THE CHINA REVIEW.

THE LIFE OF TSZE-CH'AN,

PRIME MINISTER OF CHÄNG.

(*Continued from p.* 23).

10. Tsze-ch'an compiles a penal code and publishes it.

Two years later (535) one of the most important actions of Tsze-ch'an is recorded. He caused tripods to be cast with descriptions of crimes and their punishments upon them. On account of this proceeding Tsze-ch'an has been severely criticized by some of his contemporaries as well as by other Chinese writers. It would seem that the publication of the penal code gave rise to a great change in the proceedings of the criminal court. When the people did not know the law, they stood much more in awe of it, nor could they defend themselves at court. But now they knew exactly how far they could go; moreover, they were put in a position either to defend themselves or to get a lawyer to plead their causes. From some writers it appears that Tsze-ch'an also established 'judicial examination' or 'cross-examination' in connection with trials. On the whole, therefore, his innovation was a movement towards modern European procedure, and he was perhaps more advanced than the ministers and officials of the present Chinese Empire. Confucius afterwards imitated him. See L. C., Vol. I, proleg. p. 74. When Shuh-hsiang, the Prime Minister of Tsin, heard of the publication of the penal code in Chăng, he wrote a letter to Tsze-ch'an telling him that he thought his proceeding very unwise. 'At first,' he said amongst other things, 'I considered you as my model, but now I have ceased to do so. . . . When the people know what the exact laws are, they do not stand in awe of their superiors. They also come to have a contentious spirit, and make their appeal to express words, hoping peradventure to be successful in their argument. They can no longer be managed. When the government of Hsia had fallen into disorder, the penal code of Yu was made; under the circumstances in Shang, the penal code of T'ang; and in Chao, the code of the nine punishments;—those three codes all originated in ages of decay. And now in your administration of Chăng you have made your new arrangements for dykes and ditches (see above III, 2), you have established your new system of governmental requisitions, which has been so much spoken against (see III, 9), and you have framed this imitation of those three codes, casting your descriptions of crimes and their punishments:—will it not be difficult to keep the people quiet as you wish to do? . . . . I have heard the saying that "when a State is about to perish, there will be many new enactments in it." Is your proceeding an illustration

of it?' Tsze-ch'an replied in a short but extremely polite letter, saying 'as to what you say, I have not the talents nor the ability to act for posterity; my object is to save the present age. I cannot accept your instructions, but I dare not forget your great kindness.' See L. C. V, pp. 609 and 610. In Hwei-nan Tsze 淮南子 chap. 10 we read, 'when Tsze-ch'an had established judicial examination, 傳詞詰 (oral trial), the prisons became crowded and it was no longer considered a disgrace to go to gaol. The judge lost sight of the truth in the various law-cases and was much hindered in his proceedings by the empty talk of the litigants.'

Han-fei Tsze in writing (chap. 9) against a certain kind of judicial wisdom or presumption says, that Tsze-ch'an separated the litigants in order to get to know the truth by telling the one what the other had said.* In chap. 16 he says, 'He who knows the people thoroughly, allows no bad man to escape punishment and no good man to remain unrewarded. One morning Tsze-ch'an went out, and in passing the Tung-siang gate he heard a woman cry. He stopped his driver and listened. After a while he sent a policeman to seize the woman and examine her, and it was found out that she had hung her husband. Next day the driver asked Tsze-ch'an, 'Master, how did you know this?' Tsze-ch'an replied, 'By her voice which expressed fear. Generally, when people's relatives, whom they love, get ill, they are sad, but when they kill their relatives they are afraid in mourning over them. Now, this woman in bewailing her dead husband was not sad, but showed fear; thereby I knew that she was a bad woman.'

Some said, 'were there not too many trifling and troublesome proceedings under Tsze-ch'an's government?' To know crimes, men certainly must wait until they hear of them, or see them with their eyes. If this had been done in Chăng, there would have been fewer criminals. To make inferior officials (detectives?) not according to the code; not to inquire judicially into the rules of government concerning equal officials; without taking a clear view of the measures and rules to be applied, to rely entirely on one's own cleverness and using one's own judgment and discretion in getting to know all the criminals:—is not this like witch-craft? For, the objects of investigation are numerous whilst our own wisdom is but small; this insignificant knowledge cannot master the mass of objects, and our own wisdom is not sufficient to know all things; therefore we regulate and adjust one thing according to another. Below there are many (men), above there are but few; one man cannot prevail over many, that is, the ruler cannot know all his subjects. He therefore must learn to know some men by other men. Thus he regulates his affairs without troubling his body, and he takes the criminals without using knowledge and careful forethought. The people of Sung have a saying, 'If one bird passed him, Yi 羿 (the renowned archer) was sure to hit it.' He was a wizard (or else he would not have hit every bird). If you make a big net out of the empire, no bird will be lost. To know all offenders is to have such a big net; not one will be allowed to slip out. Not to follow the proper principles but to examine the cases in one's own breast, is like making bows and arrows. Thus Tsze-ch'an was a wizard.

Lao-tsze says, 'He who by his knowledge governs the State is the robber of the State. This may be said of Tsze-ch'an.'

It would seem that Han-fei blames Tsze-ch'an for having been arbitrary, i.e. for having followed his own judgment or presumption rather than old established rules. He evidently thinks that there was too much investigation and suspicion with regard to criminal cases, too much particularizing and individualizing under Tsze-ch'an's rule.

Compare with this interesting critique

* Comp. L. C., Vol. I, Proleg. p. 74.

of Han-fei the article 'M. de Bismark et les Polonais,' in the *Revue des deux mondes, Mars*, 1886, where it is said of Bismark, 'Il reproche à ses ennemies non-seulement ce qu'ils font, mais l'air dont ils font ; it leur impute à pèché non-seulement les pensées quil's expriment, mais celles qu'ils n'expriment pas et le mystère de leur silence. Il leur dit: Je lis dans vos yeux, je lis dans les derniers replis de vos coeurs.'

