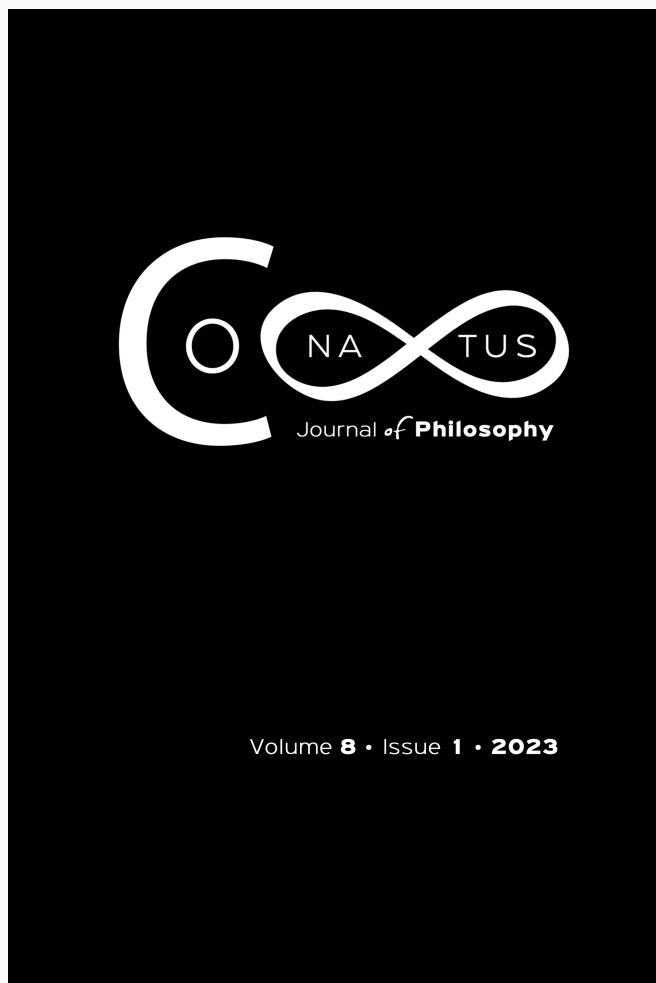


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# Political Realism in the Chinese Warring States Period and the European Renaissance: Han Fei and Machiavelli

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## **Abstract**

*This article presents the basic similarities and differences between the Political Realism of Niccolò Machiavelli in the 15<sup>th</sup> century A.D., i.e. during the Renaissance in Europe, and the Chinese Legalism of Han Fei in the 3<sup>rd</sup> century B.C., during the Warring States period. It could be supported that Political Realism and Political Legalism share numerous elements that bring them closer rather than apart. The fundamental works written by the main representatives of these two political doctrines, namely the Prince by Machiavelli and the Han Feizi by Han Fei, are addressed to living political leaders, specifically Lorenzo de' Medici and the governor of the Hann state in the Warring States historical period (476-221 B.C.) respectively. Both philosophical movements emphasize the importance of statesmanship in a ruler and reject the idealistic approach to politics. Machiavelli and Han Fei do not promote a cruel leadership, but straightforwardly condemn morality alone as insufficient for the establishment of a state. Both of them try to replace previous models of virtuous political philosophy – that of classical antiquity in the case of Machiavelli and that of Confucianism in the case of Han Fei – with a new notion of political correctness which takes into account the urgency of the moment and ensures political stability.*

**Keywords:** *ruler; statesmanship; human nature; political realism; legalism; daoism; morality; laws; History; ministers; aristocracy; necessity; ruthless governance; “two handles;” non-action form of governance; “wu wei”*

## I. Introduction

In this essay, the basic tenets of western Political Realism which Machiavelli represents will be presented as well as the tenets of ancient Chinese Legalism, as they are mainly advocated in *Han Feizi*, the most important text of Legalism along with the *Book of Lord Shang*. After presenting what these two philosophical movements stand for, this paper will endeavour to shed light on how these two movements, separated by nearly 1750 years, came to support the theory of Political Realism or else “Realpolitik.” We will examine why these movements developed and, also, what discriminated them from the prevailing notions of rulership of their times, i.e. what these two movements had the purpose to promote regarding the qualities and virtues a ruler should possess. Many, mostly non-specialists but not only, tend to describe the leader who is a Political Realist as a villain, caring only for the goals he achieves no matter what means he uses to achieve them. This work aspires to show that this accusation is erroneous, not only for Machiavelli but also for Han Fei. Both philosophers strive to formulate a new notion of political correctness rather than condemn the ideals and purposes conventional politics stand for. But does this mean that Machiavelli and Han Fei share the same view on what an ideal prince should be like?

The doctrines of Machiavelli and Han Fei have justifiably caught the attention of many scholars of philosophy and political science around the world, both in the West and the East. It is widely held, that both Han Fei and Machiavelli have very similar views about the ideal leader they want their reader to be (as they both address their texts to the ruler of a state) and this is a thesis this work adheres to. Indeed, many researchers have pointed out that both thinkers’ outlook on humanity is very similar since they see people as self-centered beings. Therefore, a ruler should not trust them, he should be relentless, punishing anyone, no matter his social status, for violating the laws; and he should distribute rewards to those who contribute to the state’s prosperity. But this does not signify that differing elements do not exist in either man’s thinking and this paper will present some of them.

Some perspectives that have affected the frame of mind of Han Fei and Machiavelli have not been thoroughly debated. This study puts forth that the Political Realism of both men is inextricably linked to each one’s historical background. Machiavelli (1469-1527) lives during the Renaissance, a period in the history of humanity which is marked by magnificent achievements and innovations in various fields of study, but the situation in the political domain, especially in Italy, looks

ominous. The Republic of Florence, which Machiavelli comes from, has been subjugated to king Charles VIII of France (1494), the religious leadership of Girolamo Savonarola has failed and, generally, all the major Italian city-states constituting the Italic League, will be annexed by France, Spain and the Holy Roman Empire by 1530. Therefore, the groundbreaking thought of Machiavelli is inextricably linked with this historical context and the failure of Humanism and Christianity to provide some solution in the matter of political instability.

Moreover, Machiavelli is not a priori prejudiced against malevolent human nature, he is led to this conclusion by what he experiences. He criticizes the moral probity that Humanism and Christianity promote, because it cannot bring political peace. If the political situation was as prosperous as the Arts at the time, there would be no need for such emphasis on authoritarian governance. Humanistic ideals fail to take into consideration the self-centered, inherent drives of human nature and offer no fail-safes if these inducements prevail over moral principles. What he alludes to is that the principles of politics a ruler adheres to, should be constructed upon an ideal, a moral code, different from that of common individuals.

In other words, what Machiavelli means is that what is considered to be right in politics according to humanistic and Christian ideals does not always have to coincide with what is right according to political ideals, even though this does not mean that these two must always diverge. Machiavelli's precepts undoubtedly have an authoritarian air, in accordance with the standards of the time, but they are not totalitarian as they aim for the achievement of political stability.

Han Fei, like Machiavelli, is influenced by the historical events in ancient China. He comes from a noble family of the Hann state, the smallest of seven kingdoms during the Warring States period (476-221 B.C.) who continuously fight among them. Therefore, it cannot be a coincidence, that the call for a political doctrine like Political Realism arises when societies are forced by need to put to the test a different form of government, since if they remain inactive, destruction is imminent.

This essay also aims to criticize the belief that Political Realism is often supposed to adhere to the motto "the end justifies the means." As far as Machiavelli is concerned, this seems pretty unfair. If the teachings of Humanism and Christianity cannot be put into effect, what options are there? Machiavelli does not disagree with these ideals; he only tries to fill the gap in case of non-realisation. Besides, if, as he claims, people tend to be opportunistic by nature, then rulers are no exception and they can be

even more self-centered than common people. If by chance a rapacious or sadistic leader managed to secure political stability, Machiavelli would probably not congratulate him. It would then be irrational to devise a compendium of qualities that a ruler should possess such as the princely virtue. The model of a consummate prince for Machiavelli is normative and the holder of governmental authority should entirely abide by its rules. Otherwise Machiavelli would not condemn policies such as those of Agathocles of Syracuse, much more so, since Agathocles was highly capable, intelligent, and effective.

On the other hand, Han Fei cannot be accused of only caring for the maximum accumulation of power, as he is often criticized. Han Fei's attitude towards leadership is more ruthless than Machiavelli's, but his call for the reinforcement of laws has to be taken into account. Since a universally accepted legal system did not exist in ancient China and the laws were only known to the nobles, they could easily circumvent them. Besides, the traditional way of government in ancient China relied exceedingly upon ministers and high-ranking officials, so phenomena of corruption and nepotism could appear quite frequently. Confucianism proclaimed the appointment of righteous officials who could moderate the king's harshness and guide him towards a fair and benevolent exercise of power (Confucius himself held a leading governmental post for some time) but this didn't always happen. So Han Fei's call for authoritarian rule stems from political corruption perhaps to a greater extent than in Machiavelli's case.

Even if he presents a more stony figure of an ideal ruler, Han Fei clearly denounces the accomplishment of the desirable results as the ultimate purpose. He does not encourage the head of the state to solely aim at the enhancement of his power; on the contrary, we see a remarkable sense of duty. He definitely supports a more normative model of governance than Machiavelli but this is due to his Daoist influences. Han Fei believes that by detaching himself from human passions, the prince will reach a level of serenity and possibly enlightenment, which will lead him to transcend human nature, adjust his leadership to the rules the Creator used to shape the cosmos and celestial perfection, and perceive the Heaven or "Dao" (a term contiguous in a way to that of Logos in ancient Greek and Western philosophy). Therefore, this paper supports that Legalism does not describe a tyrannical institution nor an unscrupulous ruler, because Han Fei is trying to put together a set of precepts not only equivalent to the princely virtue of Machiavelli, but also much more difficult to attain.

