule—often for good gentlemanly reasons.

Ying Shao’s opening remarks to the “Excessive Praise” (“Guo yu” 過譽) chapter in which Zhao’s story appears makes clear how easy it was for a local official to misunderstand his duties, goals, and responsibilities. While the “gentleman’s way was simply loyalty and magnanimity” 君子之道，忠恕而已, more vulgar men were tempted to err in various directions, “mistaking exposure of the hidden and private as being upright, taking hiddenness as being appropriate, bending the law as a form of magnanimity, and duplicity as a way of making a name.”¹⁶⁸ Referring to the *Analects*, Ying

¹⁶⁴ Ibid., 205.

¹⁶⁵ *Hanshu* 83.3387-88.

¹⁶⁶ The arguments here were seen above in Mengzi’s mother’s criticism of her son’s excessive behavior toward his wife.

¹⁶⁷ *Hanshu* 83.3387.

¹⁶⁸ Wang Liqi, *Fengsu tongyi jiaozhu*, Chapter 4, “Guoyu” 過譽, 168.

Shao suggests that these “errors” revealed the character of one’s virtue. That is to say, these were the kinds of errors that well-meaning gentlemen might fall into.

Zhao Zhongrang’s approach to rule was a way of “mistaking exposure of the hidden and private as being upright and mistaking hiddenness as being appropriate.” (See discussion of *Analects* 17.24 above). The alternative to real virtue was a simulacrum of virtue that erred toward excessively refined and suspicious forms of knowledge and discrimination. As we saw in the example of Xue Xuan, such tactics undoubtedly felt justified because many in one’s jurisdiction were themselves so wicked and underhanded. But the failure of an official stay above board in the execution of one’s office would spiral out of control, many thought, leading to the situation Ying Shao described: “If the people are not shown virtue (*de*), only treachery (*zha*) is left.”

The problem was even more complicated than this already complicated picture. Principled and unyielding forms of governance often *appeared* to others—especially those at the business end of imperial institutions—as pettiness in the way just described by Kongzi. This problem appears frequently, but the “Disputing what is worthy” 訟賢 chapter of Huan Kuan’s *Yantie lun* 鹽鐵論 includes a particularly clear rendering of the problem. The Counselor 大夫, argued that two model county officials, Cheng Yong and Hu Jian, who “came up from among the ranks of commoners to be county magistrates,” were a threat to the order of empire because they “disparaged people alone, took themselves to be right and would not join with others” 獨非自是，無與合同. Their unyielding and above board handling of legal cases, especially those affecting powerful people, made them “crazy and unyielding, obstinately destructive and irreverent” 狂狷不遜，忮害不恭.¹⁶⁹ They ultimately met untimely deaths, the Counselor says quoting the *Analects* 17.24, because they “thought surveillance is knowledge, not yielding is courage, and exposing the hidden as uprightness.” The man of learning (*wenxue*), on the other hand, provide a different reading of this. They say:

The two gentlemen had hearts of unadulterated integrity and acted according to the way of whole-heartedness and rectitude. They straightened themselves in serving their ruler and spared no effort in their sacrifice for the common good (*gong*). They held up the law (*feng fa*) and extended its principles (*tui li*). They did not cower before the powerful nor curry favor with intimates. They did not value the nourishment of their wives and children and did not concern themselves with the business of their own family. Nevertheless, they were unable to escape the jealousy of others and were pushed out by the crookedness of the many. It was for this reason that they met with unexpected punishment and their work could not be carried through. When the public family (*gongzu*) is not upright, the laws and ordinances do not function. When the arms of the empire [ministers and officials] are not upright, wickedness arises.

二公懷精白之心，行忠正之道，直己以事上，竭力以徇公，奉法推理，不避強禦，不阿所親，不貴妻子之養，不顧私家之業。然卒不能免於嫉妒之人，為眾枉所排也。其所以累不測之刑而功不遂也。夫公族不正則法令不行，股肱不正則姦邪興起。¹⁷⁰

In perhaps a reversal of (our) expectations, the man of learning (*wenxue*) combine moral rectitude with *feng fa* 奉法, upholding the laws.

¹⁶⁹ Wang Liqi, *Yantie lun jiaozhu*, juan 5, Chapter 22, “Song xian,” 314.

¹⁷⁰ Ibid., 315.

It was this combination of ethics and law, however, that set up an important tension in the discussion of good rule, even as it sought to establish ethical limits on the enforcement of legal norms. The gentleman who acted with “unadulterated integrity” might appear to act *unethically*, insofar as his integrity appeared as a kind of “aloneness” from which he surveilled others. The accusation of moral self-righteousness was always available as a potential condemnation of upright behavior. Enforcement of the law and the maintenance of principle might always appear, in other words, as a kind of “crazy” “irreverence.” While the ideal of perfect institutions was the elimination of “resentment” (*yan* 怨), resentment often found its way in the back door through the failure of—or perceived failure of—the public etiquette of empire. As we saw before, this hostility towards “aloneness” could function in a salutary way as a limitation on excessive surveillance, but it could also function as a critique of *any* form of upright behavior as we see in the *Yantie lun* chapter. It is for this reason, as the *Xunzi* 荀子 already recognized, that the gentleman needed to be particularly careful in the public performance of personal cultivation. The gentleman needed to craft his public self in a way that his cultivation did not insult vulgar men. He could not simply be “alone” or “unique” (*du*). Cultivation required acting in ways that separated one from the crowd without insulting them.¹⁷¹ “Cultivating one’s person alone (*du*)” was *dangerous* because it might insult those who are vulgar and uncultivated. Worse, the failure to cultivate oneself in a way that avoided insulting others might stamp one with a reputation for being uncultivated or simply idiotic.

The goal of cultivation was, after all, to share the world with others. Virtue was difficult because it necessarily distinguished oneself from others and thus threatened the bond that linked all in a shared world. The practice of empire thus had to chart a difficult path between the Scylla of excessive surveillance and “aloneness” 獨 and the Charybdis of excessive magnanimity and “togetherness” 共.

The next example, Wang Chang’s governorship in Nanyang, shows how one might try to navigate the space between the excesses of “aloneness” and “togetherness.”

The imperial order often let wicked men go, both as a matter of fact and as a matter of principle and institution. Not attacking men where they are unprepared meant letting some things go, much to the chagrin of noble and upright characters, as we have already seen. Zhao Zhongrang’s actions might be compared to those of Wang Chang 王暢 (second century CE) who the head of the local Bureau of Merit 功曹 criticized directly in an extraordinary remonstrance. Wang arrived as governor of Nanyang 南陽 sometime in late third century CE. Nanyang, the home of the Eastern Han imperial clan, was a particularly difficult place to govern because of the web of powerful imperial relatives who dominated the locale. A series of governors had failed to bring order to the area, a fact that deeply irritated Wang. From the moment he stepped out of his carriage to assume his position, he began a fierce campaign to overawe and subdue the local powerholders. He left no infraction unexposed. Many of the cases, however, were prematurely ended by imperial amnesty, but Wang, in opposition to imperial order, sought to recharge the cases. “Those who had received bribes in excess of 20,000,000 cash and did not surrender of their own accord would have all of their possessions confiscated. As for those who continued to hide, officials were sent out to tear their houses apart and uproot trees, fill in wells and level stoves.”¹⁷² The locals were stunned.

The Bureau of Merit director Zhang Chang 張敞 wrote a letter to Wang arguing against such policies:

¹⁷¹ *Xunzi jiji*, *juan* 1, Chapter 2, “Xiu shen,” 30.

¹⁷² *HHS* 56.1823.

It is written in the classics that the five forms of teaching are based in tolerance (*kuan*). King Tang cleared away three sides of his hunting net [so as not to excessively entrap] and the people of the eight directions returned to benevolence. When King Wu entered Yin, he first abolished the punishment of walking on hot metals. Gaozu, learning a lesson of the failed Qin, established the law of three sections. Emperor Wen was moved by Tiyang and ended mutilating punishments. Zhuomao, Wenweng, Shaofu, and their ilk, despised strict and piercing punishments and devoted themselves to warmth and magnanimity. Benevolent government was thus carried through later ages.

五教在寬，著之經典。湯去三面，八方歸仁。武王入殷，先去炮烙之刑。高祖鑒秦，唯定三章之法。孝文皇帝感一綈縶，蠲除肉刑。卓茂、文翁、召父之徒，皆疾惡嚴刻，務崇溫厚。仁賢之政，流聞後世。

The net of wise rulers allow fish-swallowing boats to escape. Thus, the three lights are bright above and the people are happy below. This speech sounds fanciful and distant, but its efficacy can be seen around us. Tearing houses apart and uprooting trees is too harsh and while you hope to punish the wicked, such tactics will not make it far [lit. not a way to make one have far-reaching renown]. If the governor would take his supreme intelligence (*zhi*) and the glare of his sun and moon-like perspicacity and apply it to governing with benevolence and kindness, then all within the seas will turn to look. Governance would then be as easy as breaking off branches and no longer as hard as moving mountains...

夫明哲之君，網漏吞舟之魚，然後三光明於上，人物悅於下。言之若迂，其效甚近。發屋伐樹，將為嚴烈，雖欲懲惡，難以聞遠。以明府上智之才，日月之曜，敷仁惠之政，則海內改觀，實有折枝之易，而無挾山之難。¹⁷³

The next part of the letter detailed the cultural heritage of Nanyang and its cultural luminaries before returning to the theme: “Transforming people is a matter of virtue and not punishment” 化人在德，不在用刑。¹⁷⁴ Wang was deeply moved by the remonstrance and shifted to more tolerant (*kuan*) policies and was “careful in his use of punishment.”

Zhang’s remonstrance argues for a shift in the direction of sight. Rather than the “glare of the sun and the moon” surveilling those below with “superior intelligence,” Wang should apply himself to more magnanimous government so that all would “turn to look” at him. The classical reference here is the *Zhuangzi* 莊子, but the argument is in line with the problem of penetrating knowledge (*jie*) seen in the *Analekts* passage above. Interestingly, the reference to the “glare of the sun and the moon” appears in the *Zhuangzi* in two places, one of which is a direct criticism of Kongzi.¹⁷⁵ While besieged in Chen and Cai, a certain Dagong Ren 大公任 visits Kongzi and teaches him how he might avoid such trouble in the future. He says:

You have a mind to fashion your knowledge (*zhi*) to frighten the ignorant and you cultivate yourself to show (*ming*) the filth of others. It’s like you are carrying the sun and moon with you as you walk, brightly shining forth. That is why you cannot avoid death.

子其意者飾知以驚愚，修身以明汙，昭昭乎若揭日月而行，故不免也。¹⁷⁶

¹⁷³ Ibid.

¹⁷⁴ Ibid., 1824.

¹⁷⁵ *Zhuangzi jishi*, *juan* 7, Chapter 19, “Da sheng” 達生, 662; and *juan* 7, Chapter 20, “Shanmu” 山木, 678.

¹⁷⁶ *Zhuangzi jishi*, *juan* 7, Chapter 20, “Shanmu” 山木, 678.

The critic implores Kongzi to return to be “with the many” 與眾人. By “not blaming others, others will not blame one” 无責於人，人亦无責焉.¹⁷⁷ Knowledge, accusation, and aloneness once again join as a set of troubling terms. Persuaded by the speech, Kongzi abandons his students and flees to the wilds where he lives at ease among the animals. Having abandoned his previous “glare,” however, the *Zhuangzi* says that “even the birds and beasts did not despise him, not to mention people!” The way back to being “with the many” required a departure from the arrogant aloneness of knowledge and cultivation as a gentleman among vulgar men. For the *Zhuangzi* commentator Guo Xiang 郭象 this is a parable about “extending proof of one’s utmost integrity” 推至誠之信 by “trusting (ren 任) others and therefore not occupying a place where one might be harmed.”¹⁷⁸

The problem is difficult because it is not only the penetrating perspicacity of a gentleman that threatens to turn into excessive surveillance and the unveiling of the “hidden and private” that is potentially problematic. The very glow of the gentleman who cultivated himself as a model to be gazed upon could insult and humiliate others. Another local, a young Liu Biao 劉表 (d. 208 CE), who would later become famous for his patronage of classical scholarship in Jingzhou 荊州 was very displeased with Wang Chang’s overly frugal demeanor during his tenure as governor. “The powerful families competed with each other to see who could be more extravagant,” but Wang Chang wore simple clothing and rode in an old chariot with a tired horse so as to correct local customs. Liu Biao, who had by this time come to study with Wang, remonstrated:

In extravagance one should not overtake one’s superiors; in frugality one should not impose on those below. Follow the Way and act according to ritual. Value what is between what is permitted and what is not. Qu Boyu found it shameful to be a gentleman alone. The governor does not look to the clear teachings of the sage Confucius and rather admires the practices of Bo Yi and Shu Qi from an age of decline. Is this not to make one’s superiority shine in the age?

夫奢不僭上，儉不逼下，循道行禮，貴處可否之間。蘧伯玉恥獨為君子。府君不希孔聖之明訓，而慕夷齊之末操，無乃皎然自貴於世乎？¹⁷⁹

Wang would not assent to this. He defended his actions by saying that “while it was not virtuous,” acting in the principled way of Bo Yi and Shu Qi would “make the corrupt upright and the cowardly have purpose” 貪夫廉，懦夫有立志.¹⁸⁰

Liu Biao was translating Yang Xiong’s 揚雄 *Fayan* 法言 into a political argument about governance. (Liu would later gather together many scholars in Jingzhou, a key center for Yang Xiong learning producing many now lost commentaries on Yang’s writings.)¹⁸¹ The “clear teachings of the sage Confucius” required, according to the passage in *Fayan* from which Liu Biao’s argument is drawn, working to make oneself “brilliant” and shining, but not excessively so. The *Fayan* passage was, importantly, speaking of Li Zhongyuan 李仲元 of Shu who had attained no real fame, but who had an exemplary character, known locally for his good conduct and public service. While he “did not bend his will, neither did he overtax his own person (*shen*)” 不屈其意，不累其身.¹⁸² Hearing

¹⁷⁷ Ibid.

¹⁷⁸ Ibid.

¹⁷⁹ HHS 56.1825.

¹⁸⁰ HHS 56.1825.

¹⁸¹ Tang Yongtong 湯用彤, *Wei Jin xuanxue lunqao* 魏晉玄學論稿 (Shanghai: Shanghai guji chubanshe, 2007), 23.

¹⁸² Nyman, *Exemplary Figures*, 11.23, 202-203.

this assessment of Li's character, Yang Xiong's imagined interlocutor immediately assumes that he was like Bo Yi or Shu Qi in his moral scrupulousness. (The latter had famously refused to serve the rulers of the Zhou after having been servants of the previous Shang dynasty. They starved themselves to death.) Yang corrects this impression saying Li in fact resided between Bo Yi/Shu Qi and Liuxia Hui, a figure known for his willingness to serve even corrupt rulers, but nevertheless able to keep his integrity in the process. In the *Mengzi*, from which this framework is taken, Kongzi stands between these figures by acting in a "timely" manner in perfect conformity to the circumstances, inhabiting the space that Yang Xiong and Liu Biao call "between the permissible and the impermissible."¹⁸³ The ideal of timeliness, the middle way between what is permissible and impermissible, meant that the most excellent sage would, paradoxically, *not* stand out—or, rather, would not try to make himself stand out. He will not "make his own superiority shine." Liu is stressing a very subtle distinction. Yang Xiong separated "shining" from "superiority." What makes one shining and "brilliant" is the self, but "it is heaven that elevates a person" 皓皓者，己也；引而高之者，天也。 Would an exemplary person "ever want to elevate himself" 欲自高?¹⁸⁴

Wang Chang's actions were questionable because he was trying too hard. His actions here, while not violent like his earlier actions, were nonetheless suspect for similar reasons. They positioned him in a space of unshared superiority from which he could impose himself on others. Wang was, however, unwilling to assent to this kind of criticism. Isn't the whole point of exemplary action to be, well, exemplary? Isn't the whole purpose of cultivation to inspire others? Wang wants to rebut: if my exemplary behavior inspires resentment in others, is that *my* problem? There is a fine line to walk here between virtue and self-aggrandizement. Even in Yang Xiong's discussion of the issue it is difficult in the end to know how to craft one's behavior. In the passage on Li Zhongyuan, Yang concludes that one "uses virtue to make others submit" and not "in order to submit to others." It was for this reason that Li was a "person of truly awesome dignity."¹⁸⁵ The tension is further amplified by the fact that Bo Yi, Shu Qi, and Liuxia Hui *were also* exemplary in that they were not famous in their own age and only later lifted up and praised by Kongzi. While those men were themselves apparently not self-aggrandizing or self-righteous, later men who modeled their own behavior on theirs could be suspected of mechanically copying an ancient model and thus seeking self-righteousness through association with those earlier models. One can see the eyes of Wang's contemporaries rolling, some with resentment and others with a kind of detached sarcasm: *So you really do think you're like Bo Yi? What does that make me then?*

Conclusion

In Wang Chang, we have the fusion of moral righteousness with the scrupulous legalism of a committed official. Wang was persuaded to abandon the latter, but Liu could not persuade him to give up on the former. The reader is supposed to see this, I think, as an argument about the proper relationship between visibility and blindness. The shining visibility of exemplary virtue is preferable to the penetrating perspicacity of legal terror. That argument is clear, but the reader is also to see the internal link between the two. If one is truly "noble" and exemplary, is he not then justified in his attack on the wicked and corrupt men of the age? Is it possible to excise the condemnation of corruption and wickedness from the feeling of moral superiority? The paradox of the visibly blind is exposed in this last anecdote and Liu's Yangzian critique. Moral exemplarity can become so bright

¹⁸³ *Mengzi* 5B/1

¹⁸⁴ Nylan, *Exemplary Figures*, 204-205.

¹⁸⁵ *Ibid.*

that even where it does not tear open houses and uproot trees it can create a kind of moral terror and resentment by making everyone around feel shameful in their own heart of hearts. It accomplishes what legal and institutional violence could never accomplish, namely, shining a bright light into the hearts of men.

CHAPTER 4: GIVING THE BENEFIT OF THE DOUBT: RENEWAL, AMNESTY, AND TRUST

A Culture of Amnesty

An earthquake in Longxi commandery 隴西郡 on *wumu* day of the second month, which destroyed wooden decorations on the walls of the deceased Emperor Xuan's temple and injured buildings and people in Yuandao county, was the proximate cause of the amnesty in 47 BCE. This event prompted a round of imperial self-flagellation about lacking perspicacity and entrapping the people with punishments.¹ Hundreds of miles away in Jiuquan commandery 酒泉郡, local clerks removed the debt of *one rein* from the books:

Cancel [debt for] one rein

出繮一匹

In the eleventh month of the first year of Chuyuan [48 BCE], Stable Assistant Meng Guangyi lost [the rein] and should owe [the cost of it]. This is expunged by the amnesty ordinance of *wuzi* day in the third month [of the second year of Chuyuan, 47 BCE].
初元年十一月中廄佐孟廣意亡當負以三月戊子赦令除²

This extraordinary connection between the biggest and smallest of things is a vivid illustration of a certain vision of imperial majesty. By moving the smallest of things, the emperor became larger. The earth shakes one part of the empire, but the emperor can make the entire empire move. The emperor was a force of nature.

In 25 BCE, a certain Wang Jin 王禁 asked the empire to provide a travel permit and pay for his return home. In the first month of that year, Emperor Cheng amnestied “the convicts of the empire” 天下徒, made gifts of honorary titles and provided loan relief to mark the Xiongnu leader's visit to the imperial court in Chang'an. The *Hanshu* records:

Fourth Year, Spring, First Month: The Xiongnu ruler (*shanyu*) comes to court. Amnesty all convicts of the empire. Bestow a gift of two orders of honor upon the Filial and Brotherly and Excellent Farmers. Do not collect taxes and loans owed [to the government].

四年春正月，匈奴單于來朝。赦天下徒，賜孝弟力田爵二級，諸逋租賦所振貸勿收。³

At the time, Wang was stationed in the jurisdiction of Zhangye 張掖 commandery, one of the farthest western outposts of the Han empire, more than three thousand kilometers from his home in Wei 魏 commandery. Wang's petition—as reported by a local official—reads:

Granary Bailiff Wang, on the *bingwu* (43) day of the second month that begins with *jia Shen* (21) in the fourth year of Heping (lit. “Pacified River”), dares to speak: “Wang Jin, formerly

¹ *Hanshu* 9.281.

² Zhang Junmin 張俊民, “Xuanquan Hanjian suo jian sheling wenshu chutan” 懸泉漢簡所見赦令文書初探, *Jianbo yanjiu* 簡帛研究 (2011): 119 (complete 107-133) Document number VT1311 3:63.

³ *Hanshu* 10.310.

of Wei Commandery, Yuancheng county, Yangyi village, himself requested: ‘In the second year [of Heping] I was assigned to Juyan for border duty. I violated the law and was sentenced. Coming upon the *jiazi* amnesty in the first month, I was released and made a commoner with no orders of honor (*shuren*). I want to return to my former county. I have carefully checked the Statutes, which say: ‘When labor has been completed, if the convict lacks provisions, his former office will prepare a sealed document [authorizing him] to be fed in every county through which he passes [on the way home]. [The counties will] provide the person with what the law stipulates is his due.’ I request that a document be sent to the fords and passes through which I will pass [saying that I] am not to be harshly questioned or delayed until I arrives in Yuancheng and the matter is done.” [Granary Bailiff Wang] dares to request this.

Bingwu day of second month, Ju[yan?] magistrate Bo sends the document to those places through which he will pass. This is in accordance with the statutes and ordinances

Clerk Xuan, Bailiff Wang, Assistant Zhong

河平四年二月甲申朔丙午倉嗇夫望敢言之：故魏郡原城陽宜里王禁自言：二年戌屬居延，犯法論，會正月甲子赦令免為庶人，願歸故縣。謹案律曰：徒事已，毋糧，謹故官為封偃檢，縣次續食，給法所當得。謁移過所津關，毋苛留止，原城收事，敢言之。

二月丙午居令博移過所如律令 掾宣嗇夫望佐忠⁴

The *Hanshu*, as is often the case, does not specify the day the amnesty was issued, a bit of information perhaps unimportant for such a sprawling court history. From the excavated document cited above, however, we know that the amnesty was issued on *jiazi* (1) day of the first month, or the 10th day of the month. The day of the amnesty—and other boons—was of utmost importance for administrators at the local level who recorded amnesties using the day of the sexagenary cycle, sometimes leaving off the year and month altogether.

There are many excavated examples of texts like these showing not only the frequency of amnesty in Han times, but also the bureaucratic labor and imperial resources that went into maintaining the institution. The institution was a key marker of imperial magnanimity and was, along with the institutional practices examined at the end of the previous chapter, a way of embodying the moral ideal of the visibly blind. Amnesty was one way of handling the prevalence of human error in a broken world. Without amnesty and forgiveness, this argument goes, there would be no way to provide people with the physical and psychological space to repair their past errors and, to use the language of amnesty, to return to the *status quo ante* in which they might “begin again” 更始. The amnesty embodied the hope for constant renewal.

Early Chinese political culture was a culture that valued amnesty and forgiveness. This flowed directly from the suspicion of “accusation” discussed in the last chapter. On the one hand, the net of the law should be clearly placed, but, on the other, it also needed big holes so that it would not fall too harshly on subjects and undermine its edifying intent. Amnesty was a form of moral encouragement, a “washing of the heart” 洗心, meant to unleash the strength and energy to fulfill one’s duties.⁵

⁴ Gansu jiandu baohu yanjiu zhongxin 甘肅簡牘保護研究中心, ed., 肩水金關漢簡, vol. 1 (Shanghai: Zhong Xi shuju, 2011), 73EJT3:55.

⁵ HHS 6.264.

The gentlemanly tenderness at the heart of the institution of amnesty is expressed well in an anecdote from the *Zhuangzi*. The anecdote is a dialogue between Lao Dan and Bo Ju about the source of crime in the world. Bo Ju tells Lao Dan that he will

go to Qi and when I see an executed criminal there I will raise him up with my arms and set him on his feet. Removing my court robes, I will drape them over the criminal and cry out to heaven, saying: “Master, Oh Master! You were the first to suffer from the calamities of the world.”

至齊，見辜人焉，推而強之，解朝服而幕之，號天而哭之曰：子乎子乎！天下有大菑，子獨先離之！

To which Lao Dan responded:

Do not rob. Do not murder. Once glory and shame are established, then we can see wherein lies trouble. Once wealth is gathered together, then we can see what people fight over. Today, we establish what is troublesome and gather what people fight over, trapping the bodies of men and employing them endlessly. Is there any way to realize our hope *not* to come to this point? Those who ruled men in the past, thought that success lay with the people and failure lay with the self. Correctness was found among the people and wrong was found with the self. *Thus, if one body lost its integrity, such a ruler would retreat and blame himself* (孜孜).

Today is different. *Rulers hide some things and then call people stupid for not knowing.* They require something difficult and then criminalize those who do not dare. They impose heavy burdens and punish those not up to the task. They lengthen the road and then punish those who do not make it. When the knowledge and strength of the people is exhausted, duplicity follows closely behind. Duplicity increases daily. How could the people not be duplicitous? When their strength is insufficient, they become duplicitous; when their knowledge is insufficient, they become deceitful; when their wealth is insufficient, they become thieves. Who is to blame for the behavior of thieves?

曰：莫為盜！莫為殺人！榮辱立，然後睹所病；貨財聚，然後睹所爭。今立人之所病，聚人之所爭，窮困人之身，使無休時，欲無至此，得乎！古之君人者，以得為在民，以失為在己；以正為在民，以枉為在己。故一形有失其形者，退而自責。今則不然。匿為物而愚不識，大為難而罪不敢，重為任而罰不勝，遠其塗而誅不至。民知力竭，則以偽繼之，日出多偽，士民安得不偽！夫力不足則偽，知不足則欺，財不足則盜。盜竊之行，於誰責而可乎？⁶

The institution of the amnesty the willingness on the part of rulers to acknowledge that crime was, to a certain extent, a symptom of their own failings. The pain of seeing criminals punished was a central part of the imperial image. The late Western Han *Shuoyuan* includes a similar story of the mythical ruler Yu 禹 in a similar encounter with a criminal. The ruler descended his chariot and cried out. His entourage could not understand Yu's despair. “The criminal did not follow the way, thus he came to this. Why is the ruler pained to this extreme?” Yu describes his failure as a ruler, specifically his failure to live up to the model of his predecessors Yao and Shun. The *Shuoyuan* account ends with a quotation from the *Documents* classic: “The crimes of the people are all mine

⁶ *Zhuangzi jishi*, *juan* 7, Chapter 25, “Ze yang” 則陽, 894-895.

alone” 百姓有罪，在予一人。⁷ This kind of self-blame was a way of declaring ultimate responsibility and legitimate rule over everyone. The appearance of anomalies, droughts, floods, and other disasters were all supposed to illicit this response from the emperor. A story of Tang 湯, model founder of the Shang house, in the *Lǐshì chūnqín* shows how he offered up his own body as a sacrifice after a large drought destroyed harvests for five years in a row. His prayer said: “The crimes of ten thousand men are all mine alone.” He then cut his hair and trimmed his nails “offering his body as a sacrificial victim” 以身為犧牲。⁸ Han emperors would regularly turn to this classical language of responsibility in their own justifications for amnesty.