11. Tsze-ch'an and Tăng-hsih 登析. Neither the Tso-chuan nor the Sze ki mentions the name of Tăng-hsih in connection with that of Tsze-ch'an. In the Tso-chuan (L. C., Vol. II, p. 772) we read, 'Sze Chuăn 駟歂 or Sze Tsze-jăn 駟子然 of Chăng put to death Tăng-hsih, and proceeded to employ the penal laws inscribed by him on tablets of bamboo. The superior man will say that in this matter Tsze-jăn did not act in a good and generous way. If a man has what will be of advantage to the State, any perversity of his may be overlooked. . . . . Tsze-jăn took no means to encourage ability.'

Now this Tsze-jăn was the successor of Tsze-t'ai-shuh, who was the successor of Tsze-ch'an, and the time when according to the Tso-chuan he killed Tăng-hsih is the year 500 B.C., i.e. twenty years after the death of Tsze-ch'an.

Yet there are several Chinese writers who tell us that Tăng-hsih caused Tsze-ch'an much trouble and that the latter put him to death.

In 呂氏春秋, a work written in the 3rd century B. C., we find the following stories.

'When Tsze-ch'an governed Chăng, Tăng-hsih continually caused him trouble, because he gave clothes to the people who were put into prison; to those that came into the great prison he gave one coat, and to those who were put into the small prison a pair of trousers and a jacket. Thus the people who got into the way of litigating, because coats, trowsers, and jackets were given to them, could not be numbered. Out of right they made wrong and again out of wrong right. The quarrels were endless, and the lawful and unlawful were mixed up daily. The desire to win law-cases led on to law-cases, and the wish to break the law gave rise to offences. Thus the State of Chăng was in great disorder; the people became noisy and vociferated. Tsze-ch'an was troubled about this, and therefore he put Tăng-hsih to death. After this the people submitted, the quarrels were settled, and the law was obeyed. Now-a-days there are many who desire to govern, but do not wish to put the Tăng-hsihs to death.' It would seem that Tăng-hsih was a kind of socialist, which becomes still more evident from the following story.

'A rich man (a miser?) fell into the water and cried for help. The people asked a great sum for pulling him out. The man applied to Tăng-hsih, who said to him, 'Be quiet, nobody sells human beings.' When the man was dying he called out again in his agony to Tăng-hsih, who now replied, 'Hereafter no man will buy you.'

A third story is told of Tăng-hsih in the same work. 'Many of the governing ministers in Chăng had suspended the books (made of bamboo) of the law. Tsze-ch'an ordered that this should be done no longer. Tăng-hsih made nevertheless such books and when Tsze-ch'an commanded not to make them, he commanded still more that none should be made without stopping. Thus Tăng-hsih was constantly echoeing Tsze-ch'an's order (yet he did not keep it). Here is a case where it is difficult to discriminate between right and wrong.'

What is recorded here throws perhaps some light on a funny story which Mencius tells about Tsze-ch'an. 'Formerly, some sent a present of a live fish to Tsze-ch'an of Chăng. Tsze-ch'an ordered his pond-keeper to keep it in the pond, but that officer cooked it, and reported the execution of his commission, saying, "When I first let it go, it appeared embarrassed. In a little it seemed to be somewhat at ease, and then it swam

away joyfully." Tsze-ch'an observed, "It had got into its element! It had got into its element!" The pond-keeper then went out and said, "Who calls Tsze-ch'an a wise man? After I had cooked and eaten the fish, he says,—It had got into its element! it had got into its element!" Thus, says Mencius, a superior man may be imposed on by what seems to be as it ought to be, but he cannot be entrapped by what is contrary to right principle.' L. C. II. Book 5, Pt. I. Chap. II, 4.

Hwei-nan Tsze, chap. 13, says, 'Confucius put to death Shao Ching Mao and vices ceased; Tsze-ch'an killed Tăng-hsih and the rebellious spirit was stopped.' Hsün Tsze 荀子 chap. 20 alleges the same. Comp. 家語 I, 2 (Chinese Recorder, Vol. X. I. pp. 20 and 21).

In the book of the philosopher Lieh Tsze, 列子 we find the following legends.

'Tăng-hsih made ambiguous phrases which were difficult to comprehend. When Tsze-ch'an governed Chăng he made the Bamboo-code and the State used it. Tăng-hsih however caused Tsze-ch'an many troubles in his government. Tsze-ch'an was obliged to yield (for a time), but suddenly he put Tăng-hsih to death. The fact is, not that Tsze-ch'an *could* make use of the bamboo-code; he *could not but* use it; not that Tăng-hsih *could* make Tsze-ch'an yield; he *could not but* make him yield; not that Tsze-ch'an *could* put Tăng-hsih to death; he *could not but* put him to death.' (Chap. VI. 4; see also Faber's 'Licius').

The same philosopher tells another story of Tsze-ch'an and Tăng-hsih; namely, how Tsze-ch'an tries in vain to convert two sensualists.

When Tsze-ch'an was minister of Chăng, he improved the government of the State, its economy as well as its jurisdiction. Good men yielded to his influence, bad men stood in awe of his decrees. The country was well governed and the princes respected him.

But he had an elder brother called Kung-sun Chu, and a younger brother called Kung-sun Muh. Chu was a drunkard and Muh a sensualist. Chu had stored in his house a thousand vats of gin; there were high heaps of dregs, and the smell of the mash affected one's nose at a distance of 600 feet from the house. How he did enjoy his gin! He knew neither the peace nor the danger of the world as it went on; neither the regret nor shame of the human mind; neither the things which still were in his room, nor those which had been lost; neither the nearer nor the remoter nine degrees of relations; neither the sadness caused by destruction, nor the joy caused by preservation. Though water, fire, and weapons of war were brought before him, he knew nothing of it.

