

SCOTT COOK

The Use and Abuse of History in Early China from *Xun Zi* to *Lüshi chungiu*

For all their enduring value, the philosophical texts of Warring States China (475–221 BC) were ultimately a product of their times, and must be understood in the context of their origination, both in terms of the antecedents and contemporary rivals of their authors as well as the prevailing social and political trends. If Chinese thought, as it is so often characterized, tends to be more a philosophy of action than of abstract speculation, then it follows that we should ask ourselves to what ends precisely such action was directed. Of all the debates that would arise in and continue throughout the period, there was perhaps none more prominent than that between the Confucians and so-called Legalist thinkers concerning whether the primary means of motivating the populace and bringing order to society should lie in education through ritual, music, and moral suasion or through the use of punishments, rewards, and other, relatively more coercive and practical, measures.¹ The

I FIRST presented an abbreviated version of this paper as “Historical Continuity and Change in the *Lüshi chungiu*,” for the panel “Converging toward Empire: The *Lüshi chungiu* in the Context of Third-Century Chinese Thought,” at the Association for Asian Studies, 55th Annual Meeting, New York City, March 27, 2003. I would like to thank Andy Meyer, Michael Puett, Jeffrey Riegel, and others for the helpful comments and suggestions they gave on that occasion. I would also like to thank the two anonymous readers of this article for helping me to improve its quality and accuracy with their detailed comments. Readers will recognize the title as a play on Friedrich Nietzsche’s 1874 meditation, *Vom Nutzen und Nachtheil der Historie für das Leben*.

¹ By “Confucian,” I mean thinkers who either refer directly to Confucius as their “master” or share a set of principles in common with practically all other texts that do so, such as a firm belief in the emulative power of the ruler’s virtue as highlighted and promulgated through ritual and music. Needless to say, I do not mean to imply by the use of such a label that it describes any sort of monolithic, unchanging lineage, but rather a self-conscious yet adaptive one, as I discuss later in the paper. On the dangers of the former perspective, see, for instance, Mark Csikszentmihalyi, *Material Virtue: Ethics and the Body in Early China*, Sinica Leidensia 66 (Leiden: Brill, 2004), pp. 22–32; while I would tend to ascribe a somewhat greater historical role to Confucius in the transmission of Ru thought than does Csikszentmihalyi, for all practical purposes my use of the term “Confucian” corresponds to the way he uses the traditional Chinese term “Ru” throughout his work. The term “Legalist” (always given in quotation marks) I use in the conventional manner for such thinkers as Shang Yang 商鞅 and Han Fei 韓非, who, according to historical sources and works attributed to their names, held a similar set of tenets concerning the rule of law and strict application of rewards and punishments; I do not intend

emergence of this debate lay in a response to the challenge of changing social institutions and historical realities, as the breakdown of the old social order and the ritual codes that guided its governance gave way to the rise of states that consolidated their power through the process of merit-based promotion and the implementation of a more formally codified legal structure applicable to all levels of society.

Not surprisingly, whether and how to invoke the authority of the past became a major issue in determining the various responses to these new challenges, depending, of course, upon whether one was inclined to defend tradition, embrace the new realities, or, later on, attempt to do both simultaneously. The various masters of the Warring States period were promoters of competing state policies who thus continually strove to best their rivals in gaining the willing ear of any ruler who would adopt their philosophies of governance. Naturally, they had to be prepared both to face up to practical realities and to defend their positions against the arguments and objections of their counterparts. It is through such a process of debate – in both oral and written forms – that philosophies of statecraft evolved throughout the period, as one thinker after the next would variously defend his lineage’s position, appropriate those of his competitors, or try doing both at once by reconciling the two and achieving a new synthesis. None of the texts in question was formed in a vacuum, and we can best appreciate the contributions of each thinker only by examining the ways in which they were created in response to current realities and philosophical precedents.

Focusing on the debate between ritual education and coercive governance, this paper examines the ways in which various thinkers, lineages, and texts chose or chose not to make use of historical precedent and the authority of the past. In particular, it concentrates on two works that occupy pivotal points in the reconciliation of this debate: *Xun Zi* 荀子 and *Lüshi chunqiu* 呂氏春秋. In the course of this paper, we observe how Xun Zi was able to accommodate his opponents’ claims for the necessity of coercive measures in governance without sacrificing the traditional Confucian ideals of education through ritual and music

it to refer to any sort of coherent “school.” Whether Shang Yang held precisely such views as purported in the speeches attributed to him is debatable, but given the nature of his reforms, it is certainly plausible that he did, and it is clear at any rate that someone of his time was proffering such views. On Shang Yang’s place in the history of ideas more generally, see the “Introduction” to J. J. L. Duyvendak, *The Book of Lord Shang: A Classic of the Chinese School of Law* (1928; photoprnt. London: Arthur Probsthain, 1963). I am not suggesting that the division between the two “camps” is always clear-cut, but a sense of diametric opposition between the Confucian way and a largely anonymous rival philosophy of statecraft is a prominent and undeniable feature of many of the texts we will be considering in this paper.

and the authority of the former sage kings. We will then see how the authors of *Lüshi chunqiu* adopted a similar stance regarding the use of coercion, but opened the door to other forms of political reform by redefining just what it means to “model after antiquity,” in the process effecting a tenuous harmony between Xun Zi and his “Legalist” rivals. Through the course of this examination, we may ultimately gain a better appreciation of some of the methods and motivations by which texts of the period were conceived and written.

EARLY APPEALS TO ANTIQUITY AND THEIR REFUTATION

By way of background, allow me to reiterate a couple of points I have made elsewhere regarding the early development of this debate,² which is first noticed in two accounts from the *Zuo zhuan* 左傳, ostensibly dated to 536 and 513 BC, respectively.³ First the state of Zheng 鄭, and later Jin 晉, cast in bronze a manifest penal code, and in each case the action was sternly criticized by a traditionally minded statesman – as such moves represented new developments of the changing times. In the first case, Shuxiang 叔向 (fl. ca. 562–525 BC) of Jin sent a letter to Zichan 子產 (fl. ca. 565–522 BC) of Zheng, in which he points to the fact that by casting this “book of punishments” (*xingshu* 刑書), people will no longer hold reverence for their superiors, as they will simply look to the legal code to see what they can and cannot get away with, and thus they cannot possibly be governed.⁴ In the second instance, Confucius 孔子 (551–479 BC) himself is given to express a similar lament over the casting of Jin’s “punishment tripod”:

² I have discussed *Zuo zhuan* and Guodian text passages at greater length in “The Debate over Coercive Rulership and the ‘Human Way’ in Light of Recently Excavated Warring States Texts,” *HJAS* 64.2 (December, 2004), pp. 399–440. In a different context, it touches briefly upon a couple of the passages from *Xun Zi* to be discussed below. I have also previously discussed these and other texts in the context of pre-Qin hermeneutical strategies in my (Gu Shikao 顧史考) “Cong lijiao yu xingfa zhi bian kan xian-Qin zhuzi de quanshi chuantong” 從禮教與刑罰之辯看先秦諸子的詮釋傳統, *Tai Da Wenshizhe xuebao* 臺大文史哲學報 (*Humanitas Taiwanica*) 53 (November, 2000), pp. 1–32.

³ How accurately these may reflect statements actually made at the purported times is, certainly, open to question. They do, however, present an intellectual picture of the times that is historically quite plausible and, for all we know, may well have been based on reliable historical record. In any case, they are best placed into this tentative narrative chronologically prior to the 4th-c. BC texts we will be considering next. For evidence on the *Zuo zhuan* as a largely reliable repository of Chun Qiu-period thought, see Yuri Pines, *Foundations of Confucian Thought: Intellectual Life in the Chunqiu Period, 722–453 B.C.E.* (Honolulu: U. Hawai’i P., 2002), pp. 13–39. For a somewhat different take on this issue, however, see David Schaberg, *A Patterned Past: Form and Thought in Early Chinese Historiography*, Harvard East Asian Monographs 205 (Cambridge, Mass.: Harvard University Asia Center, 2001), esp. pp. 315–24.

⁴ Zhao 昭 6; Yang Bojun 楊伯峻, *Chunqiu Zuozhuan zhu* 春秋左傳注 (Beijing: Zhonghua, 1981; 2d edn., 1990), pp. 1274–75. For my full translation of this passage, see Cook, “Debate over Coercive Rulership” p. 404; cf. Schaberg, *Patterned Past*, pp. 294–96.

Will Jin not perish! ... it now casts aside these [traditional] standards, and makes a punishment tripod. The people now examine the tripod [to know the punishments] – on what basis will they revere the noble? What occupations will the noble have to maintain? The noble and base will lose their order – on what basis will one govern the state? 仲尼曰：“晉其亡乎... 今棄是度也，而為刑鼎。民在鼎矣，何以尊貴？貴何業之守？貴賤無序，何以為國”⁵

It is clear from other parts of these passages, moreover, that it is really not the use of punishments per se that is criticized, but simply a matter of wherein the authority for determining those punishments should be vested.⁶ The promulgation of a written legal code to which appeal could be made inevitably resulted in an important loss of authority to those in positions of power – now no longer able to make judgments or determine penalties solely on the basis of their own discretion.

By the time of texts such as those recently excavated at Guodian 郭店楚墓竹簡, that is to say, likely sometime within the fourth century BC, the target of Confucian polemic would appear to have shifted away from the mere promulgation of penal codes themselves and over to the very idea that coercive measures could ever be an effective means of achieving order in the first place.⁷ The only natural and thus workable

⁵ Zhao 29; Yang, *Chunqiu Zuozhuan zhu* p. 1504; cf. Schaberg, *Patterned Past*, pp. 296–97. The tripod is said to have carried the penal code of Fan Xuanzi 范宣子. Donald Wagner has called the authenticity of this passage into question, largely because of its seemingly anachronistic mention of iron (*tie* 鐵) in the casting of the tripod. As he notes, however, the *Kongzi jiyu* 孔子家語 quotation of the same passage has *zhong* 鍾 for *tie*; this would suggest the possibility (though one discounted by Wagner) that the character *tie* might have been a lone emendation to a passage with otherwise earlier origins; for details, see Donald J. Wagner, *Iron and Steel in Ancient China* (Leiden: Brill, 1993), pp. 57–59.

⁶ The Zhao 6 passage, for instance, notes that the former kings, among other things, “determined punishments severely, so as to lend awe against transgressions 嚴斷刑罰，以威其淫。” In the new context, as David Schaberg puts it, “the casters of the penal cauldrons proposed a new sort of visibility, not for the rulers, but for the standards”; *Patterned Past*, p. 298. Mark Edward Lewis, stressing instead the continuity of cultural forms and practices, and in this case the medium, in the “sacralization of written law,” notes how “the inscriptions on the sacred vessels used to fix power and privilege under the Zhou were adopted to perform the same function for the written, codified powers of the emergent territorial states”; see his *Writing and Authority in Early China* (Albany: State University of New York Press, 1999), p. 20.