Emperors leaned into the self-aggrandizement that the rhetoric of self-blame made possible. A significant adjustment in the public meaning of imperial power in the reign of Emperor Wen happened along precisely these lines. He made two connected moves. First, he ended the practice of *secretly* praying that faults would be transferred to those below:

The emperor said: It is said that according to the way of heaven, disaster comes from complaint and good fortune comes from virtue. The mistakes of all officials should be my own. Today, the office of secret invocators who move faults to those below displays my lack of virtue. I find this intolerable. Let the institution be ended.

上曰：蓋聞天道禍自怨起而福繇德興。百官之非，宜由朕躬。今祕祝之官移過于下，以彰吾之不德，朕甚不取。其除之。⁹

Not only was secret punishment bad because of its secrecy, it was inappropriate because it situated imperial power as the purveyor of blame. In a related (and frequently misunderstood) passage, Emperor Wen also put an end to punishing people for slander and punishing them for swearing on the imperial genius when making agreements:

The emperor said: When the dynasties of ancient times ruled the empire, they set up in their courts the “flags for advancing the good” and the “boards for recording criticisms.” In this way they were able to carry out their rule successfully and to invite criticisms of their policies. The present laws, however, recognize a category of offenses known as ‘slandorous criticism and accursed talk,’ and because the officials are afraid of being accused of these, they do not dare to express their feelings in full. The emperor accordingly has no way to learn of his errors. Under such circumstances, how can I hope to attract worthy men from distant regions? Let the laws pertaining to these offenses be abolished.

上曰：古之治天下，朝有進善之旌，誹謗之木，所以通治道而來諫者。今法有誹謗妖言之罪，是使眾臣不敢盡情，而上無由聞過失也。將何以來遠方之賢良？其除之。

Commoners sometimes seal agreements by swearing oaths on the emperor. When they later break their agreements, officials punish them for high treason (*dami*). Sometimes people are speaking of different matters, but again the officials believe they are slandering the government. Such acts represent only the stupidity of the petty people who are unaware that they are thereby inviting death. I cannot under any circumstances sanction action against such men. In the future let no one accused of such violations be brought to trial.

⁷ Liu Xiang, *Shuoyuan jiaozheng*, juan 1, “Jun dao” 君道, 8. Ruan Yuan, *Shangshu zhushu*, “Tang gao” 湯誥, 113-2.

⁸ *Lǐshì chūnqín*, juan 9, “Shunmin” 順民, 201.

⁹ *Shiji* 10.427.

民或祝詛上以相約結而後相謾，吏以為大逆，其有他言，而吏又以為誹謗。此細民之愚無知抵死，朕甚不取。自今以來，有犯此者勿聽治。¹⁰

The phrase, “people sometimes swear on the emperor when making binding contracts,” is usually not read in this way. However, this reading is supported by the grammar of the text and by other Han practices.¹¹ Emperor Wen’s changes all point to a repositioning of the image of the emperor as someone whose authority is no longer tied up with blame, accusation, and cursing and is therefore willing to be the object of blame, accusation, and criticism. Refusing to defend imperial honor in the case of perjured agreements sworn in the emperor’s name meant that the emperor was no longer like the covenant gods (*shenming* 神明) who could enforce contracts because they had perfect sight. The emperor as *shenming* 神明 was the way the Second Emperor’s advisor Zhao Gao described imperial rule. The ruler needed to “show his god-like perspicacity (*shenming*) to the world” 示神明於天下. This kind of “showing,” unlike the “showing” discussed before, required him to reside away from others, retreating to the deep inner recesses of the palace. There he would keep confidence with his closest advisors and “have the means to assess things as they came up” 事來有以揆之.¹² For Emperor Wen, the emperor was, ideally and rhetorically, at least, supposed to be sacred in the sense of “sacrificial victim” (*xisheng* 犧牲) and not sacred as a god or spirit (*shenming* 神明). The notion of imperial responsibility required this repositioning.

The Han emperor would defend this new sacred responsibility jealously. A negotiation of fault between Chancellor Yu Dingguo and Emperor Yuan showed the stakes of this clearly. With the appearance of an anomaly in the east, the emperor issued an edict demanding an explanation and looking for someone to blame. Yu Dingguo took responsibility and wrote a memorial “charging himself” 自劾 and then begged to resign. Seeing this self-accusation, the emperor shifted his tone saying that only a sage is without error and only a sage could, in theory, claim full responsibility. Even given that perfection, however, a sage would understand that disasters come from many sources, including the gradual decay of customs, so even a sage would not “monopolize” responsibility. Besides, Emperor Yuan concludes, even he “was not able to be perfectly

¹⁰ *Shiji* 10.424. Watson, *Records of the Grand Historian*, vol. 1, 353.

¹¹ By adding many extra words and double translating *zhuzhu*, Watson, for instance, arrives at this reading of the passage: “There are cases among the common people in which men have banded together under oath to put a curse on the emperor; later, one of the members having broken his oath and reported the matter, the law officials accuse them of high treason.” This is at best an attempt to paraphrase. It makes no sense grammatically to read it as people organizing under oath to curse the emperor.¹¹ *Zhuzhu* 祝詛 was a perfectly common binome meaning “to swear” in Han texts. Wang Chong 王充 for instance refers to the custom of “invoking heaven and swearing” 引天祝詛 in order to “relieve suspicion.” Huang Hui, *Lunheng jiaoshi*, *juan* 9, “Wen kong” 問孔, 415. Furthermore, the use of *zhu*+X as a way of talking about “swearing before” or “swearing on” something is attested in other Han sources. Shaobin 少賓 was known for his integrity and trustworthiness (*chengxin* 誠信), so whenever locals had a conflict, they would say, “Dare you swear before/on Shaobin” (*gan zhu Shaobin* 敢祝少賓)? Those who were dishonest “never dared to speak” 終無敢言. See *Hou Hanshu* 36.1240. Gu Yanwu argued persuasively that this passage should be read as “dare to swear in front of Shaobin” 敢於少賓之前發誓. Gu’s short explanation that “the language of the ancients is condensed” is correct, but imprecise. The *zhu*+X, I think, should be properly understood as “to take X as the agent of the curse” or, in modern English usage, “to swear on,” e.g. “I swear on my grandfather.” The Song *Hanshu* commentator Liu Ban 劉攽 connected Emperor Wen’s edict and the Shaobin passage, arguing that this sort of thing was a Han custom. The emperor was on par with a spirit who could be invoked to guard against perjury. Cited in Wang Xianqian 王先謙, *Hanshu buzhu* 漢書補注 (Shanghai: Shanghai guji chubanshe, 2016), *juan* 4, 173.

¹² *Shiji* 87.2558.

perspicacious” and, in any case, the crimes of the whole world “were his to assume alone.”¹³ This somewhat tortured exchange showed the kind of exemplary give and take that should obtain between emperors and ministers. In the end, however, the buck stops with the emperor and excessive blame incurred below is a threat to his claim to responsibility and an indictment of his authority. When later in locusts descended on the capitol, many wrote memorials blaming various officials (多歸責有司). The emperor issued an edict saying that “The crimes of the ten thousand directions are all my own, but speakers only blame those below, which is of no help to me” 萬方有罪，在予一人，而言事者專咎自下，非助我者也。¹⁴

Amnesty was a key way in which the emperor could claim responsibility and therefore authority, but it was, of course, not necessary that this claim take the form of the general amnesty. In fact, Emperor Wen’s adjustments and his legal reforms went a long in decreasing the meaningfulness of the amnesty. As Tomiya Itaru has powerfully argued in his study of the Qin and Han penal law, a key component of Emperor Wen’s legal reforms was the introduction of set time limits for convict labor punishments, thus reducing the pre-Emperor Wen significance of the amnesty. Before those reforms, amnesty was the means of terminating a sentence. After those reforms, as Tomiya puts it, the establishment of specific sentences “was a type of amnesty.”¹⁵ Tomiya argues that the ideal of legal reform is that set sentence lengths would replace the amnesty and thus seriously curb one avenue in which imperial power might express itself. Emperor Wen’s vision for a self-deprecating and responsible emperor went along with the construction of a more stable and reliable framework of penal law.

I emphasize these complications here because, as we will see, one could be wholeheartedly committed to the ideal of the visibly blind emperor *and* be a vociferous critic of the amnesty. In fact, because the amnesty was so closely tied to the dignity of the emperor and the expression of his power, one could even condemn emperors who turned to the amnesty too frequently for being excessively “Legalist.” From one angle, amnesty looked like a performance of the visibly blind ideal, but from another angle, it looked like perfect evidence of the invisible seer paradigm, a hidden force haphazardly wielding power for his own goals and not the shared goals of imperial institutions. That ambiguity makes the amnesty a key place of contention in the Han imperial system.

Indeed, the Eastern Han writer Cui Shi 崔寔 wrote that the institution of the amnesty was inherited from the Qin. With respect to the general amnesty, “the Han inherited Qin institutions, following them with diligence” 漢承秦制，遵而不越。In fact, according to Cui, the Qin institution had the force of binding precedent so much so that Han Emperor Wen, otherwise reluctant to issue a general amnesty, issued an amnesty only “to show that he was not abandoning the old norms” 示不廢舊章而已。¹⁶ As an explanation of the origin of the Han general amnesty, Cui’s account is solid. One might point to earlier instances of amnesty, but the idea of amnestying a vast empire at more or less regular intervals was almost certainly a Qin innovation. It is then curious, and instructive, that Cui’s account should look bizarre to modern scholars. Yuri Pines, for instance, reads Cui’s account as “clearly counterfactual”:

¹³ *Hanshu* 71.3045

¹⁴ *HHS* 4.182. Cf. *Analects* 11.4 where Kongzi complains that Yan Hui does not help him because he delights in everything he says.

¹⁵ Tomiya Itaru 富谷至, *Qin Han xingfa zhidu yanjiu* 秦漢刑罰制度研究, trans., Chai Shengfang 柴生芳 (Guilin: Guangxi shifan daxue chubanshe, 2006), 107.

¹⁶ Sun Qizhi, *Zhenglun jiaozhu*, 157.

Cui Shi's views of Qin are derisive to the extreme: thus, whenever he mentions the Han indebtedness to Qin's institutions, he does it so as to identify the Qin as the source of Han's manifold maladies. Curiously, he even attributes Han's abuse of amnesties and resultant laxity of Han law to the Qin legacy, an assessment which is clearly counter-factual.¹⁷

Cui's account was clearly not counterfactual, but the reasons why it appears so bizarre to Pines will emerge with even greater clarity later in the chapter. Suffice it to say here that amnesty and forgiveness were such a central part of normal, everyday exchanges that they could, just like the law itself, be applied to very different ends, some of them more corrosive of socio-political order than others.

In the everyday language of the times amnesty and forgiveness appear quite often. We now have some evidence in the form of excavated letters in which we can see how this was an important part of superior/inferior relations. The following letter from the late Western Han denotes forgiveness in language that is quite foreign to us:

You did not immediately execute me, but loaned me the beating on credit [i.e. forgave my crimes]. I returned to life and can see the sun and moon again. Your favor washes over me. It is truly deep, [truly magnanimous].

不即時誅滅，貰貸榜箠，復反得生，見日月，恩澤誠深[誠厚]¹⁸

The writer's interlocutor, probably a superior in the local bureaucracy, had spared the writer some serious punishment, or perhaps the writer wishes to ingratiate himself to his interlocutor by acting *as if* he owes the man his life. In any case, as in many early imperial contexts, the forgiveness is strikingly referred to as a kind of "loan" or "credit" (*shidai* 貰貸). If we feel our way into the text, it's logic works in the following way: the punishment owed was not "immediately" collected, but was converted into a kind of "credit" to be paid back in a future expression of gratitude. Instead of demanding payment right now, the generous man allowed payment to come in a different form over a longer period of time. A more colloquial way of rendering the text into modern English might be: "You did not immediately execute me, but forgave my crimes." This translation is correct, but it obscures the fact that the "beating" was, in a sense, still owed. Forgiveness was an alchemy that converted actual physical punishment into gratitude owed over the long term. Sometimes the *quid pro quo* was made more explicit, as in this letter from the same site:

You, Commander are humane and gracious. You have many times loaned me on credit the punishments owed by law [i.e. you have forgiven me many times]. Your favor washes over me. It is truly deep, truly magnanimous. I, Xiao, have nothing with which to repay you. I kowtow and [beg forgiveness for] my capital crimes. I kowtow and [beg forgiveness for] my capital crimes.

將軍仁恩，數貰罪法，恩澤誠深誠厚，孝毋以復報，叩=頭=死=罪=¹⁹

Understood in Han terms, the talk of 'credit' here implied that forgiveness had the power to create a long term relationship of trust. There was no reason to demand payment up front. By not cashing out the 'beating' now, one could establish the basis for a reliable future relationship.

¹⁷ Yuri Pines, Gideon Shelach, Lothar von Falkenhausen, and Robin D.S. Yates, eds., *Birth of an Empire: the state of Qin revisited* (Berkeley: University of California Press, 2014), 324, note 6.

¹⁸ Zhang Defang 張德芳, *Juyan Xinjian jishi* 居延新簡集釋 (Lanzhou: Gansu wenhua chubanshe, 2016), EPF22:646.

¹⁹ Ibid., EPF22:779+665.

As we saw in the Introduction, the idea of “favor” implied here is highly ambiguous. On the one hand, this kind of exchange might be scripted as evidence of a real moral economy of trust in which each side was willing to risk dependence for the sake of some common good. Alternatively, this kind of exchange might be purely manipulative by holding potential punishment over the other as a way of demanding obedience and loyalty. In the first case, one has virtue among gentleman; in the second, merely virtue between thieves. We know from transmitted sources that “forgiveness” was used in this morally ambiguous way at the local level. In the biography of Zhu Bo 朱博, for instance, we read that he relied on “martial schemes” (*wujue* 武譎) rather than “civil patterns” (*wenli* 文理) to get officials under his command to work for him. Among his schemes was the “willingness to execute, but also to let people go, sometimes even making great amnesties (*dai*)” 敢誅殺。然亦縱舍，時有大貸。²⁰

The need for “patterns” and law to keep these kinds of local excesses in line was a concern for all those committed to a more trustworthy order. Indeed, as Tang commentators to the *Zuoqihuan* freely admitted in their reading of Shuxiang’s criticism of written law, the conditions of unified empire that came about in the Qin and the Han made it such that the law was an important check on fickle and unscrupulous violence committed by harsh local officials. Since the Qin, it was no longer conscionable to be opposed to written law in the way that Shuxiang and Kongzi had opposed written law in earlier times. New imperial institutions made it such that one “could not be without statutes (*li*) for even a single day.” The cruelest of the Han officials, they continued, “killed with confidence and freed whomever they pleased.”

Wanting to prevent the whims of officials’ emotion from arbitrarily applying punishments, it was essential to create laws to bring things to order (*qi*). The laws were announced to the masses in order to command them. If the offense matched what was stipulated in the law, the sentence would be decided according to the statutes. In doubtful cases where decisions could not be reached, then the case would be submitted to higher offices.

復信其殺伐，任其縱舍。必將喜怒變常，愛憎改竟，不得不作法以齊之，宣眾以令之，所犯當條則斷之以律，疑不能決，則讞之上府。²¹

The culture of amnesty at the local level intersected with a culture of mafia-style violence that was not tethered to anything except the emotions of local officials. As Masubuchi’s framework (discussed in Chapter 1) strongly suggested, there is a subtle distinction between the ethics of the knight-errants (*xia*) and the more “refined” ethical and technical approaches of, what he would call, “Confucians” and “Legalists.” As with many things, the distinction may simply be a matter of perspective, but we need to at least map out the framework for the possible disagreement, the grounds and vocabulary of dispute.

Amnesty and forgiveness were fine insofar as they worked toward dignity and provided an occasion for “washing the heart” and encouraging people to hold more firmly to their principles. Such a local strategy of amnesty combined with self-blame can be seen in the following story from the Eastern Han:

The village warden [*tingzhang*] had borrowed an ox from someone and refused to return it. The owner of the ox brought the case to [Lu] Gong. Gong called the village warden in and ordered

²⁰ *Hanshu* 83.3402.

²¹ Ruan Yuan, *Zuoqihuan zhushu* 左傳注疏, in *Chongkan Songben Shisanjing zhushu* 重刊宋本十三經注疏 (Taipei: Yiwen yinshuguan, 1965), Duke Zhao, Year 6, 751-1.

him, on several different occasions, to return the ox. He still would not follow these orders. Gong sighed: “My attempt to educate and transform people (*jiaohua*) isn’t working.” He removed his official seal and began to leave. His clerks wept and asked him to stay. The village warden was so ashamed that he returned the ox. He then presented himself to the court officials to accept his crimes. Gong forgave (*shi*) him and inquired no further into the matter. All of the officials thus trusted and submitted to him.

亭長從人借牛而不肯還之，牛主訟於恭。恭召亭長，敕令歸牛者再三，猶不從。恭歎曰：是教化不行也。欲解印綬去。掾史泣涕共留之，亭長乃慚悔，還牛，詣獄受罪，恭貰不問。於是吏人信服。²²

Lu achieves his institutional ends through a combination of self-blame and forgiveness. His failure to directly criticize the “thief,” which was of course well within his rights and responsibilities, brought about shame. By not openly accusing the criminal, the implicit accusation lands with even more force.

As part of an unhinged tactic for making people act under fear of punishment, the amnesty was less than noble. Indeed, because it was so closely related to “credit” and “debt”—the word itself meant “to loan”—it was easily tied to the most manipulative tactics of making demands of payment from other people. These tactics did not put a premium on the humility of self-accusation. The cruelest men were not vile simply because of their love of violence, but because their violence was always tinged with the kind of petty morality of demands for payment. As the Tang commentators I think rightly saw it, some imperial officials made up for their lack of a real moral relationship to their subjects with the kind of mafia morality of payments, personal loyalty, generosity and violence. This is why Wang Chong, in his discussion of the distinction between *ru* 儒 and *li* 吏, views the latter not as scrupulous men who follow the letter of the law, but rather as men who have no backbone and can be bought and made to act towards any number of unscrupulous ends.²³

Considering the conditions under which local officials were working as well as the potential threat official violence might pose to good rule, *good* local officials *and* the emperor all had an interest in maintaining some level of balanced flexibility in administering the realm. Ban Gu’s history would praise Zhang Chang 張敞 (fl. mid-first century BCE) for “itemized teachings” (*tiaojiao* 條教) in which he “decorated himself in scholarly (*ru*) elegance, made it so his punishments were necessarily carried out and his amnesties were measured.”²⁴ That was the view from a local level. Seen from the perspective of imperial (and not local) power, even one of the amnesty’s harshest critics, Wang Fu 王符, would leave room in his theory of law for those things “that were shared with the many” 與眾共, namely, the laws that came down from the past, *and* the “occasional amnesties” (*shi dai zhi* 時貸之) and ordinances in which the emperor “commanded people alone” 獨制人.²⁵

On balance, however, the critics of amnesty, almost all of whom would be later labeled “Confucians,” thought that imperial self-blame would be better turned against problems of institutional design rather than “occasional” and “prudent” (*quan* 權) amnesties issued haphazardly. In this regard, Emperor Wen provided an important model. He reformed institutions and, simply out of respect for the shared and inherited institutions from the Qin, carried out only one amnesty during his reign. The commitment to the inherited and the inheritable was the key focus of amnesty critics. Even in the face of admittedly cruel local officials, an even-handed minister like Kuang Heng

²² HHS 25.874.

²³ Huang Hui, *Lunheng jiaoshi*, *juan* 12, “Liang zhi” 量知, 548-549.

²⁴ *Hanshu* 76.3240.

²⁵ *Qianfu lun jiaozheng*, *juan* 6, 210.

匡衡 would reject imperial amnesties as pointless if underlying institutions were not fixed. This helps explain the somewhat unexpected fact—from our perspective—that the “Legalist” Qin was not only the source of the Han institution of amnesty, but also criticized for, among other depravities and violence, issuing a general amnesty in its final year. We will return to that problem after examining briefly three scholarly accounts of the import and significance of the amnesty.

Scholarship on Amnesties

In the scholarly literature there are two major reductive readings of the general amnesty that I resist. Brian McKnight in his landmark study of Chinese amnesties, *The Quality of Mercy*, argued that the “imbalance” between “police power” and “judicial and penal systems” was the “root problem” which led to the institution of the general amnesty. Local officials were very competent at apprehending criminals, which created “an unmanageable burden of cases and prisoners.”²⁶ As a solution to this problem, the general amnesty “was suggested by Chinese beliefs and supported by political sagacity.”²⁷ It was a practical political solution to a practical political problem. “When speaking for the record and for posterity they quite understandably phrased their appraisal of the amnesty system in terms of sovereign grace. We need not assume they were so pious as to believe what they were saying.”²⁸ However, there are a number of reasons to resist the fundamentally suspicious and reductive interpretation of the institution.

First and foremost, there is little or no contemporary evidence for such an interpretation. McKnight admits as much and attributes the silence to the peculiarities of Chinese political culture, ignorance, or both:

We should not expect that authorities compelled to clear accounts in this way would blatantly say they were doing so because they had no choice. Many officials do not seem ever to have been wholly clear about the roots of the problems. Even if the system was understood, people would certainly shy away from discussing it candidly. Chinese officials were politicians, men finely attuned to the art of making unavoidable decisions seem the products of subtle and wise choice. To admit that they were coerced by circumstances would be to demean their worth, to throw into doubt their capacity to rectify affairs through the exercise of personal, moral, intelligent choice.²⁹

This analysis begs too many questions. The assumed reticence is, as far as I can tell, imagined. Officials regularly were candid about the failures of imperial law, especially the way light punishments and frequent amnesties *encouraged* aggressive police power.³⁰ They had few illusions about the failures of the empire and were frank about the excesses of local officials. All of these things threw doubt on the “capacity” of high officials and the emperor to “rectify affairs through the exercise of personal, moral, intelligent choice,” yet they were nonetheless freely discussed.

On the lookout for early Chinese officials willing to speak the truth, McKnight finds Liu Song 劉頌 (d. 300), a Commandant of Justice 廷尉 in the Jin dynasty (280-420). It is “startling when we

²⁶ Brian E. McKnight, *The Quality of Mercy: amnesties and traditional Chinese justice* (Honolulu: University of Hawai'i Press, 1981), 117.

²⁷ *Ibid.*, 119.

²⁸ *Ibid.*, 118.

²⁹ *Ibid.*, 117.

³⁰ See, e.g., *Hanshu* 23.1100.

find a man who says bluntly, unblushingly, and for the record, that in his day the general opinion among officials was that the amnesty system was forced on the state by the government's inability to handle the flood of cases in any other fashion."³¹ However, careful consideration of this lone source shows that the issue is actually not a flood of cases, but the problem of criminals absconding. When convicts flee and are then caught they incur longer sentences, thus increasing the number of people in government custody. Limits on punishment become meaningless, because punishments are compounded endlessly. McKnight's smoking gun evidence is referring to precisely this problem: "The more people abscond, the more detained prisoners there are to be cared for. Some argue, saying: 'Prisoners cannot but be amnestied.' 亡者積多，繫囚猥畜。議者曰：囚不可不赦。"³² We do not know the precise warrant for why some people suggested this solution, but it was not directed at an overload of *cases*. It was an attempt to place a term limit on punishment. Placing men in a hopeless situation and then punishing them over and again for fleeing their places of work was, arguably, the height of cruelty. By offering a periodic amnesty, prisoners might look forward to their release and not flee. In other words, humane amnesty was the most *practical* and *expedient* solution to the problem. It is entirely possible, then, that this "blunt" official was not a cold-blooded realist in McKnight's sense, but actually believed that amnesties worked *because* they were benevolent.

Liu Song did not have this optimism that convicts might respond to humaneness. They were "by nature fundamentally crooked" 性元惡 (cf. his *benxing jianxiong* 本性姦凶) and could not be trusted.³³ For this reason, resurrecting mutilating punishments had the combined value of preventing flight and preserving a labor force. Opposed to cash redemptions as well, Liu argued, "if wealthy convicts can [redeem themselves] by sending money and then return home after they are released, there would be no one to work" 令徒富者輸財，解日歸家，乃無役之人也。³⁴ This part of Liu Song's argument actually works directly against McKnight's basic thesis. Liu was apparently concerned that convict laborers would be *insufficient*, not that it would be too much. The cruel calculus of Liu's proposal is on full display in the following lines:

After these types have been mutilated, they can then each return home to their parents, wives and children who will take care of them. They will not wander the roads as vagrants. When they have recovered from their injuries, they can be worked again. The standards of the past and ancient institutions employed them in tasks as appropriate. Even though they have been mutilated by punishments they are not wasted (and yet they are no longer cause for worry) and can still reproduce and propagate with ease.³⁵

此等已刑之後，便各歸家，父母妻子，共相養恤，不流離於塗路。有今之困，創愈可役，上準古制，隨宜業作，雖已刑殘，不為虛棄，而所患都塞，又生育繁阜之道自若也。³⁶

This underscores the problem as Liu Song sees it. He is not worried about the burdens imposed by excessive police power, but the accumulated punishments of those already caught. Indeed, he hopes that he can restore these mutilated men to the government's convict labor force as soon as they are

³¹ McKnight, *The Quality of Mercy*, 117.

³² *Jinshu* "Xingfa zhi," 30.932. McKnight translates (p. 118): "Those who escape are a multitude; prisoners still held have accumulated in great numbers. Those who discuss it say, 'As for those in custody, there is no way but for us to amnesty them.'"

³³ *Jinshu* "Xingfa zhi," 30.932.

³⁴ *Ibid.*

³⁵ *Jinshu* 30.932.

³⁶ *Ibid.*

healed up. Starting from the premise that convicts are essentially rotten to the core, it follows that an amnesty cannot be effective. Here Liu Song is not talking about an overflow of cases, he's talking about the most effective way of processing those caught and eliminating the flight risk. In a word, he's arguing for reviving the sagely institutions of mutilation.

Liu Song's memorial highlighted the multiple needs of the empire in managing convicts. The need for labor must be balanced against the capacity for caring for that labor force. These were connected to time limits on punishment. Looking at excavated travel permits like the one cited above, one could argue for something like this calculus in the implementation of amnesties. Far from periodically relieving local administrators of their burdens, though, the general amnesty presupposed the existence of complex bureaucratic technologies and demanded the expenditure of local administrative labor. The nature of many amnesties meant that convicts were not freed immediately, thus necessitating the maintenance of individualized dossier over long periods of time and the outlay of resources to sustain the bodies of workers. Implementing an amnesty also meant expenditures of grain devoted to feeding released convicts on their way home. The timing and specific conditions of each amnesty could, in theory, be crafted to take into consideration these needs and expenditures.

Kao Chen-Huan's study of convict labor in the Qin and Han empires highlights the labor/expenditure calculus as a "practical" function for the amnesty. Rather than focusing on the imbalance between police power and judicial systems, he focuses on the balance between the need for free convict labor and the burden of oversight and provisioning. His dissertation views the problem of convict labor management as the angle from which to view not only amnesties, but Han legal reform more generally. This is a fascinating hypothesis and is productive of new interpretations for old problems. His interpretation of imperial amnesties and their attendant rules regarding "redemptive labor" (*fù zuò* 復作)—rules that reduced a convict's sentence, but did not immediately free her—follows from this central hypothesis:

If different periods of "redemptive labor" are given according to the relative harshness of punishment, then [the government] can adjust the length of "redemptive labor" according to its needs so that government offices are not suddenly emptied of people after an amnesty. At the same time, convicts who are a burden for the government can be gradually released. If the number of convicts is too high, then an amnesty can be issued "without the need for redemptive labor" 無所復作.³⁷

In the same vein, he views convict labor management as *one aspect* of Emperor Wen's 文帝 legal reforms. The elimination of mutilating punishments would have allowed the government to more successfully use free labor, even while the new term limits for punishment would limit the number of convicts under government control at any given time.³⁸ (This makes intuitive sense, but Liu Song provides some evidence that, given the flight risk, a mutilated convict might make for a more reliable worker.)

