



Han Feizi (c. 280—233 B.C.E)

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Han Fei Tzu was a prince of the ruling house of the small state of Han. A representative of the *Fa-chia*, or Legalist, school of philosophy, he produced the final and most readable exposition of its theories. Ironically, Han Fei Tzu's advice was heeded not by the king of Han but by the king of Ch'in, who, soon after ascending the throne in 246 B.C., conquered all of China and, as First Emperor of the Ch'in, established the Ch'in dynasty. Han Fei Tzu, sent as an envoy to Ch'in in 234 B.C., was at first welcomed by the king but later, on a royal minister's urging, was cast into prison, where he committed suicide.

Han Fei Tzu's handbook for the ruler, which includes a few chapters for the guidance of his ministers, deals with the problem of preserving and strengthening the state.

Included here is Burton Watson's introduction to his translation, as well as his translations of two sections of the text: the section titled "The Way of the Ruler" in which Han Fei Tzu's basic advice to the ruler is given, and the section "On Having Standards" which introduces the main theme of Legalism and that is the reliance on strict laws (*fa*).

INTRODUCTION

As in the case of most early Chinese philosophers, little is known of the life of Han Fei Tzu, or Master Han Fei. We are fortunate, however, in the few facts we have, for they supply us with a motive and setting for his writings, and an account of his death which, whatever its reliability as history, adds a fine touch of dramatic irony.

So far as we know, Han Fei was the only nobleman among the important early Chinese philosophers. Confucius, Mo Tzu, Mencius, Chuang Tzu, Hsün Tzu seem to have been men of the lower gentry, descendants perhaps of aristocratic families that had sunk into poverty and no longer occupied a position of any real power in the feudal hierarchy of the day. Hence, as we see from their lives, though they manifested the customary loyalty and respect toward the ruler of their native state, they did not hesitate to travel about visiting other rulers, settle in other states, or withdraw from the world entirely. The very humbleness of their birth allowed them a freedom of thought and movement that was denied to the noblemen above them in the social scale, as it was to the peasants beneath them.

Han Fei, by contrast, was a prince of the royal family of the state of Han. This accident of birth saddled him with responsibilities that his fellow philosophers did not share and bound his fate inexorably to that of his native state; in the end, it brought about his death.

The small state of Han was situated in central China in the region south and east of the Chou capital at Loyang. Its ruling family had formerly been high ministers in the state of Chin, and had gradually usurped power until, with two other ministerial families, they divided up the territory of Chin and created the three new states of Han, Wei, and Chao, a move which finally received official recognition from the Chou ruler in 403 B.C. The rulers of Han, originally titled marquises, in time assumed the title of king. But their domain was small and situated in a mountainous and unproductive region, and they were constantly threatened by predatory neighbors, particularly the powerful state of Ch'in directly to the west.

The date of Han Fei's birth is unknown, though scholars place it tentatively around 280 B.C. His biography in the *Shih chi*, or *Records of the Historian* (ch. 63), written some hundred years after his death by the historian Ssu-ma Ch'ien, states that he studied under the eminent Confucian philosopher Hsün Tzu. This was probably during the period when Hsün Tzu was serving as magistrate of Lan-ling, a region in southern Shantung, that is, around 250 B.C. One of Han Fei's fellow students was Li Ssu (d. 208 B.C.), the man who was destined to become prime minister and chief aid to the First Emperor of the Ch'in dynasty and to play a sinister role in Han Fei's life.

Fate not only inflicted on Han Fei the burden of noble birth in a state whose fortunes were dim and precarious, but added an extra fillip. He stuttered badly—in an age when eloquence was a potent political weapon and the glibest statesmen were usually the most successful. His biography records that, distressed by the dangerous condition of his native state, he repeatedly submitted letters of remonstrance to its ruler, presumably King Huan-hui (r. 272—239 B.C.), or his successor King An (r. 238—230 B.C.). But the king was unwilling to heed his advice and Han Fei, prevented by his disability from expounding his ideas aloud, took the only course left open: he wrote a book. His biography mentions by name several of the essays included in it, among them “The Five Vermin” and “The Difficulties of Persuasion,” both translated here.

In time Han Fei’s writings came into the hands of the king of Ch’in, the youthful ruler who had ascended the throne of Ch’in in 246 B.C. and was soon to conquer and rule all China under the title of First Emperor of the Ch’in dynasty. He expressed great admiration for them to his minister Li Ssu, who revealed the identity of their author. The king’s admiration, however, did not deter him from launching a fierce attack on Han Fei’s native state in 234 B.C. The ruler of Han, King An, who had earlier refused to heed Han Fei’s advice, at the eleventh hour decided to dispatch the philosopher as his envoy to Ch’in in hopes of saving his state from destruction. Han Fei journeyed to the Ch’in court and was received with delight by the king. But before he could gain the king’s full confidence, his former fellow student, Li Ssu, intervened, warning the king that, since Han Fei was a member of the royal family of Han, his loyalties would always be on the side of Han and against Ch’in. Whether Li Ssu acted out of sincere concern for the state or mere personal jealousy, we shall never know; in any event, he succeeded in persuading the Ch’in ruler to hand the philosopher over to the law officials for investigation. Before the king of Ch’in might have time to regret this decision (as he later did), Li Ssu sent poison to the prison where Han Fei was confined, near the summer palace at Sweet Springs. Han Fei, unable to communicate with the ruler and defend himself against the charge of duplicity, drank the poison. The year was 233 B.C., and he was probably in his forties or early fifties.

