

CHAPTER 3

From Teachers to Subjects:

Ministers Speaking to the Rulers, from

Yan Ying 晏嬰 to Li Si 李斯

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Two major studies inspired me to undertake the research that resulted in the present essay.¹ First was a section in Liu Zehua's 劉澤華 seminal work *Chinese Monarchism*, in which Liu Zehua analyzed the self-deprecating language employed by the leading Tang intellectuals Han Yu (韓愈, 768–824 CE) and Liu Zongyuan (柳宗元, 773–819 CE) in their correspondence with the throne. Through this analysis, Liu Zehua demonstrated the magnitude of the cultural and symbolical power of the emperor over his subjects—over even the most brilliant and audacious of them.² Second was a similarly inspiring “Playing at Critique” by David Schaberg, in which he noticed the proliferation of the genre of “indirect remonstrance” (*fengjian* 諷諫) from the second half of the Warring States (Zhanguo 戰國, 453–221 BCE)³ period. Schaberg summarizes:

The tellers of remonstrance tales registered a change in the status of court officials. Older tales of direct remonstrance had presumed near

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2. See Liu Zehua, *Zhongguo de Wangquanzhuyi*, 263–79.

3. For Schaberg's earlier study of a “regular” remonstrance genre, see Schaberg, “Remonstrance in Eastern Zhou Historiography.”

parity between the ruler and the ministers who help to formulate his policies. Episodes of indirect remonstrance, on the other hand, took it as a given that the ruler might, with little fuss, put to death the men who presumed to criticize his action. While the first set of narratives reflects conceptions of hierarchy that prevailed before the middle Warring States period, the second reflects, probably in an exaggerated form, the concentration of power that took place thereafter.⁴

My study follows the lead of Liu Zehua and Schaberg by trying to analyze the changing status of members of the educated elite vis-à-vis the rulers from the late Spring and Autumn period (Chunqiu, 春秋, 770–453 BCE) through the Warring States and to the early imperial period, as reflected in their interaction with the rulers. By focusing on three leading figures from the preimperial period—Yan Ying (晏嬰, ca. 580–510 BCE), Mengzi (孟子, or Mencius, ca. 380–300 BCE), and Xunzi (荀子, ca. 315–230 BCE)—and briefly comparing them with the most important early imperial statesman, Li Si (李斯, d. 208 BCE), I shall demonstrate how the self-confident tone of a ruler’s instructor and guide, a tone adopted by Yan Ying and to a certain degree by Mengzi, turned into the cautious tone of an advisor in the *Xunzi* and from there evolved into the subservient tone of a ruler’s subject in Li Si’s memorials. I hope to show that aside from reflecting differences in the source materials from which the speeches are taken, the changing mode of these putative conversations with the rulers may reflect the widening gap between the ruler and the minister, anticipating the situation of “elevated monarch and humble subject” depicted by Liu Zehua and Schaberg.

Yan Ying: Aristocrat Speaking

I begin my discussion with Yan Ying (Yanzi 晏子), one of the most colorful figures in the *Zuo zhuan* 左傳, and one of the best-known personages from the Spring and Autumn period. Yan Ying belonged to a minor aristocratic lineage in the state of Qi 齊, the state which during his lifetime was engulfed in a life-or-death struggle among powerful aristocratic lineages amid overall weakening of the ruling house. Yan Ying became renowned for his wit, straightforwardness,

4. See Schaberg, “Playing at Critique,” 196.

and ability to preserve the proper decorum during repeated outbursts of violent domestic struggles. Although politically speaking his career was not very impressive (he failed either to strengthen the state of Qi or to prevent the demise of its ruling house), his very ability to survive without compromising his moral integrity might have appealed to contemporaries and to later generations. Yan Ying's popularity is reflected in numerous anecdotes about him, which circulated broadly throughout the late Spring and Autumn and Warring States periods; some of these were incorporated already into the *Zuozhuan*, while many other circulated independently and eventually were collected in the *Yanzi chunqiu* 晏子春秋.⁵ Here I focus exclusively on the *Zuozhuan* accounts, as they are definitely anterior to those of the *Yanzi chunqiu* and to other Warring States texts.⁶

During Yan Ying's lifetime the domestic crisis in Qi reached its peak. In a series of bloody coups, purges, inter- and intralineage conflicts between 546 and 532 BCE, one of the Qi rulers (Lord Zhuang [齊莊公, r. 553–548 BCE]) was assassinated, and four major ministerial lineages (Cui 崔, Qing 慶, Gao 高, and Luan 欒) were exterminated altogether, leaving the most powerful positions concentrated in the hands of Chen (陳 or Tian 田) and Bao 鮑 lineages. The Chens emerged as the great victors of these collisions: in 481 BCE (a few decades after Yan Ying's death), they succeeded to usurp power in the state of Qi and a century later, in 386 BCE, they had formally replaced the puppet ruling house of the "legitimate" Qi lords. Yan Ying appears in the *Zuozhuan* as both an active participant in these events and their astute commentator; in particular, a few of his important speeches deal with the future Chen ascendancy and rationalize it. We cannot know whether these speeches reflect original insights

5. For an example of what appears as an independently circulating anecdote, see the badly damaged *Jing Gong nüe* manuscript from the Shanghai Museum collection. See *Jing Gong nüe*, 157–91. For the composition of the *Yanzi chunqiu*, see, e.g., Zheng Liangshu, "Lun *Yanzi chunqiu* de pianxie ji chengshu guocheng."

6. As I have asserted elsewhere (*Foundations of Confucian Thought*), the *Zuozhuan* might have incorporated a variety of primary materials from the Spring and Autumn period states and reflects therefore the intellectual milieu of that age. This distinguishes it markedly from the *Yanzi chunqiu*, many of the anecdotes of which reflect the proud *shi* 士 spirit of the Warring States period, which is absent from the *Zuozhuan*.

of Yan Ying, or were edited or invented in the immediate aftermath of the 481 BCE Chen coup; yet as none of them refers to the Chen usurpation as final and irreversible they cannot date from much later than 481 BCE. For the current discussion, which focuses on Yan Ying's remonstrance speeches to his last master, Lord Jing of Qi (景公, r. 547–490 BCE), what really matters is not the authenticity of these speeches but that they are reflective of the intellectual atmosphere of the Spring and Autumn period; whoever composed or edited them might have done so in accordance with the norms of ruler-minister interaction of that age. As such, the Yan Ying remonstrance speeches provide us with a valuable glimpse at the late Spring and Autumn period intellectual atmosphere and the culture of addressing the ruler in particular.

Five of the most important remonstrance speeches by Yan Ying are collected in the end of the narratives of the twentieth and twenty-sixth years of Lord Zhao (i.e., 522 and 516 BCE respectively). Of these, two speeches deal (one directly and another indirectly) with the prospects of the Chen ascendancy; two others criticize the ruler for attempts to avert an illness or a potentially threatening omen through religious activities rather than through personal and political rectification; the fifth speech analyzes the nature of ruler-minister relations and warns the lord against relying on sycophants. These speeches have been translated and studied elsewhere; in what follows I shall analyze them exclusively from the point of view of ruler-minister relations.⁷

I shall begin with the lengthiest remonstrance, directed against Lord Jing's odd decision to punish two petty religious functionaries (a scribe and an invocator) for failing to solicit divine support for curing the lord's prolonged illness.⁸ Yan Ying uses the pretext of this imprudent plan to criticize the lord's misdeeds. His speech is divided

7. For various translations and analyses of Yan Ying's speeches, see Pines, "The Search for Stability," 18–31; Schaberg, *A Patterned Past*; Waiyee Li, *The Readability of the Past in Early Chinese Historiography*.

