ABSTRACT: It is commonly accepted that Han Fei studied under Xunzi sometime during the late third century BCE. However, there is surprisingly little dedicated to the in-depth study of the relationship between Xunzi’s ideas and one of his best-known followers. In this essay I argue that Han Fei’s notion of *xing*, commonly translated as human nature, was not only influenced by Xunzi but also that it is an important feature of his political philosophy.

“Aus so krummem Holze, als woraus der Mensch gemacht ist, kann nichts ganz Gerades gezimmert werden.”


At first sight, it does not seem far-fetched to suggest that a thorough study of Han Fei’s notion of *xing* (性)—commonly translated as human nature—should include an analysis of the role played by his teacher Xunzi. However, suggesting the existence of such influence has proven to be a quite controversial topic. For the most part recent interpreters of the history of Chinese philosophy tend to briefly mention the existence of some sort of philosophical relationship between Xunzi and Han Fei. What scholars generally acknowledge is that a master-student relationship existed between the two, which typically indicates some kind of influence (or rejection) of one by the other. However, there is surprisingly little dedicated to the in-depth study of the relationship between Xunzi’s ideas and one of his best-known followers. This absence of detailed analysis is even more puzzling when it is contrasted with the profuse amount of research during recent years, dedicated to comparing Xunzi with Mencius, his most famous counterpart. In the following

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pages I will argue that there are some important reasons for the considerable lack of interest or even intentional silence regarding this subject and that the lack of interest is based, in no small measure, on the way Han Fei was read by some of the most influential scholars in the field. I will also suggest that Han Fei’s notion of *xing* was not only influenced by Xunzi but also that it is an important feature of his political philosophy.

**XUNZI’S INFLUENCE**

The historical fact of the master-student relation between Xunzi and Han Fei is based on the accounts of the first century BCE historian Sima Qian (司馬遷). Sima Qian indicates in his biography of Han Fei that he studied under Xunzi, just like Li Si (李斯), who was an advisor to Qin Shi Huang (秦始皇), the first unifier of China. This crucial passage was written by Sima Qian in book LXIII of his *Shiji* (史記), commonly translated as *Records of the Grand Historian*, during the rule of the Emperor Wu (武) of the Han (漢) dynasty, some one hundred and fifty years after Han Fei’s death. The passage in question reads, “Han Fei had a speech impediment and was not a proficient orator but was a skilful writer and, in these matters, he and Li Si were followers of Xunzi.”

Sima Qian’s writings are the closest records that exist from that time with regard to Han Fei’s life. It is commonly accepted that Han Fei and Li Si studied under Xunzi during the time he was a magistrate in Lanling (蘭陵), an ancient city located near the birthplace of Han Fei. In Lanling, Xunzi was appointed the magistrate by Prince Chunshen Jun (春申君) in 225 BCE when he was about sixty-one years old and remained in the area for the rest of his life. Hence, as a mature philosopher, it is quite possible that Xunzi created a lasting impression in his young pupils.

But for some scholars, such as Shigeki Kaizuka, there seems to be certain textual elements that might make this key story doubtful and while others such as Lundahl...
provide convincing arguments against this rather undue line of thought, their own writing still continues to transmit and emphasize the traditional dismissive sentiment expressed by a large majority of the Sinological studies dedicated to Han Fei. For instance, Lundahl himself concludes that, “the silence of Han Fei regarding his master remains a problem to be explained.”

But, given that recent studies have began to make some attempts to explore the relationship between the master and his student, one wonders if such silence is just a fabrication of certain interpreters as a result of their unwillingness to link Xunzi to Han Fei.

It appears that for some of the mid-twentieth century scholars of Chinese philosophy Han Fei’s ideas seemed to be too toxic to be worth exploring. The fear may exist that associating Han Fei’s work with Xunzi could endanger the already weak reputation of Xunzi as a Confucian, in particular after Zhu Xi (朱熹) did not include Xunzi’s text in the Confucian canon, known as the Four Books (sishu四書), during the Song (宋) Dynasty.

