

2.10 LEGALISM

Legalism is a network of ideas concerning the art of statecraft. It looks at the problems of the Warring States period entirely from the perspective of rulers (although the authors of Legalist texts were not themselves rulers, but rather men who wished to be employed by rulers as their counselors and ministers). Legalism provides answers to the question, how can a ruler effectively organize and control his government so as to yield the greatest possible increase in state wealth and territory, the political values that Shang Yang so successfully used to guide his politics in fourth century Qin. Legalist arguments assume that these goods are only meaningful when they are under the absolute control of an autocrat, that is, a ruler whose personal power within his realm is absolute and unconstrained.

If among all the ideologies of personal and political governance that flourished in contention during the Warring States period there was a winner, it was Legalism. Legalism was principally the development of the ideas that lay behind Shang Yang's reforms, and these reforms were what led most materially to Qin's ultimate conquest over the other states of Eastern Zhou China in 221.

Moreover, the political administrator who oversaw the triumphant march of Qin power was a self-avowed Legalist. Li Si, a high minister of pre-Imperial Qin who became prime minister after the conquest, and who was in many ways the first architect of Imperial China, had initially studied at the Jixia Academy in Qi, where he was known as a student of the Confucian master Xunzi. Xunzi, unlike previous Confucians, allowed that laws and punishments could play a legitimate role in the state, but only as adjunct tools for rulers who had demonstrated moral self-perfection, and only as a means of motivating the people towards ethical self-improvement. His pupil Li Si, perhaps observing that Confucians who stressed to rulers the priority of moral excellence were never granted positions of governmental significance, discarded the ethical dimensions of Xunzi's teachings and retained only the Legalistically inclined pragmatic elements. Although a native of Chu, he recognized that political opportunities were greatest in Qin and migrated there, in time becoming the most successful political figure of the century.

The Legalism of Li Si's age was a growing complex of ideas. It is unclear just when Legalism came to be regarded as an intellectual faction, comparable to well defined schools such as Confucianism and Mohism, but it is most likely that only in the mid-third century did individuals bring together the various strands that came to be recognized as Legalist thought. It may be the case that it was not until the greatest of all Legalist texts was written in the years surrounding 240 that this group of ideas came to be thought of as a coherent ideology. That work was written by a prince of the state of Han, a man known as Han Feizi.

The Han Feizi

Unlike many highborn patricians, Han Feizi was an intellectually ambitious man. Born to a cadet branch of the ruling lineage of Han, he saw as a young man that his influence at the Han

court might be limited by the fact that he was handicapped in the arts of persuasion – he spoke with an enormous stammer. In order to better himself, therefore, he traveled to Jixia, where, like Li Si, he gravitated to the company of Xunzi. What he learned from Xunzi is little evident in the spirit of his later works and career, and after a few years at Jixia, Han Feizi returned to Han and began to compose the text that bears his name.

This very large book weaves together ideas from four principal sources, each making a distinct contribution to the complex system of Legalism. The four strands may be associated with the ideas and policies of four men, who may be considered the “fathers of Legalism.”

The first of these four was **Shang Yang**, whose policies we have already examined in an earlier section. The aspects of Shang Yang’s thought that became central to Legalism, apart from his foundational stress on the wealth and size of the state as its sole concerns, included his rejection of the criterion of heredity in office in favor of a government of bureaucratic term appointments, his goal of creating a fully centralized state, and most of all, his insistence on the absolute rule of law and the uniform application of rewards and punishments.

The second founder of Legalism was a man named **Shen Buhai**, who was a minister to the state of Han and a contemporary of Shang Yang (he died in 337). Shen Buhai was chiefly concerned with the art of manipulating people for political ends. He knew first hand of the wealth of interests, affinities, and enmities at a patrician court, and how difficult these were to control. His writings, most now lost, explored the ways in which a ruler could employ the greed and fear of ministers as tools to gain his own ends. Shen Buhai’s contribution to Legalism may be thought of as his code for successful personnel management.

