

**The Legalists.** In recruiting officials and judging performance, the Legalists wanted not merit, but competence. The Analects idea of official recruitment was recommendations from personal acquaintance (#5:7, 5:13). They argued that in practice, any oversights would be automatically compensated:

5:57 (LY 13:2, c0322). Jùng-gūng was Steward of the Jì. He asked about government. The Master said, Lead the responsible officers, pardon small faults, advance worthy talents. He said, How shall I recognize the worthy talents so that I can advance them? He said, Advance the ones you know. The ones you do *not* know: will others reject them?

This deals with *omissions* in selection, but not with *errors* in selection. The Legalists envisioned a self-correcting method, specifying tasks and rewarding or penalizing success or failure in meeting those tasks. That is, the rewards and punishments used on the larger populace are here applied to the serving elite:

5:58 (GZ 4:5, c0315). Once a regulation has been made public, instances of noncompliance will be deemed disobedience to orders; the penalty is death without possibility of pardon. On examining the regulation, if it is contrary to the text in the palace archive, excesses will be deemed usurpation of authority, and deficiencies will be deemed failure to follow orders; the penalty is death without possibility of pardon.

The military ethos is encroaching on the civilian sphere: all crimes are treason.

This insistence on performing to specification angered the Analects people, who wanted more leeway, more room for personal judgement:

5:59 (LY 2:12, c0317). The Master said, The gentleman is not a tool 器.

Even the Micians, who preached subordination, wanted rights of final decision:

5:60 (MZ 9:3, excerpt, c0317). What are the three basics? If his position is not high, the people will not respect him. If his pay is not substantial, the people will have no confidence in him. If his official orders are not final, the people will not be in awe of him . . . And how can this be seen as a gift to the subordinate? It comes from wanting things to get done.

**Expertise.** One way to argue this is the metaphor of the specialist: a social inferior who nevertheless has expert knowledge, and is thus useful, in his way, to government. What if the expertise is precisely in government? The historian Xenophon (0487-c0354) reports Socrates as criticizing one Euthydemus for thinking that he can govern the state without studying:

5:61 (Xenophon: Memorabilia 4/2:2, excerpt, c0355). If in the minor arts great achievement is impossible without competent masters, surely it is absurd to imagine that the art of statesmanship, the greatest of all accomplishments, comes to a man of its own accord.

Xenophon's example of expertise in a person of low social standing is the musician. The idea of office gained by merit appealed to the Confucians, who probably learned this example from traders (perhaps Micians) who picked it up, along with other curious Greek ideas (page 78), in the taverns of Bactria.