Burton Watson, for instance, is a key representative—and perhaps in its most extreme case—of the fear to link Han Fei to Xunzi. In the introduction to his translation of Xunzi’s writings, he comments that,

[Xunzi] undoubtedly had many disciples, and it is unfortunate for his reputation as a Confucian that two of the most famous of them should have been Han Feizi, who became the leading exponent of the Legalist School and Li Si, the statesman who assisted the First Emperor of the Qin in the unification of the empire, both men whose names are inseparably linked with the ridicule and persecution of Confucianism.

and the few passages that could have had an explicit reference to his teacher seem to be rather doubtful. Kaizuka has even gone so far as to conclude that Han Fei could not have been a student of Xunzi (Kaizuka, Kanpi, pp. 63–69) based on the apparent mistakes made by Han Fei of placing Chunshen Jun (春申君), the famous protector of Xunzi, during the Spring and Autumn period some two hundred years earlier than his real lifetime and also failing to mention Xunzi in a passage that was a direct reference to a letter written by Xunzi to Chunshen Jun. However, as Lundahl points out, Kaizuka’s premature conclusion relies merely on two passages and therefore, it seems particularly impulsive because it assumes firstly that no word was ever changed during the long transmission of the text and, secondly, that additional records from the time were never not destroyed or lost.

8Lundahl, Han Feizi, p. 49.
9The four books are the daxue (大學), zhong yong (中庸), lunyu or Analects (論語) and the book of Mencius (孟子).
10Even though the Han Dynasty historian, Sima Tan (司馬談), considered Legalist philosophy a school or fa jia (法家), there are significant philosophical differences between its members and it would be erroneous to state that there is a unifying ideology shared by all within the so-called “school.” In this essay I will focus solely on explaining Han Fei’s Legalist notions, which are significantly different from those of Shen Buhai (申不害) or Shang Yang (商鞅). Han Fei himself dedicated an entire chapter to refute some of the precepts defended by both philosophers (chapter XLIII). I will simply limit myself to pointing out that such differences exist since explaining them in detail is beyond the scope of the present essay. For more on the subject see, Wm. Theodore de Bary and Irene Bloom, eds., Sources of Chinese Tradition vol. 1 (New York: Columbia University Press, 1999), p. 279; Kidder Smith, “Sima Tan and the Invention of Daoism, ‘Legalism,’ et cetera,” The Journal of Asian Studies 62 (2003): 129–56; Paul R. Goldin, “Persistent Misconceptions about Chinese ‘Legalism,’” Journal of Chinese Philosophy 38 (2011): 88–104; and Soon-ja Yang, “Shen Dao’s Own Voice in the Shenzi Fragments,” Dao: A Journal of Comparative Philosophy 10 (2011): 187–207.
11Burton Watson, introduction to Xunzi: Basic Writings (New York: Columbia University Press, 2003), pp. 2–3. For more on the early reception of the Han Feizi see Michael Andrew Hall Reeve, “Demonstrating
As Watson explained, it was unfortunate for the legacy of Han Fei’s thought that he was such a harsh critic of the Confucian School, which dominated the social and political structure of China for most of its history. The result has been that even now, many centuries after his death, his ideas are shrouded by a number of preconceptions that prevent scholars from examining Han Fei’s thought on its own terms.\textsuperscript{12}

While Lundahl, Kaizuka and Watson are all representative of the dominant hermeneutical tendency of Sinology, some of the most prominent philosophical studies are no different in that they suffer from a very similar dismissive spirit and rarely attempt to go further than simply mentioning that Han Fei studied under Xunzi based on the aforementioned passage by Sima Qian. On most occasions, however, many prominent authors simply have preferred avoiding the issue altogether in their surveys of Chinese philosophy.\textsuperscript{13}

