China’s History in Chinese Dress

The struggle between Confucianism and Legalism: Recent developments in Chinese historiography

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Introduction

The foundation of the People’s Republic of China confronted the Chinese with a twofold problem in the field of the heritage of their long history: The old social and political institutions, the deep-rooted traditional norms and behavioural patterns—already deeply affected by the crises of the 19th and 20th centuries—had to be transformed according to the newly established order and its ideological framework; according to the same reasons, history itself had to be reinterpreted and rewritten.

The Chinese have always felt a strong relationship between the past and the present. They never considered history as mere tradition or even dead past. It was present as subject of intellectual pursuit, as mirror and standard for the contemporary situation. The objectives of historical studies were strongly orientated towards the norms of the present. Therefore great changes in the political and social sphere necessarily led to a new history. (Of course we must bear in mind the twofold meaning of the word history: what happened in the past and the science about what happened in the past.) So not only did history influence the present but also conversely history was influenced by the present. "Nothing is more unfinished than what has taken place." 1 It was just this vivid awareness of history that called for a new interpretation of history after the collapse of the social and political basis of traditional historiography. This reinterpretation began at the end of the 19th century and was decisively advanced after the May 4th Movement 1919 by the ”Doubters of Antiquity” (yigupai) including Gu Jiegang and Hu Shi and by the rise of marxist historiography. 2 This work was continued by the historians after 1949.

A great number of books and articles about the different aspects of the social, economic, and cultural history of China were published. 3 The most important and most discussed problems were: the periodization of Chinese history, especially the transition

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from slave holder system to feudal system; the peasant revolts and their role in history; the problem of the sprouts of capitalism; the reevaluation of important historical personalities such as Confucius, Cao Cao or Qin Shihuang. Important sources and collections were compiled and published.

The objectives and content of historical science were defined by the political framework. The most important task from the beginning was to support and legitimize current policies. This can be seen in the above mentioned fields of research: the debate on periodization was related to the theory of evolutionary stages in human society (i.e. every society develops from primitive communism via the stages of slave owner system, feudalism and capitalism to socialism and finally to communism), which was deduced by Marx from European history and which was later, especially under Stalin, assumed to hold for all societies. Accordingly, the historical justification and necessity of socialism in China was beyond question. The origins of capitalism indicate - and that actually is the core of this subject matter - that China would have passed from a feudal to a capitalist system without outside intervention. This unilinear evolutionary model is until now the basis of historical studies in China. Zhou Yiliang explained the use of this evolutionary model quite clearly: "If the proletariat investigates history in this way their confidence in the victory of revolution will be strengthened. Capitalism will inevitably be followed by socialism and in the long run the future of mankind will eventually be communism." (Lecture) In a state which claimed to pursue the interests of the people the role of the people in history of course had also a direct relation to the present.

The scope of historical studies was defined by the marxist theory of history. Only a few historians temporarily questioned the justification of central marxist categories in Chinese history. But the recognition of Marxism did not mean a stringent application of the marxist categories in historiography. Many historians were not readily prepared nor able to give up methods and principles of scientific research which they had learned before 1949, partly outside China. Still in 1958 Guo Moruo wrote that it had been a fallacy to assume a quick change of thinking among historians and that the understanding of Marxism-Leninism had not become sufficiently profound and unanimous since he had formulated the goals and tasks of history after the foundation of the Peoples' Republic. Above all there remained a wide spectrum of interpretation of historical events and developments within the formulae of Marxism. The science of history was thus characterized by relatively unimpeded and open discussion within a framework of the marxist view of history.

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4 The most important articles are collected in Zhongguo nulizi yu fengjianzhi fenqi wenti lunwen xuanji, Peking 1956 and: Zhongguo gushi fenqi wenti luncong, Shanghai 1957.
9 A. FEUWERWERKER: History in Communist China, p. 36.
The recent historical studies in China took up the topics of the fifties and early sixties. But they were subordinate to one central topic, the "struggle between Confucianism and Legalism" (Ru Fa douzheng). The transition from slave holder society to feudalism, the evaluation of historical personalities, even the role of the peasant revolts and the problem of the sprouts of capitalism were discussed in relation to this central topic.

Before some details of the Confucianism-Legalism debate are described, a few general remarks about historical studies in contemporary China should be made. The discussion of this topic undoubtedly reflects the fundamental personal and political conflicts within the Chinese leadership. But it is doubtful if every argument which is proposed is to be understood as a hidden allusion to current issues and that therefore this history debate is not more than an "esoteric communication" about current policies. The author could see at Peking University that many intellectuals in China are always willing and even eager to use whatever occasion for an surprisingly objective discussion of historical issues. Despite the fact that a campaign like the one to study the "struggle between Confucianism and Legalism" was initiated by the party leadership to serve immediate political aims, quite independently an eminently objective interest is widespread. One author refers to this by writing that debates on history are "far more that the rationalization of political positions", and continues that the study of original texts of Confucianism, Legalism and Taoism could quite possibly lead to the study of ideas which are detrimental to the direction intended by the party leadership. This is absolutely correct. But of equal importance is the above mentioned impartial, indeed unpolitical, interest, that is the concern not only to contradict or support a certain line in a given political situation. It has to be added that the books and articles published during this debate by no means reflect this objective interest. Indeed, they are a product of a selection which naturally is political. It is impossible to equate the book market with the quality and extent of historical research in China.

Transition from the slave system to feudalism

There were essentially three different interpretations of this subject matter in the fifties. The first, represented mainly by Fan Wenlan, holds that at the time of the Shang dynasty (ca. 17th – 11th century B. C.) a slave owner society existed, while the Chou were already moving towards a feudal system. Only this system, superior to the slave owner system, enabled them to defeat the Shang. The second interpretation with its most prominent representative Guo Moruo (since ca. 1950) holds that this transition took place during the Chunqiu period (770-475 B. C.) and that feudalism came into being at the time of the Warring States (475–221 B. C.) A third interpretation, represented among others by Shang Yue, considered slave work as the basis of production even during the Han period (206 B. C. – 220 A. D.) and set the beginning of feudalism at the end of the Han.


11 M. Goldman (citing F. Wakeman), op. cit, pp. 461/62.

Today there is only one answer to this question. It is almost identical with Guo Moruo’s interpretation and the same arguments are put forward. In the system of property during the slave period, the Well-Field-System was donated to ministers and nobles by the kings; this donation included slaves to work on the land. It was called public land (gong tian). The development of productive forces, specifically the use of iron tools, enabled the nobles to render more land arable by exploiting the surplus work of the slaves. The newly cultivated land was their private land (si tian) and was not taxed. During the Chunqiu period the area of private land and consequently the economic power of its proprietors became greater than that of the kings who were forced to give up the Well-Field-System in favour of private ownership of land to secure their income by taxation. The ”first taxation of the fields” (chu shui mou) which was introduced in 594 B.C. in the state Lu according to the Spring and Autumn Annals is given as a proof of this development.13

The different views which existed before the Cultural Revolution can mostly be explained by different interpretations of the sources which are not always quite unequivocal. Since no essentially new sources have been added, the decision to declare Guo Moruo’s interpretation to be the official and only one has to be attributed to the efforts — also apparent in other fields of research — to achieve homogeneity. Thus the underlying development was a political not a scientific one. It can be assumed that the decision to place the transition from the slave system to feudalism in the Chunqiu/Zhanguo period was taken with the idea in mind that a different periodization would not allow for a less unequivocal interpretation of the role of Confucius.

