

On the Rule by Law and the Confucian Venom: Some Private Essays by Lin Yutang

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Lin Yutang 林語堂 (1895–1976) is among the most noted figures of the literary and intellectual world in modern China. He was brought up in the family of a Baptist minister where his father's ambition was to use English as a language of communication. Like his father, Lin Yutang also wanted to become a minister, but when he gave his first sermon and declared from the pulpit that God was dead his career in the field of theology found a rapid end. He studied at St. John's University, a school founded by Anglican missionaries in Shanghai, and as he realized that his knowledge of classical Chinese was fairly limited, he continued in this field and became a linguist, finally submitting a thesis on classical phonology at the University of Leipzig.¹ After that he engaged in a career as a professional writer and in 1935 published his first novel, *My Country and My People*, written in English. This novel was subsequently translated not only into Chinese but also into many European languages. It is also thanks to *My Country and My People* (and the subsequent numerous English novels and translations into English) that Lin Yutang became one of the best-known Chinese writers in the West and had an overwhelming impact on images of China until far into the 1960s.² Lin Yutang was also among the regular contributors to the

1 »Altchinesische Lautlehre«, *Mitteilungen des Seminars für Orientalische Sprachen. Abteilung 1: Ostasiatische Studien* 28 (1925).

2 The only pre-war translation into a Slavic language I know of is Lin Yutang, *Můj národ a má vlast*, tr. by Matouš Hoch (Praha: Borový, 1938).

prestigious journal *Yusi* 語絲 (Thread of Talk; 1924–30).³ This was when he wrote his most important contributions about Chinese literature, fervently advocating the view that the more succinct and historicizing register of *wenyanwen* 文言文 should be kept for writing during the period when in China the vernacular *baibua wen* 白話文 was rapidly spreading as a medium for literature.

Putting into practice this proposal became another field of Lin Yutang's wide range of cultural and literary activities, namely when he established several journals during the 1930s. The journals *Lunyu* 論語 (Analects; 1932–48), *Renjianshi* 人間世 (In the Human World; 1934–35), *Yuzhoufeng* 宇宙風 (Cosmic Winds; 1935–47) and *Yijing* 逸經 (Heterodox Canonical Writings; 1936–37), as well as *Wanxiang* 萬象 (About All and Everything, 1941–45; refounded in the PRC, 1988ff) are all connected to Lin Yutang's name.⁴

Lunyu was Lin Yutang's own enterprise; he was also seminal in founding *Renjianshi* and was an important contributor to the other journals mentioned. During their time of publication, all these journals enjoyed considerable success among an interested readership. The present article will concentrate on the journal *Lunyu* and take a close look at two fields which drew Lin Yutang's particular attention and constituted the topic of this paper—namely the 'rule by law' and the 'venom of Confucianism'.

The texts to be discussed here were written during a period traditionally labelled as marked by 'trouble at home and interference from abroad' (*nei you wai huan* 內憂外患).⁵ This was when the Guomindang government ruled in Nanjing, yet did

3 For details on the journal's hurried establishment, cf. Sun Yurong 孫玉蓉, »Tan "Yusi" kanming de youlai« 談《語絲》刊名的由來, *Xin wenxue shiliao* 新文學史料 1/1992, 171–173, and for its subsequent fate in the memory of a co-founder, see Changnian 長年 [i.e. Zhou Zuoren 周作人], »"Yusi" de huiyi« 《語絲》的回憶 [Reminiscences of the »Thread of Talk«; 1957], in *Zhou Zuoren wen leibian* 周作人文類編 [Writings Arranged According to Topics], 10 vols., ed. by Zhong Shuhe 鐘叔河 (Changsha: Hunan wenyi chubanshe, 1998), 10: 667–669.

4 For a detailed discussion of Lin Yutang's editorial activities, see Xue Hui 薛暉, »Lin Yutang 30 niandai qikan bianji sixiang yanjiu« 林語堂30年代期刊編輯思想研究 [A Study of Lin Yutang's Ideas About Journal Editing in the 1930s] (M.A. thesis, Henan University, Kaifeng, 2006); cf. also Luo Weiyang 羅維陽, »Lin Yutang de bian, yi, zhu« 林語堂的編、譯、著 [Lin Yutang's Activities as an Editor, Translator and Author], *Beijing yinsua xueyuan xuebao* 北京印刷學院學報 12,3 (Sep 2004), 34–37 & 45; 12,4 (Dec 2004), 37–41.

