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The court as a battlefield: the art of war and the art of politics in the *Han Feizi*

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Abstract
Most scholarly contributions analysing the *Han Feizi* tend not only to overlook the influence military literature might have had on its conception and unfolding, but also to assert that the figure of the ruler, as described in this text, and that of the commander, as portrayed in military treatises, are incompatible. In refuting this view, I shall attempt to demonstrate that the writings collected in the *Han Feizi* fully embrace the logic of military confrontation, which entails, among other things, the deployment of deception and irregular procedures as a necessary means to secure sovereign power and to achieve a complete control of the administration. Accordingly, I shall show that a comprehensive understanding of this important work in the history of classical Chinese thought is not possible unless one takes into account this convergence of shared ideas and concepts from both spheres, that of military strategy and that of political science as set forth in the *Han Feizi*.
Keywords: Early China, *Han Feizi*, Sovereign power, Military strategy, Chinese philosophy, Political theory

Between disregard and rejection: military thought and the rule of law

Any survey of the influence of previous doctrines and authors on the gestation of the texts traditionally attributed to Han Fei 韓非 (d. 233 BCE), which come together in the version now known as the *Han Feizi* 韓非子, will find only scant mention of the impact of ideas arising from military writings. In general terms, specialists in the history of the so-called "Legalist School" (*fa jia* 法家)[1] limit themselves to offering some reflections on the importance of the

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1 Historically speaking, the designation "Legalism" or "Legalist School" (*fa jia* 法家) is probably an anachronism in as much as it was coined for bibliographical reasons during the Han Dynasty 漢 in the second century BCE, and none of the texts catalogued under this heading contain elements that might enable one to state with any certainty that

earlier reforms of the martial institutions by Shang Yang 商鞅 (*c*. 385–338 BCE) in the state of Qin 秦, or concerning the crucial role that other similar writings assign to the disciplinary dimension in achieving political and military objectives.

This approach sees the reforms carried out by Shang Yang in Qin as entailing the progressive unification of the civilian and military spheres. Redistribution of the population and a recasting of territorial and demographic geography are inseparable from the division and organization of regiments. Shang Yang would have imposed total militarization of the social body to the extent that the civil administration would be an exact replica of the military order.[2] One finds the same system of monitoring and reciprocal responsibility in both domains, and the same discipline obtained by means of an efficient system of rewards and punishments in accordance with a clear-cut set of norms.

Nevertheless, the introduction of such measures was not a wholly original innovation that can be credited to Shang Yang alone. Shang Yang was born in Wey 衛 and would have known of some of the earlier reforms carried out in the state of his birth. Sima Qian's biographical notes reveal that his first official position was tutor to the son of the Prime Minister of Wey, Gongshu Zuo 公叔座.[3] This brief reference makes it possible to associate Shang Yang's career with two illustrious men who, in all probability, played an important, if indirect, role in his training and the shaping of his vision of policy: Li Kui 李悝 or Li Ke 李克 (*c*. 455–395 BCE) and Wu Qi 吳起 (d. 381 BCE). The latter, a famous strategist and political reformer, is traditionally considered to have written a military treatise that may have inspired Shang Yang.[4] In addition, the early successes of Wu Qi's career as a statesman and strategist were achieved in Wey, giving him enormous prestige in the memory of its ruling class and very particularly that of Gongshu Zuo, for whom, as mentioned above, Shang Yang would work some years later.[5] As for Li Kui, about whom, unfortunately, very little textual information is available, it would seem that he was responsible for a series of successful reforms in the state of Wei 魏 around 410 BCE.[6] The careers of Li Kui and Wu Qi were interlinked: the latter benefitted from the support and

their authors or compilers were aware of belonging to an established doctrinal school. See, in this regard, Mark Csikszentmihalyi and Michael Nylan, "Constructing lineages and inventing traditions through exemplary figures in early China", *T'oung Pao* 89/1–3, 2003, 59–99. The translation of the term *fa jia* as "Legalism" also presents problems, as Paul R. Goldin has shown in his article "Persistent misconceptions about Chinese legalism", *Journal of Chinese Philosophy* 38/1, 2011, 88–104. However, although I am aware of the problematic nature of these terms, I shall use them in this article because they are still used in many academic writings. Here, they will be employed only to the extent that common usage permits.

2 On this issue see Yuri Pines, "A 'total war'? Rethinking military ideology in the Book of Lord Shang", *Journal of Chinese Military History* 5, 2016, 97–134.

3 Sima Qian, *Shiji* 史記 (Beijing: Zhonghua shuju, 1956), 68.2227.

4 Ban Gu, *Hanshu* 漢書 (Beijing: Zhonghua shuju, 1962), 30.1655.

5 See, for instance, Fan Xiangyong 范祥雍 (annot.), *Zhanguo ce jian zheng* 戰國策戔證 (Shanghai: Shanghai guji chubanshe, 2008), "Wei ce" 魏策, 1257.

6 For a survey of the influence of this figure on the intellectual history of early China, see Yang Kuan 楊寬, *Zhanguo shi* 戰國史 (Taipei: Taiwan Shangwu yinshuguan, 1997),

patronage of the former and was thus able to join Wei's administration, just as Shang Yang would later enjoy the recommendation and backing of Gongshu Zuo in Wey.[7] It would not be far-fetched to suppose that Li Kui influenced Wu Qi and, eventually (through Wu Qi's influence on Gongshu Zuo), Shang Yang. In any case, both Wu Qi and Li Kui would have stressed the need to impose a system of regulations based on the distribution of rewards and punishments in keeping with achievements in farming output and, in particular, in war.[8]

The decisive administrative overhaul undertaken later by Shang Yang in Qin was partially the result of his having taken these earlier experiences further, since he was convinced that social order and political supremacy could only be achieved by militarizing the population and setting up an effective disciplinary system. Accordingly, the influence of military thinking in the *Han Feizi* would be strictly circumscribed to Shang Yang's administrative reforms and his intellectual affiliation with Li Kui and Wu Qi with regard to the crucial function of disciplinary mechanisms.[9] This idea is repeated not only by specialists in the *Han Feizi* and the so-called Legalist doctrines but, also and more significantly, by scholars working on the impact of military culture in the intellectual life of early China.[10]

Due perhaps to the emphasis given to this disciplinary dimension, Mark E. Lewis states in his monograph on violence in early China, now a standard reference in the study of warfare, that there is a sharp contradiction between the figures of the commander and the ruler.[11] In his view, this incongruity appears not only in Confucian literature, which is infused with a moralist

192–5; and Chao Fulin 晁福林, *Chunqiu zhanguo de shehui bianqian* 春秋戰國的社會變遷 (Beijing: Shangwu yinshuguan, 2011), 790–4.

7 If one is to take Sima Qian at his word, Marquis Wen 魏文候, who ruled Wei from 424 to 387 BCE, wished to secure the services of Wu Qi as commander of his armies after his military successes in Lu 魯 and sought the opinion of his trusted adviser Li Kui, who did not hesitate to praise the talents of Wu Qi. Hearing this, Marquis Wen decided to enlist his services (*Shiji*, 55.2166).

8 The *Han Feizi* provides a number of anecdotes which reflect the essential place given to disciplinary methods in both Wu Qi and Li Kui: see Chen Qiyou 陳奇猷 (annot.), *Han Feizi xin jiao zhu* 韓非子新校注 (Shanghai: Shanghai guji chubanshe, 2000), 34.795; and chapter 30.596.

9 An excellent example of this way of conceiving the genealogy of the so-called Legalist doctrines and the impact of the military sphere on its proposals may be found in the study by Wang Xiaobo 王曉波, *Xian Qin fajia sixiang shilun* 先秦法家思想史論 (Taipei: Lianjing chuban shiye gongsi, 1991), 91–123. As far as I know, some of the few scholars who have explored the confluence of ideas between military treatises, in this case the writings attributed to Sunzi, and the *Han Feizi* are Li Zehou 李澤厚: "Sun Lao Han heshuo" 孫老韓合說, in his *Zhongguo sixiang shilun* 中國思想史論 (Anhui: Anhui wenyi chubanshe, 1998), 82–109; and Jean Levi, "Sunzi, Han Fei et la pensée stratégique chinoise", in his *Réflexions chinoises. Lettrés, stratèges et excentriques de Chine* (Paris: Albin Michel, 2011), 119–40.

10 This is, for example, the case for the books by Li Guisheng 李桂生, *Zhuzi wenhua yu xian Qin bingjia* 諸子文化與先秦兵家 (Changsha: Yuelu shushe, 2008), 314–6; and Huang Pumin 黃朴民, *Xian Qin liang Han bingxue wenhua yanjiu* 先秦兩漢兵學文化研究 (Beijing: Zhongguo renmin daxue chubanshe, 2010), 222–31.

