FROM TEACHERS TO TEXTS
CONFUCIAN COLLABORATIONISM AND QIN ENCYCLOPAEDISM

Bob Eno

The paper below is a conference draft written in 1997 that I have never reworked into a publishable paper for a variety of reasons. Chief among these is that in 2000, in his monograph, *The Stele Inscriptions of Ch'in Shih-huang*, Martin Kern articulated ideas very similar to some of those in this essay, basing his points on Kanaya Osamu's 金谷治 1960 book, *Shin-Kan shisōshi kenkyū* 秦漢思想史研究 (Research on the history of thought during the Qin-Han era). Kern cited my draft in his comments, noting respects in which it added to Kanaya's points, but it was clear to me that a number of key ideas I had presented as original were basically only a rediscovery of what Kanaya had found much earlier in work that was far better grounded. I'd had the good luck many years before of being able to study with Kanaya – a terrific scholar and a wonderful person – and my main response to Kern's discussion was dismay that I had failed to read Kanaya's work on these issues and that my ignorance of it was so manifest in my paper.

I am posting the draft now, as it was first written (with a note added when I made the draft available for broader circulation at the request of Bruce Brooks in 1999), because it lays out evidence relevant to the dating of the *Daxue* (Great Learning) and *Zhongyong* (Doctrine of the Mean) that supplements observations I've made in recent online translations of those texts. Although the scholarship here is incomplete and presented informally, it may provide helpful context for readers interested in pursuing issues about text dating that I raised in my general introduction to those translations.

June 2016

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workshop draft, 9/7/97; slightly revised, 1999

Bob Eno

The spirit of this paper is revisionist, but not particularly innovative. I believe the early China field has for some time been engaged in rethinking the received story of the Qin Dynasty, which I intend to question again here. Derk Bodde's clear and capable overview of the Qin in the Cambridge History, for example, foregrounds Qin achievements in state building, questions the significance of the celebrated book burning, and dismisses the tale of buried scholars.[1] More recently, Jens Petersen has argued that the Qin index proscribed a range of books significantly different from those traditionally conceived.[2] In the discussion that follows, I will join the skeptics by suggesting that the relationship between the Qin and members of Confucian teaching lineages was not, as traditionally portrayed, one of bitter conflict, even after the book burning. On the contrary, my thesis will be that members of the Confucian school collaborated closely with the Qin.

I will suggest that this collaboration had several specific results. First, it contributed towards the production of a corpus of texts that I will label "encyclopaedic"; second, it ultimately contributed to the early Han's anti-Confucian attitude; third, it shifted the major paradigm of Confucian activity away from the transmission of ritualistic and ethical mastery through master-disciple cult relationships to the transmission and mastery of texts; fourth, it led later generations

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[1] Bodde 1986.

[2] Petersen 1995. Petersen mentions more profound skepticism about the very historicity of the book burning on the part of Ulrich Neininger and Gustav Haloun (p. 11). Such skepticism reflects the revisionist trend I see this paper as joining.

of Confucians to rewrite history to deemphasize Confucian collaborationism during the Qin.

In addition to climbing on something of a bandwagon, the discussion that follows also bears the unattractive features of being very speculative and of drawing on evidence that is, for the most part, well known. If it has a contribution to make, it is that it may add some new angles to the current re-perception of the Zhou-Qin-Han transition that may provide fruitful lines for future research.

The crisis of the late third century B.C.

To begin this discussion, I would like to review some characteristics of late third-century China that would have inclined *all* members of the literate elite to cooperate with rather than resist the Qin state.

From the fall of Wei in 230 until Qin's final conquest of Qi in 221, there was nearly a decade for people in post-Zhou China to come to terms with the arrival of a new era. As the inexorability of the Qin conquest became increasingly evident, Confucians, along with all others, would have had ample opportunity to adjust to the idea that the society that had generated the traditions of their times was coming to a close, and that the unified empire awaited for centuries was arriving at last. Whatever negative feelings about the Qin Confucians and others may have possessed, these would most certainly have been tempered by the fact that Qin clearly would have been increasingly pictured as the shape of the future.

We tend to look at the Qin as an extraordinary decade, lasting from the conquest in 221 to the death of the First Emperor in 210, a stretch of time comparable for Americans, perhaps, to the New Deal. But in 221, Qin hegemony had already been a growing fact of life for a decade, and educated people in China would surely have believed that the coming era of the Qin would,

like that of other dynasties, endure for centuries. Any notion that Confucians, or anyone else, would have felt it reasonable to wait for the Qin to "blow over" would seem to be an anachronistic projection of later perceptions of the Qin. People who had adopted an attitude of withdrawal or non-cooperation with the debased political culture of the late Warring States era while waiting for Tian to make up its mind about the future would have been sorely tested by the evident outcome of Tian's deliberations. Without any precedent of short-lived dynasties, continued non-cooperation would have represented self-isolation from Tian-guided history. Apart from Bo Yi and Shu Qi, few men had ever possessed such confidence in their own virtue as to feel content following the moral imperatives of their hearts over the clear commands of Heaven.

