Chapter 4
Han Feizi: The World Driven by Self-Interest

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Han Fei 韓非 (d. 233 BCE) is often considered "the great synthesizer of Legalism" (Graham 1989: 268; cf. Schwartz 1985: 339; Feng 2001: 746–50). This assessment reflects to a certain extent Han Fei's own self-presentation. In one chapter ("Defining Standards" or "Fixing Laws" [43, "Ding fa" 定法]), the author positions himself as the synthesizer and improver of two major traditions that were later associated with the "school of *fa*": that of Shang Yang 商鞅 (d. 338 BCE) and of Shen Buhai 申不害 (d. 337 BCE). Elsewhere (chapter 40, "Objections to Positional Power" ["Nan shi" 難勢]), *Han Feizi* proposes a sophisticated defense and improvement of Shen Dao's 慎到 views. Insofar as Shang Yang, Shen Buhai, and Shen Dao were all considered by the Han dynasty as quintessential representatives of the "school of *fa*" (see Introduction, this volume), Han Fei's position at the apex of this school's development seems to be justified.

Speaking beyond the "school of *fa*," one can immediately note parallels between Han Fei's intellectual breadth and that of his alleged teacher, Xunzi 荀子 (d. after 238 BCE). Much like Xunzi, Han Fei was eager to engage ideas across the spectrum of contemporaneous political thought. Both thinkers, the "titans at the end of an age" (Goldin 2020), crowned generations of vibrant intellectual activism. Both were less concerned with effecting new breakthroughs but rather with refining their predecessors' ideas, overcoming their shortcomings, providing more sophisticated and compelling argumentation in favor of the views they supported, and of course refuting the ideas of manifold opponents. Here the parallels end, though. In contrast to Xunzi, Han Fei was less concerned with creating a compelling philosophical

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system. Rather the text that bears his name is renowned for its inquisitive analysis of the opponents' ideas, its cynicism, audacity, and merciless exposure of the fallacy of commonly accepted truths. All of these make *Han Feizi* a truly rewarding reading.

1 Han Fei and *Han Feizi*

1.1 Biography

The major source of information about Han Fei's life is the chapter "Arrayed Biographies of Laozi and Han Fei" 老子韓非列傳 in Sima Qian's 司馬遷 (ca. 145–90 BCE) *Records of the Historian* (*Shiji* 63: 2146–55). This source is somewhat disappointing, though. Most of Han Fei's biography comprises citations from *Han Feizi* (one chapter—"The Difficulties of Persuasion" [12, "Shui nan" 說難]—is reproduced in its entirety). Other biographic information is reduced to absolute minimum. We are told that Han Fei was a scion of the ruling house of the state of Hán 韓 (not to be confused with the Hàn 漢 dynasty), that he studied with Xunzi and was envied by the fellow student and future chancellor of the Qin empire, Li Si 李斯 (d. 208 BCE). We also learn that Han Fei was a stutterer, which made him a weak persuader but an avid writer. Han Fei was reportedly frustrated with his home state, Hán, and remained unemployed there. When, finally, the king of Hán dispatched Han Fei as a messenger to King Zheng of Qin 秦王政 (the would be First Emperor), the results were tragic. Although King Zheng admired Han Fei's writings, he was persuaded by Li Si and another Qin minister, Yao Jia 姚賈,[1] that Han Fei should not be trusted. Han Fei was arrested and Li Si masterminded his elimination in the jail shortly before King Zheng regretted his decision.

The dearth of details in Han Fei's biography suggests that Sima Qian had few clues about Han Fei's life aside from those that can be inferred from the text of *Han Feizi* (cf. Kern 2015). Except for the identification of Han Fei as Xunzi's disciple and the story of Han Fei's death in Qin custody, the information seems to derive from the text itself. Even the story of Han Fei's stuttering may be an intelligent guess based on the fact that *Han Feizi* is one of a very few Masters' texts that contains just a single dialogue between the putative author and his contemporary (in chapter 42, "Asking Tian" ["Wen Tian" 問田]). Han Fei's failure to find an adequate employer may also be an inference from numerous chapters that express frustration with benighted rulers and their selfish advisors who block talented outsiders. Even Sima Qian's account about Han Fei's final mission to Qin could be a conjecture based on chapter 2, "Preserving Han" (2, "Cun Han" 存韓), which contains Han

[1] Yao Jia's role as Han Fei's nemesis is suggested in an anecdote preserved in the *Stratagems of the Warring States* (*Zhanguoce* 戰國策). There it is told of Han Fei's attempt to slander Qin's gifted diplomat, Yao Jia; but Yao Jia excelled in defending himself, causing the King of Qin to execute Han Fei instead (*Zhanguoce* 7.8: 476–78 ["Qin 秦 5"]). Note that in this version of the story, Li Si is not involved in Han Fei's death.

Fei's memorial delivered to King Zheng so as to save his native state. The memorial itself is duly followed by Li Si's refutation of its arguments, which could have convinced Sima Qian of Li Si's perennial rivalry with Han Fei.

"Preserving Han" is the single segment of *Han Feizi* that provides clear clues about the thinker's activities (Han Fei is directly identified in Li Si's reply). In the current version of *Han Feizi*, this chapter is preceded by another memorial-based chapter, "First Audience in Qin" (1, "Chu jian Qin" 初見秦), which presents a very different set of arguments. The chapter (which is ignored in *Records of the Historian*) outlines the way for Qin to speedily subjugate "All-under-Heaven" (*tianxia* 天下). Notably, ruining the state of Han is due to be among the first steps toward attaining this goal (*Han Feizi* 1.5; Chen 2000: 24).[2] How to reconcile the contradictory message of the two memorials? One possibility, endorsed by no less an authority than Sima Guang 司馬光 (1019–1086) is a cynical reading: Han Fei had brazenly suggested eliminating his natal state so as to ingratiate himself with the king of Qin (*Zizhi tongjian* 6: 222). Alternatively, many scholars argued that the memorial was penned not by Han Fei, but by one of Qin leaders, such as the famous diplomat Zhang Yi 張儀 (d. 307 BCE), to whom the memorial is (erroneously) attributed in the *Stratagems of the Warring States* (*Zhanguoce* 戰國策), or chief minister Fan Sui 笵雎 (d. 255 BCE), or Fan's replacement Cai Ze 蔡澤.[3] Yet another solution is implied in the chapter's name, "First Audience in Qin": namely, the memorial was presented during Han Fei's earlier visit to Qin and is unrelated to the second visit, during which "Preserving Han" was submitted. Insofar as rich historical data in chapter 1 suggest that it was penned ca. 255–250 BCE, the latter inference is plausible, even if the authorship itself remains unverifiable.[4]

1.2 The Text: Authorship and Dating

The controversy about the first chapter of *Han Feizi* is indicative of the problems faced by scholars of the text in general. The text is not consistent in its arguments. Thus, in one chapter ("Eminent Teachings" [50, "Xian xue" 顯學]), it ridicules those who call upon the ruler "to attain the people's heart" 得民之心, whereas elsewhere ("Merit and Fame" [28, "Gong ming" 功名]) it considers attaining the people's heart an essential precondition for the ruler's success (*Han Feizi* 50.11 vs. 28.1; Chen 2000: 1147 vs. 551). In one chapter ("The Five Vermin" [49, "Wu du"

[2] All citations from *Han Feizi* follow the divisions adopted in Harbsmeier (forthcoming) borrowed from Zhang 2010. My translations borrow from those of Harbsmeier and, when appropriate, from Goldin (2020: 201–28).

[3] See respectively *Zhanguoce* 3.5: 171–75 ("Qin 1"); *Han yiwenzhi kaozheng* 6: 230; Dou 2019. Zhang Yi's authorship is surely wrong: the memorial addresses many events that occurred decades after Zhang's death.

[4] See more in Zheng 1993: 11–15; Jiang 2000: 14–25; Song 2010: 9–13; Dou 2019. For the historical context of that memorial, see Pines Forthcoming.

五蠹]), filiality is dismissed as politically subversive, whereas elsewhere ("Loyalty and Filiality" [51, "Zhong xiao" 忠孝]) it is hailed as a foundational political virtue (*Han Feizi* 49.9 vs. 51.1; Chen 2000: 1104 vs. 1151). Legacy of the former kings is routinely dismissed as irrelevant, but sometimes is invoked as a positive example to be followed, most notably in two chapters which are likely to be based on Han Fei's memorials: "Having Standards" ("You du" 有度) and "Wiping away Deviance" ("Shi xie").[5] Many chapters warn the ruler against skillful persuaders, but chapter 12, "The Difficulties of Persuasion," positions the author himself as a cynical manipulator of the ruler for the sake of personal advancement (see more in Hunter 2013). Yet on another occasion ("Asking Tian") the author suddenly presents himself as a heroic martyr, eager to sacrifice himself for the sake of his principles (*Han Feizi* 12.1 vs. 42.1: Chen 2000: 254 vs. 955).

Individual chapters of *Han Feizi* differ considerably also in the basic mode of their argumentation. A few chapters, evidently inspired by *Laozi* 老子, seem to be interested in metaphysical stipulations of the political order, whereas most other ignore metaphysics altogether. The first two chapters employ the argumentation current among the travelling persuaders, although these persuaders and their glib talk are routinely attacked elsewhere in *Han Feizi*. Several chapters (e.g., "Ten Missteps" [10, "Shi guo" 十過]) base the entire argumentation on a series of historical exempla, as was common in the Warring States-period texts, whereas elsewhere the author(s) either problematizes the usage of the exempla, or dismisses historical arguments altogether (see below). And when historical exempla are invoked, the degree of accuracy differs dramatically: some stories contain brazen anachronisms,[6] whereas other are based on what appears as meticulous reading of earlier historical texts, such as *Zuozhuan* 左傳 (*Zuo Tradition* or *Zuo Commentary*) (Pines 2022). How can we reconcile these differences and contrasts?

The three possible solutions to the heterogeneity of *Han Feizi* chapters are those outlined in the debates about chapter 1 (cf. Goldin 2020: 225–26). First, it is possible that different chapters were penned by different authors. Second, the chapters can reflect different stages in Han Fei's intellectual maturation: at certain points of time, the thinker could endorse one view or adopt a certain mode of argumentation, whereas later he could modify it or even abandon it altogether (this explanation is most notable in Zheng 1993). And third, there is Paul R. Goldin's suggestion: "Han Fei's avowed opinion simply changes with his audience. Now he may excoriate duplicitous ministers; now he may explain how to gull a king. It is impossible to say which is the 'real' Han Fei, because in neither authorial mode does Han Fei disclose his personal views" (Goldin 2020: 222). Most possibly all three answers are correct at times.

[5] *Han Feizi* 6.3, 19.2 and 19.8; in addition, see also 25.2 ("An wei" 安危) Chen 2000: 100, 344, 367, 526)

[6] For a few examples, see Wang Yinglin's 王應麟 (1223–1296) *Kunxue jiwen* 困學紀聞 10: 1265–75; Pines 2020a: 263nn.80–81.

In the nineteenth and especially the twentieth century, considerable effort was invested in distinguishing the authorship and dating of each of the text's chapters (for the most systematic studies, see Lundahl 1992 and Zheng 1993; see also Jiang 2000: 3–48). In light of the above observations, it is clear that in most cases, a definitive answer is impossible. Incidentally, we may say with a high degree of confidence that two chapters, which display considerable ideological, lexical, and stylistic differences—such as the two exegetical chapters dedicated to *Laozi* (20, "Explicating Lao" ["Jie Lao" 解老], and 21, "Illustrating Lao" ["Yu Lao" 喻老])—may have been penned by different authors (Queen 2013). One chapter (53, "Adjusting Orders" ["Chi ling" 飭令]) is probably an alternative version of chapter 13, "Making Orders Strict" ("Jin ling" 靳令) of the *Book of Lord Shang* (*Shangjunshu* 商君書), which was inadvertently incorporated into *Han Feizi* (Mozawa 1991). Yet it is also possible to read it as a part of a cluster of chapters (53–55) that adopt the *Book of Lord Shang's* diction and revolve around the ideas that dominate the latter (how to rule the people efficiently, how to accord the government with their basic dispositions, how to use properly rewards and punishments, and the like). Whether these three chapters are part of the corpus from which the *Book of Lord Shang* was created, or, rather, are Han Fei's attempt to engage Shang Yang's legacy is impossible to verify. As for the bulk of *Han Feizi*, the authorship of most chapters will remain contestable. Yet insofar as no chapter seems to evince knowledge of the imperial unification of 221 BCE, it is likely that they do not postdate Han Fei's lifetime. Even if not necessarily written by Han Fei, they may be a reliable source for the ideas of Han Fei and his disciples, followers, or like-minded thinkers who contributed to the eponymous text.

1.3 The Text's Allure

Argumentative heterogeneity notwithstanding, most of *Han Feizi* chapters display a consistent philosophical outlook based on the premise that human self-interest cannot be reined in by ethical and moral norms, and that selfishness characterizes every social actor—both the leaders and the led. Political implications of this idea will be addressed below. Here it should be noted that the text's cynicism may also explain its lasting appeal even among the imperial literati who rejected its ideas. *Han Feizi*'s incisive analysis of human behavior, merciless exposition of hidden motivations behind ostensibly noble conduct and words, black humor, provocativeness, and immense richness of its literary language make it comparable to *Zhuangzi* 莊子. These features allow the reader to tolerate some of *Han Feizi*'s appalling statements, reading these *cum grano salis*. Take for instance the following cautioning to the rulers in chapter 17, "Precautions against the Entourage" ("Bei nei" 備內)

> 且萬乘之主，千乘之君，后妃、夫人、適子為太子者，或有欲其君之蚤死者。何以知其然?夫妻者，非有骨肉之恩也，愛則親，不愛則疏。語曰:「其母好者其子抱。」然則其為之反也，其母惡者其子釋。丈夫年五十而好色未解也，婦人年三十而美色衰矣。以衰美之婦人事好色之丈夫，則身見疏賤，而子疑不為後。此後妃、夫人

之所以冀其君之死者也。唯母為后而子為主，則令無不行，禁無不止，男女之樂不減於先君，而擅萬乘不疑，此鴆毒扼昧之所以用也。故《桃左春秋》曰:「人主這疾死者不能處半。」人主弗知，則亂多資。故曰:「利君死者眾，則人主危。」

Whether one is the sovereign of ten-thousand-chariots (a large state) or the ruler of one-thousand-chariots (a medium-sized state), among one's consorts, wives, and the son chosen to be the Crown Prince, there are those who desire the early death of their ruler. How do I know this to be so? Between husband and wife, there is not the kindness of a relationship of flesh and bone. If he loves her, he is intimate with her; if he does not love her, she is estranged. There is a saying: "If the mother is favored, her son will be embraced." If this is the case, the inverse is: If the mother is disliked, her son will be disowned. The lust of a man of fifty has not yet dissipated, whereas the beauty and allure of a woman of thirty have faded. If a woman whose beauty has faded serves a man who still lusts, she will be estranged and disesteemed; her son will be viewed with suspicion and will not succeed to the throne. This is why consorts and wives hope for the ruler's death. But if the mother becomes a dowager and her son becomes the sovereign, then all her commands will be carried out, all her prohibitions observed. Her pleasures with males and females will be no less than with her former lord, and she may arrogate to herself power over the ten thousand chariots without suspicion. Such is the use of poison, strangling, and knifing. Thus is it said in the *Springs and Autumns of Tao Zuo*: "Less than half of all rulers die of illness." If the ruler of men is unaware of this, disorders will be manifold and unrestrained. Hence it is said: "when those who benefit from the ruler's death are plenty, the sovereign is endangered." (*Han Feizi* 17.2; Chen 2000: 322)

Han Fei's cynicism surely appalled traditional readers as it does many modern ones, but it also contributed to the text's allure. Whereas few would reject outright a possibility of true love and affection in human relations, most would acknowledge that Han Fei's observations cannot be easily dismissed. The higher the stakes in one's race toward riches and power, the higher is the possibility that one will trample moral and social norms. History—especially the history of ruling houses worldwide—provides ample examples to validate Han Fei's warnings.