The third man was **Shen Dao** (c. 350-275), about whom we know little. Shen Dao was impressed by the way in which the consequences of actions were often governed less by the intentions of the actors than by the contours of situational contexts. He wrote a handbook to help rulers envision these contexts as arrays of power relationships. He noted that identical actions under different circumstances of power will produce radically different results; for example, the ruler of a powerful state might become hegemon by launching an attack against a state with a record of recklessly coercing its neighbors, but if the ruler of a modest state did the same, he risked becoming a laughingstock or losing his state.

The final major contributor to Legalist theory was **Han Feizi** himself, who died in 233. Han Feizi gave Legalism a metaphysical worldview by introducing into it Daoist ideas, many borrowed directly from the *Dao de jing* (several chapters in his book – probably posthumous additions – are titled “Explications of Lao Zi”). Han Feizi incorporated the idea of non-action, *wuwei*, into Legalism. For him, the perfect ruler of the ideal state was a man who sat at the center of a vast web of laws, offices, and procedures, and did nothing whatever – nothing but allow the system to regulate itself. Such a ruler would exemplify the spontaneity of nature by neither adjusting nor interfering with the balanced system over which he presided.

Legalism and Confucianism

As mentioned earlier, both Han Feizi and Li Si studied under the Confucian Xunzi, and there are some important ways in which Confucianism does actually resonate with Legalism. The Legalist vision of positive law as a self-regulating state system governing social conduct is in many ways parallel to the Confucian concept of *li* as a holistic code of ceremony and daily etiquette. Confucians stressed, however, that *li* could not be coercively imposed: the efficacy of ritual forms depended upon their internalization by all members of society, and this is why the key to government was education and processes of self-cultivation, rather than the design of a positive law code. Moreover, the Confucians denied that effective constraints on people's behavior could be legislatively engineered as the Legalists envisioned. Rather, the *li* were seen as slowly evolving codes that reflected a historical process of sages mediating between the enduring structures of human nature and the ever-changing configurations of society. No single generation could undertake so complex a task. For Confucians, the precedents of history were the guidelines of the present.

But the Legalists saw the historical changes of history not as evolution but as disjunction – the past and the present were radically different in kind. They ridiculed the Confucians with an anecdote that told of a farmer who, while ploughing one day, saw a rabbit run into a tree stump and knock itself dead. Delighted, the farmer put aside his plough and determined to live at ease by the stump waiting for rabbits to pile up beside the stump, ready for sale at the market. Rituals may have worked well in the eras for which they were designed, Legalists said, but to wait for the same rituals to work again when the old times were forever vanished was to be as deluded as this farmer.

A second area of apparent similarity between Confucians and Legalists was expressed in a doctrine called “the rectification of names,” which was actually a Confucian term. The concept, which was very much discussed in early debates on government, actually involved three rather different aspects. Originally, Confucius had claimed that a key barometer of success in government lay in ensuring that officials were both fully devoted to the tasks that fell under their responsibility and also careful not to interfere with the duties of other officers. This notion actually belonged to the ritual portrait of government, in which the entire “ceremony” of administration could only be executed in harmony if every political actor perfectly performed his own part and no other. As you will see below in the story of Marquis Zhao of Han and his Keepers of the Hat and Coat, Legalism borrowed this idea, and transformed it into a draconian and coercive code best called “matching deeds to words.” While this element of the rectification of names doctrine is often cited as significant common ground between Confucianism and Legalism, it is important to bear in mind the different approaches to the concept that each school took, and also to note that this was the only aspect of this complex notion shared by the schools.

Two other elements of the Confucian rectification of names doctrine were not adopted by Legalists. Mencius stretched the doctrine into the area of political legitimacy. In answer to a question concerning whether King Wu of the Zhou had not been guilty of the high crime of regicide by killing his lord, the Shang king Zhòu, Mencius pointed out that by his unkingly behavior, Zhòu had totally alienated the people and his ministers – he was, in effect, no longer the king when he was slain. “I have heard of the solitary man Zhòu,” Mencius pontificated, “but never

of a Zhòu who was king.” This attack on political legitimacy, which would have allowed individuals to judge whether rulers deserved their titles and treat them accordingly, was anathema to the absolutism of Legalism.

