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PH.D. THESIS

**THE NEW WARRING STATES ERA:
REVIVING OF LEGALISM IN CHINA**

by

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ÖZ

YENİ SAVAŞAN DEVLETLER DÖNEMİ: ÇİN'DE LEGALISM'İN CANLANDIRILMASI

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Çin'in hızlı gelişimi ve Batı için büyük bir rakip olarak ortaya çıkışı, araştırmacılar için Çin'in felsefesi, kültürü, tarihi ve siyasetinin kapsamlı bir şekilde anlaşılmasını giderek daha önemli hale getirmektedir. Bununla birlikte, birçok akademisyen ve politikacının Çin anlayışlarına öncelikle Konfüçyüsçü felsefe merceğinden yaklaşması (Lin Yutang: 1934) ve ilerici bir bakış açısıyla Çin'in gelecekteki kalkınma yörüngesini tahmin etmesi olağan hale gelmiştir. Çok sayıda çalışma, Çin'in ekonomik refahı ile demokratik hale geleceğini iddia etmiştir. Ancak, Çin'in ekonomisinin büyümesi ve Xi Jinping'in iktidara yükselişi ile Çin, Batı değerlerini açıkça reddetmekte ve bunun yerine alternatif değerlere ve sistemlere sahip olduğunu iddia etmektedir. Çin, GSYİH'de ikinci ve orta sınıf sayısında birinci olmasına rağmen, hala demokratik değil ve Xi Jinping'in otokrat yönetim tarzı, Konfüçyüs'ün savunduğu yöntem tarzıyla çelişmektedir. Bu durum Çini konu eden araştırmalarda tarihsel olarak ilerici yaklaşımlar uygulamanın ve Konfüçyüsçülüğü Çin siyasi kültürünün merkezine yerleştirme yaklaşımlarının doğru bir metot olamayabileceğinin altına çizmektedir. Budan dolayı, bu çalışma, tarihsel yaklaşımın Çin araştırmaları için neden daha uygun olduğu ve Çin'in Xi Jinping liderliğinde nasıl bir yönetim tarzı uygulamaya çalıştığı gibi iki spesifik soruya cevap vermeye çalışmaktadır. Çalışma, Yasacı düşünce ekolünün Çin yönetim kültürü üzerindeki etkisini inceleyerek, ilerleyici modernleşme yaklaşımından ziyade tarihsel yaklaşımın metodolojik olarak Çin araştırmaları için daha uygun olacağını ve Çin'in siyasi kültürünün her zaman Konfüçyüsçü perspektiften incelenmemesi gerektiğini ve Hukukçu düşünce okulunun da ciddiye alınması gerektiğini ileri sürmektedir. Yasacı ekol olmadan Çin'in yönetim felsefesini yalnızca kısmen anlaşılabilir. İkinci soruya gelince, bu tez, Xi Jinping liderliğindeki Çin'inin, “mükemmel Çin kültürünü canlandırma” ulusal projesi ile Han Hanedanı yönetim yöntemini yeniden canlandırma yolunda olduğunu iddia etmektedir.

Anahtar Kelimeler: Konfüçyüsçülük, Hukukçuluk, Savaşan Devletler Dönemi, tarih, gelenek, hukuk devleti, insan yönetimi, Çin, Xi Jinping

ABSTRACT

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Given China's rapid development and its emergence as a major competitor to the West, it has become increasingly important for researchers to comprehend China comprehensively, encompassing its philosophy, culture, history, and politics. However, it has become commonplace for many academics and politicians to approach their understanding of China primarily through the lens of Confucian philosophy (Lin Yutang: 1934) and predict China's future development trajectory through a progressive perspective. Numerous studies claimed that China would become democratic with its economic prosperity. Yet, with China's growing economic strength and Xi Jinping's ascent to power, China has openly rejected the adoption of Western values and instead posited that it possesses alternative values and systems. Despite China being second in GDP and first in the middle-class number, it is still not democratic and Xi Jinping's autocratic style is at odds with the benevolent ruling method advocated by Confucius. It seems that academic stereotypes that apply historically progressive approaches in China studies and put Confucianism at the center of Chinese political culture need to be revised. To this end, this research tries to answer two specific questions which are why the historical approach is more appropriate for China study and what kind of governing style China trying to implement under the leadership of Xi Jinping. By examining the influence of the Legalist school of thought on the Chinese administrative culture, this study asserts that rather than the modernization approach, the historical approach needs to apply to China studies methodologically and China's political culture should not always be studied from the Confucian perspective, but the Legalist school of thought also seriously takes into account. Without Legalism, we can only partially understand China's governance philosophy. As to the second question, this paper claims that present-day China is on the way to reviving the Han Dynasty style governing method under the leadership of Xi Jinping with the national project of "revitalizing the excellent Chinese culture".

Keywords: Confucianism, Legalism, Warring States Period, history, tradition, rule by law, rule by man, China, Xi Jinping

DEDICATION

Dedicated to my parents, relatives, and friends.....



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INTRODUCTION

With the jingoistic and ambitious slogans of the "Chinese Dream", "great rejuvenation ", “great unification” and “ruling the country by law”, which direction is China going under the leadership of Xi Jinping? Where does Legalism, known as Confucianism's political and ideological rival, stand in this regard? How much can Confucianism help us to understand China? Is it the progressive approach that advocates constant change or the historical approach that references history more appropriate to answer this question and why? This paper tries to discuss these questions.

Chinese civilization or the Huaxia civilization is not only one of the oldest civilizations in the world but it is the only civilization that continues until today without perceivable interruption. It produced great socio-political culture, a unique way of life, and various schools of thought on political administration. Natural protective geographical location, unchanged language and writing system, and monopolistic political structure contributed to the preservation of the civilization without alteration and enabled Huaxia political culture to continue with consistent upgrades on the base of its core¹. Spring and Autumn and the Warring States period (770-221 BC) was the key period in the history of the Huaxia civilization in that the general skeleton of the political structure and ideological thoughts were shaped as a result of serious philosophical endeavors and bloody military clashes. With regard to the response to the question of how to govern, “a hundred schools of thought” devoted themselves and four of them, Taoism, Mohism, and Legalism, remained as the representative of the all. Then that was despot and pragmatist Legalism and idealist Confucianism favored by the rulers as a set of ideologies to govern the country even if Legalism overwhelmingly favored during the period of the bloody military contest in the Warring States period and during the whole period of the Qin dynasty, the first unified feudal dynasty of the Huaxia civilization. From hostile competition to consensus, the relationship between Legalism and

¹ Guangbin Yang, “The Paradigm Shift of Political Science from Being ‘Change-Oriented’ to ‘Governance-Oriented:’ A Perspective on History of Political Science,” *Chinese Political Science Review* 6, no. 4 (December 1, 2021): 506–45, <https://doi.org/10.1007/s41111-021-00188-z>.

Confucianism end up formalizing the political and cultural structure of the Huaxia civilization respectively. The Confucian idea of “great unification” provided the ideological legitimacy for the ruler to consolidate the people socio-culturally while Legalism offered practical tools for political unification. As results they turned into the two sides of the same coin and two weapons of the centralized governing system.

The Huaxia people, who see their lifestyle as the criterion of civilization, consider themselves the center of civilization and saw other neighboring peoples from all quarters as barbarians. They defied that knowing Confucian Rite (礼) is the key to being civilized. Moreover, they related the degree of barbarism to being close or far from them as geography. For example, the state of Chu (楚国) in the Warring States period was called “southern barbarian”², however, since they were just next to the Huaxia people geographically they were always treated very differently than those “northern barbarian”. Chu also became the Huaxia nation very quickly; the same is true with “the eastern barbarian” (东夷). According to the cultural discrepancy resulting from the geographical distance Huaxia dynasties formulated different relations with those “barbarians”. While the “overland system” organized for the relations with southern and eastern “barbarians”, the “tribute system” was applied for those in the north and west, the most foreign barbarians³.

Over the long course of history, the Huaxia civilization expanded to four directions and experienced various relations with different non-Huaxia people. While it applied the “overland system” and “tribute system” system internationally, applied the policy of the “great unification” domestically. On the base of their Huaxia- barbarian distinction, they developed the Huaxia-non-Huaxia relations called “Huaxia-barbarian order” and believed that being governed by the “barbarians” would be the ending of the civilization. Combination of such worldview with the Confucian “great unification” and implementation it by the Legalist methods formed the policy of the Huaxia political entities towards the “barbarians” in their political realm, that is the assimilation. Thus, it is crucially important that the “barbarians” outside of the circle of the Huaxia civilization turned into the Huaxia and civilized people during the territorial expansion throughout history. The “barbarians” are sometimes in a dominating relationship with the Huaxia people and

² 周集云, “论賁人为楚国半姓之宗裔,” 安徽师范大学学报: 人文社会科学版, no. 3 (1987): 56–59.

³ Erik Ringmar, *History of International Relations: A Non-European Perspective* (Open Book Publishers, 2019), 13.

sometimes associated with a submissive relationship. As long as they lived in the same political entity as the Huaxia nations, either one of the relationships had not escaped the fate of assimilation into Chinese culture. This assimilation was enforced by either the Huaxia authorities or by the political desire of foreign rulers to take over the whole of the territory. As a result, the government and people became Huaxia over time and this is the way the formation of identity of “Chinese”.

Homogenous political culture formed and continued owing to both the cultural codes and the political structure of the Huaxia civilization being accepted, or at least not rejected, by the Huaxia and "barbarians" dynasties that dominated the Huaxia lands and peoples. They all believed themselves to be the most civilized nation compared to the rest of the world and saw their political realm as the center of the world. Such a sense of superiority continued until the 1830s when the Western powers knock at the door with the canons and since then they really acknowledged that there is more civilized and developed civilizations existed in the world. That was the time Huaxia scholars questioned their traditional culture and governance style. They blamed Confucianism for backwardness and devoted themselves to studying from the West. While doing so, the Huaxia people didn't lose hope in their civilization. The precious diamond they found in Huaxia cultural heritage was Legalism and they claimed only Legalism could compete with the Western political system and it represents development and modernity. The popularity of Legalism didn't decrease even after the collapse of the Manchu empire. Both nationalist and communist sects continued their approval of Legalism and rejection of Confucianism and Mao reached Legalist fanaticism to the pick in his rulership even if he was regarded as the vanguard leader of Western-originated Communism.

After Mao's death, Deng Xiaoping adopted the economy of the Peoples Republic of China with a liberal market economy, and in 30 years' time, the Chinese economy boomed at an unprecedented level and became the second-largest economy in the world. Western scholars and politicians assumed China would embrace a liberal democratic system when its economy reaches a certain level, however, the point China has reached with the coming to power of Xi Jinping has shown that the theories and hypotheses about China seem to be wrong. China has been getting autocratic at home and assertive abroad that overtly challenged the West with Xi's multileveled ambitious national strategy called the “Chinese Dream”. He consistently emphasized rejuvenating the

excellent Huaxia civilization⁴ and clearly expressed China wouldn't adopt the Western system and values and underlined China has rich historical experience and accumulation which help to build socialism with Chinese characteristics.

China's divergence from the West and the relative decline of the West's power began to change the balance formed by the existing international system. Thus, the unipolar world order shaped in the 1990s is transitioning to a competitive multipolar system consisting of states and civilizations such as the West, China, Russia, India, Brazil, and the Islamic world. Just as in the Warring States period, China found itself in a multipolar system competing with each other. With such cultural self-confidence under such an assertive leader in a such crucial international atmosphere, in what direction is current-day China heading? This is the main question of this study.

With regard to examining the China phenomenon, looking at the problem from either a Communism or Confucian perspective is the common trend. Especially when it comes to approaching the issue from the side of traditional Chinese civilization it almost becomes the norm for most academics and politicians to understand China through Confucian philosophy. Of course, Confucianism played a pivotal role in shaping Huaxia culture yet it is not a single one to represents Chinese civilization. Especially as to Huaxia governance philosophy, explaining it only through Kong Zi always remained insufficient. Legalism, as old as Confucianism, is a pragmatist and ethics-free philosophy that holds an unshakable position in Huaxia political philosophy. Being the fruit of the most upheaval period in Huaxia history, Legalist political philosophy provided a very rich utilitarian art of management that defeated Confucianism and other schools of thought and was favorite by the rulers not only in the Waring States period but also in the period of the late Qing dynasty, when the Manchu empire found itself severe political and ideological crisis against the Western imperial powers.

Despite this, Legalism has experienced very interesting historical processes and has always existed together with Confucianism. However, it was not brought to the forefront because it openly defended despotism, but always made its presence felt in politics. For instance, Under the management philosophy of Legalism, the state Qin successfully ended the political fragmentation

⁴ "Xi Calls for Advancing Study of Chinese Civilization," accessed April 13, 2023, http://kr.china-embassy.gov.cn/kor/zgxw/202206/t20220602_10697932.htm.

and built the first centralized autocratic imperial state in Chinese history. Even though Confucianism was made the national ideology of the Han dynasty, as Si Maqian commented in his masterpiece Historical Records (Shiji 史记) in 94 BC, Legalism was successfully combined with Confucianism by the Confucian philosopher Dong Zhongshu and emperor Han Wudi. Confucianism teaches authority and obedience⁵, while Legalism offered the rulers the skills of governing that they became the two sides of the same coin as Fu Zhengyuan, author of China's Legalists: The Early Totalitarians and Their Art of Ruling (2016), argued.

The issue of the continuation of Legalism as a living management philosophy is supported by many Huaxia scholars and politicians. For instance, the great poet Su Dongpo (苏东坡, 1037-1101) of the Song dynasty said, " Since the Han dynasty, scholars have been ashamed to talk about Shang Yang and Sang Hongyang. The monarchs, however, were all taboo to mention Shang Yang's name on the surface, but they used their theoretical methods secretly."⁶ Tan Sitong (谭嗣同, 1865—1898), a modern reformist, also said "the two thousand years of politics are the politics of Qin dynasty⁷." Mao Zedong (毛泽东, 1893-1976) also commented that "rulers of all dynasties implemented the political system of the Qin dynasty⁸." As famous contemporary Chinese political philosopher, Liu Zhihua (刘志华, 1949-) mentioned in his significant book, the History of Chinese Political Thought, "The basic monarchical power-centered political system established by the Qin Dynasty was something that all emperors do not want to abandon." Wang Shaobo (王晓波, 1943-2020, a Professor at the Department of Philosophy, National Taiwan University argued that "Seemingly Confucianist, Reality Legalist" is the mainstream of Chinese Civilization⁹, and Qin Hui (秦晖, 1953-), Professor of the History Department, School of Humanities and Social Sciences, Tsinghua University describes it as the "biggest problem with Chinese culture"¹⁰. Zhao Dengxin

⁵ Lin yutang, *My Country and My People*, by Lin Yutang, 2nd ed. (London: Windmill press, 1936), 106.

⁶ See Su Dongpo, *Sima Qian's Two Deadly Crime* (苏东坡, 司马迁二大罪)

⁷ Gao Xudong, "Tan Sitong wanders between new-style poetry and traditional poetry," *Oriental Forum—Journal of Qingdao University (Social Science Edition)* (高旭东, “谭嗣同在新体诗与传统诗之间的徘徊,” 东方论坛——青岛大学学报 (社会科学版), no. 1 (2022).

⁸ Jiang Kaibo, "Appreciation of the Complete Compilation of Mao Zedong's Poems," *Chinese Monthly* (江凯波, “毛泽东诗词全编鉴赏,” 语文月刊, no. 004 (2006): 5–6.

⁹ “Yang Confucianism and Yin Law” is the mainstream of Chinese culture – Sinology.net (“‘阳儒阴法’是中国文化的主流 – 国学网,” accessed September 24, 2022, <http://www.guoxue.com/?p=32555>.

¹⁰ sina_mobile, “秦晖：中国文化最大的问题是儒表法里,” January 16, 2010, <https://finance.sina.cn/sa/2010-01-16/detail-ikftssan9584190.d.html>.

describes Chinese dynasties as “Confucian – Legalist states” in his work titled *The Confucian-Legalist State: A New Theory of Chinese History* (2015). In its two thousand years of course from Han to the end of the Qing Dynasty, this configuration was portrayed as “Seemingly Confucian, Reality Legalist”(阳儒阴法), “Outside Confucian, Inside Legalist” (外儒内法) or “Surface Confucian, Inner Face Legalist” said Yu Zhong, Professor of China University of Political Science and Law.

Just as Professor Han Dongyu (韩东育), the vice president of Northeast Normal University (China) and Dean of the Faculty of History of this university, stated, it might be true that “No school has been used for as long as the Legalist School and has not been criticized for an equally long time.¹¹” Most importantly, history has shown that the practice of the Huaxia government, including modern-day China, is autocratic and centralized which is far from reflecting the governing ideology of Confucianism. Also, it is easy to find that the economic and political system of China neither communism nor capitalism despite the Chinese Communist Party claiming to build the Peoples Republic of China on the ideology of China and it embraces the liberal market economy since 1978. CCP leaders have always been explaining this contradiction with the well-known term “Chinese characteristics” as Mao, Deng and Xi used when they explained communism, state economy and development path of the current day China respectively. Any foreign ideology and political system has found itself in the Sinicized format when they are introduced into China and always been accompanied by “Chinese characteristics”. This phenomenon naturally push us to understand these “isms” from the perspective of Huaxia tradition. Considering the basic doctrines and teachings of Confucianism, its development in the historical process, and the practical contrast of the polities which claim to be Confucian, it is felt that it is necessary to look at the problem from a different perspective. When it comes to the traditional Huaxia governance model, the importance of Legalism is never less than the importance of Confucianism and Legalist philosophy should also seriously take into account while doing research on China, otherwise focusing on Confucianism only help us to partially understand the problem.

¹¹ 韩东育, “法家的发生逻辑与理解方法,” 哲学研究, no. 12 (2009): 1.

0.1. Methodology

How did this study come to such a conclusion that Legalism the administrative philosophy formed a long time ago is still alive? First of all, if we think and accept that Confucianism, which was shaped long before Legalism, is still effective in current China, it is not so surprising that Legalism also exists alive until today. Then methodologically, we should be aware of there is no universal method fit for the socio-political phenomenon of all civilizations since we have been witnessing that the political development of modern China is challenging the existing political theories and methods. One among the was the envisioning of the development of China in the framework of a Modernization theory and in the field of China studies, numerous pieces of research have been done from the perspective of this approach. The hypothesis of modernization theory is based on the upward linear progressive model of history and culture and argues that along with the modernization process characterized by the development of the economy, all human society will gradually shift from their traditional forms to modern forms that different civilizations will converge to one end at some point in history. For instance, a huge misjudgement based on the progressive modernization approach is an assumption that China's economic prosperity would make China democratic and liberal. They believed that the middle class, which will emerge with economic development, would want more political freedom to protect their interests, put pressure on the state, and in this way, the authoritarian Chinese communist regime would have to democratize. However, current-day China is more autocratic and increasingly alienating itself from liberal values despite already becoming the second-largest economy and having the highest number middle-class in the world.

So, what went wrong? Guangbin Yang, the vice president of the Chinese Political Science Association and founder of Chinese Political Science and World Politics Studies, and many others such as Lu, Yan, and Qin argued the modernization approach failed to explain China¹² and Professor Yang believed that the miscalculation is a sign of inconsistency between the established discipline and the traditional Chinese knowledge system, which is rooted in employing Western

¹² Guangbin Yang, "The Political Development of Contemporary China from the Perspective of Historical Political Science," *Chinese Political Science Review* 6, no. 4 (2021): 598–620.

practices in China studies¹³. As to the topic of the middle class and democratization, it is important to examine the relationship between the interest of the state and entrepreneurs.

As said by Professor R. Bin Wong, “In the 15th century, as if in stark contrast, Europe was disorganized politically and there were various small political bodies such as city-states, principalities, and kingdoms coexisted, while China was already a vast empire without any aristocracy, religious institutions, or political conventions that resembled those of Europe¹⁴. This discrepancy played a fundamental role in the formalization of the state–nonstate actors. While politically divided Europe opened the gate for the merchant class to get power and become independent from the government, the politically and ideologically unified Huaxia empire limited the development circle of any non-state organization, including the business class, and made them very vulnerable to the government’s decision. Since the political reason, in China, the state, not merchants or provincial vassals, often plays a very active role in society traditionally and it is almost impossible to expect other entities to seize the opportunity to challenge the state dominance. The power gap in both economy and politics is enormously huge and the middle class in Chinese societies is dependent on the state given that the state controls all natural and human resources and military and politics are highly centralized in the hand of the ruling class. Thus, the middle classes in China consciously adjust their interest according to the interest of the state. China could “regulate” any private companies if they found a conflict of interest in their relations. Jack Ma is one of the most recent salient examples in this regard. This unique relationship between the state and the enterprise in China formed through the long socio-political tradition that makes them quite different from their Western counterparts which is the fruit of different historical experiences.

Recently Chinese political scientists are seeking theoretical explanations for China's political development based on China's internal context and historical background. The journal titled Chinese Political Science Review is one of the platforms that has been forming a historical approach to China studies. they put the Huaxia history and more than 2000 years long historical experience in the center and argued that contemporary Chinese politics is a natural genetic extension of the Huaxia civilization and it is “a continuous and unified development process

¹³ Yang.

¹⁴ Roy Bin Wong, *China Transformed: Historical Change and the Limits of European Experience* (Cornell University Press, 1997), 71.

spanning over a period of 70 years ever since the People's Republic of China was founded.”¹⁵ Chinese researchers repeatedly underlined the uniqueness of the Huaxia civilization and the importance and decisiveness of history in the shaping of Huaxia political culture. Even some researchers described the history as a “religion” for the Huaxia people¹⁶. They argued China has the most powerful historical civilization genes in its political scenario and the future political development of China will pertain to Huaxia history and also added it will not be changed by external impacts or “modernization”.

On the other hand, modern Chinese scholars defended the historical approach against the progressive modernization approach by giving reference to Huaxia political ideology. They stated that the political ideology of Huaxia civilization has more or less remained unaltered and uninterrupted in essence and attributed reasons to the fact that “China subsists as a unified country with a robust bureaucratic system, a patriarchal society, and an uninterrupted language and written system”¹⁷. Since China has a political culture developed by unique historical and cultural traditions the historical politics approach is the right direction to understand the China phenomenon and Chinese political culture¹⁸. By considering the aforementioned arguments, Professor Yang asserted that in terms of ontology, epistemology, and methodology, historical political science is a novel approach to understanding China's political development and historical continuity before and after the reform since the establishment of Peoples Republic of China¹⁹.

Although these studies seem to have taken on the duty of justifying the CCP and PC as the true bearers of the traditional Huaxia civilization in addition to conducting scientific research, this thesis generally agrees with both this method and the arguments they put forward with regard to studying China phenomena. Even if China witnessed tremendous socio-political upheaval the past century has in the past century, both the government nor the people did not sever the country's historical bloodlines and genes. Most importantly, the political system, ruling methods, and power

¹⁵ Yang, “The Political Development of Contemporary China from the Perspective of Historical Political Science,” 1.

¹⁶ Yang, 601.

¹⁷ Yang, “The Paradigm Shift of Political Science from Being ‘Change-Oriented’ to ‘Governance-Oriented,’” December 1, 2021, 507.

¹⁸ Chunlong Lu and Ting Yan, “Revisiting Chinese Political Culture: The Historical Politics Approach,” *Chinese Political Science Review* 7, no. 1 (2022): 164.

¹⁹ Yang, “The Political Development of Contemporary China from the Perspective of Historical Political Science,” 604.

gap between the citizens and state have not changed. Thus, the traditional Huaxia administrative philosophy found it difficult to find commonality with Communism. Such that the dynastic power was replaced by the core communist elites, the dictatorship of the monarch shifted to the dictatorship of the proletariat, and entire land, resources, and production tools still remained in the hands of the ruling class. Since the end of the Manchu Qing empire, various ideologies, and governance forms were introduced to China however, Chinese elites were selectively accepted and integrated with their traditional system and philosophy. Therefore, the Chinese constitutional agenda will still be addressed on China's terms, not on others' or the West's as concluded in *Origins of the Modern Chinese State* by Philip Kuhn ²⁰.

Since the Huaxia civilization itself is a complex system that has its own philosophy, political system, dominance, and unique way of life, it should be studied as a concept. It seems that the modernization approach is not stuffiest enough to consider the different social and historical contexts of developing societies despite it being able to explain the phenomenon in the West. When it comes to studying China, the historical politics approach, however, provides a reasonable explanation for us to understand how traditional Huaxia political thoughts play important role in China's contemporary politics. It explains the contemporary Chinese political phenomena in China's unique historical/cultural background as well as in the process of imports of Western values such as Communism. Fukuyama also mentioned the poly-chronic view, and stipulates that the distinction between Huaxia and other civilizations has been maintained at different time points throughout history²¹. The poly-chronic view basically argues the trajectory of major civilizations, moves like parallel lines over the centuries to diverse ends despite their historical encounters and interactions. From the historical politics approach and poly-chronic view, however, we can deduce that there is a super-stable structure in political culture of the different societies and that structure keeps key factors of political culture durable over time. That is the Confucianism and Legalism that forms the core and shell of the Huaxia civilization and made it durable and protective.

Giving importance to traditional Huaxia civilization is not limited to doing surveys on a theoretical and philosophical level. It is the actual practice aimed at building the new socio-political identity

²⁰ Philip A. Kuhn, *Origins of the Modern Chinese State* (Stanford University Press, 2003), 135.

²¹ Francis Fukuyama, *The Origins of Political Order: From Prehuman Times to the French Revolution* (Farrar, Straus and Giroux, 2011).

of modern China and this is the case, especially in the era of Xi Jinping. Under the framework of the Chinese Dream, revitalizing the tradition is defined as one of the core national projects of China today and the vast majority of scholars, politicians, and cadres from all levels and fronts have made their works in tune with it. By referring to China's 5,000-year, continuous cultural history, another Chinese scholar Qin Yaqing stated that some current Chinese practices could be found in its past tradition. He mentioned the phrase "Strive to build a harmonious world with long peace and common prosperity" voiced by former Chinese president Hu Jintao at the 2005 UN Summit and said this phrase has its origin in Confucian philosophy. He also underlined such a close bond with the past is completely understandable to the Chinese despite it may grotesque to others ²².

On the other hand, Xi Jinping also attaches great importance to reviving China's past. Since the 18th National Congress of the Communist Party of China, Xi Jinping has frequently reiterated "reviving advance and enrich outstanding traditional Chinese culture". He pointed out "excellent traditional culture can be said to be the spiritual home of the Chinese nation that can never be separated. The theories of the hundred schools of thought of Chinese masters such as Laozi, Confucius, Mozi, Mencius, and Zhuangzi still have global cultural significance". Regarding the link between China's past and present, Yang also asserted China's 5000-year-old history of civilization remains intact despite the institutional mutations and no country in the world has such powerful historical civilization genes in its political scenario.²³ As to the ideology in another study he pointed out that the political ideology in China has more or less remained unaltered in essence²⁴.

As discussed above, a different method should be applied to China study and the historical politics approach and poly-chronic view can be the best alternative since China has unique history and civilization which have been continued without significant foreign ideological intervention. Some may challenge this view by mentioning Marxism and Communism, however, it should not be neglected that Communism was localized back to the period of Mao and now it is called "Communism with Chinese characteristics". The conservation of classical Huaxia civilization and

²² Brantly Womack, ed., *China's Rise in Historical Perspective* (Rowman & Littlefield, 2010), <https://www.asianstudies.org/publications/eaarchive/s/chinas-rise-in-historical-perspective/>.

²³ Yang, "The Political Development of Contemporary China from the Perspective of Historical Political Science," 618–19.

²⁴ Guangbin Yang, "The Paradigm Shift of Political Science from Being 'Change-Oriented' to 'Governance-Oriented': A Perspective on History of Political Science," *Chinese Political Science Review* 6, no. 4 (December 1, 2021): 506–45, <https://doi.org/10.1007/s41111-021-00188-z>.

the political elites' strong emphasis on the value of tradition underlines the importance of Huaxia history, culture, and philosophy for understanding modern China.

Another “trap” China researchers have always fallen into is Confucianism. When the traditional Chinese culture is concerned, many studies have circled around the social structure and political philosophy of the Confucian school. For instance, ruling by virtue, benevolence, etc are the basic pillar of Confucian governance philosophy, however, there is a vivid contradiction between what Confucianism advocates and what is implemented on the ground, and this is one of the main topics that is widely examined in this paper. Seeing this as the main concern, this study emphasizes the inadequacy of the Confucian approach as well and highlights the significance of Legalism in this regard. Besides calling to give attention to other political philosophies such as Legalism, rather than examining China only in the Confucian school, the article also attaches great importance to the historical politics approach to the area of China study.

By using the historical politics and poly-chronic approach this paper mainly tries to illustrate how the Legalist school of thought affects China's managing culture and how the legalist tradition remained alive, and how current-day China is heading towards reviving the Legalist administrating method under the leadership of Xi Jinping. With regard to the reasons, as discussed broadly in this study, chiefly, China would not accept Western value because the Western liberal value is declining, and, there is no historical evidence that Huaxi civilization embraces foreign value without adapting to its own system, especially in regard to the political field. Second, the strong cultural base, cultural self-confidence, and political necessity. The last but not least, the international political atmosphere resembled the Warring States period. This may help us to explain why Legalism not Confucianism would be active in the governance method under the great national project of the Chinese Dream and its sub-objectives such as “ruling the state by law”, “national unification” and “revitalizing excellent traditional culture”. Because as Confucian Master Shun Suntong in the Han dynasty mentioned, Confucians couldn't take over the city but are good at managing it. Legalism, however, was favored by all monarchs in the difficult political competition and its practicability was proved in the Warring States period. Furthermore, Communist Party leaders also have a Legalist background and Communism also has the same characteristics as Legalism, while Confucianism was officially criticized in the Mao era, Legalism was honored instead. Finally, Xi's ruling style is neither close to Liberalism nor to Communism,

only close to Legalism. Thus, the ruling style of China in his era was Legalism and one who explain it with Confucianism without Legalism, probably fail to cover the problem.

0.2. What is Legalist Governance?

Broadly this paper will try to illuminate the most prominent features of the Legalist management philosophy, such as the inverse relationship between the public and the state, the purpose of the law, the relationship between the law and the ruler, and the management model. By studying how these features remain or reviving in the most recent period, this article will examine whether the policies carried out since Xi Jinping came to power have a link with the methods and practices proposed by the Legalist School.

By Legalist method, this paper means governing methods advocated by Li Kui (李悝, 455-395 B.C), Guan Zhong (管仲, 720-645 B.C), Wu Qi (吴起, 440-381 B.C), Shen Dao (慎到, 350-275 B.C), Shen Buhai (申不害, 400-337 B.C), Shang Yang (商鞅, 390-338 B.C), Han Fei (韩非, 280-233 B.C), Li Si (李斯, 280-208 B.C), Cao Cao (曹操, 155-220 A.D) and other methods that were originally Legalist but adopted by Confucianist latterly. These Legalist philosophers and politicians suggested unique ruling methods and practices on the basis of their well-known assumption, “When people are weak, the state would be strong; when the people are strong, the state would be weak” (民强国弱, 民弱国强). These methods, for instance, include but are not limited to “weakening the people” (ruomin 弱民), “defeating people” (shengmin 胜民), humiliating the people (rumin 辱民) and keeping people poor (pinmin 贫民) “eliminating the strong” (quqiang 去强), “keeping the people ignorance” (yumin zhengce 愚民政策), making everyone same (yimin 壹民), making all profit go through the single hub (礼出一孔), “employing ruthless and coldblooded officers” (yijiang guanliang 以奸管良), “heavy punishment for the trivial crime” (以刑去刑), “collective punishment” (lianzuo 连坐), “making people spy each other(互相监督政策), etc. The law (法)power (势) and art (术) are the three pillars of Legalism that it is characterized by weaponizing the law, threatening the citizens with state power, and governing the officials with art. It prefers citizen’s love to citizen's fear. While investigating all these, attention will be drawn to the slogan of "ruling the state by law" (依法治国), which has

been voiced everywhere recently by Xi Jinping along with his nation-building projects “great unification” (大一统) and “revitalizing the tradition” (弘扬传统).

0.3 Literature Review and Contribution of the Study

Since this study drives the conclusion on the current Chinese governance system by examining the Legalist method of governing and connecting it with President Xi’s national-building project and his policy against Uyghurs and other Turkic nations, before the literature review, I do not hesitate to state that there is not exactly the same work on this subject. However, this paper uses some key concepts in argumentation such as “continuity of administrative philosophy”, “Confucian- Legalist ruling methods”, “New Warring States period”, “the fruit of special period”, “ruler-subject relations”, “illuminating the present through the past”, etc. There are several studies that partially relate to the key concepts this study ponders deeply and precisely. On the other hand, considering the main argument, which is the continuation of the traditional Huaxia administrative system and the liveliness of Legalism in it, it is possible to mention some studies.

In his book, *The Chinese Machiavelli: 3000 Years of Chinese Statecraft* (1976), Dennis Bloodworth delves into the darker aspects of Chinese governance culture, highlighting the influence of the Chinese Legalist school of thought on the rulers' use of brute force and intrigue to gain and maintain power. Bloodworth argues that the interplay of three main ideologies - Daoism, Confucianism, and Legalism - shaped Huaxia history. He suggested that the interplay of these schools of thought seesawed back and forth in the long course of Chinese history. In periods of chaos and disunion, Taoism held sway. During times of peace, Confucianism reigned supreme. When the struggle for power was most intense, Legalism inevitably would rear its head. The book provides a chronological history of the individuals who competed for state power from the seventh century B.C.E. to the mid-1970s, aiming to draw lessons from the past to illuminate the present. Bloodworth's conclusions are supported by historical records, such as the use of brutal quasi-Legalist laws by the second emperor of the Tang Empire, Li Shimin, to rule his realm. His assumptions about the regularity of Chinese administrative methods and his understanding of Chinese statecraft, which are “outside Confucianism, inside Legalism,” are similar to my argument. *The Chinese Machiavelli* is an important contribution to the field of Chinese political history, challenging readers to look beyond the surface of Confucianism.

Here is another study about the “illuminating of the present through the past” that Classical Chinese Concepts of International Politics and Their Influence on Contemporary Chinese Foreign Policy by Lin Kuochun (Ph.D. Thesis, 1974). The main goal of this thesis is trying to answer the question of whether contemporary Chinese politics, also foreign policy is a patrimony of classic one that was mostly formulated during the Warring States period. Through examining Chinese history, investigating the interaction between classic Huaxia culture with Marxist-Leninist ideology in modern times, and again analyzing Mao’s views on the question, Kuo presents his belief that certain traditional legacies do survive in current Chinese politics and in the political system, particularly their concepts of world order and foreign policy. In chapter three, for instance, he finds that there are parallels between the traditional concept of internationalism and the current Chinese ideal of world communism, as well as in the implementation of these concepts and in the final chapter, the author gives a theoretical consistency to Chinese foreign policy in the light of China's deep-rooted traditions and culture.

The same argument being held *Everything Under the Heavens: How the Past Helps Shape China’s Push for Global Power* by Howard French (2017). The author examines China's rise to global power and how its deep-rooted historical and cultural traditions have shaped its worldview and foreign policy. French explores the concept of China's centrality, which has been a recurring theme in Huaxia history and culture, and how it shapes China's foreign policy objectives. French draws on historical examples and cultural traditions throughout the book to shed light on China's worldview and foreign policy objectives.

Fu Zhengyuan, author of *Autocratic Tradition and Chinese Politics* (1994) also discussed the continuity of Legalist tradition. This book is an attempt to explain the Communist Party’s style of rulership as the most recent stage in the development of an autocratic tradition having its roots in the past Huaxia tradition. Fu argues that China's political system is rooted in an autocratic tradition that dates back to ancient times. He contends that China's political culture is characterized by a belief in the superiority of the state over the individual and that this has led to a preference for a strong, centralized government. The book tries to show the synopsis of the political structure and other control mechanisms of the party-state that allow it to dominate and repress its subjects, an analysis aided by the author's experience as a former political prisoner as well as his extensive examination of Western and other sources. He gives many examples from the past to present China

to prove his argument and comes to the conclusion that all atrocities of Chinese authorities, including PRC, are the legacy of the Legalist art of ruling by referring to China's collective punishment system which even being in effect with most aspects today. He boldly argues that "from 221 B.C. to 1912, the basic structure of the Chinese imperial central administration remained essentially unchanged" and as to the scope of Legalist law he states that it was a myth that emperors were also restrained by law and could be controlled by their ministers.

Another ground-breaking work on the resilience of pre-Qin statecraft is Zhao Dingxin's excellent study *The Confucian-Legalist State: A New Theory of Chinese History* (2015). By exploring "overarching patterns of China's past", Zhao Dingxin attempts to address very important question. why, until the nineteenth century, the Confucian-Legalist state that emerged in the Western Han era showed such resilience, despite great changes in demography, socioeconomic structure, ethnic composition, market relations, and religious landscapes? He argues During the Han Dynasty, Emperor Wu created a new ideology called "imperial Confucianism" that blended the moral teachings of Confucianism with the practical governance methods of Legalism. This ideology provided a moral justification for the use of instrumental Legalist policies and allowed emperors to consolidate their power and penetrate society while curbing the influence of military and economic elites. This ruling structure enabled the Han emperors to convert regional warlords into imperial subjects and suppressed the potential threat of Buddhism and commercialization, which were seen as potentially weakening to the state. Overall, this synthesized ideology played a crucial role in the development of Chinese politics and helped to establish a powerful and stable imperial system.

According to Zhao Dingxin, a significant historical change occurred in China after the 1911 Revolution. He argues that the most significant rupture between imperial and modern China is the irreversible decline of Confucianism, which has led to a greater embrace of Westernization in contemporary Chinese society. However, despite the decline of Confucianism, the Confucian-Legalist state has remained robust, and its legacy continues to shape Chinese politics. One of Zhao's key contributions is his analysis of the Confucian-Legalist state and how it was more Legalist than Confucian. Zhao interestingly argues that the current Chinese party-state has more infrastructural capacity than the imperial state, allowing for direct rule down to the household level. This makes the state more dominant over society and the economy than in imperial times. He

believes history has a directional and patterned nature, with Europe developing toward constitutional government and industrial capitalism, while China developed toward a bureaucratic empire. Therefore, he disputes balanced comparisons between China and Europe, as any similarities would be superficial.

The New Warring States Era 新战国时代 (2014 and updated in 2017) by Chinese top generals Qiao laing, Wang jian, and Wang Xiangsui is a salient example of the concept of advent of “the New Warring States Era”. Authors of this book unanimously consented that the world entered into the New Warring States period after the US attacked Iraq in 2003. The unipolar system has been going to erode with the EU’s different attitudes toward America’s military intervention in the Saddam government. In their argument, this resembles the weakening of Zhou Dynasties and emerging of vassals which had become separate states before long. The world would be divided by several big powers such as EU, USA, China, maybe India and some other regional powers and these superpowers could be in the merciless struggle as what six states in ancient China contest in the Warring States Period. Their main argument is global politics could head towards the situation analogy to the pre-unification period of China due to the decline of US global hegemony. As to time and field of discipline, The New Warring States Era encompasses the most recent period of time and authors run their mindfulness in the field of international relations.

The China Order: Centralia, World Empire, and the Nature of Chinese Power by Fei-Ling Wang (2017) is a quite an interesting study in this regard. Wang’s analysis of Chinese political history simplifies it to the concept of “the China Order, ” which is a predestined drive for world reunification under a totalitarian regime. He argues that the principle of governance for this order is based on “fear.” However, he also suggests that this China Order may be more of a pretension than a reality, as there has been significant regional diversity and variation in customs and languages throughout the Chinese world despite attempts at assimilation. Wang also notes that the China Order has led to an “absorptive empire” that seeks to convert others to its way of thinking. Wang argues that the best times in Chinese history were actually the periods without the China order and unification, which were characterized by a de facto Westphalian world order. These periods, such as the pre-Qin Huaxia World, the Song era, and the period after the late nineteenth century, lasted around 1, 350 years and took up half of Chinese history. Wang considers this period “un-Chinese” because it was under a Westphalian-like political order and allowed for considerable

individual freedom and prosperity. While Wang praises the Song era for achieving ethical governance resembling the Confucian political structure, he also attributes the Communist Party's totalitarianism to the Confucian-Legalist governance style that formed in Qin and Han periods and natured in the Tang era. He worries that the CCP, like previous imperial rulers, constantly feels insecure without the China order and seeks to reorder the world in its image for political legitimacy and security.