Han Fei's career failure and personal tragedy was another, even if somewhat paradoxical, reason for the text's lasting appeal. In contrast to the *Book of Lord Shang*, many of whose chapters derive from ministerial memorials, and which often discusses quotidian affairs of economic and military management, *Han Feizi* is the text of an outsider. Only a few of its chapters (1–4, 6, 19, and 51) appear to originate from the thinker's memorials to the ruler (as identified by the first-person pronoun *chen* 臣 [I, your subject]). Even fewer are occasions in which the text focuses on practical policies. What further distinguishes it from the *Book of Lord Shang*, are several chapters, such as "Solitary Frustration" (11, "Gu fen" 孤憤) that lament the fate of a gifted and devoted man of service who is blocked by malevolent political heavyweights from fulfilling his aspirations. This incidental adoption of a markedly ministerial stance as opposed to the common focus on the ruler's interests may have endeared *Han Feizi* to some of Confucian-minded readers.

The text of *Han Feizi* fared much better than other texts from the "school of *fa*" section of the Han imperial catalogue. All of its 55 chapters outlined in that catalog survived, and most of them did not suffer considerable textual corruption. The text's lasting popularity is suggested also by the fact that it is the source no less than 77 "set phrases" (*chengyu* 成語) in Modern Chinese (Li and Chen 2009: 46). The text attracted considerable interest of scholars not just in China but notably in Tokugawa

and Meiji Japan (Sato 2013b). Overall, despite the predominantly negative view of Han Fei's ideas on the part of both traditional and modern scholars (Song 2013 and Chap. 16, this volume), the text of *Han Feizi* attracted and continues to attract considerable scholarly attention, past and present.

2 Philosophical Foundations

Han Feizi is commonly regarded as philosophically the most sophisticated text of the *fa* tradition. In the only English-language monograph dedicated to its philosophy, the authors, Wang Hsiao-po and Leo S. Chang plainly state that other *fa* personalities were "men of action" who "probably did not possess the philosophical bent of mind to work out an integrated theoretical foundation for *fajia.*" Han Fei, by contrast is hailed as "the most systematic and theoretically sophisticated synthesizer of the various strains of *fajia* thought" (Wang and Chang 1986: 6–7). Putting aside for the time being the dismissive attitude toward Han Fei's predecessors, one can easily understand Wang and Chang's enthusiasm. At the very least on the level of philosophical argumentation, *Han Feizi* is remarkably sophisticated. Some of its chapters employ historical arguments; other present metaphysical stipulations of political order, and other make forays into logical argumentation or even invoke philological observations to bolster their conclusions.[7] This richness is indeed unparalleled in the texts of the *fa* tradition. Nonetheless, Paul R. Goldin averred (with regard to most of *Han Feizi* chapters), "Han Fei would rank as an outstanding writer, but a somewhat derivative thinker" (Goldin 2020: 218). How can Goldin's verdict be reconciled with that of Wang and Chang? Let us start with the ideas explored by Wang and Chang and then move to other philosophical foundations of Han Fei's theory.

2.1 The Way

Wang and Chang (1986: 6) claim that Han Fei's "theoretical sophistication is nurtured by his imaginative interpretation and adoption of the philosophical Daoism of Laozi." Indeed, the proximity of certain chapters of *Han Feizi* to *Laozi* is striking. Aside from two exegetical chapters, mentioned above (p. 103), the text comprises at least three other chapters (5, "The way of the Sovereign" ["Zhu dao" 主道], 8, "Extolling Authority" ["Yang quan" 揚權] and 29, "The Great Body" ["Da ti" 大

[7] Historical and metaphysical ideas are discussed below in the text. For logical arguments, see, e.g., the "contradiction" (*maodun* 矛楯) concept (*Han Feizi* 40.3.1; Chen 2000: 945 ["Nan shi"]) and the derivative arguments in 50.2 (Chen 2000: 1129 ["Xian xue"]); for the arguments based on philological (more accurately, graphological) observations, see 49.10 (Chen 2000: 1105 ["Wu du"]).

體]) which borrow much of *Laozi*'s vocabulary and poetic cum enigmatic style. Not incidentally, Sima Qian paired Han Fei's biography with that of Laozi and, moreover, opined that the ideas of Han Fei "originated from the meaning of the Way and its virtue" 原於道德之意 (*Shiji* 63: 2156) and that "in the end his [Han Fei's] roots were in Huang-Lao" 而歸本於黃老 (*Shiji* 63: 2146). We shall turn to the notion of Huang-Lao later. Here suffice it to say that Sima Qian's somewhat counterintuitive observation—after all *Laozi*'s renowned minimalism contrasts sharply with the assertive state endorsed by Han Fei and other *fa* thinkers—continues to perplex scholars (cf. Graham 1989: 285–89; Goldin 2020: 224–28; T. Jiang 2021: 406–10; Wang Pei, Chap. 20, this volume). To understand the role of what Goldin (2020: 226) dubs "*Laozi* diction" in *Han Feizi*, it is appropriate to start with the chapter "The Great Body," which, arguably, presents the most sophisticated blend of Han Fei's and *Laozi*-related ideas:

> 古之全大體者:望天地，觀江海，因山谷……不以智累心，不以私累己；寄治亂於法術，託是非於賞罰，屬輕重於權衡。不逆天理，不傷情性……守成理，因自然；禍福生乎道法，而不出乎愛惡。
>
> Those in ancient times who preserved the Great Body intact, gazed out across Heaven and Earth, observed the rivers and the sea, and adapted to the mountains and valleys. … They neither encumbered their minds with intellect, nor encumbered themselves with selfishness. They consigned matters of order and chaos to laws and techniques, entrusted matters of right and wrong to rewards and punishments, and deputed questions of light and heavy to the scales and weights. They neither acted contrarily to Heaven's patterns, nor harmed their nature… They kept to the established pattern and adapted to what was so by itself. People's bad or good fortune originated in the law (or standard, *fa*) of the Way, and did not emerge from the ruler's love or hatred. (*Han Feizi* 29.1; Chen 2000: 555)

This extraordinarily beautiful passage presents *Han Feizi*'s common recommendation to entrust the governance to "laws and techniques" (*fashu* 法術) and rewards and punishments, avoiding overreliance on the ruler's intelligence and limiting the impact of his selfish inclinations. This recommendation, however, is encapsulated in the vocabulary which immediately reminds one of the *Laozi* and of the ideas that are commonly dubbed "Huang-Lao." The latter term was vaguely used in the Han dynasty to depict a variety of cosmological, philosophical and political ideas that borrowed the names of Huang Di 黃帝 (Yellow Thearch) and *Laozi*. With the discovery of the so-called *Huang Di manuscripts* (*Huangdi shu* 黃帝書) from Tomb 3, Mawangdui, Changsha 長沙馬王堆 (Hunan), the content of Huang-Lao ideas as perceived in Han Fei's own time became clearer. At the core of Huang-Lao thought stands what Randall P. Pereenboom dubs "foundational naturalism," meaning that "the cosmic natural order serves as the basis, the foundation, for construction of human order" (Peerenboom 1993: 27). This idea is precisely what appears in the above extract. The ancient sages who preserved the "Great Body" (viz. the supreme natural and political order) intact, did it by observing natural patterns and acting accordingly. In the latter part of the chapter the ruler is explicitly called upon "to adapt to Heaven's decree" 因天命 (which in this context refers to the natural course of affairs rather than the Western Zhou-type "Mandate of Heaven") and to pattern himself (*ze* 則) after Heaven and Earth (*Han Feizi* 29.2 and 29.3; Chen 2000: 555

and 559). Furthermore, the term "the law (or the standard) of the Way" (*Dao fa* 道法)—a relatively rare compound in the received texts[8]—unmistakably connects "The Great Body" chapter to the *Huang Di manuscripts*, which actually start with the "Dao fa" chapter that proclaims: "The Way generated the law" 道生法 (*Huangdi shu* 1.1:1).

In "The Great Body" chapter, the patterning of the political realm after "Heaven's patterns" (*tianli* 天理) should lead to a state of ultimate tranquility and peace:

> 故至安之世，法如朝露，純樸不散；心無結怨，口無煩言。故車馬不疲弊於遠路，旌旗不亂於大澤，萬民不失命於寇戎，雄駿不創壽於旗幢；豪傑不著名於圖書，不錄功於盤盂，記年之牒空虛。故曰:利莫長於簡，福莫久於安。
>
> Hence in the age of the perfect peace, laws were like morning dew—pure, simple and not diluted. Hearts were without resentment, mouths without superfluous words. Hence cart horses were not exhausted on lengthy roads, banners were not mixed chaotically at great marshes, the myriad people did not lose their predestined life at the hands of invaders and belligerents, outstanding men 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.[9] Hence it is said: There is no more lasting benefit than simplicity; there is no more enduring good fortune than peace. (*Han Feizi* 29.1; Chen 2000: 555)

This state of affairs of ultimate simplicity, tranquility, and peace, where no military undertakings occur, unmistakably resembles *Laozi*'s views (cf. *Laozi* 30, 31, 80), and contrasts with *Han Feizi*'s habitual advocacy of an assertive state dedicated to agriculture and warfare. This does not necessarily imply, however, that the chapter was not penned by Han Fei; after all much of its vocabulary, and, most notably the idea of the superiority of impartial laws and regulations over human abilities are distinctively related to *Han Feizi*.[10] Acclaim of tranquility and quietude recurs in another of *Han Feizi*'s chapters that employs "*Laozi* diction," namely "The Way of the Sovereign," but there the goal is primarily to direct the ruler toward non-interference in quotidian political affairs (see Sect. 3.3). Elsewhere, "*Laozi* diction"

[8] The compound *daofa* (which can be translated either as the Way and the law, or, as I prefer above and as is clearly appropriate in the light of the *Huang Di manuscripts*, "the law/standard of the Way") appears in two more chapters of *Han Feizi* (19.6 and 44.6; Chen 2000: 359 and 973 ["Shi xie" 飾邪 and "Shuo yi" 說疑]). Aside from *Han Feizi* it is attested to thrice in *Xunzi* and in two chapters of *Guanzi* ("The ruler and the minister A" ["Jun chen shang" 君臣上] and "Reliance on Law" ["Ren fa" 任法]).

[9] Blank seasonal records (in which only the season's first month is nominated) appear in the *Springs-and-Autumns Annals* (*Chunqiu* 春秋), when no events during the season were considered significant enough to be recorded (Chen Minzhen 2023).

[10] " The Great Body" is part of a cluster of chapters (24–29), which are very close to each other in terms of ideas, lexicon, and modes of argumentation. The ostensible proximity of these chapters to Confucian ideas and to *Laozi* caused considerable debates about their authorship. Yet, as many scholars observed, differences of argumentation aside, the chapters present the ideas that overall are aligned with the rest of *Han Feizi*, except that they lack the aura of cynicism which is prominent elsewhere in the text. Some scholars speculated that these chapters may have been produced by Han Fei at an early stage of his intellectual career. See more in Lundahl 1992: 241–60 and Zheng 1993: 262–377.

provides philosophical stipulations for the ruler's authority. In the chapter "Extolling Authority," Han Fei directly links the unifying power of the sovereign with that of the Way:

> 夫道者，弘大而無形。德者，覈理而普至。至於羣生，斟酌用之，萬物皆盛，而不與其寧。道者，下周於事，因稽而(→天)[11]命，與時生死。
>
> As for the Way, it is vast and formless; as for virtue, it investigates the patterns, reaching everywhere. As it arrives at all the living, if you use it properly, the myriad things will all prosper; but [the Way] will not participate in their serenity. As for the Way, it is involved in undertakings below, on the basis of which it coordinates Heaven's decree, giving [the things] time for life and death. (*Han Feizi* 8.5; Chen 2000: 152)

The discussion begins with sophisticated elaboration on the nature of the Way and virtue (or potency, *de* 德). The Way is a highly abstract cosmic force, but, surprisingly, it is also engaged "in undertakings below"; it is 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:

> 參名異事，通一同情。故曰:道不同於萬物，德不同於陰陽，衡不同於輕重，繩不同於出入，和不同於燥溼，君不同於羣臣。凡此六者，道之出也。道無雙，故曰一。是故明君貴獨道之容。君臣不同道。下以名禱，君操其名，臣效其形。形名參同，上下和調也。
>
> Sort out names, distinguish between undertakings, penetrate oneness, and align with the [things'] essence. Hence it is said: The Way is not identical with the myriad things; virtue is not identical with *yin* and *yang*; scales are not identical with light and heavy; an ink-line is not identical with the degree of deviation [of what is measured]; a tuning instrument is not identical with the dry or wet [state of the strings]; the ruler is not identical with the ministers. All these six are products of the Way. The Way has no counterpart; hence, it is named "the One." Therefore, the clear-sighted ruler revers the demeanor of the solitary Way. The ruler and the ministers do not follow the same Way. The underlings are appraised according to the titles (names [*ming* 名]): the ruler embraces the title, the minister provides his performance (form [*xing* 形]); when the performance and the title match each other, the superior and the inferior are well attuned. (*Han Feizi* 8.5; Chen 2000: 152)

The concept that the ruler's position derives from the cosmic way is common in "Huang-Lao" and similar texts that invoke cosmological patterns as a means of bolstering the ruler's authority (Pines 2009: 38–44). Yet what matters to Han Fei are not theoretical explorations but rather concrete recommendations for the ruler how to manage his ministers through the employment of the "titles and performance" technique (of which see Sect. 3.2 below). A similar rapid shift from "*Laozi* diction" to practical advice to the sovereign recurs in "The Way of the Sovereign" chapter (see below p. 126). It is clear that practical issues matter to Han Fei and other contributors to *Han Feizi* more than philosophical abstractions. The question to be asked now is what is the place of these abstractions in Han Fei's political theory in general?

The answer is uncertain. Wang and Chang (1986) consider *Han Feizi*'s invocations of the Way and its virtue as "the philosophical foundations of Han Fei's political theory." The importance of the chapters that employ "*Laozi* diction" in the overall structure of *Han Feizi* is accepted by some of the contributors to this volume,

[11] For reading 而 as 天, see Tao Hongqing's 陶鴻慶 (1859–1918) gloss, cited in Chen 2000: 153n4.

most notably Mark E. Lewis (Chap. 11). This said, one can note that cosmological speculations occupy a minor place in the text as a whole. Except for the chapter "The Great Body," which is fully absorbed in the Huang-Lao thought, other chapters do not demonstrate a similar attempt to systematically blend cosmology and Han Fei's political recommendations. Two exegetical chapters of the *Laozi* (especially the philosophically more sophisticated chapter 20) are less attuned to Han Fei's political theory. Two other chapters—"The Way of the Sovereign" and "Extolling Authority"—can be identified as core ideological chapters of the text; but in both "*Laozi* diction" is employed only briefly, with attention immediately shifting to political matters. In the overwhelming number of other chapters, the Way, Heaven and Earth dyad, or other cosmological digressions are not present at all.[12] Evidently, the author(s) did not consider these arguments compelling enough or important enough to be constantly utilized.

