

CHAPTER IV

GUAN ZHONG AND THE LEGALIST MOVEMENT

Under his rule as premier of Qi, Guan Zhong proposed several effective policies which enabled Qi to become one the most powerful states of the Spring and Autumn period. These policies consisted of Guan Zhong's own theories as guidelines, which formed his unique philosophy. Later, during the Warring States period, there appeared many philosophers and politicians who proposed the rule of law, and these scholars had formed a school of thought, namely the Legalist School.¹ Following that the political thought after Guan Zhong was inspired by the rule of law. Works of scholars such as Han Fei 韩非 (280 B.C - 233 B.C.), Shang Yang 商鞅 (circa 390 B.C. - 338 B.C.), and Shen Buhai 申不害 (circa 385 B.C. - 337 B.C.) adopted a similar terminology as those used in the Guan Zi.

Guan Zhong was regarded as one of the early figures in the Legalist School.² His thoughts were wide-ranging and profound; and his theories and philosophy on life

¹ Yang Youjiong 杨幼炯, *Zhongguo Zhengzhi Sixiangshi* 中国政治思想史, in *Zhongguo Wenhushi Congshu* 中国文化史丛书, edited by Wang Yunwu 王云五, Fu Weiping 傅纬平, Taipei: Shangwu Yingshuguan, 1989, p.133.

² See for example Chan Wing-tsit, *A Source Book in Chinese Philosophy*, New Jersey: Princeton University Press, 1963, p.252. Also in Huang Gongwei 黄公伟, *Fajia Zhexue Tixi Zhigui* 法家哲学体系指归, Taipei: Shangwu Yinshuguan, 1983, pp. 6-7.

and government, were ahead of his time. Therefore, he became the model and a topic of discussion of later philosophers, especially Han Fei, who epitomised the thoughts of the Legalist School. Han Fei quoted the contents of the Guan Zi and cited Guan Zhong many times in his works.³ It is possibly due to this that some scholars regarded Guan Zhong as the forerunner of the Legalist School.⁴

1. Definition of the Legalist School

Although many scholars have regarded Guan Zhong as a prominent figure in the Legalist School, there are still some who think that he should be classed as a figure of the Confucian School.⁵ Actually, the Guan Zi

³ For example, Guan Zhong emphasized on the absolute nature and accuracy of the law in "Qifa Pian". See "Qifa Pian" in *GZJJ*, p.101. And Sima Qian says, "Han Fei drew the criterion, ... made a clear distinction between right and wrong." It is thus clear that Han Fei strived for the impartial and the accuracy of the law. See Sima Qian, "Laozi Han Fei Liezhuan" 老子韩非列传 in *Shiji*, p.2156.

⁴ See Ouyang Xiu 欧阳修, "Yiwen Zhi" 艺文志 in *Xin Tangshu* 新唐书, Beijing: Zhonghua Shuju, *juan* 59, 1975. Liu Xu 刘煦, "Jingji Zhi" 经籍志 in *Jiu Tangshu*, Beijing: Zhonghua Shuju, *juan* 47, p.2031. Tuotuo 脱脱, "Yiwen Zhi" in *Songshi* 宋史, Beijing: Zhonghua Shuju, 1977, p. 5202.

⁵ Sydney Rosen says, "Guan Zhong was a vital link between the early Zhou leaders and the early Confucians". See Sydney Rosen, "In Search Of The Historical Kuan Chung", *Journal Of Asian Studies*, vol. 35, No. 3, 1976, p. 440. The statement that best explains Guan Zhong's status is captured by H.G.Creel. He says, "Probably the earliest individual who has been called a Legalist is Guan Zhong ... He has not always been classed as a Legalist, however, and the accuracy of the label is doubtful; while we have not a great deal of information about his ideas, some of them sound more nearly Confucian..." H.G.Creel, *Chinese Thought From Confucius To Mao Tse-tung*, London: Eyre & Spottiswoode, 1954, p.152.

contains ingredients of all schools of thought, like the Military School (Bingjia 兵家), Agriculture School (Nongjia 农家), Daoist School (Daojia 道家), Yinyang School (Yingyangjia 阴阳家), and so on. Of course, the question of the authenticity of the work and the false analogies provided by other scholars later arose. However, as discussed in Chapter Two, Guan Zhong was a politician, and the policies proposed by him were based on the situational needs at that time. Therefore, it is not surprising that these policies comprised all kinds of theories that were related to the political, military, economic, and agricultural needs and fervour of Guan Zhong's time. Therefore, it cannot be determined if the book was false because it covered all kinds of thoughts.

If that is the case, which school of thought did Guan Zhong belong to ?

First of all, I will discuss the subject based on historical records and the views of historians towards the Legalists.

According to "Yiwenzhi" 艺文志 in Hanshu 汉书, Ban Gu 班固 categorised Guan Zhong as belonging to the Daoist School. This claim was made for the fact that when Guan Zhong became the prime minister of Duke Huan,

he was able to unify the dukes many times without having to resort to military power.⁶ In doing this, he was in fact practising Daoism, that is, "to know what is important and hold on to the essential, be pure and modest to guard oneself, be humble and weak to restrain oneself".⁷ But the "Jingjizhi" 经籍志 in *Suishu* 隋书 categorises Guanzi as a Legalist. The "Jinjizhi" defines a Legalist as "one who impels the ruler, thereby prohibiting the promiscuous and treacherous, strengthening those who go against the law or discipline, and assisting to rule the country in order."⁸ The definition of "Legalist" in "Yiwenzhi", *Hanshu* is "one who metes out rewards and punishments without fail to those who deserve them, to complement what is lacking in the rites".⁹

Modern scholars on the other hand, have a slightly different view of a Legalist. Gung-Hsing Wang in his book *The Chinese Mind* says:

While most of China's philosophers devote their thoughts to virtuous living exclusively, there are a few among them who think in terms of food, clothing, and shelter. They more or less put an accent on earthly things and

⁶ "Yiwenzhi" in *Hanshu*, p.1729.

⁷ *Ibid.*, p.1732.

⁸ Zhangshun Wuji 长孙无忌 and others, "Jingjizhi" 经籍志 in *Suishu* 隋书, Shanghai: Shangwu Yingshuguan, 1955, p.76.

⁹ "Yiwenzhi" in *Hanshu*, p.1736.

believe that the crest of human achievement which to them is synonymous with prosperity, orderliness, and harmonious living can be achieved by way of law. These "hard-boiled" philosophers are classified by our scholars as *Fajia*, meaning literally law-family, or more specifically, the proponents of government by law.¹⁰

Feng Youlan 冯友兰 has made the following comments regarding Legalists, "...the doctrines of the Legalists were a direct response to the political and other tendencies of their age, which were making revolutionary changes to the old order."¹¹

Based on the many definitions made by both the old and modern scholars concerning the Legalists, and comparing them with Guan Zhong's reforms and achievements and the records in *Guanzi* regarding his thinking, we could say that Guan Zhong definitely fits the above description of a Legalist. The "Qiyu" in *Guoyu* states that Guan Zhong changed old laws,¹² and Han Fei pointed out that Guan Zhong emphasized much on practicality, that all theories must be tested in practice.¹³

¹⁰ Gung-Hsing Wang, *The Chinese Mind*, Greenwood Press Publishers, New York, 1968, p.85.

¹¹ Fung Yu-Lan, *A History of Chinese Philosophy*, translated by Derk Bodde, Princeton: Princeton University Press, vol. 1, 1952, p.316.