Han Fei Tzu is a representative of the school of philosophy known as *Fa-chia*, the Legalist or Realist school. He is not the inventor of Legalism, but its perfecter, having left us the final and most readable exposition of its theories. Some of the ideas and policies of Legalism are said to date as early as the seventh century, when the statesman Kuan Chung (d. 645 B.C.) brought wealth and power to the state of Ch’i by applying them, though reliable evidence is scanty. The *Kuan Tzu*, a work supposed to embody the teachings of Kuan Chung, contains sections expounding Legalist ideas, but these almost certainly date from late Chou times. Another typically Legalist work, the *Shang-chün shu*, or *Book of Lord Shang*, is attributed to the statesman Wei Yang or Kung-sun Yang (d. 338 B.C.), who served as a high minister in the state of Ch’in. With its strong emphasis upon strict control of the people by harsh laws, and the encouragement of agriculture and aggressive warfare, it very well may reflect the actual policies of Wei Yang, though it was probably not written until some years after his death. Two other Legalist or semi-Legalist books, both of them now lost, undoubtedly influenced Han Fei Tzu. One was the work of Shen Tao, a Taoist-Legalist thinker about whom little is known; the other was the work of Shen Pu-hai, a Legalist philosopher who served at the court of Han Fei’s native state and died there in 337 B.C. From these various works, particularly the *Book of Lord Shang* and the writings of Shen Pu-hai, Han Fei Tzu culled his ideas, combining what seemed to him the best features of each and welding them into a clear and comprehensive whole.

Comprehensive, that is, within the rather circumscribed interests of Legalist philosophy. All Chinese philosophical systems are concerned to some extent with questions of political science, but none so exclusively as Legalism. All the extant writings of the Legalist school deal with a single problem: how to preserve and strengthen the state. Like Machiavelli’s famous treatise, to which it has often been compared, Han Fei Tzu’s work is a handbook for the prince, with a few chapters thoughtfully added for the guidance of his ministers.

The rulers of China in late Chou times had need for such a handbook. In the earlier days of Chou feudalism the rights and duties of the ruler and his vassals had presumably been fairly clearly defined. During Western Chou times (1027—771 B.C.), the Chou king not only commanded universal allegiance and respect among his vassals, but apparently exercised considerable control over their affairs, intervening in matters

of succession or even executing an offending vassal. But after the Chou ruler was forced by barbarian invasion in 771 B.C. to flee from his capital and establish his court at Loyang in the east, his power steadily waned, and the rulers of the feudal states were left increasingly free to ignore the customary duties to the sovereign and to each other if they pleased.

In time, a succession of powerful feudal leaders, known as the Five *Pa*—dictators or hegemons—rose to prominence to fill the political vacuum, imposing their will upon the Chou king and the other feudal lords and restoring a semblance of over-all authority to China. The first of these, Duke Huan of Ch'i (r. 685—643 B.C.), according to later accounts, carried out a series of administrative reforms suggested by his minister Kuan Chung which enriched his state, increased the efficiency of its armies, and gave the ruler more direct control of the population. It is hard to say just how far the details of these accounts are to be trusted. But certainly in a number of states in middle and late Chou times reforms were instituted, the purpose of which was to strengthen the central government, to gain more effective control of land and population, and to replace the old aristocracy with a bureaucracy appointed by the ruler. Though probably of limited scope and effectiveness at first, such reforms became more drastic as the old feudal order decayed, and states that failed to adopt them fell dangerously behind the times. The state of Chin, which was overthrown and dismembered by its ministerial families in 403 B.C., seems to have foundered mainly for this reason.

These administrative reforms, along with technological advances in agriculture and warfare, allowed the large states to annex their feeble neighbors or to push back the frontiers of China and open up new lands for cultivation. The new territories acquired in these ways were not, in most cases, parceled out as fiefs, but were incorporated into the state as prefectures and districts under the control of the central government, a practice that foreshadowed the final abolition of feudalism under the Ch'in dynasty. Changes were taking place in the system of land tenure; in the more advanced states, land could be bought and sold, and peasants could hire themselves out as day laborers. The old ceremonies and obligations that had held together the fabric of feudal society fell into neglect, and the rulers were left without a set of rules to guide them in the administration of their states or the conduct of their foreign affairs. Some of them drew up law codes for the governance of internal affairs, but no one was in a position to draw up or enforce a code of international law, and relations between states were marked by intrigue, deceit, and ruthless pursuit of self-interest.

