LEGALISM AND HUANG-LAO THOUGHT

PART 1: LEGALISM

Legalism is a network of ideas concerning the art of statecraft. It looks at the problems of the Warring States period entirely from the perspective of rulers (although the authors of Legalist texts were not themselves rulers, but rather men who wished to be employed by rulers as their counselors and ministers). Legalism provides answers to the question, how can a ruler effectively organize and control his government so as to yield the greatest possible increase in state wealth and territory. Legalist arguments assume that these goods are only meaningful when they are under the absolute control of an autocrat, that is, a ruler whose personal power within his realm is absolute and unconstrained.

If among all the ideologies of personal and political governance that flourished in contention during the Warring States period there was a winner, it was Legalism. Legalism was principally the development of certain ideas that lay behind a set of political reforms introduced in the state of Qin 秦 during the period 360-338 by its prime minister Shang Yang. These reforms were what led most materially to Qin's ultimate conquest over the other states of Eastern Zhou China in 221.

Moreover, the political administrator who oversaw the triumphant march of Qin power was a self-avowed Legalist. Li Si, the last prime minister of pre-Imperial Qin, and in many ways the first architect of Imperial China, had initially studied at the Jixia Academy in Qi, where he was known as a student under the Confucian master Xunzi. Xunzi, unlike previous Confucians, allowed that laws and punishments could play a legitimate role in the state, but only as adjunct tools for rulers who had demonstrated moral self-perfection, and only as a means of motivating the people towards ethical self-improvement. His pupil Li Si, perhaps observing that Confucians who stressed to rulers the priority of moral excellence were never granted positions of governmental significance, discarded the ethical dimensions of Xunzi's teachings and retained only the Legalistically inclined pragmatic elements. Although a native of Chu, he recognized that political opportunities were greatest in Qin and migrated there, in time becoming the most successful political figure of the century.

The Legalism of Li Si's age was a growing complex of ideas. It is unclear just when Legalism came to be regarded as an intellectual faction, comparable to well defined schools such as Confucianism and Mohism, but it is most likely that only in the mid-third century

did individuals bring together the various strands that came to be recognized as Legalist thought. It may be the case that it was not until the greatest of all Legalist texts was written in the years surrounding 240 that this group of ideas came to be thought of as a coherent ideology. That work was written by a prince of the state of Han, a man known as Han Feizi.

Unlike many highborn patricians, Han Feizi was an intellectually ambitious man. Born to a cadet branch of the ruling lineage of Han, he saw as a young man that his influence at the Han court might be limited by the fact that he was handicapped in the arts of persuasion – he spoke with an enormous stammer. In order to better himself, therefore, he traveled to Jixia, where, like Li Si, he gravitated to the company of Xunzi. What he learned from Xunzi is little evident in the spirit of his later works and career, and after a few years at Jixia, Han Feizi returned to Han and began to compose the text that bears his name.

This very large book weaves together ideas from four principal sources, each making a distinct contribution to the complex system of Legalism. The four strands may be associated with the ideas and policies of four men, who may be considered the "fathers of Legalism."

The "Four Founders" of Legalism

If one were to trace the origins of Legalism as far back as possible, it might be appropriate to date its beginnings to the prime ministership of Guan Zhong, chief aide to the first of the hegemonic lords of the Spring-Autumn period, Duke Huan of Qi (r. 685-643). Among the other services that Guan Zhong performed for his lord, he instituted certain reforms in domestic administration, including the registration of households, the demarcation of administrative sub-units within the state, and the promulgation of a law code that was made copied out and posted for the information of all the duke's subjects.

Two key features may be discerned in Guan Zhong's activities. The first was the basic notion that to raise the quality of government to a new scale in order to accommodate the hegemonic aspirations of the duke, a certain degree of technocratic expertise would be required. Guan Zhong may be seen as the source of the notion that good government involved skilled systems design. This idea became widely accepted by many schools of thought, but Legalism adopted it most strongly.

The second aspect was a more radical departure from traditional norms. It was the acknowledgment that efficient rule could not depend solely on the morally transformative powers of a virtuous ruler, but must involve some degree of positive law – rules for public conduct backed by coercive sanctions. This ran counter to basic beliefs of the Zhou feudal

structure, which aspired to produce orderly rule solely through the charismatic excellence of the aristocratic leaders of the state, in the manner of Yao and Shun. Prior to Guan Zhong, we may assume that the common notion was that the promulgation of a law code amounted to a confession of deficient virtue on the part of the ruler. Such a confession implicitly undermined the legitimacy of the ruler and of his class. Guan Zhong code, and, more important, the outstanding success of the state of Qi subsequent to its adoption, went far towards legitimizing a role for law in society, and this was an essential pillar of Legalism.

Guan Zhong, however, was not consciously a theoretician or philosopher, and he can be termed no more than a proto-Legalist. In tracing the origins of Legalism as a systematic school of thought, four later thinkers are usually cited as its most important founders.

Shang Yang 商鞅

The first of these four was **Shang Yang**, whose policies in Qin transformed the shape of Warring States society, and who may be regarded as the true "father" of the Legalist school. If we rely on the historical texts that have been left to us to determine the greatest turning point of Classical Chinese history, it would be the ministry of Shang Yang in the state of Qin. While it is undoubtedly true that the histories exaggerate his achievements, it is still likely that the reality was extraordinary. Shang Yang was a political thinker who reflected his times, and it may be that without his efforts, the same general outcome of Warring States chaos would have, in time, been brought about – another Shang Yang would have eventually arisen. But Shang Yang's career is no less remarkable for that.

Because of Shang Yang's historical importance, it is appropriate to discuss his career and his ideas in some detail here. Although there is an extant text that bears Shang Yang's name (translated into English as *The Book of Lord Shang*), it is actually a post-Zhou forgery and cannot be used to elucidate Shang Yang's original ideas. Our best sources from these actually come from historical texts, such as the Han period *Shiji* (Records of the Grand Historian). The following account is based on such sources.

Shang Yang's exploits in Qin crystallized earlier tendencies that had arisen to create centralized states whose governments were managed both by the officers of a central court and by district officers whose appointments were made without reference to birth. Shang Yang also recognized that the benefits of such a system to the central government would only accrue if there were fashioned sophisticated systems of social control that would have the same effects as micro-management by the ducal court without requiring great additional

manpower and expense. In Qin, the law code and its enforcement became just such a tool of social control.