The reasons for the presence of "*Laozi* diction" in several of *Han Feizi* chapters have been discussed by Paul R. Goldin (2020: 225–28). Following his analysis, I may offer mine conclusion. The popularity of *Laozi* and related texts in the intellectual milieu of the late Warring States period is undeniable. Han Fei might have toyed with borrowing ideas, terms, and even poetic style of these texts so as to bolster his own ideas of rulership and ruler-minister relations. Yet this embrace of "*Laozi* diction" does not appear as intellectually consequential for Han Fei. What mattered to him were not the cosmic patterns but human affairs. For any single invocation of the Way and its virtue, one can find dozens of references to the affairs of remote and recent past through which Han Fei explicates the cruel nature of human politics. History and observation of human mores matter to Han Fei incomparably more than Heaven and Earth.

2.2 Lessons from the Past

One of the most notable features of *Han Feizi* is its peculiar historical outlook (recently discussed in Pines 2013a; Bai 2020; Vogelsang, Chap. 12, this volume). Much like the *Book of Lord Shang*, the text endorses what Kai Vogelsang (Chap. 12, this volume) dubs "sequential history." Namely, as time passes human society changes and sociopolitical regulations should be altered accordingly. The ruler who heeds Confucian and Mohist exhortations to follow the patterns of the former kings is as stupid as a peasant who watches by the stump for another rabbit to break its neck near the stump, as it happened once in the past (*Han Feizi* 49.1; Chen 2000: 1085 ["Wu du"]). History does not repeat itself; what was valid once is not necessarily valid nowadays.

[12] There are a few exceptions, of course, insofar as several sentences in other chapters can also be related to the "*Laozi* diction." See, for instance, chapter 28, "Merit and Fame," which recommends the ruler to "preserve the Way of so-by-itself" 守自然之道 (*Han Feizi* 28.1; Chen 2000: 551).

Han Fei's sequential view of history is exposed most systematically in chapter 49, "Five Vermin." The chapter starts with the depiction of human society's transformation from primeval "high antiquity" 上古, when rulership was given to the most knowledgeable—those who taught the people to make nests and obtain fire by drilling woods—through the "middle antiquity" 中古 of fighting the floods, down to the "recent antiquity" 近古, when the righteous leaders of the Shang and Zhou dynasties eliminated the tyrants by launching punitive expeditions. Each of these fitted the conditions of their age. Han Fei concludes:

> 今有搆木鑽燧於夏后氏之世者，必為鯀、禹笑矣；有決瀆於殷、周之世者，必為湯、武笑矣。然則今有美堯、舜、湯、武、禹之道於當今之世者，必為新聖笑矣。是以聖人不期脩古，不法常可，論世之事，因為之備。
>
> Now, suppose that there had been someone who had made nests of wood or drilled firewood during the times of the Xia—they would certainly be laughed at by [the flood fighters] Gun and Yu. Suppose that there had been someone who dug drainage canals during the times of the Yin (Shang) and Zhou—they would certainly be laughed at by [the Shang and Zhou founders,] Tang and Wu. So, if people praise the way of Yao, Shun, Tang, Wu, and Yu in our own time, then they will certainly be laughed at by the new sage. Thus, the sages are not committed to cultivating antiquity and do not take something constantly acceptable as their standard. They judge the current affairs of their age and take the appropriate measures for them. (*Han Feizi* 49.1; Chen 2000: 1085).

The story of the human society's development from "high" to "middle" to "recent" antiquity has prompted considerable debates about whether it can be considered an example of an evolutionary view of history (Song 2010: 14–15). Putting these debates aside, the bottom line is clear: "the sages are not committed to cultivating antiquity and do not take something constantly acceptable as their standard." Every era demands its own means of coping with problems; every age requires new sages. The new sage, whose coming Han Fei evidently anticipates (i.e. the new universal ruler) would have to employ a different set of norms from his predecessors. A prudent statesman should focus on the current affairs and act accordingly.[13]

The idea that policies should be adjusted to specific circumstances was not controversial in the Warring States-period thought, when the understanding of profound changes and the need to adapt to them was shared by thinkers of different intellectual affiliations (Vogelsang 2023 and Chap. 12, this volume; cf. Kern 2000: 170–74). But Han Fei's approach is by far more sophisticated than just recommending simple adaptation:

> 古者丈夫不耕，草木之實足食也；婦人不織，禽獸之皮足衣也。不事力而養足，人民少而財有餘，故民不爭。是以厚賞不行、重罰不用而民自治。今人有五子不為多，子又有五子，大父未死而有二十五孫；是以人民眾而貨財寡，事力勞而供養薄，故民爭。雖倍賞累罰而不免於亂。
>
> In ancient times, men did not plow, [because] fruits of herbs and trees sufficed for food; women did not weave, [because] the skins of birds and beasts sufficed for clothes. Without wasting their force, they had enough to nourish themselves; the people were few while

[13] For infrequent positive invocations of the legacy of the former kings in *Han Feizi*, see Sect. 1.2 above (p. 102).

> goods were plenty; hence people did not compete. Therefore, no rich rewards were bestowed, no severe punishments used, but the people were ordered by themselves. Nowadays, five children are not considered too many, and each child also has five children; the grandfather is still alive, and he already has twenty-five grandchildren. Therefore, the people are plenty while commodities and goods are few; people work laboriously, but provisions are scanty; hence the people compete. Even if [the ruler] multiplies rewards and piles on punishments, he will not avoid calamity. (*Han Feizi* 49.2; Chen 2000: 1087–88)

Han Fei introduces here the crucial impact of economic conditions on social mores. Primeval idyll was possible in an underpopulated society, when a favorable land-man ratio ensured affluence without much effort. Yet in the current situation of extreme overpopulation—from which Han Fei's home country of Han suffered more than most of its neighbors (Pines Forthcoming)—the resultant dearth of commodities generated struggles and contest that could not be reined in without coercion from above. Moral behavior was, therefore, not intrinsic to humans but was influenced primarily by their material conditions. Ancient paragons of magnanimity such as Yao 堯, who allegedly yielded his power to Shun 舜, or Yu 禹, who personally toiled to subdue the floods, behaved selflessly because in their age the position of rulership was not associated with prestige or benefits. But this is not the case any longer:

> 輕辭天子，非高也，勢薄也；爭土橐，[14]非下也，權重也。
>
> People relinquished the position of the Son of Heaven not because they were high-minded, but because the advantages [of this position] were light; [now] people struggle for sinecures in the government not because they are low-minded, but because the power [of this position] is weighty. (*Han Feizi* 49.3; Chen 2000: 1088–89)

Much like in the case of the *Book of Lord Shang* (Chap. 1, pp. 32–34, this volume) Han Fei's understanding of the interrelations between human morality and economic conditions curiously resembles Karl Marx's famous dictum, "It is not the consciousness of men that determines their existence, but their social existence that determines their consciousness" (Marx [1859] 2010: 263). This understanding has immediate implications. Moral means of rule were appropriate to the ages of relevant affluence and limited social contest, but they are no longer suitable: "benevolence and righteousness had its use in antiquity but are not useful in our times" 仁義用於古不用於今也 (*Han Feizi* 49.4; Chen 2000: 1092). Han Fei concludes:

> 上古競於道德，中世逐於智謀，當今爭於氣力。
>
> In high antiquity people were competing in the Way and virtue, in mid-antiquity they were vying with one another in intelligence and strategies, and in our times they contest in fighting spirit and force. (*Han Feizi* 49.4; Chen 2000: 1092)

Han Fei's insistence on the priority of the present over the past could easily discourage interest in history, but this is patently not the case. To the contrary, no single thinker of the Warring States era equals Han Fei in mastery of the past and the multiplicity of its usages in the thinker's ideological constructs. Unlike many opponents

[14] Amending 土橐 to 仕托 following Wang 1998: 444.

of the moralizing discourse—such as the authors of *Laozi* and the *Book of Lord Shang*—Han Fei does not eschew exemplary history, which, throughout the Warring States period was primarily an intellectual weapon of moralizing thinkers, viz. the followers of Confucius and Mozi (Pines 2022: 343–44). Instead, in a remarkable display of intellectual audacity and analytical sophistication, Han Fei turns historical lessons upside down. Rather than illustrating the just deserts principle and validating intellectual and moral superiority of paragon rulers and ministers from the past, history teaches precisely what Han Fei wants it to teach: to wit, that everybody is self-interested, that lofty pronouncements cannot be trusted, and that morally upright behavior of today maybe a guise for usurpation of power of tomorrow. These exempla permeate numerous chapters of *Han Feizi*, some of which (most notably, 10, 21–23, 30–35) are nothing but collection of historical anecdotes narrated so as to validate Han Fei's ideological needs.

Han Fei's resort to historical exempla is not exceptional by itself; actually, it was fairly common in the Warring States-period philosophical writings (Schaberg 2011; Vogelsang 2007: 223–63; Goldin 2008). What distinguishes *Han Feizi* from his opponents, though, aside from the huge number of these exempla, are two points. One is his readiness to question the commonly accepted didactic bottom line of well-known historical anecdotes. In the four "Objections" or "Problematizing" ("Nan" 難) chapters (36–39), the author narrates 28 anecdotes, following which he questions the anecdote's commonly accepted didactic message and presents a different interpretation of the lesson that could be gleaned from the narrated story. This questioning, which is highly unusual in the anecdotal genre as a whole,[15] demonstrates that any historical narrative can be understood in more than one fashion and there is no single ready didactic conclusion from the past. As noted by David Schaberg, "This work's treatment of anecdotes is […] both the pinnacle of historical argumentation and, in a sense, the undoing of it" (Schaberg 2011: 405). Han Fei's sophistication peaks in the fourth of the "Objections" chapter, in which he demonstrates superb knowledge of *Zuozhuan* and its complex narratives. There the questioning of the common didactic message is based on discussing long-term historical developments that commonly eschew the attention of the anecdotes' protagonists or later observers. The chapter, which may be dubbed the earliest example of *Zuozhuan* exegesis (Pines 2022), is the testimony to Han Fei's position as, arguably, China's earliest historical critic.[16]

The second peculiarity of Han Fei's engagement with the past is the frequent employment of ironic or manipulative history, which places Han Fei closer to *Zhuangzi* 莊子 than to later historical exegetes. The background for this playful

[15] Normally, debates about the anecdote's lesson were conducted subtly, by retelling an anecdote with new emphases rather than openly questioning its bottom line. See examples in Van Els and Queen 2017.

[16] For the emergence of historical criticism in early China, see Vogelsang 2007: 264–90. In later publications (e.g., in Chap. 12, this volume), Vogelsang changed his designation from "critical" to "sequential" history.

engagement with the past is Han Fei's awareness that Confucians and Mohists' resort to historical arguments is itself manipulative:

> 孔子、墨子俱道堯、舜，而取舍不同，皆自謂真堯、舜，堯、舜不復生，將誰使定儒、墨之誠乎?……今乃欲審堯、舜之道於三千歲之前，意者其不可必乎!無參驗而必之者，愚也；弗能必而據之者，誣也。故明據先王，必定堯、舜者，非愚則誣也。
>
> [Followers] of Confucius and Mozi all speak about Yao and Shun, but they differ in what they accept and what they reject; yet each of them claims himself to be a real follower of Yao and Shun. But Yao and Shun cannot come back to life, so who would settle who is right: Confucians or Mohists? … . Now, if we are to examine the three-thousand-year-old way of Yao and Shun, we understand that it is impossible to determine it indubitably. He who claims certain knowledge without examining the issue is a fool; he who relies on things which are impossible to ascertain is an impostor. Thus, those who openly adduce the former monarchs as evidence and claim they can determine indubitably [the way of] Yao and Shun, are either fools or impostors. (*Han Feizi* 50.1; Chen 2000: 1124–25 ["Xian xue"])

Having dismissed the possibility to ascertain the ways of the former kings, Han Fei at times opts to ridicule his opponents by inventing counternarratives that question the paragons' morality. Suffice it to demonstrate this by a short story.

> 湯以伐桀，而恐天下言己為貪也，因乃讓天下於務光。而恐務光之受之也，乃使人說務光曰:「湯殺君而欲傳惡聲于子，故讓天下於子。」 務光因自投於河。
>
> [Shang's founder,] Tang, because he attacked [the Xia tyrant,] Jie, was afraid that All under Heaven would say that he was greedy for power, so he yielded All under Heaven to Wuguang. But then he was afraid that Wuguang would accept the offer, so he sent an emissary to Wuguang, advising him: "Tang has killed the ruler and wants to pass on the bad reputation to you. That is why he yielded All under Heaven to you." Wuguang thereupon threw himself into the [Yellow] River. (*Han Feizi* 22.1; Chen 2000: 461 ["Shui lin shang" 說林上])

In just a few phrases Han Fei succeeds in ridiculing everybody. The righteous founder of the Shang, Tang the Successful 成湯, is a greedy power seeker. An abdication gesture—hailed in many other texts as an epitome of the paragons' selflessness (Pines 2005; cf. Allan 2016)—is nothing but a cynical manipulation. And a purist who commits suicide just to prevent his reputation from being sullied appears doubly ridiculous. The story, which resembles similarly cynical manipulations of the past in *Zhuangzi* (e.g. in the chapter "Yielding Kingship" ["Rang wang" 讓王], analyzed in Pines 2005: 284–85), was either outright invented or at the very least dramatically revised by Han Fei to fit his agenda. Its reliability does not matter: just as moralizers invent stories about, e.g. Shun's filiality and Tang's righteousness,[17] so counter-moralizers can invent the stories of their own. The bottom line is that all historical narratives about remote past are "fake histories" and should not be trusted.

[17] The clearest example of this creativity with regard to the life details of the paragons are the stories scattered throughout *Mengzi*. It is possible that segments of *Han Feizi*'s historical criticism (especially in chapter 51, "Loyalty and filiality") are directed specifically against Mengzi; yet detailed discussion will await another study.

2.3 Human Nature

History constantly evolves and requires adaption to changing circumstances; but there are also some constant factors that should be taken into consideration. The most notable of these is perennial human covetousness for riches and fame. Whereas this covetousness does not necessarily lead to violent competition (see the discussion of primeval idyll on pp. 110–111), in Han Fei's contemporary world, this is the major factor that should be considered by policymakers.

Han Fei's views of human nature (or, more precisely, human motivations) has been discussed in the past (e.g., Jiang 2000: 127–72; Sato 2013a) and is analyzed by Harris (Chap. 10, this volume); hence I shall be brief here. In a nutshell, *Han Feizi* echoes the *Book of Lord Shang* and *Shenzi* 愼子 fragments first, in asserting that humans are self-interested and, second, that this self-interest is not inimical to political order but, rather, should serve as its foundation:

> 好利惡害，夫人之所有也。賞厚而信，人輕敵矣；刑重而必，人不北矣。長行徇上，數百不一人。喜利畏罪，人莫不然。
>
> Liking benefit and disliking harm is something that all humans have in common. If rewards are generous and reliable, then people will think little of the enemy. If punishments are heavy and ineluctable, then the people will not flee. As for dying for their superior on an extended march, there is not one among a hundred [who has such a motivation]. Yet being fond of benefits and fearful of incurring criminal guilt—everybody will do so. (*Han Feizi* forthcoming: 37.7.2; Chen 2000: 893 ["Nan er" 難二])

The point is clear. Humans think only of personal wellbeing. In the above citation their focus is on seeking benefits; but elsewhere, as in the *Book of Lord Shang*, the quest for a good name (meaning both reputation and enhanced social status; Pines 2020c) is considered as equally important (see pp. 133–134 below). The state is supposed to use this self-interest as a lever to direct the people toward the desired behavior (in the above case, participation in military campaigns). The entire legal and administrative system should be based on human dispositions:

> 人情莫不出其死力以致其所欲；而好惡者，上之所制也。民者好利祿而惡刑罰。
>
> The human disposition is such that they will all do their utmost in order to achieve what they desire. As for their likes and dislikes, these are controlled by the ruler. The people like benefits and emoluments and detest punishments and penalties. (*Han Feizi* 55.1; Chen 2000: 1184 ["Zhi fen" 制分])

This intrinsic link between humans' self-interest and the political system leads Han Fei to odd—and highly provocative—claims against moral purists. The text admits that a few exceptional individuals can transcend their self-interest and behave loftily, but considers this a socially negative phenomenon: "These are called people who cannot be made to follow orders" 此之謂不令之民也 (*Han Feizi* 44.3; Chen 2000: 969 ["Shuo yi" 說疑]).[18] In one of the most provocative anecdotes in the entire text, Han Fei tells approvingly how the sagacious founder of the state of Qi,

[18] Note that the compound *bu ling* 不令 has a second meaning of "not good"; Han Fei clearly plays on both meanings.