Gao's hypothesis, like McKnight's, rests on the assumption that there must be a better explanation for the general amnesty than the stated one. However, the assumption that amnesties were applied with some kind of surgical precision, while not impossible, is also not supported by contemporary evidence. Liu Song does allude to "working men as needed" 隨宜業作 and there is some evidence that as early as the Qin, the government had a certain degree of centralized knowledge

³⁷ Kao Chen-Huan 高震寰, *Cong laodongli yunyong jiaodu kan Qin Han xingtu guanli zhidu de fazhan* 從勞動力運用角度看秦漢刑徒管理制度的發展 (PhD Diss., National Taiwan University, 2017), 87.

³⁸ Ibid., 2.

about the allocation of convict labor throughout the empire. A Qin ordinance from sometime shortly after 221 BCE directs the governor of Cangwu commandery to “equally apportion [convicts] to places where there are few” 蒼梧守均處少人所.³⁹ In year 34 of the First Emperor of Qin’s reign [213 BCE], local officials in Qianling 遷陵 county were written up for not informing the Imperial Counsellor for the Administration of Slaves 治虜御史 about a shortage or absence of convict labor. With such knowledge, the Counsellor could then “equally apportion and provide” 均予 laborers as needed.⁴⁰ Both of these pieces of evidence show that knowledge was piecemeal, even if some notion of “equal apportionment” was to a certain degree possible. More importantly, however, this shows that the geographic variation was such that an amnesty could not possibly satisfy the needs of every single county office in the empire, unless the terms of an amnesty could be individually tailored to local needs. They were not.

On balance, it is likely that the implementation of amnesties with provisions for “redemptive labor” (Western Han only) and/or “relaxed punishments” 弛刑 were compromise gestures made towards critics of amnesty, of which there were many, and reflected the empire’s *real* practical need for labor and cash. However, the amnesty was an institution that took its core meaning from its gratuitousness. Attempts to rationalize it by finding out what it was *really* about deprive the institution of its meaning—*both* for its critics *and* its defenders. Amnesties took their meaning from the way they augmented imperial majesty, presupposing an authority capable of cancelling accumulated debts and restoring society back to some *status quo ante*. Critics recognized the amnesty for what it was, namely, a gratuitous gift that, by their lights, betrayed a basic trust in the notion that bad behavior must be punished and debts paid. The amnesty, more than other imperial gifts, seemed particularly heinous precisely because it only benefited the wicked.

McKnight argued that “we need not assume they were so pious as to believe what they were saying” when we read Chinese officials speaking about rule by virtue or rule by benevolence. Understood in a different light, this is exactly right. One of the most stunning facts in the history of the imperial amnesty is that so many of the men apparently most committed to rule by virtue—many 儒—were outspoken opponents of amnesty. Conversely, even the cruelest of emperors embraced the amnesty. The argument put forward by emperors in defense of general amnesties followed so neatly from the classical writings. If the empire is tasked with the tutelage (*jiaohua*) of its subjects, the criminal behavior of subjects is a failure of the empire. If the emperor is the father/mother of the people, then compassion and forbearance were surely called for. Finally, if rule by virtue has any substance, it should at least have faith in the ability of favor and magnanimity to move another person—to shame, to loyalty, to reverence. As we will see below, Han classicists, 儒, were rarely if ever so pious to believe in these things, at least at the scale of the empire as a whole. They put their trust in constant standards, shared norms, and laws. But the general amnesty continued *in spite* of their objections. Wang Fu’s rhetorical question spelled out the exasperation of a 儒 confronted head on with his own premises: “A sage ruler truly loves [his subjects] as one would love a son, but if the latter has a mind to kill or injure, is it really a crime for a sage to execute him?”⁴¹ Isn’t it? Wang Fu assumes it would be crazy to answer in the affirmative.

The contradiction between overwhelming (benevolent) power and an ethics of cultivation appeared in the late Roman context as well. In a stimulating article, Peter Brown has told the story of “the decline of the empire of God” in the Roman empire, wherein the idea of a general amnesty

³⁹ Chen Songchang 陳松長, ed., *Yuelu shuyuan cang Qin jian (wu)* 岳麓書院藏秦簡 (伍) (Shanghai: Shanghai cishu chubanshe, 2017), slips 17, 44.

⁴⁰ Chen Wei 陳偉, *Lǐyē Qínjiàn jiāoshì (Dì yī juàn)*, 8-759, 217.

⁴¹ *Qianfu lun jiaozheng*, juan 4, 123.

powerful enough to “wipe clean the slate of human sins” gradually gave way to a notion of penitence, a “care of the self” whereby one could atone for and purge one’s sins.⁴² He tells the fascinating story of how the ideals of Roman philosophers intersected with the beliefs and practices of northern European Christianity, conniving to rid the world of an emperor-God capable of unconditional forgiveness. Northern European Christianity grew up in “a land without amnesty.”⁴³ “Life was controlled horizontally, as it were. It involved the unremitting accumulation and paying-off of obligations; the making of honor payments to ‘restore the face’ of injured neighbors; the offering of mutual sureties,” etc.⁴⁴ Roman philosophers, for their part, put forward an ideal of self-cultivation as the antidote to the presence of a fickle emperor:

The moral world of the classical philosopher had always been characterized by a carefully maintained vacuum of power. Slow and authentic self-transformation, pursued without fear or favor, was the upper-class philosopher’s answer to the proximity of overwhelming power. The sage’s actions took place in pointed contrast to an ever-present alternative—the exercise of power by a ruler capable of wielding vast authority in a largely unconsidered manner. Unlike the sage, the ruler was capable of reckless acts of generosity as he was of crushing severity. Neither were morally valid actions. Philosophers did not act in this manner, nor, ideally, did they depend on the good graces of those who did so.⁴⁵

This could have been a description of a certain moral ideal in the Han empires as well. An empire of favors was unpredictable and untrustworthy. Worse, it was in an unintended alliance with the worst elements of society. The cultivated and the good would have to bear the burden of this reckless favor without any of the benefits. By referring to “good” or cultivated men, the burden of tutelage was shifted from the empire to the “good family” (*liang jia*). Blanket redemption looked like a free pass for those who could not care for themselves.

Furthermore the amnesty could not do what the procedures of the law could do, namely, clear one of all guilt. A gentleman falsely accused and imprisoned could find no solace in the imperial amnesty. The amnesty was an affront to his very dignity, a kind of pitiful charity given to someone who was rich enough to stand on his own two feet. This is clear in the story of Zhang Pan 張磐 (second century CE), who refused to leave the local prison after an amnesty, saying:

Among affairs, there are those that are real and those that are false. In law, there is right and wrong. I am, in fact, innocent so there is no crime to be removed via an amnesty. Could I bear this kind of unprincipled escape from punishment, I would forever have the shame of humiliation. In life, I would be a bad official and in death a worthless ghost. I beg that you take Shang to the Commandant of Justice and make him face questioning so that what is real and what is false (*zhen wei*) can be made clear. Otherwise, bury my bones in this prison cell, I will not leave on a false pretense and incur this wrong.

⁴² Peter Brown, “The Decline of the Empire of God: Amnesty, Penance, and the Afterlife from Late Antiquity to the Middle Ages,” in *Last Things: Death and Apocalypse in the Middle Ages*, eds., Caroline Walker Bynum and Paul Freedman (Philadelphia: University of Pennsylvania Press, 2000), 46.

⁴³ Ibid., 52.

⁴⁴ Ibid.

⁴⁵ Ibid., 47.

夫事有虛實，法有是非。磬實不辜，赦無所除。如忍以苟免，永受侵辱之恥，生為惡吏，死為敝鬼。乞傳尚詣廷尉，面對曲直，足明真偽。尚不徵者，磬埋骨牢檻，終不虛出，望塵受枉。⁴⁶

As *Analects* 4.11 put it, “The gentleman holds norms in his breast; the petty man holds favors.”⁴⁷ Rule by virtue and ritual both required, to a certain degree, giving others the benefit of the doubt, but amnesty was thought to be completely different. It encouraged men to look for “unprincipled escape from punishment” (*gou mian* 苟免) and favors where they should think of norms. On this point, rule by virtue and ritual could be thought of as the true basis on which rule of law could be built. Amnesties, from this perspective, entered the realm of “political techniques” (*zheng* 政) and “punishments” (*xing* 刑) and, for many critics, no longer had any basis in a proper understanding of imperial virtue.

Amnesties and their “Confucian” Critics

The Historical Importance of Correct Punctuation

Debates about the punctuation of an old text usually do not deserve to be liberated from the footnotes, but this sentence from Jia Yi’s famous “Faulting the Qin” is different. Jia Yi, the great critic of Qin cruelty, listed the Second Emperor’s general amnesty of 209 as one of the emperor’s many “immoral” 不道 actions. The *Shiji* “Chronological Table of the Six Kingdoms” 六國年表 records the general amnesty issued in the first month of the Second Emperor’s reign:

On day *shuyin* (15) in the tenth month [Qin first month] of the first year of the Second Emperor’s reign, a general amnesty of criminals [was promulgated]. In the eleventh month, the Rabbit Garden was built. In the twelfth month, E’pang Palace was started. During the following ninth month, the commanderies and counties all rebelled. The Chu army made it to Xi. Zhang Han attacked and pushed them back.

二世元年十月戊寅，大赦罪人。十一月，為兔園。十二月，就阿房宮。其九月，郡縣皆反。楚兵至戲，章邯擊卻之。⁴⁸

There is direct evidence of the Second Emperor’s amnesty excavated from an ancient well in Hunan. The Second Emperor’s edict was discovered in one of nine wells excavated in Yiyang city, Hunan province in 2013. This evidence is important because it uses the precise language Jia adopts in his criticism of the amnesty in the “Essay.” The edict, issued early in the Second Emperor’s reign, is *not* the amnesty itself, but it refers to the amnesty already issued sixteen days earlier:

The empire has lost the First Emperor and everyone is suddenly fearful and deeply saddened. I accept and hold up the First Emperor’s final instructions: Today, the rites of the ancestral temples are to shine forth (*zhao*) so that those who had great merit and virtue in the making of perfect rule will all be clearly known to all (*ming*). Deletions and emendations that should be made to the statutes and ordinances will be completed by me. In the First Year the commoners have been given a new beginning and all will be released from their past crimes.

⁴⁶ *Hou Hanshu* 38.1287.

⁴⁷ *Lunyu yishu*, *juan* 2, 89.

⁴⁸ *Shiji* 15.758.

That [amnesty] ordinance has already been promulgated. I will now personally make a tour to bring comfort to the empire's officials and commoners. Prepare the affairs for my tour but do not on that account harass the commoners with excessive labor or tax and do not on that account exact harsh punishment on county officials for petty things. Promulgate this edict immediately.

天下失始皇帝，皆遽恐悲哀甚，朕奉遺詔。今宗廟吏（事）及箸以明至治大功德者具矣，律令當除定者畢矣。以元年與黔首更始，盡為解除故罪，令皆已下矣。朕將自撫天下／吏、黔首，其具行事，毋以繇（徭）賦擾黔首，毋以細物苛劾縣吏，亟布。⁴⁹

The edict was sent out from the capital in the tenth month of the First Year on *jianmu* (31) day, sixteen days after the amnesty was promulgated, and reached the commandery offices twenty-four days later on *shumu* (55) day in the eleventh month.

Jia Yi plainly criticizes the Second Emperor for giving the people this “new beginning,” but in all modern editions of the *Shiji* 史記 and critical editions of Jia Yi's *Xinshu* 新書 the text's clear meaning has been punctuated out of existence. The discovery of new materials has allowed us to correct this punctuation error, but scholars are still trying to salvage the older interpretation of Jia Yi's “Faulting the Qin” through creative readings around the newly corrected punctuation. The sentence in question is the following, left unpunctuated:

二世不行此術而重之以無道壞宗廟與民更始作阿房宮。

There are two related ways of reading this line. The first deletes the five characters 壞宗廟與民. I will call this the Xu Guang 徐廣 (352-425) reading, for reasons discussed below. After the deletion of the characters, we are left with this reading, translated here:

The Second Emperor, however, did not adopt such policies, but made the situation even graver by his departures from the Way, **resuming construction of Epang Palace.**

二世不行此術，而重之以無道，更始作阿房宮。

The phrase *gengshi* becomes an adverbial phrase describing *zuo*. The text as we have it today is punctuated and read on the basis of this emendation reported in Xu Guang's *Shiji yinyi* 史記音義 as cited in Pei Yin's 裴駟 (5th century) *Shiji jiji* 史記集解. Every translation of the *Shiji* into modern Chinese, English, French and Japanese and all current text critical editions of the *Shiji* and Jia Yi's work perpetuate the emendation of that early *Shiji* manuscript seen by Xu Guang.⁵⁰ Seeing that *gengshi*

⁴⁹ I follow the readings of Chen Wei and He Youzu who have clarified the readings of characters in this difficult to read document. See Chen Wei 陳偉, “Qin Ershi yuan nian shiyue jiaowu zhaoshu jiaodu” 秦二世元年十月甲午詔書校讀, *Bamboo and Silk Manuscripts*, 6-14-2015, http://www.bsm.org.cn/show_article.php?id=2259; He Youzu 何有祖, “Qin Ershi yuan nian shiyue jiaowu zhaoshu bushi” 秦二世元年十月甲午詔書補釋, 11-24-2015, http://www.bsm.org.cn/show_article.php?id=2373.

⁵⁰ Editions of Jia Yi's work: The following editions of Jia Yi's work punctuate the text, *huai zongmiao yu min, gengshi zuo e'pang gong* 壞宗廟與民，更始作阿房宮: Jia Yi, *Xinshu* 新書 (Zhijiang shuju Ju Lu shi Baojing tang ben 淞江書局據盧氏抱經堂本, 1901), 6 (e'pang zhi gong); Lu Wenchao 盧文弨, ed., *Xinshu* (Shanghai: Shangwu yinshuguan, 1937), 4; Ding Zhirong 丁智榮, *Jia Yi Xinshu yizhu* 賈誼新書譯註 (Ha'erbin: Heilong jiang renmin chubanshe, 2003), 11; Yan Zhenyi 閻振益 and Zhong Xia 鍾夏, *Xinshu jiaozhu* 新書校注 (Beijing: Zhonghua shuju, 2000), 15; Wu Songgeng 吳松庚, *Jia taiji Xinshu zhuyi* 賈太傅新書注譯 (Changsha: Hunan renmin chubanshe, 2006), 9. This text translates the passage as

更始 could be left alone as an adverbial phrase, as in Xu Guang's manuscript witness, modern readers feel justified in dividing *yumin* 與民 from 更始 and give the following reading:

The Second Emperor, however, did not adopt such policies, but made the situation even graver by his departures from the Way, destroying the ancestral temples and people and resuming construction on the Epang Palace.

二世不行此術，而重之以無道，壞宗廟與民，更始作阿房宮。

Yumin 與民 thus becomes “and people,” thus connected to the earlier phrase about the destruction of the ancestral temples. The problem is, of course, that *yumin gengshi* 與民更始 is a well-attested phrase referring to amnesties and should not be separated into component parts of two different phrase. The correct reading of the text should be:

The Second Emperor, however, did not adopt such policies, but made the situation even graver by his departures from the Way, destroying the ancestral temples, beginning again with the people [i.e., amnestying criminals] and constructing the E'pang Palace.

“Destroys the ancestral temple, oppresses the people and begins construction on the E'pang Palace again 毀壞宗廟，迫害百姓，還重新修建阿房宮” (p. 11); Jia Yi, *Jia Yi ji* 賈誼集 (Shanghai: Shanghai renmin chubanshe, 1976), 6; Fang Xiangdong 方向東, *Jia Yi ji hui jiao ji zhu* 賈誼集匯校集注 (Nanjing: Hehai daxue chubanshe, 2000), 24; The following edition deletes the phrase *huai zongmiao yu min*, leaving *gengshi zuo e'pang zhi gong* 更始作阿房之宮 to follow directly after *zhong yi wudao* 重以無道: Wang Zhouming 王洲明 and Xu Chao 徐超, *Jia Yi jijiao zhu* 賈誼集校注 (Beijing: Renmin wenxue chubanshe, 1996), 13. Editions of the *Shiji*. All punctuated editions I have consulted punctuate it as *huai zongmiao yu min, gengshi zuo e'pang gong* 壞宗廟與民，更始作阿房宮: Sima Qian 司馬遷, *Shiji* (Beijing: Zhonghua shuju, 1982), 284; Takigawa, Kametaro 瀧川龜太郎, *Shiji hui zhu kaozheng* 史記會注考證 (Taipei: Hongye shuju, 1975), 130. Huo Songlin 霍松林 and Zhao Wangqin 趙望秦 *Song ben Shiji zhuyi* 宋本史記注譯 (Xi'an: San Qin chubanshe, 2011), 240. The translators translate the text as: “Destroys the ancestral temple and makes the people undergo suffering, begins construction on the E'pang Palace again 敗壞宗廟使人民遭殃，重新建造阿房宮” (p. 240). Édouard Chavannes, *Les Mémoires historiques de Se-ma Ts'ien*, vol. 2. (Paris: E. Lerous, 1895-1905), 235. Chavannes translates the text as: “Il ruina le temple ancestral aux yeux du peuple; il recommence a construire le palais Ngo-pang” (p. 235). There are several sources that punctuate the text correctly, namely leaving *yu min gengshi* 與民更始 together as a unit, but their reading of the text is either unclear or they suggest other emendations. Yu Yue 余樾, *Zhuqi pingyi* 諸子平議 (Shanghai: Shangwu yinshuguan, 1935), 544. Yu argues that the phrase *yu min gengshi* should be placed after the phrase *bu xing ci shu* 不行此術, thus giving the alternate reading discussed below. *Jia Yi Xinshu zhuzi suoyin* 賈誼新書逐字索引 (Hong Kong: Commercial Press, 1994), 4. The editors punctuate the text as is but cite Yu Yue to note that the phrase should be moved as per Yu's suggestion. “*Guo Qin Lun shuzheng* 過秦論疏證,” in Jiang Runxun 江潤勳, Chen Weiliang 陳煒良 and Chen Bingliang 陳炳良, *Jia Yi yanjiu* 賈誼研究 (Hong Kong: Qiujing yinwu gongsi, 1958), 113 changes the order of the text to match Yu Yue's suggestion, interpreting *gengshi* as *gengxin* 更新 with reference to the *Liji* 禮記 passage: 其在天地之中者，莫不更始焉。Zhang Zhichun 張之純, ed., *Pingzhu zhuzi jinghua lu* 評註諸子菁華錄, vol 3 (Shanghai: Shangwu yinshuguan, 1916), 3B, punctuates the text correctly but notes Xu Guang and Yu Yue's emendations. The following sources punctuate the text correctly but include no explanatory marks, so it is difficult to judge how they read the passage: Jia Yi, *Xinshu*, ed. (Ming) Huang Fulong 黃甫龍, *Ren Hezhu tulong kanben* 仁和朱國隆刊本, in *Zhongguo zixue mingzhu jicheng* 中國自學名著集成, vol. 25, p. 324. The editors of the “Documents of Zhao Zheng 趙正書” note that the text has some resemblance to the passage under consideration and they punctuate it appropriately, but provide no further examination of the topic. See Beijing daxue chutu wenxian yanjiusuo 北京大學出土文獻研究所, *Beijing daxue cang Xi Han zhushu* 北京大學藏西漢竹書, vol. 3, (Shanghai: Shanghai guji chubanshe, 2015), 191. This last reference will be discussed in more detail below. The notes to this edition were the first to bring the textual problem of Jia Yi's “Essay on the Errors of Qin” to my attention. The editors of the Peking University strips, however, do not attempt to interpret the Jia Yi text in light of the “Documents of Zhao Zheng.”

二世不行此術，而重之以無道，壞宗廟，與民更始，作阿房宮

The three versions of the key phrase can be summarized thus:

壞宗廟與民 更始作阿房宮 (standard punctuation)

更始作阿房宮 (Xu Guang)

壞宗廟，與民更始，作阿房宮 (corrected punctuation)

Zooming out for a moment, let us put the passage in the larger context of Jia Yi's essay. The passage in question is generally read in the way that Burton Watson translates it below (followed by the corresponding Chinese punctuation). Jia Yi first makes a series of counterfactual recommendations to the Second Emperor followed by a summary and criticism of the Second Emperor's actual actions:

...if he had emptied the prisons, pardoned those condemned to execution, abolished slavery and other forms of humiliating punishment, allowing each person to return to his native village; if he had opened the granaries and distributed funds to succor the orphaned and lonely and those in dire poverty; if he had lightened taxes and corvee labour to relieve the distress of the common people, simplified the laws and reduced penalties for the sake of posterity; if he had allowed the people of the empire to make a new beginning, each tending to his own well-being through the practice of integrity and good conduct, fulfilling the longings of the 10,000 people and presiding over the empire with authority and virtue, then the empire would have flocked to him...

...**The Second Emperor, however, did not adopt such policies, but made the situation even graver by his departures from the Way, destroying the ancestral temples and people and resuming work on the Epang Palace.** He multiplied the laws and made punishments even sterner, his law officers becoming even harsher and more thorough in their investigations. His rewards and penalties were unjust, his taxes and levies knew no bounds...⁵¹
.....虛囹圄而免刑戮，除去收帑汙穢之罪，使各反其鄉里，發倉廩，散財幣，以振孤獨窮困之士，輕賦少事，以佐百姓之急，約法省刑以持其後，使天下之人皆得自新，更節修行，各慎其身，塞萬民之望，而以威德與天下，天下集矣.....

.....二世不行此術，而重之以無道，壞宗廟與民，更始作阿房宮，繁刑嚴誅，吏治刻深，賞罰不當，賦斂無度.....⁵²

One can see the attractiveness of this way of reading the text. It apparently makes no sense to jump from a criticism of Qin cruelty and calls to empty prisons and pardon criminals to a criticism of the amnesty. Even the idea that one should “allow the people of the empire to make a new beginning” 使天下之人皆得自新 seems closely connected to the idea of amnesty. In other Han contexts, the idea of “new beginning” (*zixin* 自新) is closely linked with “beginning anew” (*gengshi* 更始), both referring to the central function of the general amnesty. For instance, when Emperor Wu 武帝 conducts the *fengshan* 封禪 sacrifices, he issues an instruction (*zhao* 詔) saying: “Let them renew themselves: Give the men a new beginning...Let there be an amnesty for all under heaven like the amnesty ordinance

⁵¹ Burton Watson, *Records of the Grand Historian, Qin Dynasty*. New York: Columbia University Press, 1993, 82.

⁵² *Shiji* 6.283-284.

issued on *yimao* [day] 自新嘉與士大夫更始...其赦天下，如乙卯赦令。”⁵³ This is the only reference in the *Shiji* that connects *zixin* and *gengshi* directly to the general amnesty. Elsewhere *zixin* in the *Shiji* is used to refer to the redemption of crimes, but not the general amnesty *per se*.⁵⁴ In the *Hanshu* 漢書 this connection is made in an instruction issued during the regency of Wang Mang 王莽 which explains the meaning of “amnesty ordinances” (*she ling* 赦令) as “giving all under heaven a new beginning” 與天下更始 and “washing the heart and renewing” 洒心自新.⁵⁵ It would thus appear unreasonable to think that Jia Yi would call for *zixin* on the one hand and criticize *gengshi* on the other. It looks as though that early editor or copyist who produced the manuscript seen by Xu Guang was justified in changing the text at this point.

Furthermore, the general tone of Jia Yi’s essay suggests that he is unquestionably in favor of more benevolent forms of governance. His succinct summary of the reasons for Qin’s collapse point in this direction. The Qin “abandoned the kingly way and established private power; they prohibited written documents and made punishments and laws harsh; they favored deception and force and gave no priority to humaneness and justice—they led the world with violence 廢王道，立私權，禁文書而酷刑法，先詐力而後仁義，以暴虐為天下始.”⁵⁶ They “did not apply humaneness and justice” and failed to recognize the difference between conquering and governing (攻守之勢異).⁵⁷ Given all of this, wouldn’t a thinker like Jia Yi be in favor of a general amnesty?

The Qing scholar Yu Yue 俞樾 (1821-1907) follows out this logic and suggests yet another emendation. He keeps the phrase *yu min gengshi* 與民更始 together as a unit, but he moves the passage so that it follows after the phrase *bu xing ci shu* 不行此術, giving the new reading:

The Second Emperor, however, did not adopt such policies and [did not] give the people a new beginning...

二世不行此術，與民更始⁵⁸

None of the current text critical editions of the *Shiji* or Jia Yi’s writings adopt this reading, but it is yet another way of resolving the apparent tension. There is, unfortunately no ancient manuscript tradition that might justify the change.

In a recent essay, He Youzu has pulled together the excavated and transmitted sources of the Second Emperor’s general amnesty and has argued for punctuating Jia Yi’s text in the way that I suggest here.⁵⁹ However, while he correctly punctuates the text, he perpetuates the misunderstanding at the basis of the old punctuation. He reads Jia’s criticism of the Second Emperor as a failure to follow through with the benevolence of the amnesty, combining the *good* policy of amnesty with cruel punishments and excessive corvée labor.⁶⁰ He argues that Jia is not criticizing the amnesty, simply its inconsistent implementation. This ignores the fact that the text clearly sees amnesty as one of the aggravating “immoralities” 不道 perpetrated by the Second Emperor. That is to say, amnesty was *of a piece* with the other perversions, including the harshness of law, the destruction of temples, and the excessive use of corvée labor. That is the problem that we need to understand.

⁵³ *Shiji* 28.1398; *Shiji* 12.476.

⁵⁴ *Shiji* 10.427.

⁵⁵ *Hanshu* 12.348.

⁵⁶ *Shiji* 6.283.

⁵⁷ *Shiji* 6.282.

⁵⁸ Yu Yue, *Zhuizi pingyi* 諸子平議 (Taipei: Taiwan shangwu yinshuguan, 1968), vol. 3, 34.

⁵⁹ He Youzu 何有祖, “Qin Ershi yuannian zhaoshu jiedu” 秦二世元年詔書解讀, *Wenxian* 文獻 1 (2020): 49-55.

⁶⁰ *Ibid.*, 53-54.

It is now possible to isolate a different set of concerns in Jia's essay and focus our attention on Jia's interest in creating reliable institutions. In the passage cited above, the question of "self-renewal" 自新 is framed in terms of institutional reform.

if he had...simplified the laws and reduced penalties for the sake of posterity, if he had allowed the people of the empire to make a new beginning, each tending to his own well-being through the practice of integrity and good conduct, fulfilling the longings of the 10,000 people and presiding over the empire with authority and virtue, then the empire would have flocked to him...

約法省刑以持其後，使天下之人皆得自新，更節修行，各慎其身，塞萬民之望，而以威德與天下，天下集矣……⁶¹

We should understand this interest in new institutions in terms of Jia's larger project of Han institutional renewal in his own day. As discussed in Chapter 1, Jia was very interested in creating institutions in which "there will be peace for all the ages to come, and those who come after us will have something to follow" 此業一定，世世常安，而後有所持循矣。⁶² A key aspect of those institutions was the creation of legible distinctions that would prevent "wicked men" from "hoping for favor" 姦人無所冀幸。⁶³ The reference to *chi qi hou* 持其後, literally, "for the sake of sustaining posterity," should be read in tandem with "and those who come after us will have something to follow" 後有所持循矣. Read in this way, the idea of "each tending to his own well-being through the practice of integrity and good conduct" is precisely the vision of well-articulated norms that shapes the "gaze" and "expectations" (*wang* 望) of the people. Amnesty would be a betrayal of that order because it allows wicked people to hope for luck and favor.

