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### **Remonstrance in a Declining Empire: The Case of Chen Fan, Minister to Emperors Huan and Ling of the Eastern Han Dynasty**

#### *Abstract*

*Chen Fan 陳蕃 was deeply involved in the political conflicts during the reign of Emperors Huan 桓帝 and Ling 靈帝, mainly by writing memorials of remonstrance, which were transmitted in his biography included in Fan Ye's 范曄 'Hou Han shu' 後漢書. Chen Fan's writings especially illustrate the publicity and harsh style of the remonstrance as a performance, and the tragic failure of this specific political practice at the end of the Eastern Han dynasty. After a general contextualization of political communication and its issues in the Eastern Han period, I present each of the eight remonstrances compiled in the biography in order to characterise Chen Fan's specific style, as well as the way in which the historian, Fan Ye, presents them, notably by noting in detail the reactions and the consequences of each remonstrance. Then I study the resonances of these remonstrances, which are not isolated pieces of political literature, but relate to each other, whether they are contemporaneous, or of different periods.*

興王賞諫臣

“A great king rewards his subjects for being able to offer remonstrance.”<sup>1</sup>

Since the end of the first century CE, the power of the scholar-officials was challenged not only by the consort clans but also by the eunuchs, whose privileged position at the emperor's inner court became strategic when successive weak emperors heavily relied on them to preserve their personal power. During the year 159, the young Emperor Huan 桓帝 (r. 132–168) was thus able to depose of the powerful General-in-Chief Liang Ji 梁冀 (d. 159) and his clan thanks to the eunuchs' support. In the following decades, political life at court, as well as in the commanderies, was characterised by an exacerbation of conflicts between eunuchs, whose legitimacy was often proportionate to their personal allegiance to the emperor, and officials, whose legitimacy relied, at least theoretically, on their fulfilment of Confucian

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<sup>1</sup> Guoyu 國語 (2 vols.), ed. Shanghai shifan daxue guji zhenglizu 上海師範大學古籍整理組, Shanghai 1978, 12.410.

virtues and their mastery of classical knowledge. The transition between the reigns of Emperors Huan and Ling 靈帝 (r. 168–189) was a turning point for the Eastern Han imperial regime, sounding the death knell for any serious reform capable of setting a new equilibrium. In what may be considered as desperate attempts to promote reforms, many memorials of remonstrance, sometimes harsh, were submitted to both emperors by diverse personalities, such as the minister Chen Fan 陳蕃 (d. 168), the specialist of classics and portents Xiang Kai 襄楷 (d. 188?),<sup>2</sup> and the county magistrate Li Yun 李雲 (d. 159).

Chen Fan's case is highly interesting for at least two reasons: Chen Fan became grand tutor (*taifu* 太傅) when Dou Wu 竇武 (d. 168)<sup>3</sup> was general-in-chief (*da jiangjun* 大將軍), thus receiving broad power, which nonetheless proved to be insufficient to reduce the eunuchs' influence at court. As one of the highest dignitaries, he was implicated in two different kinds of attempt to reform the regime: through remonstrance, supposedly an official and virtuous way of reforming, characterized by a certain form of publicity, as shown below; and through “scheming” (*mou* 謀), characterised by secrecy and possibly seen as endangering imperial authority instead of improving it through political persuasion. That may be why Chen Fan is associated with Wang Yun 王允 (137–192) in the same biographical chapter; both men were not directly related to each other,<sup>4</sup> so the historian's intent is to underscore some parallelism or contrast between their respective activities and destinies. Wang Yun was a reformist high official, active at a later period, not through remonstrance but scheming, also in association with a powerful general-in-chief; after Emperor Huan's death, Chen Fan associated with Dou Wu to overthrow the most powerful eunuchs,<sup>5</sup> and in a similar way, after Emperor Ling's

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<sup>2</sup> Xiang Kai's remonstrances have been the object of a detailed study by Rafe de CRESPIGNY, *Portents of Protest in the Later Han Dynasty: The Memorials of Hsiang K'ai to Emperor Huan*, Canberra 1976.

<sup>3</sup> Dou Wu, scion of a powerful family and a scholar with good knowledge of the classics, was the father of Empress Dou, Dou Miao 竇妙 (d. 172), who became regent Dowager at the death of Emperor Huan.

<sup>4</sup> There is yet a tenuous link between both figures, in so far as Wang Yun was the young official who killed the corrupt eunuch Zhao Jin 趙津 (d. 165), thus indirectly provoking the execution of his superior Liu Zhi 劉質 (d. 166). Chen Fan wrote two memorials exhorting the emperor to spare Liu Zhi's life.

<sup>5</sup> The achievement of the association between Dou Wu and Chen Fan is described in some detail in the biography of Dou Wu. See *Hou Han shu* 後漢書 (12 vols.), Fan Ye 范曄 et al., Beijing 1965, 69.2241: “(At the beginning of year 168) when [Dou] Wu was controlling the policy at court, he had the intention of executing the eunuchs, and, in fact, Grand Tutor Chen Fan had already developed a stratagem to this purpose. On one occasion, they met together at the court, and Chen Fan said privately to Dou Wu, ‘Cao Jie, Wang Fu and the other eunuchs manipulate the power since the time of the late emperor. They have spread corruption and disorder in all the empire; they are responsible for the unrest among the people. If we do not execute them now, it will be difficult to make plans later.’ Dou Wu fully agreed, and Chen Fan was so delighted that he stood up, pushing away his mat”. (武既輔朝政，常有誅翦宦官之意，太傅陳蕃亦素有謀。時共會朝堂，蕃私謂武曰：「中常侍曹節、王甫等，自先帝時操弄國權，濁亂海內，百姓匈匈，歸咎於此。今不誅節等，後必難圖。」武深然之。蕃大喜，以手推席而起。)

death, Wang Yun associated with He Jin 何進 (d. 189) for the same purpose.<sup>6</sup> However, in contrast to Chen Fan, his actions seem to be far less coherent over time. He later associated with the general Dong Zhuo 董卓 (d. 192), before having him killed when he realised that he would be a danger to the Han empire. Moreover, the historian does not record any of Wang Yun's words, again in sharp contrast to the extensive quotation of Chen Fan's remonstrances, indicating their value in the historian's eyes. Indeed, although Chen Fan was a man of action, his biography<sup>7</sup> is centred on the remonstrance genre and on the effect produced by this kind of political literature, which proved to be tragic at the end of the Eastern Han dynasty.

Besides being a high minister in the Han government, Chen Fan was also an important figure for the reformist officials, who strongly opposed imperial policy, with the support of many students of the imperial academy. The chapter immediately following Chen Fan's biography concerns the "proscription of the party" (*danggu* 黨錮). This "party", or "faction", refers to a group of literati, officials or not, of diverse social backgrounds. They aspired to a deep reform of the state, especially of the recruitment system, which was considered completely ruined by corruption and favouritism, and developed an alternative system of recommendation through their activity of "pure judgement" (*qingyi* 清議). But their adversaries were prompt in denouncing them as "forming a clique", which led to two proscriptions, in 166 and in 168, the second being significantly more violent and long-lasting, to be lifted only in 184. These events are narrated through the biographies of the 'heroes' whose list, quite heterogeneous in its composition, was established by the students of the Imperial Academy and circulated in the capital during the 160s.<sup>8</sup> Chen Fan occupies a high position on this list as he appears as one of the "three lords" (*san jun* 三君), the first category in the list, which brings together men who are "worshipped and supported by the whole realm"

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<sup>6</sup> The biographies of Dou Wu and He Jin are also grouped in the same chapter. Both Dou Wu and He Jin were close relatives to a regent dowager, respectively Empress Dou and Empress He. According to Hans BIELENSTEIN, the general-in-chief was de facto regent, but Rafe de CRESPIGNY considers that the ultimate power was in the regent dowagers' hands; see CRESPIGNY, "Administrative Structure", in: IDEM, *A Biographical Dictionary of Later Han to the Three Kingdoms (23–220 AD)* (Handbook of Oriental Studies: China 19), Leiden/Boston, MA 2007, 1217.

<sup>7</sup> For convenience's sake, I use "biography" to translate the term *zhuan* 傳 (transmission, tradition). However, texts like Chen Fan's biography especially give reason to question the common translation of *zhuan*, as they are more akin to an organised compilation of texts than to a biographical narrative.

<sup>8</sup> See Rafe de CRESPIGNY, *Politics and Philosophy under the government of Emperor Huan, 159–168 A.D.*, in: *T'oung Pao* 66.1 (1980), 41–83, here 55: "In their constant criticism of the government and policies of Emperor Huan, the students chanted slogans of praise and blame concerning individual officials, and they also prepared lists of their favourites. These lists varied in content, and they included the names of senior and respected ministers, such as Chen Fan, together with the leaders of the students themselves, such as Guo Tai."

