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AXIOLOGICAL RULES AND CHINESE POLITICAL PHILOSOPHY

I. THE MEANING OF AXIOLOGICAL RULES

By axiological rules I mean “four maxims of actions,” which are metaphorically expressed as “golden,” “silver,” “brass,” and “iron” rules. The golden rule is stated as “do unto others what you want them to do unto you”; the silver rule, “don’t do unto others what you don’t want them to do unto you”; the brass rule, “do unto others what they have done unto you,” and last, the iron rule, “do at first unto others what you don’t want them to do unto you.”¹

These rules are axiological in the sense that they serve as value directives for moral, nonmoral, and immoral decision makings. The golden rule, viewed by many as the universal rule for morals, has been often confused with the silver one.² The brass rule is viewed by many as equivalent to the rule of reciprocity; a “tit for a tat,” which according to recent literature in English academic circles, is rooted in the sociobiological aspect of human nature.³ By contrast, the iron rule has escaped scholarly attention, probably because of its obviously objectionable immoral nature. Philosophical moralists customarily maintain that immoral actions are essentially acts of “not following the rule,” ostensibly as a result of a chaotic, confused mind. But this contention rests on flimsy evidence at best. It is not uncommon to find proverbs in many cultures, which express maxims for evil acts. For example, there is a Chinese proverb given by Cao Cao, the dominant military lord in the period of the Three Kingdoms. After killing the family of a friendly man holding a wrong suspicion, he is reported to have said, “Rather let me betray people, than let people betray me!”⁴

Axiological rules cover all fields of social relations. The typical field for applying moral rules is of course morality, whereas the brass rule is typically applied to the economical domain. As for the application of all four rules, no field other than politics is more fitting. It is in the political domain that the various levels of decision makings which are

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guided not only by moral directives, but also by the directive of reciprocity and finally, even by immoral directives, as we see that many rulers seek often in a vicious manner to maximize their selfish interest by evil yet intelligent means, sometimes invoking terror by well-crafted plans.

In order to examine the meaning and use of axiological rules in general, in this article I take Chinese political philosophy in the Pre-Qin period as typical. That is because it was a time when the earliest Chinese philosophers competed with one other for the dominant policy in society. Confucianism, Mohism, and Legalism were particularly evident in the arena of political philosophy. Their respective political-philosophical ideologies can be distinguished as follows.

1. The virtue politics of Confucianism;
2. The utilitarian politics of Mohism;
3. The totalitarian politics of Legalism.

It is regrettable that I don't discuss Daoism in this article, because not only of the limit of my knowledge, but also of my impression when reading Laozi and Zhaungzi that they distrusted any man-made rules and didn't develop a political philosophy related to those axiological rules. This does not deny, of course, the facts that Laozi was an important source for Han Fei's legalism and that Daoism had been a decisive element of the political thinking since the Han Dynasty.

II. THE AXIOLOGICAL RULES UNDERLYING CONFUCIAN VIRTUE POLITICS

It is commonly recognized that Confucian political philosophy is an extension of its ethics. Confucius says, "One who rules through the power of Virtue might be compared to the Pole Star, which simply remains in its place while receiving the homage of the myriad lesser stars" (*Analects*, 2.1).⁵ Two points are clearly made in this passage. First, the ruler's virtue for Confucius is his power to rule. Second, the power of virtue consists in the moral model provided by the ruler.

What is essential to virtue politics is the priority of moral duty on the part of the ruler. Most of the virtues taught by Confucius, such as "restraining yourself and returning to the rites" (12.1), "loving people" (12.22), and "extensive love of the multitude" (1.6), were expected to be acquired/exhibited by rulers. If the ruler imposed moral requirements on subjects without his personally fulfilling them, it was judged that virtue politics would not have had any effect in reality.

The power of virtue is contrary to the power of brute force. This opposition was illustrated by Confucius thus (beginning with the latter): “To lead people with governmental regulations and keep them in line with punishments,” on the one hand, and to “guide them with virtue and keep them in line by means of ritual” (2.3). Brute force should not be exercised under any excuse. Jikangzi, a ruler of the Ru state, asked Confucius, “If I were to execute people who lack the Way in order to advance those who possess the Way, what would you think of that?” Confucius responded, “In your governing what need is there for execution? If you desire good, then the people will also desire good” (12.19). A person’s lack of the Way, whether it is true or not, is not an excuse for the ruler to use brute force. Rather, it is the ruler’s duty to educate the person, and the education is based on the ruler’s virtuous model. The power of virtue naturally wins people’s respect and obedience. Thus brute force in politics, according to Confucius, is simply superfluous.

It has been generally assumed that virtue politics were not concerned with material interest. We have to examine this assumption carefully. Confucius said, “The gentleman understands what is right, whereas the petty man understands profits” (4.16). The opposition of profit to rightness should not be referred to material interest in general, but rather to material interest when seized by the ruler with brute force. Confucius said, the ruler should “worry about inequality, rather than less wealth; about the non-harmony, rather than becoming poorer” (16.1). By inequality Confucius meant the gross difference in wealth, and by non-harmony, the striking imbalance between a ruler’s gain and the people’s loss of material interests. In the final analysis, the contrast between rightness and profit signifies clashes between fair and unfair distributions of interests, between virtue politics and “brute force politics,” between humane and tyrannical governments.