11 Lewis' arguments to support his hypothesis may be found in his book *Sanctioned Violence in Early China* (Albany: State University of New York Press, 1990), 122–8.

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conception of political action, but even in the so-called "Legalist School", in which works attributed to Shang Yang, Han Fei and other authoritarian thinkers are catalogued. The basic argument of this hypothesis is that victory or defeat on the battlefield is the result of aptly using two diametrically opposite factors. On one side of the balance is the normative, regular and predictable dimension (*zheng* 正); on the other is the realm of the exceptional, the irregular and the unexpected (*qi* 奇).[12] The strategic position (*shi* 勢) which determines and tips the balance of the outcome of armed conflicts depends, according to a considerable part of the military literature of early China, on the way in which the commander applies these two antithetical but complementary notions that define the essence of the art of war. Necessary resort to the irregular dimension is what would lead to the contradiction between sovereign power and military science.[13] Recall in this regard that one of the most influential treatises of the time, *Sunzi's Art of War* (*Sunzi bingfa* 孫子兵法), explicitly states:

> 兵者，詭道也。故能而示之不能，用而示之不用，近而示之遠，遠而示之近。利而誘之，亂而取之，實而備之，強而避之，怒而撓之，卑而驕之，佚而勞之，親而離之。攻其無備，出其不意
>
> War is the art of deception. Hence, when able to attack, you must seem unable; when ready to go into battle, you must act as if you are not; when you are near, you must seem far away; when far away, you must make the enemy believe you are near. If he is avid for goods, entice him. If he is confused, trap him. If he is consistent, be prepared for him. If his strength is greater, evade him. If he is of choleric temper, seek to provoke him. If he is humble, make him arrogant. If he is resting, oblige him to act. If his forces are united, divide them. Attack when he is unprepared and strike when he least expects it.[14]

This is not the only place where deception is used as a key term for defining the use of military strategy since, for instance, in the "Debating the military" ("Yi bing" 議兵) chapter of the *Xunzi* 荀子, which is structured as a dialogue. Xunzi's interlocutor, the Lord of Linwu 臨武君, also characterizes the art of warfare as a technique explicitly linked to the use of trickery.[15] In general

12 For a linguistic study of these notions in early China, see Benjamin Wallacker, "Two concepts of early Chinese military thought", *Language* 42/2, 1966, 295–9.

13 A passage from chapter 57 of the transmitted version of the *Laozi* 老子 clearly expresses this idea: "Rule the state by means of the correct (*zheng*), use the troops by means of the unexpected (*qi*)". See Chen Guying 陳鼓應 (annot.), *Laozi zhuyi ji pingjie* 老子註譯及評介 (Beijing: Zhonghua shuju, 1988), 284.

14 Yang Bing'an 楊丙安 (annot.), *Shiyi jia zhu Sunzi jiaoli* 十一家注孫子校理 (Beijing: Zhonghua shuju, 1999), 1.12–8. For a similar line of reasoning, see for instance: Xu Peigen 徐培根 (annot.), *Tai gong Liu Tao jinzhu jinyi* 太公六韜今註今譯 (Taipei: Taiwan shangwu yinshuguan, 1984) 16.97; and the military manuscript unearthed in the archaeological site of Yinqueshan, in 1972, titled "Ten questions" (Shi wen 十問), *Yinqueshan Hanmu zhujian (er)* 銀雀山漢墓竹簡[貳], ed. Yinqueshan Hanmu zhujian zhengli xiaozu 銀雀山漢墓竹簡整理小組 (Beijing: Wenwu chubanshe, 2010), 194.

15 See Wang Xianqian 王先謙 (annot.), *Xunzi jijie* 荀子集解 (Beijing: Zhonghua shuju, 1988), 15.266.

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terms, ancient Chinese military strategy revolves around a permanent dialectical process in which the will to know, the obligation to penetrate the enemy's reality, and the need to throw light on his nature in order to overpower him is set against the essential condition of secrecy, the imperative of remaining opaque and concealed from any inquisitive gaze. It is therefore not surprising that the text credited to Sunzi insists with equal emphasis on the need to be informed of all the factors involved in the conflict and the duty to cloak all military manoeuvres and plans in the utmost stealth and total discretion. Success in vanquishing the enemy resides in the knowledge that can be gained of him so the goal is to place him in an asymmetrical relationship in such a way that, while he is exposed to one's scrutiny, one remains invisible to his. Hence, deceit plays a basic part here, not only in blocking the enemy's access to one's reality but also in provoking the lapse that makes it possible to defeat him. Subterfuge uses disguises to fool the rival by adopting a form that, instead of revealing, masks one's true being. If they are well deployed, appearance and reality blend to produce an illusory effect leading the adversary into error and, by extension, his downfall. As stated in a significant set of military manuscripts, unearthed in 1972 at Yinqueshan 銀雀山 and attributed to the famous strategist Sun Bin 孫臏, deception, or resort to falsification and adulteration of reality, constitutes "the means by which it is possible to trap the enemy" (詐者，所以困敵也).[16] The strategist must therefore be a consummate liar, always presenting what he is in different ways, adopting deceptive guises and thus bamboozling the enemy. As explicitly declared in a passage from the chapter entitled "Irregular warfare" ("Qi bing" 奇兵) of the military treatise *Tai gong Liu tao* 太公六韜:

> 詭伏設奇、遠張誑誘者，所以破軍擒將也
>
> It is through mendacity and traps, stratagems and irregular procedures, lures and falsification that one can rout enemy troops and capture their commander.[17]

According to these texts, warfare necessarily embraces deceit as one of its indispensable rules. The deception (*gui* 詭) to which the passage quoted above from *Sunzi's Art of War* (*Sunzi bingfa* 孫子兵法) refers is closely associated with a constellation of recurring notions employed in military literature, including trickery (*zha* 詐), cunning (*qiao* 巧), falsehood (*kuang* 誑), lures (*you* 誘), delusion (*qi* 欺) confusion (*ying* 熒, *huo* 惑), illusion (*huan* 幻), cheating (*wang* 妄), swindling (*jue* 譎) and artifice (*wei* 偽) which, in the last instance, constitute the irregular aspect, the exceptional and unpredictable (*qi*) dimension of warfare which the army commander must be able to wield in order to gain the strategic position (*shi*) and, accordingly, final victory. Indeed, as expressed in *Sunzi's Art of War*, it is a matter, first of all, of appearing to be at variance with the reality of

16 Zhang Yunze 張震澤 (annot.), *Sun Bin bingfa jiaoli* 孫臏兵法校理 (Beijing: Zhonghua shuju, 1984), 1.28.

17 *Tai gong Liu Tao jinzhu jinyi*, 27.130.

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one's adversary, which entails knowing as much as possible about him in order to confront him in an opposite guise; and, second, one must reveal oneself before the enemy as being different from what one really is, which means hiding, altering and falsifying one's own condition so that it becomes inaccessible to the adversary's perception. In this twofold sense of difference one finds the essential ingredients of the notion of "the exceptional" as described in a passage from a military manuscript unearthed at Yinqueshan and titled "On the exceptional and the regular" (Qi zheng 奇正): "Exceptionality lies in being different" (故以異為奇).[18] As I have noted, the premise that the exceptional is excluded from political theories holds that, while the nature of military science seems to be based on its resort to these irregular principles, the exercise of political power (*zheng* 政), from both tactical and moral standpoints, is associated with the regular and righteous dimension of things (*zheng* 正).[19] The normative dimension would then be the characteristic feature of the ruler's actions and, accordingly, the opposition between regular and irregular, between the normative and the exceptional, would express the basic opposition between the commander and the ruler.[20]

The main aim of this article, then, is to attempt to refute the underlying principles of this generally accepted hypothesis, which assumes that there is an irreconcilable gap between military science and the art of politics as expressed at the core of the so-called Legalist doctrines and, accordingly, in the *Han Feizi* as well. Hence, in the coming pages I shall try to demonstrate that the irregular or exceptional factor characterizing military thinking in ancient written sources, and the sustained application of a normative sphere, an essential part of the political system of the *Han Feizi*, do not represent two mutually exclusive dimensions. As I shall try to show, they are integrated as opposite but complementary poles necessary for the optimal functioning of sovereign power. Since it is not possible to demonstrate explicit references to military writers or writings in the *Han Feizi*, it would be ill-advised to assert that the texts comprising the *Han Feizi* are directly influenced by the strategic literature, but I shall attempt to prove that between these two currents of thought there is significant convergence of concepts and shared ideas. Consequently, far from merely assuming that this is an antithetical relationship, one should pay attention to these compatible lines in order to achieve a more thorough understanding of the political approach of the *Han Feizi*, and also to rebut some tenaciously prevailing judgements of the text in this regard.

