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A STUDY OF SHEN DAO

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SHEN DAO: MYSTIC AND BUREAUCRAT

I

Shen Dao was a member of the Jixia Academy in Qi during the Hundred Schools era, sometime between 350 BC and 275 BC. Xunzi criticized him, Xunzi's student Han Feizi acknowledged him as one of three masters of Legalism (along with Shang Yang and Shen Buhai), and the author of the Tianxia chapter of Zhuangzi discussed him at some length. Details about his life are scanty and uncertain, but at least we can be sure that he existed and was not purely legendary.

The Hundred Schools era was perhaps the most fertile period in the history of Chinese philosophy, but because of censorship and the destruction of war, few of its texts survive, usually in heavily-edited late versions, and many figures are known only as names attached to anecdotes. In the case of Shen Dao, the available material consists of a late text called the *Shenzi*, the three discussions mentioned above, and scattered quotations and anecdotes of widely differing value. Thompson has carefully edited the materials that remain and I have used his text.

Shen Dao is classified sometimes as a Daoist, sometimes as a Legalist, and sometimes as a follower of Huanglao, but these late retrospective classifications are not very helpful. There were no organized Daoist, Legalist, or Huanglao schools comparable to the Mohist and Confucian schools, and in effect, these classifications merely serve to lump tendencies. Insofar as these three labels mean anything, they are probably all applicable to Shen Dao.¹

Given the decimation of the sources, it's hard to discuss the history of Chinese philosophy during that era without the help of speculative assumptions. The dates of the DDJ are even more

uncertain than Shen Dao's, but it seems that at the time when the Guodian texts were interred the 81-chapter DDJ had not yet been compiled. We aren't sure of the date of the Guodian tomb either (probably around 300 BC), but it is notable that none of the passages in the DDJ which seem to have been influenced by Shen Dao (in chapters 27, 49, 61, and 62) are found in the Guodian text. I have assumed that Shen Dao was earlier than or contemporary to the authors of the later layers of the DDJ, and that they were aware of his work and were responding to and adapting it. This seems more likely than the other way around, but back-and-forth communication might have been possible too -- during the debates of that period, free-lance "persuaders" freely adapted, borrowed, or stole one another's ideas.

In addition to the question of "school", there's also the question as to whether Shen Dao is a mystic, a political philosopher, or the author of a management handbook. Most of the fragments edited by Thompson are on the political management side, shading towards political philosophy, but the Shen Dai of the "Tianxia" chapter seems more like a mystic. This may just reflect accidents of preservation, and the answer is probably, again, "all three". During the three centuries or so between Confucius' era and the establishment of the Qin empire, Chinese government and society underwent a revolutionary transformation, and China's tiny literate elite of the era was so committed to government service that, in effect, a new kind of man had to be produced to serve the new kind of state (or, in the case of Yang Zhu and Zhuangzi, to withdraw from it)². Shen Dao's new man was a bland, faceless civil servant who was just doing his job, but he may also have been a mystic of sorts.

The Warring States political and social transformation included the rationalization and modernization of government. Already in Confucius' time, rulers advised by obscure proto-Legalists were taking steps to improve agriculture, increase the efficiency of tax collection, and increase state revenues, which would be spent either on the pleasures of the ruler and the splendor of the court, or else on wars meant to gain the ruler even more taxpaying farmland. This transformation was the social background of Hundred Schools philosophy. Legalists supported it. Mohists

supported the improvement of agriculture and the rationalization of government, but not the militarization. Confucians opposed all of it and were only interested in maintaining a moralized and reformed version of the traditional ways (*Analects* XI-16, XII-7, XII-9, XIII-4). The authors of the *Daodejing* also opposed it, though they also opposed the Mohist and Confucian reforms and Confucian ritualism. Shen Dao was clearly among the modernizers and for that reason can be called a Legalist, though this does not mean that he advocated the brutal methods with which Legalism has come to be identified.

