TWO

# Contested Sovereignty

## *Heaven, the Monarch, the People, and the Intellectuals in Traditional China*

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OF THE MANIFOLD ASPECTS OF "SOVEREIGNTY," I want to focus on the issue most pertinent to early Chinese political thought, and indeed one related to the question of "political theology" in the West—namely, who is the source of supreme political authority? Is it a monarch personally, or is there a superior entity to which the monarch's will should be subordinate? This issue was debated—sometimes subtly, sometimes overtly—throughout the voluminous corpus of early Chinese political texts. Different conceptualizations of sovereignty coexisted before the imperial unification of 221 BCE and continued to influence the functioning of Chinese imperial polity (221 BCE–1912 CE). In what follows I argue that this coexistence of conflicting approaches reflected one of the basic tensions in Chinese political culture: the tension between, on the one hand, the unanimous conviction in the importance of a single omnipotent monarch as a stabilizer of the political system and, on the other hand, an awareness that an inept or malevolent monarch may harm rather than benefit this system. In my analysis, one may discern behind multiple concepts of sovereignty the desire of preimperial intellectuals and imperial literati—the architects and custodians of Chinese empire—to maintain their power at the ruler's side, and sometimes in the ruler's stead.

## Monarch-Centered Thought

In the evolution of China's concepts of the ruler's authority, we can distinguish two important stages. The first, which may be considered a prologue to Chinese political thought in general, is the formation of the concept of Heaven's Mandate at the beginning of the Zhou dynasty (1046–256 BCE). Facing the need to justify the overthrow of their erstwhile masters, the Shang dynasty (ca. 1600–1046 BCE), the Zhou leaders claimed that they acted on behalf of the supreme deity, Heaven. According to their claim, Heaven originally mandated the Shang to rule, but once its monarchs misbehaved and discarded their responsibilities toward the people, "merciless Heaven" withdrew its Mandate from the Shang and granted it to the Zhou. This theory, which had a lasting impact on Chinese political culture, served both to justify Zhou rule and to caution future Zhou kings that unless they perform their tasks properly their dynasty may collapse as well. One of the early Zhou documents warns explicitly: "Heaven's Mandate is not constant."[1]

I return to the concept of Heaven's Mandate and its implications on the ruler's sovereignty below; here, suffice it to say that while the resort to divine legitimacy played an important role in ensuring initial stability for the Zhou regime, after a few centuries its effectiveness faded. Beginning in the eighth century BCE the Zhou world entered a period of prolonged crisis. First the Zhou "Sons of Heaven" were eclipsed by their nominal underlings, the regional lords; then those lords themselves lost power to leading ministerial lineages in their polities, and many of these lineages were in turn torn apart by fratricidal struggles. By the fifth century BCE, the would-be China was engulfed in a war of all against all, in which no victor could be expected and which gave the subsequent period its ominous name, the age of the Warring States (453–221 BCE).

The Warring States period was marked by ongoing military turmoil, but it was also an age rife with new departures in the sociopolitical and intellectual spheres. Politically, a series of profound reforms replaced the loose aristocratic polities of the past with centralized bureaucratic territorial states, which maintained a higher degree of control over the population than previously imaginable. Socially, the pedigree-based order was replaced by a new one in which individual merits played a more important role than birth rights in ensuring social status.[2] And intellectually, this era was marked by immense creativity, boldness, and diversity, which earned it the nickname

of the age of the "Hundred Schools of Thought." Ideas, values, and perceptions developed during this period contributed decisively to the formation of the political, social, and ethical orientations that we identify today with traditional Chinese culture, creating an ideological framework within which the Chinese empire functioned from its inception in 221 BCE until its last decades. More specifically, concepts of rulership formed during this time continued to exercise immense influence on the functioning of Chinese emperors for millennia to come.[3]

The Warring States period was marked by remarkable intellectual pluralism. Ideas developed amid vibrant debate, uninhibited by political or ideological orthodoxies—a debate in which thinkers of different intellectual affiliations promoted highly distinctive approaches. Yet despite the variety of their ideas, thinkers of the Warring States period shared certain common perceptions. Two of these are of primary importance for the subsequent discussion: first, political unification of "All-Under-Heaven" is the only solution to perennial war; second, unification is attainable only under the aegis of a single omnipotent monarch. The monarchic principle of rule could be considered the effective bottom line of conflicting proposals.[4]

The thinkers' preoccupation with the idea of monarchism came against the backdrop of the crisis of monarchic rule in the preceding centuries. As mentioned above, the authority of the Zhou kings derived primarily from their exclusive religious power. In their capacity as "Sons of Heaven," the kings were the sole mediators between humans and the supreme deity; in addition, they had preferential access to the deified ancestors of the royal clan who acted as divine protectors of their progeny. This cultic power ensured to a certain extent the kings' ongoing mundane authority (and, mutatis mutandis, the authority of regional lords within their domains), but in the long term its effectiveness was limited. In the age marked by increasing skepticism toward the ability of divine forces to influence mundane affairs,[5] Zhou kings, as well as regional lords, were in the process of becoming ritual figureheads devoid of real authority. This uncertainty of the rulers' position was arguably the primary factor behind the political disintegration that plagued the Zhou world from the eighth century BCE, and it is to rectify this situation that thinkers of the subsequent Warring States period focused on the issue of the ruler's power. Their differences aside, the overwhelming majority of known thinkers came to an unanimous conclusion: ensuring supreme authority of the ruler—first within an individual polity and then

in "All-Under-Heaven"—is the primary precondition for restoring universal peace and stability.[6]