18 *Yinqueshan Hanmu zhujian (er)*, 155.

19 This idea is well expressed in a passage from a manuscript unearthed in 1973 at Mawangdui 馬王堆 and entitled "Lord's righteousness" ("Jun zheng" 君正): "Laws and standards are the epitome of the regular" (法度者正之至也): Chen Guying 陳鼓應 (annot.), *Huangdi sijing jinzhu jinyi* 黃帝四經今註今譯 (Taipei: Taiwan shangwu yinshuguan, 1995), 123.

20 As Mark E. Lewis puts it, "The prince, whether as the moral exemplar of the Confucians or the distributor of rewards and punishments of the Legalists, could rule only if his commands and rules were trustworthy, so the deceit and treachery that defined the Way of the commander undercut the foundations of the Way of the Ruler" (*Sanctioned Violence in Early China*, 125).

Battles in trickery: deception and political action

Chapter 36 of the *Han Feizi* begins with an anecdote concerning the battle of Chengpu 城濮[21] in the year 632 BCE. This battle was unquestionably one of the most significant armed conflicts of the Spring and Autumn period (722–453 BCE), in which the troops of Chu 楚 fought those of Jin 晉. The *Han Feizi* tells us the following about it:

> 晉文公將與楚人戰，召舅犯問之，曰：「吾將與楚人戰，彼眾我寡，為之奈 何？」舅犯曰：「臣聞之，繁禮君子，不厭忠信；戰陣之閒，不厭詐偽。君其詐之而已矣。」文公辭舅犯，因召雍季而問之，曰：「我將與楚人戰，彼眾我寡，為之 奈何？」雍季對曰：「焚林而田，偷取多獸，後必無獸；以詐遇民，偷取一時，後必無復。」文公曰：「善。」辭雍季，以舅犯之謀與楚人戰以敗之。歸而行爵，先 雍季而後舅犯。群臣曰：「城濮之事，舅犯謀也，夫用其言而後其身可乎？」文公曰：「此非君所知也。夫舅犯言，一時之權也；雍季言，萬世之利也。」仲尼聞 之，曰：「文公之霸也宜哉！既知一時之權，又知萬世之利。」
>
> Lord Wen of Jin, wishing to launch a war against Chu, summoned Uncle Fan to hear his opinion. Lord Wen asked, "I wish to launch a war against Chu but they have more troops than we do, so what should we do?"
>
> Uncle Fan replied, "With regard to rites, the wise man never departs from loyalty or sincerity but, in contrast, in times of war he must not discount resorting to trickery and artifice. My lord, you may simply deceive them".
>
> When Uncle Fan left, Lord Wen summoned Yong Ji and asked, "I wish to launch a war against Chu but they have more troops than we do, so what should we do?" And [Yong Ji] replied: "If you set fire to the forest before hunting you obtain a great quantity of game, but this also leads to the extinction of the animals. Managing people by means of trickery brings transitory benefits but no long-term advantage".
>
> Lord Wen replied, "Very well". He adopted Uncle Fan's suggestion in order to defeat Chu in battle.[22] On his return after his conquest he decided to promote Yong Ji and not Uncle Fan, which surprised his ministers. "We have won the battle of Chengpu thanks to the plans of Uncle Fan. Is it proper to follow his advice and then treat him with such contempt?"
>
> Lord Wen replied, "This lies beyond the scope of your judgement. Uncle Fan presented me with a successful plan in keeping with the

21 For a detailed account of this battle see Yang Bojun 楊伯峻 (annot.), *Chunqiu Zuozhuan zhu* 春秋左傳注 (Beijing: Zhonghua shuju, 1986), 1.452–67 ("Xi gong" 僖公 28.3). For a study on the strategic issues of this battle, see Frank A. Kierman Jr., "Phases and modes of combat in early China", in Frank A. Kierman Jr. and John K. Fairbank (eds), *Chinese Ways in Warfare* (Cambridge, MA: Harvard University Press, 1974), 27–66, especially 47–56.

22 According to the *Zuozhuan*, Jin used trickery against Chu by sending chariots with real soldiers on the left and fake ones on the right to create the illusion of large formations on the move (*Chunqiu Zuozhuan zhu*, 1.461 ("Xi gong" 28.3)).

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> expediency of the moment while Yong Ji's approach will benefit the coming generations".
>
> On hearing about this, Confucius declared, "Yes, it is right that Lord Wen should become an all-powerful monarch. He has extensive knowledge of what is appropriate in urgent circumstances and also concerning benefits for long-term politics".[23]

This account of the battle of Chengpu deals with the question of resorting to deception and trickery for military ends and political consequences. The story not only appears in the *Han Feizi* but also, with major or minor variations which I shall go on to discuss, in three other ancient written sources. The most succinct version may be found in the *Shuo yuan* 說苑.[24] Since it is so brief, there is virtually no new element worthy of comment here. The account in the *Huainanzi* 淮南子[25] is a different matter, however. Longer and more complete, the story in this work includes some interesting variations that require further comment. One example is the response of the councillor Yong Ji 雍季 to the comment made by Hu Yan 狐偃 (fl. 650–630 BCE), also known as Zi Fan 子犯, a maternal uncle of Lord Wen of Jin 晉文公 (r. 636–628), who played a crucial role in his ascent to the throne after having stayed by his side through 19 years of exile.[26] If the argument of Zi Fan in the *Huainanzi* closes with his exhorting the ruler to use deceit (君其詐之而已矣) to defeat the enemy, Yong Ji's response as reported in this work is to dissect Zi Fan's advice word by word in order to turn it on its head and warn that the ruler can only rely on the correct or upright (君其正之而已矣). Otherwise, like the concise version in the *Shuo yuan*, the account in the *Huainanzi* stresses that the use of artful deception, while it may be justifiable in the military sphere, responds to purely circumstantial need and, accordingly, can only offer short-lived gains. In the political terrain, adopting the correct option (*zheng*) is necessary if long-term benefits are the aim of the exercise.[27] Along broadly similar ideological and narrative lines, the *Lüshi chunqiu* 呂氏春秋 offers the longest version of the anecdote.[28] In contrast with the versions of the story included in the *Shuo yuan* and the *Huainanzi*, the *Lüshi chunqiu*, like the *Han Feizi*, emphasizes that the initial situation of the battle against the troops of Chu is very unequal since the Chu army is much bigger. Despite this fact, it is once again underscored that resorting to trickery and deceit will bring no future benefits and such tactics must not, therefore, be contemplated as a long-term measure of government (非長術也). As in the *Han Feizi* version, the anecdote ends with some comments of

23 *Han Feizi xin jiao zhu*, 36.840.
24 Xiang Zonglu 向宗魯 (annot.), *Shuo yuan jiaozheng* 說苑校証 (Beijing: Zhonghua shuju, 1989), 13.330–1.
25 Zhang Shuangdi 張雙棣 (annot.), *Huainanzi jiaoyi* 淮南子校譯 (Beijing: Beijing daxue chubanshe, 1997), 18.1868.
26 See *Chunqiu zuozhuan zhu*, 1.402–3 ("Xi gong" 23.4).
27 For an analysis of the moral reading of this anecdote in the *Huainanzi*, see Griet Vankeerberghen, *The Huainanzi and Liu An's Claim of Moral Authority* (Albany: State University of New York Press, 2001), 90–1.
28 Chen Qiyou 陳奇猷 (annot.), *Lüshi chunqiu xin jiao shi* 呂氏春秋新校釋 (Shanghai: Shanghai guji chubanshe, 2002), 786–7 ("Yi shang" 義賞 14.4).

