

The vital centre : understanding the concept of Yao in the Han Feizi

Autor(en): **Brusadelli, Federico**

Objektyp: **Article**

Zeitschrift: **Asiatische Studien : Zeitschrift der Schweizerischen
Asiengesellschaft = Études asiatiques : revue de la Société
Suisse-Asie**

Band (Jahr): **74 (2020)**

Heft 3

PDF erstellt am: **27.06.2024**

Persistenter Link: <https://doi.org/10.5169/seals-905714>

Nutzungsbedingungen

Die ETH-Bibliothek ist Anbieterin der digitalisierten Zeitschriften. Sie besitzt keine Urheberrechte an den Inhalten der Zeitschriften. Die Rechte liegen in der Regel bei den Herausgebern.

Die auf der Plattform e-periodica veröffentlichten Dokumente stehen für nicht-kommerzielle Zwecke in Lehre und Forschung sowie für die private Nutzung frei zur Verfügung. Einzelne Dateien oder Ausdrucke aus diesem Angebot können zusammen mit diesen Nutzungsbedingungen und den korrekten Herkunftsbezeichnungen weitergegeben werden.

Das Veröffentlichen von Bildern in Print- und Online-Publikationen ist nur mit vorheriger Genehmigung der Rechteinhaber erlaubt. Die systematische Speicherung von Teilen des elektronischen Angebots auf anderen Servern bedarf ebenfalls des schriftlichen Einverständnisses der Rechteinhaber.

Haftungsausschluss

Alle Angaben erfolgen ohne Gewähr für Vollständigkeit oder Richtigkeit. Es wird keine Haftung übernommen für Schäden durch die Verwendung von Informationen aus diesem Online-Angebot oder durch das Fehlen von Informationen. Dies gilt auch für Inhalte Dritter, die über dieses Angebot zugänglich sind.

Federico Brusadelli*

The vital centre: understanding the concept of *Yao* 要 in the *Han Feizi* 韓非子

<https://doi.org/10.1515/asia-2019-0041>

Abstract: The eighth chapter of the *Han Feizi* is dedicated to the ways of “wielding power” (揚權). As the entire book attributed to Master Han Fei is arguably dedicated to the problem of power – establishing, exerting and protecting it from external and internal enemies, this section of the book is crucial for the entire text. The present article starts from the term “yao 要” and applies the method of conceptual history to this pre-imperial text. It intends to shed light on the conceptual associations between the survival of the State, the ruler’s position, the importance of a political centre, and the use of objective ruling techniques, within a newly conceived “political sphere” with its own laws and necessities. The paper then addresses the heritage of the *Han Feizi* to conceptualizations of politics during the imperial period, eventually considering the function of the ruler in Han Fei’s thought.

Keywords: centralism; conceptual history; Han Feizi; political thought; Xunzi

1 Introduction

The eighth chapter of the *Han Feizi* discusses the way to “wield power” (揚權). Since it could be (correctly) argued that the entire book attributed to Master Han Fei deals with power – how to build it, how to exert it, how to protect it from external and (mostly) internal enemies – this section can be considered as holding a central position in the general economy of the text.

The conceptual connections – highlighted in this chapter and weaving through the entire book – between the newly conceived “political sphere” with its own objective laws and necessities, the ruler’s positional power, the necessity of an uncontested political centre and the use of univocal and unambiguous techniques of control will constitute the focus of the present article.

*Corresponding author: Federico Brusadelli, University of Naples “L’Orientale”, Piazza San Domenico Maggiore 12, 80134 Naples, Italy, E-mail: fbrusadelli@unior.it.
<https://orcid.org/0000-0003-3961-4061>

The starting point to this discussion will be the following short excerpt from chapter 8:

事在四方，要在中央。聖人執要，四方來效。虛而待之，彼自以之。四海既藏，道陰見陽。

Affairs are conducted in the four corners, the vital point is in the centre. The Sage holds the vital point, and the four corners come to his service. In emptiness he awaits them, and they automatically do what is needed. When all within the four seas is in order, he goes through the *yin* to see the *yang*.

(*Han Feizi*, 8.1)¹

The analysis of one (literally speaking) “key” term which the author puts under the spotlight in this passage – *yao* 要, which I translate as “vital point” – will lead us through the discussion of some of the features of Han Fei’s political thought, his conceptual innovations, and the apparent contradictions of his rhetorical argumentation of power.

This analysis will proceed on four levels.

First, the appearance of *yao* 要 as a political concept (of what is *politically* vital) will be related to the emergency of an abstract understanding of the State and of its necessities, measured against objective (external) standards and not judged on the basis of a subjective (internal) ethos.²

Secondly, the conceptual coupling of *yao* 要 and *zhong* 中 will be used to assess the importance of political centralism versus localism in Han Fei’s approach to statecraft, and to trace the legacy that this ideological knot has left to the imperial narrative of what a functioning “political order” should be.

Successively, the focus will shift to a third concept, namely *shu* 術, “technique”; its reinterpretation by Han Fei and his “legalist” predecessors is entangled with their understanding of the previous point (the necessity of political centralization): in other words, the redefinition of *how* control is exerted is inseparable from the prescriptions on *where* it should be exerted.

Finally, the problematic connection between *yao* 要 and the semantic domain of “decision-making” will be discussed. This passage will address the political and

¹ The source to this, as to all the other original quotations from Chinese classical texts in the present article, is the Chinese Text Project open database: <http://ctext.org>. Unless noted differently, translations are mine.

² Aware of their “modern” nature, I use the terms ‘subjective’ and ‘objective’ in this context, to refer to the long-lasting debate among pre-imperial philosophers on the precedence of *nei* (inside) or *wai* (outside) in the definition of norms and principles – in other words, on the internal or external nature of regulatory impulses.

philosophical question of how decisions are made according to the *Han Feizi*: is the performance of an act of “free-will” also vital to the political action, or is it rather a problematic exception to the implementation of objective and impersonal rules of governance?

2 *Yao* 要 as a *necessity*: the birth of the abstract state

The centrality of *yao* 要 within Han Fei’s theory of the State reflects many of the philosophical and political innovations of the text. In order to assess the function of this concept and decode its content and semantic associations, a survey of its occurrence in other major works of the period will provide a necessary background and will help us better appreciate Han Fei’s usage of the term.