There are two pitfalls to be avoided when discussing this transformation. On the one hand, modernization and rationalization sound like good things, but when you translate them as “Squeeze as much tax money as you can out of the miserable peasantry so that you can afford to live high while sending large numbers of them off on endless bloody wars of conquest”, it doesn’t seem so wonderful, and from that point of view it is tempting to identify the new rationalized, centralized Chinese states (and Empire) with modern European totalitarian states. However, while there was a murderous dark side to this modernization, the previous state of affairs had been far from idyllic, and agriculture was greatly improved, and some of the administrative and economic improvements were positive. Many of the innovations made in China during that era (regarding the selection and supervision of subordinates, for example, or the direct, non-feudal legal and tax obligation of commoners, or the alienability of land) are now standard policy almost everywhere in the world. For better or worse, both public administration and business management today usually operate on what could be called Legalist principles.

II

Much of Shen Dao’s thinking about government (and Confucius’s, too) focuses on the principal / agent problem: how do you ensure that an official in charge of a government bureau, or a local administrator in a place remote from the capital, will actually work for the public interest (or for the ruler’s interest) rather than using his office to enrich himself and attain his own personal goals? This question was and is central to all political philosophy, and it was

necessary to find ways of dealing with this problem before large-scale organizations of any kind could develop.³

Confucius' answer to this question was that the ruler should appoint men of the highest excellence (*xian* 賢 “worthies”), eminent gentlemen who kept to a high ethical standard and governed their actions according to models deriving from their deep knowledge of the ancient traditions, and who could be expected to do the right thing and need not be closely supervised. In the traditionalist system idealized by Confucius, each official shared in the prestige of government. The king, the lesser officials, and the local lords were all gentlemen -- honored personages organized in a ritual hierarchy of respect and deference. The king consulted his officials about important decisions, and they, drawing on their mastery of the traditional precedents, would give him their judgments; if an official thought that the king's decision was in error he would remonstrate with him. Confucian gentlemen were principals and not agents or tools, versatile and not limited to a single purpose, and not disposable, interchangeable units. They acted according to their own principles, and the ruler had confidence in them because he knew their principles were good.⁴ Confucius' philosophy was reactive, an idealized traditionalist response to the cold-blooded rationalization that was rapidly taking place, and while many Confucians served honorably as officials during the Warring States period, and while some rulers may have tempered their behavior in response to the Confucian preaching, it is unlikely that any ruler ever even tried to put Confucius's precepts fully into effect.

Confucius' ideal was criticized by Mozi and his followers. The Mohists also believed that only worthies should be appointed, but they also held that officials should be chosen for their abilities rather than for their virtues and cultural knowledge, and they held that officials should direct their actions toward getting results rather than simply following traditional precedents. They put into place the beginnings a chain-of-command hierarchy governed by reward and punishment, contrasting sharply with the essentially feudal Confucian hierarchy of semi-autonomous noblemen. But the Mohist goal was still to make everyone good: ideally, the subordinates would do good because they were themselves good,

but if they needed to be corrected by their (also good) superiors, their superiors would punish or remove them.

Like the Mohists, the Legalists governed for results rather than following tradition. However, they de-emphasized goodness and excellence entirely. The excellent and good cannot be trusted, because their obedience is not certain: either from personal pride or from ethical scruples, there would be some orders they would not obey. Instead of the excellent (*xian*), the Legalists employed the capable (能 *ne*ng), supervising them closely. As long as a man was good at his job, his personal qualities were irrelevant; it was not important if he was in some inessential respect mediocre or flawed. (To a degree, flawed human beings were even preferred, since they would be grateful for the opportunity, totally dependent on their masters, and willing to do almost anything). According to this philosophy of government, government officials are employees assigned specific tasks who should be rewarded only after they have successfully completed their assignments. Personal cultural and moral excellence are not of concern to the state and are not to be rewarded or recognized. Officials are merely cogs and should not be allowed to use their own judgment about important questions; they should be faceless and need not serve as shining examples of goodness and excellence for lesser subjects. They merely do their jobs and live out their lives, enjoying the rewards of success and suffering the penalties of failure. No matter how powerful and wealthy they might become, and regardless of their origins, these new officials were underlings and not aristocrats, and they served at the pleasure of the ruler. They were expected to be subservient in a way that aristocrats could never be.

If the Chinese tradition had in fact been capable of giving unambiguous answers to every question, and if all Chinese noblemen had all been perfectly excellent and good, the Confucian system might have worked. As it happened, however, this system of personalized government by men of excellence proved highly susceptible to graft, nepotism, and ultimately -- if an excellent minister was able to convince a large enough group of supporters that he was more excellent than the actual king -- usurpation. Confucius' men of excellence (worthies, *xian*) were really just idealized versions of the proud, greedy, ambitious, contentious,

brawling nobles (or later, ambitious parvenus) characteristic of court life in every society, and in order to find his model society Confucius had to look to the very scanty records of the early Zhou, more than five centuries before his own birth.