Grand Duke Wang 太公望, executed two lofty recluses who were neither seeking benefits nor social status, and sought disengagement from the state: "These two call themselves the worthy *shi* (士, men of service) of our generation, but they are of no use to their ruler" 已自謂以為世之賢士而不為主用; they are like thoroughbreds that cannot be steered left or right. "That is why I executed them" 是以誅之 (*Han Feizi* 34.1.7; Chen 2000: 770 ["Wai chushuo you shang" 外儲說右上]). The state is not in need of exceptionalities, but rather of regular self-interested subjects.

Scholars often discuss Han Fei's view of human dispositions in the context of the influence of his putative teacher, Xunzi. As Sato (2013a) and Harris (Chap. 10, this volume) demonstrate, this discussion may be misleading: Han Fei's views are much more indebted to earlier *fa* scholars than to Xunzi. Yet it is useful to juxtapose Han Fei and Xunzi so as to highlight the single most important difference between them (and by extension between the *fa* tradition and Confucianism as a whole). Whatever Confucians thought about humans' innate dispositions, they all agreed that human morality can be improved through self-cultivation and that morally upright and cultivated "noble men" (*junzi* 君子) should form the state's sociopolitical elite. Han Fei could not disagree more. Elite members, be these high ministers, members of the ruler's entourage, or loftily speaking "noble men"—all are motivated by self-interest only. The universal selfishness (*si* 私) is the quintessential feature of political life. There are exceptions, to be sure, but they are too rare to be considered for the functioning political system. The fundamental premise of the ruler should be that he is surrounded not by loyal servants but by mortal enemies. Han Fei explains:

> 千金之家，其子不仁，人之急利甚也。桓公，五伯之上也，爭國而殺其兄，其利大也。臣主之間，非兄弟之親也。劫殺之功，制萬乘而享大利，則羣臣孰非陽虎也?
>
> If, in a house with a thousand pieces of gold, the sons are not benevolent [to each other], that is because man's urge for profit is extremely strong. Lord Huan of Qi (r. 685–643 BCE) was the supreme among the Five Hegemons, but when struggling for control in the state, he killed his elder brother. That was because the profit involved was large. Between a minister and a ruler, there is not a relation as close as that between elder and younger brother. When the thing achieved through murder and arrogation of power is to command ten thousand chariots-large [state] and enjoy huge profit, then of all the ministers who is not a [notorious usurper] Yang Hu? (*Han Feizi* 39.2.2; Chen 2000: 928 ["Nan si" 難四])

Once again, the cynicism is astounding (cf. pp. 103–104 above). The quest for profit outweighs anything—be it kinship ties or ministerial obligations. The ruler is surrounded by manipulators and traitors. Every minister is a potential usurper. Elsewhere Han Fei clarifies: every powerful family wants to amass more power; every official seeks benefit for himself; any lofty advice can be a disguise for a carefully planned usurpation.[19] Therefore, Han Fei speaks approvingly of an irreverent ancient saying, "The leper feels pity for the king" 厲憐王 (*Han Feizi* 14.8; Chen 2000: 297). This explains Goldin's summary of Han Feizi's political stance: "one might imagine a counselor speaking before a newly crowned king. 'You are the king!' he says. 'Congratulations—everyone wants to kill you now. Listen to me, and

[19] See, e.g., *Han Feizi* 6.2 and 7.1; Chen 2000: 91–92 and 120–21 ("You du" and "Er bing" 二柄).

you might survive'" (Goldin 2020: 202). It is time now to shift our attention to how the ruler should be rescued from the plotters and how should the polity prosper under these gloomy conditions.

3 Political Recommendations

The question of how to manage a society torn apart by conflicting interests is no less relevant today than it was in Han Fei's times. For *Han Feizi* the answer is clear—it is reducing personal impact on policy making by relegating everything to impartial standards and norms. Only this can ensure that the polity's common interests (*gong* 公) are served, whereas selfishness and private interests (*si* 私) of major political actors are reined in. Impartiality (also defined as *gong*) can be considered the supreme moral value for Han Fei and his fellow *fa* thinkers (T. Jiang 2021: 267 ff.). It is also the only practical means to ensure the success and very survival of the ruler and the polity.

The term *gong* is controversial. Liu Zehua (2003: 332–73) and Paul R. Goldin (2020: 204–05) both noted that normally the term refers to the ruler ("duke, lord"), from which one can infer that the "common" interests of the polity are actually coterminous to the personal interests of the ruler. This is a correct observation but it should be qualified. In principle, the interests of the sovereign and the polity are indeed identical; Han Fei shared the common conviction of contemporaneous thinkers that without a powerful ruler, the polity will simply fall apart (Liu 2000; Pines 2009: 13–111). This does not mean however, slavishly catering to the ruler's personal interests. Han Fei—perhaps more than any other thinker—was painstakingly aware that the ruler is not the most brilliant individual. His shortsightedness, intemperate behavior, personal favoritism, and intellectual limitations—all may lead him astray, causing his own selfish or private (*si*) inclinations to ruin the common (*gong*) interests. Hence, the calls to impose impartial standards and norms were aimed not only at reining in malevolent ministers and unruly subjects but also to monitor the ruler himself. As we shall see below, the ruler remained the weakest link in Han Fei's political construct.

3.1 Rule by Impartial Standards

The appeals to the priority of impartial standards over individual abilities of political actors permeate *Han Feizi*. The text uses several terms to depict these standards, including "gauges and measures" (*duliang* 度量), "scales and weights" (*quanheng* 權衡), "ink-line" (*sheng* 繩) and the like (Graziani, Chap. 13, this volume). Yet by far the most important *terminus technicus* is *fa* 法. This is a notoriously polysemic term. In *Han Feizi*, it can refer to the cosmic patterns of the Way (as in the extract

cited on p. 106 above), but also to minute legal regulations the reading of which puts a ruler to sleep (*Han Feizi* 32.5.7; Chen 2000: 706 ["Wai chushuo zuo shang 外儲說左上]). It can refer to laws, standards, methods, models, and political institutions. *Fa* can be established (*li fa* 立法) by the ruler (*Han Feizi* 19.7; Chen 2000: 362 ["Shi xie" 飾邪]), but also by outstanding ministers (*Han Feizi* 34.3.4; Chen 2000: 789 ["Wai chushuo you shang"]), including by Han Fei himself (*Han Feizi* 42.2.1; Chen 2000: 955 ["Wen Tian"]); elsewhere, *fa* is directly associated with such "law-giving" (or institutions-reforming) ministers as Guan Zhong 管仲 (d. 645 BCE) and Shang Yang (*Han Feizi* 49.12; Chen 2000: 1111 ["Wu du"]). This heterogeneity should be taken into consideration once we analyze the usages of *fa* in *Han Feizi*: quite often the text plays between two or three meanings of the term, making any attempt to fix a uniform translation untenable (cf. Liu 2020: 1–24). This said, a few passages offer a good introduction for the primary meanings of *fa* in *Han Feizi*:

> 申子曰:「法者，見功而與賞，因能而受官。……」
>
> Shenzi [i.e., Shen Buhai] said: "As for *fa*, it means bestowing rewards according to actual merits, conferring appointments according to one's abilities. …" (*Han Feizi* 32.5.11; Chen 2000: 708 ["Wai chushuo zuo shang"])

> 法者，編著之圖籍，設之於官府，而布之於百姓者也。……是以明主言法，則境內卑賤莫不聞知也。
>
> As for *fa*, it is compiled and written down on charts and documents, deposited in the repositories of the offices and promulgated to the hundred clans. … Therefore, when the clear-sighted ruler speaks of *fa*, everyone within his frontiers, including the lowly and base, will hear and understand it. (*Han Feizi* 38.8.2; Chen 2000: 922–23 ["Nan san" 難三])

> 法者，憲令著於官府，刑罰必於民心，賞存乎愼法，而罰加乎姦令者也。此臣之所師也。
>
> As for *fa,* it means that regulations and ordinances are displayed in the official archives, that punishments and fines appear inevitable to the people's minds, that rewards are meted on those who are cautious in regard to the laws, and punishments are applied to those who offend against ordinances. This is what the ministers take as their guiding authority. (*Han Feizi* 43.1; Chen 2000: 957 ["Ding fa"])

In the first of these citations, the definition of *fa* offered by Shen Buhai is relatively narrow and focuses on administrative regulations, what Goldin defines as "impersonal administrative technique of determining rewards and punishments in accordance with a subject's true merit" (Goldin 2011: 92; cf. Creel 1974: 135–62). Two other cases speak of *fa* as something much broader—laws that regulate the life of the "hundred clans" and are related to the broad array of "regulations and ordinances" and "rewards and punishments." These laws should be transparent and well understood by the masses. The point of the laws' transparency, including the importance of official archives as a means to ensure broad legal knowledge of the population unmistakably relates these two statements to the discussion in chapter 26 ("Fixing Divisions" ["Ding fen" 定分]) of the *Book of Lord Shang* (that chapter is an all likelihood contemporaneous with *Han Feizi*; Pines 243–44). That legal knowledge was broadly promulgated in the state of Qin (and probably throughout the

Warring States-period world) can be confirmed from other sources (Korolkov 2011; Sanft 2014: 140–142). In this context, therefore, the meaning of *fa* can be translated as "legal rules as a whole" or "the law" (cf. Lau and Lüdke, Chap. 8, this volume). It can be surmised that *fa* refers primarily to transparent and impartial norms that should regulate sociopolitical life in the state in general and within the administrative apparatus in particular. As such, in Han Fei's eyes it becomes a panacea for all social ills:

> 故矯上之失，詰下之邪，治亂決繆，絀羨齊非，一民之軌，莫如法。
>
> For correcting the oversights of superiors, for prosecuting the wickedness of subordinates, for bringing order to chaos and sorting out tangles, for removing the superfluous and evening out the wrong, and for uniting the tracks of the people, nothing is as good as *fa*. (*Han Feizi* 6.5, Chen 2000: 111 ["You du"])

> 故治民無常，唯治為法。法與時轉則治，治與世宜則有功。
>
> Thus there is no constant [way] to order the people—only through laws (*fa*) can they be ordered. When laws are modified according to the changing times, then there is orderly rule; when orderly rule fits to the current generation then there is success. (*Han Feizi* 54.2; Chen 2000: 1178 ["Xin du" 心度])

Why *fa* is so important? It is because this is the best alternative to the habitual appeal to the incumbents' personal abilities and moral qualities as advocated by Confucians. This appeal is naïve at best, or, worse, is outright manipulative. First, those who call upon having moral people at the top do not understand the nature of political authority. This authority is determined primarily by one's "positional power" (*shi* 勢) rather than by one's intelligence and morality. Han Fei famously contrasts the failure of Confucius—"the sage under Heaven" 天下聖人—to attract many followers with the success of Confucius's mediocre employer, Lord Ai of Lu 魯哀公 (r. 494–468 BCE), who "when he sat facing south [as appropriate to the sovereign] and ruled over his state, nobody within the borders dared not be his servant" 南面君國，境內之民莫敢不臣. Here and elsewhere Han Fei reiterates: "The people surely submit to positional power" 民者固服於勢 and to it alone (*Han Feizi* 49.6; Chen 2000: 1096 ["Wu du"]).[20]

The second reason for dismissing the Confucian focus on the appointees' qualities was outlined above. In society driven by self-interest, reliance on loyal and selfless ministers is self-deluding. As Han Fei explains:

> 今貞信之士不盈於十，而境內之官以百數，必任貞信之士，則人不足官。……故明主之道，一法而不求智，固術而不慕信，故法不敗，而羣官無姦詐矣。
>
> Today, there are no more than ten honest and trustworthy men of service, but there are hundreds of offices within the boundaries. If you insist on exclusively appointing honest and faithful men of service, then there will be not enough people for the official positions. … Thus, the Way of the clear-sighted sovereign is to unify *fa* and not to seek the intelligent; to solidify techniques of rule and not to esteem the trustworthy. As a result, *fa* will not be violated, and there will be neither vile nor deceit among the officials. (*Han Feizi* 49.11; Chen 2000: 1109 ["Wu du"])

[20] The point is elaborated in full in chapter 40, "Objections to positional power" ("Nan shi" 難勢) (Pines 2020b).

In the above extract, the focus on *fa* and techniques of rule (*shu* 術) is relatively narrow: it refers primarily to the employment and control of officials. Insofar as these officials (with a few exceptions) are committed *en masse* to serving their private interests, the ruler should avoid placing trust in them. Nor should he trust his own abilities. The third reason for prioritizing impartial norms is that they compensate for the ruler's personal inadequacy. This inadequacy is a given: having limited mental abilities and limited access to information, the ruler would never be able to overcome the tricks of his underlings unless he relies on *fa*:

> 夫為人主而身察百官，則日不足，力不給。且上用目，則下飾觀；上用耳，則下飾聲；上用慮，則下繁辭。先王以三者為不足，故舍已能而因法數，審賞罰。先王之所守要，故法省而不侵。…… 故治不足而日有餘，上之任勢使然也。
>
> If the sovereign personally inspects his hundred officials, the whole day will not be enough; his strength 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 elaborate their words. The former kings considered these three [methods] as insufficient: hence they cast away personal abilities and relied on *fa* and [administrative] methods, examining rewards and punishments. The former kings preserved the essentials [of rule]; hence the laws (*fa*) were clearly understood and not violated. … Thus, there was more than enough daytime to achieve orderly rule: it was because the superior relied on their positional power. (*Han Feizi* 6.4; Chen 2000: 107 ["You du"])

The ruler's positional power allows him to employ the full plethora of laws or standards (*fa*), methods (*shu* 數) and techniques of rule (*shu* 術) that will thwart the underlings' machinations and ease the sovereign's life. This system of impartial norms also relieves him of an unbearable personal burden and reduces (if not annuls) the need for individual perspicacity. Against this backdrop it becomes clear why Han Fei believes in impartial standards and laws as the best means to safeguard the ruler's authority and ensure political stability in general.

One final point that clarifies the advantages of impartial norms is that, even if not ideal, they are predicated on average human beings and hence are broadly applicable. Han Fei clarifies:

> 立法，非所以備曾、史也，所以使庸主能止盜跖也；為符，非所以豫尾生也，所以使眾人不相謾也。不獨恃比干之死節，不幸亂臣之無詐也；恃怯之所能服，握庸主之所易守。
>
> *Fa* is established not to prepare for [moral paragons like] Zengzi and Scribe [Yu], but to enable a mediocre sovereign to stop the likes of [the ultimate villain,] Robber Zhi. Tallies are introduced not to prepare for the likes of [a proverbially faithful man,] Wei Sheng, but to cause the masses not to cheat each other. Do not simply rely on [the righteous martyr] Bigan's dying for his probity; do not succumb to thinking wishfully that rebellious ministers are without deceit. Rely on what a meek man can tame; hold fast to what a mediocre sovereign easily protects. (*Han Feizi* 26.4; Chen 2000: 536 ["Shou dao" 守道])

This is one of notable instances in which *Han Feizi* openly discusses the ruler's expected mediocrity (see more in Sect. 3.3 below). The passage also clarifies with much candor the ultimate advantage of the system of rule by impartial standards and laws. This system may not be fitting to outstanding personalities, but it is applicable to average leaders and average subjects; it is based on something that "ordinary men

and women will understand clearly" 夫婦所明知 (*Han Feizi* 49.11; Chen 2000: 1109 ["Wu du"]). A good system should be predicated neither on capable rulers, nor on morally upright ministers, nor on valiant and devoted subjects. It should be functional under mediocrities and that is why it will be sustainable.

