

Genealogy as Meditation and Adaptation with the *Han Feizi*

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Abstract

This paper focuses on an early Chinese conception of genealogical argumentation in the late Warring States text *Han Feizi* and a possible response it has to the problem of genealogical self-defeat as identified by Amia Srinivasan (2015)—i.e., the genealogist cannot seem to support their argument with premises their interlocutor or themselves can accept, given their own argument. The paper offers a reading of Han Fei’s genealogical method that traces back to the meditative practice of an earlier Daoist text the *Zhuangzi* and its communicative strategy, offering a conception of genealogy aimed at undoing fixations on political systems in order to bring about a more adaptive state—specifically genealogy that does not require epistemological commitment to its premises.

Genealogy, as “a narrative that tries to explain a cultural phenomenon by describing a way in which it came about, or could have come about, or might be imagined to have come about,” has been receiving increasing attention in recent anglophone philosophy as a method of philosophical argumentation (Williams 2002, 20). Discussions have largely centred on ‘subversive’ or ‘vindicatory’ conceptions, which explain a concept, belief, or judgment by appealing to, say, material or historical conditions to undermine or justify it, respectively (Srinivasan 2015, Lorenzini 2020): e.g., evolutionary debunking arguments that undermine moral realism by appealing to evolutionary facts (Street 2006), or state-of-nature arguments that justify testimonial justice by appealing to a minimal society’s necessary functionings (Fricker 2007). However, the binary focus on subversive and vindicatory genealogies occludes other important dimensions of genealogical inquiry, like ‘possibilising,’ ‘problematizing,’ and ‘world-making’ dimensions (e.g., Allen 2016, Srinivasan 2019, Lorenzini 2020). Moreover, these discussions overall have also tended to historicise themselves within an Anglo-European tradition, whose canonically founding figures include Nietzsche, and Foucault—and, to lesser extents, Hume and Herder (Williams 2002, Forster 2011, Koopman 2013, Queloz 2021). This paper is a contribution to the ongoing expansion of anglophone conceptions of genealogy, while also expanding beyond this canon: foregrounding an early Chinese instance from the *Han Feizi*.

The *Han Feizi* is a Warring States text attributed to Legalist philosopher Han Fei, who directly influenced the First Emperor of China. Against rival Confucians’ virtue politics, wherein rulers aspire to imitate the (moral) virtues of the sage kings in statecraft, Han Fei recommends that rulers rely on state-bureaucratic mechanisms and techniques. Han Fei’s criticisms of the Confucians still challenge Confucian philosophy today, as well as virtue ethics and politics more generally (e.g., Hutton 2008, Harris 2020, Huang 2022). And although replies have been made on behalf of Confucians (e.g., S. Kim 2012, Wilson 2018), I have argued elsewhere (2022) that these thus far do not avoid those criticisms that deploy subversive genealogical arguments (henceforth ‘genealogical arguments’), which target not only the Confucians’ ethical and political recommendations but their epistemology.¹ Here, I offer a reading of such argumentation within a possible broader conception of their use: one where genealogy does not simply aim at subverting or vindicating one’s concepts, beliefs, or judgments, but aims at a ruler’s political-epistemic flexibility and, consequently, the state’s adaptivity. Moreover, within such a conception,

¹ For non-genealogical readings, see, e.g., Cook 2005, Harris 2013b, and Schneider 2013.

genealogical argumentation would not just be a philosophical method but a manifestation of the state's adaptivity.

This reading of the *Han Feizi* is mainly motivated by the “spectre of self-defeat” Amia Srinivasan has observed to haunt critics using genealogical arguments (2015, 328): while such genealogists deploy arguments to undermine their interlocutor's concepts, beliefs, or judgments by revealing that they are defeated by their formative contingencies, there remains the worry that the very arguments used rely on concepts, beliefs, or judgments are similarly vulnerable to contingencies. As Srinivasan observes, “[o]ur epistemological beliefs appear to depend on the contingencies of culture, history and evolution in much the same way as our moral, theological or metaphysical beliefs do” (2019, 134): e.g., Charles Mills has suggested that the belief that external-world scepticism is a problem seems to be a “perk” for “those most solidly attached to the world [who] have the luxury of doubting its reality”; “whereas those whose attachment is more precarious, whose existence is dependent on the goodwill or ill temper of others, are those compelled to recognize that it exists” (1994, 8). If this is similarly true for a genealogist's premises, then their genealogy would have little purchase, since they “can offer [their] opponent little reason to accept [their] conclusion,” nor have they reason to accept it themselves (Srinivasan 2019, 134).

To address this threat, I read Han Fei's genealogical method alongside not materialist or historicist contemporaries (like Shen Dao or Xunzi; cf. Cook 2005, Harris 2016), but a Zhuangian tradition of ethical self-cultivation through meditation.² That is, I trace Han Fei's genealogical mode of argumentation to the *Zhuangzi*'s meditative practices, understanding his genealogy as a means to undo audience's fixations on existing political frameworks, to bring about a state more flexible, responsive, and adaptive to its circumstances—a process resonating with the ethical self-constitution of the Zhuangian adept.