Confucius, who wholly endorses as morally correct the decision of Lord Wen of Jin to reward Yong Ji for his advice, while overlooking Zi Fan whose strategies have been adopted and successfully applied on the battlefield. Confucius' words referring to Lord Wen, although different from those in the version attributed to him in the *Han Feizi*, stress the same idea: "He resorted to imposture in adverse circumstances in order to drive back the enemy but, once the battle was over, he rewarded the worthy man in order to protect virtue. Precisely because Lord Wen did not finish as he began, he deserves to be honoured as a hegemon".[29]

At first sight, the moral of the tale in the *Han Feizi* would also seem to support Lewis' hypothesis by highlighting Lord Wen's disparagement of his adviser Zi Fan and therefore supporting the notion that the use of deception was restricted to the military sphere, while it was rigorously excluded from the political arena, the domain of normative and moral values. The closing words attributed to Confucius would seem to endorse the idea of approval for specific use of deception in the military sphere at times of emergency and its complete exclusion from regular political action. However, in contrast to the moral reading of the anecdote one finds in the other three versions, the *Han Feizi* goes on to present a sharp criticism of Lord Wen's decisions as well as of Confucius' teachings drawn from this episode. It asserts:

> 待萬世之利在今日之勝，今日之勝在詐於敵，詐敵，萬世之利而已。
>
> The benefits for future generations will depend on immediate victory, while this immediate victory will depend on the cunning of the strategies employed against the adversary. It may be deduced from this that the use of deception against the enemy will certainly benefit the coming generations.[30]

Far from accepting the efficacy of trickery solely for restricted use, this argument seems to advocate sustained use of such wiles against the enemy in order to prolong the benefits. According to the *Han Feizi*, the position of Lord Wen is mistaken because he fails to understand that when Zi Fan "spoke of not discounting deceit and trickery he was not saying they should be employed against his own people but against the adversary".[31] The same goes for Confucius' words. For the *Han Feizi*, the lesson drawn by Confucius whereby Lord Wen casts aside an adviser who has given him a military victory over a more numerous army, in order to promote another man whose advice has offered nothing to his advantage, suggests that Lord Wen is completely ignorant of the intricacies of governing a state. In the *Han Feizi* version, the incorporation of deception as part of the military logic into the political realm is not only admissible but also advantageous and even necessary for the survival of the ruler since, as we shall see, like the state of Jin in the battle of Chengpu, he is also in a position of disadvantage when faced with a more numerous foe.

29 *Lüshi chunqiu xin jiao shi*, 787.
30 *Han Feizi xin jiao zhu*, 36.842.
31 *Han Feizi xin jiao zh*, 36.842.

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From hypochondria to paranoia: when the enemies are within

Although the story of the battle of Chengpu suggests that resort to deception is limited to the need to combat an adversary and that such strategies should not be employed against one's own people, it is also true that the distinction seems to be blurred in the system described in the *Han Feizi*. Hence, the inclusion of certain practices which imply the use of deceit is in keeping with the fact that, for the *Han Feizi*, intersubjective relations within the institutions of power and even in society are determined not by loyalty or a sense of duty but simply by selfish profit (*li* 利).

> 君以計畜臣，臣以計事君，君臣之交，計也。 害身而利國，臣弗為也；富國而利臣，君不行也。[...] 君臣也者，以計合者也。至夫臨難必死，盡智竭力，為法為之。故先王明賞以勸之，嚴刑以威之。
>
> A ruler governs his subjects by calculating. They, too, serve him by calculation. The relationship between them is based on calculation. There is no subject who will put himself in jeopardy for the good of the nation, just as there is no ruler who will ruin his state for the good of his subjects. ... Calculation is, then, the common denominator between sovereign and subjects. If an individual shows that he is willing to risk his life in battle or to devote his efforts and skills to the state it is because the laws oblige him to do so. This is why the kings of long ago established generous sinecures to inveigle people and terrible punishments to intimidate them.[32]

According to the *Han Feizi*, the optimal distribution of rewards and punishments is founded on the innate tendency that spurs human beings in their pursuit of whatever appears to be to their own advantage. However, this natural urge in all individuals to obtain selfish benefits means that antagonism emerges as the irremediable corollary of this principle of social organization. Hence, throughout the *Han Feizi* one finds a succession of anecdotes revealing, often with heavy doses of cruelty, a social and political universe that is mainly dominated by self-seeking interests and that has no place for righteousness. To the extent to which – according to the ideas presented in the text – all interpersonal relations are tainted by the quest for personal gain, it would be foolish to assume that the people one deals with will have other resources or motivations.

In this regard, one should note several particularly suggestive vignettes through which the *Han Feizi* seeks to demonstrate the validity of this supposition. For example, with the aim of showing that not even family relations are exempt from lies and deceit, it includes the story of what happened when Lord Chunshen 春申君 (?–238 BCE) fell in love with one of the royal concubines, Xu 余. Hoping to gain from this passion, and by means of two cunning ruses with which she deceives her lord, Xu manages to persuade Lord Chunshen to disown his legitimate wife and execute the son he has fathered with her so that her own son will become his heir.[33] Along similar lines, now issuing a warning

32 *Han Feizi xin jiao zhu*, 19.366–7. On this issue, see Paul R. Goldin, "Han Fei's doctrine of self-interest", *Asian Philosophy* 11, 2001, 151–9.

33 *Han Feizi xin jiao zhu*, 14.289–90.

about the risk of being taken in by appearances, the *Han Feizi* offers another colourful story, once again with a concubine among the main characters. In one variant of the apologue,[34] the ruler of Wei 魏 presents the king of Chu with a beautiful young concubine, who very quickly captivates him. Learning of this passion, his chief wife, Zheng Xiu 鄭袖, starts showing great affection for the young woman in order to win her trust. The king is quick to admire his wife's behaviour and, in his opinion, her conjugal loyalty is comparable to the devotion of a virtuous son for his father, or a loyal minister for his overlord. Once she has managed to ensure that she will be free of any suspicion of envy, Zheng Xiu tells the young concubine that the king is not pleased with the shape of her nose and that, if she wishes to be more attractive to him she should cover it with her hands whenever she is in his presence. The hapless concubine accepts the advice and, when the ruler asks his chief wife why the young woman covers her nose whenever she is near him, she tells him that the concubine has confessed that she is repelled by his bad breath. The furious king then orders his guards to punish the young woman by cutting off her nose.[35]

Finally, and also germane to this point, is the vignette with which the *Han Feizi* wishes to illustrate the dangers lurking around the ruler in the form of his own ministers and officials. In one of its variants, the main character is a subject of the state of Yan 燕, a man named Li Ji 李季, who enjoys going away on long journeys. Making the most of his absence, his wife betrays him with an official. One day, Li Ji returns unexpectedly and, since her lover is still in the bedroom, the wife is terrified. One of her servants suggests that she should tell her lover to leave the house through the window, naked and with dishevelled hair, and assures her that all the servants would deny that anything untoward has happened.[36] The husband enters the house saying that he has seen a naked, unkempt-looking man leaving the house through the window. After questioning all the servants, who insist that they have noticed nothing unusual, Li Ji is convinced by his wife that what he has seen is most probably a hallucination. To add

34 In this and other sections of the article, I shall use several anecdotes from the six chapters of the *Han Feizi* coming together under the heading of "Chu shuo" 儲說 (chapters 30–35). Most of these chapters consist of a mixture of vignettes and anecdotes in which, on many occasions, variations on the same story are juxtaposed. Some scholars, Chen Qiyou among them, consider that some of these different versions are later interpolations and, accordingly, that much of the content of the six chapters is spurious. However, I take the view of a number of recent studies that this hypothesis is not tenable: Zheng Liangshu 鄭良樹, "Han Feizi chushuo pian wu lun" 韓非子儲說篇五論, *Gugong xueshu jikan* 故宮學術季刊 7/4, 1990, 33–69; Chen Hong 陳洪, "Pi lun: xian Qin zhuzi yan shuo fangshi de zhuanbian – yi Han Feizi neiwai chushuo zhi yiwen weili" 譬論:先秦諸子言說方式的轉變 – 以韓非子內外儲說之異聞為例, *Nanjing Shida xuebao* 南京師大學保 3, 2009, 124–30; and Du Heng, "The tapestry of vignette collections: a study of the Chu shuo chapters of the *Hanfeizi*", M.A. Thesis (University of Colorado, 2010).

35 *Han Feizi xin jiao zhu*, 31.635.

36 Letting one's hair loose (*jie fa* 解髮, *pi fa* 被髮) was a sign frequently associated with madness and possession by spirits in the ancient literature. See the article by Christian Schwermann, "Feigned madness, self-preservation, and covert censure in early China", in M. Hermann, C. Schwermann et al. (eds), *Zurück zur Freude. Studien zur chinesischen Literatur und Lebenswelt und ihrer Rezeption in Ost und West* (Sankt Augustin: Monumenta Serica, 2007), 531–72.

insult to injury, the twice-deceived husband is persuaded to take a bath in urine in order to cure his malady.[37]

These three anecdotes describe situations in which figures representing some or other principle of authority (rulers or husbands) are victims of deceitful manoeuvres by people who are their subordinates (concubines and wives). The shifting of these "domestic" conflicts into the political domain is, in the *Han Feizi*, perfectly natural since both spheres are intimately bound together. It is not surprising, therefore, that the text goes so far as to assert that the social order depends on "the minister serving his overlord, a son his father, and a woman her husband".[38] Continuing with the interplay of identifications, and given the extent to which women and ministers represent interchangeable positions within this framework, the ruses by means of which concubines and wives deceive their lords in these anecdotes could be interpreted as warnings of the threat to a ruler posed by everyone in his immediate environment. It might therefore be said that the ruler is surrounded by individuals who, acting in their own interests, would not hesitate to betray him and thus to undermine his power through all kinds of subterfuge. They may occupy inferior positions and, in theory at least, be subject to his authority, yet a prudent ruler must always view his ministers, officials, family members and lovers as potential enemies. Nonetheless, from a broader point of view and insofar as figures of authority are not the only victims of such machinations, these stories illustrate the extent to which trickery is the hallmark of interpersonal relations within the administration and even pervade society in general.

