

# Confucianism or Legalism: Which is a Better Way to Govern?

## Pronunciation Key

Confucianism (kun FEW shun izm)

Confucius (kun FEW shus)

Kongzi (KONG zuh)

Li Si (LEE suh)

Qin (chin)

Shandong (SHAN dong)

Shi Huangdi (shuh hwong DEE)

yi (ee)

Zhou (joe)

Zheng (cheng)

## Introduction

China was ruled for centuries by one dynasty, or ruling family, after another. The first great dynasty was the Shang, which ruled much of China for about 400 years. The next dynasty was the Zhou. The Zhou Dynasty clung to power for more than 800 years—from 1027 B.C. to 221 B.C. But for the last 500 years of that time, it ruled in name only. Mongolians attacked from the north. Dropping their loyalty to the Zhou Dynasty, nobles battled one another for control of parts of China. Wars constantly raged.

During this disorderly and dangerous time, many people came up with ideas for putting Chinese society back together. So many ideas were in the air that this time was known as the period of the Hundred Schools of Thought. One of the most important of these schools was Confucianism.

The founder of Confucianism was a man named Kongzi, or Master Kong. Outside of China, he is called Confucius. He was born in 551 B.C. in northeastern China in the state of Lu. (Today Lu is called Shandong Province.)

Confucius lived a simple life, spending most of his time as a teacher. Only a few facts are known about his life. But because he is considered one of the greatest Chinese thinkers, many stories have arisen about him.



When he was about 50, he was appointed to work in the government of Lu. He wanted to apply his ideas to make society better. He was soon made minister of justice. But Confucius saw that those above him did not like his ideas. So he left.

He spent the next 12 years traveling around China. He was looking for a ruler who would listen to his ideas. He never found one. His students, however, continued to follow him. When he was 67, he returned to Lu. He died in 479 B.C.

Many years after his death, the students of his students wrote down Confucius' teachings in a book. It is called the *Lun Yu*. In English, this book is usually called the *Analects* or the *Sayings of Confucius*. It has hundreds of short sayings of Confucius.

## Confucianism

Confucius highly valued the past. He wanted people to adopt ancient truths. By adopting them, he believed society would return to peace and harmony.

Confucius emphasized several basic ideas. The most important one is *ren*. *Ren* is what makes a person human. It can be translated as “humaneness” or “goodness.” *Ren* is what makes life worth living. To achieve *ren*, a person must do the right things.

One of the right things is *yi*, doing one’s duties. Confucius talked about duties in unequal relationships: parents and children, elder child and younger child, teacher and student, ruler and subjects. In each relationship, the higher-ranking person must take care of the lower-ranking person. In turn, the lower-ranking person must obey and honor the higher-ranking person.

Confucius saw everyone as having a duty to everyone else. When asked for a single idea to guide a person’s actions, he answered, “What about fairness? What you don’t like done to yourself, don’t do to others.”

*De*, virtue or moral force was another thing Confucius valued. Confucius said: “The sage cares about virtue (*de*). The inferior person cares about things.”

*Ren*, *yi*, and *de* are expressed through *li*, or ritual. Ritual can mean ceremonies. It also includes the actions of everyday life: greeting people, talking, asking for favors, saying goodbye. Rituals are the correct forms for action, and they work magic. Think about the magic words “please” and “excuse me” and their power. For example, you can move someone much larger than yourself by simply saying, “Excuse me.” Confucius saw rituals as the way to make society run smoothly.

Confucius believed that rulers did not need to use force to return harmony to society. Confucius said: “If you govern them by means of virtue (*de*) and keep order among them by ritual (*li*), people will gain their own sense of shame and correct themselves.”

Other sayings about government by Confucius include;

1:5: Confucius said: “If you would govern a state . . . pay attention to business, be true to your word, be careful in spending, love the people, and use peasant labor at the right time of the year.”

2:1 Confucius said: “If you govern with the power of your virtue (*de*), you will be like the North Star. It just stays in its place while all the other stars go around it.”

2:3 Confucius said: “If you govern the people with laws and control them by punishment, they will . . . have no personal sense of shame. If you govern them by virtue (*de*) and keep order among them by ritual (*li*), they will gain their own sense of shame and correct themselves.”

## Emperor Qin Shi Huangdi and Legalism

The time of Confucius was marked with warfare and unrest. Things did not improve after he died in 479 B.C. For more than 250 years—from 475 to 221 B.C.—seven Chinese kingdoms fought each other. Historians call this violent time the period of Warring States. One of these warring states, called the Qin, built a strong army, and its ruler was a man named Zheng.

He was not satisfied to be the most powerful king of the seven warring states. He wanted to bring all the kingdoms of China together. Then he would be emperor of all China. No one had ever tried this before.

In 230 B.C., Zheng began his effort to conquer the other six Chinese kingdoms. Nine years later he had, and he named himself “Qin Shi Huangdi,” the first emperor of all China.