Almost three centuries after the completion of the *Han Feizi*, the *Shuowen jiezi* would define the character used for *yao* as indicating the “central part of the body”. While the analyses of the *Shuowen jiezi* should not be confounded with a scientifically accurate analysis of the origin or evolution of the Chinese script, its observations reveal those “conceptual connections” that the authors considered inherent to specific characters. The *Shuowen* traces the origin of the character to the representation of two hands pointing at the waist, accompanied by the phonetic component 交. This interpretation would indeed provide the character with a broader meaning of being central, a “key point” or “key component”, as something necessary or vital – as I translated the term above in order to stress its relevance in granting the very existence of a State.

The same character is also used as a verb, meaning what one “requires” or “deems necessary” and hence what is “desired” or “wanted”. This double meaning will emerge from the following short survey.

In the *Lunyu* 論語, *yao* 要 appears only twice. In both cases, it is translatable as a verb meaning to “compel” in the first case and to “pressure” or to “exert one’s will over someone” in the second.

今之成人者何必然？見利思義，見危授命，久要不忘平生之言，亦可以為成人矣。」

But what is necessary for a realized man of the present day? Viewing gain and thinking of righteousness; viewing danger and risking life; **compelling oneself** to not forget an old agreement however far back it extends – thus a man may become realized.

(*Lunyu*, ‘Xian Wen’ 12)

子曰：「臧武仲以防求為後於魯，雖曰不要君，吾不信也。」

The Master said, “Zang Wu Zhong, through the possession of Fang, asked to be appointed as successor to the duke of Lu; although it was said that he was not **forcing** the sovereign, I do not believe it.”

(*Lunyu*, ‘Xian Wen’ 14)

In the *Mengzi* 孟子, *yao* 要 – recurring more often than in the *Analects* – is similarly employed in its sense of “searching”, “aspiring”, “looking for”, as in the following examples.

萬章問曰：「人有言『伊尹以割烹要湯』有諸？」

Wan Zhang asked: ‘People say that Yi Yin **sought** Tang’s favour by his knowledge of cookery. Was it so?’

(*Mengzi*, ‘Wan Zhang’ 1.7)

今之人修其天爵，以要人爵；既得人爵，而棄其天爵，則惑之甚者也，終亦必亡而已矣。」

The men of the present day cultivate their heavenly virtues in order to **seek for** the human virtues, and when they have obtained that, they throw away the other – so their delusion is extreme, because thus they will also lose human virtues as well.

(*Mengzi*, ‘Gao Zi’ 1.16)

王使人問疾，醫來。孟仲子對曰：「昔者有王命，有采薪之憂，不能造朝。今病小愈，趨造於朝，我不識能至否乎？」使數人要於路，曰：「請必無歸，而造於朝！」

The king sent a doctor to inquire about his (*Mengzi*’s) sickness. *Meng Zhong* replied: ‘Yesterday, when the king issued the order, he was feeling a little ill, and could not go to the court. Today his sickness was a little better, so he hastened to go to court. I do not know whether he has reached it by this time or not.’ So he sent several men to **look for** Mencius on the way, and said ‘Tell him not to return home, and go to the court.’

(*Mengzi*, ‘Gong Sunchou’ 2.11)

In comparison with the *Lunyu* and the *Mengzi*, “Daoist”³ texts seem to provide *yao* 要 with a more abstract nuance. Rather than for the action of striving for something, or aiming, the term is employed to describe the quality of being “important”, “central”; seemingly closer to the vitality suggested by the *Shuowen jiezi*.

In chapter 27 of the *Laozi* 老子, for example, *yao* 要 is coupled to *miao* 妙, in order to describe the core of the mystery.

故善人者，不善人之師；不善人者，善人之資。不貴其師，不愛其資，雖智大迷，是謂要妙。

³ As with Legalist or Confucianist. I use “Daoist” in brackets, considering this label as a Han simplification that does not reflect the complexity of the actual intellectual debate of the time. However, the employment of these labels is sometime necessary for the sake of clarity and brevity.

Therefore, the virtuous man is a master for those who have no virtue; and those who have no virtue are a resource for the virtuous. If the one does not honour his master, the other does not enjoy his help, even a great intelligence can get lost: this is called ‘the **core** of the mystery’. (*Laozi*, 27).

In the *Liezi* 列子, not immediately relevant to our analysis on the background of the *Han Feizi* due to its late date of composition (although probably containing some older parts), but nonetheless useful in order to trace the “Daoist” strain of use of the term, *yao* appears with the meaning of hub or pivot, as in this description of the universe:

六合之間,四海之內,照之以日月,經之以星辰,紀之以四時,要之以太歲。

Everything in the six corners and within the four seas receives its light through the sun and the moon, its longitude through the constellations, its record through the four seasons and its **pivot** through the God of the Year.

(*Liezi*, ‘Tang Wen’ 4)

With the *Xunzi* 荀子, the concept starts to undergo a “political” turn.⁴ The text presents a rather different use from what we see in the *Lunyu* and in the *Mengzi*. Especially in some of the most political chapters (I refer here to chapters 7–16 in particular), an abstract ideal of “political necessity” arises – a necessity of something that has to be pursued as vital to the attainment of *political* goals, more specifically for the consolidation of the State’s legitimacy.

In chapter 10 (“On Enriching the State, 富國”), the ruler is portrayed by Xunzi as the “indispensable element”, *jiyao* 樞要, to arrange the divisions among men, in other words, to build a society (而人君者,所以管分之樞要也).⁵ In chapter 11 (“Of Kings and Hegemons, 王霸”), officials are invited to follow the “decisive points (again, *jiyao* 樞要) of rituals and regulations” with the aim of ordering the State. In chapter 12 (“The Way of the Lord, 君道”), Xunzi points out the “central tasks” of the ruler of men (人主之要守). *Yao* 要 now definitely appears as a *political* category, transcending the individual sphere of action and becoming the central piece of a new abstract understanding of the State (and of society) developing through the Warring States period. This innovative perimeter defines a collective, historical and artificial endeavour, whose needs and parameters (its “core”) go well beyond those of its single components: the realm of politics is created as a self-contained

4 By using “political” with reference to Xunzi’s thought, I point here at the emergence of a reflection on the legitimacy of the political system itself, which goes beyond the ethical discourse on the ruler’s personal virtue. See Harris 2016.