8. This story appears in the *Jing Gong nie* manuscript, cited above, and also in *Yanzi chungiu yizhu*, "Nei pian jian shang" 内篇諫上 1.12, 27–30; "Wai pian shang" 外篇上 7.7, 327–28. Yet another of the Shanghai Museum manuscripts, *Bao Shuyaya Yu Xi Peng zhi jian* 鮑叔牙與隰朋之諫, clearly borrows from Yan Ying's remonstrance, but attributes it to the courtiers of Lord Huan of Qi (齊桓公, r. 685–643 BCE).

into three sections. First, Yan Ying begins with an ostensibly innocent anecdote about Shi Hui (士會, fl. 630s–590s BCE), an eminent Jin 晉 statesman, whose uprightness and morality ensured his continuing political success. Yan Ying emphasizes that it was due to Shi's fine qualities that when his "invocators and scribes offered sacrifices, they presented the truth without dishonor," as a result of which Shi Hui was able to solicit divine and human support, allowing him sufficiently lengthy tenure "to aid five rulers [of Jin] in their role as hosts of the regional lords."⁹ Shi Hui's political success and longevity are implicitly contrasted with the case of Lord Jing. Yet, as the lord pretends not to understand the hidden criticism, Yan Ying turns to a direct explanation about how a ruler should act to ensure the divine support:

In the case of a ruler who has virtue, outside the palace and within it no one is lax about duties, superiors and inferiors have no complaints, when acting he does not transgress in any undertaking, and the invocators and scribes set forth the truth: there is nothing shameful. For this reason the spirits and deities consume the offerings and the state receives the blessings; the invocators and scribes have their part in these. The reason that he enjoys blessings and longevity is that [invocators and scribes] are employed by a trustworthy ruler, and in their words they have shown loyalty and trustworthiness to the spirits and deities.

若有德之君，外內不廢，上下無怨，動無違事，其祝、史薦信，無愧心矣。是以鬼神用饗，國受其福，祝、史與焉。其所以蕃祉老壽者，爲信君使也，其言忠信於鬼神。¹⁰

Yan Ying first outlines the requirements of the ideal ruler, whom Lord Jing should emulate. The positive image of this virtuous sovereign who is able to ensure blessings and longevity for himself and for his subjects is contrasted with that of a bad ruler, with whom Lord Jing is implicitly associated:

But it may happen that they encounter a profligate ruler, under whom there is irregularity and deviation outside of the palace and within it,

For the correct reconstruction of the *Bao Shuya* manuscript, see Lin Zhipeng, "Zhanguo zhushu *Bao Shuya* yu *Xi Peng zhi jian yizhu*."

9. See *Zuo*, Zhao 20 (Yang, 1415). In translating the *Zuozhuan* passages, I borrow heavily from the forthcoming translation by Durrant, Li, and Schaberg (University of Washington Press).

10. *Zuo*, Zhao 20 (Yang, 1416).

under whom superiors and inferiors are resentful and jealous, whose every action is a transgression, who indulges his desires and satisfies his private wishes with lofty terraces and deep pools, with the striking of bells and girls' dancing. He cuts off the people's strength at its roots and purloins their stores to supply his own violations, taking no thought of future generations. Cruel and prodigal, unrestrained and guided by no standard, lacking any afterthought or prohibition, he gives no thought to the voice of critique and does not fear the spirits and deities. Though the deities grow angry and the people suffer, he does not repent in his heart. Should his invocators and scribes set forth the truth, this would amount to bringing an indictment against him. But should they cover up his failures and enumerate his better points, this would amount to falsehood. For advancing and withdrawing alike they have no words of justification, and so with empty words they curry favor. For this reason the spirits and deities do not consume the state's sacrifices, but bring calamity down upon it, and the invocators and scribes have their part in this. That the people die young, lose their wits, are orphaned, and suffer illnesses was caused by a cruel ruler, whose words are false and an insult to the spirits and deities.

其適遇淫君，外內頗邪，上下怨疾，動作辟違，從欲厭私，高臺深池，撞鐘舞女。斬刈民力，輸掠其聚，以成其違，不恤後人。暴虐淫從，肆行非度，無所還忌，不思謗讟，不憚鬼神。神怒民痛，無俊於心。其祝、史薦信，是言罪也；其蓋失數美，是矯誣也。進退無辭，則虛以求媚。是以鬼神不饗其國以禍之，祝、史與焉。所以天昏孤疾者，為暴君使也，其言僭慢於鬼神。¹¹

Yan Ying's invective is directed against a hypothetical bad ruler, but it is not too difficult to assert that its real target is Lord Jing, whose failure to obtain divine support is closely associated with his misdeeds. It is worth focusing on a few points in this speech. Yan Ying depicts the putative bad ruler as "cruel and prodigal, unrestrained and guided by no standard, lacking any afterthought or prohibition," the one who causes great suffering for his subjects, who "die young, lose their wits, are orphaned, and suffer illnesses." More ominously, Yan Ying depicts the ruler as a "cruel ruler" (*bao jun* 暴君), a designation that in certain contexts may justify the ruler's overthrow.¹²

11. *Zuo*, Zhao 20 (Yang, 1416–17).

12. In the *Mozi*, for instance, the term "cruel king" (暴王) is consistently used as a *terminus technicus* for the "last, evil" rulers of the Xia and the Shang dynasties. For

While Lord Jing is not directly referred to as a personification of this evil sovereign, he does not fail to understand the real target, asking: “If that is the case, then what is to be done?” 「然則若之何？」¹³

The lord’s question indicates that he accepts Yan Ying’s criticism. He tries neither to protest, nor to say that his rule is still much better than that of the “cruel ruler.” Rather, he acts as a model object of remonstrance should do: demonstrate a willingness to mend his ways rather than punish the offending minister. Yan Ying does not lack practical advice:

[Yan Ying] replied, “Nothing can be done. The timber on the mountainsides is watched over by foresters. The rushes in the marshes are watched over by boatmen. The firewood and kindling in the lowlands are watched over by wardens. The salt and mussels in the sea are watched over by coast guards. Men from dependent and outlying territories enter his government; duty-stations just outside the capital exact heavy duties for their private gains; hereditary nobles forcefully buy commodities. Rules are promulgated without principles, taxes are levied without limits, palaces and homes increase by the day, and there is no departure from excess and merry-making. Concubines who enjoy favor within the palace seize property wantonly in the marketplace. Personnel who enjoy favor outside the palace usurp command for themselves in the outlying territories. When private desires are fostered and pursued but are not satisfied, incriminations follow. The people suffer and fret, and man and woman alike curse you. If an invocator’s prayer brings benefits, then curses also bring harm. From Liao and She to the east, from Gu and You to the west, many are the men who live there. How could even an excellent invocator overcome the curses of so many millions? If you wish to execute the invocator and the scribe, then you may do so only after you have cultivated your virtue.”

Pleased, the lord had the responsible officers ease government policies, tear down the duty-stations, eliminate the controls on resources, reduce taxes, and forgive tax debts.

對曰：「不可爲也。山林之木，衡鹿守之；澤之萑蒲，舟鮫守之；藪之薪蒸，虞候守之；海之鹽、蜃，祈望守之。縣鄙之人，入從其政；偪介之關，暴征其私；承嗣大夫，強易其賄。布常無藝，徵斂無度；宮室日更，淫樂

a general discussion about the right to overthrow an evil sovereign, see Pines, “To Rebel Is Justified?”

13. *Zuo*, Zhao 20 (Yang, 1417).

不違。內寵之妾，肆奪於市；外寵之臣，僭令於鄙。私欲養求，不給則應。民人苦病，夫婦皆詛。祝有益也，詛亦有損。聊、攝以東，姑、尤以西，其爲人也多矣。雖其善祝，豈能勝億兆人之詛？君若欲誅於祝、史，修德而後可。」

公說，使有司寬政，毀關，去禁，薄斂，已責。¹⁴

Yan Ying's enumeration of the lord's misdeeds focuses on the economic burden that his wanton and corrupt administration puts on the populace rather than on the lord's personal misconduct; as such, this last part of the remonstrance appears somewhat milder than the previous one. However, the mildness is undermined by the assertion that "the people suffer and fret, and man and woman alike curse you." This succinct picture of universal dissatisfaction with Lord Jing's reign implies that the populace is wishing the lord's swift demise and that his illness hence is a kind of divine retribution for his inadequate rule. Once again, Yan Ying dangerously approaches the line of questioning the very legitimacy of the sovereign's rule. Nonetheless, the harshness of his verdict on Lord Jing is not presented as exceptionally audacious or subversive; rather, the narrator tells us of Lord Jing's humble acceptance of Yan Ying's proposals, which might have indeed improved the lord's fortunes: he reigned for another thirty-two years after the recorded remonstrance; and although his line died out soon after his death, individually speaking he surely benefited from heeding his advisor's remonstrance.

The question of the impending demise of the ruling house of Qi is another pertinent feature in Yan Ying's conversations with Lord Jing. In a short anecdote, recorded under the year 522 BCE, Yan Ying warns the lord of inevitability of decline of the ruling dynasties by reminding him that the territory of Qi was previously occupied by several polities, each of which came to its end.¹⁵ Although this historical digression does not overtly trespass the norms of political propriety, its message appears to be offensive or at least inauspicious. We are not told of the lord's reaction; but apparently he got the message, as is evident from the next anecdote, placed six years later:

14. *Zuo*, Zhao 20 (Yang, 1417–18).