⁷ In 1993 these texts, written on sets of bamboo strips of varying lengths, were excavated from a Chu-region tomb discovered in the village of Guodian, Jingmen 荊門, Hubei province. Photographs and transcriptions are published in Jingmen shi bowuguan 荊門市博物館, ed., *Guodian Chumu zhujian* 郭店楚墓竹簡 (Beijing: Wenwu chubanshe, 1998). While scholarly consensus places the date of interment somewhere around 300 BC, the texts themselves may well have been conceived, and later copied, rather earlier. For the excavation report, see Hubeisheng Jingmenshi bowuguan 湖北省荊門市博物館, “Jingmen Guodian yihao Chumu” 荊門郭店一號楚墓, *WW* 1997.7, pp. 35–48. A comparable find of even greater scope, also from the Chu area, is the bamboo texts recently purchased from the Hong Kong antiquities market by the Shanghai Museum. Photographs and transcriptions of this corpus are being published

means of governing the populace was through rulership by example – the charismatic power of virtue and the guiding practices of ritual and music through which such virtue was displayed and promulgated. In the words of a line found repeated in three of the texts, “if those above are fond of something, those below will invariably be even more so 上好此物也, 下必有甚安 (焉) 者矣。”⁸ And this was again, of course, an ideal that still promoted reverence for the authority of superiors rather than adherence to a written legal code – but which has now been turned into one with a more clear-cut focus on the issue of “ritual versus punishments.” Let me just quote one further instance from the Guodian version of the text named “Zi yi” 緇衣:

The Master said, “If he who heads the people teaches them through virtue and brings them in line through ritual, they will have minds that are motivated [to do good]; [but] if he teaches them through governance, and bring them in line through punishments, the people will have minds bent on evasion.” Thus if he cherishes them with fatherly devotion, the people will endear themselves to him; if he binds them with trust, the people will not betray him; if he oversees them with reverence, the people will be of a submissive mind. The Ode says, “My great officers are reverent and frugal, and there is [thus] no one who lacks restraint.” The “Lü xing 呂刑” (Punishments of Lü) says, “[The Miao people] did not employ goodness, [so their leaders] controlled [them] through punishments, creating five abusive punishments and calling them ‘laws.’” 子曰: “俎(長)民者, 教之以德, 齊之以禮, 則民有懼(勸)心; 教之以正(政), 齊之以刑, 則民有免心。” 故慈以愛之, 則民有新(親); 信以結

serially; for the first 5 vols., see Ma Chengyuan 馬承源, ed., *Shanghai Bowuguan cang Zhanguo Chu zhushu* 上海博物館藏戰國楚竹書 (Shanghai, Shanghai guji chubanshe, 2001, 2002, 2003, 2004, 2006, respectively). Two of the texts found therein, including “Zi yi” 緇衣, cited below, overlap with those from Guodian. The Museum purchased the texts, which had been looted by grave robbers, in 1994. Based on both content and calligraphic features, they appear to derive from the same general region and temporal proximity as the Guodian texts; see Ma Chengyuan’s preface to the first volume, p. 2. For convenience, I have, where possible, rendered the transcriptions of the passages cited below in conventional characters. For a recent study of notions of crime prevention in early Chinese legal thought as reflected in the Guodian Confucian texts, see Cui Yongdong 崔永東, *Jianbo wenxian yu gudai fa wenhua* 簡帛文獻與古代法文化 (Wuhan: Hubei jiaoyu chubanshe, 2002), pp. 39–55.

⁸ From the “Zi yi” text; *Guodian Chumu zhujian*, p. 129 (strips 14–15); cf. *Shanghai bowuguan cang Zhanguo Chu zhushu* 1, pp. 182–83 (strips 8–9) and (Qing-era) Sun Xidan 孫希旦, *Liji jijie* 禮記集解, ed. Shen Xiaohuan 沈嘯寰 and Wang Xingxian 王星賢 (Beijing: Zhonghua shuju, 1989), p. 1323. The phrase is to be found nearly verbatim in the text titled “Zun deyi” 尊德義 and, somewhat differently phrased, in “Cheng zhi wen zhi” 成之聞之; see *Guodian Chumu zhujian*, pp. 174 (strips 36–37) and 168 (strip 7). Yet another version of the line appears in *Meng Zi*, 3A/2; see (Song-era) Zhu Xi 朱熹, *Sishu zhangju jizhu* 四書章句集注 (Beijing: Zhonghua shuju, 1983), p. 253. Both there and in “Zi yi,” the statement is attributed to Confucius.

之，則民不忮(背)；恭以位(蒞)之，則民有慈(遜)心。詩云：“吾大夫恭且儉，靡人不斂。”呂刑云：“[苗民]非甬(用)錚(靈)，折(制)以刑，惟作五瘡(虐)之刑曰法。”⁹

Quite naturally for a text that stresses the value of authoritative models, the form of “Zi yi” itself is little more than the authoritative quotation of Confucius, the *Odes*, and the *Documents*, interspersed only with the occasional elaborative comment – a characteristic peculiar to all the texts that, like this one, are traditionally attributed to Zi Si 子思 (ca. 483–402 BC).¹⁰ For the present purposes, I would call the reader’s attention to the “Lü xing” quotation from the *Shang shu*, which, juxtaposed with the Confucius quote, is clearly taken to imply that the Miao are criticized precisely for the fact that they used punishments to bring their people in line, a point to which I return, shortly.

If Confucians of the time were forging an argument against rulership through coercive measures, how was the issue perceived by the other “prominent” school of thought of the early Warring States – that of the Mohists 墨? Given the Mohists’ emphasis on “universal love 兼愛” and denunciation of aggressive warfare 非攻, any unreflective answer to

⁹ *Guodian Chumu zhujian*, p. 130 (strips 23–27). This is the twelfth passage in the Guodian and Shanghai-Museum versions of the text and the third in the *Li Ji* 禮記 version. Cf. *Shanghai Bowuguan cang Zhanguo Chu zhushu* 1, pp. 187–90 (strips 12–14) and Sun, *Liji jijie*, p. 1323. The various versions contain minor discrepancies, the most notable being that the received (*Li Ji*) version does not contain the *Shi* quotation; this obscure quotation, moreover, is not to be found in the present *Shi Jing* 詩經 corpus. For the reading of *mi* 靡, I follow Liu Lexian 劉樂賢, Huang Dekuan 黃德寬 and Xu Zaiguo 徐在國, and other scholars; see Liu Lexian, “Du Guodian Chujian zhaji sanzhe” 讀郭店楚簡札記三則, in Jiang Guanghui 姜廣輝, ed., *Guodian Chujian yanjiu* 郭店楚簡研究, vol. 20 of *Zhongguo zhixue* 中國哲學 (Shenyang: Liaoning jiaoyu chubanshe, 1999), pp. 359–64; Huang Dekuan and Xu Zaiguo, “Guodian Chujian wenzi xukao” 郭店楚簡文字續考, *Jiang Han kaogu* 江漢考古 1999.2, pp. 75–76. For the “Lü xing” line, the same chapter in the received *Shang Shu* reads: 苗民弗用靈, 制以刑, 惟作五虐之刑曰法; *ling* 靈, which can have the sense of “goodness,” is read by some as a loan for 令, “commands.” See Qu Wanli 屈萬里, *Shangshu shiyi* 尚書釋義 (1980; 2d edn., Taipei: Zhongguo wenhua daxue, 1995), p. 191. For 錚, the Shanghai-Museum strips have 靈; for an alternative reading of the graph as *zhen* 臻, see Li Ling 李零, “Guodian Chujian jiaoduji” 郭店楚簡校讀記, in Chen Guying 陳鼓應, ed., *Daojia wenhua yanjiu* 道家文化研究 (Beijing: Sanlian shudian, 1999) 17, pp. 455–542; The Guodian version is the only one that does not include “Miao min 苗民” (which I have supplied in brackets) at the beginning of the quote. Note that a version of the quotation attributed here to Confucius is also to be found in *Lun Yu* 11/3.

¹⁰ According to a memorial 奏答 of (Liang-era) Shen Yue 沈約, recorded in the “Yinyue zhi” 音樂志 of *Sui shu* 隋書, the “Zhong yong” 中庸, “Biao ji” 表記, “Fang ji” 防記, and “Zi yi” 子思子 chapters of the *Li Ji* were “all taken from the *Zi Si Zi*” 皆取“子思子”; see (Tang-era) Wei Zheng 魏徵 et al., *Sui shu* (Beijing: Zhonghua shuju, 1973) 13, p. 288. On a possible connection between Zi Si and the Guodian texts more generally, see, among other articles, Li Xueqin 李學勤, “Jingmen Guodian Chujian zhong de *Zi Si Zi*” 荆門郭店楚簡中的子思子, in Jiang, ed., *Guodian Chujian yanjiu*, pp. 75–80. For contrary views, particularly in connection with the “Wu xing” 五行 text, see Csikszentmihalyi, *Material Virtue*, pp. 86–100; Csikszentmihalyi does not so much dispute the link between the “Wu xing” and the philosopher Zi Si as he does call into question the identification of this figure with the grandson of Confucius.

this question may tend toward the assumption that they, too, would have denounced the use of punishments. Such, however, is clearly not the case, because punishments (along with rewards) in fact played a major role in the Mohist philosophy of statecraft: they were means by which “upward conformity 尙同” was ensured, the means by which ghosts and spirits exacted conformance with Heaven’s will 天志, and even the very means by which the ruler was to “encourage” the practice of universal love. Yes, even love for thy neighbor was a matter of compulsion:

Thus Master Mo Zi said, “The ancient sage kings created the five punishments in order to bring order to the people. These [punishments] may be compared to the guide-strings of silk threads or the head-ropes of nets: they are what are used to draw in all the world’s ‘men of the hundred surnames’ who do not upwardly conform to their superiors.” 是故子墨子言曰：“古者聖王爲五刑，請以治其民。譬若絲縷之有紀，罔罟之有綱，所連收天下之百姓不尙同其上者也。”¹¹

In another section of *Mozi* we read:

If there were superiors who delighted in it, encouraged it through rewards and fame, and lent awe to it through punishments and penalties, I believe people would seek out universal love and reciprocal benefit just as fire seeks to ascend and water seeks out low ground – one could not prevent [its spread] throughout the world. 苟有上說之者，勸之以賞譽，威之以刑罰，我以爲人之於就兼相愛交相利也，譬之猶火之就上，水之就下也，不可防止於天下。¹²

And so the Mohists – who made a point of downplaying the utility of ritual and musical display and thus had little else by which to encourage order – clearly saw the Confucian condemnation of punishments and penalties as detrimental to their own position. But what of the canonical authority of the *Shang shu* and other texts cited in defense of the Confucian position? This issue would appear to be confronted head on in the “Shangtong, zhong” 尙同中 chapter of *Mo Zi*, which cites the very same “Lü xing” quotation found in “Zi yi”:

Master Mo Zi said, “... In former times, the sage kings instituted five punishments, and thereby brought order to the world; when

¹¹ *Mo Zi*, “Shangtong, shang 尙同, 上”; see (Qing-era) Sun Yirang 孫詒讓, *Mozi jiangou* 墨子閒詁, ed. Sun Qizhi 孫啓治 (Beijing: Zhonghua shuju, 2001), pp. 77–78.

¹² “Jian’ai, xia” 兼愛, 下; Sun, *Mozi jiangou*, p. 127. In “Ming gui” 明鬼, the idea that ghosts and spirits “reward the worthy and penalize the violent 賞賢罰暴” is repeated throughout; there the term is “rewards and penalties” rather than “punishments” (*xing* 刑). Of course the “superiors delighting in it” of this passage also speaks to a place for charismatic suasion in the *Mo Zi* (stressed especially in the “Jian’ai, zhong” 中 chapter), but the reliance on rewards and punishments remains prominent.

it came to the Miao's institution of five punishments, these [instead] brought chaos to the world. How, then, could this be that punishments [in themselves] are not good? Rather, it is the [particular] use of punishments that is no good. Thus in the books of the former kings, the 'Lü punishments' says, 'The Miao did not employ goodness, so [their leaders] controlled [them through] punishments, creating five killing punishments and called them "laws 法."' This, then, tells how those who use punishments well will order their people with them, while those who do not use punishments well will create the five killings. How, then, could this mean that punishments [in themselves] are no good? – it was the [Miao's] use of punishments that was no good, and thus they created the five killings." 子墨子曰: "... 昔者聖王制爲五刑, 以治天下, 逮至有苗之制五刑, 以亂天下. 則此豈刑不善哉? 用刑則不善也. 是以先王之書 '呂刑' 之道曰: '苗民否用練, 折則刑, 唯作五殺之刑, 曰法.' 則此言善用刑者以治民, 不善用刑者以爲五殺, 則此豈刑不善哉? 用刑則不善. 故遂以爲五殺."¹³

While it may be difficult to determine precisely the chronological priority of these texts, it would appear that the *Mo Zi* passage here is responding to exactly the type of out-of-context quotation that we see in "Zi yi," and in the process making what for the time was a somewhat novel demand for hermeneutical precision. The Mohists here point out, quite rightly, that the context of the "Lü punishments" does not allow for it to support the type of argument the Confucians have given it – the text was, in fact, one in which the Zhou king Mu 周穆王 commanded the marquis of Lü 呂侯 to craft carefully a set of punishments, and for the various officials to be reverent and cautious in their hearing of law cases. So it was, in fact, *not* a matter of punishments being intrinsically "no good," but only whether or not they were properly determined – and so the Confucians had indeed been taking textual quotations out of context.¹⁴

¹³ Sun, *Mozi jiangou*, p. 51. In the "Lü xing" quotation, *lian* 練 appears to be equivalent to the *ling* 靈 of the *Shang Shu*, which could perhaps also be read 令, "orders." As in the excavated texts, 折 here appears as the ancient form of *zhi* 制.

