CHINA SERIES · BOOK SEVEN

Han Feizi

The Master of Legalism — Statecraft, Law, and the Path to a Strong and Orderly State

by Robert Miller

Free Sample · Chapter One

China Series · Book Seven · Available February 26, 2027

International Publishing Corporation

Washington, D.C.

PART ONE

The Man

第一部分：其人

Chapter One

The Age of Iron

第一章：铁血时代

Every philosophy is an answer to a question, and the question is usually asked by a crisis. Han Fei's crisis was the longest and bloodiest war in the history of the ancient world.

The World That Broke

To understand Han Fei, one must first understand the world that produced him, and that world can be described in a single word: war. The Warring States period, conventionally dated from about 475 BCE to the Qin unification in 221 BCE, takes its name from a Han dynasty collection of diplomatic anecdotes, the Stratagems of the Warring States (Zhanguo ce), and the name is an understatement. For two and a half centuries, the territory that is now northern and central China was divided among a shifting set of kingdoms that fought one another with growing ferocity, expanding armies, and ever more sophisticated techniques of mobilization, until only one remained.

It had not always been so. In the traditional memory that every educated person of Han Fei's day carried in his head, there had once been a golden age. Around 1046 BCE, the Zhou people of the western valley of the Wei River had overthrown the Shang dynasty and established a new royal house. The early Zhou kings, especially King Wen, King Wu, and the regent known as the Duke of Zhou, were

remembered as models of virtue who had ruled by moral example and by the rites (li, 礼), the elaborate codes of ritual, ceremony, and etiquette that governed every relationship from the king's worship of Heaven to the way a son greeted his father. The Zhou king, the Son of Heaven, sat at the center of a network of hereditary lords bound to him by kinship, ritual obligation, and gifts. Each lord governed his own territory but acknowledged the king as his superior. Order flowed downward from the virtue of the king through the hierarchy of the nobility to the common people, who were expected to obey because the system was sanctioned by Heaven itself.

Whether this golden age ever existed in quite the form later remembered is doubtful. What is certain is that it did not last. In 771 BCE, the Zhou capital in the west was sacked by an alliance of rebellious lords and non-Chinese peoples, and the royal house fled east to a new capital near modern Luoyang. From that moment the Zhou kings were monarchs in name only. Real power passed to the great lords of the regional states, who continued to perform the rituals of loyalty to the Son of Heaven while competing ruthlessly with one another for territory and influence.

The first phase of this decline, the Spring and Autumn period (770–481 BCE), named after the chronicle of the state of Lu that Confucius was believed to have edited, was still governed by a recognizable code of aristocratic conduct. Wars were fought by noble charioteers according to rules of honor. A famous story tells of Duke Xiang of Song, who in 638 BCE refused to attack an enemy army while it was crossing a river, or before it had formed its battle lines, because such an attack would be unworthy of a gentleman. He was badly defeated and died of his wounds. Later generations told the story either as an example of noble virtue or as an example of fatal stupidity, depending on their philosophy. Han Fei, predictably, told it as the second.

The Spring and Autumn period also saw a steady process of consolidation. Of the more than one hundred states that existed at its

beginning, most were swallowed by their larger neighbors. Within the surviving states, the old hereditary nobility was itself being undermined, sometimes by the rulers, who wanted to centralize power, and sometimes by powerful ministerial families, who wanted to seize it. In 453 BCE, the great northern state of Jin was partitioned by three of its ministerial clans, who divided its territory among themselves and created the new states of Han, Zhao, and Wei. In 403 BCE the Zhou king formally recognized the three as independent states, an event that many historians, following the eleventh-century historian Sima Guang, take as the true beginning of the Warring States. Han Fei's homeland was thus born of usurpation. Its ruling family had itself once been ministers who had swallowed their lord. The lesson that ministers can devour rulers was, for Han Fei, not abstract theory. It was family history.

In 386 BCE, something similar happened in the eastern state of Qi, where the ministerial Tian family displaced the old ruling house. The pattern was clear. The old order of hereditary lords serving a sacred king was dead. In its place stood a set of territorial states ruled by whoever could seize and hold power, and the question of how power could be held became the most urgent question of the age.

The Seven Powers

By the fourth century BCE, the political map had simplified into seven major powers and a handful of minor states that survived only on sufferance. A reader may find it useful to picture them roughly.