Although Confucius did not offer a justification for the reciprocity of interests, his notion of straightforwardness (*zhi*) provides a hint as to his reason. In my point of view, “straightforwardness” expresses the notion of the brass rule, the rule of like-for-like. In Confucius’ words, “Requite injury with straightforwardness, requite kindness with kindness” (14:34).

Zhu Xi explained the meaning of *zhi* as “One chooses love or hate towards the injurious person, so that the utmost impartiality and unselfishness is to be reached. This is what is meant by *zhi*.”⁶ Accordingly, *zhi* was usually translated as uprightness or justice. I am afraid that understanding of this sort has exalted *zhi* so that it is on par with *zhong* and *shu*, and hence this reduces any difference between morality and straightforwardness. When Confucius was asked how he thought about the order to “requite injury with kindness,” he

expressed disagreement, for the reason that this directive would eliminate any difference between the reciprocity of injury and kindness. It is in this context that Confucius proposed the directive, “requite injury with straightforwardness” as an alternative to “requite injury with kindness.” In a text of the *Book of Rituals (Liji)* “requite injury with the straightforward” was replaced by “requite injury with injury.” This substitution stated the rule of reciprocity more clearly: “Requite kindness with kindness, so that people are to be encouraged; requite injury with injury, so that people are to be punished” (*Book of Rituals*, 32:2.2).⁷

If the meaning of *straightforwardness* is to be understood correctly, a perplexity which appeared in 13.18 can be resolved. The usual translation of 13.18 is as follows.

The lord of She said to Confucius, “among my people there is one we call ‘upright Gong.’ When his father stole a sheep, he reported him to the authorities.”

Confucius replied, “Among my people, those we consider ‘upright’ are different from this: fathers cover up for their sons, and sons cover up for their fathers. This is what it means to be ‘upright.’”⁸

Those passages are confusing and have provoked some accusations against Confucius for his excessive emphasis upon filial piety at the cost of social justice. The confusion is caused by reading *zhi* as *uprightness*. Admittedly, the lord of She used the word “*zhi*” in the sense of *uprightness*. It accords with Zhu Xi’s explanation of *zhi* understood here as “the utmost impartiality and non-selfishness.” Nevertheless, Confucius would argue that the requirement of uprightness or justice is simply not relevant in this case. Instead, the rule of reciprocity is applied here. Fathers and sons conceal each other’s misconducts due to the reciprocity of kindness between them. The reciprocity of injury exists, in this case, only between Gong’s father and the victim. The point of 13.18 is not, according to my understanding, the opposition of filial piety to social justice, but a differentiation of reciprocity of kindness (as in the father–son relation) from that of injury (as in the damager–victim relation). For Confucius, *zhi* did not mean *uprightness*, as the lord of She assumed, but meant *straightforwardness*.

It is important to realize that “*straightforwardness*” for Confucius was basically a notion for human nature. As Confucius said,

Human nature is straightforward. It is lucky that our humans get rid of the ignorance of that nature. (6.17)

The keyword here is “*sheng*” which has been interpreted as *life*. As a matter of fact, “*sheng*” was interchangeable with “*xing*” (*nature*) during the time of Confucius and Mencius. According to my understanding, Confucius in the above passage not only ascribes *straight-*

forwardness to human nature, but also confirms the notion of the straightforward nature in common sense. The counterpart of *straightforward nature* was illustrated by Confucius with an example of affectation. A man called Wei Sheng Gao was praised by people for his faithfulness. Once upon a time, someone begged for vinegar from him. He begged it from the neighbor, and gave it to that person. Confucius blamed him in an interrogation thus: “Who can say that Wei Sheng Gao is straightforward?” (5.23). He is not straightforward, because his behavior shows an affectation or pretence of help.

We have tried to prove in the above that Confucius employed two sets of standards for value judgments. They are the standards of *zhong* and *shu*, altruism and conscientiousness, both of which are well known.⁹ By contrast, the standard of *zhi*, *straightforwardness*, has been rarely recognized, even less can one distinguish it from the two sets of moral standards above. If we understand the axiological rules and their different applications, the difference between moral and nonmoral rules is necessary and crucial. The meanings of *zhong* and *shu* are statements of moral rules in correlation with golden rule and silver rule, respectively. The meaning of *zhi*, on the other hand, is a statement of the morally neutral reciprocity between interests and between injuries, in correlation with the brass rule. The brass rule is in the sense that it is applicable to the interpersonal relation in general, including good and bad exchanges. For the good exchange, we have, “requite kindness with kindness,” while for the bad exchange, we have the directive, “requite injury with injury.”

