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RULE

A STUDY OF JIA YI'S *XIN SHU*

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INTRODUCTION

Prolegomena

Scope

This work treats Jia Yi's 賈誼 (200-168 BC) *Xin shu* 新書, one of the most important works of thought from the first half of the Han dynasty (206 BC – AD 221). Through an examination of the themes and ideas present in this one text, I seek to descry its internal workings. The *Xin shu* treats primarily political topics, and as such my work here treats political themes. In my view, Jia Yi was primarily a theoretician, and his work should be understood not simply as description or record of facts, but as ultimately concerned with analysis and theory. In considering political notions, I have been inspired by certain western scholars, particularly those who study political theology. Nevertheless, I take Jia Yi's writings as the focus of my work, and do not attempt to force them into any particular interpretive framework. My claims are claims about the *Xin shu* and the ideas represented within it. All else is servant of this task.

This is not a history. History takes as its goal establishing facts about the past and arranging those facts into a meaningful structure. History is of course necessary and important, even to my purpose here, but it is not the project of this book. Nor is relating Jia Yi to the events of his time my goal, though that, too, is a necessary aspect of the analysis. Nor is my primary interest in the facts of Jia Yi's life, though those must feature in my discussion. Such questions that often form the focus of inquiry in Chinese literature, and they are essentially historical. But reducing the study of literary discourse to investigation only of who wrote what when forces literature to

become the ancillary of general history. Instead of only historicizing, I will try to understand how Jia Yi's ideas as recorded function.

It must be said that Jia Yi is not a particularly original thinker in terms of basic concepts. The principle ideas that he works with are found in contemporary and/or earlier texts. I present some intellectual-historical background about about the most important ideas Jia Yi uses, particularly about the notion of "the people as root" (chapter one) and ritual (chapter three). In neither case do I attempt a really comprehensive treatment of these ideas; both bespeak independent consideration. Rather, I provide the background necessary to understand Jia Yi's ideas and their function.

Despite not being a creative thinker in terms of fundamental questions, Jia Yi is ever insightful in recognizing the theoretical possibilities of existing ideas, particularly for their application to problems of governance. This is why chapters four through six focus on how the ideas that I analyze were—theoretically—to work in the real world. This is an attempt to follow Jia Yi's ideas through to the conclusion that he saw for them, rather than leaving them in the form of abstraction (*a lá* philosophy) or taking them as mere evidence for facts (in the mode of history).

There are no firm boundaries between the varieties of human intellectual endeavor, so I borrow what I need to help me, yet keep at the center always the writings and ideas of Jia Yi. Instead of creating a structure for the *Xin shu*, I seek to bring out and interpret what I have found there. Inevitably, I draw on a variety of historical and philosophical sources to inform and support my readings—hopefully preserving a textual focus. At the same time, I strive to avoid bombast and unnecessary complexity.

Content

Aside from the introductory materials and bibliography, this book consists of six chapters. The first of these, "Unstable Roots," treats Jia Yi's ideas about governing the people and introduces a number of important terms. Chapter two, "Sovereignty Thought," examines issues of sovereignty generally in Jia Yi's thought, with particular emphasis on conceptions of ruler and rulership. The third chapter, "Ritual and Power," discusses the relationship between ritual and rule in the *Xin shu*, especially how these two function in conjunction. "Practical Ritual," chapter four,

examines how Jia Yi connects apparently abstract notions of ritual to themes of practical governance, expanding the discussion of chapter four into the concrete realm.

The fifth and six chapters further extend this analysis, looking at the interrelated notions of ritual and virtus function in two specific cases. Chapter five, "Ritual and Punishment," considers Jia Yi's deployment of the well-known exclusions of grandees from punishments commoners from ritual, along with discussion of how other readers have dealt with these issues. Finally, the "Xiongnu" chapter treats Jia Yi's plans for dealing with the eponymous tribesmen, in which he suggests drawing them into a subordinate political relationship by means of virtus and ritual. The creative re-deployment of existing ideas, especially concerning ritual, in the then new imperial context is a subtext throughout.

Relationship to Prior Scholarship

The surface level of Jia Yi's ideas is as simple and workaday as his prose is difficult and ornate; likewise his themes. Thus, serious works on Jia Yi often treat similar ideas. In the course of researching and writing, I have made use of a large number of articles and books, each of which has contributed something to my work. The list of these sources forms my bibliography, and inclusion there is acknowledgement of real intellectual debt. In the text, points of fact, analysis, and opinion taken directly from other scholars are noted. But I will not list all authors who have made a point similar to one that I make or refer to the same line of the *Xin shu*. I must particularly acknowledge the influence of Wang Xingguo 王興國, whose *Jia Yi ping zhuan* 賈誼評傳 is the best available work on Jia Yi.[1] It clearly and ably treats Jia Yi's ideas, though his conclusions are often quite different from mine.

Conventions

I use the pinyin system of romanization. In quotations that employ other systems, I leave the original intact unless difficult to recognize. Names are in pinyin, except in cases where standard alternatives exist (Hong Kong, Taipei, etc.) or where adjustment is necessary to prevent ambiguity (Shaanxi 陝西, Zhouh 紂, etc.).

Citations basically follow the Chicago style, modified for Chinese sources. I do not provide publication information in the notes for well-known collectanea. In cases where I have used a modern edition that includes both traditional and modern

pagination, I include the traditional paging information first and add the overall page number(s) in square brackets. I hope that this will save a bit of time for anyone who might try to look up a citation and have exactly the same edition that I do. For the Thirteen Classics,[2] I cite a modern printing of Ruan Yuan's 阮元 (1764-1849) edition.[3] I don't repeat the publication information for this set, but include a note in cases where I have referred to supplementary material, be it additional commentary, translation, or other secondary source.

I generally translate titles following Charles O. Hucker's *A Dictionary of Official Titles in Imperial China*,[4] or the list included in Hans Bielenstein's *The Bureaucracy of Han Times*.[5] In cases where no suitable translation can be located, I create my own.

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[1] (Nanjing: Nanjing daxue chubanshe, 1992).

[2] I.e., the *Zhouyi* 周易 or *Yijing* 易經, the *Shangshu* 尙書 or *Shujing* 書經, the *Shi* 詩 or *Shijing* 詩經, the *Zhouli* 周禮, the *Yili* 儀禮, the *Li ji* 禮記, the *Chunqiu Zuo zhuan* 春秋左傳, the *Chunqiu Gongyang zhuan* 春秋公羊傳, the *Chunqiu Guliang zhuan* 春秋穀梁傳, the *Lunyu* 論語, the *Xiaojing* 孝經, the *Erya* 爾雅, and the *Mengzi* 孟子.

[3] Ruan Yuan, ed., *Shisanjing zhu shu* 十三經注疏 (Taipei: Yiwen yinshuguan, 1955). The titles of the works contained in this edition are: *Zhouyi zheng yi* 周易正義, *Shangshu zheng yi* 尙書正義, *Maoshi zheng yi* 毛詩正義, *Zhouli zhu shu* 周禮注疏, *Yili zhu shu* 儀禮注疏, *Li ji zhu shu* 禮記注疏, *Chunqiu Zuo zhuan zheng yi* 春秋左傳正義, *Chunqiu Gongyang zhuan zhu shu* 春秋公羊傳注疏, *Chunqiu Guliang zhuan zhu shu* 春秋穀梁傳注疏, *Lunyu zhu shu* 論語注疏, *Xiao jing zhu shu* 孝經注疏, *Er ya zhu shu* 爾雅注疏, and *Mengzi zhu shu* 孟子注疏.

[4] (Stanford: Stanford University Press, 1985).

[5] (Cambridge: Cambridge University Press, 1980).

Source Materials

Xin shu

The present *Xin shu* is a medium-sized text containing some forty thousand graphs.[1] The text consists of fifty-seven or fifty-eight "chapters" (*pian* 篇) of prose, the difference depending on whether or not an editor divides the "Guo Qin lun" 過秦論 (Essay faulting the Qin) into two or three sections. I will assume the fifty-eight chapter version, which matches the number of *pian* listed for Jia Yi's writings in the *Han shu* 漢書 "Yi wen zhi" 藝文志.[2] Of these fifty-eight titles, two are preserved as titles alone, without text.[3] The textual history of the *Xin shu* has been ably handled of late by Rune Svarverud, whose work I discuss below; I will not treat it here.[4]

The title of the *Xin shu* is not to be translated. It refers in all likelihood not to the book's content or purpose, nor even to this book specifically, but simply denotes a collected and annotated edition. If the title were to be translated, it would be something like "New edition." The *Han shu* "Yi wen zhi" records an eponymous work attributed to Jia Yi, which suggests that there was originally no specific other title to Jia Yi's work.[5] Nevertheless, *Xin shu* is now the standard name for the extant work and I use it.

The *Xin shu* contains a variety of types of writing, as one would expect from what can only be a posthumous collection. There are ornate essays that can be considered belle-lettres, like the famous "Guo Qin lun," as well as straightforward essays, generally concerning principles and methods of governance.[6] There are also pieces that appear to be memorials or other communications to the throne, which address Jia Yi's sovereign, Emperor Wen 文帝 (Liu Heng 劉恆, reg. 179-157 BC), directly.[7] A number of chapters appear to collect Jia Yi's notes or similar types of material.[8] Some chapters contain highly philosophical treatises.[9] And a very few give the appearance of recording talks by Jia Yi and refer to him in the third person.[10]

Since at least Song times, the chapters of the *Xin shu* have conventionally been divided into three sections: "Shi shi" 事勢 (Circumstances of affairs), "Lian yu" 連語 (Connected discussions), and "Za shi" 雜事 (Various matters), though there is not agreement among editors and readers about the exact significance of these divisions.[11]

The Question of Authenticity

The *Xin shu* is often accused of being a forgery. The argument is ongoing, complex, and contentious, and the question cannot be said to have been resolved. I accept the essential reliability of the *Xin shu* text, as do the majority of scholars who examine the question closely. Emendations and variant readings to deal with textual difficulties resulting from changes in writing conventions, corruption, and so on are necessary, but ultimately I take the text as is.

The continuing discussion about the reliability of texts and the importance of skeptical textual criticism has been going on in China for a very long time. In the twentieth century, calling things forgeries was all the rage among scholars of Chinese literature, history, and thought. Even at present, there is a school of thought whose members would make books prove that they exist. This is, naturally, quite difficult for these inanimate objects to do, as they can never quite keep up with the imaginations of their animate interrogators.

Many devotees of this sort of criticism view themselves as adherents of "hard science" and "skepticism." But reducing humanistic scholarship to the level of "hard science" is neither a favor to the humanities nor elevating for engineering, chemistry, computer programming, or whatever it is that is to serve as model. And of course, it is an attitude just as replete in credulity—albeit a different sort of credulity—as any other approach.

This doesn't mean that you shouldn't be skeptical about things, or that textual criticism is to be ignored. Both are exceedingly important. But at the same time, these must be moderated with some trust in transmitted sources. This point is underscored by recent archaeological finds that support the transmitted versions of texts and historical events. As Luo Shaodan argues (see below), until there is sound proof against a book, we can and should accept it. We cannot reasonably hold criticism or skepticism to a lower standard than belief. The one must be balanced with the other.

I will not go into the textual difficulties concerning the *Xin shu* here, because these questions have been well treated in recent years. Instead, I will briefly outline the arguments of two scholars that have addressed the issue of *Xin shu* authenticity, those of Rune Svarverud, *Methods of the Way: Early Chinese Ethical Thought*[12] and Luo Shaodan, "Getting Beyond the Dichotomy of Authenticity and Spuriousness: A Textual Study on the *Xinshu*."[13] The two take complementary positions, and both accept the *Xin shu* as a record of Jia Yi's thought, albeit with differing rationales.

Rune Svarverud

Rune Svarverud discusses the reliability of the *Xin shu* with consideration of two kinds of evidence: "external evidence" and "internal evidence."[14] In his discussion of external evidence, Svarverud outlines a history of studies on these aspects of Jia Yi's life and work. He also offers his own synthesis of information on the textual transmission of the materials forming the present *Xin shu* back to Han times, including a discussion of the various editions and preserved scraps that form Jia Yi's extant ouevre.

Svarverud also discusses internal evidence. He employs principles developed by Bernhard Karlgren (1889-1978) to analyze grammar and grammatical particle usage. Based on this analysis, Svarverud achieves two related goals: first is to support his contention that the *Xin shu* can be dated to the early Han period. He also finds support for his argument that the *Xin shu*, across its chapters, is essentially consistent in grammar. This supports the reliability of the text as a whole against critics who accept part(s) of the *Xin shu* while rejecting others.

Svarverud's conclusion is that the *Xin shu* is essentially reliable, though he has doubts about certain of the chapters. He acknowledges the likelihood of a "divided transmission" of Jia Yi's works in early times, which were incorporated into the present monolithic work we call the *Xin shu* only in later times, probably Tang.[15] He also offers the obvious but important caveat that some of the writing represents records of Jia Yi speaking and is not the work of his own pen. But all in all, based on the sum of internal and external evidence, Svarverud thinks the contents of the *Xin shu* can be reasonably attributed to Jia Yi.

Luo Shaodan

Luo Shaodan takes a different approach.[16] He does not argue positively for the authenticity of the *Xin shu*, which he says is probably an impossible task in the absence of new evidence (presumably archaeological). Rather, he turns the tables and examines the arguments of those critics who call the *Xin shu* a fake. While showing the weaknesses of the arguments, Luo also lays out clearly the various claims made against the *Xin shu*'s authenticity.

Luo disavows the quest for provable authorship, though he takes the *Xin shu* as record of Jia Yi's thought. By shifting the burden of proof to the skeptics, he systematically demonstrates how tenuous and ambiguous the supports for their arguments are. Luo asserts that the reliability of the text should be accepted until proven otherwise, until which point the book should be accepted as a "currently workable" source, a "usable text."[17] This is in fact a very conservative opinion, which gives credence to the received sources. It is also an extremely sensible and clear-sighted approach to the difficulties of "proving" the existence and authenticity of texts, and I concur wholeheartedly with Luo on this point.

In his dissertation, as well as in a related article, Luo takes issue with Svarverud's grammatically-based internal evidence of the *Xin shu*'s reliability.[18] Luo points out that the language of literature tends to change slowly. This is especially true in the Chinese case, where the writing system permits diachronic consistency even when it no longer exists in the spoken language. Luo shows how later imitators of classical language could effectively reproduce the grammatical characteristics of earlier times. He adduces the example of Han Yu 韓愈 (768-824), a Tang statesman-writer famous for an archaic prose style. Luo demonstrates that the same criteria that Svarverud would apply to Jia Yi could suggest that Han Yu's imitations are authentic pieces of early prose. If an honest imitator could effectively re-create the language of an earlier time, Luo says a forger could do the same. Although Svarverud's purpose is not only to position Jia Yi chronologically but also to demonstrate consistency within the *Xin shu*, Luo's point is a good one. That being said, if we assume a smart enough forger, it becomes very difficult to authenticate any text not recovered archaeologically.[19] And this, too, leads back to Luo's point: the only reasonable tack is to place some faith in received sources until they are *proven* to be false, in whole or in part. We cannot expect books to defend themselves.

Inevitably, there are points of interpretation and understanding in both scholars' work that can be questioned. But ultimately, I accept the reliability of the *Xin shu* as a record of Jia Yi's thought, and use it thus for my work here.

Editions and Commentaries I Use

There are a large number of editions of the *Xin shu*, with various titles. Michael Nylan neatly summarizes the information about these editions, their provenance and availability.[20] Given the great number of editions, the collection and collation of textual variora is a very complicated and time-consuming task. Scholars of the *Xin shu* are fortunate to have the work of Qi Yuzhang 祁玉章 to draw from.[21] Qi's is undoubtedly the single best scholarly edition of the *Xin shu* available to date. I draw most of my information about text variants from Qi's work, as well as many of my annotations.

Perhaps the most common, though in my view not always the best, edition of the *Xin shu* is Lu Wenchao's 盧文弨 (1717-1795) *Xin shu* 新書,[22] which also draws together a number of early editions. In recent years, two more notable editions have been published. Yan Zhenyi 閻振益 and Zhong Xia's 鍾夏 *Xin shu jiao zhu* 新書校注[23] is the better of the two. Although not as comprehensive as Qi's work, Yan and Zhong provide a well-printed and punctuated text with notes that are a useful supplement to Qi's. I have also occasionally consulted Wang Zhouming 王洲明 and Xu Chao's 徐超 *Jia Yi ji jiao zhu* 賈誼集校注,[24] though their notes are generally less extensive than those of Qi or Yan and Zhong. My footnotes refer primarily to Qi's edition, and include reference to Yan and Zhong's widely available edition as a convenience. My text is based on Qi's edition. I do not note those places where Yan and Zhong's differs from mine, unless it is otherwise significant. I note the text variants that Qi does, listing them in footnotes.

Although there are translations of Jia Yi's works into modern Chinese, the two of these that I have reviewed are aimed at students and are not really meant for serious scholarship.[25] As such, I have used them only occasionally in my work. There is another more recent translation of the *Xin shu* into modern Chinese that I do not have access to.[26]

A number of editors and commentators have treated the *Xin shu*, either in separate editions or in a section of a larger collection. Those I have consulted include Wang Gengxin 王耕心 (fl. ca. early 20th c.),[27] Yu Yue 俞樾 (1821-1906),[28] and Liu Shipei 劉師培 (1884-1919).[29] Other notable readers have treated those sections of Jia Yi's writings that appear in the standard histories, including Gao Buying 高步瀛 (1873-1940),[30] Sun Yirang 孫詒讓 (1848-1908),[31] and Wang Xianqian 王先謙 (1842-1918).[32] There is also a work providing commentary for those sections of the Jia Yi corpus found in the *Han shu*.[33]

Reference Works

Titles in this book are usually translated following Charles O. Hucker's *A Dictionary of Official Titles in Imperial China*,[34] and/or the list included in Hans Bielenstein's *The Bureaucracy of Han Times*.[35] In cases where no suitable translation can be located, I employ equal parts imitation and invention to create my own.

In reading any ancient text, the issue of phonetic borrowing (*jiajie* 假借) is always important. To verify or suggest borrowings, I use Gao Heng 高亨, *Guzi tongjia huidian* 古字通假會典[36] and Wang Hui, 王輝 *Gu wenzi tongjia shili* 古文字通假釋例.[37] In the interest of brevity, instead of providing examples of a given borrowing, I simply cite these sources.

I use a reproduction of a woodblock edition of Duan Yucai 段玉裁 (1735-1815), *Shuo wen jie zi zhu* 說文解字注 as a handy standard version of Xu Shen's 許慎 (ob. ca. 120) great dictionary.[38] Tang Kejing's 湯可敬 *Shuo wen jie zi jin shi* 說文解字今釋 has often been very helpful, too.[39] Other editions of and commentaries on the *Shuo wen* are cited individually.

I have often referred to the *Ci yuan* 辭源 and the *Hanyu da cidian* 漢語大詞典 while reading and writing. Ruan Yuan's 阮元 (1764-1849) *Jing ji zhuan gu* 經籍籑詁 has also been of greatest assistance in tracking down relevant and clear glosses.[40] These are lexica, and as such are not generally cited, but have contributed immensely to my studies and work. I have used Michael Loewe's *A Biographical Dictionary of the Qin, Former Han and Xin Periods (221 BC – AD 24)*[41] in certain cases to fill in or confirm dates and ranks. Finally, I have often consulted Sima

Guang's 司馬光 (1019-1086) *Zizhi tongjian* 資治通鑑 to establish and/or clarify historical chronology and dating.[42]

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[1] According to DC Lau 劉殿爵, ed., *Jia Yi Xin shu zhu zi suoyin* 賈誼新書逐字索引 (Taipei: Taiwan Shangwu yinshuguan, 1996), 481, there are 43,781 graphs in the *Xin shu*.

[2] Ban Gu 班固 (32-92), *Han shu* 漢書 (Beijing: Zhonghua shuju, 1962), 30.1726.

[3] The titles supplied are "Wen xiao" 問孝 (Questions about filiality) and "Li rong yu shang" 禮容語上 (Talks on ritual and form, part one).

[4] Rune Svarverud, *Methods of the Way: Early Chinese Ethical Thought* (Leiden: Brill, 1998). I should note that Svarverud draws from the earlier work of my teacher Reinhard Emmerich, "Untersuchung zu Jia Yi" (habilitation, Universität Hamburg, 1991). It has been my good fortune to benefit from Professor Emmerich's insights directly.

[5] See the discussion in Cai Tingji 蔡廷吉, *Jia Yi yanjiu* 賈誼研究 (Taipei: Wen shi zhe chubanshe, 1984), 23-25.

[6] E.g., "Xiu zheng yu" 脩政語 and "Da zheng" 大政.

[7] E.g., "Qin shu wei luan" 親疏危亂, which begins with "Your majesty" (*bi xia* 陛下).

[8] E.g., "Dao shu" 道術.

[9] E.g., "Dao de shuo" 道德說.

[10] E.g., "Xian xing" 先醒, which refers to Jia Yi in the third person as Lord Jia 賈君. Although Svarverud accepts that they derive from Jia Yi, he would argue that a larger portion of the text represents teachings either recorded or transmitted and later written down; Svarverud, *Methods of the Way*, 8.

[11] See the discussion in Svarverud, 34-36.

[12] (Leiden: Brill, 1998)

[13] (PhD. dissertation, University of California, Berkeley, 2002).

[14] Svarverud, 1-153.

[15] Svarverud, 149.

[16] The following is summarized from Luo's dissertation.

[17] Luo, "Getting Beyond," 6, 16.

[18] Luo Shaodan, "Inadequecy of Karlgren's Linguistic Method as Seen in Rune Svarverud's Study of the *Xinshu*," *Journal of Chinese Linguistics* 31 (2003): 270-99.

[19] We might also wonder if the traits marked as signs of forgery—anachronism, etc.—could themselves represent later interpolation or alteration of an essentially reliable text. Or explanatory notes. Or… On the other hand, if we know that early writers were so sophisticated about earlier grammar and language, we might also wonder why it is that some "forgeries" seem obvious.

[20] Michael Nylan, "*Hsin shu*," in *Early Chinese Texts: A Bibliographical Guide*, ed. Michael Loewe (Berkeley: Society for the Study of Early China, 1993), 161-70.

[21] *Jiazi Xin shu jiao shi* (Taipei: Zhongguo wenhua zazhishe, 1974).
[22] *Sbby*.
[23] (Beijing: Zhonghua shuju, 2000).
[24] (Beijing: Renmin wenxue chubanshe, 1996).
[25] Rao Dongyuan 饒東原, *Xin yi Xin shu du ben* 新譯新書讀本 (Taipei: Sanmin shuju, 1998); Lin Jiali 林家驪, *Xin yi Jia Changsha ji* 新譯賈長沙集 (Taipei: Sanmin shuju, 1996).
[26] Yu Zhirong 于智榮, *Jia Yi Xin shu yi zhu* 賈誼新書譯注 (Harbin: Heilongjiang renmin chubanshe, 2003).
[27] *Jiazi ci gu* 賈子次詁 (woodblock edition, no place of publication, 1903).
[28] In *Zhuzi ping yi* 諸子平議 (Taipei: Shijie shuju, 1973).
[29] *Jiazi Xin shu jiao bu* 賈子新書斠補, in *Liu Shenshu xiansheng yi shu* 劉申叔先生遺書 (Taipei: Taiwan daxin shuju, 1965), vol. 2.
[30] *Lianghan wen ju yao* 兩漢文舉要 (Beijing: Zhonghua shuju, 1990).
[31] *Zha yi* 札迻 (woodblock edition; no publication information).
[32] *Han shu bu zhu* 漢書補注. Shanghai: Tongwen tushuguan, 1916.
[33] Shanghai renmin chubanshe 上海人民出版社, *Jia Yi zhuan zhu* 賈誼傳注 (Shanghai: Shanghai renmin chubanshe, 1975).
[34] Charles O. Hucker, *A Dictionary of Official Titles in Imperial China* (Stanford: Stanford University Press, 1985).
[35] Hans Bielenstein, *The Bureaucracy of Han Times* (Cambridge: Cambridge University Press, 1980).
[36] (Ji'nan: Qi Lu shushe, 1989).
[37] (Taipei: Yiwen yinshuguan, 1993).
[38] (Hangzhou: Zhejiang guji chubanshe, 1998.)
[39] (Changsha: Yuelu shushu, 1997).
[40] (Shanghai: Wenruilou, ca. early 20th c.). This same work is, in other editions, also called *Jing ji zuan gu* 經籍纂詁.
[41] (Leiden: Brill, 2000).
[42] (Beijing: Zhonghua shuju, 1956).

Biographical Sketch of Jia Yi

Not much is known about Jia Yi's life. The facts, such as they are, are found mainly in his *Shi ji* 史記 and *Han shu* 漢書 biographies.[1] This information can be expanded somewhat by reference to other sources but remains limited. I summarize those biographies into the following biographical sketch, adducing additional information as necessary. I will mention those few works of Jia Yi's that can be dated with reasonable certainty: two of his *fu* 賦 poems and certain of the prose works mentioned in the *Han shu*. No other specific pieces can be definitively dated.[2]

Jia Yi was likely born in 200 BC.[3] He was native of Luoyang 洛陽 (in He'nan, commandery then and province now), but all sources are utterly silent as to his parentage and background. From this silence, we can safely infer that these were of a low order. At the same time, his early facility with the classics and writing suggests that his family had the resources necessary not only to free him from work but also to permit his education. Any specific suggestion would necessarily be speculation.

The first record of Jia Yi dates to his eighteenth year, when he became famous in his home commandery for recitation of the *Shi* 詩 and *Shu* 書, and for composition. The administrator (*shou* 守) of He'nan, the Honorable Wu 吳公, heard of Jia Yi's abilities and summoned him to a position in his retinue.[4] Once there, Jia Yi found favor with Wu, who was himself a former student and underling of the famous legalist Qin minister Li Si 李斯 (ob. 208 BC). Li had been a student of Xunzi 荀子 (Xun Kuang 荀況; ca. 313 – 238 BC), and connects Jia Yi to that great scholar's intellectual tradition.[5]

When Emperor Wen ascended the throne in 179 BC, the Honorable Wu became known to the new emperor for two things: his administration was the best in the realm, and he had formerly served Li Si.[6] On the strength of these

recommendations, Wu was given the high official post of commandant of justice (*tingwei* 廷尉). Once at court, Wu praised Jia Yi's ability and learning to the emperor and as a result Wen appointed the youth to the official position of erudite (*boshi* 博士). Jia Yi's specialty was the *Zuo zhuan* 左傳, but he was clearly knowledgeable about a broad range of topics.[7]

Jia Yi was just twenty-two when he arrived at the Han capital in 179 BC, and was among the youngest courtiers. Jia Yi's talents quickly revealed themselves and he excelled in policy discussions. "The various masters thereupon took him to be able, and that they were not up [to his level]" 諸生於是乃以爲能, 不及也.[8] Despite creating mixed feelings among his colleagues and superiors, Jia Yi pleased the emperor, who promoted him out of order to the position of grand palace grandee (*taizhong dafu* 太中大夫) that same year. It was not to last.

Shortly after this promotion, Jia Yi formulated draft plans for a thoroughgoing series of reforms in ritual and related matters.[9] Emperor Wen declined to accept the suggestions, but Jia Yi did not lose imperial favor.[10] After a series of successful proposals propounded by Jia Yi, including updating laws and dispersing the feudal lords from the capital, the emperor considered appointing him to high office.

But Emperor Wen set aside his plans to promote Jia Yi, and began to ignore the latter's suggestions, eventually sending him off to be grand tutor (*taifu* 太傅) to the king of Changsha 長沙 (in mod. Hu'nan) in 177 BC. There is disagreement in the historical sources about the cause of this reversal. According to the standard explanation, Jia Yi's invidious enemies—a group of influential elder statesmen—slandered him to the emperor, saying *inter alia*, "The man of Luoyang is young of years and has just begun his studies. He exclusively desires to monopolize power and disrupt various matters" 洛陽之人年少初學, 專欲擅權, 紛亂諸事.[11] As a result of this sort of criticism, Emperor Wen changed his mind about employing Jia Yi, and sent him to be tutor in a remote state.

There some question about who exactly criticized Jia Yi. The standard historical accounts list the marquis of Dongyang 東陽侯; Zhang Xiangru 張相如 (ob. 164 BC);[12] general Feng Jing 馮敬 (ob. 142 BC);[13] the marquis of Jiang, Zhou Bo 絳侯周勃 (ob. 169 BC); and Guan Ying 灌嬰 (ob. 176 BC), among the most important

figures at Wen's court.[14] This is the standard understanding, and seems likely to be correct.

There are reasons to doubt this narrative, however. The first is incongruity. Jia Yi later takes up his pen to remonstrate with Emperor Wen about the humiliations served upon the loyal Zhou Bo,[15] and elsewhere praises the bravery of Feng Jing.[16] While this does not prove anything, it does call into question the idea that Jia Yi had an adversarial relationship with these two.

Second is the suggestion in another source that Deng Tong 鄧通 (2nd c. BC) was responsible for Jia Yi's forced departure, at least in part.[17] Deng was originally a common boatman, who caught Emperor Wen's attention because of his semblance to someone that had appeared to the emperor in a dream. Wen bestowed unique favor on Deng, and it appears the two had an intimate relationship. Ying Shao 應邵 (fl. 189-94) says that Jia Yi disliked Deng Tong and had mocked him in court, and that this is the reason the emperor sent Jia away. Ying also mentions that Deng Tong (among others) disparaged Jia Yi.[18]

Whatever the precise reason(s) for the emperor's change of heart, Jia Yi was dispatched to become grand tutor to the king of Changsha, who was named either Wu Chai 吳差 or Wu Chan 吳產.[19] Jia Yi's behavior shows that he understood this as a serious demotion, and indeed it was no doubt a transfer away from the center of things in the capital. Nevertheless, the position of grand tutor was in fact not unimportant, being a post of responsibility, the duties of which included being "the moral guide and mentor of the king."[20] The salary of two thousand bushels granted to a grand tutor was not only twice than that of a grand palace grandee (not to mention several times that of erudite, Jia Yi's other previous official position), it made it one of the highest ranks in the bureaucracy.[21] A grand tutor in a kingdom was the local analogue to the grand tutor at the imperial court, who was without peer there.[22]

Despite the importance and good salary of a grand tutor, Jia Yi felt himself exiled. En route to Changsha, Jia Yi crossed the river Xiang 湘 and thought of the famous but shadowy poet Qu Yuan 屈原 (343-277 BC), who is supposed to have drowned himself in the Miluo 汨羅 not far from there.[23] The prototype of an upright vassal who remonstrated with his ruler, Qu Yuan is said to have been banished after being slandered at court, and committed suicide as a result—but not before penning his famous jeremiad, "Li sao" 離騷. Jia Yi identified with this tragic figure and wrote

a *fu* 賦 poem, "Diao Qu Yuan" 弔屈原 (Lamenting Qu Yuan) to express his frustration, comparing his hardships with those of the great poet, then dead for only about a century.[24]

Changsha was not only far from the capital, it had a wet and unpleasant climate. We know that Jia Yi remained in Changsha for about four years, but we have no details whatsoever about events there—with a single exception. One day, after Jia Yi had been some three years in Changsha, an owl flew into his house and alighted on the corner of his sitting mat.[25] According to local belief, the owl was an unpropitious bird, whose arrival forebode the death of master of the house.[26] The already unhappy young man was stricken, convinced that this bird was the harbinger of his early death. Jia Yi sought to calm his spirits with a Daoist-style meditation on changeability and inconstancy, writing the "Funiao fu" 服鳥賦 (*Fu* on the owl) in form of a conversation with the owl of ill omen.[27]

More than a year after this, the emperor thought of Jia Yi and summoned him back to the capital in 174 BC. When Jia Yi paid his call upon the emperor, Wen was in the Xuanshi 宣室 chamber, receiving the meat from sacrifices.[28] The emperor was curious about the supernatural entities involved and asked Jia Yi about their origins. Their talk went on late into the night and the emperor was impressed with Jia Yi's knowledge. Still unwilling to bring Jia Yi back to court, Emperor Wen gave him another assignment as grand tutor, this time to his son, Liu Yi 劉揖 (ob. 169 BC).[29]

Liu Yi was king of Liang 梁 (in mod. He'nan), and is often known by his posthumous epithet, Huai 懷. Although Jia Yi's appointment was not a promotion in rank, it showed the emperor's esteem for him: Huai was both the emperor's favorite son and a willing student. Jia Yi held this position for some five years, meanwhile also writing a number of memorials on current affairs.[30]

King Huai fell from his horse while riding and died in 169 BC. Jia Yi died more than a year after King Huai, brokenhearted at his failure to properly carry out the duties of a tutor.[31] It was Jia Yi's thirty-third year, 168 BC.[32]

Michael Loewe suggests that Jia Yi committed suicide out of shame over his perceived failure.[33] But given Sima Qian's willingness to record suicides as such, even in the cases of those he clearly admires, there seems little cause for him to avoid naming it in Jia Yi's case, if it had happened.[34] More likely is that Jia Yi somehow pined away, perhaps taking ill while weakened from depression. The "Rizhe

liezhuan" 日者列傳 says that after King Huai's death, "[Jia] Yi did not eat; bitter and regretful, he died" 誼不食, 毒恨而死.[35] Since it was more than a year till his death, it was probably a result of slow process and not a deliberate or sudden act.

It is conventional to deplore Jia Yi's exile and early demise as an example of young talent cut off by invidia and rancor at court. Sima Qian clearly considers him thus, as implied by including Jia Yi and Qu Yuan's biographies in the same chapter. A letter attributed to Li Ling 李陵 (ob. 74 BC) expresses this attitude clearly:

> The rest of the gentlemen who served their ruler[36] and established merit—the likes of Jia Yi…—all truly had talent to command the generation and possessed the ability of a general or chancellor. Yet they bore the slander of petty men and bore the ignominy of disaster and defeat. This, in the end, caused those with talent to bear calumny, and their abilities could not unfold. 其餘佐命立功之士, 賈誼…之徒, 皆信命世之才, 抱 將相之具. 而受小人之讒, 並受禍敗之辱, 卒使懷才受謗, 能不得展.[37]

Similar sentiments are recorded by Sima Guang 司馬光 (1019-86), who summarizes the prevailing view on Jia Yi in Song times (though he will proceed to argue against it):

> Every member of our generation takes Scholar Jia as intelligent, perspicacious, eloquent, and erudite, knowledgeable and practiced in matters of governance. [Supposedly,] if he had encountered an enlightened lord and met with a regulated age, and had been sincerely able to exhaustively employ his way, then the Three Dynasties could have been re-created, and the Thearchs and August Rulers could have been nearly matched.[38] But unfortunately, he was expulsed by Jiang and Guan. Distanced and discarded, he came to an early end. This is to be deeply regretted. 世皆以賈生聰明辯博, 曉練治體, 若遭明主當治世, 誠得盡用其道, 三代可復, 帝皇可幾. 不幸黜於絳灌, 疏廢早終, 可爲痛惜.[39]

This kind of praise amounts to a diluted form of hagiography, which extols Jia Yi's abilities and connects him to the broader theme of the worthy who fails to meet his proper time.[40]

These commonplaces are not, however, universally accepted. Su Shi 蘇軾 (1036-1101) criticizes Jia Yi, arguing that he brought his fate upon himself. Su specifically says that Jia Yi was unable to deal with minor (and in all likelihood temporary) setbacks, such as being made tutor instead of a high official.[41] Ding Feng

丁奉 (Song) goes ever further than Su Shi, arguing out that in many ways, Jia Yi was in fact fortunate. Ding compares Jia Yi to later famous statesmen and men of letters Liu Zongyuan 柳宗元 (773-819) and Wang Anshi 王安石 (1021-1086), both frustrated would-be reformers. According to Ding, Jia Yi's fate could hardly have been better than that of these two. But more thought provoking, in terms of speculative biography, is Ding's comparison of Jia Yi to his near-contemporary and fellow political thinker: Chao Cuo 鼂錯 (ob. 154 BC).

> [Jia Yi's] desire to reduce the army-startling majesty of the feudal lords was, in his time, exactly like that of Chao Cuo. When Cuo persuaded the emperor, he was probably using the idea of "hips and thighs, axe and adze" passed on [from Jia Yi].[42] Suppose that Yi had not died, then even if his methods had been suppressed by Emperor Wen, he would invariably have sought a try from Emperor Jing 景 (reg. 157-141 BC)—and when the Seven Kingdoms mutated, surely he would have been [another] Cuo… If he had been like Cuo, then his person would not have remained intact. It follows that Yi was fortunate. 其欲削諸侯震兵威, 在當時則適與鼂錯同, 錯之說天子者, 蓋即其髖髀斧斤之遺意也. 向使誼不死, 則術雖見抑於文帝而必求試於景帝, 七國之變, 其爲錯邪 … 如鼂則身不全, 故爲誼幸也.[43]

The example of Chao Cuo is particularly apropos, for he and Jia Yi are often compared and held similar opinions on many matters of state. Originally an erudite, Chao's numerous suggestions were ignored by Emperor Wen, like Jia Yi's were. The emperor was, however, impressed by Chao's ability and promoted him repeatedly. And although Chao Cuo also found favor with the crown prince, he aroused dislike and anger among his colleagues and superiors. In the time of Emperor Jing (Liu Qi 劉啓, reg. 156-141 BC), successor to Wen, Chao made a large number of policy suggestions, particularly connected with reducing the power of the feudal lords—also a favorite theme of Jia Yi's. The antipathy he garnered was such that when the Revolt of the Seven Kingdoms occurred in 154 BC, its instigators named Chao as one of the causes; at the instigation of his enemies at court, Emperor Jing had Chao executed.[44]

Although any guess about how Jia Yi would have fared in another time is inevitably conjecture, Ding is surely correct to suggest that given Jia's combination of talent, ambition, and sharp temper, it is difficult to imagine his fate having been any better than it was. It seems unlikely that he could have earned anything better than Chao Cuo, whose loyal and intelligent service was repaid with death.[45] Nevertheless,

though those that study Jia Yi's works can always wonder about what his writings and his thought would look like, had he a few more years to develop himself.

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[1] Sima Qian 司馬遷 (ca. 145-ca. 86 BC), *Shi ji* 史記 (Beijing: Zhonghua shuju, 1959), 84.2491-2503; Ban Gu, *Han shu*, 48.2221-65. The *Shi ji* biography is translated in William H. Nienhauser, Jr., ed., *The Grand Scribe's Records*, vol. 7: The Memoirs of Pre-Han China (Bloomington: Indiana University Press, 1994), 302-7; the *Han shu* biography is translated in Stuart V. Aque, "The *Han shu* Biography of Jia Yi and Other Writings" (MA Thesis, University of Washington, 1989). I have also made use of the chronological table (*nianbiao* 年表) in Wang Zhong's 汪中 (1745-94) *Shu xue nei wai pian* 述學內外篇, *Sbby*, A3.5b-7a.

[2] Cf. Wang Zhong's chronological chart, which dates only two pieces. Wang Xingguo 王興國, *Jia Yi ping zhuan* 賈誼評傳 (Nanjing: Nanjing daxue chubanshe, 1992), 39-72 attempts to give specific dates for more pieces, but relies on inference to do so; to leave aside the question of specific dating for those pieces seems preferable. The greater part of Jia Yi's writings included in the *Han shu* biography does not correspond to any particular (i.e., whole) piece from the *Xin shu*, but rather appears to be a conglomeration of a number of pieces; thus, any dating is necessarily tentative. At any rate, a majority of the content of the *Xin shu* is not found in the *Han shu*, and lacks a clear indication of precise time.

[3] The information available to us suggests 200-168 BC as the probable dates of Jia Yi's life, though many sources list 201-169 BC. Since determining the date of Jia Yi's birth requires triangulating his death with other events and calculating backwards, a degree of caution about asserting exact facts is in order. I discuss the evidence for dating his death—thus permitting the calculation of the year of his birth—below.

[4] Almost nothing except what is given in this biography is known of Wu—not even his personal name. Cf. the *Shi ji* "Suoyin" 索引 commentary of Sima Zhen 司馬貞 (656-720), which says, "Wu is a surname. The histories have lost his name, and therefore call him 'the Honorable [Wu]'" 吳, 姓 也. 史失名, 故稱公; *Shi ji*, 84.2492 n. 2. Wu's promotion to commandant of justice (*tingwei* 廷尉), mentioned below, is also listed in the "Baiguan gong qing biao" 百官公卿表; *Han shu*, 19B.754.

[5] See the "Li Si lie zhuan" 李斯列傳, *Shi ji*, 87.2539.

[6] It is interesting to note that Wu's association with Li Si—who is later vilified as instigator of many Qin abuses of power—appears here in a positive context. Perhaps Li Si's fame and effectiveness as a high official overcame any stigma arising from his association with the Qin. Or perhaps in the days before Jia Yi wrote the "Guo Qin lun," being connected to the Qin was just not a liability.

[7] The *Han shu* "Rulin zhuan" 儒林傳 says,

> When the Han flourished, the marquis of Beiping 北平 Zhang Cang 張蒼 (256 – 152 BC), as well as the grand tutor of Liang Jia Yi … all applied themselves to the *Chunqiu Zuo shi zhuan* 春秋左氏傳. [Jia] Yi made the *Zuo shi zhuan xun gu* 左氏傳訓故 (Exegesis of Mr. Zuo's commentary). 漢興, 北平侯張蒼及梁太傅賈誼 … 皆修春秋左氏傳. 誼爲左氏傳訓 故.

According to Lu Deming's 陸德明 (556-627) preface to the *Jingdian shiwen* 經典釋文, Zhang Cang "transmitted" (*chuan* 傳) the *Zuo zhuan* to Jia Yi. Although this assertion is widely accepted, there is no earlier evidence to support it; see Wu Chengshi 吳承仕 (1885-1939), *Jingdian shiwen xu lu shu zheng* 經典釋文序錄疏證 (1933; Taipei: Tailian guofeng chubanshe and Zhongwen chubanshe, 1974), 92b-93a, 94a [184-85, 187].

A couple of passages from Kong Yingda's 孔穎達 (574-648) preface to his edition of the *Zuo zhuan* are worth considering in this context. At one point, Kong Yingda quotes from Liu Xiang's 劉向 (ca. 77 – ca. 6 BC) "Bie lu" 別錄 describing a line of transmission for the *Zuo zhuan* that includes Xunzi passing it on to Zhang Cang, but stops there—tellingly silent on the supposed next step to Jia Yi; see *Chunqiu Zuo zhuan zheng yi*, 1.1b-2a [6]. Elsewhere, Kong simply repeats from the "Ru lin zhuan," listing Jia Yi next to Zhang Cang among Han scholars of the *Zuo zhuan*; *Chunqiu Zuo zhuan zheng yi*, 1.19b [15]. Nowhere does he assert the teacher-student relationship between Zhang Cang and Jia Yi that Lu Deming proposes.

Since the *Han shu* mentions Jia and Zhang in close proximity without asserting a relationship, it seems best to treat Lu's assertion with skepticism as a likely attempt at constructing scholastic lineages in keeping with contemporary interests. Li Kaiyuan 李開元, *Han diguo de jianli yu Liu Bang jituan* 漢帝國的建立與劉邦集團 (Beijing: Sanlian shudian, 2000), 236-37 also doubts the existence of this relationship between Zhang Cang and Jia Yi (as he does the part perhaps played by Deng Tong in Jia Yi's expulsion).

[8] *Shi ji*, 84.2492.

[9] According to *Shi ji*, 84.2492, these were to, "Reform the starting day [of the calendar], change the color of [official] garb, regulate the systems, establish official titles, and encourage ritual and music" 改正朔, 易服色, 法制度, 定官名, 興禮樂. The color was to change to yellow, and the number favored was to be five. All these were connected with a change from the Qin systems.

[10] The *Shi ji*, 84.2492, says, "The Filial Emperor Wen was newly ascended to the throne, and modestly declined [to enact Jia Yi's proposals, saying] that he had not yet the leisure" 孝文帝初即位, 謙讓未遑也. In his commentary at *Han shu*, 48.2222 n. 3, Yan Shigu 顏師古 (581-645) suggests that the emperor was making excuses, saying, "[The emperor] himself thought they ought not change the system" 自以爲不當改. Wang Xianqian, *Han shu bu zhu*, 48.1a disagrees with Yan's interpretation:

> The *Shi ji* has it, "The Filial Emperor Wen was newly ascended to the throne, and modestly declined [to enact Jia Yi's proposals, saying] that he had not yet the leisure." This then takes his having newly ascended the throne [as reason that] he did not have the spare time to change the system. It does not say that [Wen thought] the system ought not be changed. 史記作孝文帝初即位謙讓未遑也, 則是以初即位不暇改制, 非謂不當改制也.

The *Han shu* "Li yue zhi" 禮樂志 also mentions the calumny of Zhou Bo and Guan Ying at this point, implying that they too opposed these suggestions; *Han shu*, 22.1030. Wang Xingguo, 16, also points out that Zhang Cang was of the opinion that the systems should remain unchanged, which implies opposition to the proposals identified with Jia Yi; cf. the *Han shu* "Jiaosi zhi" 郊祀志, 25A.1212.

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[11] *Shi ji*, 84.2493; *Han shu*, 48.2222.

[12] Zhang Xiangru was also called the Marital Marquis of Dongyang 東陽武侯 (in mod. Anhui). In the 6th year of Han Gaozu's reign (201 BC), he was given the official position of palace grandee (*zhong dafu* 中大夫). As administrator of Hejian 河間 (in mod. Hebei), he fought Chen Xi 陳豨 (ob. 196 BC) when the latter rebelled. A potent fighter, Zhang won merit in battle, on the basis of which he was enfeoffed as the Martial Marquis of Dongyang. At some point in the reign of Emperor Wen, Zhang was made grand tutor (*tai fu* 太傅) to a crown prince, but was relieved of his duties for unspecified reasons. Finally, in the 14th year of Emperor Wen's reign (166 BC), Zhang was made general-in-chief (*da jiangjun* 大將軍) to attack an invading Xiongnu force. The Xiongnu returned without ever having been in battle, denying even a single kill to the Han forces. Zhang Xiangru died in 164 BC. See *Shi ji*, 18.952, 84.2492 n. 2, 110.2901; *Han shu*, 16.598, 48.2222 n. 4, 94A.3761-62; *Zi zhi tong jian*, 15.497-98.

[13] Feng Jing was a Han general, son of the former Qin general Feng Wuze 馮無擇 (ob. 184 BC). Feng Jing, although not of the very highest caliber as a general, was known for his loyalty and bravery—so much that Jia Yi names him in the "Qin shu wei luan" 親疏危亂 chapter of the *Xin shu* as an exemplar of the courageous vassal; see *Jiazi Xin shu jiao shi*, 3.383; *Xin shu jiao zhu*, 3.120; this is also quoted in Jia Yi's biography in the *Han shu*, 48.2234. Feng would die holding the rank of grand administrator (*taishou* 太守) in 142 BC, defending against marauding Xiongnu. See *Han shu*, 1A.39, 5.151, 48.2236 n. 18; Sima Guang, *Zi zhi tong jian*, 16.544.

It is not clear which official position exactly Feng Jing held at the time Jia Yi writes. According to Yan Shigu, and to Zhang Shoujie's 張守節 (8th c.) "Zheng yi" 正義 commentary on the *Shi ji*, Feng Jing was at the time grandee secretary (*yushi dafu* 御 史 大 夫); *Shi ji*, 84.2492 n. 2; *Han shu*, 48.2222 n. 4. Wang Xianqian, *Han shu bu zhu*, 48.1b points out that according to the *Han shu* "Gong qing biao" 公卿表, Feng Jing was made director of guests (*dianke* 典客) in the third year of Wen's reign (177 BC) and became grandee secretary only in the seventh year (173 BC), which does not fit the chronology of Jia Yi's biography; cf. *Han shu*, 19B.756-57. Sima Guang, *Zi zhi tong jian*, 14.466 mentions that Feng Jing was already acting grandee secretary in 174 BC. Perhaps he had assumed those duties even earlier, resulting in the apparent chronological confusion.

[14] This is the identification provided by *Shi ji* "Zhengyi" commentary, as well as by Yan Shigu; see *Shi ji*, 84.2492 n. 2; *Han shu*, 48.2222 n. 4.

Zhou Bo was, like the first Han emperor Liu Bang 劉邦 (posthumous name Gaozu 高祖, imp. reg. 202-195 BC), a native of Pei 沛 (in mod. Anhui), and he was close to the first Han ruler even before the founding of the dynasty in 202 BC. Zhou was instrumental in Liu's victory over the forces of his contender for rule, Xiang Yu 項羽 (ob. 202 BC), and assisted in preserving the newly founded dynasty from overthrow by internal rebels. He and Chen Ping 陳平 (ob. 178 BC) were the principle actors in deposing the Lü 呂 clan from their arrogated position of power and installing Emperor Wen on the throne in 179 BC, restoring the suspended Liu reign. In 176 BC, Zhou himself was accused of treachery against the throne, for which he was indicted but eventually exonerated. The brief outline of his life here is summarized from his *Shi ji* biography, 57.2065-2073; see also *Han shu*, 40.2050-57. Zhou Bo is also discussed in the "Ritual and Punishment" chapter of this work.

Guan Ying's biography does not provide much information about the man as a person. Instead, it is more or less a long list of his military victories. Originally a seller of silk, Guan Ying had joined Liu Bang already before the final fall of the Qin dynasty. An outstanding general, Guan was a member of Liu Bang's inner circle and won an amazing number of battles, showing a special talent for taking important prisoners. In particular, Liu Bang's opponent Xiang Yu was killed by five soldiers under Guan's command, ending the disorder following the collapse of the Qin and enabling Liu Bang to re-unify the realm and found the Han dynasty. In the first years of the new dynasty, Guan Ying played a key role in preserving the ruling house, taking the field against rebels like Chen Xi and Ying Bu 英布 (better known as Qing Bu 黥布; ob. 195 BC). And although he did not assist Zhou Bo and Chen Ping in the expulsion of the Lü clan from their usurped position of power, he did support the installation of Emperor Wen.

Guan Ying was repeatedly rewarded for his successes on the battlefield and loyalty to the house of Liu. He was enfeoffed many times, lastly as marquis of Yingyin 穎陰 (mod. He'nan). Guan also held many high offices, and was grand commandant (*taiwei* 太尉) when Jia Yi came to court. He became chancellor of the realm under Emperor Wen in 177 BC and occupied that post until his death in 176 BC. Summarized from Guan Ying's biography in the *Shi ji*, 95.2667-73; see also *Han shu*, 95.2667-73.

[15] I discuss this in the "Ritual and Power" chapter.

[16] Noted above.

[17] E.g., Wang Xingguo, 21-22; Li Jingming 李景明, *Zhongguo Ruxue shi: Qin Han juan* 中國儒學史: 秦漢卷 (Guangzhou: Guangdong jiaoyu chubanshe, 1998), 69. Deng Tong's biography is found in the *Shi ji*, 125.3192-93, and *Han shu*, 93.3722-24.

[18] The passage from the *Fengsu tongyi* runs,

> The grand palace grandee Jia Yi had also repeatedly remonstrated to stop [the emperor's] going out hunting. At this time, Yi and Deng Tong both served in court at the same position. Yi detested Tong as a person and repeatedly mocked him at court. For these [reasons, Jia Yi] was dismissed and sent away, transferred to be grand tutor in Changsha. Thus he went to his [new] office, having not gotten [what he had hoped] for himself. When he crossed the Xiang River 湘水, he threw in a writing of lament that said, "The base, the glib, and flatterers achieve their intentions." Thus he lamented that Qu Yuan had encountered the calamity of slander and depravity, and mourned that he had been disparaged by Deng Tong and the rest. 太中大夫賈誼, 亦數諫止遊獵, 是時, 誼與鄧通俱侍中同位, 誼又惡 通爲人, 數廷譏之, 由是疏遠, 遷爲長沙太傅, 既之官, 內不自得, 及渡 湘水, 投弔書曰, 闒茸尊顯, 佞諛得意. 以哀屈原離讒邪之咎, 亦因自傷爲鄧 通等 所愬也.

See Ying Shao, *Fengsu tongyi*, *Sbby*, 2.6a-b; cf. the translation in Michael Nylan, "Ying Shao's *Feng su t'ung yi*: An Exploration of Problems in Han Dynasty Political, Philosophical and Social Unity" (PhD. dissertation, Princeton University, 1982), 388-89. This passage from the *Fengsu tongyi* is also cited as the basis for Jia Yi's expulsion in Li Shan's commentary on the *Wen xuan*, 60.2590, explaining the background of "Diao Qu Yuan."

[19] The biographies in *Shi ji* and *Han shu* do not name the king that Jia Yi served at Changsha. Sima Zhen's "Suoyin" and Zhang Shoujie's "Zheng yi" commentaries give the king's name as Wu Chan and Wu Chai, respectively; *Shi ji*, 2496-97 n. 1. The *Han shu* also reflects the same confusion: The "Yixing zhuhou wang biao" 異姓諸侯王表 lists a king named Chan as taking the throne of Changsha in the 2nd year of Emperor Wen's reign (177 BC); *Han shu*, 13.384. But elsewhere, it mentions a King Chai of Changsha who died in the 7th year of Wen's reign (173 BC), leaving no successor; *Han shu*, 34.1894.

It is worth mentioning that the king Jia Yi served was a descendant of Wu Rui 吳芮 (ob. 201 BC). Wu Rui was a successful local administrator under the Qin, and very popular among the people he governed. When the Qin fell, he first joined forces with Xiang Yu, later transferring allegiance to Liu Bang when Xiang Yu was killed. Liu Bang, now Emperor Gaozu, made Wu Rui king of Changsha. Gaozu crowned a total of eight kings who did not belong to the Liu clan, of which only Wu Rui and his descendents remained loyal to the Han. See his biography, *Han shu*, 34.1894-95.

[20] Hans Bielenstein, *The Bureaucracy of Han Times* (Cambridge: Cambridge University Press, 1980), 105.

[21] According to Bielenstein, 19, in the time of Jia Yi, an erudite received a salary of 400 bushels. Bielenstein, 25, says that a grand palace grandee had, "ranking equivalent to 1000 *shih* [=bushels]."

[22] Bielenstein, 4, 5, 105.

[23] Poems attributed to Qu Yuan form the bulk of the *Chuci* 楚辭 anthology; in the *Shi ji*, the biographies of Qu Yuan and Jia Yi are in the same chapter; for Qu Yuan, see *Shi ji*, 84.2481-91.

[24] The text of "Diao Qu Yuan" is found in *Shi ji*, 84.2493-2495; *Han shu*, 48.2223-25; *Wen xuan*, 60.2590-92; partially translated and discussed in Gong Kechang, *Studies on the Han* Fu, ed. and transl. David R. Knechtges, et al. (New Haven: American Oriental Society, 1997), 95-102; transl. Knechtges, "Two Studies on the Han Fu," *Parerga* 1 (1968): 5-43.

[25] There presumably being no bust of Pallas in the room.

[26] According to the Liu Xin 劉歆 (ob. AD 23), *Xijing zaji* 西京雜記, *Sbck*, 5.18b, "Changsha custom held that when an owl came to someone's house, the master would die" 長沙俗以鵩鳥至人家主人死.

[27] The "Funiao *fu*" is included in the *Shi ji*, 84.2497-2500; *Han shu*, 48.2226-28; and *Wen xuan*, 13.604-8; translated as "Rhapsody on the Houlet" in David R. Knechtges, *Wen xuan, or Selections of Fine Literature*, vol. 3: Rhapsodies on Natural Phenomena, Birds and Animals, Aspirations and Feelings, Sorrowful Laments, Literature, Music, and Passions (Princeton: Princeton University Press, 1996), 41-48.

[28] The Xuanshi chamber (or perhaps hall) is somewhat variously explained. In his "Jijie" 集解 commentary on the *Shi ji*, Pei Yin 裴駰 (fl. 438) cites Su Lin 蘇林 (ca. 3rd c.), who says that the Xuanshi was, "The main front chamber of the Weiyang 未央 [Palace]" 未央前正室. The "Suoyin" commentary quotes the no longer extant *Sanfu gushi* 三輔故事, which says, "The Xuanshi was to the north of the Weiyang hall" 宣室 在 未 央 殿 北; see *Shi ji*, 84.2503 n. 2.

The *Han shu* "Xingfa zhi" 刑法志 once mentions the Xuanshi as the place where Emperor Xuan 宣帝 (reg. 74-49 BC) went for purification before judging criminal cases. There, Ru Chun 如淳 (ca. 3rd c.) explains, "The Xuanshi was the

chamber for spreading governance and education. [Emperor Xuan] took employing punishments seriously, and therefore would undergo purification [there] in order to decide [criminal] matters" 宣室, 布政教之室也. 重用刑, 故齋戒以決事 . Jin Zhuo 晉灼 (ca. late 3rd – 4th c.) says only, "In the Weiyang Palace, there was the Xuanshi hall" 未央宮中有宣室殿. Yan Shigu affirms and expands Jin Zhuo's comment:

> Jin's explanation is correct. The "Jia Yi zhuan" also says, "[Emperor Wen] was receiving the sacrificial meat and was seated in the Xuanshi" [*Shi ji*, 84.2502; *Han shu*, 48.2230]. Probably this hall was at the side of the front hall and [emperors] would stay there when undergoing purification. 晉說是也. 賈誼傳亦云, 受釐, 坐宣室. 蓋其殿在前殿之側也, 齋則居之.

See *Han shu*, 23.1102-3. Finally, the *Sanfu huang tu* 三輔黃圖 lists the Xuanshi among the halls within Weiyang Palace; see Chen Zhi 陳直, *Sanfu huang tu jiao zheng* 三輔黃圖校證 (Xi'an: Shaanxi renmin chubanshe, 1980), 37; this is mentioned in commentary on Fan Ye 范曄 (398-445), *Hou Han shu* 後漢書 (Beijing: Zhonghua shuju, 1965), 40A.1343 n. 6.

[29] Liu Yi is also referred to by the name Sheng 勝 in certain sources; e.g., *Shi ji*, 58.2082; *Han shu*, 48.2260, 48.2265. He is included in the "Wen san wang zhuan" 文三王傳 chapter of the *Han shu*, but his brief life is mentioned only on two pages, 47.2207 and 47.2212;

[30] Nearly all of Jia Yi's datable writings date to this time. One specific piece from the *Xin shu* can be positioned here chronologically with fair certainty. In 175 BC, Emperor Wen changed the law to permit the minting of money among the people, and Jia Yi wrote a remonstrance (*jian* 諫) against this change in policy. One version of this is found in the *Han shu*, "Shi huo zhi" 食貨志, 24B.1153-56, which is a shortened version of the "Tong bu" 銅布 chapter of the *Xin shu*.

Other parts of the *Xin shu* appear to have been written during this time as well. In the *Han shu*, 48.2230, Ban Gu writes,

> At this time, the Xiongnu were strong and invaded the border. The realm was newly established, and the system was sketchy. The feudatory kings were usurped and imitated [imperial privilege], and their territories exceeded the ancient system. The kings of Huainan 淮南 (in mod. Anhui) and Jibei 濟北 (in mod. Shandong) were both executed for rebellion. Yi repeatedly sent up memorials laying out matters of governance, most of which concerned what he wanted to correct or establish. 是時, 匈奴彊, 侵邊. 天下初定, 制度疏 闊. 諸侯王僭儗, 地過古制, 淮南, 濟北王皆爲逆誅. 誼數上疏陳政事, 多所欲匡建.

Ban Gu follows this with a "general sketch" (*da lüe* 大略) of the memorials, which is an amalgamation of material from what are now the "Shu ning" 數寧, "Fan shang" 藩傷, "Zong shou" 宗首, "Qin shu wei luan" 親疏危亂, "Zhi bu ding" 制不定, "Fan qiang" 藩彊, "Wu mei" 五美, "Da du" 大都, "Shi bei" 勢卑, "Jie xuan" 解縣, "Nie chan zi" 孽產子, "Shi bian" 時變, "Su ji" 俗激, "Bao fu" 保傅, and "Jie ji" 階級

chapters of the *Xin shu*, as well as other material not included there; see *Han shu*, 48.2230-2258.

[31] After the death of King Huai, Jia Yi wrote two pieces that can be dated according to the *Han shu*. First, Jia Yi submitted a memorial propounding an increase in the territories of the emperor's sons who were kings. This is included in the *Han shu*, 48.2260-2262 and corresponds to the "Yi rang" 益壤 chapter of the *Xin shu*. This proposal was accepted by the emperor. At the same time, Emperor Wen had enfeoffed the sons of King Li of Huainan 淮南厲王, the emperor's brother who had rebelled. Jia Yi was concerned that the emperor would make them kings and submitted a memorial arguing against it. The memorial is found in the *Han shu*, 48.2263, and corresponds to the "Huai nan" 淮難 chapter of the *Xin shu*.

[32] Lü Botao 呂伯濤, "Jia Yi sheng zu nian kao" 賈誼生卒年考, *Wen shi* 14 (1982): 36 lays out the evidence for dating Jia Yi's death to 168 BC, which also suggests that Jia Yi was born in 200 BC. Regarding the demise of Jia Yi, the *Shi ji*, 84.2503, says,

> After several years, King Huai was riding, when he fell from his horse and died without posterity. Scholar Jia was himself pained that, in being a tutor, he lacked proper form. He wept for more than a year, then he too died. At the time of his death, Scholar Jia was thirty-three. 居數年, 懷王騎, 墮馬而死, 無後. 賈生自傷 爲傅無狀, 哭泣歲餘, 亦死. 賈生之死時年三十三矣.

The account found in the *Han shu*, 48.2264 is similar:

> King Sheng of Liang fell from his horse and died. [Jia] Yi was himself pained that, in being a tutor, he had lacked proper form. He often wept, and after more than a year, he too died. Scholar Jia's death came in his thirty-third year. 梁王勝墜馬死, 誼自傷爲傅無 狀, 常哭泣, 後歲餘, 亦死. 賈生之死, 年 三 十 三 矣.

Thus, as Lü suggests, determining the year in which the king of Liang died will indicate the year in which Jia Yi kicked the bucket. The "Wendi ji" 文帝紀 chapter of the *Han shu*, 4.123, explicitly dates the king's death to the 11th year of Emperor Wen (169 BC). This dating can be corroborated by cross-reference to the *Shi ji*, 58.2082, which says that King Wu of Huaiyang 淮陽武王 was made king of Liang to replace King Huai. This happened in the 12th year of Emperor Wen's reign, which the *Shi ji* also says was the year after King Huai bid farewell to this mortal coil. It is also worth noting that Xu Guang 徐廣 (352-425) also says that King Huai found his last repose in the 11th year of Emperor Wen; *Shi ji*, 84.2503 n. 1.
Lü Botao explains that the alternate dates for Jia Yi are based on a misunderstanding of information presented in the *Han shu* "Zhuhou wang biao" 諸侯王表, where it says that King Huai was made king of Liang in "the second year" and died in "the tenth year"; *Han shu*, 14.406. Lü says that these numbers refer to two different reckonings. The first means the 2nd year of Wen's reign (178 BC); the second refers to the tenth year of that Huai was king, thus 169 BC. But these have been understood to both refer to years of Emperor Wen's reign, thus putting Huai's final breath in Wen's 10th year, 170 BC. By this reckoning Jia Yi would have passed away in 169 BC.

[33] Michael Loewe, "The Former Han Dynasty," in *The Cambridge History of China*, volume I: The Ch'in and Han Empires, 221 B.C. – A.D. 220, edited by Denis Twitchett and Michael Loewe, 148.

[34] This is doubly the case because Qu Yuan committed suicide and it would no doubt have pleased Sima Qian's sense of historical parallelism to be able to write that the Han dynasty counterpart of Qu Yuan also died of his own volition. An example of someone who receives clearly favorable treatment from Sima Qian and committed suicide is Li Guang 李廣, a mighty Han general who killed himself rather than face trumped-up charges of malfeasance; see his biographies in the *Shi ji*, 109.2867-78 and *Han shu*, 54.2439-49.

[35] *Shi ji*, 127.3220.

[36] *Zuo ming* 佐命 is a formulaic expression that literally means, "assisting the [heavenly] mandate," used originally to refer to the actions of those that assisted a new ruler in the rise to power, or to the ruler who founded a dynasty. Later, it was used as here, to refer to those meritorious vassals who supported the ruler, thus my translation. This expression occurs, e.g., in the *Hou Han shu*, 22.787, "Yet all were able to respond to and join with the winds and clouds [of history], stirring up their intelligence and bravery, claiming they would serve the ruler" 然咸能感會風雲, 奮其智勇, 稱爲佐命.

[37] From "Da Su Wu shu" 答蘇武書, in *Wen xuan*, 41.1851. This letter is one of several supposedly exchanged between Li Ling and his friend Su Wu 蘇武 (140-60 BC), all of which have been determined to be canny forgeries. The background of the supposed exchange and a discussion of the letters' authenticity can be found in Eva Yuen-wah Chung, "A Study of the 'Shu' (Letters) of the Han Dynasty (206 B.C. – A.D. 220), 316-339; cf. also Chung, 534, where she translates the section I include here in my own translation. Despite the spuriousness of the attribution to Li Ling, this letter aptly encapsulates the attitude toward Jia Yi.

[38] *Dihuang* 帝皇, "thearch(s) and august ruler(s)" is an abbreviated (and vague) term for the semi-mythical Five Thearchs and Three August Rulers of remote antiquity, themselves variously explained. Here, the phrase is probably best understood as a non-specific reference to the sage rulers of old. *Dihuang* is used with this sense in Ying Shao's *Fengsu tongyi*, 1.6b: "When it came to [Qin] Shihuang…, annexing [the lands and glories] of the [Five] Thearchs and [Three] August Rulers, he over-awed all within the Four Seas" 及始皇…兼帝皇而威四海.

[39] Sima Guang, *Chuan jia ji* 傳家集, *Skqs*, 65.11b [600].

[40] This is a common theme of *fu* and *fu* writers; it is discussed in Helmut Wilhelm, "The Scholar's Frustration: Notes on a Type of *Fu*," in *Chinese Thought and Institutions*, ed. John. K. Fairbank, (Chicago : University of Chicago Press, 1957), 310-19.

[41] Su Shi, "Jia Yi lun" 賈誼論, in *Su Shi wen ji* 蘇軾文集 (Beijing: Zhonghua shuju, 1986), 105-6. Su Shi admits and even praises Jia Yi's talent, but says that his shortcomings outweighed it: "Scholar Jia was great of ambition but small of measure; his talent was abundant but his understanding lacking" 賈生志大而量小, 才有餘而識不足也; *Su Shi wen ji*, 106.

[42] This is an abridged quotation from the "Zhi bu ding" 制不定 (Proper system is not established) chapter of the *Xin shu*. The original lines say,

> The ox-butcher Tan cut up twelve oxen in one morning and his blade was not dulled, because in the all places he chopped and the places he sliced, he followed the pattern lines [of the ox]. Yet, when he reached the hips and thighs, if it was not an adze it was an axe [that he used]. 屠牛坦一朝解十二牛，而 芒刃不頓者, 所排擊所剝割皆象理也. 然至髖髀之所, 非斤則斧矣.

Jia Yi goes on to argue that the feudal lords of his day are just like hips and thighs, and so must be dealt with by means of adze and axe. See *Jiazi Xin shu jiao shi*, 2.213-14; *Xin shu jiao zhu*, 2.71.

[43] This piece is quoted by the Ming-era editor Zhu Tulong 朱圖隆 in the "Jia taifu *Xin shu* zonglun" 賈太傅新書總論 which prefaces his edition of the *Xin shu*, the *Jia taifu Xin shu* 賈太傅新書 (late Ming woodblock edition, held by the Taiwan National Central Library, Taipei), 4b-5b.

[44] Summarized from Chao Cuo's biographies in *Shi ji*, 101.2745-47; *Han shu*, 49.2276-2301.

[45] It should be noted that some interpret Chao Cuo's death differently, saying that he was justly executed; see, e.g., the discussion about this point recorded by Huan Kuan 桓寬 (1st c. BC) in the *Yan tie lun* 鹽鐵論; see Wang Liqi 王利器, *Yan tie lun jiao zhu* 鹽鐵論校注, rev. ed. (Beijing: Zhonghua shuju, 1992), 2.113-14.

Chapter 1

UNSTABLE ROOTS

Jia Yi focuses his political theories around the nucleus of the ruler. The necessary counterpart of the ruled is the ruled: the people (*min* 民), and it is here that I begin. The centrality of the relationship between the people and the ruler in Jia Yi's thought is one of its most evident characteristics, and most studies on him give a prominent position to the notion of taking "the people as root" (*min ben* 民本). But Jia Yi ought not been seen as an advocate for a nurturing and paternalistic caring for the people as abstract ethical practice. Jia Yi was no romantic, nor was he a paternalist, except by necessity. For him, consideration of the role and treatment of the people in the Han empire was necessarily informed by the experience of the Qin: a powerful empire laid low by the lowly. In Jia Yi's depiction, the overthrow of the Qin is not the story of David and Goliath—of the virtuous but small victorious over a proud giant. Instead, it is the story of opportunity thrown away through arrogance, ignorance, and muddle-headedness, resulting in defeat at the hands of the uncouth, unskilled, and unworthy: in a word, overthrow by the common people. Jia Yi seeks to motivate his ruler by instilling the fear of destruction—direct and personal destruction—in the case that the people should rise again, which is certain unless they are handled properly.

In Jia Yi's formulation, taking the people as the root of the state is not a call to tend the garden of benevolence. It is a warning that without constant attention and care, the people—the unstable roots of the state—will shift, destroying the dynasty

and its ruler. On the other hand, if the ruler can achieve the proper balance of force and influence, he will have success in his endeavors and protection in his time of need. This chapter will focus on Jia Yi's treatment, analysis, and recommendations regarding the relationship between the ruler and his common population, and the methods by which the latter can be controlled.

The Identity of the People

Identification of the "people" (*min*) in the early Han dynasty is complex, because this single term describes a broad range of people. As a general designation for "commoners," it includes all those not imperial relative, feudal lord, official, or eunuch. Thus, the term includes scholars who were not members of one of these four groups. "Commoners were traditionally classified in the following order: scholars, farmers, artisans, and merchants."[1] Male commoners held one of the eight ranks (the lowest out of twenty) that were available to them. The borders between the four occupations were not fixed, and it was possible for commoners to switch between them.[2] However, the hierarchical order was one of theoretical prestige and economic realities were often very different. In particular, merchants could and did gain wealth that rivaled that of the nobility; the peasantry, nominally superior to the merchants, generally lived in penury.[3]

Oftentimes, Jia Yi refers to "the people," indicating only those commoners that were not scholars. Jia Yi's separating-out of scholars from the people can be deduced from the many instances where Jia Yi refers to the "*shi min*" 士民, i.e., "scholars and people." However, Jia Yi also mentions the "fourfold people" (*si min* 四民)—i.e., "scholars, farmers, artisans, and merchants"—so this separation of the scholars from the *min* is not set in stone.[4] When I use "people," it should be assumed to exclude the clerisy unless otherwise specified. Beyond that, Jia Yi does not consistently differentiate between the groups of people, and uses the term *min* to refer to the mass of population as the lower stratum of society.[5] Furthermore, *min* does not refer to a specifically Han social group, as Jia Yi also uses it to refer to the populace of the Xiongnu.[6] Jia Yi employs *ren* 人 ("person") to refer to people generally, sometimes with the qualifier *shu* 庶 (many, common); I take the compound *shu ren* 庶人 as "common people," more or less equivalent to *min*.[7]

Origin and Development of the Root Notion

The idea of *min ben*, that the people are the root of the state, and attendant notions about the centrality of the people to the government of the ruler were not the invention of Jia Yi. The earliest traces of this thinking date to the Zhou Dynasty, when the "Mandate of Heaven" (*tian ming* 天命) emerged as justification for the overthrow of the Shang by the Zhou. The theory ran that heaven would grant its imprimatur to the founder(s) of dynasty, delegating them and their successors the right to rule. The mandate was, however, not permanent, and would be lost (or given up) if / when its holder misruled the state.

The absence of the mandate concept from textual and bronze sources dating to Shang times suggests that it did not exist then but was probably developed to explain the fall of this dynasty at the hands of their successors. The idea seems to have been created *ex post facto* in Zhou times as a justification for something already accomplished. Although it is difficult at the distance of more than three thousand years to judge the effects of what amounts to a rhetorical conceit, the idea of the mandate appears to have been effective and it remains one of the best-known political ideas from early China. A primary feature of this conceptualization of dynastic succession is the inconstancy of the mandate, with the corollary that the ruler must care for the ordinary people in order to preserve his position. Mistreatment or other failures in stewardship of the populace would lead to the destruction of the ruling house, thus indicating the loss of the mandate. Though none of the earliest sources touching on the mandate refer to the people as root, the ideas are clearly related.[8]

These notions find expression, albeit with a different focus, in the thinking of Kongzi 孔子 (personal name Qiu 丘, 551-479 BC), and some would trace the genealogy of *min ben* thinking to him.[9] Kongzi "looked upon providing for the people's nourishment as an essential duty; that is one manifestation of his concept of benevolence and love."[10] Thus, his prescription for rulers: "In leading a state of a thousand chariots, while being respectful in performing tasks, be trustworthy; while being moderate in consumption, cherish the people; employ the populace in proper season" 道千乘之國，敬事而信，節用而愛人，使民以時.[11] Of course, Kongzi's ideas about caring for the people put particular emphasis on employing the people,

which might not figure into an intuitive interpretation of nurturing the folk. Kongzi even goes so far as to make putting the people to work itself a part of caring for them: "If you cherish them, can you not make them toil?" 愛之，能勿勞乎.[12] An apologist might here follow the lead of Yang Bojun 楊伯峻, who makes putting the people to work is one method of encouraging their moral development.[13] Missing from Kongzi's formulation is the direct relationship to the ruler's status as ruler, something we find explicit in the thinking of Mengzi. It is a king's duty to care for his people, but there is no expressed danger to him or his rule if he should not.

Mengzi 孟子 (personal name Ke 軻; 372-289 BC), one of the most important thinkers of the Warring States Period, was the first person to develop these concepts into a system of thought.[14] He combines the two strands of thinking about the people as root: that of the Zhou, which linked the people to the inconstant mandate of heaven, and that of Kongzi, for whom protection of the people was the duty of the ruler. Kung-chuan Hsiao proposes that Mengzi advanced these ideas because of the belief that the satisfaction of the people's material needs was the necessary for moral and ethical development. The times in which Mengzi lived were harsh and bloody, especially for the common people, who bore the ills of bad government. "Mencius, appealing to the compassion of the human heart, wanted to overcome the faults of the tyrannical government of his time ... [H]e made no compromise with the prevailing current of the time that would have led him to accept its utilitarianism."[15]

This is different from Jia Yi, who will discuss nothing quite so much as the benefits gained by a ruler who governs with what he calls humaneness. Hsiao says, "Mencius was not merely concerned with the results of actions; he also stressed simultaneously their motivation," and it is just this point wherein Jia Yi differs.[16]

Mengzi is also the earliest known thinker to formulate the idea that the people have highest power in the state, and that the purpose of the state is to care for the people. He outlines a hierarchy that puts the people on the top and the ruler below:

> The people are the [most] esteemed; the tutelary spirits follow them; the lord is [most] unimportant. For this reason, the one that gets [the support of] the common people becomes son of heaven. One who gets it from the son of heaven becomes a feudal lord; one who gets it from a feudal lord becomes a

> grandee. 民爲貴，社稷次之，君爲輕．是故得乎丘民而爲天子． 得乎天子爲諸侯．得乎諸侯爲大夫.[17]

Hsiao goes so far as to say that in Mengzi's view, "The ruler's relation to the people becomes in the last analysis one of equality."[18] Such a conceptualization is utterly foreign to Jia Yi. Hsiao's comment that "Therefore, in the thought of Mencius, the opinion of the people was capable only of passive manifestation, while the political authority was to be wholly exercised by the class that 'worked with their minds,'" also reflects a very different vision than that of Jia Yi. For Jia Yi, political power is the tool of the ruler, and exercised only by him or his delegate.[19]

Mengzi is succeeded by Xunzi 荀子 (personal name Kuang 況; ca. 340-245 BC) as proponent of "the people as root."[20] This exact phrasing is absent from Xunzi's writings, but there are certainly some similarities between the thought and imagery between Xunzi and Jia Yi. Xunzi writes in "Wang zhi" 王制,

> Only when the ordinary people are stable in their governance is the lordling stable in his position. The *Zhuan* says, "The lord is the boat; the ordinary people are the water. Water bears the boat and water overturns the boat." This says it. It follows that if one that is lord over people desires stability, then nothing compares to making governance uninclined and cherishing the people. 庶人安政，然後君子安位．傳曰，君者，舟也． 庶人者，水也．水則載舟，水則覆舟．此之謂也．故君人者，欲安則莫若平政愛民矣.[21]

At the same time, "When it comes to Hsun Tzu, the idea of the elevation of the ruler is vigorously proclaimed and supported," an attitude with more in common with legalist thinking than what is typically conceived of as Ruist, but definitely found in Jia Yi.[22]

Three more of Jia Yi's intellectual predecessors must be mentioned. Han Fei 韓非 (ob. 233 BC) precedes him chronologically, and appears to have influenced Jia Yi primarily in the limited and specific matter of the "two handles" (*er bing* 二柄) of reward and punishment.[23] It is Han Fei who explicitly advocates the balanced application of both of these in governance, neither neglecting nor favoring either. The relationship between the thought of Jia Yi and that of Han Fei is discussed at some length below.

Peng Wei 彭韋 identifies in the *Lü shi chunqiu* 呂氏春秋 another intellectual predecessor of Jia Yi, one left out of many discussions.[24] The *Lü shi chunqiu* is a large and heterogeneous work that was completed around 240 BC under the direction of Lü Buwei 呂不韋 (290-235 BC). It anthologizes a large variety of material from across the spectrum of pre-Qin philosophy, and was most likely intended for use as a *Fürstenspiegel* for instruction in all aspects of rule.[25] The *Lü shi chunqiu* was tremendously influential in Han times and it is perfectly reasonable to postulate its influence upon Jia Yi, though few do so.[26]

Peng lists two aspects of evident influence upon Jia Yi. First, Peng argues that the *Lü shi chunqiu* recognizes the power of the people, which the Qin rulers failed to respect. The vital role of the people in the realm means that they cannot be deceived or despised. Such ideas are closer to those of Mengzi than to legalist thinkers like Han Fei and Shang Yang 商鞅 (ob. 338 BC). Jia Yi definitely shares this insight, and it seems reasonable to deduce the influence of the *Lü shi chunqiu*. Peng unfortunately does not adduce quotations to support his argument, but it seems likely he has in mind statements like,

> The First Kings gave precedence to making the minds of the people concordant, and accordingly achieved meritorious reputation. Many of the previous generations had those that used virtus to gain the minds of the people and thereby establish mighty and meritorious reputation. But there was never any that lost the hearts of the people and established meritorious reputation. 先王先順民心，故功名成. 夫以德得民心以立大功名者，上世多有之矣. 失民心而立功名者，未之曾有也.[27]

This leads to the second aspect of influence that Peng recognizes: "governance by virtus" (*de zheng* 德政). Peng cites passages like,

> In ruling the realm and the state, nothing compares to using virtus, and nothing compares to practicing duty. When you use virtus and duty: the people strive without being rewarded, and depravity halts without punishment. 爲天下及國，莫如以德，莫如行義. 以德以義，不賞而民勸，不罰而邪止.[28]

Virtus and duty are the abstract, quasi-moral qualities that correspond to reward (*shang* 賞) and punishment (*fa* 法). This is the key aspect of what is commonly understood Jia Yi's version of "governance by benevolence" (*ren zheng* 仁政):

augmenting reward and coercion with virtus and duty, though never doing away with the former.

Finally, the influence of Lu Jia 陸賈 (ca. 216 – ca. 172 BC) must be acknowledged. Lu Jia is the direct forerunner of Jia Yi, both chronologically and, In many ways, intellectually.[29] Reputed to be a skilled debater, Lu Jia was bookish and politically unambitious (the latter in contrast to Jia Yi), a client of Liu Bang already before Liu won emperorship. Despite never holding high position, Lu Jia possessed some influence with the new emperor, and his *Xin yu* 新語 was composed at imperial command. Lu is also famous for having secured the acquiescence of Zhao Tuo 趙佗, ruler of the kingdom of Nanyue 南越, to the suzerainty of the Han in 179 BC. After this point, Lu drops out of the historical record, though it is recorded that he lived a long life.[30]

The topic of the fall of the Qin, of such importance to Jia Yi, is also a central theme of the *Xin yu* and Lu Jia's thought. In his proposals for strengthening the new central government of the Han, Lu Jia consistently takes up the Qin as negative example.

Lu Jia and Shusun Tong 叔孫通 (fl. 240-195 BC) were the first to observe explicitly that the situations of a regime on the attack and one defending what has already been one are fundamentally different.[31] Specifically, Lu Jia emphasizes the necessity of both cultivation and force, influence and punishment, for successful governance—and the fact that the Qin failed to establish this balance. This is generally accepted to be Lu's reaction to Liu Bang's alleged exclusive focus on martial qualities.[32] Lu Jia said, "While Tang and Wu rebelled to take [the realm], they guarded it by means of concordance; both pattern (*wen* 文) and martiality (*wu* 武) were employed. This is the method [for a government] to last long" 湯武逆取而以順守之，文武並用，長久之術也.[33] Lu also told Liu Bang to his face that if the Qin had pursued this sort of policy after unification, the Han would never have won power.[34]

Lu Jia also gives great import to social structure as a method of rule, particularly to the hierarchical social relations ordered by *yi* 義, "duty, right, righteousness." In the "Dao ji" 道基 chapter, he says,

> If abuse is practiced, then resentment accumulates; if virtus is spread, then merit arises. The common folk are caused to cleave [to the lord] by virtus; relatives are kept intimate by humaneness. Husband and wife are brought together by duty; colleagues and friends are made trustworthy by duty; lord and vassal are brought into [hierarchical] order by duty; the many officials serve [the lord] by duty. 虐行則怨積，德布則功興，百姓以德附，骨肉以仁親，夫婦以義合，朋友以義信，君臣以義序，百官以義承.[35]

There are a number of other aspects in which Lu Jia and Jia Yi overlap. In particular, Lu Jia is a proponent of caution in the application of punishments, the importance of concrete self-cultivation for the lord as a means of improving governance, and in a general concern with practical matters rather than abstractions.

There is at least one major difference between Lu Jia and Jia Yi: background. Xu Fuguan 徐復觀 says that Lu Jia's ideas were the product of his experiences during the chaotic fall of the Qin and the re-establishment of stability under the Han. Obviously, Jia Yi lacked these. But Xu also suggests that many of Lu Jia's ideas resulted from the requirements of the times. Since Jia Yi was a younger contemporary of Lu, these factors were likely quite similar during his brief career. Thus, it is difficult to establish the extent to which the commonalities between these two early Han thinkers result from influence, or from similar responses to a given situation and *Zeitgeist*.

Ruling the Roots

In his *Jia Yi ping zhuan*, Wang Xingguo devotes a chapter to the fullest treatment of Jia Yi's "people as root" ideas available in the literature.[36] Wang says that Jia Yi recognizes the people as a decisive historical force, owing to their superior numbers and position as basis for material production.[37] Wang summarizes Jia Yi's proposals as "governance by humaneness" (*ren zheng* 仁政), a phrase originating with Mengzi and not found in the extant writings of Jia Yi.[38] Wang describes governance by humaneness as a system that will properly take the people as root for the state. It should cherish and give benefit and respect to the people, by extension including respect for worthies and the clerisy.[39] It should also include kindness to the people, particularly providing for their material comfort. Finally, Wang identifies being "deliberate about punishments" (*shen xing* 慎刑) as a way to treat the people as root. This deliberateness includes decrease of punishments, the benefit of the doubt

for the accused in criminal cases (and for the recipient of rewards), and pre-emptive action to prevent crime. Wang summarizes his view as follows:

> The essence of "the people as root" thought lies in resolving this single problem: the power and authority of the ruler come from the support of the people (*renmin* 人民), and are not granted by heaven. The maintenance of the ruler's position, and the success or failure of every sort of act—in particular actions like waging war—relies on the direction of popular sentiment, and not on the blessing and protection of God.[40]

However, a careful analysis of Jia Yi's writings themselves forces acknowledgement of the fact that while Jia Yi often recommends humaneness as a tool of rule, he is no proponent of governance by benevolence for its own sake. He furthermore never argues that the ruler's authority comes from the people: the ruler's authority is, essentially, its own justification. Indeed, this seems a necessary position, given that the Han dynasty was then newly founded, and owed its position to military victory.

The people are to be managed so that they support the ruler and do not upset the power structure centered on him. Thus, Jia Yi favors the only kind of governance that he thinks will prevent another uprising, which he defines as rule by humaneness:

> You should establish circumstances of long-term stability and complete the task of long-lasting regulation … Thereby will you manage the realm and nurture the many lives of the people; the spirits and people (*min*) will all be stable,[41] and the tutelary spirits of earth and grain will receive their sacrifices for a long time. This is the acme of humaneness. 建久安之勢 … 以宰天下，以治群生，神民咸億，社稷久饗，至仁也.[42]

The spirits of earth and grain are those worshipped in the temples of the state and their preservation stands for the preservation of the state.[43] The ruler's humaneness lies not in extending extending simple kindness into practice, but rather in creating and maintaining governance to create stability and regulation. Extended: caring for the people is a means to preserve the state, and a ruler that is not humane will upset the fragile stability of the people and lose what he rules. This is generally in keeping with earlier political conceptualizations, particularly that of Mengzi.[44]

There are significant differences, however. Mengzi says that the people are more important than the ruler.[45] This is not Jia Yi's attitude. Jia Yi would never advocate anything but supremacy for the ruler, who is both audience for and the *sine qua non* of his political theories.[46] The ruler's elevated position of power and preservation of the imperial state are essential elements of the political structure that Jia Yi advocates. Though the people are to be cared for, their inferior position is also presumed.[47] The goal is preservation of the ruler and government; the people are a potential danger to be controlled. Thus, I cannot accept interpretations of Jia Yi's theories like that of Hsiao Kung-chuan, who says, "The responsibility of government, thus, is to provide that well-being and happiness for its people, while the safety or peril for ruler and state depend entirely on whether, in their hearts and minds, the people uphold or reject them."[48] For Jia Yi, the happiness of the people is not a responsibility, exactly: it is a *technique* used by the best of rulers.

Wang Gengsheng 王更生 suggests that Jia Yi's thought is "more positive and concrete" than that of Mengzi.[49] But there is also a fundamental difference in focus. For Jia Yi, humaneness is no abstract and/or disinterested virtue; it is a practical, vital, and essentially self-interested means to preserve rule. As David L. Hall and Roger T. Ames suggest, referring to Jia Yi specifically and "Confucianist" thinkers generally, "concern for the people ought not be construed as a selfless altruism."[50] When, in the "Guo Qin lun," *inter alia*, Jia Yi argues that humaneness and duty are the proper means to govern once the state is unified, he should not be anachronistically understood according to humane governance principles identified with Mengzi. Instead, we should consider Jia Yi's own words:

> The ox-butcher Tan cut up twelve oxen in one morning and his sharp blade did not become dull because, in the places he chopped and the places he sliced, he always followed the pattern-lines. Yet, when he reached the places of hips and thighs, if it was not an adze [he used], it was an axe. Humaneness, duty, benevolence, and magnanimity—these are the blades of the lord of men. Power, strategic circumstance, law, and command are the adze and axe of the lord of men. Only when strategic circumstances are completely set and powers are sufficient can you use humaneness, duty, benevolence, and magnanimity, and rely upon these to favor [your subjects]. And thus will your virtus spread, and the realm will have reverent intentions. 屠牛坦一朝解十二牛，而芒刃不頓者，所排擊所剶割皆象[51]理也．然至髖髀之所，非

> 斤則斧矣. 仁義恩厚者,[52] 此人主之芒刃也. 權勢法制, 此人主之斤斧也.[53] 勢已定權已[54]足矣, 乃以仁義恩厚因而澤之, 故德布而天下有慕志.[55]

Jia Yi states here explicitly that humaneness and the other virtues are but "blades"—techniques to accomplish the same tasks as the "adze and axe" of power. Both sets of tools are equally available to a ruler, and what is appropriate depends only on the situation, not on an abstract hierarchy of moral value. Jin Chunfeng 金春峰 writes,

> As in the case of Lu Jia, the basis of Jia Yi's thought is that attack and defense are of different techniques. He thinks that when annexation is in progress, legal methods, deceit and force are required. But after unification, in order to consolidate governmental power, one should start over and promulgate humane-heartedness, practice humane governance, and take humaneness and duty as root.[56]

This reflects that Jia Yi's interest lies in power, not in governance for the sake of providing the populace with the material livelihood necessary for their moral development. It also reverses Mengzi, who sought to benefit the people by warning the ruler of their power. Jia Yi wants the ruler to attain and maintain power, and so teaches about controlling the people. If we consider that Jia Yi takes humaneness as just another possible technique for rule, then the picture is much less happy than Jin's analysis might seem to imply. For, contrary to what Jin implies, Jia Yi never advocates doing away with the tools of winning power; in exigency, they are to be applied again. Practically speaking, both harsh and humane techniques are available to the ruler, and the selection between these is based not on moral but on practical judgment.

While advocating prudence and caution in punishment and force, Jia Yi never does away with it. When he writes in "Jie ji" 階級 (Levels and grades) that those of high rank should be exempted from punishment, the implication is that the common folk should be controlled with it.[57] If one can rule by means of the "blade" of humaneness, good; if not, then the "axe and adze" stand ready to use. What is most important is to secure the position of the ruler.

A Righteous Reputation

In "Wu mei" 五美 (Five noble qualities), Jia Yi proposes a course of action that he expects to bring praise upon the emperor:

> Divide the territories and establish a system of rule … [Each territory should be divided] to make a certain number of states. The system of rule for each could then have its pattern-lines … In those cases where the sections of territory are copious but descendants are few, you should establish [the divisions] as states—leaving them empty but establishing the position. Wait until descendents are born, then elevate and make them lords. For those feudal lords whose territories have been confiscated by the Han government:[58] You should transfer their territories and enfeoff their descendants in them, reimbursing them several times over. Thus, the Son of Heaven would get no benefit—[not even] a single inch of territory or one member of population. It would truly be done to establish regulation, and that is all. Thus would the realm universally acknowledge Your Majesty's incorruptibility. 割地定制 … 爲若干國. 制既各有理矣 … 其分地眾而子孫少者, 建以爲國, 空而置之, 須其子孫生者, 舉使君之. 諸侯之地, 其削[59]頗入漢者, 爲徙其侯國及封其子孫於彼也, 所以數償之. 故一寸之地, 一人之眾, 天子無所利焉, 誠以定治[60]而已, 故天下咸知陛下之廉.
>
> When the territorial system is unified and established, each of the descendants of the imperial house will think that he could be a king.[61] Thus after the system is established, subordinates would have no intention to revolt and superiors would have no intention to execute or make punitive expeditions. Superior and subordinate would be happy and close, the feudal lords concordant and devoted. Thus would the realm universally acknowledge your Majesty's humaneness. 地[62]制一定, 宗室子孫, 慮莫不王. 制定之後, 下無背叛[63]之心, 上無誅伐之志, 上下懽親, 諸侯順附, 故天下咸知陛下之仁.[64]

The recommendations here are part of Jia Yi's well-known proposal to, "while copiously establishing feudal lords, lessen their [individual] strengths" 眾建諸侯而少其力.[65] On the one hand, this is an insightful suggestion: Jia Yi propounds the counter-intuitive course of multiplying the numbers of the troublesome feudal lords in order to prevent any single one of them from gaining the power necessary to challenge central authority. But Jia Yi's formulation of his proposals in "Wu mei" reflects an interest in presenting a plan that gives no *appearance* of benefit for the central government: if his proposal were enacted, none would be able to point to any territory or population (and the tax income connected thereto) brought under the control of the central government. Thus, the acts outlined promise to bring praises of

"incorruptibility" and "humaneness" upon the emperor. This is, however, disingenuous: the real goal is creating a situation amenable to preserving and strengthening the emperor's unchallenged hegemony.

On the Necessity of Proper Rule

Another example of the overlap between humane governance and the promotion of stability that will preserve the ruler is found in "You min" 憂民 (Worrying about the people). There, Jia Yi cites guidelines for the stores of food that should be accumulated in a state:

> According to the rules for kings: When the people have farmed for three years, they should have an excess of one year's food [stored up]; after nine years, they should have an excess of three years' food; and after thirty harvests, the people should have a store of ten years' food … According to the rules for kings: When the state lacks nine years' stores, it is called "insufficient." Without six years' stores, it is called "urgent." Without three years' stores, it is said that, "The state is not [the ruler's] state." 王者之法，民三年耕而餘一年之食，九年而餘三年之食，三十歲而民有十年之蓄 … 王者之法，國無九年之蓄，謂之不足. 無六年之蓄，謂之急. 無三年之蓄，曰國非其國也.[66]

Jia Yi proceeds to contrast the contemporary situation under the Han with these guidelines, arguing that the critical food situation required immediate imperial attention. A lack of stored foodstuffs among the people had been a problem from the beginning of the dynasty, leading to starvation already in 205 BC, the second year of the reign of the first Han emperor.[67] In Jia Yi's time, the situation was exacerbated by harsh droughts in the third and ninth years of Emperor Wen's reign (177 and 171 BC).[68] Jia Yi writes, "While Han rule has now flourished for thirty years, the realm is increasingly depleted and foodstuff are extremely scarce" 今漢興三十年矣，而天下愈屈，食至寡也.[69] Thus, Jia Yi cites the "rules for kings," according to which, "the state is not [the ruler's] state" in the case of the Han under Emperor Wen. Of course, Emperor Wen was still ruler; Jia Yi's implication is that he will not be for much longer unless he acts. If calamity strikes, and Jia Yi argues that it does on a regular basis, the result will be instability:[70]

> [In case of famine, the problems caused by] armies and drought would exacerbate each other. The [corpses of the] people would fill the ditches. Robbers and attackers would arise and flourish. When the central territory is beyond saving, external enemies will invariably act.[71] 兵旱相承，民填溝壑，剽盜攻擊者，興繼而起，中國失救，外敵必駭.[72]

This is how the state will be lost. Natural disaster and poor planning would combine to de-stabilize the people and harm the position of the emperor.

Just as not caring for the sufferings of the populace will bring disaster, Jia Yi also argues the converse: caring for the populace can lead to the preservation of a lord fallen into difficulties.[73] The preservation or destruction of the ruler results from his own acts and cannot be credited to or blamed on the action of heaven. Jia Yi is explicit about this elsewhere:

> Accordingly, in the cases of those who receive heaven's blessings: heaven [itself] has no merit therein. Likewise, those that bear heaven's calamity should not resent heaven, for they chose it themselves by their actions. 故受天之福者，天不攻[74]焉. 被天之菑，則亦無怨天矣，行自爲取之也.[75]

I find no evidence that, as Wang Xingguo proposes, the "power and authority of the ruler" have their roots with the people, at least not in the sense that of having origin or legitimation there in any real sense. Nor is the power to rule decreed by heaven. Jia Yi tacitly accepts the right of a ruler to seize power by force in certain situations. The people possess only the power of overthrow to the ruler who fails to secure his position.

Jia Yi states clearly that popular instability results from a failure of leadership on the part of the ruler and his assistants, who ignore developing problems and then blame heaven for their difficulties.[76] As Jia Yi says, "When things are already impossible, what good does worrying do?" 事既無如，憂[77]之何及.[78] Since ultimate responsibility for the action and non-action of officials lies with the ruler, such failure is a failure of the emperor and his leadership. This is what happened to the Qin, and what Jia Yi wants to prevent happening again under the Han.

The Qin and the People

Jia Yi's view of the fall of the Qin informs every aspect of his consideration of the people.[79] His justly famous "Guo Qin lun" lays out in no uncertain terms the background and causes of the fall of the Qin dynasty.

> After the First Emperor died, his remnant majesty thundered among those of different customs [outside the realm].[80] And then there was Chen She 陳涉: a child of lowest poverty,[81] a field-working churl,[82] a roving footsoldier.[83] His talent and ability did not reach those of a middling man,[84] and he was not someone with the worthiness of Zhongni 仲尼 or Mo Di 墨翟,[85] or with the wealth of Tao Zhu 陶朱 or Yi Dun 猗頓.[86] He marched among the columns and squads [of infantry][87] and arose from within the platoons and centuries [of a conscript army].[88] Leading weary and worn troops, marshalling a force of just several hundred, he turned around to attack Qin. They cut trees to make weapons and lifted poles as standards.[89] The realm gathered like clouds and echoed in response;[90] bearing grain, they followed him like shadows.[91] And when the heroes from east of the mountains rose up with him, they destroyed the Qin clan.[92] 始皇既沒，餘威振於殊俗. 然[93]陳涉，甕牖繩樞之子，氓隸之人，而遷徙之徒也. 材不能及中人，非有仲尼，墨翟之賢，陶朱，猗頓之富，躡足行伍之閒，俛起什伯之中，率疲弊之卒，將數百之眾，轉而攻秦. 斬木爲兵，揭竿爲旗，天下雲合響應，贏糧而景從. 山東豪傑並起，而亡秦族矣.
>
> But the realm was not smaller and weaker [than before]. The territory of Yongzhou and the fastness of Yao and Han were as before. Chen She's position was not more respected than that of the lords of Qi, Chu, Yan, Zhao, Han, Wei, Song, Wei, and Zhongshan.[94] The hoes, mallets, and jujube-wood staves [of Chen She's forces][95] were not sharper than the hooked halberds and long spears [of the lords' troops].[96] The force of exile guardsmen[97] was no match for the troops of the nine states.[98] His subtle planning and far-reaching consideration, his way of moving troops and employing armies, were not up to those of the clerisy in former days.[99] 且夫天下非小弱也，雍州之地，崤函之固，自若也. 陳涉之位，非尊於齊，楚，燕， 趙，韓，魏，宋，衛，中山之君也. 鉏耰棘矜，不敵於鉤戟長鎩也. 謫戍之眾，非 抗九國之師也. 深謀遠慮，行軍用兵之道，非及曩時之士也.[100]

This presentation is very telling, because it gives a negative portrayal of the would-be hero, Chen She, who is described only in terms of inability. As Jia Yi portrays him, Chen She is unfit to rule for reasons that go beyond poverty and low station. He lacks the redeeming qualities of worthiness or talent, and offended against propriety by leaving his position among the infantry to lead troops themselves without skill or proper weaponry. Yet this uprising succeeded—in toppling the Qin, at least—because of the manifold errors of the Qin:

> The king of Qin had a greedy and vulgar mind and acted according to inflated ideas of his knowledge.[101] He did not trust the meritorious vassals and was not close to the clerisy and people. He discarded the ways of proper kingship and established self-interest.[102] He burned literary writings[103] and made punishment and law cruel. While preferring deceit and [brute] force, he deferred humaneness and duty, and he used violence and mistreatment as the starting-point for the realm. In a unification, one elevates deceit and force; in stabilizing a crisis, one esteems following [what maintains proper] balance.[104] Explained like this, [we see that] taking and giving, attack and defense, have different methods.[105] Even though the Qin had come to rule the realm when they unified the warring states,[106] their ways did not change and their governance did not shift. This was taking the means by which they had taken [the realm and using the same] when they alone were keeping it [safe].[107] Thus, you could stand there and wait for their destruction. 秦王懷貪鄙之心,行自奮之智,不信功臣,不親士民. 廢王道而立私愛,焚文書而酷刑法,先詐力而後仁義,以暴虐爲天下始. 夫并兼者高詐力,安危者貴順權. 推此言之,取與攻守不同術也. 秦雖離戰國而王天下,其道不易,其政不改,是其所以取之也,孤獨而有之,故其亡可立而待也.[108]

Jia Yi puts the blame for the fall of Qin squarely on the shoulders of the Qin rulers, and much of the blame goes to the First Emperor himself.[109] When Jia Yi quotes, "The vulgar proverb says, 'If preceding events are not forgotten, they will be the teacher for the latter'" 鄙諺曰,前事之不忘,後之師也, he has specific principles and recommendations in mind for the Han government: set aside your adze and axe and take up the blades. But his explanation is not that of Mengzi. He does not argue on the basis of the moral superiority of his methods. He argues on the basis of effectiveness.

Jia Yi's list of the First Emperor's crimes and errors does not end with the above-cited section. But it is important to note that Jia Yi's view of the Qin was not one of unalloyed opprobrium. His analysis has a distinct lack of moral condemnation and focuses instead on intellectual and leadership failures, with recognition of success where it is due.[110] As Xu Fuguan points out, Jia Yi certainly acknowledges the achievement of the Qin in completing the unification of the empire. And Jia Yi does not think the fate of the Qin was sealed at the time of the death of the First Emperor: either of his successors could have rescued the dynasty, though both failed to do so.[111] At the same time, this recognition should not be exaggerated. A lack of moral criticism is not the same as a lack of criticism. As the passage above

shows, there is a strong degree of criticism in Jia Yi's essay for all three of the Qin rulers, each of whom failed as a ruler.[112] These are among the most pointed critiques that Jia Yi makes of any ruler. Elsewhere, Jia Yi is even harsher in describing the Qin rulers: "Given the befuddledness of these three lords—to the end of their lives, not waking up—wasn't their destruction appropriate?" 三主之惑，終身不悟，亡不亦宜乎.[113]

Surely the Qin emperors did not intend to lead their state astray—indeed, they averred just the opposite.[114] But in Jia Yi's analysis, they did. At the same time, Jia Yi does not defend the popular uprising that resulted from their errors: he merely explains it. Chen She, named as leader of the rebellion, is described in terms that can be summarized as abject, unworthy, and incapable. His is the name functioning *pars pro toto* for the people, and a similar constellation of traits appears elsewhere in Jia Yi's writing as description for the people: an "accumulation of foolishness" 積愚 that must be reckoned with.[115] Failure to properly handle the commoners will bring the fall of the dynasty, not because of their virtue or ability, but because of the mechanics of the polity.

Parallels to the Qin

The Fall of Zhouh

Jia Yi cites a narrative that parallels that of Qin in many ways when he relates the quasi-historical tale of the fall of Zhouh 紂, the last ruler of the Shang, in the "Lian yu" 連語 (Connected discussions) chapter of the *Xin shu*. The first section of the story gives the background and summary:

> Zhouh was the descendant of a sage Son of Heaven.[116] He ruled the realm, and properly so. But if [a ruler] should merely turn his back on the Way and forsake propriety, setting aside respectful caution to practice arrogance and excess, then the people of the realm will leave him as if he had died. And when they turn their backs on him, though they have no agreement, it will be as if they had set a time for it. 紂，天子之後也，有天下而宜然. 苟背道棄義，釋敬慎而行驕肆，則天下之人，其離之若崩. 其背之也，不約而若期.[117]

This is similar to Jia Yi's assessment of the Qin; "He ruled the realm, and properly so" could also describe the First Emperor and his descendents, whose achievements

Jia Yi does not deny. "But if [a ruler] should merely turn his back on the Way and forsake propriety, setting aside respectful caution to practice arrogance and excess," he will destroy his own position. This is what Jia Yi tells us the Qin did, when they "preferred deceit and force, and deferred humaneness and duty, using violence and mistreatment as the starting-point for the realm." The second section of Zhouh's story shows further similarity to the end of Qin:

> When Zhouh was going to do battle with King Wu, he deployed his troops, one hundred thousand to the left and one hundred thousand to the right.[118] [Zhouh signaled the charge to] them with the drum, but they did not advance, instead turning their blades around to face Zhouh. Zhouh fled to the roof of the ancestral temple, where he fought alone and died.[119] His entourage would not assist him. Zhouh's officers and guards bore Zhouh's body away, but forsook him outside the jade gate [to the palace].[120] Those of the people who were watching all entered [the palace] and trampled [Zhouh]—they trod his gut, stamped his kidneys, stomped his lungs, and stepped on his liver. Only then did King Wu of Zhou order his men to curtain-off and protect [Zhouh's corpse]. Those of the people that were watching lifted the curtain to go in and those who stoned [his body] would not stop. Terrible! To be the lord of men by circumstance but to become the enemy of the people will engender resentment like this. 紂將與武王戰. 紂陳其卒, 左臆右臆, 鼓之不進, 皆還其刃, 顧以鄉紂也. 紂走還於寢廟之上, 身鬥而死, 左右弗肯助也. 紂之官衛,[121] 與[122]紂之軀, 棄之玉門之外. 民之觀者, 皆進蹴之, 蹈其腹, 蹶其腎, 踐其肺, 履其肝,[123] 周武王乃使人帷而守之, 民之觀者, 帷而入, 提石之者, 猶未肯止. 可悲也. 夫執爲民主, 直與民爲仇, 殃忿若此.[124]

Three specific motifs in this second part of the story parallel those found in Jia Yi's narrative about the Qin dynasty's fall. First, in both cases the rebels are the ruler's own troops. In Zhouh's case, his battlefield force turns on him and his bodyguard refuses to protect him. For the Qin, the rebel was Chen She, who had not only "marched among the ranks and companies [of infantry], and arose from within the battalions and regiments" of Qin, but who the histories say was a leader of conscript troops called up by the Second Emperor of Qin when he rebelled.[125]

Second, in both cases, the ruler who takes control after the rebellion makes provision for a respectful disposition of the predecessor's body, thus showing his superior quality. Zhouh's body receives its only protection from King Wu, though Wu is unable to shield the corpse from the force of the people's anger that Zhouh brought upon himself.[126] Similarly, Han founder commanded that the upkeep of the

tomb of the First Emperor be given over to five households. Otherwise, the First Emperor, lacking living descendents, would have had no one to care for his grave.[127]

Finally, the fate of both dynasties represents failure on the part of the respective leaders to properly seize the opportunity to lead. And in both cases, it is the people that visit the ruler's fate upon him, without mention of heaven's will—at least in Jia Yi's versions. Nor is the danger to the lord mediated through the social hierarchy: it comes directly from the people. This is a contrast with Mengzi. Mengzi places the people in a position of theoretical superiority, but acknowledges that those possessed of power within the state are most directly dangerous to the ruler.[128] For Jia Yi, the people themselves *are* the danger.