5 This is also Knoblock’s translation (Knoblock 1990: 123). Eric L. Hutton translates *jiyao* as “the pivot and crucial point” (Hutton 2014: 85), similarly interpreting *yao* as something that vitally sustains the State.

field with its own rules and its own contingent values above the concerns for personal ethics.⁶

Xunzi's actual influence on Han Fei – beyond the traditional narrative of the former being the latter's teacher, bequeathed by Sima Qian in his *Shiji* 史記 – is still a matter of debate.⁷ However, a consonance in the definition of the State as a reality with its own necessities suggests that the two – even when not linked by a master-disciple relationship – were responding to the challenges of the dissolution of the Zhou order from a similar perspective and with a similar lexicon: for both of them, the State is a subject of inquiry as important as the individual, as the definition of a specific vocabulary for its understanding becomes a priority.

Such a Statist – and politically “realist”, to borrow Kai Vogelsang's terminological suggestion for the Legalist school – approach is central in a text that anticipated Han Fei's reflections more clearly than the *Xunzi*. In the *Book of Lord Shang* 商君書, the process by which the State is abstracted from the person of the leader as having its own agenda of core priorities is expressed by the 14 occurrences of *yao* 要 throughout the text. A pristine political articulation of the concept of “necessity” is visible: *yao* 要 is presented by Lord Shang as the vital element(s) to the survival of the State, whose meaning and importance can only be grasped by the (politically active) sages.

故聖人明君者,非能盡其萬物也,知萬物之要也。故其治國也,察要而已矣。

Therefore, sages and enlightened rulers are such not because they are able to know in depth the myriad of things, but because they understand what is **vital** in the myriad of things. So their way of ruling a country is nothing else than examining what is **vital**.
(*Book of Lord Shang*, “Agriculture and War”)

Not understanding what is “vital” will inevitably conduct the State to chaos:

今為國者多無要。朝廷之言治也,紛紛焉務相易也。

But now, many of those who serve States do not grasp what is **vital**, and the discussions at court on government, are confused and ephemeral.
(*Book of Lord Shang*, “Agriculture and War”)

The same usage of *yao* 要 is echoed in another classic of the “Legalist” school, the *Shen Bu Hai* 申不害, traditionally deemed as Han Fei's source of inspiration for his articulation of *shu* 術, techniques (of which more will be said later).

⁶ Vogelsang 2016: 53.

⁷ On this, see Sato 2013.

明君如身，臣如手；君若號，臣如響。君設其本，臣操其末；君治其要，臣行其詳；君操其柄，臣事其常。

The enlightened ruler is like the body, the minister is like the hand; the ruler is like the voice, the minister is like its echo. The ruler plants the root, the minister cares for the boughs; the ruler orders what is **vital**, the minister implements its details; the ruler holds the sceptre, the minister manages the routine.

(*Shen Buhai*, *Da Ti*, 4)

Also the *Shenzi* 慎子, another text traditionally attributed to the Legalist school and considered as Han Fei's third model (along with Shang Yang and Shen Buhai), is concerned with the definition of what is “politically **vital** to the State” (國家之政要). Explicitly coupling *zheng* 政 (governance, administration) and *yao*, Master Shen elaborates on how the survival of the State coincides with the preservation of the power deriving from the position of the ruler within the institutional mechanism.⁸

Breaking with previous understandings of political virtues as an extension of personal qualities, the interests of the State – or, in other words, its “necessities” – are for the first time explicitly addressed as an objective category, with no connection to discourses on individual morality, on traditions to be honoured, or historical examples to be followed. The legitimacy of the State is thus separated from the person of the ruler, in stark contrast to the Mencian ideal of a State expressing the mutually empathic relationship between the ruler and the people. Mengzi even imagines the possibility of transferring such a personal/collective bond to another geographical location, as in *Mencius* 1B.15. In other words, the “vital” is for early Confucianists human, organically vital, and not institutionally or artificially constructed and sustained.

Grasping (*zhi* 執) the political in its “non-human vitality” is what makes up a sage; viewing the necessities of the State allows an individual to participate in the definition of its rules of functioning (its laws), thus granting the authorization to reform its mechanism and to adjust its regulations to the flow of history. This is all well known, but Han Fei's usage of the term *yao* 要 in the quotation from chapter 8 – as in its other 14 occurrences through the text – confirms and makes visible this process, crystallizing this new articulation of the State and of its necessities in terms of security, order and wealth.

From the methodological viewpoint of conceptual history, or *Begriffsgeschichte*, the formation of a new idea of *raison d'Etat* by using a concept previously not used for political purposes appears to conform to the process Reinhart Koselleck would label as *Politisierung* when discussing the origins of “modernity”

⁸ For an analysis of the *Shenzi* fragments, see Thompson 1979.

in Europe.⁹ This suggestion would confirm that the ideological confrontation of the Warring States, and more specifically the elaborations of the so-called Legalist school, could be observed and interpreted in terms of a contest for the redefinition and re-articulation of concepts. Redefining the concept of “political necessity” is part of the struggle for the hegemony over concepts in the wake of huge social and political tensions. Thus, extending Koselleck’s analysis of the birth of European modernity to any moment of intense conceptual formation and re-formation, the Warring States period would appear as one of the many (possible) saddle-periods, or *Sattelzeit*, in the course of Chinese history.¹⁰

3 *Yao* 要 as the centre: power shall not be shared

Looking again at the quotation from chapter 8 of the *Han Feizi*, we can easily see how this newly conceived “vital point” of the State (the “key”, in Liao’s translation¹¹; or the “source” for Burton Watson¹²) is immediately associated to another concept: the centre, *zhongyang* 中央. At the same time, *yao* 要 is opposed to *shi* 事, which can be translated as “current affairs”, or “bureaucratic duties”, “orders to be implemented”. These affairs take place in the “four directions”, but they are not vital to the survival of the State. The meaning is clear: Policies carried out across the State have their essential source of legitimacy only and exclusively in the centre, and then reverberate as orders in the peripheries.

