

Han Fei Tzu. *Basic Writings*. Translated by Burton Watson. New York: Columbia University Press, 1964.

Han Fei Tzu, or Master Han Fei (280-233 B.C.), wrote Chinese political philosophy. Han Fei amalgamated legalist philosophy, which aimed fixedly to defend and strengthen the hierarchical State. Hobbled by a bad stutter, Han Fei turned to writing. Unfortunately for him, in his day oral rhetoric was highly valued. Still, his book was good. The first king of the Ch'in Dynasty liked Han Fei's advice and invited Han Fei to court to resolve a conflict between Han Fei's lord and the king of Ch'in. A colleague of Han Fei, Li Ssu, served as prime minister to the king of Ch'in. Li Ssu defamed Han Fei to the king, alleging subterfuge. The king imprisoned Han Fei. Li Ssu hastily sent poison to Han Fei, before the king could further investigate or relent. Han Fei drank.

§5: The Way of the Ruler. Rulers follow the Way, as described by Lao Tzu. Rulers wait, impenetrable to their minions, to avoid their sycophancy. Minions who perform well are rewarded, the ruler takes credit, leading to a stable state. When minions stumble, they are blamed, and the ruler retains his honor. Rulers keep minions compartmentalized, so none can put together the big puzzle of the ruler's intentions. If any minion attempts to gain global perspective, he must be smashed. Do not let minions form friendships or gain followings. Those who do so will shut out the ruler, control wealth, issue orders without warrant, claim credit for good outcomes, and build opposition parties. These acts should be the sole prerogative of rulers. Rulers must hold minions strictly to their assigned tasks. The ruler should raise up gifted lower class people, and put down some of his own friends who lack requisite skills, to convince all that the ruler looks for no more than competence and obedience.

§6: On Having Standards. States rise and fall. States prosper when many obey the laws. Where scofflaws predominate, states fall. Even strong states lag, because their strong leaders die and are replaced by lesser men. These ministerial midgets sow chaos with their incomprehension, as though dousing a fire by heaping on kindling. A ruler must find men who have a feel for national benefit and put them in charge. When corrupt officials attain office, concerns other than those profiting the nation come into play: reputation, profit, fear, nepotism, party, family interests, betrayal, deceit, and suppression of good men. So begins decay. So rulers should not trust their ministers to do well by the state. One avoids incompetent minions by letting law choose them. The ruler relies on objective standards, not disingenuous praise or scandalous libel. The best ministers abandon personal plans and obey their ruler without question or moral quibble. Rulers safeguard their able ministers, never using them selfishly. In this way, the classes sort themselves, and the intelligent rise and stupid fall. Good government follows. The good ministers remain loyal to their sovereign, remain obedient, make no conspiratorial connections, speak only truths, do not overreach, and place their family's prosperity below the ruler's interests. No king can be everywhere. Bad minions deceive their king for gain. So, kings rely upon law and policy, seeking to maintain impartial rewards and punishments. The depredations of bad ministers are imperceptibly gradual. Laws help, preventing the ruler from becoming disoriented by ministerial disinformation. Never allow ministers discretion. They must administer according to law, and nothing more. As perception is corrected by measurement, so governing is corrected by laws.

§7: The Two Handles. The wise ruler controls his ministers by persistent use of corporal punishment in conjunction with monetary and honorific rewards. The king must do this personally, or the people will look to the ministers rather than the ruler. Always, words must match deeds. Every person must tend to their own task, and leave other tasks to those assigned them. If minions can surmise their ruler's opinions, they will conform to his expectations, to the neglect of their duties. Rather, the ruler should conceal his likes and dislikes, leaving the ministers to act as seems best to them. Then the king will know the true colors of each, and can reward and punish appropriately.

§8: Wielding Power. Stay healthy by eschewing excess. Be blank to followers. Do nothing. The principled king rewards and punishes exclusively, generating fear and lust for

money in minions. If the king is seen to act, he will be viewed as inconstant. Remain empty, quiet, and inactive. Kings are not like other people. Trust commoners, but avoid being like them. Then all will follow the king in unity. The Way lacks form and is vast. It pervades all affairs, but is found nowhere among them. King, be such yourself. Dwell in solitude. All things are measured by their king. The king cannot become what is measured. Listen to minions as though inebriated; never respond. Never work alongside your people. Trust them to know their jobs. A king governs well when he permits no minion to gather money or reputation or opportunity to challenge the king. If the king fails in this, his ministers will band together and kill their king. Find and destroy cliques; seize their power for yourself.