Thinkers of the Warring States period provided manifold justifications for empowering the rulers and solidifying their authority; among these, two are particularly important for our discussion. First, the ruler was conceptualized as essential for ensuring proper sociopolitical order. The majority of thinkers agreed that to function properly, society should be stratified; this stratification would be impossible without the existence of a singular leader at the apex of social pyramid. Xunzi (ca. 310–230 BCE), arguably the most brilliant of preimperial thinkers, promulgated this understanding with the utmost clarity:

> In their lives the people cannot but create collectives; when they create collectives but there are no distinctions, there is contention; contention and then chaos; chaos and then separation; separation and then weakness; when [the people] are weak, they cannot overcome things; hence they cannot obtain palaces and houses to dwell in. . . . He who is able to employ his subjects is called the ruler. The ruler is the one who is good at [making people] flock together into a collective.[7]

Forming a social collective is the essential need of human beings. The collective, however, cannot be established without maintaining proper social distinctions, because otherwise, as Xunzi explains elsewhere, greediness of human beings and their desire to appropriate limited resources will lead to contention and turmoil. Maintaining distinctions, in turn, requires the unifying presence of the ruler. Xunzi emphasizes linguistic proximity between the terms "ruler" (君, *jun*) and "collective" (群, *qun*): the language itself reflects interconnectedness between the two. These ideas are further developed in "Relying on the Ruler," a chapter from a major preimperial compendium, the *Lüshi chunqiu*. The chapter, possibly penned by Xunzi's followers, explicates why a rulerless society is doomed:

> In high antiquity it happened that there was no ruler. The people lived together, dwelling like a herd. They knew their mothers but no fathers; had no distinctions between relatives, elder and younger brothers, husband and wife, male and female; had no way of superiors and inferiors, of old and young; had no rites of entrance, departure, and mutual greetings; had no advantages of

> clothes, caps, boots, dwellings, and palaces; had no facilities such as utensils, instruments, boats, chariots, outer and inner walls, and defensive fortifications. This is the trouble of lacking a ruler.[8]

As in European modernity, many thinkers of the Warring States period looked at a primeval stateless society to find in its imagined past justifications for their recipes for the present.[9] The authors of the above passage learned from prehistory that a society without a ruler was a miserable one, one in which human beings could not attain minimal civilizational comfort. They sought to further prove this observation anthropologically, surveying a variety of uncivilized tribes at the fringes of Chinese civilization, and concluding:

> These are the rulerless of the four directions. Their people live like elk and deer, birds and beasts: the young give orders to the old; the old fear the adults; the strong are considered the worthy; and the haughty and violent are revered. Day and night they abuse each other, leaving no time to rest, thereby exterminating their own kind. The sages profoundly investigate this trouble: hence when they consistently think of All-Under-Heaven, nothing is better than establishing a Son of Heaven; when they consistently think of a single state, nothing is better than establishing a ruler.[10]

The social necessity of establishing the ruler is clarified by both historical and anthropological examples: a society without a ruler is a society without rules; it is doomed to be enmeshed in nightmarish turmoil in which everybody loses. A ruler, therefore, is not a mere political function but rather a fundamental social desideratum. Yet merely establishing a ruler is not enough. If the authority is not fully concentrated in his hands, it will lead to inevitable turmoil, akin to that which destroyed the aristocratic polities of the preceding age. This is the second pillar of the ruler-centered discourse of the Warring States period, and the singularly important aspect of contemporaneous views of sovereignty. To function properly, the ruler should possess exclusive political authority. The *Lüshi chunqiu* explains:

> The True Monarch upholds oneness and becomes the rectifier of the myriad things. The army needs the general: thereby it is unified. The state needs the ruler: thereby it is unified. All under Heaven needs the Son of Heaven: thereby

> it is unified. The Son of Heaven upholds oneness, thereby unifying it [the realm]. Oneness brings orderly rule; doubleness brings chaos.[11]

This short passage exemplifies the fundamental concern of the Warring States thinkers: any dispersal of the ruler's authority, any multiplicity of loci of power, will inevitably result in political crisis. The military simile is revealing: in the army, preservation of the chain of command and of the singular authority of every commander over his unit is essential for the proper functioning of the unit; so, the authors imply, it is in the political sphere. This simile was perhaps all too understandable for the dwellers of the Warring States world, who lived in a state that resembled a military machine.[12] The saying "Oneness brings orderly rule; doubleness brings chaos" recurs in a great variety of contemporaneous texts and may be considered a point of consensus for competing thinkers.[13] This consensus prevented creation of institutional means to check the ruler's power: any competing locus of authority was considered detrimental to the polity's functioning.

What does "oneness" mean in practical terms? First, the exclusivity of the ruler's position as the final decision maker: "he who is able to make decisions exclusively will therefore be the sovereign of All-Under-Heaven."[14] Second, the ruler's authority should be not just exclusive but absolute. Thinkers of the Warring States repeatedly invoked the line from the canonical *Book of Poems*: "Everywhere under Heaven is the King's land, each of those who live on the land is the King's servant."[15] This line was interpreted as referring to the comprehensive power of the monarch over property and social position of his subjects; or, in the words of a later text, "There are six things that the enlightened king maintains: to give life, to kill, to enrich, to impoverish, to ennoble, to debase."[16] Life, property, social position: all had to be determined by the sovereign. Indeed, in some of the Warring States, most notably the would-be unifier of Chinese world, the state of Qin, practical steps were taken to impose the ruler's control over his subjects' socioeconomic status by unifying political, economic, and social hierarchy.[17]

One can easily identify a despotic potential in the statements cited above, but we should not jump to conclusions. As I demonstrate below, thinkers of the Warring States period remained painstakingly aware both of the dangers of despotism and of the problem of unfitness of individual monarchs, and they sought multiple ways of mitigating the ruler's excesses. Advocacy of the ruler's exclusive decision making should not be confused with nullifying

his aides. On the contrary, even the texts associated with authoritarian-minded thinkers repeatedly emphasize the collective nature of governance. For instance, the *Book of Lord Shang*, attributed to a staunch authoritarian, Shang Yang (d. 338 BCE), argues:

> The state is ordered through three [things]: the first is standards, the second is trustworthiness, the third is authority. Standards are what the ruler and ministers jointly uphold; trustworthiness is what the ruler and ministers jointly establish; authority is what the ruler exclusively regulates. When the sovereign loses what he should preserve, he is endangered; when the ruler and the ministers cast away standards and rely on their private [views], turmoil will surely ensue. Hence when standards are established, divisions are clarified and standards are not violated for private reasons, then there is orderly rule; when authority and regulations are determined exclusively by the ruler, [he inspires] awe; when the people trust his rewards, successes are accomplished; and when they trust his punishments, wickedness has no starting point.[18]

The emphasis on the singularity of the ruler's position at the top of the government apparatus is softened here by three clauses. First, the ruler is reminded that laws should be maintained jointly by the ruler and his ministers, not by the ruler alone. Second, the ruler is urged to preserve collaborative spirit ("trustworthiness") in relations with his aides. Third, and most importantly, just like the ministers, the ruler is strongly discouraged to cast away the law "for private reasons." The latter point is particularly important. Even those texts that adopt radical pro-ruler and antiministerial views, such as the *Book of Lord Shang*, remain adamant in their insistence that the ruler relinquishes his "private" (*si*) interests and whims. Institutionally omnipotent, the ruler is recognized still as a human being, and potentially an erring human being. How to prevent the monarch's personal weaknesses from damaging his institutional role without undermining his absolute authority became one of the trickiest problems in traditional Chinese political thought.

## Heaven, the Ruler, and the People

In defending his commitment to the monarch's absolute power, Han Fei (d. 233 BCE), arguably the staunchest defender of the ruler's unlimited author-

ity, conceded that at times villains could occupy the throne and that their rule would damage the very social and political fabric that rulers are supposed to protect. Yet he reminded his opponents that monsters on the throne—just as moral paragons—are exceptions: "Generations of rulers cannot be cut in the middle, and when I talk of power of the authority, I mean the average."[19] Overall, a ruler-centered system would remain effective enough and ensure smooth functioning of the government.

Han Fei's bold defense of a completely depersonalized monarchic system, sustainable under any but an exceptionally monstrous sovereign, was criticized by many thinkers, especially (but by no means exclusively) the followers of Confucius (551–479 BCE). While accepting in principle the idea that the ruler's institutional authority should be limitless, they were deeply concerned with the quality of individual rulers and, in particular, with potentially unfit sovereigns. This latter problem can be further subdivided into two: dealing with wicked despots, whose rule even Han Fei's system could not accommodate, and maintaining orderly rule under an inept (but not necessarily malevolent) ruler. In this section I focus on the dilemma of the despot, which was more directly challenging to the idea of monarchism shaped during the Warring States period.

The problem of malevolent monarchs was one of the earliest issues addressed by Chinese political thought. It was intrinsically connected to the replacement of the Shang dynasty by its Zhou subjects around 1046 BCE. As mentioned above, to justify their overthrow of the Shang, the Zhou leaders developed a theory of Heaven's Mandate, which could be withdrawn from a wicked sovereign. This theory, incorporated into canonical scriptures attributed to the Zhou founders, became a cornerstone of subsequent discussions of the issues of rulership. In a nutshell, it said that Heaven, the supreme and omniscient deity, supervises the political order below. Whenever a ruler behaves licentiously and oppressively, he is in danger of losing his forefather's Mandate, which would be transferred to the next, morally upright incumbent.

Using divine power both to support and to control the ruler's sovereignty may be considered a common feature of monarchies worldwide.[20] Yet Chinese Heaven was a peculiar deity. No prophet spoke on its behalf, no scriptures encapsulated its message; its omens were prone to multiple interpretations, and divination, once the major means of ascertaining divine will, was relegated in the Zhou era to the position of an auxiliary tool of "resolving

doubts" but not a source of routine political guidance.[21] So removed was Heaven from everyday religious life that one of the leading scholars of early Chinese religion has suggested that its worship was less a religion and "more akin to a type of political philosophy."[22] The apparent weakness of the underlying religious belief in Heaven's Mandate explains why this notion remained of limited use in either bolstering or restricting the ruler's power throughout much of the Zhou era.

Being aware of the potential weakness of a pure appeal to Heaven, the architects of the early Zhou political culture introduced another important player to their nascent theology of sovereignty: the people. Many early Zhou documents explain that Heaven's interventions to punish or reward individual rulers are not whimsical; rather, Heaven acts on behalf of the people below and often speaks through their voices. One of these documents, "The Great Oath," allegedly created on the eve of the overthrow of the Shang, clarifies: "Heaven sees through the people's seeing, Heaven hears through the people's hearing." Elsewhere the text summarizes, "Heaven inevitably follows the people's desires."[23] It was on behalf of the people that Heaven punished the last rulers of the Shang and its putative predecessor, the Xia dynasty. Thus, pitying "the people of the four corners," Heaven replaced its "primary son," King Zhouxin of Shang (d. 1046 BCE), with the new incumbent, King Wen of Zhou (d. 1047 BCE). The latter was selected precisely because of his proven ability to care for the "small people." "Protecting the people" is further identified as one of the major tasks of Zhou government, insofar as the new leaders want to escape the miserable fate of the Xia and Shang.[24]

The interconnectedness of Heaven and the people created an effective mixture that can be considered an alternative source of sovereignty: a combination of divine and popular authority. Insofar as the people's well-being was the ultimate raison d'être of the polity, according to which the ruler's performance should be judged, and insofar as Heaven was acting on the people's behalf in selecting a new recipient of the Mandate, the combined authority of Heaven and the people was obviously superior to that of any individual monarch. Most consequentially, the fact that replacing a transgressing ruler was politically and religiously legitimate challenged the idea of a monarch as an absolute sovereign of the realm.