(一世之所宗也).<sup>9</sup> Like in the case of other admired or vilified dignitaries of this time, a seven-character chant circulated that was intended to encapsulate Chen Fan's spirit: "Fearless of powerful enemies, Chen Zhongju (i. e. Chen Fan)" (不畏強禦，陳仲舉).<sup>10</sup>

After Chen Fan was killed in the disorder following the failed attempt to overthrow the eunuchs in 168, the students' leader and great judge of character Guo Tai 郭太 (127–169) is said to have mourned him with deep sorrow:

建寧元年，太傅陳蕃、大將軍竇武為閹人所害，林宗哭之於野，慟。既而歎曰：  
「『人之云亡，邦國殄瘁』。『瞻烏爰止，不知于誰之屋』耳。」

"In the first year of the Jianning reign period (168 CE), when [he found out that] the Grand Tutor Chen Fan and the General-in-Chief Dou Wu had been slain by the eunuchs, Linzong (i. e. Guo Tai), out in the country, keened them, deeply pained. Afterwards, he sighed and said, 'Good men perish / And the country is diseased and dying.'<sup>11</sup> Look up at the crow about to roost, / On whose house?'<sup>12</sup> and that was all."<sup>13</sup>

Guo Tai's lament for Dou Wu and Chen Fan may seem impersonal as he only quotes two passages of the 'Book of Odes' (*Shijing* 詩經), but it implies that both men were equal to the antique sage ministers whose voices are supposed to be transmitted in this classic text and that the loss of these men can only mean the end of the Han dynasty. The very scene is also significant, as the intensity of Guo Tai's pain is described with the same expression once used for Confucius mourning his beloved disciple Yan Hui 顏回.<sup>14</sup> But at the same time, Guo Tai gives rein to his pain "out in the country" (*yu ye* 於野) because it was forbidden to pay tribute to Dou Wu and Chen Fan in public, indicating that the empire has been turned on its head, with the greatest sages even being deprived of proper ritual funerals.

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<sup>9</sup> Hou Han shu 67.2187. For the translation, see CH'EN Ch'i-yün, Confucian, Legalist, and Taoist Thought in Later Han, in: Michael LOEWE/Denis TWITCHETT (eds.), Cambridge History of China. Volume 1: The Ch'in and Han Empires. 221 B.C.–A.D. 220, Cambridge 1986, 766–807, here 797.

<sup>10</sup> Hou Han shu, 67.2186.

<sup>11</sup> Shijing 詩經, ed. QU Wanli 屈萬里, Shijing quanshi 詩經詮釋, Taipei 1991, 546, 'Da ya' 大雅 (Major Odes), poem 'Zhan yang' 瞻仰.

<sup>12</sup> Shijing, ibid., 352, 'Xiao ya' 小雅 (Minor Odes), poem 'Zheng yue' 正月.

<sup>13</sup> Hou Han shu, 68.2226. Translation by Mark L. ASSELIN, A Significant Season. Cai Yong (Ca. 133–192) and His Contemporaries, New Haven, CT 2010, 253 (slightly modified).

<sup>14</sup> Lunyu 論語, ed. YANG Bojun 楊伯峻, Lunyu yizhu 論語譯注, Beijing 1980, 112, 11:10: "When Yuan (i.e. Yan Hui) died, the Master keened him, deeply pained". (顏淵死，子哭之慟。)

Chen Fan's specific prestige appears to have been greatly enhanced by the style of his remonstrances, which were transmitted through the centuries following the fall of the Han dynasty, until Fan Ye 范曄 (398–446) compiled the 'Hou Han shu' 後漢書 (History of the Later Han).<sup>15</sup> Through the interweaving of Chen Fan's 'biography' and his successive remonstrances, the reader becomes familiar with the story of a man who repeatedly stood in the way of imperial decision. In fact, the very first *liezhuan* in Chinese historiography, that of the two eremitic brothers Boyi 伯夷 and Shuqi 叔齊, already contained a remonstrance (not a written memorial but an oral admonishment in these ancient times), expressed while the brothers literally stood in the sovereign's way:

及至，西伯卒，武王載木主，號為文王，東伐紂。伯夷、叔齊叩馬而諫曰：「父死不葬，爰及干戈，可謂孝乎？以臣弑君，可謂仁乎？」左右欲兵之。太公曰：「此義人也。」扶而去之。

“When [Boyi and Shuqi] arrived, the Earl of the West had died and [his son] King Wu was leading an expedition east against Zhou (the last king of the Shang dynasty) carrying the wooden spirit tablet [of the Earl of the West], whom he called King Wen. Boyi and Shuqi pulled on his horse's reins and remonstrated with him: 'Your father is dead and you have not buried him. Instead, you resort to buckler and bill. Can this be called filial? For a vassal to kill his lord, can this be called humane?' The attendants wanted to cut them down. Taigong said, 'These are men of principle.' He had [his attendants] help them up and send them away.”<sup>16</sup>

In this early occurrence of the remonstrance genre in a biography, we already find a number of crucial elements later illustrated in Chen Fan's remonstrances: a literal stop imposed on those in power, symbolized here by the temporary halt imposed on the military expedition; an appeal to values transcending the king's immediate interest; the publicity and harsh style of

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<sup>15</sup> Some fragments of biographical writings about Chen Fan can be found in Dongguan Hanji 東觀漢記, ed. Wu Shuping 吳樹平, Dongguan Hanji jiaozhu 東觀漢記校注 (2 vols.), Henan 1987, 17.756, as well as in Xie Cheng's 謝承 'Hou Han shu' 後漢書, Sima Biao's 司馬彪 (240–c. 306) 'Xu Hanshu' 續漢書, and Yuan Shansong's 袁山松 (d. 401) 'Hou Han shu' 後漢書; see Bajia Hou Han shu jizhu 八家後漢書輯注 (2 vols.), ed. ZHOU Tianyou 周天游, Shanghai 1986, vol. 1, 119, vol. 2, 466 and 671 respectively. Xie Cheng's fragments contain an extract from the third remonstrance on the excessive number of women in the palace; Sima Biao's fragments contain a passage from the fourth remonstrance on the "three desolations". Both remonstrances are recorded in Fan Ye's 'Hou Han shu', as presented below.

<sup>16</sup> Shiji 史記 (10 vols.), Sima Qian 司馬遷 et al., Beijing 1959, 61.2123. For the translation, see William H. NIENHAUSER (ed.), The Grand Scribe's Records. Vol. VII: The Memoirs of Pre-Han China by Ssu-ma Ch'ien, Bloomington/Indianapolis, IN 1994, 3 (slightly modified).

the remonstrance as a performance; and the non-binary nature of the answer: the remonstrance does not necessarily require approval or rejection, but can also be treated with respectful acceptance, as illustrated by Taigong.

### **1 Remonstrances at the End of the Eastern Han Dynasty**

Since the first empire of Qin 秦 (221–207 BCE), the duty of remonstrance had institutional counterparts, notably with the establishment of the offices of household counsellors (*guanglu dafu* 光祿大夫), palace counsellors (*taizhong dafu* 太中大夫), and remonstrant counsellors (*jian dafu* 諫大夫, whose name was changed to *jianyi dafu* 諫議大夫 under the Eastern Han dynasty).<sup>17</sup> But remonstrance could potentially be practised by any subject in the empire, including non-officials.

Memorials of remonstrance were an important political tool in the hands of officials, who could send their critiques to the throne to exert a direct influence on the emperor. At least under Emperor Wen 文帝 (r. 179–157) and Emperor Cheng 成帝 (r. 33–7 BCE), there was a specific category of recruitment based on the ability to offer direct remonstrances (“able to be outspoken and to offer a sharp remonstrance” [*neng zhi yan ji jian* 能直言極諫]), and both emperors published two edicts (in 178 and 165, and in 30 and 12 BCE) calling for the recommendation of this kind of talent.

Nevertheless, the emperor was not the only audience targeted by remonstrances against his policy. In the case of oral remonstrance made at court, in the presence of the emperor’s entourage, the audience was larger. Written remonstrances were also given certain publicity. In general, they would be examined by the imperial secretariat (*shangshu* 尚書) before being transmitted to the emperor, except for “sealed memorials” (*fengshi* 封事), which could be opened and read only by the emperor himself, without going through the possible censorship of the secretariat. Moreover, in the ‘Sanguo zhi’ 三國志 (Records of the Three Kingdoms), we find a significant mention of the existence and circulation of drafts of remonstrances:

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<sup>17</sup> For a detailed and historical view of the institution of remonstrance in China from early times until the Qing 清 dynasty (1644–1911), see CHAO Zhongchen 晁中辰, *Zhongguo jianyi zhidu shi* 中國諫議制度史, Beijing 2015.

羣前後數密陳得失，每上封事，輒削其草，時人及其子弟莫能知也。論者或譏羣居位拱默，正始中詔撰羣臣上書，以為名臣奏議，朝士乃見羣諫事，皆歎息焉。

“[At that time,] Chen Qun (d. 236), on several occasions, wrote secretly about the successes and failures [of the government]. Every time he sent a sealed memorial, he would destroy the draft. Hence, his contemporaries and his disciples could not know anything about it. Among the debaters, some criticised Chen Qun for remaining silent despite his privileged position. During the Zhengshi (240–249) era, an imperial order was issued to compile the ministers’ memorials in order to make a book entitled ‘Memorials of the Great Ministers’ out of them. The gentlemen at court then discovered Chen Qun’s remonstrances and all sighed with admiration.”<sup>18</sup>

Chen Qun’s decision to destroy his drafts was noted by the historian because it was quite exceptional, and, by contrast, famous literati most likely had drafts of their remonstrances circulated among their disciples, thus contributing to the formation of a limited but authentic ‘literate public sphere’. If we refer to the different meanings of ‘public’ defined by Jürgen Habermas in his ‘Strukturwandel der Öffentlichkeit’,<sup>19</sup> ‘public’ here means that this literate sphere took public affairs as its main concern (though the literati involved in this sphere did not always occupy a position in government). Moreover, it could eventually constitute a kind of counterpower against the state, especially in the form of remonstrances, past and contemporaneous, circulating among the literati.