Zhongyang should not be understood as a purely geographical concept, though. The abstraction of the State also entails (or is preceded by) the abstraction of the centre, in Han Fei’s political theory. Again confirming the Koselleckian pattern of Politicisation, the text refers to a “political” and administrative centre. In this sense, even ministers at court can be treated as peripheral actors, when they are just performing *shi* 事 and are not involved in the encoding of what is vital.

This clear statement of how the essence of politics (*yao* 要) shall reside in the centre (*zhongyang* 中央) and cannot be dispersed in the four corners puts the peripheries on a hierarchically inferior level within the general economy of the State. Again, we are not suggesting here a new understanding of Han Fei’s political theory, but more modestly a “conceptual confirmation” of how centralism was vitally connected to the prescription of a functioning State, and how this conceptual legacy proved to be the most resistant part of the so-called Legalist

9 Koselleck 1979.

10 Vogelsang 2012.

11 Liao 1959: vol. I, 65.

12 Watson 1964: 35.

contribution to the definition of the Chinese imperial ideology. The four corners – referring to localities, peripheral powers, and political executors – do not have the power to modify the rules of the State or to feed the system with decisions of their own; they cannot craft or adopt their “techniques” of government (see below), as if they could, this would bring chaos to the realm. They cannot make their own laws, in other words. They can only passively receive the instructions elaborated by the core machinery of the State. This bureaucratic hardware would allow the four seas to be “ordered”, literally “allocated” (*cang* 藏) as Han Fei writes, without any active effort by the ruler, who shall sit still in emptiness and darkness, as the passage reads.

The idea of a single source of legitimacy, encapsulated in the notion of Great Unity – the “pivotal principle of Chinese political culture”,¹³ and a common feature of the entire intellectual production of the Warring States, from Confucianists to Daoists – is embraced and enshrined by Han Fei as the indispensable foundation of an efficient political order.

Han Fei’s political realism, even after its formal demise as a State ideology in favour of Confucianism, contributed to the establishment of a theory by which centralism would be praised as a precondition of stability for centuries.

One of the best ways to discuss the nature of any polity and to measure its efficacy – and consequently, one of the main issues involved in the conceptualization of a given “political order” – is the assessment of the “degree to which its centre can control the peripheries”.¹⁴ Throughout the pre-imperial and imperial centuries, the Chinese pendulum of power constantly, and very often traumatically, oscillated between the Court and local rulers (members of the dynastic lineage, aristocrats, landowners, provincial governors, “barbarians” and foreigners). The collapse of the Zhou order, against which the *Han Feizi* provides a possible remedy, was also perceived as the loss of a central legitimacy (both in its geographical and political sense). As new social forces pulled authority out of the hands of the central ruler into the hands of smaller sources of power, ideological and political responses were elaborated to adjust (or preserve) the old political structure, or to imagine a new one. Following Victoria Tin-Bor Hui’s suggestion and comparing the pre-Qin struggle to the European context of the early-modern period,¹⁵ the Chinese result – namely, the birth of a centralized Empire – might appear as an even more outstanding achievement.

After the proclamation of a sovereignty that extended from the Court to cover the entire *tianxia* 天下, the legitimacy of a central authority as prescribed in the

¹³ Pines 2012: 41.

¹⁴ Duindam and Dabringhaus 2014.

¹⁵ Hui 2005.

Han Feizi, in terms of *discourse* more than *practice*, was never seriously challenged by a theory of “shared” or “balanced” powers in the following centuries. This is not to say that the mutually dependent degrees of central control and local autonomy were not debated in China. Competing options existed, as demonstrated by the recurring confrontation between proponents of the *junxian* 郡縣 and the *fengjian* 封建 models, the former representing the most centralized solution, the latter leaving more space to forms of local autonomy. Studies documenting how local societies played a key role in the implementation and even in the elaboration of imperial policies are abundant,¹⁶ but those actors never successfully achieved the conceptual construction of an alternative model, entailing a relation between local and central in contractual terms, with their subsequent definition as autonomous and equally legitimated sources of decision-making processes. State and society remained an embedded complex, sustained through the mediation of scholar-officials and thanks to a philosophical elaboration by which the “local dimension” was intended as a microcosmic reflection of the universal (imperial) order, and not just as a part of it, as it would happen in Western Europe.¹⁷ The predominance of this order that can be tagged as Confucian-Legalist dwelled on a model of an undisputed top-down flow of legitimacy with no formal acceptance of multiple “heads” or parallel decision-making bodies, and it survived until the crisis of the Qing dynasty.¹⁸ To quote Franklin W. Houn’s study on traditional Chinese political culture, “while pluralism characterized the relationship between the society and the state in traditional China, the state itself was basically unitary in nature”;¹⁹ a condition reflected in the fact that “the imperial government had the power to re-define the territorial-administrative subdivisions, whenever it deemed such action necessary, without securing their concurrence”.²⁰

This would help explain, from a conceptual point of view, the repeated failure of federal models in China. Certainly, federalism is a “blurred concept”, to follow Michael Burgess’ warning.²¹ It can define both institutional settings or ideological agendas, both the coming-together of previously separated polities or the redistribution of power on a more local level within an already constituted State. However, if we define it fundamentally as a “set of principles rooted in such notions as voluntary cohabitation, self-rule and shared rule, and diversity in unity”,²² Han Fei appears to be an anti-federalist *par excellence*: No space for

16 See for example Esherick 1990, Lee 1998, Zhou 2005.

17 See Kim 2018: 114–136.

18 Zhao 2015.

19 Houn 1965: 26.

20 Houn 1965: 26.

21 Burgess 2006.

22 Kincaid 2011: xxxiii.

voluntary, self-ruled or shared political orders is envisioned in his blueprint – and in his ideological legacy to the Empire.

