

# Submerged by Absolute Power: The Ruler's Predicament in the *Han Feizi*\*

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HAN Fei is commonly perceived as one of the most authoritarian-minded thinkers in China's history. I am not aware of any single text that can equal the *Han Feizi* in its almost obsessive preoccupation with the need to preserve the ruler's authority and its repeated warnings about the manifold dangers that face him. This focus on the ruler's power seemingly justifies the identification of HAN Fei "as the most sophisticated theoretician of autocracy" (Wang and Chang 1986: 12). Yet what is the bottom line of HAN Fei's "theory of autocracy"? Scholars differ considerably with regard to this point. Thus, HSIAO Kung-chuan 蕭公權 states that HAN Fei dictated the "absolute obedience" of servitors and people alike to the ruler's will so that "the ruler in his own person became the ultimate objective of politics and its sole standard" (Hsiao 1979: 385–386). Alternatively, WANG Hsiao-po and Leo Chang argue that "HAN Fei and Fa-chia [法家, the "Legalist school"] may well have been genuinely concerned about the urgency of bringing about political order and a measure of socio-economic security for all" and that elevation of the ruler was ultimately aimed at "benefiting the people" (i.e. *limin* 利民) (Wang and Chang 1986: 117). In contrast, Paul R. Goldin argues that the so-called "public interest" (*gong* 公) advocated by HAN Fei is actually "the self-interest of the ruler" (Goldin 2005: 59 and "Introduction," this volume). A.C. Graham, on the other hand, avers that equation of the "public" with the ruler may fit SHANG Yang, but not HAN Fei, whose system actually makes sense only "if seen from the viewpoint of the bureaucrat rather than the man at the top" (Graham 1989: 290–292). Naturally, each scholar marshals impressive evidence in favor of his assessment.

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Radically different interpretations of HAN Fei's legacy are not surprising. After putting aside scholars' ideological agendas (which are evident in Hsiao's writings),<sup>1</sup> these differences may reflect essentially contradictory nature of many of HAN Fei's statements. HAN Fei frequently puzzles a reader. Thus, in one chapter ("The Prominent Teachings") he ridicules those who call upon the ruler "to attain the people's heart" (*de min zhi xin* 得民之心), while elsewhere ("Merit and Fame," 功名) he considers this an essential precondition for the ruler's success (CHEN Qiyou 2000: 19.50.1147 vs. 8.28.551). In one place ("The Five Vermin" 五蠹) he dismisses filiality as politically subversive, while elsewhere ("Loyalty and Filiality" 忠孝) he hails it as a crucial political virtue (CHEN Qiyou 2000: 19.49.1104 vs. 20.51.1151). Sometimes ("The Difficulties of Persuasion" 說難) he presents himself as a cynical manipulator of the ruler for the sake of personal advancement; but on other occasions ("Asking Tian" 問田) he claims to be a courageous martyr, eager to sacrifice himself for the sake of his principles (CHEN Qiyou 2000: 4.12.254 vs. 17.42.955; see Goldin, "Introduction" to this volume for further examples).

How should we understand these ostensible contradictions that permeate the *Han Feizi*? Among many explanations to the text's alleged inconsistencies the most frequent (and the least convincing) one is an attempt to claim that ideologically distinct chapters were composed by different writers. This approach, which flourished in particular in the first half of the twentieth century, is usually based on arbitrary judgment of the scholar as to what constitutes ideological "integrity" of the text, and subsequent designation of any section that does not fit this Procrustean bed of "ideological integrity" as a later interpolation. This rigid imposition of ideological uniformity is in general unconvincing, and it becomes particularly misleading when we deal with a multi-faceted text like the *Han Feizi*. When the ideological criteria are left aside, the number of demonstrably spurious chapters in the *Han Feizi* shrinks, and most of these are of minor ideological importance.<sup>2</sup> The reasons for the alleged inconsistencies should be sought elsewhere.

It is useful to remind the reader that the *Han Feizi*, like other major texts attributed to philosophical masters of the Warring States period, was not designed as "book." Rather, the current text is a collection of essays, supposedly produced by HAN Fei at different stages of the thinker's intellectual development, at different circumstances, and for a different audience. Quite often what appears at the first glimpse as ideological inconsistency may reflect the thinker's usage of distinct

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<sup>1</sup> Hsiao's vehement attacks on HAN Fei and the Legalists serve him to reject the Neo-Confucian teaching of the "three bonds" (*sangang* 三綱), which is first attested in the "Loyalty and Filiality" ("Zhongxiao" 忠孝) chapter of the *Han Feizi*, and which Hsiao considers a Legalist legacy that contaminated the Confucian teaching. By promulgating this doctrine, "Confucians of Song and Ming times... were unknowingly serving SHEN Dao and HAN Fei, 'acknowledging a bandit to be their father.'" (Hsiao 1979: 386, with Romanization emended). For more on the background behind Hsiao's composition of the *History of Chinese Political Thought*, see HUANG Junjie 2001.

<sup>2</sup> For discussions of the authenticity of the *Han Feizi*'s chapters, see Lundahl 1992; ZHENG Liangshu 1993; JIANG Zhongyue 2000: 3–48, and a special case-study in Sarkissian 2001.

argumentative devices aimed to convince his opponents or prospective employers. This point was convincingly made by Goldin, who argues that “HAN Fei’s avowed opinion simply changes with his intended audience” (Goldin 2005: 62 and “Introduction” to this volume). Goldin then asks provocatively: “Or, perhaps we ought not assume that HAN Fei had personal views at all... The only genuine force in the world is self-interest.” “[He] simply does not affirm a belief in any absolute scale according to which one can rank objectively the disparate interests of all the actors on the stage” (Goldin 2005: 62).

I concur with much of Goldin’s analysis; but I think he went too far in the latter statements. I hope to demonstrate below that HAN Fei shared a broad belief of his contemporaries in the monarchic order as the only means to maintain intact human society, driven apart by conflicting personal interests. It is for the sake of this order that the ruler’s authority had to be strengthened infinitely, and HAN Fei, more than any other thinker had committed himself to this goal, seeking to protect the ruler against his major foes, particularly against members of the ruler’s entourage (see below, and Goldin, “Introduction” in this volume). Yet HAN Fei, with his remarkable political perceptiveness, realized that aside from external dangers to the ruler’s authority, the major threat comes from within: namely from the ruler’s own inadequacy. The solution to this inherent problem of rulership was to reduce the ruler’s personal intervention into policy-making to the degree of almost complete nullification of the ruler’s personality. Yet, in a paradoxical way, this meant shifting the real source of authority from the ruler to the members of his entourage—precisely the proposal which HAN Fei had repeatedly criticized, and which he in the end might have come to endorse.

