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“Orientalism” Dossier

Instrumentalisation of Passions, Social Regulation and Transcendence of Power in the *Hanfeizi* 韓非子

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Abstract

The basic aim of this article is to present, albeit it schematically, some of the fundamental elements upon which the political and philosophical proposal of the *Hanfeizi*, one of the most important texts of pre-Imperial China, is based. This ancient text is especially evocative for philosophy in that it constitutes a real exception in classical political theory. Whereas the principal socio-political proposals, which were to a greater or lesser extent utopian, put forward by both Western and Chinese philosophers, consider that the greatest obstacle to achieving these projects lies in the passionate nature of humans, the work traditionally attributed to Han Fei defends the idea that an ordered social body is only possible thanks precisely to that passionate side. Using this core argument as a basis, the article will not only try to clarify the specific way in which this unique ideological system is legitimised and organised, but also endeavours to show the common ideological links between the authoritarian conception of the *Hanfeizi* and some of the more essential aspects of economic liberalism as presented in the work of Adam Smith.

Keywords

Ancient China, Han Fei, domination, legalism, liberalism, Adam Smith

Resum

Aquest article té el propòsit fonamental de presentar, encara que sigui de manera esquemàtica, alguns dels elements fonamentals sobre els quals se sosté la proposta política i filosòfica del *Hanfeizi*, un dels texts més importants de la Xina preimperial. Aquest text antic resulta especialment evocador per al pensament en la mesura que representa una veritable excepció en la teoria política clàssica. Mentre que les principals propostes sociopolítiques, més o menys utòpiques, articulades tant per pensadors occidentals com xinesos, consideren que el major obstacle per a la consecució d'aquests projectes rau en la naturalesa passional de l'ésser humà, l'obra atribuïda tradicionalment a Han Fei defensa que només és possible obtenir un cos social ordenat gràcies precisament a aquesta dimensió passional. A partir d'aquest eix argumental, el nostre article no solament tractarà d'aclarir



la manera concreta en la qual es legitima i organitza aquest singular sistema ideològic, sinó que també s'esforçarà a posar de manifest els vincles ideològics comuns entre la concepció autoritària del *Hanfeizi* i alguns dels aspectes més essencials del liberalisme econòmic tal com es presenten en l'obra d'Adam Smith.

Paraules clau

Xina antiga, Han Fei, dominació, legisme, liberalisme, Adam Smith

In recent times, in the realm of French-speaking Sinology, the study of classical Chinese thought has momentarily ceased to be a merely historical, almost archaeological and, consequently, anodyne and sterile issue in the eyes of people outside this particular field of knowledge to become the focus and object of considerable intellectual controversy, which has even broken through the narrow margins usually imposed by the discipline. The trigger of such a dispute is to be found in the publication of a succinct but estimable essay penned by Sinologist Jean-François Billeter against the theses of one of his most popular and controversial colleagues, François Jullien (Billeter, 2006). In turn, the latter was not slow in coming back with a reply in which he sought to neutralise Billeter's arguments while restating the validity of his own ideas (Jullien, 2007). By no means is it my aim here to take sides in this debate by offering a detailed review of the two stances. In all, and insofar as my article seeks to establish a sort of comparative schema or, at least, a perspective of rapprochement between temporally and spatially disparate strands of thought, I feel it is appropriate to tackle, albeit superficially, one of the issues around which a large part of this discussion revolves: the problem of "alterity".

It is fair to say that the methodological and philosophical project of François Jullien has been well and successfully received, as is reflected in the important number of translations of his work, both in Western and Asian countries. Perhaps part of this success is due to the fact that the fundamental architecture of his proposal is relatively simple, and, consequently, extremely attractive. In his opinion, contact with the categories of classical Chinese thought, which historically speaking were forged independently from the Indo-European categories and which, therefore, are presented as "the other" radical of Western philosophy, offers a distance from where it would be possible to see ourselves as subjects of that European tradition of which we are the product, whether we like it or not. If, as appears in a dialogue attributed to the platonic

tradition¹, the eye cannot look at itself and needs to be reflected in the pupil of another eye (an "other" eye) to do so, neither can the Western philosopher appropriate their own condition without reflecting on the "other" thought, in this case personified by ancient China.² In short, according to the programme defined by Jullien, the encounter with classical Chinese thought would not merely achieve the satisfaction of an intellectual curiosity, resembling a sort of vain and exotic tourism; his overriding interest would lie more in the fact that, when penetrating a radically different conceptual universe, the possibility of outlining a new perspective would open up before us, of conquering a privileged position (or distance) from where it would finally be possible to be aware with greater clarity of the framework, of the axioms and of the limitations that have configured the development of European philosophy and, consequently, armed with that new vision, also be in a position to overcome them.