The most recent study in this regard is *Two Thousand Years of the Qin Model: Rules of Power for Feudal Emperors* (秦制两千年: 封建帝王的权力规则) by Chen Xubin (谌旭彬). This book is a masterpiece about the history of Huaxia political systems even though the author stopped his discussion when the Qing was abolished. He discusses how the Legalist Qin system germinated, matured, and evolved in the past two thousand years. The author starts the book with the “ideal state and ideal citizens” and discusses the teachings and advice of Legalist thinkers Lord Shang and Hanfei. He states the state-citizen relation in Legalist governance philosophy. Then the author examines the Qin and Han dynasties and mentioned the salt and iron discourse in order to show the power of Legalism even though Confucianism was officially declared as a state ideology. By selecting 16 historical cross-sections from the Qin and Han dynasties to the Ming and Qing dynasties and focusing on discussing the historical truth of people's lives and he argued that the difficult life of the people at the bottom seems to have never changed. As to the reason, the author believes that it was the administrative model of Shang Yang and the ruling art of Han Fei that constructed the Qin Empire, and the successive dynasties have followed this path continuously. No matter how history moves forward, the rulers who adhered to the Qin system ruled the country in the way of Shang Yang and Han Fei, however, denied that they were followers of Shang Yang and Han Fei. For this reality, he also used the term “outside Confucianism, inside Legalism” and explores the inner logic of the empire's operation, going deep into every cut-off point, interpreting historical documents, and using rigorous logic to lift the veil of the dynasty's governance of the world.

This study aligns with previous research that has examined the ongoing influence of the traditional Huaxia management model and the continued significance of Legalism as a management philosophy in Huaxia society. However, there are some notable distinctions between this study and earlier research. Specifically, the temporal scope of prior studies is primarily focused on the

imperial period, that is to the end of the Manchu Qing dynasty, with only a limited number of studies that examine contemporary China. In contrast, this paper is primarily focused on the Xi Jinping era and seeks to explore the implications of Xi's emphasis on traditional Huaxia culture, particularly in the context of heightened competition with the US and other democratic nations.

One of the key contributions of this study is to highlight the enduring influence of Legalist management doctrine throughout Huaxia history. By examining Xi's "revitalizing the tradition, " "great unification, " and "ruling the state by law" strategies within the framework of the "Chinese Dream, " which is one of his most important national strategies, this study argues that these policies are more consistent with Legalism than Confucianism. This analysis underscores the significance of understanding the interplay between cultural and historical factors in shaping contemporary leadership practices in China.

Additionally, this paper mainly focuses on the governance philosophy of the Huaxia polities and policies applied to non-Huaxia nations in history and to the Uyghurs today as an example of the continuation of the Legalist governance method with the perfect combination with Confucianism. Specifically, two chapters of the study make a contribution to understanding Huaxia peoples' general attitudes toward non-Huaxia people and their way to handle them on the bases of such attitudes.

Furthermore, the present paper aims to provide a methodological framework for the study of the China or Huaxia phenomena. Emphasizing the historical political approach and polychronic approach, this thesis emphasizes that each civilization has a unique development trajectory, shaped by distinct historical experiences. A cultural approach known as the polychronic view stresses the simultaneous occurrence of several activities or events and contends that civilizations can evolve in parallel while retaining their unique traits over time. This viewpoint is supported by Karl Jaspers' theory of the axial period, which holds that China, India, Persia, Judea, and Greece all laid the groundwork for humanity individually. His axial age concept, which is backed by adherents like Eisenstadt and Armstrong, labels China, India, and the Occident as axial age cultures. These cultures have evolved concurrently and are still extant today on their own. The main cultural

influences for China, India, and the West are characterized as Confucianism, Buddhism, and Platonism, in that order.

Despite without explicitly using the polychronic view, Francis Fukuyama's work on political order can be interpreted as taking a similar outlook on history. By tracing these variances back to the axial period, Fukuyama examines the various traditions of state-building, rule of law, and accountability in significant political institutions today. Fukuyama's work is consistent with the fundamental ideas of the polychronic approach since it acknowledges the presence of distinctive traditions that have endured over time.

The polychronic approach offers a framework for comprehending the continuity and long-term stability of political cultures across many nations. The polychronic view, as shown by Jaspers and his followers' theory and Fukuyama's novel explanation of various political cultures, emphasizes how major cultures, despite historical meetings and interactions, travel like parallel lines over millennia, producing distinct results. This polychronic perspective enables us to conclude that a society's political culture has a super-stable structure that allows important elements to persist over time.

It also argues that cultural encounters or economic developments cannot change this trajectory unless there is a fundamental political revolution in the form of, for instance, the French Revolution. Consequently, a modernization approach would prove inadequate in fully explicating “China problems”, and examining issues through the lens of Confucian philosophy or way of life would yield similar results. The paper thus seeks to contribute to a more nuanced understanding of China and its governance philosophy, which takes into account its historical development trajectory and unique cultural influences.

Finally, it is important to understand that this study doesn't argue that there is a pure, interrupted, and unchanged dark art of ruling in the Huaxia civilization. Legalism is the governance method that advocated the Machiavellian practice in the Hobbesian political system so to speak and it experienced many consensuses with Confucianism. Since it is overwhelmingly powerful in politics, it forced the Confucian philosophy to re-organize and adapt itself to the political desire of the

ruling classes. As famous Confucian Shu Suntong explained Confucians couldn't take the city but were good at regulating it and as Dennis Bloodworth argued Confucianism tended to become more prominent during times of peace, whereas Legalism would come to the forefront during periods of intense power struggle, conflict, and political instability. Here is the perfect cooperation between the two and this study argues that Legalism is more effective in the political culture of the Hauxia civilization despite Huaxia rulers describing their government as Confucian due to the bad reputation of Legalism. Confucianism, on the other hand, played a huge role in shaping the social culture and it serves to maintain the political realm in the hand of mostly Legalist rulers.

This paper consists of four chapters. The first chapter starts with explaining the socio-political atmosphere of the Warring States period that gave way emerging of main political philosophies and competition between them. By stating the basic ruling principles of Daoism, Mohism, Confucianism, and Legalism, the four major representatives of “the one hundred schools of thought”, this chapter tries to show how and why Legalism defeated Confucianism on the most important topic of how to govern and how it valued by the monarch of warring states and how Confucianism was rejected.

Chapter two is on the formation of the consensus between two bloody rival ideologies and ways of continuation until today. This chapter discusses why Confucianism made a national doctrine of the Han dynasty and what Dong Zhongshu, perhaps the most crucial Confucian thinker after Confucius, contributed to Confucianism and made it preferable to the rulers. It also discusses how this combination made the emperor more powerful rather than limiting him and how it made the political system more arbitrary. Then this chapter discusses the open compliment to Legalism during the most crucial periods and attacks Confucianism as well as examines the attitudes of the founders of the Communist Party attitudes towards Confucianism and Legalism. Then it explores Mao's innate admiration for Legalism and his Legalist practice in his era. Finally, this chapter addresses the most important question of what direction Xi Jinping leading China with his great nation-building project “Chinese Dream” and sub-projects of the “great unification” and “ruling the country by law”.

Chapter three is on the successive Huaxia dynasties' governance strategy against non-Huaxia nations in and out of their political territories. The main purpose of this chapter is to show how the Confucian philosophy of "great unification" and "Huaxia-Barbarian order" provided the legitimacy for these policies and how Legalism played a decisive role in the implementation and how this governing method continued with various upgrades. With the same purpose, the last chapter shed light on the PRC's most recent policies under the social and economic strategy of Xi Jinping. This chapter explores the connection between Legalist governance advice, CCP's Uyghur policy, and Xi Jinping's ambition of revitalizing Huaxia tradition. This part shows that China's policy in the Uyghur region is nothing but pure Legalism.

0.4 On the Sources

This study used primary and secondary sources written in Chinese, English, Turkish, and Uyghur languages in various formats. These materials can be categorized into several types such as Chinese classics of Legalist and Confucian thoughts, officially published materials on Chinese history and history of political philosophy, academic studies done by well-known sinologists and China study specialists, academic thesis and articles, Chinese leaders and officials' speech that published on China's official websites, the most recent Chinese leaked documents and re-education camps survivors. Here are some details of sources below:

1. Primary sources include Chinese Legalist classics such as Guan Zi, The Book of Lord Shang, Shen Zi, Shen Buhai, Xun Zi and Han Feizi and Confucian classics like Analytics and Gong Yang Commentary.
2. Materials about Chinese philosophy, history, and history of political philosophy such as Historical Records, General Chinese History, Cambridge History of China, History of Chinese political philosophy, etc.
3. Primary and secondary sources on 19th and 20th century leading thinkers, philosophers, revolutionists, and politicians like Yanfu, Kang Youwei, Zhang Taiyan, Chen Qitian, Chang Yansheng, Sun Yatsen, etc.
4. Primary and secondary sources on the founder of PRC Mao's view on Legalism and Confucianism such as Mao's Comment on Pre-Qin Thinkers and Mao's Reading Notes. Mao's Comments on Hanfeizi

5. The books about Legalism published since the 1990s, include Rediscover Legalism (2018), Modernity of Legalism (2018), Ethical World of Pre-Qin Legalist (2012), Legalism and Its Historical Impacts (2018), Ancient Chinese Thought, Modern Chinese Power by Yan Xuetong, (2011)
6. Governance of China series by Xi Jinping
7. Relevant materials on Xi's series like Xi Jinping's Thought of Modern State Governance, Power of Xi Jinping's Words, Important Speeches of Chairman Xi Jinping, etc.
8. School textbook that is officially published and distributed.
9. Online lectures series on Huaxia political thoughts and their impacts on contemporary Chinese society by Professor Qin Hui (Tshing Hua University), Prof Bao Pengshan (Shanghai Jiaotong University), and Professor Wang Dongyue (Hun Dun University)
10. Thesis and academic articles on Legalist philosophy, Confucianism, and comparisons.
11. Research books on successive Huaxia dynasties' policies against its non-Huaxia neighbours.
12. Research reports and articles on China's policy towards Uyghurs and Tibetan were published by independent research organizations.
13. Official documents
14. Testimonies and interviews
15. Latest news published on prestige Chinese and foreign news websites

Thanks to the availability of purchasing or lending paper and electronic books, I was able to get most of the materials I want despite I am not in China. By registering an account, I have been able to get relevant Chinese academic thesis and articles from Zhiwang, the biggest academic research pool in China. In case there are some materials that are not available in Zhiwang, I got them from helpful young Chinese scholars either in electronic versions or paper versions, or even they lend from the library and made them electronic books to send me. Thus, I express my great gratitude to them. However, it is one imperfect side of this study that I could do field research in China due to the security reason rooted in China's Uyghur policy since 2016. Although it is, I don't think it could impact negatively since the topic this study cover requires more qualitative research rather than quantitative research.

CHAPTER I

CHINESE ENLIGHTENMENT AND THE VICTORY OF LEGALISM OVER CONFUCIANISM

1.1 Historical Background: From Rite to The Might

From the 9th century B.C. to the 8th century BC, the basically stable order established by Western Zhou Dynasty was disturbed. First, King Li of Zhou (周厉王) practiced a tyrannical government, implement autocracy, monopolized economic sources, and prohibited the common people to criticize the government, so the urban civilians rebelled. In 841 B.C, Zhao Gong (召公) and Zhou Gong (周公) united to replace King Li of Zhou and acted as the regent. The two made Xuan of Zhou (周宣王) the king and the dynasty suffered setbacks from Jiang (姜)clan in his foreign military operations in his later years. Then he had to loot a large number of people's wealth and capture youths for serving his army, which made people panic. This was followed by a big earthquake in several cities such as Haojing (镐京) and the Jing, Wei, and Luo rivers dried up. On top of that, Mount Qishan collapsed, symbolizing the further die down of the legitimacy of the Western Zhou Dynasty according to their belief system. During the reign of King You of Zhou (周幽王), the son of the Xuan of Zhou and the last ruler of the Western Zhou Dynasty, the royal court lost credibility against her subjected dukes. King You of Zhou is well-known as a fatuous ruler in Chinese history due to his foolish behavior coined for Setting Beacon on Fire to Make Fun of Dukes (烽火戏诸侯) to make Baosi (褒姒), his beloved concubine, laugh²⁵. The beacon fire

²⁵ When he defeated the State of Bao (褒国), he was offered the beautiful princess Bao Si to beg for surrender. Baosi was as beautiful as a fairy, thus King You of Zhou was very fond of her that he abolished his queen's and her son's position and replaced Bao Si and her son as queen and crown prince. However, problem is that Bao Si never likes to laugh except only laughs twice since entering the palace; the first time was when the king abolished the original queen and prince and replaced the position with her and her son, and the second laugh happened when king tripped over the threshold and fell directly in front of her when he went to the palace to see her. Baosi can't help but laugh when she saw King You of Zhou in a state of embarrassment. After that, Bao Si never laughed. King was very depressed that he tried every means to make her happy, but all ended in failure. He told his ministers that whoever could make his concubine laugh would reward him with thousands of gold. Some officials around him gave a bad idea and told him to light the beacon and summon all the princes to come. They explained Baosi would definitely laugh when she saw that awkward situation.

only for the military help from the dukes when the king find the state under the threat from the enemy. Baosi saw anxious, tried and disheveled dukes and soldiers and laughed out, which made the king happy. Thus this method was applied several times and finally made dukes disappointed and angry.

Just before this drama happened, the duke of the state of Shen (申国), the father of the original queen, was furious and malcontent for abolishing the position of her daughter and grandson, Prince Yijiu. Since he saw how the dukes were fooled and how they were pissed off for it, he summoned his own army and joined forces with the “barbarians” known as Western Quan Rong (犬戎) and other tribes to attack Haojing, where King You of Zhou was located. At this time, King Zhou You quickly ordered someone to light the beacon fire and called for help, but as can be imagined, no princes came to rescue him. In the end, in 771 B.C. King You of Zhou was killed at Mount Li, Haojing was destroyed, and Baosi was also looted away. The Duke of Shen joined with Jin, Zheng, Wei, Qin, and other dukes and made prince Yijiu the crown prince who later known as the King Ping of Zhou. When the new King saw the destroyed capital Haojing, he considered it deeply and decided to move the capital to Luoyi (洛邑), which is now Luoyang. That was the time when the Eastern Zhou Dynasty was established and the beginning of a new historical period this historical period was characterized by declining of royal power, ascending of local dukes, cruel violence all against all, and most importantly flourishing of intellectual inquiring on one of the most important topics of the human society, how to govern.

Chinese historiography divided the Eastern Zhou into two periods. In the first half of the dynasty, the dukes competed for hegemony, which lasted for more than 200 years, known as the Spring and Autumn Period (722-477 B.C); In the second half of the Eastern Zhou Dynasty, the status of the king, the Son of Heaven, gradually lost, which lasted for more than 200 years, known as the

Beacon fires were used to transmit information in ancient times. When there was an enemy attack, the fire was lit and dukes and lords would bring troops to guard the king when they see smoke. The fatuous King You of Zhou applied this method to make Baosi laugh by ignoring the minister's dissuasion. When the beacon fire was lit, dukes and princes thought the king was in trouble, and immediately assembled an army to come to support. Baosi in the city looked at these disgraced and disheveled soldiers and found it extremely funny and stupid that laughed out loud. King saw this method as good and directly rewarded the person who gave the idea. Since then, beacon fires used several times for the same purpose. In the beginning, some princes came but sometime later, everyone knew that the king was not in any danger and he was just making fun of them, and gradually everyone stopped coming.

"Warring States Period (476-221 B.C). progressive increase of the power of dukes and princes and the gradual decrease of the superiority of the Zhou Dynasty is a notable feature that emerged after the establishment of the Eastern Zhou Dynasty. Feudal rulers who were the duke once upon the time called themselves king, equivalent to the ruler of the Zhou Dynasty, the title of the son of heaven. Even some dukes declared themselves as the emperor of the nine states²⁶. For instance, King Ming of Qi (齐闵王) and King Zhao of Qin (秦昭王) called themselves the emperor of East and West²⁷. This was because the king was stuck in the area of today's Luoyang and he had only the symbolic title of "the common ruler of all under the heaven" and what is more, it was only possible to maintain this position with the support, relief, and contributions of the dukes of various states. Even, the Zhou royal court needed the feudal dukes of Zheng (郑国), Wei (卫国) and Jin (晋国) to supply food. The duke of Zheng controlled the political power of the king and repeatedly challenged the dignity of the Zhou family. During the reign of King Ping of Zhou (周平王), Duke of Wu and his son duke Zhuang of Zheng (郑庄公) successively served as ministers. Besides, in order to appease Zheng, King took Prince Hu Zheng hostage in 720 BC.

During the reign of King Huan of Zhou (周桓公), the king wanted to get rid of the control of Duke Zhuang of Zheng (郑庄公) and planned to use Duke Guo Jifu (虢公忌父) instead. The Duke of Zheng threatened the Zhou family by plundering the wheat and grain in the land of the Zhou royal family, which angered King Huan of Zhou. In 717 B.C, when Duke Zheng of Zhuang entered the court, King Huan of Zhou did not receive him with courtesy. The duke was even more dissatisfied with the King, and he did not report to him when he exchanged territory with the State of Lu. In 706 B.C, King Huan of Zhou dismissed the duke of Zheng from his position as a high-ranking official, which made the duke furious and did not tribute to the king. Thereupon, the king of Zhou ordered Guo Gong Lin Fu and Zhou Gong Heijian to lead Cai, Wei, and Chen states to join forces

²⁶ Nine states, Jiu Zhou (九州) in Chinese, referred to the geographical divisions in the legends of the ancestors of the ancient Huaxia /Han nationality in ancient China were later used as a proxy for concepts such as China and Huaxia /Han land. Nine states were also regarded as all under the heaven, Tianxia (天下). However, not the political territory all the dynasties included nine states and in different resources, the nine states not always showed same regions. For more details, see, Wang Ke, and Feng Yiguang. *Nation and State: The Genealogy of China's Multi-ethnic National Thought*. (China Social Sciences Press, 2001.), P. 6-15.

²⁷ ChuanKung-chuan Hsiao, *History of Chinese Political Thought, Volume 1: From the Beginnings to the Sixth Century, AD*, vol. 133 (Princeton University Press, 2015), 32.

to attack Zheng. However, in the battle of Ge, the coalition army was defeated by the Zheng army, and King Huan of Zhou was even shot and injured by Zheng general Zhu Dan and captured. The Duke of Zheng took away the royal treasures that symbolize the power of the Zhou Dynasty²⁸.

In another case, duke Zhuang of Chu (楚庄王) took advantage of the opportunity to attack the barbarian Rongs, and sent his troops to Luoshui, near of the capital of the Zhou Dynasty. This move was nothing more than a show of his power to the King. King Ding of Zhou (周定王) was too dissatisfied and felt uncomfortable, but he still sent a special envoy, Wang Sunman (王孙满), to comfort the duke of the Chu state. When the duke of Chu met with Wang Sunman, he asked about the size and weight of the nine tripod cauldrons, a symbol of political power dating back to the Shang Dynasty (c. 1600-1100 BC)²⁹. As a symbol of the unification of nine old Huaxia states, the nine cauldrons were the treasure of a legitimate ruler's authority and one who possess it was regarded as the ruler of all under the heaven. Replying to duke of Chu, envoy Wang said, "the nine cauldrons is too huge, and its weight cannot be estimated due to its age." Duke was obviously dissatisfied with this answer, and replied, "as long as the hooks of the soldiers of Chu State are broken, it is enough to cast the nine tripod cauldrons." Wang Sunman then replied that "governing the world depends on virtue, not on the cauldron; the reason why the King of Zhou became the son of heaven was because of his virtue and not because of the nine tripod cauldrons."³⁰

Parallel to change in political power, firmly established hierarchal cultural order and political rituals also started upside down. The Zhou Rites had strict restrictions on the scale of music and

²⁸ For this piece of history, please refer to "Historical Records: Zhou Benji", pp. 140-149. Also, see "Zuo Zhuan" (左传) for three years and six years for Duke Yin of Lu, five years for Duke Huan of Qi, and twenty years for Duke Zhuang of Chu. Commentary on the Thirteen Classics, p. 1723, p. 1731, p. 1748, p. 1773.

²⁹ According to legend, after Yu established the Xia Dynasty, Yu divided the world into nine states and cast them into nine cauldrons by collecting bronzes from each state. these nine states were the oldest name of China and these states are usually referred to the Tianxia. Gongyang Zhuan Commentary believes that the nine cauldrons represent the status of the ruler: when offering sacrifices, scholars use one or three cauldrons., senior state officials use five, and princes use seven, and only the king can use nine cauldrons. In other words, it was a symbol of superiority thus, it was well-known that asking about its size was equal to questioning the legitimacy of the king and revealing the ambition of usurping the political power of the Zhou Dynasty. Later, the word "asking tripod cauldrons", wen ding (问鼎) in Chinese, came to mean an attempt to usurp power.

It is said that in the year following Qin's extermination of Zhou, the Jiuding of the Zhou family was moved westward to Xianyang. There are also legends that Jiuding sank in Sishui and Pengcheng during the extermination of the Zhou Dynasty. Qin Shihuang visited Sishui and Pengcheng and sent people to dive to salvage them, but it was in vain.

³⁰ 文易鸣, "问鼎中原的楚庄王," 楚天主人, no. 7 (2013): 52-53.

dance performed by different classes. For example, the king can enjoy eight-row, that is, the scale of the king's music and dance is eight rows and eight columns, with a total of 64 people performing dancing; six-row for princes & dukes (诸侯), a total of forty-eight people; four for the minister (卿大夫) that are thirty-two people in total; and finally the scholars (士) can only enjoy two-row, that is, sixteen dancer. Anyone who violates these rules is seen as violating Zhou Rites and should be punished. However, in the Spring and Autumn period, Ji Pingzi (季平子), a minister of the State of Lu, used a troupe of 64 people to perform songs and dances in his courtyard. As a minister, he could only use a music and dance team of 32 people, but he actually violated the etiquette system and compared himself to the king. When Confucius heard about this, he was very distressed and sighed: "He has the heart to do such a thing, what else can't be done with such a cruel heart?". There were many similar instances during that time. Change in the power between the king and feudal dukes brought changes in almost everything.

In general, since 720 B.C., the Zhou house was headed towards unprecedentedly weakening, which made royal authority insignificant and its political foundation extremely unstable. By looking at Zhou history, it can be found that the dynasty could last for several centuries because the royal house was initially powerful that it could wield political control through the "Rites and music" (Li Yue, 礼乐) and "punitive campaigns" (惩罚). On the other hand clan law (Zong Fa 宗法), class, landholding system, and other similar institutions offered the social explanation. King launched punitive campaigns against the misbehaviours of dukes and princes either by making a coalition with other dukes or appointing one of the dukes as chief of the rest. The assumption of this governmental force was to protect the political authority of the royal house. As to clan law and class behaviours, there is a record in Zuo Zhuan (左传), Seventh year of Duke Zhao, 534 B. C.;

The day has its ten divisions of time, and of men, there are the ten classes, and so it is that inferiors serve their superiors and that superiors perform their sacrifices to the spirits. Hence the king makes the duke his servant; the duke, the great officer; the great officer, the simple officer; the officer, the lictor; the lictor, the crowd of underlings; the underling, the menials; the menial, the labourer;

the labourer, the servant; the servant, the helper. There are also grooms for the horses, and shepherds for the cattle; —and thus there is provision for all things³¹.

This recording generally pictures the system of feudal classes. Among these classes, class of "officer", "great officer" and above were of the aristocracy; those below were commoners. The lines of division between them were firmly fixed and were not easily altered.

However, as instances mentioned above, the old socio-political structure changed due to the weakening of the Zhou royal power and it naturally generated the transgressing of the Rite and norms. The political power once concentrated in the hand of the Zhou family moved to feudal dukes and nobles. In other words, the existing hierarchal political order transformed into a flat order. Dukes struggled to expand their border and influence and finally found themselves in a bloody competition. More than a hundred autonomous states fight against one another and in the middle of the Warring States period, China gradually formed a pattern of seven states competing for supremacy, which are the states of Qin, Chu, Qi, Yan, Zhao, Wei, and Han. The situation that emerged at the time of the Seven States onward (480 B.C.- 221 B.C.) was those who exercised political authority shifted from extolled clan members to wandering political advisors and job hunters³². The shifting of power from one class to another generated the collapse of the feudal political institutions³³, socio-political relations, and rituals that were accepted as norms and standards. Simultaneously the social structure and the way of life of the feudal aristocracy were being transformed. For this time, it is hard to talk about the legitimacy of clan law and the old social order. Feudal dukes' self-claiming of the king and their impertinent behaviour of enjoying the same music and dance performance with the Zhou king, as mentioned above, were just two examples in this regard.

The political reality of the Warring States Period moving from single political unity which was called all under heaven to fragmented political unity may correct to call heaven for all and change

³¹ James Legge, *The Chinese Classics: With a Translation, Critical and Exegetical Notes, Prolegomena, and Copious Indexes* (Legge, 1872), 616.

³² Hsiao, *History of Chinese Political Thought, Volume 1: From the Beginnings to the Sixth Century, AD*, 133:31.

³³ It is important to know the meaning of "feudal" in order to understand the structure of the Huaxia political system. In Chinese literature "feudal" is used as a standardized translation of "*feng-jian*" (封建); the Chinese term means a system of enfeoffing vassals to build a loose structure of decentralized authority. Interestingly, although all Chinese dynasties since Zhou build centralized political structures in proper Huaxia territory, they were regarded as feudal dynasties in Chinese historiography. However, care must be taken when using this term. It is very different from the feudal system used in Europe, even the opposite of it. Therefore, Chinese historians such as Prof. Qinhui defend the idea that the feudal system disappeared after the Zhou.

from the feudal political system that acknowledged autonomous polity to authoritarian states that power concentrated in the hands of the monarchs (the dukes are now a monarch of independent states). After the decentralization of royal power, two kinds of situations emerged. One was widespread autocracy and bloody rivalry among the feudal states, the second was the flourishing of different ideas and thoughts. These ideas in fact were the reaction to the political chaos that was caused by the dismantling of the Zhou order. The feudal vassals once a servant of the Zhou Dynasty and members of a big family, now turned into deadly enemies of one another, and dozens of schools of thought put forward a different way of governing to establish the new order or re-establish the old one.

These two realities were accompanied by a trend of altogether heading toward political pragmatism rooted in the policy of “strengthening the army and enriching the state”. For rival states, it becomes almost normal for being allies in one war and to be hostile in another. States were constantly changing sides, and a state could be attacked by another state at any time. The only essential element in interstate relations was the national interest or the interest of the monarch so to speak. This situation was very similar to the religious wars in 16th-century Europe and the state of nature that Thomas Hobbes described in his book *Leviathan* as the war of all against all. Just as the weakening of the universal authority of the Church in the 15-16th century on the European continent caused the emergence of many rival states; and just as this situation gave rise to emerging of many thoughts and numerous thinkers, the loss of universal sovereignty of the Zhou Dynasty led to the emergence of a number of rival states. Just like in Europe, this state of fragmentation led to the emergence of different currents of thought in ancient China.

The hostile environment of the Warring States Period made every state a single holistic political body that created almost every institution independently. Inviting, accepting, or cultivating politicians, generals, strategists, advisers, etc. were either common or very important things that all states engaged in. The duke Wei of Qi, for example, established the Ji Xia Academy and assembled scholars there. Such initiative was not only restricted to Qi State, but almost all monarchs even higher officials had such institutions where scholars were in it. The decline of the royal family made the culture, thought, and knowledge that was monopolized in the past flow into the territory of the “vassal” state, while the long-term stability and wealth of the princely state gradually gave birth to a group of new cultural people, who moved up and down in the dynastic

structure. Taking a position in government and the acquisition of knowledge, both mostly limited to noble families were now opened to commoners thanks to the desire of independent states for talented people. Since the goal of every independent state was expanding their territory by building a powerful military and reliable economy, scholars, being a servant of the monarch, also established a more pragmatic and ethics-free governance philosophy, and Huanglao and Legalist schools of thought can be examples for this. On the other hand, there were other scholars like Lao Zi, Confucius, Mencius, Mo Zi and Zhang Zi who developed independent and ideal philosophies in this regard. Their response to this turmoil period was more ethical than those of “realists” or pragmatists, however, they also had different views from one another. This situation in fact can be one of the key factors behind the emergence of diverse thoughts, and great scholars and most importantly, the main propeller behind the unprecedented ideological transformation called “contention of a hundred schools of thought” (百家争鸣). This great transformation led way to the coexistence of multiple feudal states, and rivalry with each other for supremacy and the creation of stages for scholars to develop their views freely. However, by looking at political discussion in this period, it can generally categorize the ideological responses to this socio-political turbulence into three³⁴:

1. expression of nostalgic attitudes towards the collapsed old system, and advocating reconstituting it with a couple of new innovations, Confucianism and Mohism;
2. recognition of current realities and justification of them, rejecting the old system and ethics, and building a new system based on the new socio-political reality, that is Legalism;
3. annoyance and repugnance for all systems, old or new, and inclination toward individual self-sufficiency and individual freedom, which is Taoism.

It is said that there were "The Hundred Schools" and "The Nine Categories" emerged as a response to the socio-political turmoil of the time, however, the main schools can be categorized into these three trends, and the Confucian, Mohist, Taoist, and Legalist school of thoughts represented all or covered all the discussion they made. They put forward and developed a very distinctive model of governing. Monarchs of the time also examined their suggestions, even some schools like

³⁴ Hsiao, *History of Chinese Political Thought, Volume 1: From the Beginnings to the Sixth Century, AD*, 133:33.

Confucians, traveled around all warring states to persuade rulers to apply their methods. However, only Legalism was accepted and widely implemented in Huaxia territories. The question is what these four schools advocated as governing philosophy and why Legalism was favored. The incoming sections of this chapter discuss the main principles developed by each thought and examine why Legalism defeated all, especially Confucianism.

1.2. Lights Born Out of the Chaos

1.2.1. Taoism: Governing by Doing Nothing and Keeping the People in Ignorance

Taoism is not only the oldest political thought in terms of the time it formed, but it is old in its political view and advocated society. Among these four major thoughts, only Taoism has very unique and even strange ideas. It is also interesting to know that Taoism alone developed the philosophy beyond the earthly law that consistently asserts that governing human society should follow the rules and regulations of the law of nature. In their whole paradigm, the law of nature is called dao, (known as Tao in the West) which is universal and unchangeable. According to historian Sima Tan's "On the Essentials of Six Schools" (论六家要旨), the school named "Moralism" and "Taoism". In order to understand their method of governing, it is important to understand what is tao or dao (道). It should be said that dao is a concept with multiple levels. First, it represents the origin of the universe and things. Second, dao sometimes refers to the general laws of things, including heaven, earth, and people. Third, it refers to specific laws, which can represent both nature and human affairs. Fourth, it refers to the truth of things, that is, the subjective reflection and explanation of objective things. Dao empathizes to analyze and study the nature of things, their mutual relations and laws, and how people treat them³⁵.

The law of nature is another characteristic of Taoist thought. Taoism studies the laws and movements of things, aiming to guide people's actions to conform to Tao and nature. The two masterpieces of Taoism, Laozi (老子) proposes the "law of nature"(法自然), Zhuangzi (庄子)

³⁵ 刘泽华, 中国政治思想史: 先秦卷, 1st ed. (北京: 中国人民大学出版社, 2014), Liu Zehua, History of Chinese Political Thought: Pre-Qin Volume, 1st ed. (Beijing: Renmin University of China Press, 2014), 313–14.

proposes "the unity of Heaven and Humanity" (与天合一), and "unity with Heaven and earth" (与天地为一). In proto-Legalist classics Guan Zi (管子), Taoism put forward "follow the Heaven" (随天). In the ancient lost book Lao Zi, volume B, which was found in Ma Wangdui, it is proposed that "obey the heaven" (顺天), and "obey the regulation" (顺理). These all emphasize that human behaviour should conform to nature. Taoism believes that human beings are an integral part of entire nature yet, are restricted by it, and human beings should obey the law and respect the constraints of nature. Since almost all politicians don't care about relations between nature and human society, some Taoists did not cooperate with those in power and refuse to enter official positions. They live in seclusion in the mountains and forests, so they were also called "hermits". However, they developed systematic political thought about how to govern society. The main political doctrine of this school is "governing by doing nothing", wu wei (无为), and "keeping citizens in ignorance".

Lao Zi believes that every progress in social history leads to the decline of tao and the decadence of virtue. Chapter 38 of Laozi says: "...Therefore when tao is lost, virtue is lost. When virtue is lost, benevolence emerges, and righteousness is lost after benevolence."³⁶ The process of alienation is carried out in the process of constantly destroying the simple nature of people. Therefore, Lao Zi challenges the politics of "actively engaging" or you wei (有为), which is the main principle of Confucianism. He extends the principle of tao to social and political life and tried to transform politics according to the principle of tao. The author of Laozi When criticizing Confucianism, he said: "When the great tao declined, benevolence and righteousness will arise; When cleverness emerged, hypocrisy will appear; when six relatives are not in harmony, there will be filial piety; when the country in chaos, and there will be loyal ministers"³⁷. The main pillars of Confucianism are regarded as the consequence of corruption by Taoists and using the Confucian method to govern the world can only lead to more chaos. Yang Zhu (杨朱), another famous philosopher, is unique in Taoism. He regards the individual as the subject of nature and believes that everyone should regard himself as an end. He emphasized the independence and autonomy of

³⁶ 王弼, 老子道德经注 (中华书局, 2011), Wang Bi, Notes on the Tao Te Ching of Laozi (Zhonghua Book Company, 2011), 98.

³⁷ 王弼, Wang Bi, 46.

the individual and believed that less political interference is better for human society. His ideal governing model is like the relations between ships and shepherd boy. The ruler should be like a shepherd boy, allowing the sheep to freely choose the water and grass.

Zhuang Zi (庄子), another main pillar of this school after Lao Zi developed the political proposition of naturalism to the extreme level. Not only does he and his followers think that men are part of nature, but they should not have any thoughts and ideas above other natural things. People should regard themselves as cows and horses, and melt themselves into nature. They believe that this is the only way to restore humanity. Zhuang Zi and his followers believe that human nature is pure naturalness, which is fundamentally opposed to people's social nature. In their view, all social nature, especially the benevolence, righteousness, law, and governance that Legalists and Confucianists advocated at that time, were a sign of the destruction of human nature. For instance, the constant yearning for the sage monarch such as legendary emperors Huangdi, Yao, and Shun to be born to save the world, was considered a false imagination. For Zhuang Zi, the word “governance” is the root of disaster and whoever tries to save the world once, as a consequence, will have destroyed the world for generations to generations. For them, Shun, Yu, Tang, Wang Ji, King Wen, King Wu, and the king of Zhou are the real culprits and thieves. The actions of rulers are selfish and violate the laws of nature and human beings. Taoists think that the whole society is a big cage, a big cesspool, so instead of reforming it, only by throwing it away can the shackles be released. Their basic proposition in this regard is going back to nature.

The ideas mentioned above easily made one believe that the Taoist school opposed the governance of society in general. However, the Taoist school that is mentioned in another Chinese classic Guanzi (管子) has the idea that is relatively close to Legalism and Confucianism. This sect of Taoism believes that both heaven and man are natural processes, so it is necessary to obey both heaven and man. The author also advocates the politics of governing by doing nothing. However, what they say about doing nothing is different from Zhuangzi. What they call doing nothing mainly means that the behavior of the ruler should be consistent with the natural process of heaven and man. If we believe righteousness, propriety, and law are the tao of the human world, here we see the main pillars of Taoism, Confucianism, and Legalism. This is the active school of Taoism thought. The same politically active Taoist school is also found in the Taoist material found in Ma

Wangdui. It is one of the most politically enthusiastic schools of Taoism. The author of this book has extensively absorbed the ideas of Legalism, Confucianism, Yin and Yang, and Mohism. As to this version of Taoism, Sima Qian also described it as "collecting the goodness of Confucianism and Mohism, and summarizing the essentials of Legalism". For example, this Taoist book regards the Confucian ritual and the Legalist law as the embodiment and crystallization of the Legalist tao³⁸.

Governing by doing nothing or wu wei, is the core of Taoist political thought. However, it should not be misunderstood that wu wei is not rejecting any political involvement and letting the people do what they want to do. The teachings of Lao Zi are full of advice on political engagement and even military strategies and penalties. Inaction in Lao Zi is by no means purely natural or passive wait-and-see, its original meaning is to follow tao and nature. Thus, in his political philosophy, Lao Zi introduced another term wei wu wei (为无为), which actually means doing for governing by doing nothing or action for inaction. It refers to being active and actively following tao and nature when governing society. It is a kind of policy and action. In Lao Zi's view, the sources of socio-political turmoil are people's actions along the path of "active", you wei (有为), which is "contention", "desire", "knowledge" and so on. In order to eliminate these evils and bring back the people into an ideal society, the wei wu wei is necessary. Lao Zi suggested two things to fulfill it:

1. to persuade the rulers to reduce their activities and exercises. Specifically, it mainly advocates thin tax collection, light punishment, careful use of troops, and thrift³⁹. Lao Zi said the more laws are enacted; the more thieves will be. It is generally believed that the richer the law, the wider the coverage, and the more detailed the regulations, the easier it is for people to have laws to follow. It seems incorrect in terms of causality. However, by law, Lao Zi refers to the law suggested by Legalists and said it is made by humans. It can be a tool of the Monarch rather than unfair universal regulation. As to the ruler's harsh punishment, Lao Zi made criticism by saying "if the people are not afraid of death, how can the death penalty threat them?"⁴⁰. From his attitude towards severe penalty and

³⁸ 刘泽华, 中国政治思想史: 先秦卷, 2014, Liu Zehua, History of Chinese Political Thought: Pre-Qin Volume, 2014, 316.

³⁹ 王弼, 老子道德经注, Wang Bi, Notes on Lao Tzu's Tao Te Ching, 79.

⁴⁰ 王弼, Wang Bi 191.

his idea of you wei, it can be seen that he doesn't reject the punishment, however, advocates light punishment.

2. to make the people lose the conditions for being active (有为). This is to use administrative, political, and other means to eliminate the social conditions that give rise to promising. Since Lao Zi believes having "desire" and "wisdom" are the most fundamental reasons for the emergence of activeness, you wei, therefore, to realize the condition of inaction, wu wei, the key is to eliminate wisdom and desire, that is, to eliminate the motivation to pursuit material and spiritual life.

Among these two ways above, accomplishing the second is the key for Taoist thought and it is not difficult to realize that creating such a social environment is complex and challenging. Nonetheless, the Taoist school found the solution in making people uncivilized and unsocialized. Major thinkers of this school of thought, like Lao Zi, Zhuang Zi and Yang Zhu, concretely put forward some methods in order to create an ideal condition that suitable for inaction policy as listed below;

1. Economically, people like to compete for money and profit. In order to prevent people from competing for these two, all ingenious tools should be destroyed, and rare goods should not be expensive, and gold should be regarded as dung.
2. Politically, people all want to win official ranks, especially the ruler's "award for virtuous", which has caused people to compete with each other. The Laozi advises the rulers to "not honour the virtuous", so as to "make the people not to contend"⁴¹.
3. Spiritually, all knowledge must be removed, "abandoning sages and wisdom, the people will benefit a hundredfold"⁴². In order to completely eliminate desire and wisdom, the rulers must create a forbidden area, so that people dare not seek profit for desire. "Lao Zi" declares: "No crime is greater than desire."⁴³ Whoever has desire and wisdom will be punished⁴⁴.

