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(ЯНЬ ТЕ ЛУНЬ)

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СОДЕРЖАНИЕ

СПОР О СОЛИ И ЖЕЛЕЗЕ

(ЯНЬ ТЕ ЛУНЬ)

INSTEAD OF A SUMMARY: AN ABRIDGED AND REVISED VERSION OF THE INTRODUCTION

Yen t'ieh lun ("Debate on Salt and Iron") was composed by the Confucian Huan K'uan approximately in the second or the beginning of the third quarter of the 1st century B.C. It is one of the most important Former Han treatises, an inexhaustible source of information on philosophy, political, economical and social history as well as culture of the period. In spite of this it was studied rather insufficiently. Till now it was translated fully only into Japanese and but partially into English, French and Russian. Its present full translation into Russian is intended to fill the gap. It is based on the edition of *Yen t'ieh lun* of 1958 by Wang Li-ch'i whose edition of 1983 as well as other modern editions, commentaries, and translations were also systematically consulted. The translation is accompanied with a detailed commentary that treats a wide range of problems beginning with those pertaining to philology and textualism and ending with those connected with history, geography, law, philosophy, material and spiritual culture, etc. It also contains analysis and explanations of numerous ancient Chinese terms. The work is published in two volumes. In Volume I a long Introduction precedes an annotated translation of the first twelve chapters of *Yen t'ieh lun* while Volume II contains an annotated translation of its other forty eight chapters as well as supplements — a bibliography and indices (those of personal, family and clan names and titles, of place names, of ethnic names and a list of selected Chinese terms and expressions commented on in the Introduction and the notes).

The Introduction treats the problems of the composition of *Yen t'ieh lun* and of its prehistory and presents it as a monument of Chinese culture. At least in one respect this work seems to be unique: it is the only extant comparatively large monument of the ancient Chinese disputation based on respective traditions of culture and state system. Two kinds of disputation seem to have set a stamp upon *Yen t'ieh lun*, that of debates between philosophers and that of debates held at court, especially of court conferences — as a matter of fact the text of the work is an enlarged and elaborated version of the records of a court conference held in 81 B.C. Its participants were metropolitan officials and provincial Confucians. The former group consisted of the Grandee Secretary Sang Hung-yang, the Chancellor and their subordinates. The latter one embraced over 60 candidates for office recommended mostly by local authorities according to a state tradition connected with the institutions of feedback and criticism within the system of government. These candidates were known either as Well Read in Writings or as Worthy and Good. The debaters of 81 B.C. over 65 in number are represented by the 6 characters of *Yen t'ieh lun*, i.e. the Grandee, the Chancellor, the Imperial Secretary, the Clerk of the Chancellor, the Well Versed in Writings, and the Worthy and Good.

Being far from describing six personages and their prototypes as "Confucians" or "Legalists" unreservedly the author treats the problem of their school affiliation in detail. He does not approve of Wang Li-ch'i's desire (1983) to depict them as "pure Confucians" (adherents of "the way of the true king", *wang tao*) and "eclectic Confucians" (adherents of "the way of the hegemon", *pa tao*) disputing inside the Confucian school. Nor does he share Michael Loewe's hypothesis (1974, 1986) that *Yen t'ieh lun* reflects the attitudes of "Reformists" and "Modernists" and not of adepts of the two schools of thought. In his turn he interprets the terms *wang tao* and *pa tao* as pointing to the political doctrines of Confucianism and Legalism respectively. His interpretation of the *pa tao* is corroborated by a legend about Shang Yang told by Ssu-ma Ch'ien (and briefly referred to by the Imperial Secretary). Allegedly Shang Yang failed to give advice to the Duke of Ch'in using the *wang tao*; only when he advised him resorting to the *pa tao* the Duke wished to use his advice and employ him. To the mind of the author, it follows that the term implies Shang Yang's Legalist theories of law and government. The terms *wang tao* and *pa tao* were used and the concept of a school of thought (*chia*) existed both during the Warring States period and under the Han. Moreover, it was during the Former Han period that the earliest systematic descriptions of the "six" and "nine" schools of thought emerged, while as late as in the ist century A.D. Liu Hsin and Pan Ku still used the names of these schools in order to classify Han thinkers, not only their predecessors of the pre-imperial era. It means that schools of thought (*chia*), those of the Confucians and the Legalists in particular, were in a sense a reality of the Han period. Candidates for office of the *Yen t'ieh lun* called themselves Confucians (*ju*); they were called by their opponents in the same way. The views of the latter seem to be mainly Legalist.For that reason the author prefers to describe the disputants of 81 B.C. in terms of "the Confucians" and "the Legalists". But at that time there were hardly thinkers unaffected by the process of philosophical, ideological, and cultural synthesis of the Former Han era. Therefore it goes without saying that for the period both terms could mean only "eclectic Confucians" and "eclectic Legalists", while the terms *wang tao* and *pa tao* could but point to the political doctrines of their two eclectic schools. It is corroborated by the evidence derived from the *Yen t'ieh lun*. The kind of eclectic Confucianism one

finds there contains many borrowings from the Yin-Yang school, some borrowings from that of Mohists and owes certain ideas and quotations to the Taoist and Legalist traditions. The kind of eclectic Legalism one finds there presents an alloy of Legalist and Taoist traditions combined with numerous borrowings from the Yin-Yang school and the ideology of merchants as well as a lot of quotations from Confucian texts (not infrequently used to justify ideas rather remote from Confucianism). As for the official ideology of the early empire, the author believes it to have been neither Confucian nor Legalist. According to him, both Ch'in and Han official ideologies were of eclectic nature combining components of various teachings (including Confucianism and Legalism, ways of "the true king" and "the hegemon") with a nucleus — the concept of a universal monarchy headed by a world-ordering king.

The author discusses the problem of correlating *Yen t'ieh lun* disputants with social classes and groups as well as with the state. He is critical of the approach to the problem in the vein of vulgar sociology mainly typical of the PRC scholars. He finds it difficult to regard *Yen t'ieh lun* Confucians as ideologists of the class of slave-owners, especially since they criticized at least the slave-ownership of the state. To his mind, their definition as ideologists of rich merchants and artisans is inadequate, too. It contradicts the negative attitude of the Confucians toward the pursuit of profit and their approval of the official curbing of the "secondary occupation". Nevertheless he admits that the Confucian desire to prompt the ruler to abandon the policy of state monopolies on salt, iron and fermented liquor and to weaken the state interference with the economics was consonant to the interests of many (if not all) private entrepreneurs.

Again, the author refuses to regard the *Yen t'ieh lun* Confucians as ideologists either of rich land-owners or of broad circles of private land-owners not in the government service. According to him, this assumption contradicts Confucian emphasis on immediate return to the egalitarian "well-field" system which is incompatible with private land-ownership. At the same time, he admits that Confucian ideas of diminishing the burden of taxes, labor and military services were in the interests of all who had to bear it, especially of farmers. He also believes that the Confucian disapproval of the rich encroaching upon the property of the poor reflects the interests of all who suffered from concentration of land in a few hands, in the first place of petty landowners. But the *Yen t'ieh lun* Confucians in spite of their sympathy with the farmers never identified themselves with them since they "ate without farming" and believed themselves to belong to the ruling elite of "gentlemen". Therefore they would hardly be able to "represent" farmers and their class interests.

Again, the author finds it impossible for himself to regard the *Yen t'ieh lun* Confucians as ideologists of the vassal kings since the Well Read in

Writings approved Ch'ao Ts'o for undermining the might of the feudal kingdoms and dissociated himself from those adherents of the Confucian school who joined rebellious vassal kings in the 2nd century B.C. The attitude of the *Yen t'ieh lun* Confucians toward vassal kings was that of loyal aspirants to posts in the imperial administration, not that of apologists of the forces of separatism.

As to the Grandee, i.e. Sang Hung-yang, the author is against the attempts to depict him as a representative of the feudal class of new landowners. He believes, however, that Sang Hung-yang represented the interests of the state (no matter whether it was "feudal" or not); if he ever defended the interests of private landowners, it was only so long as it was acceptable for the state. To the mind of the author, the opinion that Sang Hung-yang was a spokesman of the class of merchants (especially rich ones) is contrary to the facts, too. Sang belonged to the bureaucracy of merchant origin and used the experience and ideology of merchants as an official and a spokesman of the centralized empire. Moreover, there is a strong anti-merchant trend in his views. He wanted the state to control a considerable part of the sphere of merchant activities (such as handicrafts and trade) by means of introducing state monopolies on salt, iron, and fermented liquor, monopolization and unification of the monetary system, sale of tax returns in kind by the officials and standardization of market prices. In addition to this policy, there was much pressing and taxing merchants and industrialists including the rich ones. This contradicted the interests of merchants as a class blocking their activities as private entrepreneurs. The objection that some of the former salt or iron manufacturers became government officials and thus their interests were protected does not stand up to criticism. Suffice it to remember that after their social ascent they ceased to be merchants and therefore to share common interests with their former class.

For the time being, attempts to identify Confucians and Legalists of the *Yen t'ieh lun* with representatives of various classes and social groups have yielded poor results. They led no further than tracing a few separate "demands" of the debaters to the interests of certain classes or social groups or demonstrating what "hopes" and "moods" of a class or a group have been "partially reflected" in Confucianism and Legalism. But they failed to achieve full identification of economic and other programs offered by *Yen t'ieh lun* Confucians and Legalists with any class or social group interests.

The picture is even more complicated since both Confucians and Legalists seem to protect the interests of one and the same class, that of petty landowners. Both defend the members of this class from the rich encroaching upon their property; both share the idea of promoting the "fundamental" occupation (agriculture) and curbing the "secondary" one (handicrafts and

trade). Thus relations of Confucians and Legalists with the state seem to be direct and obvious. In contrast to that, their relationship with classes and social groups of private owners, on the contrary, seems to be indistinct and vague. Finally, the patronizing attitude toward the class of petty landowners looks like something they have in common, which hardly helps to discern in Confucians and Legalists spokesmen of different classes.

When activities of the state in a class society lead to restricting or abolishing private property, the state hardly acts in the interests of private owners. The author believes that the imperial power in the Han China operated as an economic force relatively independent of classes of private owners, restricting their rights of land-ownership and exercising functions of organizing economics and redistributing wealth and supplies. It had a broad social base consisting of peasant families of 4 or 5 members each as real economic units. Therefore it exercised economic policy of promoting the "fundamental" occupation and suppressing the "secondary" one aimed at preserving this social base in royal interests. It regulated economic relations between social classes and played the part of a representative of unity with regard to society as a whole. It was the imperial power that eclectic Confucians and Legalists appealed to proposing to it different ways of government that had certain common aims: both demonstrated care for small producers and suggested measures preventing the rich from ruining them; both brought forward the idea of unity. But the ways they proposed were different, having derived from different systems of views. Therefore the author has given up attempts to reduce Confucianism and Legalism to one or other class interest. He prefers to analyze these teachings within the system of relations between a representative of a school of thought (acting as an official or a potential official) and the state (i.e. the ruler). It makes him regard the *Yen t'ieh lun* debaters in the first place as exponents of their respective teachings and only in the second place as spokesmen of aspirations of classes and social groups. It also makes him do his best to interpret each of the two teachings as a coherent system of views.

Predecessors of the author approached *Yen t'ieh lun* either as a monument of ideological struggle or as a source of economic ideas. According to the author, in spite of their numerous achievements, both kinds of researchers shared a common defect of completely (or almost completely) failing to pay due attention to cultural notions of cosmos, of world-ordering nature of the royal *te* power, and of causality understood as mutual attraction of the like. It means that they did not notice the peculiarities of thought of the debaters. The students of economic ideas sometimes forgot that disputants of 81 B.C. had no such science as political economy and treated their views as if they had. They tended to interpret their economic ideas as self-sufficient and isolated from non-economic ones of the same cultural context. The

author in his turn offers a new approach to *Yen t'ieh lun* that allows both to interpret the views of the debaters as systems and to reveal their world perception. Since *Yen t'ieh lun* is important for the history of Chinese culture as a monument of disputation, it is expedient to investigate it resorting to the methods of studying culture. The heart of the approach consists in bringing out and using the most general concepts of the debaters, i.e. those of the level of the categories of culture. The next step lies in examining and reconstructing their embodiments in the debaters' views on government, war and peace, law and economics. One can expect that, thanks to adopting this approach, mutual connections between separate views of each of the opposing parties will become evident and the two systems of views will emerge in a form fit for comparison. The following is intended for giving the reader an idea of some of the results obtained by adopting this approach.

It helps demonstrate different worldview orientations of the debaters. A series of oppositions appears in *Yen t'ieh lun* as points at issue. It includes notions of different compartments of space (central state = "inner commanderies" — border regions = "outer commanderies" in the north and west of the empire) with their inhabitants, of different stretches of time (spring and summer — autumn and winter), of different means of government (royal *te* power and rewards proceeding from it — punishments), of different ways of dealing with foreign countries (arts of peace — arts of war) and eventually of life and death, *yang* and *yin*. The first members of these oppositions are *yang* while the second ones are *yin*. According to the *Yen t'ieh lun* Confucians, the royal attitude to both members of each opposition should be unequal: the ruler should treat it hierarchically attaching more value to the first member than to the second one. According to the Grandee, the royal attitude to both members should be equal and thus uniform, though he tends to concentrate attention on the second members (and probably in one or two cases even attaches more value to *yin* than to *yang*). To describe this difference of attitudes the author borrows two terms from Derk Bodde who in 1963 emphasized the particularism of Confucian rites in contrast to the universalism of Legalist law. Respectively, the author describes the royal attitude to the members of oppositions approved of by the *Yen t'ieh lun* Confucians as mainly particularistic and that approved of by the Grandee as universalistic. Of course, this is an extension of the meaning in which both terms were used by Bodde. Still, it seems to be a comparatively adequate description of an important difference between the views of the disputants. It follows that *yang* is of top value in the worldview of the *Yen t'ieh lun* Confucians, whereas both *yin* and *yang* are regarded as more or less equally important by the Grandee (though *yin* seems to have a slight edge on *yang* in some of his views). According to Joseph Needham, *yang* dominates in Confucianism, whereas *yin* in Taoism. The adduced information seems to corroborate the

opinion that the Well Versed in Writings and the Worthy and Good really adhered to Confucianism. Some overweight of *yin* in the views of the Grandee probably shows they had something in common with Taoism.