In the far west, in the valley of the Wei River and the highlands beyond, lay Qin (秦). It had been regarded by the eastern states as semi-barbarian, a frontier power that had absorbed many non-Chinese peoples and lacked the refinement of the old cultural centers. It was protected by mountain passes, especially the Hangu Pass, which made it difficult to invade, and it controlled rich agricultural land. In the fourth century it would be transformed by the

reforms of Shang Yang into the most formidable military machine in China.

To the south, sprawling across the vast Yangzi River basin, lay Chu (楚), the largest of the states in territory, with its own distinctive culture of shamans, poetry, and lacquer art. Chu was rich and huge but loosely governed, dominated by great noble families, and repeatedly unable to bring its full strength to bear.

In the east, on the Shandong peninsula, lay Qi (齐), wealthy from salt, iron, and trade, the home of the famous Jixia Academy where the Qi rulers supported scholars of many schools in comfort and gave them titles and houses in return for their advice and prestige. Qi was the intellectual capital of the age.

In the northeast lay Yan (燕), a remote and often weak state near modern Beijing. In the north lay Zhao (赵), whose King Wuling had famously ordered his soldiers to adopt the trousers and mounted archery of the nomads of the steppe, a practical military reform that scandalized traditionalists. In the center lay Wei (魏), which in the early fourth century had been the strongest state of all, a pioneer of legal and administrative reform.

And in the very middle of the board, squeezed between Qin to the west, Wei to the east, Zhao to the north, and Chu to the south, lay Han (韩), the smallest and most vulnerable of the seven. Han's territory included some of the most strategically important land in China, controlling the routes between Qin and the eastern plains. Han was famous for its iron and its weapons; its crossbows and swords were said to be the best in the world. It was also famous for being caught. Every war between Qin and the east passed through or near it. It could not be neutral and it could not be strong.

The Revolution in War

The wars of the Warring States were different in kind from the chariot battles of the Spring and Autumn period. Several changes came together to make them so.

The first was iron. Iron casting, which Chinese metallurgists mastered earlier than anyone else in the world, made tools and weapons cheaper and more abundant. Iron plows and hoes opened new land to cultivation and increased harvests, and with them the population. Iron weapons could be issued in quantity to ordinary soldiers.

The second was the infantry army. Where the old wars had been fought by aristocrats in chariots with retinues of followers, the new wars were fought by massed infantry conscripted from the peasantry. Armies grew from thousands to tens of thousands and then to hundreds of thousands. The sources report battles of staggering size; even allowing for exaggeration, it is clear that states were mobilizing a large fraction of their adult male population. The most notorious example is the battle of Changping in 260 BCE, when Qin defeated Zhao and, according to Sima Qian, the Qin general Bai Qi had some four hundred thousand surrendered Zhao soldiers buried alive. Modern historians doubt the number, but archaeologists have found mass graves at the site, and the event was remembered for centuries as the ultimate atrocity of the age. Han Fei was a young man, perhaps twenty, when it happened. Changping lay just north of the territory of Han; indeed the battle began as a struggle over a Han commandery, Shangdang, whose governor had offered it to Zhao rather than surrender to Qin.

The third change was the crossbow, a Chinese invention of the period that allowed relatively untrained soldiers to kill armored men at a distance. It made massed infantry deadlier and reduced the value of individual aristocratic courage.

The fourth was the rise of professional generalship and the literature of strategy. The Art of War attributed to Sunzi, whatever its exact date, belongs to this world of large armies, deception, logistics, and calculation, in which war was no longer a contest of honor but a problem of organization.

All of these changes pointed in the same direction. Victory went to the state that could feed, equip, organize, and command the largest army; that could extract grain and labor from its population most efficiently; that could keep its people working the fields in peace and fighting obediently in war; and that could prevent its own officials and nobles from diverting resources to themselves. The competition was not merely military but administrative. States that failed to reform their institutions were annihilated.

The Revolution in Government

The response to this pressure was a series of reforms that transformed the governments of the Warring States, and these reforms are the true background of Han Fei's thought.