5 This term is employed particularly for the period from 1928–37, also labelled as the essentially prosperous »Nanjing Decade«, as in sum it was more stable than any period between 1840 and 1949.

not manage to achieve political stability. On the contrary, China was struck by unsettled and never-ending conflicts between the ruling Guomindang and the Communists. Moreover, quite a number of territories were under the control of the Nanjing government only formally because military dictators factually exercised power there based on strong armed forces and ruled not only with their armies but also economically. This happened all under the imminent threat of Japanese military attacks.

According to a contribution in the collection *Drei Studien über Lin Yutang* (Three Studies on Lin Yutang), the motivation to establish *Lunyu* was »to spread humour in China«. ⁶ It may be confirmed that this goal was reached because the journal did indeed turn its attention to the ‘big topics’ even though its ambition was not ‘investigative’ journalism or a critical analysis of social and political issues, but rather giving space to glosses and satirical treatment of political events. Many contributions in *Lunyu* can be labelled as *feuilletons* or ‘private essays’ directed against and satirizing social and political grievances. ⁷

One of the topics discussed by Lin Yutang as an author of political satire in *Lunyu* was the question of how two concepts of political power are interrelated, traditionally labelled as *renzhi* 人治 (‘rule by gentlemen’ or ‘rule by individuals’) and *fazhi* 法治 (‘rule by law’). In his private essays he is primarily critical of the fastidious impact of *renzhi* in the history of Chinese political culture—according to him an evident fact—while on the other hand the principle of ‘rule by law’ had never been made fruitful. This was mainly because the whole of China was poisoned by the ‘venom of Confucianism’. A consequence of this venom was that all strata of Chinese society never talked about laws, but instead mainly discussed how important it was to respect Confucian virtues and moral standards in political, social and official life. It was mainly for this reason that China had never succeeded in establishing democratic institutions, and therefore intellectual traditions saw the only legitimation of rule (on all levels) in Confucian virtues and in the moral foundations for establishing a rightful state.

6 Gotelind Müller, »Lin Yutang. Die Persönlichkeit im Spiegel des Werks«, in Martin Erbes & al., *Drei Studien über Lin Yutang (1895–1976)* (Bochum: Brockmeyer, 1989), 34.

7 For more detail see *Humour in Chinese Life and Letters: Classical and Traditional Approaches*, ed. by Jocelyn Chey and Jessica Milner Davis (Hong Kong: Hong Kong University Press, 2011).

Lin Yutang devotes particular attention to these considerations in two articles published in *Lunyu*, one entitled *Half a Han Fei as a Cure for Under Heaven*,⁸ the other entitled *On Combing, Brushing, Shaving, Peeling, and the Like*.⁹ In the following, I shall discuss their argument in more detail.¹⁰

»*Half a Han Fei as a Cure for Under Heaven*«

This whole article is actually a reflection about the relationship between the so-called *gongmin* 公民 ('public citizen', or 'public-spirited person') and the *siren* 私人 ('private individual' or 'a person only concerned about private interests'), and on the one hand is about the sense of responsibility and interest in state affairs of citizens, and on the other about the civic and military officials that according to Lin Yutang are mainly corrupt and which present the greatest danger to the democratization process in modern China. It might sound surprising, yet in writing about this issue, Lin Yutang explicitly refers to the ancient Legalist work *Hanfeizi* 韓非子 (ca 3rd c. BCE), namely to its chapter »Wu du« 五蠹 (Five Venoms), from which he quotes a number of passages to serve as a basis for his considerations about how the social and political system in modern China should look. In the English precursor of the essay, Lin even labels Han Fei as a »twentieth-century prophet and a sure cure for modern China«. ¹¹ Alluding to the passages in the *Hanfeizi*, Lin Yutang claims that it is indeed true that in China