3.2 The Ruler and his Ministers

The chapter "Defining Standards" (or "Fixing Laws") of *Han Feizi* juxtaposes the ideas of Shang Yang and Shen Buhai. Famously, it asserts that Shang Yang was too focused on *fa*, whereas Shen Buhai was too preoccupied with techniques of rule, *shu* 術. Although Han Fei's summary is not necessarily accurate (as Yu Zhong, Chap. 2 in this volume demonstrates, Shen Buhai was concerned primarily with *fa*), it encapsulates correctly the major difference between Han Fei's two famous predecessors. Shang Yang's ideas were conducive to the establishment of the state's control over society and directing the populace to agriculture cum warfare, but he (and other contributors to the *Book of Lord Shang*) paid only a scanty interest to the problems of governing the political apparatus. This was the major contribution of Shen Buhai, and also may be considered Han Fei's own major input into the *fa* theory. Han Fei's observation, "the sage orders the officials, not the people" 聖人治吏不治民 (*Han Feizi* 35.4.1; Chen 2000: 829 ["Wai chushuo you xia" 外儲說右下]) can be considered a real breakthrough. No problem can be dealt with adequately unless the ruler possesses an efficient and responsive bureaucratic apparatus.

Dealing with the bureaucrats poses two problems. First, Han Fei notes that the officials will normally do whatever possible to cater to their selfish needs, bringing about dereliction of duty, corruption, and the resultant weakening of governability. Second, and more peculiar to *Han Feizi*, the text repeatedly warns that the real problem with the officials is not just that of corruption and inefficiency. Rather, powerful officials are bent on subverting the sovereign's power and even outright usurping the throne. A prudent ruler should adequately deal with both—indirect and direct—threats. To do so, he must pay utmost attention to the "techniques of rule" (*shu* 術). The term *shu* is explained as follows:

> 七術:一曰、眾端參觀，二曰、必罰明威，三曰、信賞盡能，四曰、一聽責下，五曰、疑詔詭使，六曰、挾知而問，七曰、倒言反事。此七者，主之所用也。
>
> The seven techniques are: First: survey and compare all the various views on a matter; second: make punishments ineluctable and majestic authority clear; third: make rewards reliable and make people use their abilities to the full; four: listen to proposals one by one, and hold the subordinates responsible [for proposals]; five: issue confusing edicts and make wily dispositions; six: keep your knowledge to yourself and ask advice; seven: say the opposite of what you mean and do the opposite of what you intend. These seven are what the ruler should use. (*Han Feizi* 30.0.0; Chen 2000: 560; ["Nei chushuo shang" 內儲說上])

The seven techniques can be divided into two groups. The first four present a series of bureaucratic devices aimed at monitoring the officials' performance. Of primary importance in this context is the ruler's control of rewards and punishments, which are identified in chapter 7 as the "Two Levers" ("Er bing" 二柄) through which the ruler regulates his underlings. These first four techniques resonate with another definition of *shu* in *Han Feizi*: "Technique is bestowing office on the basis of concrete responsibilities, demanding performance on the basis of titles, wielding the levers of life and death, and examining the abilities of the ministers" 術者，因任而授官，循名而責實，操殺生之柄，課羣臣之能者也 (*Han Feizi* 43.1.2; Chen 2000: 957 ["Ding fa"]). The latter definition adds two more dimensions to *shu*, namely the ruler's control over appointments and examination of the ministers' abilities. Taken together, these six aspects of *shu* are all reasonable devices that can be adequately utilized in modern management. Nonetheless, even these ostensibly innocent bureaucratic means can serve sinister needs. Before we go into the last three of the "seven techniques," let us focus on one of Han Fei's more detailed discussions about the ruler's control over the bureaucracy. The chapter "Two Levers" explains:

> 人主將欲禁姦，則審合刑名；刑名者，言異事也。為人臣者陳而言，君以其言授之事，專以其事責其功。功當其事，事當其言，則賞；功不當其事，事不當其言，則罰。 ……故明主之畜臣，臣不得越官而有功，不得陳言而不當。越官則死，不當則罪。[21] 則羣臣不得朋黨相為矣。
>
> A sovereign who wants to suppress treachery must examine and match performance (the form, *xing* 形) and title (the name, *ming* 名). Performance and title refer to the difference between the proposal and the task. The minister lays out his proposal; the ruler assigns him the task according to his proposal, and solely on the basis of the task determines [the minister's] merit. When the merit matches the task, and the task matches the proposal, [the minister] is rewarded; when the merit does not match the task and the task does not match the proposal, he is penalized. … Thus, when the clear-sighted sovereign nourishes his ministers, the minister should not claim merit by overstepping [the duties of] his office, nor should he present the proposal that does not match [his task]. One who oversteps his office's [duties] dies; one who[se proposal] does not match [the task] is punished; then ministers are unable to form cabals and cliques. (*Han Feizi* 7.2; Chen 2000 126–27)

This is one of several sections of *Han Feizi* that elucidates the principle of "performance and titles" (*xingming* 形名)—one of the crucial elements in Han Fei's administrative thought (cf. Wang Pei and Indracollo, Chaps. 20 and 14, this volume). Goldin (2020: 214) compares this principle to the modern call for bids. A minister makes the proposal on the basis of his official duties; his actual performance is then matched against his proposal and the result (reward or punishment) is determined accordingly. Whether or not one accepts the logic of this management style, it is safe to say that in principle it is not controversial. However, it is framed above within the context of the ruler's struggle against ministerial treachery and against cabals and cliques. This brings us to the second part of Han Fei's "seven techniques" cited above. Techniques five to seven—"issue confusing edicts and make wily

[21] Following Chen Qiyou's gloss (Chen 2000: 129–30), I omit a sentence here that appears to be an old gloss misplaced into the text.

dispositions; keep your knowledge to yourself and ask advice; say the opposite of what you mean and do the opposite of what you intend"—do not make good bureaucratic sense. Surely none of us would welcome these techniques employed in our company or university. Why does Han Fei recommend these cunning methods? Why does he insist that in contrast to the transparency of *fa*, the techniques of rule should be secret? See the follows:

> 術者，藏之於胸中，以偶眾端而潛禦群臣者也。故法莫如顯，而術不欲見。
>
> As for techniques of rule, they are hidden in the breast. It is that through which you match up all the various ends and from your secret place steer the ministers. Therefore, laws are best when they are clear, whereas techniques should not be seen. (*Han Feizi* 38.8.2; Chen 2000: 922–23 ["Nan 3"])

The reason behind this secrecy is that the techniques of rule serve not just to help the ruler perfect the bureaucratic mechanism, but, more urgently, to safeguard him against closest aides. Here comes one of the most controversial segments of *Han Feizi* thought. No other text is so adamant in its repeated warnings to the ruler: beware of everybody; especially of your ministers. For instance, "Extolling Authority" chapter postulates:

> 黃帝有言曰:「上下一日百戰。」下匿其私，用試其上；上操度量，以割其下。故度量之立，主之寶也；黨與之具，臣之寶也。臣之所不弒其君者，黨與不具也。故上失扶寸，下得尋常。有國之君，不大其都；有道之臣，不貴其家。有道之君，不貴其臣；貴之富之，彼將代之。
>
> The Yellow Thearch said: "A hundred battles a day are fought between the superior and his underlings." The underlings conceal their selfish [interests], trying to test their superior; the superior employs gauges and measures to restrict the underlings. Hence when gauges and measures are established, they are the sovereign's treasure; when the cliques and cabals are formed, they are the ministers' treasure. If a minister does not murder his ruler, this is because the cliques and cabals are not formed yet. Hence, when the superior loses half-inches and inches, the underlings gain yards and double-yards. The ruler who possesses the capital does not enlarge secondary cities;[22] the minister who possesses the Way does not esteem his kin; the ruler who possesses the Way does not ennoble his ministers. If he ennobles and enriches them, they will replace him. (*Han Feizi* 8.8; Chen 2000: 170 ["Yang quan"])

Han Fei's conclusion is amazing, on a par with the observation cited above that every minister is a potential usurper (p. 115). The ministers are by definition the ruler's mortal enemies. If they did not carry out the assassination, it is only because they did not prepare adequately, or, as Han Fei explains elsewhere, because the ruler was prudent enough to outwit them through the proper application of the techniques of rule (see, e.g., *Han Feizi* 33.2.3; Chen 2000: 730 "Wai chushuo zuo xia" 外儲說左下). Elsewhere the text identifies ministers as tigers who are ready to devour the sovereign the moment his vigilance fades (*Han Feizi* 8.7 and 5.2; Chen 2000: 164

[22] The potential of a secondary city to rival the capital and become the base for a rebellion was recognized already in *Zuozhuan*, which contains several warnings about that (e.g., *Zuozhuan*, Yin 1.4a; Huan 18.3; Zhao 11.10).

and 74–75 [“Yang quan” and “Zhu dao”]).[23] This is not a consistent view in *Han Feizi*; a few chapters laud the model ministers, such as Shang Yang, who were able to transcend their selfishness and committed themselves fully to the strengthening of the state. These model ministers are part of a broader group of “men of service skilled in laws and techniques of rule” (*fashu zhi shi* 法術之士) with whom Han Fei probably identified himself (Pines 2013b: 82–84). Yet these loyal and committed ministers appear just in a few chapters of the text (mostly, 11, 13, and 14), whereas the topos of plotting and scheming ministers permeates the text in its entirety and may well serve as its leitmotif.

The assumption of perennial enmity between the rulers and their ministers explains some of the most questionable aspects of Han Fei’s recommendations to the ruler, such as “issue confusing edicts” or “say the opposite of what you mean.” At times Han Fei is carried out by his own rhetoric, proposing even more deplorable ways of dealing with the ruler’s rivals:

> 生害事，死傷名，則行飲食；不然，而與其讎；此謂除陰姦也。
>
> If leaving them alive harms your undertakings, yet killing them ruins your reputation, then do it with [poisoned] food and drink. Otherwise, hand them over to their enemies. This is called removing the treacherous. (*Han Feizi* 48.3; Chen 2000: 1054 [“Ba jing” 八經])

This is one of the most appalling statements even in *Han Feizi*, which does not eschew provocation (see more in Song, Chap. 9, this volume). But readers should be reminded that it does not represent the crux of Han Fei’s recommendations. Reining in the ministers is normally done in a more acceptable way. Thus, having compared the ministers to the ruler-devouring tigers, Han Fei explains: “when the application of laws and the punishments is reliable, the tigers will be transformed into humans, reverting to their true state” 法刑苟信，虎化為人，復反其真 (*Han Feizi* 8.7; Chen 2000: 164 [“Yang quan”]). In the final account, ministers are human beings, and they can even serve the ruler well. All that is needed is to remember that the ruler-minister relations are based not on devotion and loyalty but on pure calculation of benefit:

> 且臣盡死力以與君市，君垂爵祿以與臣市。君臣之際，非父子之親也，計數之所出也。君有道，則臣盡力而姦不生；無道，則臣上塞主明而下成私。
>
> 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 power] 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. (*Han Feizi* 36.3.2; Chen 2000: 851–52 “Nan 難 1”)

In society driven by self-interest, the ruler and the ministers can find their modus vivendi. Insofar as the ruler relies on techniques of rule and utilizes the benefits of

[23] What is really surprising about these statements is that they can be contrasted with the rarity of ministerial usurpations and assassinations of the rulers in a century and a half that preceded Han Fei’s time (Yin 1987: 21; Pines 2013b: 75).

his positional power, in particular his control over rewards and punishments, the ministers will serve him faithfully. They will do it not because they are morally committed to the sovereign or the polity, but as a result of a simple calculation of personal benefit. This is yet another manifestation of the advantage of the rule by impartial standards.

3.3 The Ruler

Han Fei's unequivocal siding with the ruler against the ministers (i.e., the members of Han Fei's own stratum) explains why this thinker was condemned as the defender of "monarchic despotism" and "absolute authoritarianism" (Hsiao 1979: 386, 417). That said, not everybody accepts this verdict. A.C. Graham, for instance, opined that Han Fei's system makes sense only "if seen from the viewpoint of the bureaucrat rather than the man at the top" (Graham 1989: 290–292). The paradoxes of Han Fei's views of rulership have attracted considerable attention in recent years (cf. Pines 2013b; Galvany 2013: 101–05; Graziani 2015; Lewis, Chap. 11, this volume). As noted by many scholars, the ruler figures in *Han Feizi* both as the pivot of the political system whose power should be resolutely defended and as its weakest link. How to explain this paradox?

A possible solution is to distinguish between two levels of the ruler-related discussions in *Han Feizi*. These two levels are present in the vast majority of the Warring States-period political texts, all of which shared the basic ideology of monarchism (for which see Liu 2000; Pines 2009: 25–107). On one level, the ruler's singularity epitomized the idea of political unity, first within a single polity, and, ultimately, in All-under-Heaven. The ruler's undivided authority should guarantee political stability; hence institutional limitations on his power were unanimously rejected. As symbol of unity and stability, the ruler was imagined to be omnipotent, omniscient, omnipresent—in short all but divine. Han Fei's presentation of the ruler as an earthly counterpart of the Way (above, pp. 107–108), or equation of ruler with Heaven (*Han Feizi* 48.1; Chen 2000: 1045 ["Ba jing"])—all belong to this line of argumentation. On a second level, however, the ruler was tacitly understood to be less than perfect human being, who should be guided and corrected so as to prevent him from jeopardizing the political order over which he presided. How to reconcile between these "two bodies" of the ruler (to borrow from Kantorowicz 1957) became the challenging issue not just for the Warring States-period thinkers but for traditional Chinese political culture in general (Pines 2012: 44–75). And nowhere does this tragic contradiction between an abstract and a concrete ruler appears stronger than in *Han Feizi*.

Han Fei's unwavering commitment to the principle of monarchism was elucidated above and does not require further elaboration. Yet as we have already noted, Han Fei at times refers to an average ruler as mediocrity (pp. 119–120). This is not a slip of a brush. Having rejected in principle the idea of non-hereditary power transfer (see more below, Sect. 4, pp. 130–131), Han Fei—as other thinkers of his

age—had to acquiesce to the situation in which the top executive, the single most important political actor, was determined by birthright alone. Han Fei is "therefore obliged to integrate the unavoidable fact of absolute submission to an individual who is more often than not totally unqualified for the exercise of supreme command" (Graziani 2015: 162).

Han Fei outlines the problem with utmost clarity in one of the text's most fascinating chapters, 40, "Objections to Positional Power" (Pines 2020b). The chapter starts with presenting Shen Dao's views, according to which the ruler's qualities do not impact his authority; only positional power matters. Then a Confucian-minded objector intervenes. He argues, first, that the ruler's qualities do matter a lot: just as the speed of the chariot is determined not just by the horses' quality, but also by the charioteer's skills, so the functioning of the state is determined by the sovereign's moral and intellectual abilities. Second, he cautions against Shen Dao's sidelining of the rulership's moral aspects. If positional power is granted to bloodthirsty tyrants like Jie 桀 of the Xia dynasty and Zhòu 紂 (d. ca. 1046 BCE) of the Shang, it is like "adding wings to a tiger" 為虎傅翼. "Positional power is what nourishes the heart of a wolf or a tiger, and [allows them to] accomplish the deeds of violence and turmoil. It is the great disaster of All-under-Heaven" 勢者，養虎狼之心，而成暴亂之事者也。此天下之大患也 (*Han Feizi* 40.2.2; Chen 2000: 942).