Overall, what is advised in the Laozi is summarized in chapter three;

⁴¹ 王弼, Wang Bi, 9.

⁴² 王弼, Wang Bi, 48.

⁴³ 王弼, Wang Bi, 129.

⁴⁴ 王弼, Wang Bi, 191.

it is the rule of the sage that “empties peoples’ hearts”, “full their stomach”, “weakens their will”, and “strengthens their bones, “often makes the people ignorant and have no desires, and makes the wise no dare. If you do it, even if you do nothing, everything will be cured.”⁴⁵

By suggesting this, the Taoist social engineering project advocates “creating” citizens with no desires, aspirations, and no sense of struggle yet, always feel satisfied; and preventing them from being deceived by external things; by making them ignorance, turning the citizens into one who has no opinions. If the ruler could create such conditions, the people being able to live and work in peace and contentment and be satisfied with the status quo that there would be fewer problems in society so the monarch could be able to apply the policy of inaction, wu wei then. It is a remarkable historical phenomenon that the rulers use ingenuity to make the ruled stupid.

It can be seen from the above that the inaction politics of Taoism is to reduce the knowledge and sociality of people to a minimum degree. Thus, Taoist criticism against Confucianism is very strong and tough. Due to Confucians' consistency in human involvement and educating people in the method that invented by human beings, which is contrary to the basic principle of Taoism, Taoists label them as a hypocrite. Almost all core values of Confucianism are regarded as a product of a corrupted society, not values that exist to cure corruption. Nonetheless, it is vitally important to know that, wu wei or non-intervention in Taoist philosophy is not abolishing politics, letting the rulers give up their power, and lifting all the shackles on people, but by using power more skilfully yet without using naked harsh punishments or the benevolence and righteousness, to create an environment in which the people are underdeveloped and ignorant. Here wu-wei has another meaning. This meaning, with certain modifications, later became one of the major theories of the Legalist School⁴⁶.

Then what is their utopic country like? It is “a small country has a small population... Because of the fear of death, people should not travel far; despite people having boats and carriages, they should have no occasion to ride in; let people return to using knotted ropes for counting; make the citizens think their food is sweet; their clothes are beautiful and their simple ways is the sources of enjoyment; People of neighboring countries reside within sight of each other; Dogs barking and cocks crowing can be heard across the border, Yet they do not have any intercourse even until old

⁴⁵ 王弼, Wang Bi, 9.

⁴⁶ Youlan Feng and Fuat Aydın, *Çin Felsefesi Tarihi* (İstanbul Bilgi Üniversitesi yayınları, 2009), 138.

and dying⁴⁷.” Lao Zi also regards kits and gadgets as the source of disaster and sees culture as a tool to cause a fight for fame and fortune. In order to avoid disaster and gain fame and fortune, sharp weapons and culture must be destroyed... these are exactly the life in the picture of a small country and few people. The theory is not mainly against oppression and exploitation, but against civilization and technological progress.

1.2.2. Mohism: Terminate the Chaos with Universal Love and Dictatorship

Compared to Confucianism and Legalism, Mohism is not well-known and there is less research on it. When we look back to the history of China, Mohism, and Mohists were altogether suppressed by the unified Legalist Qin and Confucian – Legalist Han dynasties. Even great historian Si Maqian did not make a biography for Mo Zi while the Historical Records is full of biographies of important figures. during the Han period, the school of Mohism was restricted or prohibited. Also, interestingly, the entire writings of the Mohists are lost except for the fifty-three chapters of the book *The Mo Zi* itself⁴⁸. This is probably because of their strict moral values, tough discipline, and warrior nature. However, during the Warring States period, Mohism was as widespread as Confucianism and it was the first school of thought against Confucian political doctrines. As mentioned in the *Huai Nanzi* (淮南子), a philosophical work compiled by Liu An (刘安), Mo Zi (墨子), the founder of this school, was educated in the doctrines of Confucius⁴⁹. Yet, when he started to question the main pillars of Confucianism, he started to alienate and founded his own school of thought and turned into the toughest criticizer of Confucianism⁵⁰.

By looking at the development process of Mohism, we can find it has a special background and unique doctrines as well. During the feudal period of the Zhou dynasty, all dukes, princes, and feudal lords had their own military experts. Unlike strategists who design the strategy at the palace, these experts were the warriors who spend their time on the battlefield during the war and that is

⁴⁷ 王弼, 老子道德经注, Wang Bi, Notes on Lao Tzu's Tao Te Ching, 198.

⁴⁸ Hsiao, *History of Chinese Political Thought, Volume 1: From the Beginnings to the Sixth Century, AD*, 133:223.

⁴⁹ *Huai-nan Zi*, chapter.21

⁵⁰ 刘泽华, 中国政治思想史: 先秦卷, 1st ed. (北京: 中国人民大学出版社, 2014), Liu Zehua, *History of Chinese Political Thought: Pre-Qin Volume*, 1st ed. (Beijing: Renmin University of China Press, 2014), 375. Also see, *Huai nan Zi*, ch.21

why they were regarded as the backbone of the feudal states. However, they lost their positions and titles along with the disintegration of the feudal system due to the dramatically declining power of central authority and were scattered throughout all corners of the Zhou territory as a result. The political situation of all against all enforced these people to earn their living by servicing anyone who could offer them money. People of this class were known as shi (士) or jus hi (居士), which could be translated as "knights-errant". According to Sima Qian, they were sincere and trustworthy; their actions were quick and decisive. They keep their promise and run into danger without thinking of themselves⁵¹.

Warrior ethics made them different from Confucius and other schools that they tried to handle the crisis by their action. Since the Warring States Period was an era of war between the rival states, Mohists also prepared both themselves and their thoughts accordingly. No less than nine chapters of Mo Zi deal with combat tactics in defensive warfare and techniques for building vehicles to guard the city's walls. For example, Mo Zi himself alone went to the palace of the powerful state Chu to persuade the king to step back from a planned invasion to the weak state Song. Before the Chu king and his general, Mo Zi showed his courage to fight against the Chu army in case of invasion⁵². It is also stated in Huai Nanzi that Mo Zi's disciples were ready to enter the fire or step on the tips of their swords if received the command and that even death did not cause them to return⁵³. Thus, when talking about Confucianism, Mohists degrade them by saying "eat without laboring" and "four limbs are unaccustomed to toil"⁵⁴ due to Confucians' emphasis on rituals and hierarchal order.

As people who are familiar with Confucian doctrines, Mo Zi and his followers developed their theories on the process of criticizing Confucians. According to Mohists, Confucian principles are destroying the world in four ways:

1. Confucians do not believe in the existence of God or spirits, which makes God and spirits outraged. On the other hand, their inconsistent emphasis on the Rites of burial

⁵¹ Sima Qian, *Historical Records*, Chapter 124.

⁵² Mo Zi, Chapter 50. See also Yu-Lan, Fung. *Çin felsefesi tarihi*. İstanbul Bilgi Üniversitesi, 2009, 69.

⁵³ Huan-Nan Zi, Chapter 20.

⁵⁴ Hsiao, *History of Chinese Political Thought, Volume 1: From the Beginnings to the Sixth Century, AD*, 133:36.

and sacrifice is a complete inconsistency. Mo Zi said " Kong-meng Zi said: "There are no spirits." Again he said, "The superior man must learn the sacrificial Rites". Then he added "To admit that there are no spirits, but to learn about sacrificial Rites is like learning Rites of hospitality when there are no guests, or throwing fishing nets when there are no fish."⁵⁵

2. Confucians insist on burial Rites and three years of mourning over the death of a family, which is wasting people's capital and energy.
3. Confucians lead people to laziness and believe in a predetermined destiny, ming (命)⁵⁶ to submit to it"⁵⁷.

In another chapter titled "Against-Confucians," Mo Zi again states that it is impossible to receive the education necessary for Confucian classics even if people have long lives and one who is astonishingly wealthy cannot afford the music that Confucians referred to. Confucians praised the beauty of the evil arts and led their kings astray. Mo Zi also said Confucian doctrine does not meet the needs of this age, nor does its education educate contemporary people⁵⁸.

Mo Zi criticizes the Confucian core value of human-heartedness or benevolence, (ren 仁) and righteousness (yi 义) as selfishness. Despite Confucians held up to "be benevolent to all men and lovingly concerned about all creatures" as it is written in Mencius as the highest ideal in the practice of benevolence, they consistently and firmly validate the principle that one's beneficence should be extended to others in the level of intensity and in a priority sequence decided by family ties, and by distance.⁵⁹ Mo Zi regarded this kind of benevolence as selfishness. Instead, he put forward the idea of universal love (jian ai 兼爱), which is not denying the family and its social bonds, and on top of that more concerning with universalizing the love and material benefits. He

⁵⁵ Mo Zi, Chapter 48.

⁵⁶ His critique of predestination, is said to be somewhat irrelevant. Because the predestination that Confucians so often speak of is not a predestined fate. According to the Confucians, if a person makes an effort, there are also things that are under his control. Therefore, after man has done all, he can do, he will calmly and resignedly accept what will happen as the inevitable.

⁵⁷ Mo Zi, Chapter 48.

⁵⁸ Mo Zi, Chapter 39.

⁵⁹ Hsiao, *History of Chinese Political Thought, Volume 1: From the Beginnings to the Sixth Century, AD*, 133:232–33.

believes that man of true ren and yi is the man of universal love, which is the cornerstone of Mohism yet a source of evilness for Confucian Mencius.

Considering the group in question as a basis, Mo Zi tried to expand this understanding by preaching the doctrine that everyone in this world should love everyone equally, without bias and discrimination. A person who accepts the principle of all-encompassing love would take care of others' friends and families as take care of his own family and friends. Mo Zi also underlines that someone who adopts universal love can understand that different people have different benefits and interests. Since they see others' interests as important as their own, therefore will be more peaceful and embracing⁶⁰. Due to God loves humanity, and that His will requires all people should love each other, someone who loves everyone will be rewarded by both humans and gods and spirits⁶¹. By saying this, he again refers to the Confucian understanding of distinguishing people according to hierarchical and social relations. By putting universal love at the center of their argument, Mo Zi and his followers denounced the Confucian love that shows differences according to clan law and kinship. Mo Zi vehemently criticizes the Confucianists' social hierarchal principles and unequal love and loyalty as the root of disaster.

After Mohist philosophy explains their social value, then they explained the type of government that could fulfill and maintain universal love. In this regard, Mo Zi favored autocratic rulers who hold absolute power and added the principle "Agreement with the Superior" Shang tong 尚同), which is something similar to the combination of Plato's philosopher king and Tomas Hobbes' Leviathan. Firstly, he talked about the source of legitimacy of the ruler. According to the Mohist school, the authority of the ruler comes from two sources: the will of the people and the will of God. Also, the principal task of the ruler is to supervise the actions of the people, by rewarding those who fulfil the all-encompassing love and punishing those who do not. To do this effectively, the ruler must be autocratic and he should hold absolute power. Mo Zi argued that people accept this type of authority not because they prefer it, but because they have no alternative. According to him, before the creation of an organized state, people lived in what Thomas Hobbes described "the state of nature". At this time, "everyone had his own measure of right and wrong." That's why "this world was in a state of great disorder, and people were like birds and wild animals. They

⁶⁰ Mo Zi, Chapter 16

⁶¹ Mo Zi, Chapter 17.

realized that all the disorder in the world was due to the fact that there was no political leader. Therefore, they chose the most virtuous and talented man in the world and named him the Son of Heaven."⁶² Therefore, the ruler of the state is first accepted by the will of the people, in order to save themselves from chaos. The statement above also answers the question of why should the ruler has such absolute authority over them. Mo Zi clarifies this by making an assumption very similar to Thomas Hobbes. On the other hand, Mo Zi connected the legitimacy of the state and ruler to God by saying: "Once upon a time, when God and spirits established the state, the cities, and appointed the ruler, it was not to raise their rank or make their salary enormous...This is to create benefits for the people and eliminate their troubles; enriching the poor and increasing the few; was made to bring about safety from danger and order from confusion."⁶³ Thus, according to this expression, the state, and its ruler were imposed by the Will of God.

Mozi lived when the all under the Heaven was in great chaos and he believed that the reason for turmoil is the absence of a sage ruler and the lack of unanimously agreed justice. Having different interpretations on justice is the greatest enemy of "universal love". If everyone has the same "justice", the world will be unified and peaceful while the world will be in chaos if everyone is different in "justice". The concept of “Agreement with the Superior” (Shang tong 尚同) is a method and measure proposed to solve "different justices". The essence of Mozi's "justice" is to establish a set of ruling order and he proposed to establish "justice" from above and realize it through coercive means from top to down. The people just bow their heads and obey their orders. The meaning of “unifying justice” is embodied in establishing rules, laws and regulations. Then, who should formulate all of them? Mo Zi proposed that the ruler, the son of heaven should formulate them. The father issues the constitution to his family and it is acceptable each family has different rules inside. Yet, all families should agree with the rule and regulations of the monarch or the son of heaven. The son of heaven is one who promulgated the constitution in accordance with the will of Heaven. This argument automatically leads to the recognition of the ruler as the most knowledgeable individual. Thus, according to Mohist philosophy, the source of right, wrong, justice and injustice is the ruler. In “agreement with superior”, "He who hears good or bad will report it to his superior. What the superior thinks is right, everyone should think is right. What the

⁶² Mo Zi, Chapter 11.

⁶³ Mo Zi, Chapter 12.

superior thinks is wrong, everyone should think wrong."⁶⁴ This led Mo Zi and Mohist thought to the conclusion that "Always reconcile with the superior and never follow the inferior"... If we examine this principle from a different angle, it could generate the manipulation of power and knowledge. With such political principles, Mohism left an ever-lasting impact on Huaxia administrative thought. Their emphasis on "universal love" (Jian ai 兼爱), "Agreement with the Superior" (shang tong 尚同), and "absolute monarch" provided the base for autocratic leadership of the successive Huaxia dynasties.

1.2.3. Confucianism: Establishing the Order with Benevolence, Teachings, And Hierarchic Social Order Under the Rule of The Sage

In the Chinese language, Confucianism, the thought systemized by Confucius, is called ru jia (儒家). Questions of What is ru (儒) and who were those who practice it and which social class they were from are helpful to understanding the root and logic of Confucian thought. As we mentioned above, due to dramatic changes that took place during the late period of the Western Zhou Dynasty, some classes who were members of the officials lost their position in the Zhou court gradually dispersed in the society and tried to find a similar position in other vassal states. Among them, there were those who were engaged in education in the palace. According to the Book of Zhou (周书), they have six arts to teach the people and these classes were called ru⁶⁵. Apart from teaching, ru class had another job that was regulating the etiquette in rituals. Zhou people pay special attention to Rites, li (礼), and etiquette, and there were certain Rites or ritual regulations for people, especially feudal aristocrats who had to behave according to their socio-political order, and ru was a person who specializes in holding rituals.

Confucius is one of the most prominent among the ru sect. After he became famous, he still engaged in these activities. Confucius took ru as his profession, but he was not a simple follower.

⁶⁴ Mo Zi, Chapter 11.

⁶⁵ 《左传》哀公二十一年, "Zuo Zhuan" Ai Gong Twenty-one Years

He made a special performance in the profession of ru. In a nutshell, there are three main points in his style of ru⁶⁶:

1. recruited disciples widely in society. The situation of learning in the government gradually declined in the Spring and Autumn period (770-481 B.C.), and private recruitment of apprentices emerged. He turned his eyes to the whole society and recruited disciples eclectically. The disciples he recruited were mixed and numerous. His students come from different social strata, some were rich, some were poor, some had committed crimes, some had been robbers, and there were some homeless. Confucius recruited as many as 3,000 disciples, which was really an unbelievably great number for that time.
2. Confucius systematically organized traditional culture. Confucius had deep feelings for traditional culture. He combined teachings and organized and edited traditional documents starting from the period of the Western Zhou Dynasty. The "Six Classics" mentioned in later generations are probably the textbooks selected by Confucius⁶⁷.
3. Proposed the systematic theory of Confucianism by inheriting and updating. In the *Analects*, Confucius himself claimed to be "just interpreted but not created ". However, during the process of interpreting, he created a systematic theory of the Confucian school.

Confucius, as someone who was trying to find the solution to the political chaos of the time with his official class background, always pondered on big questions, such as how to manage society and what should the ruler be like. Thus, he wanted his students to be people having all kinds of equipment useful for the state and society. On the other hand, since his way of curing the chaos was to re-establish the socio-political order of Eastern Zhou, his job was teaching and interpreting ancient cultural heritages. However, as mentioned above while teaching the classics, Confucius made new interpretations derived from his own moral concepts⁶⁸. Also, bureaucracy was on the

⁶⁶ 刘泽华, 中国政治思想史: 先秦卷, 2014, Liu Zehua, History of Chinese Political Thought: Pre-Qin Volumes, 2014, 129-30.

⁶⁷ There are six classic books which are worshipped by Confucian scholars due to their belief that books are the words of the sages. These books are *The Book of Changes*, (易经 or 周易), *The Book of History*, (书经 or 尚书), *The Book of Songs*, (诗经), *The Book of Rites*, (仪礼), *The Book of Music*, (乐经), and *The Spring and Autumn Annals* (春秋).

⁶⁸ Youlan Feng and Fuat Aydın, *Çin Felsefesi Tarihi* (İstanbul Bilgi Üniversitesi yayınları, 2009), 54.

rise at that time, and the clerks were the bureaucrats' candidates. The purpose of Confucius' school is to train politicians. Therefore, what Confucius ran was actually a political school, where he made a theoretical summary of ancient and modern politics.

1.2.3.1. The Political View of the Orthodox Confucianism

Along with the disruption of the old order, the value and legitimacy of the sovereign had changed rapidly from the ideology of facing God to the world or society, and Confucians were the master of this trend. He and his followers believed that politics should care about society. Thus, different from the Taoist school which returned humans to nature, Confucianists aim to return man to society. However, this shift turned the political view of Confucians into a more radical one. Xunzi, one of the three founders of classical Confucian thought, for example, mocked the people who try to understand the existence of God and His relation with the human world⁶⁹.

Among the various political factors, Confucius paid the most attention to the role of those in power and believed that the quality of governance depends on the ruler, mainly the monarch, and believe that ruler played a decisive role in political life. He highlighted this idea by saying that one word of the ruler could make a country while one word of him would destroy it. Thus, according to him, political leaders must start with self-cultivation, and the power of role models is the decisive factor. What he advocated was in fact the rule of man and according to Confucius, the political relationship is first and foremost the relationship between the top and the bottom. Starting from the rule of man, Confucius reached the conclusion that the world should be ruled by virtuous or sage, xian ren (贤人). As long as the ruler is a "gentleman", "mature", "benevolent" and "virtuous", all problems can be solved. His political thought of the sage includes two aspects; on one hand, scholars should study hard and cultivate themselves so that they can become sages and have the qualifications to enter the office. On the other hand, those in power need to elect talented people to enter office⁷⁰.

⁶⁹ Feng and Aydın, *Çin Felsefesi Tarihi*, 2009, 194.

⁷⁰ 刘泽华, 中国政治思想史: 先秦卷, 2014, Liu Zehua, History of Chinese Political Thought: Pre-Qin Volumes, 2014, 138–40.

Then there is the question of how a sage monarch governs his citizens. Rite or li is the system of social structure in Confucius' political thought. Essentially, the Rite is the basic norm of the hierarchy-centered social order, social structure, and people's code of conduct. Because of this, the Rite is considered to be the base of state governance. The Rite that Confucians required is the establishment of a social integration system centered on the noble and the lowly, the monarch and the minister, and the hierarchal subordination between father and son. Confucius believed that the rank and order stipulated by the Rite cannot be overstepped. For instance, one of the dukes asked Confucius about the correct principle of governing, and he said "Let the ruler be the ruler, the minister be minister, father be father and son be a son"⁷¹.

In the subordination relationship between the noble and the lowly, the ruler and the minister and the father and son are highlighted, and Confucius proposed that the relationship between ruler and minister should be based on propriety, xiao (孝) and loyalty, zhong (忠), which is regarded as the core of the entire interpersonal relationship. The ruler entrusts his ministers with propriety, and his ministers serve the ruler with loyalty. Although Confucius did not blindly agree with specific rulers, as a relationship between rulers and ministers, he considered it to be sacred and inviolable, and especially when he violated these ethics, it should be regarded as treasonous and outrageous. This idea reveals he and his followers or more broadly Confucian philosophy is for defending the status quo. From Confucian classics, for example, it is not hard to find that what Confucius want to do is protect the highest authority of the Zhou Dynasty and rebuilt ruler-subject relations that were once established⁷². Without a doubt, the Confucian political view of being a defender of status-quo and sanctifying hierarchal socio-political relations is one of the main reasons why successive Huaxia dynasties set Confucianism as their main doctrine.

In Confucian hierarchal order, one's position, duty and rights which based on his/her position are vitally important. This is the core of Confucian harmonious society. Everyone should act according to their social rank. People are divided into different levels in terms of concepts and systems and Confucius believed that utensils and social rank should be controlled by the monarch. More clearly,

⁷¹ James Legge, *The Chinese Classics: Confucian Analects; The Great Learning; The Doctrine of the Mean*, vol. 1 (Trübner, 1861), 11.

⁷² Hsiao, *History of Chinese Political Thought, Volume 1: From the Beginnings to the Sixth Century, AD*, 133:56.

the utensils used by different ranks, including those used for sacrifices, clothing, food, housing and transportation, should be different and cannot be overstepped. The difference in the utensils is a sign of the external regulation and stereotype of the hierarchy. Furthermore, Confucius strongly highlighted act, conduct and behavior according to such social rank. He demanded that Rite be implemented into the whole process of words and deeds, and that Rite should be used as an objective criterion for every action and every behavior should conform to the Rite. In a short, he confines all human action and agency within the scope of the Rite. He also clearly stated that things that “violate Rite should not be seen, things that violate Rite should not be heard, things that violate Rite should not be said, and things that violate Rite should not be done”⁷³.

Liu Zhihua, contemporary Chinese political scientist, and editor of the History of Chinese Political Thoughts stated that these "four rejections" are very powerful in that they limit all human actions and activities within the scope of ritual, stifle the development and creation of human beings, and completely turn people into servants and tools of the established rituals, making them incapable of creative. He also mentioned that in Confucius' view, people's cognition cannot go beyond their social status and the rules of the Rite, and Confucius uses Rite to limit people's creative cognition.⁷⁴ It is very interesting that Confucians oppose learning without thinking on the one hand; on the other hand, they confined people's thinking and activities, people's thoughts in the sphere of the Rite. This again shows the origin of their motivation, which is the protection or rebuilding of the existing socio-political order.

Here are other pillars of the Confucian school, which are benevolence or humanity, ren (仁) in Chinese, righteousness, yi (义), and filial and fraternal duties, xiao ti, (孝悌). Here, righteousness is the morally right thing to do, without any self-interest. It is something abstract. However, benevolence is more concrete and tangible. But the material essence of the people's duty in society is to love others, that is, to be benevolent or human. The father behaves in accordance with the behavior of a loving father; the son behaves in accordance with the way a child who loves his

⁷³ See, *Analytical yan yuan*. 非礼勿视,非礼勿听,非礼勿言,非礼勿动. Confucius, *The Analects*, trans. Lei Bo and Xia YuHe (Ji nan: Jilu Press, 1993), 131.

⁷⁴ 刘泽华, 中国政治思想史: 先秦卷, 2014, Liu Zehua, History of Chinese Political Thought: Pre-Qin Volumes, 2014,143.

father; the king behaves like a king who loves his own people, just like the legendary sage kings Yao, Xun and Yu who are Confucianists always talk about. According to Confucius benevolence is the coming together of all virtues. So much so that the term “benevolence man” becomes synonymous with the man who has all the virtues in himself. In such a context, benevolence can be translated as "perfect virtue." On another occasion, Confucius explained benevolence to his disciple by saying “Do not do to others what you do not wish yourself ⁷⁵” and this is Confucianist criteria for the monarch. These are probably proposed for two purposes; preventing the unstoppable wrath and unlimited right of the ruler on one hand and regulating interpersonal relationships on the other. Also, it is not difficult to see that Rite or li bolsters the highest position of the ruler, while that is benevolence and righteousness, warn and call the ruler to use his power in a wise way. Since they believe the source of legitimacy is the people rather than the God as Mohists asserted, and due to their pro-status-quo position, put forward the idea that governing with human heartiness and righteousness within the circle of the Rite. That is the reason why Confucians have always taken benevolence as the basis of their philosophy whenever they have spoken of ethics and of government.

Strict hierarchal subordination and duty based on social status are vital to building a harmonic society. In order to create such a harmonious community, Confucius highlighted filial and fraternal duties, xiao ti, (孝悌) too. This concept is important to understand what kind of political system Confucians advocated, was it a power concentrated system or a system that power was distributed to others? Confucius believed that filial piety is not only the relationship between father and son but also an important concept related to politics. He said he used filial piety to influence politics. In Confucian political philosophy, the entire social and political life should be the arena for the manifestation of benevolent conduct. Here is how it operates, the man first cultivated his own subjective benevolent mind, then extended his objective benevolent behaviour from the nearer to the more distant. This began with filial piety and fraternal submission in the family, and the expansion to the mess⁷⁶. This hierarchical filial piety forms the relationships between son, father

⁷⁵ Confucius, *The Analects*, 131.

⁷⁶ Hsiao, *History of Chinese Political Thought, Volume 1: From the Beginnings to the Sixth Century, AD*, 133:102.

and monarch. Here is the famous passage in Mo Zi. Wu-ma Zi, a Confucian scholar said to Mo Zi⁷⁷:

I cannot practice all-encompassing love. I love the people of Tso (closer state) more than the people of Yueh(far state). I love my people more than Tso's people. I love my own region's people more than the people of Lu (own state). I love the members of my own clan more than the people of my region. I love my own family more than my clan's people. And I love myself more than my family.

Mencius, the representative of the idealist wing of Confucianism, also in his discussion with a Mohist scholar Yi Qi, asks him if he really believes that people love their neighbor's children in the same way that they love their brother's children; and he continued, that love for a brother's children is naturally greater⁷⁸. The legitimacy of such distribution lies in the importance of the clan society, and family bonds, which is a small community in the Confucian socio-political order. Confucius believes that this is the natural behavior of humankind and Mencius again emphasized it when he criticized the Mohist universal love. On the bases of this “natural reality”, the Confucian school put forward a vitally important code of conduct that decides the triangle relationships between son, father, and ruler. They said the son cannot reject his parents for the ruler, yet he can reject the ruler for his father⁷⁹. In Legalist classic Han Fei Zi, there is a very interesting story in this regard. A soldier of the state of Lu went to war with the monarch, and he fled three times. Confucius asked him why he always left the battleground, and the soldier said he has an old father in his family, and if he dies, no one will take care of him. Confucius thought this soldier was filial, so he recommended him to the king of state Lu to make him an official⁸⁰. Here again, Confucians expressed hierarchic loyalty, which constrains the ruler from being despot and absolute. Confucianists believed their philosophy is moderate, harmonious and fit for nature of the humans. So they see the two Mohist scholars, Yang Zhu and Mo Zi's view on love as too radical and dangerous. Mencius said Yang's "all for himself" principle means that one should not value one's ruler and Mo Zi's principle of "all-encompassing love" means that one does not value one's father.

⁷⁷ Mo Zi, Chapter 46.

⁷⁸ Mencius, Chapter 3a, 5

⁷⁹ See, 彭林, “再论郭店简《六德》‘为父绝君’及相关问题,” 中国哲学史, no. 2 (2001): 97–102.

⁸⁰ 韩非子·五蠹第四十九, Han Feizi·Five Beetles Forty-ninth

" To be without a father and without a ruler is like being birds and beasts... These harmful thoughts mislead the people, blocking the path of humanity and righteousness"⁸¹.

In terms of economic and political relations, Mencius advocates making the citizens rich first and then teaching them. His student Ran You asked him what problem he solved first in politics, and he replied that he should make the people rich first, and then educate them. He put feeding the people first. In the relationship between beneficiaries and employees, he advocated first doing something beneficial to the citizens and then using their power. Another point is the relationship between teaching and killing. Regarding the issue of killing, Confucius advocated being careful to kill. He believes that the monarch should first implement good governance, which is to put morality first and then punish the second⁸².

When it comes to the nature of the state and the role of the monarch, Confucians, except Xun Zi, come up with rather idealistic views. As stated in previous pages, Taoist and Mohist scholars advocated keeping people in ignorance and holding absolute power. However, Confucians are relatively mild and moderate in this respect. According to Mencius, if people satisfy their hunger, have clothes to wear and live comfortably and peacefully, but are deprived of good education, they are no different from birds and animals. According to Mencius, father and son should love each other and the ruler and the subject must be fair to one other. The existence of human relations and moral principles based on them is what separates humans from birds and animals. The origin of the state and society is based on the existence of these human relations. Thus, while the state exists because it is beneficial according to the Mohists, Confucianists said that the state exists because it should exist.

The state is a moral institution for them. The head of state must be a moral leader. Thus, in Confucian political philosophy, only a sage can be a true monarch. Mencius describes this ideal as an idealized past. According to him, there was a time when the sage Yao was Emperor. When he got older, he chose a younger sage, Shun, whom he taught how to rule, and when he died, Shun

⁸¹ Mencius, Chapter 3b, 9

⁸² 刘泽华, 中国政治思想史: 先秦卷, Liu Zehua, History of Chinese Political Thought: Pre-Qin Volumes, 2014, 150-53.

became Emperor. Likewise, when Shun grew old, he chose a younger sage, Yu, to be his successor. Thus, the throne was transferred from the wise to the wise, as it should have been, according to Mencius. The monarch must be someone who has such morals and understanding. If a monarch loses the moral qualities that made him a good leader, people have a moral right to make a revolution. In this case, the monarch can even be killed and it is not a crime. Therefore, according to Mencius, if a monarch does not do what he should ideally do, he is no longer a moral ruler. Again, Mencius says on the subject that the ruler is just a citizen"⁸³. "The people are the most important element in a state; the spirits of the soil and seed are secondary; the monarch is the last"⁸⁴ ...

The model advocated by them is too idealistic. It is really hard to predict if Confucius and Mencius really believed in the possibility of a community with such a Platonic ideal monarch, however, some words of Confucius tell us that they know their theory is beyond the reality and hard to fulfill. Confucius insisted on the idea of "doing without expectation ". A person does what he has to do only because it is the morally right thing to do it. A hermit mocked Confucius as "someone who knows he can't make it but continues to do it"⁸⁵. A student of Confucius answers another hermit's similar comment as follows: "The reason the superior man tries to enter politics is that he accepts the principle as true, even though he is aware that his own principle cannot dominate"⁸⁶. Confucius said of himself: "If my principles are to rule the world, it is ming, If they are in vain, it is ming"⁸⁷ too"⁸⁸.

Another important contribution of the Confucian school to the categorization of the administrative system was the bringing of the terms wang (王) and ba (霸) into politics. According to Mencius

⁸³ Mencius, Chapter 2b, 8

⁸⁴ Mencius, Chapter 2b,14

⁸⁵ James Legge, Confucius, and Mencius, *The Chinese Classics: With a Translation, Critical and Exegetical Notes, Prolegomena, and Copious Indexes* (Hongkong, The author, 1962), 290, <http://archive.org/details/chineseClassics01mencgoog>.

⁸⁶ Legge, Confucius, and Mencius, 337.

⁸⁷ *Ming*, means the Rule of Heaven or the Will of Heaven; according to Confucians, knowing the *ming* is trying to do what has to be done, regardless of whether one will succeed or not in the course of it. Confucius' statement on *ming* shows he still believes in God, yet his philosophy also indicates that he sees politics as an earthly phenomenon and separates it from God. For details, see Feng Yulan, Chapter 4.

⁸⁸ Legge, Confucius, and Mencius, *The Chinese Classics: With a Translation, Critical and Exegetical Notes, Prolegomena, and Copious Indexes*, 289.

and other Confucians, there are two types of government. One is the rule of the wang or (wise) king; the other is the rule of the ba or military lord. They are completely different from each other in terms of species. The rule of a wise king is sustained by moral education and learning, while the rule of a military lord is exercised by force and coercion. The strength of wang's rule is moral; ba's is physical and material. In this context, Mencius says: "He who uses force instead of virtue is ba. Anyone who is virtuous and practices benevolence is a wang. When someone makes people obey by force, they submit to that person not willingly but outwardly"⁸⁹...If we simply look at it from a modern political science perspective, we can say that the model of wang is more resemble a democratic government because it represents the freedom and rights of the people, and ba is an authoritarian government due to its rules with terror and physical force. This comparison made in the late 19th century by Manchu Qing statesmen and intellectuals as well as it will be discussed in the second chapter. Nevertheless, Legalists, as will discuss below, openly advocated being ba. Confucius and Mencius, two top masters of Confucianism, shared almost the same ideas and opinions on the matter of establishing order. However, by the time of Mencius, the political atmosphere of tianxia (天下), the all-under-the-heaven, was further worsened and the prestige of the Zhou royal court further declined. The tianxia once were fiefed by several hundred feudal vassals, now shared by about 10 states. Of these, Chu (楚), Wei (魏), Qi (齐), and Qin (秦) had become large and powerful states that any of them had the potential to conquer the entire tianxia. Thus, unlike Confucius, Mencius less talk about re-establishing the Zhou order, instead, he lodged his hope on emerging new kings. What he wants is to end the suffering of the people by installing peaceful order by unifying the Huaxia territory. According to well-known Chinese historian and political scientist Kung-Chuan Hsiao, Mencius displayed this inclination several times when he talked with monarchs of different states. For instance, when Mencius discussed with Qi Xian Gong and Liang Hui Wang, he frequently took kings Tang and Wu, founders of the Shang and Zhou dynasties, as an example of role model monarchs. With regard to Tang, Mencius said Tang started from a small state of only seventy li in size, yet with his virtue and practiced benevolence, implemented justice throughout the four quarters of the tianxia, and finally unified the nine states under his sovereignty. Here he praised Tang because he initiated with tiny state and by practicing benevolence, and righteousness, consequently became the ruler of the entire Huaxia land. By

⁸⁹ Mencius, Chapter 2a Ila, 3

talking about king Tang, it is obvious that Mencius encourage monarchs in his time to follow his virtue. He hoped for the rise of the new sage king, that was Liang Hui Wang, yet did not feel obligated to the Zhou dynasty⁹⁰. It can be seen that from Confucius to Mencius, Confucians changed their ideal order from re-establishing Zhou to the order made by anyone wise and powerful enough to unite the Huaxia territory. In the time of another great Confucian Xun Zi, the realist wing emerged and they started to share similarities with their main rival, the Legalists.

1.2.3.2. Realist Wing of Confucianism – A Turning Point

Until here, we see moralist and idealist interpretations of the Confucian school. They, especially Confucius and Mencius, advanced the idealist way of governing. Both of them are probably aware their theories are somehow utopic, yet they insisted that is the right way that brings eternal harmonic socio-political order. Just as they highlighted the importance of ruler and their privilege, didn't neglect the role of people and their rights. While Confucius expected it to re-establishing the Zhou order, Mencius seek such order from monarchs in his time. Interestingly, even if both of them discussed many rulers on many occasions, there were no records of any of those rulers accepting their governing philosophy. However, Xun Zi broke through the situation and made Confucianism more “flexible” and “applicable”.

The theoretical basis of his political thought is an understanding of human nature that is according to him evil and bad yet it can be transformed into good through education⁹¹. How to know the people and how to treat them is the starting point, process, and destination of his political philosophy. Xun Zi is best known for his evil human nature theory and this is directly in opposition to Mencius' theory that human nature is essentially good. It is the human effort, which refers to culture exactly, that turned the evilness of humans into good. Thus, the famous Chinese philosopher Feng Yu Lan said that Xun Zi's philosophy can be called a philosophy of culture⁹².

⁹⁰ For details, see Hsiao, *History of Chinese Political Thought, Volume 1: From the Beginnings to the Sixth Century, AD*, 133:167–70.

⁹¹ 荀子, 荀子直解, ed. 王云路 and 史光辉 (浙江文艺出版社, 2004), Xunzi, Xunzi Zhijie, ed. Wang Yunlu and Shi Guanghui (Zhejiang Literature and Art Publishing House, 2004), 211.

⁹² Feng and Aydın, *Çin Felsefesi Tarihi*, 2009, 198.

Xun Zi's general thesis is that everything that good and valuable is the product of human effort, and the accumulation of these efforts' forms culture.

Even if he advanced the idea of bad human nature, he agrees with Mencius that it is possible for any man to become wise or sage if he so chooses. Likewise, he says, "any person in the street can be a Yu, the legendary sage ruler, given that the man is born not only with any basis of evilness but also with the true roots of goodness⁹³. Yet, he suggested that in spite of such evil nature, humans can be sage due to their reason and external education, and by education, his mean is to make the people follow Rite, the li (礼). When Xun Zi was asked what is the source of the Rite, he replied that it was born with human desires. When these desires are not satisfied, one cannot fail to seek their satisfaction. When this pursuit of satisfaction is unmeasured and limitless, there can only be strife, quarrel, and rivalry. When there is a disorder, everything will be over⁹⁴. So, according to him, allowing human nature to develop freely would bring uncontrollable consequences, so human nature must be transformed. How to transform this evil nature? Xunzi proposed the following ways;

1. Impose the Rite. The Rite is extremely important in Confucian philosophy and Xun Zi makes its function broader and specific. Rite is a tool and it regulates the behavior of the people according to their social position and strict evilness inside the individuals. Xun Zi said men must live together, and in order to live together without strife, a certain limit on the satisfaction of their desires must be imposed and this can be possible with Rite and Law. Along with the Law, the Rite's function is to set this limit. When Rite exists, there is morality. One who acts according to Rite acts morally.
2. Another way to transform evil nature into good is to rely on education. In Xun Zi's philosophy, the Rite is a very comprehensive concept, it also includes punishment. However, he himself advocates educating people first. People should not be punished without offering education. This is the difference between his "law" and its application with the Legalist counterparts. Nevertheless, it should not be neglected that the Rite and

⁹³ 荀子, 荀子直解, 2004, Xunzi, Xunzi's Straight Explanation, 2004, 216.

⁹⁴ 荀子, Xunzi 170.

education he mentioned are can be manipulative because as he narrated, they are made by humans, even if he said they should be sages.

3. Another way to transform evil is to rely on the influence of the environment and customs⁹⁵. Different cultural environments will cause people to form different customs and cultural characteristics. Xun Zi said residence in the Chu would be like Chu people, in Yue would be like Yue and in Xia, they adopt the custom of Xia⁹⁶. This again opened the way to ideological unification and changing others with the Confucian Rite. This idea is not only unique to Xun Zi. One study of Confucian philosophy would find that it is a tenant of this school. While Confucius claimed to teach Zhou Rites and customs to the citizens, Xun Zi asserted to educate people on the Rite that were made by sages or sage rulers. Since Han Dynasty, along with the expansion of Huaxia polities to non-Huaxia regions, educating and changing “barbarians” with Huaxia culture emerged and applied. This idea was theorized and named Huaxia Barbarian Order (华夷秩序, or 华夷之辨). As will be discussed incoming chapter, this concept provided a fundamental base for administrating non-Huaxia people in the political sphere of the Huaxia dynasties.
4. Another method of transforming evil nature is to cultivate one's self and use "Tao" (道) and "reason" (理) to control one's nature. the chapter named "Self-cultivation" in Xun Zi suggested that when encountering a situation, one should always pay attention to restraining oneself with courtesy and righteousness and use mind and reason to control evil nature⁹⁷.

