

A Sourcebook in Chinese Philosophy

Chan, W. (1969). *A sourcebook in Chinese philosophy*.
Princeton, New Jersey: Princeton University Press.

CHAPTER 12—LEGALISM

A Book Review by S.A. Martin (2011)
Confucius Teachings & Chinese Philosophy 808-327
Faculty of International Studies—Prince of Songkla University



Chan (1969, p.259)

“What is now called a worthy person is one who practices correctness and faithfulness. What is called wisdom consists of subtle and unfathomable doctrines. Such subtle and unfathomable doctrines are difficult even for men of the highest intelligence to understand. If what men of highest intelligence find to difficult to understand is used to become laws for the people, the people will find them impossible to understand.”

The Han Fei Tzu

Overview of Chapter 12

- **The Legalist School is the most radical of all ancient Chinese schools**
 - Rejects the moral standards of Confucianism
 - Rejects the religious sanctions of Mohism
- **The originally evil nature of man**
- **Law over virtue**
- **Reward & punishment system**
 - Extensive set of laws
 - Generous rewards
 - Severe punishments

Legalism's Impact on Chinese Philosophy (Chan, 1969)

- **Incompatible with Confucianism**
- **Instrumental to the dictatorship of the Ch'in
Dynasty**
- **No continuous Legalist school for 2,000 years**
 - Periodically revived

Not all Negative!

- **Anti-Ancient**
- **Looked the present rather than the past**
- **Recognized that circumstances change**
- **Denounced platitute and vanity**
- **Strongly objective and realistic**
- **Lawfulness**
 - **written; uniform; public**
- **Doctrine of equality**

HISTORIC MILESTONES

- **c. 7th century BC** — Legalist movement began
- **d. 645 BC** — First prominent Legalist was Kuan Chung
- **d. 338 BC** — Lord Shang strengthened the Chin State
- **d. 337 BC** — Shen Pu-hai
- **350-275 BC?** — Shen Tzu
- **d. 233** — Han Fei Tzu
- **221-206** — Ch'in Dynasty
- **90 BC** — the Legalist school (Fa-Chia) appears

HAN FEI TZU

LAW

STATECRAFT

POWER

Concepts p.253

■ Law

“A ruler makes use of use of the majority and neglects the minority, and so he does not devote himself to virtue but to law”

■ Statecraft

“The application of methods of strengthening and bending”

(controlling the originally evil nature of man through punishment and reward)

■ Power

“Awe-inspiring power can prohibit violence and that virtue and kindness are insufficient to end disorder”

Methods of Statecraft (p.256)

- **Law is Public — Statecraft is Secret**
- **2 Handles: Punishment & Kindness (reward)**
- **Handles to control the ministers**
 - Ruler must control the ministers
 - “For the tiger is able to subdue the dog because of its claws and fangs”
 - “examine the correspondence between actuality and names”
 - (not ethical and social sense; rather in a logical and political sense)

Confucianists put virtue ahead of punishment

Legalists put punishment ahead of virtue

Quotes [to find]

- **p.259-260** “...wise scholars decline the offering of positions... Armies become weak... The government disorderly”
- **p.260** “laws serve as the teaching”
- **p.260** “...Tao put things in order. Things have their respective principles and cannot interfere”
- **p.261** “Tao is the very reason why things are specific and determinant”
 - (Legalism contributes to Neo-Taoism)

Concluding Quote (p.259)

“Therefore the way of the enlightened ruler is to unify all laws but not to seek for wise men and firmly adhere to statecraft but not to admire faithful persons.

Thus laws will never fail and no officials will ever commit treachery or deception”

(Attests to the realism of Legalism)