Muh's (his brother's) hall was in the back and consisted of several dozen adjoining rooms, which were full of exquisitely beautiful young girls. There he lived in pleasure, and expelled his relations and broke with his friends. He retired into this back-hall and lived there night and day. In three months he would come forth but once, yet his desires were not satisfied. If there was a beautiful girl at a place, he was sure to send presents to her to allure her, and to employ go-betweens to make her willing to come. Only when he saw that he could not succeed in getting her, then he would stop.

Tsze-ch'an was grieved at this, day and night. He went secretly to Tăng-hsih and consulted with him, saying, 'I have heard a man ought first to regulate himself in order to extend his rule to his family; and then he ought to rule his family in order to extend his government to the State. These words start from what is near and go to that which is farther off. But I have the government of the State in hand whilst there is disorder in my family. This state of things is improper (inconsistent with right principles); what means is there to save those two fellows? Please let me know it.'

Tăng-hsih replied: 'I have been surprised

at it for a long time, but did not venture to speak to you before you would ask me. Why did you not begin earlier to correct them and talk to them about the importance of nature and decree; and move them by showing them the excellency of morality and righteousness?' (Notice the sarcasm!) Tsze-ch'an followed the counsel of Tăng-hsih. At the next opportunity he visited his two brothers and addressed them thus, 'That which makes men nobler than animals is discretion. That which discretion points to is morality and honesty. Morality and honesty being achieved, renown and position are attained. But when a man hurts the feelings of his fellowmen and abandons himself to sensual desires, he will endanger his nature and degree. If you accept my words, and are converted in the morning, emolument will follow in the evening.'

Chu and Muh said, 'We knew all this long ago, and we have also made up our mind long ago; do you think we have waited for you to learn this? It is difficult to obtain and to keep life, whatever its form may be, but death is easily found. If we were with a life which we cannot retain to wait for a death which comes by itself; who could comprehend this? Should we prize morality and honesty because it would bring us into favour with men? Should we suppress our senses and our nature for the sake of fame? Would not this make us to be like the dead? We wish to get as much pleasure out of our life as we can and to enjoy thoroughly the happiness of the years appointed to us. The one thing which grieves us is that our stomach may be overcharged; that the mouth may cease to enjoy liquors; that the body becomes weak and emaciated, and our senses obtuse to pleasure. We have, however, no leisure to trouble ourselves about the ugliness of fame and honour or about the danger of nature and decree. You boast farther of what may be gained by the government of the State and wish to make our minds confused by your phraseology. Do you think we are eager to get honour and emolument? Is not such a desire also mean and miserable? We have decided to be different from you! (This is the important point, for which in the eyes of the Taoist writer neither Tsze-ch'an nor Confucius accounts). For though the outer part of a thing is kept in order (governed), it does not necessarily follow that thereby the thing itself is in order —but one's own life (genuine nature) may still be constantly embittered. On the other hand, when the inner part of something is well governed, it does not necessarily follow that the thing itself is thereby brought into confusion—but one's nature (being) is made comfortable. In your government of the outer part, your laws pertaining to it may be obeyed in a State for a short time, but they will never be in harmony with the hearts of men. In our government of the inner part, if it be extended over the whole State, the relation between ruler and subject will be abolished. We constantly wish to be an example of this doctrine. Do you still intend to teach us your method which is exactly opposite to our own?'

Tsze-ch'an was so perplexed that he could find no answer. Next day he told Tăng-hsih about this conversation. Tăng-hsih said, 'You have been living with genuine men without knowing it. Who will henceforth call you a wise man? The good government of the State of Chăng is merely accidental and not owing to your merit.' (Comp. Faber's Licius, VII., 7, pp. 164-167.)

There exists still a little book which is alleged to have been written by Tăng-hsih. It is the 22nd among the edition of the philosophers 子 and entirely Taoistic. Of the story that Tsze-ch'an put to death Tăng-hsih, we have as little historical proof as of the other legend according to which Confucius inflicted summary punishment on Shao-ching Mao. (See L. C., Vol. I. Proleg. p. 75, note 18.)

12. The marquis of Tsin is ill. He

dreams of a yellow bear. Tsze-ch'an considers this dream as a sign that Tsin ought to offer the imperial sacrifice to Heaven. It appears from the reception of a high minister of Ch'u that Tsze-p'i was still chief minister in Chăng, Tsze-ch'an being next to him. (L. C., V. p. 610.)

Next year (534) Tsze-ch'an was sent on a complimentary visit to Tsin. The marquis of Tsin had been ill for three months. The minister Han Süan-tsze told Tsze-ch'an that they had been all running about and sacrificing to all the hills and streams in Tsin, but that the marquis had got worse instead of recovering. 'He has now,' he added, 'dreamed that a yellow bear entered the door of his chamber;—what evil devil can that be?' 'With a prince so intelligent as your ruler,' replied Tsze-ch'an, 'and with the government in your hands, what evil devil can there be? Anciently when Yao put K'wun to death on mount Yu, his spirit changed into a yellow bear, which entered into the abyss of Yu. He was under the Hsia dynasty the assessor at its sacrifice to Heaven, and in fact the three dynasties all sacrificed to him. Tsin, though lord of covenants (and therefore successor of Chao), has perhaps not yet sacrificed to him.' Han Süăn-tsz on this offered the Hsia sacrifice to Heaven, when the marquis became somewhat better, and gave to Tsze-ch'an the two square tripods of Kü 莒. (L. C. V. p. 617. This incident is also recorded in 國語 chap. 14.)