Zhouh was overthrown because of resentment of his population and army. The Qin, "multiplied the laws and made punishments harsh, and the realm shook [from fear]. When it came to their decline, the ordinary people were resentful and all within the seas rebelled" 繁法嚴刑而天下震. 及其衰也. 百姓怨而海內叛矣.[129]

The utter unfitness of Chen She and his band is paralleled in the story of Zhouh by the people, who fail to show the slightest decency about the corpse of their deceased ruler—a failing accentuated by King Wu's virtuous fulfillment of the proprieties. This is perhaps not unexpected of the people, who in Jia Yi's view are only, "an accumulation of foolishness." For Jia Yi, it is inevitable that a poor ruler should essentially bring his destruction upon himself, because,

> The lord of men, when he sends out of commands, it is surely like his voice; when the clerisy and people imitate him, it is surely like an echo—twisted and bent, they follow the lord, surely like his shadow. 故爲人君者，其出令也，其如聲，士民學之，其如響，曲折 而從君，其如景矣.[130]

When the people of Zhouh and the people of Qin followed their lords, chaos was the inevitable result. But when the lord comports himself as a lord, the people comport themselves as befits the people.

Duke Yi's Demise

The "Chunqiu" 春秋 (Annals) chapter contains another quasi-historical tale that underscores the dangerous position of a ruler who alienates his people by neglecting their suffering.

> Duke Yi of Wei delighted in cranes, and some among his cranes were decorated with patterned embroideries. While taxes and levies grew complicated and many, he did not look after his people; esteeming singers, he despised his great ministers. If someone from the group of ministers came to remonstrate, he would berate them to their faces. 衛懿公喜鶴，鶴有飾以文繡而乘軒者．賦斂繁多，而不顧其民，貴優而輕大臣．群臣或諫，則面叱之.
>
> When it came about that the Di attacked Wei, the invaders drew near the walls and battlements. The lord of Wei (i.e., Duke Yi), crying, bowed to his ministers and people and said, "The invaders are hard upon us! Oh, clerisy and people, repel them!" The clerisy and people said, "Our lord, for his part, can marshal his cherished cranes to fight for him. Our sort is just scum—how can we guard or fight?" Thereupon they broke through the gates and fled and the Di invaders entered. The lord of Wei ran away and died, thereupon losing the state [for his succession]. 及翟伐衛，寇挾城堞矣，衛君垂泣而拜 其臣民曰，寇迫矣，士民其勉之．士民曰，君亦使君之貴優，將君之愛鶴，以爲 君戰矣．我儕棄人也，安能守戰．乃潰門而出走，翟寇遂入，衛君奔死，遂喪其國.

This story offers a number of lessons for the ruler. Jia Yi summarizes the most important points at its end:

> A worthy lord does not obstruct or harm the people by means of plant, wood, fowl, or beast. Promoting the loyal and upright, he distances the twisted and false. Thus, while the people obey and adhere to him, the ministers and subordinates are properly employed. 故賢主者不以草木禽獸妨害人民，進忠正而遠邪僞，故民順附，而臣下爲用.[131]

This story describes another way of becoming the enemy of the people. Just like Zhouh and the Qin, Duke Yi alienated the people and made them his enemies—but this time not through harshness, but from haughty neglect. Interpreted with reference to the Qin, this should be understood as a reference to projects like the giant Ebang gong 阿房宮 palace, the self-aggrandizing extravagance of which has become a standard trope for Qin excess.[132]

Although Emperor Wen is known to have been a frugal ruler who did not subject his people to privations in order to indulge his ego, the warning against neglect is still very relevant to his rule. Emperor Wen is typically praised for his benevolent governance, which supposedly put the "non-active" principles of Huang-Lao 黃老

Daoist political thought into practice.[133] Qian Mu 錢穆 argues, however, that serious problems, particularly failure by merchants and landholders to adhere to sumptuary and tax regulations, led to great hardship for the people. In such a context, made worse by the droughts that struck China during his reign, the non-active government favored by Emperor Wen was unable to deal with pressing issues. And the emperor's apparent attempts at kindness, in the form of lightened taxes and loosened criminal punishments, at best benefited those who harmed the common people and at worst actually exacerbated the original problems.[134] Jia Yi definitely thinks that non-active rule worsened the troubles faced by the Han, and argues explicitly against it:

> Those that present plans all say, "To take no action is greatest," nothing more. But what kind of person could think that you can rescue the realm's plight without taking action? If they say it is "greatest," and there is regulation, that is acceptable. If it is "greatest," but there is disorder—how can it be as good as the "least?" 獻計者類曰，無動爲大耳. 夫無動而可以振天下之敗者，何等也. 曰爲大，治，可也. 若爲大，亂，豈若其小.[135]

To avoid necessary action is a luxury that a ruler cannot afford. High-sounding Daoist philosophy aside, the realm and its people must be attended to or the ruler will regret it.

Jia Yi on the People

The characterizations of the people as a group in Jia Yi's narratives concerning the Qin, Zhouh, and Duke Yi are uniformly negative. In the first case, the focus is upon their unfitness and inferiority; in the second, it is their excesses and failure to maintain decent treatment for the dead; in the third, it is inconstancy and changeability. In all three cases, the rulers bring destruction upon themselves, but there is no corresponding elevation of the people as heroes. In the two cases where there are heroes—that of the Qin and of Zhouh—they are not of the people. In the Qin case, the hero (Han founder Liu Bang) is not even mentioned in the fall as Jia Yi relates it, though he gets credit elsewhere: "The realm was in chaos when Emperor Gao and the various dukes stood shoulder to shoulder and rose up" 天下殽亂，高皇帝與諸侯公倂肩而起.[136] And, in perfect contrast to Chen She, metonym for the people, Liu Bang succeeded because of talent: "Then Emperor Gao faced south and

was declared emperor, all the various excellencies became his vassals, for their talents were not up to his by far" 高皇帝南面稱帝，諸公皆爲臣，材之不逮，至遠也.[137] Jia Yi tells us that the people are an "accumulation of foolishness," and it is as fools that they must be led.

The proceeding discussion about Jia Yi's appeals to his ruler's self-interest is not to say that Jia Yi was in favor of exclusive harshness. Indeed, he repeatedly urges his ruler toward "good" (*shan* 善). Some of Jia Yi's proposals, like the introduction of the benefit of the doubt in legal matters, could doubtless have greatly benefited the people. And he is quite clear that punishments must be balanced with rewards, and are not the sole or preferred means for rule, as was argued by some political thinkers of the legalist school.

But despite this, reading Jia Yi often leaves the impression that he uses the language of humaneness and duty in a somewhat cynical way. The virtues discussed and propounded by his intellectual predecessors become in his hands tropes and code words for techniques to maintain imperial power. If we give Jia Yi the benefit of the doubt that he advocates for others, we could consider this a rhetorical mode for persuading his ruler. This interpretation would be to suggest that Jia Yi recognized that you catch more flies with honey that with vinegar. This leads to the question of which a moralist would have considered honey and which vinegar: moral action, or the benefit gained from moral action.

Two Handles

The preceding has established that Jia Yi argued for controlling the people of the state as a means to preserve its ruler. This is not a surprising thesis in itself. A rebellious or uncontrolled populace will have little need for a ruler—and it is hard to imagine many rulers desire their own destruction. Jia Yi's main point is about method: How should the ruler properly rule the people and thus preserve himself? The methods that Jia Yi proposes adhere closely to the "two handles" (*er bing* 二柄) proposed by Han Fei, with one large difference: while Han Fei advocates the two handles to control the ministers, Jia Yi would apply them to the people. The ideal result, for both Jia Yi and Han Fei, is rule by *de* 德, "virtus," albeit in a sense very different from that usually assigned to this concept.[138]

Han Fei was "the great synthesizer of Legalism," whose concepts of rulership and rule underlay the unification of the realm under the Qin in 221 BC. The identification of a legalist school of thought is of course a convenience and somewhat simplifying (although surely any terminology of such ancient pedigree deserves to be taken seriously). But as a heuristic and analytic tool, such shorthand identifications are useful.

AC Graham insightfully summarizes the legalists as "political philosophers, the first in China to start not from how society ought to be but how it is."[139] Graham's point is not hard to grasp, but of profound implications: Instead of thinking about how people *should* act, as in the *modus argumenti* of Kongzi and Mengzi, for legalists the question was how they *do* act. This opens the way to different kind of suasion than the moralist methods of Kongzi and Mengzi. It can be assumed that Jia Yi learned his pragmatist orientation from these same political philosophers.

Han Fei champions *fa* 法, standards, governing punishments and rewards as the general means for governance.[140] Han Fei calls rewards and punishments the two handles, and defines them as follows:

> What the enlightened lord follows to regulate his vassals is the two handles, and nothing else. The two handles are punishment and virtus. What do I call punishment and virtus? I call execution "punishment," and reward "virtus." Those that are vassal to another fear execution and penalties, but take rewards as benefit. Accordingly, if the lord of people himself employs punishment and virtus, then the group of vassals [under him] will fear his majesty and hold onto the benefit [they get from him]. 明主之所導制其臣者, 二柄而已矣. 二柄者, 刑德也. 何謂刑德, 曰, 殺戮之謂刑, 慶賞之謂德. 爲人臣者畏誅罰而利慶賞, 故人主自用其刑德, 則群 臣畏其威而歸其利矣.[141]

Here, Han Fei is talking about the relationship between a lord and his direct vassals. His formulation, proposing application of both benefit and punishment, is important for my discussion here because it is exactly that propounded by Jia Yi, although he does not call them the two handles. On the one hand, this formulation goes against the teachings of Kongzi, who was radically against punishment as a means of governance.[142] On the other hand, it also goes against legalist arguments like those of Shang Yang, who says,

> If he punishes heavily and rewards lightly, then the sovereign cares about the people and the people will die for the sovereign. If he rewards heavily and punishes lightly, then the sovereign does not care about the people and the people will not die for the sovereign. 重罰輕賞, 則上愛民, 民死上. 重賞輕罰, 則上不愛民, 民不死上.[143]

Han Fei's argument about the two handles (quoted above) is also important for the discussion here because it equivocates rewards and virtus. Given that *de* is often interpreted as a kind of moral virtue, this definition is interesting in its own right. It also presages the role of imperial virtus in Jia Yi's theories of rulership.

Employing a combination of reward and punishment, balancing the good and the bad, is not limited to legalist thinking. The "Zhong yong" 中庸 chapter of the *Li ji* 禮記 quotes Kongzi,

> Wasn't Shun 舜 greatly knowledgeable? Shun, while fond of listening, was fond of delving into close words. He hid the bad and extolled the good. Grasping both ends, he employed the middle on the people. Surely this is the reason he is taken as 'filled' (*shun* 舜) [with virtus]. 子曰, 舜其大知也與. 舜好問而好察邇言. 隱惡而揚善. 執其兩端. 用其中於 民. 其斯以爲舜乎.[144]

As the *Li ji* was assembled only in Han times, albeit of material of possibly earlier provenance, the utterance attributed to Kongzi here can only be taken as apocryphal.[145] Nevertheless, the obvious similarity in conception of the "two handles" and the "two ends" suggests that when Jia Yi advocates a balance between reward and punishment, he connects an idea found in Han Fei with Han-time Ruist thought, focused on the people instead of the ministers.

There can be little doubt that Jia Yi saw reward and punishment as interrelated techniques for governing the people, as he frequently mentions them together in just this context. In reference to the Qin, Jia Yi says:

> [Ershi] made punishments manifold and punished severely,[146] and the legal officers were extremely cruel in regulation. Rewards and punishments were not appropriate and taxes and levies lacked proper measure.[147] The realm had so many problems that the officers could not control them.[148] The people were in straits and impoverished but the lord did not save them.[149] 繁刑嚴誅,

> 吏治刻深，賞罰不當，賦斂[150]無度．天下多 事，吏不能紀，百姓困窮，而主不收 .[151]

From this passage, two things are clear: First, rewards and punishments were linked to each other and to the system of rule that included other inevitabilities (like taxes). Second, the target of the rewards and punishments is the people, and the relevant actor is the ruler—not the officers who actually put the system into practice. In Jia Yi's view, "rewards and punishments were improper" certainly reflects the Qin predilection for punishment instead of balance, in which they were following the model advocated by Shang Yang. As Jia Yi says of the Qin, "What they elevated was penalty and punishment" 所上者刑罰也.[152] This is certain to fail to draw the people into a properly close relationship with the ruler.

> Punishments cannot be a means to be kind to the people... Accordingly, I compare desiring to be kind to the people by means of punishments to trying to get to know a dog by means of a whip—even after a long time, you will not get close to it. 刑罰不可 以慈民… 故欲以刑罰慈民，辟其猶以鞭狎狗也，雖久弗親矣.[153]

The result of a focus on punishment is certain: "For any people: if [the lord] does not cherish them, they will not cleave to him" 故夫民者，弗愛則弗附.[154] And this is certain doom for the ruler, as demonstrated by the examples of Qin, Zhouh, and Duke Yi. Note again the negative characterization of the people: they are still lowly—now "dogs." The choice against punishment derives not from respect but from utility.

In the assertion, "For any people: if [the lord] does not cherish them, they will not cleave to him," is the implication of the opposite: if the lord cherishes the people, they will give him their loyalty. I have shown above that the lord's impetus is just this desire for loyalty among his people, which is the means of his own preservation. And just as a focus on punishment in applying the "two handles" of rule will cause the people to turn away, Jia Yi proposes a focus on rewards, in order to draw them close and make them obey. The ability to draw the people into a relationship of obedience is, for Jia Yi, central to the meaning of *de*, "virtus."

Virtus

Many scholars have explored the meaning of virtus in the general context of ancient Chinese thought, and it is one of the many thorny questions that have yet to be dealt with conclusively. Virtus is a "painfully recondite" notion that seems to take on different meanings in different contexts and at the hands of different thinkers and scholars.[155] Instead of seeking to summarize or give an authoritative treatment here, I will analyze virtus as operative in the writings of Jia Yi.[156] Since it is one of—if not *the*—unifying themes of Jia Yi's thought, I will return to it repeatedly throughout this work. David S. Nivison defines *de* as follows:

> This social "logic" of the gift relation... appears to be the basis of the "virtue" that persons of prominence such as rulers, parents, and teachers are felt to have: the compulsion that the recipient B of a favor feels toward the giver A, to return the benefit in some way, gets to be perceived by B as a psychic power emanating from A, this power being A's *de*. Thus we can think of A's *de* as being a generalized sort of "gratitude credit."[157]

Although the notion of virtus as "generalized gratitude credit'" dates to the Shang dynasty, it also underpins Jia Yi's discourse on rulership generally, and rule by virtus specifically.[158] In order to separate *de* in my discussion from the commonplace but incomplete understanding of the term as a reference to moralistic virtue, I render it as "virtus." To establish the meaning of virtus in Jia Yi's thought, I will first consider a definition and supplement it with consideration of examples of virtus from the *Xin shu*.

The "Dao shu" 道術 (Techniques of the Way) chapter of the *Xin shu* is made up in large part of a series of definitions. As this chapter probably belongs to the earliest layer of Jia Yi's extant work and in all likelihood represents only student jottings, it is far from the most interesting or important of Jia Yi's writings.[159] Nevertheless, the relatively clear definition of virtus found there is a good starting point for my discussion.

Jia Yi says, "To promulgate [proper] praxis and attain [proper] pattern-lines is called virtus; the opposite of virtus is resentment" 施行得理謂之德，反德爲怨.[160] This definition makes two important points. First, it establishes the opposition of virtus and resentment. Virtus is not an abstraction or a moral virtue, which would be

indicated if the other member of the defining pair were itself an abstraction or a moral concept. It is a concrete quality reflected in the reactions one elicits in others. Secondly, virtus describes not a state of being, but rather adherence to a course of action. It is only through praxis that virtus can be formed; likewise, by analysis of praxis and effect is virtus discernable.

The juxtaposition of virtus and resentment is found frequently in works that predate Jia Yi. The most famous is probably *Laozi* 63, "Requite resentment with virtus" 報怨以德.[161] This stance is refuted by Kongzi in *Lunyu* 14/34, "Someone said, 'What about requiting resentment with virtus?' Kongzi said, 'What will you requite virtus with? Requite resentment with justice, and requite virtus with virtus" 或曰，以德報怨，何如. 子曰，何以報德. 以直報怨，以德報德.[162]

Jia Yi advocates the employment of virtus as a method for attaining political goals. It can be applied both to the willing and the unwilling. Jia Yi recounts an episode that illustrates the gratitude credit nature of virtus, as well as the advisability of requiting resentment with it. He concludes with explicit reference to the *Laozi* passage mentioned above:

> The grandee Song Jiu of Liang was prefect of a border prefecture that overlooked the border with Chu. The Liang border commune and the Chu border commune both grew melon,[163] each by their own method. The Liang border commune worked hard and frequented watered and their melons were splendid. Chu was lazy and rarely watered and their melons were terrible. The Chu prefect was angry about how terrible their commune's melons were because of how splendid the Liang melons were. The prefect of Chu hated how beautiful the melons of Liang were. The Chu commune hated that the Liang melons were better than their own and went at night to sneakily scratch the Liang commune's melons, so there were always dead and dried up ones. 梁大夫宋就者爲邊縣令，與 楚鄰界. 梁之邊亭與楚之邊亭皆種瓜，各有數. 梁之邊亭劬力而數灌，其瓜美. 楚窳而希灌，其瓜惡. 楚令固以梁瓜之美怒其亭瓜之惡也. 楚亭惡梁瓜之賢己，因夜往竊搔梁亭之瓜，皆有死焦者矣.
>
> The Liang commune noticed this, and in consequence made a request of their commandant. They want to sneak over and scratch the Chu commune's melons in retribution. The commandant requested this [of his superior, one Song Jiu]. Song Jiu said, "Bah! What are you talking about?[164] This is the way to create enmity and spread disaster. Why such depths of tit for tat? If I were to instruct you, it would definitely be that you should send people over every evening to water Chu's melons on the sly, and not let them learn of it." 梁亭覺之，因請其尉，亦欲竊往報搔楚亭之瓜.

> 尉以請，宋就曰，惡，是何言也．是講怨分禍之道也．惡，何稱之甚也．若我教子，必誨莫令人往，竊爲楚亭夜善灌其瓜，令勿知也．
>
> Thereupon, [people from the] Liang commune went over every night and watered the melons of the Chu commune on the sly. In the morning, the Chu inspected their melons and they were already watered! Thus the melons became more splendid day by day. The Chu commune marveled at this and investigated it, and it was actually caused by the Liang commune. The Chu prefect was very happy to hear about this and reported it all. The king of Chu heard about it and was upset, ashamed that he had been blinded by ambition. He addressed an officer, saying, “Was there any crime other than scratching the melons?” He was pleased by Liang’s surreptitious acquiescence and apologized by means of valuable gifts, requesting contact with the king of Liang. The king of Chu often declared the king of Liang to be trustworthy. Thus, the joy of Liang and Chu started from Song Jiu. 於是梁亭乃每夜往竊灌楚亭之瓜，楚亭旦而行瓜，則此已灌矣．瓜日以美，楚亭怪 而察之，則乃梁亭也．楚令聞之，大悅，具以聞．楚王聞之，恕然醜以志自惛也．告吏曰，微搔瓜，得無他罪乎．說梁之陰讓也，乃謝以重幣，而請交於梁王．楚王時則稱說梁王，以爲信，故梁楚之驩由宋就始．
>
> The saying goes, “Turn defeat around and make success; take disaster and make a blessing.”[165] The *Laozi* says, “Requite resentment with virtus.” This says it! That other person is already no good—how can they be worth imitating? 語曰，轉敗而爲功，因禍而爲福．老子曰，報怨以德． 此之謂乎．夫人既不善，胡足效哉．[166]

There are three elements of this story of particular relevance to a discussion of virtus. First, it elucidates the requital or gratitude element of virtus: the king of Chu is put into the debt of the king of Liang by Song Jiu and cannot but change his attitude in the face of his kindness: Song Jiu has earned gratitude credit. Second, this tale shows very clearly that the power of virtus to elicit a response is not limited to the willing, or to one’s own group—even the famously uncultured Chu can be affected. And though they are at first enemies, Liang brings Chu into concord through virtus. Finally, the unequal opposition between virtus and enmity is reinforced. Resentment and virtus are opposites, but in the long run virtus is the more potent means to achieve success.

It is important to dispel the notion that connects virtus exclusively with moralistic virtue, though it is connected with praxis, a normative concept. It can be difficult to separate virtus from morality because those that effectively wield virtus are usually victors and heroes, and so are painted in correspondingly positive colors. Such is the case here, where Song Jiu does something nice and brings benefit to his king and people as a result.

Jia Yi's version of the tale of Wu Zixu 伍子胥 is another instructive example. The story is well-known and exists in many different versions, which differ in detail to various degrees.[167] As Jia Yi relates the tale, Wu Zixu's father, though innocent, is killed by the king of Chu. Wu Zixu flees to the state of Wu 吳, and decides to seek both revenge and fame. He takes service with the lord of Wu, He Lü 闔閭. Wu Zixu sets aside his anger for a number of years, after which it reasserts itself. Wu Zixu then uses his position in Wu to wage a successful series of battles on Chu, which culminate in the flight of the reigning king (successor and son of the one that had killed Zixu's father), the capture of the queen, and the flogging of the former king's grave. After this campaign, Zixu returns to Wu and continues to serve He Lü for some fifteen years, until He Lü dies and is succeeded by Fuchai 夫差. Fuchai becomes involved in a war with the Yue 越, in which the forces of Wu are prevailing. When an emissary from the Yue arrives to sue for peace, Wu Zixu counsels in the strongest terms against trusting the Yue and agreeing to an armistice. Fuchai ignores Zixu's advice and makes the treaty. The Yue subsequently, and disingenuously, build up trust and good will among the inhabitants of Wu. Zixu recognizes that the country is doomed, and commits suicide. As he had forewarned, the Yue will betray the treaty, destroying Fuchai and conquering all of Wu.

Setting aside the intrinsic literary value of this story, the phraseology used to describe the actions of the Yue after the treaty gives an important insight into the meaning of virtus. Jia Yi writes, "After Yue had gotten its peace, they praised the goodness [of Wu] and accumulated virtus, in order to capture the hearts of the people" 越既得成，稱善累德以求民心.[168] For Jia Yi *qua* narrator, and presumably for his audience as well (who were probably already familiar with Wu Zixu's story), the subsequent treachery of Yue is a foregone conclusion. Nevertheless, the Yue "accumulate virtus" with a deliberate purpose: to permit their deceit. This leaves little room to doubt that in Jia Yi's conception virtus is connected with particular actions rather than a moral position. It also shows the target of virtus to be, for better or for worse, the hearts of the populace.

At the same time, the efficacy of virtus is not certain. To extend Nivison's metaphor: a person can default on the gratitude credit when other aspects of rule are

not in proper order. Thus, Jia Yi refers specifically to the case of the rebellions under the first Han emperor, Gaozu:

> Because Emperor Gao was perspicacious, sagely, majestic, and martial, he took the realm. Yet when he had ascended to the position of Son of Heaven, important vassals made rebellion almost ten times… Each of these was a meritorious vassal, whom [the emperor] had once cherished and trusted. But those he cherished changed into opponents, and those he had trusted turned around to become marauders. 以高皇帝之明聖威武也，既撫天下，即天子之位，而大臣爲逆者乃幾十發… 皆功臣也，所嘗愛信也，所愛化而爲仇，所信反而爲寇.[169]

In such a situation, the ruler must turn to his "axe and adze," and compel obedience through force. Jia Yi places great emphasis on care against punishing the innocent.[170] But if punishments are necessary, they must be delivered. When Jia Yi says that corporal punishments ought not reach to lordlings, he leaves open the possibility of corporal punishment for commoners—and of obligatory suicide for those of high rank.[171] Force is the means by which the government is made secure, and the power to employ it must lie with the ruler alone.

Though Jia Yi advocates the judicious application of the "two handles" of reward and punishment, this should ideally be only an intermediate step. The goal is government by virtus. This is a point where he reflects a concept of governance found in the *Lü shi chunqiu*:

> In the ruling of the realm and the state, nothing compares to employing virtus, and nothing compares to practicing duty. When you employ virtus and employ duty, while you do not reward, the people strive; while you do not punish, depravity ceases. 爲 天下及國，莫如以德，莫如行義. 以德以義，不賞而民勸，不罰而邪止.[172]

Jia Yi expresses and expands these same ideas, saying,

> When humaneness is practiced, duty is established. When virtus is spread broadly, positive influences are replete. Thus, while not rewarded, the people were encouraged; while not punished, the people were regulated. [Yao] gave priority to reciprocity and only then acted, and for this reason the sound of his virtus traveled far. 仁行而義立，德博而化富. 故不賞而民勸，不罰而民治，先恕而後行，是以德音遠 也.[173]

In the specific case of Yao, he was able to exercise his good influences over even those people outside the realm. In the "Xiongnu" 匈奴 chapter, Jia Yi lays out a plan by which the eponymous barbarians can be brought to obey the Han emperor, a battle won with virtus and culture instead of bloodshed.[174]

Ultimately, the need to coerce the populace can temporarily be obviated through virtus. This is not to say that strength underpinning the lord's rule can be done away with: history shows Jia Yi that there will ever arise exigencies requiring direct action. There will always be a time when force is required.[175]

The ideal is ever just out of reach. But with virtus, the emperor can save himself much trouble and expense. It is no virtue, it is a tool—and an effective one. The ability to balance between virtus and force is one of the traits of a successful ruler, a topic that I will return to. Jia Yi illustrates the importance of this balance with the example of King Wen in "Jun dao":

> [The ode says,] "Not recognizing it, not knowing it, / They concorded with the emperor's regulation."[176] This means that the clerisy and people delighted in his virtus and duty, they imitated and modeled it themselves. This was where King Wen's intentions lay and what his purpose sought. And the people of the clans did not begrudge death and did not fear labor, and followed him like a flock. 弗識弗知, 順帝之則. 言士民說其德義, 則效而象之也. 文王志之所在, 意之所欲, 百姓不愛其死, 不憚其勞, 從之如集.[177]

Thus, virtus results in a kind of spontaneous fulfillment of the lord's needs, requiring neither reward (expense) nor punishment (difficulty). Neither does the lord need request, nor do the people consciously choose to comply.

> The ode says, "He planned and began the Luminous Terrace, / [...] The ordinary people built it, / Without deadline, they completed it. / He planned and began it, but did not urge them, / Yet the ordinary people came like children."[178] King Wen intended to make a terrace and commanded the craftsmen to plot it out. The people that heard about it gathered their bags and went; asking for tasks, they performed them, in crowds every day. Thus, he did not hurry them, but they rushed; he did not give them a deadline, but it was [promptly] completed. 詩曰, 經始靈臺, […] 庶民攻之, 不日成之, 經始勿亟, 庶民子來. 文王有志爲臺, 令近境之民聞之者裹糧而 至, 問業而作之, 日日以衆, 故弗趨而疾, 弗期而成.[179]

Jia Yi focuses on one method for the accumulation of virtus with the people: providing for the material needs of the people.

> King Zhao of Chu stood in his chamber. Worriedly, he looked cold and said, "When I am hungry in the morning, I often have two cups of beer. And standing here wearing layered furs, I am still chilled with cold. What can it be like for my ordinary people?" 楚昭王當房而立，愀然有寒色，曰，寡人朝飢時酒二觛，重裘而立，猶憯然有寒氣，將柰我元元之百姓何.
>
> That same day, he sent out furs from the storehouse to clothe the cold, and he sent out grain from the granaries to succor the starving. Two years passed, and then He Lü (king of Wu) suddenly attacked Ying. King Zhao fled to Sui [with his people]. Those that had received the bestowals when [King Zhao] faced the side chamber requested to go back and be killed by the marauders. He Lü changed his sleeping place ten times but could not take Chu, and he left, trailing his troops behind him. King Zhao was thereupon restored. This is virtus from within the chamber. 是日也，出府之裘，以衣寒者，出倉之粟，以振飢者. 居二年，闔閭襲郢，昭王奔隋. 諸當房之賜者，請 還致死於寇. 闔閭一夕而五徙臥，不能賴楚，曳師而去，昭王乃復. 當房之德也.[180]

Here, in direct contrast to their behavior under Qin, Zhouh, and Duke Yi, the people rescue their lord, defending him of their own volition. This virtus arises from the lord's empathetic understanding of his people's suffering and willingness to take action to alleviate it. He had built up gratitude credit that induced his people to repay him in his own time of need. Here, once again, Jia Yi focuses on the benefit to the ruler that ensues and not on the benefit to the people. The evocation of virtus is the single most important factor of rulership in Jia Yi's understanding.

Leading the Populace

At the end of "Jun dao," Jia Yi summarizes his approach to leadership of the populace into two traits, each conveyed by a classical quotation: the first is the balance of force and mild influence required of a ruler, second is the automatic nature of the people's response to him.[181] To explain these two quotations and their relationship to Jia Yi's thought requires some detour, but these digressions will hopefully be not only informative, but also interesting.

The lordly balance

Jia Yi expresses the first idea through quotation of the *Shi* poem "Jiong zhuo" 泂酌 (Mao #251): "The ode says, 'The *kai ti* 愷悌 lordling is / Father and mother of the people.' This describes the virtus of the sage king" 詩曰，愷悌君子，民之父母．言聖王之德也.[182] The question of how to understand the words *kai ti* here is complex but important, as it is these words that, properly understood, convey Jia Yi's main point. Specifically, I hold that Jia Yi here suggests a two-faceted approach to governance by virtus that crystallizes aspects of the arguments I lay out in this chapter. It should be noted at the outset that the words *kai ti* are written with various graphs in different sources, but there is no doubt that they all record the same words.[183] This is not meant to be a complete discussion of the notion of the lord as "father and mother of the people," which is itself worthy of extended consideration, though I touch upon this conceptualization briefly.

The original poem is short, and I will give its complete text here, along with a translation reflecting a standard interpretation, setting aside the problem of defining *kai* and *ti* for the moment:

Far away we scoop the puddle-water—	泂酌彼行潦,
We ladle from that and pour into this,	挹彼注茲,
And we can use it to steam our food.	可以餴饎,
The *kai ti* lordling is	豈弟君子,
The father and mother of the people	民之父母.
Far away we scoop the puddle-water—	泂酌彼行潦,
We ladle from that and pour into this,	挹彼注茲,
And we can use it to wash the jugs	可以濯罍.
The *kai ti* lordling is	豈弟君子,
To whom the people cleave.	民之攸歸.
Far away we scoop the puddle-water—	泂酌彼行潦,
We ladle from that and pour into this,	挹彼注茲,
And we can use it to wash the urns.	可以濯溉,
The *kai ti* lordling is	豈弟君子,
Who gives the people rest.	民之攸塈.[184]

In the *Shijing* 詩經, *kai* and *ti* are conventionally understood as *le* 樂, "happy," and *yi* 易, "modest, unassuming, easy-going." Karlgren translates "joyous and pleasant"[185] and Legge has "happy and courteous."[186]

Such readings generally follow the interpretive example of Kong Yingda 孔穎達 (574-648), who says, "The happy (*le*) one is cherished by other people, and appropriately himself strives to teach them. Modest means that his nature is harmonious and joyful, appropriate to giving the people stability" 樂者, 人之所愛, 當自彊以教之. 易謂性之和 悅, 當以安民.[187] Kong bases his understanding on the Mao 毛 commentary for this ode, which itself paraphrases a citation of this poem in the "Biao ji" 表紀 chapter of the *Li ji*.[188] The usual interpretation of the "Biao ji" lines supports Kong's reading. However, a re-examination of the "Biao ji" shows that Kong's interpretation of the *Li ji* source and the Mao commentary is perhaps not the best. This reconsideration sheds light not only on possible interpretations of *kai* and *ti*, but also reflects an understanding of rulership and virtus in the *Li ji* that parallels Jia Yi's.

Like Jia Yi, the "Biao ji" lays out a two-part conception of rulership, one that juxtaposes compulsion with inducement, the hard with the soft:

> What the lordling deems humaneness—surely it is difficult! The ode says, "The *kai ti* lordling, father and mother of the people." *Kai*, he uses compulsion (*qiang* 强) to teach them; *ti*, he uses delight to pacify them. Then, while happy, they are without confusion; while possessed of ritual, they are intimate; while martial and dignified, they are stable; while pious and kind, they are respectful. He causes the people to have the reverence of a father and to have the intimacy of a mother [toward him]. When he is like this, then he can be father and mother of the people. If not of acme virtus, who can be like this? 君子之所謂仁者, 其難乎. 詩云, 凱弟君子, 民之父母. 凱以强教之, 弟以說安之. 樂而毋荒, 有禮而親, 威莊而安, 孝慈而敬. 使民有父之尊, 有母之親. 如此而后可以爲民父母矣. 非至德其孰能如此乎.[189]

Thus, if the lord is possessed of highest virtus, he will engender two types of internal response in his subjects: reverence and intimacy, analogous to a father and a mother. Sun Xidan 孫希旦 (1736-84) points out the correlation between the fatherly and motherly aspects and the traits listed in "Biao ji." Being "without confusion," "possessed of ritual," "martial and dignified," and "respectful" results from teaching

by compulsion, and in turn relates to paternal respect. Likewise, being "happy," "intimate," and "pious and kind" corresponds to maternal intimacy.[190] This analysis can be extended one step to correlate *kai* to the father-aspect and *ti* to the mother-aspect. The direct connection between parents and *kai ti* is reinforced by the use of *kai ti* as a descriptor for father and mother in the "Geng Xun bei" 耿勳碑 stele inscription.[191]

The question that I have so far been avoiding is thus brought to the fore: how exactly are *kai* and *ti* to be understood? The typical explanations, like Karlgren's "joyous and pleasant," are unsatisfactory, even without consideration of the correlation to father- and mother-traits.[192] The definitions underlying these explanations are also without firm basis.[193] Nevertheless, I will attempt to resolve the apparent contradictions here with reference to and consideration of some other instances of *kai ti*.

Reference to the line from "Jiong zhuo" in the *Lü shi chunqiu* 呂氏春秋 is a first step in this direction. The "Bu qu" 不屈 chapter quotes the famous sophist Huizi 惠子, who cites and explains the line from "Jiong zhuo":

> The ode says, "The *kai ti* lordling, father and mother of the people." *Kai* means great; *ti* means constant.[194] If the lordling's virtus is simultaneously constant and great, then he is father and mother to the people. 詩曰, 愷悌君子, 民之父母. 愷者, 大也. 悌者, 長也. 君子之德, 長且大者, 則為民父母.[195]

The source for these glosses is unknown. Commentator Chen Qiyou 陳奇猷 acknowledges this, and suggests that *kai* and *ti* be taken as phonetic borrowings.[196] Chen Huan 陳奐 (1786-1863) argues that the *Lü shi chunqiu* glosses represent the interpretation of alternate lineages of *Shi* interpretation (i.e., the San jia 三家), but does not offer supporting evidence.[197]

I will consider the two words separately, beginning with *kai*. The common understanding of this term, "joyful, happy," seems at first to have little in common with the *Lü shi chunqiu* gloss. But another interpretation of the word offers a way to bring the two together.

In the "Da sima" 大司馬 chapter of the *Zhou li*, there is the following prescription for the marshal's returning procession: "If the army has merit (i.e., wins a victory), then on the left he bears the pipes, on the right he grasps a battle axe. Being preceded by *kai* music, he presents [news of the victory] at the temple" 若師有功則左執律，右秉鉞，以先愷樂獻于社.[198] Zheng Xuan's 鄭玄 (127-200) commentary on these lines says, "Military music is called *kai*" 兵樂曰愷. Zheng also cites a line from the *Sima fa* 司馬法 that says, "If they have succeeded in their intention, they have *kai* music; *kai* singing shows joy" 得意則愷樂，愷歌示喜也.[199]

Along the same lines, the "Da siyue" 大司樂 chapter of the *Zhou li* says of the director of music (*siyue* 司樂), "If the king's soldiers have a great presentation [of victory], then he commands the playing of *kai* music" 王師大獻則令奏愷樂. Zheng Xuan explains, "A great presentation is presentation of [news of] a victory to the ancestors. *Kai* music is music for presenting merit" 大獻獻捷於祖，愷樂獻功之樂.[200]

These interpretations can be combined with those discussed above. Specifically, if *kai* describes military music that reflects the joy of victory, then a translation like "triumphant" would fit. This reading also tallies well with the idea of "great" mentioned in the *Lü shi chunqiu*, being "triumphal greatness," i.e., that derived from victory in battle. It also brings in the idea of "happy" from the standard interpretations. This, furthermore, matches perfectly an instance of *kai* found in the *Zuo zhuan*, 28th year of Duke Xi: "They brought the troops back, and triumphant (*kai*) they entered Jin" 振旅，愷以入于晉.[201] This is the interpretation for *kai* functioning in Jia Yi's citation of the ode.

The definition of *ti* 弟/悌 is somewhat more straightforward. The usual definition of *ti*, the respect shown an elder brother by a younger. Jia Yi himself gives just this sort of exegesis in the "Dao shu" chapter, where he says, "When a younger brother respects and cherishes an elder brother, it is called *ti*" 弟敬愛兄謂之悌.[202] Similarly, in the *Bohu tong* 白虎通, it says, "The younger brother is properly *ti*: his heart is concordant, his praxis loyal" 弟者，悌也. 心順，行篤也.[203] I would suggest that the idea of loyalty and constancy underlies the gloss of *ti* as *chang* 長 in the *Lü shi chunqiu*.

Ti refers also to proper service of superiors generally. Thus, glossator Zhao Qi 趙岐 (ob. 201) says in his commentary on the *Mengzi*, "When you enter [the household], serve your parents with piety; when you go out, respect your superiors with *ti*. *Ti* means concordance" 入則事親孝，出則敬長悌. 悌，順也.[204]

In the *Xiao jing* 孝經, Kongzi recommends *ti* to the ruler as a means of instructing his populace: "In teaching the people to be intimate to and cherish [their ruler], nothing is better than filial piety. In teaching the people ritual and concordance, nothing is better than *ti*" 教民親愛莫善於孝，教民禮順莫善於悌.[205] Xing Bing 邢昺 (931-1010) explains this passage, saying,

> This means that for a lord who wants to teach his people to be intimate to their lord and to cherish him, nothing is better than personally practicing filial piety. If the lord is able to practice filial piety, then the people will imitate him, each being intimate to and cherishing their lord. For [a lord who] wants to teach his people to be ritually correct toward their superior and to concord with him, nothing is better than personally practicing *ti*. If the lord of men practices *ti*, then the people will imitate him, each following his superior with ritual and concord. 言君欲教民親於君而愛之者，莫善於身自行孝也. 君能行孝則民效之皆親愛其君. 欲教民禮於長而順之者莫善於身自行悌也. 人君行悌則人效之皆以禮順從其長也.[206]

Thus, I suggest that *ti* can be understood in "Jun dao" to mean "concordant," the proper attitude to take towards one's obligations. This is quite close to the standard interpretation of the word in the *Shi* poem, as well as Karlgren and Legge's translations, but with the particular implication of harmony and accord. Usually, these obligations are directed toward superiors, but in the case of the ruler are surely both to his ancestor-predecessors and to the state itself.

The lines from "Jun dao" can now be translated, "The ode says, 'The triumphant and concordant lordling is / Father and mother of the people.' This describes the virtus of the sage king." The two aspects of rulership in Jia Yi's conception are made clear. On the one hand, there is the triumphant ruler, victor in battles past and future; on the other, there is the concordant and mild ruler who governs by means of virtus. To achieve superior rulership, the ruler must balance the two aspects, father and mother. To borrow the imagery from Jia Yi's "Zhi bu ding"

chapter, the ruler must be ready and able to wield either the sharp knives of virtue or the heavy axe of force, as necessary.

In the "Rong jing" 容經 chapter, Jia Yi makes the same point with different words:

> The *Discussions* say, "So perspicacious, the enlightened king. He holds the middle and treads the balance." This describes holding the middle and the suitable and and relying upon appropriateness. Thus, if majesty surpasses virtus, then it constitutes evil, and if virtus surpasses majesty, then ruin results. The relationship of majesty and virtus is such that if they should be entwined. [If the ruler] is at once held in awe and embraced, then the way of the lord is correct. 語曰，沈[=審][207]乎明王，執中履衡. 言秉中適而據乎宜. 故威勝德則淳[=憝],[208] 德勝威則施[= 弛].[209] 威之與德，交若繆纆. 且畏且懷，君道正矣.[210]

Majesty (*wei* 威) is an idea intimately related to fear and awe: "When someone has majesty and can be feared, call it [true] majesty" 夫有威而可畏謂之威.[211] In Jia Yi's conception of rulership, it is only proper that the people should fear their ruler: "The perspicacious lord in his position is to be feared" 明君在位可畏.[212]

Leaning too much on rule by punishment will cause evil, just as ruling through virtus alone, without the threat of force, can lead to ruin. The ruler must have brute strength to supplement his government by virtus. The lord's underlings must both cherish and fear him. Kongzi said, "If simplicity overcomes cultivation, then [the person] is uncouth; if cultivation overcomes simplicity, then [the person] is pharisaic. Only when cultivation and simplicity are balanced is he a lordling" 質勝文則野，文勝質則史，文質彬彬，然後君子.[213] So must the lord be ready to cultivate both virtus and awe, to employ both humaneness and force.

The automatic response

When the ruler has achieved this harmony, the people's response will be spontaneous—to all appearances, natural. To describe this situation, Jia Yi quotes

the "Zhongfu" 中孚 hexagram, "The *Yi* 易 says, 'The calling crane in the shade, / Its chicks harmonize with it.' This describes the requital of the clerisy and people" 易曰, "鳴 鶴 在 陰, 其子和之." 言士民之報也.[214]

Although the *Yijing* image of the mother crane and her chicks intuitively seems a pleasant one, it is not always so understood. For example, Jiao Yanshou 焦延壽 (1st c. BC) uses it to connect "Zhongfu" to an incident in the *Zuo zhuan* where the calling of a bird in a temple to the Yin foretells disaster.[215] Shang Binghe 尙秉和 (1870 – pre-1980) interprets the crane as an earthquake, the chicks as its succeeding aftershocks.[216]

Nevertheless, the "Xiang" 象 commentary seems sanguine, saying, "Its chicks harmonize with the wishes of its inner heart" 其子和之中心願也.[217] The "Xi ci" 繫辭 chapter appends the following explanation, attributed to Kongzi:

> The lordling remains in his chamber; if the words he expresses are goodly, then those more than a thousand *li* away will respond to them—how much the more for those close! But if the words he expresses are not goodly, then those a thousand *li* away will contravene them—how much the more for those close! Words are expressed by the [lordling's] person but applied to the people; actions are manifested (*fa* 發) closely but perceived distantly. Words and actions are the lordling's trigger-mechanism; the release (*fa*) of the trigger-mechanism is the cause of glory and ignominy. Words and actions are the means by which the lordling moves the heavens and the earth. Can you not be cautious about them? 君子居其室, 出其言善則千里之外應之, 況其邇者乎. 居其室, 出其言不善則千里之外違之, 況其邇者乎. 言出乎身加乎民, 行 發乎邇見乎遠. 言行君子之樞機. 樞機之發榮辱之生也. 言行君子之所以動天地也. 可不慎乎.[218]

Gao Heng 高亨 thinks that this is far-removed from the meaning of the *Yi* text.[219] But if considered together with Jia Yi's citation, it brings together many aspects of his thought. On the one hand, the automatic response of the crane's chicks mirrors that of the people. Though the ruler remains in his place, in this way can he secure their obedience and, by extension, his safety.[220] This is like King Zhao of Chu and the virtus he acquired without leaving his room. On the other, it connects as well to Jia Yi's focus on the personal praxis of the lord, which must embody the characteristics of *kai* and *ti*—triumphant and concordant—in all aspects of governance. His proper actions will bring about not only propriety among the people, but their obedience to

his rule. The lord with virtus need only develop an intention (corresponding to the call of the crane), and the people will respond, like children to their parents or the chicks to the crane: automatically. This is Jia Yi's vision of perfect governance. It is achieved by the judicious application of techniques that develop virtus, gratitude credit, to gather the populace into a group or flock around the lord, expressing his will.[221]

What Jia Yi compares to various sharp implements for dismembering a cow are analogous to the crossbow's trigger in the "Xiang ci." Jia Yi states that the threat of force must underlay the moral-ethical praxes of the lord, ready to use if the people should fail to respond properly. Likewise does the "Xi ci" comparison of word and action to crossbow's trigger hint at the martial underpinnings of the lordling's successful rule.

Jia Yi charges his ruler to use virtus, defined as "promulgating proper praxis and attaining proper pattern-lines," in his governance. When Jia Yi defines virtus, he places it in opposition to resentment, because just as the lord with proper praxis will bring his people into a virtus-based relationship of obedience induced without reward or sanction. The lord without proper praxis will create resentment among his people and become their enemy. The certain result is the fate of the Qin.

Yet while Jia Yi's professed ideal is government by virtus, there is always brute force underpinning it: the axes and adzes of power must interlace with virtus. It is this balance that keeps the ruler in his position. Developing virtus among the people, he gets the service and taxes he needs from them, while in times of need, he has also a martial ability to compel their obedience and submission.

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[1] Ch'ü T'ung-tsu, *Han Social Structure*, ed. Jack L. Dull (Seattle: University of Washington Press, 1972), 101, see also 101-22.

[2] Nishijima Sadao, "The Economic and Social History of Former Han," in Denis Twitchett and Michael Loewe, ed., *The Cambridge History of China*, vol. 1: the Ch'in and Han Empires, 221 B.C. – A.D. 220 (Cambridge: Cambridge University Press, 1986), 552-53, 580-81, 585.

[3] Ch'ü; mentions this; see also Nishijima, 574.

[4] *Si min* 四民 occurs in "Fu zuo" 輔佐, *Jiazi Xin shu jiao shi*, 5.666; *Xin shu jiao zhu*, 5.206.

[5] "Bao fu" 保傅, "If these five schools are completed above, then the clans and ordinary people will be influenced and gather together below" 此五學者，既成

於上, 則百姓 黎民化輯於下矣; *Jiazi Xin shu jiao shi*, 5.594; *Xin shu jiao zhu*, 5.184.

[6] In the "Xiongnu" 匈奴 chapter, Jia Yi outlines proposals to "contend with the khan for his people (*min*)" 與單于爭其民; *Jiazi Xin shu jiao shi*, 4.433; *Xin shu jiao zhu*, 4.135.

[7] Robert H. Gassmann discusses the problem of defining and distinguishing *min* and *ren*, but deals primarily with the Chunqiu and Zhanguo periods. As such his analysis does not bear directly on the question of Han time identification; see Robert H. Gassmann, "Understanding Ancient Chinese Society: Approaches to *Ren* and *Min*," *JAOS* 120.3 (2000): 348-359. Gassmann: 356, specifically says, "Such descriptions are, most probably, responsible for the development of the assumption that the *Min* were the 'people,' an assumption that might be correct for the transitional period leading to, or at, the beginning of the Han dynasty." This assumption is borne out in the writings of Jia Yi.

[8] Wang Xingguo, *Jia Yi ping zhuan*, 131-32; Herlee Creel, *The Origins of Statecraft in China*, Volume One: the Western Chou Empire (Chicago: University of Chicago Press, 1970), 81-100. The *Shang shu* contains the phrase, "The people are the root of the country; if the root is firm the country is undisturbed" 民惟邦本, 本固邦寧; *Shang shu zheng yi*, 7.5b [100]. However, as Wang points out, this comes from a so-called "Old Text" section of the *Shang shu*, which is known to be a forgery from the 4th century AD. See also Edward L. Shaughnessy, "S*hang shu*," in Loewe, ed., *Early Chinese Texts*, 376-89.

[9] Li Qixin 李啓欣 and Ma Zhanfu 馬占福, "Gudian Rujia de min ben sixiang ji qi zai dongfang guojia de yingxiang" 古典儒家的民本思想及其在東方國家的影響, *Guangdong shehui kexue* 廣東社會科學 4 (1997): 86-88.

[10] Hsiao Kung-chuan, *History of Chinese Political Thought*, volume one: From the Beginnings to the Sixth Century A.D., translated by F.W. Mote (Princeton: Princeton University Press, 1979), 109.

[11] *Lunyu* 1/5; *Lunyu zhu shu*, 1.3a-b [6]; translation after Yang Bojun, *Lunyu yi zhu*, 4.

[12] *Lunyu* 14/7; *Lunyu zhu shu*, 14.3b [124]; translation after Yang Bojun, *Lunyu yi zhu*, 147. James Legge (1815 – 1897), *The Chinese Classics* (Hong Kong: Mission Press, 1861-1872; reprinted, Hong Kong: Hong Kong University Press, 1960), 1:278 takes another interpretive approach to translate, "The Master said, "Can there be love which does not lead to strictness with its object? Can there be loyalty which does not lead to the instruction of its object?"

[13] Yang Bojun, *Lunyu yi zhu*, 147. Yang connects this specifically to a line of thinking expressed in the *Guo yu* 國語, "Lu yu xia" 魯語下, *Sbby*, 5.8a-b:

> If the people toil, then they will yearn; if they yearn, then a good heart will be born [in them]. If they are at leisure, they will be licentious; if they are licentious, then they will forget goodness; if they forget goodness, then an evil heart will be born [in them]. 夫民勞則思, 思則善心生. 逸則淫, 淫則忘善, 忘善則惡心生.

[14] Wang Xingguo, 134-35; Kung-chuan Hsiao, *A History of Chinese Political Thought*, 475-83. Hsiao, 475, says, "The importance of the people (*min pen*) is

something that really harks back as far as Mencius." The following discussion of Mencius draws from Hsiao, 152-66.

[15] Kung-chuan Hsiao, *A History of Chinese Political Thought*, 153-54.

[16] Hsiao, 155.

[17] *Mengzi zhu shu*, 14A.7b [251].

[18] Hsiao, 159.

[19] Hsiao, 161.

[20] Wang Xingguo, 135-36.

[21] *Xunzi jijie*, 9.153.

[22] Hsiao, 190. Consider also Hsiao, 476: "Thought favoring the elevation of the ruler had become embodied in practice since the time of Shen Pu-hai and Lord Shang, and with the advent of the Ch'in dynasty it had been distorted into a still more oppressive form that swept the empire, having deeply influential impact."

[23] Huang Jinhong 黃錦鋐, "Jia Yi he Chao Cuo de zhengzhi sixiang" 賈誼和晁錯的政治思想, *Donghai xuebao* 17 (1977): 29 makes this connection, though drawing different conclusions than I do.

[24] This point is developed at length in Peng Wei, "Shi lun Jia Yi sixiang de lishi yuanyuan" 試論賈誼思想的歷史淵源, *Xibei daxue xuebao* 3 (1981): 91-98.

[25] The background and composition of the *Lü shi chunqiu* is summarized in James D. Sellmann, *Timing and Rulership in* Master Lü's Spring and Autumn Annals (Lü shi chunqiu) (Albany: State University of New York Press, 2002), 1-17.

[26] Xu Fuguan 徐復觀, *Liang Han sixiang shi* 兩漢思想史, vol. 2 (Taipei: Taiwan Xuesheng shuju, 1976), 54-74 discusses the extensive influence of *Lü shi chunqiu* on Han-era thought, though he does not mention Jia Yi.

[27] "Shun min" 順民; Chen Qiyou 陳奇猷, *Lü shi chunqiu xin jiao shi* 呂氏春秋新校釋 (Shanghai: Shanghai guji chebanshe, 2002), 9.484-85.

[28] "Shang de" 上德, *Lü shi chunqiu xin jiao shi*, 19.1264.

[29] Lu Jia has biographies in the *Shi ji*, 97.2697-2701 and *Han shu*, 43.2111-18. The following discussion draws from Xu Fuguan, *Liang Han sixiang shi*, 2: 85-108; other sources are included as noted.

[30] *Han shu*, 95.3851-53.

[31] Yu Chuanbo 于傳波, "Shi lun Jia Yi de sixiang tixi" 試論賈誼的思想體系, *Zhongguo zhexue yanjiu* 中國哲學研究 28 (1987): 41.

[32] Liu Bang's evident esteem for Xiao He 蕭何 (ob. 193 BC), whose many contributions to his rule were of a decidedly non-martial character, suggests that the Han founder was more complex than this commonplace might indicate; cf. the "Xiao xiangguo shijia" 蕭相國世家, *Shi ji*, 53.2013-20.

[33] Quoted in Lu's biographies in *Shi ji*, 97.2699 and *Han shu*, 43.2113.

[34] *Shi ji*, 97.2699, "If we suppose that after the Qin had unified the realm, they had practiced humaneness and righteousness, modeling [their rule] on the former sages, how could Your Majesty have come to have it?" 鄉使秦已并天下，行仁義，法先聖，陛下安得而有之.

[35] Wang Liqi 王利器, *Xin yu jiao zhu* 新語校注 (Beijing: Zhonghua shuju, 1986), 1.30.

[36] Wang Xingguo, 110-144.

[37] Wang Xingguo, 124-6.

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[38] Wang Xingguo, 116-117, et passim; cf. *Mengzi*, 1A.12a [14], etc.

[39] Wang Xingguo, 116, 127.

[40] 民本思想的實質是要解決這樣一個問題: 統治者的權力和權威是來自人民的擁護而不是上天賦予的; 統治著地位的維持和一切活動、特別是象戰爭等活動的成敗, 是靠的人心向背而不是上帝的保佑. Wang Xingguo, 133.

[41] The *Shuo wen jie zi*, 8A.376 defines, "*Yi* means stable" 億, 安也.

[42] *Jiazi Xin shu jiao shi*, 1.100; *Xin shu jiao zhu*, 1.31.

[43] As Mote notes, the "'Spirits of the land and grain,' *she-chi*, were symbolic of the national survival." In Hsiao, *A History of Chinese Thought*, 156.

[44] Hsiao, 162.

[45] *Mengzi* 14/14; *Mengzi zhu shu*, 14A.7b [251], cited above.

[46] Wang Gengsheng, "Jia Yi," in Wang, et al., *Jia Yi, Dong Zhongshu, Liu An, Liu Xiang, Yang Xiong* 賈誼・董仲舒・劉安・劉向・楊雄, rev. ed. (Taipei: Shangwu yinshuguan, 1999), 14. A focus on preserving the ruler can be perceived in many of Jia Yi's writings; see the summary in Dai Junren 戴君仁, "Lun Jia Yi de xueshu bing ji qi qian hou de xuezhe" 論賈誼的學術並及其前後的學者, *Dalu zazhi* 36 (1968): 117.

[47] Huang Jinhong, "Jia Yi he Chao Cuo de zhengzhi sixiang": 28.

[48] Hsiao, 475.

[49] Wang Gengsheng, 19.

[50] David L. Hall and Roger T. Ames, *Thinking Through Confucius* (Albany: State University of New York Press, 1987), 144-45. Some readers might not extend this assertion to Mencius, as Hall and Ames want to. But, in reference to Jia Yi, it is completely fitting.

[51] The Li, Zihui, Hu, and Cheng editions write *zhong* 衆, "mass, many," for *xiang* 象, "image, shape; to take as image, follow."

[52] The Tan, Li, Hu, Cheng, and Lu editions elide the nominalizing particle *zhe* 者 at the end of this line.

[53] The Tan, Li, Hu, Cheng, and Lu editions have these eleven graphs, as does the *Han shu* parallel.

[54] Following the Li, Zihui, Hu, Cheng, and Lu editions to elide *ding* 定, "to establish," here.

[55] *Jiazi Xin shu jiao shi*, 2.213-14; *Xin shu jiao zhu*, 2.71; *Han shu*, 48.2236. Butcher Tan is also mentioned in the *Guanzi*, *Sbby*, 10.10b and the *Huainanzi*, *Huainanzi jishi*, 11.800. David R. Knechtges, "A Literary Feast: Food in Early Chinese Literature," *JAOS* 106 (1986): 52-53 mentions this passage in the context of a broader discussion of food-related images, calling Jia Yi's implication, "The brutal force of *Realpolitik*."

[56] 和陸賈一樣, 賈誼思想的基本點是攻守異術, 認爲在兼并進取的時候, 法術詐力是必要的, 但統一以後, 爲了鞏固政權, 就應該改弦更張, 施仁心, 行仁政, 以仁爲本. Jin Chunfeng, *Han dai sixiang shi* 漢代思想史 (Beijing: Zhongguo shehui kexue chubanshe, 1997), 88.

[57] *Jiazi Xin shu jiao shi*, 2.267; *Xin shu jiao zhu*, 2.81. I discuss this notion, its background, and its implications at length in the "Ritual and Punishment" chapter.

[58] Yan Shigu, *Han shu*, 48.2238 explains, "If someone who had received enfeoffment is removed because of a crime, his lands are all go to the Han [central

government]. Therefore, it says, 'All taken into'" 受封之人，若有罪黜，其地皆入於漢，故云，頗入也.

[59] Emending *zhi* 制 to *xue* 削, following the Li, Zihui, Hu, Cheng, and Lu editions, and the *Han shu* parallel to this text.

[60] The Zihui and Lu editions, as well as the *Han shu* parallel, all have *zhi* 制, "system, control," for *zhi* 治, "regulation."

[61] I have rephrased this to be a positive statement; the original has a double negative, literally, "They will think that none will not be a king" 慮莫不王.

[62] Emending *jing* 經, "warp," to *di* 地, "territory, territorial," following the Hu, Cheng, and Lu editions, and the *Han shu* parallel.

[63] Emending *bei* 倍, "one additional iteration; back," to *pan* 叛, "revolt," following the Zihui, Cheng, and Lu editions and the *Han shu*.

[64] *Jiazi Xin shu jiao shi*, 2.196; *Xin shu jiao zhu*, 2.67.

[65] "Fan qiang" 蕃彊, *Jiazi Xin shu jiao shi*, 1.120; *Xin shu jiao zhu*, 1.39.

[66] *Jiazi Xin shu jiao shi*, 3.391-93; *Xin shu jiao zhu*, 3.124.

[67] Qian Mu, *Qin Han shi*, 42.

[68] *Han shu*, 27B.1391-92; mentioned in Gong Kechang, *Studies on the Han Fu*, ed. and transl. by David Knechtges (New Haven: American Oriental Society, 1997), 104. Chen Yaxin 陳亞新, "Lianghan shiqi qihou zhuangkuang de lishixue zai kaocha" 兩漢時期氣候狀况的歷史學再考察, *Lishi yanjiu* 4 (2002): 76-95 summarizes relevant information about Han time climate. Chen: 92-93 makes the particularly interesting point that although the period between 206 and 186 BC was, climatically speaking average, and the period between 185 and 148 BC was actually wetter than average, droughts—including severe and widespread cases—occurred repeatedly. The situation was even graver in a dry period, like that between 147 and 71 BC.

[69] "You min" 憂民, *Jiazi Xin shu jiao shi*, 3.393; *Xin shu jiao zhu*, 3.124.

[70] "You min": "In five years, there is one minor famine; in ten years, one crop failure; in thirty harvests, one great famine. This should can probably be called a general rule" 五歲小康，十歲一凶，三十歲而一大康，蓋曰大數也; *Jiazi Xin shu jiao shi*, 3.397; *Xin shu jiao zhu*, 3.124.

[71] The *Guang ya* defines, "*Hai* means to arise, to start" 駭，起也; *Guang ya shu zheng*, 5A.1a [134].

[72] "You min," *Jiazi Xin shu jiao shi*, 3.397; *Xin shu jiao zhu*, 3.124-25.

[73] This is a theme, e.g., in the "Yu cheng" 諭誠 chapter of the *Xin shu*, discussed below.

[74] Reading *gong* 攻, usually "attack," as *gong* 功, "merit," which graph is found in the Cheng and Lu editions; cf. Gao Heng, *Guzi tongjia huidian*, 1.

[75] "Da zheng shang" 大政上, *Jiazi Xin shu jiao shi*, 9.984; *Xin shu jiao zhu*, 9.339

[76] *Jiazi Xin shu jiao shi*, 3.397; *Xin shu jiao zhu*, 3.125:

> The people employed in relevant matters do not necessarily look into this themselves, and the ones over (i.e., supervising) people who investigate do not worry about it either. But when matters are suddenly in difficulty, they are surprised, and look at what has happened beneath them, and say, "It is heaven!

What is to be done?" 且用事之人，未必此省，爲人上省弗自憂，魄然事困，乃驚而督下，曰，此天也，可柰何.

[77] The Li, Hu, and Lu editions elide *you* 憂, "to worry," here.

[78] *Jiazi Xin shu jiao shi*, 3.397; *Xin shu jiao zhu*, 3.125.

[79] The complexity involved in the portrayal of the Qin is such that a full treatment is not possible here. Stephen W. Durrant, "Ssu-ma Ch'ien's Portrayal of the First Ch'in Emperor," in *Imperial Rulership and Cultural Change in Traditional China*, ed. Frederick P. Brandauer and Chun-chieh Huang, (Seattle: University of Washington Press, 1994), 28-50 discusses some of the characteristics and problems of the primary source for records of the Qin, the *Shi ji*.

[80] *Shu su* 殊俗 means "differing customs." See, e.g., the Great Preface 大序 to the *Shijing*, "The states varied in governance, households differed in custom" 國異政家殊俗; *Maoshi zheng yi*, 1-1.12b [16]. It implies the differences in customs held by different regions—especially distant ones. For example, the "Yu da" 諭大 chapter of the *Lü shi chunqiu* says, "Yu desired to rule as emperor, but he did not succeed. So he contented himself with rectifying the varying customs [of different areas]" 禹欲帝而不成，既足以正殊俗矣; *Lü shi chunqiu xin jiao shi*, 13.727.

[81] Translated literally, this phrase would read, "The child of [a family] whose windows were broken-out pots and door-hinges were rope" 甕牖繩樞之子. These details represent the poverty of Chen's background, better communicated by paraphrase than strict literalism.

[82] *Meng li* 氓隸 is "hired fieldworker." The general sense of *meng li* as a term of disparagement for someone doing hard work is nowhere debated, but the explanations for the derivation of this meaning vary greatly.

Meng 氓 (*mang* is the modern pronunciation) is written *meng*` 甿 in the *Han shu* and *Shi ji* versions; the two graphs represent a single word. The "Ji jie" commentary quotes Ru Chun's explanation that, "*Meng*` is the ancient graph for *meng*; *meng* means people" 甿，古氓字．氓，民也; see *Shi ji*, 6.282. The homophonous graph *meng*`` 萌, usually "sprout," is also used to write this word; cf. Gao Heng, *Guzi tongjia huidian*, 317-18. Xu Shen's *Shuo wen jie zi* defines, "*Meng* means people" 氓，民也. Duan Yucai suggests that the difference between *meng* and people generally is perhaps that *meng* refers to people away from home; see *Shuo wen jie zi zhu*, 12B.627. The *Shuo wen*, 13B.697, also says, "*Meng*` means field people" 甿田人也, which—as Duan points out—is just another way of saying cultivators. Xu Guang echoes this when he says, "Field people are called *meng*`" 田人曰甿; *Shi ji*, 48.1965. Since the words were interchangeable, and Jia Yi often uses the usual term for people (*min* 民), it is reasonable to understand *meng*—however written—in the more specific sense of a cultivator; since it apparently modified the following word, I take it as an adjective, "fieldworking."

Li 隸 has a number of meanings, which has lead to various explanations for its meaning in the phrase here; I translate it as "churl." In the "Zhou yu xia" 周語下 section of the *Guo yu* 國語, *Sbby*, 3.8b, it says, "[Your] descendants will become *li*" 子孫爲隸, to which Wei Zhao 韋昭 (204-273) adds, "*Li* means [one that does] service" 隸，役也. Elsewhere, Wei says, "*Li* is today's labor servitors" 隸，今之徒

也; see *Guo yu*, 7.4b. Along the same lines, Zheng Xuan says, "*Li* means one that toils doing labor service" 隸給勞辱之役者; see *Zhou li zhu shu* 周禮注疏 34.5a [512]. I combine the senses of *meng* and *li* to give my translation.

The "Chen She shijia," *Shi ji*, 48.1949, records that, "When Chen She was young, he was once working with others as a hired farmhand…" 陳涉少時, 嘗與人傭耕. Jia Yi perhaps alludes to this when he calls Chen She a "fieldworking churl."

[83] "Roving footsoldier" is my translation of 遷徙之徒. *Qianxi* 遷徙 simply means "on the move, transferred, underway," thus "roving." *Tu* 徒 has many meanings, including "footsoldier," the lowest grade of soldier. This is likely an allusion to Chen's status at the time of his rebellion. The *Shi ji*, 48.1950, says,

> In the seventh month of the first year of Ershi's reign, he dispatched those from the poor areas ("left of the village gate" 閭左) to go do guard duty in Yuyang 漁陽 (a prefecture located in the area of modern Beijing), with nine hundred men going to camp at Daze district. Chen Sheng and Wu Guang were ranked at the heads of columns as squad leaders. They encountered great rains, and the roads were impassable. They estimated that he had already missed their reporting deadlines. If anyone missed a reporting deadline [for labor service], by law he would be beheaded. 二世元年七月, 發閭左適戍漁陽, 九百人屯大澤鄉. 陳勝 吳廣皆次當行, 爲屯長. 會天大雨, 道不通, 度已失期. 失期, 法皆斬.

[84] There are some textual variants in this line, though all versions agree in general sense. The Cheng and Lu editions, as well as the *Shi ji*, *Han shu*, and *Wen xuan* versions all rearrange the phrase "his talent could not" 才不能 to give, "His talent and ability did not…" 才能不. For "middling man" 中人, the Hu and Cheng editions, along with the *Han shu* and *Wen xuan* versions have "middling mediocrity" 中庸. Li Shan, *Wen xuan*, 51.2236, says, "*Fang yan* 方言 says that *yong* is a disparaging appellation. [The phrase here] says that he did not reach a middle-grade mediocre man" 方言曰, 庸賤稱也. 言不及中等庸人也. Li Shan is apparently not quoting the *Fang yan* but rather summarizing information found there; see Dai Zhen 戴震 (1724-77), *Fang yan shu zheng* 方言疏證, *Sbby*, 3.1b.

[85] Zhongni is another name for the sage Kongzi; Mo Di is Mozi 墨子 (ca. 478-ca. 392); together, they are representative Warring States-era philosophers. These two are often viewed in later times as opposites and rivals, they are commonly mentioned together as the heads of their respective schools of thought. See, e.g., the *Han Feizi* 韓非子, "Thus, after Kong and Mo, Ruism divided into eight, Mohism into three" 故孔墨之後, 儒分爲八, 墨離爲三; Wang Xianshen 王先慎 (1859-1922), *Han Feizi jijie* 韓非子集解 (Beijing: Zhonghua shuju, 1998), 19.457. Here, they stand simply for great wisdom.

Lu Wenchao notes that certain "other editions" (*bie ben* 別本) write Zhonggong (or Zhong Gong) 仲弓, and he would accept this as the best text. But as Qi Yuzhang, 1.26, and Wang Gengxin, *Jiazi ci gu*, 1.10b, points out this is problematic. The other versions of the text—*Shi ji*, *Han shu*, *Wen xuan*—all have Zhongni, just like the *Xin shu* textus receptus. The identification of "Zhonggong" or "Zhong and Gong" would also be difficult, given the absence of a customary pair so

identified. Finally, parallelism with the following "Mo Di" (the name of one man) would suggest that its precedent should also be singular—and of course very well known. Yan and Zhong, 11-12, prefer to read Zhonggong. They, like Lu, take it as the cognomen of Kongzi's disciple Ran Yong 冉雍, who was praised by Kongzi; see, e.g., *Lunyu zhu shu*, 6.1a [51], "Yong—he can be made ruler" 雍也可使南面. Yan and Zhong point out that Ran Yong is supposed to have been the teacher of Xunzi 荀子 (Xun Kuang 荀況, ca. 313-238 BC). This would make Jia Yi a member of a scholastic lineage that revered Zhonggong, and thus explaining the pairing with Mozi here. This seems doubtful.

[86] Tao Zhu (ca. 5th c. BC) and Yi Dun (ca. 5th c. BC) are commonplace ciphers for wealthy men. Tao Zhu or the Honorable Tao Zhu (Tao Zhu gong 陶朱公) is the sobriquet of Fan Li 范蠡, vassal and advisor to Gou Jian 勾踐 (ob. 465 B.C.), king of Yue 越 (in mod. Jiangsu, Anwei, Jiangxi, and Zhejiang). In addition to giving Gou Jian lots of good advice, Fan Li is said to have made several fortunes in his lifetime through business. He first became wealthy from raising livestock, then wen on to later make a lot of money by the manufacture of salt at Tao 陶 (mod. Shandong). This is why he called himself Tao Zhu gong; see *Shi ji* 129.3256-3257, and *Han shu* 61.3683. Much of Fan Li's advice to Gou Jian is recorded in the "Yue yu" 越語. chapters of the *Guo yu*, *Sbby*, 20.1a-21.7b.

There are two accounts as to how Yi Dun made his fortune, which is said to have been as great as a king's. *Shi ji*, 129.3259, says he gained his wealth through salt and iron production. Kong Fu 孔鮒 (ca. 264-208 BC), *Kong cong zi* 孔叢子, *Sbby*, 5.2b-3a, says that he made his money by following Fan Li's advice to go into raising livestock. Yan Shigu, *Shi ji*, 31.1824, says,

> The man of Yue Fan Li fled Yue, stopped in Tao 陶, and called himself the Honorable Tao Zhu. Yi Dun was originally a man of Lu 魯. He raised many oxen and goats to the south of Yishi 猗氏 (in mod. Shanxi). His wealth rivaled that of a king or duke, and he was renowned throughout the realm. 越人范蠡逃越，止於陶，自謂陶朱公. 猗頓本魯人，大畜牛羊於猗氏之南，貲擬王公，馳名天下.

[87] *Shuo wen*, 2B.82 says, "*Nie* 躡 means to tred" 躡, 蹈也, thus "to march." *Hangwu* 行伍 is an expression comprised of two types of military unit, used together as metonymy for the army: a "column" (*hang* 行) said to be comprised of twenty-five men; and a "squad" (*wu* 伍) comprised of five soldiers. E.g., in the "Yue lun" 樂論 chapter of the *Xunzi*, "Wearing armor, helmet strapped on—singing among the columns and squads makes a man's heart virulent" 帶甲嬰 ，歌於行伍，使人之心傷[=愓]; Wang Xianqian 王先謙 (1842-1918), *Xunzi* 荀子集解 (Beijing: Zhonghua shuju, 1988), 14.20. Here, I translate the metaphor literally to match the imagery of "marching among."

[88] This translation, "platoons and centuries," reflects an emendation. The received text of the *Xin shu*, as well as the *Han shu*, "Chen She shijia," and *Wen xuan* versions all have *qianmo* 阡陌, "fieldpaths," here. The emendation to *shi bai* 什伯 follows the text variant found in the "Qin Shihuang benji" and in Wei Zheng 魏徵

(580-643), *Qun shu zhi yao* 羣書治要, *Sbck*, 11.149. In this version, *shi* 什 is a military unit consisting of ten men, thus "platoon"; a *bai* 伯 consisted of a hundred men, thus "century."

Wang Niansun, Yu Yue, and Qi Yuzhang all support this emendation. Wang Niansun, *Dushu zazhi* 讀書雜志 (ca. 1830; rpt., Nanjing: Jiangsu guji chubanshe, 1985), 4-8.3a-b [280] offers the most thorough explanation for preferring this text. Wang cites the "Ji jie" commentary, *Shi ji*, 6.282 n. 3, which says,

> The *Han shu yin yi* 漢書音義 says, "At first, they (i.e., Chen She, Wu Guang) came from among the leaders of platoons and centuries." Ru Chun says, "At the time, [Chen She, Wu Guang, and the other rebels] first arose among the squads and battalions." 漢書音義曰, 首出十長百長之中. 如淳曰, 時皆辟屈在十 百之中.

The *Shi ji* "Suo yin" commentary explains the line with reference to the leaders of military groups, suggesting that this is the proper reading; *Shi ji*, 48.1964 n. 2. Furthermore, the line from the "Guo Qin" is cited elsewhere by the "Suo yin" commentary in a way that indicates *shi bai* are interpreted as army units; see *Shi ji*, 110.2892.

Military units called *shi* and *bai* are attested in other sources. The "Bing lüe" 兵略 chapter of the *Huainanzi* 淮南子 says, "Properly arranging the columns and squads, connecting platoons and centuries, making clear drum and flag [signals]—these are the tasks of the commandant" 正行伍, 連什伯, 明鼓旗, 此尉之官 也; see He Ning 何寧, *Huainanzi jishi* 淮南子集釋 (Beijing: Zhonghua shuju, 1998), 15.1058. Wang Chong's 王充 (27-97) *Lun heng* 論衡 says,

> If someone does not know the proper line formations for platoons and centuries and does not know the methods for attacking, yet you force him to run an army, then the army will be overthrown and the troops defeated—because he lacks proper method. 不曉什伯之陣, 不知擊刺之術者, 彊使之軍, 軍覆師敗, 無其法也.

See Huang Hui 黃暉, *Lun heng jiao shi* 論衡校釋 (Beijing: Zhonghua shuju, 1990), 12.550.

There are, however, those that would accept *qianmo* as the proper text; in particular, Wang Gengxin, 1.11a, and Yan and Zhong, 1.12, both prefer this to the emended text. Taken separately, *qian* 阡 indicates those fieldpaths running north-south; *mo* 陌 those going from east to west. Together, they would be synecdoche for the fields generally. This kind of use can also be found, e.g., in Yan Shigu's commentary on the *Han shu*: "*Qian* and *mo* are roads among the fields. Those south to north are called *qian*, east to west are called *mo*. These were probably opened by Shang Yang in Qin times" 阡陌, 田間道也, 南北曰阡, 東西曰陌, 蓋秦時 商鞅所開也; *Han shu*, 10.314-15. Thus read, the line would say that Chen She, "Arose from within the fields."

However, as Wang Niansun et al. point out, Jia Yi is at this stage no longer describing Chen She's origins among the fields, but rather his position in the army

immediately preceding the uprising. Thus, *shi bai* seems to fit the structure of the piece better than *qianmo*.

[89] *Jie gan* 揭干 is "lift poles." The text here writes *gan* 干 for "pole"; all other versions of the text have the more usual *gan* 竿. Clearly the same word is meant. *Shuo wen*, 5A.194 defines, "*Gan* 竿 means a bamboo stave" 竿竹梃也.

Jie 揭 means "to lift high." The *Shuo wen*, 12A.603 says, "*Jie* means elevate" 揭, 高也; Li Shan's commentary at *Wen xuan*, 51.2237, gives the same definition, citing Zhang Yi's 張揖 (ca. 3rd c.) lost *Pi cang* 埤蒼 as the source. Yan Shigu puts it different: "*Jie* … means to set upright" 揭 … 謂豎之也; *Han shu*, 31.1825 n. 8.

It is possible that Jia Yi is making use of imagery from the "Gengsang Chu" 庚桑楚 chapter of the *Zhuangzi* 莊子, which contains the line, "So forlorn, as if you'd lost your parents, you lift a pole and seek them [as far away as] the seas" 若規規然若喪父母, 揭竿而求諸海也; Guo Qingfan 郭慶藩 (1844-96), *Zhuangzi jishi* 莊子集釋 (Beijing: Zhonghua shuju, 1961), 8A.782; translation after Chen Guying 陳鼓應, *Zhuangzi jin zhu jin yi* 莊子今注今譯 (Beijing: Zhonghua shuju, 1983), 604. Since Jia Yi believes that the ruler is the "father and mother of the people," he may be implying that the Qin had already forfeited rulership, causing the people—embodied by Chen She and his confederates—to seek another ruler.

It seems here that Jia Yi's point is that Chen She's troops were using bare poles as standards—thus reading *wei* 爲 in the 2nd tone ("to constitute, to be") instead of in the 4th tone ("for"). Indeed, the *gan* that they lifted could properly be poles for flags. This is the case, e.g., in the "Qi zhi" 旗幟 chapter of *Mozi* 墨子, which contains the line, "Each of the commune commandants 亭尉 makes flags, with five poles (*gan*) two fathoms (*zhang*) long" 亭尉各爲幟, 竿長二丈五; Sun Yirang 孫詒讓 (1848-1908), *Mozi jian gu* 墨子閒詁 (Beijing: Zhonghua shuju, 2001), 15.582. Thus, it is not that the use of *gan* as poles that was unusual; rather it is the lack of banners that sets Chen She's forces apart.

[90] In the phrase "echoed in response," *xiangying* 嚮應, *xiang* 嚮, "toward; direction," is read as *xiang`* 響, "sound." Yan Shigu, *Han shu*, 32.1832 n. 10, explains, "*Xiang* is read as *xiang`*; it means that [the response] was like an echoing sound" 嚮讀曰響, 言如響之應聲. This is a common borrowing; see Gao Heng, *Guzi tongjia huidian*, 283.

[91] *Ying liang* 贏糧 means "bearing grain." This phrase occurs in the "Qu qie" 胠篋 chapter of the *Zhuangzi*, which has the line, "[The people will,] bearing grain, rush there" 贏糧而 趣之. Commenting on this line, Cheng Xuanying's 成玄英 (fl. 631-55) *shu* 疏 sub-commentary on the *Zhuangzi* says, "*Ying* means 'to wrap up'" 贏, 裹也; see *Zhuangzi jishi*, 4B. 357-8. But Yan Shigu, *Han shu*, 31.1825 n. 10 says "*Ying* means to carry" 贏, 擔也. Although the sense of "wrap" is certainly not incorrect, Jia Yi's point here is that the people brought grain with them, probably wrapped up. Thus follows Yan's gloss and my translation.

Yan Shigu, *Han shu*, 31.1825 n. 10 also explains the rest of this line: "'Follow like shadows' (*ying cong* 景[=影]從) means that they followed him like a shadow follows a form" 景從, 言如影之隨形也.

The *Shi ji*, 6.269 records the response to Chen She's initial uprising:

> In the seventh month, borde guards Chen Sheng, et al., revolted in the former area of Jing 荆 (i.e., Chu), [claiming] to be "Expanding Chu." Sheng established himself as king of Chu and stayed at Chen 陳, sending the generals out to patrol the territory. In the commanderies and prefectures east of the mountains, the youth had suffered under the Qin officers and they all killed their administrators, commandants, prefects, and assistants in rebellion, thereby echoing Chen She. Setting each other up as kings and marklords, they combined [their forces] and followed [Chen's forces] toward the west, calling it "punishing Qin." They were innumerable. 七月，戍卒陳勝等反故荆地，爲張楚. 勝自立爲楚王，居陳，遣諸將徇地. 山東郡縣少年苦秦吏，皆殺其守尉令丞反，以應陳涉，相立爲侯王，合從西鄉，名爲伐秦，不可勝數也.

[92] There are two textual variants for the phrase I render "heroes." The received text has *haojun* 豪俊; the Li, Zihui, Cheng, and Lu editions write *haojie* 豪傑. The two phrases are quite similar in meaning, so the sense of the line is not called into question. Nevertheless, Wang Gengxin, 1.11a, argues that *haojie* is the correct text:

> In the preceding text, *haojun* refers to [those of] worthy talent. In this text, *haojie* refers to heroic men. In "Chen She shijia," it mentions [*haojie*] several times, including "summoning the three elders and heroes (*haojie*)" [*Shi ji*, 48.1952; see also *Han shu*, 31.1788] and "calling up the heroes" [*Shi ji*, 48.1954] as well as "heroes" together with the "important people." These are the heroes referred to here. 上文豪俊謂賢材也. 此文豪傑謂雄傑之人也. 陳涉世家屢言召三老豪傑，徵國之豪傑及貴人豪傑，即此所謂豪傑也.

Since the phrase *haojun* occurs elsewhere in "Guo Qin lun," I accept the received text as correct.

"East of the mountains" (*shan dong* 山東) is not to be confused with the later administrative area named Shandong 山東. It refers to the area east of Hua 華 or Xiao 崤 Mountains, i.e., the area outside of the original state of Qin. For example, in the "Zhao ce er" 趙策二 chapter of the *Zhanguo ce* 戰國策, *Sbby*, 19.3a, "Qin will definitely not dare to send its armies out through the Hangu Pass in order to harm [the states] east of the mountains" 秦必不敢出兵於函谷關以害山東矣. I translate "mountains" (in plural), taking Hua or Xiao as likely stand-ins for the range of mountains that formed the eastern border of Qin and formed an important part of its natural fastness.

[93] The Cheng and Lu editions, and *Shi ji*, *Han shu*, and *Wen xuan* versions of this text, all insert the subordinating particle *er* 而 here.

[94] These nine states are those whose failed attack on Qin Jia Yi blames for Qin's final ascent to total power. The *Han shu* version replaces "was not respected" (*fei zun* 非尊) in this line with *bu chi* 不齒, "was not on par with"; it also elides the sentence-final particle *ye* 也 at the end of the line.

[95] These are three kinds of ersatz weapons wielded by Chen She and his forces, who were no doubt forbidden true weapons by their rulers. *Chu* 鉏 (written 鋤 in the *Wen xuan* version) means "hoe." *Shuo wen jie zi zhu*, 14A.706-7, says, "*Chu* is the [implement] used for weeding and cutting [soil] while standing" 鉏立薅斫也. There is some apparent disagreement among early sources as to the exact nature of a *you* 櫌, which I translate "mallet."

Gao You's 高誘 (fl. 205-212) commentary on the "Fan lun xun" 氾論訓 chapter of the *Huainanzi* brings the two main ideas together: "*You* means a hammer for hitting lumps [of earth]. In the region of the capital they call it *tai* 儓 (lit., "blunt"); it is the means to restore [earth after] planting" 椓塊椎也, 三輔謂之儓所以覆種; see *Huainanzi jishi*, 13.915. Other sources that understand *you* as an implement tend to address one or the other aspect of what Gao mentions: either for hitting and breaking up earthen clods or for tamping down the earth after planting. The *Guang ya* 廣雅 says, "*You* means hammer" 櫌 [=櫌] 椎也; see Wang Niansun, *Guang ya shu zheng* 廣雅疏證 (Nanjing: Jiangsu guji chubanshe, 1984), 8A.30b [258]. Along the same lines, a note at *Han shu*, 31.1825 quotes Jin Zhuo, who says, "A *you*-hammer is a hammer for lumps [of earth]" 櫌椎, 塊椎也. Taking the other tack, *Shuo wen*, 6A.259 says, "*You* is an implement for smoothing the fields" 櫌, 摩田器也. I accept this general reading, following the *Guang ya*, et al., in the more specific understanding of a mallet used to break up earth clods. If the name was only used for a single implement, the mallet could presumably also be used to re-pack displaced soil, thus giving the *Shuo wen* gloss. It is also possible that the name was not consistently applied.

Some commentators combine *you* with the preceding *chu* and understand a single thing. Thus *Han shu*, 31.1825 n. 3 quotes Fu Qian, "*You* means handle of a hoe. They used hoe handles and jujube to make spear handles" 櫌, 鉏柄也, 以鉏柄及棘作矛 [=矜]也.

There is also some disagreement about the interpretation of *ji jin* 棘矜. *Ji* 棘 is a word for the wild *zao* 棗. Thus, the *Shijing* ode "Yuan you tao" 園有桃 (Mao #109) says, "There are jujubes (*ji*) in the garden, / Their fruit – this [I] eat" 園有棘, 其實之食; the Mao commentary adds, "*Ji* means *zao*" 棘, 棗也; *Maoshi zheng yi*, 5-3.7a [209]; the translation follows Cheng Junying 程俊英 and Jiang Jianyuan 蔣見元, *Shijing zhu xi* 詩經注析 (Beijing: Zhonghua shuju, 1991), 294-95. *Zao* is jujube (*Zizyphus jujuba*); see Smith, *Chinese Materia Medica,* 466. My translation follows the explanation given in Wang Niansun, *Dushu zazhi*, 4-8.4a [280]:

> *Fang yan* [*Fang yan shu zheng*, *Sbby*, 9.2b] says, "*Jin* means stave." *Jijin* means [Chen She and his forces] cut jujube to make staves. *Huainan*, "Bing lüe" 兵略 [*Huainanzi jishi*, 15.1063] says, "Chen Sheng […] cut jujube [wood] and made staves"; the meaning is the same here. "Cut jujube [wood] to make staves" is the [same even referred to] above, when it says, "They cut trees to make weapons." 方言曰, 矜謂之杖. 棘矜謂伐棘以爲杖也. 淮南兵略曰, 陳勝 伐橪棗而爲矜, 義與此同. 伐棘爲矜即上文所云斬木爲兵也.

The *Shi ji*, 48.1965 n. 1, "Suo yin" commentary offers a different interpretation for *ji*. It says, "*Ji* means halberd; *jin* means halberd-handle" 棘，戟也．矜，戟柄也.

Jia Yi's point is of the poverty of Chen's forces in comparison to those of the Qin, particularly as reflected in equipage—and the irrelevance of this discrepancy when the Qin had brought ruin upon themselves.

[96] *Guang ya* defines, "*Xian* means sharp" 銛，利也; *Guang ya shu zheng*, 2B.8a. *Shi ji*, 84.2494 quotes the *Han shu yin yi* to the same effect. The "Qin Shihuang benji" version writes the homophonous synonym *xian*` 錟 (also pronounced *tan*), a *jiajie* borrowing; cf. Gao Heng, *Guzi tongjia huidian*, 248. *Shi ji*, 69.2274 "Zheng yi" commentary quotes Liu Bozhuang 劉伯莊 (Tang), who defines *xian*` as sharp (利也).

Gouji 鉤戟 is my "hooked halberds." The sense is clear, but there are (at least) two explanations of the exact form of this weapon. Yan Shigu says, "Hooked halberd means a halberd with the blade bent like a hook" 鉤戟，戟刃鉤曲者也; *Han shu*, 31.1825 n. 3. Ru Chun explains it slightly differently, "A hooked halberd resembles a spear, but below the blade there is an iron crosspiece that bends up like a hook" 鉤戟似矛，刃下有鐵橫方上鉤曲也; see *Shi ji*, 6.282 n. 3, and slightly edited by Li Shan in *Wen xuan*, 51.2237. "Long spear" translates *changsha* 長鎩. *Sha* 鎩 is defined in the *Shuo wen*, 14A.706, "A large spear with quillons" 鈹有鐔也.

Instead of "were not sharper than" 非銛於, the Tan and Lu editions and the *Han shu* version have "were not a match for" 不敵於. For *gou* 鉤, "hook," the *Shi ji* versions write *gou*/*ju* 句, presumably an earlier form of the same graph; this alternation is also attested elsewhere; see Gao Heng, *Guzi tongjia huidian*, 337.

[97] Yan Shigu says, "*Shi*/*zhe* 適 is read *zhe* 讁, meaning traveling while being punished for a crime" 適讀曰讁，謂罪罰而行也; *Han shu*, 31.1826; the *Wen xuan* version has *zhe* 讁. It should be noted that there is no record that Chen She was initially guilty of any crime other than living on the poor side of town; most likely, his was corvée and not penal service

[98] Yan Shigu says, "*Kang* means match, read like *kang*` 抗" 亢，當也，讀與抗同; *Han shu*, 31.1826. This is similar to a use of *kang* found in the *Zuo zhuan*, 28th year of Duke Xi, which contains the phrase, "[We should] turn our backs on the kindness [of Chu] and eat our words, in order to oppose (*kang*) the opponent" 背惠食言以亢其讎; Du Yu 杜預 (222-84) comments, "*Kang* is like match" 亢猶當也; *Chunqiu Zuo zhuan zheng yi*, 16.21a [272], Li Zongtong 李宗侗, *Chunqiu Zuo zhuan jin zhu jin yi* 春秋左傳今注今譯, rev. ed. (Taipei: Shangwu yinshuguan, 1993), 371, 374-75.

There are a number of minor textual variants in this line. The Tan edition of the *Xin shu* inserts a *yu* 於 after *fei kang* 非亢. Although its presence is not absolutely necessary, Qi points out that parallelism with the preceding line suggests *yu* should be included. The "Qin Shihuang benji" and *Wen xuan* versions write *fei kang*` *yu* 非抗於, which is a graphic alternation of *kang*` for *kang*. The *Han shu* writes *bu kang yu* 不亢於. All of these are graphic variations of a single text. The only semantically significant variant is found in the "Chen She shijia," which writes *fei chou yu* 非儔於, "were not the peers of …"

[99] *Xiang* 鄉 here is pronounced in the fourth tone, meaning "past, previous." The *Shi ji* "Suo yin" commentary says, "*Xiang* times means past times. This probably refers to the likes of Meng Chang, Xinling, Su Qin, and Chen Zhen" 鄉時猶往時也. 蓋謂孟嘗, 信陵, 蘇秦, 陳軫之比也; see *Shi ji*, 48.1965 n. 2. The *Han shu* and *Wen xuan* texts substitute *nang* 曩, "former [times]," for *xiang* here.

[100] "Guo Qin lun shang" 過秦論上, *Jiazi Xin shu jiao shi*, 1.24; *Xin shu jiao zhu*, 1.2-3.

[101] *Zifen* 自奮 means to have falsely exaggerated notions of oneself, implying that the opinions of others are not heeded; cf. *Hanyu dacidian*, *Ciyuan*, s.v., "*zifen*." The same phrase can be found, e.g., in the "Shuo fu" 說符 chapter of the *Liezi* 列子, which says, "Accordingly, if one has inflated ideas of himself, then no person will report [matters] to him; if no one will report [matters] to him, then he is alone and without support" 故自奮則人莫之告. 人莫之告, 則孤而無輔矣; Yang Bojun 楊伯峻, *Liezi jishi* 列子集釋 (Beijing: Zhonghua shuju, 1979), 8.243.

[102] The "Qin Shihuang benji" version of this text elides the subordinating particle *er* 而, and has *quan* 權, "power," for *ai* 愛, "concern."

[103] This is a reference to the Qin bibliocaust. The "Qin Shihuang benji" has *jin* 禁, "to proscribe," for *fen* 焚, "to burn."

[104] In translating *shun quan* 順權 as "following [what maintains proper] balance," I follow Wang Gengxin, 1.13a: "*Shun quan* means following the natural balance of celestial pattern-lines and human feeling" 順權, 順天理人情自然之權衡也. *Quan* itself can mean "steelyard," as in Gu Yewang's 顧野王 (519-581) *Yu pian* 玉篇, *Sbck*, 12.46, "*Quan* means… the arm of a scale" 權… 稱錘. This sense extends to mean "balance." For example, in the "Wang zhi" 王制 chapter of the *Li ji*, it says, "Whenever hearing indictments [for crimes subject to] the five punishments, invariably take the relationship between father and son as principle, and balance it according to the duty of ruler and vassal" 凡聽五刑之訟必原父子之親, 立君臣之義以權之; *Li ji zhu shu*, 13.8b [259].

Qi Yuzhang proposes that *quan* be understood as "change," specifically the changes of the times and their requirements. In doing so, suggests a parallel to usage like that found in Fan Ye 范曄 (398-445), *Hou Han shu* 後漢書, "Accordingly, the sage grasps the *quan*, meeting the times and [based on them] establishes the system" 故聖人執權遭時定制; Li Xian comments, "*Quan* means the changes [of the times; the sage,] meeting with his times and establishes rule and system [based on them], not following the old" 權謂變也. 遭遇其時而定法制, 不循於舊也; Fan Ye, *Hou Han shu* (Beijing: Zhonghua shuju, 1965), 42.1726-27.

[105] My translation of this line reflects the received text of the *Xin shu*. Commentators Qi Yuzhang, Liu Shipei, and Lu Wenchao agree that this text should be emended to elide *gong* 攻, "to attack," here. However, as Yang and Zhong, 1.18 n. 15, point out, the four verbs *qu* 取, "to take"; *yu* 與, "to give"; *gong*; and *shou* 守, "to defend" can be understood as two oppositional pairs, suggesting that the text should stand. Thus, I do not emend.

There are two further variants for this line. The *Shi ji* version has, "This means that taking and defending have different methods" 此言取與守不同術也; the Tan, Li, and Hu editions match this, as would Qi and Liu. Lu has 推此言之取與攻

守不同術也, but suggests in his note that *gong* should be elided; this would give a final text that says, "If we extend this to discuss it, taking and defending have different methods."

[106] *Li* 離 here is "unify"; *li* often means "to depart," and appears previously in "Guo Qin shang" with the meaning of "to separate, to break up." The sense of "unify" is attested, e.g., in a gloss by Zheng Xuan preserved in the *Jingdian shiwen: Zhouyi yin yi* 經典釋文: 周易音義, in *Zhouyi zheng yi* 周易正義, 1.21b [204]: "*Li* … is like put together" 離…猶併也. In fact, the word that Zheng Xuan uses in his gloss, *bing* 併, "to join together," is a variant for this text, found in the Tan and Hu editions. Also, the *Shi ji* version lacks *sui* 雖, "even though," at the beginning of this phrase.

[107] My translation follows Qi's explication of this line, accepting the *Xin shu* textus receptus without emendation. *You* 有, "to have," is read in the expanded sense of "to keep [safe]." This sense is attested, e.g., in the "Ai gong wen" 哀公問 chapter of the *Li ji*, where it says, "Those of ancient times that ruled took caring for the people as the most important. If one is unable to care for the people, he is not able to keep his person [safe]" 古之爲政愛人爲大, 不能愛人不能有其身; Zheng Xuan adds, "*You* is like protect" 有猶保也; *Li ji zhu shu*, 50.13b [851].

The "Qin Shihuang benji" text has, "This was a case when [the methods for] taking it and defending it [should have been] different. While they were alone, they [tried thus to] keep it safe…" 是其所以取之守之者異也. 孤獨而有之… [NB The Zhonghua shuju edition of the *Shi ji*, has the first phrase of this line 是其所以取之守之者[無]異也. The proposed addition of *wu* 無 would make the line, "The means by which they took it and defended it were without difference." This addition apparently follows the suggestion of Wang Niansun, *Dushu zazhi*, 3-1.17a-b [79]. However, as Gao Buying, 15, points out, this is unnecessary: the sentence is likely to be understood as a general assertion of how things should be rather than only a comment on the Qin.] The Lu edition elides *yi* 以 following *shi* 是 at the beginning of this phrase.

[108] "Guo Qin lun zhong" 過秦論中, *Jiazi Xin shu jiao shi*, 1.41; *Xin shu jiao zhu*, 1.14.

[109] The idea that the decline of Qin dates to the Second Emperor, Hu Hai, is something of a canard. Xu Fuguan, *Liang Han sixiang shi*, 2:127 and Huang Jinhong: 30-31 (and even Jia Yi elsewhere) point out that ultimate responsibility for education lay with Hu Hai's father, the First Emperor. The fact that Hu Hai did not receive a proper education is another of the First Emperor's failures

[110] Martin Kern, *The Stele Inscriptions of Ch'in Shih-huang: Text and Ritual in Early Chinese Imperial Representation* (New Haven: American Oriental Society, 2000), 160 mentions something similar: "The long "Kuo Ch'in lun" does not contain a single word on the emperor's alleged superstitiousness and his quest for transcendence; instead, all of Chia I's arguments are located on the political plane."

[111] Xu Fuguan, *Liang Han sixiang shi*, 2:124-25. In "Guo Qin lun zhong," Jia Yi makes this point about Ershi, saying,

> Suppose that Ershi had the praxis of a mediocre lord and employed the loyal and worthy. Vassal and lord could have been of one mind, worrying about

> the troubles of the world. [Still in] the plain white cloth [of mourning for his deceased father], he could have rectified the errors of the preceding emperor. 嚮使二世有庸主之行，而任忠賢，臣主一心，而憂海內之患，縞素而正先帝之過.

See *Jiazi Xin shu jiao shi*, 1.45; *Xin shu jiao zhu*, 1.14. In "Guo Qin lun xia," Jia Yi uses similar phraseology to assert the same thing about the third Qin dynasty ruler:

> Suppose that Ziying had the raw ability of a mediocre lord and got merely middling assistants. Then, even though there was disorder east of the mountains, the territory of the three Qin [rulers] (i.e., their home territory) could have been kept intact as their possession, and the sacrifices at the ancestral temples would properly not have been cut off. 借使子嬰有庸主之材，而僅得中佐，山東雖亂，三秦之地可全而有，宗廟之祀宜未絕也.

See *Jiazi Xin shu jiao shi*, 1.61; *Xin shu jiao zhu*, 1.15-16.

[112] In contrast to my analysis, Michael Nylan writes that in, "Chia Yi's essay, 'The Faults of the Ch'in,' the reader finds a similar review, balanced and generally favourable, of the rule of the First Emperor." This seems to overstate the case. Jia Yi is interested in pragmatism not morality, and to mistake his focus on incapability (instead of im/morality) for a lack of criticism is to miss Jia Yi's point; for Jia Yi there are no greater failings for a ruler than those he puts to the Qin rulers, including the First Emperor. See Michael Nylan, "Ying Shao's *Feng su t'ung yi*" (PhD. dissertation, Princeton University, 1982), 269-70, notes 90 and 91.

[113] "Guo Qin lun xia," *Jiazi Xin shu jiao shi*, 1.68; *Xin shu jiao zhu*, 1.16.

[114] Dai Junren: 19, makes this point. He refers to Gu Yanwu's 顧炎武 (1613-1682) *Ri zhi lu* 日知錄, which says, "Even though the Qin went too far in their employment of punishments, in their intention to defend the people and correct customs, they never differed from the Three Kings" 秦之任刑雖過，而其坊民正俗之意，固未始異於三王也; see Huang Rucheng 黃汝成, *Ri zhi lu ji shi* 日知錄集釋 (Taipei: Guotai wenhua shiye gongsi, 1980), 13.305. The stele inscriptions put up at the command of the First Emperor also pay at least lip service to the commonweal of the empire; examples can be found in Kern, *Stele Inscriptions*, e.g., page 14.

[115] "Da zheng xia," *Jiazi Xin shu jiao shi*, 9.1011; *Xin shu jiao zhu*, 9.349.

[116] Only the Cheng 程 and Lu 盧 editions of the *Xin shu* include the graph *sheng* 聖, "sage," here, and I follow Qi to insert it. The stories about Zhouh's wanton cruelty, like the one here, are to be taken with a grain of salt.

[117] *Jiazi Xin shu jiao shi*, 5.631; *Xin shu jiao zhu*, 5.197.

[118] I follow Yu Yue, 27.327 to take *yi* 臆, "thorax," in this line as a loan graph for *yi* 億, "one hundred thousand," which is to be understood simply as a very large number.

[119] The *Shi ji*, 3.108 records a version of the events slightly different from the one Jia Yi presents here. Rather than death at the hands of his own angry soldiers, the *Shi ji* records that, "[Zhou] clothed [himself] in his valuable jade suit, then he went into the fire and died" 衣其寶玉衣，赴火而死.

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[120] As Qi says, the "jade gate" (*yumen* 玉門) is not made of jade, but rather decorated with it, and was probably reserved for the use of the ruler. Cf. the similar usage in Liu Xiang's *Chu ci* 楚辭 poem "Yuan si" 怨思: "Headlong I drive away from the Gate of Jade" 背玉 門以奔騖兮; see Hong Xingzu 洪興祖 (1090-1155), *Chuci buzhu* 楚辭補注 (Taipei: Taiwan Zhonghua shuju, 1966), 16.9b; translated, David Hawkes, *Chu Tz'u: The Songs of the South* (Oxford, 1959; reprinted Harmondsworth: Penguin Books, 1985), 288. The Cheng edition of the *Xin shu* writes *wang men* 王門, "king's gate."

[121] The Cheng edition writes *wei* 位, "position," for *wei* 衛, "guards," here.

[122] I read *yu* 與 as equivalent to *ju* 擧, "to pick up," thus, "to bear"; cf. Gao Heng, *Guzi tongjia huidian*, 846. The Zihui edition actually writes *ju*, while the Hu and Lu editions write *yu* 輿.

[123] Following the Zihui, Cheng, and Lu editions to emend *suo* 所 to *gan* 肝, "liver." The Tan, Li, and Hu editions write *tou* 頭, "head."

[124] *Jiazi Xin shu jiao shi*, 5.631; *Xin shu jiao zhu*, 5.197-98.

[125] *Shi ji*, 48.1950; *Han shu*, 31.1786.

[126] Note that this is Jia Yi's portrayal, and does not match that found elsewhere, where Wu is said to have beheaded Zhouh and hung his head on a flagpole; see Xunzi's "Zheng lun" 政論, *Xunzi jijie*, 12.328; *Shi ji*, 3.108, 4.124.

[127] *Han shu*, 1B.76.

[128] Thus, Mengzi's famous remark that,

> In a state of ten thousand chariots, the one who commits regicide against the lord is certainly from a house of a thousand chariots. In a state of a thousand chariots, the one who commits regicide against the lord is certainly from a house of a hundred chariots" 萬乘之國弒其君者，必千乘之家. 千乘之國弒其君者，必百乘之家.

See *Mengzi zhu shu*, 1A.2a [9].

[129] "Guo Qin lun xia," *Jiazi Xin shu jiao shi*, 1.70 ; *Xin shu jiao zhu*, 1.16.

[130] "Da zheng shang," *Jiazi Xin shu jiao shi*, 9.996; *Xin shu jiao zhu*, 9.341.

[131] *Jiazi Xin shu jiao shi*, 6.774-75; *Xin shu jiao zhu*, 6.246-47. Versions of this narrative can be found in the *Zuo zhuan*, 2nd year of Duke Min 閔, *Zuo zhuan zheng yi*, 11.8b-9b [190-91]; the "Zhong lian" 忠廉 chapter of *Lü shi chunqiu*, Chen Qiyou, *Lü shi chunqiu xin jiao shi*, 11.595; the "Wei Kangshu shi jia" 衛康叔世家, *Shi ji*, 39.1594; the *Hanshi waizhuan*, *Skqs*,7.7b-8a [831-32]; and the "Yi yong" 義勇 section of *Xin xu*, Shi Guangying, *Xin xu jiao shi*, 8.1054-59.

[132] In the 35th year of his reign, Qin Shihuang decided that the Qin capital at Xianyang 咸陽 (near mod. Xi'an) was too small and undertook the construction of a new one of giant dimensions near the sites of the former Zhou 周 capitals at Feng 豐 (mod. Shaanxi) and Hao 鎬 (mod. Shaanxi). The first step of this project was a proper fore-palace. The *Shi ji*, 6.256 records,

> Thereupon he began construction of a court palace in Shanglin Park 上林苑 south of the river Wei 渭. First they made the fore-palace, Epang: from

> east to west, five hundred paces; from north to south, fifty *zhang* 丈. On top, it could seat ten-thousand people; below, they could erect flag[poles] of five *zhang* [without violating proper proportions]. 乃營作朝宮渭南上林苑中. 先作前殿阿房，東西五百步，南北五十丈. 上可以坐萬人，下可以建五丈旗.

This kind of project was a huge burden on the populace, who provided the muscle for construction through corvée and convict labor. Over time, the dimensions have been variously reported; see the summary and discussion in Wang Xueli 王學理, "Epang gong bian zheng" 阿房宮辨正, *Kaogu yu wenwu* 213 (1984): 74-78. The scale of this project has often been doubted; e.g., Derk Bodde, "The State and Empire of Ch'in," in *The Cambridge History of China*, ed. Michael Loewe and Edward L. Shaughnessy, (Cambridge: Cambridge University Press, 1999), 64, calls the dimensions given for the palace "impossible." However, recent archaeological investigation suggests that the size given in the *Shi ji* are possible and may well be accurate; see Epang gong kaogu gongzuodui 阿房宮考古工作隊, "Xi'anshi Epang gong yizhi de kaogu xin faxian" 西安市阿房宮遺址的考古新發現, *Kao gu* 439 (2004): 291-94.

[133] Huang-Lao Daoism has been the subject of numerous studies, including recently Reinhard Emmerich, "Bemerkungen zu Huang und Lao in der frühen Han-Zeit. Erkenntisse aus *Shiji* und *Hanshu*," *Monumenta Serica* 43 (1995): 53-140.

[134] *Qin Han shi*, 60-63. Qian Mu gives the example of mutilating punishments, which were replaced by canings that often led to death, effectively worsening the punishment; a similar point is made already in the *Han shu* "Xing fa zhi," particularly page 23.1099. For the more typical (i.e., positive) view of Emperor Wen's reign, see Shen Mingzhang 沈明璋, *Qin Han shi* 秦漢史 (Taipei: Guoli shifan daxue chuban zu, 1968), 56-60.

[135] "Nie qie zi" 孽產[=妾]子, *Jiazi Xin shu jiao shi*, 3.346; *Xin shu jiao zhu*, 3.108.

[136] "Qin shu wei luan" 親疏危亂, *Jiazi Xin shu jiao shi*, 3.380; *Xin shu jiao zhu*, 3.119. The *Xin shu* text has *zhu hou* 諸侯, "feudal lords," in this line; I follow the *Han shu* version to take this as *zhu gong* 諸公, "various excellencies." *Zhu hou* makes sense, but would be anachronistic; *zhu gong* also comes a few lines later and the emended text is thus more consistent.

[137] "Qin shu wei luan," *Jiazi Xin shu jiao shi*, 3.380; *Xin shu jiao zhu*, 3.119.

[138] Huang Jinhong 黃錦鋐, "Jia Yi he Chao Cuo de zhengzhi sixiang," *Donghai xuebao* 18 (1977): 25-38 makes this point about similarities between Jia Yi and Han Fei's ideas.

[139] AC Graham, *Disputers of the Tao* (La Salle: Open Court, 1989), 268-69. The tripartite classification of intellectual schools in ancient China can be found already in the "Yi wen zhi" 藝文志 of the *Han shu*, 30.1701-81, presumably derived from Liu Xiang's 劉向 (77-6 BC) "Qi lüe" 七略 and its redaction, Liu Xin's 劉歆 (ob. 23) "Bie lu" 別錄. Despite the acknowledged shortcomings of this sort of approach, this classification is useful for understanding and describing general trends in intellectual history. It has also stood the test of time for some two thousand years, and is not to be lightly discarded. I employ it here and elsewhere.

[140] Chad Hansen, *A Daoist Theory of Chinese Thought: A Philosophical Interpretation* (New York: Oxford University Press, 1992), 344-70, especially 347-51, discusses the meaning(s) of the word *fa*.

[141] *Han Feizi jijie*, 2.39.

[142] Hansen, 354, and 418-19, note 20.

[143] From the "Qu jiang" chapter of the *Shangjun shu*, *Sbby*, 1.14b.

[144] *Li ji zhu shu*, 52.4b [880]. The last line of this passage contains a pun on Shun's name. According to Zheng Xuan's commentary, the word *shun* means "filled" (*chong* 充). Kong Yingda expands this, explaining,

> The *Shifa* 謚法 says, "To successfully receive dynastic succession is called *shun*." It also says, "Humaneness and righteousness flourishing and bright is called *shun*." Both of these have the meaning of being filled (*chongman* 充滿) with the way and virtus; therefore, [Zheng Xuan] explains that *shun* is "filled." 謚法云，受禪成功曰舜．又云，仁義盛明曰舜． 皆是道德充滿之意，故言舜爲充也.

Thus, Shun was "*shun*"/Shun by means of his virtus.