However, such a project arouses certain suspicions. One should ask, for example, up to what point that look towards the other person responds to a genuine opening up or whether, on the contrary, it is no more than a utilitarian and egocentric projection. In this same sense, and from an epistemological point of view, the achievement of that distancing as a result of the dialectic with a radical alterity that comes from self-observation also proves to be suspicious. Is that look free of categories and prejudices when aimed at "the other"? Is that distance that is invoked as a goal, and from which would finally emanate awareness, critical self-awareness, of our itinerary as civilisation, not in fact an indispensable, and therefore prior, condition for that exterior look to be properly legitimate? In short, the greatest difficulties of Jullien's project are to be found in its results. Despite the fact that, at least ideally, his proposal, through the contact with that radical alterity symbolised by classical Chinese thought, aims to offer an alternative to metaphysics, to Western ontology, in reality, the consequences are otherwise: that use of alterity produces, in my opinion, an even greater stagnation in the categories of

1. "Socrates: 'Did you ever observe that the face of the person looking into the eye of another is reflected as in a mirror, which is called the pupil, there is a sort of image of the person looking?' Alcibiades: 'That is quite true.' Socrates: 'Then the eye, looking at another eye, and at that in the eye which is most perfect, and which is the instrument of vision, will there see itself?'" (Plato, *Alcibiades*, 132c-133b).
2. François Jullien himself has explained the content of his proposal on numerous occasions: *Penser d'un dehors (la Chine): Entretiens d'Extrême-Occident*, Éditions du Seuil, Paris, 2000, and *Dépayser la pensée: Dialogues hétérotopiques avec François Jullien sur son usage philosophique de la Chine*, Les Empêcheurs de penser en rond, Paris, 2003.



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being and of identity. It generates two perfectly defined worlds (frequently as a result of an extreme simplification): on the one hand, Europe, and on the other, China, without it being evident that this schism has been overcome.

The truth is that, as Jonathan Z. Smith says, "alterity" should not be understood in any way as a descriptive category, as an artefact of the perception of what is different and what is common, but rather as a political and linguistic project, a question of rhetoric and of judgement; for that reason, it would only be possible to create genuine progress in knowledge when "the other" ceases to be an ontological category, when its unshakeable and absolute metaphysical nature is dissolved. Despite its apparent taxonomic exclusivity, "alterity" is in fact a fundamentally transnational issue, a matter of the "in-between" (J. Z. Smith, 1985, p. 46). The lessons taken from Smith's theoretical contributions mean, in principle, a drastic inversion of the postulates and the methodological arguments insistently defended by François Jullien in his work. From that perspective, "the other" would reach its most problematic, and consequently fertile, degree from the intellectual point of view not when it is perceived as something radically different, as a forceful and irrevocable "alterity", but, quite to the contrary, when it is seen as something implausibly close, proximate, similar. This similarity, which emphatically dissolves the longed-for and, to some extent, always tranquillising "alterity" (since, ultimately, inside the schema received, it is also the unequal, heterogeneous nature of the other that allows us to constitute, forge, by contrast, a differentiated, perfectly clear and distinct ontic identity), implies, in my opinion, a more fruitful, less paralysing, starting point when tackling the approach, the location and the critique of our own civilisation, than the formula chosen by writers such as Jullien. Less paralysing because, as opposed to what happens with the commitment to radical "difference", the encounter with that "similar alterity" does not lead to the (re)affirming of two ontologically unique and consolidated entities but that, in recognising a certain affinity in that "other" that was thought to be completely alien, the foundations on which lies the recognition of identity, one's own and of others, are finally split, giving way to an incisive and tenacious state of interrogation characteristic of philosophical inquiry.

