Yang Hua

Hatred and Revenge in Ancient China During the Qin and Han (221 B.C.-220 A.D.): The Expression of Emotions and the Conflict between Ritual and Law

In recent years, the history of emotions has become an important area of inquiry for cultural history.[1] The study of emotions must take into consideration both the physiology and psychology of a people, but such aspects are difficult to access directly in historical records. One solution to this problem is to place human emotions in a historical context and examine them through the lens of politics, society, and ideology. This essay discusses emotions in the Qin and Han Dynasties (221 BCE-220 CE) from the perspective of hatred and revenge. The premise is that hostile emotions, such as hatred, resentment, rancor, anger, and the like, emerge from the historical record of special frequency and emphasis where there is a culture of revenge, such as existed in the Qin and Han dynasties. How and why that culture evolved, and was in the end superseded, will form the substance of this chapter.

1 Resentment, Anger and Hatred in the Qin and Han Dynasties

In ancient China, there were many words to express personal resentment, such as *yuan* 怨(resentment), *hui* 恚 (grudge), *nu* 怒 (anger), and *hen* 恨 (hatred), and an even greater number of combinations of words. The "First Four Histories of China" (*Shiji* 史记, *Records of the Grand Historian*; *Hanshu* 汉书, *History of the Han Dynasty*; *Houhanshu* 后汉书, *History of the Later Han Dynasty*; *Sanguozhi* 三国志, *History of the Three Kingdoms*), provide numerous examples. Thus, the word *yuanhui* 怨恚 (grudge and resentment) appears 6 times, *huihen* 恚恨 (resentment and hatred) 10 times, *nuhen* 怒恨 (anger and hatred) once, *yuannu* 怨怒 (grudge and

1 For relevant discussions of Chinese scholars, see the forum papers published in *Shixue yuekan* 史学月刊, 2018, no. 4. They include Huang Kewu (2018), Sun Yiping (2018), Wang Qingjia (2018) and Zhang Shouan (2018).

https://doi.org/10.1515/9783110784312-006

anger) 18 times, *yuanhen* 怨恨 (grudge and hatred) 40 times, *yuanchou* 怨仇 (grudge and enmity) 14 times, and *duoyuan* 多怨 (intense resentment) 21 times. When expanding the search to include terms of mutual resentment and its formation, we find 10 examples of *xiangyuan* 相怨 (mutual resentment), 5 of *xiangchou* 相仇 (mutual enmity), 23 of *jieyuan* 结怨 (incurring hatred), and 4 of *jiechou* 结仇 (incurring enmity). It appears that, in contrast to other periods, hostile emotions had a particular salience in the Qin and Han Dynasties.

Expressions of resentment and anger abundant in the historical records of this time. For example, the "Biography of Yu Dingguo 于定国 (?-40 BCE)" in the *Hanshu* records that "the people were burdened with grudges, and the local governments would not deal with the situation."[2] Again, the "Biography of Han Yanshou 韩延寿(?-57 BCE)" in the *Hanshu* states that "the people were burdened with grudges" in Yingchuan 颍川.[3] In the "Biography of Dong Zhuo 董卓 (?-192 CE)" in the *Sanguozhi* we read that "there arose either mutual affection or mutual resentment, and many died of injustice".[4] Why such concern with resentment and hatred? To some extent, of course, these emotions are common across cultures and times, but there appear to be special emphases associated with the Qin and Han Dynasties. I discuss some reasons for this exceptional situation in the following section.

1.1 Personal vendetta

Such conflicts are unavoidable and common in all of human history, and there are plenty of examples of anger and hatred resulting from greed, jealousy, deception, contempt, insult, disrespect, exploitation, contention (over property and beauty), etc., in the Qin and Han Dynasties. Thus, Han Xin 韩信 (231–196 BCE) was humiliated by being forced to crawl through another person's crotch, and his anger is easily imagined. He was esteemed for enduring and controlling his anger, and he finally became a general, pacifying his country and winning fame for generations.[5] Again, the prime minister Tian Fen 田蚡 (?-130 BCE) was late for a banquet, and was very arrogant toward the guests there, which angered Dou Ying 窦婴 (?-131BCE) and Guan Fu 灌夫 (?-131BCE).[6] Another instance is Guo Jie 郭解: whenever he went out or returned, everyone avoided him except

2 "Biography of Yu Dingguo 于定国传," *Hanshu* 汉书, 71, Beijing, 1962, p. 3043.
3 "Biography of Han Yanshou 韩延寿传", *Hanshu*, 76, p.3210.
4 "Biography of Dong Zhuo 董卓传", *Sanguozhi* 三国志, 6, Beijing, 1959, p. 179.
5 "Biography of Huaiyinhou 淮阴侯列传," *Shiji* 史记, 92, Beijing, 1959, p. 2610.
6 "Biography of Weiqiwuanhou 魏其武安侯列传," *Shiji*, 107, p. 2848.

for one person, who rudely "looked at him while sitting with legs apart," and so the retainers of Guo Jie "wanted to kill him."[7] The *Hanshu* records that Guo Jie "felt unhappy and killed many people."[8] These reasons for anger and hatred are not specific to a particular era or culture, but they may also be symptomatic of a highly aristocratic society marked by a strong sense of personal honor.

1.2 Group conflicts

Over the 440 years of the Qin and Han Dynasties, although they were relatively stable most of the time, there were several periods of serious unrest. In the short reign of the Qin Dynasty 秦朝 (221 BCE-207 BCE), peace was never achieved throughout its domain. The state of Qin in the west with its superior manpower conquered the six states of the east, but its rule was not accepted universally. The former states of Qi 齐, Chu 楚, Yan 燕, Han 韩 and Zhao 赵 kept their traditional political and social order, and conflicts between them and the Qin were intense.[9] As a result, the collapse of the Qin Dynasty was rapid and complete. The turmoil at the end of the Qin and the beginning of the Han Dynasties intensified conflicts among the different groups. Although the unified Qin empire lasted only 15 years, literary records mention that "The whole country suffered from the Qin for a long time." In total, there are 15 mentions of "suffering from the Qin" in ten literary works.[10] Resentment of the tyranny of the Qin Dynasty came from various classes and regions. With the outbreak of the peasant revolt at the end of the Qin Dynasty, "families could not restrain their anger, individuals fought with each other, took revenge for their grudges and attacked their enemies. Inhabitants killed the magistrates in the counties and the commanders in the prefectures."[11] There was also great social turmoil in the period from the end of the Western Ha 西汉 (202 BCE-8 CE) to the early years of the Eastern Han Dynasties 东汉 (25–220 CE). The collapse of the Xinmang Regime 新莽 (9–23 CE) almost brought the whole country back to the turmoil of the Warring States period, and conflicts among the regions became more open. Furthermore, during the Yellow Turban Uprising 黄巾起义 (184 CE) in the late Eastern Han Dynasty, regional,

7 "Biographies of Rangers 游侠列传," *Shiji*, 124, p. 3186.
8 "Biographies of Rangers 游侠列传," *Hanshu*, 92, p. 3701.
9 Tian Yuqing (1989).
10 Such as the "Chronicles of Gaozu 高祖本纪," "Biographies of Zhang Er and Chen Yu 张耳除余列传," and the "Biography of Huaiyinhou 准阴侯列传" in *Shiji*; "Biography of Chen Sheng 陈胜列传" and "Biography of Li Yiji 郦食其列传" in *Hanshu*, etc.
11 "Biographies of Zhang Er and Chen Yu 张耳陈余列传," *Shiji*, 89, p. 2573.