¹⁴ As Michael Puett points out, however, the Mohist account is not without its own distortion of the "Lü xing's" message, in that it reverses the original narrative by having the sage kings rather than the Miao responsible for the initial creation of punishments, and whereas "Lü xing" still expressed reservations about the use of punishments, the Mohists deny the problematic nature of punishments altogether. See Puett's excellent analysis of the problem of creation as revealed in these writings in his "Sages, Ministers, and Rebels: Narratives from Early China Concerning the Initial Creation of the State," *HJAS* 58.2 (December 1998), pp. 436–44; and idem, *The Ambivalence of Creation: Debates Concerning Innovation and Artifice in Early China* (Stanford: Stanford U.P., 2001), pp. 101–7. In this regard, we can see how both

The Mohists held just as much respect for the authority of canonical texts as did the Confucians, believing that the sages wrote them for the express purpose of transmitting their wisdom to later ages for emulation by their descendants, and that we thus have an obligation to receive and uphold such teachings:

The sage kings of old desired to transmit their ways to later ages, and thus wrote them down upon bamboo and silk, engraved them on metal and stone, and passed them on to their descendants of later ages in hopes that these descendants would emulate them. To hear, today, the legacy of the former and yet not act upon it – this is to abandon the transmission of the former kings. 古之聖王，欲傳其道於後世，是故書之竹帛，鏤之金石，傳遺後世子孫，欲後世子孫法之也。今聞先王之遺而不為，是廢先王之傳也。¹⁵

Thus the first of the three Mohist “standards 表” by which to test the validity of a doctrine was to “find its roots in the affairs of antiquity’s sage kings 上本之於古者聖王之事。”¹⁶ Given, however, that their philosophy presented a view more or less in competition with the accustomed interpretation of the classics, the Mohists could stake their own claim to the support of canonical authority only by making new demands on the interpretation itself. At the same time, the two other standards remained crucial for interpreting the validity of their chosen historical sources whenever a doctrine might be called into question: “seek their origin in what is actually witnessed by the eyes and ears of the masses 下原察百姓耳目之實” and “observe whether they accord with the interests of the state and its people when put into governmental practice 廢(發)以為刑政，觀其中國家百姓人民之利。”¹⁷ That is to say, while the ancient record is to be revered, it is now recognized that we can properly interpret that record only through the lens of our own experience.

the Confucians and the Mohists made extreme what was originally a nuanced position in “Lü xing.” For a succinct analysis of the “Lü xing” account of the origins of punishment itself, see Mark Edward Lewis, *Sanctioned Violence in Early China* (Albany: State University of New York P., 1990), pp. 196–98. For an overview of relatively recent scholarship on the “Lü xing” chapter, see Laura A. Skosey, “The Legal System and Legal Tradition of the Western Zhou, ca. 1045–771 BCE,” Ph.D. diss. (University of Chicago, 1996), pp. 195–201.

¹⁵ *Mo Zi*, “Gui yi” 貴義; Sun, *Mozi jiangou*, pp. 444. Similar statements appear throughout the “core chapters” as well, including “Shang xian, xia” 尚賢, 下; “Tian zhi, xia” 天志, 下; “Ming gui, xia” 下; “Fei ming, zhong” 非命, 中; and “Fei ming, xia” 下.

¹⁶ *Mo Zi*, “Fei ming, shang” 上; Sun, *Mozi jiangou*, p. 164. As Mark Edward Lewis correctly points out, not only do the Mohists appeal to antiquity themselves, but “assume that their opponents also appeal to the sages as a form of proof”; *Writing and Authority*, p. 112.

¹⁷ *Mo Zi*, “Fei ming, shang” 上; Sun, *Mozi jiangou*, p. 164.

Furthermore, while the Mohists more or less revered the same set of historical sages, and to a large extent texts, as did the Confucians, at least some of the Mohists, known as they were for their special reverence toward the sage-king Yu 禹, have been portrayed as having introduced the idea of “the older the better.”¹⁸ As evidence for this, Luo Genze 羅根澤 once cited Mo Zi’s berating of Gong Meng Zi 公孟子, the *Mo Zi*’s standard foil for Confucian values, with the words: “You model after the Zhou but not the Xia; your ‘antiquity’ is not ancient at all! 子法周而未法夏也, 子之古非古也.”¹⁹ In point of fact, “Mo Zi” adds this here simply as a further challenge to the notion that modeling after ancient customs is *necessarily* a good thing to begin with (that is to say, “even were we to grant that it is, one could always go back further than you have”), and the idea that new times may well call for the creation of new practices is one that appears several times in later chapters of *Mo Zi*.²⁰ Nonetheless, “the older the better” is an idea that, as Luo pointed out, would gain great currency in the later Warring States: “Thus the more we approach later ages, the more ‘ancient’ the discourse becomes ... this was for no other purpose than to make one’s ‘antiquity’ all the more ancient, so as to overwhelm the competing schools by claiming that their ‘antiquity’ was not ancient at all 故愈至後世, 所言益古... 無非所以使其古尤古, 以壓倒他家, 謂其古非古也.”²¹ As we see, below, this

¹⁸ As the “Tian xia” 天下 chapter of *Zhuang Zi* 莊子 puts it: “If it is not the way of Yu, it is not worthy to be called Mohist” 非禹之道也, 不足謂墨; Guo Qingfan 郭慶藩 (19th c.), *Zhuangzi jishi* 莊子集釋 (1895), ed. Wang Xiaoyu 王孝魚 (Beijing: Zhonghua shuju, 1961), p. 1077. In this regard, it is worth noting Mark Edward Lewis’s observation that both *Mo Zi* and *Guo yu* 國語 are “distinguished by the predominance among the fictive pre-Zhou documents of attributions to the Xia,” while also noting the tendency in *Meng Zi* to quote from the purportedly even “older” documents attributed to the era of Yao 堯 and Shun 舜; *Writing and Authority*, p. 106.

¹⁹ *Mo Zi*, “Gong Meng”; Sun, *Mozi jiangou*, p. 454.

²⁰ See, for example, “Geng Zhu” 耕柱: “I hold that we should [both] transmit the good among ancient [practices] and create ones that are good for our own day, so as to increasingly maximize goodness” 吾以為古之善者則誅 (誦/述)之, 今之善者則作之, 欲善之益多也; Sun, *Mozi jiangou*, pp. 434–35. In “Gong Meng,” the criticism is aimed specifically at the notion of modeling on “ancient speech and clothing 古言服”; a similar censure can also be found in the “Fei ru” 非儒 chapter; *Mozi jiangou*, pp. 293–94. For a cogent analysis of these passages and discussion of the Mohist understanding of “creation 作” in general, see Puett, *Ambivalence of Creation*, pp. 42–43, 51–56. Given the difficulty of dating these non-“core” chapters, there is little ground for determining any role Mohists may have had generally in the origination of such criticisms; in any event, they seem to represent a different strategy from that seen in the core chapters just discussed, and I see them as more likely resulting from the later Mohists’ adoption of a tactic already employed by others. Similar criticisms can also be found in later chapters of *Zhuang Zi*, particularly “Tianyun” 天運.

²¹ Luo Genze, “Zhangguo qian wu sijia zhuzuo shuo” 戰國前無私家著作說, in *Gushi bian* 古史辨, *Minguo congshu* 民國叢書, 4th ser. 67 (Beijing: Pu she, 1935) 4, pp. 67–68. As Luo elsewhere pointed out, the Mohists also seemed to be working with a largely different set of “documents” (*shu* 書) than the Confucians as their source of canonical authority; see his “You

technique of seeking authority in greater and greater antiquity is of no small importance in shaping Xun Zi's conception of historical interpretation.

Before turning to Xun Zi's ideas, we must first briefly examine two important notions of historical thinking upon which he had to draw: that of his own Confucian tradition and that associated, rightly or not, with such figures as Shang Yang 商鞅. The Confucian notion of history is one that has essential features in common with a number of conceptions of historical interpretation in our own traditions.²² Emerson, for instance, speaks of "one mind common to all individual men," a "universal mind" that serves as every man's "inlet" to one and the same historical tradition, and through the agency of which he may relive in himself the great deeds and experiences of those whose names have been passed down through history. As the record of our own possibilities, the purpose of history is to teach us about ourselves, as individual incarnations of the universal human spirit as it has manifested itself over the ages, providing us with the prospect of reliving in the present both the triumphs and failures of prior worthies and villains, sages and despots. Such a notion presupposes the idea that we, as humans, are all of the same nature, that we possess the same basic latent qualities as the exemplars of history and thus are intrinsically capable of comprehending their ideas and realizing their accomplishments for ourselves.²³

The early Confucian philosophers similarly held that history holds lessons for us precisely because it is a record of successes and failures of former individuals who, from birth, held exactly the same potential as we hold at present.²⁴ The universality of human nature was a common

Mozi yin jing tuice Ru-Mo liangjia yu jingshu zhi guanxi 由墨子引經推測儒墨兩家與經書之關係, in *Gushi bian* 4, pp. 278–81. Mark Edward Lewis attributes a similar observation to Matsumoto Masaaki 松本雅明 (*Writing and Authority*, pp. 106–7), but Luo had already made much of these competing versions some thirty years earlier.

²² For a more detailed account of this argument, along with an extended analysis of the "Fei xiang" chapter of the *Xun Zi*, from which part of the analysis in the next section derives, see Scott Cook, "Sima Qian and the Universal Mind," in Michael J. Puett, ed., *Studies on the Shi Ji* (Albany: State University of New York P.) (forthcoming).

²³ See Ralph Waldo Emerson (1803–1882), *Essays: First and Second Series* (New York: Vintage Books/The Library of America, 1990), "History," pp. 7–9. For a related view, see R.G. Collingwood, "Human Nature and Human History," in his *The Idea of History* (1946; Oxford: Oxford U.P., paperback edn., 1956).

²⁴ Roger Ames draws a similar connection between the Confucian view of human nature and the implicit theory of history that goes with it: "Since the natural endowment of each person is reasonably consistent, it follows that at least in terms of individual capacity people have the same possibility of realizing the Way in their social relationships and government from one generation to the next." Any inconstancy in the historical realization of this human po-

theme in early Confucian discourse. From Confucius, for instance, we have the famous statement that “Humans are, in nature, mutually near; but by practice, far apart.”²⁵ One of the Guodian texts, “Cheng zhi wen zhi” 成之聞之, expresses the idea that “The nature of the sage and that of the common man is such that, from birth, there is no discrepancy 聖人之性與中人之性, 其生而未有非之.”²⁶ Another, “Xing zi ming chu” 性自命出, similarly indicates that “Within the four seas, all people are of the same nature; that they apply their minds differently is due to instruction 四海之內, 其性一也; 其用心各異, 教使然也.”²⁷ From Meng Zi 孟子 (Mencius; ca. 385–305 BC), who believed everyone to be intrinsically good, we have such assertions as “[even] Yao and Shun were simply the same as [ordinary] people 堯舜與人同耳.”²⁸ For Meng Zi, what this translated to in terms of historical source interpretation was the notion that we as readers can and should make use of our own intention to grasp that of the author 以意逆志;²⁹ this “intention” is, indeed, our “inlet” into the “universal mind” that we share with the sages who authored the classics, and the only means by which we may properly come to appreciate and understand them. Or as he puts it elsewhere, this is to “make friends in antiquity 尙友.”³⁰ We return to this Confucian tradition of historical interpretation shortly.