I think that this problem can be worked out within the framework of Jia's own writings, but there is also strong outside evidence that this is the right approach to the problem. We have the unprovenanced text, "Documents of Zhao Zheng" 趙正書 in the collection at Peking University.⁶⁴ The editors say, on the basis of orthography, that this text was likely copied around the time of Emperor Wu's reign. They argue that it was likely composed in the early Han based on considerations of grammar and word usage.⁶⁵ This text, like Jia Yi's "Faulting the Qin," criticizes the Second Emperor for his amnesty, among other things. Given the fact that Jia Yi's text has been emended/read since ancient times to *avoid* criticism of the Qin amnesty, the authenticity of the Peking University text is perhaps given greater probability.

The "Documents of Zhao Zheng," using the First Emperor's personal name Zhao Zheng 趙政, is interesting in its departure from the *Shiji* narrative with which scholars are more familiar. The opening portion of this text includes a conversation between Chancellor Li Si 李斯 and the First Emperor about the imperial succession while the emperor is touring the empire. Aware that he is dying far from the capital, the First Emperor asks Li Si and others to discuss who will succeed him. Li Si and the Imperial Chancellor 御史 Quji 去疾 say that Huhai 胡亥 should be appointed in order

⁶¹ *Shiji* 6.284.

⁶² *Xinshu jiaozhu*, *juan* 3, "Su ji" 俗激, 92.

⁶³ Ibid.

⁶⁴ Beijing daxue chutu wenxian yanjiusuo 北京大學出土文獻研究所, ed., *Beijing daxue cang Xi Han zhushu* 北京大學藏西漢竹書, vol.3 (Shanghai: Shanghai guji chubanshe, 2012).

⁶⁵ Ibid., 187.

to avoid any succession struggle.⁶⁶ The First Emperor agrees with this suggestion. This represents the most dramatic departure from the *Shiji* narrative in which Huhai is enthroned against the wishes of the First Emperor who left his throne to Fusu, the elder son. (The text refers to these rulers as “kings” 王 and not “emperors” 皇帝, thus also departing from the language of the *Shiji*.) The text then turns to a discussion of the Huhai’s policies:

The king died and Huhai took the throne. He wanted to kill his elder brother Fusu and the Commandant [Meng] Tian. [He sought to issue] a general amnesty for all criminals and redeemed the slave [Zhao] Gao to make him a Superintendent of the Palace. Then [he sought] to eliminate his clan, destroy the temples of earth and grain and burn the regulations and ordinances along with the old records. He also wanted to raise up and gather together ten thousand chariots to bring comfort to the world, saying: “Let the empire have a new beginning.” 王死而胡亥立，即殺其兄扶蘇、中尉恬。大赦罪人，而免隸臣高以為郎中令。因夷其宗族，壞其社稷，燔其律令及古世之藏。又欲起屬車萬乘以撫天下，曰：且與天下更始。⁶⁷

Ziying 子嬰, the grandson of the First Emperor, remonstrates with Huhai, but does not convince him to change. The Second Emperor goes through with these desired actions and makes a tour of the empire. The text says specifically that he kills Fusu and Meng Tian and appoints Gao as *lang zhongling*. The amnesty and the burning of the laws is not referenced in this section. Three years later, Huhai wants to execute Li Si. Li Si remonstrates, but is executed anyway. He gives a final speech in which he raises the question of the burning of laws and the desire to make a “new beginning”:

I am about to die, and you, King, will shortly follow after me. That being said, allow me to offer some good words. I have heard it said: ‘If you change the old ways and destroy the standards, if you do not die you will certainly perish.’ Now, you have eliminated the clan, destroyed the temples of the earth and grain, and burnt the regulations and ordinances along with the old records. This is what is known as “changing the old ways and destroying the standards.”... You go against the way of heaven and turn your back on the spiritual blessings of the ghosts and spirits; you eliminate your ancestors and eliminate the clan; you destroy the temples of the earth and grain; you burn the regulations and ordinances along with the merit of people in the palace and seek a new beginning. King, be forewarned: The calamity that comes upon me will soon be yours.

斯且死矣，見王之今從斯矣。雖然，遂出善言。臣聞之曰：‘變古亂常，不死必亡。’今自夷宗族，壞其社稷，燔其律令及古世之藏，所謂變古而亂常者也……夫逆天道而倍其鬼神之神零福，滅其先人及自夷宗族，壞其社稷，燔其律令及中人之功力，而求更始者，王勉之矣。斯見其殃今至矣。⁶⁸

Ziying continues to remonstrate, begging Huhai not to “change customs or alter the laws and ordinances” 變俗而易法令. Huhai does not heed their advice and Li Si is executed.

The crime here was the destruction of the past, including precedents, statutes, and the achievements of earlier men. The attempt to bring about a new beginning introduces a great amount

⁶⁶ Ibid., 190.

⁶⁷ Ibid., 190-191.

⁶⁸ Ibid., 193.

of instability into the regime and, according to Li Si, will bring about the regime's collapse. The connection to Jia Yi's argument is clear. Jia and the authors of the "Documents" were concerned with the creation and maintenance of inheritable institutions. Bringing about "new beginnings" through amnesty and other policies would break from the predictable and trustworthy framework of reliable institutions. Only in extraordinary times should an emperor employ use an amnesty. In all other times, institutions should be supported rather than undermined by fickle favor.

In Jia Yi, we already see the component parts of the Han classicist (*ru*) criticism of the imperial amnesty. The amnesty could, as we saw above, be scripted as a tool of the self-accusing emperor and was an important means of keeping officials from getting caught up in petty accusations at the local level. At the same time, however, the amnesty was an expression of the "singular" (*du* 獨) power of the emperor and was thus a threat to the shared visible order. Blindness was a check on the excesses of petty accusations, but completely ignoring shared institutions in gratuitous displays of imperial favor was a threat to the integrity of those institutions. The rejection of amnesty thus took place *within* the visibly blind paradigm. Rejecting the imperial amnesty was one way of balancing the needs of visibility with the interest in blindness.

Writing Against Luck: Not everyone is a gentleman

As we saw, Jia was trying to eliminate *luck* and *favor* from institutions. Favor was on the side of confusion and doubt. This argument was central to the criticism of the imperial amnesty in the Han. This was *not* a "Legalist" criticism. In fact, the "Legalist" may, in theory, be perfectly happy with the institution of amnesty insofar as it was one way of showing that the emperor alone had power over life and death. The amnesty was one way in which the emperor could break from the normative order. When promulgating an amnesty, the emperor sometimes openly advertised that he was doing something should not be done. An excavated edict from Juyan records, for instance:

The edict says: Amnesty all under heaven. From capital crimes on down, all those crimes that should not be amnestied are hereby amnestied. Submit the data for those amnestied, divided according to their crimes.

詔書曰：其赦天下，自殊死以下，諸不當得赦者，皆赦除之。上赦者人數，罪別之。⁶⁹

Bestowing things that were undeserved (*bu dang de* 不當得) was an important marker of imperial power. Imperial *gifts* (*ci* 賜), as distinguished from other forms of giving, including rewards (賞), ransoms (*gou* 購) and granting (*yu* 予) were properly understood by ancient commentators as things that were not deserved or owed according to laws and norms. To illustrate this point, we can point to the language of Han law. Yan Shigu 顏師古 (581-645 CE) quotes a Han law stipulating various forms of official leave:

Han statute: Officials at the two-thousand bushel grade have "granted leave" and "gifted leave." "Granted leave" refers to those cases where one has the highest achievement in office. It is what is deserved according to the law (*fa suo dang de*). "Gifted leave" refers to those cases in which one has been sick for a full three months and should be (*dang*) removed [from office].

⁶⁹ Zhang Defang, *Juyan Xinjian jishi*, EPF22:164.

However, the emperor exceptionally gifts one leave and allows one to carry the seals [of office] and return home with one's official entourage to care for one's illness.

漢律：吏二千石有予告，有賜告。予告者，在官有功最，法所當得也。賜告者，病滿三月當免，天子優賜其告，使得帶印綬，將官屬，歸家治病。⁷⁰

One form of leave was deserved on account of excellent performance. The other was allowed in exceptional circumstances as an unconditioned gift. “Law” (*fa*) expressed what one *deserved* and *should* be allowed to do (*fa suo dang de*). Like the amnesty, “gifted leave” here is marked as something gratuitous, extra-legal and undeserved.

“Gifts” and “favors” were ways of communicating trust. When “favors” were bestowed on gentlemen, for instance, they were not (necessarily) viewed as an attempt to purchase unscrupulous loyalty. They were reminders that one had a deeper obligation to the bestower and were thus a spur to self-cultivation. The rhetorical script of the imperial amnesty imagined a similar kind of relationship with the empire as a whole. The amnesty was an attempt to take seriously the claim that all people were (potentially) gentleman who could be coaxed to be better by displays of self-criticism and favor. The amnesty was supposed to be shame-inducing in the way that Lu Gong's self-criticism produced shame in the cattle thief. Han classicists and others who were ostensibly committed to rule by virtue understood the ambiguity of “favor.” The clearest statement of this is Cai Yong's complete redefinition of “favor” or “luck” (*xing* 幸) in his *Duduan*:

Xing means favoring those who should be favored. Vulgar people treat favor as “luck” (*jiaoxing*). [Imperial favors, gifts of orders of honor] are all examples of getting what one should not get. Wang Chong said: “The gentleman is not lucky (*xing*) but is sometimes unlucky. The petty man is lucky but never unlucky.”⁷¹ The *Annals Traditions* says: “When the people are very lucky, this is unlucky for the realm.” These are speaking of the people getting what they should not get. That is called *xing*. For these reasons, the ruler must be careful about what he favors.

幸者，宜幸也，世俗謂幸為僥倖……皆非其所當得而得之。王仲任曰：君子無幸而有不幸，小人有幸而無不幸。《春秋傳》曰：民之多幸，國之不幸也。言民之得所不當得，故謂之幸。然則人主必慎所幸也。⁷²

Imperial favors, including gifts, bestowals of orders of honor, and amnesties, were dangerously close to “luck.” Followed to an extreme, Cai Yong seems to be saying that *xing* 幸 has no place in the creation of imperial order, period. Cai and others seem to argue that it is difficult for favor to work the kind of social alchemy that the ethical script implies. It is impossible to bring people into the fold by treating them better than they deserve. That kind of treatment is merely felt as a kind of “luck” and not as invigorating “favor.” Only the gentleman is able to see that good “fortune was to limit us, not encourage us, in our zeal.”⁷³ The petty man, on the other hand, felt favor as luck and, perhaps what is worse, even viewed punishment as something that is simply unfortunate. For early Chinese “gentlemen,” the petty man looked like the men in Banfield's “backward” Italian village: “one who does evil ought to be punished with the greatest severity, for blame and punishment

⁷⁰ *Shiji* 8.346.

⁷¹ Huang Hui, *Lunheng jiaoshi*, juan 2, “Xing ou” 幸偶, 39. In Wang Chong's *Lunheng* this quote is attributed to Kongzi.

⁷² D.C. Lau, *A Concordance to the Cai Zhonglang* juan 4, 80-81.

⁷³ Shklar, *Ordinary Vices*, 20.

contribute to the pressure without which everyone would be led into evil. One who suffers punishment does not, however, feel guilty. Instead he feels unfortunate.”⁷⁴

In his role as the agent of amnesty, the emperor sought to embody a perfectly humane order, to a fault. Through amnesty, the emperor extended to convicts the benefit of the doubt and treated them as gentlemen who were capable of starting over and restoring themselves to moral stature. When faced with this imperial institution, however, the attitudes of many gentleman officials hardened towards convicts. They became, as Liu Song said, people who were “by nature originally crooked” 性元惡. As Xu Gan put it in a slightly different context:

The teachings of the sages are for wise and honest gentlemen. How could they be for ignorant and confused commoners! Those commoners should be overawed with the executioners axe, punished with the mutilating knife or tattooing ink, moved to other cities, or exiled beyond the empire. Even then some would not feel shame, so what good are teachings?

夫聖人之教，乃為明允君子，豈徒為愚惑之民哉！愚惑之民威以斧鉞之戮，懲以刀墨之刑，遷之他邑，而流於裔土，猶或不悛，況以言乎？⁷⁵

Indeed, as the Eastern Han *Kongzi jiaayu* 孔子家語 saw it, refusing to treat commoners with ritual propriety and respect was a form of *generosity*. Ritual should not reach down to the masses because they are “incapable of fulfilling ritual duties, therefore one does not demand (責) that they fulfill ritual completely” 不能充禮，故不責之以備禮也。⁷⁶

When Jia Yi speaks of “treacherous people” (*jianren* 姦人) who should be given no reason to hope for *xing*, luck or favor, he imagines not only a different set of crimes, but also a different kind of people. The “rats” whom he thought should be given the benefit of the doubt lest the imperial vessel be destroyed were not the wicked men who should have no hope for amnesty. As McKnight’s main witness, Liu Song, argued in another context, gentlemen *should* be given the benefit of the doubt and the net of the law should have big holes. The same Liu Song who advocated for mutilating convicts so they could be worked without risk of flight while still maintaining their reproductive capacities was equally capable of waxing poetic about the need for the law to be more tolerant and for officials to be relieved from the overly exacting moral standards of “pure talk” 清議.⁷⁷ The latter was a kind of pettiness in which one was concerned with “stopping up holes to prevent rat thieves.” These holes could be left open. The law needed to concern itself with making sure they did not “let rhinos and panthers loose on the highways.”⁷⁸ As Liu put it succinctly, the worst form of government is one “that does not employ the executioners axe but little knives become blunter by the day.”⁷⁹ For men of Jia and Liu’s stature, there was no cognitive dissonance in holding both positions. We imagine that Jia Yi and “Confucianism” were committed to standards of benevolence that were simply not part of their moral world and thus have trouble accepting Jia’s critique of the Second Emperor’s amnesty.

Jia Yi was perfectly comfortable calling the Qin cruel at the same time that he criticized the Second Emperor’s amnesty. Cruelty and amnesty were both manifestations of the emperor’s failure

⁷⁴ Edward Banfield, *The Moral Basis of a Backward Society*, 140.

⁷⁵ Sun Qizhi, *Zhonglun jiegou*, Chapter 14, “Yao shou” 夭壽, 272.

⁷⁶ D.C. Lau, *A Concordance to the Kongzi jiaayu*, Chapter 30, “Wuxing jie” 五刑解, 55.

⁷⁷ *Jinshu*, 46.1304-1305.

⁷⁸ *Ibid.*, 1305.

⁷⁹ *Ibid.*

to weigh institutions correctly. They were both aspects of a form of rule that had lost its bearings completely and was thus forced to swing back and forth between cruelty and amnesty, struggling desperately to keep its head above water.

A “Confucian” Sycophant and the Ambiguity of Qin Institutions

Jia Yi had the benefit of hindsight and was, in any case, interested in making arguments about institutions that might have some relevance for his own emperor, Emperor Wen. Seen from the Qin capital in 209 BCE, however, the impending doom seemed less obvious and the way forward was not so clear. Even given the Second Emperor’s proclivities for “deciding alone” (*duduan*), in 209 BCE, the emperor was hosting Academicians and scholars at court to discuss whether local rebellions were actually a threat. It is in this context that we are introduced to the classical scholar Shusun Tong 叔孫通 (fl. late 3rd to early 2nd century BCE) who, we are told, felt compelled to lie about the rebellion to save his own skin. But Shusun Tong was a bizarre kind of sycophant. He had previously served as an Academician-awaiting-appointment (*daizhao boshi* 待詔博士) under the First Emperor of Qin. In 209 BCE, an emissary delivered news of Chen Sheng’s 陳勝 (d. 208 BCE) rebellion to the capital and the new Second Emperor convened academicians and various scholars (*zhu rusheng* 諸儒生) to assess the danger to the empire. “Garrison conscripts (*shu zu*) in Chu have attacked Qi and entered Chen, what do you make of this?” the emperor asked. The majority opinion was one of impending doom and the need for urgent military action. Referring to the *Spring and Autumn Annals* 春秋 tradition, more than thirty of the convened scholars argued, “When a servant assumes command of his own forces he must be executed without amnesty. We hope that his majesty will urgently send troops to attack.” The emperor was visibly angered by this opinion, at which point Shusun Tong stepped forward to offer an opposing view:

These scholars are wrong. The empire is now combined into one family. The city walls protecting the seats of commanderies and counties have been destroyed and weapons have been melted down in order to show (*shi*) the world they will not be used again. Furthermore, there is an enlightened ruler above and laws and ordinances are set forth below, so that all will carry out their duties. The four corners of the world are gathered together like the spokes of a wheel. Who would dare to rebel? Those men are but rat thieves and dog robbers, why bother to speak of such things? The commandery governors and commandants can capture and try them. What concern is there?

諸生言皆非也。夫天下合為一家，毀郡縣城，鑠其兵，示天下不復用。且明主在其上，法令具於下，使人人奉職，四方輻輳，安敢有反者！此特群盜鼠竊狗盜耳，何足置之齒牙間。郡守尉今捕論，何足憂？⁸⁰

The historian’s account wants us to see the terrors of living under the Second Emperor, but the whole tenor of the conversation is strange. The history continues by describing how the emperor asked all of those assembled to voice their opinion on the issue— rebellion (*fan* 反) or robbery (*dao* 盜)?—and those who saw rebellion were punished. Shusun Tong was awarded with silks and new

⁸⁰ *Shiji* 99.2720.

garments and appointed full Academician for his “sycophantic” response. Shusun would tell his colleagues in private that he felt he had “barely escaped the tiger’s maw.”⁸¹

The Second Emperor was, however, a bizarre kind of tiger. He was in this anecdote annoyed by overly anxious scholars who had no apparent faith in imperial institutions. He was not (necessarily) a suspicious tyrant who feared overthrow at every moment and was itching to bolster the empire with extra-institutional violence. The empire *had* laws for dealing with rebellion and county officials were perfectly capable of rounding up rebels and questioning potential accomplices according to the law *even* during the precarious years of military occupation in the south. According to a legal document excavated at Liye dated to the year of “unification”—Year Twenty-Six of the First Emperor or 221 BCE—county officials arrested a person named Yueren for taking over a city for the purpose of rebellion *and* established that at least three other people had no knowledge of the plot and were not culpable.⁸² The empire dealt with these issues from a position of institutional confidence. From the evidence on the ground, it looks very much like Shusun Tong’s sycophantic encomium to a law-based empire in which all people “carried out their duties” was not far from the mark. The Second Emperor’s anger, then, we might imagine was directed at a group of scholars who, out of paranoia, were working against the sagely order of empire.

As Shusun Tong saw it, the Second Emperor was, if anything, too confident and therefore too lenient. He was *so* confident that he was willing to let institutions function normally! How dare he? Shusun Tong’s sycophantic speech was perfectly in keeping with what a good classicist should say about institutions in normal times. Good rule required an “enlightened ruler above and the laws set forth below.” The ideal “shining ruler” was confident that people would fulfill their duties if only the laws were clarified. His charismatic virtue, marked by his visibility and periodic acts of favor and mercy, would assist in the creation of that good order. Law buttressed by imperial magnanimity defined the new imperial constitution. The perfect predictability of the rewards and punishments of law would establish a framework for social order, and magnanimity would inject humaneness into that order, providing moral meaning and warmth where the framework of law inclined towards bureaucratic formalities and cold calculations. Such was the institutional gamble of the first empires.

From the position of the Han historians, it is easy to laugh with Shusun Tong. He does, after all, get the last laugh, fleeing the court of the Second Emperor and becoming the “high ancestor of classicists” (*ruzong* 儒宗) for the succeeding Han empire, crafting everything from the first court rituals to the norms for offering fruit at the imperial temple. But there is a strange role reversal happening here (again from *our* perspective). We have in the early Han one classicist and academician, Jia Yi, who criticizes the Second Emperor for his amnesty because it breaks from established norms. In Shusun Tong, however, we have a Qin academician who delivers an argument like Jia’s directly to the Second Emperor as a kind of sycophantic speech. If Shusun Tong were able to speak his mind, however, he would have advocated for an even harsher crackdown on the rebels that went beyond what the law stipulated. In short, the problem was not “Confucianism” vs. “Legalism.” There were, at the least, two “Confucians” who thought that portions of the Second Emperor’s response was overly tolerant. For Jia Yi, an overly generous amnesty unnecessarily broke the predictable order of institutions. For Shusun Tong, the predictable order of institutions was itself too tolerant.

A legal case from Year Twenty-Seven of the First Emperor’s reign (220 BCE) underscores the difficulty of the “Confucian” and “Legalist” framework. This case is one of several in a collection discovered at Zhangjiashan. A newly appointed county magistrate named Tui arrived in

⁸¹ *Shiji* 99.2721.

⁸² Zhang Chunlong 張春龍, *Xiangxi Liye Qindai jiandu xuanshi* 湘西里耶秦代簡牘選釋, *Zhongguo lishi wenwu* 中國歷史文物 1 (2003), #12-10, 4.

You, a county in Cangwu commandery, and stumbled into a difficult dilemma. An earlier magistrate had organized three different local militia groups to put down a rebellion (*fan* 反), but the militia members fled into the hills with their government issued weapons. Some had been lured back out, but the records of the various groups were incomplete and not clearly divided up, so it was difficult to proceed with the case and thereby punish those who fled for their cowardice. Tui, seeing the fearfulness of those who had been lured back, decided to petition the emperor so that he might grant them reprieve:

The new people today are not at peace and have not been brought into the fold (*ji*), so I submitted a document to inform the emperor hoping that His Majesty would favor (*xing*) me with an edict allowing me to comfort (*fu* 撫) and settle these people.
今新黔首實不安輯。上書以聞，欲陛下幸詔雇以撫定之。⁸³

The petition to the emperor became evidence that Tui failed to uphold the law. In the words of his accuser, he “saw criminals but did not judge them according to the law and instead submitted a document asking that the emperor alone decide (*du cai* 獨裁 (裁)) the crimes of the new commoners. It is clear that Tui wished to free criminals.”⁸⁴ Tui would be punished for his failure to uphold the law. “Ministers should carefully hold up the law in governing” 人臣當奉灋以治, his accusers say.⁸⁵

The case brings together several disparate elements. The legal argument against Tui falls on the side of a shared order in which the law will be enforced without prejudice. Tui’s position, however, sought to appeal to the unique power of the emperor to decide on the case *outside* of the bounds of law. The willingness to punish cowards and potential rebels coincided with what Shusun Tong actually thought was the appropriate position against rebels. Tui’s prosecutors delivered Shusun Tong’s sycophantic argument in defense of the law. Tui’s own position, however, appealed to “favor” and unique insight of the ruler who would *ducai*, decide alone, a version of Li Si’s *duduan* 獨斷. Tui, too, argued along the lines of Zhao Gao, who emphasized the need to comfort the people and “bring them into the fold” (*ji* 輯). Zhao Gao had encouraged the Second Emperor to go on this tour because as a young ruler “the commoners had not yet attached themselves to him” 黔首未集附. The tour would allow him “to show strength and awe and subdue (*weimu* 威服) all within the seas.”⁸⁶

While it is no doubt tempting to think that Tui “was not a hard-core Legalist official and was probably known for practicing government through benevolence (*ren* 仁) and righteousness (*yi* 義),” we would do so on incredibly shaky ground.⁸⁷ There is also no value added by such an interpretation of ideological battle at the local level. Both sides could be construed as “Confucian” or “Legalist” depending on which element of the argument is emphasized. If we emphasize the ability of the emperor to decide on cases such as these “alone” then we are in the realm of Li Si. In fact, the local officials acted with extreme insolence in preventing the emperor to have his say—or even be

⁸³ See Anthony Barbieri-Low and Robin Yates, *Law, State, and Society in Early Imperial China*, 1342. translation my own.

⁸⁴ Ibid. The reading of *ducai* 獨裁 is admittedly difficult here. Yates and Barbieri Low read 獨 as “the only thing to be done” while Lau and Lüdke read it as “at one’s own discretion.” I think the fact that Tui was awaiting imperial instruction suggests that he was not acting on his own authority but requesting the emperor to make the call “on his own.” Ibid., 1344.

⁸⁵ Ibid., 1344.

⁸⁶ *Shiji* 6.267.

⁸⁷ Anthony Barbieri-Low and Robin Yates, *Law, State, and Society in Early Imperial China*, 1334.

informed?—of local problems. If we emphasize the nature of the shared order and the fearfulness of further rebellion, we would be making Shusun Tong’s arguments, both the genuine and disingenuous versions. In the end, the ideological camp model is a red herring and inconclusive. It directs us away from the most interesting aspects of the issues up for debate.

Han Critics of Amnesty and the Limits of Favor

I have argued throughout this dissertation that the visibly blind paradigm encouraged emperors and officials to extend the benefit of the doubt to those under their command. Discussions around the institution of amnesty help us to clarify the internal limits of that paradigm. Are there types of people who must be seen unambiguously as wicked and therefore impervious to the edifying effects of imperial favor? Rats and rhinos are perhaps easily distinguished, but what about the range of crimes in between? What about the terrified militia men of You county? The more seriously one takes the need for shared institutions that eliminate favor the more indistinguishable the various possible positions seem to become. The overlap between the visibly blind and invisible seer paradigms might be schematically understood in the following way (Table 4):

Table 4: Two Paradigms and the Law

Visibly Blind Display 示 Shared 共 Office 職	Law 法	Invisible Seer Hiddenness 隱 / 幽 Aloneness 獨 Accusation 督 / 察 / 責
Magnanimity 赦 / 撫		Punishment 刑

As we saw in the last chapter in the example of Wang Chang, the more one insists on the absoluteness of law—even to the point of ignoring imperial amnesties—the more one can be accused of adopting the morally problematic position of acting alone as a gentleman. By the same token, however, the more one refuses to uphold the law in the name of a pacifying tolerance, as Tui did, the more one can also be accused of acting alone and abandoning one’s office and the law, that is, abandoning the shared order. “Law” was a blurred space in which magnanimity and punishment met. Mistakes on either side could be viewed as failures, perhaps with terrifying consequences. Read through this schema (and without the benefit of hindsight), the biography of the Second Emperor and the Qin collapse takes on a much richer meaning. The Second Emperor was a good “Confucian” emperor who struggled, likely under the direction of competing advisors who all claimed to know old precedents, to understand the precise way in which he should relate to the law.

No one argued for rule by “favor” (*bui* 惠). When *Han Feizi* caricatured Kongzi’s position as rule by “favor,” it was just that—a caricature. This *Han Feizi* description of ideal order was the consensus position, even if one might imagine achieving that goal in different ways:

Governing through favor (*bui*) means that those without merit are rewarded and criminals are freed. This is how laws are destroyed...If the people are rebellious, this is a result of the ruler lacking clarity...Now, those with merit should *necessarily* be rewarded. Those who receive reward do not feel this is on account of the favor of the ruler, but rather a product of their own effort; criminals should *necessarily* be punished. Those punished will not complain that the ruler acted on a whim, but will know that their crime gave rise to the punishment.

The people will know that punishment comes on account of their person and reward comes from diligent work and is not a gift (*ci*) from the ruler.

惠之為政，無功者受賞，而有罪者免，此法之所以敗也……且民有倍心者，君上之明有所不及也……今有功者必賞，賞者不得君，力之所致也；有罪者必誅，誅者不怨上，罪之所生也。民知誅罰之皆起於身也，故疾功利於業，而不受賜於君。⁸⁸

The light of day that one might find between this position, which the *Han Feizi* would argue for in terms of the invisible seer paradigm, and the position of the visibly blind was the important problem of perception.