Thus, the existence of a Legalist ruler with subordinates, who through the publication of laws will endeavour to emulate his stance, could

seem an unachievable goal but that is no reason to interpret the stern spirit of Legalism as despotic. J. G. A Pocock characteristically speaks for Legalist utopia, if the Legalist doctrines were to be implemented. Eventually, there would be no need for authoritarian leadership and retributions since people would invariably obey the laws, which would become mechanical, as would the authority of the ruler, and then, the appropriate governance could be carried out by either a fool or a sage with no obvious difference.<sup>1</sup>

This essay will also focus on the differences between Legalism and Machiavellianism which are not often analysed. Machiavelli is not influenced by a philosophical theory like Taoism. Thus he does not embrace the non-action way of governance (*wu wei*), but urges his ruler to be energetic and proactive, adjusting himself to the vagaries of fortune. Han Fei does not show an interest in fortune since – for him – the world is affected by the “*Dao*” which determines the path of nature. Han Fei is more preoccupied with the consolidation of a system of meritocracy, since the ministers retain a role of paramount importance in public administration and especially since Han Fei has not witnessed an alternative way of governance, like the Republicanism Machiavelli has. Han Fei also unequivocally rejects the imitation of successful rulers of the past, while Machiavelli holds admiration for ancient Rome and considers that its path to glory should be taken into consideration. Also, Han Fei does not hesitate to severely and openly criticize the nobility of his era, which Machiavelli refrains from. Finally, both philosophers place the human soul under scrutiny, endeavouring to construct their view of the world on the profound and obscure incentives of the psyche of man.

Consequently this article will show that Political Realism does not favour the ascendancy of a despotic ruler to power. It rather seems that rulers according to this philosophy of politics should be more selfless than selfish, which reminds us of Plato’s claim in *The Republic* that: “the gold and silver of mortals is unnecessary to those who have gold as a divine gift in their souls.”<sup>2</sup> There is also an effort to prove that the cruel kingship of Qin Shi Huang does not illustrate in the best fashion the ideals of Legalism. Although Qin Shi Huang was deeply inspired by the teachings of Han Fei and managed to unite China (221 B.C.) his ruthless attitude did not secure lasting stability and Qin was one of the shortest-lived Chinese dynasties. It will further be proposed

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<sup>1</sup> John Greville Agard Pocock, “Ritual, Language, Power: An Essay on The Apparent Political Meanings of Ancient Chinese Philosophy,” *Political Science* 16, no. 1 (1964): 20.

<sup>2</sup> Plato, *The Republic*, 416e.

that the emperor who most suitably embodied the ideals of Legalism concerning kingship was Taizong of the Tang dynasty or else Li Shimin (598-649 A.D.), who managed to balance his policies in a way that earned him the acknowledgement of his greatness both by his people and history.

## II. The exercise of political power from the legalistic and Machiavellian perspective

Han Fei's tenets are widely considered to be similar to Machiavelli's, since both philosophers throughout their work are preoccupied with the conservation and consolidation of political power, providing advice to their heads of state so as to achieve these goals.<sup>3</sup> They both urge their princes to set as a priority the maximum benefit for their country basing their advice on Utilitarianism and Political Realism rather than Idealism.<sup>4</sup> Legalism bitterly attacked Confucianism as the latter proclaimed that moral integrity and compassion are the proper capabilities a ruler ought to have. Instead, Legalism argued that the accumulation of power in one person, with everyone else in the state pledging allegiance to this person, was far more important,<sup>5</sup> just as Machiavelli did when he opposed to the ideas of his humanistic contemporaries.

Machiavelli points out the necessity for a leader to gain the approbation of his people as a subject of paramount importance. This should occur even if the rise to power is not attained with the aid of the laypeople but with that of the nobility. Therefore, even a prince abhorred by his realm must protect his subjects because this will persuade them to embrace him as a ruler. Still, Machiavelli claims that a ruler's fair attitude towards his people is not enough to guarantee his stay in power. He uses historical examples to solidify his precept among which the famous example of Gracchi brothers.<sup>6</sup> These brothers had committed a huge mistake by associating the people of Rome with the Greek "demos," when the latter had far more responsibilities than its roman counterpart who, consequently, could not be trusted.<sup>7</sup> Even

<sup>3</sup> Han Fei Tzu, *Basic Writings*, trans. Burton Watson (New York, and London: Columbia University Press, 1964), 4-5.

<sup>4</sup> Xing Lu, "The Theory of Persuasion in Han Fei Tzu and its Impact on Chinese Communication Behaviours," *Howard Journal of Communications* 5, nos. 1-2 (1993): 111.

<sup>5</sup> Wing-Tsit Chan, *A Source Book in Chinese Philosophy* (Princeton, NJ: Princeton University Press, 1969), 251-252.

<sup>6</sup> Niccolò Machiavelli, *The Prince*, trans. Harvey Mansfield (Chicago, and London: Chicago University Press, 1998<sup>2</sup>), 40-41.

<sup>7</sup> John Clarke Stobart, *The Grandeur that was Rome* (London: Ballantyne Press, 1912), 86.

though the Gracchi always acted in favour of the plebeians and the weaker, they failed to take into consideration the corruption and gullibility of human nature, which brings the necessity for authoritarian rulership into perspective. Thus, having misjudged reality, the Gracchi remained attached to their idealistic approach to politics and always acted according to what ought to happen and not what was the actual case, which led to their fall from grace and death.<sup>8</sup>

Therefore, according to Machiavelli, if a future ruler wants to ascend to power, he has to watch out for the reaction of the mob. Apart from those who have acquired multiple privileges from the previous government and will presumably feel threatened by the new order, a ruler has to fear those who were not favoured by his predecessor too. Radical reformations must be prepared before the ascendancy of a new leader because people may see an innovator as a criminal even if the majority will profit in time. The followers of a reformer will fade away if there are no immediate results, as people tend to be incredulous and not believe in things they cannot experience first hand.<sup>9</sup>

As far as Legalism is concerned, the formation of a concrete legal code will set some objective standards which will judge all actions performed by anybody, either laypeople or nobles, as permissible or unacceptable. If the laws are formed upon the ideal of justice and social order and everybody obeys them, the constant political turbulences of the past will gradually fade away and sociopolitical tranquility will be attained. Hence, the ruler will be able to control his subjects with this rationalistic system and also strengthen his kingdom financially, politically, and militarily according to necessity and current events.<sup>10</sup>

The consolidation of a universal legal system will also shed ample light on people's and, especially, ministers' behaviour. For that system to become established, objectivity and strictness are required. All subjects must be addressed as equals, regardless of their social status, in order to eliminate any chances of corruption and manipulation.<sup>11</sup> The inherently villainous human nature should be constrained by laws, as, if it remains unbridled, the destruction

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<sup>8</sup> Ibid., 87-90.

<sup>9</sup> Catherine H. Zuckert, *Machiavelli's Politics* (Chicago, and London: The University of Chicago Press, 2017), 58.

<sup>10</sup> Benjamin Isadore Schwartz, *The World of Thought in Ancient China* (Cambridge, MA, and London: The Belknap Press of Harvard University Press, 1985), 328-329.

<sup>11</sup> Lundahl, 141.

of human society will naturally ensue. If laws work this way, the “Tao” will become one with human life and will open the path for the reconciliation of man and nature.<sup>12</sup>

Another function of the law is the evaluation of inferiors by the superior, the prince, so that their compliance with his orders and the stability of the state can be guaranteed. Moreover, a series of tests would prove the abilities of ministerial candidates as a simple interview is not sufficient to ascertain someone’s suitability for a high office. An individual’s progress in the hierarchy would be gradual, beginning from minor positions, which is the only way to test the virtue of the man.<sup>13</sup>

But the laws also have a penal character, so that the administration of punishment is commensurate with the committed crime. Shang Yang, one of the prominent figures amongst Legalist thinkers before Han Fei, devised a penal legal code for the state of Qin nearly a century before Han Fei’s writings. These reforms transformed a minor state into a superpower that dominated all the other kingdoms and brought China under the rule of one king. The establishment of a concrete legal system was innovative in the 4<sup>th</sup> century B.C. in ancient China.<sup>14</sup> The conviction that Shang Yang’s reforms were the most significant event during the Warring States period is widely held in academia. He abolished the privileges of the nobles and enhanced the status of peasants by creating a system based on rewards and punishments according to the worth of individuals. Thus, as a Legalist himself, he politically consolidated the monarchy’s standing and set the foundations of the first Chinese state in history.<sup>15</sup>

One of the few but major differences between Han Fei and Machiavelli is the emphasis on laws. Indeed, Legalism promotes the publication of the laws as it was not something obvious in 3<sup>rd</sup> century B.C. ancient China. The significance of making laws intelligible for the laymen is stressed as people should be aware of their obligations. Hence, there is care for the compliance with the philosophy of law, as enforced submission to laws would have a vindictive and exploitative character instead of enlightening people according to the “Way” (as mentioned in *Han Fei Tzu* a term related to Dao) the ruler follows. In consequence, Legalism complies with the Western philosophy of law

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<sup>12</sup> Jan Julis Lodewijk Duyvendak, “Études de philosophie chinoise,” *Revue Philosophique de la France et de l’Étranger* 110 (1930): 406.

<sup>13</sup> Lundhal, 141.

<sup>14</sup> Karyn L. Lay, *An Introduction to Chinese Philosophy* (Cambridge: Cambridge University Press, 2008), 175.

<sup>15</sup> Shouyi Bai, *An Outline History of China* (Beijing: Foreign Language Press, 1982), 97-98.

influenced by Cesare Beccaria's statement that punishment ought to have a correctional and paradigmatic manner rather than a retributive one.<sup>16</sup> This is important to note, because it is clear that Machiavelli does not focus on the consolidation of a legal system, as it was obvious for the survival of a country in the 15<sup>th</sup> century A.D. However, the immense growth of the Chinese population and the constant fighting led people to realize that the elucidation of inviolable rules was a prerequisite for political stability.

On the other hand, *Han Feizi* makes clear that laws require a punitive but not vengeful spirit. Governmental laws must take into consideration the ideal of natural laws, which embody nature's impassivity. In this way, political authority will be exercised in an impersonal fashion. Via the consolidation of a legal system and the strict punishments it merits out, Han Fei tries to set an objective standard of what is right or wrong.<sup>17</sup> Thus, the use of the "two handles" is a way to curtail human impulses, making people realize that they should strive for collective and not individualistic welfare. Especially in times of need, like third century B.C., when a dramatic dearth of goods has come about, laws are the only means left to secure the survival of a nation,<sup>18</sup> after the failure of conventional moral theories like those of Confucianism.

The essence of the penal laws is often misunderstood and perceived as vindictive, but it simply does not provide political immunity to offenders belonging in the aristocracy, treating every citizen with egalitarianism. The noble's monopoly on land ownership can cease, as it provides individual and not collective benefits, which could be exploited in order to strengthen the state.<sup>19</sup> In a nutshell, penal law is the only way to enforce law and discipline. Punishment aims only at making people obey a law they would not naturally obey. Even if people consciously want to abide by the law, their nature subconsciously drives them away from this. Hence, retribution is intended to fix this natural malfunction as both Han Fei and Machiavelli believe.<sup>20</sup> As it

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<sup>16</sup> Peng He, "The Difference of Chinese Legalism and Western Legalism," *Frontiers of Law in China* 6, no. 4 (2011): 660.