The case is much different with Shang Yang (ca. 390–338 BC) – at least as he is portrayed in *Shi Ji* and in portions of the work attributed

tential, Ames argues, the Confucians tended to assign to the influence of “cultural tradition.” See Roger T. Ames, *The Art of Rulership* (Honolulu: U. Hawaii P., 1983), p. 2.

²⁵ *Lunyu* 論語, “Yang Huo” 陽貨, xvii/2.

²⁶ *Guodian Chumu zhujian*, p. 168, strip 26. The end of this phrase is followed by characters the editors have transcribed as 節於而也, though the transcription is tentative and the exact sense is unclear. Zhou Fengwu 周鳳五 suggests that a break should come before these four graphs; see his “Guodian Chujian shizi zhaji” 郭店楚簡識字札記, in *Zhang Yiren xiansheng qizhishou lunwenji* 張以仁先生七秩壽論文集 (Taipei: Taiwan xuesheng shuju, 1999), pp. 351–62. Li Ling suggests likewise, but reads 之 as 志; see his “Guodian Chujian jiaoduji,” p. 515. Chen Ning 陳寧 reads 而 as a mistake for 天; see his “Guodian Chumu zhujian de rujia renxinglun yanlun chutan” 郭店楚墓竹簡中的儒家人性論言論初探, *Zhongguo zhexue shi* 中國哲學史 1998.4, pp. 39–46. Cf. Paul Goldin, “Xunzi in the Light of the Guodian Manuscripts,” *Early China* 25 (2000), p. 118.

²⁷ *Guodian Chumu zhujian*, p. 179, strip 9.

²⁸ *Meng Zi*, “Li Lou, xia” 離婁, 下, 4B/32; see Zhu, *Sishu*, p. 300.

²⁹ *Meng Zi*, “Wan Zhang, shang” 萬章, 上, 5A/4: “Thus in discussing the Odes, one should not misconstrue the words because of the patterns, or misconstrue the intent because of [the literal meaning of] the words. One gets it right if he uses [his own] intention to meet with the intent [of the author] 故說詩者, 不以文害辭, 不以辭害志. 以意逆志, 是爲得之”; see see Zhu, *Sishu*, p. 306. For more on this much-discussed passage, see Steven Van Zoeren, *Poetry and Personality: Reading, Exegesis, and Hermeneutics in Traditional China* (Stanford: Stanford U.P., 1991), pp. 69–74.

³⁰ See *Meng Zi*, “Wan Zhang, xia” 下, 5B.8; see Zhu, *Sishu*, p. 324.

to his name. Like Zichan and others before him who cast penal codes upon bronze tripods, Shang Yang, this time for the state of Qin 秦, drafted and displayed a clear and universally applicable set of laws. His, however, involved rather severe and uncompromising punishments that also incorporated a system of mutual responsibility.³¹ When, according to our sources, Zichan of Zheng had been criticized some two centuries previous for his casting of the penal tripod, he simply apologized for it with a remark to the effect that “desperate times call for desperate measures 吾以救世也.” Yet when Shang Yang was criticized with the charge that “wise men do not rule by altering the laws 知者不變法而治,” but rather “follow the ritual 循禮” of their predecessors, he is described as having met his accusers head on:

What [Gan] Long speaks are the words of the vulgar. The common man finds comfort in ancient customs, and students drown in what they have heard [of past ways]. It is all right for one to make use of these principles while upholding the law in an official capacity, but they are not that by which one can discourse beyond the [current] laws. The kings of the three dynasties ruled with different rituals, and the five hegemonies maintained their hegemonies through different laws. The wise create the laws, while the ignorant are controlled by them; the worthy alter the rituals, while the unworthy stick rigidly to them ... 龍之所言，世俗之言也。常人安於故俗，學者溺於所聞。以此兩者居官守法可也，非所輿論於法之外也。三代不同禮而王，五伯不同法而霸。智者作法，愚者制焉；賢者更禮，不肖者拘焉。

... There is no single way by which to rule an age, and if it is of convenience to the state, one does not emulate the ancient. Thus kings Tang and Wu ruled by not following the ancient, while the Xia and Yin perished by not changing their rituals. Those who go against the ancient cannot be denounced, while those who follow [prior] rituals are not worthy of praise. 治世不一道，便國不法古。故湯武不循古而王，夏殷不易禮而亡。反古者不可非，而循禮者不足多。³²

³¹ See Yang Kuan 楊寬, *Zhanguo shi* 戰國史 (rev. and enlarged rpt., Zhonghe, Taiwan: Gufeng chubanshe, 1986), pp. 215–29; Duyvendak, *Book of Lord Shang*, pp. 56–65.

³² (Han-era) Sima Qian 司馬遷 et al., *Shi Ji* 史記, “Shang Jun liezhuan” 商君列傳; *Shi Ji*, ed. Gu Jiegang 顧頡剛 et al. (Beijing: Zhonghua shuju, 1963) 68, p. 2229. See also the “Geng fa” 更法 chapter of *Shang Jun shu* 商君書; Jiang Lihong 蔣禮鴻, *Shangjunshu zhuzhi* 商君書錐指 (Beijing: Zhonghua shuju, 1986), pp. 3–4; Duyvendak, *Book of Lord Shang*, pp. 13–14, 170–3; and the discussions in Ames, *Art of Rulership*, pp. 9–11; and Puett, *Ambivalence of Creation*, pp. 114–15. Note that Duyvendak sees the *Shi Ji* dialogue as deriving from a similar one found in *Zhanguo ce* 戰國策, “Zhao ce 2” 趙策二, where it takes the form of king Wuling’s 武靈王 ostensibly 307 BC response to the remonstrations of Zhao Zao 趙造 and other advisers; the direction of borrowing, however, is by no means clear.

Whoever introduced it, the idea that “one needn’t emulate the ancient” was certainly a bold new concept in historical interpretation; for whether one was a Confucian or (early) Mohist, one always took one’s model from the past, regardless of exactly how one interpreted it.³³ But because Shang Yang’s “new laws 變法,” though not entirely without precedent, were so radical that he could find no ancient model for them, it is natural that he would develop a philosophy of history that denied the need for ancient models in the first place. Of course, it was not that past ways were necessarily wrong for the current age, only that they were not necessarily right; and it is not without irony that Shang himself would take his model from the sage kings of the past – that is, by emulating the ancient sages’ practice of *not* emulating antiquity.³⁴ The question of its proper attribution notwithstanding, the position displayed here was by the mid- to late-Warring States period an undeniably prominent one, as it would soon enough become subject to direct challenge, most forcefully by Xun Zi.

XUN ZI AND THE “LATTER KINGS”

While Shang Yang would end up being drawn and quartered as a consequence for his irreverence, his “new laws” would continue to be used in Qin and soon helped to turn it into the most wealthy and powerful state in the realm. Xun Zi (ca. 340?–245? BC), according to the work that bears his name, had occasion to visit Qin at its height.³⁵ When Fan Ju 范雎, the marquis of Ying 應侯, asked Xun Zi what he observed upon entering Qin, the latter had to admit that its people were frugal, honest, and reverently subservient to their officials; that its officials did not form cliques and kept everything above board; and that its court operated with seamless efficiency. However, Xun Zi ultimately could not approve of Qin’s emphasis on the rule of law at the expense of ritual, and thus remarked that “even with all this, Qin is a long way from ever achieving the glorious fame of a true king 然而縣之以王者之功名, 則倜倜然其不及遠矣.”³⁶ For no matter how obvious the

³³ This assumes, again, that such Mohist chapters as listed in n. 20, above, as much as they are at odds with the core chapters of the work on this point, are relatively late products.

³⁴ Lewis makes a similar observation in *Writing and Authority*, p. 120, but goes on to note that “the move is inconsistent” in the work, that many passages still “take the former kings as authoritative models for specific policies” (p. 121).

³⁵ Xun Zi’s dates are according to Qian Mu 錢穆, *Xian Qin zhuzi xinian* 先秦諸子繫年, 3d edn. (1935; rpt. Taipei: Dongda tushu gongsi, 1990).

³⁶ *Xun Zi*, “Qiang guo” 彊國. See Wang Xianqian 王先謙 (1842–1917), *Xunzi jijie* 荀子集解 (1891), ed. Shen Xiaohuan 沈嘯寰 and Wang Xingxian 王星賢 (Beijing: Zhonghua shuju, 1988), pp. 302–4. Given that both this chapter and the “Yi bing” chapter quoted below consist partly of dialogues rather than being the usual discursive essay, and refer to Xun Zi by

merits of rule by law had become, Xun Zi was still the inheritor of a venerable Confucian tradition, and thus after all a staunch advocate of the doctrine that ritual and propriety were the only true kingly ways by which to rule, while coercion through punishments was relegated to the technique of mere hegemon:

The ruler of people rules as king when he exalts ritual and honors worthies; rules as hegemon when he emphasizes laws and prizes his people; is in peril when he is fond of profit and full of deception; and perishes when he gives himself over to dark calculations and treacherous schemes. ... Thus when the people are exhorted without rewards, when [the ruler's] might carries forth without the use of penalties, this is called the "might of the virtuous way." ... When one is scrupulous in forbidding uproar, and meticulous in punishing the non-submissive; when one's punishments and penalties are heavy and invariable, and one's executions are savage and inevitable ... this is called the "might of violence and inquisition." ... The might of the virtuous way culminates in security and strength; the might of violence and inquisition culminates in peril and weakness; and the might of madness and recklessness culminates in extermination. 人君者，隆禮尊賢而王，重法愛民而霸，好利多詐而危，權謀傾覆幽險而亡。... 故賞不用而民勸，罰不用而威行，夫是之謂道德之威。... 其禁暴也察，其誅不服也審，其刑罰重而信，其誅殺猛而必... 夫是之謂暴察之威。... 道德之威成乎安彊，暴察之威成乎危弱，狂妄之威成乎滅亡也。³⁷

For Xun Zi, the "might of the virtuous way," the "exaltation of ritual and worthies," is the only authentic path to a truly strong state; the ruling techniques of law and coercion can at best only assist in this cause: they can never be allowed to become paramount. This is even clearer in Xun Zi's response to a question posed by Li Si 李斯 as portrayed in the "Yi bing" 議兵 chapter:

Ritual is the pinnacle of order and discrimination, the foundation of a strong state, the way to prestigious influence, and the conflu-

the honorific "Sun (Xun) Qing Zi" 孫(荀)卿子, some, such as Liang Qichao 梁啟超, note they were probably recorded by Xun Zi's disciples (see Zhang Xincheng 張心澂, *Weishu tongkao* [Shanghai: Shanghai shudian chubanshe, 1998 (facsimile of Shangwu yinshuguan 1939 edn.)], p. 620). Be that as it may, they are philosophically consistent with, and share characteristic linguistic and stylistic features in common with, other chapters of the work, and thus may in any case be taken as representative of Xun Zi's thought.