It would lead to misunderstanding if one confined Confucianism to the moral domain. Confucius said, “Only the gentlemen can love humanity, and hate inhumanity” (4.6). Mencius said, “As Confucius said, the Way is twofold, humanity and inhumanity, that is all” (*Book of Mencius*, 4A:2).¹⁰ Since Confucianism deals with both humanity and inhumanity, namely, both moral and nonmoral relations, the application of the brass rule is indispensable, especially in politics. Since the ruler did not often follow the moral rules, he was open to the rectification by applying the rule of reciprocity to himself, so that his goodness can be rewarded and vice punished.

Confucian virtue politics applies two sets of rule to the ruler. The moral (golden and silver) rules require the priority of moral duty and commitment for the ruler. The brass rule demands that the ruler be checked by reciprocal actions on the part of those ruled. The *Analects* and *Book of Mencius* are filled with examples of this expectation/demand. We shall cite a few instances in the following.

During a year of famine, the ruler of the Lu state, Duke Ai wanted to raise the tax ratio from one-tenth to two-tenths. Confucius tried to prevent him from doing so with the reasoning that “If people are

sufficient, how can Your Majesty not be? If people are not sufficient, how can Your Majesty be?" (12:9). Confucius's reasoning was based on the reciprocity between a ruler's and the people's wealth.

Confucius listed mercy as one of the five virtues for a humane ruler, for the reason that "The merciful benefit is enough to gain the service from people" (17:6). When Mencius proposed a humane government, his rationale is similar. As he said,

If one extends his mercy, he will be strong enough to protect his territory over the world, and if not, he is unable to protect even his wife and child." (1A:7)

Mencius said to King Xuan of Qi state, "Enjoy the people's joy and people [will] enjoy your joy. Worry about the people's worries, and people will worry about your worries" (1B:4). These are talks about the mutual benefit between ruler and people, as well as mutual damage.

Reciprocity exists between a monarch and his ministers, too. Confucius said to Duke Ding that "The ruler employs his ministers with propriety, while ministers serve the ruler with loyalty" (3:19). Mencius developed this idea by considering both good and bad treatments in reciprocity. He said to King Xuan,

If the ruler regards his ministers as his hands and feet, his ministers will regard him as their heart and mind. If the ruler regards his ministers as dogs and horses, his ministers will regard him as a stranger of the country. If the ruler regards his ministers as dirt and grass, his ministers will regard him as bandit and enemy. (4B:3)

The last item of this passage implies a justification for dethroning the tyrant. The tyrant treated his subjects so badly that they had the right to overthrow his ruling and, to kill him as a bandit (1B:8).

We had set out to establish that the political teachings of Confucius and Mencius were guided by the complex of golden, silver, and brass rules working together. The first two imposed a more rigorous moral duty upon the ruler, while the last one applied the reciprocity of mutual benefit or mutual damage to the ruling-ruled relation. By these three rules, Confucius and Mencius developed many invaluable ideas, such as humanism with respect to life and other basic rights of human beings, egalitarianism with respect to the personal integrity of the ruler and his subjects, and priority of people's value to that of state and monarch, etc. Those ideas are certainly not democratic in the modern sense, yet they can be plausibly viewed as a nascent democratic model embryonically emerging from the sociohistorical soil of two and a half thousand years ago.

The problem with Confucians and Mencius is that within a strict hierarchy they were strongly of a mind the ruler could hardly accept

the double constraint (moral and material) on the gain of his interests. Confucius and Mencius believed that they could persuade the ruler to adopt a humane government for his own interest. Nevertheless, historical reality proved that their evaluation of the ruler's virtue and reason were too optimistic. Very few emperors in history were willing to give up even a small part of their possessed interests to win in exchange the people's support. This is so, not because they were too vicious to accept moral rules or, too foolish to know the rule of reciprocity, but rather, because they were corrupted by absolute power and in most cases, a gross amount of wealth. For this reason, Confucius's and Mencius's political philosophy was either distorted, or not practiced in Chinese history.

III. THE AXIOLOGICAL RULES UNDERLYING THE UTILITARIAN POLITICS OF MOHISM

Mohism, like Confucianism, advocated humanity and rightness in their ethical-political thoughts. Notwithstanding, the two schools had different views of humanity and rightness. Briefly, the Confucian view led to the virtue politics mentioned above, whereas the Mohist view contrariwise to utilitarian politics. According to definitions of key terms in the *Scripture of the Book of Mozi*, "The rightness is what is meant by benefit"; and "Utility is what benefits people."¹¹ Thus, it is appropriate in this context to identify rightness with utility in the modern sense of the term.

Both Mozi and Confucius considered humanity to be love of people. Again, the two were distinguished from each other by different views of love. The two Confucian notions of love in the senses of *zhong* and *shu* were extensions of love from what is close to oneself, step by step, to what is far from the self. As a further extension, the intensity of affection is reduced. For Confucians, it is natural that one cannot love the father of one's own and the father of one's neighbor in the same manner; moreover one cannot love the father of one's neighbor and the father of an unknown family in the same manner. Mohists considered Confucian love as partial love, and they proposed instead impartial love.