<sup>17</sup> Albert Galvany, "Beyond the Rules of Rules: The Foundations of Sovereign Power in the *Han Feizi*," in *Dao Companion to the Philosophy of Han Fei*, ed. Paul R. Goldin, 87-106 (Heidelberg, New York, and London: Springer, 2013), 103.

<sup>18</sup> Anne Cheng, *Histoire de la pensée chinoise* (Paris: Editions du Seuil, 2015), 340.

<sup>19</sup> Schwartz, 332.

<sup>20</sup> Eirik Lang Harris, "Han Fei on the Problem of Morality," in *Dao Companion to the Philosophy of Han Fei*, ed. Paul R. Goldin, 107-134 (Heidelberg, New York, and London: Springer, 2013), 121.

is clear, Machiavelli proposes a moral ideology separate from the existing one, but Han Fei tries to establish a system, with specific and unbending laws, that will be universally accepted and will offer a new moral standard. He wants to establish a powerful ethical code and he criticizes Confucianism for not offering the solid foundations for a legal system but rather a well-meaning yet inept morality.

Additionally, Han Fei severely criticizes dictatorship, like Machiavelli, because it is an impermanent solution and opportunist leaders who resort to it further their own ends, breaking valid laws and throwing their country into turmoil. However Machiavelli focuses more on the mob as a mass than Han Fei; the latter pays more attention to the ministers and main associates of the ruler, which does not mean that Machiavelli disregarded criticizing the ministers. For both political theorists, it is indisputable that the phenomenon of incessant intrigue and machinations is responsible for administrative turbulence. Han Fei mentions nepotism to refer to the endemic corruption that had been created by the most powerful families of the country through the forging of alliances between them. Thus, it is crucial for a ruler to designate his collaborators in leading positions not according to their reputation, wealth and social status, but according to their qualities since they must follow their leader's orders. The administrators ought to be characterized by moral integrity since the imperial court is full of conspirators who protect only their patrons' interests rather than their emperor's. Han Fei makes it clear that his era demands such behaviour.<sup>21</sup>

If the legal constitutions represent the ultimate force of nature (i.e. the "Tao"), they are the only ones with the power to constrain the king's authority, chiefly in the case of a dictator, who rules selfishly. Legalistic laws and Shang Yang's measures altered the nobility's monopoly of power by giving peasants lands since they became part of the national army so they could not be subjugated by force. Also the publication of laws made everyone aware of them and the crimes committed could not be legitimized by anyone falsely claiming to act in the name of the law, when in reality was prompted by vile motives.<sup>22</sup>

By urging a ruler to preserve energy and remain imperturbable, Han Fei endeavours to transfer a part of the ruler's energy to his ministers. But rather than maximizing the chances of the ruler being deceived by them, he proposes a clever way to keep them occupied in favour of the state. Without even uttering a word, this ruler will own a way to make his country as functional as possible. So, a ruler accepts the proposals

<sup>21</sup> Han Fei, 22-24.

<sup>22</sup> Marcel Granet, *La pensée chinoise* (Paris: Editions Albin Michel, 1968), 271.

of his ministers – instead of solving the problems by himself – and when they are successful, he rewards them, but when they fail, he punishes them. The enlightened ruler is never extravagant either in his awards or his penalties. This way, none of the ministers will neglect their duties or think that their master is vulnerable, which will make them attempt to earn their ruler’s favour and will place obstacles to future selfish behaviours.<sup>23</sup> Similarly in Machiavelli’s criticism of Agathocles, it is obvious that the comportment of a king can be an inducement for his subjects to embrace moral standards.

Ministrial duties are precisely determined. The government executives are nothing more than representatives of the prince, holding no authority over him since they are his subjects. Their main role is to obey orders unquestioningly. Additionally, the publication of laws makes it possible to punish their infringements. Any form of initiative under any sort of justification by anyone, aiming for the modification of the law in order to secure personal interests will not be tolerated. For instance, Confucius is condemned as he praised someone who defected justifying himself for taking care of his sick father.<sup>24</sup>

In short, nobody is above the law and the king is the first to give the example by always acting in accordance with it. If everyone abides by the law regardless of their social and financial status, even a more lenient policy would not jeopardize the cohesion and order of a state.<sup>25</sup> In order for the ruler to become enlightened, he has to suppress all his desires, anything that might put his devotion to protecting his subjects at risk. An egocentric ruler will not be recognised by the mob and his overthrow will be a matter of time.<sup>26</sup> Consequently, the most safe course of action for a ruler is to rid himself of any trace of emotion, following the Taoist influenced non-action model of governance and concealing his intentions. If a leader reveals his preferences, cunning ministers will adjust their interests according to their lord’s tastes. Such spurious behaviour by a minister will help him to achieve his avaricious goals and manipulate his master.<sup>27</sup>

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<sup>23</sup> Han Fei, 19-20.

<sup>24</sup> Granet, 272.

<sup>25</sup> Fung Yu-Lan, *A History of Chinese Philosophy* (Princeton, NJ: Princeton University Press, 1983), 322.

<sup>26</sup> Yuri Pines, “Submerged by Absolute Power: The Ruler’s Predicament in the *Han Feizi*,” in *Dao Companion to the Philosophy of Han Fei*, ed. Paul R. Goldin, 67-86 (Heidelberg, New York, and London: Springer, 2013), 78-79.

<sup>27</sup> Ernest R. Hughes, *Chinese Philosophy in Classical Times* (London: J. M Dents and Sons, 1942), 261.

Machiavelli, on the other hand, clarifies that defiance of traditional ethical codes is a choice only when compliance with them is inevitable. Of course, traditional moral codes aim to reprimand people for any kind of disobedience, offering no other alternative. Machiavelli forms his mindset in the way he does, because he believes that a ruler might not be able to take a political decision for the sake of his state's prosperity by combining political astuteness with the moral integrity Humanism stands for. He offers an alternative in case the ethical stance of a ruler fails to achieve the desirable results. Conventional ethics do not offer such an alternative since it is considered that statesmanship and morality coexist no matter what.<sup>28</sup>

In a similar vein, Han Fei criticizes Confucius and Mo Tzu for devising their political philosophy upon mythical figures of Ancient China who lived thousands of years ago. How can anyone be certain about the sincerity and validity of those philosophers' opinions when they praise wise kings so ancient that their reign has not been witnessed? To firmly believe in something so essential as the ruling of a country through moral ideals without corroborating evidence, is a fraudulent attitude that an enlightened ruler must avoid at all costs.<sup>29</sup> Representatives of Political Realism such as Machiavelli and Han Fei undertake a peculiar project aiming to prove mainstream beliefs as unrealistic and impossible to be put into practice in the political arena. Chiefly, what they are trying to put forth is that if a ruler is to be highly capable, he must not take political decisions according to immutable standards. Instead, his decisions should be adjusted to the ever-changing political conditions, otherwise political turmoil will be a fact and his position as the head of a state would be at least unstable.<sup>30</sup>

Han Fei advises a prince to control his ministers with the practice of the "two handles," i.e. rewards and punishments. At the beginning of the book, punishment is presented in a cynical manner, being likened with mutilation and death, whereas favour is equivalent to the granting of honors and awards. Hence, instead of enjoying maximum profits, the ministers will be perpetually motivated to avoid being punished because they will know that they could even be killed and will act in such a way as to ensure that honour and rewards will be bestowed to certify their master's appreciation. But the ministers are untrustworthy

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<sup>28</sup> Janet Coleman, "A History of Political Thought- From the Middle Ages to the Renaissance," (Oxford, and Malden: Wiley-Blackwell Publishing, 2000), 249-251.

<sup>29</sup> Chan, 253.

<sup>30</sup> Hans-Jorg Sigwart, "The Logic of Legitimacy: Ethics in Political Realism," *The Review of Politics* 75, no. 2 (2013): 413.

and will do anything to deceive a prince in order to be allowed to use the “two handles” themselves as they see fit. As a result, the people will learn to respect the criticism or appraisal of a minister. If a ruler lets himself be blandished either consciously or unconsciously, he cedes his place to his inferiors because he surrenders the weapon that allows him to be the head of state. To clarify this, Han Fei uses the example of a tiger, which because of its claws and teeth, is stronger than a dog, but should a tiger let the dog take over its advantages, it will be defeated.<sup>31</sup>

Moreover, it would be foolish of a prince to accept the counsel of his ministers without judging them first-hand. When meting out rewards and punishments, the king will observe the reactions of his ministers until it is obvious whose counsel is shaped by flattery. If the proposals of the ministers are rejected their irritation will be revealed as the adulation to their master will cease. But if the ministers expect to be punished when they come up with devious plans, they will be deterred from doing so and will struggle to implement beneficial policies for the state, knowing that they will be rewarded. Instead of plotting to increase their status by vying for the use of the “two handles,” the ministers will be promoted as per their contribution.<sup>32</sup>

Additionally, Han Fei proposes that a prince can extinguish insubordination by simply abiding by a legal code. Despite their social class, status and their family’s reputation and political connections each subordinate is equal in the face of the law whose limits cannot be crossed unpunished. The law has the power to encourage compliance with authority and manage to unshackle people, as far as possible, from their self-centered nature. The law’s impartiality and the blind obedience it demands, is the only protection against the prevail of evil and the destruction of society due to its submission to natural human selfishness.<sup>33</sup>

A tremendously important characteristic part of Han Fei’s work has to do with the fact that political disorder will stop as soon as a leader compares the words and deeds of his ministers. They present their propositions and, based on the result they have achieved, the ruler makes his decision; deeds should match with words, meaning the ministerial propositions. Big words that lead to puny results must be punished for their discrepancy and for not producing the desirable result. Small words that bring about praiseworthy results are also condemned

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<sup>31</sup> Han Fei, 30.

<sup>32</sup> Paul R. Goldin, “Han Fei’s Doctrine of Self-Interest,” *Asian Philosophy* 11, no. 3 (2001): 153.

<sup>33</sup> Han Fei, 27-28.

because there is a big difference in coherence.<sup>34</sup> Therefore, we observe that Political Realism showcases an extraordinary sense of duty, as the form of public administration that it promotes is based on Reason. The savage, opportunistic and atrocious cynicism it is sometimes labeled with is at least unfair.