This was the situation when Legalism made its appearance as a recognizable school of thought. It addressed itself exclusively to the rulers, taking no interest in private individuals or their lives except to the extent that they affected the interests of the ruling class. Unlike Confucianism and Mo-ism, it made no attempt to preserve or restore the customs and moral values of the past; indeed, it professed to have no use for morality whatsoever. Religious beliefs and ceremonies likewise, at least as far as the ruling class was concerned, it regarded as fatuous and distracting, and looked upon the fondness for such ceremonies as the mark of a doomed state. Its only goal was to teach the ruler, in what it regarded as hardheaded and practical terms, how to survive and prosper in the world of the present.

Its techniques were those which we have already noted as actually being carried out in some states: the strengthening of the central government, the establishment of more effective control over land and population through laws and strict penalties, and the replacement of the old aristocracy by a corps of bureaucrats. In particular it emphasized the encouragement of agriculture to provide a steady food supply and of warfare to expand the borders of the state and insure a tough, alert, and well-disciplined population. It called for the suppression of all ideas and ways of life that impeded the realization of these aims. Vagabonds and draft-dodgers, merchants and artisans who deal in nonessential goods, scholars who spread doctrines at variance with Legalist teaching, cavaliers who take the law into their own hands—all were to be unmercifully quashed, and the people to be kept in a state of ignorance and awe.

The ideas outlined above are all to be found in the writings of Han Fei Tzu. He adopted them from the *Book of Lord Shang*, along with that work's concept of *fa*—the elaborate system of laws that are to be drawn up by the ruler, distributed to his officials, and taught and explained by them to the illiterate populace. By such a system of laws, and the inescapable punishments that back

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Fa

it up, all life within the nation was to be ordered, so that nothing would be left to chance, private judgment, or the appeal to privilege.

But the concept of law represents only one aspect of Han Fei Tzu's system, the aspect that is concerned with the ruler's control and administration of the population as a whole. To this he added a second concept borrowed from the writings of Shen Pu-hai, the concept of *shu*—policies, methods, or arts of governing. The officials and the people at large may be guided and kept in line by laws. But the ruler, who is the author of law and outside and above it, must be guided by a different set of principles. These principles constitute his *shu*, the policies and arts which he applies in wielding authority and controlling the men under him.

As the more powerful states of late Chou times grew in size and their governments became more centralized, numerous problems of administration arose that had no precedent for solution in the practices of the earlier feudalism. To break the power of the old aristocracy, the rulers deliberately selected men from the lower ranks of society who would be less encumbered by clan loyalties and more dependent upon the good will of the ruler, and promoted them to administrative posts. But if the ruler was to remain secure in his position, he had to find ways to control his newly created bureaucracy, which constantly expanded as the concerns of government became more complex and far-reaching. Unable any longer to attend to all affairs in person, he had to make certain that the men to whom he delegated power were doing their work efficiently and without deceit. He needed, in other words, a set of rules for management and personnel control, and this was what Han Fei Tzu supplied under the name of *shu*.

From the logicians Han Fei Tzu borrowed the term *hsing-ming*—literally, “forms and names.” The members of the School of Names, and the other thinkers of the period who took an interest in problems of semantics, used the term to emphasize the need for an exact correspondence between the name of a thing and its actual form or reality. Han Fei Tzu, when he took over the term, ignored its more abstract philosophical connotations and gave it a specifically political interpretation. By “names” he meant the name of the office a man held, the list of duties he was expected to perform, or the proposals he made; by “forms” he meant the actual performance of the man in office; and he insisted that only when these two coincided exactly could the man be regarded as doing his job properly. He therefore urged the ruler to keep constant check upon the correspondence between names and forms. If they tallied, the man was to be rewarded and promoted; if they failed to tally—whether the man had done less than his office called for or more—he was to be summarily punished.

From Taoism Han Fei Tzu borrowed a second set of ideas which goes to make up the concept of *shu*. Taoist philosophy, with its doctrine of quietism and its transcendence of worldly concerns and values, may seem an odd place to go in search of ideas on how to run a government. But Taoist and Legalist thought seem to have been curiously interrelated from early times, though the paucity of sources makes it impossible to say exactly why or how.

Nevertheless, one reason for the close connection can be clearly discerned. The Confucians and Mo-ists consistently described the ideal ruler in moral and religious terms: father and mother of the people, the man of perfect virtue, the Son of Heaven. Legalism, because it rejected all appeals to religion and morality, had to find some other set of terms in which to describe and glorify the ruler. Taoism, which likewise rejected the concepts of conventional religion and morality, provided such a set. The language used by Taoism to describe the Taoist sage was therefore taken over by the Legalists and employed to describe the omnipotent ruler of the ideal Legalist state.