15. *Zuo*, Zhao 20 (Yang, 1418–19).

Lord [Jing] of Qi was sitting with Yanzi in his private chambers. With a sigh, the lord said, “How lovely these chambers are! Who will it be who possesses these?”

Yanzi said, “May I presume to ask what you mean?”

The lord said, “I take it to be a matter of virtue.”

[Yanzi] replied, “As you have put the matter, it will be the Chen lineage. Although the Chens lack any great virtue, they are generous to the people. By measure of *dou* 豆, *qu* 區, *fu* 釜, and *zhong* 鍾, they collect for the lord’s sake sparingly and give to the people generously. Because you tax generously and the Chens give generously, the people have gone over to them. The *Odes* say: “Although I have no virtue to share with you, we shall sing and dance.” The people sing and dance in response to the benefits of the Chen lineage. If future generations are even slightly remiss, and the Chen lineage does not perish, then the state will be theirs.”

齊侯與晏子坐于路寢。公嘆曰：「美哉室！其誰有此乎！」晏子曰：「敢問何謂也？」公曰：「吾以爲在德。」對曰：「如君之言，其陳氏乎！陳氏雖無大德，而有施於民。豆、區、釜、鍾之數，其取之公也薄，其施之民也厚。公厚斂焉，陳氏厚施焉，民歸之矣。《詩》曰：『雖無德與女，式歌且舞。』陳氏之施，民歌舞之矣。後世若少惰，陳氏而不亡，則國其國也已。」¹⁶

The new exchange between the lord and Yan Ying (which is also the last appearance of Yan Ying in the *Zuozhuan*) begins where the previous anecdote ended: it is the turn of Lord Jing now to raise the issue of the possibility of his dynasty’s fall due to his insufficient virtue. Yan Ying eagerly endorses this topic to attack the lord’s oppressive economic policy and to hail the lenient “populist” measures of the Chen lineage, whose heads manipulated their private weights and measures to the benefit of the populace, giving up part of their income to acquire political support.¹⁷ While Yan Ying is careful to

16. *Zuo*, Zhao 26 (Yang, 1480).

17. Yan Ying explains the Chen policy in a conversation with a conservative Jin minister, Shuxiang 叔向: the Chen employed two sets of measures: their private measures and smaller ones, authorized by the ruling house. When lending grain they used their private set, while when collecting it they used the official set; thus they lost income, but gained the population’s support. Yan Ying summarized then, back in 539: “[The people] love [the Chens] as their parents and turn to them as flowing water. Even if they did not intend to attain the people, can they avoid this?” (*Zuo*, Zhao 3 [Yang, 1236]).

avoid the overall endorsement of the Chens, and even provides the lord, in the later part of the speech, with the means of preventing the Chen ascendancy (through full implementation of the norms of ritual hierarchy, which would ensure that “family’s favors do not exceed those of the state . . . and the nobles dare not seize lord’s profits”),¹⁸ his conclusion is still highly unfavorable of Lord Jing. Indeed, even though “the Chens lack any great virtue” their small virtue evidently exceeds that of Lord Jing.

Yan Ying skillfully plays between two major meanings of the term *de* (德, virtue): a sacred charismatic substance that qualifies a person and a lineage to rule the land, and a more concrete “kindness” or “grace.”¹⁹ The Chens may lack *de* in its former (and more important) meaning, but their kindness to the people is nonetheless indicative of their possession of a certain “virtue.” The direct implication of this assertion is that Lord Jing lacks even this minor *de*, which, again, turns him unfit to rule the country. This verdict is moderated in the second part of the discussion where ritual propriety is proposed as the only means to sustain current sociopolitical hierarchy and prevent the Chen ascendancy, but the implications remain harsh. Although Yan Ying is clearly absolved of the suspicion of being the Chens’ accomplice, he still transgresses the norms of ruler-minister relations by explicitly doubting the sovereign’s fitness to maintain his—and his progeny’s—power.

Yan Ying’s rhetorical skill softens his harsh message, but the bottom line is nonetheless clear: in both quoted dialogues he depicts Lord Jing as unfit to rule his country, as lacking sufficient virtue, as hated by the populace and as leading the ruling house to its doom. What is remarkable, though, is not his outspokenness itself, but the humility with which the lord accepts it: twice he faces the criticism with a humble “so what can be done about this?” The anecdotes suggest that this was a normal or even a normative reaction: a brave remonstrator was not supposed to be punished. What are the reasons behind this remarkable leniency? Surely, Yan Ying’s impeccable record

18. *Zuo*, Zhao 26 (Yang, 1480).

19. For the early meaning of the term *de* see Kominami, “Tenmei to toku”; for the later developments of this term, see, e.g., Onozawa, “Toku ron”; Martynov, “Kategoriia *de*”; Pines, *Foundations of Confucian Thought*, 125–32.

of loyalty to the ruling house might have precluded interpretation of his statements as outright treason or subversion, but I believe that this is only a partial explanation.²⁰ The *Zuozhuan* records dozens of instances of remonstrance, which was not always heeded but which only very rarely and exceptionally brought about persecution of a remonstrating official. Even in extreme cases, when a remonstrating official broke the rules of decorum and publicly humiliated or even threatened the ruler, punishment was far from inevitable.²¹ Acceptance of the legitimacy of criticism from below was a norm, not a manifestation of particular tolerance and the ruler's broadmindedness.

The reasons for this toleration are not difficult to find. The world of the *Zuozhuan* was the world of hereditary aristocrats, whose military, economic, and administrative power at times equaled or even surpassed that of their nominal superiors, the regional lords; and the latter had little choice but to swallow the haughtiness of their underlings. Punishing a powerful minister was a dangerous gamble, as the ministerial response could have disastrous consequences for the lord. It was safer to display acquiescent attitude toward ministerial criticism or even to their overt insubordination; only exceptionally powerful monarchs, such as King Ling of Chu (楚靈王, r. 540–529 BCE), could occasionally cow the dissenters into submission. In a world where a ruler frequently was either a *primus inter pares* or just a hapless

20. Yan Ying braved Cui Zhu 崔杼 and his accomplices in 548 when he violated Cui Zhu's prohibition to mourn the slain Lord Zhuang of Qi (齊莊公, r. 553–548 BCE); in 532 BCE he again displayed remarkable devotion to the lord, protecting him during the violent outburst of domestic turmoil (*Zuo*, Xiang 25 [Yang, 1098]; Zhao 10 [Yang, 1316]).

21. For instance Yu Quan (鬻拳, d. 675 BCE) of Chu threatened King Wen (楚文王, r. 689–675 BCE) with weapons and prevented the king from entering the royal capital to encourage the ruler to conquer more lands; he was not punished, but committed suicide after King Wen's death, to die along with the monarch. Xian Zhen (先軫, d. 627 BCE) of Jin spat on the ground in front of his lord to protest the latter's decision to release the Qin 秦 captives; he was not punished, but rushed to death in a battle to punish himself. Qing Zheng (慶鄭, d. 645 BCE) of Jin, frustrated by Lord Hui's (晉惠公, r. 650–637 BCE) rejection of Qing's advice, taught the ruler a harsh lesson by causing the Jin military defeat and Lord Hui's imprisonment by the Qin army; and he is the only one to be executed for his break of norms; this does not prevent the *Zuozhuan* from treating him as a loyal minister, however. See more in Pines, *Foundations*, 146–53.

figurehead, it was much safer to behave in the way of Lord Jing of Qi rather than, for example, in the way of Lord Ling of Jin (晉靈公, r. 620–607 BCE), who tried to eliminate his outspoken critic, prime minister Zhao Dun 趙盾, but instead was murdered by Zhao's henchmen.

It is worth noting here that there is a certain exceptionality in Yan Ying's lengthy admonitions to Lord Jing; namely, there are relatively few examples of admonishing of the ruler in the later part of the *Zuo zhuan*. While in the early part of the book the absolute majority of remonstrating speeches are directed at regional lords, by the sixth century most of the addressees are powerful ministers or foreign dignitaries. Some of the most eloquent speakers of the *Zuo zhuan*, such as Zichan 子產 of Zheng 鄭, are never cited as talking to their lord at all. Nothing better indicates the decline of the ruler's power: the nominal lords were so meaningless as not to merit even a minister's admonition.²² This sign of the declining authority of the rulers provides us with another clue for Lord Jing's complacency. A weak sovereign, who had been enthroned in place of his slain brother by a powerful potentate and who barely survived several rounds of domestic turmoil, Lord Jing was not in a position to punish his outspoken aide. That Yan Ying bothered at all to criticize Lord Jing's errors might have perpetuated the illusion of the lord's power and might have even made the lord glad. His descendants, after all, would no longer merit admonitions, but will be simply ruthlessly replaced by their rebellious underlings. In retrospect, being accused "only" of unfitness might have been a blessing in disguise for the lord.