§9: The Eight Villainies. Ministers have eight strategies for getting what they want from their king: 1) They use sexual encounters during times of drunkenness to wheedle things from the king, 2) Court buffoons praise the king and fawn over his every whim. Ministers manipulate such buffoons to redirect the king, 3) The king's family and children and closest advisors have the king's ear. So, ministers bribe these persons to the ministers' own ends, 4) Kings savor their luxuries, so ministers indulge them, taxing the people heavily for the king's delights. Eventually, this practice sows resentment with the king's rule, 5) Ministers ingratiate the public with gifts until these commoners praise the minister, rather than the king, 6) Because kings live in relative isolation, they are novices in rhetoric. Ministers will pay star debaters to sway the king's mind, 7) Ministers will hire fighters loyal to them, and terrorize commoners into submission to them, and 8) When a king is vassal to a more powerful king of another state, ministers will ingratiate themselves to that foreign king by emptying their own king's treasury in impressing the foreign ruler. The king counters all these eight villainies by remaining within himself and relying on the punishments and reward of law. The ruler who fails is lost. Promote talented men; demote lesser men. Most rulers today do not follow such principles. They let reputation and relations with other lords matter; the rich buy positions. The talented people see they will get nowhere and stop working hard. The State is then doomed.

§10: The Ten Faults. 1) Making lesser matters great. 2) Missing great gain seeking lesser things. 3) Being rude to foreign lords. 4) Ignoring administration of government in favor of entertainment. 5) Being greedy and morally perverse. 6) Loving women musicians to the neglect of government. 7) Traveling to the neglect of affairs of state. 8) Ignoring sound advice. 9) Overreliance on allies' promises, to the neglect of making one's own state strong. 10) Being discourteous. Han Fei reports a series of stories illustrating these ten kingly faults.

§12: The Difficulties of Persuasion. In persuading others, it is not lack of knowledge or ability to present it that is lacking, but rather failure to tailor one's presentation to the mind of the person being persuaded. One must take careful account of the purposes of one's hearer, or the persuader faces danger. One persuades by playing up the hearer's pride and avoiding his shames. In convincing kings, argue on a high moral plain. But also mention that the course prescribed by lofty ideals serves also the king's personal interests. Edit from your presentations anything that angers or bothers your listener. If you do not do so, you will not be heard. Han Fei gives historical examples of these rules. Know your ruler's loves and hates before speaking. Only then can you hope for a hearing.

§13: Mr. Ho. Mr. Ho took an unprocessed jade to the king as a gift. It was declared a stone, and his left foot cut off. When that king died, Mr. Ho took the jade to court again, with the same result for his right foot. Then the king had the stone polished, and it was jade. So, Han Fei argues, presenting good advice to rulers portends Mr. Ho's outcome for the speaker.

Wu Ch'i advised King Tao that his government was bloated and the lords oppressed the commoners. King Tao confiscated titles, reduced salaries, and ended offices of no purpose. Then King Tao died, and the men who suffered tore Wu Ch'i limb from limb. Lord Shang advised Duke Hsiao well, urging him to ignore the requests of powerful families and to effect other reforms. When the Duke died, Lord Shang was sundered by being tied between two chariots.

The reasons for these events is this: common people dislike good government and ministers resent laws that constrain them. So, no wise advisers dare to speak to current rulers. So the age is in chaos.

§17: Precautions Within the Palace. Rulers should trust no one, not their sons, not their consorts. Most rulers die by assassination of one sort or another. People close to the king may get great gain by killing him. They or their children may rule, insuring ease of life and control. Rulers must watch those who stand to gain by the ruler's death. One prepares for enemies to attack, yet the assault may come from loved ones. So the ruler watches. If rewards are earned and offices kept limited and all crimes are punished, there will be no opportunities for private scheming. Laws aim at commoners, yet it is ministers who present the real danger to kings. They lie to the ruler, form coalitions, and render the king powerless. Give no authority to minions.