Although to later Confucians Shang Yang represented the epitome of political immorality, Shang Yang was actually a legitimist in the same sense as Confucius: he relied on the legitimacy of the Zhou-appointed ducal house, but otherwise sanctioned only criteria of merit rather than birth. His reforms had the predictable effect of drastically reducing the power of the patrician class, before this ultimate outcome was determined, the enmity of the patricians brought Shang Yang down.

How Shang Yang came to Qin. Shang Yang was born in the state of Wey about 390 to a patrician family descended from the Wey ruling house (he is also known as Wei Yang, or Prince Yang). Wey, which had been a significant political force among the Central States centuries earlier, had lost nearly all of its interstate influence by the fourth century. Nevertheless, as a young man, Shang Yang seemed on the way to a brilliant career in Wey. He became a clan retainer of the prime minister of Wey, who was greatly impressed with his abilities.

It is said that when the prime minister fell ill, the duke of Wey visited him to consult on a successor, should one be needed. The prime minister startled the duke by naming Shang Yang, who, in the duke's eyes was still an obscure youth. The duke not only ignored the recommendation, he ridiculed it. Consequently, Shang Yang came to the conclusion that his fortune would best be sought outside his home state.

In 362 the prime minister of Wey, having recovered his health, was captured in battle by the armies of Qin, and the following year a new ruler took the throne in Qin, Duke Xiao. Duke Xiao was intent on recapturing territories and influence that had slipped from Qin in recent centuries, and like other ambitious rulers of the time, he issued a proclamation inviting men of talent throughout China to travel to his court. With his future in Wey seeming bleak, Shang Yang responded to Duke Xiao's call.

It seems to have taken Shang Yang some time to persuade the duke of his usefulness to Qin. Many of the reforms that he ultimately engineered were apparently proposals that he announced soon after his arrival in order to attract the duke's attention and stand out from the crowd of learned men flocking to Qin in hopes of wealth and prestige. When the duke at length began to probe Shang Yang's ideas in greater depth, traditionalists at his court voiced strenuous objections to the radical nature of his proposals. But Shang Yang kept his self-possession and continued to speak eloquently for his ideas. He was, after all, not only a

brilliant man, but a cultivated patrician who had seen service as a key aide to a prime minister in Wey. In the end, the duke decided to adopt Shang Yang's ideas and put him in charge of their implementation as prime minister of Qin. As the established power holders in Qin were adamantly opposed to this outsider's programs, we may assume that the administrative staff that Shang Yang used to manage his reforms probably included many men not previously of high standing. Their loyalty towards Shang Yang would have been unusually strong, as their own careers were most likely tied tightly to his success.

Thus because Shang Yang was denied a chance to join the political establishment of his small native state, he became instead the unusually independent head of government in one of the greatest states in China.

The Qin reform program. Shang Yang was in power in Qin for about twenty years and during that time he made Qin into a completely new type of state. That state was characterized by centralized administration, new systems of taxation, government management of the economy, standardization of weights and measures (a major undertaking in those times), armament of a greatly enlarged army, and, what later writers most stressed, the implementation of a brutally draconian set of laws.

To achieve centralized control of the state, Shang Yang divided the lands of Qin into counties, administrative units determined by the duke's court rather than by tradition. The management of these counties was entrusted not to local power holders, but to magistrates whose talents were valued by the court and who were answerable to the duke and the prime minister for their actions. These were men who could be fired without repercussions – they did not represent powerful clans, only themselves, and there was no hereditary right associated with their offices. Their sole political loyalty was thus to the men who appointed them, and in this way, Shang Yang created the first true state-wide bureaucracy in China.

The patrician clans still retained rights to incomes from the lands that earlier dukes had bestowed upon them, and the aristocracy was by no means eliminated. In fact, Shang Yang himself received a patrimonial estate from Duke Xiao (it was the city region of Shang, which is why he is usually called Shang Yang, or sometimes Lord Shang). But the power of the patrician clans to influence the operations of both state and local government was sharply reduced.

The changes that Shang Yang effected in Qin were more than administrative, they were social as well. All families were registered, and groups of five or ten families living in a single village, neighborhood, or lane were designated as a "mutual responsibility" unit. Each

member of the unit was a guarantor to the government for the behavior of the entire group. Thus if one member of the group broke the law, all members received punishment.

And the punishments were severe. Heavy punishments were decreed for crimes that might be considered relatively minor, and any who sheltered law breakers were sentenced to be cut in two. Rewards were similarly great, and good conduct could actually earn promotion to patrician status in a newly crafted system of sixteen social grades (another thorn in the side of the established patricians in Qin, who were equally dismayed to learn that law breaking could strip them of their ancient status under the new system). In practice, the punishments made a far greater impact on cultural memory than the rewards.

A second wave of reforms attacked the family structure of Qin still further. In order to discourage the formation of large family compounds that might become points of independent social influence, government policies encouraged the independence of the nuclear family unit. Fathers, married sons, and brothers were forbidden to occupy a single household once of a certain age. Families with two unmarried adult sons faced a double tax assessment. As families, the basic economic units of the state, were reconfigured in this way, the boundaries of fields were completely redrawn so as to reflect new realities.

Despite these pressures on social arrangements, which worked to the disadvantage of the less influential strata of society, Shang Yang's reforms initially benefitted the peasant class at the expense of the patricians. The sharp limitations in the prerogatives of the patricians was complemented by the explicit designation of all farming families as independent units owing taxes directly to the Qin state. Over the portions of Qin where patrician claims were not clearly established, this act essentially gave farmers ownership responsibilities over their lands, and spelled the end of any expansion of patrician control of the peasant class, apart from control exercised directly from court.

However, this system seems not to have benefitted the peasant class in the long run. Shang Yang's laws also established the legality of the private purchase of land. Land was thus transformed into a marketable commodity of great value, substantially increasing the volatility of commerce in Qin. Under these circumstances, a process of land speculation appears to have occurred in which those with liquid assets, principally members of the merchant class, bought out poor peasants and accumulated substantial holdings of land. Although Qin had strong bars against members of the merchant class being awarded patrician rank, it does appear that the merchant class was the chief beneficiary of Shang Yang's reforms.

In time, it was widely acknowledged that Shang Yang had created a state that worked. The population was orderly, the harvests were huge, the markets were flourishing, and soldiers fought bravely. When Shang Yang exhibited the fairness of the laws by punishing high ranking courtiers as severely as commoners, he won grudging admiration. But when people began to praise his laws, he took further action. Desirous of suppressing the notion that independent evaluation of the duke's legitimate government was permissible, regardless of the nature of the judgment, he had those who praised his reforms banished along with his opponents and passed a law forbidding any discussion of the laws whatever.

