

VIEWS OF THE LEGALISTS ON MISCELLANEOUS
QUESTIONS

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There remain to be considered several other matters on which there was a more or less common trend of opinion amongst most of the Legalists. Let us consider first some of their economic views. We have already noted Kuan Chung's activities as a practical economist, especially the creation of the iron and salt monopolies. In the last chapter, too, we gave the story of his alleged economic exploitation of the peoples of Lu and Liang. In this connection it is of interest that W. A. P. Martin gives the following among the articles of a treaty of peace between the Prince of Ch'in and a coalition of princes: "The export of corn shall not be prohibited" and "One party shall not monopolise trade to the disadvantage of others." Again in the time of Hsiao Po of Ch'i a confederation undertook "not to obstruct the transport of grain."

The chief economic interest of the Fah Chia was, however, in connection with that theory of "Enriching the Country and Strengthening the Military Power" to which we have referred. The principal means for enriching the country in their view seems to have been the encouraging of agriculture. The best exposition of these ideas is to be found in the fragment attributed to Li Hui, an edition of which has been published recently in Japan though it is said to be difficult to obtain in China. Its central idea may be described as the utmost use of the soil, or the use of land to the limit of its capacity. The author works out in detail the possible yield of various kinds of land under various conditions, the number of people each grade will support under such varying conditions, and the number required to cultivate it. On the basis of such calculations the taxes (varying with the year) were to be reckoned on an estimate of the fullest possible yield of the land—to insure its being fully cultivated. Likewise on such estimates were to be regu-

lated the amounts to be paid into the state granaries when there were good harvests and the amount released from these granaries in poor years; and by this means prices were to be regulated.

Shen Pu Hai was a declared believer in these views and maintained that "the most important thing within the four seas is the soil." We have already noted that his contemporary, Shang Yang, regarded farmers as the only class of people other than soldiers, of value to the state. It was to encourage agriculture and weaving that he subjected the poor to forced labour. Further, according to Macgowan, Wei Yang "abolished the law relating to the apportionment of land to be cultivated by ten families (the *ching* system, traditionally) instituted by Wu, the founder of the Chow Dynasty, and he allowed each farmer to till whatever lands were most suitable, whilst those on the outskirts of the state could reclaim the waste country, the only condition being that they should pay taxes for the lands actually under cultivation." He is also said to have directed the making of a net-work of irrigation canals.

The cultivation of wasteland was widely recognised as a most important means of "enriching the country." In the Kuan Tse it is remarked that "waste land is profitless, the utility which may be got from it depends on the amount of wisdom and knowledge of those who cultivate it." Other observations in the Kuan Tse on this subject are:—"They who put the land and people first, succeed; they who put rank and pomp first, fail. So in the matter of rank those ancient kings took account of what they put first and what after. Thus also rulers must pay attention to rank, to the people and to wealth. In the matter of rank this implies giving office to capable men; in the matter of people, justice on the part of officials; and in the matter of wealth giving due importance to the land." ("External Teachings"). "The soil is the foundation of government." ("The Establishment of Government"). In the chapter, "On Maintaining Authority," he makes these interesting remarks: "The country competes with the town for people; the rural districts compete with the central government (or the Court) for the enforcing of order. . . . If the Court does not unite the people, the rural districts will divide the functions of government with it."

Han Fei fully shared the views of the Prince of Shang that the state should encourage none but farmers and soldiers.

This brings us to a consideration of the attitude of the Legalists to education, as to which we can hardly do better than follow the paragraphs on this subject in Liang Ch'i Ch'ao's "Hsien Ch'in Cheng Chi Si Hsiang Shi" ("History of Pre-Ch'in Political Thought"). The Legalists, he maintains, held that education should not be in schools but in the army and in prisons, and, in support of this, he quotes the following passage from the Kuan Tse: "If the law is not a subject for discussion, then the people will not strive to gain private advantages over each other; if there is no such thing as pardon, the people will not try to escape; if salaries and rank are fixed the people will not create disturbances directed against their rulers; if these three things be made the regular law of the government and forced on the country they will become a matter of habit." This last phrase, Mr. Liang suggests, sums up the attitude of the Legalists to education. This is where they differed from the Confucianists whose aim was to teach men to be men, whereas the object of the Legalists was to make them obedient subjects of the state. The Legalists, he says again, took no account of individual characteristics but wished to make all conform to the mould which they thought desirable for the state—their ideal was that of Sparta or pre-war Prussia.

Yet they were not, he thinks, wholly opposed to education, but even admitted that it had a limited place, and in support of this he cites the passage already quoted in which Han Fei shows that when other methods of reforming a worthless son have failed fear of the military police may yet produce results; for, in the course of his argument, Fei does suggest that his teacher's instructions may be worth trying. But Mr. Liang says that the ideas of the Legalists as to the subject matter of education were somewhat unusual and he quotes from Han Fei again, "Instruction should not be in the literature of books but in the law, not the words of teachers but the facts history should teach." Their idea was, therefore, that the only type of schools should be technical law schools set up by the government where the law should be expounded by magistrates—not in any way academically.

Kuan Tse was not a typical Legalist and so finds a place in his system for scholars as he shows in the passage commencing: "Scholars, farmers, artisans and merchants are the pillar people of the state, but their functions should not be confused." Again in

the chapter entitled "Canonical Teachings" there is another reference to Scholars: "All those who are shepherding the people must prevent scholars from wrong conduct. . . . Scholars are prevented from wrong conduct by teaching. . . . When teaching and conduct have been translated into habits then punishment can to a great extent be saved." But as quotations in previous chapters have shown, neither Han Fei Tse nor Shang Yang found any place for scholars in a well ordered state. The former is insistent on this subject in his writings. He says quite specifically: "Learning is of no use, if use is made of it, disorder results;" and again, "To depend upon agriculture for supplying the nation, and upon the army for national defence, and at the same time to encourage men of letters—how can an efficient and strong state result from such self-contradictory acts? What is now called wisdom consists of subtle and speculative theories which even the wisest do not understand Nothing is more detrimental to good government than to encourage what even the wisest do not quite understand when the actual need is common sense, therefore, subtle and speculative theories are no business of the people." The "First Emperor" and his minister, Li Se, merely carried these views to their logical and practical conclusion.

The last quotation shows a utilitarian standard which tended to be a characteristic of most of the Legalists. Han Fei Tse is quite definite on this point as he shows in a passage quoted like the above by Dr. Hu Shih: "All theories and practices should aim at practical utility. Now any man may take a bow and arrow and shoot at random. It is quite possible by chance that he may hit a hair-tip. But we do not call him a good archer, because he has no constant target to aim at. Now if a small target is set up and a distance of ten yards fixed, then no one can with certainty hit the target every time except the trained archers. . . . Now if we do not set up practical utility as the target of theory and practice, then a theory may be very fine and an act may be very admirable, and yet they may both belong to the class of blind shooters who hit a certain point by chance."