The Taoist sage has absolute understanding; the Legalist ruler wields absolute power. In the quality of absoluteness, they are alike. The Taoist sage rises above all conventional distinctions of right and wrong, good and evil; so does the Legalist ruler, for he is a law unto himself. The Taoist sage adopts a course of quietude and deliberately refrains from all forced or unnatural activity. The Legalist ruler, head of a vast bureaucracy, does the same, issuing orders, quietly judging the efficiency of his ministers, but refraining from any personal intervention in the actual affairs of administration; he sets up the machinery of government and then allows it to run by itself. The Taoist sage withdraws from the world to a mysterious and transcendental realm. The Legalist ruler likewise withdraws, deliberately shunning contacts with his subordinates that might

breed familiarity, dwelling deep within his palace, concealing his true motives and desires, and surrounding himself with an aura of mystery and inscrutability. Like the head of a great modern corporation he sits, far removed from his countless employees, at his desk in the innermost office and quietly initials things.

Legalist thought in general, and that of Han Fei Tzu in particular, is marked by a drastically low opinion of human nature. Some scholars detect in the latter case the influence of Han Fei Tzu's teacher, Hsün Tzu, who taught that the nature of man is basically evil, though in the China of the third century B.C. one would hardly have had to sit at the feet of a philosopher to arrive at this morose conclusion. The Confucians and Mo-ists claimed that there had been better days under the sage kings of antiquity, and cited history to support their argument. Han Fei Tzu, who customarily cited history only to enlarge his catalogue of human follies and idiocies, countered that, if there had actually been peace and order in ancient times, it was not because of any moral guidance of the sages, but only because there were more goods and wealth to go around then, and fewer men to scramble for them. According to him, all attempts to educate and uplift the common people are futile, and charity is a positive sin because it robs the industrious to pamper prodigals and idlers. The ruler, to succeed, must eschew all impulses toward mercy and affection and be guided solely by enlightened self-interest. Even his own friends and relations, his own wife and children, Han Fei Tzu warned, are not to be trusted, since all for one reason or another stand to profit by his death. He must be constantly alert, constantly on his guard against deception from all quarters, trusting no one and never revealing his inner thoughts and desires. "The leper pities the king," said Han Fei Tzu, quoting an old proverb (sec. 14), and the reader may do the same.

Han Fei Tzu wrote his essays on political science for the king of Han. But it was Han's enemy and eventual destroyer, the king of Ch'in, who appreciated them and put them into practice. For over a century the state of Ch'in had been pursuing typically Legalist policies, encouraging agriculture and warfare, disciplining its people with stern laws, and conducting its foreign affairs with cold-blooded cynicism. In 221 B.C. the king of Ch'in completed his conquest of the other states and united all of China under his rule. Assuming the title of First Emperor, he set about creating the vast bureaucratic empire that Han Fei Tzu had envisioned. He abolished the last remnants of feudalism, standardized weights, measures, and the writing system, controlled the people with strict laws, suppressed the teachings of other schools of philosophy, undertook huge public works, and launched foreign wars to push back the borders of his domain—all measures either recommended by, or in keeping with the spirit of, Legalism. Finally, he built magnificent palaces and surrounded himself with the appropriate air of aloofness and mystery. But by the time of his death in 210 B.C. the dynasty was showing unmistakable signs of strain, and three years later it fell. In part it fell because of forces beyond its control—the centrifugal pull of old local loyalties, the high cost of state undertakings, the natural resistance of men to violent change. But Chinese historians have customarily blamed its downfall upon its harsh and ruthless treatment of the people, and their view is undoubtedly in part correct. Lack of mercy is the charge most often brought against Han Fei Tzu and the other Legalist philosophers, and the First Emperor, following their doctrines, seems to have seriously overestimated the amount of bullying and oppression his people would bear. As a philosophy of government, Legalism was tried and found wanting. No government in China thereafter ever attempted to apply its policies in undiluted form. But the penetrating analyses and astute advice that fill the Han Fei Tzu have been profitably drawn upon again and again by later rulers and political theorists, and remain of vital interest today.

The *Han Fei Tzu* is divided into 55 sections. In the "Treatise on Literature" of the *History of the Former Han*, other early bibliographies, it is listed under the title *Han Tzu*; the word *Fei* was added to the title much later to distinguish it from the writings of the T'ang Confucian scholar Han Yü (786—824). Most of the sections are short, concise essays on some aspect of Legalist thought, fitted with titles, and closely resembling the essays of earlier works such as the Mo Tzu, *Hsün Tzu*, or *Book of Lord Shang*. Nearly all the twelve sections in my selection are of this type. Some of the sections consist of anecdotes drawn from the historical writings or legends of late Chou times and designed to demonstrate the validity of Legalist policies by illustrations from the past, or to cast aspersions on the teachings of other schools of thought. I have included one such chapter, section 10, in my selection; there is some doubt as to whether it is actually from