[145] See Jeffrey K. Riegel, "*Li chi* 禮記," in *Early Chinese Texts: A Bibliographical Guide*, ed. Michael Loewe, 293-97 (Berkeley: The Society for the Study of Early China, 1993), esp. 294-295; cf. Gilles Boileau, "Some Ritual Elaborations on Cooking and Sacrifice," *Early China* 23-24 (1998-99): 90-91.

[146] The *Shi ji*, 6.268, records,

> Thereupon, Ershi followed and employed Zhao Gao. He extended legal ukases … and then instituted punishments for great vassals and the noble scions … The imperial clan was startled and afraid … and the ordinary people were [also] startled and afraid" 於是二世乃遵用趙高，申法令 … 乃行誅大臣及諸公子 … 宗室振恐 … 黔首振恐.

[147] The *Han shu*, "Shi huo zhi" 食貨志, 24A.1126, says, "When it came to Shihuang, [Qin] then united the realm…and took the greater half [of production] in taxes" 至於始皇，遂并天下 … 收 泰 半 之 賦; Yan Shigu, *Han shu*, 24A.1126, explains, " 'The greater half' (*tai ban* 泰半) means taking two thirds" 泰半，三分取其二.

[148] *Ji* 紀 is often "to record"; here, I follow Qi Yuzhang, Xia and Zhong, and others to read it as "to control, to manage." This meaning can be found, e.g., in the *Guliang zhuan* 穀梁傳 for the 22nd year of Duke Zhuang, "Calamity (i.e., crimes) [should be] regulated (*ji*); that is the reason for our loss" 災紀也，失故也. There, Fan Ning 范甯 (339-401) defines, "*Ji* means regulate and give pattern" 紀治理也; *Chunqiu Guliang zhuan zhu shu*, 6.3a [58].

[149] *Shou* 收 is defined in the *Guang ya* as "to rescue" (收，振也); *Guang ya shu zheng*, 5A.26a [146]. *Xu* , more commonly written with graphic variant 卹, is also interchangeable with *xu`* 恤, which graph is found in the "Qin Shihuang benji" version of this line. *Xu* is defined in the *Shuo wen*, 5A.214, as "to worry about" 卹憂也. *Xu`* is defined with the same words, but adding "to rescue" (恤，憂也，收 [=

救, following Duan Yucai's emendation]); *Shuo wen jie zi zhu*, 10B.507. This same definition of *xu`* is also found (no emendation necessary) in the *Yu pian*, *Sbck*, 8.33.

[150] Emending *yin* 飲, "to drink" to 歛, "levy, tax," as found in all other editions of the *Xin shu*.

[151] *Jiazi Xin shu jiao shi*, 1. 50; *Xin shu jiao zhu*, 1.15.

[152] "Bao fu," *Jiazi Xin shu jiao shi*, 5.621; *Xin shu jiao zhu*, 5.185.

[153] "Da zheng xia," *Jiazi Xin shu jiao shi*, 9.1003; *Xin shu jiao*, 9.347.

[154] "Da zheng xia," *Jiazi Xin shu jiao shi*, 9.1003; *Xin shu jiao*, 9.347.

[155] Hall and Ames, *Thinking Through Confucius*, 216-17.

[156] *De* has been widely discussed; scholars who have treated *de* include, inter alia: Peter Boodberg, "The Semasiology of Some Primary Confucian Concepts," in *The Selected Works of Peter A. Boodberg*, ed. Alvin Cohen (Berkeley: University of California Press, 1979), 32-34. See also Arthur Waley, *The Way and Its Power: A Study of the Tao Tê Ching and Its Place in Chinese Thought* (London: George Allen & Unwin Ltd, 1934); David L. Hall and Roger T. Ames, *Thinking Through Confucius* (Albany: State University of New York Press); I have touched upon the topic; see Charles T. Sanft, "Persona in Zheng Xuan's Commentary on the *Lunyu*" (MA thesis, University of Minnesota, 2000), 103; particularly relevant for the case of Jia Yi is Rune Svarverud, *Methods of the Way: Early Chinese Ethical Thought* (Leiden: Brill, 1998), 264-71.

[157] David S. Nivison, "Comment on Chad Hansen, '*Dao* and Duty,'" in *Chinese Language, Thought, and Culture: Nivison and His Critics*, ed. Philip J. Ivanhoe (La Salle: Open Court, 1996), 316. See also the discussions in David S. Nivison, "'Virtue' in Bone and Bronze," in Nivison, *The Ways of Confucianism: Investigations in Chinese Philosophy*, ed. Bryan Van Norden (Chicago: Open Court, 1996), 17-30; Nivison, "The Paradox of 'Virtue,'" in *The Ways of Confucianism*, 31-43; Nivison, "Royal 'Virtue' in Shang Oracle Inscriptions," *Early China* 4 (1978-79): 52-55. Nivison demonstrates how this notion current already in the Shang also features in the works of later philosophers Mozi and Mengzi, making it available to Jia Yi.

Nivison discusses the same concepts in "'Virtue' in Bone and Bronze" and "The Paradox of 'Virtue'" in Nivison, *The Ways of Confucianism: Investigations in Chinese Philosophy*, ed. Bryan Van Norden (Chicago: Open Court, 1996), 17-30, 31-43, and in Nivison, "Royal 'Virtue' in Shang Oracle Inscriptions," *Early China* 4 (1978-79): 52-55. I am indebted to Professor William G. Boltz for the reference to Nivison, and for the suggestion that Jia Yi's use of "virtus" was not a moral notion, as *de* is often treated.

[158] Although some hold virtus to be a Zhou dynasty notion, it can be definitively dated to the Shang dynasty; see Nivison, "Royal 'Virtue,'" and Rao Zongyi 饒宗頤, "Tianshen guan yu daode sixiang" 天神觀與道德思想, *Lishi yuyan yanjiusuo jikan* 49 (1978): 77-97.

[159] Wang Xingguo, 54-55, dates "Dao shu" to 180 BC, when Jia Yi was 21. While I am not certain that such specificity is defensible, the evidence points to an early date of composition.

[160] "Dao shu," *Jiazi Xin shu jiao shi*, 8.928; *Xin shu jiao zhu*, 8.303.

[161] Gao Ming 高明, *Boshu Laozi jiao zhu* 帛書老子校注 (Beijing: Zhonghua shuju, 1996), 131.

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[162] *Lunyu zhu shu*, 14.13b [129]; transl. Yang Bojun, *Lunyu yi zhu*, 156; E. Bruce Brooks and A. Taeko Brooks, *The Original Analects: Sayings of Confucius and His Successors* (New York: Columbia University Press, 1998), 168-69, dating this passage to 270 BC; cf. also James Legge's translation, *Chinese Classics*, 1:289. The translation here is sort of "my own," but has been influenced by all three of these other works.

[163] *Gua* 瓜, "is a general term for the fruits of cucurbitaceous plants," i.e., melons; Frederick Porter Smith, *Chinese Materia Medica: Vegetable Kingdom*, revised by G.A. Stuart; second revised edition by Ph. Daven Wei (Taipei: Ku T'ing Book House, 1969), 134.

[164] Song Jiu's interjection here—"What are you talking about?!" 惡, 何言也 (literally, "Wah! What kind of speech is this) seems to be taken from *Mengzi*; *Mengzi zhu shu*, 3A.10a [55], which contains the same phrase.

[165] This saying is found in a number of early texts. The earliest extant source is a manuscript recovered at Mawangdui 馬王堆, now called, "Zhanguo zonghengjia shu" 戰國縱横家書, which records it in a dialogue between Su Qin 蘇秦 (ob. 317 BC) and the king of Yan; see Mawangdui Han mu boshu zhengli xiaozu 馬王堆漢墓帛書整理小組, *Mawangdui Han mu boshu* 馬王堆漢墓帛書, vol. 3 (Beijing: Wenwu chubanshe, 1983), 65. The phrase is there first in the following sentence, "When any knowledgeable person undertakes affairs, he takes disaster and makes a blessing, turns defeat around to make success" 夫知者之[舉]事, 因過[=禍][而爲]福, 轉敗而爲功. A slightly different version of the same is recorded in the "Yan ce yi" 燕策一 chapter of the *Zhanguo ce*, *Sbby*, 29.9a, and Su Qin's biography in the *Shi ji*, 69.2270, as being delivered to the king of Yan in a letter from Su Qin's younger brother, Su Dai 蘇代. The same phrase is used by Su Qin elsewhere in the *Zhanguo ce*, e.g., "Yan yu yi," 29.2b. It also occurs in Guan Zhong's 管仲 (706-645 BC) *Shi ji* biography, 62.2132, where it is used in summary of Guanzi's political methods: "In his pursuit of governance, he was good at taking disaster and making blessing, turning defeat around to make success" 其爲政也, 善因禍而爲福, 轉敗而爲功. None of these citations names any other source, suggesting that it was a sort of common saying, not exclusively associated with a particular thinker or book.

[166] "Tui rang" 退讓, *Jiazi Xin shu jiao shi*, 7.873-74; *Xin shu jiao zhu*, 8.284.

[167] Jia Yi's version is in the "Er bi" 耳痹 chapter, *Jiazi Xin shu jiao shi*, 7.827-50; *Xin shu jiao zhu*, 7.269-70. For discussions of Wu Zixu in other sources, see Sima Qian, *Shi ji*, 66.2171-83, *et passim*; Wu Xianzi 伍憲子, *Wu Zixu zhuan* 伍子胥傳 (no publication information; ca. early 20th c.); David Johnson, "Epic and History in Early China: The Matter of Wu Tzu-hsu," *Journal of Asian Studies* 40.2 (1981): 255-271; Johnson, "The Wu Tzu-hsu *Pien-wen* and its Sources: Part I," *Harvard Journal of Asiatic Studies* 40.1 (1980): 93-156, and Johnson, "The Wu Tzu-hsu *Pien-wen* and its Sources: Part II," *Harvard Journal of Asiatic Studies* 40.2 (1980): 465-505; Joseph Roe Allen III, "An Introductory Study of Narrative Structure in *Shiji*," *Chinese Literature: Essays, Articles and Reviews* 3 (1981): 31-66, *inter alia*

[168] *Jiazi Xin shu jiao shi*, 7.841; *Xin shu jiao zhu*, 7.270.

[169] "Zhi bu ding" 制不定, *Jiazi Xin shu jiao shi*, 2.207; *Xin shu jiao zhu*, 2.70-71.

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[170] Yao Shunqin 姚舜欽, *Qin Han zhexue shi* 秦漢哲學史 (Shanghai: Shangwu yinshuguan, 1936), 33-34.

[171] I discuss the background and Jia Yi's use of this idea in the "Ritual and Punishment" chapter.

[172] From "Shang de" 上德, *Lü shi chunqiu xin jiao shi*, 19.1264.

[173] "Xiu zheng yu shang" 修政語上, *Jiazi Xin shu jiao shi*, 9.1044; *Xin shu jiao zhu*, 9.360.

[174] "Xiongnu," *Jiazi Xin shu jiao shi*, 4.430; *Xin shu jiao zhu*, 4.135: "Emperors wage war by means of virtus" 帝者戰德. I discuss and analyze Jia Yi's proposals for dealing with the Xiongnu in the "Xiongnu" chapter of this work.

[175] "Tai jiao," *Jiazi Xin shu jiao shi*, 10.1161; *Xin shu jiao zhu*, 10.393: "No state has constant stability and there is no people that is regulated forever" 無常安之國, 無宜[=恆]治之民.

[176] This is from the ode "Huang yi" 皇矣 (Mao #241), *Maoshi zheng yi*, 16-4.13b [573]; the Mao version of this ode writes *bu* 不 where the *Xin shu* text has *fu* 弗; although these two negating particles often function in different ways, there is no appreciable semantic difference between them here.

[177] *Jiazi Xin shu jiao shi*, 7.885; *Xin shu jiao zhu*, 7.287-88.

[178] From "Ling tai" 靈臺 (Mao #242), *Maoshi zheng yi*, 16-5.4b-5a [579-80].

[179] *Jiazi Xin shu jiao shi*, 7.885; *Xin shu jiao zhu*, 7.288.

[180] "Yu cheng" 諭誠, *Jiazi Xin shu jiao shi*, 7.862; *Xin shu jiao zhu*, 7.279.

[181] Jia Yi in fact mentions three concepts in the conclusion of "Jun dao"; the third is the necessity of the lord's self-cultivation and self-rectification. I will set this aside and treat it in the "Sovereignty Thought" chapter.

[182] *Jiazi Xin shu jiao shi*, 7.889.

[183] I have identified five graphic variants for the expression *kai ti*. First and most common is 愷悌, which is found in a wide variety of texts: e.g., *Chunqiu Zuo zhuan zheng yi*, 13.20a [223]; Wang Xianqian, *Xunzi jijie*, 13.374; Wang Pinzhen 王聘珍, *Da Dai li ji jie gu* 大戴禮記解詁 (Beijing: Zhonghua shuju, 1983), 6.110; *Hanshi wai zhuan* 韓詩外傳, *Sbck*, 6.55; Chen Li 陳立, *Bohu tong shu zheng* 白虎通疏證 (Beijing: Zhonghua shuju, 1994), 2.49; etc. Second is 幾俤, from the Warring States-era strips held by the Shanghai Museum; see Ma Chengyuan 馬承元, *Shanghai bowuguan cang Zhanguo Chun jian shu* 上海博物館藏 戰國楚竹書, vol. 2 (Shanghai: Shanghai guji chubanshe, 2002),155. Third is 豈弟, found in the *Shijing*, e.g., *Shijing zheng yi*, 17-3.15b [622], and 16-3.6b [558]. Fourth is 凱弟, in, e.g., *Li ji zhu shu*, 51.1a [860], 54.14b [914]. Fifth is 愷弟, found in *Han shu*, 23.1098.

With the exception of the version found on the bamboo strips, all of these variants are connected by the re-occurring phonetic elements 豈 and 弟, and the context insists that all variants fill the same poetic shoes and thus had identical or very similar pronunciations. All evidence strongly suggests a text that was orally transmitted, eventually written down with varying graphs. Wang Xianqian, *Shi san jia yi ji shu* 詩三家義集疏 (Taipei: Shijie shuju, 1979), 22.20a-b [313] suggests that the Lu and Han schools of the *Shi* wrote 愷悌, while the Qi school wrote 凱弟; 豈弟 would then be the Mao version.

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[184] *Shijing zheng yi*, 17-3.15a-16b [622]. My translation follows that of Cheng Junying 程俊英 and Jiang Jingyuan 蔣見元, *Shijing zhu xi* 詩經注析 (Beijing: Zhonghua shuju, 1991), 830-1, except regarding *kai ti*. The interpretation of *kai ti* is discussed below.

[185] Bernhard Karlgren, *The Book of Odes: Chinese Text, Transcription and Translation* (Stockholm: Museum of Far Eastern Antiquities, 1950), no. 251 [208]

[186] James Legge, *Chinese Classics*, 4:489-90.

[187] *Maoshi zheng yi*, 17-3 [622].

[188] NB Kong appears to have made a mistake in his sub-commentary; he says that the Mao commentary draws from the citation of this poem in the "Kongzi xian ju" 孔子閒居 chapter of the *Li ji*. However, the passage quoted is not found in the current version of the "Kongzi xian ju" chapter, but rather in the "Biao ji." The "Kongzi xian ju" chapter includes a discussion of this line, but without the interpretation Mao cites; cf. *Li ji zhu shu*, 51.1a [860].

[189] *Li ji zhu shu*, 54.14b-15a [914-15]; in translating, I referred to the annotations of Sun Xidan 孫希旦 (1736-84), *Li ji jijie* 禮記集解 (Beijing: Zhonghua shuju, 1989), 1308-9. It must be noted that my reading is somewhat different from the usual understanding; cf. the translation found in James Legge, *Li Chi: Book of Rites*, vol. 2 (New York: University Books, 1967), 340-41:

> These were the words of the Master:—'Difficult is it to attain to what is called the perfect humanity of the superior man! It is said in the Book of Poetry, "The happy and courageous prince / Is the father and mother of his people." Happy, he (yet) vigorously teaches them; courteous, he makes them pleased and restful. With all their happiness, there is no wild extravagance; with all their observance of ceremonial usages, there is the feeling of affection. Notwithstanding his awing gravity, they are restful; notwithstanding his son-like gentleness, they are respectful. Thus he causes them to honour him as their father, and love him as their mother. There must be all this before he is the father and mother of his people. Could anyone who was not possessed of perfect virtue be able to accomplish this?

[190] Sun Xidan, *Li ji jijie*, 1309.

[191] This stele dates to 174, in the Latter Han period. See the transcription and annotations in Gao Wen 高文, *Han bei jishi* 漢碑集釋 (Kaifengshi: He'nan daxue chubanshe, 1985), 414-22; a photo of the stele text with a transcription can also be found in Nagata Hidemasa 永田英正, *Kandai sekkoku shūsei* 漢代石刻集成: *Zuhan, shakubun hen* 圖版, 釋文篇 (Tokyo : Dōhōsha Shuppan, 1994), 210-11.

[192] This is evidenced, e.g., by Cheng and Jiang's giving preference to the *Lü shi chunqiu* explanations of these words (discussed below) in their analytical commentary on the poem.

[193] Zhu Junsheng 朱駿聲 (1788-1858), *Shuo wen tong xun ding sheng* 說文通訓定聲 (Beijing: Zhonghua shuju, 1984), 12.62a-b [586], says, "The glosses 'happy' and 'easy-going' are, for their parts, without definite explanation" 樂易之訓亦無定詁. This might also relate to the apparently unrelated gloss of *kaiti* as "not trusting flattery" 不信讒; see *Chunqiu Zuo zhuan zheng yi*, 32.10b [558].

[194] *Chang*/*zhang* is very difficult to understand as a gloss for *ti*, which is likely why Chen Qiyou 陳奇猷 sets it aside. I translate *chang* here as "constant," with the particular implication of loyalty. The basic sense of *chang* is long, be it for space or time. Already in early texts, this is applied to time with the special sense of "constant," *chang*` 常. This meaning is found in Zheng Xuan's note (*jian* 箋) on the *Shijing* poem "Wen wang" 文王 (Mao #235), functionally an exegesis of the Mao commentary: the word *chang* does not appear in the poem itself. There, Zheng Xuan says, "*Chang* is like 'constant'" 長猶常也; *Maoshi zheng yi*, 16-1.13a [537]. This definition is accepted into lexica like the *Guang ya*; see Wang Niansun, *Guang ya shu zheng*, 1A.13b [10].

This sense is extended to the personal quality of constancy. Thus, the *Zuo zhuan* for the 28th year of Duke Zhao 昭公 says, "To instruct without growing tired is called 'constant' (*chang*)" 教誨不倦曰長; *Chunqiu Zuo zhuan zheng yi*, 52.29b [914]. This sentence is, in turn, used by commentators to explain other passages, e.g., the ode "Huang yi" 皇矣 (Mao #241); *Maoshi zheng yi*, 16-4.7b [570]. In later times, Yan Shigu would explain, "*Chang* is perpetual and long-lasting duty" 長者恆久之義; *Han shu*, 19A.735. This bridges the gap between *chang* meaning simply "length" to "constancy," an admirable personal quality. I suggest that this instance in the *Lü shi chunqiu* connects *ti* to constancy as a kind of consistent loyalty appropriate to a subordinate.

Another interpretation would read the graph not as *chang* but as *zhang*, "to lead; leader." This meaning of *zhang* is quite common, attested, e.g., in the *Guang ya*: "*Zhang* … means lord" 長 … 君也; Wang Niansun, *Guang ya shu zheng*, 1A.1b [4]. The problem in the *Lü shi chunqiu* is, of course, that *zhang*, meaning to be a good leader, seems exactly the opposite of what *ti* ("to be a good younger brother/subordinate") means. In their translation, John Knoblock and Jeffrey Riegel, *The Annals of Lü Buwei: A Complete Translation and Study* (Stanford: Stanford University Press, 2000), 464, render the passage as follows: "An Ode says, 'Joyous and pleased is the gentleman, / Father and mother to his people.' 'Joyous' means 'great,' and 'pleased' means 'mature.' The Power of the gentleman is both great and mature so that he can be father and mother to the people."

[195] *Lü shi chunqiu xin jiao shi*, 18.1207.

[196] *Lü shi chunqiu xin jiao shi*, 18.1219 n. 49.

[197] Chen Huan, *Shi Mao shi zhuan shu* 詩毛氏傳疏 (1851; rpt. Beijing: Zhongguo shudian, 1984), 24.33a-b.

[198] *Zhou li zhu shu*, 29.21a [449]; *Zhou li zheng yi*, 56.2354-55.

[199] *Sima fa*, *Sbby*, 1.6a. The words "*kai* music" 愷樂 are not found in the extant *Sima fa*. However, the *Zhou li* commentary includes them in its version of the quotation, suggesting that they were earlier found in the text.

[200] *Zhou li zhu shu*, 22.23a [345].

[201] *Chunqiu Zuo zhuan zheng yi*, 16.28b-29a [275-76]. I follow Yang Bojun's interpretation of the expression *zhen lü* 振旅, which he says refers to a return home after a military victory; see Yang Bojun, *Chunqiu Zuo zhuan zhu* 春秋左傳注 (Beijing: Zhonghua shuju, 1981), 471.

[202] *Jiazi Xin shu jiao zhu*, 8.928; *Xin shu jiao zhu*, 8.303.

[203] Chen Li, *Bohu tong shu zheng*, 380.

[204] *Mengzi zhu shu*, 6A.8a [110]. Zhao seems to be paraphrasing part of *Lunyu*, 1/6: "When you enter [your households], be pious; when you go out, be concordant" 弟子，入則孝，出則悌; *Lunyu zhu shu*, 1.5b [7];

[205] *Xiao jing zhu shu*, 6.4b [43].

[206] *Xiao jing zhu shu*, 6.4b [43].

[207] I follow the Lu edition and emend *shen* 沈, "deep," to *shen* 審, "to delve into," used as an adjective, thus, "perspicacious." See also Yu Yue, *Zhuzi pingyi*, 28.329.

[208] I follow Yu Yue, 28.329-30 to read *chun* 淳 as *dui* 憝, "evil, bad." Note that the edition Yu refers to writes *dun* 惇 for *chun*.

[209] As suggested by Yu Yue, 28.329-30, I emend *shi* 施 to *chi* 弛, "ruin."

[210] *Jiazi Xin shu jiao shi*, 6.754; *Xin shu jiao zhu*, 6.230.

[211] "Rong jing," *Jiazi Xin shu jiao shi*, 6.749; *Xin shu jiao zhu*, 6.229. This is a line from the *Zuo zhuan*, 31st year of Duke Xiang 襄公; *Chunqiu Zuo zhuan zheng yi*, 40.23a [690].

[212] "Rong jing," *Jiazi Xin shu jiao shi*, 6.746; *Xin shu jiao zhu*, 6.229. This line too comes from the *Zuo zhuan*, 31st year of Duke Xiang 襄公; *Chunqiu Zuo zhuan zheng yi*, 40.24a-b [690].

[213] *Lunyu* 6/18; *Lunyu zhu shu*, 6.7a [54]; Jia Yi cites a slightly different of this line in "Rong Jing," *Jiazi Xin shu jiao shi*, 6.750; *Xin shu jiao zhu*, 6.230.

[214] *Jiazi Xin shu jiao shi*, 7.889; *Xin shu jiao zhu*, 7.288. The *Yi* text continues, "I have a fine cup [of beer], and share it with you" 我有好爵，吾與爾靡之; *Zhouyi zheng yi* 16.6a [133]; translation after Gao Heng, *Zhouyi dazhuan jin zhu* 周易大傳今注 (Ji'nan: Qi Lu shushe, 1998), 362-63.

[215] Jiao Yanshou, *Yi lin* 易林, *Sbby*, 16.1a; *Chunqiu Zuo zhuan zheng yi*, 40.6a-b [681].

[216] Shang Binghe, *Zhouyi Shang shi xue* 周易尚氏學, 17.269-70.

[217] *Zhouyi zheng yi*, 16.6b [133].

[218] *Zhouyi zheng yi*, 7.17b-18a [151]; Gao Heng, *Zhouli da zhuan jin zhu*, 391.

[219] Gao Heng, *Zhouyi dazhuan jin zhu*, 363.

[220] This is reflected in the "Yu cheng" 輸[=諭]誠 chapter of the *Xin shu*, which relates the tale of King Zhao of Chu 楚昭王, who perceives the discomfort of his people and takes action to alleviate it. When he later is driven out of his state, his people take action on his behalf, driving out the invaders and restoring Zhao to power. As Jia Yi says, this is, "Virtus from within the chamber"; 當房之德也; *Jiazi Xin shu jiao shi*, 7.862; *Xin shu jiao zhu*, 7.279.

[221] One of the definitions for the ruler that Jia Yi mentions, discussed in the next chapter, is, ""The lord (*jun* 君) is the flock-gatherer (*qun* 群)" 君者，群也"; *Jiazi Xin shu jiao shi*, 9.1028; *Xin shu jiao zhu*, 9.351.

Chapter 2

SOVEREIGNTY THOUGHT

As a political thinker and theoretician, Jia Yi forms his ideas around the kernel of the ruler. Nearly everything in Jia Yi's arguments takes the lord as focus. Given the centrality of the ruler in Jia Yi's thought, consideration of what exactly these ideas signified for Jia Yi is important for understanding not only his views on the concept of sovereignty, but for his thought generally. Yet Jia Yi's thinking about rule and rulership is not really completely expressed in the *Xin shu*. He never delves into any abstract theory underlying his arguments, which must be deduced to be understood. This is to be expected. Jia Yi died young and never had an opportunity to fully develop his ideas generally, and sovereignty is no exception. Furthermore, the notion of imperial rule—with its new implications—was still new, having existed for just over fifty years when Jia Yi died—and had really functioned for even less time. Later thinkers like Dong Zhongshu 董仲舒 (ca. 179-104 BC) and Ban Biao 班彪 (3-54) would develop their own notions about imperial sovereignty in a more systematic manner.[1]

Naturally, imperial rulership grew out of the system(s) of rule that preceded it, particularly kingship; the primary difference was quantitative rather than qualitative. Hereditary succession, sacrifices and religious observances carried out under imperial auspices, and the ultimate imperial locus (albeit at times theoretical) of power to grant ennoblement and official position all had their precedents in kingship. But with the establishment of an emperor came a ruler whose powers were, theoretically at least,

indivisible and without limit. The creation and expansion of a bureaucracy staffed by commoners—as opposed to positions filled by members of the nobility—emerged around the time of imperial consolidation and also changed the nature of rulership to one of more direct control.[2] Not only was the imperial system new, it was also not yet stabilized, and its continuity was anything but a surety in the turbulent first decades of Han rule.[3] All of this drives Jia Yi's discussion of rulership.

In order to understand how Jia Yi conceptualized rulership, I will begin with his definitions and proceed to more general notions. At the outset, it must be said that Jia Yi's extant works offer little in terms of explicit definition of the concepts surrounding rulership, in keeping with his generally unsystematic treatment of the topic. Nevertheless, Jia Yi held certain very specific views about the nature of rule and rulers. As anyone familiar with the writings of early Chinese thinkers would expect, Jia Yi offers certain rather abstract definitions relating to rulership—some of which are more helpful to understanding than others.

I will also examine the origins and characteristics of rule as Jia Yi conceives of them, including his three-tier ranking of rulers, which I also treat. My discussion will include reference to the concrete cases of rulership that Jia Yi treats, particularly the key examples of the Qin and Han, with an eye toward aspects that give an indication of principles that can be understood to apply generally. I will draw from all of the *Xin shu* to formulate and argue my analysis of Jia Yi's thinking about sovereignty and rulership. Finally, I will contrast Jia Yi's ideas about sovereignty with those of later thinkers.

The Nature of Rulership

Two paronomastic glosses found in the "Da zheng xia" 大政下 chapter provide information about the general definition of rulership that Jia Yi works with. First, Jia Yi says, "'Lord' (*jun* 君) as a word, means to lead (*kao* 考)" 君之爲言也, 考也.[4] In the same chapter, he also says, "The lord (*jun*) is the flock-gatherer (*qun* 群)" 君者, 群也.[5] Elsewhere, he explains, "The Son of Heaven is the head of the realm" 天子者, 天下之首也, in contrast to its barbarian "feet."[6] Notions of "leading" and "gathering a flock," like being "head" to the empire, certainly belong to the most general stratum of thought on rulership, and are probably better understood as rhetorical tropes first and definitions second. Another comment makes the essentially

autocratic nature of imperial rule explicit: “As for the people: only the lord possesses them; those that are ministers assist the lord in patterning them” 夫民者, 唯君者有之. 爲人臣者, 助君理之.[7]

Jia Yi dates Emperor Gaozu’s accession to the imperial throne and title of Son of Heaven to the fifth year of Gaozu’s reign (202 BC).[8] This is the point in time when Liu Bang defeated his erstwhile confederate *cum* rival for rule Xiang Ji 項籍 (*zi* Yu 羽, 232-202 BC).[9] From this, we can deduce that being Son of Heaven entails primary control of the realm.

The “Xiongnu” 匈奴 chapter of the *Xin shu* lays out a program to bring the northern nomads by that name under the control of the Han imperium. As part of his effort to provide simultaneously justification and impetus for enacting his proposals, Jia Yi defines the boundaries of the Han empire:

> If, merely, some are not the people of the Son of Heaven, how can he still be the Son of Heaven? The *Shi* says, “All under heaven, / Nowhere is not his royal domain. / All along the ground, / There is none not vassal to the king.”[10] The king [in the poem] is the Son of Heaven. Anyplace that boat or chariot can attain, anywhere that human tracks can reach—even among the Man, Mo, Rong, and Di:[11] who is not regulated by the Son of Heaven?[12] If the arch rogue improperly leads the Son of Heaven’s people, thereby not heeding the Son of Heaven, that is the arch rogue’s great crime.[13] 苟或非天子民, 尙豈天子也. 詩曰, 普天之下, 莫非王土. 率土之濱, 莫非王臣. 王者天子也.[14] 苟舟車之所至, 人迹之所及, 雖蠻貊戎狄, 孰非天子之所作哉. 而慉渠 頗率天子之民, 以不聽天子, 則慉渠大罪也.[15]

Jia Yi’s main point is that non-Chinese peoples, too, fall under theoretical Han jurisdiction. The ideal geographical boundaries of the realm are also made clear. They should encompass, functionally, everywhere: all within communication distance are charges of the Han, and countermanding the emperor by presuming to lead his people is criminal.[16] That this territory also includes the whole of the Chinese culture area is understood; Jia Yi’s argument is that the other peoples belong, too. It must be noted that Jia Yi’s citation of the *Shi* poem is perhaps questionable, as none of the ancient kings held actual power over a greater area than the Qin and Han emperors.[17] But the quotation is primarily for rhetorical effect and strict geographical scope is certainly not a concern for Jia Yi. More important is the general impression: by rights, the emperor is the ruler of everyone, everywhere.

"Wei bu shen" 威不信 treats the extension—or, rather, the non-extension—of imperial majesty over the non-Chinese peoples who lived along and outside the functional borders of the Han empire.[18] Rather than laying out an elaborate policy program as he does in "Xiongnu," Jia Yi here seeks simply to convince a lackadaisical Emperor Wen of the necessity for action. Again, he defines the terms for ruler:

> According to the proper ancient definition: only when to the east, west, south, and north, wherever a boat or chariot could attain, and anywhere that human tracks could reach, there was none that did not comply and submit, could [the sovereign] be called Son of Heaven. When virtus was plentiful in him and his favors profound he was termed thearch (*di* 帝); when nobility again was added to this he was called august (*huang* 皇). 古之正義, 東西南北, 苟舟車之所達, 人跡之所至, 莫不率服, 而後云天子. 德厚焉, 澤湛焉, 而後 稱帝. 又加美焉, 而後稱皇.[19]

At the same time that he employs these definitions of imperial sovereignty, Jia Yi acknowledges—indeed advertises—that they do not accord with reality: "But now, though your title is extremely noble, the reality [of your rule] does not go beyond the Great Wall; those [outside] not only do not submit, they are also greatly disrespectful" 今稱號甚美, 而實不出長城, 彼非特不服也, 又大不敬.[20] This is purposeful: Jia Yi seeks to use the definition of the scope of the ideal Son of Heaven's control to impel Emperor Wen along a particular course of action that is to make him a real Son of Heaven. By deconstructing the term for emperor (*huangdi* 皇帝), he implies that Wen is not—yet—truly worthy of the title, and challenges him to become worthy.[21] As Jia Yi argues, Wen need only properly assert his rule, and,

> Your virtus could be spread far, your majesty applied far—wherever boat or chariot can reach, it could be made as you will. Yet, distressingly, your majestic commands are not extended a mere several hundred miles.[22] 德可遠施, 威可 遠加, 舟車所至, 可使如志, 而[23] 特憪[24]然數百里而威令不信.[25]

Jia Yi asserts that the Son of Heaven already *has* jurisdiction over the whole of the known world, including other peoples: "Anyplace that boat or chariot can attain, anywhere that human tracks can reach—even among the Man, Mo, Rong, and Di: who is not regulated by the Son of Heaven?" That this is, in practice, not "extended"

is a small problem: with proper planning, he asserts it could be effected with minimal difficulty. The *willingness* (and not merely ability) to subjugate the barbarian peoples becomes a measure of a lord's rule.[26] On the other hand, since everyone is under the postulated dominion of the Han emperor, failing to heed his command is a "great crime" that awaits rectification.

Elsewhere, Jia Yi grants that imperial control of the "realm" in the limited sense of (more or less) China is already in the hands of Emperor Wen, even though it is not stable.[27] The ritual supremacy of the emperor is certainly never questioned. And despite his criticism of the emperor's failure to live up to his title, Jia Yi never calls for the usurpation or replacement of Emperor Wen—just the opposite. He wants the emperor's position reinforced, strengthened through more aggressive policies. Jia Yi uses the dissonance between theory and reality as rhetorical device in support of his conception of emperorship. Despite this dissonance, the incongruity between theory and praxis, Jia Yi never needs to deny the essential factuality of either. Both are true and must be brought into concord.[28]

The Origins of Rule

The next point is the origin of the imperial state and its ruler. Jia Yi's conception of the empire includes "everything," i.e., the whole of the Chinese culture area and the surrounding peoples within communications distance. Though differences between ancient and contemporary times—in terms of size, culture, etc.—were certainly significant, Jia Yi never acknowledges them. Thus, although the area that could have been under the control of semi-legendary rulers Yao 堯 and Shun 舜 and dynastic founders Tang 湯 and Wu 武 (of the Shang and Zhou dynasties, respectively) was certainly much smaller than that of the new empire, Jia Yi uses the same terms to describe the scope of the realm in generic "ancient" (*gu* 古) times and the prospective extent of Emperor Wen's rule: "Wherever boats or chariots attain, and anywhere that human tracks reach" 舟車之所達, 人迹所至.[29] Similarly, when he cites examples from history, Jia Yi consistently treats every sort of ruler from antiquity as of one sort with the emperor. A Warring States duke's example is as apposite as that of a sage king, and both offer lessons for the emperor.

Jia Yi never discusses the origins of the "realm" (*tianxia* 天下) in terms of the Chinese culture area.[30] He accepts without comment the essential unity of this area

even in times of disunion like the Warring States, a conceptualization that was not unique to him.[31] Although the Zhou dynasty is supposed to have ruled the whole realm, their rule (which can loosely be termed feudal) was a very different sort of thing than the centralized and unified government that the Qin instituted. Thus, most people date the political unification of and institution of centralized government in China to 221 BC, under the First Emperor of the Qin.[32]

The origins of Qin imperial rule lay neither in succession nor in usurpation exactly, but rather in victory over and annexation of formerly independent states. Jia Yi ascribes Qin ascendancy to two specific factors: the geography of the original state of Qin, which made Qin a natural stronghold; and the plans of certain renowned Qin vassals, particularly Shang Yang. The geography of Qin, with its natural defensive barriers, is a recurring topic in the "Guo Qin lun" 過秦論,[33] and Jia Yi also mentions the inherited plans that the rulers of Qin employed during their rise to power over several generations.[34] The successes of Qin came not from the talents of its rulers, but from what amounts to good luck: Jia Yi portrays Qin's famous and decisive victory over its six opponent states as a result of failures of the Qin's foes, rather than to any particular ability of the Qin rulers.[35] The success of the First Emperor was merely the culmination of this inheritance. Jia Yi criticizes all three rulers of the Qin dynasty in the same terms: "Given the befuddledness (*huo* 惑) of these three lords—to the end of their lives, not waking up—wasn't their destruction appropriate?" 三主之 惑，終身不悟，亡不亦宜乎.[36] Confused but fortunate in topography and inheritance, they won the realm. That is the anticlimactic origin of the imperial state ruled by the Han.[37]

This refutation of the notion that the Qin captured the realm through the capabilities of its rulers is no doubt a strike against any claim to legitimacy on their behalf—even though, as Jia Yi says, "There had been no ruler [of the realm] for a long time" before King Zheng, the First Emperor, took control. Though the position of Son of Heaven was theoretically available and the Zhou house still existed, the chaos of the realm proved that there was no Son of Heaven when the Qin arose.[38] And despite his overt aversion to the Qin, Jia Yi concedes them the title of Son of Heaven for having brought stability and unity.[39]

> When the Yin had been the Sons of Heaven for more than thirty generations, the Zhou took over.[40] When the Zhou had been the Sons of Heaven for more than thirty generations, the Qin took over. When the Qin had been Sons of Heaven for [just] two generations, they perished. 殷爲天子三十餘世, 而周受之. 周爲天于三十餘世, 而秦受之. 秦爲天子, 二世而亡.[41]

By granting this title to the Qin, Jia Yi acknowledges them as legitimate rulers in their time. Brute force can be justification for sovereignty. But the phrasing at the end of the above quotation is telling, for in Jia Yi's argument, the Qin "perished" after *two* generations. The implication is that the third Qin ruler, Ziying 子嬰, was no longer Son of Heaven.[42] Ergo: the Qin were in fact not usurped by the Han.[43] This is an important point, for although Jia Yi acknowledges that usurpation is sometimes justifiable, it is even then the "greatest perversion" (*da ni* 大逆) of proper order—and something *not* committed by Han founder Gaozu.[44]

This interpretation contrasts with Jia Yi's assessment of the sage rulers Tang and Wu, who committed "greatest perversion" but still receive universal praise because of their later good governance.[45] In effect, Jia Yi argues for the moral superiority of Gaozu over those ancient sages. Jia Yi's interpretation contrasts also with later interpretations of the Qin-Han changeover, like that of Cai Yong 蔡雝 (133-92): "The Qin took over at the end of the Zhou, and were driven out by the Han" 秦承周末, 爲漢驅除.[46]

Jia Yi explains the success of Han Gaozu and the founding of the Han dynasty as a rescue of the realm when it had fallen into chaos, rather than as overthrow of the Qin. Just as was the case at the end of the Warring States period, there was only chaos—and no Son of Heaven—when the Han took over.

> The Qin had botched the pattern-lines [of proper rule] and the realm was greatly damaged… The realm was chaotic to the extreme. For this reason, the Great Worthy (i.e., Gaozu) lifted it,[47] stirring all in the realm with his majesty and causing the realm to follow him with his virtus.[48] What had formerly been the Qin was now changed to become Han. 秦國失理, 天下大敗 … 天下亂至矣. 是以大 賢起之, 威振海內, 德從天下, 曩之爲秦 者, 今轉而爲漢 矣.[49]

Not only did Gaozu rescue the realm, he did so by means of perspicacity, sagacity, majesty, and martiality, as well as virtus—all qualities proper to a ruler.[50] Jia Yi

states explicitly that Gaozu's ascendancy resulted from the superiority of his talents to those of his potential rivals: "When Emperor Gao faced south and declared [himself] emperor, the various lords were, each of them, vassals, for their talents were not up to his by far" 高皇帝南面稱帝, 諸公皆爲臣, 材之不逮至遠也.[51] This justification by talent replaces, at least temporarily, the need for hereditary succession and the noble birth for the ruler.[52]

The utter absence of heaven in the change of dynasty is especially telling because of the importance that the "Mandate of Heaven" (*tian ming* 天命), which had been so influential in earlier times, would come to play later in Han times.[53] When heaven comes into questions of rulership, Jia Yi never connects it to a mandate or any sort of attachment to a single person—nor, by extension, to a dynasty. Rather, heaven helps the ruler who makes himself: "August heaven is without intimates; only those of virtus—*these* will [heaven] assist" 皇天無親, 惟德是輔.[54] Jia Yi does not describe the possession of a Qin mandate or its loss to the Han. They fell as a direct result of their misguided governance. I will return to the topic of the mandate below.

Characteristics of the Ruler

Jia Yi often blurs the line between abstraction and praxis or methodology. This is clear in the "Fu zhi" 傅職 (The tutor's duties) chapter of the *Xin shu*, when Jia Yi lists some of the things to be taught the future ruler, including, e.g., "loyalty" (*zhong* 忠), "trustworthiness" (*xin* 信), and "duty" (*yi* 義) alongside "service" (*shi* 事), "punitive attacks" (*fa* 伐), and "rewarding" (*shang* 賞).[55] Thus, a discussion of Jia Yi's understanding of the traits proper to a ruler includes both quasi-moralistic virtues and skills. Furthermore, even moralistic abstractions become pragmatics in Jia Yi's arguments. Virtus (*de* 德), humaneness (*ren* 仁), and related notions are prime examples of the latter tendency, but since I discuss them in connection with governance elsewhere, I will not focus on them here.

Perhaps the single most important trait for a good ruler that Jia Yi describes is the ability to find and employ the worthy (*xian* 賢), a common theme among early Chinese thinkers. Jia Yi says, "There has never been [a ruler] able to attain accomplishments and establish good reputation, pacify crises and restore the interrupted, without worthy assistants and an exceptional clerisy" 無賢佐俊士,

能成功立名, 安危繼絕者, 未之有也.[56] Employing skilful underlings will enable the ruler to extend his "good influence" (*hua* 化) over the people:

> If you promote the worthy, then the people will change for the better. If you employ the able, then official tasks will be in order. If the glorious and outstanding are in proper positions, then the lord will be respected. If [the lord's] assistants are up to their duties, then the people will be illustrious. 舉賢則民化善, 使能則官職治, 英俊在位則主尊, 羽翼勝任則民顯.[57]

Because of the natural condition of polities generally, it is absolutely necessary that the lord employ worthies in his government. Without them, he or one of his descendants is sure to fall victim to instability:

> No state has constant stability and there is no people that is regulated forever.[58] If [a lord] gets the worthy, his name will become illustrious and prominent; if he loses the worthy, he will be imperilled and destroyed. From ancient times until now, it has never been otherwise. 無常安之國, 無宜[=恆][59] 治之民, 得賢者顯昌, 失賢者危亡. 自古及今, 未有不然者也.[60]

Jia Yi does not discuss the exact causes of all sorts of stability, but he does give a number of instigating factors. Drought and the accompanying starvation, which he views as a regular occurrence, is the cause that he speaks of most frequently.[61]

For Jia Yi, it is never the case that a state should lack worthies. They are always there, and if they are not employed, the failure lies with the ruler alone:

> If the lord is perspicacious, then the state will never have the misfortune to be without worthy clerisy … While springs and swamps can be without water, states are never without clerisy. 君明也, 則國無不幸而無賢士矣 … 澤有無水, 國無無士.[62]

A similar sentiment is expressed in the *Guanzi* 管子: "The realm is not afflicted by a lack of [good] vassals, but is afflicted by a lack of [good] lords to employ them" 天下不患無臣, 患無君以使之.[63]

By necessity, the ruler selects his assistants from among the ever-present, undifferentiated mass—containing both worthy and unworthy—that is the populace.[64] And it is *by* his ability to find the worthies that a lord demonstrates his own worth.[65] "Accordingly, the lord's merit is seen in his selection of officials" 故君功見於選吏.[66]

Jia Yi devotes an entire chapter of the *Xin shu*, "Guan ren" 官人 (Employing people), to the ways a ruler can properly assess qualifications and employ good officials.[67] By making the people and clerisy constant factors as he does, Jia Yi effectively removes them as a consideration in his arguments: they are there, always there, always waiting. There is nothing they can do but wait to be acknowledged by their sovereign. This focuses attention back on the ruler, whose discernment in employing the worthy is the only determining factor. It also means that Jia Yi denies the right of underlings—no matter how worthy they are, or how unworthy the sovereign is—to overthrow their ruler: they can only await his notice. The implication is that Han rule is already legitimated and cannot be undone by the same means that brought it about.

From the perspective of the lord, the officials he employs have two functions. Since the lord cannot manage the myriad details of governance alone, he must delegate tasks to his officials; when these are skillful and honest, he will have success:[68] "As for the [good] lord of men, in being the lord of men: he manages affairs without stumbling, because he leans on the worthy" 人主之爲人主也, 舉錯而不僨者, 杖賢也.[69] The officials also serve to keep the ruler informed about the state without his having to belabor himself with travel—a real concern in those days.[70]

Worthy advisors also serve to the spur the ruler himself toward good. Jia Yi quotes the *Shi* poem "Yu pu" 棫樸 (Mao #238) in this context:

> The ode says, "Luxuriant—the elm and jujube [trees] / We cut and stack them. / Stately—the lord and king, / [His entourage] urges him."[71] This describes how his entourage encourages him every day with goodness. Therefore, I humbly hold that the selection of retinue is critical.[72] 詩云, 芃芃棫樸, 薪之槱[73]之, 濟濟辟王, 左右趨之. 此言左右日以善趨也.故臣竊以爲練左右急也.[74]

For this system to function, the ruler must be willing to accept remonstrance, and the vassal must be dutiful in providing it: "If a superior does wrong, then [his subordinates should] remonstrate and stop him, regulating him by means of the Way" 故上爲非則諫而止之, 以道紀之.[75] With a coterie of the right advisors, which he chooses himself, the lord is sure to be correct and thus safe in his position.[76]

At the same time, if an erring lord should realize that he has gone astray, he can change his situation by changing himself: a change in his assisting vassals is sure to follow. In the "Xian xing" 先醒 (First awake) chapter, Jia Yi quotes words

attributed to Duke Zhao 昭公 of Song 宋, who blamed being caught in difficulties and forced to flee his state on his lack of underlings ready to point out his errors:

> "Wearing ceremonial garb, I occupied the throne, and among the hundreds of attendants and drivers there was no-one that did not say, 'Our lord is resplendent!' I gave speeches and performed my duties, and among the hundreds of ministers in the court, there was none that did not say, 'Our lord is sage!' Neither inside nor outside [the court] could I hear about my faults, and for this reason, I have come to this. My distress is fitting." Thereupon, he reversed his mindset and altered his actions: clothing himself in coarse cloth and eating coarse food,[77] he studied the way by day and discussed it by night.[78]被服而立, 侍御者數百人, 無不曰吾君麗[者. 吾發政舉事, 朝臣千人, 不曰吾君聖者也].[79] 外內不聞吾 過, 吾是以至此. 吾困宜矣. 於是革心易行, 衣苴布, 食 餕, 晝學道而夕講之.[80]

Although Zhao blames his failures on the toadying ministers with whom he had surrounded himself, his first actions are to change *himself*. A corresponding change in advisors is so certain that it need not be expressed: the worthy leader will assuredly bring good counselors to himself just as he rids himself of the bad.[81] A lord's readiness to recognize and prevent or correct problems is in itself another measure of his worth.

The ruler should be ready to heed not only his subordinate's criticisms but also their suggestions for positive action. In "Xiu zheng yu xia" 修政語下, Jia Yi quotes Yuzi 鬻子, "If the lord thinks of something good, then he puts it into practice. If the lord hears of something good, then he puts it into practice. If the lord knows of something good, then he puts it into practice" 君思善則行之, 君聞善則行之, 君知善則行之.[82] For Jia Yi, knowledge generally is useless unless put into action, and he opposes the very idea of a passive ruler.[83]

> When you hear of good, put it into practice it as if contending [to do so]. When you hear of evil, change it as if it were an adversary. Only then can calamity be dispelled; only then will you be protected and blessed. 明君而君子乎, 聞善而行之如争, 聞惡而改之如讎, 然後禍菑可離, 然後保福也.[84]

Another trait that Jia Yi commends to the ruler is "deliberation, prudence, care" (*shen* 愼). This is the counterpart to careful selection of officials: "The perspicacious lord's attitude toward governance is to be prudent about it, and his

attitude toward officials it to be selective about them. Only then will the state flourish" 故是以明君之於政也, 慎之, 於吏也, 選之, 然後國興也.[85] And of course, the lord should be deliberate about who he surrounds himself with.[86] Jia Yi applies the notion of prudence in many different situations, so many that his attitude is perhaps best summarized in his recommendation that the lord be "cautious and deliberate the whole day, every day" 日戒慎一日.[87] This prudent caution is a necessity in regard to governance at the broad level, as well as for the personal speech and actions of the ruler.[88]

For governance, the most important kind of prudence concerns punishment and reward, namely a reluctance to apply punishments and a studied insouciance about granting rewards:

> Be deliberate when you punish and reward. It follows that it would be better to lose someone that is guilty than to kill someone without crime. Accordingly, in any case of a crime: if there is doubt, then hold to it and simply release [the person]. In any case of merit: if there is suspicion [of merit], then hold to it and simply give [the reward]. If thus, then there will be none that is executed without being guilty, and there will be none that has merit but goes without reward. 誅賞之慎焉. 故與其殺不辜也, 寧失於有罪也. 故夫罪也者, 疑則附之去已. 夫功也者, 疑則附之與已. 則此毋有無罪而見誅, 毋有有功而無賞者矣.[89]

Perhaps this can be summarized as the "quick with carrot, slow with stick" approach. It is exactly the opposite of the attitude advocated by legalist thinkers like Shang Yang, who held that impartiality and strictness was necessary in both reward and punishment. Lord Shang would never suggest—as Jia Yi does—that it is better to let a guilty man off scot-free than to risk punishing an innocent, or that it is better to reward than to punish.[90]

Jia Yi relates two quasi-historical anecdotes to illustrate and expand upon these principles. Among the tales recorded in the "Lian yu" chapter of the *Xin shu*, there is the story of a doubtful legal case in the state of Liang 梁,[91] presumably to have occurred around the middle of the fifth century BC.[92] The king of Liang is faced with a court case in which his advisors are evenly divided, half for conviction and half for acquittal, while he himself has doubts. Unable to reach a decision, the king summons Fan Li 范蠡 (Chunqiu period, ca. 5th c. BC), famous businessman and former royal advisor in Yue 越.[93] In answer to the king's query, Fan Li tells of two

jade discs in his possession, one worth twice what the other is—even though they are of matching color, luster, and diameter. The difference in value is explained only when the two discs are compared from the side: the more valuable is twice as thick as the less. From this, the king realizes that it is better to be "thick" (*hou* 厚), which is a pun: *hou* also means, "magnanimous, generous," just as "thin" (*bo* 薄) can mean, "stingy, lacking in feeling."[94]

> Accordingly, in criminal cases, if there was doubt [the king] would follow [the doubt] and dismiss [the case]; in rewarding, if there was possibility for it,[95] [he] would follow [that possibility] and grant [the reward]. The state of Liang was happy. 故獄疑則從去, 賞疑則從予, 梁國說.[96]

And lest his audience should fail to catch the drift, Jia Yi offers a few more punning examples:

> In your vassal Yi's (i.e., my) humble view of it: if a wall is thin, it will quickly crumble; if silks are thin, they will quickly be rent; if a vessel is thin, it will quickly be broken; and if wine is thin, it will quickly sour.[97] 以臣義 [=誼][98]竊觀之, 墻薄[99]咫亟壞, 繒薄咫亟裂, 器薄咫 亟毀, 酒薄咫亟酸.[100]

The implication is that if the ruler is "thin," then he will quickly fall. Thus, prudence is closely related to a magnanimous hesitation to chastise and willingness to grant rewards. This is giving the benefit of the doubt in both situations.

Another story, from the "Chunqiu" 春秋 chapter, illustrates this reluctance of the good ruler to subject his underlings to punishment, even in cases where the law calls for it. King Hui of Chu 楚惠王 (reg. 488 – 434 BC) once found a leech in his pickles, ate them anyway, and as a result became sick.[101] When his chancellor asks about the cause of the illness, the king admits that he had eaten a leech. And although he had seen it before eating the pickles, the king was unwilling to call attention to the leech because its presence was a mistake that by law would have led to the execution of a number of his kitchen staff. The king could not bear to see that, so he kept quiet and ate the leech.[102] The chancellor praises the mercy of the king and foretells a speedy recovery, which in fact comes to pass. Again, the unwillingness to subject underlings to punishment is esteemed as a virtue, a way to build up virtus.

Even though Jia Yi argues for magnanimity and holds that a ruler should be "Easy to make happy and hard to make angry" 易使喜, 難使怒, he does not oppose just punishment for the guilty.[103]

> If a punishment accords with proper pattern-lines and fits to the crime, then you can execute three armies and be without sin. If a punishment is not fit to the crime and you execute even a single commoner, august heaven will know of your crime. 若[104]誅伐順理而當，辜殺三軍而無咎. 誅殺不當，辜殺一匹夫, 其罪聞 皇天.[105]

Thus, the lord is to be cautious and prudent, but not afraid to act with appropriate severity when the situation requires it; to return to an image mentioned in the "Unstable Roots" chapter: the adze and axe are still available for use when the blade of humaneness does not suffice. And in situations where punishment is called for, the ruler is simply not bound by the rules that apply to ordinary people, e.g., those concerning kinship ties: his only concern is the security of the state.[106] The balance between strictness and laxity is a theme that comes up repeatedly in Jia Yi's thought.

Jia Yi also charges the lord to be deliberate about speech and action. He particularly emphasizes the irrevocable nature of word and deed:

> Speech cannot be made to return once it comes out, and deeds cannot be covered up once seen. Thus, any speech-act or deed is a demonstration of wisdom or foolishness and the differentiation of worthiness and incapability. It follows that for this reason, the knowledgeable are deliberate in speech and deliberate in action and thus get blessings for themselves. The foolish are easy in speech and easy in action and thus bring affliction on themselves. Therefore, the speech of the lordling must invariably be viable,[107] and only then will he say it; his actions must invariably be viable, and only then will he perform them. 夫[108]一出而不可反者，言也. 一見而不可得揜[109]者，行也. 故夫 言與行者，知愚 之表也，賢不肖之別也. 故[110]是以知者慎言 慎行，以爲身福. 愚者易言易行，以爲身菑. 故君子言必可行也，[然後言之，行必可言也,][111] 然後行之.[112]

It is through the consistent consummation of words with acts that creates and demonstrates the lord's trustworthiness (*xin* 信).[113]

The lord must also guard against words and actions that could give his rule the air of inappropriateness and/or arrogance (the line between the two is often unclear). In the "Li rong yu xia" 禮容語下 chapter, Jia Yi offers three examples of these

principles. He first tells of Shusun Zhaozi 叔孫昭子 of Lu 魯, who pays an official visit to the state of Song 宋.[114] There, he is feasted by Duke Yuan 元, and in the course of the evening, Zhaozi and the duke are moved to tears by the music. This effusion is condemned as excessive and untoward by a certain Le Qi 樂祁. Such indulgence of indecorous emotion augurs the untimely weepers' untimely deaths, a doom which comes to pass in short order.

In the same chapter, Jia Yi offers a counterpoint in the example in the ritual observances paid to Shuxiang 叔向 of Jin 晉 on an official visit to Zhou 周.[115] The Zhou duke Shan Jing 單靖 is scrupulously correct and frugal in his treatment of Shuxiang, as well as his in his life generally. This leads to a general state of peace in the state of Zhou, and is proffered as an explanation for the longevity of the Zhou house, despite its decline.

A final example found in "Li rong yu xia" is that of the conduct of Duke Li of Jin 晉厲公; his three high officers Xi Yi 郄錡, Xi Chou 郄犨, and Xi Zhi 郄至; and Guo Zuo 國佐 of Qi 齊 at a meeting that took place in Jialing 加陵.[116] Duke Li behaves arrogantly, "looking far and stepping high" 視遠步高;[117] the Three Xis and Guo Zuo demonstrate various faults concerning speech:

> When Xi Yi 郄錡 had audience with Shanzi (Duke Shan Xiang of Zhou 周單襄公), his speech was offensive; when Xi Chou 郄犨 had audience, his speech was deceptive;[118] when Xi Zhi 郄至 had audience, his speech was boastful;[119] when Guo Zuo 國佐 of Qi 齊 had audience [with Shanzi], his speech was left nothing [unexpressed][120] … When someone is offensive, he bullies people; when someone deceives, he slanders others; when someone is boastful, he covers over others' [good points][121] … Guo Wuzi 國武子 (= Guo Zuo) of Qi, for his part, will have some calamity. Qi is a disordered state. To stand in the court of a licentious and disordered [state] and to be fond of leaving nothing unexpressed, thereby exposing others' faults,[122] is the root of resentment. 郄錡見單子，其語犯. 郄犨見，其語訐[=訏]. 郄至見，其語伐. 齊國佐見，其語盡… 犯則 凌人, 訐[=訏]則誣人, 伐則揜人… 齊國武子亦將有禍. 齊, 亂國也. 立於淫 亂之朝, 而好盡言以暴人過, 怨之本也.[123]

These actions are of course not forbidden only to the lord, and the actors named here include high officials. But they are particularly dangerous for a ruler. In specific reference to Duke Li, Shanzi says,

> To "look far" means to exceed duty; to "step high" means to discard virtus. To speak disloyally means to go against trustworthiness; to listen licentiously means to depart from proper names. 視遠曰絕其義, 足高曰棄其德, 言爽曰反其信, 聽淫曰離其名.[124]

The fate of the duke and its cause are clear:

> The eyes should be used to keep to duty; the feet should be used to follow virtus, the mouth should be used to enact trustworthiness,[125] and the ears should be used to hear the proper names [of things]. Thus, one must be deliberate about [all four]. If they are partially lost, there will be disaster; if they are lost completely, the state will follow.[126] [127]目以處義, 足以踐德, 口以庇 信, 耳以聽名者矣,[128] 故不可不慎也. 偏亡者有免咎,[129] 既亡則國從之.[130]

As expected with Jia Yi, when he says, "the state will follow," he speaks specifically to the lord; the threat is not displacement, it is death. Within a short time, this prophecy would come to pass, and the duke and the Three Xis would all be dead.[131] Arrogance leads to carelessness in word and deed that destroys the ruler's elevated status and opens him up to the threat of deposal and death.

A Ranking of Rulers

Both rulership and graded hierarchy are central parts of Jia Yi's thought, which he combines to offer criteria for ranking various types of rulers. These gradations serve more than simple descriptive purposes: they are teaching tools that convey the best modes of rule, as well as rhetorical devices for political persuasion.

In the "Lian yu" chapter, Jia Yi lays out a schema ranking three orders of ruler—the good, the bad, and the in-between:

> There are superior rulers, there are mediocre rulers, and there are inferior rulers. Superior rulers can be led into improvement and cannot be led into decline. Inferior rulers can be led into decline and cannot be led into improvement. Mediocre rulers can be lead into improvement and can also be lead into decline. 有上主者, 有中主者, 有下主者. 上主者, 可引而上, 不可引而下. 下主者, 可以引而下, 不可引而上. 中主者, 可引而上, 可引而下.[132]

He expands this outline by drawing upon conventional examples from history: sage kings Yao 堯 and Shun 舜 for the superior, and standard whipping-boys Jie 桀 and

Zhouh 紂 for the inferior. A superior ruler is sure to draw to himself and take advice only from worthy advisors; an inferior is sure to attract the bad and expulse the good. "It follows that the only one to be worried about is the mediocre ruler, none other" 故其可憂者, 唯中主爾.[133] Jia Yi cites the famous Duke Huan of Qi 齊桓公 as an example of this mediocrity, and connects the duke's up-and-down fortunes to the nature of his various advisors:[134]

> When he got Guan Zhong 管仲 and Xi Peng 隰朋,[135] he could bring together the feudal lords nine times. When he employed Shu Diao 豎貂 and Ziya 子牙,[136] he starved to death in the Hu Palace; while the maggots flowed, he did not receive burial. 得管仲隰朋, 則九合諸侯, [任][137]豎貂子牙, 則餓死胡宮, 蟲流而不得葬.[138]

With superior advisors like Guanzi and Xi Peng, Qi was able to bring together the major rulers of his time. But when he was later served by the ilk of Shu Diao and Ziya, he suffered an ignoble death, not even enjoying a decent burial.

In the "Xian xing" 先醒 chapter, Jia Yi lays out the same structure in different wording, without criteria and toward a somewhat different persuasive purpose:

> The lord that is a worthy lord *and* has a teacher will be king; the lord that is a mediocre lord and has a teacher will be hegemon; the lord that is an inferior lord, and that has none among his vassals that can match him, will perish. 其君賢君也, 而又有師者王. 其君 中君也, 而有師者伯. 君下君也而群臣又莫若者亡.[139]

Here, Jia Yi posits the necessity of good advisors—in the guise of teachers—for successful rule, perhaps with his own position in mind.

Jia Yi is surely drawing on various Warring States thinkers for his structure. This tripartite division bears a strong similarity to a conceptualization of human nature implied by Kongzi in the "Yang huo" 陽貨 chapter of *Lunyu*: "It is only [those of] highest knowledge and lowest stupidity that do not change" 唯上知與下愚不移, i.e., it is only those in between that can change.[140] The "Ren fa" 任法 section of the *Guanzi* 管子 lays out explicitly a tripartite grading system for rulers:

> [A ruler] who does not self-interestedly reward the people he cares for, who does not self-interestedly punish people he dislikes, who establishes ceremony

> and sets up laws, and makes decisions according to proper measure is a superior lord. [A ruler] that self-interestedly rewards people when he cherishes them and self-interestedly punishes people when he dislikes them, who turns his back on his great ministers and separates himself from his entourage, making decisions exclusively on the basis of his heart is a mediocre ruler. [A ruler] who self-interestedly rewards for his ministers those that they cherish and self-interestedly punishes for his ministers those that they dislike, who turns his back on equitable law, impairs his proper mind, and heeds only his great ministers is an imperiled lord. 夫愛人不私賞也, 惡人不私罰也, 置儀設法以度量斷者, 上主也. 愛人而私 賞之, 惡人而私罰之. 倍大臣, 離左右, 專以其 心斷者 , 中主也 . 臣有所愛 而爲私賞之, 有所惡而爲私罰之, 倍其公法, 損其正心, 專聽其大臣者, 危 主也.[141]

This ranks rulers according to their abilities in maintaining rectitude in punishment and reward, particularly as influenced by the necessary evil of the ministers. In his "Wang zhi" 王制 chapter, Xunzi applies a three-grade classification to rulers, though putting the words into Kongzi's mouth:

> If his great observances are correct and his minor observances are correct, he is a superior lord. If his great observances are correct, but some of his minor observances are and some are not, then he is a mediocre ruler. If his great observances are wrong, then even if his minor observances are correct, I do not look at the rest. 大節是也, 小節是也, 上君也. 大節是也, 小節一出焉, 一 入焉, 中君也. 大節非也, 小節雖是也, 吾無觀其餘矣.[142]

For Xunzi, a ruler is graded by how well he maintains proper governance, including not only the evidently important matters but also those of less apparent significance. A three-grade classification is also found in the *Han Feizi*. In the "Ba jing" 八經 chapter, it says, "An inferior lord exhausts his own ability; a mediocre lord exhausts other people's strength; a superior lord exhausts other people's knowledge" 下君盡己之能, 中君盡人之力, 上君盡人之智.[143]

Although I have not found evidence of a three-grade system for rulers in the *Mozi* 墨子, Jia Yi's conceptualization of the mediocre ruler who can be led toward good or evil certainly has a close relationship with the ideas found there, especially those recorded in the "Suo ran" 所染 chapter.[144] There, Mozi expounds the analogy of "dyeing silk" (*ran si* 染絲) for influence. In particular, the *Mozi* treats the "dyeing" of lords by their advisors, citing a number of examples from history. Like Jia Yi's mediocre lords, the exemplars good and bad are all influenced by their

advisors and reach ignominy or attain fame because of them. However, Mozi's approach is different from Jia Yi's: Mozi's list of examples includes Shun: "Shun was dyed by Xu You and Bo Yang …. Accordingly, [he] ruled the realm, was established as Son of Heaven, and [his] meritorious name covered the world" 舜染於許由, 伯陽…故王天下, 立爲天子, 功名蔽天地.[145] This contrasts somewhat with Jia Yi's analysis, in which Shun was a superior ruler, and thus not in need of dye exactly: he was sure to get and keep only the best sort of advisor.

With the exception of Mozi, each of the above thinkers creates a ranking system with a similar structure, each turning a single structure toward his own philosophical and persuasive interests. Jia Yi's gradations here all focus around the ruler's interaction with his subordinates, reflecting one of his primary concerns. This shows that he, to a certain point, shares the interest in ruler-vassal relations apparent in the above citation from the *Guanzi*. However, while *Guanzi* focuses on how the ruler manages his direct subordinates, Jia Yi conceives of a bureaucratic system in which selection of vassals influences not only those things under the direct control of the lord, but also the whole system.[146] In terms of the relationship between ruler and worthies, Jia Yi's ideas seem closest to those of Mozi, though the vital position of advisors to the ruler is a theme also found in the works of other thinkers.[147] On the other hand, the example cited above from the "Xian xing" chapter makes it clear that no matter which grade a lord might below to, he can only reach his full potential under the tutelage of a teacher. Presumably, Jia Yi stands ready to assume this duty.

Jia Yi views the ability to properly select, employ, and retain good vassals as requisite for a ruler, a trait to be learned and cultivated. A leader who can be led by someone of inferior station is not in a position of passivity, but rather enjoys the fruits of his own discernment. This simultaneous supremacy and subjection is the result of a process that can only be effected through the personal effort of the lord.[148] It must also be noted that, given his insistence on the necessity of ministers and of care in their selection, Jia Yi implies that Emperor Wen specifically and latter-day rulers generally belong to the "mediocre" stratum, else they would naturally draw the good and shake off the bad.

Ranking Responses

The main point of the "Shen wei" 審微 chapter is the import of slight matters, primarily titles and other ritual regulations, in relation to political problems.[149] There, Jia Yi also ranks three types of response to difficulties potential, impending, or present. Although he does not name the ruler as the one whose actions are thus ranked, Jia Yi's audience is surely again the emperor. Thus, I would suggest a direct correspondence between the three types of response and the ranking of the rulers.

The best response is actually not a response at all: it is a "pre-ponse"—prevention—based on an understanding of circumstances that enables the ruler to recognize and prevent the emergence of even the fore-trace of disorder. This relates to Jia Yi's propositions like accumulating food stores (mentioned above). However, the discussion in this context is abstract and thus more general.

> Among affairs, there are those that promote depravity; among circumstances, there are those that summon calamity.[150] Lao Dan 老耽 said, "Handle things before they exist; regulate things before they are disordered."[151] Guan Zhong 管仲 said, "Prevent disaster before it takes form."[152] This is the best. 夫事有逐姦, 勢有召禍. 老耽曰, 爲之於未有, 治之於未亂. 管仲曰, 備患於未形. 上也.[153]

The middle rank of response is to deal with problems while they are still slight:

> The *Sayings* say, "If you do not extinguish the sparks, what will you do when they blaze? If sprouts are not cut, they will break the ax-handle [when cut later]."[154] The knowledgeable interdict while things are still intangible. This is inferior. 語曰, 　　弗滅, 炎炎奈何, 萌芽不伐, 且折斧柯. 智禁於微, 次[155]也.[156]

Here, "knowledgeable" is surely "[merely] knowledgeable," a contrast to the penetration of the truly superior leader, who actively arranges the system in a way that actually prevents problems.

Finally, there is the worst response: to try and handle problems that have already occurred. This leads only to confusion as to the proper route out of difficulties:

> When matters reach chaos, they are like terrain that confuses people. When someone first gets under way,[157] he goes along [properly]. After a short while,

> east and west get turned around, but the person does not realize it himself. 事之適亂, 如地形之惑人也, 機漸而往, 俄而東西易面, 人不自知也.[158]

This ranking scheme tallies with the three-grade scheme discussed above. The superior ruler (like Yao, Shun, and so on) can only be led into good, because his level of understanding permits him to select officials and arrange circumstances so as to forestall problems. For such a ruler, there is simply no way for hindrances to arise or for bad vassals to come into positions of influence, obviating the possibility of being led to do wrong.

The mediocre ruler, like Duke Huan of Qi, then, is one who tries to deal with problems that exist but are still insubstantial. Since he relies on mere knowledge, there is ever the risk that he could fail to respond properly to the "sparks" of difficulty. If his knowledge should prove sufficient, he and his counselors may prove adequate to the task and achieve a degree of success. His vulnerability is the possibility of being misled: if he fails to recognize the "sprouts" of a problem and relies upon a bad advisor, he will be unable to deal with the resulting difficulties later.

Finally, the worst sort of ruler fails to understand the relationship between circumstances and troubles, trying to deal with problems only as they arise. His lack of perception leaves him open to being deceived; his failure to grasp the import of circumstance makes him averse to the sort of deep-going changes necessary to improve his governance. The result is a combination of circumstances that provoke difficulty and association with bad counselors, resulting in chaos. Then, like someone lost in a confusing landscape, the bad ruler's bearings get confused and he is unable to recognize the truth of a problem situation, much less rectify it.

Correcting the Sovereign

The "Bao fu" 保傅 (Protectors and tutors) chapter of the *Xin shu* takes as its primary subject the rituals and officials necessary to properly rear an heir designate (*taizi* 太子). It begins when the heir is first born and follows him through his majority. The main point is quite clear:

> Selecting the entourage and early transmission and education are the most urgent [matters]. If education is obtained and those around him are proper, then the heir-designate will be proper. If the heir-designate is proper, the

> realm will be stable. 選左右蚤諭教最急. 夫教得而左右正, 則太子正[159]矣, 太子[160] 正而天下定 矣.[161]

Since much of Jia Yi's official career was spent in the position of grand tutor, it is easy to understand his interest in these matters.

Among the roles that are discussed are those of the officials whose duties include the effective discipline of the prospective monarch—the scribes (*shi* 史) who record his errors; and the stewards (*zai* 宰), who will "reduce his delicacies" (*jian shan* 減膳) by way of punishment. Discipline is at least as necessary for future rulers as for ordinary people, so these proposals are not unexpected.

But even in adulthood, after he has ascended to the position of rule, the monarch remains under the jurisdiction of these officials, whose duties are described in the following passage:

> [The Son of Heaven] ate according to the rites, and [the emptied dishes were] taken away to music. If he lost proper measure, then the scribe would record it, the musicians would recite it, the Three Excellencies[162] would advance and explain it, and the steward would reduce his delicacies. In *this* way, the Son of Heaven was not able to do wrong. 食以禮, 收[163]以樂, 失度則史書之, 工誦之, 三公進而讀之, 宰夫減 其膳, 是天子不得爲非也.[164]

The context makes it clear that the Son of Heaven is the subject all the way through this section, so this is not merely a recapitulation of early training methods (which had the heir-designate as target). Thus, the reader is confronted with a curious contradiction: the Son of Heaven, head of the realm and ruler of the knowable world, is to have his bon-bons taken away by a steward as punishment for some misdemeanor.

This is conceptually quite similar to the idea of the monarch who is "led" (*yin* 引) by a subordinate, discussed above. Thus, on one level, the emperor occupies a position of subordination or passivity—albeit this is the result of action on the part of the monarch (or his predecessor). On another, the emperor is ever the supreme ruler, who employs the worthy, and whose sole supremacy is beyond legitimate challenge.

There is of course quite good cause for this apparent paradox in Jia Yi's thinking. On the one hand, Chinese thinkers had long placed great stress on the advisor-sovereign relationship—though the imperial context was still quite new in Jia

Yi's time.[165] On the other hand, Jia Yi was historically positioned to perceive the advantages as well as the dangers of absolutism, both epitomized by the rule of the Qin. It seems natural that he should try to use the familiar conceptual framework to address the problems of the new system. Thus, Jia Yi proposes the establishment of a ritual system that grants certain functionaries the limited power to chastise their ruler.[166]

Jia Yi lived on the cusp of a large change in the conception of ruler-vassal relations. Earlier ideas called for criticism of the ruler by his ministers, and had left open the possibility of transfer from the service of one lord to another. Even Kongzi was said to have left his home state to seek employment. But with the advent of imperial government, this was no longer an option. Everything was the realm. Ministers were now expected to demonstrate absolute fidelity to their ruler; although criticism was still a possibility, the ultimate power of decision lay with the emperor.[167] The ruler was the source and holder of all authority and could not be legitimately challenged.

But at the same time, the example of the Qin was still fresh in the minds of early Han intellectuals like Jia Yi. This example made it all too clear that sometimes the imperial ruler could be wrong, that the sovereign could well require the services of a teacher or even a disciplinarian. Jia Yi levels criticisms at the First Emperor for failing to properly train and establish his heirs, but criticizes his heirs as well for their own conduct. Jia Yi's suggestions are predicated upon the assumption that the ruler is fallible and will require correction.

The creation of offices whose task is the punishment of the sovereign is one attempt to address these situations. Jia Yi phrases the same ideas somewhat differently elsewhere in "Bao fu":

> When the Son of Heaven[168] made an error, the scribe would invariably record it. This was the duty of the scribe; if he did not record some error, he would die. When the error was recorded, the steward would take away his delicacies. This was the duty of the steward; if he did not take away the delicacies, he would die. 天子有過，史必書之. 史之義，不得書過則死. 而宰收其膳. 宰之義, 不得收膳即死.[169]

The exact formulations used here are telling. The actors are minor officials; thus, their censure is not a matter of great prestige. Their tasks are matters of only

structural authority, exerted mechanistically: they do not decide *when* the ruler has erred, but only carry out the consequences. Although he often extols the value of remonstrance, Jia Yi is silent here as to who decides that an error has been committed.

The duties of the scribe and steward are obligated on pain of death. Jia Yi assumes that these minor officials will have a sensible / idealistic hesitancy in carrying out their tasks, and so threatens them with capital punishment if they should fail. The prescribed punishment is also very important: the ruler is to be deprived of "delicacies" (*shan* 膳).

This connects to a broader theme in both Jia Yi's writing and in ritual observance generally: the essentially voluntary abstention from pleasures (especially those of the table) in certain situations. For example, when Duke Zhao of Song, whose example I cite above, seeks to correct his errors, one of the things he changes is his eating habits. It also parallels ritual observances that stipulate the curtailment of the lord's corporeal pleasures in times of privation among the people. This is a topic that I will return to in the following chapter, "Ritual and Power." In "Bao fu," Jia Yi is not suggesting a new concept. He is adapting existing notions to situation at hand, adding only a quasi-bureaucratic process that is to ensure that the ruler submits to proprieties, which are in line with old ideals of self-correction, also a favorite theme of Jia Yi.[170]

Contrast with Later Political Thought on Rulership

Michael Loewe has discussed the ways in which Han thinkers after Jia Yi justified Han rule, and it is informative to compare these to Jia Yi's arguments. In particular, Loewe says that "links forged with a superhuman world" and "the symbolic procedures…necessary at an emperor's succession" both constituted means of legitimation.[171] The situation is quite different in Jia Yi's thinking. I must note that Loewe does not suggest that these are factors at the beginning of the Han period, and this is not a correction of his arguments. Rather, this is a brief look at how Jia Yi's thinking, as reflected in the *Xin shu*, contrasts with political thought that would come to the fore shortly after his time.

Differences

Jia Yi's treatment of the "superhuman world" contrasts the most with later thinkers. The "mandate of heaven" (*tian ming* 天命) is the first aspect of "heavenly" support that Loewe discusses.[172] Heaven is conspicuously absent from Jia Yi's thinking on sovereignty in contemporary contexts.[173] There is no suggestion of a Han (or, for that matter, Qin) ruler who had received a "mandate" for rule from heaven, an idea that existed, e.g., in Western Zhou times.[174] Nor is there mention of a mandate to be lost. Rather, the emperor will create for himself alone either success or his own ruin, virtus being merely a measure of his ability to bring the obedience of subordinates. Misrule leads not to revocation of the mandate, but to the displeasure of the people and its attendant dangers. When Jia Yi does employ the phrase *tian ming*, it refers to heaven's command, not a dynastic mandate.[175]

Heaven appears in Jia Yi's theories as a generally impersonal force, without any sense of sanctioning one dynasty or another: "August heaven is without intimates; only those of virtus—*these* will (heaven) assist" 皇天無親, 惟德是輔.[176] Heaven responds directly to the acts of the ruler, and is equally available to all. In Jia Yi's understanding, the "blessings of heaven" are the tangible results of good rule and the resulting happy populace—practically speaking, a result of human agency:

> In any case of [a lord] that worries about his people's worries: the people will invariably worry about his worries as well. [For a ruler] who delights in the delight of his people: the people—for their part—will delight in his delight. One that relates to his clerisy and people like this will receive the blessings of heaven. 夫憂民 之憂者, 民必憂其憂. 樂民之樂者, 民亦樂其樂. 與士民若此者, 受天之福矣.[177]

In other places, heaven appears as an omnipresent punishing force that gives the iniquitous their just desserts:

> If the punishment is not fit to the crime and you execute even a single commoner, august heaven will know of your crime. Therefore, I say: the place of heaven is lofty, but its hearing is low; its observations perspicacious,[178] its sight clear.[179] Therefore, in all personal actions, you must be respectful and deliberate. 誅殺不當, 辜殺一匹夫, 其罪 聞皇天. 故曰, 天之處高, 其聽卑, 其牧芒, 其視察. 故凡自行, 不可不謹慎 也.[180]

In each of these cases, heaven is ultimately the locus for the bestowal of what the lord brings to himself in what amounts to a cause-and-effect relationship. It is, in fact, the people and their satisfaction or dissatisfaction that will determine their ruler's fate. This is especially clear in consideration of the absence of heavenly involvement in the demise of bad rulers Jie, Zhouh, and Qin, whose examples figure so prominently in Jia Yi's theories.

That Jia Yi downplays heaven as an actor generally, and omits the mandate specifically, is to be expected, as "after the establishment of imperial government over two centuries still had to elapse before an emperor would claim to be recipient of the Mandate."[181] Indeed, the absence of the mandate in Jia Yi's political thinking underscores Loewe's observation that the idea that, "the doctrine survived without change from the time of the Duke of Chou throughout the imperial period needs some modification."[182] Jia Yi credits Han Gaozu's success to the emperor's personal abilities, never suggesting any sort of superhuman origin or support: these abilities are of a kind with those of his supporters and competitors, simply better.[183]

Jia Yi is conventionally closely associated with "five phases" (*wuxing* 五行) correlative cosmology, another of the superhuman means of legitimation that Loewe lists. This putative interest in *wuxing* is mentioned in his biographies in the *Shi ji* and the *Han shu*, in connection with his proposals to change the official element of the Han to earth, along with a number of other relevant changes.[184] However, in the text of the *Xin shu*, notions of the five phases are most conspicuous by their absence. The only example I have been able to identify occurs in the "Tai jiao" 胎教 chapter, where an elaborate version of the Suspended Bow (Xuanhu 懸弧) ceremony is described.[185]

According to the "Nei ze" 內則 chapter of the *Li ji*, in antiquity it was the custom to hang a bow to the left of the door when a son was born in the household; for a daughter, a kerchief (*shu* 帨) was hung to the right. This ritual is elsewhere referred to as the Suspended Bow ceremony.[186] The *Li ji* describes additional observances for the birth of a dynastic heir (*size* 世子) of the state, including, "An archer shoots at heaven, earth, and the four directions with bow of mulberry and arrows of bitter fleabane" 射人以桑 弧蓬矢六射天地四方.[187] In "Tai jiao," Jia Yi combines the two customs and expands them greatly, multiplying the number of bows that are suspended to five, corresponding to the five directions.[188] He also elaborates a set of plant, animal, etc., correspondences between these, albeit without mentioning

the names of the five phases.[189] Thus, this reflects preference for penta-partite structures; however, there is no connection or proposed connection to one or another of the five elements.

Portents are another of the links to the superhuman world that Loewe discusses. Loewe says that there was a "change from a negative to a positive attitude" about portents during the first half of the Han dynasty.[190] But portents in Jia Yi's treatment are most noticeable by their absence—at least in terms of portentous significance. He is silent on portents *qua* portents in his times, though he does make mention of them in historical contexts. Examples of functional portents in the *Xin shu* include Jia Yi's retelling of the Wu Zixu story, where we find the following list of eerie events presaging the fall of the state of Wu:

> Lord and vassal were estranged and not in tune. When they set up altars to the tutelary spirits of earth and grain, these broke apart. Ceremonial towers shook and collapsed. Dogs howled in packs and went into deep pools. Pigs went into their hutches with their food [still] held in their mouths. Swallows and sparrows hatched venomous snakes.[191] When [people] ate pickled reeds,[192] leeches came out; when they bathed in clear water, they encountered scorpions.
> 君臣乖而不調，置社稷[193]而分裂，容臺 握 振 而掩敗，[194] 犬群嘷而入淵，彘銜菹而適奥, 燕雀剖而虺蛇生, 食蘆菹而 見蛭, 浴清水而遇蠆.[195]

Confronted as he was with these grim circumstances, one can only sympathize with Wu Zixu's decision to commit suicide.

Another example can be found in the "Chun qiu" chapter, where Jia Yi tells of Duke Wen of Jin 晉文公 (ob. 628 BC), who encounters a giant snake in the road while out hunting. Duke Wen interprets this as a sign from heaven, and refuses his vassal's suggestion to attack it:

> If a Son of Heaven dreams of evil then he cultivates the Way; if a feudal lord dreams of evil, then he cultivates governance; if a grandee dreams of evil, then he cultivates his office; if a commoner dreams of evil, then he rectifies himself. If he does this, then disaster does not come. Now, I have erred in some of my actions, and heaven reveals it by means of this abnormality.[196] If I were to attack it, this would be going against the command of heaven.
> 天子夢惡則脩道，諸侯夢惡則脩政，大夫夢惡則脩官，庶人夢惡則脩身,[197] 若[198]是則禍不至. 今我 有失行, 而天招以禾, 我若攻之, 是逆天命.[199]

Instead of attacking, the duke returns and prays in the temple, enumerating his errors and asking to be permitted to rectify them. And, he cultivates governance, as befits one of his rank. After three months, he dreams that the snake has been being killed by heaven; when his men go to seek it again, they find the snake dead and rotting. Jia Yi interprets this, "Therefore, [I] say, that if you see the abnormal and meet it with virtus, the abnormal will reverse to become blessing" 故曰, 見妖而迎以德, 妖反爲福也.[200]

Despite these historical accounts, Jia Yi almost never discusses portents in a way that touches on his contemporary world, and in fact argues directly against a portentous understanding of one phenomenon: drought. Drought is identified as a portent later, e.g., in the *Han shu* "Wu xing zhi" 五行志 list of portents.[201] But for Jia Yi drought is exactly the opposite of a portent: it is simply a regular occurrence that should be prepared for.[202]

Jia Yi makes no connection to the praxis (personal or otherwise) of the ruler concerning the occurrence of drought, and even the model ruler Tang suffered it: the failure of the rains is simply "unfortunate" (*buxing* 不幸), nothing else.[203] The reason that drought is to be feared is the resulting famine, and Jia Yi says explicitly, "In five years, there is one minor famine; in ten years, one crop failure; in thirty harvests, one great famine. This should probably be called the general formula" 五歲小康, 十歲一凶, 三十歲而一大康, 蓋曰大數也.[204] Famine is a regular and unavoidable part of rule—something to be prepared against, not a portent of misrule or dynastic collapse.[205] For this reason, Jia Yi recommends dealing with famine through a sensible policy of accumulating grain stores, and advocates accumulating one year's worth of food for each three years of cultivation:

> When the people have farmed for three years, they should have an excess of one year's food [stored up]; after nine years, they should have an excess of three years' food; and after thirty harvests, the people should have a store of ten years' food. 民三年耕而餘一年之食, 九年而餘三年之食, 三十歲而民有十年之蓄.[206]

Thus, despite other interpretations of drought as a portent of bad events to come, Jia Yi treats it in a purely practical fashion, as a problem to be addressed through policy rather than as a punishment from heaven. This, too, is a reflection of what has been termed his "simple materialism"—or at least of his rationality.[207]

The "Chunqiu" chapter contains another example of a portent drawn from history, with one difference: the ruler in the story that receives the portent is encouraged by it to do wrong, and suffers accordingly. The omen is an unusual birth:

> In the time of King Kang of Song 宋康王,[208] a swallow gave birth to a sparrow hawk in the corner of the [city] wall. [The king] sent an astrologer to divine it, who said, "The small has given birth to the large; [you] will certainly be hegemon over the realm." 宋康王時, 有爵生鸇於城之陬, 使史占之曰, 小而生 大, 必伯於天下.[209]

As a result of this augury, King Kang begins an aggressive campaign of expansion. Emboldened by initial success, he presses for speed in claiming overlordship. He manifests cruelty and hubris, which generate fear among his people. When one of King Kang's rivals hears of these happenings and attacks, and Kang's people desert, leaving him defenseless. "Thus: if one sees the propitious but does what is unacceptable, the propitious will reverse to become disaster" 故見祥而爲不可, 祥反爲禍.[210] Thus, the portent is shown to have been made untrue (or at least to be falsely interpreted). On the one hand, the king does not achieve hegemony; on the other, Kang's fall is attributed to his excesses, which overstep the bounds of right. And—as one would expect from Jia Yi—the agent of Kang's fall is his mistreated people. The story serves to cast doubt on the reliability of portents, and to reassert in its stead the centrality of the "Unstable Roots" that are the populace.[211]

Jia Yi's thinking in regard to portents bears a distinct similarity to that of Xunzi. In the "Tian lun" 天論, Xunzi discusses at length the necessity of proper preparations for natural disasters, which are part of the regular scheme of things and not messages from the supernatural world.[212] Xunzi argues that heaven has an impervious and indifferent nature and pays no heed to humans and their desires. Calamity and prosperity result from heeding the proper way of things and following natural patterns—not from the will of heaven. Thus, there is nothing to propitiate or heed in the case of unusual or calamitous natural phenomena. The ruler should simply use rational means to prepare for disaster. Xunzi is most decidedly against belief in portents as a basis for fear or indicator of the fate of a dynasty.[213] Jia Yi's focus is a bit different, however: he explicitly focuses on accumulating of food stores, while Xunzi addressing squandering resources generally.

"The symbolic procedures…necessary at an emperor's succession" are likewise most noticeable by their absence in Jia Yi's political thinking. He is content to treat the Han accession as a necessary *fait accompli*, justified by the chaos in the realm; Gaozu's personal qualities validate his individual overlordship. Nor does Jia Yi make mention of the enthronement of his own ruler, Emperor Wen, predicated on the deposal of the de facto ruling Lü 呂 clan.[214]

However, Jia Yi's thinking does reflect some of the same conventions identified by Loewe under the rubric of "symbolic procedures." Loewe lays out five sub-categories of "symbolic procedures": the role played by "Counselors of State," "The Show of Reluctance," "The Act of Abdication," "The Part Played by an Empress Dowager," "The Imperial Seal," and "Religious Ceremonies."[215]

For Jia Yi, only regular succession is permissible; usurpation is condemned.[216] He argues strongly that succession by primogeniture is the best means to avoid contention and strife among possible heirs and their partisans. Competition should take the form of striving to be the most worthy, so as to attain a high appointment, rather than trying to replace the heir.[217] The alternative is turmoil:

> Now, it is held that in knowing sons, none is better than the father. Thus, in cases when [the father] establishes his succession when sick unto death, [other people] carelessly [accept the one] to whom the father was close.[218] This causes relatives to not be close to each other and brothers to not cherish each other, disrupts the structure of the realm, and causes the customs of the realm to be lost … If someone establishes his successor when sick unto death, replace [the nominee] with the oldest primary son. If you do this, then relatives will love each other and brothers will not contend with each other—this will be the acme of duty toward the realm. 今以爲知子莫如父, 故疾死置後者，恣父之所 以 比，[219] 使親戚不相親，兄弟不相愛，亂天下之紀，使天下之俗失 … 疾死置後, 復以嫡長子.[220] 如此則親戚相愛而兄弟不爭，此天下之至義也.[221]

Thus, the most important point for Jia Yi is that succession should be clear and undisputed, without infighting between contenders to harm the dignity and stability of the emperorship.

Jia Yi also describes the ancient ceremony for the consecration[222] of the heir. A close reading of the description of this ceremony reveals the fore-traces of the roles played by "Counselors of State," "The Show of Reluctance," "The Act of Abdication," and "Religious Ceremonies" that would become important later.

Though this is a description of an “ancient” ceremony, it is rhetorically prescriptive and hortative.

> When an sage emperor of antiquity was going to establish his heir-designate, the emperor dressed in court regalia, ascended by the eastern stair [into the hall], and faced west toward the consort. The consort came out of the chamber bearing the heir-designate and faced east. The grand astrologer, bearing the documents, went up into the hall from the west. He stood, facing north between the two stairs, and said, “The heir designate’s name is such-and-such,” three times. 古之聖帝，將立世子，則帝自朝服，昇自阼階上，西鄉於妃. 妃抱世子自房出, 東鄉. 太史奉書西[223]上堂, 當兩階之閒, 北面立, 曰世子名曰某者參.[224]

Here, the role of the counselors of state, who would submit a conventional nomination of the new monarch, is filled by the grand astrologer, who three times nominates the heir-designate. Of course, the identity of the heir-designate is already clear—but then, so was Liu Bang’s position as the new emperor clear, and there too was a *pro forma* nomination made three times.[225] Next comes the emperor’s statement, formally ceding his responsibilities to his son. Using set, ritual language he share the responsibilities for both continuing the sacrifices to their ancestors and the tutelary spirits with his son and heir.[226] This is the formal, partial transfer of duty. From this point on, if the emperor should die, his heir *already* holds the authority and burden of the ancestral sacrifices, as well as for the altars to the tutelary spirits—responsibilities that also served as metonymies for the leading the ruling clan and state.[227] In response, the consort speaks for the infant heir:

> At this command, the consort repeated, “I do not dare” twice. At the third command, she said “I respectfully receive the command,” bowed, and backed away. The grand astrologer reported it to the grand supplicator, and the grand supplicator reported it to the imperial forbear, imperial ancestor, and to the tutelary spirits of grain and earth. 其命,[228] 妃曰, 不敢者再. 於三命曰謹受命, 拜而退. 太史以告 太祝, 太祝以告太祖, 太宗與社稷.[229]

Here, we see the role of the consort, analogous to the empress, making the ritually appropriate “show of reluctance” on behalf of the heir. The representative counselor of state, the grand astrologer, then makes his reports, first to the grand supplicator then to others, ensuring that the news of the consecration is spread throughout the realm. The importance of religion in the ceremony is clear: not only are the

responsibilities with which the heir is charged possessed of a religious character, part of the process of nomination includes reporting the event to the ancestors and tutelary spirits.

These similarities to later formalities of accession suggest that the notions reflected in them were connected to proper rule, but realized in different ways at different times and in different contexts. Thus, although Jia Yi is silent about accession to the throne proper, he deploys similar conceptualizations in the ceremony for consecrating the dynastic heir.

Although Loewe mentions the imperial seal (*xi* 璽) as one of the important symbols of imperial status, nowhere in his extant writings does Jia Yi mention this item. Notwithstanding the importance given this object in the historical records of Emperor Wen's accession,[230] Jia Yi pays it no attention, even when he discusses the seals appropriate to various, lower ranks.[231] When he discusses the material trappings of rule, it is other things:

> According to the rites: Do not dare to check the teeth of the lord's horses; one that treads their grass [the feed for the horses] commits a crime.[232] If you see the lord's armrest or his cane, then you rise; if you encounter the lord's chariot, then you dismount; if you enter the main gate, then you hurry. 禮, 不敢齒君之路馬, 蹴其芻者有罪. 見君之几杖則起, 遭君之乘輿則下, 入正門則趨.[233]

Elsewhere, Jia Yi mentions regalia, titles, etc. which should properly be the exclusive province of the emperor and his consort.[234] This silence renders it impossible to explain this situation, but perhaps reflects Jia Yi's greater interest in the ritual-theoretical aspects of rule over the concrete administrative aspects of rule.

In summary, it is clear that Jia Yi's ideas about rulership and legitimation are different from what would become standard later in Han times. In particular, Jia Yi does not pay attention supernatural justification for rule, which would become a staple of political thought in the times after his death.

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[1] Michael Loewe, "The Authority of the Emperors of Ch'in and Han," in Dieter Eikemeier and Herbert Franke, eds., *State and Law in East Asia: Festschrift Karl Bünger* (Wiesbaden: Otto Harrassowitz, 1981), 80-111; Loewe, "Imperial Sovereignty: Dong Zhongshu's Contribution and His Predecessors," in S.R. Schram, ed., *Foundations and Limits of State Power in China* (London: published on behalf of

the European Science Foundation by the School of Oriental and African Studies, University of London, 1987), 33-57.

[2] Bu Xianqun 卜憲群, *Qin Han guanliao zhidu* 秦漢官僚制度 (Beijing: Shehui kexue wenxian chubanshe, 2002), 143-44; Bai Gang 白鋼, ed., *Zhongguo zhengzhi zhidu tongshi* 中國政治制度通史 , vol. 2, *Qin Han* 秦漢, by Meng Xiangcai 孟祥才 (Beijing: Renmin chubanshe, 1996), 43-45. As Meng points out, the nature of rulership did not create stasis: there were constant changes in the centralization or de-centralization of power; despite these changes, generalities provide a necessary background for the discussion here.

[3] Lü Simian 呂思勉. *Qin Han shi* 秦漢史 (1947; rpt. Hong Kong: Taiping shuju, 1962), 54, says that the success of the Han was something not expected at the time, and the continuation of its rule not a certainty. Jia Yi makes a similar point in "Zhi bu ding" 制不定, "Possessing the strategic situation of emperor, he [Gaozu] personally labored among the armies—and yet, in the chaos, there were a number of times when he almost lost the realm" 以帝之勢, 身勞於兵間, 紛然幾無天下者數矣; *Jiazi Xin shu jiao shi*, 2.207; *Xin shu jiao zhu*, 2.70.

[4] *Jiazi Xin shu jiao shi*, 9.1027-8; *Xin shu jiao zhu*, 9.351. The paronomasia functioning in this phrase has long been lost, which has led many to emend the text. However, the Old Chinese pronunciations of *jun* and *kao* were in fact quite similar and underlie Jia Yi's gloss here. William H. Baxter, *A Handbook of Old Chinese Phonology* (Berlin: Mouton de Gruyter, 1992), 771 reconstructs **kjun* for *jun* and **khu* for *kao*. The two evolved in different directions, as evidenced already by their readings in Eastern Han times: W. South Coblin, *A Handbook of Eastern Han Sound Glosses* (Hong Kong: The Chinese University Press, 1983), 156, 180, reconstructs this pair **kjwẽ* and **khəhw:*, respectively.

Kao 考 is defined in the *Fang yan* 方言 as "to lead" 考, 引也; see Dai Zhen 戴震 (1724-77), *Fang yan shu zheng* 方言疏證, *Sbby*, 12.13a; this sense is also recorded in *Guang yun* 廣韻 (Song woodblock; rpt. Taipei: Yiwen yinshuguan, 1968), 3.36a [303].

[5] *Jiazi Xin shu jiao shi*, 9.1028; *Xin shu jiao zhu*, 9.351. Baxter, 784, gives **gjun* for *qun* 群; Coblin, *Handbook*, 156, gives **gjwẽ*. Similar glosses, punning on the similarity between *jun* and *qun*, can be found in the *Xunzi* 荀子. For example, in the "Wang zhi" 王制 chapter, it says, "The lord (*jun*) is good at gathering a flock" 君者善羣也; see Wang Xianqian 王先謙, *Xunzi jijie* 荀子集解 (Beijing: Zhonghua shuju, 1988), 5.165. Also, in the "Jun dao" 君道 chapter, we find, "As for the lord—what is that? I say, it is [the one] able to gather a flock" 君者, 何也. 曰, 能群也; *Xunzi jijie*, 8.237.

[6] In "Wei bu shen" 威不信, *Jiazi Xin shu jiao shi*, 3.418; *Xin shu jiao zhu*, 3.131.

[7] In "Da zheng shang" 大政上, *Jiazi Xin shu jiao shi*, 9.991; *Xin shu jiao zhu*, 9.340.

[8] See "Qin shu wei luan" 親疏危亂: "In the fifth year [of his reign, 202 BC], Emperor Gao ascended to the position of Son of Heaven" 高皇帝五年即天子之位; *Jiazi Xin shu jiao shi*, 3.380; *Xin shu jiao zhu*, 3.119.

[9] *Zizhi tongjian*, 11.353-55.

[10] These lines are from the poem "Beishan" 北山 (Mao #205); *Maoshi zheng yi*, 13-1.19b [444]; *Shijing zhu xi*, 643. Note that the Mao version of this poem writes *pu*` 溥 for what is *pu* 普 in the *Xin shu* citation. According to Wang Xianqian 王先謙 (1842-1918), *pu* is the Three Experts' (Sanjia 三家) variant, of which there are a number of examples; see Wang Xianqian, *Shi Sanjia yi ji shu* 詩三家義集疏 (Taipei: Shijie shuju, 1979), 18.13a-b [258]. The Tan, Li, and Hu editions elide the first lines of this quotation, namely, "All under heaven, / Nowhere is not his royal domain" 普天之下, 莫非王土.

[11] Man 蠻, Mo 貊, Rong 戎, and Di 狄 are all names applied to groups of non-Chinese tribesmen, supposedly specific to a particular geographic region. In all likelihood, each subsumes various smaller groups under a single pejorative term. The most common set of "Four Barbarians" (*si yi* 四夷) is attested in the "Wang zhi" 王制 chapter of the *Li ji*:

> [The barbarians] of the east are called Yi 夷. They wear [long] hair and tattoo their bodies, and some eat raw food. Those of the south are called Man 蠻. They scarify their foreheads and cross their feet, and some eat raw food. Those of the west are called Rong 戎. They wear [long] hair and clothes of skin, and some do not eat grain. Those of the north are called Di 狄. They wear feathers and fur and live in caves, and some do not eat grain. 東方曰夷, 被 髮文身, 有不火食者矣. 南方曰蠻, 雕題交趾, 有不火食者矣. 西方曰戎, 被 髮衣皮, 有不粒食者矣. 北方曰狄, 衣羽毛穴居, 有不粒食者矣.

Li ji zhu shu, 12.26b [247]. In the received text of the *Xin shu*, Jia Yi's grouping differs, in that he leaves out Yi and adds Mo 貊. Lu emends Mo to read Yi on the sole basis of the Jian edition, which is surely only in order to adhere to the conventional grouping. The principle of *lectio difficilior* suggests that the received is probably the best text here.

Mo, written either 貊 or 貉, is another term for barbarians and used to refer to non-Chinese groups, sometimes explained as referring specifically to those of northeast China or just of the north. The "Zhi fang shi" 職方氏 section of the *Zhouli* mentions the "Ninefold Mo" 九貉, which Zheng Zhong 鄭衆 (often referred to as Zheng Sinong 鄭司農 [Minister of Agriculture Zheng]; ob. 83) says, "[Barbarians] of the north are called Mo and Di" 北方曰貉狄; *Zhou li zhu shu*, 33.9a. [498].

These names are not used strictly, however. These groups were often used—as they are here—as metonymy for "barbarians." Jia Yi surely does not refer to any discrete groups (with the possible exception of the Xiongnu, who are not named), but rather to non-Chinese barbarians generally.

[12] *Zuo* 作 in this line has the sense of "regulate." This is attested in Zheng Xuan's commentary on the *Zhouli*, where he says that, "*Zuo* is like to regulate" 作, 猶治也; *Zhou li zhu shu*, 16.8b [246]. Along similar lines, the *Er ya* defines "*Zuo* … means to do" 作 … 爲 也, which in the context of a ruler means to regulate, to govern; see *Er ya zhu shu*, 3.4b [38]. Lu thinks that *zuo* is a corruption and elides it in his edition.

[13] *Xuqu* 慉渠, my "arch rogue," is a hapax legomenon, variously interpreted. My translation follows, generally, the suggestion of Yan and Zhong, who in turn take a

hint from Lu Wenchao. This explanation seems best to fit the context. Yan and Zhong (following Lu Wenchao) refer to Zheng Xuan's note on the *Shijing* poem "Gu feng" 谷風 (Mao #35), where he glosses *xu* 慉 as "arrogant" (*jiao* 驕). Although this definition is not always accepted in reading the poem, Zheng's note demonstrates that *xu* had this meaning in Han times; *Maoshi zheng yi*, 2B.14a-b [91]. *Qu* 渠 had the sense of leader (particularly a miscreant leader). The *Guang ya* says, "*Qu`* means general" , 帥也. In his annotations, Wang Niansun notes that *qu* is a vulgate form of *qu`*; see Wang Niansun, *Guang ya shu zheng*, 5A.8a [137]. This sense is also reflected in Han texts where *qu* appears in compounds denoting leaders. For example, *Shi ji*, 104.2777 says, "Tian Shu 田叔 captured twenty of the leaders (*qushuai* 渠率), and had each flogged fifty times" 田叔取其渠率二十人, 各笞五十. Along the same lines, Xu Yan's 徐彥 (Tang) sub-commentary on the *Gongyang zhuan* says, "Han-time bandit leaders were all called *qushuai*" 漢之賊首，皆謂之渠帥; *Chunqiu Gongyang zhuan zhu shu*, 24.13a [305]. This is the sense of *qu* that I adopt.

According to Captain Grose's *1811 Dictionary of the Vulgar Tongue* (Gutenberg e-text edition; http://www.gutenberg.org/dirs/etext04/dcvgr10.txt, accessed 27 October 2004), "arch rogue" was, "The chief of a gang of thieves or gypsies." This fits the sense of *xuqu* well, since, on the one hand, "arch" has senses both of knavish and of high status, and "rogue" is of course like to bandit, which is precisely how Jia Yi saw the Xiongnu and other non-Han tribes. So I adopt this phrase in my translation.

Qi Yuzhang offers two explanations for understanding *xuqu* on the basis of context: either a small state or a minor barbarian official. He explains only the latter suggestion, however, and this takes an interpretive tack similar to that suggested by Yan and Zhong. Qi points out that the *Shi ji*, "Xiongnu liezhuan" 匈奴列傳, 110.2891, mentions a petty Xiongnu official called the *juqu* 且渠, and suggests that *xuqu* is a phonetic substitution for this title. The *Shi ji* "Zheng yi" commentary elsewhere says that this is a Xiongnu official; *Shi ji*, 110.2903; Yan Shigu thinks that this title is the source of the surname Juqu 沮渠; *Han shu*, 94A.3751.

Qi does not cite any example of the using *xu* for *qie*/*ju* 且, nor have I been able to locate one. However, the evident similarity of pronunciation between the two, along with a number of comparable attested examples suggests that this is a viable reading; cf. Gao Heng, *Guzi tongjia huidian*, 900-3. The difference between this and the other explanation—minor official or arch rogue—is obviously only the rank admitted for those leading the Xiongnu: high or low.

[14] The Cheng edition has this line, 王者於天下 "The one who is king in the realm."

[15] "Xiongnu," *Jiazi Xin shu jiao shi*, 4.482; *Xin shu jiao zhu*, 4.139.

[16] This practical ubiquity is in line with the meaning of *tianxia* that Yuri Pines, "Changing Views of *tianxia* in Pre-Imperial Discourse," *Oriens Extremus* 43 (2002): 108 calls the "inclusive vision," perceptible already in the *Mozi*. However, Jia Yi also includes all of the Chinese culture area, which Pines says is not always the case in earlier texts, arguing that the Qin were often excluded.

That this was not necessarily the general contemporary understanding in Jia Yi's time can be deduced from a letter sent by the king of Nanyue to Emperor Wen in 179 BC. In this letter, the king makes excuses about his earlier conduct, which defied the Han, saying that he desired only to govern his own state, and "Did not dare to

harm the realm (*tianxia*)" 非敢有害於天下; *Han shu*, 65.3851. Since this letter is generally a picture of abjection, the king would surely not anger the emperor by deliberately excluding his lands from the Han realm, if the Han wanted to consider them part thereof. This suggests that at the time, his lands were not necessarily considered part of *tianxia*.

[17] Lü Simian, *Lü Simian du shi zha ji* 呂思勉讀史札記 (Shanghai: Shanghai guji chubanshe, 1982), 254-7 points out that the realities of travel made it impossible for the early rulers to have made imperial progresses across the wide expanses reported in the classics. Lü also discusses the changing sizes of territories under rule, which began small and grew over time.

[18] *Jiazi Xin shu jiao shi*, 3.417-9; *Xin shu jiao zhu*, 3.131-3.

[19] *Jiazi Xin shu jiao shi*, 3.417; *Xin shu jiao zhu*, 3.131.

[20] *Jiazi Xin shu jiao shi*, 3.417; *Xin shu jiao zhu*, 3.131. In this line, the Li and Hu editions write *er* 二 for the subordinating particle *er*` 而 and *cheng* 成 for *cheng*` 城, "wall."

[21] The imperial title *huangdi* is supposed to have been invented by the First Emperor of Qin in one of his flights of hubris; see *Shi ji*, 6.236.

[22] "Miles," literally *li* 里, about a third of a mile. *Xin* 信 is read *shen*, usually written 伸, "to extend."

[23] The Li and Hu editions elide subordinating particle *er* 而 here.

[24] The received text has *wen* 捫, "to hold; to rub," which is not understandable here. Qi suggests that this is an error for *xian* 憪, literally "an uneasy appearance," and I accept this emendation. This is very like an utterance of Emperor Wen's recorded in the *Shi ji*, which is also thematically similar to the *Xin shu* context here: "As I am unable to exert my virtus across a distance, I accordingly think uneasily about wrongs among the outsiders" 朕既不能遠德，故憪然念外人之有非. The *Shi ji* "Jijie" commentary quotes the *Han shu yin yi*, "In a *xian* manner means in a preoccupied manner" 憪然，猶介然也. The "Suo yin" quotes Su Lin that, "*Xian* describes an uneasy appearance in sleeping" 憪, 寢視不安之貌. See *Shi ji*, 10.422-23. Since Jia Yi's point here seems to be that all feel *xian*, "uneasy," because of the non-extension of imperial virtus over places close by, I translate "distressingly."

[25] "Wei bu shen," *Jiazi Xin shu jiao shi*, 3.418; *Xin shu jiao zhu*, 3.131-2.

[26] See, e.g., "Jie xuan" 解縣, where Jia Yi predicts Emperor Wen will be praised by the people—"The emperor is indeed a great sage" 皇帝果大聖也—when he completes this task; *Jiazi Xin shu jiao shi*, 3.412; *Xin shu jiao zhu*, 3.128.