The dramatic failure of federalist movements in Republican China – a surprising outcome of the 1911 Revolution, if we look at the fall of the Qing dynasty as dominated by instances of provincial de-centralization and ultimately of secession – might be interpreted as another evidence of the conceptual resilience of the centralist model enshrined in the *Han Feizi*.²³ This does not deny the importance of different historical experiences as an explanation to the failure of federalism – again, understood as an institutional model, and not as a practice of local rule – in China. In Western Europe, the positive experience with federalism could go back to the Romans, who for centuries called the fully subjugated Italian cities “allies” (*foederati*). And following the fall of the Roman Empire, the separation of political sovereignty from religious authority opened the path to an acceptance of territorial division and to the recognition of the potential multiplicity of legitimate powers without undermining the possibility of a “superior order” to be found in the realm of God. In combination with ideas of self-rule and free will, this tendency provided solid foundations for discourses on shared rule, even if territorial fragmentation was often connected to experiences of violence, war and trauma. There is no such explicit recognition to be found in the Chinese political debate. To the contrary, the experience of fragmentation was never conceptually (re)articulated as a (potentially, at least) positive condition, conducive to a balanced stability based on the mutual recognition of different political actors. It was “common knowledge” that any local autonomy could be fertile ground, on the contrary, for separatism and warlordism. Of course, no opponent of federalism in modern or contemporary China needed – or needs – to go back to the *Han Feizi* in order to know that localism or regionalism challenges stability (and should be swept off “like dust from a kitchen stove”, as Li Si wrote in his memorial to the First Emperor²⁴). And yet, again from the perspective of *Begriffsgeschichte*, the conceptual seeds sown by Han Fei played a role in the sedimentation of a specific conceptual understanding of “political order” and “political unity” in connection to centralism and to the possession of the technique of power – as will be argued in the next paragraph. This legacy would drastically reduce the space for a successful adaptation of “federalism” in politically acceptable terms at the turn of the 20th century. At the same time, it would facilitate the equation between a strong State and a strong Centre, an entanglement that could be easily revived during the importation of democratic centralism from the Soviet Union, operated by both the GMD and the CPC starting from the 1920s.

²³ For a survey of the federal failure in Republican China, see Phillips 2008.

²⁴ Li Si, “Memorial on Annexation of Feudal States”, quoted in de Bary and Bloom 1999: 208.

4 Yao 要 and the techniques of power (*shu* 術): yet another conceptual reason for centralism

This univocal conceptual association between the survival of the State and the preservation of centralism, with the consequent sanction of any shared rule, self-rule or political diversity, and the concurrent separation of the State from the sphere of human life in its natural or biological aspect, is also visible in the analysis of another keyword of Han Fei's articulation of Power: *shu* 術, "technique".

The *Shuowen jiezi* suggests that the character 術 originally indicated the axial road of a city; it then also came to cover the process by which a set of skills is acquired, or, in other words, the learning of an art. In the *Han Feizi*, this becomes unequivocally the "art of politics", or statecraft. It is described as an impersonal and objective ability, whose rules need to be firmly codified – and therefore elaborated in the one centre of political legitimacy. Political skills are thus presented as an external and not internal form knowledge, in stark contrast to the Mencian understanding of *nei* and *wai* as mutually resonant and understandable only in connection to each other.²⁵

Whereas in the *Lunyu* there is no occurrence of the term, Mencius employs *shu* 術 in connection to personal evolution. Techniques are linked to ritual propriety, and they express virtues like benevolence and filial piety. In other words, they are "subjective techniques" that reflect into the outside world the internal moral refinement of the individual. Throughout the *Mengzi*, we find abundant references to concepts as ritual techniques (*lishu* 禮術) or the technique of benevolence (*renshu*, 仁術). Techniques are not political tools – at least, not directly, but only indirectly as part of the process of cultivation that should lead a man to become a sage, and then allow him to transform the world through the power of his virtue and example. The ritual aspect of *shu* 術 is even clearer (and understandably so) in the *Liji* 禮記: Here, techniques are presented and expressed as instruments of rituality in compounds such as *fushu* 服術 (clothing techniques), *xinshu* 心術 (techniques of the heart/mind), *xingshu* 性術 (techniques of conduct).

As with *yao*, a conceptual analysis of *shu* 術 reinforces the impression that the *Xunzi* constituted an important stage in the process of politicization, and in the concurrent emergence of "political realism", in the Warring States period. Here, techniques start to be associated – although still not exclusively – to the

²⁵ Some interesting observations on the importance of the fluidity between "internal" and "external" in Mencius, also in a comparative light, can be found in Chong 2002 and Heng 2002.

abstract functioning of the State. In 7.7, Xunzi mentions the “techniques for managing all-under-Heaven” (*tianxia zhi xingshu*, 天下之行術)²⁶. At the same time, however, the connection between *shu* 術 and rituality is not definitely severed by Xunzi, as shown by other passages in which “technique” is mentioned with regard to individual practices and personal virtues or qualities: “techniques for governing the *qi* and nourishing the heart”, *zhi qi yang xin zhi shu*, 治氣養心之術,²⁷ or “techniques of persuasion”, *tanshui zhi shu*, 談說之術.²⁸ Differently from what Han Fei will prescribe, the individual component is still vital to the performance of the technique, and – even more importantly – those skills can be mastered at any level of the State structure, not only at the top or at the centre; they can even be used by ministers who need to “check and balance” the power of a ruler who lacks virtue.²⁹

A political turn of the concept is also visible in the *Mozi* 墨子, where *shu* 術 is employed to describe specific “policies” (in this case, in the field of demographic control): “strategies of diminishing the people”, *guaren zhi dao shu shu*, 寡人之道數術.³⁰

As with the politicization of *yao* 要, the passage from the internal and ritual understanding of technique to its externalization in political terms – as part of the art of statecraft – is fully accomplished in the *Book of Lord Shang*: *shu* 術 becomes here a pivotal element in a theory based on the impersonality and efficacy of power. The author employs *shu* 術 when discussing statistics (數者臣主之術)³¹ and, most importantly, when prescribing the codification of statecraft as the first step towards an efficient rule: “The sage exerts his political power through the establishment of techniques” (故君子操權一政以立術).³² “Methods” (or laws, *fa* 法) and “techniques” are now associated: the shift from “*lishu* 禮術” to “*fashu* 法術”, from the “subjective” art of ritual to the “objective” technique of law is completed. However artificial, political techniques are ultimately based on the “knowledge of men”, as Dai Mumao stresses; they aim at the anticipation and mapping of behaviours, at taming the unexpected. In concrete terms, a ruler who can master *shu* has the ability of understanding his ministers and his subjects, and can therefore control them through law.