After this attack comes the response of the counter-objector (presumably, Han Fei himself). The counter-objector admits that positional power can be abused by tyrants, and that its import is less evident in the case of moral paragons such as Yao and Shun. But then comes the major point:

> 且夫堯、舜、桀、紂千世而一出，是比肩隨踵而生也。世之治者不絕於中，吾所以為言勢者，中也。中者，上不及堯、舜，而下亦不為桀、紂。抱法處勢，則治；背法去勢，則亂。
>
> Besides, if Yao and Shun or Jie and Zhòu appear even once in a thousand generations, this is like being born shoulder to shoulder and being treading on each other's heels. [Yet] the average [rulers] cannot be cut out of the generations of orderly rule. The positional power of which I am talking is about the average [rulers]. 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 *fa* and acts according to the positional power, there is orderly rule; when one turns his back on *fa* and dismisses positional power, there is turmoil. (*Han Feizi* 40.3.2; Chen 2000: 945)

The author clarifies with utmost candor: his political theory is not designed for exceptionally good or bad individuals but, rather for average rulers. These rulers are not good charioteers, but a well-functioning political system will allow them to attain excellent results.

> 夫良馬固車，五十里而一置，使中手御之，追速致遠，可以及也，而千里可日致也，何必待古之王良乎?
>
> Now good horses and solid vehicles can go fifty *li* before they are given a single rest at a relay station. Even if you make a mediocre person steer them when you pursue someone going fast or is trying to cover a long distance, you can achieve your objective. Why must you wait for [a paragon charioteer] Wang Liang of antiquity? (*Han Feizi* 40.3.3; Chen 2000: 946)

Even a mediocrity can function well if the system is designed accordingly. And most rulers are mediocrities. This observation ostensibly contradicts Han Fei's periodic appeals to the idea of a sage monarch and his much more frequent invocations of the image of a "clear-sighted sovereign" (*ming zhu* 明主). The latter is surely a desideratum. But as an astute observer of history, Han Fei seems to realize that this desideratum is normally unattainable. Not accidentally, most of historical anecdotes scattered throughout *Han Feizi* repeatedly tell about short-sighted and intemperate rulers who dismissed good advice of their aides and brought about disaster on themselves and their states (Graziani 2015). These anecdotes problematize, if not outright subvert the text's habitual sidelining with the ruler against his ministers. They may reflect Han Fei's frustration with his own political construct. How to ensure that the ruler—the absolute focus of political authority—does not misuse or abuse his enormous power?

The answer is again surprising. Having postulated that the ruler should consistently monitor his officials and preserve the levers of rewards and punishments firmly in his hands, the text tries to limit the ruler's impact on quotidian government affairs. The ruler should eschew any expression of personal emotions, cast away personal desires and avoid manifestations of favoritism. The proposed reasons for this self-abnegation vary from one passage to other. Sometimes it is presented as a means to protect the ruler from scheming ministers who would observe his emotions and try to dupe him (see citation on p. 119 above). Alternatively, in the chapter "The Way of the Sovereign," the ruler's depersonalized stance is regarded as fitting the impartial norms of the Way (*Han Feizi* 5.1; Chen 2000: 66). Yet in the same chapter Han Fei immediately turns to a more sinister explanation of the desirability of the ruler's passivity:

> 明君之道，使智者盡其慮，而君因以斷事，故君不窮於智；賢者敕其材，君因而任之，故君不窮於能；有功則君有其賢，有過則臣任其罪，故君不窮於名。是故不賢而為賢者師，不智而為智者正。臣有其勞，君有其成功，此之謂賢主之經也。
>
> The way of a clear-sighted ruler: Let the wise completely exhaust their contemplations and rely on them to decide on matters—then the ruler is not depleted of wisdom. Let the worthy utilize[24] their talents and rely on them and assign task accordingly—then the ruler 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 a [good] name. Hence, being unworthy, he is the master of the worthies; being unwise, he is the corrector of the wise. The minister works, while the ruler possesses the achievements: this is called the foundations of the worthy sovereign. (*Han Feizi* forthcoming: 5.1; Chen 2000: 67)

This passage is somewhat ironic. Whereas the ruler is referred to as "clear-sighted," he is also presumed to be potentially unworthy and unwise. By dispensing with any manifestation of personal inclinations and abilities, the ruler benefits twice. First, he avoids the traps of scheming ministers; and second, he is able to manipulate them and achieve undeserved glory and fame. The latter promise—an unabashed appeal

[24] Following Lu Wenchao 盧文弨 (1712–1799), I emend *chi* 敕 to *xiao* 效 (Chen 2000: 73n25).

to the ruler's selfishness[25]—should lure him into adopting Han Fei's views. Hinting at the possibility that the sovereign, albeit unworthy and unwise, 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. This qualifies the text's constant invocations of a "clear-sighted sovereign."

And yet Han Fei remains unsettled about the ruler's proper functioning. The dismissive attitude in some passages is contrasted with others, in which Han Fei promotes "the idea of the ruler's creation of a supremely potent self through rigorous intellectual self-cultivation" (Lewis, Chap. 11, this volume, p. 315). Calls for the ruler to refrain from activism suit well the notion that a few devoted ministers may run the state in the ruler's stead (Pines 2013b), but are contradicted elsewhere, when Han Fei insists that the ruler, who must constantly keep vigilance against his ministers, cannot function through non-action: "He retains ministers according to performance and title, and regulates them with gauges and measures. He must never omit doing this, so how can he relax?" 以刑名收臣，以度量準下，此不可釋也，君人者焉佚哉?(*Han Feizi* 37.5.2; Chen 2000: 882 ["Nan 2"]). These contradictions permeate the text. Perhaps they are irresolvable. With his unparalleled clarity of mind, Han Fei may have understood more than his contemporaries the perennial weakness of the system in which a single—potentially inept—individual plays the superhuman role. That this sober understanding came from a thinker dubbed "the most sophisticated theoretician of autocracy" (Wang and Chang 1986:12) deserves utmost attention.

3.4 The People

Hsiao Kung-chuan 蕭公權 (1897–1981), who called Han Fei the defender of monarchic despotism, averred that in Han Fei's political system "the ruler in his own person became the ultimate objective of politics and its sole standard" (Hsiao 1979: 385–86). By contrast, Wang and Chang (1986: 117–31) marshaled impressive evidence that the ultimate goal of Han Fei's system was to benefit the people (*li min* 利民). Indeed, it is not difficult to find statements that support the latter observation in *Han Feizi*. The text reiterates: the people at large are the ultimate beneficiaries of the political system. Actually, the assault on powerful ministers is justified at times in terms of protecting the people below from the powerholders' abuse (*Han Feizi* 17.3; Chen 2000: 323 ["Bei nei" 備內]). Thus, Han Fei depicts the rule of the sage monarch as follows:

> 聖人者，審於是非之實，察於治亂之情也。故其治國也，正明法，陳嚴刑，將以救群生之亂，去天下之禍，使強不陵弱，眾不暴寡，耆老得遂，幼孤得長，邊境不侵，君臣相親，父子相保，而無死亡係虜之患，此亦功之至厚者也！愚人不知，顧以為暴。

[25] For a very similar point, see *Han Feizi* 48.2; Chen 2000: 1049 ("Ba jing" 八經).

> The sage investigates the substance of right and wrong, examines the conditions of order and calamity. Hence, when ordering his state, he corrects and clarifies the laws, and lays out strict punishments. He intends therewith 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 this and consider him oppressive. (*Han Feizi* 14.5; Chen 2000: 287)

The list of the sage's achievements can easily be transposed into any other contemporaneous text of whatever ideological current. The idea that the people at large ("All-under-Heaven") are the ultimate beneficiaries of the sage's rule and that their well-being is the ultimate goal of the sage's concern is among the foundational features of traditional Chinese political thought in general (Pines 2009: 187–211; Song 2010: 135–56). What distinguishes *Han Feizi*, though, is the bottom line of the above extract—the complaint that the people consider a good monarch "oppressive." To understand why they do so is not difficult. When Han Fei speaks about orderly rule, he repeatedly echoes Shang Yang's ideas that coercion is the only viable means of ruling the people:

> 今有不才之子，父母怒之弗為改，鄉人譙之弗為動，師長教之弗為變。夫以父母之愛、鄉人之行、師長之智，三美加焉，而終不動，其脛毛不改。州部之吏，操官兵，推公法，而求索姦人，然後恐懼，變其節，易其行矣。故父母之愛不足以教子，必待州部之嚴刑者，民固驕於愛、聽於威矣。
>
> Suppose there is a son of no talent: his parents scold him but he will not reform himself, his neighbors berate him but he will not budge, his teachers and seniors educate him but he will not change. Now, the love of his parents, the proper conduct of his neighbours, the intelligence of his teachers and seniors, these three excellent influences are brought to bear on him, but he refuses to budge and he does not change as much as a hair on his shin. But when the local official, wielding weapons from the state arsenal, exercises the impartial law and seeks to tie up the villains, only then he becomes terrified, changes his standards, and reforms his behavior. Thus parental love is not enough to educate children, and you have to rely on severe punishments by local officials. The people certainly are arrogant towards love but obedient to awe-inspiring majesty. (*Han Feizi* 49.7; Chen 2000: 1099 ["Wu du"])

The bottom line is clear. Moral suasion does not suffice to deter villains; only coercion based on impartial law (*gong fa* 公法; i.e., common rules that have no room for private sentiments) works. This understanding does not apply to villains only. The people at large will submit to force alone. As is explained in the chapter "Measures of Heart" (54, "Xin du" 心度), laws are the only way to protect the people against themselves:

> 聖人之治民，度於本，不從其欲，期於利民而已。故其與之刑，非所以惡民，愛之本也。刑勝而民靜，賞繁而姦生。故治民者，刑勝，治之首也；賞繁，亂之本也。夫民之性，喜其亂而不親其法。
>
> When the sage rules the people, he measures from the root and does not follow their desires. His aspiration is to benefit the people, that is all. Thus when he metes out punishments on them, this is not because he dislikes the people—it is the very root of love. When punishments prevail, the people are tranquil; when rewards are abundant, villainy arises. Thus if the people are well-governed, it is because punishments prevail; this is the starting

> point of orderly rule. If rewards are abundant, this is the root of turmoil. It is in the nature of the people that they delight in turmoil and are not devoted to the law. (*Han Feizi* 54.1; Chen 2000: 1176–77)

This passage, which strongly resembles the argumentation in the *Book of Lord Shang* (e.g., *Book of Lord Shang* 7.4 ["Kai sai"; Zhang 2012: 113]; see also McLeod, Chap. 15, this volume), provides the common rationale for the *fa* thinkers' emphasis on the advantages of coercive methods. By their very nature, the people are unruly; hence, the benevolent sage should overawe them so as to attain tranquility.[26] Why the people's nature is such? It is because their intelligence is lacking: "The intelligence of the people cannot be used, because it is just like the mind of an infant 民智之不可用，猶嬰兒之心也" (*Han Feizi* 50.11; Chen 2000: 1147 ["Xian xue"]). The infant detests unpleasant medical treatment because it does not understand the long-term benefits. Ditto for the people. The government should lead them resolutely toward the brave new world of universal stability by suppressing their turmoil-oriented inclinations.

By comparing the people to a toddler, Han Fei employs the common paternalistic simile which permeates the texts of the Warring States period (Flavel and Hall 2020). In the context of *Han Feizi*, the paternalistic paradigm is employed primarily to highlight the fallacy of the frequent calls for the rulers "to attain the hearts of the people" 得民之心. Han Fei shrewdly utilizes another common viewpoint of competing thinkers—that the commoners *en masse* are morally and intellectually inferior to the elites (Pines 2009: 210–14; Song 2010: 145–49)—to ridicule appeals to the people's hearts/mind. Han Fei reminds the readers:

> 欲得民之心而可以為治，則是伊尹、管仲無所用也，將聽民而已矣。 ……夫求聖通之士者，為民知之不足師用。……故舉士而求賢智。
>
> Should attaining the people's hearts bring about orderly rule, then there would be no use for [the model ministers] Yi Yin and Guan Zhong: it would be enough just to listen to the people and that is all…. One seeks sagacious and all-penetrating *shi* (士, men of service) because the people's knowledge is considered insufficient to be guided by. … Hence the *shi* are elevated, and the worthy and knowledgeable are sought after. (*Han Feizi* 50.11; Chen 2000: 1147 ["Xian xue"])

Here we can observe Han Fei's rhetorical brilliance. If the people's voices are to be heeded, then the need for meritocratic government may disappear. Han Fei cannily addresses *shi* fears for their positions at courts, manipulating them against the people-oriented discourse. He reminds the audience that the very idea of elevating "the worthy and knowledgeable" men of service contradicts the populist (or quasi-democratic?) idea of seeking "the people's hearts."[27] Han Fei shrewdly notes the

[26] Elsewhere, Han Fei summarizes this point eloquently: "Thus it is the Way of the law to be bitter first, and in the long run advantageous; and it is the Way of benevolence to be self-indulgent and lead to impoverishment" 故法之為道，前苦而長利；仁之為道，偷樂而後窮 (*Han Feizi* 46.6; Chen 2000: 1011 ["Liu fan" 六反]).

[27] This is not the place to discuss the contradictions between meritocracy and democracy (for which, see, e.g., Bell 2015). But at least on one point Han Fei was prescient. The moment the

contradiction between the broadly proclaimed idea of "listening to the people" and the self-interest of the intellectuals. And he is sure that the latter will prevail: once reminded that in a people-based political system they will lose their sociopolitical advantages, the intellectuals will abandon this discourse entirely. The *yin* of selfishness will forever overcome the *yang* of public commitment.

4 A Class Traitor? Han Fei and the Intellectuals

Han Fei delights in polemics. Much like his supposed teacher, Xunzi, he engages a broad variety of intellectual traditions of his age—from supporters of reclusion to admirers of the sword-wielding bravoes (*xia* 俠), from advocates of the horizontal and vertical alliances to debaters of whether a white horse is a horse. Yet the bulk of Han Fei's polemical zeal is directed against those whom he dubs "scholars" (*xuezhe* 學者 or *xueshi* 學士), "students of texts" (*wenxue* 文學), "Confucians" (Ru 儒), or "Confucians and Mohists" (Ru-Mo 儒墨), a term which in some cases should better be translated as "moralizers" (Lee 2014). He is merciless in exposing the shallowness of their discourse, be this the call to "attain the people's hearts" (Sect. 3.4, p. 129 above) or endorsement of the revered virtue of filiality (*xiao* 孝). With regard to the latter, Han Fei reminds that the Confucian prioritization of family values allows sons to conceal their father's crimes, and, worse, legitimates the soldiers' desertion from the battlefield to take care of an aging parent. Han Fei concludes: "a filial son to a father is an absconding subject to the ruler" (夫父之孝子，君之背臣也; *Han Feizi* 49.9; Chen 2000: 1104 ["Wu du"]).