[27] See "Yi tong" 壹通: "Rule of the realm lies with Your Majesty" 天下之制在陛下; *Jiazi Xin shu jiao shi*, 3.357; *Xin shu jiao zhu*, 3.113.

[28] There is an obvious similarity between Jia Yi's ideas here and the notion of a name (*ming* 名) / actuality (*shi* 實) dichotomy, as discussed in John Makeham, *Name and Actuality in Early Chinese Thought* (Albany: State University of New York Press, 1994).

[29] In keeping with the tendency toward equivocating the present with the ancient already noted above. From "Wei bu shen," *Jiazi Xin shu jiao shi*, 3.417-8; *Xin shu jiao zhu*, 3.131.

[30] The conceptualization and usage of the term *tianxia* in early sources is discussed in Pines, "Changing Views of *tianxia* in Pre-Imperial Discourse": 101-116.

[31] Nathan Sivin, "State, Cosmos, and Body in the Last Three Centuries B.C.," *HJAS* 55 (1995): 5-37.

[32] E.g., Bai Gang 白鋼, *Zhongguo zhengzhi zhidu tongshi* 中國政治制度通史, vol. 1, *Zong lun* 總論 (Beijing: Renmin chubanshe, 1996), 127.

[33] *Jiazi Xin shu jiao shi*, 1.1-74; *Xin shu jiao zhu*, 1.1-25.

[34] "Guo Qin lun shang" 過秦論上, *Jiazi Xin shu jiao shi*, 1.3; *Xin shu jiao zhu*, 1.1: "Relying on plans passed down to them…" 因遺策.

[35] This is a recurring theme of the "Guo Qin lun," which describes the pusillanimous conduct of the opponent states, who fled rather than attack Qin. In this way, as Jia Yi puts it in the "Guo Qin lun shang," "While Qin had not suffered the cost of losing a single arrow or arrowhead, [the rest of] the realm was completely in difficulties" 秦無亡矢遺鏃之費，而天下諸侯已困矣; *Jiazi Xin shu jiao shi*, 1.6; *Xin shu jiao zhu*, 1.2.

[36] From "Guo Qin xia," *Jiazi Xin shu jiao shi*, 1.68; *Xin shu jiao zhu*, 1.16.

[37] "Shi bian" 時變, "What had formerly been the Qin (i.e., imperial rule) was now changed to become the Han" 曩之爲秦者, 今轉而爲漢矣; *Jiazi Xin shu jiao shi*, 3.303; *Xin shu jiao zhu*, 3.96.

[38] In "Li hou yi" 立後義, Jia Yi describes the situation before the Qin unification,

> The strong oppressed the weak, the many did violence to the few, and the clever controlled the simple. The officers and soldiers were exhausted and died among their armor and weapons. The old and weak were worried and unsteady, and could not mind to their production and tasks. [All] because the realm had no Son of Heaven. 彊凌弱, 眾暴寡, 智欺愚, 士卒罷弊, 死於甲兵, 老弱騷動, 不得治產業, 以天下之無天子也.

See *Jiazi Xin shu jiao shi*, 10.1176; *Xin shu jiao zhu*, 10.409.

[39] See also "Guo Qin lun zhong" 過秦論中, "And now (i.e., at the time of accession) the Qin faced south and ruled the realm; this meant that there was a Son of Heaven [in power]" 今秦南面而王天下, 是上有天子也; *Jiazi Xin shu jiao shi*, 1.38; *Xin shu jiao zhu*, 1.14.

[40] There is disagreement among historical sources about the exact number of generations of rule the Shang (Yin) enjoyed, which in turn has led to various readings and emendations of this line. Specifically, Lu Wenchao has *ershi yu* 二十餘, "more than twenty" for *sanshi yu* 三十餘, "more than thirty," which Qi Yuzhang thinks is a necessary emendation. The parallel text in the "Bao fu" 保傅 chapter of the *Da Dai li ji* has thirty; Wang Pinzhen, *Da Dai li ji jie gu*, 3.49. The parallel in the *Han shu*, 48.2248, has twenty, and also inserts the following phrase in front of this one to include the Xia, predecessors of the Shang: "When the Xia had been the Sons of Heaven for more than ten generations, the Yin took over" 夏爲天子, 十有餘世, 而殷受之. But since the received text of the *Xin shu* and other editions agree in writing thirty, the problem seems to essentially one of history. Furthermore, without supporting textual evidence, it might be better to see the *Xin shu* text as preserving a alternate version of history, rather than simply emending the *Xin shu* to match a particular text. As Wang Chong makes clear, this was already a disputed point in Han times; see Huang Hui, *Lun heng jiao shi*, 12.555-56.

There is evidence to support the contention that the Shang ruled for more than thirty generations, or at least that some believed this. The "Shao jian" 少閒 chapter of the *Da Dai li ji* says,

> Chengtang 成湯 (i.e., Tang 湯, Shang dynastic founder) died … After twenty-two generations, Wuding 武丁 ascended to the throne… Wuding died … After nine generations, the last descendant [of Tang], Zhouh 紂, ascended the throne. 成湯卒崩…二十有二世, 乃有武丁即位…武丁卒崩…九世乃有末孫紂即位.

See Wang Pinzhen, *Da Dai li ji jie gu*, 11.219-20. This in fact adds up to thirty-four rulers. The *Han shu* "Lü li zhi" 律曆志, 21A.1014, gives the total as thirty-one successors to Tang: "In all, the Yin generations of successors numbered thirty-one kings, a total of six hundred and twenty-nine years" 凡殷世繼嗣三十一王, 六百二十九歲. The "Jin yu si" 晉語四 chapter of the *Guo yu* says, "The Shang enjoyed (i.e., ruled) the state for [the reigns of] thirty-one kings" 商之饗國三十一王; *Guo yu*, *Sbby*, 10.3a.

Other sources indicate that there were less than thirty Shang rulers. The *Shi ji* "San dai shi biao" 三代世表, 13.500 says, "From Tang to Zhouh, there were twenty-nine generations" 從湯至紂二十九 世. The *Guben Zhu shu ji nian* 古本竹書紀年 also says there were twenty-nine Shang kings; see Fan Xiangyong 范祥雍, *Guben Zhu shu ji nian jijiao ding bu* 古本竹書紀年輯校訂補 (Shanghai: Xin zhishi chubanshe, 1956), 24.

[41] "Bao fu" 保傅, *Jiazi Xin shu jiao shi*, 5.583; *Xin shu jiao zhu*, 5.183. In "Xian xing" 先醒, Jia Yi acknowledges that the Zhou Son of Heaven had lost actual control of the realm already at the end of the seventh century BC: "At this time, the house of Zhou was ruined and unimportant, and the Son of Heaven had lost control" 當是時也, 周室壞微, 天子失制; *Jiazi Xin shu jiao shi*, 7.808; *Xin shu jiao zhu*, 7.261.

[42] This evaluation can also be apprehended from the *Shi ji*, which calls Ziying—even at the time of his installation as ruler—only king of Qin; e.g., *Shi ji*, 6.275: "[Zhao Gao] established Ziying, nephew of the Second Emperor, as king of Qin" 立二世之兄子公子嬰爲秦王. Ziying ruled for only forty-six days before submitting to Liu Bang, who spared his life in an act of mercy. The subsequent murder of the fallen king of Qin is traditionally blamed on Xiang Yu. See *Shi ji*, 6.275, 7.315; particularly, this sin numbers among those of Xiang Yu enumerated by Liu Bang, *Shi ji*, 8.376; see also Lin Jianming 林劍鳴, *Qin shi gao* 秦史稿 (Shanghai: Shanghai renmin chubanshe, 1981), 435-6.

[43] I discuss the fall of the Qin extensively in the "Unstable Roots" chapter.

[44] "Li hou yi," *Jiazi Xin shu jiao shi*, 10.1176; *Xin shu jiao zhu*, 10.409.

[45] "Li hou yi":

> Tang of Yin banished Jie, and King Wu killed Zhouh—these are things commonly known in the realm. Yet, to banish a lord while a vassal, or to kill a superior while a subordinate, is the greatest perversion in the realm. Nevertheless, the reason these (i.e., Tang and Wu) could take the realm was that, in doing so, they brought benefit and got rid of harm for the realm, and continued on with duty. Therefore, their names were acclaimed across the

> realm and passed down into later generations. [Later people] concealed their evil and proclaimed their virtus and nobility, establishing their achievements and passing them down through the long ages. Accordingly, all in the realm call them "sage emperors of supreme regulation." 殷湯放桀，武王弒紂，此天下之所同聞也．爲人臣而放其君，爲人下而弒其上，天下之 至逆也．而所以有天下者， 以爲天 下開利除害， 以義繼之也， 故聲名稱於天下而傳於後世．隱其惡而揚其 德美，立其功烈而傳之於久遠．故天下皆稱聖帝至治．

Jiazi Xin shu jiao shi, 10.1176; *Xin shu jiao zhu*, 10.409.

It is interesting to note that Xunzi explicitly refutes this interpretation of historical events. He says, "The vulgar persuaders of today say that Jie and Zhouh ruled the realm, and Tang and Wu usurped and snatched it. This is not correct" 世俗之爲說者曰，桀紂有天下，湯武簒而奪之．是不然; *Xunzi jijie*, 12.322. Jia Yi accepts reasoning that Xunzi refutes, perhaps in order to give moral superiority—and thus legitimacy—to the Han founder Gaozu.

[46] From "Du duan" 獨斷, *Cai Zhonglang ji* 蔡中郎集, *Sbby*, "Cai Zhonglang waiji" 蔡中郎外集, 4.1a.

[47] It is implicit here that the Great Worthy (*da xian* 大賢) is Gaozu; cf. Yan Shigu, *Han Shu*, 48.2245.

[48] The grammar of the sentence I translate, "Causing the realm to follow him with his virtus" (德從天下) is somewhat different in the original, which is somewhat unusual. The verb in the Jia Yi's sentence is *cong* 從, "to follow," here used causatively, "to make follow." *De* 德, virtus, is positioned before the verb and functions as an adverb; literally *de cong* 德從 means, "to virtus-ly cause to follow," thus my translation of "by means of." Yan Shigu's commentary on the *Han shu*, 48.2245, paraphrases: "The realm followed his virtus" 天下從其德.

[49] "Shi bian," *Jiazi Xin shu jiao shi*, 3.303; *Xin shu jiao zhu*, 3.96. In "Qin shu wei luan" 親疏危亂, he makes the same point: "The realm was in chaos when Emperor Gao and the various excellencies stood shoulder-to-shoulder and rose up" 天下殽亂，高皇帝與諸侯併肩而起; *Jiazi Xin shu jiao zhu*, 3.380; *Xin shu jiao zhu*, 3.119.

[50] "Zhi bu ding" 制不定: "Because Emperor Gao was perspicacious, sagely, majestic, and martial, so he took the realm" 以高皇帝之明聖威武也，既撫天下; *Jiazi Xin shu jiao shi*, 2. 207; *Xin shu jiao zhu*, 2.70. His virtus is mentioned in "Shi bian": "For this reason, the Great Worthy (Gaozu) lifted it, stirring all in the realm with his majesty and causing the realm to follow him with his virtus" 是以大賢 起之，威振海內，德從天下; *Jiazi Xin shu jiao shi*, 3.303; *Xin shu jiao zhu*, 3.96.

[51] "Qin shu wei luan," *Jiazi Xin shu jiao shi*, 3.380; *Xin shu jiao zhu*, 3.119.

[52] Jia Yi mentions Gaozu's humble origins in a number of places, e.g., in "Li hou yi": "The August Emperor Gao, arising from the common class, came to universally control the realm. He took the feudal lords of myriad places as vassals and become lord of the realm" 高皇帝起於布衣而兼有天下臣 萬 方 諸 侯爲天 下辟; *Jiazi Xin shu jiao shi*, 10.1178; *Xin shu jiao zhu*, 10.409.

[53] This is discussed below.

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[54] "Chun qiu" 春秋, *Jiazi Xin shu jiao shi*, 6.769; *Xin shu jiao zhu*, 6.246. This phrase is found in the "Cai Zhong zhi ming" 蔡仲之命 chapter of the *Shangshu* 尙書, part of the forged "old text" *Shangshu*; *Shangshu zheng yi*, 17.3a [254]. The *Zuo zhuan*, 5th year of Duke Xi 僖公, quotes this line as being from the *Zhou shu* 周書; in his commentary on this line, Du Yu 杜預 (222-284) says that this is from a lost book; *Chunqiu Zuo zhuan zheng yi*, 12.24b [208]. NB The line is not found in the extant *Yi Zhou shu* 逸周書.

[55] *Jiazi Xin shu jiao shi*, 5.550; *Xin shu jiao zhu*, 5.172.

[56] "Tai jiao" 胎教, *Jiazi Xin shu jiao shi*, 10.1148; *Xin shu jiao zhu*, 10.392.

[57] "Dao shu" 道術, *Jiazi Xin shu jiao shi*, 8.924; *Xin shu jiao zhu*, 8.302-3. Cf. the following translation from Svarverud, *Methods of the Way*, 165:

> If he promotes the worthy, then the common people will be transformed toward goodness, [and if he] employs the able, then the administration of offices will become ordered. [If] the talented hold the [right] positions, then the ruler will be held in respect, [and if] the servants fulfill their tasks, then the common people will manifest [their talents].

[58] Yu Yue, 28.338, says that *yi* 宜, "appropriate, fitting," in this line is an error for *heng* 恆, "always, constant, forever." Qi agrees with this reading, but suggests that it is a change made to avoid the personal name of Emperor Wen, Heng 恆, rather than an error. Although "taboo" avoidance itself is plausible, there is a significant difference in meaning between *heng* and *yi*, which argues against that explanation here. The standard Han-era substitute for *heng* was *chang* 常, a graph with essentially the same sense; see Chen Yuan 陳垣, *Shi hui ju li* 史諱舉例 (Shanghai: Shanghai guji chubanshe, 1997), 97. Unemended, this line might be translated, "There is no people that is fitted for regulation."

[59] Following Yu Yue, 28.338, I take *yi* 宜, "appropriate, fit," as a graphic error for *heng* 恆, "eternal, forever."

[60] From "Tai jiao," *Jiazi Xin shu jiao shi*, 10.1161; *Xin shu jiao zhu*, 10.393.

[61] "You min" 憂民: "In five years, there is one minor famine; in ten years, one crop failure; in thirty harvests, one great famine. This can probably be called the general formula" 五歲小康, 十歲一 凶, 三十歲而一大康, 蓋曰大數也; *Jiazi Xin shu jiao shi*, 3.357; *Xin shu jiao zhu*, 3.124.

[62] "Da zheng xia" 大政下, *Jiazi Xin shu jiao shi*, 9.1007; *Xin shu jiao zhu*, 9.348.

[63] This is found in "Mu min" 牧民, *Guanzi*, *Sbby*, 1.4a. Cf. W. Allyn Rickett, *Guanzi: Political, Economic, and Philosophical Essays from Early China*, volume 1, rev. ed. (Boston: Cheng & Tsui Company, 2001), 58: "The trouble is not that the realm lacks ministers, but rather that there is no prince to employ them."

Jia Shan 賈山 (ob. post-174 BC), an older contemporary of Jia Yi, echoes this in the context of the Qin, saying that it was his failure to employ his vassals properly that doomed Qin Shihuang and his successors; see *Han shu*, 51.2333:

> Why did Qin Shihuang live amidst destruction and the end [of his rule] but not know it himself? Because no one in the realm dared to report it. What was

the reason that no one dared to report it? [Because the Qin] did not follow duty in caring for the old, had no supporting ministers, and had no clerisy to present remonstrance. They wantonly carried out punishments, demoted people that criticized, and killed those of the clerisy that directly remonstrated. For this reason, they were led along by flattery and carelessly joined with [those of] mere appearances. If these sought a comparison for his virtus, then he (Qin Shihuang) was [said to be] worthier than Yao and Shun; if they assessed his merit, then he was called worthier than Tang and Wu. So while the realm had already burst, no one reported it. 秦 皇帝居滅絕之中而不自知者何也. 天下莫敢告也. 其所以莫敢告者何也. 亡養老之 義, 亡輔弼之臣, 亡進諫之士, 縱恣行誅, 退誹謗之人, 殺直諫之士. 是以道諛媮合苟容. 比其德則賢於堯舜, 課其功則賢於湯武. 天下已 潰而莫之告也.

[64] "Da zheng xia," *Jiazi Xin shu jiao shi*, 9.1011; *Xin shu jiao zhu*, 9.349:

Any particular people holds the material for worthies and for incapables; both worthies and incapables are present among them. Thus, you get worthy people there, but incapables are [also] hidden there. 夫民者賢 不 肖之材也, 賢不肖皆具焉, 故賢人得焉, 不肖者伏焉.

[65] "Da zheng shang": "A king is [shown to be] perspicacious by knowing the worthy" 君以知賢爲明; *Jiazi Xin shu jiao zhu*, 9.991; *Xin shu jiao zhu*, 9.340.

[66] "Da zheng xia," *Jiazi Xin shu jiao shi*, 9.1003; *Xin shu jiao zhu*, 9.348.

[67] *Jiazi Xin shu jiao shi*, 8.891-902; *Xin shu jiao zhu*, 8.292-6

[68] "Jie ji" 階級, *Jiazi Xin shu jiao shi*, 2.262; *Xin shu jiao zhu*, 2.81:

Those who are entrusted with material goods, and positions and tasks are gathered in that subordinate group (i.e., among the ministers and officials). If they simply lack shame and simply carelessly seek ease then the lord will be exhausted unto sickness. 所托財器職業者, 率[=萃]於群下也, 但無恥但苟安, 則主罷病.

[69] "Chun qiu," *Jiazi Xin shu jiao zhu*, 6.774; *Xin shu jiao zhu*, 6.247.

[70] "Da zheng xia," *Jiazi Xin shu jiao shi*, 9.1019; *Xin shu jiao zhu*, 9.350:

The lord invariably picks his ministers… Because those [lords] whose observation is perspicacious are keen in regard to people's words, while they do not leave their chambers, there is nothing that they do not perceive. 君 必 擇 其 臣… 故 察 明 者, 賢 乎 人 之辭 ， 不 出 於 室 而 無 不 見 也.

[71] *Maoshi zheng yi*, 16-3.1a [556].

[72] The received text has *jian* 諫, "to remonstrate," in this line; following Qi and the Zihui and Lu editions, I emend to *lian* 練, "to wash silk fibers," here, "to select; selection." The Li and Hu editions both have *jian*` 揀, "to select," the same meaning as *lian* here. In this shared sense, the graphs *lian* and *jian*` are interchangeable; cf. *Ciyuan*, s.v., "*lian*." This meaning of *lian* is found in the *Han shu* biography of Zou Yang 鄒陽 (2nd c. BC), which contains the line, "Now, the kings of

Wu and Chu select [the elite of] the feudal lords' soldiers" 今吳楚之王 練諸侯之兵; Yan Shigu adds, "*Lian* means select" 練, 選也; see *Han shu*, 51.2357. The same usage is found in a "Jiao si ge" 郊祀歌, which begins, "Choosing a season and a day" 練時日; again, Yan Shigu defines, "*Lian* means select" 練, 選也; *Han shu*, 22.1052.

[73] The received text has *jiao* 醮, the name of a ritual libation. The original poem has *you* 樵, "to stack," as do the Zihui and Lu editions and a citation of this line in the "Rong jing" 容經 chapter of the *Xin shu*, *Jiazi Xin shu jiao shi*, 6.740; *Xin shu jiao zhu*, 6.229.

[74] "Lian yu" 連語, *Jiazi Xin shu jiao shi*, 5.641-42; *Xin shu jiao zhu*, 5.199. The translation of the poem follows Cheng and Jiang, *Shijing zhu xi*, 766, with one exception. The Mao version has *qu`* 趣, where Jia Yi writes *qu* 趨. Cheng and Jiang would take *qu`* as "to rush to." I take as "to urge." This is implied in Jia Yi's explication of the line, and is also attested, e.g., in the *Shi ji* "Suo yin" commentary, where it says, "*Qu*…means 'to urge'" 趨 … 謂 促; *Shi ji*, 27.1312 n. 5.

Yu 棫 is either *Ulmus campestris* or *Ulmus sinensis*; Smith, *Chinese Materia Medica*: *Vegetable Kingdom*, 448. I render it simply as "elm."

[75] "Da zheng shang," *Jiazi Xin shu jiao shi*, 9.989; *Xin shu jiao zhu*, 9.339

[76] "Jun dao" 君道, *Jiazi Xin shu jiao shi*, 7.885; *Xin shu jiao zhu*, 7.287:

> The ode ("Wen wang" 文王, Mao #235) says, "Reverent were the many gentlemen, / King Wen had peace through them." This means that since his assistants and supporters were worthy and correct, then he himself was certain to have stability. 詩 曰, 濟 濟 多 士, 文 王 以 寧 . 言 輔 翼 賢 正, 則 身 必 安 也.

Though Jia Yi speaks about King Wen specifically, this can safely be extended to refer to the traits of rulers generally.

[77] *Linjun* 餕 is a very rare term, and I have been unable to locate another instance. In his note at *Xin shu*, *Sbby*, 7.2a, Lu Wenchao says that the graph *lin* is unknown, but notes that the Ming-era writer Liu Feng 劉鳳 (*jinshi* 1544) mentions the compound *linjun* in his *Liuzi zazu* 劉子雜組, albeit without any explanation as to meaning. [NB Lu Wenchao writes the title *Liuzi zazu* 劉子雜俎, which apparent error is reproduced in the work of others that follow him; it seems almost certain that he means Liu Feng's work, which is mentioned in the "Yi wen zhi" 藝文志 of Zhang Tingyu 張廷玉, *Ming shi* 明史 (Beijing: Zhonghua shuju, 1974), 98.2430. Note also that there is no section called "Za zu" 雜俎 in Liu Xie's 劉協 (ca. 465-ca. 522) *Liuzi* 劉子; cf. Lin Qitan 林其錟 and Chen Fengjin 陳鳳金, *Liuzi jijiao* 劉子集校 (Shanghai: Shanghai guji chubanshe, 1985). I have not been able to examine Liu Feng's work personally, but its relevancy would be at any rate limited because of its late provenance.] In the absence of other evidence, Lu says, "I suspect that [*linjun*] should be the leftover fragments from [sorting] edible beans" 疑當是豆食之餘屑.

Wang Gengxin, *Jiazi ci gu*, 7.12b quotes Ding Jiawei 丁嘉瑋:

> *Linjun* is probably the "bean pumice" (*douzi* 豆滓) of today. This is what is left over after pressing oil. It is also called "beancake" (*doubing* 豆餅).

> Southern people use it to fertilize fields and feed pigs. In times of famine, people also eat it. Some suspect [*linjun*] to be the "bean dregs" (*douzha* 豆渣) of today. This is incorrect. Bean dregs are what are left over after making tofu. Before the Qin and Han, there was bean oil, but there was no tofu. 　餕蓋今之豆滓, 榨油所餘者是也. 亦名豆餅, 南人以糞田飼豕, 饑饉時人亦食之. 或疑爲今之豆渣. 非也. 豆渣乃豆腐之餘. 秦漢以前有豆油無豆腐也.

Qi Yuzhang disagrees with the interpretations offered by Lu Wenchao and Wang Gengxin for *linjun*. He suggests that *lin* is a phonetic substitution for *li* 糲. *Li* is coarse rice, and occurs, e.g., in the *Shi ji*, "I am going to use [the gift] to pay for coarse *li* for the lady" 將用爲大人麤糲之費; the "Zheng yi" commentary clarifies, "*Li* is like coarse rice; it is rough grain" 糲猶麤米也, 脫粟也; *Shi ji*, 86.2522-23.

Qi understands *lin* [=*li*] and *jun* to be functioning in coordination, with *jun* in the sense of "to eat leftovers." This meaning is attested in the "Qu li" chapter of the *Li ji*, which contains the prohibition, "Leftovers (*jun*) and excess is not offered [to ancestors]" 餕餘不祭; Zheng Xuan explains, "Eating other peoples' excess is called *jun*" 食人之餘曰餕 ; *Li ji zhu shu*, 2.24b [42]. Thus, Qi, 820, explains,

> "Eating *linjun*" means that what he ate was cooked of coarse grain; moreover, he also ate the leftovers from his eating. This is an extreme description of the frugality and simplicity of Duke Zhao's life. 食　餕者, 言所食者爲粗粟之飯, 且食餘之飯亦食之, 極言昭公生活之儉樸.

In the end, it seems best to leave *linjun* vague, following the example of the *Hanyu da zidian*, s.v., "*lin*," which defines *linjun* as "A kind of coarse food" 一種粗食—thus my translation.

[78] Lu's edition has the first-person pronoun *wu* 吾 here.

[79] The bracketed phrase of seventeen graphs is missing from the received text, which absence is obvious from the context. I follow Lu and Qi to restore it on the basis of citations of this same story in Han Ying 韓嬰 (ca. 2nd c. BC), *Hanshi waizhuan* 韓詩外傳, *Sbck*, 6.52.

[80] *Jiazi Xin shu jiao shi*, 7.818; *Xin shu jiao zhu*, 7.262.

[81] This is one of the points Jia Yi makes in the "Lian yu" chapter, which I also discuss below. The implication is that a ruler belongs to one or another of the strata (typically the middle), but also has the option of improving himself; this is being "first awake" (*xian xing* 先醒), as in the example of Duke Zhao of Song discussed above.

[82] "Xiu zheng zu xia," *Jiazi Xin shu jiao shi*, 9.1074; *Xin shu jiao zhu*, 9.371. These lines are not found in the extant work bearing the title *Yuzi*.

[83] This emphasis on action can be discerned in the "Da zheng xia" chapter, "Accordingly, when one that regulates a state or a household puts the explanations of the Way into practice, the state or the household is invariably at peace" 故治國家者, 行道之謂, 國家必寧; *Jiazi Xin shu jiao shi*, 9.1003; *Xin shu jiao zhu*, 9.348. See also "Nie qie zi," *Jiazi Xin shu jiao shi*, 3.346-47, already quoted in the "Unstable Roots" chapter.

[84] "Da zheng shang," *Jiazi Xin shu jiao shi*, 9.987-88; *Xin shu jiao zhu*, 9.339.

[85] "Da zheng xia," *Jiazi Xin shu jiao shi*, 9.1008; *Xin shu jiao zhu*, 9.348.

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[86] "Xiu zheng yu shang": "The enlightened lord is deliberate about who he promotes, and the lordling is deliberate about who he joins with" 明君慎其舉, 而君子慎[其] 與; *Jiazi Xin shu jiao shi*, 9.1057; *Xin shu jiao zhu*, 9.362.

[87] "Da zheng shang," *Jiazi Xin shu jiao shi*, 9.997; *Xin shu jiao zhu*, 9.341. See also "Xiu zheng yu shang," where Zhuan Xu 顓頊 is quoted, "Every day, I am deliberate the whole day" 吾日慎一日; *Jiazi Xin shu jiao shi*, 9.1040; *Xin shu jiao zhu*, 9.360.

[88] In "Da zheng xia," it says, "In governance, one must be deliberate" "政不可不慎; *Jiazi Xin shu jiao shi*, 9.1003; *Xin shu jiao zhu*, 9.348. See also "Da zheng shang," *Jiazi Xin shu jiao shi*, 9.992; *Xin shu jiao zhu*, 9.340:

> For this reason, the knowledgeable are deliberate in speech and deliberate in action, and thus get blessings for themselves. The foolish are easy in speech and easy in action, and thus bring affliction on themselves" 是以知 者 慎 言 慎 行, 以爲身福. 愚者易言易行, 以爲身菑.

[89] "Da zheng shang," *Jiazi Xin shu jiao shi*, 9.989; *Xin shu jiao zhu*, 9.339.

[90] As evidenced, e.g., by Shang Yang's recommendation, in the "Qu qiang" 去彊 chapter of the work bearing his name: "One that rules as king punishes nine times and rewards once; [ruler of] a strong state punishes seven times and rewards thrice; [the leader of] a weak state punishes five times and rewards five times" 王者刑九賞一, 強國刑七賞三, 削國刑五賞五; Jiang Lihong 蔣禮鴻. *Shang jun shu zhui zhi* 商君書錐指 (Beijing: Zhonghua shuju, 1986), 1.31.

[91] The state formerly known as Wei 魏 (in Shanxi) came to be called Liang after King Hui 惠 (personal name was Ying 罃; 400-319 BC) moved his capital to Daliang 大梁 in 362 BC; see *Shi ji*, 44.1847. This story is also anthologized in the "Za shi si" 雜事四 chapter of Liu Xiang's *Xin xu* 新序; see Shi Guangying 石光瑛, *Xin xu jiao shi* 新序校釋 (Beijing: Zhonghua shuju, 2001), 4.554-58.

[92] Since the King of Liang in this story is not identified and I can find no other reference to this meeting between Fan Li and a king of Liang, it is impossible to say which king this is.

[93] Fan Li is more commonly referred to as Tao Zhu gong. He is mentioned above in the "Unstable Roots" chapter of this work.

[94] The basic meaning of *hou* 厚 is "thick." From this, a cluster of related meanings arises. One of these is "wealth," which usage is found in the "You du" 有度 chapter of the *Han Feizi*: "To destroy the wealth of the state in order to benefit your household—I do not call this knowledgeable" 毀國之厚以利其家, 臣不謂智; Wang Xianshen, *Han Feizi jijie*, 2.35. Another is simply "many, much." Thus, the "Wu ben" 務本 section of the *Lü shi chunqiu* says, "For these reasons, they will hope for much from the lord" 以此厚望於主; there, Gao You 高誘 (fl. 205-212) glosses *hou* as "many" (*duo* 多); see Chen Qiyou, *Lü shi chunqiu xin jiao shi*, 13.719.

From an early time, *hou* combines these senses into a particular one: generosity, often demonstrated through monetary or ritual means. For example, the "Shuo yi" 說疑 chapter of the *Han Feizi* says, "If someone does not delight when he sees benefit, then even if the sovereign should generously reward, he will not be able to exhort him" 夫見利不喜, 上雖厚賞無以勸之; Wang Xianshen, *Han Feizi jijie*,

17.402. Similarly, the *Shi ji* "Cike liezhuan" 刺客列傳, 86.2522, says, "Yan Zhongzi 嚴仲子 presented him a hundred *yi* of gold, and in front [of the company], wished Nie Zheng's 聶政 mother long life. Nie Zheng was startled and marveled at his generosity (*hou*)" 嚴仲子奉黃金百溢, 前爲聶政母壽, 聶政驚怪其厚; translated with reference to Yang Yanqi, *Shi ji quan yi*, 3184.

In particular cases, *hou* describes a generosity of spirit that exceeds material and related bestowals. This sense often functions in cases where *hou* is combined with *kuan* 寬, "broad, broad-minded," itself a metaphor for "bigness" like *hou*. Thus, in the *Han shu* "Xing fa zhi" 刑法志, 23.1097, it says,

> [Emperor Wen's] generals and chancellor were all meritorious vassals of long standing, of little culture but much [virtuous] simplicity. They had been chastened by and detested the governance of the fallen Qin, so in discourse and discussions they strove to be broad-minded and magnanimous (*hou*), and were ashamed to speak of other people's faults. 將相皆 舊功臣, 少文多質, 懲惡亡秦之政, 論議務在寬厚, 恥言人之過失.

This unwillingness to name other's errors is connected to forbearance in punishment, precisely what Jia Yi recommends through the words of Fan Li. It is a generosity that includes a willingness on the part of the king to, essentially, believe the best of his subjects and act accordingly. Thus, my translation of "magnanimous."

[95] This is literally, "doubt" (*yi* 疑), i.e., the possibility that something commendable had occurred.

[96] "Lian yu," *Jiazi Xin shu jiao shi*, 5.638; *Xin shu jiao zhu*, 5.198.

[97] In these lines, Jia Yi writes the graph *zhi* 卮 as a grammatical particle. The Zihui edition and *Xin xu* version write subordinating particle *ze* 則. *Zhi* as used here has the same sense as *ze*; cf. Wang Yinzhi 王引之 (1766-1834), *Jing yi shu wen* 經義述聞 (Nanjing: Jiangsu guji chubanshe, 1985), 9.11b – 12a [91].

[98] The Zihui, Hu, Cheng, and Lu editions write Yi 誼 here, the standard graph for Jia Yi's name; the received text has Yi` 義. The two graphs were interchangeable in ancient times and Jia Yi's name is clearly intended; cf. Gao Heng, *Guzi tongjia huidian*, 659-60.

[99] The received text inserts *chi* 尺, "inch," here, which is surely an interpolation. The Li, Zihui, Cheng, and Lu editions all elide it.

[100] "Lian yu," *Jiazi Xin shu jiao shi*, 5.638; *Xin shu jiao zhu*, 5.198.

[101] *Jiazi Xin shu jiao shi*, 6.769; *Xin shu jiao zhu*, 6.246. This story is also anthologized in the "Za shi" 雜事 section of Liu Xiang's (ca. 77- ca. 6 BC) *Xin xu* 新序; see Shi Guangying, *Xin xu jiao shi*, 4.554-62; it is also recorded and refuted in the "Fu xu" 福虛 chapter of Wang Chong's 王充 (27-97) *Lun heng* 論衡; see Huang Hui 黃暉, *Lun heng jiao shi* 論衡校釋 (Beijing: Zhonghua shuju, 1990), 6.261-65.

[102] The word for "to bear" that Jia Yi uses (*ren* 忍), is the same found in the famous line from *Mengzi*, "Every person has a heart that would not bear [harm to] others" 人皆有不 忍人之心; *Mengzi zhu shu*, 3B.6a-b [65].

[103] "Da zheng xia," *Jiazi Xin shu jiao shi*, 9.1003; *Xin shu jiao zhu*, 9.347.

[104] The received text has *shun* 順, "to follow; to concord," here, which doesn't make sense. The Zihui and Lu editions elide it, and I follow.

[105] "Er bi," *Jiazi Xin shu jiao shi*, 7.854; *Xin shu jiao zhu*, 7.270.

[106] "Yi rang" 益壤, *Jiazi Xin shu jiao shi*, 1.172; *Xin shu jiao zhu*, 1.57: "The praxis of a lord of men differs from that of a commoner… For the lord of men there is only the question: is the realm stable and are the [temples to] the tutelary spirits firm or not, and that is all" 人主之行 異布衣…人主者, 天下安, 社稷固不耳.

The same notion, turned to a different persuasive goal, is found in the "Xing lun" 行論 section of the *Lü shi chunqiu*; Chen Qiyou, *Lü shi chunqiu xin jiao shi*, 20.1398, the apparent source of the line here: "The praxis of a lord of men differs from that of a commoner" 人主之行與布衣異.

[107] An interest in practicability is characteristic of many early Chinese thinkers; see, e.g., *Lunyu* 13/3, "When a lordling names something, [the name] can invariably be spoken (i.e., is accurate); when he speaks of something, it can invariably be put into practice" 君子名之必可言也, 言之必可行也; *Lunyu zhu shu*, 13.2a [115]; translation after Yang Bojun, *Lunyu yi zhu*, 134.

[108] The text has *shi* 失, "to lose; to botch," here; the Li, Zihui, and Lu editions have the introductory particle *fu* 夫, which I accept as well.

[109] For *yan* 揜, "to cover, cover up," the Cheng and Lu editions write *de* 得, "to get."

[110] The Li, Zihui, Hu, Cheng, and Lu editions lack *gu* 故, "therefore, it follows that, consequently," here.

[111] This nine-graph section is restored to fill an obvious error, on the basis of the Li, Zihui, Hu, Cheng, and Lu editions.

[112] From "Da zheng shang," *Jiazi Xin shu jiao shi*, 9.992; *Xin shu jiao zhu*, 9.340.

[113] *Xin* is a topic that will come up again in my "Xiongnu" chapter, where it appears as one of the Three Manifestations.

[114] *Jiazi Xin shu jiao shi*, 10.1085; *Xin shu jiao zhu*, 10.378. Shusun Zhaozi's personal name was Chuo 婼, who is mentioned in the *Zuo zhuan* throughout the reign of Duke Zhao 昭公. Shusun Zhaozi's visit is recorded in the 25th year of Duke Zhao, which contains other episodes than the one related by Jia Yi. The *Zuo zhuan* version of this story is preceded by another story about Shusun Zhaozi's visit, in which he criticizes someone else for their failings in ritual observance. This can perhaps be understood as a doubled criticism of Zhaozi, who claimed knowledge of the rites and criticized others on that basis, but who himself fails to maintain proper decorum. Given this context, combined with the fact that Jia Yi was an expert on the *Zuo zhuan* and presumably very familiar with the context, the reference itself can be understood on two levels as well: first is the obvious aspect, the focus of the discussion here. The second is an implied warning against those who claim ritual knowledge and criticize others thereby, but fail to grasp the essence of ritual. This is perhaps a reference to those who opposed the revisions to the ritual system that Jia Yi advocated. The *Zuo zhuan* version of the narrative related here is found in *Chunqiu Zuo zhuan zheng yi*, 51.5b – 6b [887]; the *Han shu* "Wu xing zhi" 五行志, 27C.1449, also cites this story.

[115] "Li rong yu xia," *Jiazi Xin shu jiao shi*, 10.1087-94; *Xin shu jiao zhu*, 10.378-79. The story is also contained in the "Zhou yu xia" 周語下 chapter of the *Guo yu*, *Sbby*, 3.9a-10b, where he is referred to as Yangshe Xi 羊舌肸; in his commentary on the *Guo yu*, Wei Zhao says, "Xi was the son of the Jin grandee

Yangshe Zhi 羊舌職; [Xi] is the personal name of Shuxiang" 肸晉大夫羊舌職之子, 叔向之名也.

[116] *Jiazi Xin shu jiao shi*, 10.1100-1; *Xin shu jiao zhu*, 10.380-81. Stories about Duke Li and the Three Xis are recorded in numerous texts. Probably the primary sources for the events discussed here are the *Zuo zhuan* for the 16th and 17th years of Duke Cheng 成公; *Chunqiu Zuo zhuan zheng yi*, particularly 28.21b – 27a [482- 85]; and the "Zhou yu xia" 周語下 chapter of the *Guo yu*, *Sbby*, 3.1a-2b; see also *Han shu*, 27B.1354-55, 27B.1377-78.

There is some graphic variation between the versions of the story. The *Zuo zhuan* and *Guo yu* write the place name Jialing as Keling 柯陵; the Zihui, Cheng, and Lu editions have this also write the name thus, probably following the *Zuo zhuan* and *Guo yu*. The *Huainanzi* writes it with graphs Jialing 嘉陵; *Huainanzi jishi*, 18.1245-46. The *Zuo zhuan* and *Guo yu* also write the surname Xi 郄 with graph 郤; according to *Guang yun*, 5.33a [511], the form found in the received text of the *Xin shu* is a "vulgate graph" (*su zi* 俗字).

[117] "Looking far and stepping high" 視遠步高 is descriptive of a haughty attitude. The degree to which this phrase is to be taken as purely metaphorical is not clear, but the implication of arrogance is sure. Wei Zhao's comments in the "Zhou yu xia" take a quite literal understanding: "'Looking far' means to gaze off far. 'Stepping high' means to lift the feet high" 視遠, 望視遠. 步高, 舉足高也. The subsequent context (quoted below in my text) makes it clear that these acts embody a particular negative demeanor.

[118] My translation reflects an emendation. The text of the *Xin shu* has *jie* 訐, "to reveal others' secrets," in this line. All commentators agree that this should be *xu* 訏, defined in the *Shuo wen jie zi*, 3A.99: "*Xu* means to deceptively falsify" 訏, 詭譌也. The *Guo yu* version of this story has *yu* 迂, "to twist," which is closer in sound and sense to *xu* than *jie*. That being said, *jie* would also make sense here. The same emendation and rationale apply below as well.

[119] *Fa* 伐 is usually "to chop, cut." But it has a particular sense of "boast," which is also reflected in *Lunyu* 6/15, "Meng Zhifan 孟之反 did not boast" 孟之反不伐; as Kong Yingda says in his subcommentary, "To exaggerate merit is called *fa*" 誇功曰伐; *Lunyu zhu shu*, 6.6a [53]; translation after Yang Bojun, *Lunyu yi zhu*, 60.

[120] Guo Zuo's speech is described as *jin* 盡, "to exhaust; exhaustive." I translate "left nothing [unexpressed]" to better convey the idea of not observing proper discretion in his speaking. As Wei Zhao explains, "*Jin* means that he exhausted his thoughts: good and bad, praise and insult—there was nothing that he avoided" 盡者, 盡其心意, 善惡褒貶, 無所諱也; *Guo yu*, *Sbby*, 3.1a.

[121] Wei Zhao explains, "[This means] to cover over others' fineness" 掩人之美; *Guo yu*, 3.2a.

[122] *Pu* 暴, "to expose, reveal," is later often written with the sun radical as 曝.

[123] *Jiazi Xin shu jiao shi*, 10.1100, 10.1109; *Xin shu jiao zhu*, 10.380-81.

[124] *Jiazi Xin shu jiao zhi*, 10.1100; *Xin shu jiao zhu*, 10.380. For what is *yue* 曰, "to say, to call," which I translate loosely as "to mean," the Cheng edition and the *Guo yu* version have *ri* 日, "sun; day; daily." As Qi Yuzhang points out, the two graphs were very similar in appearance and often confused in antiquity. At any rate, I follow the *Xin shu* text while acknowledging that *ri* would also make sense.

[125] This is a loose translation of *bi* 庇, which usually means, "to cover" and is hard to understand here. Wei Zhao says, "*Bi* means to repeat. When words and actions 'repeat' (i.e., correspond to) each other, it constitutes trustworthiness" 庇, 覆也. 言行相覆爲信也; *Guo yu*, 3.2a.

[126] Wei Zhao, *Guo yu*, 3.2a defines, "*Ji* 既 means exhaustively" 既, 盡也, giving my translation of "completely."

[127] Lu's edition has the introductory particle *fu* 夫 here.

[128] Lu would emend the sentence final particle *yi* 矣 to *ye* 也, following the *Guo yu*. He notes that the Jian edition writes *sheng* 聲, "sound," for *ming* 名, "name."

[129] The received text has *mian* 免, "to avoid, to free," at the end of this line, which does not make sense. The Li and Hu editions write 不免於亡, "will not avoid being lost." The Zihui, Cheng, and Lu editions write *jiu* 咎, "disaster," matching the *Guo yu* version and a similar line from the *Han shu*, "Wu xing zhi," 27B.1355.

[130] *Jiazi Xin shu jiao shi*, 10.1100-1; *Xin shu jiao zhu*, 10.380.

[131] According to the *Han shu*, 27B.1378, the Three Xis were killed that same year. *Han shu*, 27B.1355 says that Duke Li was killed two years after the meeting. However, the *Zuo zhuan* puts his death in the 18th year of Duke Cheng, i.e., about a year later; *Chunqiu Zuo zhuan zheng yi*, 28.27b-18a [485]. The "Ren jian xun" 人間訓 chapter of the *Huainanzi* does not provide any more information about the timing of the duke's demise, but says specifically that Duke Li sealed his fate at the meeting described by Jia Yi; *Huainanzi jishi*, 18.1245-46.

[132] *Jiazi Xin shu jiao shi*, 5.641; *Xin shu jiao zhu*, 5.198-99.

[133] *Jiazi Xin shu jiao shi*, 5.641; *Xin shu jiao zhu*, 5.199.

[134] Duke Huan (personal name Xiaobai 小白) of was a famous Chunqiu-era ruler of the state of Qi, one of the Five Hegemons 五霸 of antiquity. According to extant lore, he employed Guan Zhong 管仲 (i.e., Guanzi, ob. 645 BC) as advisor, with whose advice he was able to bring the feudal lords together in meetings nine times. Eventually, he united the lords of the realm in a covenant and was himself selected as their head, thus achieving his hegemony. But after Guanzi died, Huan is supposed to have fallen in with bad advisors and become lax in governance. After Huan's death, his sons squabbled for the right to rule and the hegemony was lost. Many sources contain tales of Duke Huan and Guanzi; the outline of his rule can be found in the "Qi taigong shijia" 齊太公世家, *Shi ji*, 32.1485-95.

[135] Guan Zhong is the aforementioned famous advisor to Duke Huan of Qi, whose name is attached to the book *Guanzi*; he has a biography in the *Shi ji*, 62.2131-34. Xi Peng (ob. 645 BC) is another of Duke Huan's advisors, who is generally portrayed as Guanzi's inferior, though the degree to which he was below Guanzi varies. Stories about Guanzi and Xi Peng can be found in many sources, though those which link the two on more or less equal footing (as Jia Yi does) are more rare.

[136] Shu Diao (also written Shu Diao 豎刁 or Dao 刀) and Ziya (aka. Yiya 易牙) were servants to Duke Huan. According to the "Zhi jie" 知接 section of the *Lü shi chunqiu*, Guanzi warned the duke about them (among others) before dying, but the duke did not heed the warning. Things deteriorated over time, until the duke fell ill. Then, "Yiya, Shu Dao, and Changzhi wu made disorder together: they blocked the doors to the palace, built up high walls, did not let other people pass; they falsified ducal commands" 易牙, 豎刀, 常之巫相與作亂, 塞宮門, 築高牆, 不通人, 矯以公

令. The duke was unable to receive anything to eat and starved to death. He lay three months in his chamber without being buried—thus could the maggots, et al., have their way with him. See *Lü shi chunqiu xin jiao shi*, 16.978-79. According to the *Guanzi*, 11.11b, when Ziya (there called Yiya—"Toothsome") was the duke's chef, he cooked and served his own son to the duke. He is also said to have castrated himself so as to be able to serve within the palace.

[137] Tao Hongqing 陶鴻慶 (1859-1918), *Du Zhu zi zha ji* 讀諸子札記, (1920; rpt. Taipei: Yiwen yin shu guan, 1971), 308 suggests inserting the graph *ren* 任, "to employ," here. He cites a line from the "Tai jiao" 胎教 chapter of the *Xin shu* which says, "When he lost Guan Zhong and employed Shu Diao, he himself died and was not buried, laughed at by the realm" 失管仲, 任豎刁而身死不葬, 爲天下笑; *Jiazi Xin shu jiao shi*, 10.1139; *Xin shu jiao zhu*, 10.392.

[138] *Jiazi Xin shu jiao shi*, 5.641; *Xin shu jiao zhu*, 5.199.

[139] *Jiazi Xin shu jiao shi*, 7.813; *Xin shu jiao zhu*, 7.262

[140] *Lunyu* 17/3; *Lunyu zhu shu*, 17.2a [154]; translation follows Yang Bojun, *Lunyu yi zhu*, 181. See also the discussion in the commentary on this passage in Liu Baonan 劉寶楠 (1791-1855), *Lunyu zheng yi* 論語正義 (Beijing: Zhonghua shuju, 1990), 20.678. See also John Makeham, *Transmitters and Creators: Chinese Commentators and Commentaries on the Analects* (Cambridge: Harvard University Press, 2004), particularly 101, where he refers both to this passage from the *Lunyu* and to Jia Yi's ranking.

[141] *Guanzi*, *Sbby*, 15.7b.

[142] Wang Xianqian, *Xunzi jijie* 荀子集解 (Beijing: Zhonghua shuju, 1988), 5.153. Cf. also the "Chen dao" 臣道 chapter, *Xunzi jijie*, 9.252-53. In this passage, I translate *jie* 節 as "observance." The "observances" that Xunzi refers to are not explicit in the text. Xiong Gongzhe 熊公哲, *Xunzi jin zhu jin yi* 荀子今注今譯 (Taipei: Taiwan Shangwu yinshuguan, 1984), 151 suggests that the "major observances" correspond to the three that Xunzi lists just before the putative Kongzi quotation:

> Accordingly, for a lord of men: If you desire stability, then nothing compares to making governance equitable and cherishing the people. If you desire glory, then nothing compares to elevating ritual and revering the clerisy. If you desire to establish a meritorious reputation, then nothing compares to elevating the worthy and employing the able. These are the major observances of the lord of men. 故 君人者, 欲安, 則莫若平政愛民矣 . 欲榮 , 則莫若隆禮敬士矣 . 欲立功名, 則 莫若尙賢使能矣. 是人君之大節也.

The "minor observances" remain unclear; Xiong suggests that these are everything else.

[143] Wang Xianshen, *Han Feizi jijie*, 18.432. Cf. also the "Wai chu shuo zuo xia" 外儲說左下 chapter, *Han Feizi jijie*, 12.298:

> Those with whom the superior lord dwells are all those who he is in awe of. Those with whom a mediocre lord dwells are all those who he cherishes. Those with whom an inferior lord dwells are all those he scorns. 上君所與居, 皆其所畏也. 中君之所與居. 皆其所愛也. 下君之所與居, 皆其所侮也.

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[144] Sun Yirang 孫詒讓 (1848-1908), *Mozi jian gu* 墨子閒詁 (Beijing: Zhonghua shuju, 2001), 1.11-20.

[145] *Mozi jian gu*, 1.12.

[146] The graded responsibility for different sizes of governmental unit and the selection of officials according to their intrinsic abilities is implied in the "Da zheng xia" chapter, as in the following lines, *Jiazi Xin shu jiao shi*, 9.1013; *Xin shu jiao zhu*, 9.349:

> Accordingly, if ten people cherish and have allegiance to [someone], then he is a fit official for ten people; if one hundred people cherish and have allegiance to [someone], then he is a fit official for one hundred people; if a thousand people cherish and have allegiance to [someone], then he is a [fit] official for a thousand people; and if ten thousand cherish and have allegiance to [someone], then he is a fit official for ten thousand. 故十人愛之有歸, 則十人之吏也. 百人愛之有歸, 則百人之吏也. 千人愛之有歸, 則千人之吏 也. 萬人愛之有歸, 則萬人之吏也. 故萬人之吏, 選卿相焉.

[147] As mentioned above, the relationship between rulers and vassals was a complicated issue, which took on different forms over the passage of time; see Yuri Pines, "Friends or Foes: Changing Concepts of Ruler-Minister Relations and the Notion of Loyalty in Pre-imperial China," *Monumenta Serica* 50 (2002): 35-74.

[148] The "Guan ren" 官人 chapter lays out in some detail the six grades of official that Jia Yi recognizes: "teacher" (*shi* 師), "friend" (*you* 友), "great minister" (*dachen* 大臣), "courtier" (*zuoyou* 左右), "attendant" (*shiyu* 侍御), and "lackey" (*siyi* 厮役). Each of these has not only its qualifications but also the rituals appropriate to taking them into service.

[149] I discuss this chapter with reference to ritual in the "Practical Ritual" chapter.

[150] *Zhu* 逐 usually means "to chase, pursue." Here, it has the rarer sense of "to promote, advance." This is attested in the *Han shu* "Wu xing zhi," 27B.1450, which says, "The classic [*Zhouyi zheng yi*, 3.26a [68]] says, 'The goodly horse charges (*zhu*).' To charge is to advance" 經曰, 良馬逐. 逐, 進也. A similar and probably related sense of "to seek" is attested in the "Jin yu si" 晉語四 chapter of the *Guo yu*, *Sbby*, 10.1a, which contains the line, "Being sated with the close, seek (*zhu*) the distant" 饜邇逐遠; Wei Zhao comments, "*Zhu* means seek" 逐, 求也.

Qi Yuzhang suggests that *zhu* is a graphic error for *sui* 遂, with the sense of "complete, create." This sense is found, e.g., in the *Xunzi* "Li lun" 禮論, 24.363: "Actions which take effect at a distance are the means by which to create (*sui*) reverence"; 動而遠, 所以遂敬也. There, Yang Liang 楊倞 (ca. 8th-9th c.) says, "*Sui* means to create" 遂, 成也.

[151] The quotation attributed to Lao Dan (i.e., Laozi the man) is found in *Laozi* 64. Arthur Waley, *The Way and Its Power* (London: George Allen & Unwin, 1934), 221 translates, "Deal with things in their state of not-yet-being, / Put them in order before they have got into confusion"; see Zhu Qianzhi 朱謙之, *Laozi jiao shi* 老子校釋 (Beijing: Zhonghua shuju, 1984), 259.

[152] The original context of the *Guanzi* is slightly different in its implication, saying, "Only one with the way is able to prevent disaster before it takes form; thus, calamity will not sprout" 惟有道者, 能備患於未形也, 故禍不萌; *Guanzi*, *Sbby*, 1.4a.

[153] "Shen wei," *Jiazi Xin shu jiao shi*, 2.221; *Xin shu jiao zhu*, 2.73-74.

[154] Though they do not match exactly, these lines are very much like the following from the "Guan Zhou" 觀周 chapter of the *Kongzi jiayu* 孔子家語: "If you do not extinguish the sparks, what will you do when they blaze?… If the tiny tips are not plucked, they will be used to break the axe-handle" 焰焰不滅, 炎炎若何…毫末不札, 將尋斧柯; see Wang Su 王素 (195-256), *Kongzi jiayu*, *Sbby*, 3.2a.

The *Xin shu* line is made somewhat difficult to understand by the presence of the hapax legomenon *yan* (tentative pronunciation) , in the reduplicative binome *yanyan* . Lu Wenchao suggests that this is an error for *yan`yan`* 焰焰 (also written 燄燄), "the first beginnings of a fire," i.e., "sparks." Since this matches the binome as found in the *Kongzi jiayu*, it is reasonable to read *yanyan* thus; however, as both Qi Yuzhang and Yan and Zhong point out, this could well be a phonetic borrowing or graphic variant, not necessarily an error. The *Shangshu* contains the line, "Do not let them be like the sparks (*yan`yan`*) of the fire's beginning" 無若火始燄燄; *Shangshu zheng yi*, 15.17a [226]. *Ke* 柯 here is as defined in the *Shuo wen jie zi*, 6A.263: "*Ke* means axe-handle" 柯, 斧柄也.

[155] The Tan, Li, and Hu editions write *gu* 故, "therefore" or perhaps here "bad" for *ci* 次, "inferior."

[156] *Jiazi Xin shu jiao shi*, 2.221; *Xin shu jiao zhu*, 2.74.

[157] *Ji* 機, usually "crux, trigger," here is read as *ji`* 幾; cf. Gao Heng, *Guzi tongjia huidian*, 514-15. *Shuo wen jie zi*, 4B.159, "*Ji`* means slight" 幾, 微也. *Jian* 漸 is defined in the *Guang ya* as, "to advance" (*jin* 進); see *Guang ya shu zheng*, 2A.5a [45]. Thus, literally the phrase *ji jian* 機漸 would be, "slightly advance." I follow Yan and Zhong to interpret this as indicating the initial phase of movement, thus, my "to first move."

[158] *Jiazi Xin shu jiao shi*, 2.221; *Xin shu jiao zhu*, 2.74.

[159] The four graphs *ze taizi zheng* 則太子正 are missing from the received text; Qi emends on the basis of the Li, Hu, Cheng, and Lu editions, as well as the *Han shu*, 48.2252.

[160] The received text has *tianzi* 天子 here; I follow the Li, Hu, Cheng, and Lu editions, as well as the *Han shu*, 48.2252, which all write *taizi* 太子, "heir-designate."

[161] *Jiazi Xin shu jiao shi*, 5.626; *Xin shu jiao zhu*, 5.186.

[162] "Three Excellencies" (*san gong* 三公) here refers to the three highest officials in the Zhou government: the grand master (*tai shi* 太師), grand tutor (*tai fu* 太傅), and the grand protector (*tai bao* 太保); *Shang shu zheng yi*, 18.3b [270]

[163] The Cheng and Lu editions write *che* 徹, "to clear away," for *shou* 收, "to receive, take up." The Zihui and Jian editions have *yin* 飲, "to drink."

[164] *Jiazi Xin shu jiao zhi*, 5.609; *Xin shu jiao zhu*, 5.185. The Cheng and Lu editions, as well as the parallel in *Da Dai li ji jie gu*, 3.54, all insert *ye* 也 at the end of the last line.

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[165] Yuri Pines, "Friends or Foes": 35-74 outlines three stages in the conception of relations between minister and vassal, which can be summarized as friends, teachers, and adversaries. The following is a brief summary of his complex arguments.

In the Western Zhou period, relations between the ruler and vassals and high officers were based on clan relationships; this system is succinctly summarized in Qi Sihe 齊思和, "Xizhou shidai zhi zhengzhi sixiang" 西周之政治思想, in *Zhongguo shi tanyuan* 中國史探原 (Shijiazhuang: Hebei jiaoyu chubanshe, 2000), 135. Pines cites the opinion that in the presence of these blood relationships, no further notion of loyalty was necessary, as the duty of underling to lord fell under the rubric of filiality and related ideas; see also, e.g., Ning Ke 寧可 and 奬福亞, "Zhongguo lishi shang de huang quan he zhongjun guannian" 中國歷史上的皇權和忠君觀念, *Lishi yanjiu* 2 (1994): 79. Thus, Pines, "Friends or Foes": 42, "The issues of ruler-minister relations in general and of loyalty in particular do not figure prominently in pre-Chunqiu discourse."

The situation in the Chunqiu period was markedly more complicated, as one might expect in time of turbulence and chaos. "Two different concepts of loyalty coexisted in the Chunqiu period: the intelligent and selfless loyalty of the ministers, directed to the state, and the personal fidelity of the retainers, directed to the master"; Pines, "Friends or Foes": 52.

During the Warring States period, former conceptions were discarded. In their stead evolved a new conception of moral standard, the *dao* 道, or way. This way outweighed (so to speak) the importance of the ruler, and Pines argues that ministers were loyal to the abstract principle instead of their lords. Over time, this developed into a situation where the ministers saw themselves as actually superior to their nominal lords, to whom they were properly teachers and not assistants. At the same time, these ministers demanded respectful treatment from their lords, without which there was no sense of loyalty.

By the end of Warring States times, the situation had devolved into mutual distrust between lord and vassal, where each sought benefit from the other. On the one hand, "Zhanguo rulers needed neither companions, nor friends, nor teachers, but rather obedient servants"; Pines: 65. Ministers proved willing to serve wherever they could gain the most benefit. Legalist thinkers like Shang Yang et al. further refined the conceptualization of ruler-vassal relations into one of frank antipathy, in which the ruler should and could not trust his ministers, but rather should govern them. "Han Feizi inverted the idea of ruler-minister friendship: the court, he argued, harbors not friends but bitter foes of the ruler"; Pines: 66.

[166] This is functionally the creation of a new system, as it did not exist at the time or within living memory. Jia Yi himself might well consider it a re-creation, as he phrases his recommendations as description of the system of the Three Dynasties 三代 (i.e., Xia, Shang, and Zhou); *Jiazi Xin shu jiao shi*, 5.609; *Xin shu jiao zhu*, 5.184. However, I have been unable to locate any record of officials with these tasks in the *Zhouli*, the usual source for such information. There is a discussion of this point in the *Bohu tong*, which also connects the reduction of delicacies to the ritual observances for times of famine, etc.; see Chen Li, *Bohu tong shu zheng*, 5.237-38. This discussion refers to the *Da Dai li ji* parallels to the "Bao fu" chapter of the *Xin shu*, and Chen Li brings in Jia Yi's views. The *Bohu tong* does not make mention of any earlier sources for the idea of reducing delicacies as punishment.

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[167] See Pines, "Friends or Foes": 71-72. Particularly, Pines says, "The idea of unswerving loyalty to a single master, the major innovation of imperial political ethics, invalidated the Zhanguo emphasis on ruler-minister friendship. Being placed at the apex of the state pyramid, emperors were in need of servants, not friends or self-proclaimed 'teachers.'"

[168] Liu Shipei, 1.15b, would emend *tianzi* 天子 ("Son of Heaven") to *taizi* 太子 ("crown prince") on the basis of the parallel to this text in the "Bao fu" 保傅 chapter of the *Da Dai li ji*, which indeed has *taizi*; see *Da Dai li ji jiegu*, 3.52. However, as Qi Yuzhang, 5.601, points out that the context makes it clear that the subject has changed, and is now the Son of Heaven. The same offices are also mentioned again a few lines later, supporting the received text. Liu's reading, like that found in the *Da Dai li ji*, seems obvious *lectio facilior*.

[169] *Jiazi Xin shu jiao shi*, 5.599; *Xin shu jiao zhu*, 5.184.

[170] Later in "Bao fu," Jia Yi also proposes the creation of another official post responsible for correcting imperial mistakes:

> The one purely incorrupt and strictly straightforward, correcting faults and remonstrating about deviance, was called the rectifier. The rectifier rectified the Son of Heaven's faults, always standing to his right. The Duke of Shao was this. 潔廉而切直, 匡過而諫邪者謂之拂. 拂者, 拂天子之過者也. 常立於右，是召公也.

Jiazi Xin shu jiao shi, 5.616; *Xin shu jiao zhu*, 5.185. This underscores the importance Jia Yi puts on counteracting the ruler's fallibility.

[171] Loewe, "Authority," 84; Loewe also includes "the properties required of an emperor," but since I have discussed these above, I will not recapitulate them here.

[172] Loewe, "Authority," 85-90.

[173] There is one mention of a "mandate" (*ming* 命) in the "Er bi" 耳痹 chapter: "Thereupon the Supreme Thearch sent down disaster, and cut off Wu's mandate at Zhijiang" 於是上帝降禍, 絕吳命乎直江; *Jiazi Xin shu jiao shi*, 7.841; *Xin shu jiao zhu*, 7.270. However, as is the case with portents (of which this is also an example, discussed below), this is a historical example, not applied to the theory of kingship. In this case, it must also be noticed that the fate of King of Wu is blamed on his failure to take the necessary action against his enemies, for which error he pays a heavy price. That the "Supreme Thearch … cut off Wu's mandate" is thus a result of strategic rather than moral error, and thus distinctly different from the sort of moralistic legitimation that Loewe describes arising later.

[174] Qi Sihe, "Xizhou shidai zhi zhengzhi sixiang," 138-41.

[175] Cf., "Chunqiu": "If I were to attack it, this would be going against the command of heaven" 我若攻之, 是逆天命也; *Jiazi Xin shu jiao shi*, 6.793 ; *Xin shu jiao zhu*, 6.249.

[176] "Chunqiu," *Jiazi Xin shu jiao shi*, 6.769; *Xin shu jiao zhu*, 6.246. As noted above, this is a quotation now found in the *Shang shu*; *Shangshu zheng yi*, 17.3a [254].

[177] *Jiazi Xin shu jiao shi*, 6.690; *Xin shu jiao zhu*, 6.216.

[178] *Mu* 牧 usually means "shepherd; to shepherd." Here, however, the *Fang yan* also says, "*Mu* means investigate" 牧, 察也; see Dai Zhen, *Fang yan shu zheng*, *Sbby*, 12.3b. Thus, I translate *mu* as "observations." The Zihui edition writes *mu*` 目,

"eye," for *mu*, an obvious *lectio facilior* reading. The Tan, Li, and Hu editions leave out the two graphs *mu mang* 牧芒.

Mang 芒 is "bright, brilliant," which here means perspicacious or enlightened. This basic sense is reflected in a line from Zhang Heng's 張衡 (78-139) "Si xuan fu" 思玄賦, "It throws up sparks and flames that redden the sky" 揚芒熛而絳天兮; there, Li Shan comments, "*Mang* means brilliance" 芒, 光芒也; see *Wen xuan*, 15.660; transl. Knechtges, *Wen xuan*, 3:117. There is also an attested paronomastic relationship between *mang* and *ming* 明, "bright; perspicacious," which may well be related to Jia Yi's usage here; see Coblin, *Handbook*, 156.

[179] *Cha* 察, "to investigate, delve into," here is an adjective describing sight. The *Er ya* defines, "*Cha* means clear" 察, 清也; *Er ya zhu shu*, 3.6b [39].

[180] From "Er bi," *Jiazi Xin shu jiao shi*, 7.854; *Xin shu jiao zhu*, 7.270.

[181] Loewe, "Authority," 86.

[182] Loewe, "Authority," 86.

[183] Loewe, "Authority," 88. This contrasts with later Han analyses as well; see, e.g., Cai Yong's "Du duan": "As for the Han: Gaozu received the mandate and his merit and virtus has matched it; relying on these, it did not change" 漢高祖受命, 功德宜之, 因而不改也; *Cai Zhonglang ji*, *Sbby*, "Cai Zhonglang waiji," 4.1a-b.

[184] These proposals are discussed in my introductory "Biographical Sketch"; see also Loewe, "Authority," 91.

[185] *Jiazi Xin shu jiao shi*, 10.1126-27; *Xin shu jiao zhu*, 10.391.

[186] *Li ji zhu shu*, 28.11b [534]: "When a child is born: if it is a son, a bow is set to the left of the door; if it is a girl, a kerchief is set to the right of the door" 子生男子設弧於門左, 女子設帨於門右. Zheng Xuan explains, "This is make known if it is a boy or girl. The bow is to show that he will serve in martial capacity; the kerchief is the cloth worn at the waist for serving other people" 表男女也. 弧者示有事於武也; 帨事人之佩巾也. No particular name is given for the ritual here.

In the "Jiao te sheng" 郊特牲 chapter of the *Li ji*, Kongzi says, "As for the knight: command him to shoot. If he is unable, then he declines by [claiming] illness, because of the Suspended Bow ritual" 士, 使之射, 不能則辭以疾, 縣[=懸]弧之義也; Zheng Xuan explains this as a reference to the neonatal ceremony described in "Nei ze," which tallies well with the use of the term in "Tai jiao"; *Li ji zhu shu*, 25.18b [488].

[187] *Li ji zhu shu*, 28.12a [534]. Stuart, *Chinese Materia Medica: Vegetable Kingdom*, 164 identifies *peng* 蓬 as *Erigeron kamtschaticum* (= *kamtschaticus*), bitter fleabane.

[188] The five directions are the four cardinal points plus the center.

[189] A brief outline of this kind of correspondence in the context of *wuxing* cosmology can be found in A.C. Graham, *Disputers of the Tao: Philosophical Argument in Ancient China* (LaSalle: Open Court Publishing Company, 1989), 340-356.

[190] Loewe, "Authority," 92.

[191] According to the *Hanyu da cidian*, s.v., "*huishe*" 虺蛇, this is a general term for venomous snakes. I have been unable to locate any specific species that it might refer to.

[192] According to Smith, *Chinese Materia Medica: Vegetable Kingdom*, 317-18, *lu* 蘆 is *Phragmites communis*, the common reed.

[193] The Cheng edition has *gao* 稿 for *ji* 稷, which Lu suggests should be read *gao*` 搞; according to Qi, *gao* is correct and should be understood as "to break up."

[194] The phrase *ke tai wo* 客臺握, found in the received text of this line, is not understandable, and is the site of numerous textual variants. The Zihui edition writes for this phrase *gao taixie* 高臺榭 ("high towers"), the Cheng edition has *ke tai zhen* ("Ceremonial towers shook"), and the Lu edition has *rong taixie* 容臺榭 ("ceremonial towers"). The presence of subordinating particle *er* 而 in the middle of this line means that a verbal clause is likely to appear before and after; only by taking *wo* as an error for *zhen* 振, "to shake," is this possible. Qi thinks that the Cheng text is the best, the textus receptus a result of graphic error, and takes the other versions as vain attempts at textual repair.

[195] "Er bi," *Jiazi Xin shu jiao shi*, 7.841; *Xin shu jiao zhu*, 7.270.

[196] There is some question about the sense of the line I translate "heaven reveals it by means of this abnormality" 天招以夭, which has also led to textual confusion. The question focuses around the sense of *zhao* 招, usually "to indicate with the hand; to wave; to call." This word is often defined in conjunction with *zhao*` 召 as follows, from Wang Yi's 王逸 (89-158) preface to the *Chuci* 楚辭 poem "Zhao hun" 招魂: "*Zhao* means call: when you use the hand, it's termed *zhao*; when you use words, it's termed *zhao*` 召" 招者, 召也. 以手曰招, 以言曰召; see Hong Xingzu, *Chuci buzhu*, 9.1a. *Zhao*` itself means "to call." The graphic and phonological similarity (themselves evidence of relationship) between the two words *zhao* and zhao` suggests that there was a general sense of "to communicate at a distance"—be it by gesture or speech. I propose that *zhao* here represents this general sense, thus I translate it simply as "to indicate," with the understanding that anything heaven does is necessarily done at a distance—here, by means of (*yi* 以) a monstrosity.

Yao / *ao* 夭 is usually "flourishing; young; to die while still young." Here, it is a loan graph for *yao* 妖, "strange, weird, abnormal"; cf. Gao Heng, *Guzi tongjia huidian*, 785.

There are a number of textual variants for this line. The Cheng edition writes *jie* 戒, "warning," for *yao* / *ao*. The Lu editions adds the first person pronoun *wo* 我 below *yao* / *ao* (taking the latter as a verb). The Tan and Hu editions write *zhao*` for *zhao*.

[197] In a citation of this passage, the *Taiping yulan*, 933.6a [4280] writes *shen* 身, "self," here for *guan* 官, "office."

[198] The *Taiping yulan*, 933.6a [4280] writes *shan* 善, "good," in the place of *ruo* 若 here.

[199] "Chunqiu," *Jiazi Xin shu jiao shi*, 6.793; *Xin shu jiao zhu*, 6.249. It is interesting to note that this story appears to suggest a course of action—namely, *not* killing the snake—that directly contradicts a story later recorded about Han Gaozu. The *Shi ji*, 8.347 and the *Han shu*, 1A.7 both record that Gaozu, in the days before he was emperor, was leading a party which came upon a large snake blocking the path. The members of the party wanted to avoid the snake, but an inebriated Gaozu commanded them to advance and killed the snake with his sword. When members of the party later returned to the place, they found an old woman weeping for her dead son, the "child of the White Thearch" 白帝子, slain by the "child of the Red Thearch" 赤帝子. After telling her story, the old woman suddenly disappeared. When told of

her words, Gaozu was happy, taking it as a good portent, while his followers became more in awe of him for the same reason.

The fact that Jia Yi here goes so directly against a famous and memorable story about Gaozu, for whom Jia Yi generally manifests only respect, seems to suggest that the story of the future emperor's act could be a later development. This is in line with a general trend toward finding (or creating) portents in the life of Gaozu that presaged his rise to power.

[200] "Chunqiu," *Jiazi Xin shu jiao shi*, 6.793; *Xin shu jiao zhu*, 6.249.

[201] E.g., the drought that occurred in the autumn of the 3rd year of Emperor Wen's reign (177 BC); *Han shu*, 27B.1391.

[202] I read Jia Yi's interpretation of natural phenomena as following that of Xunzi, who in the "Tian lun" 天論 refutes the idea that weather and similar occurrences should be understood as portents and used as basis for governmental decision-making; see *Xunzi jijie*, 11.306-320. See the discussion below.

[203] "You min" mentions two sage rulers who encountered natural disaster including drought, but whose people survived without excess suffering, because of wise preparations: "Yu had floods for eight years, and Tang had drought for seven years" 禹水八年, 湯旱七年; *Jiazi Xin shu jiao shi*, 3.391; *Xin shu jiao zhu*, 3.124.

Jia Yi describes drought as "unfortunate" (*buxing*) in two places, which use the same phraseology: "You min" and "Wu xu" 無蓄: "If we should unfortunately have a drought over two or three thousand square miles" 即不幸有方二三[千]里之旱; *Jiazi Xin shu jiao shi*, 3.397; *Xin shu jiao zhu*, 3.124 and *Jiazi Xin shu jiao shi*, 4.521; *Xin shu jiao zhu*, 4.164.

[204] "You min," *Jiazi Xin shu jiao shi*, 3.397; *Xin shu jiao zhu*, 3.124.

[205] "Wu xu": "That each generation should encounter famine is a constant for the realm. [Even] Yu and Tang bore it" 世之有饑荒, 天下之常也, 禹湯被之矣; *Jiazi Xin shu jiao shi*, 4.521; *Xin shu jiao zhu*, 4.164.

[206] "You min," *Jiazi Xin shu jiao shi*, 3.391; *Xin shu jiao zhu*, 3.124.

[207] Wang Xingguo, 208 describes this strain in Jia Yi's thought as "simple materialist theory" (*pusu weiwu lun* 樸素唯物論) and "simple materialism" (*pusu weiwu zhuyi* 樸素唯物主義).

[208] King Kang of Song's 宋康王 (ob. 417 BC) personal name was Yan 偃; Kang is his posthumous title. He is famous for all sorts of nastiness, including debauchery with women and beer, and killing those of his vassals that remonstrated with him. This, combined with his external aggression, earned him comparison to Jie and Zhouh. According to the *Shi ji*, he ruled for forty-seven years, until he was killed by the attacking forces of Wei and Chu. See *Shi ji*, 38.1632. This is a different timeline than that implied in the story Jia Yi relates.

[209] *Jiazi Xin shu jiao shi*, 6.787; *Xin shu jiao zhu*, 6.248. Versions of this story are also recorded in the "Song Wei" 宋衛 chapter of the *Zhanguo ce*, *Sbby*, 32.3b; and the "Za shi" chapter of Liu Xiang's *Xin xu*; see Shi Guangying, *Xin xu jiao shi*, 4.632-40.

[210] *Jiazi Xin shu jiao shi*, 6.787; *Xin shu jiao zhu*, 6.248.

[211] I have identified one instance in the *Xin shu* that could possibly be interpreted as reference to a portent in a positive fashion, though I would argue that it should not. In "Shu ning" 數寧, Jia Yi presses Emperor Wen to take action to stabilize the realm and secure it against impending disorder. His arguments include the following lines:

> The realm is gathered around you. I have observed that you are mighty in magnanimity, and penetrating in knowledge. I humbly say that with these you can master the disordered task and take the critical circumstances in hand, like the worthy of today. Your perspicacity and penetration are sufficient, and [the situation] matches heavenly principle. Heaven properly requests that your Majesty do this, yet you have not—what are you waiting for? 及今天下集於陛下, 臣觀寬大知通, 竊曰, 是以摻亂業, 握危勢, 若今之賢也. 明通以足, 天紀又當, 天宜請陛下 爲之矣. 然又未也者, 又將誰須也.

However, "heavenly principle" in fact refers not to astronomical or celestial indications but rather to the cycle of sage kings described in the preceding lines:

> After Yu, when five hundred years had passed, Tang arose. After Tang, when five hundred and more years had passed, King Wu arose. Thus, the arising of sage kings in general takes five hundred [years] as its count. Five hundred years have passed since King Wu, but a sage king has not arisen—what is to be worried about? As for Qin Shihuang, while he seemed to be it, in the end he was not, and he finished without proper form. 自禹已下五百歲而湯起, 自湯已下五百餘年而武王起, 故聖王之起, 大以五百爲紀. 自武王已下, 過五百歲矣,聖王不起, 何怪[=慅] 矣. 及秦始皇帝, 似是而卒非也, 終 於無狀.

Jiazi Xin shu jiao shi, 1.90; *Xin shu jiao zhu*, 1.30. Of particular importance to proper understanding of these lines is the phraseology Jia Yi employs. Although the contexts do not permit a single translation in English, the word used for "count" in reference to the five hundred year cycle of sage kings is the same as used for "principle": *ji* 紀. Jia Yi's point is not that "Heaven" is sending a message, but rather that "natural principle" of a sage arising every five hundred years suggests that the sage might just be Emperor Wen.

[212] *Xunzi jijie*, 11.306-320. The essay is translated and analyzed in Edward J. Machle, *Nature and Heaven in the Xunzi: A Study of the* Tian Lun (Albany: State University of New York Press, 1993).

[213] Zhao Jingmin 趙敬民, *Zhuzixue shu yao* 諸子學述要 (Taipei: Shunxian chuban gongsi, 1975), 41-4; Jin Dejian 金德建, *Xianqin zhuzi za kao* 先秦諸子雜考 (Zhongzhou: Zhongzhou shu hua she, 1982),191-4; Xunzi's antipathy to portents is also mention in his biography in the *Shi ji*, 74.2348. This attitude is succinctly articulated in the following lines from the "Tian lun," *Xunzi jijie*, 11.313:

> A star falls or a tree cries out and everybody in the state is afraid. They say, "What is it?" I say: It is *not* anything. It is [merely] a change in heaven and earth, a shifting of *yin* and *yang*—[just] things that very rarely come to pass. It's alright to marvel at them, but to fear them is wrong. The sun or moon has an eclipse, winds and rains come out of season, strange stars appear in groups—there is no general who does not constantly encounter these things. If the sovereign is perspicacious and his governance stable, then even if all these things happen in that generation, there is no harm. If the sovereign is benighted and his governance precarious, then even if not one of these arrives,

> there is no benefit. 星隊木鳴，國人皆恐. 曰，是何也. 曰，無何也. 是天地之變，陰陽之化，物之罕至者也. 怪之，可也. 而畏之，非也. 夫日月之有蝕, 風雨之不時, 怪星之黨見, 是無世而不常有之. 上明而政平, 則是雖並世起, 無傷也. 上闇而政險, 則是雖 無一至者, 無益也.

[214] Jia Yi does allude to the time before Wen was emperor, acknowledging that the sovereign was formerly in a subordinate position to the Empress Lü 呂太后 (ob. 180 BC): "Your Majesty kowtowed and apologized for his crimes before the August Consort, and the King of Huainan was never blamed" 陛下爲頓顙謝罪皇太 后之前, 淮南王曾不誚讓; from "Huai nan" 淮難 (Huai is difficult), *Jiazi Xin shu jiao shi*, 4.493; *Xin shu jiao zhu*, 4.156.

[215] Loewe, "Authority," 101-8 names these rubrics and describes the traits of each; the following discussion draws from his work.

[216] As in the quotation from "Li hou yi," cited above: "Yet, to banish a lord while a vassal, or to kill a superior while a subordinate, is the greatest perversion in the realm."

[217] From "Li hou yi," *Jiazi Xin shu jiao shi*, 10.1170; *Xin shu jiao zhu*, 10.408:

> If strategic circumstances are clear, then the people will be settled and will follow a single way. Thus would each person contend to be grand counselor and not make disorder [in order to seek] to become heir-designate. 夫執[=埶, 勢] 明, 則民定, 而出於一道. 故人皆爭爲宰相, 而不姦爲世子.

[218] There is some textual confusion in this line. The emendation of *ci* 此 to *bi* 比 that I accept here is attested in the Cheng and Lu editions; the Jian and Tan editions have *ci*. Qi Yuzhang says that *ci* is a graphic error resulting from the similarity between *ci* and *bi*. I might add that the difficult sense here no doubt contributed as well.

Bi is "to be close, intimate." This meaning is found in the *Shuo wen*, which says, "*Bi* means close" 比, 密也; Duan Yucai says, "Its basic sense is, 'close to each other'" 其本義謂相親密; see *Shuo wen jie zi zhu*, 8A.386.

[219] The Cheng and Lu editions write *bi* 比, "match; compare; be close to, be next to" at the end of this line, while the received text has *ci* 此. I follow Qi to take this as the best text, the received being a case of graphic corruption.

[220] There are a number of textual variants for this line. I accept Lu's text, which matches that of the Cheng edition, with one exception. The received text has *ji ci zhi hou* 疾此致後 for the first phrase, where *ci* 此, "this," is in all likelihood an error for *si* 死, "to die." *Zhi* 置 is exchangeable with *zhi*` 致, so that the meaning of "establish" is clear; cf. Gao Heng, *Guzi tongjia huidian*, 410. The second phrase is written *fu yi jiao zhangzi* 復以驕長子 in the received text, and the Jian edition. The Tan, Li, and Hu editions have the same text but without *jiao* 驕 (leaving an empty space to indicate a missing graph). Since most versions have *fu* 復, "to replace," I include it.

[221] "Li hou yi," *Jiazi Xin shu jiao shi*, 10.1170-71; *Xin shu jiao zhu*, 10.408-9.

[222] I use consecration is used here in a loose sense, not to designate sanctification but as rather a special dedication to a given, unique role; cf. *Oxford English Dictionary*, s.v., "consecrate."

[223] The Cheng edition has the subordinating particle *er* 而 for *xi* 西, "west," here.

[224] "Li hou yi," *Jiazi Xin shu jiao shi*, 10.1167; *Xin shu jiao zhu*, 10.408.

[225] *Shi ji*, 8.379 says that, "The king of Han three times declined" 漢 王 三 讓, but eventually accepted the position of emperor. Loewe, "Authority,"102, points out that this is not found in the *Han shu* description of the events. There, Loewe also says, "The king of Han thrice demurred from accepting the title, and only did so when it became clear that his refusal was not to be brooked." I would suggest that there—like in the ceremony that Jia Yi describes—the three refusals are simply formulaic or politesse, and acceptance of the title is (was) already certain.

[226] *Jiazi Xin shu jiao shi*, 10.1167; *Xin shu jiao zhu*, 10.408:

> The sage emperor held the ceremony in the hall and quoted the set phrases. Commanding the heir-designate, he said three times, "I pass [the responsibilities for] the Imperial Forebear (*taizu*), Imperial Ancestor (*taizong*), as well as for the tutelary spirits of grain and earth, to my son." 聖帝執禮, [稱]辭命世子曰, 度太祖, 太宗與社稷於子者參.

[227] Cf. Loewe, "Authority," 106.

[228] The Cheng and Lu editions insert the final particle *ye* 也 here.

[229] *Jiazi Xin shu jiao shi*, 10.1167; *Xin shu jiao zhu*, 10.408.

[230] Loewe, "Authority": 105; *Shi ji*, 10.415-6; *Han shu*, 4.107-8.

[231] In "Deng qi" 等齊, *Jiazi Xin shu jiao shi*, 1.141; *Xin shu jiao zhu*, 1.46, Jia Yi discusses the seals (*yin* 印) appropriate to various ranks and their material metals, without mention of the *xi*. The word *xi* is not found in the *Xin shu*.

[232] These proscriptions against "checking the teeth" (*chi* 齒) and "treading the grass" (*cu chu* 蹴蒭) of the "lord's horses" (*luma* 路馬) are recorded in the "Qu li" 曲禮 chapter of the *Li ji* 禮記: "There is punishment for treading the grass of the lord's horses (*lu ma* 路馬); there is punishment for checking the teeth of the lord's horses" 蹙路馬芻有誅, 齒路馬 有誅. Zheng Xuan explains, "The *luma* are the horses of the lord. *Chi* (checking the teeth) is desiring to establish the age [of the horses]. *Zhu* means punish" 路馬, 君之馬. 齒, 欲年也. 誅, 罰也. Kong Yingda expands this, saying,

> *Chu* is grass given as feed to horses. This grass is intended to be provided to the horses as food. If someone should tread on it with their feet, then there will be a punishment. As for, 'for checking the teeth of the lord's horses, there is punishment': if someone should establish the age of the lord's horses, this is disrespect and is also punished. Both serve to expand respect. 芻, 食馬草也. 此草擬爲提供馬所食. 若以足蹴蹋之者, 則有責罰也. 齒路馬有誅者, 若論量君馬歲數, 亦爲不敬, 亦被責罰. 皆廣敬也.

See *Li ji zhu shu* 3.22b-25a [63-65].

The "Xiang ma jing" 相馬經 (Classic on evaluating horses) recovered from the No. 3 Han Tomb at Mawangdui 馬王堆 discusses evaluating horses at length, but makes no mention of examining teeth. Xie Chengxia 謝成俠 suggests that this is probably a result of the incomplete nature of the recovered text. See Mawangdui Han mu boshu zhengli xiaozu 馬王堆帛書整理小組, "Mawangdui Han mu boshu 'Xiang ma jing' shi wen" 馬王堆漢墓帛書 "相馬經" 釋文, *Wenwu* 255 (1977): 17-22; and Xie Chengxia, "Guanyu Changsha Mawangdui Han mu boshu 'Xiang ma jing' de tantao" 關於長沙馬王堆漢墓帛書 "相馬經" 的探討, *Wenwu* 255 (1977): 23-26.

[233] "Jie ji" 階級, *Jiazi Xin shu jiao shi*, 2.244; *Xin shu jiao zhu*, 2.80.

[234] I discuss this phenomena extensively in the "Practical Ritual" chapter.

CHAPTER 3

RITUAL AND POWER

> And what have kings that privates have not too, Save ceremony, save general ceremony? And what art thou, thou idle ceremony? … Art thou aught else but place, degree, and form, Creating awe and fear in other men?
>
> -Shakespeare, *Henry V*

The concept of *li* 禮, "ritual," is central to early Chinese thought, but remains—like so many concepts—very difficult to define. Nearly every early Chinese thinker considered *li* important enough to comment upon, but as a group they used the term in widely differing ways, often without anything a modern reader would recognize as a definition *per se*. Jia Yi is no exception. He discusses *li* at great length in his writings, but never does he state explicitly what *li* is; instead, he simply deploys the term.[1] Like others, Jia Yi puts ritual observances into a political context, and argues that the failure to adhere to ritual will have negative political consequences. More importantly: Jia Yi makes a positive connection between the adherence to and extension of ritual and the strengthening of specifically imperial authority. He demonstrates awareness that rituals do not merely *reflect* but instead actually serve to *constitute* or create power.

The discussion of ritual in the early Chinese (i.e., up and into the Han dynasty) context is complicated by at least two factors. First and foremost is the number of ritual observances in ancient China. All evidence indicates a wide array of

prescriptions, proscriptions, and observances that developed at an early date and changed much over time. Thus, any complete study of ritual would need to deal with a tremendous amount of detailed information, often transmitted in texts possessed of complicated and sometimes problematic histories.

Second, a focus on recovered artifacts can lead, and I would suggest *has* led, to problems in interpretation. Sometimes, there is an apparent elevation of ritual objects to a position of independent significance, or significance beyond that granted by a ritual system.[2] This risks forgetting the fact that a ritual object is itself only a sign or token: an inanimate object, its power and significance are extended beyond what its material properties grant by an arbitrary cultural construct. The only necessary distinction between a cup and a ritual cup is that the latter has a ritual purpose.[3] And such an object can exist, *qua* ritual object, only within a context that denotes its ritual status—a ritual system, which is certainly real though intangible. It is through such a system that ritual is simultaneously created and creates and exercises power. Though we have fragmentary remains that served as instantiations of the ritual system, we must be careful that we do not exercise too much imagination in their interpretation. Along similar lines, we should not forget that although those rituals which left behind material records can only represent a part of the rites and practices that existed an any given time.

In my study here, I will try to avoid these perceived limitations. Since Jia Yi's extant oeuvre is relatively small, the quantity of information to be dealt with is manageable; at the same time, he is complete enough in his treatment to enable meaningful discussion of *li* within his works. And as I treat Jia Yi's thinking on ritual, I pay particular attention to systematic context. Since Jia Yi is quite explicit about the *li* observances that he discusses, a sophisticated analysis of his thinking is possible without excessive hypothesizing.

Ritual Un/defined

A simple definition of the word *li*, as actually used and encountered, is difficult to establish. The term seems to be used in very different ways by different thinkers and writers at different times. In itself, this is not surprising. You only need to consider the varied—and sometimes utterly contradictory—usage of common terms like "democracy" and "freedom" to realize that thinkers and writers within a single milieu can use a given word to mean very different things. It is only to be

expected that the meaning of *li* as used from early times through imperial unification, including sources drawn from across more than five hundred years, should differ greatly. Masayuki Sato argues, "It has to be acknowledged that the implications of *li* are far too broad to be represented by any single word."[4] And Sato is correct that it would be impossible to find one word to represent all of *li*'s "implications." But it is not my purpose in translation to denote the full range of connotations of a word in the original language: there can be no perfect correspondence of words between languages, a situation exacerbated in this case by a distance of millennia. Yet, to employ a wide variety of terms in translating a single term risks disrupting semantic continuities or creating a false impression of multiplicity. Thus, I will simply translate *li* as ritual or rite, while acknowledging that the concept is multi-faceted and complex.

A survey of lexical sources is the entry point for my discussion about *li*.[5]

Lexical Sources

The *Erya* 爾雅 is the earliest Chinese lexicon, though not a dictionary in the strict sense. It is, unfortunately, possessed of a mysterious past, and although it is often accepted as authoritative, its exact age and provenance are still questions. Nevertheless, there is no significant doubt that, in more or less its present form, it dates from the first century AD at latest.[6] The "Shi yan" 釋言 section of the *Erya* contains two glosses for *li*. The first gloss says, "To tread is [to follow] ritual" 履禮也.[7] This usage is quite common in early texts. For example, in the "Ji yi" 祭義 chapter of the *Li ji*, it says, "Ritual is treading [i.e., following] this (filiality)" 禮者履此者也.[8] In the "Zhongni yan ju" 仲尼燕居 chapter of the same book, it says, "When you say something, tread (i.e., follow) it—that is ritual" 言而履之禮也.[9]

Guo Pu 郭璞 (276-324) comments on the *Erya* definition: "Ritual can be 'tread' (i.e., followed) in moving" 禮可以履行. Guo also makes an enigmatic non-specific reference to the *Yi* 易, saying simply, "See the *Yi*" 見易. Xing Bing 刑昺 (931-1010) suggests this refers to the "Xu gua" 序卦 section of the *Yi*, where it says, "Things are stored up, and then there is ritual" 物畜然後有禮. Commentator Han Kangbo 韓康伯 (ob. ca. 385) expands this:

> What is "tread" is ritual. Ritual is the means for fitting use. Thus, once [things] have been stored, they should be used appropriately. So if there is something to be used, then you need ritual. 履者禮也. 禮所以適用也. 故既畜則宜用. 有用則須禮也.[10]

Thus, ritual is to serve as a means for regulating consumption.

Despite Xing Bing's authority, it is at least possible that Guo Pu is thinking instead of a different equivalence, as the silk manuscript *Yi* writes *li* 禮 for *lü* 履 consistently, thus an apparent phonetic borrowing.[11] Regardless of Guo Pu's referent, it is clear that the two words were phonologically quite close in Zhou and Han times; probably the *Erya* and similar glosses are based on paronomasia.[12] Whatever its cause, the relationship between the two is further attested in texts like the *Xunzi*, where it says, "Ritual is what people tread [i.e., follow]" 禮者, 人之所履也.[13] The two words are used to gloss each other in other texts as well.[14]

The *Erya* has another gloss that includes *li*: "*Jia* 戛 is ritual" 戛禮也.[15] Guo Pu comments, "It means constant ritual" 謂常禮, which is based on a gloss found in the "Shi gu" 釋詁 section of the *Erya*: "*Jia*…means constant" 戛…常也.[16] This latter gloss is probably based on a reading of the "Kang gao" 康誥 section of the *Shu* 書, where it mentions, "These, who are disobedient *to natural principles*…" 大率大戛.[17] The commentary there, attributed to Kong Anguo 孔安國 (ob. ca. 100 BC), also says, "*Jia* means the constant [principles]" 戛, 常也. Despite questions arising from the unique nature of this usage in ancient sources, it seems to generally be accepted by Chinese lexicographers.[18] However, since it is a usage not found elsewhere, I will not discuss this gloss further.

Xu Shen 許慎 (ca. 55 – ca. 149) is the author of the earliest true dictionary in China, the *Shuo wen jie zi* 說文解字. Xu begins his definition of *li* with an inversion of the *Erya* gloss: "*Li* is a path" 禮, 履也.[19] Although this is similar to the *Erya* definition, there is one difference: in the *Erya*, *lü* is a verb ("to tread"), but in the *Shuo wen* it is a noun ("path"). This is reflected in the definition of *lü*: "*Lü* is what the feet rely on" 履足所依也.[20] Paronomasia is again at work in this gloss, and phonological similarity between the words for ritual and path was preserved through Han times.[21] But Xu Shen does not stop with paronomasia, and continues, "[*Li*] is the means by which to serve the spirits and cause blessings to arrive" 所以事神致福也.

This definition limits ritual only as the rules pertaining to relationships with supernatural entities and the expected results. It is thus the most restrictive of definitions encountered so far, and it may well be that Xu Shen was hearkening back to the earliest roots of ritual—or at least thought he was.

Zhang Yi's 張揖 (5th c.) *Guang ya* 廣雅 is the final pre-modern lexical source that I will discuss. Zhang says, "*Li* is a form" 禮, 體也.[22] This is an etymological and paronomastic equivalence that can be found in pre-Qin sources. For example, in the *Zuo zhuan* 左傳, 15th year of Duke Ding 定公, it says, "Ritual is the form of death and life, preservation and destruction" 夫禮死生存亡之體也.[23] In the "Li qi" 禮器 chapter of the *Li ji*, it says, "Ritual is like the [human] form. If the form is not complete, the lordling calls it an incomplete person" 禮也者猶體也. 體不備君子謂之不成人.[24]

Among Zhang Yi's glosses, there is another that should be considered in this context: "*Zhi* ('to stop') is ritual" 止, 禮也.[25] This obviously does not imply a general equivalence between stopping and ritual. Rather, it reflects the unsurprising assertion that, in certain cases, ceasing or refraining from a particular activity is a ritual observance. This idea is reflected in the *Shi* poem "Xiang shu" 相鼠 (Mao #52), which says,

Look at the rat,[26] it has a skin;	相鼠有皮
But the person is without ceremony.	人而無儀
The person without ceremony,	人而無儀
If he doesn't die, what will he do?	不死何爲
Look at the rat, it has teeth;	相鼠有齒
But the person is without restraint.	人而無止
The person without restraint,	人而無止
If he doesn't die, what is he waiting for?	不死何俟
Look at the rat, it has its body;	相鼠有體
But the person is without ritual.	人而無禮
The person without ritual,	人而無禮
Why doesn't he quickly die?[27]	胡不遄死

The parallelism of *zhi*, "to stop" and thus "restraint," with "ceremony" (*yi* 儀) and "ritual" (*li*) shows that the three are related concepts. A preserved scrap of the Han 韓

school commentary on "Xiang shu" makes this explicit, saying, "*Zhi* is moderation; [the subject of the poem] lacks ritual moderation" 止, 節也. 無禮節也.[28]

Some Modern Opinions

It is worthwhile to consider the views of some modern scholars on the definition of *li*, including both those who use etymology and those who offer semantic analysis. Peter A. Boodberg connects *li* etymologically with *ti*, "the body," in agreement with Zhang Yi. Boodberg also makes an additional connection to *di* 第, "order; hierarchy." From these semantic and etymological links, Boodberg derives his suggested translation of Form, written "with a capital, to be understood as ritual form, social form, or good form, and so qualified whenever occasion would require."[29] Ulrich Unger, too, defines *li* through its paronomastic relationship with *ti*, "the body," and further adds *li* 理, "pattern-lines." Though Unger does not cite a source for the latter gloss, he surely has in mind lines like the one found in the "Zhongni yan ju" 仲尼燕居 chapter of the *Li ji*: "Ritual is the pattern-lines" 禮也者理也.[30] For Unger, ritual refers to the rules that govern life within the community, as well as those guiding basic manners or politeness; extended, it refers to the "traditional institutions" received from the ancestors.[31]

Semantic analyses generally seem to favor breaking the meaning of *li* into two related domains. Thus, Hsiao Kung-chuan posits two senses for *li*: a "narrow" sense, referring to "the forms of the ceremonial acts and their accoutrements," as well as a "broad" sense that "indicates all regulations and institutions."[32] Yuri Pines also divides the concept of *li* into two "semantic fields": one of manners and forms, the multifarious instantiations that comprise the system; another describing "more abstract mode of social and personal conduct": *li* generalized and elevated into a notion.[33] Pines' analysis is structurally similar to that of Hsiao's, but offers a valuable revision—or at least makes the implicit explicit—in that a "broader sense" of *li* should be understood to include the abstract principles underlying its members. Wu Hung creates a similar bipartite division when he says that the *li* function as "secular and sacred relations and communications."[34] If we understand Wu's "secular" and "sacred" in conjunction Hsiao's "narrow sense" and "broader sense," we get close to a functional definition of *li*: it includes both methods for directing particular actions and interactions between humans, and also between humans and extra-human entities.

Narrowly conceived, these are the particularities of rite; broadly, they are the principles underlying or uniting these particularities. And although semantic distinctions are useful in specific cases, the fact remains that the term *li* was consistently employed to refer to the whole of this large and amorphous set.

However tentative the conclusion, these definitions give the basic grounding for my examination. A few points warrant further explication. First, none of the definitions are specific; i.e., none indicates a strict set of rites or rituals. Unger comes closest to suggesting a specific set, the "traditional," but he too stops short of naming a particular tradition. Indeed, early sources make it clear that no single set of rituals alone necessary possesses the title of *li*. Shusun Tong remarked that, "The Five Thearchs had dissimilar music, the Three Kings different rites" 五帝異樂, 三王不同禮.[35] Han-era iconoclast and skeptic Wang Chong 王充 (27 – 97) gets at something similar when he writes,

> Kongzi said, "The Yin followed the Xia rituals and what they subtracted and added can be known; the Zhou followed the Yin rituals, and they subtracted and added can be known."[36] From this one can say that the Xia, Yin, and Zhou each had their rituals. And are [the rituals we use] right now the Zhou rituals? Or the Xia? Or the Yin? 孔子曰, "殷因於夏禮, 所損益可知也. 周因於殷禮, 所損益可知也." 由此言之, 夏殷周各自有禮. 方今周禮邪, 夏, 殷也.[37]

Second, most of the early lexical definitions use the imagery of a path, quite similar to that found also in words like *dao* 道, "road, way; the Way," and *shu* 術, later "method, technique," but originally indicating a thoroughfare.[38] Thus, *li*—for the creators of lexicons, as for Xunzi—possesses an abstract or at least amorphous aspect, in the same way that the concept of Dao does. It is followed not only like a way, but also like the Way. Finally, *li* has both positive and negative aspects: it is something to be followed, a form to be made complete, as well as a restraining or moderating force.

In the subsequent discussion, I will not force *li* to conform to any of the definitions above, though they certainly must inform any understanding. Instead, I will set aside the question of a general definition of *li* and instead seek to understand it as found in the writings of Jia Yi. Insofar as any particular definition is most helpful, it would be that of the "narrow" and "broad" senses delineated by Hsiao Kung-chuan, though this too would be only a starting point. As will be seen below, in the writings

of Jia Yi, *li* indicates rituals of both "secular" and "sacred" natures, as well as the trappings of these. Sometimes, these trappings were the obvious accoutrements of a ritual, like the vessels used in performing sacrifices. Sometimes this relationship is not so self-evident, as in the case of terminology for court officials and imperial, royal or ducal family members.

On the Value of Texts

Historical consideration of ritual is particularly difficult in the times leading up to (and perhaps even well into) the Han, due in large part to the paucity of reliable textual sources. Most of our ideas about life in China before such records begin around 841 BC are based on hypothesis, deduction, and the interpretation of archeological remains.

Jessica Rawson goes so far as to dismiss the necessary importance of textual evidence in the understanding of ancient Chinese ritual, writing, "Written and spoken words are by no means essential for an exploration of the characteristics and meanings of ritual."[39] This is taking reliance on the material record to an extreme point. In particular, to argue that in ritual, "communication was not attempted primarily through language," so the words are not important, misses the important distinction between act and record.[40] That is to say, although it may be the case that a given ritual functioned primarily through non-verbal means (though it must be acknowledged that many recorded ancient Chinese rituals do include some form of apparent verbal or written [and thus para-verbal] expression), it is only through the written word that we have access to those aspects of the ritual now intangible: actions, and the contemporary understanding of those acts. While interpretation without reference to written records is perhaps necessitated in certain cases because of the types of information available to us, such is always limited and never ideal—it is a fare that must be cooked with caution and taken with salt.

The dangers of this sort of interpretation are reflected in GK Chesterton's short story, "The Honour of Israel Gow." In the story, Father Brown arrives at the scene of a mystery: the hereditary proprietor of Castle Glengyle goes missing, leaving only the mute gardener Israel Gow in residence. There are four clues as to what happened: "A very considerable hoard of precious stones…all of them loose"; "Heaps and heaps of loose snuff"; numerous "curious little heaps of minute pieces of metal, some like steel springs and some in the form of microscopic wheels"; and "wax candles, which have

to be stuck in bottle necks because there is nothing else to stick them in." When his companions assert that no one can connect these diverse items, Father Brown does so:

> This Glengyle was mad against the French Revolution. He was an enthusiast for the *ancien régime*, and was trying to re-enact literally the family life of the last Bourbons. He had snuff because it was the eighteenth century luxury; wax candles, because they were the eighteenth century lighting; the mechanical bits of iron represent the locksmith hobby of Louis XVI; the diamonds are for the Diamond Necklace of Marie Antoinette.[41]

Father Brown does not believe this theory; he generates it simply to show the ways in which clues can be arranged. And then he does it again with another theory, and then again with another, to show that not only can a logical and ostensibly reasonable connection be drawn between apparently unconnectable objects, *many* such connections can be created. The subsequent addition of three further clues—"lead out of lead pencils," a "stick of bamboo, with the top rather splintered," and a "few old missals and little Catholic pictures" that have been deliberately damaged—do not help solve the mystery. Finally, Father Brown and his companions find a headless skeleton, and despair of finding a solution; for, as Father Brown says, "We have found the truth; and the truth makes no sense." In the end, it is only through directly observing the actions of the silent gardener that the innocuous, if peculiar, truth comes out.[42]

The moral of the story for us is clear enough: Not every possible interpretation of clues is the right one. Sometimes, even the plausible—the sensible, the elaborate, the historicizing—can be wrong. Robert Bagley has voiced well-founded hesitation about interpreting the decorations on Shang dynasty bronzes. He points out that interpretation of decoration is problematic even in the relatively familiar context of mediaeval Europe, with its ample written sources.[43] How much more must this caution apply for those who would treat not only the decorations on the vessels, but the rituals in which they were used and their understandings as well. To directly observe and question the actors involved would be ideal. But in the absence of living people, we need the information that reliable texts can provide for analysis. Otherwise, interpretation is ever in danger of becoming a mere *Spielerei*, a game of creative connect-the-dots.[44] It is precisely this need that Jia Yi can satisfy for early Han times, as he provides an example of how one thinker understood the

connection between ritual and politics, between the theory of *li* and the reality of the polity.

Genealogy

The period before 841 BC is a "proto-historical" one, in which textual sources are far outweighed in importance by archeological sources.[45] There have been attempts to bridge the gap between textual records and archaeological remains, with varying degrees of success.[46] In study of the earliest history of ritual, are forced to rely on traces left in the material record. But we cannot forget that much of the content of ritual as described in later text and canon would leave no such traces. We must suppose that significant aspects are unrepresented—that there existed much we do not know—and so exercise caution when proposing true origins (as opposed to earliest records). In the end, most discussion of ritual in the proto-historical period is forced to rely on interpretation of archeological remains, supposition, and argument *ex silentio* and *ex post facto*.

Even after 841 BC, the understanding of *li* is complicated by significant variability in usage. I give only a brief historical outline here, leading up to and through the work of Xunzi 荀子 (personal name Kuang 況; ca. 310- ca. 245 BC), where I will discuss his sophisticated formulation of *li* before moving on to Jia Yi and his immediate context. This treatment is not intended to be a comprehensive history, a task that bespeaks an independent study. Instead, I outline a genealogy of the concepts that inform Jia Yi's understanding of and theories about ritual and its application.

The bifurcated nature of ritual, already reflected in my discussion of definitions above, is also borne out in the following discussion. It is likely that this bifurcation of meaning represents not a conceptual confusion, but rather the origins of ritual in what a modern person would consider two separate realms. And already in early times, these ideas functioned in an essentially political manner, as a tool for social regulation.

The real origins of ritual are irrecoverably lost. The *Shi shi* 事始 (Beginnings of things) quotes from the "Li yun" 禮運 chapter of the *Li ji*, saying that, "*Li* has its root in the Supreme One" 禮本於太一.[47] *Shi shi* also quotes Zheng Xuan's 鄭玄 "Yi lun" 藝論 as saying that, "The emergence of ritual was probably simultaneous with

that of poetry" 禮之興蓋與詩同時.[48] The implication is clear enough: for all intents and purposes, the origins of ritual lay with the origins of humanity, beyond recovery already in Han times.

Du Guoxiang 杜國庠 rephrased the same idea in 1944, saying, "Ritual observance and music arose nearly together with humankind" 禮節和音樂幾乎是與人類以俱來的. He suggests that ritual developed out of the normalization and reification of communal habits.[49] Xu Fuguan says that ritual has its roots in the observances of clan hierarchy specifically.[50]

Traces of rituals indicating social hierarchy exist for late Neolithic China. Xu Shunzhan 許順湛 suggests that ceremonies offering sacrifices to nature-spirits and clan ancestors in earliest times represent one of the roots of ritual.[51] He says that these combined with religiously-informed burial practices typified by the Peiligang 裴李崗 culture (ca. 6th millennium BC) to form the basis for the later ritual system. More highly-developed versions of these practices are reflected in the remains of the Yangshao 仰韶 culture (ca. late 6th – early 3rd millennium BC). More important for my discussion here is Xu's assertion that beginning with Yangshao and reaching maturity in the Longshan 龍山 culture (ca. 3rd millennium BC) and continuing to develop afterward, burial practices reflect a social hierarchy with at least three classes. Thus, Xu names two aspects of the ritual system with differing origins. The first is ritual as a method of social organization based on clan relationships. The second is ritual as a system having its theoretical underpinnings in early religious thought. At some early point—and the details here are fuzzy—the two became combined into a single notion governing a social hierarchy.[52]

The interpretation of the ritual remains as indicative of social status generally is based on extrapolation on the basis of the size and elaborateness of burials, as well as the frequency and distribution of mortuary accouterments.[53] It is reasonable to suppose that these examples of mortuary practice reflect social practice among the living, but we should acknowledge they provide only limited information. Xu's suggestion is sensible, but his structure should be modified to include other kinds of social custom which left no traces but also form a part of ritual.

Yuri Pines traces the development of ritual, as we understand it, in both of its identified semantic fields—the concrete and the abstract—as far back as Shang

dynasty (ca. 1600 – 1046 BC).[54] Unfortunately, the content of these rituals was lost early—supposedly already in the time of Kongzi.[55] Archaeological remains reflect the existence of ritual in both secular and sacred forms in the Shang period. On the sacred side, there are large quantities of extant oracle bones: divinatory texts that record interactions with the extra-mundane in a ritual context, bronze vessels that were used in offerings for ancestors and other extra-human entities, as well as records of standard ritual sequences connected with these. For the secular, we have relics in the form of the utensils that formed the ritual trappings of political power wielded by Shang rulers.[56] In both divinatory and funerary practice, there is clear evidence of correspondence to a hierarchal social structure.[57]

The rituals of the Shang dynasty, incompletely understood as they are, developed in Western Zhou times to form the system of Zhou rites that would underpin later ritual systems. It is in Western Zhou times that we find evident ritual expression of socio-political hierarchy through burial rites that stipulated particular types and numbers of utensils and accoutrements for members according to rank—particularly through the well-known *lie ding* 列鼎 system, which adjusted the bronze vessels placed with the corpse at internment according to the rank of the person buried.[58] Bronze bells, too, were governed by sumptuary rules, albeit more loosely than those which applied for sacrificial vessels.[59]

Although these phenomena were not new, it is during Western Zhou times that they developed to new heights of complexity, development that is particularly noticeable in remains dating to the 10th century BC. It is likely that corresponding sumptuary and ritual regulations among the living paralleled these evolving rites for the dead. But even before the end of the Western Zhou period, these rules were eroding, perhaps because of social breakdown, deliberate usurpation, and/or simple lack of scrupulousness concerning a system grown overly convoluted.[60]

During the chaotic Eastern Zhou period (770 – 256 BC), central—i.e., royal Zhou—control of the feudatories declined. In the Chunqiu 春秋 period (770 - 475 BC), the Five Hegemons (*wu ba* 五霸) emerged, who paid lip service to the theoretical ruling house of Zhou, but were leaders of *de facto* independent and often antagonistic polities.[61] As time went on, the breakdown of established hierarchy expanded and was not limited to feudal lords' usurpation of the royal house, but included usurpation of nominal superiors by inferiors at every level of government.

