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KAO-TSU'S FOUNDING AND WANG MANG'S FAILURE

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STUDIES IN HAN TIME LEGITIMATION

This paper deals with two very different kinds of legitimation. Han Kao-tsu lived as a commoner, then as an exceedingly low-placed servant in the Ch'in bureaucracy, and ultimately reigned as the founding emperor of the Han dynasty. His legitimation reflects his relatively untutored youth, his lack of intellectual sophistication, and his superior merits as a leader of generals and advisers. Wang Mang grew up in one of the two most important families of his era (the imperial family was the other). He was well educated in a Confucian tradition that did not even exist in the time of Han Kao-tsu. His legitimation manifests his socially superior origins and the profound changes that had taken place in the intellectual world in the preceding two centuries. These two studies reveal legitimation based upon merit earned by the individual leader, favor bestowed by Heaven, and approval granted by the subjects.

THE FOUNDING OF THE HAN: LEGITIMATION WITHOUT IDEOLOGY

The legitimation of the Former Han dynasty presents problems to the researcher of legitimation that are unusual and perhaps unique in pre-modern Chinese history. Han Kao-tsu (his posthumous designation will be used throughout, even though it is technically anachronistic) lacked the royal genealogy of the Ch'in founder and could not view his own rise to power as a transition from a well established state ruler to an imperial ruler. His socio-political weakness was compounded by the lack of a firmly founded ideology or intellectual milieu in which he could plant his regime. The right of the Han House to rule

was thus difficult to establish. The research problem is further compounded because much of the ideology of the Han ruling family was developed generations and even centuries after Kao-tsu's rise to power and then applied retroactively to the Han founding. Our first task is to strip away the later accretions and dynastic propaganda in order to recover something of the aura of the founding of the Han.

DEMYTHIFICATION OF THE HAN FOUNDING

The founding of the Han, obscurely and inadequately preserved in a deep and remote historical valley, has been glorified and systematized by later polemicists and political thinkers. In attempting to recover the reality of dynastic creation, we shall review three traditionally accepted aspects of the founding, all of which must be rejected: Kao-tsu's genealogy, his initial anti-Ch'in uprising, and the element/color symbolism of the historical accounts.

The spurious nature of Kao-tsu's genealogy is well known and needs little comment.[1] Kao-tsu's alleged ascendants connected his ruling house with Emperor Yao and that linkage was of crucial importance to Wang Mang and to the founders of the Later Han dynasty, but to the men of Kao-tsu's era, the Han founder was clearly without pedigree.[2] Kao-tsu himself could not have legitimated his regime by reference to his ancestors or to any descent, cosmic or biological, from Emperor Yao.

According to the standard, but erroneous, account of Kao-tsu's rise, "he had become a bandit as the result of official suppression and bad luck."[3] We are told that Kao-tsu, in his capacity as chief of a canton, was ordered to lead convict laborers to the north to work on the tomb of the First Emperor of the Ch'in, that some of them escaped, and that Kao-tsu, fearing that he would be harshly punished under Ch'in laws because some of his men had absconded, then freed the others and became a rebel. This account makes Kao-tsu a hapless

victim of Ch'in's oppressive regulations, a man who rose in righteous wrath against the harsh laws of the Legalist state. Furthermore, this account and other materials are arranged in the *Han-shu* in order to lead the reader to believe that Kao-tsu became an anti-Ch'in rebel before Ch'en She raised the flag of rebellion. Kao-tsu may, indeed, have been in hiding when Ch'en She arose, but not because of any principled opposition to the Ch'in house.

Kao-tsu ran afoul of Ch'in law when he injured Hsia-hou Ying, a close friend and local official, while engaging in horseplay. Kao-tsu's act was reported by someone to the officialdom and a formal case was opened. Since Kao-tsu was then a canton chief his crime was probably treated as rather more serious than if it had been committed by a mere commoner, for the law was particularly strict with regard to an official injuring someone.[4] Kao-tsu swore that he had not injured his friend and the latter testified that that was true. Later, the case was reopened and Hsia-hou Ying was incarcerated for over a year; although he was flogged, Hsia-hou adhered to his original story, thereby giving Kao-tsu an opportunity to flee. The same account then notes that when Kao-tsu and his followers prepared to seize P'ei, the major town and the prefectural seat of the area, Hsia-hou Ying, because of his service in the prefectural office, acted as the intermediary who arranged the surrender of P'ei to Kao-tsu in one day. These data belie two interpretations of Kao-tsu's rise. Kao-tsu was probably in flight from Ch'in officials when Ch'en She launched his abortive attack on local Ch'in forces, but Kao-tsu had not magnanimously released corvee or convict laborers and then taken flight. Rather, he fled in order to avoid being prosecuted for a personal crime. Also, this account suggests that the story of Kao-tsu shooting a message denouncing Ch'in evils over the city wall of P'ei was fabricated.[5] Hence, in its very earliest stage, Kao-tsu's uprising seems to have begun in order to take advantage of Ch'en She's rebellion and because Kao-tsu was already in trouble with the law. Our evidence does not reveal when the political motive for the Han founder's uprising was first attributed to him. The account of Kao-tsu releasing laborers seems to have been based upon Ch'en She's experience, but whether Kao-tsu's political motivation was circulated during the very early stages of his rise to the throne or whether it was attributed to him after

his efforts were far along we cannot determine. In either case, we can at least be sure that Kao-tsu's first steps to the throne were not taken because of lofty political principles that caused him to oppose the Ch'in regime. Kao-tsu, in fact, seems to have had few if any political principles (aside from the first principle of politics: survival), but he was willing to listen to those who taught him the importance of some political principles and he gradually developed a modicum of sophistication in political thought.

The symbolism of the founding of the Han, as it is contained in the *Han-shu* and to a lesser extent in the *Shih-chi*, misleadingly indicates that the Han House ruled by the cosmic force of fire, the corresponding color of which is red.[6] Again, this symbolism was to be important in the era of Wang Mang and the beginning of the Later Han, but in Kao-tsu's own period it makes no sense. Except for these passages in the "Annals" of the *Hs* and *SC*, there are no other references in Kao-tsu's time to Han ruling by the cosmic force of fire. To the contrary, to the extent that Kao-tsu personally took an interest in identifying Han with a particular cosmic force, he chose the color black and the force of water (allegedly the same as the Ch'in).[7] In the discussions of the appropriate cosmic force for Han that took place during the next several decades, the question usually focused on Han as water or as earth (yellow), for earth conquered water in the then prevalent order of succession of the cosmic forces. No one in these early reigns of the Han espoused the idea of Han ruling by the cosmic force of fire. Furthermore, the doubt and uncertainty about the place of Han in the grand cosmic scheme, suggests that these arguments were not yet sufficiently systematized or accepted to be used very effectively as political propaganda that would have bolstered the Han claim to legitimacy.

The foregoing observations suggest analytical categories to which the Han founder could not appeal. His family background prevented an appeal to aristocratic values on his own behalf. That particular hiatus precluded reference to descent from Emperor Yao and identification with cosmic forces (even if we assume that that system of thought was then well elaborated). Finally, his personal motivation, at least initially, owed nothing to

resounding political ideals. We turn now to positive factors that center on various positions held by Kao-tsu in his rise to the throne.

LORD BY ELECTION, KING BY LAW, EMPEROR BY MERIT

In his rise to the imperial throne, Kao-tsu occupied three major positions: Lord of P'ei, King of Han, and Emperor of China. He held each of these positions on different bases, and in each case the process of legitimation throws considerable light on our problem. The ascent to the throne of China superficially appears to be a case of power legitimates power, but in the milieu of the time that position was not taken. Instead, Kao-tsu became emperor on the same ground on which most officials were appointed and some kings enthroned, namely, merit.

Kao-tsu's elevation to the leadership of the forces at P'ei, with the title of Lord of P'ei, appears to be a matter of election. He had already taken control of Feng and put together a small force, which he then led to P'ei.[8] Men in P'ei who held higher official positions than Kao-tsu in the local Ch'in bureaucracy, such as Hsiao Ho and Ts'ao Shen, refused to accept leadership of the uprising. They feared that if the venture failed they and their families would be physically eliminated. Since it is quite possible that Kao-tsu was still wanted on criminal charges (and presumably had less to lose than, e.g., Hsiao Ho) and since he already had a small force under his command, there seems little doubt that he would emerge as the leader. Nevertheless, even though he was assured by references to good omens and favorable divination, he finally accepted his position only because no one else was willing to take the responsibility--so we are told. If we accept this account, then Kao-tsu's first significant title, Lord of P'ei, was granted to him by election, as it were. If we reject it, then we must conclude that his military might, minimal though it may have been at the time, was sufficient for him to seize control of P'ei and immediately increase the size of his army by roughly tenfold.[9] In this situation, might conferred the right to lead.

This incident appears to be trivial, but the principles of selection that emerge, imperfectly to be sure, from the data, are not strikingly different from those applied in Kao-tsu's ultimate elevation to the throne. In Kao-tsu's mind, if we may venture into posthumous mind-reading, the principles were probably exactly the same; that is important because it tells much about the assumptions he may have made and the framework within which he operated when he took the supreme step.

The institution of kingship in the period of the civil war leading to the founding of the Han dynasty was based upon two markedly different principles. The first, and the oldest, harked back to the period before the Ch'in conquest of all the states of late Chou China; it was the traditional principle of hereditary right. Shortly after Ch'en She weakened the restraints of Ch'in political order all of the old royal families reemerged; within a year after Ch'en's death the six large states of the pre-imperial period were reestablished. Although most of them were overrun in the civil war and again obliterated, as late as 204 B.C. Li I-chi, a Confucian (*ju*) adviser to Kao-tsu, urged the latter to re-found the six states in order to strengthen Kao-tsu's tenuous position while simultaneously weakening that of Kao-tsu's major opponent, Hsiang Yü. Kao-tsu's initial response was to accept this advice, but he subsequently rejected it.[10] One contemporary observed that it was only natural that Ch'en She had failed, for he had made himself king of Ch'u instead of restoring the Ch'u ruling house. Whether that explanation adequately accounts for Ch'en's defeat is perhaps irrelevant; the important conclusion that Hsiang Liang drew from the interpretation was that the observation was correct and he accordingly reestablished the Ch'u ruling house.[11] These examples indicate that there was strong inclination to reestablish the pre-imperial states; tradition seems to have dictated that the political world would be divided among kings, and in the minds of these advisers those kings should be the descendants of the old royal families.

The second basis for kingship was merit. During the late Chou period, one of the predominant political trends was the creation of bureaucracies that depended not upon the

genealogy of the office holders but upon the proven merit of the individual. During the civil war this trend was modified by inclusion of royal ranks, but without including the former royal families; that is, commoners could become kings. At least one group of advisers was quite explicit in eliminating the former kings from consideration: "It is not necessary that a man be a descendant of the rulers of the Six Kingdoms in order to sit on a throne."[12] Both Kao-tsu and Hsiang Yü created kingships largely on the basis of merit. In 206 B.C., when the civil war was momentarily brought to a halt, Hsiang Yü created nineteen kingdoms of which twelve were awarded to generals and other men of merit, whereas seven descendants of the former royal families were granted kingdoms (four of the seven were from the T'ien family of Ch'i; hence only four royal families were represented among the seven kings).[13] Later, in the same year, Hsiang Yü deprived the king of Han (Han Ch'eng) of his state because he had "not achieved anything."[14] Kao-tsu pursued the same policy in creating kingdoms and appointing his followers to them whereas members of the old royal families were excluded from their ranks.[15] Kao-tsu's awards of kingdoms to men not of the old royal families required a certain amount of audacity; slightly over a year earlier one of the charges levied by Kao-tsu against Hsiang Yü was that Hsiang had removed the kings who were descendants of the old aristocrats.[16] The general picture is reasonably clear: in the preceding generations, the traditional aristocracy had been shunted aside in favor of men of proven qualities and abilities, leaving only one of the older ruling families, the Ch'in house. When disorder broke out, there were unprecedented opportunities for rapid political and social advancement. But in the thinking of the period, still much under the influence of an aristocratic past, the highest position but one, was that of king. Aristocratic ranks of the earlier time were fused with the meritocratic norms of the emerging bureaucratic age; kingship remained but the king had to be a man of proven abilities. (The son who inherited the kingdom did not, however, have to establish his own merit.)

Kao-tsu earned a kingdom not only as a successful leader but also due to a legally and morally binding covenant that was to serve him well in his propaganda efforts against

Hsiang Yü. King Huai of Ch'u, a descendant of an earlier Ch'u king, had been placed on the restored Ch'u throne by Hsiang Liang. The king had then made an agreement with the various generals that the first to subjugate Kuan-chung, the area within the passes where the Ch'in capital was located, was to become king of that area. Slightly over a year after this arrangement was made, Kao-tsu entered the Ch'in capital area and received the surrender of the last Ch'in ruler.[17] Hsiang Yü, who became the dominant military and political leader after the death of Hsiang Liang, his uncle, then moved troops into the capital region and parceled parts of the empire to his followers and other leaders. Contrary to the covenant and in spite of opposition from King Huai, putative ruler of Hsiang and all other generals, Hsiang Yü assigned to Kao-tsu the kingdom of Han, southwest of the capital area. Hsiang Yü thereby committed a political blunder of major magnitude.

Kao-tsu and his followers were able to refer on numerous occasions to Hsiang Yü's deceit, treachery, and dishonesty in depriving Kao-tsu of the territory he had earned.[18] Thus, Hsiang Yü's reputation suffered from this turn of events. On the other hand, Kao-tsu occupied his position of king on grounds uniquely different from the other kings of the period. A few were descendants of old ruling houses; most were powerful and successful military commanders. Kao-tsu alone could claim a legal right to his position--a right conferred by King Huai of Ch'u who was theoretically the overlord of all kings.