Mengzi: A Proud Shi

The two centuries that separate Mengzi (Mencius) from Yan Ying witnessed tremendous changes in China's sociopolitical landscape. Loose polities of the aristocratic age were replaced by new, tightly organized "ruler-centered" Warring States, the lords of which enjoyed immeasurably more power than their Spring and Autumn period

22. It is worth remembering that remonstrance, while allowing critical stance toward the ruler, is based on the supposition of the ruler's absolute superiority over his subjects: it is up to him to heed admonitions or reject them. See more in Zhang Fentian, *Zhongguo diwang guannian*, 520–38.

predecessors. The very stratum of proud hereditary power holders who turned the ruler into *primus inter pares* had all but disappeared, being largely submerged within a new and much broader elite, the *shi* 士, the members of which did not enjoy hereditary positions and were much weaker politically, economically, and militarily than the Spring and Autumn period aristocrats.²³ All this should have made ministers of the Warring States period more deferential toward their lords. And yet, many of Mengzi's dialogues with regional lords echo Yan Ying's audacity, and at times even surpass it.

Mengzi's attitude toward the rulers appears at a first glimpse as somewhat puzzling, even conflicted. Few texts of the Warring States period can rival the *Mengzi's* harsh criticism of contemporary sovereigns, who are intermittently referred to as "criminals," "devourers of human flesh," and "those who have the proclivity to kill humans";²⁴ and Mengzi is likewise renowned for manifold demarches against his employers, the regional lords. And yet throughout most of his life, Mengzi relentlessly sought engagement with those very sovereigns whom he repeatedly criticized; so that his career appears as an almost endless chain of appointments and resignations.²⁵ Mengzi's contemporaries and disciples were at times puzzled by his simultaneous attraction to and aversion toward the rulers, causing Mengzi to explain the reason for his odd behavior:

Mengzi said: "It is not enough to criticize others; it is not enough to blame the government. Only the Great Man is able to rectify the wrongs in the ruler's heart. When the ruler is benevolent—everybody is benevolent; when the ruler is righteous—everybody is righteous; when the ruler is correct—everybody is correct. Just rectify the ruler and the state will be stabilized."

孟子曰：「人不足與適（過）也，政不足與間也，惟大人為能格君心之非。君仁莫不仁，君義莫不義，君正莫不正，一正君而國定矣。」²⁶

23. See detailed discussions in Lewis, "Warring States," and Pines, *Envisioning Eternal Empire*.

24. See respectively, *Mengzi yizhu*, "Gaozi xia" 告子下 12.7: 287; "Li Lou shang" 離婁上 7.14: 175; "Liang Hui Wang shang" 梁惠王上 1.6: 12–13.

25. For a brief outline of Mengzi's career, see Yang Bojun's "Introduction" (導言) in *Mengzi yizhu*, 1–15.

26. *Mengzi yizhu*, "Li Lou shang" 7.20: 180; cf. "Li Lou xia" 離婁下 8.5: 187.

This unwavering belief in the importance of “rectification of the ruler” may explain the nearly religious zeal with which Mengzi addressed the sovereigns and also his audacity when speaking to them. Of course, we cannot know to what extent multiple dialogues with the rulers scattered throughout the *Mengzi* reflect real encounters, or whether they were heavily polished or outright invented by Mengzi’s disciples, who compiled the eponymous book; yet like in the case of Yan Ying, we can assert that the authors of the *Mengzi* could not have deviated considerably from what was believed to be an acceptable form of ruler-minister conversation of their age. As such, Mengzi’s repeated assaults against the rulers’ perceived immorality and unfitness may be suggestive of the court atmosphere of the middle Warring States period.

The *Mengzi* opens with a series of five anecdotes that narrate the thinker’s encounter with King Hui of Wei (魏惠王, r. 369–318 BCE). Yoav Ariel has suggested (in a still unpublished talk, which I freely paraphrase) that these five anecdotes can be read as a sequence of psychoanalysis sessions, during which Mengzi effectively strips the king of his self-confidence and reduces him from a position of a patron to that of a humble disciple.²⁷ Indeed, one can discern a certain escalation in Mengzi’s criticism of the king. Already at their first encounter Mengzi confounds the ruler for inappropriately speaking of “benefit” instead of “benevolence and righteousness.” In the second anecdote, he denies the king the right to enjoy the pleasures of the royal garden, insofar as the populace cannot share the king’s joy. The third anecdote turns to political questions: the king is puzzled why his subjects do not appreciate his concern for their economic well-being. Mengzi explains that the king’s efforts, even if laudable, still fall short of proper concern for the people, and that his policy in fact is as exploitive as that of other rulers of the age.²⁸ The gradually escalating criticism peaks in the fourth anecdote.

27. Ariel’s talk was at the Hebrew University of Jerusalem in 2003. For a different and no less engaging analysis of these passages, see Nylan, “Mencius on Pleasure.”

28. For these three exchanges, see *Mengzi yizhu*, “Liang Hui Wang shang” 1.1–1.3: 1–5.

King Hui of Liang [Wei] said, “I am willing to accept your teachings.” Mengzi replied: “Is there any difference between killing a man with a staff and killing him with a dagger?”

“There is no difference.”

“Is there any difference between killing him with a dagger and killing him with [bad] government?”

“There is no difference.”

“There is fat meat in your kitchen and there are well-fed horses in your stables, yet the people look hungry and in the countryside men drop dead from starvation. This is to lead the animals to devour men. Even the devouring of animals by animals is hated by the people. If the government of the ‘father and mother of the people’ cannot avoid leading animals to devour men, wherein is he father and mother to the people? Confucius said, ‘The inventor of human-shaped burial figurines deserves not to have any progeny’—because he uses [figurines] that resemble human beings. So what should be done to the one who causes the people to starve to death?”

梁惠王曰：「寡人愿安承教。」孟子對曰：「殺人以梃與刃，有以異乎？」曰：「無以異也。」「以刃與政，有以異乎？」曰：「無以異也。」曰：「庖有肥肉，廄有肥馬，民有饑色，野有餓殍，此率獸而食人也。獸相食，且人惡之；爲民父母，行政不免於率獸而食人，惡在其爲民父母也？仲尼曰：『始作俑者，其無後乎！』爲其象人而用之也。如之何其使斯民飢而死也？」²⁹

Mengzi leaves no doubt: despite his self-proclaimed care for the people, King Hui does not differ from the worst tyrants of old. His malpractices cause the people to die prematurely, and as such the king deserves no lenience: at the very least he should have no progeny, that is, his dynasty should end. Interestingly, the compilers of the *Mengzi* framed this harsh statement within an anecdote that begins with the king's humble request to teach him. The contrast between the king's humility and Mengzi's harshness serves here to reinforce the pride shown by an intellectual who acts as the superior's teacher—a topic to which we shall return below.

The motif of the ruler's fitness for his office permeates the *Mengzi* and is duly present in his conversations with another of Mengzi's major employers, King Xuan of Qi (齊宣王, r. 319–301 BCE). Thrice

29. *Mengzi yizhu*, “Liang Hui Wang shang” 1.4: 8–9.

the issue is raised in discussions between the two, and these instances deserve a focused treatment.

King Xuan of Qi asked about high ministers [*qing* 卿]. Mengzi said: “Which high ministers are you asking about?”

The king said: “Are there differences between high ministers?”

“Yes. There are high ministers who are related to the lord, and those of other clans.”

“What about high ministers who are related to the lord?”

“If the ruler made a serious transgression, they should remonstrate with him, but if he does not heed repeated remonstrations, they should replace him.”

The king flushed with anger.

“The king should not treat my answer as odd. Since you asked me, I dared not give you anything but the proper answer.”

The king’s color stabilized and he asked about high ministers from other clans. “If the prince made a serious transgression, they should remonstrate with him, but if he does not heed repeated remonstrations, they should leave him.”

