After Confucius

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Almost all the surviving information about Li Si 李斯 (ca. 280–208 B.C.), the Chancellor of the Qin empire, comes from his biography in the magisterial *Records of the Historian*, by Sima Qian 司馬遷 (145?–86? B.C.).1 It is remarkable that were it not for this one document, we could say virtually nothing about one of the most pivotal figures in Chinese history. As it is, our view of Li Si is inevitably colored by the biases of Sima Qian, who, notwithstanding his deserved fame as a historian, incorporated into his writings a peculiar view of the empire and its legitimacy.2 Still, the extant biography of Li Si admirably conveys his historical importance and furnishes a prism through which posterity can observe the momentous events accompanying the rise and fall of the Qin empire.

We are told nothing more of Li Si’s origins than that he was born to a family of commoners from Shangcai 上蔡, in the state of Chu, and served as a minor functionary in the local administration. An amusing anecdote explains why Li Si was unsatisfied with this humble post:

見吏舍廁中鼠食不絜，近人犬，數驚恐之。斯入倉，觀倉中鼠，食積粟，居大廈之下，不見人犬之憂。於是李斯乃歎曰：人之賢不肖譬如鼠矣，在所自處耳！3

He saw that the rats in the latrines and the functionaries’ quarters ate refuse and would be terrified whenever people or dogs approached. When [Li] Si entered the granary, he observed that the rats in the granary ate mounds of grain and, living under a great portico, were not bothered by people or dogs. Therefore Si sighed and said: “People are worthy or ignoble just like rats: [one’s fate] depends on where one is located!”
In the context of Li Si’s biography, the apparent significance of this story is that it reveals the ambition of an undistinguished government clerk who would go on to become one of the most powerful men in all of China. However, Sima Qian was concerned with the question of why the virtuous suffer and the iniquitous prosper, and frequently used the commonplace (also encountered in the Guodian manuscripts) of “success or failure depends on one’s circumstances.” So this quotation may also be intended to show that Li Si had profound insight into the reality of life.

Next we read that Li Si became a student of Xunzi in order to master “the techniques of an emperor or king” and thus prepare himself for a more glorious political career. This period of apprenticeship must have taken place between the years 255 B.C., when Xunzi was appointed magistrate of Lanling (in Chu), and 247, when Li Si left Chu to seek his fortunes in the mighty state of Qin. Evidently sensing that his teacher was no longer useful to him, Li Si bade farewell: “I have heard that one must seize the moment and not be idle,” he says, adding that he will find employment at the court of the King of Qin, who is about to conquer the world.

In Qin, Li Si found favor with Lü Buwei (呂不韋), who was chancellor (chengxiang 丞相) and—so Sima Qian alleges—the illegitimate father of Zheng 政, then King of Qin and later First Emperor. With such a lofty patron, Li Si was granted the opportunity to speak to the king and seems to have excited him with hortatory flattery, asserting that victory and unprecedented power were within His Majesty’s grasp. The king then followed many of Li Si’s specific suggestions, which involved bribing those of his enemies who could be bribed and assassinating those who could not.

Some years later, in 237 B.C., Li Si faced his first political challenge: a faction at the Qin court, motivated more by fear of espionage than by xenophobia, urged the king to banish all foreigners currently serving in the Qin government. Li Si, as a native of Chu, would have been expelled under this resolution, and he argued against it in a flowery memorial that Sima Qian has preserved in its entirety, presumably as an example of effective rhetoric. In this oration, Li Si recalls several former rulers of Qin who employed foreign advisors, but the section that the hedonistic king must have found most persuasive discusses the many wonders and treasures that he has imported from alien lands—of which “the sultry girls of Zhao” were not the least delightful. It is incongruous that a king with such international tastes should consider banishing all the foreigners in
his state. “You would seem to care more for sex, music, and gems than you do for people.”

The king had to relent, of course, because the proposal was incompatible with his own imperialistic aspirations. A ruler of the world had to be more than just the ruler of Qin. In taking such a prominent role in this debate, Li Si emerged as one of the leading politicians in the Qin court and rose rapidly through the ranks to the post of Commandant of Justice (tìngwèi廷尉).