Mohist impartial love does not issue naturally from the heart; rather, it is achieved by reason. We can now construct Mohist reasoning according to the following inference pattern.

Premise 1: "Anyone who cares for others will receive care for themselves in return, while anyone who dislikes others will in turn be disliked." (71)¹²

Premise 2: “Impartiality gives rise to all the great benefits in the world” and “partiality gives rise to all the great harms in the world.” (65)

Premise 3: “The business of a benevolent person is to promote what is beneficial to the world and eliminate what is harmful.” (63)

Conclusion: “Replace partiality with impartiality.” (64)

Premise 1 is an expression of the brass rule, that is, the rule of the reciprocity of love or hate. It is the basis for calculating how much benefit or harm one can receive from another’s reaction if one takes a certain action toward that other. Precisely by such calculations, Mozi attempted to explain all of the causes of “all the great benefits” and of “all the great harms” in the world, as stated in Premise 2. Mozi described the characteristics of his time as “great harms being done in the world” (64). What are the unknown causes of those facts? Mozi answered unambiguously that they were caused by mutually incurred damages resulting from asymmetrical binary elements in society, for example, between great and small states, large and lesser families, the strong and the weak, the many and the few, the clever and the ignorant, the noble and the humble, fathers and sons, rulers and ministers. In the conflict between strong and weak parties, the strong party should not take advantage by damaging the weak, because the strong party, in spite of its greater force, ability and resource, will inevitably be revenged by the weak party they have damaged. Mozi warned the ruler and the stronger party that no one can escape the rule of reciprocity and, that endless mutual damage is the source of great harm in the world.

Premise 3 states the goal of utilitarian politics, which is to promote great benefits and to eliminate great damages. Mozi continued to argue that since the cause of great damages is partial love, and since the cause of great benefits is impartial love, then, the conclusion is, all should abandon partial love and embrace impartial love.

If we understand the Mohist pattern of reasoning as reconstructed above it thereby becomes clear that Mohist political philosophy started with the brass rule for calculating utility and ended with the golden rule for a universal loving of others without differentiation. If one compares this model with the utilitarianism of the modern West, one can find significant similarities. Consider for example the following passage by John Stuart Mill,

The happiness which forms the utilitarian standard of what is right in conduct, is not the agent’s own happiness, but that of all concerned. As between his own happiness and that of others, utilitarianism requires him to be as strictly impartial as a disinterested and benevolent spectator. In the golden rule of Jesus of Nazareth, we read the complete spirit of the ethics of utility. To do as you would be done by,

and to love your neighbour as yourself, constitute the ideal perfection of utilitarian morality.¹³

Mill saw “the complete spirit” of utilitarianism as a process from the impartial calculation of utility to the golden rule. Mozi had demonstrated and affirmed the same spirit more than two thousands years ago.

Mohism, however, did not experience the good fortune and favor that currently attends modern utilitarianism. As a matter of fact, it disappeared in the imperial time after the Qin Dynasty until its revival in the late Qin Dynasty. The destiny of Mohism can be explained, partly by external sociohistorical conditions and partly by internal defects.

As Mozi rightly pointed out, the impediment to impartial love is “that there are no superiors who take delight in it” (72). If we ask further why they did not take delight in it, the answer is obvious: They did not want to accept the calculation of utility on equal terms. As we observed in the above, Mill realized that utilitarianism requires that an agent “be as strictly impartial as a disinterested and benevolent spectator.” John Rawls later transformed this required impartial spectator into the “original position,” in which disinterested agents, under the “veil of ignorance,” reach “principles of justices” for the mutual benefits of all.¹⁴ Needless to say, the impartial “spectator” or “position,” however idealistic, can function only in a democratic society as the mechanism of the division and checking of power. This sort of social condition was not at all present at this time in Chinese society. When the advantaged superiors were more benefited by damaging the disadvantaged inferiors than by benefiting them, when the advantaged superiors were less damaged than the disadvantaged inferiors by the retaliation mutually incurred, how then could the rule of reciprocity lead to impartial love? That is to say, while the logical inference to a utilitarian politics, as presented above, is formally valid, in terms of substance it was invalidated in experience.

It is on the mark to say that Confucian virtue politics had a similar difficulty for the practical applicability of the brass rule, since we have just pointed out above that no ruler was willing to give up a part of self-interest in exchange for support from the people. Nevertheless, the failure for applying the rule of reciprocity on the part of Confucians can to some extent be compensated by the legitimacy of their application of moral rules to the ruler. Mohist utilitarian politics had no such balanced compensation for the people. For impartial love was a rigorous order equally for both the ruler and people. The ruler was not only free himself from the burden of the priority of impartial love, but he also enjoyed the superior power of employing people. According to the Mohist doctrine of “obeying one’s superior,” there should

be strict measures of locking up “those in the world who refused to obey their superiors” (63). It is fair to conclude from this that if this doctrine had been practiced, people would have suffered a double constraint: that of being dutiful to love superiors who did not really love them and that of being deprived from the right of disobedience. Thus, utilitarian politics during the ancient period of China’s history, apart from being ignored by the ruler, was unacceptable from the view point of the people. Therefore, it was doomed to vanish from society precisely on account of these circumstances.