The old aristocratic state had been, in effect, a family business. The ruler governed through relatives and hereditary nobles who held land and office by birthright. The new state needed something different: officials appointed by the ruler on the basis of ability, paid in grain rather than land, removable at will, and accountable for results. Over the fifth and fourth centuries, the states increasingly divided their territory into counties (xian, 县) and commanderies (jun, 郡) governed by appointed officials rather than hereditary lords. They kept population registers to know how many people they could tax and conscript. They surveyed land. They issued written laws.

The written law was a revolution in itself. In 536 BCE, Zichan, the chief minister of the small state of Zheng, had the state's penal laws cast on bronze vessels for public display. He was sharply criticized by a statesman of the neighboring state of Jin, who argued that once the

people knew the law, they would no longer respect their superiors but would argue about the wording of the statutes. In 513 BCE Jin itself cast penal laws on a bronze tripod, and Confucius, according to the Zuo Commentary, lamented that Jin was doomed because the people would now look to the tripod rather than to the nobility. The objection reveals what was at stake. In the old order, justice was the personal judgment of the noble superior, guided by ritual and custom; the common people did not know the law because they did not need to, since they were not supposed to have any claim against their betters. Public written law changed the relationship between ruler and ruled. It made the rules knowable, and therefore it made them, at least in principle, binding on everyone who could read them.

Around 400 BCE, the reforming minister Li Kui in the state of Wei is said to have compiled a Canon of Laws (Fa jing), which tradition regarded as the first systematic legal code in China. Whether that tradition is accurate in every detail is debated, but Wei was certainly the leading reformer of the early fourth century, and it was from Wei that the young Shang Yang carried reforming ideas west to Qin.

Shang Yang and the Making of Qin

The most radical and successful reformer of the age was Shang Yang (died 338 BCE), and since his work in Qin is the indispensable background to Han Fei's thought, it deserves a careful account here. Later chapters will examine his ideas in detail; this one sketches what he did.

Shang Yang was a minor aristocrat from the small state of Wey (衛, not to be confused with Wei) who served as a retainer in Wei, failed to obtain high office, and went west to Qin around 361 BCE in response to Duke Xiao of Qin's call for talented men. He persuaded Duke Xiao to carry out a sweeping program of reform over the following two decades. The Records of the Grand Historian describe the main measures. The population was organized into groups of five and ten households that were mutually responsible for one another's conduct

and required to denounce crimes; those who failed to denounce were punished as if they had committed the crime themselves. Households with two or more adult sons who did not divide into separate households paid double taxes, a measure that broke up extended clans and multiplied taxable units. Military merit was rewarded with a system of ranks, eventually twenty in number, that carried land, servants, and legal privileges; aristocrats without military merit lost their status. Agriculture and war were promoted as the "two occupations" on which the state depended, and commerce and other "secondary" occupations were discouraged. Weights and measures were standardized. The capital was moved to Xianyang. The land was divided into counties governed by appointed magistrates.

The most famous story about Shang Yang concerns trust. Before promulgating his new laws, the Records say, he had a pole thirty feet long set up at the south gate of the market and offered ten pieces of gold to anyone who would carry it to the north gate. No one believed him. He raised the reward to fifty. A man carried the pole and was paid at once. Only then did he issue the laws, so that the people would know the state meant exactly what it said.

The reforms worked. Within a generation Qin was transformed from a frontier power into the most feared military state in China. They also made Shang Yang many enemies. When the crown prince broke the law, Shang Yang could not punish the heir directly, so he punished the prince's tutors, cutting off the nose of one and tattooing the face of the other. When Duke Xiao died in 338 BCE and that prince took the throne, Shang Yang's enemies accused him of rebellion. He fled, but when he tried to take shelter at an inn he was turned away, the innkeeper explaining that under the laws of Lord Shang it was a crime to lodge a traveler without proper papers. Shang Yang is said to have sighed that the evils of his own laws had come to this. He was caught and torn apart by chariots, and his entire family was exterminated.

And yet his laws remained. The new ruler of Qin executed the man and kept his system, because it worked. That combination, the

destruction of the reformer and the survival of the reform, would repeat itself again and again in the history of Legalism, and it would repeat itself, with terrible precision, in the life of Han Fei.

Life Under the Iron Age

It is easy, when writing of kings and philosophers, to forget the millions of ordinary people whose lives were the raw material of all this statecraft. Yet Han Fei's philosophy was, above all, a theory about how to organize them, and it helps to picture who they were.