³⁷ Wang, *Xunzi jijie*, pp. 291-93. Cf. the translation of John Knoblock, *Xunzi: A Translation and Study of the Complete Works* (Stanford: Stanford U.P., 1988 [vol. 1], 1990 [vol. 2], 1994 [vol. 3]) 2, pp. 239-40; see also Paul Rakita Goldin, *Rituals of the Way: The Philosophy of Xunzi* (Chicago and La Salle: Open Court, 1999), pp. 66-67.

ence of accomplished reputation. It is by following it that kings and dukes may obtain the world; it is by not following it that they lose their sacred altars. Thus strong armor and sharp weapons are not enough to obtain victory; high city-walls and deep moats are not enough to maintain security; and severe orders and copious punishments are not enough to inspire awe. If [the ruler] follows the proper way (that is, of ritual), he will succeed; if he does not follow the proper way, [things] will go to waste. . . . Those below harmonize with their superiors as shadows or echoes. Only when there are those who [in spite of this] do not follow commands does one deal with them through punishments. . . . Thus when punishments and penalties are reduced, [the ruler's] might flows forth; for this there is no other reason than that he follows the proper way. This is the way Emperor Yao ruled the world in ancient times ... A traditional text states: "His might is awesome, yet not used; punishments are installed, yet not employed" – this is what it refers to. ... 禮者，治辨之極也，強固之本也，威行之道也，功名之總也。王公由之所以得天下也，不由所以隕社稷也。故堅甲利兵不足以爲勝，高城深池不足以爲固，嚴令繁刑不足以爲威。由其道則行，不由其道則廢。... 下之和上也如影嚮，有不由令者，然後俟之以刑。... 是故刑罰省而威流，無它故焉，由其道故也。古者帝堯之治天下也。... 傳曰：“威厲而不試，刑錯而不用。”此之謂也。...

If people are motivated to act only for the sake of rewards [and punishments], they will refrain from action once they perceive they will meet with harm. Thus rewards, punishments, and trickery are insufficient to cause people to exhaust their energies or willingly give up their lives. ... They are insufficient to unite the masses or lend magnificence to the state, and thus the ancients were ashamed to mention them. They thus presided before [the people] with the voice of magnanimous virtue, guided them with manifest ritual and propriety, cherished them by establishing loyalty and trust, ranked them through the promotion of the worthy and capable, and extended this through the bestowal of noble ranks, accoutrements, and rewards. They regulated the people's tasks in a timely manner and lightened their burdens, so as to bring them relief and raise and nurture them as if nursing an infant. Governmental orders were thereby settled, and mores and customs were thereby unified. . . . For this is what is meant by "great transformation and ultimate unity." "The kingly way truly pervaded; the Xu region all came [in submission]" – this is what the Ode refers to. 凡人之動也，爲賞慶爲之，則見害傷焉止矣。故賞慶、刑罰、執詐，不足以盡人之力，

致人之死 ... 不足以合大眾, 美國家, 故古之人羞而不道也。故厚德音以先之, 明禮義以道之, 致忠信以愛之, 尚賢使能以次之, 爵服慶賞以申之, 時其事, 輕其任, 以調齊之, 長養之, 如保赤子。政令以定, 風俗以一 ... 夫是之謂大化至一。詩曰: “王猶允塞, 徐方既來。” 此之謂也。³⁸

Xun Zi thus recalls the traditional Confucian notion that the people will bend like grass to the wind of the ruler's influence – the concept of charismatic suasion that is emphasized throughout the Guodian texts as well – and he also reiterates the position that the end result of instruction through rewards and punishments rather than through moral suasion results only in an evasive populace. Given that these are all traditional Confucian views, it is not surprising that in typical Confucian fashion he ends each of his thoughts with a line from one of the ancient classics.³⁹

While desiring to uphold the Confucian tradition, Xun Zi was, however, always responsive to the challenges of rival ideas and did his best to incorporate what he could to strengthen the Confucian position. Although it was possible, as with Shang Yang and Shen Dao 慎到, to become “blindly obsessed” with laws and punishments, coercive measures could nonetheless still be construed as constituting one corner of the “well-rounded way,” and thus were not without their proper use altogether.⁴⁰ Though indeed the use of coercive measures had never been totally excluded by most prior Confucian thinkers anyway, by this time their partial usefulness was in need of reassertion. This aspect of Xun Zi's thought can be seen in, for example, a passage from “Zheng lun” 正論 that carries his response to a prevalent doctrine that there were no corporal punishments 肉刑 in ancient times, but only symbolic ones 象刑, wherein the actual punishment was merely represented by the criminal's apparel. Xun Zi rejects such a claim on the basis that one could argue either that there were no crimes committed back then,

³⁸ Wang, *Xunzi jijie*, pp. 281–89; cf. Knoblock, *Xunzi* 2, pp. 229–32. The Ode quotation, which is also cited in the “Jun dao” 君道 chapter, comes from stanza six of “Chang wu” 常武 of the Da Ya 大雅 section of the *Shi Jing* 詩經. Note that it is also possible to render 刑錯而不用 as “punishments are set aside and not employed,” but strict parallelism suggests taking *cuo* 錯 in the sense of “set up” or “install.”

³⁹ Whereas in a text like “Zi yi” such quotes constituted the substance behind any claims made, in Xun Zi's arguments – which already speak for themselves – they appear to be intended more purely for rhetorical effect.

⁴⁰ The “Jie bi” 解蔽 chapter of *Xun Zi* makes no mention of Shang Yang, but describes Shen Dao as being “blindly obsessed with standards/laws and uncomprehending of worthiness 慎子蔽於法而不知賢” Likewise, “Fei shi'er zi” 非十二子 makes no mention of Shang Yang, but describes Shen Dao (and Tian Pian 田駢) as “Promoting the law/standards yet having no [true] standards; not cultivating [the past] and fond of creating 尚法而無法, 下(不)脩而好作.” The term *zhou dao* 周道 (“well-rounded way”) in “Jie bi” might also be understood as the “way of the Zhou.”

which would have eliminated the need for any punishments at all, even symbolic ones; or that in fact there *were* crimes, in which case symbolic punishments would have meant that even such vicious criminals as murderers would get away with the lightest of penalties 罪至重而刑至輕, an obvious recipe for chaos 亂莫大焉. Such a policy would defeat the whole purpose of punishment, which was to deter the committal of misdeeds in the first place 禁暴惡惡, 且徵(懲) 其未也. In ancient times, Xun Zi argues, everyone was always given his just desserts – this was a practice shared by “a hundred generations of kings 百王之所同”; and here he cites specifically king Wu’s 武王 execution of Shang king Zhou 紂 and public display of his decapitated head as a good example. He concludes with the line:

Thus when there is order, punishments are severe, and with disorder, they are trivial – this is because a crime against order is serious, whereas a crime against chaos is trivial. The *Book of Documents* says: “The severity of the punishments varies with the age” – it is referring to this. 故治則刑重, 亂則刑輕, 犯治之罪固重, 犯亂之罪固輕也. 書曰: “刑罰世輕世重.” 此之謂也⁴¹

The line quoted from *Documents*, interestingly enough, is also in that classic’s “Lü punishments” chapter, but it is a different line altogether from those we encountered earlier, and one now used in support of a stance in between the two positions respectively adopted by the authors of “Zi yi” and the Mohists.

A further example comes from the “Junzi” 君子 chapter of *Xun Zi*:

When a sage king resides above, and divisions and propriety are implemented below ... no one will dare to violate the great prohibitions of their superiors. ... If the proper way is followed, people will thereby obtain what they are fond of; if it is not, they will invariably meet up with what they abhor. ... 聖王在上, 分義行乎下, 則... 莫敢犯上之大禁... 由其道則人得其所好焉, 不由其道則必遇其所惡焉. ...

Thus when the punishment fits the crime, it will be held in awe, but when it does not fit the crime, it will be treated with contempt; when noble rank is accorded to the worthy, it will be honored, but when it is not accorded to the worthy, it will be held in low esteem. In ancient times, punishments did not exceed the crimes, and ranks did not surpass the virtue [of their recipients]. Thus one might execute the father or elder brother, while making

⁴¹ Wang, *Xunzi jijie*, pp. 326–28.

the son or younger brother a minister. Punishments and penalties did not exceed their crimes in severity; ranks and rewards did not surpass one's virtue – each was meted out sincerely and with discrimination. Thus those who did good were encouraged, while those who would do ill were deterred; punishments and penalties were reduced [in number], while [the ruler's] might streamed forth; governmental orders were clearly manifested, while [the ruler's] transformative influence was spirit-like. A traditional text says: “One man has good fortune, and the myriad people reap its advantages” – it refers to this. 故刑當罪則威，不當罪則侮；爵當賢則貴，不當賢則賤。古者刑不過罪，爵不踰德。故殺其父而臣其子，殺其兄而臣其弟。刑罰不怒罪，爵賞不踰德，分然各以其誠通。是以爲善者勸，爲不善者沮；刑罰綦省，而威行如流，政令致明，而化易如神。傳曰：“一人有慶，兆民賴之。此之謂也。”

Such is not the case in a chaotic age. ... 亂世則不然 ...⁴²

On the one hand, Xun Zi is reiterating the Confucian ideals of charismatic influence and the reduction of punishments, but on the other hand he emphasizes the prerequisite that in order to attain that ideal the punishments must fit the crimes. Once again, the quoted text is from “Lü punishments”; but at the same time Xun Zi would cleverly appear to suggest the line that precedes it in the original: “Reverently uphold the five punishments, so as to complete the three virtues 惟敬五刑，以成三德.”⁴³ Thus, what would have seemed like a simple argument for transformative influence becomes more complex, implicitly carrying the notion that punishments do in fact form a necessary complement to the implementation of virtue.

From the preceding examples, it is clear that Xun Zi believed we should take our model from the former sage kings. Exactly how, then, did Xun Zi understand the past? If the Confucians had always found the past relevant to the present because of their belief in the universality of human nature, Xun Zi was certainly no different. Though he held that human nature was basically detestable, he believed the sage's capacity for artifice provided all humans with the ritual models by which to allow us to overcome that nature and fulfill our latent potential. By

⁴² Ibid, pp. 450–52; cf. Knoblock, *Xunzi* 3, pp. 165–66. Some, e.g., Liang Qichao, have suspected the “Junzi” chapter, too, not to have been authored by Xun Zi himself (see Zhang Xincheng, *Weishu tongkao*, pp. 620–22). However, it is, again, philosophically consistent with and shares a number of linguistic and stylistic features in common with other chapters of the work – as should by now be apparent. While Tang annotator Yang Liang 楊僚 places the last eight chapters at the end of his edition because of their sundry nature or doubts about their authorship, he expresses no doubts about this chapter, the ninth from the end.

⁴³ See Qu, *Shangshu shiyi*, p. 195.

nature we are no different from either the sages or tyrants of the past, who are available to us through the historical record as either models or warnings. This is made clear in the “Fei xiang” 非相 chapter:

What is it that makes humans human? The answer: because they possess discrimination. Desiring food when hungry, warmth when cold, and rest when weary; being fond of benefit and despising harm – these are things people possess from birth, things that are so independent of anything else, things shared by [the sage] Yu and [the tyrant] Jie alike . . . For the birds and beasts have fathers and sons, but lack the intimacy of father and son; they have male and female, but lack the distinctions between men and women. Thus in the way of mankind, there is nothing that lacks discrimination. 人之所以爲人者何已也? 曰: 以其有辨也。飢而欲食, 寒而欲煖, 勞而欲息, 好利而惡害, 是人之所生而有也, 是無待而然者也, 是禹桀之所同也 . . . 夫禽獸有父子, 而無父子之親; 有牝牡, 而無男女之別。故人道莫不有辨。⁴⁴

Not only are human sages of the same nature as tyrants, they are at one level essentially even the same as the birds and beasts. What makes humans unique, however, is their capacity to make distinctions, to devise or emulate a ritual order by which to bring stability to the world. We all possess this capacity: the “Rong ru” 榮辱 chapter states that while none of us were “born complete 非生而具者,” we each “have the possibility of becoming a Yao or Yu, or of becoming a Jie or [Robber] Zhi 可以爲堯禹, 可以爲桀跖.”⁴⁵ Our success or failure depends on our practices and cultivation efforts, the proper models for which are available to us through the records of the former kings transmitted from antiquity.