The terms "particularism" and "universalism", as they are used in this work, mainly describe a monarch's attitude toward his subjects as well as his means of dealing with them. In ancient Chinese culture the idea of Heaven's benevolent attitude toward living beings seems to have provided models for the royal attitude to subjects termed particularism or universalism by the author. Heaven's love for life and rewards and hate for death and punishments seems to have served as a model for particularism while the ideas that Heaven covers everything or equally relies both on *yin* and *yang* seem to have served as those for universalism.

As was mentioned above, Confucians adhered to the ideas of *wang tao* while Legalists adhered to those of *pa tao*. The difference between both "ways" (*tao*) is of personal nature. The personality of a "true king" (*wang*) was thought of as different from that of a "hegemon" (*pa*) in being endowed with abundant *te* power. Therefore a "true king" was believed to be capable with its help to practise humanity (or humanity and righteousness) and order the world. *Te* power of a "hegemon" was estimated as insufficient for this line of action though he was thought of as a possessor of a large (and strong) state. Because of this insufficiency he was believed to rely on force (making but a pretence of humanity), on cleverness enabling him provisionally to adapt himself to circumstances, and on deceit. His personality seems imperfect in comparison with that of a "true king". However to the mind of the ancient Chinese this imperfection could be compensated with the help of able assistants and institutions established following their advice. It means resorting to sources of aid detached from the personality of a "hegemon". A "true king" and his assistants were both characterized as able and worthy. In contrast to that, a "hegemon" was thought of as being not an able person and inferior to his assistants at that. The ways of selecting officials by the rulers of both kinds were also different. The officials of a "true king" were "selected on recommendation" according to their talents and moral qualities interpreted as Confucian virtues. They were believed to be of the same kind with their ruler; judging from a few hints they were identified with Confucians (*ju*). The officials of a "hegemon" were selected according to their talents in spite of their moral flaws. Different color images corresponded to a "true king" and a "hegemon" respectively. A "true king" and his "way" were described as "pure" (= "completely painted in one colour") and "unadulterated" because "his *te* power is like that". A "hegemon" and his "way" were described as "dappled" (= "painted in white and black combined together") and "mixed" because "his achievements are like this". A possible explanation is that color images point to personal perfection and

homogeneity of a "true king" and his Confucian officials on the one hand, and to personal imperfection and heterogeneity of a "hegemon" and his subordinates on the other hand (hence the heterogeneous nature of his, i.e. their common achievements). Another possible explanation is that being "pure" points to royal relying on *yang* alone (*te* is *yang*) while being "dappled" points to royal relying both on *yin* and *yang* (which is the case of the ideal ruler of the Grandee).

Therefore the concept of authority of a "true king" is much more personalistic than that of a "hegemon" while different notions of a ruler and his officials are characteristic of them. The former concept with its reliance on royal *te* power displays a tendency toward particularism while the latter one with its reliance on institutions such as laws (the case of Shang Yang and his Duke) displays a tendency toward universalism. In the former concept the importance of magical and ethical royal influences is emphasized whereas in the latter attention is paid to immoral ideas of profit, deceit and violence. The former concept is aimed at restoring the ancient ways while the latter is aimed at being of benefit to one's own time.

The dialogue between the adherents of *wang tao* and *pa tao* was carried on in pre-imperial times as well as in the days of the early empire. Both "ways" were indispensable to the empire and used by it. The dialogue resulted in phenomena of the synthesis of both "ways" in the spheres of ideology and institutions of the state. On the level of the ideas of the schools of thought the dialogue led to penetration of the elements of Confucianism into Legalism and vice versa. It also influenced the School of Eclectics that combined the views of Confucians and Mohists, Sophists and Legalists. In a work written by a representative of the school and bearing the title *Sayings of an Eclectic Author*, the ways of the "hegemon" and the "true king" were treated. On the level of the state doctrines of the Ch'in and the Han the dialogue contributed to the formation of their eclectic natures. Han emperors consciously aimed at eclecticism. Hsuan-ti declared that the institutes and norms (or laws) of the house of Han emerged as a result of "combining (mixing)" "the ways of the hegemon and the true king". It follows that the institutions of the empire were officially thought of as fruits of a compromise between the two "ways" while Han dynasty was seen as an analogue of the "eclectic author" acting in the sphere of institutions and politics. "Confucianization" of Legalist institutions (legal and economic in particular) can be regarded as the institutional result of the dialogue. *Yen t'ieh lun* is of special value for the historian of the Han since it reflects an important episode in the history of this dialogue.

The author has examined and compared Confucian and Legalist views of the *Yen t'ieh lun* debaters embodying five categories of culture, i.e. concepts of microcosm and macrocosm, time, kind (*lei*) and oneness (or unity).

The main diversities between the views of Confucians and Legalists that came to light are different concepts of human nature and its liability to transformation as well as the fact that Confucians mainly adopted the attitude of particularism while Legalists adopted that of universalism. The concept of human nature refers to subjects, therefore it is correlated with that of personality of the monarch and his ability to influence them. The Well Versed in Writings believed that human natures are originally the same but dualism (probably that of *yin* and *yang*) is inherent in them. They possess instincts of love for what is good and for righteousness as well as of love for what is cruel and for profit. Human nature is capable of transformation but only under the influence proceeding from without. It becomes good or bad depending on the kind of external influence it is affected by. According to the Grandee, there are both "gentlemen" and "greedy and mean" people, those "worthy" as well as "unworthy" by nature, while love for profit is widespread in All-under-Heaven. Human natures of different people are originally different. People either do not change at all or undergo but superficial changes under external influence. Therefore according to the Confucians, the ruler is active with respect to his subjects making their love for what is good and for righteousness prevail over their love for what is cruel and for profit or vice versa. In contrast to that, according to the Legalists, the ruler is passive conforming to human nature as it is of itself. In ancient China the change of qualities and behavior of a thing under external influence was described as "making it to be (or to behave) so" (*shih jan*) while its inherent qualities and spontaneous behavior were termed "being (or behaving) so of itself" (*tzu jan*). The principle of *shih jan* is a leading one in Confucianism while that of *tzu jan* in Taoism.

These concepts are embodied in the disputants' views on internal and foreign policy. The *Yen t'ieh lun* Confucians believed royal *te* power to be capable of making the subjects good by "instructing and transforming" them. Therefore the accent was shifted from the natures of the ruled to the personality of the ruler who had to devote himself to self-perfection in order to be able to inoculate his qualities in the people making them straight like a gnomon makes its shadow straight. Royal *te* power would develop in the human nature of subjects ethical beginnings connected with *yang* and suppress the mercenary ones connected with *yin*. For Confucians it was an instrument of ordering (= transforming) first those living near, then those living far and eventually the barbarians including the Hsiung-nu. They believed the latter, in spite of their imperfect way of life and lack of ethics, to be still capable of transformation. Therefore the Confucians made no provisions for war and thought of their transformation as of a peaceful process. In their eyes royal attitude to human nature was active, guided by ethics, peaceful and particularistic.

In his turn the Grandee admitted that the abundant *te* power reaches the barbarians of the four quarters, but disagreed with the Confucian interpretation of the formula according to which *te* power of a "wise king" spread by his dignitaries gives peace to the world. He regarded *te* as something less spiritual, magical and personal than Confucians did. He attached importance to its material expressions alienated from the personality of the ruler. He maintained that the abolition of state economic institutions would "harm *te* power of the [present] sage ruler" or suggested to use "strange animals, valuables and rarities" as the means of attracting barbarians and spreading the influence of the imperial *te* power. Again, he emphasized that *te* is not the only power operating in the cosmos: it is appropriate to resort to it in spring and summer, but not in autumn and winter when humanity would be contrary to the "way of Heaven" while punishments are to the point. Moreover he believed that military (punitive) measures might prove more effective than *te* power. According to him, Wu-ti knew that the Hsiung-nu could be smashed by military force but could not be attracted by *te* power while the aim of Wu-ti's punitive expeditions against them was to create "a base for the perfect *te* power". Therefore the Grandee, too, was convinced that the Confucian idea of attracting the Hsiung-nu by means of the imperial *te* power is unrealizable in his day.

It follows that the Grandee's concept of royal *te* power differs from that of Confucians. The main difference consists in the fact that to his mind the royal possessor of *te* power is unable to transform therewith the mercenary nature both of his subjects and the Hsiung-nu. He has to conform to their natures affecting both the Chinese and barbarians by means of rewards and punishments. Punishing the Hsiung-nu means to resort to military force. The royal attitude approved of by the Grandee is passive, indifferent to ethics, inclined to punitive measures and universalistic.

At different stages of the research process the author tries to shed additional light on Confucian and Legalist concepts of the monarch. When he examines the embodiments of the notion of monocentric space in the views of the *Yen t'ieh lun* disputers he discusses the Confucian theory of gradual world ordering. It is a question of a "true king" (who occupies the space center) condescending to order the inhabitants of the heterogeneous compartments of space in the direction from the center to the periphery. The theory is borrowed from the Kung-yang School. It is based on the concept of a world-ordering king and combines particularistic components with universalistic ones. The former components can be seen in royal treating those living near as the near ones and those living far as the far ones. The latter components manifest themselves in the king's ultimate aim to bring the entire world to order "leaving nobody out"; in this case royal behaviour is modelled on the idea that Heaven covers everything. On the one hand, the

theory declares unification of the world to be the great aim of the *Ch'un ch'iu Annals*. On the other hand, it proceeds from the idea that this can be achieved only by gradually expanding the zone of unity and order till it embraces the world. The process "begins from those living near", their ordering is regarded as a prerequisite for ordering those living far. When the royal transforming influence spreads beyond the borders of the empire, barbarians offer submission of their own accord while the Hsiung-nu recognize themselves as "outer subjects". Auspicious omens appear and the world ordering is completed. The principle of universalism is modified in the theory by that of particularism.

Therefore, to the mind of the *Yen t'ieh lun* Confucians, the "inner" and the "near" was of much higher value than the "outer" and the "far" while overestimating the latter and passing to a military conquest seemed a way to ruin. They were against sacrificing resources of the most valuable "inner" part of the world for the sake of acquiring its less valuable "outer" part that seemed useless to them. As to defense, they thought the treasure of the state "lies in *te* power [of the ruler], it does not lie in [its natural] fastness" or defensive positions. Probably their peaceful views can be partly accounted for by the milieu they came from. They were recommended either by the authorities of inner commanderies and vassal kingdoms (= the central state) of the region East of Hua Mountain or by those of the metropolitan area as well as by a minister of the imperial government. Their native part of the country suffered directly not from the raids of the nomads but from the burden of wars waged by the empire.

The Grandee and the Imperial Secretary did not share the view that barbarian lands are useless. Some of the territories seized from the barbarians were turned into parks and pastures for rearing birds, animals and horses or into orchards. The Grandee regarded *ch'iang* and *hu* as partners of the empire in its trade by exchange, as providers of various kinds of cattle, rare commodities and valuables. Both officials were of the opinion that profits derived from the border commanderies are affluent, "commodities from the outer states keep flowing in, while profits do not flow from [us] to the outer [part of the world]". To their mind, border commanderies and the Hsiung-nu supplied products of which there was an insufficiency in the central state. Probably disputants estimated usefulness of the barbarian territories for China from the positions of two different kinds of economics. Confucians proceeded from the economy of self-sufficient peasant households while their opponents proceeded from that of commodity economy of a primitive type.

Though the Grandee believed that All-under-Heaven is indulged in pursuit of profit, he contrasted ethics and riches of the Chinese with those of the Hsiung-nu. To his mind, the "central state" is "the abdomen and the heart of

All-under-Heaven" where worthy scholars, rites and righteousness are concentrated and wealth is produced. In contrast to them, the Hsiung-nu lead nomadic life, have no rites, no norms of proper behavior, no just laws, do not conform to humanity and righteousness. They are cruel and greedy, cunning and deceitful, unreliable and treacherous (especially as a contracting party), their behavior is arbitrary and unlike that of subjects. In short, he believed them by nature to be devoid of ethics and similar to robbers, birds and beasts such as "a ferocious tiger".

According to the Grandee, the king displays a benevolent attitude to all his subjects. He embraces and comprises all, covers all, equally loves all and displays no favoritism, since both those living near and those living far are his people and his subjects. The benevolence of this attitude of the king manifests itself in his efforts to equalize security and danger, labor and rest of all his subjects. The Grandee does not mention that behaving in this manner the king imitates Heaven, but Tung Chung-shu (inexactly quoted by him) does. According to Tung Chung-shu, Heaven covers, embraces and comprises all but singles out nobody, while a sage imitating Heaven equally loves all but displays no favoritism. It shows that the Confucian school was not devoid of the idea of universalism, too. However, Tung Chung-shu interpreted this imitating Heaven by a sage as conferring favors proceeding from the royal *te* power, spreading humanity, establishing righteousness and instituting rites. Thus he did it in what the author calls a particularistic way.