The evilness of human nature and the urgency of transforming it are the theoretical basis of Xun Zi's political thought. Human nature and the necessity of social life require setting balance according to him. Only Rites made by a sage or wise ruler and embedded in civilized collective life turn this evilness into good or restrain it at the level of not harming others. Imposing external transformation and self-cultivation are two ways to carry out the transformation, and both are

⁹⁵ 荀子, 荀子直解, ed. 王云路 and 史光辉 (浙江文艺出版社, 2004), Xunzi, Xunzi Zhijie, ed. Wang Yunlu and Shi Guanghui (Zhejiang Literature and Art Publishing House, 2004), 48–62.

⁹⁶ In Zhou and Autumn and Warring States periods, the states in the South and West were regarded as barbarians and uncivilized. The powerful Chu, Yue and Qin, the state unified China were among these barbarians. By referring these states, Xun Zi tried to say they are not familiar with Rite and the community he imagined should not be like them.

⁹⁷ 荀子, 荀子直解, 2004, Xunzi, Xunzi's Straight Explanation, 2004, 8–14.

indispensable, but external transformation is the main one. The tools of external transformation are Rite, and law/penalty which are both a moral code and a political system. These things do not fall from the sky, they are made by saints and gentlemen and shouldered by rulers. He concludes that the appearance of all errors in society is due to the fact that no wise monarch existed. Where there is such a wise ruler, he uses his political authority to unite the minds of the people and lead them to the true path of life where there is no room or need for discussion and quarrels. To sum up, people should not be free, there should be restrictions imposed by the ruler and citizens should act according to the principles of the Rite that were designed by the Confucian sage.

Xun Zi argues that humans cannot live without some kind of social organization. This is because people needed joint action and mutual support in order to live better. Likewise, people need to unite in order to take possession of other beings. For these two reasons, people should have a social organization. To have a social organization, they need a code of conduct. As mentioned, several times above, this takes an important place in Confucianism in general and is emphasized by Xun Zi in particular⁹⁸. The ruler is the one who plays a decisive role in organizing society. Thus, first of all, he must be morally ready to apply Rite to his ministers and citizens. In order to be effective, the monarch should combine the rule of the Rite (礼治), rule of law (法治), and rule of man (人治). (The rule by law and rule by man is one of the seriously disputed topics on the question of how to govern between the Confucian School and the Legalist School.)

Xun Zi advocated the rule of the Rite, and at the same time advocated the practice of law. He often mentioned these two together. Xun Zi's law has many different meanings. In some places, it refers to political traditions and stereotyped historical experiences; in some places, it refers to policies or magic arts, and in others, it refers to a certain system, some local directives and so on. All of these laws are indispensable for governing the country. Xun Zi believed that the law should be based on Rite and must be followed, and the law cannot be messed with private intention and interest. He also states that the law should not be the tool of the ruler, which is very different from the Legalists. One thing worth noting about punishment according to the law is that Xun Zi opposed collective punishment which includes blood ties of the criminal, and he believed that "one person is guilty

⁹⁸ Feng and Aydın, *Çin Felsefesi Tarihi*, 2009, 196–97.

and punishing his three circles of relatives is barbaric and punishing for relatives' crime is tyranny in troubled times and extremely absurd⁹⁹. In his time, incriminate was a kind of punishment that was widely implemented in various states, and some Legalists also strongly advocated it as a severe punishment. In response to this situation, it is really an advanced idea to criticize it. Xun Zi advocates the use of both Rite and law, but by inheriting the old feudal governing system, he suggested that the Rite focuses on the upper level, and the law focuses on the lower level. He said: "the elites must be ceremonious by ritual and music, and the common people must be governed by laws."¹⁰⁰

He has interesting views on the relationship between the ruler and the people. Xun Zi had a new understanding of an old problem. On the relationship between the ruler and the people, Xun Zi asserted that the relation between the two is an analogy to the relations of boat and water¹⁰¹. On the one hand, it points out that the people are the foundation for the existence of the monarch. On the other hand, it is recognized that the power of the people can overthrow the ruler. Like Mencius, Xun Zi also categorized the rulers into different types, which are wang, the king, and ba, the hegemon. He said the king enriches the people; the hegemon enriches the warriors. For Xun Zi too, the kingly way can only be called an ideal. However, the base of his philosophy and the starting point of his observation was more realistic. He might be categorized as a rationalist given that he is too much a realist compared to Confucius and Mencius. While Mencius emphasized individual freedom and gave importance to moral values, Xun Zi, emphasized social control and categorically disapproved of the rebellion and resistance of the subjects against the ruler.

Without question, Xun Zi was a very influential political philosopher. He successfully made a bridge between Confucianism and Legalism. While all Confucians of the Spring and Autumn and Warring States period rejected entering the State of Qin due to her Legalist character, Xun Zi broke this stance by entering the territory of Qin. During his conversation with the king of Qin, he even

⁹⁹ 荀子, 荀子直解, 2004, Xunzi, Xunzi's Straight Explanation, 2004, 220–23.

¹⁰⁰ 荀子, Xunzi 77–90.

¹⁰¹ According to Xun Zi, this analogue was proposed by Confucius. However, it was not recorded before Xun Zi.

praised Qin's administrative style in many aspects¹⁰². Moreover, among his disciples, two of the most famous were Li Si and Han Fei Zi, both of whom would have had a great influence on Chinese history. Li Si later became the prime minister of the first emperor of the Qin dynasty. Along with his master, Li Si built the governance system of the Qin Dynasty which had a strong political influence on the political system and ideology of the successive dynasties. During his reign, he worked for not only political but also ideological unification. This was a movement that culminated in the burning of books and the burying of Confucians alive in 213 BC. The other student, Han Fei, became a leading figure in the Legalist School, which provided the theoretical justification for this political and ideological unification and despotism and autocracy. Thus, many people criticized Xunzi for being mixed and impure, and some advocated expelling him from the door of Confucianism. Others think that he is a pure legalist in Confucian coat, and hence should be included in the category of Legalists. As a matter of fact, the Legalist flavor in Xunzi's thought is quite strong. It can be said that in the history of Chinese thought, he was one of the first thinkers who combined Confucianism and Legalism. The main feature of Xunzi's political thought is that he advocates the rule of the Rite. In his Rite, he melts Confucian Rite and the Legalist law into one furnace. Xunzi's theory of the unity of Rite and law was adopted by Huaxia rulers for two thousand years since Dong Zhongshu created a new version of Confucianism by mixing Legalism and Confucian in the early period of the Han dynasty.

Xunzi's main thought belongs to Confucianism, and at the same time, he critically absorbs the thoughts of other schools, which seem a bit mixed. Xun Zi's thought has a great influence on the Confucianism of the Han Dynasty and was revered as a model of Confucianism¹⁰³. After the Tang and Song Dynasties, the rise of Neo-Confucianism caused Xun Zi to be a misfortune. Zhu Xi (朱熹), a great Confucian philosopher in Song Dynasty almost denied that Xun Zi was a Confucian¹⁰⁴,

¹⁰² 余治平, “‘荀子入秦’: 何以成为一个文化事件?—儒者直面法家治理的精神体验与思想评判,” 孔子研究, Yu Zhiping, “‘Xunzi's Entry into Qin': Why It Became a Cultural Event?—Confucians Facing the Legalist Governance's Spiritual Experience and Thought Judgment,” *Confucius Studies*, no. 6 (2019): 5–18.

¹⁰³ 杜维明, 儒教, trans. 陈静译 (上海: 上海古籍出版社, 2008), Du Weiming., *Confucianism*, trans. translated by Chen Jing (Shanghai: Shanghai Ancient Books Publishing House, 2008), 38.

¹⁰⁴ 张祥龙, 先秦儒家哲学九讲: 从《春秋》到荀子 (桂林: 广西师范大学出版社, 2010), Zhang Xianglong., *Nine Lectures on Confucian Philosophy in the Pre-Qin Period: From "Spring and Autumn" to Xunzi* (Guilin: Guangxi Normal University Press., 2010), 285, 274.

and accused of him he is like Legalist Han Fei and Shen Buhai¹⁰⁵. At the end of the Qing Dynasty, the reformists criticized him more. Liang Qichao(梁启超)and Tan Sitong (譚嗣同) both blamed Xun Zi for the autocratic monarchy over the past two thousand years¹⁰⁶. Tan Sitong criticized Xun Zi for creating an autocratic monarchy and betrayed Confucius¹⁰⁷. He said two thousand years of Chinese philosophy is the philosophy of Xun Zi¹⁰⁸. During the Republican period of China, Xun Zi's status was even lower. During the Republic of China, Xunzi had a lower status. In the anti-traditional movement, some intellectuals regarded Xun Zi as a representative of authoritarianism¹⁰⁹. It is quite interesting that Xun Zi received much attention after the establishment of the People's Republic of China because of the similarity of his idea to materialism, especially before and after the Cultural Revolution¹¹⁰. In the nationwide campaign called "Praising Qin, Criticizing Confucius" during the Cultural Revolution, Xun Zi was praised for his disciples Han Fei and Li Si¹¹¹.

From Confucius, and Mencius to Xun Zi, even political thinkers of Taoism and Mohism, all came up with somehow Utopianism and that is one of the main reasons why contemporary rulers of warring states did not apply their governing philosophy as will be discussed later. The fact for Xun Zi, for instance, was always mocked for his theory, and he was only a small county magistrate all his life even though he is one of the most important thinkers of Huaxia civilization. Confucius also never convinced any monarch in his time and he only served the government for a very short

¹⁰⁵ 黄进兴,〈荀子: 孔廟從祀的缺席者〉.《從理學到倫理學: 清末民初道德意識的轉化》(台北: 允晨文化实业股份有限公司., 2003), Huang Jinxing, "Xunzi: The Absent Person of the Confucian Temple". "From Confucianism to Ethics: The Transformation of Moral Consciousness in the Late Qing and Early Republic of China" (Taipei: Yunchen Cultural Industry Co., Ltd., 2003), 323.

¹⁰⁶ 黄进兴, Huang Jinxing, 332–33.

¹⁰⁷ 尤锐, 展望永恒帝國: 戰國時代的中國政治思想, trans. 孙英刚 (上海: 上海古籍出版社, 2013), You Rui, Looking to Eternal Empire: Chinese Political Thought in the Warring States Period, trans. Sun Yingang (Shanghai: Shanghai Ancient Books Publishing House, 2013), 110.

¹⁰⁸ “仁學 - 维基文库, 自由的图书馆,” "Ren Xue - Wikisource, the free open library," accessed August 29, 2022, <https://zh.wikisource.org/wiki/%E4%BB%81%E5%AD%B8>.

¹⁰⁹ 罗哲海, 軸心時期的儒家倫理, trans. 陈咏明等 (郑州: 大象出版社, 2009), Luo Zhehai, Confucian Ethics in the Axial Period, trans. Chen Yongming et al. (Zhengzhou: Daxiang Publishing House, 2009), 290.

¹¹⁰ 张祥龙, 先秦儒家哲學九講: 從《春秋》到荀子, Zhang Xianglong., Nine Lectures on Confucian Philosophy in the Pre-Qin Period: From "Spring and Autumn" to Xunzi, 274.

¹¹¹ 黄进兴,〈荀子: 孔廟從祀的缺席者〉.《從理學到倫理學: 清末民初道德意識的轉化》, "Xunzi: The Absent Person of the Confucian Temple". "From Confucianism to Ethics: The Transformation of Moral Consciousness in the Late Qing and Early Republic of China", 335.

time¹¹². As great thinkers they know realizing their way of governing is too ideal to fulfill. So, the question why were people like Confucius and Xun Zi so keen on this unrealizable utopic political system? According to Chinese philosopher Liu Zhihua, this can be analyzed from two aspects; The Utopia, though unrealizable, it summarizes the most general and essential demands from the ruling class. It places this general and essential requirement on the shoulder of the individual in power, the monarch or king, and proposes a code of conduct for those in power in order to exert some restraint on the monarch. This is kind of setting a moral restriction on the monarch who had extreme and unlimited power. On the other hand, for a system guarantees its existence, it must constantly practice self-criticism and inspection, otherwise, it will become rigid. As long as it becomes rigid, it is bound to lose its ability to adapt. The proposal of the utopia provides a theoretical basis for self-criticism, as well as a model for adaptation and self-reform. Most importantly, the theory of utopia can play a certain role in deceiving and comforting the citizens. He believes, that utopia tells people that the reality of all suffering is not necessarily caused by this system. As long as the monarch changes policy, or replaces a monarch, a fair, prosperous kingly way will come.

Confucianism, as a the most important political philosophy in Huaxia civilization, valued by most of rulers, at least ostensibly. This is mainly due to its attitudes towards the status-quo. On the position of Confucianism, there are different views from Confucian researchers. Some say that Confucianism is a revolutionary faction, some think it is a reactionary faction, and still, others regard Confucianism as the spokesperson for slave owners or the mouthpiece of feudal lords. If seeking common ground in differences, the vast majority of scholars would admit that Confucianism stood in the position of the rulers and make suggestions for them. Xun Zi has a confession about the role of Confucianism, which can explain the political orientation of Confucianism. King Zhao of Qin did not believe in Confucianism, and when talking to Xun Zi, he said that "Confucianism is not beneficial to the country of people". Xun Zi said Confucianism

¹¹² The historical record of Confucius' life shows that he mainly engaged in three main majors: serving in the government, teaching, and compiling classics. Among them, his life in the government was the shortest. Around the age of 20, he worked as a commissioner (managing warehouses) and riding fields (managing cattle and sheep) under the Ji family. In his fifties, he was a governor of the Zhongdu city of the state of Lu for a short time before Duke Wei of Lu resigned him. After leaving the state of Lu, Confucius led his disciples to travel around the various states and went to Wei (卫), Cao(曹), Song(宋), Zheng(郑), Chen(陈), Cai(蔡), Ye(叶), Chu(楚) and other states, but none of them used him.

made ministers scrupulously abide by their duties and highly respected their monarchs. When the monarch uses them, they handle government affairs appropriately in the court; when he does not use them, they act as the common people prudently and honestly; in short, they must be obedient subjects. Xun Zi frankly and truthfully explained that Confucianism advocates the status quo and protects the interest of the monarch by educating people to keep their own positions. This is the basic point of Confucian political thought. Confucianism focused on discussing how to consolidate the ruling order in general¹¹³ and lacked discussion of feasible policies at that time, so pre-Qin Confucianism was often excluded from actual political activities yet it was really or pretentiously held in high esteem from Han Dynasty to today.

1.2.4. Legalism: Rejecting the Past and Establishing New Order Through Penalty and Reward

In Chinese political philosophy, the three schools mentioned above are regarded as thoughts that have their origin in the past or the way of governance that advocates the rulers to imitate the ruling ethics of the historical wise sages. Reading their classics, one would find that they give reference to the same figures in order to legitimate their theories, even if put forward different methods and governing forms. Legendary kings of the Huaxia nation, Yao, Xun and Yu, for instance, were role models in their philosophy. These philosophers created a retrospective way of thinking. Despite belonging to different schools, they agreed that the golden age of the Huaxia nation lay in the past. According to them, as time passed, the old understanding was moving away and accordingly the social order was deteriorating. Therefore, getting rid of the bloody wars and social turmoil of that period and creating stability would be achieved not by creating something new, but by returning to what existed before. However, Legalism holds very different views in this regard. They questioned political stereotypes that shaped Huaxia political order for thousands of years and deeply dig into the social and political reality of the Spring and Autumn period along with the Warring States Era. They claimed that they are living in a very different period compared to the past so there should be new political philosophy to respond new era and establish order.

¹¹³ 刘泽华, 中国政治思想史: 先秦卷, 2014, Liu Zehua, History of Chinese Political Thought: Pre-Qin Volumes, 2014, 134.

Political disorder generated the war all against all and old-established rules and hierarchal society upside down. One of the most prominent social problems in the Warring States period was the wars and struggles between the vassal states. As time progressed slowly, the territories of the great states became larger and larger at the expense of the conquest of small states thanks to military expeditions. This struggle is a matter of life and death for every state. To continue or prepare for war, these states needed strong authority, that is to say, a monarch with a high concentration of power. So, the rulers did not too much care about the social identity of their servants. In order to respond effectively to fierce political contests and maintain their own existence without being swallowed, regardless of ethics and morality, monarchs gave priority to employing one who can bring material benefit in the short run. More specifically rulers need political theory advocates and help to build an autocratic government; military officers could win the battle by means of any tools or tactics and wise economists for building an economic base for war.

Since other schools always stressed the old order and voiced an idealist way of administrating, it was really hard to employ them. Fortunately, Legalists developed new methods that allow a high degree of power to be gathered into the hand of the ruler. They claimed that one who implements these methods impossible not to succeed. No need for a self-cultivated wise sage, even a person of only average intelligence, who faithfully practices their methods could manage the world well. They consistently developed their method and provided rational justification or theoretical expression for their techniques and monarchs listened to them and assigned them to important positions. As to war, which was a phenomenon no one can escape, annexation and on governing style, thinkers of the time had very different views. Among the different views, it can be said that Legalists were the most practical. For example, they believe that war is the only way to resolve conflicts. In short, Legalist philosophers, politicians, and military generals were pragmatists, cool-blood and ethics-free figures.

One thing particularly interesting for the Legalist school is that it had been regarded as a negative term throughout history since Han Dynasty, but Legalist thinkers, politicians and rulers are always admired and acknowledged and their philosophies and politics have been learned. For example, Wu Qi (吴起 440–381 B.C.) Chinese military leader, politician, and famous reformer in the Warring States period was a Legalist person. He is the typical ethic-free and pragmatist military

general he killed his wife and deliberately refused to go to his mother's funeral in order to gain the trust of the king of the state Lu. However, in Chinese history, he was famous as Lord Shang in political reform and as great as Sun Zi in military strategy. In military strategy, his name is always mentioned with Sun Zi side by side as "Sun Wu". His book Wu Zi (吴子) occupies an important position in ancient Chinese military classics. Successive Huaxia rulers showed great respect to him. During the reign of Emperor Suzong (唐肃宗) of the Tang Dynasty, for instance, he was listed in the Temple of Marshals (武庙) and became one of the ten philosophers of the Temple¹¹⁴. Emperor Huizong (宋徽宗) of the Song Dynasty was posthumously named Guangzongbo, (an ancient official name, one of the six ministers, ranked third) and made him one of the seventy-two generals of the Temple of Marshals¹¹⁵. Another Legalist figure who played a decisive role in Huaxia history is Cao Cao (曹操), a famous politician, military commander and founder of the Kingdom of Wei (魏国, 220-266 A.D) is also well-known for his villain and brutal personality. Nevertheless, he was always seen as one of the most crucial politicians with his effort to unify divided Huaxia territory and his policy towards the Huns.

Nevertheless, Chinese history correctly shows that they really played a decisive role in Huaxia society in both positive and negative ways and left a significant impact on the formation and development of the administrative philosophy. Just as professor Han Dongyu (韩东育), the vice president of Northeast Normal University (China) and Dean of the Faculty of History of this university, stated, it might be true that "No school has been used for as long as the Legalist School and has not been criticized for an equally long time."¹¹⁶ This is because the starting point of the Legalist way of governing is the presumption of bad human nature highlighted by Confucianist Xunzi. On the bases of this assumption, Legalists advocate harsh punishment and made brutal power a guarantor for its implementation. Compared to the Confucian way that claims to educate and treat in a benevolent manner, Legalism is too ugly to openly defend. On the other hand, Legalists simplified governing methodology and made ordinary rulers capable of establishing and

¹¹⁴ 《新唐书·卷十五·志第五·礼乐五·吉礼五》, "New Book of Tang, Volume 15, 5th Chronicle, Ritual and Music Five, Jili Five"

¹¹⁵ 《宋史·卷一百五·志第五十八》, "History of the Song Dynasty, Volume 105, 58th Chronicle "

¹¹⁶ 韩东育, "法家的发生逻辑与理解方法," Han Dongyu, "The Genesis Logic and Understanding Method of Legalism," 1.

maintaining social order by replacing self-cultivation or being sage with playing self-created law and art. The fundamental question for the Confucian sage ruler is how long it would take for rulers to be as wise as sages or when the sage would appear. As a response Han Fei remarked as follows:

“People like Yao, Shun, Jie, and Zhou can only appear once in a thousand generations. If one abandons power and deviates from the law, and waits for Yao and Shun to appear for making the country peaceful, there will be chaos for a thousand generations, and will be peace in one generation... You said: "letting a servant drive a good horse with a strong chariot, will be ridiculed by others, but if one lets Wang Liang, the carriage driver expert of Zhao Xiangzi, the minister of the State of Jin in the Spring and Autumn period, drive it, it can travel thousands of miles a day." I don't think it is right. Good horses with strong chariots, plus a post station for fifty miles, let the middle-level carriage driver drive it. If you want to run fast and go far, you can do it and reach a thousand miles in one day. Why wait for the ancient carriage driver expert Wang Liang?”¹¹⁷.

As it can be seen in the passage of Han Feizi, here is the way to govern all under heaven without sages that are always referred to by Confucianist, Taoist, and Mohist schools of thought. The secret according to Legalist thinkers lies in capable of using law or penalty, fa (法); power or authority, shi (势); and, Art or method, that is shu (术). These three were developed by different Legalist thinkers at different times and Han Fei combine them with his interpretations as well as additional contributions and formed systematic political thought. Along with discussing what are these and how to apply them, the following pages will try to answer the questions of what made Legalism such attractive and effective. Why did almost all rulers of the time apply it and successive Huaxia dynasties inherited its governance philosophy? In short, it would not be wrong if we search for the answer in its characteristics of focusing on reality, simplicity of its theory, and pro-ruler nature contrasted with other political thoughts. Then how did legalism develop and emerged as the most effective weapon of the warring states and how did it form its ruling methods more applicable than others? And what are its contributions and failure? The rest of this chapter revolves around these topics. First of all, let's start with the law, more correctly fa, the most important pillar of this school.

¹¹⁷ 高华平, 韩非子, Gao Huaping, Han Feizi, (zhonghua publishing house, 2010), 605.

However, the law shouldn't be seen as Western law or the modern law we are following today, rather it should be treated as law with ancient Chinese characteristics.

1.2.4.1. Legalist Law, or Fa

Fa in ancient China has very different meanings than the law we understand today despite it being translated as law. Fa of course includes Huaxia-style law that exists at that time, but it is something bigger than that. Fa developed by Lord Shang and Han Fei is fundamentally different from the law developed by the West. It is not based on any kind of universal value but based on the interest of the ruler¹¹⁸. It has two fundamental meanings which are “method” and “standard”. In the time of the Zhou dynasty and the Warring States period common way of referring to fa is xing (刑), which is punishment¹¹⁹. It is also vitally important to know that before the widespread application of the Legalist way of governing, fa was only used for a certain class which was the common people in the feudal society of the Zhou dynasty. As to governing aristocrats, or zhunzi (君子), that was the li (礼) which was Rite, the codes of conduct, and customs. There was no corporal punishment in li¹²⁰. In fact, it is not wrong to see this as a privilege given to aristocrats, princes and dukes because this class was descended from the king's family or his immediate circle. On the contrary, xing was limited only to ordinary people who were known as shu ren (庶人), common people, or xiaoren (小人) little people, and consisted of physical punishment itself in order to keep them under the control. For this reason, there is an old saying in Li ji (礼记), Book of Rites that “xing is not for nobles; li does not extend to the common people” (礼不下庶人, 刑不上大夫)¹²¹. Punishing aristocrats was seen as gross disrespect and barbarism inflicted on him and his lineage as well. For this reason, when a noble person was given the death penalty, it was carried on both in a hidden and easiest way. In a ward, in the Zhou order, it is forbidden to use fa against aristocrats. Legalists, however, broke this tradition and subjected those feudal aristocrats to the target of punishment.

¹¹⁸ Wen Hai Ming, *Çin Felsefesi Tarihi* (Istanbul: Kaynak Yayınları, 2014), 75.

¹¹⁹ For further information on this, see Paul R Goldin, “Persistent Misconceptions about Chinese ‘Legalism,’” *Journal of Chinese Philosophy* 38, no. 1 (2011): 91.

¹²⁰ Feng and Aydın, *Çin Felsefesi Tarihi*, 2009, 209–10.

¹²¹ 礼记·曲礼上, Book of Rites · Qu Lishang

Using of law against any subjects of the monarch was the result of socio-political change took place during Warring States period. At this time, the Zhou system could no longer adapt to the development of society, nor could it produce an effective governance method for the worsening social unrest. The bloodstained war that was only based on the interests of the states led to the emergence of a new class and made them strong and influential. In the course some lower-ranking soldiers or officers rose in positions, while others lost their former privileges and status. After each war, the victors were rewarded with land, titles or official positions, etc. They were either thinkers and revolutionaries like Guan Zhong(管仲) Li Kui (李悝), Shang Yang(商鞅), Shen Buhai (申不害), Shen Dao (慎到), and Han Fei (韩非); or military nobles like Wu Qi. Unlike the old aristocracy, they did not rely on the patriarchal system, that is, they did not rely on blood ties to inherit land and titles, but on their own skills, revolutionary ideas, and courage that made them desperately kill the enemy on the battlefield.

The emergence of revolutionaries and military aristocrats is a denial of the kinship, hierarchical relationship advocated by the Confucian school based on the patriarchal blood relationship. Although it cannot be said that this new class defeated the nobles, or that the rulers fully supported the new noble classes, monarchs needed a new class in order to ensure their own existence and expand their power, yet, also needed to balance the power of the two. In this respect, in addition to the patriarchal blood relationship and ritual system, the law also naturally becomes their powerful weapon. At the end of the Spring and Autumn period, Zi Chan (子产) in the State of Zheng produced the first written law of the Huaxia civilization, called the "Casting Punishment Book" (铸刑书)¹²². Shortly thereafter, the various vassal states also reformed their laws one after another. In such a large environment, Legalism gradually sprouted. It is interesting that the idea of the rule of law first sprouted in the region of the State of Qi (齐国) and Jin (晋国), where the influence of the hierarchy system was relatively weak, it was finally implemented in the Qin state, which the most backward culturally and the least influenced by the Rite of the Zhou dynasty.

¹²² In 536 BC, Zi Chan of the Zheng State cast the legal provisions of Zheng State on a metal tripod that symbolized the power of the princes, and announced it to the whole society, known as the "Casting Punishment Book" in history.

Aiming at building a socio-political system based on the idea of governing with the law rather than based on kinship, the oldest reform was taken by Guan Zhong in the Qi State, which is located on the northmost border of the Huaxia territory. Legalist reform carried out by Guan Zhong had signs of Confucianism due to the deep root of Confucians in the state. Guan Zhong attached great importance to punishment and reward on one hand and absorbed some Confucian ideas such as Rite, benevolence, and righteousness on the other hand. Thus, Chinese historians call it Qi Legalism. This reform can shortly be stated as follow;¹²³

1. By means of power and administrative force, he proposed to use a strict administrative system to separate the four types of citizens which are scholars (士), farmers (民), workers (工), and businessmen (商), and strictly control them with the law of registration. According to the spirit of this policy, "the son of a worker will always be a worker", "the son of a businessman will always be a businessman", and "the son of a farmer will always be a farmer". Each has its own business, and no communication is allowed. He opposed the mixed exchange of the four class peoples and called mixed residence "miscellaneous". Guan Zhong's starting point was to be afraid of "miscellaneous" because he believed that a "miscellaneous" community would stimulate thinking, that is, "raising of different voices". "Miscellaneous" and "difference voices" will easily cause trouble, which threatens the ruling order. This method reflects the Confucian hierarchical order on one hand and the Taoist policy of keeping the people ignorant on the other hand.
2. In terms of administration, Guan Zhong advocated the use of fearful power of authority, that is to say, to make every people fear authority, and never allow the people to do whatever they want. In his opinion, the people who are "fear of power like fear of a disease" are the best people, and the people who "go with the flow as they please" are the worst people. Only when the people "fear power like a disease" can a country govern well. He said, there are six things that a wise monarch must be expert in: make people live, make people die, make people rich, make people poor, make people noble, and make people humble¹²⁴. The six handles should be used with caution and should not be done arbitrarily.

¹²³ 刘泽华, 中国政治思想史: 先秦卷, Liu Zehua, History of Chinese Political Thought: Pre-Qin Volume, 2014.

¹²⁴ 管子,第 67 篇明法解, Guan Zi, Chapter 67 Explanation of the Law

3. Ideologically, he suggested the idea of respecting the king and repelling the Yi and Di barbarians (尊王攘夷). This is a basic proposition of Guan Zhong to deal with the contradiction between Huaxia and Yi Di. After the Western Zhou dynasty was destroyed by the barbarian Quan Rong, Southern Yi and Northern Di rampant in the Central Plains. To this end, it is recommended to reform the military and politics internally, respect the royal family externally, unite the feudal vassals, and jointly fight against the barbarians together. Guan Zhong might be the only Legalist who mentioned the relations between the the Huaxia nation and its non-Huaxia neighbors. However, this is not an accident for Qi because it was located on the northmost border of Huaxia territory and they were in relations of war and business with non-Huaxia people. For this reason, it was the State of Qi that had the most powerful cavalry.

Judging from the historical environment in which Legalism came into being, the patriarchal system of Qi State was slightly stronger than that of Jin and much weaker than that of Lu. Thus, even though, the path is exactly the same, the integration of Taoism and Legalism is more obvious.

Although Confucian thinkers developed their administrative philosophy from generation to generation, during the Warring States period, the Confucian thought of a "benevolent government" also seemed unable to cope with the sinister environment at that time. Even some Confucian scholars started to see Confucianism could not face the actual situation at that time, let alone the monarchs of the warring states adopt it. Thus a group of Confucian scholars headed by Zi Xia (子夏) developed the idea of ruling the country by law in order to maintain the monarch's rule over the country. During the time of King Wen of Wei (魏文侯) Zi Xia established the Xihe School (西河之学) and officially spread this idea. This marks the general implementation of the rule of law society in the Central Plains. So Confucius lamented and said that "the State of Jin is going to perish"¹²⁵ because the way it manages society has lost its proportions. It can be seen that Confucius

¹²⁵ In 433 B.C, The State of Jin was divided into three powerful families, Han, Zhao and Wei and they became three of seven great states in the Warring States Period. What Confucius referred to by Jin as the States carried reform based on fa, mainly states like Wei.

resolutely resisted the idea of ruling the society by law, and believed that the management and control the society with severe punishment is a harm to society and human civilization¹²⁶.

Zi Xia was one of Confucius' disciples in his later years. His thoughts are different from orthodox Confucianism, so he is often attacked by orthodox Confucian scholars, and was called "Little Confucian", "Lowly Confucian" and so on¹²⁷. But Zi Xia did not become a real legalist figure. It is said that after a very intense ideological struggle, he returned to the Confucian camp in the end. However, what interesting is two famous earliest legalist reformers and one ruler, Li Kui, Wu Qi and Wei Wenhou were his students in Xihe School. Among them, Li Kui is the key thinker of the Legalist school because of his classic the Canons of Law (法经).

Li Kui was a native of Wei State and was highly regarded by King Wen of Wei at that time. His book the Canons of Law (法经) has always been the theoretical basis of later Legalists¹²⁸. On the basis of Zi Xia's thought, Li Kui took a big step forward and created the School of Legalism. It was only in the hands of Li Kui that Xihe School was incorporated into the Legalist track. Judging from the sporadic materials, Li Kui's political thoughts are roughly as follows:

1. Reward for farming. Li Kui realized that if a country wants to dominate its vassals, it must have a strong military force, and a strong military force must be backed by the country's economy.
2. He opposed hereditary benefits in both rank and wealth, and advocate for the recruitment and promotion of competent and effective citizens in practice. He regarded those who relied on the merits of their family and enjoyed the feudal position of their fathers as yinmin

¹²⁶ 李步云 和 王礼明, “人治和法治能互相结合吗?,” 法学研究 2, Li Buyun and Wang Liming, “Can the Rule of Man and the Rule of Law Be Combined?,” Legal Studies 2 (1980).

¹²⁷ 刘红霞 和 罗祖基, “子夏之 ‘小人儒’ 探析,” 合肥师范学院学报, Hongxia Liu and Zuji Luo, "A Probe into Zixia's 'Little Man Confucianism'," Journal of Hefei Normal University, no. 1 (2008): 44–48.

¹²⁸ The Canons of Law was formulated by Li Kui of the Wei State during the Warring States Period. It was the earliest legal code in China, and it became the blueprint for the legal codes of subsequent dynasties. The original text of the Law has been lost. The original intention of "Fa Jing" was to ensure the orderly progress of Wei's reforms by the legal system, but its influence surpassed the boundary of the Wei. Shang Yang entered the Qin State from Wei State and helped Qin Xiaogong to reform the law, following the “ The Canons of Law ”. Later Qin law and Han law were gradually expanded on the basis of "Fa Jing". but scholars now widely consider it to be a forgery from the fifth or sixth century CE. See Herrlee G. Creel, "Legal Institutions and Procedures During the Chou Dynasty," in *Essays on China's Legal Tradition*, ed. by Jerome A. Cohen, R. Randle Edwards, and Fu-mei Chang Chen (Princeton University Press, 1980), p. 37.

(淫民), that is, people who were lazy and playful. So, he said, "If you want to achieve dominance, you must take away the salaries of these yinmin and confiscate their rewards and use this money to gather talents from all over the world, which will not only quell the grievances of the people but also help the country. It is a way to kill two birds with one stone¹²⁹”

3. Li Kui researched and summarized the laws of various states at that time, and formulated a new code as a whole. This code was later known as the Canons of Law. This classic clearly stated punishments for six different categories of crime. However, being a forefather of Legalism, he voiced severe punishment even for trivial crimes. In the view of Legalists, human beings are inherently evil, and in order to satisfy their own desires, people will inevitably do things that harm others and disrupt social order. How can we prevent them from doing this? Li Kui and Legalists in general, believe that only severe punishment and deterrence can prevent people from committing crimes. For example, there is such a stipulation in the Canons of Law that anyone who picks up lost items of people on the road shall be punished by the torture of cutting off the feet. If only picking up lost items is concerned, it is not a serious crime, so why is it punishable by execution? Legalists believe that it is not fair to give very severe punishment to a very minor crime, but when others see such a heavy punishment for such a minor crime, they will feel fear deeply in their hearts. Fear is created, and in order not to be punished, there will be no crime. This theory was later summed up by the Lord of Shang as "using punishment to eliminate punishment" (以刑去刑). The theory of "removing punishment with punishment" was reflected in Shang Yang's reforms in the Qin state and later in the entire Chinese feudal society, which shows its profound influence on later generations¹³⁰.

Li Kui has a special and important position in the construction and legal reform in Chinese history. He made a theoretical summary of legal reform, the idea of rule by law, since the Spring and Autumn period. The idea of his classic scripture was implemented in the state of Wei. Later, Shang Yang brought it to Qin and launched another fundamental reform. The law of the Qin State should

¹²⁹ 孙开泰, 法家史话 (社会科学院文献出版社, 2011), Sun Kaitai, History of the Legalists (Academy of Social Sciences Literature Press, 2011), 21.

¹³⁰ 孙开泰, Sun Tiankai, 26.

be said to be the direct descendant of Li Kui's *The Canons of Law*. *The Canons of Law*, *Chronicle of Criminal Law* says the old law of Qin and Han Dynasties and its text originated from Li Kui.

These figures are among those contributors to the concept of Legalist law, *fa*, and they were also regarded as an originator of the practice of Legalist law. Nevertheless, Lord Shang is generally believed as ultimate systemizer of *fa* for his great achievement in the Qin State (秦国). He not only inherited the ideas and methods of former reformers but enriched them with his new contributions and explanations. With his effort, the Legalist law became the most effective tool for autocratic rulers for ruling. *Fa*, systemized by him is just for monarchs to concentrate the power of citizens and minister altogether into their hands by severe punishment and rewarding for only farming and fighting. He put forward the utilitarian way of governing focusing on wealth and power. His ideas and methods were written in the Legalist classic titled the *Book of Lord Shang* which was regarded as mostly contributed by him but also included works of other legalists. The *Book of Lord Shang* also has unique attitudes towards the war which is the most important problem no one could escape from due to the nature of the Warring States Period, the era of competition for superiority. How to view war is a central issue in the debate among scholars. Some advocate convincing people with virtue, such as Mencius; some curse all wars, such as Zhuangzi. However, the authors of the *Book of Lord Shang* bluntly declared that war is the only way to solve the problem, the crown can only be obtained by war, and in order to fight, agriculture must be used as the guarantee of economy and manpower. The book holds the idea that power determines political relations, and power comes from farming and warfare. In the "Agricultural and Warfare" (农战) chapter, it is said: "The country depends farming and warfare is for peace, and likewise the monarch for his honor"¹³¹.

They criticized some monarchs at that time, who fantasized about increasing their power all day long but couldn't find where the power was. Here is the reminder for the monarch in the book: strength lies in agricultural warfare. They advised the monarch to take all measures to lead the people on the track of agriculture and warfare. Then what is the way to make people engage in agriculture and fighting on the battlefield? It is indicated that farming is not a pleasant thing, on the contrary, it is hard and suffering work. The authors believe that it is necessary to face up to this contradiction and to think of ways from the perspective of "suffering" so that the people have to

¹³¹ 高亨 and 戴闻达(英译)., trans., 商君书.汉英对照, Gao Heng and Dai Wenda (English translation)., trans., Shang Junshu. Chinese-English bilingual, 2006, 67.

farm and change the situation from passive to active. In the book, three methods are mentioned in this regard;

1. Inflicting harsh punishment that is further bitter than farming. Isn't it hard to be a farmer? If the punishment for not being a farmer is even harder than being a farmer, by contrast, being a farmer is actually more joyful¹³².
2. Another method is rewarding to motivate. Taking “reward” as a whip to drive people to work in agriculture is another special way of thinking. In the "Agricultural and Warfare" chapter it is proposed that official titles should be rewarded to those who engage in agricultural work.
3. The third tactic is to strengthen the administration. The "an Order to Cultivate Waste Land" (垦令) proposed twenty measures to promote agriculture, some of which were special administrative measures. For example, applying the policy leaving people in ignorant since it is believed that keeping people in ignorance will lead to the safety of agriculture; eliminating artisans and skillful people, and the peasants are not allowed to watch their skills; the cancellate the hotel service, not only restricts social interaction and personnel flow but also forces hotel owners to engage in agricultural production; abolishing free movement and left no way to live without farming¹³³.

These are the ways to force the country's own people to do farm. The logic in the Shang Yang and others' minds is that the power of the state and people contradict each other, which is a zero-sum game. Thus, the wise monarch should weaken the people by applying various methods. While agriculture is the main fuel for political competition, fighting is the most important and decisive project. Since the Warring States period onward was an era of warfare, and victory or defeat could only be determined by war. However, war is worse than farming and without a doubt, people are more averse to war. In this case, the magic of politics is to make the people have to fight bravely.

¹³² 林存光, 中国政治思想通史·秦汉卷, ed. 刘志华 (中国人民大学出版社, 2014), Lin Cunguang, A General History of Chinese Political Thought Qin and Han Volumes, ed. Liu Zhihua (Renmin University of China Press, 2014), 198.

¹³³ 高亨 and 戴闻达(英译), 商君书.汉英对照, Gao Heng and Dai Wenda (English translation), trans., Shang Junshu. Chinese-English bilingual, 22.