As mentioned above, however, by Xun Zi’s time the Confucian school had come under attack for its apparently baseless insistence on the supremacy of the most recent dynastic institutions, those of the Zhou. On the one hand, the Mohists and other philosophical lineages had been claiming the authority of greater and greater antiquity, while on the other hand, thinkers like Shang Yang or Shen Dao had argued that the ancient ways were altogether irrelevant. Xun Zi, however, perceptively realized the limits of the reliability of historical sources, and was thus able to use this realization to ward off both forms of attack. Continuing in the “Fei xiang” chapter, we read:

⁴⁴ Wang, *Xunzi jijie*, pp. 78–79 cf. Knoblock, *Xunzi* 1, p. 206. For discussions of this and related passages in the context of Xun Zi’s notion of ritual (*li*), see Goldin, *Rituals of the Way*, pp. 72–5; and Masayuki Sato, *The Confucian Quest for Order: The Origin and Formation of the Political Thought of Xun Zi* (Leiden: Brill, 2003), pp. 358–61.

⁴⁵ Wang, *Xunzi jijie*, p. 63.

In [making] discriminations, there is nothing greater than [social] divisions; and of divisions, there are none greater than [those that accord with] ritual. Of ritual, there is none greater than [that of] the sage-kings; [but] there are some hundred sage-kings – which of them should I emulate? The answer: over great lengths of time, cultural patterns and rhythms vanish as their transmission is cut short, and those who oversee the standards and numbers become remiss over generations. Thus [I] say: if you want to observe the traces of the sage-kings, then observe those that are the most resplendent – those of the “latter kings” (that is, the Zhou kings) 辨莫大於分, 分莫大於禮, 禮莫大於聖王; 聖王有百, 吾孰法焉? 曰: 交久而滅, 節族久而絕, 守法數之有司, 極禮而褻. 故曰: 欲觀聖王之跡, 則於其粲然者矣, 後王是也.⁴⁶

It is not that the kings of remote antiquity are intrinsically poorer models than those of the Zhou; instead, emulating the latter in preference to the former is simply part of a general technique of “knowing the distant by means of the near, knowing the 10,000 by means of the one 以近知遠, 以一知萬.” This effectively answers the Mohist accusation: since human nature and capacities remain constant, there is no reason to go back any farther in antiquity for your model, for the sagely ways of past and present remain one and the same. And it also answers the charges attributed to Shang Yang. In the *Shang Jun shu* 商君書 version of the *Shi Ji* account quoted earlier, Shang Yang at one point refutes the call to model after antiquity with the rhetorical questions: “Former ages all had different teachings – which antiquity should I emulate? The sovereigns and kings did not duplicate each other – which rituals should we follow? 前世不同教, 何故之法? 帝王不相復, 何禮之循?”⁴⁷ Xun Zi refutes such a charge by posing, non-rhetorically, a similar question – which of the former sage kings’ rituals should we emulate? – and answering it with the notion that we should, and of necessity must, “emulate the latter kings” (which are, in essence, simply a subset of all “former kings”). Xun Zi’s position is diametrically opposed to the doctrine ascribed to Shang Yang that “there is no single way by which

⁴⁶ Ibid, pp. 79–80; cf. Knoblock, *Xunzi* 1, p. 206. The term “hou wang,” which appears some nine times in *Xun Zi*, meant for Xun Zi specifically the kings of the Zhou, in particular Wen and Wu. See the comments of Liu Taigong 劉台拱, Wang Zhong 汪中, Wang Niansun 王念孫, and Yu Yue 俞樾 in Wang, *Xunzi jijie*, pp. 80–81. It is in no sense meant to be opposed to the term “xian wang” 先王, which Xun Zi also uses to refer to “former kings” generally (among which the “hou wang” are a subset). See the comments of Li Disheng 李滌生, *Xunzi jishi* 荀子集釋 (Taipei: Xuesheng shuju, 1979), p. 81; see also Knoblock’s discussion of the term; *Xunzi* 2, pp. 28–31.

⁴⁷ *Shangjunshu zhuizhi*, p. 4.

to rule an age” and, indeed, he proceeds to criticize directly such a doctrine in the next passage:

Now reckless people say: “The circumstances of antiquity and today are different, and the ways by which they bring about order or chaos are different” – and the masses are befuddled by them. The masses are people who are foolish and ignorant, lacking in understanding and without any standards. They can be cheated even in what they see [for themselves] – let alone in what has been transmitted over a thousand generations! The reckless people may even slander and cheat [over matters] within the courtyard gates – let alone [over matters of] a thousand generations previous! 夫妄人曰: “古今異情, 其所以治亂者異道。” 而眾人惑焉。彼眾人者, 愚而無說, 陋而無度者也。其所見焉, 猶可欺也, 而況於千世之傳也? 妄人者, 門庭之間, 猶可誣欺也, 而況於千世之上乎?

How is it that the sage cannot be cheated? It is because the sage is one who gauges from himself. Thus he gauges from people [nearby] to people [distant], from situation to situation, from category to category, and from doctrine to accomplishment; he observes everything through his *dao*. Antiquity and today are of the same standard: the categories do not diverge, and though the length of time be great, remain of the same order. 聖人何以不可欺? 曰: 聖人者, 以己度者也。故以人度人, 以情度情, 以類度類, 以說度功, 以道觀盡。古今一度也。類不悖, 雖久同理。⁴⁸

Xun Zi has explicitly linked the universal nature of humans with the character of the historical record. “Antiquity and today are of the same standard 古今一度” because human nature remains constant, and thus what held meaning for those of the remotest past still holds meaning for us today. It is by inferring or “gauging” from himself 以己度 that the sage may properly appreciate and evaluate the historical record and realize the true import of past history for his own age. As Emerson puts it, “The fact narrated must correspond to something in me to be credible or intelligible.”⁴⁹ And for Xun Zi, a credible interpretation of the sagely ways of the past, through the most recent and well-preserved vestiges of such ways, was precisely the key to finding

⁴⁸ Wang, *Xunzi jijie*, pp. 81–82; cf. Knoblock, *Xunzi* 1, p. 207. It is of course also possible to understand *zhi luan* 治亂 here as a verb-object construction, “bring order to chaos,” as does Knoblock, but aside from one instance in the “Bu gou” 不苟 chapter (as something the noble man does *not* do), all other examples of the phrase in the *Xun Zi* take the form of an oppositional pair of attributes or outcomes. Assuming the quotation here reflects the *Xun Zi*’s own wording, the latter reading most likely pertains here as well.

⁴⁹ Emerson, *Essays*, “History,” p. 8.

the appropriate model for present-day actions and social institutions. Although his notion of “emulating the latter kings” would soon come to mean something very different in the hands of Sima Qian 司馬遷 and others, there is no mistaking Xun Zi’s steadfast adherence to the Confucian notion of historical constancy.

LÜSHI CHUNQIU AND THE CONFLATION OF OPPOSING VIEWS

Despite Xun Zi’s efforts, the claims for the need to change with the times and abandon the ways of antiquity would not cease. It was none other than the purported student of Xun Zi – Han Fei 韓非 (ca. 280–233 BC), the great synthesizer of “Legalist” thought, who would decry the notion of historical constancy in the most forceful of terms:

Now if there were one who, in the age of the Xia, constructed tree dwellings or bored holes for fire, he would certainly be laughed at by Gun and Yu [of the Xia]; and if there were one who, in the age of the Yin or Zhou, dredged channels, he would certainly be laughed at by [Yin king] Tang or [Zhou king] Wu. Thus those who, in today’s age, extol the ways of Yao, Shun, Tang, Wu, and Yu will certainly be laughed at by the newest sages. Thus the sage does not aim to cultivate the ancient, and does not emulate anything of constant admissibility. He assesses the affairs of the age and makes preparations on this basis. 今有構木鑽燧於夏后氏之世者，必為鯀、禹笑矣。有決瀆於殷、周之世者，必為湯、武笑矣。然則今有美堯、舜、湯、武、禹之道於當今之世者，必為新聖笑矣。是以聖人不期脩古，不法常可，論世之事，因為之備。

There was once a farmer of Song in the middle of whose field lay a tree-stump. A rabbit came running along, struck the stump, broke its neck, and died. The man thereupon set aside his plow and [simply] guarded over the stump, hoping thus to obtain more rabbits. As there were no more rabbits to be gotten [in such a way], he became the laughing stock of the state of Song. Now any hopes to rule the people of the current age with the government of the former kings are all of a kind with the guarding of the tree-stump. 宋人有耕田者，田中有株，兔走，觸株折頸而死。因釋其耒而守株，冀復得兔。兔不可復得，而身為宋國笑。今欲以先王之政，治當世之民，皆守株之類也。⁵⁰

⁵⁰ From the “Wu du” 五蠹 chapter. See Chen Qiyu 陳奇猷, *Han Feizi xinjiaozhu* 韓非子新校注 (Shanghai: Shanghai guji chubanshe, 2000), p. 1085.

As, perhaps, with Shang Yang before him, when Han Fei makes use of historical precedent it is often to illustrate the very point that what applied at one time does not necessarily apply at another. In a sense, Shang Yang and Han Fei add a different dimension to the idea that one should read history through one's own self, wherein the focus is no longer on what one shares in terms of a common nature with other exemplars of the past, but rather on the uniqueness of the historical situation in which one finds oneself and by which one's circumstances differ from those of the past. This is a view, again, fundamentally different from that of Xun Zi and his Confucian predecessors, and it is in between these two positions that a battle line between the Confucians and their rivals continued to be drawn.⁵¹ It is only with the well-known compilation *Lüshi chungiu* that we see the first serious attempt at garnering a truce between the two camps and reconciling the irreconcilable.

Written under the auspices of prime minister Lü Buwei 呂不韋 (ca. 290–235 BC) of the state of Qin, at a time when Lü was at the height of his power and Qin was on the verge of achieving final and total domination of the Chinese realm, *Lüshi chungiu* reads like a comprehensive blueprint for the successful rulership of the world. According to Lü's biography in the *Shi Ji*, the purpose of the compilation was to provide a "complete account of Heaven and Earth, the myriad things, and the affairs of past and present 以為備天地萬物古今之事."⁵² As characterized long ago by Chen Hao 陳澧 (1260–1341), "Lü gave it the name '*chungiu*' because he wanted to create a ritual canon for the rise of a new dynastic kingdom, and thus there is much within it that does not accord with the ritual classics 名曰春秋, 將欲為一代興王之典禮也, 故其間亦多有未與禮經合者."⁵³ The Ming-era scholar Chen Jiru 陳繼儒 (1558–1639) noted that the project served as a productive outlet for the world's scholars who might otherwise be opposed to any new regime: "by having them gather together to write a book, he at once relieved them of their itinerant condition and worries of support, and also consumed their heroic minds and contrary ambitions 使之聚而著書, 既解其旅況寄愁, 又耗其雄心異志."⁵⁴ Indeed, the composite authorship of *Lüshi chungiu*

⁵¹ On the common persistence across all schools of appeals to the past in general, however, see Lewis, *Writing and Authority*, p. 122.

⁵² "Lü Buwei liezhuan" 呂不韋列傳; *Shi Ji* 85, p. 2510.

⁵³ From his *Liji jishuo* 禮記集說, quoted in Tian Fengtai 田鳳台, *Lüshi chungiu tanwei* 呂氏春秋探微 (Taipei: Xuesheng shuju, 1990), p. 50. For a succinct overview of the *Lüshi chungiu* as a kind of state-sponsored, universal encyclopedia, see also Lewis, *Writing and Authority*, pp. 302–8.

⁵⁴ From his *Lüshi chungiu, xu* 序; quoted in Tian Fengtai, *Lüshi chungiu tanwei*, p. 50.

qiu was its hallmark. In having each of his retainers “write down that of which he was informed 使其客人人著所聞,” however, Lü Buwei was not content to simply let each speak his own voice, but was clearly intent on shaping each voice so that it would work in harmony with all the others and toward Lü’s own higher purpose.