In contrast to that, the main concern of the ideal king of the Grandee was the inequality of positions of the inhabitants of "central state" and "border commanderies". The former "sleep quietly", since they use the "border commanderies" as their shield, while the latter have to suffer from unfavorable natural conditions and to beat off enemy attacks. But the "central state" and the border regions constitute a whole. Their interdependence is based on the division of functions. As the Grandee has it, "if there are no border regions the state of the interior will suffer from injury". Military expeditions defending border regions from enemy raids as well as elimination of shortages at the border at the expense of "the surplus [born of] the fertility of the central state" are to his mind ways of equalizing the positions of population of both regions. The Grandee combined in his views the idea of defense with those of launching punitive expeditions and extending the territory of the empire. According to him, the Hsiung-nu deserve to be attacked by the "righteous troops" because of their lack of righteousness, aggressiveness, cruelty, etc., that is, because of their nature. In contrast to the Confucians, he emphasized the importance of natural barriers and fortifications both for security and expansion of the state.

The "true king" of the Confucians who "leaves nobody out" and the ideal ruler of the Grandee are similar in being universal monarchs. However,

the world ruled by the former is an ordered one, its inhabitants having been transformed by him in his own image by means of magical and ethical influence. In contrast to that, the world ruled by the latter remains such as it is of itself in the spiritual aspect. To the mind of the Confucians, ordering those living near is a prerequisite compared to ordering those living far. To the mind of the Grandee, security of the "outer" part of the empire is a prerequisite over that of its "inner" part, i.e. the "central state", since it is the border regions that are connected with military functions of attack and defence. To the mind of the Confucians, universal king relies only on the arts of peace. To the mind of the Grandee, he should rely both on the arts of war and peace.

Emphasis laid by the Confucians on the "near" and "inner" is consonant with the geographical tradition to which they adhered. It is that of the "Tribute of Yu" describing a "small world" that consists of 9 provinces ordered by Yu and 5 zones subject to the Son of Heaven. In contrast to them, the Grandee adhered to a different geographical tradition that originated with Tsou Yen. According to the latter, the "central state" constitutes but 1/9th part of one of 9 continents washed by the Great Ocean. It occupies 1/81st part of dry land of the "great world", and not its central part at that. To the mind of the Grandee, Confucian geographical concepts are typical of a feudal lord who "regards his state as a [single] household, [the objects of] his concern being in the interior, while the Son of Heaven regards Eight Extremities as his frontiers, [the objects of] his concern being in the exterior [part of the world]". The historical example of the Son of Heaven mentioned above is that of the First Emperor of Ch'in.

When examining embodiments of concepts of time in the views of the *Yen t'ieh lun* disputants, the author found several points in common. Both parties of disputants connected each of the four seasons with a special kind of celestial activity (bearing with spring, nurturing with summer, killing with autumn, storing away with winter). Both linked the first two kinds of activity with *yang* while the other two with *yin*. Both saw in the first two kinds a model for the good deeds of the ruler while in the other two a model for his punitive activity. But celestial models they thought advisable for a ruler to conform to were different. To the mind of the Well Versed in Writings, the true king should conform to "the way of Heaven" consisting in "loving life and hating death, loving rewards and hating punishments"; since "Heaven despises winter but values spring, prizes *yang* but belittles *yin*"; "the true king... turns his back upon *yin* and his face toward *yang*, brings [favors proceeding from his] *te* power to the forefront and moves punishments to the background". In contrast to him, the Grandee maintains that "spring and summer... are fitting for practicing humanity while autumn and winter... are fitting for administering punishments. Therefore if one plants [something]

unseasonably, even if it germinates it would not come to maturity; if in autumn or in winter one accomplishes [good deeds proceeding from one's] *te* power it would be called 'acting contrary to the way of Heaven'." The royal attitude approved by Confucians is particularistic while that approved by the Grandee is universalistic.

In the eyes of the *Yen t'ieh lun* Confucians, the time of "antiquity" possessed highest and even sacral value. According to them, it was then that the principles of the world order ("the way of Heaven") were embodied in social life whose rhythm was in full keeping with that of nature. This view manifested itself in the theory of normative human behavior. "Heaven" and its "way" were thought of as unchangeable; therefore modes of human behavior were thought of as unchangeable, too. Following in the steps of Tung Chung-shu, the *Yen t'ieh lun* Confucians emphasized the immutability of the ways of "antiquity", "the sages", "the former kings", etc., and prized conforming to the unchangeable (constant) rules (*ch'ang*, *ching*). Hence their belief in the existence of common ways and models of behaviour in the past and nowadays. The tendency to bring out "common principles of antiquity and present times" is typical of their views. They recognized only one "way" imitating that of Heaven that has been carried into effect in "antiquity". This seems to corroborate the conclusion of the author that particularism interpreted as following one of the two world principles (namely *yang*) was typical of the Confucian worldview.

In contrast with "antiquity", they regarded "the present times" as a period of spiritual and social devolution and decay. At the same time, they saw in the latter a period of sophistication and of much more developed material life than of old. In spite of that, they believed that "the present times" were not separated from "antiquity" by an insurmountable barrier and the ways of the "sages" and "former kings" could be carried into practice today. Hence comes the idea of a "return to antiquity", of "restoration" of its ways (*fu ku*). Hence comes also the favourite Confucian way of personal behavior, that of imitation of a model predecessor who had fulfilled the same official or social function. "Return to antiquity" is achieved through imitation: a sovereign should imitate models of the "three kings", a chancellor — that of the Duke of Chou while he who "practices methods" of humanity and righteousness — that of Confucius. It looks like a direct continuation of the Western Chou magical ritual of imitating the model of one's ancestor (wherewith participation in mythological antiquity was thought to be accessible). Both Heaven and kings of antiquity (who in their turn were believed to have imitated Heaven) were regarded by the Confucians as worthy of imitation. Tung Chung-shu believed that a sage being a creative personality is alone capable of directly imitating Heaven while a "worthy (or wise)" man being a continuator (or "transmitter") by nature is capable only of

imitating sovereigns of antiquity. An echo of this theory is heard in a speech of the Well Read in Writings.

However, the idea of the necessity to conform to the new times (especially prompted by *I ching*) runs through the views of the *Yen t'ieh lun* Confucians in spite of their respect for "antiquity" and the changeless. They realized differences between the times, changes in history, alternation of periods of rise and decay and maintained that a ruler should respond to them. They singled out at least three kinds of stretches of time one should conform to, those of a period of history (such as that of reign of a dynasty), a season of the year and an opportunity. Following in the steps of Tung Chung-shu, the Well Versed in Writings referred to the cyclical theory of alternation of three kinds of "instructions". It were those resorted to by the founders of the three dynasties who relied on the principles of "sincerity", "reverence" and "refined form" respectively. He also shared the theory of the same philosopher that a ruler should model his activities after the four seasons. To his mind, spring was connected with humanity, summer with favors proceeding from the royal *te* power, autumn with righteousness and winter with ceremonial behaviour. Again, he believed that spring and summer were fitting for publishing ordinances while autumn and winter for promulgating laws. In his opinion, both royal economic policy and human economic activities should conform to the four seasons. He maintained that "attuning the four seasons" is the responsibility of ministers (and hence in the end that of the monarch). To the mind of the Confucians, timeliness of functioning both of the monarch and the cosmos was a constitutive part of the universal harmony.

In their opinion, periods of history (such as those of reigns of the three dynasties) as well as the four seasons are of recurring nature, while royal ways of adapting oneself to them by establishing three kinds of instructions and conforming to seasons also repeat themselves. This hardly leaves room for improvisation. There remains though one more principle valued by the Confucians, that of individual behavior of a "gentleman", which at first sight seems to offer better opportunity for improvisation. To the mind of the Well Versed in Writing, "waiting for an opportunity" and grasping it when it "presents itself" is characteristic of a "gentleman". However, on the one hand, to the mind of the Well Versed in Writings, the behavior of a "gentleman" should correspond to norms and implies concentrating on self-perfection and moral values. On the other hand, in the opinion of the Worthy and Good, the ancients would do something "after its old style" and "not alter [it] making [it] anew". An explanation of the expressions in quotes dating from the 1st century B.C. runs, "According to the way of a gentleman, one rejoices in conforming to and following [that which was made of old] but finds it difficult to alter [it] making [it] anew". Thus an ideal

"gentleman" is no supporter of innovations. To the mind of the *Yen t'ieh lun* Confucians, these are possible only in the sphere of unimportant and secondary, not in that of essential and fundamental. Confucians use the image of bearing a silk ritual cap instead of one made of linen as a sign of admissible changes. Only a narrow sphere of minor importance is left in their world-view for improvisation and innovations.

There are some grounds to suppose that the *Yen t'ieh lun* Confucians shared the theory of Three Ages (*san shih*) inherited from the *Kung-yang Commentary* and Tung Chung-shu. Probably they interpreted it in the same vein that was later characteristic of Ho Hsiu. Though they do not mention the term *san shih*, they employ other two used by Ho Hsiu to designate the second and the third of the Three Ages. Ho Hsiu discerned three subsequent Ages in the history covered by *Ch'un ch'iu Annals*, those of Weakness and Disorder (*shuai luan*), Approaching Peace (*sheng p'ing*) and Great Peace (*t'ai p'ing*). According to him, for the Age of *shuai luan* the *Annals* treated the state of Lu as the "inner" one while all other Chinese states as "outer" ones. For the *sheng p'ing* Age they treated all Chinese states as "inner" ones while those of the barbarians as "outer" ones. However in the *t'ai ping* Age barbarians became part of the Chinese feudal hierarchy and All-under-Heaven was like one.

The meanings in which the *Yen t'ieh lun* Confucians use the terms *sheng p'ing* and *t'ai p'ing* seem to be similar to those they have in Ho Hsiu's theory. The Well Versed in Writings quotes a *Commentary* according to which "passes and bridges", i.e. border fortifications between Chinese feudal states, have originated not from the period of Approaching Peace but from that of Warring States. To the mind of the author, this use of the term *sheng p'ing* corresponds to treating all Chinese states as "inner" ones in Ho Hsiu's theory since it implies that at the time of Approaching Peace there are no intestine wars between them. The term *t'ai p'ing* was of major importance for the Confucian participants of the court conference of 81 B.C. All of them without exception talked about the Great Peace. The *Yen t'ieh lun* Worthy and Wise describes the *t'ai p'ing* period as that of cosmic harmony brought about in antiquity by the rule of the Duke of Chou while the Worthy and Good remarks, "When the Duke of Chou implemented his *te* power, [the potentate of the remote barbarian] state of Yueh-shang arrived [presenting tribute]". In the opinion of the author, these reports are symbolic. They testify to the abundance of *te* power of the Duke of Chou that enabled him both to exercise wholesome influence on nature and to achieve complete world ordering. To use the terms accepted in the *Kung-yang Commentary*, it means that in the Age of Great Peace the entire universe finds itself under the sway of a "true king" who "leaves nobody out".

Some scholars believe that the theory of Ho Hsiu contains the idea of progress or term it "an ascending social evolutionary series". In contrast to them, the author regards it as a description of the process of gradual world ordering passing through three phases, those of ordering first one Chinese state, then the Chinese part of the world and in the end all the world. To his mind, the views of the *Yen t'ieh lun* Confucians mentioned above seem to be fragments of a similar theory preceding that of Ho Hsiu. The author admits that time in both theories when they are isolated from their contexts displays linear nature. But when they are regarded in their contexts their linear time appears (to use a phrase by Joseph Needham) "in a cyclical setting". As has been mentioned above, the *Yen t'ieh lun* Confucians regarded "the present times" as those of spiritual and social devolution and decay. Time in the theory of devolution is also of linear nature. But when this theory is combined with that of Three Ages as interpreted by Ho Hsiu and probably by the *Yen t'ieh lun* Confucians, a cyclical concept of time is formed. It can be described as the cycle of falling away from and "returning to antiquity" (*fu ku*) or as "cosmos—chaos—cosmos". In the views of the *Yen t'ieh lun* Confucians, the theory of spiritual and social devolution corresponds to the stretch of time described above as "cosmos—chaos" while that of gradual world ordering corresponds to the stretch of time described as "chaos—cosmos". In the context of these views they appear as linear components of a cyclical concept of time.

Needham was of the opinion that Confucians did not fix their eyes on the past but emphasized development and social evolution. Contrary to his opinion, Confucian concepts of time examined above are cyclical. One of the important reasons for the predominance of the cyclical concepts of time in the historical views of the *Yen t'ieh lun* Confucians is the unique personality of the "true king". It was believed that only if a "true king" appears, complete world ordering and "return to antiquity" would be achieved, the degenerate world would revive under his influence and the time of the Great Peace would come. After the unique personality disappears the world will gradually fall into decay until, thanks to the appearance of another person capable of its complete ordering, a new revival would become possible. Thus both Confucian orientation toward "antiquity" and their belief in the possibility of its cyclical repetitions were connected with the sacral figure of the "true king".

In contrast to Confucians, the Grandee and other officials were concentrated on "the present times", not on "antiquity" (though sometimes they emphasized the ancient origin of certain institutions, methods of administration, models of behavior and occupations they approved of). They believed that ancient usages and ways of behavior described in the old books are unrealizable today. Following in the steps of Taoists they criticized Confucians

for the discrepancy between their words and deeds and for their love of empty writings and alluded to the reality they have learnt through personal experience resorting to sense organs. To pay attention to the "changes of times" was characteristic of them. Therefore the model of behavior they valued was that of *ch'uan* ("provisional [measures or plans] adapted to circumstances", "to adapt oneself to circumstances acting contrary to constant rules"); as mentioned above, it was typical of *pa tao*. The *ch'uan* principle is opposite to that of following constant rules characteristic of the Confucians. Both principles were regarded by their adherents as integral parts of the behaviour of an outstanding personality. The *ch'uan* principle was emphasized by various non-Confucian thinkers, such as Legalists, Taoists, etc. It was not altogether alien to Confucians, too (those of the Kung-yang School in particular), though it never played a leading part in their world-view. The *Yen t'ieh lun* Confucians criticize it as that adhered to by their opponents as well as their precursor Shang Yang and the initiators of martial policy under Wu-ti. One of the reasons for their criticism was the fact that, to the mind of the Confucians, the *ch'uan* principle incites one to conceive of phenomena of reality within the framework of a stretch of time which is too short, regardless of their future consequences. Evidently Confucians were worried by what nowadays would be termed pragmatic approach.