The political consequences of Kao-tsu's right to be king of the Ch'in capital area are impossible to assess. Reassertions of the right and charges that Hsiang Yü had violated the agreement do not prove influence or consequences. Furthermore, there were other factors which would have been countervailing forces in Kao-tsu's claim. For example, in 208 B.C. Hsiang Yü was ordered to lead his armies north instead of moving in the direction of the Ch'in capital, which is what he preferred to do. At the same time, Kao-tsu was sent to the Ch'in capital area. The King of Ch'u allegedly made this decision because Hsiang was violent, cruel and inclined to butcher his opposition, whereas Kao-tsu tended not to terrorize but to be generous.[19] A highly likely reason for this decision was that Kao-tsu

might be easier to dislodge from the Kuan-chung area than Hsiang would have been. The point of the incident is that Hsiang justifiably felt that he had been betrayed; the covenant had been broken by King Huai when he refused to allow Hsiang to attack the capital.[20] Again, in the larger historical picture, Hsiang Yü's refusal to abide by the covenant could hardly have been more morally upsetting to some than Kao-tsu's betrayal of Hsiang Yü in 203 B.C. At that time, Hsiang and Kao-tsu agreed to divide the empire between them thus ending the civil war. But Hsiang Yü had no sooner returned to the east when Kao-tsu's troops treacherously launched what was to be the final struggle between the two powerful contenders for empire.[21] We have no evidence that Hsiang Yü's following was increased or the firmness of his support strengthened because he was not "fairly" treated by King Huai. Nor, on the other hand, is there any evidence that Kao-tsu suffered as a result of his unscrupulous attack on Hsiang Yü. As factors in the moral dimensions of legitimation, these actions must be left as immensurable.

Kings by ascription, merit, and lawful covenant all existed during the civil war. Was the resurrection of the imperial institution assumed by the contenders for power or was there the possibility of a multi-kingdom world without a dominant imperial figure? The answers to that question shifted with the changes in the balance of forces, but there were several periods in which a multi-state world, similar to the one brought to an end by Ch'in, seemed to be developing. Ch'en She provides a revealing early answer to the question. Initially, he declared that he was Fu-su, the oldest son of the First Emperor of Ch'in and the original heir apparent. He perhaps discovered that too many people knew that Fu-su was already dead or that the Ch'in house as a whole was too unpopular, and he accordingly abandoned that identity and made himself King of Ch'u.[22] In the first instance, he was clearly aiming at seizure of the entire empire; in the second case, however, his avowed aim was the much more modest restoration of Ch'u. As the Ch'in court found itself in ever greater jeopardy, several attempts were made to reduce it from an imperial to a royal court;[23] these moves were designed to preserve some vestige of the Ch'in regime, and the assumption, explicitly stated, was that a multi-state world was being restored. But in 206

B.C., the Ch'in capital was overrun and sacked, territories were apportioned to various kings, and briefly the Chinese world seemed to be settling down to a new political order. At this point, a new imperial institution was created by Hsiang Yü; King Huai of Ch'u was elevated to the position of Righteous Emperor. The Emperor, however, controlled no significant military forces, was relatively powerless and within less than a year was murdered on Hsiang Yü's orders.[24] By creating an emperor, Hsiang Yü had formed a power structure that was better suited to his own needs, for he placed himself, as Hegemonic King (*pa-wang*),[25] under the Emperor but over all the other kings. The political map of China at this time strongly resembled that of the era of Duke Huan of Ch'i, i.e., a relatively powerless titulary ruler sanctioned and legitimated the existence of a real power figure. The institutional configuration was significantly different from the earlier pattern of kings who were more or less equal but not under an emperor. The final, short experiment before the founding of the Han dynasty was the division of the empire between Kao-tsu and Hsiang Yü. So far as we know, Kao-tsu at this time remained no more than King of Han; Hsiang Yü technically held the title of Lord (or Duke, *kung*) of Lu but may have retained his earlier title of Hegemonic King. There seems to have been no formal designations of Kao-tsu and Hsiang Yü as rulers of western and eastern China respectively. If Kao-tsu had abided by this agreement, two states might have taken root in China.

After Kao-tsu's forces defeated Hsiang Yü's armies, Kao-tsu could claim at least nominal control over all of China. He recognized some kings and enthroned others, but he was no more than King of Han, a king among kings. Some of the kings he had created then beseeched him to adopt the imperial title. Their plea was based upon two factors, his merit and their self-interest. The whole world punished the Ch'in because of its lack of principle, but Kao-tsu was "the first to capture the King of Ch'in and subjugate Kuan-chung--your achievements have been the greatest in the world." Furthermore, they note that he has pacified the world and given security to those who had been in danger. "Your achievements are abundant and your virtue is great." When Kao-tsu declined for want of virtue, their laudatory assessments were reiterated. Kao-tsu, then recognizing that his

ascent would "be an advantage to [all] the people in the world," allowed himself to be made emperor.[26]The Han founder had earned his throne, just as the kings had earned their territories.

The self-interest of the kings also figured as a major factor in their determination to have Kao-tsu elevated to the position of emperor. The *Shih-chi* version of the interchange between Kao-tsu and his nobles, while much briefer than the *Han-shu* account, is more explicit regarding this issue:

> “Our great king has risen from the humblest beginnings to punish the wicked and violent and bring peace to all within the four seas. To those who have achieved merit he has accordingly parceled out land and enfeoffed them as kings and marquises. If our king does not assume the supreme title, then all our titles as well will be called into doubt.”[27]

The *Han-shu* version has the nobles saying:

> "The division of the land has already been settled, but positions and titles are [still] confounded with one another, without the [proper] division of the superior [from] the inferior, so that the manifestation of your, the great King's, merits and virtue is not proclaimed to later generations."

And when Kao-tsu finally agreed to their entreaty, he did so because "the vassal kings would be favored [by it]...."[28] Thus the newly enthroned kings had much to gain by Kao-tsu's elevation to the supreme position, for their positions could be legitimated only by an emperor. Kao-tsu, in turn, by overthrowing the Ch'in and by bringing stability to the world had such towering achievements that he deserved the pre-eminent position of emperor.

The elevation of Kao-tsu was, thus, strikingly simple. Unlike later dynastic

foundings, the Former Han case is singularly lacking in omens, revelatory texts, miracles, and the Mandate of Heaven. These elements that we so customarily associate with a dynastic founding, that form a part of the ideology of the typical Chinese imperial regime, are simply wanting. The explicit ideology of the Han founding rested on one principle: merit. Kao-tsu had earned the empire and, therefore, he was emperor. This argumentation is subtly different from saying that power is self-legitimating. Any conqueror holds power, but Kao-tsu's conquest came in an age in which meritorious behavior was the sine qua non for continued rise in the bureaucracy. Hence, by the contemporary standards of the polity, Kao-tsu could justifiably be promoted to the highest position.

There are a few suggestions in our sources that Kao-tsu's success was not due entirely to his own personal efforts, that is, that he was favored by Heaven. Shortly after Kao-tsu began his uprising, Chang Liang, who was the recipient of a book on the art of war from a mysterious figure who later reappeared as a yellow stone, reportedly observed that the Lord of P'ei "will soon be chosen by Heaven."[29] When, in 204 B.C., Li I-chi, a Confucian inspired rhetorician, persuaded the King of Ch'i to join Kao-tsu in his battle against Hsiang Yü, Li asserted that Kao-tsu's army was far from normal: "Such an army is like that of the great Ch'ih Yu of ancient times, winning its victories not by human strength but by the blessing of Heaven."[30] Han Hsin, in trying to account for his own domination by Kao-tsu informed the latter "Your Majesty cannot command soldiers...but you are good at commanding generals. That is why I became your prisoner. Moreover, you are one of those who are 'chosen by Heaven.' Your power is not human."[31] Lu Chia, another rhetorician who espoused Confucian values (see below), tried to convince Chao T'o to submit to the Han by extolling Kao-tsu's virtues: "...in the space of five years, he had brought all within the four seas to peace and unity. Such deeds were not done by human strength, but were ordained by Heaven."[32] Finally, Hsiang Yü attributed his ultimate failure not to any shortcomings of his own but to Heaven.[33] These statements indicate that in the minds of some Kao-tsu may have been blessed with charismatic qualities. However, the allegations of Han Hsin and Hsiang Yü can probably be dismissed, for both men were less

concerned with positive attributes of Kao-tsu than they are with providing psychologically satisfying explanations of their own failures. Furthermore, other evidence indicates that Kao-tsu was often considered to be a leader devoid of qualities that we might expect in a charismatic figure. We must consider these evaluations before returning to the theme of charisma.

On numerous occasions of Kao-tsu was pointedly reminded of his won personality shortcomings. To offer just a few examples: "Your majesty treats people cavalierly and is rude to them...."[34] "Your Majesty, on the other hand, is arrogant and unmindful of propriety, and therefore the gentlemen of honor and integrity do not come to you."[35] The King of Wei explained his defection from Kao-tsu's side by describing Kao-tsu as "arrogant and insulting to others, reviling the nobles and ministers as though he were cursing so many slaves. He has no sense of the proprieties to be observed between superiors and inferiors. I cannot endure to face him again."[36] Since most of these remarks were made by followers of Kao-tsu, some while he was on the rise and others when he was already emperor, we cannot fully integrate them into a holistic interpretation that also encompasses the comments regarding his Heavenly endowment. What we can produce are two rather different interpretations.

Of the five men who spoke of Kao-tsu's Heavenly endowment, three (Chiang Liang, Li I-chi and Lu Chia) were not generals but can perhaps best be described as intellectuals. Only in the case of Chang Liang is there some slight doubt, but he was a scion of the chief ministerial family in the state of Han 韓 and was probably a well-educated man.[37] These men viewed the world and Kao-tsu's role in it in ways that were strikingly different from the viewpoints of his generals and other advisers. They were unwilling to believe that success of the magnitude of Kao-tsu's was simply a matter of human effort. To them, Heaven had conferred a special grace on their leader, and that gift bolstered their faith in the man and warranted their support of him. This line of argument suggests that charisma does not inhere in the leader for all to see, but is to be found in the mind of the perceiver.

On the other hand, many of those who made disparaging remarks about Kao-tsu's crudeness found that they could support him for the most mundane reason: he richly rewarded his followers.[38] Hsiang Yü, to the contrary, was niggardly in bestowals to his generals and advisers. In sum, only a very few of Kao-tsu's followers seem to have considered him to be the possessor of any significant charisma. The others were willing to follow him and to elevate him to the highest dignity because they too were remunerated for meritorious achievements. There may have been generosity in his leadership but there was little mystique.

Even after Kao-tsu had taken the momentous step up to the imperial throne, he still lacked the magnificent exterior that would make him a man of imperial grandeur. Others created for him the capital and the rituals which gave him an appropriate eminence. Initially, Kao-tsu was strongly inclined to imitate the Chou dynasty by locating his capital in the Lo-yang area (there is no indication that his use of the Chou model went beyond locating the capital in the east, which was closer than the Kuan-chung area to the homes of the Emperor and his major followers). Lou Ching dissuaded him from that course of action on the ground that the Chou house had developed the Mandate of Heaven and ruled by virtue; since the Han house was not so favored, Kao-tsu used the Kuan-chung area as a highly defensible base area.[39] But the former Ch'in capital had been destroyed and there was no complex of imperial edifices to which the Emperor could move. He apparently resided in Yeh-yang (when he was in the Kuan-chung area, but he spent much of his time on campaigns of various kinds) and not until 200 B.C., almost two years after removing from Lo-yang, did Kao-tsu see the capital that Hsiao Ho was building. The imperial reaction to the sight was one of dismay and anger at the inordinate expense incurred in building city walls and gates, the Wei-yang Palace, and other buildings. Only after the rustic Emperor had been assured that a measure of elegance was necessary to establish his majesty did he move, with delight, to the new capital.[40] But the buildings alone were not sufficiently imposing to curb the uncouth activities of some of Kao-tsu's followers who drank, argued, and chopped at the pillars in the palace. Shu-sun T'ung, who had been an

erudite at the Ch'in court, devised the court ritual that assured decorous behavior of all those in the august presence. The Emperor's expression of satisfaction with the new rituals is famous: "Today for the first time I realize how exalted a thing it is to be an emperor."[41]

Kao-tsu's joyful exclamation has high symbolic value. He was unabashedly transformed from a common criminal fleeing imperial officials into an imperial figure exuding majesty. The transformation did not rely upon the earlier ideas of genealogy and Mandate of Heaven nor upon the later manipulation of omens and prophesies. Kao-tsu had earned his position.

Up to this point we have focused attention upon Kao-tsu himself, but understanding his rise to power and his legitimation depends also on his broader appeal. After we have considered that aspect of his rise to power we shall return to Kao-tsu and the question of the ideology of the new regime.

GENERALS AND COMMONERS, BUT FEW SCHOLARS

The Han founder was not equally successful in garnering support from all elements in the society, but he seems to have been remarkably effective in winning two followings: an elite, composed largely of self-made military leaders, and many commoners. Among the educated elite, he attracted very few and they tended to be highly unusual men. We can safely assume that numerous former Ch'in officials, particularly those from the local level, joined his cause, but our data offer no firm evidence for this assumption.

One of the means of securing legitimation is through the exercise of remunerative power.[42] Kao-tsu's followers were regularly granted rewards for their services and by means of remuneration Kao-tsu could assure compliance with his orders. Remuneration brought more than compliance; it gave to his generals what they wanted and they, in turn,

viewed Kao-tsu as the legitimate conferrer of such benefits. Such short-term, immediate legitimation is probably of crucial value in the rise of any rebel leader, and yet it is often overlooked in favor of the larger picture. Once this kind of legitimation has been conferred, loyalty, and perhaps other social values, tend to reinforce it and work two ways. Loyalty, under such circumstances, can be seen as a positive response to the munificence of the grantor; he who would deny the legitimation of the grantor can expect to suffer loss of his reward. Also, an attempt to transfer legitimation to an opposition leader will make the original reward recipient unreliable because he is then disloyal to his first leader. This kind of legitimation seems particularly important when the leader, as was the case with Kao-tsu, cannot or does not appear as the upholder of a commanding ideology to which there is a prior commitment of loyalty.