¹² "Qiyu" in *Guoyu*, p.80.

¹³ "Jianjie Shichen Pian" 奸劫弑臣篇 in *Han Feizi*, juan 4, p.13A.

2. Guan Zhong's Position in the History of Chinese Thought

According to Hu Shi 胡适, the term "Legalist" did not exist in ancient China, and that there were only theories of laws and thoughts of rule by law.¹⁴ He categorized Guan Zhong, Zi Chan 子产 (? - 522 B.C.), Shen Buhai and Shang Yang as practical politicians; they were not "Legalist Scholars" as such, therefore they should not be called "Legalists". However, Hu Shi admitted that Shen Buhai's and Shang Yang's policies had produced great results, therefore they had greatly affected the thinking of the time. Hu Shi inferred that only after Shen Buhai and Shang Yang had introduced the policy of rewards and punishment that the existence of a theoretical "Legalist" school was formed.¹⁵ Hu Shi's idea of a theoretical Legalist includes Shen Dao 慎到 (circa 395 B.C. - 315 B.C.), Yin Wen 尹文 (circa 350 - 285 B.C.), and Han Fei.¹⁶ Liang Qichao also thinks that from Shen Dao, Yin Wen and Han Fei onwards, the Legalists then became a systematic school. However, he

¹⁴ Hu Shi, *Zhongguo Zhhexueshi Dagang* 中国哲学史大纲, Shanghai: Shangwu yinshuguan, 1925, p.361.

¹⁵ The point of view proposed by Hu Shi was, " ...there must be agriculture first, then agricultural studies; there must be grammar first, then grammar studies ... This is a definite principle." *Ibid.*, p.363.

¹⁶ *Ibid.*, p.364.

regards Legalism as having started during the time of Guan Zhong and Zi Chan . ¹⁷

Based on the views of the above two scholars, it seems that Guan Zhong cannot be considered as a figure of the Legalist school because he was from an earlier era. Some scholars think that the Spring and Autumn period was the time when the Legalists first emerged. Although many of the governments in the various states displayed a tendency towards Legalism, however, due to the social restrictions of the time, the true characteristics of Legalism could not be fully represented. ¹⁸ Nevertheless, it is apparent that Guan Zhong's thinking does contain the characteristics of Legalistic thinking. Faced with the ever-changing times of the Spring and Autumn period, the legal concepts in Guan Zhong's thinking had played a significant role in his political reforms. As such, Chen Qitian 陈启天 has said: "According to historical facts, Guan Zhong in Qi and Zi Chan in Zheng 郑 were indeed the Legalists of that era, and therefore should be considered as the forerunners of the Legalists of later times". ¹⁹

¹⁷ Liang Qichao, *Xianqin Zhengzhi Sixiangshi* 先秦政治思想史, Hongkong: Zhonghua Shuju and Shanghai Shudian 上海书店, 1986, p.132-133.

¹⁸ Chen Qitian 陈启天, *Zhongguo Fajia Gailun* 中国法家概论, Taibei: Zhonghua Shuju, 1970, p.39.

¹⁹ *Ibid.*

Since Guan Zhong was the forerunner of the Legalists in ancient China, can he then be considered as a figure in the Legalist school?

As I have mentioned earlier, the formation of a particular school of thought is based on theories that have been tested, experimented, adopted, organized and set in proper order. Similarly, Legalism was formed through gradual development of theories formulated by centuries of followers. The first man who was responsible for implementing Legalist policies in China was Guan Zhong, the founder of hegemonism in Zhou China.²⁰

Since Guan Zhong was a politician who practised the rule of law, his actions became the role model of later scholars and politicians who used law to rule their nations. His thought served as the foundation for the theories propounded by the latter. Although his thought was mixed with that of other schools of philosophy, however, judging from his influence on Legalist philosophers of later times, Guan Zhong should all the more be classed as a Legalist. He was called "the first prominent Legalist" by Wing-tsit Chan.²¹

²⁰ Yao Zhengmin 姚蒸民, *Fajia Zhhexue* 法家哲学, Taipei: Dongda Tushu Gufen Youxian Gongsi 东大图书股份有限公司, 1986, p.17.

²¹ Chan, Wing-tsit, *A Source Book In Chinese Philosophy*, p. 252.

Yang Youjiong 杨幼炯 has drawn the following comparison between Xunzi 荀子 (circa 313 - 238 B.C.) and Guan Zhong:

Xun Zi was a Confucian but his teaching was very close to that of the Legalist; he was actually among the last advocates of government by rites (i.e. Confucian teaching) at that time. On the other hand, Guan Zi was a Legalist whose approach was Confucian in some ways. He can be regarded as the forerunner of Legalist teaching.²²

Although in some ways Guan Zhong's thinking may be quite close to that of Confucius, he actually practised Legalist measures in governing his state. However, he did not implement the following harsh measures adopted by some of the later Legalists such as: "getting rid of kindness, imposing criminal law, not sparing the relatives" and so on, all of which were said to be inconsistent with acts of kindness.²³ In Guan Zhong's ideals, "propriety, righteousness, honesty and sense of shame" formed the basis of government.²⁴ His policies were not only beneficial to the country, but also to the people, therefore he could "ensure that the orders would in turn be obeyed by the people."²⁵ In his management of governmental affairs, he always took into account the

²² Yang Youjiong, *op.cit.*, p.134.

²³ Ban Gu, *op.cit.*, p.1736.

²⁴ GZJJ, "Mu Min Pian", p.2.

²⁵ Sima Qian, The biography of Guan Zhong in *Shiji*, p.2132.

people's needs and act accordingly.²⁶ Guan Zhong "highly valued the 'light and heavy' (money system), and adopted a cautious attitude in the execution of his power and judgement."²⁷ Professor Benjamin I. Schwartz also states that Guan Zhong was known, in much of the later literature, as a "forefather of Legalism", and the Guanzi has a strong Legalist component. He mentions that in the history of the Spring and Autumn period there were strong tendencies toward a proto-Legalist direction. As the premier of Qi, Guan Zhong might have directed his attention to the problem of the survival or ascendancy of the state. Therefore, Guan Zhong was clearly prepared to use the sanction of force in international affairs. He was also accredited with a series of proto-Legalist reforms within the borders of Qi itself.²⁸

Looking at Guan Zhong's "proto-Legalist reforms", one finds that he actually practised "modifying the old",²⁹ but he did not follow this practice strictly on

²⁶ *Ibid.*

²⁷ *Ibid.*, p.2133.

²⁸ Benjamin I. Schwartz, *The World Of Thought In Ancient China*, Cambridge, Massachusetts And London, Harvard University Press, 1985, p.324- 325.

²⁹ Han Fei says, "The person who did not know how to rule must have said: 'Don't modify the ancient, don't change the common or normal' ... If Guan Zhong had not modified Qi and Guo Yan 郭偃 had not modified Jin 晋, Duke Huan of Qi and Duke Wen of Jin would not become hegemons." See Han Fei, "Nan Mian Pian" in *Han Feizi*, p.7B.

all matters. He differed however, from the Legalists of the Warring States period. The reason for his proto-Legalist tendency was due to various historical reasons. Similarly, under the limitations of historical conditions, it was impossible for Guan Zhong's thinking to transcend his time.³⁰ That is why in his thought can be found various ideas and concepts prevailing at his time. In fact the various schools of thought formed during the time were all due to the historical changes during the Chunqiu and Zhanguo period. Each school arose in response to the time, but with any change in the situation, the teaching that did not respond to the situation would be discarded and replaced by other teachings.³¹ However, Guan Zhong's theories not only survived through the historical changes in time, but also responded to the historical needs of later times to emerge as an important school among the four major schools of thought in ancient China.³² It can therefore be seen that even though Guan Zhong's theories arose as a respond to the historical situation of the time, his ideas in fact transcended different times and situations. Guan Zhong's theories underwent

³⁰ Wang Xiaobo 王晓波, "Fajia De Qianqu - Guan Zhong Yu Zi Chan" 法家的前驱 - 管仲与子产, see *Dalu Zazhi* 大陆杂志, vol.49, no.4, 1974, p.170.