That difference of perception was summarized succinctly in the *Hanshu* comparison of Zhang Shizhi 張釋之 (Emperor Wen period) and Yu Dingguo 于定國 (d. 40 BCE), two men who had exemplary, but importantly different, tenures as Commandants of Justice (*tingwei*). The “court” praised Yu Dingguo in a comparison to Zhang Shizhi, saying:

When Zhang Shizhi was commandant of justice, no one was wrongly convicted in the whole empire. When Yu Dingguo was commandant of justice, no one *thought* they were wronged. 張釋之為廷尉，天下無冤民；于定國為廷尉，民自以不冤。⁸⁹

This is a thin, but absolutely essential, distinction. Zhang Shizhi served as commandant of justice under Emperor Wen. In at least two instances, Zhang forcefully disagreed with the legal judgments of the emperor who was disposed to treat people more harshly than the law demanded. After a man startled the emperor and his horses as they cross the Wei bridge in Chang'an, the emperor turned the man over to the commandant of justice. When the emperor heard that the commandant would only fine the man, he was incensed. Zhang responded:

The Son of Heaven publicly shares the law with all under heaven. Today, the law requires this. If you change it to make it more harsh, the law will not be trusted by people. If, at the time of the infraction, the emperor had sent an emissary to execute the man, that would have been that. But you now bring the matter to the commandant of justice. The commandant of justice is the balance for the empire. As soon as the balance leans to one side, the heavy or light application of the law shifts in the empire. Where do you expect people to put their hands and feet?

法者，天子所與天下公共也。今法如是，更重之，是法不信於民也。且方其時，上使使誅之則已。今已下廷尉，廷尉，天下之平也，壹傾，天下用法皆為之輕重，民安所錯其手足？⁹⁰

Interestingly, Zhang's remarks recognized the extraordinary power of the emperor to use his messengers to carry out extra-legal punishment (and, of course, extra-legal amnesty), but that was clearly marked as a departure from the shared order. In another instance, Zhang refused to make the punishment harsher for a man who stole a vessel from the imperial temples. Again, Emperor Wen was rebuked for his unconsidered application of the law.

Zhang applied the law without prejudice, but Yu Dingguo acted with even greater care and humility. The *Hanshu* described Yu as someone who was “humble and reverent.” He respected other

⁸⁸ *Han Feizi jijie*, *juan* 16, Chapter 38, “Nan san” 難三, 374-375.

⁸⁹ *Hanshu* 71.3043.

⁹⁰ *Shiji* 102.2754.

classical scholars (*jingshu shi* 經術士) even to the point that he would treat the “base” (*beijian* 卑賤) among them with the ritual decorum due equals (*junli* 鈞禮). In deciding doubtful cases, he took great care to consider the pains of the widowed and orphaned and leaned towards lighter punishments when possible.⁹¹

While both Zhang and Yu were laudable, Zhang was perhaps too close to a mechanical understanding of the law. In practice, the difference might be thin, but Han writers saw in this subtle distinction two radically different kinds of legal regime. In the “Xingfa zhi” 刑法志 of the *Hanshu*, Ban Gu cites Kongzi who framed the difference in terms of an idealized past and a corrupted present:

Kongzi said: Those who understood the law in the past were able to reduce punishments. That is the essential. Those who know the law now never miss a crime. That is secondary. He also said: Those who hear cases today look for a way to kill the criminal; those who heard cases in the past looked for a way to keep the criminal alive.

孔子曰：古之知法者能省刑，本也；今之知法者不失有罪，末矣。又曰：今之聽獄者，求所以殺之；古之聽獄者，求所以生之。⁹²

We might see in this two different legal hermeneutics. The idealized hermeneutic of the past was one in which one read cases with an eye towards *not* punishing. This was a generous hermeneutic. The “present” hermeneutic, however, was too eager to seize onto the crime committed and forgot the person *behind* the crime. As the Eastern Han *Kongcongzi* added, in the past judges “detested the intention but did not detest the person” 惡其意，不惡其人, thus they were able to be humble enough to “share with the masses” 與眾共 when passing a judgment. That is to say, the judge did not take his own view as the only relevant view and was able to hear multiple perspectives on a crime, “looking for a way to keep the criminal alive.” The opposite form of judgment “did not detest the intent, but detested the person.”⁹³ Seeing the surface fact of the crime, this bad judge did no work to redeem the other and allowed the crime to subsume the entirety of the person.

The criticism of this pusillanimous character of law and judgment was at the center of the visibly blind paradigm. The imperial amnesty was, as far as it goes, an example of the paradigm, but, the argument would go, the general amnesty distracted from the more pressing problem of how to animate the legal system with a spirit of real generosity. The amnesty became an ally to those, including officials, who would use the leniency and ambiguity of the law to commit any number of abuses. With the general amnesty, the emperor became an ally to the worst elements in the society and officialdom.

Two Han Criticisms of Amnesty

Kuang Heng’s criticism of the frequency of amnesties in Emperor Yuan’s 元帝 reign follows out the logic of institutional generosity just described. After Jia Yi’s criticism of the Second Emperor’s amnesty, this is the first explicit criticism of the imperial amnesty in Han times. The critique was given upon imperial request after a solar eclipse and earthquake prompted the emperor to reflect on the failures of his policies and administration. Kuang, a classical scholar of impeccable

⁹¹ *Hanshu* 71.3043.

⁹² *Hanshu* 23.1109.

⁹³ Fu Yashu, *Kongcongzi jiaoshi*, *juan* 2, Chapter 4, “Xing lun” 刑論, 79.

reputation who was at the time of his criticism serving as an academician, began his memorial by stating in the most favorable terms the intention of the emperor:

Your servant has heard that, on account of differing customs and meeting with different times, the Five Emperors had different music and the Three Kings each had different teachings. Your Majesty has sagely virtue and, hoping to open up the way to the Great Peace, takes pity on the stupid officials and people who break the law and run against interdictions. Amnesties have been promulgated for several consecutive years so as to allow the people to change their doings and renew themselves (*zixin*). The whole world has been very fortunate (*xing*).

臣聞五帝不同樂，三王各異教，民俗殊務，所遇之時異也。陛下躬聖德，開太平之路，閔愚吏民觸法抵禁，比年大赦，使百姓得改行自新，天下幸甚。⁹⁴

Kuang then begins his criticism:

Your servant has seen that after general amnesties, wickedness does not come to an end. Today there is an amnesty and tomorrow they break the law again, following each other back into prison. This, I submit, is not the correct way of leading the people. In caring for the people, they should be shown what is virtuous and right and what is desirable and detestable should be clearly displayed...

今日大赦，明日犯法，相隨入獄，此殆導之未得其務也。蓋保民者，陳之以德義，示之以好惡……⁹⁵

In other words, the favor shown interferes with the clear communication and display of norms and standards of behavior. Failing to clearly show these standards, people are encouraged to “game their luck” (*jiaoxing* 徼幸). The creation of standards should eliminate luck and favor from the world. Allowing people to “game their luck” is the very definition of bad rule.

If, however, one focuses exclusively on preventing people from taking advantage, officials may become overly harsh and view every infraction as an attempt to take advantage. Seeing this problem, Kuang thus proposed a change in official culture. He thus admits the premise of the imperial amnesty—the emperor and imperial institutions are somehow defective—but does not draw the conclusion that people should be let off the hook completely. He describes the more fundamental problem of institutions:

There are self-righteous monopolistic gentlemen above and unyielding people below. There are servants of the state who think of nothing except conquest and people who thus have a mind to do harm. There are ministers who love nothing but benefit, so there are people who rob. This is the root of the problem. Today, vulgar officials do not ground their governance in ritual and yielding. Superiors are violent, harm the people, and try to trap them in crime. They lust after money and admire power. For these reasons, there are many who break the law and wickedness is difficult to rectify. Even if one made the punishments more serious and the laws harsher, this would not change. The people are not like this by nature, there is a reason for their behavior.

⁹⁴ *Hanshu* 81.3333.

⁹⁵ *Ibid.*

上有自專之士，則下有不讓之人；上有克勝之佐，則下有傷害之心；上有好利之臣，則下有盜竊之民：此其本也。今俗吏之治，皆不本禮讓，而上克暴，或忤害好陷人於罪，貪財而慕勢，故犯法者眾，姦邪不正，雖嚴刑峻法，猶不為變。此非其天性，有由然也。⁹⁶

The blame still lies with the emperor and his agents. There are no wicked commoners, only wicked institutions. Kuang was still speaking in the terms of the visibly blind paradigm that looked to blame the self before blaming others. This kind of self-blame, however, stopped before arriving at the conclusion that all crimes should be amnestied, but he was thinking in the same mode.

Wang Fu 王符 (83-170), a “recluse” and essayist in the Eastern Han, would arrive many of the same points as Kuang, but the language of his text is much harsher and his criticism of the imperial amnesty much more scathing. His text is filled with references to good and bad men and, while he concludes by arguing for the same sorts of institutional restraints on law and punishment, he views men in the worst terms possible, hardening the gap between good and bad families and giving gentleman a reason to view advocacy for the imperial amnesty as something base and vile in itself. Amnesty had become, he thought, a tool in the war between officials and directly encouraged people to act in the worst ways. His essay begins:

Today, nothing is more harmful to good people than the frequency of amnesties and redemptions. When amnesties and redemptions happen frequently, wicked men thrive and good men are hurt. How can I show this? Men who cultivate themselves carefully and never do any wrong and serve as upright officials who do not avoid confrontation with strong and powerful men are slandered by cliques of wicked men who know that an amnesty is not far off.

今日賊良民之甚者，莫大於數赦贖。赦贖數，則惡人昌而善人傷矣。何以明之哉？夫謹敕之人，身不蹈非，又有為吏正直，不避彊禦，而姦猾之黨橫加誣言者，皆知赦之不久故也。⁹⁷

The amnesty encouraged people to “look for favor” (*jìyù* 覬覦), “hope for luck and favor” 僥倖, and “hope” (*jiāowàng* 僥望). In other words, the amnesty created an environment in which people had no shame and looked only to find a way to achieve their ends. The criticism of hope returns to the same argument Jia had made about Qin institutions.

Wang Fu listed and rejected many of the arguments that his contemporaries used to defend the amnesty, from the cosmological to the mundane. On the mundane side, he criticized the opinion, similar to McKnight’s, that the amnesty was a way of relieving pressure on officials. He argued that the only way to relieve pressure on officials was to make people fear for their entire lives that they would be found and punished by the law.⁹⁸ Furthermore, Wang Fu provides a cynical reading of those who defend the imperial amnesty. Regardless of the reason one provided, anyone who defended the imperial amnesty should be viewed with suspicion:

“The reality of people is visible in their words.” Thus, all of those who say that there should be no amnesty, are either men who are cultivated or worry about those who are cultivated

⁹⁶ Ibid., 3334.

⁹⁷ *Hou Hanshu* 49.1642.

⁹⁸ *Qianfu lun jianzheng*, 244-255.

and revile those who are wicked and bad. Those who find frequent amnesties beneficial, either do not understand administration or have some secret plot that they wish to carry out... These men are all speaking of public administration with an eye to their private plans. 人之情皆見乎辭，故諸言不當赦者，非脩身脩行，則必憂哀謹慎而嫉毒姦惡者也。諸利數赦者，非不達赦務，則交內懷隱憂有願為者也……然則是皆接私計以論公政也。⁹⁹

As in his opening remarks, Wang Fu's entire text concerns the stark binary between good and bad men. The argument here is particularly ungenerous and departs from Kuang's much more sympathetic rendering of the purpose of amnesty.

We see in Wang's text, then, a hardening of the lines between good and bad which would animate late Eastern Han discourse. While Wang ends with reference to the generous principle of understanding intent in order to prevent punishments from falling on otherwise good people, this is added as an afterthought. His real interest is not in the principle, but in making sure that that principle is not expanded to mean that all wicked men should be let go. There is no reference to "yielding" or institutionalizing ritual generosity in this chapter, a fact that distinguishes his criticism from Kuang's earlier assessment of the failures of Emperor Yuan's administration.

Conclusion

Within what might be called the position of the visibly blind, this chapter traces arguments about amnesty from the *Zhuangzi* to Wang Fu. The tenderness of Bo Ju who lifted up the body of the executed criminal stands in stark contrast to Wang Fu's hardened conception of good and bad, yet both may be viewed as legitimate responses within the framework of the visibly blind paradigm, indeed, within the framework of what many will call "Confucianism." Wang Fu's position, however, moves in the direction of the invisible seer as it admits none of the self-doubt or fellow-feeling that characterizes the earlier discussions of the amnesty. While Wang was committed to the consultative institutions of empire, as we saw in his discussion of Deng Tong in Chapter 3, his view of what that meant was animated by an excessive confidence in who were good and bad. Taken to a certain extreme, the over-confidence of "the good" would become the position of the invisible seer who was comfortable in being a gentleman alone. In the next chapter, we will see how a third-century thinker tried to keep alive that earlier humility and generosity in the face of an excessive "purity."

⁹⁹ Ibid., 251.

CHAPTER 5: WANG BI'S 王弼 (226-249) POLITICS AND HERMENEUTICS OF TRUST

Reading *Analects* 14.31

In the *Analects*, the master is said to have taught:

Not anticipating betrayal, nor expecting untrustworthiness, yet still being the first to perceive it—this is a worthy person indeed.¹

子曰：不逆詐，不億不信，抑亦先覺者，是賢乎！²

The passage is noteworthy because of the apparent difficulty in becoming such a person. How, indeed, does one *not* anticipate *nor* expect, but still be the first to know when someone is betraying a trust? It is not, of course, impossible, but it demands a certain command of character that most of us likely lack. An inkling of trouble, or certain wariness, usually precedes the discovery of deceit, and those anticipations might, in fact, help us to make the discovery in the first place. In any case, an attentive reader can feel why many modern Chinese editions of the text are wont to punctuate the end with an exclamation mark and English translators incline towards the “indeed.” Such a person would be worthy indeed.³

To the best of my knowledge, this *Analects* line—which I will refer to below as line 14.31 according to the division of the text in most modern editions—has been translated along these lines since the very first translation of the text into a Western language, the 1687 Jesuit translation, *Confucius Sinarum Philosophus*. The Jesuit Latin translation of this passage incorporated a good deal of later commentary material into the reading of the line with the effect of heightening the tension between “not anticipating” and “being the first to perceive it.” Thierry Meynard has recently provided a translation of the Latin text into English:

Confucius said: A man can truly be called attentive and prudent if he does not prevent by anxiety and mistrust the remote possibility of deception and fraud, and if he is not among those who constantly fear everything, even the safest things; also if he does not establish anything in his mind beforehand, and if he is not overconfident about what to do or to say; if he is not entangled by worries and suspicions, so harmful to social bonds and mutual relationships; if he can exert outstanding skills and intelligence toward people and affairs, so that he can immediately smell, feel, or perceive any hidden fraud or deceit.⁴

¹ Edward Slingerland, trans., *Confucius' Analects: with selections from traditional commentaries* (Indianapolis: Hackett Publishing, 2003), 161.

² Huang Kan, *Lunyu yishu*, 376-377.

³ Translations all more or less follow Zhu Xi, *Sishu zhangju jizhu* 四書章句集注 (Beijing: Zhonghua shuju, 2015), 158. Simon Leys opts for “is sagacity indeed.” Simon Leys, trans., *The Analects of Confucius* (New York: Norton, 1997), 71. Roger Ames and Henry Rosemont, Jr., along with Ni Peimin, decide to emphasize the sagacity by reading the last three characters as a negatively formed rhetorical question. The translate, respectively, “is this not the mark of superior character?” (179) and “isn't this worthy?” (341). See Ames and Rosemont, *The Analects of Confucius: A Philosophical Translation* (New York: Ballantine Books, 1998), 179; Ni Peimin, *Understanding the Analects of Confucius: A New Translation with Annotations* (Albany, NY: SUNY Press, 2017). Much earlier, James Legge would opt for this rendering as well: “is he not a man or superior worth?” Given the vagaries of the language, these translations are all more or less defensible except that both apparently require a subtraction or an addition to squeeze the meaning from the Chinese. The declarative, “is sagacity indeed,” drops the question form which is clearly in the Chinese. The rhetorical question form, “is he not” or “is this not,” adds the negative “not” clearly absent from the Chinese. The negative rhetorical form follows from Zhu Xi's 朱熹 reading of the particle *yi* 抑 as a negative rhetorical question marker. As I will show below, a much more straightforward solution is possible.

⁴ Thierry Maynard, *The Jesuit Reading of Confucius*, 445.

Nowhere does the Chinese text say that the attentive and prudent man “*exert* outstanding skills and intelligence toward people and affairs” nor does it emphasize the synesthetic perception of fraud and deceit. This over-translation, however, heightens and clarifies the stakes.

If we recall Eusèbe Renaudot’s critique of Chinese virtues from the introduction, this *Analects* line seems to confirm Renaudot’s worst suspicions. The Chinese did have a “Virtue by which we measure the Sense of others” and it did look like “a cunning, inquisitive, mistrustful, artful, designing Man” would be best equipped to measure the minds of his fellows. As it happens, though, Renaudot was making an argument along precisely the same lines as third century Chinese commentators to the *Analects*. In fact, fearing precisely the apparently perverse implications of a sage or worthy person “knowing in advance,” they read the text in a radically different way, turning the final statement into a rhetorical question to be answered negatively: “is this really the behavior of a worthy person?” The text might then be read something like this:

Neither anticipate deception nor expect dishonesty. Is it really worthy to perceive things in advance?

However, the Jesuits were, for better or worse, beholden to Song and Ming *daoxue* 道學 interpretations of the Classics. If they cared to venture into such hermeneutic questions, they could have known about this alternative interpretation as debated in letters between Zhu Xi and his students. They might also have consulted Xing Bing’s 邢昺 (932-1010) Northern Song edition of the *Analects*, a text surely not completely unknown in Ming and Qing China. That text, which was directly refuted by Zhu Xi and other Song commentators, the commentary tradition the Jesuits were reliant upon, says quite explicitly: “To perceive in advance is not the behavior of a worthy” 先覺者非為賢也.⁵ That being said, Jesuit missionaries in China, like everyone else in the late Ming and early Qing, would not have had access to the more detailed record of early commentaries, Huang Kan’s *Lunyu yishu* 論語義疏, a text bought in Nagasaki and brought to Ningbo sometime around 1764.⁶ It had disappeared from China centuries earlier. If they had been able to consult that text, they would have been able to read, among many other things, fragmentary evidence of an *Analects* commentary by the third century intellectual giant, Wang Bi (226-249).

More forcefully than anyone in his time, Wang Bi turned the critique of “anticipation” and “foreknowledge” into a full-blown philosophy of politics and hermeneutics. His reading of *Analects* 14.31, to be analyzed in full below, would have put Renaudot’s concerns to rest. The three landmark commentary texts of the third century, Wang Bi’s commentaries to the *Zhouyi* 周易注 and *Laozi* 老子注, as well as Guo Xiang’s 郭象 (252-312) *Commentary to the Zhuangzi* 莊子 were all preoccupied with the problem of knowledge as *the* corrupting aspect of political life.⁷ The critique of knowledge (*zhi* 知)—as well as wisdom (*zhi* 智)—was not driven by what we might call pure epistemological concerns. It was driven by a more pressing, and perhaps more interesting, political and ethical problem. How does one know another? How do one’s expectations—especially publicly promoted standards of moral behavior—change the behavior of another? Are a person’s actions in any given

⁵ Ruan Yuan 阮元, ed., *Lunyu zhushu* 論語注疏, in *Chongkan Songben Shisanjing zhushu* 重刊宋本十三經注疏 (Taipei: Yiwen yinshuguan, 1965), 129-1.

⁶ Benjamin Elman, “One Classic and Two Classical Traditions: The Recovery and Transmission of a Lost Edition of the *Analects*,” *Monumenta Nipponica* 64, no. 1 (Spring 2009): 59.

⁷ Brook Ziporyn, *The Penumbra Unbound: The Neo-Taoist Philosophy of Guo Xiang* (Albany: SUNY Press, 2003), *passim*.

moment symptomatic of a deeper underlying character? Does the act of *reading* itself participate in shaping who the other is?

For Wang Bi and Guo Xiang, the lesson of the fall of the Eastern Han and the violence of the subsequent half century or more was that the pursuit of moral purity produced a cornucopia of bizarre, corrupt, and violent behaviors. The values themselves were not wrong, but the promotion of those values had ironic consequences in political life. People pretended to be “yielding” or “benevolent,” even if it meant betraying their fathers and brothers.⁸ For Wang, the regime’s promotion of certain values and the incessant political and social surveillance that buttressed those values, including, especially, various systems of official selection so dependent upon the character judgment of men in elite society, worked at cross-purposes to the values themselves. Wang’s major theoretical advance over earlier thinkers concerned with the same problem was his clear distinction between *yong* 用 and *gong* 功, the proper functioning of a person, thing, or institution (*yong*) and the outward result of that functioning (*gong*). Wang did not invent this distinction whole cloth, but he relentlessly clung to it in every domain of his thinking and turned it into a technical distinction where it had once only been a *bon mot* in a polemic.⁹ To use one of Wang’s examples: when a plant blooms, the flower is its *gong*. It would be inappropriate to confuse the flower with the complex hidden processes that brought such a flower into existence. The anticipatory and suspicious mind would cut off a flower before it blooms, because from its perspective, even healthy buds look misshapen.

Wang Bi found himself in a situation uncannily similar to that of modern historians of science such as Bruno Latour, both in terms of his own methodology and in the venom elicited from more naïve defenders of the same values. In a chapter entitled “Trusting Institutions Again?” Latour lays out his theoretical move:

[T]he proposition I am exploring through this inquiry consists in using a series of CONTRASTS to distinguish the values that people are seeking to defend from the account that has been given of them throughout history, so as to attempt to establish these values, or better yet to install them, in institutions that might finally be designed for them.¹⁰

The key is “to share the experience of the values that my informants seem to hold dear, but by offering to *modify* the account, or more accurately the metaphysics, through which they seek to express the experience...where they risk losing it while defending it clumsily.”¹¹ In a move particularly Wang Bi-esque, Latour writes:

Law is not made of ‘the legal,’ but ‘something legal’ circulates in it nevertheless; Science (*sci*) is not made ‘of science,’ but ‘something scientific’ circulates in it nevertheless.¹²

Wang Bi makes the same exact type of argument vis-à-vis the values he seeks to defend:

The magnanimity of the virtue of humaneness is not a question of using what humanness has done. The rectitude of rightness is not a question of using what rightness has

⁸ See Michael Nylan, “Confucian Piety and Individualism in Han China,” *Journal of the American Oriental Society* 116, no. 1 (Jan-Mar 1996): 1-27.

⁹ Huang Hui, *Lunheng jiaoshi*, 1106-1107.

¹⁰ Bruno Latour, *An Inquiry into Modes of Existence: An Anthropology of the Modern*, 7.

¹¹ *Ibid.*, 8.

¹² *Ibid.*, 40.

accomplished. The purity of ritual reverence is not a question of using what ritual has preserved.

故仁德之厚，非用仁之所能也；行義之正，非用義之所成。禮敬之清，非用禮之所濟也。

The magnanimity, rectitude, and purity of these is made manifest (*xianzhi* 顯之；*zhangzhi* 章之) not by latching onto the flowers of these virtues, but by “using their integrity” 用其誠.¹³ Humaneness is not made of humaneness, but humaneness circulates within it nevertheless.

Just as Latour’s critics view his constructivist, network theory of science as undercutting the authority and ground of capital-S science, Wang Bi’s critics viewed his modified account of the virtues as patently absurd, even dangerous. An early critic took aim at Wang Bi: “something (*you* 有) cannot be made complete by using nothing (*wu* 無).” The same critic continued, turning Wang Bi’s own metaphors against him. Where Wang Bi writes, “the formed vessel is produced by a craftsman. It is *not* the craftsman” 形器，匠之所成，非可以為匠也，the critic responds:

The craftsman is indeed not a vessel, but a vessel must be made by a craftsman. Additionally, a vessel cannot be made by something that is not a vessel, nor is it right to say that the craftsman is not something (*you*).

匠非器也。而制器必須于匠。然不可以制器以非器。謂匠非有也。¹⁴

This critique only holds in the most literal and uninteresting sense: of course, a craftsman is something. Only by reifying the meaning of *wu*—nothing—does the critique stand at all. Wang Bi, however, simply needs to posit a *difference* between proper functioning (*yong*) and outward result (*gong*) to sustain his position. People, things, values, and institutions are all reliant for their proper functioning on something other than their outwardly manifestation. For Wang, “using their integrity,” namely using that which keeps something whole, is synonymous with “using nothing,” a phrase we might also understand as “using what is formless” 用夫無形¹⁵ or “using what is lacking.”

For Wang Bi, the opposite of “integrity” 誠 was not hypocrisy, falsity, or artifice (all *wei* 偽) but rather dis-integration. Unlike the other virtues—humaneness, rightness, ritual propriety—“integrity” could be “used” directly without ironic consequences. The “use of integrity” already allowed for a non-accusatory relationship to the true and the false (*qing wei* 情偽), thus it did not participate in the ironic economy of moral (de)valuation. “Integrity” was a dynamic process—a functioning—that included both the true and the false. It was not a value claim in the same way that “ritual propriety” was. As *wei* 偽, “falseness,” had the valence of “artifice” as well, it was perfectly suitable to a theory like Wang Bi’s which already posited a gap between outer manifestation (*gong*) and the process that brought such a manifestation about (*yong*). The entire cosmos is “hypocritical” in the precise sense that outer sign and inner function of things do not correspond. By “using integrity” and the “formless,” we employ the specific negation of each thing, value, or institution—the empty core that perfectly shapes the outward manifestation. Just as the craftsman knows how to

¹³ Lou Yulie, *Wang Bi jijiaoshi* 王弼集校釋, 95. All citations of *Zhouyi*, *Laozi* and Wang Bi will be cited as *Wang Bi jijiaoshi* below.

¹⁴ Pei Wei 裴頠 (267-300), “Chong you lun” 崇有論, in Yan Kejun 嚴可均, ed., *Quan Shanggu Sandai Qin Han Sanguo Linchao wen* 全上古三代秦漢三國六朝文 (Beijing: Zhonghua shuju, 1991), 1648-2.

¹⁵ *Wang Bi jijiaoshi*, 95.

hollow out the right amount of space in a pottery vessel, for example, the sage knows how to give shape to the specific negation at play in a particular relationship or institution.

Again, Wang Bi did not invent this notion of “integrity.” Eastern Han writers had already clarified the relationship between integrity and artifice/falsity. Wang Chong 王充 (27-97) argued that “truth and falsity are both found in the way of heaven” 天道有真偽 and, more strikingly, that “Dong Zhongshu used clay dragons to pray for rain in order to manifest his unadulterated integrity, without concern for the truth and falsity of things” 致精誠，不顧物之偽真.¹⁶ Wang Bi hardly needed “Daoist” texts to arrive at these conclusions. This notion of “integrity” was already found in sophisticated defenses of ritual practice, such as Wang Chong’s defense of Dong Zhongshu, the great Han “Confucian,” just cited.¹⁷ In light of these arguments, the Han reading of 14.31 looked like further proof of the sage’s “use of integrity.” The greatness of the sage was to be found in how he *did not* anticipate *nor* seek to perceive in advance. Like Wang Chong’s Dong Zhongshu, the sage’s integrity was defined by his lack of concern for truth and falsity. The sage allowed processes to unfold without interference. After all, on what grounds might he come to see an outward sign as something opposed to the proper flourishing of a thing? What was there to be on guard against *in advance*? While Wang Bi clearly posited a distinction between surface and depth—inner use and outer manifestation—he viewed both as unassailable aspects of the “natural”—the self-so 自然—world. The proper relationship to these things was the “extension of integrity” 推誠, to extend the benefit of the doubt. Where many of his contemporaries read signs through a hermeneutic of suspicion, seeking to decide between the true and the false, Wang Bi sought to read signs with an eye to their (inner) integrity. His hermeneutic of trust was suspicious of those who viewed signs suspiciously, but was trusting of the apparent duplicity of signs.