Admittedly, scholars tend to avoid drawing connections between the *Zhuangzi* and *Han Feizi*, especially since it is impossible to tell how much Han Fei would have been familiar with our current version of the *Zhuangzi* (cf. Sato 2013).³ In contrast, the *Han Feizi* contains explicit commentaries on the *Daodejing* (see, e.g., T. H. Kim 2010, Queen 2013): the chapter “Explaining Laozi” even begins with an interpretation of an explicit genealogy of virtue from the *Daodejing* (cf. Ci 2011). Still, I submit that a Zhuangian approach importantly illuminates an under-appreciated dimension of genealogy. My goals here are *philosophical*: this is less a historical genealogy than an imaginary philosophical genealogy of Han Fei's own use of genealogy, identifying a possible route he could have taken to avoid self-defeat, rather than what he necessarily thought about a problem not explicitly thematised in the text (cf. Williams 2002). With this, I hope to also take the first steps towards a “Zhuangist-[Legalist] synthesis” Tao Jiang suggests could provide us with an alternative political imaginary outside of the Confucian-dominated discourse of contemporary Chinese political philosophy (2021, 474; cf. Bai 2014). As he observes, this “is a path that was not taken in Chinese political history [especially given Han Fei's notoriety as the philosophical progenitor of a millennia-long imperial bureaucracy], but there is no intrinsic reason for us not to contemplate such an intriguing possibility under a drastically different context in the contemporary world” (ibid., 475).

² Translations used for the *Zhuangzi* and *Han Feizi* are Ziporyn 2020 and Watson 2003 (or Liao 1959a/b where relevant).

³ Han Fei might have encountered some Zhuangian ideas via the Jixia Academy (e.g., Sato 2013), but not the entire *Zhuangzi*. *Zhuangzi* authorship is composite, with later authors possibly contemporaneous with Han Fei (Liu 2015a). The reading of the *Zhuangzi* here draws on Inner and Miscellaneous Chapters, and might be understood as how later Zhuangists of the latter reflected on language use in the former.

I

I have argued elsewhere (2022), following Srinivasan (2015), that an Argument from Unreliability (AU), is foundational to a number of Han Fei’s criticisms of the Confucians in “Five Vermin” and “Eminence in Learning.”⁴ AU relies on what epistemologists call the *safety condition* on knowledge: a genealogy of *S*’s judgment that *p* would show that *S*’s judgment is unsafe (and hence unreliable), where, in using a sufficiently similar method, *S* would have judged that *p*, where *p* is false.⁵ Han Fei uses a version of AU against the judgments of the Confucians, central to which are the models of sage kings as bases for political judgment and action. Confucians are generally thought to advocate using the sage kings and their actions as models for making judgment in their virtue politics, as an extension of their virtue ethics (Tan 2005, Hutton 2008, S. Kim 2012, Harris 2019): if *S* or *S*’s action resembles the models of the sage kings, *S* or *S*’s action is ethically and politically choice-worthy.⁶ This, for “the rulers of [Han Fei’s] time,” meant regarding eloquent men of learning who “study rhetoric” as worthy *and* to honour them as the sage kings did (Watson 2003, 123).

Arguing against the judgments of Confucians and Confucian-sympathetic rulers that eloquence and honouring it are politically choice-worthy, Han Fei appeals to the historic failures of their epistemic method when used by Confucius (who by this time was a model himself) to demonstrate the method’s unreliability: even as an ideal epistemic agent, Confucius’ judging of his disciple Cai Yu according to the latter’s eloquence led him to believe that Cai Yu would be virtuous (or at least have potential for virtue), but Cai Yu is later cited as why Confucius loses confidence in such judgments (Watson 2003, 124; *Analects* 5.10). By highlighting that the Confucians’ method of using the sage kings as models for judgments had admittedly failed even their own founding figure, Han Fei concludes that their judgments are unsafe—and hence unreliable (Wilson 2022).

However, plausibly, a Confucian would deny that judging according to the models of the sage kings is ‘sufficiently similar’ to judging according to eloquence—rather, the latter would have been abandoned by Confucius for that very reason in his own process of virtue-cultivation. This claim of dissimilarity would be based on how eloquence is simply irrelevant when judging according to the models of the sage kings: it is about resemblances of dispositions and actions, not eloquence (Hutton 2008). Thus, Confucius’ failure would not count as evidence of a lack of safety in the method of using the models of the sage kings. Yet, for Han Fei, *this* claim would itself constitute evidence of the epistemic method’s problem: it fails to realise that, just as eloquence (which is itself a *semblance* of wisdom) do not suffice for judgments of virtue, the *resemblances* of actions to the models of the sage kings do not suffice for judgments of political virtue. Still, to support this, he would have to appeal to reasons external to an epistemology based on the models of the sage kings. Each would thereby be begging the question against the other as to what determines sufficient similarity in epistemic methods, since they would be using their own epistemic methods for this.⁷ Han Fei’s AU thus does not independently seem to be able to provide reasons for a Confucian to abandon using the models of the sage kings *internal* to their political epistemology. Admittedly, reasons eschewing the models of the sage kings might be amenable to some Confucians, for whom the models of the sage kings, while central, are less

⁴ Srinivasan’s (2015) taxonomy includes five kinds of genealogical arguments (see Wilson 2022 for Han Fei’s use).