³¹ According to Hu Shi the various schools of thought were not initiated by the government, but emerged in response to the trend of the times. See Hu Shi, "Zhuzi Buchu yu Wangguan Lun" 诸子不出于王官论, in *Hu Shi Wencun* 胡适文存, vol. 1, juan 2, Taipei: Yuandong Tushu Gongsi 远东图书公司, 1953, p. 260.

³² The four major schools were Confucianism, Mohism, Daoism, and Legalism.

modifications along the way by future Legalists and scholars. His definition of hegemony took on different guises, and was often misinterpreted and sometimes misused by certain people who were greedy for power. Nevertheless, it has been shown to us that firstly, Guan Zhong's theories and views on government and people were ahead of his time. Secondly, they still have universal and current appeal.

3. Legalist Tendencies in Guan Zhong's Thought

As the first prominent Legalist, Guan Zhong's position in the history of Chinese philosophy cannot be ignored. His position was built on the fact that he assisted Duke Huan of Qi to achieve hegemony among the dukes by successfully implementing the policy of "honouring the king and expelling the barbarians", and finally attaining the objective of putting the world in order. He can therefore be called a statesman who discussed politics from the viewpoint of the rulers, and this fits in with what Han Fei described as the criteria for the "Men of Method" ³³ (Fashu Zhi shi 法术之士). There "Men of Method" were referred to as the Legalists

³³ For the translation of the term see Feng Yu-lan, *A Short History of Chinese Philosophy*, edited by Derk Bodde, New York: The Free Press, 1966, pp. 156-157.

during the Han dynasty.³⁴ Therefore it can be said that Guan Zhong possessed the various characteristics of the Legalist, such as his views on honouring the king and the supremacy of the nation, his implementation of various reform policies, his focus on enriching the state and strengthening the army, and his emphasis on utilitarianism and so on. Nevertheless, as a forerunner of the Legalist, the special qualities possessed by Guan Zhong himself should not be overlooked, and in this respect, he far outshone the later Legalists. Therefore, it is important for us to examine the motives and ideas behind the implementation of his various reforms in order to present a clear picture of Guan Zhong as a forerunner of the Legalists.

(i) Early Stage of Legalist Thought

We have discussed in Chapter III how Guan Zhong assisted Duke Huan of Qi to implement certain policies which enriched the state and strengthened the military. As a result, Qi emerged as the overlord in the fight for supremacy among the dukes. According to the records in *Guanzi*, "Qiyu" in *Guoyu*, *Historical Records* and other documents, Guan Zhong's achievements were not the work

³⁴ Feng Youlan 冯友兰 says in his writing: "...those who discuss politics from the viewpoint of the ruler or state, were called 'men of method' (see 'Gufen Pian' 孤愤篇 in *Han Feizi*) They were referred to as Legalists (*Fajia* 法家) during the Han". See Fung Yu-lan, *Zhongguo Zhhexueshi* 中国哲学史, Beijing: Zhonghua Shuju 中华书局, 1961, p.383. See also Han Fei, "Gufen Pian" in *Han Feizi*, p. 1a & 2a.

of a single day. He had observed the prevailing environment, studied the personnel and affairs surrounding Duke Huan of Qi, and utilised the conditions or environment to their best advantage. Be it natural resources or human resources, he had used them in the most effective and economical way in order that the nation flourished, so that it benefitted the people. Guan Zhong had utilised his political authority without the influence of personal bias and interference.³⁵ This was called the rule of law. In fact, enriching the states and strengthening military power depended on the wielding of political power. Political power and how people in power ruled the country determined the people's future and livelihood. Guan Zhong said: "...a strong nation is the product of its people whose livelihood is provided for; a good monarch is one who exercises fair management."³⁶ By this, he meant that a well-provided for nation is the work of a just and wise man (the ruler) who cares for the welfare of people, prevents disasters, influences people's moral conduct, and ensures that people obey the law. Only when the monarch is able to implement justice will the livelihood of the people be secured. The social norm is established, people's needs are fulfilled adequately;

³⁵ See *Zhongguo Gudai Zhengzhi Sixiangshi* 中国古代政治思想史, Liu Zehua 刘泽华 edited, Tianjing 天津: Nankai Daxue Chubanshe 南开大学出版社, 1992, p.33.

³⁶ *GZJJ*, "Junchen Xia Pian" 君臣下篇, p.536.

this makes for a good and strong nation.³⁷ Coupled with that is "reward and punishment", the "two handles" of government, which are an integral part of Legalist thinking.

Liang Qichao has discussed the origin of a nation from a Legalist view point. He strongly emphasised that the Legalists supported "the Origin of Power".³⁸ Guan Zhong placed great importance on power and authority, therefore, he practiced the political strategy of "enriching the state and strengthening the military" actively. Mainly, it was to enable Qi by using its wealth to enhance the people's livelihood, to stabilise the nation, and to expand its military strength, so as to emerge as a leader in the fight for supremacy among the feudal states.

This type of political power was called Shi 勢 in Legalist terminology. It means "power" or "authority" or "position" and is often expressed as "forceful power/authority" (Wei Shi 威勢). Guan Zhong was one politician who placed great emphasis on the throne.³⁹

³⁷ *Ibid.*

³⁸ Liang Qichao, *Xiangqin Zhengzhi Sixiangshi*, p. 143.

³⁹ "...Shi has the connotation of 'majesty' or 'authority' ...since Legalist writings generally, and the *Kuan Tzu* essays in particular, tend to address themselves to the throne, ...". See Roger T. Ames, *The Art of Rulership - A Study In Ancient Chinese Political Thought*, University of Hawaii, 1983, p. 77.

Even though Qi was already a powerful state at that time, Guan Zhong still utilized the name and position of the Zhou King to control the dukes, thus "honouring the king and expelling the barbarians". "Honouring the king and expelling the barbarians" was in keeping with Legalist thinking on *shi*, and a practice that should not be disregarded. The formation and development of his Legalist thinking was closely linked to the above concept. This could probably be considered the early stage of Legalist thought. Now when we talk about political power, *shi* must be mentioned. The connection between *shi* and "honouring the king and expelling the barbarians" is inseparable: They mean one and the same thing.

(ii) The Motivating Force behind Guan Zhong's Thought

When we talk about "hegemony", we have to examine the connection between political power and military power. When civil war broke out among the dukes in the Spring and Autumn period, the King of Zhou had no control over the situation. If the dukes fought with one another, the security of the country was at stake. When Guan Zhong became the prime-minister, he started off with managing the internal affairs; this was the first essential step in the implementation of hegemony. His reforms in internal affairs and implementation of

policies have already been discussed in Chapter III. In this chapter, we will discuss the motivating force and theories behind his policy to "enrich the state and strengthen the military, to achieve hegemony among the dukes".