religious, and class conflicts came together to create a dramatic and complicated situation. Under such conditions, personal hatred is often intertwined with national, political, and ethnic antagonism. For example, Xiang Yu 项羽, king of Western Chu (232–202 BCE), treated his subordinates well, but he was cruel to enemies and often massacred the residents of conquered cities. "There was no place where Xiang Yu passed that was not looted and slaughtered. People across the country resented him and did not attach themselves to him voluntarily. It was just coercion through power and tyranny."[12] According to Yan Shigu 颜师古 (581–645), because Xiang Yu massacred whole cities, he was deeply resented by the people. At the end of the Western Han Dynasty, when Wang Mang 王莽 (45 BCE-23 CE) usurped the throne, several sources record that "the whole country had been suffering from Wang Mang and missing Han for a long time,"[13] and that "the whole country had been suffering from the tyranny of Wang Mang and missing the previous benevolent rule of Gaozu 汉高祖 (256/247–195 BCE)."[14]

1.3 Politics and the Bureaucracy

The Qin and Han Dynasties were bureaucratic societies in which power was centralized in the hands of the emperor. To prevent ministers and officials from forming cliques, the imperial court forbade them to develop intimate private relations. For example, Gai Kuanrao 盖宽饶 (105–60 BCE) was just and regarded as a good official. When the Marquis of Ping'en 平恩侯 Xu Bo 许伯 (110–61 BCE) moved to a new residence, Gai went to attend the celebration banquet unwillingly; once there, he saw that the Chamberlain of the Emperor's Mother was performing the dance "the fight between the monkey and the dog." He immediately left and reported this disrespectful behavior to the emperor.[15] The emperor punished the Chamberlain, and his contemporaries praised him for "fulfilling his duty of inspection, being straight in his conduct, and having many enemies but few friends."[16] "Having many enemies but few friends" was precisely the image that autocratic emperors desired. The Legalist theory of monarchical rule advocated that courtiers and officials should not have personal friendships. "If subjects betray the king and tend to forge personal relations with each other, the

12 "Biography of Han Xin 韩信传," *Hanshu,* p. 1864.
13 "Biography of Feng Yi 冯异传," *Houhanshu* 后汉书, 17, Beijing, 1965, p. 640.
14 "Biography of Zheng Xing 郑兴传," *Houhanshu,* 36, p. 1217.
15 "Biography of Gai Kuanrao 盖宽饶传," *Hanshu,* vol.77, p. 3245.
16 "Biography of Gai Kuanrao 盖宽饶传," *Hanshu,* vol.77, p. 3247.

king will become weaker and the ministers stronger."[17] "Couples and friends cannot shield each other's sins and mistakes, and yet they do not hurt their feelings. People cannot conceal things for one another's sake. The king and the officials, their business is the same but their interests are different."[18] The relationship between the king and his ministers, as between father and son or husband and wife, is based on interests, and there ought not to be too much affection and friendship. This kind of political ecology was partially implemented under the authoritarian and centralized rule of the Qin and Han Dynasties, which naturally led to tensions within interpersonal relationships.

1.4 Collective Punishment and Encouragement of Denunciation

The institution of collective punishment called lianzuo 连坐 has a long history in China. It is said that in the late Shang Dynasty (about 1600–1046 BCE), King Zhou 纣王 (?-1046 BCE) already "punished people along with their clans and appointed officials along family lines,"[19] which may be the prototype of the institution. The law of collective punishment that Shang Yang 商鞅 (395–338 BCE) implemented in the state of Qin

> ordains that households are organized into units of ten and the unit receives collective punishment if one member commits a crime. Those who do not denounce a criminal will be executed by severing the waist; those who denounce a criminal shall receive the same reward as one who beheads an enemy, and those who hide a criminal shall be punished as an enemy who surrenders.[20]

This system helped the Qin State to conquer others and was implemented after the Qin Dynasty unified the whole country. In the legal texts of the Qin bamboo slips excavated in Yunmeng Shuihudi 云梦睡虎地 of Hubei Province, one often finds mention of an official receiving collective punishment for a crime, such as failing to fulfill official duties and the dishonest recommendation of officials. In the Han legal texts found on bamboo slips from Zhangjiashan 张家山, provisions for similar punishments appear.[21] To avoid collective punishment and keep oneself safe, one had to denounce the crimes of others. In the Han Dynasty, denunciation

17 Jiang Lihong (1986) 137.
18 Jiang Lihong (1986) 134–135.
19 "Mushi," *Shangshu* 尚书·牧誓.
20 "Biography of Shang Jun 商君列传," *Shiji*, 68, p. 2230.
21 Jin Tengfei (2016).

of crimes was openly encouraged. For example, in the fourth year of Yuanshou 元狩四年 (119 BCE), the imperial government announced a tax decree called *suanminling* 算缗令 that levied a 6% property tax and commercial tax. It encouraged *gaomin* 告缗, that is, reporting concealed property to the authorities, and rewarded half of the property confiscated to the reporter. It is recorded that "Under the supervision of Yangke 杨可there was reporting of concealed property all over the country, and the most middle-class families had been reported (for concealing property)."[22]

This policy of widespread denunciation was designed to strengthen the centralization of power as well as local administrations. There had been many powerful families in the prefecture of Yingchuan 颍川, which made it difficult to govern. The central government sent out a high-ranking official who received an annual pay of two thousand bushels of grain as governor. When Zhao Guanghan 赵广汉 (?-65 BCE) served for this capacity, he encouraged officials and people to denounce each other:

> When Zhao Guanghan served as governor of the prefecture, he was concerned about the habit of forming cliques. He therefore sowed dissension between the officials and the people, and made them denounce each other. He thought that this was a wise policy. But because of this it became common practice to denounce people in Yingchuan, and there was much resentment and hatred among the inhabitants.[23]

In another passage of *Hanshu* Zhao Guanghan's method is more detailed:

> The powerful families of Yingchuan formed marriage ties among each other, and the officials were accustomed to forming cliques. Guanghan was concerned about this, so he chose among them those who were suitable to conduct criminal cases and severely punish those who were convicted. Guanghan deliberately disclosed what they confessed and in this way made them resent each other. He also ordered his subordinates to prepare a box for receiving letters of denunciation. When he got a letter, he would cover the name of denouncer and allege that it was from a member of one of the powerful families. After that the rich and powerful families hated each other, the cliques disappeared, and customs changed significantly. Officials and people denounced each other, and Guanghan had plenty of spies. Robbery disappeared.[24]

This was typical of the Legalist method of ruling, which severely corrupted folk customs. Later, Confucian officials who succeeded to his position made great efforts to change the new practices and to rebuild more harmonious relationships. In sum, under the authoritarian and centralized bureaucracy of the Qin and Han

22 "Shihuozhi 食货志," *Hanshu*, 24, p. 1170.
23 "Biography of Han Yanshou 韩延寿传," *Hanshu*, 76, p. 3210.
24 "Biography of Zhao Guanghan 赵广汉传," *Hanshu*, 76, p. 3200.

Dynasties, interpersonal relationships were tense, and resentment and hatred among individuals intensified.