齊宣王問卿。孟子曰：「王何卿之問也？」王曰：「卿不同乎？」曰：「不同，有貴戚之卿，有異姓之卿。」王曰：「請問貴戚之卿。」曰：「君有大過則諫，反覆之而不聽，則易位。」王勃然變乎色。曰：「王勿異也。王問臣，臣不敢不以正對。」王色定，然後請問異姓之卿。曰：「君有過則諫，反覆之而不聽，則去。」³⁰

Mengzi raises here two important points. The last one, namely the right of the minister to leave the king, will be addressed below; here we shall focus on the right of the minister to “replace” (literally, “change places with”—*yi wei* 易位) the king. While the right to replace the sovereign is confined to his kin, so that the dynasty would survive, it is remarkable that the conditions for the coup are quite quotidian: the ruler’s failure to heed remonstrance. It is not surprising then that the king flushes with anger: should Mengzi’s views proliferate, not a single sovereign will ever be safe on his throne. This exchange recurs, in an even harsher form elsewhere:

King Xuan of Qi asked: “Did it happen that Tang expelled Jie, while King Wu attacked Zhou[xin]?”³¹

30. *Mengzi yizhu*, “Wan Zhang xia” 10.9: 251–52.

31. Jie 桀 is the “last, evil” king of the Xia dynasty; Zhouxin 紂辛 (d. ca. 1046 BCE) is the “last, evil” king of the Shang.

Mengzi replied: “This is reported in the *Traditions*.”

[The king] said: “Is it permissible that a minister murders his ruler?” Mengzi said: “One who commits crimes against benevolence is called ‘criminal’; one who commits crimes against righteousness is called ‘a cruel one.’ A cruel and criminal person is called ‘an ordinary fellow.’ I heard that an ordinary fellow Zhou[xin] was punished, but did not hear of murdering a ruler.”

齊宣王問曰：「湯放桀，武王伐紂，有諸？」孟子對曰：「於傳有之。」曰：「臣弑其君，可乎？」曰：「賊仁者，謂之賊；賊義者，謂之殘。殘賊之人，謂之一夫。聞誅一夫紂矣，未聞弑君也。」³²

The topic of “righteous rebellion” was part and parcel of the political discourse of the Warring States period, but nowhere is the support for the right to rebel stated as unequivocally as in the *Mengzi*.³³ In marked distinction from most other thinkers who approved of rebellion only under truly exceptional circumstances, such as those associated with the paradigmatic overthrows of Jie and Zhouxin, Mengzi refers to routine violations of the norms of benevolence and righteousness as sufficient justification to rebel and execute the culprit. Any reader of Mengzi’s philippics against contemporary rulers will not fail to notice that these rulers do not differ considerably in his eyes from Jie and Zhouxin. What practical conclusion then can come from this analysis? Should contemporary rulers face replacement and execution just like the past tyrants? And if so, who will decide upon such an execution? Most remarkably, Mengzi fails to mention Heaven (which elsewhere in the *Mengzi* is attributed with important political tasks)³⁴ as a major factor behind the demise of Jie and Zhouxin. Does this mean that rebellion is a normative action against an immoral sovereign? Mengzi does not raise this dangerous question in a conversation with the king, but certain clues in the text apparently strengthen this conclusion.³⁵

To moderate Mengzi’s affront we should recall that King Xuan of Qi had a problematic background (he belonged to the same Chen

32. *Mengzi yizhu*, “Liang Hui Wang xia” 梁惠王下 2.8: 42.

33. For details, see Pines, “To Rebel Is Justified?”

34. For the role of Heaven in the *Mengzi*, see, for instance, *Mengzi yizhu*, “Wan Zhang shang” 9.5–9.6: 219–22.

35. See further discussion in Pines, “To Rebel Is Justified?” 15–16.

lineage, the ascendancy of which worried Yan Ying, and his ancestors deposed the line of legitimate lords of Qi), so he might have even be secretly glad for Mengzi's legitimation for the dynastic replacement. Needless to say, this conjecture cannot be verified; and even if it is correct, then the third exchange between the king and the ruler leaves no doubt with regard to Mengzi's audacity:

Mengzi said to King Xuan of Qi: "Suppose your subject has entrusted his wife and children to a friend, and traveled to Chu. When he returned, he discovered that his friend let his wife and children to suffer cold and hunger. What should be done about it?"

"Cast [the friend] away."

"When the Master of the *shi* is unable to rule the *shi* properly, what should be done about it?"

"Remove him."

"If there is no proper rule within the domain, what should be done about it?"

The king turned to his attendants and changed the subject.

孟子謂齊宣王曰：「王之臣有托其妻子於其友而之楚游者，比其反也，則凍餒其妻子，則如之何？」王曰：「棄之。」曰：「士師不能治士，則如之何？」王曰：「已之。」曰：「四境之內不治，則如之何？」王顧左右而言他。³⁶

Mengzi's message is unequivocal: the malfunctioning king should be removed like any petty official. The implications are clear, and the king once again understands the harshness of Mengzi's message, but dares not punishing his aide; the only way to express his dissatisfaction is dropping the matter. Much like King Hui of Wei, King Xuan of Qi appears astonishingly accommodating toward his aggressive advisor. While the king does not hide his occasional dissatisfaction with Mengzi's remonstrance, especially whenever Mengzi touches upon the most sensitive issue of the legitimacy of the lord's reign, he never punishes his counselor, nor accuses him of subversion. Flushing of anger or turning to other attendants is his strongest reaction. Even firing a troublesome aide does not appear to be an option: whenever we know of the reasons for Mengzi's disengagements from various courts, these are invariably related to the thinker's dissatisfaction

36. *Mengzi yizhu*, "Liang Hui Wang xia," 2.6: 40.

with insufficiently polite treatment by the rulers rather than his being dismissed by appalled employers.

What are the reasons for this surprising complacency of the rulers of the Warring States with Mengzi's strong criticism, which at times approximates overt subversion? After all, unlike an aristocrat of the Spring and Autumn period, Mengzi (and other contemporary thinkers) was economically and politically dependent on the ruler's will, and could not retaliate against the lord if the latter decided to punish him. A possible answer, as I have extensively discussed elsewhere, was a peculiar situation of an interstate "market of talent" of the Warring States.³⁷ During that period, members of the educated elite were moving freely across the Zhou 周 world in search of better appointment. In the situation of acute competition between rival courts, insofar as the demand for gifted statesmen exceeded the supply, *shi* intellectuals were in an excellent bargaining position. Rulers dared not offend them, tolerating harsh criticisms of Mengzi and his like, since should a disgruntled *shi* leave an inhospitable court, this could cause a severe brain drain, benefiting the lord's rivals. A following dialogue from the *Mengzi* may exemplify the ruler's plight:

Mengzi declared to King Xuan of Qi: "If a ruler treats his subjects as his hands and feet, they will treat him as their belly and heart. If he treats them as his horses and hounds, they will treat him as a mere fellow. If he treats them as mud and weeds, they will treat him as a mortal enemy."

The king said: "Ritual requires of a minister to wear mourning for his ruler. How in these circumstances will it be possible to wear mourning?"

[Mengzi] said: "The ruler should follow [the minister's] remonstrance, heed his advice, and benefit the people below. If [the minister] has a reason to leave the country, the ruler should send someone to conduct him beyond the border, and somebody to prepare the way ahead. Only if after three years abroad [the minister] did not return, the ruler might take over his fields and dwellings. This is called 'the three courtesies.' If the ruler behaves so, then it is the minister's duty to wear mourning for him. Today the remonstrance is not followed, advice is not heeded, the people below see no benefits. When a minister has the reason to leave, the ruler has him arrested and put in

37. See Pines, "Friends or Foes"; *Envisioning Eternal Empire*, 163–80.

chains, makes things difficult for him in the state he is going to, and confiscates his fields and dwellings the day he leaves. This is what is meant by ‘mortal enemy.’ What mourning is there for a mortal enemy?”

孟子告齊宣王曰：「君之視臣如手足，則臣視君如腹心；君之視臣如犬馬，則臣視君如國人；君之視臣如土芥，則臣視君如寇讎。」王曰：「禮，為舊君有服。何如斯可為服矣？」曰：「諫行言聽，膏澤下於民；有故而去，則使人導之出疆，又先於其所往；去三年不反，然後收其田舍。此之謂三有禮焉。如此則為之服矣。今也為臣，諫則不行，言則不聽，膏澤不下於民；有故而去，則君搏執之，又極之於其所往；去之日，遂收其田舍。此之謂寇讎。寇讎何服之有？」³⁸

This exchange does not merely illustrate again Mengzi’s audacity when addressing the ruler, but it is also revealing with regard to the connection between ministerial boldness and employment flexibility. Mengzi clearly implies that a minister has no fixed obligations toward a ruler: their relations are based on a *quid pro quo*, and the ruler cannot expect a better attitude than the one he displays toward his aide. Moreover, the minister, in Mengzi’s eyes, has an inalienable right to leave the ruler and go to another state; with a remarkable nerve, Mengzi even demands that the ruler respect the right of the minister to leave the court for a rival state and yet still preserve his emoluments!