Adaptation to changing reality leads to different modes of behaviour in different circumstances. As the Grandee has it, "the worthies and the sages did not manage the family [affairs] resorting to one method, nor did they enrich the state through one way". The attitude that manifests itself here is universalistic.

The idea of conforming to times consonant with that of *I ching* influenced the officials, too. The kinds of the stretches of time they believe one should conform to are the same as with the Confucians, but officials seem to lay more emphasis on the importance of taking the opportunity than their opponents; for instance they discuss seizing it in the sphere of warfare which lies beyond the scope of Confucian interests. They also emphasize the importance of conforming to the four seasons, especially while implementing their economic policy and economic regulations. As already mentioned, in contrast to the Confucians, the Grandee does not attach more value to spring and summer than to autumn and winter and treats them in a universalistic way.

As to the periods of history, the officials were of the opinion that changes make each epoch unique and it is useless to attempt to "return to antiquity" separated from "the present times" by an insurmountable barrier. Therefore there are grounds for correlating their views on history with those of Legalists and Taoists. According to the Clerk of the Chancellor, "if one

would be obliged to follow [models of] antiquity without altering anything and to cling to the precedents without changing anything, it [would result in the situation where] refined form and natural substance are not subject to change while primitive carts still exist". The image of a primitive cart borrowed from Han Fei helps to draw a parallel between the views on history of the latter and those of the Clerk of the Chancellor (who presents his ideas in a Confucian setting). Both recognize development of material culture from the times of "antiquity" to the "present" ones. Both point to parallel social changes. Han Fei mentions those from the times of "antiquity" when men strove with one another for superiority in possessing *te* power to those of "middle ages" when they vied with one another for superiority in possessing cleverness (or wisdom), and therefrom to "the present times" when they compete with one another for superiority in possessing force. The words of the Clerk of the Chancellor imply replacement of the period of "natural substance" by that of "refined form" which points to a shift from the primitive state of society to that of modern culture. In contrast to the Confucian theory of spiritual and social devolution, time here does not appear as a linear component set in a "cyclical setting". On the contrary, the views of the Clerk of the Chancellor embody the concept of a linear non-reversible time accompanied by the ancient notion of creation and continuation expressed in the words "some create it, while others transmit (or continue) it". Time embodied in the notion is linear, too. Examples of creating and transmitting given by the Clerk of the Chancellor are promulgation of laws and ordinances and invention of instruments and implements.

The Imperial Secretary, too, shared a theory of spiritual and social devolution that embodied linear time. He pointed to increasing degradation both of *te* power and trustworthiness from the times of the Hsia-hou downwards. Under the Hsia-hou dynasty it was sufficient to pledge one's word that would never be broken, under the Yin people swore oaths while under the Chou they made covenants on oath smearing the corners of their lips with sacrificial blood. He also emphasized the increasing strictness of punishments from symbolic ones used under Yao and Shun to mutilating ones applied under the Yin and the Chou since "the times were different". The theory originates from Taoist and Legalist views on history included in *Huai-nan-tzu*. According to Angus Graham, it reflects a historical scheme of the Tillers describing stages of decay after the deviation from the state of perfect order under Shen-nung. Similar views of the Legalists were probably used by the Imperial Secretary.

The Grandee shared the views of this kind, too. He used the image of the primitive cart twice. He reproduced a part of the *I ching* list of inventions, social and economic innovations ascribed there to culture-heroes. He also emphasized (inexactly citing *Huai-nan-tzu*) that "to wish to order the

depraved people" of his day "by [means suitable for] the times of honesty and simplicity" would be in vain. Again, he pointed out that if one "desires to bring about order by abrogating laws" in the present age when customs differ from those of the times of Yao and Shun, and people differ from a virtuous recluse of antiquity, one's endeavour would be futile. It follows that he shared the Taoist and Legalist theory of spiritual and social devolution that embodies linear time. However, he combined linear notions with cyclical ones. There are cycles in his economic views and probably also in his interpretation of the concept "one [period of] natural substance, [another] one [of] refined form".

It follows that the ideas of cyclical change appear in the views of both groups of the *Yen t'ieh lun* disputers though they dominate only in those of Confucians. Besides, they share one more idea which they interpret differently, though. Needham terms it "the Taoist theory of regressive devolution". The author prefers to call it "the theory of material evolution and spiritual and social devolution" describing it as a two-sided process proceeding from the age of "natural substance" in "antiquity" to that of "refined form" in "the present times". According to his assumption, it probably originates from some common (mythological?) substratum of Confucianism, Taoism and Legalism. Confucians conceived of the time of the two-sided process as a linear component of a cycle whereas the officials (i.e. Taoists and Legalists) thought of it as linear without mounting it in "a cyclical setting".

Thus the views of Confucians on history are cyclical whereas those of their opponents are mostly linear. This difference of their views can be accounted for by that of their concepts of the personality of the monarch, human nature of his subjects and his ability to transform them. Confucians were convinced that there are "no commoners in the world whom it would be impossible to transform" by means of the royal *te* power bringing them back from chaos to cosmos and thus "restoring antiquity". The officials shared a Taoist view that human nature cannot be transformed by the influence of either a "gentleman" or a "sage". According to them, a ruler should recognize that in the course of time which passed since the period of "antiquity" human nature underwent changes past recovery; therefore he should conform to it as it is and give up the idea of "return to antiquity". This means he should realize his inability of forcing the flow of time to make a cycle and let it take its linear course. Therefore time in the historical views of the Confucians is cyclical while in those of the Legalists it is mostly linear. Hence also comes the adherence of the former to "antiquity" and of the latter to "the present times".

When examining embodiments of the concept of *lei* ("kind") in the views of the *Yen t'ieh lun* disputants, the author concentrates on the princi-

ple of mutual attraction of objects "of the same kind" and of mutual repulsion of those "not of a kind". It plays an important part in the world picture of the Confucians which in this respect is reminiscent of that of Tung Chung-shu. To the mind of the Well Versed in Writings, objects "of the same kind" seem to be interrelated and harmoniously interacting with each other, while "things in opposition to each other", *yin and yang*, can flourish and become abundant only by turns and not simultaneously. One should behave oneself following one's nature; if this rule is violated, all the objects "of the same kind" would be affected, which would bring about disorder on a cosmic scale. The concept of *lei* is also embodied in the idea of isomorphism of the cosmos and the society, in the analogies between the former and the latter, as, for instance, those between the fixed stars and the ministers or between other stars and the commoners. It manifests itself in the concepts of human imitation of the functions of the four seasons or the movements of the stars. The Well Versed in Writings subordinates the principle of royal imitation of the four seasons to that of royal imitation of Heaven as a benevolent power. Thus he modifies the former principle in the direction toward particularism.

Lei concept is embodied not only in the Confucian ideas of human reaction to the functioning of the cosmos, but also in those of cosmic reaction to human behaviour, i.e. in the theory of portents regarded as "responses" (*pao*) of Heaven. Since human deed and celestial "response" to it were believed to be "of the same kind", the Chinese thought that similarity, correspondence and mutual attraction exist between them and saw in the principle of *pao* an analogue of the law of Heaven. The Well Versed in Writings maintained that there is retribution of good for good and of evil for evil. Good and ill omens (good fortune and misfortune) sent by Heaven were regarded by him as "responses" to human behaviour which "follow [the deed] according to its kind (*lei*)". To his mind, they befell one as if they were attracted by his good or evil deeds. The same happens when a ruler impartially (i. e. imitating the way of Heaven) rewards or punishes his subjects. The Confucians saw in these royal activities manifestations of the principle of *pao*. They interpreted correspondence of a reward to a good deed and of a punishment to an evil one as similarity, as their being "of the same kind". Following in the steps of Hsun-tzu, they assert that in antiquity punishments were similar to the crimes they were inflicted for, as it is in the case of the talion (death penalty for murder, mutilation for wounding).

Lei concept was also embodied in the Confucian views on government, personnel administration, behavior of the officials, spiritual transformation of the people. According to it people "of he same kind" are mutually attracted and group together. Therefore the officials assisting the ruler were

regarded as those "of the same kind" with him. To the mind of the Confucians, they were attracted to the royal court for that reason, while those "not of the same kind" with the monarch were repelled by him and dismissed from office.

Again, *lei* concept is embodied in the views of the Confucians on war, peace and foreign policy. According to them, army and war attract economic scarcity as an object "of the same kind". Disorder within a state and an enemy attack are objects "of the same kind", too. Therefore, to the mind of the Confucians, the only way of stopping an enemy is to reduce one's own state to order and thus turn it into an object of a kind "different" from invasion; then mutual repulsion will arise between the two. Hence the method of the Confucians to avert war peacefully by ordering their state and their rejection of the hostilities. They believed that peaceful attitude of the Chinese monarch to the barbarians can manifest itself in two ways embodying the concept of *lei*. One is particularistic. It provides for different treatment of Chinese and barbarians: "In antiquity [rulers]...valued those with whom they were of the same [kind] and despised those not of their kind". The other is universalistic. It regards barbarians as object of spiritual transformation by the emperor to the end that they would be eventually turned into people "of the same kind" with him. Then they would be attracted to him coming to his court of their own accord and offering submission.

Thus it is *lei* concept that seems to make the universe of the Confucians to form a single continuum. The sacral personality of the world-ordering king both conforms to the patterns of the cosmos and receives signs (i.e. portents) from it in response to his deeds depending on their kind.

The place *lei* concept occupies in the views of the officials is significant enough though certainly less important than with the Confucians. The principle of mutual attraction of the likes is formulated by the Clerk of the Chancellor who mounts it in a Confucian setting. His examples of "the things of the [same] kind following each other" (such as trees of the same sort growing in clumps) pertain to the vegetable kingdom, but he also points to parallels in human society. To quote his words, "K'ung-tzu said, 'The [possessor] of *te* power never dwells alone, he is sure to have neighbors (i.e. assistants of the same kind)'. Therefore when T'ang rose [to power], I Yin came to him, while 'those devoid of humanity retired'." To the mind of the Grandee, "there never have been good [persons] whose [deeds] were not conformed to [by others] or sincere [persons] whose [voices] were not responded to [by others]"; he illustrates the idea with the examples of birds that came flying in response to the music of Tseng-tzu and beasts that danced in response to that of music master K'uang.

Analysis of the embodiments of *lei* concept in the views of the Grandee reveals not only similarity to those of the Confucians but significant differ-

ences as well. Accepting the idea of imitating Heaven and its four seasons by the ruler, he maintains that the attitude of the latter to seasons as well as the kinds of royal behavior copying them should be equal, i.e. universalistic. He shares the concept of *pao* but not to such an extent as the Confucians. To his mind, "responses" both to meritorious and criminal deeds proceed from the ruler and not from Heaven. In contrast to the Confucians, he does not emphasize similarity of a crime and its punishment (as in the case of the talion) but insists on inflicting severe punishments for insignificant crimes.

Again, the Grandee does not share the interpretation of the concept of *pao* as a "response" of Heaven to human deeds and refutes the explanation of natural calamities and bad harvests by human activity. His own explanation of floods and droughts is based on the idea of interaction of cosmic forces located in Heaven (beyond the reach of good or bad rulers) and on that of fate. He asserts that both floods and droughts are a result of cyclic movement of *yin* and *yang* and not a consequence of human efforts. When T'ai-sui, the invisible correlate of Jupiter, is in the region of *yang*, it brings about drought, when it is in that of *yin*, it brings about flood. "Once in six years there is a famine, once in twelve years (= the duration of the T'ai-sui cycle) there is a [great] failure of crops. Such is the way of Heaven". The theory is based on the views of Chi Jan and probably on those of Po Kui. Ssu-ma Ch'ien (who was aware that *pao* principle does not provide a universal explanation, since in a lot of cases good and evil deeds never entail retribution) preserved the views of Chi Jan and Po Kui in his history. In A.D. 1 Wang Ch'ung used the theory in question in his polemics with phenomenalists. His point was to prove that one is incapable of affecting Heaven by one's deeds and that Heaven does not respond to them. In his discussion he borrowed an argument from the Grandee who maintains that floods and droughts happened even at the times of the ideal rulers Yao and T'ang. Wang Ch'ung interpreted it as a proof of the idea that calamities are brought about by predestination and not by bad government. Thus the Grandee based himself on a tradition that originated from the ideas of merchants. It is from it that he borrowed a fatalistic explanation of natural calamities.

Both with Confucians and their opponents, *lei* category underlies classification and grouping together of objects, qualities and forces of the cosmos, compartments of space, stretches of time, people, their qualities and deeds, etc. It permeates the theory of government and substantiates foreign policy, providing a basis for correlating royal activities with the aspects of the cosmos. But the Confucians resorted to this category both to describe human reaction to the functioning of the cosmos and cosmic reaction to human behavior. In contrast to them, the Grandee described therewith only human

reaction to the functioning of the cosmos (imitation of cosmic models) but used the idea of predestination in order to explain natural calamities. On the one hand, it points to a less sacral type of the royal personality than that of the Confucian "true king". On the other hand, it follows there are no provisions for feedback between Heaven and society in the universe depicted by the Grandee. Partly for that reason there are no prerequisites for criticizing the powers that could be in his views. However, they are present in the views of the Confucians thanks to their theory of portents and to the fact that their ideal society was placed in "antiquity". Again, the opponents chose some cosmic models for royal imitation differently. The Confucians chose both particularistic and universalistic models, while the officials chose only universalistic ones. The Confucians believed that, as a result of imitation, the qualities of the people will become "of the same kind" with those of the ruler, while the Grandee accepted the world as it is of itself.