⁵ Safety may be formulated as: “*S* knows *p* only if *S* could not have easily falsely believed *p* using a sufficiently similar method to the one she actually uses to form her belief that *p*” (Srinivasan 2015, 339; cf. Sosa 1999).

⁶ For a reading of Confucian ethics and politics as discontinuous, see El Amine 2015; for a non-virtue-ethical reading of Confucian ethics, see Lee 2013.

⁷ Srinivasan observes a similar impasse between AU-genealogists and internalists or defeatist externalists (2015, 341–2).

epistemically foundational (e.g., Xunzi; Cua 2000, Harris 2013a), but they would not be amenable, at least, to Confucians exclusively committed to virtue politics.

Self-defeat is also pertinent for Han Fei, given that his positive programme involves a method of model-based judgments too. For him and his ruler, correct judgments involve models [*fa*, also: ‘laws’],⁸ according to which the ruler would “govern the state, disposing of all matters on their basis alone,” using them “to rectify the mind [of subordinates]” (Watson 2003, 28; Liao 1959a, 271). These models dictate correspondences between official titles and speeches (which would include Han Fei’s own), and performances and affairs: political judgment thereby involves determining whether pairings of official titles and speeches with affairs and performances accord with the appropriate models. While the Confucians rely on the sage kings for their models, Han Fei’s ruler is meant to establish these models themselves. There thus needs to be a way to ensure his and his ruler’s judgments are not similarly susceptible to AU, if they are to at least qualify as alternatives: i.e., for AU to be successful, the Confucian interlocutor requires reasons for why judging on the basis of semblances to ruler-generated models is not sufficiently similar to judging on the basis of semblances to the models of the sage kings—especially since Han Fei’s method is meant also for rulers of “mediocre judgment” (Watson 2003, 125).

On occasions where he explicitly considers the grounds of the ruler’s models, like in the chapters “The Principle Features of Legalism” or “Explaining Laozi,” Han Fei contrasts judging according to their private wisdom with judging according to the patterns of the *Dao*—i.e., the natural course of things (Harris 2011, Hendrischke 2018).⁹ “The Way [*dao*] of the Ruler” opens with the following passage:

The [*Dao*] is the beginning of all beings and *the measure of right and wrong*. Therefore the enlightened ruler holds fast to the beginning in order to understand the wellspring of all beings, and minds the measure in order to know the source of good and bad. He waits, empty and still, *letting names define themselves and affairs reach their own settlement*. Being empty, he can comprehend the true aspect of fullness; being still, he can correct the mover. Those whose duty it is to speak will come forward to name themselves; those whose duty it is to act will produce results. *When names and results match, the ruler need do nothing more and the true aspect of all things will be revealed*. (Watson 2003, 15) [*emphases mine*]

That is, the ruler’s *fa* for judgment is to be naturalistically grounded in how ‘names define themselves and affairs reach their own settlement,’ when the ruler attends to them appropriately (Harris 2011, Yang 2012). Indeed, as materialist and historicist readings of the *Han Feizi* emphasise, the text is replete with empirical arguments relying on claims about human motivation and ethology, consistently appealing to its audience to attend to natural facts and historical circumstances in making political judgments (Flanagan and Hu 2011, Harris 2013b). In the chapter “Criticisms of the Ancients, Series One,” Han Fei also engages in a conceptual analysis of the purported perfect efficacy of the sage kings: if Emperor Yao had indeed been maximally efficacious, there would have been no opportunity for the succeeding Emperor Shun to have been the same—thus, to hold them both as efficacious would be contradictory. Such variegated argumentation is consistent with Han Fei’s own recommendation to “know the mind of the person one is trying to persuade and to be able to fit one’s words to it” (Watson 2003, 74).

⁸ Whether ‘*fa*’ changed its meaning to only refer to penal codes is disputed, but this does not affect its epistemic role in judgment (Hansen 1994, Tan 2011).

⁹ ‘*Dao*’ in pre-Qin texts admits several meanings: ‘a physical course or path,’ ‘a course of things and affairs,’ ‘the proper course of things and affairs,’ ‘an account of the (proper) course of things and affairs,’ and ‘the course of the natural or cosmic order.’ For a cosmological reading of ‘*Dao*’ in the *Han Feizi*, see, e.g., Song 2010.

