Abstract

Han Fei (韓非) lived at the end of the Warring States Period (280-233 B.C.). He was hailed as the culminating representative of the Legalist school. His thoughts were influenced by the various schools of philosophy. His teacher was Hsun Tzu (荀子), who was a great figure of Confucianism. However, Han Fei's thoughts also bore the influences of Taoism and Legalism. He combined the three doctrines, law (法), statecraft (术) and power (势) in his writings and he urged the rulers of the Warring States to adopt his governing strategies.

The doctrine of law was an important topic in Han Fei's writings. He proposed that the rulers use law as the highest directive in ruling the country. Han Fei, who lived amidst the chaos of the Warring States period, realized the importance of stability. He felt that the lawlessness of the Warring States period could be put to an end if his doctrine of law was applied. Han Fei hoped that his ruler, the King of Han, would adopt his doctrine of law and thus strengthen the country. Only when the country was strong and stable could the ruler launch an attack on the other Warring States and thus unify China. Although Han Fei intended the King of Han to adopt his theories, they were ultimately employed by the King of Qin, who admired Han Fei greatly, but ironically, caused Han Fei's death.

The aim of this thesis is to examine Han Fei's doctrine of law and its value in modern society. Although Han Fei's doctrine
of law was established during the Warring States period, it bore uncanny similarities to modern law. Thus, this thesis would attempt to compare Han Fei’s doctrine of law and modern law. In order to do this, we would first have to examine the basis of Han Fei’s doctrine of law. Only then could we proceed to discuss and understand the similarities and differences between Han Fei’s doctrine of law and modern law.

This thesis starts off with an analysis of the usage and meaning of the word "law" in Han Fei’s writings. Then it would go on to examine the goal Han Fei wished to achieve with his doctrine of law. This would establish the fundamentals for the comparison and act as a reference for further discussion. In the third chapter, the thesis would explore the relationships between the doctrine of law and the ruler, ministers and people respectively. This would illustrate the structure and workings of Han Fei’s doctrine of law. Han Fei’s doctrine of law was established on a conviction of the omnipotence of the ruler, which accounts mainly for the differences between Han Fei’s doctrine of law and modern law. In the fourth chapter, Han Fei’s doctrine of law would be compared to modern law. Lastly, the thesis would conclude by evaluating the value of Han Fei’s doctrine of law in the modern society.