First of all, it should be recognized that the motivating force behind his thinking was the starting point of Guan Zhong's theories, while his personal talents, will-power and perseverance enhanced his theoretical thinking which continued to shine throughout the Spring and Autumn period, and even extended till the Warring States period and later. As Gung-Hsing Wang has mentioned in *The Chinese Mind*: "As an able administrator Guan Zhong was instrumental in making Qi the wealthiest and strongest state in China".⁴⁰

Guan Zhong put much emphasis on the strategy to achieve economic wealth and military strength for the state. This thinking was spurred on by the insecure situation at that time. The people were so poor that they had completely lost their appreciation for the rites and their sense of honour or shame in the midst of their suffering. To address the problems of the time and to provide for the people, Guan Zhong stressed the importance of "propriety, righteousness, honesty, and

⁴⁰ Gung-Hsing Wang, *op.cit.*, p. 75.

sense of shame".⁴¹ To instil and restore the people's discipline, morale and self-control, the problem of their livelihood must be attended to, first. In Guan Zhong's vision, a happy and contented population is more likely to co-operate with the government, and policies will then be successfully implemented. Therefore, he emphasized on the development of agriculture and commerce, with agriculture as the main focus.⁴² He said: "Every ruler who governs a country (who holds a fief under the Son of Heaven) should, above all things, adjust his administration to the four seasons. He should fill and watch over the granaries and public storehouses." ⁴³

Guan Zhong believed that when people were wealthy, they would succumb easily to rule, on the other hand, when people were poor, they would be difficult to rule.⁴⁴ It is clear that Guan Zhong's theory of "enriching the state" was established on the basis of enriching the

⁴¹ GZJJ, "Mumin Pian", p. 2.

⁴² Lou Liangle 娄良乐 has stated, "In 'qilue' 七略, Liu Xiang 刘向 placed *Guanzi* in the Legalist School. The Legalist School emphasized prosperity and strength as paramount. The first step to prosperity and strength lies in agriculture". See Lou Liangle "Chunqiu Shidai De Da Sixiangjia - Guan Zhong" 春秋时代的大思想家 - 管仲, see CCRM, vol. 14, No. 2. Feb., 1981, p.70.

⁴³ GZJJ, "Mumin Pian", p. 1. Translation see Lewis A. Maverick, *Economic Dialogues in Ancient China- Selections from The Kuan-Tzu*, translated by T'an Po-fu and Wen Kung-wen, New Haven: Yale University, 1954, p.31.

⁴⁴ GZJJ, "Mumin Pian", p. 767.

people. A wealthy people reflects a wealthy nation. Hence, enriching the state and enriching the people, in Guan Zhong's mind, meant "one and the same thing." So, what must be done to make the people wealthy and the country wealthy and strong?

In "Zhifen Pian" 制分篇, Guan Zhong said, "One must know the way to become wealthy, then one will be wealthy...one must know the way to be strong, then one will be strong". ⁴⁵ So, he concluded: "To make one's country rich one must follow a certain routine; to strengthen one's country one must adopt a certain method". ⁴⁶

Therefore, Guan Zhong actually saw the needs of the nation and the people; he had envisioned the steps towards prosperity and strength. This was expounded in his views. He said:

"When all the people work in agriculture, the waste lands will be brought under cultivation. When these added fields are cultivated, grain will be plenty. When grain is plenty, the state will be wealthy. With wealth, the state will have a strong army; with a strong army it will be victorious in war; and with victory, its territories will be extended. Therefore, the ancestor king knew that a big population, a strong military force, extensive territories, and a wealthy state all came from

⁴⁵ GZJJ, "Zhifen Pian" 制分篇, p. 505.

⁴⁶ *Ibid.*

an abundance of grain, ... ".⁴⁷

Guan Zhong considered agriculture as the main responsibility of a king. He stated, "providing grain is the basic concern of the sovereign and the most important task of the ruler. This is the way to win the people, the way to rule the state."⁴⁸

So if a king wants his people to obey him, he must undertake to do what is beneficial, and get rid of what is harmful. To Guan Zhong, the "beneficial" thing is agriculture; and "getting rid of the harmful" is prohibition of harm done to agriculture.⁴⁹ From here, the sparks of Guan Zhong's thought were further developed. His wisdom and boldness in planning, designing and implementing the law greatly benefitted agriculture, and what is injurious to agriculture was avoided. Furthermore, through the effective distribution of manpower, material and financial resources,⁵⁰ he was able to organize the whole state in

⁴⁷ GZJJ, "Zhiguo Pian" 治国篇, p. 767. Translation see Lewis A. Maverick, *op.cit.*, pp. 93-94.

⁴⁸ GZJJ, p. 768. Translation see Lewis A. Maverick, p.96.

⁴⁹ "Zhiguo Pian" says: "In short, the ancient kings carefully protected their people from things injurious, and promoted for them things beneficial, and so won the hearts of their people. Promoting beneficial things meant facilitating agriculture; relieving them from things injurious meant prohibiting anything that interfered with farming." GZJJ, p. 768, translation see Lewis A. Maverick, p.95.

⁵⁰ About the effectiveness of distributing manpower, material and financial resources, consult "Haiwang Pian" 海王篇, "Guoxu Pian" 国蓄篇, "Shanguogui Pian" 山国轨篇, "Dishu Pian" 地数篇. See GZJJ.

a proper order, with each person usefully engaged in his own occupation.

The rule of law emphasises effectiveness, through control, and to a certain extent, force or compulsion. By this method, the government must possess the authority to execute rule, otherwise it would be difficult to see the effects reached through the use of "encouragement" and "prohibition". Having failed to achieve the effects, all plans for propriety and strength will ultimately fail, and the country will be doomed to difficulties and will be faced with dangers.

This being the case, "authority" is thus the channel to the end of an effective government, it is not an end by itself. This "authority" is executed from top to bottom, and there is someone at the top to delegate power. The person who delegates the authority has the power to rule, which is to say, that person is the ruler of the nation. Therefore, Guan Zhong said in "Fazhi Pian", "A king is a king, because of his authority...".⁵¹

At the same time, Guan Zhong believed that laws were made by the king based on his discussions with his men, but the authority rested solely with the king,

⁵¹ GZJJ, "Fafa Pian", p. 293.

otherwise, the nation would fall into chaos.⁵² Thus "Mingfa Pian" 明法篇 states: "Authority does not have two homes; policies do not have two sources".⁵³

(iii) The Connection between a Nation's Wealth and its Power

Guan Zhong raised the policy of increasing the nation's wealth because he believed that "wealth" is another source of power. In order to increase the nation's power, the nation's wealth must multiply; to multiply a nation's wealth is to increase productivity.⁵⁴ Guan Zhong suggested that reclamation of agricultural land and the promotion of commercial activity would help to increase the nation's wealth.

Guan Zhong was of the opinion that a king who is wise in management must achieve the following five points:

- (a) widening agricultural land and replenishing the land,
- (b) a court at leisure and a stable government,

⁵² GZJJ, "Qizhu Qichen Pian" 七主七臣篇, p. 828.

⁵³ GZJJ, "Mingfa Pian", p. 751.

⁵⁴ Chen Qitian 陈启天, *Zhongguo Fajia Gailun* 中国法家概论, Taiwan: Zhonghua Shuju, 1970, p. 192.

- (c) enforcing the law strictly and prohibiting personal attachments,
- (d) keeping the warehouses full and the prisons empty,
- (e) appointing only the virtuous and removing the treacherous.