The logic of confrontation is transferred to the core of the political system. If, in its account of the battle of Chengpu, the *Han Feizi* endorses morally dubious procedures to the extent that they are employed against the enemy, their use in the management of domestic political affairs is also justified since, as we shall see more in detail, the court is teeming with adversaries. At this point, a book on lying by Alexandre Koyré is helpful, as it enables one to draw additional political conclusions from the battle of Chengpu as described in the *Han Feizi*. In Koyré's opinion, everyone accepts that it is permissible to resort to trickery against an enemy in wartime but if this war – which should be exceptional, episodic and temporary – becomes a perpetual state then deceitfulness will be the norm, a resort to be employed willy-nilly by people who feel that they are surrounded by enemies.[39] As I shall show below, this situation of total war is one which exemplifies sovereign power as described in the *Han Feizi* because, within it, the figure of the ruler is under permanent threat from enemies who are constantly trying to beguile and bamboozle him in order to usurp his prerogatives. Hence, anyone occupying a position of authority will also be obliged to employ all kinds of trickery to counter these risks, and to turn the tables against the enemy. In keeping with these points, it is hardly surprising, then, that the *Han Feizi* should evoke the Yellow Emperor (Huangdi 黄帝), a legendary emblem of both military science and the art of politics, to place in his mouth

37 *Han Feizi xin jiaozhu*, 31.625.
38 *Han Feizi xin jiao zhu*, 51.1151.
39 Alexandre Koyré, *Réflexions sur le mensonge* (Paris: Allia, 1998), 36.

the following words: "Between inferiors and superiors, a hundred battles a day" (上下一日百戰).[40] Or to put it less laconically:

> 君臣之利異，故人臣莫忠，故臣利立而主利滅。是以姦臣者，召敵兵以內除，舉外事以眩主，苟成其私利，不顧國患。
>
> The interests of the ruler and the subjects are divergent and hence the subjects are never loyal. As the interests of the subjects are served, the interests of the ruler are destroyed. Therefore, wicked subjects will call in enemy military forces in order to remove competitors within and will engage in diplomatic manoeuvring in order to blind the eyes of the ruler. As long as they achieve their private benefits they disregard the suffering of the whole state.[41]

Moreover, in the political approach of the *Han Feizi*, sovereign power is not understood as charismatic authority emanating from the individual qualities of a ruler but, rather, as effectiveness deriving from a circumstantial framework, or a strategic position (*shi*) adopted by him. The *Han Feizi* offers an explanation of this idea by means of an eloquent analogy:

> 夫有材而無勢，雖賢不能制不肖。故立尺材於高山之上，則臨千仞之谿，材非長也，位高也。
>
> If an individual has talent but does not hold a position of power, he will not be able to rule those who are not excellent, however excellent he may be himself. A stick of wood set on a mountain peak overshadows an abyss of a thousand feet not because it is high in itself but because the position it occupies is commanding.[42]

As in the case of the art of war, where victory is determined by this strategic position and is a natural and inevitable consequence of attaining it, political authority in the *Han Feizi* is also conceived of on the basis of topological parameters. Power is understood as a *locus*, as a position and, as we shall see, it means that the ruler occupying this position must know how to ensconce himself within this strategic structure by means of bringing into effect a series of precepts or rules.[43] Bearing in mind, first, that sovereign power derives from the effectiveness of a mechanism and not from the intrinsic qualities of an exceptional individual and that, second, as I have pointed out, the driving force of interpersonal relations is the intrinsic human propensity for selfish gain, it is evident that, as a result of these antagonistic interests, danger stalks whoever manages to occupy the throne. In my view, the famous anecdote in the *Han Feizi*

40 *Han Feizi xin jiao zhu*, 8.170.
41 *Han Feizi xin jiao zhu*, 31.617.
42 *Han Feizi xin jiao zhu*, 28.552.
43 For further discussion of the importance of this notion for the political system in the *Han Feizi* see, for example, Luo Duxiu 羅獨修, *Xian Qin shi zhi sixiang tanwei* 先秦勢治思想探微 (Taipei: Zhongguo wenhua daxue chubanshe, 2002), 109–22.

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concerning the encounter between Lord Huan of Cai 蔡桓公 (r. 714–695 BCE) and the physician Bian Que 扁鵲 is particularly eloquent. In the *Han Feizi* account, Bian Que warns Lord Huan of Cai on several occasions that he is suffering from a serious illness and urges him to seek treatment. His diagnosis is based on his observation of apparently minor, barely perceptible, manifestations of malaise. Since the illness is still in its early stages Lord Huan of Cai has not yet noticed any clear symptoms, so he rejects the diagnosis and scorns the physician's advice. The malady penetrates the overlord's skin and, with each visit, Bian Que notes that it is affecting his internal organs with increasing severity. When the ailing sovereign continues to ignore his warnings he decides to leave the state and travel to Qin. Some days later Lord Huan of Cai falls gravely ill and is in terrible pain but Bian Que has already departed and the disease is now so advanced it is beyond treatment.[44]

The main concern of this anecdote is to warn of the many dangers besetting the person who occupies a position of authority and to offer some guidelines that might help to counteract, or at least neutralize, these threats. In the therapeutic domain an extremely vigilant stance is required. To the extent that the symptoms of the malady in its early stages are barely visible to ordinary perception, and since they do not cause any discomfort in the patient until it is too late to treat it, the monarch's response to the specialist's warnings may seem understandable. Nonetheless, this apparently reasonable behaviour leads to his death and, from this perspective, it would seem clear that, among other messages, the story told in the *Han Feizi* seeks to demonstrate how, in terms of survival, it is better to suffer from severe hypochondria or to be extremely hypersensitive to the most tenuous and trifling somatic signs. It is not difficult – given that the story is concerned with the body of the king or, in other words the incarnation of sovereign power – to transfer this lesson into the political terrain. This done, hypochondria necessarily becomes paranoia. Indeed, in the *Han Feizi*, the challenge of staying in power depends on whether the ruler remains on guard before the host of dangers which, from all sides and at every moment, threaten the integrity of his authority and, in the last instance, his life. If he is to hold on to power, he must suspect everyone and never trust any of the people around him, not even family members or closest friends. This is expressed at the beginning of a chapter which is significantly titled "Protecting against enemies within" ("Bei nei" 備內):

> 人主之患在於信人，信人則制於人。人臣之於其君，非有骨肉之親也，縛於勢而不得不事也。故為人臣者，窺覘其君心也無須臾之休，而人主怠傲處其上，此世所以有劫君弑主也。為人主而大信其子，則姦臣得乘於子以成其私 […] 為人主而大信其妻，則姦臣得乘於妻以成其私
>
> The misfortune of rulers is the result of the trust they have in others. If one trusts others, one is eventually controlled by those others. In terms of

44 *Han Feizi xin jiao zhu*, 21.440–1. For a more detailed analysis of this anecdote, see Miranda Brown, *The Art of Medicine in Early China* (Cambridge: Cambridge University Press, 2015), 47–62; and Albert Galvany, "Signs, clues and traces: anticipation in Ancient Chinese political and military texts", *Early China* 38, 2015, 151–93.