Shang Yang claimed that the sole values relevant to a state were its wealth and its military success. Since his political outlook was framed entirely from the perspective of the personal interests of the legitimate ruler, no other values were of importance. It was irrelevant whether the people of the state were content or not: whichever was more conducive to enlarging the duke's treasuries and strengthening his armies was the one more desirable. Shang Yang's state was an absolute tyranny, but like many well managed tyrannies, it purchased the toleration of the population by delivering to them the fruits of order: wealth and security.

The aspects of Shang Yang's thought that became central to Legalism, apart from his foundational stress on the wealth and size of the state as its sole concerns, included his rejection of the criterion of heredity in office in favor of a government of bureaucratic term appointments, his goal of creating a fully centralized state, and most of all, his insistence on the absolute rule of law and the uniform application of rewards and punishments.

Shen Buhai 申不害 *and Shen Dao* 慎倒

The second founder of Legalism was a man named **Shen Buhai**, who was a minister to the state of Han and a contemporary of Shang Yang (he died in 337). Shen Buhai was chiefly concerned with the art of manipulating people for political ends. He knew first hand of the wealth of interests, affinities, and enmities at a patrician court, and how difficult these were to control. His writings, most now lost, explored the ways in which a ruler could employ the greed and fear of ministers as tools to gain his own ends. Shen Buhai's contribution to Legalism may be thought of as his code for successful personnel management.

The third man was **Shen Dao** (c. 350-275), about whom we know little. Shen Dao was impressed by the way in which the consequences of actions were often governed less by the intentions of the actors than by the contours of situational contexts, or "strategic

advantage" (*shi*), a term we have encountered in Sun Tzu's writings. Shen Dao wrote a handbook to help rulers envision these contexts as arrays of power relationships. He noted that identical actions under different circumstances of power will produce radically different results; for example, the ruler of a powerful state might become hegemon by launching an attack against a state with a record of recklessly coercing its neighbors, but if the ruler of a modest state did the same, he risked becoming a laughingstock or losing his state. An example of Shen Dao's thinking is cited at length in the *Han Feizi*, which, in this particular case, criticizes Shen Dao for the incompleteness of his ideas:

> Shen Dao says, "The flying dragon rides on the clouds, the leaping viper flies on the mist. If the clouds disperse and the mist clears, the dragon and viper are no different than the earthworm and ant; they have lost the vehicles on which they rode. When a worthy man is subordinate to an unworthy man it is because his weight of authority is light and his position is low. When an unworthy man is able to subdue a it is because his weight of authority is heavy and his position is high. If Emperor Yao had been a common peasant he could not have commanded three men, yet the Emperor Jie was the Son of Heaven,* and so brought chaos to the entire world. It is on this basis that I know that the strategic advantage (*shi*) of position is enough to rely on, and that wisdom and worthiness are not worth admiring. Though one's bow is weak, if one shoots from a great height, one's arrow will fly swifter than the wind. Though you are yourself unworthy, that your orders are carried out is due to the people's duty to assist you. Were Yao to occupy the social rank of a slave, none would listen to him, yet when he faced south and ruled the world, what he ordered was done, what he prohibited was stopped. Looking at things this way, we can see that wisdom and worthiness are inadequate to subdue the people, while the strategic advantage of position is able to subdue worthy men."
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> There is a reply to Shen Dao's arguments. The flying dragon rides on the clouds and the leaping viper flies on the mist, it is true, and I do not deny that they rely upon the strategic advantage of the clouds and mist. Nevertheless, if one were to give up on worthiness and simply rely on strategic advantage, could one create order? I have yet to see it! That they can employ the strategic vehicles of cloud and mist to fly is a product of the fine talents of the dragon and viper. Although the clouds may be dense, the earthworm cannot ride on them; although the mists are brewing thick, the ant can't fly on them. That there may be the strategic array of dense clouds and thick mist but the earthworm and ant cannot take them as their vehicles is a product of the meager talents of the earthworm and ant.
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> Now, Jie and Zhòu faced south and ruled the world,** and they relied on the awesomeness of the office of Son of Heaven as their cloud and mist, yet the world was nevertheless plunged into chaos. This reflects the meager talents of Jie and Zhòu.

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*Jie was the evil last emperor of the Xia Dynasty.

**Zhòu was the evil last emperor of the Shang Dynasty.

> Moreover, in the case of Yao, he employed his strategic advantage in order to bring order to the world; how his this strategic advantage different from that of Jie, who brought chaos to the world?
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> Strategic advantage is not something that a worthy will inevitably make use of, but the unworthy man will not be able to make use of it. If a worthy relies upon it, the world will be ordered; if an unworthy man relies upon it, the world will be in chaos.
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> (from *Han Feizi*, "Disputing Strategic Advantage")

Han Feizi's Innovations 韓非子

The final major contributor to Legalist theory was **Han Feizi** himself, who died in 233. Han Feizi gave Legalism a metaphysical worldview by introducing into it Daoist ideas, many borrowed directly from the *Dao de jing* (several chapters in his book – probably posthumous additions – are titled "Explications of Laozi"). Han Feizi incorporated the idea of non-action, *wu-wei*, into Legalism. For him, the perfect ruler of the ideal state was a man who sat at the center of a vast web of laws, offices, and procedures, and did nothing whatever – nothing but allow the system to regulate itself. Such a ruler would exemplify the spontaneity of nature by neither adjusting nor interfering with the balanced system over which he presided.

Legalism and Confucianism

As mentioned earlier, both Han Feizi and Li Si studied under the Confucian Xunzi, and there are some important ways in which Confucianism does actually resonate with Legalism. The Legalist vision of positive law as a self-regulating state system governing social conduct is in many ways parallel to the Confucian concept of *li* as a holistic code of ceremony and daily etiquette. Confucians stressed, however, that *li* could not be coercively imposed: the efficacy of ritual forms depended upon their internalization by all members of society, and this is why the key to government was education and processes of self-cultivation, rather than the design of a positive law code. Moreover, the Confucians denied that effective constraints on people's behavior could be legislatively engineered as the Legalists envisioned. Rather, the *li* were seen as slowly evolving codes that reflected a historical process of sages mediating between the enduring structures of human nature and the ever-changing configurations of society. No single generation could undertake so complex a task. For Confucians, the precedents of history were the guidelines of the present.

But the Legalists saw the historical changes of history not as evolution but as disjunction – the past and the present were radically different in kind. They ridiculed the

Confucians with an anecdote that told of a farmer who, while ploughing one day, saw a rabbit run into a tree stump and knock itself dead. Delighted, the farmer put aside his plough and determined to live at ease by the stump waiting for rabbits to pile up beside the stump, ready for sale at the market. Rituals may have worked well in the eras for which they were designed, Legalists said, but to wait for the same rituals to work again when the old times were forever vanished was to be as deluded as this farmer.