Consequently, the following article that I am presenting can be seen as a specific example of that alternative proposal, which, instead of pursuing the game of radical alterity, deals with the concern for similarity in what is different. In specific terms, it is presented as a rapprochement to the work of a Chinese philosopher called Han Fei (280-233 BC), who, despite being twice as removed from our culture in time and space, in geography and history, does however contain a surprising common nexus

with the work of British philosopher and economist Adam Smith (1723-1790). The starting point of our enterprise corresponds to the confirmation that the relentless search for a perfect political organisation appears, both in the West and in the East, to have come up against the same obstacle time and time again: the irrational side to humans. Starting with Plato's proposal and passing through that of Hobbes, Montesquieu or even Confucius, almost all theoretical initiatives which aim to solve the conflict of human political and social organisation agree on highlighting passions, the true animal side of humankind, as the primary stumbling block for the achievement of their projects. In contrast to all these, authoritarian philosopher Han Fei believes that that irrational side is not only not harmful, but that it constitutes the true foundation of the social order, the only possibility of building long-lasting social order. It is, then, an exceptional proposal in the history of political thought.

However, and this is the really interesting point, the political and social model designed by Han Fei that has a clear totalitarian vocation presents, as we will have the opportunity to see later, not a few elements in common with the intellectual bases of economic liberalism as presented by one of its principal ideologists: Adam Smith. Throughout this article, I will try, therefore, to present the elementary schema of Han Fei's proposal to compare it subsequently with certain aspects of Adam Smith's work, in the hope that this exercise of contrast and comparison generates in the reader a number of basic questions about our time.

Lessons from history: the imperative of adaptation

In order to understand the ideological proposal of Han Fei, it is essential to first view his conception of historical processes.³ Since its very origins, philosophical reflection in ancient China has been inseparable from a certain disposition in relation to the past. Looking at what occurred in High Antiquity is a basic criterion of authority for consolidating the unique identity of each ideological proposal and, at the same time, the principal argument for legitimising the political aspiration designed for a new present, which is, almost always, projected on to a supposedly immediate horizon. The work of Han Fei is not unconnected to that general trend, in contrast to what has been said by some experts.⁴ Consequently, in one of the two chapters devoted to the commentary on the, entitled "Illustrating *Laozi*" (Yu Lao 喻老), we find the following anecdote, the aim of which is to comment on Section LXIV of *Laozi*:

3. For a more complete analysis of the conception of history and time in legalist thought, see A. Galvany (2004, pp. 349-386).

4. In that sense, see, for example, D. Bodde (1938, p. 211).



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Wang Chu was travelling carrying a bundle of books when he met Xu Fong on the road to the land of Zhou. [Xu] Fong said: "Business consists of action. And action comes from opportunity. Anyone who knows of it is uninitiated in the ways of business. Books consist of discourses. And discourses come from knowledge. Anyone who knows does not accumulate their knowledge in books. So why are you walking along carrying all these books?" After which, Wang Chu set fire to his books and began dancing round the pyre. Knowledge does not rear its head much in discourses; wisdom is not kept in books. Our time condemns that attitude, but Wang Chu was able to return [to the way (*dao*)]. It is a question of learning to unlearn. Which is why [*Laozi*] says: "Learn to unlearn and return to the origin which the masses condemn". (Qiyou, 2000, chap. XXI, p. 449)