2 Revenge in the Qin and Han Dynasties

Grudges lead to hatred, and hatred to revenge. In the "First Four Histories of China," we find 29 occurrences of *baoyuan* 报怨 (revenge for grudges), and 59 of *baochou* 报仇 (revenge for hatred). The following discussion is based on previous research of this phenomenon in the Qin and Han Dynasties.[25]

Revenge in the Han Dynasty can be divided into two types: revenge for kin and revenge for non-kin, with the former being the more common. Revenge for non-kin included revenge for the sake of the emperor, generals, masters, friends, etc. According to one study, recorded instances of revenge for kin in the Han Dynasty include 14 cases of revenge for a father, 1 for a foster father, 2 for parents, 8 for brothers (including cousins), 3 for a mother, 1 for a husband, 1 for a son, and 2 for an uncle.[26]

According to another study, the targets of revenge who were killed were not limited to nobles and officials, but also included powerful landlords and commoners. Avengers likewise included powerful landlords, Confucian scholars (students), and commoners, with the latter predominating. The study surveys 59 cases of revenge in the Han Dynasty, out of which 30 cases involved vengeance among men between the ages of fifteen and thirty. There were also many instances of revenge by middle-aged and elderly women. This is to say, neither avengers nor the targets of revenge came from a particular sector of society. Moreover, this phenomenon was widespread throughout the country and was not limited to a certain region.[27]

In the Han Dynasty, contract killers were employed to obtain vengeance for their clients. The *Hanshu* records that at the end of the Western Han Dynasty, Wangzun 王尊 governed the capital, Chang'an, harshly, and he captured and killed strong men such as Yu Zhang 萬章, Zhang Hui 张回, Zhao Jundu 赵君都, and Jia Ziguang 贾子光, who were "all famous strong men in Chang'an who took revenge on behalf of people and maintained killers."[28] Not long after that, "there were more and more crafty people in the city of Chang'an. Youths living

25 Lü Simian (1982) 380–385; Peng Wei (1986); Zhou Tianyou (1992) and Zhou Tianyou 1991.
26 Zhou Tianyou (1991).
27 Peng Wei (1986).
28 "Biographies of Rangers 游侠列传," *Hanshu*, 92, p. 3706.

in the alleys gathered to kill officials, and they took revenge on the part of others for money."[29] At the end of the Eastern Han Dynasty, a strong man named Yang Aruo 杨阿若 from Jiuquan 酒泉, "travelled around when he was young and often took revenge for other people, in a professional capacity, so people said that 'whenever there was a killing in the eastern market or in the western market, the killer must have been Yang Aruo'."[30] The *Qianfulun* 潜夫论, by Wang Fu 王符 (85–163 CE), in the Eastern Han Dynasty, indicated the price of killing enemies in the city of Luoyang 洛阳:

> There were even brokers who brokered killing in Luoyang, and they were called the brokers' house. They would take the amount of one hundred thousand, but pay the killer several thousand . . . Now killers in Luoyang would kill anyone from the elderly to those as young as four to five years old. They would not quit until they died.[31]

Professional killers who took revenge on behalf of other people charged according to the number and status of the targets. The existence of these professional killers indicates great demand for revenge at this time. For example, when Su Buwei 苏不韦 in the Eastern Han Dynasty avenged his father, he "spent all his property to hire a swordsman."[32] Indeed, hatred and revenge were described as one of the "seven major reasons for death" in the Han Dynasty,

> The seven reasons of death: first, beaten to death by cruel officials; second, death by severe punishment; third, death by being wronged and framed; fourth, killed by thieves and burglars; fifth, death by grudge and revenge; sixth, death by starvation; seventh, death by plague and illness.[33]

Death because of starvation and illness are common among all peoples. However, of the five other reasons listed here, being beaten to death by a cruel official, death by severe punishment, and death for being wronged are related to the excessive use of force in the justice system. The other two, that is, being killed by thieves and burglars and because of grudges and revenge, indicate problems relation to public security in the Han Dynasty.

Let me illustrate the situation by means of a few typical instances of revenge in the Han Dynasty.

---

29 "Biography of Yin Shang 尹赏传," *Hanshu*, 90, p. 3673.
30 "Biography of Yan Wen 阎温传," *Sanguozhi*, 18, p. 552.
31 Wang Fu and Wang Jipei (1979) 183.
32 "Biography of Su Buwei 苏不韦传," *Houhanshu*, 31, p. 1108.
33 "Biography of Bao Xuan 鲍宣传," *Hanshu*, 72, p. 3088.

2.1 The revenge of Zhao E 赵娥

The father of the woman Zhao E was killed by Li Shou 李寿, who lived in the same county. Normally revenge was carried out by men. But all three of Zhao E's brothers had died in a plague. Her enemy was very happy and said, "all the men of prime age of Zhao's family were dead. There were only weak women left. What should we be worried about?" However, Zhao E undertook the duty of revenge. She bought knives and often hid beside the home of her enemy, but did not find a chance for more than ten years. Finally, she killed her enemy in 179 CE. The instance was recorded in the *Houhanshu* and *Sanguozhi*.[34] After she killed Li Shou, Zhao E surrendered to the local government with the following confession: "I have avenged my father's death. Now I am surrendering myself for the death penalty." The local governor Yin Jia 尹嘉, however, was prepared to lose his position in order to free Zhao E. She did not flee, and was prepared to receive punishment under the principle that "personal hatred should not violate public law." She escaped the death penalty because the imperial court issued an amnesty. It is worth noting that she won overwhelming support from the public: "People all over the country, hearing about this, praised her and exalted her righteousness." The inspector of Liangzhou province, Zhou Hong 周洪, and the governor of Jiuquan prefecture, Liu Ban 刘班, reported to the emperor, praising her "strength and righteousness." They also set up a stele with inscriptions honoring her family. The former imperial secretary Liang Kuan 梁宽 wrote a biography of her.[35]

2.2 The revenge of Su Buwei 苏不韦

This instance, which is recorded in the "Biography of Su Buwei" of the *Houhanshu*, occurred in 170 CE. In the Eastern Han Dynasty, Li Hao 李暠, the chief magistrate of Meiyang County 美阳县, was "corrupt and violent and hated by the people." He was proven to have taken bribes and was punished by his superior, Su Qian 苏谦. But later Li Hao gained the support of the courtier Ju Yuan 具瑗 and was promoted to the position of inspector of the capital. According to the law of the Han Dynasty, after Su Qian retired, he ought to have returned to his hometown and not be present in the capital Luoyang any longer. Nevertheless,

34 "Biography of Illustrous Women 列女传," *Houhanshu*, 84, p. 2796–2797. "Biography of Pang Yu 庞淯传," *Sanguozhi*, 18, p. 548–550.
35 "Biography of Pang Yu 庞淯传," *Sanguozhi*, 18, p. 548–550.

he visited Luoyang for personal reasons, where he was caught and punished by Li Hao. He died in prison; Li Hao even whipped his corpse.

At that time, Su Buwei, the son of Su Qian, was just 18 years old. He carried the body of his father back, and "buried it without a funeral ceremony." He moved his mother to the mountains and was determined to avenge his father. He changed his name and "spent all his property to recruit a swordsman" to kill Li Hao, but for a long time he did not succeed. In the end, Su Buwei, together with his cousins, spent several months digging a tunnel, in the night, to Li Hao's bedroom and attempted to surprise him. Unfortunately, when they emerged, Li Hao was in the bathroom. Su Buwei killed Li Hao's concubine and his son, left a letter, and escaped. Li Hao was frightened and became more cautious. Whenever he went out, he bore a sword and hired strong men as his guards. Su Buwei knew that it was hard to kill him, so he went to Li Hao's hometown and dug out the body of Li Hao's father Li Fu 李阜, and cut off his head to sacrifice it at his own father's tomb. He hung the head in the street with a note alleging that "Mr. Li removed his father's head." Li Hao did not dare to say anything and retired to his hometown; he put the head of his father back in the coffin and reburied it silently. He offered a reward to catch Su Buwei for several years, but did not capture him. In the end he was so depressed that he died of disease, after vomiting blood.