the hand of Han Fei Tzu himself, but it illustrates the fondness of the Legalists for elucidating their pronouncements by concrete examples from history. Two sections in my selection, sections 5 and 8, employ typical Taoist terminology, and are couched in an extremely terse, balanced style, with frequent use of rhymes, that is not typical of the work as a whole. Two other sections, not translated here, are actually cast in the form of commentaries upon passages from Lao Tzu's *Tao-te-ching*. They give the Taoist classic a purely political interpretation, Legalist with Confucian borrowings, and are probably the work of scholars of the Ch'in or early Han period. Other sections of the *Han Fei Tzu* are likewise almost certainly the work of later writers of the Legalist school; and some passages may even be part of an essay written by a scholar named Liu T'ao (d. A.D. 185) to refute Han Fei Tzu's teachings, which have somehow found their way into the text. Though there is disagreement among scholars as to just which sections are the work of Han Fei Tzu himself, I see no reason, with the exception mentioned above, to doubt the authenticity of the sections I have translated.

The fourth and third centuries B.C. saw the appearance of a body of technical literature in Chinese—treatises on divination, medicine, agriculture, logic, military science, and so forth. The *Han Fei Tzu* is actually more closely allied to this genre than to the broader philosophical works of the period. Han Fei Tzu's teacher, Hsün Tzu, wrote on such widely varied subjects as politics, warfare, ethics, esthetics, logic, and epistemology. But Han Fei Tzu and the other authors of the book which bears his name confine themselves rigidly to one subject—politics. Within the limits they set themselves, however, their treatment is exhaustive. There is hardly a problem of administration that they have not analyzed and discussed, hardly a pitfall they have not warned against. The style of the work is, on the whole, clear, concise, and polished, though metaphors are occasionally allowed to get out of hand. Its treatment is witty, trenchant, and marked by an air of sophistication and cynicism. Generations of Chinese scholars have professed to be shocked by its contents—the rejection of all moral values, the call to harshness and deceit in politics, the assertion that even one's own wife and children are not to be trusted—and have taken up their brushes to denounce it. But there has never been an age when the book was unread, and the text appears to have come down to us complete. It is one of those books that will compel attention in any age, for it deals with a problem of unchanging importance—the nature and use of power. . . .

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THE WAY OF THE RULER (SECTION 5)

The Way is the beginning of all beings and the measure of right and wrong. Therefore the enlightened ruler holds fast to the beginning in order to understand the wellspring of all beings, and minds the measure in order to know the source of good and bad. He waits, empty and still, letting names define themselves and affairs reach their own settlement. Being empty, he can comprehend the true aspect of fullness; being still, he can correct the mover. Those whose duty it is to speak will come forward to name themselves; those whose duty it is to act will produce results. When names and results¹ match, the ruler need do nothing more and the true aspect of all things will be revealed.

Hence it is said: The ruler must not reveal his desires; for if he reveals his desires his ministers will put on the mask that pleases him. He must not reveal his will; for if he does so his ministers will show a different face. So it is said: Discard likes and dislikes and the ministers will show their true form; discard wisdom and wile and the ministers will watch their step. Hence, though the ruler is wise, he hatches no schemes from his wisdom, but causes all men to know their place. Though he has worth, he does not display it in his deeds, but observes the motives of his ministers. Though he is brave, he does not flaunt his bravery in shows of

¹ Literally, "forms" or "realities." But Han Fei Tzu is discussing concrete problems of political science, i.e., do the officials really do what they say they are going to do? Does their actual performance match the title they hold?

indignation, but allows his subordinates to display their valor to the full. Thus, though he discards wisdom, his rule is enlightened; though he discards worth, he achieves merit; and though he discards bravery, his state grows powerful. When the ministers stick to their posts, the hundred officials have their regular duties, and the ruler employs each according to his particular ability, this is known as the state of manifold constancy.

Hence it is said: “So still he seems to dwell nowhere at all; so empty no one can seek him out.” The enlightened ruler reposes in nonaction above, and below his ministers tremble with fear.

This is the way of the enlightened ruler: he causes the wise to bring forth all their schemes, and he decides his affairs accordingly; hence his own wisdom is never exhausted. He causes the worthy to display their talents, and he employs them accordingly; hence his own worth never comes to an end. Where there are accomplishments, the ruler takes credit for their worth; where there are errors, the ministers are held responsible for the blame; hence the ruler’s name never suffers. Thus, though the ruler is not worthy himself, he is the leader of the worthy; though he is not wise himself, he is the corrector of the wise. The ministers have the labor; the ruler enjoys the success. This is called the maxim of the worthy ruler.