Being associated with early Zhou canonical texts, this acceptance of a supra-monarch locus of authority could not be easily dismissed even in the

Warring States period, when the primary source of the thinkers' concern was empowering monarchs rather than supervising and restricting them. Aside from a few dissenting voices, such as Han Fei's call to outlaw the very discourse of the Mandate's transferability as potentially subversive,[25] most thinkers had to look for ways of reconciling the Mandate's theory with the new understanding of the monarch's sovereignty. Individual solutions differed, but the dominant trend was to downplay the role of Heaven while stressing the importance of the people as ultimate kingmakers. This latter emphasis however was to serve as a check on the ruler's authority rather than squarely making the people an alternative source of sovereignty.

To be sure, the idea of Heaven as a sentient and interventionist deity was not abandoned altogether. It is particularly prominent in the writings of Mozi (ca. 460–390 BCE), who unequivocally assigned Heaven the role of the ultimate sovereign and the ruler's supervisor. Mozi argued that "the Son of Heaven cannot rectify himself; he is rectified by Heaven"[26] and that Heaven invariably inflicts rewards and punishments on the ruler. Mozi made Heaven a crucial actor in his political model. For instance, he advocated political centralization under a powerful ruler who would impose moral and intellectual uniformity on his subjects, yet this centralization presupposed Heaven as the supreme level of authority above the ruler: "If the hundred clans all conform upwards with the Son of Heaven but not with Heaven itself, then the disasters are still not eradicated. Now, frequent visitations of hurricanes and torrents are just punishments from Heaven upon the hundred clans for not conforming upward with Heaven."[27]

Heaven in the *Mozi* is an equivalent of absolute correctness; it is also the supreme rectifier, which actively monitors the human realm. This view was clearly a minority opinion, though; Mozi himself lamented that "today, officers and superior men of All-Under-Heaven all understand that the Son of Heaven rectifies All-Under-Heaven but do not understand that he is rectified by Heaven."[28] Many thinkers ignored Heaven's political role altogether; others interpreted it as an impersonal natural law that the ruler should understand and apply but that does not act consciously to punish him. Yet other thinkers, like Xunzi, explicitly stripped Heaven of its divine and sentient features. Throughout the Warring States the idea of Heaven's Mandate lost much of its erstwhile appeal, even though it was not completely cast away.[29]

In contrast to Heaven, not only did the people remain the focus of political discourse but their importance increased. Some of the pronouncements of contemporaneous thinkers sound almost like proclamations of the people's sovereignty. For instance, Mengzi (ca. 380-305 BCE), one of the leading followers of Confucius, claimed: "The people are the most esteemed; the altars of soil and grain [i.e., the state] follow them: the ruler is the lightest. Hence one who attains [the support of] the multitudes becomes Son of Heaven; one who attains [the support of] the Son of Heaven becomes a regional lord; one who attains [the support of] a regional lord becomes a noble."[30]

This statement is bolder than in other texts, but it is not exceptional. Time and again we are reminded that "All-Under-Heaven does not belong to the Son of Heaven but to All-Under-Heaven"; that "when the Great Way [of orderly rule] was implemented, All-Under-Heaven belonged to all"; and that "benefitting All-Under-Heaven" is the primary responsibility of the sovereign.[31] Xunzi quoted an unidentified "tradition: "The ruler is a boat; commoners are the water. The water can carry the boat; the water can capsize the boat."[32] The belief in the people's overwhelming political importance engulfed even the "people bashers" like Shang Yang, who notoriously claimed, "When the people are weak, the state is strong; hence the state that possesses the Way strives to weaken the people." Despite this and many similar statements, Shang Yang also called on the ruler to understand the people's "disposition" and to determine the laws accordingly, emphasizing that only he whose decisions are based on the people's opinion will succeed in his undertakings.[33]

It is tempting to read these plentiful pronouncements as related to the idea of popular sovereignty, but this would be grossly misleading. The thinkers recognized the importance of the people's well-being and their consent, and many made these the primary criterion of evaluating the ruler's performance, but none called the ruler to consult the commoners directly, or to allow their participation in decision making. The common belief was that the people would vote by their feet: if they were dissatisfied with the ruler, they may desert from the battlefield or leave their fields uncultivated and abscond to another state. It was for these reasons that the ruler had to constantly strive "to attain the people's heart"; but this recommendation by no means implied sharing power with the people or giving them a say on policy making.[34]

We may pause here and ask why, despite repeated proclamations about the centrality of the people and about their role as potential kingmakers, Chinese thinkers never moved toward the idea of popular sovereignty? I think the answer is related to the dilemma outlined by Jason Frank in this volume: the problem of the transfer of authority "from the personified body of the king to the independent but impersonal and anonymous will of the people." The "people" were simply too amorphous an entity to issue commands and to settle inevitable disputes among rival political actors. The idea "Oneness brings orderly rule; doubleness brings chaos" plainly precluded transfer of sovereignty from the hands of an individual monarch to the multitudes.

Going back to the perspective of the Warring States period, it may be noticed that invocation of the people as kingmakers and infrequent appeals to Heaven as the ultimate sovereign were of limited importance. Both of these could be used to curtail the ruler, but, as argued above, this was not the major concern of competing thinkers. Rather, they sought peace and stability, which, according to the thinkers' consensus, were attainable only under a powerful monarch; consequently, the goal was to strengthen the throne's power rather than reducing it. Yet the latent notion of the supra-ruler loci of authority had far-reaching consequences. It came to life shortly after the imperial unification, influencing political dynamics throughout the imperial era.