Moreover, the arrival of the Qin would have created a severe financial crisis for Confucians and other Dao-masters. Since Wei Wenhou's edict of 446 established the precedent of court sponsorship of wise men, Confucians and other members of the *zhuzi* had come to rely upon the patronage of power holders at various levels for their financial security. The apex of this had come in the establishment of Jixia in Qi during the late fourth century, but after the collapse of the academy in 265, patronage of philosophical types appears to have been maintained by major courtiers and warlords such as Huang Xie in Chu and Lü Buwei in Qin.[3] As the Qin conquest of the warring states proceeded eastward, these sources of patronage began to disappear along with the patrician clans that the Qin destroyed or removed west.

Finally, it would be helpful to ask, why we would suppose that Confucians or people in general, other than power-holders in non-Qin territories, would have felt any strong resistance to

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[3] I have discussed the economics of philosophical patronage in a paper that is to be published in a festschrift volume (sooner or later, I'm told). A substantial portion of what I say in this paper either summarizes arguments central to that paper or expands on ideas that appear there more peripherally (Eno: forthcoming).

the Qin, apart from any proto-“nationalistic” sentiments that might be natural in lands that had for so long been accustomed to define themselves in terms of regional identities. Naturally, the process of military conquest creates grievances and regrets for what may have been lost, but the Qin were hardly conquering exemplary ruling houses that had won the loyalties of the people or of Confucians. The Qin has traditionally been portrayed as brutal in its Legalistic administration and anti-Confucian, but there is plenty of evidence to bring this into question. While gradual de-feudalization and state centralization had clearly been established Qin policies since Shang Yang’s time, these in themselves would not necessarily alienate anyone but the patricianate. Despite Mencius’s suspicions about the nouveau-powerful, the thrust of Confucian political ideals were towards an anti-aristocratic meritocracy anchored by a single powerful ruler, and this was precisely the nature of the Qin new state. Moreover, an examination of the Qin law codes excavated at Shuihudi indicates that neither Qin criminal nor administrative codes were as arbitrary as traditionally claimed or totalitarian in the manner of Han Feizi’s prescriptions. Indeed, the codes show close attention to issues of criminal intent, mitigating circumstances, procedural integrity, and investigative objectivity. The use of terror as a control device is specifically abjured.[4] Recall too that in the text of the *Xunzi*, we are offered Xunzi’s supposed views on Qin society based on his own experience, and they are, for the most part, remarkably favorable, though the text ultimately critiques Qin governance as coercive.[5] The “defection” to Legalism and to Qin of Li Si and Han Feizi, identified as students of Xunzi at Jixia, also alerts us to the likelihood of greater sympathy between the Confucian schools and the emerging ideas of

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[4]This characterization is based on a general reading of the text through Hulsewé’s rendering. The specific code concerning terror to which I refer concerns coerced confession; see Hulsewé 1985: -- [library’s closed!].

[5]See *Xunzi, Qiang guo*: 16.61-69.

Legalism than was traditionally acknowledged.[6]

Evidence of Confucian collaboration

Given the factors enumerated above, it should not seem surprising to find evidence that Confucians did, in fact, collaborate with the Qin government after, or even before 221. And the evidence is, in fact, clear that they did – most of it has always been well known and represents nothing new. Let's review the most obvious features.

One of the most famous instances of Confucian collaborationism was the response of Confucians to the First Emperor's call to assist him in the *fengshan* sacrifices of 218. The emperor, having journeyed eastwards into the hotbed of Shandong Confucianism, summoned Confucians to consult on the rituals appropriate to these ancient and most sacred of sacrifices. Since these ancient sacrifices never been performed, being recent inventions, Confucians found it difficult to agree on the ancient precedents and, we are told, incurred in this way the fury of the emperor, who dismissed their various counsels and performed *li* of his own devising. When, at the key moment, a windstorm disrupted their performance, the *ru* showed ill-suppressed delight, further alienating the emperor (*Shiji*: 28.1366-67). What seems to me most interesting in this tale is simply the emperor's interest in consulting with *ru* in the first place. It indicates his concern, well-evidenced in many respects, to adorn his reign with the trappings of legitimacy recognized by preceding dynasties, most immediately the Zhou, and his acknowledgment of Confucian teaching as the repository of knowledge concerning these rituals. We see throughout the *Shiji*

[6]Of course, we all know that substantial doctrinal overlap exists, but I'm speaking here of the perceived distance between *ru* teachings and the new administrative theories that men like Han Feizi seem to have been improvising on the basis of the works of ministers such as Li Ke and Shang Yang and theorists like Shen Dao and Shen Buhai. It is interesting in this regard to recall that Maoist scholarship, which celebrated the Qin and denigrated Confucians, regarded Xunzi as an out-and-out Legalist.

account of the First Emperor's reign an abiding concern with issues of legitimacy, exaltation of the imperial throne, and the borrowing of traditional marks of legitimate exaltation. The Qin court practiced elaborate *li*, and these could surely have been practiced only under the guidance of *ru*.[7]

Further, reflecting on the *fengshan* tale, we can note that the *ru* responded to the emperor's call, indicating either an eagerness to participate in the activities of the Qin state or, at least, a willingness to bow to the emperor's implicit coercive power. The fact that the *ru* could be summoned at all indicates that their continued teaching, presumably in clusters easy to round up, continued to be tolerated by the state after the conquest. It is difficult to know how much to make of the details of the *Shiji*'s account, since the *fengshan* reports are framed as critical caricatures of the First Emperor and Han Wudi, and are thus more likely subject to narrative distortion than other sections of the text. But if the *ru* did, in fact, feel licensed to giggle at the emperor, literally or by indirection, the image of totalitarian suppression that is associated with the Qin court is less sustainable.