This was part of a general trend toward social, political, and ritual fracture and stress that characterizes Chunqiu times.[62]

Out of this discord and disorder came a new way of thinking about ritual. As Yuri Pines writes,

> An examination of the *Zuo zhuan* shows that the interest of Chunqiu statesmen in *li* increased in direct proportion to the increase in infractions of ceremonial decorum ... It was apparently in this context that Chunqiu thinkers began paying increasing attention to the multifaceted term *li*, which could be used not only with regard to specific ceremonies or rites of a sacrificial nature, but also in the broader context of the principles underlying the normative ritual system.[63]

It is in Chunqiu times that we see ritual's broader connotations expressed, as thinkers developed its limited application of denoting ritual performance into a notion of broad social and political utility.[64]

Pines gives particular credit to Kongzi for developing a notion of ritual "that is primarily ethical rather than sociopolitical," in which formulation Kongzi "concentrated on ethical aspects of *li* at the expense of its political functions."[65] One may retain a skeptical attitude about the supposed separation between the political and the ethical and still take Pines' point.[66] Kongzi pushed the limits of ritual beyond expression of the old hierarchy toward an abstracted principle that can be termed ethical-moral. Thus, for example, *Lunyu* 論語 17/11 records him saying, "Ritual! ritual! Does it mean [just] jade and silk?" 禮云禮云,玉帛云乎哉.[67] Clearly, the answer is no.

This shift was not a thoroughgoing one, however, and Kongzi also certainly recognizes the utility—indeed, the necessity—of *li* in ruling the state, as in *Lunyu* 2/3:

> If you lead them by governance and bring them together by means of punishments, the people will avoid these but have no shame. Lead them by means of virtus and bring them together by means of ritual; they will have shame and, at the same time, allegiance. 道之以政, 齊之以刑, 民免而無恥. 道之以德, 齊之以禮, 有恥且格.[68]

During the Warring States period (ca. 476-256 BC), the general trend toward socio-political fracture, with attendant pressure on the ritual system, continued. It seems sure that political and administrative leaders sought to undermine the system in

order to secure greater privilege and power for themselves.[69] At the same time, this was a time of intense and often conflictive intellectual activity that produced many great philosophers.[70] Amid this political and intellectual foment, the Zhou ritual system came under attack from thinkers from a range of perspectives.[71]

Famous for his egalitarianism and the doctrine of "universal caring" (*jian ai* 兼愛),[72] Mozi 墨子 (Mo Di 墨翟; late 4th c. BC) saves his most virulent attacks for other social phenomena—including music, itself intrinsically connected with ritual in the Warring States period[73]—but he also criticizes the practices of *li* on the basis of lack of utility. For example, the "Ci guo" 辭過 chapter of the *Mozi* records:

> The rules for making halls and houses say: … "The height of the walls of halls is sufficient for the ritual [requirements] of separating male and female." If it is only this [separation] and that's all, anything that costs resources and belabors strength without adding [concrete] benefit is not to be done. 爲宮室之法, 曰: … 宮牆之高足以別男女之禮. 謹此則止, 凡費財勞力, 不加利者, 不爲也.[74]

In the "Fei Ru xia" 非儒下 chapter of the *Mo zi*, criticism of ritual is expressed in a tone of utter derision:

> When one of their relatives dies, [the Ru] lay out the corpse but do not put it in the coffin. They ascend chambers and peek into wells, scoop out rat holes, seek the sprinkling utensils, and search for the [deceased] person there. If you take [the deceased] to truly be present, then your idiocy is extreme. And if they are gone but you invariably search for them, the artificiality is, for its part, great. 其親死, 列尸弗斂, 登屋窺井, 挑鼠穴, 探滌器, 而求其人焉. 以爲實在, 則贛愚甚矣; 如其亡也, 必求焉, 僞亦大矣.[75]

From these quotations, we can see that Mozi and his followers criticized ritual observances on the grounds of the wastefulness and artificiality—and, perhaps, the plain "idiocy" they perceived in the miasma of minutiae. The theme of frugality, in particular, is a mainstay of Mohist thought, and the *Mozi* interprets the ritual observances of the times—at least as propounded by Ruists like Kongzi and his followers—as wasteful to an extreme.[76] Whether this should be taken as a blanket denunciation of *li* on the part of Mozi himself is questionable, and may be the imposition of later adherents.[77] Nevertheless, Mozi is critical of many specific instances of ritual, as shown above.[78]

The famous legalist Shang Yang 商鞅 (ob. 338) had an ambivalent relationship with ritual.[79] On the one hand, he lumped *li* in with the rest of the cultural "lice" (*shi* 蝨) that threaten the governance of the state.[80] Vitaly Rubin points out that this view of ritual and other cultural elements represents a continuation and extension of Mohist ideas. The Mohists view ritual as wasteful and unbeneficial; Lord Shang extends this attitude to oppose ritual as detrimental to perfect control of the populace, and thus to governance.[81]

The ambivalence comes in when the *Shang jun shu* 商君書 acknowledges, albeit in a qualified fashion, the usefulness of *li* in ordering a state:

> Law is the means to care for the people; ritual is the means to make affairs conducive [to rule]. For this reason, it needs only that the sage [i.e., the ruler] can strengthen the state, and he [need] not take the precedent as his law; it needs only that he can benefit the people, and he [need] not follow the rituals. 法者, 所以愛民也. 禮者, 所以便事也. 是以聖人苟可以彊國, 不法其故; 苟可以利民, 不循其禮.[82]

Here, the argument is not so much about the harmfulness of the rites, but rather of their limited nature. A sage ruler can solve the problems they address through other means, and thus obviate the need for ritual. However, the hierarchical system of rule that Lord Shang posits is, in many respects, a ritually informed one. Thus, it is clear that he grasped the potential usefulness of *li*, however much he opposed the extant Zhou system.[83] The latter opposition perhaps derives from Lord Shang's insistence on the importance of changing with the times, which is typical of legalism and prevents adherence to any mode of action perceived as outdated.[84]

Daoists also criticized ritual. According to Pines, Zhuangzi 莊子 (Zhuang Zhou 莊周; ca. 369-286 BC) refutes *li* on two grounds, those of unnatural "self-restriction" and as "a creator and perpetuator of social divisions."[85] The first of these objections is quite similar to that of Yang Zhu 楊朱 (ca. early 4th c. BC), who categorically rejected anything human-made, and thus not "genuine," that would interfere with life in accord with nature.[86] Thus, it can be accepted as reflecting one trend of Eastern Zhou thought. The latter proposition can be revised and generalized.

Pines would make Zhuangzi an opponent of *li* on the grounds of opposition to social class divisions as reflected in ritual. This would be to take Zhuangzi as in partial agreement with the egalitarian—but orderly—Mohists. I would offer a

different analysis. Both of these arguments can be discerned within a single *Zhuangzi* passage:

> In the generations of highest virtus, [the people] dwelled together with fowl and beasts, the clans beside the myriad things—how could they know of "lordling" and "petty man?" United in their ignorance, their virtus was not far. United in their lack of desires, these could be deemed plain and simple. When plain and simple, the intrinsic nature of the people was achieved. When it came to [the time of] the sages, they were urgent in pursuing humaneness and anxious in pursuing righteousness, and the realm began to doubt. Unrestrained, they pursued music; over-intricate, they pursued ritual. Only then did the realm begin to be divided. 夫至德之世, 同與禽獸居, 族與萬物並. 惡乎知君子小人哉. 同乎無知, 其德不離. 同乎無欲, 是謂素樸. 素樸而民性得矣. 及至聖人, 蹩躠爲仁, 踶跂爲義, 而天下始疑矣. 澶漫爲樂, 摘辟爲禮, 而天下始分矣.[87]

Although Pines does not explain his reasoning, presumably he interprets the reference to the realm divided (*fen* 分) as indicating an opposition to social divisions particularly on the basis of two points. First, the terms I translate "lordling" (*junzi* 君子) and "petty man" (*xiaoren* 小人) are rendered by Pines as "superior" and "petty men," respectively, thus understood in terms of social standing. Second, the only specific division referred to in this section is that of the realm (*tianxia* 天下), and Pines takes this as the primary referent, thus giving a social focus.

The first point is problematic because "lordling" and "petty man" are not necessarily—or even probably—social ranks. In common usage, then as now, both can also be to denote states of relative ethical-moral development. Zhuangzi's criticisms—with mention of the quintessentially Ruist topics of humaneness and righteousness, ritual and music—are surely aimed as much at the Ruists, hardly holders of political power at the time.

The second point is problematic in that this rebuke of division ought not be understood as a narrow reference only to social divisions within the realm. It should be understood within the broader context of Zhuangzi's thought. AC Graham has shown that Zhuangzi pursues an anti-rationalist project that takes divisions in general as one of its targets. The culpability of the sages, in Zhuangzi's formulation, is rather deeper than that for mere social divisions: it is for the web of artifice that binds up human freedom, for the intellectual divisions that cloud the Way.[88] Social divisions are only one aspect of this. Zhuangzi is certainly opposed to ritual observances and

the conventional social order of his time, among other things, but he is a deeper and subtler thinker than a class-oriented picture would indicate.

Amid this debate, even defenders of the ritual system, like Mengzi, refined the received rationales for rites. Mengzi reacted to the changing ritual environment in two ways. First, he followed Kongzi in a further extension of *li* into the realm of ethics rather than of specific action or politics: "Mencius brought to the extreme the reorientation of *li* from political to ethical discourse, which began in the *Lunyu*."[89] Again, one need not wholeheartedly accept Pines' division between politics and ethics to take the point about Mengzi. But as Antonio S. Cua points out, Mencius seems to undervalue the pragmatic uses of *li*, particularly for the purposeful direction of human desires by the ruler, and takes the more difficult path of eliminating desires.[90] As ethics, though, ritual in Mencius' conception is of rather limited scope, governing only social dealings, and to be transgressed without censure at the dictate of higher principles, like righteousness (*yi* 義) or empathy (*bu ren* 不忍).[91]

Second, Mengzi responded to the apparently potent criticisms of *li* as unnatural by positing exactly the opposite. He held that *li* was in fact intrinsic to human beings, and neither artificial, as the Daoists would say, nor a useful human invention, as Xunzi (and Jia Yi) would.[92] Along with the rest of the "Si duan" 四端, Mengzi argues that ritual has its origins within the person: "Benevolence, righteousness, propriety [=*li* 禮], and knowledge are not infused into us from without. We are certainly furnished with them" 仁義禮智, 非由外鑠我也, 我固有之也.[93]

While centralized, unified ritual hierarchy broke down during Warring States times, ritual continued to inform the developing political culture, particularly in legal respects. Ritual observances, in conjunction with penal law, represented a way for rulers to create functioning, reciprocal political relationships with their subordinates.[94] The cachet attached to ritual proprieties, dependence of ritual experts on performance of the rites for their daily rice, and the tory sympathies of those who did not let go of remembered Zhou glories all helped to keep the rituals of earlier times alive.[95]

Innovation: Xunzi

In the third century BC, around the end of the Warring States period, Xunzi developed his innovative conceptualization of ritual, an amalgamation and refining of various conceptions of ritual advocated by his intellectual predecessors into a single

idea. Many agree that the notion(s) of *li* reached their highest point of philosophical development in the work of Xunzi.[96] Thus, his thinking on ritual is probably best considered not as a middle stage of evolution, but as an apogee.

As Pines expresses it, for Xunzi, *li* becomes “primarily a sociopolitical term, a regulator of society and the state.”[97] At the same time, Xunzi gives the term cosmological significance, forming ritual into a notion ordering the universe as well as human affairs. No longer could ritual be conceived of as a secondary construction built upon the remnants of the past. Instead, Xunzi understood *li* as something based directly upon the unifying principle of *all* relations, explicitly including the human to the extra-human.[98] Unlike Mengzi and others, Xunzi states explicitly that people—high kings and sages, yes, but still people—created ritual for the specific purpose of establishing social order.[99] This is probably the single largest difference between his conception of *li* and that of Mengzi.

The most succinct expression of Xunzi’s thought on ritual is found in two chapters of the *Xunzi*, the “Li lun” 禮論 and “Yue lun” 樂論.[100] Xunzi develops his ideas about rites in conjunction with his ideas about music, and although primarily about music, the latter discourse also includes important information about *li*.[101]

The aspect of Xunzi’s conception of ritual most salient here is summed up in his assertion that “ritual distinguishes the different“ 禮別異.[102] For Xunzi, the significant differences are those of hierarchy, especially political hierarchy.[103] This is not new; already in earlier times had the hierarchical nature of the ritual system been perceptible. Xunzi goes one step further, though, to compare ritual—whose pursuit he calls a type of “nourishing” (*yang* 養)—to the various and different ways of “nourishing” the mouth, nose, eyes, ears, and body: flavors, scents, sounds, and comforts respectively. He says, “When the lordling has gotten the nourishment, he also enjoys the differences” 君子既得其養, 又好其別.[104] Thus, the goal of ritual is an appreciation for ritually-stipulated differences that parallels aesthetic appreciation.[105] “Xunzi does not advocate limiting desire, and even more does not advocate proscribing desire; he advocates leading desire” 荀子不主張節欲, 更不主張禁欲, 而主張導欲.[106] Ritual works by directing and regulating people’s desires. This is the second great difference between Xunzi’s conception of ritual and that of Mencius.

Throughout his discussion of *li*, Xunzi discusses, with apparently equal interest, rituals of human hierarchy (e.g., royal prerogatives, feasts) and those that deal with extra-human focus (e.g., sacrifices to heaven and tutelary spirits.).[107] Thus we can see that his concept of ritual includes both of these, and is not limited to or really even weighted toward one or the other.

In his treatment of all *li*, Xunzi shifts more or less seamlessly back and forth between the theoretical aspect of his discussion and the nitty-gritty details of actual ceremony. Xunzi's discussion of funeral observances in his "Li lun" is an excellent example of this. Xunzi begins with discussion of beginnings and endings, making broad statements like, "When beginning and ending are both good, then the way of humanity is completed" 終始俱善, 人道畢矣.[108] Then, he quickly turns to specifics, discussing the numbers of layered coffins permitted to the four classes of elites.[109]

Subsequently, Xunzi repeats the pattern. He first states, "If you cause life and death, end and beginning, to be as one, the one is sufficient to be the desired of people. This is the Way of the first kings, and the ultimate for loyal vassals and filial sons" 使生死終始若一, 一足以爲人願, 是先王之道, 忠臣孝子之極也.[110] This is followed by a discussion of the degree of funeral observances appropriate to various social groups, starting from the Son of Heaven and extending all the way down to commoners convicted of criminal offense, with particular attention to who is obliged to perform the observances. Xunzi repeats this pattern throughout his discourse.

Xunzi's purposeful co-mingling of generalities and specifics in discussion of *li* is important for three reasons. First, it implies an interconnectedness between the two levels of discussion, wherein general principles inform particularities, which particularities in turn function as instantiations of—not metaphors for—the principle involved. Thus, to discuss the one *is* to discuss the other. Second, this sort of interweaving of general and specific is a discursive technique that Jia Yi employs in his own discussion of *li*, which is discussed below. Third, the themes that Xunzi explores vis-à-vis *li*, particularly as it relates to notions of social hierarchy, recur in the writings of Jia Yi—albeit in slightly different fashion, since Jia Yi is interested in a specific political context, not primarily in general principles or theories.

Xunzi's student: Han Fei

Xunzi was not only a great thinker but also a great teacher, and two of the most influential intellectual architects of China's imperial unification number among his students: Han Fei and Li Si 李斯 (ca. 280-208 BC). Unfortunately, none of Li Si's few extant writings treat the topic of ritual, so his influence can only be guessed at.[111] I will discuss here Han Fei, who—though well known as a legalist—is very much the student of Xunzi, something reflected in his attitude toward *li*.

As his teacher's student, it is perhaps to be expected that Han Fei does not dismiss ritual out of hand, although it receives only limited consideration in the *Han Feizi* 韓非子. In fact, when Han Fei deals with ritual, he does so in a generally positive manner, discussing its usefulness toward the aims of the ruler. Han Fei's discussion of the negative aspects of ritual consists not of a blanket denunciation, but rather refers to specific situations in which *li* can function negatively. Conspicuously absent is Xunzi's abstracted notion of ritual.

Han Fei discusses the utility of ritual in two functional spheres, inside and outside the state. Within the state, ritual functions at both the governmental and personal levels. At the level of government, *li* guides the respective jurisdictions of various ranks:

> According to ritual, the Son of Heaven cherishes the realm, the feudal lords cherish that within their borders, the grandees cherish their official duties, and the clerisy cherish their households. If you exceed what you [should properly] cherish, it is called "infringing." 夫禮, 天子愛天下, 諸侯愛境內, 大夫愛官職, 士愛其家, 過其所愛曰侵.[112]

At the personal level, *li* is a method for communication and inter-relation:

> Ritual is: the means by which to manifest [internal] reality; the patterning and lines of manifold righteousness; the intersection between lord and vassal, father and son; and the means by which the esteemed and abject, the worthy and the incapable, are distinguished. When the heart within holds it, it is not conveyed, so we rush around and bow low to evince it. While the heart truly cherishes [ritual], we cannot make it known, so we delight in words and make manifold the expressions in order to extend it (ritual). Ritual is the means by which external embellishments convey [what is] within. 禮 者, 所以貌情也, 群義之文章也, 君臣父子之交也, 貴賤賢不肖之所以別也. 中心懷而不諭, 故疾趨卑拜而明之. 實心愛而不知, 故好言繁辭以信 之. 禮者, 外節[=飾]之所以諭內也.[113]

Here, Han Fei points out the social and political utility of ritual: it enables the exterior expression of internal reality (*qing* 情), gives proper order to duty, regulates the concourse between superior and subordinate, and separates those ranks as well as the vassals of differing abilities.[114] For a superior man, *li* is also a means of self-cultivation—something outside the reach of the ordinary:

> When the lordling does ritual, he does it for himself. Because it is for himself, it constitutes superior ritual. While superior ritual is extended [by the lordling], the common people are of two-minded (i.e., unfocused) and unable to respond to it [superior ritual]. 君子之爲禮, 爲其身. 以爲其身, 爲上禮. 上禮神而眾人貳, 故不能相應.[115]

In Han Fei's "superior ritual" (*shang li* 上禮), there is a faint echo of Xunzi's notion of *li* as something pursued only by the gentleman for reasons essentially similar to the aesthetic. But Han Fei never elaborates this further, nor does he explicitly consider the origins and higher purposes of ritual. In Han Fei's discussions, *li* is always the concrete, not the abstract.

Han Fei expresses an opposition to elaborate ritual, more or less in keeping with the critics of ritual that preceded him. At its best, ritual is an ornamentation that the lordling can do without:

> Ritual is the [external] appearance of internal reality; pattern is the ornamentation of basic stuff. The lordling takes the internal reality and gets rid of the appearance; he is keen on the basic stuff and detests the ornamentation. 禮爲情貌者也, 文爲質飾者也. 夫君子取情而去貌, 好質而惡 飾.[116]

Han Fei goes so far as to posit an inversely proportional relationship between the complexity of rituals and the reality of feeling, based on the truncation of ritual formalities that occurs between the intimately acquainted. He uses father and son as example: "In reality thick but apparently thin—rituals between father and son are just this. Viewed from this perspective, when rituals are manifold, in reality the heart is lacking" 實厚者貌薄, 父子之禮是也. 由是觀之, 禮繁者實心衰也.[117] Complex ritual is unnecessary and even false.

At the worst, when rituals are applied or granted improperly, they can contribute to disorder in the state:

> While the Ru disorder the law by means of writing and the knights-errant transgress proscription by means of martiality, the lord of men universally [treats them with] ritual. This is the means [to cause] chaos. 儒以文亂法, 俠以武犯禁, 而人主兼禮之, 此所以亂也.[118]

But Han Fei speaks forcefully in favor of *li* for the external relations of the state. He says, "If you treat the feudal lords with ritual and duty, then service (i.e., military conscription) will rarely occur" 遇諸侯有禮義則役希起.[119] Two of the "Ten Errors," listed in the "Shi guo" 十過 chapter of the *Han Fei zi*, include mention of ritual in the context of external diplomacy:

> Number three: If you practice iniquity and use your own [opinions stubbornly], and do not treat the feudal lords with ritual, then it is the acme of destroying yourself ... Number ten: If the state is small and without ritual, and you do not employ your remonstrating vassals, then it is a circumstance of cutting-off succession. 三曰, 行僻自用, 無禮諸侯, 則亡身 之至也…. 十曰, 國小無禮, 不用諫臣, 則絕世之勢也.[120]

Thus, we can see in the *Han Feizi* a limited advocacy of *li* based on its utility: Ritual, as long as it not too complex, is useful for regulating certain relationships within and without the state. But Han Fei never discusses *li* at any length, and the panegyrics on ritual that characterize Xunzi's discussion are missing, as is the notion of ritual as philosophical or cosmological concept. Ultimately, Han Fei's attitude toward ritual in many ways reflects the ambivalence and skepticism of the legalist toward ritual, which accepts—somewhat grudgingly—the usefulness of ritual, while decrying its excesses.

The Qin Imperium

In 221 BC, some twenty-odd years after the death of Xunzi, Qin Shihuang 秦始皇 united China and ended the Warring States Period. Despite the distinction of this achievement, the Qin dynasty he founded would rule for only a dozen years before falling to be replaced by the Han. The situation concerning ritual in the Qin period is obscured by a critical historiography interested in legitimizing the Han

conquest through demonizing the Qin—a historiography that can perhaps be traced back to the writings of Jia Yi, especially his famous "Guo Qin lun."[121] A uniformly negative view of the Qin becomes so ingrained that by the time Ban Gu 班固 (32-92) wrote his *Han shu* 漢書, he could summarize the condition of ritual observance under the Qin into eight graphs, "[Ritual] met with the Qin destruction of learning, and was then disordered and lost" 遭秦滅學, 遂以亂亡.[122] A fuller picture would definitely be more complex.

Extant historical records from the Qin period demonstrate the continuance of some sorts of *li*. For example: In the 28th year of his reign (219 BC), Qin Shihuang carried out the *shan* 禪 sacrifices at Liangfu 梁父 Mountain, a small mountain located at the base of Mount Tai 泰山 (in modern Shandong). While making an imperial tour through his realm that year, the emperor had come to this famous mountain. There, he assembled a group of some seventy Ruists and discussed with them performing the *feng* 封 and *shan* sacrifices. The Ruists' recommendations varied in detail, but were uniformly vexatious and mutually contradictory. In consequence, the emperor expulsed the Ruists—but he did not forgo the sacrifice. Instead, he carried out the *shan* ceremony, and "The rituals were selected largely from those used by the supreme supplicator for sacrifice to Shangdi 上帝 at Yong 雍" 其禮頗采太祝之祀雍上帝所用.[123] The emperor then proceeded east to the sea, where he "Carried out the ritual sacrifices to famous mountains, great rivers, and the Eight Spirits" 行禮祀名山, 大川及八神.[124] Although orthodox history would connect the latter solely to Qin Shihuang's famous penchant for immortals and immortality, the sequence shows that the emperor took part in rituals and reflects an interest in *li* observances.[125]

Although I have not found a systematic study of the question, further indications of ritual observances can be found throughout the records of Qin history. The interest in titles, which Qin Shihuang possessed, is connected with ritual—as the subsequent discussion of Jia Yi's thinking will show.[126] And it is certainly not coincidental that when Qin Shihuang collected all weapons in the realm (excepting those of his army), he melted them down and made bells.[127] Bells were among the most important of ritual symbols, whose possession and display was governed by sumptuary rules.[128] Qin Shihuang also made a number of travels in the newly-unified realm, erecting engraved steles that praised his merits. These acts are probably best

understood as a form of ritual legitimation.[129] The histories also record many cases of toasts at feasts and other sorts of commonplace rituals under the Qin.

The *Shi ji* also mentions the "onerous ceremonial ordinances" (*ke yi fa* 苛儀法) of the Qin—and the inebriated unruliness that resulted when Liu Bang, newly become emperor, did away with those rules in 202 BC. When Shusun Tong proposed the creation of Han rituals to Gaozu to counter this drunken disorder, he said wanted to, "select from the ancient rituals and Qin ceremonies, mixing them together to make [the new rituals]" 采古禮與秦儀雜就之.[130] The semantic difference between ritual (*li*) and ceremony (*yi* 儀) in general is often unclear, but the distinction between the two can be used to mark a normative judgment—i.e., "proper ritual" versus "mere ceremony."[131]

For Shusun Tong, *li* and *yi* are not only taken in parallel—reflecting their close semantic relationship—but are, together, to form the stuff of the new Han rituals. Thus, by definition both belong to those things that constitute ritual. It seems likely that Shusun Tong and/or the historians deny the appellation of "ritual" to the Qin out of approbation. At the very least, such passages show that the Qin had rituals.

Finally, ritual texts are conspicuously absent from the list of those burned in the famous Qin bibliocaust of 213 BC, which was supposed to destroy the texts used to refute present practices on the basis of the past.[132] We know that the Ruists of Lu maintained the old rites, presumably employing records of some sort that later would become ritual canon.[133] Yet these are spared destruction. Surely the rituals recorded therein could not be considered to not exist during Qin times.

The above examples show that, despite their later repute, there seems little reason to believe that the Qin categorically discarded or destroyed all ritual, and there is in fact significant evidence to the contrary. Nor, however, did the Qin hold to the precedents. Perhaps the best way to consider the relationship of the Qin to *li* is as an ambivalent one, like that of Lord Shang and Han Fei, who recognized the value of ritual even while rejecting the norms of the old Zhou system.

A Word About Context

Jia Yi was born only about two years after Liu Bang defeated his former ally Xiang Yu in 202 BC to re-unify the realm under the Han dynasty. Thus, he was a member of the first generation to grow up in the newly re-stabilized (though with

some disruption) realm, never enduring the tribulations of widespread war. His quick advancement at an early age put him among the first of this generation to enter high official service at the court, which he did in the first year of Emperor Wen's reign. As a member of the court, Jia Yi observed the struggles to maintain Han dynasty rule. Just as some of Wen's subordinates subverted the ritual rules as a form of rebellion, Jia Yi argues that ritual—properly extended and maintained—is itself a means of governance. I will discuss more specifics of these ritual subversions in the next chapter, "Practical Ritual." I will first lay out Jia Yi's general ideas about ritual.

Jia Yi's "Li" Chapter

The "Li" 禮 chapter of the *Xin shu* provides an overview of Jia Yi's thinking on ritual.[134] Here, Jia Yi introduces the major themes that characterize his treatment of *li*: hierarchy, portability, and moderation—themes tied together throughout his writings by the connecting thread of the emperor and his station. My discussion will begin with this chapter.

Hierarchy

"Li" begins with a specific quasi-historical case concerning the high duke Wang 太公王 and the crown prince Fa 太子發 of Zhou.

> Formerly, King Wen of Zhou employed the high duke Wang as tutor for the crown prince Fa. Although [Fa] liked *baoyu* 鮑魚 (preserved fish),[135] the duke would not give it to him. The high duke said, "According to the rites, preserved fish is not offered on the sacrificial platters. How could something not in accord with the rites be used to nourish a crown prince?" 昔周文王使太公望傅太子發. 太子嗜鮑魚, 而太公弗與, 曰, 禮, 鮑魚不登於俎, 豈有非禮而可以養太子哉.[136]

Since Jia Yi was himself tutor to two crown princes and spent most of his official career in this position, it is easy to imagine that he has a personal interest in citing this precedent for banning *baoyu*, a particularly odiferous kind of preserved fish. But more important is the line of reasoning implied in the story: by citing first a specific prohibition valid for observance of one form of ritual and then generalizing the rule to another case, Jia Yi shows how the general principle is derived from the specific. A

further set of specific cases follows this story, capped with a generalizing rhetorical question that bears out this interpretation:

> If there is no [differentiation between] positions in the southern and northern corners in a room of [mere] feet and yards,[137] then father and son will not be [properly] distinguished; if there is not courteous [observance] of left and right [positions] on a cart of six feet, then [the ranking of] lord and vassal will not be clear. If they are without the Rites in taking position in rooms of [just] feet and yards and on carts of six feet, then superior and inferior will be alienated and at cross purposes, father and son will be estranged and disordered—and how much the more for greater matters! 尋常之室, 無奧剽之位, 則父子不別. 六尺之輿, 無左右之義, 則君臣不明. 尋常之室, 六尺之與[=輿],[138] 處無禮即上下踳逆, 父子悖亂, 而況其大者乎.[139]

Here, the fine points of relative position within small spaces—where separations and distinctions were correspondingly slight—are synecdoche for ritual as applied on any scale, which are important even when the distances marking distinctions are small. "How much the more for greater matters!" summarizes the principle by which specificities extend into generalities. It is a reversal of Xunzi's rhetoric to put the specific first and the principle second; it also demonstrates insight into the efficacy of the rites. There can be no doubt that rituals existed long before a philosophical justification for them did. Likewise, the individual instantiations of ritual accumulate and build upon each other to generate broader effect. Like the stairs under a hall, which stack one upon another to lift the edifice above the dirt, the many small rituals serve to lift the superior over the inferior through a process of development and accrual.[140]

Jia Yi follows the above with a passage, also appearing in the "Qu li" 曲禮 chapter of the *Li ji* 禮記, that expresses something similar:

> If the Way, virtus, humaneness and righteousness are not [in accord with] ritual, they are not complete. If teaching, training, and correction of custom are not [in accord with] ritual, they will not be complete. If analysis of contentions and disputation of cases does not accord with ritual, they will not be [properly] decided. If [the relationships between] lord and vassal, superior and subordinate, father and son, and elder brother and younger brother are not [in accord] with ritual, they will not be settled. If in office holding and study—serving and being a student—you [do not accord with] ritual, the relationship] will not close. If hierarchy at court, regulation in the army, oversight of officials, and enactment of the law are not [in accord with] ritual, then majesty will not be effected. If prayers and sacrifices, and offerings to

> spirits, are not in accord with ritual, then they are not sincere and not solemn. For these reasons, the lordling is reverent, moderate, and deferential, in order to demonstrate ritual. 故道德仁義, 非禮不成. 教訓正俗, 非禮不備. 分爭辨訟, 非禮不決. 君臣 上下父子兄弟, 非禮不定. 宦學事師, 非禮不親. 班朝治軍, 莅官行法, 非禮威嚴不行. 禱祠祭祀, 供給鬼神, 非禮不誠不莊. 是以君子恭敬撙節退讓以明禮.[141]

Here, the notion of *li* is elaborated in a way that takes the manifold specificities of *li* and applies them as a single principle governing various situations. Notwithstanding the variety of situations touched upon and human relationships mentioned, as a group they are distinctly hierarchical, both in the former discussion of the importance of physical position, and in the latter generalizing discussion. Jia Yi's implication is clear: the multitude of ritually-stipulated instances lead to a stable hierarchy, and without them a stable hierarchy is impossible. Xunzi says that, "Ritual separates the different," and it is by the many instances of ritual separating—which always differentiate superior and subordinate—that hierarchy is created and reinforced within the system.[142] People of differing ranks are not naturally distinguished, and so the ritual system is created by humans for this purpose. As Jia Yi writes in the "Deng qi" 等齊 chapter,

> The intrinsic situations of people do not differ, and the basic appearance of the face and eyes is of one sort [for everyone]. The differences between the esteemed and the lowly is not found in the countenance and form given by natural origins. That which we take to differentiate the esteemed and the lowly, and to make clear who are the respected and the lowly, is grades and ranks, majesty, garb, and [prerogative for various] commands. 人之情不異, 面目狀貌同類, 貴賤之別, 非天根著於形容也. 所持以別貴賤明尊卑者, 等級, 勢力, 衣服, 號令也.[143]

Jia Yi rightly perceives hierarchy as a human invention, something not reflected in the physical body. Despite the presence of physiognomy and portentous physical marks in the early histories, Jia Yi refutes the idea that rank is evinced in the person.[144] The goal of ritual is political hierarchy; if the rites are not maintained, the system they comprise will collapse and bring the state with it. A thematically related passage in the "Su ji" 俗激 chapter of the *Xin shu* makes this explicit:

> The establishment of lord and vassal, the ranking of superior and subordinate, causing father and son to keep their ritual proprieties and the Six Relations[145]

> to keep their organizing principles are not things done by heaven, but are established by people. Anything set up by people will collapse if not supported, and will be ruined if not cultivated. The Qin were destroyed because the Four Guylines were not spread.[146] Thus, lord and vassal were estranged and disturbed each other; superior and subordinate were disordered and usurpious, without differentiation; father and son and the Six Relations were harmful and vexatious [to each other] and lost their proprieties; depraved men rose up together, and the myriad people were estranged and rebellious. After a total of thirteen years, the [temples to the Qin] tutelary spirits were destroyed. 夫立君臣, 等上下, 使父子有禮, 六親有紀, 此非天之所爲, 人之所設也. 夫人之所設, 弗爲不立, 不植則僵, 不循則壞. 秦滅, 四維不張, 故君臣 乖而相攘, 上下亂僭而無差, 父子六親殃僇而失其宜, 姦人並起, 萬民離 畔. 凡十三歲而社稷爲墟.[147]

The same principle that guarantees that neglect of the ritual system within the state will lead to destruction indicates that the ritual system be employed to reinforce hierarchy and strengthen the ruler. In the specific case of the proscription of minting money, Jia Yi's expressed rationale for his proposed solution further demonstrates the hierarchical function of ritually-stipulated accoutrements:

> If you control the stockpiles of bronze, you could use it to mint weapons and utensils that can be lent to esteemed vassals, each according to the stipulated measures of size and quantity. If you differentiate the esteemed and the lowly, and separate the superior and subordinate by these, then [differences] in grade and rank will be clear. 挾銅之積, 以鑄兵器, 以假貴臣, 小大多少, 各有制度, 以別貴賤, 以差 上下, 則等級明矣.[148]

Just as, for Xunzi, "Ritual differentiates the different," ritual objects differentiate those of different ranks. These are part of the system of *li*, which has a direct bearing on the fate of the polity. In "Li," Jia Yi relates ritual separations to the whole of the state:

> Ritual is the means by which to secure the state and household, to settle the tutelary spirits of earth and grain, and to make it so that the lord should never lose his people. The lord should [behave as befits a] lord and the vassals should [behave as befits] vassals—this is the standard of ritual. Majesty and virtus are with the lord—this is differentiation in accord with ritual. The esteemed and the lowly, the great and small, the strong and weak—each has proper position; this is the organizing principle of ritual. According to ritual: the Son of Heaven cherishes the realm, feudal lords cherish that within the borders, grandees cherish the officials, and the clerisy and ordinary people cherish their households. If they fail to cherish, they will not be humane; if they cherish too much, they will be undutiful. Therefore, ritual is the means

> by which to preserve the guidelines of the esteemed and the lowly and the standard of the strong and the weak. 禮者, 所以固國家, 定社稷, 使君無失其民者也. 主主臣臣, 禮之正 也. 威德在君, 禮之分也. 尊卑大小彊弱有位, 禮之數也. 禮, 天子愛天下, 諸侯愛境內, 大夫愛官屬, 士庶各愛其家. 失愛不仁, 過愛不義, 故禮者所 以守尊卑之經, 彊弱之稱者也.[149]

Here Jia Yi continues the themes of hierarchy and stability, adding to them that of matching or appropriateness. This takes two forms. First, it is through *li* that proper position and sphere of rule are established: for the Son of Heaven, it is the realm; for the ordinary man, it is his household. Second, within each person's sphere of influence, ritual governs the quantity of "cherishing, caring" (*ai* 愛) that will preserve the balance between inhumaneness and impropriety, between dearth and excess of concern. In essence, this is the defining of a jurisdiction and stipulation of a co-extensive concern: a hierarchy of attention.

Lest it be misunderstood that these spheres of rule should exclude upward, so that someone could mistaken think that a vassal should ever trump his superior's authority by taking the position of *zhu* 主, "host"—a word that means also "lord"[150]—in his bailiwick, Jia Yi continues:

> According to ritual: When the Son of Heaven arrives at the palace of a feudal lord, the feudal lord dares not take the master's stair,[151] for that is the stair of the lord. When the Son of Heaven comes to a feudal lord, the feudal lord dares not [take the attitude of] possessing the palace, for he dares not perform the rites of the host [in front of his ruler]. 禮, 天子適諸侯之宮, 諸侯不敢自阼階者, 主之階也.[152] 天子適諸侯, 諸侯不敢有宮, 不敢爲主人禮也.[153]

This reflects a notion also found in the "Jiao te sheng" 郊特牲 and "Fang ji" 坊記 chapters of the *Li ji*, as well as in *Xunzi*: throughout the realm, the Son of Heaven is always lord and host, and plays guest to no one. The *Li ji* has the same line twice: "The Son of Heaven has no ritual for being a guest, and none dares to be host/lord (*zhu* 主) to him" 天子無客禮, 莫敢爲主焉.[154] In *Xunzi* 24 it says, "The Son of Heaven has no 'wife,' to make it known that he has no match among people. For all within the seas,[155] the Son of Heaven has no ritual for being a guest, to make it known that he has no correlate" 天子無妻, 告人無匹也. 四海之內無客禮, 告無適也.[156]

These lines underscore the fact that the ritual system as practiced in daily life was a discipline: not merely a set of actions to be taken in a particular place and

particular time, but rather a set of rules that govern relations between people through control of their actions in relations and comparison to others. "[Discipline] individualizes bodies by a location that does not give them a fixed position, but distributes and circulates them in a network of relations."[157] For the ruler in particular, rites and ritual status are not tied to any particular physical location, nor to any specific person. Rather, they are tied to particular ranks, ritual positions and relationships. For all, ritual is a set of relative hierarchical relations—relations that vary, over the life of a person. I term this changeability portability.

The Portable Rites

The essential portability of ritual can be demonstrated in two ways. First is the topography of relative rituals. In Jia Yi's conception, rituals exist within an abstract map of hierarchy, with little regard to physical location. With few exceptions, rites are not attached to particular places, in the sense that they must be performed in a particular geographic locale. Similarly, rituals are not attached to a person in a meaningful way, though their use by someone can be legitimate or not. Thus, usurpation through performance of a ritual by someone other than the authorized person is always a danger: portability gives the rites viability and efficacy no matter who performs them. Likewise, the ruler is not tied to a particular location, and rules equally everywhere and from everywhere. Along the same lines, because there is no connection to a particular physical location, there is always the danger that someone could reconstitute a ritual position by arrogating the privileges of a higher rank.

Second is the changing and always relativistic nature of ritual position, which describes how a person occupies multiple positions over the course of their life. I have already pointed out above the manner in which the ruler's authority trumped that of his subordinate in the matter or the "master's stair." The Son of Heaven was the center of the ritual hierarchy, and thus could never be guest, only host/lord. It is also significant to note that "court" (*chao* 朝) did not necessarily refer only to the physical court, the *ting* 廷 (in the Western Han case, located in the capital at Chang'an 長安). *Chao* could implicitly refer also the set of court rituals that could be held wherever the emperor was. This is related to the notion of lord as host wherever he is: since he was never a guest, he was never visiting; wherever he happened to be was the location of the "court." Thus, in "Guan ren" 官人 (Employing people), Jia Yi writes, "In the rites

for picking a teacher, you leave the throne to have court [where he is]" 取師之禮, 黜位而朝之.[158] This portability has its precedents.

The *Li ji* defines *chao* as follows: "When the Son of Heaven has no service [that he requires] yet meets with the feudal lords, it is called '*chao*'" 天子無事與諸侯相見曰朝.[159] The *chao* is to have happened every five years.[160] Absent is any requirement of place. Furthermore, the *Chunqiu* records an instance in which, "The dukes came to court (*chao*) where the king was" 公朝于王所; Du Yu explains that, "It was not in the capital, so [the text] says, 'where the king was'" 非京師故曰王所.[161] The *Zuo zhuan* and *Shi ji* both record cases in which, "Court was held in the Wu Palace" 朝于武宮.[162] In the times of Han Emperor Wu 武帝, the *Shi ji* records that the emperor "held court and received reports at Ganquan [Palace]" 朝受計甘泉.[163] Thus, it is clear that although the capital may well have been the standard, Jia Yi's ideas about the portability of imperial rule are not unique to him.

Portability also describes the positions of people within the structure of ritual discipline, because most people would occupy differing ritual roles in different places and times. *Lunyu* 12/11 records, "Duke Jing of Qi asked Kongzi about governance. Kongzi said in reply, 'The lord should be a proper lord, the vassal a proper vassal, the father a proper father, and the son a proper son'" 齊景公問政於孔子. 孔子對曰, 君君臣臣, 父父子子.[164] Kongzi leaves the specific qualities of each unenunciated: it is assumed that the reader knows from elsewhere what is proper to each role. Jia Yi goes one step further, and describes in "Li" the specific qualities proper to various social roles:

> When the lord is benevolent and the vassal loyal, the father kind and the son filial, the older brother caring and the younger brother respectful, the husband gentle and the wife compliant, and the mother-in-law kind and the daughter-in-law heedful—this is the acme of ritual. If the lord is benevolent, he will not be harsh; if the vassal is loyal he will not be duplicitous. If the father is kind, he will instruct; if the son is filial, he will cooperate. If the older brother is caring, he will be friendly; if the younger brother is respectful, he will be concordant. If the husband is gentle, he will be dutiful; if the wife is compliant, she will be correct. If the mother-in-law is kind, she will be easy-going; if the daughter-in-law is heedful, she will be flexible. This is the stuff of the rites. 君仁臣忠, 父慈子孝, 兄愛弟敬, 夫和妻柔, 姑慈婦聽, 禮之至也. 君仁則不厲, 臣忠則不貳, 父慈則教, 子 孝則協, 兄愛則友, 弟敬則順. 夫和則義, 妻柔則正, 姑慈 則從, 婦聽則 婉, 禮之質也.[165]

A person could—and given that the presumed audience of this chapter is the crown prince, would—occupy more than one of the roles that Jia Yi lists. With the exception of husband and wife, the same person that holds a superior position in one context holds an inferior position in another. One might be now an older brother, now a younger; now a vassal, later a lord; a daughter-in-law when young and a mother-in-law when old; now a crown prince, now an emperor. This is the network of relations that holds each member of society, with requirements that shift as time passes and social position changes.[166]

The Son of Heaven is no exception to this situation, insofar as he is made and not born. The crown prince was, theoretically, to be declared by the reigning emperor, and could be changed during the predecessor's lifetime; Jia Yi writes elsewhere of the confusion resulting from an unclear succession.[167] But once established, the emperor was supposed to be without a ritual equal—much less a superior—in the realm. Most men would play the roles of guest (*bin* 賓) and of host (*zhu* 主), as mentioned above; not so the emperor: he was always host, never guest, always lord and never vassal: "The father and mother of the people."[168] By virtue of his position, the emperor forms the unmoving center of the realm and rules from there by means of virtus. The fact that his ritual position is not tied to physical location means that he is, in a ritual sense, omnipresent, itself the ultimate form of portability. On a theoretical level, the Son of Heaven is always at the center of the realm, even as his physical person or position changes. Thus, Jia Yi's conceptualization of ritual hierarchy hearkens back to Kongzi's statement on rule by virtus: "Pursuing governance by means of virtus compares to the North Star: it stays in its place and the mass of stars rings it round" 爲政以德, 譬如北辰居其所而眾星共之.[169]

Moderation

Each person occupies multiple ritual positions over the course of a lifetime, and in Jia Yi's understanding, ritual guides actions in both superior and subordinate hierarchical positions. As shown in the preceding discussion of lexical sources, moderation is connected with ritual in general. Moderation of course can mean refraining from things judged ritually unacceptable (like *baoyu*), or those not permitted because they bear hierarchical meaning inappropriate to a person's status

(discussed below). This is not only a matter of avoiding usurpation of superiors' prerogatives; it also includes bearing those accoutrements proper to one's position, avoiding the impression of lower status.[170] This is perhaps the first meaning that would come to mind when thinking of ritual moderation.

But in "Li," Jia Yi applies the concept of moderation in different, and perhaps unexpected, ways to the service of both subordinate and superior. In the former context, moderation means not only to avoid taking too much, but also not giving too much in service to a superior.

> Ritual is the means by which the vassal subordinate serves his superior. Accordingly, the *Shi* says, "With one release, five sows! / Oh, for the Zou [Preserve] gamekeeper."[171] Zou is the Son of Heaven's preserve; the gamekeeper is the preserve's manager of beasts. The Son of Heaven's accompanying chariots number ten in order to evince his nobility; he has multiple kinds of beasts to eat, in order to eat to satiety. The gamekeepers drove together five sows to await the one shot [of the Son of Heaven]—this was the means by which he hit multiple [sows with a single shot]. People, in being vassals to that one they respect, dare not serve with moderation—thinking this the acme of respect. They greatly respect their lord, they are respectful and deliberate in their official responsibilities, and their intentions are loyal to the extreme. The creator of this ode held this service to profoundly demonstrate the goodly vassal's intention to concord with his superior, which could be taken as dutiful. Thus, he sighed for him (i.e., the Zou gamekeeper), saying, "*xu jue*"—because even those of old that were good at being vassals to others, for their part, were like this. 禮者, 臣下所以承其上也. 故詩云, 一發五豝, 吁嗟乎騶虞. 騶者, 天子之囿 也. 虞者, 囿之司獸者也. 天子佐輿十乘, 以明貴也. 貳牲而食, 以優飽也. 虞人翼五豝以待一發, 所以復中也. 人臣於其所尊敬, 不敢以節待, 敬之至 也. 甚尊其主, 敬慎其所掌職, 而志厚盡矣. 作此詩者, 以其事深見良臣順上之志也. 良臣順上之志者可謂義矣, 故其嘆之也, 長曰吁嗟乎. 雖古之善爲人 臣者, 亦若此而已.[172]

Here, being dutiful (*yi* 義) leaves open the possibility of excess: a virtuous vassal will "dare not serve with moderation." And, as Jia Yi continues: "Ritual is the means by which to moderate duty and there is nothing they do not reach" 禮者所以節義而沒不逮.[173] Mere acquiensce to the perceived will of the sovereign is not enough. A truly good subordinate must adhere to ritual proprieties so as to not overstep what is proper. Thus, principles of moderation regulate service, as well as prerogative.

For Jia Yi, ritual moderation also regulates the actions of the lord in very specific ways. In particular, ritual moderation regulates the behavior of the lord and

fosters relationships with vassals based on requital (*bao* 報). In this sense, Jia Yi hearkens back to the pragmatic function of ritual during the Warring States period, mentioned above. The center of this relationship is reciprocation between ruler and vassal.

> You Yu 由余[174] said, "If the dried meat [gifts] are not rotten, the [lord's] retinue will be intimate; if the wrapped [meat and fish gifts] are timely, and the baskets square and round arrive on time,[175] then the group of vassals will stick [to their lord]. If the officials are without [improperly] amassed stores, and the pickled meat provisions are distributed on time,[176] then [all] will serve their lord." The *Shi* says, "You give me a quince and I requite it with a fine jade pendant—/ This is not [really] a requital, but for eternal fondness."[177] If the superior gives them a little, then the subordinates repay it with their [whole] selves—not daring to call it requital, but wanting long-lasting fondness. Those of ancient times that nurtured their subordinates—their promulgation of requital was like this. 由余曰, 乾肉不腐, 則左右親. 苞苴時有, 筐篚時至, 則群臣附. 官無蔚藏, 腌陳時發, 則載其上. 詩曰, 投我以木瓜, 報之以瓊琚, 匪報也, 永以爲好也. 上少投之, 則下以軀償矣, 弗敢謂報, 願長以爲好. 古之蓄其下者, 其施報 如此.[178]

This brief passage sums up the creation of reciprocal relationships between the superior and his subordinates. It is an allegory in three parts, concluding with a fairly clear explanation of Jia Yi's meaning. The first part refers to the giving of ritual gifts to vassals; the second is the correlation between the equitable divisions of food stores, ritual gifts, and the loyalty of the populace; the third caps the passage with a quote from the *Shijing* reflecting the principle at work. In the end, Jia Yi explains himself: the lord gives a small, ritually appropriate, gift, and receives an unequal return. This is a principle that he would extend to the whole of the realm: the ruler gives an appropriate gift and receives the rule of the realm in return.

The gifts of meat and fish are specified by their packages—meat and fish "wrapped" in leaves and put into "baskets square and round." These kinds of items are also listed as ritual gifts in the "Qu li" chapter of the *Li ji*.[179] But these are more than simple tokens of good will. They are ritually correct gifts that function as part of a ritually-governed relationship. The officials must be dutiful—itself something of a small gift. But they also receive ritual gifts from their ruler in return.

"Wrapped" gifts, together with "baskets" of gifts and "pickled [meats and fish]," represent the ritual gifts that the lord gives his adherents in symbolic exchange for loyalty. This is far from equal exchange: "If the superior gives them a little, then

the subordinates repay it with their (whole) selves." The implication is that through the rituals of gifting and receiving, a relationship is formed which surpasses mere exchange. The gifts are moderate, but there is no need for more value: the ritual correctness of the gifts and the correctness of their delivery is what matters.

In classic *duan zhang qu yi* 斷章取義 fashion, Jia Yi cites a line from the *Shijing* courtship song "Mu gua" 木瓜 (Mao #64) to explicate the relationship of symbolic exchange between lord and vassal.[180] The canonical *Maoshi* 毛詩 interpretation is hardly closer to the apparent original spirit than Jia Yi's use: Mao credits the composition to the people of Wei 衛 that wished to repay Duke Huan of Qi, who had rescued them and their lord when they had been driven out of their homeland. Lacking the resources for a gift, the populace of Wei instead presents him with this poem.[181]

Jia Yi's citation of this poem at least has the value of having a clear relationship to his preceding lines. In each of the ritual cases he cites, the lord provides a gift of food, corresponding to the ode's quince. In consequence, the lord gets the loyalty of his subordinates—represented by jade, the standard analogy for the virtue of the lordling. It is probable that this interpretation is not original to Jia Yi, though it is impossible to judge for certain. Most likely, this was the interpretation of the poem according to the Lu 魯 school.[182] It is also surely the meaning implied in the *Kong congzi* 孔叢子 when it quotes Kongzi as saying, "In 'Mu gua,' I see the rituals of 'wrapped gifts' (*bao ju* 苞苴) in action" 於木瓜見苞苴之禮行也.[183]

Just as the small gift of fruit brings a disproportionate reward in the poem, so will the ritual gift of food bring something of far greater value in return: loyalty. And just as the poet dares not "call it requital," so will the vassals not call it repayment, but instead simply respond—like the people, involuntarily.

Jia Yi concludes this passage, "Those of ancient times that nurtured their subordinates—their promulgation of requital was like this." This hints at the function of virtus. Virtus is the ability to gain "gratitude credit," to make another feel an obligation of repayment. Here, Jia Yi lays out for us exactly how requital is fostered by ritual gifts. In a very direct way, the rituals of gift-giving are the means for the lord to develop virtus, "gratitude credit," with his subordinates, without transgressing

moderation. The *Yan tie lun* 鹽鐵論 would express this even more clearly after Jia Yi's time: "If not the rites, there is no means to support virtus" 非禮無以輔德.[184]

Moderation, Again

Moderation can also take the form of limitations of the ruler's personal practices. Moderation as practiced by the lord is connected to particular situations: limiting pleasures and comforts in times of hardship, and limiting majesty in good times. Jia Yi begins his discussion of the lord's moderation in a backward fashion, describing how the proper accumulation of stores will lead to a situation where moderation will not be necessary, even during famine:

> If the state is without nine years' worth of stores, it is called "insufficiency"; without six years' worth of stores, it is called "urgent"; without three years' worth of stores, the state is not his [the ruler's] state. If the people farm for three years, they will invariably have an excess of one year's worth of food; in nine years, they will have an excess of three years' worth of food; for thirty years, likewise—they will have ten years' worth of stores. Then even if there is terrible drought or flooding, the people will not suffer famine. And then the Son of Heaven will have all the flavors in eating, and daily hold [his feasts] with music; the feudal lords will eat delicacies, and not disturb the racks [of bells and drums]. As for delights—superior and subordinate are alike in them. 國無九年 蓄, 謂之不足. 無六年之蓄, 謂之急. 無三年之蓄, 國非其國也. 民三年耕, 必餘一年之食, 九年而餘三年之食, 三十歲相通. 而有十年之積, 雖有凶旱水溢, 民無饑饉. 然後天子備味而食, 日舉以樂. 諸侯食珍, 不失鍾鼓之縣. 可使樂也, 上下同之.[185]

Thus, through good governance, the lord obviates the need for ritual restrictions on his food and music. He has his enjoyments, and is as happy as the populace who has enough to eat. If natural disaster should strike and preparations prove insufficient to provide for the people, then the ritual restrictions kick in and the lord is obligated to moderate his pleasures:

> When famine enters the state, the lord of men does not hold banquets; when a freeze enters the state, the lord of men does not wear furs; on the days of passing verdict on criminals, the lord of men does not have music. If the year is one of famine and the grain does not ripen: the halls [of the lord] are not decorated; archery is discarded [with its] targets; the horses do not eat grain; the highway is not cleared; in eating, [the lord] cuts out delicacies; and there are shortcomings in feasts and sacrifices. Therefore, according to the rites, what is proper in the personal praxis [of the lord] is the way of caring for the

> people. 故禮, 國有飢人, 人主不飧. 國有凍人, 人主不裘. 報囚之日. 人主不舉樂. 歲凶, 穀不登, 臺扉不塗, 榭徹干侯, 馬不食穀, 馳道不除, 食減膳, 饗祭有闕. 故禮者自行之義, 養民之道也.[186]

Although these exact proscriptions for times of famine are not found in extant pre-Han texts, there are precedents for what Jia Yi suggests.

The "Tian guan" 天官 chapter of the *Zhou li* lists the *shanfu* 膳夫, official server and taster for the Son of Heaven. But, in times of sorrow and/or hardship for the realm, his tasks include suspending the usual royal banquets:

> If there is a great funeral, they do not hold [banquets];[187] if there is great famine, they do not hold [banquets]; if there is a great epidemic, they do not hold [banquets]; if there is a disaster in the heavens or on the earth, they do not hold [banquets]; if the state has a great difficulty,[188] they do not hold [banquets]. 大喪則不舉, 大荒則不舉, 大札則不舉, 天地有烖則不舉, 邦有大故則不舉.[189]

According to other sources, different kinds of natural phenomenon can also put an end to the Son of Heaven's banqueting.

As I've argued above, Jia Yi does not accept portents as guides for the ruler's behavior. Nevertheless, the following precedents for what he suggests are instructive. Other texts mention eclipses in this context. For example, in the 15th year of Duke Wen 文公, the *Zuo zhuan* says, "When there is an eclipse, the Son of Heaven does not hold [banquets]" 日有食之, 天子不舉.[190] The same phrasing can be found in the 17th year of Duke Zhao 昭公 and in the *Han shu* "Wu xing zhi" 五行志.[191] According to the "Yu zao" 玉藻 chapter of the *Li ji*, there is a similar prescription for times of drought: "When it reaches the eighth month without rain, the lord does not hold [banquets]" 至于八月不雨, 君不舉.[192] Another natural phenomenon calling for the cessation of imperial banquets is recorded in the *Zuo zhuan*, 5th year of Duke Cheng 成公: "When mountains fall and rivers run dry, the lord, because of them, does not hold [banquets], diminishes [the splendor of his] garb, his car is undecorated, and he does away with music" 山崩川竭, 君爲之不舉, 降服, 乘縵, 徹樂.[193] A prescription found in the *Zhouli* covers all of these within a broader range of occurrences: "Whenever there is an eclipse, [one of the] Four Peaks or Five Marchmounts falls,[194] a great aberration or strange disaster [occurs], or a feudal lord dies, [the lord] gets rid

of music" 凡日月食, 四鎮五嶽崩, 大傀異烖, 諸侯薨, 令去樂.[195] In keeping with Jia Yi's rational attitude toward unusual natural phenomena, here he concentrates exclusively on those that may harm the people. But he turns existing ideas about how to deal with negative portents toward his persuasive purpose.

I am unable to find in any pre-Han text evidence for the proscription that Jia Yi mentions against the lord wearing furs when the people are suffering cold. There is, however, a story conveying a similar moral in the *Yanzi chunqiu* 晏子春秋:

> In the time of Duke Jing 景公, it [once] snowed for three days without stopping. The duke, wearing a white fox fur, sat on the steps next the halls. Yanzi 晏子 (personal name Ying 嬰; ca. 6th c. BC) went in too see him, and stood there for a while. The duke said, "It's strange! While it has snowed for three days, the weather is not cold." Yanzi said, "The weather isn't cold?" The duke laughed. Yanzi said, "I have heard that the worthy lords of antiquity, when full, still knew the hunger of other people; when warm, still knew the cold of other people; when at ease, still knew the labor of other people. Now my lord does not know these." The duke said, "Excellent. I am instructed." Thereupon he commanded that furs be sent out and grain distributed, given to the hungry and cold. 景公之時, 雨雪三日而不霽. 公被狐白之裘, 坐堂側陛. 晏子入見, 立有間, 公曰, 怪哉. 雨雪日而天不寒. 晏子對曰, 天不寒乎. 公笑. 晏子曰, 嬰聞古之賢君飽而知人之飢, 溫而知人之寒, 逸而知人之勞. 今君不知也. 公曰, 善. 寡人聞命矣. 乃令出裘發粟, 與飢寒.[196]

The *Huainanzi* 淮南子, a compendium assembled before 139 BC, ascribes a similar attitude to an unspecified antiquity:[197]

> The lords of men in antiquity were distressed about their people: if there was someone starving in the state, they would not eat multiple flavors; if one of the people was cold, they would not wear furs in winter" 古之君人者, 其慘怛於民也, 國有飢者, 食不重味; 民有寒者, 而冬不被裘.[198]

The requirement to abstain from music when punishing is attested in many early sources. Both the *Guoyu* 國語 and the *Zuo zhuan* record, "When the minister of justice carries out executions, the lord does not hold [music] because of it" 司寇行戮, 君爲之不舉.[199] In his commentary on the *Guoyu*, Wei Zhao says that "not hold" "means not hold music" 不舉樂也. This same idea, fully expressed, can be found in the "Wu du" 五蠹 chapter of the *Han Fei zi* 韓非子: "When the minister of justice

carries out punishments, the lord does not hold music because of it" 司寇行刑, 君爲之不舉樂.[200]

The *Zuo zhuan*, 26th year of Duke Xiang 襄公, mentions abstention from both banquets and music when punishment is imminent:

> Those of antiquity that properly regulated the people strove to reward and were wary of punishing, and nurtured the people without [quitting from] exhaustion.... When they were going to punish, they did not hold [banquets] because of it. If they did not hold [banquets], they got rid of music. By this we know they were wary about punishment" 古之治民者, 勸賞而畏刑, 恤民不倦.... 將刑爲之不舉, 不舉則徹樂. 此以知其畏刑也.[201]

The *Han shu* also records ritual stipulation that the lord abstain from music as sign of grief at the death of a great vassal.[202] In other cases, to give up music is merely a sign of solemnity, as in this apocryphal utterance of Kongzi, recorded in the "Zengzi wen" 曾子問 chapter of the *Li ji*:

> Households that give away a girl in marriage do not extinguish their candles for three nights, thinking about the separation. Households that take a girl in marriage do not hold music for three days, thinking about their descendents. 孔子曰, 嫁女之家, 三夜不息燭, 思相離也. 取婦之家, 三日不舉樂, 思嗣親也.[203]

Here, "thinking about their descendents" (*si siqin* 思嗣親) is certainly not negative; the abstention from music demonstrates seriousness, not sadness.

The proscriptions against decorating buildings, practicing archery, maintaining the roads in famine years, along with that against partaking in the usual range of foods, have precedent in the *Guliang zhuan* 穀梁傳 commentary for the 24th year of Duke Xiang 襄公:

> When the five grains do not ripen, it is called a great famine (*da qin* 大侵). According to the rites for a great famine, the lord does not have all flavors in eating, his terrace halls are not decorated, he discards the [archery] targets, and the royal roads are not cleared. While the many officials are deployed, there are no [new] regulations. While the ghosts and spirits are still prayed to, there is no sacrifice. 五穀不升謂之大侵. 大侵之禮: 君食不兼味, 臺榭不塗, 弛侯, 廷道不除. 百官布而不制, 鬼神禱而不祀.[204]

Note that this passage makes mention of missing sacrifices, to which Jia Yi also alludes.

For Jia Yi, these proscriptions all relate to the lord's ritually stipulated limitation of his prerogatives in times of distress for his realm. Unfortunately, he is never clear about what effect these measures are to have, how they are supposed to function.

Jia Yi also specifies two cases when the lord temporarily abrogates his unique dignity in obeisance to his subordinate upon the receipt of good news:

> According to the rituals for receiving reports, there are two things for which the lord personally bows: When he hears the number of births among the people, he bows; when he hears that the grain has ripened, he bows. 受計之禮, 主所親拜者二. 聞生民之數則拜之, 聞登穀則拜之.[205]

Thus, matters of good fortune can also lead to abridgement of normal ritual protocol.

Ritual Redux

From the above examples and their precedents, we can see that Jia Yi is not an inventor. The notions he uses are drawn from antecedents in the ritual regulations and practices of rulers whose jurisdiction was of smaller scope. Though feudal lords, dukes and the like, possessed no pre-eminent authority under Han rule, the examples of the nobility from former days were familiar. By bringing together these practices under the rubric of ritual in the context of novel imperial authority, Jia Yi accomplishes (at least) two tasks.

The first is a type of legitimation. By connecting the rituals of the new system to those of the old, Jia Yi converts the long-standing—and thus legitimate—authority of the former overlords to imperial majesty. The ruler is governed by long-standing ideas, which at the same time legitimate him by connection to precedents. Second, like Shusun Tong, who addressed disorder on the relatively minor scale of inebriated excess at official feasts by means of a re-constituted ritual code, Jia Yi turns to the past for guidelines for behavior for the ruler and his underlings to address disorder in his own times. How this played out concretely is the subject of the following chapter, wherein I will examine the types of political disorder Jia Yi observed in the empire, and the renovated ritual observances he proposed for its amelioration.

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[1] By this, I mean that he never tries to give any sort of complete definition of ritual. There are cases where he says that *li* is this or that, but never does he try for completeness.

[2] Consider, for example, the following statement from Lothar von Falkenhausen's outstanding study, *Suspended Music: Chime-Bells in the Culture of Bronze Age China* (Berkeley: University of California Press, 1993), 24:

> Yet bronze reigned supreme, culturally and politically, throughout the Three Dynasties. Both the social and the cosmic orders revolved around the material. The elites defined their political power and social ranks in terms of access to, and possession of, ritual paraphernalia made of bronze, such as vessels, weapons, chariots, and bells.

I would propose that this relationship between ritual items and hierarchy are best understood when we consider them, as von Falkenhausen suggests, as reflections of an independently existing hierarchy. The objects themselves, be they of bronze or any other material, of course do not themselves exert any agency: they do not "rule." Rank within the ritually defined hierarchy existed—i.e., was "defined"—already within the system. This defined ranking, then, delimited an individual's access to ritual paraphernalia, which happened to be bronzes and jades. Utility aside, the essential *ritual* nature of these materials was arbitrarily bestowed.

[3] Of course, ritual objects often tend to become ornamented over time, as a sign of reverence and importance. But such is not necessary or universal. To borrow Jessica Rawson's analogy: the chalice used in certain types of Christian worship is often highly decorated and/or made from valuable materials. But plain and inexpensive chalices from pottery or other materials exist and are used. The ritual structure is the same, so the ritual function and value are the same, despite objective differences in quality and value. We could almost consider that ritual removes—or at least modifies—the importance of intrinsic, material value and substitutes an extrinsic basis for valuation. See Jessica Rawson, "Ancient Chinese Ritual as Seen in the Material Record," in Joseph P. McDermott, ed., *State and court ritual in China* (Cambridge: Cambridge University Press, 1999), 24-25.

[4] Any single word, that is, presumably, except for "*li*." Masayuki Sato, *The Confucian Quest for Order: The Origin and Formation of the Political Thought of Xun Zi* (Leiden: Brill, 2003), 178.

[5] I would like to acknowledge at the outset the influence of Wang Xingguo, *Jia Yi ping zhuan*, particularly pages 73-110 on my consideration of *li* in Jia Yi's thought. Although Wang's conclusions are different, there can be no doubt that his analysis in many ways informs mine. Masayuki Sato's *The Confucian Quest for Order: The Origin and Formation of the Political Thought of Xun Zi* introduction to ritual and mine are similar in some respects; particularly, we both discuss some of the same lexical and other early sources. However, many of our understandings and all of our conclusions are very different.

[6] W. South Coblin, "An Introductory Study of Textual and Linguistic Problems in the *Erh-ya*" (PhD dissertation, University of Washington, 1972), vi, 1-40.

[7] *Erya zhu shu*, 3.6b [39] contains this line and the commentaries by Guo Pu and Xing Bing I discuss. Despite the later glosses apparently building on this one, it seems certain that here *li* defines *lü* used as a verb, as the entire "Shi yan" chapter treats only, "verbs, adjectives, and adverbs"; see W. South Coblin, "Introductory

Study," 6. I have also referred to Hao Yixing 郝懿行 (1735-1815), *Er ya yi shu* 爾雅義疏, *Sbby*, 1-2.5b.

[8] *Li ji zheng yi*, 48.5b [821].

[9] *Li ji zheng yi*, 50.24a [856]. Hao Yixing, 1-2.5b cites further examples.

[10] *Zhouyi zheng yi*, 9.11b [187]; Zhang Liwen 張立文, *Zhouyi bo shu jin zhu jin yi* 周易今注今譯 (Taipei: Xuesheng shuju, 1991), 1:152-53; Nan Huaijin 南懷瑾 and Xu Qinting 徐芹庭, *Zhouyi jin zhu jin yi* 周易今注今譯 (Tianjin: Tianjin guji chubanshe, 1987), 433-43.

[11] Cf. Zhang Liwen, 81-83; Edward L. Shaughnessy, *I Ching: The Classic of Changes* (New York: Ballantine Books, 1996), 44-45, 289 note 4.

[12] Coblin, "Introductory Study," 333, reconstructs **ljid* for *lü* and **lidx* for *li* in archaic Chinese, making these quite close.

[13] From "Da lüe," *Xunzi jijie*, 19.495.

[14] E.g., the Mao commentary on the *Shijing* poem "Dongfang zhi ri" 東方之日 (Mao #99), *Maoshi zheng yi*, 5-1.11a [191]; and Chen Li 陳立 (1810-82), *Bohu tong shu zheng* 白虎通疏證 (Beijing: Zhonghua shuju, 1994), 8.382.

[15] *Erya zhu shu*, 3.14a [43].

[16] *Erya zhu shu*, 1.12b [8].

[17] *Shang shu zheng yi*, 14.10b [204]; transl., Legge, *Chinese Classics*, 3:393.

[18] Coblin, "Introductory Study," 380; cf. *Ci yuan*, s.v., "*jia*" 戛.

[19] Duan Yucai, *Shuo wen jie zi zhu*, 1A.2; Ding Fubao 丁福保 (1874-1952), *Shuo wen jie zi gu lin* 說文解字詁林 (1932; rpt. Taipei: Shangwu yinshuguan, 1959), 1A.30b-31b.

[20] *Shuo wen jie zi zhu*, 8B.402.

[21] W. South Coblin, *A Handbook of Eastern Han Sound Glosses*, 184, no. 969 reconstructs Eastern Han pronunciations **liəi* for *li* and **ljiəi* for *lü*.

[22] Wang Niansun 王念孫 (1744-1832), *Guang ya shu zheng* 廣雅疏證 (1796; rpt., Nanjing: Jiangsu guji chubanshe, 1984), 5A.29b [148].

[23] *Zuo zhuan zheng yi*, 56.20a [985].

[24] *Li ji zheng yi*, 23.21b [459].

[25] *Guang ya shu zheng*, 5A.36a [151].

[26] *Shu* 鼠 is a general term for rodents, also used to refer to *Mus decumanus*, the Norway rat; see Bernard E. Read, *Chinese Materia Medica: Animal Drugs* (Beijing: Peking Natural History Bulletin, 1931), no. 388.

[27] *Maoshi zheng yi*, 3-2.2b-3a [122-23]; Cheng Junying 程俊英 and Jiang Jianyuan 蔣見元, *Shijing zhu xi* 詩經注析 (Beijing: Zhonghua shuju, 1991), 144-45.

[28] See Wang Xianqian 王先謙 (1842-1918), ed., *Shi san jia yi ji shu* 詩三家義集疏 (Taipei: Shijie shuju, 1975), 3B.22a-b [91].

[29] Peter A. Boodberg, "Semasiology of Some Primary Confucian Concepts," in Alvin P. Cohen, ed., *Selected Works of Peter A. Boodberg* (Berkeley: University of California Press, 1979), 35.

[30] *Li ji zhu shu*, 50.20b [854].

[31] Ulrich Unger, *Grundbegriffe der altchinesischen Philosophie: Ein Wöterbuch für die Klassische Periode* (Darmstadt: Wissenschaftliche Buchgesellschaft, 2000), 55.

[32] Hsiao Kung-chuan, 182-83.

[33] Yuri Pines, "Disputers of the *Li*: Breakthroughs in the Concept of Ritual in Preimperial China," *Asia Major* 13 (2000): 3-4.

[34] Wu Hung, *Monumentality in Early Chinese Art and Architecture* (Stanford: Stanford University Press, 1995), 20.

[35] *Shi ji*, 99.2722.

[36] *Lunyu* 2/23; *Lunyu zhushu*, 2.8a [19]; transl. following Yang Bojun, *Lunyu yi zhu*, 22.

[37] Huang Hui 黃暉, *Lun heng jiao shi* 論衡校釋 (Beijing: Zhonghua shuju, 1990), 28.1135.

[38] *Shuo wen jie zi zhu*, 2B.78: "*Shu* is the road [*dao*] in the middle of a town" 術, 邑中之道也.

[39] Rawson, 21-22.

[40] Rawson, 23.

[41] From Chesterton, "The Honor of Israel Gow."

[42] G.K. Chesterton, "The Honor of Israel Gow," in *The Innocence of Father Brown* (online at http://www.gutenberg.org/dirs/etext95/infrb10.txt, accessed 17 November 2004).

[43] Robert Bagley, "Meaning and Explanation," in *The Problem of Meaning in Early Chinese Ritual Bronzes*, ed. Roderick Whitfield, 34-55 (London: The School of Oriental and African Studies, 1993).

[44] Falkenhausen's work reflects this understanding, and his *Suspended Music* is an example of the successful integration of archaeological and textual information.

[45] Li Xueqin, *Eastern Zhou and Qin Civilizations*, trans. K.C. Chang (New Haven: Yale University Press, 1985), 5, 12.

[46] Zhang Yachu 張亞初 and Liu Yu 劉雨, *Xizhou jinwen guanzhi yanjiu* 西周金文官制研究 (Beijing: Zhonghua shuju, 1986) relates the ritual and bureaucratic structures related in transmitted texts to the information available in the texts found on recovered bronzes. Edward L. Shaughnessy, "From Liturgy to Literature: The Ritual Contexts of the Earliest Poems in the *Book of Poetry*," in *Before Confucius: Studies in the Creation of the Chinese Classics* (Albany: State University of New York Press, 1997), 165-95, is an attempt to bridge the gap by employing an astute reading of poetry from the *Shijing* to provide needed supporting information concerning Zhou ritual.

[47] The author of *Shi shi* is unknown; according to the colophon, the single-*juan* edition I refer to is not to be attributed to the authors of any number of works bearing the same title. See *Shi shi* (Xuehai leibian 學海類編 edition, in *Baibu congshu jicheng* 百部叢書集成), 2b; the quotation is in fact slightly emended; the *Li ji zhu shu*, 22.18a [438] has it "*Li* certainly has its root in the Supreme One" 禮必本於大一.

[48] This is apparently a slightly paraphrased quotation from Zheng Xuan's "Liu yi lun" 六藝論, a lost work. Kong Yingda's sub-commentary on the "*Shi pu* xu" 詩譜序 says, "The 'Yi lun' discourses on ritual, saying, 'Ritual—its rise was probably simultaneous with the *Shi*'" 藝論論禮云, 禮其初起蓋與詩同時; see "*Shi pu* xu," in *Maoshi zheng yi*, 2a [4]. A number of scholars have collected fragments of this work; see the summary in Zeng Shengyi 曾聖益, "Zheng Xuan 'Liu yi lun' shi zhong ji jiao" 鄭玄"六藝論"十種輯斠 (online at http://www.ncltb.edu.tw/ncltb_c/literary/publish/p4-1/pb4-17.htm, accessed 6 November 2004). The context of the "Liu yi lun" suggests that both "ritual" and "poetry" may be functioning as titles (i.e.,

of the *Li* and the *Shi*), although Zeng's punctuation only marks the *Shi* thus. Be that as it may, the *Shi shi* is clearly using them as ordinary nouns, rather than as titles.

[49] Du Guoxiang, "Lüe lun li yue qiyuan ji Zhongguo lixue de fazhan" 略論禮樂起源及中國禮學的發展, in *Xianqin zhuzi de ruogan yanjiu* 先秦諸子的若干研究 (Beijing: Sanlian shudian, 1955), 186-87.

[50] Xu Fuguan, *Liang Han sixiang shi* 兩漢思想史 , vol. 1, Zhou Qin Han *zhengzhi shehui jiegou zhi yanjiu* 周秦漢政治社會結構之研究 (Taipei: Taiwan Xuesheng shuju, 1985), 99-100.

[51] Cf. Gao Chongwen 高崇文, "Changjiang liuyu lizhi wenhua de fazhan" 長江流域禮制文化的發展, in *Changjian liuyu qingtong wenhua yanjiu* 長江流域青銅文化研究, ed. Gao Chongwen and Yasuda Yoshinori 安田喜憲 (Beijing: Kexue chubanshe, 2002) , 8-15 (especially 8-9), who argues that sacrifices to ancestors grew out of earlier sacrifices to nature spirits.

[52] Xu Shunzhan, "Lun gudai lizhi de chansheng, xingcheng yu lishi zuoyong" 論古代禮制的產生、形成與歷史作用, in *Xu Shunzhan kaogu lunji* 許順湛考古論集 (Zhengzhou: Zhongzhou guji chubanshe, 2001), 115-42. Gao Chongwen, "Changjiang liuyu lizhi wenhua de fazhan," 8-15 makes a number of similar points.

[53] Liu Li 劉莉, "Mortuary Ritual and Social Hierarchy in the Longshan Culture," *Early China* 21 (1996): 1-47; Kwang-chih Chang, "China on the Eve of the Historical Period," in *Cambridge History of Ancient China*, ed. Michael Loewe and Edward L. Shaughnessy (Cambridge: Cambridge University Press, 1999), 60-64; KC Chang, *Art, Myth, and Ritual: The Path to Political Authority in Ancient China* (Cambridge: Harvard University Press, 1983), 107-10; Thomas O. Höllmann, *Neolithische Gräber der Dawenkou-Kultur in Ostchina* (München: Verlag C.H. Beck, 1983), 52-56.

[54] Pines, "Disputers of the *Li*": 4-5.

[55] *Lunyu* 3/9:

> As for the rituals of the Xia—I can speak of them, but [their descendents in] Qi 杞 (mod. He'nan) do not suffice for evidence. As for the Yin (i.e., Shang) rituals—I can speak of them, but [their descendents in] Song do not suffice for evidence. This is because the documents do not suffice. If they were sufficient, then I would be able to provide evidence. 子曰, 夏禮吾能言之, 杞不足徵也. 殷禮, 吾能言 之, 宋不足徵也. 文獻不足故也. 足則吾能徵之矣.

Lunyu zhushu, 3.5b [27]; transl. after Yang Bojun, *Lunyu yi zhu*, 26; mentioned in David N. Keightley, "The Shang: China's First Historical Dynasty," in *Cambridge History of Ancient China*, 233.

[56] Keightley, "The Shang," 233-47, 258-61; Kwang-chih Chang, *Shang Civilization* (New Haven: Yale University Press, 1980), 202-09.

[57] Keightley, "The Shang," 263-68, 290.

[58] The *lieding* system is succinctly outlined in Lothar von Falkenhausen, "The Waning of the Bronze Age," in *The Cambridge History of Ancient China*, 489.

[59] For early Chinese bells generally, see Lothar von Falkenhausen, *Suspended Music: Chime-Bells in the Culture of Bronze Age China* (Berkeley: University of California Press, 1993); regarding rules for possession of bells, see 32-39.

[60] Cho-yun Hsu and Katheryn M. Linduff, *Western Chou Civilization* (New Haven: Yale University Press, 1988), 172-77; Pines, "Disputers": 4-6.

[61] As Li Xueqin, 5, notes, the exact identities of the *wu ba* is a matter of some debate. All lists of the Five Hegemons include Duke Huan of Qi and Duke Wen of Jin 晉文公 (ob. 628 BC). The most usual list is Duke Huan, Duke Wen, Duke Mu of Qin 秦穆公 (ob. 621 BC), Duke Xiang of Song 宋襄公 (ob. 637 BC), and Duke Zhuang of Chu 楚莊公 (ob. 591 BC); see Zhao Qi's commentary, *Mengzi zhu shu*, 12B.1a [218]. At the least, we can accept the notion of Five Hegemons here as metonymy for the disunion of the theoretical Zhou state.

[62] Li Xueqin, 5-7.

[63] Pines, "Disputers": 11.

[64] Pines, "Disputers": 11-17.

[65] Pines, "Disputers": 18, 19.

[66] Nietzsche's *Genealogy of Morals*, particularly sections 2, 10 and 11 of the first essay, suggests that the opposition suggested ought not be accepted as inevitable, that judgments of value (which must include ethical values) are closely linked to power. From this insight, it takes a small step to realize that a close relationship between ethics and the technology of political control is likely, to say the least.

[67] *Lunyu zhu shu*, 17.6a [156]; transl. after Yang Bojun 楊伯峻, *Lunyu yi zhu* 論語譯注 (Beijing: Zhonghua shuju, 1980), 185.

[68] *Lunyu zhu shu*, 2.1b [16]; translation after Yang Bojun, 12. Pertti Nikkilä, *Early Confucianism and Inherited Thought in the Light of Some Key Terms of the Confucian Analects: II. The Terms in the Confucian Analects* (Helsinki: Finnish Oriental Society, 1992), 97-115, recognizes the vital role of ritual plays in Kongzi's conception of government expressed in the *Lunyu*. Pines, "Disputers": 18, touches on this, even as he gives greater importance to the perceived shift in the meaning of the notion.

Li Yujie 李玉洁, *Xianqin zhuzi sixiang yanjiu* 先秦諸子思想研究 (Zhengzhou: Zhongzhou guji chubanshe, 2000), 25-26, makes this same point with reference to other sources. Li refers particularly to the 29th year of Duke Zhao 昭 in the *Zuo zhuan*, which records a diatribe, attributed to Kongzi, against usurpation of noble privilege by commoners, where he says in reference to privileges, "Without a hierarchy of esteemed and abject, by what will you constitute the state?" 貴賤無序, 何以爲國; see *Chunqiu Zuo zhuan zheng yi*, 13.11b-12a.

[69] Ban Gu 班固 (32-92), *Han shu* 漢書 (Beijing: Zhonghua shuju, 1962), 22.1029: "When [the Zhou ritual system] declined, the feudal lords increasingly overstepped the regulations and standards. They detested that the ritual order should harm themselves, and so got rid of its volumes and collections" 及其衰也, 諸侯踰法度, 惡禮制之害己, 去其篇籍.

[70] Li Xueqin, 9.

[71] This and the following short discussion draw from and build upon Pines, "Disputers": 20-30; other sources are cited throughout.

[72] Hsiao Kung-chuan, *History of Chinese Political Thought*, 225-235.

[73] The *Mozi* mentions music at many places and includes entire chapters devoted to criticism of it: "Fei yue" 非樂 sections one through three. This must be understood to mean music as practiced in the Warring States period—an elaborate and expensive privilege of the wealthy. (The criticism is not aimed at humming, etc.)

The *Mozi* explicitly states that music its criticizes is a delightful waste. In our day, one is inclined to accept the latter assertion wholeheartedly—though whether or not the music of modernity can be deemed delightful is an open question. See Sun Yirang 孫詒讓 (1848-1908), *Mozi jian gu* 墨子閒詁 (Beijing: Zhonghua shuju, 2001), 8.251-9.264; NB: the second and third sections of "Fei yue" are no longer extant, and remain only as titles.

[74] *Mozi jian gu*, 6.30-31.

[75] *Mozi jian gu*, 9.288. As Sun Yirang notes, everything listed after "ascending chambers" (*deng wu* 登屋) is unattested in ritual compendia or other sources.

[76] Hsiao Kung-chuan, *History of Chinese Political Thought*, 257-265.

[77] Hsiao Kung-chuan, *History of Chinese Political Thought*, 255, including note 71. Luo Guang 羅光, *Zhongguo zhexue sixiang shi* 中國哲學思想史 (Taipei: Xuesheng shuju, 1996), 354, says that, "Mozi does not deny ritual, but he does not give importance to ritual" 墨子不否定禮, 但不注重禮. Pines makes a similar point when he suggests that, "Mozi's probable dissatisfaction with the ritual system did not lead him to attack *li* openly, but rather to avoid mentioning the term"; Pines, "Disputers": 22.

[78] See also Pines, "Disputers": 22.

[79] Pines, "Disputers": 23-24.

[80] Jiang Lihong 蔣禮鴻, *Shang jun shu zhui zhi* 商君書錐指 (Beijing: Zhonghua shuju, 1986), 3.80. As JLL Duyvendak, *The Book of Lord Shang* (London: Arthur Prosthain, 1928), 84-85, points out, this is just one of the various groupings that Lord Shang proposes to do away with; e.g., *Shang jun shu zhui zhi*, 1.24, 1.29-30, 13.81. Cf. Pines, "Disputers": 24.

[81] Vitaly A. Rubin, *Individual and State in Ancient China: Essays on Four Chinese Philosophers*, trans. Steven I. Levine (New York: Columbia University Press, 1976), 75-77.

[82] *Shang jun shu zhui zhi*, 1.3.

[83] Pines, "Disputers": 23-24.

[84] A.C. Graham, *Disputers of the Tao* (La Salle: Open Court, 1989), 270.

[85] See Pines, "Disputers": 24-26 (quoted from 24-25).

[86] A.C. Graham, 57.

[87] Pines: 25, cites this and a subsequent passage, both from the "Ma ti" 馬蹄 chapter of the *Zhuangzi*. The shorter extract given here is sufficient to make my point. See Guo Qingfan 郭慶藩 (1844-96), *Zhuangzi jishi* 莊子集釋 (Beijing: Zhonghua shuju, 1961), 4B.336; my translation follows Chen Guying 陳鼓應, *Zhuangzi jin zhu jin yi* 莊子今注今譯 (Beijing: Zhonghua shuju, 1983), 246-249.

[88] See A.C. Graham, 176-204.

[89] Pines, "Disputers": 27.

[90] Antonio S. Cua, "*Xin* and Moral Failure: Notes on an Aspect of Mencius' Moral Psychology," in Alan K.L. Chan, ed., *Mencius: Contexts and Interpretations* (Honolulu: University of Hawai'i Press, 2003), 137-38.

[91] Kwong-loi Shun, *Mencius and Early Chinese Thought* (Stanford: Stanford University Press, 1997), 52-57; Pines, "Disputers": 27.

[92] Shun, 224; Pines, "Disputers": 28-29.

[93] *Mengzi zhu shu*, 21A.7b [195]; transl. Legge, *Chinese Classics*, 2: 402-3.

[94] Mark Edward Lewis, "Ritual Origins of the Warring States," *Bulletin de l'École française d'Extrême-Orient* 84 (1997): 73-98, especially 73-88.

[95] Pines, "Disputers": 30-31.

[96] Hsiao Kung-chuan, 182.

[97] Pines, "Disputers": 34.

[98] Wang Xianqian, *Xunzi jijie*, 13.349; Luo Guang, *Zhongguo zhexue sixiang shi*, 656-59; AC Graham, *Disputers of the Tao* (La Salle: Open Court, 1989), 259.

[99] From "Li lun," *Xunzi jijie*, 13.346: "The first kings detested the disorder [that followed from uncontrolled desire and subsequent contention], and accordingly constructed ritual and righteousness" 先王惡其亂也, 故制禮義.

[100] These are chapters 19 and 20. The text I follow is found in *Xunzi jijie*, 13.346-14.385.

[101] In writing, I referred to discussions of *li* in Luo Guang, 654-59; and Paul Rakita Goldin, *Rituals of the Way: The Philosophy of Xunzi* (La Salle: Open Court, 1999), 65-81;

[102] *Xunzi jijie*, 14.382. Contrast this to the ideas of Shang Yang, *Shang jun shu zhui zhi*, 2.52:

> A sage took it over and created the differentiation of territories, commodities, and men and women. It would be unacceptable if the differentiation were settled but there was no system, so he established proscriptions. 聖人承之, 作爲土地貨財男女之分. 分定而無制, 不可, 故立禁.

[103] Hansen, *A Daoist Theory of Chinese Thought*, 314.

[104] *Xunzi jijie*, 13.346-47.

[105] Chong Kim Chong, "Confucius' Virtue Ethics. *Li*, *Yi*, *Wen* and *Chih* in the *Analects*," *Journal of Chinese Philosophy* 25 (1998): 101-30 would impute a similar aesthetic sense to Kongzi's observance and propounding of the rites. The evidence offered is, however, rather slim, and relies upon interpretation; this is a clear contrast with Xunzi's explicit formulation. One recent study that takes up aesthetics in early China using the example of Xunzi is Michael Nylan, "On the Politics of Pleasure," *Asia Major*, third series 14 (2001): 73-124.

[106] Xiong Wan 熊琬, "Xunzi suowei li yu Han Fei suowei fa zhi yantao" 荀子所謂禮與韓非所謂法之研討 (MA thesis, Furen University, 1975), 132.

[107] See *Xunzi jijie*, 13.350-51.

[108] *Xunzi jijie*, 13.358.

[109] The four classes of elites are Son of Heaven (*tianzi* 天子; though not a class exactly, since he is [theoretically] unique—his class is perhaps best understood as a set with one member), feudal lord (*zhuhou* 諸侯), grandees (*dafu* 大夫), and the clerisy (*shi* 士). See *Xunzi jijie*, 13.359.

[110] *Xunzi jijie*, 13.360.

[111] Yao Shunqin 姚舜欽, *Qin Han zhexue shi* 秦漢哲學史 (Shanghai: Shangwu yinshuguan, 1936), 16-23, discusses Li Si as a thinker; see also Derk Bodde, *China's First Unifier: A Study of the Ch'in Dynasty as Seen in the Life of Li Ssu (?280-208 BC)* (Leiden: E.J. Brill, 1938).

[112] *Han Feizi*, "Wai chu shuo you shang" 外儲說右上, Wang Xianshen, *Han Feizi jijie*, 13.314. In the source, these words are attributed to Kongzi, but more likely simply borrow the sage as mouthpiece for Han Fei's own views.

[113] "Jie Lao" 解老, *Han Feizi jijie*, 6.132.

[114] Although his exact translations are different, my translation of *qing* as "internal reality" is influenced by AC Graham, "The Mencian Theory of Human Nature," in *Studies in Chinese Philosophy & Philosophical Literature* (Singapore: Institute of East Asian Philosophies, 1986), 59-65; and Graham, *Later Mohist Logic, Ethics and Science* (Hong Kong: Chinese University Press, 1978), 179-82.

[115] *Han Feizi jijie*, 6.132.

[116] "Jie Lao," *Han Feizi jijie*, 6.133.

[117] *Han Feizi jijie*, 6.134.

[118] "Wu shi" 五蠹, *Han Feizi jijie*, 19.449.

[119] "Jie Lao," *Han Feizi jijie*, 6.144.

[120] *Han Feizi jijie*, 3.59.

[121] Li Yu-ning, "Introduction," *The First Emperor of China* (White Plains: International Arts and Sciences Press, 1975), xv-xviii.

[122] *Han shu*, 22.1029.

[123] *Shi ji*, 28.1366-67; transl. follows Yang Yanqi, *Shi ji quan yi*, 1358.

[124] See *Zi zhi tong jian*, 7.238-39; *Shi ji*, 28.1366-67; *Han shu*, 25A.1201-02. According to *Shi ji*, 28.1367 and *Han shu*, 25A.1202, the Eight Spirits are the Lord of Heaven (Tian zhu 天主), Lord of Earth (Di zhu 地主), Lord of Armies (Bing zhu 兵主), Lord of Dark (Yin zhu 陰主), Lord of Bright (Yang zhu 陽主), Lord of the Moon (Yue zhu 月主), Lord of the Sun (Ri zhu 日主), and Lord of the Four Seasons (Sishi zhu 四時主).

[125] This is a major theme in Martin Kern, *The Stele Inscriptions of Ch'in Shih-huang: Text and Ritual in Early Chinese Imperial Representation*.

[126] Not only did the emperor carefully choose his own title (*huangdi* 皇帝, "emperor," lit. "august thearch"), but he also posthumously gave his father the title of Supremely August (Taishang huang 太上皇). See *Zi zhi tong jian*, 7.235; *Shi ji*, 6.235.

[127] *Zi zhi tong jian*, 7.236; *Shi ji*, 6.239. He also made twelve statues of men.

[128] Treated in von Falkenhausen.

[129] Martin Kern, *The Stele Inscriptions of Ch'in Shih-huang: Text and Ritual in Early Chinese Imperial Representation* (New Haven: American Oriental Society, 2000).

[130] *Shi ji*, 99.2722. It says there also,

> Emperor Gao did away with all the onerous ceremonial ordinances of the Qin, making [rituals] simple and easy. Consequently, the group of vassals would drink beer and contend about their merits, and when drunk, some would call out wantonly, or draw their swords and strike the pillars. Emperor Gao worried about this. 高帝悉去秦荷儀法, 爲簡易. 群臣飲酒爭攻, 醉或妄呼, 拔劍擊柱, 高帝患之.

[131] This distinction can be found, for example, in the *Zuo zhuan*, 5th year of Duke Zhao 昭:

> The marquis of Jin said to Ru Shuqi 女叔齊, "Isn't the marquis of Lu, for his part, good at ritual?" [Ru] responded, saying, "How could the marquis of Lu know ritual?" The lord (the marquis of Jia) said, "Howso? From the suburban

> greeting [upon arrival] (*jiaolao* 郊勞) to the giving of gifts [at departure] (*zenghui* 贈賄), he did not transgress a single ritual [rule].[131] For what reason would he [be considered] not to know?" [Ru] responded, "These are [mere] ceremonies and cannot be called ritual. Ritual is the means by which to guard the state, enact governmental policy, and to not lose the people… While the roots and branches of ritual should lay in these, but [instead, only] punctilious, he practices [mere] ceremony with zeal. Isn't it far [off the mark] to say he is good at ritual?" 晉侯謂女叔齊曰, 魯侯不亦善於禮乎. 對曰, 魯侯焉知禮. 公曰, 何爲. 自郊勞至贈賄, 禮無違者. 何故不知. 對曰, 是儀也, 不可謂禮. 禮所以守其國, 行其政令, 無失其民者也… 禮之本末將於此乎在, 而屑屑焉習儀以亟. 言善於禮不亦遠乎.[131]

See *Chunqiu Zuo zhuan zheng yi*, 33.7a [745]; cf. translation in Legge, 5: 604.

[132] *Zi zhi tong jian*, 7.243-44.

[133] Thus, it is specifically the Ru of Lu that Qin Shihuang summons to discuss the *feng* 封 and *shan* 禪 rituals; *Zi zhi tong jian*, 7.238. Similarly, it is expressly to the Ru of Lu that Gongsun Hong applies for knowledge of ancient ritual (*gu li* 古禮); *Shi ji*, 99.2722.

[134] *Jiazi Xin shu jiao shi*, 6.669-714; *Xin shu jiao zhu*, 6.214-17.

[135] *Baoyu* 鮑魚 is famous for its bad smell. In the "Shi yin shi" 釋飲食 section of *Shi ming* 釋名, Liu Xi 劉熙 (ca. 2nd-3rd cent.) explains *baoyu* as follows: "*Baoyu*: *bao* means 'rotten.' It is buried and marinated, causing it to rot and stink" 鮑魚, 鮑, 腐也. 埋藏奄 [= 醃], 使腐臭; see Liu Xi, *Shi ming*, *Skqs*, 4.9b.

There is an apocryphal aphorism attributed to Kongzi that also touches upon the smell of *baoyu*:

> Dwelling with good people is like entering a chamber of mushrooms and eupatorium (*zhilan* 芝蘭, metonymy for fragrance) chamber—after a long while you no longer smell the fragrance, having already been changed by it. Dwelling with ungood people is like entering a *baoyu* market-stall—after a long while, you no longer smell the stink, for your part having been changed by it. 與善人居如入芝蘭之室. 久而不聞其香, 既與之化矣. 與不善人居如入鮑魚之肆. 久而不聞其臭, 亦與之化矣.

See Wang Su 王素 (195-256), *Kongzi jiayu* 孔子家語, *Sbby*, 4.4a; Sun Zhizu 孫志祖 (1737-1801), *Jiayu shu zheng* 家語疏證 (Taipei: Guangwu shuju, 1971), 2.13a [67]. This is also found in Liu Xiang 劉向 (ca. 79 - ca. 6 BC), *Shuo yuan* 說苑, *Sbby*, 17.12b; and cf. the very similar idea expressed in the *Da Dai li ji* 大戴禮記, in Wang Pinzhen, *Da Dai li ji jiegu*, 5.97.

The metaphorical use of *baoyu* as something stinky to which one becomes accustomed to appears elsewhere as well. In his preface, Jia Sixie 賈思勰 (6th cent.), *Qi min yao shu* 齊民要術, *Sbby*, 0.4b quotes the lost *Zhong Changzi* 仲長子, which says, "[Dwelling in a] *baoyu* market-stall, you do not yourself think the air stinks; the people of the Four Barbarians do not themselves think their food is strange. Birth and custom make it so" 鮑魚之肆不自以氣爲臭, 四夷之人不自以食爲異. 生習然也.

The potency of *baoyu*'s malodorous effluvia is further attested in the *Shiji*, 6.264, where it is used to mask the smell of Qin Shihuang's spoiling corpse.

[136] *Jiazi Xin shu jiao shi*, 6.669; *Xin shu jiao zhu*, 6.214.

[137] The translation "feet and yards" is a paraphrase. *Xun* 尋 and *chang* 常 here are units of linear measure, but there are unfortunately no convenient translations for them. Taken together, they can be used metaphorically to mean either small or great distances. Here, I follow Qi to interpret it as referring to small rooms. This sense can be found in the *Zuo zhuan*, 12th year of Duke Cheng: "They contended over [mere] *xun* and *chang* [of territory], thereby exhausting their people" 爭尋常以盡其民; Du Yu says, "Eight *chi* is called a *xun*; a doubled *xun* is called a *chang*" 八尺曰尋, 倍尋曰常; see *Chunqiu Zuo zhuan zheng yi*, 27.7b [459]. One *xun* was thus equal to about 56 inches, and a *chang* to about 112 inches. Since there are no common equivalents for these measures, and they are at any rate used metaphorically, I render them as "feet" and "yards" (both understood in plural).

[138] Following Qi, I read *yu* 與, "to give; and," as *yu* 輿, "cart." This borrowing is attested in other sources; cf. Gao Heng, 846.

[139] *Jiazi Xin shu jiao shi*, 6.669; *Xin shu jiao zhu*, 6.214.

[140] Jia Yi employs this metaphor in the "Jie ji" chapter of the *Xin shu*, discussed in my "Ritual and Punishment" chapter.

[141] *Jiazi Xin shu jiao shi*, 6.673; *Xin shu jiao zhu*, 6.214; *Li ji zheng yi*, 1.10b-11a [14-15].

[142] Consider the "Li yue zhi" 禮樂志, *Han shu*, 22.1028:

> Music is the means to regulate internally and create togetherness; ritual is the means to cultivate externally and create differences. If there is togetherness, then [people] will be harmonious and close; if there are differences, there will be awe and reverence…if there is awe and reverence, they will not contend…. The intentions of awe and reverence are hard to show, so [people] express them in offering and presenting, declining and accepting, ascending and descending, kneeling and doing obeisance. 樂以治內而爲同, 禮以修外而爲異. 同則和親, 異則畏敬. 和親則無怨, 畏敬則不爭. 揖讓而天下治 者, 禮樂之謂也. 二者並行, 合爲一體. 畏敬之意難見, 則著之於享獻 辭受, 登降跪拜.

[143] *Jiazi Xin shu jiao shi*, 1.146; *Xin shu jiao zhu*, 1.47.

[144] Cf. David Schaberg, "The Logic of Signs in Early Chinese Rhetoric," in Steven Shankman and Stephen W. Durrant, eds., *Early China / Ancient Greece: Thinking Through Comparisons* (Albany: State University of New York, 2002), 155-186, which discusses the "logic of signs," by which physiognomy and other traits indicate the caliber of the person in the *Zuo zhuan*. In later times, physical appearance was also understood to manifest mettle. In his "Wang ming lun" 王命論, Ban Biao 班彪 (3-54) says that Gaozu's success was indicated by the fact that, "In his form and appearance, he had many marvelous peculiarities" 體貌多奇異, suggesting that his future position was evinced in his physical characteristics; Xiao Tong, *Wen xuan*, 52.2266.

[145] In the "Liu shu" 六術 (Sixes techniques) chapter, Jia Yi defines the "Six Relations" (Liuqin 六親) as those between father and son, brothers older and younger,

first cousins, second cousins, third cousins, and members of a single clan; *Jiazi Xin shu jiao shi*, 8.951-52; *Xin shu jiao shi*, 8.317.

[146] The Four Guylines (*si wei* 四維) are explained in the eponymous section of the "Mu min" 牧民 chapter of *Guanzi*, *Sbby*, 1.1b-2a: "What are called the Four Guylines? The first is ritual, the second righteousness, the third incorruptibility, and fourth, [a sense of] shame" 何謂四維. 一曰禮, 二曰 義, 三曰廉, 四曰恥.

[147] *Jiazi Xin shu jiao shi*, 3.299; *Xin shu jiao zhu*, 3.92.

[148] From "Tong bu" 銅布, *Jiazi Xin shu jiao shi*, 3.353; *Xin shu jiao zhu*, 3.111.

[149] *Jiazi Xin shu jiao shi*, 6.677; *Xin shu jiao zhu*, 6.214.

[150] The following reminds me of Cedric the Saxon in Sir Walter Scott's *Ivanhoe*, who expressed his refusal to submit to Norman rule by placing by taking "a vow never to step more than three steps from the dais of his own hall to meet any who shares not the blood of Saxon royalty." By refusing to step away from his seat of authority, Cedric maintained an attitude of superiority, forcing his French visitors to go to him, like subordinates. This was effectively to treat him as holder of superior rank, though they were nominally his overlords.

[151] My translation of "master's stair" for *zuojie* 阼階 is a paraphrase. *Zuo* 阼 is defined in the *Shuo wen*, "*Zuo* means the lord's stair" 阼, 主階也. Since *zhu* 主, "lord," can also mean "master" (of a household, etc.), I use "master" to prevent confusion. The point is that there were two stairs to the hall, one of which (the *zuo*) was reserved for the master of the household, but which reverted to the Son of Heaven if the sovereign should deign to call. As Duan Yucai comments, this stair was supposed to be the eastern; *Shuo wen jie zi zhu*, 14B.736.

[152] The Lu edition repeats *zuojie* 阼階, which I paraphrase as "master's stair," here, an unnecessary emendation.

[153] *Jiazi Xin shu jiao shi*, 6.677; *Xin shu jiao zhu*, 6.214-15.

[154] *Li ji zhu shu*, 25.14a [486]; cf. also 51.21b [870].

[155] I.e., the whole of the realm.

[156] Wang Xianqian, *Xunzi jijie*, 17.449-450.

[157] Michel Foucault, *Discipline and Punish: The Birth of the Prison*, translated by Alan Sheridan (New York: Vantage Books, 1979), 146.

[158] *Jiazi Xin shu jiao shi*, 8.898; *Xin shu jiao zhu*, 8.293.

[159] *Li ji zhu shu*, 12.2a [235].

[160] Cf. the *Li ji zhu shu*, 11.27a [225]: "The feudal lords, in their dealings with the Son of Heaven, [are as follows]: every year, they pay a minor visit; every three years, a major visit; and every five years come for a court visit (*chao*)" 諸侯之於天子也, 比年一小聘, 三年一大聘, 五年一朝.

[161] *Chunqiu Zuo zhuan zheng yi*, 16.16b [269].

[162] *Zuo zhuan*, 24th year of Duke Xi, 2nd year of Duke Xuan, 18th year of Duke Cheng; see *Chunqiu Zuo zhuan zheng yi*, 15.15a [254], 21.12b [365], 28.28b [485]; the first two of these cases are also cited in the *Shi ji*, 39.1661 and 39.1676.

[163] *Shi ji*, 12.482, 28.1402.

[164] *Lunyu zhu shu*, 12.6b [108]; transl. after Yang Bojun, *Lunyu yi zhu*, 128.

[165] *Jiazi Xin shu jiao shi*, 6.677; *Xin shu jiao zhu*, 6.215.

[166] Bret Hinsch, *Women in Early Imperial China* (Lanham: Rowman & Littlefield Publishers, 2002), 34 makes a similar point with specific reference to women's roles in familial relationships.

[167] "Li hou yi" 立後義. Reading this chapter, one imagines the discomfort of a courtier without a clear object for his sycophancy—or remonstrance, depending upon his predilections.

[168] Discussed above in the "Unstable Roots" chapter.

[169] *Lunyu* 2/1; *Lunyu zhu shu*, 2.1a [16]; translation after Yang Bojun, 11.

[170] E.g., "Fu ni" 服疑: "If someone declines these [prerogatives] of his own accord, then he is demoted; if someone arrogates them, then he is executed" 擅退則讓, 上僭則誅; *Jiazi Xin shu jiao shi*, 1.162, *Xin shu jiao zhu*, 1.53.

[171] From the poem, "Zou yu" 騶虞 (Mao #25); *Maoshi zheng yi*, 1-5.13b-15b [68-69].

[172] *Jiazi Xin shu jiao shi*, 6.681; *Xin shu jiao zhu*, 6.215. The interpretation Jia Yi here matches closely one intentified as that of the Lu 魯 interpretive school; cf. Wang Xianqian, *Shi san jia yi ji shu*, 2.39a-40a [49].

[173] *Jiazi Xin shu jiao shi*, 6.684; *Xin shu jiao zhu*, 6.215. Note that my translation reads *huan* 還 as *dai* 逮 /遝, "to reach," as suggested by Yu Yue, *Zhuzi ping yi*, 28.328: "*Hai/huan* is an error for *dai*` 遝. The 'Guang gu' 廣詁 chapter of the *Xiao Erya* [Hu Chenggong, *Xiao Erya yi zheng*, *Sbby*, 1.5b]: '*Mei* means without' 沒, 無也. The *Fang yan* 方言 [Dai Zhen, *Fang yan shu zheng*, *Sbby*, 3.6a] says, '*Dai*` means to reach.'" 還乃遝之誤. 小爾雅廣詁, 沒, 無也. 方言曰, 遝, 及也.

Qi accepts Yu Yue's explanation of the line, but suggests a different route to the same conclusion. Qi cites a number of examples of *hai*/*huan* written in error for *dai* 逮, "to reach." The relevant meaning of *dai* is also attested, e.g., in the *Shuo wen*, 2B.72, "*Dai* … means 'to reach'" 逮…及也. However, since *dai* and *dai*` were homophonous and synonymous (at least in this sense), both explanations reach the same point. Phonetic substitutions of *dai* and *dai*` are also attested in other sources; cf. Gao Heng, *Guzi tongjia huidian*, 534. If not emended, this line could be understood to end, "There is none that does not respond."

[174] You Yu (ca. 7th c. BC) was member of a clan that at some unspecified time had fled the state of Jin 晉 and joined the Rong 戎 tribesmen. Thus, You Yu could speak Jin dialect. Presumably because of his ability to communicate directly, he was sent as an emissary to Duke Mu of Qin. Duke Mu was impressed with You Yu's worth and wanted to employ him, but was unable to persuade him to forsake his ruler. So Duke Mu changed tactics and sent female musicians to debauch the Rong ruler. As a result, when You Yu returned to the Rong, the king would not heed his advice; at the same time, Duke Mu repeatedly made overtures to You Yu. In the end, You Yu left the Rong and joined Qin. With You Yu's counsel, Duke Mu was able to conquer the Rong. See "Qin ben ji" 秦本紀, *Shi ji*, 5.192-94.

[175] *Baoju* 苞苴 actually refers to two sorts of grass wrapping for gifts, but is also used to refer to the gifts themselves The *Shuo wen jie zi* says, "*Bao* is grass" 苞, 艸也; and, "*Ju* is the grass in shoes" 苴, 履中艸; see *Shuo wen*, 1B.31, 1B.44.

The "Qu li" chapter of the *Li ji* mentions *baoju* along with *dansi* 簞笥, another word for square and round baskets, in the context of gifts. Zheng Xuan explains, "*Baoju* is wrapped fish or meat; sometimes [wrapped] with reeds, and sometime with grass. *Dansi* are the things filled with food; the round are called *dan* 簞, the square are called *si* 笥" 苞苴, 裹魚肉, 或以葦或以茅. 簞笥, 盛飯食者, 圜曰簞方曰笥; *Li ji zhu shu*, 2.30a [45].