The method is more or less the same as making people work in agriculture. Specifically, it goes as follows;

1. On the one hand, encourage people to fight, and benefit them from fighting. The chapter "the Territory" (境内) describes 20 ranks of military lords in detail, and each level could obtain corresponding rights and interests for fighting; on the other hand, creating an environment that makes the people feel more uncomfortable than bloodshed and death. In "Internal and External Affairs" said: "The seriousness and severity of rewards must reach this situation: The people will forget to die when they see that there are many rewards in battle, and they will live in misery when they see the humiliation of not fighting. Forget about death, and force him to live miserably."¹³⁴
2. Through propaganda creates a fake jingoistic environment in which recruiting and fighting all are joyful situations. The chapter "Military Defense" (兵守) puts forward the proposition that making all people soldiers. The whole population should divide into strong men, strong women, and the old and the weak armies so that they each had their duties and strictly guarded their posts¹³⁵. The usual propaganda should take the war as the main theme. "Politics" (画策) proposes to create such an atmosphere: The people see war, just like the hungry wolf sees the flesh. When going on an expedition, fathers send their sons, brothers send their younger brothers, and wives send their husbands, they should all say something like this: If you can't catch the enemy, don't come back!¹³⁶ ... it is so interesting that this tactic is too much the same as communist propaganda for launching various policies or initiatives today.

In the book, farming and warfare are mentioned side by side. On the surface, farmers and warriors have nothing to do with each other. However, these Legalist authors believed that there is a mystic inner connection between the two: farmers are the best reserve for soldiers, and agriculture is a gymnasium for training warriors. The book pointed out three characteristics that farmers have: "simple", pu (朴), "poor", qiong (穷), and "cowardly", qie (怯). These three characteristics are the

¹³⁴ 高亨 and 戴闻达(英译), Gao Heng and Dai Wenda (English translation), 308.

¹³⁵ 高亨 and 戴闻达(英译), Gao Heng and Dai Wenda (English translation), 192.

¹³⁶ 高亨 and 戴闻达(英译), Gao Heng and Dai Wenda (English translation), 254.

starting point for training warriors. Agriculture at that time did not require any knowledge and culture, and it could be maintained with an immersive experience. This kind of environment develops the "simple" character and temperament of farmers. This not only refers to simplicity but also mainly refers to ignorance. Scattered, ignorant people are most easily enslaved and directed according to the passages in the Book of Lord Shang. The chapter on "Agriculture and Warfare" makes this very clear: "If people focus on agriculture, then they will be simple and easy to govern, they will be perplexed so that be trustworthy and they can be used for warfare and defense"¹³⁷. The temperament of farmers is simple, and their material life is poor. Poverty is easy to lure. Just saying simple, poor, and cowardly are not in line with the qualities a soldier should have. Nevertheless, Shang Yang and others see things in the opposite way and believe they complement each other and that taking advantage of these weaknesses and the can create warriors who are not afraid of death.

Governing the people and employing their power is the main idea of the way of ruling the country by legalist law. Since they regarded state-citizen relations as a zero-sum game, making the state strong and rich lies in dealing with the relationship between the two, which is weakening its citizens. On this issue, the main methods of the theory of rule of law are fixing the identity and giving priority to the public interest, ensuring the profit from the single hub, defeating the citizens and applying severe punishment for trivial crimes, and also using citizens' power for military expansion. Fixing the identity and giving priority to the public interest is the main theme of the rule by law, which is basically the same as the idea of two other legalist thinkers like Shen Dao (慎到) and Guan Zhong (管仲). To discuss the importance of "fixing the identity", the chapter "Fixing the Identity" (定分) cites the story of 100 people chasing the hare (This story was originally mentioned in the governing philosophy of Shen Dao). A hare was running in a field, and many people were chasing to catch it. However, there are many rabbits in the market, but no one attacks them, why? Because the identity and ownership of the former rabbit have not been determined, the rabbit on the market has already been identified and owned. Fixing two things is important in this respect; fixing the position of the people and fixing their duty and obligation of them.

¹³⁷ 高亨 and 戴闻达(英译), Gao Heng and Dai Wenda (English translation), 72.

After the identity was fixed, there are standards according to it. These standards are about public and private distinctions. "Public" and "private" in the Book of Lord Shang have different meanings. The public-private issue is the relationship between the state and the individual. "Public" refers to the state and the monarch, and "private" refers to the nobles and big families. Legalists emphasize the supremacy of the state. In this relationship, the authors advocate "opening public interests" and "blocking private doors."¹³⁸ The so-called "opening public interest" means that private individuals must obey the interests of the state, and only by serving the country can they have personal wealth. The idea of advocating for the public and suppressing the private, to a certain extent, was to prevent governing from multiple branches and for attacking the nobles and weakening their power. This is of course for curtailing the influence of the old aristocratic class and concentrating the power in the hand of the monarch. This was very meaningful in the historical changes at that time. It is also interesting that advocating for the public and surpassing the private emphasizes the supremacy of the state from a theoretical point of view, however, because the monarch resides at the top of the state or he is the state, the final result is to strengthen the autocratic monarchy and this is one of the fatal drawbacks of the Legalist way of governing.

The idea of profiting from the single hub is for ensuring full engagement in agriculture and warfare. Profiting from the single hub is to use the method of legislation to leave only one profit path and block the others and this path is farming. The state must fight against all people, things and ideas that are not conducive to farming and warfare. The author lists heroes, merchants, traveler warriors, scholars, artisans etc., among those who are not doing agricultural work and warfare, and advocates the use of political and economic means to restrict or punish them. In addition to combating those who are not in the field of agriculture and warfare, all ideas that are not conducive to those two fields must be banned. Among them, Confucianism was the main target of attack. The authors proposed to ban propaganda about rituals, music, odes, history, moral culture and wisdom, kindness, filial piety and brotherly love, sincerity, faith, chastity, honesty, benevolence, righteousness, and criticism of the army and being ashamed of fighting. A single-hub profit or a multi-hub profit is a crucial decision on the rise and fall of a country. In "Making Order Strict" said: "Whoever exploits one hub, his country is invincible. For those who allow profit from two

¹³⁸ 高亨 and 戴闻达(英译)., Gao Heng and Dai Wenda (English translation).,153.

hubs, his country is half-beneficial. Those who set profit from ten hubs, his country could not be defended." ¹³⁹

Another method is exercising the state threat. All Legalist philosophers believed that threat works far well than love. Thus, threatening the citizens with state power is one of the best way to build an organized society. Heavy punishment for small crimes is an ideal method to show the fearful nature of the state in this regard. The logic behind this is that heavy punishment makes people dare not commit even small crimes, and naturally, they dare not commit serious crimes. As to emphasize the heavy punishment, the chapter "Eliminating the Strong" says: "In a country that has supremacy, there are nine penalties as against one reward; in a strong country, there will be seven penalties to three rewards and in the dismembered country, there will be five penalties to five rewards." We can see the same passages in the chapter "Opening and Debarring". The authors proposed to punish more than reward. Despite there is no crime, as long as there are signs of a crime, punishment should be applied. The various propositions of heavy penalty for small crimes are obviously to harass the people, but Shang Yang and his followers plausibly said that this is "loving the people". The so-called "loving the people" also has its logic. If a heavy penalty is applied for a small crime, the people do not dare to commit crimes; if they do not dare to commit crimes, there is no need to use punishment anymore and this is called "eliminating punishment with the punishment"¹⁴⁰.

In the book, using citizens' power for military expansion is mentioned as another astonishing method for weakening the people. It is believed producing a lot leads to being rich, if people are rich, they will be promiscuous and that is a misfortune. "Unification of the Words" says: "If you have too much power without attacking, you will have villainy." The villainy refers to comfort, music, etc., which are called "poison"¹⁴¹. "Making Orders Strict" said: "If a country engaged in the war when it is poor the poison exported to the enemy state, then there would not be six parasites in the country; If the state is rich but not applies itself to war, the poison is transfer to its own country and it will have six parasites, then the state will be weak."¹⁴²

¹³⁹ 高亨 and 戴闻达(英译), Gao Heng and Dai Wenda (English translation), 204.

¹⁴⁰ 高亨 and 戴闻达(英译), Gao Heng and Dai Wenda (English translation), 204.

¹⁴¹ 高亨 and 戴闻达(英译), Gao Heng and Dai Wenda (English translation), 156.

¹⁴² 高亨 and 戴闻达(英译), Gao Heng and Dai Wenda (English translation), 199.

Speaking of weakening the people, the Book of Lord Shang has many passages, and there is particular two chapters, “Eliminating the Strong” (去强) and “Weakening the People” (弱民) specifically discusses the methods of weakening the citizens. These two articles focus on the importance of removing the strength of the people and making them weaker, which is considered the foundation of governing a country. In "Weakening the People" says: "When the people are weak, the country is strong; when the country is strong, the people are weak. Therefore, a country that has the right should be concerned with weakening the citizens"¹⁴³. Except for the general methods mentioned above, there are some specific tactics to make the citizens week:

1. Implementing the policy that the people hate. People are usually afraid of hardship and death and what the government should do is constantly threaten them with hardship and death, making them extremely cautious. Then the people will naturally be cowards and obey the law.
2. Rewarding reporters, grouping and making people spy on each other and punishing all together if any of them notice yet fail to report. In this way, create a situation where everyone feels insecure.
3. Employing wicked officials. " If virtuous officials are employed, the people will love their own relatives, but if wicked officials are employed, the people will love the statutes" and" if the wicked are employed, crimes will be punished." It is also added that “governing through good officials leads to lawlessness and dismemberment while employing wicked it leads to order and strength”¹⁴⁴. The authors are categorically opposed to advocating good deeds and provoked people to fight each other, and the rulers took their own benefits.
4. Trying to make the people constantly change between the rich and the poor. The chapter "Discussing on the People," said: "The important thing in administrating the country is making the poor rich and the turning the rich into the poor, which makes the country strong."¹⁴⁵ One of the magic uses of the law is to make the people circulate and transform between the rich and the poor, and the monarch receives the benefits of this transformation.

¹⁴³ 高亨 and 戴闻达(英译), Gao Heng and Dai Wenda (English translation), 287.

¹⁴⁴ 高亨 and 戴闻达(英译), Gao Heng and Dai Wenda (English translation), 103.

¹⁴⁵ 高亨 and 戴闻达(英译), Gao Heng and Dai Wenda (English translation), 108.

The people became weaker in the transition between rich and poor, while the monarch became stronger.

5. Making the people ignorant. "Weakening the People" believes that making people stupid and simple, is the basic factor of the weak people and the strong ruler.

These passages above help us to see the ruler-citizens relations in Legalist thought. The Book of Lord Shang proposes specific measures for weakening the people from the aspects of government decrees, economy, culture, and people's interrelationships. By examining the Book, it is possible to find four powers which are the power of the monarch, power of officials, power of people, and power of the enemy state. According to Shang Yang and other authors, the relationship between the four is like a zero-sum game the monarch should see himself in the power competition even with his own people. Moreover, it is, strangely enough that the citizen is both the source of his power and also a great threat to the ruler. However, the monarch is lucky enough that this enemy, the people is a great blessing if he can play them. Thus, the most important task of the monarch is to try his utmost to gain the largest portion of the power. The way of the weakening shows most clearly that the rule of law is not to protect the rights of the people, but to make people the slaves of the law and it is crucial to know that the making and implementation of the law are firmly in the hands of the monarch.

On the ideological level, it should not be neglected that Shang Yang's reform and his theoretical thoughts are the denial and criticism of Confucianism. Nonetheless, when we look at the development of Legalism, we could find that some Confucian concepts, such as fixing the identity, provided a base for Legalism and some great Confucian thinkers, like Zixia and Xunzi, made the fundamental theoretical base for the transformation from Confucianism to Legalism. On the other hand, from the perspective of Legalist thinkers, Confucian governing philosophy was considered to be idealist in that Legalists wanted to establish a new feudal system based on their revolutionized realist and pragmatist idea. As the two most influential ideologies of the time, the contradiction between Legalism and Confucianism was getting greater and clearer and Legalist attacks on Confucians were getting harsh and increased. Although other representatives of Legalism such as Li Kui, Wu Qi, Shen Buhai, and Shen Dao, had their opinions and views, and they also contradicted Confucianism, they had not publicly expressed their firm opposition to it. When it came to Shang

Yang's generation of Legalists, they criticized Confucianism, of course, according to the situation at that time. In Shang Yang's view, Confucian scholars are a group of political speculators who do nothing, lobby among the kings for personal gain with their own cleverness and sharp mouth all day long. The existence of these people will not bring one more grain to the country, nor will it kill one more enemy, on the contrary, they will cause farmers to be reluctant to farm, soldiers to be reluctant to fight, and weaken the country. In the Book of Lord Shang, such stances are obvious in many chapters and according to the Sun Taikai (孙泰开), a senior researcher, a Member of the Chinese Academy of Social Sciences, a specialist in the history of pre-Qin thought and author of several important books like History of Chinese Philosophy and A Brief History of Legalism in China, this Legalist views directly influenced Qin Shihuang's behavior of burning books and burying Confucians alive¹⁴⁶.

1.2.4.2. Power, shi (势)

Despite the fa, or Legalist law being the most important concept in the Legalist school of governing, there are two other important concepts of it; one is a complementary concept that is shu, the art of ruling and another one is shi, the power, which is the guarantor of the fa and shu. From the Legalist point of view, whatever internal or external affairs, the brute power of the state is vitally crucial during the time of war, and that was what all states in the Warring States period pursued. Among mostly advised political elements there were li or Rite, shi or power, fa or law. Among them particularly the element of shi was developed by very important thinker Shen Dao (慎到) who made a great contribution to Legalism by synthesizing certain ideas of Taoism and Confucianism. Shen Dao puts power at the centre of governing and believes that holding power is a prerequisite for engaging in political activities. His idea about the importance of power expounded from the experience of history and reality in his time. He said in politics, who obeys who is not based on talent, right and wrong, and morality, but depends on the size of power. He sees power as the source of everything and believes that this is the law of nature and regarded morality, talent, and ethics as only servants of power. His statement is obviously a refutation of the teachings of Confucianism, Mohism, and other schools that advocate the rule of sages and morality. However, what is interesting enough is that his idea of power, the shi originated from the ideas of the great

¹⁴⁶ 孙开泰, 法家史话, Sun Kaitai, History of the Legalists, 98–99.

Confucian thinker Zixia. Shen Dao enriched and developed Zixia's theory, making it an important part of Legalist theory. Later, Han Fei summarized Legalism under the three pillars: fa, shi, and shu.

So, in his theory, what is power? It is difficult to define it because it encompasses so many elements. The following examples cited from Shen Dao's articles clarify his definition of power. He cites two meaningful examples in this respect. In Chinese history, Mao Qiang and Xi Shi are believed to be very beautiful women. Shen Dao said if they put on animal skins and burlap, everyone who sees them will run away; if they are clothed in fine linen, people on the road would come down and watch them. So Shen argued that what made them beautiful is not their natural body and skin, but the power of beautiful cloth. Then he takes another metaphor; the flying snake takes advantage of the fog to march, and the dragon rides the clouds. If the clouds disappear, the flying snakes and dragons would be the same as earthworms. It is also true for the monarch. Once he loses his power, he can only be in the company of ordinary people. He tried to explain the value of power and virtue or morality. He suggested that the legendary Yao was an ordinary person before he took the power and even his neighbors did not listen to his instructions; yet when he became a king everyone obeyed his order. So, he said, "virtue cannot make the unworthy obey, but the position of power can make the wise obey."¹⁴⁷ Why is the virtuous subjugated to those who are incompetent? His answer is because virtuous has no power and why does a man without the ability make a virtuous person obey him? Shen Dao argues that it's because he has a very prestigious position. Power, for him, is not only a sword to force others to obey by fear, but also the shell that makes the ruler strong and splendid and an ideal environment keeps him above all. Having the ability is not enough to govern the state and protect the position of the monarch, mastering in grasping all the conditions that produce the power is the matter.

In Shen Dao's theory, shi is above the fa and shu. Based on his theoretical logic, no matter how perfect and rigorous the fa, the law, and how more sophisticated and concealed the shu, the art is, the maker and implementer of the fa and shu are just ordinary people. In this case, how does he make those two effectives? Therefore, only when shi, the power is obtained first, then the functions of fa and shu can be truly manifested. He suggested fa or Legalist law is not a panacea, it must be

¹⁴⁷ 慎子.尹文子.公孫龍子全譯 (貴陽: 貴州人民出版社, 1996), Shenzi. Yin Wenzi. Gongsun Longzi complete translation (Guiyang: Guizhou People's Publishing House, 1996), 21.

based on power. Shang Yang and Wu Qi can be salient examples in this regard. In terms of individual talent, whether military or political, no one can compete with them. However, they both were killed in a very brutal way because they did not fully control old aristocrats and most crucially, the monarchs of the two states, Chu and Qin passed away, that is to say, they lost shi, the power.

Like other Legalist thinkers, the spearhead of his theory not surprisingly, directly points to the Confucian thought of the "rule by man" and advocates the idea of "respecting the law but not respecting the sage"(尚法不上贤). In Shenzi, Shen Dao gave a ruthless criticism of the "rule by man": "the monarch abandons the rule by law and uses the rule by man, then the execution, reward are all determined by the monarch's consciousness."¹⁴⁸ By saying this he suggested that ruling by man is more unfair and inefficient. As to respecting the sage, he opposed this idea by defending the supreme power of the monarch. From his perspective, if the sages also being respected and occupy a key position, it will inevitably pose a threat to the status of the monarch. He pointed out "A country establish a monarch and respect the sage, it would lead to the struggle between the monarch and the sage, and the level of chaos is far more serious than the chaos without a monarch."¹⁴⁹ Based on this, Shen Dao believes that honoring the sage will not lead to the development of the country's power, on the contrary, it will put the country into an extremely dangerous situation. However, not using the sage also brings problems, because it is impossible for the monarch to complete the rule of the country alone, and it is possible only by relying on the ministers. A passage in Shenzi said managing troubled times and calming crises cannot be achieved by one person's strength¹⁵⁰. So how to solve this problem? Shen Dao then put forward the proposition that "the monarch do nothing, minister do everything ". This is not respecting the sages but employing them, so they would not pose threat to the ruler. While He opposes "honoring the sage", but advocates "talented" or "being capable", neng (能) in a certain area. He believes that the "virtue" of the sage is a moral and political concept, while "being capable" is a purely technical concept.

¹⁴⁸ 慎子.尹文子.公孫龍子全譯, Shenzi. Yin Wenzi. Gongsun Longzi full translation, 42–44.

¹⁴⁹ 慎子.尹文子.公孫龍子全譯, Shenzi. Yin Wenzi. Gongsun Longzi full translation, 46.

¹⁵⁰ 慎子.尹文子.公孫龍子全譯, Shenzi. Yin Wenzi. Gongsun Longzi full translation,37–38.

In terms of choosing ministers or such capable officials, Shen Dao put forward a shocking point of view, that is "not employing the loyal official", which is similar to the idea of Lord Shang. Shen Dao theoretically analyzed the relationship between monarchs and ministers. He proposed that there is an exchange relationship between the two. Only in this way can the monarch complete the control of his subjects. If a minister claims to be "selfless" without regard to personal interests and selfless devotion to the monarch, then the monarch has no binding force on him. On the contrary, his "loyalty" to the monarch is completely under his own control, and this "loyalty" is undoubtedly unreliable¹⁵¹. If the minister is selfish and greedy, then the monarch put pressure on him by rewarding him, and in this case, the initiative is always in the hand of the ruler. This view is of course one of the derivations of the Legalist "bad human nature theory".

As to political system, Shen Dao advocated absolute supremacy and the monopoly of the monarchy. For the monarch, power and authority are important. However, the taboo of authority is duality or pluralism¹⁵². In order to hold supreme power only in his hand, the monarch needs to grasp all the conditions and sources that are favorable to him and make it a powerful deterrent force, thereby consolidating his dominance. He also believed that the most important thing in the state administration is the unification of people's hearts. His theory developed from an ideological point of view. If people in a country are ideologically unified, doing everything is possible. Therefore, Shen Dao strongly emphasized the need for "unified hearts". But how to unify it? He said that only the implementation of the rule of law can unify people's minds and hearts. When it comes to the idea of ruling by law, he admitted the law is not very fair but argues that if the rule of law is not implemented, it will be even more unjust. It seems that he is more sincere than other Legalists in this respect.

1.2.4.3. The Legalist Art of Ruling, shu (术)

If someone asks about the reason for the attractiveness of Legalism, one of the answers could definitely be its clear and precise character. Fa is mainly used for the misbehaviors that have already been committed, while there is shu, the art of ruling, that is developed for preventing

¹⁵¹ 慎子.尹文子.公孫龍子全譯, Shenzi. Yin Wenzi. Gongsun Longzi full translation, 29. Also see 孙开泰, 法家史话, Sun Kaitai, History of the Legalists, 73;

¹⁵² Ibid, see Chapter 5, P39-42

happening potential crimes against the ruler. While fa is mainly used for managing the common citizens, shu is the monarch's tool for dealing with his officials. the law must be observed by the ruler and the ministers, and the art is performed by the monarch alone; the law must be made public, yet, the art is hidden in the heart of the ruler. The law is clear while it is stipulated that the art is blurred and stored in the scheming, turning the ruler's hand palm up he gathers the clouds, turning his hand palm down he turns them to rain...The developer of this art was Shen Buhai (申不害). He pays attention to the power and the law, but he pays more attention to the art. What is art? Han Feizi had a clear explanation of this: "The art is assigning an official on the bases of his capability, assessing the capability of ministers, holding accountable for actual performance according to his responsibility and controlling the authority of killing and letting alive."¹⁵³

Ordinary rulers always regard their own citizens and rival states as the most dangerous enemy of the state, thus building high walls and taking strict precautions. However, Shen Buhai opposed this view. He believed that the main danger threatening the monarch's seat and life comes from the ministers in the palace and they are the most terrifying to the monarch. He developed such an opinion because of his personal experience of witnessing the assassination in the palace of his own country, the State of Han (韩国). Plots such as the assassination of Han Liehou's minister Xia Lei and the murder of Han Aihou occurred in succession from the time Han Jinghou was officially listed as a marquis of Han to current marquis Han Zhaohou, who was assisted by Shen Buhai. Thus, what his master Han Zhaohou needed and his own concern was governing the palace effectively. Therefore, he developed the art of managing the ministers and officials. Shen Buhai agreed with the importance of power and law yet he underlined that it is far from enough for a monarch to rely on power and law. Without art, they will become dignified but useless, rigid yet incomprehensible.

The purpose of art is to cast a mysterious veil for the monarch so that the ministers can't understand what the monarch is thinking, and what he knows or what he doesn't know. Shen Buhai believes that once the monarch's thinking is understood by his subordinates, they may cater to the monarch for their own interest. Therefore, the art or shu requires the monarch to pretend not to hear or see

¹⁵³ 高华平, 王齐洲, and 张三夕, trans., *中华经典名著-韩非子*, *Hanfeizi* (中华书局, 2010), Gao Huaping, Wang Qizhou, and Zhang Sanxi, trans., *Chinese Classics - Han Feizi*, *Hanfeizi* (Zhonghua Book Company, 2010), 621.

what is going on around him, so as not to expose the monarch's own thoughts and desires. This idea originated from the wu wei, “doing nothing” principles of Taoism. Only under such circumstances can the monarch observe the genuine nature of his ministers. The art is actually asking the monarch to use tricks and conspiracies to control his subjects so that the subjects dare not offend the monarch and the monarchial power. Here is an example of how marquis Zhao used art.

Marquis Zhao once sent envoys to inspect near provinces. After one of them came back, Marquis asked him what he saw on the way. He replied that he saw nothing special. Then asked just to tell what he saw along the way. The envoy thought about it and said at the south gate of the capital, he saw a yellow calf on the left side of the road eating the seedlings. After hearing this, Marquis Zhao sternly said that he is not allowed to disclose this matter. It turns out that the state has long issued an order that during the growth period of the seedlings, cattle and horses are strictly prohibited from entering the farmland and destroying the seedlings. The messenger's report showed that the officials who undertook this matter did not carry out the order seriously. So, the marquis ordered the officials to immediately report the situation of cattle and horses from various places entering the farmland and destroying the seedlings. His officials hurriedly gather some materials and report them, intending to get away with it. After reading the reports, marquis Zhao said that there were still omissions. The officials had to collect the materials again, and they found outside the south gate, there were still a group of cattle eating the seedlings. This incident shocked the officials. They believed that marquis Zhao was really discerning and could not be deceived. Since then, these officials no longer dared to behave in a wrong way and neglect their duties¹⁵⁴.

On another occasion, marquis Zhao of Han once drank too much and fell asleep indiscriminately. The official who was beside him was afraid that marquis Zhao would be caught in the cold, so he quietly took a piece of clothing and put it on marquis Zhao. After a while, marquis Zhao woke up and found that he was covered with a piece of clothing, so he asked who was covering him. When learned his servant did it without asking him and angered greatly, and he immediately ordered him to kill¹⁵⁵. This incident clearly showed Zhao's fear and his distrust of his subjects. During Shin's

¹⁵⁴ 高华平, 韩非子, Gao Huaping, Han Feizi, (zhonghua publishing house, 2010), 353.

¹⁵⁵ 高华平, 王齐洲, and 张三夕, 中华经典名著-韩非子, Gao Huaping, Wang Qizhou, and Zhang Sanxi, *Chinese Classics - Han Feizi, Hanfeizi*, 2010, 55.

15 years as prime minister of Han, although shu has greatly improved Han State's national strength, from another perspective, it inevitably has its negative side. The use of shu actually turns the relationship between monarch and ministers adverse to each other because the essence of art, shu, is deception. So, it undoubtedly exacerbates the internal contradictions of the ruling class. The two examples above illustrate how obsessing with art makes the monarch guard against his subjects. However, the Legalist art of ruling reached its extreme level with the work of Han Fei. He criticized Shen Buhai that he is not good at developing it even though invented it. Indeed, all three pillars of Legalist thought, fa, shi, and shu systematically combined and theorized on the hands of Han Fei.

1.3. Han Feizi: Comprehensive Theory of Autocracy

Three pillars of the Legalist school are systematically developed by the thinkers above. While mentioning these three, it is important to keep in mind that all these concepts were taken from other schools and theorized with the new interpretation and fresh contribution of those Legalists. This is what makes the Legalist school of thought different from others. When they take the ideas of others, they re-read them in a realistic way and are always systematized in the socio-political atmosphere of the Warring States period. The concept of fa, shu, and shi were developed separately and developers of any of them highlighted the importance of their own theory despite acknowledging the rule of the rest. Han Fei, however, combined all these three concepts, assessed and developed them and created a systematic Legalist philosophy. In Chinese political philosophy, even if he is not the first political thinker who open the gate to real politics, he is definitely one who made a great contribution to the transformation from moral politics to real politics. Han Fei died in Qin State, and his ideas also stayed in Qin and were put into practice to a large extent, which made the State of Qin the strongest among the seven and enable the unification of the Huaxia territory.

Han Fei is a decedent of the aristocratic family of the State of Han (韩国) which is the weakest among the seven rival states of the Warring States period. The weakest position of his motherland prompted him to eagerly explore the way to make the Han strong. By pondering the way of prosperity and decline from the vertical and horizontal relationship of history, he came to the idea that the art of seeking strength cannot be achieved by little administrative measures, but the

fundamental solution lies in changing the political line of the State of Han. As mentioned, his political thought was based on a sober analysis of reality and history; both inherited from his predecessors, and with new developments or new explanations. By harmonizing the Legalist law, art and power, Han Fei invented perfect instruments for the monarch and most importantly for the centralized autocratic government system. Furthermore, since he was an inheritor and upgrader, Legalism reached from radical to extremist level on his hand. Of course, the internal logic and practicability of his theories should not be ignored.

Han Fei and Li Si, the grand vizier of the Qin Dynasty, were both students of famous Confucian thinker Xunzi. From the point of view of the ideological system, Han Fei and Xunzi are contradictory. Although Xunzi's thought has the characteristics of eclecticism, it has been integrated into Confucianism after being cultivated. Han Fei however, gained some knowledge from his teacher, but ideologically, he took a different path. When his teacher was still alive, he held high the banner of Legalism and parted ways. While Xunzi took Confucianism as the banner and gathered the great achievements of the pre-Qin scholars, Han Fei took Legalism as the banner and gathered and integrated the great ideas of all scholars until his time. Han Fei inherited Xunzi's theory of evil human nature. However, he and his master had different views on whether this evil nature could be changed. Xun Zi's theory of evil in nature admits that human nature is greedy, but at the same time, he declares that it can be reformed. Yet, Han Fei believes that this kind of nature does not need to be reformed, because it can't be, thus greed and evilness of human nature should be respected and set policy according to it. Therefore, he also stated that people should not be measured by a certain moral concept, but should be explained from the perspective of interest. He explained that a doctor sucking the wounds of the patients and holding their blood in his mouth does not mean that the doctor is kind-hearted, but it is for the sake of profit. The person who makes the carriage hopes that people will be rich, and the person who makes the coffin hopes that people will die. It is definitely not because the former has a good-natured and the latter has an evil heart, but it is determined by interests. If people are not rich, no one will buy a carriage, and if people are not dead, no coffin will not be sold¹⁵⁶.

¹⁵⁶ 高华平, 王齐洲, and 张三夕, Gao Huaping, Wang Qizhou, and Zhang Sanxi, 161.

In order to rule the country, it is important to know the nature of human and mutual relationships that are naturally based on this nature. Contrary to the loyalty-benevolence relation between the monarch and his subjects that was put forward by Confucians, Han Fei defines this relation as business exchange relations based on self-interest and argues that this is more trustworthy than what Confucians advocated. The key is that monarchs should be good at doing business. The rank and title sold by the monarch are/should be beneficial to the ministers, and the intelligence sold by ministers are /should be useful for the monarch. He called this “the art of law and intelligence” and said he who is capable of applying this is the best tool of the overlord. Then he attacks the Confucians by saying those “noble ministers” who have neither art nor law yet hold important positions, and those Confucian scholars who are good at talking about impractical morality are a bunch of useless, superfluous and harmful people thus, sovereigns should depose or remove them with an iron fist.

Like previous Legalist thinkers, he rejected and degraded the governing way of Confucianism and extolled the Legalist method of administrating. He exposes this view very clearly in his article called “Outer Congeries of Sayings, The Upper Left Series” that, “Those who admired benevolence and righteousness were weak and disorder like Three Jin (三晉); those who did not admire them ruled the country and became strong just like the Qin,”¹⁵⁷ and his state Han was one of the Three Jin. By embracing the theory of evolution of history, he rejected the principles of Confucianism and other schools. He believes that with the evolution of history and the development of production and the increase of population, not only the relationship between human beings and nature is changing, but also the relationship between people and people's concepts is also changing. Thus, politics should correspond to this change. As to consistently praising the practice of legendary rulers of the past as always done by Confucianists, Han Fei argued that the great innovations in history are meaningful only in their time. It is not respectful for history to pass to future generations intact. He added it can only be said to be a kind of stupidity and said “In ancient times, we were concerned with morality, in the middle age, we were driven by wisdom, and now we are fighting for strength.” Han Fei believes that all thinkers and politicians who praised Yao and Shun and advocate making one who like them the ruler are just stupid

¹⁵⁷ 高华平, 王齐洲, and 张三夕, Gao Huaping, Wang Qizhou, and Zhang Sanxi, 405.

empiricists who "watch the stump and wait for a rabbit."¹⁵⁸ He is categorically opposed to raising any historical figure as a real banner to the world and argued today's flags can only be held in the hands of today's "new saints". According to his administrative philosophy, a mediocre person can also be the "new saint" as long as he knows how to use power, art and law. He said this because, most of the rulers, in reality, are just mediocre person so the governing methods or philosophy should produce by taking this reality into the account.

Han Fei believes that the key to making the state strong lie in following the Legalist law and applying the art and power. In the direction of building a strong and prosperous state, he advocates the absolute monarchy. All of Han Fei's political thoughts are carried out to strengthen the monarchy's dictatorship and safeguard the interests of the monarch, which is the starting and final point of his observation and his method of handling problems. Having said that "the state is the vehicle of the king"¹⁵⁹ he expressed in the clearest language that the interest of the monarch is higher than that of the state. Han Fei regarded the world as the monarch's personal possessions. Like Shang Yang, he also believes in a zero-sum game in the interest of the state and citizens, so placed the monarch openly in opposition to everyone, even his wife and son, thereby isolating the monarch. Thus, the key argument in his theory is gathering maximum power from the citizens and ministers to the hand of the monarch by using law and art and employing the power to continue this cycle.

Han Fei is known for his advocacy of "rule by law". Yet this is not his idea but inherited from the former Legalists. He agreed with almost all principles of previous Legalist doctrines and practices such as strict law, heavy punishment, eliminating the special status of aristocrats and degrading Confucian narratives, etc. However, there are some obvious differences. Han Fei said "The man of the law is the one who is most suitable for things." (Han Feizi: Questions and Defenses") The

¹⁵⁸ This is the story mentioned in *Han Feizi* in order to mock the Confucian idea of making the sage ruler of the state. In the book, the story goes as follows; Once upon a time, a man from the State of Song had a fertile field. He worked diligently on the field, and the harvest was impressive. There was a tree stump in the field, and one day, while he was plowing the fields, a rabbit came from out of nowhere hit a tree stump and died. He ran over to take a look and was very happy. As he walked home with the rabbit, he thought triumphantly, "If I wait here every day to harvest a rabbit, then I won't have to be so tired." So from the next day, he put down his hoe, guarding the tree stump every day, waiting for the rabbit to run over and hit the tree stump to death. Time passed like this day by day, and the fields were overgrown with weeds and barren. The farmer of Song was still waiting beside the tree stump, but no rabbit hit it.

¹⁵⁹ 高华平, 王齐洲, and 张三夕, *中华经典名著-韩非子*, Gao Huaping, Wang Qizhou, and Zhang Sanxi, *Chinese Classics - Han Feizi*, Hanfeizi, 2010, 518.

so-called suitable means that it is suitable for the times, conforms to the truth, and is beneficial to the monarch. The legalists in the early stage emphasized carrying out political reform. Han Fei not only agreed about reform but focused more on “fixing the law”, that is, using the law to fix the existing feudal order. Furthermore, in the early stage of the Legalist reform, the priority of using law was making the state strong and prosperous, while Han Fei's philosophy on law is strengthening the monarch's power. The law is to "govern affairs" ("Han Feizi · Eight Commentaries"); the center of "govern affairs" is to respect the public and abandon the private; the "public" that Han Fei mentioned refers to the monarch, and the opposite of the monarch is the private, that is the citizens. Han Fei believes that the ultimate purpose of the legislation is to eliminate the convenience of the private door and open the gate of the public, which is the gate of interest of the ruler. In Han Fei's articles, one can be frequently found passages criticizing the monarch's ill government for not acting in accordance with the law and advocating equality for everyone before the law. This should not mislead the wrong argument that his theory contains the concept of equality before the law. It is very clear that “everyone” does not include “monarch”¹⁶⁰. There is no equality before the law, but everyone must absolutely and equally obey the monarch and the law or decree mentioned by Han Fei undoubtedly reflects the will of the monarch at that time. Han Fei made the law absolute, that is, made the monarch absolute, and in this way established the absolute authority of the monarch.

Among law, art, and power, Han Fei sees power as crucial. Because in his perspective, the reason why an emperor is an emperor lies first and foremost in his power, and if there is talent but no power, even a wise sage cannot rule the unworthy since power can stop violence, but virtue is not enough to stop the chaos¹⁶¹. Here is the exemplary statement in his article. He made an argument on how power is more decisive than morality by taking sage king Yao and tyrant king Jie. He claimed Jie was able to be the son of heaven and ruled the Shang Dynasty not because he was a sage and wise, but just because he had power in his hand; likewise, Yao could not govern even three families if he was an ordinary person, it is not because he is not wise but he has no power¹⁶².

¹⁶⁰ 高华平, 韩非子, Gao Huaping, Han Feizi, 2010, 62.

¹⁶¹ 高华平, 王齐洲, and 张三夕, 中华经典名著-韩非子, Gao Huaping, Wang Qizhou, and Zhang Sanxi, *Chinese Classics - Han Feizi*, Hanfeizi, 2010, 734.

¹⁶² 高华平, 韩非子, Gao Huaping, Han Feizi, 2010, 311–12.

He also mentioned the real frequency of the appearance of sage rulers. Superhuman intellects like Yao and Shun are rare in a thousand generations, most monarchs are average talented people. In this case, only power can be complementary to the wisdom of the sage. Han Fei also made an argument on the dependability of power among other key factors that lead to achievement. He lists four crucial factors in this regard, they are the time of heaven, the hearts of the people, technical ability and influential status. He said if heaven would not offer proper time, even ten Yao's cannot grow a single grain in the winter¹⁶³. Time cannot be made or created, it is up to God's wish; the heart of people depends on the monarch's effort; technical ability is either innate or needs to develop; only power and position are the single guaranteed tool of the monarch that can be used at any time according to his will. Thus, the monarch should increase the power by employing all sources belonging to him and for Han Fei, everything in the territory, which can be the source of power, is in the ruler's possession. The most visible and instant source of power is ministers and citizens which includes soldiers. Han Fei's attitude towards the people is against both loving and enriching the people. They are no more than the source of power. Those who regard the monarch's life as worthless and unwilling to pay tribute should be killed¹⁶⁴. While talking about this, Han Fei also advises don't put people on the line of a life-and-death struggle. However, this advice is also for preventing the people from uprising or following another powerful leader. In a word, the subjects have value only if they are useful and beneficial to the monarch; otherwise, they should all be swept away¹⁶⁵.

Shu or art is a theory that specializes in the study of the relationship between monarch and ministers. Han Fei developed many tactics on how to manage these officials. Specifically, he spent too much effort on controlling top-level ministers and monarchs' family members. There is art for the ruler to control his subjects, and art for subjects to manipulate the ruler. Later is the most dangerous situation and the monarch should never allow it to happen, otherwise, the monarch could lose his position. By making his centralized power his shield and sword, the ruler should play art at its maximum level. In this regard, relations based on love, loyalty, benevolence, justice,

¹⁶³ 高华平, Gao Huaping 309–10.

¹⁶⁴ 高华平, 王齐洲, and 张三夕, *中华经典名著-韩非子*, Gao Huaping, Wang Qizhou, and Zhang Sanxi, *Chinese Classics - Han Feizi*, Hanfeizi, 2010, 526-549: 627-645.

¹⁶⁵ 刘泽华, *中国政治思想史: 先秦卷*, Liu Zehua, *History of Chinese Political Thought: Pre-Qin Volumes*, 2014, 296.

and sincerity should not be trusted since trusting this moral behavior is contradict the nature of humans. Relations are always based on mutual interest; loyalty and benevolence lie in the power. Han Fei said people started to be loyal to legendary king Yao when he became the ruler of Tianxia, the all under the heaven, yet even his neighbors did not know who he was when he was an ordinary person. And any kind of good behavior like loyalty, tribute, obeying, serving etc. should not be seen as an externalization of mortality. In reality, they are responding to interests shared by the ruler and artificial reactions before the supreme power. In reality, servants of the ruler are all tigers and wolves, and they always want to usurp power and seize the throne. Confucianists, Taoists and Mohists all said that Yao, Shun, Tang, and Wu were saints, but Han Fei said that they were a group of rebels who killed the rulers. Therefore, no one could be trusted, the only thing that the monarch can trust is the law, his power and his ability to play the art.

As Legalist law, Legalist art is also very important for Han Fei and his theory of art reached such an extreme level that, even rejected the love between husband and wife and father and son. He said if a monarch trusts his wife and son too much, then the traitor minister will use them to accomplish their treason and personal interest, just like Yu Shi helped Li Ji to kill the prince Shen Sheng and established Xi Qi as the prince¹⁶⁶. Then he made a conclusion that if the closeness of the wife and the kinship of the son cannot be believed, then the rest of the people have nothing to believe. With respect to this theory, in his article named “Eight Traitors”, Han Fei mentioned eight groups of powerful people who are believed to have great potential to become the instrument of traitors or turned into traitors. These eight traitors are beloved concubines, bystander servants, brothers and uncles of the monarch, exposed preferences of the ruler, generous officials, convincing speakers, bold and strong men and other feudal lords¹⁶⁷. Parallel to this, Han Fei voiced that the ruler should make surpassing powerful officials his prior task in order to concentrate power in his hand.