Nor is that image sustainable later in the Qin reign. It is often overlooked that the famous proscription of 213 was the product of free and open speech by an apparently Confucian courtier in the presence of the emperor.[8] When Shunyu Yue proposed the restoration of a feudal patricianate stemming from the royal clan, he was not only proposing a reversion from Qin to Zhou practices, he was making a frontal challenge to the power of the prime minister, Li Si, who had displaced his predecessor and gained supreme administrative power in 221 precisely by

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[7]The *Shiji* notes that the Han founder "dispensed entirely with the burdensome ceremonial codes of the Qin" (99. 2722), indicating the importance of *li* at the Qin court, though the text also explicitly notes that these were different from the "ancient" rites.

[8]It is a weakness of the argument that follows in this paragraph that there is no indication that Shunyu Yue was a Confucian other than the traditionalistic thrust of his proposal and, perhaps, the fact that he was from Shandong.

opposing such a policy (*Shiji*: 6.239). Is it imaginable that Confucians and other scholars were suffering unduly under the Qin if such a frontal challenge to state policy could be made in the emperor's presence? And is it not extraordinary that the emperor's initial response was merely to refer the proposal for consideration? It is true that ultimately Li Si prevailed and the book proscription was the result, but burning books is a far cry from burning scholars, and we learn of nothing untoward happening to Shunyu Yue himself.

It is, however, more pertinent to our discussion here to ask what a Confucian like Shunyu Yue was doing at court in the first place.

Confucianism and the *boshi*

Shunyu Yue was a *boshi*, or erudite, one of seventy or so in attendance at the celebratory banquet of 213 that led to the book ban. The office of *boshi* appears to have been the chief avenue of Confucian collaboration during the Qin. The designation of erudite was not an innovation of the Qin court. There is evidence (shaky) that the designation existed nearly two centuries earlier in Lu, and stronger evidence that *boshi* was an established title in Qi at the time of Jixia (Qian 1958: 165-66). However, the Qin court seems to have been the first to institutionalize *boshi* as an official consultative body of men selected to pursue activities connected with their specialized learning on behalf of the government.

The *Han shu* reports that the duties of the *boshi* were to "comprehend (*tong* 通) the past and present." *Boshi* appear to have been drawn from among many different traditions of learning (we see, in the *Shiji*, not only Confucians but *fangshi* types as well). We know that they were located at the Qin capital of Xianyang and called upon to advise the emperor in assembly from time to time – it was at just such an assembly that Shunyu Yue made his ill advised suggestion.

We also know that *boshi* were entrusted with special care of texts, because in the book proscription of 213 *boshi* are explicitly exempted from the ban. *Boshi* were also permitted to have followers, and, in fact, their students could number in the hundreds, just like an earlier generation of masters at Jixia.[9]

Among the Qin *boshi* whom we know by name, there are two who may provide clues as to the role that Confucians played at court: Shusun Tong and Fu Sheng.

Shusun Tong is famous as the *ru* who designed the first set of court *li* for the Han founder Liu Bang. Prior to his employment by the Han, however, Shusun Tong had served the Qin. In 209, while an attendant at the Qin court designated for future appointment as a *boshi*, Shusun Tong was invited to participate in a consultation before the Second Emperor to advise him on the proper response to the rebellion that Chen She had launched in the East. Shusun Tong addressed the emperor in the most sycophantic terms, urging him to reject the counsel of alarmists – with so majestic a ruler as himself orchestrating the fine-tuned performance of the Qin bureaucracy, the rebellion would burn out naturally. For this, Shusun Tong was promoted to *boshi* rank on the spot. Fully aware of the disastrous implications of his own advice, Shusun Tong quickly fled Xianyang and joined the entourage of the rebel Xiang Liang (*Shiji*: 99.2720-21).

There is much to doubt in the specific narrative of Shusun Tong at court, but if we are to accept any part of it as reflecting fact, what must certainly strike us as most essential to the tale is the fact that there were Confucian *boshi* at the court of the Second Emperor, four years *after* the supposedly anti-Confucian book ban and the tragic, though fictitious, burial of the Confucian scholars. Clearly, if any part of Shusun Tong's tale is true, it demonstrates that Qin patronage of

[9] I am here inferring from the tale of Shusun Tong, discussed below, whose hundred plus followers at the commencement of the Han refer to the fact that they had been serving him for many years (*Shiji* 99.2721).

Confucian erudites was strong enough to survive Li Si's anti-scholastic policies.

