

# Beyond Morality: Han Fei's Unconventional Insights Into Human Nature

ZHANG Wenhao

China Foreign Affairs University, Beijing, China

Han Fei presented a thought-provoking perspective on human nature and its implications for governance. Departing from traditional moral doctrines, Han Fei's "non-moralistic" philosophy posited that human nature is inherently self-interested and driven by personal gain. In this paper, we explore Han Fei's keen insights into human nature and its practical application in political governance. His emphasis on aligning political strategies with human inclinations, rather than relying solely on moral preaching, highlights the complexity and pragmatism of his approach. However, we also examine the limitations of his philosophy, particularly in disregarding individual differences and idealism. By striking a balance between political expediency and moral considerations, Han Fei's ideas continue to resonate with contemporary discussions on governance and human behavior. This study calls for a reflective and cautious assessment of the implications of Han Fei's "non-moralistic" thought in today's society.

*Keywords:* Han Fei, non-moralism, political primacy principle, human nature, political governance

## Introduction

"People are swayed by affection and responsive to authority... When the people do not violate the law, there is no need for punishment" ( "民固驕於愛，聽於威矣。……民不犯法則上亦不行刑。" —《解老》 ). In the labyrinth of political philosophy, Han Fei's provocative utterance rings with profound truth. Rooted in the very core of human nature, this statement captures the essence of Han Fei's "non-moralistic" approach to governance. In the tumultuous times of ancient China, where self-interest often took precedence over benevolence, Han Fei sought to strip away the veil of idealism and confront the stark reality of human desires. His quest for pragmatic solutions to the complex interplay of power and ethics resonates with modern challenges, challenging us to reexamine the relationship between politics and morality.

Within Han Fei's political discourse, we encounter the intricate web of "self-interest" and "benevolence". He astutely observes that while individuals may be driven by their innate pursuit of personal gain, their behavior can be swayed by the looming presence of authority. In such a context, the alignment of individual self-interest with the interests of the ruler becomes essential for societal order. As he aptly notes, "If there is no harm, then ordinary things will not be abandoned; if there is a risk of punishment, then one will not dare to take even a hundred units of profit" (不必害，則不釋尋常；必害手，則不掇百溢。 —《五蠹》 ) (Hou, 2023, p. 162). In this context, laws and regulations serve as the external constraints that channel individual desires towards the greater good, forming the backbone of Han Fei's political philosophy.

Han Fei's emphasis on the primacy of politics over morality challenges the prevailing Confucian idea of "rule by virtue". For him, the lofty ideals of benevolence and righteousness often clash with the realities of governance. He warns against relying solely on moral persuasion to govern a state, as individuals may yield to their baser instincts when temptation arises. Instead, he advocates for a pragmatic blend of power and ethics, where rulers must wield authority wisely to guide their subjects along the path of order and stability.

To comprehend Han Fei's vision fully, we must acknowledge the harshness of human nature and its proclivity for self-preservation. In this intricate dance of "favour (人情)" and "interest (利益)", Han Fei dissects the intricacies of human behavior and lays the groundwork for a political system that embraces human nature rather than seeking to transcend it.

This essay focus on the heart of Han Fei's political philosophy, exploring how his "non-moralistic" approach presents a compelling alternative to traditional moral doctrines. As we navigate through the complexities of his ideas, we shall bear in mind his keen understanding of human nature, the delicate balance of power and ethics, and the role of laws in shaping a stable society. Through this analysis, we hope to shed light on the enduring relevance of Han Fei's insights and provoke a thoughtful contemplation of the intricate relationship between politics and morality in the pursuit of effective governance.

### **Interpretation and Analysis of Han Fei's "Non-moralism"**

Han Fei's "Non-moralism" is centered on a profound insight into human nature and a rethinking of the relationship between politics and morality. He believes that human nature inherently inclines towards self-interest, driven by basic physiological needs. The pursuit of self-interest is rational, and this "self-beneficial (自利)" nature is universally present in society (Li, 2015, p. 26). Therefore, he advocates that in governing a country, one should fully recognize the essence of human nature and combine political means with human "self-beneficial" behavior, using external measures such as rewards and punishments to guide people's actions.

Han Fei explicitly points out in "Neichushuo Shangqishu" that in the land of Jingnan, where gold is produced in flowing water, many people steal and collect gold. Despite the prohibition, people continue to steal gold ( "荆南之地，丽水之中生金，人多窃采金。采金之禁，得而辄辜磔于市甚众。壅离其水也，而人窃金不止。" —《内储说上七术》) (Wei, 2012, p. 41). This passage clearly illustrates the widespread existence of the "self-beneficial" nature among humans, indicating that even under legal norms, people find it difficult to resist the temptation of pursuing private interests. Therefore, Han Fei believes that "if the people do not violate the law, there will be no need for punishment" ( "民不犯法则上亦不行刑" —《解老》). This embodies the core idea of his "non-moralism" thought. He maintains that politics and morality are distinct domains, and political operations should not solely rely on moral constraints and norms. Instead, political means are more practical and effective, guiding human behavior through the formulation of legal norms.

However, Han Fei's view does not seek to negate morality itself. He advocates the use of political means to guide human behavior, but not to indulge in people's selfish desires. He opposes the indulgence of "the masses" in unlimited desires and instead advocates that "sages" can restrain themselves, adopt moderation, and have their own standards of choice, attaining a detached state (Wang, 2008, p. 225).

In "Neichushuo Shangqishu", Han Fei reiterates, "If the ruler adheres to the law and regulations, and the craftsman follows the rules and measurements, then there will be no errors" ( "使中主守法术，拙匠执规矩尺寸，则万不失矣。" —《内储说上七术》) (Zhang, 2006, p. 65). He believes that laws and regulations are effective constraints on "self-beneficial" behavior, rather than influencing human behavior through moral

preaching. Only through political means can one regulate human behavior and ensure social order stability and long-term stability of the state.

