

Title: Publicness in the *Shenzi* as Philosophical Backdrop for the Shanghai Museum “Shenzi” Fragments

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**Abstract:** This article philosophically examines the *Shenzi Yue Gongjian* 慎子曰恭儉 (“Shenzi Speaks of Reverence and Frugality”), part of the Shanghai Museum cache of excavated fragments published in 2007, and provides a tentative translation based on a range of paleographic and philological studies previously carried out. The fragments make reference to a Master Shen 慎, a denomination typically associated with the pre-Qin 秦 political philosopher Shen Dao 慎到 (c. 359–275 BCE) and the received *Shenzi Fragments*. Some elements of the excavated fragments, such as “administrative methods” (*fa* 法) and “positional power” (*shi* 勢), seem to establish a connection with the received *Shenzi*—a supposedly “Legalist” text. However, terms such as “reverence” (*gong* 恭) and “frugality” (*jian* 儉), which appear together in the fragments, are found in “Confucian” pre-Qin texts, such as the *Lunyu* 論語, *Mengzi* 孟子, *Xunzi* 荀子 and the “Book of Rites” (*Liji* 禮記). “Publicness” (*gong* 公) is an underexamined concern in the received *Shenzi*. When considered in terms of this concern, and not in the typical framing of Legalist doctrine, the received *Shenzi* provides a fitting philosophical backdrop for the *Shenzi Yue Gongjian*.

**Keywords:** *Shenzi Yue Gongjian*, *Shenzi Fragments*, political philosophy, publicness, Shanghai Museum fragments, Legalism, Confucianism

## 1. Introduction

The “Shenzi Speaks of Reverence and Frugality” (*Shenzi Yue Gong Jian* 慎子曰恭儉; hereafter SZYGJ)<sup>1</sup> is part of the Shanghai Museum cache of excavated Warring States fragmentary manuscripts purchased on the Hong Kong antiquities market.<sup>2</sup> The SZYGJ has received considerable attention in Chinese-language scholarship, but has as yet gone virtually undiscussed in any European language.<sup>3</sup> The provenance of the Shanghai Museum cache is uncertain, but the manuscripts are reported to have been excavated from a tomb in Hunan in 1993,<sup>4</sup> the historical site of Chu 楚. Given their status as “looted texts” of uncertain provenance, questions remain regarding their authenticity.<sup>5</sup> Furthermore, the SZYGJ is highly fragmentary and poses paleographic issues regarding many of its characters, due to the condition of preservation of the bamboo slips and ink, and the nature of the script. In addition to these paleographic issues, there are uncertainties pertaining to the “tradition” of the text. It is not certain that the SZYGJ belongs to the same tradition as the received *Shenzi Fragments* (or *Shenzi shu* 《慎子》書; hereafter SZS),<sup>6</sup> typically associated with Shen Dao 慎到 (c. 359–275 BCE).<sup>7</sup>

The first fragment of the SZYGJ attributes a saying to a Master Shen (Shenzi 慎子) which includes the terms *fa* 法 (“administrative methods”)<sup>8</sup> and, in most renderings, *shi* 勢

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<sup>1</sup> This title is written on the verso of the third fragment and constitutes the first five characters of the text (Li C. 2007: 279).

<sup>2</sup> For the original publication of the fragments and their first rendering into modern Chinese, see Li Chaoyuan 李朝遠 (2007). The fragments were carbon dated to 324–194 BCE, although as Christopher J. Foster notes (2017: 6), it seems the results of this test were only made public through testimony of the chief editor of the Shanghai Museum fragments, Ma Chengyuan 馬承源 (see Zhu 2002: 3). Li Rui 李銳 places the text no later than the end of the bamboo era marked by the invasion of Chu by Bai Qi 白起 in 278 BCE (Li 2008: 62).

<sup>3</sup> Exceptions include a brief mention in Knechtges & Chang (2014: 872) stating that it “may be a work written by a disciple of Shen Dao,” an unpublished paper by Luigi de Franco (n.d.) focusing on the paleographic issues in the work, a footnote in Harris (2016: 141) and several mentions in reviews of Harris’ work suggesting further attention should be given to this manuscript (Yang 2018: 128; Perkins 2017; Pines 2017: 206).

<sup>4</sup> See Edward L. Shaughnessy (2005: 1–3) and Matthias L. Richter (2013: 21–24) for general discussions of the Shanghai Museum fragments. Richter (2013) uses the *Min Zhi Fumu* 民之父母 as a case study to discuss many issues relevant to the whole Shanghai Museum fragments.

<sup>5</sup> Notable doubts are voiced by Xing Wen 邢文 based on his inspection of published images of the fragments (2014: 522). While there does not seem to be any published response made directly to address Xing’s concerns, Christopher Foster (2017) responds convincingly to Xing’s suspicions regarding another set of “looted texts”—the Tsinghua fragments. See also Sarah Allan (2015: 68–70) for a defense of the likelihood that the Shanghai Museum fragments are authentic.

<sup>6</sup> This refers to the fragments as organized by P.M. Thompson (1979) and translated by Thompson (1970: 512–575) and Eirik Lang Harris (2016: 105–134).

<sup>7</sup> See Li Rui 李銳 (2008) or a defense of these dates.

<sup>8</sup> *Fa* is often translated as “law” in the context of the *Shenzi* (e.g., Harris 2016), though not without controversy (see, e.g., discussion in Goldin 2011). This translation follows Creel (1970: 92).

(“positional power”).<sup>9</sup> These indicate a connection to the SZS. This connection has been the subject of scholarly discussion, taking one of two approaches (or a combination of these) both of which are beset by difficulties. The first approach considers the connection under the rubric of alignment with philosophical schools (e.g., Li C. 2007: 275, Chen 2008: 320). These scholars observe predominantly “Confucian” elements present in the SZYGJ and “Legalist” elements in the SZS, and thus consider the ideas within to be in tension.<sup>10</sup> It has become increasingly clear however, and particularly in the wake of excavated materials, that traditional classifications of schools corresponding to the Han 漢 dynasty “Essay on the Six Schools” (*Lun liu jia yaozhi* 論六家要旨)—found in the *Shiji* 史記 and commonly attributed to Sima Tan 司馬談 (d. 110 BCE)—insufficiently describe the intellectual milieu of Warring States China (see, e.g., Petersen 1995, Lewis 1999, Smith 2003, Csikszentmihalyi & Nylan 2003).<sup>11</sup> The incapacity of the “six schools” rubric to discuss the SZYGJ has been noted by Guo Lihua 郭梨華 who states that there is “an undercurrent in the academic world [that] breaks with the Han people’s ‘six schools’ (*liu jia* 六家) method of determining scholarly categories” (Guo 2009: 289). Li Rui 李銳 suggests that phrases in the SZYGJ such as “reverence and frugality,” “be situated in the center and do not stray,” and “moves in the right direction, and knows the way” may have been found in ancient writings, and would have constituted “common sayings” (*gong yan* 公言) among scholars of the time (Li 2008: 57), thus transcending traditional divisions between schools.

The second dominant approach observable in the literature attempts to identify the Master Shen alluded to in the SZYGJ with a historical figure mentioned in received sources, weaving them into a single historical narrative (e.g., Li X. 2007, Li 2008, Huang 2016). These historical references include not only those referring to Shen Dao, but also the reference to a “Shenzi” in the *Zhanguo ce* 戰國策 (Li 2008: 60–62, Chen 2008: 322), or the

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<sup>9</sup> *Shi* 勢 as a concept in early political philosophy is notoriously difficult to translate. For further discussion, see, e.g., Ames (1994), who offers “strategic advantage” and “political purchase” as two possibilities (65). See also discussion of François Jullien’s rendering of the term as the French *disposition* and the extent to which this maps onto the English term “disposition” (Lloyd 1995: 9–10). “Positional power” follows Harris (2016). Note, however, that the term does not necessarily refer to strategic advantage but can also cover strategic disadvantage, and so a neutral term like disposition or “circumstances” (Harris 2016: 122) can also be fitting.