That said, Han Fei leaves largely unarticulated the grounds for *how* his own epistemic method is able to avoid the contingencies undermining his opponents’—being more preoccupied with arguing for the fact that it does or would (Harris 2013b, Schneider 2013, Martinich 2014). And while Han Fei’s genealogical arguments might not be meant to independently provide positive support for his own political programme, for them to successfully critique Confucians (or Confucian-sympathetic rulers) in the first place, the arguments should rely on premises acceptable to Confucians. The problem with AU is not whether there are mind-independent truths or whether his judgments resulting from attending to the natural world are true or more factually accurate than the Confucians’, but more fundamentally “how to individuate *belief-forming methods* for the purposes of assessing their safety [*emphasis mine*],” while “[a]ny judgment about what counts as a distinct or superior method will have to be informed, in a circular fashion,” since individuation of epistemic methods will have to rely on first-order judgments (Srinivasan 2019, 133–134). We observe subversive and vindictory genealogies also in contemporaneous texts like the *Mozzi*, *Daodejing*, and *Xunzi*, providing diverging genealogies to diverging political-epistemic ends, with many—if not all—also laying claim to be based on how ‘things naturally are’ (Cua 2000, Ci 2011, Fraser 2015). This is thus not a mere disagreement about what the natural facts are, but a disagreement in what the *epistemic method* should be: it would be insufficient to simply appeal to empirical arguments and factual accuracy to bolster AU, since there are upstream disagreements in *how* one determines what count as evidence for assessing one’s own epistemic method. Therefore, for the Confucian, the method of ‘letting names define themselves and affairs reach their own settlement’ as the basis of judgment—underspecified as it is here—cannot ground AU.

Some scholars suggest that Han Fei’s appeal to the *Dao* for normativity in judgment might be less of a substantive philosophical commitment and more of a matter of extraneous contingencies of textual composition or ministerial rhetoric (Goldin 2013, Pines 2013). However, as they also note, this may rather reflect a principled agnosticism about the possibility of any privileged political epistemology or a matter of *Realpolitik*. I submit that attending to the place of meditation in the *Zhuangzi*’s sceptical project and how it relates to the text’s communicative strategy allows us a possible way to understand Han Fei’s use of genealogy along similar lines, and how these contingencies might actually address—rather than compound—the problem of self-defeat.

II

Self-defeat has also been observed to threaten sceptical arguments in the *Zhuangzi* (e.g., Kjellberg 1994, Schwitzgebel 1996, Soles and Soles 1998). Here, I attend specifically to how a certain way of understanding the *Zhuangzi*’s communicative strategy allows the text’s scepticism to avoid undermining its own recommended method.¹⁰

Although the *Zhuangzi* has been aptly described as a “protean text,” especially given the plethora of interpretations it inspires (Van Norden 1996, 247), it may nonetheless be generally characterised as deploying sceptical arguments to criticise the Confucians (and even other Daoists) for fixating on inflexible courses of living (or *daos*) with “whatever completed form of our [heart]minds [*xin*] so far taken shape,” recommending instead a flexible and adaptive equilibrium amid the contingencies of organic and social life (Ziporyn 2020, 13).¹¹

To appreciate how the *Zhuangzi*’s scepticism advances these criticisms, we should keep mind that judgments in Warring States texts were often understood to be of a practical nature (Fraser 2013,

¹⁰ For its scepticism more generally, see, e.g., Kjellberg and Ivanhoe 1996, Hansen 2003, Cantor 2020.

¹¹ Yet unexplored, some arguments in the *Zhuangzi* might also be read genealogically (e.g., the passage on monism).

Allen 2015), where judgments are made by the heartmind (the agent’s cognitive-affective centre). The *Zhuangzi* often targets a particular conception of the connection between names [*ming*] and objects or practices in judgment: in the Confucian understanding of the relationship between language, judgment, and ethics, the ideal Confucian agent (i.e., the gentleman [*junzi*]) is characterised by the expression of dispositions to speak and act according to rectified [*zheng*] judgments appropriate to their roles and relationships (Loy 2020). The heartmind’s judgments of pairings between names and objects or practices are to be rectified according to the models of the sage kings, which are embodied as the virtues of benevolence and righteousness and encoded in the Zhou Dynasty’s rituals and music.¹²

The *Zhuangzi*’s undermining of this Confucian framework targets at the fixity of their system of judgments, especially as wedded to the ancient Zhou tradition. Such fixations, as the *Zhuangzi* repeatedly emphasises, lead to the organism’s early demise. Instead, the Zhuangian adept would go beyond “[halting] at whatever verifies [the heartmind’s] preconceptions” (in the same way one would match a tally with its pair), to become receptive to the myriad things in the world and the (natural or cosmological) *Dao*: inhabiting an equilibrium state which “[responds] to all the endless things [one] confronts, thwarted by none”—i.e., to respond appropriately to the contingencies of its environment (Ziporyn 2020, 15). For example, the chapter “In the Human World” begins with a parodic account of Confucius repeatedly telling his disciple Yan Hui that the latter’s various proposals to aid the state of Wei by applying Confucian standards would lead to not only failure, but that Yan Hui “will most likely go and get [him]self executed” (ibid., 34). Instead, Confucius recommends Yan Hui to go beyond even apparent sensory distinctions, to ‘fast his heartmind [*xinzhai*],’ restraining its operations, so that his mind would “[go] no further than meshing there like a tally” and to cultivate “a waiting for the presence of whatever thing may come” (ibid.).