The other *boshi* whose story is instructive is the well known Fu Sheng, heroic preserver of the *Shang shu*. Fu Sheng was a Qin *boshi* who retired to the Jinan area of Shandong after the fall of the Qin, where he transmitted his teaching of the *Shang shu*. The *Shiji* tells us that he hid his text of the *Shang shu* at the time of the proscription of 213 and, years later, was able to retrieve only the 29-chapters that today comprise the "New Text" *Shang shu*. After Han Wendi succeeded to the throne in 179, that exemplary monarch, learning that a nonagenarian *boshi* had preserved the precious classic, dispatched his high minister, Chao Cuo, to receive the text from Fu Sheng (*Shiji:* 121.3124-25). Fu Sheng had somehow lost the text, but because he had been teaching it privately for decades he was able to recite it from memory (only the 29 chapters; he had apparently not memorized the text prior to hiding it). The Tang commentator Yan Shigu tells us that because Fu Sheng's accent was something of a problem, his daughter had to serve as an interpreter (easy to believe for anyone who has heard Shandongese spoken toothlessly), but does not explain how Chao Cuo could have successfully transcribed the archaic diction of the text with only verbal cues, nor how it came to be that Fu Sheng had neither preserved the text he had rescued nor transcribed any new copies (*Han shu*: 88.3603; I do not mean to endorse Yan's claim, only to share it).

The Fu Sheng story is incoherent at many points, and we will return to one of these later, but here I would like to note only one aspect of Fu Sheng's role: that he was a Qin *boshi* and that he was a *Shang shu* expert. Given these two facts, it is less surprising than it may otherwise have been to note that the *Shang shu* anthology actually ends not with a Zhou text per se, but rather with a text attributed to the first of the great monarchs of Qin, Mugong (r. 659-621). Mugong is, perhaps, an unlikely sage to glorify in the coda of a text that emerged as a core component of the

Confucian canon. Not only is the duke not usually remembered for the generosity of spirit that is suggested by the *Shang shu* chapter "Qin shi," which supposedly records his words, in the *Shi jing*, Mugong is the target of the critical poem "Huang niao" (The oriole), which records (as does the *Zuozhuan*) the fact that the duke ordered that several of his most loyal retainers be slaughtered and buried with him in his grave to serve him in the afterlife. The inclusion of a speech attributed to such a man – the only text in the Fu Sheng collection that bears no connection to the houses of sages or dynastic kings – can best be accounted for by presuming that the chapter was added to the collection by *boshi* in the service of the Qin state. As such it would stand in itself as a record of Qin cooptation of Confucian personnel. But it can also lead us along another line of argument.

The textual work of the Qin erudites

The "Qin shi" is not cited in texts that we can date confidently to the pre-Qin era. Only one major text that could conceivably be so dated does cite it: the *Daxue*. The slender *Daxue*, of course, is thick with citations from the *Shi* and *Shu*, but no citation is longer than that selected from the "Qin shi." The upshot of the *Daxue*'s commentary on the text is to say that only a man of *ren* could have composed it. How is it that the *Daxue* celebrates a man like Qin Mugong as *ren*? Could it be that this, too, is a record of the Qin cooptation of Confucianism? And what of the *Daxue*'s well-known companion piece, the *Zhongyong*? Could it be that the phrases in that text that state, "In the world today, carts are identical in axle width, texts are identical in script, and conduct is identical in roles," were included precisely to please the authors of these policies, the First Emperor and his reforming minister and lapsed Confucian Li Si?[10]

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[10]These phrases have always troubled those who would date the text. The possibility of their pointing to Qin period

This is precisely what I would like to propose. It seems to me cogent to regard both the *Daxue* and *Zhongyong* as products of Qin Confucianism, composed with an eye towards pleasing a dynasty that had become the sole source of public patronage for the Confucian community.

As for the *Shang shu*, questions about its composition go well beyond the inclusion of the "Qin shi." The most pressing question concerning that text is the provenance of the apparently genuine Western Zhou chapters, which are, with the exception of the *Kang gao*, entirely unacknowledged in the pre-Qin textual corpus, despite their overwhelming interest and significance. How could these remarkable texts have been in the possession of authors who, from the mid-fourth century at least, quoted the *Shu* extensively, without their ever once being mentioned? Clearly, it is very likely that these texts were out of circulation during the Eastern Zhou and were only rediscovered between that period and the time of Fu Sheng, that is, during the Qin. Nor is this really surprising, for if there did exist recoverable Western Zhou documents that had not yet come to light during the Warring States period, they would most certainly have been awaiting discovery amidst abandoned possessions of the Western Zhou court that fled Zong-Zhou in 771, shortly before the founders of the Qin state recovered the territory for the Zhou polity and established their own capital at Xianyang, near the site of the former Zong-Zhou. When Confucian and other *boshi* were trucked west after 221, the lost *Zhou shu* texts would surely have been among the archival resources that were available to them as they pursued their mandate to "comprehend the past and present."[11] Fu Sheng's *Shang shu*, then, is not

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composition is explored by Hu Zhigui in his analysis of the origins of the text, though he ultimately dates the text to the post-Qin era (see *Xu Weishu tongkao*: II.931).