26 ICS Xunzi: 7/27/6.

27 ICS Xunzi: 2/6/6.

28 ICS Xunzi: 5/20/7.

29 For a detailed comparison between the concept of *shu* in the *Xunzi* and in the *Han Feizi*, see Zhu 2010.

30 Harvard-Yenching Mozi Yinde: 34/20/18.

31 ICS Shangjunshu: 6/10/20.

32 ICS Shangjunshu: 6/11/28.

The importance and success of this association reaches into the *Han Feizi*, as the 34 occurrences of “*fashu* 法術” in the text unequivocally demonstrate. What is relevant to our previous discussion on the “politically vital” and on “centralization”, is that these techniques – starting with the “two handles” (*er bing* 二柄), punishments and rewards – can only be controlled from the political centre. In order to be standardized and thus become objective, universally applicable “methods” (*fa* 法),³³ statecraft needs to be univocal; no competition between different legal systems is allowed. Since they cannot depend on the personal quality of the ruler, objective techniques need a strict “centralization”, from the conceptual level down to the merely geographical one; “local techniques”, or, in other words, the admission of different sets of standards for decision-making in different parts of the Empire, would result in chaos and disruption.

The appearance of the term “royal techniques” (*wangshu* 王術) in the “Examining Names” (深察名號) of the *Chunqiu fanlu* ascribed to Dong Zhongshu, which marks the enshrinement of a renewed Confucianism as State ideology in the Han during the second century BC, perfectly represents the completion of this “political turn” and the rethinking of the charismatic and virtuous qualities of the ruler into a broader culture of the State, conceived as a compact and harmonious structure reflecting the cosmological unity.

5 *Yao* 要 as decision-making? Politics and free will

Han Fei’s quest for an objective technique of statecraft leads us to another question. Who can rule the rules? In other words, who is entitled to make the decisive move of “setting the techniques”? Who is in charge of the vital centre?

In a modern Chinese translation of the afore-mentioned passage from chapter 8 of the *Han Feizi* – from which our discussion started – *yao* 要 is rendered as “*jueding quan*, 決定權”, literally “decisional power”. Indeed, in modern Chinese *yao* 要 can be employed as a verb, meaning to “want” something, thus suggesting the process of making a decision or expressing an intention. This ambiguity of the term (“decide”/“decisive”), leads us to the last, and to some extent more

³³ As observed by Wiebke Denecke, the possibility of translating *fa* as both laws or methods is a demonstration of its “semantic floating” between the fixed and written (“law codes”), and the procedural and non-written (“method/procedure” of governance). This floating “enables Han Feizi to present a vision of a new type of absolute textuality that binds people’s behavior in an imagined written text but never outdates itself because it is lodged in a universal method.” (Denecke 2010: 307).

philosophical, aspect of this short analysis. If the techniques by which a State is ruled and ordered are reminiscent of contemporary algorithms in their presumed objectivity, and in their separation of the decision-making process from the individual cognitive processes (substituted by impersonal calculations “anticipating” the best outcome for the stability of the political order), what space is left to the “will” of the individual? Even when necessarily narrowing the concerned “individual” to the ruling élite, are decisions concerning the State “made” individually each time, or just “produced” by the laws themselves?

In the second half of chapter eight, Han Fei warns the ruler of the dangers caused by too visible a power – an authority that reveals its true colours is vulnerable to pressures and flatteries. Consequently, Han Fei instructs him on the necessity of exerting his “blank rule” through the objective enforcement of the two handles of reward and punishment.

As repeatedly pointed out, Han Fei’s claim for the impersonality and emptiness of power dwells on his understanding of “objectivity” as the key to efficacy and in the conceptual externalization of politics from the individual sphere. This, in turn, rests on his theory of the rectification of names. Generally considered as a keystone of Confucianism, the idea of *zhengming* is equally pivotal to Han Fei, who articulates it in terms of “correspondence between form and title” (*xing ming can tong*, 形名參同).³⁴ Each one of the myriad beings, the *wanwu* 萬物, has a name, which is not just a “word” but entails a destiny, an order to fulfil; the main duty of a ruler is to tally the names of his bureaucrats, their “titles” and the corresponding “functions”, to the reality (accomplishments, visible results, “forms”). Through a seemingly automatic procedure – by which the State appears as a gigantic machine – the king is thus required to assess the correspondence between what is said and what is done; he then acts accordingly (without deciding autonomously, but rather applying the techniques), either punishing or promoting the bearer of the title in question.

A ruler cannot display his personal preferences and has no margins for discretionary decision-making. On the contrary, Han Fei tries to sterilize the risks of the ruler’s arbitrariness. If the monarch does not act, deprived as he is of the power of decision and seeing his job reduced to an automatic procedure, shall we consider those procedures as some sort of divine provision, an immutable and unquestionable tradition, a natural pattern received from Heaven? This is definitely not the case. Further elaborating on Shang Yang’s defence of reforms and innovations, Han Fei’s State is conceived as a historical construction.³⁵ And as Michael Puett has shown in his study on the concept of “artificiality”,³⁶ Han Fei can

34 Han Feizi, 8.3.

35 Pines 2013a.

36 Puett 2001.

be counted among those Warring States thinkers who believed more in the power of crafting than in the virtue of preserving as a solution to turmoil and chaos.

If the king – in his emptiness and blankness – is deprived of the ability to adjust the system to the times (in other words, to autonomously initiate any reform), but the State needs nonetheless to be reformed at some point, who holds the key to the choice of a timely change? In other words, who is in charge of the vital passage of decision-making (*yao*)?

The apparently paradoxical contradiction between an almighty ruler who actually does not rule, but rather applies a predetermined mechanism, a ruler whose only prerogative is to embody the “positional power” (*shi* 勢) granted by the institutional and legal structure of the State, has stimulated a long-lasting debate on the role of the monarch within the theories of the Han Feizi.³⁷ Is authoritarianism the right definition of the Master’s recipe? Is the author proposing, on the contrary, a sort of pre-modern theory of a checked power (although not articulated in an explicit way), by which the monarch’s power is much weaker and constrained than it seems at first sight?