The potential power of these words did not go unnoticed by the eunuchs; in one case at least, the historian notes that they had memorials destroyed, after having denounced them as “fake words” (*eyan* 讒言).<sup>20</sup> Such a step was nevertheless considered as a serious breach of an

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<sup>18</sup> Sanguo zhi 三國志 (5 vols.), Chen Shou 陳壽, Beijing 1959, 22.638.

<sup>19</sup> Jürgen HABERMAS, *The Structural Transformation of the Public Sphere. An Inquiry into a Category of Bourgeois Society*, trans. by Thomas BURGER, Cambridge, MA 1991 (Ger. Original Ed. Neuwied/Berlin 1962), 2–3.

<sup>20</sup> Hou Han shu, 57.1858 (biography of Liu Yu 劉瑜, who was a friend of Chen Fan): “After Liu Yu was executed, the eunuchs had all his memorials burnt to ashes, claiming that they were all but fake words.” (瑜誅後，宦官悉焚其上書，以為讒言。) By this step, the eunuchs also prevented the memorials from becoming part of the official historiographical record. According to Michael LOEWE, the recording of past remonstrances would be a way for the historian (in this case Ban Gu 班固 [32–92]) to express his own critical view on a particular reign: “There is however a further way in which he could do so (express a direct denunciation) more openly, and this was by repeating or summarizing the memorials or speeches wherein a brave official declared his views.” See Michael LOEWE, *Problems of Han Administration. Ancestral Rites, Weights and Measures, and the Means of Protest*, Leiden 2016, 278.



ancient principle in political philosophy, particularly developed in the Confucian tradition. Indeed, offering remonstrances was one of the duties of a minister loyal to his sovereign. As such, they were sometimes even “requested” by the emperor in reaction to disasters or strange events.<sup>21</sup> Based on historical precedents narrated in the classics or in historiographical works, it was considered a duty of the sovereign to accept remonstrances, or at least to tolerate them even in case they were judged too harsh or inaccurate.

Nonetheless, the reigns of Emperors Huan and Ling were considered a very adverse time for putting into practice this Confucian duty of remonstrance. In the 150s, when Liang Ji was still General-in-Chief, Liu Tao 劉陶 (d. 185) concluded his remonstrance with this pessimistic comment:

臣敢吐不時之義於諱言之朝，猶冰霜見日，必至消滅。臣始悲天下之可悲，今天下亦悲臣之愚惑也。

“Your servant has uttered untimely principles in front of a court refusing any warnings<sup>22</sup>, and thus he is like frost and ice facing the sun, doomed to melt and disappear. Originally, your servant was sad over the sad destiny of the empire, and now it is time for the empire to be sad over my folly.”<sup>23</sup>

Since his remonstrance was not examined, Liu Tao did not meet such a bad fate in the end, but the metaphor of the ice facing the sun says much about the mistrust and imbalance between the minister and the sovereign, in a somewhat crude expression that could have proven dangerous for the author of the remonstrance.

Remonstrance is an important subject in the ‘Hou Han shu’ composed by Fan Ye, which quotes almost one hundred memorials of this kind. One “discussion” (*lun* 論) entirely devoted to this subject is found in a chapter (‘Hou Han shu’ 57/47) that brings together the biographies of historical figures whose common characteristic is the writing of direct remonstrances. It follows the biographical account of the low-ranking official Li Yun, who sent a daring, and somewhat suicidal, remonstrance to Emperor Huan.<sup>24</sup>

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<sup>21</sup> Compare Paul Fahr’s contribution to this volume. See, for example, Hou Han shu, 7.289 and 7.301 (request for remonstrances following the earthquake of 162 CE under Emperor Huan), or *ibid.*, 8.332 (under Emperor Ling).

<sup>22</sup> According to the commentary, the expression *hui yan* 諱言 precisely means “refusing remonstrances”.

<sup>23</sup> Hou Han shu, 57.1844.

<sup>24</sup> Thus embodying what David SCHABERG calls a “suicidal commitment to frank communication with the ruler”, by contrast with indirect remonstrance, which manifested “an ideal of tact, rhetorical cunning and self-

禮有五諫，諷為上。若夫託物見情，因文載旨，使言之者無罪，聞之者足以自戒，貴在於意達言從，理歸乎正。曷其絞訐摩上，以銜沾成名哉？李雲草茅之生，不識失身之義，遂乃露布帝者，班檄三公，至於誅死而不顧，斯豈古之狂也！夫未信而諫，則以為謗己，故說者識其難焉。

“Among the five types of remonstrance [mentioned in ritual compendia], indirect remonstrance is the best one: making the situation apparent through external things and developing the meaning through literary expression allow the speaker to remain without guilt, while the listener is able to draw lessons for himself. The value of this kind of remonstrance lies in the way it can express ideas with compliant wording and [make] the principles [in question] be set right again. How could one harshly denounce the faults of those above in order to gain fame? Li Yun was a lowborn scholar, unaware of the principle of [avoiding] needless death;<sup>25</sup> he submitted an open letter of remonstrance to the emperor, which would be transmitted to the three excellencies, and then, condemned to death, he did not regret [his bad end]; how would [his conduct resemble] that of the wild men of the past!<sup>26</sup> [If a gentleman] offers a remonstrance without first having won the trust [of the emperor], it will be considered slanderous.<sup>27</sup> Hence the [good] persuader knows the danger [of persuasion].”<sup>28</sup>

Without doubt, memorials of remonstrance at the end of the Eastern Han dynasty did not align with the practice of “indirect remonstrance” (*fengjian* 諷諫), which was the most valuable kind of remonstrance according to Fan Ye and other authors before him.<sup>29</sup> Some memorials relied on the interpretation of omens and portents, considered as signs of the successes and failures of the imperial government. By presenting their remonstrance as an interpretation of

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preservation”. See David SCHABERG, *Playing at Critique: Indirect Remonstrance and the Formation of Shi Identity*, in: Martin KERN (ed.), *Text and Ritual in Early China*, Seattle/London 2005, 194–225, here 196.

<sup>25</sup> This sentence alludes to the fact that Li Yun was a low-rank official, remote from the court, and hence unaware of the implicit rules governing the practice of remonstrance. During the Eastern Han dynasty, remonstrance was mainly a written exercise, but the presence of the remonstrator at court may nevertheless give an idea of the level of criticism that was possible.

<sup>26</sup> Allusion to ‘Lunyu’ (17:16): “Those wild men of the past were straight, whereas crazy men of our time are impostors”. (古之狂也直，今之狂也詐而已矣。). Lunyu, *ibid.*, 187.

<sup>27</sup> Allusion to ‘Lunyu’ (19:10): “One should first win the trust (of his superior) before offering a remonstrance; if one has not won his trust, such a remonstrance will be considered as slanderous.” (信而後諫，未信則以為謗己也。). Lunyu, *ibid.*, 201.

<sup>28</sup> Hou Han shu, 57.1853–1854.

<sup>29</sup> We find the same idea in the ‘Baihu tong’ 白虎通 which is believed to compile the results of the discussions held in year 79 by literati in the presence of Emperor Zhang 章帝 (r. 75–88), but which may also contain passages written at the end of the Eastern Han dynasty.

“natural” and/or “extraordinary signs” (*zaiyi* 災異), the literati versed in this science were able to retreat behind what could be considered as messages sent by “heaven/nature” (*tian* 天).<sup>30</sup> In Xiang Kai’s case, the interpretation of portents developed in his remonstrances may have protected him from tragic consequences, but this was not always enough to save one’s life, as is amply demonstrated in chapter 75 of the ‘Hanshu’ 漢書 (History of the Former Han),<sup>31</sup> devoted to specialists in *zaiyi* who lost their lives as a result of their criticism of power. In fact, the literati who chose to express “indirect remonstrance” preferred not to write memorials of remonstrance but rather essays. This is the case of Chen Zhong 陳忠 (d. 125):

忠內懷懼懣而未敢陳諫，乃作搢紳先生論以諷，文多故不載。

“Chen Zhong felt fear and anger in his heart but did not dare to send a memorial of remonstrance; hence, he composed a ‘Discourse of the Literatus’ in order to criticize indirectly (*feng*), which is too long to be recorded here.”<sup>32</sup>

In this context, the remonstrances written by Chen Fan present specific, direct, and down-to-earth expression and argumentation, which almost never invoke portents.<sup>33</sup> His biography, which quotes his main remonstrances while specifying their context and consequences, thus constitutes an important source for presenting this alternative type of argumentation.

## 2 Remonstrances in Chen Fan’s Biographical Account

Chen Fan’s biography includes eight of his memorials, of which six are remonstrances against imperial policy. Chen Fan wrote at least two other memorials of remonstrance that are not quoted in his biography: a memorial making a case for Li Yun’s life and, hence, included in Li Yun’s own biography,<sup>34</sup> and a collective memorial based on the interpretation of portents. Here, I will present each of the remonstrances compiled in the biography to show how they touched upon every aspect of imperial policy at the end of Eastern Han dynasty and how we could characterise their distinctive style of expression.

<sup>30</sup> On this topic, see Hans BIELENSTEIN, *An Interpretation of the Portents in the Ts’ien-Han-shu*, in: *Bulletin of the Museum of Far Eastern Antiquities* 22 (1950), 127–143; Wolfram EBERHARD, *The Political Function of Astronomy and Astronomers in Han China*, in: John K. FAIRBANK (ed.), *Chinese Thought and Institutions*, Chicago 1957, 33–70; and CRESPIGNY 1976.