If these five conditions were satisfied, the king would definitely enjoy his reign and be prosperous, the country could use the extra wealth to help or donate to the people in need. So the subjects would be loyal to the king, the whole nation would live in harmony, and the people would know righteousness and treat the king with proper rites and respects. ⁵⁵

Once the country became wealthy, the people led comfortable lives and appreciated rites and righteousness, what would be the effect upon the state's power? Guan Zhong pointed out that once the king was respected, people would understand righteousness and obey the law. The king's position would thereby be stable and all commands would be obeyed. With a wealthy country, a well-ruled nation, and virtuous persons in important positions, all battles would be won, and defence would be strong, then it would not be difficult

⁵⁵ GZJJ, "Wufu Pian" 五辅篇, p.179.

to put the dukes in order. ⁵⁶ From the above, it can be seen that a country's wealth and its power is directly connected to each other.

(iv) The Connection between Military Strength and the Nation's Power

Nevertheless, to become the most powerful nation, one cannot depend solely on wealth; a strong military is also an important factor to the building up of a nation's power. One important reason why Duke Huan of Qi was able to achieve hegemony was due to the fact that apart from his successful internal administration and external relations, he also possessed great military strength. In relating the achievements of Guan Zhong, the *Historical Records* mentions that Guan Zhong "organized the military units, set up the monetary system, and promoted marine products and salt". ⁵⁷ These measures contributed greatly to Qi's wealth and military power. Based on the political principle of "Maintaining internal stability and fighting external invasion" Guan Zhong during the time of his administration in Qi, was able to unite the dukes and defeat the invaders. This move put an end to the problems of internal rebellions within the country and external attacks from the

⁵⁶ *Ibid.*

⁵⁷ "Qitaigong Shijia" in *Shiji*, p. 1480.

barbarians. Consequently, his objective to put the world in order and retain the Zhou civilization was achieved. To attain this long-term objective, Qi had first to build up its own power. From his understanding of the political situation of the time and his political experience, Guan Zhong realized that the basis for Qi's power was to be built upon a combination of stable internal administration, a wealthy economy, a powerful military force and cordial diplomatic relations.

Guan Zhong used "managing the internal affairs while providing military training to the farmers" as a strategy to strengthen the military.⁵⁸ This strategy had successfully organized the people in a systematic and disciplined manner; this meant that people could be called upon to fight as soldiers during the war. The military forces formed by the people in Qi were very powerful indeed. At the height of Qi's wealth and military power, Duke Huan of Qi planned to attack the other dukes, but he was stopped by Guan Zhong who said:

A king should not be greedy for land because if he were greedy for land he would have to train the soldiers to invade the land, and this would make the people tired. When the people are tired, the government would resort to falsehood. When falsehood prevailed, the government would not be trusted by the people, and this would lead to rebellions. When rebellions occur, they would endanger the king

⁵⁸ GZJJ, "Xiaokuang Pian", p. 388.

himself. Success comes with careful planning and deliberation. That is why the people of old who adhered to the teaching of the sage kings, would not compete with one another using military power.⁵⁹

From these words, we recognize that although Guan Zhong emphasized the important relationship between military strength and the nation's power, he did not propose to achieve hegemony through military power alone. Instead, he also emphasized on internal stability and harmonious diplomatic ties with the neighbouring states to achieve power and control.

(v) The Relationship Between Power (Shi 勢) and Hegemony (Ba 霸)

In Guan Zhong's mind, internal stability, good diplomatic ties, and hegemony were closely linked to one another. In the area of internal affairs, Guan Zhong was of the view that whether a ruler could achieve hegemony or not would affect the stability of the society; which is to say, if Duke Huan of Qi became the overlord among the dukes, the nation would be stable.⁶⁰ Where external affairs were concerned, Guan Zhong proposed to gain trust from the dukes. To gain trust from the dukes, one must reform and manage the internal administration well and encourage the people to do good

⁵⁹ GZJJ, "Dakuang Pian", p. 341.

⁶⁰ *Ibid.*, p. 339.

deeds. ⁶¹ Therefore, in strengthening the military, Guan Zhong had strengthened the nation's power and position. The strong military force was not meant to bully the other dukes. Guan Zhong would use military force only to bring about better government in the country. This principle was the basic tenet for bringing order to the whole nation, and the person who sought hegemony should observe this principle. ⁶² Sydney Rosen is of the opinion that Guan Zhong had influenced Duke Huan to assume a role as protector of the Zhou States against the barbarian incursions. He uses the following fact to support his point, namely, in 661 B.C., Guan Zhong had warned Duke Huan that "the barbarians are insatiable", and had called upon him to protect the small city of Hsing, then under attack, in order to defend all the Zhou states. In his opinion, Guan Zhong is quoted as asserting that the Qi ruler had a special role in upholding the house of Zhou and its regulations, and he seemed to have forged a special link between the king and the hegemon. Sydney Rosen also considers that the basis for the legitimate position of Qi as hegemon was the tie between Qi with the House of Zhou. ⁶³

⁶¹ *Ibid.*, p. 342.

⁶² *Ibid.*, p. 342.

⁶³ Sydney Rosen, "In Search Of The Historical Kuan Chung", *Journal Of Asian Studies*, vol. 35, no. 3, 1976, p. 432.

From the relationship between Qi and the Zhou House, it can be seen that the position of Qi as hegemon and the continued existence of the Zhou Dynasty were closely linked to each other. Therefore, in the process to enable Qi to achieve hegemony Guan Zhong not only implemented policies to strengthen and enrich the state, but he also made use of the legitimate position and authority of the Zhou House to consolidate the position of Qi as the hegemon. He used the slogan "honour the king and expel the barbarians" and successfully made use of the name of the son of Heaven to summon and command the feudal lords, to achieve his ultimate purpose of bringing peace and order to the Central Plain.

During Guan Zhong's rule, consolidation of state power was made possible through a combination of a stable government, a strong military force, a prosperous economy, and sanction from the legitimate authority of the Zhou King, thereby greatly facilitating Qi's hegemon status.

A hegemon had a mission to accomplish. He must bear the following ideals in mind, such as influencing and educating the people, changing the common customs which were not beneficial, cultivating the country's land, replacing the old and rotten with something new, promoting prosperity and the people's livelihood.

Finally, the hegemon had to establish equality among the dukes so that they would not bully and annex the states of one another, but would instead submit themselves to the authority of the overlord. ⁶⁴ A ruler who possessed divine qualities "like the glory of heaven and earth that contained everything" ⁶⁵ ,having the semblance of both "the way of the hegemon" (*badao* 霸道) and "the kingly way" (*wangdao* 王道) must therefore execute the many tasks of a hegemon. The tasks include "constantly putting the world in order, reducing the size of large states, correcting the errant states, reducing the power of the stronger states, annexing the rebellious states, and exterminating the violent states." ⁶⁶ The circumstances leading to the so-called "way of the hegemon" and the "kingly way" were not innate. The formation of the hegemon's power required the ruler to continuously build up his state to make it strong and powerful; he should then proceed to uphold justice, "to annex and put in order states which were rebellious, and to eliminate the long-standing abuses." ⁶⁷

In Guan Zhong's view, *Ba* and *Shi* are parallel in meaning. They signify actual strength. To achieve *Ba*,

⁶⁴ GZJJ, "Bayan Pian", p. 439.