That same year, Li Si is said to have encouraged the King of Qin to annex the neighboring state of Hàn韓 “in order to intimidate the other states.” When Li Si arrived in Han to declare Qin’s intentions, the King of Han was understandably upset and asked his relative Han Fei to save Han by diplomatic means. At this juncture, the details become sketchy. All sources agree that Han Fei was imprisoned in Qin and forced to commit suicide in 233 B.C. and that the state of Han was annihilated in the same year. Beyond that, the events are difficult to reconstruct. (By this point in his life, it is worth noting, Li Si had had dealings with Xunzi, Lǔ Buwei, the First Emperor of Qin, and Han Fei—the four most illustrious men of his day.)

The annals of the First Emperor of Qin in Records of the Historian inform us that Han Fei did not arrive in Qin until 233 B.C., four full years after Li Si first threatened the King of Han. No extant sources explain what transpired in the interim. Moreover, the surviving works of Han Fei include a number of documents pertaining to this affair that raise more questions than they answer. There is a memorial by Han Fei in which he argues that it is in Qin’s own best interest to preserve the state of Han, as well as a rebuttal by Li Si contending that an independent Han is like an infirmity of the heart or stomach plaguing Qin. Li Si goes on to outline a complex plan: he begs leave to return to Han in order to delude their king into thinking that Qin will aid its former enemy, whereupon Qin will seize the opportunity and conquer Han once and for all. Then there is a third set of memorials, ostensibly recording Li Si’s duplicitous speeches to the King of Han.

But the situation is confused further by yet another memorial in the Han Feizi; here Han Fei addresses the King of Qin, urging him to become a “hegemon” by destroying the other states—including Han, Han Fei’s own homeland! We must conclude either that one or more of these documents are spurious, or that Han Fei recognized the inevitable and switched his allegiance from Han to Qin. This change of heart would explain why it is alleged in Han Fei’s biography that Li Si slandered Han Fei,
caused him to be imprisoned on a trumped-up charge, and finally inveigled him into killing himself. The King of Qin, we are told, was impressed by Han Fei’s writings and must have been contemplating his potential value as a minister of Qin. Thus Li Si may have considered Han Fei—whom he must have known, after all, from the days when they were both studying under Xunzi—as a dangerous rival and plotted to have him removed.

For the next two decades, Li Si’s place in the Qin government was secure. When the King of Qin united China in 221 B.C. and declared himself the First Emperor, Li Si, as Commandant of Justice of the entire empire, had already attained more success than he could ever have imagined while contemplating the rats in the functionaries’ privy at Shangcai. And as one of the new emperor’s most trusted advisors, his future promised even greater dignities and honors.

History has not preserved the names of every commandant of justice in ancient China, and if it were not for Li Si’s activities after the founding of the empire, he would hardly be remembered today. Li Si’s first opportunity to influence the complexion of imperial government came soon after the King of Qin assumed the title of “emperor” (huangdi 皇帝) in 221 B.C. The chancellor, a man named Wang Wan 王绾, suggested that the sons of the emperor be granted fiefs so as to assist in the administration of the emperor’s vast new realm. We are told that all the other ministers concurred in this opinion, but Li Si opposed it. He pointed out that the idea of dividing the realm into fiefs entrusted to relatives or trusted allies of the sovereign was obviously taken directly from the model of the Zhou, and it should not have taken much reflection to realize that the protracted period of warfare from which China had only just emerged was the consequence this very practice. Only a few generations after the establishment of the Zhou dynasty, the various feudal lords were able to cast off the yoke of Zhou sovereignty and rule their fiefs as independent states. It was therefore quite imprudent for the new emperor to follow the policies of the dynasty that he had just replaced. The emperor agreed.14

In place of the old feudal covenants, the First Emperor inaugurated an administrative system that revealed a fundamentally different conception of the empire—one that had been adumbrated by earlier political thinkers but had never been instituted on such a prodigious scale. The realm was divided into thirty-six “commanderies” governed by a bureaucratic administration under the direct control of the emperor himself. Then all the weapons in the empire were supposedly collected, melted down, and recast into bells and statues. The powerful families of the
vanquished kingdoms were forcibly relocated to the new imperial capital, and simulacra of their palaces were built in the capital as well.