Kao-tsu made grants to his followers that were as lavish as he could afford; as his power rose, so did his generosity. His first reward was to Hsia-hou Ying who arranged the surrender of P'ei; Hsia-hou was made a Seventh Rank Grandee (*ch'i-ta-fu*) and appointed Kao-tsu's coachman (*t'ai-p'u*).[43] Later when Kao-tsu was depserately in need of support he conferred the kingdom of Wei on P'eng Yueh and the kingdom of Ch'i on Han Hsin.[44] Kao-tsu granted these territories with reluctance, but the grants were successful in winning the two new kings to his side. Because of grants such as these, Kao-tsu developed a reputation for generosity that was especially significant in view of Hsiang Yü's unwillingness to make grants to even the most deserving men.[45] But Kao-tsu's rewards tended to determine the kind of men who marched under his banner. Ch'en P'ing observed: "...because you are willing to enrich men with grants of territory, the dull and unscrupulous, the lovers of gain and the shameless all rush to your side."[46] Clearly, he was buying loyalty in building his legitimation.

To Kao-tsu's credit we must also note that in enthroning kings he was, at times at least, keenly aware of the impact that the decision would have on the subjects of those kings. Thus, when Han Hsin was deprived of the kingdom of Ch'i and made King of Ch'u,

Kao-tsu noted that Han Hsin was familiar with the customs and mores of Ch'u.[47] Liu Fei, the oldest son of the Emperor (Fei was not a some of Empress Lü but of a concubine) was then made king of Ch'i. The kingdom of Ch'i had several times in the preceding years been divided among various kings. It was now recreated in such a way as to manifest imperial attention to local sensitivities; all areas in which the Ch'i dialect was spoken were included in the new kingdom.[48] In both cases, the throne was showing its concern for the local populace, in the first case, by not foisting an outsider upon the people of Ch'u and, in the second, by preserving a sense of cohesiveness for a traditional local polity.

Kao-tsu demonstrated his concern for the commoners in a variety of other ways. On his march into the Kuan-chung area he ordered that his troops not plunder[49] and once in the Ch'in capital itself he forbade the looting of the palaces.[50] Hsiang Yü, in a contrary manner, plundered the capital and burned it.[51] Kao-tsu's actions in the Ch'in heartland have become famous: he abolished all of the Ch'in law code and substituted three simple rules in its place. Then when the populace attempted to express its appreciation of his kindness and generosity, he declined their gifts.[52] There was a striking contrast between the concern for the commoner as expressed by Kao-tsu and the reputation for the opposite kind of behavior on the part, first, of the Ch'in regime and then of Hsiang Yü. Ordinarily, the historian has difficulty assessing the impact of action such as Kao-tsu's, but in this case we have an evaluation by a contemporary, Han Hsin. Since Han Hsin was encouraging Kao-tsu to return from Han to the Kuan-chung area, Han's interpretation may be taken as having considerable value, for it was offered to prove that Hsiang Yü had no popular support whereas Kao-tsu had gained it:

> "The common people do not submit to him (i.e., Hsiang Yü) out of affection, but are awed by his might alone.... When you entered Wu Pass, you inflicted not a particle of harm, but repealed the harsh laws of Ch'in and gave to the people a simple code of laws in three articles only, and there were none of the people of Ch'in who did not wish to make you their king."[53]

Legitimation can scarcely be made to depend exclusively upon matters as simple as these, but Kao-tsu had clearly made the people of the Kuan-chung area willing to confer upon him the right to rule.

After Kao-tsu became emperor he continued to pursue policies designed to earn him the support of the people in a very general sense. He provided economic benefits by opening the Ch'in dynasty park lands to farmers, and on numerous occasions he gave relief from taxes and public service, often in specific and limited areas.[54] Similarly, he frequently offered amnesties and pardons,[55] and encouraged people to return to their homes and fields and resume normal lives.[56] He was compassionate towards those who had been sold into slavery during the civil war and ordered that they all be freed.[57] Kao-tsu was credited with bringing peace to the world and he sought in other ways as well to restore normal activities. The simple restoration of peace and encouraging people to return to their daily activities were probably as important as any specific measure in legitimating the Han House.

Kao-tsu's dependence upon commoners, mere nobodies, and men who were not socially acceptable, was an important factor in his rise to power. We have already noted a general statement to this effect by Ch'en P'ing. In addition to Kao-tsu's original friends, several men who gave Kao-tsu excellent advice came from the lower levels of society. Lou Ching, dressed in rough clothing and on his way to serve garrison duty, arranged an audience with Kao-tsu as a result of which the Han capital was located in Ch'ang-an. Lou was ennobled and granted the imperial surname as a reward for this advice.[58] Li I-chi was an educated man but so impecunious that he supported himself as a gate keeper. Furthermore, his reputation led to his being given the sobriquet "the Mad scholar," which did not help his employment prospects among the well to do. He too managed to secure an introduction to Kao-tsu, gave him sound advice, and ultimately died in the service of the Han founder. His son had achieved little in the service of Kao-tsu but was ennobled because of his father's merits.[59] In his campaigns, Kao-tsu frequently consulted and

addressed elders (often referred to as "fathers and older brothers"), that is, men who were locally recognized as leaders but who held no government positions. In 205 B.C. Kao-tsu attempted to institutionalize the position of elder by ordering that every district and prefecture was to recognize a Thrice Venerable (*san-lao*) who was to work with the local government officials, presumably acting as a spokesman for local interests.[60] One of the Thrice Venerable was instrumental in having Kao-tsu announce a period of mourning for the Righteous Emperor after he had been killed by Hsiang Yü.[61] This incident had powerful propaganda value (see below). Kao-tsu's openness to commoners such as Lou Ching, and others, made him appear to be exactly what he was – a commoner, accessible to other commoners. He was willing to listen to them and they supported him when most scholars did. not.

The scholars or educated elite were not welcome in Kao-tsu's camps; this social group was least willing to grant Kao-tsu legitimacy. Although Kao-tsu rose to the throne without them, he ultimately relied heavily upon them. According to Ssu-ma Ch'ien, when Ch'en She launched the first uprising against the Ch'in, Confucian scholars of Lu, the homeland of the Master, voluntarily joined Ch'en She; one of the descendants of Confucius, K'ung Chia, held the title of erudite under Ch'en and died with Ch'en.[62] Hsiang Yü, because he tended to be respectful of others, was supported by "lovers of propriety" (*ai-li-che* 愛禮者) which probably refers to those associated with Confucianism.[63] The state of Lu was exceptionally loyal to Hsiang Yü, and was the last of Hsiang's territories to surrender to the Han forces.[64] Thus other rebel leaders of the time could rely upon the educated elite for support. Kao-tsu, however, was strongly inclined to reject Confucianists. He allegedly urinated in the hat of a Confucianist, and frequently cursed and berated them.[65] The former Ch'in Confucian erudite Shu-sun T'ung, with over a hundred followers, joined Kao-tsu in 205 B.C. but because he was aware of Kao-tsu's antipathy towards Confucianists, Shu-sun T'ung exchanged his customary Confucian robes for the style of clothing usually worn in Ch'u. Furthermore, despite the impatience of his disciples, he did not recommend them for office while the civil war was still being fought.[66] Other educated men who gave long-term

support to Kao-tsu include only Li I-chi (the unemployable "Mad scholar" noted earlier) and Lu Chia. Unfortunately we know very little of Lu's background; he apparently joined Kao-tsu quite early, but his earliest notable activities only begin after Kao-tsu became emperor.[67] If we compare the statements regarding support by the educated elite for Ch'en She and Hsiang Yü with Kao-tsu's relationships with the same elite, then Kao-tsu obviously did not desire and did not have any significant legitimation from that elite as a whole. Even after the empire was founded, a few Confucianists refused to join Shu-sun T'ung in support of the new regime, arguing that the dynasty would have to accumulate virtue for a century before rites and music for it could appropriately be established.[68]

The foregoing observations do not alter in any major way the traditional interpretation of the social basis of Kao-tsu's legitimation. They do perhaps suggest that the drive for personal gain was of greater importance than is sometimes assumed. That observation, in turn, raises questions about the levels and timing of legitimation, that is, the legitimating factors for a rebel chief, as Kao-tsu was in the early stages of his uprising, are far different from the elements in more long-term legitimation. Long-range, permanent as opposed to expedient, legitimation probably cannot be mounted on the self-interests of the leader and his immediate followers, nor upon society's desires for peace, order and stability, although the latter will certainly be weighty matters. Legitimation that endures will have to be dependent upon other factors, those which transcend the self-interest of any one individual. These include morality, religion, and ideology, to which we now turn.

MORAL DIATRIBES AND RELIGIOUS SURROGATES

Morality may well be one of the single most important factors in the legitimation of any regime, but it is also the most difficult to analyze. The difficulties derive in part from the data which tend to have been preserved by the victor; accordingly we can anticipate conscious bias in them. Furthermore, the influence of either a highly immoral or an equally

moral act almost defies analysis. We are reduced to factual reportage and cautious inference

When Kao-tsu moved into the Kuan-chung area late in 207 B.C. his cause was destruction of the harsh and demanding Ch'in regime. As we have seen, Kao-tsu developed considerable popularity among the people of the Ch'in capital area by his restraint regarding the treasures there and by his drastically simplified regulations. The destruction of the Ch'in did not, however, bring the fighting to a halt, for Kao-tsu's former superior, Hsiang Yü, now became his major opponent. With the exception of Hsiang Yü's violation of the agreement that the first general to enter the Kuan-chung area was to become its king, Kao-tsu could mount little in the way of principled opposition to Hsiang; he momentarily had no cause.

Kao-tsu's case against Hsiang Yü was ultimately justified on the grounds of righteous indignation-on the advice of one of Kao-tsu's newly appointed Thrice Venerable. In November, 206 B.C., Hsiang Yü had ordered the regicide of the Righteous Emperor. Five months later, The *San-lao* Tung stopped the Han founder and addressed him (in rhyme!):

> He who accords with virtue will shine,
> [But] he who goes contrary to virtue will be destroyed.
>
> When troops are ordered out without a just cause,
> The affair will therefore fail.
>
> Hence it is said:
> `Make clear that he is a wrong-doer-
> Your enemy can thereupon be subdued.'

The *San-lao* urged Kao-tsu to proclaim mourning for the emperor and assured him that "no one within the four seas will fail to admire your virtue" if you do so. Kao-tsu not only ordered that his army go into mourning but circularized the other leaders denouncing Hsiang Yü for his "treasonable and inhuman [action]."[69] Shortly thereafter Kao-tsu began referring to his troops as "righteous soldiers" (*i-ping* 義兵).[70] Kao-tsu's most extensive moral diatribe against Hsiang Yü was delivered just a year before the end of the civil war. It enumerated ten crimes committed by Hsiang Yü and by implication made Kao-tsu a shining example of moral probity whose main goal was punishment of a murderous, faithless, selfish criminal.[71] Hsiang Yü had cloaked Kao-tsu in moral purity. Pursuing a comparable policy, Kao-tsu later ordered that the officials provide shrouds and coffins for the soldiers killed in combat and that the dead be sent home for burial. As a consequence, "In all directions, [people's] hearts turned to him."[72] We might ask if Kao-tsu were sincere in his manifest concern for these matters, but that question would be pointless. The important observation is that people apparently believed (or believed that they believed) that he was genuine; consequently their "hearts turned to him."

Kao-tsu seems not to have been a religious man and he rarely participated directly in religious observances. When he began his uprising in Feng he sacrificed there to the altar of the soil, and after he seized control of P'ei he offered a sacrifice to Ch'ih-yu, the God of War.[73] These seem to be the last religious ceremonies in which Kao-tsu personally participated. In subsequent years, he was responsible for adding one god to the Ch'in set of four Lords on High, he pledged blanket support for all of the gods of the empire and ordered that local officials offer timely sacrifices, he appointed shamans from different areas to worship specified deities in the capital, he substituted Han gods of the soil and grain for Ch'in soil and grain gods in all localities, and he ordered that services be held regularly for Ch'in Shih-huang-ti, Ch'en She and Hsiang Yü at their grave sites.[74] After Kao-tsu's father died in 197 B.C., the Emperor ordered that the vassal kings establish temples to his father in each of their states.[75] These activities constitute all of the

significant religious activities of the Han founder. They indicate that he felt the need to assure the continuation of earlier religious practices, but that he felt no compulsion to participate directly in religious observances. He perhaps did what he thought society expected him to do (order officials to perform sacrifices), but no more. Perhaps most significant is the hiatus of an imperial religion in which the ruler himself performed the role of chief priest.

ADMINISTRATION AND LAW: RETURN TO TRADITION

The institutional and legal order created by the Han founders emerges only imperfectly from our sources. The foremost architect of this order was Hsiao Ho, but the materials on his contributions are illusively vague. The political institutions of Han consisted partially of the earlier heritage of commanderies and prefectures and in addition Kao-tsu created kingdoms and marquisates, thereby resurrecting an even earlier heritage. If debates were held regarding which kind of institution should be erected in which areas, we no longer have them.

The kingdoms during Kao-tsu's reign underwent a major transformation. Initially many of them were in the hands of his generals, but by the time of his death all but one of the kingdoms were governed by members of the imperial Liu family. The largest and most important kingdoms were located in the eastern part of his realm. This allocation suggests that Kao-tsu and his primary advisers felt that the area closest to the capital could safely be administered through the bureaucratic system of commanderies and prefectures, but that the more distant regions could be most effectively governed as extensions of a patrimonial regime. With regard to the issue of legitimation, the most significant aspect of this dual system was probably that it worked, i.e., it created a stable political order, a major prerequisite for legitimation. But the maintenance of kingdoms, in spite of the political unreliability of the early, non-Liu kings, suggests that the Chou heritage could not be

dismissed. Kao-tsu's kingdoms symbolized a restoration of the "good old days" and Kao-tsu thus became a perpetuator of tradition. I have looked for documentary evidence of that kind of argument. Although that search was fruitless, we should note that even in later periods of the Han, when the kingdoms were drastically reduced in size and when they had been stripped of their political power, the ideal of the kingdom still remained, as did that of the marquisate. The highest honor that could be conferred upon a man throughout the two Han dynasties was a marquisate. Thus it seems safe to say that there was a general assumption that these political institutions of the past had to be preserved. Initially, grants of kingdoms were politically and militarily expedient; but in the broader picture they were traditionally essential.