IV. THE AXIOLOGICAL RULES UNDERLYING THE TOTALITARIAN POLITICS OF HAN FEI

In the Pre-Qin period, no school other than Legalism had a more positive evaluation of the human desire for selfish interests. The Mohist based their philosophy of impartial love upon mutual benefit, but they took it for granted that everyone desires selfish interests without elaborating further on a theory of human nature. Mencius proposed the goodness of human nature, and required the instantiation of a good nature in the ruler for a humane government. Xunzi, on the contrary, proposed the badness of human nature, yet had the same political goal as Mencius. He therefore demanded the correction of the bad nature by morality invented by sage kings.

Han Fei adopted the theory of human nature from Xunzi, his teacher. He agreed with Xunzi that all human beings by nature desire selfish interests yet disagreed with his belief that such a nature should be condemned as bad or evil. Rather, Han Fei evaluated the selfish nature positively as an unchangeable fact and so it served as the cornerstone of politics. He enumerated many examples to show that everybody is orientated toward selfish interests in dealing with others. The most impressive one is his example of parental interest in their children. He said that parents exchange mutual congratulations when they have a male baby and share a disposition to kill a female baby they may have. The reason for this, Han Fei continued, is that the male will bring about interests for the parents in the future and the female will not. He then concluded, “Parents treat their children by minding the calculation of interests, still less people without any kinship.”¹⁵ A good ruler must have such an insight into the selfish nature of the people he manages in order to maximize his own interest. In Han Fei’s words, “To govern the world, one has to follow the human sense” (chap. 48:1).

How to calculate interests, of course, depends upon how one is to understand human nature regarding interests. Since Han Fei reduced

human nature to selfish interests, he didn't believe that one's interest can be shared by others, as Confucius, Mencius, Mozi, and Xunzi all believed. Instead, Han Fei inferred from this selfish nature what he thought was an unavoidable conflict between the interests of the ruler and his subjects. He warned the ruler, "to know the difference between the servant's and the master's interest is to rule; to assume the sameness of the two is to be robbed; to work with servants together under this assumption is to be killed" (chap. 48:3). All advice Han Fei gave to the ruler started with, and was based upon his insistence upon the necessary conflict in interests between ruler and subjects. The view of conflicting interests characterized Han Fei's political philosophy as a whole, as distinguished not only from other schools, but also from his predecessors espousing Legalism.

In the conflict of interests, the advantage the ruler takes from his subjects was termed *shi*. Ernest Richard Hughes rendered *shi* in English as *autocratic power*.¹⁶ Wen Kui Liao translated *shi* as *position*, meaning *status*, *circumstance*, and *influence*.¹⁷ Arthur Waley translated the term variously in different contexts, sometime as *power*, sometimes as *position*, *potency*, *force*, *circumstance*, *situation*, or *natural power*.¹⁸ Roger Ames translated it as *strategic advantage* or *political purchase*.¹⁹ In my view, all of these translations focus on one point, namely, the priority of using power. *Shi* means a double priority, the priority for a ruler to use power to take advantages of others, and the priority for the ruler to use power to prevent others from taking advantage of him. I will interpret *shi* according to these two aspects of the priority of power.

Pictographically speaking, the character "*shi*" is composed of two parts, the above being "*zhi*" (grip) and the below "*li*" (force). As a whole, *shi* means the grip of ruling status with force. According to Shen Dao, one of the predecessors of Legalism, the ruling status enables the ruler to determine or influence others naturally. Han Fei was not satisfied with Shen Dao's thinking of *shi* as referring to the natural force. As he said,

If *shi* were merely referred to something natural, then non-action would be referred to *shi*. What I speak of *shi* means something established by man. (chap. 40:3)

By "something established by man," Han Fei meant using force for the ruling purpose. Without certain force the ruling status is merely potency. A ruler would lose the ruling status he inherited by nature, if he didn't use the potential force.

Roger Ames' translation of *shi* as *strategic advantage* or *political purchase* connects with the reason given by Han Fei as to why political power has to be autocratic, or why it determines one's status as the

ruler but not the subject. The reason consists in Han Fei's belief that one's selfish interest is necessarily in conflict with that of others. Everyone in politics was said to be in the struggle for his own advantage over against that of others. The one who strikes the first decisive blow wins. Han Fei created a well-known idiom in Chinese, "*shi bu liang li*," literally meaning that *shi of two parties cannot be co-established* (chap. 52:2). If we take *shi* to mean *the priority of using power*, this is the same as saying that one is either to be a *hammer* or an *anvil*. What is decisive is that the one who takes the priority of striking the first blow is to rule. Otherwise, he is the subject. There is no other choice.