Similar to *baoju*, the *kuangfei* 筐篚 mentioned by Jia Yi actually refers to two kinds of baskets, square and round; like *baoju*, *kuangfei* comes to refer to the gifts contained in the baskets. The *Guang yun*, 3.12a [255] says, "Regarding bamboo containers: the square are called *kuang* 筐, the round are called *fei* 篚" 竹器, 方曰筐, 圓曰篚. Although the words used differ, these are surely like the *dansi* baskets mentioned in the "Qu li." The Mao preface to "Lu ming" 鹿鳴 (Mao #161) mentions *kuangfei* in the context of gifting: "Having given them to drink and eat, [the lord] moreover fills baskets square and round (*kuangfei*) with goods and silks, in order to carry out his magnanimous intentions" 既飲食之, 又實幣帛筐篚. 以將其厚意.

[176] The *Hanzu da cidian*, *s.v.*, "*Yanchen*" 腌陳, defines this binome as foodstuffs that have been pickled for long-term preservation. The *Shuo wen jie zi*, 4B.176 defines, "*Yan* 腌 means pickled meat" 腌, 漬肉也, so I translate the term as specifically referring to meat. *Chen* 陳 generally can mean old; here, I follow the *Hanyu da cidian* to take it to mean that the pickled meats are meant to last a long time, thus my "provisions."

[177] From "Mu gua" 木瓜 (Mao #64); *Maoshi zheng yi*, 3-3.16a [141].

[178] "Li," *Jiazi Xin shu jiao shi*, 6.684-85; *Xin shu jiao zhu*, 6.215.

[179] *Li ji zhu shu*, 2.30a [45].

[180] Cheng Junying and Jiang Jianyuan, *Shijing zhu xi*, 191-193 discuss this poem. They state outright that this is a song about gift giving between lovers (or prospective lovers) and specifically refute the Mao interpretation: "The Mao explanation is without any historical basis, and seems untrustworthy" 毛說沒有什麼依據, 似不可信; see Cheng and Jiang, 191.

[181] *Maoshi zheng yi*, 3-3.15b [141].

[182] Wang Xianqian, *Shi san jia yi ji shu*, 3B.31a-32b.

[183] Kong Fu 孔鮒 (trad. attrib., ca. 264-208 BC), *Kong cong zi* 孔叢子, *Sbby*, 1.7b.

[184] Wang Liqi 王利器, ed. and comp., *Yan tie lun jiao zhu* 鹽鐵論校注 (Beijing: Zhonghua shuju, 1992), 5.272

[185] *Jiazi Xin shu jiao shi*, 6.689-90; *Xin shu jiao shi*, 6.215-16.

[186] *Jiazi Xin shu jiao shi*, 6.690; *Xin shu jiao shi*, 6.216.

[187] Although "banquets" is elided and—as I show below—*bu ju* 不舉 can often refer to not holding music, as Sun Yirang points out, music simply does not fit the duties of the *shanfu*; see Sun Yirang, *Zhou li zheng yi* 周禮正義 (Beijing: Zhonghua shuju, 1987), 7.248-250.

[188] I translate *gu* 故, literally, "cause," here as "difficulty," because I assume that any cause that calls for curtailment of pleasures must necessarily be a negative one—as are the causes mentioned before this one. Zheng Zhong suggests, "Great *gu* means execution" 大故刑殺也; *Zhou li zheng yi*, 4.4a [58]. He cites the case from the *Zuo zhuan* for the 20th year of Duke Zhuang 莊公 that I mention below in the text. However, as another case I also mention shows, this was not the only case in which banquets (presumably) were not held; thus my more general translation.

[189] *Zhou li zhu shu*, 4.4a [58]; cf. Sun Yirang, *Zhou li zheng yi*, 7.248-250.

[190] *Chunqiu Zuo zhuan zheng yi*, 19B.23b [339]; Du Yu adds, "[to not hold] means to do away with splendid meals" 去盛饌.

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[191] *Chunqiu Zuo zhuan zheng yi*, 48.2a [834]. *Han shu*, "Wu xing zhi" 五行志, 7B.1495-96 states that it quotes from the *Zuo zhuan*, and though the exact phrase "When there is an eclipse, the Son of Heaven does not hold…"日有食之, 天子 不舉 matches the above cases, the "Wu xing zhi" goes on to quote the grand scribe (*taishi* 太史), who explains, "To 'not hold' is to get rid of music" 不舉, 去樂也. However, I cannot find this in the extant *Zuo zhuan*.

[192] *Li ji zheng yi*, 29.8b [546].

[193] *Chunqiu Zuo zhuan zheng yi*, 26.9a [440].

[194] According Zheng Xuan's commentary on the *Zhou li*, the Four Peaks 四鎮 are the four important and great mountains: Kuaiji 會稽 of Yangzhou 揚州 (in mod. Jiangsu), Mount Yi 沂山 of Qingzhou 青州 (in mod. Shandong), Yiwulü 醫無閭 of Youzhou 幽州 (in mod. Liaoning), and Mount Huo 霍山 of Jizhou 冀州. There are two Mount Huos, one in modern Shanxi, the other in modern Anhui; according to Jia Gongyan's 賈公彥 (7th c.) sub-commentary, the *Zhou li* here refers to the one in Anhui. See *Zhou li zhu shu*, 22.23a [345].

There are two explanations for the Five Marchmounts 五嶽, both of which are reflected in the "Shi shan" 釋山 chapter of the *Er ya* 爾雅. The first is Dai 岱 [= Mount Tai 泰山] in Yanzhou 兗州 (in mod. Shandong), Heng 衡 in Jingzhou 荊州 (in mod. Hunan), Hua 華 in Yuzhou 預州 (in mod. Shaanxi), Yue 嶽 in Yongzhou 雍州 (I have been unable to ascertain the precise location of this mountain; Yongzhou is in the area of modern Shaanxi and Qinghai provinces), and Heng 恆 in Bingzhou 并州 (in mod. Hebei); this is the explanation given by Zheng Xuan in his commentary. The second version of the Five Marchmounts listed in the *Er ya* are the same, except that Yue is replaced by Songgao 嵩高 (in mod. Henan). See the "Shi shan" 釋山 chapter of *Er ya zhu shu*, 7.14 [116], 7.17a [118]; also Sun Yirang, *Zhou li zheng yi*, 43.1786-1790. The latter set seems the more famous.

Each of the marchmounts corresponds to a direction; as Edouard Chavannes, *Le T'ai chan: Essai de monographie d'un culte chinois* (Paris: Ernest Leroux, 1910), 3-4 puts it: "Ce sont: le *Song kao* 嵩高 ou pic du Centre, le *T'ai chan* 泰山 ou Pic de l'Est, le *Heng chan* 衡山 ou Pic du Sud, le *Houa chan* 華山 ou Pic de l'Ouest, le *Heng chan* 恆山 ou Pic du nord." Edward H. Schafer, *Pacing the Void: T'ang Approaches to the Stars* (Berkeley: University of California Press, 1977), 6 gives the translation of "marchmount" for *yue* 嶽, "Based on the ancient belief that these numinous mountains stood at the four extremities of the habitable world, the marches of man's proper domain, the limits of the ritual tour of the Son of Heaven."

[195] *Zhou li zhu shu*, 22.23a [345].

[196] Wu Zeyu 吳則虞, *Yanzi chunqiu jishi* 晏子春秋集釋 (Beijing: Zhonghua shuju, 1962), 74.

[197] Harold David Roth, *The Textual History of the* Huai-nan Tzu (Ann Arbor: Association for Asian Studies, 1992), 16, notes that the *Huainanzi* was presented to Emperor Wu in 139 BC.

[198] He Ning 何寧, *Huainanzi jishi* 淮南子集釋 (Beijing: Zhonghua shuju, 1998), 9.683.

[199] "Zhou yu shang" 周語上, *Guo yu*, *Sbby*, 1.11a; *Zuo zhuan*, 20th year of Duke Zhuang 莊公, *Chunqiu Zuo zhuan zheng yi*, 9.19b [161].

[200] Wang Xianshen, *Han Feizi jijie*, 19.446.

[201] *Chunqiu Zuo zhuan zheng yi*, 37.14a [635].

[202] *Han shu*, 51.2334: "Before [the vassal] is entombed, [the lord] does not hold music" 未葬不舉樂.

[203] *Li ji zheng yi*, 18.16b [365].

[204] *Chunqiu Guliang zhuan zhu shu* 穀梁傳注疏, 16.6b – 7a.

[205] "Li," *Jiazi Xin shu jiao shi*, 6.690; *Xin shu jiao zhu*, 6.216.

Chapter 4

PRACTICAL RITUAL

> Be a man's intellectual superiority what it will, it can never assume the practical, available supremacy over other men, without the aid of some sort of external arts and entrenchments, always, in themselves, more or less paltry and base… Such large virtue lurks in these small things when extreme political superstitions invest them, that in some royal instances even to idiot imbecility they have imparted potency.
>
> -Herman Melville, *Moby Dick*

Jia Yi is primarily interested in more or less concrete political problems. Thus is the following passage at first glance somewhat surprising:

> Even though the feudatory kings are, in name, your vassals, they each take the attitude of a commoner's brother.[1] In general, there are none that do not model their systems on the emperor's, and they make themselves into [imitations of] the Son of Heaven. They unilaterally ennoble people, pardon capital crimes, and some of the worst cover [their chariots] with the Yellow Canopy.[2] 諸侯王雖名爲人臣, 實皆有布衣昆弟之心, 慮無不宰制而天子自爲者. 擅爵人, 赦死罪, 甚 者或戴黃屋.[3]

The underlings of Emperor Wen whose acts Jia Yi criticizes are real threats to Han power. He seems to be describing in particular acts attributed to Liu Chang 劉長 (ob. 174 BC), son of Han founder Liu Bang and then king of Huainan 淮南, who went so far as to declare himself Eastern Emperor (Dongdi 東帝) in defiance of Emperor Wen.

Other of Liu Chang's offenses are described in a joint memorial (*zazou* 雜奏) submitted by Zhang Cang, Feng Jing, and others in 174 BC, which reads in part,

> The king of Huainan, Chang, has discarded the laws of the previous emperors, and does not heed the Son of Heaven's edicts. He lacks proper measure in his lifestyle and he has made a Yellow Canopy to cover his chariot. In his comings and goings, he imitates the Son of Heaven; arbitrarily making laws and commands, he does not use Han law. As for those that he installs as officers: he has made his gentleman-of-the-palace Chun 春 his chancellor, and he collects the men of all the Han feudal lords as well as those criminals that have fled punishment. He hides them and gives them shelter, making households and homes for them. He gives them wealth, rank, emolument, fields, and residences. 淮南王長廢先帝法, 不聽天子詔, 居處無度, 爲黃屋蓋乘輿, 出入擬於天子, 擅 爲法令, 不用漢法. 及所置吏, 以其郎中春爲丞相, 聚收漢諸侯人及有罪亡 者, 匿與居, 爲治家室, 賜其財物爵祿田宅.[4]

Liu Chang is the focus of these criticisms, but he was not alone in usurping imperial privilege—thus Jia Yi's comment that among the local rulers, "there is none that does not model their systems on the emperor's." And although Liu Chang died in 174 BC, this pattern of increasing insolence would culminate in the most serious challenge to Han rule before Wang Mang's 王莽 (reg. 9-23) usurpation: the Revolt of the Seven Kingdoms (Qiguo zhi luan 七國之亂) in 154 BC under Wen's successor Emperor Jing 景 (reg. 156 – 141 BC).[5]

Rather than discussing the plotting of rebellion or accumulation of men hostile to the Han regime, acts cited in the memorial criticizing Liu Chang and mentioned by Jia Yi elsewhere,[6] Jia Yi focuses here on things that might seem relatively inconsequential to a modern reader: imitation of systems, pardoning criminals—even going so far as to say, "some of the worst cover [their chariots] with the Yellow Canopy (*huang wu* 黃屋)." At first glance, this could look like a step into the abstract and unimportant, away from the central political issues.

But for Jia Yi, the usurpation of ritual privileges is a matter of greatest—and most concrete—consequence. The feudal lords he condemns perform acts that belong to the emperor alone, and avail themselves of objects—symbolized by the Yellow Canopy—whose possession is limited to him. By usurping these privileges, these underlings are not merely subverting an abstract system. In Jia Yi's analysis, these acts represent active attempts to supplant the position of the emperor.

Thus, Jia Yi's interest in ritual should be understood as part of his broader concern with practical matters. He treats ritual in both the abstract and the concrete, effectively bridging the gap between the two. Rather than focusing exclusively on theoretical discussion of ritual, or on how a ritual is carried out or the characteristics of ritually significant objects, he brings the two together in the context of a ritual-political system. In particular, analysis of Jia Yi's ideas provides an understanding of how he understood ritual to work in the context of practical governance. His ideas are not new and are essentially an extension of Xunzi's. But his application of these ideas in the context of the early Han dynasty is interesting and instructive. My focus here will be on this crossing-over of theory and praxis, extending the discussion from the previous chapter into the concrete realm. At the beginning of this discussion of ritual, I would like to acknowledge the influence of Wang Xingguo and Yu Chuanbo on my formulations. Although my conclusions are very different, my consideration is defininitely informed by their analyses.[7]

The Domain of Ritual

The first step here should be to define the scope of what Jia Yi considered as the ritual system. But as noted before, Jia Yi never really defines ritual generally or specifically, so there is unfortunately no easy way to delimit what is possessed of a ritual function. But we can identify some of the things that he *probably* considered ritual.

In the absence of a clear definition of what constitutes ritual in Jia Yi's writings, the first task becomes establishing the general "ritual" nature of what comes in the following section. To do this, I will first lay out the five types of things that will appear in Jia Yi's discussion of ritual: clothing and similar accoutrement, terminology and titles, acts, music, and funerals. Because Jia Yi does not always explain them as such, I will use other texts to support my contention that these are in fact ritually significant, with particular attention to those cases where the ritual texts reflect an interest in hierarchical stratification. Since these things operate as ritual in other texts contemporary to and preceding Jia Yi, I believe that they can safely be assumed to have the same or a similar function in Jia Yi's thinking, even when not explicitly labeled "ritual." This approach is not without risk, as the ritual canons are heterogeneous and include material that might not conventionally be considered to deal with rites. But by choosing some admittedly unsurprising examples that indicate

the pattern for Jia Yi's approach, I hope to define a working scope of ritual while avoiding overreach. I acknowledge that this list goes beyond what Jia Yi explicitly labels as ritual, and thus remains somewhat tentative. On the other hand, these examples reflect that Jia Yi was not being creative or original in his analyses. Rather, he employed old ideas in what appear to be new and pragmatic ways for the preservation and extension of Han imperial power.

Clothing is one of Jia Yi's most frequently mentioned ritual objects. Specifically, he argues that certain types of clothing should correspond (and thus be restricted to) particular roles and ranks. This is a commonsense proposition that has its analogue in the modern world. The origins hierarchical/ritual correspondence of clothing in China are said to date to the time of the semi-mythical sage emperor Huangdi 黃帝, and to have developed over time into a diversification and stratification on the basis of quality, type, and pattern, which in turn were restricted to members of particular ranks.[8] These correlations are attested frequently in the ritual canons. To give one example out of many possible, in the "Yu zao" 玉藻 chapter of the *Li ji*, it says, "The lord wears white fox fur, with brocaded clothing to cover it. Those to the right of the lord wear tiger furs, those to his left wolf furs. Knights do not wear white fox" 君衣狐白裘, 錦衣以裼之, 君 之右虎裘, 厥左狼裘. 士不衣狐白.[9]

Like clothing, other sorts of accoutrements also correspond to particular roles and ranks. For example, the "Yue ling" 月令 describes the ritual observances to be carried out in each season; it also prescribes the garb, etc., of the ruler for that time. Thus, on the first day of a spring month,

> The son of heaven dwells in the left side-chamber of the Qingyang [Hall].[10] He rides the Simurgh Roadcar (*luanlu* 鸞路),[11] driving blue chargers[12] and carrying a blue flag. He wears blue clothes and bears blue jades. He eats wheat and mutton. His vessels are incised with designs that penetrate through. 天子居青陽左个, 乘鸞路, 駕倉龍, 載青旂, 衣青衣, 服倉玉, 食麥與羊, 其器疏以達.[13]

This pattern is repeated in the "Yue ling" for the other seasons. The grouping here shows that not only clothing, but also particular chariots, horses, flags, jade paraphernalia, and even foods were correlated with ritual function and rank.[14]

There are numerous examples of the correlation between the number and/or form of ritual objects and the rank of the possessor or user. The "Li qi" 禮器 chapter of the *Li ji* contains many cases of these, saying, e.g.,

> Among the rituals [and associated objects], there are those that take quantity to be [the mark of] esteem: thus, the Son of Heaven has seven ancestral temples, a feudal lord five, a grandee three, and a knight one. [Commoners have none.] 禮有以多爲貴者, 天子七廟, 諸侯五, 大夫三, 士一.[15]

The rest of this chapter contains a number of examples of gradation, not only by quantity but also by paucity, by height or lack thereof, by embellishment or plainness, etc.

Terminology and titles are in many ways analogous to ritual objects and should be understood as another aspect of the same system. That titles refer to particular ranks is self-evident. The ritual texts also assign particular titles to those associated with people of these ranks, based on the status of the rank-holder. For example, the "Qu li" 曲禮 chapter of the *Li ji* says,

> The consort of the Son of Heaven is called *hou* 后 (empress); that of a feudal lord is called *furen* 夫人 (lady); that of a grandee is called *ruren* 孺人 (companion); that of a knight is called *furen* 婦人 (dame); that of a commoner is called *qizi* 妻子 (wife). 天子之妃曰后, 諸侯曰夫人, 大夫曰孺人, 士曰婦人, 庶人曰妻.[16]

In this way, the hierarchical position of the husband determines the term of address for the wife. As I will show below, this same sort of relative definition functions in Jia Yi's analysis of relationships, too.

A similar gradation of terminology also exists. Thus, the "Qu li" also says,

> When the Son of Heaven dies, it is called *beng* 崩 (collapse [of a mountain]); for a feudal lord, it is called *hong* 薨 (demise); for a grandee, it is called *zu* 卒 (to come to an end); for a knight, it is called *bu lu* 不祿 (no longer remunerated); for a commoner it is called *si* 死 (to die). 天子死曰崩, 諸侯曰薨, 大 夫曰卒, 士曰不祿, 庶人曰死.[17]

Like the titles for wives above, here the words denoting the same event change depending on the rank of the primary person involved.

It is to be expected that certain acts are governed by ritual rules. Rites of sacrifice whose performance was limited to particular persons or groups form one obvious example. Kongzi is said to have criticized in a general way those who make offerings to inappropriate spirits—without defining which spirits those were.[18] The *Li ji* is more specific, and says, e.g., "One not the king does not perform the *di* 禘-sacrifice (to heaven)" 不王不禘.[19] Other acts are restricted to particular hierarchical relationships. Thus, in the "Zengzi wen" 曾子問 chapter of the *Li ji*, it says,

> The abject do not eulogize the esteemed; the young do not eulogize the elder. This is ritually correct. It is only in the case of the Son of Heaven that one addresses heaven in order to eulogize him. For feudal lords to eulogize each other is not ritually correct. 賤不誄貴, 幼不誄長, 禮也. 唯天子稱天以誄之. 諸侯相 誄非禮也.[20]

Here, it is not only the case that inferiors should not eulogize their superiors or the young the old; it is also improper for feudal lords to eulogize their equals. The act is ritually acceptable only in one context.

Music is a complicated inter-relationship with ritual. The two are so closely related that Xunzi treats them as two parts of a single unity, an approach mirrored in the *Li ji* "Yue ji" 樂記.[21] The notions connected with music in early China are of great complexity, and have been the subject of numerous studies.[22] The "Yue ji" proclaims the essential unity of ritual and music at the abstract level: mastery of both leads to the possession of virtus.[23] Just as ritual serves to differentiate, so does music serve to unite the hearts of the people.[24] At the concrete level, music, particularly bronze musical instruments, is governed by rules concerning possession and use.[25] Thus, the *Zhou li* lists among the responsibilities of the *xiaoxu* 小胥,

> He rectifies the positions of music suspensions: for the king, palace suspension; for a feudal lord, a chariot suspension; for a high minister or grandee, a half suspension; for a knight, a single suspension. 正樂縣之位, 王宮縣, 諸侯軒縣, 卿大夫判縣, 士特縣.[26]

Finally, regulations concerning funerary practices certainly constitute one of the largest single groups of ritual rules. This sort of regulation is not only found in the ritual canons but is commonly mentioned in other early texts. The complexity and diachronic differences of funerary culture make it a topic worthy of consideration in

its own right.[27] Funerary practice is so pervasively connected with ritual at every level that any particular example can only hint at the whole. To arbitrarily cite one clear example of the hierarchical correspondence of obsequies and rank:

> A Son of Heaven is encoffined after seven days and entombed after seven months. A feudal lord is encoffined after five days and entombed after five months. A grandee, gentleman, or ordinary person is encoffined after three days and entombed after three months. 天子七日而殯, 七月而葬. 諸侯五日而殯, 五月 而葬. 大夫士庶人三日而殯, 三月而葬.[28]

Arrogated Privilege

The idea that enjoying untoward privileges in itself constitutes an offense against the social-political hierarchy is not new with Jia Yi. Specific criticisms of this type of action can be found, e.g., in Kongzi's famous criticism of the Ji 季 clan in *Lunyu* 3/1, where Kongzi said of the Ji clan, "They use eight lines of dancers in their court—if they can bear to do this, what will they not be able to bear?" 孔子謂季氏, 八佾舞於庭, 是可忍也, 孰不可忍也.[29]

The *Gongyang zhuan* for the 25th year of Duke Zhao expands this criticism to include other important contemporaries of the Ji. There, Duke Zhao announces his intention to kill the leaders of the Ji clan for their arrogation of privilege. Zijia Ju 子家駒 retorts that all the feudal lords and grandees usurp the privileges of their superiors. When Duke Zhao asks in protest how he is guilty of usurpation, Zijia Ju replies,

> You set up twin watchtowers and ride in Great Roadcars. You bear vermilion shield and jade axe to dance the "Daxia" 大夏, and have eight lines of dancers for the "Dawu" 大武.[30] Each of these is the ritual [prerogative] of the Son of Heaven. 設兩觀, 乘大路. 朱干, 玉戚以舞大夏, 八佾以舞大武. 此皆天子之禮也.[31]

This is precisely the kind of criticism that Jia Yi will bring to bear on the political situation of the early Han.

Ruling through Ritual

When Xunzi says that "ritual distinguishes the different," his implication is a hierarchical differentiation of status. For Jia Yi as well, hierarchy is the most

important aspect of ritual. His treatment of hierarchy realized through ritual is essentially an extended consideration of Xunzi's idea. He holds that the clothing, accoutrements, and terminology for each rank should be unique, that they should differentiate. This is the surface level of ritual systemization. Jia Yi's professed goal is to make the rank of every person immediately obvious upon sight. Given that Jia Yi favors extending ritual hierarchy to literally all aspects of life, his professed goal can be understood as only one aspect of the real goal: a total gradation that separates those of different ranks, enforcing and reinforcing the hierarchical structure with the goal of defending and extending the power of the emperor.

As I discuss in the "Sovereignty Thought" chapter, for Jia Yi the hallmark of the best of rulers is the ability to prevent difficulties before they occur; solving problems that already exist is characteristic of an inferior ruler. I have also shown that Jia Yi values most highly the balance between positive and restraining influences, between reward and punishment. He brings these two notions together in connection with ritual:

> While ritual interdicts before things are going to be, law interdicts after things have already come to pass. For this reason, while the efficacy of law is easy to see, that which is brought into being by ritual is hard to know.... [Ritual] esteems cutting off the bad before it sprouts, and originates its influence in the slight and small. It causes the people to daily move toward the good and to distance themselves from crime, but not to know it themselves. 夫禮者禁於將然之前, 而 法者禁於已然之後. 是故法之所用易見, 而禮之所為生難知也… 貴絕惡於未萌, 而起教於微眇. 使民日遷善遠辠, 而不自知也 .[32]

Ritual is a means to prevent the emergence of bad among the populace without their knowledge, and is thus a tool of the best sort of rulership. The efficacy of ritual as a method of governance is based on the seemingly unimportant distinctions among the ritual privileges granted to various ranks—described here as "slight and tiny" (*wei miao* 微眇). The significance of the slight manifestations for good governance characterizes Jia Yi's approach to political power generally, and to ritual specifically.

Duplicate Danger

The main proposition of the "Shen wei" 審微 chapter of the *Xin shu* is that small things are important. There, Jia Yi focuses on apparently unimportant ritual details as means of governance, including terminology, funerary practice, and music.

"Shen wei" contains the following brief anecdote that introduces a theme that will re-appear later: the importance of avoiding duplication of titles associated with the Son of Heaven.

> Formerly, the marquis of Wei came to court at Zhou. The Zhou usher[33] asked his name, and he said, "I am the marquis of Wei, Pijiang."[34] The Zhou usher sent him back, saying, "Qijiang (Opener of borders) and Pijiang (Expander of borders) are titles of the Son of Heaven.[35] A feudal lord may not use them." The marquis of Wei changed his name to Hui and only then did they receive him. Thus, those that are good at observing the distinctions between superior and inferior will not allow even an empty name to overstep [rank]. 昔者衛侯朝於周. 周行[人]問其 名. 曰, 衛侯辟彊. 周行[人]還之曰, 啓彊, 辟彊, 天子之號也, 諸侯弗得用. 衛侯更其名曰 , 然後受 之. 故善守上下之分者, 雖空名弗使踰焉 .[36]

This story is also found in the *Han Feizi* with slight differences that suggest a common source.[37] In the episode, the bearer of a personal name that matches an honorific of the ruler is barred from the court, even though there is no indication of purposeful insolence. Nor is the person himself excluded—when he changes his moniker, he is admitted. The sole purpose of the initial refusal is to avoid his employing the same designation as the ruler.

Jia Yi's point is twofold. First, his purpose in the chapter as a whole is to persuade his audience that small things matter. Here specifically, he argues that names and titles are important, even if they should seem so insignificant or bereft of verisimilitude as to be "empty" (*kong* 空).[38] In essence, he implies that words of ritual significance are never empty, even when used as names. Second, to match a title of a superior—or *the* superior, as in the case of the ruler—in any way is to exceed one's prerogative. Liu Chang's assumption of the title of Dongdi immediately comes to mind, but Jia Yi's point is a general one and is not restricted to criticizing the emperor's upstart half-brother. Jia Yi emphasizes elsewhere the importance of sovereign's personal name being unique.[39] Here, however, he is leading up to a theme that will re-occur: in system that correlates title to rank, to arrogate a superior title is more than affectation: it is itself a breach of hierarchy.

This seems closely related to the idea of avoidance (*hui* 諱) of names and other words, including the name of one's father.[40] In such cases, avoidance is a sign of respect and reverence. Avoidance is also often used to explain lacunae or word

choice in the *Chunqiu* 春秋 annals. In such cases, it indicates condemnation or an unwillingness to name negative events.[41] The case here generally fits the first rubric—respect—although I am unable to locate another example of the titles mentioned in the above anecdote used as titles, or another case where a personal name was rejected for matching a title. But Jia Yi's point is clear: to have two men bearing a title that belongs to the ruler is an unacceptable duplication.

The "Shen wei" chapter contains two further examples of the importance of ritual distinctions, one concerning music and the other funerals. The main thrust of each is that it is better to give tangible benefits (though these may seem more costly) than to permit an underling to overstep ritual prerogative. The first case begins with an invocation of Zhou ritual: "According to the Zhou rites in ancient times, the Son of Heaven had an underground tunnel for his burial, while feudal lords were lowered down" 古者周禮, 天 子葬用隧, 諸[侯]縣下.[42] Jia Yi then relates events dating to the 7th century BC:

> When King Xiang of Zhou fled Bodou,[43] Duke Wen of Jin led an army and punished the bandits, settling the disorder in the state of Zhou and re-establishing King Xiang's position. For this, King Xiang rewarded him with the territory of Nanyang. Duke Wen declined Nanyang, [requesting] instead to be buried by means of an underground tunnel when he died. King Xiang would not hear of it, and said, "Even though the state of Zhou is insignificant, no one has yet replaced it. The Son of Heaven employs an underground tunnel. If an uncle[44] were to employ an underground tunnel, this would be to duplicate the Son of Heaven. If you think the territory [offered] is too little, I would like to add to it." Only then did Duke Wen withdraw. 周襄王出逃伯鬪, 晉文公率師誅賊, 定周 國之亂, 復襄王之位. 於是襄王賞以南陽之地, 文公辭南陽, 即死得以隧下. 襄王弗聽 , 曰, 周國雖微, 未之或代也. 天子用隧. 伯父用隧, 是二天子也. 以地為少, 余請益之. 文公乃退 .[45]

This story is found with variation in the *Zuo zhuan* and the *Guo yu*.[46] In all versions, the use of a tunnel for entombment is portrayed as a prerogative limited to the ruler. Unfortunately there is no clear explanation of this restriction in other sources. The "Zhong ren" 冢人 section of the *Zhou li* says, "When it comes to [the time of constructing] the tomb, he makes the mound and underground tunnel according to [ritually-stipulated] measures" 及竁以度為丘隧.[47] This supports the idea that there were ritual standards, but nowhere in the ritual canons is there an explanation of

precisely what these were. In his commentary on the *Zuo zhuan*, Kong Yingda explains the practice as follows:

> When you dig in the earth and [make] a connecting passage it is called an "underground tunnel" (*sui* 隧).[48] When a Son of Heaven is entombed, the coffin is heavy and the ritual is large, and it requires particular care and caution. So they go far away from the tomb and dig in the earth to make a connecting passage that begins from this distant place and gradually slants down to [the tomb]. For feudal lords and below, the coffin is light and the ritual small, so they position themselves overlooking the tomb and lower [the coffin] directly into it. Therefore, an underground tunnel is part of a king's entombment ritual. For feudal lords, they always lower the coffin bearing the corpse down and therefore cannot use a tunnel. The marklord of Jin, by requesting to use a tunnel, wanted to request entombment according to the rituals for a king. 闕地通路曰隧 也. 天子之葬, 棺重禮大, 尤須謹慎. 去壙遠而闕地通路從遠地而漸邪下之. 諸 侯以下棺輕禮小, 臨壙上而直縣下之. 故隧爲王之葬禮, 諸侯皆縣柩而下故不得用隧. 晉侯請隧者欲請以王禮葬也.[49]

Some aspects of this explanation should to be treated with some skepticism: it hardly seems fitting that a ritual restriction would be based only on the difficulties inherent in maneuvering an unwieldy coffin. That is a merely practical matter. By definition, a restriction is only a restriction if it prevents someone from doing something they would otherwise do, or permits/induces them to do something they otherwise would not. This objection notwithstanding, Kong understands the request for a tunnel *pars pro toto* as a request for full kingly burial. And his last point is especially important: whatever the basis for the rule concerning a tunnel, it denotes a king. To be entombed according to king's rituals would be to arrogate a "kingly hallmark" (*wang zhang* 王章).[50] As Jia Yi says, it would be "duplicating the son of heaven" (*er tianzi* 二天子).[51] It would be better to give the duke greater reward than to permit this duplication, even though it is abstract.

Jia Yi makes a similar point again in "Shen wei," this time in regard to music. Unlike the previous case, the musical privileges requested are not those of the Son of Heaven. Nevertheless, if granted, the recipient would have the honors due a higher rank, which in itself would undermine the ritual system. As before, Jia Yi begins with an explanation of the ritual rule at issue:

> According to the rites: The Son of Heaven's musical instruments are arranged in a palace suspension, a feudal lord's musical instruments are arranged in a chariot suspension, a grandee's are arranged in a straight suspension, and the clerisy have large and small zithers. 禮, 天子之樂, 宮縣. 諸侯之樂, 軒縣. 大夫直縣. 士有琴瑟.[52]

Although differing somewhat in particulars, these rules have a clear structural similarity to those cited above from the "Xiaoxu" section of the *Zhou li*.

Jia Yi goes on to relate a story about Shusun Yuxi 叔孫于奚 that is also found in the *Zuo zhuan* for the 2nd year of Duke Cheng 成公.[53] Shusun is a grandee in the state of Wei 衛, and successfully defends the state against attack from Qi 齊.[54] As a reward for this service, the lord of Wei offers him the town of Wen 温 (in mod. He'nan). Shusun declines this reward, requesting instead two ritual privileges reserved for the lord of Wei: the use of a "bent suspension" (*qu xuan* 曲縣) for his bells and lithophones, and decorated harness and bridle for his carriage-horses.[55] The lord of Wei grants Shusun's request. In the *Xin shu*, Kongzi condemns the lord's decision in the following words:

> It is regrettable. It would have been better to give him additional towns. Music is the means to bear the state and the state is the means to bear the lord. When music is destroyed, the rites follow; when the rites are destroyed, governance follows; when governance is destroyed, the state follows; when the state is destroyed, the lord follows. It is regrettable. It would have been better to give him additional towns. 惜 乎. 不如多與之邑 . 夫樂者, 所以載國. 國者, 所以載君. 彼樂亡而禮從之, 禮 亡而政從之, 政亡而國從之, 國亡而君從之. 惜乎. 不如多與之邑.[56]

In this version, Kongzi's speech treats music and ritual as complementary and connected items, though nominally separated. Shusun Yuxi's requests represent both sides of this equation: the bent suspension stands for music, and lordly trappings for his horses correspond to the ritual regulations concerning accoutrements. As Kongzi (Jia Yi's mouthpiece) argues here: the lord would suffer less if he should bear the greater expense of granting better enfeoffment than by permitting the infraction of apparently abstract rules.

The *Zuo zhuan* contains a slightly different speech, which is worthy of consideration in conjunction with Jia Yi's version. The *Zuo zhuan* connects even more explicitly the non-observance of ritual rules and destruction of the state.

> It is regrettable. It would have been better to give him additional towns. Only accoutrements and names[57] may not be lent to other people. These are what the lord controls. Names are the means to bring forth trustworthiness; trustworthiness is the means to protect the accoutrements; accoutrements are the means to keep ritual; ritual is the means to practice righteousness; righteousness is the means to give rise to benefit; and benefit is the means to stabilize the people. This is the great nexus of governance. If these are lent to someone else, that gives governance over to him. If governance is lost, then the state and household follow and it can no longer be stopped. 惜也. 不如多與之邑. 唯器與名不可以假人. 君之所司也. 名以出信, 信以守器, 器以藏禮, 禮以行義, 義以生利, 利以平民 , 政之大節也, 若以假人 與人政也. 政亡則國家從之, 弗可止也已.[58]

Since Jia Yi was a scholar of the *Zuo zhuan*, it can be assumed that he is drawing from a version of this text.[59] But Jia Yi's rendition definitely reflects his own rhetorical ends. He moves quickly to destruction—and explicitly ends with the demise of the lord, not simply the loss of the state, like in the *Zuo zhuan*. As always, Jia Yi addresses his monarch directly and threatens personal harm should the emperor fail to heed his advice: it is better to give up land and income than to permit the dilution of his ritual uniqueness.

Imitation and Contention

Jia Yi expands and develops this theme in the "Fu ni" 服疑 chapter of the *Xin shu*.[60] There, he asserts that "imitation" (*ni* 疑/擬/儗)[61] in four distinct areas is equivalent to "contention" (*zheng* 爭). His point is that in a system where paraphernalia and the like are imbued with hierarchical significance, to arrogate the prerogatives of a higher rank is an act of aggression.

> When clothing [of higher ranks] is imitated, it is called contending for precedence. When the generous favors [proper to superiors] are imitated, it is called contending to reward.[62] When the strength and powers [of higher ranks] are imitated, it is called contending for strength. When grades and levels [of rank] lack limits [on attendant privileges], it is called contending for reverence. 衣服疑者, 是謂爭先. 厚澤疑者, 是謂爭賞.[63]權力疑者, 是謂爭彊. 等級無限, 是謂爭尊.[64]

The four things listed here divide into two groups: clothing and sumptuary privileges, and the rights to grant certain favors and to exercise certain types of authority. These can be broadly termed possessive and performative privileges, respectively.

For Jia Yi, the way to prevent contention is to clearly differentiate rank, and in "Fu ni" he cites a single, straightforward example concerning the terminology used to refer to underlings to show how he thinks this should work:

> The Son of Heaven, in his treatment of subordinates, [is as follows]: Once he has bestowed [one of] the Five Grades upon them, then he takes them as his "Vassals."[65] Analogously, the Vassals,[66] in their treatment of their subordinates [are as follows]: Once they have bestowed [one of the lesser] Five Grades upon them,[67] then they take them as "coachmen." The coachmen, for their part, follow the rituals of vassals. Be that as it may, calling them "coachmen" and not daring to call them "Vassals" is to reverence the Son of Heaven and avoid suspicion of imitation. 天子之於其下也, 加五等, 已往則以爲臣. 例臣之於下也, 加五等, 已往則以爲僕. 僕則亦臣禮也. 然稱僕不敢稱臣者 尊天子, 避嫌疑也.[68]

I have been unable to locate any other example of the complementary distribution of "Vassals" (*chen* 臣) and "coachmen" (*pu* 僕) that Jia Yi suggests here, but his point is still clear.[69] Although the relative positions are the same, different titles are to be used for the lower and upper echelons, in order to reinforce the distinction between the superiors and prevent the appearance of sameness. This is one of Jia Yi's main arguments: if one of the Vassals were to recreate the hierarchal relationship of emperor-Vassal with his own underlings (which he would by calling them Vassal instead of the proper Coachmen), that would be imitation and usurpation of the emperor. This is related to the characteristic of ritual that I term portability: because the rituals are moveable and not intrinsically attached to a particular place or person, if the same ritual is performed in a different place, it can effectively reconstitute the ritual position of its performer.

After this discourse on titles, Jia Yi returns to the topic of dress. He goes on to argue that the way to properly "systematize clothing" (*zhi fu* 制服) is to provide clothing that merely fits comfortably for the people, while ensuring that the emperor has unique and awe-inspiring garb. This is a logical outgrowth of the idea that clothing ought to reflect rank; the emperor is elevated to a position of sole eminence and is without peer; his dress must reflect this.

System

The most interesting part of "Fu ni" follows this. Jia Yi goes on to list twenty types of things that are to be differentiated on the basis of rank. The list begins with the unsurprising general assertion that, "Special clothing and the ritual system is the means to rank superior and subordinate and to discriminate the esteemed and lowly" 奇服文章，以等上下而差貴賤.[70] This continues the idea of systematization of clothing. What follows extends his commonsensical observation about clothing and ritual to extrapolate a wide range of particularities to be graded, a list that subsumes and expands what Jia Yi has already suggested:

> By the same token, if the lofty and the low differ, then their titles differ, their powers and strengths differ, their duties and circumstances differ, their flags and emblems differ,[71] their tallies and seals differ,[72] their rituals and respect differ,[73] their emoluments differ,[74] their caps and shoes differ, their clothing and sashes differ, their jade disks and sash-pendants differ,[75] their chariots and horses differ, [the titles of] their wives and concubines differ, the favors and generosities differ, their palaces and chambers differ, their beds and mats differ, their utensils and vessels differ, their food and drinks differ,[76] their sacrifices differ, and their funerals differ. 是以高下異, 則名號異, 則權力異, 則事勢異, 則旗章 異 , 則符瑞異, 則禮寵異, 則秩祿異, 則冠履異, 則衣帶異, 則環珮異, 則車馬異, 則妻妾異, 則澤厚異, 則宮室異, 則床席異, 則器皿異, 則飲食異, 則祭祀異, 則死喪異.[77]

The division of possessive and performative privilege applies here as well. The possessive privileges include the obvious prerequisites of rank: material objects like chariots and horses, utensils and vessels, and food and drink. A less obvious possessive privilege is that of a particular title, insofar as a title is an arbitrary designation that itself does not imply authority in action. Performative privileges include not only command authority ("powers and strengths"), but also the carrying out of rituals and sacrifices.

Taken individually, the gradation of these things is neither surprising nor remarkable. To say that those of different rank receive different remuneration, for example, is obvious; that rank should be reflected in clothing, funeral, or other privilege is equally so. I have already cited a number of examples of this phenomenon in the introduction to this section.

What is striking is that Jia Yi integrates these things into a complete system, with the avowed goal of preserving the status of the ruler. In this system, *all aspects* of each rank are to be unique, "For the lofty, their grades [of privilege] are all lofty; for the lowly, the grades are all low" 故高則此品周高, 下則此品周下.[78] And when Jia Yi says that, "If the lofty and the low differ, then their titles differ," and so on, he also implies the opposite: if superior and inferior are not differentiated by a system of privileges, the danger is a loss of distinction between the two.

Results

Enactment of this system will bring direct and indirect results. Directly, it will lead to the easy identification of any person's rank. In "Fu ni," Jia Yi says, "When the realm sees someone's clothes, it should know whether he is esteemed or abject, and when it looks upon someone's seal, it should know his situation" 是以天下見其服而知貴賤, 望其章而知其勢.[79] But this is only a first step. The real goal is the indirect effect: "This causes the people to settle their hearts" 季[80]人定其心, to resign themselves to their positions of subservience to the emperor.[81] The conclusion of "Fu ni" makes the ultimate purpose of these hierarchical gradations explicit:

> If the lowly and revered are completely evident [as such], and superior and subordinate completely separate, then human relationships will accord with their rules.[82] From this, the lord in his relationship with his vassals will be like the sun in its relationship with the stars:[83] vassals will not hope to imitate their lord, and the lowly will not surpass the esteemed.[84] If the subordinate does not overstep his grade, then the superior's position is revered; if the vassal does not exceed his level, then the lord's position is stable. If you carefully observe the principles of human relationships, then disorder will have no way to arise.[85] 卑尊已著, 上下已分, 則人倫法矣. 於是[86]主之與 臣, 若日之與星.[87] 臣不幾可以疑主, 賤不及可以冒貴. 下不凌等, 則上位尊. 臣不踰級, 則主位安. 謹守倫紀, 則亂無由生.[88]

Thus, Jia Yi argues that an enforced system of ritual and sumptuary privileges will prevent contention for rank, creating a power dynamic that will preserve the exalted position of the ruler and prevent "disorder"—contention with the emperor for supreme power in the realm. This is an understanding of the ritual system's concrete effect that is nowhere so clearly articulated before Jia Yi, and which represents a significant insight into the relationship between culture and political hierarchy.

The Real Ritual World

In the "Deng qi" 等齊 chapter, Jia Yi also treats the theme of the relationship between ritual prerogative and political hierarchy.[89] But where "Fu ni" works primarily at the general level, "Deng qi" contains numerous specific examples of exactly the types of things that should be graded—in a context of criticizing the contemporary situation where they are not. "Deng qi" in effect reverses the argument of "Fu ni." Instead of positing a theoretical effect of not respecting ritual distinctions, here Jia Yi analyzes the political situation according to these ideas, thereby proposing a method to rectify the problems described.

"Deng qi" begins with criticism of three abuses of the rules designated for those in the personal service of the emperor.

> In the palaces where the feudatory kings reside: The guards wear shoes of woven colored silk and squat [uncivilized],[90] and are judged according to the rules for the palace where the emperor resides.[91] The gentlemen of the palace and the internuncios receive name lists [of those come for audience] and take their leave, [both] given according to the rules for officials serving the emperor. If someone who serves a feudatory king is not incorrupt and pure, correct and proper, they punish him according to the rules for those that serve the emperor. 諸侯王所在之宮, 衛織履蹲夷, 以皇帝在所[92]宮法論之. 郎中謁者受 [=謁] 取告, 以官皇帝 之法予之. 事諸侯王或不廉潔平端, 以事皇帝之法罪之. 曰一用漢法事諸侯王, 乃事皇帝也. 是則諸侯王乃將至尊也.[93]

These criticisms mirror those made in the joint memorial about Liu Chang quoted above, particularly the modeling of systems and the lack of proper rules for residences. To a modern eye, there may seem little to criticize here. Adopting the policies of the central court in treatment of vassals could be a step toward standardization, not presumption. This is particularly the case as the rules here are for the treatment of subordinates, and do not directly grant prestige or privilege to the kings. The excuse that this is standardization seems to be exactly that made by the feudatory kings who imitated these imperial policies. Jia Yi explicitly refutes this argument:

> They say that as they all use Han law, serving a feudatory king is nothing other than serving the emperor. But if it is like this, then the feudatory princes will equal the acme of reverence [given to the emperor]. 曰一用漢法事諸侯王, 乃事皇帝也. 是則諸侯王乃將至尊也.[94]

As Jia Yi understands it, the danger is that the feudatory kings will recreate the same lord-vassal relationship within their spheres of influence that the emperor enjoys with them, a step toward assuming the sovereign's position in a more general way.[95] He proceeds to lay out a number of further examples of this phenomenon. The pattern begins with the position of chancellor:

> The Son of Heaven's counselor is called "chancellor," with a seal of gold. When the counselors of the feudal lords are called "chancellor,“ [and have] seals of gold, then there is no difference in the grade of respect afforded the two—[both] with emoluments of more than two thousand bushels and up. If the Son of Heaven's ranked officers have emoluments of two thousand bushels and the feudal lords' ranked officers have emoluments of two thousand bushels, then these vassals are completely equal. When the lord of men exceeds his ministers [in terms of privilege], he is revered. But if today their vassals already match, then how can their rules not match? 天子之相, 號爲丞相, 黃金之印. 諸侯之相, 號爲丞相, 黃金之印, 而尊 無異等, 秩加二千石之上. 天子列卿秩二千石, 諸侯列卿秩二千石, 則臣已同 矣. 人主登臣而尊, 今臣既同, 則法惡得不齊.[96]

This is an important example, because the chancellors of the feudal lords were the only officials appointed by the Han central government for the feudatory kings, not selected by the kings themselves.[97] One of things that Liu Chang was criticized for is selecting his own chancellor. But Jia Yi's does not mention this sort of offense, because he is not concerned with the power to appoint. His point is strictly about terminology: when the subordinates are "equal" in title, it implies equality between the superiors as well.

Jia Yi repeats this pattern five more times, each time pointing out a specific case of perceived equality between the feudal lords and the Son of Heaven, and suggesting the effect. Thus, when both the feudal lords and the emperor have grand coachmen (*da pu* 大僕), it implies that the chariots—properly governed by graded sumptuary laws—should be equal. Jia Yi cites other examples: that of their mothers and wives, all called "consort dowager" (*taihou* 太后) and "empress" (*hou* 后); that of the palace gates, called the "major's [gate]" (*sima* 司馬) and protected by laws of equal penalty for trespass; the term for commands (*ling* 令); the address used by subordinates (*bixia* 陛下) and term for the official chariot (*shengyu* 乘輿); and finally, the offerings to the dead. The result of this equality is the effective disappearance of hierarchy and thus the disappearance of the ruler: "And when it is thus: where is the

so-called lord? Where are the vassals?" 然則所謂主者安居，臣者安在.[98] Effacement of ritual distinction has effectively erased the distinctions of political hierarchy.

Ruling at a Glance

The second section of "Deng qi" contains an expanded discussion of a theme mentioned in "Fu ni": the importance of instant recognition of relative rank. This is based on the knowledge that without different ritual and political rights, there is no way to differentiate people of different ranks.

> The intrinsic conditions of people do not differ and the basic appearance of face and eyes is of one sort [for everyone]. The differentiation between the esteemed and the abject is not evidenced in the form and countenance given by people's natural origins. Grades and ranks, majesty, garb, and [the prerogative for certain] commands are what we use to differentiate the esteemed and the abject and to make clear [who are] the respected and the lowly. 人之情不異, 面目狀貌同類, 貴賤之別, 非天根著於形容也. 所持以別貴賤明尊卑者, 等級, 勢力, 衣服, 號令也.[99]

On the most practical level, this refers to visual recognition. Unless you can recognize someone by face, there is no way to judge relative rank and authority. This can lead to confusion in the form of a lack of proper moderation.

> If the ordinary populace has nothing to base themselves on, how can subordinates not imitate their superiors? Lord and vassal are of the same order but have different garb. If those of different ranks wear the same garb, then how can a superior avoid being bedazzled by his subordinate? 眾庶無以期, 則下惡能不疑其上. 君臣同倫異服, 異等同服, 則上惡能不眩其下.[100]

In the absence of visual indication of rank, people of low station will treat their superiors with excessive deference, effectively causing them to "imitate" their own betters. Similarly, those of higher station will be over-impressed by their own underlings and fail to maintain appropriate pre-eminence. Thus, even in the absence of intent to do so, both superior and inferior can become complicit in the arrogation of rank, irrespective of purpose.

From "Zi yi" 緇衣

"Deng qi" ends with two quotations attributed to Kongzi and found in "Zi yi" 緇衣, a ritual text now included in the *Li ji*.[101] The independent existence of the "Zi yi" text before it was incorporated into its present source is attested by the fact that two different versions of it (or very similar texts) have been recovered in archaeological excavations.[102] These two brief passages function to summarize Jia Yi's arguments. The first concerns the ruler and his unique position.

> Kongzi said,[103] "The leader of the people's[104] garb does not vary[105] and his actions have constancy;[106] thereby he brings the people together, and then the people's virtus is united.[107] The ode says, 'The gentleman in the capital / In fox fur and yellow robes, [/…. /] His actions hold to fidelity,[108] / And the myriad people watch him.'"[109] 孔子曰, 長民者衣服不二, 從容有常. 以齊其民, [則 民][110] 德一. 詩云, 彼都人士, 狐裘黃 裳 [….] 行歸于周, 萬民之望.[111]

When the people recognize their ruler by clothing and deportment, then they will act obediently to him. Virtus—here projected onto the people, constituting the will to obey—will be focused onto the person of the single monarch, leaving no opportunity for a pretender to achieve power. And here, Jia Yi is again making use of a sort of double entendre, for when he quotes the *Li ji*'s Kongzi saying that "The leader of the people's garb does not vary," he uses an expression that literally means, "are not two" (*bu er* 不二), which can also be understood as "not duplicated,"[112] i.e., "is not imitated." And it is imitation that presents a danger for Emperor Wen.

Thus, in Jia Yi's analysis the preservation of the political hierarchy is dependent in a very concrete manner on the ritual system. The observances that simultaneously reflect and reinforce gradation of status that should be clear in every facet of daily life. This will cement the hierarchy and create a situation of power (*shi* 勢) from which the emperor can rule.[113] This is the direct connection of apparently abstract ritual theory to governance.

The second quotation makes a similar point, again relating the evident and unique status of the ruler to an orderly political hierarchy. Jia Yi quotes Kongzi to communicate his own summary of the situation and its results:

> Kongzi said, "If those that are superiors can be recognized by sight,[114] and those that are subordinates can be categorized and classified [on sight],[115] then the lord will not be imitated by his vassals, and the vassals will not be confused about their lord." But as this is not practiced, there is insolence[116] and a lack of boundaries—and *this* is what can be said to be "worth long-sighing over." 孔子曰，爲上可望 而知也，爲下可類而志也. 則君不疑於其臣，而臣不惑於其君. 而此之不行，沐 [=汰] 瀆 [=嬻] 無界，可謂長大息者此也.[117]

For Jia Yi, the "insolence and a lack of boundaries" that threaten Han power result from the ongoing failure of Emperor Wen to maintain the ritual position of the emperor through application of the ritual system. He argues that creating and enforcing the comprehensive hierarchy of ritual privileges is the best way to preserve Wen's position from the dangers of "imitation" that would displace him from the throne and the Han from power.

Conclusion

This, then, is the crossover from theory to practice. Jia Yi argues that strengthening the ritual system will increase the political power of the emperor. An interlocking set of proscriptions serves as much more than the adherence to an abstract and hallowed set of old observances. These observances are themselves tools of rule. No matter how insignificant any—or many—of them seem, they are vitally important to the emperor's position. The emperor must be unique not only in the privileges he possesses and the clothes he wears, but also in his relationships with his subordinates are unique. And he must remain so.

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[1] This is a reference to Liu Chang 劉長, who is said to have called Emperor Wen "Great Elder Brother" (*da xiong* 大兄)—which was accurate but presumptuous; see *Shi ji*, 118.3076; *Han shu*, 44.2136.

[2] Covering one's chariot car with a Yellow Canopy (*huang wu* 黃屋) is a privilege of the emperor. Cai Yong, "Du duan," 4.26a, in *Cai Zhonglang ji*, *Sbby*, says, "The Yellow Canopy is a covering with yellow as lining" 黃屋者，蓋以黃爲裏也. Yan Shigu says, "The Yellow Canopy refers to the covering of the chariot; it is the ceremonial [privilege] of the Son of Heaven" 黃屋，謂車上之蓋也. 黃屋… 天子之儀; *Han shu*, 43.2116 n. 1.

[3] From "Qin shu wei luan," *Jiazi Xin shu jiao shi*, 3.383; *Xin shu jiao zhu*, 3.120.

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[4] This is from *Shi ji*, 118.3077; a slightly different version is found in *Han shu*, 44.2141; translation after Yang Yanqi, *Shi ji quan yi*, 118.4095. Cf. Loewe, *Biographical Dictionary*, 271-73.

[5] The background and events of this revolt are treated in Reinhard Emmerich, "Die Rebellion der Sieben Könige, 154 v.Chr.," in *Und folge nun dem, was mein Herz begehrt: Festschrift für Ulrich Unger zum 70. Geburtstag*, ed. Reinhard Emmerich and Hans Stumpfeldt, 397-497 (Hamburg: Hamburger Sinologische Gesellschaft, 2002), 397-497.

[6] Jia Yi mentions these acts, explicitly *post facto*, in "Huai nan" 淮難: "Gathering criminals and youths of unusual cunning, and making deals with the likes of Zhan Qi and the ilk of Qi Zhang, he (Liu Chang) plotted to become 'Eastern Emperor'" 聚罪人奇狡 少年, 通棧奇之徒啓章之等, 而謀爲東帝; *Jiazi Xin shu jiao shi*, 4.498; *Xin shu jiao zhu*, 4.156. The *Shi ji* also mentions Liu Chang's plotting against the throne: "He plotted rebellion, desiring thereby to endanger the clan temples and [the temples to] the tutelary spirits" 謀反, 欲以危宗廟社稷; *Shi ji*, 118.3077; *Han shu*, 44.2141.

[7] Wang Xingguo, *Jia Yi ping zhuan*; Yu Chuanbo, "Shi lun Jia Yi de sixiang tixi," *Zhongguo zhexue yanjiu* 28 (1987): 41-48.

[8] Wang Guanshi 王關仕, *Yili fu shi kao bian* 儀禮服飾考辨 (Taipei: Wenshizhe chubanshe, 1977), 1-6.

[9] *Li ji zhu shu*, 30.1a [558].

[10] Sun Xidan, *Li ji jijie*, 15.410 says that Qingyang 青陽 is the name of the hall on the east side of the Bright Hall (Ming tang 明堂); the left side-chamber would then lie to the north.

[11] At *Han shu*, 99A.4075 n. 4, Yan Shigu explains, "The Simurgh Roadcar was a road car bedecked with simurgh [bells]" 鸞路, 路車之施鸞者也.

[12] The text has *cang long* 倉[=蒼] 龍, "blue dragons"; Zheng Xuan says that horses over eight *chi* high are called "dragons"; to prevent confusion, I render this as "charger."

[13] *Li ji zhu shu*, 14.15b [285]; *Li ji jijie*, 15.410-13; Wang Wenjin, *Li ji yi jie*, 197-200.

[14] There are of course many examples of this sort of practice in the ritual canons; cf., in the "Nei ze" chapter of the *Li ji*, *Li ji zhu shu*, 27.18b [525], it specifies:

> At a grandee's banquet, if there is finely cut meat there is no dried meat; if there is dried meat there is no finely cut meat. Knights do not have multiple kinds of stewed meats. Elderly commoners do not eat without earning it. 大夫燕食, 有膾無脯, 有脯無膾. 士不貳羹胾. 庶 人耆 老 不 徒 食.

[15] *Li ji zhu shu*, 23.6a-b [451].

[16] *Li ji zhu shu*, 5.11b [94].

[17] *Li ji zhu shu*, 5.21a [99].

[18] *Lunyu* 2/24, "Making offerings to spirits that you should not make offerings to is flattery" 子曰, 非其鬼而祭之, 諂也; *Lunyu zhu shu*, 2.10a [20]; translation after Yang Bojun, *Lunyu yi zhu*, 22.

[19] This line is found alone in the "Sang fu xiao ji" 喪服小記, and with some elaboration in the "Da zhuan" 大傳. The *di* sacrifice is somewhat variously explained;

in his commentary on the "Sang fu xiao ji," Zheng Xuan says, "*Di* means the offering to heaven" 禘謂祭天. *Li ji zhu shu*, 32.12a [594], 34.1a [616].

[20] *Li ji zhu shu*, 19.7a [378].

[21] See Paul Rakita Goldin, *Rituals of the Way*, 55-81.

[22] E.g., Scott Bradley Cook, "Unity and Diversity in the Musical Thought of Warring States China" (PhD dissertation, University of Michigan, 1995) and his bibliography; Jenny F. So, ed., *Music in the Age of Confucius* (Washington, DC: Freer Gallery of Art, 2000).

[23] "Yue ji": "When you get both ritual and music, this is called having true virtus" 禮樂皆得, 謂之有德; *Li ji zhu shu*, 37.8a [665]

[24] "Yue ji": "Music creates togetherness; ritual creates differentiation. When together, people are intimate with each other; when differentiated, they respect each other" 樂者爲同, 禮者爲異, 同則相親, 異則相敬; *Li ji zhu shu*, 37.11b [667].

[25] These rules are examined in detail in Lothar von Falkenhausen, *Suspended Music: Chime-Bells in the Culture of Bronze Age China* (Berkeley: University of California Press, 1993).

[26] *Zhou li zhu shu*, 23.8b [353]. In his commentary on the *Zhou li*, Zheng Zhong says,

> A palace suspension is a four-sided suspension, a chariot suspension gets rid of one side, a half-suspension gets rid of another side again, and the single suspension gets rid of another side again. When [bells are suspended] on four sides, it resembles a palace chamber, with walls on four sides; thus, it is called a palace suspension. 宮縣四面縣, 軒縣去其一面, 判縣又去其一面, 特縣又去其一面. 四面象宮室四面有牆, 故謂之宮縣.

See *Zhou li zhu shu*, 23.8b [353].

[27] Warring States and Han funeral customs and beliefs are discussed in Miranda Dympna Brown, "Men in Mourning: Ritual, Human Nature, and Politics in Warring States and Han China, 453 BC – AD 220" (PhD dissertation, University of California, Berkeley, 2002). Yang Shuda 楊樹達, *Handai hun sang li su kao* 漢代婚喪禮俗考 (Shanghai: Shangwu yinshuguan, 1933), 72-289 gathers in a non-systematic way information about Han funerary (and marriage) practices. A consideration of these complexities which attempts to bring together information from the ritual canons and other classical sources is Bernt Hankel, *Der Weg in den Sarg: Die ersten Tage des Bestattungsrituals in den konfuzianischen Ritenklassikern* (Bad Honnef: Bock und Herchen, 1995).

[28] *Li ji zhu shu*, 12.10b [239].

[29] *Lunyu zhu shu*, 3.1a [25]; translation roughly follows Yang Bojun, *Lunyu yi zhu*, 23. *Lunyu* 3/2 also makes similar criticisms, saying,

> When the three households of Zhongsun 仲孫, Shusun 叔孫, and Jisun 季孫 [=Ji] made offerings to their ancestors, [they used the Son of Heaven's rituals], and sang the ode "Yong" 雍 (Mao #282) as they remove the ritual objects. Kongzi said, "[The ode "Yong" says things like,] 'Assisting are the feudal lords, the Son of Heaven so serious and somber presiding.' What part of the meaning of these two sentences found in the offerings made in the halls of

> these three households? 三家者以雍徹. 子曰, 相爲辟公, 天子穆穆. 奚取於三家之堂.

Lunyu zhu shu, 3.2a [25]; explanatory translation following Yang Bojun, *Lunyu yi zhu*, 23.

[30] "Daxia" and "Dawu" are the names of music or titles of songs. The "Daxia" is supposedly the music dating to the Xia dynasty; Zheng Xuan says, " 'Daxia' is the music of Yu of Xia" 大夏禹樂; *Li ji zhu shu*, 49.22b [840]; *Chunqiu Gongyang zhuan*, 24.7a-b [302]. Along the same lines, "Dawu" is supposed to be the music of King Wu of Zhou 周武王; see *Zhou li zhu shu*, 22.9a [338].

[31] *Chunqiu Gongyang zhuan*, 24.7a-b [302]; translation generally follows Li Zongtong, *Chunqiu Gongyang zhuan jin zhu jin yi* 春秋公羊傳今註今譯 (Taipei: Taiwan Shangwu yinshuguan, 1994), 24.545-548.

[32] From Jia Yi's biography in *Han shu*, 48.2252-53.

[33] The received text has only *xing* 行 here; I follow Qi to emend *ren* 人 after it, to give the title *xingren* 行人. This follows citations of this *Xin shu* line in Fei Yin's 斐駰 (Song) commentary in *Shi ji*, 37.1594 and in Yan Shigu's commentary at *Han shu*, 4.117. The "Waichu shuo you xia" 外儲說君右下 chapter of *Han Feizi* (see below) contains a version of this anecdote that differs only slightly from the one found here; it too has *xingren*. My translation of *xingren* as "usher" follows Bielenstein, a potential anachronism, because Hucker gives none and this seems to fit. Although these events are supposed to have occurred in Zhou times, the narrative here was written in Han times, and thus in the absence of another, I use Bielenstein's translation. The *Zhou li* lists both a *daxingren* 大行人 (major usher) and a *xiaoxingren* 小行人 (minor usher): "The *daxingren* is responsible for the rituals for important guests and the ceremonies for important visitors, in order to be close to the feudal lords" 大行人掌大賓之禮及 大客之儀以親諸侯; *Zhou li zhu shu*, 37.9b [560]. "The *xiaoxingren* is responsible for the ritual register for the guests from the states, in order to properly treat emissaries from all directions" 小行人掌邦國賓客之禮籍, 以待四方之使者; *Zhou li zhu shu*, 37.23b [567]. Based on these descriptions, it seems likely that the *daxingren* is meant here.

[34] See note below regarding the title Pijiang 辟彊.

[35] In his commentary at *Han shu*, 4.117, Yan Shigu explains,

> Biqiang [*sic*, in this meaning] means to repel (*biyu* 辟[=避]禦) the savage, also similar to repel armies and repel the wrong.… In another explanation, *bi* is read as *pi* and *qiang* is read as *jiang*, and it means to open [new] territory. 辟彊, 言 辟禦彊梁者, 亦猶辟兵辟非耳.… 一說辟讀曰闢, 彊讀曰疆. 闢疆, 言開 土地也.

Qi thinks that the latter explanation is the better, and I follow him. The word written with graph *qiang* 彊 in the *Xin shu* is written in the *Han Feizi* version with *jiang* 疆, "border," suggesting that this is meant; writing *qiang* for *jiang* is a common borrowing; cf. Gao Heng, *Guzi tongjia huidian*, 293. Parallelism with *qi* 啓, "to open," in the preceding title also suggests *pi* is correct. The commentary, presumably Li Zan's 李瓚 (ca. 9th c.), says, "It means to open (i.e., expand) the territory [of the

realm], and is a title of the Son of Heaven" 開辟疆土, 天子之號; *Han Feizi jijie*, 342-43.

[36] *Jiazi Xin shu jiao shi*, 2.225; *Xin shu jiao zhu*, 2.74.

[37] *Han Feizi jijie*, 14.341-42. Suggestive of drawing from a common ur-source—rather than the *Xin shu* from the *Han Feizi*—are variations like the name Hui, which the *Xin shu* writes with the hapax legomenon , while the *Han Feizi* has the more usual 燬. Similarly, when Hui is rejected in the *Xin shu* version, the verb used is *huan* 還, an unusual causative usage of the verb "to return"; the *Han Feizi* has *que* 卻, a common word for "reject." Since the textual integrity and dating of the *Han Feizi* is not generally questioned, and the *Xin shu* is at any rate the later text, this suggests that the two versions share a third source with archaic features preserved in the *Xin shu* but not the *Han Feizi*.

[38] The *Han Feizi* version puts a similar conclusion into the mouth of Kongzi, who says, "An empty (*xu* 虛) name cannot be lent to someone else—how much the more for real (*shi* 實) things!" 虛名不以借人, 況實事乎. As the commentary says, "Being named Pijiang, one is not necessarily able to 'expand the borders'; therefore its called an 'empty' [name]" 名辟疆, 未必能辟疆, 故曰虛也; *Han Feizi jijie*, 14.342.

[39] From "Tai jiao," *Jiazi Xin shu jiao shi*, 10.1127; *Xin shu jiao zhu*, 10.391:

> And then, for divining the name of the royal heir-designate: Do not choose a name from the heavens above, nor from the earth below, and do not choose from famous mountains or open valleys, and do not disregard rustic custom. For this reason, the lordling's name is hard to know and easy to avoid (i.e., taboo). This is the Way of nurturing kindness. 然後, 卜王太子名, 上毋取於天, 下毋取於地, 毋取於名山通谷, 毋悖於鄉俗. 是故君子名難知而易諱也, 此所以養恩之道也.

Similar rules for naming generally are found in the "Nei ze," *Li ji zhu shu*, 29.17a [537]:

> For naming generally: do not take the sun or moon, do not take states, and do not take hidden illnesses. The sons of grandees and knights do not dare have the same name as the heir designate. 凡名子不以日月, 不以國, 不以隱疾, 大夫 士之子不敢與世子同名.

[40] Thomas Emmrich, *Tabu und Meidung im antiken China: Aspekte des Verpönten* (Bad Honnef: Bock und Herchen Verlag, 1992) is a discussion of the idea of avoidances in a variety of situations. Emmrich, 3-4 explain: "In der speziellen Bedeutung 'Tabu' steht es [*hui*] für die Tabuierung des Rufnamens… von Fürst und Vater." The translation of *hui* as taboo is, however, not appropriate: taboo refers to avoiding something because it is perceived as polluted or polluting, while *hui* often is a sign of respect. Thus I render *hui* "avoidance."

[41] Thus, the *Zuo zhuan*, 1st year of Duke Xi 僖 explains, e.g., "To avoid mentioning the evil of a state is ritual propriety" 諱國惡, 禮也; *Chunqiu Zuo zhuan zheng yi*, 12.3a [198].

[42] *Jiazi Xin shu jiao shi*, 2.228; *Xin shu jiao zhu*, 2.74. The received text lacks the graph *hou* 侯 in this line.

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[43] The identity of Bodou / Badou 伯鬪 is unknown. The narrative here is a version of a story recorded in the *Zuo zhuan*, 24th year of Duke Xi; *Chunqiu Zuo zhuan zheng yi*, 15.22a [257]; another version is found in the *Shi ji*, 42.1765. No record other than the *Xin shu* mentions Bodou.

There are four main approaches to the question. Lu Wenchao simply thinks that these are erroneous graphs that should be excised from the text. Some think that Bodou somehow refers to Shudai 叔帶, who the *Zuo zhuan* blames for chasing out King Xiang. Qi Yuzhang, e.g., offers this position—though his advocacy is distinctly lacking in enthusiasm. Nor does he explain the connection of Bodou to Shudai. Zhang Taiyan 章太炎 (1868-1936) suggests that the two graphs do not record a name, but rather write *bazhu* 霸主, "hegemonic lord," and thus refer to Duke Wen of Jin. Zhang points out that *dou* and *zhu* were in the same early rhyme group. The alternation between *zhu* and *dou* (albeit written with occasional graphic variant 斗) is attested elsewhere; cf. Gao Heng, *Guzi tongjia huidian*, 348-49. Zhang's explanation is related in Wang Zhouming and Xu Chao, *Jia Yi ji jiao zhu*, 70; I do not have access the original source of Zhang's arguments.

Yu Yue, *Zhuzi ping yi*, 27.321, says that this is an example of the discrepancies between historical sources that result in the process of transmission, and is therefore a valuable piece of information; he does not, however, give an interpretation of what it should mean.

[44] *Bofu* 伯父 is literally, "elder paternal uncle," the older brother of one's father. During Zhou times, it was used as a term of respect for feudal lords who were members of the ruling clan; those of different clans were called *bojiu* 伯舅. See *Yi li zhu shu*, 27.6a [327]:

> If [a lord] is of the same clan [as the ruling Zhou house] with a large state, then he is called *bofu*; those of different clans are called *bojiu*. One from the same clan with a small polity is called *shufu* 叔父 (younger paternal uncle); one from a different clan with a small polity is called *shujiu* 叔舅. 同姓大國則曰伯父, 其異姓則曰伯舅. 同 姓小邦則曰叔父, 其異姓小邦則曰叔舅.

[45] *Jiazi Xin shu jiao shi*, 2.228; *Xin shu jiao zhu*, 2.74.

[46] In the *Zuo zhuan*, 25th year of Duke Xi 僖, *Zuo zhuan zheng yi*, 16.3a-b. The "Jin yu si" 晉語四 chapter of *Guo yu*, *Sbby*, 10.14b-15a gives one version; "Zhou yu zhong" 周語中, *Guo yu*, *Sbby*, 2.4a-5a, includes a more prolix rendition of the king's reply.

[47] *Zhou li zhu shu*, 22.3a [335]; translation after Lin Yin 林尹, *Zhou li jin zhu jin yi* 周禮今註今譯 (Taipei: Taiwan Shangwu, 1972), 227-28. There is some disagreement about the exact interpretation of this passage; cf. Sun Yirang, *Zhou li zheng yi*, 41.1700-1.

[48] This first sentence is a repetition of the definition that Du Yu gives in his commentary on the *Zuo zhuan*. Qi Yuzhang, *Jiazi Xin shu jiao shi*, 2.230 says that this is based on Jia Kui's 賈逵 (30-101) lost *Zuo zhuan* commentary. I am unable to determine Qi's basis for this assertion, as it is not supported by any commentary I have been able to locate. Furthermore, Ma Guohan, *Yuhanshanfang ji yi shu*, 1200-1238 collects the remnants of two of Jia Kui's commentaries, the *Chunqiu Zuo shi*

zhuan jie gu 春秋左氏傳解詁 and the *Chunqiu Zuo shi chang jing zhang ju* 春秋左氏長經章句, neither of which contains this definition.

[49] *Zuo zhuan zheng yi*, 16.3b [263].

[50] The phrase "kingly hallmark" (*wang zhang* 王章) occurs only in the *Zuo zhuan* and *Guo yu* versions; see *Chunqiu Zuo zhuan zheng yi*, 16.3b [263]; *Guo yu*, *Sbby*, 10.14b.

[51] Both the *Guo yu* and *Zuo zhuan* versions make a similar point: to grant Duke Wen's request would be to permit him to "duplicate the king" (*er wang* 二王).

[52] *Jiazi Xin shu jiao shi*, 2.232; *Xin shu jiao zhu*, 2.74. This matches the suspensions prescribed in the *Li ji*, cited above, with two exceptions. First, while the *Zhou li* has "half suspension" (*pan xuan* 判縣, i.e., on two sides) for a grandee, in Jia Yi's text there receive only a "straight suspension" (*zhi xuan* 直縣). Secondly, while the *Zhou li* prescribes a "single suspension" (*te xuan* 特縣) for a grandee, the version quoted by Jia Yi grants only "large and small zithers" (*qin se* 琴瑟).

[53] *Jiazi Xin shu jiao shi*, 2.232-33; *Xin shu jiao zhu*, 2.74-75. See also *Chunqiu Zuo zhuan zheng yi*, 25.6b-8a. Another version of this episode, found in the "Zheng lun jie" 正論解 chapter of the *Kongzi jiayu*, *Sbby*, 9.13a, seems to be derived primarily from the *Zuo zhuan* and *Xin shu* versions, though with some unique detail; see Sun Zhizu, *Jiayu shu zheng*, 5.22b-23a [206-7].

[54] Jia Yi's version states clearly that Qi attacked (*gong* 攻) Wei; the *Zuo zhuan* and *Kongzi jiayu* both say that Wei had first attacked Qi and fallen into difficulties when counter-attacked, whereupon they were rescued by Shusun Yuxi.

[55] *Qu xuan* 曲縣 is equivalent to *xuan xuan* 軒縣, "chariot suspension," mentioned above; see Du Yu's commentary on the *Zuo zhuan*, 2nd year of Duke Cheng, *Chunqiu Zuo zhuan zheng yi*, 25.7a [422].

[56] *Jiazi Xin shu jiao shi*, 2.233; *Xin shu jiao zhu*, 2.74-75.

[57] In his commentary on the *Zuo zhuan*, Du Yu defines, "Accoutrements (*qi* 器) are [e.g.,] chariots and garb; names are ranks and titles" 器車服, 名爵號; *Chunqiu Zuo zhuan zheng yi*, 25.7a [422].

[58] *Zuo zhuan zheng yi*, 25.8a [422]; translation follows Li Zongtong, *Chunqiu Zuo zhuan jin zhu jin yi*, 13.621-22.

[59] The parallels between the two speeches make it clear that even if the *Zuo zhuan* that Jia Yi knew was different from the received text, the two depict the same basic content.

[60] *Jiazi Xin shu jiao shi*, 1.155-64; *Xin shu jiao zhu*, 1.53-54.

[61] The *Xin shu* often writes the graph now pronounced *yi* 疑 for *ni* 擬/儗, meaning, "to match, imitate." *Ni* is frequently used with the particular implication of improper imitation both in the *Xin shu* and other sources. All *Xin shu* commentators accept this reading for the "Fu ni" chapter; it appears elsewhere, too. Liu Shipei 劉師培 (1884-1919), "*Jiazi Xin shu* jiao bu" 賈子新書斠補, A.3b, in *Liu Shenshu xiansheng yi shu* 劉申叔先生遺書, vol. 2 (Taipei: Taiwan daxin shuju, 1965) makes this point with specific reference to the "Fu ni" chapter. The implication of impropriety is reflected, e.g., in Yan Shigu's comment at a line found in the *Han shu* that says, "Those of distant places that can imitate (*ni*)" 遠方之能疑者; Yan adds, "*Yi/ni* is read as *ni*; *ni* means to usurp. This describes those that imitated the Son of Heaven" 疑讀曰擬. 擬, 僭也, 謂與天子相比擬 ; see *Han shu*, 24A.1129-30. Cf. also Gao Heng, *Guzi tongjia huidian*, 376.

[62] I follow the received text to translate *houze* 厚澤, “generous favors.” *Ze* originally means “wet place; glister, sheen; damp,” but is also used to mean “benefaction, reward,” as well as to describe noble moral qualities. In the “Gongsun Chou xia” 公孫丑下 chapter of the *Mengzi*, there is the line, “This is seeking reward” 是干澤也, where Zhao Qi 趙岐 (ob. 201) defines, “*Ze* means emolument” 澤, 祿也; see *Mengzi zhu shu*, 4B.9b [84]. Qi Yuzhang would follow the Li, Hu, and Lu editions to reverse the graphs *houze*; this would give *zehou* 澤厚, “favor and magnanimity.”

[63] Qi’s edition inserts the graph *qing* 卿, “high minister,” here; I elide it, following the other editions.

[64] *Jiazi Xin shu jiao shi*, 1.155; *Xin shu jiao zhu*, 1.53.

[65] I understand *jia* 加 here as “to add [rank],” i.e., “to promote.” Although I have not been able to locate an example of precisely this usage, there are two similar types of meaning that support this reading. First, *jia* can mean to increase in rank, but I find it only in reference to ritual observances. This occurs, e.g., in the *Zuo zhuan*, 4th year of Duke Xi 僖公: “Any of the feudal lords that dies at court or at a gather is promoted (*jia*) one grade [for his funeral observances]; one that dies in the king’s service is promoted two grades” 凡諸侯薨于朝會加一等, 死王事加二等; *Chunqiu Zuo zhuan*, 12.13b-14a [203]. *Jia* can also mean to give someone a particular position. Thus, in the “Wan Zhang xia” 萬章下 chapter of *Mengzi*, it says, “[Yao] later elevated [Shun] and put him (*jia*) into high position” 後舉而加諸上位; *Mengzi zhu shu*, 10B.7b [186]. This is similar to the reading suggested by Wang Zhouming and Xu Chao, *Jia Yi ji jiao zhu*, 47-48.

Qi, and Yan and Zhong suggest taking *jia* as equivalent to *yu* 踰, “to surpass, be superior to.” They cite the “Tan gong” 檀弓 chapter of the *Li ji*, where it quotes Kongzi, “Xianzi surpasses other people by one grade” 獻子加於人一等矣; *Li ji zhu shu*, 6.21b [119]. However, given the conditional nature of the following sentence, this seems less likely than my preferred reading.

Yiwang 已往 means “after,” giving my “once…” This usage is found in the *Hou Han shu*, 75.2451, “After today, the realm is secured” 今日已往, 天下定矣. See my note below regarding the Five Grades (*wu deng* 五等). “Vassals” here is capitalized to differentiate the direct Vassals of the lord from vassals generally, i.e., the underlings of any ranked person.

[66] I read *li* 例 here as “type, kind, analogue” (*lei* 類). This sense functions in the *Gongyang zhuan* for the 1st year of Duke Xi 僖公, “Vassals and children are of one type” 臣子一例也; *Chunqiu Gongyang zhuan zhu shu*, 10.1a [120]. By extension, *li* introduces the relationship of the Vassals to their underlings, which is of the same type as to that between ruler and Vassal. Thus, Jia Yi emphasizes that the two kinds of relationship are similar, but employ different terminology in order to prevent presumption.

Qi suggests reading *li* as *lie* 列, “line, rank,” which is possible; cf. Gao Heng, *Guzi tongjia huidian*, 630. This would give another viable reading for the phrase: “This rank of Vassals…” The phrase *lie chen* with similar sense is found in the *Shi ji*, 129.3260, “Qin Shihuang commanded the Luo 倮 [leaders] to match the enfeoffed lords, and to have periodic audience at court with the ranked vassals” 秦始皇帝令倮比封君, 以時與 列臣朝請.

Lu Wenchao reads *li* as connected to the preceding sentence. The Tan, Li, and He editions elide the graph entirely, which Zhong Xia thinks is the best approach.

[67] The meaning of Five Grades (*wu deng*) that Jia Yi employs here and above seems to be that found in the "Wang zhi" 王制 chapter of the *Li ji*, *Li ji zhu shu*, 11.1a [212]:

> In the system of emolument and ranks given by a king, there are dukes, marquises, earls, viscounts, and barons; in all, five grades. The feudal lords have senior grandees and high ministers, junior grandees, senior grandees, middle grandees, and junior grandees; in all, five grades. 王者之制, 祿爵公侯伯子男, 凡五等. 諸侯之上大夫卿, 下大夫, 上士, 中士, 下士, 凡五等.

[68] *Jiazi Xin shu jiao shi*, 1.155; *Xin shu jiao zhu*, 1.53.

[69] It is possible that Jia Yi is either suggesting something new, or that record of this convention has been lost. Broadly speaking, *chen* and *pu* can both be used to refer to a broad range of people, including those at a low level.

One possible indication of this distinction can be found in the "Li yun" 禮運 chapter of the *Li ji*. There, it says, "Those that serve a lord are called vassal (*chen*); those that serve a household are called coachmen (*pu*)" 仕於公曰臣, 仕於家曰僕. Fang Que 方慤 (Song) points out the essential similarity of the two terms, but says, "Although the names can be used interchangeably, the [relative] positions must be differentiated" 名雖可通, 而位不可不辨, citing this line from the "Li yun" as evidence. Sun Xidan 孫希旦 (1736-1784) explains, "Saying, 'Those that serve a lord are called vassal; those that serve a household are called coachmen' means that the vassals of a lord and the vassals of a household are different in terms of esteem and abjection" 謂仕於公曰臣, 仕於家曰僕, 言公臣與家臣貴賤殊也. See *Li ji zhu shu*, 21.20a; and Sun Xidan, *Li ji jijie* 禮記集解 (Beijing: Zhonghua shuju, 1989), 600-1. This is not exactly the distinction that Jia Yi makes, but is evidence of something similar.

[70] *Jiazi Xin shu jiao shi*, 1.158; *Xin shu jiao zhu*, 1.53. *Qi* 奇 here is "special," i.e., unique to rank. The *Shuo wen jie zi* says, "*Qi* means different; another [explanation] says without match" 奇異也, 一曰不耦; *Shuo wen jie zi zhu*, 5A.204.

The phrase *wenzhang* 文章 has a number of different meanings, and discussion of this term/phrase forms a major part of the discussion in Martin Kern, "Ritual, Text, and the Formation of the Canon: Historical Transitions of *wen* in Early China," *TP* 87 (2001): 43-91.

I follow Qi Yuzhang to understand *wenzhang* here as referring to the ritual system. *Wenzhang* can also refer specifically to the particular system of indicating rank through exterior symbols. Finally, at the most literal level, *wenzhang* can refer to particular patterns on cloth. Obviously, these three levels of meaning are closely related, tied together by metonymy.

In the *Li ji* "Da zhuan" 大傳, there is the following passage, in which *wenzhang* appears as one in a list of things to be changed:

> When the sage person faces south and orders the realm, he invariably begins from the way of people. He establishes weights and measures of length and volume, examines the ritual system (*wenzhang*), reforms the calendar, changes

> the color of clothing, diversifies banner insignia, distinguishes utensils, and differentiates clothing. 聖人南面而治天下, 必自人道始矣. 立權度量, 考文章, 改正朔, 易服 色, 殊徽號, 異器械, 別衣服.

In his commentary on this passage, Zheng Xuan defines *wenzhang* as "ritual rules" (*li fa* 文章, 禮法也). See *Li ji zhu shu*, 34.4a [617]. This seems to be closest to what Jia Yi lays out here in "Fu ni," and I translate accordingly.

Wenzhang can also refer to particular elements of the ritual system, especially those that indicate rank. Thus, in the *Chunqiu Zuo zhuan*, 5th year of Duke Yin 隱公, it says that the Xia, "Made obvious the *wenzhang* to make clear the esteemed and abject, and to differentiate the grades and ranks" 昭文章, 明貴賤, 辨等列. Du Yu's commentary on this line says, "*Wenzhang* means the chariots, clothing, pennants, and flags" 文章謂車服旌旗; see *Chunqiu Zuo zhuan zheng yi*, 3.22b-23a [59-60]. These things are means by which rank is evinced externally and are no doubt related to the "ritual rules" that stipulate their possession.

Finally, at the most literal level, *wenzhang* refers to patterns of embellishment on cloth. In the "Fei xiang" 非相 chapter of *Xunzi*, it mentions, "To exhort people by means of words is more noble (*mei* 美) than [doing so with] patterned clothing (*fufu`* 黼黻 and *wenzhang*)" 觀[=勸]人以言美於黼黻文章. Yang Liang explains the names for cloth embroidered with colored patterns, "White with black is called *fu*; black with green is called *fu`*; green with red is called *wen*; red with white is called *zhang*" 白與黑謂之黼，黑與青謂之黻，青與赤謂之文，赤與白謂之章; see Wang Xianqian, *Xunzi jijie* 荀子集解 (Beijing: Zhonghua shuju, 1988), 3.84. Given the context here, it seems that *wenzhang* could be understood as patterned cloth, as implied by Xia and Zhong. This would give a line like, "Special clothing has its patterns in order to rank…"

[71] Regarding "flags and emblems" (*qi zhang* 旗章), see the "Yue ling" 月令 chapter of the *Li ji*:

> [The cloth for official garb is dyed] black, yellow, green, or red. None is to be incorrect or not goodly. Do not dare to falsify them. By these is the clothing for suburban observance, ancestral temple, and sacrifices granted; with these are the flags and emblems made, in order to differentiate the grades of the esteemed and abject, and to grant them proper measure. 黑 黃 倉[=蒼]赤, 莫不質良, 毋敢詐僞. 以 給郊廟祭祀之服, 以爲旗章, 以別貴賤等, 給之度.

Zheng Xuan comments, " 'Flags and emblems' are pennants and flags, and emblems of identification" 旗章旌旗及章識也. Kong Yingda expands this in his sub-commentary, saying,

> "Pennants and flags"—these are the Nine Flags (*jiu qi* 九旗) from the "Sichang" 司常 chapter of the *Zhou li* [*Zhou li zhu shu*, 27.16a [420]]. "Emblems of identification" are the titles for tasks in the *Zhou li*. Thus, in "Sichang" [*Zhou li zhu shu*, 27.18b [421]] it says, "[The emblems of] officials evince their tasks; those of [officials responsible for] provinces and hamlets evince their denominations; and those of households evince their titles. 旌旗

者則周禮司常九旗是也. 章識者則周禮事名號. 故司常云, 官府象其事, 州里象其名, 家象其號.

See *Li ji zhu shu*, 16.10b [319].

[72] Given the context, it seems sure that Yan and Zhong are correct in arguing that *fu rui* 符瑞 here means "tallies and seals." Tallies were pairs of tokens formed or cut to fit together; the possessor of a tally could thus trust someone bearing its match. The *Shuo wen jie zi* says, "*Fu* means '[marker of] trustworthiness.' In the Han system, they use bamboo, six *cun* long. When divided, [the pieces] can be brought together" 符, 信也. 漢制以竹, 長六寸. 分而相和; *Shuo wen jie zi zhu*, 5A.191. *Rui* were jade seals that proved delegated authority. The *Shuo wen* defines, "*Rui* means using jade for [a marker of] trustworthiness" 瑞, 以玉爲信也; *Shuo wen jie zi zhu*, 1A.13. The "Shui di" 水地 chapter of the *Guanzi*, *Sbby*, 14.2a, says, "The lord of men esteems it (jade), collects it as treasure, and divides it to make tallies and seals" 是以人主貴之, 藏以爲寶, 剖以爲符瑞.

Qi would understand *furui* as the supernatural manifestations of heavenly approval, particularly for the ruler. He cites the *Han shu*, 8.243, which says, "The manifestations (*furui*) came in response, the treasured tripods emerged, the white unicorn was captured" 符瑞應, 寶鼎 出, 白麟獲. While there is no doubt that *furui* can be so understood, it would not be in keeping with the rest of the passage, which lists only mundane signs of rank. Furthermore, Jia Yi is explicit that these signs are the means to distinguish people of all ranks—low as well as high; this does not jibe with supernatural signs of heaven's mandate. Finally, as I have noted, heaven's mandate plays no part in Jia Yi's thought generally, and thus would be out of place here.

[73] *Chong* 寵 here, in combination with *li*, "ritual," is explained not as simple "favor" (the usual reading), but with a particular sense of "reverence, respect." This meaning also operates, e.g., in the "Chuyu xia" 楚語下 chapter of the *Guo yu*, where it says, "Reverence the forebears (*zu* 祖) as spirits in order to get awe from the people" 寵神其祖以取威於民. Wei Zhao here defines, "*Chong* means to reverence" 寵, 尊也; *Guo yu*, *Sbby*, 18.2b.

[74] I translate *zhilu* 秩祿 simply as "emoluments," but the two words are sometimes treated as different things. Thus, in the "Qiang guo" 彊國 chapter of *Xunzi*, it says, "They increased the salaries (*zhi* 秩) of officials, and increased the pay (*lu* 祿) of the common people" 官人益秩, 庶人益祿. Yang Liang explains, "Both *zhi* and *lu* mean food [given as emolument]" 秩祿皆謂廩食也; *Xunzi jijie*, 11.295.

[75] "Jade disks" (*huan* 環) and "sash-pendants" (*pei* 珮/佩) are both types of jade objects worn at the belt or sash. Because of the nature of the information available to us, the following analysis of these objects is tentative. *Huan* disks were of three types: a plain *huan*, a jade disk with a hole in the center; a jade ring formed out of connected pieces (*lian huan* 聯環); and groups of *huan* connected together (*lian`* *huan* 連環). *Pei* is a general term for various types of objects and sets of objects worn as sash decorations, later imbued with significance in the ritual system. See Na Zhiliang 那志良, *Yuqi tongshi* 玉器通釋 (Taipei: privately printed, 1970), 58-59, 74-75.

[76] The Lu edition reverses *shi yin* 食飲, "food and drinks" to the more usual *yin shi* 飲食, "drinks and food."

[77] *Jiazi Xin shu jiao shi*, 1.158; *Xin shu jiao zhu*, 1.53.

[78] *Pin* 品 here is "grade, rank, hierarchical classification," referring to the grades of items in the foregoing list. This sense is reflected in a line from the "Xiongnu zhuan" 匈奴傳, "According to the former agreement, the Han would often send princesses, and give silks and foodstuffs of [different] grades, in order to [make] harmony and closeness" 故約，漢常遣翁主，給繒絮食物有品，以 和親. In his commentary on the *Han shu*, Yan Shigu says, "*Pin* means gradation" 品謂等差也. See *Shi ji*, 110.2913; *Han shu*, 94A.3773, note 4; cf. *Shi ji quan yi*, 3858.

Zhou 周 means "all-around; completely"; I translate it simply "all." See *Guangya shuzheng*, 2A.15a [50], "*Zhou* … is all-around" 周… 徧也.

[79] *Jiazi Xin shu jiao shi*, 1.162; *Xin shu jiao zhu*, 1.53.

[80] The received text has *ji* 季 here; the Zihui edition has *fen* 分, and the Li and Hu editions have *shi* 使. Lu Wenchao suggests that *ji* is in fact a corruption of , an ancient form of *shi*; cf. *Yu pian*, *Sbck*, 22.79. This seems the best solution and I follow it. Lu also cites an unnamed alternate addition which has *wei* 位, an emendation based on sense that connects the graph to the preceding sentence.

[81] *Jiazi Xin shu jiao shi*, 1.162; *Xin shu jiao zhu*, 1.53.

[82] *Ren lun* 人倫 is the term for the set of hierarchical relations governing all aspects of society. Thus *Mengzi* says,

> He appointed Hsieh as the Minister of Education whose duty was to teach the people human relationships [*ren lun*]: love between father and son, duty between ruler and subject, distinction between husband and wife, precedence of the old over the young, and faith between friends. 使契爲司徒, 教以人倫, 父子有親, 君臣有義, 夫婦有別, 長幼有敘, 朋友有信.

Mengzi zhu shu, 5B.4b; translated in DC Lau, *Mencius: A Bilingual Edition*, rev. ed. (Hong Kong: The Chinese University Press, 2003), 115-17. From the context here, as well as that of his thought generally, Jia Yi is probably thinking specifically of duty between lord and vassal.

[83] Cf. *Lunyu*, 2/1: "[One that] uses virtus to govern is like the North Star—he stays in his place and the [other] stars ring him round" 爲政以德, 譬如北辰, 居其所而眾星共之; *Lunyu zhu shu*, 2.1a [16]; trans. after Yang Bojun, *Lunyu yi zhu*, 11.

[84] *Ji* 幾 is here read in the fourth tone, meaning "to hope." In this sense and pronunciation, the graph is interchangeable with *ji*` 冀, "to hope," as suggested by Lu Wenchao; cf. Gao Heng, *Gu zi tongjia huidian*, 375. This meaning is attested, e.g., in the *Shi ji*, "I thought myself distant [from the line of succession], and did not hope to become lord" 寡人自以疏遠, 毋幾爲君. The "Suo yin" commentary says, "*Ji* is pronounced like *ji*`, meaning 'to hope'" 幾音冀, 謂望也; *Shi ji*, 39.1682.

The translation follows the received text. The Zihui, Cheng, and Lu editions have *ji* twice, replacing *ji*`` 及, "to be up to, to be able to" with it. The Tan, Li, and Hu editions have neither *ji* nor *ji*``.

[85] Qi Yuzhang refers to a passage in the "Shen shi" 慎勢 chapter of the *Lü shi chunqiu* that makes a similar point about the importance of clear hierarchical relationships:

> According to the rules of the first kings: When you establish the Son of Heaven, you do not permit the feudal lords to imitate him. When you establish feudal lords, you do not permit the grandees to imitate them. When you establish primary sons (by a wife), you do not permit the secondary (by a consort) to imitate them. Imitation gives rise to contention; contention gives rise to disorder. For this reason, if the feudal lords lose their proper position, then the realm will be disordered; if the grandees lack ranks, then the court will be disordered; if wives and concubines are not distinguished, then the household chambers will be disordered; if primary and secondary sons are not differentiated, then the paternal clan will be disordered. 先王之法, 立天子不使諸侯疑焉. 立諸侯不使大夫疑焉. 立適子 不使庶孽疑焉. 疑生爭, 爭生亂. 是故諸侯失位則天下亂, 大夫無等則朝庭亂, 妻 妾不分則家室亂, 適孽無別則宗族亂.

See Chen Qiyou 陳奇猷, *Lü shi chunqiu xin jiao shi* 呂氏春秋新校釋 (Shanghai: Shanghai guji chubanshe, 2002), 17.1120.

[86] The Jian edition lacks the word *shi* 是 here.

[87] The Jian edition inserts the graph *yi* 以 here. Following Qi, Lu et al., I elide it. The commentary at *Wen xuan*, 41.1898, quotes this line without *yi*, but with the addition of sentence-final particle *ye* 也. Zhong Xia thinks that *yi* should be taken as equivalent to *yi*` 已; see Wang Yinzhi, *Jing zhuan shi ci*, 1.5a [7]. Xia suggests that *yi*` should be understood as *ye*, thus matching the version in the *Wen xuan* commentary. It should also be noted that *yi*` can be understood as the sentence-final particle *yi*`` 矣; *Jing zhuan shi ci*, 1.8b [9].

Ma Zong 馬總 (ob. 823), *Yi lin* 意林, *Sbby*, 2.16a, cites this line, inserting the parallel phrase, "The esteemed in their relationship to the abject will be like black and white" 貴之於賤若黑與白.

[88] *Jiazi Xin shu jiao shi*, 1.162; *Xin shu jiao zhu*, 1.54.

[89] *Jiazi Xin shu jiao shi*, 1.137-53; *Xin shu jiao zhu*, 1.46-48.

[90] *Zhi* 織, read in the fourth tone, is literally "weave," the noun corresponding to the verb *zhi*`, first tone, meaning "to weave." Kong Fu 孔鮒 (ca. 264-208 BC), *Xiaoerya* 小爾雅, *Sbby*, 6.1a defines, "*Zhi* is silk cloth" 織, 繒也. The "Yu zao" 玉藻 chapter of the *Li ji* says, "The clerisy does not wear clothes of woven silk (*zhi*)" 士不衣織; Zheng Xuan explains, "*Zhi* is woven of dyed silk thread. The clerisy wear clothes of silk cloth that is dyed [after being woven]" 織, 染絲織之, 士衣染繒也. As Kong Yingda explains, cloth woven of thread that has first been dyed requires more labor than that dyed after weaving. As a result, its wearing was restricted to those of high rank; *Li ji zhu shu*, 29.19b-21a [552-53]. Here, the offense is certainly exacerbated by using this restricted cloth for shoes.

Dunyi 蹲夷 (*yi* in this compound sometimes written 跠) means "to squat"; cf. *Guangya shuzheng*, 3B.13a-b. Squatting is a conventional sign of arrogant and

uncivilized behavior. Thus, in the *Hou Han shu*, 25.876, it says, "They squat (*dunyi*) or sit unrestrained, no different from fowl or beasts" 蹲夷踞肆, 與鳥獸無 別.

[91] I follow Qi to understand *lun* 論 here in the quasi-legal sense of "to judge, convict, sentence." This usage is found in the *Shi ji*, 9.403, "When the king of Zhao arrived, she [Empress Dowager Lü] installed him in the guesthouse and did not grant him audience. She commanded the guards to watch over him, and not permit him to eat. If one among the vassals fed him, she always arrested and convicted him" 趙王至, 置邸不見. 令衛圍守之, 弗與食. 其羣臣或竊饋, 輒捕論之. In the *Hou Han shu*, 25.883, there is the line, "He was convicted in an affair and sent to prison, sentenced to (*lun*) exile service" 坐事下獄司寇論; Li Xian 李賢 (651-84) says, "To decide a criminal case is called *lun*" 決罪曰論.

[92] Yu Yue, *Zhuzi ping yi*, 27.319-20, suggests that *zai suo* 在所 here should be reversed to give *suo zai* 所在, to follow the parallel in the preceding line.

[93] *Jiazi Xin shu jiao shi*, 1.137; *Xin shu jiao zhu*, 1.46.

[94] *Jiazi Xin shu jiao shi*, 1.137; *Xin shu jiao zhu*, 1.46.

[95] "Deng qi," *Jiazi Xin shu jiao shi*, 1.137; *Xin shu jiao zhu*, 1.46: "However, regarding the Son of Heaven's having the same relationship with the feudatory princes that the princes have with their vassals… is it proper that they all, alike, have matching grades [of privilege] like this? 然則天子之與諸侯[王], 臣之與[下], 宜撰然齊等若是乎.

[96] *Jiazi Xin shu jiao shi*, 1.141; *Xin shu jiao zhu*, 1.46-47.

[97] From the "Bai guan zhi" 百官志, *Hou Han shu*, 28.3627: "When the Han first established the various kings…. the national government established only the chancellor for them. From their grandee secretaries on down, they appointed each themselves" 漢初立諸王…. 國家唯爲置承相, 其御史大夫以下, 皆自置之. Tutors were also appointed by the Han, but were apparently not considered officials per se.

[98] *Jiazi Xin shu jiao shi*, 1.142; *Xin shu jiao zhu*, 1.47.

[99] *Jiazi Xin shu jiao shi*, 1.146; *Xin shu jiao zhu*, 1.47.

[100] *Jiazi Xin shu jiao shi*, 1.146; *Xin shu jiao zhu*, 1.47.

[101] *Li ji zhu shu*, 55.1a-19b.

[102] A version of the "Zi yi" dating to the 4th c. BC was recovered at Guodian. Pictures of the strips, a transcription, and notes can be found in Jingmen bowuguan 荆門博物館, *Guodian Chu mu zhujian* 郭店楚墓竹簡 (Beijing: Wenwu chubanshe, 1998), 17-20, 129-137; transcription and notes can also be found in Tu Zongliu 涂宗流, *Guodian Chu jian Xianqin Rujia yishu jiao shi* 郭店楚簡先秦儒家佚書校釋 (Taipei: Wanjuanlou, 2001), 335-74. A different recovered version is held in Shanghai; photographs, transcription, notes, and photos of this version juxtaposed with the Guodian version can be found in Ma Chengyuan 馬承源, ed., *Shanghai bowuguan cang Zhanguo Chu zhushu* 上海博物館藏戰國楚竹書, vol. 1 (Shanghai: Shanghai guji chubanshe, 2001), 45-68, 171-213. William G. Boltz, "*Liijih* 'Tzy I' and the Guodiann Manuscript Matches," in Emmerich and Stumpfeldt, eds., *Und folge nun dem*, 209-221 discusses the parallels between the Guodian and received versions of this text.

[103] The following two pronouncements are recorded in the *Li ji zhu shu*, 55.6a-7a. A thorough text critical discussion of this passage in comparison with the recovered texts would be out of the scope of the present work, which focuses on the *Xin shu*. The relevant sections are in Jingmen bowuguan, *Guodian Chu mu zhujian*,

129-30; and Ma Chengyuan, ed., *Shanghai bowuguan cang Zhanguo Chu zhushu*, vol. 1, 175-76, 183-84. I will refer to these other texts only when required to explain a translation or text critical decision.

[104] 長 is here a verb, *zhang*, "to lead." The translation is a noun phrase, "leader of the people," because of the nominalizing particle *zhe* 者. A similar usage is found in the "Zhou yu xia" 周語下 chapter of the *Guo yu*, where Crown Prince Jin 晉太子 says, "I have heard that those of ancient times who led the people did not destroy mountains" 晉聞古之長民者不墮山. Wei Zhao 韋昭 (204-273) says, "*Zhang* is like [to be] lord" 長猶君也; *Guo yu*, *Sbby*, 3.5a. See also "Jin yu yi" 晉語一: "The leader of the people is without intimates" 長民者無親; *Guo yu*, *Sbby*, 7.9b.

[105] "To not vary" translates *bu er* 不二, literally, "do not number two." In the *Li ji*, Zheng Xuan defines, "*Er* means to be not be one (i.e., the same)" 貳, 不一也, thus "to differ." The Mao preface to "Du ren shi" also quotes this line, and there Zheng Xuan explains, "To change without constancy is called *er*" 變易無常謂之貳; *Maoshi zheng yi*, 15-2.1a [510]. The *Li ji* writes *er* 二 with graphic variant 貳. The recovered texts have *gai* 改, "to change," for *er*.

[106] *Congrong* 從容 occurs in the *Chu ci* poem "Huai sha" 懷沙, which has the line, "Who acknowledges my actions" 孰知余之從容. Wang Yi defines, "*Congrong* means action" 從容, 舉動也; see Hong Xingzu, *Chuci buzhu*, 4.21a. Kong Yingda explains that the leader's actions have their "constant measure" (*chang du* 常度).

[107] "United" here translates *yi* 一, "one; to be one."

[108] I follow the standard commentaries on the *Shi* and *Li ji* to render *zhou* 周 in this line as "fidelity." The Mao commentary on the *Shi* defines *zhou* as "loyalty and trustworthiness" (*zhong xin* 忠信), which is seconded by Zheng Xuan in his notes; *Maoshi zheng yi*, 15-2.2a. Zheng Xuan also rephrases the same definition in his commentary on "Zi yi," *Li ji zhu shu*, 55.6b.

It should be noted that most modern readers of "Du ren shi" follow Zhu Xi 朱熹 (1130-1200) to take Zhou as the name of the place also called Haojing 鎬京 (near mod. Xi'an); cf. Zhu Xi, *Shijing jizhuan* 詩經集傳, *Skqs*, 5.69b [854]; Karlgren, *Book of Odes*, no. 225 [179]; Waley, *The Book of Songs*, ed. Allen, 214; Cheng and Jiang, *Shijing zhu xi*, 718. However, in the context of Jia Yi's writing (as well as that of the "Zi yi"), the more general interpretation of *zhou* as "fidelity" definitely fits better than a specific reference. Given that there is substantial evidence to support this reading, I adopt it.

Zhou has a number of meanings. The basic meaning of the word *zhou* is "circumference" (*za* 匝/帀). In this sense, *zhou* can also be used as a verb, "to make a circumference," i.e., to go all the way around. Closely connected to the idea of the circle is the connotation of "all around, everywhere," as in the *Shi* ode "Songgao" 崧高 (Mao #259), "All around the state, all were delighted" 周邦咸喜; *Maoshi zheng yi*, 18-3.10a [673]. Along these same lines, *zhou* is also used to mean "from start to finish, to the very end," as in the *Zuo zhuan*, 20th year of Duke Zhao 昭公, "…In order to serve you to the very end" 以周事子; there, Du Yu says, "*Zhou* is like 'to the very end'" 周猶終竟; *Chunqiu Zuo zhuan zheng yi*, 49.5b [854]. The sense of "firm, solid, unchanging" follows logically from this. Thus, in the *Zuo zhuan* for the 12th year of Duke Ai 哀公 it says, "Covenants are the means by which to solidify

trust" 盟所以周信也, and Du Yu defines *zhou* simply as *gu*; *Chunqiu Zuo zhuan zheng yi*, 39.3a [1026].

Another frequently encountered meaning for *zhou* is "close," in both literal and figurative senses. For example, in the *Zuo zhuan*, 20th year of Duke Zhao, there is a list of antonyms that includes the pair, "near and distant" 周疏, where Du Yu defines *zhou* as "intimate" (*mi* 密); *Chunqiu Zuo zhuan zheng yi*, 49.19a [861]. This is also the definition given for *zhou* in the *Shuo wen jie zi*; see *Shuo wen jie zi zhu*, 2A.58.

I suggest that the meaning of "fidelity" brings together the ideas of "to the end" and "firm, solid" with that of "intimate," to describe a person who is all of these things. In *Shuo wen jie zi zhu*, 2A.58, Duan Yucai explains the interrelationship differently, saying, "There is no-one that a person of fidelity is not close to" 忠信之人無不周密者.

However it is derived, the meaning of "fidelity; to keep fidelity" for *zhou* is attested in a variety of early contexts. For example, elsewhere in the "Zi yi" chapter of the *Li ji*, it says, "They themselves (the first lords of Xia) had fidelity and so had [proper] ends; [in consequence] their assistants also had [proper] ends" 自周有終, 相亦惟終; *Li ji zhu shu*, 55.11b [932]. [NB There is a *Shang shu* citation of this same line, in the "Tai jia shang" 太甲上 chapter, belonging to the spurious "Old Text" section; *Shang shu zheng yi*, 8.18b [116].] In the "Lu yu xia" 魯語下 chapter of the *Guo yu*, *Sbby*, 5.1b, it says, "Loyalty and trustworthiness constitute fidelity" 忠信爲周. Similarly, the *Guliang zhuan* for the 17th year of Duke Cheng 成公, says, "The duke did not act with fidelity in attacking Zheng" 公不周乎伐鄭也; Yang Shixun's 楊士勛 (Tang) commentary there says, "*Zhou* means trustworthiness" 周, 信也; *Chunqiu Guliang zhuan zhu shu*, 14.11b [142].

[109] This is an apparent truncation of lines now included, with slight variation, in the *Shijing* poem "Du ren shi" 都人士, Mao #225; *Maoshi zheng yi*, 15-2.2a-3a [510]. The transmitted *Shi* text has,

The clerisy of the capital,	彼都人士
in fox fur so yellow—	狐裘黃黃
Their appearance does not change,	其容不改
when they speak, it is with form.	出言有章
Their actions cleave to fidelity;	行歸于周
they are to whom the myriad people look.	萬民之望

The Guodian "Zi yi" quote runs, "Their appearance does not change; / when they speak, it is with [unknown]; they are who the common people trust" 其頌 [=容] 不改, 出言又[=有] ㄱ，利 [=黎] 民所信; transcription from *Guodian Chu mu zhujian*, 130.

A comparison of the received and Jia Yi's versions with the Guodian version of the "Zi yi" shows something curious: the graphs apparently missing from the *Xin shu* quote (namely, "Their appearance does not change; / when they speak, it is with form" 其容不改, 出言有章) are the only ones cited in the Guodian version, with a slight addition. [NB. The version of "Zi yi" held by the Shanghai bowuguan is unfortunately damaged at this point, so cannot be used as a further comparison.] None of the poetic text found in Jia Yi is found there, or vice-versa.