We do not know whether or not King Xuan of Qi accepted Mengzi’s arguments, but if he and other rulers, as the authors of the *Mengzi* want us to believe, repeatedly tolerated Mengzi’s affronts, this may have been precisely because they feared that a harsh reaction would cause Mengzi (and other advisors and ministers) to shift allegiance to a rival court. Actually, Mengzi’s audacity was not exceptional in the Warring States period; rather, like Yan Ying, he was simply the most eloquent representative of the self-confident *shi* of his age. Manifold texts and anecdotes from the Warring States period reflect the almost overbearing pride of the members of the *shi* stratum. Some texts tell of haughty *shi* like Yan Chu 顏觸, who humiliated King Xuan of Qi just in order to convince him of the superiority of the *shi* over the sovereigns; other texts postulate that a *shi* may leave the ruler whenever he is dissatisfied with the ruler’s treatment;

38. *Mengzi yizhu*, “Li Lou xia,” 8.3: 186.

others abound with effusive panegyrics to the proud *shi*: “The Five Thearchs could not obtain them as friends, the Three Kings could not obtain them as teachers; only when they cast aside their Thearchs’ and kings’ airs could they approach and be able to attain them.” 五帝弗得而友，三王弗得而師，去其帝王之色，則近可得之矣。³⁹ Thus, while the *shi* were economically dependent on the throne and anxious to find a proper employer or patron, insofar as interstate market of talent continued functioning, they remained in an advantageous position, and were able to maintain a haughty stance. And yet, the pride of the *shi* had its price. Even if the rulers refrained from retaliating against their hypercritical aides, many of them were visibly irritated by the haughtiness of Mengzi and his like, whose posture as the ruler’s superiors undermined the very foundations of the ruler-minister relations.⁴⁰ In this situation, a novel, more moderate approach had to come into existence—the one that would allow the *shi* to retain their pride while preserving political hierarchy intact. This approach is exemplified best in the writings of the relentless critic of Mengzi, Xunzi.

Xunzi: A Cautious Voice

Xunzi is one of the most sophisticated political thinkers in China’s history, the one who contributed decisively toward the formation of China’s imperial political culture. His manifold similarities and differences with other “Confucian” thinkers, such as Mengzi, have been discussed extensively elsewhere and shall not be addressed here anew; suffice it to say that Xunzi is commonly considered as belonging to what is often deemed as a more “authoritarian” or, more precisely, ruler-oriented current within what is broadly defined as “Confucian” thought.⁴¹ This assessment is correct insofar as it reflects Xunzi’s commitment to strengthening the ruler’s authority;

39. *Lüshi chunqiu jiaoshi*, “Xia xian” 下賢 15.3: 879. For earlier examples, see *Zhanguo ce zhushi*, “Qi ce 齊策 4,” 11.5: 395–96; *Guodian Chumu zhujian*, “Yu cong” 語叢 3, slips 1–5. See more in Pines, *Envisioning Eternal Empire*, 115–84.

40. Pines, *Envisioning Eternal Empire*, 136–84.

41. For systematic accounts of Xunzi’s thought, see Goldin, *Rituals of the Way*; Sato, *The Confucian Quest for Order*; I have addressed many aspects of Xunzi’s thought in the *Envisioning Eternal Empire*.

but it should not obliterate his unequivocally critical stance with regard to many of the contemporary rulers. Thus, Xunzi warns them:

Hence when some ministers murder their rulers, when inferiors kill their superiors, when [the people] are timid about defending the walls, turn back on their obligations, and are not ready to die in [the rulers'] service—it is for no other reason than the ruler had chosen this [that is, being assassinated or abandoned] himself.

是以臣或弑其君，下或殺其上，粥其城，倍其節，而不死其事者，無它故焉，人主自取之。⁴²

The harshness of this pronouncement cannot be ignored. A ruler who behaves improperly loses his right to rule; he bears the sole responsibility for his future dethronement and “while he was enfeoffed as a regional lord and is named ‘a ruler,’ he does not differ from a mere fellow and a robber” 如此者，雖封侯稱君，其與夫盜無以異。⁴³ These sayings directly resemble those of Mengzi and suffice to undermine plain identification of Xunzi with the ruler. However, while critical toward contemporary sovereigns, Xunzi radically differs from Mengzi with regard to the proper mode of ruler-minister interactions.

The *Xunzi* is built as a series of shorter and longer essays, and unlike *Mengzi*, it is almost devoid of dialogues. In particular, the book narrates only very few encounters between Xunzi and contemporaneous rulers: although we know that Xunzi’s career was longer and generally more successful than that of either Confucius or Mengzi, he (and/or his disciples and followers) opted not to preserve most of the records of his conversations with power holders. Only a single such dialogue with the sovereign is preserved in the text—Xunzi’s encounter with the most powerful ruler of his age, King Zhao of Qin (秦昭王, r. 306–250 BCE). Since it is highly likely that this single dialogue was included with a deliberate purpose to highlight a proper tone that, in the eyes of Xunzi and his followers, one should adopt when speaking to a ruler, it deserves a closer focus.

42. *Xunzi jijie*, “Fu guo” 富國 6.10: 182–83.

43. *Xunzi jijie*, “Zheng ming” 正名 16.22: 431.

King Zhao asked Master Sun Qing [Xunzi]:⁴⁴ “Are Ru [“Confucians”] useless to the state?”

Master Sun Qing said: “The Ru take the former kings as their model, they exalt ritual and propriety, scrupulously observe the position of sons and subjects, and esteem their superiors. When they are employed, they are positioned at the court and act appropriately; when they are not employed, they retreat, organize the hundred clans, and behave sincerely: surely they will behave compliantly in the inferior position. Even if impoverished, freezing, and starving, they will not follow evil ways to satisfy their avarice; even when having not enough land to place an awl they are clear at upholding the great propriety of the altars of soil and grain; when they shout but nobody responds, they still comprehend penetratingly the guidelines of accumulating myriad things and nourishing the hundred clans. When positioned above, they are of the qualities of kings and dukes; when positioned below, they are the ministers of the altars of soil and grain, the treasure of the ruler. Even when obscure in an impoverished lane in a leaking house, nobody will fail to esteem them—it is because the Way of esteem⁴⁵ truly rests [with them]. . . . When in court, the Ru beautify the government; when in an inferior position they beautify the customs. This is how the Ru behave when they are positioned below.”

秦昭王問孫卿子曰：「儒無益於人之國？」孫卿子曰：「儒者法先王，隆禮義，謹乎臣子而致貴其上者也。人主用之，則勢在本朝而宜；不用，則退編百姓而慤，必為順下矣。雖窮困凍餒，必不以邪道為貪；無置錐之地，而明於持社稷之大義；嗚呼而莫之能應，然而通乎財萬物、養百姓之經紀。勢在人上則王公之材也，在人下則社稷之臣、國君之寶也。雖隱於窮閭漏屋，人莫不貴，（之）[貴]道誠存也。儒者在本朝則美政，在下位則美俗，儒之為人下如是矣。」⁴⁶

This exchange differs markedly from what we saw in the Mengzi. The ruler’s attitude is not that of a humble student; nor is he interested in impressing his guest; rather, he asks Xunzi dismissively whether or not the Ru, on whose behalf Xunzi is speaking, are useless to his state. In response, the thinker extols the Ru’s usefulness,

44. Xunzi (Xun Qing 荀卿) is rendered here Sun Qing because the book’s compiler, Liu Xiang (劉向, ca. 79–8 BCE) avoided the tabooed character Xun 詢, the name of Emperor Xuan of the Han (漢宣帝, r. 73–49 BCE). See Wang Xianqian’s gloss in *Xunzi jijie* 117.