Despite its many voices, *Lüshi chungiu* maintains a relatively consistent position on a number of issues in the philosophy of statecraft, complex and nuanced though each such position may be. Lü and his chief editor(s) appear to have had a reasonably clear notion of just what their ideal of universal statecraft would incorporate and espouse, and it would be up to the scholar-retainers to fill in the details with a variety of argumentative essays rife with analogies and historical examples. The government of the next true king would be one that values health and longevity for the ruler and benevolence and compassion toward the people. It would emphasize the promotion of worthies and deference toward gentlemen-scholars in the handling of governmental affairs. It would highlight the role of musical performance in both self-cultivation and the adornment and dissemination of the ruler’s charismatic virtue, but discourage all lavish burials as unfilial acts that only beckon trouble. It would be a rule of humanity, propriety, and moral suasion, in which rewards and punishments would have their place, but only a secondary one. Such is not the philosophy of any single “school” or lineage, but one that has consciously selected from and amalgamated a number of disparate positions to form a comprehensive whole.

This goal is expressly articulated in the “Bu er” 不二 chapter of the work, which states that “When the state is ruled by listening to the deliberations of numerous people, the imperilment of the state is not far off 聽群眾人議以治國，國危無日矣，” and leaves to the sage the task of “evening out the myriad differences 齊萬不同” so that the various philosophers with their individual positions will sound “as if they come forth of a single hollow 如出乎一穴.”⁵⁵ Given the often mutually antagonistic and contradictory nature of these thinkers and their philosophical positions, the task of “evening out” their differences was one that could not possibly be achieved without a conscious and determined effort. Any thorough analysis of the text makes it apparent that merging the competing philosophies of the time and downplaying or obscuring their differences is precisely what Lü and the authors of the work set out to do. I have attempted to demonstrate elsewhere, for instance, how the

⁵⁵ For the relevant passages, see Chen Qiyou 陳奇猷, *Lüshi chungiu jiaoshi* 呂氏春秋校釋 (Shanghai: Xuelin chubanshe, 1984), pp. 1123–24.

musical chapters of the work aimed to graft an orthodox Confucian philosophy of music onto a Laoist metaphysical view of the world and the concern for health and longevity; and while the Mohist stance against music is criticized therein, it is done so in a way consciously designed to preserve that school's anonymity.⁵⁶ Similarly, the chapters on frugal burial espouse a position closely associated with that of the Mohists, but defend that position largely out of Confucian and Laoist concerns and in a way that actually distances itself from any association with Mohist motivations.⁵⁷ At this point we examine how similar strategies of merging and compromise occur within the chapters that deal with coercive rulership and the philosophy of historical continuity.

In staking out a position for punishments and penalties within a philosophy of governance through humanity and moral suasion, the authors of *Lüshi chungiu* did not have all that much work to do, for as we have seen above, Xun Zi had already paved the way for a graded reconciliation of these oppositional ways of statecraft. The *Lüshi chungiu's* nuanced position on this issue is largely concordant with that of Xun Zi; the position is spelled out most clearly in a couple of chapters from the "Lisu lan" 離俗覽 section entitled "Yong min" 用民 and "Shi wei" 適威. "Yong min" begins by ranking the two means of statecraft, while arguing for the necessity of both:

In all cases of employing the people, the best means is to use propriety, and [only] after this comes the use of rewards and penalties. From ancient times to the present, there has never been a case where [the ruler's] propriety was insufficient to die for, and his rewards and penalties were insufficient to dissuade or entice, and yet he was able to employ his people. There is no constancy in the employment or non-employment of the people – one will succeed only if he obtains the [proper] way. 凡用民，太上以義，其次以賞罰。其義則不足死，賞罰則不足去就，若是而能用其民者，古今無有。民無常用也，無常不用也，唯得其道爲可。⁵⁸

⁵⁶ See Scott Cook, "The *Lüshi chungiu* and the Resolution of Philosophical Dissonance," *HJAS* 62.2 (December 2002), pp. 307–45.

⁵⁷ See *ibid.*, pp. 320–22. On the conflation of the Mohist and Confucian positions in these chapters, see also Jeffrey Riegel's earlier article, "Do Not Serve the Dead as You Serve the Living: The *Lüshi chungiu* Treatises on Moderation in Burial," *EC* 20 (1995), pp. 201–30. And on the work's use of a "Laozian framework" of stillness and non-interference yet with a reversal of its terms in order to nonetheless account for and support conscious acts of creation, see Puett, *Ambivalence of Creation*, pp. 81–6.

⁵⁸ Chen, *Lüshi chungiu jiaoshi*, p. 1270. For a somewhat different rendering, cf. John Knoblock and Jeffrey Riegel, trans., *The Annals of Lü Buwei* (Stanford: Stanford U.P., 2000), pp. 488–89.

Indeed, “Yong min” goes on to argue that only rewards and penalties that are “substantial” (充, also 實) will be sufficient to motivate the people, given their inherent desire for glory and profit and aversion to disgrace and harm. The final argument, however, is that such “might 威” must ultimately be entrusted to a foundation of “compassion and benefit 愛利,” for it will otherwise lead only to the ruler’s imperilment:

Wherein lies its support? It is supported by compassion and benefit. Only when the heart/mind of compassion and benefit is conveyed can might be implemented. If might is too extreme, the heart/mind of compassion and benefit ceases; if this happens, and [the ruler] merely rushes to implement might, he will invariably bring calamities upon himself. 惡乎託? 託於愛利。愛利之心論, 威乃可行。威太甚則愛利之心息, 愛利之心息而徒疾行威, 身必咎矣。⁵⁹

The term “compassion and benefit” would seem to have been chosen as something of a concession to the Mohists, with whom the term is most closely associated. The same term is placed alongside more standard Confucian virtues in the “Shi wei” chapter: “Those who ruled the people in ancient times ordered them with humanity and propriety, secured them with compassion and benefit, and guided them with loyalty and trust 古之君民者, 仁義以治之, 愛利以安之, 忠信以導之。”⁶⁰ The chapter begins with the argument that the ruler should direct the people just as one would fine horses. It is actually in their nature to want to run or work for you, but the key lies in lightening their loads, employing them at the proper times, and treating them with humanity and compassion. In the typically Confucian manner, the text argues that the people must be guided along the lines of their natural affections and cannot be motivated through unreasonable rewards and penalties.

Thus in directing its people, the chaotic state does not assess human nature, nor does it revert to human affections. It makes copious its instructions and blames those who are not aware of them; it makes numerous its commands and censures those who do not follow them; it creates great perils and incriminates those who dare not brave them; it creates heavy burdens and penalizes those who cannot bear them. The people advance out of desire for reward and retreat out of fear of penalties. When the people realize that their abilities are insufficient, they will supplement them with artifice; when their superiors become aware of this, they will accordingly incriminate them yet again. This is to beckon criminality with

⁵⁹ Chen, *Lüshi chungiu jiaoshi*, pp. 1271–72; cf. Knoblock and Riegel, *Annals*, pp. 491–92.

⁶⁰ Chen, *Lüshi chungiu jiaoshi*, p. 1281.

criminality, and it is from this that mutual enmity between superiors and subordinates will arise. 故亂國之使其民, 不論人之性, 不反人之情, 煩爲教而過不識, 數爲令而非不從, 巨爲危而罪不敢, 重爲任而罰不勝。民進則欲其賞, 退則畏其罪。知其能力之不足也, 則以爲(偽)繼矣。以爲(偽)繼知, 則上又從而罪之。是以罪召罪, 上下相讎也, 由是起矣。⁶¹

Thus, while granting the necessity of effective punishments and penalties, *Lüshi chungiu* argues for moderation in the employment of coercive measures and makes the case that they must ultimately be subservient to a form of governance based primarily on humanity, compassion, and moral suasion. Its stance on these issues is thus wholly concordant with that of Xun Zi.

One area of difference between the two, however, is that unlike in *Xun Zi*, the role of ritual 禮 (*li*) as a fundamental method of statecraft is not given prominence in *Lüshi chungiu*. While the notion of ritual is never criticized in the work – save perhaps for when it displays itself in excessive forms – and generally appears in a positive guise, its overall absence as a cardinal principle is conspicuous when set against its nearly ubiquitous role in *Xun Zi*.⁶² Certainly it is not that *Lüshi chungiu* does not affirm the orderly distinctions and hierarchy of social roles that the notion entails. Its absence may perhaps be explained, rather, by the likelihood that Lü Buwei did not wish to be bound by the precise ritual norms of the past in the formation of his new universal government and the changes in social structure it might entail. While conforming generally to the spirit of antiquity's wisdom and drawing heavily upon the lessons of history, Lü's work shows little inclination to adopt the exact forms of the past in any wholesale manner. Given this fact, it is not surprising that *Lüshi chungiu* assumes a philosophy of historical relevance that is very much at odds with that espoused by

⁶¹ Ibid., pp. 1281–82; cf. Knoblock and Riegel, *Annals*, p. 495. The phrase *you shi qi yi* 由是起矣 is a variation of *cong ci sheng yi* 從此生矣, a phrase that appears in no less than ten different chapters, yet nowhere else in pre-Qin literature. The fact that it appears in all three sections of the work, moreover, strongly suggests that the three sections share a common authorship and could not have been widely separated in time of composition (it appears in three *ji* chapters, six *lan* chapters, and one *lun* chapter; another variant, *you ci sheng yi* 由此生矣, also appears once in the *lan* section). For more on this and similar evidence, see my (Gu Shikao), “Lun Lüshi chungiu de zarutongchu yu bogutongjin” 論呂氏春秋的雜入統出與博古通今, *Xian Qin Liang Han xueshu* 先秦兩漢學術 1 (March 2004), pp. 99–122.

⁶² Throughout *Lüshi chungiu*, the term *li* in fact appears most often in the sense of *li shi* 禮士 or *li xian* 禮賢, treating “gentlemen” or “worthies” with “courtesy,” and rarely as an abstract principle of governance. Previous scholars have also made note of the work's deemphasis of *li*; e.g., Zhang Liuyun 張柳雲 notes, concerning the work's general promotion of Confucian themes, that “only in terms of ‘ritual’ is it somewhat deficient 惟獨於禮, 稍有闕失”; and Tian Fengtai, who asserts that “Lü's work does not speak of ‘ritual’ because of the fact that the times had changed 呂書不言禮者, 以時異世變也”; Tian, *Lüshi chungiu tanwei*, pp. 124–25.

Xun Zi. Of greatest interest, however, is how the authors of the work consciously attempt to embrace Xun Zi's position at precisely the same time that they criticize it.

The *Lüshi chungiu's* philosophy of history – the relevance of the past to the present – is expressed most clearly and forcefully in the “Cha jin” 察今 (“Examining the Present”) chapter, the final one of the section “Shen da lan” 慎大覽. The chapter opens not by arguing for the irrelevance of past ways per se, but rather by professing that we lack true access to them due to emendations over time and their unintelligibility in the terminology of today:

Why do those above not emulate the laws/standards of the former kings? It is not that they are unworthy, but because these [laws] cannot be obtained to emulate. The laws of the former kings have come down to us from remote ages via a process of transmission in which others have since introduced additions or deletions – how could they be obtained to emulate? Even if people had not thus emended them, they still could not be obtained to emulate. [Like] the terms of the barbarians and the Xia, the laws of past and present are of different languages and disparate norms; thus many of the ancient terms are unintelligible in the terminology of today, and many of today's laws do not accord with those of the ancients. 上胡不法先王之法? 非不賢也, 爲其不可得而法。先王之法, 經乎上世而來者也, 人或益之, 人或損之, 胡可得而法? 雖人弗損益, 猶若不可得而法。東(夷,)、夏之命, 古今之法, 言異而典殊, 故古之命多不通乎今之言者, 今之法多不合乎古之法者。⁶³

The relationship of past standards to those of today is akin to the relationship between the customs of one regional culture and another: none has any greater claim to universal orthodoxy than the others and they are in any event mutually inaccessible. In arguing that we lack access to remote antiquity, the chapter in fact echoes the same arguments Xun Zi had used in espousing the emulation of the “latter kings.” Nonetheless, this is used further on to assert precisely the position that Xun Zi had expressly opposed – that past ways are irrelevant for the present:

How could the laws/standards of the former kings be obtained to emulate? Even if they could be obtained, they still cannot be