[11]This argument has been undercut by the discovery of the Guodian texts (c. 300 B.C.), among which is a version of the *Ziyi* chapter now found in the *Liji*, which cites other "genuine" chapters of the *Shang shu*. Whether the point must be abandoned or may be modified might be determined by a lexical and syntactic analysis of chapters cited in *Ziyi*, in comparison with the remaining "genuine" chapters. I would need to undertake such an analysis were I to wish to preserve the point in a published version of this paper. *[Note added August 1999.]*

difficult to picture as an encyclopaedic anthology compiled by Confucian *boshi* as part of this mandate.

What did this mandate actually mean? Let's look at the three hypothetical products of the mandate we have already identified: the *Daxue*, *Zhongyong*, and *Shang shu*. What we see in the first two is an effort to *distill and sum up* the essential teachings of the Confucian school; the last is a compendium of the records of sages. Perhaps the sense of the mandate reported in the *Shiji* was in fact to distill and comprehensively organize the knowledge of the past so as to make it available to the present in government sanctioned form.

Nor would this work have necessarily been confined to the work of Confucian erudites. There exist texts of questionable provenance that could easily be viewed as the encyclopaedic compilations of non-Confucian scholars under state sponsorship. For example, the diversity and multi-sectioned structure of the *Zhuang zi* and *Han Feizi* could be products of a tripartite process of composition, including pre-Qin sections authored by the title thinker, related materials compiled by Qin scholar bureaus, and creative post-Qin chapters added by independent scholars or former *boshi* into whose possession the texts had fallen. At present, however, I can offer no substantive analysis to support such speculation.[12]

However, the most comprehensive product that suggests Qin sponsorship of encyclopaedic compilation is a work that has *always* been acknowledged to be just that: the

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[12] A weakness of this line of reasoning is that once it opens the possibility of attributing anonymous compendia to Qin *boshi*, it is very hard to know where to stop. If the *Daxue* and *Zhongyong* can be seen in this light, why not the other chapters of the *Liji*, etc.? Were this view of Qin encyclopaedism to be pursued, we would need to look for compelling evidence pertaining for each text individually.

Lack of evidence will not stop me, however, from speculating along another line, and suggesting that the one school that refused to collaborate with the Qin may have been the Mohists, perhaps permanently alienated by the aggressive pattern of the Qin conquest, or having permanently alienated the Qin by contributing to resistance with their customary zeal. (It is always tempting to search for explanations of the Mohist extinction.) It should be noted, however, that the *Lüshi chunqiu*, interpreted here as a Qin *boshi* product, includes a substantial Mohist component, though this need not necessarily have been authored by Mohists (the chapters read well, suggesting that Mohists never touched them).

Lüshi chunqiu. The received tradition concerning that text is that it was completed by the retainers of Lü Buwei in 239, prior to the untimely fall of their patron, and "displayed at the gate of the Xianyang market with a thousand gold pieces hung above it, inviting visiting scholars and court retainers to claim the cash simply by showing how a single word of text should be changed" (*Shiji*: 85.2510). None, of course, could do so.

Now the tradition of the *Lülan*'s composition does not seem utterly improbable. The text uses Qin terms, such as *qinshou* to denote the masses, and is unquestionably the product of a coordinated group of multi-school authors.[13] However, there are certain problems with the tale the *Shiji* tells. First, the size of the text itself makes its "display at the gate of the market" seem problematic – it is perhaps the single most extensive text in the pre-Han corpus; just how was it posted? Second, there are references in the text that would be anachronistic if the composition were complete in 239.[14] Third, the received text has the well known anomaly of a coda chapter appearing after the first of its three major sections, as if the work at one time consisted entirely of this one part. Fourth, the twelve separate *yue ling* chapters appear together elsewhere as a chapter of the *Li ji*, surely a puzzling instance of borrowing. And finally, even I could have won the gold coins – the text is in no way as integrated as the tale suggests.

It makes far greater sense to view the *Shiji* tale of the text's compilation as indicating that in its original form, the text consisted precisely of the *yue ling* chapters, which do indeed form perhaps the most tightly composed and encyclopaedic text of the pre-Qin period. If one regards the *yue ling* as the outcome of a research process, rather than as the improvised traditions of a

[13]Interestingly, the term *qinshou* is specifically mentioned by the *Shiji* as a terminological innovation adopted by the new dynasty *after* the conquest (6.239).