A second area of apparent similarity between Confucians and Legalists was expressed in a doctrine called "the rectification of names," which was actually a Confucian term. The concept, which was very much discussed in early debates on government, actually involved three rather different aspects. Originally, Confucius had claimed that a key barometer of success in government lay in ensuring that officials were both fully devoted to the tasks that fell under their responsibility and also careful not to interfere with the duties of other officers. This notion actually belonged to the ritual portrait of government, in which the entire "ceremony" of administration could only be executed in harmony if every political actor perfectly performed his own part and no other. As you will see below in the story of Marquis Zhao of Han and his keeper of the hat, Legalism borrowed this idea, and transformed it into a draconian and coercive code best called "matching deeds to words." While this element of the rectification of names doctrine is often cited as significant common ground between Confucianism and Legalism, it is important to bear in mind the different approaches to the concept that each school took, and also to note that this was the only aspect of this complex notion shared by the schools.

Two other elements of the Confucian rectification of names doctrine were not adopted by Legalists. Mencius stretched the doctrine into the area of political legitimacy. In answer to a question concerning whether King Wu of the Zhou had not been guilty of the high crime of regicide by killing his lord, the Shang king Zhòu, Mencius pointed out that by his unkingly behavior, Zhòu had totally alienated the people and his ministers – he was, in effect, no longer the king when he was slain. "I have heard of the solitary man Zhòu," Mencius pontificated, "but never of a Zhòu who was king." This attack on political legitimacy, which would have allowed individuals to judge whether rulers deserved their titles and treat them accordingly, was anathema to the absolutism of Legalism.

Xunzi had carried the rectification of names doctrine even further, in response to a range of sophisticated debates which had emerged among early philosophers of language. He held that language was inherently regulative of behavior – that a well designed language clarified reality and natural values, but that twisted usage of language could make it nearly

impossible for people to see the truth or understand morality. For Xunzi the term "rectification of names" denoted a process of carefully examining word definitions and the ways in which debaters employed words in persuasive argument, to ensure that the naturally moral Dao was not distorted by the misapplication of descriptive terms. Here again, the Legalists, who showed no interest in abstract linguistic speculations, did not share Confucian concerns.

In one other respect, Legalism and Confucianism share common ground. This was in the anti-aristocratic thrust of the policies of Shang Yang and Han Feizi's theoretical formulation of them. The Legalism of Shang Yang was the greatest of all intellectual forces contributing to the one revolutionary change that *all* philosophical schools agreed was desirable: the destruction of the aristocratic system that had assigned power and prestige to people on the basis of birth throughout the Shang and Zhou eras. Shang Yang, though himself of noble birth, was the aristocratic class's greatest and most effective enemy. His reforms in Qin crippled the nobility there and strengthened the growing belief that with the sole exception of the need for a powerful hereditary ruler, the role people should play in society should be determined solely by merit and not by birth. (This is a belief that is now so well established throughout much of the modern world that we sometimes lose track of how hard and long was the process of overturning the belief in the hereditary nature of personal worth.) What the other schools hated about Shang Yang was not his "meritocratic" principles, but rather the Legalist definition of what constituted "merit." For Shang Yang, merit meant simply a combination of absolute obedience to the dictates of the state and the competence to perform those task assigned by the state for its benefit. This notion of merit was sharply different from those envisioned by the other three schools. The crudeness of the concept and its view of individuals as organically linked only to the state rather than to family and community as well, has made Legalism a system of thought repellent to most later thinkers.

The Role of Li Si 李斯

In addition to the four major founders of Legalism, it is only just to add a fifth name, **Li Si**, prime minister of Qin. Traditional histories have portrayed Li Si as one of the great villains of the Chinese past. Rather than marvel at the way that he was able to systematically apply Legalist principles to engineer the Qin conquest and the establishment of a revolutionary new form of government in the Qin Imperial state, they have quibbled over his slight misdeeds. For example, historians have deplored his treachery to his friend Han

Feizi, whom he jealously slandered so that he would be sentenced to execution, later thoughtfully bringing him poison in jail so that he could die with honor before having a chance to learn who had slandered him. Or they have fussed over his having persuaded the First Emperor of the Qin to order all non-Legalist texts, with a few exceptions, to be burnt, so that people would no longer have the understanding to challenge the government. They have even gone so far as to take him to task for the massive slaughter of scholars, who were, so it is said, buried alive in huge pits.

We should recognize, however, that without Li Si, the First Emperor would surely never have been able to channel his megalomaniac talents into so productive an outlet as the establishment of perhaps the largest successful tyranny ever seen, and the revolution of the Chinese state that the Qin Dynasty represented might never have occurred, or would at least have been seriously delayed. And in this regard, Li Si must surely be regarded as in a class by himself among the Legalists.

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What follows below are two chapters of the *Han Feizi*. The first is "The Two Handles," which is the best expression of the Legalist notion that explicit codes of laws and administrative regulations and strictly applied standards for rewards and punishment are the most essential tools for effective statecraft. The second, "Wielding Power," illustrates the Daoist element in Han Feizi's thought.

The Two Handles

On rewards and punishments

The enlightened ruler guides and controls his ministers by means of two handles alone. The two handles are punishment and reward. What do I mean by punishment and reward? To inflict mutilation and death on men is called punishment; to bestow honor and wealth is called reward. Those who act as ministers fear penalties and hope to profit from rewards. Thus if the ruler himself wields his punishments and rewards, the ministers will fear his awesomeness and flock to receive his benefits. But the perfidious ministers of this age are different. They persuade the ruler to let them inflict punishment themselves on men they hate and bestow favors on men they like. Now if the ruler does not insist upon reserving to himself the authority to dispense profit in the form of rewards and show his awesome power in punishments, but instead allows his ministers to hand these out, then the people of the state will all fear the ministers and treat the ruler with disrespect; they will flock to the ministers and desert the ruler. This is the danger that arises when the ruler loses control of punishments and rewards.

> The theme of this chapter concerns the use of reward and punishment to control ministers, and the text examines in detail this adversarial relationship that the Shen Buhai strain of Legalism specified as the central challenge of ruling.
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> The term "reward," which denotes bestowals of wealth and status in this chapter, is actually the word *de*, which elsewhere means virtue, power, or more generally, earned social leverage. Here, *de* is conceived as the storehouse of favors that a state's resources allow a ruler to dispense (or a minister to usurp).