This passage from the *Hanfeizi* proclaims the conviction that the action that we intend to carry out on what is real, whatever that may be, cannot be based on the study of books, inasmuch as the knowledge that comes from them already belongs to a time that is passed and, therefore, inevitably expired. The moral of the anecdote narrated by Han Fei is exemplary: the path, the attitude, the practice (*xing* 行) of Wang Chu is hindered by the burden of inherited, erudite knowledge, and this is what Xu Fong reveals. Insofar as it is not possible to apply permanent prescriptions, fixed forever in a text, for a time which never stops changing, the learning and study of books, from the past, becomes useless and even harmful. In the world of business (*shi* 事), the ritual appropriateness of gesture, or its moral quality of agreement with the precepts conveyed by the wise men of Antiquity, is not as important as its sole efficacy within the plan of action (*wei* 為). And, in the opinion of Han Fei, the guarantee of that efficacy in the action depends on its appropriateness, its adaptation, its suitability at the propitious moment (*shi* 時). The phrase that we have translated as "anyone who knows of it is uninitiated in the ways of business" hides a play on words, a suggestive semantic wink: on the one hand, supported by the term *chang* 常 understood as "tradition" or "custom", Han Fei certifies the absence of fixed rules, of hereditary prescriptions in that which knows that an action's success depends on its adaptation to the times; but that very passage also uses the other meaning of the term *chang* ("permanent", "constant") to illustrate the willingness of that man dedicated to the action, to evoke change as the only persistent aspect, the continuous transformation of things and that, therefore, the man of action must prove himself to be radically dynamic, completely without static disposition. In Han Fei's opinion, it is essential to accept the transformation of history, of change, of succession, and adapt to the new conditions to avoid the propagation of disaster and put an end to the reigning disorder. Like his predecessor Shang Yang, Han Fei considers it essential to reform the political and administrative institutions in

such a way as to dispel all types of disagreement, of heterogeneity, between the course of time and the political actions that are intended to be imposed on it. It is the current conditions that must determine the form and methods of government, and not the other way round. Han Fei stresses the dynamic and irreversible nature of time and, with this, proclaims the need for continuous adaptation to its demands. In accordance with that conception of time and of history, the conservative attitude (encapsulated in Confucian ideology), which refuses to accept the transformation of the development process, the permanent updating of the present, is simply ridiculous. In this sense, he appears to be truer to the respect for history, praised and exulted by Confucian tradition, than the very representatives of that philosophy.

In Han Fei's opinion, it is the study of the past, with its permanent changes and innovations, unexpected twists and turns and its frequent discontinuities, which reveals its dynamic nature and which shows, therefore, up to what point that nostalgic (and static) look at an idealised Antiquity is absurd and even historically false. The adaptation of the political institutions and practices to the different circumstantial frameworks of each moment is all that guarantees the progress, the survival of society, the arrival of efficient governors. Just as with that changing reality to which we must permanently adapt, political practice is also viewed in a dynamic way; the governors, the Administration, must be aware when observing the changes that occur in the social and economic reality of the country to adapt their responses accordingly. It is no surprise that in the second excerpt quoted below, Han Fei uses the metaphor of technical innovations. Apart from being a particularly illustrative allegory of the anti-traditionalist principles that dominate its system, this metaphor reveals one of the fundamental elements defended in his work, namely: the instrumental nature of political practice. Contrary to what occurs with the two other intellectual strands of the age, Confucianism and Taoism, Han Fei openly sustains the instrumental condition of the government of men. As we will see later on, in the final analysis, this attitude is derived from a radically amoral conception of politics. In any event, the direct consequence of this utilitarian conception of political practice is the need to adapt the methods of government, the means or instruments for achieving social order and peace, to the reality on which it is intended to act, without any argument other than that of its effectiveness carrying any weight. In this sense, Han Fei advocates a model of government that is able to be willing and open to the modification of its values and structures. As we have already seen, Han Fei's criticism of the traditional stances of Confucianism originates from the study and objective scrutiny of historical deployment.

In times of High Antiquity, the population was scant and animals were plentiful; people were unable to dominate the wild beasts, birds of prey and serpents until the day when a wise man had the idea of binding ropes together to construct



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...nests and put the people out of harm's way. Fired with enthusiasm, the people made him king and gave him the title of "Sovereign of the Nests". In that far-off time, people lived off fruit, roots and shellfish; the rottenness of raw food damaged their insides, with many of them dying from the disease; there then appeared a wise man who made a fire with wood and got rid of the fetidness in the food thanks to cooking. The people, overcome with joy, made him king and gave him the title "Sovereign of the Wood". The empire was flooded in Mid-Antiquity; Kun and Yu traced the course of the rivers. In Recent Antiquity, the tyrants Jie and Zhou razed the empire to the ground with fire and blood until they were punished by the monarchs Tang and Wu. If, during the Xia dynasty, someone had proclaimed the intervention of the nests or burning wood, they would have been mocked by Kun and Yu; if, during the Yin and Zhou dynasties, someone had traced the courses of the great rivers, they would have been ridiculed by the monarchs Zhou and Wu. Everyone who now praises the methods of Antiquity and the procedures of Yao, Shun, Tang, Wu and Yu deserves to be mocked by the wise men of today. True wise men do not devote themselves to the servile cultivation of Antiquity; they do not use any immutable rule as a model. They consider the issues of the moment and adopt the corresponding provisions. (Qiyou, 2000, chap. XLIX, p. 1085)