2.3 The story of "Seven daughters' revenge for their father"

In a Han tomb excavated in Helinger in Inner Mongolia (the tomb is dated to the 60–70s of the 2nd century CE), there is a fresco bearing the title, "Seven daughters' revenge for their father" (in tomb of Jü County 莒县 in Shandong Province, it is simplified as "Seven Daughters").[36] In recent years, scholars have found more murals with similar themes; seven murals have been identified so far. The fresco tells the story of a magistrate being blocked when passing a bridge, with several women chasing the carriage and beating him; the owner of the carriage (named "Chief Magistrate of Chang'an 长安令 in the Helinger tomb, and "Chief Magistrate of Xianyang" 咸阳令 in the tomb of Cao Cao 曹操) is shown falling off the bridge over the Wei River 渭水桥. There are also women waiting under the bridge to beat the magistrate as he falls into water. Such frescos have been found in several places, including Inner Mongolia, Shandong, and Anhui, indicating that this was a common theme in the late Eastern Han Dynasty.

36 Neimenggu wenwu gongzuodui, neimenggu bowuguan (1974).

It is not possible to reconstruct the specific details of the story, but it shows that women's revenge for their relatives was regarded positively at the time.[37]

3 Theories of Revenge in Confucian Classics

Violent personal revenge was mostly forbidden ancient China, as in many other societies. So why was revenge not effectively restrained in the Qin and Han periods? And why did public opinion express sympathy and praise for such acts rather than condemning them? The main reason is that Confucianism, which became the official ruling ideology in the Han Dynasty, held that revenge was legitimate and stipulated the method and scope of revenge within its ritual system.[38] Confucianism advocated "punishing evil and commending good."[39] The question, then, is how evil was to be punished. Confucius affirmed that one must neither "repay hatred with hatred" nor "repay hatred with kindness,"[40] but rather "repay hatred with uprightness and repaying kindness with kindness," that is, to "requite a grudge with fairness and righteousness, and to treat kindness with kindness." Xing Bing's 邢昺 (992–1010 CE) commentary called it "straight justice," that is, repaying a grudge with justice, righteousness, and fairness. What, then, constitutes "fairness and righteousness"? Mencius was against killing, and thought that "killing others" was equal to "killing oneself." The argument supposes that killing others inevitably generates revenge: "If one killed the father of another, then the other would kill his or her father; if one killed the brother of another, then the other would also kill his or her brother."[41]

There were rules concerning the scope, objects, and means of revenge within the category of Confucian "ritual." In ritual books such as *Liji* 礼记 *(Book of Rites)*, *Dadailiji* 大戴礼记 *(Book of Rites of Dai the Elder)*, and *Zhouli* 周礼 *(The Rites of Zhou)*, we read:

37 Xing Yitian (2011) 91–137; Liu Yuntao (2005), Huang Jianhua (2007), Hou Xiaorong/Zhao Huiqun (2017).

38 Tatsumi Makino (1980), Qiu Libo (2005), Wang Li (1995).

39 "Duyu xu" 杜预序, *Zuozhuan* 左传,in *Shisanjing zhushu* 十三经注疏, p. 1707, "The 14th Year of Duke of Cheng" 成公十四年, *Zuozhuan*, in *Shisanjing zhushu*, p. 1913; "Gongyangzhuan Hexiu xu Xuyan shu" 公羊传·何休序·徐彦疏, in *Shisanjing zhushu*, p. 2190.

40 "Xianwen," *Analects* 论语·宪问, in *Shisanjing zhushu*, p. 2513.

41 "Jinxin," *Mengzi* 孟子·尽心, in *Shisanjing zhushu*, p. 2774.

(1) One should not live under the same heaven with one's father's murderer; one should not wait until one fetches weapons to kill one's brother's murderer; one should not live in the same country as one's friend's killer. (*Liji-Qu Li* Ⅰ 礼记·曲礼上)[42]

(2) Zi Xia 子夏 (507 BCE- 400 BCE) asked Confucius, "How should (a son) conduct himself with reference to the man who killed his father or mother?" The Master replied, "He should sleep on straw, with his shield for a pillow; he should not take office; he must be determined not to live with the slayer under the same heaven. If he meets him in the market-place or the court, he should not go back for his weapon, but (instantly) fight him." "Allow me to ask," said (the other), "How should (one) do with reference to the man who has slain his brother?" (The Master) replied, "He should not take office with (the slayer) in the same state; if he was sent on a mission by his ruler's order, even if they meet, he should not fight with him." "And how should one do," continued Zi Xia, "in the case of a man who has slain one of his paternal cousins?" Confucius said, "He should not take the lead (in avenging), but if one who has the duty is able to do that, he should support him from behind, with his weapon in his hand." (*Liji-Tan Gong* Ⅰ 礼记·檀弓上)[43]

(3) One should not live if the murderer of one's parents live; one should not live in the same country with the murderer of one's brothers; one should not live in the same town with one's friends' murderer; one should not live in the same neighborhood with one's kinsmen's murderer. (*Dadailiji-Zengzi* 大戴礼记·曾子)[44]

In short, the Confucian rites of revenge include the following principles. First, one should not live under the same sky with one's parents' murderer. According to the annotations of Zheng Xuan, it is because one's father is one's sky, "If someone killed one's sky and one lives under the same sky with him, then one is not a filial son." Therefore, the only choice one has is either kill the murderer or die oneself. Under such circumstances, one should be prepared to kill the enemy at any time, and should have weapons ready even when one sleeps, so that one "is prepared to kill at any moment." Second, one should carry weapons at all times in order to kill one's brothers' murderers, and one should not take office in the same state with the murderer. Nevertheless, if one meets the

42 "Qu Li Ⅰ," *Liji* 礼记·曲礼上, in *Shisanjing zhushu*, p. 1250.
43 "Liji-Tan Gong Ⅰ," *Liji* 礼记·檀弓上, in *Shisanjing zhushu*, p. 1284.
44 "Dadailiji-Zengzi" 大戴礼记·曾子, in Wang Wenjin ed., *Dadai liji jiegu* 大戴礼记解诂, Beijing, 1983, p. 91.

murderer when on a diplomatic mission in another state, one should not fight with him, because if he failed, he would not be able to accomplish the mission of the king. Third, one should not take the lead in avenging one's paternal cousins' death. However, if a family member of the deceased takes revenge, one must follow and assist him. Fourth, if someone has killed one's friend, one should not live in the same country with him *(Liji-Qu Li*), or (according to another account) in the same town with him (*Dadailiji*).

This is a differentiated ritual for revenge based on how close the relationship is. The closer the tie, the greater the revenge. According to this model, revenge for parents, brothers, teachers, and friends in the Han Dynasty was entirely reasonable.