The tiger is able to overpower the dog because of his claws and teeth, but if he discards his claws and teeth and lets the dog use them, then he will be overpowered by the dog. The ruler of men uses punishments and rewards to control his ministers, but if he discards his punishments and rewards and lets his ministers dispense them, then he will fall under the control of his ministers.

Tian Chang petitioned the ruler for various offices and stipends which he then dispensed to the lesser ministers, and he used oversize measures when he doled out grain to the common people. In this way the ruler, Duke Jian of Qi, lost the exclusive right to dispense favors, and it passed into Tian Chang's hands. Thus it was that Duke Jian came to be assassinated.

Zihan said to the lord of Song, "Since the people all delight in rewards and gifts, you should bestow them yourself; but since they hate punishments and death sentences, allow me to dispense these for you." Thereupon the lord of Song gave up control over penalties and it passed into the hands of Zihan. Thus it was that the ruler of Song came under the power of others.

Tian Chang got hold of the power to reward and Duke Jian was assassinated; Zihan got hold of the power to punish and the ruler of Song fell under his power. Ministers today are permitted to gain control over both punishment and reward; their rulers put themselves in greater peril than Duke Jian and the lord of Song. When rulers are coerced, assassinated, obstructed, or subject to deception, it has invariably because they lost control over punishment and reward to their ministers, and thus brought about their own peril and downfall.

On speech and action

If a ruler wishes to put an end to depravity, then he must be careful to align name and form, that is to say, word and deed. When ministers come forward to present proposals, the ruler assigns them tasks on the basis of their words and measures their merit solely on the basis of the accomplishment of the tasks. If the accomplishment fits the task, and the task fits the words, then he rewards them; but if the accomplishment fails to fit the task or the task the words he punishes them. Hence, if ministers offer big words but only produce small accomplishments the ruler punishes them. This is not because the accomplishments are small, but because they do not match the name that was given to the undertaking. Likewise, if ministers come forward with small words but produce great accomplishments they too are punished. This is not because the ruler is displeased with great accomplishments, but because he considers the harm of giving too small a name to the undertaking to be more serious than the benefit of great accomplishments.

Once Marquis Zhao of Han got drunk and fell asleep. The Keeper of the Hat, seeing that the duke was cold, laid a robe over him. When the marquis awoke, he was pleased and asked his attendants, "Who covered me with a robe?" His attendants replied, "The Keeper of the Hat." The marquis thereupon punished both the Keeper of the Hat and the Keeper of the Robe. He punished the Keeper of the Robe for failing to do his duty, and the Keeper of the Hat for overstepping his office. It was not that he did not dislike the cold, but he

considered the harm of one official encroaching upon the duties of another to be a greater danger than cold.

Hence an enlightened ruler, in handling his ministers, does not permit them to gain merit by overstepping their offices, or to speak words that do not tally with their actions. To overstep one's office is to die; speech that does not tally with action is punished. When ministers execute their proper duties and must ensure that deeds are true to words, then they cannot form factions and work for each other's benefit.

On concealing preferences

The ruler of men has two worries: If he employs only worthies as ministers, then they will use their worthy reputations to control the ruler. However, if he promotes men unreasonably state affairs will become blocked and nothing will get done. Hence, if the ruler values worthies, his ministers will all ornament their actions in order to exploit his desires. In this way, they will never show their true characters, so the ruler will have no way to distinguish the qualities of his ministers.

Because the king of Yue admired valor, many of his subjects looked on death lightly. Because King Ling of Chu liked slim waists, his state was full of people starving themselves. Because Duke Huan of Qi was jealous and loved his ladies in waiting, Shudiao castrated himself in order to be put in charge of the harem; because Duke Huan was fond of unusual food, Yiya steamed his son's head and served it to him. Because Zikuai of Yan admired worthy men, his minister Zizhi made it clear that he would not accept the throne were it offered to him.[*]

Thus if the ruler reveals what he dislikes, his ministers will be careful to disguise their motives; if he shows what he likes, his ministers will feign abilities they do not have. In short, if he lets his desires be known, his ministers will know how what attitude to assume in order to hide their true characters.

Hence Zizhi, by playing the part of a worthy, was able to seize the throne from his sovereign. Shudiao and Yiya, by catering to the ruler's desires, were able to encroach upon his authority. In the end, Zikuai died in the chaos that ensued, and Duke Huan was left

[*] We have seen in prior readings all of the events referred to here. The first two were touched on in the Mohist readings. The disastrous ministers trusted by Duke Huan of Qi are those Guan Zhong warned against on his deathbed. Zikuai was the name of the king of Yan who ceded his throne to Zizhi in the incident of 316 which led to the invasion of Yan by Qi and the disillusionment of Mencius.

unburied for so long that maggots came crawling out beneath the door of his coffin chamber. What were the causes? These are examples of calamity that comes when a ruler reveals his true feelings to his ministers.

Ministers do not necessarily feel true love for their ruler; they serve him only in the hope of substantial gain. Now if the ruler of men does not hide his feelings and conceal his motives, but instead gives his ministers a means encroach upon his authority, then they will have no difficulty in doing what Zizhi and Tian Chang did. Hence it is said: Do away with likes, do away with hates, and the ministers will reveal their unadorned characters. And when the ministers reveal their unadorned characters, the great ruler's vision will be unobstructed.

Wielding Power

The following chapter exhibits many of the Daoist characteristics that are sometimes identified as Han Feizi's particular contribution to Legalism (though the *Han Feizi* is a large and varied text, and which parts may have been by Han Feizi himself is a question not yet well answered). The entire chapter is written in a condensed language that frequently lapses into rhymed passages, reminiscent of the *Dao de jing*.

The *wuwei* ruler

There is a fixed order that governs the action of Tian; there is a fixed order that governs man as well. Fragrant aromas and delicate flavors, strong wine and fat meat delight the mouth but sicken the body. Sleek skin and pearly teeth satisfy desire but dissipate the essence. Therefore discard all excess; only then can your keep your body unharmed.

Power should not be displayed; be plain, like undyed cloth, and actionless (*wuwei*). Government affairs reach to the four quarters, but the pivot lies at the center. The sage grasps the pivot and the four quarters come to serve him. Await them in emptiness and they will spontaneously take up their tasks. Once all within the four seas are within your store, follows the Dao of *yin* to manifest *yang*. When subordinates to your left and right are in their places, open the gate of court and all will be settled. Change nothing, alter nothing, but unceasingly act by the "two handles"; this is called walking the path of principle.