The great majority of the population of every Warring States kingdom were farming households: a husband, a wife, their children, perhaps an elderly parent, working a plot of land that the state increasingly registered, measured, and taxed. A household might farm something on the order of a hundred mu, the standard allotment mentioned in many texts, a plot that by modern measures was a few hectares. They grew millet in the north and rice in the south, wheat and soybeans and hemp, and they kept pigs, chickens, and, if they were fortunate, an ox. Their year was ruled by the seasons and by the demands of the state, which took a portion of the harvest as tax, required a period of labor service each year on roads, walls, and canals, and conscripted the men of military age for campaigns that might last months and from which many did not return.

The texts that survive were written by and for the educated elite, and they rarely describe the lives of these farmers except as objects of policy. But the excavated documents of Qin, with their precise regulations for the issue of seed grain, the inspection of oxen, the registration of households, and the punishment of those who fled their obligations, give a sense of how thoroughly the state reached into village life. The Book of Lord Shang speaks openly of the goal of making the people "simple" and devoted to the fields; Han Fei speaks of farmers and soldiers as the "useful" people on whom the state depends, and whose labor is stolen by the "vermin" who live without farming or fighting.

Beside the farmers there were artisans, whose skill in bronze, iron, lacquer, jade, and silk produced some of the finest craftsmanship of the ancient world; merchants, who carried salt, iron, grain, and luxury goods along the rivers and roads between the states, and some of whom became immensely rich; and a growing population in the walled cities, the capitals and market towns where government offices, workshops, and markets were concentrated. The capital of Qi at Linzi was described by a diplomat of the time as so crowded that the sleeves of its people, raised together, would form a curtain, and their sweat, shaken off together, would fall like rain. Even allowing for a persuader's exaggeration, Linzi was one of the great cities of the ancient world.

Above all these, in the courts of the kings, lived the aristocrats, the officials, the retainers, the wives and concubines and eunuchs, the entertainers, the diviners, and the wandering scholars who were Han Fei's own world. It was a small world, perhaps a few thousand people in each capital who mattered politically, but its decisions determined whether millions of farmers would live in peace or die in war. Han Fei wrote for and about this world. But the stakes of what he wrote were measured in the lives of the people below it.

The Hundred Schools

The same crisis that produced the reformers produced an extraordinary flowering of philosophy. Later generations called it the age of the Hundred Schools of Thought (诸子百家), and although "hundred" is a figure of speech, the variety was real. When the old order collapsed, its certainties collapsed with it. Why should anyone obey the ruler? What makes a government legitimate? What is human nature, and can it be improved? Is there a moral order in the universe, and if so, what does it require? Thinkers of every kind competed to answer, and rulers competed to employ them.

This competition was made possible by a new social type, the shi (士). Originally the lowest rank of the aristocracy, the shi had by the

Warring States become a broad class of educated men of modest birth who lived by their talents as administrators, advisors, military officers, diplomats, teachers, and retainers. They traveled from state to state looking for employment, and a ruler who wanted to attract the best of them had to compete with other rulers. The great lords of the age kept thousands of retainers. The most famous of them, the Lord of Mengchang in Qi, was said to have three thousand. The shi gave the Warring States its extraordinary intellectual vitality. They also, Han Fei would argue, gave it much of its disorder, since a class of clever men loyal to no state and looking for employment anywhere was a class that would say whatever it was paid to say.

Among the schools that competed for influence, a few dominated.

The Confucians (Ru, 儒) followed the teachings of Confucius (551–479 BCE), who had taught that order could be restored by returning to the moral ideals of the early Zhou. Government should rest on virtue (de, 德) and the rites; a ruler who cultivated himself and treated his people with benevolence (ren, 仁) would win their hearts, and they would follow him as the grass bends before the wind. In the fourth century, Mencius (c. 372–289 BCE) developed this teaching into a theory that human nature is fundamentally good and that a humane ruler will inevitably unify the world. In the third century, Xunzi (c. 310–after 238 BCE), Han Fei's teacher, argued against Mencius that human nature is bad, but that people can be made good through education, ritual, and the example of the sages.

