

## Selected Passages from the *Hanfeizi*

*A century after Shang Yang, the Legalist thinker Hanfeizi (d. 233 BCE) wrote a long and elegant treatise on law and the state, intended as a guide for the ruler. In it, he argued vigorously for a strong central government and control of both government officials and the general populace through generous rewards and strict punishments. Briefly influential in the Qin court (until Li Si, the prime minister, forced him to commit suicide), Han urged the emperor to reject virtue as the basis of state policy and derided those who looked to the sage kings of antiquity for guidance, saying they were guilty of either stupidity or deceitfulness. Han's interpretation of dao and his exegesis of the Daodejing have led later commentators to regard him as a synthesizer of Daoist and Legalist thought.*

When a sage rules the state, he does not depend on people's doing good of themselves; he sees to it that they are not allowed to do what is bad.

### The Way of the Ruler

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 results match, the ruler need do nothing more and the true aspect of all things will be revealed.

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.

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.

### Wielding Power

Do not let your power be seen; be blank and actionless. Government reaches to the four quarters, but its source is in the center. The sage holds to the source and the four quarters come to serve him. In emptiness he awaits them, and they spontaneously do what is needed. When all within the four seas have been put in their proper places, he sits in darkness to observe the light. When those to his left and right have taken their places, he opens the gate to face the world. He changes nothing, alters nothing, but acts with the two handles of reward and punishment, acts and never ceases: this is what is called walking the path of principle.

Use the single Way and make names the head of it. When names are correct, things stay in place; when names are twisted, things shift about. Hence the sage holds to unity in stillness; he lets names define themselves and affairs reach their own settlement. He does not reveal his nature, and his subordinates are open and upright. He assigns them tasks according to their ability and lets them settle things for themselves; he hands out rewards according to the results and lets them raise their own station. He establishes the standard, abides by it, and lets all things settle themselves. On the basis of names he makes his appointments, and where the name is not clear, he looks to the actual achievement it applies to. According to how achievement and name tally, he dispenses the reward or punishment deserved. When rewards and punishments are certain to be handed out, then subordinates will bare their true nature.

*Cf. "The Canon of Yü" in the Shujing, "To obtain the views of all, to give up one's opinion and follow that of others . . . it is only the sovereign who can attain to this."*

The Way is vast and great and without form; its Power is clear and orderly and extends everywhere. Since it extends to all living beings, they may use it proportionately; but, though all things flourish through it, it does not rest among things. The Way pervades all affairs here below. Therefore examine and obey the decrees of Heaven and live and die at the right time; compare names, differentiate events, comprehend their unity, and identify yourself with the Way's true nature.

Be like Heaven, be like earth, and all coils will be untangled. Be like Heaven, be like earth; then who will be close to you, who will be distant? He who can model himself on Heaven and earth may be called a sage.

The ruler of men must prune his trees from time to time and not let them grow too thick for, if they do, they will block his gate; while the gates of private men will be crowded with visitors, the ruler's courts will stand empty, and he will be shut in and encircled. He must prune his trees from time to time and not let them obstruct the path for, if they do, they will impinge upon his dwelling. He must prune his trees from time to time and not let the branches grow larger than the trunk for, if they do, they will not be able to bear up under the spring wind, and will do injury to the heart of the tree. When cadet houses become too numerous, the royal family will face anxiety and grief. The way to prevent this is to prune your trees from time to time and not let the branches grow too luxurious. If the trees are pruned from time to time, cliques and parties will be broken up. Dig them up from the roots, and then the trees cannot spread. Fill up the pools, and do not let water collect in them. Search out the hearts of others, seize their power from them. The ruler himself should possess the power, wielding it like lightning or like thunder.