13. Tsze-ch'an's theory of ghosts.

In the same year the people of Chăng were frightened by apparitions of Păh-yu's ghost (see 13). Tsze-ch'an appointed then Liang Chi, the son of Păh-yu, and Kung-sun Lieh, the son of Tsze-k'ung (who had been killed in the 19th year of duke Siang), as successors to their fathers; in order, as he said, to soothe the people and to make a place for the ghost where it might go to and find rest. For he held that 'when a ghost has a place to go to, it does not become an evil spirit.' Afterwards Tsze-ch'an went to Tsin, when Chao King-tsze asked him whether it was possible for Păh-yu to become a ghost. 'Yes,' replied Tsze-ch'an. 'When a man is born we see in him first movements of what is called the animal soul. After this has been produced, it is developed into what is called the spirit. By the use of things the subtle elements are multiplied, and the soul and spirit become strong. They go on in this way, growing in etherealness and brightness, till they become thoroughly spiritual and intelligent. When an ordinary man or woman dies a violent death, the soul and spirit are still able to keep hanging about men in the shape of an evil apparition; how much more might this be expected in the case of Liang Siao, a descendant of our former ruler duke Muh, the grandson of Tsze-liang, the son of Tsze-urh, all ministers of our State, engaged in its government for three generations! Although Chăng be not great, and in fact, as the saying is, an insignificant State, yet, belonging to a family which had held for three generations the handle of government, his use of things had been extensive, the subtle essences which he had imbibed had been many. His clan also was a great one, and his connections are distinguished. Is it not entirely reasonable that, having died a violent death, he should be a ghost?' (L. C., V. pp. 617, 618.)

14. Tsze-ch'an is highly respected in Tsin. He gives twice good advice to his superior Tsze-p'i. In the same year the officer Han Shoh (Ma-sze) killed a brother of Tsze-p'i, the chief minister of Chăng, and afterwards fled to Tsin, where he, out of regard for Tsze-ch'an's ability, was ranked among the great officers of the lowest degree, though Tsze-ch'an would have considered it as a favour if his life had been spared without any office being given to him. (L. C., V. p. 618.)

Three years later (531) duke P'ing of Tsin died. Tsze-p'i, who was going to the funeral, intended to take offerings of silk with him for the new marquis. Tsze-ch'an

advised him not to do so because it would be contrary to the rule and not fitting on an occasion of a funeral. But Tsze-p'i did not listen to him and afterwards found to his regret that Tsze-ch'an was right. The acting minister of Tsin declined the officers of the different States an audience with the new Marquis, because the court was in mourning. So Tsze-p'i had to disperse all his offerings. (P. 630.)

Next year (530) Ch'u was invading Ch'ai and Tsze-p'i was about to relieve it, when Tsze-ch'an told him that he would not be able to do so. 'Ch'ai,' he said, 'is small, and has behaved unreasonably. Ch'u is great, and has no virtue. Heaven will cast away Ch'ai to let the wickedness of Ch'u accumulate; and when that is full, it will punish that State. Ch'ai is sure to perish.' It happened as Tsze-ch'an had foretold. (P. 634, par. 7.)

15. The death and burial of the duke of Chăng.

In his 36th year (529) duke Chien 簡 of Chăng died and his son Ting 定 called 寧, became duke (529-13). Sze-ki, Chap. 42. The Tso chuăn says, 'When they were engaged in levelling the road in order to the duke's burial, they came to an ancestral temple of the Yu family and were about to pull it down. Tsze-t'ai-shuh (Yu-kih, Head of the family) made the clearers stand still with their implements in their hands, and not proceed to pull it down, telling them that, when Tsze-ch'an passed by them, and asked why they had not pulled it down, they should say, "we could not bear to touch the temple; but yes, we will pull it down." When they had done this, Tsze-ch'an made them carry the road on one side of it. Right in the way were some houses belonging to the superintendent of the graves. If they were destroyed, the coffin could be put under ground in the morning. If they were not pulled down, it would be midday before that could be done. Tsze-t'ai-shuh begged that they might be pulled down, saying, "we must do it for the sake of our guests from the various States;" but Tsze-ch'an said, "The guests from the States who come to be present at our funeral will not be afraid of stopping till mid-day. Why should we not do what will occasion them no loss, and will save the people from injury?" Accordingly they did not pull the houses down, and the interment was accomplished at midday.' 'The superior man will say that Tsze-ch'an knew what was proper. According to the rules of propriety, a man will not overthrow anything of another to establish himself.'

In the same year, in summer, duke Ting of Chăng visited the court of Ch'ao, marquis of Tsin (cfr. Sze ki, 42.) The latter entertained several princes, but Tsze-ch'an who was in attendance on and directing the earl of Chăng, begged that he might be excused from being present, saying that when they had done with the death of the late earl, they would receive Tsin's orders; and the request was granted;—which was according to propriety.' (L. C., V., pp. 638, 639, par. 2 and 4.)

16. The meeting in P'ing-k'iu 平丘 and the covenant of Tsin. Tsze-ch'an's remonstrance,—528 B.C.

In the following year it seemed as if the princes of the different States became alienated from Tsin. Shuh-hsiang, the chief minister of Tsin, therefore thought it necessary to make a great military display in order to impress the States with the majesty and terror of Tsin. He mustered 4000 chariots of war and invited the princes to a conference. Tsze-ch'an and Tsze-t'ai-shuh attended the earl of Chăng to this meeting, the former marching with curtains and coverings for 9 tents, while the latter (who was lower in rank) had taken with him enough for 40. Of this, however, he repented, and reduced the number at every station where they halted, till when they arrived at the meeting, his number was the same as that of Tsze-ch'an. (L. C., V., p. 651, par. 4.)

At this meeting which was held in P'ing-

k'iu, the States made a covenant under the presidency of Tsin. Tsze-ch'an remonstrated against the large amount of contributions required of Chăng, pleading that the latter should be regulated according to the rank and territory of the different States. He pointed out that Chăng was no more than the territory of an earl or baron, yet its contribution was like that of a duke or marquis. 'I am afraid,' he added, 'we cannot render it, and venture to make a matter of request concerning it. The States have agreed to abstain from wars, and to make the cultivation of friendly relations their business, but the commands of your messengers come to us every month. There is no fixed rule for our contributions; and when our small State fails in rendering what is required, it is held to be an offender. The object of the princes in making covenants is to preserve the small States. When our contributions and offerings have no limit set to them, we have only to wait till our ruin comes. The rule for our preservation or ruin must be made to-day.'