[14]I rely for this entirely on the assertion made by Naitō Torajirō, as cited in *Weishu tongkao* (839), to which I was led by Michael Carson (1980: 435), who adds that Richard Wilhelm confirmed these instances.

late-arriving cosmologist-folklorist-ritualist, its composition would indeed have involved a great deal of time and effort by retainers inquiring into the teachings of many schools. The full text of the *Lülan* would seem to be far more ambitious than any that Lü Buwei could have seen to completion during the brief decade of his eminence, during which time he would have needed to recruit a vast array of scholars of diverse backgrounds and had them search out texts far and wide. While Lü's personal resources were undoubtedly great, it seems reasonable to question whether they were great on such a scale. For the *Lülan* is indeed an encyclopaedia of pre-Qin teachings, and its organization, while not immediately apparent, does indeed bear traces of careful and even artistic categorization.[15] Moreover, the formats of its various chapters show a high degree of standardization, and its presentation of pre-Qin viewpoints is broad and, in many respects, the most balanced ever gathered in one text. Clearly, the merchant Lü would have been an unlikely overseer of such a project; the combination of administrative and scholarly skills that would have been required to supervise the undertaking would have been remarkable. As the outcome of nouveau-riche patronage the text is astounding. However, it would be a very suitable and realistic product in response to an imperial mandate to "comprehend the past and present," undertaken within the context of a tightly regulated scholarly bureaucracy. In short, the work fits the circumstances of the *boshi* bureau. And given the *impartiality* reflected in the text's strong presentations of the views of all schools, it is difficult to envision any supervisory structure for its composition that was *not* bureaucratically divorced from the living disputes of pre-Qin philosophical thinkers.

For if the Qin did indeed issue the *boshi* a mandate to "comprehend" the past, it was

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[15]Chen Qiyou suggests that the organizing principle of the initial *ji* section coordinates the content of the essay groups with the nature of the seasons represented in the lead *yue ling* chapters (Chen 1984: 3).

surely for the purpose of *sealing off* the past and removing its teachings from the realm of living traditions to the tomb of encyclopaedic closure. Unlike the royal patrons of Jixia or the warlord patrons of the mid-third century, the employers of the *boshi* saw themselves as controlling the output of their scholarly retainers. These were not private teachers subsidized by lords of questionable legitimacy who sought the public relations benefits of seeming to lure with their virtue the best approximations of Bo Yi available – patrons like Wenhou of the new state of Wei or the usurper Tian clan in Qi. The Qin patronage of scholars was a program to gain control of knowledge by paying its stewards to turn their wisdom over to the state – an agenda that seems to reflect the approach of Li Si. That would surely explain why the book banning exempted *boshi* texts and proscribed only "private learning" (*sixue*).

Why did Fu Sheng hide his *Shang shu*?

As has been noted before, if Fu Sheng was a Qin *boshi* he would have had no need to hide his copy of the *Shang shu* after the 213 ban, as the *Shiji* account specifies. Since the terms of the ban are recorded in full twice in the text of the *Shiji* itself, presumably Sima Qian would have understood this, and known that his story of Fu Sheng made no sense. What can we conclude from the Fu Sheng story?

It does seem incontrovertible that copies of the *Shang shu* were in short supply during the early Han. This in itself would seem odd, given the long history of the text and traditions of rote learning among Confucians and perhaps Mohists, unless we grant that the specific anthology we call the *Shang shu* today was, indeed, a Qin compilation incorporating many texts that were unfamiliar to pre-Qin *ru* and to Mohists. If this were the case, and if the anthologists had all been clustered at Xianyang, then it would actually be unsurprising had even no copies survived. After

all, the proscription of 213 was not the only book-burning that figured in the Zhou-Qin-Han transition: the Qin imperial archives were torched by the troops of Xiang Yu, who was anxious to vent his anger at being deprived of the chance to conquer the Qin capital by force and had to be satisfied with the galling experience of having his triumphant campaign end with his receiving a second-hand bloodless surrender conveyed to him by his upstart rival Liu Bang. If *boshi* copies of texts were normally housed in the imperial archives, it would account for the loss of many pre-Qin texts. Fu Sheng may well have saved the *Shang shu*, but he would have been saving it from Xiang Yu's fire, not Li Si's. But that was no crime and would not explain why Fu Sheng hid the text.

Where did Fu Sheng hide his text? It is not clear from the *Shiji* account whether he hid it near his office in Xianyang, or brought it home with him when he returned to Shandong. Which makes sense? The only reason for leaving it in the West would have been to avoid capture by the Qin authorities who might have objected to his removing the text from state auspices as he returned to his home in the East. But there were no Qin authorities left. Even had Fu Sheng been concerned about a Qin resurgence, that worry would have soon been dissipated. There was clearly no need to hide the text from the Qin for so long that, somehow, the copy deteriorated or disruptions to the hiding place dispersed portions of the text. It makes more sense to think that Fu Sheng took the text from the Qin capital either before its fall or soon thereafter – after all, why would he have wished to remain longer in the barbarous West? But if Fu Sheng brought the *Shang shu* back to Shandong after the fall of the Qin, why would he hide it at all?

He would have hidden the text because the proscription against the *Shang shu* and all other banned texts remained in effect until 191, four years after the end of Liu Bang's reign. And since Fu Sheng was no longer a *boshi*, he was no longer exempt from the ban.

Liu Bang and Confucianism

It is no secret that Liu Bang held Confucians in contempt. Despite the fact (or perhaps partially because) his younger brother seems to have interacted closely with Confucian scholars,[16] Liu Bang early on established a reputation as an enemy of Confucianism. One of his earliest followers, the eccentric Li Yiji, was, according to the *Shiji*, warned about Liu Bang's distaste for *ru* (*Shiji*: 97.2692) and the tale of Liu Bang publicly urinating into a scholar's hat is well known (though not so well known that I can locate a text reference at the moment). Although it is unclear why the Han founder would have conceived so firm a dislike for Confucians prior to the start of his political career, there are good reasons why he would have resented Confucians later on.