The idea of "avoiding hatred" in the case of manslaughter was also developed in the *Zhouli*. It proposes an official position called "mediator" and specifies his duties as follows. When someone accidentally kills another person's parents, brothers, cousins, teachers, or friends, the mediator should try to let this person escape to some distant place:

> The mediator is responsible for mediating enmity among the people. Anyone who has killed or injured people due to negligence should be judged together with the people. The same applies to those who have killed and injured others' livestock through negligence. Anyone who has killed another's father, let him hide overseas. Anyone who has killed another's brother, let him hide a thousand *li* away. Anyone who has killed another's cousin, let him not live in the same country. Killing the emperor is regarded as the same as killing the father, killing a teacher or an older kinsman as killing a brother, and killing a master or friend as killing a cousin. If he refuses to escape, then the mediator should show him a government warrant to arrest him. Anyone who kills officers for implementing an execution, all the states should treat him or her as an enemy. Anyone who kills justly will not live in the same country, and the victim should be made not to take revenge. If he takes revenge, he will be sentenced to death. Anyone who quarrels and fights will be reconciled; those who cannot be reconciled should be recorded, and those who started the fight will be punished. (*Zhouli-Diguan-Mediator* 周礼·地官·调人)[45]

The mediator arranges for a person who has killed someone else's father by mistake to escape overseas, one who has killed somebody's brother to hide a thousand *li* away, and one who has killed a person's cousin not live in the same country. A person who has mistakenly killed someone's king is dealt with in the same way as manslaughter of one's father, and so on. Zheng Sinong 郑司农 (?-83 CE) noted that "'reconcile' means mediation, just as today's officials who receive an annual pay of 2000 bushels are required to mediate grudges and hatred.

45 "Diguan – diaoren" 地官·调人, *Zhouli* 周礼, in *Shisanjing zhushu*, p. 732.

If those involved still seek revenge afterwards, the officials will remove them from their hometown. This is a similar arrangement." The passage indicates that officials who received annual pay of 2000 bushels in the Han Dynasty functioned as mediators of private grudges and hatred based on the pre-Qin model.

Most importantly, there is a rule for acquittal in the case of private revenge. In the *Zhouli*, which had a profound impact on later times, we read: "If robbers attack villages and kinsmen, killing them is innocent. If anyone takes revenge on them and reports it to the authorities, then killing them is innocent."[46] This rule undoubtedly gave people greater legitimacy for taking revenge, with the result that revenge became almost customary from the period to the Qin and Han Dynasties. "In the Han Dynasty, the government did not prohibit revenge. People all built in their houses towers with drums placed there. In an emergency, they would go upstairs to beat the drums to notify the village and ask for help."[47] The servants there had the duty to guard against the enemy at night.[48]

The ritual classics compare rulers, teachers, masters and friends to kin when discussing revenge, since the theoretical foundation of Confucianism for governing state and society was built on kinship, treating the state as an extension of the family. The rule that "killing a master or friend is regarded as the same as killing a cousin" is especially worth noting. In the pre-Qin period "master" denoted the *dafu* lords whom the warriors took as their masters. This rule provided a reasonable explanation for revenge taken by low-ranking officials. In the Han Dynasty, the government appointed officials by recommendation and interview. Staff and assistant officers were recommended by their head officer, and so low-ranking officials formed strong ties with their head officers; if their master was killed, they would take revenge on his behalf as for a cousin. For example, at the end of the Han Dynasty, Qu Sheng 麴胜 killed Liu Jun 刘俊, the county magistrate of Zuli County 祖厉县. Zhang Xiu 张绣 (?-207 CE), an officer of the county, killed Qu Sheng in revenge. He was highly praised by the locals ("People in the prefecture all praised him for his righteousness").[49] When the warlord Dong Zhuo 董卓 (?-192 CE) was killed By Lü Bu 吕布 (?-199 CE), Zhang

46 "Qiuguan – chaoshi" 秋官·朝士, *Zhouli*, in *Shisanjing zhushu*, p. 878.

47 Cheng Shude (2003) 107.

48 Wang Bao 王褒, *Tongyue* 僮约: "When the dogs bark, they should get up and alert the neighborhood, lock the gates and doors, go upstairs to hit the clappers, with shields and spears in hands parade three times." See Li Fang et al., T*aiping yulan* 太平御览, vol. 500, Beijing: Zhonghua shuju, 1960, p. 2289.

49 "Biography of Zhang Xiu" 张绣传, *Sanguozhi*, 8, p. 262.

Ji 张济 (?-196 CE) and Li Jue 李傕 (?-198 CE) attacked Lü Bu on the grounds that they were avenging their master.[50]

Confucianism was the dominant imperial ideology in the Han Dynasty, with the Neo-Classics at its core. One of the Neo-Classics, the *Gongyang Commentary*, was the most important of all and had almost become the law code of the Han Dynasty. The *Gongyang Commentary* records five cases of revenge in the pre-Qin period, all approvingly.[51] Among these, two cases played a major role in praising revenge in the Han Dynasty.

The first case is Duke Xiang of Qi's 齐襄公 (?-686 BCE) revenge and annihilation of the state of Ji 纪国. As recorded in the *Zuo Commentary*, revenge in the Spring and Autumn period might take many years. The revenge for Bo You 伯有 (?-543 BCE) took place eight years after his death; Gongzi Pengsheng 公子彭生 (?-694 BCE) transformed into a pig to take revenge nine years after his death; Duke Li of Jin 晋厉公 (?-573 BCE) took revenge as a ghost eighteen years after his death. Duke Ai of Qi (?-868 BCE), the ancestor nine generations back of Duke Xiang of Qi, was cooked to death by the Zhou King Yi 周懿王 (937–892 BCE) because of the slander of Marquis Ji 纪侯; more than two hundred years later, Duke Xiang of Qi annihilated the state of Ji. The following is recorded in the *Gongyang Commentary*:

> Duke Xiang of Qi was going to take revenge on the state of Ji. Could he take revenge after nine generations? He could even after one hundred generations. Could a family take revenge like that? No. Why can a country do that? Because the king and the country are a single body. The shame of the previous kings is the shame of the present king, and the shame of the present king is also the shame of the previous kings.[52]

This event was often cited as a theoretical basis for belated revenge. For example, after Emperor Wu of Han Dynasty 汉武帝 (156–87 BCE) pacified Dawan 大宛 in 101 BCE, he was preparing to attack northern Xiongnu 匈奴, and he issued an edict: "Emperor Gaozu 汉高祖 (256/247–195 BCE) suffered the humiliation of the siege of Pingcheng 平城, and in the reign of Empress Gao the Chan Yu 单于 ended relations and was wholly rebellious. In the past the Duke Xiang of Qi took revenge after a hundred generations, and the *Chunqiu* 春秋 praised him."[53] Emperor Wu of the Han Dynasty mobilized the whole country in the light of interpretations of revenge in the *Chunqiu* to avenge the humiliation of his ancestors at the hands of the Xiongnu.

---

50 "Biography of Dong Zhuo" 董卓传, *Sanguozhi*, 6, p. 182.
51 Qiu Libo (2005).
52 "The 4th year of Ding Gong" 定公四年, *Gongyangzhuan*, in *Shisanjing zhushu*, p. 2337.
53 "Biography of Xiongnu" 匈奴列传, *Shiji*, 110, p. 2917.