Xunzi had carried the rectification of names doctrine even further, in response to a range of sophisticated debates which had emerged among early philosophers of language. He held that language was inherently regulative of behavior – that a well designed language clarified reality and natural values, but that twisted usage of language could make it nearly impossible for people to see the truth or understand morality. For Xunzi the term “rectification of names” denoted a process of carefully examining word definitions and the ways in which debaters employed words in persuasive argument, to ensure that the naturally moral Dao was not distorted by the misapplication of descriptive terms. Here again, the Legalists, who showed no interest in abstract linguistic speculations, did not share Confucian concerns.

In addition to the four major founders of Legalism, it is only just to add a fifth name, **Li Si**, prime minister of Qin. Traditional histories have portrayed Li Si as one of the great villains of the Chinese past. Rather than marvel at the way that he was able to systematically apply Legalist principles to engineer the Qin conquest and the establishment of a revolutionary new form of government in the Qin Imperial state, they have quibbled over his slight misdeeds. For example, historians have deplored his treachery to his friend Han Feizi – whom he jealously slandered so that Han Feizi would be sentenced to execution – largely ignoring the fact that Li Si thoughtfully sent his jailed former classmate poison so that Han Feizi could die with honor (also sparing him the pain of learning who had slandered him). Or they have fussed over Li Si having persuaded the First Emperor of the Qin to order all non-Legalist texts, with a few exceptions, to be burnt, so that people would no longer have the understanding to challenge the government. They have even gone so far as to take him to task for the massive slaughter of Confucian scholars, who were, so it is said, buried alive in huge pits.

We should recognize, however, that without Li Si, the First Emperor would surely never have been able to channel his megalomaniac talents into so productive an outlet as the establishment of perhaps the largest successful tyranny ever seen, and the revolution of the Chinese state that the Qin Dynasty represented might never have occurred, or would at least have been seriously delayed. And in this regard, Li Si must surely be regarded as in a class by himself among the Legalists.

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What follows below are two chapters of the *Han Feizi*. The first is “The Two Handles,” which is the best expression of the Legalist notion that explicit codes of laws and administrative regulations and strictly applied standards for rewards and punishment are the most essential tools for effective statecraft. The second, “Wielding Power,” illustrates the Daoist element in Han Feizi’s thought.

The Two Handles

On rewards and punishments

The enlightened ruler guides and controls his ministers by means of two handles alone. The two handles are punishment and reward. What do I mean by punishment and reward? To inflict mutilation and death on men is called punishment; to bestow honor and wealth is called reward. Those who act as ministers fear penalties and hope to profit from rewards. Thus if the ruler himself wields his punishments and rewards, the ministers will fear his awesomeness and flock to receive his benefits. But the perfidious ministers of this age are different. They persuade the ruler to let them inflict punishment themselves on men they hate and bestow favors on men they like. Now if the ruler does not insist upon reserving to himself the authority to dispense profit in the form of rewards and show his awesome power in punishments, but instead allows his ministers to hand these out, then the people of the state will all fear the ministers and treat the ruler with disrespect; they will flock to the ministers and desert the ruler. This is the danger that arises when the ruler loses control of punishments and rewards.

The theme of this chapter concerns the use of reward and punishment to control ministers, and the text examines in detail this adversarial relationship that the Shen Buhai strain of Legalism specified as the central challenge of ruling.

The term “reward,” which denotes bestowals of wealth and status in this chapter, is actually the word *de*, which elsewhere means virtue, power, or more generally, earned social leverage. Here, *de* is conceived as the storehouse of favors that a state’s resources allow a ruler to dispense (or a minister to usurp).