⁶⁵ *Ibid.*

⁶⁶ *Ibid.*

⁶⁷ *Ibid.*

one must have Shi first. In Guan Zhong's rule, Shi was achieved through strengthening the military and enriching the state, managing well the internal administration, then it would be strong enough to pursue diplomatic relations with the other states, and by helping the weaker and fallen states, it was able to demonstrate its power, and thereby win their respect and support for Qi, enabling it to achieve the status of a hegemon. After becoming the hegemon, Qi was able to use this status and power to call upon the feudal lords to "honour the king and expel the barbarians". Consequently, by using the name of the Zhou King, Qi became the bonafide hegemon of the Spring and Autumn period.

4. The Rule By Law

(i) The Ruler and Law

Although Guan Zhong emphasized respect for the king, he still based his rule on law enforcement in the country. To do this, he raised the king to the status of "law maker" ⁶⁸ This means that the king had the power to enforce laws freely. It is clear that Guan Zhong's concept of rule by law meant autocracy and that the ruler's power was above the law. However, in his "Renfa

⁶⁸ GZJJ, "Renfa Pian", p. 783.

Pian", he mentioned the equality of law where both the ruler and the subjects, the noble and the humble, must obey the law. ⁶⁹ By this Guan Zhong meant that laws must first be made by somebody; after that there must be people to follow and obey them. Based on the traditional hierarchy, the ruler would be the one who formulated the laws, officials would enforce them, while the people were to follow and obey them. Everyone must submit himself to the law, regardless of his position, so that the country will be well ruled. ⁷⁰

In theory, since the ruler formulated the law, he would be above the law, and does that mean there was to way to restrict his power? According to Guan Zhong's interpretation, the crux of rule by law lay on the fact that the laws and regulations were not only meant to restrain the people and the officials, but were also meant to restrain the ruler who was also the law maker, in order to achieve the stability that came through the enforcement of law. ⁷¹ Thus when Guan Zhong advocated honouring the king, at the same time he also advocated honouring the law; he even considered the latter as more important, saying that laws should not be changed

⁶⁹ *Ibid.*

⁷⁰ *Ibid.*

⁷¹ Dai Dongxiong 戴东雄, *Guanzi De Falu Sixiang* 管子的法律思想, Taipei: Zhongyang Wenwu Gongying She 中央文物供应社, 1985, p.99.

according to the personal desire of the ruler.⁷² One wonders whether Guan's top priority for the law would conflict with his principle of "honouring the king". In actual fact Guan had his reason for doing so. This was because if king made laws as he wished, then people would obey his wishes, which might not necessarily be right and proper. Guan Zhong believed that a good king must set the first example; he must be the first one to observe the law and regulate the institutions.⁷³ For instance, if a king is a paragon of benevolence and virtue, his people would not want to pursue monetary gains and such. Similarly, if a king conducts himself in an impressive and dignified manner to uphold himself, his people will follow suit, and vice versa.

Based on this, Guan Zhong thus set in respective order the concepts of "honoring the king" and "respecting law". What he meant was the law was not greater than the king; the only difference was in the order of their importance. To him, "honoring the king" and "respecting the law" were two sides of the same coin.⁷⁴ Both were equally important and were complementary to each other. The underlying issue was

⁷² GZJJ, "Fafa Pian", p.297.

⁷³ GZJJ, "Zhongling Pian" 重令篇, p. 295.

⁷⁴ Dai Dongxiong says: "Honoring the king and respecting the law are two sides of the same coin and are complementary to each other in Guan Zhong's mind". See Dai Dongxiong, *Guanzi De Falu Sixiang*, op.cit., p. 99.

that the two concepts would promote stability in the country. Thus he said, "...when order is obeyed, a king will be honoured; when the king is honored the nation will then be stable".⁷⁵

honoured

Most scholars believe that a ruler must be the first to observe the law. This is the first criterion of the rule by law, and Guan Zhong really understood this concept.⁷⁶

When Guan Zhong suggested that a king should act according to the law, he did not mean to challenge the power of the ruler. His aim was to rectify the states and responsibilities of a ruler. He modified the traditional concept called "the king's order", and his ideas regarding "honoring the king" and "authority of the ruler" now took on a different meaning. In Guan Zhong's time, they no longer meant blind obedience to authority since the laws were just to everyone.

Since the dynasties of Yin 殷 and Zhou 周, the ruler had been regarded as the Son of Heaven; in other words, he was appointed by Heaven to rule the people.

⁷⁵ GZJJ, "Zhongling Pian", p. 276.

⁷⁶ Mei Zhongxie 梅仲协, "Guanzi De Falu Sixiang Yu Fazhi Zhuyi" 管子的法律思想与法治主义, see Zhang Qiyun 张其昀 and others, *Zhongguo Zhengzhi Sixiang Yu Zhidushi Lunji* 中国政治思想与制度论集, vol. 1, Taipei: Zhonghua Wenhua Chubanshiye 中华文化出版事业, 1961, p.7.

This concept was still widely prevalent during the Spring and Autumn period and the idea of the ruler being Heaven itself was accepted and frequently referred to.⁷⁷ Since the ruler represented Heaven, there derived the idea that, "A loyal minister does not serve two rulers", which indicates absolute obedience to the ruler. According to Zheng Yuanfan 郑原繁 (An officer of Zheng), "A minister is absolutely loyal to his master; this is the system laid down by Heaven."⁷⁸

However, in contrast to the traditional concepts of the time, Guan Zhong served two different masters. He did not die with Prince Jiu, and this violated the concept that a minister had to be absolutely loyal to his lord. Fan Li 范蠡 (An officer of Yue 越 during the Spring and Autumn period) once said: "I have heard that as a minister (who serves his master), when the king is worried, the minister will labour for him, when the king is reviled, the minister will die for him."⁷⁹ Guan Zhong did not die for his lord when the latter was in danger. This also went against the traditional concept. In actual fact, Guan Zhong had his own idea and principle regarding the concept of "loyalty to the

⁷⁷ Li Zhongtong, Wang Yunwu, *Chunqiu Zuozhuan Jinzhu Jinyi*, juan 11, p.543.

⁷⁸ *Ibid.*, juan 3, p.155.

⁷⁹ "Yucyu Xia" 越语下 in *Guoyu, Sibei Beiyao ed.*, p. 7a.

ruler". Baoshu Ya who knew him most told Duke Huan of Qi that Guan Zhong would definitely not accept the offer by Shi Bo 施伯 (an officer of Lu 鲁) to govern Lu, because Guan Zhong was always true to the king he served.⁸⁰ Here his loyalty was not merely directed to Prince Jiu, but also to the previous ruler and the state of Qi. Therefore, Baoshu Ya guaranteed that the devotion given by Guan Zhong to Duke Huan of Qi would be equal to that which he paid to Prince Jiu.⁸¹ Clearly, Guan Zhong's concept of "honouring the king" was used in a broader sense; it covered the people and the state of Qi. Judging from this point, it can be said that the concept of "honoring the king" of the later Legalists differed in principle with Guan Zhong's concept of "honouring the king".

(ii) The Implementation of "Reforming the Ancient"

It has been discussed earlier in this chapter that Guan Zhong's view's were limited by the historical circumstances of his time. His thinking could not transcend his era, and he was inclined to practise the rule of law in his administration.⁸² Nevertheless, Guan

⁸⁰ GZJJ, "Xiaokuang Pian", p. 384.

⁸¹ *Ibid.*

⁸² Wang Xiaobo, *Xianqin Fajia Sixiangshi Lun* 先秦法家思想史论, Taipei: Lianjing Chubanshiye Gongsi 联经出版事业公司, 1991, p. 2.