It is true that the ultimate ruling object of the monarch is the people, but the monarch cannot directly face them and must govern through the intermediate link of officials. Wise monarch rules officials but not the people, so, for the monarch governing officials, is more important than

¹⁶⁶ 高华平, 王齐洲, and 张三夕, *中华经典名著-韩非子*, Gao Huaping, Wang Qizhou, and Zhang Sanxi, *Chinese Classics - Han Feizi*, Hanfeizi, 2010, 160.

¹⁶⁷ 高华平, 王齐洲, and 张三夕, Gao Huaping, Wang Qizhou, and Zhang Sanxi, 73–74.

governing the people, and Legalist art was invented to govern officials. Han Fei regards the relationship between monarch and minister as a relationship between tigers and wolves and buying and selling, in addition to teaching methods of examination and supervision, he is more talked about conspiracy and tricks. As mentioned above, Han Fei emphasized that close relatives and close officials are the most dangerous people. Thus, he produced many tactics for monarchs for prevention. Han Fei's art toward officials mainly includes the following tactics:

1. Keeping everything hidden. Before making a decision, the monarch must maintain an absolute state of "inaction" wu wei. In order to prevent the leakage of secrets, he especially proposed to guard against his wife, concubine, prince, people around him, and so on and so forth. For fear of revealing secrets by talking in his sleep, he advised the monarch to sleep alone¹⁶⁸.
2. Employing officials as mysterious and unpredictable as ghosts and gods¹⁶⁹.
3. Pretend to be deaf and dumb to see faults in secret. Appearing quiet and “inaction”, and seeing in the dark. Seeing but pretending to be not seeing, hearing but pretending to be not hearing, knowing but pretending to be not knowing¹⁷⁰.
4. Talking in the opposite way. Deliberately saying the wrong words, doing the wrong things, in this way testing the loyalty of his subject¹⁷¹.
5. Measuring the task when it was finished. In any event, the ruler must try to get his ministers to express their opinions, and what is even more important is that the words must be recorded. The purpose of recording is to measure the task that the outcome of the work must be consistent with the statement, and those who consist are rewarded, and those who don't are punished¹⁷².
6. Defending from ministers as defending from tigers; always are wary¹⁷³.

¹⁶⁸ 高华平, 王齐洲, and 张三夕, Gao Huaping, Wang Qizhou, and Zhang Sanxi, 36–37.

¹⁶⁹ 高华平, 王齐洲, and 张三夕, Gao Huaping, Wang Qizhou, and Zhang Sanxi, 681.

¹⁷⁰ 高华平, 王齐洲, and 张三夕, Gao Huaping, Wang Qizhou, and Zhang Sanxi, 62–63.

¹⁷¹ 高华平, 王齐洲, and 张三夕, Gao Huaping, Wang Qizhou, and Zhang Sanxi, 354.

¹⁷² 高华平, 王齐洲, and 张三夕, Gao Huaping, Wang Qizhou, and Zhang Sanxi, 683.

¹⁷³ 高华平, 王齐洲, and 张三夕, Gao Huaping, Wang Qizhou, and Zhang Sanxi, 158–69.

7. Set up spies and surveillance in the dark¹⁷⁴.
8. Carrying out the assassination. For suspicious officials or those with great power, try to control them; if it is inconvenient, disaster will come, thus assassinating them¹⁷⁵.

It can be seen from the tactics above that Han Fei tries to build a perfect defense line for rulers. However, when he is doing so, he naturally puts everyone in the camp of the enemy. But again, for him, this is not a problem as long as the monarch is good at employing the greedy nature of humans and skillful in awarding and punishing also being competent in using and maximizing the power. In the early days of the Legalist reform, the focus was on enriching the country and strengthening the army, while Han Fei's theory focused on strengthening the monarch's power to prevent "traitors". Thus, it seems that here is different, but no different; Han Fei's theory advocates strengthening the state by centralizing the power in the hand of the ruler. He finds the solution in the autocracy of the monarchy; the monarch has absolute power in the state, and the state would have supremacy over other states, therefore the final destination of his theory is the same as previous Legalists.

Another important aspect of his autocratic model of governing is excluding different ideologies and banning different thoughts, opinions and professions. This is very obviously stated in his article titled "Five Vermin". He listed Confucians, sophists¹⁷⁶, knights-errant, deserted soldiers, and merchants and artisans as harmful groups that the monarch should wipe out for the sake of the state. He described the existence of these people as a disordering of the country. He said, Confucian scholars always honour the governing ways of former rulers and advocate their benevolence and rightness, their elegant phrases from the literature hinder rulers from applying the law, which leads the ruler to be of two minded. In another article Han Fei advocates banning other classics and ideas by saying "in the state of an enlightened ruler, there are no books written on bamboo slips; the law supplies the only instruction. There are no sermons on the former kings."¹⁷⁷ Diplomatic politicians invite the other state's influence in the state for their own private interests; knights-errant gather

¹⁷⁴ 高华平, 王齐洲, and 张三夕, Gao Huaping, Wang Qizhou, and Zhang Sanxi, 691.

¹⁷⁵ 高华平, 王齐洲, and 张三夕, Gao Huaping, Wang Qizhou, and Zhang Sanxi, 684.

¹⁷⁶ Most of them were political lobbyists and debaters. They can be called the earliest diplomatic politicians in Chinese history. They advocate making alliances with other states to balance powerful states like the State of Qin.

¹⁷⁷ 高华平, 韩非子, Gao Huaping, Han Feizi, 2010, 714.

gangs of followers, and display honour, in this manner enlarges their influence. Those who try to escape from military service build relations with influential men who plead for them by bribing. Han Fei believes that merchants and artisans are also useless people who produce unpractical items and accumulate wealth only by spending their time and by gathering goods and selling them with a high percentage of interest, hereby, exploiting the farmers...

Since contention between the school of thought and political rivalry for hegemony among the states are two aspects of the same process, the resultant force formed by contention moved into the direction of cultural despotism, and Legalists are the vanguard in this regard. It seems that their biggest target is Confucians. While they were regarded as filth of lice and bugs in the Book of Lord Shang and requires strict prohibition, Han Fei inherited and developed this idea, and listed Confucians among the five vermin which should be eliminated. In this way, cultural despotism is implemented in the form of a combination of theory and practice. This is more obvious in the State of Qin and finally cultural, ideological and political despotism conquered the entire Huaxia territory thanks to Qin's victory over the other six states. Han Fei and other Legalist thinkers put forward such ideas probably because of the socio-political reality of the Warring State period and the priority needs of the state or ruler, however, Han Fei and Shang Yang's zero-sum game mentality provides a base for despotism, dictatorship, state monopoly and autocracy. Thus, it may be helpful to understand the reason for ideological despotism, pressure on private business, intolerant of ethnic and cultural diversity, and impatient towards other political parties in the long course of Chinese history from the past to the present from the Legalist angle.

1.4. Why is Legalism Preferred to Confucianism?

The political and ideological clash during the Warring States period is a significant event in Huaxia history. Hundreds of schools of thought enriched administrative philosophy and formed the general framework of Chinese political philosophy. Most importantly, the competition between them motivated the development of different governing methods and leadership skills, which remains a strong impact on the governing mentality of successive Huaxia polities. Even if, Huaxia rulers claimed their loyalty to Confucian political thought, as this paper asserts, Legalism, as a winning administrative philosophy, left its unneglectable legacy. It is almost impossible to compare successive Huaxia governments' policies with orthodox Confucian political thought given that

Confucian scholars or politicians after Qin Dynasty failed to keep some key principles of this thought. The autonomous status of feudal dukes and relations between filial piety and loyalty are just two examples in this respect. When it comes to the competition between Legalism and Confucianism during the period of turmoil and Legalism's position since the Han Dynasty, one cannot stop asking the questions of why Legalism, not Confucianism was preferred by almost all rival states and did Legalism was really abandoned since Han's ideological slogan "Dismiss the Hundred Schools, Revere Only the Confucian"? The latter will be discussed in the next chapter, whereas, can be mentioned several reasons for the victory of Legalism over Confucianism during the Warring States period in the rest of this chapter.

The rejection of Confucian thought during this period is very clear that none of the rulers applied the Confucian way of governing even though followers of this thought travel around the states to persuade monarchs. This reality is vividly mentioned in Han Feizi. In his article "Five Vermin", Han Fei said "Confucius is a sage in the world... He preached Confucianism... by traveling around the world, but there are about seventy people in the world who appreciate his benevolence, praise his righteousness, and are willing to serve him."¹⁷⁸ On the other hand, all states adopted Legalist reform and applied its governing methods. The reason, first and most lies in Legalism's spirit of caring about reality. Compared to Confucianism, Mohism, and Taoism, Legalism admitted two realities in the Warring States period; one is the development of society that ranging from agricultural tools to increased population; another one is the collapse of old socio-political order rooted in the weakening of the power of the royal house, the Zhou dynasty. These two situations gave rise to the emergence of a different class, a change of class powers, and differentiation in interpersonal relationships. The Warring States period experienced complicated social development on one hand and ruthless and intensified political competition on the other. The power vacuum that resulted in the decaying of the royal court brought about the social and political imbalance that peer competitors emerged and intense political clashes started. Vassals claimed themselves as king, similarly, autonomous unities turned into independent states. Parallel to this change, the social position of scholars, shi (士), mounted due to the high demand for competitive statesmen. In this way, both political and social order is upside down and the old social order and

¹⁷⁸ 高华平, 韩非子, Gao Huaping, 2010, 705.

its principles were either rejected or disregarded. Huaxia society entered into a completely different period that needs different orders and different ways of governing.

Facing this completely new political environment in a new historical stage, Confucians and Mohists advocated re-establishing the old socio-political order, argued rulers should be sage like the legendary Yao, Yu, and Xun, and claimed the monarch should serve the citizens. Taoists put forward a stranger governing model that they asserted ruler should not actively engage in governing the society; he has to “govern by non-interference” and shouldn’t collect too much tax, which is a governing method that had never existed before. The society imagined by Confucians and Mohists is too utopic and their requirements for the ruler are also unrealistic. Moreover, Confucian’s advice of serving people is contrary to the autocratic favoritism of the rulers of rival states. However, Legalists are aware of the big change. They put power and authority at the center of everything and argued that new socio-political condition requires new political arrangement and new “sages”. They find Confucian arguments illogical and not practicable. On top of that Legalists believe being an autocratic monarch and building a centralized state is the key to winning the competition, which meet the will of rulers at that time. Most importantly they distinctly illustrated how important, powerful, and capable holding power is. As previously stated, they claim people follow and listen to the order when the ruler has power. They conclude the cause of the disorder was to decline the power of the Zhou court and the development of society, not to ruining of Rites and music as Confucians argued. Legalists see this as a consequence of the creation of a power vacuum. In view of the collapse of the feudal system in the Zhou dynasty and the numerous drawbacks, the traditional Rite could no longer maintain social order, so the Legalists

Second reason for Legalism’s victory over Confucianism lies in its practicability. Since they believed old social order no longer could be able to respond to new development and change, they separated Legalist law from the Confucian Rite, corresponding to the needs of the times, with the “objective” of "law". Rather than theoretical, elective, reciprocal, and utopic as it is in the Confucian and Mohist way of administration, Legalists make the rules, edicts, and regulations clear to the public. Legalists are against Confucian virtue by saying it impractical and infrequent. One argument in this regard vigorously showed how the law is more practical than virtue. In the chapter named “Difficulty of Speaking”, Han Fei carries discussion on legendary King Shun’s

virtue. Confucians said Shun spent one year on educating to end farmland border violations among farmers in Lishan. Then he stayed one year among the fishermen and engaged in fishing with his virtue so that the dispute on fishing the upper stream of the river ended. Then he heard about the disrepute of pottery made by Dongyi and went there and spent another year teaching them how to make good pottery. While Confucians glorified how Shun is benevolent, Legalists mocked them by saying the virtue of Shun is not enough¹⁷⁹. They argued that with his virtue, Shun corrected only three mistakes in three years of time. His lifespan is limited yet the world is full of problems and misbehaviors, thus what Shun could do with his virtue and benevolence is also very limited. If the ruler set the law and makes awards and punishments clear, the citizens only need ten days to correct their mistakes and misbehaviours¹⁸⁰. No need for virtue and sage who rarely come to this world. When it comes to governing the ministers, Legalists also come up with practicable tactics as discussed in previous pages, while Confucians entrusted the chance to ministers' loyalty encouraged by the monarch's benevolence and generosity.

Compared to other schools, Legalism, especially the thesis of Han Fei, presents the characteristics of caring about reality and developing pragmatic political theory in the way of pacifying all under heaven. As to the differences between Confucianism and Legalism, Taiwanese philosopher professor Mou Zongsan (牟宗三, 1909-1995) in his speech titled "Realistic Concerns in Chinese Cultural Arteries" briefly pointed out that Confucianism discusses the ultimate concern of human beings, while Legalism focuses on realistic problems on the ground¹⁸¹. It is true that Confucianism is a broad and profound thought, it has a complete set of theoretical systems from self-cultivation and family and social order to governance of the country and the world. Yet, in exploring the issue of responding to the urgent needs of the rulers, it is not easy to see concrete results in a short period

¹⁷⁹ In response to this story, someone asked a Confucianist and said, "Where is Yao at this time?" the man replied, "Yao is the Son of Heaven", the ruler. So what should Confucius say about Yao as a sage? The sage can clearly understand everything and is in the position of the ruler so that no evil things happen in the world. If there were no disputes over farming and fishing, and the quality of pottery was not poor, how could Shun use his virtues to educate them? When Shun saved society from corruption, it showed that Yao was at fault, he is not a sage as Confucians argued. Thinking that Shun was virtuous excludes Yao from being able to understand everything clearly; thinking that Yao is a sage excludes the possibility of Shun using virtue to educate... for more details see the chapter "Difficulty of Speaking".

¹⁸⁰ 韩非子: 国家的秩序 (九州出版社, 2019), Han Feizi: The Order of the State (Kyushu Publishing House, 2019), 131-32.

¹⁸¹ 牟宗三, "中國文化大動脈中的現實問題與終極關心問題," 鵝湖月刊, Mou Zongsan, "Practical Issues and Ultimate Concerns in China's Cultural Arteries," Goose Lake Monthly, no. 102 (1983): 2-21.

of time and Han Fei's argument just makes up for this deficiency. Han Fei, as a systemizer of this school of thought, advocated that rulers should face reality to seek solutions to problems and that the formulation of policies should be concrete and feasible, with substantial benefits. He believes that ancient history and sage politicians may be useful for reference, but the times and situations have changed dramatically, and some perfect theories in the past may not be fully applicable to the present, so they should be re-examined, and must not be copied. It is advisable to develop feasible and implementable new measures that can solve the problem...

This view was not only represented by Han Fei, almost all Legalist thinkers held similar opinions. Such an attitude of focusing on reality and facing problems made their theories not only very attractive among the monarchs of the warring states, but also made Legalist classics favorite books for politicians of all dynasties¹⁸². From the first emperor Qin Shihuang (秦始皇), Li Si (李斯) onward, Zhuge Liang(诸葛亮), the legendary strategist during the Three Kingdoms period, copied Han Feizi (韩非子) for the Liu Bei (刘备), the king of Shu (蜀国). When Liu Bei was dying, he sermonized his son to read Han Feizi (韩非子), the book of Lord Shang(商君书), Shen Zi (申子), and Guan Zi (管子), which are all selected Legalist classics and added that "they can increase people's will and wisdom."¹⁸³ In the Han dynasty, although Emperor Wu set Confucianism as the main ideology, he actually carried out a mix of politics that, Confucianism was Legalistioned in order to meet the needs of the emperor.¹⁸⁴ Until the end of the Qing dynasty, China's politics was actually a fusion of Confucianism and Legalism, more clearly with professor Liu Zhihua's term outside Confucianism, Inside Legalism¹⁸⁵.

Thirdly, the Legalist method of governing is simple, clear, and specific. It is simple, because they come up with the idea that defines the relations between ruler and citizen, that is the zero-sum-

¹⁸² 素贞, 国家的秩序: 韩非子 (中国三环出版社, 1992), Suzhen, The Order of the Nation: Han Feizi (China Sanhuan Publishing House, 1992), 8.

¹⁸³ 陈寿, "三国志" 今注今译, ed. 苏渊雷 (湖南师范大学出版社, 1991), Chen Shou, "Three Kingdoms" Annotated and translated today, ed. Su Yuanlei (Hunan Normal University Press, 1991), 1815.

¹⁸⁴ 崔欣欣, "汉武帝外儒内法的治国思想," 中国民族博览, Cui Xinxin, "Emperor Wu of the Han Dynasty's Governance Thoughts of Confucianism and Law," China Ethnic Expo, 2019, 88.

¹⁸⁵ 刘泽华, 中国政治思想史: 先秦卷, 2014, Liu Zehua, History of Chinese Political Thought: Pre-Qin Volume, 2014, 21.

game relations. They only care about the interest of the ruler rather than pondering on realizing mutual benefit between the citizens and monarch as Confucians advised. While Confucians consider the overall well-being of the entire society and try to build balance between the ruler and subjects, Legalists put forward the method only to examine the problem from the perspective of rulers. Thus, they can be ruthless and decisive, which simplifies both problems and solutions. On the other hand, it is the nature of the law that is clear and specific. These features make the Legalist way of governing practicable, although it is brutal, extremist, careless, and unfair than the method of the other three big schools. What the ruler needs to do is establish rules, set the standards of rewards and punishment, then govern by “inaction” as Taoists advocated.

Forth, in order to maintain their existence and establish hegemony over other states, building a strong army, and making a prosperous state, the slogan of the Legalist school, became the slogan of all states as well. Thus all rulers implemented the Legalist way of administrating even if there were differences in the level because the pragmatist nature of it brings immediate benefit in a short time and boosts efficiency, which makes the state strong. Due to bloody competition during the Warring States period, rulers naturally became autocratic that they equalized with the state. Therefore, making the state strong was definitely realized by making the monarch strong. This idea met the political desire of the ruler and Legalists see the entire country as the property of the ruler or regarded everything in the territory of the states as a source and tool for increasing his authority. In the Legalist way of thinking, empowering the ruler is essential to empowering the state and according to their zero-sum-game mentality, letting ministers, aristocrats, and citizens strong naturally weakened the power of the ruler. Based on this thought, Legalists advocate curtailing the power of the old aristocrats and transferring their power to the hand of the monarch. Even the authority of the father over his son was also confiscated by the ruler. As a result, all citizens were directly controlled by the monarch without powerful aristocrats and fathers in the middle. This is what rulers want at that time and the Legalist school entirely protect the interest of the ruler or it can be said they believe making the ruler strong would make the state rich and powerful so that the enemy would be defeated and political chaos would put to end.

Last but not least, the hybrid nature of Legalism made it more functional and attractive. One examining the Legalist thought would realize that it inherited the principles of other schools. Also,

key Legalist thinkers like Li Kui, Wu Qi, Han Fei, and Li Si are the students of Confucian masters Zi Xia and Xun Zi and it should be kept in mind that the claim of bad human nature originated by Xun Zi again. What is more, the Legalist art of ruling, shu, is strongly affected by the Taoist art of inaction, and both schools advocate keeping citizens in ignorance. On top of that, the concept of Legalist law is inspired by the Taoist method of ruling, which is governing by doing nothing. Finally, Legalism shares similar despotic rulership with Mohism. By accepting important notions of other schools, Legalists developed and made them pragmatic, simple, and practicable. While three big schools only dictated their pure philosophy and exclude others, Legalists send rulers a hybrid ruling method. These “advantages” made Legalism preferable to other schools. However, while discussing reasons for rulers’ favoritism towards Legalism, it is vitally important that we should not neglect fatal drawbacks and its harm to society, especially to the people. Here below, this paper discusses the vital failure of Legalism.

1.5. Structural Problem in Legalism

The rule by law and the rule by man are important distinctions between Confucian and Legalist political thought. Confucianism advocates the rule by man and among various political factors pays the most attention to the role of those in power, and the quality of governance depends on them. They believed that the ruler, mainly the monarch, plays a decisive role in political life. Although Confucians don’t make it absolute, they claimed that one word of the ruler can make a state, while one word of him can bring it down. Considering the autocratic political structure formed by the reality of the time, and the theoretical position, of the ruler in Huaxia political culture, the son of heaven, it is true that a single thought of the monarch often has different consequences. It is based on this fact that Confucius placed special emphasis on the personal cultivation and morality of the rulers. From their perspective, the power of an example is a decisive factor so the ruler must do self-cultivation. According to Confucius, the political relationship is neither the relationship between obedience and being obeyed, nor the relationship of power constraints but it is the first and foremost relationship between the upper and the lower based on the reciprocal process, which is called a harmonious society. Thus, morality and stereotyped behaviors based on socio-political order are fundamental for establishing an ideal society. When it comes to governing the state and maintaining harmonious order, Confucians argue that the ruler should be self-

cultivated, have high morals, and be benevolent as a sage, such as legendary kings, Yao, Shun, and Yu. That is why the rule of man, is usually called rule by sage advocated in their philosophy. Another reason for the Confucian defense of rule by man is maintaining the old social order. Rule by law emphasizes subjecting everyone to the law, regardless of commoners or feudal aristocrats. However, making aristocrats subject to the law is unacceptable for Confucians given that applying the law ruin the hierarchal order they advocated. Therefore, the state should mainly rule by man rather than be ruled by law.

However, legalists advocate the rule by law and oppose the politics of the sage. They put forward the slogan "respect law, not respect the sage."¹⁸⁶ They argue that the vast majority of monarchs are "medium intelligent" and it is a stupid thing to expect them to be like a sage. Another reason is that ruling by man can be unobjective, biased, and pejorative also it is the same thing as leaving things to chance. The Legalist thinker Yin Wen believes that the rule by man ties the political destiny to the character of the monarch and that the state would be governed if the ruler is wise and there would be chaos if the person is foolish. The rule by law, on the other hand, ties political destiny to universal jurisprudence and there is no difference between being ruled by wise or foolish¹⁸⁷. The monarch can govern all under heaven as long as he embraces the law and uses the power.

Shen Dao also pointed out that "rule by man" has two major drawbacks; First, there is no certain standard for it, and the decision is up to one's heart. The monarch executes and rewards his subjects according to his own subjective feelings of likes and dislikes, and his subjects will also view this kind of punishment and reward according to his own subjective feelings. The subjective feeling is changeable, as long as the ruler changes his mind, the method of handling things will also change. Second, the rule by man puts the governing of the country in the hands of one person.¹⁸⁸ There are so many things in the state, no matter how clever a person the ruler is, his cognitive ability is also limited. Shen Dao proves from the limitation of personal knowledge that it is dangerous to tie national politics to the heart of one person. Their disobedience to the rule by the sage is also due

¹⁸⁶ For a detailed discussion see Han Feizi, "Loyalty and Filial Piety"

¹⁸⁷ 尹文子·大道上, Yin Wenzhi. The Great Tao, 1

¹⁸⁸ 慎子·威德, Shenzi. Weide

to their defensive mentality. For example, Han Fei believes that advocating rule by virtue would open the gate for usurping the authority of the wise. In his view, the fundamental difference between the rule by man and the rule by law is that the rule by man is a contingent politics, and the rule by law is a politics of certainty; the rule by man is a politics of individuality, and the rule by law is a politics of generality.

By considering such arguments made by Legalist thinkers or defenders, some researchers claim that the Legalist rule by law has a democratic spirit, which is obviously contradictory to the Legalist advocate of autocratic monarchy. In the final analysis, the law is tied to the monarch, and the law is a political tool that is under one person and over ten thousand. However, from theoretical analysis, as long as one person is above the law, then this kind of law does not have democratic elements, but can only be said to be a tool for one person to enslave thousands of people. For example, Guan Zhong and Shang Yang put forward the victory over the people. They put forward specific measures for the weakening the citizens from the aspects of government decree, economy, culture, and people's relationship with each other, and methods of weakening show most clearly that the rule by law is not to protect the rights of the people, but to make people the slaves by law. In the case of absolute monarchy, the monarch is the core of politics, and the law is firmly in the hands of the monarch that in such circumstances, the law cannot control the ruler. Moreover, it should not be neglected that the monarch is the legislator, executor, and judiciary and this is the vital failure of Legalism. While they attack and mock Confucian rule by a man by saying it ties the political destiny to the will of the monarch, they made a fatal mistake by turning the ruler unchallengeable monster through instrumentalist law. This is in fact true means of rule by man, not rule by law as many researchers claimed. Even if Legalists made such logical arguments on the superiority of rule by law over the rule of men, in reality, what they advocated turned out to be the worst version of rule by man.

The state of Qin eliminated six rival states by applying the Legalist way of governing in 221 B.C. Inhuman policy toward its own people caused nationwide uprisings and rebellions led by Xing Yu and Liu Bang terminated the authority of the Qin dynasty and Han dynasty took its place. As one reject Legalism and made Confucianism a national doctrine, the Han dynasty employed great Confucians like Shu Xuntong (舒顺通) and Dong Zhongshu (董仲舒) to apply the Confucian way

of governing. However, they still inherited many legacies of Legalism and made hybrid Confucianism by combining the two schools. When they reorganized the legal and ideological system of the Han dynasty, they still failed to control the unlimited power of the emperor. Neither emperors of the Han were sages nor did they reject Confucianism as their national ideology. This phenomenon is almost the same for all successive Huaxia authorities. It seems that Confucian virtue and benevolence surrendered to the Legalist power. The next chapter discusses this phenomenon in detail.



CHAPTER II

LEGALISM AS A LIVING GOVERNANCE METHOD

2.1. The Legacy of Legalism: Getting Married to Confucianism

As it was academically excepted without dispute, the State of Qin continued Legalist governing philosophy as her official administrative doctrine after unifying the entire Huaxia territory by eliminating the other six states in 221 B.C when it became the Qin dynasty (秦朝, 221-206 B.C). By taking the advice of Legalist grand-vizir Li Si (李斯, 280-208 B.C) who was the disciple of the Confucian thinker Xun Zi with Han Fei, Ying Zheng (嬴政, 259–210 B.C), the first ruler of the dynasty abolished territorial feudal powers, which was the main political structure of the Zhou dynasty, and forcefully gathered powerful and wealthy aristocratic families to the capital for the purpose of weakening their power and monitoring them closely. Wishing the empire lasts forever and for his descendants to sit on the throne from generation to generation, the emperor Ying Zheng called himself “Shi Huangdi” (始皇帝), the first emperor, and sent a bunch of people to find the elixir. What is tragicomic is that the Legalist empire only existed for 14 years and was defeated at the hand of warlord warrior Xiang Yu, the descendant of the royal family of Chu State in 207 B.C. Xiang Yu (项羽, 232-202 B.C) was eliminated by his comrade-in-arms Liu Bang (刘邦, 256-195 B.C), the founder of the Han dynasty (202 B.C-220 A.D) in 202 B.C.

As an official of the Qin dynasty, Liu Bang profoundly knew how brutal the system of the Qin was and how people hate it and impatiently waited for someone to lead them to fight against the state. The extreme and absurdity of Legalist governing resulted in a nationwide uprising and undefeated Qin were flatted in a very short time. Thanks to the governing method of the dynasty, Legalism gained such a bad reputation that in people’s minds, it was equal to the viciousness of the Qin. However, here is the secret of its attractiveness. As famous contemporary Chinese political philosopher, Liu Zhihua (刘志华, 1949-) mentioned in his significant book, the History

of Chinese Political Thought, “The basic monarchical power-centered political system established by the Qin Dynasty was something that all emperors do not want to abandon.” Mao also said Many dynasties implemented the political system of the Qin Dynasty in his poetry written the purpose of criticizing Guo Moruo (郭沫若, 1892-1978), the distinguished poet, historian, and government official. The emperor of the Han dynasty was not out of this preference as well. The basic political system of the Han was inherited from the Qin. Before the Han dynasty officially made Confucianism a national ideology under the throne of Han Wudi in 136 B.C., it was called Huang-Lao due to its differences from Legalism in some aspects. Yet, as widely discusses below, both Huang-Lao and Confucianism never rejected Legalism. Its theories and methods were not abandoned with the collapse of the Qin Dynasty but made interesting consensus with Confucianism.

The demise of the Qin Dynasty provided the basis for the revival of Confucianism and other schools, among them Confucianism immediately came to the fore. However, emperors in the early Han Dynasty did not pay much attention to Confucianism. The rulers advocated Huang Lao, which is supplemented by Confucianism, and secretly implemented legalism as well (Liu). The founder of the dynasty had a very bias view toward Confucians. For example, Liu Bang had always scolded Confucian scholars, and every time he saw them, he would forcibly take off their Confucian uniforms to show humiliation¹⁸⁹. Rulers' favoritism towards Legalism lay in the success of Legalism over the other schools of thought during the Warring States period. Thus, major political thoughts like Huang-Lao and Confucian schools started to modify their governing method by taking Legalist elements.

Speaking of Confucianism, they clearly stepped back from their orthodox view and adopted their philosophy to the main trend and needs for authority. Shu Suntong (叔孙同, 255-190 B.C), mentioned as the master of Confucianism in the Han dynasty by great historian Sima Qian (司马迁, 145-86 B.C), was both an important and a strange Confucian figure in this regard¹⁹⁰. Shu found

¹⁸⁹ 牧徐徐. "顺势而为." *廉政瞭望*, Mu Xuxu. "Follow the trend." *The Outlook on Integrity* 18 (2013): 69-69.

¹⁹⁰ He was an official of the Qin Dynasty and also a sycophant Confucian scholar who was good at going with the flow. When Chen Sheng and Wu Guang revolted, the whole country was massed and rebellions were almost taken over the capital. Thus, Qin ministers said that the people hated the government very much, and the situation was very serious while, in order to make the emperor happy, Shu said that the two were villains and most of the people liked

that Liu Bang was disgusted with the lax etiquette in ruler-subject relations in the palace. His comrades still regarded him as a big brother despite he was already an emperor. They don't know how to respect the emperor, they often drink with him and pat him on the shoulder. Ministers often made rude behaviors in the court, such as drinking and arguing, making noise after drunk, and even cutting the pillars of the palace with swords when they get angry. At this time, Shu Suntong took the opportunity to recommend himself and said "Confucian scholars could not take over the city, but they are good at holding it." He added he is willing to find the Confucian scholars in the state of Lu to jointly regulate the ceremonies for the court. With the permission of the Han emperor, he went to the land of Lu State, the base of Confucianism, and invited Confucian scholars. More than 30 Confucian scholars followed him and came to the court while the two of them were very opposed. They scolded him and rejected the offer by saying he violated the value of Confucianism. Shu said they are nerds, and can't understand time and change. He brought a group of Confucian scholars to the court and made rituals for Han dynasty by mixing ancient Confucian with Qin's rituals. Liu Bang was very happy about this and said that "Today I learned about the honor of being an emperor"¹⁹¹. This showed a fundamental change in the political attitude of Confucian scholars, that is, from supporting the feudal system of the Western Zhou dynasty to safeguarding the authoritarian monarchy system established by the Qin dynasty¹⁹².

Liu Bang fought his lord, Xiang Yu, after they had eliminated the Qin dynasty. In order to defeat Xiang Yu by getting the support of powerful generals and warlords, he officially offered the title of the prince to at least 9 military generals, among them was Han Xin (韩信), the prince of Chu and one of the sincere followers of Liu Bang and also the most outstanding military strategist of

the Qin Dynasty very much, and the rebels were a group of little rascals. At the end of the Qin Dynasty, he betrayed the Qin and followed Xiang Liang, the uncle of Xiang Yu. When Xiang Liang was defeated by Qin general Zhang Han in Dingtao, he went to the King Huai of Chu. Later, Xiang Yu proclaimed himself the overlord of Chu and exiled the King, and this Confucian master went to Pengcheng City to serve Xiang Yu. During the war between Liu Bang and Xiang Yu, Liu Bang led the allied forces of the vassals into the city, Shu Suntong immediately surrendered to Liu Bang. His behavior in the court of Liu Bang was more interesting. Because Liu Bang hated Confucian scholars and Confucian clothes, he changed his long uniform to a short one. Although most of Liu Bang's friends were rogues and dog killers as background, he often praised them as heroes and outstanding persons and said to continue to use these people and don't use useless scholars... When he went to the State of Lu in order to invite Confucians to make court ceremony, See, Sima Qian, *Historical Records*, the Biography of Liu Jing and Shu Suntong.

¹⁹¹ 司马迁, 二十四史全释史记 (汉语大词典出版社, 2004), Sima Qian, *The Complete Explanation of the Twenty-Four Histories of Shiji* (Chinese Dictionary Press, 2004), 1223.

¹⁹² 林存光, 中国政治思想通史·秦汉卷, Lin Cunguang, *General History of Chinese Political Thought Qin and Han Volumes*, 65.

the time as well as Huaxia history. With the help of these princes, he completely defeated Xiang Yu and unified Huaxia territory. When Han dynasty was built, its system more like the feudal system of Zhou dynasty. However, very soon, Liu Bang basically controlled the entire political power. He felt that presence of autonomous princes was a threat to his power centralized absolute monarchy that immediate measures were taken and all princes were abolished. When Han Xin, was about to kill, he said: "The cunning rabbits die, the running dogs cook; the high-flying bird is exhausted, and the good bows are hidden; the enemy's country is destroyed, and the counselors perish. The world is fixed, and I will be cooked." Liu Bang's slaughter of his comrades and dedicated generals is not in line with Confucian morals at all. What is even more interesting is that, as an important minister of Liu Bang, Shu Suntong did not prevent him from killing the princes and abolishing the Zhou-style feudal system.

After Liu Bang eliminated the princes and kings, he assigned princes from Liu's family as feudal kings. However, in order to control the development of the influence of them, the imperial court dispatched special ministers and made two officials sent by the palace responsible for managing the king's affairs. In this way, these princes would not pose a threat to the central government. But by the time of Emperor Jing of the Han dynasty, the court formulated a stricter system to limit the power of the kings. It is stipulated that the prince is appointed as the king, he can only collect taxes, and they were not allowed engage in administration of political affairs. In this way, the Han dynasty completely restored the authoritarian centralized system established by the Qin dynasty. In the period of Emperor Ai and Ping of Han, most of the princes and kings were only "born in the wall, not respected by scholars and people". Propagating the system of enfeoffment yet implementing autocratic centralization, which vividly expresses the characteristics of "outside Confucianism and inside Legalism" in the politics of the Han.

Although Liu Bang put Shu Suntong and his Confucian disciples in important positions, for a total of 54 years as of Emperor Hui (汉惠帝) to Emperor Jing (汉景帝), the ruling ideology of the Han dynasty was the School of Huang-Lao. This school was formed during the Warring States period and was first popular among officials from Jixia Academy in Qi State. Some scholars on the Jixia Academic Forum took political achievements as their goal and transformed Taoist thought in another direction. This school is called the Huang-Lao School. They also voiced "govern by

inaction”, wu wei, and also advocate the rule of law, emphasizing that the Tao generates the law. It is obviously a combination of Taoism and Legalism. Although they mentioned both Tao and law, the emphasis was always on the law, and they paid little attention to the rule of virtue advocated by Confucianism. On the other hand, due to the successive victories of the Legalists during the Warring States period, and especially the favor of the rulers towards Legalism, some Taoist scholars with a sense of utilitarianism consciously absorbed the ideas of Legalism. Regarding the earliest representatives of this school, The Historical Records of Sima Qian mentioned Shen Dao, Shen Buhai, and Han Fei as political philosophers of the Huang-Lao school¹⁹³. As we mentioned in the first chapter, these three are the most important Legalist thinkers. For the rulers of the Han dynasty, using the banner of Huang-Lao not only maintained the essence of Legalist rule but also facilitated correcting the mistakes of the society that simply relied on severe punishments and draconian laws.

The Huang-Lao School has an important position in the administrative sphere of Huaxia civilization. This is not only because it became an official political thought in the early decades of the Han, but more importantly, it played a bridge role in the convergence of Confucianism and Legalism. Under the cover of the Huang-Lao, the two major schools, which had been in opposing positions for a long time, gradually got rid of the tension among them and began to move closer together¹⁹⁴. After Shu Sunong opened the door to adapt to the trend, Confucian scholars consciously adapted to the real political needs of the Han dynasty and strived to serve the existing authority. Moreover, the rulers appreciated the combination of Taoism and Legalism, which provided an example of the convergence of Confucianism and Legalism. By the time of Emperor Wen, some Confucian scholars reinterpreted Confucian rituals using flexible viewpoints. Accordingly, the Han government also allow them to develop their theories. Even made effort to protect Confucianism and the emperor sent famous politician, and thinker Chao Cuo (晁错, 200-154 B.C) to study the Book of History (尚书), one of the five classics of Confucian thought, at the house of a Confucian scholar in Jinan¹⁹⁵.

¹⁹³ See, *Historical Records*: Biography of Laozi and Han Fei; Biography of Mencius and Xunqing

¹⁹⁴ 王宏斌 and 韩非, 中国帝王术: 《韩非子》与中国文化 (河南大学出版社, 1995), Wang Hongbin and Han Fei, Chinese Emperor Art: "Han Feizi" and Chinese Culture (Henan University Press, 1995), 128.

¹⁹⁵ It is very interesting that, even though Chao Cuo studied under the Confucian master, he suggested a series of Legalist policies to the emperor on the purpose of increasing agricultural production and revitalizing the economy.

During the period of the famous emperor Han Wudi (156-87 B.C), Confucianism experienced another prosperous level and Dong Zhongshu (董仲舒 170-104 B.C), who gained the fame of “Confucius in the Han period”, developed a new Confucian theory on the bases of Gongyang Commentary (公羊传), the dialogistic style of interpretation of Spring and Autumn Annals. Drawing on the principle of “Great Unification” in Spring and Autumn Annals, Dong Zhongshu wrote a memorandum submitted to the emperor around 136 B.C. In a memorandum, he explained that there are different schools of thought in the Han territory and each had different doctrines and positions. The rulers have nothing to do with it, thus it can affect the overall consolidation of the country. He advised that everything that is not in the Six Classics of Confucianism should be cut off immediately and not allowed to progress any further¹⁹⁶. Emperor Wu approved this advice and formally declared Confucianism the official state doctrine. It is important to mention that, a good deal of time was needed before the Confucians could consolidate their newly won positions. During this process, Confucianists took many ideas from oppositional schools; thus, Dong and his followers again made Confucianism something very different from early Confucianism¹⁹⁷.

Of course, there was a reason for the acceptance of Confucianism by the politically centralized Han dynasty. Dong inherited the pre-Qin Confucian thought of the “unity of human and God”, yet absorbed the theory of the five elements of the Yin-Yang school, and created a set of theories of "interaction between human and God". In his view, all auspiciousness and disasters are from God, and they are all inspired by the actions of the rulers. If the monarch loses his morals, God will bring disasters, which is a warning. On the one hand, this statement warned the emperor not to be so cruel, and on the other hand, it mythicized the monarchy. The monarchy is bestowed by God, and it also represents God to rule of the world. He believed that all activities the monarch carried out to rule the people were carried out by God's will. So naturally, if the subjects do not obey the

These policies include implementing the policy of “surpassing the businessmen and encouraging agriculture” (重农抑商), policy of “rewarding the title in exchange for providing grain” (纳粟受爵). On the issue of resisting the invasion of the frontier by the Huns, he put forward the strategic thought of "civilian migrants to the frontier" (移民实边), and the people were encouraged to reside in the frontier for farming. Politically, advised deprives the political power of princes and kings to consolidate centralized power.

¹⁹⁶ History of the Han Dynasty, Chapter 56.

¹⁹⁷ Feng and Aydın, *Çin Felsefesi Tarihi*, 2009, 275.

monarch's rule, it is equal to they go against the will of God. In this way, Dong Zhongshu established absolute monarchical authority. In essence, this is completely consistent with the Legalist worship to absolute power and praising the monarchy. The difference is that the Legalist monarch is unlimited, while the monarch in Dong Zhongshu's theory is limited by the will of Heaven.