## Foundations of the Ruler’s Authority

The Warring States period, the formative age of Chinese political thought, is marked by unparalleled intellectual flowering. This age is renowned for bitter ideological controversies; and yet beneath the immense variety of ideas put forward by competing thinkers, we can discern certain common beliefs. Of these, the ideology of monarchism is arguably the most prominent (LIU Zehua 2000). Facing a worsening political crisis inherited from the preceding Springs and Autumns period (*Chunqiu* 春秋, 770–453 BCE), when a ruler was a mere *primus inter pares* (Pines 2002a: 136–46), thinkers of the Warring States came to the conclusion that strong monarchical authority is the *sine qua non* for proper functioning of the society and the state and put forward multiple justifications for the exaltation of the ruler’s power. Some, like Confucian ritualists (*Ru* 儒), promulgated the idea of the ruler as the pinnacle of the ritual and *mutatis mutandis* sociopolitical order; others (e.g. Mozi and Mencius) emphasized the ruler’s role as the moral guide of the society; others, such as authors of the *Laozi* and their followers, provided metaphysical stipulations for monarchic rule; and yet others,

including HAN Fei's important predecessors, such as SHANG Yang, SHEN Dao, and Xunzi, emphasized the ruler's exceptional contribution to the sociopolitical order (Pines 2009: 25–53; 82–97). HAN Fei, a latecomer to the Warring States intellectual scene, inherited what well might have been the richest and most sophisticated monarchistic ideology in human history.

With this understanding in mind, we may turn now to the analysis of the ideology of monarchism in the *Han Feizi*. One of the puzzling elements of his thought is the relative paucity of theoretical elaborations regarding overall justifications for the ruler's power. A thinker dubbed “the most sophisticated theoretician of autocracy” appears much less interested in philosophical stipulations of “autocracy” than many of his contemporaries and immediate predecessors, such as Xunzi or the authors of *Springs and Autumns of Mr. Lü* (*Lüshi chunqiu* 呂氏春秋).<sup>3</sup> This paucity of philosophical discussions about the concept of rulership contrasts markedly with the immense richness and originality of HAN Fei's pronouncements on the need to safeguard the ruler's authority. Below we shall address the reasons for this surprising lack of balance between HAN Fei's immense preoccupation with the empowerment of the monarch and his indifference toward broader justifications of the monarchic rule; but first let us check those few passages in which the thinker does address general issues of rulership.

HAN Fei's philosophical elaborations on the ruler's position are largely concentrated in the first two *juan* of the received text, particularly in “Brandishing Authority” (“Yangquan” 揚權). Here, HAN Fei directly links the unifying power of the sovereign with that of the Way:

The Way is great and formless; Virtue (*De* 德) embeds its pattern and is all-reaching. As it arrives at all the living, it makes use of them after deliberations: the myriad things all prosper, but they are not tranquil together with it. When the Way is involved in everyday matters, it investigates them and then decrees their destiny, giving them time for life and death. (CHEN Qiyou 2000: 2.8.152)

HAN Fei begins with a sophisticated elaboration on the nature of the Way and Virtue: the Way is presented as a highly abstract cosmic force, the source of the life and death of myriad things. Yet after this short preface the author immediately focuses on what matters to him: the principles of rulership:

Surveying the names of different matters, we should penetrate their identical substance. Hence it is said: The Way is not identical to the myriad things; Virtue is not identical to *yin* and *yang*; weight is not identical to light and heavy; rope is not identical to exiting and entering; harmony is not identical to dry and wet, the ruler is not identical to the ministers. All these six derive from the Way. The Way has no pair; for that reason it is named “the One.” Hence the enlightened ruler values the singular appearance of the Way. The ruler and the ministers have different ways: the underlings are appraised according to the names: the ruler embraces the name [*ming* 名], the minister employs its form [*xing* 形]; when the form and the name match each other, the superior and the inferior are in harmony. (CHEN Qiyou 2000: 2.8.152)

<sup>3</sup> See, e.g., Wang Xianqian 1988: 5.9.165; 12.18.321; 9.14.263; 13.19.374; 17.24.450 *et saepe*; CHEN Qiyou 2002: 20.1.1321–22. See more details in Pines 2009: 41–50 and 82–97.

HAN Fei's equation of the ruler with the Way buttresses the singularity and the absoluteness of the ruler's power; elsewhere, the ruler is compared to Heaven and Earth, and his executive powers are said to match the force of lightning and thunder (CHEN Qiyou 2000: 2.5.81; 8.29.559). These similes abound in texts from the Warring States period which absorbed the influence of the *Laozi*, especially those identified with the so-called Huang-Lao tradition, with which Han Fei is sometimes associated.<sup>4</sup> It is highly likely that the equation of the ruler with the Way in the *Han Feizi* derives from earlier sources; and the focus of the text, in any case, is not the metaphysical stipulations of the ruler's authority but practical recommendations which follow closely after the philosophical digression. Thus the above passage from "Brandishing Authority" is followed by explanations that the ruler should preserve his singular authority and not delegate it to the underlings; in other "philosophical" chapters, such as "The Way of the Ruler" ("Zhudao" 主道) or "The Great Body" ("Dati" 大體), similar pronouncements are used to promote the concept of the ruler's quiescence (see below). Invariably, practical considerations overshadow theoretical constructs, supporting Goldin's observation that "HAN Fei reduces the Way to the Way of the ruler" (Goldin 2005: 65).

In addition to the *Laozi*-related speculations, HAN Fei presents other rationales for safeguarding the ruler's authority. The most interesting of these appears in the chapter ominously named "Treacherous, Larcenous, Murderous Ministers" ("Jian jie shi chen" 姦劫弑臣), one of the most interesting and rarely discussed chapters of the *Han Feizi*. There the thinker depicts the blessed results of the rule of the Sage monarch:

The Sage investigates the substance of truth and fallacy, delves into the essence of order and calamity. Hence he orders his state, corrects and clarifies the laws, makes punishment visible and severe. Thereby he intends to save all the living creatures from calamity, to eradicate the disasters of All under Heaven, to prevent the strong from lording it over the weak and the many from impinging on the few. [He lets] the old follow [their predestined course of life], the young and the orphans grow up. The borders are not invaded; the ruler and ministers are intimate; fathers and sons protect each other; there are no worries of [premature] death and [enemy's] captivity: this is the greatest of the merits. Yet stupid people do not understand it but rather consider him oppressive. (CHEN Qiyou 2000: 4.14.287)

The usage of the "Sage" (*shengren* 聖人) as the ruler's epithet is relatively rare in the *Han Feizi*; and even when it is employed, as in the above passage, this term usually lacks the superhuman connotations that are ubiquitous in contemporaneous texts (Puett 2002). Rather, a sage (or an "enlightened ruler," *mingjun* 明君) refers here to a sovereign who relies on impartial laws and techniques of rule, employs worthy ministers and is not duped by talkative aides. Thus, the "sage" is simply an

<sup>4</sup>For HAN Fei's association with the "Huang-Lao school," see SIMA Qian 1959: 63.2146. HAN Fei's relation to the *Laozi* tradition is buttressed by the fact that two chapters of the *Han Feizi*—"Explaining Lao" (解老) and "Illustrating Lao" (喻老)—are the earliest known commentaries on the *Laozi*. In my discussion, though, I do not utilize these two chapters because their provenance is hotly disputed (see the chapter by Queen in this volume; also Sarkissian 2001). For the ideology of monarchism in the *Laozi* and its influence on the Warring States period thought, see Pines 2009: 36–44.

adequate ruler; and it may be inferred that any adequate sovereign would be able to bring about the blessed state of social harmony, personal security and universal prosperity as outlined above. This view of the ruler as the guarantor of sociopolitical order, and especially his contribution to quelling contests and injustices permeates the texts of the Warring States period.<sup>5</sup> Once again, it is likely that HAN Fei absorbed it from his predecessors: for him, the topic of the overall contribution of the ruler to the well-being of humankind remains generally marginal.