> proximity, the relations between sovereign and subjects are not to be compared with those between individuals related by blood. Subjects are linked with the ruler thanks to the efficacy of a mechanism that obliges them to render their services. Hence, subordinates unceasingly monitor the sentiments of those who rule over them, which explains why there are so many regicides and usurpations. If the monarch has great trust in his sons, his subordinates will use them to fulfil their personal ambition. … If the monarch wholly confides in his wife, traitors will use her to plot against him.[45]

The text once again insists on the essential value of this permanent state of watchfulness, this time using a military analogy:

> 夫矢來有鄉，則積鐵以備一鄉；矢來無鄉，則為鐵室以盡備之。備之則體不傷。故彼以盡備之不傷，此以盡敵之無姦也。
>
> It is possible to protect oneself from arrows coming from one direction alone by erecting an iron wall. However, in order to protect oneself from arrows flying from all directions, one must seek refuge by constructing a room overlaid in iron. Only such protection will ensure that the body is not injured. Just as the individual who protects himself on all sides will not be harmed, he who sees only enemies around him will never be the victim of felony.[46]

Some scholars consider that the paranoid preoccupation described in the *Han Feizi* with regard to the permanent threats of regicide and usurpation is, at the very least, strange if one takes into account the fact that, as they see it, in the times of the author to whom these texts are attributed, such episodes registered in historic annals and political treatises are rare or very infrequent. As Yuri Pines says, "Han Feizi's obsession with the issue of regicide and usurpation is quite odd given the rarity of such events during his lifetime; probably by scaring the ruler, he hoped to elicit the sovereign's trust".[47] In my view, this systematic state of extreme vigilance is not so much the result of particular historical experiences or bids to gain the ruler's support as the inevitable result of the axioms of the political system described in the *Han Feizi*. As soon as sovereign power is conceived of as a place or *topos*, well removed from the individual qualities of the ruler, and when the human condition is determined by a tireless quest for personal gain, then threats multiply and paranoia becomes the only means for holding on to power when faced with the perfidious plotting of usurpers. Indeed, one should speak of enemies rather than usurpers since the latter might suggest that there is some legitimate claim to the throne. In terms of the arguments expressed in the *Han Feizi*, the person who holds power today

45 *Han Feizi xin jiao zhu*, 17.321.
46 *Han Feizi xin jiao zhu*, 30.580.
47 See Yuri Pines, *Envisioning Eternal Empire. Chinese Political Thought of the Warring States Era* (Honolulu: Hawaii University Press, 2009), 100.

snatched it from another person yesterday while, lurking in the shadows, others impatiently wait their turn.

Transparency and opacity: knowledge as a weapon

The main characteristic of paranoia is that the affected person is extremely suspicious of others and, as a result, feels intense enmity towards the people he or she mistrusts. However, and as is made clear by the anecdote about Bian Que, the sovereign has no choice but to rule with the support of others and, in fact, in this story Lord Huan dies not only because he refuses to heed subtle threats to his body but also because, unable to appreciate Bian Que's medical skills, he dismisses his warnings. This is not a question of trusting others *per se* but rather of being able to identify accurately who, with certain guarantees, might be able to work for the ruler in the administration of his affairs. Hence, this permanent state of suspicion and vigilance in someone who is – temporarily and provisionally – in power is portrayed in the *Han Feizi* as a need for gathering information and, at the same time, concealing it. The ruler in this text assumes that there is always something he does not know and yet must know, and that what he does know must be zealously shielded from anyone who is watching and trying to gain access to the information.[48] One anecdote concerning King Hui of Qin 秦惠王 (356–311 BCE) and his prime minister forcefully conveys this climate of suspicion, the constant resort to lying and trickery and, as the *Han Feizi* stresses, the essential requirement of information management when it comes to holding one's own in the court:

> 甘茂相秦惠王，惠王愛公孫衍，與之閒有所言，曰：「寡人將相子。」甘茂之吏道穴聞之，以告甘茂，甘茂入見王，曰：「王得賢相，臣敢再拜賀。」王曰：「寡人託國於子，安更得賢相？」對曰：「將相犀首。」王曰：「子安聞之？」對曰：「犀首告臣。」王怒犀首之泄，乃逐之。
>
> Gan Mao was the Prime Minister of King Hui of Qin. However, King Hui was fond of Gongsun Yan with whom he had a private conversation in which he said, "I will make you my Prime Minister". One of Gan Mao's officials had made a hole in the wall and, on overhearing this, informed Gan Mao. Then, Gan Mao asked for an audience with the King and said, "Your Majesty has found another worthy Prime Minister. Your Servant dares to bow twice to congratulate you on this". The King said, "I have entrusted the State to you, how could I find another worthy Prime Minister?" [Gan Mao] replied, "You are about to make Xishou [Gongsun Yan] your Prime Minister". The King asked, "Where did you

48 For the relationship between paranoia and information, see Mark Neocleous, *Imagining the State* (Maidenhead: Open University Press, 2003), 61–2. On the other hand, Garret P. S. Olberding provides a comprehensive analysis of the important role played by information and misinformation in late pre-Qin and early imperial China: *Dubious Facts. The Evidence of Early Chinese Historiography* (Albany: State University of New York Press, 2012), especially 137–53.

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> hear that?" And [Gan Mao] said, "Xishou [Gongsun Yan] told me". The King became so angry at Xishou's alleged indiscretion that he chased him away.[49]

This story aims to illustrate the idea that the sovereign is in a situation in which, according to the analogy used in the *Han Feizi*, he is the single target of many archers who, lying in wait, are ready to shoot their arrows and bring him down the moment he reveals his inclinations and desires.[50] Focusing on the importance of information, it shows how, thanks to a tip-off, gleaned by means of an illicit snooping device, Gan Mao is able to hatch a plot against Gongsun Yan, who is then accused of being unable to keep confidential information to himself. In the aggressively competitive, amoral milieu which determines people's actions on the battlefield and in the court, information flows, whether true or toxic, have a major role to play. This explains the emphasis given by both the military literature and the *Han Feizi* to control of information and knowledge by means, *inter alia*, of espionage, stealth and meticulous checking of these data flows.[51] As previously stated, the military writings of early China insist on the need for knowing all the factors involved in the conflict, and for getting the most complete information possible about the enemy, as well as the obligation of cloaking all military plans and manoeuvres in the most impenetrable secrecy.[52] The aim is to place the adversary in a position of disadvantage in such a way that he is exposed to the strategist's gaze while the latter and all his resources remain imperceptible. It is therefore natural enough that, for instance, the text attributed to Sunzi should devote an entire chapter to the matter of intelligence services, spies and double agents.[53] From an analogous position, the *Han Feizi* openly asserts:

> 明主，其務在周密。是以喜見則德償，怒見則威分。故明主之言隔塞而不通，周密而不見。
>
> As for the enlightened ruler, his main concern is complete secretiveness. Therefore, when he shows his delight [someone] will use generosity to reward that person. When this generosity becomes evident, then the ruler's authority is divided. As for the words of the enlightened ruler, they are therefore blocked and not to be divulged; they are all secretive and not manifest.[54]

49 *Han Feizi xin jiao zhu*, 34.780.
50 *Han Feizi xin jiao zhu*, 34.759.
51 For further analysis of the notion of "information control" and the processes involved, see Richard Wilsnack, "Information control: a conceptual framework for sociological analysis", *Journal of Contemporary Ethnography* 8/4, 1980, 467–99.
52 See, for instance, *Tai gong Liu Tao jinzhu jinyi*, 26.124–5.
53 On the relevance of the information and intelligence services for ancient Chinese warfare, see Ralph D. Sawyer, "Subversive information: the historical thrust of Chinese intelligence", in P. Davies and K. Gustafson (eds), *Intelligence Elsewhere: Spies and Espionage Outside the Anglosphere* (Washington, DC: Georgetown University Press, 2013), 29–48.
54 *Han Feizi xin jiao zhu*, 48.1072. See also *Han Feizi xin jiao zhu*, 24.522

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If the logic of confrontation pervades the political sphere in the form of power relations, how can the sovereign then secure his position within this state of affairs when he is so susceptible to machinations and manoeuvres by means of which both courtiers and members of his own family are probably plotting against him? An anecdote in the form of a dialogue between King Xuan of Qi 齊宣王 (r. 319–301 BCE) and Master Tang Yi 唐易子 about hunting birds by bow and arrow, a recurring analogy in the *Han Feizi*, is enlightening here. The passage is preceded by words that the *Han Feizi* puts in the mouth of Shen Buhai 申不害 (d. 337 BCE), an important political thinker traditionally associated with the beginnings of the "Legalist school", when he is urging the sovereign to be extremely cautious with his words and actions since, if he allows any glimpse of his intentions and emotions, his subordinates will manipulate them in order to confuse and deceive him.