The second example is Wu Zixu's 伍子胥 revenge on the State of Chu 楚国. Wu Zixu's (also named Wu Yuan 伍员) father Wu She 伍奢 (?-522BCE) and older brother Wu Shang 武尚 were killed, though innocent, by King Ping of Chu 楚平王 (?-516 BCE), and he escaped to the state of Wu 吴国 to assist its king He Lü 阖闾 (547–496 BCE). In 506 BCE, he led the army of Wu to attack Chu, avenging his father by whipping the corpse of King Ping. The *Gongyang Commentary* comments: "if the father is executed though innocent, it is allowed for the son to take revenge; if the father is guilty, the son's revenge will lead to further revenge." The commentary holds that if the father is innocent but is put to death by the king, then the obligation of the subject to the monarch is nullified and it is reasonable for the son to destroy his country for revenge. On the other hand, if the father was convicted and executed and the son tried to take revenge, this is just mutual murder, and this is illegitimate. The *Gongyang Commentary* especially stresses the value of justice, which was often cited as an ideological basis for revenge in the Han Dynasty.

Furthermore, the Han Dynasty promoted the ideal of filial piety, and since revenge for parents was seen as the greatest expression of filial piety, it is one of the reasons why revenge prevailed in the Han Dynasty. Confucianism held that it is the bounden duty of a filial son to take care and protect the honor of his parents. When kinsmen are insulted and hurt, they must take revenge: "If the king is killed and his ministers do not attack the killer, then they do not deserve to be ministers; a son who does not avenge his father's murder does not deserve to be a son."[54] But what if revenge and filial piety are in conflict? Above all, one must ensure the continuation of the parental bloodline, not take risks, and cherish the life that one was given by one's parents, so that there will be opportunities for filial piety and revenge in the future. If one wants to help others to take revenge, one must also consider filial piety. The *Liji- Qu Li* says:

> A filial son does not do things in the dark, nor attempt hazardous undertakings, fearing that he might disgrace his parents. While his parents are alive, he will not promise a friend to die (with or for him).[55]

If one's parents are still alive, yet one sacrifices one's life to avenge a friend, it is "forgetting kinship duty," which was regarded as not observing filial piety. Nie Zheng 聂政 (?-397 BCE), a warrior in the Warring States period, was living in another country with his mother and sister in order to avoid revenge for having killed someone. Yan Zhongzi 严仲子 asked him to assassinate his enemy

54 "The 11th year of Yin Gong" 隐公十一年, *Gongyangzhuan*, in *Shisanjing zhushu*, p. 2210.
55 "Qu Li Ⅰ" 曲礼上, *Liji*, in *Shisanjing zhushu*, p. 1234.

Xialei 侠累 for a large sum of money. The reason Nie Zheng gave for refusing was, "I am fortunate to be able to take care of my old mother. As long as my old mother is alive, I dare not to commit my life to anyone else." Later after his mother died, he agreed to "commit his life to someone else" and engaged to assassinate Xia Lie, the prime minister of Han, and died in the attempt.[56] This is what is called "lending one's life to avenge for a friend," a notion that appears often in the sources for the Han Dynasty.

4 The Conflict between Ritual and Law – Restrictions of Private Revenge by the Despotic Monarchy

The Confucian theory of revenge seriously conflicted with the political circumstances and legal systems of the Qin and Han Dynasties. This is evident in the political structure, in the private use of violence, and in the conflict between ritual and law.

4.1 First conflict: the political structure presupposed by the theory of revenge conflicted with the system of local administration in the Qin and Han Dynasties

The ritual system of revenge and the system of self-exile for the avoidance of revenge in the Confucian ritual classics are based entirely on the political system of the pre-Qin period. During the Western Zhou Dynasty 西周 (1046–771BCE), the Spring and Autumn Period (770–476 BCE) and Warring States Period (475–221 BCE), the Zhou Emperor 周王 held the highest authority, yet the whole country was actually not a unified political entity. Although there are nominal kinship relations between the vassal heads, they in fact ruled their domains independently, so there was room for "living in the same state" or "living in different states." In other words, criminals could freely flee to "other states," while those who committed unintentional manslaughter could also be helped by the "mediator" in the name of the Zhou royal authority to escape to other states in order to avoid being killed by their enemies.

56 "Biographies of the Rangers" 刺客列传, *Shiji*, 86, p. 2522–2524.

However, the Qin and Han Dynasties ruled over a unified country that was divided administratively into prefectures and counties. Except for some vassal states in the early Han Dynasty, there were no longer "other states" to which murderers and avengers could escape. First, the Qin and Han Dynasties implemented a strict household registration system, which made movement very difficult. Second, the border controls of the Spring and Autumn period and the Warring States period were abolished, so that even if a killer fled to another prefecture or county, he or she could not escape from the enemy. Thirdly, "*wangjin* 王禁" (Imperial Restrictions) were enforced throughout the country, and so murderers and robbers could longer escape the law.

4.2 Second conflict: as the state sought to monopolize punishment, the private violence that was prevalent in the pre-Qin period threatened to undermine the central power and was curtailed by the government

Professional killers in the Han Dynasty were called *ke* 客 (guest), *jianke* 剑客 (swordsman), *youxia* 游侠 (ranger), *haoxia* 豪侠 (strong man), *haojie* 豪杰 (hero), *shaonian* 少年 (youth), and so on. The word *cike* 刺客 (assassin) appears 30 times in the "First Four Histories." These people "took revenge for friends" and were the main source of private revenge. Indeed, "there were so many assassins who served for Yuan She 原涉 that these killers didn't even know the name of their master."[57]

The *Shiji* includes "Biographies of Assassins 刺客列传" which record the deeds of Cao Mo 曹沫, Zhuan Zhu 专诸, Yu Rang 豫让, Nie Zheng 聂政, Jin Ke 荆轲, and others, who were all great heroes in the Spring and Autumn and Warring States periods. It also includes "Biographies of Rangers 游侠列传," which record the deeds of Zhu Jia 朱家, Tian Zhong 田仲, Ju Meng 剧孟, and Guo Jie 郭解 who lived in the Han Dynasty (those who were dubbed "assassins" in the pre-Qin period were called "rangers" in the Han Dynasty). The *Hanshu* too includes "Biographies of Rangers," collective biographies of wandering assassins. Sima Qian 司马迁 (145–86 BCE) and Ban Gu 班固 (32–92 CE) these wrote biographies in order to praise their "incorruptibility and humbleness," "their saving others from misfortune, aiding others," "their gentleness kindness and far-reaching compassion." At the same time, they also point out that they "violated the legal prohibitions," "appropriated the power of life and death as private

57 "Biographies of the Rangers," *Hanshu*, 92, p. 3718.

persons, and their guilt deserved none other than death penalty,"[58] which is the reason why they were executed by the imperial government. The reason that the Imperial Counsellor Gongsun Hong 公孙弘 (200–121 BCE) gave for recommending the death penalty for Guo Jie was that he interfered with government authority, which was "even more serious than killing others." That is to say, private violence seriously interfered with the government monopoly of violence. In the end, Guo Jie and his kinsmen were executed for "high treason."[59] As was noted by Sima Qian and Ban Gu, since Guo Jie's execution in the mid-Western Han period, although there were still people who "acted with chivalry,"[60] they ceased to matter because most of them became more modest and self-disciplined, like gentlemen. Under the control and suppression of state power, the gallant strong men had turned into Confucian gentlemen.