Confucius

The contemporary evaluation of Confucius differs considerably from that of pre-Cultural-Revolution days. Although many of the earlier historians also related Confucius to the transition from slave system to feudalism, quite a few yet saw him on the side of the rising class of landlords, therefore at the side of the progressive forces. Others, for whom he represented the slave owners nevertheless conceded him reformatory aims. Accordingly, his philosophical ideas and his philosophy of state gained — at least for his lifetime — to some extent a certain reputation, although they did not remain uncriticized. The efforts to elevate Confucius to a national historical monument left radical critics like Yang Rongguo, Zhao Jibin and Cai Shangsi in the background.14 Still at the beginning of 1973, a relatively positive evaluation of Confucius can be found in a reprint of philosophical texts which had been compiled by the Philosophy Section of the Academy of Sciences and the Department of Philosophy at Peking University, namely that his thought represented the rising social forces of his time and that some of his demands even coincided with the interests of the people.15

15 Zhongguo zhexue shi ziliao jianbian, Peking 1973 3, p. 39. A positive evaluation of Confucius was encouraged by several leading representatives of the CCP; cf. R. FELBER: "Kontinuität und Wandel im Verhältnis des Maoismus zum Konfuzianismus", Zeitschrift für Geschichswis-
These divergencies no longer exist; today Confucius is unanimously attacked as the representative of the decaying reactionary slave owner class and as the spiritual and political mentor of all reactionary forces in Chinese history. These attacks mostly take a very polemical form, they are often conceived as mere caricatures and are, presumably deliberately, reminiscent of Lu Xun's satirical essay “Confucius in China today”: Confucius, son of an aristocratic family, "an outwardly stubborn and ferocious but inwardly extremely weak and empty man, ... sinister, cunning and rotten to the core," managed with a lot of difficulties to become an official in the Lu state; but already after three months he had to leave his post. Then he travelled through several states and peddled his services. But nobody wanted him or his services because the progressive forces had already seen through him. Although mocked at and criticized everywhere, he refused to recognize that his position was hopeless. Since he had failed in politics he started to write books. He also taught many followers his doctrines. His teaching and his deeds only aimed at the restoration of the slave owner system.

Two episodes in particular are discussed frequently: the alleged execution of the scholar and reformer Shaozheng Mao by Confucius during his short service as an official and his alleged meeting with Zhi from Liuxia. One of the very few profound works which have been published during the debate deals with the first episode. Zhao Jibin investigates the different accounts of this event, first mentioned in the Xunzi. He starts with citing commentators and authors who consider the account given in the Xunzi as historically correct. Some of them approved of Shaozheng Mao’s execution or even saw it as a necessity because he was a rebel (a.o. Kong Yingda, Sima Qian, Ban Gu and Su Dongpo), while some modern authors like Yi Baisha and Wu Yu during the May 4th Movement and Yang Rongguo after 1949 held the exection to be a crime. A second group of authors considered the account in the Xunzi to be a fake, first Zhu Xi, later followed by Sun Zhizu, Jiang Yong, and eventually Liang Qichao, Qian Mu and Feng Youlan. Finally Zhao Jibin analyses the five crimes which Shaozheng Mao is charged with by Confucius in the Xunzi and concludes that Shaozheng Mao was a forerunner of the Legalists and had been executed because of his political aims. This event is said to have initiated the struggle between Confucianism and Legalism.

The second episode goes back to the anecdote about "Robber Zhi" in the Zhuangzi. It says that Confucius had been fiercely attacked by this man in a dispute. Different sources, popular traditions, theatre plays and stories are quoted to prove that "Robber Zhi" form Liuxia (today Puyang xian/Honan) actually existed and that he was the leader of a slave revolt. The carefully gathered material is interesting in itself because of the different forms of traditional records about such a popular figure, whether or not one agrees with the conclusions drawn.
Criticizing Confucius is of course closely related to the efforts to solve the problems arising about Lin Biao. As the heir of a long tradition Lin Biao’s name is quite arbitrarily put on a list of very heterogenous personalities of modern Chinese history like Kang Youwei, Zhang Binglin, Yuan Shikai, Chiang Kaishek, Wang Jingwei, Hu Shi, Feng Youlan, Chen Duxiu, Wang Ming, Liu Shaoqi, Chen Boda a.o. They all have in some way or another, expressed themselves in favour of Confucianism or particular aspects of Confucianism. It is pointed out that all followers of reactionary political programmes up to now supported Confucianism. Of course, a lot of evidence can be gathered as proof, e.g. the efforts of Yuan Shikai, Chiang Kaishek and the Japanese to reinstate Confucianism as the ethical basis of their respective rule. But it appears to be doubtful whether this statement can simply be reversed so that every positive utterance about Confucius reveals a reactionary point of view. There are considerable doubts in the case of several of the mentioned personalities, e.g. in the case of Chen Boda and Liu Shaoqi who during the anti-Japanese war tried to nationalize Marxism by stating that the idea of socialism and communism did not come to China from outside, but had an origin in the Confucian idea of ”great unity” (datong), and who in order to define the correct behaviour of a communist cadre made use of the Confucian idea of ”selfcultivation” (xiushen yangxing). Guo Moruo who is not criticized today but who always wrote very differentiatingly on Confucianism and did not reject it should also be mentioned here.

Criticism of Confucianism: May 4th Movement and today

The current criticism quite clearly resumes the traditions of the May 4th Movement of 1919. The slogan at that time ”Down with Confucius’ shop” (dadao Kongjiadian) is explicitly taken up again, though it is not mentioned that this slogan was originally formulated by none other than Hu Shi. Lu Xun’s criticism of Confucianism is emphasized while Chen Duxiu, Hu Shi and especially Wu Yu are mentioned only with strong reservations. There is also a similarity between the general political directions of the criticism of the May 4th Movement and today. Confucianism represents the conservative, backward looking forces and prevents progress. The criticism as such remains global, Confucius and Confucianism are more or less equated although Neo-Confucianism, orthodox since the Ming period, was by no means identical with the original doctrine of Confucius. Both movements show a similar casual treatment of sources, especially of those which deal with the life and thought of Confucius.

According to the different historical situations there are of course significant differences. The juxtaposition of Confucianism with other schools of thought which then were evaluated positively, i.e. as Chinese alternatives to the Confucian tradition, can already be observed in the May 4th Movement. But this differentiating attitude towards classical Chinese philosophy at that time remained the exception while it is now the cru-

21 There are several collections of critical remarks and writings by Lu Xun: the best is Lu Xun pi Kong fan ru wenji, Peking 1974; Lu Xun fan Kong zuopin xuanjiang, Peking 1974; Lu Xun pi Kong wenxian jiangjie, (Shensi renmin chubanshe) n. p. (Xian?) 1975; the Peking-library has edited a very complete collection, for which Zhou Jianren, Lu Xun’s brother, wrote a preface: Lu Xun fandui zun Kong fu gu yulan xuanji, Peking 1974.