With these points in mind, it is time to ask why Han Fei mostly shuns discussion of the ideological foundations of the ruler's power. One possible answer would be that HAN Fei eschews general political theories, which might have appeared to him as too speculative and too inadequate in dealing with the real world, driven as it is by selfish interests of political actors (cf. Goldin 2005: 58–65). An alternative explanation would be that HAN Fei did not consider it necessary to engage in theoretical discussions about the ruler's authority because for him—and perhaps for most of his audience—the exalted position of the ruler had become axiomatic and did not require further elaboration. HAN Fei focused consequently on what was his major ideological innovation, namely elaborating ways to enhance the ruler's power vis-à-vis his opponents, particularly vis-à-vis the “treacherous, larcenous, murderous ministers.” HAN Fei employs general justifications of the ruler's power primarily as an argumentative device, that is, when they allow him to strengthen persuasiveness of his policy recommendations or to refute the doctrines of his opponents. This manipulative usage of general political principles is evident in “Loyalty and Filiality” (“Zhongxiao” 忠孝):

All under Heaven affirms the Way of filiality and fraternity, of loyalty and compliance, but they are unable to investigate the Way of filiality and fraternity, of loyalty and compliance, and to implement it precisely; hence All under Heaven are in chaos. Everybody affirms the Way of Yao and Shun, and models himself accordingly; hence some murder their rulers and some behave hypocritically toward their fathers. (CHEN Qiyou 2000: 20.51.1151).

HAN Fei starts with the confirmation of universal validity of the mutually reinforcing principles of monarchic and parental authority. The proximity of “loyalty” and “filiality” is often viewed as characteristic of Confucian ideology, but HAN Fei suggests that both concepts were popular throughout “All under Heaven,” and I see no compelling reasons to reduce their usage to any single putative school of thought. Indeed, HAN Fei himself, despite a few cynical remarks about filial piety, is likely to have accepted in principle its primacy, just like that of loyalty.<sup>6</sup> Yet what matters for him in “Loyalty and Filiality” is not the validation of these values as such, but

<sup>5</sup> See, e.g., JIANG Lihong 1996: 2.7.51–58; SHEN Dao's fragments in Thompson 1979: 264–65; Wang Xianqian 1988: 5.9.165 and 171; 9.14.263; CHEN Qiyou 2002: 20.1.1321–22.

<sup>6</sup> For HAN Fei's ridicule of the primacy of filial piety, see, e.g., CHEN Qiyou 2000: 19.49.1104; compare his identification of the ruler's mother as one of the threats to his power (CHEN Qiyou 2000: 18.48.1053). Yet these and similar statements indicate the thinker's awareness of the limitations of the filial feelings to regulate sociopolitical life, but not his rejection of the principle of filiality. For HAN Fei's views of loyalty, see my discussion below in the text; also Kosaki 2005.

their usefulness in assaulting his opponents' blind adherence to the legacy of former paragons. HAN Fei explains that legendary sovereigns who allegedly yielded power to worthy candidates, and dynastic founders who seized the throne from the tyrants, violated the fundamental principles of loyalty and filiality, and hence should be censured:

Yao and Shun, Tang and Wu: each of them opposed the propriety of ruler and minister, wreaking havoc in the teachings for future generations. Yao was a ruler who turned his minister into a ruler; Shun was a minister who turned his ruler into a minister; Tang and Wu were ministers who murdered their masters and defamed their bodies; but All under Heaven praise them. Therefore until now All under Heaven lacks orderly rule. After all he who is called a clear-sighted ruler is one who is able to nurture his ministers; he who is called a worthy minister is one who is able to clarify laws and regulations, to put in order offices and positions, and to support his ruler. Now Yao considered himself clear-sighted but was unable to feed Shun;<sup>7</sup> Shun considered himself worthy but was unable to support Yao; Tang and Wu considered themselves righteous but murdered their rulers and superiors. This means that the clear-sighted ruler should constantly give, while a worthy minister should constantly take. Hence until now there are sons who take their father's house and ministers who take their ruler's state. When a father yields to a son, and a ruler yields to a minister, this is not the Way of fixing positions and unifying teachings. (CHEN Qiyu 2000: 20.51.1151)

The idea of abdicating the throne in favor of a worthier candidate and, to a lesser degree, the concept of righteous rebellion, were popular throughout much of the Warring States period, and were considered by some as an appropriate means of placing a truly capable monarch on the throne (Pines 2005; 2008). HAN Fei detested both ideas as detrimental to political stability, based as it was on the absoluteness of the monarch's power. In the passage above he shrewdly employs the common premise of pre-imperial thinkers that maintaining the ruler's position is crucially important for the preservation of the moral social order based on "filiality, fraternity, loyalty, and compliance." If the ruler is the apex of this order, then any assault on his position is deplorable, and the hereditary monarchy itself is sacrosanct. Therefore, the most important task of a thinker and a statesman is to preserve and strengthen the ruler's authority, rather than just provide abstract ideas in its favor. Indeed, this is precisely the task on which HAN Fei focuses throughout most of his book.

## Safeguarding the Ruler's Power

HAN Fei is usually depicted as a great synthesizer of the "Legalist thought"; yet aside from his creative adaptation of the predecessors' legacy, he provides important novel departures. Among these, HAN Fei's multi-faceted commitment to safeguarding the ruler's authority stands out as his most outstanding contribution to

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<sup>7</sup> HAN Fei refers here to the story of Shun's humble position under Yao's rule before his sudden elevation by Yao.

Chinese political theory. No other thinker—not even SHANG Yang and SHEN Buhai, whose views HAN Fei incorporated—ever identified themselves so squarely with preserving the ruler’s interests. Nor did any known thinker dare to repeat HAN Fei’s harsh statements against the ruler’s entourage, identifying each one within the ruler’s reach as potentially a mortal enemy of the monarch. Thus, while SHANG Yang and SHEN Buhai did pay attention to ministerial machinations and treachery, their major goal was to strengthen the ruler’s authority vis-à-vis the populace in general. HAN Fei changes the focus: his major concern is empowering the ruler vis-à-vis his aides, the “treacherous, larcenous, murderous ministers” (LIU Zehua 1996: 335ff).