The Way lies in what cannot be seen, its function in what cannot be known. Be empty, still, and idle, and from your place of darkness observe the defects of others. See but do not appear to see; listen but do not seem to listen; know but do not let it be known that you know. When you perceive the trend of a man’s words, do not change them, do not correct them, but examine them and compare them with the results. Assign one man to each office and do not let men talk to each other, and then all will do their utmost. Hide your tracks, conceal your sources, so that your subordinates cannot trace the springs of your action. Discard wisdom, forswear ability, so that your subordinates cannot guess what you are about. Stick to your objectives and examine the results to see how they match; take hold of the handles of government carefully and grip them tightly. Destroy all hope, smash all intention of wresting them from you; allow no man to covet them.

If you do not guard the door, if you do not make fast the gate, then tigers will lurk there. If you are not cautious in your undertakings, if you do not hide their true aspect, then traitors will arise. They murder their sovereign and usurp his place, and all men in fear make common cause with them: hence they are called tigers. They sit by the ruler’s side and, in the service of evil ministers, spy into his secrets: hence they are called traitors. Smash their cliques, arrest their backers, shut the gate, deprive them of all hope of support, and the nation will be free of tigers. Be immeasurably great, be unfathomably deep; make certain that names and results tally, examine laws and customs, punish those who act willfully, and the state will be without traitors.

The ruler of men stands in danger of being blocked in five ways. When the ministers shut out their ruler, this is one kind of block. When they get control of the wealth and resources of the state, this is a second kind of block. When they are free to issue orders as they please, this is a third kind. When they are able to do righteous deeds in their own name, this is a fourth kind. When they are able to build up their own cliques, this is a fifth kind. If the ministers shut out the ruler, then he loses the effectiveness of his position. If they control wealth and resources, he loses the means of dispensing bounty to others. If they issue orders as they please, he loses the means of command. If they are able to carry out righteous deeds in their own name, he loses his claim to enlightenment. And if they can build up cliques of their own, he loses his supporters. All these are rights that should be exercised by the ruler alone; they should never pass into the hands of his ministers.

The way of the ruler of men is to treasure stillness and reserve. Without handling affairs himself, he can recognize clumsiness or skill in others; without laying plans of his own, he knows what will bring fortune or misfortune. Hence he need speak no word, but good answers will be given him; he need exact no promises, but good works will increase. When proposals have been brought before him, he takes careful note of their content; when undertakings are well on their way, he takes careful note of the result; and from the degree to which proposals and results tally, rewards and punishments are born. Thus the ruler assigns undertakings to his various ministers on the basis of the words they speak, and assesses their accomplishments according to the way they have carried out the undertaking. When accomplishments match the undertaking, and the undertaking matches what was said about it, then he rewards the man; when these things do not match, he

punishes the man. It is the way of the enlightened ruler never to allow his ministers to speak words that cannot be matched by results.

The enlightened ruler in bestowing rewards is as benign as the seasonable rain; the dew of his bounty profits all men. But in doling out punishment he is as terrible as the thunder; even the holy sages cannot assuage him. The enlightened ruler is never overliberal in his rewards, never overlenient in his punishments. If his rewards are too liberal, then ministers who have won merit in the past will grow lax in their duties; and if his punishments are too lenient, then evil ministers will find it easy to do wrong. Thus if a man has truly won merit, no matter how humble and far removed he may be, he must be rewarded; and if he has truly committed error, no matter how close and dear to the ruler he may be, he must be punished. If those who are humble and far removed can be sure of reward, and those close and dear to the ruler can be sure of punishment then the former will not stint in their efforts and the latter will not grow proud.

ON HAVING STANDARDS (SECTION 6)

No state is forever strong or forever weak. If those who uphold the law are strong, the state will be strong; if they are weak, the state will be weak, King Chuang (r. 613—591) of Ch'u annexed twenty-six states and extended his territory three thousand *li*, but death called him from his altars of the soil and grain, and Ch'u in time declined. Duke Huan (r. 685—643) of Ch'i annexed thirty states and opened up his territory three thousand *li*, but death called him from his altars of the soil and grain, and Ch'i in time declined. King Chao (r. 311—279) of Yen extended his domain to the Yellow River on the south, made his capital at Chi, and strengthened his defenses at Cho and Fang-ch'eng; he overran the state of Ch'i and conquered Chung-shan, until all who allied themselves with him were looked on as powerful and all who did not as insignificant; but death called him from his altars, and Yen in time declined. King An-hsi (r. 276—243) of Wei attacked Yen to save Chao, seized the area east of the Yellow River, attacked and gained complete control of the regions of T'ao and Wei, dispatched troops against Ch'i, and seized the city of P'ing-lu for his private use; he attacked Han, took control of Kuan, and won victory at the Ch'i River; in the campaign at Sui-yang the Ch'u army ran from him in exhaustion, and in the campaign at Ts'ai and Chao-ling the Ch'u army was crushed; his troops marched to the four quarters of the world and his might overawed the cap-and-girdle states;² but after King An-hsi died, Wei in time declined.