Besides, Legalists were writers concerned with public administration aiming to become the prince's closest associates and advisors so as to gain his praise and be able to put their theories to the test, an element discriminating them from professional politicians. The latter cared mostly for diplomatic manoeuvring and the achievement of their goals, while Legalists were preoccupied with internal politics. Politicians wanted to exploit the degeneracy of feudalism so as to lead their preferred masters to power and also secure their personal gains while Legalists in an effort to consolidate the supremacy of their master came up with a new concept, the idea of law to which even the monarch is bound.<sup>35</sup> Consequently, it is clear that Legalism is not a theory aiming to legitimize political authority for individualistic purposes; instead, Legalism urges rulers to always govern their state using Reason and taking emotionless decisions. If Legalism was a tenet focusing only on the achievement of an end, then how could the Legalist leader reprimand his subordinates for achieving better results than the leader himself anticipated from them?

### III. Han Fei and Machiavelli's perception of human nature

Both political theorists construct their ideology on their perception of human psychology. They believe that people perceive the surface of things and only use their senses. They cannot believe in something, unless they have had an experience of it in the first place and their knowledge is superficial. By emulating what they see, people fail to recognize their most profound motives.<sup>36</sup>

For Machiavelli, the beliefs of common people do not always coincide with nature, which has created man with the proclivity to dominate others. Since people cannot reconcile their behaviour with their inherent traits, the transition from a benevolent government to an authoritarian one might be closer to the natural order and, thus, it could retain social cohesion.<sup>37</sup>

<sup>34</sup> Ibid., 31-32.

<sup>35</sup> Granet, 268.

<sup>36</sup> Coleman, 254.

<sup>37</sup> Leo Strauss, *Thoughts on Machiavelli* (Chicago: The Free Press, 1958), 56-57.

Scholars have concluded that elements of various sciences can be traced in *Han Fei Tzu* also, which shares in this way the epistemology of the *Prince*. In *Han Fei Tzu* there can be found influences from psychology, regarding behavioural norms and introspection as well as from sociology, anthropology and political science. Unfortunately, the merge of these elements that formed Legalism and undermined it in the following centuries was judged according to Qin Shi Huang's ruthless governance.<sup>38</sup>

Now the primary purpose of the leader, for Machiavelli, is to keep his citizens pleased by using a virtue they do not have because of their nature, and this is no other than being able to set aside his selfish and self-centered motives.<sup>39</sup> Since ordinary people, even ministers, do not possess this ability, a leader must find a way to keep his inferiors satisfied as much and as long he can without the constant need of offering awards as a bait for compliance. Instead of being deceived by his inferiors, a supreme leader had better deceive them by demonstrating his apparent intentions and not his actual ones, because, by doing this persistently, the ministers will become habituated to this behaviour and act accordingly.<sup>40</sup> As Han Fei clearly states, if people see a minister exercise authority, they will rightfully treat him as a ruler.<sup>41</sup>

Furthermore, due to their position, high-ranking officials demand more privileges than laypeople, so they cannot be trusted since they are acquisitive. Machiavelli implies that poor people are more decent than wealthy ones as the latter just want to oppress others, while the former simply do not want to be oppressed. Besides, the poor are numerous and, with their numbers, have the ability to overthrow a leader or support him, in contrast to the wealthy, who are fewer and their protestations must be crushed. Although Machiavelli considers human nature selfish, he implies that not all people share the same degree of avariciousness.<sup>42</sup>

Hence, a leader should avoid any kind of quixotic approach to politics as people are bound by what they can experience. For this reason, it is a matter of vital significance to safeguard the interests of the people so they can be content under the guidance of their master.

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<sup>38</sup> Lay, 173.

<sup>39</sup> Machiavelli, 73-74.

<sup>40</sup> Erica Benner, "The Necessity to Be Not-Good: Machiavelli's Two Realisms," in *Machiavelli on Liberty and Conflict*, eds. David Johnston, Nadia Urbinati, and Camila Vergara, 164-185 (Chicago, and London: Chicago University Press, 2017), 169.

<sup>41</sup> Han Fei, 30.

<sup>42</sup> *Ibid.*, 67.

If the citizens of a state are pleased with their ruler, they will not only happily accept his power, but they will fight for the maintenance of their leader's supremacy.<sup>43</sup> Many usurpers hope to secure endorsement by the mob in a political riot. But if the people are content with their master, they will not betray him and will do their best to keep him in charge.<sup>44</sup> If a prince treats his subjects fairly and enhances their status, they will fight wholeheartedly to keep him in power. For fear of losing their fortune and earned privileges, Machiavelli claims they will even sacrifice their lives for their country's survival, a fact which justifies why lay troops are more efficacious than mercenaries in his view.<sup>45</sup>

It has to be noted though, that the characteristics Machiavelli reiterates as suitable for a prince throughout his essay, do not correlate with those he attributes to Lorenzo di Medici in his dedication at the beginning of the *Prince*. Maybe Machiavelli endeavours to flatter the leader of Florence whereas Han Fei refrains from doing so for his prince.<sup>46</sup>

#### IV. Han Fei and Machiavelli's metaphysics

Machiavelli, dissenting from the dominant ethical code of his times derived from Christianity, rationally proves that paying close attention to the flux of reality is the only logical way to avoid the prevalence of anarchy.<sup>47</sup> It could otherwise be stated – in a more conjectural manner – that since god is ubiquitous and the creator of the universe and nature itself, it would be absurd to strive for anything other than the preservation of the celestial perfection he has created. Machiavelli endeavours to establish ontologically the accession of a ruler, with the ultimate purpose of maintaining society's cohesion. Any path diverging from this goal will be the harbinger of calamity both for the ruler and his people.

Machiavelli is often considered to be among those thinkers who have vastly contributed to the founding of political science. Indeed, the *Prince* is a work that endeavours to form a political stance based upon sensible evaluation of experience, thus rendering the exercise of power a political paradigm. This normative form of governance is

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<sup>43</sup> Machiavelli, 95.

<sup>44</sup> Zuckert, 85.

<sup>45</sup> Benner, "Machiavelli's Two Realisms," 167-168.

<sup>46</sup> Zuckert, 46.

<sup>47</sup> Quentin Skinner, *Machiavelli: A Very Short Introduction* (Oxford: Oxford University Press, 2001), 51.

based on two kinds of knowledge: theoretical, on the one hand, related to the understanding of nature, and practical on the other, focusing on the rules that will make the solidification of a state possible by putting the theory of ruling into practice. Furthermore, what is natural is associated with what is solid and permanent, meaning political stability. Thus, reasonable political actions, which are favoured by nature, are realized via the establishment of central authority.<sup>48</sup> Nonetheless, by scrutinizing Machiavelli's perspective on natural order, we cannot claim that Machiavelli asks a leader to govern according to an immutable natural law. Since our world is not a world of forms or ideas, where everything follows natural order, but an ever-changing world contrasting cosmic perfection, every attempt to attain any kind of normality requires tremendous effort as nothing is given a priori to anyone.<sup>49</sup>

A more spiritual approach in the political domain, despite leading to concrete results as well, is the Taoist interpretation of statecraft by Han Fei. He advises a ruler to follow the route of nature as the floating water and the boat do, so as to select the options closer to nature and reach his mental peak, attaining enlightenment.<sup>50</sup> Remarkably, the "Way" is said to exist but without being able to be seen or known, since, to witness its existence, detachment from human feelings is required. The only one capable of fulfilling this task is none other than the leader who, by keeping himself aloof and imperturbable, becomes the guide of the worthiest and the wisest without revealing his motives and preferences.<sup>51</sup>

This Daoist aspect of Han Fei, urging a ruler to seek his inner serenity through reconciliation with nature, is akin to the tenets of Stoicism, if we looked for something similar in Western philosophy. The Stoics also considered that people are naturally disposed to define the principle of virtue (*arete*), so they should embrace *apatheia*, a situation that enables them to keep their composure in order not to gratify their passions.<sup>52</sup> This teaching of the Stoics makes abundantly clear the strenuous task Han Fei's ruler has to fulfill, as it demands a

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<sup>48</sup> Strauss, 55-57.

<sup>49</sup> Miquel Vatter, *Machiavelli's The Prince: A Reader's Guide* (London, and New York: Bloomsbury Academic, 2013), 50.

<sup>50</sup> Chan, 254.

<sup>51</sup> Han Fei, 17.

<sup>52</sup> Evangelos Protopapadakis, "Notions of the Stoic Value Theory in Contemporary Debates: Euthanasia and Assisted Suicide," *Zbornik Matice srpske za klasične studije* 11 (2009): 216-217.

sort of voluntary abandonment of the pleasures of life or the pleasures that other people are allowed to enjoy.

In a characteristic passage, a prince is instructed to be detached, like a god, so that his deepest thoughts remain concealed. Impassive as he will be, the sky (i.e. “the Way” in Taoist terminology) will be revealed to him and he will resemble Earth itself. Then, who from his subordinates could really approach him or defy his unique impartiality? Besides, the “Way” is boundless and its magnificence encompasses the entirety of nature.<sup>53</sup> By comparing the prince with heaven, Han Fei entrenches the ruler’s divine impartiality. The way of governance depends on the placing of everyone according to their worth, which is reinforced and inspired via the rewards and penalties attributed by the prince. The basic triad of rulership, i.e. power, tactics and the law embodies the divine spirit that guides cosmic perfection, a view that somehow resembles Machiavelli’s mention of Moses.<sup>54</sup>

Han Fei was influenced by Daoism and tried to establish Legalism through Daoist metaphysics. But unfortunately, even though he was admired by Qin Shin Huang, who united China in 221 B.C. and tried to adopt his teachings, he fell victim to a conspiracy and his intentions were misunderstood, resulting in his enforced suicide.<sup>55</sup> It is worth noting that the first emperor of China held Han Fei’s philosophy in great esteem. A moment that illustrates Han Fei’s unequalled frame of mind is the words of the emperor when he read a portion of his work: “I wish I could just meet this man. With him, I could face death with no regret.”<sup>56</sup>

Certainly the portrait of a ruler as described by Han Fei, entails some sort of superhuman ability. Because of that and his Daoist influence, the most essential political pragmatist in ancient China, can also be seen as a political utopian who could think beyond immediate and necessary Legalistic outcomes. Once the law-abiding government has implanted in the minds of its citizens the way they should behave for the maintenance of their country as a harmonious and unselfish social formation, they will become accustomed to this state of affairs. Then, their acquisitive and materialistic motives will be put aside and there will be no need for them to be concerned about moral principles

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<sup>53</sup> Han Fei, 37-39.

<sup>54</sup> Fung Yu-Lan, 320.

