A STUDY OF THE DOCTRINE OF STATECRAFT OF

HAN FEI AS VIEWED FROM HIS HISTORICAL BACKGROUND

Han Fei (韓非) was the last and greatest theorist of the Legalist School of Pre-Ch'in Period. The doctrines of Han Fei, as the famous Chinese historian of the Han Dynasty, Ssu Ma-Ch'ien (司馬遷) was correct in saying, can be traced to Lao Tzu (老子). The Taoist ideal of taking no artificial action or letting things take their natural course (wu-wei 無為) had a strong appeal to the Legalists, especially to Shen Pu-Hai (申不害), a prime minister of the State of Han, who emphasized statecraft, techniques, methods, and the like, summed up in the word "Shu" (術).

Han Fei combined the three tendencies --- law (Lord Shang's Fei費後之勛), statecraft (Shen Pu-Hai's Shu申不害之術) and power (Shen Tao's Shih威到之勢) --- but, he was concerned even more with the role of the ruler and the methods by which he might control the bureaucracy, that was what he called "Rely on Technique" (Jen Shu任術). He maintained that "The ruler need not do anything himself." Therefore, specific descriptions of the "methods" of Shu always concern personal control, what we should call management of the bureaucracy. Another reason was that according to Han Fei, rulers and ministers did not follow the same path. A sage ruler, therefore, should remain inactive or "empty" with the "Shu" in his grasp, while the ministers should be active in their services and exert their abilities by themselves. Looking from this angle, one can easily realize the importance of "Shu".

The concept of Shu is of philosophical interest, and described as concerned almost exclusively with the manner in which rulers governed by selecting capable ministers, making certain that they performed their duties, and taking care to hold the controlling power in their own hands.

Han Fei, living at the end of the Warring States Period (280-233 B.C.), was influenced by the various schools of philosophy. It was a period of moral degeneration, of which he was well aware, and therefore one would expect his eclecticism to produce an epitome of what was valuable in his predecessors' thoughts. Philosophically, however, his pessimism over-reacted to the chaos of the times and he was led to abandon the great moral stream of Confucianism, and developed rather in the direction of extreme control and suppression.
From the Taoist doctrines of quietist contemplation and "inaction" he turned to the Legalist doctrine of statecraft, representing a transformation of the dry intellectualism of Taoism into a lofty mystique of unlimited governmental control, devoid of the humanity of ethical value judgements. This technique of statecraft, translated into political reality, was maintained by the full vigours of legislation. The state became controlled by laws, these laws being the concrete manifestation of the political system in society, which the "technique of power" remained shielded and hidden, the preserve of the powerful ruler, making him more autocratic as its guardian. The result was Legalist severity in society and Legalist negative morality in the imperial court.

The establishment of Han Fei's doctrine of statecraft was based on a conviction of the omnipotence of the sole ruler and an refusal to recognize the sovereignty of the people and their corporate ethical ideals on which the continuing well-being of a state depended. As a political doctrine, it might have served as an expedient antidote to the social malaise prevalent at the time, but such a substitution of legal impersonality for the more permanent Confucianist ethical values of humanity and righteousness as history has shown, could but prove to be a transitory phenomenon.

Han Fei witnessed the vices of the itinerants and diplomats, who beguiled the lords of men and thereby sought for their own advantages, and the evils of the wicked and villainous people, who committed violence and outrage at their own pleasure and could not be suppressed. He bitterly criticized administrators of state affairs for their inability to exercise the powers vested in them. He took the fate of the country as his own and pointed out the obstacles in its way. In thought he was vehement and in word informative, thus differentiating himself sharply from the rest of the thinkers and writers of the Warring States Period (403-222 B.C.)