Han Fei advised rulers thus, "a sage rules the state in such a way that people have to love him, but not that he has to rely on people's love of him" (chap. 14:4). The crucial question is how to make people *have to* love the ruler. Han Fei answered this with an analogy: "The enlightened ruler tends his subjects in the same way as one speaks of raising birds"; that is, "the raiser cuts off the forewings of a bird so that it has to rely on him for feeding. How can it not be tame?" (chap. 34:1). Cutting off a bird's forewings is an analogy drawn to support depriving subjects' of political advantage. This advice accords precisely with what we call the iron rule: do unto others first what you don't wish them to do unto you. It is my hope that my interpretation of *shi* as *the priority of using power* has helped establish my claim that Han Fei's political philosophy was guided by the iron rule.

It has been recognized that Han Fei's political philosophy integrated three elements of legalism, power (*shi*), skill (*shu*), and law (*fa*). It is, however, unclear as to what relation holds among these three elements, or how Han Fei integrated them. Many have taken the "complementary view" as granted, assuming that the three elements complement one another without any one being dominant.²⁰ If my interpretation of *shi* taken as *an expression of iron rule in politics* is acceptable, then we have to take *shi* as the dominant element that stimulates the use of skill and law for the ruler's interests.

It is not difficult to understand that the priority of using power for Han Fei is the precondition for skill and law, and that skill and law were for Han Fei nothing but methods for taking advantage from subjects by the use of power. He described the methods as "two handles," penalty and favor. Those who have the ability to use the two handles of course depend upon those who establish a priority in the use of that power. In Han Fei's words, the two handles are like claws and fangs of the tiger, "If the tiger abandons its claws and fangs and lets the dog use them, it will be subdued by the dog." Similarly, "If the ruler abandons the penalty and favour and lets his ministers use them; he will be controlled by the ministers" (chap. 7:1). We see again

how the iron rule applies. Here is the prescription for the ruler: control others at the very first if you don't want to be controlled by them.

There has been confusion as to whether the two handles belong to skill or to law. Since we explain the handles in terms of the methods of using power, the two handles belong to both skill and law. Though skill and law were not differentiated substantially, they were differentiated methodologically. Methodologically, skill was personal wit, while law was the public measure. Han Fei differentiated the two by saying,

Law has to be edited in volumes, instituted in offices, and publicized to ordinary people. Skill is hidden in the heart and explicated a little bit occasionally to control the crowd of ministers. Law is to be shown at all, while skill is not to be detected. Therefore, when the enlightened ruler speaks of law, even the humble and inferiors within the territory all hear about it. When he operates skill, none of his dears and cronies even knows about it. (chap. 38:16)

Apart from the distinction illustrated above, skill and law differed also in application and obligation. Skill was applied by the ruler to ministers and local officials, while law was applied by officials to ordinary people. The application of the two handles was designed as a hierarchy of control, in which the ruler controlled officials by skill, and officials controlled ordinary people by law. Skill was not applied to ordinary people directly because it had reference to the ruler's personal wit and so was applicable only to those with whom he dealt personally. Law was executed by officials, so that only officials were obligated to enforce the law. It is worth noting that the ruler was not obligated under the law, not only because he was the law-giver, but also because he did not execute the law personally and was thus not responsible for episodes of its wrong execution.

The superiority of the ruler's power and interests was written in the law. Since law was public, the ruler's advantage was called public interest by Han Fei, as he said, "Public interest is owned by the master of people" (chap. 47:3). In the name of the public interest of state (the ruler), no officials ought to make use of the law to seek their own interest. Otherwise, they were punished by the rule according to which they were obligated. If *skill* can be understood as the method to prevent courtiers from having the priority of using power, then the law was a method to prevent local officials from seeking their own interests by the power of executing law.

Positively, both *skill* and *law* functioned as a means to drive all subjects (ministers, local officials, and ordinary people) to serve the ruler's interests. Han Fei believed that the selfish nature for interests is universal and governs both the ruler and his subjects. He saw the

relation between the two sides as embraced in the commercial term of exchanging interests. He said,

Ministers sell to the ruler all their strengths to death, while the ruler buys the ministers with the bestowal of high rank and salary. The relation between ruler and ministers is not the affection between father and son. Both calculate the pay off each has given to the other. (chap. 36:6)

The exchange of interests between ruler and his subjects follows the principle that no merit is not to be rewarded and no guilt is to go unpunished, and that rewards and punishments should be measured quantitatively by “calculating the more or less, and weighting the heavy or slight” (chap. 49:3). The principle accords with what we call “the brass rule.” The reciprocity between rulers’ and subjects’ interests is by no means an equal and fair relation. All officials have to devote their whole lives and energies to the ruler. As Han Fei said, “The ruler in his dealings with his people, asks for their death in the time of calamity, and exhausts their energies in the time of peace” (chap. 46:6). Under an absolute inequality, the subjects gained much less than they paid to the ruler, and lost much heavier than they were indebted to the ruler.