One way to frame the importance of heartmind-fasting for achieving and maintaining one’s equilibrium state is with Chris Fraser’s Foucauldian framework for the Zhuangian subject’s ethical self-constitution (Fraser 2014, cf. Foucault 1983). This involves four aspects: the *ethical substance*, or that which is cultivated; the *mode of subjection*, or why the agent should engage in the cultivation; the *telos*, or the goal of such cultivation; and the *ethical work*, or the means whereby the agent cultivates themselves. The ethical substance is the heartmind, whose operational importance was mentioned earlier. The mode of subjection is “nourishing life” [*yangsheng*] or “fully living out one’s years” [*qiongnian*]—i.e., the organism’s longevity or full lifespan (Fried 2007, Sikri 2021). The *telos* is an existential wandering [*you*], or as Fraser puts it, “a second-order *dao* [here: ‘system of (action-guiding) judgments’] by which we explore the various first-order *dao* open to us—a meta-*dao* of recognizing and taking up potential paths presented by the interaction between agents’ personal capacities and motivation and their objective circumstances [*italics added*]” (Fraser 2014, 200). Such *you* does not lead to an emphasis on an impersonal relation to one’s environment and outright denial of existing *daos*, but an *ecological* relation and a *pluralism* that draws on the various available *daos* for whichever might conduce the organism’s longevity (cf. Saunders 2020). Being fixated on a first-order *dao* would, conversely, be maladaptive for the human organism, preventing it from adapting to subsequent changes in the demands of its circumstances—i.e., such a fixation would constitute a pathology for the organism, which would thereby live a suboptimal life (cf. Sikri 2021).

Lastly, the ethical work, or practice whereby the Zhuangian agent becomes an ethical adept, is heartmind-fasting, expressed in the Zhuangian meditative practice of sitting-and-forgetting [*zuowang*] (cf. Wang 2021).¹³ This are found in the aforementioned “In the Human World” passage, as a cure for Yan Hui’s eagerness, as well as a passage from “The Great Source as

¹² i.e., to “rectify names [*zhengming*]” (*Analects* 13.3, Loy 2020).

¹³ Shang 2006 briefly compares forgetting in the *Zhuangzi* and Nietzsche.

Teacher,” wherein Yan Hui is seen to *surpass* Confucius by simply ‘sitting and forgetting.’¹⁴ The ethical work in these passages, taken together, are understood as explicitly anti-Confucian, involving a linear progression of forgetting and fasting: to first “forget benevolence and righteousness” (the Confucian virtues or dispositions), then to forget rites and music (the Confucian archive of judgments), and lastly to forget one’s “limbs and body,” “perception and intellect,” and “form and understanding” (Ziporyn 2020, 62); Yan Hui thereby arrives at a oneness with the *Datong*, which is simply a state of “non-obstruction” (Hong 2013, 287; cf. Slingerland 2013). That is, in Zhuangian meditation, one withholds any privileged tallying and organisation of actions or judgments, withholding even the assumption of the human body and its corresponding cognitive-affective structuring of sensory inputs. This results in the equilibrium state of receptivity denoted as ‘being empty’ or ‘emptiness,’ which facilitates *you* (Fraser 2014).

But how might the *Zhuangzi* itself circumvent its own critique from contingency and how should one articulate (even reason about) this meditative process, given that one should ‘forget’ the tallying that constitutes language, as well as ‘form and understanding’? And how is Yan Hui able to articulate his method of sitting-and-forgetting to himself and Confucius in the aforementioned passages? Attending precisely to the seeming paradoxical nature of this linguistic task is key, since, as many have observed, the *Zhuangzi*’s scepticism is intimately connected with its communicative strategy (Schwitzgebel 1996, Berthel 2015).

The passage concluding “External Things” refers to using language in a manner akin to using “a fish trap” or rabbit snare—i.e., discarded after use—but ends with the paradoxical question, “Where can I find a man who *has forgotten words* [得忘言 *dewangyan*], so I can have a word with him?” (Ziporyn 2020, 224). The translated participle ‘forgotten’ here is often read by anglophone scholars in the present perfect tense, with the author wanting to have a word with a person who has performed the forgetting of words (e.g., Soles and Soles 1998, Wang 2003).¹⁵ However, the (original) text allows—or invites us to—a more substantive rereading wherein ‘forgotten words’ is instead a compound noun, with the author wanting to have a word with a person who has *acquired* the objects that are forgotten-words. This is supported by the passage’s textual parallels of having acquired fish [得魚 *deyu*], rabbits [得兔 *detu*], and meaning [得意 *desi*]. The key, therefore, is not in the contradiction of using words when one has gotten rid of them, but in the nature of the words being used.

But how exactly do ‘forgotten-words’ function to avoid being privileged by the meditator while facilitating the ethical work? An answer is found immediately in the subsequent chapter, “Words Lodged Elsewhere” (as well as “The Whole World”), which characterises the *Zhuangzi*’s author as using words or speech [*yan*] that are ‘tipping-vessel’ words [*zhibian*], which manifest “as coming from the mouths of other people [*yuyan*]” or “as citations from weighty authorities [*zibongyan*]” (Ziporyn 2020, 225). The late Ming commentator Wang Fuzhi understood these “three modes of speech [*sanyan*]” collectively to distinguish the *Zhuangzi*’s communicative strategy from the “rectified discourse [*zhenglun*]” of other Warring States texts (Wang 1976, 246; cf. Morrow 2016). Scholars have since also characterised *zhibian* as an adaptive form of language that allows the text to circumvent its attacks on the Confucians’ understanding of language and self-cultivation (e.g., Wang 2003, Chiu 2015). This follows from the *Zhuangzi*’s editor Guo Xiang’s allusion to a goblet [*zhi*] that tips itself over when filled, *zhibian* is meant to take upon itself meanings that it then divests once circumstances are no longer appropriate for such meanings. Interpretations of *zhibian* have thus tended to converge on the idea that a user of *zhibian* would not purport

¹⁴ cf. *Analects* 15.5’s description of Shun as “[achieving] order” by simply “hold[ing] [*zheng*] himself in a respectful posture [on his royal seat]” (Raphals 2014).