<sup>10</sup> Traditionally, Shen Dao was associated with Huang-Lao 黃老 (or Huangdi 黃帝 and Laozi 老子) in the *Shiji* 史記. The SZS was placed in the Legalist category in the Han 漢 bibliography *Qilue* 七略 and in the *Hanshu* 漢書, and then in the *zajia* 雜家 (“miscellaneous”) category in the 18<sup>th</sup> century *Siku Quanshu* 四庫全書 due to its association with both Legalist and Daoist traditions (Thompson 1979: 3).

<sup>11</sup> Csikszentmihalyi and Nylan (2003) consider the misunderstanding of Sima Tan’s *liu jia* as delineated traditions as leading to broader misconceptions (60–61).

“Shenzi” of the “Gaozi Xia” 告子下 chapter of the *Mengzi* 孟子 (Huang 2016). These approaches do not reach reliable conclusions, however, given the scant information regarding the historical context of the excavated fragments, as well as the blend of historical record and fiction in early historical sources such as the *Zhanguo* (see, e.g., Crump 1960).

This article does not aim to assert that the authors of the SZS and SZYGJ were part of a shared lineage of disciples. Posed here is a more conservative estimation, namely that the denomination “Shenzi” and key terms such as *fa* and *shi*, may have been deliberately used in the SZYGJ to create an affiliation with writings or sayings approximating those found in the received SZS. Given that the name of Shenzi appears alongside other prominent masters in three chapters of the *Xunzi* 荀子, it is likely to have been of considerable authority during the Warring States (Li 2008: 62).<sup>12</sup> Furthermore, the ideas of Shenzi were already associated in the Warring States with *fa* (see Xunzi 1996 [XZ]: 79/21/21–22) and *shi* (see Hanfeizi 2018: 377–341). It is likely, therefore, that such references might have lent authority to the words of the SZYGJ.<sup>13</sup>

This article provides a tentative translation of the SZYGJ fragments and a discussion of different interpretive possibilities, based on a range of paleographic and philological studies previously carried out. The notion of “publicness” (*gong* 公)<sup>14</sup> is then used to analyze the SZS, and to consider how it may have formed a philosophical backdrop for the SZYGJ. Publicness has been noted as a concern that specifically characterizes the SZS (Sato 2003: 135–136; Brindley 2013: 20–24). This concept guides a treatment of the SZS in opposition to generic Legalist descriptions, colored as they often are by greater attention paid to the *Hanfeizi* 韓非子 or *Shangjun shu* 商君書. Publicness, as it appears in the SZS, recognizes the political salience of expanding one’s concerns beyond one’s immediate sphere to include the interests of one’s ministers and of the common people in the polity. Publicness in the SZS

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<sup>12</sup> These instances occur in XZ: 6/22/1–2, 17/83/3–4, 21/103/8–9. The fact that these references, along with those in *Zhuangzi* 莊子 “Tianxia 天下,” are invariably derogatory does not detract from the fact that they indicate a widespread familiarity with a Master Shen, whether real or mythical.

<sup>13</sup> See Csikszentmihalyi and Nylan (2003) for discussion on how lineages were “constructed,” and traditions “invented,” by virtue of exemplary figures. See Lewis (1999) and Nylan (2000) for discussion of the mutual reliance of texts and masters for their authority, although Lewis seems to have in mind direct master-disciple lineages. This does not preclude the bolder hypothesis that the manuscript emanated directly from a master-disciple tradition shared with the SZS.

<sup>14</sup> There is no satisfactory widely used translation of *gong* 公 in the context of Warring States political philosophy. Renderings as “public interest” (e.g., Brindley 2013) capture the concerns and needs of a greater public, but miss out on the aspect of the term that means “the sphere of governance” (see, e.g., Vogelsang 2016: 60) Rendering as “the public” (e.g., Bai 2020: 138–174; Vogelsang 2016) is general enough to include both of these connotations, but is easily conflated with the more common meaning of “the public” in English to mean “the general public,” or “the masses.” For these reasons, I use the term “publicness” which is chosen by a minority of authors (see, e.g., Veg 2021: 4).

also includes those methods that transcend the capacities of individual actors and are employed to establish a public order.

This article first examines the excavated SZYGJ fragments. Following that, the article brings the notion of publicness in the SZS to light. This, in turn, helps to show how the SZS can act as a philosophical backdrop for ideas presented in the SZYGJ including reverence, frugality, remaining centered and impartial, and ensuring the appropriate distribution of resources.

## 2. The SZYGJ Fragments

The SZYGJ consists of six short fragments and contains many paleographic uncertainties that complicate its reading. Of the six fragments, only the first is fully intact, although it does contain several indistinct characters. It contains 25 characters attributed to a “Master Shen” which seem to present the central theme of the short text: the connection between cultivation of attitudinal dispositions and political practice. The other five fragments expand on the first.<sup>15</sup>

The reader should bear in mind that the intended reader of the SZYGJ is speculative, and this may complicate its reading together with the received SZS. It is not clear whether the SZYGJ is intended to be read by the ruler, i.e., the “monarch” or “sovereign,” or intended for lower-level officials, as is the case with other excavated political texts including *Weili zhidao* (為吏之道; “The Way of Being an Official,” trans. Pines 2008). The latter text, discovered at Shuihudi 睡虎地 in the historical Qin 秦 territory, has several themes in common with the SZYGJ, and has given rise to discussions of how to reconcile supposedly Confucian morality with Legalist themes (see, e.g., Sou et al. 2013 and Tian 2020). The final clause of SZYGJ #1, below, gives us reason to think it is directed at the ruler if it is rendered, “positional power is accorded to through being expert with administrative methods,” given that discussion of circumstantial power tends to relate to those institutions that aid the ruler. SZYGJ #5, which speaks of “emoluments not hindering one’s resolve,” on the other hand, seems most likely to be directed towards the attention of a lower-level official. This issue will be addressed again following an examination of the fragments.

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<sup>15</sup> Li (2008) suggests that the fragments #2–6 might be the words of a disciple elaborating on a saying by the master (60)—see note 29 below for further discussion. There are no quotation marks on this manuscript, and the fragmentary nature of the text further adds to the difficulty of determining where the quoted segment ends.

## 2.1. SZYGJ #1: from Establishing the Person to Mastering Governance

Given the centrality of the first fragment, two versions are presented here representing two different interpretations:<sup>16</sup>

慎子曰：恭儉以立身，堅強以立志，忠寔（信）以反高（淳/貞），逆（迎接）友以載道，情灑（法）以巽（持）藝。

Shenzi said: The person is established through reverence and frugality; resolve is established through persistence and strength; sincerity is returned to through loyalty and trustworthiness; the way is worn through seeking alliances; the arts are grasped through disposition and administrative methods. (SZYGJ #1 A)<sup>17</sup>

慎子曰：恭儉以立身，堅強以立志，忠（沖）陟（得）以反高（俞），逆（去）友（囿）以載道，精灑（法）以巽（順）勢。

Shenzi said: The person is established through reverence and frugality; resolve is established through persistence and strength; tranquility is returned to through obtainment in emptiness; the way is accorded to by removing encumbrances; positional power is accorded to through being expert with administrative methods. (SZYGJ #1 B)

A cultivation process is described here beginning with establishing the person (*shen* 身) by becoming *gong* 恭 (“reverent” or “deferential”) and *jian* 儉 (“frugal” or “economical”). “Reverence” and “frugality” are among the few key terms in SZYGJ #1 whose renderings are undisputed, and they appear together in several other early texts. The teachings of the *Liji* 禮記 (“Book of Rites”) are summarized in the “Jingjie” 經解 chapter as pertaining to reverence,

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<sup>16</sup> For summaries of other possibilities in the whole SZYGJ, see Xu Fuhong 許富宏 (2013: 117–137) and Hong Dinglun 洪鼎倫 (2018). While I attempt here to credit all relevant scholars for the rendering of the ancient characters into modern Chinese, it is impossible to do this individually for every single character. The renderings here rely on the initial collation by Li Chaoyuan (2007) and research and analysis by Li Xueqin 李學勤 (2007), Chen Wei 陳偉 (2008), Li Rui (2008), Liu Hongtao 劉洪濤 and Liu Jianmin 劉建民 (2008), Lin Zhipeng 林志鵬 (2010), Xu Fuhong (2013), Huang Yu-Hsuan 黃羽璿 (2016) and discussions on the Wuhan University “Bamboo and Silk Manuscripts” website (<http://m.bsm.org.cn/>).

