

Legalism

By Bridgette Byrd O'Connor

Like Confucianism, Daoism, and Chinese Buddhism, the goal of legalism was to achieve order in Chinese society during a time of unrest. Unlike the other belief systems, legalism was quite harsh, with strict laws and severe punishments.

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Introduction

The Warring States period, which began in either 481 or 475 BCE and ended in 221 BCE, was a time of intense fighting between rival Chinese states. When the Eastern Zhou dynasty weakened in its control over China, almost 100 small states began fighting one another. Many of these states continued to exist at the start of the fourth century BCE. Seven larger states, however, had the most power, including the Qin and the Han. In just over 300 years, there were more than 300 wars fought. In light of these numerous battles, the main view of human nature at this time was pretty negative. Many people believed that humans were naturally selfish and needed strict laws to keep them under control. As a result, the philosophy known as legalism became the leading principle for government.



Warring States Period, China c. 260 BCE. By Philg88, CC BY-SA 3.0.

Legalism is based on the viewpoint that in order for a ruler to maintain order, people must obey a set of strict laws and those in authority. Legalist philosophers created a system of punishment and reward for certain behaviors. If humans followed these rules, philosophers argued, then the state and its authority would be strengthened. If one of the warring states could prove its strength, then it might secure authority.

Legalism became particularly important in the period that followed the Warring States period. The Qin state, which would later become the Qin dynasty, attempted to unite the people and create order in this time of chaos. Both legalists and Confucianists wanted to create order, but they had different methods for doing so. Confucianists believed that peace could be restored to China if everyone lived by a code of conduct that promoted virtue and respect. They were more traditional, and they wanted to restore the Chinese people to their former glory. Legalists also wanted to restore and reunite China. However, they thought that this could only be achieved through the use of harsh laws and a focus on military strength.

The founders of legalism

Shang Yang (circa 390-338 BCE) is considered one of the important early philosophers of legalism. A Qin state official, he reorganized the state under the Qin leader Duke Xiao. Shang Yang did away with the feudal system of organization in favor of dividing the Qin area into a number of regions, each with its own governor.[1] He also standardized the system of weights and measures and encouraged people to work as farmers and soldiers. In addition to these reforms, he also set up a new system of taxation and required citizens of the Qin state to join the military. Perhaps his best-known achievement, though, was the institution of a strict legal code. It was designed to strike fear into the members of the Qin community. Shang Yang eventually fell out of favor with Duke Xiao and was

1 A feudal system of government was set up so that a ruler or aristocrat would exchange land for services from lower classes of citizens. These services included military protection or food. Each person in the system would benefit in some way, although these benefits were not always equal.

executed in a rather bloody way.

Han Feizi (c. 280-233 BCE) was the author of a series of essays on the legalist philosophy. These writings became a guide for rulers on how to organize their states using legalist beliefs. Han Feizi stressed the importance of harsh laws. He believed that for leaders to be strong, they must enforce these laws and have a strong military to preserve order. Han Feizi worked as a government official for the state of Han. When the Qin leader and future first emperor of the Qin dynasty, Emperor Zheng, attacked the Han, the Han leader sent Han Feizi to make a deal with Zheng. Han Feizi ended up staying at the emperor's court. His teachings became enormously influential in organizing the principles of legalism. Here are two brief excerpts from his work that demonstrate those principles:



[Statue of Shang Yang](). By Fanghong, CC BY 2.5.

> *On Having Standards: "In our present age he who can put an end to private scheming and make men uphold the public law will see his people secure and his state well ordered; he who can block selfish pursuits and enforce the public law will see his armies growing stronger and his enemies weakening. Find men who have a clear understanding of what is beneficial to the nation and a feeling for the system of laws and regulations, and place them in charge of the lesser officials; then the ruler can never be deceived by lies and falsehoods. Find men who have a clear understanding of what is beneficial to the nation and the judgment to weigh issues properly, and put them in charge of foreign affairs; then the ruler can never be deceived in his relations with the other powers of the world..."*

> *On Wielding Power: "The ruler does not try to work side by side with his people, and they accordingly respect the dignity of his position. He does not try to tell others what to do, but leaves them to do things by themselves. Tightly he bars his inner door, and from his room looks out into the courtyard; he has provided the rules and yardsticks, so that all things know their place. Those who merit reward are rewarded; those who deserve punishment are punished. Reward and punishment follow the deed; each man brings them upon himself. Therefore, whether the result is pleasant or hateful, who dares to question it? When compass and rule have marked out one corner of truth, the other three corners will become evident of themselves."*

Thus, Han Feizi showed a strong and principled leader can establish order and create prosperity. All benefit from writing clearly laws, enforcing laws strongly, and shaping society to obey the law.

Han Feizi himself, however, did not meet a good end. While at the court of the Qin leader, a former colleague of his, Li Si, managed to have him imprisoned. Li Si was jealous of Han Feizi's knowledge and skills. Fearing Han Feizi might take over his position at court, Li Si ordered him to drink the poison, and Han Feizi died.

By getting Han Feizi out of the way, Li Si (c. 280-208 BCE) became the leading legalist philosopher. He implemented the ideas of the legalists across the growing Qin state. His achievements include the construction of the Great Wall to protect against invaders and the creation of a universal system of writing. Li Si was critical of Confucianism and Confucian scholars detested his reforms. Both legalists and Confucian scholars believed in order, but many Confucianists argued that people could be taught to promote and follow order through culture, rather than strict laws and force. At one point, to try to limit the power of Confucianism, Li Si prohibited history education and called for the burning of books. This brought the conflict between legalists and Confucianists to even greater heights.



Stone slab with twelve Qin seal characters. By Editor at Large, CC BY-SA 2.5.

Legalism eventually fell out of fashion with the end of the Qin dynasty and the beginning of the Han. The Han emperor rejected the philosophy of legalism in favor of Confucianism. In addition, he expelled all followers of the legalist philosophy from government. While legalism worked in the short term to unite China, most believed that it was not a philosophy that could be sustained in the long term.

Source

From *Han Feizi: Basic Writings*. Burton Watson, trans. New York: Columbia University Press, 2003, pp. 22, 38-39.

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