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cial and universal aspect of historical discussion. Moreover the intellectuals of the May 4th Movement, deeply influenced by ideas of individual freedom and democracy, looked for alternatives in Mohism and Taoism (e.g. Gu Jiegang, Yi Baisha and Wu Yu) rather than in Legalism whose emphasis on law and a strong centralized state was in contrast to their ideas as much as Confucianism. Even Wu Yu who in his essay "Taoists and Legalists in opposition to the old morale" (Daojia jian fan du jiu dao de shuo) in contrast to the ideological inflexibility of the Confucianists rather positively stated the philosophical foundations of the reformatory attitude of the Legalists, as expressed by Shang Yang and Han Feizi, thought that Legalism owing to its dictatorial practice came very close to Confucianism: "The dictatorial circumstances in our country were created by Qin Shihuang with the help of Li Si, they were explained by Xun Qing (i.e. Xunzi) and taught by Confucius."23

Confucianism at the time of the May 4th Movement was a vital and powerful ideological pillar of a social and political order which obviously was unable to solve the urgent problems of the time; and as such Confucianism was attacked directly. Influential groups and personalities, e.g. Kang Youwei, wanted to declare Confucianism as the state religion. Those attempts were also the target of criticism. Today Confucianism no longer plays this role and certainly there are no attempts to reinstate it. Of course there are still some influences of the long Confucian tradition here and there. So it is surely not without reason that new, critically annotated editions of the Three-Character-Classic (San zi jing), a work which played an important role in traditional Confucian education, have been published; it is said in the epilogue of one edition that it is meant for use in primary and middle schools.24 At the same time appeared a commented, critically annotated selection of a formerly widely circulated Confucian educational tract from the 17th century, the Selection of the best stories to study in childhood (You xue gushi qionglin), one of those numerous tracts which since the Ming period were used to popularize Confucian ethics.25 But despite this Confucianism as a major force in history is inexistent today, and attacking traditional Confucian norms and patterns in the present context surely is of secondary importance.

The May 4th Movement had to assume an iconoclast attitude to Confucianism, but in the present situation the historicizing, aestheticizing attitude of the fifties and sixties seems to be much more adequate. Why do the Chinese take up the iconoclast attitude today again? This can be made clear in terms of another comparison with the May 4th Movement. 1919 Confucianism has been attacked in the name of liberty, democracy and scientific thought, ideas which came from the West and were regarded as useful for the solution of China's problems. Confucianism today is not attacked in the name of such ideas regarded as relevant for the present; it is attacked in the name of Legalism.

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23 Wu Yu: "Du Xunzi shu hou", 3b, in Wu Yu wen xulu, Chengdu 1937, j. xia. For Wu Yu cf. W. Franke: "Der Kampf der chinesischen Revolution gegen den Konfuzianismus", in NOAG, Nr. 74 (1953), 3–9. The rejection of both schools of thought, Confucianism as well as Legalism, seems to be widespread still today; this opinion is attacked in Hong qi 1974, no. 8, under the title "Does struggle between Confucianism and Legalism mean 'One dog bites another dog'?” (Ru Fa douzheng shi 'gou yao gou' ma?); cf. Lun Ru Fa douzheng, Shanghai 1975, 461–65.


The conclusion which has to be drawn from the fact that the Chinese bring forward an historical alternative to Confucianism and that it is this historical alternative with which they are mainly concerned about, is that the campaign is essentially not an anti-Confucian one. Of course there is a strong anti-Confucian tendency but the reason why this campaign was started, is evidently not anti-Confucianism; this has faded away together with Confucianism. The reason is the necessity to find an historical analogy for present confrontations.

Confucians and Legalists: criteria of classification

Criticism of Confucius and Lin Biao does not remain on the level of analogy formation, but their role is seen in a basic interrelation functioning throughout history up to the present day. Thus, on occasion of the Lin Biao conflict, the central problem of contemporary China, the struggle of two lines, is for the first time historically substantiated. What constitutes a Legalist, what a Confucianist? What is the meaning of "struggle between Confucianism and Legalism"? A definition is provided by the following: "Since more than 2000 years the struggle between Confucianism and Legalism is existent in the history of our country, its influence continues up to the present day. During the different historical periods the struggle between Confucianism and Legalism had a different class basis and a different political content, but in general it was a struggle between two lines, reform and conservatism, progress and reaction." Thus, the concepts of Confucianism and Legalism go far beyond their original meaning within the respective school of thought. These are the most general denominators that could be found to evaluate historical tendencies. However, it can be observed that not every person who played a progressive role in history according to the present point of view is called a Legalist; but in any case the struggle between Confucianism and Legalism is the framework for an evaluation. E.g. the Donglin Faction (donglin dang) of the bureaucracy at the end of the 16th century (Li Sancai, Gu Xiancheng, Gao Panlong a.o.) turned against the eunuchs and the most powerful part of the officials. With this attitude they are considered to take up some Legalist tradition, but they are not called Legalists. Moreover the term Legalist is confined to such personalities who played a role in the fields of political thought and action. Those who contributed to progress in other fields – natural scientists like the pharmacologist and physician Li Shizhen (1518–93) or the traveller and geographer Xu Xiake (1586–1641) or military theoreticians like the general Qi Jiguang (1528–87) – are not explicitly called Legalists. Yet their very close relation to Legalist policies is emphasized, especially – as will be shown later – the relations between the development of natural science and Legalism. The progressive role of the Legalists is said to be actually constituted by their strife for the territorial unity of the Chinese empire and centralization of political power; it is very much stressed that they approved of the "enrichment of the state and strengthening of the military" (fu guo qiang bing) and defence against alien peoples; they promoted the economy and the sciences; they opposed the privileges of the aristocracy and gentry and were concerned about an improvement of the living conditions of the people. A Legalist not only pursued just one of these ends but mostly all of them, or at least a great part; of course priorities differed according to circumstances. Confucianists on the other hand, pre-


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occupied with metaphysical principles, were unable to support these political concepts, partly they even held opposing views.

Given such a broad definition of what constitutes a Legalist, it is hardly surprising that even personalities who were considered Confucianists before belong to occupied with metaphysical partly they even held opposing views. The philosopher Xunzi (313–228 B.C.) was still considered a Confucianist by Yang Rongguo in 1973, although one who did not remain uncritical towards Confucianism. In China he was considered the philosopher who had taken up the progressive, materialist elements in Confucian thought and had developed them further, in contrast to Mengzi who stressed the idealist elements. Today he is considered a Legalist, one who betrayed Confucianism”, as it is added approvingly. The traditional classification of Xunzi as a Confucianist is explicitly said to be false, because he contradicted Confucius and Mengzi in fundamental issues, e.g. he supported the concept of a "government by law" (fa zhi) in contrast to a "government by rites" (li zhi) and is said to have provided a theoretical basis for that concept by his thesis that man is evil by nature.

In regard to other personalities it becomes apparent that being classified as a Legalist even does not mean opposition to Confucianism. In other words, a thus defined Legalist can – quite paradoxically – also approve of Confucianism and even oppose Legalism. E.g. the emperors Taizu (Ming, Hongwu, 1368–98) and Shengzu (Qing, Kangxi, 1662–1722) are considered Legalists; the first mainly because he strengthened central authority and promoted agriculture and the trades; the Kangxi emperor because he unified the empire by defeating Wu Sangui, Shang Zhixin and Geng Jingzhong and annexed Taiwan, and because he successfully resisted the Russian advance and signed the treaty of Nerchinsk (1689). On the other hand both emperors are known to have reinforced Confucianism and to have worshipped Confucius. The same can be said about Kang Youwei (1858–1927). He is said to have proposed reforms which were implying a development towards a capitalist democracy. Consequently he is considered a Legalist. He criticized Confucianism being a fake of Han and Song times, but he did not criticize Confucius. On the contrary, he based his proposals for reform on the assumption that Confucius himself was a reformer. At the same time he payed respect to Confucius and wanted to install Confucianism as a state religion; but all this is no obstacle for his evaluation as a Legalist (of course only for his time as a reformer). This contradiction is still more evident in the case of Tan Sitong (1865–98): being a staunch reformer, he is regarded a Legalist. But in his main work, the Renxue, clear anti-Legalist tendencies are to be found. What Tan Sitong was hoping for, was a reformation of Confucianism, a "Luther of Confucianism" in his own words.