Wang Bi came to think about *Analects* 14.31, then, when considering another passage in the *Analects* about Kongzi’s mode of relating to apparent hypocrisy, passage 8.16:

The Master said: “I simply don’t understand how people could become impulsive and yet not upright, naïve and yet not honest, empty-minded and yet not trustworthy.”¹⁸

子曰：狂而不直，侗而不愿，慳慳而不信，吾不知之矣。¹⁹

These people—the impulsive, naïve, and empty-minded—are inexplicable because they should have the very traits that they do not have. The empty-minded man should be trustworthy, but he is not. The usual way of reading this passage is to translate *bu zhi* 不知 (not understanding) as the mark of Kongzi’s exasperation. Zhu Xi, for instance, says that Kongzi is expressing how he “will not condescend to teach such men.”²⁰ Wang Bi, ever mindful of the problem of knowledge, reading signs, and integrity, takes the entire passage as exemplary of Kongzi’s willingness to teach all people. In fact, by not seeking to understand them, the sage extends to them a generosity that will bring them back into the fold. It is here that Wang Bi brings in *Analects* 14.31 as a proof text:

¹⁶ See “Shuai xing” 率性, in *Lunheng jiaoshi*, 75; also “Si wei” 死偽 in *ibid.*, 892.

¹⁷ The modern intellectual historian Feng Youlan 馮友蘭 used the term “New Daoism” first in 1948 to describe the *xuanxue* 玄學, or “dark learning” movement, of the third century. See *Zhongguo zhexue jianshi* 中國哲學簡史 (Beijing: Beijing daxue chubanshe, 1996), 186. For a survey of the various intellectual historical treatments of *xuanxue*, including both Wang Bi and Guo Xiang, see Yang Lihua 楊立華, *Guo Xiang ‘Zhuangzi zhu’ yanjiu* 郭象《莊子注》研究 (Beijing: Beijing daxue chubanshe, 2010), 1-4.

¹⁸ Ni Peimin, *Understanding*, 224.

¹⁹ *Analects* 8.16, *Lunyu yishu*, 197-198.

²⁰ Zhu Xi, *Sishu*, 107.

By extending integrity to instruct the masses, the people's customs will change on their own. By contrast, by searching for the true and the false, one will be met with dangerous minds. For this reason, the sage's task is to make people return towards magnanimity and he does not mistake penetrating the darkness for perspicacity. The task is to make it so wickedness and hypocrisy do not arise in the first place, it is not to value "perceiving in advance." So, even though the sage's perspicacity is like the sun and the moon, he still says he "does not understand."

夫推誠訓俗，則民俗自化；求其情偽，則險心茲應。是以聖人務使民皆歸厚，不以探幽為明；務使奸偽不興，不以先覺為賢。故雖明並日月，猶曰不知也。²¹

This passage, included in the *Lunyu yishu*, is a stunningly virtuosic take on the *Analects* passage under examination. Rather than expressing exasperation, the sage demonstrates his ethical generosity by "not understanding." Again, the impaired vision of the sage-king was not a position beyond the "Confucian" fold. Wang Bi is not imposing here in any particularly "Daoist" way. The nature of sagely knowledge was one of the most hotly contested topics in the Han, rich in ethical and political implications. Furthermore, there were solidly classical precedents arguing for the impairment of the king's senses, proof texts that Wang Bi will deploy elsewhere (more on this below). For Wang Bi, the upshot of the sage limiting his sun-and-moon-like perspicacity was the way it limited the introduction of further duplicity into society. Wang firmly believed that a cunning and mistrustful ruler would inevitably produce cunning and mistrustful subjects, a result not worth the short term risks of sophisticated surveillance. Hence, by arguing for an appropriate limit to the sage-ruler's *anticipation* and *foreknowledge*, Kongzi, according to Wang, sought to make society more honest, plain, and upright.

In light of this earlier commentary tradition, the Song interpretive tradition that has taken hold of nearly every translation of *Analects* 14.31 seems small-minded. It introduces a kind of petty vigilance into a text read in earlier times as emblematic of sagely magnanimity. The Song reading, however, is interesting on account of the way it brings in other proof texts to justify itself. The role of the idea that "the way of absolute integrity makes foreknowledge possible" 至誠之道可以前知 found in the "Doctrine of the Mean" 中庸 cannot be overstated here. But even in later discussions, interpreters knew they were playing with fire.²² There were few thinkers anywhere in the tradition who would unequivocally refute the *Laozi* on this point: "Foreknowledge is...the beginning of stupidity" 前識者……愚之始.²³ Foreknowledge draws the mind out into pettiness and calculation. It's difficult for integrity to hedge in those impulses.

The remainder of this chapter will follow out the threads I have just laid out. First, I will examine in detail how and why Wang Bi draws the distinction between *yong* and *gong* in his understanding of "integrity." It has become something of a scholarly habit for anyone working on Wang Bi to say something of his "ontology," so I hope that this section can stand in that place. As I will show, the main concern for Wang Bi is not "what there is" in the world, but rather "how things work." The role of functioning and work were at the core of his vocabulary of *yong* and *gong*. There is little to say about his "ontology" in the sense that it is often spoken of primarily because there is simply no theory of "substance-function" (*ti yong* 體用) in his writings, even though people want to

²¹ Ibid., 197-198

²² Lü Minghuan 呂明烜, "Song Ming 'ni zha' zhang chanshi shong de 'xian jue' nanti" 宋明'逆詐'章闡釋中的'先覺'難題, *Suzhou daxue xuebao* 蘇州大學學報 3 (2018): 34-39.

²³ Wang Bi *jijiaoshi*, 93.

find it everywhere. Wang Bi would have found the suggestion that “nothing” (*wu* 無) can serve as “substance” (*ti* 體) patently ridiculous if for no other reason than *ti* always has form for Wang Bi. When he said the sage “embodies *wu*” 體無, he meant nothing more (and nothing less) than the sage gives shape to *wu* and acts from the perspective of *wu*, the way a potter gives shape to emptiness at the core of a vessel. The sage is a craftsman who “makes things right” 制義 in the sense that he carves out a space for all things to function with integrity.

Next, I will show that one of the most striking features of Wang Bi’s thought is his refusal to referee the true and the false (*qing wei* 情偽). As we saw above, Wang Bi was concerned that “by searching for what is true and what is false, one will be met with dangerous minds.” This insight was central to his *Commentary to the Zhongyi* where he defines change as the workings of both truth and falsity. As all things are “artifice” and “false” to the extent that the core of their “integrity” is different from their outward expression, the way to preserve integrity is to read outward signs as pointing to a deeper integrity different from the sign itself, thereby “extending integrity”—extending the benefit of the doubt—to the thing. At the end of this section, I will return to the issue of foreknowledge and perspicacity at stake in Wang Bi’s reading of *Analects* 14.31, and show how the refusal to referee the true and the false can be traced back to core ideas in the Han classical tradition. He is solidly within the tradition that links integrity and trust to magnanimity—the paradigm of the visibly blind.

Rocks, Buds, and Everything Else: Wang’s Theory of Function

In his essay on “Valuing Proof” 貴驗, Xu Gan 徐幹 (171-218) speaks of the self-evidence of rocks and other natural things:

In all affairs, there is nothing more valuable than proof. In speech, there is nothing more despicable than lacking evidence...The coolness of water, the heat of fire, the hardness of metal and rock—these things never speak, yet everyone knows what they are like. Their integrity (*xin*) shines forth from their bodies (*ti*). If my integrity were like that of these things, who would ever doubt me?
 事莫貴乎有驗，言莫棄乎無徵……水之寒也，火之熱也，金石之堅剛也，此數物未嘗有言，而人莫不知其然者，信著乎其體也。使吾所行之信，若彼數物，而誰其疑我哉？²⁴

The rock, like water, fire, and metal, is perfectly trustworthy (*xin*). No one doubts the hardness of the rock by suspecting a soft and supple core lurking beneath the hard surface. The impulse to turn *oneself* into such a firm and reliable figure is perfectly understandable, but the generalizability of such a model of proof (*yan* 驗) and evidence (*zheng* 徵; also *zhuo* 著, “to shine forth”) is more difficult to defend. As Xu continues, citing the authority of Kongzi, it takes people a long time to make manifest (*zhuo*) their trustworthiness. Humans cannot be rocks, in other words, because of their existence in time. One’s reliability in this situation is an imperfect predictor of future reliability and any number of other factors might affect another’s opinion of one’s reliability.

For these and other reasons, the image of rock-hard reliability was not uncontested. A passage from the *Yanzi Chunqiu* 晏子春秋, a text drawing together diverse source material about the Spring and Autumn period Qi 齊 chancellor Yan Ying 嬰 (sixth century BCE), pursues a similar idea

²⁴ Sun Qizhi. *Zhonglun jiegou*, 76.

in discussing two forms of “clean government” 廉政, one long-lasting and the other short-lived. The long-lasting form of “clean government” acts like water, “washing the dirty and the clean alike.” The short-lived acts like a rock: “It settles hard like a rock. It looks hard; it feels hard; both inside and outside it is hard. It has nothing by which it might last a long time. Such a government quickly falls” 堅哉石乎落落，視之則堅，循之則堅，內外皆堅，無以為久，是以遯亡也。²⁵ The perfect unity of the rock cannot last and petrifies the state whose incorruptibility is modeled on its firmness.

These images of the rock provided Wang Bi with a perfect foil for his idea of dynamic integrity in which the form (*xing*) and outward achievement (*gong*) of an object are distinguished from its integral functioning (*yong*). The rock or jade, he writes in his commentary to Chapter 39 of the *Laozi*, are undesirable because their “body is no more than their form” 體盡於形. Body and form perfectly coincide such that there is no space for “function” (*yong*). The solidity of the rock makes it undesirable. Incidentally, this language shows how *ti* and *yong*—the two terms usually considered key to Wang Bi’s “ontology”—are actually related in his writing. *Ti*, or “body,” ideally encompasses both *form* and *function*. It is not a “substrate” or a “substance” supporting phenomenal change.²⁶

In his reading of *Laozi* Chapter 39, Wang writes that the achievements of all other functioning things in the world—heaven, earth, spirits, humans, animals, kings—rely upon the “oneness” particular to each thing. This “oneness”—the proper functioning of a thing that makes it whole—differs from what we normally regard as the main visible trait of the thing. However, it is only because of this proper use of “oneness” that the manifest trait even comes to be seen. The manifest form (*xing*) and achievement (*gong*) are produced through this proper functioning. Take “heaven,” for example. The *Laozi* text of Chapter 39 says that “heaven attains its oneness and is thereby clear” 天得一以清. Furthermore, it continues, “if heaven does not have that by which it is clear, it will crack open” 天無以清將恐裂. Wang Bi interprets this to mean:

It is simply that heaven uses (*yong*) oneness to arrive at clarity. It does not use clarity to make itself clear. In holding to oneness, clarity is not lost. Were it to use clarity, it would crack open. Thus, the source [lit., “mother”] of achievement (*gong*) cannot be abandoned. No thing uses (*yong*) its achievement (*gong*), for fear of losing its root.
用一以致清耳，非用清以清也。守一則清不失，用清則恐裂也。故為功之母不可舍也。是以皆無用其功，恐喪其本也。²⁷

Heaven, and all other things, are not like the rock because their outer form (“clarity”) is sustained by an integral function within. That function *is not* merely the use of the outer form. This idea introduces a difference and a tension within each thing. Heaven is not clear because it uses clarity. The clear outer form is an incidental product of the function proper to the thing. This is a rather

²⁵ Zhang Chunyi 張純一, ed., *Yanzi Chunqiu jiaozhu* 晏子春秋校注 (Beijing: Zhonghua shuju, 2016), 187-188.

²⁶ Tang Yongtong 湯用彤, *Wei Jin xuanxue lunao* 魏晉玄學論稿 (Shanghai: Shanghai guji chubanshe, 2007), 45. Tang uses the English word “substance” to translate the *ti*. He also uses the Chinese words *benti* 本體 and *shiti* 實體. *Shiti* 實體, literally “real form” or even “solid form,” is particularly problematic for reasons that will be discussed below. The entire paradigm is based on an Aristotelian imaginary—Tang was lecturing on Aristotle at the time. For a more balanced assessment of the “ontological” *ti-yong* 體用 problem, see Brook Ziporyn, *Beyond Oneness and Difference* (Albany: SUNY Press, 2013), 149-155. Ziporyn is careful, but still decides to import the *ti-yong* problem as a helpful heuristic for explaining Wang Bi. I choose to abandon this mode of reconstruction preferring what I think is a richer point of entry.

²⁷ *Wang Bi jijiaoshi*, 106.

opaque way of saying that if one wants to understand the proper functioning of a thing, one should not reify its form—or, to continue the metaphor, petrify it.

As we saw above, Wang is wont to use this argument everywhere, but especially in his modified account of values. He is not primarily interested in the functioning of heaven, earth, and rocks, but in the proper functioning of social and political life. The examination of heaven and earth is meaningful to him only to the extent that it makes possible *a fortiori* arguments about human existence: If, even heaven and earth function in this way, how much more must it be the case with human institutions? The term *wu* 無 is sufficiently multi-valent for him to draw together apparently separate forms of more or less traditional arguments about heaven and earth. *Wu* literally means lack, “not having,” but it can also mean “formless” 無形. In either case, the key is that what is visibly there (what “has form,” *you xing* 有形) is necessarily incomplete and unable to stand on its own. This means that (1) the visible existence of everything presupposes an invisible integral functioning *different* from the visible product and (2) different things need one another because everything suffers from a basic lack. These arguments are different, but the focus of both is that “completeness” cannot be demanded from a thing on the basis of visible signs or achievement. Such a demand would treat a thing like a rock, which lacks *wu* both in the sense that there is nothing formless supporting it, but also in the sense that it cannot enter into a relationship with any other thing. In Wang Bi’s language, the most destructive political or social relationship “demands completeness from what is exterior” 責備於表.

In making these arguments, Wang Bi is much more firmly embedded in traditional discourse than intellectual historians would like to admit. There was no “ontological” turn that fundamentally rejected the “cosmological” theories of Han Confucianism, as the Aristotle inspired-model of Chinese intellectual history would have it.²⁸ As I showed in Chapter Two of my dissertation, arguments about the fundamental incompleteness of heaven and earth were used very early in imperial discourse as warrants for extending trust to equally incomplete and imperfect human beings. Qin and Han writers were quite sensitive to the way in which heaven and earth were situated in their discourses, understanding early on that they were treated in basically two different ways—beyond the idea of an anthropomorphic heaven. First, heaven and earth could be treated as beings fundamentally different from all other things which, because of the ontological difference, allowed them to serve as an impartial measure for all things. Second, heaven and earth could be treated as things with form which, precisely because they had form, meant that they had gaps, imperfections, and lacks requiring them to join with other beings, especially one another. Wang Bi draws his images from this second trope, making him, if anything, *more* cosmological than ontological—namely, more interested in things, their imperfections, interconnections, and their proper functioning. His critics, ironically, were beholden to a more abstract ontological distinction between Being and beings which turned things into objects of measurement and verification rather than subjects who deserved the benefit of the doubt.

The form/use distinction examined above from Chapter 39 of *Laozi* reappears in Wang’s reading of heaven in the first hexagram of the *Zhouyi*. In commenting on the nature of heaven’s “strength” 健, he writes:

“Heaven” is the name given to the form. “Strength” is what uses that form. Now, as we all know, “form” is a burden on things. To have the form of heaven, yet still be able to maintain oneself without loss *and* serve as the leader of things, must we not presume it is strength that keeps heaven together?

²⁸ Tang Yongtong, *Wei Jin xuanxue*, 45.

天也者，形之名也；健也者，用形者也。夫形也者，物之累也。有天之形，而能永保无虧為物之首，統之者豈非至健哉！²⁹

The features of heaven visible in its form—an unceasing perfection that can serve as the head of things—point us to something *different* from those features, namely the immense strength required to keep such a form. Wang gives a similar account of earth’s “docility” 順 in the commentary to the second hexagram. The image here shows how the formless function produces the form. This is *wu* in the valence of “formless.”

Returning to the metaphor of *solidity*, Wang gives a slightly different account of heaven’s strength in his commentary to Chapter 4 of *Laozi*. Rather than “strength” coming from within, as the image in the *Zhouyi* seems to imply, it comes from without. Heaven cannot pull itself out of the mud by pulling up on its own hair. It must seek assistance from what it lacks, the second meaning of *wu*.

Clinging to the capacity of a family cannot complete the family; clinging to the capacity of a kingdom cannot achieve the kingdom. Exhausting one’s strength to lift a heavy weight, one is unable to use it. Hence, while people know that all things are ordered, if they do not use the way of the Dual Model in their ordering of things, things cannot be completely provided for. While the form of the earth is coarse, if it does not model itself on heaven, it cannot complete its peacefulness; while the image of heaven is refined, if it does model itself on the way, it cannot maintain itself. “Empty, it is employed” refers to a use that cannot be exhausted and made solid (*shi* 實). With solidity comes spillover. If emptiness is employed, it is still not yet full and can be perfectly inexhaustible. While the form is large, it cannot burden its body (*ti*); while there are many affairs, they do not fill up one’s capacities. If things were to abandon this in order to seek a master, where might such a master be found? 夫執一家之量者，不能全家。執一國之量者，不能成國。窮力舉重，不能為用，故人雖知萬物治也，治而不以二儀之道，則不能贍也。地雖形魄，不法於天則不能全其寧。天雖精象，不法於道則不能保其精。沖而用之，用乃不能窮滿以造實，實來則溢，故沖而用之，又復不盈，其為無窮亦已極矣。形雖大，不能累其體，事雖殷，不能充其量，萬物捨此而求主，主其安在乎。³⁰

The word *shi* 實, translated here as “solidity,” equally meant “reality” in early Chinese philosophical discourse. Wang has thus turned his philosophy of “function” against a key assumption of the period: the real is what matches the appearance. In that view, Wang cleverly implies, reality would be nothing but a pile of rocks, free of interaction and self-contained. In his view, things function inexhaustibly because they are all *lacking* and require assistance from others. This same type of argument is made in the famous commentarial essay attached to chapter 38 of *Laozi*, in the very passage used to “prove” the existence of Wang’s *ti-yong* theory.³¹ We are now equipped to understand the real import of that passage. He says that things “cannot be complete of themselves” 未能自周, thus

²⁹ Wang Bi *jijiaoshi*, 213.

³⁰ Wang Bi *jijiaoshi*, 10-11.

³¹ See Ziporyn’s discussion in *Beyond*, 150.

Heaven cannot support things; earth cannot cover things; people cannot provide for themselves. Even the most esteemed of things, must use *wu* to function. They cannot discard *wu* [discard what they lack; discard the formless] in the formation of their bodies (*ti*); if they discard *wu*, they lose that which makes them great.

故天不能為載，地不能為覆，人不能為贍，萬物雖貴，以無為用，不能捨無以為體也。捨無以為體，則失其為大矣。³²

This extraordinary passage does not, as many readers suggest, posit *ti* as a substrate. *Ti* is the combination of form and function, as it was in the other passages cited above. The formless lack (*wu*) present in each thing—even in the most esteemed things: heaven, earth, and humans—is what allows the whole to join together and function smoothly. If one were to “discard the lack,” a wonderfully paradoxical formulation, the whole thing would fall apart.

At this point, Wang Bi’s full critique of existing ideas about values and order really does start to look like Bruno Latour’s critical account of scientific institutions. The names that we give to things—benevolence, rightness, ritual, sagacity, order, science—refer to appearances that disguise complex processes and networks that must all work together to produce whatever it is we value. The name names the value, but tells us little about the conditions that produce it. Latour’s opposition between Certainty and Trust suits Wang Bi’s argument as well. Latour laments that capital S Science has defended itself poorly with reference to “rational” “certainty” while failing to attend to the institutional networks that make such scientific objectivity possible in the first place.³³ A shift from self-certainty to trust in institutions is, for Latour, key. For Wang Bi, he advocates a shift from “demanding completeness from what is exterior” to “extending integrity.”

The economic metaphors at play in Latour and Wang’s texts, however, are strikingly different. Latour imagines that a full account of the very concrete networks of scientific institutions would finally mean that scientists would have to “pay in cash and not on credit” for their claims to objectivity.³⁴ This is an interesting metaphor for many reasons, the least of which is that Latour links “payment in cash” with “trust in institutions.” This claim is foreign to Wang Bi’s formulation. For Wang Bi, “demanding completeness” 責備 is the language of the creditor who demands immediate payment. *Ze* 責 means to demand immediate (cash) payment. The language of trust and “extending integrity” in Wang’s philosophy, however, is very much one of credit. Those obsessed with “form” and “name” are miserly merchants who demand payment in cash rather than generous men who trust that open-ended social credits and debits with ultimately add up to an ordered society, however necessarily imperfect it would still be. Trust as credit—an open relationship to the unknown and other—was, in the political and philosophical discourse of early China, opposed to trust as verification, the surveillance and accounting of “achievements.”

As far as Wang Bi was concerned, the idea of “demanding completeness from what is exterior” pervaded his entire society. Theories for judging personality and appointing men to appropriate offices, like the contemporary work *Remmu zhi* 人物志 by Liu Shao 劉劭 (fl. early third century CE), made reading the “evidence” 徵 of character central. Wang Bi’s writings were a detailed, often point-for-point refutation, of such theories. Where Liu Shao writes that the sage “finds nothing more beautiful than penetrating insight (*congming* 聰明),” Wang says “penetrating the

³² Wang Bi *jijiaoshi*, 94.

³³ Latour, *An Inquiry into Modes of Existence*, 5-8.

³⁴ See, e.g., Latour, 21. This metaphor is repeated throughout the text.

darkness is not perspicacity.”³⁵ Where Liu says, citing *Analects* 8.16, the sage has “contempt for the ‘naïve and not yet honest,’” Wang says the sage does not “search for what is true and false.”³⁶ In Wang’s view, the reading of texts and the reading of human character were poisoned by the demand for external, on-the-surface, perfection. Wang’s famous hermeneutic move to “get the meaning and forget the words” 得意忘言 was directed at a naïve textual hermeneutic that sought to bind the *Zhouyi* text to itself by making the words correspond to the images of the text in a more or less one-to-one way. Wang shows how this prejudicial understanding of the text—perceiving the text as superficially unified in advance of the reading—had disastrous consequences for interpreting the *Changes*:

Making demands of the hexagram according to the text such that there is a “horse” [an image of strength] but no *qian* [the deeper meaning of a hexagram] makes it so false interpretations proliferate. These falsehoods are difficult to rein in. When the theory of “interpenetrating forms” came up short, the theory of “hexagram transformation” was invented; when that came up short, a theory of the “five phases” was postulated. Once the source is lost, cleverness increases without end. Sometimes this pays off, but there is no means to get the significance.

案文責卦，有馬無乾，則偽說滋漫，難可紀矣。互體不足，遂及卦變；變又不足，推致五行。一失其原，巧愈彌甚。從復或值，而義無所取。³⁷

The demand for repayment from the text can produce some results, but the ultimate consequence is the explosion of technologies of containment. The various theories mentioned here were the tools Han commentators had invented in order to make the text appear perfectly consistent and transparent. According to Wang Bi, a similar explosion takes place in the realm of legal control and moral vocabulary. The anticipation of a certain result unleashes new words and technologies to achieve that result—a process without end. The desire for transparency and clarity unleashed any number of forms of clever artifice, both among the readers of character and among those who were being read.

In the hermeneutic case, as elsewhere, the bad reader often does not appreciate that meaning (*yi*), like function (*yong*), must remain, at least partially, hidden. In an extraordinary comment on the “Release” 解 hexagram of the *Zhouyi*, Wang Bi describes the meaning of a bud, following the image in the *Changes* classic. The classic says: “after rain, the buds of the various fruits, grasses, and trees burst open.” At the same time, he notices that the text is silent on the issue of “meaning” where it usually includes the word. Connecting the image and this problem, he says:

All buds have been released. This is the time in which one is released from difficulty and not the time for dealing with difficulty. The text thus does not mention “function.” The body is exhausted in the name so that there is nothing hidden. Thus, it does not say “meaning.” 難解之時，非治難時，故不言用。體盡於解之名，无有幽隱，故不曰義。³⁸

³⁵ From “Preface” to *Renwu zhi* 人物志. See D.C. Lau, ed., *Renwu zhi zhuzi suoyin* 人物志逐字索引 (Hong Kong: Zhongwen daxue chubanshe, 2007), 10.

³⁶ Ibid.

³⁷ Wang Bi *jijiaoshi*, 609. The best studies of the hermeneutic strategies of Wang Bi are: Rudolf Wagner, *The Craft of a Chinese Commentator* (Albany, NY: SUNY Press, 2000); and Robert Ashmore, “Word and Gesture: On Xuan-School Hermeneutics of the *Analects*,” *Philosophy East and West* 54, no. 4 (October 2004): 458-488.

³⁸ Wang Bi *jijiaoshi*, 412.

The paradox of this account is brilliantly crafted. Hermeneutics, which is in the business of “explaining” (*jie* 解) and “releasing” (*shi* 釋) meaning from a text, is in some sense the enemy of meaning. Meaning, Wang argues, requires darkness to exist and disappears the moment it enters the light. A bit like Schrödinger’s cat, a text contains the most possibilities when it remains uninterpreted. Consistent with the images of strength overcoming the burden of form cited above, this passage underscores the importance of *difficulty* and *darkness* in preserving function and meaning, respectively. For Wang Bi, it is important to preserve the pregnant difficulty and darkness of political and social existence, eschewing the easiness of verification and ex-planation. Wang makes this point about meaning in his comments on the Gou 姤 hexagram as well: “Whenever we speak of meaning, we are talking about what is not exhausted in what is visible and thereby contains the flavor of thought [also: “meaning”] 凡言義者，不盡於所見，中有意義者也.”³⁹ The idea itself, while beautifully expressed, is not entirely new. Already in *Mengzi* 孟子, Mencius fears that “taking analogies to their extreme will exhaust all meaning” 充類至義之盡, thus implying that there is kind of unspoken, internal limit to the conclusions one might draw based on analogy.⁴⁰ Even good arguments lose their meaning when they are taken to an inappropriate extreme.