Kao-tsu's simple, three-article "code" did not last very long. His regulations were undoubtedly good propaganda, but they were hardly sufficient for an empire. Hsiao Ho while governing the base areas during Kao-tsu's campaigns to the East probably began re-instituting much of the Ch'in code.[76] We cannot determine the content of the early Han code. But by 201 B.C. Kao-tsu was forced to issue a general amnesty, in part because many of his returning veterans had already suffered death or mutilation as punishment for violation of the present code.[77] The least we may conclude is that if the return of legal order is a prerequisite for legitimation, then Kao-tsu met that requirement, even though he seems to have been less than fully satisfied with the operation of the legal system. (The number of amnesties and pardons issued by Kao-tsu indicate that more work is needed on the relationship between the apparent requirement to institute a legal system, on the one hand, and his unwillingness to see that legal system rigorously applied, on the other hand.)

LINE THE NEST WITH RIGHTEOUSNESS

The official ideology of the early Han years was written by Lu Chia. Pan Ku stated this point in his summary of Kao-tsu's achievements when he said:

> At the beginning [of his reign] he conformed to the people's wishes when he made an agreement [with them] in three articles; when the empire had been subjugated, he command Hsiao Ho to set in order the [criminal] laws and orders, Han Hsin to set forth the military methods, Chang Ts'ang to fix the calendar and measures, Shu-sun T'ung to establish the rites and etiquette and Lu Chia to compose the *Hsin-yü*.[78]

The *Hsin-yü* grew out of a heat discussion between Lu Chia and Kao-tsu. The latter became exasperated when Lu lectured him on the *Book of Odes* and the *Book of Documents* and exclaimed "All I possess I have won on horseback!....Why should I bother with the *Odes* and *Documents*?" Lu's rebuttal, in this famous exchange was "Your Majesty may have won it on horseback, but can you rule it on horseback?" The result of the debate was an imperial order to Lu to write a piece on why the Ch'in had lost the empire and why Kao-tsu had won it. The product of Lu's labor was the twelve-chapter *Hsin-yü*,[79] which exists today as a rather poorly preserved text with missing characters and inadequate commentary.

There is little in the *Hsin-yü* that is new, but much of it may have been innovative to Han Kao-tsu who was little influenced by the Confucian or any other school of learning. What the work lacks in creativity it makes up for immediacy, for the work was written specifically for Kao-tsu and reveals with great clarity Lu's concerns for the new regime. Lu Chia continued to be an important intellectual at court into the reign of Emperor Wen. His admonitions, accordingly, seem to have had considerable impact on early Former Han history.

The *Hsin-yü* resembles the *Lü-shih ch'un ch'iu* in the extent to which it draws from the teachings of a variety of schools. All the major schools are represented in the work; in this respect, the work is typical of the synthetic and eclectic efforts of Tsou Yen, Lü Pu-wei and Han Fei. The work differs from Lü's in its lack of overall organization; instead, the *Hsin-yü* consists of twelve essays on a variety of topics, but with considerable repetition.

The predominant theme of the work is the necessity for the ruler to practice benevolence and righteousness. Lu Chia shows that there was a historical development of man leading to the creation of the Classics which embody the principles by which rulers of the past have been successful. The practice of benevolence and righteousness begins in the family and then spreads from there. The ruler who practices benevolence and righteousness avoids calamities and meets with success; the ruler who does not practice them will fail.[80] The ruler must also be a learned man, for only then can he perceive things at their very origins and thereby direct them, and only then can he avoid being deceived by those around him.[81] The ruler who does not cultivate his personal virtue and who deviates from Confucian norms will see Heaven's displeasure in omens of various kinds. On the other hand, the ruler who practices good government, which begins with self-cultivation, will find that the natural order responds with good omens.[82]

In addition to admonishing the ruler regarding what he should do, Lu Chia also set forth certain practices to be avoided. A recurrent theme focuses on the excessive use of law and harsh punishments by the Second Ch'in ruler (interestingly enough, Lu Chia does not condemn the Ch'in regime in general). The ruler's nest must be lined with benevolence and righteousness; the Ch'in nest, to the contrary was lined with laws and punishments which led to the nest being overturned and the eggs broken.[83] Ultimately, the ruler is dependent upon the people, and heavy punishments will drive the people away.[84] Laws and orders will suffice to punish the evil, but they will not encourage the people to do good. Educational influences to foster goodness have accounted for dynastic successes in the past and must be encouraged now.[85] The ruler must always be frugal; he must not accumulate treasures or pursue profit. Such practices are not only bad for the regime, they also set a poor example. Thus, the First Emperor of the Ch'in built many palaces and elaborate edifices and was then emulated by many others; the result was in an excellent position to set a personal example that would determine trends.[86] The ruler should also avoid military campaigns, particularly foreign wars. The Ch'in general Meng T'ien had been entirely too

active in this respect; Emperor Shun and the Chou rulers, on the other hand, ruled by *wu-wei* (doing nothing, avoiding excesses) and launched no military campaigns.[87] Finally, the ruler should not divert his attention from affairs of state by engaging in searches for immortals or elixirs of life.[88]

In many respects, Lu Chia's work provided the guidelines for the first three or four Han rulers. Through the reign (180-157 B.C.) of Emperor Wen and to a certain extent into the reign of his successor, the Han rulers followed rather closely the lessons of Lu Chia. There was a relaxation of the Ch'in laws, there was a general frugality in the Han court, foreign wars were avoided, and there was little attention devoted to elixirs and immortals. In the reign of Emperor Wen some changes did begin to occur, for example, with regard to the administration of justice, but Pan Ku was correct in suggesting that Lu Chia's *Hsin-yü* provided the ideology of the Han House.

Since Han Kao-tsu died shortly after Lu Chia submitted his essays, the *Hsin-yü* made no perceptible impact on the emperor. But Kao-tsu had already begun to change with regard to the way he had acquired the empire, that is, the empire did not come to him entirely by his own efforts but with the aid of Heaven. The references for this argument are exceedingly sparse but nevertheless revealing. In 196 B.C., probably before Lu Chia was ordered to write the *Hsin-yü*, Kao-tsu issued a decree soliciting the services of talented men to serve in his administration. Part of that decree reads: "Now I, by the spiritual power of Heaven, [and by my] capable gentlemen and high officials have subjugated and possess the empire and have made it one family."[89] About a year later, Kao-tsu referred to himself for the first time as the "Son of Heaven."[90] On his deathbed, the Emperor berated his physician by saying "I took possession of the world as a humble citizen wielding a sword--was not this [achievement by] the Decree of Heaven? My fate is then with Heaven; although Pien Ch'io [were here] what use could he be?"[91] These statements, the first two in particular, indicate that the Emperor was beginning to think of himself as a man chosen by Heaven; he had not simply won the empire on horseback with sword in hand. A transition was

beginning which would ultimately lead to the full acceptance of the idea of the Mandate of Heaven; an imperial ideology was beginning to take shape.

CONCLUSIONS

The significance of Kao-tsu as a case study in legitimation is that most of the formulations of legitimation do not apply. Indeed, we can say with greater certainty what Kao-tsu's legitimation was not than what it was. Neither the numenous nor the civil categories posited by Sternberger apply, although towards the latter part of his reign Kao-tsu was beginning to generate numenous qualities. Kao-tsu does not emerge as a charismatic leader in the style of Weber's formulation of charisma, nor does Kao-tsu fit under Weber's rubric of traditional, although there is in Kao-tsu's case some attributes of a minimally resurrected tradition of which Kao-tsu was the bearer. Finally, Kao-tsu's legitimation cannot be explained in terms of traditional Chinese concepts of legitimation by omens and the Mandate of Heaven.

"Reward for services rendered" helped more than anything else to legitimate the Han. Kao-tsu's own position as emperor depended upon his great achievements, not only in conquering his competitors but also in restoring peace to China. He attracted followers and they acquired their positions because of rewards for merit. This approach did not have much appeal to the Confucianists of the time, but it was highly effective with regard to Kao-tsu's generals and his identifiable civil officials. It probably also worked well with the local administrators, but we have no detailed information about them. In later periods in Chinese history, the would-be dynasty generally felt that attracting Confucian scholars was essential to his success; that this is not the case in the Han founding is a function of the relatively undeveloped condition of Confucian literati at the time.

Kao-tsu's success also indicates that a firm ethical position was exceedingly helpful,

but that an articulated ideology was not necessary. Our sources lead us to believe that the righteousness displayed by Kao-tsu constituted an important factor in his successful military operations against Hsiang Yü and in his acceptability as legitimate ruler. This intangible and illusive factor must be seen as a matter of paramount importance in the legitimation of any regime. Ideology, on the other hand, does not figure prominently in the initial legitimation of the Han (this is not to suggest that ideology did not later play an exceedingly important role). Once the dynasty was relatively secure, ideology began to emerge as the factor that could maintain it, but it was not instrumental in the first stages.

The foregoing observations suggest that legitimation does not occur only once in the creation and acceptance of a regime. As the identity of the rising leader changes, so also will the grounds for legitimation. Hence, instead of a static concept we need a dynamic model that allows changes in the legitimating elements. Although the case is not argued in this paper, we may suggest that the legitimating elements continued to evolve throughout much of the two hundred years of the Former Han. They culminated in an ideology that decreed the end of the Han and seemed to prepare the way for the rise of a new order. Wang Mang read some of these new signs quite correctly; others, however, he misinterpreted to his peril.

WANG MANG: RELEGITIMATING REGENT, UNLEGITIMATED RULER

The career of Wang Mang opens some fascinating avenues on the problem of legitimation. In the traditional accounts of Wang Mang, he had been rather simply treated as a usurper, a man who took advantage of his family's position to seize, by deceit and regicide, the Han throne. In the twentieth century Wang has been reinterpreted (by some) as China's first socialist, thereby sanctioning by precedent socialism in modern China. Neither usurper nor socialist, however, can be soundly defended as adequate labels for this man and what he attempted to do. In the present account, we shall argue that Wang's most

important years can be divided into two major periods: the reign of Emperor P'ing and the following three years (1 B.C. to A.D. 9), during which Wang concentrated his efforts on relegitimating the Han House; and the period in which Wang Mang attempted to rule as the founder of his own Hsin dynasty (from A.D. 9 to his death in A.D. 23). The second period will be interpreted as a case of incomplete (abortive) legitimation. Before we can understand why the Han dynasty needed relegitimation, we must introduce some background material.

THE NEED FOR RELEGITIMATION

Beginning in the reign of Emperor Ch'eng (r. 32-7 B.C.), and perhaps somewhat earlier, the Han rulers and their officials encountered severe economic and political problems that they could not handle. The economic problems derived from several severe droughts and repeated floods. Furthermore, a continuously rising population placed great pressures on the land.[92] Responses to these problems were manifold. There was a noticeable rise in armed rebellions and in wide-scale vagrancy and population movements. The pilgrimage of thousands of followers of the cult of the Queen Mother of the West from the drought stricken eastern part of the empire west into the capital region in 3 B.C. is another example of popular response to the ecological and economic problems of the time. The state attempted to respond to the growing socio-economic dislocation by reducing expenditures and offering relief where possible. The boldest proposal, by Shih Tan in 7 B.C., aimed at the establishment of limitations on the amount of land that could be owned, depending upon one's socio-political position. The object of the reform was to prevent the rich from encroaching even more on the lands of the poor, but powerful and wealthy families prevented this proposal from being applied.[93] In 2 B.C., less than two years before Wang Mang began directing the government, Emperor Ai could only lament that brigandage was increasing and that people were growing more and more resentful.[94] Fundamental economic problems were not being solved.

There was also discontent and uncertainty regarding some of the political institutions that had served the Han state from its inception two centuries earlier. In 8 B.C., shortly before Emperor Ch'eng's death, the office of Chancellor, the highest bureaucratic post, and the other two highest offices were renamed according to classical precedent and instead of a hierarchical arrangement the three offices were to be coequal. By restoring models of an earlier, glorious age the pressures on the Chancellor's office would be reduced and abuses of the time would be corrected. A similar restoration of a classical title was accorded the regional inspectors. These changes required restructuring the customary hierarchical order, and for that reason and others, created dissatisfaction. Accordingly, in 5 B.C., the classical titles were abolished and the historically sanctioned Han offices were restored. But in 1 B.C., the classical titles were again instituted.[95] These alterations in the superior bureaucratic positions indicate a growing unease about the ability of Han institutions to cope with the problems of the time, and they also manifest the early stages of a neo-classical movement that was to proceed with bewildering speed and complexity when Wang Mang was in the dominant position.

The Han House also suffered from ominous succession problems. Emperor Ch'eng had two sons but in order to please his beloved but childless highest ranking concubine he ordered the death of the first son and probably personally killed the second. Since he was without a natural heir, he designated a grandson of Emperor Yüan (r. 48-33 B.C.) as his successor (posthumously known as Emperor Ai). Emperor Ai died in his early twenties, also without an heir. The next ruler, Emperor P'ing, was another grandson of Emperor Yüan. Emperor P'ing was only nine years old when he became emperor in 1 B.C.; he died in A.D. 6, also without a son. Thus three successive rulers died without heirs to carry on the imperial line. In the minds of some, there was a growing belief that the Han House was about to end.