<sup>17</sup> These numbers represent their order in the original collation (Li C. 2007). Only the position of the first fragment is certain. “A” and “B” are two versions containing alternative interpretations. Translations of the SZYGJ fragments are the author’s own.

frugality, solemnness (*zhuang* 莊), and respectfulness (*jing* 敬) (Liji 2017 [LJ]: 951). In the “Biaoji” 表記 chapter, reverence is said to be “close to ritual propriety (*li* 禮),” frugality “close to humaneness (*ren* 仁)” (LJ: 1051), and both together are in service of attaining “humaneness” (LJ: 1053). In the *Xunzi* the terms are used in lauding the character of certain officials, who as well as being reverent and frugal are said to be “earnest” (*dun* 敦), “respectful” (*jing* 敬), “loyal” (*zhong* 忠), and “trustworthy” (*xin* 信) (XZ: 16/78/12). “Earnest,” “loyal,” and “trustworthy” are all possible renderings of characters appearing in SZYGJ #1, suggesting that the fragment may describe the appropriate attitude that pliant and respectful government officials should cultivate.<sup>18</sup> By contrast, reverence and frugality are used in the *Mengzi* to describe the attitude of a gracious ruler:<sup>19</sup>

孟子曰：「恭者不侮人，儉者不奪人。侮奪人之君，惟恐不順焉，惡得為恭儉？恭儉豈可以聲音笑貌為哉？」

Mengzi said, “Those who are reverent do not humiliate others. Those who are frugal do not seize from others. A ruler who humiliates and steals is afraid that his subjects might not obey him; how could [such a ruler] be called reverent or frugal? How could reverence and frugality pertain only to one’s voice and expressions?” (Mengzi 1996 [MZ]: 5.3/26/13)<sup>20</sup>

Here it is argued that these terms do not merely pertain to one’s demeanor (“voice and expressions”) but to how one treats others. Reverence involves refraining from making others feel humiliated, while frugality is defined as having the restraint not to seize from others what is not rightfully one’s own. This implies a political function of the terms, which a passage in the *Guanzi* 管子 helps to further elaborate:

適身行義，儉約恭敬，其唯無福，禍亦不來矣。

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<sup>18</sup> The speech attributed to Shenzi in SZYGJ #1 may also be read in the imperative mood as instructions to how to become a servile official, “Establish yourself through reverence and frugality! Establish resolve through persistence and strength! Return to sincerity through loyalty and integrity!”

<sup>19</sup> The connection between the SZYGJ and this passage is noted in Li Chaoyuan (2007: 276) and Huang (2016: 10).

<sup>20</sup> Van Norden (2009), whose translation was consulted, translates *gong* here as “respectfulness” rather than “reverence.”

Carrying oneself (*shen* 身) appropriately and exercising righteousness; being frugal, measured, reverent and respectful: although one will not encounter fortune, one will also not encounter calamity (“Jincang 禁藏”; Guanzi 2017: 755).

Frugality and reverence, it is suggested here, are conducive to guarding against undesirable outcomes. Together with the passage from the *Mengzi*, we may garner that respect for the dignity and material wellbeing of others constitutes a more reliable and prudent means to maintaining political legitimacy than the humiliation and plundering of others.<sup>21</sup> We can infer from these other instances in early texts that reverence and frugality connote appropriate attitudinal dispositions of respect for the dignity and material wellbeing of others. In SZYGJ, the cultivation of reverence and frugality is the beginning of a process of cultivation that results in attaining the political acumen *fa* and *shi*, as well as proper economical management and treatment of the people, as seen from later fragments. In SZYGJ #2 #3 and #5, below, “strength” and “resolve” relate to maintaining this reverent and frugal attitude in the face of the temptation to pilfer what should be distributed.

The third and fourth clauses of what is attributed to Shenzi in this first fragment have given rise to diverse interpretations. The character rendered in version A as “trustworthiness” (*xin* 信) has also been read as “fraternity” (*ti* 悌) (Liu & Liu 2008: 107–110). Either of these interpretive possibilities is supported by its pairing with “loyalty” (*zhong* 忠).<sup>22</sup> Also fitting with these readings is the reading of the final character in this clause as “sincerity” (*dun* 敦; Li C. 2007) or “honesty” (*chun* 淳; Li X. 2007). These readings suggest a positive mode of cultivation,<sup>23</sup> in keeping with the next clause referring to “walking a proper path” (*dao* 道) by becoming acquainted with the right people. In such a reading, “loyalty” and “trustworthiness” and the idea that one’s acquaintances are conducive to following the right path are reminiscent of parts of the *Lunyu* 論語, such as, “Uphold faithfulness and sincerity; have no friends not equal to yourself” (Lunyu 1995: 9.25/22/7).

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<sup>21</sup> Exactly in what way this prudence and reliability is realized is still up for debate. Zhu Xi’s commentary on the *Mengzi* notes that the sage simply knows that reverence and frugality must be practiced, whereas the common people calculate that if they do not humiliate and plunder others, they will not be humiliated and plundered themselves (Zhu 2012: 13). As such, the ruler acts from a cultivated attitude while the common people act for their own private interests.

<sup>22</sup> The translation of *zhong* 忠 as “loyalty” is merely conventional. For connotations of *zhong* in conjunction with *xin* in the context of two other excavated texts see Sou et al. (2013: 12–13). A potential understanding that preserves a more “Legalist” reading is of “loyalty to law” (Sou et al. 2013: 13–17).

<sup>23</sup> This is meant in contrast to a “negative” (Moeller 2006: 71) or “apophatic” (Roth 1997: 297) mode of cultivation.

An apophatic (Roth 1997: 297) mode of cultivation can alternatively be read from these two clauses (see version B, above). Rendering the first two characters of the former clause as “emptiness” (*chong* 沖)<sup>24</sup> and “obtain” (*de* 得) evokes a state of emptiness akin to that described in *Laozi* 4 (Xu 2013: 123–124): “The *dao* is empty (*chong*), and when it is made use of, it still does not become full” (trans. Moeller 2007). The “empty center” is an image of the *dao* in both the *Laozi* and the *Zhuangzi* (Moeller 2015: 106).<sup>25</sup> This reading fits with interpreting what is “returned to” as “tranquility” (*yu* 俞) (He 2007), as in the lines of the *Zhuangzi*, “acting non-coercively, one enjoys tranquility (*yu yu* 俞俞)” (*Zhuangzi* 2000 [ZZ]: 13/34/18). Reminiscent of the description of Shen Dao in “Tianxia 天下” chapter of the *Zhuangzi* 莊子 as one who “eradicates knowledge and gets rid of the self” (ZZ: 33/99/15),<sup>26</sup> the first two characters of the latter clause can be read as “removing encumbrances” (*qu you* 去囿) (see Li X. 2007, Lin 2010). These interpretive choices all suggest a mode of apophatic cultivation in contrast with the positive mode described above.