Things have their proper places, talents their proper uses. When all are properly settled, then high office or low, all will be free from action. Let the cock cry out the dawn, let the cat catch rats – when each exercises his ability there is nothing the ruler needs to do. If the ruler excels in any way, affairs lose their proper fit. If he prides himself on love of talent, he invites his ministers' deceit. If he shows mercy and care of others' lives, his ministers will impose upon his kind nature. Once superior and inferior exchange their roles, the state will surely never be ordered.

Use the Dao of One and let names be its beginning. When names are rectified things stay in place; when names are twisted, things shift about.[*] Hence the sage holds to the One in stillness; he lets words spontaneously fit with their proper sense and affairs become settled on their own. He does not display his colors and so his ministers are plain like undyed cloth. He assigns them tasks according to their ability and lets affairs complete themselves; he

[*] Note how the text reinvents the quietist Dao of the Daoists by placing words at its core and linking it to the Confucian concept of the rectification of names.

bestows rewards according to the results and lets promotions follow spontaneously. He establishes the standard, abides by it, and lets all things settle themselves.

A ruler makes his appointments on the basis of names, and where the name is not clear, he investigates achievement. When achievement and name tally, he dispenses the reward or punishment deserved. When these are utterly predictable, subordinates will dedicate themselves entire.

Attend diligently to affairs and await the decree of Tian; do not lose held of the pivot and thus become a sage. The Dao of the sage discards wisdom and wit, for if you do not, you will find it hard to remain constant. When the people use wisdom and wit, they fall into great danger; when the ruler uses them, his state faces the peril of destruction. Follow Tian's Dao, return to the principle behind forms; match word to deed, and every end will become a renewal. Be empty, following behind in tranquility; never follow personal inclinations. All of the worries of the ruler stem from acting like others. Employ others and never be like them, and then the people will follow you as one.

The Dao is vast and without form; its power (*dè*) creates order and extends everywhere. It extends to all living beings, and they partake of it in their measure. Though all things flourish through it, it does not come to rest in any of them. The Dao pervades all affairs here below, destinies being set by a constant standard, life and death governed by proper season. Compare names, differentiate events, and you will comprehend their underlying unity.

Thus it is said: The Dao does not identify itself with any of the things of the world; its power does not identify with either yin or yang – no more than a scale identifies itself with heaviness or lightness, a measuring string with bumps and hollows, tuning pipes with dampness or dryness, or a ruler with his ministers. All these six are products of the Dao, but the Dao itself never takes a double; therefore it is called the One. For this reason the enlightened ruler prizes solitariness, which is the figure of the Dao. Ruler and ministers do not follow the same Dao. Ministers' requests are like words of prayer: the ruler holds fast to the words, and the ministers present him with results. When words and results match, superior and inferior achieve harmony.

The Dao of holding court: take the statements that come forth and compare them with reports that come back. Examine names carefully in order to set ranks, clarify duties in order to distinguish worth.

This is the Dao of listening to the words of others: be silent as though in a drunken stupor. Lips! teeth! Do not be the first to move! Lips! teeth! Be ever more numb! Let others explain and detail – I will gain knowledge thereby.

Though assertions and denials swirl about him, the ruler does not argue. Empty and still, inactive (*wuwei*), such is the true character of the Dao. Study, compare, line things up to match, examine thus the forms of deeds done. Compare with matching affairs, aligning them to join with emptiness. Where the root and base are firmly anchored, there will be no error of movement or stillness. Whether moving or still, all is corrected though *wuwei*.

If you show pleasure in some, your troubles will grow; if you show hatred of others, resentment will rise. Therefore discard both pleasure and hatred and with an empty mind become an abode of the Dao.

When the ruler does not work side by side with his people, the people treasure him. He does not discuss affairs with them, but leaves them to act by themselves. He bars shut his inner door and from his room looks out into the court; rules and measures all provided, all go straight to their places. Those who merit reward are rewarded; those who deserve punishment are punished. Reward and punishment follow the deed; each man brings them upon himself. When pleasant or hateful consequences follow with inevitability, who dares fail to match word and deed? When compass and rule have marked out one corner, the other three are evident of themselves.

If the ruler does not appear spirit-like (*shen*), his subordinates will find leverage points. If his management of affairs is not impartial, they will track his preferences. Be like heaven, be like earth, all coils will untangle. Be like heaven, be like earth, who will be intimate, who estranged? He who can be an image of heaven and earth may be called a sage.

Controlling ministers

If you wish to govern your inner palace, have no intimates among your officers. If you wish to govern your realm, appoint one man to each office. Let none do as he pleases, and none will exceed his office or control another. Take warning when there are many men gathered at the gates of high ministers. The utmost of governance is to allow no subordinates means to seek favor. Make certain that word and deed match, and the people will guard their offices. To discard this and seek elsewhere is profound delusion. Wily men will ever increase, and treachery will crowd by your side. Hence it is said: Never enrich a man

so he can become your creditor; never ennoble a man so he can become your oppressor; never put all your trust in a single man and thereby lose your state.

When the shin grows stouter than the thigh, it is hard to run; when the ruler loses his spirit-like mien, tigers prowl behind him. If the ruler remains unaware, the tigers will run in packs like dogs. If the ruler does not soon halt, like dogs they will grow in number. When tigers form a band they will assassinate their own mothers. Now, a ruler who has no ministers – how could he keep possession of a state? The ruler must apply the laws, then the greatest tigers turn timid. If the ruler applies punishments, the greatest tigers will grow docile. If laws and punishments are unfailingly applied, then tigers will be transformed into men again and revert to their true form.

If you wish to govern the state, you must make certain to destroy factions; if you do not destroy factions, they will grow ever more numerous. If you wish to govern the land, you must make certain that your rewards pass into the right hands; if you do not do so, then unruly men will seek gain. If you grant what they seek, you will be lending a battle-ax to your enemies; you must not lend it, for it will only be used to attack you.

The Yellow Emperor had a saying, "Superior and inferior fight a hundred battles a day." The subordinates hide their private desires and see what they can get from the ruler; the ruler grasps his standards and measures to constrain his subordinates. Thus to set standards and measures is the ruler's treasure; to form factions is the ministers' treasure. The only reason the ministers do not assassinate their ruler is that their cliques are not strong enough. Hence, if the ruler loses an inch, his subordinates gain a yard.