Perhaps even worse than the lack of imperial male offspring, was Emperor Ai's

casual remark that he would abdicate to Tung Hsien. Emperor Ai apparently believed that his dynasty had exhausted its allotted time. He therefore considered surrendering the throne to Tung with whom he apparently had a homosexual relationship. Tung Hsien had been inordinately favored by the Emperor, not only with lavish gifts worth billions of cash, but also with the highest administrative office in the empire, even though Tung was only twenty two years old. When Emperor Ai died, Tung was easily pushed aside, but his presence had been terribly upsetting.[96]

Some intellectual developments also augured ill for the Han House; others, while not of themselves weakening the dynasty's claim to legitimacy did play into the hands of Wang Mang. The first of these developments began with Tung Chung-shu, probably the best known of all Han Confucianists. But Tung was a pioneer, and a fuller development of his ideas did not occur until I Feng, in the 40's B.C., applied *yin-yang* and *wu-hsing* ideas to the *Book of Poetry* and Ching Fang (d. 37 B.C.) elaborated a highly complex system of *yin-yang wu-hsing* ideas for the *Book of Changes*. These scholars focussed attention on omens and portents as well as on the operation of cosmic forces. Furthermore, Liu Hsiang and Liu Hsin revised the earlier cosmic interpretation of history so that a regime succeeded its predecessor not by conquest (as in the earlier scheme) but by being produced by its predecessor. These and related ideas were rapidly accepted in an unprecedented manner in the closing years of Former Han; men were obviously distraught by the growing political, economic and dynastic problems and sought to assure themselves of an ordered cosmos by recourse to these formulations. In the reign of Emperor Ch'eng, Kan Chung-k'o reported to the throne that he had received a revelatory text from Master Red Essence (Ch'ih-ching-tzu 赤精子), who had been sent by god, to warn that the Han dynasty had run its course and would have to renew its Mandate of Heaven. Kan's ideas were denounced and Kan died in prison. But his student, Hsia Ho-liang, revived these ideas in 5 B.C. and this time they were accepted with sufficient faith that Emperor Ai changed the reign period, adopted a new title for himself, and ordered some other changes of less significance. These orders were countermanded within less than a year, but they clearly manifest the growing belief

that the Han was doomed to fall. If the Han did not renew itself, then its successor's characteristics, under the cosmic interpretation of history, were highly predictable: Han was now correlated with the force of fire and the color red; it would then have to be followed by a regime that ruled under the sway of the cosmic force of earth with the color yellow. The argument can also be reworded: given the contemporaneous world view, a regime that could prove its correlate of earth would have taken an important step in its own legitimation.[97]

The Confucian classics not only served as a vehicle by which to convey *yin-yang* and *wu-hsing* ideas, they also drew attention to the classical patterns of the Chou period. In the latter part of the Former Han period the contents of the classics themselves, as opposed to the commentaries in which the *wu-hsing* ideas were introduced, began to make an impact on political and social thought. The governmental reforms referred to above are an example of the emulation of classical political institutions. Another trend is also evident as Confucian norms began to be applied to social practices. We must remind ourselves from time to time that social norms and social practices of the Han differed surprisingly from the norms and practices we customarily accept as "traditionally Chinese."[98] In the reign of Emperor Ai, a king was lauded for conducting mourning for his mother for three years and the Erudites were given leave for three years to mourn when they lost either parent.[99] The examples cannot be multiplied because these alleged revivals of classical practices were only beginning, and it is significant that only Erudites (Confucians) were allowed leave for extended mourning. But, these and other practices were to figure prominently in Wang Mang's attempt to re-legitimate the Han and then in his own incomplete legitimation.

RE-LEGITIMATION OF THE HAN

Wang Mang directed the efforts by which the Han dynasty was to be rescued from further decline. At the same time, his own position advanced step by step, all according to

historical precedents. The fact that he held ever more exalted offices supposedly contributed to his ability to carry out the reforms which strengthened the Han, but once he had achieved his highest post there was only a very small step remaining before he seized the throne for himself. This section concentrates on his own institutional base, on the measures he introduced in order to add luster to the dull Liu regime, and finally on his emphasis on the social aspects of Confucianism, which presumably would have aided in the creation of the ideal society, within which the Liu house would no longer be in jeopardy.

What's Good for Wang is Good for Han

Wang Mang's powerful position derived initially from the status occupied by his great-aunt, Wang Cheng-chün. She was the Empress of Emperor Yüan (r. 48-33 B.C.) and the mother of Emperor Ch'eng (r. 32-7 B.C.). During and after Emperor Ch'eng's reign because of position as Empress Dowager (her title underwent several changes, but I will consistently use Emperor Dowager; all others were derivative), male members of her family were able to dominate the government. Wang Mang was but the last of a line of Wang men who controlled the central administration for roughly twenty-five years.[100] The family and its followers were securely placed until Emperor Ai ascended the throne and brought with him to the capital two new consort families. Wang Mang was temporarily eclipsed, but by that time he already had a well-developed reputation for his unbending honesty, his humility, and his great concern for the well-being of the state. Even while Wang was in forced retirement, "officials by the hundreds" memorialized the throne urging his recall. Wang was then recalled to the court, but left in a low position. When Emperor Ai died, Empress Dowager Wang seized control of the central government and summoned Wang Mang to office as Commander-in-Chief and Intendant of Affairs of the Masters of Writing. These positions had been assigned to the dominant male of the consort family for the past half century. By tradition they gave Wang Mang greater power than that enjoyed even by the Chancellor. Since Emperor P'ing was a youngster, Wang Mang acted as regent; he did not, however, have that title.[101] Up to this point, Wang Mang did not occupy positions that

were exceptional; that is, there were adequate Han dynasty precedents for them. But neither Wang nor his age were content simply to continue Han practices. There was a strong inclination to adopt Confucian symbols in order to enhance the power and prestige of Wang himself and in order to strengthen the Han dynasty.

Wang Mang's assignment of exceptional titles and positions began in A.D. 1 when, at his instigation, a foreign tribe presented a white pheasant to the court. Various officials memorialized the Empress Dowager that receipt of such an auspicious omen was comparable to the experience of the Duke of Chou and that Wang Mang, because of his achievements, should be honored in the same way as the Duke of Chou. After declining the offer until others had been suitably rewarded, Wang Mang accepted the title of Duke Giving Tranquility to the Han. The title is doubly significant. Wang Mang was made the equivalent of the Duke of Chou, one of the most honored and distinguished of the great leaders of a millenium past and one of Confucius' idols. The title of Duke was not unique in Han times,[102] but the title had never before been held by anyone other than descendants of the Yin and Chou dynasties who were not men of any significant power. Wang had now been analogized to one of the truly outstanding men in the Confucian tradition. Also, the title signified that the Han dynasty had been made secure again. Just as the Duke of Chou had consolidated the Chou dynasty during the minority of King Ch'eng, so also Wang Mang was credited with solving the pressing problems of the Han dynasty.[103]

"Ruling Governor" (*tsai-heng* 宰衡) was the next title and position conferred upon Wang Mang (in A.D. 4), but as the following incidents reveal, Wang had done very little to deserve that elevation. In the three years since he became Duke Giving Tranquility to the Han, Wang's daughter had been wed to the young emperor,[104] thereby strengthening Wang's hold on the government, for if the Empress Dowager died Wang Mang's position would no longer have been secure. Also, Wang Mang's son had been involved in a plot to bring the Emperor's mother and her clansmen to the court; this move would have weakened Wang's power by introducing another consort clan to the political center. The plot was uncovered,

the errant son was imprisoned, given poison and died. This incident might have jeopardized Wang Mang, but to the contrary worked to his benefit. He was reminded that Emperor Yao of high antiquity and King Wen, one of the founders of the Chou dynasty, had both had wayward sons against whom strong action had been taken. Wang Mang then wrote a piece based upon his experience which was to be used in schools as a textbook along with the *Classic of Filial Piety*. Wang Mang thus emerged from this experience with a strengthened reputation for moral probity, for he had not shown any favoritism towards his son.[105] Finally, Wang Mang also carried out reforms of ritual and ceremony as they pertained to Han Kao-tsu and Emperor Wen (see below). These events are introduced as some of the more significant developments in the three year period preceding Wang Mang's elevation to Ruling Governor. What they indicate is that Wang Mang did very little for which he could claim credit that would have warranted the new elevation to Ruling Governor. Often when honors were conferred upon Wang, he declined them until some of his supporters had been suitably rewarded; that practice sometimes encouraged his inferiors to recommend new honors for Wang. That motivation, however, does not seem to have an important factor in this particular promotion, for in this case only Wang and some of his own staff (not high officials) seem to have gained. The most likely reason that the title and position of Ruling Governor was granted to Wang is that those who recommended it thought that if Wang held that position there would be a moral rejuvenation in the empire. In recommending to the Empress Dowager that the title be conferred, a high official referred to Wang's imposing achievements in very general terms and concluded:

> Then *the* many subordinates will openly offer their devotion, and the many people will be brilliantly moved by *his* virtue. If *the* courtiers really offer their devotion and if the common people are really moved by *his* virtue, then which of the deeds of an [ideal] King would be [lacking]?[106]

Hence, the elevation to Ruling Governor can be viewed as an attempt to recreate the ideal days of antiquity by granting to the world a moral exemplar who was a latter-day Duke of

Chou.

The title "Ruling Governor" was a fusion of the titles allegedly held by the Duke of Chou and by I Yin, the prime minister at the founding of the Shang dynasty. Hence, the title was sanctioned by classical precedent, slightly modified. The title was supposed to serve as a powerful symbol indicating the re-founding of the Han dynasty just as I Yin and the Duke of Chou symbolized the founding of the Shang and Chou dynasties. The position that accompanied this title was also of major importance. Whereas in the past Wang had been the equal of three other high ministers, he was now their superior. When they addressed him they had to use the phrase "we presume to speak" which was very close to the phraseology customarily reserved for addressing the emperor. Officials were not allowed to have the same personal name as Wang Mang, thereby creating a taboo that was the same as the one that applied to the emperor.[107] Wang Mang was thus accorded many of the honors and much of the deference that ordinarily was associated only with the emperor.

Wang's next honor was when he was presented with the Nine Distinctions in A.D. 5.[108] Again, there were lavish words of praise in the charter accompanying the conferral; they refer to his twice interceding when the succession was in doubt, to his ritual and ceremonial reforms, but most importantly to the moral regeneration that had occurred because of his commitment to the ways of the ancients:

> ...You have restored what had been abolished for a thousand years and straightened out the mistakes of a hundred generations. [People from all over] the empire have met in harmony and a great crowd has collected together.... You have made glorious and illustrious the supreme achievements of the deceased deified rulers and have made brilliant and manifest the "excellent virtue" of the founder and exemplars [of the imperial line]. You have exalted and made apparent the principle that respect for the father [of a dynasty] consists in [making him] the coadjutor of Heaven. [[You have carried out reforms in the ancestral worship for the Han founding

> emperors]] in order to make glorious the great [principle of] filial piety. For this reason [all within] the four seas are concordant, all countries incline towards correct principles, and the barbarians, who have different customs [from the Chinese], have of their own accord come [to the imperial court].…
>
> ...Your extreme virtue and essential principles have become known to the gods; the imperial ancestors have esteemed you and rejoiced, so that lights have shone brightly and happy portents from Heaven have arrived repeatedly. The grand [cosmological] principles are universally concordant [and there have been] more than seven hundred auspicious presages of unicorns, phoenixes, tortoises, and dragons....[109]

Wang Mang had thus produced perfect concord within the cosmos, among the people of China, and between China and its neighbors. There is certainly a surrealist air to this praise. It does not refer to the socio-economic disorder that had struck China in the preceding decades. Indeed, these documents do not even suggest that China had recently been faced with banditry, starvation and wide-scale unrest. Perhaps there had been a few years of bumper crops which had alleviated some of these problems. Hence, attention was focussed on the moral transformation that had allegedly occurred.

The Nine Distinctions were entirely symbolic, but they had one important political consequence: Wang Mang was now the superior of all the kings of the Liu family. His earlier honor had elevated him above the highest ministers and had given him near-imperial prerogatives, but had left him ceremonially, at least, beneath the imperial clansmen who held the position of king. Wang now took precedence over everyone in the empire except the young Emperor and Empress Dowager Wang. The latter had sanctioned every one of Wang's honors and only she could do so, for the Emperor was too young to reach or confirm any decisions on his own.

Wnag Mang's next advancements were possible because of the death of Emperor P'ing; the Emperor was succeeded by a two year old descendant of Emperor Hsüan (r. 74-48 B.C.), even though older, including adult, members of the imperial house might have been put on the throne. This youngster never formally ascended the throne; instead, he was referred to as Ju-tzu, the "Young Prince," a title taken from classical antiquity. At this juncture, a stone, found while a well was being dug, was sent to the capital. It bore the written message that Wang Mang should become emperor. It was the first of a growing number of portents indicating that the Mandate of Heaven had been withdrawn from the Han House and transferred to Wang Mang. The old Empress Dowager refused to heed the message on the stone, but she did assent to the proffered interpretation that it meant that Wang Mang should be Regent and Acting Emperor, except when he appeared before her, at which time he was to behave as a subject. He was, in other respects, to issue decrees as an emperor, he was to be addressed as Regent-Emperor, and in certain ritual matters he would be called Acting Emperor.[110]

According to our historian, Pan Ku, Wang Mang did not personally begin plotting to seize the throne until after Chai I's rebellion of A.D. 7. Chai accused Wang of the regicide of Emperor P'ing and sought to topple him. Chai's rebellion and another one near the capital at the same time were suppressed with relative ease, indicating that the rebels had not been able to trigger wide-scale uprisings against Wang.[111] Following the arrival of more portents, Wang Mang reviewed the various manifestations of Heaven's approval of him and asked that he be made emperor on a temporary basis. He assured the Empress Dowager that, following the precedent set by the Duke of Chou, when the Young Prince reached his majority, Wang would step aside and give him the throne. Again, the Empress Dowager approved. But within two days this arrangement was abruptly superseded when a message, supposedly from the spirit of Han Kao-tsu, transmitted the throne to Wang Mang thereby making him the founding emperor of his own dynasty.[112]

A new dynasty had been founded without bloodshed or civil war, but in the manner

of the production cycle of the five cosmic forces.[113] Wang Mang robed himself in a fabricated genealogy which allowed him to trace his descent from the Yellow Emperor and which identified Wang with the cosmic force of earth (color: yellow). In the Confucianism of the day, earth was produced by the fire of the Han. Additionally, all manner of portents were introduced to prove that Heaven was so satisfied with Wang Mang's moral purity, that the Mandate had been withdrawn from the Han House which had run its predicted course and granted to Wang Mang. Up to that last step, however, Wang's reputation had rested on his restoration of the Han, on the rejuvenation of a dynasty which was in the process of renewing itself after the Mandate had lapsed. Wang's accumulated credits for the work he did for the Han were easily transformed into credits justifying his own role as dynast. The ease of the dynastic turnover was never repeated in Chinese history. Wang's success is a tribute to the discovery by Wang and his contemporaries of the manipulation of symbol-laden ideology.