¹⁵ Victor Mair renders this as “a person who knows how to forget about words” (Mair 1994, 277)

privileged semantic and epistemic standing in any context, manifesting only in the vernacular of its interlocutors and borrowing epistemic authority from their authoritative figures. Here, this would mean that the passages on meditative practice, involving the revered figure of Confucius, should be read as a *specifically anti-Confucian* undertaking instead of a general recommendation: just like Yan Hui, the meditation passages' intended audience are meant to be Confucian, or at least Confucian-sympathetic. After all, such a criticism would not resonate with someone with the *Daodejing's* epistemological outlook, which also recommends emptiness and simplicity as a desired state (Moeller and D'Ambrosio 2017, Suzuki 2021).

Further, as Daniel Fried and Wim de Reu argue, *zhiyan* should be also understood as more than just a negative rhetorical strategy (Fried 2007, de Reu 2017). *Zhiyan* is also meant to positively express and communicate the same flexibility which the text recommends for securing one's longevity. Drawing on the archaeological recovery of a neolithic Yangshao ceramic irrigation vessel and the agricultural metaphors in the *zhiyan* passages, Fried observes that such vessels [*zhi*] are the better reference for the *Zhuangzi's* '*zhiyan*': vessels which tip over not just when filled, but also for the sake of facilitating the organic cycles of nature, ensuring that cultivated crops would not die prematurely. This irrigational cycle is understood as a mirroring of how the meteorological cycles facilitate harmonious organic life on the terrestrial plane.

Fried and de Reu highlight how *zhiyan* passages explicitly echo the Monkey Keeper passage in the chapter "Equalizing Assessment of Things," wherein a monkey keeper displays sage-like flexibility in speaking to his monkeys, switching their feeding regime from three chestnuts in the morning and four in the evening to the opposite to appease them (though the change is ultimately arbitrary), inasmuch as this facilitates harmonious existences between the organisms. Conversely, Yan Hui's initial fixation on the Confucian *dao* would have neither helped himself nor the state of Wei. *Zhiyan*, in manifesting as 'coming from the mouths of others' and 'citations from weighty authorities,' should thus be understood not only in terms of the forgotten-words whereby one reasons and communicates under the threat of sceptical self-defeat, but also the means whereby the user is able to avoid conflict and live out their years—i.e., the mode of subjection of ethical self-cultivation (cf. Moeller and D'Ambrosio 2017).

Thus, what normatively grounds the meditative method of sitting-and-forgetting in the *Zhuangzi* is not an epistemological commitment but a *critical* orientation to removing blockages in order to living out the fullness of the particular organism's lifespan in its environment (Wenning 2011, cf. Jaeggi 2018): in the case of Yan Hui, the removal of Confucian maladaptations of the natural human *dao* (or the *Dao* itself, understanding the human being more ecologically) that were brought about by his fixation on such an insufficiently flexible system of judgments. The text's account of Yan Hui's ethical work, put forward as a meditative method, is thus itself an instance of *zhiyan*, borrowing from the Confucian *dao* to articulate itself and thus does not fixate on the judgments given in that *dao*. Moreover, sitting-and-forgetting, as in the case of Yan Hui, is meant to ensure his longevity, by preventing him from acting on the basis of maladapted models, as well as to invite Confucius to use it to free himself too from fixation. Turning to the text's own communicative strategy, the reversal of roles of master and disciple between Confucius and Yan Hui could be read in the same way the Monkey Keeper switches feeding regimes: the *Zhuangzi* itself does not ultimately adhere to a particular tallying of 'Yan Hui' with 'disciple' and 'Confucius' with 'master,' nor does it necessarily uphold Yan Hui as *the* master and Confucius as *the* disciple. What is crucial is simply that meditation is recommended to Yan Hui, Confucius, and the Confucian-sympathetic reader, *and not others*, to undo *their* fixations on the Confucian *dao*. Thus, Zhuangian meditation itself constitutes an instance of *zhiyan*, avoiding sceptical self-defeat, inasmuch as self-defeat assumes a privileged epistemic stance from which it abstains (Schwitzgebel 1996, Williams 2017).