The contention was continued from midday till dusk, when Tsin at last gave way. (L. C., V., p. 652.) [If those historiographers had lived to see some sessions of our Parliaments and Reichstags, they would not have considered this 'long hours.'] Confucius approved of Tsze-ch'an's proceeding at this meeting when he remarked, 'When the States were assembled, to adjust the business of their contributions was according to the rule.'

17. Tsze-p'i's death. 528 B.C.

When Tsze-ch'an was returning from the meeting, before be got to Chăng, he heard that Tsze-p'i was dead. Instead of being glad that he now was chief-minister, he wept and cried, 'There is an end of me. There is none now to help me in doing good. It was only he who knew me.' Confucius remarks, 'On this occasion Tsze-ch'an proved himself fit to be the foundation of his State. The ode says,

"Objects of complacency are these gentlemen,
Foundation of my State."

Tsze-ch'an was a superior man whom one could desire as the object of his complacency.' (L. C., V. p. 652.)

II. TSZE-CH'AN PRIME MINISTER OF CHĂNG. 528-521 B.C.

1. The earl of Chăng gives an entertainment to an ambassador of Tsin. Tsze-ch'an enjoins on his ministers and officers the strictest observance of propriety.

Nothing is recorded of Tsze-ch'an in the year 527. In 526 an officer of Tsin came to Chăng on a visit and the earl gave him an entertainment. Tsze-ch'an had given strict orders with regard to the ceremony of etiquette, and assigned to every officer his place. K'ung Chang, a great officer came too late, and as his place was taken by another he went about from one place to another, but the director of ceremonies always removed him again. At last he hid himself among the musicians—followed by the smiles of the guests. Afterwards an officer reproved Tsze-ch'an for having given Tsin occasion to laugh at the officers of Chăng, saying, 'K'ung Chang's losing his place was a disgrace to you.' Tsze-ch'an with great indignation defended his course of action, declaring that he always endeavoured to do what is proper and that in this case it was K'ung Chang who, forgetting his high position, brought disgrace on himself by a breach of propriety. 'That,' he concluded, 'prejudiced and corrupt men should all lay everything on me as minister, is, because the former kings did not appoint sufficient punishments and penalties. You had better find fault with me for something else?' (L.C., V. pp. 663, 664.)

2. Han Süăn-tsze and the jade-stone ring.

In the same year another incident is recorded which shows that Tsze-ch'an as little yielded to the ministers of the great State Tsin as to those of his own country when the right was on his side. Han Süăn-tsze, a minister of Tsin, had a ring, the fellow of

which was in possession of a merchant of Chăng, and he begged it from the earl. Tsze-ch'an, however, declined to give it to him. He considered that it showed want of propriety and greediness on the part of Han Süăn-tsze to ask for it, and he feared that a bad precedent would be established if Chăng made such an extraordinary gift to a minister of the greater State, because others would then require other presents. 'Why should we,' he asked, 'produce this piece of jade, thereby originating two crimes,—the loss of our own position, and the development of Han Süăn-tsze's greed? Would it not be very trivial traffic with a piece of jade to purchase such crimes?' Han Süăn-tsze then intended to buy the ring from the merchant. But the latter told him, that he was obliged to inform the ruler; and Tsze-ch'an even objected to the buying of the ring, because, in this case, the merchant would have to sell it by pressure of the government. This was inconsistent with an old covenant, according to which the government had pledged itself not to interfere with this merchant. He concluded by saying, 'Your Excellency having come to us on a friendly mission, and asking our State to take away the ring from the merchant by force, this was to request us to violate that covenant;—is not such a thing improper? If you get the jade and lose a State, you would not wish to do the thing. If, when your great State commands, we must satisfy it without any law, Chăng becomes one of your border cities, and I would not wish to be party to such a thing. If we present the jade to you, I do not know what the consequence may be, and venture privately thus to lay the case before you.' Han Süăn-tsze then declined the jade, saying, 'I presumed in my stupidity to ask for the jade, which would have occasioned two such crimes:—let me now presume to decline it.'

Afterwards the six ministers of Chăng gave a parting-feast to Han Süăn-tsze, when he said to them, 'Let me ask all of you gentlemen to sing from the odes, and I will thence understand the views of Chăng.' They sang each one a characteristic song, and in this classical form they gave Han Süăn-tsze to understand that they wished to be on good terms with the great State of Tsin, but that they had no reason to be afraid of it. Han Süăn-tsze got a high impression of all the ministers of Chăng, and in acknowledgment of their friendship and virtue he presented them all with horses. After this he went privately to Tsze-ch'an, and presented him with a piece of jade and two horses, saying, 'You ordered me to give up that ring of jade;—it was giving me a piece of jade and saving my life. I dare not but make my acknowledgments with these things in my hand.'—L. C., V, pp. 663, 664.

There is an incident of Tsze-ch'an's life mentioned in 呂氏春秋 for which it is difficult to ascertain the time when it happened. As it is connected with one of the odes which were sung at the symposium just mentioned, we best give it a place here.

The people of Tsin intended to attack Chăng, and were sending Shuh-hsiang to see whether there were (real) men in Chăng to be found. Tsze-ch'an quoted a rhyme saying,

'If you, Sir, think kindly of me,
I will hold up my lower garments, and cross the Wei;
If you do not think of me,
Is there no other gentleman (to do so?)
L. C., IV, B. VII, ode XIII, 2.*

On this Shuh-hsiang returned and reported, 'There is one man in Chăng; this is Tsze-ch'an; I am afraid we cannot attack it.' Confucius remarked, the ode says:—

'Nothing is stronger than manliness' 無競惟人. As soon as Tsze-ch'an was named, Chăng avoided all trouble.'