While studying the embodiments of the concept of "oneness" in the views of the *Yen t'ieh lun* disputers, the author arrived at the conclusion that it is expedient to examine those of the Confucians in the light of the ideas of Tung Chung-shu. The latter described "oneness" as a general principle of the world order that manifests itself within each pair of "things in opposition to each other" (or mutually correlated polarities), such as *yin* and *yang*. He asserted they "cannot arise simultaneously" and remarked, "Oneness and not duality is [distinctive of] the movement of Heaven". The Well Versed in Writing also described the principle as a cosmic one emphasizing that "when the shine of *yang* (= the sun) increases above, the multitude [of things pertaining to] the kind of *yin* decreases below". It follows that the principle of "oneness" reveals itself in the course of quantitative changes leading to a change of places of both "things in opposition to each other" and to that of parts they play in the hierarchy. Each of the two passes through the phases of rise and decay, the cycle recurring again and again. The Well Versed in Writings compared an embodiment of this principle in the sphere of human activities with those in the sphere of natural changes. According to him, "if one derives profits there, one is sure to bring about expenditure here just as *yin* and *yang* (i.e. the moon and the sun) do not radiate at the same time and day and night alternate in being long or short". It probably means that, since the ruler derives profits at the expense of his subjects, the increase of his income leads to the increase of expenditures of the people; for that reason the ruler and the people cannot be rich at the same time. The above-described cyclical concept of alternate rise and decay of things in opposition to each other is discussed in the commentaries on the 15th and 55th hexagrams of the *I ching*.

The concept of "oneness" is embodied in the particularism of the Confucians. Since "oneness" is regarded as a principle of Heaven, a ruler copy-

ing Heaven has to choose one of the "things in opposition to each other" and to follow its course. This corresponds to the particularistic attitude of the Confucians toward only "one" cosmic principle (i.e. *yang*) as well as to their following only "one" way, etc.

According to Tung Chung-shu Heaven provides animals with only "one" organ of attack and defence, either with horns or with fangs; similar to that each social group has but "one" source of income and not "two" of them. The limiting principle of "oneness" manifests itself both in the realm of nature and the social sphere prescribing officials to live only on their salary. It forbids them to appropriate profit due to farmers, artisans or merchants and to compete with them for it. It was believed that complying with this principle will lead to equal distribution of profits and that consequently the people will be well provided for.

Following in the steps of Tung Chung-shu, the Well Versed in Writings bases himself on the maxima of *Li chi*, according to which in antiquity "those who held office did not gather in the harvest; those who hunted did not fish". To his mind, even petty officials "could neither combine in one hands profits [derived from different occupations] nor [appropriate] all the products". The ancients "did not pursue two occupations at the same time, did not combine in one hands profits and salary [derived from different sources]"; therefore "there was no significant disparity between various occupations and no substantial difference between the rich and the poor". "Oneness" interpreted as "one occupation — one source of income" was aimed at enhancing social harmony by means of maintaining the balance of incomes and wealth of the social groups, by stopping struggle and competition and by improving morals of the officials

The principle of "oneness" was also embodied in the idea that everybody in the society should have only "one" social or official function corresponding to his nature and to his "heart". "Oneness" of occupation means the "heart" is concentrated on "one" thing. The Well Versed in Writings cites a *Ch'un ch'iu* commentary in which a scholar is said "to remain unalterable in holding to one [and the same]" and to restrict himself to "fulfilling his functions".

The principle of "oneness" permeates the theory of gradual world ordering, since ordering means transforming people carried out by "the one man" (= the Chinese monarch) in his own image. The theory has an ideological aspect. In ca. 125 (or 134?) B.C. Tung Chung-shu advised Wu-ti "to block the road" of all non-Confucian teachings which would allow "to unify leading principles and make laws and norms clear"; then the people would know what they should follow. It was a proposal to put into practice the principle of "oneness" and to give appointments only to the Confucians. The Well Versed in Writings does not say directly he subscribes to the opinion

of Tung Chung-shu. But he enumerates various types of people who held office under Wu-ti (including the military, the financiers, the rich, the "harsh officials", and the flatterers) and concludes, "Those who wanted to serve their prince relying on humanity and righteousness and resorting to the [right] way were few, while those who unscrupulously adapted themselves [to his whims] and won his favorable disposition were many. [Under such conditions] what could one do with the help of Kung-sun Hung alone?" His generalization of the situation runs as follows, " 'Ice and [hot] coal cannot [share] the same vessel', the sun and moon cannot shine simultaneously". These words contain a quotation from *Han Fei Tzu*, which implies that teachings in opposition to each other are incompatible, and one cannot bring about order by means of listening to their adherents simultaneously. Thus the Confucian gives his listeners to understand that only "one" kind of men can be employed in office at the same time and not "two" of them being in opposition to each other. It should be added that, to the mind of the Confucians, the officials "relying on humanity and righteousness" were opposed to the warriors and "harsh officials" as people of the Confucian type to those of the Legalist one.

In the views of the *Yen t'ieh lun* Confucians, the idea of ideological unity of the bureaucracy is combined with that of inadmissibility of different ways of selecting personnel. As was already said, the adherents of "the way of the true king" saw the only method of getting officials in "selecting" them "on recommendation" according to their personal virtues. However, other methods of recruitment were also practised under the Han. Appointments were given to sons and relatives of high officials thanks to the privileges they acquired by birth, to those selected by virtue of their property, and to those who have purchased an office or a rank. These methods did not require from the ruler to make high demands of moralities from the candidates for office. These methods were regarded as pertaining to *pa tao* and therefore severely criticized by the Confucians such as Tung Chung-shu. Both the Confucians and the Taoist eclectics termed the modern way of appointing officials as a "mixed" (i.e. not a homogeneous) one providing for many avenues of getting an appointment. Ssu-ma Ch'ien pointed out that ca. 123 B.C. "the way of [appointing] officials has become mixed, there being many approaches [to getting an appointment]" since "ranks for military merit" were sold. He also remarked that about five years later "the way of [appointing] officials has become even more mixed, [a part of them] ceased to be selected [on recommendation], and many merchants [got appointments]"; this happened because rich men formerly engaged in salt and iron industries became officials. The Worthy and Good approved of the situation in "antiquity" when scholars were selected in their villages, got appointments according to their talents and abilities, were given rank and salary if they

adequately performed their functions, and after successful service in their native districts were eventually promoted to a position at the royal court. "For that reason the worthy moved forward and were employed in office while the unworthy were treated with contempt and dismissed from office. Now the way of [appointing] officials has become mixed, [a part of them] ceased to be selected [on recommendation]'. The rich purchase offices by means of wealth, the brave hunt merits [risking] death. Those [skilled in] doing stunt riding in a carriage and [strong men capable of] jumping about with a tripod [on their shoulders] all moved forward and were appointed to [the posts of] officials; they accumulate merits and [remain in office] day by day, some of them rising to [the rank of] a minister or a chancellor". To his mind, the way "of helping the *te* power of the ruler and opening the road [of appointing] subjects lies in selecting the worthy and 'employing [them] in office' 'according to [their] abilities' "; selection should be especially careful when it concerns the appointment of Grand Administrators of commanderies and Chancellors of feudal kingdoms.

It follows that, from the Confucian point of view, "oneness" manifests itself in the fact that the sovereign, being an embodiment of *yang*, should rule relying on his *te* power (which is also *yang*) and having assistants "of the same kind" with him, i.e. Confucians, in whose natures *yang* prevails and in whose teaching it occupies a dominating position.

As regards the views of the officials, there are reasons to suppose that the Grandee accepted the principle of "oneness and not duality". It is perceptible in his economic views, since his method of helping the needy at the expense of the rich is founded on the recommendations of a commentary on the 15th ("Modesty") hexagram of *I ching* which in its turn is based on the cyclical concept of alternate rise and decay of two "things in opposition to each other". Again, it can be seen in the fact that he shared the idea that one occupation and one source of income correspond to one social group. At least he believed this has been so in antiquity, when "none but artisans and merchants could live on the profits [derived from] the secondary [occupation], none but good farmers could live on the fruits of their crops, none but those in control of the government could live on [the incomes derived from their] offices and ranks". This view seems to elaborate upon a Legalist tradition reflected in *Shang-chun shu*. As was observed by Leonard Perelomov, according to this work the aspiration of the people to "unity" (or to the "one") should be interpreted as pointing to tillage and warfare. To the mind of the Grandee, the present-day state takes "the secondary occupation" upon itself. It "casts implements of husbandry, makes the commoners concentrate their efforts on the fundamental [occupation] and not to be engaged in the secondary [one]". The author traces the origin of this view to the official ideology of the Ch'in, according to which the emperor "holds in honor

the agriculture and has uprooted the secondary [occupation], the black-haired ones are growing rich. [Those living] under broad Heaven that covers all concentrate their hearts [on one occupation] and [are imbued with] a single will. The implements and utensils are [manufactured according to] one standard, [all] write characters in the same way".

In contrast to the Confucians, the Grandee did not care about the morals of the officials since he did not think they should fulfil the function of spiritual transformation of the people. On the contrary, he approved their pursuit of profit, believed that "wealth and high position are expectations of a scholar". He regarded the skill of growing rich as a sign of an outstanding person testifying to his ability to cope with his official functions. He prized those who have won renown both as merchants and as officials (such as Kuan Chung, Fan Li and Tzu-kung) and regarded himself (he was the son of a Lo-yang merchant) as a person of the same kind with them. Moreover, he thought it admissible for an official to be engaged in more than one occupation, though it seems to contradict his own concept that in "antiquity" each social group lived on the income derived from only one source.

As regards selection of personnel, the Grandee theoretically admitted that the method of "selecting on recommendation" of the "Well Versed in Writings" is indispensable to the state. At the same time he emphasized the disappointment given him by his Confucian opponents who, though recommended according to this method, did not live up to his expectations. Both he and other officials criticized the Confucians "selected on recommendation" in their day, had a low opinion of their achievements and were against their employment in office. Moreover, the Grandee asserted that there had been no place for the Confucians in the society of "antiquity" and that they were idlers and spongers useless for ordering a state. This view is reminiscent of the attitude to them characteristic of Shang Yang and Han Fei. Having described a ruler who relies on farmers and warriors and at the same time respects those who behave themselves like Confucians (or propagate Mohist views) Han Fei concludes, "Therefore incompatible things do not coexist". Since the leading principle of the Confucians is *yang*, while the thing incompatible with (= in opposition to) *yang* is *yin*, it is possible to assume that, to the mind of Han Fei, the leading principle of warriors and farmers is *yin*. If this is correct, when the Grandee objects to assigning Confucians to official positions he probably gives preference to *yin* over *yang*. This would be a looking-glass reflection of the view on "oneness" shared by the Confucians who were guided by *yang*.

As for other methods of selecting personnel, the Grandee was certainly an advocate of the sale of offices and perhaps approved the assigning of privileged sons of honored persons to high positions. He clearly supported

the "mixed" way of selecting personnel that combines the avenue of "selecting on recommendation" with those typical of the *pa tao*. The Imperial Secretary in his turn argued in favor of the view that when outstanding persons seeks to get appointments the ruler should prize their craft and flexibility as well as their ability of not being over-scrupulous, since a talented man aims at accomplishing a meritorious deed. He described his principle by the phrase "[if there is a need to achieve] a great straightness [at the price of] a small crookedness, a gentleman would do it" borrowed from *Huai-nan-tzu*. The Imperial Secretary opposed his principle to that of the Confucians who, being morally flawless and unable to make a compromise, obstinately "hold to [only] one way".

According to the *pa tao*, both political power and "laws and ordinances" proceed from "one" source, the monarch. The Grandee does not speak about it, but more than once touches on a related subject. The Legalists regarded laws as standards, while the Grandee repeatedly pointed out the importance of introducing unified standards by the state. However, he talked about "oneness" and standards in the economic sphere and not in the legal one. He was a supporter or initiator of "unifying (= monopolizing) salt and iron" in the hands of the ruler, of unifying the consumption of iron implements ("making their use uniform" by standardizing them), of standardizing their prices, of unifying market prices in general and of unifying coinage. Introducing unified standards in the sphere of economics by "the one man" was regarded as an embodiment of his uniform attitude to the "inner" and "outer" regions of the empire, to all his subjects, both "living near" and "living far". The policy of "equalization" of properties disputed by the Grandee was also a kind of embodiment of the universalism of the emperor aimed at unification of the economic conditions of his subjects. Finally, the Grandee believed that, as a result of his economic and other measures, the people would return to the "fundamental", i.e. to "one" occupation. It follows he regarded the uniform attitude of the emperor to his subjects as a means of substantiating the principle of "one social group — one function — one source of income".

Thus "oneness" occupies the top level of the scale of values both with the Confucians and their opponents. Both groups consider it to be a principle of the world order. Both think that, according to it, at the present moment the flourishing of only "one" of "the things in opposition to each other" and not of "two" of them is possible, while one function and one source of income correspond to one social group. However, the Confucians interpret it as a different attitude to both related polarities, as treating only one of them (i.e. *yang*) as a leading principle. In contrast to that, their opponent, the Grandee, fluctuates between a universalistic attitude to both of them and a particularistic preference for one of them (*yin*) which he probably manifests objecting to assigning the Confucians to official positions. According to the *Yen t'ieh lun* Confucians, the monarch (= "the one man") should transform the people in his own image by means of his *te* power and thus bring them to "oneness". Therefore they take special care of the morals of the officials whom they regard as transmitters of the royal influence. They think that only those of the same kind with the monarch, i.e. Confucians (like themselves), should be employed in office after they have been carefully "selected on recommendation". In contrast to that, to the mind of the Grandee, the monarch is the only source of political power that should adopt uniform attitude to all. He regards economic (and in all probability legal) standards as its embodiments. He does not believe this power is capable of transforming the subjects spiritually. However, in his opinion it can unify their positions and make them engage in but "one" occupation, the "fundamental" one. Therefore the officials are free to pursue profit, while the way of selecting personnel can be a "mixed" one without detriment to ruling the people.