8 Yu 語 [Lin Yutang], »Banbu Han Fei zhi tianxia« 半部《韓非》治天下, *Lunyu* no 3 (Oct 16, 1932). It is scarcely known that many of Lin Yutang's Chinese essays in fact had English precursors in the English-language journal *The China Critic* (published in Shanghai in the years 1928–45, aimed mainly for an international readership), including the precursor of our essay, then titled »Han Fei as a Cure for Modern China«, *The China Critic* 3,37 (Sep 10, 1930). The content of the essay was presented in a paper read before the American University Club on 30 September 1930 at the Old Carlton, Shanghai. My quotations from the English version of the essay are based on an edition of Hu Shi's and Lin Yutang's essays in *China's Own Critics. A Selection of Essays* (Shanghai: Kelly & Walsh, 1933; repr. New York: Paragon Books Reprint Corp, 1969). For more details, see *The Bilingual Essays of Lin Yutang*, ed. by Qian Suoqiao (Hong Kong: Chinese University Press, 2010).

9 »Shu, bi, ti, bao ji qita« 梳、篦、剃、剝及其他, *Lunyu* no 17 (May 16, 1933).

10 I quote from the texts on the basis of the edition of *Lin Yutang mingzhu quanji* 林語堂名著全集 [Complete Edition of Noted Works by Lin Yutang], 30 vols., ed. by Mei Zhongquan 梅中泉 & al. (Changchun: Dongbei shifandaxue chubanshe, 1994), vol. 14.

11 *China's Own Critics*, 86.

there are only few 'public citizens', yet quite some corrupt 'private individuals' who do not need to fear sanctions. Since there is Lin Yutang's own translation of the passage drawn from the classic (cited in the original in the Chinese essay), I herein quote from »Han Fei as a Cure for Modern China«, the English precursor:

There was an important passage [in *Hanfeizi*] which contained the very interesting phrase »public citizen« (*kung min* [公民]) and which tried to account for the general apathy and indifference of the people toward national affairs. He [Han Fei] said in effect:

»Now you send people to fight. They will be killed whether they go forward or turn back. That is dangerous for them. You ask them to forsake their own private pursuits and devote themselves to the military service of the country, and when they are poor, those about do not pay any attention to them. Of course, they become poor. Now, who would like to be in danger and poverty? Of course they will try to keep away from you. Therefore, they will all mind their own business and be interested in building their own houses and try to avoid war. By avoiding war, they will have security. By practising official graft and bribery, they can become rich and secure themselves for life. Now who would not like to be wealthy and live in peace? And how could you prevent them from seeking peace and wealth? This is the reason why there are so few public citizens and so many private individuals.«¹²

- 12 This passage is quoted in the Chinese essay, *Lin Yutang mingzhu quanji*, 14: 239–240. The Chinese text from *Hanfeizi* reads as follows: 今為之攻戰，進則死於敵，退則死於誅，則危矣。 / / 棄私家之事而必汗馬之勞， / 家困而上弗論則窮矣。 / 窮危之所在也，民安得勿避。 / / 故事私門而完解舍，解舍完，則遠戰，遠戰則安。 / 行貨賂而襲當塗者則求得，求得則私安，私安則利之所在，安得勿就？ / 是以公民少而私人眾矣。 It is rendered by W. K. Liao as: »Now if you force them to attack and fight, they face death at the hands of enemies at the front, and death through official punishment at the rear. That is peril, indeed! Again, they have to abandon their own domestic affairs and undergo the toil of military service. In the long run, their households are reduced to poverty. Yet the ruler takes no notice of it. That is destitution, indeed! Wherever lie destitution and danger, how can the people do other than shun them? Naturally they would frequent the gates of the private residences of influential men so as to exempt themselves from military service. If exempted from military service, they keep aloof from warfare. If aloof from warfare, they can remain in safety. Again, if they can by virtue of bribes approach the authorities concerned, they get what they want. If they get what they want, they have profit and security. Wherever lie security and profit, how can the people do other than crowd in? Hence, citizens in public service are few but private protégés are numerous.«— »Wu du« 五蠹, *Han Fei Zi* ch. 49; from »Five Vornim. A Pathology of Politics«, tr. by W. K. Liao [Liao Wenkui 廖文窺], *The Complete Works of Han fei tzü* (London: Probsthain, 1939), quoted from iath.virginia.edu/saxon/servlet/SaxonServlet?source=xwomen/texts/HanFei.xml&style=

The evil lies in the system. When it is too dangerous for a man to be public-spirited, it is natural that he should take an apathetic attitude toward the country, and when there is no punishment for greedy and corrupt officials, it is too much to ask of human nature for them not to be corrupt.¹³

As we have just seen, and will also see in the following text, in order to draw attention to the evil phenomena of contemporary China, Lin Yutang cited examples from the Legalist School (*fajia* 法家). Evidently, Legalism is anything else than an ideology preaching freedom, yet Lin Yutang was searching in it for ideas, advice and methods that would serve against the social evil. Moreover, he had identified it. Apparently, the most dangerous phenomenon in society was the *siren*, to be found mainly among officials and the military elite.