3. Tsze-ch'an punishes a priest and an officer for cutting down the trees on a hill.

In the same year there was a great drought

* At Han Süăn-tsze's parting feast this ode was sung by Tsze-tăi shuh.

in Chăng. A priest and an officer were sent to sacrifice on mount Sang, when they cut down the trees; but there came no rain. Tsze-ch'an said, 'a sacrifice on a hill is intended for the nourishment of its forests. But these have cut down the trees;—their crime could not be greater.' He then took from them their offices and lands. (L. C., V, p. 665.) Whilst one wonders what kind of priests there were at the time of Tsze-ch'an, one feels inclined to think that there would be more trees in China if there had been more Tsze-ch'ans.

4. The death of the marquis of Tsin. In the 4th year of earl Ting of Chăng (525), the marquis or duke Ch'ao of Tsin died. His six ministers being powerful and the ducal House weak, Tsze-ch'an said to Han Süăn-tsze, 'He who practises government must do it by virtue and not forget that this is the means by which it is established.'—Sze ki, chap. 42; L. C., V. p. 665, pp. 6, 7.

5. The fire in Chăng. Tsze-ch'an does not believe that comets forebode calamities.

In the following year (524) a comet appeared in the constellation Ta-shin 大辰 or Ta-hwo 大火 (part of Libra and Scorpio). A certain Shun-sü said, that this comet had reference to the four States Sung, Wéi, Ch'in, and Chăng, and that these were going to incur the calamity of fire. He went so far as to name the day on which the conflagrations would commence. An officer advised Tsze-ch'an to have sacrifices made in order to avert the evil, but Tsze-ch'an did not agree to the proposal. (L. C., V., p. 668.) Next year (523) a fire indeed broke out in the capital of Chăng. Tsze-ch'an was again advised by several of his officers to offer a goblet and a libation cup of jade. But he said, 'The way of heaven is distant, while the way of man is near. We cannot reach to the former; what means have we of knowing it? How should Tsao (the astrologer) know the way of Heaven? He is a great talker, and we need not wonder if his words sometimes come true.' Accordingly he would not agree to the proposal, and there was no repetition of the fire. Before the calamity occurred, however, Tsze-ch'an took every precaution. The visitors and all people who did not belong to Chăng were either dismissed or put under guard. Every officer had to be on his post. Deprecatory sacrifices were offered to Hüen-ming 玄冥, the spirit of water, and Hwei-luh 回祿, the spirit of fire, and prayers were offered on the walls all round about.

After the fire a list was made of the houses that had been burned; their taxes were remitted; and materials were supplied to the owners. For three days there was a general weeping, and markets were not opened. Messengers were sent to announce the calamity to the other States. Tsze-ch'an further celebrated a great sacrifice at the altar of the land, and ordered exorcisms and deprecatory sacrifices throughout the State, in order to remove entirely the plague of fire;—all which was in accordance with propriety. He then inspected the weapons, and was going to hold a review. For this it was necessary to pull down part of Tsze-t'ai-shuh's temple and house. When Tsze-ch'an gave out weapons and sent men on the parapets, Tsze-t'ai-shuh said to him, 'Is not Tsin likely to call us to account for this?' 'I have heard,' was the reply, 'that when a small State forgets to keep guard, it is in a perilous position; how much more must it be so on an occasion of calamity! It is being prepared which keeps a State from being made little of.' By and bye, the officer of Tsin on the borders came to complain to Chăng, saying, 'When Chăng suffered a calamity, the ruler of Tsin and the great officers did not dare to dwell at ease. They consulted the tortoise-shell and the reeds, and ran to sacrifice to the hills and streams, grudging neither victims nor gems. The calamity of Chăng was a grief to our ruler. And now, your minister, with looks of determination, is giving out weapons and sending men up on the parapets. On whom is he going to lay the blame? We are afraid and dare not but lay our thoughts before

you.' Tsze-ch'an replied, 'According to what you say the calamity of our State was a grief to your ruler. There were defects about our government, and Heaven sent down the calamity. We are further afraid, lest some evil and slanderous people should take the opportunity to form a plot and excite the covetousness of people against us, which would be still more disadvantageous to our State, and increase the grief of our ruler. If we are fortunate enough to escape ruin, we shall be able to explain our conduct. If we are not so fortunate, however much your ruler may be grieved for our fate, explanation will be too late. Chăng has other neighbours on its borders. Its hope is in Tsin, and to it is its recourse. We serve Tsin;—how should we dare to admit a spirit of disaffection to it?' (L. C., V., pp. 671, 672.) This action and this speech show that Tsze-ch'an had not lost the frankness and dauntlessness for which he was remarkable as a boy. The Sze ki says, concerning this fire, that in the sixth year (of Ting) there was a fire in Chăng, that the duke intended to make deprecatory sacrifices, but that Tsze-ch'an said, 'It is much better to cultivate virtue.' Chap. 42.

6. Tsze-ch'an does not allow Tsin to interfere with Chăng with regard to the appointment of officers. Next year (522) Sze Yen, a great officer of Chăng, died. The elder members of his family made his uncle his successor, whilst according to the rule his son should have taken his place. Tsze-ch'an neither approved of this proceeding nor did he hinder it. For the family had connections in Tsin, the wife of the deceased officer being the daughter of a dignitary of that State. When afterwards an officer of Tsin came to inquire about the cause of the appointment of the new officer Sze-kih, Tsze-ch'an told him plainly that it was out of order, but that the ruler of Chăng had not interfered, thinking that Heaven perhaps was causing the family to fall into disorder. Tsze-ch'an obviously disapproved of the *laissez aller* policy of his ruler in this case, but in the meantime he told the messenger, that Tsin had no right to interfere with the appointment of officers in Chăng. (L. C., V., p. 67.)