Thus, under Chuang and Huan the states of Ch'u and Ch'i became dictators; and under Chao and An-hsi the states of Yen and Wei were strong. But now all of them have become doomed countries, because their ministers and officials pursue only what brings chaos and never what brings order. Their states have already fallen into disorder and weakness, and yet the ministers and officials disregard the laws and seek private gain in dealings with foreign powers. One might as well carry bundles of kindling to put out a fire with—the chaos and weakness can only increase.

In our present age he who can put an end to private scheming and make men uphold the public law will see his people secure and his state well ordered; he who can block selfish pursuits and enforce the public law will see his armies growing stronger and his enemies weakening. Find men who have a clear understanding of what is beneficial to the nation and a feeling for the system of laws and regulations, and place them in charge of the lesser officials; then the ruler can never be deceived by lies and falsehoods. Find men who have a clear understanding of what is beneficial to the nation and the judgment to weigh issues properly, and put them in charge of foreign affairs; then the ruler can never be deceived in his relations with the other powers of the world.

² I. e., the states in which Chinese dress was worn.

Now if able men are selected for promotion on the basis of reputation alone, then the officials will disregard the ruler and seek only the good will of their associates and subordinates. If appointments to office are controlled by cliques, then men will work only to establish profitable connections and will not try to achieve office by regular routes. In such cases, official posts will never be filled by able men, and the state will fall into disorder. If rewards are handed out on the basis of good report alone, and punishments on the basis of slander, then men who covet rewards and fear punishment will abandon the public interest and pursue only private schemes, banding together to further each other's interests. If men forget who their sovereign is and enter into association with foreign powers in order to further the interests of their own group, then subordinates will be of little aid to their superiors. If the groups are large and their allies numerous, so that a single clique embraces men both inside and outside the state, then, though its members commit a glaring fault, they will find plentiful means to conceal it. As a result, truly loyal ministers will face peril and death even though they are guilty of no fault; while evil ministers will enjoy safety and profit which they have done nothing to deserve. If loyal ministers, though guiltless, still face peril and death, then good officials will go into hiding; and if evil ministers, though without merit, enjoy safety and profit, then corrupt officials will come to the fore. This is the beginning of downfall.

In such cases, the officials will turn their backs on law (*fa*), seeking only to establish weighty personal connections and making light of public duty. Numbers of them will flock to the gates of powerful men, but none will appear in the ruler's court. They will lay a hundred plans for the advancement of private family interests, but give not one thought to how the ruler should order his state. Thus, although there are plenty of men attached to the administration, they will not be the kind who will honor their ruler; though all the official posts are filled, none who fill them will be the kind who can be entrusted with affairs of state. So, although the sovereign holds the title of ruler of men, he will in fact be a pawn of the ministerial families.

法

Fa

Therefore I say:³ There are no men in the court of a doomed state. When I say there are no men, I do not mean that the actual number of men at court is any less than usual. But the powerful families seek only to benefit each other and not to enrich the state; the high ministers seek only to honor each other and not to honor their sovereign; and the petty officials cling to their stipends and work to make influential friends instead of attending to their duties. And the reason such a state of affairs has come about is that the ruler does not make important decisions on the basis of law, but puts faith in whatever his subordinates do.

A truly enlightened ruler uses the law to select men for him; he does not choose them himself. He uses the law to weigh their merits; he does not attempt to judge them for himself. Hence men of true worth will not be able to hide their talents, nor spoilers to gloss over their faults. Men cannot advance on the basis of praise alone, nor be driven from court by calumny. Then there will be a clear understanding of values between the ruler and his ministers, and the state can be easily governed. But only if the ruler makes use of law can he hope to achieve this.

When a man of true worth becomes a minister, he faces north before the sovereign, presents tokens of his allegiance,⁴ and banishes from his mind the thought of all other loyalties. If he serves at court, he does not venture to excuse himself because of the lowliness of the post assigned him; if he serves in the army, he does not dare to shirk danger. He follows the lead of his superiors and obeys the laws of his sovereign; with empty mind he awaits orders and does not question whether they are right or wrong. Thus, though he has a mouth, he never uses it to speak for private advantage; though he has eyes, he never employs them to spy private gain; in all things he is under the control of his superior. A minister may be compared to a hand, which reaches up to serve the head or reaches down to tend the foot; its duty is to relieve the body from heat

³ Literally, "Your servant says," suggesting that this was originally a memorial to some ruler, probably the king of Han.

⁴ Ritually prescribed gifts presented upon entering the service of a ruler Chinese rulers always sat facing south when holding audience.

or cold and, when swords threaten, it dare not fail to strike out at them. For his part, the ruler must never make selfish use of his wise ministers or able men. So the people are never tempted to go beyond their communities to form friendships, nor need they worry about what happens a hundred *li* away. Honorable and humble do not get in each other's way, and stupid and wise find their proper place. This is the perfection of good government.