We are not told whether Li Si had a role in these particular reforms, but they are plainly in line with the imperialist vision for which he was becoming famous. Already in 237, his memorial against the proposal to banish foreigners from Qin disclosed his view of the state as an entity that transcended regional differences by incorporating equally all the territories of the world. One might argue that because Li Si himself was an alien dwelling in Qin, this speech was written more out of self-interest than any grandiose ideals of political philosophy. But all of Li Si’s proposals—at least until his last days, when, as we shall see, he was reduced to toady ing to unworthy superiors—reflect a consistent and revolutionary view of Qin’s mission: to unify the disparate kingdoms and implement a new centralized form of government, while eliminating divergent customs and resisting any policy that might lead to a recrudescence of territorial power.

At some point between 219 and 213 B.C., Li Si was promoted to chancellor and was now one of the two highest-ranking subjects in the empire. In 213, a scholar named Chunyu Yue 淳于越 remonstrated with the First Emperor, repeating the old suggestion that the sons and younger brothers of the emperor, along with certain meritorious ministers, should be enfeoffed as feudal lords. The First Emperor handed the matter down to Chancellor Li Si, who was even more emphatic in his rejection of this proposal than when he first discussed the issue eight years earlier. In his reply this time, he did not even devote any space to refuting Chunyu Yue’s suggestion, taking it as a matter of course that such ideas were hopelessly outdated. Instead, Li Si addressed what he took to be the real problem: men like Chunyu Yue took the liberty of criticizing official decrees on the basis of what he calls their “private learning” 私學 (or, read in Han Fei’s terms, “self-interested learning”). This is unacceptable, Li Si argues, because in the new unified regime, only the emperor has the authority to determine right and wrong. If “private learning” is not prohibited, “the power of the ruler will decline above and parties will be formed below.”

Li Si then recommends that every subject who possesses works of literature, including the canonical Odes and Documents and the “sayings of the hundred experts,” must remand these to the appropriate officials for burning. Anyone who wants to study must take an administrative official as his teacher. The only exceptions to this ordinance are books on medicine, divination, and agriculture; according to one version of the me-
Li Si, Chancellor of the Universe

morial, Li Si allows government-appointed academicians to retain their copies of canonical Confucian texts. The First Emperor, we are told, approved the measure.

This was the notorious Qin bibliolasm, the event with which Li Si has been most intimately connected in the minds of traditional Chinese literati. Generations of historians have criticized Li Si as an enemy of learning in general and Confucianism in particular. Indeed, he cannot be easily acquitted of these charges. Yet some modern scholars have suggested that the entire account is fabricated or at least exaggerated, because the memorial implies a massive campaign to collect books and burn them, but there is little evidence that texts were permanently lost. That observation, however, is not in itself compelling: texts were commonly memorized and recited in ancient China, so that even if all written copies were destroyed, they could still be reconstructed afterward (provided that enough people remained who knew the text by heart). In fact, the Han government made a concerted effort some decades later to locate the aged masters of the Qin era and have them recite what they could remember for scribes to record with brush and ink. Moreover, if we are to believe the account that official academicians were exempt from the ban, then it follows that the canons were never totally exterminated in the first place.18

Whether or not the “bibiolasm” really took place, it is clear that the proposal is in keeping with Li Si’s political views. “Private learning,” as Li Si put it, was antithetical to the pretensions of the unified empire, and eradicating all autonomous intellectual life was only the logical conclusion of the reforms that he had been advocating for years.19 Any institution whose authority did not derive directly from the emperor inherently challenged the foundations of the empire and had to be destroyed. Philosophers and teachers, who routinely appealed to traditions, scriptures, and august precedents, would have constituted a conspicuous example of what Li Si feared most. The Qin empire was not merely an empire; it was a unified cosmos with a proper cosmology. The ruler of the cosmos, similarly, was not merely an emperor or great king; he was the center of the cosmos, the prime mover of all order and logic.