<sup>55</sup> Kim-chong Chong, “Classical Confucianism (II): Meng Zi and Xun Zi,” in *History of Chinese Philosophy*, ed. Bo Mou, 189-208 (London: Routledge, 2008), 208.

<sup>56</sup> Duyvendak, 402.

since they will have already embraced them by obeying the law.<sup>57</sup> This shows that the Legalist ruler does not desire to enforce blind obedience to the laws of the state. Instead, voluntary obedience to the law will develop in the laity a kind of a Stoic moral conscience, in that they will be able to distinguish permissible from impermissible acts.<sup>58</sup> Thus, they will have a kind of self-consciousness about the laws, since their individual act of law-abidingness will ensure social and political stability, provided that they obey the laws as if they were categorical imperatives.<sup>59</sup> In Stoicism, too, adherence to the moral law is linked to the laws of nature, which in turn are linked to god.<sup>60</sup> Similarly it could be argued that in Legalism, when citizens obey the laws, they are imitating the behavior of their ruler. Their actions are thus guided by a kind of divine wisdom, as their ruler is a figure with godlike attributes, being the only one capable of discerning the “Way” and ensuring the well-being of the state.

Machiavelli presents a supreme figure that has to transcend his mortality by reaching goals that other humans simply aspire to, reminding us of Nietzsche’s perception of the evolution of mankind into a superior to the existing one.<sup>61</sup> Simply put, if righteous governance was conceived in an Aristotelian manner, if virtue was equal to harshness and stability while vice was a synonym of leniency and instability Machiavelli would not choose a middle way but the virtuous extreme.<sup>62</sup> On the other hand, Han Fei endeavors to show that a leader, either by his excellent statesmanship or his serenity, can approach a predetermined normative model or idea that defines the cosmological flux and which can be revealed with the use of appropriate laws. It is certain, though, that Han Fei’s Political Realism did not have its parallel in ancient Chinese philosophy.

Machiavelli believes that the laws have been set into place in order to bring concord within the society since humans care about their own interest – this is the same in Han Fei. Furthermore, ordinary ethics focus on forging human moral principles so as to limit aggressive

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<sup>57</sup> Schwartz, 341.

<sup>58</sup> Michail Mantzanas, “The Concept of Moral Conscience in Ancient Greek Philosophy,” *Conatus – Journal of Philosophy* 5, no. 2, (2020): 76.

<sup>59</sup> Antony Arthur Long, and Despina Vertzagia, “Antiquity Revisited: A Discussion with Antony Arthur Long,” *Conatus – Journal of Philosophy* 5, no. 1, (2020): 119.

<sup>60</sup> Mantzanas, “The Concept of Moral Conscience in Ancient Greek Philosophy,” 77.

<sup>61</sup> Strauss, 78.

<sup>62</sup> Harvey Claflin Mansfield, *Machiavelli’s Virtue* (Chicago, and London: Chicago University Press, 1996), 18.

behaviours and quarrels among people for the sake of common good. Machiavellian ethics point out to a leader that he had better emulate moral behaviours like dignity, honesty and compassion. Deep down, both Machiavelli and conventional morality aim for the prosperity of society, but from a different perspective. Thus, it is not absurd to claim that there are two alternative kinds of morality from which the head of state must choose, instead of a moral and immoral option.<sup>63</sup> But whichever option might be preferred, the legitimacy of the next prince and not only of the contemporary prince must also be secured. In volatile political situations, affecting both internal and external affairs, provisions must be made for the future as well. Besides, Machiavelli, like Heraclitus, seems to admit that “war is the father of all things.”<sup>64</sup> Thus, Machiavelli perceives things to be continuously evolving so the possible destabilisation of a sovereign state should be anticipated.<sup>65</sup> Han Fei shares this view since to him nothing is permanently determined, but everything flows in accordance with a dialectical methodology which turns every substance to its opposite after it reaches its zenith.<sup>66</sup>

Machiavelli promulgates that the handling of fortune is a necessary qualification for rulership. This justifies his classification as a Political Realist by modern scholars, since his statement about fortune resembles that made by the founder of Political Realism, Thucydides, who mentioned that fortune always favours the brave. Thus, energy is the key to bridle fortune since it tends to favour those who are bold, harsh, aggressive, and decisive instead of those characterized by lack of enthusiasm and impetuosity.<sup>67</sup> Still, being a blessed leader does not guarantee a peaceful and long governance, as staying in power demands far more than that. Even a combination of virtue and fortune is rejected, because if a prince relies on fortune, he will never develop the skills needed to keep himself in place. Machiavelli implies that counting more on one’s leading abilities than on lucky incidents is the right option for someone in command.<sup>68</sup> In any case, since fortune is the sum of all possible changeable forces, it also has the power to

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<sup>63</sup> Coleman, 248-249; 262.

<sup>64</sup> Heraclitus, DK B53.

<sup>65</sup> Vatter, 64; 75.

<sup>66</sup> Chung-Ying Cheng, “The Origins of Chinese Philosophy,” in *Companion Encyclopedia of Asian Philosophy*, eds. Brian Carr, and Indira Mahalingam, 445-480 (London, and New York: Routledge, 1997), 475-476.

<sup>67</sup> Machiavelli, 101.

<sup>68</sup> Erica Benner, *Machiavelli’s Prince: A New Reading* (Oxford: Oxford University Press, 2014), 70-71.

transcend princely virtue. Unlike young men who are less wise and more ardent, being governed by their emotions and not caring about political contemplations, the prince must take control of the aspects of life within his reach. A prince who is daring and impetuous increases his chances of riding the path of fortune.<sup>69</sup> Of course this does not constitute advice for the rash practice of governance. Since there is no rationalist model for politics, by monitoring the ever-changing circumstances, the head of state has to seize the opportunity provided to him by fortune, taking the right decision, for the right reason, at the right place, and the right time.<sup>70</sup>

But in order to effectively face unpredictable events, a prince has to comprehend the essence of necessity, meaning the mandatory decisions he has to take when there is no alternative to safeguard his state. It is a common phenomenon for leaders to resort to the excuse of exigency so they can evade any sort of rebuke for their actions when, in reality, they had been unprepared.<sup>71</sup> Thus, it would be wise for a ruler to take into consideration any factor that may deter him from taking some unscheduled measures. The deeds carried out by force do not merit positive or negative assessment since their outcome cannot be ascribed to their agent, who acted in this way out of necessity. A prudent leader should adjust his will to the inevitable facts of fate so as to avoid any hesitation or reluctance, which will result in his indecisiveness and will possibly weaken his status. Especially if people are forced to obey regulations contrary to their interests and the prince himself, who formed these regulations, does not believe in them, political turbulence will break out and enemies within or without the state will take advantage of that.<sup>72</sup> After all, revolutions may occur from time to time as history follows a cyclic path. For this reason, it would be wise for a ruler to take for granted that, even after the end of his rule, political stability may be at risk. Someone who cares for the perpetual welfare of his realm has to establish political institutions that will aid the future ruler to adjust to the political reality and become more versatile in his decisions.<sup>73</sup>

Concluding, both Han Fei and Machiavelli, reject the compliance with an ideal and permanent model of leadership as historical

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<sup>69</sup> Coleman, 260.

<sup>70</sup> Zuckert, 98.

<sup>71</sup> Erica Benner, *Machiavelli's Ethics* (Princeton, NJ, and Oxford: Princeton University Press, 2009), 136.

<sup>72</sup> Benner, *Machiavelli's Ethics*, 148.

<sup>73</sup> Vatter, 27.

conditions and reality fluctuate, so the management of vital matters needs to differ from time to time.<sup>74</sup> But, in contrast to Machiavelli, Han Fei pays less attention to the notion of fortune or the lessons from prominent figures of the past. He considers the ultimate weapon for restoring order to be no other than the law. The restriction of human aggressiveness will be achieved only with the enforcement of the law and people can succeed in that by emulating their ruler.<sup>75</sup>

### V. Machiavelli's and Han Fei's view of history

Machiavelli had great esteem for Rome's supremacy and due to the cyclic path of history he firmly believed that the ancient Roman virtue could be imitated so as to revive Rome's past glory. But Machiavelli deliberately created a myth about the unmatched Roman virtue that he knew did not exist to the extent he described. In order to support his Political Realism, he used an idealistic interpretation of ancient Rome. Even in his *Discourses on Livy*, he deals only with Rome's successes like the victories against Carthage, rather than Rome's degeneracy. Influenced by Polybius, Machiavelli considered that history follows a cyclical path. The Renaissance period, which he lived in and abhorred, would eventually change and the glory of the past would return. Thus, the imitation of ancient Roman virtue will bring about the end of Italy's present degeneration.<sup>76</sup> He professed that the Roman spirit hung over Europe waiting for the historical moment to imbue a personality, who would bring Italy out of the stalemate it was in, by using the law and a strategy from the past, and would guide his country to its unification.<sup>77</sup>

Believing that Italians can find many personalities to imitate from their Roman past, Machiavelli gives an example of such a virtuous man, an emperor who embodied these ideals, Septimius Severus, an extraordinary figure combining ferocity with astuteness. He was esteemed by his subordinates, but even when he was hated by some of them, his virtuous rulership gained their support and consent.<sup>78</sup> Severus used cunning diplomacy to rise to the imperial throne, offering to designate one of

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<sup>74</sup> Lundahl, 141.

<sup>75</sup> Duyvendak, 412.

<sup>76</sup> Georgios Steiris, "Machiavelli's Appreciation of Greek Antiquity and the Ideal of Renaissance," in *Renaissance? Perceptions of Continuity and Discontinuity in Europe*, eds. Alexander Lee, Pit Péporté, and Harry Schnitker, 81-94 (Leiden, and Boston, MA: Brill, 2010), 91-93.

<sup>77</sup> Louis Althusser, *Machiavelli and Us*, ed. Francois Matheron, trans. Gregory Elliott (London, and New York: Verso Books, 2001), 45.

<sup>78</sup> Machiavelli, 78.

his adversaries Clodius Albinus, as the future Caesar and make him his sole successor as emperor instead of his children. This gave him time to concentrate on the threat from his other adversary and commander of Asian armies, Pescennius Niger. The latter was first deserted by his troops and then vanquished by Severus. Severus later intimated that his offer to Albinus would realize only if he had been defeated by Niger or simply died. Since this did not occur, Severus rightfully seized power and declared Albinus an enemy of Rome, thus providing himself with the pretext to obliterate him.<sup>79</sup>

Indeed, Septimius Severus fits perfectly Machiavelli's teachings about the ideal leader. He was ferocious as a lion, and shrewd and astute as a fox. He used lies to convince one of his rivals (Clodius Albinus) that he was an ally in order to strike at the forces of his other rival (Pescennius Niger) and annihilate him before dealing with the first. Severus employed an immoral tactic so as to put an end to the political turmoil after the death of Commodus, aiming to achieve political stability and stop the volatile political situation that was taking place. He secured a prosperous reign for eighteen years, demonstrating remarkable qualities as an emperor and avoiding such atrocities as Agathocles had resorted to.