The passage that we have just quoted picks up a large part of the elements that the tradition linked to Confucian thought had used to sanction a model of government dedicated to the reiteration of attitudes or methods from the past. In that sense, Han Fei's argument is controversial and provocative. It uses the evolutionary schema associated with Confucian theories to show, from these same positions, the implicit contradictions in its conservative attitude. Although the passages relating to the past have often been interpreted stating the iconoclastic conception of history in Han Fei's system, my opinion is more to the contrary: Han Fei does not aim to break with the weight of history but, on the contrary, to remain radically faithful to its teachings. Consequently, from this perspective, the *Hanfeizi* in fact does nothing more than take to the extreme the respect and fidelity to history shown by philosophers attached to Confucianism, only the lesson taken from the study and analysis of it is diametrically opposed to the one sustained by its ideological adversaries. For Han Fei, seeking to impose order on society through antiquated and expired means proves to be as vain and dangerous as historically incorrect. In an age of great disputes and permanent convulsions, persisting in the use of inappropriate, out-of-date methods leads inevitably to the most absolute disorder and, therefore, to the ruin of the country.

Han Fei justifies constant innovation as an efficient method for establishing the social order in the scrutiny of history itself, in

the internal dynamism of the historical deployment. Consequently, he repeats the analogy of technical innovations, on this occasion referring to war, with the aim of illustrating the futility of anyone who seeks to model their political action in mirroring the past:

The staff, the shield and the great ceremonial axe cannot defeat anyone who has a long lance and a short halberd; genuflections and reverences serve for nothing before troops who march a hundred miles a day; noble ceremonial archers can do nothing against the power and precision of modern crossbows; the pole used to fend off attackers scaling the walls is sterile against the new methods of assault. The men of remote Antiquity contended in virtue; those of late Antiquity competed in sagacity; those of the present fight with strength. (Qiyou, 2000, chap. XLVII, p. 1030)

Han Fei's argument is impeccable. It resorts to the analogy of military weapons and tools to illustrate the abyss that exists between the past and the present in a terrain that is especially sensitive to the need to adapt constantly to the new situations. If the weapons of yore, designed with care for their rituals, fulfilled their function for war uses and behaviours, they can no longer do anything against the efficiency of the new technologies. Although the passage comments on the incomparable military superiority of the weapons of the present compared with those of the past, with it Han Fei aims to highlight the ineluctable process of time and the need to adapt to it. Insisting on a model of action belonging to an outdated time and using ancient instruments to tackle an age based on efficiency and on the power of technology reveals a reckless mentality that surely leads to death in a terrain as scarcely indulgent as war. However, the gap between the war technology of the past and the current strategic and military conditions for the present not only serves to show the necessary adaptation of the political and administrative tools to a new social reality, but at the same time also sanctions its coercive nature. The passage from the *Hanfeizi* ends with a number of sentences loaded with intention. When he sustains that the "men of remote Antiquity contended in virtue; those of late Antiquity held competitions in intelligence and perspicacity; those of the present only understand strength", Han Fei explicitly associates a conception of the historical process in which human society slowly loses its harmony, its virtuous and peaceful coexistence and the use of techniques and methods of coercive government. However, in the conception of time proclaimed by Han Fei, that social mutation that favours and legitimises the use of political violence is not due to a radical transformation of human nature in itself; it is not the case that in the past men were kind-hearted and that subsequently their very essence was transformed into the opposite. Then, to what is owed this difference between the attitude or social behaviour of the men of the past and those of the present? Han Fei offers an answer in the following passage:



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In Antiquity, men did not work on the land, and the fruits of vegetation were sufficient on which to feed; women did not weave and the hides of beasts were enough with which to clothe oneself. Without toiling hard, sufficient abundance was obtained. The population was scant, whereas material goods surfeited. Consequently, people did not know what conflicts were. Without the promise of great prebends and without the threat of serious punishments, men governed themselves. Yet in the present day, a family with five children is not at all exceptional; when each one of them has five children in turn, a grandparent could find themselves surrounded by twenty-five grandchildren. With a population growth of this calibre, men have multiplied whereas goods have become scant. Now it is necessary to work hard to achieve subsistence, thus, eager for gain, men argue over bread crumbs. And no matter how much reward is doubled and penalties are toughened, there is no way of bringing an end to the disorder. (Qiyou, 2000, chap. XLIX, pp. 1087-1088)

The lucidity shown in the analysis of history by Han Fei in this passage is astonishing. It is not strange that some experts consider that his work anticipates by more than twenty centuries the transcendental demographic theories on the development and evolution of human societies formulated by T. R. Malthus (1766-1834) (Chun, Xiaobo, 1983, pp. 93-94). For Han Fei, the reason why these archaic societies reached a perfect peaceful coexistence, free of antagonisms and disputes, is exclusively due to the evident balance between a scant population and abundant material resources. In his opinion, the extraordinary opulence that characterised the life of these remote ancestors meant that they could completely fulfil their desires, fully realise their most basic inclinations, without conflicts occurring; the abundance of resources dilutes the competition for survival and prevents disputes from breaking out in the society, in a way that people can even allow themselves the luxury of governing themselves (*min zi zhi* 民自治) without the need to resort to any higher external authority of a repressive nature. However, as of the moment when that rare favourable imbalance begins to invert, the situation changes drastically: the uncontrolled increase in population, the exponential growth of the demography, transforms the material conditions of life and means that the populations now have to compete even to satisfy their most elementary appetites and needs.

Human nature: from the spontaneous to the automatic

Far from attempting to correct or reform this pulsional nature, Han Fei limits himself to adapting to it; for him, the idea that the basic behavioural mechanism of humankind consists of the permanent quest for pleasure and the rejection of what is harmful is not liable

to be judged morally, as in reality it is just a “natural” fact, one more condition to which the governor must adapt. In Han Fei’s opinion, if people can be governed, this is because they belong to the kingdom of living beings and to the fact that, as such, they are inexorably subject to biological laws. Far from seeking to reform man as a being dominated by natural inclinations, the art of politics –the science of the government of men– conceived by the more authoritarian currents of Chinese thought, legalism and military strategy, simply aims to adapt fully to that state in the broad sense of the term: to accept, as such, the pulsional nature and adapt to it:

In general terms, to govern the world, it is entirely necessary to adapt to human nature. Punishments and rewards may be used thanks to the fact that human nature is composed of preferences and aversions. Consequently, once punishments and rewards can be used, prohibitions are respected and orders are carried out, such that order reigns. (Qiyou, chap. XLVIII, p. 1045)

The government of men depends on the political and administrative methods being able to adapt correctly and necessarily (*bi yin* 必因) to their passionate nature, to the irrefutable fact that their behavioural mechanism responds to the tendency or propensity towards pleasure or profit and the rejection of suffering or harm. It is the inclinations and aversions of human natures that enable, in the final instance, the efficiency of the disciplinary technology, the punishments and the rewards, the true foundation of the law/model (*fa* 法) and, by extension, of life in society. The very foundation of society lies, for these writers, in the passionate nature of the human being, in the dimension that it shares with the other living beings, and not in what differentiates it: criminal law is nothing more than the crystallisation and extension of natural reason. Consequently, once the essential mechanism of behaviour of humankind has been discovered, government and control become evident: it suffices with availing completely of life through the power of punishing with extreme severity the actions that do not fit in with the will of the sovereign or the strategist and of rewarding generously those who do so in order to obtain in consequence a docile man-machine willing to obey “naturally”:

That by which the far-sighted sovereign controls and handles their subjects is solely [the logic of] the two handles. The two handles are based on punishments and rewards. What do punishments and rewards mean? Punishments consist of annihilating and executing; rewards of the granting of honours and remunerations. (Qiyou, 2000, chap. VII, p. 120)