Our Chinese essay itself opens as follows:

Among all political issues related to the system of rule in contemporary China, the biggest is the question of *renzhi* and *fazhi*. The spirit of Chinese people does not change—the Guomindang is good, the Communist Party is good, Fascism is good, or restoration of the monarchy is good—since people are not able to keep away from the spirit of *renzhi*. And it is hard to realize that the core of the problem is not in changing political systems or political parties, but to get rid of the bad habit of *renzhi*. It may be concluded that if we achieve *fazhi*, there will be good governance, and if not, chaos will take over. This means that if the Chinese people continue to treasure as the highest value not talking about the country's affairs, and if Chinese keep lacking all interest in politics and are still saying that politicians are not obliged to respect the laws, so that everybody believes it is much better to keep silent than to speak out loudly, then laws will never be able to protect human rights.¹⁴

Here Lin Yutang very clearly expresses his belief that 'rule by law' or *fazhi* is the only promising way to improve the political, social and economic situation of China, since the still persisting spirit of Confucian *renzhi* in China brings about the general lack of any consciousness about the need of a legally-based state and 'adequate legal protection' in modern China.

Lin criticizes the Chinese tradition of benevolence (*ren* 仁) and contrasts it with its abuse for the purposes of power that had become a tool in the hands of the ruling elites. Totalitarian practices of exercising power were drawing their legitimation from being the legitimate expression of a government composed of enlightened individuals. Their knowledge and education became the criteria to

xwomen/xsl/dynaxml.xml&chunk.id=d2.49&toc.depth=1&toc.id=0&doc.lang=bilingual> (Nov 17, 2011).

13 *China's Own Critics*, 92–93.

14 *Lin Yutang mingzhu quanji*, 14: 239.

acquire, maintain or abandon power—as sufficiently legitimate and experienced to act and decide in favour of the well-being of the people—with methods that usually refer to historical precedence and respective moral standards, finally providing legitimation to any action.

To honour and to believe in the abilities of the ruling authority may thus result in justifying authoritarian practices because only an enlightened ruler or other supreme authority can be proclaimed capable of providing evidence that defends their own power and position and at the same time can act in favour of the common well-being of society as well as of all individuals. On the other hand, although the Legalist (or to a certain extent Daoist) model imagines a ruler with unlimited power, their ways of ruling and of administration of the state remarkably differ from the Confucian model. In the Confucian model ('rule by gentlemen'), the ruler or the leader of the government with the help of his executive bodies operates on the basis of and with reference to determined ideological and moral principles and their precursors in history in order to legitimate his rule. On the other hand, Legalists enforce by simple orders a system of absolutist government by the ruler—whose rule is actually *wuwei* 無為¹⁵ because the country *is ruled by laws themselves*: laws that are respected absolutely and without reservation and which in this very mean support for the stability of the system. Therefore, laws need to be elaborated very carefully in order to encompass the broadest possible range of social and economic activity; they need to be respected unconditionally and must be valid equally for everybody with no regard to social position. Laws may not be exposed to any ideological or moral doubt—they are uncontestable.

As we have already indicated above, although the aims and motivations of Legalists on the one hand and supporters of a democratization process in modern China on the other were fundamentally different, Legalists advocated absolute power of the ruler while reformers, on the contrary, advocated that it was necessary to pay attention to the democratic and civil rights of individuals. According to Lin Yutang, they are in several respects very similar in practice with regard to the mechanisms installed to reach political and ideological goals. Also, both political camps fought against the same enemy—corrupt officials, warlords or others acting against the interests of the nation. This is how Lin Yutang came to take into consideration the ideas of the ancient Legalist School in order to point to one of the most serious menaces to society in his time. He

¹⁵ The Daoist *wu wei* ideal of the ruler was an inspiring concept for Legalists in the way that if laws are perfect and enforced without reservation, the state is actually ruled by laws themselves and an active role of the ruler is not necessary.

considered ‘rule by gentlemen’ as dangerous mainly because the most powerful social groups would not be willing to contribute to make legal procedures transparent. Moreover, it may be expected that Chinese laws would protect precisely those who would stand up against the abuse of power. This is where Lin Yutang sees the task of Legalist policy in ensuring equality before the law as well as the legal and social responsibility of officials for their actions before the law.