## Between Mediocrities and Sage Rulers

Of the two problems of monarchism outlined in the previous section—despotism and the ruler's inadequacy—the former appears to be less pressing to the thinkers of the Warring States period. The ruler's potential for wickedness and oppressiveness was mitigated not so much by threats of the Mandate's revocation but by practical concerns. In the situation of intense competition between states, excessive oppressiveness would not be in a ruler's interest, as it could cause an exodus of gifted advisers to rival polities. The world of the Warring States resembled a huge market of talent; statesmen and thinkers could easily cross the boundaries in search of better patrons, a reality that granted ministers significant leverage vis-à-vis rulers. If

historical records are reliable, most rulers of the Warring States appear to be more tolerant to their advisers' affronts than their imperial heirs were. To be sure, ministers and officials were at times persecuted, but these persecutions appear less frequent than in the subsequent imperial period.

Of more immediate concern to most thinkers was not the ruler's atrocities but his unfitness for office. Recall than in the meritocratic system of that age, ministers normally owed their position to their abilities, whereas a ruler was nominated due to his birthright alone. Inevitably, then, the throne was occupied at times by a mediocrity. Facing this problem, thinkers put forward a variety of methods to better the ruler: education, remonstrance, or even threats of insubordination. Yet, as everyone recognized, these methods had their limitations; some rulers simply could not be improved. Frustrated, a few thinkers suggested circumventing the system of hereditary succession in order to ensure the best possible monarch, but their efforts failed.[35] It was necessary to find a mode for maintaining proper order under an inept sovereign.

Thinkers' dissatisfaction with reigning monarchs of their age is visible throughout the entire corpus of political writings from the Warring States period: even Han Fei, the staunchest authoritarian, was frustrated with the problem of individual monarchs being the weakest link in the monarchical system.[36] In particular, thinkers unanimously considered themselves as intellectually (and morally) superior to the average rulers. This posed a harsh question: how to retain mediocre rulers' full political authority without jeopardizing political order due to their ineptitude?

The solution that ensued was a creative one: to preserve the image of the ruler's omnipotence while convincing him to refrain from active intervention in political routine. Should the ruler relegate power to meritorious aides and satisfy himself with the position of their ultimate supervisor, the political system would benefit from both the unifying presence of the supreme sovereign and from the skills of his underlings. Xunzi explains:

> Thus the enlightened sovereign is fond of the [guiding] principles, while the benighted ruler is fond of details. When the ruler is fond of the principles, one hundred affairs are [arranged] in their details; when the ruler is fond of details, one hundred affairs are disordered. The ruler selects one chancellor, arranges one law, clarifies one principle in order to cover everything, to illuminate everything, and to observe the completion [of affairs]. The chancel-

> lor selects and orders heads of the hundred officials, attends to the guiding principles of the hundred affairs, and thereby refines the divisions between the hundred clerks at court, measures their achievements, discusses their rewards, and presents their achievements to the ruler at year's end. When they act correctly, they are approved; otherwise they are dismissed. Hence the ruler works hard in looking for [proper officials] and is at rest when employing them.[37]

Xunzi's proposal appears as an elegant solution to the delicate problem of a ruler's potential ineptitude. Since the ruler's aides are supposed to be the best men in the country, selected for their superb moral and intellectual qualities, entrusting them with administrative tasks will benefit the government and permit relaxation for the ruler. Moreover, relegating most tasks to his chancellor and other underlings will allow the ruler to overcome the limitations of his personal abilities, because a single person will never be able to comprehend the multitude of government affairs. The ruler will still preserve his supreme authority in selecting and supervising his chancellor and "clarifying the guiding principles," but everyday responsibilities will be in the hand of ministers (i.e., in the hands of Xunzi and his like).

Not all the thinkers shared Xunzi's optimism about cooperation between the ruler and his ministers; for instance, Xunzi's disciple, Han Fei, compared ministers to hungry tigers ready to devour the sovereign and seize his power.[38] Yet Han Fei also recommended that the ruler refrain from excessive activism: only thereby will the monarch avoid ministerial traps and preserve his good name; should a policy fail it will be the minister's fault.[39] Argumentation in favor of the ruler's quietude differed from one thinker to another, but the bottom line remained all the same: an ordinary sovereign should enjoy exclusive power of the final say but should relegate everyday tasks to his underlings.[40]

Ordinary sovereigns were the norm, but they were not the thinkers' ideal. The expectations focused rather on a truly impeccable ruler, named in various texts the Sage Monarch or True Monarch, a semidivine person,[41] the future unifier of All-Under-Heaven. Whereas current regional monarchs were repeatedly criticized for their inadequacy, the Sage Monarch was portrayed as superior to all in his intellect and morality. This superiority should enable him to unify All-under-Heaven, to engender universal compliance, and to bring about the long-expected peace and tranquility. Xunzi depicted

his blessed impact: "When the sage monarch is above, he apportions dutiful actions below. Then, low and high nobles do not behave wantonly; the hundred officials are not insolent in their affairs; the multitudes and the hundred clans are without odd and licentious habits; there are no crimes of theft and robbery; none dares to oppose his superiors."[42]

The sage monarch would regulate every social stratum, ensure universal order, and impose uniform norms of morality. Elsewhere Xunzi is ready even to assign this future ruler the task of unifying intellectual realm: "he who unites with him is correct, he who differs from him is wrong."[43] That is, even such an independent-minded thinker as Xunzi will be ready to give up his intellectual autonomy if the sage monarch finally comes to occupy the throne.