The answer can be found in the social background and intentions of the author of the *Han Feizi*. While concocting the recipe for a stable State, he was also limiting the power of the monarch and of aristocrats, entitling his peers (the new social class of “intellectuals-politicians”) to the power of decision-making. The final answer provided by Han Fei might seem paradoxically close to the Confucian blueprint: Only the worthy officials, devoted to the public interest of the State, possess the competence and the ability to understand the times, to establish and change the rules of the “political techniques” and feed data to the “artificial intelligence” of the State.³⁸ Han Fei’s words seem to suggest an invisible oligarchy of sages working behind the empty ruler; this idea is far from the absolute monarchism so often associated to the *Han Feizi*, and expresses – as Confucianism, although within a different set of values and with a different understanding of human nature – the ambitions of the new class of wandering *literati*, who were socially and politically challenging the Zhou aristocracy. The difference between the two philosophical positions is in the exceptionality of the act of deciding: politics is the flow of the internal sphere towards the external, according to early Confucianists, thus presenting a constant intervention of the sage into the world; for Han Fei, on the contrary, it is a specific and limited act of “establishing

³⁷ For recent contributions to this debate, see Pines 2013b and Graziani 2015.

³⁸ Galvany 2013.

techniques”, which should be followed by their impersonal implementation until a new moment of reform. The vital aspect of the State is therefore human in the first case, whereas it seems to be at least partially de-humanized – and opened to a purely technical interpretation of politics – in the second. And as a de-humanized technical power requires a high level of standardization in order to function independently from individual contributions, it necessarily requires an equally highly developed centralism.

The difference between centre and peripheries – between the State administration and its local branches and minor agents – would then lie in the possibility of “deciding” what is “vital” (in a comprehensive expression of the conceptual galaxy of *yao* 要). By this token, Han Fei is the proponent of a form of political centralism based on a deterministic view, by which the uncertainty caused by freedom should be reduced to its minimum. In the *Han Feizi*’s conceptual and semantic universe, the political *yao* 要 does not seem to include forms of individual free-will, in its daily routine. Power is associated to objective concepts: “techniques” 數, “laws” 法, “positional power” 勢 and, most importantly, “techniques” 術. An ideological structure that leaves no room – not even to the throne – for personal decisions, for the traumatic act of opting for a path and excluding others.³⁹

As argued by Kyung-Sig Hwang, Chinese classical thought does not seem to present a concept of “free-will” similar to that articulated by St. Augustine and so pivotal to the European and Western modern philosophical agenda. Rather, self-cultivation as the process through which gaining the skills and competences to make the *right* choice in accordance with the Way, seems to be the main Confucian and Mencian concern: to borrow Hwang’s conclusion, this might be read as a form of “soft determinism”.⁴⁰ In this regard, Han Fei adopts a noticeably less soft position: The use of techniques and the importance of positional power, almost erasing the space for individual preferences and choices as a constant feature of statecraft, are the political expression of a hard determinism. In other words, the act of decision-making seems to be an exceptional moment for exceptional people (required by exceptional historical circumstances, in other words, moments in which a systemic change involving the core regulations of the political order is necessary). Rather than on acts of will, politics in ordinary times should rely on a

³⁹ The similarity between Han Fei’s understanding of politics and behaviour in general as a matter of objectively measurable standards and techniques, and Thomas Hobbes’ reflection on “reasoning as computing” (Hobbes 1655, 1.2) opens an interesting perspective in the (often attempted) comparison between these two “centralist” and “determinist” thinkers.

⁴⁰ Hwang 2013.

mechanism whose justification is based on the same rhetoric of objectivity and efficiency that applies today to algorithms and automatisms.

If decision-making is an exception in politics (and not its foundation, as in the European liberal traditions), and if this exceptional event of setting the necessary standards and techniques can only happen at the centre, we see again how the viability of any “federal” experience is radically negated by the *Han Feizi*, not just in political but also in philosophical terms.

6 Conclusions

As this short analysis has tried to demonstrate, a look at the conceptual cluster surrounding *yao* in the *Han Feizi* confirms from a specific viewpoint the emergence of a political sphere constructed on the premise of objectivity, the necessities of which are “externalized” from the human experience. In particular, two other concepts, namely *zhong* and *shu*, better define the characteristics of Han Fei’s idea of what is vital to the State: The consolidation of centralism, with the closure of spaces of peripheral or local elaboration and decision-making; and the enforcement of standardized techniques as an antidote to the unpredictability of choices dictated by personal judgments or preferences.

As a concluding note, and as an anticipation of future research, this survey might also suggest that the tension between the political *necessities* and the sphere of personal autonomy, in combination with the questions raised by the use of objective standards and techniques to sustain a pervasive and centralized control, present more than one parallel with present-day debates on artificial intelligence and politics.⁴¹

In a recent publication addressing the multifaceted problems and opportunities surrounding the world of AI, Bostrom and Yudkowski stressed how important it is “that AI algorithms taking over social functions be predictable to those they govern [...] and be robust against manipulation”.⁴² In a dys-chronic dialogue, Han Fei would disagree. He would argue that techniques should be predictable only to those who govern them, while they should remain secret to those who are their subjects – differently from laws, which should be public and inculcated in the people. Chapter 12 of the *Han Feizi* leaves no room for discussion: “Operations are accomplished by secrecy, while talking causes leaks and failures” (夫事以密成, 語以泄敗) (*Han Feizi* 12). Openness in the manufacturing

⁴¹ In 1989, at a time when AI was not yet part of the daily political debate, Angus Graham already noted the similarities between Han Fei’s ruler and a computer. Graham 1989: 291.

⁴² Bostrom and Yudkowski 2014: 317.

of techniques would endanger the State; its mechanisms of control need to be a jealously guarded secret, preserved in the centre as the pulsating heart keeping a State alive. After more than two millennia, and as the successor State to the Chinese Empire becomes the leader in the use (or misuse, depending on the observer's point of view) of the most advanced techniques of political and social control, Han Fei has still something to say on the essence of power and the limits of freedom.