Contradictions and tensions between rulers and ministers were a source of great concern to Chinese political thinkers ever since the late Springs and Autumns period, when coups, usurpation attempts, and armed conflicts between sovereigns and their underlings wreaked havoc in most polities (Pines 2002a: 136–162). Yet how to resolve the conflict at the top of the government apparatus was a matter of bitter ideological controversy. Some thinkers, especially the followers of Confucius, sought a moral solution: namely, staffing the officialdom with upright and cultivated “superior men,” whose integrity would prevent conflict of interest with the rulers, while simultaneously urging the rulers to respect and trust their aides. Other thinkers adopted a more pessimistic stance: lacking faith in the ruler’s perspicacity, they recommended that intellectuals disengage from the throne altogether and boycott the courts. Others, including HAN Fei’s ideological predecessors, adopted, in contrast, radical pro-ruler views. In particular, SHEN Buhai and his followers recommended that the ruler enhance his authority by curbing the power of his ministers and by maintaining strict control over office-holders in general. HAN Fei adopted many of SHEN Buhai’s recommendations, but he moved far beyond SHEN Buhai in the direction of what may be called anti-ministerialism.

HAN Fei repeatedly warns the ruler against ministerial treachery, which, unlike in the writings of other thinkers, is perceived not as an aberration but as a rule in ruler-minister relations. For HAN Fei, it is entirely naïve and unrealistic to expect moral and selfless behavior of the ministers; self-interest is pervasive, and there are no “superior men” who are free of it (LIU Zehua 1996: 319–321; Goldin 2005; but see the last section below for exceptions). Thus HAN Fei ridicules hypocritical criticisms of YANG Hu 陽虎, Confucius’ contemporary and antagonist, who was considered by many as an emblematic “treacherous minister”:

Some people say: in a household of one thousand measures of gold, sons lack fraternal feelings because they are too anxious about benefit. Lord Huan 桓公 [of Qi 齊, r. 685–643 BCE] was the foremost of the five hegemon, but in struggling for his state he murdered an elder brother—this is because the benefit was great. Between ruler and minister, there is no intimacy of relatives. If, by robbery and murder, one can attain control of a thousand-chariot state and the pleasure of a huge benefit, which of the multitude of ministers would differ from Yang Hu?

An affair is completed by subtle and skillful [action]; it is defeated by clumsy and foolish [action]. If the multitudes of ministers still have not risen to make trouble, this is because they are still not prepared. . . . The loyalty or deceitfulness of the ministers depend on the ruler’s behavior. When the ruler is clear-sighted and stern, the ministers are loyal; when the ruler is cowardly and benighted, the ministers are deceitful. (CHEN Qiyou 2000: 16.39.928)



HAN Fei leaves no doubt: a minister is potentially a mortal enemy of the ruler. A sovereign should not rely on ministerial loyalty, nor should he condemn ministerial deceitfulness, since when the highest prize is at stake, moral rules play no role. Every minister is a potential traitor, each harbors YANG Hu's heart; and it is only stern surveillance by the ruler that prevents his ministers from carrying out their treacherous plans. In "Brandishing Authority," HAN Fei elaborates:

The Yellow Emperor said: "A hundred battles a day are fought between the superior and his underlings." The underlings conceal their private [interests], trying to test their superior; the superior employs norms and measures to restrict the underlings. Hence when norms and measures are established, they are the sovereign's treasure; when the cliques and cabals are formed, they are the minister's treasure. If the minister does not murder his ruler, this is because the cliques and cabals are not formed. Hence, when the superior loses half-inches and inches, the underlings find yards and double-yards. The ruler who possesses the capital does not enlarge secondary cities;<sup>8</sup> the minister who possesses the Way does not esteem his kin; the ruler who possesses the Way does not esteem his ministers. (CHEN Qiyou 2000: 2.8.170)

This is an amazing saying: the minister is, by his nature, deceitful and murderous, and his failure to murder the sovereign is simply a sign of insufficient preparations, not an unwillingness to do so. HAN Fei compares ministers to hungry tigers, who are ready to devour the ruler unless he is able to overawe them (CHEN Qiyou 2.8.164; cf. 1.5.74–75); their threat to the monarch is inherent in their position, and it can be avoided only through proper implementation of methods and techniques of rule rather than through moral suasion.

HAN Fei's obsession with the issue of regicide and usurpation is quite odd, given the rarity of such events during his lifetime; probably by scaring the ruler, he hoped to elicit the sovereign's trust.<sup>9</sup> His warnings are not restricted to the ministers alone: the ruler should be afraid of any person around him. His wife, his beloved concubine, his elder son and heir—all hope for his premature death because this may secure their position. Threats come also from the ruler's brothers and cousins, from uncles and bedfellows, from dwarfs and clowns who entertain him, from dancers in his court; and, of course from the talkative "men-of-service" (*shi* 士) who conspire with foreign powers to imperil his state. The ruler should trust no one; every single person should be suspected; and minimal negligence can cost a ruler his life and his power (CHEN Qiyou 2000: 2.9.181–82; 5.16.316–17; 5.17.321; 16.39.928).

<sup>8</sup> The potential of a secondary city to rival the capital and become the base for a rebellion was well recognized already in the Springs and Autumns period, when several such rebellions occurred; see, for example, YANG Bojun 1981: 1.11–12.

<sup>9</sup> During a century and a half following the demise of the ruling houses in Jin 晉 (403 BCE) and Qi 齊 (386 BCE), ministerial usurpations took place only in minor states, such as Song 宋, one of the Zhou 周 royal principalities, and in the state of Yan 燕, where the king was tricked to abdicate in favor of his minister Zizhi 子之. This paucity of usurpations suggests that HAN Fei's "rule" of ministerial treachery was actually an exception. Throughout the Warring States period, only six rulers were murdered by their subordinates, in sharp distinction to the Springs and Autumns age, which witnessed well over fifty cases of regicide (YIN Zhenhuan 1987: 21). Was Han Fei reflecting upon the experience of the Springs and Autumns period rather than that of the Warring States? Or was he aware of plots that never materialized and hence left no traces in the historical record?

HAN Fei's paranoid ruler, who resembles the dictator in Gabriel García Márquez's *Autumn of the Patriarch* (*El otoño del patriarca*, 1975), is not doomed, however. While he should not trust his advisors, he must be able to outmaneuver them and even to utilize them in his service. HAN Fei states, with his usual candor:

A minister brings to the rulers' market [his ability] to exhaust his force to the point of death; a ruler brings to the ministers' market [his ability] to bestow ranks and emoluments. Ruler-minister relations are based not on the intimacy of father and child, but on the calculation [of benefits]. When the ruler possesses the Way, the ministers exert their force, and the treachery is not born; when he lacks the Way, the ministers impede the ruler's clear-sightedness above, and accomplish their private [interests] below. (CHEN Qiyou 2000: 15.36.851–52)

How then does the ruler outplay his ministers? First, he should be keenly aware of the importance of the sovereign's power of authority (*shi* 勢). Practically, this means that he should firmly hold on two major handles of power—rewards and punishments—thereby determining the life and social position of his underlings. These, in addition to the right to appoint and dismiss his aides, are the ruler's exclusive prerogatives that should never be relegated to his ministers (CHEN Qiyou 2000: 2.7.120–21). Second, the ruler should be “enlightened/clear-sighted” (*ming* 明) enough to avoid being duped by the members of his entourage and to determine real worth of his aides. Third, the ruler should fully utilize the repertoire of methods and techniques aimed at enhancing his power and at reining in his underlings. He should check his ministers' reports, investigate their performance, and make it clear that only those who properly fulfill their tasks will be rewarded and promoted. HAN Fei explains:

A sovereign who wants to suppress treachery must investigate jointly the form and the name, the difference between the words and the task. The minister exposes his words; the ruler assigns him a task in accordance with his words, and determines [the minister's] merit only according to his performance. When the merit matches the task, and the performance matches the words, [the minister] is rewarded; when the merit does not match the task and the performance does not match the words, he is punished. ... Thus, when the enlightened ruler nourishes his ministers, the minister should not claim merit by overstepping [the task definitions of] his office, nor should he present his words which do not match [his performance]. One who oversteps his office is executed; one who [se words] do not match [his performance] is punished;<sup>10</sup> then ministers are unable to form cabals and cliques (CHEN Qiyou 2000: 2.7.127).

