**Han Fei-tzu (d. 233 BCE): Legalist Views on Good Government, 233 BCE**

*Introduction: The Confucian ideal of “government through virtue” and the tendency of Confucianists to seek guidance in the rule of former kings was strongly criticized by another school of thought: the Legalists or School of Law. According to the Legalists, neither the wisdom of ancient kings nor an ethical code would make a state strong. Instead “good” and “bad” were defined by whatever the self-interest of the ruler demanded. A system of harsh punishments and rewards, regulated through laws and enforced without exceptions, should guarantee good behavior within the state. The Legalists considered military service and agriculture as the only occupations beneficial to the welfare of the state and discouraged all scholarship.*

*The state of Qin in Western China was the first to adopt Legalist doctrines. The Qin were so successful that by 221 BCE they had conquered the other Chinese states and unified the empire after centuries of war. The following paragraph was taken from Han Fei-tzu, The “[book of] Master Han Fei,” chapter 50. Han Fei-tzu had studied under the Confucian scholar Hsun-tzu and became the major theorist of the Legalist school. Confucian scholars vigorously denounced his teachings in all subsequent generations; yet his harsh pragmatism, often compared to that of Machiavelli and Kautilya, more accurately explains the actions of many rulers than does the idealistic Confucian model.*

When a sage governs a state, he does not rely on the people to do good out of their own will. Instead, he sees to it that they are not allowed to do what is not good. If he relies on people to do good out of their own will, within the borders of the state not even ten persons can be counted on [to do good]. Yet, if one sees to it that they are not allowed to do what is not good, the whole state can be brought to uniform order. Whoever rules should consider the majority and set the few aside: He should not devote his attention to virtue, but to law.

If it were necessary to rely on a shaft that had grown perfectly straight, within a hundred generations there would be no arrow. If it were necessary to rely on wood that had grown perfectly round, within a thousand generations there would be no cart wheel. If a naturally straight shaft or naturally round wood cannot be found within a hundred generations, how is it that in all generations carriages are used and birds shot? Because tools are used to straighten and bend. But even if one did not rely on tools and still got a naturally straight shaft or a piece of naturally round wood, a skillful craftsman would not value this. Why? Because it is not just one person that needs to ride and not just one arrow that needs to be shot. Even if without relying on rewards and punishments there would be someone doing good out of his own will, an enlightened ruler would not value this. Why? Because a state’s law must not be neglected, and not just one person needs to be governed. Therefore, the skilled ruler does not go after such unpredictable goodness, but walks the path of certain success. . . .

Praising the beauty of Ma Ch’iang or Hsi shih (1) does not improve your own face. But using oil to moisten it, and powder and paint will make it twice as attractive.

Praising the benevolence and righteousness of former kings does not improve your own rule. But making laws and regulations clear and rewards and punishments certain, is like applying oil, powder and paint to a state.

An enlightened ruler holds up facts and discards all that is without practical value. Therefore he does not pursue righteousness and benevolence, and he does not listen to the words of scholars. These days, whoever does not understand how to govern will invariably say: “Win the hearts of the people.” If winning the hearts of the people is all that one needs in order to govern, a Yi Yin or a Kuan Chung (2) would be useless. Listening to the people would be enough. But the wisdom of the people is useless: They have the minds of little infants! If an infant’s head is not shaved, its sores will spread, and if its boil is not opened, it will become sicker. Yet while its head is being shaved and its boil opened, one person has to hold it tight so that the caring mother can perform the operation, and it screams and wails without end. Infants and children don’t understand that the small pain they have to suffer now will bring great benefit later.

Likewise, if the people are forced to till their land and open pastures in order to increase their future supplies, they consider their ruler harsh. If the penal code is being revised and punishments are made heavier in order to wipe out evil deeds, they consider their ruler stern. If light taxes in cash and grain are levied in order to fill granaries and the treasury so that there will be food in times of starvation and sufficient funds for the army, they consider their ruler greedy. If it is required that within the borders everybody is familiar with warfare, that no one is exempted from military service, and that the state is united in strength in order to take all enemies captive, the people consider their ruler violent. These four types of measures would all serve to guarantee order and peace, yet the people do not have the sense to welcome them. Therefore one has to seek for an enlightened [ruler] to enforce them.

(1) The beauty of these women is proverbially famous.

(2) Ancient Chinese statesmen famous for their wisdom.

Questions:

What attitude does Han Fei express toward the common people? What kinds of stern measures does he suggest should be enacted for their own good?