<sup>31</sup> ‘Biographical chapter on Sui Hong, Xiahou Shichang, Xiahou Sheng, Jing Fang, Ji Feng and Li Xun’ (*Sui liang Xiahou Jing Ji Li zhuan* 睚兩夏侯京翼李傳).

<sup>32</sup> *Hou Han shu*, 56.1558.

<sup>33</sup> With the exception of the joint remonstrance of 166 attributed to Chen Fan, Liu Mao, and Hu Guang or Liu Ju (see below). On this text, which is not quoted in the *Hou Han shu*, see CRESPIGNY 1976, 57–58.

<sup>34</sup> *Hou Han shu*, 57.1852

(a) Chen Fan's first official criticism recorded in his biography<sup>35</sup> is a "refutation" (*bo* 駁 or *boyi* 駁議), a genre whose function was to refute a general opinion at court. It criticises both the use of military force in the southern commanderies of Lingling and Guiyang and the opening of recommendations for official positions without further examination. In a relatively simple and direct style, with only one reference to the spirit of the founder of the Han dynasty, Gaozu 高祖 (r. 202–195), it insists on the responsibility of the local officials and on the necessity of denouncing recommendations based not on a thorough scrutiny of the would-be administrator's quality, but rather on personal acquaintance and complacency. As for all the other memorials quoted in this biography, the historian notes the reactions to this criticism. Here, the remonstrance is said to have aroused hostility from the emperor's immediate circle (most probably the General-in-Chief Liang Ji), and the young Chen Fan was removed from the court and appointed administrator of the remote commandery of Yuzhang 豫章 (in the southern region of Yangzhou 揚州, present-day Jiangxi). This is the first rebuke in a long series, and it presents the historian with the occasion to characterise Chen Fan's very nature and charisma, thus inextricably linking this historical figure with his writing of remonstrances. The expression characterising Chen Fan as "upright and sharp by nature" (*xing fangjun* 性方峻) is most probably inspired by the formula uttered by another famous judge of character, Xu Shao 許劭 (150–195),<sup>36</sup> who was frequently associated with the aforementioned Guo Tai.

A memorial of remonstrance written for Li Yun is mentioned but not quoted in the chapter. It aroused the emperor's anger, and Chen Fan was dismissed and sent home.

(b) The second remonstrance was written after Chen Fan had returned to court and was appointed minister of the household in 159 (*guangluxun* 光祿勳; one of the nine ministers below the three excellencies). It is a direct attack on the contemporaneous practice of enfeoffing undeserving favourites (often eunuchs), on the great number of concubines in the imperial harem, and, on the injustice in the recruitment for office on the one side and in the

<sup>35</sup> Hou Han shu, 66.2160–2161.

<sup>36</sup> Hou Han shu, 68.2234 (Biography of Xu Shao): "Xu Shao went to Yingchuan and had many acquaintances with famous elders, except with Chen Shi. Furthermore, when Chen Fan lost his wife and went back home for her funeral, all his fellow countrymen went to the funeral, except for Xu Shao. Someone asked for the reason for this, and Shao answered: 'Taihou's (i. e., Chen Shi's) way is so wide that it is difficult to cover it all (through mere acquaintance). Zhongju's (i. e., Chen Fan's) nature is so sharp that it is difficult to get through. That is why I did not pay a visit to either of them.' The majority of his judgments were of the same type." (劭嘗到潁川，多長者之遊，唯不候陳寔。又陳蕃喪妻還葬，鄉人畢至，而劭獨不往。或問其故，劭曰：「太后道廣，廣則難周；仲舉性峻，峻則少通。故不造也。」其多所裁量若此。)

judiciary system on the other side – a theme that was to prove crucial in the following years. It is introduced by a short and strong definition of the duty of remonstrance:

臣聞有事社稷者，社稷是為；有事人君者，容悅是為。今臣蒙恩聖朝，備位九列，見非不諫，則容悅也。

“Your minister heard that for those who serve the altars of soil and grain, the altars are their only preoccupation; for those who serve the prince, [the prince’s] pleasure is their only preoccupation. Now I receive the blessings of this sacred court and my position is among the Nine Ministers; if I find wrongdoings, but do not offer remonstrance, this would mean that my only preoccupation is Your Majesty’s pleasure.”<sup>37</sup>

Chen Fan then criticises some underserved favours granted by the emperor to personalities close to him, referencing not a sage king of remote antiquity but again the founder of the Han dynasty:

高祖之約，非功臣不侯。而聞追錄河南尹鄧萬世父遵之微功，更爵尚書令黃儁先人之絕封，近習以非義授邑，左右以無功傳賞，授位不料其任，裂土莫紀其功，至乃一門之內，侯者數人。

“It was Emperor Gaozu’s promise that no man should be made a marquis unless he had performed some worthy service, and yet I have heard that Deng Zun, father of the Intendant of Henan Deng Wanshi, has been granted posthumous honours for very minor achievements, and the terminated inheritance of the fief once held by the ancestors of the Prefect of the Masters of Writing Huang Jun is now being restored. Close companions receive fiefs without good cause, attendants are handed rewards without having achieved anything, and within a single family there may be several men with marquisates.”<sup>38</sup>

On the second point – the excessive number of women in the palace – Chen Fan briefly refers to the cosmological theories of his time, which would not be the case in his later

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<sup>37</sup> Hou Han shu, 66.2161.

<sup>38</sup> Ibid., 66.2161. Transl. Rafe de CRESPIGNY, Emperor Huan and Emperor Ling. Being the Chronicle of Later Han for the Years 157 to 189 AD as Recorded in Chapters 54 to 59 of the Zizhi tongjian of Sima Guang (Faculty of Asian Studies Monographs: New Series, No 12), 2 vols., vol. 1, Canberra 1989, 23.

remonstrances (with the exception of the joint remonstrance of 166). The last point is also dealt with in a very concise and direct manner:

夫獄以禁止姦違，官以稱才理物。若法虧於平，官失其人，則王道有缺。而令天下之論，皆謂獄由怨起，爵以賄成。

“The role of the prison is to put a stop to treachery and disobedience; the role of the administration is to evaluate talents and to organise the world. If the law lacks impartiality, if the administration lacks fitting personnel, then the royal way remains uncomplete. Furthermore, it creates ground in the empire for discourses denouncing penal law as a means to fulfil a personal grudge and ranks as accomplishments obtained through bribery.”<sup>39</sup>

Quite exceptionally, some points of this remonstrance were taken into account by the emperor, who reduced the number of women in the palace and the honours given to Huang Jun 黃儁.

(c) The third remonstrance focuses on one particular point, the imperial hunting, criticising its bad timing in a crucial season for agricultural activities. This remonstrance is given a precise date, the 6th year of the Yanxi 延熹 era (i. e., 163). It refers to three distinct periods in history: First, Chen Fan reminds the ruler of the principles found in the Classics, which strictly limit hunts except when carried out in the service of sacrifices. He seizes the occasion to underscore that these principles were formulated in times of peace and abundance and to stress sharply the contrast with the present time of “three desolations” (*san kong* 三空; i. e., desolation in the fields, at court, and in the granaries).

Then, Chen Fan returns to the present, using strong words to denounce the emperor’s lack of consideration for his people:

又前秋多雨，民始種麥。今失其勸種之時，而令給驅禽除路之役，非賢聖恤民之意也。

“Last autumn, there were heavy rains, and only now are the people beginning to plant their wheat. Now, Your Majesty not only missed the right time to encourage them to sow their grain, but You have instead ordered [that they take part in the hunt], using

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<sup>39</sup> Hou Han shu, 66.2161.

corvée labour to hustle the prey and clear the roads. This is not the policy of a worthy sage who cares for his people.”<sup>40</sup>

Maybe with the purpose of justifying the harsh style of his remonstrance, Chen Fan concludes with a reference to famous remonstrances of the pre-imperial period: Yanzi’s 晏子 remonstrance to the Lord Jing of Qi 齊景公 (r. 547–489 BCE)<sup>41</sup> and Lord Moufu of Zhai’s 祭公謀父 remonstrance to the King Mu of Zhou 周穆王 (r. 956–918 BCE).

This remonstrance was “not accepted” (*bu na* 不納). Over the next two years, Chen Fan’s career experienced ups and downs. He was first forced to resign following his attempt to establish a fair system of selection for office. He was then rehabilitated by being made palace counsellor (*taizhong dafu* 太中大夫) and, in 165, when he was about to be nominated grand commandant (*taiwei* 太尉), one of the three excellencies at the head of the Han government,<sup>42</sup> he wrote a text of renunciation, which was perhaps intended more to recommend men of integrity, such as Hu Guang 胡廣 (91–172), Wang Chang 王暢 (d. 169), and Li Ying 李膺 (d. 169), than to renounce office. Chen Fan’s wish was not granted by the emperor.

Here, the biography presents a short but interesting narrative, which indicates that, in addition to written remonstrances, Chen Fan also practiced oral remonstrance. Following the eunuchs’ regaining of power and their attacks on officials like Liu You 劉祐 (d. 168) and Li Ying, Chen Fan is said to have strongly yet unsuccessfully advocated their case before the emperor:

蕃因朝會，固理膺等，請加原宥，升之爵任。言及反覆，誠辭懇切。帝不聽，因流涕而起。

“Then, Chen Fan, on the occasion of a court assembly, firmly explained the case of Li Ying and the others, asking for an imperial pardon and for their promotion. He

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<sup>40</sup> Ibid., 66.2162. Transl. CRESPIGNY 1989, vol. 1, 40 (slightly modified).