HAN Fei's solution appears at the first glance neat enough; but there is a catch. The “enlightened” sovereign would seem to need almost superhuman abilities, navigating his way amidst treacherous and malevolent ministers and distinguishing truth from falsehood in their reports. To do this, he must rely on an independent flow of reliable data about the ministers' performance; yet who would deliver these data aside from the members of the unreliable ministerial stratum? HAN Fei was aware of this difficulty and tried to resolve it:

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<sup>10</sup> Following CHEN Qiyou's gloss (CHEN Qiyou 2000: 129–30), I omit a sentence here that appears to be an old gloss misplaced into the text.

If the sovereign personally inspects his hundred officials, the whole day will not be enough; his power will not suffice. Moreover, when the superior uses his eyesight, the underlings embellish what he sees; when he uses his hearing, the underlings embellish what he hears; when he uses his contemplation, the underlings multiply their words. The former kings considered these three [methods] as insufficient: hence they cast away personal abilities and relied on laws and [administrative] methods examining rewards and punishments. The former kings preserved the principles [of rule]; hence the laws were clearly understood and not violated. They ruled single-handedly within the seas; [hence] the clever and astute were unable to employ their trickery; the malicious and impetuous were unable to expose their flattery; the vicious and evil had nothing to rely upon. At the distance of one thousand *li*, none dared to deviate from their words; and those in the corridors of power dared not conceal the good and embellish the evil. Among the multitudes at the court, those who gathered and those who stayed alone did not overstep each other.<sup>11</sup> Hence there was more than enough daytime to achieve orderly rule: it was because the superior relied on the power of his authority. (CHEN Qiyou 2000: 2.6.107)

HAN Fei backpedals here from the expectations of the ruler to be “enlightened”; rather, the sovereign’s abilities are expected to be limited, and his perspicacity should not prevent him from being deceived by the scheming ministers. The solution is the employment of “laws and methods” (*fashu* 法數), which would prevent underlings from manipulating the truth. But how exactly will this happen? Who—aside from selfish and malevolent ministers and aides—would be able to provide the ruler with sufficient data so as to judge ministerial performance? HAN Fei again does not clarify this, and in my eyes the omission is not coincidental. I believe that HAN Fei’s insistence on the advantages of “laws and methods” for maintaining the ruler’s authority is but a smokescreen; what the thinker wanted most was to subjugate the ruler to impartial “laws and methods” and to limit thereby the ruler’s intervention in everyday political life. We shall turn now to the major paradox of HAN Fei’s model of rulership: his ideal of an omnipotent and yet utterly depersonalized sovereign.

## The Invisible Ruler

Hsiao Kung-chuan, who does not conceal his dislike of HAN Fei’s “absolute authoritarianism,” notices that over-reliance on the ruler’s abilities is the weakest aspect of the “Legalist” thought. He writes:

It becomes apparent that [HAN Fei’s] method would have required a ruler of unusual talent and wisdom. For he would have to be a person occupying the most elevated position possible, in whose hands lay the highest authority possible, and who could with luminous perception ferret out all the innumerable villainies, who could fully control the many officials of state, who would never lapse into gratification of his private tastes, who would not be taken in by close associates and sycophants... who would never display his likes and dislikes. ... Rulers of this description, or even those slightly resembling this description, were few and far between in the two thousand years of imperial history. (Hsiao 1979: 419)

<sup>11</sup> According to WANG Xianshen 王先慎 (1859–1922), “those who gathered” refers to powerful ministers with large private retinue.

The discussion in the previous section seems at the first glance to lend support to Hsiao's observation, inasmuch as HAN Fei insists that only an "enlightened" sovereign would be able to preserve his authority intact. Yet as we have seen, HAN Fei remains deeply skeptical of the ruler's abilities. Actually, inasmuch as he sanctified hereditary monarchy, he could not but accept the high probability that the throne would be occupied by a mediocrity, whose only virtue was his pedigree; and as he did not believe in the possibility of effective moral upbringing of the sovereign, he could not expect that the ruling mediocrity be significantly bettered by instruction. This understanding is rarely made explicit—after all, HAN Fei himself hoped to find an employer among the rulers—but it is nonetheless discernible throughout much of the text. HAN Fei's low esteem of the ruler's qualities is the major reason for his advocacy of impartial "laws and methods" as the best way to ensure order and stability. This understanding appears fully in HAN Fei's polemics with his opponents who argued that his political system may serve a wicked tyrant:

You say: "We must wait for a worthy and then the government will be ordered." This is wrong... I am speaking of the power of authority which is relevant to everybody; it has nothing to do with worthiness. ... [Sages like] Yao and Shun, [or tyrants like] Jie and Zhòu appear once in one thousand generations; they are like a living creature whose shoulders are behind his heels. Generations of rulers cannot be cut in the middle, and when I talk of power of the authority, I mean the average. The average is he who does not reach Yao or Shun above, but also does not behave like Jie or Zhòu below. When one embraces the law and acts according to the power of his authority, then there is orderly rule; when one turns his back on laws and on the power of authority, there is calamity. Now, if we abandon authority, turn back to law and wait for Yao and Shun, so that when Yao and Shun arrive there will be order, then in a thousand generations, only one will be well ruled. If we endorse the law and locate ourselves within the power of authority, and then await Jie and Zhòu so that when they arrive there will be calamity, then in a thousand generations, only one will be calamitous. So, to have one orderly generation among thousand calamitous ones or to have one calamitous generation among thousand orderly ones—this is like galloping [in opposite directions] on the thoroughbreds 騏驎 and 騏驎: the distance between them will be great! (CHEN Qiyou 2000: 17.40.945-46)

Impartial laws and regulations that allow the ruler to utilize his power to the utmost are preferable to the naïve expectations for a moral monarch. But there is more. By explicitly stating that his major concern is with *average* rulers, HAN Fei qualifies his pronouncements in favor of "enlightened" sovereigns. While the adjective *ming* 明 frequently means not merely clear-sighted but "numinous," an epithet of deities (and as such it may be synonymous with the term "sage"), for HAN Fei the descriptor is applicable to an average monarch. The ruler's "enlightenment" is ultimately equivalent to unwavering adherence to legal and institutional arrangements; his personal abilities—if any—should not be displayed, and his personal input in policy-making is unwelcome (CHEN Qiyou 2000: 20.55.1189). Thus the ruler is repeatedly advised to restrict his personal desires and whims, to rely on law and on methods of rule rather than on his personal knowledge, and to rein in his personal likes and dislikes: "He who relies on personal abilities is the worst ruler"; "The sage, in ordering the people, measures what is fundamental and does not follow his desires; he just hopes to benefit the people, and that is all"; "When the sovereign abandons the law and behaves selfishly, there would be no difference between the

rulers and the ruled”; “When the ruler has selfish kindness, the ruled have selfish desires” (Chen Qiyou 2000: 18.48.1049; 20.54.1176; 2.6.111; 17.45.998). These and similar pronouncements<sup>12</sup> clearly indicate that HAN Fei disapproves of the sovereign's individual input in policy-making.

