

LEGALISM PRIMARY DOCUMENTS

Excerpts from Han Feizi (《韩非子》), explaining Legalist thought, written in the 3rd century B.C.E.

Han Feizi was born a prince in the ruling family of the state of Han around 280 B.C.E. He laid the groundwork for Legalist thought. The Qin king was interested in Han Feizi's writings and apparently gave him a position in his government. Han Feizi's essays and those of other Legalist thinkers appeared in a book in his name, Han Feizi. Han Feizi got into a dispute with the Qin prime minister, Li Si, who had him imprisoned and forced him to commit suicide.

Part 1: Excerpts from "Six Examples of Having It Backwards" and "Esteemed Scholars" by Han Feizi

Now, the relationship between superior and subordinate is not based on affection like that between father and son. So if one wishes to curb subordinates by acting righteously, the relationship will be flawed. Think of parents' relations to their children. They congratulate each other when a son is born, but complain to each other when a daughter is born. Why do parents have these divergent responses when both are equally their offspring? It is because they calculate their long-term advantage. Since even parents deal with their children in this calculating way, what can one expect where there are no parent-child bonds? When present-day scholars counsel rulers they all tell them to rid themselves of thought of profit and follow the path of mutual love. This is expecting rulers to go further than parents. These are immature ideas, false and deceptive. Therefore the intelligent ruler does not accept them. . . .

When a sage rules a state he does not count on people doing good on their own but rather takes measures to keep them from doing wrong. If he depended on people who do good of themselves, he could hardly find a few dozen in the whole realm. But if he uses methods to keep them from doing wrong, then everyone in the state can be made to act the same. In governing it is better to disregard the small minority to make use of the bulk of the population. Thus the ruler should concentrate on laws rather than on moral influence. . . . [A] ruler does not value people who are good of themselves even without rewards and punishments. Why? Because the state's laws should not be ignored and it is not enough to govern just one man. Therefore a ruler who knows the techniques is not swayed by accidental goodness but carries out policies that will assure success. . . .

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Part 2: Excerpt from "Six Examples of Having It Backwards" by Han Feizi

Criminals are careful if they are likely to be discovered and stop if they are likely to be executed. But they are reckless if they will not be discovered and carry out their plans if they will not be punished. If goods of little value are left in a deserted place, even Zeng and Shi could be tempted. But if a hundred pieces of gold are

hung up in the marketplace, even great robbers will not take them. . . . When sure to be discovered, then even great robbers do not take the gold hung in the marketplace. Therefore the enlightened ruler, in ruling his country, increases the guards and makes the penalties heavier; he depends on laws and prohibitions to control the people, not on their sense of decency. A mother loves her son twice as much as a father does, but a father's orders are ten times more effective than a mother's. The relationship between officials and the people is not based on love and their orders are ten thousand times more effective than parents'. Parents pile up love, but their orders fail; officials are strict and the people obey. Such is the basis for choosing between severity and love.

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Part 3: Excerpt from "Eminence in Learning" by Han Feizi

Nowadays, those who do not understand how to govern . . . say, "You must win the hearts of the people!" If you could assure good government merely by winning the hearts of the people, then there would be no need for [wise ministers] like Yi Yin and Guan Zhong—you could simply listen to what the people say. The reason you cannot rely on the wisdom of the people is that they have the minds of little children. If the child's head is not shaved, its sores will spread; and if its boil is not lanced, it will become sicker than ever. But when it is having its head shaved or its boil lanced, someone must hold it while the loving mother performs the operation, and it yells and screams incessantly, for it does not understand that the little pain it suffers now will bring great benefit later.

Now, the ruler presses the people to till the land and open up new pastures so as to increase their means of livelihood, and yet they consider them harsh; he draws up a penal code and makes the punishments more severe in order to put a stop to evil, and yet the people consider him stern. He levies taxes in cash and in grain in order to fill the coffers and granaries so that there will be food for the starving and funds for the army, and yet the people consider him greedy. He makes certain that everyone within his borders understands warfare and sees to it that there are no private exemptions from military service; he unites the strength of the state and fights fiercely in order to take its enemies captive, and yet the people consider him violent. These four types of undertaking all ensure order and safety to the state, and yet the people do not have sense enough to rejoice in them.

Source: DeBary, William Theodore, & Irene Bloom. Sources of Chinese Tradition. New York: Columbia University Press, 1999. Used by permission of Columbia University Press.