

government such as no one else of mankind has done. . . . Your government is like a mixture of all the constitutions [democracy, aristocracy, monarchy] without the inferior side of each. . . . Therefore whenever one considers the power of the people and how easily they attain all their wishes and requests, he will believe that it is a democracy. . . . But when he considers the Senate deliberating and holding office, he will believe there is no more perfect aristocracy than this. But when he has considered the overseer and president of all these [the emperor], he sees in this man the possessor of the most perfect

monarchy, free of the evils of the tyrant and greater than the dignity of the king. . . .

And the whole inhabited world, as it were attending a national festival, has laid aside . . . the carrying of weapons and has turned . . . to adornments and all kinds of pleasures. . . . Everything is full of gymnasiums, fountains, gateways, temples, handicrafts, and schools . . . and a boundless number of games. . . . Now it is possible for both Greek and barbarian . . . to travel easily wherever he wishes. . . . [I]t is enough for his safety that he is a Roman or rather one of those under you.

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Governing a Chinese Empire

As the Roman Empire was taking shape in the Mediterranean basin, a powerful Chinese empire emerged in East Asia. More than in the Roman world, the political ideas and practices of imperial China drew on the past. The notion of China as a unified state ruled by a single sage/emperor who mediated between heaven and the human realm had an ancient pedigree. After a long period of political fragmentation, known as the era of warring states, such a unified Chinese state took shape once again during the short-lived Qin dynasty (221–206 B.C.E.), led by its formidable ruler Shihuangdi (see pp. 133–36). That state operated under a version of Legalism (see Chapter 4, p. 169), a political philosophy that found expression in the writings of Han Fei (280–233 B.C.E.) and that in large measure guided the practices of Shihuangdi and the Qin dynasty. Han Fei's Legalist thinking was discredited by the brutality and excesses of Shihuangdi's reign, and the Han dynasty that followed was sharply critical of his ideas, favoring instead the "government by morality" approach of Confucianism. Nonetheless, Han Fei's emphasis on the importance of laws and the need to enforce them influenced all succeeding Chinese dynasties.

- Why is Han Fei's approach to governing China referred to as Legalism? According to him, what is required for effective government?
- What are the "two handles"?
- To whom does Han Fei believe his measures should apply?
- What view of human nature underpins Han Fei's argument?

The Writings of Master Han Fei

Third Century B.C.E.

Advocate of Legalism

No country is permanently strong. Nor is any country permanently weak. If conformers to law are strong, the country is strong; if conformers to law are weak, the country is weak. . . .

Any ruler able to expel private crookedness and uphold public law, finds the people safe and the state in order; and any ruler able to expunge private action and act on public law, finds his army strong and his enemy weak. So, find out men following the discipline of laws and regulations, and place them above the body of officials. Then the sovereign cannot be deceived by anybody with fraud and falsehood. . . .

Therefore, the intelligent sovereign makes the law select men and makes no arbitrary promotion himself. He makes the law measure merits and makes no arbitrary regulation himself. In consequence, able men cannot be obscured, bad characters cannot be disguised; falsely praised fellows cannot be advanced, wrongly defamed people cannot be degraded. To govern the state by law is to praise the right and blame the wrong.

The law does not fawn on the noble. . . . Whatever the law applies to, the wise cannot reject nor can the brave defy. Punishment for fault never skips ministers, reward for good never misses commoners. Therefore, to correct the faults of the high, to rebuke the vices of the low, to suppress disorders, to decide against mistakes, to subdue the arrogant, to straighten the crooked, and to unify the folk-ways of the masses, nothing could match the law. To warn the officials and overawe the people, to rebuke ob-

scenity and danger, and to forbid falsehood and deceit, nothing could match penalty. If penalty is severe, the noble cannot discriminate against the humble. If law is definite, the superiors are esteemed and not violated. If the superiors are not violated, the sovereign will become strong and able to maintain the proper course of government. Such was the reason why the early kings esteemed Legalism and handed it down to posterity. Should the lord of men discard law and practice selfishness, high and low would have no distinction.

The means whereby the intelligent ruler controls his ministers are two handles only. The two handles are chastisement and commendation. What are meant by chastisement and commendation? To inflict death or torture upon culprits is called chastisement; to bestow encouragements or rewards on men of merit is called commendation.

Ministers are afraid of censure and punishment but fond of encouragement and reward. Therefore, if the lord of men uses the handles of chastisement and commendation, all ministers will dread his severity and turn to his liberality. The villainous ministers of the age are different. To men they hate they would, by securing the handle of chastisement from the sovereign, ascribe crimes; on men they love they would, by securing the handle of commendation from the sovereign, bestow rewards. Now supposing the lord of men placed the authority of punishment and the profit of reward not in his hands but let the ministers administer the affairs of reward and punishment instead; then everybody in the country would fear the ministers and slight the ruler, and turn to the ministers and away from the ruler. This is the calamity of the ruler's loss of the handles of chastisement and commendation.

Source: *The Complete Works of Han Fei Tzu*, vol. 1, translated by W. L. Liano (London: Arthur Probsthain, 1939), 40, 45–47.