This disapproval may sound puzzling for those accustomed to see HAN Fei as supporter of “monarchic despotism” (Hsiao 1979: 386). In HAN Fei's ruler-centered polity one could have expected that the ruler, as the embodiment of the state and the Way itself, would not be restricted by any external regulations. This can be inferred for instance from Goldin's astute observation that the term *gong* 公 (“public”), as employed in the *Han Feizi*, refers not to a real “public interest” but rather to self-interest of the ruler (Goldin 2005: 59; cf. LIU Zehua 2003: 361–368). If so, how can we understand repeated requirements of the ruler to rein in his desires and actually to annul his personality in favor of the—supposedly “public”—law?

I think the answer is in subtle bifurcation between two concepts of rulership in the *Han Feizi*. The ruler is first of all an institution, and as such he is beyond criticism: he is the apex of sociopolitical order, the counterpart of the Way, the embodiment of abstract principles that govern the cosmos and the society; on this level the ruler's interest is indeed equal to the “public” one. Yet the ruler is also an individual—and as we have seen, quite often a mediocre one. HAN Fei's major concern is to prevent the ruler's flawed individuality from harming the political fabric; and the only way to do so is to dissuade the sovereign from actively intervening into political life. Thus, amid repeated warnings to the ruler not to delegate his power of authority (i.e. personnel promotions and demotions), he also demands that the ruler exercise this power only in accordance with impartial laws and regulations, limiting his personal input in policy-making to the degree of complete invisibility.

This nullification of the monarch is most clearly evident in HAN Fei's insistence on the principle of the ruler's non-action (*wuwei* 無爲). Elsewhere I have noticed that a broad consensus in favor of the ruler's *wuwei*, as observable in the majority of the Warring States period texts, is not incidental but may reflect a subtle desire of most thinkers to neutralize the sovereign and to convince him to relegate much of his power to meritorious aides (Pines 2009: 82–107). In the *Han Feizi*, this desire would be surprising in light of the thinker's vehement criticism of the ministerial power; and yet HAN Fei's advocacy of *wuwei* is quite pervasive. To convince the ruler to adopt the policy of non-action, Han Fei even goes as far as to promise, quite uncharacteristically, that this would be the best way to realize utopia on earth. For instance, in the “The Great Body” (“Dati” 大體) he states:

In antiquity, those who preserved the Great Body watched Heaven and Earth, observed rivers and seas, and relied on mountain valleys. As for whatever is illuminated by the Sun and Moon, influenced by the four seasons, covered by clouds and moved by the wind—they neither wore out the heart by knowledge, nor wore themselves out through private [desires]. They entrusted orderly rule and calamity to laws and techniques [of rule], delegated

<sup>12</sup>Elsewhere, HAN Fei warns the ruler against “relying on his heart” (CHEN Qiyou 2000: 8.27.542); urges him to give up likes and dislikes (2.7.130) and to avoid granting personal favors to ministers at the expense of impartial laws (5.19.355).

[the questions] of truth and falsity to rewards and punishments; made light and heavy follow scales and weights. They did not go against the Heaven's pattern, did not harm their disposition and nature. (CHEN Qiyou 2000: 8.29.555)

In this rare invocation of unspecified antiquity, HAN Fei presents an ideal rule as a curious mixture of the sage rulers' following both natural and human-made laws. This abidance by the norms of the Great Body allowed them to achieve blessed tranquility:

Hence in the age of the perfect peace, laws were like morning dew, simple and not scattered; hearts were without resentment, mouths without superfluous words. Hence horses and chariots were not exhausted by lengthy roads; banners were not mixed in disorderly fashion at great marshes; the myriad people did not lose their predestined life at the hands of robbers and military men; thoroughbreds did not impair their longevity under flags and standards; bravos were neither incising their names on maps and documents nor recording their merit on [bronze] *pan* and *yu* [vessels]; and the wooden planks for the yearly records remained blank. Hence it is said: nothing is more beneficial than simplicity; no good fortune continues longer than peace. (CHEN Qiyou 2000: 8.29.555)

The idyllic situation depicted by HAN Fei testifies to the popularity of the non-action ideal among the Warring States period thinkers; but in the given context it appears like an attempt to lure the ruler into adopting HAN Fei's design for orderly rule. Utopian depictions, however, are rare in the text; HAN Fei employs a variety of different arguments in favor of the ruler's quiescence. Some of those arguments are particularly sophisticated philosophically, such as those in "The Way of the Ruler":

The Way is the beginning of the myriad things, the norm [distinguishing between] the true and the false. Hence the enlightened ruler preserves the beginning to comprehend the origins of myriad things; orders the norms to comprehend the edges of success and failure. Hence empty and tranquil he is awaiting the orders,<sup>13</sup> ordering the names to name themselves, and ordering the affairs to stabilize themselves. Empty—and hence he comprehends the substance of reality; tranquil—and hence he comprehends correctness of action. He who talks, gives names himself; he who acts, creates forms himself; when forms and names unite, the ruler has nothing to do about them and lets them return to their substance. (CHEN Qiyou 2000: 1.5.66)

HAN Fei's recommendations to the ruler to emulate the Way and preserve tranquility are reminiscent of similar passages in several other late Warring States period texts, which are sometimes associated with the so-called Huang-Lao tradition.<sup>14</sup> However, HAN Fei quickly abandons pure philosophical speculation for more practical stipulations for the ruler's quiescence:

Hence it is said: the ruler does not reveal his desires; should he do so, the minister will carve and embellish them.<sup>15</sup> He does not reveal his views; should he do so, the minister will use them to present his different [opinion]. ... The way of the enlightened sovereign is to let the knowledgeable completely exhaust their contemplations—then the ruler relies on them to

<sup>13</sup> Possibly, orders (*ling* 令) here stand for the Decree/destiny (*ming* 命), since otherwise it is unclear whose orders is the ruler would be awaiting.