The Mohists, followers of Mozi (c. 470–391 BCE), taught a doctrine of impartial care (jian ai, 兼爱) for all people, opposed offensive warfare, condemned the expensive rituals and music of the aristocracy, and organized themselves into disciplined communities that offered their skills in defensive warfare to besieged cities. In the Warring States they were as prominent as the Confucians; Han Fei names the two together as "the eminent teachings" of his age.

The Daoists, whose great texts are the Laozi (also called the Daodejing) and the Zhuangzi, taught that the source of all things is the nameless, formless Way (Dao, 道), and that human striving, moralizing, and artifice only take us further from it. The sage acts through non-action (wuwei, 无为), achieving everything by forcing nothing.

There were also the Yangists, who taught that a man should not sacrifice even a single hair of his body for the benefit of the world; the Logicians, who delighted in paradoxes; the Agriculturalists, who taught that rulers should plow beside their people; the diplomatic strategists, who built and broke alliances among the states; the Yin-Yang cosmologists; and many others.

And there were the men we now call Legalists.

The Name "Legalism"

A word of caution is necessary here. Han Fei did not call himself a Legalist, and there was no organized Legalist school in his lifetime in the way that there were organized Confucian and Mohist communities with masters, disciples, and texts. The term Fajia (法家), usually translated "Legalists" or "the school of law," was coined more than a century after his death by the Han dynasty historian Sima Tan, father of the more famous Sima Qian, in an essay classifying the thinkers of the past into six schools. Sima Tan's judgment of them was brief: the Legalists were strict and had little kindness, but their way of fixing the distinctions between ruler and minister, superior and inferior, could not be changed.

Modern scholars debate whether "Legalism" is a useful category at all. The thinkers grouped under it were united less by a shared doctrine than by a shared orientation: they were concerned with the practical problems of strengthening the state and the ruler, they distrusted moral persuasion as a basis of government, and they emphasized impersonal standards, rewards and punishments, and administrative

control. The word fa (法), from which the label comes, means law, but it also means model, standard, method, and pattern. To call these thinkers "Legalists" can mislead modern readers, who hear in "law" the idea of a constitution that binds rulers and protects rights. That was not what Han Fei meant. For him fa was the ruler's instrument, a standard set by the ruler to make the behavior of his subjects predictable and controllable. Some scholars prefer translations such as "the school of standards" or "the school of methods." This book uses "Legalism" because it is the established term, with the understanding that it is a later label for a tradition its members would have described simply as the art of rulership.

The Question Han Fei Inherited

By the time Han Fei was born, around 280 BCE, the long war was entering its final phase, although no one yet knew it. Qin was clearly the strongest state. The eastern states repeatedly tried to form alliances against it, the "vertical" alliance of states stretching north to south, and Qin repeatedly broke those alliances by diplomacy, bribery, and force, forming "horizontal" relationships with individual eastern states against their neighbors. Each round of fighting cost the eastern states more territory. Han, closest to Qin and weakest of all, suffered most.

The question that the age posed to every thinker was therefore stark. It was not, as it had been for Confucius, how to restore a lost moral order. It was how a state could survive, and how one state might bring the endless war to an end by conquering all the others. The Confucians answered that the humane ruler would win the world because the people would flock to him. The Mohists answered that the world would be at peace if everyone cared for everyone else impartially. The Daoists answered, in effect, that the question was wrongly put.

Han Fei, looking at the ruin of his own state and the relentless rise of Qin, answered differently. He said that the age of the sages was gone

and could not return; that the people would not be moved by benevolence but would be moved by reward and punishment; that the ruler's real enemies were not foreign armies but his own ministers; and that a state governed by clear laws, controlled by a ruler who understood the techniques of power, and secure in the authority of his position could be strong even if the ruler was an ordinary man. He offered the most complete and coherent answer that the Legalist tradition ever produced.

He offered it to his own king, who ignored him. The king of Qin did not.

CONTINUE THE JOURNEY

The China Series

Twenty-one volumes.
A world of enduring ideas.

Preorder the complete 21-volume China Series at 15% off through the final volume's launch, approximately June 4, 2027.

Book Seven available February 26, 2027

ipcnews.org · ipc.asia

orders@ipcnews.org

International Publishing Corporation

Washington, D.C.

© 2026 Robert Miller. All rights reserved.