Panegyrics to the towering figure of the sage monarch permeate late Warring States period texts. Yet they should not be considered simplistic manifestations of the thinkers' unwavering monarchism. Rather, Xunzi and his like employed the image of the True Monarch, an exceptional personality who appears "once in five hundred years,"[44] as a foil to contemporary rulers. While promising full obedience to this future ideal monarch, the thinkers preserved the right to criticize and occasionally to defy contemporary, inadequate sovereigns whose mediocrity was self-evident in comparison with the idealized sage unifier. What Xunzi could not possibly have anticipated is that one of his younger contemporaries, King Zheng of Qin, would not just appropriate the discourse of the True Monarch but also utilize it for an unprecedented assault on the intellectual autonomy of the educated elite.

## Chinese Emperors: Limits to the Limitless Authority

In 221 BCE, King Zheng of Qin succeeded in attaining the unbelievable: having defeated all of his enemies in a series of brilliant campaigns, he had unified the entire known realm. Proudly proclaiming that his success dwarfed that of the former paragons, the king duly declared himself emperor, a newly invented title with overt sacral connotations (*huangdi*, literally the August Thearch). As the unifier of the realm, the First Emperor (r. 221–210 BCE) identified himself as the long-awaited True Monarch and became the first ruler in Chinese history to proclaim himself a sage. His newly designed image of a universal, omnipotent ruler synthesized most of the threads of the monarch-centered discourse of preceding centuries. Notably, there were some

important modifications of this discourse as well. In particular, the idea of Heaven's Mandate, or more generally references to Heaven as supreme deity, are conspicuously absent from the First Emperor's propaganda. A man who saved humankind from centuries of warfare and turmoil was second to no one in either the mundane or celestial world.[45]

The First Emperor's appropriation of the idea of the sage monarch had immediate consequences. First, it allowed him to discard the notion of a sovereign who reigns but does not rule: indeed, his short but eventful reign was marked by unprecedented activism on his part. Second, it allowed him to redefine his position in relation to members of the educated elite: from now on, the ruler was not a disciple but a teacher of the intellectuals. In contrast to the preimperial period, the emperor no longer had to exercise self-restraint vis-à-vis his advisers. An imperial monopoly replaced the erstwhile interstate market of talent, and soon enough, the First Emperor's relations with the educated elite deteriorated: in 213 BCE this resulted in suppression of "private learning" and the infamous burning of books in private collections. This collision, as well as the collapse of Qin soon thereafter due to a popular uprising of unprecedented scale and ferocity, shaped the negative image of the first imperial dynasty and its founder for generations to come.[46]

Bad press notwithstanding, the First Emperor's impact on consequent trajectory of Chinese imperial institution was huge. His major innovations, including the title of August Thearch and the identification of a reigning emperor as a sage, were henceforth inseparable attributes of Chinese emperorship. The combination of pro-monarchic ideas of preimperial thinkers with the posture of an infallible sage, second to no one, became the most powerful ideological construct. The newly designed institution of emperorship became the pivot around which Chinese polity would revolve for the next 2,132 years.[47]

Imperial unification marked a major shift in the balance of power between the emperor and his aides. The disappearance of the erstwhile market of talent limited the ministerial leverage vis-à-vis the sovereigns, while the identification of the emperors as sages stripped the ministers of their important ideological weapon. The power of the throne—both symbolic and practical—became enormous, and while the ministers retained the right, and even the duty, to remonstrate with the ruler and to criticize his faults, they had to be more cautious. It was all too easy for a remonstrator to cross from legitimate criticism of the monarch to the crime of "great irreverence,"

which would result in the offender's execution. Although, *pace* a common view, despots were relatively infrequent in China's long history, their recurrence, and the resultant bloodshed, was common enough to require creation of a new system of moderating the ruler's excesses.[48]

The solution to the problem of despotism was multilayered. Most immediately, bureaucrats sought ways to restrain the emperor without imposing legal or institutional constrictions on his power. To attain this, they developed a system of invisible yet reasonably effective checks and balances. Through a variety of means—ranking from moral suasion to education of an heir apparent to bureaucratic tricks of the kind employed by Sir Humphrey Appleby from *Yes, Minister*—ministers tried to limit an emperor's intervention into everyday politics and confine him to a position of an arbiter in court disputes but not an independent initiator of new policies. These means were relatively successful, and indeed most rulers were satisfied with their nominal superiority and relegated much of the burden on their underlings. But not every ruler accepted the position of an omnipotent rubber stamp. To restrain these activists, more effective means were required.

It is on this basis that we can understand why the discourse of Heaven's Mandate was resurrected soon after Qin's downfall. This resurrection derived in part from the immediate historical context: the unprecedented magnitude of the anti-Qin uprising, the subsequent civil war, and the eventual rise of the Han dynasty (206/202 BCE–220 CE)—established by a mere commoner—all seemed to validate the centuries-old theory of Heaven's intervention into politics. These events also demonstrated that the commoners' "capsizing" the ruler's boat was not an empty threat but a real danger for the transgressing sovereign. Conditions were ripe for resurrection of the idea of a combined authority of Heaven and the people as being supreme to that of a monarch.

The imperial literati were quick to seize this opportunity. They proposed a new conceptualization of Heaven's interaction with humans in general and with emperors. Dong Zhongshu (ca. 195–115 BCE) and his followers were particularly effective in utilizing this idea in order to restrain the monarch. Their theory integrated previous views of Heaven, incorporating its image both as a sentient deity and as natural order. Heaven closely supervises the ruler: it reacts to his deeds by sending multiple omens and portents, and if these are unheeded, it can intervene in full, replacing him with a new ruler.