There are two major uncertainties in the final clause of this first fragment. One is with the first character. Two possible interpretations are considered here: *qing* 情 (version A) and *jing* 精 (version B). The term *qing* can have a wide range of meanings in early China (see Harbsmeier 2004). The usage of *qing* does not necessarily pertain to the internal dispositions of people, but could simply describe states of affairs—“the basic facts of a matter” (Harbsmeier 2004: 73)—with which the *fa* (“administrative methods”) should be aligned. This character is interpreted in version B as *jing* 精. Li Xueqin 李學勤 (2007) understands the character to mean *zhuan* 專 (43) based on a gloss in Gao You’s 高誘 commentary to the *Huainanzi* 淮南子, and this has influenced the translation here as “being expert with.” The character also carries the connotation of “being attuned to” (*zhuan yi* 專一) a situation, or

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<sup>24</sup> This character *chong* 沖 is etymologically and conceptually linked to *zhong* 中 (“center”). The two have been used interchangeably in other Chu manuscripts (Bai 2008: 247). Some readings of the SZS see it as fundamentally opposed to “loyalty” (see Harris 2016: 36–46), and such an understanding has been used to argue that this character is better read as *zhong* 中 (Lin 2010: 223).

<sup>25</sup> In addition to discussion in Moeller (2015), see, for instance, the *Laozi* 5 instruction to “hold to the center” (*shou zhong* 守中) and the discussion of the “center of a ring” (*huan zhong* 環中) in “Qiwu lun 齊物論” chapter of the *Zhuangzi* (ZZ: 2/4/19–20).

<sup>26</sup> Harris, like Feng Youlan 馮友蘭 (Fung 1952: 159), considers the description of Shen Dao in “Tianxia” to describe a philosophy not found in the SZS (Harris 2016: 102). However, parts of the “Tianxia” description clearly correlate with Shenzi’s response to lauding of the sages in SZS #10–14: “Unashamedly not adopting any duties yet laughing at the worthies of the world; unfetteredly not taking any action yet dismissing the sages of the world” (ZZ: 33/99/16).

being in the state of “numinous clarity” (Roth 1997). This reading of the character is supported by a second appearance of the character in SZYGJ #3, discussed below.<sup>27</sup>

The final character of this first fragment also poses a difficulty. Version A represents a minority of interpretations of the final character as *yi* 藝 (“arts”), which refer to techniques befitting a government official, similar to its appearance in the “Six Virtues” (*Liu De* 六德) Guodian 郭店 manuscript text (Li C. 2007).<sup>28</sup> In the majority of interpretations, however, the mastery described is “according to circumstances” or “harnessing positional power” (*shun shi* 順勢; version B). In this reading, the concrete skill associated with this mastery is proficiency with “administrative methods” (*fa*). When combined with “positional” or “circumstantial” power (*shi* 勢), there is a clear association with the philosophy of the SZS.

Although there are various interpretive possibilities of this first fragment, all point to a concern with cultivation of attitudinal dispositions, including reverence and frugality, that facilitate the mastery of effective methods of governance.

## 2.2. SZYGJ #2–6: Establishment of the Person Manifest

The remaining five fragments build upon what is laid out in the first.<sup>29</sup> They show how the attitudinal dispositions to be cultivated, such as reverence, frugality and—under certain interpretations—trustworthiness, are conducive to a centered and unbiased countenance, and thereby contribute to effective governance, including the distribution of resources. It should be noted that a range of different interpretive possibilities also exist for these fragments, and

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<sup>27</sup> Liu and Liu (2008) note how the clauses of this first fragment generally take the form AB 以 VO where A and B constitute pairs of nouns with related meanings (108). This supports the reading here as *qing*. However, Liu and Liu interpret the corresponding character in the preceding clause as *ni* 逆 without clarifying in what sense that character is meant. Most interpretations read the character in position A of the preceding clause as a verb, hence breaking with the pattern of AB representing nouns. *Jing*, as a verb, thus parallels the grammatical structure of the penultimate clause. Liu and Liu’s formulation as pairs of nouns does not hold true in each clause in any available reading. The pattern is thus, more simply, as Li (2008) puts it, a relationship between the intended goal after the *yi* 以 and the means to achieve it before the *yi* (Li 2008: 59).

<sup>28</sup> The character on the fragment is akin to 藝 but with a 力 on the bottom instead of 云. How we interpret this character also depends on how we read the character *xun* 巽 that precedes it. The latter might be understood as “to grasp” (*chi* 持; Li C. 2007), supporting the reading of “grasping” arts or techniques suited to governance. Alternatively, it may be read as *shun* 順 or *xun* 循 (“accord”; version B), supporting the reading of the final character as *shi* 勢 (see Xu 2013: 125).

<sup>29</sup> One interpretation based on the two instances of *gu yue* 故曰 (“thus he said”) in these five fragments is that they represent glosses on SZYGJ #1. It might be supposed that only the first fragment is intended to represent a direct quote from the master and the rest is commentary by a disciple (Li 2008: 62). However, we should not exclude the possibility that the five fragments constitute an auto-commentary and that the whole piece is written in a manner that intends attribution to Shenzi.

due to the confines of this article only one dominant interpretation is presented for each.<sup>30</sup>

The five fragments are presented together here:

干（求）恭以爲禮，道莫偏；干（求）信以爲言，莫偏；干（求）強以庚志...  
Seeking reverence through *li* (“ritual propriety”), one shall not stray from the way;  
seeking trustworthiness through speech, one shall not stray; seeking strength through  
maintaining one’s resolve... (SZYGJ #2)

勿以坏（附）身，中仇（處）而不皮（頗），任德以蒞，故曰精。斷室...<sup>31</sup>  
Do not enrich [and thereby spoil] the body; be situated in the center and impartial;  
employ *de* (“potency” or “virtue”) in attending [to people]; this is what is meant by  
“numinosity.”<sup>32</sup> [...] (SZYGJ #3)

敬（苟）得用於世，均分而廣施，時（恃）德而方（傍）義。<sup>33</sup> 民之...  
If there is gain, it should be used for [the benefit of] society; divide proportionately  
and distribute widely; rely upon *de* (“potency” or “virtue”) and *yi* (“righteousness”).  
The ... of the people ... (SZYGJ #4)

祿不纏其志，故曰強。首置茅茨，撰筱執桴遵畎備畝，必於...  
Emoluments not hindering one’s resolve, this is called strength. A straw hat on the  
head and weeding tool of bamboo in the hand, maintaining the ditches and working in  
the fields, it is certain that... (SZYGJ #5)

踐今，爲民之故仁之至。是以君子向方知道不可以疑臨...  
In practical affairs today, acting for the people is the utmost *ren* (“humaneness”).  
Hence, the lord (*junzi* 君子) who moves in the right direction, and knows the way, is  
free from doubts when facing... (SZYGJ #6)

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<sup>30</sup> For a broader range of possibilities, see the authors mentioned in note 16.

<sup>31</sup> The meaning of the last two characters is too indistinct to produce any meaningful interpretation and they are therefore omitted from the translation.

<sup>32</sup> The character *jing* does not merely connote a mundane proficiency with mechanisms but a cultivated state of mind. The different translation here emphasizes the latter aspect.

<sup>33</sup> The interpretation of this clause follows Chen (2008). For further discussion, see Xu (2013: 135).

The second fragment expands on the “reverence,” “trustworthiness” and “strength” of SZYGJ #1. These virtues are conducive to “not stray[ing]” (SZYGJ #2) and being “situated in the center and impartial” (SZYGJ #3). Centeredness and impartiality are conducive to “divid[ing] proportionately and distribut[ing] widely,” mentioned in SZYGJ #4. *Jun* 均, translated here as “proportionately,” likely refers to resources being distributed appropriately according to the positions of various ministers (Li C. 2007), rather than equally among all people. It is difficult to ascertain the significance of the reference to agriculture in SZYGJ #5, given its fragmentary nature; however, as there is also mention of “emoluments not hindering one’s resolve,” it may refer to an alignment with the concerns of the common people and participation—whether practical or symbolic—in their agriculture affairs.