The concepts discussed above are embodied in various views of the *Yen t'ieh lun* disputers. The author restricts himself to examining those on law and economics.

The analysis of the Confucian views on law has shown that they were to a large extent influenced by those of Tung Chung-shu. According to the Well Versed in Writings, the punishments copy the line of action of Heaven in fall and in winter and are connected with *yin*. They have a certain function in the cosmos which is subsidiary to that of royal "instructions relying on *te* power" connected with *yang* (the place of *yin* is hierarchically below that of *yang*). Accordingly the Well Versed in Writings distinguishes between two kinds of enactments. The "ordinances" are "instructions" intended for "guiding the people"; they are created by the sages in imitation of the activities of spring and summer. The "laws" contain "punishments" destined for "stopping cruel and violent [deeds]"; they are established by the sages in imitation of the activities of autumn and winter.

The *Yen t'ieh lun* Confucians were aware that laws and punishments are powerless to transform a man spiritually, to make him humane or non-avaricious. They regarded him who is able to discern a crime and nip it in the bud while it "has not yet taken place" as a "gentleman"; as a result, laws and ordinances are promulgated, but not used. On the contrary, they regarded an official who passes a sentence on "what has already taken place" after the crime was committed as an "ordinary man". In the other Han texts a similar difference is used as a basis for distinguishing between the rites and the laws. The former are said to "stop [a crime] before it has taken place", while the latter are said to be "applied after it has already taken place". The "rites" and "instructions" are regarded as the main means of royal influence

on the people; only if they fail to take effect one should resort to the punishments. But if the people observe "the norms of proper behavior and justice", punishments are not applied. The function of laws is to help a sage to bring his "instructions" to completion; when thy are completed, laws are not used any more. In the state the royal *te* power should be abundant and distinctly seen, while the laws should be few, clear and brief. If they are numerous, it is an obstacle in the way of their being known to the people and uniformly applied by the officials; then the increase in crime is inevitable. The Confucians disapprove of the strictness of laws and severity of punishments emphasizing that they can neither stop criminal deeds nor constitute a base for government for a long time. According to them, punishments are not only to fulfil the punitive function, but also to help the fostering of the people, to teach them lessons. According to the Worthy and Good, "a gentleman does not postpone [giving] instructions but is in no hurry [to apply] punishments; when he punishes one [man] he reforms a hundred; when he executes one [man] he warns ten thousand [against evil deeds]... [Even] if the death penalty has been applied [only] once, the commoners would observe the norms of proper behavior and justice..."

The Confucians believed that the correct use of laws depends on the personalities of the monarch and his officials, since the laws are but "implements of ordering". The benevolent influence of the monarch makes the officials implementing punishments behave in a humane way and grieve for the imperfection of the criminals. It also makes them feel shame for having failed to transform them spiritually and unwillingness to punish them. They should be in a melancholy mood at the time of implementing the punishment.

The Confucians shared the view that the punishments should correspond to the crimes. They believed that a prerequisite for it consists in observing the norms of proper behavior and justice. Following in the steps of Tung Chung-shu, they also maintained that both just sentences and appropriate punishments bring about cosmic harmony of *yin* and *yang*, timely winds and rains. The Well Versed in Writings emphasized that in "antiquity" the punishments corresponded to the crimes without fail, they "were sure to be inflicted, and there were no amnesties, [the accused] were amnestied only in doubtful cases". He asserted though that, in contrast to this, in the present age those who are close (the kindred?) are not necessarily punished for their crimes, while those who are distant (the strangers?) are not necessarily rewarded for their merits. To his mind, "therefore the present generation is worried not because 'there are no laws', but because there are no laws that are necessarily put into effect".

However, this universalistic note is not typical of his views on law that are mostly particularistic in the sense put into the term by Bodde. This par-

ticularism manifests itself in taking into account the will (i.e. the intention) of the transgressor and not the criminal deed while passing a sentence. According to the Well Versed in Writings, "when one tries lawsuits [according to the principles of] *Ch'un ch'iu* one [examines and] appraises the heart [of the accused] and defines [his] guilt [thereby]. If [his] will is good but contrary to the law, he is dismissed [from punishment]. If [his] will is evil but agrees with the law, he is punished". The same Confucian also singles out the figure of "the leader in evil" (i.e. the initiator who has "created the intention" to commit the crime in contrast to those who have actually performed the deed). His guilt was considered to be especially grave. The Worthy and Good, too, points out that in antiquity a high official before punishing a transgressor would check whether there are grounds for pardoning him; this would be possible if the crime was committed due to ignorance, by mistake, through negligence or forgetfulness, i.e. unintentionally. These views were influenced by those characteristic of the tradition of the commentators of the Kung-yang School, especially Tung Chung-shu. By taking the wills of the accused into consideration they offer a differentiated approach to them and thus provide for a particularistic attitude of the law to their guilt.

The particularism of the Well Versed in Writings reveals itself also in his aspiration to deliver of collective responsibility the members of groups of kinsmen and neighbors. He says, "I have heard that 'maltreatment of him who is bad (i.e. the punishment of a criminal) is limited to [dealing with the person of] this man', that [the gentleman] 'has an aversion for the beginning [of an evil deed]' and executes 'the leader in evil', but I have [never] heard of collective adjudication of [members of groups of] five and ten [families]". The ideas of this utterance that contains three citations from *Kung-yang Commentary* are based exclusively on it. The approach of the Confucian to the accused is a differentiated one; it consists in punishing the guilty alone and especially the initiator of the crime. He opposes it to the universalism of the Legalist principle of collective responsibility. Again, he objects to the "law of collective adjudication [together with the criminal] of those who take the lead in [his] hiding". To his mind, it rejects mercy to one's next of kin demanding from a father to denounce his guilty son and not to hide him and from one brother to detain another (if he has committed a crime) and not to let him escape. In this case, too, his views are determined exclusively by those of the commentators of the Kung-yang School. In his eyes, such laws are implements of the "harsh officials" used for catching the innocent in a trap, i.e. for involving them in a crime; "they extend [the guilt] of a son to [his] father, [the guilt] of a younger brother to his elder brother; [only] one man is guilty, but his native village is scared, while ten families [of his neighbors] take to flight".

It should be added that the ideas both of taking the will of the accused into account and of delivering groups of next in kin and of neighbors of the criminal from collective responsibility have influenced to a degree the "Confucianization" of laws as well as trying lawsuits under the Han.

As regards correlating laws and punishments with fall and winter, the Grandee and the Imperial Secretary seem to share the views similar to those of the Confucians. The Grandee remarks that in summer "mutilating and other punishments are inflicted rarely, therefore '[only] shepherd's purse and winter wheat die in summer'." He borrows from *Huai-nan-tzu* the idea that rare infliction of punishments in the period when *yang* is flourishing has a parallel in the realm of nature. Only two herbs wither in summer while others do it in autumn. Probably to his mind the rare use of punishments in summer conforms to the model set up by the two herbs.

As has been mentioned above, in contrast to the Confucians, the Grandee regarded the four seasons as well as *yin* and *yang* as being of equal value but accentuated the importance of autumn and winter, of the *yin* principle and the punishments. Similar to the Well Versed in Writings, the Imperial Secretary defined "the ordinances" as the means of "instructing" people, while "the laws" as the means of "holding responsible for crimes", but attempted neither to correlate them with the four seasons nor to connect "the ordinances" with *yang*.

The officials believed morals to be insufficient for stopping crimes, but in their opinion "violence can be stopped by the laws for punishment"; "a wise king relies on the laws", hence the long duration of his reign. Their concept of the monarch and his government is much less personalistic than that of the Confucians. According to the Imperial Secretary, "if [the ruler] has neither law nor [august] position, even a worthy man would be unable to bring about order". To put it differently, to his mind, the ordering is impossible without institutions detached from the person of the ruler. The existence of the institutions in question implies the imperfection of the personality of the leader that, however, can be compensated by external factors. The Imperial Secretary points out that usually one has to rule and to study without the help of the sages such as the Duke of Chou or Confucius; it is the institution of law that renders assistance: "If there is a small defect in the government, it can be amended by laws and ordinances". The author connects these ideas with the Legalist tradition of regarding law as an ideal standard that permits a ruler to form faultless judgements in contrast to those of the majority of princes whose appraisals are subjective. The ideas of this kind appear in *Shang-chun shu* and *Han Fei Tzu*. To use the words of Han Fei, "Casting law and administrative technique aside and [trying] to achieve order [relying on the judgements of his] heart, [even] Yao could not rectify a state... Supposing an average sovereign abode by law and administrative

technique and an unskilful carpenter used compasses, squares, and [rulers for measuring] feet and inches, certainly there would be no mistake in a myriad cases". From the Legalist point of view, law is considered to be superior to personal judgements of an average (and according to Han Fei also an outstanding) ruler. Law is regarded as a standard like measures of weight and length, a perfect embodiment of the royal universalism. The use of standards by a monarch compensates the imperfection of his personality. Both the Grandee and the Imperial Secretary share this opinion. An expressive image of a standard used by the former is a carpenter's line. He says that "the ordering of commoners is similar to 'the squaring [of a piece of wood] by a famous master carpenter': he does it with an axe and [when the wood becomes straight to such an extent that it] corresponds to the [line marked] by the carpenter's cord, then he stops [cutting]". He is of the opinion that "harsh officials" were skilful rulers of the people correcting them by means of the laws and as if making them correspond to the mark left by a carpenter's line, and sentencing them to mutilating punishments as if cutting off their limbs with an axe; as a result the crimes were stopped. The Imperial Secretary, being a supporter of the theory of spiritual and social devolution, points out that with the increase of crime ordinances and laws can but grow in number.

The Grandee accepts the formula of the *Kung-yang Commentary* that "a gentleman maltreats him who is bad... treats well him who is good", but in his own way. According to the *Commentary*, "maltreatment" of a criminal is limited to his person and does not involve his relatives, but "good treatment of him who is good is extended to his sons and grandsons". It gives the formula quoted above a particularistic interpretation. The Grandee does not reproduce this additional passage in his speech. Instead he tries to interpret the Confucian formula in a universalistic way; but doing it he accentuates the "maltreatment of him who is bad" and the punishments: "If one bad man is punished, ten thousand commoners would rejoice. The people grow arrogant for the reason that one protects them lovingly, but obey the punishments. Therefore the punishments are means of correcting people".

He rejects the idea of mercy, of being a benefactor of the evil people; to his mind, "compassion attracts the [enemy] troops, humanity harms the punishments". He, like the Imperial Secretary, connects the idea of punishments being certain with that of them being severe. In the opinion of the latter, "if the ordinances are strict, then the commoners would be circumspect... if the prohibitions are not certain, then [even] a cowardly man would hope to have a piece of good luck he does not deserve; if the punishments are dependable, then [even the robbers] Chih and Ch'iao would not commit crimes". These ideas are connected with those of the representatives of the Legalist tradition. According to *Kuan-tzu*, the principle of "punishments and

rewards being dependable and certain" is connected with the concept of the universalism of the monarch who is said to imitate the shining sun and moon, everybody obtaining their light; therefore he shines on his people and knows all their good and evil deeds; as a result, people believe his rewards to be dependable and his punishments to be certain, the good deeds are encouraged while the crimes are stopped. In the opinion of Huan T'an according to "the method of the hegemon" (the same as *pa tao*) "the rewards and the punishments are certain and dependable". Again, Shang Yang, Han Fei and Li Ssu emphasized that the rewards should be lavish, while the punishments severe even if they are applied for an insignificant crime. This idea contradicts that of Confucians who point out correspondence and similarity existing between the crime and the punishment, which is reminiscent of the concept of talion.

Following in the steps of Li Ssu, both the Imperial Secretary and the Grandee combined in their views the principle of strictness of laws inherited from Shang Yang and that of "supervising and holding responsible" (*tu tse*) going back to the ideas of Shen Pu-hai. The author undertook his own reconstruction of the *tu tse* method basing himself on a text that escaped Herrlee Creel's notice in 1974. He arrived at the conclusion that *tu tse* was a part of the "method (or technique)" (*shu*), i.e. of administrative technique for the ruler's control over bureaucracy studied by Creel. It is based on the doctrine of *hsing ming* ("performance and title") and therefore embodies the principle of "demanding actual [performance] in accordance with the title [of the office held]". While "holding responsible" the officials whose "performances" do not correspond to "the titles" of their offices (i.e. to the definitions of their official functions) the ruler should act "very strictly", thus making other officials do their duty rigorously, collect heavy taxes from the people and ruthlessly inflict mutilating punishments. In a memorial submitted to the throne in 209 B.C. Li Ssu combined the idea of "supervising and holding responsible" with that of the necessity of heavy and certain punishments. The Imperial Secretary extensively uses the memorial and cites therefrom. It is mainly from it that he borrows the combination of both ideas mentioned above. The Grandee, too, quotes the memorial while discussing the expediency of inflicting a heavy punishment for a light offence.

The Imperial Secretary interprets the rule of collective responsibility in the same vein. To his mind, relations between a father and a son, an elder brother and a younger brother living together in one house are similar to those of the body and the four extremities, "'if one joint is set into motion', it becomes known to the heart". The consequence of these special relations is special knowledge about each other. It is on these relations and this knowledge that the Imperial Secretary bases the idea of mutual watching and

mutual shadowing of the members of one family included into a group of five families of neighbors united by collective responsibility. He believes the father and the elder brother to be responsible for the crimes committed by the son and the younger brother since they are obliged to "instruct" and "rectify" the latter. That which is known about Shang Yang's system of collective responsibility from various sources (the fragments of Ch'in laws in particular) shows that family members "living together" in their household were believed to possess knowledge of the special circumstances of each other's material and spiritual life. If one of them committed a crime (such as robbery), others would be sentenced to the same punishment as him. The system functioned under the Han, too. The Imperial Secretary seems to be trying to underpin it theoretically. His refusal to exclude the next of kin from the system of mutual responsibility is opposite to the attitude of the Confucians.