The ruler who knows how to govern his state does not let his cities grow too large; the ruler who understands the Dao does not enrich powerful families or ennoble his ministers. Were he to enrich and ennoble them, they would oppose and displace him. Guard against danger, fear peril, make haste to designate an heir, and misfortune will have no means to arise. In searching the palace to expel traitors within, hold fast to your standards and measurements. Pare away those who have too much, enrich those who have too little, and let both be according to measure, so they will not form cliques to deceive their ruler. Pare the great as moon wanes, enrich the meager as the frost thaws. Simplify the laws and be cautious in executions, but carry out punishments to the full. Never loosen your bow or you will find two cocks in a single roost; when two cocks share a single roost, they fight in a frenzy of cries. While the wildcat and wolf roam within the fold the sheep will never increase. When one house has two senior elders, its affairs will never prosper. When husband and wife both order the family, the children cannot know whom to obey.

A ruler of men must often prune his trees and not let the branches grow too long, for if they do they will block the gate of court. If the gates of private men are crowded with visitors the ruler's courts will stand empty, and he will be shut in and encircled. He must often prune his trees and not let them become obstacles, for if they do, they will encroach upon his place. He must often prune his trees and not let the branches grow larger than the trunk for, if they do, they will not be able to stand before a spring wind; when they cannot, the braches have injured the heart of the tree. When cadet branches of the ruler's lineage become too numerous the royal family will face anxiety and grief. The Dao to preventing this is often to prune your trees and not let the branches grow luxurious. If the trees are often pruned, cliques and factions will be dispersed. If you dig up the roots, the tree is no longer vital (*shen*). Fill up the pools, and do not let water collect in them. Search out the hearts of others, seize their power. The ruler who does so is like lightning, like thunder.

PART 2: HUANG-LAO THOUGHT

The most influential school of thought in the early second century BCE, just after the close of the Warring States period and the brief era of the Legalist empire of the Qin, was an known as "Huang-Lao." Although the term is used repeatedly in Han Dynasty texts, never is the meaning of the term systematically explained, and for many centuries scholars puzzled over its meaning. The mystery of Huang-Lao was only enhanced by the fact that it was for several generations the guiding ideology of the Han state, prior to the adoption of Confucian ideology by the state during the time of Dong Zhongshu.

From early times it has been known that the word "Huang" in Huang-Lao referred to Huangdi, that is, the Yellow Emperor, a legendary culture hero whose mythical status had risen in eastern China during the late Warring States era, after the rulers of the state of Qi (patrons of the Jixia Academy) announced that they were in fact direct descendants of Huangdi, making him part of the state religious cult. Since the "Lao" of Huang-Lao designates Laozi, interpreters reasoned that Huang-Lao was probably a type of Daoism, perhaps one associated with Qi – but no one was sure.

In 1973, archaeologists working near the city of Changsha in southern China uncovered a tomb that held the bones and the goods of the ruler of one of the early Han kingdoms that had been located in that area. The date of the tomb has been determined to be in the 180s BCE. Among the grave goods were found a set of silk scrolls and bamboo slips with texts written on them. The texts included two different copies of the *Dao de jing*; the other texts were previously unknown. All the texts were in legible condition, but the characters were not always of standard form, and over the years, the materials had rotted in places, leaving gaps large and small.

One of the previously unknown texts, which was actually a collection of four smaller texts appended to a *Dao de jing* manuscript, immediately attracted a great deal of attention because it appeared to be a collection of Huang-Lao texts. Ideas resonant of Laozi Daoism were pervasive, and one of the four texts was an account of Huangdi. Because a first century CE bibliography lists a long lost Huang-Lao book called *The Four Classics of the Yellow Emperor*, this new four-section text was given that title on the supposition that the lost text had now been recovered. Scholars disagree about whether this new text is, in fact, the same one listed in the ancient bibliography, but there is consensus that it is unquestionably a true Huang-Lao text, and interpreters have attempted to reconstruct the ideology of Huang-Lao on this basis.

As any quick survey of the four texts will indicate, these documents are deeply syncretic, that is to say they draw together selected ideas from many different schools and attempt to present them in a harmonious arrangement. Among these schools, Laozi-style Daoism and Legalism are clearly foremost. The influence of Confucianism and of certain militarist schools of thought can also be detected – even some traces of Mohism – but their contributions are generally scattered and do not shape the overall structure of ideas to the extent of Daoism and Legalism.

Because the manuscripts are conspicuously lacking in the five-element theories that were so characteristic of early Han thought, and occasionally seem to refer to the present time as one of political fragmentation, the date of their original composition has been generally accepted as pre-Han. Most likely, they are mid-third century texts. This indicates that the Huang-Lao School was actually a Classical period phenomenon. This is not surprising. The earliest surviving commentary on the *Dao de jing* actually appears as a pair of chapters in the Legalist text *Han Feizi*, and as we have seen earlier, Laozi-style Daoism pervades other chapters, such as "Wielding Power."

In this section, we will translate a short selection of passages from each of the four Huang-Lao texts that comprise the so-called *Four Classics of the Yellow Emperor*. As mentioned above, the manuscripts are difficult to read. Chinese editors have transcribed the written characters into printed forms and done much work to explain the possible meanings of unusual or unexpected characters, but their readings are often difficult to accept. Moreover there remain many gaps in the texts – they always seem to obliterate the key word in a passage!

In the translations which follow, each missing character is represented by the sign / . Where characters are missing, the translation may be rough or grammatically incomplete, and you may find awkward or puzzling passages, indicating that the text's meaning is unclear (at least to me – unlike all our classical texts, this one comes without traditional commentary explanations). The way that the phrases are arranged typographically in verse style is governed solely by considerations about how this difficult text may be rendered more understandable; the texts are not generally in poetic form. In addition to a few footnotes explaining certain terms used in the text, I have also added marginal notes to draw your attention to some of the "syncretic" features of the text – passages that suggest that its ideas represent a melding of the ideas of many different schools.

"The Four Classics of the Yellow Emperor"

(selections)

Text I: The Regular Law[*]

This first text is the longest of the four "classics." It is divided into nine named sections. Only the initial parts of section one are translated here.

The Daoist/Legalist linkage is especially clear at the outset.

The Dao gives birth to laws.
Laws are the measuring-line of gain and loss
    and what illuminates straight and crooked.
Who holds to the Dao gives birth to laws
        and dares not contravene them;
    once laws are set up, he dares not discard them.
After one can stretch plumb spontaneously,
    one can know the world and not be of two minds.

Void without form,
    its axis all dark;
    it is what the world of things is born from.
In their birth-nature there is that which harms,
    called desire,
    called not knowing what is enough.
By birth-nature they must move:
In movement there is that which harms,
    called untimeliness,
    called timely but / .
In movement are affairs:
In affairs there is that which harms,
    called opposition,
    called not balancing,
    not knowing the practicable.
Affairs must have words:
In words there is that which harms,
    called unfaithfulness,

"Timeliness," or the appropriateness of action in context was an interest bridging many schools.