Although the placement of SZYGJ #6 after the other fragments is tentative, it seems a fitting end to this short text. SZYGJ #1 succinctly lays out the theme of the whole piece, and SZYGJ #6 illustrates the manifestation of that theme in the figure of the political actor. As in many other excavated texts (Wang 2006), the character meaning “humaneness” (*ren*) is composed of “person” (*shen* 身) and “heart” (*xin* 心). The person (*shen*) to be established in the first fragment has undergone a process of cultivation affecting his internal state—represented by the heart (*xin*)<sup>34</sup>—and can thereby effectively manage and adhere to the administrative methods required for proper government.

A range of interpretive possibilities and connections with other texts has been provided here. Given the reference to “Shenzi” in the fragments and the presence of ideas associated with the SZS, including *fa*, *shi*, impartiality, and proportionate distribution, the ideas of the SZS and their potential to provide a philosophical backdrop to the SZYGJ are considered in the remainder of this article.

### 3. Received and Excavated “Shenzi” Fragments

Of the scholars who point out philosophical incongruencies between the SZYGJ and the SZS, many argue on the basis of divergent philosophical schools, observing predominantly “Confucian” and “Legalist” elements present in the SZYGJ and SZS respectively (e.g., Li C.

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<sup>34</sup> While this reading of the character *ren* is speculative, it is not without support. Wang (2006) notes how this graph as it appears in the excavated texts seems to emphasize that “humaneness” (*ren*) begins with cultivating one’s own heart. See also Meyer and Schwartz’s (2022) discussion of “image programmes” in excavated manuscripts, especially the discussion of the significance of the “heart” (*xin* 心) signifier in Warring States inscriptions and manuscripts (19–20, n. 50).

2007: 275, Chen 2008: 320). Insofar as the SZS is considered in the *fajia* 法家, or “Legalist,” framework, it is sometimes described as amoral in contrast to the moral philosophy of the Confucians.<sup>35</sup> Understanding the SZS in this *fajia* framework is, however, problematic. As Paul R. Goldin (2011) illuminates, the *fajia* grouping is among the more controversial of the traditional nomenclatures.<sup>36</sup> Goldin (2011) notes that A.C. Graham’s description of “classic Legalism” as an “amoral science of statecraft” roughly represents what is meant by “Legalism” in the contemporary academic climate (95) despite the fact that while it might be an adequate characterization of *Hanfeizi*, it does not portray other thinkers in the category as faithfully (95–98). The remainder of this article posits the notion of “publicness” (*gong* 公) as a central idea with which to analyze the SZS and how the text thus understood provides a philosophical backdrop for the SZYGJ.

### 3.1. Publicness in the SZS

*Gong* 公, translated here as “publicness,” is a concern that can be identified in many forms in early texts (Liu 2006, Yuzo 2008, Brindley 2013, Chen 2013: 49–94). It is a central notion in the SZS and includes cultivating an awareness of interests of the greater majority of the polity, and an approach to governance that does not rely on the ruler’s personal capacity but on abstract administrative methods and the greater administrative body. Treatments that pay attention to the central role of “publicness” (*gong* 公) within the philosophy of the SZS specifically, and not in context of other *fajia* texts, illuminate often overlooked concerns in the SZS (see, e.g., Sato 2003: 135–136, Brindley 2013: 20–24).

The establishment of *gong* 公 and the concurrent eradication of *si* 私 (“private interest”) is regarded by several authors as a key concern in the SZS (Sato 2003: 135–136, Brindley 2013: 20–24, Bai 1998: 146, Vogelsang 2016: 64).<sup>37</sup> In the context of the middle to late Warring States (c. 350–221 BCE) *gong* 公 is understood variously as “imbued with positive, moral meanings associated with impartiality and unity, usually associated with a

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<sup>35</sup> Instances include Harris (2016: 24, 2023: 64–65) who treats the SZS as his primary focus and holds that Legalists thinkers generally share this feature in contrast to Confucians. Graham (1989: 367–391) and Vogelsang (2016: 41–57) treat the *fajia* category more generally with the SZS as one instance, also presenting these texts as amoral in contrast to Confucian moralism.

<sup>36</sup> Goldin (2011) discusses the problematic nature of the English translation “Legalism” as well as the nomenclature *fajia*. While alternative translations have been suggested (e.g., Vogelsang 2016 uses “realism”), the current article nominally uses the translation “Legalism.”

<sup>37</sup> Note, however, that these authors do not all agree on the exact connotation of *gong* 公 within the SZS.

universal Way” (Brindley 2013: 5), in the *Xunzi* as “avoidance of prejudice” (Hutton 2014: 15, n. 24), and, in the *Hanfeizi*, as “the general interests of the sovereign” contra “the personal interests of the ministers” (Goldin 2005: 61). Goldin’s (2005) interpretation emphasizes a key characteristic for understanding the role of publicness in the SZS: the general interests of the state are not necessarily aligned with interests of individuals in the state, especially the ministers (59). Erica Brindley (2013) argues that Goldin’s understanding of *gong* 公, focused as it is upon the *Hanfeizi*, does not encapsulate the whole range of connotations that the term carries in Warring States China (23). In the SZS the opposition of *gong* 公 and *si* 私 is not, as it may be in the *Hanfeizi*, “simply one of competing interests” (Goldin 2005: 61). There is an awareness in the SZS that the interests of the state, and thereby of the sovereign, are inextricably bound to the interests of the people.

Kai Vogelsang (2016) notes that in a number of texts including the SZS, the key to understanding *fa* “lies in the opposition of ‘public’ and ‘private’” (64).<sup>38</sup> This very sentiment is asserted in the SZS itself in the lines, “Among the achievements of *fa*, none are greater than causing private interests to not be pursued” (#75; trans. Harris 2016 [H]). Vogelsang (2016) considers *gong* 公 in these texts to mean “the interests of the state” (62) and rejects Liu Zehua’s (2006) reading of the term as “common values that tie together state, society and the individual” (22). Similarly, Goldin (2005) cautions that “our modern concept of the ‘public interest’ or ‘public good’ hardly existed in ancient China” (59). These authors rightly draw attention to the fact that the perspective considered in the SZS is primarily the ruler’s and not some abstract representation of the common individual in the polity. Nevertheless, an interconnectedness is recognized between the wellbeing of the masses and the legitimacy of the ruler. Bai Xi’s 白奚 (1998) understanding of *gong* 公 in the SZS, realized through *fa* (“administrative mechanisms”), to mean the public establishment of social order (146) places an emphasis on the ordering of society rather than merely the interests of the ruler or any other individual within the polity. As Brindley (2013) points out, the SZS “takes pains to distinguish the value of *gong* from the exclusive sphere of any single person or position” (23). As Harris (2016) notes, the SZS recognizes that “people act based on their own private interests” (6). The private interest of all members of society has the potential to become problematic, and the SZS seeks to quash discontent that arises from private interest (see SZS #24, #63, #65). Private interests can also be used to political advantage, to a certain extent, as

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<sup>38</sup> Vogelsang (2016) discusses together the “teachings of Shang Yang 商鞅, Han Fei 韓非 Shen Buhai 申不害, Shen Dao 慎到” (41).

when the text notes that to “make use of people who act for their own benefit” results in there being “none whom you cannot secure and employ” (SZS #32; trans. H.). The SZS thus thereby aims to utilize private interests in the service of the public.