On another note, there is evidence to suggest that these ("Their appearance does not change; when they speak, it is with form") were lines from a "lost ode" (*yi shi* 逸詩), which became incorporated into the Mao version of "Du ren shi," but were not included in the earlier Three Experts' (Sanjia 三家) versions. The first indication of this comes in Fu Qian's 服虔 (2nd c.) commentary on a citation of the lines, "Their actions cleave to fidelity, / They are what the myriad people watch" in the *Zuo zhuan*, 14th year of Duke Xiang. In a commentary that is no longer extant, but quoted by Kong Yingda in his sub-commentary on "Du ren shi," Fu Qian says simply that they are from a lost ode; *Chunqiu Zuo zhuan zheng yi*, 32.22b [564]. From this, we can deduce that this line was not connected with a particular *Shi* poem yet in the 2nd century. Zheng Xuan's commentary on the citation of these lines in "Zi yi" says, "Mr. Mao has it; the Three Experts do not" 毛氏有之, 三家則亡, supporting the theory of a Mao interpolation; *Li ji zhu shu*, 55.6a-b [929]. The Han stone classics' *Lu Shi* 魯詩 includes the poem "Du ren shi" but without this first stanza (albeit without the second as well); see Zhang Guogan 張國淦 (1873-1959), *Han shi jing bei tu* 漢石經碑圖 (oversize block edition; no publication information), "Lu shi," 9b. Since Zheng Xuan also lived in the second century, it seems likely that these lines became attached to Mao ode #225 only at this late time.

Wang Xianqian, *Shi Sanjia yi ji shu*, 20.9a-b [279] discusses this question. He points out that the strict formal parallelism functioning in the second through fifth stanzas of "Du ren shi" does not work in the first. For this reason, as well as the arguments of Fu Qian and Zheng Xuan, Wang thinks that the first stanza is a Mao interpolation that should be excised from the poem. Cheng and Jiang, *Shijing zhu xi*, 717, citing the stone classics version of the *Lushi*, give credence to Wang's theory.

Thus, there are two pieces of evidence: the close correspondence of the *Xin shu* truncation to the Guodian citation and the likely late interpolation of these lines into the transmitted *Shijing*. Based on these, I would suggest that it seems likely there were multiple versions of "Zi yi" in circulation at the end of the Warring states and beginning of the Han periods. These two cited different lines of poetry, as typified by the Guodian and *Xin shu* versions. The poem had also existed separately, with at least one minor variation (thus, the Mao text has *huanghuang* 黃黃, "so yellow," while Jia Yi has *huangshang* 黃裳, "yellow jacket). When the various version of "Zi yi" were combined (at or before the time of inclusion in the *Li ji*), the lines of poetry were conflated. They were then only later incorporated into the Mao version of the poem "Du ren shi" and the transmitted *Li ji*, or these texts were *post facto* altered to match the conflation. Thus, the quotation in *Xin shu* could be actually not a truncation, but represent an earlier version. This is of course speculation.

[110] The Zihui, Cheng, and Lu editions, like the *Li ji*, have the two graphs *ze min* 則民, "if…then the people…" here. Although the sense is not altered, I emend to follow the other editions.

[111] *Jiazi Xin shu jiao shi*, 1.146; *Xin shu jiao zhu*, 1.47.

[112] This is a passive formulation of the same structure seen above in the phrase, "to duplicate the Son of Heaven" 二天子.

[113] See the discussion on *shi* in Huang Jinhong 黃錦鋐, "Jia Yi he Chao Cuo de zhengzhi sixiang" 賈誼和晁錯的政治思想, *Donghai xuebao* 東海學報 18 (1977): 28-29. For *shi* in general, see *Roger Ames, The Art of Rulership: A Study of Ancient Chinese Political Thought* (Albany : State University of New York Press, 1994).

[114] Kong Yingda explains, "This means that they do not hide their situation (i.e., status); when their appearance is seen, then you can know their situation" 謂貌不藏情可望見其貌則知其情.

[115] The *Xin shu* has *lei* 類 in this line, "category; to categorize." The *Li ji* version has *shu* 述, usually "to follow; to transmit." The Guodian "Zi yi" has , which, despite its evident similarity to *lei*, is commonly interpreted as *shu*; e.g., *Guodian Chu mu zhujian*, 132. Although the Jingmen bowuguan editors say that is often written for *shu*, the *Xin shu* text in all editions has *lei*, which suggests that this is the proper graph. Chen Wei 陳偉, *Guodian zhushu bie shi* 郭店竹書別釋 (Wuhan: Hubei jiaoyu chubanshe, 2002), 33-34, thinks that there were [at least] two versions of the text in circulation, and that one need not force to be read *shu*, especially in light of the *Xin shu* evidence.

Zhi 志 here is translated "to classify," a somewhat idiosyncratic usage. In contrast, Zheng Xuan's commentary on the *Li ji* says that, "*Zhi* is like 'to know/acknowledge'" 志猶知也. This definition works on the basis of parallelism with the preceding phrase, but should also be taken seriously.

Zhi has the sense of "external sign." Thus, in the "Tan gong" 檀弓 chapter of the *Li ji*, it says, "At Kongzi's funeral, Gongxi Chi 公西赤 made the emblem (*zhi*) for him" 孔子之喪，公西赤爲志焉. Zheng Xuan says, "*Zhi* means emblem of recognition" 志謂章識; *Li ji zhu shu*, 7.15a. Jia Yi uses this word transitively, "external sign" thus is "to recognize the external sign"; in the context, this refers to emblems of rank, thus "to classify." This usage is parallel to another attested meaning of *zhi*: that of "goal, target" as well as "to hit a target"; see *Hanyu dacidian*, s.v., "*zhi*."

Wang Yinzhi, *Jing yi shu wen*, 16.30b-31a [388] says in regard to the "Zi yi" version of this line,

> *Shu* means *xun* 循 ("to follow, adhere to"). *Zhi* means *shi/zhi* 識 ("to know; to categorize"). Saying *xun* refers to when you examine someone's appearance and the person can [thereby] be known/categorized…. "Follow and classify" (*shu er zhi* 述而志) is like saying, "To gaze upon and know," and is speaking on the basis of external indicators. The "Deng qi" chapter of the *Jiazi* has, "Can be categorized and classified." This means that on the basis of clothing and command authority, one can match them to a category and know them. It is also speaking on the basis of external indicators. 述之言循也. 志之言識也. 循其言貌察之而其人可識也…. 述而志, 猶言望而知, 以其外箸者言之也. 賈子等齊篇引此作可類而志, 謂據其衣服號令, 比類而知. 亦以外箸者言之也.

Wang Yinzhi interprets *zhi* as "to match to a category on the basis of external manifestations," which accords with my translation of "to classify."

William G. Boltz, "Manuscripts with Transmitted Counterparts," in *New Sources of Early Chinese History: An Introduction to the Reading of Inscriptions and Manuscripts*, ed. Edward L. Shaughnessy (Berkeley: The Society for the Study of Early China), 271-72 discusses the significant semantic and phonological overlap between graphs *zhi* and *shi/zhi* 識. In particular, he points out *zhi* is closely related to

zhi` 幟, "banner; to indicate (as by a banner or other sign)," and often written for it. For both of these cases, cf. Gao Heng, *Guzi tongjia huidian*, 404. Boltz suggests this led to confusion, when *shi/zhi* was used to write the word *zhi* and was later misunderstood as *shi*, "to know." Boltz thus considers this a case of "lexical variation." I would suggest that there is a sense of the word corresponding to *zhi* that combines the various senses, "to recognize [by external sign]," "recognize," and "to know; acknowledge."

[116] The phrase *mudu* 沐瀆 encountered in all editions of the *Xin shu* is unintelligible, so I follow Qi Yuzhang to read *mu* 沐 ("to wash") as a graphic error for *tai* 汰 (interchangeable with *tai*/*dai* 汏; see *Hanyu da zidian*, s.v., "*tai*"). Although my interpretation basically matches Qi's, he offers a much more complicated route to get to the same understanding.

Tai is often taken as a borrowing for *tai*` 泰, in the sense of "arrogant, excessive." There are, however, numerous cases in which *tai* itself is so glossed. The *Guang yun*, 4.21b [380] says, "*Tai* means to greatly exceed" 汰, 太過也. The *Zuo zhuan*, 3rd year of Duke Zhao 昭公 says, "As for the arrogance (*tai*) of Boshi 伯石" 伯石之汏也; Du Yu defines, "*Tai* means arrogant" 汏驕也; see *Chunqiu Zuo zhuan zheng yi*, 42.13b [724]. The received text writes *tai*/*dai* 汏, but as Ruan Yuan's collation notes point out that some other editions write *tai* 汰; *Chunqiu Zuo zhuan zheng yi*, 737. Although Ruan Yuan calls *tai* an error, the graphs are known to be interchangeable.

There are examples of this kind usage in other early texts as well. E.g., in the "Zhongni" 仲尼 chapter of *Xunzi*: "Within the doors [of the inner chambers], the majestic music is extravagant and excessive" 閨門之內, 般樂奢汏; Yang Liang comments, "*Tai* means lavish" 汏, 侈也; *Xunzi jijie*, 3.106. The senses of "arrogant" and "lavish" are closely related, and form the basis of my understanding for the first word in this combination.

Du 瀆 is read here as *du*` 嬻, an attested borrowing; see Gao Heng, *Guzi tongjia huidian*, 345. The *Shuo wen jie zi* defines *du*` as, "disrespectful" 媟嬻; Duan Yucai notes in his commentary that these words can be used individually with the same sense; see *Shuo wen jie zi zhu*, 12B.622. I combine the above-explained meaning of *tai*, "excessive," into this sense, to give my translation of "insolence," with particular reference to arrogation of ritual prerogatives.

[117] *Jiazi Xin shu jiao shi*, 1.146-47; *Xin shu jiao zhu*, 1.48.

Chapter 5

RITUAL AND PUNISHMENT

Souverän ist, wer über den Ausnahmezustand entscheidet.

-Carl Schmitt, *Politische Theologie*

The "Qu li" 曲禮 chapter of the *Li ji* contains a line that numbers among the best-known and most maligned ritual prescriptions that come to us from ancient China: "Ritual does not [extend] down to the common people; punishment does not [extend] up to grandees" 禮不下庶人, 刑不上大夫.[1] Many readers take this as a more or less straightforward extension of class-based oppression in ancient China.[2]

However, an examination of other sources shows that these twin exclusions are contradicted. Some readers might look upon this situation as a natural result of anachronistic reading, taking a later text (like the *Li ji*) as descriptive of earlier practice. But this is not the most common approach. Already in Han times, exegetes had noticed this, and proposed various strategies for redress. In most cases, they interpreted the rituals and punishments as limited to a subset of these, or they reinterpreted the proscription to something less thoroughgoing than might be expected. Many recent scholars take similar interpretative tacks.

In the *Xin shu*, Jia Yi quotes these lines as part of a larger argument. In his exposition, Jia Yi focuses on how the ruler is affected by his treatment of subordinates. In this presentation, the lines are not a simple testament to inequity, but indicate the uniquely elevated position of the ruler. They form part of a discussion of the abstract

structure of ideas and practices that is to preserve the ruler's majesty, part of an explication of the relationship between ritual and hierarchy.

I will preface my discussion of Jia Yi's ideas with some representative explanations from Han-time and modern scholars. It is not my intention to here disprove other interpretations of this line, but rather to outline a variety of exegetical approaches, and to analyze that of Jia Yi. As I will show, the line has been variously interpreted; to accept an interpretation in one context is not necessarily to reject another. A brief consideration of the line in the *Li ji* context offers an entry point for the discussion.

The *Li ji* in its current form dates to the late Han times; the constituent sections may well be older, but a specific dating for them is difficult.[3] Like the *Li ji* itself, the "Qu li" contains a wide variety of materials and lacks apparent overall structure.[4] In this miscellany comes the following passage,

> The lord of the state leans on the [chariot-] rail; a grandee descends it. The grandee leans on the [chariot-] rail; the gentleman descends it. Ritual does not [extend] down to the common people; punishment does not [extend] up to grandees. People that have been punished are not at the lord's side. 國君撫式, 大夫下之. 大夫撫式, 士下之 . 禮不下庶 人, 刑不上大夫. 刑人不在君側.[5]

The relationship between the lines within this passage is not clear, and I have found no explanation that is able to explain the relationship between all of the rules mentioned here. Like the rest of the *Li ji*, this probably represents an amalgamation from disparate sources, and thus the early commentators likely have the right idea in not explaining the limitation of ritual and exemption from punishment by means of this context.

Ideas similar to, "Ritual does not [extend] down to the common people; punishment does not [extend] up to grandees" can be found in other early texts, although the phrasing of the *Li ji* passage is by far the best known. For example, in the 29th year of Duke Xiang 襄公, Wuzi Yuji 吳子餘祭, lord of Wu, is assassinated by a gate guard (*hun* 閽), a convict.[6] The *Chunqiu Guliang zhuan* 春秋穀梁傳 blames Wuzi, saying in part,

> According to the rites, the lord should not employ someone without a sense of shame, nor be close to a punished person, nor be close to an opponent, nor draw near to enmity. An abject person is not [properly] esteemed; an esteemed person is not punished; a punished person is not someone to be close to…. Wuzi was close to a punished person. 禮君不使無恥, 不近刑人. 不狎敵, 不邇怨. 賤人非所貴也. 貴人非所刑也. 刑人非所近也…. 吳子近刑人也.[7]

The "grandee" exempted from punishment in the *Li ji* is here "esteemed person," but the basic idea is similar. The *Guliang zhuan* does not comment directly on the exemption of esteemed people from punishment, but focuses on the related idea that, "People that have been punished are not at the lord's side." Its narrative reflects the normative nature of the exclusions listed: Wuzi should not have been close to a punished person, but he was—and thus died. These are neither hard-and-fast rules, nor description of universal practice: they are ideals, which can be disregarded, albeit at one's peril.[8]

Another similar line, with phrasing closer to that of Jia Yi than the "Qu li," is found among the Guodian 郭店 strips, in the piece called "Zun de yi" 尊德義. There it says, "Punishments do not reach to the lordling; ritual does not reach to the petty person" 刑不逮於君子, 禮不逮於小人.[9] Since the strips date to the Warring States period, this effectively dates the ideas to no later than the late 4th century BC. But the context in "Zun de yi" does not provide any information about the punishments or rituals referred to.[10]

However phrased, there is an obvious problem if a reader takes the proscriptions at face value: they do not tally with other available information. There is plenty of evidence that neither prescription operated as any sort of blanket rule in ancient China. Only a few examples are necessary here; additional can be found in the following discussion and in the related literature.[11]

The canons contain numerous examples of rituals explicitly for ordinary people. To give just one example, the *Li ji* lays out guidelines for the period of time between death, encoffining, and burial for three groups: the Son of Heaven; feudal lords; and grandees, gentlemen, and commoners.[12] Early texts also contain examples of punishments, including execution, for "grandees" and higher.[13] One example is found in the *Chunqiu Zuo zhuan* 春秋左傳 for the 14th year of Duke Zhao 昭公 (258 BC), which records the executions of the marklord of Xing 邢侯, Yongzi 雍子, and

Shuyu 叔魚, and the subsequent exposure of the corpses of the latter two.[14] These are surely grandees, and they were punished.

Relevant evidence can also be found in the inscription on the late Western Zhou bronze vessel called the Sheng *yi* 匜.[15] This inscription records a legal sentence of punishment and a renewed oath of obedience for someone identified only by his title, "Oxherd" (*muniu* 牧牛), accused of daring to bring a suit against his superior.[16] The judge sentences the Oxherd to whipping, and before he does so, he states that the Oxherd could have been subjected to other punishments, including a heavier beating and tattooing. The inscription offers supporting evidence for the *Shang shu* 尚書 assertion that, "Whipping is the punishment for those in office" 鞭作官刑.[17] And despite the unassuming sound of his title, it is probable that the Oxherd in fact is of high rank.[18] This suggests that he could be considered a "grandee," and that grandees were thus subject to corporal punishments in Western Zhou times.[19]

Thus, there is at best a contradiction between expectation and practice: the *Li ji* line, understood in a straightforward way, simply does not match the other evidence. This incongruity has not gone unnoticed through time. A brief examination of the canonical and other exegeses of the *Li ji* line makes clear that nearly all commentators recognize this apparent discrepancy, tacitly or explicitly.[20] To examine the reactions of the commentators and their attempts at reconciling is my next step, beginning with the standard commentaries on the *Li ji*.[21]

Han Exegesis

Zhang Yi

The first line of interpretation that I will treat here is that of Zhang Yi 張逸 (ca. 3rd c.).[22] No written work of his survives intact, but scraps of Zhang Yi's writings come down to us piecemeal, particularly in the commentaries and sub-commentaries of the Thirteen Classics. Some of his arguments are included in the *Zheng zhi* 鄭志, a reconstructed work which records exchanges between influential scholiast Zheng Xuan 鄭玄 (127-200) and his followers, including Zhang.[23] Dynastic histories also make mention of Zheng Xuan's rejoinders to Zhang Yi.[24]

Zhang Yi argues for a narrow interpretation of the passage. He interprets it as reference to specific observances, not as a blanket exclusion or exemption. He explains, "Ritual does not extend down to the ordinary people" as follows:

> It is not that [common people] do not practice ritual at all. It is only that they are busy with their tasks and unable to assemble [the required gifts],[25] and therefore [their rites] are written neither in the three hundred classic [ritual] texts nor in the three thousand majestic ceremonials. If they have matters [requiring ritual], they borrow the rituals for the clerisy and follow them. 非是都不行禮也. 但以其遽務不能備之, 故不著於經文三百, 威儀三千耳. 其有事則假士禮行之.[26]

Zhang Yi suggests that the line does not actually exclude the common people from ritual, but rather excuses them from certain ritual obligations on the basis of hardship. It is not that the commonality never employed ritual, only that specific rituals for them are not recorded among the ritual canons. If the common people should require rites, they are to use those of the clerisy, commoners as well in Zhang's time.[27] Zhang Yi uses a similar line of argument in explicating the subsequent phrase, "Punishments do not extend up to grandees":

> It means that as [punishments] for crimes committed [by grandees] are not found in the three thousand Xia or two thousand five hundred Zhou ordinances, so as to not cause the worthy to offend against the law. It is not to say that one does not punish these persons at all. If they should be guilty of something, one uses the Eight Discussions (Ba yi 八議) to discuss (i.e., decide) the mildness or severity [of the punishment]. 謂所犯之罪不在夏三千, 周二千五百之科, 不使賢者犯法也. 非謂都不刑其身也. 其有罪則以八議議其輕重耳.[28]

As in the preceding case, Zhang proposes that the phrase refers only to an exclusion from a defined set of laws, not from punishment generally. When a grandee commits a crime, the punishment is decided according to the Eight Discussions instead of penal law. Eight Discussions is the Han dynasty term for what were earlier called the Eight Rules (*ba bi* 八辟), recorded in the "Xiao sikou" 小司寇 chapter of the *Zhou li*. These rules were used to assign punishment with consideration of eight factors: kinship (*qin* 親), precedent (*gu* 故), worthiness (*xian* 賢), ability (*neng* 能), merit (*gong* 功), esteem (*gui* 貴), effort (*qin* 勤), and guest status (*bin* 賓).[29]

Zheng Xuan

In his commentary on the *Li ji*, the earliest extant *in toto*, Zheng Xuan gives similar reasons for the two injunctions.[30] Regarding the exclusion of the common

people from ritual, Zheng says, "It is for them being busy with their tasks, and at the same time, unable to assemble [the necessary] things" 爲其遽於事, 且不能備物.[31] Regarding the apparent exemption of grandees from punishments, Zheng explains, "One does not permit the worthy to violate the law; if they violate the law, then it lies in the Eight Discussions if [the punishment] is to be mild or severe, not in the penal documents" 不與賢者犯法, 其犯法則在八議輕重, 不在刑書.[32]

Zheng's interpretation of the restrictions bears a clear similarity to that of Zhang Yi. Both suggest that grandees are exempted from the punishments laid out in the laws and are to be judged by an alternate code, the Eight Discussions, and that commoners are too busy to fulfill the ritual obligations.

Bohu tong

The interpretations of this passage that are now canonical were not the only that existed in early China. In 79 AD, Emperor Zhang 章 of the Han (reg. 76-89) commanded a scholarly confabulation to address the exegeses of the Wu jing 五經 (Five canons), which had become various and contradictory. These talks were held at the Bohuguan 白虎觀, and Ban Gu 班固 (32-92) compiled the results into what is now called the *Bohu tong* 白虎通.[33] In the "Wu xing" 五刑 chapter of this work, it says,

> Why do "Punishments not go up to grandees?" It reverences the grandees. "Rituals do not go down to the ordinary people," desires to exhort the people and cause them to achieve [membership] in the clerisy. Accordingly, ritual is ordered for those that have knowledge and punishments are established for those without knowledge. Even though an ordinary person should have a thousand gold in cash, he cannot but submit to punishment.[34] "Punishments do not go up to grandees" is based on the fact that the ritual [texts] do not contain punishments for grandees. Some say that [it refers specifically to] the punishments of beating and caning, and that "Rituals do not go down to the ordinary people" [refers to] the rituals of exchanging toasts. 刑不上大夫何? 尊大夫. 禮不下庶人, 欲勉民使至於士. 故禮爲有知制, 刑爲無知設也. 庶人有千金之幣, 不得服. 刑不上大夫者, 據禮無大夫刑. 或曰: 撻笞之刑也. 禮不下庶人者, 酬酢之禮也.[35]

Here, two interpretations are recorded, preferred and secondary. The main interpretation creates two mutually exclusive groups in society governed by corresponding conventions: commoners, who lack knowledge and are regulated by

punishment; and grandees, who possess knowledge and are regulated by ritual. The expressed desire is to give impetus to the people's learning, who should by this be encouraged to pursue study and membership in the clerisy so as to enjoy the punishment-free status of that group.

This interpretation differs from that found in the canonical commentaries of Zheng Xuan and Zhang Yi in that it explicitly integrates the exclusions from punishment and from ritual into a single schema to regulate society as a whole. Although the alternate interpretation, limiting the exclusions to specific instances of punishment and ritual, is closer to what would become canonical, the short shrift it receives in the *Bohu tong* suggests secondary importance in contemporary discourse.

Xu Shen

In his *Wu jing yi yi* 五經異義, lexicographer Xu Shen explains rituals not extending to the common people:

> The Zhou rituals say: the Five Jade [Objects] are the ceremonial gifts [for the lord and high ministers]; below the lord and high ministers, they use birds, as the revered and the lowly should have distinctions. [These] rituals do not extend down to the common people, and craftsmen and merchants have no court ceremonies. The Five Classics do not say that the ordinary people or craftsmen and merchants have ceremonial gifts [that they give]. 周禮說, 五玉贄自孤卿以下執禽, 尊卑有差也. 禮不下庶人, 工商叉無朝儀. 五經無說庶人工商有贄.[36]

This explanation is somewhat confusing, for the simple fact the ritual texts that prescribe ritual gifts for the various ranks also list gifts to be given by ordinary people, including craftsmen and merchants.[37] Xu Shen rebuts the supposed proscription against punishments for grandees:

> [Lesser] Dai 戴 explains that "Punishments do not go up to grandees." But the old-text *Zhou li* explains that when one of the clerisy [was executed], his corpse was displayed in the market; a grandee's corpse was displayed in the court. This means the grandees had punishments. The *Yi* 易 says, "The cauldron's broken leg: / Overturns the duke's stew; / his punishment is execution-in-chamber; / inauspicious."[38] There is not the matter of punishments not going up to grandees. 戴說刑不上大夫. 古周禮說, 士尸肆諸朝. 是大夫有刑. 易曰, 鼎折足, 覆公餗, 其刑渥, 凶. 無刑不上大夫之事.[39]

Here, Xu Shen cites the *Zhou li* and the *Yi* as an example of punishments for those of high rank. Although the usual understanding of this *Yi* line is quite different, Edward L. Shaughnessy's translation makes Xu Shen's point clear.[40] Based on these examples, Xu flat-out denies that grandees are spared punishment. This is the earliest recorded explicit observation of the apparent conflict between the exemption from and the numerous attested cases of punishment served upon grandees.

Zheng Xuan, again

In his *Bo Wu jing yi yi* 駁五經異義, Zheng Xuan in turn refutes Xu Shen with a new argument, saying,

> [The *Zhou li* says:] "All those of noble rank are of the same clan as the king. Those [ranked] grandee and above […] go to the master of the hinterland (*dianshi* 甸師)[41] [to await punishment]" so that other people did not see it. For this reason, it says, "Punishments do not go up to grandees. "凡有爵者與王同族, 大夫以上[…]適甸師氏 [待刑殺]" 令人不見. 是以云刑不上大夫.[42]

Here, Zheng Xuan gives an abridged quotation from the "Zhang qiu" 掌囚 sub-chapter of the *Zhou li* to support his assertion. The passage as a whole describes some of the procedures to be carried out in cases of punishment, including those of noble rank. Zheng argues the "punishments do not reach grandees" refers to the fact that execution of those of noble rank occurred out of the public eye.[43]

Further evidence for this practice can be found in other ritual sources. For example, in the "Tan gong" 檀弓 chapter of the *Li ji* it says, "If the vassals of the lord do not avoid crimes, they will be [executed and the corpse] exposed in market or court, and their wives and concubines will be arrested" 君之臣不免於罪則將肆諸市朝而妻妾執.[44] As Kong Yingda argues in his sub-commentary on this line, "[Those holding the rank of] grandee or higher are [exposed] in the court; the clerisy and lower are [exposed] in the market" 大夫以上於朝, 士以下於市. Again, it is not that the grandees are not executed, but rather that the punishment is kept from the public by exposing away from public view the corpses of those executed. But this can hardly be called not punishing.

He Xiu

He Xiu 何休 (129-182) offers an additional interpretation of the phrase "Punishments do not extend up to grandees" in his commentary on the *Chunqiu Gongyang zhuan* 春秋公羊傳 for the first year of Duke Xuan 宣公. The *Gongyang* passage in question discusses exile, a sentence passed upon Xu Jiafu 胥甲父.[45] He Xiu elucidates it as an example of the exemption of grandees from punishment in relation to ancient principles of governance:

> In antiquity, "Punishments did not extend up to grandees," probably because they thought, "If you pluck the nest and destroy the eggs, then the phoenix will not arise; if you scoop out fetuses and roast the young, then the unicorn will not arrive." When they punished someone, they were afraid of mistakenly punishing a worthy. The dead cannot be made to live again, and the punished cannot be re-connected.[46] Therefore, if someone was guilty of something, they exiled him and that is all. This was a means by which to reverence the worthy type. 古者, 刑不上大夫, 蓋以爲摘巢毀卵 則鳳凰不翔, 刳胎焚夭則麒麟不至. 刑之則恐誤刑賢者, 死者不可復生, 刑 者不可復屬. 故有罪, 放之而已所以尊賢者之類也.[47]

When He Xiu writes, "If you pluck the nest and destroy the eggs, then the phoenix will not arise; if you scoop out fetuses and roast the young, then the unicorn will not arrive," he refers to a story about Kongzi.[48] In this narrative, the nefarious Zhao Jianzi 趙簡子 summons Kongzi, either to employment to be followed by death or for direct execution (depending on the version of the story). When Kongzi apprehends the real situation, he does not obey Jianzi's summons, and says in response to a follower's query,

> Thus, I have heard that if you scoop out fetuses and roast the young, then the unicorn will not arrive; if you drain swamps to fish, the *jiao*-dragon (*jiaolong* 蛟龍) will not swim [there]; if you overturn nests and destroy the eggs, then the phoenix will not arise. I have heard that the lordling finds it difficult to harm his kind. 故丘聞之, 刳胎焚夭則麒麟不至, 乾澤而漁, 蛟龍不遊, 覆巢毀卵則鳳凰不翔. 丘聞之, 君子重傷其類者也.[49]

He Xiu's implication in citing this story is likely the combined force of the impropitiousness of harming the innocent and the sentiment expressed at the end of the utterance attributed to Kongzi: "The lordling finds it difficult to harm his own

kind." Thus, a good ruler will hesitate to harm his high vassals both from fear of error and a hesitation at harming those that share high station, albeit in lower degree.

Considering these early interpretations as a group, one thing is striking: while there is some disagreement about the rites and the people, only the *Bohu tong* argues that the passage actually constitutes an exemption for the grandees from punishment. Pi Xirui 皮錫瑞 (1850-1908), inter alia, would account for the discrepancy between various interpretations of the phrase and its relationship to historical context by assigning them to "New Text" (*jin wen* 今文) or "Old Text" (*gu wen* 古文) traditions.[50] However, since my concern here is inconsistency within the interpretive tradition, the question of this classification is not significant for the discussion here.

Modern scholars

The foregoing discussion has focused primarily on Han-era commentarial explanations, with some reference to ritual texts. But the apparent contradictions between the proscriptions and fact have not escaped the attention of modern readers, either. A number of studies have been published in recent years addressing these same questions, and arriving at answers that are similar in approach if not in precise content. Regarding ritual, most readers agree with the general drift of the commentarial tradition, interpreting the exclusion of commoners to apply to certain rituals. The situation concerning punishments is similar, and most scholars who have examined the matter critically agree that the proscription against punishments refers only to one or another type of punishment, and cannot be a blanket exemption.

An exception is Xie Weiyang 謝維揚, who suggests that the traditional understandings of this line are incorrect. He argues that the grammar of the verbs *shang* 上 and *xia* 下 has been misunderstood to mean, "reach up to" and "reach down to." Instead, he argues it should be, "to be above" or "to be below." Thus, the line would read, "Ritual does not [include those] below the ordinary people; punishments do not [include those] above grandees."[51] The version found in "Zun de yi" from Guodian, not available when Xie wrote, argues strongly against this understanding. In particular, the word choice *dai* 逮, "to reach," and the inclusion of the grammatical particle *yu* 於, here "to," show that "above" and "below" prevent any possibility of ambiguity about the original meaning of the notion. Since the Guodian strips are of Warring States provenance, they probably pre-date the "Qu li," and represent an

earlier version of the same ideas, and thus effectively refute Xie. Another exception is Yuri Pines, who simply dismisses the statement as "rhetorical exaggeration."[52] Although such an argument is difficult to disprove, it is not the only plausible explanation.

Following the example of the ancient commentators, some suggest that the rituals from which commoners were excluded were only a subset: e.g., those practiced when meeting others while riding in chariots.[53] This takes the first half of the phrase under examination as relating to the foregoing lines in the "Qu li," as well as the subsequent section, which also treats chariot ritual. There is a weakness in this explanation in that it necessarily implies that the line concerning punishment is not connected to the foregoing or subsequent sections, though early sources (including "Zun de yi") group the exemptions together. In this understanding, the lines would read, "[When they meet while in chariots], the lord of the state leans on the rail, and the grandee descends [the chariot]; [when they meet,] the grandee leans on the rail, and the gentleman descends it. [These] rituals do not reach down to common people."[54]

Another explanation says that the "rituals" referred to for the pre-Qin context are the set of official rituals created for the benefit of the noble class, and unsuited to the ordinary folk. Thus, the rituals referred to for the ordinary people are a small and unimportant sub-set, and accordingly not mentioned.[55]

Punishments can be interpreted similarly. The exclusion of grandees and higher is often explained as an exclusion from a particular punishment or group thereof. One such explanation is that grandees were exempted from corporal punishments only, but were still subject to capital punishment.[56] This is in keeping with Jia Yi's use of this idea, as will be shown below.[57]

Another reading suggests that during Zhou and Chunqiu times, the exemption from punishment referred originally to one punishment in particular: castration.[58] Lü Simian 呂思勉 says,

> The only difference of the noble clans from the ordinary people [regarding punishments] was that in execution, [nobles'] bodies were not broken, and there was no punishment by castration [for them]. The rest were all the same as the ordinary people. 公族之異於平民者, 死罪不殊其體, 刑罪無宮而已, 餘皆與庶民同矣.[59]

The "Wen wang shizi" 文王世子 chapter of the *Li ji* supports this interpretation:

> If there is to be capital punishment for [one of] the lord's clan, then he is hanged by the master of the hinterland.[60] If it is to be mutilating punishment, then it is [only] stabbing or cutting, and [the case] for its part is tried by the master of the hinterland. The lord's clan does not have castration. 公族其有死罪 則磬于甸人. 其刑罪 則纖剸, 亦告于甸人. 公族無宮刑 .[61]

This idea is expanded in the same chapter: "[The line of the king's] close relatives should not be cut off. The lord's clan is without the punishment of castration, so as to not cut off their type" 骨肉之親無絕也. 公族無宮刑. 不翦其類也.[62] According to the *Li ji*, the members of the lord's clan are subject to other types of corporal punishments, but are exempted from castration to prevent cutting off the noble line.

Jia Yi

In my further discussion here, I will put the phrase into the context of a longer prose piece. This analysis concerns only Jia Yi's use of the proscriptions, though its conclusions could tentatively be applied more broadly. It is probably best to not seek a single explanation for all instances of the ideas that rituals are not extended to commoners or punishments to grandees. Jia Yi, in particular, perhaps uses the phrase in an idiosyncratic fashion. My analysis will show that Jia Yi employs the phrase in a normative manner: he states how things should be, not how they actually are. Thus, the historical situation does not invalidate his understanding of the phrases; on the other hand, an understanding of the events around the time Jia Yi writes offers some insight into what he has in mind.

Jia Yi quotes this line in the "Jie ji" 階級 chapter of the *Xin shu*.[63] This chapter is an extended discussion of the role of hierarchy and ritual in securing the place of the monarch. The phraseology of the line is slightly different in Jia Yi's enunciation than elsewhere, though similar to that found in "Zun de yi." Nevertheless, there can be little doubt that it conveys the same notions. Jia Yi says, "In antiquity, ritual did not extend to ordinary people, and corporal punishments did not reach to the lordling. This was a means by which to encourage favored ministers' moderation" 古者禮不及庶人, 刑不至君子, 所以厲寵臣之節也.[64]

A number of scholars refer to the Jia Yi passage in discussion of "Ritual does not extend down to the ordinary people; punishments do not extend up to grandees."

However, since they refer in only a limited fashion to this single line of Jia Yi's out of context, they do not fully address his interpretation. In particular, they do not take into account that Jia Yi's explication is unique in centering it—or at least the argument for it—on the ruler. This challenges the idea that there exists a continuity in the exclusion of ordinary people from ritual that existed into latter days just as it did in the early.[65]

An examination of "Jie ji" is necessary for understanding Jia Yi's interpretation of the principles behind these exclusions.[66] I will summarize the main ideas found in "Jie ji," then demonstrate how *li bu xia* and *xing bu shang* relate to these.

Jia Yi begins "Jie ji" by proposing the stairs beneath a hall as analogy to the dignity of the lord. Just as a hall is raised up above the ground by its stairs, so should the lord (the hall) be lifted above the common people (the ground) by his ministers (the stairs). It is only through this elevation that the status and position of the ruler can be made secure. Jia Yi states explicitly that the elevation and protection of the lord's position is the function of the hierarchy of vassals and commoners:

> The lofty are hard to climb and the lowly are easy to surpass: the pattern-lines and circumstances make it so. Thus, in ancient times, the sage kings set up hierarchical grades.[67] Within [the court], they had dukes, high officers, grandees, and gentlemen;[68] outside [the court], they had dukes, marquises, earls, viscounts, and barons, and afterward had officers and minor officials.[69] [The system] extended to reach the ordinary people,[70] with grades and ranks divided clearly. The Son of Heaven was above them, and therefore his reverence was beyond reach. 高者難攀, 卑者易陵, 理勢然也. 故古者聖王制爲列等, 內有公卿大夫士, 外有公侯伯子男, 然後有官師小吏, 施及庶人, 等級分明, 而天子加焉, 故其尊不可及 也.[71]

The essential role of the ministers is supporting the position of the ruler, whose dignity is insulated by the honor he grants his vassals. The preservation of this buffer layer is a principle that Jia Yi summarizes with a "vulgar saying" (*bi yan* 鄙諺) well known even today: "You want to throw something at the rat, but worry about the vessel" 欲投鼠而忌器. It is in his explication of this statement that Jia Yi gives the first indication of his interpretation of the prohibition against punishments for grandees, which turns out to be more limited than one might expect (or hope, if one is a grandee):

> The vulgar proverb says, "You want to throw something at the rat, but you worry about the vessel." This is a good metaphor. When a rat is near to a vessel, you shy away and do not throw anything at it, because you fear damaging the vessel.[72] How much the more for the esteemed great ministers that are close to the lord and emperor![73] 鄙諺曰, 欲投鼠而忌器. 此善喻也. 鼠近於器, 尚憚而弗投, 恐傷器 也. 況乎貴大臣之近於主帝乎.
>
> Incorruptibility and a sense of shame,[74] ritual and moderation are the means to regulate the lordling. Thus should there be the granting of death [by suicide][75] but not the humiliation of punishment.[76] For this reason, the punishments of fettering, binding, beating, caning, shaving, amputation, tattooing, and cutting off the nose should not reach to the grandees, because their separation from the lord is not far. 廉恥禮節, 以治君子, 故有賜死而無僇辱, 是以係縛榜笞髡刖黥劓之罪, 不及大夫, 以其離主上不遠也.[77]

The notion that the lord should rule his subjects through honor and dishonor instead of law is not new with Jia Yi.[78] But Jia Yi's conception is different: he focuses on the ruler, and the ministers feature only secondarily. More important for the discussion here is Jia Yi's assertion that grandees should be exempted from corporal punishments that degrade them in front of their social inferiors. This is certainly not a general exemption from punishment: a grandee should still die if guilty of a crime. But he must not be humiliated. Like the rat near a vessel, the grandees are close enough to the ruler that any damage to their dignity impugns that of the lord as well. Indeed, Jia Yi invokes the respect shown for the non-human accoutrements of the lord—his horses, armrest, cane, chariot and gate—as part of the same conceptual apparatus:

> According to the rituals: Do not dare to check the teeth of the lord's horses; one that treads their grass [the feed for the horses] commits a crime. If you see the lord's armrest or his cane, then you rise; if you encounter the lord's chariot, then you dismount; if you enter the main gate, then you hurry. 禮, 不敢齒君之路馬, 蹴其芻者有罪. 見君之几杖則起, 遭君之乘輿則下, 入正門則趨.[79]

The compulsory respect shown all of these things—including the courtiers—is "reverencing the circumstances of the lord" 尊君之勢也.[80]

Jia Yi expands his argument by citing another proverb: "Even though your shoes are new, you don't use them for a pillow; and even though your hat is worn, you don't use it to sole your shoes" 履雖鮮, 弗以加枕; 冠雖弊, 弗以苴履.[81] One who has been punished is like shoes, and not to be taken close to the lord. This recalls

connection between the exclusions from ritual and punishment with the avoidance of convicts already suggested above by the *Guliang zhuan* and the original *Li ji* context, but with a different focus.

Jia Yi argues that someone singled out by the emperor for preference and advancement is permanently elevated thereby and should not bear punishment. There is no hint of sanctity or grace in this; instead, there is a connection created between the emperor and this vassal. Specifically: the elevated person shares in the respect afforded the sovereign. Those elevated by the emperor are like his ceremonial hat: not to be trod upon. This is not to defend their status, but rather to that of the lord.

> The favored ministers of the lord[82]—even if one commits a transgression—should have neither punishment nor execution applied to their persons. That is reverencing the circumstances of the lord. This is the means by which to pre-emptively distance[83] disrespect from the lord, and the means by which to treat the ministers[84] with ritual form[85] and to encourage their moderation. 君之寵臣, 雖或有過, 刑戮不加其身, 尊君之勢也, 此則所以爲主上豫遠不敬也, 所以體貌群臣而厲其節也.[86]

Furthermore, Jia Yi thinks that for the common people to get in the habit of thinking that they could someday apply punishment to their superiors is, putting it mildly, "not a [proper] influence toward revering the revered and esteeming the esteemed" 非尊尊貴貴之化也.[87] "For any that the Son of Heaven has once favored, and that the populace has once respected:[88] if they are to die, then they should die, and nothing more" 夫天子之所嘗寵, 眾庶之所嘗敬, 死而死爾, 賤人安宜得[89]此而頓辱之哉.[90] This is a means to discourage the population from engendering ideas of violence upon the representatives of the imperial government, as well as the emperor himself.

By elevating his revered vassals, the ruler creates a stair to lift himself above the earth that is the common folk. At the same time, Jia Yi theorizes that the ruler will earn the gratitude and allegiance of the high-ranking vassals that benefit from the exclusion: they will recognize and be grateful for the special treatment they receive. Although Jia Yi does not use the word here, the latter proposition is recognizable as a theoretical means for obtaining *de*, "virtus," Nivison's "gratitude credit," the ability of a superior to evoke a perceived obligation for requital in a subordinate.[91]

Jia Yi employs this understanding of virtus, predicting requital comprised of both obedience and defense of the lord. Thus, Jia Yi connects ritual observances to

virtus as a practical means for the ruler to secure his position. Nor is the connection of *li* to virtus foreign to Jia Yi's writings. The "Dao de shuo" 道德說 chapter of the *Xin shu* says, "The *Rituals* embody the pattern-lines of virtus, moderate and pattern them, completing the affairs of people. Therefore, I said, "The *Rituals* are the embodiment of this [virtus]" 禮者, 體德理而爲之節文成人事, 故曰, 禮者, 此之體者也.[92] Although *li* is used here as a title, the embodiment of virtus lies not only in the physical texts but also the rituals, the records of which comprise the canon by that name.[93]

It is this ritually generated gratitude credit that will gain the sovereign the obedient and faithful service from his vassals that form his protection.

> Therefore, when it is said that the sage person (i.e., ruler) has a wall like metal, this is a metaphor for the united wills [of the vassals].[94] The other would die for "me," and so "I" must live together with him; the other would perish for "me," and so "I" must be preserved with him; that one would be imperiled for "me," so "I" must have stability with him. 故曰聖人有金城者, 此物比志也. 彼且爲我死, 故吾得與之俱生. 彼且爲我亡, 故吾得與之俱存. 夫[95]將爲我危, 故吾得與之皆安.[96]

Jia Yi views the loyalty of vassal to sovereign as a form of repayment: by treating his high vassals with special consideration, the ruler gains their gratitude. It is true that the service expected from the subordinate outweighs what he receives from his lord, but the exchange is not meant to be an equal one. As Jia Yi writes in the "Li" 禮 chapter of the *Xin shu*,

> The ode says, "You give me a quince and I requite it with a fine jade pendant—/ This is not [really] a requital, but for eternal fondness."[97] If the superior gives them a little, then the subordinates repay it with their [whole] selves—not daring to call it requital, but wanting long-lasting fondness. 詩曰, 投我以木瓜, 報之以瓊 琚, 匪 報 也, 永以爲好也. 上少投之, 則下以軀 償矣, 弗敢謂報, 願長以爲好.[98]

The notion of requital functions in two interrelated ways. First, the ritual preferences given to the vassals of the lord and denied to the common populace are a gift, albeit an abstract one, that will encourage the honor of the vassals in return. Second, the exclusion from punishments is also a kind of a gift or reward, which will earn the lord

the trust and gratitude of all grandees and higher—even though its benefits are only actually enjoyed by those guilty of a crime.

The support and assistance of subordinates is necessary for the ruler to retain his position. This is common sense and Jia Yi treats it as an *a priori* assumption. The vassals not only outnumber the lord, but, as administrators and deputies, also have direct control over "material goods, and positions and tasks" 財器職業.[99] If they wish to, they can wreck havoc on the lord and his rule. Treating one's subordinates like dogs means that they will behave like dogs—to the eventual chagrin of the lord. But, if treated with respect, Jia Yi predicts that they will behave with self-respect. To demonstrate this, Jia Yi cites the well-known example of Yu Rang 豫讓, who abandoned the memory of one lord to serve the enemy that had killed him, then turned around to demonstrate supreme loyalty to the latter.[100] As Jia Yi says, by his treatment of the vassal, "The man's lord made it thus" 人主使然也.[101]

Ultimately, self-respect should obviate the need to visit corporal punishments upon the grandees' persons. If that should fail, the merest hint of suspicion will be enough to bring the suspected vassal to receive his sentence and commit suicide, without ever being subjected to the dishonor of fetters, beatings, etc.[102]

If treated with this sort of respect, the grandees will be so trustworthy that they will act properly, protecting the lord like a "wall of metal."[103] When this system is in place, the vassals will be reliable even in the absence of a strong ruler:

> When someone attends to his actions and forgets [selfish] benefit, maintains moderation and submits to righteousness, then he can be entrusted with ungoverned power,[104] and be entrusted with an orphan five *chi* tall (i.e., the young monarch).[105] This is what is brought about by encouraging incorruptibility and a sense of shame, and practicing ritual and righteousness. 顧行而忘利, 守節而服義, 故可以託不御之權, 可以託五尺之孤, 此厲廉恥, 行禮義之所致也.[106]

Jia Yi's conclusion indicates unequivocally that this is how things should be and not how they are when he writes: "But we do not do this, and instead turn to *those* actions.[107] Therefore do I say that this is something to be long-sighed over" 此之不爲, 而顧彼之行, 故曰可爲長大息者也.[108]

Thus, Jia Yi advocates a complementary hierarchical deployment of ritual and punitive systems in order to create a buffer between the ruler and the ruled, by which

means the reverence and security of the lord will be secured. It will also earn him the gratitude and thus the loyalty of his underlings, generating virtus for the lord. This can also be interpreted as the creation of a conjectural space centered on the ruler in which the laws do not apply, and thus a demonstration of the ruler's supremacy both over the law and his subordinates.[109] It is, in any case, a theoretical construction, the non-deployment of which provokes Jia Yi to sighs. He is not describing how things were, but how he conceived they should be.

The ideas of ritual exclusion for commoners and exemption from punishment for grandees relate to each of the three major ideas found in "Jie ji": the palace analogy, the rat and the cap and shoes analogies, and Jia Yi's conception of requital and virtus. The essence of the palace analogy is that the three-tier hierarchy of commoner, noble vassal, and lord serves primarily to raise the lord above the commoner and to secure his position there. The ceremonial preferences and exclusion from certain punishments are a vital part of this hierarchy. The rat and the cap and shoes analogies address the reasons for excluding the middle layer of the hierarchy—the lord's vassals as distinct from the common people—from punishments. It preserves them and their position from any weakening in the eyes of the common populace, in turn strengthening the position of the lord. It also reinforces their subordinate position in regard to the lord. Simultaneously, the exclusion of grandees from degradation will evoke their gratitude, thus binding them to their ruler and increasing the virtus of the latter.

Historical Contexts

The historical contexts of the Qin and the Han inform Jia Yi's analysis and conclusions. The Qin example is named in the piece, and harshness of Qin rule is famous, if perhaps overstated. The Han ruler at whose court Jia Yi served, Emperor Wen 文帝 (Liu Heng 劉恆, reg. 179-157 BC), is the presumptive recipient of Jia Yi's rhetoric. Emperor Wen showed a definite willingness to permit corporal punishments of grandees—precisely in the manner Jia Yi decries.

Jia Yi employs the Qin as negative example in "Jie ji," as he does throughout his extant oeuvre. There are at least two references to the Qin in "Jie ji." The first is explicit and fairly straightforward: "In the affair of the Wangyi [Palace], Ershi 二世 (Ying Huhai 嬴胡亥, reg. 209-207 BC) was convicted by the heaviest of laws because

of the practice of 'Throwing things at rats and not worrying about the vessel'" 夫望夷之事, 二世見當以 重法者, 投鼠而不忌器之習也.[110]

According to extant historical records, the Second Emperor of Qin (Ershi) was forced to commit suicide in the Wangyi Palace in 207 BC.[111] His fate was decreed by his erstwhile teacher, the eunuch Zhao Gao 趙高 (ob. 207 BC), who had earlier encouraged and assisted Ershi in his excesses of sensual indulgence and brutal punishment. These punishments fell noticeably upon the courtiers surrounding Huhai.

The fate of Li Si, architect of the Qin unification, is an example of this harshness: once a favored courtier, he was convicted on a pretext, beaten repeatedly, and tortured before being executed by being cut in two at the waist in Xianyang 咸陽 (west of mod. Xi'an; the Qin capital) market. Because of these precedents, when Ershi discovered Zhao Gao's perfidy, the latter feared for his life and sent Yan Le 閻樂 (fl. ca. late 3rd c. BC) to kill Ershi before he should be killed himself.[112] Ershi had been killing the "rats" that were his courtiers without regard to the "vessel" of his own dignity; the result was his death. The lesson is that of the sovereign's instability, particularly when the sovereign fails to secure himself through judicious reinforcement of his dignity.

There is also implicit reference to the Qin in another section of "Jie ji," for when Jia Yi describes vassals that "can be entrusted with an orphan five *chi* tall," he is surely thinking again of Zhao Gao. On the one hand, Jia Yi believed that with proper teaching Huhai could have been ruler good enough to rectify his predecessor's mistakes and preserve the Qin dynasty.[113] But what Ershi learned from his tutor Zhao Gao was exactly the opposite of proper: punishment instead of influence, torture instead of cultivation. And when Zhao Gao finally came to power under Huhai, he inveigled and manipulated and finally ordered the death of the young ruler, betraying the trust given a tutor. It is against Zhao Gao and his ilk that Jia Yi warns. Jia Yi discusses the importance of the crown prince's teachers at length in the *Xin shu*, particularly in the "Bao fu" 保傅 chapter of the *Xin shu*:

> When [Qin Shihuang] had Zhao Gao tutor Huhai, he taught prosecution; what [Huhai] practiced, if not beheading and cutting off noses, was execution to three degrees of [criminals'] families.... He viewed killing people like [cutting] mugwort and grass.[114] How could it have been that Huhai's innate nature was evil? It was because that by which [Zhao Gao] accustomed and led

> was not in accord with pattern-lines. 使趙高傅胡亥而教之獄, 所習者非斬劓人, 則夷人之三族也…. 其視殺人若艾草菅然, 豈胡亥之性惡哉. 其所集[=習][115]道之者, 非理故也.[116]

Jia Yi makes no mention in "Jie ji" of a particular contemporary incident against which he argues. However, there can be little doubt that Jia Yi is addressing the case of Zhou Bo 周勃 (ob. 169 BC).[117] Zhou Bo had been a member of Liu Bang's 劉邦 (imp. reg. 202-195 BC) inner circle even before the latter won emperorship in 202 BC. He also had numerous military victories in the wars leading up to the establishment of the Han and in the battles against insurgency during the early years of the dynasty. Along with Chen Ping 陳平 (ob. 178 BC), Zhou was also responsible for expelling the Lü 呂 consort clan from their arrogated position of power and installing Emperor Wen in 179 BC, restoring imperial rule to the Liu clan. Zhou had been rewarded with high rank many times in his career, and in the time of Jia Yi held the position of chancellor. In the fourth year of Wen's reign (176 BC), Zhou was accused of plotting rebellion. Despite his many services to the Liu clan and Emperor Wen personally, Zhou was brought to the capital in fetters, humiliated by the legal officials. Eventually, he was exonerated, but in Jia Yi's mind, the potential for harm to the emperor from such incidents was likely clear.[118] Thus, Li Biao 李彪 (444-501) says,

> Formerly, in the time of Han [Emperor] Wen, someone indicted Chancellor Zhou Bo for plotting rebellion. He was brought bound to Chang'an for trial, and they bent his head [to the ground] and humiliated him like a slave. Jia Yi thereupon sent up a memorial, completely laying out the duty of lord and vassal, [showing that] it is not properly thus. 昔漢文時, 人有告丞相周勃謀反者, 逮繫長安獄, 頓辱之與皂隸同. 賈誼乃上書, 極陳君臣之義, 不宜如是.[119]

Jia Yi asks rhetorically: when the ruler debases his vassals by submitting them to physical punishment, then, "Aren't there then no steps beneath the hall?[120] Aren't those who are executed and humiliated too close [to the emperor]?"[121] 然則堂下不亡陛乎? 被戮辱者不太迫乎.[122] Of course the answer is affirmative.

The *Han shu* tells us that Emperor Wen took Jia Yi's suasion to heart, and began to encourage proper action among his vassals. As a result, "After this, if one of

the great vassals committed a crime, they in all cases committed suicide and did not accept [corporal] punishment" 是後大臣有罪, 皆自殺, 不受刑.[123] "Jie ji" might also be connected to the famous abatement of punishments in the 13th year of Emperor Wen's reign (167 BC), though the true extent to which punishments were effectively decreased is uncertain.[124]

Yu Chuanbo's 于傳波 has suggested that Jia Yi is in fact the inventor of the notions that, "Ritual does not [extend] down to the ordinary people; punishment does not [extend] up to grandees."[125] The inclusion of a similar line in the Guodian strips makes it certain that Jia Yi borrowed ideas and phraseology that already existed and turned them to his rhetorical needs. But there might still be an element of accuracy in Yu's idea. Jia Yi didn't invent these ideas, but his effective use of them in persuasion of his emperor perhaps marks the point in time when they were first translated from theory into praxis, albeit in a limited way.[126]

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[1] *Li ji zhu shu* 禮記注疏, 3.6a-8a [55-56].

[2] E.g., Yang Hegao 楊鶴皋, *Zhongguo falü sixiang shi* 中國法律思想史 (Beijing: Beijing daxue chubanshe, 1988), 14:

> What is meant by, "Ritual does not go down to the ordinary people" is to say that ritual was primarily used to regulate the internal relations of the slave-owner class. All sorts of special privilege, which were according to ritual rule enjoyed by every grade of nobility, were uniformly not to be enjoyed by the common people. What is meant by, "Punishments do not go up to grandees" is to say that the cutting edge of punishment was pointed at the laboring people, and was not pointed at the slave-holders and nobility. 所謂 " 禮不下庶人," 就是說, 禮主要是用來調整奴隸主階級內部關係的; 各級貴族按禮規定所享的各種特權, 奴隸和平民一律不得享受. 所謂 "刑不上大夫," 就是說, 刑罰的鋒芒是指向勞動人民, 而不是指向奴隸主貴族.

[3] Jeffrey K. Riegel, "*Li chi*," in Michael Loewe, ed., *Early Chinese Texts: A Bibliographical Guide* (Berkeley: Society for the Study of Early China, 1993), 293-97; Xia Chuancai 夏傳才, *Shisanjing gailun* 十三經概論 (Tianjin: Tianjin renmin chubanshe, 1998), 226-27.

[4] Zheng Xuan suggests that there are five types of ritual content in the "Qu li": "fortunate" (*ji* 吉), including sacrifices and prayers; "unfortunate" (*xiong* 凶), including funerary observances; "guest" (*bin* 賓); "military" (*jun* 軍); and "fine" or perhaps "ennobling" (*jia* 嘉), including serving superiors and respecting elders; *Li ji zhu shu*, 1.4a [11]. I.e., all sorts of ritual are found therein.

[5] *Li ji zhu shu*, 3.6a [55].

[6] The *Chunqiu Zuo zhuan* says that the *hun* was a prisoner who had been captured in an attack on Chu 楚. This prisoner was detailed to guard a boat; while Wuzi was looking at the boat, the guard killed him with a knife. *Chunqiu Zuo zhuan zheng yi*, 39.5b [666].

According to the *Zhou li*, people who had been subjected to corporal punishments were assigned to particular tasks according to the punishment received:

> Those punished by tattooing were sent to guard doors; those who had their noses amputated were sent to guard passes; castrati were sent to guard the inner palace; those who had their lower legs amputated were sent to guard park-reserves; and those who had received punitive shaving were sent to guard grain stores. 墨者使守門, 劓者使守關, 宮者使守內, 刖者使守囿, 髡者使守積.

See *Zhou li zhu shu*, 36.14a-b [545]. Laura Skosey, "The Legal System and Legal Tradition of the Western Zhou, ca. 1045-771 B.C.E." (PhD dissertation, University of Chicago, 1996), 144, remarks that, "Three of the *yuexing* vessels depict the amputees as gate guards," suggesting that at some level, this caste system seems to have been carried out. A photo of an interesting example that depicts this practice can found in Wang Wenchang 王文昶, "Cong Xizhou tongli shang yuexing shoumen nuli kan 'Ke ji fu li' de fadong benzhi" 從西周銅鬲上刖刑守門奴隸看 "克己復禮"的反動本質, *Wenwu* 4 (1974): 29.

[7] *Chunqiu Guliang zhuan zhu shu*, 16.11a-b [161].

[8] The *Chunqiu Gongyang zhuan* says that, "If [a lordling] is close to a punished person, it is the way of treating death lightly" 近 刑 人 則 輕 死 之 道 也; *Chunqiu Gongyang zhuan zhu shu*, 21.9a-b [266].

Since the dating of the *Guliang zhuan* is somewhat problematic, it is worthwhile to note that a similar idea is found in the "Ba jing" 八經 chapter of the *Han Feizi*: "When people that have been punished and/or humiliated are close and familiar [to the lord], it is called *xiazei* 狎賊 (intimacy with disaster)" 僇辱之人近習曰狎賊.[8] Han Fei says that this will lead to suspicion and the potential for the expression of fury, as in the case of Wuzi. This demonstrates the antiquity of the ideas in the *Guliang zhuan*. See Wang Xianshen, *Han Feizi jijie*, 18.435; also Shao Zenghua 邵增樺, *Han Feizi jin zhu jin yi* 韓非子今注今譯 (Taipei: Taiwan Shangwu yinshuguan, 1990), 2.151-54

[9] This phrase is found in the 31st and 32nd strips of "Zun de yi." Photographs of the strips with parallel transcription into modern graphs can be found in Zhang Guangyu 張光裕, ed., *Guodian Chu jian yanjiu: Di yi juan wenzi bian* 郭店楚簡研究: 第一卷文字編 (Taipei: Yiwen yinshuguan, 1999), 578-9; also transcribed in Tu Zongliu 涂宗流 and Liu Zuxin 劉祖信, *Guodian Chu jian Xianqin Rujia yi shu jiao shi* 郭店楚簡先秦儒家佚書校釋 (Taipei: Wanjuanlou, 2001), 132. This parallel is pointed out by Yuri Pines, "Disputers of the Li: Breakthroughs in the Concept of Ritual in Preimperial China," *Asia Major*, third series 13 (2000): 30.

[10] The lines in "Zun de yi" immediately preceding those under examination here treat the importance of regulating the people's feelings. Those after deal with the importance of humaneness, virtus, and other qualities/techniques in governing the people. See Tu Zongliu and Liu Zuxin, *Guodian Chu jian Xianqin Rujia yi shu jiao*

shi, 134-38. Aside from a general thematic consistency, there is not a clear connection between these three sections, or within the chapter generally.

[11] Numerous other examples, as well as many of those cited here, are mentioned in Li Qiqian 李啓謙, " 'Li bu xia shuren, xing bu shang dafu' ma?: Tan Xianqin shi yanjiu zhong de yige wenti" "禮不下庶人, 刑不上大夫"嗎?: 談先秦史研究中的一個問題, *Qi Lu xue kan* 齊魯學刊 2 (1980): 20-25; Li Qiqian, "Zai yi 'li bu xia shuren, xing bu shang dafu,'" *Zhongguo gudaishi lun cong* 中國古代史論叢 3 (1981): 126-36; Xie Weiyang 謝維揚, " 'Li bu xia shuren, xing bu shang dafu' bian" "禮不下庶人，刑不上大夫"辯, *Xueshu yuekan* 學術月刊 8 (1980): 74-77; Ma Xiaohong 馬小紅, "Shi 'Li bu xia shuren, xing bu shang dafu'" 釋 "禮不下庶人, 刑不上大夫," *Faxue yanjiu* 法學研究 49 (1987): 83-5, 71; Yang Zhigang 楊志剛, "'Li xia shu min' de lishi kaocha" "禮下庶人" 的歷史考察, *Shehui kexue zhan xian* 社會科學戰線 300 (1994): 118-25.

[12] *Li ji zhu shu*, 12.10b [239]:

> A Son of Heaven is encoffined after seven days and entombed after seven months. A feudal lord is encoffined after five days and entombed after five months. A grandee, gentleman, or ordinary person is encoffined after three days and entombed after three months. 天子七日而殯，七月而葬. 諸侯五日而殯, 五月而葬. 大夫士庶 人三日而殯, 三月而葬.

[13] This was so much the case that Du Yu included in his *Chunqiu shi li* 春秋釋例 a section listing such executions, of which only the preface is extant. A version of the *Chunqiu shi li* is included in the *Siku quanshu* 四庫全書; the preface to "Sha shizi dafu li" 殺世子大夫例 is found on pages 4.21a-23b [76-77]. Mentioned in Xie: 75.

[14] *Chunqiu Zuo zhuan zheng yi*, 17.5a-b [821], mentioned in Xie: 75.

[15] This vessel is named for it the man that commissioned it, whose name is variously transcribed into "modern" graphs. Zhou Fagao 周法高, *Jin wen gu lin* 金文詁林 (Hong Kong: Xianggang Zhongwen daxue chubanshe, 1974-75), "Fuce suoyin" 附冊索引, 18, says that is equivalent to *sheng* 賸, giving my transcription. Alternative forms include ("Zhen"), , and . Skosey, 13, *et passim*, calls it the "Ying *yi*" and her footnote gives an additional pronunciation of "Xun *yi*." It should be noted that in the inscription itself refers to the vessel as a *he* 盉, but all sources agree that in form it is actually an *yi*.

The Sheng *yi* was recovered in 1975 at Dongjiacun 董家村, Qishanxian 岐山縣, Shaanxi. It was first described in Cheng Wu 程武, "Yipian zhongyao de falü shi wenxian" 一篇重要的法律史文獻, *Wenwu* 240 (1976): 50-54 and Tang Lan 唐蘭, "Shaanxisheng Qishanxian Dongjiacun xinchu Xizhou zhongyao tongqi mingci de yiwen he zhushi" 陝西省岐山縣董家村新出西周重要銅器銘辭的譯文和注釋, *Wenwu* 240 (1976): 55-59; it is also discussed in Sheng Zhang 盛張 (Huang Shengzhang 黃盛璋), "Qishan xinchu Sheng yi ruogan wenti tansuo" 岐山新出 匜若干問題探索, *Wenwu* 241 (1976): 40-44. Photographs of the vessel can be found in Zhongguo shehui kexueyuan kaogu yanjiusuo 中國社會科學院考古研究所, *Yin Zhou jinwen jicheng* 殷周金文集成 (Beijing: Zhonghua shuju, 1984), 16: 235-36 [nos. 10285-1 and –2]; see also the explanatory appendix, 59. Transcription, notes,

and translation are found in, *inter alia*, Qin Yonglong 秦永龍, *Xizhou jinwen xuan zhu* 西周金文選注 (Beijing: Beijing shifan daxue chubanshe, 1992), 125-35; and Hong Jiayi 洪家義, *Jinwen xuan zhu yi* 金文選注繹 (Nanjing: Jiangsu jiaoyu chubanshe, 1988), 507-17; it is also discussed and translated in Skosey, 13-16, 380-86.

[16] Zhang Yachu 張亞初 and Liu Yu 劉雨, *Xizhou jinwen guanzhi yanjiu* 西周金文官制研究 (Beijing: Zhonghua shuju, 1986), 10-11, suggest that the "Oxherd" in this inscription is similar to the "Sou ren" 廋人 (Horse trainer) described in the *Zhou li*; *Zhou li zhu shu*, 33.7b [497].

[17] Hong, 515; *Shang shu zheng yi* 尚書正義, 3.14a [40].

[18] "This inscription is but one of several that reflects [*sic*] the internecine struggles among the ruling class"; Skosey, 16; see also Sheng Zhang: 43.

[19] This interpretation is suggested by Li Qixian, "Zai yi": 126-27.

[20] Xie: 75.

[21] The standard commentaries are all found in the *Li ji zhu shu*.

[22] I have been unable to locate further biographical information about Zhang Yi of the Han dynasty.

[23] Fan Ye, *Hou Han shu*, 35.1212:

> [Zheng Xuan's] followers together wrote down Xuan's answers to his disciples' questions about the Five Classics; relying on the *Lunyu* 論語 [as example], they created the *Zheng zhi* in eight sections" 門人相與撰玄荅諸弟子問五 經, 依論語作鄭志八篇.

See also Pi Xirui 皮錫瑞 (1850-1908), *Zheng zhi shu zheng* 鄭志疏證 (Taipei: Shijie shuju, 1982), 2.1b, et passim.

[24] Yao Silian 姚思廉 (557-637), *Liang shu* 梁書 (Beijing: Zhonghua shuju, 1973), 50.715; also in Li Yanshou 李延壽 (7th c.), *Nan shi* 南史 (Beijing: Zhonghua shuju, 1975), 49.1222.

[25] I understand "the required gifts" as the elided object here, based on the interpretations of Zheng Xuan, et al., discussed later.

[26] *Li ji zhu shu*, 3.7a [56]; *Zheng zhi shu zheng*, 11a-b.

[27] Ch'ü T'ung-tsu, *Han Social Structure*, 101 writes, "Commoners were traditionally classified in the following order: scholars, farmers, artisans, and merchants"; see also Ch'ü, 101-22.

[28] *Zheng zhi shu zheng*, "Zheng ji kao zheng" 鄭記考證,11a-b; the reconstruction draws from *Li ji zhu shu*, 3.7a [56];

[29] *Zhou li zhu shu*, 35.3b-5a [524]; Sun Yirang 孫詒讓 (1848-1908), *Zhou li zheng yi* 周禮正義 (Beijing: Zhonghua shuju, 1987), 66.2771-75. The Eight Discussions are described in the *Han shu* 漢書 "Xing fa zhi" 刑法志; see Ban Gu, *Han shu*, 23.1105-6. A.F.P. Hulsewé, *Remnants of Han Law*, volume 1: Introductory Studies and an Annotated Translation of Chapters 22 and 23 of the History of the Former Han Dynasty (Leiden: E.J. Brill, 1955), 342-43 calls them the "Eight Deliberations," and translates their descriptions from the "Xing fa zhi."

[30] Fragments of other *Li ji* commentaries, including some that would pre-date Zheng Xuan's, are collected in Ma Guohan 馬國翰 (1794-1857), ed., *Yuhanshanfang ji yishu* 玉函山房輯佚書 (1889; rpt., Taipei: Wenhai chubanshe, 1967), 879-1146.

[31] *Li ji zhu shu*, 3.6a [55].

[32] *Li ji zhu shu*, 3.6a [55]. I follow Kong Yingda's sub-commentary to understand *yu* 與 as *xu* 許, "to permit"; *Li ji zhu shu*, 3.7a [56].

[33] Michael Loewe, "*Bai hu t'ung*," in *Early Chinese Texts*, ed. Loewe, 347-56.

[34] The translation follows the emendation suggested by Chen Li 陳立 (1809-1869), taking the phrase, "cannot submit" 不得服 as "cannot but submit to punishment" 不得弗服刑也.

[35] Chen Li, *Bohu tong shu zheng* 白虎通疏證 (Beijing: Zhonghua shuju, 1994), 9.441-43.

[36] The *Wu jing yi yi* is now only encountered as part of its refutation, Zheng Xuan's *Bo Wu jing yi yi* 駁五經異義, itself a reconstructed work. See Pi Xirui, *Bo Wu jing yi yi shu zheng* 駁五經異義疏證, in Ma Xiaomei 馬小梅, ed., *Guoxue ji yao chubian shi zhong* 國學集要初編十種 (Taipei: Wenhai chubanshe, 1968), 10.25b [466], discussed 10.25b-27b [466-70]. The reconstruction of this passage is based on a citation in Li Fang 李昉 (925-996), et al., *Taiping yulan* 太平御覽 (Song woodblock; rpt. Taipei: Taiwan Shangwu yinshuguan, 1968), 539.8a [2575]. Zheng Xuan's refutation of this argument is not extant.

[37] For example, in the "Da zong bo" 大宗伯 chapter of the *Zhou li*, it records,

> The ruler bears [as ceremonial gifts] skins and rolled silks; the high minister bears the lamb; the grandee bears the goose; the clerisy bears the pheasant; the ordinary people bear the duck, and craftsmen and merchants bear the fowl" 孤執皮帛, 卿執羔, 大夫執鴈, 士執雉, 庶人執鶩, 工商執雞.

Zhou li zhu shu, 18.23a [281]. For other examples, see *Zhou li zhu shu*, 30.16b [461]; *Li ji zhu shu*, 5.25a [101], etc.

[38] *Zhouyi zheng yi*, 5.22b [113]; transl. Edward L. Shaughnessy, *I Ching: The Classic of Changes* (New York: Ballantine Books, 1996), 149.

[39] *Bo Wu jing yi yi zhu shu*, 4.19b-20a [144-45], discussed 4.19b-21b [144-48]. The reconstructed text draws on quotations found in the *Li ji zhu shu*, 3.7b [56].

[40] Cf. Gao Heng, *Zhouyi dazhuan jin zhu* 周易大傳今注 (Ji'nan: Qi Lu shushe, 1998), 315.

[41] I take *shi* 氏 here as indication of a title; cf. *Ci yuan*, s.v., "*shi*."

[42] *Bo Wu jing yi yi shu zheng*, 4.20a [145].

[43] The *Zhou li* passage lays out lighter fetters for holders of noble rank as well as a separate execution ground, but does not suggest that they be spared punishment:

> The jailor is responsible for defending against robbers and thieves, and for all the incarcerated. [Those accused of] high crimes are cuffed (*gu* 梏), manacled (*gong* 拲), and shackled (*zhi* 桎); for middle crimes, they are cuffed and shackled; for low crimes, they are shackled. Those of the same clan as the king [receive only] cuffs and those of rank [only] shackles, in which they await the judgment of their crimes. When it comes to punishment by death, [the jailor] reports the punishment to the king. When [the criminal] is sent up and arrives at court, for the clerisy, he applies explanatory cuffs [with the crime written on them], and takes [the criminal wearing these] to the market and executes him. All with rank are of the same clan as the king and are sent up and go to the master of the hinterland to await punishment by execution.

掌 囚掌守盜賊凡囚者. 上罪梏而拲桎， 中罪桎梏， 下罪梏， 王之同族拲，有 爵者桎, 以待弊罪. 及刑殺, 告刑于王， 奉而適朝, 士加明梏, 以適市而刑 殺之, 凡有爵者, 與王之同族, 奉而適甸師氏以待刑殺.

See *Zhou li zhu shu*, 36.12b [544]; *Zhou li zheng yi*, 69.2872-75.

[44] *Li ji zhu shu*, 10.12a-b [191].

[45] The *Gongyang zhuan* text reads,

> [The state of] Jin 晉 exiled the grandee Xu Jiafu 胥甲父 in Wei 衛. What does it mean to exile? It is like saying: Do not leave this [place]. Why, then, is it said [in the text]? It was nearly proper. How was this nearly proper? In antiquity, after a grandee left [his position], he awaited exile for three years. It was wrong for the lord to exile him, but it was proper for the grandee to await exile. 晉放其大夫胥甲父于衛. 放之者何. 猶曰無去是云爾. 然則何言爾. 近正也. 此其爲近正奈何. 古者大夫已去三年待放. 君放之非也, 大夫待放正也.

Chunqiu Gongyang zhuan, 15.2b-3b [187-88]; translation after Li Zongtong 李宗侗, *Chunqiu Gongyang zhuan jin zhu jin yi* 春秋公羊傳今注今譯, rev. ed. (Taipei: Shangwu yinshuguan, 1994), 312-13.

[46] Reading *fuzhu* 復屬 as "to re-connect," following Yan Shigu's 顏師古 (581-645) commentaries on this binome, found in *Han shu*, 23.1098 and 51.2370, where he glosses *zhu* in this usage as *lian* 聯 and *lian* 連, respectively, both of which mean, "to link; to connect."

The advisability of hesitating to inflict irrevocable punishment, which could inadvertently fall upon the person of a worthy, is obliquely reflected the famous story of Mr. He's jade. There, the protagonist—Mr. He—suffers amputation of his feet at the hands of two kings, who falsely believe him to be presenting a mere rock to the throne as a jade. Only when Mr. He cries himself out of tears and begins to weep blood—not for the punishment, but for the injustice of it—does the king have the stone thoroughly inspected, revealing true jade. His feet, however, are just a memory. See Wang Xianshen, *Han Feizi jijie*, 4.95. In a time when punishment often meant permanent harm to the body, an improper punishment was a serious matter, particularly when the victim was a worthy. On the one hand, the king would deprive himself the service of this worthy. On the other, to build up a number of talented and bitter enemies within the state could hardly have contributed positively to the stability of the state.

[47] See *Chunqiu Gongyang zhuan*, 15.2b-3b [187-88]; the quotation is on 15.3b [188].

[48] This story is recorded with variation in *Shi ji*, 47.1926; Liu Xiang 劉向 (ca. 77 – ca. 6 BC), *Shuo yuan* 說苑, *Sbby*, 13.1b-2a; Zhao Shanyi 趙善詒, *Shuo yuan shu zheng* 說苑疏證 (Taipei: Wen shi zhe chubanshe, 1986), 13.346-8; *Kongzi jiayu* 孔子家語, *Sbby*, 5.9b-10a; Sun Zhizu 孫志祖 (1737-1801), *Jia yu shu zheng* 家語疏證 (woodblock; rpt. Taipei: Guangwen shuju, 1975), 3.9b [102] and *Kongcongzi* 孔叢子, *Sbby*, 2.3b. In his commentary on the *Sanguo zhi* 三國志, Pei Songzhi 裴松之 (372-451) quotes a version from Liu Xiang's *Xin xu* 新序, which is not found in the extant

version of this work; see Chen Shou 陳壽 (233-297), *Sanguo zhi* (Beijing: Zhonghua shuju, 1959), 613-14.

[49] This text is from the *Shuo yuan* version, *Sbby*, 13.2a.

[50] *Bo Wu jing yi yi shu zheng*, 4.20b-21b [146-48]; see also, e.g., Chen Li, *Bohu tong shu zheng*, 9.442; Qi Yuzhang, *Jiazi Xin shu jiao shi*, 2.246-47. The issues and difficulties of dealing with the New Text / Old Text dichotomy have been explored, *inter alia*, by Michael Nylan, "The *chin wen* / *ku wen* Controversy in Han Times," *T'oung Pao* 80 (1994): 83-145.

[51] Xie: 74-77, especially 76. Xie cites Jia Yi as an example of this misinterpretation.

[52] Pines, "Disputers": 30, "These definitions, just like the categorical statement that 'ritual does not descend to the commoners,' are certainly rhetorical exaggerations, but they indicate the unique position of *li* as predominantly a feature of the elite."

[53] This is proposed by Li Qiqian, "Zai yi": 133.

[54] *Li ji zhu shu*, 3.6a-8a [55-6].

[55] Yang Zhigang " 'Li xia shu min' de lishi kaocha": 119.

[56] Li Hengmei 李衡梅 and Lü Shaogang 呂紹綱, " 'Xing bu shang dafu' de zhendi hezai?" "刑不上大夫" 的真諦何在? *Shixue jikan* 1 (1982): 20-23; Li Hengmei 李衡梅, " 'Xing bu shang dafu' zhi 'xing' wei 'rouxing' shuo bu zheng" "刑不上大夫" 之 "刑" 爲 "肉刑" 補證 in *Xianqin shi lunji* (*xu*) 先秦史論集(續) (Ji'nan: Lu Qi shushe, 2003), 250-52.

[57] Li Hengmei, "Bu zheng," 251 cites Jia Yi's interpretation in support of his argument.

[58] Li Qiqian, "Zai yi": 126-136. In support of taking *xing* 刑 as referring specifically to castration, Li Qiqian, "Zai yi": 135 cites a line from the "Shuo shan xun" 說山訓 chapter of the *Huainanzi*, "Those held in prisons are without illness; those whose punishment is death are fat and glossy; and many of the castrated (*xing*) are long-lived; because their hearts are without accumulation" 執獄牢者無病, 罪當死者肥澤, 刑者多壽, 心無累也. Gao You 高誘 (ca. 168-212) says that "Those castrated are the palace men" 刑者, 宮人也, i.e., eunuchs. See He Ning 何寧, *Huainanzi ji shi* 淮南子集釋 (Beijing: Zhonghua shuju, 1998), 16.1115. Though Li does not mention it, *xing* 刑 was already in Tang times interpreted as someone who had been castrated. In his commentary on the *Guliang zhuan* passage mentioned above, Yang Shixun 楊士勛 (Tang) says that the gate guard (*hun*)—the punished person to whom Wuzi was close—had been, "Subjected to punishment and had his posterity cut off, and was without the meeting of *yin* and *yang*" 虧刑絕嗣無陰陽之會—i.e., he had been castrated; *Chunqiu Guliang zhuan zhu shu*, 16.11b [161].

[59] Lü Simian, *Lü Simian du shi zha ji*, 341.

[60] The *Li ji* writes *dianren* 甸人 here, which is another term for the office that the *Zhou li* calls *dianshi* 甸師, master of the hinterland. See *Ci yuan* 辭源, s.v., "*dianren*."

[61] *Li ji zhu shu*, 20.22a-23b [401-2]. Zheng Xuan says, "To hang and kill someone is called *qing* 磬" 縣縊殺之曰磬. He also says that *xian*/*jian*/*qian* 纖 is read here as *jian* 纖, "to stab." *Tuan* 剸 means "to cut off" (*ge* 割), and *gao* 告 is understood as *ju* 鞫, as in the sense of "to try a case" (*ju yu* 鞫獄).

[62] *Li ji zhu shu*, 20.26a [403].

[63] *Jiazi Xin shu jiao shi*, 2.241-282; *Xin shu jiao zhu*, 2.79-90.

[64] *Jiazi Xin shu jiao shi*, 2.267; *Xin shu jiao zhu*, 2.81. The same line is found in the *Han shu*, 48.2257, but substituting "grandees" (*dafu* 大夫) for "lordlings" (*junzi* 君子).

[65] Cf. Yang Zhigang: 121-23.

[66] The following discussion draws from Wang Xingguo, *Jia Yi ping zhuan*, 93-99.

[67] "Hierarchical grades" is *lie deng* 列等. *Lie* is defined in the "Guang gu" 廣詁 section of the *Xiao Er ya* 小爾雅 as "ranking" (列次也); see Hu Chenggong 胡承珙 (1776-1832), *Xiao Er ya yi zheng* 小爾雅義證, *Sbby*, 1.11b. In the "Zhou yu zhong" 周語中 chapter of the *Guo yu*, there is the line, "The Di are without ranking in the kingly chamber" 夫狄無列於王室; Wei Zhao says, "*Lie* means positional ranking" 列位次也; see *Guo yu*, *Sbby*, 2.3a. The Tan, Li, and Hu editions reverse *lie deng* to give *deng lie*; this is also found in the parallel line from Jia Yi's biography in the *Han shu*, 48.2254. As Qi Yuzhang points out, the two variants have the same meaning.

[68] Cf. "Guo Qin lun xia":

> The first kings knew the harm to the state that comes from being blocked off [from information]. Therefore, they established dukes, high officials, grandees, and the clerisy, in order to enact the law and set up punishments, and the realm was ordered. 先王知 壅 蔽之傷國也, 故置公卿大夫士, 以飾法設刑, 而天下治.

Jiazi Xin shu jiao shi, 1.70; *Xin shu jiao zhu*, 1.16; *Shi ji*, 6.278.

[69] Cf. "Wen wang shi zi" 文王世子, *Li ji zhu shu*, 30.27b-30b [404-05]: "

> The king then commanded [the creation of] dukes, marquises, earls, viscounts, barons, and the many officers, saying, "Go back and nurture the old and young as in the Eastern Lycee, and finish them with humaneness." 王乃命公侯伯子男及 羣吏, 曰, 反養老幼于東序, 終之以仁也.

"*Guanshi*" 官師, "officers," are the leaders of each type of official. See the "Ji fa" 祭法 chapter of the *Li ji*: "For the *guanshi*, one temple" 官師一廟; Kong Yingda comments, "*Guanshi* means the leader of one [type of] official" 官師者言爲一官之長也; *Li ji zhu shu*, 46.8b-10a [799-800].

[70] The *Han shu*, 48.2254 has a slight variant for the line, "…extended to reach the ordinary people" 施及庶人, writing *yan* 延 for *shi* 施. The two words would then be taken to have the same meaning. This reading can also be found in the "Yue ji" 樂記 chapter of the *Li ji*, where Zheng Xuan comments on a citation of the line from the *Shi* 詩 poem "Huang yi" 皇矣 (Mao #241), "Extended to descendents" 施於孫子, saying, "*Shi* means *yan*" 施 …延也; see *Li ji zhu shu*, 39.2a-b [691]; *Maoshi zheng yi*, 6-4.8a [570].

[71] *Jiazi Xin shu jiao shi*, 2.241; *Xin shu jiao zhu*, 2.80.

[72] The *Han shu*, 48.2254 version of the text has *qi qi* 其器 where the *Xin shu* text has *qi ye* 器也.

[73] The Lu edition emends *zhu di* 主帝, "lord and emperor," to *zhu shang* 主上, "lord and sovereign," arguing that the original text is in error. The parallel text in the *Han shu*, 48.2254 has only *zhu* and elides the locative particle *yu* 於. I follow Qi Yuzhang and the Jian, Tan, Li, Zihui, Hu, and Cheng editions to retain *zhu di*. The same expression is found also in the "Nie chan zi" 孽產子 chapter of the *Xin shu*, which suggests that it is not foreign to Jia Yi's writings; see *Jiazi Xin shu jiao shi*, 3.335; *Xin shu jiao zhu*, 3.107.

[74] The received text has *lianchi* 廉恥 here, while Lu Wenchao has *lianchou* 廉醜. The words *chi* and *chou* presumably were similar in pronunciation in Han times, and at any rate both could be used in the meaning of "shame; sense of shame." For example, in the "Qin ce" 秦策 section of Liu Xiang's *Zhanguoce*, *Sbby*, 7.8b, there is the line, "Each of these four knights bore opprobrium and shame" 此四士者皆有詬醜. In his commentary on this line, Gao You uses *chi* to gloss *chou*, "shame." Their interchangeability is further reflected in a parallel line from the *Zhanguoce* and the *Xin xu*, also attributed to Liu Xiang. Both contain the line, "…In order to wash away the shame of the previous king," written 以雪先王之, ending with 恥 and 醜, respectively; see *Zhanguoce*, *Sbby*, 29.7b and Shi Guangying 石光瑛, *Xin xu jiao shi* 新序校釋 (Beijing: Zhonghua shuju, 2001), 3.334.

[75] *Cisi* 賜死 is a formulaic expression that literally means "granting death"; it has been used since pre-Han times to refer to suicide at the command of the sovereign; cf. *Hanyu da cidian*, s.v., "*cisi*," and see, e.g., the passage of the *Yanzi chunqiu* 晏子春秋 entitled "Jinggong yinjiu qi ri bu na Xian Zhang zhi yan, Yanzi jian di si" 景公飲酒七日不納弦章之言晏子諫第四, in Wu Zeyu 吳則虞, *Yanzi chunqiu jishi* 晏子春秋集釋 (Beijing: Zhonghua shuju, 1962), 1.11-12:

> Duke Jing 景 drank beer for seven days and seven nights without cease. Xian Zhang 弦章 remonstrated, saying, 'Milord wishes to drink beer for seven days and seven nights. I want milord to forsake beer. Otherwise, I will [request that I be] granted death [by suicide]" 景公飲酒, 七日七夜不止. 弦章諫曰, "君欲飲酒七日七夜, 章願君廢酒也! 不然, 章賜死.

[76] The binome *luru* 僇辱 is "humiliation of punishment," also found in the "Ba jing" chapter of the *Han Feizi*, cited above. *Luru* can sometimes refer to corporal punishments exclusively, but its juxtaposition with "granting of death" here suggests that Jia Yi would include execution by torture.

The *Xin shu* text has *lu* written 僇, though *luru* is often written 戮辱. These two homophonous graphs are interchangeable; see Gao Heng, *Guzi tongjia huidian*, 749.

[77] *Jiazi Xin shu jiao shi*, 2.244; *Xin shu jiao zhu*, 2.80.

[78] The most famous enunciation of such ideas is probably *Lunyu* 2/3, which reports Kongzi to have said,

> If you lead them by means of government (i.e., law) and organize them by means of punishment, the people will avoid [these] but lack a sense of shame. If you lead them by means of virtus and organize them by means of ritual, they

> will both have a sense of shame and be submissive. 道之以政, 齊之以刑, 民免而無恥. 道 之以德, 齊之以禮, 有恥且格.

Lunyu zhushu, 2.1b [16]; translation after Yang Bojun, *Lunyu yi zhu*, 12. E. Bruce Brooks and A. Taeko Brooks, *The Original Analects*, 110 date this passage to 317 BC, more than a century before Jia Yi was born.

[79] From "Jie ji," *Jiazi Xin shu jiao shi*, 2.244; *Xin shu jiao zhu*, 2.80.

[80] From "Jie ji," *Jiazi Xin shu jiao shi*, 2.244; *Xin shu jiao zhu*, 2.80.

[81] *Jiazi Xin shu jiao shi*, 2.253; *Xin shu jiao zhu*, 2.80.

[82] "Favored ministers" (*chongchen* 寵臣) probably refers only to the ministers whom the lord values. Wang Xianqian, *Han shu bu zhu* 漢書補注 (Shanghai: Tongwen tushuguan, 1916), 48.15b, quotes Zhou Shouchang 周壽昌 (1814-44):

> *Chongchen* refers not to the likes of mighty vassals or favorites. *Shuo wen* [*Shuo wen jie zi zhu*, 7A.340]: "*Chong* means in a revered position." Another says, "[*Chong*] means cherished, treated with kindness." The *Yi* 易 [*Zhouyi zheng yi*, 2.9b [36]]: "Bearing heaven's favor." *Shu* 書 [*Shangshu zheng yi*, 18.8a [272]]: "When dwelling in favor, think of peril." *Zuo zhuan* [4th year of Duke Yin 隱公; *Chunqiu Zuo zhuan zheng yi*, 3.17a [57]]: "Duke Huan of Chen presently has the favor of the king." Each of these is this meaning. It probably means a minister who is esteemed and cherished by the lord. 寵臣非偉臣嬖臣之比. 說文, 寵, 尊居也. 一曰; 愛也, 恩也. 易, 承天寵也. 書, 居寵思危. 左傳, 陳桓公方有寵於王. 皆是. 蓋爲君所貴愛之臣也.

[83] *Yuan* 遠, read in the fourth tone, as suggested by Yan Shigu's definition of the word as "to depart from" 離也; see *Han shu*, 48.2255.

[84] Liu Shipei, *Jiazi Xin shu jiao bu*, 1.6a, would emend the text *qunchen* 群臣, literally "flock of ministers," to match the *Han shu* text, which has *dachen* 大臣, "great ministers." Liu argues that this text matches better the subsequent references to kings, feudal lords and the Three Excellencies. As Qi points out, *qunchen* matches this meaning just as well and there is no need for an emendation.

[85] The graph usually pronounced *ti* 體, "body; form," is here written for *li* 禮, "ritual; the rites." Qi notes that these two graphs were interchangeable in ancient times. For example, in the *Shi* ode "Gu feng" 谷風 (Mao #35), there is the line, "Without regard to the lower part" 無以下體; see *Mao shi zheng yi* 2B.10b [89], transl. Bernhard Karlgren, *The Book of Odes: Chinese Text, Transcription and Translation* (Stockholm: Museum of Far Eastern Antiquities, 1950), no. 35 [20]. This same line of poetry is written with the graph *li* in the *Han Shi wai zhuan* 韓詩外傳, *Sbck*, 9.80. Cf. Gao Heng, *Guzi tongjia huidian*, 543.

[86] *Jiazi Xin shu jiao shi*, 2.253; *Xin shu jiao zhu*, 2.80.

[87] *Jiazi Xin shu jiao shi*, 2.253; *Xin shu jiao zhu*, 2.81.

[88] I have followed Qi's proposed emendation here; the received text reverses the graphs *chong* 寵, "to favor," and *jing* 敬, "to reverence." While it does seem possible that the emperor's attitude toward his favored ministers could be described as one of "reverence," the people seem unlikely to be in a position to "favor" them.

[89] The Tan, Li, Hu, and Cheng editions, like the *Han shu*, 48.2256, insert the graph *ru* 如, "like, resembling," here.

[90] *Jiazi Xin shu jiao shi*, 2.253; *Xin shu jiao zhu*, 2.81.

[91] In the first chapter, I mention this same idea in a slightly different context; see Nivison, "The Paradox of 'Virtue,'" in *The Ways of Confucianism*, 31-43 and my references in chapter one.

[92] *Jiazi Xin shu jiao shi*, 8.975; *Xin shu jiao zhu*, 8.327.

[93] Qi Yuzhang, *Jiazi Xin shu jiao shi*, 8.976, note 3, suggests this interpretation by drawing a parallel to a line in the "Xin shu shang" 心術上 chapter of the *Guanzi*, *Sbby*, 13.4a:

> Ritual is that which relies on the intrinsic situation of people, follows the pattern-lines of duty, and makes moderation and patterning for them. Accordingly, ritual is said to have pattern-lines" 禮者, 因人之情, 緣義之理, 而為之節文者也. 故禮者謂有理也.

[94] The phrase *ci wu bi zhi* 此物比志 has given rise to a variety of interpretations, all fairly similar. The textual variants are few and consist only of variance in sequence rather than differing graphs: the Zihui and Cheng editions have *bi wu bi zhi* 比物比志; the Lu edition has *bi wu ci zhi* 比物此志; the *Han shu* has *bi wu ci zhi* 比物此志.

My interpretation, reflected in the translation, is a departure from the opinions of Yan Shigu and Qi Yuzhang. The opinions of these important exegetes are not to be dismissed lightly, and are discussed at length below. The interpretation I have follows the opinion offered by Zhong Xia, who says, "I suspect this means to compare this thing (i.e., the wall like metal) to the will [of the vassals]. *Bi* means 'compare.' *Zhi* means 'intention'" 疑謂以此物 (即金城) 比志也. 比, 謂比方. 志, 謂意; see Yan and Xia, 90, note 74. This more or less matches the opinion of Ru Chun 如淳 (ca. 3rd c.), cited in the *Han shu*, 48.2259: "*Bi* 比 means 'compare'; if [the ruler] causes to have the intention to die for the [temples to the] tutelary spirits, they compare to (*bi*) a metal wall" 比謂比方也. 使忠臣以死社稷之志, 比於金城也. The advantage of this reading is its evident simplicity. Word for word, it would be, "This thing (i.e., the metal wall) compares to [their] will"; in other words, "the wall is a metaphor for the will of the vassals."

Yan Shigu, *Han shu*, 48.2259 explicitly refutes Ru Chun, and says instead,

> This says that if the sage person (i.e., the ruler) encourages these, moderation and [proper] praxis, and directs his group of subordinates with them, then the others will all join their strength and unite their hearts. And the state and [ruling] household will be stable, firm, and undestroyable. The situation will be as if [it were surrounded by] a metal wall. 此言聖人厲此節行, 以御群下, 則人皆懷德,勠力同心, 國家安固不可毀, 狀若金城也.

Wang Xianqian, *Han shu bu zhu*, 48.17a, expands and revises Yan's explanation. He defines *wu* as "type, resemble" (*lei* 類). This definition is found in many places, e.g., Du Yu's gloss at *Zuo zhuan zheng yi*, 6.25b [114]. Wang Xianqian glosses *zhi* as "idea, intention" (*yi* 意); he cites, *inter alia*, the *Guang ya*, which glosses *yi* as *zhi* in

two places; see Wang Niansun, *Guang ya shu zheng*, 3A.1b [73] and 5A.11a [139]. As Wang Xianqian says,

> This means that each of the vassals will go all the way to death for duty, and they will then be an unshakeable base for the state. The saying, 'The sage has a wall like metal' matches this intention exactly." 言臣各效死取義則爲國家不拔之基. 聖人有金城之語正比類此意也.

Qi thinks that Yan Shigu is the only commentator to catch the true purport of this phrase. However, since the *Xin shu* text is different from that of the *Han shu* version, Qi offers a detailed explanation that is somewhat different from that of Yan Shigu. He always offers an expanded explanation for the *Han shu* version, saying that both can be understood.

Regarding the *Xin shu* version, Qi, 2.281, says that "*wu* is like type" 物猶類也. He glosses *bi* 比 as "united and together" 比齊同也. In support of this construal, he cites a line from the *Shi* poem "Liu yue" 六月 (Mao #177), "Match the four chargers" 比物四驪, in reference to which Lu Deming gives precisely this gloss; *Maoshi zheng yi*, 12.4a [358]; see also Cheng Junying and Jiang Jianyuan, *Shijing zhu xi*, 500. Thus, Qi derives his reading for the line as it appears in the *Xin shu*: " '*Shengren you jin chen*' means that the sage king's possession of a firmness like that of a metal wall lies in his subordinate ministers' having this type of united will" 聖人有金城者言聖王之有金城之固者, 乃在臣下有此類齊同之志也. Finally, Qi formulates a separate explanation for the different word order in the *Han shu* version (比物此志), taking the phrase *bi wu* 比物 to mean, "to match type(s)" 比類.

[95] All *Xin shu* editions have the particle 夫 *fu* here, though parallelism suggests this position should be occupied by *bi* 彼, "that, the other." Yan Shigu, *Han shu*, 48.2259, note 26 says, "*Fu* is *furen* 夫人, for its part like *biren* 彼人 (the other person)" 夫, 夫人也. 夫人也, 亦猶彼人耳. Qi agrees that *fu* can have the same meaning as *bi*, and cites as example a line from the "Jin yu yi" 晉語一 chapter of the *Guo yu*, *Sbby*, 7.9b: "Now those take you as a Zhou" 今夫以君爲紂, in which *fu* means "those, the other." Nevertheless, Qi argues on the basis of parallelism that *fu* here is a graphic error.

[96] *Jiazi Xin shu jiao shi*, 2.277; *Xin shu jiao zhu*, 2.82.

[97] This is from the poem "Mu gua" 木瓜 (Mao #64), *Maoshi zheng yi*, 3-3.15b-16b [141].

[98] *Jiazi Xin shu jiao shi*, 6.685; *Xin shu jiao zhu*, 6.215.

[99] From "Jie ji," *Jiazi Xin shu jiao shi*, 2.262; *Xin shu jiao zhu*, 2.81: "Those who are entrusted with material goods, and positions and tasks are gathered in the subordinate group" 所托財器職業者, 率[=萃] 於群下也.

[100] *Jiazi Xin shu jiao shi*, 2.258. The story of Yu Rang is also found in the *Zhanguoce*, *Sbby*, 18.4b-17b, and in *Shi ji*, 86.2519-21. It story is also mentioned in the *Lü shi chunqiu*; see Chen Qiyou, *Lü shi chunqiu xin jiao shi*, 12.647, 12.655, 20.1331-32; as well as in *Shuo yuan*, see *Shuo yuan shu zheng*, 6.148-151.

[101] *Jiazi Xin shu jiao shi*, 2.258.

[102] "Jie ji," *Jiazi Xin shu jiao shi*, 2.269-70; *Xin shu jiao zhu*, 2.81-82:

> Thus, for one in the situation of great blame or great interrogation: Upon hearing of the blame or interrogation, he put on a white hat with hair straps, took a pan of water and a sword and went to the Qing Chamber to request his punishment. The sovereign did not cause him to walk bound in fetters and led by a rope. 故其在大譴大何之域者, 聞譴何則白冠氂纓, 盤水加劍, 造請室而請其罪爾. 上弗使執縛係引而行也.

Although Jia Yi is describing the past here, he is also implicitly promising the same result if that system should be "re- "instituted.

[103] "Jie ji," *Jiazi Xin shu jiao shi*, 2.270; *Xin shu jiao zhu*, 2.82:

> If, when the sovereign has established incorruptibility, a sense of shame, the rites, and righteousness, and treated his vassals with these [as described], the vassals do not repay the sovereign with moderation and [proper] praxis, they are not of humankind. 上設廉恥禮義, 以遇其臣, 而群臣不以節行而報其上者, 即非人類也.

[104] In *Han shu*, 38.2259, note 27 Ying Shao says,

> [Jia Yi] speaks of one that thinks of the lord and forgets himself, who concerns himself with the state and forgets his household. [Someone] like this can be entrusted with the 'handles' of power, and does not need to be further regulated" 言念主忘身, 憂國忘家, 如此可託權柄, 不須復制御.

[105] Five *chi* is about three feet nine inches. Cf. *Lunyu* 8/6:

> Zengzi said, "He can be trusted with the orphan of six *chi*; he can be entrusted with the command of a hundred *li*; and when he faces an important juncture, it will not be snatched. Is he a lordling man? He is a lordling man." 曾子曰, 可以託六尺之孤, 可以寄百里之命, 臨大節而不可奪 也. 君子人與. 君子人也.

See *Lunyu zhushu*, 8.3b [71]; transl. after Yang Bojun, *Lunyu yi zhu*, 80.

There are some textual variants for this line, though none of great semantic significance. The Zihui edition and *Han shu* version write *ji* 寄 for *tuo* 託; both can mean "entrust." The Cheng edition and *Han shu* write *liu chi* 六尺, "six *chi*" (about four and a half feet) where the *Xin shu* text has *wu chi* 五尺, "five *chi*"; this emendation is presumably to follow the *Lun yu* text.

[106] *Jiazi Xin shu jiao shi*, 2.277; *Xin shu jiao zhu*, 2.82.

[107] The *Han shu* 48.2258 version of this line inserts the graph *jiu* 久, "(for a) long time," which would give the line, "But we do not do this, and instead have long turned to *those* actions."

Yan Shigu comments, *Han shu*, 48.2260:

> *Gu* 顧 means 'on the contrary'; *jiu* means to have done something for a long time. This means: How can we not make laws that 'worry about the vessels when throwing things at rats,' and instead long carry out matters without

> levels and grades" 顧, 反 也. 久謂久行之也. 言何不爲投鼠忌器之法, 而反久行無陛級之事.

Wang Xianqian, *Han shu bu zhu*, 48.17b, quotes Hu Sanxing 胡三省 (1230-1302), who says, "'This' (*ci* 此) refers to treating the vassals with ritual, duty, incorruptibility, and a sense of shame; 'that' (*bi* 彼) refers to executing and humiliating esteemed vassals" 此謂以禮義廉耻遇其臣, 彼謂戮辱貴臣; Hu's commentary is from Sima Guang, *Zizhi tongjian*, 14.479.

[108] *Jiazi Xin shu jiao shi*, 2.277; *Xin shu jiao zhu*, 2.82.

[109] In this interpretation, I am influenced by Carl Schmitt, *Politische Theologie: Vier Kapitel zur Lehre von der Souveränität* (Berlin: Duncker & Humblot, 1922), particularly his idea of the "exception" (*Ausnahmezustand*) that proves supremacy.

[110] *Jiazi Xin shu jiao shi*, 2.249.

[111] Wangyi Palace was located in present-day Shaanxi, overlooking the River Jing 涇水. Depictions of Ershi's death vary, though the eunuch Zhao Gao is always blamed. The *Shi ji*, for example, describes how Ershi was forced to commit suicide by Yan Le and his troops, acting on the order of Zhao Gao; this is the "incident" mentioned here. On the other hand, the *Shi ji* also quotes Ershi's successor Ziying 子嬰 (reg. 207), who says, "Chancellor Gao killed Ershi at Wangyi Palace" 丞相高殺二世望夷宮; see *Shi ji*, 6.273-76. Ru Chun explains,

> To decide a crime is called *dang* 當 ('to convict'). Yan Le killed Ershi at the Wangyi Palace, at root, because the Qin system did not have the custom of [reverent] avoidance of superiors. 決罪曰當. 閻樂殺二 世於望夷宮, 本由秦制無忌上之風也.

Han shu, 48.2256, note 11.

[112] *Zizhi tongjian*, 1.25-53, 8.278-80, 8.293-94; *Shi ji*, 6.274-75. See also above.

[113] "Guo Qin lun zhong," *Jiazi Xin shu jiao shi*, 1.45; *Xin shu jiao zhu*, 1.14: "Suppose that Ershi had had the praxis of [even] a mediocre lord…" 嚮使二世有庸主之行.

[114] Yan Shigu says, "Read *ai* 艾 as *yi* 刈 (to cut)" 艾讀曰刈; see *Han shu*, 48.2251; this phonetic substitution is seen elsewhere as well, see Gao Heng, *Guzi tongjia huidian*, 613-14. *Cao* 草 is *Heteropogon contortus*, grass; see Frederick Porter Smith, *Chinese Materia Medica: Vegetable Kingdom*, revised by G.A. Stuart, second revised edition by Ph. Daven Wei (1911; rpt. Taipei: Ku T'ing Book House, 1969), 205. *Jian* 菅 is *Themeda gigantea*, another kind of grass; see Bernard E. Read, *Chinese Medicinal Plants from the Pen Ts'ao Kang Mu A.D. 1596* (1936; rpt. Taipei: Southern Materials Center, 1982), no. 762 [253]. If *ai* is not read as a loan graph, it means *Artemesia vulgaris*, mugwort; see Smith, Stuart, and Wei, 52.

[115] The received text of the *Xin shu* has *ji dao* 集道 here; Qi suggests following the Zihui, Cheng, and Lu editions take it as *xi dao* 習道, "accustomed and led."

[116] *Jiazi Xin shu jiao shi*, 5.621; *Xin shu jiao zhu*, 5.185.

[117] Wang Xingguo, 93. *Han shu*, 48.2260 mentions that Jia Yi wrote against the dishonorable treatment afforded Zhou Bo, but does not mention the name of the piece. In terms of content, however, "Jie ji" fits the description perfectly.

[118] The incidents of Zhou Bo's life are summarized from his biography in *Shi ji*, 57.2065-2073.

[119] Wei Shou 魏收 (506-572), *Wei shu* 魏書 (Beijing: Zhonghua shuju, 1974), 62.1387; found also in Li Yanshou 李延壽 (7th c.), *Bei shi* 北史 (Beijing: Zhonghua shuju, 1974), 40.1456.

[120] The received text for this line is as here, and Liu Shipei, 1.6a-b, supports keeping this version. The *Han shu* and the Tan, Li, and Hu editions elide the *xia* 下, "beneath, below," and Qi Yuzhang would emend to follow them.

[121] "Close" is *po* 迫, which word often means "to force, press, compel." This usage is also found in the "Wang zheng" 亡徵 chapter of the *Han Fei zi*, which contains the phrase, "those that … humiliate those states close to them" 侮所迫之國者; see *Han Feizi jijie*, 15.110.

[122] Cf. also from "Jie ji," *Jiazi Xin shu jiao shi*, 2.253; *Xin shu jiao zhu*, 2.81:

> For any that the Son of Heaven has once favored, and that the populace has once respected: How could it be proper for a lowly person to get to treat them thus, making them kowtow and humiliating them? 夫天子之所嘗寵, 眾庶之所嘗敬, 死而死爾, 賤人安宜得此而頓辱之哉.

[123] *Han shu*, 48.2260.

[124] According to the standard histories, the direct instigation for Emperor Wen's decision to abolish mutilating punishments was the letter written by Chunyu Tiying 淳于緹縈, daughter of Chunyu Yi 淳于意. Chunyu Yi had been sentenced to punishment, and Tiying sent a letter pleading a reprieve. The letter is said to have moved the emperor to pity, and led to doing away with certain mutilating punishments. See *Shi ji*, 10.427-28; *Han shu*, 23.1097-98. Tiying's letter makes arguments about punishments similar to some of those I have detailed above; this is the text of her letter as preserved in *Shi ji*, 10.427:

> My father is an official. All in Qi praise his incorruptibility and fairness. Now he is convicted under the law and ought to receive [mutilating] punishment. I am pained that none who is killed can be restored to life, and that none who is punished can be re-connected. Even if they again desire to correct their errors and begin anew, there is no way for it. I am willing to enter servitude as an government slavegirl, and to thus ransom my father from punishment for his crime and to enable him to start anew. 妾父爲吏, 齊中皆稱其廉平, 今坐法當刑. 妾傷夫死者不可復生, 刑者不可 復屬, 雖復欲改過自新, 其道無由也. 妾願沒入爲官婢, 贖父刑罪, 使得自新.

Nevertheless, since "Jie ji" definitely precedes this, and is acknowledged to have persuaded the emperor away from punishing his close vassals, it is reasonable to think that Jia Yi's persuasion was at least partially responsible. At any rate, the commonplace idea that Emperor Wen lessened punishments is called into question already in the *Han shu*, "Xing fa zhi," 23.1099.

It should be noted that the dating of the letter and proclamation is not consistent in all sources; the 13th year of Wen's reign (167 BC) seems the most common and best possibility, and is found in the "Wen di ben ji" 文帝本紀 chapter of the *Shi ji*, 10.427-28; in the "Han xing yilai jiang xiang mingchen nianbiao" 漢興以來將相名臣年表, *Shi ji*, 22.1127; in the *Han shu*, "Xing fa zhi," 23.1097-98; and in the *Zizhi tongjian*, 15.495-96. The "Bian Que, Canggong liezhuan" 扁鵲倉公列傳 dates the change to the 4th year of Wen's reign (176 BC); in his commentary, Xu Guang says, "According to the 'Nian biao,' The Filial Wen abolished [mutilating] corporal punishments in the 12th year [of his reign]" 案年表孝文十二年除肉刑; see *Shi ji*, 105.2795. The only extant "Nianbiao" referring to the abatement of corporal punishments is the "Han xing yilai jiang xiang mingchen nianbiao," cited above, which in its extant form dates this to the 13th year of Wen's reign; presumably, either Xu Guang had a bad copy or made a mistake, or the table has been emended to match the information given in other sources. At any rate, the commonplace idea that Emperor Wen lessened punishments is called into question already in the *Han shu*, "Xing fa zhi," 23.1099. It notes that the beatings that replaced the mutilations were so heavy that they were de facto executions, thus actually worse than the original corporal punishments.

[125] Yu Chuanbo, "Shi lun Jia Yi de sixiang tixi" 試論賈誼的思想體系, *Zhongguo zhexue yanjiu* 中國哲學研究 28 (1987): 47; Wang Xingguo, 98-99 echoes this.

[126] The *Han shu*, 48.2260 notes that the relaxation of punishments instituted by Emperor Wen lasted only until the time of Emperor Wu 武帝 (reg. 140-87 BC).

Chapter 6

XIONGNU

The previous section analyzes Jia Yi's criticism of the contemporary situation based on the relationship between ritual, hierarchy, and rule. Since the political hierarchy discussed in that section already exists (albeit in a weak state), Jia Yi's theories amount to improved methods of rule; they do not entail extension of power over those who are not part of the Han state. Nevertheless, as I have shown above, Jia Yi holds that Emperor Wen's theoretical power extends over the whole known world. Jia Yi rephrases and expands this conceptualization in "Xiongnu" chapter of the *Xin shu*:

> At present, the Han rule the central states as emperor. It would be proper to use your magnanimous virtus to draw in and subjugate the Fourfold Barbarians, to uplift your perspicacious righteousness and universally exhibit it to the furthest places. Then anywhere that boat or chariot could attain and anywhere that human tracks could reach, would there be none that is not nurtured [by you].[1] And who would then dare to chaotically refuse the emperor's intentions?[2] 今漢帝中[3]國也, 宜以厚德懷服四夷, 舉明義博[4]示遠方, 則舟車之所至, 人迹[5]之所 及, 莫不爲畜, 又且孰敢　然不承帝意.[6]

The essence of the "Xiongnu" chapter is the outline of Jia Yi's theories for solving the problem of extending Han rule over the eponymous non-Chinese people. His approach boils down to drawing the noisome Xiongnu tribes into the Han ritual/cultural system and controlling them thereby through virtus. By doing this, Jia Yi says that the imperial government will avoid costly conflicts with Xiongnu—and the even more costly treaties that had brought temporary peace. I discuss Jia Yi's

proposals to deal with the Xiongnu problem here, separately from the other discussions of ritual, because there is much in the proposals that does not accord with the ritual system that I have described. But there is much that does. When "Xiongnu" is read and analyzed with the foregoing discussions of ritual in mind, the close affinity between the two is clear. These proposals represent another way that Jia Yi proposes for extending his theories of ritual and rule into political reality.