As for Legalism, it is widely supported that it flourished because of the volatile political situation during the Warring States period when long-held beliefs about the status quo were challenged. It was something fresh, providing tenets which were radical for ancient Chinese political philosophy and questioning the ethical standards of Confucianism, Mohism, and Daoism which had been prevailing then. These moral philosophies had failed to stop the constant fighting and the civil wars among people who shared the same national identity.<sup>80</sup>

Similarly, Renaissance Italy from the end of the 15<sup>th</sup> to the middle of the 16<sup>th</sup> century (approximately the period Machiavelli lived) was in political upheaval and the five major city-states of Florence, Milan, Naples, Venice, and the Papal states (Rome) would be conquered by Spain, France and the Holy Roman Empire. In the political field, there was a dearth of sound political judgement so the principles of government were influenced by the belief in fortune as the stability and future of each state were in doubt. Humanism failed to raise prudent leaders with sound judgement who could decide on an appropriate course of action, thus setting the stage for the emergence of Machiavelli's new political morality.<sup>81</sup>

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<sup>79</sup> Antony Birley, *Septimius Severus* (London, and New York: Routledge, 1999), 98; 113; 121.

<sup>80</sup> Lay, 172.

<sup>81</sup> Alison Brown, "Rethinking the Renaissance in the Aftermath of Italy's Crisis," in *The Short*

Most importantly, the Italian city-state regimes collapsed mainly due to internal strife as rapacious aristocrats monopolized power and contributed to the rise of nepotism and elitism. It's clear that Machiavelli as a Political Realist describes the historical reality of his times. Since military power was not a problem for Italy, the lack of an astute leader, able to inspire in his compatriots the will to resist and fight corruption, was conspicuous, and as a Political Realist, Machiavelli describes exactly that: the reality of his times.<sup>82</sup> Therefore, the cunning and ruthless attitude Machiavelli encourages a ruler to have, was what was necessary for a prince in those times. His seemingly immoral opinions are entirely adjusted to the historical events he experiences.

It cannot be a coincidence that the call for an authoritarian leadership and the need for the rise of a highly capable political figure appear when political turmoil prevails, as, in a period of prosperity, few people welcome such policies. And this is true for both Han Fei and Machiavelli's times. In the Renaissance, the descendants of the glorious Roman Empire are some Italian city-states subdued to the rising European powers of the time, unable to unify in one powerful state due to political corruption and lack of a leader. This state of political tumult is alike the one in the Warring States period, when the Zhou dynasty had collapsed and the seven kingdoms that had arisen were ruled by weak monarchs, dependent on their officers and associates, who fought among themselves for supremacy.<sup>83</sup> The necessity of survival forces people to realize that traditional morality in the political domain is inadequate, as it cannot safeguard their cohesion as a society and it puts their interests at risk through personal quarrels irrelevant to the rest of society. So the accumulation of power under one capable, just, and incorruptible person is preferable.

As far as history is concerned, Han Fei believed in its evolution. He did not think that it was necessary for an event to come full circle, but he considered that each era was more progressive than the preceding one. The historical examples he uses are meant to prevent similar mistakes rather than suggest the imitation of personalities of the past.<sup>84</sup> Legalists had little esteem for events of the past concerning the achievement of social and

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*Oxford History of Italy – Italy in the Age of Renaissance 1300-1550*, ed. John M. Najemy, 247-266 (New York: Oxford University Press, 2005), 247-248.

<sup>82</sup> Michael Mallet, "Politics and Society 1250-1600," in *The Oxford Illustrated History of Italy*, ed. George Holmes, 57-85 (New York: Oxford University Press, 2001), 74; 79.

<sup>83</sup> Mark Edward Lewis, "Warring States Political History," in *The Cambridge Ancient History of China – From the Origins of Civilization to 221 B.C.*, eds. Michael Loewe, and Edward L. Shaughnessy, 587-650 (Cambridge: Cambridge University Press, 1999), 587.

<sup>84</sup> Bai, 120-121.

political prosperity. Generally, they were discontented with the inadequacy of past political institutions and were stimulated by the idea of finding new and more effective models of governance. They concentrated on the future and looked back only in order to seek the path of evolution.<sup>85</sup>

Furthermore, the Legalistic perception of history is affected by Taoism. A prince will reach the level of enlightenment as long as he is in harmony with “Dao,” the way that maintains the balance of the universe through the unity of opposites. Eventually, Han Fei’s Daoism and evolutionary view of history imply that a leader will be able to anticipate the flux of history, aiming of course at perpetual and not temporary prosperity through the study of history.<sup>86</sup> What can be said for certain, though, is that Machiavelli and Han Fei agree that a prince should focus on the present. Even though Machiavelli is more concerned with the past and Han Fei with the future, in the end, they both care for the perennial wellbeing of their nation, as they both agree that circumstances always change.

#### VI. Statesmanship according to the Legalistic and Machiavellian model

Having volatile political situations in mind, Machiavelli voices the need to quit dreaming of unattainable and impracticable societies because the present is completely different from what people aspire to. Therefore, in corroboration with Political Realism, he alters the essence of righteousness, claiming that a leader should act viciously, especially if proper statesmanship is supposed to be based upon utopian traditional values. The standards of efficient guidance by the head of state are judged by considering the achievement of political stability in the current circumstances.<sup>87</sup>

In one of his most well known quotes, Machiavelli claims that, if a prince had to choose between his people’s fear and their fondness (since the latter option is more unachievable due to the inherently malevolent human nature), the former would be more convenient politically.<sup>88</sup> However, Machiavelli does not imply that a ruler should use his authority in order to legitimize his crimes and to exercise brutality on his people. This attitude would be mandatory only if there was no other alternative in order to save his kingdom. Only then, would a brutal or villainous action be justified – an idea that ancient and christian tradition rejected since this was an inappropriate characteristic of a virtuous personality.<sup>89</sup>

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<sup>85</sup> Cheng, “The Origins of Chinese Philosophy,” 476.

<sup>86</sup> Cheng, *Histoire de la pensée chinoise*, 346.

<sup>87</sup> Machiavelli, 41.

<sup>88</sup> *Ibid.*, 66.

<sup>89</sup> Skinner, 44-45.

Consequently, the head of state should find ways to enhance his prestige and status aiming only at the maximum benefit. This way, he will become able to foresee the probable outcomes of fortune and manipulate the circumstances so as to favour his realm. Should a righteous path be achieved, cunning and underhand statemanship will no longer be required.<sup>90</sup> It seems that Han Fei would have sympathized with Machiavelli's viewpoint. Benevolent governance in the traditional sense cannot coexist with a strict obedience to the laws, or with a realistic approach, as the required objectivity of the laws would then have to succumb to subjectivity.<sup>91</sup>

For instance, Agathocles is criticized for his abuse of power in comparison with other historical figures. Certainly, it can be supported that Agathocles was favoured by fortune, having been able to face so many hurdles. But his savagery cannot be condoned, since his crimes did not occur seldom or last for a short time as they should have in the interests of political stability. Such methods may save an empire for a while, but they do not lead to greatness and cannot last for eternity.<sup>92</sup> Ephemeral success is irrelevant to virtue and should not be an end because political upheaval might eventually prevail. Thus, morality seems to be brought forth by Machiavelli as actions like those of Agathocles need to be condemned. Since moral probity alone cannot bring political effects, immoral ruthlessness is inadequate.<sup>93</sup> Even though Machiavelli's bad reputation seems understandable, we cannot argue that his advice is vengeful. Providing a rational philosophical argument, he proves that a leader should feel no shame of rescinding his promises to his people, since human beings are born with the propensity to defy moral standards.<sup>94</sup> When humans feel that their interests are in jeopardy they are vulnerable to their innate narcissistic impulses and tend to neglect any existing moral code.<sup>95</sup>

In Legalism, when Han Fei proposes that the ministers should come up with policies and await the approval of the king, he presents the ancient Chinese concept of "wu wei," i.e. the effortless action which conceals the king's intentions. A prince does not have to see and hear things himself, as his ministers will be his eyes and ears. If he uses his

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<sup>90</sup> Ibid., 45.

<sup>91</sup> Lay, 190.

<sup>92</sup> Machiavelli, 34-35; 38.

<sup>93</sup> Benner, *Machiavelli's Prince-A New Reading*, 70; 113.

<sup>94</sup> Coleman, 254.

<sup>95</sup> Machiavelli, 66.

own senses and talents, he will reveal his intentions to his ministers and they will be able to deceive and manipulate him. When a leader implements his policies using his ministers, he keeps them occupied and he will attain glory by boosting meritocracy instead of nepotism.<sup>96</sup> In a sense, Han Fei suggests that a ruler should be identified by some kind of superhuman ability. Machiavelli does the same, but to a lesser extent.

Furthermore, Machiavelli professes that if a prince wants to control his most close associates, like his ministers, he should observe their behaviour. A minister thinking mostly of himself rather than his ruler is untrustworthy. The ruler is superior to the minister and not the other way around. Should the sovereignty of the senior be lost and he become the puppet of his minister/s, political destabilisation will loom. Furthermore, the prince ought to remunerate his inferiors for their services and look after their needs, so that they will be satisfied and will not expect more privileges, should someone else ascend.<sup>97</sup> Individual and collective welfare can coexist if the person who secures this welfare is generally accepted to be the prince. The monopoly of exercising power should not be given to anyone, especially to government officials who might be regarded by the people to possess greater power compared to the prince. If such a mistake occurs, their extermination is justified and must be immediate. Also, an alliance with the people, instead of the nobles, should be preferred, as the people will be gratified by the protection of their property and rights by someone they already accept as their superior. They may condone a brutal action of a selfish noble, if it happens for the sake of their interests.<sup>98</sup>

Similarly, from the beginning of his work, Han Fei emphasizes the importance of command over the ministers. A ruler should never make his objectives clear, as he will be flattered and buttered up by his ministers who will seek to manipulate him, enhance their political position and interests and possibly overthrow him. However, it is worth noting that Han Fei stresses a fundamental trait for the head of state, a remarkable impassivity. By letting his inferiors act according to his instructions, the leader will demonstrate that they depend solely on him due to their weakness. If a ruler reaches inner serenity, he will be able to subjugate his emotions and not reveal his intentions. This will

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<sup>96</sup> Lundahl, 130.