Given that the SZS aims to minimize harm caused by the pursuit of particular interests, Vogelsang’s (2016) assertion that *gong* and *fa* represent “the universalism of the state as opposed to the particularism of the lineages [*xing* 姓]” (64) is largely justified. However, this is qualified by the awareness in the SZS that the “universalism” of any instantiation of the state is not absolute. The state has the capacity to become a “private” entity that obstructs public interests,<sup>39</sup> a negative state of affairs that the following passage of the SZS suggests has already happened in the Warring States:

古者，立天子而貴之者，非以利一人也；曰：天下無一貴，則理無由通。通理以為天下也。故立天子以為天下也，非立天下以為天子也。立國君以為國也，非立國以為君也。立官長以為官也，非立官以為長也。

In ancient times, establishing the king and honoring him was not for the benefit of that single person. It is said, “If the kingdom lacks a foremost object of honor, then patterns will lack what connects them to one another; the connection of these patterns is for the sake of the kingdom.” So, the king was established in order to serve the kingdom; the kingdom was not established in order to serve the king. The lord was established in order to serve the state; the state was not established in order to serve the lord. The prime minister was established in order to serve the officials; the officials were not established in order to serve the prime minister. (SZS #21–22; trans. H, edited)<sup>40</sup>

This passage lauds the ideal functioning of government in former times. The interests of the kingdom held the most weight and were held above the interests of the king. The implication is that the interests of the people constituting the state should be continuously prioritized. If

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<sup>39</sup> See Bai (2020: 138–140) for a discussion of the relativity of the opposition of public and private. For instance, if considered from the perspective of an individual, the interests of a whole family belong to the public sphere while from a broader perspective those same interests constitute the private (Bai 2020: 139). Even the state constitutes the “private” when set against “all under the heavens” (*tian xia* 天下) (Yuzo 2008: 44).

<sup>40</sup> Given that the SZS is a pre-Qin text, Harris’ rendering of *tianzi* 天子 as “emperor” and *tianxia* 天下 as “empire” might be considered anachronistic. Here, therefore, the terms “king” and “kingdom” are used to denote the former kings to which the SZS likely refers and the corresponding polity that they were supposed to have ruled over.

the state becomes a vehicle to serve the interests of the sovereign, then it loses its legitimacy. Wang Shumin 王叔岷 (2007) connects this passage with the following from the *Mengzi* (188): “The people [should be] valued most, next the state [or ‘altars of soil and grain’; *sheji* 社稷], and the lord the least valued” (MZ: 14.14/74/14). The latter passage also represents an emphasis on prioritizing public, rather than private, interests. We cannot say whether this is *ultimately* for the sake of the people or the sake of the sovereign. In the context of the *Mengzi*, Franklin Perkins notes, “To oppose altruism and self-interest already skews the debate by assuming an individualistic idea of self” (2021: 55). To impose such a dichotomy would be in effect to force upon these texts the inapposite question, *which good is intrinsic and which instrumental?* The well-being of the people is inextricable from the legitimacy of the ruler. Concern for one is thus bound up with concern for the other.

Vogelsang’s (2016) description of the *fajia* as “hard-nosed, amoral teachings [that] emphasized a powerful state and a strong army, harsh laws, militarization and rustification of society” (41) is not easily read from the SZS.<sup>41</sup> While the *Shangjun shu* explicitly treats the dichotomy of state and its people as one of mutual tension when it states, “A weak people means a strong state; a strong people means a weak state” (Shangjun shu 1992: 20/26/12), the SZS, in passages such as SZS #21–22, above, emphasizes that the establishment of a sovereign is to establish a pattern of order for the benefit of all in the polity. There is no discussion in the surviving SZS of militarization, nor of a strong army, and while the importance of adherence to laws (or administrative methods) is indeed emphasized, there is no indication that they are particularly harsh. When our reading of the SZS is not colored by the *Shangjun shu* or the *Hanfeizi*, we have no reason to think that the SZS is predominantly concerned with the individual interest of the ruler independent of the state and its people more generally.

Two interconnected features of publicness are observable in the SZS: the conviction that what is for the sake of the greater polity rather than for a minority—whether the sovereign or another private interest—should be established; and the impartial and abstract methods used in establishing this. Vogelsang (2016) accurately identifies both *gong* (publicness) and *fa* (administrative methods) as implying “abstraction from private interests” (64). Abstraction is a key element of how publicness is established. Abstract, impersonal

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<sup>41</sup> Rubin (1974) recognizes that the SZS lacks the totalitarian qualities that can be identified in the likes of Shang Yang.

methods are used to combat private interests operating at all levels of the political hierarchy which would disrupt its proper functioning. The following passage lists such methods:

故蓍龜，所以立公識也；權衡，所以立公正也；書契，所以立公信也；度量，所以立公審也；法制禮籍，所以立公義也。凡立公，所以棄私也。

Therefore, milfoil and tortoise shell divination are how public decisions are recorded. Balance weights and beams are how public accuracy is established. Documents and contracts are how public trust is established. Standards and measurements are how public estimations are established. Administrative methods, institutions, rituals, and documents are how public norms are established. In all these cases, establishing public standards is the means by which private interests are eliminated. (SZS #73; trans. consulted H.)<sup>42</sup>

Becoming an effective political leader, according to the SZS, requires the use of administrative methods—ranging from divination to the use of standard measurements and observance of ritual—that prevent the domination of private influences and judgements over administrative functions. The aim of these methods is to establish what is in the interests of the state, the majority, rather than any private interests. Moreover, the methods themselves utilize that which can be abstracted from the domain of any particular person and applied universally.

As for the character of the ruler suited to establishing publicness, the SZS recognizes that any who harbors the notion that his personal capacity is sufficient to bring order to the polity is a danger to the state. The following passage illustrates the danger the people would face if the capabilities, efforts, and benevolence of the ruler alone were relied upon to establish order:

若使君之智最賢，以一君而盡贍下則勞；勞則有倦，倦則衰，衰則復反於不贍之道也。

Even if we were to suppose that the lord's wisdom was the greatest, if as a single lord he were to completely provide for those below, then he would have to toil laboriously.

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<sup>42</sup> Harris' (2016: 123) rendering of *gong* 公 as an adverb ("publicly") describing the manner in which decisions, trust, etc., are established seems difficult to defend from a grammatical perspective. Instead of using the term "public," Thompson (1970) finishes each clause with the phrase "shared by all in common" (547) which connotes roughly the same meaning as I intend here.

If he were to toil laboriously, then he would be wearied. If wearied, then he would be enfeebled. If enfeebled, then he would again return to the Way of being incapable of taking care of [those below]. (SZS #43, trans. H.)

Attempts to singlehandedly provide care for those under the charge of the ruler lead to neglect. There is no ruler whose capabilities are great enough to achieve such a task, as the following makes clear:

棄道術，舍度量，以求一人之識識天下，誰子之識能足焉。

If one discards the Way and [its proper] techniques and gives up standards and measurements, seeking to understand all under heaven through the understanding of one man, whose understanding could be sufficient for this? (SZS #107, trans. H.)

Instead of “toiling laboriously” (SZS #43) for the benefit of those under the ruler’s charge or “seeking to understand all under heaven” (SZS #107), the ideal ruler should allow those beneath him to establish order. The ideal relationship between the lord and his ministers is one where “the ministers manage affairs while the lord has no affairs” (SZS #38). It is by “according with” (*yin* 因) people that greatness can be achieved (SZS #28). Allowing people to act for themselves (SZS #29–32) and utilizing their diverse capabilities (SZS #33) is part of expanding one’s focus beyond one’s own private interests, judgements, and capabilities. These passages show how, in the course of maintaining political legitimacy, the ruler must take into account what the people under his charge are disposed to desire and need. Furthermore, the ruler must have the capacity to allow their capabilities to be utilized.

There is an implied demand on the ruler’s character to have the restraint sufficient to allow these administrative methods to function without his interference. This demand upon the ruler to exercise restraint approximates what Tao Jiang (2021) describes in the SZS and other texts as a “valorization of the virtue of humility in political governance, requiring rulers and officeholders to defer to and follow clearly laid-out stipulations and procedures in the system, remains an underappreciated aspect of their political philosophy” (282). Jiang (2021) points to passages such as SZS #107, above, as indicative of “touting the virtue of humility when handling human affairs” (Jiang 2021: 275). The ruler holds the central position of power and is thus in a position to exercise personal influence, based on his own capabilities and judgements. The capacity to refrain from getting in the way of administrative operations,

which would bring governance into the realm of the private, is an essential element of establishing publicness in the SZS.