In short, the social system of these authoritarian thinkers lies in the impartial and automatic distribution of rewards and punishments depending on the efforts and the results obtained by each individual. It concerns, in effect, the subject interiorising this



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behavioural schema, adapted to their most basic nature, until they make it their own and welcome it into themselves without even being aware of it. The ideal of this system lies in that finally, and as an effect of its brutality and its efficiency, the specific application of the punishments or of the penalties proves to be completely useless insofar as the subject has fully interiorised the desired behavioural schema: the fund of passions and spontaneous urges (*ziran* 自然) becomes, thanks to the implacable application of this rigid behavioural schema, an automatic, predictable and perfectly domesticated behaviour. Faced with the challenge of governing and administering a huge number of subjects, the conception of power designed by Han Fei found in that apparently simple system of punishments and rewards the key to achieving all of their ambitions: subject to and by their own natural inclinations, these masses tend to become mere predictable objects that can be manipulated, devoid of any capacity for resistance or opposition. Perfectly adapted to the pulsional nature of the human being, the disciplinary apparatus of punishments and rewards is no more, in fact, than the extension of the tendencies seen in natural flows and cycles.

The dream of the self-regulated society: egoism and the invisible hand

The true foundations of the social order designed by Han Fei, therefore, consist of establishing a device minutely calculated in the irrational, pulsional side to humans, in their insatiable thirst for gain, in the pure logic of egotistical desire. "Altruism encourages resentment, while self-interest certifies social harmony", Han Fei states without scruples (Qiyou, 2000, chap. XXXII). The logic that dominates the relationship between sovereign and subjects, between governors and governed, in short, the equation that impregnates the entire social body and keeps it in perfect conditions of balance, prosperity and coherence is none other than that of self interest (*li* 利), of the calculation of advantage and gain (*ji* 計). On this point, the authoritarian theories of Han Fei coincide astonishingly with the elemental theses of economic liberalism, as explained by one of its leading authors, Adam Smith:⁵

Whoever offers to another a bargain of any kind, proposes to do this. Give me that which I want, and you shall have this which you want, is the meaning of every such offer; and it is in this manner that we obtain from one another the far greater part of those good offices which we stand in need of. It is not from benevolence of the butcher, the brewer or the baker that we expect our dinner, but from the regard to their own

interest. We address ourselves, not to the humanity but to their self-love, and never talk to them of their own necessities but of their own advantages. (A. Smith, 1986, pp. 118-119)

By preferring the support of domestic to that of foreign industry, he intends only his own security; and by directing that industry in such a manner as its produce may be of greatest value, he intends only his own gain, and he is in this, as in many other cases, led by an invisible hand to promote an end which was no part of his intention. [...] By pursuing his own interest he frequently promotes that of the society more effectually than when he really intends to promote it. (A. Smith, 1986, p. 32)

The dazzling prose of Han Fei reproduces these very ideas put forward by Adam Smith, indeed with prodigiously similar arguments and analogies when explaining his conception of social relationships:

If a doctor lances boils and absorbs their blood without being related at all to the patients, it is because the egotistical benefit drives him to act like this. Similarly, the yearning for fortune and wealth is what makes a wheelwright build his carriages in the hope that the kingdom is prosperous; while the coffin maker does so trusting that there will be many deaths. And this is not because one of them is charitable and the other malevolent, but simply because if there are no rich individuals, the former will soon have no customers, just as if there are no deaths, neither will the latter be able to sell his coffins. The coffin maker does not detest his fellow men by nature, but he is interested in them dying. (Qiyou, 2000, chap. XVII, pp. 322-323; chap. XIX, pp. 366-367)

The natural government of legalist thought is similar to the natural laws of the liberal economy; the despotism of celestial regulation is related to the tyranny of market self-regulation by means of the invisible hand. Both systems are grounded in a supposedly efficient, natural and spontaneous mechanism, fully independent from its actors, be they subjects or consumers. Founded on the law of desire, on the range of the most basic human instincts, Han Fei's disciplinary apparatus and the market logic of Adam Smith project an abstract mechanism of total regulation, the efficiency of which depends on its ability to remove itself from the desire of the people to whom it is applied: domination of the latter requires that the source of this mechanism be transcendent, that the system be depersonalised, perfectly inaccessible. The latter appears not to have been fulfilled in Han Fei's proposal; when all is said and done, this last instance from

5. The first and best attempt at comparison between these philosophers corresponds to J. Levi (1992). "Gouvernement naturel, économie de marché et despotisme démocratique". *Le Genre Humain*. No 26, pp. 141-161.