III

The details of Shen Dao's philosophy of government, organization, and management can be summed up under five heads: differentiation and delegation, incentives, impersonality and impartiality, hierarchy and rank, and circumstance (*shi*).

Differentiation and delegation Shen Dao described an organization within which everyone has a clearly defined role and where each official is working on a clearly defined task assigned by his superior. The ruler must not be hands-on and must not rely on his own abilities, and he should never jump in to do an official's work. Likewise, officials should never be allowed to perform tasks which properly should be performed either by other officials or by the ruler. There should be no overlapping areas of responsibility, and two officials should never be assigned the same task without one being put in command of the other. Officials also should not be allowed make themselves indispensable by taking on multiple responsibilities, and they should not be allowed to take the initiative by going beyond the specific orders that they've been given. Most of these rules are for the purpose of establishing accountability and a clear chain of command, but some of them are also intended to prevent officials from becoming over-powerful and capable of usurping the throne.

Incentives The Legalists all proposed that reward and punishment be relied on for motivation, rather than exhortation, moral preaching, and moral example. (In this they differ from the Confucians and, in part, the Mohists). Shen Dao states this principle very clearly, pointing out that if you can use incentives to align what your subjects want with what you want, you will be successful, but when you ask them to forget what they themselves want and instead do what you want, you will fail. This realism led to accusations of amorality, but it produced a system which did not require the moral reform of the whole nation in order to work. Of the Legalists,

Shang Yang is known for advocating moderate rewards and harsh penalties (e.g. mutilation, torture, death, and the extermination of whole families) but there's no positive evidence that Shen Dao proposed this, and his fragments on the topic of punishment (108, 116, and 117) are inconclusive, if anything tending toward the relatively merciful side.

Impersonality and impartiality Like Mozi, Shen Dao advocated impartiality, but he developed the implications of impartiality more fully than Mozi did. Not favoring friends and relations and not diverting state resources to private and family ends were just the beginning. An impartial minister also will not allow his own social goals or his own feelings of right and wrong divert him from the fulfillment of his assigned tasks (no "private good"). There are certainly problems with this principle, but it is no different than the ethic of the contemporary business world ("I've got a job to do; a man's gotta do what a man's gotta do") or the ethic of contemporary professionalism, according to which lawyers or civil servants must do their jobs regardless of their personal feelings about their clients or about desired social outcomes; this is what it is to be an agent rather than a principal. To disagree with Shen Dao here is to make a fundamental criticism of contemporary institutional organization.

Shen Dao's depersonalization of government amounts to the rejection of the great man theory of politics and history and the beginning of a theory of society:

The reason why the virtue of the Three Emperors and the Five Hegemons matched that of Heaven and Earth, reached the ghosts and the spirits, and embraced all living creatures was that their helpers (助) were many (16)....If a prince brings his state to ruin, it's not just the error of a single man; if a prince brings his state to order, it's not just the effort of a single man (53).... Thus Yao could not have survived what destroyed Jie, but is credited with unsurpassed goodness while Jie's name is notorious for all-pervading evil. One was served well by his men, and the other was not. Thus the timber in the Great Hall of State is not cut from a single tree; a white fox-fur

coat is not made of the fur of a single fox; and order and disorder, security and peril, glory and disgrace do not come from the efforts of one man (55-56).

In other words, states are organizational and institutional, with their own inner dynamic, and history is not just the acts of Emperors, good and bad.

Hierarchy and rank Almost all Chinese philosophers affirm the principle of hierarchy or rank, which is required for there to be any political organization larger and more complex than the hunter-gatherer band. Some are leaders, most are led; some command, most obey. Shen Dao goes a step further by requiring that every relationship be hierarchal: whenever two are working together, one shall be in command. Between them Shen Dao and Mozi have provided a rationale for the principle of rank:

In the beginning of human life, when there was yet no law and no government, the custom was “everyone according to his own justice”. Accordingly each man had his own idea of justice, two men had two different ideas and ten men had ten different ideas – the more people, the more different ideas. (Mozi, Ch. 11, “Shang Tong I”, p. 110; I have adapted Mei’s translation.)