45. Following Wang Xianqian, I emend 之 to 貴 (*Xunzi jijie* 118).

46. *Xunzi jijie*, “Ru xiao” 儒效, 4.8: 117–120.

strongly emphasizing their ability to contribute to the state's well-being and to proper social *mores* even when in an inferior position or lacking an official appointment. Significantly, Xunzi emphasizes from the very beginning that the Ru “scrupulously observe the position of sons and subjects and esteem their superiors” and that they “behave compliantly in the inferior position.” It seems that Xunzi was anxious to distinguish the true Ru of his kind from troublemakers of Mengzi's ilk. With this emphasis on compliance, the entire exchange is marked by Xunzi's defensiveness and accommodating spirit. This changes only slightly in the second half of the dialogue:

The king said: “If so, how do they behave when positioned above?”

Sun Qing said: “When above, they are broad and great: their will and intentions are stabilized within, ritual norms are maintained at the court, laws, and measures are ordered among the officials; loyalty, trustworthiness, and the love for benefits is formed among the inferiors. They will never do anything inappropriate or kill an innocent person to attain All under Heaven. The dutifulness of these lords is trusted by the people, penetrates the four seas, and then All under Heaven replies to it joyously: why is it? This is because their esteemed name is clear, and All under Heaven is properly governed. Hence, those who are close are chanting and are pleased with them; the distant exert themselves to approach them; all [within] the four seas are like a single family, and wherever they reach everybody is submissive: this is called being the Master of the people. The poem says: ‘From the west, from the east, / from the south, from the north, / there is none who is not submissive.’ It is told about this. Thus, such are they when positioned below, such are they as positioned above—how can you say that they are useless for the state?”

King Zhao said: “Good!”

王曰：「然則其爲人上何如？」孫卿曰：「其爲人上也廣大矣；志意定乎內，禮節脩乎朝，法則度量正乎官，忠信愛利形乎下，行一不義、殺一無罪而得天下，不爲也。此君主義信乎人矣，通於四海，則天下應之如謹。是何也？則貴名白而天下治也。故近者歌謠而樂之，遠者竭蹶而趨之，四海之內若一家，通達之屬莫不從服，夫是之謂人師。詩曰：「自西自東，自南自北，無思不服。」此之謂也。夫其爲人下也如彼，其爲人上也如此，何謂其無益於人之國也？」昭王曰：「善。」⁴⁷

47. Xunzi *jijie*, “Ru xiao” 4.8: 120–21. The quoted poem is “Wen Wang you sheng” 文王有聲 from the *Shijing* (Mao no. 244).

The second part of the exchange may contain seeds of criticism of the king: Xunzi's flattering depiction of the moral and political superiority of a Ru when the latter is placed in a position of a ruler may hint at a king's inadequacy: after all, King Zhao was surely neither the person who would shun morally inappropriate acts when facing the possibility to attain "All under Heaven," nor was he a kind of the leader to entice universal voluntary submission. Yet if Xunzi indeed targeted the king, he succeeded in making the criticism as inoffensive as possible. In marked distinction from Mengzi or Yan Ying he did not raise the tiniest issue related to King Zhao personally, and remained on a highly theoretical level of discussion. Therefore, the king's reaction was just to say "good" rather than to ask, "How can I attain this blessed state of affairs?" as such an exchange would probably end in the *Zuozhuan* or the *Mengzi*.

Why did Xunzi and/or his followers decide to preserve this exchange with King Zhao despite the thinker's humble and defensive stance vis-à-vis the ruler? I think that the inclusion aims at demonstrating what Xunzi believed to be a proper mode of the ruler-minister interactions. Xunzi was not a flatterer, and he recognized the importance of remonstrance, but he might have felt that Mengzi and his like were alienating rulers rather than encouraging them to improve their ways; it is not impossible that King Zhao's provocative question "Are the Ru useless to the state?" was placed as an indirect reference to the "vulgar Ru" (*su Ru* 俗儒) of Mengzi's type. Xunzi explained elsewhere how the minister should interact with the ruler:

In serving a sage ruler, be attentive and compliant without remonstrance and arguments. In serving an average ruler, remonstrate and argue without flattery and servility. In serving a violent ruler, you should mend his deficiencies without ostensibly opposing him. When encountering a calamitous age, living in poverty in a violent state and having nowhere to escape, you should praise [the ruler's] fine character, hail his goodness, avoid [exposing] his badness, conceal his mistakes; speak of his advantages and do not mention his shortcomings—turning this into your habit. The *Poems* say: "When the state has the Great Decree, do not tell it to others, just preserve your body." It speaks just about this.

事聖君者，有聽從無諫爭；事中君者，有諫爭無諂諛；事暴君者，有補削無撓拂。迫脅於亂時，窮居於暴國，而無所避之，則崇其美，揚其

—-1
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—+1

善，違其惡，隱其敗，言其所長，不稱其所短，以爲成俗。《詩》曰：「國有大命，不可以告人，妨其躬身。」此之謂也。⁴⁸

There are four possible ways to interact with a ruler, and remonstrance is only one of them, although perhaps the most common, since it is prescribed for the “average ruler.” Importantly, though, of the proposed ways of action Xunzi omits the one that was the most natural for most of his contemporary office holders, namely, leaving for another state. By speaking of conditions in which “there is nowhere to escape,” Xunzi apparently envisions a future unified empire that effectively monopolizes the market of talent, putting an end to free boundary crossing by members of the elite. In this soon-to-be-established new world order a critical minister will lack the ability to leave and will no longer be able to defy the sovereign with Mengzi’s haughtiness. This insight of Xunzi became a reality soon after his death, when the great-grandson of King Zhao, King Zheng 政 of Qin unified “All-under-Heaven,” establishing a new, imperial polity that was to last for 2,132 years.

Epilogue: Li Si—From Teacher to Servant

The imperial unification can be considered the second major change in the ruler-minister relations in China history after the decline of hereditary aristocracy. When King Zheng of Qin—now the First Emperor/August Thearch of China (秦始皇帝, r. 246–221 BCE as king, to 210 BCE as emperor)—proudly proclaimed, “Wherever human traces reach, / There is none who does not declare himself [the Thearch’s] subject” 人跡所至，無不臣者，⁴⁹ he did not exaggerate much. The interstate market of talent had ended and a firm monopoly on employment of the intellectuals had become established throughout the “civilized” world. In these new conditions, Xunzi’s assessment of the proper forms of ruler-minister interactions proved to be prescient.

The new mode of ruler-minister relations transpires through the interaction between Qin ministers and the First Emperor, as is

48. Xunzi *jijie*, “Chen Dao” 臣道 9.13: 251–52. The quoted poem is not a part of the current *Shijing*. Cf. Xunzi’s recommendations for dealing with different types of rulers in “Zhongni” 仲尼 3.7: 109–10.

49. SJ 6.245; Kern, *Stele Inscriptions of Ch’in Shih-huang*, 32–33.

reflected in the “Basic Annals of the First Emperor” in the *Shiji* 史記. Discussion continues about the reliability of this chapter of the *Shiji*, but I believe that insofar as Sima Qian incorporated, at least in part, original Qin court materials, then, possible manipulations aside, his account represents reliably the Qin court atmosphere.⁵⁰

Let us look briefly at one of the most famous memorials presented by Li Si and his colleagues to the First Emperor at the very beginning of the imperial rule. The topic was the adoption of a new title by the King of Qin in the aftermath of the successful unification of All under Heaven. The memorialists—the chancellor Wang Wan 王綰, the imperial secretary Feng Jie 馮劫, and the commandant of justice Li Si—proposed:

In antiquity, the lands of the Five Thearchs were one thousand *li* squared, beyond which was the regional lords’ domain and the aliens’ domain. Regional lords sometimes came to the court and sometimes did not, and the Son of Heaven was unable to regulate this. Now, your Majesty has raised a righteous army, punishing the savage criminals, has pacified and stabilized All under Heaven, turning the territory between the seas into commanderies and counties; and laws and ordinances have a single source. From antiquity it has never been so; the Five Thearchs could not reach this!

昔者五帝地方千里，其外侯服夷。服諸侯或朝或否，天子不能制。今陛下興義兵，誅殘賊，平定天下，海內爲郡縣，法令由一統，自上古以來未嘗有，五帝所不及。⁵¹

The beginning is flattering enough, which is expected, not only because of the officials’ understandable desire to win the king’s favor, but also because of the undeniable magnitude of the king’s achievements. After all, it was King Zheng who realized the dreams of pre-imperial thinkers, Mengzi and Xunzi included, to put an end to endless war and turmoil of the Warring States period. Now, the officials turn to their practical recommendation:

We, your subjects have respectfully consulted with the court erudites who tell us that in antiquity there was the Heavenly August, Earthly

50. For doubts toward the reliability of Sima Qian’s account, see van Ess, “Emperor Wu”; for attempts to discern reliable information from this account, see, e.g., Kern, *Stele Inscriptions of Ch’in Shih-huang*.