III

Before proceeding to consider how Han Fei's genealogy might parallel Zhuangian meditation, it is worth underscoring his political reinterpretation of judgments (cf. Hansen 2000, Sun 2015). First, Han Fei's own use and discussion of judgments and models turn away from the focus on the epistemic agent *qua* ethical agent (as in the *Zhuangzi*), instead circumscribing the epistemic agent for the most part within the context of the relationship between the ruler and their court officials. Han Fei's aforementioned focus on officials' titles and speeches, and their affairs and performances restricts political judgment to context of statecraft. This restriction would extend as far as him claiming that while "the best thing is to practice benevolence and righteousness and cultivate the literary arts," such a person "who has performed no meritorious service to the nation" or "who holds no government title" should not be in government (Watson 107–108; Bárcenas 2013).

Han Fei's political interpretation of judgments can thus be read as going beyond the *Zhuangzi*'s organic distinctions: the ruler is to concern themselves exclusively with distinctions at the state level, disregarding the cognitive-affective makeup of individuals except as it pertains to statecraft (Jiang 2021). As Albert Galvany has argued, Han Fei's emphasis on the longevity of the state nevertheless assumes malleability in human behaviour at the individual level (like the *Zhuangzi*), albeit drawn upon to justify the imposition of laws by the ruler—where the individual's longevity is predicated on the state's longevity (Galvany 2013, cf. Bárcenas 2013).¹⁶ Han Fei would even put forward that "to scheme definitely for the advantages of unifying the people, is an act of benevolence and wisdom" (Liao 1959b, 242). Models thus become regulations specifying uniform behavioural norms backed by promises or threats of clearly defined rewards or punishments, indiscriminate across ranks (i.e., law).

We may see the ruler's function parallel the heartmind's, when we consider the relationship between the ruler's administrative technique [*shu*], involving the setting up of clear models and enforcing them through a strict reward-punishment system, and ministerial persuasion, involving the officials attempting to "fit their words" to the "[heart]mind of the person one is trying to persuade" (Watson 2003, 73). The heartmind makes judgments on whether given name-object pairings conform to its models just as the ruler makes decisions on whether given speech-performance pairings conform to their models. Meanwhile, operationally, the faculties [*guan*] collectively offer pairings that aim to conform to the pairings sought by the heartmind, whether or not the model conduces the organism's longevity. Similarly, officials [*guan*] are to provide pairings that aim to conform to the pairing sought by the ruler, whether or not the model conduces the state's longevity (Hunter 2013).¹⁷

Applying Fraser's framework of self-cultivation to Han Fei's thought, we can speak of four aspects of politics in appreciating the importance of genealogy for the achieving and maintaining the state's equilibrium. The *political substance*, or the object of political work, would be the *ruler*, whose operational importance we have seen to involve the making of judgments on the basis of how the titles and speeches of officials relate to their performances. The *mode of subjection*, or why the state should engage in the political work, would be the state's longevity, which would "increase the means of [the people's] livelihood" (Watson 2003, 129).

The *telos* of political work would be a second-order, dynamic configuration wherein the ruler explores the various first-order configurations of systems of models open to him—recognising and taking up potential paths presented by the interaction between the ruler, his court officials,

¹⁶ Some emphasise the constancy of Han Fei's conception of human motivation, according to which the reward-punishment system operates (e.g., Flanagan and Hu 2011, Harris 2013b, Jiang 2021). These are not mutually exclusive, since one may behave in different ways with the same basic motivation.

¹⁷ Xunzi (traditionally Han Fei's teacher, cf. Sato 2013) explicitly makes this comparison (Hutton 2014, 17.50–59).

their motivations, as well as their social and material circumstances and the state's more generally. Without fixations on first-order systems, the ruler's heartmind would remain indeterminate, so the court officials would not be able to present their own tallying of their titles & speeches with their performances & affairs to curry favour or accumulate power for themselves. We can thus see why Han Fei might denote the ruler's own equilibrium state of indeterminacy as 'being empty' or one of emptiness (as we saw in I), facilitating flexibility in the systems of laws.¹⁸

Under this picture, the ruler's equilibrium would entail the state's equilibrium. This is because a lack of emptiness would result in a twofold problem for the state's equilibrium: first, the ruler's thoughts would be discernible by their court officials, resulting in the state's *internal* disequilibrium through officials gaining ascendancy over them (just as ill-disciplined sense faculties might gain ascendancy over the heartmind); second, the laws issued and maintained by the ruler would be insufficiently responsive to the demands of the state's military and material circumstances (since they would not be receiving accurate information from their officials), resulting in the state's *external* disequilibrium. We can now also better appreciate why Han Fei regarded Confucians as one of the titular "Five Vermin" (Watson 2013, 117–118): these groups of people were pathologies of political life, preventing the state from reaching an adaptive equilibrium appropriate to its material and inter-state environment.

Lastly, *political work*: just as meditation aims at undoing a Confucian-sympathetic individual's fixation on particular virtues, codified distinctions, and physiological structures, genealogy would involve the undoing of a Confucian-sympathetic ruler's fixations on particular political virtues, systems of models, and bureaucratic organisations.