First, as I hope I've demonstrated, at least some Confucian support of the Qin Dynasty clearly existed, although it may not have been as profound as I suggest in this essay. Second, Confucians had flocked to banners other than Liu Bang's. Initially, the scion of Confucius's own clan, Kong Jia, who had presumably remained in the east filially guarding his great ancestor's grave, had thrown his lot in with Chen She at the time of his initial rebellion – the *Shiji* tells us became a *boshi* for Chen She (which certainly suggests Chen's own imperial ambitions; see *Shiji*: 121.3116). Judging from the *Shiji* account that follows, in the conflict between Xiang Yu and Liu Bang that ultimately led to the founding of the Han, the Confucians made a poor choice:

After Gaohuang (Liu Bang) had killed Xiang Yu, he led his armies and lay siege to [the capital of

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[16]It is curious that Liu Jiao, whom the *Shiji* reports to be Liu Bang's full brother, is said by the *Han shu* to have studied Confucianism with a student of Xunzi as a youth, and to have become a patron of Confucian classicists, such as the *Shi*-master Shen Gong, whom he appointed to *boshi* rank after his own enfoeffment as King Yuan of Chu (*Han shu*: 36.1921-22). Liu Jiao's branch of the clan preserved this scholarly interest, ultimately producing Liu Xiang and Liu Xin. The youthful studies of Liu Jiao are hard to square with the portrait of his famous brother's rough-hewn upbringing.

> the old state of] Lu. From within, the sounds of chanting and ritual music emerged, the zither-led songs never ceasing. Ah, was not this country where rites and music were loved the legacy of the sage!

Yet another tight spot that Confucius had led his followers into! Indeed, the Confucians in Lu, which in the mid-third century had fallen under the control of Chu, had sided with Xiang Yu, a member of the old Chu patricianate, in the wars of succession. No wonder Liu Bang had little love for Confucians, who had flocked to each of his competitors for power one after the other.

Fu Sheng's concealment of the *Shang shu* was only one of many acts of concealment that seem to have taken place in the old homeland of Lu, where it seems that every time a bulldozer flattened a wall some Confucian treasure was revealed long hidden within. It seems plain that the true threat to the survival of the texts of the past after Xiang Yu's devastations in the West was the first Han court. Only well after the death of Liu Bang, in 191, was the old Qin proscription finally lifted, having by then been in place for over two decades (*Han shu*: 2.90).

In short, given that *boshi* were permitted to retain copies of all texts and that the goal of the Qin court in issuing the proscription on books seems to have been intended to control rather than destroy knowledge, we may be better advised to look to the actions of Xiang Yu and Liu Bang as the cause of any bibliographical gaps that characterize the post-Qin era.[17]

The Confucian rapprochement with Han power

It is not strictly germane to the subject at hand, but it seems fitting to note that the first movements of the Han court away from the strident anti-Confucianism of its earliest days were engineered by none other than the Qin *boshi* Shusun Tong. After throwing in his lot with a

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[17]This would make the First Emperor compare favorably to the Qing Qianlong emperor, whose Siku quanshu, ostensibly a preservationist project, was actually in large part a covert effort at permanent text destruction.

succession of ill-fated rebels, from Xiang Liang to King Huai of Chu to Xiang Yu, Shusun Tong found himself among those who surrendered to Liu Bang after the siege of Pengcheng in 205. Incurring the scorn of Liu Bang by appearing in *ru* dress, Shusun Tong exhibited the same resourcefulness that had earned him his doctorate in Qin and discarded his ritual outfit in favor of a Chu-style work uniform. His apparent willingness to turn renegade pleased the new emperor, who took him into his service. Ultimately, Shusun Tong was able to parlay his chameleon's approach to Confucian timeliness into a lasting contribution to the school when he convinced Liu Bang to allow him to design new court rituals for the Han. The story of this accomplishment has often been told – the emperor's despair with his raucous courtiers; Shusun Tong's gentle offer to help; Liu Bang's trepidation about his ritual incompetence; his relieved "I can manage this" upon seeing the new *li* demonstrated; the famous sigh: "Today at last I know the exaltation of being an emperor" after the first day of the new regime; Shusun Tong's hapless followers at last receiving long-awaited appointments and cash bonuses and acclaiming their master a "true sage" after all – but the main importance of the story for us is Shusun Tong's willingness to redesign Confucianism to appease the enemy dynasty.[18] It was not until the year 200 that Shusun Tong was able to insinuate his ritual and his followers into the Han bureaucracy, and only from that point is there any opening for ordinary Confucians who lacked Shusun Tong's unique wit, far-sightedness, and unscrupulousness to find a place in the new age of the Han. Altogether, Confucian rapprochement with the Qin seems to have been a much easier process.