> 齊宣王問弋於唐易子曰：「弋者奚貴？」唐易子曰：「在於謹廩。」王曰：「何謂謹廩？」對曰：「鳥以數十目視人，人以二目視鳥，奈何不謹廩也？故曰在於謹廩也。」王曰：「然則為天下何以為此廩？今人主以二目視一國，一國以萬目視人主，將何以自為廩乎？」對曰：「鄭長者有言曰：『夫虛靜無為而無見也。』其可以為此廩乎。」
>
> King Xuan of Qi asked Master Tang Yi, "When hunting with stringed arrows, what is the most important issue?"
> And Master Tang Yi replied, "The most important issue is being careful about the decoy granary".
> And the ruler asked again, "What do you mean by being careful about the decoy granary?"
> [Tang Yi] answered, "The birds observe men with several hundred eyes while man looks at the birds with two eyes: how can one fail to be careful about the decoy granary? That is why I say the point is in being careful about the decoy granary".
> The king said, "Well, then, when one is ruling the world how does one create this decoy granary? Now, the ruler of men looks at the whole state with just two eyes while the whole state looks with myriad eyes at the ruler. How can one turn oneself into a decoy granary?"
> Tang Yi replied, "Zheng Zhang once said that if one is empty, calm, inactive and invisible, then one is surely able to make this decoy granary".[55]

Before analysing in a little more detail the solution Tang Yi offers to the ruler, I would like to look at the situation described at the beginning of the anecdote in the form of an analogy drawn from hunting and the use of decoys or camouflage. In other words, the core sense of this simile is not very far removed from the military terrain. At first, the ruler seems to be in a position of clear disadvantage, as does the hunter faced with a host of birds that watch his every movement. Confined to his chambers, the sovereign can only count on his

55 *Han Feizi xin jiao zhu*, 34.777.

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own, necessarily limited, powers of observation, while he himself is being scrutinized by hundreds of pairs of eyes. In the political realm, the story suggests that there is an unbridgeable gap between the perception of a single individual and the possibilities for surveillance possessed by the multitude of subordinates over whom he, all alone, supposedly rules. However, it transpires in the story, as told in the *Han Feizi*, that this situation of the sovereign's/hunter's apparent disadvantage and weakness can give rise to a position of dominance. The response in this text to the dilemma of the limited capacity of the ruler by comparison with the combined strength of his subjects is twofold. First, with the aim of consolidating his power over his subjects, the ruler must adopt the mechanisms of control deriving from the application of the law (*fa*). Indeed, the strategic or power-wielding position is defined precisely by the fact that it permits the incumbent to dispense rewards and punishments in accordance with the observance or non-observance of public and universal rules. The authority of the individual who occupies the throne derives from the fact that, as the supreme ruler who must be obeyed by the whole bureaucratic apparatus, he has the power to allocate sinecures or punitive measures in keeping with expected behaviour. The sovereign therefore incarnates the very fount of law, which is to say the prescribed norm. This power must be exclusive to him, otherwise his authority and even his life would be at risk.[56]

Moreover, the term that is usually translated as law (*fa*) refers to other procedures characteristic of this regulatory dimension. If the behaviour of subordinates, officials and functionaries who are entrusted with the task of managing the exercise of power is to be regulated by means of the law or, in other words, by an effective allocation of rewards and punishments, the sovereign must remain serene, imperturbable and devoid of the slightest sign of emotion. His decisions cannot be influenced by affection or resentment but must be guided by detached observation of the tasks carried out by his subordinates. The sovereign observes this normative pole not only with regard to its disciplinary dimension but also in its rational, positive aspect. In the *Han Feizi*, by means of an abundant display of instrumental metaphors, the norm also expresses the adoption by the ruler of tools that confirm the accuracy of his decisions. It is resort to such instruments rather than to qualities of intelligence or farsightedness that affords the ruler objectivity and security when it comes to distinguishing between true and false.[57]

Normalizing the irregular: the dark side of the rule

The normative dimension constitutes, as I have said, the first response offered by the *Han Feizi* to the problem of holding on to power in circumstances that, at least in principle, would appear to be less than favourable. The second part of the solution, which contrasts with but is also necessarily complementary to the first one, lies in the use of techniques of government (*shu* 術). A considerable part of these methods of government employed by the sovereign seek to

56 See, for instance, *Han Feizi xin jiao zhu*, 7.120–1.
57 On this issue, see *Han Feizi xin jiao zhu*, 19.359.

guarantee strict correspondence between the goals announced by the bureaucrats and the work they actually do, a properly balanced equation between what is said and what is done, between the announced and the achieved and, by this means, to foil the manoeuvres of sycophants. This is the case, for example, of the famous notion of *xing ming* 形名, as it is with other prescriptions for consistency that are described in considerable detail throughout the *Han Feizi*.[58] However, besides the procedures applied to validate the effective carrying out of tasks and observance of responsibilities by officials, these techniques of government also include a set of resources that might be described as "irregular". These entail sustained use of deviousness and trickery.

To begin by returning to Tang Yi's advice to King Xuan of Qi in the form of the story about hunting birds, the *Han Feizi* includes among these irregular techniques the precept of non-intervention (*wu wei* 無為). Bearing in mind that one of the keys to retaining supremacy is to ensure that there is no way that subordinates might adapt themselves to the sovereign's inclinations, deceit appears to be one of the most expedient mechanisms when it becomes necessary to elude and confound intrusive gazes. Secrecy and concealment play a crucial role in aborting any attempt to infiltrate the emotional reality of the ruler. Accepting this basic principle of imperceptibility as the goal to be attained, the *Han Feizi* readily prescribes simulation and dissimulation so as to hinder the powers of discernment of the officials.[59] However, according to the *Han Feizi*, the ruler must not be content with preventing his emotions from coming to the surface and being detected by his subordinates but, still more radically, he must also completely suppress all his inclinations, preferences and aversions, which is to say all the elements of his emotional constitution. The text therefore exhorts, "Discard likes, discard dislikes and the ministers will become plain (去好去惡，臣乃見素)".[60] The *Han Feizi* insists that the ruler must at all times be opaque, impermeable, serene, immobile, and inaccessible. Only thus is it possible to reverse a situation which would appear to be detrimental to the sovereign's interests, for his words, his actions and his movements are subject to the most tenacious and meticulous scrutiny of the eyes of his numerous underlings, while he can only depend on his own eyes to examine this host of individuals.

Moreover, the *Han Feizi* also describes a final set of techniques that entail even more intensive use of deception and ruses which, in turn, heighten their inherently exceptional nature. These are clandestine procedures, beyond the pale of the norm. They include several techniques for interrogation, formulas for diversifying and comparing sources of information, methods of concealing and falsifying the sovereign's intentions, intricate networks of reciprocal watchfulness, espionage and counter-espionage services within the administration

58 For an excellent description of the rules devised to safeguard this strict correspondence between what is said and what is done in the *Han Feizi*, see Eirik L. Harris, "Morality in politics: panacea or poison" (PhD dissertation, University of Utah, 2009), 135–50. However, Harris' account of the notion *shu* in the *Han Feizi* is limited to these verification procedures applied to discourse while overlooking other practices, which I shall now go on to discuss.

59 See, for instance, *Han Feizi xin jiao zhu*, 7.130; and 8.145.

60 *Han Feizi xin jiao zhu*, 5.66.

itself, etc.[61] For instance, in chapter 30, the *Han Feizi* lists seven techniques (*qi shu* 七術) with which the ruler must confront six types of underhand practices (*liu wei* 六微). Mentioned among the seven tactics are separate audiences (*yi ting* 一聽), issuing ambiguous orders (*yi zhao* 疑詔), assignation of false tasks (*gui shi* 詭使) and calling someone for interrogation while hiding the fact that the answers are already known (*xie zhi er wen* 挾知而問).[62] A little further on in this chapter the *Han Feizi* offers the reader a plethora of stories and anecdotes which illustrate, by way of specific examples, how these techniques are applied. Among them is the case of a certain ruler of Zhou who pretends he has lost a jade hairpin and orders his underlings to find it. After they have been searching in vain for three days, he sends one of his servants to the home of a man where it is hidden. He uses this ploy to unnerve the members of his retinue, to insinuate that they are not doing their job well and to give the impression that he is as omniscient as a spirit.[63] In another such cautionary tale, lord Zhao of Han 韓昭侯 (d. 333 BCE) claims to have lost one of his fingernails and puts on a show of desperately searching for it.[64] In no time at all several of his courtiers have cut their own nails and claim to have found the king's. The *Han Feizi* cautions that the ruler can thus know which members of his immediate circle are sincere and which are not.[65] It also describes how, in the case of two men who are engaged in a legal wrangle, Zichan 子產 (d. 522 BCE) decides to interrogate them separately from one another. He tells each of them the opposite of what the other has said in order to ascertain the facts of the case.[66] Then again, there is the wiliness of Lord Si of Wey 衛嗣公 (d. 293 BCE) who sends one of his servants disguised as an itinerant merchant to an outpost where, having harassed the man, the border official decides to let him go after being persuaded by a bribe paid in gold. Shortly afterwards, the lord summons the border official and informs him that he knows that, on such and such a day, he has let a traveller go free after having his palm greased. The terrified official admits his misdeed and deduces that his ruler is extraordinarily perspicacious.[67]