With this, we can finally turn to how Han Fei's genealogy, when seen as structurally similar to Zhuangian meditation, could avoid self-defeat. The difficulty of self-defeat, similar to what we saw for the *Zhuangzi*, was to find a way for Han Fei's criticisms of the Confucians—as extraneous to, and encroaching on, the ruler's own natural and appropriate judgment—not to beg the question against them, and for his own models not to be similarly problematic. In response, we can now understand Han Fei as putting forth his argument in a persuasive mode structurally parallel to Zhuangian *zhiyan*: he need not purport privileged epistemic standing himself in genealogical criticism but merely draw on 'words coming from the mouth of others' or the words of those regarded by the criticised as 'weighty ancient authorities' to dislodge the criticised's fixation on the models of the sage kings. Indeed, this is congruent with his ministerial advice to fit one's words to the mind of the person one is trying to persuade.

So just as the Zhuangian agent undertakes any method suitable to their present constitution and environment to rid oneself of the pathology of fixations on first-order *daos*, the Han Feizian ruler is to undertake any method suitable to their present constitution and environment to rid themselves from the pathology of fixating on any privileged tallying and organisation of court officials' titles & speeches with their performances & affairs—undoing fixations on any given bureaucratic organisation the ruler might inherit and its corollary epistemic and incentive structures, whether Confucian, Mohist, or even Legalist. Han Fei himself admits at points in the text (e.g., in "Five Vermin") that Confucian *daos could* at some point have been an appropriate adaptation of the state, but are nevertheless inappropriate as fixed configurations of the state (Hutton 2008, Wilson 2022). The genealogical method thus constitutes *one* such means whereby a ruler, otherwise fixated on the model of the sage kings, might undertake to arrive at emptiness. We can see that the invocation of historical examples and figures would be in the vernacular of his interlocutors—including Confucian officials and rulers—and this would explain why the aforementioned, specifically anti-Confucian passage from "Eminence in Learning," feature

¹⁸ Han Fei nevertheless cautions against a 'will to emptiness' in "Explaining Laozi," paralleling the *Zhuangzi* cautioning its readers against fixation on Laozian ideas (Moeller and D'Ambrosio 2017).

genealogical argumentation that involve the sage kings as well as Confucius. Whereas in Han Fei's critique of Shen Dao, whose epistemic method he largely shared, while nevertheless also involving sage kings, invokes not genealogical arguments and the figure of Confucius, but conceptual analyses—attending to the necessary and sufficient conditions of political authority and the efficacy of commands (Yang 2013, Harris 2016).

Further, such an adaptive communicative strategy by an adviser would also be itself an expression of a state's flexibility: Confucian-sympathetic rulers in power would not remove officials competent in 'speaking their language,' (as Han Fei argues in "Difficulties of Persuasion" and "Difficulties of Speaking"), ensuring the state's longevity in undoing its reliance on maladapted political frameworks (cf. Hunter 2013). We can thereby also understand how the setup of constant second-guessing between the empty ruler and the persuading officials, which Han Fei describes as "persuasion [having] reached its fulfillment," is ideal inasmuch as it introduces a dynamic epistemological equilibrium into state bureaucracy (Watson 2003, 77). Genealogical argumentation, then, can be understood as an instance of ministerial persuasion whereby the state may become and remain receptive to the contingencies of statecraft, avoiding self-defeat—inasmuch as self-defeat assumes a privileged epistemic stance the official ought to eschew, to ensure that the ruler's system of laws remains dynamic and responsive to the demands of internal and external circumstances.

And while the genealogist might not be able to offer arguments on grounds acceptable to either their interlocutor or themselves, the interlocutor nevertheless finds themselves on the defensive: even if the Confucian does not accept Han Fei's epistemological assumptions in AU, they can still at best beg the question against him. As Srinivasan puts it, the genealogist "exercises a kind of *meta*-epistemic power: a power to reveal what we tacitly presume about ourselves in so far as we believe that our genealogically contingent beliefs are in fact knowledge" (Srinivasan 2019, 135).¹⁹ Even without accepting AU, Confucian epistemology nevertheless remains threatened by the lack of epistemic stability in their models of judgment—while this instability would actually be a *feature* of Han Fei's dynamic and responsive epistemic method. This is not to say that model-use or administrative techniques (like the strict reward-punishment system) of Han Fei's ruler are dispensable in this dynamism (cf. Harris 2013a); rather, just as with the Zhuangian adept, it is the epistemic models' *content* and *grounds* that adapt.

IV

I argued in this paper that Han Fei's use of genealogy can be seen as both a form of persuasion for officials and a form of 'meditative' exercise for the state with a Confucian or Confucian-sympathetic ruler, to undo fixations on the models of the sage kings and develop models that are flexible and responsive to the internal and external demands of statecraft. Just as the *Zhuangzi's* meditative method avoids self-defeat as an instance of *zhiyan*, Han Fei's genealogical method would avoid self-defeat if understood as an instance of critically-oriented ministerial persuasion, with premises to which he need not be epistemologically committed. Admittedly, while my reading might not be what Han Feizi himself actually intended, I hope to have shown not only a different way of conceptualising the genealogical method from the extant anglophone canon, but also a preliminary Zhuangist-Legalist political epistemology that may loosen contemporary Chinese political philosophy's fixation on Confucianism.

¹⁹ Srinivasan denotes the worry that they might not be knowledge as "genealogical anxiety" (2019, 128).

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