§18: Facing South. Rulers go wrong when they assign independent people to check up on their ministers. The checkers and those checked will form cliques inimical to the king. Ministers delude their king by seeking special pleas, taking power for themselves, and pretending loyalty. Ministers delude their kings by mischaracterizing their tasks and by the welter of their empty words. Kings must make sure that what is said matches what was done, and what is said after as task matches what was said of the task beforehand. Some ministers will be cowed into saying nothing. They too should be punished for their reticence and failure to speak. Kings must take care to account in their undertakings. Both income and expenditures must be tallied against one another. The wise king changes customs when they grow ineffective and retains them when they serve his purposes.

§49; The Five Vermin. Sages take necessary precautions, regardless what have been the customs of the past. The ways of ancient kings worked for them, but may not work for today. In ancient times, people gathered what they needed from the land's abundance. There was plenty, and none quarreled. Now, a grandfather has five sons, who each themselves have five sons. The people are many, goods scarce, and there is disorder and much quarreling. Ancient kings worked alongside the people in back-breaking labor. Being the Son of Heaven changed little for them. Now, lowly ministers never work, and their children for generations ride about in carriages. Losing even this little job would change much for them and their families. In times of plenty, even strangers feast. In famine, even sons starve. The post of Son of Heaven has few advantages; some may relinquish it voluntarily. The sage ruler changes with the times; he varies punishments according to relative plenty. There was a time when benevolence and righteousness sufficed to make a state stable. No longer. Abandon benevolence, righteousness, eloquence, and wisdom. Mo and Confucius erred when they praised ancient kings for showing affection for their subjects and regretting executions. The righteousness of Confucius, who was greatly benevolent, gathered only seventy disciples. Recalcitrant children do not bow to parental love or neighbor's well-wishing or their teacher's wisdom. They bow to governmental threats. Make punishments unquestioned. Make rewards certain. All men, the good and the bad, will make good efforts. When rulers praise or punish for matters other than the laws, they undermine their own kingdoms. Private concerns and public concerns are at odds. One cannot maintain a stable state and praise individual virtues. Stable states deal with critical issues, and make their laws simple. Those who urge alliances are wrong. Powerful allies take over one's country; weak ones lure ministers to pursue private interests. The best kings cannot be attacked, but are ready to attack enemies. All stability grows from internal stability. Make laws clear and outcomes certain. Keep reserves of food. Teach people to defend themselves. No outsider will attack because he knows he will suffer losses. Keep the farmers farming. Do not let them become wandering merchants. The five vermin are: A) scholars who criticize the laws and confuse rulers, B) ministers who promote their own interests, C) vigilantes, D) those men who bribe officials to escape military service, and E) merchants who manufacture useless trivia, aggrandize wealth, and exploit farmers. The wise ruler wipes out these vermin.

§50: Eminence in Learning. History is uncertain. Academic parties form, interpreting matters as they prefer. Neither Confucius nor Mo knew what the ancient kings did or what were

their values. To say one knows when he does not makes one a fool and imposter. No king should rely on scholars of the Confucian or Moist schools, which prescribe different mourning rituals. Among philosophers, one teaches bravery, stoicism, and facing down his superiors when they are wrong. Another teaches pacifism and composure. You cannot have it both ways. Someone is wrong. When a king holds contradictory values, there can be no state of order. Some recommend redistribution of land so all have equal shares. But from among such, the ambitious and frugal persons will grow rich, and the lazy spendthrifts will grow poor. A king cannot praise men who refuse to fight, and then expect them to step up for military service. A king cannot indulge scholars at the expense of farmers, and then expect the scholars to plant and reap when there is need. A king cannot praise those who defend their honor at every insult, and then expect them to fight in battle without indulging family feuds. If a king rewards those of little use, he ignores those of great utility. Disorder ensues. Kings must promote what they approve and suppress the rest. Confucius himself sometimes judged men wrongly. Never judge men merely on the basis of their good looks or eloquence. Test claims and appearances; see how people perform. Reward richly those who perform well. Focus on what produces, not on what struts or babbles. Repress bad behavior; kindness can never end disorder. Crush bad behavior; good acts will take care of themselves. Focus on law, not virtue. A good king finds a way to bend men to the behavior he prefers. But one cannot make men virtuous, any more than one can make them long-lived or wise. Forget the ancients, and ignore yammer about virtue. Do what works: improve your bureaucracy and comprehend villainy. Ignore the past-praising scholars. Kings should press the people, who are really simpletons, to open new pastures, stockpile food for hard times, fight in the army, and win in battle. The people speak ill of kings, no matter how much those kings improve their lives. Do not appoint men whom the people approve. Appoint those who make good government.