

# Legalism

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*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.*

## **Introduction**

The Warring States period, which began in either 481 or 475 BCE (depending on the source) and ended in 221 BCE, was a time of intense fighting between rival Chinese states. When the Eastern Zhou Dynasty weakened in their control over China, almost 100 small states began fighting each other. Many of these small states continued to exist at the start of the fourth century BCE but seven larger states 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 dominant view of human nature during this time was pretty bleak. 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 overriding principle for organizing government.

Legalism is based on the viewpoint that in order for a ruler to maintain order in society, people must obey a set of strict laws and those in authority (the rulers and government officials). Legalist philosophers thus 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.

Legalism became particularly important in the period that followed the Warring States period. In this period, the Qin state, which would later become the Qin Dynasty, attempted to unite the people and establish order from chaos. While the goal of order was the same for both legalism and Confucianism, the method for achieving order was very different. Confucianists believed that peace could be restored to China if everyone lived by a code of conduct that promoted virtue and respect. They wanted to restore the Chinese people to a former glory and were more traditionalist. Legalists also wanted to restore and reunite China, but they thought that this could only be achieved through the application of harsh laws and a focus on agriculture and military strength.

## **The founders of legalism**

Shang Yang (c. 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 a governor to make sure that laws were followed. He also standardized the system of weights and measures and encouraged people to work as farmers and soldiers, both of which were considered to be jobs that were beneficial to the state. In addition to these reforms, he also set up a new system of taxation, specifically targeting merchants with high taxes, and required citizens of the Qin state to join the military. But perhaps his best-known legacy was the institution of a strict legal code that was written to strike fear into the members of the Qin community. Shang Yang eventually fell out of favor with the Duke Xiao and was executed in a rather gruesome way.

Han Feizi (c. 280-233 BCE) was the author of a series of essays outlining the legalist philosophy. These writings became a guide for rulers in how to organize their states using legalist beliefs. He stressed the importance of a harsh code of laws and believed that the strength of the ruler depended on the application of these laws along with a strong military to enforce 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 negotiate with Zheng, who greatly admired Han Feizi's legalist writings. 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:

### **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..."*

## 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 clearly articulated the idea that a strong and principled leader can establish order and create prosperity, to the benefit of all, by writing clear laws, enforcing them strongly, and shaping society to obey them.

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. It was he who actually implemented the ideas of the legalists across the growing Qin state. His most famous achievements included the construction of the Great Wall to protect the newly unified state from barbarian invaders and the creation of a universal system of writing. Li Si was more critical of Confucianism than many of his predecessors, 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, in order to try to limit the power of Confucianism and promote the power of the emperor he served, Li Si prohibited history education and called for a period of book burning. This brought the conflict between legalists and Confucianists to even greater heights.

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.