

Ancient Governmental Concepts of China:

Confucianism Versus Legalism

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Almost everyone has an idea of what government should do or how it should be structured. The difference between Joe's water cooler critique of a bill that was just passed by Congress and a full-fledged political philosophy like Confucianism or Legalism is that the latter has the means to put their theory into effect. These two philosophies present very different ideas of the correct way to govern a society; however, they both have had significant influence on China's political anatomy. The two schools of thought are very detailed and encompass much more than just political structure, but for the purposes of this paper, I will strictly focus on what these two philosophies recommend in terms of an ideal government, specifically how they differ in style. Confucianism is more fluid and encourages respectful interaction, while Legalism is more rigid and implements deterrence policies.

Confucianism is a concept based in virtue and humaneness and suggests that if a ruler demonstrates loyalty and righteousness towards his followers, these characteristics will be reciprocated. The Analects, one of Confucianism's sacred texts, argues that, "One who governs through virtue may be compared to the polestar, which occupies its place while the host of other stars pay homage to it."¹ Here, Confucianism indicates that if a ruler governs virtuously, his followers will respect and remain loyal to him. In addition, the advice is directed specifically toward the ruler. A majority of Confucian teachings regarding government suggest that it is necessary for the ruler to set an example of virtue and humaneness. The ruler's example is critical for the success of Confucian government. The Analects also recommends that rulers avoid the application of punishments and guidelines. The text asserts: "Lead them by means of regulations and keep order among them through punishments, and the people will evade them and will lack any sense of shame. Lead them

¹ "The Analects," in *The Chinese Tradition in Antiquity*, ed. William Theodore de Bary (New York: Columbia University Press, 1999), 46.

through moral force and keep order among them through rites, and they will have a sense of shame and will also correct themselves.”² This aspect of Confucian philosophy emphasizes that governing through rules and consequences is detrimental to society because people will bypass these laws and avoid punishment. Instead, if one governed through virtue, rules would not be necessary because people would regulate their own behavior. This embodies the Confucian idea that people are naturally good, and therefore if you lead them with humaneness, they will behave loyally towards their ruler, and act morally towards each other.

In contrast, Legalist philosophy emphasizes a strong state government with strict rules and punishments. William Theodore de Bary’s introduction to the Legalist text, *The Book of Lord Shang*, describes the foundations of Legalism: “Especially the need for strong and decisive leadership, state domination over the people, and reliance on strict laws, including generous rewards and harsh punishments rather than traditional fiduciary relations and family ethics.”³ Here, Theodore de Bary identifies the main pillars of Legalism’s philosophy on government: strong state government, strict laws, generous rewards, and harsh punishments. Additionally, the state prided itself on the powerlessness of its people: “A weak people means a strong state and a strong state means a weak people.”⁴ In the Legalist view, the government must limit the influence of its people to be successful. Also, notice that this implies that it is the responsibility of a group to govern, while in the Confucian texts it indicated the responsibility rested with a single ruler. The Book of Lord Shang additionally describes how the government should administer discipline in order to maintain its dominance. It asserts, “In applying punishments, light offenses should be punished heavily; if light offenses do not appear, heavy offenses will not come.”⁵ Here Legalists indicate that if a small transgression is disciplined swiftly and harshly, people will not develop any interest in committing a larger infraction. Over time, in theory, the government will eradicate crime completely. This idea begins to reveal Legalists’ opinion of the human psyche. Whereas Confucianists believed people were naturally good, Legalists believed humans were naturally evil, and must be subjected to rules and punishments to maintain discipline. The text additionally says that “kindness and humaneness are the mother of transgressions.”⁶ Thus, it is not possible to govern through empathy because people are naturally bad. Treating them empathetically only encourages them to commit offenses.

2 Ibid.

3 William Theodore De Bary, Introduction to “The Book of Shang,” *The Chinese Tradition in Antiquity* (New York: Columbia University Press, 1999), 193.

4 “The Book of Lord Shang,” in *The Chinese Tradition in Antiquity*, ed. William Theodore De Bary (New York: Columbia University Press, 1999), 198.

5 Ibid., 197.

6 Ibid., 195.

The schools of Confucianism and Legalism shaped political philosophy in China during the time of antiquity. Despite their drastically different recommendations of what an ideal government should be, these two philosophies allow us to better understand how influential Chinese thinkers believed government should be structured. Perfect government does not exist, so individuals develop different philosophies as to what structure is most ideal. Whether you believe a virtuous and humane ruler is the correct option, or that the state should dominate over the people, your opinion has likely been influenced by an existing school of thought.