On the True and the False

In an essay in his “Succinct Paradigms for the *Zhouyi*” (*Zhouyi lieli* 周易略例), Wang defines change as “the operations of the true and the false” 情偽之所為. The essay, “Understanding Hexagram Lines and Comprehending Change” 明爻通變, opens like this:

What does a line in a hexagram show? It shows change. What is change? The operations of the true and the false. The movement of the true and the false cannot be sought with numbers. The convergences, dispersions, contractions and expansions of this movement are at odds with their form. Form is impetuous, yet the person is inclined to be quiet; The constitution is soft, yet the person loves what is hard. Form and feeling are opposed; constitution and desire are at odds. Even the clever reckoner could not pin down their numerical constants. Sagely perspicacity cannot make a constant model for these changes. Laws and restrictions cannot unify them. Weights and measures cannot equalize them. Isn’t that which moves things in such a way grand?
夫爻者，何也？言乎變者也。變者何也？情偽之所為也。夫情偽之動，非數之所求也；故合散屈伸，與體相乖。形躁好靜，質柔愛剛，體與情反，質與願違。巧曆不能定其算數，聖明不能為之典要；法制所不能齊，度量所不能均也。為之乎豈夫大哉！⁴¹

The text is extraordinary because it opposes the complexity of human behavior, characterized by the movement of the true and the false, to the simplicity of available technologies for containing that complexity. There are no technologies available that might hem in or make predictable the complexity of human change. The argument linking change and “the true and the false” is intimated in the *Xici* 繫辭 commentary to the *Zhouyi*, traditionally attributed to Kongzi. That text says that the

³⁹ Wang Bi *jijiaoshi*, 439.

⁴⁰ *Mengzi* 5B:13. See Jiao Xun, *Mengzi zhengyi* 孟子正義 (Beijing: Zhonghua shuju, 2007), 701.

⁴¹ Wang Bi *jishi*, 597.

hexagrams were established to “comprehend truth and falsity” 盡情偽. It also says that change is, among other things, the “mutual movement of truth and falsity” 情偽相感.⁴² These provide Wang Bi with a good textual basis to make this argument, but his argument is clearly doing more than these passages seems to imply. As I suggested in the introduction of the chapter, Wang Chong’s idea that “truth and falsity are both found in the way of heaven” 天道有真偽 and his further emphasis on technological artifice (*wei* 偽) as a way of moving heaven made “artifice” laudable in a way that even *Xunzi* might not have imagined. Other texts, like the *Liezi* 列子, perhaps forged during Wang Bi’s lifetime, even includes a story in which a person’s “trust in false things” 信偽物 is an emblem of their “integrity” 誠.⁴³ In other words, Wang is tapping into an important tradition about human integrity and falsity. He does this to short-circuit any attempt to contain human complexity through traditional techniques of governance.

Wang Bi’s reading of *Analects* 14.31 and 8.16 emphasized that the sage is supposed to “extend integrity” rather than “search for what is true and what is false.” As no other technologies were available to check human complexity and the impulse to surveil produced infelicitous social and political consequences, the sage should simply “extend integrity.” This idea is underscored in Wang’s commentary to Chapter 49 of *Laozi*:

In this way, the beads dangling from the ruler’s cap block his eyes, yet he does not fear trickery; plugs block his ears, yet he is not worried about deception. Why would a ruler belabor the hearing and sight of his single person to investigate the truth of the entire populace? If one investigates things using keen perception (*ming*), things will compete to be even more perceptive. If one investigates things out of distrust, things will compete to be even more distrustful in response. The minds of those in the empire are not necessarily the same, yet daring not to be different, none would be willing to be honest. How harmful this would be! There is no harm greater than the use of keen perception (*ming*)... One cannot keep the people from using their intelligence and strength against oneself in which case the ruler would stand as one against ten million. If one expands the net of the law and multiplies punishments, this would block off the shortcuts and assault people’s hidden abodes. Thus, things would lose what comes natural to them. The people would lose their hands and feet and even the birds above and the fish below would be in chaos.

如此則可冕疏充目而不懼於欺，黠續塞耳而無戚於慢，又何為勞一身之聰明，以察百姓之情哉。夫以明察物，物亦競以其明應之，以不信察物，物亦競以其不信應之。夫天下之心，不必同其所應，不敢異則莫肯用其情矣。甚矣，害之大也，莫大於用其明矣……未有能使人無用其智力乎己者也，如此則己以一敵人，而人以千萬敵己也。若乃多其法網，煩其刑罰，塞其徑路，攻其幽宅，則萬物失其自然，百姓喪其手足，鳥亂於上，魚亂於下。⁴⁴

Here, Wang Bi deploys a number of different arguments, including classical reference and pragmatic concerns, to explain the meaning of “virtuous trust” 德信 in the *Laozi* text. *Laozi* says somewhat enigmatically that “virtuous trust” means trusting both the trustworthy and the untrustworthy, an

⁴² See “Xici,” *Wang Bi jijiaoshi*, 554, 575.

⁴³ Yang Bojun, *Liezi jishi* (Beijing: Zhonghua shuju, 2008), 57. For textual history of the *Liezi*, see Yang’s study of the textual history attached to this edition of the text, 323-348.

⁴⁴ *Wang Bi jijiaoshi*, 129-130.

idea developed by Wang Bi here, but also strongly resonating with his reading of *Analects* 14.31 where Kongzi says that one should not anticipate mistrustfulness.

Plainly, the major classical source for Wang Bi in this passage is the lore associated with the ruler's cap, which had dangling beads and streamers (partially) blocking both eyes and ears. In *Elder Dai's Record of Ritual* 大戴禮記, for instance, we read:

In the past, the beads dangling in front of the cap were there to block his sight; the silk streamers blocking the ears were there to impair his hearing. It was said, there are no fish in clear water and no followers for men good at surveillance.

故古者冕而前旒，所以蔽明也；統統塞耳，所以弇聰也。故水至清則無魚，人至察則無徒。⁴⁵

Importantly, Wang Bi does not define the sage through knowledge, but through embodiment and action. When he does comment on sagely knowledge in his *Analects* commentary, he says, “Even though the sage's perspicacity is like the sun and the moon, he still says he ‘does not understand.’” Regardless of the status of such knowledge, it should remain unused so that others might use their own.

Conclusion: Extending Integrity

Wang Bi makes a wager that, given the vagaries of human character, the extension of trust and the benefit of the doubt is more likely to produce order and felicitous social relationships than the alternative. Trust produces trust and suspicious breeds further suspicion. In such a world, even given certain failings, it is better to err on the side of trust than to pursue the path of suspicion. The latter, even in the realm of hermeneutics, produces results destructive of meaning, function, and order. Wang Bi quite clearly conceptualized this as an imperfect, but nevertheless superior way of ordering society. The imperfections were part of the human condition, just as lack is a part of existence writ large. For instance, Wang is opposed to certain types of “falsity” (*wei* 偽), namely those produced by the surveillance and publicized morality of the imperial state, but his mode of engagement is not to check “falsity” through verification, but to limit “falsity” by expanding trust. The permanence of “falsity” and the fear of increasing baseline hypocrisy by excessive intervention is clearly outlined in his *Laozi* commentary:

Even when humaneness and rightness arise from within, there is still falsity (*wei*) when one acts in this way. How much more would there be then when people work to adorn themselves with these virtues on the outside!

夫仁義發於內，為之猶偽，況務外飾而可久乎！⁴⁶

Wang is not worried about the kinds of falsity and hypocrisy that emerge from within, so to speak. This formulation is already quite interesting insofar as “falsity” is almost always conceptualized as an outward performance different from one's interior. Here, even “falsity” can come from within. This is consistent with Wang's larger project of protecting the “dark and hidden” from the peering eyes of ruler or judgmental members of the elite.

⁴⁵ Kong Guangsen 孔廣森, ed., *Da Dai Liji buzhu* 大戴禮記補注 (Beijing: Zhonghua shuju, 2019), 152.

⁴⁶ Wang Bi *jijiaoshi*, 94.

Wang is unequivocally protective of those “natural” falsities. As cited above, he opposes the expansion of the net of the law because it “would block off the shortcuts and assault people’s hidden abodes.” People need these hiding places the same way a text needs hidden meanings. Without its dark and hidden depths, a text becomes sterile and the person becomes stone. This sentiment and the comparative wager contained therein is expressed even more clearly in Wang Bi’s comments to Chapter 53 of *Laozi*. The text reads, “The great Way is wide and flat, but the people love shortcuts.” Wang comments:

This means that the great way is expansive, right and flat, yet people still abandon it and do not follow it, preferring to take winding shortcuts. How much more would they act like this if even the great way were blocked off? Thus the text says: “The great Way is wide and flat, but the people love shortcuts.”

言大道蕩然正平，而民猶尚舍之而不由，好從邪徑，況復施為以塞大道之中乎。故曰，大道甚夷，而民好徑。⁴⁷

If the Way is to maintain its own integrity, it must call a truce with some of the more unsavory elements of society. Perfect transparency would be disastrous because the broad, open way itself would disappear.

Any government must come to terms with the limitations of transparency and suspicion, not only as a technical problem, but as an ethical problem as well. Wang Bi’s philosophy stakes out a radical position on these issues, drawing together many of the tropes of trust as credit explored in this dissertation and forging them into an interesting unity. The tropes of trust as credit and trust as verification were usually mixed together in different proportions in most other imperial discourse, essays, and philosophical treatises. Wang Bi’s heroic effort to build a philosophy and hermeneutics of integrity out of classical sources shows a commitment to certain deep ideas resonating throughout early “Confucian” texts. Wang’s position on integrity and foreknowledge looked radical in his own time, but as Song authors transformed the very way we read the *Analects* his position looked even more radical and even anti-Confucian.

It would be worth writing the social history behind this radical transformation in the reading of *Analects* 14.31. Perhaps, as Confucian texts like the *Analects* gained a wider readership, it became intolerable to promote a sage who seemed so oblivious to treachery.⁴⁸ That being the case, Eusèbe Renaudot made a strong point about the social meaning of anticipating treachery in advance. How does a society that values “foreknowledge” and “measuring the sense of others” keep from thinking like thieves or cunning men? Children’s primers from the Ming—what one scholar has referred to as “secular Confucianism”—were filled with advice about the anticipation of treachery. “Don’t trust the upright; be on guard against the humane.” “Good people are cheated. Good horses are ridden.” “When you speak to someone, only reveal one-third. Never reveal your whole mind.”⁴⁹ Wang Bi would have been horrified.

⁴⁷ Wang Bi *jijiaoshi*, 141.

⁴⁸ Lü Minghuan, op cit., argues that it became intolerable that a sage could be duped.

⁴⁹ Chen Lai 陳來, “Ming Qing shisu rujia lunli yanjiu” 明清世俗儒家倫理研究, in *Zhongguo jinshi sixiang shi yanjiu* 中國近世思想史研究 (Beijing: Sanlian, 2010), 523-524.

Bibliography

- Allen, Barry. *Vanishing Into Things: Knowledge in the Chinese Tradition*. Cambridge: Harvard University Press, 2015.
- Allen, Barry. *Empiricisms: Experience and Experiment from Antiquity to the Anthropocene*. New York: Oxford University Press, 2021.
- al-Sīrāfi, Abū Zayd. *Accounts of India and China*. Translated by Tim Mackintosh-Smith. New York: NYU Press, 2017.
- Ames, Roger. *Confucian Role Ethics: A Vocabulary*. Hong Kong: The Chinese University Press, 2011.
- Arendt, Hannah. *The Origins of Totalitarianism*. Cleveland: Meridian Books, 1951.
- Arendt, Hannah. *Between Past and Future: Eight Exercises in Political Thought*. New York: Penguin, 1977.
- Ashmore, Robert. "Word and Gesture: On Xuan-School Hermeneutics of the Analects." *Philosophy East and West* 54, no. 4 (October 2004): 458-488.
- Bai, Tongdong. *Against Political Equality: The Confucian Case*. Princeton: Princeton University Press, 2020.
- Balazs, Etienne. *Chinese Civilization and Bureaucracy*. Translated by H.M. Wright. New Haven: Yale University Press, 1964.
- Banfield, Edward. *The Moral Basis of a Backward Society*. New York: The Free Press, 1958.
- Ban Gu 班固, et.al. *Hanshu* 漢書. Beijing: Zhonghua shuju, 1962.
- Barbieri-Low, Anthony and Robin Yates. *Law, State, and Society in Early Imperial China: A Study with Critical Edition and Translation of the Legal Texts from Zhangjiashan Tomb no. 247*. Leiden: Brill, 2015.
- Beijing daxue chutu wenxian yanjiusuo 北京大學出土文獻研究所, ed. *Beijing daxue cang Xi Han zhushu* 北京大學藏西漢竹書, vol.3. Shanghai: Shanghai guji chubanshe, 2012.
- Bielenstein, Hans. *The Bureaucracy of Han Times*. Cambridge: Cambridge University Press, 1980.
- Bourdieu, Pierre. *Outline of a Theory of Practice*. Translated by Richard Nice. Cambridge: Cambridge University Press, 2013.
- Brandt, Robert. *A Spirit of Trust: a reading of Hegel's Phenomenology*. Cambridge, MA: The Belknap Press of Harvard University Press, 2019.
- Brown, Peter. "The Decline of the Empire of God: Amnesty, Penance, and the Afterlife from Late Antiquity to the Middle Ages." In *Last Things: Death and Apocalypse in the Middle Ages*, edited by

Caroline Walker Bynum and Paul Freedman, 41-59. Philadelphia: University of Pennsylvania Press, 2000.

Burke, Edmund. *Reflections on the Revolution in France*. Indianapolis: Hackett, 1987.

Carroll, Lewis. *Alice's Adventures in Wonderland and Through the Looking Glass*. Edited by Peter Hunt. Oxford: Oxford University Press, 1982.

Changsha shi wenwu kaogusuo 長沙市文物考古所, et. al., ed. *Changsha Wuyi guangchang Dong Han jiandu* 長沙五一廣場東漢簡牘, vol. 1. Shanghai: Zhongxi shuju, 2018.

Chen Guying 陳鼓應. *Huangdi sijing jinzhu jinyi* 黃帝四經今注今譯. Beijing: Shangwu yinshuguan, 2016.

Chen Lai 陳來. *Zhongguo jinshi sixiangshi yanjiu* 中國近世思想史研究. Beijing: Sanlian, 2010.

Chen Li 陳立, ed. *Bobu tong shuzheng* 白虎通疏證. Beijing: Zhonghua shuju, 1994.

Chen Li 陳立, ed. *Gongyang yishu* 公羊義疏. Beijing: Zhonghua shuju, 2017.

Chen, Qiufan. "A History of Future Illnesses," in *Broken Stars: Contemporary Chinese Science Fiction in Translation*. Translated by Ken Liu. New York: A Tom Doherty Associates Book, 2019.

Chen Shou 陳壽. *Sanguo zhi* 三國志. Beijing: Zhonghua shuju, 2013.

Chen Songchang 陳松長, ed. *Yuelu shuyuan cang Qin jian (si)* 岳麓書院藏秦簡 (肆). Shanghai: Shanghai cishu chubanshe, 2015.

Chen Songchang 陳松長, ed. *Yuelu shuyuan cang Qin jian (wu)* 岳麓書院藏秦簡 (伍). Shanghai: Shanghai cishu chubanshe, 2017.

Chen Songchang 陳松長, ed. *Yuelu shuyuan cang Qin jian (lu)* 岳麓書院藏秦簡 (陸). Shanghai: Shanghai cishu chubanshe, 2015.

Chen Wei 陳偉, ed. *Liye Qinjian jiaoshi (Di yi juan)* 里耶秦簡校釋 (第一卷). Wuhan: Wuhan daxue chubanshe, 2012.

Chen Wei. "Qin jiandu zhong de 'zui' yu 'zui'" 秦簡牘中的'皐'與'罪'. *Bamboo and Silk Manuscripts*, 11-27-2016. http://www.bsm.org.cn/show_article.php?id=2673.

Chen Wei. "Cong 'chenqie' 'nuqie' dao 'nubi'," 從臣妾、奴妾到奴婢. *Bamboo and Silk Manuscripts*, 1-27-2017. http://www.bsm.org.cn/show_article.php?id=2715.

Chen Wei. "Qin Cangwu, Dongting jun de zhongyao ziliao" 秦蒼梧、洞庭鈞的重要資料. *Bamboo and Silk Manuscripts*. 9-10-2019. http://www.bsm.org.cn/show_article.php?id=3415.

Chen Wei, ed. *Qin jiandu beji* 秦簡牘合集, vol. 1. Wuhan: Wuhan daxue chubanshe, 2014.

Chen Wei 陳偉 and Xiong Beisheng 熊北生. “Shuihudi Hanjian zhong de gongci wenshu” 睡虎地漢簡中的功次文書. *Wenwu* 3 (2018): 65-71.

Chen Wei 陳偉. “Qin Ershi yuan nian shiyue jiaowu zhaoshu jiaodu” 秦二世元年十月甲午詔書校讀. *Bamboo and Silk Manuscripts*. 6-14-2015. http://www.bsm.org.cn/show_article.php?id=2259.

Chi Zeng. “‘Confucianization of law’ revisited.” *Asian Philosophy* 31 no. 1 (2021): 88-103.

Ci, Jiwei. *Moral China in the Age of Reform*. Cambridge: Cambridge University Press, 2014.

Cook, Scott. *The Bamboo Texts of Guodian: A Study and Complete Translation*. Ithaca, New York: Cornell University East Asian Program, 2012.

de Bary, William Theodore, trans. *Waiting for the Dawn: A Plan for the Prince: Huang Tsung-bis's Ming-I tai-fang lu*. New York: Columbia University Press, 1993.

Declercq, Dominik. *Writing Against the State: Political Rhetorics in Third and Fourth Century China*. Leiden: Brill, 1998.

Declercq, Dominik. “Perils of Orthodoxy: A Western Jin ‘Hypothetical Discourse.’” *T'oung Pao* 80 (1994): 27-60.

de Crespigny, Rafe. *Fire over Luoyang: A History of the Later Han Dynasty, 23-220 AD*. Leiden: Brill, 2017.

Du Halde, Jean Baptiste. *The General History of China, Containing a geographical, historical, chronological, political and physical description of the empire of China, Chinese-Tartary, Corea and Thibet*, vol. 2. London: John Watts, 1736.

Du Zhengsheng 杜正勝. *Bianhu qimin: chuantong zhengzhi shehui jigou zhi xingcheng* 編戶齊民：傳統政治社會結構之形成. Taipei: Lianjing chuban shiye gufen youxian gongsi, 2014.

Ebers, Johann. *The New and Complete Dictionary of the German and English languages*, vol. 2. Leipzig: Breitkopf and Haertel, 1798.

El Amine, Loubna. *Classical Confucian Political Thought: A New Interpretation*. Princeton: Princeton University Press, 2015.

Elman, Benjamin. “One Classic and Two Classical Traditions: The Recovery and Transmission of a Lost Edition of the *Analects*.” *Monumenta Nipponica* 64, no. 1 (Spring 2009): 53-82.

John Elster, ed. *Tocqueville: The Ancien Regime and the French Revolution* (Cambridge: Cambridge University Press, 2011).

- Fan Ye 范曄. *Hou Hanshu* 後漢書. Beijing: Zhonghua shuju, 1965.
- Fang Xuanling 房玄齡, et.al. *Jinshu* 晉書. Beijing: Zhonghua shuju, 1974.
- Fei Xiaotong 費孝通. *Xiangtu Zhongguo* 鄉土中國. Edited by Liu Haoxing. Shanghai: Shanghai renmin chubanshe, 2013.
- Feng Youlan 馮友蘭. *Zhongguo zhexue jianshi* 中國哲學簡史. Beijing: Beijing daxue chubanshe, 1996.
- Fu Yashu 傅亞庶, ed. *Kongcongzi jiaoshi* 孔叢子校釋. Beijing: Zhonghua shuju, 2011.
- Fukui Shigemasa 福井重雅, ed. *Yakuchū Seikei zakkai. Dokudan* 訳注西京雜記・独断. Tōkyō : Tōhō Shoten, 2000.
- Fukuyama, Francis. *Trust: The Social Virtues and the Creation of Prosperity*. New York: Free Press, 1995.
- Gansu jiandu baohu yanjiu zhongxin 甘肅簡牘保護研究中心, ed. 肩水金關漢簡, vol. 1. Shanghai: Zhong Xi shuju, 2011.
- Gao Ming 高明, ed. *Da Dai Liji* 大戴禮記. Taipei: Taiwan shangwu yinshuguan, 1984.
- Garfinkel, Harold. *Studies in Ethnomethodology*. Cambridge: Polity Press, 1967.
- Gassmann, Robert. "Coming to terms with *de*: The deconstruction of 'virtue' and an exercise in scientific morality." In *How should one live? Comparing Ethics in Ancient China and Greco-Roman Antiquity*, edited by Richard King and Dennis Schilling, 92-125. Berlin and Boston: De Gruyter, 2011.
- Gren, Magnus Ribbing. "The Qinghua 'Jinteng' Manuscript: What it does not tell us about the Duke of Zhou." In *Origins of Chinese Political Philosophy: Studies in the Composition and Thought of the Shangshu (Classic of Documents)*, edited by Martin Kern and Dirk Meyer, 193-223. Leiden: Brill, 2017.
- Guojia jiliang zongju, Zhongguo lishi bowuguan, Gugong bowuyuan 國家計量總局、中國歷史博物館、故宮博物院, eds. *Zhongguo gudai duiliang heng tuiji* 中國古代度量衡圖集. Beijing: Wenwu chubanshe, 1984.
- Guojia Wenwuju guwenxian yanjiushi 國家文物局古文獻研究室 and Datong Shangsunjiazhai Hanjian zhengli xiaozu 大通上孫家寨漢簡整理小組. "Datong Shangsunjiazhai Hanjian shiwen" 大通上孫家寨漢簡釋文. *Wenwu* 2 (1982): 22-26.
- Guo, Jue. "Western Han Funerary Relocation Documents and the Making of the Dead in Early Imperial China." *Bamboo and Silk* 2.1 (2019): 141-273.
- Guo Qingfan 郭慶藩. *Zhuangzi jishi* 莊子集釋. Beijing: Zhonghua shuju, 2012.

- Habberstad, Luke. *Forming the Chinese Court*. Seattle: University of Washington Press, 2017.
- Harbsmeier, Christoph. "A Reading of the Guodian Manuscript Yucong as a Masterpiece of Early Chinese Analytic Philosophy and Conceptual Analysis." *Studies in Logic* 4, no. 3 (2011): 3-56.
- Hawkes, David. trans. *Songs of the South: an ancient Chinese anthology of poems by Qu Yuan and other poets*. London: Penguin Classics, 1985.
- He Ning 何寧, ed. *Huainanzi jishi* 淮南子集釋. Beijing: Zhonghua shuju, 1998.
- He Youzu 何有祖. "Qin Ershi yuan nian shiyue jiaowu zhaoshu bushi" 秦二世元年十月甲午詔書補釋. 11-24-2015. http://www.bsm.org.cn/show_article.php?id=2373.
- He Youzu 何有祖. "Qin Ershi yuannian zhaoshu jiedu" 秦二世元年詔書解讀. *Wenxian* 文獻 1 (2020): 49-55.
- Hegel, G.W.F. *Lectures on the Philosophy of History: Complete and Unabridged*. Translated by Ruben Alvarado. Aalten, the Netherlands: WordBridge, 2011.
- Hegel, G.W.F. *Elements of the Philosophy of Right*. Edited by Allen Wood. Cambridge: Cambridge University Press, 1991.
- Hong Xingzu 洪興祖. *Chuci buzhu* 楚辭補注. Beijing: Zhonghua shuju, 1983.
- Hou Xudong. "Zhongguo gudai zhuanzhi shuo de zhishi kaogu" 中國古代專制說的知識考古. In *Jinguan zhonggu shi: Hou Xudong zixuan ji* 近觀中古史：侯旭東自選集. Shanghai: Zhongxi shuju, 2015.
- Hou Xudong. *Chong: Xin-renxing jun chen guanxi yu Xi Han lishi de zhankai* 寵：信-任型君臣關係與西漢歷史的展開. Beijing: Beijing shifan daxue chubanshe, 2018.
- Hsing I-tien 邢義田. "Qin Han jiceng yuanli de jingshen suyang yu jiaoyu" 秦漢基層員吏的精神素養與教育. In *Jin chen ji* 今塵集. Shanghai: Zhong-Xi shuju, 2019.
- Hu Pingsheng 胡平生. "Juyan Hanjian zhong de gong yu lao" 居延漢簡中的功與勞. *Wenwu* 4 (1995): 51-55.
- Hua Zhanen. *Hou Han Sangong nianbiao* 後漢三公年表. Changsha: Shangwu yinshuguan, 1939.
- Huang Huaixin 黃懷信, ed. *Heguanzi jiaozhu* 鶡冠子. Beijing: Zhonghua shuju, 2014.
- Huang Hui 黃暉, ed. *Lunheng jiaoshi* 論衡校釋. Beijing: Zhonghua shuju, 1990.
- Huang Kan 皇侃. *Lunyu yishu* 論語義疏. Beijing: Zhonghua shuju, 2017.

Huang Yijun 黃怡君. *The Officials Selection and Promotion System during Western Han Dynasty* 西漢官吏的選任與遷轉. PhD diss., National Taiwan University, 2020.

Huang Zongxi 黃宗羲. *Mingyi daifang lu* 明夷待訪錄. In *Huang Zongxi quanji* 黃宗羲全集, vol. 1. Hangzhou: Zhejiang guji chubanshe, 1985.

Hubei sheng wenwu kaogu yanjiusuo 湖北省文物考古研究所 and Suizhou shi kaogu dui 隨州市考古隊, ed. *Suizhou Kongjiapo Hanmu jianpu* 隨州孔家坡漢墓簡牘. Beijing: Wenwu chubanshe, 2006.

Hunan sheng kaogu yanjiu suo 湖南省考古研究所, ed. *Liye Qinjian (yi)* 里耶秦簡（壹）. Beijing: Wenwu chubanshe, 2012.

Hunter, Mick. *Confucius Beyond the Analects*. Leiden: Brill, 2017.

Ing, Michael. *The Dysfunction of Ritual in Early Confucianism*. New York: Oxford University Press, 2012.

Jiang Lihong 蔣禮鴻. *Shang jun shu zhui zhi* 商君書錐指. Beijing: Zhonghua shuju, 1986.

Jiao Xun 焦循. *Mengzi zhengyi* 孟子正義. Beijing: Zhonghua shuju, 2007.

Kant, Immanuel. *Physical Geography*. In *Kant und die Religionen des Ostens*, vol. 5. Edited by Helmuth von Glasenapp. Kitzingen-Main: Holzner-Verlag, 1954.

Kao Chen-Huan 高震寰. *Cong laodongli yunyong jiaodu kan Qin Han xingtu guanli zhidu de fazhan* 從勞動力運用角度看秦漢刑徒管理制度的發展. PhD diss., National Taiwan University, 2017.

Kern, Martin. *The Stele Inscriptions of Ch'in Shih-huang: text and ritual in early Chinese imperial representation*. New Haven, Conn.: American Oriental Society, 2000.

Kinney, Anne Behnke. *Art of the Han Essay*. Tempe, Arizona: Center for Asian Studies, 1990.

Kinney, Anne Behnke, trans. *Exemplary Women of Early China: The Lienü zhuan of Liu Xiang*. New York: Columbia University Press, 2014.

Kishimoto Mio. “Min Shin jidaishi no mibun kankanku” 明清時代の身分感覺. In *Min Shin jidai no kibun mondai* 明清時代の基本問題, edited by Mori Masao, Noguchi Tetsuro, Hamashima Atsutoshi, Kishimoto Mio, and Sato Fumitoshi, 364-386. Tokyo: Kyuko shoin, 1997.

Kiyoshi Miyaki 宮宅潔. “Handai guanliao zuzhi de zuixia ceng—guan yu min zhi jian 漢代官僚組織的最下層：官與民之間. In *Zhongguo gudai falü wenxian yanjiu* 中國古代法律文獻研究, edited by Xu Shihong, 127-161. Beijing: Shehui kexue wenxian chubanshe, 2013.

Klein, Esther Sunkung and Colin Klein. “Wang Chong’s Epistemology of Testimony.” *Asia Major* 29, no. 2 (2016): 115-146.