The theory clearly placed Heaven's sovereignty above that of the monarch, but it did not endanger the ruler directly. After all, the emperor remained

the single mediator between humans and Heaven, and no religious establishment could speak on Heaven's behalf. Yet insofar as Heaven's omens and portents remained open to interpretation—and this interpretation was primarily done by the imperial literati, like Dong Zhongshu himself—those literati were the immediate beneficiaries of the new view of Heaven. To be sure, not every emperor could be manipulated by the invocation of omens and portents, but many were. For the literati, invoking omens was an advantageous means of presenting their interpretation of Heaven's intent in order to moderate some of the ruler's excesses.[49]

Yet portents and omens would probably not influence the emperors much, should Heaven's potential intervention into human affairs be confirmed from time to time by the outburst of popular rebellions. The rebellions became the singularly significant factor behind the dynastic change. They were a sensitive topic to discuss directly, but it was widely understood that they represented the clearest sign of Heaven's dissatisfaction with the dynasty. I shall not address here the impact of this view on rebellions' legitimacy, on their peculiar trajectory, and on their role in rejuvenation of the imperial polity, as I have done this elsewhere.[50] What is important for the present discussion is that the emperors' and elites' awareness of the permanent threat of popular insurrection caused them to be attentive to the people. Not only was the people's well-being repeatedly declared to be the dynasty's primary concern, but their sentiments had to be taken into account as an important, if not primary, criterion in devising new policies.[51]

Yet how could the emperors learn about the people's opinions? There were no regular means of communication, unless we consider collection of popular songs through which the rulers were supposed to learn about the people's mood.[52] Under duress, the commoners could turn in complaints against officials, and local protests were another quasi-legitimate way of displaying dissatisfaction. But each of these was considered an extraordinary and unwelcome manifestation of the commoners' needs. Normally, speaking on behalf of the commoners remained the prerogative of the educated elite. Just as in the case of Heaven, the literati appropriated the voice of those who had the potential of challenging the emperor's authority, posing as spokesmen of the uneducated masses and resorting to the "public opinion" to influence the emperor's behavior. In the final account, both *vox populi* and *vox Dei* were the voice of the literati.

## Epilogue: Sovereign Entrapped?

The power and prestige of Chinese emperorship derived primarily from the fact that it was designed long before it materialized. The idea that a single individual must preserve absolute sovereignty over his subjects was a response to the political turmoil of the centuries preceding the imperial unification, and its validity was reinforced in centuries to come. In retrospect it appears to be a reasonable solution, even if not an ideal one, to the maladies of political disintegration. This rationale explains why the idea of an omnipotent monarch was never seriously questioned until the end of the nineteenth century.

Yet, their unwavering support of individual rule aside, the architects of the future empire and their heirs, the imperial literati, were well aware of the system's pitfalls and weaknesses, and they sought multiple ways to mitigate these. The idea of Heaven's *cum* people's sovereignty as superior to that of the monarch was one of the important devices employed to moderate the excesses of individual emperors. More importantly, it granted its designers, the literati, much higher power than their nominal position as the ruler's servitors could have allowed. Appropriating what Tu Wei-ming aptly names "the most generalisable social relevance (the sentiments of the people) and the most universalisable ethico-religious sanction (the mandate of heaven),"[53] the literati remained singularly well positioned to bargain with the throne and to direct it in the desirable direction. In the final account, behind their unwavering commitment to the idea of absolute monarchic authority, we may discern the persistent desire of Chinese imperial intellectuals to maintain the empire on the emperor's behalf—and at times in his stead.

## Notes

1. "Kang gao" in the canonic *Book of Documents*; see *Shangshu jinguwen zhushu* (Beijing: Zhonghua, 1998), 371.
2. For sociopolitical reforms of the Warring States period, see Mark E. Lewis, "Warring States: Political History," in *The Cambridge History of Ancient China*, ed. Michael Loewe and Edward L. Shaughnessy (Cambridge: Cambridge University Press, 1999), 587–650.
3. For the political thought of the Warring States period, see Yuri Pines, *Envisioning Eternal Empire: Chinese Political Thought of the Warring States Era* (Honolulu: University of Hawai'i Press, 2009).