In the following, Lin Yutang quotes extensively from *Hanfeizi*, thus finding further justifications for his point. Since these passages are not translated by himself in his *Han Fei as a Cure for Modern China*, English translations are from W. K. Liao’s 1939 version:

Thus, though the sovereign falls into contempt, the ministers are honoured; though the land of the state is cut off, their own families have become wealthy. If their projects succeed, they will become mighty in authority; if their projects fail, they will retire from active life with riches in their pockets.

However, such is the usual way the Lord of Men listens to the proposals of his ministers that before their projects are successful, their ranks and bounties are already exalted. And, if they are not punished when their projects fail, who can be sure that the itinerant gentlemen are not going to display their irresponsible sophistries elsewhere and count on unexpected good fortune?

Nevertheless, why is heed paid to such frivolous ideas of the persuasive politicians as would break the state and ruin the lord? That is because the Lord of Men never distinguishes between public and private benefits, never scrutinizes whether the ideas are true or false, and never definitely enforces censure and punishment.¹⁶

Here again Lin shows how important it is to control state ministers and state officials because he considers corruption and clientelism among officials endemic and mostly unsanctioned.

However, the private essay, with its reference to Legalism, does not offer more detailed or precise elaboration—which of course may but not necessarily be expected from a contribution to such a kind of journal. Therefore, we do not learn to which extent Lin Yutang was actually inspired by *Hanfeizi*, how he actually would have solved questions like avoiding any discussion or explanation of laws, legal sanctions pronounced without any possibility for a defence, or laws being interpreted in favour of the defendant. In his short essay, Lin Yutang just expounded simply and succinctly, taking the few passages from *Hanfeizi* as an

16 *The Complete Works of Han fei tzü*, see above n12.

example of by what and how the project of the nominally democratic statehood of the Republic of China was endangered. Although we can get more information from his English essay, it does not go much deeper in featuring the measures for the modern China inspired by the Legalists.

»On Combing, Brushing, Shaving, Peeling, and the Like«

This article also appeared in *Lunyu*, with a half-year delay from the preceding one, and seems to be more critical compared to other essays published in the 1930s. Here, Lin Yutang does not explicitly quote from ancient Legalist writings, but he makes an open attack on Confucianism as a detrimental ideology which is primarily responsible for the miserable situation in Chinese society. In order to seek a solution to change things for the better, he proposes more prisons for politicians and corrupt officials. The private essay starts with a saying which was circulating at the time among the Sichuan people—and about which Lin Yutang had read in the newspaper, as he said:

Bandits act like combing with a comb, soldiers act like brushing with a brush, warlords are like shaving with a razor blade, while government officials suck out the brain and peel off the skin.¹⁷

Through this enumeration, the common people from Sichuan were complaining about how continuously and without shame they were driven deeper and deeper into misery, and above all they gave the lively expression that this poverty was not their choice because their voices were not heard, but was rather inflicted by a government that »peels off their skin«. In Lin Yutang's eyes, that was how the perspectives for Chinese society looked, and as he said this was above all due to the 'Confucian venom'.

What does the 'Confucian venom' exactly consist of? Lin Yutang saw it mainly in the attempts of the political and bureaucratic elites to legitimate their methods of government and the abuse of their power, and that in order to mask these transgressions they repeatedly referred to traditional Confucian values and its ethical code, as well as the Confucian system of interpersonal relationships.

In the following passages, Lin Yutang again came back to how harmful it had been to use Confucian ideology as a mere tool to legitimize the bureaucratic machinery—and he finally labelled Confucianism as death in the midst of vitality, becoming visible in the degree of corruption. Only 'rule by law' was capable of

17 匪是梳子梳，兵是篦子篦，軍閥就如剃子剃，官府抽筋又剥皮。 *Lin Yutang mingzhu quanji*, 14: 276.

building a democratic state with the power to eliminate increasing poverty, corruption and the blindness of the Chinese nation.