All of these methods of surveillance and manipulation, an integral part of the more irregular dimension of the techniques of governance, might well be labelled as deceitful. Although the significance and extent of deception varies, not only between one culture and another but also from one historical period to another, I believe it is still possible to draw some basic conclusions which might function as a common denominator. In this regard, one of the few attempts

61 For a detailed account of these techniques, see Yao Zhengmin 姚蒸民, *Han Feizi tong lun* 韓非子通論 (Taipei: Dongda tushuguan chuban, 1999), 199–240.
62 *Han Feizi xin jiao zhu*, 30.560.
63 *Han Feizi xin jiao zhu*, 30.607.
64 According to some ancient written sources, and probably as a result of the moral imperative deriving from self-preservation doctrines, in early China individuals pertaining to the ruling classes could not allow any of the tangible signs of their vital growth (nail clippings, hair) to be lost. See for instance: *Liji jijie* 禮記集解, ed. Sun Xidan 孫希旦 (Beijing: Zhonghua shuju, 1998), 1181 ("Sang da ji" 喪大記 22.2).
65 *Han Feizi xin jiao zhu*, 30.609.
66 *Han Feizi xin jiao zhu*, 30.613.
67 *Han Feizi xin jiao zhu*, 30.614.

to study the notion of deception and to offer a general theoretical framework is a study by Burton Whaley. Taking this approach, one can identify two main categories of deceitfulness: dissimulation and simulation. According to Whaley, dissimulation is defined as an attempt to hide the real state of affairs. This includes three subcategories: masking, which attempts to make a feature invisible, either by blending it with the background or avoiding detection; repackaging, which attempts to hide the real by making it appear to be something other than it is; and dazzling, which is employed to confuse the target of the deception. Simulation, described as an endeavour to display a false front, also includes three subcategories: mimicking, that is, making something appear to be what it is not; inventing, which implies creating a new reality; and decoying, which means luring the target of the deception away from discovery of the real.[68] It follows that the use of such ruses based on simulation and dissimulation is not only accepted in the military literature of ancient China in which, as shown above, generalized resort to deception is approvingly described, but it is also presented as admissible in the *Han Feizi* when it discusses how to oversee the administration and manage power relations. Indeed, as I have just shown, the work presents, as part of the techniques of government, descriptions of a series of stratagems that can easily be subsumed under the notion of deceitfulness as established by Whaley.

From this point of view, it would seem evident that while the norms represent a principle of transparent, public and universal action emanating from government and spreading throughout the whole social body by means of a close-knit network of functionaries, the techniques of government I have just described are, in fact, secret, clandestine and, naturally, the sovereign's exclusive prerogative. These mechanisms of manipulation make it possible for the ruler to secure the corpus of officials under his control and counter any attempt at usurpation. As Wu Xingming 吳興明 points out, in the *Han Feizi* the notion of law (*fa*) is conceived as a mechanism of disciplinary control which must be complemented by the opposite notion of techniques of government (*shu*), a concept that would in turn be associated with certain procedures of irregular manipulation; according to him, the use of these deceitful procedures is due to the fact that the normative elements are not deemed sufficient in themselves to guarantee the ruler's command over the administration and, by extension, to assure his position of authority (*shi*).[69] The radical contradiction between the normative dimension and these techniques of government is explicitly spelt out in a passage from chapter 38 of the *Han Feizi* where, by means of refuting words the work itself puts in the mouth of Guan Zhong 管仲 (*c.* 725–645 BCE), the following argument is presented:

> 人主之大物，非法則術也。法者，編著之圖籍，設之於官府，而布之於百姓者也。術者，藏之於胸中，以偶眾端而潛御群臣者也。故

68 B. Whaley, "Toward a general theory of deception", *Journal of Strategic Studies* 5/1, 1982, 178–92.

69 Wu Xingming 吳興明, *Mouzhi, shengzhi, zhizhi: Moulue yu Zhongguo guannian wenhua xingtai* 謀智,聖智,知智:謀略與中國觀念文化型態 (Shanghai: Shanghai sanlian shudian, 1994), 241.

法莫如顯，而術不欲見。 是以明主言法，則境內卑賤莫不聞知也，不獨滿於堂。用術，則親愛近習莫之得聞也，不得滿室。

> Essential questions about the government of men concern either the law or the art of manipulation. In the case of the law, it is consigned to registers, written down and sent out to the offices of the administration, which are then given the task of distributing it to all sectors of the population. In the matter pertaining to the art of manipulation, the ruler must safeguard it hidden in his breast so that he can respond to every circumstance and control all his subjects. Hence, the law must be public while the art of government must remain secret. Therefore, when an intelligent ruler proclaims a law, not even the humblest of his subjects ignores it and neither is he satisfied by the words resounding in the great hall. As for his use of the art of manipulation, this must remain secret so that even the ruler's family members and immediate circle are unaware of it and, naturally, he must never mention it in the bedroom.[70]

Owing to their irregular nature, these techniques of government are, in some way, antitheses of the norm. Yet this dimension, which conflicts with the universality and transparency of the law as a body of codified norms, is also a necessary condition for sovereign power. Resort to such clandestine, "extraordinary" mechanisms only confirms the unique nature of the sovereign in this political system since only he has access to this strictly exceptional sphere. For the *Han Feizi*, the efficacy of rules and regulations (*fa*) pertaining to the task of preserving sovereign power as a position (*shi*) necessarily includes a dimension that opposes the law in its own realm.[71] It is evident, then, that in keeping with what I have just described, the mechanism or position of authority held by the ruler, which constitutes the very foundation of sovereign power, requires a clever manipulation of these two opposing but complementary principles, just as the commander of an army is obliged to combine both regular procedures (*zheng*) and exceptional ones (*qi*) in order to achieve the ascendancy that comes from having strategic advantage (*shi*).

Although it is still difficult to assert with any certainty that there is an explicit influence of the military literature in the unfolding of the writings that constitute the *Han Feizi*, it would certainly seem reasonable to assume that there is a significant degree of agreement between the political programme that should be gleaned from this text and some of the more relevant theoretical conceptions described in ancient military treatises. As I have noted above, by conceiving sovereign power as a position susceptible to being conquered by anyone, and understanding that interpersonal relations are governed by the insatiable quest for egotistical gain, the *Han Feizi* situates the ruler in a context of permanent confrontation and hostility which then legitimizes his resort to procedures that

70 *Han Feizi xin jiao zhu*, 38.922–3.

71 On the exceptional condition of the ruler in the *Han Feizi* and its apparent contradiction regarding the rule of law, see A. Galvany, "Beyond the rule of rules: the foundations of sovereign power in the *Han Feizi*", in Paul R. Goldin (ed.), *Dao Companion to the Philosophy of Han Fei* (Dordrecht: Springer, 2012), 87–106.

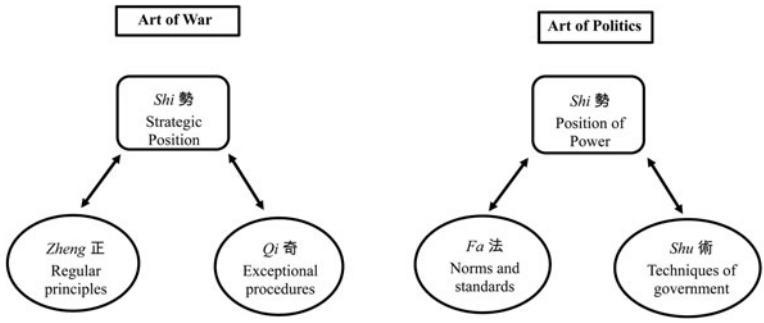

Figure 1. The art of war and the art of politics

are identical to those deemed to be valid in times of war. If he wishes to secure his position of authority and guarantee his survival therein, the sovereign must turn to irregular procedures and exceptional techniques of government entailing canny deployment of wiles and subterfuge.

In contrast with a still-prevailing exegetic tradition which tends to sidestep the notion that concepts and ideas originating from the military literature are incorporated in the political schema of the *Han Feizi*, I believe I have demonstrated that there is at the very least an undeniable convergence between these two lines of thought. Both in military thought and in the political framework of the *Han Feizi*, the sovereign and the commander, situated in a fundamentally agonistic context, must prove that they are capable of keeping their position of authority and outmanoeuvring the tireless vigilance of others who wish to usurp it. Hence, in order to keep the upper hand and ensure their continuing ascendancy over their adversaries in the case of the art of war, and over their subordinates in the political domain, both ruler and strategist must prove that they are capable of subjugating rivals not only by means of disciplinary procedures but also through the sustained use of deceit and trickery.