### The Five Vermin

If people in the present age go about exalting the ways of Yao, Shun, Yu, Tang, and Wu, the sages of today are bound to laugh at them. For the sage does not try to practice the ways of antiquity or to abide by a fixed standard, but examines the affairs of the age and takes what precautions are necessary. There was a farmer of Song who tilled the land, and in his field was a stump. One day a rabbit, racing across the field, bumped into the stump, broke its neck, and died. Thereupon the farmer laid aside his plow and took up watch beside the stump, hoping that he would get another rabbit in the same way. But he got no more rabbits, and instead became the laughingstock of Song. Those who think they can take the ways of the ancient kings and use them to govern the people of today all belong in the category of stump-watchers!

Those who live in the mountains and must descend to the valley to fetch their water give each other gifts of water at festival time. Those who live in the swamps and are troubled by dampness actually hire laborers to dig ditches to drain off the water. In the spring following a famine year even the little boys of the family get no food; in the fall of a year of plenty even casual visitors are feasted. It is not that men are indifferent to their own flesh and blood and generous to passing visitors; it is because of the difference in the amount of food to be had. Hence, when men of ancient times made light of material goods, it was not because they were benevolent, but because there was a surplus of goods; and when men quarrel and snatch today, it is not because they are vicious, but because goods have grown scarce. When men lightly relinquish the position of Son of Heaven, it is not because they are high-minded, but because the advantages of the post are slight; when men strive for sinecures in the government, it is not because they are base, but because the power they will acquire is great. When the sage rules, he takes into consideration the quantity of things and deliberates on scarcity and plenty. Though his punishments may be light, this is not due to his compassion; though his penalties may be severe, this is not because he is cruel; he simply follows the custom appropriate to the time. Circumstances change according to the age, and ways of dealing with them change with the circumstances.

In ancient times King Wen lived in the area between Feng and Hao, his domain no more than a hundred li square, but he practiced benevolence and righteousness, won over the Western Barbarians, and eventually became ruler of the world. King Yan of Xu lived east of the Han River in a territory five hundred li square. He practiced benevolence and righteousness, and thirty-six states came with gifts of territory to pay him tribute, until King Wen of Jing, fearing for his own safety, called out his troops, attacked Xu, and wiped it out. Thus King Wen practiced benevolence and righteousness and became ruler of the world, but King Yan practiced benevolence and righteousness and destroyed his state. This is because benevolence and righteousness served for ancient times, but no longer serve today. So I say that circumstances differ with the age.

Now the Confucians and Mohists all praise the ancient kings for their universal love of the world, saying that they looked after the people as parents look after a beloved child. And how do they prove this contention? They say, "Whenever the minister of justice administered some punishment, the ruler would purposely cancel all musical performances; and whenever the ruler learned that the death sentence had been passed on someone, he would shed tears." For this reason they praise the ancient kings. Now if ruler and subject must become like father and son before there can be order, then we must suppose that there is no such thing as an unruly father or son. Among human affections none takes priority over the love of parents for their children. But though all parents may show love for their children, the children are not always well behaved. And though the parents may love them even more, will this prevent the children from becoming unruly? Now the love of the ancient kings for their people was no greater than the love of parents for their children. And if such love cannot prevent children from becoming unruly, then how can it bring the people to order?

Confucius was one of the greatest sages of the world. He perfected his conduct, made clear the Way, and traveled throughout the area within the four seas, but in all that area those who rejoiced in his benevolence, admired his righteousness, and were willing to become his disciples numbered only seventy. For to honor benevolence is a rare thing, and to adhere to righteousness is hard. Therefore within the vast area of the world only seventy men became his disciples, and only one man—he himself—was truly benevolent and righteous.

Now here is a young man of bad character. His parents rail at him but he does not reform; the neighbors scold but he is unmoved; his teachers instruct him but he refuses to change his ways. Thus, although three fine influences are brought to bear on him—the love of his parents, the efforts of the neighbors, the wisdom of his teachers—yet he remains unmoved and refuses to change so much as a hair on his shin. But let the local magistrate send out the government soldiers to enforce the law and search for evildoers, and then he is filled with terror, reforms his conduct, and changes his ways. Thus the love of parents is not enough to make children learn what is right, but must be backed up by the strict penalties of the local officials; for people by nature grow proud on love, but they listen to authority.