Dong Zhongshu proposed that governing the world by virtue mainly includes educating the citizens and being merciful to the people. He denied Mencius's theory of good human nature and argued that human nature was bestowed by God as both good and evil, which can be nurtured but cannot be changed. Furthermore, only the nature of “middle people”, the majority, can be nurtured to be good¹⁹⁸. According to him, there is a bad side to the nature of this group. Hence, in order to avoid being uneducated and becoming a villain citizen, then education by the monarch is necessary. He resembled the nature of the middle as a silk cocoon that has the potential to be silk and the egg has the possibility to be a chicken. They can only be silk and chicken through caring, guiding, and training. Therefore, the goodness of human nature is only gained by education¹⁹⁹. By positioning the ruler as a representative of God and acknowledging him as a sage, Dong made Huaxia emperors transcendental beings who are the most powerful and wise that hold legitimized power and the right to govern the people. On top of that, he introduced the Three Guiding Principles and Five Constant Virtues (三纲五常) in order to further theorize the absolute authority of the ruler over the society. According to this theory, the ministers depend on the monarch to gain merit; the son depends on his father; the wife on her husband. The five most important virtues are benevolence (ren, 仁), righteousness (yi, 义), propriety (li, 礼), wisdom (zhi, 智), and trustworthiness (xin, 信). The first four virtues were grouped together in the Confucian classic Mengzi. The path of the Five Virtues moralizes the hierarchical subordination relationship stipulated by the Three Guiding Principles and provides a moral guarantee for the promotion of hierarchical governance. The fifth virtue, xin, was added by Dong Zhongshu. In fact, Three Guiding Principles were originally a

¹⁹⁸ He divides human nature into three classes, which are upper, middle and lower. Among them, the sage's nature is perfect and does not need to be taught; the nature of lower is addicted to greed and evil and cannot be taught; only the nature of the middle-people is the object of educating. He said the upper and lower nature are very handful in the world. Yet the middle is ubiquitous, they are the most majority of citizens. See Liu Zhihua, *General History of Chinese political Thought, Volume of Qin and Han*, p 200-205.

¹⁹⁹ 林存光, 中国政治思想通史·秦汉卷, Lin Cunguang, *General History of Chinese Political Thought Qin and Han Volumes*, 200-205.

Legalist idea. Han Fei several times mentioned them in his articles. The fundamental purpose of the Three Guiding Principles and Five Constant Virtues mentioned by Dong Zhongshu is to require subjects to obey the monarch unconditionally. Like Han Fei, Dong Zhongshu advocated maintaining the absolute rule of the monarch. Another prominent convergences between Legalism and Confucianism manifested in the process of making rite an important part of the law, which is also called Confucianisation of Legalist law (以礼入法). What is interesting is that, since Confucianism made a consensus with Legalism and obeyed the supreme power of the emperor, it is really hard to say law and penalty became less harsh and merciful.

As the most crucial rulers and thinkers, Emperor Wu and Dong Zhongshu were very important figures. Both emphasized Confucianism and turned Confucianism into the official school of the dynasty. However, as it was mentioned above, Dong Zhongshu is already different from the pre-Qin Confucians and developed new Confucianism by mixing Confucianism with Legalism and the Yin-Yang School. Yet it is very obvious that he stressed the Confucian-based position and excluded other schools and the goal is very much the same as Legalism which is to strengthen political centralization and autocracy. "The great unification", the idea he emphasized yet originated from the Gongyang Commentary (公羊传), was obviously injected with the Legalist demand for rule by power, the shi. The Commentary he studied throughout his life also did not favor the feudal system but emphasized authoritarian centralization. Thus, his new Confucian theory was highly valued by the emperor Han Wudi and the official slogan "Dismiss a hundred schools, revere only the Confucians" was nationwide declared. Thusly, Confucianism officially replaced Huang-Lao's official school status. Interestingly, when Legalist thought became an official school, it could not tolerate the existence of any other schools, and all heretical ideas other than Legalism were banned. Similarly, when Neo-Confucianism moves towards official schooling, it also required banning all other thoughts. It should also be taken into account that Dong and emperor Han Wudi's "only Confucianism" idea led the way to another type of ideological despotism and the law still remained as cruel to impose a single ideology and will of the ruler. There is no difference between the two in ideological despotism. Since there is a contradiction between what the Han government propagated and what they implemented, many researchers describe it as "outside Confucians, inside Legalism" or some others like the historian and philosopher in republican / Kuomintang era Chang Naihui (常乃惠, 1898—1947) believes not

only was the Qin dynasty the era of Legalism's sole prestige, but also "the Legalism was the actual politics of the Western Han dynasty"²⁰⁰.

Han Wudi also indicated that Confucianism was respected not because he recognized Confucian benevolence and righteousness in governing politics, but because pull Confucianism closer to the regime and make it serve his authority. While he valued Dong and Confucianism, on the other hand, he accepted and implemented Legalist minister Sang Hongyang's (152-80 B.C) economic policy that aimed to realize the state monopolization over the economy, weakening the power of merchants and building military-agricultural colonies which all were resolutely opposed by the Confucian scholars on the famous Conference on Iron and Salt (盐铁论) in 81 B.C, yet was all the state policy of Legalist Qin dynasty. In the six-month-long fierce debate between Confucian scholars and Legalist officials who backed the Han Wudi's policy, the latter won and state intervention in the economy became a tradition in successive Huaxia dynasties thanks to the Legalist contribution and victory in the conference²⁰¹. In the discourses many examples can be mentioned on the narrative "successive dynasties inherited the political system of Qin" (百代都行秦政法), which is a phrase Mao also like to repeat. Surpassing the businessmen and encouraging agriculture²⁰², the Nine Chapters of the Han Law (九章律)²⁰³ that prime minister Xiao He (萧何 227-193 B.C) drew up based on the laws of Qin, reviewing the collective punishment and its expansion in the scope from three circle relatives to nine circles also upgrading a crime called

²⁰⁰ 常乃惠, 中国思想小史 (哈尔滨: 哈尔滨出版社, , 2019), Chang Naihui, A Brief History of Chinese Thought (Harbin: Harbin Publishing House, 2019), 3.

²⁰¹ For details on the Conference on Slat and Iron see 桐生陈, 中华经典名著, 盐铁论 (北京: 中华书局, 2015). Also see Ming Wan, "Discourses on Salt and Iron: A First Century BC Chinese Debate over the Political Economy of Empire," *Journal of Chinese Political Science* 17, no. 2 (2012): 143–63.

²⁰² For details, see *the Discourse On iron and Salt* (盐铁论) by Huan Kuan.

²⁰³ In order to win the people's support, Liu Bang declared the "Three Chapters of the Covenant Law" (约法三章), which simplified the harsh laws of the Qin Dynasty since he invaded Xianyang, the capital of the Qin Dynasty. However, after the establishment of the Han Dynasty, he felt that the law was not enough to defend against traitors in view of the national situation. Hence instructed Xiao He to refer to the Qin law, "take whichever is suitable, and make the Nine Chapters of the Han Law" (九章律). The Nine Chapters of the Han Law is based on the Six Chapters of Legalist Li Kui's "The Book of Law" (法经) added the "Household Law" (户律), "Defense Law" (兴律), and "Law of Livestock and Warehouses" (厩律). See Section 3 of Chapter 6, *Chinese Legal History*, China Central Radio and Television University Press, 2006 by Pu Jian. (蒲坚, 中国法制史, 中央广播电视大学出版社, 2006)

“defamation” (诽谤之罪) to the crime named “crime of unspoken criticism” (腹诽之罪)²⁰⁴ show how Han inherited Qin in politically even made it worse in certain aspect²⁰⁵.

Implementing ideological unification is another reason Emperor Wudi accepted Dong Zhongshu's suggestion. It did not mean that he gave up the Legalist proposition because, by his time, this thought was no longer dispensable. After the politics of the early Han dynasty, the basic content of the Legalist theory had been transformed from theory into practice, condensed into the country's laws and regulations, and received protection and affirmation from the authority. Thus, a new path that could be compromised with Legalism should be found and this was done by Neo-Confucianism under Dong Zhongshu. In the pre-Qin period, legalist law, fa, was opposed to the Confucian rite, the li. However, when the Han Confucians explained the problem, they emphasized the unity of rite and law and recognized that both are means of governing the country. In this manner, the once antagonistic Confucianism and Legalism became two tools in the hands of the same feudal ruler. Under the control of the unified regime, each plays its different functions and actively serves the regime. A concrete manifestation of this conformity is the political phenomenon called "Overplaying Confucianism, Downplaying Legalism" (阳儒阴法) or "Outside Confucian, Inside Legalist" (外儒内法). In this way of governing, the rule of law always plays a practical role rather than a Confucian rite. This is the system of the Han dynasty and is also a basic ruling model of the Chinese political rulers in the following 2000 years²⁰⁶.

Without a doubt, the idea of "great unification" that originated in the Gongyang Commentary is another attractive point for the Han rulers. The "great unification" has two characteristics; the first is to take the monarch as the core of governance and to carry out territorial conquest within the reach of power. In terms of political power, local governments are not allowed to enjoy autonomy. As stated in "Book of Rites·Fang Ji" (礼记·坊记): "There are no two suns in the sky, no two kings

²⁰⁴ Initially this crime was an expanded version of a crime called “defamation” (诽谤之罪) which originated in the Qin dynasty. It was about verbally criticizing or expressing personal dissatisfaction with the policy of the emperor or his officials). It was something visible. However, the Han Dynasty upgraded it to a disastrous level. Even if someone didn't do or said anything, but it is just some people speculated that there are certain thoughts in his/her mind that makes the ruler unhappy then he or she would be killed.

²⁰⁵ 王宏斌 and 韩非, 中国帝王术, Wang Hongbin and Han Fei, Chinese Imperial Art, 110–12.

²⁰⁶ 王宏斌 and 韩非, Wang Hongbin and Han Fei, 148.

in the earth, no two heads in the family, and there is only one highest authority. This is to show the people that there is a difference between ruler and subjects."²⁰⁷ This will inevitably lead to the absolute supreme status of the monarch. Second, they strictly adhere to “the distinction between Huaxia and barbarians” (华夷之辨), and advocate “to value Huaxia and despise barbarians” (贵中华、贱夷狄). It plays up the banner of “respecting the king and repelling barbarians” (尊王攘夷), resists the influence of non-Huaxia ethnic groups and denies the legitimacy of “barbarians” ruling China, and even regarded the others as beasts. With the progress of history and the integration of different nations, the concept of “great unification” has not changed, yet “the distinction between Huaxia and barbarians” has gradually loosened. However, it has to be mentioned that this distinction was not changed until the “barbarians” were assimilated into the Huaxia civilization politically and culturally. Furthermore, as it will be subjected to the discussion in another chapter, the Huaxia-Barbarian distinction finally serves to the great unification ideologically, ethnically, and territorially. As the Confucian idea practically depends on the Legalist method in its realization process, “the great unification” provides a philosophical base for the Huaxia assimilation policy towards non-Huaxia nations.

Since the Confucian Rite and Legalist law became two sides of the same coin, the sanctioning power of the law became a tool for maintaining Confucian rituals. It turned out that what conforms to the rite is legal, and what does not conform is illegal. The implementation of heavy punishment is also an important feature of the Huaxia legal system even though rulers coming after Han Wudi claimed they are in favor of the merciful slogan of “Morality-Guiding and Punishment-Supplementing” (德主刑辅), it has never faded away. As already indicated, this is what Han Fei and other Legalist thinkers advocated, and it was not completely buried with the collapse of the Qin Dynasty. In like manner, despite Han Wudi officially setting Confucianism as the only state ideology, he still remained one above the law like Qin Shihuang. This phenomenon was not only restricted to these two, but subsequent Huaxia emperors also were the highest legislators, and the right to approve laws was/are in their hands, the emperor's will is the law, and their words and deeds are always more powerful than the law.

²⁰⁷ 孔颖达：《礼记正义》卷五一《坊记》，《十三经注疏》整理本，Kong Yingda: "Book of Rites and Justice" Volume 51 "Fang Ji", "Thirteen Classics Commentary" Compiled Edition, 1639,1652-1653

From the Qin dynasty to the present, the laws of the successive dynasties inherited Han Fei's idea of strengthening ideological autocracy and the codes of these authorities have put the maintenance of the imperial autocracy or the interests of the leadership in the first place. Thus, they even stipulated various penalties for restricting the freedom of thought and speech. For instance, Qin dynasty punished people for verbal dissatisfaction while the Han dynasty killed citizens for alleged complaints in their minds. Likewise, during the period of the Wei and Jin dynasties crimes of inappropriate words were invented. The words that are spoken by people to express their thoughts can be used as the basis for crime. Naturally, writings, articles, poems, letters, calligraphy, and paintings are easily suspected of a "crime of defamation", and "unspoken dissatisfaction". Almost all Huaxia dynasties basically implemented literary inquisition, and the contemporary Peoples' Republic of China is no less tough than the previous Huaxia regimes in this aspect. The most recent example can be the mass detention of Uyghur intellectuals, writers, poets even singers, such as famous thinker Abdukadir Jalalidin, a well-known editor and critic Yalkun Rozi, and outstanding poet Perhat Tursun since 2016. Every time they punish, including torturing, imprisoning, and executing, not only the author himself/herself but also his or her teachers, friends, printers, and distributors²⁰⁸. The ideological and cultural autocracy has seriously hindered the diversified development of Huaxia culture. All these profound ideas are rooted in the philosophy of Legalist representatives such as Shang Yang and Han Fei and hybrid Confucians like Su Shuntong and Dong Zhongshu.

Even though the Legalist method of governing was actively used and even developed throughout history, rulers always claimed themselves as a follower of Confucianism. Except for the Confucian philosophy providing legitimacy for the supreme position of the emperor and their desire for the centripetal political system by advocating "great unification", another reason for always insisting their loyalty to this philosophy is the bad reputation of Legalism. The representatives of Legalism advocated naked violent rule, and their names are easily connected with the tyranny of the Qin dynasty and the inhumane and extremely harsh management ideas and methods of Shang Yang, Han Fei, and Li Si. What is more, Confucianism after the Shu and Dong is intertwined with

²⁰⁸ 王宏斌 and 韩非, 中国帝王术, Wang Hongbin and Han Fei, Chinese Imperial Art, 170–71.

Legalism, and Legalist tactics could be found under the Confucian paradigm. The last factor worth observing deeply is the change in the relationship between Confucian ideology and imperial power. Shu and Dong developed Confucianism not to make the ruler sage and benevolent as Confucius and Mencius advocated in the pre-Qin era, but they upgraded Confucianism in order to bolster the reign of the Han emperor. In other words, it was guidance for the ruler in the Warring States period, yet after the Han dynasty, it was changed to the set of ideologies to make consensus with or even serve the ruler in practice. Zhang Taiyan, the famous representative of the Legalism in 20th century, condemned Dong by saying changing the codes of Legalism according to the will of the emperor in this regard²⁰⁹.

From the Han dynasty to today, Huaxia territory was controlled by many polities and numerous politicians and philosophers attempted to create different political philosophies and administrative methods. However, every single dynasty or party that was able to unify the entire Huaxia region concentrated power on their hand and asked scholars to develop a theory and ideology to serve the authority as happened in Qin and Han dynasties. Since the Legalist style of autocracy controlled everything in the territory and does not allow development of independent inquiring and the creation of objective political philosophy, scholars find themselves in the everlasting cycle of developing ideology for the ruler. In the long course of Huaxia history, Confucian scholars frequently indulged in the wave of political turmoil and dedicate themselves to the salvation of the world. However, as well-known contemporary Chinese philosopher, Liu Zhihua said in his masterpiece *History of Chinese Political Thought: Volume of Sui, Tang, Song, Yuan, Ming, and Qing*, every emerging trend of Confucianism starts with the idea of a "savior", but it is destined to go to its opposite in the course of history²¹⁰. Thus, the Han style of "Overplaying Confucianism, Downplaying Legalism" governing style could not be able to change.

Legalist characteristics of Huaxia polities have never been eliminated and mostly have been covered and turned invisible with exception of social and political turmoil. The power of Legalism was manifested in various aspects in various periods of time in Huaxia history. As Dennis

²⁰⁹ 王宏斌 and 韩非, Wang Hongbin and Han Fei, 221.

²¹⁰ 刘志华, 中国政治思想史(隋唐宋元明清卷) (浙江人民出版社: 1996). Liu Zhihua, *History of Chinese Political Thought* (Sui, Tang, Song, Yuan, Ming and Qing volumes) (Zhejiang People's Publishing House: 1996).

Bloodworth and Qing Ping Bloodworth stated in their research called *Chinese Machiavelli: 3000 Years of Chinese Statecraft* when power competition happened, Legalism inevitably step forward without the Confucian coat and plays a decisive role. Ideology and practice of political figures and rulers such as Cao Cao (曹操, 155-220), Wang Meng (王猛, 325-375), Liu Zongyuan (柳宗元, 773-819), Wang Anshi (王安石, 1021-1086), Zhu Yuanzhang (朱元璋, 1328-1398), Zhang Juzheng (张居正, 1525-1582), Mao Zedong(毛泽东, 1893-1976), and Xi Jinping (习近平, 1953-) can be a salient example for this. In times of social turmoil and social need for change, the political figures who advocated Legalist doctrine were repeatedly summoned to the foreground of the historical stage for performances. Or, when the social and political revolution happened and was about to bring political and social transformation as what happened in Europe with the wave of the Renaissance to the French Revolution, again, politicians and philosophers who were in favor of Legalist authoritarian centralism and supporters of "Great Unification" were terminated the revolution before it brings new change. That is to say, although there have been quantitative changes in the development of Huaxia history, the fundamental change did not happen. The power gap between the regime and citizens has never been narrowed down due to the Legalist zero-sum game mentality in Huaxia polities. The absolute authority of the dynasties and regimes has always successfully crushed any challenges aimed to bring new ideologies, political systems, and social change. Buddhism, Communism, and capitalism are the most tangible foreign ideas from non-Huaxia societies. However, as Confucianism made consensus with Legalism, all these foreign ideologies reconciled with hybrid "Confucianism" and made them serve to the power centralized political regime.

Based on the Qin-style political system, a long administrative tradition invented by the Han dynasty through the combination of Legalism and Confucianism generated the odd political system called "Outside Confucian, Inside Legalist" by many Huaxia intellectuals. Starting from opposing to acknowledging the role of each other, two political thoughts became the two sides of the same coin. While pre-Han authorities openly favored Legalism, regimes since Han continued to apply it by covering with Confucianism. In this regard, the great poet Su Dongpo (苏东坡, 1037-1101) of the Song dynasty said, " Since the Han dynasty, scholars have been ashamed to talk about Shang Yang and Sang Hongyang. The monarchs, however, were all taboo to mention Shang Yang's name

on the surface, but they used their theoretical methods secretly."²¹¹ Tan Sitong (谭嗣同, 1865-1898), a modern reformist, also said "the two thousand years of politics are the politics of Qin dynasty, all the robbers; the two thousand years of learning are Xunzi's theory²¹²." Mao Zedong also commented that "rulers of the all dynasties implemented the political system of the Qin dynasty²¹³." Wang Xiaobo (王晓波, 1943-2020), a Taiwanese scholar, a researcher of Chinese philosophy, and a former teacher of the Department of Philosophy at National Taiwan University, also said in his article published on the academic web called China Sinology Web (学国学网) "Downplay Legalism, Overplay Confucianism" is the mainstream of Chinese culture²¹⁴.

As a management ideology, Legalism was publicly praised during the time between the Warring States period and the Qin dynasty. It continued its existence in the Confucian coat until the 1830s when the Manchu Qing dynasty was forced to open its gates to the foreign world due to the power of Western cannons. That was the time many Huaxia scholars and politicians began to openly advocate Legalism and blame Confucianism. This was called the second wave of Legalism by contemporary Huaxia scholars like Yu Zhong (喻中), a Professor of Law School of the Capital University of Economics and Business. Then Mao Zedong openly expressed his favoritism towards Legalism and bias against Confucianism. Today Xi Jinping, put forward the discourse of "governing the country by law" (依法治国) while concentrating the power of the Peoples Republic of China and leading the country into the authoritarian path. This paper called this the "third wave of Legalism" and the next sections of this chapter try to shed light on these two themes.

²¹¹ See 苏东坡, 司马迁二大罪, Su Dongpo, Sima Qian's Second Deadly Crime

²¹² 高旭东, "谭嗣同在新体诗与传统诗之间的徘徊.", Gao Xudong, "Tan Sitong wanders between new style poetry and traditional poetry."

²¹³ 江凯波, "毛泽东诗词全编鉴赏," Jiang Kaibo, "Appreciation of the Complete Collection of Mao Zedong's Poems," 5-6.

²¹⁴ "'阳儒阴法'是中国文化的主流 – 国学网." "'Yang Confucianism and Yin Law' is the mainstream of Chinese culture – Guoxue.com."

2.2. The Second Wave of Legalism: Inclination from Huaxia Legalism to Western Legal Governing System

Since the 1830s, the Qing government found itself unprecedented crisis in both domestically and internationally. For the first time in its history, the Huaxia civilization was attacked by the “barbarians” not familiar with them. The dynasty became a big cake to share among Western countries and Japan. Social and economic corruption and technological and military backwardness made the Qing dynasty unprecedentedly weak before the Western aggression. These countries defeated the Manch empire completely with a handful number of troops and forced it to sign unfair treaties that it to lose its sovereignty to large extent. The Yuan Mingyuan (圆明园), the main imperial residence, was collectively plundered by the eight most powerful countries of the time. This was followed by uninterrupted, large scale and consecutive uprisings such as the Heavenly Kingdom of Great Peace (1851-1864), Hui Muslim Rebellion (1862-1873), and Boxer Uprising (1899-1901). The government invested almost all military power and economy to pacify them. The inner war left destruction, hunger, hatred, and separation behind it. The crisis of the Qing dynasty itself, the social turmoil from the resistance of various nationalities, and foreign invasion were in fact about to make the country paralyzed. The general trend of reunification has passed and the "all under the heaven " regulated by the tributary system has become a "heaven for all" where powers compete for natural selection and the fittest survive.

All these problems once again lead people's attention to reality. The increasingly intensified social contradictions are calling for new political thinking, and the ruling class is also eagerly seeking ways to save the “all under the heaven”, demanding the production of an ideological weapon that can more effectively strengthen the state power against both rebellions and foreign powers. Both top officials in the palace and scholars and thinkers among the people agreed on the idea of changing the system of the dynasty. However, there are disagreements on carrying on reformation or revolution. Whether it is advocating reformation or voicing a revolution to overthrow feudal autocratic rule, elites had raised the issue of learning from the West to varying degrees on the one hand, and on the one hand, they beg for the help of traditional Huaxia thought.

For many thinkers, the crisis in which the Manchu dynasty was trapped resembled the pre-Qin warring states period and they need to find something to end this turmoil and humiliation. The air of inevitability made the Huaxia academy and bureaucracy a boiling pot that different ideologies, paths, and methods had been fiercely discussed. By examining the issue from the dimensions above, the general atmosphere of this period really looks like the socio-political crisis in the Warring States period. To put it in the words of Chang Yansheng (常燕生, 1898-1947), the famous Han thinker, statesman, and one of the leaders of the Youth Party of China, who lived in the first half of the 20th century, China has been in the "New Warring States period" since modern times²¹⁵. Thus, a bunch of elites carried out contemplation in the framework of the pre-Qin period. Confucianism, Legalism, rule by man, and rule by law, the Confucian idea of "the three generations", unification, and democracy became the terms they had always been circled around.

To go back a little, the scholar-bureaucrats had warned the dynasty about the decaying of the empire at the beginning of the 18th century. They all believed that the root of decay lies in the supreme power of the emperor and the enormous power gap between the ruler and subjects. In their opinion, the salvation of "all under the heaven" depends on the self-cultivation of the Manchu emperor. Insisting on seeking a way to save the world in the Confucian classic Commentary of the Gongyang, these scholars see the ruler as the most important factor in the political structure. For instance, during the Qianlong period, Liu Fenglu (刘逢禄, 1776-1829) and Song Xiangfeng (宋翔凤, 1776-1860), the grandsons of the famous Confucian scholar Zhuang Cunyu, alerted the coming decline of the dynasty, and highly praised Commentary of the Gongyang and suggested that it is a classic that can save the chaos of the world. By following the Confucian hierarchal order, they put forward the idea that rectifying the top to pacify the bottom. Liu Fenglu, in this regard, stated the idea that rectifying the Huaxia in order to overthrow the barbarians, rectifying the capital to rectify the Huaxia, rectifying the officials to rectify the commoners, and the key to politics is to rectify the emperor's capital first. That is to say, the only way to save the world from chaos and achieve great unification by rectifying the world is to rectify the supreme ruler himself. Gong Zizhen (龚自珍, 1792-1841), a famous thinker, pioneer of reformism, and secretary of the cabinet, also hold

²¹⁵ 程燎原, "常燕生的 '新法家思想,'" 南通大学学报: 社会科学版 33, Cheng Liaoyuan, "Chang Yansheng's 'New Legalist Thought,'" Journal of Nantong University: Social Science Edition 33, no. 3 (2017): 40.

the same idea and saw the deteriorated ruler-subject relation caused by autocratic behavior and unlimited power of the Huaxia emperor as the main reason of declining. From their perspective, the orthodox Confucian way of governing, the sage and benevolent ruler was the solution to this problem and Gong Zizhen was in the favor of reformation in the palace.

However, interaction with the West offered Qing scholars and officials the window to see the more technologically advanced and civilized world. The Qing dynasty, like previous Huaxia dynasties, had been claiming herself as the center of the world and civilization, saw a really superior civilization in almost all aspects for the first time in the history of the entire Huaxia civilization. Dozens of Western warships with a few thousand soldiers inflicted a heavy defeat on the great Qing empire which was the owner of millions of population with a very strong economy. Getting tired with various social turmoil and bureaucratic bankruptcy, the Manchu dynasty failed to respond to the Western bully. This was when scholars and bureaucrats seriously started to question the long – lasted political system, which included the orthodox Confucian way of governing. Many elites see how the West is militarily strong and economically prosperous and how the Qing dynasty is weak before the West in both dimensions. This confrontation provided an opportunity for Qing elites to compare two different systems and philosophies, a more specifically centralized autocratic system based on Confucianized Legalism with the liberal democratic system depending on capitalism and individualism. Furthermore, thanks to the interaction with the West, the Qing consulates and students got the experience to see the Western political system and social life. Most of them saw three important things which were believed to not exist in the Manchu Qing dynasty at that time. They are military power, a strong economy, and fair law. Contrary to seeing Confucianism as a messiah, this time Confucianism was regarded as the main reason for backwardness and defeat. Legalism, however, was started to be openly praised and seen as the most effective ideology that could provide power for ending socio-political turmoil and maintaining social order inside the country, and making the Qing strong enough to compete with the West outside. Legalist motto of building a strong army and prosperous economy (富国强兵) and “ruling by law” was what Qing diplomats and scholars eagerly wanted and what they saw in the West.

As a major school in the pre-Qin period, Legalist thought, which helped the State Qin to end the long-lasting political crisis and complete the great cause of unification, began to attract elites' attention and very soon formed a trend of the Second Wave of Legalism in the ideological world. Criticizing Confucianism, admiring the West, and advocating Legalism became the main trend. Reviving the Legalist governance methods was started among the statesmen at first and rebellions across the country became the main catalyst. Highhandedness, cold bloodiness and pragmatism were the main aspects that made them admire Legalism. It was reciprocal action with the West that Legalists thought was legitimated by the scholars and reformists and these two developments finally formed the wave of Legalism during the late period of the Qing Empire. In the first step, mainstream scholars, officials, and generals like Wei Yuan (魏源 1794–1857) Yan Fu (严复 1854-1921), Zeng Guofan (曾国藩 1811–1872), Wang Shiduo (汪士铎 1802–1889), Liang Qichao (梁启超 1873-1929), and Tan Sitong either clearly supported Legalism as a whole or eagerly praised the Legalist discourse of governing the state by law.

Wei Yuan, an enlightenment thinker, statesman, and writer of the Qing dynasty, witnessed the humiliation of defeat in the Opium War and the scandalous surrender of the Qing government with his own eyes. He believed that only by enriching the country and strengthening the army can resist foreign aggression. To resist foreign aggression, it is necessary to reform internal affairs and change the clan law of Confucianism. He rebuked those Confucian scholars who opposed the reforms as "mediocre Confucians" who only read Confucian classics yet misled the world. As to the wang dao (王道), the kingly way of governing, and ba dao (霸道), the tyrannical way of governing, which are the controversial topic between the Confucians and Legalists, Yan Fu argued that pursuing wealth and power may not be in line with the king's way, but without wealth and power, rich economy and a strong military, the ideal kingly politics cannot be achieved²¹⁶. While Confucians always praise the pre-Qin three dynasties as an ideal government, following the footsteps of the Legalist theory of evolution, Wei Yuan stated later dynasties installed more humanistic and developed societies by carrying out various reformations and changes. He said that there is no need to deceive people with hypocritical Confucian benevolence and righteousness,

²¹⁶ 喻中, 法家的现代性 (北京: 法律出版社, 2018), Metaphor, the Modernity of Legalism (Beijing: Legal Press, 2018), 125.

and to govern the country should implement the Legalism of Shen Buhai and Han Feizi. However, in terms of using Legalism, he highlighted not to take draconian methods²¹⁷.

Zeng Guofan, one of the four famous ministers in the late Qing Dynasty, a military strategist, a thinker, a diplomat, and the founder and leader of the Hunan Army, was a miscellaneous master of Confucianism with the possession of ancient and modern Chinese thoughts. In his view, the common people should be treated with the method of the Legalist Guanzi and Shang Yang, and the chaotic people should be severely suppressed. He advocated severe punishment and inhumane law, saying that more pardons cannot govern the people, indulgence cannot govern the family, and tolerance cannot govern the army. He also said that Guanzi and Xunzi all took severe punishment as the right thing to do. He inherited the extremely cruel and violent thoughts of the Legalists. In July 1864, his army broke through Nanjing. In one day, more than 100,000 people were killed, and the Qinhuai River was full of corpses. On another occasion, he arrested and killed people indiscriminately when he was supervising the group training, and widespread anger was aroused among the people. Some local officials were dissatisfied with his violations and requested his impeachment. But he defended himself that all his actions were for the sake of good people's lives.

Zeng has a more radical and extremist counselor, who extremely admires Hanfei²¹⁸. His name is Wang Shiduo and he helped Zeng Guofan with making strategies for the war against rebellions, Taiping Uprising is one of them for instance²¹⁹. He used to be a Confucian believer who love to read the scriptures, but when the Taiping Rebellion was up, he turned into a fan of Han Fei. In 1859, he went to Hubei to recruit troops for famous general Hu Linyi and met Zeng Guofan. He advised them on suppressing peasant uprisings. Zeng, Hu obeyed his words and saluted him. He hated the rebellions deeply when the Taiping army occupied Nanjing City. In his opinion, if there is a monarch in the world, there should be no more people to rebel against him. Rebellions are just chaotic ministers and thieves. He regarded peasants and workers as the source of chaos, so they have to monitor closely. He said the Qin dynasty was built under the leadership of Qin Shihuang

²¹⁷ 王宏斌 and 韩非, 中国帝王术, Wang Hongbin and Han Fei, Chinese Imperial Art, 205.

²¹⁸ 王宏斌 and 韩非, Wang Hongbin and Han Fei, 206–7.

²¹⁹ 张鑫洁 and 二月河, “汪士铎与曾国藩交游研究,” 求是学刊 44, Zhang Xinjie and Er Yuehe, "Research on the friendship between Wang Shiduo and Zeng Guofan," Qiushi Academic Journal 44,no. 6 (2017): 128–36.

and great effort of military generals such as Bai Qi, Wang Jian, and Zhang Han, yet the little penniless rebellions wiped out everything. For him, violence and brutality can win the country and kindness will lose it. Being brutal and cruel has nothing to do with going against people's hearts and minds. The decline of the country is not due to corrupted rule, but because the emperors of later generations are too merciful. He opposed the Confucian kingly way and benevolent government and advocated the brutal massacre of the insurgents without showing any signs of mercy. He highly approves the administrative method of the Qin state during the Warring States period. His explanation for the reason of poverty and turmoil in China is very unusual and not surprisingly the solution for it is more extreme and horrific too. The cause of poverty, according to him, is too much population, so the solution is to wipe out 70%-80% of the them. The specific measures to eliminate the population are: doubling the tax on women and promoting the practice of female infanticide. In this way, the poor cannot adopt daughters, and they cannot marry, so the population will naturally decline. There are also welcoming widespread epidemics of the plague in this respect. Furthermore, building nunnery monasteries and virgin nunneries; advocating the early death of women also could be a good method. In order to control the population, his philosophy targeted the children as well and advocated strict enforcement of the criminal law for women and children. The criminal law should be based on an adult at the age of 13 and if one commits a crime over the age of 13, he himself should be punished; if it is under the 13, his relatives should be treated as guilty. If a person commits a crime of execution, his mother and son will be executed, and his father will be hanged²²⁰. This is pure collective punishment and it is what Legalists favored most.

Another important figure during this time is Yan Fu, an Enlightenment thinker, famous translator, educator, and representative of the New Legalists. He served as the head of the Beijing Normal University Translation Bureau, the principal of Shanghai Fudan University, and a lecturer at the Beiyang Naval Academy. He is one of the important representatives of the bunch of elites who were seeking truth from the West. His main contribution is the enthusiastic propaganda, introduction, and translation of Western bourgeois ideology and culture. At the same time, he kept citing the ideological theories of various schools in ancient China, comparing and

²²⁰ 王宏斌 and 韩非, 中国帝王术, Wang Hongbin and Han Fei, Chinese Imperial Art, 208–10.

verifying them for the purpose of finding the truth to save the country and the people. In the beginning, he did not stand in any position of Confucianism and Legalism. He not only opposed Mencius' view of righteousness and interests but also criticized the Qin dynasty's Legalist system. He said that Mencius put righteousness and benefit in the opposite position, emphasizing benevolence and righteousness to rejuvenate the country, and opposed the monarch's words of benefit, thus bringing disaster to the country for thousands of years. He also said that although Li Si persuaded the monarch to govern the country with the law, and the Qin dynasty also had legislation, that was an autocratic law. Although there are laws, the monarch is above the law. In this way, the law has become a weapon of the autocratic system. From his perspective, this is the reason why China has risen and fallen for thousands of years. However, after the Xinhai Revolution of 1911, what he saw was the separatist regime of warlords and political chaos. At this time, he became an enthusiastic advocator of Legalism and repeatedly said that the world needs to be determined by autocracy. Politically, he supported Yuan Shikai to proclaim himself emperor and establishing an autocratic regime. He opposes democracy, advocates restoration of the monarchy, admires Machiavelli, fantasizes about strongman politics, and hopes that a powerful figure will appear in China and restore order... The phenomenon of maintaining a neutral position between Legalism and Confucianism to becoming a fan of Legalism is only explained by the rapid change in the socio-political atmosphere in the Huaxia realm. This leads us to the explanation that, for Huaxia elites, Legalism is the administrative method openly played during the period of chaos, or the time when they think it is chaotic and problematic, and diagnosing the condition of the society always remains very subjective.

Liang Qichao is one of the famous scholars who systematically study the historical influence of pre-Qin Legalism. He wrote many research works on this subject. In his own works, he praised the development of ancient Huaxia jurisprudence. On the other hand, he received the influence of Montesquieu, so he believes that the existence of law and the development of law are the signs of human beings and beasts, civilization, and barbarism. Starting from this understanding, Liang Qichao further pointed out that the reason why Western countries are prosperous and strong is because they attach great importance to the construction of the legal system; the reason why China is poor and weak is because of the rule of man and the contempt for the rule of law. He said that although society has progressed and complicated since the Qin and Han dynasties, the law has

never been developed. This is not the case in Western countries. Since ancient Greece and Rome, scholars of the rule of law have followed the same track and have been the most developed in the past hundred years. They have a developed legal system, so the monarchs and ministers of the whole country have clear authority, discuss and handle affairs, and gradually become a civilized country. In this case, if China competes with the West, China naturally will lose. Therefore, if China wants to survive and strengthen itself, it must strengthen its legal system. Only by taking the rule by law as the only way to save the world today can we save China²²¹. In his view, the doctrine of salvation in the Warring States Period was only the Legalism and it definitely can be a savior again. Liang compared the Legalist slogan of rule by law developed by Guan Zhong, Shang Yang, Li Si, Han Fei, etc, with the Western legal system which is based on the philosophy of Montesquieu, John Lock, and others. Having said all these, we should not ignore his criticism and advice on Legalist practice. He condemned the Legalist practice of depriving people's right to participate in the legislation process. He advised correcting this mistake and then pre-Qin Legalism could be the best way of governing.

Confucian scholar-officials who arrived in the West also praised the political system of the West, yet from a different perspective. Almost everyone felt that the Western countries were really a country of etiquette, their internal affairs were benevolent, and their countries were very kind to the common people. As early as 1843, not long after the end of the Opium War, Xu Jiyu (徐继畲 1795—1873), One of the pioneers who opened their eyes to the world in modern China, a famous minister in the late Qing dynasty, began to introduce the Western system, and praised it a lot, saying that the United States implemented an electoral system and the method of election was almost universal. He also added that the Western governments have brought together country gentlemen (乡绅). These gentlemen don't listen to the emperor, they just act for the benefit of the country and dedicate their lives to the sake of the people. It is quite interesting that, at that time, "Parliament" translated into "the House of Gentlemen" (乡绅房). It is believed that this is like the period of three generations of legendary Yao, Shun, and Yu in ancient China. In the eyes of Confucian scholars and bureaucrats, the period of "three generations" was an ideal period that they want to get back. Guo Songtao (郭嵩焘 (1818—1891), the first Chinese ambassador to Europe,

²²¹ 喻中, 法家的现代性, In the metaphor, the legalist modernity, 19.

politician, strategist, diplomat, and reformer, also praised the Western system from the perspective of Confucius and Mencius and said the West is the rule of sages. Confucian scholars in the late Qing dynasty found a fulcrum of benevolence and righteousness, and that was the West²²².

Whether they were fans of Legalists or Confucians who saw the legendary period of three generations in the West, they all want to import Western products to China, and of course, it was something that had to happen after the country's door was opened. However, it is not something in their mind that directly put the Western suits and ties on China's body, but borrowing the mind of the designer to obtain new insights and new interpretations for traditional Huaxia clothes. In fact, Western weapons put the Huaxia military generals shame, while the interaction with Western philosophy and ideology inspired scholars to discover its Huaxia counterparts and be proud of it. In Liang Qichao's *Biography of Guanzi* (1909), he claimed that the governance techniques that Europeans and Americans rely on, such as national ideas, the spirit of the rule of law, and economic competition invented in China a long time ago²²³. This, in fact, relieved the pressure and inferiority complex that originated from the attack of Western weapons and ideologies. Along with the introduction of Western legal and political thought, the idea of the rule of law had always been the standard and resource for Chinese scholars to build a strong and modern state. To Legalist scholars, this movement encouraged them to discover the original ideas and contributions of pre-Qin Legalism. Rather than totally blaming and abandoning traditional thoughts for the backwardness, they felt they found local ideological and cultural support for the construction of a modern country ruled by law.

In the field of international relations and political competition, the powerful West made the Middle Kingdom realize they are only a part of human civilization, and there is no exist such tribute system that the “barbarians” always accept the superiority of the Huaxia emperor. The devastating defeat inflicted by the European and Russian empires, the United States of America, and Imperial Japan shocked the Qing elites that they realized they are in an international system

²²² 秦晖, 走出帝制: 从晚清到民国的历史回望 (北京: 群众出版社, 2015), Qin Hui, *Out of the Imperial System: A Historical Review from the Late Qing Dynasty to the Republic of China* (Beijing: Mass Publishing House, 2015), 233–40.