The tiger is able to overpower the dog because of his claws and teeth, but if he discards his claws and teeth and lets the dog use them, then he will be overpowered by the dog. The ruler of men uses punishments and rewards to control his ministers, but if he discards his punishments and rewards and lets his ministers dispense them, then he will fall under the control of his ministers.

Tian Chang petitioned the ruler for various offices and stipends which he then dispensed to the lesser ministers, and he used oversize measures when he doled out grain to the common people. In this way the ruler, Duke Jian of Qi, lost the exclusive right to

dispense favors, and it passed into Tian Chang's hands. Thus it was that Duke Jian came to be assassinated.

Zihan said to the lord of Song, "Since the people all delight in rewards and gifts, you should bestow them yourself; but since they hate punishments and death sentences, allow me to dispense these for you." Thereupon the lord of Song gave up control over penalties and it passed into the hands of Zihan. Thus it was that the ruler of Song came under the power of others.

Tian Chang got hold of the power to reward and Duke Jian was assassinated; Zihan got hold of the power to punish and the ruler of Song fell under his power. Ministers today are permitted to gain control over both punishment and reward; their rulers put themselves in greater peril than Duke Jian and the lord of Song. When rulers are coerced, assassinated, obstructed, or subject to deception, it has invariably because they lost control over punishment and reward to their ministers, and thus brought about their own peril and downfall.

On speech and action

If a ruler wishes to put an end to depravity, then he must be careful to align name and form, that is to say, word and deed. When ministers come forward to present proposals, the ruler assigns them tasks on the basis of their words and measures their merit solely on the basis of the accomplishment of the tasks. If the accomplishment fits the task, and the task fits the words, then he rewards them; but if the accomplishment fails to fit the task or the task the words he punishes them. Hence, if ministers offer big words but only produce small accomplishments the ruler punishes them. This is not because the accomplishments are small, but because they do not match the name that was given to the undertaking. Likewise, if ministers come forward with small words but produce great accomplishments they too are punished. This is not because the ruler is displeased with great accomplishments, but because he considers the harm of giving too small a name to the undertaking to be more serious than the benefit of great accomplishments.

Once Marquis Zhao of Han got drunk and fell asleep. The Keeper of the Hat, seeing that the duke was cold, laid a robe over him. When the marquis awoke, he was pleased and asked his attendants, "Who covered me with a robe?" His attendants replied, "The Keeper of the Hat." The marquis thereupon punished both the Keeper of the Hat and the Keeper of the Robe. He punished the Keeper of the Robe for failing to do his duty, and the Keeper of the Hat for overstepping his office. It was not that he did not dislike the cold, but he considered the harm of one official encroaching upon the duties of another to be a greater danger than cold.

Hence an enlightened ruler, in handling his ministers, does not permit them to gain merit by overstepping their offices, or to speak words that do not tally with their actions. To overstep one's office is to die; speech that does not tally with action is punished. When ministers execute their proper duties and must ensure that deeds are true to words, then they cannot form factions and work for each other's benefit.

On concealing preferences

The ruler of men has two worries: If he employs only worthies as ministers, then they will use their worthy reputations to control the ruler. However, if he promotes men unreasonably state affairs will become blocked and nothing will get done. Hence, if the ruler values worthies, his ministers will all ornament their actions in order to exploit his desires. In this way, they will never show their true characters, so the ruler will have no way to distinguish the qualities of his ministers.

Because the king of Yue admired valor, many of his subjects looked on death lightly. Because King Ling of Chu liked slim waists, his state was full of people starving themselves. Because Duke Huan of Qi was jealous and loved his ladies in waiting, Shudiao castrated himself in order to be put in charge of the harem; because Duke Huan was fond of unusual food, Yiya steamed his son's head and served it to him. Because Zikuai of Yan admired

worthy men, his minister Zizhi made it clear that he would not accept the throne were it offered to him.*

Thus if the ruler reveals what he dislikes, his ministers will be careful to disguise their motives; if he shows what he likes, his ministers will feign abilities they do not have. In short, if he lets his desires be known, his ministers will know how what attitude to assume in order to hide their true characters.