Note the transition to the art of rulership here.

[*] The words "regular" or "regularities" translates a word that in other contexts means "classic." Thus this title could also be "The Laws of the Classics."

called not knowing to be in awe of others,
called revealing one's baseness,
called vain boasting,
taking insufficiency for surplus.
Thus alike coming forth from the dark,
some dying thereby,
some living thereby,
some defeated thereby,
some completed thereby.

Fortune and calamity share one Dao,
none knows whence it is born.
The Dao of knowing is merely voidness with nothing.
Voidness with nothing, the smallest thing complete within it
must have form and name.*
When form and name are set up
then the distinction of black and white is complete.
Hence he who holds to the Dao, as he observes the world,
has nothing to which he holds,
has no place at which he dwells,
has no action,
has no partiality.
Hence, when there are affairs in the world
none do not spontaneously exhibit form, name, sound, and title.
Form and name being already set up, sound and title being already established,
then one cannot cover up one's tracks, or obscure the standard.

The issues of the Dao & the "rectification of names" are linked here.

*Form and name are the two components that the Legalist version of the "rectification of names" theory requires to be matched.

Text II: The Sixteen Regularities

The Sixteen Regularities is a text with fifteen sections (too late to add one now!) that includes a great deal of material concerning the Yellow Emperor (Huangdi). Of all of the texts, this is the hardest to understand. One of the sections is translated below.

Huangdi asked of Yan Ran saying:
"I wish to implement the Five Governances:
wherein should I stop, wherein start?"
Yan Ran responded:
"The beginning lies in the person:
when within there proper standards of measure,
it will afterwards reach others without.
Inner and outer intertwining,
one will be correct in the completion of affairs."

This doctrine linking "sageliness within" to "kingliness without" was shared by Confucianism and Daoism, but not Legalism.

Huangdi said: "I am both correct and tranquil,
yet my state is becoming more unsettled:
what shall I do?"
Yan Ran responded: "When you, the ruler, are substantial within
the outer will be according to norm;
/ / unsettled.
In your left hand hold the compass;
in your right hand hold the square:
what worries of the world will you have?
Male and female finally together –
how would this disturb the state?
When the Five Governances are already employed
use them to supervise the Five Lights.
Hold the compass to left and right to await opposing armies."

Huangdi said: "I do not myself yet know myself: what shall I do?"
Yan Ran responded: "If you do not yet know yourself,
then deeply conceal yourself in the abyss to seek out
internal punishment;
once internal punishment has been gained,
you will / know to bend your person."

We see traces of the eremitic values that lay behind pre-Qin Daoist texts.

Huangdi said: "I desire to bend my person; how do I bend my person?"
Yan Ran responded: "Those whose Daos are the same have the same affairs;

those with different Daos have different affairs.
Now the time of the world being in great strife is arrived:
can you take care not to engage in strife?"
Huangdi said: "How does one not engage in strife?"
Yan Ran responded: "Anger is a matter of the blood *qi*;
strife is the outer skin and fat;
if anger is not emitted, it collects and forms a tumor;
later, if one must remove all four,
how can one's brittle bones engage in strife?"

Here we see influence of pre-Qin "qi philosophies" and hygiene cults.

Thereupon, Huangdi bade goodbye to his state grandees and climbed
to the mountain of Broad Gazing
and reclined for three years to seek himself.
Shan Cai and Yan Ran then climbed up to alert Huangdi, saying:
"Good enough! Those who engage in strife are inauspicious, but those
who do not engage in strife also complete no accomplishments –
how could this not be good enough?"
Thereupon, Huangdi brought out his great axe,
bestirred his armed soldiers,
raised himself the drum and baton,
went to meet Chi You, and captured him.
The Emperor authored a covenant, which said:
"He who reverses righteousness and acts contrary to the times,
shall be punished as Chi You;
reversing right and turning one's back on the exalted,
the law for him shall be to perish and die exhausted."

These words are fully Confucian.

Text III: Quotations

This text consists of a string of aphoristic passages of widely varying lengths, fifty-six in all. Two are translated here

The Dao has no beginning, but has a responding:
what has not yet come, be without it;
what has already come, be like it.
When a thing is about to come, its form precedes it:
establish it with its form;
name it with its name.
What words describe it?

All ordering must take yin and yang / great righteousness:
Heaven is yang, earth is yin; spring is yang, autumn is yin;
summer is yang, winter is yin; day is yang, night is yin;
great states are yang, small states are yin; heavy states are
yang, light states are yin;
to have affairs is yang, to have no affairs is yin; those
who expand are yang, those who bend are yin;
the ruler is yang, the minister is yin; superiors are yang,
inferiors are yin;
male is yang, female is yin; the father is yang, the son is yin;
the elder brother is yang, the younger brother is yin;
elder is yang, younger is yin;
high status is yang, low status is yin; attaining [position] is
yang, having no means [to position] is yin;
taking a wife and giving birth to a child is yang, having a
family death is yin;
those who regulate others are yang, those who are regulated by
others are yin;
the guest is yang, the host is yin; military service is yang,
corvée labor is yin;
speech is yang, silence is yin; bestowing is yang, receiving is yin.
All yang things emulate Heaven;
Heaven values the norm; straying from the norm is called / /
/ / / sacrifice thereupon reverses.
All yin things emulate the earth:
the gift-power of earth is to be easy and slow, normed and tranquil;
the code of pliancy is first settled,
it approves of bestowing and does not contend:
these are the measures of earth and the code of the female.

Text IV: The Source of the Dao

This final text is a short, coherent essay. Its opening lines are translated here.

At the start of what is eternally prior,
is the penetrating identity and the great void;
when void and identity are one,
eternally they remain one and cease.
Moist and indistinct, as yet without light or darkness;
spirit-like in subtlety, filling up in circuit,
essence and tranquility not bright.
Originally not yet having use,
none in the world of things used it;
originally without form,
joining with the nameless.
Heaven could not cover it,
earth could not carry it;
small to create the small,
large to create the large;
filling all within the Four Seas,
and embracing all without as well;
as yin not decaying,
as yang not burning;
altogether unchanging,
it was able to reach things that wriggle and crawl.
Birds gained it and flew,
fish gained it and swam;
beasts gained it and ran;
the world of things gained it and were born;
the hundred affairs gained it and were complete.
Men all gained it,
none knew its name;
men all used it,
none saw its form.
Its title is the One;
its dwelling is the void;
non-action is its plainness;
harmony is its operation.