<sup>41</sup> Yanzi or Yan Ying 晏嬰 was considered one of the most brilliant statesmen of the Spring and Autumn period. The ‘Yanzi chunqiu’ 晏子春秋 in eight *pian* 篇 collects the remonstrances he is supposed to have addressed to Lord Jing of Qi, mainly in the first two *pian* (sometimes entitled ‘Jian’ 諫 [Remonstrance]). In his study of the remonstrance as a specific mode of communication, HUANG Mingfen 黃鳴奮 devotes a chapter to Yang Ying’s remonstrances; see HUANG, Shuifu junzhu – Zhongguo gudai de fengjian chuanbo 說服君主——中國古代的諷諫傳播, Beijing 2001, 222–271.

<sup>42</sup> This was possible due to the ousting of powerful eunuchs like Hou Lan 侯覽 (d. 172) in the same year.

repeated his arguments with a fully authentic expression and passionate integrity. The emperor did not listen to him, and Chen Fan left, shedding tears.”<sup>43</sup>

Chen Fan’s tears may remind us of Liu Tao’s metaphor of the ice melting in front of a deaf sun. In any case, this scene undoubtedly introduces an escalation of tension between the remonstrating minister and the emperor.

(d) Chen Fan’s fourth remonstrance<sup>44</sup> was written to defend Liu Zhi 劉質 (d. 166) and Cheng Jin 成璿 (d. 166), two officials famous for their deep knowledge of the classics and for their outspokenness. They had executed eunuchs who were accused of corruption and abuse of power despite an imperial amnesty. According to Rafe de Crespigny, “the whole affair, with Chen Fan’s argument that the letter of the law was irrelevant to men of good will, and the intense interest among the students of the University, the junior officers of the bureaucracy and gentry officials who sought reform, played a critical role in damaging the relationship between the imperial court and the administration which should serve it”.<sup>45</sup>

In fact, there were two remonstrances: first, a collective remonstrance was submitted to the emperor by the three excellencies, the Excellency over the Masses (*situ* 司徒) Liu Ju 劉矩 (d. 169?),<sup>46</sup> the Excellency of Works (*sikong* 司空) Liu Mao 劉茂 (d. 170?), and Chen Fan, then grand commandant. The fragments of this remonstrance, which are quoted by Yuan Shansong and transmitted in the commentary to the ‘Wuxing zhi’ 五行志 (Records of the Five Phases) chapter,<sup>47</sup> show that it relied on the interpretation of portents. The emperor expressed his “disapproval” (*bu yue* 不悅) after reading this remonstrance, and indictments were prepared for charging the three excellencies. As a consequence, Liu Mao (and perhaps Liu Ju) decided to abandon his criticism, whereas Chen Fan maintained his and returned with another remonstrance, this time written from a personal viewpoint. This ‘second version’, which is transmitted in Chen Fan’s biography, no longer relies on portents but criticises imperial policy and even the personal stature of the emperor in a very direct and harsh way. It discusses

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<sup>43</sup> Hou Han shu, 66. 2163.

<sup>44</sup> Ibid., 66.2164–2165.

<sup>45</sup> See CRESPIGNY 2007, 89.

<sup>46</sup> Liu Ju was grand commandant from 161 to 162 and in 168. He does not seem to have been excellency over the masses during the year 166. According to the ‘Annals of Emperor Huan’, the position was held by Hu Guang at the time.

<sup>47</sup> Hou Han shu, 14.3296. The joint remonstrance is also briefly quoted in the commentary to the ‘Annals of Emperor Huan’ (ibid., 7.316), after the mention of different disasters and strange events like fires that consumed gates of the imperial palace in Luoyang, bizarre words heard at night, and strange sounds of drums.



precedents from the history of the Han dynasty and measures the present emperor against his predecessors. In doing so, Chen Fan does not even compare the emperor to the sage of antiquity but to “a clan of no importance”:

陛下超從列侯，繼承天位。小家畜產百萬之資，子孫尚恥愧失其先業，況乃產兼天下，受之先帝，而欲懈怠以自輕忽乎？誠不愛己，不當念先帝得之勤苦邪？“Your Majesty has risen from the rank of a feudal lord to inherit the supreme position. Even in a clan of no importance that accumulated many possessions sons and grandsons would be ashamed if they were to fail to maintain the achievement of the past. Surely this is still more true when the possessions include the whole empire, handed down by the former rulers; and yet you wish to neglect them in order to indulge in your frivolous interests! Even if you do not care for yourself, shouldn't you care for the hard work of your predecessors, who established [the dynasty in the first place]?”<sup>48</sup>

It is hard to imagine how Chen Fan dared to use such a comparison and to ask the emperor such insolent questions. His specific style appears here most conspicuously; there is no subtle analysis of strange events, no cautious reference to the classics, no praise to compensate his criticism. According to this account, it seems that when the classical, cautious exercise of remonstrance was not accepted by the emperor, who furthermore broke with precedent, Chen Fan chose not to be silent but to adopt an extremely harsh style. He was not so far from the “madness” of Li Yun, but, unlike Li Yun, his high position allowed him to throw all his weight into the battle. After having attacked the very personality of the emperor, he does not subtly suggest certain political change; instead, he directly argues for the execution of the corrupted favourites and urges the emperor to follow Liu Zhi and Cheng Jin's path and eliminate the eunuch attendants:

小黃門趙津、大猾張汜等，肆行貪虐，姦媚左右，前太原太守劉瓚、南陽太守成瑨，糾而戮之。雖言赦後不當誅殺，原其誠心，在乎去惡。至於陛下，有何悁悁？[...] 而今左右羣豎，惡傷黨類，妄相交構，致此刑譴。聞臣是言，當復嘯訴。陛下深宜割塞近習豫政之源，引納尚書朝省之事，公卿大官，五日壹朝，簡練清高，斥黜佞邪。如是天和於上，地洽於下，休禎符瑞，豈遠乎哉！

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<sup>48</sup> Hou Han shu, 66.2164. Transl. CRESPIGNY 1989, 1.72 (slightly modified).

“The Junior Attendant of the Yellow Gates Zhao Jin, and that great rascal Zhang Fan and his people all acted with cruelty and greed, and they curried favour with your attendants. The former Grand Administrator of Taiyuan Liu Zhi, and the former Grand Administrator of Nanyang Cheng Jin arrested and executed them. Although it may be said that the action took place after an amnesty and so the men should not have been put to death, the essential point is that these officers had hearts sincerely concerned with the elimination of evil. From Your Majesty’s point of view, what cause is there for anger? [...] Yet now this group of eunuch attendants, a gang of evil-doers, because they are angry at the penalties inflicted upon other members of their gang, have spread wild stories to bring [these officers] under threat of serious punishment. Even these words of mine may lead to their tearful complaints. Your Majesty should take action to remove opportunities for your eunuch attendants to be involved in administration. You should personally receive the documents (*shi*) of the imperial secretariat and the court administration; dukes, ministers, and [other] high officials [should] come to court every five days and appoint and promote only those who are pure and of high moral quality, and to criticise and eliminate those who are wicked and base. Thus, Heaven will be in harmony above, and Earth will be contented below. Good fortune and auspicious influences, would they be far at hand?”<sup>49</sup>

Chen Fan’s writing of remonstrance clearly abandons the field of astronomy as its source of argumentation to turn towards the field of Han history, where he tries to find precedents to Liu Zhi and Cheng Jin’s decision to fight injustice without consideration for imperial amnesty. He relates how, under Emperor Wen, Shentu Jia 申屠嘉 (d. 155 BCE) was chancellor of the state and decided on his own initiative to execute the wealthy and disrespectful Deng Tong 鄧通. Emperor Wen did not criticise Shentu Jia’s decision but instead asked for Deng Tong’s pardon. Likewise, under Emperor Guangwu 光武帝 (25–57), Dong Xuan 董宣 had the lover of the princess Liu Huang 劉黃, a sister of the emperor, executed for having killed a man, and the emperor rewarded him for his loyalty.

Once again, the historian carefully notes the reactions to Chen Fan’s remonstrance, this time not only of the emperor but also of the eunuchs. While the emperor became even more furious and did not accept a single point of the remonstrance, the eunuchs recognised Chen Fan as their enemy, though they did not dare to attack him as he was a widely admired

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<sup>49</sup> Hou Han shu, 66.2164. Transl. CRESPIGNY 1989, 1.72–74.

high official. The historian adds here that remonstrances and protestations were useless and that Liu Zhi and Cheng Jin died in prison.

(e) The fifth remonstrance<sup>50</sup> quoted in Chen Fan's biography is also precisely dated, in this case to the ninth year of the Yanxi era, that is, 166 CE, but questions about its authenticity can nonetheless be raised. It is a "sharp remonstrance" (*jijian* 極諫), which apparently followed the arrest of Li Ying and other reformist literati. The remonstrance refers to them as being proscribed from office or unfairly executed, though at this moment, they had only been placed in jail. Moreover, when Li Ying and the others were arrested, Chen Fan had most probably left office.<sup>51</sup> Crespigny suggests that such an interpolation was made to show the solidarity between Chen Fan and Li Ying. This interpretation is perfectly coherent, even more so if we consider that earlier in the biography, the historian carefully mentioned the tears that Chen Fan shed when unable to protect Li Ying. I may also add that for the judgement on characters, which is another kind of contemporary protest literature, the historian mentions the difficulty of dealing with later forgeries. In the case of Guo Tai, who was as famous for his judgements as Chen Fan was for his remonstrances, some judgements circulated that were inspired by his style but were not authentic, and the historian notes that he tried to set these aside:

後之好事，或附益增張，故多華辭不經，又類卜相之書。今錄其章章效於事者，著之篇末。

"The later connoisseurs<sup>52</sup> sometimes built on [Guo Tai's judgement] and added [new judgements]. Most of them are characterised by unnecessary flowery language, which is not modelled on the classics, and sound like the judgements found in the books on divination and physiognomy. Now I only record at the end of the chapter those judgements which are clear and authentic."<sup>53</sup>

The same phenomenon, the writing of remonstrances in the name of Chen Fan, by then a dead hero, may have happened in the case of this remonstrance as well, and the historian may have

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<sup>50</sup> Hou Han shu, 66.2166–2167.