In short, Li Si was unable to conceive of a flourishing empire that countenanced free thought, let alone dissent. By imposing its rigid dictates on all aspects of human experience, the empire sowed the seeds of its own destruction. To Americans living in the twenty-first century, it may seem obvious that Li Si’s attempts at thought control were to blame for the astonishingly rapid collapse of the Qin dynasty. But it took a long
decade of intense bloodshed for the point to become apparent to observers in the third century B.C.

Li Si was now at the peak of his power, and Sima Qian includes a picturesque episode in his biography intended to show that the chancellor himself may have had a premonition that his fortunes were about to turn. At some point after the memorial on the burning of the books, Li Si held a feast at his home to welcome back his son, Li You 李由, who was serving as governor of Sanchuan 三川 (a commandery along the Yellow River, east of the capital). It is said that thousands of chariots and horsemen arrived at the gates of his residence as officials from all branches of government came to wish him long life. The chancellor then quoted his former teacher and compared himself to a useless carriage horse:

嗟乎！吾聞之苟罰曰物禁大盛，夫斯乃上蔡布衣、闔巷之黠者，上不知其駕下，遂遭至此。當今人臣之位無居臣上者，可謂富貴極矣。物極則衰，吾未知所稅駕也！

Alas, I have heard Xunzi say: “Do not let things flourish too greatly.” I wore a commoner’s clothes at Shangcai; I was an ordinary subject from the lanes and alleyways. The emperor did not realize that his nag was inferior, so he raised me to this [position]. No one with a ministerial position occupies a post higher than mine; one can call this the pinnacle of wealth and honor. When things reach their pinnacle, they decline. I do not yet know where my carriage will be halted.

Late in 211 B.C., the First Emperor decided to make one of his habitual circuits through his empire, accompanied by Li Si and two other men: Huhai 胡亥, his young son, and Zhao Gao 趙高, a eunuch who was Superintendent of the Imperial Carriage House. The First Emperor’s eldest son, named Fusu 扶蘇, had irritated his father by criticizing him repeatedly for his denigration of Confucius. Consequently, the First Emperor sent Fusu to the camp of General Meng Tian 蒙恬, who was stationed at the frontier. With Fusu far removed from palace politics, it seems that the aging First Emperor began to dote on Huhai.

Nine months into his grand tour, the First Emperor fell deathly ill and died at a place called Sand Hill 沙丘. Before he died, he dictated a letter to Fusu, commanding him to come to the capital with Meng Tian’s troops and bury his father there. The letter was sealed but still had not been sent when the First Emperor expired. Since no definite heir had
been designated, Li Si decided to keep the matter secret, and only he, Zhao Gao, Huhai, and a handful of trusted eunuchs knew that the First Emperor had passed away. They placed the emperor’s cadaver in a “warm-and-cool carriage” —that is, a carriage that could be opened or closed as the climate dictated— and continued to conduct official business from within the closed carriage as though the emperor were still alive. As one of the First Emperor’s most intimate associates, Zhao Gao must have known that Huhai was a foolish and malleable lordling. He encouraged the young prince to seize the throne for himself, hinting darkly that the empire would not rebel if Fusu were to be assassinated.

After obtaining Huhai’s consent, Zhao Gao approached Li Si with his plan, but the latter declined repeatedly to cooperate. Zhao Gao countered by remarking that Fusu trusted only General Meng Tian, his comrade in arms, and if Fusu were to succeed the First Emperor, Li Si would surely be replaced as chancellor. Li Si remained unmoved: he and his family had enjoyed great prosperity at the hands of the First Emperor and must remain loyal, come what may. Furthermore, Li Si cited several examples from history showing that such treachery always causes great harm to the state. Zhao Gao importuned Li Si relentlessly, until the latter finally “looked up to Heaven and sighed” 仰天而歎. With tears streaming down his face, he declared: “Alas, I alone have encountered this chaotic age. Since I cannot bring myself to die, to what shall I entrust my life?” 嗟乎！獨遭亂世，既以不能死，安託命哉？ Thereupon he obeyed Zhao Gao.