Hence Zizhi, by playing the part of a worthy, was able to seize the throne from his sovereign. Shudiao and Yiya, by catering to the ruler's desires, were able to encroach upon his authority. In the end, Zikuai died in the chaos that ensued, and Duke Huan was left unburied for so long that maggots came crawling out beneath the door of his coffin chamber. What were the causes? These are examples of calamity that comes when a ruler reveals his true feelings to his ministers.

Ministers do not necessarily feel true love for their ruler; they serve him only in the hope of substantial gain. Now if the ruler of men does not hide his feelings and conceal his motives, but instead gives his ministers a means encroach upon his authority, then they will have no difficulty in doing what Zizhi and Tian Chang did. Hence it is said: Do away with likes, do away with hates, and the ministers will reveal their unadorned characters. And when the ministers reveal their unadorned characters, the great ruler's vision will be unobstructed.

*We have seen in prior readings all of the events referred to here. The first two were touched on in the Mohist readings. The disastrous ministers trusted by Duke Huan of Qi are those Guan Zhong warned against on his deathbed. Zikuai was the name of the king of Yan who ceded his throne to Zizhi in the incident of 316 which led to the invasion of Yan by Qi and the disillusionment of Mencius.

Wielding Power

The following chapter exhibits many of the Daoist characteristics that are sometimes identified as Han Feizi's particular contribution to Legalism (though the *Han Feizi* is a large and varied text, and which parts may have been by Han Feizi himself is a question not yet well answered). The entire chapter is written in a condensed language that frequently lapses into rhymed passages, reminiscent of the *Dao de jing*.

The *wuwei* ruler

There is a fixed order that governs the action of Tian; there is a fixed order that governs man as well. Fragrant aromas and delicate flavors, strong wine and fat meat delight the mouth but sicken the body. Sleek skin and pearly teeth satisfy desire but dissipate the essence. Therefore discard all excess; only then can you keep your body unharmed.

Power should not be displayed; be plain, like undyed cloth, and actionless (*wuwei*). Government affairs reach to the four quarters, but the pivot lies at the center. The sage grasps the pivot and the four quarters come to serve him. Await them in emptiness and they will spontaneously take up their tasks. Once all within the four seas are within your store, follows the Dao of *yin* to manifest *yang*. When subordinates to your left and right are in their places, open the gate of court and all will be settled. Change nothing, alter nothing, but unceasingly act by the "two handles"; this is called walking the path of principle.

Things have their proper places, talents their proper uses. When all are properly settled, then high office or low, all will be free from action. Let the cock cry out the dawn, let the cat catch rats – when each exercises his ability there is nothing the ruler needs to do. If the ruler excels in any way, affairs lose their proper fit. If he prides himself on love of talent, he invites his ministers' deceit. If he shows mercy and care of others' lives, his ministers will impose upon his kind nature. Once superior and inferior exchange their roles, the state will surely never be ordered.

Use the Dao of One and let names be its beginning. When names are rectified things stay in place; when names are twisted, things shift about.* Hence the sage holds to the One

*Note how the text reinvents the quietist Dao of the Daoists by placing words at its core and linking it to the Confucian concept of the rectification of names.

in stillness; he lets words spontaneously fit with their proper sense and affairs become settled on their own. He does not display his colors and so his ministers are plain like undyed cloth. He assigns them tasks according to their ability and lets affairs complete themselves; he bestows rewards according to the results and lets promotions follow spontaneously. He establishes the standard, abides by it, and lets all things settle themselves.

A ruler makes his appointments on the basis of names, and where the name is not clear, he investigates achievement. When achievement and name tally, he dispenses the reward or punishment deserved. When these are utterly predictable, subordinates will dedicate themselves entire.