4. See more in Liu Zehua's essays collected in *Contemporary Chinese Thought* 45, no. 2–3 (2013–2014).
5. For this skepticism, see Yuri Pines, *Foundations of Confucian Thought: Intellectual Life in the Chunqiu Period, 722–453 B.C.E.* (Honolulu: University of Hawai'i Press, 2002), 55–88.
6. Pines, *Envisioning*, 25–53.
7. *Xunzi jijie* (Beijing: Zhonghua 1992), 9:165.
8. *Lüshi chunqiu jiaoshi* (Shanghai: Xuelin, 1990), 20.1:1322.
9. See more in Yuri Pines and Gideon Shelach, " 'Using the Past to Serve the Present': Comparative Perspectives on Chinese and Western Theories of the Origins of the State," in *Genesis and Regeneration: Essays on Conceptions of Origins*, ed. Shaul Shaked (Jerusalem: Israel Academy of Science and Humanities, 2005), 127–63.
10. *Lüshi chunqiu*, 20.1:1322.
11. Ibid., 17.8:1132.
12. Mark E. Lewis, *Sanctioned Violence in Early China* (Albany: State University of New York Press, 1990), 53–96.
13. See, e.g., *Guanzi jiaozhu* (Beijing: Zhonghua, 2004), 52:998–99; *Shenzi jijiao jizhu* (Beijing: Zhonghua, 2013), 48; *Xunzi*, 11:223–24; and *Han Feizi jijie* (Beijing: Zhonghua, 1998) 7:39–43.
14. Shen Buhai (d. 337 BCE), translated from an extract in Herrlee G. Creel, *Shen Puhai* (Chicago: University of Chicago Press, 1974), 380.
15. *Mao shi zhengyi*, repr. in *Shisanjing zhushu* (Beijing: Zhonghua 1992), 13:463.
16. *Guanzi jiaozhu* (Beijing: Zhonghua, 2004), 45:912–13.
17. For Qin social engineering, see Yuri Pines, Gideon Shelach-Lavi, Lothar von Falkenhausen, and Robin D. S. Yates, "General Introduction: Qin History Revisited," in *Birth of an Empire: The State of Qin Revisited* (Berkeley: University of California Press, 2014), 24–26.
18. *Shangjunshu zhuizhi* (Beijing: Zhonghua, 1996), 14:82.
19. *Han Feizi*, 40:392.
20. See, for instance, constant invocations of Ahuramazda in the Behistun inscription by Darius I (c. 550–486 BCE), http://www.livius.org/be-bm/behistun/behistun03.html.
21. Divinations were an essential means of ascertaining the divine will under the Shang dynasty, but already in the late Shang period the scope of the issues about which the kings divined had gradually decreased (David N. Keightley, "The Shang," in Loewe and Shaughnessy, *The Cambridge History of Ancient China*, 261–62). For divinations as mostly a means to "resolve doubts" under the Zhou, see *Chunqiu Zuozhuan zhu* (Beijing: Zhonghua, 1981), Huan 11:113.
22. Poo Mu-chou, *In Search of Personal Welfare: A View of Ancient Chinese Religion* (Albany: State University of New York Press, 1998), 30.
23. "The Great Oath" was lost around the time of the imperial unification of 221 BCE (the current version in the *Book of Documents* is a later forgery). The quotation here is from preimperial texts that cite this document (*Mengzi yizhu* [Beijing: Zhonghua 1992], 9.5:219; *Chunqiu Zuozhuan*, Xiang 31:1184).
24. See Pines, *Envisioning*, 189–90, for further references.
25. *Han Feizi*, 52:465–66.

26. *Mozi jiaozhu* (Beijing: Zhonghua, 1994), 28:319.
27. Ibid., 11:110. "A hundred clans" stands for "the people."
28. Ibid., 28:319.
29. For Heaven as an equivalent of natural law, see, e.g., Randall P. Peerenboom, *Law and Morality in Ancient China: The Silk Manuscripts of Huang-Lao* (Albany: State University of New York Press, 1993). For overt negation of Heaven's political importance, see *Xunzi*, 17:306–20. For the decline of debates about Heaven's Mandate in the Warring States period, see Michael Loewe, *Divination, Mythology, and Monarchy in Han China* (Cambridge: University of Cambridge Press, 1994), 85–111.
30. *Mengzi*, 14.14:328.
31. *Lüshi chunqiu* 1.4:44; *Liji jijie* (Beijing: Zhonghua 1995), 9:582; *Shenzi*, 16; *Shangjunshu*, 14:84.
32. *Xunzi*, 9:152.
33. *Shangjunshu*, 20:121, 5:40.
34. See the discussion in Pines, *Envisioning*, 198–214.
35. Ibid., 54–81.
36. Romain Graziani, "Monarch and Minister: The Problematic Partnership in the Building of Absolute Monarchy in the *Han Feizi*," in *Ideology of Power and Power of Ideology in Early China*, ed. Yuri Pines, Paul R. Goldin, and Martin Kern (Leiden: Brill, 2015), 155–80.
37. *Xunzi*, 11:223–24.
38. *Han Feizi*, 8:49–50.
39. Ibid., 5:27.
40. See more examples in Pines, *Envisioning*, 106–7.
41. For the proximity between sages and deities in early Chinese thought, see Michael J. Puett, *To Become a God: Cosmology, Sacrifice, and Self-Divinization in Early China* (Cambridge, MA: Harvard University Press), 2002.
42. *Xunzi*, 24:450.
43. Ibid., 18:331.
44. See *Mengzi*, 4.13:109.
45. For the First Emperor's self-propaganda and his image, see Martin Kern, *The Stele Inscriptions of Ch'in Shih-huang: Text and Ritual in Early Chinese Imperial Representation* (New Haven: American Oriental Society, 2000), and Yuri Pines, "The Messianic Emperor," in Pines et al., *Birth of an Empire*, 258–79.
46. Pines, introduction to part III, in Pines et al., *Birth of an Empire*, 227–38.
47. See Yuri Pines, *The Everlasting Empire: Traditional Chinese Political Culture and Its Enduring Legacy* (Princeton: Princeton University Press, 2012), 44–75, for further references. For the importance of the emperors' posture as sages and for despotic potential of this posture, see Liu Zehua, "Political and Intellectual Authority: The Concept of the 'Sage Monarch' and Its Modern Fate," in Pines, Goldin, and Kern, *Ideology of Power*, 273–300.
48. The discussion here and in subsequent paragraph is largely based on Pines, *Everlasting Empire*, 44–75.
49. See, for instance, Rafe de Crespigny, *Portents of Protest in the Later Han Dynasty* (Canberra: Australian National University Press, 1976).
50. Pines, *Everlasting Empire*, 134–61.

51. See, e.g., William T. Rowe, *Saving the World: Chen Hongmou and Elite Consciousness in Eighteenth-Century China* (Stanford: Stanford University Press, 2001), 373–77.
52. For the establishment of the office of song collectors in the Han period and its ritual background, see Martin Kern, "The Poetry of Han Historiography," *Early Medieval China* 10–11, no. 1 (2004): 33–35.
53. Tu Wei-ming, *Way, Learning, and Politics* (Albany: State University of New York Press, 1993), 20.