Thus the views of the disputants on law seem to have in common their attempt to correlate the punishments with the cosmos and to ascribe the function of fostering to "the ordinances" and that of chastizing to "the laws". But the Confucians believed the function of laws and punishments to be subsidiary with respect to the benevolent activities of the ruler based on his personal qualities and relying on his use of ritual and conforming to moral values. They hoped there would be no need to use laws; to their mind, the laws should be few, lenient and contribute to the transformation of the people, while the officials should be humane and apply them with reluctance. The Grandee and the Imperial Secretary theoretically considered the punitive function to be no less important than that of practising humanity, but emphasized that law is the foundation of the government. They regarded it as an ideal standard that compensates personal defects of the monarch. According to them, the laws should be numerous, strict, and administered after the example of the "harsh officials". The Confucians regarded the correspondence of crime and punishment as well as that of merit and reward as a universal principle. They believed that its violation brings about cosmic disorder and thought that the punishment is attracted by the crime as objects "of the same kind". Attempts to modify laws in the direction of particularism are typical of them. They aimed at making the laws take into account the will of the accused when passing a sentence. They wanted to free kinship groups as well as those of neighbors from collective responsibility. In contrast to them, the officials recognized the importance both of rewards and punishments in the vein of universalism, but emphasized the administering of punishments. They did not believe that the lack of correspondence between punishments and crimes would affect the cosmos or that punishments should follow the principle of talion; therefore they approved the principle of applying heavy punishments for light offences. They combined the ideas

that punishments should be certain, severe and even excessively harsh with that of the universalism of the law and defended the principle of group responsibility in this vein.

The study of the economic views of the *Yen t'ieh lun* disputants has revealed that their economic ideas were determined by non-economic components of their worldview. It is especially true of their notions of the part played by the state in economics. The economic views of the Confucians were determined exclusively by their concept of world ordering that in the first place provides for the sovereign to fulfil his function of "ordering the people". It consists in "blocking the source of their excessive desires and delights, extending the beginnings of their *te* power and ability to follow the true way, repressing [their thirst for] profit [derived from] the secondary [occupation] and opening [the road to their striving for] humanity and righteousness". To the mind of the Well versed in Writings, the precondition of success of the royal "instructing and transforming" of the people is "not to show them [the example of seeking for] profit"; if the sovereign and his officials do not conform to this principle, the customs would deteriorate and the people "would turn their backs upon righteousness and rush in pursuit of profit". The words "righteousness" and "profit" denote two objects in opposition to each other that the dual human nature feels love for. Which of the two will prevail in the nature of a commoner depends on the influence of the ruler.

Therefore the Confucians are against the interference of the officials in economics and their accumulation of profits. This view embodies the principle of "oneness" that (according to Tung Chung-shu) prohibits those drawing "emoluments and salaries" to combine it with acquiring "petty profits"; they should have but one source of income. For that reason the emperor and his officials should give up offices in charge of the government monopolies of salt, iron, and fermented liquor, those in charge of "equalization of transportations [of tax returns in kind]" that were engaged in the sale of goods, as well as those in charge of standardization of prices and unifying coinage. To the mind of the Well Versed in Writings, such offices "compete with the common people for profit, dissipate the simplicity of those honest and sincere, and achieve their transformation into greedy and mean [men]".

The ideal ruler prefers transforming his subjects to accumulating wealth. "The true king neither accumulates nor amasses [it], but keeps [it] below in [the hands of] the people. He keeps away from the profits [provided by] the secondary [occupation] and 'concentrates his efforts on his duty due to the people'. When the duty and the norms of proper behavior are established, then the people will be transformed by the supreme [ruler]". "Keeping [wealth] in [the hands of] the people" appears in several ancient texts as a

principle of "the true king" (or that of "antiquity"). It implies a refusal of the state to collect some kind of tax or get some kind of income (such as that derived from the redemption of crimes) as well as to keep riches in its treasury. The principle embodies that of "oneness". Therefore to the mind of the Well Versed in Writings, the state should collect only *tzu-shui* taxes, i.e. (according to Nancy Swann) those connected with earnings from the land; this was also the opinion of Pu Shih (110 B.C.), an opponent of Sang Hung-yang's policy of state interference in economics and participation of the officials in the sale of goods.

The essence of economic policy proposed by the Confucians is formulated by the Well Versed in Writings who terms it "the way of ordering the people". In his opinion it "lies only in [royal] frugality in expenditure and [his] holding in honor the fundamental [occupation], as well as in [his] dividing the land and [introducing] the well field [system]". The idea of the sovereign being frugal in expenditure is connected with the personalism of the Confucian theory of the world ordering. Royal example and influence are of utmost importance: "If the supreme [ruler] is fond of riches, the inferiors die for profit". As a result of the diminishing of forced labor and military services as well as of royal expenses, the people grow rich of themselves.

It is, however, no end in itself, but a step on the way to spiritual transformation. As *Li chi* has it, "When the people are extravagant, one gives them [the example] of being thrifty; when the people are thrifty, one gives them [the example] of observing the norms of proper behavior". "Frugality" should become a characteristic feature of the style of life not only of the sovereign, but also of his ministers, high officials, their descendants and the people. The Confucians believed that in "antiquity" people were frugal; they "were simple and prized the fundamental [occupation]; they were quiet and happy and their demands were few"; therefore they were content with their dwellings, customs, food, utensils and implements. In contrast to that, many people of "the present times" are engaged in the "secondary occupation", i.e. in trade and handicraft; they have excessive demands and are extravagant; as a result, the society is polarized into the rich and the poor, "hunger and cold" threatening the have-nots.

The Confucians connect different states of human feelings (= desires) with the occupations people are engaged in. To their mind, desires of the people living in an agrarian society with natural economy are moderate, while those of the people living in a society with commodity economy dominated by traders and artisans are immoderate. As the Well Versed in Writings has it, "When the secondary [occupation] is cultivated, common people indulge in excesses; when the fundamental [occupation] is cultivated, common people are simple and honest". To his mind, under "a true king"

"tradesmen would not circulate useless goods, while craftsmen would not manufacture useless implements in the marketplaces"; the king "does not value useless [things] thus making [the desires of] his people moderate". In the opinion of the Confucian, the production and sale of luxuries, etc., is typical of the present age of developed material culture and spiritual and social devolution with its excessive desires. Therefore he opposes not only the modern market trade within China, but also the non-equivalent exchange with barbarian countries whence expensive products are imported, though they are of no use or less useful than the Chinese ones. To his mind, "the products from distant countries" are treasured by the supreme ruler and by those who keep up with the fashion initiated by him. As a result, Chinese products of husbandry and sericulture that are of real value flow away, while our "property and wealth fill up the outer [region]". In "antiquity" under Yu the Great, the situation has been different. There was enough wealth in the nine provinces of China both to "satisfy the desires of the ruler of men" and to "enrich the people; they did not depend upon the territories of *man* and *mo* barbarians and upon the products from distant countries, but nevertheless their means of expenditure were provided for".

Being aware of the division of labor the Confucians shared the idea that its different kinds are of unequal value. It is reflected in the hierarchy of the "fundamental" and "secondary" occupations. To their mind, "the tilling of men and the weaving of women [constitute] the most important occupation in All-under-Heaven". Under a "true king" trade and handicraft, too, have functions of their own, but these are of secondary importance: "trade is a means of putting in circulation congested and unsaleable [goods], handicraft is a means of providing [farming] utensils and implements, [both] being not the main task in an ordered state". To their mind, barter that was going on in "antiquity" was the ideal form of exchange between the representatives of branches of divided labor, "everybody of the Hundred Clans obtained that which was suitable for him, while the superiors were inactive [taking no part] in it". There were markets where "coins in the form of a knife" did not circulate. The development of coinage began later. The form of currency "repeatedly changed, while commoners grew increasingly false". Since the Well Versed in Writings regarded this growth of deceitfulness as a consequence of the royal intervention in the sphere of coinage (probably because it tempted the counterfeiters), he was against such intervention (unification of coinage in particular) and proposed "not to prohibit coins in the form of a knife and thus to put in circulation the money [made by] the people". The Confucians saw in the behavior of the representatives of the "secondary occupation" another cause for the flourishing of deceit in the world. Traders and artisans of "antiquity" were honest, but those of "the present times" behaving themselves shamelessly have contributed a lot to the growth of deceit

and cheating. As a result, "insincere men cheat [others], while honest men become insincere".

The Confucians regarded the "fundamental" and "secondary" occupations as two interconnected polarities. It seemed to them that in their age the former is under threat. Indeed, according to the principle of "oneness", "if the secondary [occupation] flourishes, then the fundamental [occupation] declines". On the other hand, they believed that the state of human feelings most favorable for "ordering" the people is peculiar to farmers. Therefore they shared the idea that the sovereign should promote the husbandry and repress the trade and the handicraft. The Well Versed in Writings maintained that "the true king values the fundamental [occupation] and discourages the secondary [one], by means of the norms of proper behavior and righteousness blocks [the way] of the people's desires..." For that reason, in his eyes, "repressing [the thirst of the people] for profit [derived from] the secondary [occupation]" is one of the components of his "way of ordering the people". For the same reason he asserted that "the true kings prohibited excessive profits... When excessive profits are prohibited, people return to the fundamental [occupation]".

"Discouraging the secondary [occupation]" implied not only discrimination of merchants (who were prohibited from holding government office, etc.) but also giving up by the supreme ruler of his "activities for the sake of profit", which was even more important in the eyes of the Confucians. Therefore, to the mind of the Well Versed in Writings, the abolition of the economic institutions of the state (such as government monopolies, etc.) should "encourage the fundamental [occupation] and discourage the secondary [one]". According to the Worthy and Good, "the true king concentrates his efforts on the fundamental [occupation] and does not engage in the secondary [one], rejects [the objects one] makes boast of, eliminates carving and polishing, permeates the people [with love for] the norms of [proper] behavior, gives the people [an example of] simplicity. For that reason the Hundred Clans concentrate their efforts on the fundamental [occupation] and do not earn their living by the secondary [one]".

To the mind of the Confucians, material security of the people should precede moral instructions. The Worthy and Good says, quoting *Huai-nan-tzu* and *Meng-tzu*, "If [the people] are rich, humanity is born [in them]; if they are 'sated, competition stops'. Now, if [a sage who] exercises [the functions of] government 'will cause pulse and grains to be as abundant as water and fire, whence would those devoid of humanity appear among the people?' " The idea that the people can be instructed to observe "the norms of [proper] behavior and righteousness" only after they were well provided with food and clothes originates from the *wang tao* of the pre-imperial era. The only way leading to wealth is, in their eyes, that of manual labor of

farmers in combination with "thrift". The Well Versed in Writing maintains that "wealth lies in being thrifty and zealous and in conforming to the seasons" and that "there is no other means of enriching the state apart from zealously applying oneself to husbandry which is the fundamental [occupation]".

The Confucians regarded the "well field" system as that of an ideal land tenure. In the last analysis they inherited it from *Meng-tzu*, but they were influenced by its interpretation in *Kung-yang Commentary* that they cite repeatedly, especially in connection with the tithe as "a just norm [for taxation of] All-under-Heaven". The allotments held by the farmers under the "well field" system were identical, because it was aimed at equalizing their property. The idea of the necessity of such an equalization was formulated by Confucius though he failed to mention the "well field" system; the Well Versed in Writings repeats his words. With Tung Chung-shu, this saying has a somewhat different, but probably correct wording. It runs, "One (= the ruler of a state or the holder of a fief) is not worried lest [his people] should be poor, but is worried lest [they] should be unequal [in property]". According to Tung Chung-shu, as a result of inequality of properties, the rich grow arrogant and become oppressors while the poor grow sad (or anxious) and become robbers. Hence comes the idea of the necessity of restraining richness and poverty within limits of a norm excluding both extremities and of "equalizing" properties. The *Yen t'ieh lun* Confucians believe that the cause of polarization of richness and poverty lies in the ruin of "the norms of [proper] behavior and righteousness", in the deterioration of customs, in the rise of competition between the "gentlemen" in office who "turn their back on righteousness and scramble for wealth". It leads to disorder, "the big swallowing the little, the quick overthrowing the slow". This, of course, could not have happened in "antiquity" when the principle of "oneness" has been conformed to. Under the Han those who adopted the lifestyle of the representatives of another social group, appropriated their incomes or grabbed the property of the lesser folk of their own social group, were called *ping chien* or *chien ping*, literally "those concurrently taking [the advantages of other orders of people and grabbing the property of others]". The "well field" system was regarded in Confucianism as a means of eliminating the phenomenon of *ping chien*.

Many Confucians of the Kung-yang School (such as Tung Chung-shu, Kung Yu a.o.) believed that the system should be introduced (or rather restored) gradually, step by step. The *Yen t'ieh lun* Confucians pass over this opinion in silence. But the "division of land" between the people, i.e. the introduction of the "well field" system, stands on their list of "urgent" measures to be taken in "the present times".

The reconstruction of the views of the Grandee on the function of the state in the economics shows that they are to a great extent embodiments of

his concept of the royal universalism. Two interconnected theories of the Grandee testify to the fact, i.e. those of trade and the redistribution of wealth. He regarded trade as a consequence of the division of labor in the society between farmers, traders, and artisans that participate in mutual exchange and are economically dependent upon each other. According to him, "people depend upon the merchants for the circulation [of goods] and upon the artisans for the manufacture [of articles]". This and other passages show a direct dependence of this view on those of Ssu-ma Ch'ien. It allows to regard trade as a means of filling up "shortages" of various social groups and of equalizing their economic conditions.