Zhong did advocate "reforming the ancient" which was emphasised greatly by later Legalists. Although his policy on "reforming the ancient" was not nearly as complete as "the large-scale reforms carried out by the later Legalists", the modifications he made enlightened later scholars in the field.

In "reforming the ancient", Guan Zhong resorted mainly to making new laws to replace existing ones. The new laws he made contained the following characteristics:

(a) Clearly written and publicly announced

The laws that Guan Zhong made were announced to all the people, unlike the former laws which were secretive and unwritten. His intention was to make known to the public what were allowed or prohibited by the laws so as to prevent people from breaking them unknowingly. At the same time, he wanted to ensure that the people needed not be overcautious for fear of breaking the law unintentionally. He knew very well that if the people did not know the law, they would not know what to do and what not to do and would be worried all the time. Consequently, they would lose faith in the ruler, and this would result in chaos in the country. Therefore, he required that the laws be clearly stated and openly announced. He said, "Before a law is enforced, the king

cannot reward a person for it, even if it was found that he was in fact following it, because that would be a preposterous reward by a king...Similarly, before a law is enforced, and punishment is meted out, that would constitute preposterous slaughter by a king..." ⁸³

Therefore, Guan Zhong specifically emphasised the lawfulness and rationale of the laws. All the laws must be written down, and rewards and punishments must be just and complete; then only can the king rule the people. ⁸⁴ He requested the ruler to state the law and its rewards and punishments in detail before implementing certain matters, so that the people would understand what they were required to do. Anyone found guilty of intentionally breaking the laws would be punished. ⁸⁵

(b) Objectivity in his Laws

Human judgement, and standards of right and wrong are often subjective. Therefore, a king's judgement is not infallible. To guard against any misjudgement on the part of the ruler, Guan Zhong proposed that laws should be objective and impartial in nature. He defined

⁸³ GZJJ, "Fafa Pian", p. 292.

⁸⁴ *Ibid.*

⁸⁵ GZJJ, "Lizheng Pian", p. 53.

law as "the formula of the world, the meter of all things".⁸⁶

Since law was the all-guiding principle of the universe, a country ruled by law was one that was not directed by personal feelings and other irrelevant matters. When there was law, there would be standard rules in the country; law-breakers and criminals would not find the opportunity to commit all kinds of misdeeds. A quotation in "Mingfa Pian" reads, "To rule by law is like an action, it is very easy".⁸⁷ Indeed, Guan Zhong likened law to a weighing scale that weighed, a ruler that measured - the measurements were determined by a set standard, and there would be no misjudgement or error in the reading.⁸⁸

(c) Equality in the Laws

To ensure absolute objectivity and balance in the laws, the law must be implemented in such a way that rewards would be given to the deserving, and punishments meted out to the offenders, so that justice would prevail. In this way the people would be loyal to the king and the state, and peace would reign throughout the nation. "Officials will become selfless in their

⁸⁶ GZJJ, "Mingfa Jie", p. 976.

⁸⁷ *Ibid.*

⁸⁸ *Ibid.*

dealings, scholars will not make derogatory comments in private, and people will not whisper words of discontent. In short, everybody will modestly take orders from the higher authorities." ⁸⁹ On the other hand, top officials could carry out judicial duties and act fairly. They would not feel the tasks arduous when they ruled over the nation". ⁹⁰

Even a virtuous king was to be subjected to the rule by law. As the ruler of the whole country, a king was required to "rule by law and not by his own intelligence ". ⁹¹ This idea is stated in "Fafa Pian":

A bright and sharp eyesight and dexterity are not better than inferior compasses and square for drawing round and square shapes; so that an ingenious person can make compasses and square, but he cannot discard compasses and square when he was to draw round and square shapes. ⁹²

Similarly, even though a sage had great intelligence in ruling the state he could not discard laws in ruling a state. ⁹³ This shows that the law (which is objective and just) cannot be substituted by human qualities, no

⁸⁹ GZJJ, "Renfa Pian", p.739.

⁹⁰ *Ibid.*

⁹¹ *Ibid.*, p.737.

⁹² GZJJ, "Fafa Pian", p. 294.

⁹³ *Ibid.*

matter how virtuous they may be. With the existence of law, the injustice done by man can be avoided. To be "equal" means to be "exact" - not more and not less. Therefore, "to be kind but not according to law" is also wrong. Laws must be executed justly and equally.⁹⁴

(d) Flexibility and Suitability of the Laws

At the same time, law as understood by Guan Zhong was not stagnant and unchanging, but flexible and suitable for its time. Being an innovative reformist. Guan Zhong realized that some of the old laws might not be suitable in his days, so he adapted and modified some of the old laws and selected the applicable ones to be enforced strictly throughout the country.⁹⁵ Based on this, he had therefore introduced another characteristic of the laws, which was the suitability of laws. In other words, law was to be changeable and adaptable.⁹⁶ As any changes made were to cater for the needs of the time, there must be a reason for every change made. Therefore, the standard set by law should not be stagnant or it would become rigid and lose its effectiveness. One is reminded of the fact that "The sages are regarded as persons of virtue and goodness because they were able to change according to times, and

⁹⁴ *Ibid.*

⁹⁵ GZJJ, "Xiaokuang Pian", p. 388.

⁹⁶ GZJJ, "Renfa Pian", p.737.

they did not stick stubbornly to their own opinion".⁹⁷
On the other hand, "those who refuse to change, who are rigid, and immovable, will lose their opportunity, and once they lose their opportunity, they will not be able to succeed".⁹⁸

From the above, it can be seen that Guan Zhong was not a person who held stubbornly to the old rules. His flexibility and dynamism reflect on qualities befitting a good Legalist. "Zhouhe Pian" 宙合篇 documents Guan Zhong's work as follows: "A great man does not need to strictly follow the rules laid down by his ancestors, on the contrary he should attempt to change them to suit his time".⁹⁹ This same spirit was upheld by the Legalist school.

(e) Stability in the Laws

While laws should be modified according to times and circumstances, their continuity must be maintained throughout. In other words, laws should not be changed according to our whims and fancies, otherwise they will lose their stability and integrity. Guan Zhong thought that a wise ruler was able to retain his kingdom for a long and prosperous period because he practised the

⁹⁷ GZJJ, "Zhouhe Pian" 宙合篇, p. 197.

⁹⁸ *Ibid.*, p. 196.

⁹⁹ *Ibid.*, p. 197.

following: Firstly, he clearly laid down the law and held firmly to it. Secondly, he forbade his subjects to keep their wealth and power for themselves.¹⁰⁰ To lay down the law and obey it, is to regard law with the highest esteem after having set the law in motion. The ruler should govern the country according to the dictates of law; and not be distracted by other things. Furthermore, the law laid down by the ruler should not be abolished easily, and an order once issued should not be recalled, otherwise it would lose its power. Therefore, the law should be "stable and everlasting like heaven and earth, fixed like the stars in the sky, always shining brightly like the sun and the moon, and reliable like the rotating of the four seasons. Then, the people would obey the law when the ruler commanded them to." ¹⁰¹

(f) Use of force and the Absolute Nature of Laws

Guan Zhong was able to make amendments to the old law in order to suit his times; after that he was able to ensure stability in the laws. In the legislation, all the rules and regulations were stipulated and publicly proclaimed so that the people knew well about them and were therefore prepared to obey them. The use of force in the law could then be effectively carried

¹⁰⁰ GZJJ, "Renfa Pian", p. 738.