4.3 Third conflict: regarding revenge, the Han court established "concurrently the principle of justice and law," but the conflict of ritual and law became more apparent, and the role of law gradually became dominant

Who decides whether revenge is legitimate? In a kinship society or a society dominated by a patriarchal system, blood relations naturally acted as advocates of justice. In the Western Zhou Dynasty and the Spring and Autumn Period, when there was no systematic and complete written law code, the society relied on folk and customary law to regulate revenge, which fostered mutual antagonisms. In the Warring States period, written law codes appeared in the various states, but the private violence of the "four princes" and various men of knightly rank in fact administered justice and enforcement of the law, rather than the state. In the Qin and Han periods, the state monopoly of violence inevitably led to conflict between the state law and folk custom.

Legalists such as Hanfeizi 韩非子 (280–233 BCE) advocated the unification of the law and the strengthening of legal power: "(One) should lead the people by politics, and administer them by penalty." There is a fundamental difference between the principles of Legalists and those of Confucianism, which advocated "leading the people by virtue and administering them by ritual." In order to overcome this contradiction, the rulers of the Han Dynasty practiced a "mixture of

58 "Biographies of the Rangers," *Hanshu*, 92, p. 3699.
59 "Biographies of the Rangers," *Shiji*, 124, p. 3188.
60 "Biographies of the Rangers," *Hanshu*, 92, p. 3705, p. 3719.

benevolent and coercive rule",[61] that is, combining Confucian and Legalist forms of ruling. Regarding the phenomenon of revenge, rulers adopted a policy of "pardoning and executing, restraining by righteousness and judging by law," the so-called "combination of ritual and law," in the words of Xun Yue's 荀悦 (148–209 CE) .[62] This policy did not completely resolve the contradictions and confusion in the actual implementation process. However, as the rule of law became more and more powerful, the room for private revenge became correspondingly smaller. At the same time, Han Confucian Classics also began to changed their defense of the legitimacy of private revenge.

4.4 First, the principle of judging a crime in the light of motivation was questioned, and pardon for revenge murder gradually decreased

Earlier, an important reason why private vengeance was so common in the Han Dynasty is that revenge murderers were not punished as they should have been. In the Han Dynasty, the law adopted the *Chunqiu* 春秋 as guide to legal judgement, and paid special attention to the motive of the crime, that is, "punishing the heart," which is called "sentence according to the original intent of the crime." *Chunqiufanlu* says, "The *Chunqiu* judges' cases in accordance with the facts and by tracing back to the original intentions. Those with intention of evil should be punished even if the crime is not committed, since the original evil is the most severe crime."[63] Confucian scholars in the Han Dynasty placed great emphasis on judging the motivation:

> The law was made according to human feelings, not to punish people with penalties. So, the *Chunqiu* judges in the light of people's intentions. Violation of the law with kind intentions should be acquitted, while conformity with the law with evil intentions should be met with execution.[64]

The so-called "original heart," "original goal" and "original emotion" in the Han Dynasty all denoted motivations for crime. This principle of justice, even though in accordance with the law, in reality provided a theoretical excuse for avengers to escape punishment, because the motivation for revenge was invariably filial piety and blood obligation, that is, to protect the life and honor of

61 "The Basic Annals of Emperor Yuan" 元帝本纪, *Hanshu*, 9, p. 277.
62 Sun Qizhi 2012, p. 27.
63 Su Yu (1992) 92.
64 Wang Liqi (1992) 567.

family members. Thus, in the name of filial piety and blood obligation, killing for revenge could easily be pardoned. The Han emperors frequently issued amnesties. Emperor Wu reigned for fifty-five years and issued an amnesty fifteen times; Emperor Yuan 汉元帝 (75–33 BCE) reigned for fifteen years and issued an amnesty ten times; Emperor Huan (132–168 CE) reigned for twenty-one years and issued an amnesty thirteen times; Emperor Ling (156–189 CE) reigned for twenty-two years and issued an amnesty twenty times. Some emperors declared amnesty every year. As Zhou Tianyou points out, "Amnesty is a gospel for avengers."[65] Not a few people who took revenge for their family members were pardoned by the emperor's and became objects of praise. For some, their action even became a factor in their being recommended for promotion to office.

In the early years of the Eastern Han Dynasty, Emperor Zhang (56–88 CE) pardoned the capital crime of a murderer for revenge and gave him a reduced sentence. This became a legal precedent. However, it was quickly objected to by a minister, Zhang Min 张敏, and it was reversed after the emperor's death. In the Eastern Han Dynasty, Wang Fu criticized that as a result of frequent amnesty, "the wicked prospered and the good got hurt," and pointed out that there were very many revenge killings, "all due to the many amnesties."[66]

4.5 Second, the theory of revenge had also been changing within Confucianism

For example, regarding the time limit for revenge, "taking revenge for a hundred generations" meant endless revenge. Under the imperial power of the Han Dynasty, this was no longer realistic. So Confucian scholars shortened it to "taking revenge for five generations."

In another example, the justification of Wu Zixu's revenge was also questioned. Beginning in the late Western Han Dynasty, Confucian scholars began to argue that it was not right for Wu Zixu to disobey the order of his master and assist another state to take revenge on his motherland. The Eastern Han corpus of Confucian classics, the *Baihutongyi-Zhufa*, even put forward the view that "if parents are killed because of their violation of righteousness, the sons should not take revenge," that is, if parents were killed because of guilt or sin on their part, their children were not justified in taking revenge.

65 Zhou Tianyou 1991.

66 Wang Fu and Wang Jipei (1979), p. 174, p. 183.

The theorist Huan Tan 桓谭 (23 BCE-56 CE) wrote to the emperor criticizing the harm that private revenge did to the centralization of power:

> When people killed each other, though they were punished by law, personal hatreds were generated and their sons and grandsons would take revenge on each other, and the hatred would become deeper and deeper and would even destroy a family, yet people would regard them heroes . . . Now the previous law and statutes should be revised, so that if someone is executed and his or her family members still take revenge by killing or harming, even if the killer escape, the whole family should be exiled to the border areas. Those who do harm should be doubly punished, and they should not be allowed to hire labor to atone for one's crime. In this way hatred would be eliminated and robbers would disappear.[67]

In the cultural atmosphere of the "combination of righteousness and law" in the Han Dynasty, although Huan Tan repeatedly made his suggestion, it was not adopted. It was not until the Wei period that the situation fundamentally changed. In 223 CE Emperor Wen of Wei 曹魏文帝 (187–226CE) issued an edict formally prohibiting private revenge, with death as the penalty for the whole clan. In the following centuries, governments of various dynasties reiterated similar laws to prohibit civil violence. But it was not until the Sui and Tang Dynasties of the 7th century that this custom was finally eradicated.

5 Conclusion

Over four centuries in the Qin and Han Empires (2nd century BCE-2nd century CE), there seems to have been widespread mutual resentment and hatred, and interpersonal relations were intense. I have proposed five reasons for such grievances: personal vendetta, group conflict, the political and bureaucratic system, collective punishment, and the encouragement for denunciation. Against this background, there also flourished a culture of revenge, concentrated largely in the revenge for family members and kinsmen, which indeed earned praise both at the time and later. Historical records mention revenge among the seven causes of death in the Han Dynasty. There were also professional killers at this time. Revenge seems to have been practiced with little distinction between subjects, targets, genders, identity, age, etc.