This recognition of the importance of those factors beyond one's own capabilities, which Tao Jiang (2021) identifies as "humility," is more often discussed in the SZS in terms of *shi*, which as Harris (2016) points out, connotes "positional power" and, more generally, "circumstances" beyond personal control (91).<sup>43</sup> The term is an instance of the general idea in the SZS that "external assistance is essential, and that it is of much greater importance than any internal qualities that an individual may possess" (Harris 2016: 58). The SZS thus promotes extension of awareness outward from one's narrow, or private, realm. This awareness of external factors contributing to one's position of power is the subject of the following passages in the SZS:

騰蛇遊霧，飛龍乘雲；雲罷霧霽，與蚯蚓同矣；則失其所乘也。

[T]he winged snake travels on the mists, and the flying dragon rides the clouds. But when the clouds are gone and mists dissipate, then they become the same as worms, because they have lost that upon which they were riding." (SZS #10, trans. H)

...

賢未足以服眾，而勢位足以屈賢也。

[B]eing worthy is not sufficient to make the masses bow down, but positional power and status are sufficient to make worthies bend." (SZS #13 trans. H)

These passages suggest that the political efficacy of sagacity is limited and should be accompanied by an appropriate degree of attentiveness to external factors. The only other passage that mentions *shi* in the SZS speaks of the mythical figure Li Zhu 離朱, known for his remarkable eyesight which, the passage points out, is ineffective underwater: "It is not that his eyes are not keen, it is that the circumstances [*shi*] make it difficult to see" (SZS #71; trans. H). The importance of the environment surrounding Li Zhu is stressed relative to the inherent keenness of his vision. The passage thus serves to humble any ruler thinks that his personal capacities are great enough to make the external conditions irrelevant.

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<sup>43</sup> While *shi* is often seen as the defining characteristic of the SZS (see, e.g., Rubin 1974), this may be due to the association of the term with Shenzi in the *Hanfeizi*. Yang (2011) disputes the primacy of the concept on the basis that the term only appears twice in the text, while *fa* appears throughout.

This section has discussed two interrelated aspects of publicness identified within the SZS: concern for the interests of the majority (the satisfaction of which is tied to the legitimacy of the ruler), and the employment of abstract, depersonalized methods of governance. The interests of the public and the interests of the ruler are not diametrically opposed in the SZS. All parties share a vested interest in the public establishment of social order. The means to achieve this social order is the establishment of abstract methods, and the ruler suited to governance is one who can establish and adhere to those methods. With this reading of the SZS in mind, we turn to look again at the excavated SZYGJ.

### 3.2. The SZS as Philosophical Backdrop to the SZYGJ

Excavated texts lack the systematization of ideas that occurred during the process of transmission.<sup>44</sup> Csikszentmihalyi and Nylan (2003), in discussing the absence of scholarly schools prior to the Han, state that “[a]ll the pre-Han and early Western Han thinkers seem to have been, in essence, ‘eclectics’ when viewed from the much stricter normative models of later times” (Csikszentmihalyi & Nylan 2003: 61), an observation which corresponds to Petersen’s (1995) suggestion that the appropriate order of magnitude to consider the term *jia* 家 is not a unified “school” or “tradition,” but the authority of a single person (3). Excavated texts provide a window into modes of thinking and writing that are not formulated into the patterns of particular schools. In turn, they encourage us to observe signs of such fluidity in the received texts.

This article supposes that the name of Shenzi was used as an “exemplary figure” (Csikszentmihalyi & Nylan 2003) to lend authority to what is presented in the SZYGJ, and that the SZYGJ thereby entered into a shared “discursive space” (Denecke 2010: 22–31) with the SZS. Given that the SZYGJ may have emanated from a different context to other writings of the received SZS, which come to us through a process of transmission that likely resulted in their systematization, it is not surprising that different emphases can be observed in the SZYGJ and the SZS. As mentioned above, it is possible that the SZYGJ is intended for the training of subservient officials rather than the cultivation of a reverent ruler. Furthermore, in most renderings of SZYGJ #1 (following Li C. 2007), the notion of “loyalty” (*zhong* 忠) features as a positive attribute while the SZS dismisses it as an ineffective political tool. The

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<sup>44</sup> Richter (2013) notes that alterations made in the process of transmission range from “small accidental changes” to “a fundamental rewriting of the entire text” (1).

fourth chapter of the SZS demonstrates how loyal ministers can be found to exist in a disordered state and disloyal ministers in an ordered state. It contains a warning that, “Bringing order to disorder rests in worthy officials’ holding governmental positions and does not rest in loyalty” (SZS #54, trans. H). The traditional title given to the chapter, “Understanding Loyalty” (*zhi zhong* 知忠; trans. H), is appropriate in that it is not a simple rejection of loyalty, but rather shows the limitations of its reliability as, what Harris aptly calls, a “political tool” (2016: 116). The chapter also emphasizes how the character of the officials is not to be disregarded:

守職之吏，人務其治而莫敢淫偷其事，公正以敬其業，和順以事其上；如此則至治已。

Officials who maintain their responsibilities all devote themselves to ordering and none dare to be licentious or indolent with regard to their duties. They are public minded (*gong* 公) and upright and show respect for their occupation, and are harmonious and submissive in serving their superior; this is the way to achieve the ultimate in good order. (SZS #52, trans. H)

The “Understanding Loyalty” chapter is known for its warning against a reliance on the loyalty of officials as a means to establish order, but it also gives attention to the appropriate character of an official, which includes “public mindedness” (*gong* 公) and a respectful and subservient character.

As discussed above, “reverence” and “frugality” are conducive to this kind of deferential and subservient character. But the terms are broad enough to also describe the appropriate attitude of the ruler. According to the “Biaoji” chapter of the *Liji*, if one is reverential, then one will commit few errors, and if one is frugal then one will have a capacity for tolerant acceptance (LJ: 1051). The term *rong* 容 (“tolerant acceptance”) also means to “contain” or “include,” and is used in certain instances to describe the capacity to contain within one’s political dominion. This could mean the ruler holding sway over his ministers or containing a large population within the polity. The SZS contains such an instance, when it states, “Since it is easy to become his subject, none are not included (*rong* 容)” (SZS #37; trans. H). In the following passage of the *Laozi* 老子, this tolerant acceptance is conducive to *gong* 公, translated above as “publicness”:

知常容，容乃公，公乃王，王乃天，天乃道...

To know this constancy is to be capacious. To be capacious is to be unbiased (*gong*).

<sup>45</sup> To be unbiased is to be sovereign. To be sovereign is to be as the heavens. To be as the heavens is to be as the course. (*Laozi* 16; trans. Ziporyn 2023)

Frugality and reverence are conducive to achieving this kind of tolerant acceptance because they imply not imposing one's will upon others. As this passage from the *Laozi* reveals, there is a tripartite connection between this tolerant acceptance, an unbiased nature befitted to a sovereign, and the sky or "heavens" (*tian* 天). Correspondence between the sage ruler and the sky is described in the following passage in the SZS:<sup>46</sup>

天有明，不憂人之闇也；地有財，不憂人之貧也；聖人有德，而不憂人之危也。

While the sky is bright, it does not worry that the people are in the dark. While the earth is bountiful, it does not worry that there is insufficiency among the people.

While the sage is potent, he does not worry that the people are endangered. (SZS #1; trans. H, edited)

[...]

聖人之有天下也，受之也，非取之也；百姓之於聖人也，養之也，非使聖人養己也；則聖人無事矣。

The manner in which the sage possesses all under heaven is that he accepts it; he does not take it. The relationship between those of the hundred surnames and the sage is that they nourish him; they do not make him nourish them. And so the sage does not engage in affairs (*wu shi* 無事). (SZS #6; trans. H, edited)

This description of an empty and indifferent sage in the SZS reflects a kind of "unbiased" *gong* 公 nature akin to what is described in the *Laozi*.

