**Legalism**

**Legalism** in ancient [**China**](http://www.ancient.eu/china/) was a philosophical belief that human beings are more inclined to do wrong than right because they are motivated entirely by self interest. It was developed by the philosopher [**Han**](http://www.ancient.eu/Han/) Feizi (c. 280 - 233 BCE) who drew on earlier writings of the Warring States Period of China (476 - 221 BCE) by a Qin statesman named Shang Yang (died 338 BCE). Even though Legalism during the [**Qin Dynasty**](http://www.ancient.eu/Qin_Dynasty/) resulted in huge loss of life and culture, it should be remembered that the [**philosophy**](http://www.ancient.eu/philosophy/) developed during a time of constant [**warfare**](http://www.ancient.eu/warfare/) in China when each state fought every other for control.

THE ADOPTION OF LEGALISM

For over 200 years the people of China experienced [**war**](http://www.ancient.eu/war/) as their daily reality and a legalistic approach to trying to control people's worst impulses [desires] - controlling people through the threat of severe punishment for doing wrong - would have seemed like the best way to deal with the chaos. Shang Yang's legalism dealt with everyday situations but extended to how one should conduct one's self in war and he is credited with the tactics of total war which allowed the state of Qin to defeat the other warring states to control China.

Legalism became the official philosophy of the Qin Dynasty (221 - 206 BCE) when the first emperor of China, [**Shi Huangti**](http://www.ancient.eu/Shi_Huangti/), rose to power and banned all other philosophies as a corrupting influence. [**Confucianism**](http://www.ancient.eu/Confucianism/) was especially condemned because of its insistence on the basic goodness of human beings and its teaching that people only needed to be gently directed toward good in order to behave well.

During the Qin Dynasty any books which did not support the Legalist philosophy were burned and writers, philosophers, and teachers of other philosophies were executed. The excesses of the Qin Dynasty's legalism made the regime very unpopular with the people of the time. After the Qin were overthrown, Legalism was abandoned in favor of Confucianism and this influenced the development of the culture of China significantly.

BELIEFS & PRACTICES

Legalism holds that human beings are essentially bad because they are inherently selfish. No one, unless forced to, willingly sacrifices for another. According to the precepts of Legalism, if it is in one's best interest to kill another person, that person will most probably be killed. In order to prevent such deaths, a ruler had to create a body of laws which would direct people's natural inclination of self-interest toward the good of the state.

***A RULER HAD TO CREATE A BODY OF LAWS WHICH WOULD DIRECT PEOPLE'S NATURAL INCLINATION OF SELF-INTEREST TOWARD THE GOOD OF THE STATE.***

Morality was of no concern to the legalist philosophers because they felt it played no part in people's decision-making process. In Legalism, laws direct one's natural feelings for the betterment of all. The person who wants to kill their neighbor is prevented by law but would be allowed to kill others by joining the army. In this way the person's selfish desires are gratified and the state benefits by having a dedicated soldier. Legalism was practiced through enacting laws to control the population of China. These laws would include how one was to address social superiors, women, children, servants as well as criminal law dealing with theft or murder. Since it was a given that people would act on their self-interest, and always in the worst way, the penalties for breaking the law were severe and included heavy fines, conscription in the army, or being sentenced to years of community service building public monuments or fortifications.

Other philosophies which argue for people's inherent goodness were considered dangerous lies which would lead people astray. The beliefs of philosophers like [**Confucius**](http://www.ancient.eu/Confucius/), [**Mencius**](http://www.ancient.eu/Mencius/), Mo-Ti, or [**Lao-Tzu**](http://www.ancient.eu/Lao-Tzu/), with their emphasis on finding the good within and expressing it, were considered threatening to a belief system which claimed the opposite. The scholar John M. Koller, [**writing**](http://www.ancient.eu/writing/) on Legalism, states:

The basic presupposition of [Legalism] is that people are naturally inclined to wrongdoing, and therefore the authority of laws and the state are required for human welfare. This school is opposed to Confucianism in that, especially after Mengzi, Confucianism emphasized the inherent goodness of human nature (208).

Legalism was not only opposed to Confucianism but could not tolerate it. Once Legalism was adopted by the Qin Dynasty, Confucianism faced the very real threat of extinction.

Adapted from Ancient Encyclopedia