Rejuvenation of the Han House

As Wang Mang proceeded upward from one honored position to the next, he was frequently credited with having saved the Han dynasty. Basically, Wang sought to restore the glories of the Liu ruling family by making it socially prominent and enhancing its prestige. Enfeoffment and other special treatments were his principal means towards these ends. His efforts began rather slowly and then increased rapidly until he finally decreed the reenactment of the Chou dynasty's five step rank system. In A.D. 1, he restored a kingship and a marquisate to two men of the Liu family, and he also granted marquisates to thirty-six great grandsons of Emperor Hsüan. In the same year twenty-five men who had opposed the consort families of Emperor Ai or who had been instrumental in Emperor P'ing's ascension were made Marquises of the Imperial Domain. Later that year, special treatment was accorded members of the Liu family along the following lines: nobles who had no sons were allowed to make their grandsons or their nephews their heirs, thus assuring the continuity of their fiefs. Members of the Liu family who had been removed from the

register of the imperial family because of crimes were reregistered.[114] Furthermore, descendants of high advisers of Kao-tsu and other early emperors were also granted marquisates. Some rationale for these restored fiefs appears in the following:

> A government which upwardly honors the ancestral temples and augments the temples and augments the rites and music and which downwardly shows kindness for gentlemen and the commoners and grace to widowers and widows reaches everywhere.[115]

Vague as this statement is, it seems to suggest that Wang Mang was attempting to do several things. He was making the Liu family a highly visible social phenomenon and presumably thereby strengthening it. Also he encouraged the belief in filial piety by restoring ancestor worship in the interrupted lines. Finally, he was reminding all of the glorious founding of the Han, presumably on the assumption that some of that glory would be transferred to his generation.[116]

Worship of the founding ancestors of the Han dynasty figured prominently in Wang Mang's contributions. In A.D. 4, Kao-tsu was made the "coadjutor of Heaven" in the suburban sacrifice and Emperor Wen was made "coadjutor of the Lords on High." The exact connotation of "coadjutor" (*p'ei*, 配 a match for, the equal of, the correlate of) is not clear, but at least these two emperors were being honored as peers of the gods, if not precisely as gods.[117] The step was taken on the authority of the Duke of Chou as recorded in the *Classic of Filial Piety*.[118] Thus, the classical tradition was brought to bear directly on the restoration of the Han. The culmination of the ritual efforts addressed to the Liu ancestral temple came in A.D. 5 when a major, unparalleled collective sacrifice was offered to all Liu family ancestors. For the occasion, which was held in the newly completed Ming-t'ang, an edifice associated with the Confucian tradition, Wang Mang assembled twenty eight kings, one hundred twenty marquises and over 900 scions of the imperial house. When the celebration was completed the participants were rewarded by increases in

their fiefs, or grants of steps in noble rank, or money and silk, or appointment to office.[119] To many men of the time, this ceremony may indeed have appeared to counteract the adverse image of the Liu house that had existed earlier. The tarnished image of the Han dynasty was being brilliantly burnished. Taken together these grants and others suggest that Wang Mang was moving, perhaps unconsciously at this time (but see below), in the direction of the establishment of an aristocracy. There is some evidence, albeit not terribly explicit, that an aristocratic trend had begun before Wang's time and that there was an attempt to counteract it. One indicator of the trend is that, with one exception, all emperors beginning with Emperor Hsüan married women of prominent high official or consort families.[120] Emperor Ai, reacting to this trend, in 7 B.C. had decreed the end of the practice whereby high officials could automatically secure offices for their sons.[121] In the following year, this emperor ordered a search for men of talent but specified that each had to be a man who "has arisen from a mean condition, so is able to love the common people."[122] Emperor Ai was apparently trying to weaken the hold of the families of a well-entrenched officialdom.

Wang Mang clearly was not in accord with Emperor Ai on the question of aristocratic tendencies. In A.D. 2, he noted that the time had come to arrange a marriage for the Emperor and he recommended that his wife and eleven concubines be selected "from the daughters of the principal wives of the descendants from the two [immediately preceding dynasties of true] kings, [the Shang and Chou dynasties], the posterity of the Duke of Chou and of Confucius, and the marquises of Ch'ang-an."[123] Thus only the best families, i.e., noble families, might provide a consort. Furthermore, Wang Mang did not limit his enfeoffments to members of the Liu family, as already indicated by his second grant in A.D. 1 (see above). He enfeoffed descendants of Confucius and the Duke of Chou.[124] On a much broader scale he enfeoffed over 100 officials and commoners who had earned merit in putting down the abortive rebellion of Liu Ch'ung in A.D. 6.[125] In A.D. 8 Wang Mang submitted a long memorial to the Empress Dowager in which he noted that in timthe time of the hallowed emperors Yao and Shun (in high antiquity) every house had

someone who was capable of being enfeoffed and that in the era of the Duke of Chou there were 1800 nobles. Wang Mang then had the Chou dynasty's five grade rank system reinstituted and enfeoffed several hundred people. He credited the Empress Dowager with having

> "extensively enfeoffed meritorious and virtuous [persons] in order to stimulate [people] to goodness. You have revived destroyed [nobilities], and continued [noble houses] that had been ended, in order to perpetuate their lines. For this reason your great transforming influence has spread abroad and will be completely effective in a short time."[126]

The creation of hundreds of fiefs and the resurrection of the five noble ranks of the Chou period indicate that Wang Mang was trying to save the Han dynasty by recreating it in the image of the aristocratic Chou system. Wang was thus not simply restoring the Han, he was beginning to change drastically the very nature of Han society.

Confucianization of Society

Han society was to be changed in still another way; it was to be Confucianized. We have already noted that there were some indications of movement in that direction in the time of Emperor Ai. Under Wang's guidance, further steps were taken in the same direction. We shall consider three areas of reform: moral, ritual, and educational.

For his moral reforms Wang Mang created special offices, based upon classical precedent, "to spread [orthodox] teaching culture, to prohibit irregular sacrifices, and to banish the songs of Cheng," i.e., licentious music.[127] These duties, if fully carried out, would have led to a moral purification of all China. Also in order to encourage women to abide by the Confucian admonition that a widow must always remain loyal to her husband and not remarry, Wang ordered that one chaste women in each district was to be exempted

from taxes.[128] There is no reason to believe that either of these policies was effectively instituted, but they do manifest Wang Mang's commitment to Confucian principles and his willingness to try to instill them.

Ritual matters were of overriding concern to Wang Mang, as they often were to Confucianists in general, for there was a well established belief within the Confucian tradition that society could be reformed by careful attention to proper rituals and music. When Wang Mang first raised the issue of the marriage of Emperor P'ing in A.D. 2 he recommended that the classics be examined in order to determine the proper ritual for an imperial marriage. Liu Hsin and others designed marriage rites for officials and members of their households which varied according to the rank of the individual; the throne then decreed that these rites had to be observed. Several months later Wang Mang offered a more elaborate set of ritual regulations that pertained to betrothals and marriages, funerals, and other matters.[129] There is no indication that Wang's regulations were accepted. To the contrary, there are numerous references to Wang continuing to work on Confucian rituals and music.[130] According to one report, he met in his private office with Confucianists to "institute rites and compose [the proper] music."[131]

Regarding the application of specific ceremonies or rituals, we have few examples. Wang Mang's daughter was apparently married to the Emperor according to the ritual procedure of the *I-li*.[132] When Emperor P'ing died, consultations had to be held to determine the appropriate mourning ritual; at that time, all officials ranking at 600 piculs and higher (i.e., medium and higher ranking officials) were ordered to wear mourning for the late Emperor for three years.[133] On the other hand, when Wang's mother died in A.D. 8, Liu Hsin and others reported that Wang Mang could not engage in the usual mourning rituals because he had received the Mandate of Heaven to be Regent-Emperor. Liu invoked the classics and made copious citations to them in defending his position.[134] The marriage and the mourning for Emperor P'ing were unprecedented in Han times. Furthermore, Wang Mang and Liu Hsin were genuinely concerned with appropriate rituals to be practiced in a

variety of circumstances. Their concern indicates that ritual matters were far from fixed in their time and that only by determining proper ritual and composing the appropriate music could the ideal society of the Chou era be recreated. Only then would the Han be secure.

Education figured prominently in Wang Mang's efforts to improve the quality of Han life. In A.D. 3 he ordered that every administrative unit from commanderies down to villages should establish schools. The larger schools were to have a Master who taught the classics and the smaller ones were to have a teacher of the *Classic of Filial Piety*.[135] In the following year Wang Mang erected dwellings, said to number ten thousand, for the students of the Imperial University. He summoned scholars in a large variety of specialties from all over the empire, and several thousand teachers and scholars responded by coming to the capital.[136] Clearly, the intellectuals of the time must have been flattered by this kind of attention. The fortunes of the Han House might well have been seen as brightly improved.

Did Wang Mang relegitimate the Han dynasty? The foregoing evidence strongly suggest, without actually proving, that he succeeded. If he had failed utterly, he and the remnants of the Han empire would have been overthrown. This test of success is harsh but other alternatives seem to be lacking. There were some uprisings during the period, but they were aimed at Wang Mang not at the dynasty itself. Reports of brigandage and social unrest simply disappear from the history. One possible reason is that the historian was so captivated by what was going on in the capital that he neglected broader, political, economic and social questions. But the history conveys a different impression, namely, that Wang Mang's efforts to enliven the Liu family, to begin the building of an aristocracy, to purify morality and to design ritual and ceremonial procedures were taken seriously. They were sufficiently based upon incipient trends of earlier years that they probably did not shock. Furthermore, the reliance upon the classical models probably would have been highly attractive in the growing Confucian tenor of the times. In the process of relegitimating the Han Wang Mang had provided a new, thoroughly Confucian basis for legitimation.

ABORTIVE LEGITIMATION

Wang Mang ruled China as the only emperor of the short-lived Hsin dynasty from A.D. 9 to his death in 23. During those years Wang Mang strained to created a neo-classical order in China, but his efforts were in vain. In this section we survey Wang's legitimation attempts by noting the grounds on which he held the throne, examining his quasi-aristocratic social order and the social norms that were to accompany it, looking briefly at his reactionary economic policies, and glimpsing the kaleidoscopic changes in government office names.[137]

Manipulating Symbols of Legitimation

Wang Mang's use of omens and portents and his connection with the Yellow Emperor, designed to integrate Wang's regime with cosmic forces, are so well known that I shall only remind the reader of some aspects of these efforts to legitimate. Wang Mang sent officials throughout the empire in A.D. 9 to publicize a work entitled *Mandate of Heaven Given Through Portents* (*Fu-ming*). Pan Ku gives a summary of this important legitimizing piece; and I further condense it here. The process by which Wang was chosen by Heaven to rule China, went through three stages. Omens began to appear indicating that Wang should seize the throne; Heaven always announced the founding of dynasties in this manner. But Wang refused to accept the signs. Instead of ascending the throne, Wang sought tirelessly to preserve the Han throne. However, the portents became ever clearer that the power of the cosmic force of fire, by which Han had ruled, was exhausted, and the messages from Heaven became more undeniable. After consulting with high officials, Wang Mang reluctantly founded his own dynasty in order to give "a new beginning to [all] within [the four] seas."[138] The contrast between the founding of the Han and the founding of the Hsin is indeed striking. The Hsin creation was in large measure a function of the

developments in the intellectual world; Wang Mang may justifiably be termed the first dynasty to attempt to found a regime on the basis of Confucianism.

During Wang Mang's regency he had compared himself to the Duke of Chou, the man who had selflessly surrendered effective imperial power when the young King Ch'eng reached his majority. This image, for obvious reasons, could not be applied after Wang Mang ascended the throne. Wang Mang accordingly shifted his identity to the Yellow Emperor and to Emperor Shun, for they had ruled in the same phase of the cosmic cycle as he, and they were also his biological ancestors. But the correlations between Wang and these ancestors were never as tightly drawn as the former one, probably because so much less was known about their (alleged) historical experiences. For precedents for his reforms (see below), Wang continued to draw upon the Chou dynasty, the age so much esteemed by Confucius. In one interesting and perhaps significant way Wang did identify himself with the Yellow Emperor; the Yellow Emperor; had become an immortal and Wang sought to do the same thing. The year after he ascended the throne he ordered a prescription specialist to decoct an elixir, to grow grains in a special manner, and to develop other techniques so that Wang Mang might achieve immortality. In conjunction with his search for immortality, Wang also honored a host of petty gods and spirits in over 1700 sites.[139] In A.D. 19, Wang hinted that he was about to achieve immortality, because he was following successfully in the footsteps of the Supreme One and the Yellow Emperor, both of whom had achieved this feat. Pan Ku observed: "He wished thereby to deceive and dazzle the people and to scatter and disperse the thieves and robbers, [but] everyone laughed at him."[140] Two years later someone told Wang Mang that the Yellow Emperor had ascended as an immortal because he had a "flowery baldachin." Wang then ordered the construction of an ingenious conveyance, nine stories high (over 80 feet tall), that was covered with feathers and had golden claw tips. Through a hidden mechanism, parts of the machine apparently moved as it was drawn through the streets. When Wang Mang went, out the flowery baldachin preceded him with the 300 pullers calling out "He will mount up to be an immortal." The machine was probably a most impressive sight, but one observer noted that it looked more

like a funeral cart than a conveyance for ascent to Heaven.[141] Lu Chia's sound advice to Han Kao-tsu on the folly of pursuing immortality was either not known or rejected by Wang Mang. Wang's efforts were not only terribly costly, they were also ridiculous. The support that he may have gained by his highly elaborated cosmic and genealogical arguments, he may have lost by his efforts to join the immortals.