<sup>51</sup> For a detailed account of the discussions about the authenticity of this remonstrance, see CRESPIGNY 1989, 2.385–387, and also CRESPIGNY 1980, 50, note 13, and Rafe de CRESPIGNY, Political Protest in Imperial China: The Great Proscription of Later Han, 167–184, in: Papers on Far Eastern History 11 (1975), 12.

<sup>52</sup> The term *haoshi* 好事 or *haoshizhe* 好事者 is difficult to translate. It refers to those eager to transmit things of the past, but it sometimes has a negative connotation, suggesting an overzealous manner, an absence of discernment.

<sup>53</sup> Hou Han shu, 68.2227.

included a successful forgery. The style of this remonstrance is more abstract than usual, and it presents different ancient examples to show that the emperor should adopt a more humane policy, that is, a ‘collective’ policy, elaborated by the ruler and his ministers, who are like different parts of the same body:

湯武雖聖，而興於伊呂；桀紂迷惑，亡在失人。由此言之，君為元首，臣為股肱，同體相須，共成美惡者也。

“Even though Cheng Tang and King Wu were great sages, their rise was due to (the ministers) Yi Yin and Lü Shang; even though Jie and Zhòu were benighted rulers, their failure was due to the fact that they failed to surround themselves with good persons. From this point of view, the ruler may be the head, and the ministers his arms and shoulders; they need each other as the parts of one, unique body, and together they produce harmony or evil.”<sup>54</sup>

The imperial reaction is also mentioned after the end of the remonstrance:

帝諱其言切，託以蕃辟召非其人，遂策免之。

“The emperor hated the severity of his words and used as a pretext for dismissing him the accusation of having employed wrong persons.”<sup>55</sup>

(f) After this failure of the reformist party and the seemingly irreversible conflict with the imperial authority, Emperor Huan’s death in 168 gave new hope because the Empress Dou, now dowager, and even more her father, Dou Wu, were well-disposed to the reformists. Chen Fan was immediately summoned back to hold the post of grand tutor (*taifu* 太傅) with control of the imperial secretariat (*lu shangshu shi* 錄尚書事). But he firmly refused the enfeoffment offered to him by the empress. The historian then develops an explanation about the strong ties linking Chen Fan, the Empress Dou, and her father, most probably to make clear the hope raised by their alliance and maybe also the excessive self-confidence that would ultimately result in the destruction of Chen Fan and Dou Wu’s political plans and their violent deaths. The last remonstrance written by Chen Fan played a tragic role in these events. Although Chen and Dou’s political plans involved the destruction of the powerful court eunuchs and

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<sup>54</sup> Ibid., 66.2166.

<sup>55</sup> Ibid., 66.2167. This accusation sounds rather ironic as one of Chen Fan’s main preoccupations was the employment of the right persons in the imperial administration.

thus were meant to be kept secret, Chen Fan exposed himself when he first sent a memorial of remonstrance officially calling for the punishment of corrupted eunuchs. Moreover, the eunuchs were specifically identified in the text, thus making this memorial of remonstrance resemble a memorial of accusation:

今京師囂囂，道路誼譁，言侯覽、曹節、公乘昕、王甫、鄭颺等與趙夫人諸女尚書並亂天下。附從者升進，忤逆者中傷。方今一朝羣臣，如河中木耳，汎汎東西，耽祿畏害。[...] 今不急誅，必生變亂，傾危社稷，其禍難量。願出臣章宣示左右，並令天下諸姦知臣疾之。」

“Now the capital district is in turmoil, and the streets are full of shouting and uproar. [People] say that Hou Lan, Cao Jie, Gongsheng Xin, Wang Fu, and Zheng Li, together with the Lady Zhao [Rao, the wet-nurse,] and other members of the harem staff, are all bringing the empire into disorder. Those who support this group rise and prosper; those who oppose them suffer injury. All the ministers of the court are like trees in the Yellow River, tossing east or west in the flood. They do nothing but draw their salaries and seek to avoid trouble. [...] Unless [Your Majesty] hastens to execute the members of this group, there will certainly be trouble and change. The very altars of the land and grain (i. e., the state) are threatened with immeasurable misfortune. I wish that Your Majesty would show my memorial to all Your attendants, so that the evil-doers of the empire may know my hatred for them.”<sup>56</sup>

The historian provides the following analysis of such a dangerous step:

蕃自以既從人望而德於太后，必謂其志可申，乃先上疏曰 [...].

“Chen Fan, considering himself as providing for the hopes of the people and as being admired by the empress dowager for his virtue, thought that his intentions could surely be made known, and thus he first sent a memorial to the throne, saying [...].”

The sentence at the end of the remonstrance may indicate Chen Fan’s political intention; he asks for a ‘publication’ of his remonstrance, probably to show that he has the empress dowager and the young emperor’s complete support and to give more legitimacy to the coming repression and reform than a secret ‘coup d’état’ would have. But, surprisingly, the

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<sup>56</sup> Ibid., 66.2170. Transl. CRESPIGNY 1989, 1.97, slightly modified.

memorial was not accepted by the empress dowager, and the eunuchs struck first. The reformists, who had been given a glimpse of a coming “Great Peace” (*Taiping* 太平),<sup>57</sup> were again placed in terror. Dou Wu was forced to commit suicide; Chen Fan was sent to prison and killed there by a guard. Chen Fan’s corpse was picked up by his friend Zhu Zhen 朱震 (d. 168), who mourned him and also saved his son Chen Yi 陳逸 at the cost of his own life, preferring to die rather than to reveal where Chen Yi was hidden.

### 3 Remonstrances and Their Resonances

Chen Fan was by far the most productive writer of remonstrances at the end of the Han dynasty (at least if we consider those transmitted in the ‘Hou Han shu’), and so his ‘biography’ appears as a fabric made of his most memorable remonstrances. Yet going beyond the biographical chapter reveals other resonances of his influence in both contemporaneous and later remonstrances that may help us to decipher the historical meaning of Chen’s words.

#### 3.1 Contemporary Resonances

Before Chen Fan, and directly inciting one of his written remonstrances, Li Yun represents an extreme case in the practice of remonstrance, which may have gone even further than the already risky practice of “sharp remonstrance” (*jijian*). A passage of his remonstrance, in which Li Yun applies the “rectification of names” (*zheng ming* 正名) on the very word of “emperor”, seems to have aroused extreme anger in his sovereign:

孔子曰：「帝者，諦也。」今官位錯亂，小人諂進，財貨公行，政化日損，尺一拜用不經御省。是帝欲不諦乎？

“Confucius once said: ‘Emperor (*di*) means to judge (*di*).’ Now political positions are upside down, petty persons make their career by flattery, corruption is taking place publicly, the civilising effect of the administration is growing weaker by the day, and the imperial ordinances are not even examined by Your Majesty. Is this because the emperor (*di*) wishes to not make use of his judgment (*di*)?’<sup>58</sup>

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<sup>57</sup> Hou Han shu, 66.2169.

<sup>58</sup> Ibid., 57.1852. See the translation of a part of Li Yun’s memoir by Rafe de CRESPIGNY, The Second Year of Yen-hsi; Notes to the Han Chronicle of A.D. 159, in: Journal of the Oriental Society of Australia 10 (1975), 7–25.

By examining how the concrete imperial activity corresponds, or, in Emperor Huan's case, does not correspond, with the title given to him, Li Yun treats the imperial function as any other function in the Han administrative system, thus refusing any comforting allusion to the sacred status of the emperor. Emperor Huan was clearly aware that such a rectification of name was highly dangerous for his own legitimacy. This case also reveals the possible criminalisation of direct remonstrance by using the legal charge of "great lack of respect" (*da bu jing* 大不敬). Indeed, the necessity of avoiding being charged with lack of respect was an important reason for employing "indirect remonstrance" (*fengjian*) instead of ordinary remonstrance.

If the emperor was shocked by Li Yun's abrupt rectification of name, the empire seems to have been shocked by Li Yun's death penalty. This public reaction confirms that harsh criticism of imperial policy, and of the emperor himself, was an integral part of Han political culture. Moreover, Li Yun's condemnation for "direct remonstrance" (*zhijian* 直諫) is reported in the "Annals of Emperor Huan".<sup>59</sup> Li Yun being a low-level official, his appearance in imperial annals is rather unexpected and may be explained by the traumatic aspect of the event.

