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8.7 Xunzi's students and the Qin dynasty

This segment is about Xunzi's impact on history, especially through his two supposed students, **Li Si** and **Han Fei**.

These two students took Xunzi's attitude about the need for an enforced shared **authoritarian structure**. They were instrumental in setting up the Qin Dynasty (221-206 bc) which brough this period of vibrant social political debate among the 100 schools to a shattering halt. What they rejected from Xunzi was his implicit grant of power to Confucian scholars – the 君子 **jūnzǐ** (scholar aristocrat).

Like Xunzi, the two students were **skeptical of relative, natural moral standards**. But unlike Xunzi, they were also **skeptical of tradition—times change, they argued.** So they relied on no standard other than the power and authority of the dominant person who happened to survive as ruler.

Li Si 李斯
Li Si left no writing but he may be one of the most influential people in human history: he devised the bureaucratic structure of the Qin, the first first dynasty to unify all of China and the model, with variations, of all the subsequent dynasties up to 1911.

Han Fei 韓非
He is the writer who codefied what we think of as Legalism. Han Fei was the only scholar from a royal family. He was far from the best philosopher of the period he was no fool and could see through Xunzi's use of the 君子 **jūnzǐ** (scholar aristocrat) as an interpretive authority.

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Legalists rejected the idea of moral scholars having a role in governing and restricting the emperor's behavior. They only accepted the importance of **a single social dao maintained using harsh punishment and reward**, rather than philosophers' theories of moral and normative ***ways***.

Han Fei acknowledges three sources of his doctrine:

1. **Shen Dao**

   Recall Shen Dao's view: basically, “Things happen”. (Even a clod of earth cannot fail to follow the Great Dao.) Han Fei applies this view to the legitimacy of the ruler: “Rulers happen.” Rulers get power because of the situation, not because they are wise or good.

2. **Shen Buhai**

   Then Han Fei borrows from a philosopher named Shen Buhai for whom 德 **dé** amounted mainly to charisma and fear. His ideas about how to prop up the emperor included techniques to build up his charisma. You set him on a dais with the light behind him; you make people crawl on the ground as they approach, not to look on his face and so on. These ***methods*** make the emperor seem bigger than life, more powerful and frightening. They help prop him up and sustain his rule even if he is clueless about governing and morality. Such *methods help* keep him in his superior position.

3. **Shang Yang**

   Han Fei also borrows from the Legalist thinker Shang Yang, who borrowed Mozi's notion of 法 **fǎ** and to motivate and attract people. He argued:

   > Using 法 **fǎ**, a measurement-like standard, to confine official punishment within strict, measurable limits was an advanced technique of good government.

   Why?

   > Because then the people will feel safe from arbitrary domination by the official class. They will know, using their eyes and ears, what the limits of punishment are, so they can easily avoid it. And when they know that, they will choose to pursue happiness along the roads left clearly marked as having no risk. They will be happy and have no fear of the officials.

   Han Fei ignores the part of this that is concerned with the welfare of the people. But he takes from Shang Yang the idea that the 法 **fǎ** can restrict the power of the officials and ministers who are the chief threat to the ruler's status. By making them unable to curry favor or fear among the people, he prevents the people's being used by high officials in their attempts to topple the ruler from power.