Among the major authors who have explored the history of classical Chinese philosophy in the twentieth century, Feng You-lan seems to be the only one—and perhaps the first—who considered in his *History of Chinese Philosophy* the relationship between Xunzi and Han Fei worthy of some attention. Unfortunately his thoughts regarding this matter were limited to saying, “most Legalists believe that man’s nature is evil, and Han Fei Tzu [Han Feizi], as the disciple of Hsün Tzu [Xunzi], is especially clear in this point.”\textsuperscript{14} Feng neither elaborated on the significance of his assessment nor supported his arguments with passages which directly address the notion of the natural tendencies of people (xing).\textsuperscript{15} Nevertheless, Feng

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\textsuperscript{12}Flanagan and Hu suggest the existence of a hermeneutical bias against Han Fei that “nudges philosophers and other interpreters of theories of human nature to give extra credit points to flattering theories.” Owen Flanagan and Jing Hu, “Han Fei Zi’s Philosophical Psychology: Human Nature, Scarcity and the Neo-Darwinian Consensus,” *Journal of Chinese Philosophy* 38 (2011): 295.


\textsuperscript{14}Feng, *A History of Chinese Philosophy*, p. 327.

\textsuperscript{15}Xing will be translated as “natural tendencies” instead of the more common “human nature” in order to avoid “suggesting a classical teleological conception, associated with the notion of a universal human
made a significant preliminary attempt to approach the issue and he acknowledged that the existence of the master-student relationship played an important role in Han Fei’s philosophy.

On the other end of the philosophical spectrum is Wing-tsit Chan, who in his widely read *Source Book in Chinese Philosophy*, not only took the side of but also continued to influence those who would prefer to avoid the issue altogether. In the only section where Chan commented on the relationship between Xunzi and Han Fei, he did so only to disagree entirely with Feng. Chan seemed to think that even suggesting a relationship between the two is problematic. He wrote, “it is misleading, at least, to say, as Fung [Feng] does, that Han Fei Tzu [Han Feizi] based his doctrines on the teachings of Hsün Tzu [Xunzi].”

Yet in spite of this, Chan surprisingly could not avoid agreeing with Feng to a certain extent. Chan concluded, as Feng did before him, that “the theory of the originally evil nature of man is a basic assumption of the Legalist.”

Feng and Chan’s works have become so influential that they have provided the core beliefs and guidelines for most attempts to study the relationship between Xunzi and Han Fei. In this sense, their contributions have provided an indispensable hermeneutical background for those of us who follow in their footsteps. But a thorough study of the philosophical period of Han Fei’s life needs to comprehend these ideas by taking into careful consideration how they were originally conceived and how they were meant to be read. This is to say, they are to be seen as a direct result of the intellectual and historical environment of the Warring States period. Once again, this is the reason why one cannot and must not neglect the intellectual influence played by Xunzi during this time—one of the most important minds of the period—because his view of humanity is one that serves as background for, not only his own revision of Confucian philosophy, but also to others such as Li Si and Han Fei. The following pages will examine this possible influence in order to gain a broader understanding of Han Fei’s Legalism and to be able to recognize his unique philosophical contribution to the period.

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17 Chan, *A Source Book in Chinese Philosophy*, p. 254. Landers, following Chan’s line of thought, comments, “Han Fei was less concerned with man’s basic nature and more concerned with political and social affairs [than Xunzi] and consequently did not specifically express his ideas on man’s basic nature. Yet it is evident that Han Fei was indeed influenced by Xunzi’s theory that man was evil by nature.” James R. Landers, “The Political Thought of Han Fei” (PhD diss., Indiana University, 1972), pp. 97–98.

18 In this regard, I am following Skinner’s suggestion that the appropriate method to adopt in studying the history of ideas should be concerned with grasping “what [the texts] were intended to mean and how that meaning was intended to be taken.” Quentin Skinner, *Visions of Politics: Regarding Method* (Cambridge: Cambridge University Press, 2002), p. 86.