For this reason, the best rewards are those which are generous and predictable, so that the people may profit by them. The best penalties are those which are severe and inescapable, so that the people will fear them. The best laws are those which are uniform and inflexible, so that the people can understand them. Therefore the ruler should never delay in handing out rewards, nor be merciful in administering punishments. If praise accompanies the reward, and censure follows on the heels of punishment, then worthy and unworthy men alike will put forth their best efforts. But this is not the way things are done at present. The rulers hand out official titles to men who have achieved merit but assign them to insignificant posts. They give rewards to the farmers but in practice actually reduce their means of livelihood. They dissociate themselves from those who spurn official position but at the same time praise their contempt for the world. They punish those who violate the prohibitions but at the same time admire their bravery. Thus the things which they censure or praise are completely at odds with those which they reward or punish.

The Confucians with their learning bring confusion to the law; the knights with their military prowess violate the prohibitions. Yet the ruler treats both groups with respect, and so we have disorder. People who deviate from the law should be treated as criminals, and yet the scholars actually attain posts in the government because of their literary accomplishments. People who violate the prohibitions ought to be punished, and yet the bands of knights are able to make a living by wielding their swords in a private cause. Hence, those whom the law condemns, the ruler accepts, and those whom the magistrates seek to punish, the higher officials patronize. Thus law and practice, high official and lowly magistrate, are all set at odds, and there is no fixed standard. Under such circumstances even ten Yellow Emperors could not bring the state to order. Those who practice benevolence and righteousness should not be praised, for to praise them is to cast aspersion on military achievements; men of literary accomplishment should not be employed in the government, for to employ them is to bring confusion to the law.

In ancient times when Cang Jie created the system of writing, he used the character for “private” to express the idea of self-centeredness, and combined the elements for “private” and “opposed to” to form the character for “public.” The fact that public and private are mutually opposed was already well understood at the time of Cang Jie. To regard the two as being identical in interest is a disaster which comes from lack of consideration.

The world calls worthy those whose conduct is marked by integrity and good faith, and wise those whose words are subtle and mysterious. But even the wisest man has difficulty understanding words that are subtle and mysterious. Now, if you want to set up laws for the masses and you try to base them on doctrines that even the wisest men have difficulty in understanding, how can the common people comprehend them? A man who cannot even get his fill of the coarsest grain does not insist on meat and

fine millet; a man with a short coat all in rags does not insist on waiting for embroidered robes. It is the same in government affairs; if you cannot find the solution to critical problems, you have no business worrying about unimportant ones. Now in administering your rule and dealing with the people, if you do not speak in terms that any man and woman can plainly understand, but long to apply the doctrines of the wise men, then you will defeat your own efforts at rule. Subtle and mysterious words are no business of the people.

Now the people of the state all discuss good government, and everyone has a copy of the works on law by Shang Yang and Guan Zhong in his house, and yet the state gets poorer and poorer, for though many people talk about farming, very few put their hands to a plow. The people of the state all discuss military affairs, and everyone has a copy of the works of Sun Wu and Wu Qi in his house, and yet the armies grow weaker and weaker, for though many people talk about war, very few buckle on armor. Therefore an enlightened ruler will make use of men's strength but will not heed their words, will reward their accomplishments but will prohibit useless activities. Then the people will be willing to exert themselves to the point of death in the service of their sovereign.