Modern readers are likely to be puzzled by all of Li Si’s sighs and rhetorical questions; and whatever the implicit argument in “Since I cannot bring myself to die, to what shall I entrust my life?” it hardly persuades us that his actions were anything but disloyal. This passage probably tells us more about the author, Sima Qian, than it does about Li Si. Having characters gaze up to Heaven at crucial moments in history is a trope that Sima Qian uses on several occasions to suggest that the irresistible will of Heaven lies behind the inscrutable vicissitudes of human life. We must remember that Sima Qian was writing for the emperor of the Han, a dynasty whose rise would not have been possible without the destruction of the Qin. For a Han audience, the conspiracy at Sand Hill was a matter of historical necessity. Li Si’s protestations were gallant but ineffectual: in one way or another, Heaven was going to find a method for the plot to unfold. By gazing up at Heaven, Li Si, we are given to understand, recognized and accepted the role that fate had assigned him.
Huhai’s reign as Second Emperor was an unmitigated disaster. A power struggle ensued between Li Si and Zhao Gao: both courtiers knew that Huhai was thoroughly incapable of standing on his own, so they competed for the opportunity to rule behind the scenes. This was a contest that Li Si was bound to lose, for Zhao Gao was more adept at manipulating the puerile emperor. With Zhao Gao’s encouragement, the Second Emperor ushered in a reign of terror, executing influential men in government and confiscating their estates; the turmoil amused the Second Emperor but had the decisive consequence of destroying whatever power base he had at his disposal.27

The famous rebellion of Chen She 陳涉 and Wu Guang 吳廣 then erupted in Chu, and with the central government in such disarray, the imperial forces were powerless to quell it. When the rebels arrived at Sanchuan, Li Si’s son You, who was still governor of the district, could not stop them from advancing westward toward the imperial capital. Zhao Gao immediately took advantage of this opportunity to accuse Li Si and his son of conniving at the insurrection. Before long, the chancellor was thrown into prison and brought to trial; once again, he gazed up fecklessly at Heaven, this time comparing himself to various celebrated ministers of antiquity who were wrongly condemned.28

The rest of Li Si’s biography is devoted to his craven attempts to save his skin. He penned a long and fawning epistle laying out heavy-handed principles of government that he hoped would meet with the Second Emperor’s approval. One of the authorities he cites in this disquisition is Han Fei, the great thinker whose downfall he himself plotted years before;29 it must have galled him to memorialize his archrival in this manner, but such was the humiliating position to which he was reduced. Next he assailed Zhao Gao’s integrity, asserting at one point that the eunuch was avaricious because of his lowly origins.30 (Forensically, this was a doomed approach: after all, Li Si too was born a commoner, and his own ambition was of historic proportions.) Then, in a final act of desperation, Li Si wrote a direct plea to the Second Emperor from his jail cell, recounting his great services to the state of Qin and begging for mercy. But Zhao Gao intercepted the letter and refused to show it to the emperor. In the summer of 208 B.C., Li Si and his son were put to death and their clan exterminated.

Sima Qian records Li Si’s last words, and they are characteristically disingenuous. On the way to the execution ground, he supposedly turned to his son and said: “I wish that you and I could take our brown dog and go out through the eastern gate of Shangcai to chase the crafty hare. But
how could we do that!”31 This quote has become famous, but, like his repeated perjuries of Heaven, it is simply an expression of counterfeit pathos. While he was still living in Shangcai, Li Si felt nothing more for the place than intense desire to leave it, and a bucolic life would hardly have contented him while he was serving in the grimy municipal offices. But a life devoted to hunting rabbits might not have been cut short by the executioner’s blade.

In the end, we must acknowledge that the vision of Li Si, the primary architect of early Chinese imperialism, affected the course of history of an entire subcontinent. Most later writers disparaged him as a traitor and an opportunist, but there is no doubt that the imperial institutions of every succeeding dynasty were indebted to Li Si’s model of centralized bureaucracy. If, as some historians affirm, Chinese civilization was a bureaucratic civilization,32 then a place must be reserved for Li Si as one of the nation’s founding fathers.