Those who talk excessively about benevolence and righteousness in fact not only mask their corruption, but they are also fully aware that if we do not talk about benevolence and righteousness, we have to talk about law. If we talk about law, up we get to the head of a branch of government and down to the judge—they should all sit in prison but might not feel comfortable there. When talking about benevolence and righteousness, loyalty and filial piety, we do not hurt others or harm ourselves; thus we are not only avoiding the hardships of prison but also become honoured as protectors of the Way. [...] Thus those who like to ruin law certainly enjoy talking about the Confucian Way. This is why the more the Confucian Way is enacted, the more endemic is corruption.¹⁸

According to Lin Yutang, the transmitted Confucian models of human relationships, such as the Confucian *xiao* 孝 ('filial piety'), *ding wei* 定位 (pre-determined social status), *zhi ming* 知命 (to apprehend and to accept one's fate), and *qing mian* 情面 ('to save one's face')—all rules and models of behaviour from Chinese tradition shaping the way how social phenomena are interpreted¹⁹—have also given way to an unprecedented spread of corruption and bureaucracy. This is, in sum, the 'venom' that must be eliminated from Chinese society.

In the two essays examined here the call for »more politicians in prison« is repeated a few times. It has proved impossible to identify any English precursor of On Combing, Brushing, Shaving, Peeling, and the Like, yet its emphasis on the issue is so distinctive that in order to conclude the passage on this essay I would like to refer to another private essay in English by Lin Yutang, entitled More Prisons for Politicians. It not only calls for strict enforcement of the law for politicians, but also again advocates *Hanfeizi*:

As a follower of Han Fei, I believe that it is high time that we stop talking about moral platitudes, and change over the topic of strict enforcement of law and of providing more prisons for politicians. Instead of assuming with Confucius, that our officials are benevolent and moral gentleman, let us hasten to assume, with Han Fei, that they are potential convicts, and devise ways and means of preventing these potential convicts from committing crimes against the law and the nation. [...] The plain, inexorable political and historical truth is that when you treat officials like gentleman, as we have been doing in China, one-tenth of them will be gentleman and nine-tenths of them will turn out to be crooks; but when you treat them like crooks, as they do in Western countries with prisons and threats of prisons, considerably less

18 *Lin Yutang mingzhu quanji*, 14: 277.

19 *Ibid.* 277.

then one-tenth succeed in being crooks and fully nine-tenths succeed in pretending they are gentleman. As a result, you have at least the semblance of a »clean and irreproachable government« in the Western countries.²⁰

Concluding Remarks

These two contributions to *Lunyu* stand out because despite the journal's brief period of publication it enjoyed extraordinary attention and appreciation among its readership. Lin Yutang's texts appeared during a very unstable and tormented period marked not only by repeated clashes between the Guomindang government troops and the guerrilla Communists, but also by the genuine military threat from Japan. His published short pieces offered ironical and satirical criticism and observations about the most pressing political and social issues. It is remarkable how harshly Lin Yutang deals with the topic of how Confucian traditions influenced the fate of China. According to him, Confucianism had a nefarious impact. Which then were the effects of Confucianism in Lin Yutang's view? People easily adapted to any ruler and to any (totalitarian) regime (to the Guomindang government, as well as to Fascism and to monarchic rule) while everywhere in China virtue and morality were discussed whereas nobody talked about law. Why? It would be better not to talk about virtues but about law: (1) laws should be also respected by politicians, state officials and army officers; (2) talking about Confucian virtues should not be abused in order to dissimulate or to justify corruption and the waste of financial resources of the state; (3) the legal consciousness of the Chinese has to be increased. On these few points, Lin Yutang takes a very clear and outspoken position.

However, in his essays Lin Yutang does not give an answer to the question to which extent he considers the methods described in the Legalist work *Hanfeizi* applicable outright, in some cited passages one may even withdraw some of his criticism of Confucianism. Be it as it may, Legalist writings were the chief inspiration for a reflection about the necessity to raise legal consciousness among Chinese and to get rid of the Confucian model of unconditional loyalty towards authorities.

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20 *China's Own Critics*, 97–98.