Han Fei's incisiveness peaks in chapter 51, "Loyalty and Filiality," where the author resorts to the moralizers' cherished values in order to assault their revered paragons—such as selfless abdicators Yao and Shun and the founders of the Shang and Zhou dynasties, kings Tang and Wu. The chapter (which evidently originated as a memorial to an unidentified king), reminds the reader that both abdication, associated with Yao and Shun, and dynastic rebellion, associated with Tang and Wu, mean subverting the inviolable norms of hereditary succession:

> 堯、舜、湯、武，或反君臣之義，亂後世之教者也。堯為人君而君其臣，舜為人臣而臣其君，湯、武為人臣而弒其主、刑其尸，而天下譽之，此天下所以至今不治者也。……今堯自以為明而不能以畜舜，舜自以為賢而不能以戴堯，湯、武自以為義而弒其君長，此明君且常與，而賢臣且常取也。故至今為人子者有取其父之家，為人臣者有取其君之國者矣。父而讓子，君而讓臣，此非所以定位一教之道也。
>
> Yao and Shun, [kings] 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, All-under-Heaven has not been ruled well. … Now, Yao

Chinese intellectuals endorsed in earnest the people-oriented discourse (which happened around the May Fourth movement, 1919), they inevitably undermined the position of their stratum and lost their sociopolitical leadership (Schwarcz 1985: 9–10; Pines 2012: 170–75).

> considered himself clear-sighted but was unable to feed Shun,[28] 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 a "clear-sighted" ruler should constantly give, whereas a "worthy" minister—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 the positions and unifying the teaching. (*Han Feizi* 51.1; Chen 2000: 1151)

The chapter continues with vicious criticism of the paragons, including accusing Shun—the single most admired personality among the men of service of the Warring States era—of not only making his father a servant but also making his mother a bondwoman (*qie* 妾), a term which, scandalously, may also refer to a concubine (Goldin 2017). Yet the point is not just to ridicule the paragons. Han Fei shows that the very discourse that lauds those paragons (who are paired elsewhere in the chapter with lofty-minded "zealous men of service" [*lie shi* 烈士])—is subversive by its nature:

> 夫為人子而常譽他人之親曰:「某子之親，夜寢早起，強力生財以養子孫臣妾」，是誹謗其親者也。為人臣常譽先王之德厚而願之，是誹謗其君者也。非其親者知謂之不孝，而非其君者天下皆賢之，此所以亂也。故人臣毋稱堯、舜之賢，毋譽湯、武之伐，毋言烈士之高，盡力守法、專心於事主者為忠臣。
>
> Now, if a son always praises other people's parents, saying "Such-and-such a son's parents get to sleep late and get up early. With all their might they produce wealth in order to keep their offspring, their male and female servants"—that would be to malign his own parents. If a minister always praises the bountiful virtue of the former kings, turning his hopes toward it—that is to malign his ruler. He who rejects his parents is called unfilial; but he who rejects his ruler is considered worthy throughout All-under-Heaven. That is why [All-under-Heaven] is in turmoil.
>
> Thus, one's subject should not praise the worthiness of Yao and Shun, should not extol the punitive expeditions of Tang and Wu, should not talk about the loftiness of zealous men of service. [Only] he who dedicates all his force to safeguard the standards (or laws, *fa*) and focuses whole-heartedly on serving the sovereign is the loyal minister. (*Han Feizi* 51.5; Chen 2000:1155)

Here we discover a darker side of Han Fei's criticism of his opponents. He is not engaged just in intellectual polemics, as is common, e.g., in *Zhuangzi*. Rather, he shows how an ostensibly innocent praise of former paragons can serve as a cunning ploy to subvert the ruler's power and then calls upon the cessation of this subversive discourse. Recall that this recommendation appears in what purports to be Han Fei's memorial to the ruler. This is then a call for action—a call for instant suppression of subversive intellectual activity.

This brings us to the final, and arguably, the most problematic aspect of Han Fei's legacy: his open assault on fellow intellectuals.[29] This assault develops along several lines. First, echoing the *Book of Lord Shang* (Chap. 1, Sect. 7, this volume),

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[28] Referring to Shun's humble position under Yao's rule before his sudden elevation, see *Han Feizi* 36.2; Chen 2000: 845–847 ("Nan yi").

[29] I use the term "intellectual" for an intellectually active segment of men of service. For a broader equation of the Warring States-period *shi* as a whole with "intellectuals," see Yu 2003: 3–76, esp. pp. 3–4.

Han Fei cautions against patronizing talkative men of service at the expense of tillers and soldiers: "Those whom [the state] benefits are not those whom it uses; those whom it uses are not those whom it benefits" 所利非所用，所用非所利 (*Han Feizi* 49.10 ["Wu du"] and 50.4 ["Xian xue"]; Chen 2000: 1105 and 1135). The scholars' uselessness derives from the very nature of their discourse, e.g., their abuse of "subtle and mysterious words that even the most intelligent find hard to understand" (微妙之言，上智之所難知也; *Han Feizi* 49.11; Chen 2000:1109 ["Wu du"]). Worse, the ideological cleavages among the moralizers and their conflicting interpretations of the former paragons' legacy make their ideas intrinsically impracticable. Han Fei ridicules the rulers who admire the eloquence of the scholars' arguments and patronize proponents of contradictory doctrines without checking the applicability of their recommendations:

> 夫冰炭不同器而久，寒暑不兼時而至，雜反之學不兩立而治。今兼聽雜學繆行同異之辭，安得無亂乎?
>
> Yet ice and [burning] coals cannot coexist in the same vessel for a long time, cold and hot weather do not come at the same season. You cannot establish simultaneously motley and contradictory teachings and attain orderly rule. Now, if you listen to the similar and dissimilar words of motley teachings and misguided behaviors how can you fail to end up in turmoil? (*Han Feizi* 50.2; Chen 2000:1130 ["Xian xue"])

Han Fei's criticism of the uselessness of the moralizer's doctrines was not much controversial; we can find ready parallels not only in Shang Yang's diatribes but also in Xunzi's dismissal of rival philosophers.[30] What distinguishes Han Fei from his predecessors though is the second line of his criticism, viz. his readiness to identify unrestrained selfishness behind the moralizers' lofty pronouncements. With his inquisitive mind, Han Fei notes how his opponents' laudation of principled intellectuals is just a means to ensure the ruler's patronage to themselves and their ilk. In particular, Han Fei identify the meritocratic discourse of his age as detrimental to real meritocracy.[31] Those who hail high-minded men of letters as "worthies" subvert the true meritocracy, because their definition of "worthiness" has nothing to do with one's real contribution to the state. In the chapter "Eight Explanations" (47, "Ba shuo" 八說), the author enumerates different manifestations of selfish conduct, each of which is lavishly praised by the adherents of "textual studies" 文學 and their ilk, and reminds: "These eight are the selfish praises of the ordinary men, and the great defeat for the sovereign" 此八者，匹夫之私譽，人主之大敗也 (*Han Feizi* 47.1; Chen 2000: 1023). The chapter explains further:

> 匹夫有私便，人主有公利。不作而養足，不仕而名顯，此私便也。息文學而明法度，塞私便而一功勞，此公利也。
>
> Ordinary men have their (selfish) interests but the sovereign is concerned with common benefit. Not to work but to have enough to sustain oneself, not to serve but to have one's name illustrious—these are private interests. Stopping textual studies and publishing the

[30] See, e.g., chapter 6, "Against the Twelve Masters" ("Fei shier zi" 非十二子) of *Xunzi*, and more discussion in Chap. 18, Sect. 4, this volume.

[31] For contextualization of Han Fei's views of meritocracy in the Warring States-period discourse, see Pines 2013c; see also Yuan 2005 and Pines, Chap. 18, this volume.

> laws and gauges, blocking private interests and unifying merits and toils [on agriculture and warfare]—that is the common benefit. (*Han Feizi* 47.3; Chen 2000: 1027)

Adherents of "textual studies" do not deserve the proud designation of *shi*; rather they are "ordinary men" or "commoners" (*pifu* 匹夫). Their goal is to avoid bitter toil or government service and yet enjoy material and social benefits. To advance this selfish goal, scholars create favorable reputation for their peers as an alternative to the state-sponsored system of the ranks of merit. That worthless talkers are promoted is bad enough; but Han Fei notes that the danger of the moralizers' discourse is even higher. It amounts to the promotion of an alternative hierarchy of values in which lofty intellectuals are placed at the top at the expense of all the rest, the rulers included.[32] And this alternative hierarchy erodes the very foundations of the sociopolitical order:

> 民之重名與其重賞也均。賞者有誹焉，不足以勸；罰者有譽焉，不足以禁。……明主之道，賞必出乎公利，名必在乎為上。
>
> The people attach the same importance to reputation (the name, *ming* 名) and rewards. If some of those who are rewarded are also blamed, then [the rewards] will not suffice to encourage them; if some of those who are punished are also praised, then [the punishments] will not suffice to prohibit [transgressions]. … The Way of the clear-sighted sovereign is such that rewards inevitably derive from benefitting the common interest, and reputation inevitably come from acting for the superiors. (*Han Feizi* 48.7; Chen 2000: 1079 ["Ba jing" 八經])

Han Fei correctly identifies the quest for a good reputation as one of the primary motivational forces in human behavior (see more in Pines 2020c; Lewis 2021). Because of their importance, praise and blame should never be determined by the adherents of textual studies or by Confucian "noble men." They should be controlled by the state and the state alone. The system of ranks of merit, introduced by Shang Yang, will be functionable only insofar as it is not undermined by any alternative system of values. If intellectuals are allowed to promote such values independently, broader rejection of the rules imposed by the state will ensue. This is the third line of Han Fei's attack against the intellectuals. Their discourse is not just useless and self-serving, it is actually subversive of the entire political order. This point is clarified, for instance, in chapter 45, "Deluded Assignments" ("Gui shi" 詭使), which cautions against fake reputations created by the self-declared "sages," the "knowledgeable," and the "worthy":

> 上無其道，則智者有私詞，賢者有私意。上有私惠，下有私欲。聖智成羣，造言作辭，以非法措於上。上不禁塞，又從而尊之，是教下不聽上、不從法也。是以賢者顯名而居，姦人賴賞而富。賢者顯名而居，姦人賴賞而富，是以上不勝下也。
>
> When the superior lacks the Way, the knowledgeable have selfish (private) words, and the worthies have selfish aspirations. When the superior has private generosity, the underlings have private (selfish) desires. "Sages" and "knowledgeable" multiply; they produce speeches and create statements in order to attack the standards (or laws, *fa*) being implemented from above. When the superior, instead of prohibiting and blocking them, follows and respects them, this is to teach the underlings neither to heed the superior, nor to follow

[32] For this alternative hierarchy, see more in Pines 2009: 123–35; see also Chap. 18, Sects. 2 and 3, this volume.

> the standards. Therefore, the "worthies" will rest on their illustrious reputation, and the villains will rely on rewards to become rich. When the "worthies" rest on their illustrious reputation, and the villains rely on rewards to become rich, this means that the superior cannot overcome his underlings. (*Han Feizi* 45.6; Chen 2000: 998)

This extract can serve as an excellent summary of Han Fei's views. The intellectuals are useless, but they yearn for the ruler's support. In order to maintain high sociopolitical position without contributing anything practical to the state, they promote an alternative system of values in which the reputation generated by the men of learning competes with the state-ordained system of ranks of merit. Dangerously, they succeed at convincing the ruler of the attractiveness of their values, which results in the erosion of the state's power. The intrinsic selfishness of these intellectuals coupled with the sophistication of their discourse that deludes the ruler and the ruled creates grave results. It benefits not just useless "worthies," but also allows "villains" 姦人 to advance economically, jeopardizing the sociopolitical order in its entirety. Hence Han Fei concludes:

> 故明主之國，無書簡之文，以法為教；無先王之語，以吏為師；無私劍之捍，以斬首為勇。
>
> Accordingly, in the country of a clear-sighted sovereign there are no texts written in books and on bamboo strips, but the law is the teaching; there are no discourses of the former monarchs, but officials are the teachers; there is no private wielding of swords, but beheading [enemies] is the valor. (*Han Feizi* forthcoming: 49.13; Chen 2000: 1112 ["Wu du"])

Here Han Fei moves from disallowing "discourses of the former monarchs" (probably collections of historical anecdotes about the former worthies; see Petersen 1995) to complete sociopolitical subjugation of the intellectuals, who should be incorporated into officialdom and cease to exist as an autonomous group. In the ideal political order, teaching and learning should be maintained by officials and for officials. Independent, free-floating intellectuals of the Warring States era have no place in this order. Han Fei, himself a brilliant independently-minded intellectual, commits here an act of class betrayal. He places the interest of the state and the ruler—the apex of impartiality—above the interest of his stratum and, indirectly, of himself.

As is well known, Han Fei's views were heeded. Soon after the thinker's tragic death in Qin's custody, his ideological ally, possibly a fellow student, and, reportedly, his nemesis—Li Si—made the crucial step toward realizing Han Fei's program. Qin's notorious biblioclasm of 213 BCE was not designed by Han Fei but it can fairly be considered the realization of his proposals.[33]

This brings me to the final point of the chapter. Whereas the designation of *fa* thinkers as "totalitarians" is methodologically problematic (Schiele, Chap. 22, this volume), Han Fei's fight against independently minded intellectuals (much like Shang Yang's ideal of a total state discussed in chapter 1) had the potential of moving into totalitarian direction. It is appropriate here to use Tao Jiang's astute summary:

[33] For the biblioclasm, see more in Petersen 1995; Kern 2000: 183–96; Pines 2009: 180–82.

> Left to its own device, the impartialist state, conceived of by Han Feizi and other *fajia* thinkers, was totalitarian in its monopoly of values under Heaven since no alternative source of values was allowed under such a system. … This totalitarian orientation toward impartiality articulated and defended in the *fajia* project exposed a dark side to a single-perspective, monistic notion of justice, especially when it is enforced by an all-powerful state, if that idea is untampered or unbalanced by other norms like humaneness or personal freedom (T. Jiang 2021: 457).

Jiang's suggestion that hampering an all-powerful state with such norms as "humaneness or personal freedom" could modify its excesses is interesting from our modern point of view. But for Han Fei it would be a non-starter. He remained fully committed to the idea of an impartial state that will not be hampered by anything. For this state, he was ready to sacrifice his stratum; and for this state he eventually sacrificed his life. But Han Fei as a political analyst—a function in which he excelled more than that of a political theorist—had also realized well that such an impartial state would never function smoothly because in the final account it will more often than not be run by mediocre, selfish, and overall inadequate individuals. Alas, with all his brilliance, Han Fei succeeded only in identifying the problem but not in solving it. Herein lies his tragedy.

References

Allan, Sarah. 2016. *The Heir and the Sage: Dynastic Legend in Early China* (rev. ed.). Albany: State University of New York Press.

Bai, Tongdong 白彤東. 2020. "Han Feizi's Account of the Transition from 'Antiquity' to 'Modernity'" 韓非子對古今之變的論說. *Fudan Journal (Social Sciences)* 復旦學報(社會科學版)5: 37–46.

Bell, Daniel. 2015. *The China Model: Political Meritocracy and the Limits of Democracy*. Princeton NJ: Princeton University Press.

Book of Lord Shang. See Pines 2017.

Chen, Qiyou 陳奇猷 (1917–2006). 2000. *Han Feizi*, *Newly Collated and Annotated* 韓非子新校注. Shanghai: Shanghai guji chubanshe. (One of the best current editions of *Han Feizi*)

Chen, Minzhen. 2023. How to Understand "Empty" Records: On the Format and Compilation of *Chunqiu* from the Perspective of Bamboo Manuscripts. In *Zuozhuan and Early Chinese Historiography*, ed. Yuri Pines, Martin Kern, and Nino Luraghi, 63–88. Leiden: Brill.

Creel, Herrlee G. 1974. *Shen Pu-hai, A Chinese Philosopher of the Fourth Century B.C*. Chicago IL: The University of Chicago Press.

Dou, Zhaorui 竇兆銳. 2019. "Investigating the Authorship of the 'First Audience in Qin' Chapter of *Han Feizi*"《韓非子•初見秦》篇作者考. *Journal of Historical Science* 史學月刊 9: 13–22.