<sup>97</sup> Machiavelli, 93.

<sup>98</sup> Vatter, 95.

lead to the emergence of his ministers' motives.<sup>99</sup> After all, the head of a state should never forget that ministers always work to augment their affluence, so their instructions concerning governmental affairs will be affected by this motive.<sup>100</sup> Consequently, Han Fei simply proposes that a leader is not obliged to have moral principles in order to rule his state, since, if he is wise enough, he will leave this task to his most reliable and objective agent, which is no other than the unprejudiced law.<sup>101</sup>

## VII. A criticism and a story with a moral

Political Realism is widely criticized for the ferocity it brings to political affairs, defying any existing moral ideal just for the achievement of an ultimate purpose. However, as already mentioned, it cannot be supported that it completely rejects an idealistic approach to politics, according to the examples of Machiavelli in the West and Han Fei in China. Specifically, there is an effort to unite theory with practice. When we think of Idealism, theory (philosophy) is often considered a prerequisite for any practical application, as in Plato, for instance; in Machiavelli, the reverse is the case.<sup>102</sup> It can be said that Machiavelli's is a very particular idealism, a utopian situation which could theoretically achieve its end, because of the fact that its creator undertook the sisyphian task of providing a paradigm for every prince.<sup>103</sup> Furthermore, this model presents an innovative notion of morality within the sphere of political affairs, pointing out that individual and political morality do not always coincide since their deontology stems from different, even contradictory circumstances. So, the notorious condemnation of Political Realism as immoral may seem understandable but it certainly is erroneous.<sup>104</sup>

Generally, the main difference between Han Fei and Machiavelli can be traced in the historical background and purpose of their respective work. In 15<sup>th</sup> century's Europe, legal systems had already been established and thrived: they were undoubtedly the adhesive substance of a country and had matured after existing for hundreds or

<sup>99</sup> Han Fei Tzu, 16-17.

<sup>100</sup> Goldin, 152.

<sup>101</sup> Chan, 253.

<sup>102</sup> Mansfield, 39.

<sup>103</sup> Althusser, 52.

<sup>104</sup> Hans-Jorg Sigwart, 410-411.

even thousands of years. In ancient China, the consolidation of a legal code was the starting point towards the formation of a nation. Laws were barely passed before, thus having little chance of becoming a part of daily life.<sup>105</sup> The term Legalism is fully justified, as it is considered to be the only classical philosophical movement with a profound understanding of the law as the plaster of human society.<sup>106</sup>

Moreover, Han Fei is usually misunderstood by those more familiar with the history of Western philosophy, as they fail to comprehend his concept of law. As a consequence, they confuse the rule of law with rule by law, arguing that Han Fei thinks an ideal ruler should abuse his power and not adhere to any moral standard that will deter him from being savage. In the rule of law lies an ethical underpinning while in rule by law – the model Han Fei is associated with by the scholars who criticize him – moral standards are irrelevant. And yet, as Machiavelli can be said to introduce a new kind of morality in the political domain, so Han Fei can be perceived as a thinker for whom governance is based upon the mutual dependence of law and morality.<sup>107</sup>

An illustrative example of the philosophy of the Legalist school is the famous example Han Fei uses himself: the well-known story in Chinese history of Bian He's jade. This is how the story goes: after having found an exquisite uncut jade, Bian He decides to deliver it to his king in the state of Chu. The king calls a jade carver to appraise He's jade and the carver states that it is just a simple stone, so the king, suspicious of Bian He, orders that his left foot be cut off. After the king passed away, He gifts his jade to his successor, but, since the jade carver says that the jade is valueless again, the new king asks that He's right foot be cut off. After being rejected by two kings of his county, Bian He is sad and, when a new prince (whom Bian He did not approach to present his jade), ascends to power, king Wen of Chu, he sends an envoy to learn the reason He is so disconsolate, thinking that his disability was the cause. Bian He replies that the fact that he was lame did not worry him. His source of grief was that the value of the jade he offered to his princes was not recognized and his action, which was inspired by his unwavering loyalty and allegiance to his masters, was judged as an action of deceit instead. Finally king Wen orders a carver to chisel Bian He's jade and it transpires that it was not just a

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<sup>105</sup> He, 667.

<sup>106</sup> Eric C. Ip, "The Idea of Law in Classical Chinese Legalist Jurisprudence," *Global Jurist* 9, no. 4 (2009): 1.

<sup>107</sup> Kenneth Winston, "The Internal Morality of Chinese Legalism," *Singapore Journal of Legal Studies* (2005): 313-315.

simple stone, but a priceless stone and Bian He had been forthright all the way from the beginning, offering his invaluable finding to his superiors instead of keeping it for himself.<sup>108</sup>

This story as used by Han Fei can be interpreted as a metaphor for the reception of Legalism, the doctrines of which were misinterpreted. Bian He could be parallelised with Han Fei and Legalist philosophers, which implies that Legalists were commonly mistreated, just like Bian He, although they provided their invaluable wisdom motivated by allegiance to their masters. Similarly to Bian He, they suffered undeserved punishment and their sincerity was disbelieved; Han Fei himself was rejected by both the king of his state (despite the fact that he belonged to the royal family of the State of Hann) and Qin Shi Huang who imprisoned him. The latter was misled by Li Si, who was jealous of Han Fei and persuaded the king that Han Fei wanted to weaken his kingdom. Han Fei's advice concerning statesmanship was not only rejected by two kings, but also led to his forced (indirectly by Li Si) death. Although Qin Shi Huang greatly admired Han Fei, he was deceived by Li Si's contrivance. Thus, the story of He's jade symbolises the fate of the Legalist school in general.<sup>109</sup>

Legalism, in contrast to Confucianism and Taoism, degenerated in the ensuing years. Surviving Legalist texts were underestimated, as Legalism was often conceived as a form of government resembling a dictatorship that legitimized the accumulation of power under one ruler and the use of brutal and abominable means to consolidate it. As has been pointed out, both Han Fei and Machiavelli imply that a prince should govern his state according to a moral code separate from that of his subordinates, as the stance of an ideal ruler, worrying about collective rather than individualistic prosperity, must transcend human nature. Nothing could better illustrate the essence of Political Realism than the stoic attitude of Bian He: a man willing to die for his ideals, and to sacrifice his life for the sake of common good. A leader embracing Political Realism and not seeking his personal gratification is an extraordinary personality.

Therefore, laws are the source of political power, but they also restrict it. Han Fei places remarkable emphasis on the sufficiency of laws as the ultimate means to ideal governance, provided that they are not based on the indulgence of personal desires but are impersonal and impartial. Many researchers erroneously see a judgemental and almost punitive aspect

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<sup>108</sup> Zhang Ying, Tao Liming, and Yao Xuan, *The Wisdom of Han Feizi* (Shanghai: Shanghai Foreign Language University Press, 2010), 54-57.

<sup>109</sup> David Shepherd Nivison, "The Classical Philosophical Writings," in *The Cambridge Ancient History of China – From the Origins of Civilization to 221 B.C.*, eds. Michael Loewe, and Edward L. Shaughnessy, 745-812 (Cambridge: Cambridge University Press, 1999), 800-801.

to *Han Fei Tzu*, disregarding its legislative, honest and unbiased spirit.<sup>110</sup> Perhaps the criticism that Han Fei does not care for the consolidation of a virtuous model of a ruler, has to do with the fact that Han Fei advises a ruler to embrace inertia. In other words, a ruler does not have to solve problems of government; instead, he should take care to not have any problems to resolve.<sup>111</sup>

Furthermore, Han Fei does not suggest that only the result or only power is all that matters. Why should someone be punished if he manages to achieve great things just because he did not initially expect to gain such glory for himself in the name of his king?<sup>112</sup> This brings to mind the example of the famous roman general Titus Manlius, who killed his son, although the latter honoured his country and family by beating a rival general, simply because he disobeyed his father's orders. If Han Fei's ideal leader cared only for power, he would not punish his subordinates who contributed to the consolidation of his power; he would reward them instead.

It is unfair to believe that Han Fei would disagree with Machiavelli in the case of Agathocles. If Han Fei's objective was to support a dictatorship, emulating a ruler like Agathocles – who murdered anyone he thought was against him – why does he try to form a hierarchy in governance with worthy advisers? Han Fei based his whole philosophy on meritocracy. He proposes that those who will be designated to leading posts should pass a series of tests, beginning with lower positions so that their value can determine their career path. Certainly the power lies in the monarch's hands, but he should not abuse it, as he exercises his power using the “two handles” on and through his ministers. Han Fei's prince would not use his ministers as if they were his sense organs, if the only thing he cared for was selfish power. Also, Legalism promotes the distribution of land to peasants, as, if land remained in the hands of nobles, it would confer political power. Then aristocrats would be few, without much power; but if many people obtained power through the cultivation of land, it would be much more difficult to stop their uprising. So, it makes no sense to claim that Han Fei supports the model of a bloodthirsty king with no regard for his ministers or his people.

### VIII. Similarities and differences

Indeed there are few differences separating Han Fei and Machiavelli. Han Fei focuses on the establishment of a legal system, something that

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<sup>110</sup> Winston, 313-315.

<sup>111</sup> Pocock, 22.

<sup>112</sup> Han Fei Tzu, 27-28.

Machiavelli omits to do. Throughout *Han Feizi*, Han Fei offers advice to a prince concerning mostly how to handle ministers, rather than people in general, while Machiavelli does the opposite. The teachings of Han Fei are not derived from observing the lives of the common people as his treatise is exclusively addressed to rulers, to whom he suggests ways to consolidate their political power.<sup>113</sup> Presumably that is the reason Han Fei is preoccupied with meritocracy and the means by which the most capable people will be chosen to handle difficult situations. Thus, Han Fei suggests that ministers should be provided with the autonomy to come up with a state policy, notwithstanding that the emperor would always make the final decision. This may be due to the importance ministers had in ancient Chinese politics in order to restrain and facilitate the emperor's absolute authority at the same time, especially since ancient China had not witnessed any other form of government.

Living thousands of years after Han Fei, Machiavelli has the opportunity to support an institution Han Fei never witnessed, Republicanism and Democracy. Han Fei implies that monarchy would be the most suitable form of governance, although both thinkers criticize tyranny and nepotism. Another element differentiating their opinions is Han Fei's attachment to Taoism. In Legalism the ruler's arsenal includes the "non-action" (*wu wei*) form of government, a model that a leader does not have to be highly intelligent to follow.<sup>114</sup> Han Fei describes the portrait of a serene and imperturbable prince while Machiavelli refers to a prince full of energy and vigor.