¹⁰¹ *Ibid.*, p. 739.

out. As stressed in "Fajin Pian" 法禁篇, as long as the law was operational, the people were not allowed to criticize the government and its policy, but to obey the law. Those sentenced to death must be punished accordingly without redemption. Henceforth, people would be afraid to commit crimes. ¹⁰²

(iii) The Effect Of Law

The implementation of law was mainly to put into practice "reward" and "punishment". "Reward" encourages people to obey the law, "punishment", on the other hand, serves as a deterrent. Reward and punishment would be able to promote law and order in Guan Zhong's concept. Reward people accordingly would encourage them to do good, and the power of law would keep the people under control. Furthermore, the implementation of law, that is, the standard for reward and punishment, should also be modified in accordance with the times and following different rites and customs. ¹⁰³

Law itself has the characteristics of being compact and absolute. However, if law is to function effectively, it is imperative that law should be strictly enforced so that merits are bestowed, and

¹⁰² GZJJ, "Fajin Pian" 法禁篇, p.262.

¹⁰³ GZJJ, "Zhengshi Pian" 正世篇, p.759.

offenders punished. Furthermore, punishment should be stern and heavy while reward should be bountiful. Hence, the effects of law are those engendered from the enforcement of law.

(a) Stability of The State

In the monarchical system of ancient China, the king represented the state since he was considered the supreme ruler. Therefore, the mishaps and blessings of the state were closely linked to the king. Guan Zhong's main purpose in inflicting stern punishment was to make people obey orders for fear of punishment. If orders were respected, the king would be honored, and the state would become stable.¹⁰⁴ Law stabilizes the state mainly because the stiff enforcement of law guarantees that orders are respected. Once orders are respected, the king would have authoritative power, and the officials would revere the king. And, once the order of the king was issued, his officials would carry it out. If the officials enforced law justly, the people would not dare go against the law. Henceforth, there would be no wicked or treacherous elements in the state, and people would not go astray, or fall in with the powerful and influential.¹⁰⁵ The absence of offences and crimes in

¹⁰⁴ GZJJ, "Zhongling Pian", p. 276.

¹⁰⁵ *Ibid.*

the state allows the people to live in peace and harmony, and the state in turn would have the resources to expand its economy, military forces, and education, and become wealthy, strong and stable.

(b) Promoting Social Order

The establishment of law also plays a role in promoting social order in the country. Since man is egoistic, and each tends to see things from a different angle, his view of right and wrong, and good and evil also differs. Also, most men like comfort but dislike labour and hard work; they also like to take advantage of others.¹⁰⁶ Law, being the standard set for the world, therefore becomes the just and fair guideline for ascertaining the true situation and determining right or wrong.¹⁰⁷ It serves to determine the rights and obligations of the people, and to bring about order in the society and state.¹⁰⁸ At the same time, law also serves to cultivate social morality, by teaching people understand how to restrain their desires, respect the

¹⁰⁶ "Nan'er Pian" 难二篇 in *Hanfei Zi*, *op.cit.*, p. 13B.

¹⁰⁷ GZJJ, "Jincang Pian" 禁藏篇, p.847.

¹⁰⁸ GZJJ, "Qizhu Qichen Pian", p. 828.

rights of others, and know and obey the law.¹⁰⁹ It is particularly important during the times when the dukes fought with one another for power, and there was confusion over what was right or wrong, good or evil, that they had law to determine what was right and wrong objectively. When a state was in chaos, the wicked would take advantage of the situation. Therefore, if a legal system was established, the state would have some guidelines to follow, and the wicked would not be able to fish in troubled waters.¹¹⁰

(c) Unification of Thought and Standard for Values

Since the decline of the Zhou dynasty, the various feudal states had fought among themselves to annex one another's territory. Acts of usurpation occurred continually and the barbarians constantly looked for the opportunities to invade the Central Plain. Consequently, the internal administration of various states was thrown into chaos, and the rulers were mostly incompetent and ineffectual. Under these circumstances those incompetent rulers did as their wished, and so did

¹⁰⁹ In this point, the rule by law advocated by Guan Zhong was similar to the rule by rites as advocated by Xunzi 荀子. Xunzi said: "If the people's desires were not clearly demarcated, the people would vie with one another and cause unrest. The ancestor king loathed unrest, so he formulated an etiquette to extinguish it". Its approach was different but the result was equally satisfactorily, as claimed by Guan Zhong, "The law is established to decide the demarcation line, and stop the unrest". See Yang Youjiong, *op.cit.*, p.134.

¹¹⁰ See GZJJ, "Mingfa Pian", p. 751.

the people, who had abandoned practical values in favour of pomposity. The rulers had also abandoned moral values to pursue their own private interests. Finally, the people deserted the law and engaged themselves in malpractices. The rulers also abandoned the (moral) way to pursue trivial interest of little value. As a result, the rulers became perturbed, and the people were perplexed and restless; and so the states remained uncontrolled.¹¹¹ Guan Zhong understood the chaos at that time. Lawlessness had caused the people and the state to lose track of what was right and wrong, or good and bad.

Guan Zhong cited the example of Huang Di 黄帝, who had used law to unify his people and professed to rule the state with law. How would law change people's thinking and moral value? Guan Zhong gave an answer, "Because of the rigorous nature of law, people feared to act unscrupulously, so they turned to good deeds. Law made all people practise humanity and righteousness and obey rites and propriety".¹¹² The restraining and guiding force of law engendered people's thinking and the practice of humanity and righteousness, rites and propriety. So long as the ruler realized the prohibitive power of law, he would, like Huang Di and

¹¹¹ GZJJ, "Renfa Pian", p. 737.

¹¹² *Ibid.*, p. 746.

Yao 尧, be able to make his people live peacefully and observe the law. It can be said that "the law of the state is what the ruler uses to unify his people and to discipline his officials".¹¹³ Thus, what people think or do is regulated or unified by the standards set by law.

5, Conclusion: Guan Zhong and the Legalist School

Up to this point we could possibly make a few conclusions regarding Guan Zhong and his thought. Wing Tsit-Chan has commented: "The term 'Legalist School' did not appear until 90 B.C., but the Legalist movement had been going on for some five hundred years. The first prominent Legalist was Guan Zhong..."¹¹⁴ That means Guan Zhong had enlightened Legalist thinking. Although strictly speaking, no such "Legalist School" existed during Guan Zhong's time, nevertheless scholars after him had compiled his works and expanded on his thoughts. They have put him in a class with other great Legalists of China.

According to Dai Dongxiong 戴东雄, the Legalist movement actually started during the Spring and Autumn Period, and Guan Zhong had served as a great inspiration to later Legalist thinkers. Even around the same

¹¹³ *Ibid.*, p. 746.

¹¹⁴ Wing-Tsit Chan, *A Source Book In Chinese Philosophy*, *op.cit.*, p. 252.

period, Zi Chan from Zheng and Fan Li from Yue 越 also used the rule of law to govern their states. During the Warring States period Legalists such as Shang Yang and Shen Buhai emerged. Then came Han Fei who epitomized the thoughts of the Legalist school. Legalist thinking occupies an important position in the ideological history of China. Looking back, we can indeed trace the source of China's Legalist thought and movement to Guan Zhong . ¹¹⁵

¹¹⁵ Dai Dongxiong, *op.cit.*, p. 18-19.