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27 Yang Rongguo: Zhongguo gudai sikiang shi, Peking 1973, p. 328; Zhongguo zhexue shi ziliao juanbian, Peking 1973, vol. 1, p. 183, vol. 2, p. 373; D. J. Munro: "Chinese Communist Treatment of the Thinkers of the Hundred Schools Period", in A. Feuerwerker, op. cit., pp. 84/85. Compared with the present view, Yang Rongguo's evaluation of Xunzi fell back behind that of Wu Yu who already said: "Xunzi was a Confucianist, but his theories very often were similar to those of the Legalists." See "Xunzi zhi zhengzhi lun", 2a, in Wu Yu wen xulu, j. xia, Chengdu 1937; cf. also op. cit., 9b.

28 Liu Ru Fa douzheng, Shanghai 1975, p. 24 (series Xuezi ye pipan congshu). This collection of 47 articles, most of which have been published in the journal Xuezi ye pipan (discontinued since Oct. 1976) in 1973/74, gives the most detailed survey of the topics of the struggle between Confucianism and Legalism. Other surveys are: Liu Fajia he Ruejia douzheng, Peking 1974 and Cao Sifeng: Ru Fa douzheng shihua (series Qingnian zizue congshu), Shanghai 1975.

29 Cf. Ru Fa douzheng shi gaikuan, p. 111.

The position of Taoism

The early Taoists i.e. the author or the authors of the Dao de jing (also called Laozi) and the Zhuangzi are, as in the discussions before the Cultural Revolution, considered representatives of the lower stratum of the slave owner class, but they are put in contrast to the Confucianists representing the higher stratum of the slave owners. There is clearly an attempt to draw the early Taoists to the Legalist side as closely as possible. In 1973 two copies of the Laozi written on silk have been found in one of the Han graves at Mawangdui near Changsha/Hunan. The two parts of the book (Dao jing and De jing) were arranged in reversed order, unlike it had been known before, first the De jing, then the Dao jing. Because of this find some authors conclude that the Laozi is a military work (bingshu). As witnesses Wang Fuzhi (1619–92) and Zhang Binglin (1868–1936) are called who already referred to military thought in the Laozi.\footnote{31 One author explains that the Military Methods (Bing fa) by Sun Wu, the oldest Chinese military tract, deals primarily with tactical problems, while the Laozi concentrates on strategic problems and raises military principles on a political level; therefore it is of much more general importance.\footnote{32 During the Warring States period Taoism was devided into two directions. One direction, represented by Zhuangzi, stressed the idealistic content of Taoism, the other, represented by Song Keng and Yin Wen, emphasized the materialist elements and had a certain influence on Legalist thinkers as Xunzi, Han Feizi and Li Si.\footnote{33 This direction was the main stream of Taoism during the former Han period (Huang Lao Sixiang). The Taoism of the Han period is considered a sort of "soft Legalism", which had been made possible by the fact that the slave owners had already been considerably weakened by the "hard Legalism" of the Qin Dynasty (221–206 B.C.). The worship of Taoism by the first emperors of the Han dynasty (all seven emperors from Gaozu to Xuandi, i.e. from 206–49 B.C. are considered Legalists) is simply regarded as camouflage to their Legalist policies. Moreover, many well-known Legalists of the former Han period, e.g. Zhang Liang, Cao Can, and Xiao He were disciples of Taoism. Because of the importance of Taoism the struggle between Confucianism and Legalism in the Han period took the form of a "struggle between Confucianism and Taoism" (Ru Dao douzheng).\footnote{34 The other schools of classical Chinese philosophy, the Mohists and the Dialecticians are considered allies of the Legalists.}}


Di Qing: "Laozi shi yi bu bingshu", Lun Ru Fa douzheng, 98–109; Ma Xulun: Laozi jiaogu, Peking 1974, editor's preface, p. 1. The text of the two copies found at Mawangdui and four other important taoist texts - of course called legalist today - which have been found together with the Laozi and which were unknown before, are published in Laozi, Peking 1976 and Jing fa, Peking 1976. Two other remarkable publications, based on archaeological findings too, have to be mentioned here. 1972 several writings of pre–Han times, written on bamboo, have been found in the Han tomb near Linyi/Shantung, a. o. parts of the Military Methods by Sun Wu and parts of the homonymous writing by Sun Bin, which has been considered lost since a long time. Both writings have been published: Sunzi bingfa xinzu, Peking 1975 and Sun Bin bingfa, Peking 1975.

Shen Buhai and Shen Dao, who played an important role in the relation between Taoism and Legalism are not mentioned in this context. They are considered as Legalists and forerunners of Han Feizi; cf. Liang Lingyi: "Xian Qin Fajia sixiang de jidachengzhe - ping 'Han Feizi' " , in Ru Fa douzheng shi wenji, Shanghai 1975, pp. 80–94.

Di Qing: "Lun Xi-Han chuqi de zhengzhi yu Huang-Lao zhi xue", in Lun Ru Fa douzheng, Shanghai 1975, 163–73; Cheng Wu: "Han chu Huang-Lao sixiang he Fajia luxian", in Wenwu 1974, no. 10, 43–64. For Song Keng and Xunzi's discussion of this philosopher cf. P. Weber-
Historical function of the Legalist personalities

The great Legalist personalities take the most prominent place in the books and articles on the struggle between Confucianism and Legalism. Those mentioned most frequently are: Qin Shihuang, Cao Cao, the emperor Taizong of the Tang dynasty, the empress Wu Zetian; the reformers Shang Yang, Zhuge Liang, Wang Anshi and Zhang Juzheng and the writers and philosophers Xunzi, Han Feizi, Wang Chong, Liu Zongyuan and Li Zhi. The most eminent is Qin Shihuang, today also evaluated in another way than before the Cultural Revolution. He unified China and established the rule of the new class of landlords. He consolidated this rule by administrative measures and suppressed all restorative forces. His function in the historical process was antithetical to that of Confucius. In the way Confucius is equated with Lin Biao, the historical role of Qin Shihuang is to recall Mao Zedong. Strongly emphasized are the positive evaluations of Qin Shihuang by some Legalists, e.g. Liu Zongyuan, Wang Fuzhi, Li Zhi and Zhang Binglin, who did not follow the predominant condemnation of the first Chinese emperor in historiography as a cruel tyrant, established by Sima Qian and Ban Gu. However, those evaluations by the majority of Legalists who were not in favor of Qin Shihuang, from Jia Yi (200–168 B.C.) to Tan Sitong, but instead were very much on the line of the Confucian attitude, are passed over in silence.

The Legalists as historical personalities are always related to the historical development which existed quite independently of them. This historical development is based on the development of productive forces, on the economic development. Only when the great historical personalities are in accordance with this development, they can fulfill a historical function as Legalists. "Every epoch needs its great men, and if these are not found, they are invented." Not great personalities make history, but history makes great personalities. The Legalists were able to recognize the specific forces of their time and the direction of development. Therefore they could take the lead in this development and drive history forward. They were mere executors of a historical will which is said to have only one creator: the people.