There can be many worthies, but there cannot be many rulers; there can be no worthies, but there cannot be no ruler. (Shen Dao #109)

This corresponds to the transition between primitive egalitarianism and rank society, or early state society:

The essential criterion of egalitarian societies is the social recognition of as many positions of valued status as there were individuals capable of filling them.... Ranking exists when there are fewer positions of valued status than persons capable of filling them. A rank society has means of limiting access of its members to status positions that would hold on the basis of sex, age, or personal

attributes. (Morton Fried, *The Evolution of Political Society*, Random House, 1967, p. 52).

The problem with egalitarianism and natural leadership is not so much that you don't get good leaders that way, because often you do, but that you often have more than one individual capable of leadership and eager to lead, but without having any mechanism for deciding between them. The common outcome in such cases is the splitting of the group, and often enough, civil war. The restriction of the number of available positions of power is not a function of differences of ability; the motive is the attainment of unified leadership.

Leadership is not a simple function of ability or merit. Someone has a leadership position because they have been given that position by some process. The purpose of having a leader is to give the group a leader, not to reward the person chosen. (*The emperor is enthroned for sake of the empire; the empire is not established for the sake of the emperor*: Shen Dao 22). The purpose of naming a single leader -- "the decider", as they say -- is to make it possible for the group to avoid infighting and to coordinate its actions. (This is the "captain of the ship" justification for government). The most important thing about the leader is just that he is the leader (has *shi* 勢); preferably he should also be talented and virtuous, but he does not have to be the *most* talented and virtuous one of all, and if there happens to be someone more talented and virtuous in the community, that does not give him any authority: he must obey like anyone else.

It should be mentioned that, while the Chinese commitment to hierarchy and unity did make empire possible and did give China considerable periods of peaceful unity, it also stood in the way of the Chinese acceptance of multinationalism and individual rights.

Position. Hanfeizi's book emphasized Shen Dao's concept of *shi* 勢 -- a theory of power hierarchy. *Shi* has been translated as "energy", "position", "strategic advantage", "political purchase", "circumstance", "situation", "disposition", and "propensity". The concept is probably military in origin but plays a role in many areas of Chinese thought. In general it means the dynamic tendencies and

instabilities already there in a given situation, which an actor can use to his advantage if he is able to perceive them and position himself favorably to them. Sunzi uses the metaphor of potential energy -- force multipliers like cocked crossbows which can be activated with the mere touch of a trigger. Anyone who understands the *shi* of a situation when his opponent doesn't is at an enormous advantage, because he can let the natural development of the situation do most of his work for him.

In Hanfeizi and Shen Dao this term is more narrowly used. Shen Dao's point is that the ruler gets his power, not from his personal qualities or from anything he does himself, but from his position as ruler, which allows him to get others to do the work for him. He makes his point hyperbolically, saying that the most wonderful of the great Sage Kings of legend were powerless before they became kings, whereas the worst of the legendary kings had enormous power despite their entire lack of any personal merit. Beyond this, he says that rulers are best served by ordinary, imperfect, closely-supervised men whose strengths and weaknesses are known. He's not really advocated total indifference to personal character, but is merely making a vivid statement of the analytic distinction between personal power and the power of position, and emphasizing the realistic awareness that government administration is not the achievement of goodness by the good, but is just the use of realistic methods to achieve specific practical goals.

In practice, the Legalist application of the doctrine of *shi* was to organize government in such a way as to ensure that the *shi* was always with the ruler. Procedures ritualized the ruler's remoteness and overwhelming power and prevented officials from building their own *shi* by minimizing their ability to initiate actions, forbidding them to take public credit for beneficial acts while forcing them to take the blame for failures, limiting their range of operations, and having the various bureaus spy on one another. By these methods the ruler would be able to maintain control of policy and protect himself against usurpation.⁵

The Shen Dao of the Thompson fragments does not much resemble Zhuangzi's Shen Dao, though there are a few exceptions, notably #84 and #A5:

84: The virtue essence (德精) is subtle and invisible, acute and inexhaustible. Thus external things do not clog its interior.

A5: Just attain the mindlessness of a thing, and avoid eminence and sageliness: a clod does not depart from the Dao.