Farming requires a lot of hard work but people will do it because they say, "This way we can get rich." War is a dangerous undertaking but people will take part in it because they say, "This way we can become eminent." Now if men who devote themselves to literature or study the art of persuasive speaking are able to get the fruits of wealth without the hard work of the farmer, and can gain the advantages of eminence without the danger of battle, then who will not take up such pursuits? So for every man who works with his hands there will be a hundred devoting themselves to the pursuit of wisdom. If those who pursue wisdom are numerous, the laws will be defeated, and if those who labor with their hands are few, the state will grow poor. Hence the age will become disordered. Therefore, in the state of an enlightened ruler there are no books written on bamboo slips; law supplies the only instruction. There are no sermons on the former kings; the officials serve as the only teachers. There are no fierce feuds of private swordsmen; cutting off the heads of the enemy is the only deed of valor. Hence, when the people of such a state make a speech, they say nothing that is in contradiction to the law; when they act, it is in some way that will bring useful results; and when they do brave deeds, they do them in the army.

These are the customs of a disordered state: Its scholars praise the ways of the former kings and imitate their benevolence and righteousness, put on a fair appearance and speak in elegant phrases, thus casting doubt upon the laws of the time and causing the ruler to be of two minds. Its speech-makers propound false schemes and borrow influence from abroad, furthering their private interests and forgetting the welfare of the state's altars of the soil and grain. Its swordsmen gather bands of followers about them and perform deeds of honor, making a fine name for themselves and violating the prohibitions of the five government bureaus. Those of its people who are worried about military service flock to the gates of private individuals and pour out their wealth in bribes to influential men who will plead for them, in this way escaping the hardship of battle. Its merchants and artisans spend their time making articles of no practical use and gathering stores of luxury goods, accumulating riches, waiting for the best time to sell, and exploiting the farmers. These five groups are the vermin of the state. If the rulers do not wipe out such vermin, and in their place encourage men of integrity and public spirit, then they should not be surprised, when they look about the area within the four seas, to see states perish and ruling houses wane and die.

## Chapter 50: Eminence in Learning

In the present age, the Confucians and Mohists are well known for their learning. The Confucians pay the highest honor to Confucius, the Mohists to Mozi. Since the death of its founder, the Confucian school has split into eight factions, and the Mohist school into three. Their doctrines and practices are different or even contradictory, and yet each claims to represent the true teaching of Confucius and Mozi. But since we cannot call Confucius and Mozi back to life, who is to decide which of the present versions of the doctrine is the right one? Confucius and Mozi both followed the ways of Yao and Shun, and though their practices differed, each claimed to be following the real Yao and Shun. But since we cannot call Yao and Shun back to life, who is to decide whether it is the Confucians or the Mohists who are telling the truth? Now over seven hundred years have passed since Yin and early Zhou times, and over two thousand years since Yu and early Xia times. If we cannot even decide which of the present versions of Confucian and Mohist doctrine are the genuine ones, how can we hope to scrutinize the ways of Yao and Shun, who lived three thousand years ago? Obviously we can be sure of nothing! He who claims to be sure of something for which there is no evidence is a fool, and he who acts on the basis of what cannot be proved is a deceiver. Hence it is clear that those who claim to follow the ancient kings and to be able to describe with certainty the ways of Yao and Shun must be either foolish or deceitful. The learning of fools and deceivers, doctrines that are motley and contradictory—such things as these the enlightened ruler will never accept

Because the ruler gives equal ear to the learning of fools and deceivers and the wranglings of the motley and contradictory schools, the gentlemen of the world follow no fixed policy in their words and no constant code of action in their behavior. As ice and live coals cannot share the same container for long, or winter and summer both arrive at the same time, so, too, motley and contradictory doctrines cannot stand side by side and produce a state of order. If equal ear is given to motley doctrines, false codes of behavior, and contradictory assertions, how can there be anything but chaos?