⁶³ Chen, *Lüshi chungiu jiaoshi*, pp. 934–35; cf. Knoblock and Riegel, *Annals*, pp. 367–68, which I think misses the point somewhat by rendering 不可得而法 as simply “cannot be adopted.” The phrase *you ruo* 猶若, in the sense of “still” or “even,” occurs a number of times throughout all three sections, but very infrequently elsewhere in pre-Qin literature. This phrase, too, is thus useful in recognizing the linguistic uniformity of the work.

emulated. In general, the laws of the former kings contained what was essential for their times, [and yet] their times have not come down [to us] together with their laws. [So] even if their laws have come down to the present, they still cannot be emulated. Thus we [should] abandon the set laws of the former kings and emulate instead the basis upon which they made their laws. 先王之法，胡可得而法？雖可得，猶若不可法。凡先王之法，有要於時也，時不與法俱至。法雖今而至，猶若不可法。故擇〔釋〕先王之成法，而法其所以爲法⁶⁴

Up until the last phrase, the text has mirrored the position of Shang Yang and Han Fei that laws or standards must change with the times, that we must create our own ways of governance that will be effective in ordering our own age, and not blindly follow the set ways of the past. The chapter later gives a distinction similar to one we observed in the Shang Yang passage given earlier – that “those who dare not discuss the standards are the masses; those who guard them till death are the officers; those who alter the standards as times change are worthy rulers 不敢議法者，眾庶也；以死守者，有司也；因時變法者，賢主也。” It contends that none of the “seventy-one” sage rulers of the past adopted the same standards: “not because they sought to oppose one another, but because the times and circumstances were different 非務相反也，時勢異也。”⁶⁵ Such a philosophy is further illustrated by recourse to several Han Fei-like analogies, such as that of the man from Chu who accidentally dropped his sword from the side of his boat and immediately made a notch in the boat at the point where he had dropped it; failing to take into account the fact that the boat itself had moved with the current, he would shortly after search in vain by diving into the water at the point of his notch. Thus, by analogy, present circumstances are no longer those of the past, and antiquity and today would appear to be fundamentally different.

But just how fundamental is this difference? With the phrase “abandon the set laws of the former kings and emulate instead the basis upon which they made their laws,” the chapter has taken a fascinating turn. It elaborates as follows:

What is the basis upon which the former kings made their laws? The basis upon which the former kings made their laws is mankind. And since we ourselves are also human beings, we are able to know others by examining ourselves, and are able to know the

⁶⁴ Chen, *Lüshi chunqiu jiaoshi*, p. 935; cf. Knoblock and Riegel, *Annals*, pp. 368–69.

⁶⁵ Chen, *Lüshi chunqiu jiaoshi*, p. 936.

past by examining the present. Antiquity and today are the same, and others are simply identical to myself. 先王之所以爲法者何也？先王之所以爲法者人也。而已亦人也，故察己則可以知人，察今則可以知古，古今一也，人與我同耳。

A scholar-gentleman who possesses the way values knowing the distant by means of the near, knowing the past by means of the present, and knowing what he cannot see by augmenting what he can. Thus by inspecting the shadows cast beneath a hall, one may know the orbits of the sun and moon and the changes of *yin* and *yang*; by noting that the water in a vase has frozen, one may know that the world is turning cold and the fish and turtles are going into hiding; and by tasting a single piece of meat, one may know the flavor of the whole cauldron or the recipe of the entire tripod. 有道之士，貴以近知遠，以今知古，以益所見，知所不見。故審堂下之陰，而知日月之行、陰陽之變；見瓶水之冰，而知天下之寒、魚鱉之藏也；嘗一脔肉，而知一鑊之味、一鼎之調。⁶⁶

Thus, all at once, the past and present that earlier (and again later) in the chapter seemed so irreconcilable, given the inevitable changes in circumstances over time, are now once again, on a different level, identified as one and the same. Having just argued for the position that Xun Zi had steadfastly opposed – that, essentially, “the circumstances of antiquity and today are different” – the chapter now echoes the very words that Xun Zi once used to argue *against* it, that “antiquity and today are of the same standard,” and that the sage is one who “gauges from himself” and may thus “know the distant by means of the near.”⁶⁷ The author of the chapter seems to want to have it both ways.

This apparent incongruity has been a source of consternation to previous commentators on this chapter. In his 1930 article, “Du *Lüshi chunqiu*” 讀呂氏春秋, Hu Shi 胡適 made note of the apparent borrowings in “Cha jin” from both *Xun Zi* and *Han Fei Zi*, but saw the presence of *Xun Zi* phrases as being in “diametric conflict 恰相衝突” with the main “historical evolutionary 歷史演進” thrust of the chapter, and that the older *Xun Zi* material had simply “entered into the mix accidentally

⁶⁶ Ibid., p. 935; cf. Knoblock and Riegel, *Annals*, pp. 368–69. The term “*you dao zhi shi*” 有道之士, which appears only three or four times in other pre-Qin literature, is to be found in no less than five different chapters of *Lüshi chunqiu*, but all in the *lan* sections. On the significance of this, see Gu (Cook), “Lun *Lüshi chunqiu* de zarutongchu yu bogutongjin,” pp. 107–8.

⁶⁷ Refer to the above discussion of the “Fei xiang” chapter. Note that in the phrase *gujin yidu* 古今一度 from that text, some commentators have suggested that the *du* (“measure” or “standard”) had crept in erroneously from the previous line, in which case it should, as in “Cha jin,” read simply “antiquity and today are the same”; Wang, *Xunzi jijie*, p. 82.

偶然雜入。”⁶⁸ More recently, John Louton has provided a corrective to this view by rightly noting that the chapter, as argued, is really not self-contradictory at all if read properly; in dismissing the importance of the chapter’s philosophical origins, however, Louton also fails to give adequate justice to the full scope of the author’s intent.⁶⁹ It should be obvious from the text itself that the equation of “antiquity and today” occurs at a fundamentally more basic level than that at which past and present circumstances are found to differ, and thus we, as enlightened rulers, are called upon to emulate the basis upon which the former kings make their laws at the same time that we are to abandon those particular laws themselves. Yet the subtlety and smoothness by which this argument is made should not blind us to the fact that the author is still carrying out – in a rather ingenious way, to be sure – what is essentially a reconciliation of what were originally fundamentally oppositional views. The author does indeed want to have it both ways, and by and large succeeds in doing just that.

It is this facet of the chapter that is of greatest significance when it comes to understanding the purpose for writing *Lüshi chungiu* and the means by which it was put together. As with a number of other chapters throughout the work, “Cha jin” represents an attempt to conflate and blend opposing positions in such a way that obscures the very nature of the opposition itself – thereby harmonizing the cacophony of myriad sounds produced by the windstorm of Warring States philosophy so that all would appear “as if coming forth of a single hollow.” “Cha jin” ends up advocating that we abandon our emulation of the “former kings” both for the reasons Xun Zi supports – in his case, concerning the practical need to emulate the “latter kings” – and those he vehemently opposes: the Shang Yang/Han Fei position that the laws/standards of

⁶⁸ In *Hu Shi wencun* 胡適文存 (Taipei: Yuandong chubanshe, 1953) 3, pp. 227–54. See especially pp. 251–54. On the likelihood that the writings of Han Fei had indeed entered Qin prior to Lü Buwei’s compilation of *Lüshi chungiu*, see Hu’s parenthetical note on p. 253. Hu Shi also strongly hints that the “Cha jin” chapter may have even been written by Li Si 李斯, given that a phrase nearly identical to “非務相反也，時勢異也” (quoted above) is found in Li Si’s memorial advocating the burning of books, which, of course, argues strongly against following ancient practices; see *Shi Ji* 6, “Qin Shihuang benji” 秦始皇本紀, p. 254. Given that Li Si, like Han Fei, was also ostensibly a student of Xun Zi, the possibility that he had a hand in the writing of this chapter is particularly intriguing.

⁶⁹ See John Louton, “Concepts of Comprehensiveness and Historical Change in the *Lüshi chungiu*,” in *Explorations in Early Chinese Cosmology*, ed. Henry Rosemont, Jr., *Journal of the American Academy of Religion Thematic Studies* 50.2 (1984), pp. 105–17; esp. pp. 112–14. James Sellmann’s recent book gives a brief analysis of “Cha jin,” but somehow neglects altogether the parts of the chapter that imply any notion of historical constancy, and simply characterizes it as written by “fajia writers” holding a position of “historical transformation.” See James D. Sellmann, *Timing and Rulership in Master Lü’s Spring and Autumn Annals* (*Lüshi chungiu*) (Albany: State University of New York P., 2002), pp. 135–39.

the former kings are no longer likely to be applicable today. Yet the author is cleverly able to work Xun Zi's own words into the chapter in *support* of this opposite position. That we should "abandon the set laws of the former kings" and instead "emulate the basis on which they made their laws" lies in the principle of humanity 人, of which the ruler has his self 己 as the closest model. It is now in a fundamentally new sense that "antiquity and today are the same, and others are simply identical to myself." The author of the chapter thus quite *consciously* reconciles two diametrically opposed philosophies of historical change, and, to a large extent, is able to work out a successful and coherent compromise of these philosophies in a way that even makes them seem as if they had never disagreed to begin with. It is, without doubt, a compromise: while the laws or standards of the former kings are indeed abandoned, the Confucian principle of humanity (here 人 rather than 仁), of looking upon others as one looks upon oneself, is preserved, and there are, ultimately, eternally valid principles after all in mankind's historical community of past and present. Thus the crafters of any new empire would remain free to create new institutions in support of that empire, but could create them along lines that continued to serve Confucian ends and do so with Confucian backing – the importance of this reconciliation for the authors of *Lüshi chungiu* is not to be overlooked.

As a work with the title of "*chun qiu*" and in which historical examples form the backbone of the philosophical arguments presented in each chapter, the importance of the notion of philosophical continuity between past and present can hardly be overestimated. It is thus stressed elsewhere, as in the "Chang jian" 長見 chapter:

The reason why one's wisdom surpasses that of another is because one is farsighted while the other is shortsighted. Today's relationship to antiquity is just like that of antiquity's relationship to later ages, and today's relationship to later ages is likewise just like today's relationship to antiquity. Thus by scrutinizing the present, one may know the past; and by knowing the past, one may know of later ages. Antiquity and today, former and later ages, are the same. Thus the sage can know of both a thousand years ago and a thousand years hence. 智所以相過，以其長見與短見也。今之於古也，猶古之於後世也。今之於後世，亦猶今之於古也。故審知今則可知古，知古則可知後，古今前後一也。故聖人上知千歲，下知千歲也⁷⁰

⁷⁰ From the "Zhongdong ji" 仲冬紀 section of the work; see Chen, *Lüshi chungiu jiaoshi*, p. 604; cf. Knoblock and Riegel, *Annals*, p. 253. Note that there is also certain overlap, both in terms of theme and content, between the "Chang jian" chapter and the "Guan biao" 觀表 chapter of the "Shijun lan" 恃君覽 section.

By thus reconciling the two opposing views of historical change versus historical continuity, Lü Buwei and the authors of *Lüshi chungiu* freed themselves both to emulate the principles of the past and yet simultaneously to alter its practices. They could claim the authority and backing of ancient wisdom while not being bound to the fetters of past institutions. And Lü Buwei could thus also maintain the support of followers of disparate thinkers and philosophical lineages by simultaneously incorporating rival positions in as nonexclusionary a way as possible. Those who would choose to overlook either the discrepancies or reconciliations both within and among the various chapters of the work – who would variously label one chapter “Confucian” and another “Legalist” and chalk it all up to the fact of multiple authorship, or, conversely, recognize the guiding hand of a uniform vision but forget about the obstacles overcome and the sources and means by which this was brought about – are all neglecting one of the most integral and fascinating aspects of *Lüshi chungiu*. Lü Buwei was the orchestrator of a great work that, above all, aimed toward the harmonizing of cacophonous voices, the resolution of philosophical dissonance, and the creation of a unified diversity.