A crucial reason for the approval of revenge at the time was the influence of Confucianism, which recognized revenge as a legitimate way of resolving antagonisms. In advocating "punishing evil and promoting good" and "repaying grudges with fairness, and kindness with kindness," Confucianism regulated

67 "Biography of Huan Tan" 桓谭传, *Houhanshu*, 28, p. 958.

the scope, objects, and methods of revenge within its conception of "ritual," endorsing a hierarchical distinction among enemies. What is more, as the orthodox ruling ideology in the Han Dynasty, Confucianism advocated filial piety, and so private revenge gained ideological legitimacy and justification.

The Confucian theory of revenge ran into difficulty, however, because it conflicted with the political circumstances and legal systems of the Qin and Han Dynasties. Firstly, the political landscape inherent in the theory of revenge was fundamentally in conflict with the administrative system in the Qin and Han Dynasties. The Qin introduced a system of prefectures and counties after unification, which made it impossible for avengers to flee other states. Secondly, the state sought to monopolize punishment. The private violence that was prevalent in the pre-Qin period became a divisive force that undermined the central power and so was repressed by the government. As a result, it became harder for assassins to make a living. In the records of *Shiji* and *Hanshu*, killers were re-identified as Confucian gentlemen under the control of imperial power. Moreover, with regard to revenge the Han court adopted the policy of "combining righteousness and law," which initially allowed for the conflict of ritual and the law, but the rule of law gradually became dominant. At the same time, Han Confucian Classics responded to this change by gradually diminishing the justification of revenge, as the idea of judging crimes based on motivation was questioned. Confucian scholars, moreover, increasingly held that the revenge could not be extended to "a hundred generations." Amnesty for revenge murder also gradually decreased.

Hatred, anger, and grudge-bearing rancor may be universal, but, as I have argued in this chapter, the history of these emotions, like others, must be historically contextualized. What emotions people harbored in their hearts is difficult to recover, but we can assess the attention they were given in historical sources, and elicit the social and ideological conditions which favored such representation.

References

Cheng Shude (2003): Cheng Shude 程树德, *Jiuchao lü kao* 九朝律考, Beijing.

Hou Xiaorong/Zhao Huiqun (2017): Hou Xiaorong 后晓荣 and Zhao Huiqun 赵慧 群, "Handai 'qinü weifu fuchou' tuxiang jiedu: kaogu faxian de yize xiaowang qiannian de 'xueqin fuchou' gushi" 汉代" 七女为父复仇" 图像解读: 考古发现的一则消亡千年的" 血亲复仇" 故事, in: *Xinjiang yishuxueyuan xuebao* 新疆艺术学院学报, vol. 15, no. 2, 75–79.

Huang Jianhua (2007): Huang Jianhua 黄剑华. "Handai huaxiang Zhong de "qinü fuchou" tu" 汉代画像中的" 七女复仇" 图, in: *Shanghai wenbo luncong* 上海文博论丛, no. 3, 45–50.

Huang Kewu (2018): Huang Kewu, “Qingganshi yanjiu de yixie xiangfa” 情感史研 究的一些想法, in: *Shixue yuekan* 史学月刊, no. 4, 10–14.
Jiang Lihong (1986): Jiang Lihong 蒋礼鸿, *Shangjunshu zhui zhi* 商君书锥指, Beijing.
Jin Tengfei (2016): Jin Tengfei, “qinhan shiqi jiceng guanli zhiwu lianzuo xintan: jiyu qinhan jiandu de kaocha” 秦汉时期基层官吏职务连坐新探: 基于秦汉简牍的考察, *Hubei shehui kexue* 湖北社会科学, no. 6, 113–17.
Liu Yuntao (2005): Liu Yuntao 刘云涛, “Shandong juxian Dongguan chutu han huaxiangshi” 山东莒县东莞出土汉画像石, in: *Wenwu* 文物, no. 3, 81–87 & 98.
Lü Simian (1982): Lü Simian 吕思勉, *Lü Simian dushi zhaji* 吕思免读史札记, Shanghai.
*Neimenggu (1974): Neimenggu wenwu gongzuodui 内蒙古文物工作队, neimenggu bowuguan 内蒙古博物馆, “Helingeer faxian yizuo zhongyao de donghan pihuamu” 和林格尔发现一座重要的东汉壁画墓, in: *Wenwu* 文物, no. 1, 8–23 and 79–84.
Peng Wei (1986): Peng Wei 彭卫, “Lun handai de xuezu fuchou” 论汉代的血族复 仇, in: *Henandaxue xuebao* 河南大学学报, no. 4, 35–42.
Qiu (2005): Qiu Libo 邱立波, “Handai Fuchou suojian zhi jinglü guanxi wenti” 汉代复仇所见之经律关系问题, in: *Shilin* 史林, no. 3, 80–88 & 110.
Su Yu (1992) Su Yu 苏舆, *Chunqiu fanlu yizheng* 春秋繁露义证, Beijing.
Sun Qizhi (2012): Sun Qizhi 孙启治. 2012. *Shenjianzhu jiaobu* 申鉴注校补, Beijing.
Sun Yiping (2108): Sun Yiping 孙一萍, “Qinggan biaoda: qingganshi de zhuyao yanjiu mianxiang” 情感表达: 情感史的主要研究面相, in: *Shixue yuekan* 史学月刊, no. 4, 20–24.
Tatsumi Makino (1980): Tatsumi Makino 牧野巽, “Vengeance in Han Dynasty” 汉代 における復讐, in: *Collected Works of Makino Tatsumi* 牧野巽著作集, Vol.2, *Studies on the Chinese Kinship System* 支那家族研究, Part II. Tokyo, 3–59.
Tian Yuqing (1989): Tian Yuqing 田余庆, “shuo zhangchu – guanyu ‘wangqin bichu’ wenti de tantao” 说张楚 – – 关于” 亡秦必楚” 问题的探讨, in: *Lishi yanjiu* 历史研究, no. 2, 134–50.
Wang Fu (1979): Wang Fu 王符 and Wang Jipei 汪继培, *Qianfulun jian* 潜夫论笺, Beijing.
Wang Li (1995): Li 王立. 1995. “kongzi yu xianqin rujia fuchouguan chutan” 孔子与 先秦儒家复仇观初探, in: *Kongzi yanjiu* 孔子研究, no. 3, 20–24.
Wang Liqi (1992): Wang Liqi 王利器. 1992. *Yantielun jiaozhu* 盐铁论校注, Beijing.
Wang Qingjia (2018): Wang Qingjia 王晴佳. 2018. “Weishenme qingganshi yanjiu shi dangdai shixue de yige xinfangxiang?” 为什么情感史研究是当代史学的一个新方向? in: *Shixueyuekan* 史学月刊, no. 4, 5–10.
Xing Yitian (2011): Xing Yitian 邢义田, Getao, bangti, weixian yu huaxiang jieshi: yi yige shichuan de “qinü weifu baochou” hanhua gushi weili” 格套、榜题、文献与画像解释: 以一个失传的”七女为父报仇”汉画故事为例, in: *Hua wei xinsheng* 画为心声, Beijing, 91–137.
Zhang Shouan (2018): Zhang Shouan 张寿安, “Mingqing qingyulun yu xin qingliguan de chuxian” 明清情欲论与新情理观的出现, in: *Shixue yuekan* 史学月刊, no. 4, 17–19.
Zhou Tianyou (1991): Zhou Tianyou 周天游. 1991. “Lianghan fuchou shengxing de yuanyin” 两汉复仇盛行的原因, in: *Lishi yanjiu* 历史研究, no. 1, 121–35.
1992. *Gudai fuchou mianmianguan* 古代复仇面面观, Xi’an.