7. Great floods in Chăng. Tsze-ch'an refuses to sacrifice to some fighting dragons.

In the same year there were great floods in Chăng; and some dragons fought in the pool of Wei, outside the She gate. The people asked leave to sacrifice to them; but Tsze-ch'an refused it, saying, 'If we are fighting, the dragons do not look at us; when dragons are fighting, why should we look at them? We may offer a deprecatory sacrifice (against the floods), but that is their abode. If we do not seek anything of the dragons, they will not seek anything from us.' (L. C., V., p. 675.)

8. Tsze-ch'an and Chien, the heir of Ch'u. The Sze ki records, chap. 42, as follows, 'In the 8th year of Ting (521) the heir of Ch'u 楚, Chien 建, fled to Chăng.' And again, 'In the 10th year (519) the crown-prince Chien conspired with Tsin to invade Chăng, where he was (in danger of being) killed and fled to Wu.' In chap. 66 of the same work we read, 'The crown-prince Chien 建 fled from Sung to Chăng on account of a rebellion. The people of Chăng received him in a friendly spirit. Afterwards he went to Tsin, where the duke of Tsin tried to instigate him to make himself ruler of Chăng; but duke Ting (of Chăng) and Tsze-ch'an killed him.'

This story is extremely doubtful; the more so as the Sze Ki seems to be incorrect with regard to the time at this place. If the crown-prince Chien fled to Wu in 515, he could not be killed by Tsze-ch'an, who died according to the Tso-chuan in 521. It will however be seen hereafter that the Sze ki makes Tsze-ch'an also die 23 years later than the Tso-chuan. In the latter work only the flight of the crown-prince Chien to Sung is mentioned. (L. C., V, p. 680.)

9. Tsze-ch'an's death. His dying counsels to his successor Tsze-t'ai-shuh.

In 521 Tsze-ch'an was ill, and said to Tsze-t'ai-shuh, 'When I die, the government is

sure to come into your hands. It is only the perfectly virtuous who can keep the people in submission by clemency. For the next class of rulers the best thing is severity. When fire is blazing, the people look to it with awe, and few of them die from it. Water again is weak, and the people despise and make sport with it, so that many die from it. It is difficult therefore to carry on a mild government.'

After being ill several months, Tsze-ch'an died, and Tsze-t'ai-shuh received the administration of government. He tried first to be mild, but he soon felt obliged to follow the advice of Tsze-ch'an. (L. C., V, p. 684.)

Han Fei Tsze remarks, chap. 9, as follows, 'When in the government too much love is shown, the law will not be established; when too little severity is exhibited, the lower classes will encroach upon the higher. If therefore the penal law is not in every case strictly carried out, the prohibitions and commandments will not be obeyed. This may be seen from Tung-tsze's 董子 proceeding in Shih-yih 石邑 and from the instructions Tsze-ch'an gave to Yu Kih (Tsze-t'ai-shuh).'

Both the Sze ki and Tso-chuan record that, when Tsze-ch'an died and Confucius heard of it, he shed tears and said, 'He afforded a specimen of the love transmitted from the ancients.' In Sze ki, chap. 119, we read further that at Tsze-ch'an's death 'the people unanimously bewailed him as if they had lost a near relative; strong men cried and old and young wept, saying, 'Tsze-ch'an has left us; we are done for; whereunto shall the people now turn to find rest?' According to the 皇覽 Tsze-ch'an's tomb is in Honan outside the city of 新鄭.

I have already alluded to the fact, that Sze-ma Ts'ien in his Sze ki seems to have made a serious blunder with regard to the time of Tsze-ch'an's death. Instead of giving earl Ting of Chăng his 16 years of reign, 529-513, he makes him die in his 13th year, 516. Then follows Hsien 獻. 516-503 (according to Sze ki), Hsien's successor is Shing 聲 in whose fifth year (498) it is recorded that the minister of Chăng, Tsze-ch'an, died.

CRITIQUE OF TSZE-CH'AN.

We have already seen, that Tsze-ch'an during his official life, had to go through good report and though evil report. It has been mentioned that a Taoist writer calls him a wizard and says that Lao-tze would have considered him as a robber of the State, whilst another makes a fool of him. This is however not all that has been said against him. Hwei-nan Tsze 淮南子 chap. 10, says, 'Tsze-ch'an was a dyer; graceful, but not dignified,' and the commentator explains it by saying, that he made more of mercy than of judgment; that he was mild and generous, but did not put on his official robe.

Han-fei's critique is of the same tenor, when he says, chap. 11:—'The Ode says,

'Doing nothing himself personally
The people have no confidence in him.'

The Chuan speaks of this Ode without attaching a fictitious meaning to it. Tsze-ch'an's behaviour under duke Chien 簡 of Chăng was reprimanded by Siang of Sung, because Tsze-ch'an was plain and honest in his government both with regard to agriculture and military enterprise. But Siang did neither discriminate clearly, nor did he reprimand in a right way. 'To come down to the people personally,' implies to sleep with them and to put on the mean clothes of common men. Confucius did not know it, therefore he said, 'The superior man is like a dish.' The prince of Tseu 鄒 did not know it, therefore he disgraced himself. The method of the enlightened ruler is to make it like Shuh-hsiang, who enacted taxes and went a-hunting; and like prince Ch'ao, who left the cares of government to others.'

The meaning of this effusion is evidently

that Tsze-ch'an was too condescending and not dignified enough.

Nor has Tsze-ch'an been criticized by the Radicals or Taoist party of politicians only. One Confucian faction (for there are several political parties of Confucianists) has succeeded in finding at least one flaw in his character, making even Confucius, who was in this respect not a bit different from Tsze-ch'an, the mouth-piece of their criticism.