The pursued policies of the Legalists were not just connected with historical development in general, they were directly influenced by the peasant revolts: "The peasant revolutions were a heavy attack on the class of the landlords, they accelerated the differentiation within the ruling bloc, they had a decisive influence on the development of the struggle between reformers and conservatives, between those who are in opposition to Legalism and in favor of Confucianism and those who are in opposition to Confucianism and in favor of Legalism." The Legalists could only carry out their...
policies because there had been peasant revolts which had weakened the most conservative and powerful part of the landlord class. At the end of the Qin dynasty a peasant revolt lead by Chen Sheng and Wu Guang against the increasing suppression and exploitation took place. Only the fact that this revolt had weakened the conservative part of the ruling class, represented by Zhao Gao, made it possible for Liu Bang and the following emperors to pursue Legalist policies. The revolt of the Yellow Turbans at the end of the Han period was also prerequisite to the policies pursued by politicians like Cao Cao, Zhuge Liang and Sun Quan, representing the interests of the landlord class, at the time of the Three Empires. According to Zhou Yiliang, even the effectiveness of the policies pursued by these three politicians correlated directly with the degree of influence of the Yellow Turbans in the respective regions which they controlled. Cao Cao was able to carry out the most thorough and effective Legalist reforms in the state Wei, because the Yellow Turbans had a much stronger impact here than in other areas and had weakened the aristocracy effectively. Consequently, the state Wei later was the centre of the unification policy of the Western Jin. Less effective were the reforms by Zhuge Liang and Liu Bei in the state Shu correlating, again, to the less vigorous impact of the revolt in Sichuan. Sun Quan was confronted with the strongest resistance, because the revolt of the Yellow Turbans had only spread to a small part of the state Wu, so the aristocracy was only slightly affected.38

The same interrelation of peasant revolts and Legalist policies is apparent in the transition from the Sui to the Tang dynasty. A change took place since the Song period. The two great reformers of the Song and Ming periods, Wang Anshi (1021–86) and Zhang Juzheng (1525–82) were not less determined or less capable than earlier Legalists, but there had not been any effective peasant revolt which could have weakened the reactionary landlord class. Their reforms were short lived and were annulled very quickly.39 Towards the end of the 16th century, besides the peasant revolts, a new force became effective influencing the Legalist thinking, i.e. the sprouts of capitalism. Wang Fuzhi, Huang Zongxi and Dai Zhen are – among other achievements - regarded as representatives of this economic and social development. The revolutionaries at the beginning of the 20th century who "apart from their search for truth in the West, continued the Legalist traditions in the history of our country"40, had according to this opinion, again been deeply influenced by the Taiping rebellion.

Indeed, a historical relation existed between Legalist reform programmes and peasant revolts. As a rule, both were reactions to economic and social crises, both appeared at the same time and had the same origins. The causal relationship between peasant revolts and Legalism is, however, greatly overestimated in order to emphasize the historical role of the people. A certain relationship can be seen in the fact that peasant risings signalled the approach of a crisis and consequently the inadequacy of traditional political institutions. In such situations the necessity for reforms became quite evident.

Although the progressive role of the Legalists is emphasized, it is always added that they also belonged to the landlord class. Thus the struggle between Confucianism and Legalism was a conflict within this class; the Legalists represented the middle and lower stratum, the Confucianists the big landlords and the aristocracy. The struggle for power

38 ZHOU Yiliang: "Zhuge Liang he Fajia luxian", in Lishi yanjiu 1974, 1, p. 60 and Lecture.
40 LIANG XIAO: "Nongmin zhanzheng de weida lishi zuoyong", p. 22.
between Cao Cao and Yuan Shao in the disintegrating state of the Eastern Han can serve as an example: "When Cao Cao and Yuan Shao drew up their troops, each of them tried to establish the rule of the landlords to replace the decaying political power of the Eastern Han. But the camp of the landlords was not homogeneous and stable. The rule which they wanted to establish could mean pursuing the policies of the Eastern Han, but also could mean a change; it could be founded on the support of the old aristocracy, but could also weaken their power. After all, it was the Legalist and the Confucian line, which opposed each other."

Anti-Confucian attitudes of the people

It has already been mentioned that the role of the people in the historical development and in the struggles between Confucianism and Legalism is strongly emphasized. A great number of articles and books have been published which describe the anti-Confucian attitude of the people. Quite a lot is written about anti-Confucian slogans and actions in the course of peasant risings. For example, the Confucian temple in Quyi, the birthplace of Confucius, was destroyed several times by insurgents; they "broke into the domicile of Confucius and pitched their tents there, fed their horses in the sacred hall, contaminated the books in the lake and destroyed the sacrificial utensils." Other insurgents destroyed the old residence of Mengzi in Zouxian/Shantung or the Confucian temples in other places in China. Some peasant revolts demanded equal distribution of the land, equalization of the poor and the rich and thus opposed the Confucian view of unequal distribution of property by reason of an inevitable law of nature. Several works describe anti-Confucian attitudes and deeds of the Taipings, e.g. the suppression of Confucian writings and the destruction of Confucian temples, the equal rights of women and even their attempts for a reform of the Chinese script, especially their use of simplified characters in the documents. Popular poems and songs were compiled which rejected Confucian norms. In a song of the Han period it is said about the officials, the pillars of the Confucian social order: "Chancellors, ministers, governors and prefects are dogs with an official's cap." Another poem deals with the fundamental principle of the officials: "Whether an official is small or big, it's the money that counts."

There were several writers in Chinese history who very clearly observed the divergence between Confucian rules of conduct and the people. So Sima Qian once stated: "Proper demeanour (li) grows out of richness, but disappears with poverty." And Lu Xun remarked, "that presumably nobody in the whole world knows more about

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\[41\] TIAN Yuqing: "Cao Yuan douzheng he shijia dazhu", Lishi yanjiu 1974, 1, pp. 93/94. For Cao Cao cf. XIANG LING: Cao Cao, Shanghai 1975.

\[42\] Quyi xian zhi, j. 29; cit. TANG Xiaowen: Laodong renmin fan Kong douzheng shihua, Peking 1974, p. 44.


\[44\] Cf. a booklet, which describes the struggle between Confucianism and Legalism in the field of character- and language-reform since Qin Shihuang: Ping Fa pi Ru wenxuan – liangzhong butong de wenziguang, Peking 1976, pp. 42–47.


Confucius than the uneducated people in China,"47 because it knew very well that this theory provides a lot of useful things for the high and mighty but very little for the people. In this context the destruction of Confucian temples and writings speaks for itself, as much as the recurrent actions against officials and the idea of communist equality. It is well known and has frequently been studied by Chinese and Western sinology that essential elements of popular thinking were not of Confucian origin.48 A new aspect in recent Chinese works on this topic is the interpretation of peasant movements not only as un-Confucian, but as fundamentally anti-Confucian. The Chinese spiritual tradition includes numerous religious tendencies, influenced by Buddhism and Taoism, which were widely spread among the people. They coexisted with Confucianism, but were influential in other portions of the population. Yet they can hardly be described as anti-Confucian in the sense of a fundamental opposition or even a political and philosophical alternative. This alternative was only provided by Legalism, attracting, however, only the ruling classes. No peasant leader ever thought of it to write Shang Yang or Han Feizi on his banner. The resistance of the peasants had its origin not in anti-Confucianism, but in deficiencies of the social order. The same applies to its objectives: as a rule it only attacked Confucian norms indirectly, if ever.

If anti-Confucian attitudes are overemphasized, the actually existing Confucian influence on the peasant risings are completely neglected. E.g. the most important adviser of Li Zicheng, Li Yan, was an obvious representative of Confucian norms when he gave the advice: "If we want to plan great things we must first honour the worthy and pay reverence to the scholars… If we want to attract the hearts of the people we must uphold humanity and righteousness (ren,yi)."49 Even in the case of the Taipings, whose opposition to Confucianism was much stronger and more conscious than in other revolts, there is a quite ambivalent attitude. In contrast to the fiercely and rigidly pursued anti-Confucian tendencies there is a close attachment of numerous religious, social and moral ideas which have their roots in Confucianism. The idea of the Heavenly Mandate (tianming), the Five Relations between men (wu lun), the Great Harmony (datong) and some of the political institutions of the Taipings go directly back to Confucian traditions.