In the opinion of the Grandee, another reason for the existence of trade is the unevenness of the geographical distribution of natural resources. Therefore, to his mind, trade fulfills a certain cosmic function. Two general cultural concepts constitute the background of the theory: those of differentiating role played by Earth and of equalizing role played by Heaven. The former results from the heterogeneity of the extensions of space of the four quarters, each of them being considered a region dominated by one of the "five elements". However, to the mind of the Grandee, a region dominated by one "element" proves also to abound in some other "element". For instance, according to him, "the eastern quarter pertains to Wood, but in the Tan[-yang and Yu-]chang [commanderies] there are mountains containing gold and copper;... the western quarter pertains to Metal, but in Lung and Shu there are forests of famous timber...". The uneven distribution of natural resources is a prerequisite for their spatial redistribution through "transportation", "spread", and "circulation" (*t'ung*) — a process performed by merchants. The aim of this circulation is believed to be the elimination of inequality in possessing concrete natural resources by the inhabitants of different regions. In other words, I think that "circulation" realizes a universalistic attitude to the inhabitants of various extensions of space manifesting itself in their "equalization". The Grandee attributes this attitude to Heaven. Both Heaven and Earth appear in his discussion as cosmic agents of the circulation of goods. In his opinion, by means of uneven spatial distribution of natural resources "Heaven and Earth circulate myriad goods, equalizing those who have and those who have not". He also points out that "wealth and the means of expenditure are not sufficient because abundance and scarcity [of products] have not been equalized, and the wealth of All-under-Heaven has not been scattered [among the people]"; "by means of the circulation of wealth and goods" "there is a possibility to equalize" "those who live in the mountains, in places overgrown with wormwood or on poor, sterile land".

According to the theory, in which circulation of goods is thought of as a realization of the universalism of Heaven, the sovereign imitating this uni-

versalism takes special care of the circulation of goods. Basing himself on *Hsi tz'u chuan* the Grandee points out that the sages (= mythical cultural heroes) of antiquity set up markets, organized trade and invented various transport facilities, such as boats and oars as well as carts driven by horses and oxen, in order to provide for transportation; "this is how they exchanged goods 'for the benefit of the hundred clans'." To his mind, the idea of royal interference in economics (in the sphere of trade at least) is in accord with the principles of the world order and is sanctified by the authority of the cultural heroes of antiquity. He therefore justifies the adoption of economic measures (such as the offices in charge of salt and iron monopolies and those for "equalization of trasportations" of tax returns) by ancient precedents set up by these heroes. He sees the function of these institutions in their being "means of circulating accumulated wealth and helping in distress", a source "to which the myriad people look and from which they draw supplies". He sees it also in "providing [farmers] with agricultural implements" and in "making sufficient the people's wealth".

The Grandee regards royal interference in trade as a means to equalize economic conditions of those living near and far from the capital or in the region of abundance and in that of scarcity. Both economic institutions established by him to this end can be interpreted as realizations of royal universalism. The institution for "equalization of transportations" (*chun shu*) was set up in 115–110 B.C. in order to transport tax returns in kind from places far distant from the capital to other places. Taxes in kind were collected only in local products that were abundant and known as goods fit for export; the *chun shu* offices received and transported the products to the regions where they were in demand. Thus control over part of the domain of transportation and circulation of goods went to the state. Theoretically the institution was destined to equalize "labor and rest" of those living near and far in connection with the necessity of transporting tax returns in kind to the capital. As the Grandee has it, "if [the sovereign] equalizes transportations [of tax returns in kind], the common people [living near and far off from the capital] equally [have a share] in labor and rest".

Another institution named "levelling of the standard (= standardization) [of prices]" (*p'ing chun*) was set up in 110 B.C. in the capital. It affected the sphere of the circulation of goods being in charge of standardization of market prices. It bought up goods in the market when they were cheap and sold them at a fixed price when they became dear. In this manner, the stabilization of market prices was brought about, limiting price fluctuations, preventing big merchants from making large profits on unrestricted speculations and depriving these merchants, as well as certain government offices engaged in trade, of the opportunity to disorganize the market with their commercial operations. This institution, too, was a realization of royal universalism. It fulfilled the task of establishing one of the official standards, while the establishment of any of them was thought to reveal the sovereign's universalistic attitude to his subjects inhabiting various stretches of monocentric space.

The *p'ing chun* method develops the ideas of Fan Li and especially of *Kuan-tzu*. Its concept is closely related with the theory of the regulation (i.e. stabilization) of economy known as that of "lessening the value of what is valued much" (*ch'ing chung*). According to it, the ruler should buy up goods (grain, silk and linen) when they are abundant and cheap in order to sell them at a fixed price at the time of their shortage and dearth. The Grandee adopted the theory of *ch'ing chung* as it is stated in *Kuan-tzu*. To use his own words, "The true king blocks [the way to] 'wealth provided by Heaven', imposes a prohibition [on trade] at the barrier markets, holds to the standard [of prices], and 'conforms to seasons', rules the people by means of diminishing the value of what is valued much (*ch'ing chung*). In years of abundance, with the harvest tall, he stores and accumulates in order to prepare in advance for times of want and shortage; in evil years, with the harvest poor, he circulates money and goods, sets the surplus in motion in order to help those who have not enough". The social aspect of this policy consists in the fact that by applying the method of *ch'ing chung* the ruler takes possession of the means of those who have a surplus and supplements the means of those who have not enough, depriving wealthy merchants of the possibility of increasing their riches, preventing the poor from being ruined, smoothing over the inequality of properties. Quoting from *Kuan-tzu* he points out that "if [the sovereign] 'does not scatter (= distribute) [among the people] what has been collected [by the rich]' nor equalize profits, [the people] will not be equal. 'Therefore, if the ruler of men accumulates their food, controls their means of expenditure, restricts those who have a surplus and helps those who have not enough', 'prohibits overabundance and excess and blocks the road of profit-making'," thereupon the people will be provided for.

The Grandee not only fully adopted the economic ideas of *Kuan-tzu*, but also developed them, turning them into a theoretical basis for the institutions and their functions he was defending from Confucian criticism. It is a question of such institutions as government granaries, monopolies of natural resources (in the first place those of salt and iron), offices for "the equalization of transportations" and "standardization" of prices. Doing this he also adopted the goal of regulating the economy proclaimed in *Kuan-tzu*, i.e. to enrich the state in order both to create reserves for helping those in difficult circumstances and to remunerate government expenditures, mainly those on wars waged (according to him) for the sake of the security of the subjects of the empire. Difficult circumstances can arise as a result of natural or social

causes, such as natural calamities (especially those leading to the failure of crops) or activities of rich merchants, who dominate the market and run up prices to the detriment of other commoners. This is why the regulation of economy, according to the Grandee (as well as *Kuan-tzu*) has a pronounced social aspect. Its aim is to "equalize" possessions of various individuals, to crush economically "powerful" commoners, to free the people from economic dependence on them, and to replace it with dependence on one who embodies equity, the monarch. This "equalization" is a peculiar form of realization of the universalism of the sovereign toward his subjects: he does not only takes equal care of them, but also aims at equalizing and unifying their positions, their economic conditions. Therefore a very important point of the economic policy of the Grandee is the redistribution of wealth in the society by the sovereign to the detriment of those who have much and to the benefit of those who have little.

The economic concepts of the Grandee are deeply rooted in Chinese culture. They seem to go back to *I ching*. The commentary on the image of the "Modesty" hexagram runs, "...the gentleman reduces that which is too much, and augments that which is too little. He weighs things and makes their distribution equal". The Grandee's method of "standardization" of market prices, as well as that of "lessening the value of what is valued much" that he borrowed from *Kuan-tzu* imply the buying up of goods at the time of plenty and their sale at the time of scarcity. The Grandee's method of "equalization of transportations" implies the removal of goods from the region of abundance to that of shortage. All three of them seem to correspond to the description of the behavior of the "gentleman" in the commentary on the "Modesty" hexagram.

The principle of redistribution of wealth and the social "equalization" connected with it could well serve as a theoretical basis for a series of economic measures of the age of Wu-ti aimed against rich merchants and wealthy industrialists. The Grandee stressed the social aims of some of these measures. For instance, he justified the issuing of the ordinance on salt and iron, maintaining that its "meaning...is to unify salt and iron not only for the sake of obtaining profit, but in order to establish the fundamental and repress the secondary [occupation] in the future, to disperse parties and cliques, to prohibit excesses and extravagances, to close the road for those who concurrently take [advantages of other orders of people and grab the property of others] (*ping chien*)".

The old practice of contributing grain to the state and obtaining for this grain ranks, official posts, and pardons for crimes sides with the anti-merchant measures. The Legalist eclectic Ch'ao Ts'o (following Shang Yang) regarded the sale of ranks and redemption of crimes as a way to redistribute wealth, to transfer grain surpluses from the granaries of the rich to

those of the state, and thus to reduce the tax burden of the poor. In his memorial of 178 B.C. he described the practice as "curtailing the means of those who have a surplus, and supplementing the means of those who have not enough". Sang Hung-yang has contributed to it in 110 B.C., proposing that the poor be allowed to receive government posts, exemptions from military service, etc., as well as to redeem their crimes in exchange for grain. The Imperial Secretary drew a meaningful parallel between the aims of the sale of posts and the pardoning of crimes, on the one hand, and the reform of laws (thought of as setting up and unifying legal standards embodying royal universalism) undertaken by Chang T'ang in ca. 129–126 B.C. on the other. He saw their common task as uprooting the powerful for the sake of general "equalization". To his mind, Chang T'ang "clarified the laws in order to correct All-under-Heaven, as one makes things straight [conforming to the line marked] by a carpenter's cord. When he executed knaves and rogues, and exterminated such fellows who concurrently take [the advantages of other orders of people and grab the property of others] (*ping chien*), then 'the strong did not oppress the weak, the many did not tyrannize the few'... His Excellency, the Grandee... [introduced] the purchase of offices and the redemption of crimes, 'curtailed the means of those who had a surplus, and supplemented the means of those who had not enough' in order to equalize the many people".

The idea of reducing the means of the rich and augmenting those of the needy is connected not only with *I Ching*, but also with *Lao-tzu*, whose text runs, "The Way of Heaven consists in curtailing the means of those who have a surplus, and supplementing the means of those who have not enough". Thus in Taoism this formula describes the principle of the activity of Heaven. Evidently, the views of the Grandee on economics, as well as many of his other views, are similar to those of Taoism. The Grandee ascribed to Heaven a universalistic attitude to the inhabitants of different places which was realized in the equalization of their wealth by means of trade. In his words, without trade "abundance and scarcity [of products] would not have been equalized [or adjusted]". This means that he regarded trade as a way of "curtailing the means of those who have a surplus, and supplementing the means of those who have not enough" — the principle established by Heaven. Hence, economic levelling, whether by means of trade, "equalization of transportations", standardization of prices, unification of coinage, the establishment of state monopolies, or sale of posts and ranks, the redemption of crimes, as well as heavy taxing of merchants, was, to his mind, imitating "the Way of Heaven".

The concepts of the royal style of life and of the state expenditures shared by the Grandee were different from those of the Confucians. He was of the opinion the sovereign should "moderate extravagance", but was criti-

cal of the "thrift", especially of being "too thrifty". In his opinion, "he whose achievements are great has great expenditures". His concept of the proper style of life of the ruler was formed not without influence of *Kuan-tzu*. To his mind, this style should be luxurious enough and make use of the services offered by various artisans, representatives of the society with commodity economy. In contrast to the Confucians, he did not approve of those who prefer to live in their native locality and eat local food. He supported the idea of non-equivalent exchange with the outer world believing it to be to the advantage of China and to the detriment of the barbarians. In his words, "products from the states of the periphery (or outer states) keep flowing in, while profits do not flow away [from us] to the outer [region of the world]".

The attitude of the Grandee to the "fundamental" and "secondary" occupations has both similarity to and differences from that of the Confucians. The similarity consists in his aim "to establish the fundamental [occupation] in All-under-Heaven and to repress the secondary [one]". But his ways of achieving this goal are different from those of the Confucians. In his opinion, the worthy men and the sages did not cling to only one way of enriching the state. He arrives at the conclusion that one should not rely on the "fundamental" occupation in order to achieve it. Therefore he accepts the idea of *Kuan-tzu*, "I honour what All-under-Heaven despises and value what All-under-Heaven slights". He interprets this idea as resorting to the "secondary" occupation instead of the "fundamental" one in order to enrich the state. His idea originates from those of merchants who believed that relying on the "secondary" occupation is a better way for enriching oneself than relying on the "fundamental" one. That wisdom was formulated by Ssu-ma Ch'ien.

The Grandee believes that the state should take the "secondary" occupation upon itself and make the commoners concentrate their efforts only on the "fundamental". The economic institutions he has created are supplanting the commoners from the spheres of trade and handicraft into that of farming. When the Grandee speaks about repressing the "secondary" occupation he does not mean its destruction as such; he means uprooting private entrepreneurs that were engaged in trade and handicraft.

As to the "well field" system, the officials agreed with the Confucians that it existed in "antiquity", but in their opinion the modern tax on fields which is collected in kind is superior to the old system.

There are more differences than similarities between the views of the disputants on economy. Their starting points are different. With the Confucians, it is the theory of the world ordering with its precondition of reaching a certain level of material well-being by the people. With the Grandee, it is the concept of royal universalism embodied in economic activities. Hence

comes the aspiration of the Confucians to reduce the role played by the state in economic activities to a minimum and to let the people enrich themselves, as well as the opposite idea of the Grandee that accumulation and distribution of wealth is a function of the sovereign. The point they have in common is the acceptance of the formula of honoring the "fundamental" and repressing the "secondary" occupation (though their interpretations of it are different) and their enmity toward the *ping chien* that constitute a threat to the small producers.