<sup>14</sup> See, for example, the "Law of the Way" ("Daofa" 道法) and "Assessments" ("Lun" 論) chapters from the *Jingfa* 經法 text from Mawangdui 馬王堆 (*Silk Manuscripts from the Han Tomb at Mawangdui* 1980: 1.1–13 and 55–66; Yates 1997: 50–54 and 80–86); or the "Relying on Law" (任法 "Renfa") chapter of the *Guanzi* (Li Xiangfeng 2004: 15.45.900–1).

<sup>15</sup> That is, the minister will embellish the ruler's desires to entice the ruler to trust him.

decide on matters and is not depleted of knowledge; to let the worthy utilize<sup>16</sup> their talents—then the ruler relies on them, assigns tasks, and is not depleted of abilities. When there is success, the ruler possesses a worthy [name]; when there is failure, the minister bears the responsibility. Thus the ruler is not depleted of his [good] name. Hence, being unworthy, he is the Master of the worthies; being unknowledgeable, he is the corrector of the knowledgeable. The minister works, while the ruler possesses the achievements: this is called the foundations of the worthy sovereign. (CHEN Qiyu 2000: 1.5.67)

This passage presents a curiously contradictory portrait of the ruler. On the one hand, he should be sufficiently intelligent to monitor and manipulate his underlings and avoid their traps; on the other hand, he is also presumed to be potentially unworthy and unknowledgeable. In any case, he is strongly urged to dispense with any manifestations of his personal inclinations and abilities to the point of complete self-nullification. The ruler will benefit twice by preserving secrecy and nullifying his desires. First, he avoids the traps of scheming ministers; and second, he is able to manipulate them and achieve glory and fame. The promise of undeserved fame—an unabashed appeal to his selfishness—serves here to lure the ruler into adopting HAN Fei's views. Hinting at the possibility that the sovereign, albeit unworthy and unknowledgeable, will become the teacher and corrector of his worthy subjects, HAN Fei again discloses his ultimately low expectations of the monarch's morality and wisdom. All-important in their capacity as the apex of sociopolitical order, the rulers are also human beings—and, quite often, inept human beings. It is the goal of the perfect administrative system, envisioned by the author, to allow these mediocre sovereigns to perform their tasks without endangering themselves and, implicitly, without overburdening their subjects.

The results envisioned by HAN Fei—a perfectly functioning administrative machine which preserves the authority of even a mediocre ruler—appear to be a convincing solution to the situation of potentially inept monarchs, but this solution is, again, not free of internal contradictions. First, what happens to the ruler in this system? Astonishingly, the alleged “sage” or “despot” disappears from the political scene, being completely submerged by the system which he ostensibly runs. It may be appropriate here to cite A.C. Graham's assessment, which differs dramatically from that of HSIAO Kung-chuan cited at the beginning of this section:

There is in any case something equivocal in the place of the ruler in HAN Fei's scheme. The ruler himself is reduced to one component in the machinery of the state; the ministers have all the ideas and do all the work, the ruler simply checks shape against name and rewards or punishes accordingly. He has no functions which could not be performed by an elementary computer. ... Might one even say that in HAN Fei's system it is ministers who do the ruling? (Graham 1989: 291)

Graham's provocative and brilliant summary raises the second question regarding HAN Fei's construct. If the ruler remains a symbolic figure, while actual power descends to his ministers, then what should be done about their notorious treachery and conspiracies? It is here that the dividing line between HAN Fei and most other thinkers, including his alleged teacher, Xunzi, becomes clear. Xunzi was a devoted advocate of the system of the ruler's non-action, in which meritorious aides run the polity in the ruler's name and under his nominal control. Yet Xunzi holds firmly

<sup>16</sup> Following LU Wenchao 盧文弨 (1712–1799), I emend *chi* 敕 to *xiao* 效.

to a “ministerial” standpoint; he considers ministers wise and upright individuals who will unwaveringly serve the interest of the ruler and the state (Pines 2009: 90–97; 129–131). For HAN Fei, this is clearly not the case. Having simultaneously neutralized the ruler and discredited the ministers, HAN Fei created a political impasse. Probably he was aware of this inherent weakness of his model; hence, in several of his essays, HAN Fei twists the arguments once again. Rather than demonizing the ministerial stratum as a whole, he puts forward an ideal of a devoted minority within the officialdom: *shi* who have superior understanding of “techniques” (*shu* 術), “methods” (*shu* 數) and “laws” (*fa* 法). It is to these meritorious servants, namely to Han Fei himself and to his followers, that the ruler is urged to relegate his power. We shall turn now to this surprising pro-ministerial U-turn in the text.

## Back to Ministerial Power?

HAN Fei’s invectives against treacherous and manipulating ministers and against useless and selfish intellectuals are probably the most problematic aspect of his legacy. Even if all these philippics were aimed at impressing the rulers with his perspicacity and straightforwardness, they could not but damage both HAN Fei’s standing within the educated elite and, more significantly, his employment opportunities. How, after all, should a ruler treat an intellectual who claimed that no intellectual could be trusted? Is it possible that HAN Fei was blind to the damage he made for his own reputation by sweepingly accusing all the acting and potential courtiers as malevolent plotters, hungry tigers and aspiring usurpers?

The bitter paradox of HAN Fei’s philosophy was realized at the end of his life, when the thinker was slandered at the court of Qin, imprisoned and reportedly forced to commit suicide before being able to present his views to the King of Qin. As was frequently noticed, HAN Fei fell victim to the very atmosphere of suspicion and mistrust that his writings helped to promulgate (e.g., JIANG Zhongyue 2000: 226–37). SIMA Qian might have thought of this bitter irony when he said that HAN Fei authored two of his most famous essays: “Difficulties of Persuasion” and “Solitary Indignation” (“Gufen” 孤憤) in Qin custody (SIMA Qian 1959: 130.3300). Of course, this assertion by SIMA Qian is unverifiable (personally I doubt that the Qin prison system was conducive to intellectual creativity), but it is tempting to consider these chapters, and a few others, most of which are collected in *juan* four of the received text, as HAN Fei’s reflections on the weaknesses of his theory.<sup>17</sup> What distinguishes these chapters from

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<sup>17</sup> *Juan* 4 comprises of four chapters: “Solitary Indignation,” “The Difficulties of Persuasion,” “Mr. He” (“He shi” 和氏) and “Treacherous, Larcenous, Murderous Ministers.” A few other short chapters disclose very similar “ministerial” sentiments; most notably “Asking Tian” and “The Ruler of Men” (“Ren zhu” 人主). To be sure, the authorship and dating of each of these chapters is contestable; for instance, Zheng Liangshu considers some of them spurious, while others, especially the “Treacherous, Larcenous, Murderous Ministers,” as belonging to the early stage of HAN Fei’s intellectual activity (ZHENG Liangshu 1993: 129–140). Needless to say, these conjectures, just like mine—that the chapter may reflect the maturation of HAN Fei’s thought—cannot be proved.



the bulk of the *Han Feizi* is their clear “ministerial” angle: they speak of the predicament of a persuader, an aspiring minister in the atmosphere of mutual mistrust; of ministerial frustration, and, most significantly for the current discussion, of ministerial loyalty. There HAN Fei insists that devoted and loyal ministers *do* exist, and that the prudent ruler should elevate these men and entrust them with the maximum authority. Let us focus on the longest of these “ministerial” chapters, “Treacherous, Larcenous, Murderous Ministers,” one of HAN Fei’s most interesting essays.