In Kia Yü 家語, B. IV. 4 (正論篇) we read, 'Tsze-yu asked Confucius, May I hear the utmost the Master has to say about Tsze-ch'an's kindness?' Confucius replied, 'kindness consists in loving the people, and in nothing else.' Tsze-yu said, 'To love the people means to teach them virtue, how can it be to show only kindness?' Confucius answered, 'As to Tsze-ch'an, he behaved as if he had been the mother of the people; he was able to feed them, but could not teach them.' Tsze-yu rejoined, 'Can one say so?' Confucius said, 'When Tsze-ch'an in winter-time conveyed the people across the river in his own carriage, he showed that he loved the people, but he did not teach them (to make bridges).' Mencius, in referring to the same legend, says, 'It was kind, but showed that Tsze-ch'an did not understand the practice of government.' Mencius, B. IV. II. chap. II. 1-3.

Hsün Tsze 荀子 says almost the same; chap. V. 制篇, 'Prince Ch'ang and duke Sze, both of Wei, 衛, were great in collecting taxes; they were calculating princes and did not obtain the favour of their people. Tsze-ch'an won the heart of the people, but he was deficient in the practice of government.'

The 禮記 says, 'Tsze-ch'an acted as if he had been the mother of the people; he could feed them but was not able to teach them.' See 仲尼燕居. A commentator adds, 'The father can teach, educate, correct but not love; the mother loves but cannot educate.'

The story on which this criticism is based is altogether doubtful. Tso-shi does not mention it, nor is it to be found in the Sze ki. The 說苑政理篇 says, that not Tsze-ch'an, but King Ch'ai 景差, an officer of Chăng, conveyed the people across the river in his carriage. But the 困學紀聞 asserts, that it happened in the time when Shuh-hsiang was minister of Tsin, at which time there was no officer of the name of King Ch'ai in Chăng, and that therefore Mencius must be right in saying that it was Tsze-ch'an.

It seems to me that some of Confucius' disciples were afraid lest Tsze-ch'an's virtue and renown might take away something from the fame of their Master. There is a strange passage in the Sze ki (chap 47) which shows that Confucius is the incorporation of the greatness of all great Chinese. To the latter at least Tsze-ch'an belongs. Confucius stood alone at the outer East-gate of Chăng, when some one said to Tze-kung, 'There is a man standing at the East-gate, whose forehead is like Yao's; whose neck is like Kau-yau's; whose shoulders are like Tsze-ch'an's, whilst from his hip downward he seems to be three inches shorter than Yü. He looks as miserable as a dog that has lost his master' (sic!) Comp. Kia-yü 1, 22. Among the names of those whom Confucius respected and honoured most, is that of Tsze-ch'an. Sze ki, chap. 67. As often as Confucius came through Chăng, he conversed with Tsze-ch'an as with a brother. Sze ki, 42.

We are no worshippers of Confucius. If we consider the age and position of Tsze-ch'an, it seems to us very likely that Confucius learned more from Tsze-ch'an than the latter from him. This much seems to be certain that Tsze-ch'an knew the 'ancients' as well as Confucius, and that, what he was, he had attained to independently of Confucius. It has been seen that Tsze-ch'an was well versed in the history of his country, that he always acted in accordance with 'propriety,' and that he was a thinker as well. He was no teacher, but if he had been such,

it is very likely that his doctrines would have been broader and not so dry as those of Confucius. Considered as a man, his character was nobler and more dauntless than that of Ch'ung-ni. He never made an official lie. Regarded as an active statesman he was far superior to the sage. The latter was in office only four years and did not attain to the position of chief-minister in Lu, whilst Tsze-ch'an was 23 years (not 26, as the Sze ki has it) minister in Chăng, and held out under the most difficult circumstances, toiling and labouring practically for the welfare of his country, whilst Confucius was dreaming of an ideal government which never could be realised. He might well have said to his young friend,

'Grau Freund ist deine Theorie,
Grün ist des Lebens goldner Baum.'

There have been great men in China besides Confucius, and Tsze-ch'an is one of them. 'He was a virtuous man who loved his people and served his ruler faithfully.' Sze ki, chap. 42.

E. R. Eichler.

STORY OF THE THREE UNSELFISH LITERATI.

[The following is a literal translation of the first story contained in the Chin Ku Chi Kuan (今古奇觀) or Curious Stories of the Present and the Past. This book is a collection of tales which by their brevity and simplicity contrast favourably with the prolixity and inordinate length for which Chinese novels in general are so remarkable].

The downfall of the branches of a Judas tree restored the fortunes of a family.
In the Hua wo pavilion brothers slept on the same couch.
In times past, elder brothers lived with younger.
For thousands of years unbrotherly persons feel shame when they recite the poem about the beanstalks.

The object of the above lines is to commend brotherly love, and therein are contained three trite allusions, which I will now explain one by one. To begin with the first, the downfall of the branches of a Judas tree restored the fortunes of a family.

Once upon a time there were three brothers named Tien, who had lived and messed together from their childhood. The eldest married a wife who was known as Mrs. Tien Ta; the second also married, and his wife went by the name of Mrs. Tien Erh. The two sisters-in-law were on affectionate terms and never had a word of difference. Now the third brother was but a child, and lived with his brothers and sisters-in-law, but when he grew to manhood, he also married, and his wife was known as Mrs. Tien San. Now this lady was not a paragon of virtue; and besides, she gave herself airs by reason of being possessed of a considerable dowry. When she saw her husband's relations cooking and eating in common, and keeping no check of each one's private expenditure, she objected to this system, being fond of better fare. So she gave her husband no peace day or night, saying, 'Your common exchequer and property are all managed by your brothers; the receipts and disbursements are all unknown to you; they know what they are about, you are kept in the dark. If they use one article, and charge for ten, or use ten and charge for a hundred, how much wiser are you? Though for the present you may live together, still in the long run you must separate. Supposing