Attend diligently to affairs and await the decree of Tian; do not lose hold of the pivot and thus become a sage. The Dao of the sage discards wisdom and wit, for if you do not, you will find it hard to remain constant. When the people use wisdom and wit, they fall into great danger; when the ruler uses them, his state faces the peril of destruction. Follow Tian's Dao, return to the principle behind forms; match word to deed, and every end will become a renewal. Be empty, following behind in tranquility; never follow personal inclinations. All of the worries of the ruler stem from acting like others. Employ others and never be like them, and then the people will follow you as one.

The Dao is vast and without form; its power (*de*) creates order and extends everywhere. It extends to all living beings, and they partake of it in their measure. Though all things flourish through it, it does not come to rest in any of them. The Dao pervades all affairs here below, destinies being set by a constant standard, life and death governed by proper season. Compare names, differentiate events, and you will comprehend their underlying unity.

Thus it is said: The Dao does not identify itself with any of the things of the world; its power does not identify with either yin or yang – no more than a scale identifies itself with heaviness or lightness, a measuring string with bumps and hollows, tuning pipes with dampness or dryness, or a ruler with his ministers. All these six are products of the Dao, but the Dao itself never takes a double; therefore it is called the One. For this reason the enlightened ruler prizes solitariness, which is the figure of the Dao. Ruler and ministers do not follow the same Dao. Ministers' requests are like words of prayer: the ruler holds fast to

the words, and the ministers present him with results. When words and results match, superior and inferior achieve harmony.

The Dao of holding court: take the statements that come forth and compare them with reports that come back. Examine names carefully in order to set ranks, clarify duties in order to distinguish worth.

This is the Dao of listening to the words of others: be silent as though in a drunken stupor. Lips! teeth! Do not be the first to move! Lips! teeth! Be ever more numb! Let others explain and detail – I will gain knowledge thereby.

Though assertions and denials swirl about him, the ruler does not argue. Empty and still, inactive (*wuwei*), such is the true character of the Dao. Study, compare, line things up to match, examine thus the forms of deeds done. Compare with matching affairs, aligning them to join with emptiness. Where the root and base are firmly anchored, there will be no error of movement or stillness. Whether moving or still, all is corrected though *wuwei*.

If you show pleasure in some, your troubles will grow; if you show hatred of others, resentment will rise. Therefore discard both pleasure and hatred and with an empty mind become an abode of the Dao.

When the ruler does not work side by side with his people, the people treasure him. He does not discuss affairs with them, but leaves them to act by themselves. He bars shut his inner door and from his room looks out into the court; rules and measures all provided, all go straight to their places. Those who merit reward are rewarded; those who deserve punishment are punished. Reward and punishment follow the deed; each man brings them upon himself. When pleasant or hateful consequences follow with inevitability, who dares fail to match word and deed? When compass and rule have marked out one corner, the other three are evident of themselves.

If the ruler does not appear spirit-like (*shen*), his subordinates will find leverage points. If his management of affairs is not impartial, they will track his preferences. Be like heaven, be like earth, all coils will untangle. Be like heaven, be like earth, who will be intimate, who estranged? He who can be an image of heaven and earth may be called a sage.

Controlling ministers

If you wish to govern your inner palace, have no intimates among your officers. If you wish to govern your realm, appoint one man to each office. Let none do as he pleases, and none will exceed his office or control another. Take warning when there are many men gathered at the gates of high ministers. The utmost of governance is to allow no subordinates means to seek favor. Make certain that word and deed match, and the people will guard their offices. To discard this and seek elsewhere is profound delusion. Wily men will ever increase, and treachery will crowd by your side. Hence it is said: Never enrich a man so he can become your creditor; never ennoble a man so he can become your oppressor; never put all your trust in a single man and thereby lose your state.

When the shin grows stouter than the thigh, it is hard to run; when the ruler loses his spirit-like mien, tigers prowl behind him. If the ruler remains unaware, the tigers will run in packs like dogs. If the ruler does not soon halt, like dogs they will grow in number. When tigers form a band they will assassinate their own mothers. Now, a ruler who has no ministers – how could he keep possession of a state? The ruler must apply the laws, then the greatest tigers turn timid. If the ruler applies punishments, the greatest tigers will grow docile. If laws and punishments are unfailingly applied, then tigers will be transformed into men again and revert to their true form.