## Confucianism and Legalism

Before Shi Huangdi became emperor, most leaders had looked to the teachings of Confucius (551–479 B.C.) for guidance on how to rule. Shi Huangdi turned away from these teachings. He took up another school of thought, called Legalism. Legalists believed that people were driven by self-interest. They believed that to be good members of society, people had to be controlled by a strong ruler, strict laws, and harsh punishments. The ruler should be all-powerful. One of Shi Huangdi’s Legalist advisors said, “The ruler alone should have power, using it like lightning or thunder.”

The first emperor believed that Legalism would help him rule his empire. He ordered Legalists to write new laws. The Legalist laws gave district officials the power to investigate crimes, arrest suspects, and act as judges. The courts were allowed to beat suspects until they confessed. They treated suspects as guilty until they could prove their innocence. Courtrooms had no lawyers. Judges made all the decisions.

Legalist laws set harsh punishments. Minor crimes brought fines, beatings with a stick, or hard labor on one of the emperor’s many construction projects, which included the first Great Wall, the Lingqu Canal, and the famous Terracotta Army. Lawbreakers were forced to wear red cloths identifying them as criminals. For more serious crimes, lawbreakers could be tattooed on the face or whipped. Criminals who plotted against the emperor could have their heads chopped off. They could be cut in two at the waist, boiled in a large pot, or torn apart by horse-drawn chariots.

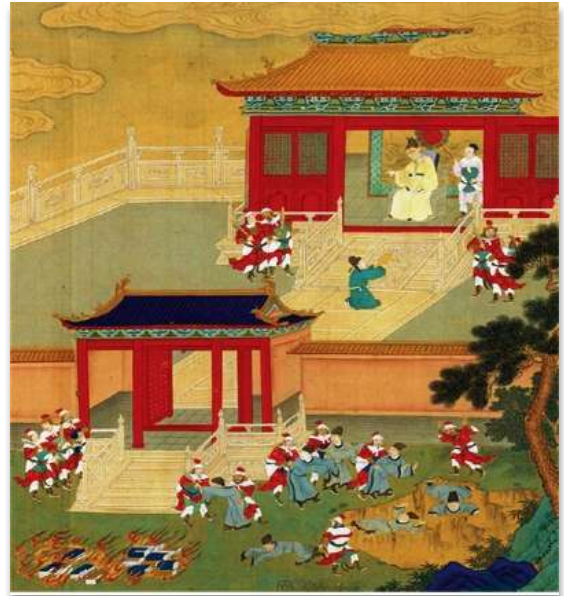
Legalists believed that harsh punishments would frighten people away from committing crimes. The Legalist laws listed thousands of crimes. At this time, most Chinese people could not read. They often did not know they had done something wrong until they were arrested. All family members faced punishment when one member violated the law.

## Book Burning

In 213 B.C., eight years after becoming emperor, Shi Huangdi held a meeting of scholars to debate the future of the empire. During this debate, one scholar called for a return to Confucian teachings. This so enraged Li Si, the emperor's chief adviser, that he made this radical proposal to Shi Huangdi:

“These scholars learn only from the old, not from the new, and employ their learning to oppose our rule and confuse the people. . . . It must be stopped. . . . Let all historical records but those of the Qin be destroyed.”

Shi Huangdi agreed with Li Si. He ordered the burning of history books, the classics of Confucius, and the writings of other schools of thought. According to some accounts, after the book burning, Shi Huangdi ordered hundreds of scholars killed, and he banished others to work on the Great Wall.



## The Decline of the Qin Dynasty

During the next few years, Shi Huangdi cut himself off from other people. He began to look for a potion to make him immortal. In his search, he drank potions that contained mercury and other poisons. Instead of lengthening his life, the potions killed him. He died at age 49 while touring his empire. Shi Huangdi never found the secret of eternal life, but he influenced China for hundreds of years.

## For Discussion:

1. Throughout history, questions have arisen about what is the best way to govern. What are some pros and cons of Confucianism? What are some pros and cons of Legalism?
2. Which do you think is a better way to rule a society, Confucianism or Legalism? Why? Are there other ways you think a ruler should govern the people?

Graphic: Confucius. <https://commons.wikimedia.org/wiki/%E5%AD%A9%E5%AD%90#/media/File:Konfuzius-1770.jpg>

Graphic: Qin Shi Huangdi  
[https://commons.wikimedia.org/w/index.php?search=Qin+Shi+Huangdi+&title=Special:Search&go=Go&uselang=en&searchToken=36hryw28520r3f4fq8islfxs8#/media/File:Qin\\_shihuangdi\\_c01s06i06.jpg](https://commons.wikimedia.org/w/index.php?search=Qin+Shi+Huangdi+&title=Special:Search&go=Go&uselang=en&searchToken=36hryw28520r3f4fq8islfxs8#/media/File:Qin_shihuangdi_c01s06i06.jpg)

Graphic: *Killing the Scholars and Burning the Books* (18th century Chinese painting).  
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