This chapter and the analysis it contains are speculative. In it, I attempt to connect the proposals Jia Yi lays out in "Xiongnu" to the broader themes of his writing, and to bring out the internal logic I see functioning there. Frankly speaking, this analysis is not the only one possible. However, it seems that an explanation which can not only tie these proposals to other aspects of Jia Yi's thought but also combine them into a single framework is preferable to one that dismisses these plans as foolishness, or that extracts them from the context of Jia Yi's thought generally. Nevertheless, the ambitious nature of my interpretation, combined with the considerable difficulties inherent in reading this frequently opaque text—one of the most difficult in the *Xin shu*—means that my analysis is necessarily tentative.

The Xiongnu

The Xiongnu were a heterogeneous group of tribes that lived as nomadic herders on the north-central plains of Asia. Their ethnic and original geographical origins are not clear; what matters for the discussion here is that they were politically, linguistically, and culturally distinct from the Han.[7] Around the time that the Qin unified China, the Xiongnu too developed a political structure of centralized authority. Although this was a trend that had existed for some time, it is likely that the immediate cause of final political consolidation was Chinese expansion into the Xiongnu home region. This displaced the Xiongnu and reduced the territory available for grazing their herds, leading in turn to conflict with other nomadic groups and a temporary decline in Xiongnu power. The Xiongnu recovered, however, and in 200 BC came into conflict with the new Han empire. In the meantime, they had overcome many of their neighbors, adding lands and troops to their original holdings.[8]

The Xiongnu had also developed new military command structures, which combined with their numerical increases to produce a cavalry force that was militarily superior to the Chinese infantry. As a result, the Han were consistently and soundly

defeated by them in battle. This led in 198 BC to the first in a series of *heqin* 和親 ("harmony and intimacy") treaties contracted between Han Emperor Gaozu and the Xiongnu. These treaties obliged the Han to send valuable goods to the Xiongnu, as well as to send Han princesses to marry Xiongnu leaders, in exchange for peace. Yü Ying-shih places the greater emphasis on the latter aspect, calling the *heqin* policy "the marriage treaty system." Nevertheless, he also acknowledges that *heqin* was, at bottom, an attempt to buy off the Xiongnu. These policies were continued under Gaozu's successors, apparently for want of a better plan. Emperor Wen also continued to pay for peace. Though the Xiongnu time and again broke the treaty agreements, their military superiority left the Han no real alternative but to pay more and hope for peace. The increasing financial burden and steady border incursions created an urgent situation that demanded resolution—resolution that was not to come until the reign of Emperor Wu.[10]

The Proposal

Jia Yi summarizes his proposed methods to bring the Xiongnu into the Han ritual system and under Han rule as the "Three Manifestations and Five Baits" (*san biao wu er* 三表五餌), each of which I will discuss here. Particularly important to my analysis are the "Baits," attractions deliberately chosen to draw the Xiongnu into Han culture and the abstract edifice of the ritual system. Rather than simple wealth, in Jia Yi proposes granting mercies, gifts, and privileges I suggest are specifically chosen for ritual significance and function. These gifts are mixed with a number of other types of bestowals selected to appeal to the carnal desires of the Xiongnu. Even when the gifts do not have identifiable ritual significance, they often reflect the primary purpose of ritual: "Ritual distinguishes the different." The ultimate goal is not debauchery; the goal is to generate virtus—gratitude credit toward the emperor—among the Xiongnu. Nor is this payment for peace—that method had been tried. It was to use ritual and the ideas underlying and related to ritual to create a new situation in which the Xiongnu would become vassals of the Han. Since Jia Yi mentions the "Fourfold Barbarians" in the first part of his essay (quoted above), it seems that he does not limit the efficacy of his proposals to the Xiongnu. Presumably they are the specific targets of these plans because of the serious problem they posed for Han rule in the time of Emperor Wen.[11]

These methods were to have effects among the Xiongnu analogous to the function of virtus and ritual within the borders of the empire. This virtus is not an abstract virtue or moralistic self-cultivation, but perceived gratitude credit that would lead to a shift in allegiance among the Xiongnu. At the same time, it was to draw the Xiongnu as individuals into a position of ritual subordination that would also translate into obedience and adherence to the Han generally and the emperor specifically. Since his ideas are new in the context, Jia Yi does not lay them out negatively—this is not criticism *per se*, but what amounts to a new strategic policy proposal.

Criticism and Praise

Jia Yi has been repeatedly criticized for the ideas laid out in "Xiongnu," but he has also been praised for his acuity. Already in Han times, Ban Gu granted that Jia Yi had been a positive influence on Emperor Wen, but that when it came to, "promulgating the Five Baits and Three Manifestations in order to bind the khan, his (Jia Yi's) methods were certainly far out" 施五餌三表以係單于, 其術固以疏矣.[12] Zhu Xi 朱熹 (1130-1200), most famous of Song intellectuals, would grant some legitimacy to Jia Yi's methods, but also agrees with Zhao Fan 趙蕃 (*zi* Changfu 昌父; 1143-1229) that baiting barbarians is "not the motivation of a humane person" 非仁人之用心.[13] Yang Shi 楊時 (1053-1135) repeated Ban Gu's criticism some thousand years after the great historian, taking Jia Yi to task for impatience and lack of gravity.[14] Qing scholar Liu Yusong 劉毓崧 (1818-67) says that Jia Yi errs in his "excessive zeal" (*guo ji* 過激).[15] Modern historian Lü Simian 呂思勉 deems Jia Yi's proposal the deplorable export of one country's decadence to a less-advanced one, with intent to overthrow. As Lü says, "How could this not be the exaggeration of a hermit, the sharp temper of youth?" 豈非處士之大言, 少年之銳氣乎.[16]

Huang Zhen 黃震 (*jinshi* 1256) of the Song offers a lukewarm defense of Jia Yi's proposals, saying,

> The explanations of the Three Manifestations and Five Baits are thoroughly presented in this book [the *Xin shu*]. He says that they can just sit there and overawe the Xiongnu. To the present day, people doubt this as exaggeration. However, he only wanted to seduce and bring capitulators, and cause [the Xiongnu] forces to gradually be depleted, and opposed saying that [the Han] must win by military force. With [Jia] Yi's unusual talent, if he had been able

> to be director of dependent states (*dianshuguo* 典屬國), in order to try these [plans] on the Xiongnu, even though there was no principle by which they could have been destroyed, their strategic situation would surely have gradually weakened. Therefore [these proposals] cannot be deprecated as exaggeration. 三表五餌之說, 詳見此書. 謂可坐威匈奴, 至今疑其大言. 然不過欲誘致降者使其眾漸空, 非謂必以兵勝, 以誼奇才, 得爲典屬國以試之匈奴, 雖無可滅之理, 勢須漸弱, 未可以大言少之.[17]

Cheng Hao 程顥 (1032-85) says that Jia Yi's proposals were laughed at in his time, but that the same methods were responsible for substantial periods of peace in Song times.[18] This praise is somewhat lessened by Cheng's apparent equivocation of Jia Yi's proposals with the *heqin* policy pursued by the Han, which amounted to the purchase of peace.[19]

Chen Renxi 陳仁錫 (1581-1636) of the Ming offers a more spirited defense, calling Jia Yi's proposals "penetrating discourse" (*zuo ran zhi lun* 鑿然之論). He also directly refutes Ban Gu, et al., saying, "How can they call this off?" 如何謂迂.[20] Li Zhi 李贄 (1527-1602) says that Jia Yi, "Recognized the times and knew his task" (*shi shi zhi wu* 識時知務), and defends the Three Manifestations and Five Baits as "neither far out nor foolish" (*fei shu fei zhuo* 非疏匪拙).[21] Zhu Tulong 朱圖隆 (Ming) adds a high encomium, saying, "'Baiting' the Xiongnu was [a proposal of] unwavering words and unswerving discourse, extraordinarily pertinent to matters of the time" 餌匈奴, 危言讜論, 尤切時事.[22] Wang Zhong 汪中 (1745-95) argues that history before and after provides proof of the efficacy of these plans, and that, "Saying that they are 'far out' is a one-sided view" 謂之爲疏斯一隅之見也.[23]

Unfortunately, since the plans were not put into practice and their influence (as distinct from that of the *heqin* policy) is hard to gauge, these evaluations are as theoretical as Jia Yi's ideas. It should be noted that Jia Yi's promises to bring the Xiongnu under Han control in a short time at little cost do seem exaggerated. But on the other hand, he astutely recognized at an early point in time that the *heqin* policy would be an expensive failure, and his proposals reflect a subtle and sophisticated understanding of culture's power.

The Relationship between the Xiongnu and the Han

Although Jia Yi argues that the Xiongnu represent only a small group—equivalent to a single Han prefecture[24]—he does not recommend direct warfare against them. This is a tacit admission of Han military inferiority.[25] Since a military victory is not feasible, Jia Yi wants to shift tactics, to fight a "culture war" based on the same principles that he advocates for control within the realm. While many of the specifics of Jia Yi's plans are certainly new—and his formulation of them doubly so—the underlying ideas are not.

In particular, when Liu Jing 劉敬 (ob. post 200 BC) suggested to Han Gaozu the policy known as *heqin*, he included not only marriage alliances and material enticements, but also the exertion of cultural influence.[26] This was to take the form of sophists to accompany the tribute and "influence [the Xiongnu] by means of and convey ritual and moderation" (風諭以禮節).[27] Liu Jing believed that familial relationship and ritual would secure the Han influence over the Xiongnu leadership. He—and apparently Emperor Gaozu, who accepted the proposal—simply assumed the success of said influence, however tenuous and unlikely that may seem at a distance of two thousand years. This surely testifies to the centrality of family relationship and ritual to the Han Chinese. The speed at which the policy descended into a series of bribes reflects a different reality.

Although conceptually similar to the *heqin* policies, Jia Yi's proposals differ in major ways. First, nowhere does he suggest relying on marriage alliances for influence. He does not want to create new relationships or connections to influence Xiongnu politics, but rather to draw the Xiongnu people into the existing Han structure. His suggestions are not for the pure (and perhaps unrealistic) export of cultural influence, but rather to win the Xiongnu over to the Han by creating Xiongnu examples to unconsciously function as ambassadors and exemplars to draw the Xiongnu to the Han. This represents a fundamental difference in direction: where the *heqin* would send *to* the Xiongnu, Jia Yi would bring the Xiongnu to the Han.

Liu Shipei 劉師培 (1884-1919) says, "The Five Baits that are discussed in this piece are all [means by which] to bind with benevolence and virtus, to seduce them into accepting [cultural] influence" 此文所云五餌，均言結以恩德，誘之向風."[28] Unlike Liu Jing's ideas of using family relationships for influence and exporting Han culture, Jia Yi wants to incorporate the Xiongnu into a cultural-political structure. To

do so, he hopes to generate within the Xiongnu the same sort of virtus that was to regulate the Han. Princesses should still be sent, but they and their retinues are to function in the manner of Trojan horses to convey Han operatives into the Xiongnu camps, rather than creating new family ties. These were not to act as influencers, but instead to provide needed information to the Han court about the Xiongnu situation and capabilities.[29]

A Turncoat: Zhonghang Yue

Zhonghang Yue 中行說 (fl. 2nd c. BC) was a eunuch sent by Emperor Wen to accompany, in the capacity of tutor, a Han princess sent in 174 BC to marry the khan as part of the *heqin* policy. Zhonghang Yue was unwilling to undertake this unpleasant duty and went only under duress. As a result, upon arrival he promptly went over to the Xiongnu. In his pique, Zhonghang Yue became a willing advisor to the khan on his dealings with the Han, putting his understanding of Han techniques and motives to work for the defense of the Xiongnu. In particular, Zhonghang Yue is known to have exhorted the Xiongnu leadership to avoid the weakening effects of Han cultural influences, epitomized in the foodstuffs and silks sent as *heqin* payoffs. Zhonghang Yue recognized that only by maintaining a distinct way of life could the Xiongnu hope to avoid Han hegemony.[30] He knew that accepting Han culture would ultimately mean accepting Han rule.

Jia Yi clearly detested Zhonghang Yue personally.[31] But he also shares—or perhaps even borrows—Zhonghang Yue's insight about the power of culture. At the same time, Jia Yi knows that such influences are much diluted at a distance: to bring the Xiongnu to Han influence, he would bring *them* to the Han.

Contra Di Cosmo

It should be noted at the outset that my analysis runs counter to that of Nicola Di Cosmo, who has recently written on early Chinese relations with outsiders. Di Cosmo says,

> The strongly ideological stance advocated by Chia Yi, however, was not tempered by any notion of molding the enemy through the example of virtuous behavior. For him, rituals, music, and the other achievements of the Chinese cultural sphere were not just a sign of a superior society, nor were they the "sugar-coated bullets" to be used to dazzle and corrupt, if possible, their

> primitive enemies. Instead, they were the means through which the two opposite "camps" came to be differentiated: those with rituals on the one side, those without on the other, with no possibility of dialogue between the two.[32]

My analysis differs in two major ways. First and foremost is my recognition that in Jia Yi's thinking, virtus and other qualities commonly conceived of as good are used in a morally neutral manner. Thus, while Jia Yi most definitely and explicitly advocates the use of virtus for controlling the Xiongnu, it is not through its application as a moral example, but rather as technique. Second, I argue that Jia Yi indeed advocates the use of culture generally and ritual specifically as means to influence the Xiongnu. There is no evidence of an unbridgeable gap between the Xiongnu and Han—just the opposite, as I will show. Since Di Cosmo apparently draws only from the materials contained in the *Han shu* and secondary sources on Jia Yi, it is not surprising that his conclusions are so different from mine. Jia Yi lays out his ideas for dealing with the eponymous barbarians most clearly in what is now the "Xiongnu" chapter. Without consideration of this chapter, very different conclusions might be reached about Jia Yi's proposals.

Waging War by Means of Virtus

Recognizing the centrality of virtus to the proposals laid out in "Xiongnu" specifically is absolutely necessary for the proper understanding of what Jia Yi is about there. This is no longer to be the purchased peace of the *heqin* treaties: it is to be deliberate assimilation.

This is not to say that there is no element of sensual attraction in Jia Yi's plan; there is. But this is a means, not an end in itself.[33] The goal is to bring the Xiongnu to Han culture and ritual system, and thereby to generate virtus in them that will lead to voluntary submission to the emperor. Jia Yi's ability to see through the surface-level attractions of a culture and to perceive the potential for influencing others without their knowledge attests to his acuity.

The centrality of virtus to Jia Yi's plan for dealing with the Xiongnu is demonstrated repeatedly in the introductory sections of the piece. Jia Yi states explicitly that he intends to overcome the Xiongnu by means of virtus when he says, "It would be proper to use your magnanimous virtus to envelop and subjugate the Fourfold Barbarians." What he lays out subsequently are the actual plans to put this into practice.

That his methodology is to be virtus is also implied when Jia Yi compares the task of bringing the Xiongnu under Han control to "the method of catching cicadas with a light" (*yao chan zhi shu* 耀蟬之術).[34] This is an allusion to the writings of Xunzi that must be re-contextualized to be properly understood. The "Zhi shi" 致士 chapter of *Xunzi* contains the following passage, the source of the cicada analogy:

> In any case of catching cicadas with a light, the task lays in making the fire bright and shaking the tree, and that is all. If the fire is not bright, then even if you shake the tree it is without benefit. If there were now a lord of men able to make his virtus bright, then the realm would go to him as cicadas go to the bright fire. 夫 耀蟬者, 務在明其火, 振其樹而已. 火不明, 雖振其樹, 無益也. 今人主有能明 其德者則天下歸之若蟬之歸明火也.[35]

The technique described supposedly takes advantage of cicadas' innate urge to throw themselves on a flame in the familiar manner of moths.[36] Xunzi says that when the lord evinces virtus, the realm will give allegiance to him of its own volition. This is exactly what Jia Yi will suggest is the best method for dealing with the Xiongnu. And for Jia Yi, as for Xunzi, the "light" is ultimately the virtus of the lord.

The centrality of virtus to his methodology is also reflected in the first section of "Xiongnu," where Jia Yi lays out a tripartite gradation of states and their methods for warfare: "I have heard that strong states wage war by means of [mere] knowledge, that kings wage war by means of righteousness, and that emperors wage war by means of virtus" 臣聞彌 [=彊] 國戰智, 王者戰義, 帝者戰德.[37] Since Jia Yi is an advocate of Han imperial rule, he clearly implies that "waging war by means of virtus" against the Xiongnu is the proper tactic, and what follows is the method for doing so.

Jia Yi also repeats this idea within the main body "Xiongnu." After laying out the Five Baits, he offers a typically imaginative picture of the effects among the Xiongnu, leading to the eventual submission of the khan. By generating virtus among the followers of the khan, he predicts that Emperor Wen will win their loyalty, so that, "When they face south to give allegiance to the Han, they will be like weak children yearning for a foster-mother" 其南面而歸漢也, 猶弱子之慕慈母也.[38] This will translate into a similar phenomenon among the common people of the Xiongnu as well. And, as Jia Yi says, "This is called doing battle by means of virtus"此謂戰德.[39] Jia Yi further proposes to supplement these baits with an expansion of border markets

that will demonstrate the wealth of the Han empire in comparison to the poverty of the Xiongnu. Like the carefully chosen gifts publicly bestowed on select Xiongnu by the emperor, these markets too should generate a desire to join the Han. Jia Yi predicts that the combination of the two tactics will lead to the demise of the Xiongnu as an independent polity within three to five years. "This is called victory by virtus" 此謂德勝.[40]

All of these examples indicate that what Jia Yi proposes is a methodology for creating virtus among the Xiongnu. I have already shown the close connection between virtus, ritual, and the granting of favors in Jia Yi's thought generally. The particulars of his suggestions that I will discuss here also reflect this, and represent another case of these ideas extended into practice.

Another Instructive Precedent

Tracing intellectual influence is always a tricky proposition, absent explicit quotation or reliable historical records. Nevertheless, it is generally accepted that Jia Yi was a member of Xunzi's intellectual lineage, and I have related Xunzi's ideas to Jia Yi's already. In the case of the Five Baits, I believe that there is direct precedent in the writings of Xunzi for what Jia Yi proposes.

In the "Yi bing" 議兵 chapter of the *Xunzi*, it says: "In general, there are three techniques for annexing a people. There is annexing people by means of virtus, by means of force, and by means of wealth" 凡兼人者有三術, 有以德兼人者, 有以力兼人者, 有以富兼人者.[41] And of these three, only the first—virtus—will enable a ruler to rule effectively: "One that uses virtus to annex a people will be king, one that uses force people will be weak, and one that uses wealth will become impoverished" 以德兼人者王, 以力兼人者弱, 以富兼人者貧.[42]

The ultimate goal of Jia Yi's proposals is to bring the Xiongnu people to join the Han. Like Xunzi, Jia Yi propounds virtus as the best of available techniques—in Xunzi's terms, the one used by kings. The reality of Xiongnu military superiority—at least in their current situation—meant that force was not available to the Han, even if it were acceptable. The *heqin* treaties had already led to an increasing fiscal burden on the Han, just as Xunzi predicts for the use of wealth. Thus, Jia Yi proposes the use of virtus. As elsewhere, ritual is the means to do this. In this respect, Jia Yi extends

Xunzi's proposals by two degrees: first, by connecting them to ritual, itself in keeping with Xunzi's ideas; second, by proposing concrete measures to effect virtus.

Despite these differences, Xunzi's conceptualization directly anticipates Jia Yi's suggestions. Xunzi says,

> When those [people of another state] esteem my reputation and my practice of virtus noble, they will desire to become my people. Then they will open the gates and clean the road to welcome me in. Relying on the people, all of the common people will remain stable while [I] take over the place. In establishing law and promulgating edicts, there will be none but are followed and matched. For this reason, while getting the territory, my power will be increasingly substantial; while annexing other people, my armies will be more powerful. This is using virtus to annex a people. 彼貴我名聲, 美我德 行, 欲爲我民, 故辟門除涂, 以迎吾入. 因其民, 襲其處, 而百姓皆安. 立法 施令, 莫不順比. 是故得地而權彌重, 兼人而兵俞強. 是以德兼人者也.[43]

This is exactly what Jia Yi wants to do, and the methods of Xunzi inform his proposal to evince the Three Manifestations and Five Baits.

The Three Manifestations

The Three Manifestations are trustworthiness (*xin* 信), cherishing (*ai* 愛), and fondness (*hao* 好). They are three qualities of the emperor that are to be conveyed to the Xiongnu. Jia Yi simply offers these as the counterparts of the Five Baits, and does not explain the relationship between the two sets. My analysis suggests that the Manifestations serve two purposes. First and foremost, they function as part of the creation of virtus. Second, they are necessary conditions for Jia Yi's plan to bring the Xiongnu under Han sway.

The former aspect forms part of the plan proper. The latter is the more important in the immediate context of Jia Yi's audience: he seeks to persuade the Han court that the Xiongnu are amenable to the same methods of rule that function within the realm. Only when this is accepted can his plans be accepted. Thus, at several points he argues simply that the Xiongnu could have the same feelings and reactions to the emperor's graces that the Han do. Despite his evident presumption of cultural superiority, Jia Yi argues toward an idea of shared humanity.

Trustworthiness

The essence of trustworthiness as a Manifestation is the unvarying fulfillment of the ruler's statements and will. The goal is a situation in which, "When they hear one word from our lord, even though it is faint and distant, their minds will not be doubtful, and the hearts of people that are opponents or enemies will not be uncertain" 聞君一言, 雖有微遠, 其志不疑, 仇讎之人, 其心不殆.[44]

Trustworthiness is thus no abstract virtue: it reflects the concrete belief that the ruler will do what he says, absent qualitative evaluation of the acts involved. Without *xin*, neither threat nor promise has any meaning. In "Xiu zheng yu shang," Jia Yi calls trustworthiness the single most important factor for governance.[45] He evokes the notion of "permission given someone in a dream" 夢中詐 [=許] 人 as an ideal, meaning that the ruler's word should be absolute, even if given while asleep.[46] This recalls the "Yu cheng" chapter, where Jia Yi describes the importance of trustworthiness in regard to governance, offering as model King Wen 文王, who will not break his word, even when given in a dream.[47] The first of the qualities to be conveyed to the Xiongnu is also the most important attribute of the ruler, suggesting that Jia Yi understands ruling the Xiongnu to be basically akin to ruling the Han.

Cherishing

Cherishing is the second of the Three Manifestations.

> Suppose the Xiongnu's own view: if, having barbarian faces and appearances, they should think themselves cherished by the Son of Heaven, they will be like weak children meeting a foster-mother. 令匈奴之自視也, 苟 胡面而戎狀者, 其自以爲見愛於天子也, 猶若[弱]子之遌慈母也.[48]

Here, Jia Yi supposes that perceived ethnic differences could be assumed to act as a barrier to the emperor's care. If the emperor can communicate his appreciation of the Xiongnu, they will be moved. As a proposal, this reflects not only the arrogance of presumed cultural superiority, but also presupposes that the Xiongnu should reverence the emperor, as only when the emperor is revered would his positive evaluation create the desired response.

Cherishing is, however, more significant than this. As reflected elsewhere in the *Xin shu*, it is also a key notion for rule. The scope of a ruler's caring corresponds

to his area of influence—so, "The Son of Heaven cherishes the realm" 天子愛天下, while lesser lords care for correspondingly smaller territories.[49] Only when the ruler cherishes the people will they give their allegiance to him: "For any people: if [the lord] does not cherish them, they will not cleave to him" 夫民者, 弗愛則弗附.[50] Thus, it is vital for Jia Yi's plans that the Xiongnu perceive that the emperor cherishes them, as only then can they be ruled.

Fondness

The third and final Manifestation is fondness. If cherishing communicates a general sort of caring for people, fondness is to be a more specific and, at some level, personal feeling. Specifically, it is to be based on an appreciation of the proficiencies of the subjects:

> Suppose the barbarians' own view: if only [they saw] that the techniques in which they are advanced and skilled could all match the wishes of the Son of Heaven—then, thus, your fondness will have been conveyed. 令胡人之自視也, 苟其校 [=技]之所長與其所二[=工],[51] 一可以當天子之意, 若此則好諭矣.[52]

This sort of affection is an important part of the ritually moderated ruler-vassal relationship: it is the reward for which the subordinate hopes in return for his service.[53] By suggesting that the Xiongnu would appreciate the fondness of the emperor, Jia Yi proposes that they can be drawn into the same sort of ruler-vassal relationship that (theoretically) functions within the Chinese culture area, and that they will eventually accept the same rewards.

The Manifestations Taken Together

In comparison to the elaborate descriptions of the Five Baits, there is a cursory feel to Jia Yi's exposition of the Three Manifestations. The notions themselves are familiar and require little explanation, which no doubt contributes to this brevity. But I would suggest that Jia Yi has a subtler point here than only suggesting that the Xiongnu appreciate the emperor. For although the Xiongnu are to be on the receiving end of the plans, the immediate audience is the Han court. Jia Yi spends more time arguing *why* the Xiongnu should have the reaction he proposes than explaining in concrete terms *how* he will, e.g., convey the emperor's fondness. Jia Yi's purpose

seems to be to convince his audience at the outset that the Xiongnu are, in fact, amenable to the same sort of relationships as the Han, that these outsiders can appreciate the same types of qualities in a ruler that they do.

In short, Jia Yi argues that the Xiongnu can be understood and ruled in the familiar ways, and that it is possible to have a relationship based on the same principles of rule that apply to the Han. These are vital pre-conditions for Jia Yi's subsequent arguments, for if the Xiongnu do not have the same motivations and values as the Han the Baits will be wasted on them: either ignored or taken without having the desired effect. The Manifestations are likely also related to Xunzi's prerequisite for annexation by virtus, which requires that the people to be annexed, "esteem my reputation and find my practice of virtus noble."

The Five Baits

Having laid out his goal—assimilation of the Xiongnu—and arguing that these barbarians can in fact be ruled, Jia Yi proceeds to lay out the means by which he proposes to effect this: the Five Baits. He begins his discussion with a general rule about rewarding (*shang* 賞):

> Whenever you reward within the state, it cannot be done with equality [between recipients]. If rewards are equal, then the state will be emptied [of wealth]; if rewards are too stingy, they will be insufficient to move people. Thus, those who are good at rewarding will first step on [the one to be rewarded],[54] then trod upon him, and subsequently, in good time, be generous to him. Make it so that [the rewards] are enough to be seen when looked at and enough to be spoken of when praised.[55] Only then can you tilt the minds of an entire state. 凡賞於國,[56] 此不可以均. 賞均則國窾, 而尙[=賞][57]薄不足以動人. 故善賞者踔之, 駮[=輘]轢之,[58] 從而時厚之, 令視之足見也, 誦之足語也, 乃可傾一國之心.[59]

Here already is a parallel between the ritual system and what Jia Yi suggests. Objectively speaking, he recommends the same sort of gradation of material privilege/reward that we have seen already in the ritual system.[60] But this time there is another explanation given for the grading of rewards: it saves the state money while increasing the motivating power of the reward. A person must not only be rewarded—he must *feel* rewarded. And that requires contrast. Jia Yi suggests two types of contrast. First is the contrast between being "stepped on" and then afterward

rewarded. Second, there is the contrast between rewards, with the generously rewarded receiving enough to ensure that their incentive is evident to the observer and worthy of being widely reported. That not everyone receives these more expensive gifts will save the state money. At the same time, the use of gifts to obtain the loyal service of vassals is a concept that Jia Yi employs elsewhere.[61] All gifts to be granted by the emperor can be understood, at some level, as devices for engendering virtus.

What Jia Yi terms the Baits are actually five groups of bestowals and privileges, each named for what can be loosely considered an organ connected to sensual enjoyment: eyes (*mu* 目), mouth (*kou* 口), ears (*er* 耳), stomach (*fu* 腹), and heart (*xin* 心).[62] Such groupings of organs are commonplace, and many numbered sets of body parts are found in other sources.[63] One very similar set, lacking only the heart, is found in a very significant context: the "Yue ji" chapter of the *Li ji*, an extended discussion of the origins, characteristics, and effects of music. There, it says,

> When the first kings created ritual and music, it was not in order to satiate the desires of mouth, stomach, ears, and eyes. They wanted to use them to teach the people proper fondness and dislike, and to return to the correct way of living. 先王之制禮樂也, 非以極口腹耳目之欲也. 將以教民平好惡而反人道之正也.[64]

Similarly, when Jia Yi proposes using the Five Baits, his goal is not sensual satisfaction for the Xiongnu. He hopes that they will thereby learn, without their knowledge or consent, the "correct way of being people"—which for him entails giving allegiance to the Han.

The first Bait

The lists of specific tactics to be applied makes it clear that what Jia Yi proposes is more subtle than simply offering food for allegiance or rewards for peace. The first set, which he calls Bait for the eyes, reflects this:

> Among those of the Xiongnu that come [over to the Han]:[65] Those ranked household leader[66] and above should invariably be clothed with embroidery, and the lesser should invariably be clothed with patterned brocades. Moreover,[67] provide them with five chariots [embellished with] silver and decorated with many carved designs, each drawn by four horses and covered with a green canopy,[68] followed by numerous cavalry and driven by three-man

> squads.[69] 匈奴之來者, 家長已上, 固必衣繡, [70]少者必衣文錦. 將爲銀車五乘, 大雕畫之, 駕四馬, 載綠蓋, 從數騎, 御驂乘.[71]

On the surface, these are luxuries that will lift the capitulators to the khan's level of glory.[72] This is in turn will "draw in" (*huai* 壞 [=懷]) the eyes (the name of this Bait) of the entire Xiongnu polity, who will be filled with the desire to give allegiance to the Han in hope of the same treatment.[73] But at a deeper level, what this treatment *is* is ritual privilege. Thus, it is important that the gifts be graded according to rank, and that, e.g., the chariots given as gifts be decorated, pulled by four horses, and covered with green canopies (*lü gai* 綠蓋). For these are ritual signifiers.

I have discussed the emperor's Yellow Canopy and the significance of its usurpation above, in the "Practical Ritual" chapter. Here, the green canopy, etc., correspond to a particular ritual rank—one inferior to the emperor.[74] Although he never states it explicitly, I suggest that Jia Yi hopes that they should turn their desires to these objects first, and at the same time accept the connotations of these objects. When the eyes of the Xiongnu are drawn in, they are drawn into the ritual system, and they will learn to desire the accoutrements of subordination as defined by the ritual system. That—and not just saving on delivery charges by having the Xiongnu haul their own stuff—differentiates this plan from the *heqin* method of presenting gifts.

The second Bait

The second Bait is aimed at the mouth, and consists of inviting select Xiongnu to extravagant feasts given by the emperor personally. At these banquets,

> There must be many kinds of food—displayed meat stews, broiled roasts, arrayed fermented sauces—set out a few feet in front.[75] Let one person sit here, and there will certainly be more than a hundred barbarians that want to watch from the sides. The delight of those granted [the banquet] will be such that they smile as they eat—each of the flavors being something they had hankered for but had never been able to taste. Make it so that those that come often get this [treatment] when you feast them. 飯物故四五, 盛美[=羹]胾, 炙肉, 具醓醢, 方數尺於前. 令一人坐此, 胡人觀欲[=欲觀][76]者, 固百數在旁, 得賜者之喜也, 且笑且飯, 味皆所嗜而所未嘗[77]得也. 今[=令]來者時時得此而饗之耳.[78]

This is to be understood in two ways. First, the description is certainly one of greatest luxury. In Han China, meat generally was something that only well-off people could

enjoy; thus, offering multiple sorts is surely intended as a sign of sumptuousness.[79] But this is no mere potlatch to evince the emperor's wealth; even less is it a simple gift of food (like foodstuffs under the *heqin* policies). More important than the surface luxury is the undercurrent: again the Xiongnu are to be drawn in, this time to a ritual context that was a venue for influence.

It iss clear that the Han Chinese interpreted the rules of ritual observances at banquets in subtle and sophisticated ways.[80] Unfortunately, there are no rules for feasting barbarians or associated discussions in the extant ritual canons. Thus, to understand what Jia Yi is driving at, we must look to other texts on similar themes. The "Xiang yin jiu yi" 鄉飲酒義 is, like the other *yi* 義 chapters of the *Li ji*, a discussion of the significance of a particular ritual contained in the *Yi li*.[81] The "Xiang yin jiu" 鄉飲酒 ceremonials consist primarily of formal drinking (though there is some mention of food as well), and the *Li ji* chapter by this name describes the complex content of the rituals for guest and host. The "Xiang yin jiu yi," in turn, interprets the details of these observances with reference to larger principles ethical, cosmological, political. A recurring theme of the "Xiang yin jiu yi"—as for ritual generally—is to differentiate those of different ranks. Here, the anonymous exegete relates the actions of the rituals, as well as the mere fact of their observance, to the spread of this desirable influence and its effects throughout the entire state. He summarizes the appropriate conduct of the "Xiang yin jiu" rituals into five points; the details of each of these points are also found in the "Xiang yin jiu yi," but I include only the summary here:

> Esteemed and abject are clear, [those possessing] elevated and limited [ritual privileges] are differentiated, there is no impropriety while harmonizing the music, nothing is left out when being obedient toward the elder, and there is no disorder while happily feasting. These five praxes are sufficient to correct [the ruler's] self and to pacify the state. When that state is pacified, the realm is pacified. 貴賤明, 隆殺辨, 和樂而不流, 弟長而無遺, 安燕而不亂, 此五行者足以正身安國矣. 彼國安而天下安.[82]

I propose this sort of understanding is why Jia Yi chose this bait specifically. The proper carrying-out of a banquet will not only impress the Xiongnu with material wealth, but will also serve as a conduit for influence into their polity. The goal is not to feed them; the goal is to "pacify" their state, and thereby the realm.

I suggest that Jia Yi's plan is to function as follows: The Three Manifestations would have already made the emperor's virtues clear. The feasting will then serve the further purposes of ensuring that, "Esteemed and abject are clear" and that, "[those possessing] elevated and limited [ritual privileges] are differentiated." Doing this before an audience, as Jia Yi intends, increases the potential for spreading influence into the Xiongnu state. And the result, as suggested by the "Xiang yin jiu yi," is a pacification of the Xiongnu through the influence of ritual, drawing them to the Han.

The third Bait

The third Bait targets the Xiongnu ears, and is ostensibly focused on music. However, it is clear from the content of this description that the entertainments—and the female entertainers, in particular—are also a primary attraction. They are, as it were, the surface attraction, analogous to the rich foods of the second Bait.

> Your Majesty must have people invite guests from among the outstanding of those that submit and the [Xiongnu] emissaries that arrive.[83] Command that those invited should be able to invite their acquaintances,[84] and those of the barbarians that want to watch should not be impeded. Command that there should be twenty or thirty women made up with white [powder] and black [eyebrows] to serve in the hall wearing embroidery. Some [of the women] should play checkers and some should gamble,[85] playing their barbarian games; all these should eat with them. Your Majesty should have the Music Bureau favor them by providing musical entertainment,[86] accompanied by the playing of pipes and banging of drums[87]… After a little while, they should play the drums and dance the mannequins[88]… And then, when it is late, they should they play Rong (i.e., barbarian) music. 降者之傑也, 若使者至也, 上必使人有所召客焉. 令得召其知識, 胡人之欲觀者勿禁. 令婦人傅白墨黑, 繡衣而侍其堂者 二十[89]三十人, 或薄或揜, 爲其胡戲, 以相飯. 上使樂府幸假之但[=倡]樂, 吹簫鼓 鞀 … 少閒擊鼓, 舞其偶人, 莫[90]時乃爲戎樂 .[91]

The ritual significance of music at the general level is well known and widely discussed, and I have already mentioned it. Given the bacchanalian tone of this Bait, you could argue that no ritual influence is attempted; indeed, proper music had long been propounded as an antidote to the sort of license insinuated here. But given the context, both that of "Xiongnu" as a whole with its interest in virtus, as well as that of the preceding Baits, I think this should also be interpreted as an attempt at influence, however diluted. It is also possible that this Bait is to function simply as a fairly banal lure for the Xiongnu. But as Jia Yi cites Xunzi's cicada analogy, I think it is

reasonable to connect the attractants to the virtus of the lord, which draws adherents like a light. This interpretation permits not only a consistency of argument across the sections of "Xiongnu," but a connection with the theme of virtus as tool of governance, found both in the *Xunzi* passage cited above and in Jia Yi's writings generally.

Specifically, when Jia Yi says that this carnival of delights will draw in the ears of Xiongnu, I suggest that he proposes employing the unifying effects of music on the Xiongnu. In this understanding, the games and flirtations are the means to bring the Xiongnu into a position where they can be influenced by the music of the Han official musicians. The piquant entertainments would then be an attractant for the Xiongnu, as well as a counteractant to the acknowledged soporific quality of ancient—and thus admirable—music.[92] The effect that I suggest Jia Yi would achieve through the medium of music is, as the other baits, the amalgamation of the Xiongnu into the Han polity. Although he does not state this explicitly, the context of "Xiongnu" supports it, and it is an idea reflected in other early texts as well.

The notion of music as a reflection of *Zeitgeist* is a common one. It finds its most famous expression in the "Da xu" 大序 to the Mao version of the *Shi*:

> The [musical] tones of a regulated age are placid with delight that the governance is harmonious. The tones of a disordered age are resentful with anger that the governance is deviant. The tones of a lost state are mournful with thinking of the people's difficulties. 治世之音安以樂其政和. 亂世之 音怨以怒其政乖. 亡國之音哀以思其民困.[93]

Music also works in a converse fashion, spreading influence good or bad among those that hear it. This idea is often phrased as a condemnation of the songs of Zheng 鄭 and Wei 衛, supposedly the licentious airs of immoral times, and their effects on those that hear them.[94] Thus, the *Lüshi chunqiu* says, "The tones of Zheng and Wei take as task delighting oneself. I name them axes that chop intrinsic nature" 鄭衛之音, 務以自樂, 命之曰伐性之斧.[95] Closely related to this is the reverse idea, that music can function as a means to spread governance.[96] Thus, the *Lüshi chunqiu* quotes Kongzi as saying, "Formerly, Shun wanted to spread his instruction in the realm by means of music" 昔者, 舜欲以 樂傳教於天下.[97]

Music is credited with one power in particular: joining together. In this respect, it is often treated as the counterpart of ritual, whose task lies in creating separations. The "Yue lun" 樂論 chapter of *Xunzi* expresses this opposition succinctly, saying, "Music brings together unity; ritual distinguishes the different" 樂合同, 禮別異.[98] Elsewhere in the same chapter, *Xunzi* describes the harmonious relations between those of different status fostered by listening to music together.[99] As the *Guanzi* says, "Harmonize them by means of music" 和之以樂.[100]

The "Yue ji" chapter of the *Li ji* clearly articulates the notion of music as a method of governance. At the most general level, the "Yue ji" posits music as one of the set of tools available for governance: "Ritual, music, punishment, and governance—ultimately, they are one. They are the means by which to unify the hearts of the people and set out upon the way of regulation" 禮樂刑政其極一也, 所以同民心而出治道也.[101] The unique interrelationship of music and ritual is attested in the "Yue ji" assertion that these two together create virtus for the ruler.[102] As in *Xunzi*, these two have complementary functions: "Music constitutes unity; ritual constitutes difference. If united, then they are close to each other; if differentiated, they respect each other" 樂者爲同, 禮者爲異. 同則相親, 異則相敬.[103] Music will make the people amenable to government, enabling the spread of the ruler's influence.[104]

I propose that it is these effects that Jia Yi seeks by exposing the Xiongnu to Han music. He hopes that music will act as a distilled form of cultural force, opening the Xiongnu up to Han influence. Specifically, he wishes to unite the Xiongnu into the Han system, as part of a larger program of cultural annexation. The end is to be a harmonious situation.

The fourth Bait

The fourth Bait aims at the *fu* 腹, "stomach, gut." This designation is somewhat difficult to understand, as the things listed under the rubric of *fu* include houses, horses, and servants—things not apparently connected to the stomach.[105] But they can be understood as providing comfort for the body as a whole. This suggests that Jia Yi may have an extended meaning in mind; perhaps he uses the stomach to represent by synecdoche the comfort-appreciating aspects of the body. Unfortunately,

I am not able to locate another example of this particular usage, nor am I able to provide a better explanation of the apparent discrepancy. The gifts are to be as follows:

> For all capitulators, and for those your Majesty summons to favor that come as contracted: your Majesty must sometimes have those that he makes wealthy. You should command each [of these] to have [a residence with] high halls and deep chambers, a good kitchen, and great granaries. Their stables should hold a rank of horses, and their armories should hold a line of chariots;[106] their slaves and lackeys, the various boy and girl servants,[107] and their beasts, should form a complete set. 凡降者, 陛下之所召幸, 若所以約致也, 陛下必有[108]時有所富,[109] 必令此有高堂邃宇, 善廚處, 大囷京, 廄有編馬, 庫有陣車, 奴婢諸嬰兒畜生具.[110]

These luxuries are to be capped with banquets given by the emperor. Here, the outline nature of the description prevents a definite connection to a particular rank. The idea of a general wealth is naturally important. This is, once again, the attractant aspect of what Jia Yi proposes. The potential to live even better than one's ruler would be a temptation for anyone, and Jia Yi says that it will cause the Xiongnu to, "tilt their hearts [to the Han] and hope; every man will be in a flurry and fear only that he should be the last to arrive" 傾心而冀, 人人忣忣, 唯恐其後來至也.[111]

But in this case, the exact gifts to be given are not important for my analysis. More important is the hierarchical structure implied when Jia Yi adds that the Han should, "Make it so that the living quarters, pleasures, and granaries of each surpass [those of] his former king, and they [the rest] will generally leave the khan" 令此其居處, 樂虞, 囷京之畜, 皆過其故王, 慮出其單于.[112]

As discussed in the "Practical Ritual" chapter, one of the important notions at work in Jia Yi's conception of ritual is, "For the lofty, their grades [of privilege] are all lofty; for the lowly, the grades are all low" 故高則此品周高, 下則此品周下.[113] The idea that ritual rank should be tied to a general grade of material wealth comes into play particularly when a change of status is effected: "If someone is moved [to a better rank], then the grades of these [privileges] are advanced; if dismissed, then the grades of these are reduced" 遷則品此者進, 絀則品此者損.[114]

Considered in conjunction with these ideas, Jia Yi's proposal seems to amount to assigning the Xiongnu a particular ritual rank through the granting of a particular level of wealth. Thus, Jia Yi recommends a "complete set" of the accoutrements of

esteem. That the rank so granted is to be below that of the emperor goes without saying. But Jia Yi *does* say that this level should exceed that of the khan. The effect is effectively to promote the capitulators above the khan. Since it is by the "various grades of things," all of which are raised in a promotion, that one's rank is shown, to increase the level of these is to promote the person that possesses them.

The end result is a situation in which, at the abstract level, the Han emperor could assert ritual superiority over the khan in two steps. The first step is the subversion and subsequent *de facto* promotion of the khan's underlings. Since these are then superior to the khan but inferior to the emperor, the khan is in turn abstractly subordinated to the emperor. This will increase both the status of the emperor and the force of his virtus.

The fifth Bait

The fifth bait is supposed to draw in the hearts of the Xiongnu. This is to happen through personal contact between the Han ruler and two groups from the Xiongnu: a set of those selected by the emperor for his favor, and a band of Xiongnu children.

This section incorporates the main ideas of the previous baits within the specific context of a personal relationship between ruler and (prospective) subject. The two groups that are the focus of this Bait are delineated as follows:

> Among those that come to capitulate, Your Majesty should invariably often have those that you summon and favor, comfort and cheer, who can later enter the palace. The important people among the barbarians are hard to get close to; it being thus,[115] from among the appealing and cherishable barbarian boys and girls and children of the esteemed, Your Majesty must certainly summon and favor many dozens. 於來降者, 上必時時而有所召 幸拊循, 而後得入官. 夫胡大人難親也, 若上於胡嬰兒及貴人子好可愛者, 上必召幸大數十人.[116]

Thus defined, there are two groups: a selection of those Xiongnu that come over to the Han, and some of the children of those who resist Han blandishments. Both sets are to be brought into personal but subservient contact with the emperor, which will both inculcate submission and permit the emperor to make bestowals directly to them—again the sort of action calculated to build up gratitude credit.

The children are to serve as pages to the emperor, while the favored capitulators will serve the beer:

> When Your Majesty feasts the barbarians, [attends] important wrestling matches, or receives barbarian emissaries as guests, the meritorious and martial clerisy will certainly serve closely at the sides, and the barbarian girls and boys can closely assist beside. The esteemed barbarians will come forward in turn to serve the beer in front. 上即饗胡人也, 大觳抵也, 客胡使也, 力士武士固近侍傍, 胡嬰兒 得近侍側, 胡貴人更進得佐酒前.[117]

The children would receive special, personal attention from the emperor.

> Your Majesty could then favor the barbarian girls and boys by wrestling with them and playing with them. And afterward, you should give them broiled [meat], and favor them by personally feeding them. You could then bring out fine clothing, and personally give it to them. 上即幸拊胡嬰兒, 擣遒之, 戲弄之, 乃 授炙, 幸自啗之, 出好衣閑, 且自為贛之.[118]

Likewise would the capitulators get the opportunity to attend the emperor, and receive his gifts in turn:

> The esteemed barbarians would then be permitted to offer a toast, and when leaving would be clad in [official] garb and be girt with an [official] silk sash. And of those esteemed people that stood in front, you should command that a number of them be receive these [privileges], and to dwell [in the palace]. 胡貴人既得奉酒, 出則服衣佩綬. 貴人而立於前, 令數人得此而居耳.[119]

Thus, both groups are privileged in serving the emperor and dwelling in the palace; they receive not only the attention of the ruler, but gifts from him as well. The combination of personal relationship with the lord and gratitude for the gifts and indulgences will capture their hearts. And Jia Yi predicts that the example of their treatment will serve to draw in the hearts of all in the Xiongnu state.

The Anticipated Effects

Jia Yi portrays the anticipated effects of his proposals in two vivid, inter-related images. The first concerns loyalties within the Xiongnu. Jia Yi predicts that the Three Manifestations and Five Baits will sow the seeds of internal discord and distrust, particularly among the khan's immediate followers.[120] This will lead to the isolation of the khan. Jia Yi depicts the effects of this isolation on the khan in pictures so exaggerated as to almost be humorous:

> This will make it so that the khan finds no rest in sleep and loses his appetite for eating. Then, with sword drawn and holding his bow,[121] he will squat in the corner of his yurt,[122] looking left and right [in fear], taking everyone as an enemy. 使單于寢 不聊寐, 食失其口,[123] 裨劒挾弓, 而蹲穹廬之隅, 左視右視, 以爲盡仇也.[124]

Whether or not the effects on the khan will be as extreme as this picture of paranoia would indicate, it is easy to imagine the other part of what Jia Yi predicts: when the khan suspects his subordinates of having divided loyalties—of feeling virtus toward the Han emperor—his bearing toward them will change. The long-term result could well be the sort of flight to the Han that Jia Yi promises.[125]

Jia Yi represents this flight of both high-ranking and ordinary Xiongnu to the Han in ingenious pictures of distrust and enmity that travels downward through the hierarchy:

> When the esteemed people [of the Xiongnu] see the khan, it will be like meeting a tiger or wolf;[126] when they face south to give allegiance to the Han, they will be like weak children yearning for a foster-mother. When their populace sees its officers, it will be like suddenly meeting an enemy;[127] when they turn south in a desire to flee to the Han, it will be like water flowing downward. 貴人之見單于, 猶迕虎狼也, 其南面而歸漢也, 猶弱子之慕慈母也. 其衆人[128]之見將 吏, 猶噩迕仇讎也, 南鄉而欲走漢, 猶水流下也.[129]

The distrust of the khan will translate into aversion among his direct subordinates; likewise will this in turn extend downward to destroy the relationship between the populace and the officials who directly administer them. Thus deprived of his followers and people, the khan will lack the support he needs from his underlings as well as the loyalty and protection of his folk.[130]

This is the mirror image of what Jia Yi has so often postulated for rule within Han dynasty China: just as developing the emperor's virtus will lead to a cascade of loyalty, so will undermining the khan's virtus lead to the destruction of the state by domino effect. Thus does Jia Yi turn the same insights and understandings of government that he uses in his theories of Han governance into weapons to be used to destroy another. And just as a proper handling of the people will lead to their loyalty in times of need, so will undermining the khan's relationship with his people deprive that ruler of needed support, delivering him up to the Han. Every ruler's roots are

unstable, a fact that can be as dangerous to enemies as the people within China are to the Han. Superior understanding of the ritual-virtus dynamic will enable the Han to bring the Xiongnu people to themselves and the khan to his knees.

Responding to the Expected Objections

Despite the attractive pictures that Jia Yi paints, he knows that opponents and critics in the court are sure to take a less sanguine view of his proposals.[131] The final sections of "Xiongnu" address two objections that Jia Yi foresees will be raised against his plan:[132] that of cost, and that of appropriateness. Jia Yi's response to the second point is essentially a statement of his arguments about the universal extent of the emperor's jurisdiction. I have discussed these already in the "Sovereignty Thought" chapter, and will not repeat them here.

The question of finance is an important part of any governmental program, in antiquity as now. Jia Yi's concern with this aspect of the proposals reinforces the financial aspects of the pressure facing the Han under the *heqin* policy: it was expensive to send gifts and people to the Xiongnu, only to suffer continued attacks. It would cost even to make the grants of property and other wealth that Jia Yi recommends for Xiongnu capitulators, as well as equipping the expanded entourages of the princesses (though the latter aspect receives comparatively little attention in the main body of "Xiongnu"). Jia Yi anticipates that "someone" will point this out:

> Someone[133] might say, "The expenses for establishing the Three Manifestations and making clear the Five Baits, lavishly supplying the princesses, and stopping only after we have snared the opponent state will be extremely numerous.[134] How can we get sufficient wealth for this?" [或]曰, 建三表, 明五餌, 盛資翁主, 禽敵國而后止, 費至多也, 惡得財用而足之.[135]

Not only does Jia Yi offer to solve the problem, he asserts that he will do it without any cost to the imperial treasury.[136] This will naturally evoke skepticism in his questioner, to which Jia Yi replies,

> The state has two clans that right now disorder the realm. [The problems they cause] are more severe than the border troubles caused by the Xiongnu. In causing superior and subordinate to be estranged[137] and at cross purposes; the realm to be impoverished; and robbers, bandits, and criminals to increase without end, these two clans are the root.[138] If Your Majesty gets rid of these two clans and does not permit them to disorder the state, then the realm will be

> regulated and wealthy. And I would use up [the resources] of these two clans to bring affliction upon the Xiongnu.[139] This is no exaggeration. 國有二族, 方亂天下, 甚於匈奴爲之[140]邊患也. 使上下踳逆, 天下窾貧,[141] 盜賊罪人蓄積無已, 此二族爲宗也. 上去二族, 弗使亂國, 天下治[142]富矣. 臣賜二族, 使崇[=祟][143]匈奴, 過足言者.[144]

Thus, Jia Yi suggests confiscating the wealth of two troublesome clans to fund his proposals. This is to avoid cost to the central treasury—though the question of how exactly these two presumably powerful groups are to be brought down is not discussed.

There is another significant difficulty for the modern reader of this proposal: Jia Yi does not indicate which two clans he refers to. Presumably this was clear enough to his audience, but this usage is not found in other contemporary sources. Commentators' opinions vary about who the referents could be. Yan Zhenzhong and Zhong Xia suggest that this refers to King Pi of Wu 吳王濞 and Deng Tong.[145] Both of these men became rich through minting money in the time of Emperor Wen. The *Han shu* "Shi huo zhi xia" 食貨志下 describes how Pi grew as wealthy as the emperor, while Deng Tong was richer than a king.[146] Jia Yi discusses elsewhere the destabilizing effects of permitting those outside the central government to mint money and thereby accumulate wealth. Those pieces are generally understood to refer clearly to the activities of Pi and Deng Tong, which lends credence to this interpretation of the "two clans."[147] Qi Yuzhang also names King Pi of Wu as one of the "clans," but matches him with the king of Huainan, Liu Chang. I have mentioned Liu Chang, his encroachment on imperial privileges, and other rebellious actions.[148] This is also a reasonable suggestion.

This lack of clarity makes it difficult to evaluate this suggestion, though Emperor Wen's oft-evinced hesitation about taking action against rebellious underlings like King Pi and Liu Chang makes it doubtful. On the other hand, perhaps Jia Yi was simultaneously arguing for action against these other problems. Deng Tong is another story, but was at least equally unlikely to be singled out to unwillingly provide financial support for these proposals.

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[1] *Xu* 畜 means here "to nurture." The same sense functions in *Lunyu* 10/18: "If the lord gave him a living [beast, Kongzi] invariably nurtured it" 君 賜 生, 必 畜 之; see *Lunyu zhu shu*, 10.10a [90]; translation after Yang Bojun, *Lunyu yi zhu*, 105-6.

[2] *Fen*, "chaotic, in chaos" is a rare graph. It occurs in the "Huangdi" 黃帝 chapter of *Liezi* 列子, which contains the line, "While [everything else] was in chaos, he guarded [his basic nature]" 然而封戎[=哉]; Yang Bojun, *Liezi jishi* 列子集釋 (Beijing: Zhonghua shuju, 1979), 76. The "Ying Huangdi" 應黃帝 chapter of the *Zhuangzi* has a parallel line which writes *fen* as *fen*` 紛: "While [everything else was] chaos, he guarded [his basic nature]" 紛而封哉; Lu Deming's *Jing dian shi wen* defines, "*Fen*` means a disordered appearance." See *Zhuangzi jishi*, 3B.306; translation of the line in both context follows Chen Guying, *Zhuangzi jin zhu jin yi*, 221, 227.

There is a textual variant in this line. The Li, Zihui, Hu, and received versions of this text have *qie* 且, a particle here marking future aspect. The Lu edition elides this graph, and notes that the Tan edition moves it (so that it comes after *gan* 敢, "to dare"); the Jian edition writes *pan* 盼, "black and white clearly distinguished."

[3] The *Taiping yulan*, 800.5b quotes this passage, eliding *zhong* 中, "central," in this line.

[4] The Cheng edition has the grammatical particle *jiang* 將, connoting either instrumentality or future aspect, where all other editions have *bo* 博, "universal."

[5] For *ji* 迹, "track(s), footprint(s)," the Hu and Lu editions write *li* 力, "strength, force."

[6] *Jiazi Xin shu jiao shi*, 4.430; *Xin shu jiao zhu*, 4.135

[7] Nicola Di Cosmo, *Ancient China and its Enemies: The Rise of Nomadic Power in East Asian History* (Cambridge: Cambridge University Press, 2002), 163-66.

[8] Di Cosmo, 186-87.

[9] Di Cosmo, 190-96.

[10] Yü Ying-shih, "Han foreign relations," in Denis Twitchett and Michael Loewe, eds., *The Cambridge History of China*, volume 1: the Ch'in and Han Empires, 221 B.C. – A.D. 220 (Cambridge: Cambridge University Press, 1986), 386-87 (the phrase "marriage treaty system" is found here); Yü Ying-shih, *Trade and Expansion in Han China: A Study in the Structure of Sino-Barbarian Economic Relations* (Berkeley: University of California Press, 1967), esp. 9-12, 36-49; Di Cosmo, 190-96. The understandings of Han-Xiongnu relations that I follow here have been challenged recently in Sophia-Karin Psarras, "Han and Xiongnu: A Reexamination of Cultural and Political Relations," *MS* 51 (2003): 55-236.

[11] Sima Qian reports that the Xiongnu were descended from a fallen member of the Xia consort clan; *Shi ji*, 110.2879. This idea does not seem to function in Jia Yi's proposals.

[12] From the *zan* 贊 concluding Ban Gu's biography of Jia Yi, *Han shu*, 48.2265.

[13] Though of course, in Jia Yi's understanding his methods would be precisely *ren*, humane. Li Jingde 黎靖德 (13th c.), *Zhuzi yulei* 朱子語類 (Beijing: Zhonghua shuju, 1986), 135.3226.

[14] Yang Shi, *Gui shan ji* 龜山集, *Skqs*, 9.12b-13a [182-83].

[15] This is from Liu Yusong's *Tongyitang wenji* 通義堂文集, quoted in *Xin shu jiao zhu*, 590.

[16] Lü Simian, *Lü Simian du shi zha ji*, 610-11.

[17] Huang Zhen, *Huang shi ri chao* 黃氏日抄, *Skqs*, 56.38b-39a.

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[18] *Henan Cheng shi yishu* 河南程氏遺書, 2A.23a, in *Er Cheng quanshu* 二程全書, *Sbby*.

[19] This is implied in Zhu Xi's explication of Cheng's remarks, which includes reference to princesses given in marriage to the Xiongnu—a part of the *heqin* policy not at all emphasized in Jia Yi's proposals. See *Zhuzi yulei*, 135.3226.

[20] Cited in *Xin shu jiao zhu*, 139 n. 1.

[21] From Li Zhi, "Du shi" 讀史, in *Fen shu* 焚書; cited in *Xin shu jiao zhu*, 567.

[22] This is a line from Zhu Tulong's forward to his *Jia taifu Xin shu* 賈太傅新書, "Fan li" 凡例.

[23] Wang Zhong, *Shu xue nei wai pian* 述學內外篇, *Sbby*, A3.5b.

[24] "Xiongnu," *Jiazi Xin shu jiao shi*, 4.421; *Xin shu jiao zhu*, 4.134:

> I humbly estimate that the Xiongnu have approximately sixty thousand cavalry that can draw a bow. For every five people, they can field one armored soldier, and five times six is thirty. This gives a household registry of only three hundred thousand, which does not even equal a large, thousand-bushel Han prefecture. 竊料匈奴控弦大率六萬騎, 五口而出介卒一人, 五六三十, 此即戶口三十萬耳, 未及漢千石大縣也.

[25] This could also be seen as reflecting a more general preference for cultural over military means of securing victory (as advocated by Xunzi, discussed below). However, given Jia Yi's willingness to apply force (the "axe and adze") in other contingencies makes it seem more likely that he accepted the inability of the Han to defeat the Xiongnu militarily and sought another route.

[26] Originally named Lou Jing 婁敬, Jing was granted the imperial surname Liu 劉 by Emperor Gaozu as a reward for his meritorious service. See his biographies in *Shi ji*, 99.2715-20; *Han shu*, 43.2119-2123.

[27] *Shi ji*, 99.2719. Di Cosmo, 193, mentions these plans, offering the labels of a "'corruption' campaign" and " 'indoctrination' campaign."

[28] Liu Shipei, "*Jiazi Xinshu* jiao bu," 1.11b-12a [1176].

[29] *Jiazi Xin shu jiao shi*, 4.467; *Xin shu jiao zhu*, 4.137:

> For the revered princesses [sent to marry Xiongnu chiefs as part of the *heqin* policy], we should expand their household retinues and increase the numbers of their lead officers. Make it so that the grandees in their households all plotters, and invariably provide them sufficient resources [for the task at hand]. Then, simultaneously relying on our people and on the reverence [afforded them], we will observe the limitations and peek into the plans [of the Xiongnu]. 尊翁主, 重相室, 多其長吏, 眾門大夫皆謀士也, 必足之財, 且用吾人, 且用其尊, 觀其限, 窺其謀.

[30] *Shi ji*, 110.2898-2901; *Han shu*, 64A.2759-3761. *Shi ji*, 110.2899 and *Han shu*, 64A.3759 record one of Zhonghang Yue's discourses on this topic:

> In the beginning, the Xiongnu liked Han silks and foodstuffs. Zhonghang Yue said, "The size of the Xiongnu population cannot match that of a single Han commandery. The reason you are nevertheless strong is because your clothes

> and food are different, so you do not look up to the Han. If now the khan changes his customs to like Han goods, then [it will take] no more than twenty percent of [all] Han goods, then the Xiongnu will completely give allegiance to the Han. 初, 匈奴好漢繒絮食物, 中行 說曰, 匈奴人衆不能當漢之一郡, 然所以彊者, 以衣食異, 無仰於漢也. 今單于變 俗好漢物, 漢物不過什二, 則匈奴盡歸於漢矣.

Jia Yi is clearly working with similar ideas, if in a more sophisticated conception. He brings in the principles of ritual and virtus, but also recognizes that cultural influences offer an economic route to Xiongnu defeat.

[31] In the "Jie xuan" 解縣 chapter, Jia Yi also argues that he knows how to deal with the Xiongnu. If his plans are followed, he promises not only to deliver the khan as prisoner to the emperor, but also to be able to, "capture Zhonghang Yue and beat his back" 伏中行說而笞其背;

Jiazi Xin shu jiao shi, 3.412; *Xin shu jiao zhu*, 3.128.

[32] Di Cosmo, 202.

[33] As it would be, e.g., if this were to be what Di Cosmo calls a "'corruption' campaign."

[34] *Jiazi Xin shu jiao shi*, 4.423; *Xin shu jiao zhu*, 4.134.

[35] *Xunzi jijie*, 9.261-62. Cf. the versions of this metaphor in the "Qi xian" 期賢 section of the *Lüshi chunqiu*, *Lüshi chunqiu xin jiao shi*, 21.1457; and in the "Shuo shan xun" 說山訓 chapter of the *Huainanzi*, *Huainanzi jishi*, 16.1148.

[36] This, at least, is how the commentators like Hao Yixing 郝懿行 (1757-1825), quoted in the *Xunzi jijie*, 9.262, explain it. I have been unable to locate any other ancient description of this practice. Modern cicada hunters I have seen appear to use a light at night to freeze cicadas in place so that they can be grabbed.

[37] *Jiazi Xin shu jiao shi*, 4.430; *Xin shu jiao zhu*, 4.135. I follow Qi to take *mi* 彌, "all around, full, complete(ly)," as a graphic error for *qiang* 彊; the Zihui, Cheng, and Lu editions have *qiang*, "strong." The Tan, Li, and Hu editions have *ba* 伯, "hegemonic," which—as Qi notes—is quite similar in meaning to *qiang*.

[38] *Jiazi Xin shu jiao shi*, 4.472; *Xin shu jiao zhu*, 4.138.

[39] *Jiazi Xin shu jiao shi*, 4.472; *Xin shu jiao zhu*, 4.138.

[40] *Jiazi Xin shu jiao shi*, 4.474; *Xin shu jiao zhu*, 4.138.

[41] *Xunzi jijie*, 10.289.

[42] *Xunzi jijie*, 10.290.

[43] *Xunzi jijie*, 10.289; translation after Xiong Gongzhe, *Xunzi jin zhu jin yi*, 306-7.

[44] *Jiazi Xin shu jiao shi*, 4.433; *Xin shu jiao zhu*, 4.135.

[45] "In governance, there is nothing greater than trustworthiness" 政莫大於信 .; *Jiazi Xin shu jiao shi*, 9.1044; *Xin shu jiao zhu*, 9.360.

[46] *Jiazi Xin shu jiao shi*, 4.433; *Xin shu jiao zhu*, 4.135. The received text has *zha* 詐, "to deceive," in this line; the Zihui, and Lu editions have *xu* 許, "to permit." *Zha* is almost certainly a graphic error.

[47] King Wen is praised by his populace for his trustworthiness: "Our lord would not take [its happening merely in] a dream as cause to turn his back on dried-up bones. How much more so for living people!" 我君不以夢之故而倍槁骨, 況於生人乎; *Jiazi Xin shu jiao shi*, 7.865; *Xin shu jiao zhu*, 7.280.

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[48] *Jiazi Xin shu jiao shi*, 4.437; *Xin shu jiao zhu*, 4.135. The Li, Zihui, and Lu editions have *ruozi* 弱子, "weak child(ren)" for *ruo zi* 若子, "like children," in the received text. Since this clause begins with *you* 猶, "like, similar to," *ruo* would be redundant; *ruozi* is also parallel to a later line in this piece. Thus, I emend.

The *Shuo wen jie zi*, 2B.71, defines, "*E/wu* 遻 means to meet with surprise" 遻, 相遇驚也. *Cimu* 慈母, literally "kind mother," means foster mother. The *Yili* says,

> A foster mother is like a mother. The *Zhuan* 傳 says: What is a foster mother? When the concubine has no child and the child has no mother, the father will command the concubine, saying, "You take this one as your child." He commands the child, saying, "You take this one as your mother." If it's like this, then [the foster mother] will nurture [the child], to the end of her life like a mother. If she dies, [the child] mourns her three years [like a mother]. 慈母如母. 傳曰慈母者, 何也. 傳曰, 妾之無子者, 妾子之無母者, 父命妾 曰女以爲子. 命子曰女以爲母. 若是則生養之終其身如母. 死則喪之三年.

See *Yi li zhu shu*, 30.a [353]. The imagery here surely plays off the idea that the ruler is "father and mother of the people." Having supplanted the khan, the Han emperor will become like a "foster mother."

[49] "Li," *Jiazi Xin shu jiao shi*, 6.677; *Xin shu jiao zhu*, 6.214.

[50] "Da zheng xia," *Jiazi Xin shu jiao shi*, 9.1003; *Xin shu jiao zhu*, 9.347.

[51] The received text writes *xiao/jiao* 校, "school; compare; etc.," in this line, while the Cheng and Lu editions write *ji* 技, "skill, technique." Not only does the latter make more sense, it parallels the later line which recapitulates this meaning and writes *ji*. Also, in the received text, there is *er* 二, "two," at the end of this phrase; the Zihui, Cheng, and Lu editions have *gong* 工, "skillful." *Er* does not make sense, and is probably a corruption of *gong*; thus, I emend it.

[52] *Jiazi Xin shu jiao shi*, 4.438; *Xin shu jiao zhu*, 4.135.

[53] See *Jiazi Xin shu jiao shi*, 6.685; *Xin shu jiao zhu*, 6.215; discussed above in the "Ritual and Punishment" chapter.

[54] Lu Wenchao, *Xin shu*, *Sbby*, 4.2b, comments on these lines:

> *Shuo wen* [2B.82 defines], "*Chuo* 踔 means step on" 踔, 踶也. It is like saying "walk on." First, you cause him to lose what he hopes for, then later give to him out of kindness. The recipient will invariably greatly delight that it surpasses his expectations. This is just how Gaozu dealt with Ying Bu. 說文, 踔踶也. 猶言踐踏也. 先使之失所望而後以恩加之. 彼必大喜過望矣. 此即高祖之所以待英布.

[55] Cf. the phraseology of *Laozi* 35: "If you look [at the *dao*], there is not enough to see; if you listen for it, there is not enough to hear; but if you use it, it cannot be depleted" 視不足見, 聽不足聞, 用不可即; Zhu Qianzhi 朱謙之, *Laozi jiao shi* 老子校釋 (Beijing: Zhonghua shuju, 1984), 141; cf. the translation from Waley, *The Way and Its Power*, 186: "If one looks for Tao, there is nothing solid to see; / If one listens for it, there is nothing loud enough to hear. Yet if one uses it, it is inexhaustible." I provide my own translation to highlight the similarity of Jia Yi's

wording. That Jia Yi's point is exactly the opposite to the standard understanding of the *Laozi* lines may attest to the flexibility of the original language, a plurality of contemporary understandings, or simply to Jia Yi's creativity in borrowing.

[56] The Cheng and Lu editions insert the nominalizing particle *zhe* 者 at the end of this phrase.

[57] I follow the He and Lu edition to read *shang* 尙, "still; highest," as *shang*` 賞, "reward."

[58] The text has *boli* 駮轢 in this line, which Qi argues is unknown phrase. He suggests that *bo* 駮 is a graphic error for *ling* 輘. The word *lingli* 輘轢, literally "to stomp on," occurs in the *Han shu* line, "Stomping on the ancestral temple" 輘轢宗室, 侵犯骨肉; there, Yan Shigu comments, "*Lingli* means to step on it" 輘轢謂蹈踐之; *Han shu*, 52.2390-91. As is the case for "step on" in the previous phrase, "trod upon" here is surely meant metaphorically for humiliation.

[59] *Jiazi Xin shu jiao shi*, 4.440; *Xin shu jiao zhu*, 4.135-36.

[60] In the "Practical Ritual" chapter.

[61] In the "Ritual and Power" and "Ritual and Punishment" chapters.

[62] I say "loosely," because there is difficulty about the nature of *xin*, conventionally translated "heart" but not used only in reference to the organ for pumping blood but rather like "mind." As such, it can also be translated "heart-mind," so as to avoid the separation of the two functions, the "mind-body dualism" common to many strains of western thought. See David L. Hall and Roger T. Ames, *Thinking from the Han: Self, Truth, and Transcendence in Chinese and Western Culture* (Albany: State University of New York Press, 1998), 29.

[63] For example, the "Four Openings" (*si guan* 四關) listed in the "Ben jing" 本經 chapter of the *Huainanzi*: heart, mouth, ears, and eyes; see *Huainanzi jishi*, 8.588. Numerous examples of this sort can be found in Wang Yinglin 王應麟 (1223-1296), *Xiaoxue ganzhu* 小學紺珠 (Beijing: Zhonghua shuju, 1987), 3.35b-38b [72-73].

[64] *Li ji zhu shu*, 37.8b [665]; found also in the *Shi ji* "Yue shu" 樂書, 34.1184.

[65] Although Jia Yi is not explicit at this point about which sort of "coming" (*lai* 來) he is talking about, later in this section he makes reference to "Xiongnu capitulators" (Xiongnu *xiangzhe* 匈奴降者), demonstrating that he is talking about surrender and not mere visiting.

[66] I am unable to locate any information that suggests *jiazhang* 家長, "household leader," was a Xiongnu title. Thus, I understand and render it only a general term for the head of a household.

[67] *Jiang* 將 is defined in the *Guang ya*, "*Jiang* means 'moreover'" 將, 且也; *Guang ya shu zheng*, 5A.35b [151]; cf. also Wang Yinzhi, *Jing zhuan shi ci*, 8.8a-b [78].

[68] *Shi ming*, *Skqs*, 3.2b says, "*Zai* ('to bear') … means to bear something on the head" 載…載之於頭也. In the context, this means to have overhead; thus, I translate "to cover."

[69] *Cancheng* 驂乘 refers to the three-person squads that manned a battle chariot. Strictly speaking, *cancheng* seems to denote only the "third" that accompanied the officer of the chariot and the driver; however, it is also extended to describe a chariot thus manned. Since Jia Yi mentions five chariots, I take *cancheng* to refer not only to those accompanying the newly elevated Xiongnu capitulator, but

rather the complements of all five chariots. *Han shu*, 4.107 n. 11 gives Yan Shigu's explanation of this system:

> According to the rules for riding in chariots, the respected one stays on the left and the driver stays in the middle. There is also a person stationed on the right side of the chariot in order to prevent tipping over. For this reason, preventing [untoward] matters is called "Being on the right side of the chariot." The extra person [on the right] is called the *cancheng*; *can* means "three" (*san* 三). [This method of manning a chariot] probably takes the significance of its name from "three people." 乘車之法, 尊者居左, 御者 居中, 又有一人處車之右, 以備傾側. 是以戎事則稱車右, 其餘則曰驂乘. 驂者, 三也, 蓋取三人爲 名義耳.

[70] The received text has *jia* 家, "household," here; Lu (and Qi Yuzhang) would follow the Tan edition to elide it. The *Taiping yulan*, 800.6a [3683] has *jia* in this line; Qi suggests this was based on a faulty copy of the *Xin shu*.

[71] *Jiazi Xin shu jiao shi*, 4.442; *Xin shu jiao zhu*, 4.136.

[72] *Jiazi Xin shu jiao shi*, 4.442; *Xin shu jiao zhu*, 4.136: "And even the khan, in his comings and goings, will not easily have such magnificence" 且雖單于之出 入也, 不輕都此矣.

[73] All editions of the *Xin shu* have *huai*` 壞, "to ruin, spoil; bad," here and in subsequent parallel lines. However, all commentators agree that this graph should be read as *huai* 懷, "to draw in; embrace." The *Taiping yulan*, 800.6a-b [3683], quotes this and writes *huai*, supporting the accepted reading. The variation between these two graphs is also attested in other sources; cf. Gao Heng, *Guzi tongjia huidian*, 534. More importantly, later in "Xiongnu," Jia Yi rephrases the purpose of the Baits as "to pull, drag [in]" (*qian* 牽) the eyes, ears, etc., which fits this reading perfectly; *Jiazi Xinshu jiao shi*, 4.460; *Xin shu jiao zhu*, 4.137. Liu Shipei, *Jiazi Xinshu jiao bu*, 1.11b-12a [1176] explains this as an error on the basis of graphic similarity, but given the regular occurrence of this alternation, phonetic substitution or early graphic flexibility seems a better explanation; cf. Wang Hui, *Gu wenzi tongjia shi li*, 585.

It should be noted that reading *huai*` would also make some sense in this context, giving a sense of "ruining" the Xiongnu through baits. This is apparently how Yan Shigu understands it; cf. his commentary at *Han shu*, 48.2265 n. 3. However, this would not match the sense of the essay, and seems much less preferable.

[74] In the *Song shu* 宋書 "Li zhi" 禮志 it says, "In the Han system…. an imperial grandson rode in a chariot with a green canopy, also pulled by three [horses]" 漢制….皇孫乘綠蓋車, 亦駕三; Shen Yue 沈約 (441-513), *Song shu* (Beijing: Zhonghua shuju, 1974), 18.498. NB Here, Shen Yue has adapted from Fang Xuanling 房玄齡 (578-648), *Jin shu* 晉書 (Beijing: Zhonghua shuju, 1974), 15.761; I use Shen's version because it more clearly labels its information as representing the "Han system."

I have been unable to find a mention of the precise term "green canopy" in a Han-time source. Qi Yuzhang cites the "green chariot" (*lü ju* 綠車) as equivalent to this, which seems correct. In the "Du duan," Cai Yong says, "The name of the green chariot is the Imperial Grandson's Chariot; the grandsons of the Son of Heaven ride it" 綠車名曰皇孫車, 天子孫乘之; *Cai Zhonglang ji*, *Sbby*, "Wai ji," 4.26a. Given

that *Jin shu* and *Song Shu* also call this the chariot of imperial grandsons, this is probably another term for what Jia Yi calls the "green canopy."

[75] This line contains a number of text variants and rare expressions, which has led to a variety of opinions among commentators. My punctuation and reading generally follows the views of Qi Yuzhang. I read *gu* 故 in the sense often written *gu*` 固, "firm; definite." "Four or five" 四五 is not to be taken literally; as Qi Yuzhang points out, it simply means "many kinds."

Sun Yirang, *Zha yi*, 7.12a proposes reading *mei* 美, "fine, noble," as *geng* 羹, "stew." According to Zheng Xuan's commentary on the *Yi li*, the ancient form of *geng* was 羔, which Qi suggests lead to a graphic error; see *Yi li zhu shu*, 24.14b [288]. *Geng* is also mentioned later in "Xiongnu," supporting this reading. *Geng* is a common sort of stew, usually of meat, often mentioned in early Chinese sources; see KC Chang, "Ancient China," in *Food in Chinese Culture*, in KC Chang, ed., *Food in Chinese Culture: Anthropological and Historical Perspectives* (New Haven: Yale University Press, 1977), 31, 52-53; Yü Ying-shih, "Han China," in *Food in Chinese Culture*, ed. KC Chang, 57-59, 74. The *Shuo wen jie zi* defines *zi* 胾: "*Zi* means large pieces of meat" 胾, 大臠也; Duan Yucai explains, "These are big pieces of cut meat" 切肉之大者也; *Shuo wen jie zi zhu*, 4B.176. This appears to refer to meats cooked in stew form, as opposed to the barbecued and fermented sorts that come after.

The graph , which occurs in this line, is a hapax legomenon, not found in other sources or in dictionaries. Qi Yuzhang suggests that it is a corruption of *liao* 膫 (usually, "suet, tallow"), and understands this in turn as a shortening of *liao*` 鐐, defined in *Shuo wen*, 10B.491 as another word for *zhi* 炙, "to barbecue, to broil."

Xi 醯 and *hai* 醢 are two kinds of sauces, both made through fermentation. The *Shuo wen*, 5A.212, defines, "*Xi* is vinegar" 醯, 酸也; *Shuo wen*, 14B.751 says, "*Hai* is meat sauce" 醢, 肉醬也. The two general types of sauces are mentioned together a number of times in the Thirteen Classics. Kong Yingda's subcommentary on the *Yi li* clarifies the meanings of the words: "*Xi*: this is made by fermenting grain; it is of a type with beer…*Hai*: this is made by fermenting meat" 醯, 是釀穀爲之, 酒之類…醢是釀肉爲之; see *Yi li zhu shu*, 22.1b [261].

[76] Qi reverses *guan yu* 觀欲, "look on and desire," in the textus receptus to give *yu guan* 欲觀, "to want to watch."

[77] The *Taiping yulan*, 800.6a, has *dang* 當, "to match, be appropriate," for *chang* 嘗, "once."

[78] In this line, I follow the Li, Hu, Cheng, and Lu editions, which have *ling* 令, "to command, to cause," for *jin* 今, "today," in this line. The Tan edition elides the sentence-final particle *er* 耳. This passage from *Jiazi Xin shu jiao shi*, 4.445; *Xin shu jiao zhu*, 4.136.

[79] Yü Ying-shih, "Han China," in *Food in Chinese Culture*, 75.

[80] As Ying-shih Yü says, "Indeed, the way of eating could also become a subtle political art"; *Food in Chinese Culture*, 65-66.

[81] Xia Chuancai, *Shisanjing gailun*, 228-29. The "Xiang yin jiu yi" is found in *Li ji zhu shu*, 61.12a-23b [1003-9]; the "Xiang yin jiu li" 鄉飲酒禮 is found in *Yi li zhu shu*, 8.1a-10.13b [80-105]; I also refer to Sun Xidan, *Li ji jijie*, 59.1424-1436.

[82] *Li ji zhu shu*, 61.21a [1008].

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[83] Yu Yue, *Zhuzi ping yi*, 27.324-25 says that *ruo* 若 here is to be understood as "and" (*ji* 及). Cf. also Wang Yinzhi, *Jing zhuan shi ci* 經傳釋詞 (Nanjing: Jiangsu guji chubanshe, 1985), 7.13b-14a [69].

[84] *Zhishi* 知識, literally "to know and recognize," here means people "known and recognized," i.e., acquaintances. This same usage occurs in the "Ru guo" 入國 chapter of the *Guanzi*, *Sbby*, 18.2b, where it says, "For those of the people and clerisy that die in service to the sovereign, or die in military service, you should cause their acquaintances and former associates to receive funds from the sovereign" 士民死上事, 死戰事, 使其知識, 故人受資於上.

[85] "Checkers" is a loose translation for *bo* 薄, a kind of boardgame. *Yan* 掩 refers to gambling games. Sun Yirang, *Zha yi*, 7.12b says:

> *Bo* 薄 should be written *bo*` . The "*Zhu* section" 竹部 of the *Shuo wen* [5A.198, written *bo*`` 簙] says, "*Bo*`` is a boardgame…" The *Han shu* "Huo zhi zhuan" 貨殖傳 [91.3694-95] mentions *bo*``` *yan*, and Yan [Shigu's] commentary says, "The word *bo*``` is sometimes written *bo*```` 博. […] *Bo*```` is six [piece] checkers, and that *yan* is the sort [of game] like guessing money. All of these are played with gambling and the winning of valuables. 薄當作 . 說文竹部云, , 局戲也…漢書貨殖傳云, 搏掩. 顏注云, 搏字或作博. […] 博 [=搏], 六博也. 掩, 意錢之屬也. 皆戲而賭取財物.

As Duan Yucai notes in his commentary on the above-cited definition of *bo*`` in the *Shuo wen*, we don't know how these games were actually played, though there is no question about their general nature.

[86] I translate *changyue* 倡樂 "musical entertainment." *Chang* 倡 refers to musicians; thus, *Shuo wen*, 8A.379 says, "*Chang* is musician" 倡, 樂也; see also Tang Kejun, *Shuo wen jie zi jin shi*, 1102. Yan Shigu makes the reference to the person (as opposed to the music) explicit, defining, "*Chang* is musician" 倡, 樂人也; *Han shu*, 51.2366. Elsewhere, Yan is even more specific, saying, "*Chang* are female music professionals" 倡, 樂家之女; *Han shu*, 50.2315 n. 8. As Qi Yuzhang points out, the term *changyue* is found in a number of Han texts, suggesting that it was popular at the time. I translate "entertainments" instead of simply music, because the performances called *changyue* are often understood to contain elements of dance or other performance; cf. *Hanyu da cidian*, s.v., "*changyue*."

The received text has *dan yue* 但樂. Sun Yirang, *Zha yi*, 7.12b suggests that *dan* 但 is a graphic error for *chang* 倡; this emendation is generally accepted and I follow it. The Cheng edition writes *bi* 俾, "to cause," which is not intelligible.

[87] "Drums" translates *tao* 鞀 (also written 鞉 and 鼗). This drum is mentioned in the *Zhou li*, where Zheng Xuan explains, "It is like a drum but small. You hold its handle and wave it; the ears on its sides come back to strike itself" 如鼓而小. 持其柄搖之, 旁耳還自擊; *Zhou li zhu shu*, 23.16a-b [357]. Tang Kejing, *Shuo wen jie zi jin shi*, 390 says that *tao* is that drum now called *bolanggu* 撥浪鼓 or *huolanggu* 貨朗鼓. This is the small drum with a single handle; this handle is spun between the palms to cause two beads attached to the drum's sides by strings to strike the faces.

[88] I translate *ouren* 偶人 as "mannequin." These are puppets carved to resemble people, apparently somehow articulated or mechanized to permit dancing. In his commentary on a *Han shu* mention of *ouren*, Yan Shigu says, "They carved wood into people, resembling the human form, and called them *ouren*. *Ou* 偶 means correspond, match" 刻木爲人，象人之形，謂之偶人. 偶，並也，對也; *Han shu*, 66.2879. Zheng Xuan mentions *ouren* in defining explaining an instance of *yong* 俑 ("figure") in the *Li ji*, saying, "A figure is an *ouren*. They have faces and eyes moved by mechanisms and bearing a resemblance to living people" 俑, 偶人也. 有面目機發, 有似於生人; *Li ji zhu shu*, 9.20b [172]. Judith M. Boltz, "Divertissement in Western Han," *EC* 1 (1975): 62, discusses *ouren* as reflected in recovered artifacts; she gives the translation mannequin.

[89] The Zihui, Cheng, and Lu editions elide *shi* 十, "ten," here.

[90] The received text has *mu* 莫, "night; late," at the beginning of this line. Lu Wenchao, *Xin shu*, *Sbby*, 4.3b has *xi* 昔, explaining, "*Xi* means night. The Tan edition writes *mo*, pronounced *mu* 暮" 昔, 夜也. 潭本作莫, 音暮. According to *Ciyuan*, *mo*/*mu* 莫 is the original form of *mu* 暮.

[91] *Jiazi Xin shu jiao shi*, 4.451; *Xin shu jiao zhu*, 4.136.

[92] Duke Wen of Wei's 魏文侯 is recorded to have remarked to Kongzi's disciple Zixia 子夏 that, "If I put on formal [garb] and cap and listen to ancient music, I fear only that I should sleep. But if I listen to the [lively and licentious] sounds of Zheng 鄭 and Wei 衛, then I do not know fatigue" 吾端冕而聽古樂則唯恐臥, 聽鄭衛之音則不知倦; *Li ji zhu shu*, 38.19a; translated with reference to Wang Wenjin, *Li ji yi jie*, 548. Duke Wen goes on to ask about the differences between the two types of music; in answering him Zixia focuses on the moral qualities of "new" versus "ancient" music, setting aside the point of anaesthetic or other side-effects.

[93] *Maoshi zheng yi*, 1-1.7a [14]. The commentary on the preface points out that some would read the lines with a caesura after the description of the tones, disconnecting this result from any immediate cause and simply presenting a parallel. Thus read, the lines go, "The [musical] tones of a regulated age are placid with delight; the governance is harmonious. The tones of a disordered age are resentful with anger; the governance is deviant. The tones of a lost state are mournful with thinking; the people are in difficulties."

[94] Songs of Zheng and Wei are included in the "Guo feng" 國風 section of the *Shi*; see *Maoshi zheng yi*, 4-2.1a-4 – 4-4.17a [159-85] and 3-2.10a – 3-3.23a [126-45], respectively.

[95] *Lüshi chunqiu xin jiao shi*, 1.22.

[96] Insofar as music and poetry are intimately connected, this conception is found in the Mao preface to the *Shi*, *Maoshi zheng yi*, 1-1.9a [15]:

> The first kings used this [poetry] to bring order to [relations between] man and wife, to complete filiality and respect, to make human relations generous, to make noble their instruction and influence, and to shift mores and customs" 先王以是經夫婦, 成孝敬, 厚人倫, 美教化, 移風俗.

[97] From "Cha chuan" 察傳; *Lüshi chunqiu xin jiao shi*, 22.1536.

[98] *Xunzi jijie*, 14.382.

[99] "Yue lun," *Xunzi jijie*, 14.379:

> Accordingly, if there is [proper] music in the ancestral temple and lord and vassal, superior and subordinate, listen to it together, then there is none that is not harmonious and respectful. If it is within the doors [of the household] and father and son and brothers elder and younger listen to it together, then there is none that is not harmonious and intimate. If it is among the villages and clan elders, and the elder and younger listen to it together, then there is none that is not harmonious and concordant. 故樂在宗廟之中, 君臣上下同聽之, 則莫不和敬. 閨門之內, 父子兄弟同聽之, 則莫不和親. 鄉里族長之中, 長少同聽之, 則莫不和順.

[100] From "You guan" 幼官, *Sbby*, 3.1b.

[101] *Li ji zhu shu*, 37.3b [663].

[102] *Li ji zhu shu*, 37.8a [665]: "When ritual and music are both obtained, it is called having virtus" 禮樂皆得, 謂之有德.

[103] *Li ji zhu shu*, 37.11b [667].

[104] *Li ji zhu shu*, 38.12b [682]: "For this reason, the lordling … expands music in order to complete his instruction [of the people]. When music is put into practice, the people will face his direction, and can thereby observe his virtus" 是故君子… 廣樂以成其教樂行而民鄉方, 可以觀德矣.

[105] Qi Yuzhang, 4.459 is the only *Xin shu* commentator to make note of this difficulty. He suggests that *fu* is a borrowing for *fu`* 富, "wealth." He explains this by citing the *Shuo wen jie zi*, 4B.170 and 7B.339 to demonstrate that can both be glossed as *hou* 厚, "thick; magnanimous, generous." Qi also adduces Liu Xi's *Shi ming*, 2.6b [393], which glosses *fu* with *fu`*, to reinforce the similarity in meaning. Thus, he says, this line, "Means to use material wealth to draw in and pacify them" 謂以財富懷安之.

The main problem with this line of reasoning is not the somewhat tenuous nature of the cross-glosses; in fact there are other examples of this meaning for *fu*. But so understood, this line breaks the pattern established in the first three Baits and found again in the fifth. First, it would no longer be a organ of the body. Second, this would be the only case where what is named as *target* of the bait would be itself used to draw in the Xiongnu. This would be analogous to saying in the previous section that the Xiongnu were to be caught with ears instead of by through them. Jia Yi surely intends stomach here, though the relationship of the stomach to the contents of this bait is obscure.

[106] I translate "*zhen ju*" 陣車, "a line (*zhen*) of chariots (*ju*)," instead of as "war chariots" (*zhenju* 陣車) because of parallelism with the previous line. "War chariots" would also be a viable reading.

[107] Huilin 慧琳 (727-820), *Yi qie jing yin yi* 一切經音義 (Taipei: Datong shuju, 1970), 25.27a [519] says, "Male [children] are called *er* 兒, female are called *ying* 嬰." Here, Jia Yi uses "boys and girls" (*ying'er* 嬰兒) collectively to refer to child servants.

[108] The Lu edition elides *you* 有, "to have," here.

[109] For *fu* 富, "wealth; wealthy," the Jian edition has *guan* 官.

[110] *Jiazi Xin shu jiao shi*, 4.456; *Xin shu jiao zhu*, 4.136-37.

[111] *Jiazi Xin shu jiao shi*, 4.456; *Xin shu jiao zhu*, 4.137.

[112] *Jiazi Xin shu jiao shi*, 4.456; *Xin shu jiao zhu*, 4.137.

[113] From "Fu ni," *Jiazi Xin shu jiao shi*, 1.158; *Xin shu jiao zhu*, 1.53.

[114] "Fu ni," *Jiazi Xin shu jiao shi*, 1.158; *Xin shu jiao zhu*, 1.53.

[115] I read *ruo* 若 ("if; like; you") here as "in this manner," equivalent in sense to *ran* 然. See Wang Yinzhi, *Jing zhuan shi ci*, 7.11a-b.

[116] *Jiazi Xin shu jiao shi*, 4.459-60; *Xin shu jiao zhu*, 4.137.

[117] *Jiazi Xin shu jiao shi*, 4.460; *Xin shu jiao zhu*, 4.137.

[118] *Jiazi Xin shu jiao shi*, 4.460; *Xin shu jiao zhu*, 4.137.

[119] *Jiazi Xin shu jiao shi*, 4.460; *Xin shu jiao zhu*, 4.137.

[120] *Jiazi Xin shu jiao shi*, 4.470; *Xin shu jiao zhu*, 4.137-38: "It follows that once the Three Manifestations are conveyed and the Five Baits made clear then, within the Xiongnu, they will become estranged and mutually suspicious" 故三表已諭, 五餌既明, 則匈奴之中乖而相疑矣.

[121] *Pi* 裨 is difficult to understand here. The Cheng edition writes *tan* 彈 ("to wield"), while the Zihui and Lu editions write *hui* 揮 ("to wave, brandish"). Both of these are clearly emendations on the basis of sense. *Pi* is defined in the *Shuo wen* as "to receive, to encounter" (*jie* 接); *Shuo wen jie zi zhu*, 8A.295. The *Guang ya shu zheng*, 3B.22b [102] defines *jie* as *chi* 持, "to hold, to wield." This is how I take *pi*.

[122] "Yurt" translates *qionglu* 穹廬, literally "peaked hut," referring to the tents in which the Xiongnu lived. Yan Shigu says, "*Qionglu* means felt tent. Its shape is peaked ('high in the middle [low at the sides]'), and accordingly it is called 'peaked hut'" 穹廬, 旃帳也. 其形穹隆, 故曰穹 廬; *Han shu*, 94A.3761.

[123] The received text here is that of the Tan edition. The Zihui edition has 飯失甘口 ("in eating, he loses his appreciation of flavor"). The Cheng and Lu editions write 食不甘口 ("In eating, he will have no appreciation of flavor").

[124] *Jiazi Xin shu jiao shi*, 4.470; *Xin shu jiao zhu*, 4.138.

[125] *Jiazi Xin shu jiao shi*, 4.470; *Xin shu jiao zhu*, 4.138:

> And even though vassals should desire to not flee, it will be like they have a tiger behind them; [even if] his forces should not want to come over, they will fear that someone (i.e., the khan) should get rid of them otherwise. And this is called, "the circumstances make it so. 彼其群臣, 雖欲毋走, 若虎在後, 眾欲無來, 恐或軒之, 此謂勢然.

[126] *Wu* 迕 in this line means "to meet, encounter." A figurative use of this meaning can be found in Ban Gu's "You tong fu" 幽通賦: "The ancient sages, faced with hardship, extricated themselves" 上聖迕而後拔兮, 雖羣黎之所禦; *Wen xuan*, 14.637; transl. Knechtges, *Wen xuan*, 3: 87. The commentary quotes Ban Gu's younger sister Ban Zhao 班昭 (ca. 49 – ca. 120) (under her *hao* 號, Cao Dagu 曹大家; NB the graph usually pronounced *jia* is read here as *gu*, usually written 姑): "*Wu* meets to meet with" 迕, 觸也.

[127] "Suddenly meeting" translates *e wu* 噩迕; *wu* 迕 is "to meet," as above. The commentary on the "Zhan meng" 占夢 section of the *Zhou li* quotes Du Zichun 杜子春 (ca. 30 BC – ca. AD 58) saying, "*E* 噩 should be [the same word as] the *e*` 愕 of *jing'e*` 驚愕 ('startled')"; *Zhou li zhu shu*, 25.2b [381]. As Qi Yuzhang, 4.473 explains it, "This *e wu* is like saying 'to startledly encounter'" 是噩迕猶言驚遇也. Thus my translation of "suddenly."

[128] The Zihui, Cheng, and Lu editions elide *ren* 人, "people," here.

[129] *Jiazi Xin shu jiao shi*, 4.472; *Xin shu jiao zhu*, 4.138.

[130] *Jiazi Xin shu jiao shi*, 4.472; *Xin shu jiao zhu*, 4.138:

> This will make it so that the khan is without the service of vassals and without the protection of his people—how will be he able to do anything but tie his neck and kowtow, requesting to give allegiance to Your Majesty's righteousness? This is called doing battle by means of virtus. 將使單于無臣之使, 無民之守, 夫惡得不係 頸頓係 頸 頓顙請歸陛下之義哉. 此謂戰德.

[131] The section of the essay laying out and responding to these objections is found *Jiazi Xin shu jiao shi*, 4.482; *Xin shu jiao zhu*, 4.139.

[132] It is also possible that these sections represent questions put to Jia Yi and his responses as noted down (by observers or himself at another time). I treat the chapter as an integral whole and this as a "pre-ponse" to anticipated objections.

[133] The received text doesn't have "someone" (*huo* 或) here, which the Cheng and Lu editions do. Lu Wenchao, *Xin shu*, *Sbby*, 4.5b comments, "The Jian and Tan editions both lack the graph *huo*; the other editions have it" 建潭本皆無或字, 別本有. I insert it to provide a speaker, though the "someone" could be understood even without the graph.

[134] *Qin* 禽, literally "fowl," here is "catch [like a fowl]." This usage of the word is more often written with graph *qin*` 擒, though *qin* is not rarely encountered in this sense; see Gao Heng, *Guzi tongjia huidian*, 234.

[135] *Jiazi Xin shu jiao shi*, 4.478; *Xin shu jiao zhu*, 4.138.

[136] Jia Yi says, "I request to not dare to spend a scruple of gold or a foot of silk from the imperial treasury, and yet I will have more than enough resources [for the task]" 請無敢費御府誅[=銖]金尺帛, 然而臣有餘資; *Jiazi Xin shu jiao shi*, 4.478; *Xin shu jiao zhu*, 4.138.

[137] I translate *chun* 踳 "estranged." Xu Shen, *Shuo wen*, 5B.234 says that this is another version of *chuan* 舛 ("estranged, at cross purposes"), specifically attributing this gloss to Yang Xiong. The graph *chuan* itself is supposed to represent two people facing away from each other. The *Ciyuan* gives the pronunciation *chun*, while *Hanyu da cidian* gives *chuan*. Li Shan's commentary on the *Wen xuan*, 6.264, quotes a gloss on *chun* taken from Sima Biao's 司馬彪 (ob. ca. 306) *Zhuangzi* exegesis not transmitted elsewhere: "*Chun*, read as *chuan*; *chuan* means perverse" 踳, 讀曰舛. 舛, 乖也. The present version of *Zhuangzi* writes *chuan*; cf. *Zhuangzi jishi*, 10B.1102. Since Jia Yi seems to be addressing disruption of reciprocal relationships and not simply one-sided disobedience, I translate "estranged."

[138] *Zong* 宗 is usually "ancestor, clan." Obviously Jia Yi doesn't mean to suggest that the two clans he mentions are literally the ancestors of these problems. Rather, he employs a sense attested in the *Guang ya*, which says, "*Zong*…means root" 宗…本也; *Guang ya shu zheng*, 3B.11a [96]. The Lu and Li editions write *sui* 祟, "curse, affliction," an apparent emendation on the basis of sense.

[139] *Ci* 賜, often "to give, grant," is here "use up." In this sense, it is often written *si* 儩 in later texts, also exchanged with graph *si*` 澌. There may have been an alternate pronunciation of the graph is this usage (namely, equivalent to modern *si*), but this is not suggested in any of the dictionaries I consulted.

Pan Yue's 潘岳 (247-300) "Xi zheng fu" 西征賦 contains the line, "All seems like a turning wheel that never ceases" 若循環之無賜; translated David R. Knechtges, *Wen xuan, or Selections of Refined Literature*, volume 2: Rhapsodies on Sacrifices, Hunting, Travel, Sightseeing, Palaces and Halls, Rivers and Seas (Princeton: Princeton University Press, 1987), 217. In his commentary on this line, Li Shan says, "The *Fang yan* says, '*Ci* means to exhaust'" 方言曰, 賜, 盡; *Wen xuan*, 10.463. The extant *Fang yan* does not contain this precise line, though the equivalence is suggested. It is hard to know whether Li Shan is paraphrasing or quoting a piece of text that has been lost; cf. Dai Zhen, *Fang yan shu zheng*, 3.10b. Nonetheless, this supports the early provenance of the usage of *ci* we find in this line.

[140] The Li, Hu, Cheng, and Lu editions reverse *wei zhi* 爲之 to give *zhi wei* 之爲.

[141] The Jian edition writes *ju* 窶, "base," for *kuan* 窾, "empty, impoverished" in this line. Qi thinks that *ju* is the proper text, but argues that the two graphs have the same sense here. Thus, there seems no need to emend the text.

[142] Lu says that *zhi* 治, "to regulate; regulation," should be read *dai* 殆, "probably, nearly." Qi agrees with this reading, saying that it is a borrowing. There are examples of this substitution in other texts; cf. Gao Heng, *Guzi tongjia huidian*, 394. However, there seems no need for an unusual reading here.

[143] The *textus receptus* has *chong* 崇, "revere, favor," here, which makes little sense. The Hu and Lu editions write *sui* 祟, "disaster, affliction, curse," which is logical. Qi suggests that *chong* is a graphic error for *sui*.

[144] *Jiazi Xin shu jiao shi*, 4.478; *Xin shu jiao zhu*, 4.138-39.

[145] *Xin shu jiao zhu*, 4.151 n. 129. Deng Tong has already been mentioned as a supposed nemesis of Jia Yi; see the "Biographical Sketch."

King Pi of Wu, Liu Pi 劉濞, was the nephew of the first Han emperor, Gaozu. Gaozu made Pi king of Wu 吳 despite misgivings about his reliability (allegedly based on Pi's appearance). Liu Pi later grew disaffected when his son and heir was killed by the imperial crown prince. The territory of Wu was rich from minting money and manufacturing salt, which enabled Pi to amass wealth and power. Despite being rightly suspected of treachery against the central government, Pi was always spared by Wen. After Wen's death, Pi would revolt against Emperor Jing in 154 BC as a participant in the Revolt of the Seven Kingdoms. See Pi's biographies in the *Shi ji*, 105.2821 – 2837; *Han shu*, 35.1903-18. For the background and events of the Revolt of the Seven Kingdoms, see Emmerich, "Die Rebellion der Sieben Könige."

[146] *Han shu*, 24B.1157 (a nearly identical text is also found in the *Shi ji*, 30.1419):

> At this time, Wu, with the [rank] of feudal lord, went to the mountains and minted money, and his wealth equaled that of the Son of Heaven. Later, he ended up rebelling. Deng Tong was a grandee. Through minting money he [accumulated] assets that exceeded those of a king. Thus, Wu and Deng's money spread across the realm. 是時, 吳以諸侯即山鑄錢, 富埒天子, 後卒叛逆. 鄧通, 大夫也, 以鑄錢財過王者. 故吳, 鄧錢布天下.

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[147] E.g., "Tong bu" 銅布, *Jiazi Xin shu jiao shi*, 3.351-356; *Xin shu jiao zhu*, 3.110-113; and "Zhu qian" 鑄錢, *Jiazi Xin shu jiao shi*, 4.529-544; *Xin shu jiao zhu*, 4.166-171.

[148] Above, in the "Practical Ritual" chapter.

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Abbreviations

AM	*Asia Major*
CLEAR	*Chinese Literature: Essays, Articles and Reviews*
EC	*Early China*
HJAS	*Harvard Journal of Asiatic Studies*
JAOS	*Journal of the American Oriental Society*
MS	*Monumenta Serica*
OE	*Oriens Extremus*
Sbby	*Sibu beiyao* 四部備要
Sbck	*Sibu congkan (chu bian)* 四部叢刊(初編)
Skqs	*Siku quanshu* 四庫全書
TP	*T'oung Pao*

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Zusammenfassung von „Rule: A Study of Jia Yi's *Xin shu*" von Charles Theodore Sanft

Der hanzeitliche Politiker und Philosoph Jia Yi (200 – 168 v.Ch.) ist der wichtigste Denker in der Regierungszeit des Kaisers Wen (reg. 179 – 157 v.Ch.), und Jia Yis Buch, das *Xin shu*, das grundlegende Vermächtnis seiner Ideen. Meine Doktorarbeit „Rule: A Study of Jia Yi's *Xin shu*" analysiert das *Xin shu* nicht nur als geschichtliches Dokument, sondern auch als Ausdruck der politischen Theorien seines Authors.

Eine Diskussion über die Quellen der Arbeit und eine kurze Biographie von Jia Yi leiten die Dissertation ein. Die Analyse fängt mit Jia Yis Konzepten des Staatsvolkes und dessen Kontrolle an. Erst identifiziere ich das Volk, wie Jia Yi es versteht, in objektiven sowie in subjektiven Bereichen. Es ist Jia Yis Behauptung, dass das Volk die Wurzel des Staats und die Bevölkerung die echte Grundlage der Regierung sei, worauf alle kaiserliche Macht beruhe. Richtig gepflegt, könne das Volk den Kaiser unterstüzen; leichtsinnig behandelt, stürze es ihn. Jia Yis Meinung nach, greifen die Einrichtung politischer Stabilität und die moralischen Eigenschaften des Herrschers ineinander: Unter den Begriffen Menschlichkeit, Rechtlichkeit, u.s.w.—Begriffe, die andere chinesische Denker sowie viele moderne Gelehrten hauptsächlich als Abstraktionen betrachten—versteht er viel Konkretes aus dem politischen Bereich.

Weiter befasst die Dissertation sich mit Jia Yis Begriffen von der Natur und den Eigenschaften der idealen Herrschaft und des Herrschers. Die Diskussion beginnt mit der Ursprüngen und dem Gültigkeitsbereich des kaiserlichen Staats. Dann geht sie über zu den personlichen Charakteristika erfolgreicher und erfolgloser Herrscher, wozu nach Jia Yi Fähigkeiten (wie die Auswahl von Beamtern) sowie Charakterzüge (wie Umsichtigkeit) gehören. Besonders meint Jia Yi, dass einer der wichtigsten Aspekte erfolgreicher Regierung die Fähigkeit des Herrschers, Kritik zu erbitten und zu akzeptieren, sei. Jia Yi bietet eine Rangordnung von Herrschern an, in der er historische Könige und andere Herrscher bewertet und ordnet. Zuletzt vergleiche ich Jia Yis Ideen von Herrschaft mit denen, die in der Zeit gerade nach seinem Tod weit verbreitet waren, um die Unterschiede zwischen Jia Yis Begriffen und der Orthodoxie seiner Nachfolger zu zeigen.

Der bedeutendeste allgemeine Begriff von Jia Yi gegenüber politischer Macht und ihrer Anwendung ist Ritus, der nächste Schwerpunkt der Arbeit. Hier gehe ich davon aus, dass „Ritus" in zwei Bereiche zu teilen ist: Im engen Sinn ist es die Bezeichnung für einzelne Rituale (bei Beisetzungen, Opfern, u.s.w.); in einem breiten Sinn bedeutet „Ritus" die zugrunde liegenden abstrakten Prinzipien. Dieser Diskussion folgt eine skizzenhafte Genealogie von Ritus in den Zeiten vor Jia Yi.

Der Kern meines Arguments über Ritus ist eine Konstellation von drei Begriffen, die das Herz von Jia Yis Ritusdenken gestaltet: Hierarchie, Portabilität und Mässigung. Hierarchie ist, im Grunde genommen, die Idee, dass gewisse Riten und rituelle Privilegien spezifischen politischen Zuständen entsprechen sollen. Fest verbunden mit dieser alltäglicher Idee ist aber die Behauptung Jia Yis, dass die Riten Macht und Status nicht nur spiegeln, sondern auch schaffen. Portabilität deutet an, dass die Riten keine

feste Verbindung mit bestimmten Leuten oder Orten haben, und deswegen immer anfällig für Usurpation sind. Das Prinzip Mässigung soll nicht nur die erwarteten Angelegenheiten—den Genuss von körperlichen Freuden, u.s.w.—regieren, sondern auch gleichmässig die Leistung von Dienstpflichten.

Der nächste Abschnitt der Dissertation trägt die vorangegangene, vor allem abstrakte, Diskussion in den Bereich des Konkreten. Hier untersuche ich Jia Yis Anwendung von seiner Ritus-Theorie gegenüber der zeitgenössischen Politik. Besonders hielt er dafür, dass die rituellen Systeme von Kleidung und anderen Priviligien Hilfsmittel seien, die die Stellung und Macht des Kaisers fördern und effektiver als *force majeure* seien. In der gleichen Art behauptet Jia Yi, die Usurpation ritueller Priviligien sei ein Akt der Aggression gegen den Kaiser und seine Macht.

Die beiden Schlusskapitel der Doktorarbeit weiten die Analyse durch Betrachtung von zwei relevanten Einzelfällen aus. Der erste Fall ist das „antik-rituelle" Prinzip, das Jia Yi auch akzeptiert, wonach die hochrangigen Untertanen des Kaisers grundsätzlich von körperlichen Strafen befreit sein sollen – eine Massnahme, mit deren Hilfe der Kaiser eine auf *virtus* bezogene Beziehung seiner Untertanen herstellen wollte. (*Virtus*, chinesisch *de*, ist ein komplizierter Begriff, der irgendwo zwischen „Tugend" und „Charisma" steht.) Der zweite Fall geht um die Behandlung der Xiongnu, Chinas nördliche Nachbarn, deren Plünderungen in China eine grosse Problematik der frühen Han Zeit war. Ich beweise, dass Jia Yis Ideen für die Beherrschung der Xiongnu am besten als vorgeschlagene Erweiterung der Prinzipen von Ritus und *virtus* über die Grenzen des chinesischen Kaiserreichs und Kulturgebiet zu vestehen sind.