The Neo-Classical Aristoctratic Order

Wang Mang, in attempting to replicate the socio-political order of the Chou era, labored to develop an aristocratic order. At the time of his enthronement, he enfeoffed several hundred people. Also, all the members of the Wang clan who were closely enough related to Wang Mang that they would wear mourning for him were granted nobilities on the five grade scale, ranking from marquises to barons, depending on the closeness of the mourning relationship. Unlike the Han practice, none of the members of the imperial clan were made kings; this title was abolished on the basis of classical precedent. Descendants of the (mythical) rulers of antiquity and other rulers were also enfeoffed. Wang Mang further expanded his own clan by tracing the descendants of the Yellow Emperor and Emperor Shun into the Yao, Kuei, Ch'en and T'ien families. Although members of these families were not enfeoffed (except those who descended from ruling families of Chou states, such as Ch'i), they were registered as members of the imperial family and exempted from taxes. The members of the Liu family continued to be specially registered and all were exempt from taxes, although that privilege was not to be inherited, as in the case of Wang's own extended family. The Liu family members who held Han noble titles presented a problem, the solution to which was twofold. Many such nobles (we do not know how many) were dismissed. However, relatives of thirty-two others who had aided Wang Mang in his rise to power were granted the new imperial surname, and as members of the Wang family allowed to retain their nobilities.[142]

Not until A.D. 12, after all of the foregoing ennoblements had taken place did Wang

Mang enunciate the principle on which he was operating:

> "Now the tranquillizing of the great multitude consists
> in establishing a nobility, dividing up [the country into] provinces and correcting their frontiers, in order to beautify [people's] customs, and so I have sought out and surveyed the fundamental and subordinate principles of the earlier dynasties."[143]

Two years later, Wang Mang applied the principle on a large scale when he made the chief provincial and commandery officials nobles and decreed that their offices would be inherited along with their fiefs.[144] All of the local administrative units above the prefecture (*hsien*) were now governed on the same basis as the noble states of the Chou dynasty; the classical administration had been (partially) restored. Details regarding the central government offices are lacking, but Wang had clearly created an hereditary aristocracy for the areas outside of the capital. (For reforms pertaining to those at the lower levels of society, see below).

In his execution of the foregoing policies, Wang Mang probably lost more good will than the policies themselves may have gained for him. There were incredible delays in the actual assignment of fiefs because boundaries had not yet been determined. Hence, instead of enjoying incomes from their estates, nobles were given a small stipend each month beginning in A.D. 12. Many of them suffered from inadequate income, and some even hired themselves out as laborers.[145] Not until five years later were the nobles ordered to go to their estates and govern their people, and even then there were still some boundaries in doubt which prevented nobles from leaving the capital.[146] The system probably suffered further when in A.D. 20, Wang Mang was reduced to selling Sub-Vassalships, a noble rank below the lowest of the five grades.[147] These various problems suggest that even if Wang had been granted legitimacy because of his classical restoration, he probably also alienated many because of the inept way in which his policies were executed.

Ritual Saver

Wang Mang's passionate concern for Confucian social values continued after he became emperor and probably became a fixation. Pan Ku sums up the situation very neatly:

> "Wang Mang's notion was that if institutions were fixed, the empire would naturally become tranquil. Hence he thought in detail concerning geographical arrangements, the institution of rites, and the composition of music. In discussing and matching the theories of the six Classics, the ministers entered [his presence] at dawn and left at dusk. He discussed for successive years without coming to [final] decisions...."

As a consequence of his exclusive concern for ritual matters, other matters of state were simply neglected. Criminal cases went undecided; vacancies in the bureaucracy went unfilled. Corruption became a major problem that pervaded the whole bureaucracy.[148] By A.D. 20, banditry was becoming a severe problem; however, Wang Mang's attention was drawn not to the grave economic and political problems of the time, but to a high official who symbolically punished men and women who did not walk separately on the streets. The official was enfeoffed; banditry continued to spread.[149]

Filial piety was encouraged by Wang's devotion to his and other ancestral temples. Some of his enfeoffments were designed to continue the memory of earlier rulers and dynasties.[150] His own ancestors were honored throughout the empire.[151] Late in his reign, in spite of food shortages and broad-scale discontent, Wang Mang ordered that certain Han palaces be torn down in order to provide some of the materials needed to erect nine grand ancestral temples for his clansmen. This task began in A.D. 20 and the temples were not dedicated until A.D. 23.[152] Again, ideological determination took precedence over a rational, analytical response to pressing problems.

The New Economic Policies

The neo-classical economic order of the Hsin dynasty was a total failure. Wang Mang, as early as A.D. 3, had recommended that limits be set on the number of slaves, the amount of land, and even the number of vessels and tools that people could own, depending upon their social status.[153] Since there was no response to this proposed legislation we must conclude that it was not in any way applied at the time. Wang Mang eagerly returned to this idea within less than nine months after his regime was founded; he issued a major decree in which he traced the development of the land tenure system of China from earliest times through the Han dynasty. First, he criticized the Ch'in-Han system which led to land concentration in the hands of the few. Then he announced that all lands were henceforth owned by the state and could not be bought or sold, limits were set on the amount of land that people could hold, and he prepared to reinstitute the famous well-field system.[154] By the same decree he also abolished slavery. If we view this system in conjunction with Wang's emerging aristocracy we see that they are parts of a single whole. Chinese society was to be split into two levels. Beneath the aristocracy, which was supposedly to live off the income of its fiefs while administering their areas, there was to be a class of small landholders who would receive land-use rights from the state and thereby be freed of the pressures of either landlords or slave-owners. Between the two there was another poorly articulated group of men who held the non-hereditary lower posts in the bureaucracy. Presumably they would have been educated in the government schools, but their original positions in this socioeconomic system do not emerge from the materials. The state, under Wang's direction, also reinstituted and reinforced earlier monopolies on salt, iron, liquor, and products from mountains and rivers. At the same time (A.D. 10), the state took responsibility for equalizing prices in the market place by a policy of buying when prices were low and selling when they were high. State credit institutions were also initiated at the same time.[155] Coinage had long been a state monopoly but Wang Mang altered the coinage system in his earnest pursuit of classical norms; twenty-eight denominations of money were briefly in circulation. Rather bizarrely, these denominations included tortoise

and cowry shells.

None of the foregoing reforms worked. Indeed, opposition arose to all of them. In. A.D. 12 Wang Mang had to allow the sale of land and slaves, thereby admitting defeat on that measure.[156] Five years later he ordered that each slave owner had to pay a tax of 3600 cash on each slave; hence, he continued to try to weaken the institution of slavery, but, according to Pan Ku, this tax caused large-scale discontent and thieves and robbers arose (!).[157] The history of the monopolies is rather unclear. They were apparently not abolished, but they were probably largely disregarded, for in A.D. 17, Wang had to issue new regulations regarding them and he also increased the severity of the punishment of those who violated them. His currency reforms met with no success either. He was forced to reduce the number of denominations to two in A.D. 10. He continued to experiment with different denominations, but the most significant aspect of these changes was fiscal and economic chaos. Thus the economic order that Wang Mang tried to create failed dismally. No amount of classical allusion could convince people to give up their land or to use cowry shells or debased currency.

Rectifying Names in the Polity

Wang Mang's ideal political order will, by now, follow predictable lines and result in predictable consequences. With rare exceptions, too insignificant to note here, Wang Mang did not address himself to hard problems related to political institutions. Instead of asking, What is wrong with the present system and how can it be corrected? He in effect said the function or malfunctions of the present polity are basically irrelevant. The times demanded, he thought, a restoration of proper administrative titles and geographical boundaries; classical antiquity determined what was proper. Accordingly, geographical boundaries were repeatedly redrawn; some areas were renamed or redefined five times. Decrees had to include the earlier names of administrative districts in order to make the new name comprehensible.[158] Similar procedures were followed with regard to the titles of

officials. Official duties were redefined in terms of cosmic and moral harmony.[159] All of the Han dynasty civil ranks were changed.[160] In accordance with classical precedent he renamed most of the local level officials.[161] Furthermore, a flood of new regulations created so much doubt that no local official dared to reach a decision or take any significant action without first checking with the central government.[162] One of the most dire consequences of the boundary and administrative changes was that the tax registers could not be maintained. Due to this problem regular salaries were not paid, and, as we might expect, corruption abounded.[163] In part, at least, because Wang Mang concerned himself almost exclusively with ritual matters, much of the administration seems to have been reduced to utter chaos. Wang Mang's application of the ideal of rectification of names (*cheng-ming*) may have created a neo-classical facade, but beneath the surface there was bureaucratic corruption and massive popular unrest.

CONCLUSION

In this brief section, drawing upon the experiences of Kao-tsu and Wang Mang (in his dual role as relegitimator and would-be dynast), we shall posit three aspects of legitimation: earned by the individual, bestowed by Heaven, and granted by the subjects (or citizens). Obviously these are not exclusive; at least two of these elements will be found in any case of legitimation, but for analytical purposes we shall treat them separately.

Earned legitimation perhaps belongs only to the first stage in the process of legitimation. Kao-tsu is a case in point in that he acquired his merit on the battlefield and thereby earned his position. The moral qualities of Wang Mang brought him a reputation that was instrumental in his legitimation. Earned legitimation, however, is not stable (except perhaps in democracies), for there is nothing to prevent someone else from claiming comparable merits and supplanting the ruler. The instability of earned legitimation becomes particularly acute when the merit earned derives from military leadership. Under

those circumstances, all military leaders theoretically have an equal opportunity to establish merit that warrants elevation of their position to that of ruler. Similarly, when the ruler who had risen from the position of highest military leader predeceases his comrades in arms there may be a severe dynastic crisis if the remaining leaders believe that they have more right to power than the son of the deceased ruler. Precisely this kind of situation emerged upon the death of Kao-tsu. His wife, Empress Lü, delayed announcing his death for four days while she considered slaughtering the remaining leaders in order to make the throne secure for her son.[164] She, at least, anticipated that one or more of the generals would attempt to seize power. She desisted from her course of action only when she was convinced that the threat to her safety was greater when she followed those plans than when she did not. The founding ruler who perceives this kind of difficulty will, accordingly, attempt to transform his earned legitimation into one or more other forms. Although we cannot be sure why Kao-tsu began to speak of himself as Son of Heaven and why he credited his generals and Heaven with his success, a likely reason may well have been the growing perception of this kind of problem.

Bestowed legitimation is conferred by Heaven (or by God, in the Western context). Heaven, not the leader's intimate followers or more distant commoners, had decided the individual is the legitimate ruler. The grounds for Heaven's decision may vary from approval of the individual's stellar moral qualities (of which Wang Mang is a good example) to recognition of the individual's outstanding achievement on the battlefield (Kao-tsu). The grounds for the decision are, of course, less important than the decision itself. The means by which Heaven makes known its will may take different forms. Kao-tsu seems never to have progressed beyond the point of saying that since human effort alone could not have wrought his great accomplishment, he must have had divine assistance. Kao-tsu may also have been assisted in establishing his heavenly selection by his comrade, Chang Liang; Chang received a book of military techniques from a mysterious old man who later appeared in the form of a stone. Assuming that his story circulated in Kao-tsu's time, it would have swayed some to the belief that Kao-tsu, through one of his military

advisers, had been chosen by Heaven. The omenistic and portentological ideas that developed within Confucianism during the Former Han provided most Chinese dynasts with the kind of evidence that they needed to prove bestowal of Heaven's favor. Wang Mang stands as a superb example of this kind of legitimation. The smoothest dynastic transition in Chinese history occurred when Wang and some of his closest followers discovered how effectively such ideas could be used. There was never to be another Kao-tsu in Chinese history, but there were many subsequent Wang Mangs.

Neither claims of bestowal of legitimation by Heaven nor claims of earned merit will, by themselves, suffice to establish firmly a regime. Legitimation must also be granted by the key subjects of the ruler. This form of legitimation could exist without Heaven's bestowal of legitimation, but it probably could not exist independently of earned legitimation. The earning itself could be in the realm of earned ethical merit (as in the case of Wang Mang),or military and political merit. At an abstract level, both Kao-tsu and modern elected leaders fall within this category. The crucial factor in granted legitimation is that the ruled and the rulers must share certain key values. These values may be simple moral values, i.e., the one to whom legitimation is granted has been found to morally right whereas his competitor behaves reprehensibly. They may also be more complex ideological values; the creation of the right kind of world, e.g., the neo-classical restoration of Wang Mang or the Communist utopia, will both suffice as familiar examples. Granted legitimation occupies the primary position in the maintenance of any regime. Wang Mang convinced many people that legitimation bestowed by Heaven was his. But when his values decreed that he must spend most of his time prefecting rites, composing music, redrawing administrative boundaries, and searching for immortality while the values of his subjects demanded that he correct administrative corruption and relieve the suffering of his people, then their values and priorities were no longer shared. His subjects and his officials withdrew the legitimation they had earlier accorded him; he was left only with bestowed legitimacy. By itself that was not enough.

Endnotes

[1] Pan Ku, The History of the Former Han Dynasty, Homer H. Dubs, trans., Baltimore: Waverly Press, Inc., 1938-1955 (hereafter Dubs, *HFHD*), I, 146-150 for the genealogy; 148, n. 1 for Dubs' comments on it.

[2] Lou Ching pointedly reminded Kao-tsu that he lacked a genealogy of the kind enjoyed by the Chou house; see Ssu-ma Ch'ien, *Records of the Grand Historian of China*, Burton Watson, trans., New York: Columbia University Press, 1961 (hereafter Watson, *Records*), I, 285-288. Wang Hsien-ch'ien, *Han-shu pu-chu*, Taipei: I-wen yin-shu kuan ed., 43/10b-12a (hereafter *HS*) contains the same statement even though elsewhere in the same work (Dubs, *HFHD*, I, 150) Pan Ku asks rhetorically "How could [these facts] be untrustworthy?"

[3] Dubs, *HFHD*, I, 5. For a study of Han Kao-tsu and the other rebel leaders who overthrew the Ch'in, see my "Anti-Qin Rebels: No Peasant Leaders Here," *Modern China*, 9:3 (July 1983), 185-318.

[4] Ssu-ma Ch'ien, *Shih-chi*, 95/19-20 contains this account. The legal interpretation is provided by Ju Shun in the commentary. For the *Shih-chi* (hereafter sc) I use the edition of Takikawa Kametaro. The gravity of the crime would probably have been heightened because Hsia-hou Ying was also an official at the time. Kao-tsu's difficulties with the law are also mentioned in the biographies of Lu Wan (*Sc* 93/10; Watson, *Records*, I, 238) and Jen Ao (*Sc* 96/9; Watson, *Records*, I 262).