Men who are contemptuous of ranks and stipends, quick to discard their posts and abandon the state in search of another sovereign, I would not call upright. Those who propound false doctrines and controvert the law, who defy their sovereign or oppose him with strong censure, I would not call loyal. Those who practice charity and dole out benefits in order to win over their subordinates and make a name for themselves, I would not call benevolent. Those who withdraw from the world, live in retirement, and employ their wits to spread false slander against their superiors, I would not call righteous.

Those who devote all their time to establishing favorable relations with the princes of other states, impoverishing their own state in the process, and who, when they see the moment of crisis approaching, attempt to intimidate their sovereign by saying, "Only through me can friendly relations be established with So-and-so; only through me can So-and-so's anger be appeased!", until the ruler comes to believe in them and entrusts all state affairs to their decision; who lower the name of the ruler in order to enhance their own eminence, who raid the resources of the state in order to benefit their own families— such men I would not call wise.

Deeds such as these prevail in a dangerous age, but were precluded by the laws of the former kings. The law of the former kings says, "Ministers shall not wield the instruments of authority nor dispense benefits, but follow the commands of the king; none shall do evil, but uphold the king's path." In antiquity the people of a well-ordered age upheld the public law and renounced private schemes, concentrated their attention upon one goal and their actions upon one object, and together awaited the charge that was laid upon them.

If the ruler of men tries to keep a personal check on all the various offices of his government, he will find the day too short and his energies insufficient. Moreover if the ruler uses his eyes, his subordinates will try to prettify what he sees; if he uses his ears, they will try to embellish what he hears; and if he uses his mind, they will be at him with endless speeches. The former kings, knowing that these three faculties would not suffice, accordingly set aside their own abilities; instead they relied upon law and policy, and took care to see that rewards and punishments were correctly apportioned. Since they held fast to the essential point, their legal codes were simple and yet inviolable, and alone they exercised control over all within the four seas. Even the cleverest men could find no opening for their falsehoods, the glibbest talkers no audience for their sophistries, and evil and deceit were left without a foothold. Though a thousand miles from the ruler's side, men did not dare say anything different from what they had said in his presence; though courtiers in the palace, they did not dare to conceal good or gloss over evil. Courtiers and officials flocked to the service of their sovereign, each diligently attending to his own duties, and none dared overstep his position. Affairs of government were not pressing and time was left to spare. The way in which the ruler relied upon his position made it so.

The process by which ministers invade the rights of their sovereign is as gradual as the shifting of the contours of the landscape. Little by little they cause him to lose his sense of direction, until he is facing east where before he faced west, and yet he is unaware of the change. Hence the former kings set up south-pointing markers to determine the direction of sunrise and sunset. In the same way, an enlightened ruler will make certain that the ambitions of his ministers do not roam beyond the bounds of the law, and that they do not go about dispensing favors even though such acts may be within the law. They are permitted to make no move that is not in accord with law. Laws are the means of prohibiting error and ruling out selfish motives; strict penalties are the means of enforcing orders and disciplining inferiors. Authority should never reside in two places; the power of decree should never be open to joint use. If authority and power are shared with others, then all manner of abuse will become rife. If law does not command respect, then all the ruler's actions will be endangered. If penalties are not enforced, then evil will never be surmounted.

Though a skilled carpenter is capable of judging a straight line with his eye alone, he will always take his measurements with a rule; though a man of superior wisdom is capable of handling affairs by native wit alone, he will always look to the laws of the former kings for guidance. Stretch the plumb line, and crooked wood can be planed straight; apply the level, and bumps and hollows can be shaved away; balance the scales, and heavy and light can be adjusted; get out the measuring jars, and discrepancies of quantity can be corrected. In the same way one should use laws to govern the state, disposing of all matters on their basis alone.

The law no more makes exceptions for men of high station than the plumb line bends to accommodate a crooked place in the wood. What the law has decreed the wise man cannot dispute nor the brave man venture to contest. When faults are to be punished, the highest minister cannot escape; when good is to be rewarded, the lowest peasant must not be passed over. Hence, for correcting the faults of superiors, chastising the misdeeds of subordinates, restoring order, exposing error, checking excess, remedying evil, and unifying the standards of the people, nothing can compare to law. For putting fear into the officials, awing the people, wiping out wantonness and sloth, and preventing lies and deception, nothing can compare to penalties. If penalties are heavy, men dare not use high position to abuse the humble; if laws are clearly defined, superiors will be honored and their rights will not be invaded. If they are honored and their rights are inviolable, then the ruler will be strong and will hold fast to what is essential. Hence the former kings held laws in high esteem and handed them down to posterity. Were the ruler of men to discard law and follow his private whim, then all distinction between high and low would cease to exist.

Han Fei Tzu: Basic Writings. Burton Watson, trans. New York: Columbia University Press, 1964.