Science, technology and water conservancy

Another topic by which the struggle between Confucianism and Legalism is illustrated is the development of the natural sciences and of technology, especially medicine, biology, astronomy, mathematics, agriculture, printing, architecture, metallurgy and seismology.50 The interrelation of the development of the natural sciences and of Legalist policies is explained as follows: the Legalists "advocate reforms and progress, they pay considerable attention to the productive work of the masses and have simple materialistic and dialectical ideas. So the progressive and qualified scientists in history have, while summarizing the experiences in the sphere of production and in the

48 Cf. e.g. the articles by Hou Wailu, YANG Kuan e. a. in SHI Shaojun, op. cit. (note 5) and Vincent SHIH: The Taiping Ideology, Seattle and London 1967.
50 A good collection of articles on this topic is Ru Fa douzhexu wo guo gudai kexue jishu de fazhan, 2 vols., Peking 1974 and 1976; a homonymous book was published by the Hubei renmin chubanshe, n. p. 1974; cf. Zhongguo gudai kexuejiu shihua, Shenyang 1975; Lishi shang de Ru Fa douzhexu dui wo guo yiyaoxue fazhan de yingxiang, Peking 1975.
course of scientific practice, sought their spiritual weapons, consciously or unconsciously, in the Legalist thought and have shown close political and mental relations with the Legalists.\textsuperscript{51}

The representatives of Confucianism opposed scientific progress without exception—an evaluation which is quite correct, as is known. Very characteristic is the sarcastic remark by Song Yingxing in the preface of the \textit{Tiangong kaiwu}: "Those men of refinement who want to become high bureaucrats with a fat salary should throw this book aside (without looking at it), because it is absolutely of no use for a career."\textsuperscript{52} Xu Guangqi (1562–1633), an official of the late Ming times who was very interested in natural sciences, complained about the general lack of interest: "Today there is no lack of people who make endless compilations of essays, but not a single one is doing the things I am concerned about" (i.e. astronomy and mathematics).\textsuperscript{53} J. Needham also considered the victory of Confucianism over Legalism (he refers, however, to the old philosophical schools of thought) a possible reason why modern sciences and technology did not develop in China.\textsuperscript{54} The low esteem of Confucians for the sciences is, for example, illustrated by the loss of numerous scientific works. According to the "Yiwen zhi" of the \textit{Hanshu}, there existed seven classics on medicine, but already after the Later Han period only one, the \textit{Huangdi neiijing}, was preserved. None of the eleven books on therapy (\textit{jingfang}), mentioned in the \textit{Hanshu}, was preserved.\textsuperscript{55} According to the \textit{Qim in yaoshu}, there existed several books on agriculture during the Qin and Han periods, but none was completely preserved. The book on calendars by the mathematician and astronomer Zu Chongzhi (429–500), the \textit{Zhu shu}, which still existed during the Tang period, was lost in later times. Also the \textit{Tiangong kaiwu} is said to have fallen into oblivion, only in 1926 a Japanese translation was discovered and the original edition of the Ming period was published only after 1949 in the People's Republic.\textsuperscript{56}

This correlation between Confucianism and the loss of scientific works has been stated long before. Xu Guangqi already put forward just the same argument. In his preface to the \textit{Tongwen suanzhi} by Matteo Ricci/Li Zhizao he stated, that the books on mathematics mentioned in the \textit{Tang liudian} (a.o. the \textit{Zhu shu} by Zu Chongzhi) have not been preserved in the Ming times; he came to the conclusion that "the science of mathematics especially declined in the last centuries." And the first reason for this decline was: "The Confucians, only knowing something about principles, consider the actual facts of the world to be inferior."\textsuperscript{57}

The description of the Confucianists' hostile attitude towards science is related to the discussion of Qin Shihuang's measures "to burn the books and to bury the Confucianists (alive)" (\textit{fen shu keng ru}).\textsuperscript{58} According to the present interpretation, these measures

\begin{thebibliography}{99}
\bibitem{51} \textit{Ru Fa douzheng yu wo guo gudai kexue jishu de fazhan}, vol. 1, p. 4.
\bibitem{52} \textit{"Tiangong kaiwu" chushi}, vol. 1, Peking 1976, p. 6.
\bibitem{53} "Zi xiao cha", in \textit{Zengding Xu Wending gong ji}, Taipei 1962, j. 1, p. 34.
\bibitem{54} \textit{Clerks and Craftsmen in China and the West}, Cambridge 1970, p. 75.
\bibitem{55} \textit{Han shu}, j. 30, ed. Peking 1962 (1975 ?), pp. 1776–78.
\bibitem{56} Cf. \textit{Sung Ying-hsing: Tien-kung k'ai-wu. Chinese Technology in the Seventeenth Century}, tr. by E-tu Zen \textit{Sun} and Shiou-chuan \textit{Sun}, University Park, London 1966, pp. IX/X. Recently four writings by Song Yingxing were found, which were unknown before; cf. Qi Hansheng/Qu Feng: "Song Yingxing de wei wuzhuyi ziran xueshuo he dui Ming mo de shenhui pipan", \textit{Wenwu} 1975, 12, 14–25.
\bibitem{57} \textit{Xu Guangqi ji}, 2 vols., Shanghai 1963, vol. 1, p. 80; \textit{Tang liudian}, ed. 1895 (Guangya shuju), j. 4, 3a.
\bibitem{58} Cf. the detailed discussion in \textit{Wang Gungwu}, op. cit. (n. 35).
\end{thebibliography}
were directed against attempts to restore the slave owner society. It was not directed against books and cultural goods in general, but exclusively against Confucian writings; military writings, certain historical books, agricultural books, medical writings and Legalist books were not destroyed. The Chinese think that these facts are confirmed by the findings in the Han tombs near Linyi/Shantung, where numerous writings of the Qin and Han periods were found. The majority of these writings deal with military topics, some philosophical writings were also found but no Confucian book. Moreover, it is said that these measures were restricted to private collections, excluding the libraries of the state. Therefore, the "burning of the books and the burying of Confucianists alive" is interpreted as an integral and positive contribution to the unification of the empire and to the consolidation of the rule of the landlord class. It was not a destruction of culture, but on the contrary, it was meant to protect and strengthen the progressive culture. So, compared with the measures of Qin Shihuang, the consequences of the actual destruction of many books which were significant contributions to scientific progress, were much more grave, albeit caused not by a spectacular act of arbitrariness but simply by incompetence, lack of interest and consequently by neglect.

Another topic is the history of water conservancy in China, a very important aspect of agricultural production, communication and transport, and of prevention of floods. It is always pointed out that the important and successful canal and dike projects were only carried out during the periods of Legalist rule, that only those personalities dealt with these problems who are considered Legalists or who were under Legalist influence. During the reign of Qin Shihuang several important projects were carried out, especially the Lingqu in Kuangsi, connecting the great river networks of central and south China, the Yangzi and the Xijiang, thus rendering possibly the military and cultural penetration of south China. Also the early Han emperors and Cao Cao carried out important irrigation projects. Under Cao Cao several canals were built, which connected the Huai river and the Hoanghe and which contributed to the construction of the Great Canal during the Sui period. The reform policies of Wang Anshi (1021–86) also had favourable influences on such projects, because only these reforms provided the conditions under which Shen Gua (1030–93), author of the Mengzi bitan, could contribute to canal and dike construction by his scientific works. The work of the great hydraulic-engineer of the Ming period, Pan Jixun (1521–95), was closely connected with the reform policy of Zhang Juzheng (1525–82).