[5] Dubs, *HFHD*, I, 38-39

[6] *Sc* 8/12-13, translated in Edouard Chavannes, Les memoires historiques de Sema Ts'ien, Leiden: E. J. Brill, 1967 (hereafter Chavannes, *Mh*), II, 330-331. See also Chavannes' note on p. 331 where he comments on the anachronistic nature of this passage. The comparable *Hs* passage is translated in Dubs, *HFHD*, I, 34-36; see also his n. 2, p. 35. Pan Ku reiterates the argument in his eulogy (see Dubs, *HFHD*, I, 150); there is nothing comparable to this eulogy in the *SC*.

[7] Watson, *Records*, II, 31.

[8] The details of these early moves are far from clear. According to the *Hs* "Annals" (Dubs, *HFHD*, I, 38) Fan K'uai, a dog-butcher, was sent by the prefect of P'ei, who was then contemplating an uprising in response to Ch'en She's, to bring Kao-tsu and his forces to P'ei. But according to Fan's biography (*Sc* 95/2) Fan was in hiding with Kao-tsu; he was a follower of Kao-tsu when the latter took Feng and then they attached P'ei. But there could not have been much military activity involved in taking P'ei because Hsia-hou Ying arranged the surrender of the city very quickly (*Sc* 95/20).

[9] Dubs, *HFHD*, I, 38 and 40, but cf. the figures in Chavannes, Mh, II, 334 and n. 1 and 336.

[10] Dubs, *HFHD*, I, 84 for a summary treatment of the incident; Watson *Records*, I, 140-142 for Chang Liang's detailed rebuttal of Li's proposal.

[11] Watson, *Records*, I. 41. Similar sentiment was expressed by Ch'en Ying's mother when he was

being encouraged to make himself king; *ibid*., 39-40.

[12] Watson, *Records*, I, 172; Wu Ch'en was being urged to make himself king of Chao.

[13] Dubs, *HFHD*, I, 66-67.

[14] *Ibid*. 71.

[15] *Ibid*., 99 for the list of kings appointed in 202 B.C. See also the comments made by those kings on pp. 100-101 in which they refer explicitly to Kao-tsu's creation of kingdoms for those of merit. For noble estates granted to others of merit, see *ibid*., 113-114. For general comments on the principle, *ibid*., 127 and 141.

[16] *Ibid*., 90.

[17] *Ibid*., 45, 47-48, 55-56.

[18] *Ibid*., 64, 65-66, 69, 72, 89 in the "Annals" alone; I have made no attempt to collect references in the biographies.

[19] *Ibid*., 47-48.

[20] *Ibid*., 64.

[21] *Ibid*., 93-94.

[22] Watson, *Records*, I, 21-22.

[23] Chavannes, Mh, II, 215.

[24] Dubs, *HFHD*, I, 65 and 72.

[25] *Ibid*., 65 renders the term "King Lord Protector."

[26] *Ibid*., 100-101.

[27] Watson, *Records*, I, 206.

[28] Dubs, *HFHD*, I, 100-101.

[29] Watson, *Records*, I, 136; the key phrase is *t'ien-shou* "Heavenly endowed" or "granted by Heaven" to the world.

[30] *Ibid*., 274.

[31] *Ibid*., 230; these two sentences could also be rendered "Moreover you are one of those who are called 'Heavenly endowed.' What you have is not human power." See *Sc* 92/37.

[32] Watson, *Records*, I, 276.

[33] *Ibid*., 71 and 72.

[34] Dubs, *HFHD*, I, 106.

[35] Watson, *Records*, I, 157.

[36] *Ibid*., 190. See also *ibid*., 209 for a comparable remark by Hsiao Ho, Kao-tsu's highest civil official; 201 for Kao-tsu's treatment of Ch'ing Pu; 269 for Li I-chi's assessment.

[37] For an English translation of his biography, see *ibid*., 134-151.

[38] Dubs, *HFHD*, I, 106; Watson, *Records*, I, 157, 211, 273.

[39] Watson, *Records*, I, 285-288; Dubs, *HFHD*, I, 108.

[40] Dubs, *HFHD*, I, 118.

[41] Watson, *Records*, I, 293-295.

[42] Amitai Etzioni, *A Comparative Analysis of Complex Organizations: On Power, Involvement, and Their Correlates*. New York: The Free Press, 1961. Etzioni (p. 5) defines remunerative power, but he is concerned with compliance structures, not with legitimation.

[43] *Sc* 95/20.

[44] Watson, *Records*, I, 193.

[45] *Ibid*., 157 for Ch'en P'ing's assertion to this effect. For a similar evaluation of Hsiang Yü, see Dubs, *HFHD*, I, 106. For other examples of Kao-tsu's grants of fiefs, see Dubs, *HFHD*, I, 53-54, 73, 82, 95-96, 98, 102-103, 108-109.

[46] Watson, *Records*, I, 157.

[47] *Ibid*., 106.

[48] *Ibid*., 405.

[49] Dubs, *HFHD*, I, 54.

[50] *Ibid*., 57.

[51] *Ibid*., 64.

[52] *Ibid*., 58-59.

[53] Watson, *Records*, I, 212.

[54] Dubs, *HFHD*, I, 74-75, 128, 134, 137 and 138 for tax relief; 120 and 133 for corvee relief.

[55] *Ibid*., 74, 81, 99, 108, 110, 112, 123, 125, 126, 136 and 141; some of these were granted to specific areas or to specific kinds of criminals.

[56] *Ibid*., 104-105.

[57] *Ibid*., 104.

[58] Watson, *Records*, I, 285-288.

[59] *Ibid*., 269-275.

[60] Dubs, *HFHD*, I, 75. Not surprisingly, later emperors had difficulty in assuring the continuity of this institution; apparently local imperial bureaucrats did not welcome advice by the Thrice Venerable. See, e.g., *ibid*., 253-254.

[61] *Ibid*., 74-75.

[62] Watson, *Records*, II, 397.

[63] *Ibid*., I, 157.

[64] *Ibid*., 72.

[65] *Ibid*., 270.

[66] *Ibid*., 292-293.

[67] *Ibid*., 275-280 for his biography. *Hs* 43 adds nothing on Lu's early years.

[68] Watson, *Records*, I, 294.

[69] Dubs, *HFHD*, I, 75-77; brackets by Dubs.

[70] *Ibid*., 91 is apparently the earliest use of this term in Han times.

[71] *Ibid*., 89-91.

[72] *Ibid*., 93. Kao-tsu issued the same kind of order for those killed in his war with Han Hsin; see *ibid*., 119.

[73] Watson, *Records*, II, 30-31. *Hs* 25A/17b reads the same. The "Annals" (Dubs, *HFHD*, I, 40) adds that in P'ei he also sacrificed to the Yellow Emperor. I do not know the significance, if any, of the difference between the two accounts.

[74] For a general account of his religious orders, see Watson, *Records*, II, 30-33; see also Dubs, *HFHD*, I, 74, 81, 97-98 and 140 for specific cases.

[75] Dubs, *HFHD*, I, 124-125.

[76] Watson, *Records*, I, 126.

[77] Dubs, *HFHD*, I, 136.

[78] *Ibid*., 146; brackets by Dubs.

[79] Watson, *Records*, I, 277-288.

[80] Lu Chia, *Hsin-Yü* (Shih-chieh shu-chü ed., hereafter *Hsin-Yü*), ch. 1, pp. 1-3. For similar messages, see ch. 3, pp. 5-6; ch. 6, pp. 9-11; ch. 8, 13-15; ch. 9, pp. 15-16; ch. 11, pp. 18-19.

[81] *Hsin-Yü*, ch. 12, pp. 19-20.

[82] *Ibid*., ch. 2, pp. 4-5; ch. 11, pp. 18-19; ch. 12, pp. 19-20.

[83] *Ibid*., ch. 3, pp. 5-6.

[84] *Ibid*., ch. 8, pp. 13-15.

[85] *Ibid*., ch. 4, pp. 6-7.

[86] *Ibid*., ch. 2, pp. 4-5; ch. 4, pp. 6-7; ch. 9, pp. 15-16; ch. 10, pp. 16-17.

[87] *Ibid*., ch. 4, pp. 6-7; ch. 9, pp. 15-16.

[88] *Ibid*., ch. 6, pp. 9-11; ch. 9, pp. 15-16, ch. 12, pp. 19-20.

[89] Dubs, *HFHD*, I, 131.

[90] *Ibid*., 141.

[91] *Ibid*., 142-143; brackets by Dubs.

[92] For the statement on population pressure, I draw upon Hsü Cho-yün, *Han Agriculture* (Seattle: University of Washington Press, 1980) pp. 16-21. For a general account of the economic

problems of this and later reigns, see the introductions provided by Dubs in *HFHD*, vols. II and III. See also Nishijima Sadao, "The Economic and Social History of Former Han," pp. 545-607 in Denis Twitchett and Michael Loewe, eds. *Cambridge History of China, Vol. 1: The Ch'in and Han Empires, 221 B.C.-A.D. 220*. New York: Cambridge University Press, 1986.

[93] Michael Loewe, *Crisis and Conflict in Han China*, 104 B.C. to A.D. 9 (London: George Allen and Unwin, Ltd., 1974), pp. 267-270 for this proposal and for economizing moves of the time. Loewe's work, hereafter, Loewe, *Crisis*.

[94] Dubs, *HFHD*, III, 35-36.

[95] Loewe, *Crisis*, 257-264.

[96] Dubs, *HFHD*, III, 8-10; Loewe, *Crisis*, 282-283. Dubs, *HFHD*, III, 6-8; Loewe, *Crisis*, 278-282.

[97] The most detailed treatment of these changes in Han Confucianism is my unpublished doctoral dissertation: "A Historical Introduction to the Apocryphal (*ch'an-wei*) Texts of the Han Dynasty," University of Washington, 1966. See particularly Chapters 2 and 3, pp. 65-151.

[98] See my "Marriage and Divorce in Han China: A Glimpse of 'Pre-Confucian' Society." In David C. Bauxbaum, ed., *Chinese Family Law and Social Change in Historical and Comparative Perspective*. (Seattle: University of Washington Press, 1977), pp. 23-74.

[99] Dubs, *HFHD*, III, 20, 24 and Appendix I, pp. 40-42.

[100] *Ibid*., 356-357; 358-361.

[101] *Ibid*., III, 44-54; 125-137.

[102] *Ibid*., II, 415.

[103] On Wang's elevation to the dukedom, see *ibid*., III, 51, 64, 141-148.

[104] *Ibid*., 154 ff.

[105] *Ibid*., 179-183.

[106] *Ibid*., 179. Note that Dubs interprets this passage to refer to the Empress Dowager's virtue; I have indicated where I have changed his translation by underlining my emendations. My interpretation is confirmed by the closing passages in the following paragraph where Wang is referred to as a "model...for later generations. The whole world [thus] be favored." See also *ibid*., 184.

[107] *Ibid*., 162-179, 185-189, and 191. I have omitted reference to a few other changes of lesser importance.

[108] *Ibid*., 194-212 carries the full account of the memorials leading to the conferral. The Nine Distinctions are listed on pp. 208-211.

[109] *Ibid*., 206-207; double brackets by me; others by Dubs.

[110] *Ibid*., 217-225.

[111] *Ibid*., 235-237 and 243.

[112] *Ibid*., 253-255.

[113] See Wang's announcement in *ibid*., 255.

[114] *Ibid*., 65, 66, 66-67.

[115] *Ibid*., 148-149; this translation differs somewhat from that of Dubs.

[116] For other examples of restoration of kings in the Liu family, see *ibid*., 71-72 and 85.

[117] *Ibid*., 77 and 183.

[118] *Ibid*., 77, n. 7.4.

[119] *Ibid*., 81-82, 196-197.

[120] Ch'ü T'ung-tsu. *Han Social Structure*. Seattle: University of Washington Press, 1972, p. 78.

[121] Dubs, *HFHD*, III, 23.

[122] *Ibid*., 27.

[123] *Ibid*., 154-155.

[124] *Ibid*., 69.

[125] *Ibid*., 232; see also 233-234 for his conferrals upon offspring of his closest supporters.

[126] *Ibid*., 238-241; the quote is from p. 240.

[127] *Ibid*., 68.

[128] *Ibid.*,70.

[129] *Ibid.*, 154-155, 74-75.

[130] *Ibid.*, 199-200 in A.D. 5; 240 and 242 in A.D. 8.

[131] *Ibid.*, 245.

[132] *Ibid.*, 157 and 9.3; 184 and n. 17.3.

[133] *Ibid.*, 217.

[134] *Ibid.*, 243-247.

[135] *Ibid.*, 76-77.

[136] *Ibid.*, 84, 191-194.

[137] Much of the data for this section has recently been reviewed in Loewe, *Crisis*; see his Chapter 9, "The Support for Wang Mang–A.D. 9."

[138] Dubs, *HFHD*, III, 288-294 contains the summary of the work. I have modified slightly Dub's translation of the title.

[139] *Hs* 25B.22b-23b.

[140] Dubs, *HFHD*, III, 379-380; I have changed Dubs' "the vulgar all" to "everyone."

[141] *Ibid*., 413-414.

[142] *Ibid.*, 262, 264, 273, 274-276, 276-279, 281, 302-304.

[143] *Ibid.*, 319. See pp. 321-322 for the number of nobles and sizes of estates that Wang intended to create.

[144] *Ibid.*, 338-341.

[145] *Ibid.*, 323.

[146] *Ibid.*, 369.

[147] *Ibid.*, 398.

[148] *Ibid.*, 353-354; I have slightly modified Dubs' translation.

[149] *Ibid.*, 402.

[150] *Ibid.*, 274-276.

[151] *Ibid.*, 279-280.

[152] *Ibid.*, 394-400 and 422.

[153] *Ibid.*, 75.

[154] *Ibid.*, 284-287 and Appendices I and II, pp. 475-546. See also Nancy Lee Swann, *Food and Money in Ancient China, Han shu 24* (Princeton: Princeton University press, 1950).

[155] Dubs, *HFHD*, III, 300.

[156] *Ibid.*, 323-324.

[157] *Ibid.*, 370.

[158] See, for example, Dubs, *HFHD*, III, 323, 341-343, and 345-346.

[159] *Ibid.*, 265-269.

[160] *Ibid.*, 271.

[161] *Ibid.*, 338-339.

[162] *Ibid.*, 355.

[163] *Ibid.*, 362.

[164] Watson, *Records*, I, 116-117.