In the following section, we will further explore the strengths and weaknesses of Han Fei's "non-moralism" thought and critically examine its applicability in modern society.

### **Limitations of Han Fei's "Non-moralistic" Thought**

Han Fei's "Non-moralistic" thought challenges the conventional Confucian approach to governance, advocating for a pragmatic political system guided by law rather than moral values. While this perspective offers valuable insights into effective governance, it also exhibits limitations that warrant consideration.

Han Fei's emphasis on the "normalcy" of the majority in society risks overlooking individual differences. As he asserted, "People are generally arrogant in their love and responsive to intimidation... If the people do not violate the law, there will be no executions" ( "人固骄於愛，聽於威矣。……民不犯法則上亦不行刑。" — 《解老》 ) (Wang, 2010, p. 22). This approach oversimplifies the complexities inherent in human nature and behavior, neglecting the rich tapestry of individual motivations and aspirations.

Furthermore, Han Fei's treatment of transcendent individuals, such as "superior persons" and "inferior persons", raises questions about fairness and potential abuse of power. He advocated for a strong approach to eliminate those who defy social norms: "If one does not need to harm [others], one will not release ordinary criminals; if one needs to harm [others], one will not catch those who steal a hundred times the amount" ( "不必害，則不釋尋常；必害手，則不掇百溢。" — 《五蠹》 ). While aiming to incentivize conformity to social norms, this approach may promote elitism and social division.

While Han Fei advocates a "Non-moralistic" governance model, he does not reject morality entirely. Nevertheless, his skepticism towards the Confucian notion of "prescriptive" morality may risk undermining the role of moral values in shaping social norms and ethical conduct (Ying, 2009, p. 464). "Make the ruler adhere to the methods of law, just as a clumsy craftsman holds fast to rules and measurements, then nothing will be lost" ( "使中主守法術，拙匠執規矩尺寸，則萬不失矣。" — 《內儲說上七術》 ). This shows his recognition of the importance of law and regulations in guiding human behavior.

The interplay between legalism and morality is essential. Han Fei acknowledges the necessity of law and regulation to guide behavior, but effective governance requires a balance between pragmatic political measures and moral values. His emphasis on the significance of political tools to harness human desires does not negate the relevance of ethical principles (Yu, 2006, p. 26). "Hence, a wise ruler controls people's emotions without relying on their hearts, steers people's desires without using their words, follows what hurts people to achieve his ends without using what pleases them" ( "故明主制人之情，不待人之心，引人之欲，不用人之言，順人之所痛，不用人之所樂。" — 《顯學》 ) (name, year, p. 64).

### **The Political Primacy Principle and Its Critics**

"Non-moralistic" thought, as expounded by Han Fei, does not seek to deny morality itself. Rather, it aims to achieve a "moralistic" social order through the means of "Non-moralistic" governance, rejecting a form of "moral politics" and advocating the separation of politics and morality. Han Fei's "Non-moralistic" approach does not reject the concept of morality entirely; rather, it challenges the Confucian "prescriptive" form of morality, which lacks concrete standards and practicality. Scholars have pointed out that Han Fei's views on the loyal minister, fairness, and justice encompass rich elements of "moralism".

Some scholars argue that Han Fei's faction opposed Confucian moral teachings from a pragmatic perspective. Their attack on benevolence and righteousness did not advocate disloyalty or unfilial conduct, nor did they promote immorality. Instead, they rejected the use of moral teachings as a means of governance. The fundamental characteristic of Confucian thought lies in its emphasis on moral politics, advocating governance based on virtue, and the governance of the world can be effectively managed with benevolent governance. Han Fei's opposition at that time targeted the Confucian "continuous thinking" embodied in the "rectification, cultivation, governance, and tranquility" political model. His "Non-moralistic" approach served as a tool to sever this "continuous thinking", with the ultimate goal of establishing the "political primacy principle" relative to morality.

The "political primacy principle" contains two main aspects. Firstly, political judgments regarding state affairs should not be based on moral value judgments. Moral value judgments are rooted in the "prescriptive" and "public opinions", while political operations are based on the "inevitable" and "public opinions". The "prescriptive" cannot replace the "inevitable", hence the legalists' opposition to "moral politics". Scholars have recognized this point with profound insights, praising Han Fei's "political philosophy" as a premodern form of purely political thinking, establishing a "political philosophy" with modern implications. Secondly, the concept of "private" has a relative "independence" when it does not violate the rule of law. The legalists emphasize "separating the public and private" and "contrasting the public and private". However, when acknowledging the reality of human pursuit of self-interest, Han Fei did not simply demand that subjects abandon or restrain their pursuit of private interests to serve the ruler (Ge & Qiu, 2012, p. 110). Instead, he believed that it was unnecessary to change individuals' inherent inclination towards "acting for oneself" or deny the pursuit of private interests. Instead, he proposed utilizing the means of interest guidance to align the consequences of individual "acting for oneself" behavior with serving the ruler's interests for the benefit of the sovereign.

### Conclusion

Han Fei's "non-moralistic" ideology explores the essence of human nature and the art of governance. He candidly acknowledges the inherent self-interest in human beings and advocates using political means to guide their behavior. However, this does not entail a rejection of moral values; instead, it critiques the traditional Confucian moralistic approach to politics. In the modern world, we should approach his ideas with caution, recognizing their limitations, particularly in neglecting individual differences and idealism. Striking a balance between politics and morality becomes paramount to achieving social harmony and stability.

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