Durrant, Stephen W., Wai-yee Li, and David Schaberg. 2016. *Zuo Tradition / Zuozhuan Commentary on the "Spring and Autumn Annals"*. Seattle: University of Washington Press.

Feng, Youlan 馮友蘭 (1895–1990). 2001. *Newly Edited History of Chinese Philosophy* (*Volume A*) 中國哲學史新編(上卷). Beijing: Renmin chubanshe.

Flavel, Sarah, and Brad Hall. 2020. Exemplary Paternalism: A Consideration of Confucian Models of Moral Oversight. *Culture and Dialogue* 8 (2): 220–250.

Galvany, Albert. 2013. Beyond the Rule of Rules: The Foundations of Sovereign Power in the *Han Feizi*. In *Dao Companion to the Philosophy of Han Fei*, ed. Paul R. Goldin, 87–106. Dordrecht: Springer.

Goldin, Paul R. 2008. Appeals to History in Early Chinese Philosophy and Rhetoric. *Journal of Chinese Philosophy* 35 (1): 79–96.

———. 2011. Persistent Misconceptions about Chinese 'Legalism'. *Journal of Chinese Philosophy* 38 (1): 64–80.

———. 2017. Copulating with One's Stepmother—Or Birth Mother? In *Behaving Badly in Early and Medieval China*, ed. N. Harry Rothschild and Leslie V. Wallace, 56–69. Honolulu: University of Hawai'i Press.

———. 2020. *The Art of Chinese Philosophy: Eight Classical Texts and How to Read Them*. Princeton NJ: Princeton University Press.

Graham, Angus C. 1989. *Disputers of the Tao: Philosophical Argument in Ancient China*. La Salle, IL: Open Court.

Graziani, Romain. 2015. Monarch and Minister: The Problematic Partnership in the Building of Absolute Monarchy in the *Han Feizi* 韓非子. In *Ideology of Power and Power of Ideology in Early China*, ed. Yuri Pines, Paul R. Goldin, and Martin Kern, 155–180. Leiden: Brill.

Guanzi jiaozhu 管子校注 (*Guanzi*, Collated and Annotated). 2004. Ed. Li, Xiangfeng 黎翔鳳. Beijing: Zhonghua shuju.

Han Feizi. See Harbsmeier, forthcoming.

Han yiwenzhi kaozheng 漢藝文志考證 (Textual Study of the "Treatise on Arts and Letters" from the *History of the Former Han Dynasty*). 2011. By Wang, Yinglin 王應麟 (1223–1296). Rpt. In Wang, Yinglin, *Investigation of the Han Dynasty Institutions* 漢制考 and *Textual Study of the "Treatise on Arts and Letters" from the History of the Former Han Dynasty* 漢藝文志考證. Collated by Zhang, Sanxi 張三夕 and Yang, Yi 楊毅. Beijing: Zhonghua shuju.

Harbsmeier, Christoph, trans. Forthcoming. Han Feizi*, A Complete Translation: The Art of Statecraft in Early China*. Ed. Jens Østergaard Petersen and Yuri Pines. Leiden: Brill.

Hsiao, Kung-Chuan (Xiao Gongquan 蕭公權). 1979. *A History of Chinese Political Thought. Volume One: From the Beginnings to the Sixth Century A.D.*, translated by Frederick W. Mote. Princeton NJ: Princeton University Press.

Huangdi shu: Mawangdui Han mu boshu Huang Di shu *jianzheng* 馬王堆漢墓帛書《黃帝書》箋證 (*The Book of the Yellow Thearch, a Silk Text from a Han Tomb at Mawangdui, with Commentary*). 2004. Ed. Wei, Qipeng 魏啓鵬. Beijing: Zhonghua shuju.

Hunter, Michael. 2013. The Difficutly with the 'Difficulties of Persuasion' ('Shui nan' 說難). In *Dao Companion to the Philosophy of Han Fei*, ed. Paul R. Goldin, 169–196. Dordrecht: Springer.

Jiang, Chongyue 蔣重躍. 2000. *Political Thought of Han Feizi* 韓非子的政治思想. Beijing: Beijing shifan daxue chubanshe. (One of the best studies of *Han Feizi* political thought)

Jiang, Tao. 2021. *Origins of Political-Moral Philosophy in Early China: Contestation of Humaneness, Justice, and Personal Freedom*. Oxford: Oxford University Press.

Kantorowicz, Ernst H. 1957. *The King's Two Bodies: A Study in Mediaeval Political Theology*. Princeton: Princeton University Press.

Kern, Martin. 2000. *The Stele Inscriptions of Ch'in Shih-huang: Text and Ritual in Early Chinese Imperial Representation*. New Haven, CT: American Oriental Society.

———. 2015. The 'Masters' in the *Shiji*. *T'oung Pao* 101 (4–5): 335–362.

Korolkov, Maxim. 2011. Arguing About Law: Interrogation Procedure Under the Qin and Former Han Dynasties. *Études Chinoises* 30: 37–71.

Kunxue jiwen 困學紀聞 (Observations of Assiduous Studies). 2008. By Wang, Yinglin 王應麟 (1223–1296). Ed. Weng, Yuanqi 翁元圻 (1751–1826), Yue, Baoqun 樂保群, Tian, Songqing 田松青, and Lü, Zongli 呂宗力. Shanghai: Shanghai guji chubanshe.

Lee, Ting-mien. 2014. When 'Ru-Mo' May Not Be 'Confucians and Mohists': The Meaning of 'Ru-Mo' and Early Intellectual Taxonomy. *Oriens Extremus* 53: 111–138.

Lewis, Mark Edward. 2021. *Honor and Shame in Early China*. Cambridge: Cambridge University Press.

Li, Linhao 李林浩 and Chen, Sufang 陳蘇方. 2009. "Attempting to Analyze Proverbs that originated from *Han Feizi*" 試析源自《韓非子》的成語. *Journal of Mudanjiang University* 牡丹江大學學報 18.10: 46–48.

Liu, Zehua 劉澤華. 2000. *China's Monarchism* 中國的王權主義. Shanghai: Renmin chubanshe. (A major study of traditional Chinese political thought)

——— 劉澤華. 2003. *Draft of the Studies from 'Washing the Ears Studio'* 洗耳齋文稿. Beijing: Zhonghua shuju.

Liu, Sixuan 劉斯玄. 2020. *My Shallow Understanding of Han Feizi Thought* 韓非子思想蠡測. Taipei: Wanjuan lou. (A short but useful analysis of the usage of certain keywords in *Han Feizi*)

Lundahl, Bertil. 1992. *Han Fei Zi: The Man and the Work*. Stockholm: Institute of Oriental Languages, Stockholm University.

Marx, Karl. [1859] 2010. "A Contribution to the Critique of Political Economy, Part One," trans. Yuri Sdobnikov. Rpt. in Karl Marx and Friedrich Engels, *Collected Works*, vol. 29, 257–419. Lawrence & Wishart, Electric Books.

Mozawa, Michinao 茂澤方尚. 1991. "Which of the Chapters Was Composed Earlier—'Adjusting Orders' of *Han Feizi* or 'Making Orders Strict' of the *Book of Lord Shang*" 『韓非子』「飭令」篇と『商君書』「靳令」篇——両篇の前後関係について. *Komazawa Historiogaphy* 駒澤史學43: 1–23.

Peerenboom, Randall P. 1993. *Law and Morality in Ancient China: The Silk Manuscripts of Huang-Lao*. Albany: State University of New York Press.

Petersen, Jens Østergård. 1995. Which Books Did the First Emperor of Ch'in Burn? On the Meaning of *Pai Chia* in Early Chinese Sources. *Monumenta Serica* 43: 1–52.

Pines, Yuri. 2005. Disputers of Abdication: Zhanguo Egalitarianism and the Sovereign's Power. *T'oung Pao* 91 (4–5): 243–300.

———. 2009. *Envisioning Eternal Empire: Chinese Political Thought of the Warring States Era*. Honolulu: University of Hawai'i Press.

———. 2012. *The Everlasting Empire: The Political Culture of Ancient China and Its Imperial Legacy*. Princeton NJ: Princeton University Press.

———. 2013a. From Historical Evolution to the End of History: Past, Present and Future from Shang Yang to the First Emperor. In *Dao Companion to the Philosophy of Han Fei*, ed. Paul R. Goldin, 25–45. Dordrecht: Springer.

———. 2013b. Submerged by Absolute Power: The Ruler's Predicament in the *Han Feizi*. In *Dao Companion to the Philosophy of Han Fei*, ed. Paul R. Goldin, 67–86. Dordrecht: Springer.

———. 2013c. Between Merit and Pedigree: Evolution of the Concept of 'Elevating the Worthy' in Pre-imperial China. In *The Idea of Political Meritocracy: Confucian Politics in Contemporary Context*, ed. Daniel Bell and Li Chenyang, 161–202. Cambridge: Cambridge University Press.

———. 2017. *The Book of Lord Shang: Apologetics of State Power in Early China*. trans. and ed. New York: Columbia University Press.

———. 2020a. *Zhou History Unearthed: The Bamboo Manuscript Xinian and Early Chinese Historiography*. New York: Columbia University Press.

———. 2020b. Worth vs. Power: Han Fei's 'Objection to Positional Power' Revisited. *Asiatische Studien/Études Asiatiques* 74 (3): 687–710.

———. 2020c. 'To Die for the Sanctity of the Name': Name (*ming* 名) as Prime-Mover of Political Action in Early China. In *Keywords in Chinese Culture*, ed. Li Wai-yee and Yuri Pines, 169–218. Hong Kong: The Chinese University Press.

———. 2022. *Han Feizi* and the Earliest Exegesis of *Zuo zhuan*. *Monumenta Serica* 70 (2): 341–365.

———. Forthcoming (2023). "Waging a Demographic War: Chapter 15 ('Attracting the People') of the *Book of Lord Shang* Revisited," *Bochumer Jahrbuch zur Ostasienforschung* 46.

Queen, Sarah. 2013. *Han Feizi* and the Old Master: A Comparative Analysis and Translation of *Han Feizi* Chapter 20, 'Jie Lao' and Chapter 21, 'Yu Lao'. In *Dao Companion to the Philosophy of Han Fei*, ed. Paul R. Goldin, 197–256. Dordrecht: Springer.

Sanft, Charles. 2014. *Communication and Cooperation in Early Imperial China*. Albany: State University of New York Press.

Sato, Masayuki. 2013a. Did Xunzi's Theory of Human Nature Provide the Foundation for the Political Thought of Han Fei? In *Dao Companion to the Philosophy of Han Fei*, ed. Paul R. Goldin, 147–165. Dordrecht: Springer.

———. 2013b. “Studies of *Han Feizi* in China, Taiwan, and Japan” In *Dao Companion to the Philosophy of Han Fei*, ed. Paul R. Goldin, 257–281. Dordrecht: Springer.
Schaberg, David. 2011. Chinese History and Philosophy. In *The Oxford History of Historical Writing, Volume 1: Beginnings to AD 600*, ed. Andrew Feldherr and Grant Hardy, 394–414. Oxford: Oxford University Press.
Schwarcz, Vera. 1985. *The Chinese Enlightenment: Intellectuals and the Legacy of the May Fourth Movement of 1919*. Berkeley: University of California Press.
Schwartz, Benjamin I. 1985. *The World of Thought in Ancient China*. Cambridge, Mass: Harvard University Press.
Shiji 史記 (Records of the Historian). 1997. By Sima, Qian 司馬遷 (ca. 145–90 BCE) et al. Annotated by Zhang, Shoujie 張守節, Sima, Zhen 司馬貞, and Pei, Yin 裴駰. Beijing: Zhonghua shuju.
Song, Hongbing 宋洪兵. 2010. *A New Study on Political Thought of Han Feizi* 韓非子政治思想再研究. Beijing: Zhongguo renmin daxue chubanshe. (The most systematic study of *Han Feizi* in the broad context of the Warring States-period political thought)
———. 2013. “Studies of *Han Feizi* during the Republican Period” 民國時期之“韓非學”研究. *National Studies Journal* 國學學刊 4: 91–103.
Van Els, Paul, and Sarah Queen, eds. 2017. *Between Philosophy and History: Rhetorical Uses of Anecdotes in Early China*. Albany: State University of New York Press.
Vogelsang, Kai. 2007. *Geschichte als Problem: Entstehung, Formen und Funktionen von Geschichtsschreibung im Alten China*. Wiesbaden: Harrassowitz.
———. 2023. ‘Times have Changed’: History beyond the *Zuozhuan*. In *Zuozhuan and Early Chinese Historiography*, ed. Yuri Pines, Martin Kern, and Nino Luraghi, 289–324. Leiden: Brill.
Wang, Xianshen 王先慎 (1859–1922), ed. 1998. *Han Feizi*, *With Collected Explanations* 韓非子集解. Collated by Zhong, Zhe 鍾哲. Beijing: Zhonghua shuju. (A convenient, even if somewhat inaccurate and outdated edition)
Wang, Hsiao-po, and Leo S. Chang. 1986. *The Philosophical Foundations of Han Fei’s Political Theory*. Honolulu: University of Hawai‘i Press.
Xunzi jijie 荀子集解 (*Xunzi*, with collected explanations). 1992. Ed. Wang, Xianqian 王先謙 (1842–1917), Shen, Xiaohuan 沈嘯寰, Wang, Xingxian 王星賢. Beijing: Zhonghua shuju.
Yang, Bojun 楊伯峻. 1990. *The Springs-and-Autumns Annals and the Zuo Tradition*, *Annotated* 春秋左傳注. Beijing: Zhonghua shuju.
Yin, Zhenhuan 尹振環. 1987. “Using Instances of Royal Succession and Regicide to Analyze the Advance of Authoritarian Dictatorship” 從王位繼承和弒君看君主專制理論的逐步形成. *Chinese History* 中國史研究 4: 17–24.
Yu, Yingshi 余英時. 2003. *Shi and Chinese Culture* 士與中國文化. Shanghai: Shanghai renmin chubanshe.
Yuan, Lihua 袁禮華. 2005. “Respecting the Worthies but not Elevating the Worthies; Employing the Worthies and yet Guarding against the Worthies: Initial Discussion of Han Fei’s Meritocratic Views” 重賢不尚賢，用賢且防賢—韓非賢能觀初探, *Journal of Nanchang University (Humanities and Social Sciences)* 南昌大學學報(人文社會科學版) 1: 59–63.
Zhang, Jue 張覺, ed. 2010. *Han Feizi, Collated with Subcommentaries* 韓非子校疏. Shanghai: Shanghai guji chubanshe. (A convenient collation, but less good in terms of its commentaries)
——— 張覺. 2012. *The Book of Lord Shang*, *Collated with Subcommentaries* 商君書校疏. Beijing: Zhishi chanquan chubanshe.
Zhanguoce zhushi 戰國策注釋 (*Stratagems of the Warring States with Commentaries and Explanations*). 1991. Ed. He, Jianzhang 何建章. Beijing: Zhonghua shuju.
Zheng, Liangshu 鄭良樹. 1993. *Composition and Thought of Han Feizi*韓非之著書及思想. Taipei: Xuesheng shuju. (A major, even if not entirely convincing attempt to study the dates of each of *Han Feizi*’s chapters)
Zhuangzi jinzhu jinyi 莊子今注今譯 (*Zhuangzi*, with New Glosses and New Translation). 1994. Ed. Chen, Guying 陳鼓應. Beijing: Zhonghua shuju.
Zizhi tongjian 資治通鑒 (*Comprehensive Mirror to Aid the Government*). 1992. By Sima, Guang 司馬光 (1019–1086). Annotated by Hu, Sanxing 胡三省 (1230–1302). Beijing: Zhonghua shuju.
Zuozhuan: see Durrant, Li, and Schaberg 2016 and Yang 1990.