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<sup>45</sup> The term *gong* 公 may also refer to a political position. Moeller's (2007: 41) translation as "rulership" reflects this meaning.

<sup>46</sup> This passage is also reminiscent of *Laozi* 5 which states that "the sky and earth are not humane" (*tian di bu ren* 天地不仁).

The repeated emphasis in SZYGJ #2 on “not straying” and the requirement in SZYGJ #3 to “be situated in the center and impartial” also promote an unbiased character. Some scholars (Li 2008: 57; Guo 2009: 289) note an affinity between the phrase in SZYGJ #4 to “divide proportionately (*jun* 均) and distribute widely” and the following passage of the SZS:

投鉤分財，投策分馬，非以鉤策為均也；使得美者不知所以德，使得惡者不知所以怨，此所以塞怨望也。

Casting coins to divide property and drawing lots to apportion horses is not done because casting coins and drawing lots lead to equal [*jun* 均] distribution. Rather, they are methods that cause those who do well not to know toward whom to feel grateful and cause those who do badly not to know toward whom to feel resentful. These are the means by which resentment and expectation are blocked. (SZS #24; trans. H)

The SZS passage promotes impersonal means of division and distribution, noting that what is primarily under discussion is not equal distribution per se, but the quashing of resentment. SZYGJ #4 also promotes measured distribution but presents a different emphasis, as it speaks of distribution guided by *de* and *yi*. *Yi*, translated in SZYGJ #4 above as “righteousness,” has only one instance in the SZS, quoted above in #73 with Harris’ translation as “norms.” Masayuki Sato chooses “fairness” to translate the two characters *gong* (public) *yi*. For Sato, this “fairness” constitutes “a new moral concept” expressed in the SZS, an alternative to Confucian morality that focuses on the qualities of the ruler (2003: 135). Both renderings capture something of the overall meaning of the passage, which discusses various impartial methods, or norms, used to establish that which pertains to the public sphere while diminishing that which pertains to the private.

As for the term *de*, Harris (2016) translates it as “potency” in most instances in the SZS, distancing it from readings as “virtue” that might carry moral implications (106). This is apt in instances such as SZS #1, quoted above, which lauds the potency of a ruler seemingly indifferent to the concerns of the people. The translation also holds true for “[t]he *de* of the Three Kings and Five Hegemons” (SZS #16, trans. H.), as these consist of both humane and inhumane, yet powerful, rulers. However, the aptness of its translation in the following passage is less certain:

明君動事分職，必由慧；定罪分財，必由法；行德制中，必由禮。

An enlightened ruler, when assigning tasks and appointing offices, does so on the basis of discernment; when deciding punishments [*zui* 罪] and distributing wealth, he does so on the basis of the law [or “administrative methods”; *fa*]; when exercising potency [or “virtue”; *de*] and regulating what is within [his household]<sup>47</sup>, he does so on the basis of ritual. (SZS #25; trans. H)<sup>48</sup>

In this passage, the exercise of *de* to regulate what is within the inner political realm, done according to ritual, forms a linguistic parallel with the imposition of punishments (*zui*) and division of wealth both done according to *fa*. Just as administrative methods (*fa*) should determine punishments and wealth distribution, an abstract and unbiased method is required to regulate the exercise of *de* within the ruler’s inner political realm. If the indifferent potency of the ruler can be described as a latent power akin to the bounty of the sky and earth (SZS #1–6), then it is not overbearing to begin with and does not require tempering by means of ritual. It seems more likely, therefore, that the *de* that is to be tempered by ritual in SZS #25 connotes some form of benevolent virtue. *De* appears in this sense in SZS #24, above, where Harris (2016) and Thompson (1970: 522) translate it as “to be grateful.” Depending on how the grammar of that sentence is understood, *de* denotes either the gratefulness for benefit bestowed or the benefit itself. The imparting of both punishment and benefit are in the service of proper governance, like the “two handles” described in the “Er Bing 二丙” chapter of the *Hanfeizi*. Punishments are regulated by administrative methods, while acting in a way that benefits those in the ruler’s inner circle is regulated by ritual. Sato (2003) notes in relation to this passage that “Shen Dao appreciated the role of *li* [ritual] in certain aspects of state affairs” (218). In this instance, ritual provides a regulated means for the ruler to benefit those within his inner political sphere without overstepping any boundaries that would lead to a “private” mode of governance.

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<sup>47</sup> This insertion is present in Harris’ original translation.

<sup>48</sup> Harris’ translation as “potency” here is roughly in line with Thompson’s (1970) considerations, which accept a moral/non-moral dichotomy in early Chinese texts. Thompson (1970) notes that the phrase *xing de zhi zhong* 行德制中 might be translated as “practises virtue and keeps himself from the deviations of falling short or of exceeding the mark,” in light of the line in the *Liji* “through ritual one regulates according to the mean” (所以制中也) (522, n. 20; see LJ: 967). However, Thompson (1970) ultimately decides that as the phrase *xing de* 行德 (“practice virtue” or “exercise potency”) does not have a moralized precedence in early texts, it should be understood in a non-moralized sense (522, n. 20). *Zhi zhong* 制中, according to Thompson (1970), should also be read “with the non-moralized value of ‘maintaining impartiality’” (522, n. 20).

Nivison's (1996) discussion of the "paradox of virtue" is useful in transcending the seeming tension between moral and amoral senses of *de*:

When I deny or sacrifice myself or my own good or interest for someone else, and so literally 'have *de* with' the other, I acquire a hold on this person, and so gain an advantage over him or her. (34)

What is on the surface moral or altruistic, has an underlying advantage for the person acting with *de*, hence revealing the fluidity between moral and amoral understandings of *de*. The concern for proportionate distribution done according to *de* and *yi* in SZYGJ #4, leading to wellbeing and reduced discontent among ministers and common people, is inextricably linked to the maintenance of political legitimacy. The sage ruler described in SZS #1–6 is indifferent to the concerns of the people. In SZS #43 we get a hint of why this attitude is valorized: if the ruler were to take too much personal care, and expend too much effort, this would ultimately lead to neglect. Somewhat paradoxically, a degree of indifference leads to more robust care than does the direct exercise of care. Given that legitimacy of rule is inextricably linked with the satisfaction of the people, the question of whether the SZS constitutes a moral or amoral philosophy can only be applied to certain emphases in certain contexts. Whether the SZS places greater emphasis on the wellbeing of the people or maintaining the legitimacy of rule depends on the particular issue under discussion in each part of the text.

It is only when the SZS and SZYGJ are read within the traditional categories of "Legalism" and "Confucianism," and accompanying "amoral" and "moral" designations, that there is a barrier to reading them together. Read with the more encompassing notion of "publicness" as a guide to our analyses, this contradiction does not arise.

#### 4. Conclusion

This article sought to demonstrate how the SZYGJ, part of the Shanghai Museum fragments, may be read with the SZS as a philosophical backdrop. The notion of "publicness" was used to guide the reading of the SZS. Two aspects of the term "publicness" can be read from the text: bringing about what is in the interest of the greater majority, and doing so by means of abstract, impersonal means. These notions provide a fitting philosophical backdrop for the SZYGJ, which promotes reverence, frugality, impartiality, and appropriate distribution.

While the primary goal of this article was to consider the excavated fragments against the received, this task also offers an opportunity to philosophically reexamine the SZS. Sarah Allan (2015) says of the Shanghai Museum and Tsinghua scripts:

[T]hese manuscripts often say things that were previously unimagined, but rather than overturning what we already know, they raise new questions and give us a new perspective from which to reexamine the transmitted tradition” (70).

The excavated SZYGJ causes us to recognize fluidity across supposedly opposing traditions of moralistic Confucians and amoral Legalists. These and other notions informed by the rubric of the “six schools” should be reconsidered due to the fluidity between ideas in early China brought to light by excavated texts.

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