Military history

A widely discussed topic in the context of Confucianism versus Legalism is military history. Important battles are extensively covered on the basis of the available sources, e.g. the battle of Changshao 684 B. C. between the states Lu and Qi which Mao Zedong refers to as "a classical example of a weaker army defeating a stronger

60 Xing’an lingqu, n. p. (Guangxi renmin chubanshe), 1974; Wenwu 1974, 10, 53–60.
61 Ru Fa douzheng yu wo guo shuli fazhan shi gaikuang, Peking 1974; Ru Fa douzheng yu wo guo guadi shuli shiye de fazhan, Peking 1974; Fajia luxian yu shuli, Peking 1975; Ma Zhenglin: "Qin-Huang Han-Wu he guanzhong nongtian shuli", Dili zhihui 1975, no. 2, pp. 1–4.
one"63, the battle at the Hong river 638 B. C. between Song and Chu, an example that Confucian ethics cannot win a war, the battle of Chengpu 632 B. C. between Jin and Chu, the battle at the Red Cliff A. D. 208, the struggles for the Huai-xi province 815–17, by which the central government of the Tang could eliminate a regional general64 a. o. Most of the battles and wars discussed in these writings are referred to by Mao Zedong in his two works "Strategic problems of the revolutionary war in China" and "On protracted war" where he pointed out their specific features as examples of certain military problems. In most cases it is emphasized that a weak state can defeat a stronger one by military skill, that a battle can be won by taking advantage of the weaknesses of the enemy.

Furthermore, these works serve their purpose in the conflict with Lin Biao. He is described as a faithful follower of what is conceived of as Confucian military thinking; accordingly, a small state submits to a stronger one, "military matters are governed by rites", moreover, all military matters are morally inferior. Besides the attacks on Lin Biao's assumed restorative tendencies, criticism primarily concentrates on his military deficiencies, especially his role as commander of the Northeast Army in Manchuria during the Civil War.

In fact, a comparison of Confucian and Legalist military thinking is not very persuasive since there hardly exists any Confucian military thinking. Confucianism always concentrated on the civil domain, very little theoretical consideration was given to military matters – insofar the criticism is justified. However, this lack was possible precisely because in practice Confucianism was quite prepared to accept Legalist elements. War as a means of achieving political ends and, therefore, military considerations always played an important role. At the beginning of the chapter on military matters in the Xin Tangshu by Ouyang Xiu the very inconsistent relationship of Confucianism towards the military becomes quite clear. It starts almost apologetically: "In antiquity, rise and fall, order and disorder of the states under Heaven depended absolutely on virtue (de). But since the times of the Warring States, since the Qin and Han dynasties one could rarely do without the military. How could the military therefore be an unimportant matter?" But an orthodox Confucian like Ouyang Xiu could not leave it like that, because that would have been more or less an open acknowledgement of Legalist methods as supporting pillars of the government. So he continues: "But this temporary change of institutions took place everywhere for the sake of short term advantages and convenient solutions. If these laws and institutions are investigated (it has to be concluded): Although they can be applied temporarily, most are not suited for later generations."65 This very disapproving relation to the military is undoubtedly a reaction, specific to the Sung period, against the concentration of power under the military governors and its consequences during the Tang period. But especially under these conditions the dilemma of Confucianism became obvious, that is to find a balanced relation between the acknowledged indispensability of the military and the predominance of the

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civil domain. Such a statement by Ouyang Xiu should indeed sound very familiar in Chinese ears today, because it seems as if Confucians and Communists show only few differences evaluating the relation between the military and the political spheres. The uncertainty which can be clearly felt in Quyang Xiu’s words was gradually overcome, because the position of the bureaucracy became increasingly secure as against the military. The chapter on the military of the Ming shi says, quite concisely and less concerned with ideological justification: “The Ming dynasty pacified the empire by means of the army.” 66

Conclusion

Whatever is said against Confucianism in China today, there are several common denominators between past and present. The one we are concerned about here is the active and very political interest in history itself. Indeed, this debate indicates very clearly that history today as in the past is not merely regarded as subject matter of academic studies, but also as a paradigm for controversial political issues in the present.

A striking feature of all topics 67 of contemporary historiography in China is the complete standardization of all interpretations according to marxist concepts — very dogmatically interpreted and mechanically employed —, which permeate every argument. The publications exemplify exactly that property which Guo Moruo felt was missing in 1958: a thorough and completely standardized application of marxism in historiography. In contrast to the fifties and early sixties, there is no room left for a discussion of different interpretations. The concept of unity is not only ideated in such a manner that Legalists always strove to attain the unity of the empire while Confucians opposed it or merely were indifferent, but unity is even demonstrated — it is not only subject matter but at the same time also inherent property of historiography. Obviously unity is a very important aim underlying the whole campaign. This is emphasized by Zhou Yiliang in a statement which clearly alludes to the well known opening words of the Sanguo yanyi ("If the empire is devided for a long time, it surely will be unified again; if it is unified for a long time, it surely will be divided again"), thus making very clear the differences between the traditional cyclical and the present linear view of history: „Two thirds of the 2000 years of Chinese history since the Qin dynasty were times of unity, one third times of disorder. Moreover, the periods of partition became shorter; during the three dynasties Yuan, Ming and Qing the unity lasted more than 600 consecutive years. The unity of the state is the incessant general tendency of historical development in China and the common demand of the Chinese people since a long time." 68 Surely the concept of unity does not refer to the territorial unity of the state any more, but refers to a social unity including the general recognition of the political leadership. Indeed, the unity is


67 Besides the topics discussed here, the following topics of the debate are to be mentioned: economic history (Xian Qin liang Han Fajia jingji sixiang, Shanghai 1976), education (FENG Tianyu: Kong Qiu jiaoyu sixiang pipan, Peking 1975; Xian Qin fajia jiaoyu sixiang ziliao, Shanghai 1976), reform of the characters (Ping Fa pi Ru wenxuan – liangzhong butong de wenzi guan, Peking 1976), history of the theatre (Zun Ru fan Fa huai xi pipan, n. p., Hubei renmin chubanshe, 1975), literature (JIANG Tian/HONG Tu: Yanjiu wenyi shi shang Ru Fa douzheng de jige wenti, Peking 1976).

endangered by cleavages within the leadership. Although this is considered inevitable and even structurally intrinsic for a certain period of political life in China, cleavages in themselves hold the danger that political conflicts get out of control. However, it is the same political constellation, namely the so called struggle of two lines within the Communist Party, which on one side produced a concept stressing the idea of struggle (sc. between Confucianism and Legalism), and on the other side requires a claim to unity and unification. This paradox reveals the fundamental difficulty of Chinese politics today, to combine the attempt to prevent bureaucratic tendencies with political stability.

Another characteristic feature of contemporary Chinese historiography besides the standardization under marxist concepts is the fact that these concepts are layered over by a framework taken from Chinese history itself. The theorem of the struggle between Confucianism and Legalism expands fundamental marxist concepts denoting philosophical and political contradictions, i. e. materialism versus idealism and the concept of class struggle, by a category which denotes contradictions within the ruling class. Consequently the Chinese historiography integrates a theorem which for the first time transceeds the premises of historical materialism. This is another example of how a theoretical system will not be transferred to China unquestioned, but will be adjusted to Chinese needs and traditions in a very typical manner. The recent development of historiography recalls similar developments in other spheres during the Great Leap Forward 1958. In economic policy the Chinese leadership then turned from an onesided effort on the side of heavy industry to a stronger emphasis upon local economics. Relating to the theory of art socialist realism as taken over from the Soviet Union was developed into the "combination of revolutionary realism and revolutionary romanticism", in order to stress Chinese self-reliance in this sphere too. The recent historiography displays a similar tendency. The underlying reason seems to be twofold, a need for profound identification with one's own history and a need for legitimation.