However, this doesn’t mean that the ruler could handle his subject arbitrarily at will. On the contrary, Han Fei advised the ruler to deal with his subjects rationally and orderly so as to maximize his advantage and priority. The iron and brass rules provide the rational groundings for the ruler’s order. Under the guidance of the brass rule, the subjects can enjoy a relative fairness in a certain sense. First, the exchange of interests is relatively fair in the sense that more merit is compensated by more rewards and more guilt is reattributed by more punishment. Second, ordinary people served the ruler only, and were not subordinated to the interests of officials. And third, ordinary people were rewarded or punished according to the law in public, not according to the will and interests of officials.

There has been a prevailing view that Han Fei was just another Machiavelli in ancient China. This analogy has missed a fundamental difference. For Machiavelli, the ruler and his people can be mutually benefited. He made it clear that no matter whether the prince got the crown from the people or nobles, “I repeat, it is necessary for a prince to have the people friendly, otherwise he has no security in adversity.”²¹ This is an idea Han Fei could never endorse. What he repeated instead was that “By relying on others to serve me with love, I am in danger. By making others have to serve me, I am in security” (chap. 14:4). Though Han Fei and Machiavelli can both be called totalitarian, Han Fei’s totalitarianism is more radical. According to Hegel, only one single ruler was free in each of the ancient Eastern nations.²²

Whether it was true or not in history, it was certainly true with Han Fei's totalitarian ideal of the state.

The totalitarian ideal of freedom as extended to a single person cannot be realized in any totalitarian state. One may explain the reason in terms of Hegel's "master and slave dialectics." On his model, the master had to rely upon the slave in certain respects, and to some extent, the Master is a slave of his slave.²³ Ancient Chinese society was built upon the kin and patriarchal system. The emperor was not able to escape that system. As the head of the royal family, he had to show filial piety and respect for the eldership and benevolence for the brotherhood. Han Fei, however, asked the ruler to keep away in particular from six kinds of persons, mothers, wives, sisters, brothers, powerful ministers, and nobles. The later emperors could not adopt his advice, not because they were not ruthless, cruel, and canny enough, but because they could not but help rely upon their slaves and live in kinship.

V. CONCLUDING REMARKS

From what has been said, we can conclude that the Confucian, Mohist, and Han Fei all combined different rules of values in their respective political philosophies. Each has a set of dominant rule(s) and an auxiliary principle. The Confucian political philosophy was dominated by the moral (golden and silver) rules and supported by the auxiliary rule of reciprocity. The Mohist political philosophy was guided by the brass rule which led to the moral rules as a consequence. Han Fei's political philosophy started with and was based upon the iron rule as a whole, and was assisted by the brass rule as an element of the ruling method. It is interesting to see that the three all applied the brass rule. This fact shows that the brass rule can be used for what may be termed as either a moralized politics or an immoral politics, though the rule is nonmoral in itself.

Politics in China's imperial period was not limited to Confucianism only. Rather, it was characterized by a mixture of thoughts originating from different schools. The overlapping of the axiological rules underlying those schools made it possible for them to intermingle the way did historically. In reality, the mixture of Confucianism and Legalism was systemized after the Han Dynasty when Emperor Xuan said that "The House of Han has its own system that mixes the tyrannical governing with the benevolent one."²⁴ Some scholars nowadays have assumed a mixture of exterior Confucianism and interior Legalism, suggesting a Legalism in essence and a Confucianism in disguise.²⁵ From an axiological point of view, a relevant distinction can be made to distinguish between value as end and value as means. In imperial

China, value as end was the advantage of the emperor, while the interests of subjects and moral virtues were to be fulfilled as means to that end. Legalism as epitomized in Han Fei and Confucianism came together in the end-means relation. The end of totalitarianism with the means of moral duty and material supply can be properly called “moralized” or “enlightened” totalitarianism.

If we do not limit ourselves to historical research, but are interested in the modern value of Chinese ancient political philosophy, we need to pay more attention to Mohism. The reason for the failure of Mohism consists, as we have urged, in its unrealistic prerequisite of the equal exchange of interests between the ruler and people. This prerequisite did not become a real condition until the rise of modern democracy. Relying on such prerequisites, modern utilitarianism has made great contributions to democratic politics. Even John Rawls, an opponent of utilitarianism, started with the precondition of equal exchange of social interests in his theory of justice. If one considers those theories seriously, there is no reason why Mohism, the true utilitarianism of ancient China, cannot become a valuable resource for modern politics.

The current value of Confucianism has been widely recognized. Confucianism is not opposed to modern liberalism. In my opinion, its effort to moralize politics in a certain sense is a complement to the current liberal effort to depoliticize morality.²⁶

As for Han Fei’s political philosophy, its modern value is to provide a target for modern criticism.²⁷ Totalitarianism can legitimize itself only in the name of “public interest,” “sovereignty of state,” “people’s dictatorship,” etc. Thanks to Han Fei, we know better the secret of totalitarianism, a secret that practical totalitarians were never willing or able to speak about loudly. As soon as the secret link of totalitarianism to the iron rule is revealed to people, totalitarianism is at once immoralized and illegitimated. It also becomes clear that the supplementing of Confucianism with Legalism thereby comprising a “moralized totalitarianism” was not only a historical demerit, but a logical mistake as well.