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where the law emanates is the monarch, an individual. Han Fei's theory has a whole range of practices and methods to resolve this sticking point, which seek the dissolution of the monarchy as an individual full of passions and dominated by them.

The ideal governor conceived by Han Fei, in the very image of Heaven or the ancestral spirits, must be devoid of all traces of passion. Without desires, immobile, inactive and empty, it is founded on the ordering principle of nature, the way, or *dao* 道. Before exercising domination over others, the sovereign must have self-domination. Through meticulous corporal and mental discipline, described and contained in texts associated with *Laozi*, the master of men must gradually throw off all their intentional and irrational elements to embrace pure vacuity, transcend completely the instinctive laws that dominate the rest of their subjects.

The way impregnates all issues, every destiny conforms to it, it charts life and death. It classifies the names and different events, bringing together what is identical by nature. It is therefore true to say that the way does not identify with the ten thousand beings, its efficiency does not identify with the *yin* and the *yang*; the same way that balance does not identify with the light and the heavy, nor does the line identify with the projected or the sunken, the diapason does not identify with the dry or the wet, nor does the master of men identify with his subjects and ministers. These six cases show the importance of the way. There are no two ways, so it is called "One". Therefore, the intelligent ruler esteems singleness, the characteristic feature of the way. (Qiyou, 2000, chap. VIII. P. 152)

This excerpt reproduced from the *Hanfeizi* insists time and time again on stating the disparity, the radical heterogeneity between the way and phenomenal beings (*wu* 物); the metaphysical and abstract vocabulary, taken from Taoist literature, stresses the transcendence of the cosmological-political principle from which human beings emerge and on which they depend. Inside this schema, the figure of the sovereign is identified with that transcendent principle. Totally dehumanised, they become the only exception that breaks the rule and the tyranny of passions: from their dominant, transcendent position, the sovereign, in harmony with the inhuman laws and principles that govern the universe, now proves to be inaccessible. As in strategic thought, Han Fei's sovereign achieves perfection when they are able not to show any flank, any constant external or internal disposition (*xing* 形) to which the adversary can adapt. All of the political-strategic vocabulary shared by Chinese authoritarianism revolves around this same principle: like water, symbolically associated with the underlying order of the universe, the perfect army and sovereign melt into the fundamental dynamism of that supreme principle; they must present a continuous polymorphic plasticity, a permanent absence of rigid and determined forms and configurations, a

configuration in perpetual motion that prevents any attempt to stop them, to fix them, and thus allows for future adaptation.

Han Fei's ideal sovereign is placed on the same level and shares the same attributes assigned to the way with regard to pure negativity or vacuum (*wu* 無), which, nonetheless, generates and dominates the rest of beings. By clinging to this absence of forms or configuration (*wu xing* 無形), the adversary cannot either apprehend it or even give it a name: by being placed beyond any determination, imperceptible, unnameable, indefinable, it then melts into the subtlety and the efficiency of invisible spirits. Like them, the governor successfully embraces the principle of the absence of forms and becomes unfathomable; so they are left outside the scope of the rival and of their subjects. As in the military sphere, where it is necessary to shed any constant form to exercise domination over the adversary, the sphere of politics also demands a total absence of determination or configuration to achieve the imposing of their will. This radical absence that is the essential structure of their whole being becomes fundamental: by melting into the pure negativity, they place themselves at the root of the original unfathomable vacuum that, for Chinese thought, dominates all things. No matter how paradoxical it may be for our tradition, in China, the non-being, that which lacks permanent configurations or forms, is prior to and controls that which is already formed, which has a precise constitution. On the basis of this unique metaphysical schema, the governor is confused with the subtle efficiency of the spirits, with the movement and the principles of nature, and so certifies the essential templates of an absolute power.

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