Additionally, Machiavelli believes in a cyclic path of history, thinking that ancient Rome's glory will sometime return, even though he condemns the view that the imitation of the past is enough for the handling of present political matters; Han Fei, on the other hand, totally rejects the possibility of a repetition of the past, denouncing even Confucius for that. Han Fei's Daoist beliefs led him towards a more idealistic conception of statesmanship, in which the ruler should be next to heaven; Machiavelli does not share a similar approach.

Han Fei considers that serenity is the most suitable trait for statecraft while Machiavelli preaches vitality and focuses on fortune, something that Han Fei does not even consider. It could also be said that Han Fei clearly and without any trace of fear attacks the nobility of a state and openly accuses them. Machiavelli does not do the same, but this does not mean that he approves of the machinations of aristocrats,

<sup>113</sup> Ying, Liming, and Xuan, 19.

<sup>114</sup> Pocock, 21.

whom he criticizes. He flatters his master (Lorenzo de' Medici), which Han Fei avoids. If Machiavelli had written that the wealth of the Medici had to be curtailed, or that land had to be distributed to poorer people – like the Legalist Shang Yang had done – the leading class of Florence would have bitterly attacked him and banned the publication of his work at the very least.

On the other hand, the ideas of the two thinkers have a lot in common. They both conclude that human nature is innately self-centered. Both texts, *Han Feizi* and the *Prince* are said to retain an epistemological character aiming to set very specific standards of statesmanship. In a way, they are texts of political science in an era when politics were not considered a science, integrating features from psychology and sociology. Accordingly, the scientific elements of the political treatises under examination are rationally justified, as the authors of these texts scrutinize psychology from an empirical perspective. The reason Machiavelli and Han Fei have reached the same conclusions, urging leaders to abandon a romantic approach to politics, is the method they used throughout their work. Thus, they both rely on experience for their conclusions, as Political Realism favours adherence to reality rather than quixotism in the political domain. Since people cannot believe in an ideal they cannot perceive through experience, it would be pointless for a ruler to construct his policy on such a factor.

Moreover, they both believe that political decisions should be taken after evaluation of the current situation and in anticipation of what may happen. For both of them, whatever occurred in the past is not an appropriate solution for present issues. They also criticise dictatorship as a political institution and highlight how important it is for a king to conceal his intentions from his ministers. They both claim that a Political Realist leader must possess abilities that surpass human nature, as he will be among people obliged – due to their rank – to suppress their selfish motives for the sake of the common good. They both think that the precise emulation of glorious historical figures is insufficient to guarantee the successful handling of the problems a ruler has to deal with, since for them history has an essentially educative role and is in a state of flux. Finally, they both hope that their teachings will not fall on deaf ears and will contribute to the unification of their devastated countries. China's unification came earlier, almost with the death of Han Fei, but Italy's came three centuries after Machiavelli died.

Therefore, political pragmatists like Han Fei and Machiavelli do not desire to circumvent morality; they simply attempt to inaugurate a new kind of morality adjusted to reality. In the end, Han Fei's

philosophy should not be evaluated by Qin Shi Huang's statesmanship, but by that of emperor Taizong (Li Shimin) instead. It is clear that the consolidation of a legal system in the 7<sup>th</sup> century A.D. by Taizong was influenced by the tenets of classical Legalism as recorded in the writings of Han Fei and Shang Yang.<sup>115</sup> Indeed Taizong is an astonishing historical figure, who managed to maintain balance between Political Realism and Idealism. Even though he embraced Confucian teachings and aimed at governing as if from Heaven and at displaying the highest possible moral integrity, when it came to violence, he never hesitated. In order to rise to the imperial throne, he contravened Confucian ideals, demonstrating remarkable deviousness, which brings the Machiavellian teachings to mind.<sup>116</sup> Because Taizong feared that his father would not name him heir to the throne, he murdered his brothers and their ten sons. Then he demanded that his father, Gaozu, abdicate and hand over the authority for himself to govern the empire. But despite his ruthless beginning, Taizong proved a diligent and benevolent ruler, designating his associates according to their worthiness and being willing to learn from his mistakes without criticizing those who might indicate the dysfunctions of his government to him.<sup>117</sup> His tremendous successes, which revived Han dynasty's glory, along with his governing by the law are the closest example to Han Fei's ruler.

## IX. Conclusion

Concerning the stance and thought of a politically pragmatist head of state, the consolidation of a legal system is a prerequisite for the survival of any form of community. Han Fei emphasizes that, because it was not so obvious in antiquity, as it is in recent years. As both thinkers conclude, this occurs because of people's innate propensity to pursue personal gratification through the accumulation of wealth. Consequently, the establishment of states and communities based on law abidance can secure everybody's wellbeing. The bulimic attitude of individuals seeking the maximum satisfaction of their desires and using any means to achieve them is worthy of rebuke. However, if the inherence of this behaviour is taken into account, it would be almost vindictive to blame people for

<sup>115</sup> Norman P. Ho, "The Legal Thought of Emperor Taizong of the Tang Dynasty (618-907)," *Frontiers of Law in China* 12, no. 4 (2017): 602.

<sup>116</sup> Chinghua Tang, *The Ruler's Guide: China's Greatest Emperor and his Timeless Secrets of Success* (New York: Scribner, 2017), 66.

<sup>117</sup> Patricia Buckley Ebey, *The Cambridge Illustrated History of China* (Cambridge, New York, and Melbourne: Cambridge University Press, 1996), 109.

something they cannot expunge. This brings to mind the logical answer of Protagoras to Socrates in the Platonic dialogue *Protagoras*, which proposes that, if political virtue was not teachable but innate, societies should not punish criminals, because they cannot punish someone for something he is not able to do; it would be like rebuking the lame because they cannot run.<sup>118</sup> Similarly, according to Political Realism people may be innately self-centered, but this cannot change and more importantly, it is not their conscious choice. Thus, the repression of human impulses and motives safeguards the survival of human society while the submission to human desires does the opposite.

Despite seeming odd, the distressing obedience to rules leads to pleasant results, as people are thus enabled to enjoy goods and liberties they would not have otherwise. What is interesting in the political domain though, is that one or few people must differentiate themselves from the mass in order to form the rules of the society and regulate the way it is going to be governed. It is a necessity for a large community, state, nation, or even an empire to designate some individuals who will carry more responsibility concerning governance and decide on the principles by which it will be exercised. Otherwise, the existence of states would be impossible, because human beings would have little reason to form a community if they could sustain themselves another way, which is to say that communities must serve the common good or not exist at all. Thus, there seem to be two forms of necessity: the governing of a state by one or more individuals and the collective welfare over the individualistic one.

In this analysis, following the ideals of Political Realism, we have concluded that those exercising authority are only people. This is definitely not a revelation, but it is important to underline that the existence of humanity itself is based on human beings innately seeking to gratify their own needs and wants; achieving collective satisfaction and universal welfare rarely is a priority for common people. We do find the description of human beings as self-centered and selfish very harsh, but people have learned to judge actions stemming from this as erroneous – and rightfully so – following some rules that hinder this natural tendency. If, as Political Realism proposes, the self-centered motives exist, they do so unconsciously and do not deserve condemnation.

If all or most people are born morally equal, then nobody could subdue another human being without possessing a form of inherent superior power. This probably is the reason why many monarchs in

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<sup>118</sup> Plato, *Protagoras*, 324a-c.

history endeavoured to consolidate their political power proclaiming that they had been chosen by god and that they ruled by divine grace. They subconsciously understood that they should pretend to possess a superior trait than their subjects, even if this was not the case in reality, since this supremacy could not be explained physically.

But as already mentioned, the union of people into various kinds of societies has led to the achievement of remarkable results, such as the creation of civilization. This has been achieved by establishing laws that would inhibit human self-centered impulses. If those in charge of ruling a country deliberately neglected the enforcement of the laws on themselves, it could lead to their abuse of political power so as to maintain their advantageous position. People, thus, consider such a totalitarian attitude repulsive because they associate it with the fact that someone, the prince, or the nobility or higher classes, seek to oppress them so they can secure their personal interests. In such a case, the purpose of government is not collective prosperity, but the fulfilment of the rapacious wishes of those in power, who become tyrants.

The quote “the end justifies the means” is not in accordance with Han Fei and Machiavelli’s thought since their purpose is not just the achievement of desirable results. The motto is taken to insinuate that the illicit or underhand means used to achieve a specific goal accomplish a harsh and unpleasant end, only ostensibly in the interests of social prosperity. On the contrary, this quote would be closer to the essence of Political Realism, only if it was taken to imply that the desirable end was driven by utilitarian motives and goals. It would then be awkward to criticise those goals, even if sometimes illegitimate means needed to be justified. This paper has argued that Political Realism is not a theory striving only for the achievement of a goal, but a normative tenet criticising the attainment of an end outside its deontology, even if this end is ultimately more profitable for society.

Indeed it is a sisyphian task to find a ruler who sincerely abhors selfish attitudes since this is an innate trait of human nature according to Political Realism. That may be the reason why the ruler embracing this doctrine should possess divine qualities. Albeit a rare fact, this does not signify that we can arrive at its true essence, by simply misquoting Political Realism. It could be argued that the politically realist ruler shares a common characteristic with the Platonic ruler. The prince should be entirely deprived of any sort of materialist motives or desires or even, live a pleasant life, like the common people do. He should not own a fortune and live in opulence, he should not have bonding personal relationships

with friends who may understand his intentions and manipulate him. This leader, like the stoic sage, should voluntarily abstain from the human passions that common people, like his subordinates, give in to. The prince should live his life having only one purpose: to ensure that all of his subordinates can live their own lives contentedly.

Since humans tend to seek pleasure and avoid whatever distresses them, it is obvious why it is difficult to find such a prince. No one would choose to undertake such an onerous task, especially if they had the power and the opportunity to use their supposed industriousness for their individualistic indulgence. It is a common belief that Political Realism is an unscrupulous tenet, but this claim would be closer to the truth if the ruler it upholds was an ordinary man. We cannot denigrate the theory and eschew the emulation of such behaviour, however, because it is highly unlikely that we will ever meet such a person, possessing unique and exceptional traits. In this respect, Political Realism is a peculiar Idealism focusing on practical application in the real world rather than on the study of the “true word of ideas,” which lies beyond experience, accessible only through contemplation.

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