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ENDNOTES

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1. For the formulation of the four rules I am indebted to Carl Sagan, “The Rules of the Game,” in *Billions and Billions: Thoughts on Life and Death in the Brink of the Millennium*, ed. Carl Sagan (New York: Random House, 1997), 180–91.

2. For recent books on the golden rule, see Jeff Wattle, *The Golden Rule* (Oxford: Oxford University Press, 1996) and Harry Gensler, *Formal Ethics* (London: Routledge, 1996).
3. Cf. Robert Axelrod, *The Evolution of Cooperation* (New York: Basic Books, 1984).
4. Luo Guanzhong, *Sanguo Yanyi* (Beijing: Renmin Chubanshe, 1998), 58. Quotations from Chinese books without references in this paper are translated by me.
5. Cited from Edward Gilman Slingerland's translation of *Analects in Readings in Classical Chinese Philosophy*, ed. Philip J. Ivanhoe and Bryan W. Van Norden (New York: Seven Bridges, 2001), 4. The following quotations from the same book shall indicate the page numbers in the brackets.
6. Zhu Xi, *Sishu Zhangju*, Lunyu Jizhu (Jinan: Qi Lu Shushe, 1992), 149. (My own translation.)
7. Chen Gao, ed., *Li Ji Jishuo* (Beijing: Zhonguo Sudian, 1994), 448. (My own translation.)
8. Cf. Slingerland, *Readings in Classical Chinese Philosophy*, 36.
9. Cf. Fung Yu-lan, *A Short History of Chinese Philosophy* (New York: Free Press, 1976), 43–44.
10. Zhu Xi, *Sishu Zhangju* (Jinan: Qi Lu Shushe, 1992), 94. (My own translation.)
11. Bi Yuan, ed., *Scripture of the Book of Mozi* (Shanghai: Shanghai Guji Chubanshe, 1995), 140. (My own translation.)
12. The following quotations from *Book of Mozi* are cited from Philip J. Ivanhoe's translation in *Readings in Classical Chinese Philosophy*, page numbers are given in the brackets.
13. John S. Mill, *On Utilitarianism* (Oxford: Oxford University Press, 1999).
14. Cf. John Rawls, *A Theory of Justice* (New York: Longmans, 1907).
15. Chen Qiyu, ed., *Hangfeizi Jishi* (Shanghai: Shanghai Remin Chubanshe, 1974), 949. (My own translation.)
16. Arthur Waley, *Three Ways of Thoughts in Ancient China* (New York: Doubleday, 1939), 181–82.
17. Wen Kui Liao, *The Complete Works of Han Fei Tzu* (London: Arthur Prosthain, 1939), II:199ff.
18. Ernest Richard Hughes, *Chinese Philosophy in Classical Times* (London: J. M. Dent & Sons, 1942), 77.
19. Roger T. Ames, *The Art of Rulership* (New York: State University of New York Press, 1994), 65ff.
20. For example, Feng Youlan (Fung Yu-lan) (in vol. 1 of *History of Chinese Philosophy*), Hou Wailu (in vol. 1 of *Zhongguo Sixiang Tongshi* [*General History of Chinese Thought*]), Ren Jiyu (in vol. 1 of *Zhongguo Zhexue Shi* [*History of Chinese Philosophy*]) all have said that the three were integrated inseparably.
21. Nicolo Machiavelli, *The Prince* (New York: St Martin's Press, 1964).
22. Hegel, *Lectures on the Philosophy of History* (London: George Bell, 1902), § 22.
23. Cf. Hegel, *Phenomenology of Spirit* (Bloomington: Indiana University Press, 1988), B. IV, a.
24. “Ban Gu, Biography of Emperor Yuan” in *Hanshu* (Beijing: Zhonghua Shuju, 1962).
25. Cf. Chang Chun and Wang Xiaobo, *Han Fei Sixiang de Lishi Yanjiu* (Beijing: Zhonghua Shuju, 1986), 249.
26. For details, see my paper, Zhao Dunhua, “Moralising Politics: A Critique of the Ethics of Officials in Traditional China,” *Res Publica* 7 (1998): 14–19.
27. For a severe criticism of legalist totalitarianism, see Fu Zhengyuan, *China's Legalists* (New York/London: M. E. Sharp, 1996).

CHINESE GLOSSARY

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|------------------------|---------|---------------------|--------|
| fa | 法 | li | 力 |
| <i>Hangfeizi Jishi</i> | 《韩非子集释》 | <i>Li Ji Jishuo</i> | 《礼记集说》 |

| | | | |
|-----------------|------|------------------------|--------|
| sheng | 生 | <i>Si Shu Zhang Ju</i> | 《四书章句》 |
| shi | 势 | xing | 性 |
| shi bu liang li | 势不两立 | zhi | 直 |
| shu | 恕 | zhi | 执 |
| shu | 术 | zhong | 忠 |

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