When the scholars of today discuss good government, many of them say, “Give land to the poor and destitute so that those who have no means of livelihood may be provided for.” Now if men start out with equal opportunities and yet there are a few who, without the help of unusually good harvests or outside income, are able to keep themselves well supplied, it must be due either to hard work or to frugal living. If men start out with equal opportunities and yet there are a few who, without having suffered from some calamity like famine or sickness, still sink into poverty and destitution, it must be due either to laziness or to extravagant living. The lazy and extravagant grow poor; the diligent and frugal get rich. Now if the ruler levies money from the rich in order to give alms to the poor, he is robbing the diligent and frugal and indulging the lazy and extravagant. If he expects by such means to induce the people to work industriously and spend with caution, he will be disappointed. Now suppose there is a man who on principle refuses to enter a city that is in danger, to take part in a military campaign, or in fact to change so much as a hair of his shin, though it might bring the greatest benefit to the world. The rulers of the time are sure to honor him, admiring his wisdom, praising his conduct, and regarding him as a man who despises material things and values his life. Now the ruler hands out good fields and large houses and offers titles and stipends in order to encourage the people to risk their lives in his service. But if he honors and praises a man who despises material things and values life above everything else, and at the same time expects the people to risk their lives and serve him to the death, he will be disappointed.

When a sage rules the state, he does not depend on people’s doing good of themselves; he sees to it that they are not allowed to do what is bad. If he depends on people’s doing good of themselves, then within

his borders he can count less than ten instances of success. But if he sees to it that they are not allowed to do what is bad, then the whole state can be brought to a uniform level of order. Those who rule must employ measures that will be effective with the majority and discard those that will be effective with only a few. Therefore they devote themselves not to virtue but to law.

If you depend on arrow shafts' becoming straight of themselves, you will never produce one arrow in a hundred generations. If you depend on pieces of wood's becoming round of themselves, you will never get a cartwheel in a thousand years. If in a hundred generations you never find such a thing as an arrow shaft that makes itself straight or a piece of wood that makes itself round, then how is it that people all manage to ride around in carriages and shoot down birds? Because the tools of straightening and bending are used. And even if, without the application of such tools, there were an arrow shaft that made itself straight or a piece of wood that made itself round, a good craftsman would not prize it. Why? Because it is not only one man who wants to ride, and not just one shot that the archer wants to make. And even if, without depending upon rewards and punishments, there were a man who became good of himself, the enlightened ruler would not prize him. Why? Because the laws of the state must not be ignored, and it is more than one man who must be governed. Therefore a ruler who understands policy does not pursue fortuitous goodness, but follows the way of certain success.

Similarly, when the Confucians of the present time counsel rulers, they do not praise those measures which will bring order today, but talk only of the achievements of the men who brought order in the past. They do not investigate matters of bureaucratic system or law, or examine the realities of villainy and evil, but spend all their time telling tales of the distant past and praising the achievements of the former kings. And then they try to make their words more attractive by saying, "If you listen to our advice, you may become a dictator or a king!" They are the shaman priests of the rhetoricians, and no ruler with proper standards will tolerate them. Therefore the enlightened ruler works with facts and discards useless theories. He does not talk about deeds of benevolence and righteousness, and he does not listen to the words of scholars.

Nowadays, those who do not understand how to govern invariably 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 men like Yi Yin and Guan Zhong—you could simply listen to what the people say. The reason you cannot rely upon 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 him 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 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 avaricious. 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 insure order and safety to the state, and yet the people do not have sense enough to rejoice in them. The ruler seeks for men of superior understanding

and ability precisely because he knows that the wisdom of the people is not sufficient to be of any use. In ancient times Yu opened up channels for the rivers and deepened the waterways, and yet the people gathered tiles and stones to throw at him; Zichan opened up the fields and planted mulberry trees, and yet the men of Zheng spoke ill of him. Yu profited the whole world, Zichan preserved the state of Zheng, and yet both men suffered slander—it is evident from this, then, that the wisdom of the people is not sufficient to be of use. In appointing men, to seek among the people for those who are worthy and wise; in governing, to try to please the people—methods such as these are the source of confusion. They are of no help in ensuring good government.

[translated by Burton Watson, 1964]