51. *SJ* 6.236; modifying Watson, *Records of the Grand Historian*, 43.

August, and Greatly August, of which the Greatly August was the most esteemed. Therefore, *on pain of death your subjects propose upwards* the following titles: the king shall become “the Greatly August”; his commands—“edicts”; his orders—“decrees”; the Son of Heaven shall refer to himself by the pronoun *zhen* 朕.

臣等謹與博士議曰：『古有天皇，有地皇，有泰皇，泰皇最貴。』臣等昧死上尊號，王爲『泰皇』。命爲『制』，令爲『詔』，天子自稱曰『朕』。⁵²

Let us put aside for a moment the content of the proposal and focus on its form: twice the ministers refer to themselves as “we, your subjects” (*chen deng* 臣等); and then they precede their concrete recommendations by the formula “speaking on pain of death” (*mei si* 昧死). The self-reference “your subject” (*chen* 臣) is not new, of course: it appears, albeit infrequently, in texts from the Spring and Autumn and the Warring States periods. Yet the term “speaking on pain of death” is apparently novel.⁵³ This formula, which implies that the proponents may somehow be responsible for a transgression that warrants the death penalty, is pronounced neither in a daring remonstrance nor in a speech that is supposed somehow to enrage the ruler, but in a relaxed situation of a flattering proposal aimed at answering the king’s aspirations. That the assembled ministers use these words reflects nothing but a new court atmosphere: henceforth, addressing the ruler meant taking into consideration the possibility that he would be somehow enraged and put his advisor(s) to death.

The compound *mei si* recurs in Li Si’s presentations to the throne, including his most (in)famous speech in which he recommended imposing a ban on “private learning.”⁵⁴ It appears that the most powerful Qin courtier applied it from the first moment of the imperial unification. Accordingly, Cai Yong (蔡邕, 135–192 CE) assessed that the *mei si* formula came into existence from the time of Qin unifica-

52. SJ 6.236. Italics mine.

53. I have found only one instance of this term in preimperial texts: in a memorial supposedly submitted to the king of Qin either by Zhang Yi (*Zhanguo ce zhushi*, “Qin ce 1,” 3.5: 88–91) or by Han Feizi (*Han Feizi jijie*, “Chu xian Qin” 初見秦 1.1: 12). In that memorial, braving death is not a formula but a very real suggestion, followed by the proposal to execute the memorialist if his plan of action fails. Evidently, *mei si* did not exist as a fixed formula of speech in the Warring States period.

54. See SJ 6.254, 267.

tion, and eventually it became common in the imperial court exchanges.⁵⁵ Its proliferation during the Qin dynasty had been recently confirmed by a discovery at the site of Liye 里耶 of what appears to be an extract from the Qin court communication, which contains the *mei si* formula.⁵⁶ The application of this formula is indicative of a deep change in a minister's standing vis-à-vis the sovereign.

It would be an oversimplification to contrast Mengzi and Li Si as representatives of change in ruler-minister relations from the middle Warring States period to the time of Qin unification. Not only does this comparison ignore individual differences (Li Si was not a courageous remonstrator but a skillful courtier), but it also does not take into consideration difference in our sources: Li Si's memorials and speeches come, in all likelihood, directly from the Qin court documents and are not embellished by the thinker's followers as may be the case with Mengzi, Xunzi, and, less likely, Yan Ying. Moreover, ending the discussion with Li Si's *mei si* formula may obscure the fact that it was Mengzi, not Li Si, who remained a model intellectual for the majority of the imperial literati.

This said, the difference between Li Si and his predecessors is not just a matter of my selective approach. The transformation of Li Si from a traveling persuader into the imperial chancellor is indicative of the broader transformation of the members of the educated elite into a much more dependent stratum than was the case before the unification. In the Spring and Autumn period, the educated elite was almost equivalent to the ministerial stratum, the members of which, due to a peculiar situation of the rulers' weakness, could treat the lords as *primus inter pares*. In the Warring States period, the elite became much broader, comprising both active and aspiring officials, and its members lost their power vis-à-vis the throne. Yet insofar as the interstate market of talent continued to function, the appointment flexibility of the *shi* allowed them a relatively independent stance of any specific ruler, encouraging haughty admonitions of Mengzi and his like. Now, in the newly unified world, members of the educated elite could focus their aspirations only on a single court,

55. For Cai Yong's views, see Giele, *Imperial Decision-Making and Communication in Early China*, 92–94.

56. See Chen Wei, *Liye Qin jiandu jiaoshi*, 376, slip 8-1668.

ruled by the most powerful universal monarch. With the power of an emperor dwarfing that of any ruler of pre-Qin world, it was no longer possible to defy him in the harsh way characteristic of Yan Ying and Mengzi.

The self-deprecating tone adopted by Li Si and his fellow ministers dominated the ruler-minister interaction during the imperial era; and the figure of a semi-independent advisor to the throne, of Mengzi's kind, disappeared. The emperors were protected by the *lèse majesté* laws, which could turn any critical comment into the criminally punishable "great irreverence" (*da bu jing* 大不敬); and as they gradually assumed the posture of sages (*sheng* 聖), they were less inclined to behave as the thinkers' disciples.⁵⁷ While it was expected of the emperor to behave modestly and to recognize the superior ideological expertise of his aides (see the example of Emperor Wu [漢武帝, r. 140–87 BCE] in Sarah A. Queen's essay in this volume), it was up to the emperor to decide when to dispense with the accommodating spirit and punish his critics—not just for direct remonstrance but even for the "crime of [criticizing the government] in the stomach" (*fu fei zui* 腹非罪).⁵⁸ Hence, although ostensibly "direct words" were welcome, and the office of remonstrating officials was established, in practice overt criticism could be suicidal, as many courtiers of Emperor Wu came to learn very well.

Yet having become the ruler's servitors rather than his teachers, the imperial literati were not necessarily cowed into senseless subservience. Amid flatterers and sycophants there always was a substantial conscientious minority that followed Xunzi's imperative "Follow the Way and not the ruler."⁵⁹ Some, like Dong Zhongshu (董仲舒, ca. 195–115 BCE) in Queen's essay, preferred a subtle remonstrance, hidden behind the veneer of ritualized speech that emphasized the minister's humility and the emperor's exaltedness; others, like Dong's

57. For the complexity of the concept of imperial sagacity in the early empire, see, e.g., Xing, "Qin Han huangdi yu 'shengren,'" 50–83.

58. See *HS* 24B.1168 for the execution of the minister of agriculture under Emperor Wu, Yan Yi 顏異, for this crime. See more on the atmosphere of terror against outspoken officials under Emperor Wu in Wu, *Written at Imperial Command*, 13–15.

59. See *Xunzi jijie*, "Chen Dao," 9.13: 250, and the discussion in Pines, "Friends of Foes."

contemporary, Sima Xiangru (司馬相如, 179–118 BCE) opted for even subtler “indirect remonstrance”; yet none of these men became the emperor’s obedient tool. And while throughout the imperial era the criticism of the monarch had normally to be expressed in a much more self-deprecating language than before, there was also a distinct minority of diehard critics, who dared to directly assault the throne, willing at times to sacrifice their careers and even their lives for the sake of preserving their moral integrity—much in the way of Mengzi, but usually with much harsher consequences.⁶⁰

Yet putting aside both sycophants and radical critics, I can summarize that in the final account, it seems, that Xunzi—as in many other cases—properly grasped the essential norms of a future imperial interaction between a ruler and his aide. A prudent minister would continue to “follow the Way,” but he would express his reservations in an accommodating language without either offending or alienating the ruler. The model of Xunzi’s cautious admonition to King Zhao appears thus as a more viable form of communicating with the sovereign than the fierce and offensive criticism practiced by Yan Ying and Mengzi. It seems then that Xunzi poses a reasonable compromise between Yan Ying’s and Mengzi’s audacity and Li Si’s subservience.

60. For “indirect remonstrance” see Schaberg, “Playing at Critique”; for Sima Xiangru’s case, see Wu, *Written at Imperial Command*, 16–21; for the complexity of expressing one’s dissatisfaction in the imperial court, see e.g., Declercq, *Writing against the State*; cf. Liu Zehua’s analysis in *Zhongguo de Wangquanzhuyi*, 263–79. For the diehard critics of the throne, see Pines, *The Everlasting Empire*, 97–100.