Zhuangzi's Shen Dao seems to be a mystic or a Stoic in search of ataraxia or equanimity:

*Proceed only when pushed,
Start off only when dragged,
As the whirlwind spins,
As the feather turns,
As the grindstone revolves,
Being perfect you will have no flaw,
Moving or still you will not err,
Never will you be blamed for anything...*

A thing without knowledge does not have the troubles which come from establishing selfhood or the ties that come from utilizing knowledge; whether moving or still it does not depart from pattern...

"Simply attain to being like a thing without knowledge. Have no use for excellence or sagehood; a lump of soil does not miss the Way" (Graham, *Zhuangzi*, p. 279-80).

In most passages where Xunzi mentions Shen Dao the orientation is governmental, but there's also this:

Shen Dao had insight into "holding back" but none into "leading the way" ... (*Xunzi*, vol. II, p. 553)

Shen Dao probably also had a cosmology and a philosophy of the self. The interpenetration of cosmology, spirituality, and principles of government that we see in many of the Chinese philosophers seems strange to us, but the Chinese state was not

secular: it was supposed to be the focus of all value, including spiritual value, and for those permitted to participate in government, government service was supposed to be the most meaningful part of their life. Like Yang Zhu, Shen Dao showed his audience a way to attain detachment from government service, but what he showed was a way to attain an emotional detachment while still serving in government.

Shen Dao's detachment also extended to cosmology, and his argument here was not traditional and may have been original to him. The Sage King, whose normal activities bring us peace and order even though he does not concern himself with us, is compared to Heaven and Earth, who likewise do not concern themselves with us, but by their normal activities warm us and feed us just the same. Shen Dao's universe was as mechanistic and indifferent as his governmental system, but good things could be found within them, and ultimately the serene detachment of Heaven, Earth, the Sage, and neutral bureaucrats became the model for everyone.⁶

Notes

1. Goldin, Paul R., “Persistent Misconceptions about Chinese ‘Legalism’”, *Journal of Chinese Philosophy*, Volume 38, Issue 1, pages 88–104, March 2011.

With the understanding that I’m referring to tendencies rather than schools, I will continue to use the terms “Legalist” and “Daoist” to designate the same thinkers that they always have. Rather than to deny that Shen Dao and Shen Buhai are Legalists, I would describe the Legalist school differently -- as a group of political realists, only some of whom were ruthless and cruel.

2. Probably not a new kind of woman: this social transformation didn’t change women’s roles much.

3. Graft, nepotism, and usurpation have been constant problems throughout history, and the problem is found not only in government but also in the business world. In the development of trade in early modern Europe, for example, it had to be decided whether the captain of a trading ship financed by someone else was his funder’s debtor, employee, or partner, what his specific obligations were, what were his shares of the risk and the profit, and above all, how he could be kept honest.

4. *Analects* II-12: “The accomplished scholar is not a tool” 器 *qi* . Originally a *qi* was a man-made metal object intended for a specific purpose – a sacrificial vessel, weapon, or tool. Later vessels made of clay were also called *qi* (*Laozi* ch. 11). Other appearances of *qi* in the *Analects*: III-22-1: “Kuan Chung was a vessel of small capacity”; XIII-25: “uses them according to their capacity”; V-4 “You are a vessel – a sacrificial vessel”; XV-9 “a craftsman must first sharpen his tools”.

5. On shi 勢, see Roger Ames, *The Art of Rulership*, pp. 65-108; *Sunzi*, tr. Giles, Ch. 5, p. 33, “Energy”; *Hanfeizi*, XVII:40; tr. Liao, “A Critique of the Doctrine of Position”, pp. 199-216; *Guanzi* II, XV:42, tr. Rickett, pp. 129-136 “Paying attention to circumstances”; *Lushi Chunqiu*, 17:6, pp. 428-33 “Heeding the Circumstances”; François Jullien, *The Propensity of Things*.

6. Chad Hansen has compared Shen Dao to the Stoics. Marcus Aurelius’s universe was modeled on the state:

The universe should be regarded as a kind of constitutional state (4.3)

If that be so, the world is a kind of state. For in what other common constitution can we claim that the whole world participates? (4.4)

Perhaps Shen Dao’s cosmology was also like this, and the “unthinking clod” was his version of unperturbed *ataraxia* in a mechanical, naturalistic universe.

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