The transformation of Confucianism

It has often been noted that Confucianism after the Qin appears to be something very different

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[18]For the tale of Shusun Tong's ritual invention, see *Shiji*: 99.2722-24.

from what it was before. It is far more text based than practice based, more a matter of scholarship than a matter of ethical self-cultivation. This trend was, without question, one that had been long underway prior to the Qin era, but the process of change does seem to have been dramatically accelerated during the generation that experienced the Zhou-Qin-Han transition. Traditionally, this change has been viewed as, in part, the product of the Qin persecution. As should be clear by now, I don't think there was any persecution. I believe that, in fact, the acceleration of the tendency towards bookishness in Confucianism was rather the product of Qin *patronage* and the particular form it took.

The goal of the Qin in sponsoring Confucian *boshi* (true also of erudites appointed from other schools) was to transform the liberal diversity of the learning of the late Zhou from living traditions to museum items, useful for reference purposes in constructing a new and more perfect future. Schools of thought were no longer relevant; there would be only one school of thought, and that would be government controlled. Perhaps the ideas of the past could be of use – after all, "comprehending the past and the present" did imply that past and present could be linked and that the knowledge of the present could be informed by the past. But the *Daos* of the past would not be relevant. Indeed, the major accomplishment of the *Lüshi chunqiu* is precisely that it presents the viewpoints of the various schools not only impartially, but in standardized formats that inherently *relativize* their teachings. We can learn from all these guys, the editors seem to be saying, which precludes the option of becoming the disciples of any one school and the possibility that any of them possessed the authority of sage wisdom.

If the speculations of this paper are on track, a generation of prominent *ru* were drafted into this approach to scholarship. The best and brightest (or, perhaps, most ambitious) devoted themselves to a text-based project rather than to teaching and practicing and preaching the

coming of the utopian Confucian future. The future had come, and it looked different. And when the future came to an abrupt end after 210, what this generation of Confucians was able to salvage from it was not the teachings they had received from their own masters and failed to elaborate or pass on in living form, but the texts they had devoted themselves to producing. These now replaced the Dao as the "jewel" Confucius had anticipated selling for a good price. And amidst the keen threat of Han hostility, these new classics were indeed jewels to be hidden in wells and walls – when the times were right and the Dao prevailed in the world again, they could be dug out and a new generation of Confucian teachers could make good money peddling them for tuition payments or royal patronage from imperial younger brothers. It would not be long before the students of this generation of old men, having inherited the Confucian family jewels, would echo the master-on-the-make, Xiahou Sheng: "If you can't master a classic, you might as well go back to the farm!" (*Han shu*: 75.3159).

The Confucian account of the Qin

A revisionist portrait such as the one presented here inevitably raises the question of why, if the portrait is accurate, we have not seen it before. The thesis that Confucians were major collaborators with the Qin and that the Qin actively patronized Confucian scholars to the bitter end of the dynasty is so at odds with the traditional portrait that it would be difficult to accept even if the positive evidence supporting it were far more extensive than what I have presented here.

To make the thesis somewhat more acceptable, we should note that it draws, among other things, on specific anomalies in the *Shiji* accounts of our two Confucian *boshi* and truly problematic aspects of several texts that are poorly explained by traditional paradigms. And, as

noted at the outset, what I've done in this paper does not go much beyond trying to catch up with the revisionist approach exemplified much earlier by Bodde and others when they brought into question the cogency of the old story of the Qin.

That story, of course, is principally the product of Confucians, historians such as Sima Qian and Ban Gu, and before them men such as Jia Yi, who recast the Qin reign as a simple moral parable of humble virtue triumphant over aristocratic arrogance, a message that the early Han rulers liked to hear, and that later Confucians wanted their rulers to hear. Like Shusun Tong, these men were anxious to redesign the past to please a dangerous ruling house. Certainly, both Confucians and Han rulers would share an interest in forgetting their debt to the Qin, which had provided new Confucians with the support necessary to reshape their school for functionality in an imperial age and which had provided the Han rulers with the Legalistic state structures and administrative tools that they would so fruitfully exploit, albeit draped first in Huang-Lao and later in Confucian raiment.

The story of the brutal Qin is a good story and undoubtedly contains much truth, but we have already begun to observe cracks in it, and the anti-Confucian theme that runs through it seems to be yet another fault line. Sima Qian was no novice when it came to writing between the lines – witness his faux-celebratory portrait of Liu Bang (the sage who thrice threw his children to the enemy to save his own skin!) – and I believe he intentionally left us some of the key clues that form the basis of this argument. Consider his laconic depiction of Liu Bang's armies surrounding the *ru* in Lu noted earlier – what does this tell us about the Han threat to Confucianism that the *Shiji* never says? And consider also the incoherent tale of the *boshi* Fu Sheng hiding his *Shangshu* when the text was banned for all but the *boshi*. Was Sima Qian nodding, or did he expect contemporary readers to understand that Fu Sheng had forces other

than the Qin to fear.

Once we start unburying the scholars from the melon patch, we allow that more than one piece of the Confucian tale of Qin terror may be covering up rather than revealing what really happened. Once we admit that a story that good may be too good to be true, who knows what other Confucian skeletons we may dig up!

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