Since the foundation of the People's Republic of China identification with one's own history was the driving force of historiography. Historical materialism as the historiophilosophical system of marxism assumed an important function as a doctrine of the present revolution and developments in the past. The application of this doctrine, however, proved to be deficient in one important aspect: Chinese history, explained by marxist categories, was just another example of an universally valid model. Specifically Chinese aspects were more or less obsolete. The theorem of the struggle between Confucianism and Legalism must be understood as an attempt to overcome this deficiency. It describes China's history in a Chinese dress, yet without taking off the marxian dress.\(^69\)

The legitimatory function of historiography has already been indicated at the beginning. Its role also in the context of Confucianism versus Legalism is obvious. Since the sixties a drastic change in political life has taken place in China. The leadership by the Communist Party as the representative of the interests of the people is no longer a guarantee for the construction of socialism and progress. Fundamental conflicts exist within the party, the "struggle of two lines", one of them is said to advocate further consolidation of socialism, the other restoration of capitalism. This conflict cannot be explained in terms of the classical model of class struggle "people vs ruling class". The

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The struggle of two lines is a conflict within the ruling group, essentially within the leadership of the Communist Party. This conflict destroyed the image of unanimity which the Communist Party had up to the sixties. The validity of the concept "leadership by the Communist Party" has become vague. There are forces in this party which according to Chinese interpretations pursue opposing political principles and aims and should actually form two parties. How is leadership possible by a party when the most important characteristic of a party, general agreement about political principles, is lacking? From the fact that different personalities appear from time to time at top levels of the party, whose principles are considered contradictory to those of a Communist Party, the leading role of this party is obviously put into question. Thus, the existence of one party and, at the same time, the struggle of two lines indicates a profound contradiction within the political institutions of China. Since the struggle of two lines had disruptive effects on political life in China it became necessary not only to provide theoretical explanations but also historical analogies, i.e. the struggle between Confucianism and Legalism. Today the legitimatory function of historiography is twofold: the present is, as before, a necessary result of the historical development according to the marxist theory of evolutionary stages of society; the political conflicts of the present are presented as an inherent and familiar characteristic of history since the Chunqiu period. History is not just simply used as a metaphor for the present—e.g. implying analogies like Confucius-Lin Biao and Qin Shihuang-Mao Zedong—but the debate provides another close link between past and present by emphasizing historical continuity. The struggle of two lines is the underlying theme which ties history up with the present.  

Another important feature of the campaign is the vigorous attempt to popularization. This too has to be seen as an aspect of the problem of identification with history, since for the first time history is made accessible to a large portion of the population. Most of the articles are first published in a daily newspaper or in a widely circulated journal before being compiled and edited as booklets. The style of these publications is very simple. Quite a number of them are written by study groups in factories, communes or army units. To make original sources accessible to larger parts of the population the new editions of classical texts contain detailed explanations of difficult words and contexts, often the original literary texts are followed by a translation into colloquial style. At universities and middle schools the Legalist texts are read and interpreted in detail. A side effect of this popularization was a new impulse for the teaching of classical literary language which had almost been abandoned after 1949. 

Another means of popularization are the "living paper selections" (huoye wenxuan). These are unbound sheets, which in case of longer texts can be stapled on, with texts and explanations concerning the struggle between Confucianism and Legalism. Because of their simple construction they are very cheap and widely circulated. They could be called history on leaflets. 

Lastly the question must be put whether it is justified to propose a theorem of a struggle between Confucianism and Legalism. Is it correct that Confucianism and Legalism represent exclusively antagonistic forces in Chinese history which always opposed each other, or were they complementary parts of a single context? The victory of Con-

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70 M. Loewe states, the aim of the Chinese historiography today is to stress the break with the past; this argument does not seem very conclusive. Cf. "The Vilification of Confucius", in Encounter, vol. XLV, no. 5 (Nov. 1975), 56–60.

fucianism over Legalism during the Han period, its essentially undisputed position as the authoritative ideological foundations of the structure of the society and state up to the 20th century would not have been possible without integrating substantial Legalist elements. Confucianism may underrate the role of laws and institutions for the government easily, but the assumption, a state can merely be ruled by "proper demeanor" and "cultivation of the self", can hardly be ascribed to Confucianism; here it was quite receptive to Legalist thought. Undoubtedly, laws played a much more important role for the ruling government throughout the whole of history than the moral qualities of the individual rulers. The idea of a centralized state was first developed by Legalists, that is against Confucianism. But this concept was also taken over by the Confucians and became an important basic theorem of the Confucian philosophy of state, without which Confucianism would not have obtained its position and maintained it. Moreover, such prominent representatives of Legalism like Wang Anshi and Zhang Juzheng did not at all conceive Confucianism as a mere camouflage of Legalist policies – as contemporary opponents have charged –, but despite a number of political reforms which undoubtedly had Legalist origin, they regarded themselves as strict Confucians.

Thus postulating a confrontation of Confucianism and Legalism as a basic force of the whole Chinese history seems to be a substantial simplification. Nevertheless, the theorem of struggle between Confucianism and Legalism is a quite stimulating approach to Chinese history, if a new attitude towards what has usually been defined as Confucian tradition is assumed. The theorem separates the two most important traditions of Confucianism and traces them back to their historical and political origins. The scientific importance of this theorem has to be seen in the fact that it proves to what extent Legalism influenced Confucianism, hence Chinese history. This interrelation has been stated before. Gu Yanwu (1613–82) already said: "Since Han times the laws of the Qin were continued to be used very often up to the present. When the Confucians of our time talk about Qin, they consider its laws to be a matter of a perished dynasty. They have not examined it thoroughly." Tan Sitong simply argued that "the policies since 2000 years have been policies of the Qin", i.e. Legalist policies; and, even more distinct about the role of Confucianism and Legalism in Chinese history, Wu Yu said: "Politics in China used the empty words of Confucian ethics at the surface, in content they carried out the Legalist dictatorship of penal law." But neither in China until the Confucianism-Legalism debate nor in the West, Chinese studies, very much preoccupied with a one-sided view of the "Confucian tradition", had developed adequate consequences out of such conclusions.


74 This is stated with a strongly negative evaluation; Ren xue, j. 1, in Tan Sitong guanj, Peking 1954, p. 54.

75 Wu Yu: "Xunzi zhi zhengzhisi lun", 12a.
Postscript

Since this paper went into print the theorem of struggle between Confucianism and Legalism has come into the firing-line of the attacks against the "gang of four". It is still assumed that Confucianism and Legalism formed the most important schools of political thought throughout Chinese history and that contradictions between these schools sometimes led to political struggles; however these are considered to be of secondary importance. Today the common features of Confucianism and Legalism are stressed: all politicians, whether they were inclined to Confucianism or to Legalism, represented the interests of the landlord class, their deeds and thinking were not determined by internal differences, but by the fundamental contradiction between the landlords and the peasants. The labeling of all historical personalities whose influence is regarded as progressive as Legalists is criticised, too.76

As far as the historiographic content of the theorem of struggle between Confucianism and Legalism is concerned, in contrast to its political aims, the criticism is put forward in a quite objective manner. The theorem probably will retain some influence on Chinese historiography. In the future, too, historians will be unable to avoid those tendencies, which have already been pointed out, in particular the need for identification and for legitimization.

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76 Lishi yanjiu 1976, Nr. 6, passim.