References

- Bostrom, Nick / Yudkowsky, Eliezer (2014): "The ethics of artificial intelligence". In: *The Cambridge Handbook of Artificial Intelligence*. Edited by Keith Frankish and William M. Ramsey. Cambridge: Cambridge University Press.
- Burgess, Michael (2006): *Comparative Federalism: Theory and Practice*. London: Routledge.
- Chong, Kim-chong (2002): "Mengzi and Gaozi on *Nei* and *Wai*". In: *Mencius: Contexts and Interpretations*. Edited by Alan K. L. Chan. Honolulu: University of Hawaii Press, 103–125.
- de Bary, Wm. Theodore / Bloom, Irene (1999): *Sources of Chinese Tradition*, 2nd ed., vol. 1. New York: Columbia University Press.
- Denecke, Wiebke (2010): *The Dynamics of Masters Literature. Early Chinese Thought from Confucius to Han Feizi*. Cambridge, MA: Harvard University Asia Center.
- Duindam, Jeroen / Dabringhaus, Sabine (eds) (2014): *The Dynastic Centre and the Provinces. Agents and Interactions*. Leiden: Brill.
- Esherick, Joseph (1990): *Chinese Local Elites and Patterns of Dominance*. Berkeley, CA: University of California Press.
- Galvany, Albert (2013): "Beyond the Rule of Rules: The Foundations of Sovereign Power in the *Han Feizi*". In: *Dao Companion to the Philosophy of Han Fei*. Edited by Paul R. Goldin. Dordrecht: Springer, 87–106.
- Graham, Angus (1989): *Disputers of the Tao: philosophical argument in ancient China*. La Salle, IL: Open Court.
- Graziani, Romain (2015): "Monarch and Minister: The Problematic Partnership in the Building of Absolute Monarchy in the Han Feizi 韓非子". In: *Ideology of Power and Power of Ideology in Early China*. Edited by Yuri Pines, Paul R. Goldin, and Martin Kern. Leiden: Brill, 155–180.
- Harris, Eirik Lang (2016): *The Shenzi Fragments: A Philosophical Analysis and Translation*. New York: Columbia University Press.
- Heng, Jiuan (2002): "Understanding Words and Knowing Men". In: *Mencius: Contexts and Interpretations*. Edited by Alan K. L. Chan. Honolulu: University of Hawaii Press, 151–168.
- Hobbes, Thomas (1655): *De Corpore*, chapters 1–6. In: *Part I of De Corpore*, A.P. Martinich (tr.). New York: Abaris Books, 1981.
- Houn, Franklin W. (1965): *Chinese Political Traditions*. Washington DC: Public Affairs Press.
- Hui, Victoria Tin-bor (2005): *War and State formation in ancient China and early modern Europe*. Cambridge: Cambridge University Press.
- Hwang, Kyung-Sig (2013): "Moral Luck, Self-Cultivation and Responsibility: the Confucian Conception of Free Will and Determinism". *Philosophy East and West* 63.1: 4–16.
- Kim, Youngmin (2018): *A history of Chinese political thought*. Medford, MA: Polity Press.

- Kincaid, John (ed) (2011): *Federalism. Volume I: Historical and Theoretical Foundations of Federalism*. London: Sage.
- Koselleck, Reinhart (1979): *Vergangene Zukunft. Zur Semantik geschichtlicher Zeiten*. Frankfurt am Main: Suhrkamp.
- Lee, Theresa Man Ling (1998): “Local Self-Government in Late Qing: Political Discourse and Moral Reform”. *The Review of Politics* 60.1: 31–53.
- Liao, W.K. (tr.) (1959): *The complete works of Han Fei tzü: a classic of Chinese political science*. 2 vols. London: Arthur Probsthain.
- Phillips, Steven (2008): “The Demonization of Federalism in Republican China”. In: *Defunct Federalisms. Critical Perspectives on Federal Failures*. Edited by Emilian Kavalski and Magdalena Zolkos. Aldershot: Ashgate Publishing, 87–102.
- Pines, Yuri (2013a): “From Historical Evolution to the End of History: Past, Present and Future from Shang Yang to the First Emperor”. In: *Dao Companion to the Philosophy of Han Fei*. Edited by Paul R. Goldin. Dordrecht: Springer, 25–46.
- Pines, Yuri (2013b): “Submerged by Absolute Power: The Ruler’s Predicament in the *Han Feizi*”. In: *Dao Companion to the Philosophy of Han Fei*. Edited by Paul R. Goldin, 67–86. Dordrecht: Springer.
- Pines, Yuri (2012): *The Everlasting Empire: The Political Culture of Ancient China and Its Imperial Legacy*. Princeton, NJ: Princeton University Press.
- Puett, Michael (2001): *The Ambivalence of Creation. Debates Concerning Innovation and Artifice in Early China*. Stanford: Stanford University Press.
- Sato Masayuki (2013): “Did Xunzi’s Theory of Human Nature Provide the Foundation for the Political Thought of Han Fei?”. In: *Dao Companion to the Philosophy of Han Fei*. Edited by Paul R. Goldin. Dordrecht: Springer, 147–165.
- Thompson, P. M. (1979): *The Shen-tzu Fragments*. Oxford: Oxford University Press.
- Vogelsang, Kai (2016): “Getting the terms right: Political realism, politics and the State in Ancient China”. *Oriens Extremus* 55: 39–71.
- Vogelsang, Kai (2012): “Conceptual History: A Short Introduction”. *Oriens Extremus* 51: 9–24.
- Watson, Burton (tr.) (1964): *Han Fei Tzu. Basic Writings*. New York: Columbia University Press.
- Zhao, Dingxin (2015): *The Confucian-Legalist State: A New Theory of Chinese History*. Oxford: Oxford University Press.
- Zhou Zhenhe 周振鹤 (2005): *Zhongguo difang xingzheng zhidu shi* 中国地方行政制度史. Shanghai: Shanghai renmin chubanshe.
- Zhu Xue’en 朱学恩 (2010): “Xunzi, Han Feizi shu sixiang bijiao 荀子、韩非子“术”思想比较”. *Qiushi* 求索 08: 131–133.