If you wish to govern the state, you must make certain to destroy factions; if you do not destroy factions, they will grow ever more numerous. If you wish to govern the land, you must make certain that your rewards pass into the right hands; if you do not do so, then unruly men will seek gain. If you grant what they seek, you will be lending a battle-ax to your enemies; you must not lend it, for it will only be used to attack you.

The Yellow Emperor had a saying, “Superior and inferior fight a hundred battles a day.” The subordinates hide their private desires and see what they can get from the ruler; the ruler grasps his standards and measures to constrain his subordinates. Thus to set standards and measures is the ruler’s treasure; to form factions is the ministers’ treasure. The only reason the ministers do not assassinate their ruler is that their cliques are not strong enough. Hence, if the ruler loses an inch, his subordinates gain a yard.

The ruler who knows how to govern his state does not let his cities grow too large; the ruler who understands the Dao does not enrich powerful families or ennoble his ministers. Were he to enrich and ennoble them, they would oppose and displace him. Guard against danger, fear peril, make haste to designate an heir, and misfortune will have no means to arise. In searching the palace to expel traitors within, hold fast to your standards and measurements. Pare away those who have too much, enrich those who have too little, and let both be according to measure, so they will not form cliques to deceive their ruler. Pare the great as moon wanes, enrich the meager as the frost thaws. Simplify the laws and be cautious in executions, but carry out punishments to the full. Never loosen your bow or you will find two cocks in a single roost; when two cocks share a single roost, they fight in a frenzy of cries. While the wildcat and wolf roam within the fold the sheep will never increase. When one house has two senior elders, its affairs will never prosper. When husband and wife both order the family, the children cannot know whom to obey.

A ruler of men must often prune his trees and not let the branches grow too long, for if they do they will block the gate of court. If the gates of private men are crowded with visitors the ruler's courts will stand empty, and he will be shut in and encircled. He must often prune his trees and not let them become obstacles, for if they do, they will encroach upon his place. He must often prune his trees and not let the branches grow larger than the trunk for, if they do, they will not be able to stand before a spring wind; when they cannot, the branches have injured the heart of the tree. When cadet branches of the ruler's lineage become too numerous the royal family will face anxiety and grief. The Dao to preventing this is often to prune your trees and not let the branches grow luxurious. If the trees are often pruned, cliques and factions will be dispersed. If you dig up the roots, the tree is no longer vital (*shen*). Fill up the pools, and do not let water collect in them. Search out the hearts of others, seize their power. The ruler who does so is like lightning, like thunder.

KEY NAMES AND TERMS

Han Feizi

Li Si

The “Two Handles”

STUDY QUESTIONS

1. *What are the differences between the Legalist emphasis on a society strictly governed by laws and the Confucian ideal of a society fully governed by li?*
2. *How do the ideas of Legalism relate to political structures that distinguish the typical governments of the Warring States era to the state governments of the earlier Spring and Autumn era?*
3. *Few contemporary people find Legalism to be congenial: Reading these two chapters, can you identify ideas that you might grant as valid, even if the Legalist approach seems unattractive?*
4. *Legalism is sometimes regarded as a development of Confucianism, because of the relationship of Han Feizi and Li Si to the Confucian master Xunzi. But what elements do you see (particularly in “Weilding Power”) that resonate more closely with Daoism?*

Sources and Further Readings

Like the *Xunzi*, the *Han Feizi* is a very large and rich text that has not been adequately studied in the West (and, until the 20th century, it was marginalized in China as well). The only full translation published in English is very much out of date (though reliable in substance): W.K. Liao, *The Complete Works of Han Fei Tzu* (London: 1939). A judicious selection of chapters has been translated by Burton Watson, *Han Feizi: Basic Works* (NY: 1964, 2003).