- Knoblock, John. *Xunzi: A Translation and study of the complete works*, vol. 1. Stanford: Stanford University Press, 1988.
- Kong Guangsen 孔廣森, ed. *Da Dai Liji buzhu* 大戴禮記補注. Beijing: Zhonghua shuju, 2019.
- Lau, D.C. ed. *A Concordance to the Cai Zhonglang ji* 蔡中郎逐字索引. Hong Kong: The Commercial Press, 1998.
- Lau, D.C., ed. *A Concordance to the Kongzi jiaoyu* 孔子家語逐字索引. Hong Kong: The Commercial Press, 1992.
- Lau, D.C. ed. *A Concordance to the Renwu zhi* 人物志逐字索引. Hong Kong: The Commercial Press, 2007.
- Lewis, Mark Edward. *Honor and Shame in Early China*. Cambridge: Cambridge University Press, 2021.
- Li Ling 李零, *Guodian chujian jiaoduji* 郭店楚簡校讀記. Beijing: Zhongguo renmin daxue chubanshe, 2007.
- Liu Xiang 劉向. *Shuoyuan jiaozheng* 說苑校證. Beijing: Zhonghua shuju, 1987.
- Lange, Lorenz. *Journal du sieur Lange, contenant ses negotiations à la cour de la Chine en 1721 & 1722 avec des remarques*. In Jean Frédéric Bernard, *Recueil de voyages au nord, contenant divers mémoires très utiles au commerce & à la navigation*, vol. 8. Amsterdam: Chez J.F. Bernard, 1727.
- Latour, Bruno. *An Inquiry into Modes of Existence: An Anthropology of the Modern*. Translated by Catherine Porter. Cambridge: Harvard University Press, 2013.
- Lianyungang shi bowuguan 連雲港市博物館, et.al. ed. *Yinwan Hanmu jiandu* 尹灣漢墓簡牘. Beijing: Zhonghua shuju, 1997.
- l'Haridon, Béatrice. "The Merchants in Shiji: An Interpretation in Light of Later Debates." In *Views from Within, Views from Beyond: Approaches to the Shiji as an Early Work of Historiography*, edited by Hans van Ess, Olga Lomová, and Dorothee Schaab-Hanke, 1-21. Harrassowitz Verlag, 2015.
- Li Zehou 李澤厚. *Zhongguo gudai sixiang shilun* 中國古代思想史論. Beijing: Renmin chubanshe, 1985.
- Levenson, Joseph. *Confucian China and Its Modern Fate: The Problem of Monarchical Decay*. Berkeley: University of California Press, 1964.
- Li Xiangfeng 黎翔鳳. *Guanzi jiaozhu* 管子校注. Beijing: Zhonghua shuju, 2006.
- Li, Wai-ye. *The Readability of the Past in Early Chinese Historiography*. Cambridge: Harvard University Asia Center, 2007.

Loewe, Michael. "The Organs of Han imperial government: *zhongdu guan*, *xianguan*, and *xiandao guan*." *Bulletin of SOAS* 71, no. 3 (2008): 509-528.

Loewe, Michael. *The Men who governed China—Companion to a Biographical Dictionary of the Qin, Former Han and Xin Periods*. Leiden: Brill, 2004.

Loewe, Michael. *Crisis and Conflict in Han China, 104 BC to AD 9*. London: George Allen & Unwin Ltd, 1974.

Lottes, Günther. "China in European Political Thought, 1750-1850)." In *China and Europe: Images and Influences in Sixteenth to Eighteenth Centuries*. Edited by Hongqi Li. Hong Kong: Chinese University Press.

Lou Yulie 樓宇烈, ed. *Wang Bi jijiaoshi* 王弼集校釋. Beijing: Zhonghua shuju, 1980.

Lu, Zhaolu. "Fiduciary Society and Confucian Theory of *Xin*—On Tu Wei-ming's Fiduciary Society." *Asian Philosophy* 11, no. 2 (2001): 85-101.

Lü Minghuan 呂明烜. "Song Ming 'ni zha' zhang chanshi shong de 'xian jue' nanti" 宋明'逆詐'章闡釋中的'先覺'難題. *Suzhou daxue xuebao* 蘇州大學學報 3 (2018): 34-39.

Luo Ergang 羅爾綱. *Jinshi cuibian jiaobu* 金石萃編校補. Beijing: Zhonghua shuju, 2003.

Luo, Shaodan, "Getting beyond the dichotomy of authenticity and spuriousness in the study of the *Xinshu*." PhD Dissertation, University of California, Berkeley, 2002.

Luo, Shaodan. "Inadequacy of Karlgren's Linguistic Method as Seen in Rune Svarverud's Study of the *Xinshu*." *Journal of Chinese Linguistics* 31 (2003): 270-299.

Lü Shihao 呂世浩. *Cong Shiji dao Hanshu* 從史記到漢書. Taipei: Guoli Taiwan daxue chuban zhongxin, 2009.

Ma Chengyuan 馬承源. *Shanghai bowuguan cang zhanguo chu zhushu* 上海博物館藏戰國楚竹書, vol. 3. Shanghai: Shanghai guji chubanshe, 2003.

Major, John S., et.al. *The Huainanzi: a guide to the theory and practice of government in early China*. New York: Columbia University Press, 2010.

Masubuchi, Tatsuo. *Zhongguo gudai de shehui yu guojia* 中國古代的社會與國家. Translated by Lü Jing 呂靜. Shanghai: Shanghai guji chubanshe, 2017.

Masubuchi Tatsuo, *Chūgoku kodai no shakai to kokka* 中国古代の社会と国家. Tokyo: Iwanami Shoten, 1996.

McLeod, Alexis. *The Philosophical Thought of Wang Chong*. Cham, Switzerland: Palgrave Macmillan, 2018.

McKnight, Brian E. *The Quality of Mercy: amnesties and traditional Chinese justice*. Honolulu: University of Hawaii Press, 1981.

Metzger, Thomas. *A Cloud Across the Pacific: Essays on the Clash Between Chinese and Western Political Theories*. Hong Kong: The Chinese University of Hong Kong Press, 2006.

Meyer, Dirk. "The art of narrative and the rhetoric of persuasion in the 'Jin Teng' (Metal Bound Casket) from the Tsinghua collection of manuscripts." *Asia* 68 (4) (2014): 937-968.

Meyer, Dirk. "'Shu' Traditions and Text Recomposition: A Reevaluation of 'Jinteng' 金滕 and 'Zhou Wu Wang you ji' 周武王有疾." In *Origins of Chinese Political Philosophy: Studies in the Composition and Thought of the Shangshu (Classic of Documents)*, edited by Martin Kern and Dirk Meyer, 224-248. Leiden: Brill, 2017.

Meyer, Dirk. "'Shu' 書 (Documents) Repertoire in Argument-Based Texts from Guodian: The Case of *Chengzhi* 成之 (Things Brought to Completion)." In *Dao Companion to the Guodian Manuscripts*, edited by Shirley Chan, 64-88. Cham, Switzerland: Springer, 2019.

Moeller, Hans-Georg and Paul J. D'Ambrosio. *Genuine Pretending: On the Philosophy of the Zhuangzi*. New York: Columbia University Press, 2017.

Montesquieu. *The Spirit of the Laws*. Translated by Anne M. Cohler, Basia Carolyn Miller, and Harold Samuel Stone. Cambridge: Cambridge University Press, 1989.

Morgan, Teresa. *Roman Faith and Christian Faith: pistis and fides in the early Roman Empire and early churches*. Oxford: Oxford University Press, 2015.

Ni, Peimin. *Understanding the Analects of Confucius: A New Translation with Annotations*. Albany, NY: SUNY Press, 2017.

Nietzsche, Friedrich. *On the Genealogy of Morality*. Translated by Maudemarie Clark and Alan J. Swensen. Cambridge: Hackett Publishing, 1998.

Nivison, David S. *The Ways of Confucianism: Investigations in Chinese Philosophy*. Chicago: Open Court, 1996.

Nylan, Michael. "Confucian Piety and Individualism in Han China." *Journal of the American Oriental Society*, Vol. 116, No. 1 (Jan-Mar 1996): 1-27.

Nylan, Michael. "Beliefs about Social Seeing: Hiddenness (*wei* 微) and Visibility in Classical-Era China." In *The Rhetoric of Hiddenness in Traditional Chinese Culture*, edited by Paula M. Varsano, 53-78. Albany, NY: State University of New York Press, 2016.

Nylan, Michael. *Exemplary Figures*. Seattle: University of Washington Press, 2013.

Nylan, Michael. "Han Views of the Qin Legacy and the Late Western Han 'Classical Turn.'" *The Bulletin of the Museum of Far Eastern Antiquities* 79 (2020): 23-50.

Nylan, Michael, ed. *The Analects: A Norton Critical Edition* New York: Norton, 2014.

Nylan, Michael. "Han Classicists Writing in Dialogue with Their Own Tradition." *Philosophy East and West* 47.2 (1997): 133-188.

Peuchet, Jacques. *Dictionnaire universel de la géographie commerçante*, vol. 3. Paris: Chez la Veuve Estienne et fils, 1748.

Pines, Yuri, Gideon Shelach, Lothar von Falkenhausen, and Robin D.S. Yates, eds. *Birth of an Empire: the state of Qin revisited*. Berkeley: University of California Press, 2014.

Porter, Theodore M. *Trust in Numbers: The Pursuit of Objectivity in Science and Public Life*. Princeton: Princeton University Press, 1995.

Procyshyn, Alexei and Mario Wenning. "Recognition and Trust: Hegel and Confucius on the Normative Basis of Ethical Life." *Dao: A Journal of Comparative Philosophy* 18, no. 1 (2019): 1-22.

Qin Hui. "Xi-Ru huirong, jiegou Fa-Dao hubu" 西儒匯融，解構法道互補. In *Chuantong shilun: bentu shehui de zhidu, wenhua jiqi biange* 傳統十論：本土社會的制度，文化及其變革. Shanghai: Fudan daxue chubanshe, 2003.

Qiu Xigui 裘錫圭, ed. *Changshua Mawangdui Hanmu jianbo jicheng (si)* 長沙馬王堆漢墓簡帛集成（肆）. Beijing: Zhonghua shuju, 2014.

Qinghua daxue chutu wenxian yanjiu yu baohu zhongxin 清華大學出土文獻研究與保護中心, ed. *Qinghua daxue cang zhanguo zhujian (ba)* 清華大學藏戰國竹簡（捌）. Shanghai: Zhongxi shuju, 2008.

Qinghua daxue chutu wenxian yanjiu yu baohu zhongxin 清華大學出土文獻研究與保護中心, ed. *Qinghua daxue cang zhanguo zhujian (yi)* 清華大學藏戰國竹簡（壹）. Shanghai: Zhongxi, 2010.

Queen, Sarah A. and John S. Major, eds. *Luxuriant Gems of the Spring and Autumn*. New York: Columbia University Press, 2016.

Queen, Sarah. "Han Feizi and the Old Master: A Comparative Analysis and Translation of Han Feizi Chapter 20, 'Jie Lao,' and Chapter 21, 'Yu Lao,'" in *Dao Companion to the Philosophy of Han Feizi*, edited by Paul Goldin, 197-256. New York: Springer, 2012.

Raphals, Lisa. *Knowing Words: Wisdom and Cunning in the Classical Traditions of China and Greece*. Ithaca, NY: Cornell University Press, 1992.

Reihman, Gregory M. “Categorically Denied: Kant’s Criticism of Chinese Philosophy.” *Journal of Chinese Philosophy* 33, no. 1 (March 2006): 51-65.

Renaudot, Eusèbe. *Anciennes relations des Indes et de la China, de deux voyageurs Mahometans, qui y allèrent dans le neuvième siècle*. Paris: Jean-Baptiste Coignard, 1718.

Renaudot, Eusèbe. *Ancient accounts of India and China: by two Mohammedan travellers, who went to those parts in the 9th century*. London: Sam Harding, 1733.

Rosa, Hartmut. *The Uncontrollability of the World*. Translated by James C. Wagner. Cambridge: Polity Press, 2020.

Ruan Yuan, ed. *Maoshi zhushu* 毛詩注疏. In *Chongkan Songben Shisan jing zhushu* 重刊宋本十三經注疏. Taipei: Yinwen yinshuguan, 1965.

Ruan Yuan, ed. *Zuozhuan zhushu* 左傳注疏. In *Chongkan Songben Shisanjing zhushu* 重刊宋本十三經注疏. Taipei: Yiwen yinshuguan, 1965.

Ruan Yuan, ed. *Shangshu zhushu* 尚書注疏. In *Chongkan Songben shisan jing zhushu* 重刊宋本十三經注疏. Taipei: Yinwen yinshuguan, 1965.

Ruan Yuan, ed. *Liji zhushu* 禮記注疏. In *Chongkan Songben Shisan jing zhushu* 重刊宋本十三經注疏. Taipei: Yinwen yinshuguan, 1965.

Ruan Yuan, ed. *Liji zhushu* 禮記注疏. In *Chongkan Songben Shisan jing zhushu* 重刊宋本十三經注疏. Taipei: Yinwen yinshuguan, 1965.

Ruan Yuan 阮元, ed. *Erya shu* 爾雅疏. In *Chongkan Songben Shisanjing zhushu* 重刊宋本十三經注疏. Taipei: Yiwen yinshuguan, 1965.

Ruan Yuan 阮元, ed., *Lunyu zhushu* 論語注疏. In *Chongkan Songben Shisanjing zhushu* 重刊宋本十三經注疏. Taipei: Yiwen yinshuguan, 1965.

Ruan Zhisheng 阮芝生. “Huozhi yu liyi: *Shiji Huozhi liezhuan xilun*” 貨殖與禮義：史記貨殖列傳析論. *Taida lishi xuebao* 臺大歷史學報 19 (1996): 1-49.

Sadao Nishijima. *Chūgoku kodai teikoku no keisei to kōzō: nijūto shakusei no kenkyū* 中国古代帝国の形成と構造; 二十等爵制の研究. Tokyo: Tokyo Daigaku Shuppankai, 1961.

Sadao Nishijima. *Zhongguo gudai diguo de xingcheng yu jiegou: Ersdi dengjue zhi yanjiu* 中國古代帝國的形成與結構：二十等爵制研究. Translated by Wu Shangqing 武尚清. Beijing: Zhonghua shuju, 2004.

Sanft, Charles. “Rule: A Study of Jia Yi’s *Xin shu*.” PhD Dissertation, Westfälischen Wilhelms-Universität, 2005.

Sanft, Charles. "Rituals that Don't Reach, Punishments that Don't Impugn: Jia Yi on the Exclusions from Punishment and Ritual." *Journal of the American Oriental Society* 125:1 (Jan-Mar 2005), 31-44.

Satkunanandan, Shalini. *Extraordinary Responsibility: Politics Beyond the Moral Calculus*. Cambridge: Cambridge University Press, 2015.

Seligman, Adam. "Ritual, the Self, and Sincerity," *Social Research* 76, no. 4 (2009): 1073-1096.

Seligman, Adam. *The Problem of Trust*. Princeton: Princeton University Press, 1997.

Seligman, Adam. *Modernity's Wager: Authority, the Self, and Transcendence*. Princeton: Princeton University Press, 2000.

Seligman, Adam and Robert P. Weller. *Rethinking Pluralism: Ritual, Experience, and Ambiguity*. Oxford University Press, 2012.

Shanxi sheng wenguanhui 陝西省文管會. "Chang'an xian Sanli cun Dong Han muzang fajue jianbao" 長安縣三里村東漢墓葬發掘簡報. *Wenwu cankao ziliao* 文物參考資料 7 (1958): 24-30.
Shanxi sheng bowuguan 陝西省博物館. "Xi'an shi xijiao Gaoyao cun chutu Qin Gaonu tong shi quan" 西安市西郊高窑村出土秦高奴銅石權. *Wenwu* 9 (1964): 42-46.

Shapin, Steven. *A Social History of Truth: Civility and Science in Seventeenth-Century England*. Chicago: The University of Chicago Press, 1995.

Shapin, Steven. "Trust, Honesty, and the Authority of Science." In *Society's Choices: Social and Ethical Decision Making in Biomedicine*, edited by Ruth Ellen Bulger, Elizabeth Meyer Bobby, and Harvey V. Fineberg, 388-408. Washington, D.C.: National Academy Press, 1995.

Shklar, Judith. *Ordinary Vices*. Cambridge, Mass.: The Belknap Press of Harvard University, 1984.

Sima Qian 司馬遷, et. al. *Shiji* 史記. Beijing: Zhonghua shuju, 1959.

Slingerland, Edward, trans. *Confucius' Analects: with selections from traditional commentaries*. Indianapolis: Hackett Publishing, 2003.

Spence, Jonathan. *Chan's Great Continent*. New York: W.W. Norton & Company, 1998.

Su Yu 蘇輿, ed. *Chunqiu fanlu yizheng* 春秋繁露義證. Beijing: Zhonghua shuju, 1992.

Sun Qizhi 孫啟治, ed. *Zhenglun jiaozhu Changyan jiaozhu* 政論校注 昌言校注. Beijing: Zhonghua shuju, 2012.

Sun Qizhi 孫啟治, ed. *Zhonglun jiegou* 中論解詁. Beijing: Zhonghua shuju, 2014.

- Sun Ji 孫機. *Handai wuzhi wenhua ziliao tushuo* 漢代物質文化資料圖說. Shanghai: Shanghai guji chubanshe, 2008.
- Svarverud, Rune. *Methods of the Way: Early Chinese Ethical Thought*. Leiden: Brill, 1998.
- Swann, Nancy. *Food and Money in Ancient China*. New York: Octagon Books, 1974.
- Tang Junfeng 唐俊峰. “Liye Qinjian suo shi Qin dai de ‘jianhu’ yu ‘jihu’” 里耶秦簡所示秦代的‘見戶’與‘積戶’. *Bamboo and Silk Manuscripts*. 2-8-2014.
http://www.bsm.org.cn/show_article.php?id=1987.
- Tang Yongtong 湯用彤. *Wei Jin xuanxue lungao* 魏晉玄學論稿. Shanghai: Shanghai guji chubanshe, 2007.
- Thompson, Paul M. *The Shen Tzu Fragments*. PhD Diss., University of Washington, 1960.
- Tomiya Itaru 富谷至. *Qin Han xingfa zhidu yanjiu* 秦漢刑罰制度研究. Translated by Chai Shengfang 柴生芳. Guilin: Guangxi shifan daxue chubanshe, 2006.
- Tout, T.F. “The Emergence of a Bureaucracy.” *A Reader in Bureaucracy*, edited by Robert Merton, The Free Press, 1952.
- Wada Sei, *Shina kansei hattatsushi: tokuni chūō shūken to chihō bunken to no shōchō o chūshin to shite* 支那官制發達史：特に中央集權と地方分權との消長を中心として. Tokyo: Kyuko Shoin, 1973.
- Wagner, Rudolf. *The Craft of a Chinese Commentator*. Albany, NY: SUNY Press, 2000.
- Wang Liqi 王利器, ed. *Fengsu tongyi jiaozhu* 風俗通義校注. Beijing: Zhonghua shuju, 2010.
- Wang Liqi 王利器. *Yantie lun jiaozhu* 鹽鐵論校注. Beijing: Zhonghua shuju, 2015.
- Wang Mo 王謨, ed. *Shiming* 釋名. In *Han Wei congshu* 漢魏叢書. Taipei: Dahua shuju, 1983.
- Wang Xianshen 王先慎, ed. *Han Feizi jiji* 韓非子集解. Beijing: Zhonghua shuju, 1998.
- Wang Xianqian 王先謙. *Hanshu buzhu* 漢書補注. Shanghai: Shanghai guji chubanshe, 2016.
- Wang Xianqian 王先謙. *Xunzi jishi* 荀子集釋. Beijing: Zhonghua shuju, 1988.
- Watson, Burton. *Records of the Grand Historian*. New York: Columbia University Press, 1961.
- Watson, Burton. *Records of the Grand Historian, Qin Dynasty*. New York: Columbia University Press, 1993.
- Weber, Max. *Religion of China*. Translated by Hans H. Gerth. New York: The Free Press, 1951.

Wee, Cecelia. "Xin, Trust, and Confucius' Ethics." *Philosophy East and West* 61, no. 3 (July 2011): 516-533.

Williams, Bernard. *Truth and Truthfulness*. Princeton: Princeton University Press, 2002.

Wilson, Trenton (forthcoming). "Cao Cao, the *Art of War* and Commentarial Strategies," *Norton Critical Edition of the Art of War*, ed. Michael Nylan. New York: Norton, 2021.

Wittfogel, Karl A. *Oriental Despotism: A Comparative Study of Total Power*. New Haven: Yale University Press, 1957.

Wood, Gordon. *Radicalism of the American Revolution*. New York: Vintage Books, 1991.

Wu Hong 巫鴻. "Qin quan yanjiu" 秦權研究. *Gugong bowuyuan yuankan* 故宮博物院院刊 4 (1979): 33-47.

Wu Zeyu 吳則虞, ed. *Yanzi chungqiu* 晏子春秋集釋. Beijing: Zhonghua shuju, 1962.

Xu Chong 徐冲. *Zhongguo shidai de lishi shuxie yu huangdi quanli qiyuan* 中古時代的歷史書寫與皇帝權力起源. Shanghai: Shanghai guji chubanshe, 2012.

Xu Yuangao 徐元誥, ed. *Guoyu jijie* 國語集解. Beijing: Zhonghua shuju, 2002.

Xu Weiyu 許維通. *Hanshi waizhuan jishi* 韓詩外傳集釋. Beijing: Zhonghua shuju, 1980.

Xu Weiyu, ed. *Lüshi Chunqiu jishi* 呂氏春秋集釋. Beijing: Zhonghua shuju, 2009.

Xu Fuguan. *Liang Han sixiang shi* 兩漢思想史. Shanghai: Huadong shifan daxue chubanshe, 2001.

Yan Buke 閻步克. "Chunqiu Zhanguo shi 'xin' guannian de yanbian jiqi shehui yuanyin" 春秋戰國時'信'觀念的演變及其社會原因. *Lishi yanjiu* 歷史研究 6 (1981): 3-12.

Yan Buke 閻步克. *Cong jue benwei dao guan benwei: Qin Han guanliao pinwei jiegou yanjiu* 從爵本位到官本位：秦漢官僚品位結構研究. Beijing: Sanlian, 2017.

Yan Gengwang 嚴耕望. *Zhongguo difang xingzheng zhidushi: Qin Han difang xingzheng zhidu* 中國地方行政制度史：秦漢地方行政制度. Taipei: Changda yinshua youxian gongsi, 1990.

Yan Kejun 嚴可均, ed. *Quan Shanggu Sandai Qin Han Sanguo Linchao wen* 全上古三代秦漢三國六朝文. Beijing: Zhonghua shuju, 1991.

Yan Zhenyi 閻振益 and Zhong Xia 鍾夏, eds. *Xinshu jiaozhu* 新書校注. Beijing: Zhonghua shuju, 2000.

- Yang Bojun 楊伯峻. *Liezi jishi* 列子集釋. Beijing: Zhonghua shuju, 1979.
- Yang Lihua 楊立華. *Guo Xiang 'Zhuangzi zhu' yanjiu* 郭象《莊子注》研究. Beijing: Beijing daxue chubanshe, 2010.
- Yang, Mayfair Mei-Hui. *Gifts, Favors, and Banquets: The Art of Social Relationships in China*. Ithica, NY: Cornell University Press, 1994.
- Yinqueshan Hanmu zhujian zhengli xiaozu 銀雀山漢墓竹簡整理小組. *Yinqueshan Han mu zhujian* 銀雀山漢墓竹簡, vol. 1. Beijing: Wenwu chubanshe, 1975.
- Yinqueshan Hanmu zhujian zhengli xiaozu 銀雀山漢墓竹簡整理小組, ed. *Yinqueshan Hanmu zhujian* 銀雀山漢墓竹簡, vol. 2. Beijing: Wenwu chubanshe, 1985.
- Yu Yue 俞樾. *Zhuizi pingyi* 諸子平議. Taipei: Taiwan shangwu yinshuguan, 1968.
- Yu Yingshi 余英時. “Jun zun chen bei’ xia de junquan yu xiangquan” ‘君尊臣卑’下的君權與相權. In *Lishi yu sixiang* 歷史與思想. Taipei: Lianjing chuban shiye gongsi, 1976.
- Yu Yingshi 余英時. “Fan zhi lun yu Zhongguo zhengzhi chuantong” 反智論與中國政治傳統. In *Lishi yu sixiang* 歷史與思想. Taipei: Lianjing chuban shiye gongsi, 1976.
- Zang Kehe 臧克和 and Wang Ping 王平, ed. *Shuowen jiezi xinding* 說文解字新訂. Beijing: Zhonghua shuju, 2002.
- Zhang Chunlong 張春龍. *Xiangxi Liye Qindai jian du xuanshi* 湘西里耶秦代簡牘選釋. *Zhongguo lishi wenwu* 中國歷史文物 1 (2003): 4-12.
- Zhang Chunyi 張純一, ed. *Yanzi Chunqiu jiaozhu* 晏子春秋校注. Beijing: Zhonghua shuju, 2016.
- Zhang Defang 張德芳. *Juyan Xinjian jishi* 居延新簡集釋. Lanzhou: Gansu wenhua chubanshe, 2016.
- Zhang Junmin 張俊民. “Xuanquan Hanjian suo jian wenshu geshi jian” 懸泉漢簡所見文書格式簡 in *Jianbo yanjiu* 簡帛研究. Guilin: Guangxi shifan daxue chubanshe, 2011, 120-141.
- Zhang Junmin 張俊民. “Xuanquan Hanjian suo jian sheling wenshu chutan” 懸泉漢簡所見赦令文書初探. *Jianbo yanjiu* 簡帛研究 (2011): 107-133.
- Zhang, Ying. *Confucian Image Politics: Masculine Morality in Seventeenth-Century China*. Seattle: University of Washington Press, 2016.
- Zhang, Yingyu. *The Book of Swindles: Selections from a Late Ming Collection*. Translated by Christopher Rea and Bruce Rusk. New York: Columbia University Press, 2017.

Zhao, Dingxin. *The Confucian-Legalist State: A New Theory of Chinese History*. Oxford: Oxford University Press, 2015.

Zhao Youwen 趙幼文, ed. *Cao Zhi ji jiaozhu* 曹植集校注. Beijing: Zhonghua shuju, 2016.

Zhu Hanmin 朱漢民 and Chen Songchang 陳松長, eds. *Yuelu shuyuan cang Qin jian (yi)* 岳麓書院藏秦簡 (壹). Shanghai: Shanghai cishu chubanshe, 2010.

Zhu Weizheng 朱維錚, ed. *Zhang Taiyan quanji* 章太炎全集. Shanghai: Shanghai renmin chubanshe, 2014.

Zhu Xi. *Sishu zhangju jizhu* 四書章句集注. Beijing: Zhonghua shuju, 2015.

Ziporyn, Brook. *The Penumbra Unbound: The Neo-Taoist Philosophy of Guo Xiang*. Albany: SUNY Press, 2003.

Ziporyn, Brook. *Beyond Oneness and Difference*. Albany: SUNY Press, 2013.

Ziporyn, Brook. *Zhuangzi: The Complete Writings*. Indianapolis: Hackett Publishing, 2020.

Zwierlein, Cornel. "Orient contra China: Eusèbe Renaudot's Vision of World History (ca. 1700)." *Journal of the History of Ideas* 81, no. 1 (January 2020): 23-44.