As mentioned above, Chen Fan wrote a remonstrance to make a case for Li Yun's own remonstrance, which constitutes a compelling 'mise en abyme' and also an attempt to save the very practice of direct remonstrance. Here again, Chen Fan stresses the remonstrator's intention, which should be more important than his possible breach of the rules, hence, arguing for the primacy of the duty of remonstrance over the duty of "deference" (*jing* 敬) towards the sovereign. He reaffirms that remonstrance has been at the core of the Han system since its foundation:

李雲所言，雖不識禁忌，干上逆旨，其意歸於忠國而已。昔高祖忍周昌不諱之諫，成帝赦朱雲鬚領之誅。今日殺雲，臣恐剖心之譏復議於世矣。

"Though Li Yun's words show no respect for taboo, offend the emperor, and run counter to his plans, nevertheless he did have the good intention of showing loyalty to the state. In earlier times, Emperor Gaozu tolerated the criticisms of Zhou Chang, even when they showed no respect for taboo, and Emperor Cheng pardoned Zhu Yun, though he was worthy of execution [by separating] neck and waist. If You kill Li Yun

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<sup>59</sup> Hou Han shu, 7.307.

now, I fear that the people of the empire may rather compare You to [Zhòu Xìn] who cut out the heart [of his minister Bì Gān].”<sup>60</sup>

The case of Li Yun’s remonstrance remained a subject for debate under the following dynasty. Emperor Ming of the Wei 魏明帝 (r. 226–239) once asked the famous literatus Wang Su 王肅 (195–256) whether it would have been possible not to put Li Yun to death after his saying on the very meaning of the word “emperor”. Wang Su replied that Emperor Huan would have shown more authority if he had spared Li Yun’s life, as Li Yun, despite his clumsiness, only “wanted to support the state” (*nian cun bu guo* 念存補國).<sup>61</sup>

Another remonstrator, Xiang Kai, took the stage to defend Li Yun and to save Liu Zhi and Cheng Jin. Like Chen Fan before him, he sent two successive memorials, the second one being far more aggressive than the first. But unlike Chen Fan, he placed Li Yun’s case in the broader context of an excessive use of punishments, viewed from a cosmic rather than moralistic viewpoint, and thus including not only the bloody repression of virtuous remonstrators but also the destruction of powerful families:

臣聞殺無罪，誅賢者，禍及三世。自陛下即位以來，頻行誅伐，梁、寇、孫、鄧，並見族滅，其從坐者，又非其數。李雲上書，明主所不當諱，杜眾乞死，諒以感悟聖朝，曾無赦宥，而并被殘戮，天下之人，咸知其冤。漢興以來，未有拒諫誅賢，用刑太深如今者也。

“I have heard it said that if innocent people are killed and worthy men are punished, misfortune will extend to three generations. Since the beginning of Your Majesty’s reign, there have been continual executions. The Liang, Kou, Sun, and Deng families have all been destroyed,<sup>62</sup> while great numbers of their associates, far too many of them, shared in their fall. Li Yun sent in a memorial of the type no wise ruler can ignore; Du Zhong asked for death with a sincerity that should have affected all Your court. Yet for neither of them was there pardon or compassion, and both of them were slain. Everybody in the empire recognised the injustice. Since the time that the Han

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<sup>60</sup> Ibid., 57.1852. Transl. CRESPIGNY 1989, 1.19, slightly modified.

<sup>61</sup> Sanguo zhi, 13.418.

<sup>62</sup> The Liang family was killed after the fall of the General-in-chief Liang Ji. Sun is the name of his wife Sun Shou 孫壽 (d. 159), who shared the same fate. The Kou family was related to the Deng family (which comprised an empress) and suffered a bad fate under Emperor Huan. The Deng family fell after her empress was ousted in 165. Its most powerful member, Deng Wanshi 鄧萬世 (d. 165), died in prison.



arose, there has never been a period like the present as far as rejecting remonstrances, executing worthy men, and using the law with such excessive severity is concerned!”<sup>63</sup>

In the lines that follow, Xiang Kai does not draw on the virtues of the founding emperors of the Han dynasty but reveals the contradiction between Emperor Huan’s interest in the Huang-Lao 黃老 and the Buddha’s teaching and his own severe lack of *wuwei* 無爲 (“spontaneous efficacy”, which at the political level means to use leniency and non-intervention) and love for life.

The enduring links between the three remonstrators are stressed in a story found in the ‘Jiuzhou chunqiu’ 九州春秋 (History of the Nine Regions), which is quoted in the commentary to the ‘History of the Three Kingdoms’ and later in Sima Guang’s 司馬光 (1019–1086) ‘Zizhi tongjian’ 資治通鑒 (Comprehensive Mirror to Aid in Government). The story goes that Chen Yi, Chen Fan’s son who was saved by a courageous friend, met Xiang Kai in 188, twenty years after his father’s death. Encouraged by the latter’s cosmological interpretations of the situation, Chen Yi plotted a coup with Inspector Wang Fen 王芬 (d. 188) to overthrow Emperor Ling:

於是陳蕃子逸與術士平原襄楷會于芬坐，楷曰：「天文不利宦者，黃門、常侍真族滅矣。」逸喜。

“Chen Yi, son of the former Grand Tutor Chen Fan, met the master of astrology Xiang Kai at the residence of Wang Fen, [inspector of Ji Province]. Xiang Kai said, ‘The stars are not favourable to the eunuchs. All the Yellow Gates and the Regular Attendants will surely be destroyed.’ Chen Yi was glad of it.”<sup>64</sup>

Hence, whereas the father Chen Fan tried to exert a strong influence on the emperor through his remonstrances, the son Chen Yi was ready to overthrow the emperor to place another member of the Liu 劉 family on the throne. Interestingly, Cao Cao 曹操 (155–220) is said to have refused to participate in this coup, which failed;<sup>65</sup> but years later, Cao Cao’s own son put

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<sup>63</sup> Hou Han shu, 30.1077. Transl. CRESPIGNY 1976, 23–24, slightly modified.

<sup>64</sup> This fragment of the ‘Jiuzhou chunqiu’ is quoted in the commentary to the ‘Annals of Cao Cao’, Sanguo zhi, 1.4. The ‘Jiuzhou chunqiu’ was written by the historian Sima Biao and presents a record of the last years of the Eastern Han dynasty organised according to the nine regions of the empire. Only fragments remain. Transl. CRESPIGNY 1989, 1.207.

<sup>65</sup> Sanguo zhi, 1.4.

a definitive end to the Han dynasty, replacing the Liu family with his own family and founding the Wei 魏 state.

### 3.2 Later Resonances

After Chen Fan's failure to reform the imperial regime through remonstrance, other remonstrances were written to denounce the injustice done to him and to ask for his rehabilitation. One important occasion for protest appeared in the summer of 169 when strange events and natural disasters<sup>66</sup> led the emperor to request remonstrances. The 'Hou Han shu' transmits two memorials whose common point was to argue strongly for Chen Fan's rehabilitation – one written by one of the highest officials, and the other by a simple gentlemen cadet. The former, Zhang Huan<sup>67</sup>, offered a remonstrance that contained a passage specifically devoted to the necessity of rehabilitating Chen Fan and Dou Wu:

昔周公葬不如禮，天乃動威。今武、蕃忠貞，未被明宥，妖眚之來，皆為此也。宜急為改葬，徙還家屬。其從坐禁錮，一切蠲除。

“[In former times,] the burial of the Duke of Zhou was held without the proper rites, and heaven then showed its power.<sup>68</sup> Now Dou Wu and Chen Fan were loyal and upright, but they did not receive Your imperial clemency, and this is the source of these evil omens. As a matter of urgency, they should be given a proper burial, the members of their households and their dependents should be brought back from exile, and all those who have been condemned to suffer proscription on their behalf should be released from that penalty.”<sup>69</sup>

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<sup>66</sup> There are some differences between the events recorded in the biographies and those recorded in the 'Annals of Emperor Ling': Whereas the biographies of Xie Bi 謝弼 (d. 169) and Zhang Huan 張奐 (104–181) (Hou Han shu, 57.1858 and 65.2140, respectively) mention that a dark snake appeared above the imperial throne and a great wind uprooted trees, the 'Annals' (ibid., 8.330) only mention great wind, rain, and hail.

<sup>67</sup> A distinguished literatus and general, he played an indirect role in Chen Fan and Dou Wu's ultimate failure. Seemingly unaware of the plans of the reformists at the capital, he did not join Dou Wu's armies and gave his support to the eunuchs. After these events, he expressed his regrets at having been instrumentalised by them. His remonstrance of 169 may have been the occasion to clarify his political position.

<sup>68</sup> According to the 'Great Commentary to the Shangshu' 尚書大傳, "When the duke of Zhou died, King Cheng considered having him buried in Chengzhou (i. e., the second capital of the Zhou dynasty), but heaven [sent] storm, rain, and great wind (or, as suggested by Paul Fahr, if 風 is a variant of 諷, 'heaven sent storm and rain to criticize him); the grain was flattened, and great trees were unearthed. People in the kingdom were struck with terror. Then, King Cheng had the Duke of Zhou buried in Bi (near the first capital), thereby expressing that he would not dare to treat him like a subject." (周公薨，成王欲葬之於成周，天乃雷雨以風，禾即盡偃，大木斯拔，國人大恐。王葬周公畢，示不敢臣也。) See Shangshu dazhuan 尚書大傳, ed. LIU Dianjue 劉殿爵, Shangshu dazhuan zhuzi suoyin 尚書大傳逐字索引, Taipei 1994, 16.

<sup>69</sup> Hou Han shu, 65.2140–2141. Transl. CRESPIGNY 1989, 1.104.