This chapter opens with a familiar warning to the ruler: his ministers are plotting against him; his officials relinquish their duties; and he faces the imminent danger of political collapse or of usurpation. Having outlined the dangers, HAN Fei proceeds toward the solution:

When one who possesses techniques acts as a minister, he is able to clarify the words of measures and methods. Above, he elucidates the sovereign’s laws; below, he obstructs treacherous ministers. Thereby he respects the ruler and calms the country. Hence, when the words of measures and methods are clarified in the front, awards and punishments are [properly] used in the rear. When the sovereign is really clear-sighted with regard to the Sage’s techniques and does not follow common words of the generation, he is able to conform to names and reality, to fix right and wrong, and thereby to investigate and analyze sayings and words. (CHEN Qiyou 2000: 4.14.282)

At first glance, this passage contains nothing special beyond HAN Fei’s usual appeal to “methods and techniques” as the only means to ensure the ruler’s power; yet at a second glance we may discern a dramatic departure from HAN Fei’s regular approach. Unlike elsewhere, HAN Fei claims here that the locus of intellectual, and to a certain extent even of political authority, should rest not with the ruler but with the minister, “the possessor of techniques” (*youshu zhe* 有術者). It is the task of this sage minister to clarify the laws above, to impede treacherous activities below, “to calm the country” and to teach the ruler “the Sage’s techniques.” Without much fanfare, HAN Fei introduces here a truly revolutionary shift of power relations (“revolutionary” of course only with regard to his own writings, but very common in contemporaneous political discourse; Pines 2009: 115–184). It is the minister, the possessor of the techniques, who is suitable to lead the country and to instruct the ruler.

The topic of loyal and efficient ministers who are the real solution to the country’s problems becomes the real moral of the chapter. HAN Fei explains time and again that—despite his anti-ministerial pronouncements elsewhere—there are truly reliable ministers who can be entrusted with supreme power. Among these he singles out his most famous predecessor, SHANG Yang, whose reforms launched Qin from a marginal polity to a major superpower; GUAN Zhong 管仲 (d. 645 BCE), who helped his master, Lord Huan of Qi 齊桓公 (r. 685–643 BCE) attain hegemony; and the architect of the early Shang success, Yi Yin 伊尹. These men, in addition to the Chu reformer WU Qi 吳起 (d. 381 BCE), are the true heroes of HAN Fei, the real treasure of their states:

When one conforms to the intentions of the enlightened rulers whose actions matched the requirements of their generation, one directly appoints plain-clothed *shi*<sup>18</sup> and establishes

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<sup>18</sup> The term “plain-clothed *shi*” (*buyi zhi shi* 布衣之士) is frequently used in texts from the late Warring States period emphasizing that the real *shi* are self-made men, who come from poor families. See Pines 2002b: 701–2.

them as high ministers and chancellors. When they occupy their position and rule the state, truly the ruler is respected and the territories expand: these are called the ministers who deserve being esteemed. When Tang [the founder of the Shang] obtained Yì Yin, he was able to become Son of Heaven from the territory of one hundred *li* squared. When Lord Huan [of Qi] obtained GUAN Zhong, he became the master of the Five Hegemons; nine times he assembled the regional lords, and he united All under Heaven. When Lord Xiao 孝公 [of Qin 秦, r. 361–338 B.C.E.] obtained Lord Shang, he expanded thereby his territories and strengthened his armies. Thus one who has a loyal minister has no worry of rival states abroad, has no anxiety of calamitous ministers at home; he enjoys lasting peace in All under Heaven, and his name is handed down to posterity. This is what is called “a loyal minister.” (CHEN Qiyou 2000: 4.14.282)

This passage is crucial for understanding HAN Fei’s views of loyalty. Loyalty is exclusively political: in marked distinction to the common Warring States period definitions of loyalty as either “loyalty to the Way” or personal devotion to a ruler-friend, HAN Fei clarifies that the only measure of loyalty is practical success of the state (see further Pines 2009: 163–80). Truly loyal ministers existed in the past, and surely can return in the present, provided that the ruler is willing to employ them, to elevate them to highest positions, and to allow them “to order the state” (*zhiguo* 治國). Such sentiments are common in Warring States texts, most notably those associated with Confucius’s followers; but in the *Han Fei* they are utterly surprising. A thinker who did his best to convince the ruler that a powerful minister is the gravest threat to the throne, suddenly shifts his arguments and urges the enlightened sovereign to empower the “possessors of techniques” just as any Confucian advisor would suggest!

To be sure, HAN Fei does not change his predominantly negative view of acting and aspiring ministers and officials; but he singles out the “possessors of techniques” as a positive and reliable group, whose integrity, perspicacity and loyalty is juxtaposed to those of the “stupid scholars of our generation” (*shi zhi yuxue* 世之愚學) (e.g., CHEN Qiyou 2000: 4.14.287). This consistent juxtaposition suddenly turns HAN Fei into a supporter of partisan politics, who distinguishes between his ideological associates and the rest of the *shi*. What remains unclear throughout the chapter (and throughout the entire corpus of HAN Fei’s works) is how the “possessors of techniques” overcome their innate greediness and selfishness. Is it the result of proper education—e.g., studying exclusively the law and “making officials into teachers,” as HAN Fei recommends elsewhere (CHEN Qiyou 2000: 19.49.1112)? Or perhaps such loyal ministers are simply a tiny minority, a rare exception to the rule? HAN Fei leaves these questions unanswered. No doubt this weakens the appeal of his approach; but rather than faulting him, let us try to contextualize HAN Fei’s “ministerial” chapters within his overall theory of rulership.

## Conclusion

At the beginning of our discussion, HAN Fei appeared as the staunchest possible supporter of the absolute power, a thinker who was willing even to sacrifice the interests of his stratum in order to strengthen the ruler’s authority. Then we have seen that behind

the veneer of elevation of the sovereign, HAN Fei wanted to neutralize the ruler as a human being, reducing his functions to maintenance of rewards, punishments and appointments; and even these tasks should be determined strictly according to impartial “laws and methods.” And then, finally, we found that the “laws and methods” would be taught to the ruler and implemented by the specialists of HAN Fei’s ilk, who would possess all real power in the state under the nominal superiority of the monarch.

What does this twist of arguments teach us? First, HAN Fei appears much more aware of the limits of the monarch’s power and of dangers of despotism than many scholars, particularly HSIAO Kung-chuan, would have us believe. Second, despite his fierce anti-ministerial rhetoric, HAN Fei ends with the same bottom line as most thinkers of the Warring States period: the ruler should be omnipotent as an institution but nullified as an individual. That even the staunchest “authoritarian” thinker adopts this view is revealing. Whatever their argumentation, political thinkers of the Warring States period appear to have aimed at a common goal: a powerful centralized monarchy in which they, the intellectuals, would display their utmost respect to the monarch—but rule the realm in his stead!

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