The gentleman cadet Xie Bi also offered a remonstrance, but his words for Chen Fan and the reformists cost him his post and, soon after, his life:<sup>70</sup>

又故太傅陳蕃，輔相陛下，勤身王室，夙夜匪懈，而見陷羣邪，一旦誅滅。其為酷濫，駭動天下，而門生故吏，並離徙錮。蕃身已往，人百何贖！宜還其家屬，解除禁網。夫台宰重器，國命所繼。今之四公，唯司空劉寵斷斷守善，餘皆素餐致寇之人，必有折足覆餗之凶。可因災異，並加罷黜。徵故司空王暢，長樂少府李膺，並居政事，庶災變可消，國祚惟永。

“Furthermore, the late Grand Tutor Chen Fan, who supported Your Majesty and dedicated his life to the imperial house day and night, without ever resting, nevertheless fell victim to all the traitors and was suddenly destroyed. This incredible cruelty frightened the whole empire. Chen Fan’s disciples and former clerks were all exiled and proscribed from office. Now that Chen Fan is deceased, even one hundred men would not be able to replace him! It would at least be appropriate to let his relatives come back and to lift the proscription. The great ministers are the sacred vessels of the state, thanks to which it can be perpetuated. Now, among the four dukes,<sup>71</sup> only the Excellency of Works Liu Chong<sup>72</sup> remains devoted to what is good; the others receive their salary for doing nothing (lit., they “eat for free”), [thereby] causing mischief. The tripod legs will be broken for sure, and its content will be spilled on the floor.<sup>73</sup> You should follow [the indication given by] the disasters and strange events, dismiss all of them, call back the former Excellency of Works Wang Chang, the Steward of the Changle Palace Li Ying, and have them manage public affairs. Then, disasters will hopefully be reduced and the destiny of the state perpetuated.”<sup>74</sup>

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<sup>70</sup> Forced to resign and return home, he was killed there under a false accusation by a nephew of the powerful eunuch Cao Jie 曹節 (d. 181).

<sup>71</sup> The four dukes are the Grand Commandant Liu Ju, the Excellency over the Masses Xu Xun 許訓, the Grand Tutor Hu Guang, and Liu Chong 劉寵.

<sup>72</sup> Liu Chong was in fact excellency over the masses (*situ*).

<sup>73</sup> Allusion to the 50th hexagram (*Ding* 鼎) in the ‘Zhouyi’ 周易. The commentary to the fourth line says: “The legs of the tripod are broken, and the prince’s meal is spilled.” (鼎足折覆公餗。) See Zhouyi 周易, ed. ZHOU Zhenfu 周振甫, Zhouyi yizhu 周易譯注, Beijing 1991, 177. Note that the tripod (*ding* 鼎) was a common metaphor for the – usually three – highest officials in Han government.

<sup>74</sup> Hou Han shu, 57.1858–60.

A few decades later, Cao Cao would also begin his political career as a writer of remonstrances before abandoning this activity; during the proscription period, he wrote a memorial for the rehabilitation of Dou Wu and Chen Fan and, in 182, another memorial denouncing the corruption of the government. Then, as Crespigny puts it, “Cao Cao realized the exercise was pointless and wrote no more”.<sup>75</sup> The difficulty of rehabilitating Chen Fan seems to symbolise the impossibility of saving the institution of remonstrance and walking the path of reform.

#### 4 Conclusion

The number of Chen Fan’s remonstrances and the growing frustration and feeling of urgency that can be read through their style paradoxically reflect the profound crisis at the head of the state; Chen Fan was powerful enough to indulge in crude and direct words of criticism but was powerless regarding reform of the state, despite his high position in the administration. Thus, he developed his will of reform through the genre of remonstrance.

The interesting conclusion to the ‘Annals of Emperor Huan’ reveals a potential rivalry between two different discourses, both vying to win the ear of the emperor and to save the declining Han dynasty: the discourse of remonstrance, which implies a reliance on the ruler-minister partnership to deal with the most urgent problems of the time, and the discourse of religious salvation. The latter is not well represented in the ‘Hou Han shu’, as its author(s) considers this discourse not only inefficient but also to be hastening the decline. The historian’s conclusion to the ‘Annals of Emperor Huan’ indicates that one of the main problems during this reign was the emperor’s preference for “listening to the spirits” rather than to humans:

前史稱桓帝好音樂，善琴笙。飾芳林而考濯龍之宮，設華蓋以祠浮圖、老子，斯將所謂「聽於神」乎！及誅梁冀，奮威怒，天下猶企其休息。而五邪嗣虐，流衍四方。自非忠賢力爭，屢折姦鋒，雖願依斟流歲，亦不可得已。

“The ancient history<sup>76</sup> praised Emperor Huan for appreciating music and being a good player of zither and *sheng* flute. He revered the Palace of the Bathing Dragon<sup>77</sup> by planting fragrant trees; he prepared an imperial carriage for worshipping the Buddha

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<sup>75</sup> See CRESPIGNY 2007, 35.

<sup>76</sup> The “ancient history” is the ‘Dongguan Hanji’ 東觀漢記.

<sup>77</sup> According to the ‘Xu Han zhi’ 續漢志, this palace was a place for the worship of Laozi.

and Laozi. This is what is called ‘listening to the spirits’!<sup>78</sup> When he condemned to death Liang Ji and thus unleashed his authority and anger, the empire still continued to foster some hope that [this violence] would end. But the five traitors<sup>79</sup> continued to act with cruelty and to spread [corruption] all over the empire. If it were not for loyal and competent [advisors]<sup>80</sup>, who forcefully remonstrated with the emperor and repeatedly broke the blade of the evildoers, [the emperor] would have wished in vain even for clinging to the feudal lords of the Kan family or being banished to Zhi (because he would have been murdered by said evil persons).<sup>81</sup>

The importance given to this activity of remonstrance remains obvious in Sima Guang’s great general history. In a discussion about the end of the Han dynasty, he asserts that remonstrances at court, on the one hand, and private discussions on morality and politics, on the other hand, enabled Han society to maintain its standards, despite the government’s corruption and decay:

然猶縣縣不至於亡者，上則有公卿、大夫袁安、楊震、李固、杜喬、陳蕃、李膺之徒面引廷爭，用公義以扶其危，下則有布衣之士符融、郭泰、范滂、許邵之流，立私論以救其敗，是以政治雖濁而風俗不衰。至有觸冒斧鉞，僵仆於前，而忠義奮發，繼起於後，隨踵就戮，視死如歸。夫豈特數子之賢哉！亦光武、明、章之遺化也。

“Yet the reason the state continued and did not fall into destruction was that above there were excellencies, ministers, and high officials, such as Yuan An, Yang Zhen, Li Gu, Du Qiao, Chen Fan, and Li Ying, who would confront the emperor with historical precedents and protest at court, and who struggled to support the state with justice and honour in its time of danger. And below there were scholars of plain clothing, such as

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<sup>78</sup> Allusion to Zuo Zhuan 左傳, ed. YANG Bojun 楊伯峻, Chunqiu Zuo Zhuan zhu 春秋左傳注 (4 vols.), Zhuang 32.3, 252: “The Scribe Yin said: ‘When a country is about to flourish, [its ruler] listens to the people. When about to perish, [its ruler] listens to the spirits.’” (史記曰：「國將興，聽於民；將亡，聽於神。」)

<sup>79</sup> According to the commentary, the five traitors are Shan Chao 單超 (d. 160), Xu Huang 徐璜 (d. 164), Zuo Guan 左管 (d. 165), Tang Heng 唐衡 (d. 164), and Ju Yuan 具瑗. These five eunuchs allied with Emperor Huan to overthrow the General-in-Chief Liang Ji.

<sup>80</sup> According to the standard commentary of the ‘Hou Han shu’ by Li Xian 李賢 (655–684) and others, “these loyal and competent [ministers] were Li Ying, Chen Fan, Dou Wu, Huang Qiong, Zhu Mu, Liu Shu, Liu Tao, and others who offered sharp remonstrances in order to break the traitorous plans of the eunuchs”. (忠賢謂李膺、陳蕃、竇武、黃瓊、朱穆、劉淑、劉陶等，各上書極諫，以折宦官等姦謀之鋒也。)

<sup>81</sup> Hou Han shu, 7.320–321.

Fu Rong, Guo Tai, Fan Pang, and Xu Shao,<sup>82</sup> who held private discussions to help in that time of chaos. Therefore, the customs did not deteriorate even though politics became muddy. As for those who took axe and scythe upon themselves and lay stiff (i. e., dead) on the ground, as well as those who loyally and righteously rose up to follow them, and one by one went to execution [because] they regarded their own death as [a kind of] homecoming (i.e., nothing to be feared), this was not only due to the worthiness of these gentlemen but also because of the inherited influence of Emperors Guangwu, Ming, and Zhang.”<sup>83</sup>

Here, it is the remonstrators, rather than the benighted Emperors Huan and Ling, who appear as the real heirs of the first emperors of the Eastern Han dynasty. Although being deeply rooted in their specific political context, their words are addressed not only to the emperor, but also to contemporary officials and scholars, and to those of the past and future, insofar as each remonstrance is part of a whole marked by intertextuality.

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<sup>82</sup> All these “scholars of plain clothing” (*buyi zhi shi* 布衣之士) were famous for their great ability to utter right judgments on the character of their contemporaries.

<sup>83</sup> *Zizhi tongjian* 資治通鑿, Sima Guang 司馬光 et al., *Zizhi tongjian jinzhu* 資治通鑿今注 (14 vols.), Taibei 2012, 60.2173.

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