²²³ 程燎原, 重新发现法家, 1 edition (北京: 商务印书馆, 2018), Cheng Liaoyuan, *Rediscovering Legalism*, 1 edition (Beijing: The Commercial Press, 2018), 112.

consisting of equal states that were hostile to one another, which is again similar to the pre-Qin seven states in the Warring States period. Even though, what Huaxia polities had been practicing since the Han dynasty was governing model that was formed by mixing Legalism and Confucianism. They believed that a hybrid political system was the main cause of backwardness, corruption, and defeat. Many of them wanted to take the Confucian clothes off the Legalism and shine it as it was in the State of Qin branded during the Warring States period. It is also crucial to keep in mind that the ideological resources and conceptual tools that each era relies on have a strong influence on the way of thinking of the people. People not only rely on these resources to think, organize, and construct their life world but also use them to interpret the past, design the present, and imagine the future. What Chinese people at that time were affected most is the ideological wave and political system of imperial Japan and the West and what was common for these countries were strong military power, a developed legal system, a prosperous economy, and ideological nationalism. More importantly, that was the time of the modern state and all these have many similar aspects to the Legalist motto, at least according to the defenders of Legalism.

It is very interesting that academia and bureaucracy hold different attitudes towards Legalism even if both advocated it. We may say this is the difference between practice and theory as always shares divergence. Statesmen, such as Zeng Guofan and Wang Shiduo more inclined to the pre-Qin and Qin style of Legalism, while scholars tried to be objective and analytical despite they were also great fans of the same thought. Liang Qichao for example, showed the practical drawbacks of Legalism even if he saw this ideology as a Messiah. As will be discussed below, the academic realm, particularly just after the Hundred Days' Reform or Wuxu Reform (1898), approached and praised the Legalist from the perspective of ruling the country by law, rather than Confucian ruling by man. Even they tried to add new interpretations and corrections. As suggested above, they criticized carrying on cruel punishment and using the law as an instrument. Deng Shi, who advocated the revival of Chinese learning, even believed that Western learning was mostly in line with the pre-Qin scholars.

The collapse of the Manchu Qing Empire worsened the situation furtherly. The entire Huaxia territory turned into a battlefield where local warlords and foreign countries fight each other for their political interests. Likewise, the scholarly debate revitalized as it happened in the Warring

States period thanks to the falling of the centralized political body that surveillance almost everything. Modern scholars got a chance to express their ideas freely and to conduct studies independently. The free scholarly atmosphere and national crisis resulted in born of an increasing number of outstanding scholars with brilliant ideas. Legalism started to gain more legitimacy and that was the second phase of the Second Wave of Legalism. In this phase, they were the scholars, rather than officials or statesmen, who defend Legalism and produced more arguments. The Legalist movement in this period differentiated itself from former Legalist defenders by advocating the very important principle which is the equality of everyone before the law. This is kind of sincere movement that aimed to create a Western-like constitutional government by mixing local Legalist thought with the Western legal system. Representatives of the Neo-Legalists in this period include Chen Qitian (陈启天, 1893-1984), Chang Yansheng, Zhang Taiyan (章太炎, 1869-1936), Liang Qichao (梁启超, 1873-1929), Liu Shiwei (刘师培, 1884-1919), Shen Jiaben (沈家本, 1840-1913), Chen Duxiu (陈独秀, 1879-1942) and so on. Although the themes are different and their viewpoints are not unified, they all agree with the traditional Legalist theory and positively evaluate the characters and thoughts of Legalists. Thinkers like Chen Qitian and Chang Yansheng directly used the banner of "Neo-Legalism". In his writings, Chen Qitian pointed out that modern China was in the "New Warring States period", and from the standpoint of nationalism, he pointed out that China in such a crucial time should the Legalist thought should be adopted, and only this way could it be possible to save the nation and survive.

That is the period of awakening Asian nationalism and they tried to find "treasures" in their traditional culture to satisfy themselves and their nation is great. In 1905, Indian nationalists rediscovered the Arthashastra, a manual on statecraft written by Kautilya, an adviser of Chandragupta, the first king of the Maurya Empire. The management advice given to the king is quite parallel with the Book of Lord Shang and Han Feizi. The Arthashastra also instructs intimidating the people and argued that it is better to be feared than loved. Similar to Hanfei and other Legalists Kautilya also advocates lying and deceiving, torturing, imprisoning and punishing friends and family members. The rediscovery of the new administrative style generated a sensation and Indian nationalists, a proponent of the military fight against British rule, strongly appreciated

it²²⁴. Just as the Legalist ruling method was believed to be more scientific and secular by both nationalists and Communists, the Arthashastra was also highly praised due to its secularistic nature.

Zhang Taiyan is a modern Chinese bourgeois democratic thinker and a master of Huaxia classics. The first ten years of the 1911 Revolution were a period of turbulent revolution in China and during this period Montesquieu's separation of powers, Rousseau's social contract theory, the philosophy of Bacon and Descartes, and other progressive Western ideologies spread rapidly and became popular in this tattered land. Like Liang Qichao, Zhang Taiyan made positive comments on Shang Yang, Han Fei, Qin Shihuang, and others from the perspective of the rule of law. He said that Legalism does not merely study law itself, but advocates law as the fundamental principle of the state. As to those who blamed Shang Yang, and Han Fei for the harsh punishments and inhumane torturing methods of the Huaxia Dynasties, Zhang Taiyan said that these two issued the laws in order to adapt to political reforms and the purpose is to maintain social stability with harsh punishments. It is precisely because of this that the Qin state became prosperous and strong, he added. He praised the Qin dynasty's employment methods and its practice of Han Fei's proposition. Zhang argued that Qin Shihuang always rewarded Li Si, Wang Jian, Meng Tian, and other capable generals and minister, and never killed anyone who made a contribution to the state. Regarding the reasons for the collapse of the Qin dynasty, he firmly rejected the argument that pointed to Legalism as a reason. On the contrary, the real reason is that Hu Hai, the son of Qin Shihuang, failed to implement the established law. His analysis of the demise of the Qing dynasty was intended to illustrate the relationship between law enforcement and the consolidation of state rule, in order to demonstrate the necessity of the rule of law. He also attacked the Confucian discourse of the "punishment is not for the aristocrats", saying that the self-conspiracy of meat-eaters violates the principle of social equality. He also criticized Dong Zhongshu, the great Confucian master of the Han dynasty, for his integration of Confucian rite with Legalist law and said that Dong actually broke the codes of the law in favor of the privileged class²²⁵.

²²⁴ Erik Ringmar, *History of International Relations: A Non-European Perspective* (Open Book Publishers, 2019), 50.

²²⁵ 王宏斌 and 韩非, 中国帝王术, Wang Hongbin and Han Fei, *Chinese Imperial Art*, 221.

Through his criticism of Dong Zhongshu's reforms, Zhang Taiyan exposed the shortcomings of the past dynasties' judicial practice of not following the law, convicting based on the intention, and arbitrarily changing and interpreting the law. But like other scholars, he also disapproves of severe punishment. He severely criticized the long-standing culture of severe punishment for trivial crimes in Huaxia society. Therefore, it is worth mentioning in this respect that although he actively promoted the spirit of Legalism, he criticized the legalists who carried out cruel punishments. Thus, regarding the implementation of the legal system, he put forward several suggestions. It is roughly saying that the judiciary and legislation should be separated and be independent; laws should not be made by the government but should be discussed and formulated by intellectuals who are well aware of the benefits to the public. Once the law is established, the president cannot change it, and the officials cannot violate it, etc. However, it is very interesting that as soon as the Qing dynasty was overthrown, he gradually swayed to the right and became an advocate of absolutism. Although he still adhered to the Legalist concept, he hoped Yuan Shikai (袁世凯, 1859—1916), a militarist warlord, one who called himself an emperor by restoring the centralized monarchy system, and Chiang Kai-shek (蒋介石, 1887-1975), the dictator, to implement and improve the rule of law.

The 30s of the 20th century was another turning point in modern Chinese society. In addition to Western bullying and blind fighting among the warlords, the Japanese army started a conventional war against China on September 18, 1931, and occupied the entire Northeast region within only 100 days. Lack of unity among the militarist generals and territorial disintegration emerged as a new crisis. The desire for unification and building a nation-state strong both economically and militarily had further increased. Nationalism became a main topic among the scholars and again, they saw Legalism as the most effective ideology and method of governance to form a prosperous modern Huaxia nation-state. Chang Yansheng, the historian and philosopher, social activist, and, statesman was one of the important vanguards in this respective.

In his opinion, Chinese society is in a transitional stage from an ethnic society to a national society domestically and internationally the world is in the era of “the New Warring States”, thus the Huaxia elites should ponder on the question of which way could rescue the nation. He said in such a critical transitional period, a constructive, progressive, and positivist theory is needed to help the

natural evolution of society. Under this premise, he published an article titled "Rejuvenation of Legalist Thought and China's Way to Return from the Dead" and in the article, he said, among the inherent cultural treasure house of the Huaxia civilization, it is only the Legalism of the pre-Qin period that contributed greatly to the entire nation in the past, urgently necessary now and can point out a specific direction for the future of national development²²⁶.

He believes that the national foundation of Huaxia unification was created by the Legalists 2000 years ago. If there were no genuine politicians such as Shang Yang and Li Si, and if there were no systematic thinkers such as Shen Dao and Han Fei, Qin Shihuang's unified state would not have emerged. He always referred Confucianism and Daoism as vulgar and ugly demons who buried such great thought under the ground for 2000 years and fully affirmed Han Fei's contribution. By mentioning his master-apprentice relation with Confucian philosopher Xunzi and his governance methods inspired by Taoism and Mohism, Chang argued that Hanfei was not only a master of Legalist thought but also a figure who was a master of all ancient Huaxia thoughts and unified them under progressive Legalism, which was exactly matched with Qin Shihuang's ambitious of political unification.

As he sees it, there is no one powerful country in the world that does not gradually expand the power of state control in order to build a strong national group for foreign struggle and this is what Legalist thought pursues and advocates. He admitted not the condition of the 20th century is the same with the atmosphere of the Warring States period and it is impossible to applicate every single Legalist idea to the new era, yet what he confidently underlined and highlighted is that building a state based on the legal system, which he believed the core spirit of Legalism. On his examination, trust, and conclusion on Legalism's positive role in a such vital period of the 20th century, he said he can assure countrymen without hesitation. He is not only a scholar but an important theoretician of the Chinese Youth Party, a strong advocator of statism, and a key political figure in the Kuomintang government. From 1938 to 1945, he was elected as the 1st, 2nd, 3rd, and 4th National Political participant. In 1939, he visited Yan'an and met with Mao Zedong as a representative of the nationalist side and in May 1947, he became a committee member of the

²²⁶ 常燕生, “起死回生法家思想的复兴与中国的起死回生,” 国论, Chang Yansheng, "The Revival of Legalist Thought and China's Resurrection," Guo Lun, 1935, <https://www.chuangxinguoxue.cn/zhuzibaijia/984.html>.

Kuomintang government²²⁷. His request to strengthen the ruling power of the country is consistent with the political purpose of the nationalist faction, which is to create a basis for Chiang Kai-shek's dictatorship²²⁸.

The turbulent modern history push many intellectuals of that time to make great efforts to understand the current situation and the environment they were in and to make effective diagnoses and prescriptions for social ills. Chen Qitian (陈启天, 1893—1984) famous educator, political activist, and former chairman of the China Youth Party was another crucial figure who advocate the idea of saving the nation with Legalism. He was outstanding among scholars in modern times with his particular contribution to the systemizing of the discourse of the “New Warring States Era” and “Neo-Legalism”. He not only did profound academic research on pre-Qin schools, Legalism, Hanfeizi, and the position of Legalism from the Qin to the Qing Dynasty but eagerly studied Western philosophy and values such as nation-states, constitutionalism, and democracy. He was also familiar with various books translated by Yan Fu and various works of Liang Qichao. He was strongly influenced by Liang Qichao and said Liang was a leading figure in the Chinese ideological circle during the late Qing and the early Republic of China²²⁹. His studies on classical Huaxia thoughts and modern Western ideas and also his deep examination of internal and external crises in the particular political atmosphere led him to reach the idea that the period of Warring States come back and only Legalism would lead to end this new chaos.

He fully agrees with Qing minister Li Hongzhang's (李鸿章, 1823-1901) fundamental judgment on the current situation in the late Qing dynasty, that is, the Western powers that China encountered were "a formidable enemy that has not been seen in thousands of years. From Chen's perspective, these enemies from the West and East pushed Huaxia nation into the “New Warring States Era” and this time beginning in modern times, the territory of the New Warring States gradually expanded from Europe to Africa, the Americas, and then to Asia and East Asia. The long-standing independent and self-respecting empire or civilization could be swallowed up by foreign powers

²²⁷ 程燎原, “常燕生的‘新法家思想,’” Cheng Liaoyuan, “Chang Yansheng's 'New Legalist Thought,” 36–37.

²²⁸ 王宏斌 and 韩非, 中国帝王术, Wang Hongbin and Han Fei, Chinese Imperial Art, 225.

²²⁹ 李传利, “陈启天‘新法家’思想源起探析,” 井冈山大学学报: 社会科学版, Li Chuanli, “A Probe into the Origin of Chen Qitian's 'New Legalism,’” Journal of Jinggangshan University: Social Science Edition, no. 4 (2016): 127.

at any time as six states were exterminated by the State of Qin. He made an argument on the power struggle between the Huaxia dynasties and northern nomadic nations and stated that the internal turmoil and external threat from the non-Huaxia nations since Qin dynasty were completely different from the situation of the Western great powers' aggression. The letters are the modern states that the pattern of international relations gradually formed on the basis of the Warring States period. He summed up the characteristics of the modern state as "Internally, it implements democracy under the rule of law in order to achieve unity; internationally, it implements national statism in order to achieve development; in the substance, it adopts scientific materialist civilization in order to seek convenience; Spiritually, it is the evolutionary doctrine of the struggle of faith for victory²³⁰." He also believed that the most powerful ideas of the great powers in the "New Warring States Period", including the concepts of "state", "rule of law", and "militarism", etc., are also similar to the pre-Qin Legalist thought²³¹.

Chen Qitian believes that clarifying the basic political actors of the new Warring States period, which is the "modern state", enables us to have a clear understanding of what kind of new Warring States China should become in this era. He pointed out some differences and similarities between the two Warring States periods and as to distinctions, he mentioned the scopes, the new one includes the whole world, the old was limited to a traditional Huaxia territory; then the problems they faced are different, the "New" is foreign trouble, the "Old" was domestic turmoil; finally, the historical stage they are in also very different, in the New Warring States period is going to transform into democracy while the "Old" was transformed into a monarchy. However, when it comes to correlations firstly, they fight with each other, and each of them is seeking development, the strong bully the weak. The second is taking powerful country statism as the ideology, and adhering to the fundamental principle of taking the country as the premise. The third is to establish a state under the rule of law and lastly, through military and economic statism making enriching the country and strengthening the army a national priority²³². He said all modern states in reality are states that are ruled by law. A key problem he wanted to show is the urgency of building a

²³⁰ 白霞, "'新法家' 在近代中国崛起的原因探析," 收藏, Bai Xia, "An Analysis of the Reasons for the Rise of 'New Legalism' in Modern China," Collection, no. 0 (2011): 116.

²³¹ 程燎原, 重新发现法家, Cheng Liaoyuan, Rediscovering Legalism, 113.

²³² 陈启天, 中国法家概论 (上海: 上海中华书局, 1936), Chen Qitian, Introduction to Chinese Legalism (Shanghai: Shanghai Zhonghua Book Company, 1936), 112–14.

modern nation-state through the establishment of a democratic, constitutional, and law-based system and most importantly he underlined that the politics of the New Warring States period is the politics of democracy and the rule of law, not the politics of an autocratic monarchy²³³. In fact, this is a new political picture of China in Chen Qitian's mind and this is the political system that makes Huaxia nation competent in the New Warring States environment. It is obvious that for him Western countries are both the enemy that should be defeated and the shining city upon a hill that the political system has to be followed.

Of course, like many thinkers of the Huaxia civilization, he wants to make his nation strong and rich by combining Western form with Huaxia ideas. Thus, he spent more than 20 years studying Huaxia classical schools, especially Shang Yang, Han Fei, and Zhang Juzheng in order to find Huaxia's idea that fits with the Western form. He believed he found the way of Messiah in the treasure of the Huaxia civilization and that is Legalism and concluded that Legalist school is a kind of political science or political philosophy. Although all the pre-Qin schools are aimed at “governance”, they are not purely for politics. Only the Legalists discussed real politics and that is pure political science. For example, he argued that the value of Han Feizi in Huaxia academia is no less than the status of Aristotle's Politics in Western academic history. Without Legalism, Huaxia academics will lose the most exciting part of politics²³⁴. Chen Qitian's high evaluation of Legalist thought has its theoretical basis. First of all, he made his own research on the basic positions, political propositions, and implementation methods of the four major schools of pre-Qin Confucianism, Mohism, Taoism, and Legalism. He believes that the basic positions of the three schools are familism, cosmopolitanism, and individualism respectively and the political propositions of these three are rule by men, rule by nature, and anarchism; Only the basic position, political proposition and implementation method of Legalist thought are nationalistic, progressive, rule-based and interventionist²³⁵.

From the above, it can be clearly seen that Chen Qitian, starting from his cognition of the characteristics of the New Warring States period and the modern state, tried to revive Legalist

²³³ 程燎原, 重新发现法家, 程燎原, 重新发现法家, Cheng Liaoyuan, Rediscovering Legalism, 378.

²³⁴ 陈启天, 中国法家概论, Chen Qitian, Introduction to Chinese Legalism, 31–32.

²³⁵ 谭凯, “乱世重典: 陈启天 ‘新法家主义’ 思想平议,” 湖南第一师范学院学报 16, Tan Kai, "A Troubled Times: Chen Qitian's 'Neo-Legalism' Thoughts," Journal of Hunan First Normal University 16, no. 1 (2016): 102.

thought and borrowed the Western theory of democratic constitutionalism to create and developed a new Legalist political philosophy. As one of the main thinkers in the New Cultural Movement, he was strongly affected by the influence of Western ideology and political movements. That was the time leading Han scholars to criticize Confucianism for the backwardness of Huaxia society. It was believed that the main values they were trying to import from the West such as nationalism, constitutional government, individualism, and democracy can be found in the Legalist philosophy. For instance, nationalism was believed to be achieved by the Legalist idea of unifying the ideology and territory through the rich state and strong army while the Legalist spirit of ruling by law is considered to be the cornerstone of building constitutional government. However, it should be kept in mind that, Neo-Legalists of this period generally reinterpreted the notion of “rule by law”. Chen is one of the important scholars in this regard. He mainly defined and explained the “rule by law” in the context of the modern state and democratic constitutional politics and pointed out that the rule of law under democratic politics is not only the government governing the people but also the people governing the government according to the right and responsibility that guaranteed by law. Also, the government must organize and act according to the law. That is to say, all are equal before the law and both people and the government must also abide by law²³⁶. this is the democratic rule of law and the new definition is totally different from the idea of “the rule by law” in pre-Qin Legalist thought, which is the autocratic rule of law.

Chen can be a representative of many scholars who resembled the political situation of the early 20th century with the Pre-Qin Warring States period and came up with the idea of saving the country by reviewing Legalism. The strong and powerful West has a very developed legal system and Legalism’s historical victory in the Warring States period convinced them to acknowledge there is an effective and invaluable idea in traditional Huaxia philosophy that makes the Huaxia nation strong and powerful enough to defeat the foreign enemies and reunify the territory. It is also very interesting that politically fragmented China creates a free academic atmosphere for scholars to examine the issue objectively and in a creative way as it happened during the Old Warring States period characterized by chaos and lack of dominant power. This political environment not only

²³⁶ 陈启天：“国家主义者的中国文化观”，载李璜、陈启天等：《新中国文化运动》，成都国魂书店 1940 年版，Chen Qitian: "Nationalists' Views on Chinese Culture", contained in Li Huang, Chen Qitian, etc.: "New China Cultural Movement", Chengdu Guohun Bookstore, 1940 edition, 15.

enable thinkers to freely re-interpret Huaxia classics and upgrade them but offered the chance to combine them with Western counterparts. As result, the second wave of Legalism makes itself different from its original practice. This may show how power affects academia and how it is strong enough to lead the scholarly discourse in the direction that matches its political interest. Chen Qitian, even if against both Sun Yat Sen and Jiang Kai Shek in the beginning, the Japanese invasion and the power of the Kuomintang government convinced him to support them despite the authority heading towards despotism and autocracy. Even he served as the Minister of Economy of the Kuomintang in 1947 and found himself as a national policy adviser to the Presidential Palace in 1950 after Kuomintang fled to Taiwan as a result of defeat in the power struggle with the Chinese Communist government.

Finally, when discussing the popularity of Legalism in this period of time, it should not be neglected that many scholars believed they found extremely important and the most desired Western concept in Legalist thought, that is individualism. Jian Bozan²³⁷ (翦伯赞, 1898—1968), scholar and Marxist historian of Uyghur descent, one of the five veteran Marxist-Leninist historians of the time said that Legalism advocates individualism. Using his historical method, he concluded that Legalism's origin is Taoism, more specifically, one of the Taoist masters Yang Zhu (楊朱 440 B.C—360 B.C) who strongly advocated the importance of the self and self-interest. He said the law in Legalism was inspired by Yang Zhu's recognition of self-preservation and individualism²³⁸. Another important point worth to be mentioned in this regard is the ideas of

²³⁷ Jian (翦) is a rarely used surname in China. The surname was given to the prominent family of Uyghur general Halil Bashi (哈勒) from present-day Kumul (Hami in Chinese) by Zhu Yuanzhang, the first emperor of the Ming Dynasty for Halu's contribution to quelling the Miao rebellions in southeastern China and other expeditions. The emperor believed he successfully annihilated the hostile forces with the help of Halu and that is why the surname "Jian", the meaning of Jian is "cut, clip, or annihilate" in Chinese, was given to the Uyghur general and his families. The princess, Da Ye (杜叶公主), the adopted daughter of the emperor was given to the general as well. See 桃源翦姓由来考—兼评《湖南维吾尔族》 <http://www.library.hn.cn/dfwxct/wz/tyjxylk.htm> ; Jian Bozan is one of the main founders of Chinese Marxist historiography. He participated in the Kuomintang-lead Northern Expedition that took place from 1926 to 1928. Yet, under the influence of the historian Lu Zhenyu and others, he began to study Chinese social and historical issues with Marxist viewpoints. After the May 4th Movement, he is known as one of the "five veteran Marxist-Leninist historians " together with Guo Moruo, Lu Zhenyu, Hou Wailu, and Fan Wenlan. He used to be the vice president of Peking University and the head of the history department. Like numerous authoritative academicians of his generation, he was persecuted and humiliated during the Cultural Revolution because of having a different opinion from the dominant Maoist orthodoxy of the time. Due to severe torture and humiliation in his old age, Jian committed suicide in 1968.

²³⁸ 翦伯赞, 秦汉史, 北京大学出版社 1999 年第二版, Jian Bozan, History of the Qin and Han Dynasties, Peking University Press, Second Edition, 1999, p.88.

nationalism and militarism and their relations with Legalism. Many thinkers such as Yan Fu argued that in pursuit of "militarism", a unique "individual liberation" and self-reliance must be practiced. Individuals should attach themselves to the big community, that is nation or country by liberating themselves from the family, clan, village, fief and other dependent kinship and their ideological influence. In fact, the Legalists advocated this kind of "pseudo-individualism" when they criticized Confucianism. They require direct control over individuals by dividing them into each other and forcing family separation. For this reason, the small communities that Confucians voiced cannot be tolerated²³⁹. This Legalist governing method was believed to have a connection with Yang Zhu's individualism and individualism itself and liberation from the old view like Confucian clans and familism were seen as the base of militarism and unified nationalism.

2.3. Qin Shihuang + Marx: Legalist Gene of Chinese Communist Party

As has been discussed above, the study of Legalism entered a new and prosperous period in modern China. From imported ideologies to academic disciplines, almost all studies tried to combine foreign ideologies with the Huaxia counterparts and one general trend is that they paid more attention to Legalism than Confucianism. They all explained the thoughts and theories of the pre-Qin Legalists within their disciplines and describe the new image of pre-Qin Legalism. As Western liberal ideas were put Legalist coat on it, Communist ideology was also subjected to get married with Legalism. The exploration and comment of pre-Qin Legalists by modern Chinese Marxist historians is another new chapter of the Legalists of modern China. It not only created a new horizon of jurisprudence in modern times, and formed the "jurisprudence" of Marxism, but also pointed out the leading direction for the study of jurisprudence in New China in the past seventy years²⁴⁰.

In fact, the scholars who use historical materialism to study ancient Huaxia philosophy and thought in modern times are obviously not only in the school of historical materialism. They are scholars who apply the materialist view of history to the history of Huaxia philosophy. The Marxist interpretation and evaluation of Legalism is naturally a basic direction of the overall situation.

²³⁹ 秦晖, 走出帝制: 从晚清到民国的历史回望, Qin Hui, Out of the Imperial System: A Historical Review from the Late Qing Dynasty to the Republic of China, 250.

²⁴⁰ 程燎原, 重新发现法家, Cheng Liaoyuan, Rediscovering Legalism, 429–30.

According to the common opinion in the academic circle, Guo Moruo (郭沫若, 1892-1978), Fan Wenlan (范文澜, 1893-1969), Jian Bozan (翦伯赞, 1898-1968), Lu Zhenyu (吕振羽, 1900-1980), Hou Wailu (侯外庐, 1903-1987) are the scholars of Chinese Marxist historiography also the most important representative of Marxist historiography in modern China. Among them, Guo Moruo, Jian Bozan, and Fan Wenlan were regarded as the three major authorities of Marxist historiography. They conducted profound research on Confucianism and Legalism from the new historical perspectives and put their own opinions. Generally speaking, except Guo Moru, who has very negative attitudes towards Han Feizi, all other branded Communist scholars highly praised Legalism in two ways by concluding having progressive nature and being objective in ruling the county.

In the first volume of *The Outline of Chinese History*, "the Ideology of the Spring and Autumn Period and the Warring States Period", Jian Bozan expounded that from the Western Zhou dynasty to Warring States period, due to the development of socially productive forces, which resulted in changes in social relations, the construction of the ideology has also changed. In particular, at the end of the Warring States period, with the advent of the historical era of the merchants and landlords, Han Feizi proposed the 'rule of law', so that the merchants, landlords, and feudal princes were given equal status before the law. Here he mentioned the progressiveness and objectiveness of Legalism²⁴¹. Another important historical materialist Ji Wenfu concluded that the important figures of Legalism, such as Guan Zhong, Shang Yang, Shen Buhai, etc., are all actual politicians, and the in books they are mentioned they are described in an incorrect way by the later generations²⁴². Besides Ji, Fan Wenlan, Jian Bozan, Hou Wailu, and others also vigorously commended Shang Yang's achievements, believing that Shang Yang represented the interests of emerging merchants and landlords. They said Shang Yang worked hard to reform the legal system, liberated productive forces, and promoted the power of Qin through reforms, thus contributing to the unification of Huaxia territory and Huaxia civilization's entry into a feudal society. Hou Wailu, Du Shousu, and Zhao Jibin believed that Shang Yang's reform was indeed progressive throughout

²⁴¹ 翦伯赞, 先秦史, 北京大学出版社 1990, Jian Bozan, *History of the Pre-Qin Dynasty*, Peking University Press, 1990, 370, 381.

²⁴² 嵇文甫, 先秦诸子政治社会思想述要, 嵇文甫文集, Vol 1, 河南人民出版社 1985, Ji Wenfu, *An Overview of the Political and Social Thoughts of the Pre-Qin Philosophers*, Collected Works of Ji Wenfu, Vol 1, Henan People's Publishing House, 1985, p202.

history, and his advocacy of severe punishment and strict law was also based on the general Legalist theory of "using punishment for eliminating the punishment"²⁴³.

On the other hand, most Marxist scholars believe that the Legalists have the idea of "rule by law", and on this basis, they analyze the Legalists' idea of "respecting the law". Legalism's idea of "rule by law" against the "rule by rites" and "rule by man" of Confucianism is the reason and basis of Marxist scholars' advocacy of that Legalism. Some other scholars of historical materialism argued the same thing. For instance, Ji Wenfu, emphasizes unity and the rule of law while Jian Bozan believed that Shen Buhai, Shen Dao, and Shang Yang represented the emerging landlord class and proposed the "rule by law". Lu Zhenyu, Hou Wailu, Du Shousu, Zhao Jibin and others also pointed out that Shen Dao and Han Fei are thinkers of the idea of "rule by law".

The Legalist thought of "respect for the rule of law" is the ontological part of the Legalist thought of "the rule by law". The school of historical materialism has excavated this thought, and they often talk about the legal thought of Legalist objectivity. Jian Bozan highlighted Shen Buhai, Shen Dao, and Han Fei's objectivist views on the law. In this way, the "rule by man" was denied according to the principle of the objectivity of the law. Han Fei also "explained the objectivity of the law to deny the unreasonableness of the subjective rule by man" according to them²⁴⁴. Ji Wenfu pointed out to Han Fei and said that Han Fei advocates the rule by law, and everything he does is based on "law"... Fa is an objective standard, and the ruler only needs to act according to this standard. No matter how clever or clumsy a ruler is he has no need for personal intelligence²⁴⁵. In addition, the school of historical materialism also explained the Legalist's "rule by law" has the function of being transparent, treating in equally, ending the disputes and chaos etc.

The school of historical materialism has analyzed Legalism in depth to argue that Legalists advocate the "rule of law". They believe that it can be examined from two aspects; first, the Legalist

²⁴³ 侯外庐、杜守素、纪玄冰, 中国思想通史, Vol 1, 三联书店 1949, Hou Wailu, Du Shousu, Ji Xuanbing, General History of Chinese Thought, Vol 1, Joint Publishing, 1949, p502.

²⁴⁴ “参见翦伯赞:《先秦“法”的思想之发展——从杨朱到韩非》,《中华法学杂志》1936年新编第1卷第1号。”See Jian Bozan: "The Development of the Thought of "Law" in the Pre-Qin Period——From Yang Zhu to Han Fei", "Journal of Chinese Jurisprudence", Volume 1, No. 1, newly compiled in 1936.

²⁴⁵ 嵇文甫:《先秦诸子政治社会思想述要》,《嵇文甫文集》(上),河南人民出版社1985年版, Ji Wenfu: "A Brief Introduction to the Political and Social Thoughts of the Pre-Qin Philosophers", "Ji Wenfu's Collected Works" (Part 1), Henan People's Publishing House, 1985, 203—204.

philosophy of reform or the historical view of evolution. As Ji Wenfu concluded that unlike Confucianism, which is retro and old-fashioned, Legalism has a view of historical evolution. Jian Bozan also believed that Shen Dao, Shang Yang, and Han Fei all talked about the historicity of law from a view of historical progress, thus laying the theoretical foundation for the rule by law. "For example, Shang Yang "uses history to explain the abandonment of 'rule by man' and the revival of 'rule by law"²⁴⁶. They also spoke highly of the Legalists' thought of denying the previous sages, which is the idea of historical evolution, according to Marxist scholars. Second, the theory of the "mediocre man". Some scholars of the school of historical materialism believed that there was a debate between "sage kings" and the "mediocre man" in the pre-Qin period. The so-called "rule by man" is always based on the "sage king", while Han Fei's "rule by law" is based on "the middle-level" rulers. They often follow Han Fei's explanation of "the middle person" is the only way to achieve long-term peace and stability. It is believed that Legalists (Han Fei) used the fact that the most common political life in human beings is only "middle talented" person but not "sage kings" to prove the inevitability of "rule by law" and to explain why "rule by man" fails²⁴⁷.

In conclusion, the Communist historians believed that Legalism advocates the "rule by law", while opposing the Confucian "rule by rite", "rule by virtue" and "rule by man". From a historical point of view, Han Fei confirms the inevitable future of reforming the system, so he believes that the "rule by law" is the only political requirement suitable for "the present world". Therefore, while proposing the necessity of the rule by law, he tried his best to counteract the political principle of "rule by man" or meritocracy at the time, that is, the counter-attack of political objectivism to political subjectivism²⁴⁸.

It can be seen that Legalism and Communism found academic common ground in their intrinsic characteristics of being revolutionary on one hand and respecting historical progress on the other hand. In addition, objectivism is another scientific label they attached to the Legalist school.

²⁴⁶ “翦伯赞：《先秦“法”的思想之发展——从杨朱到韩非》，《中华法学杂志》1936年新编第1卷” Jian Bozan: "The Development of the Thought of "Law" in the Pre-Qin Period——From Yang Zhu to Han Fei", "Journal of Chinese Jurisprudence", Volume 1, newly edited in 1936"

²⁴⁷ “张觉撰：《韩非子校疏》下册，上海古籍出版社2010年版，第1051页” "Written by Zhang Jue: "Han Feizi School Book" Volume 2, Shanghai Ancient Books Publishing House 2010 Edition, p. 1051"

²⁴⁸ “吕振羽：《中国政治思想史》，1947年生活书店出版增订本，第195页” "Lv Zhenyu: "History of Chinese Political Thought", an enlarged edition published by Life Bookstore in 1947, p. 195"

Furthermore, Han Marxist scholars had a very biased attitude towards Confucianism due to the widespread political and academic trend of criticizing Confucianism as a reason for backwardness and the wave of praising Legalism for the new path to building a prosperous nation. Therefore, the Marxist and socialist sect in China at that time showed their favoritism towards Legalism and as we will discuss in the coming pages, they combined Communism with Legalism and created socialism or communism with Chinese characteristics. Here below, this study examines key founders of the Chinese Communist Party and their attitudes towards Legalism. Chen Duxiu and Mao Zedong are salient examples in this regard.

Chen Duxiu (1879-1942), was a modern Chinese thinker, statesman, and revolutionist, one of the main founders and early leaders of the Chinese Communist Party, and also the top leader of the New Culture Movement that took place between the 1910s and 1920s. The main character of the New Culture Movement is criticizing classical Huaxia ideas and promoting a new Huaxia culture based on progressive, modern ideas like democracy and science. It is quite obvious that the movement was strongly against Confucianism and the "New Youth" (新青年) magazine which was founded by Chen Duxiu in 1915 was an ideological base and propeller of this epoch-making movement. Chen and his colleagues such as Li Dazhao who became the pioneer communist later, voiced completely new ideas and revolted against the Confucian political system with many publications on the "New Youth".

The New Culture Movement and the "New Youth" propelled the May Fourth Movement of 1919, which was the nationwide student protest against the allocation of Shangdong province which was a colonial territory of Germany, to Japan according to the agreement on the Versailles Treaty in Paris. The movement played a crucial role in to jump of Han nationalism to another level and turning from cultural activity to political mobilization. However, May Fourth Movement brought separation to the colleague of The New Culture Movement as well. Leaders of The New Culture Movement and the May Fourth Movement, Hu Shi, Cai Yuanpei, and other liberals urged the students to stop demonstrations and return to normal school life, yet Chen Duxiu and Li Dazhao called for more radical political action. At that time Chen had already been affected by the Russian October Revolution and Communist ideology so he had a more radical and revolutionist view than his other fellows. Leveraging their position at Peking University, Chen along with Li, organized Marxist study groups at school and the called it first Chinese Communist Party meeting.

The younger followers who followed Li and Chen into organized politics included Mao Zedong. In 1920, the communist circle reorganized the "New Youth" and turned it official communist propaganda magazine. They also changed the cover of the magazine to show their solidarity with October Revolution and the Global Proletariat²⁴⁹. Liberal thinkers like Hushi were surprised by Chen and Li' U-turn and heavily criticized them. With the help of the Far Eastern Bureau of the Communist Party of the Soviet Union and the Far Eastern Secretariat of the Communist International, a year later, on 1 July 1921, the Chinese Communist Party was built under the leadership of Chen Duxiu, Li Dazhao, Mao Zedong and other veterans²⁵⁰ and Chen was elected as secretary.

The era of Chen Duxiu was characterized by seeking truth from the West and combining it with local ideologies. Under this big umbrella movement, intellectuals found that Confucianism does not fit with the Western values they are pursuing. Thus, it almost became the main trend that moved away from Confucianism and extolling Legalism. Examining Huaxia and Western civilizations, the intellectual came up with the idea that Western one is natural, while Huaxia civilization is man-made, former encourages fighting, and the latter advocates inaction. Different from the late Qing officials who saw the Western Civilization as a Confucian society governed with benevolence, this time Han scholars see the West as a civilization of iron and blood. This metaphor in fact on the line of praising Legalism which is well-known for aiming to build a strong army and rich state.

What Chen Duxiu and many other scholars and activists want is the Western value with Legalist characteristics. He interpreted society at that time from the aspect of anti-Confucianism. As a new youth of the era, Chen Duxiu was optimistic about Legalism and believed that Legalism was superior to Confucianism. In 1916, Chen Duxiu published the widely circulated article called "Constitution and Confucianism" in the New Youth magazine. In the article, he praised Legalism by comparing it with the Confucian way of rule by man²⁵¹. He also pointed out that Huaxia society is not satisfied with the old morality because the scope of filial piety is too narrow. It would be too

²⁴⁹ 茅盾.《茅盾回忆录》『四』.《新文学史料》4辑.1979年:2. Mao Dun. "Memoirs of Mao Dun" "4". "New Literature Historical Materials" Series 4. 1979: 2.

²⁵⁰ 共產國際、聯共（布）與中國革命檔案資料叢書. The Comintern, the Allied Communist Party (Bolsheviks) and the Chinese Revolutionary Archives Series. Beijing Library Press. pp. 39–51.

²⁵¹ 喻中,“显隐之间:百年中国的‘新法家’思潮,”华东政法大学学报, Yu Zhong, “Between Obscurity and Concealment: A Century of Chinese ‘New Legalism’ Thought,” Journal of East China University of Political Science and Law, no. 1 (2011): 75.

cunning to say that there are differences in love. When achieved their ideal world, the social disputes may be more get intensified. Therefore, the ideal modern morality is to expand the filial piety of the family into the brotherhood of the whole society²⁵². Furthermore, like scholars at the time, he was also a supporter of individualism. In 1920, when he was preparing for the establishment of the Communist Party, still defended individualism and declared that it is not individualism that kills the public mind of the Huaxia people, but the Huaxia people's personal rights and social welfare have all been sacrificed to the family²⁵³. It is clear that individualism encourages people to be free from others' influence and that is the reason why Han scholars targeted the family-centered Confucian small society by backing individualism. Chen Duxiu later stopped talking about "fraternity" and "brotherhood" but instead talked about "class struggle" and "class dictatorship"²⁵⁴. However, this is not surprising since Legalism itself is the academic and logical base of totalitarianism and dictatorship.

Another important communist leader and thinker in this regard is Mao Zedong. As the most important leader of the Chinese Communist Party, he left enormous effect on the ideology and governance method of CCP. He is one who strongly inspired by Western originated Communism and Huaxia rooted traditional classics ranging from Taoism to Mohism and Confucianism to Legalism. The researches on his life show that he had profound study on above all. By harmonizing foreign Communism with indigenous "isms", Mao came up with completely new ideology which is called Communism or Socialism with Chinese characteristics. It is extremely important to carry on the comprehensive research on what all the "Chinese characteristics" are and how they are similar to and different from the "original" ones. As to the main concern of this study, Mao is famous for his authoritarian rulership and his consistent praises of Legalism and acknowledgements of Legalist politician, and interestingly he is also well-known for his discrimination and bias towards Confucianism. He is the among the very few Huaxia leaders who openly praised Legalism and criticized Confucianism. It is also interesting to mention in this respect that he even told his favoritism towards Legalist emperor Qin Shihuang to foreign leaders. The following several pages of this study will focus on the Legalist idea of Mao Zedong.

²⁵² 秦晖, 走出帝制: 从晚清到民国的历史回望, Qin Hui, Out of the Imperial System: A Historical Review from the Late Qing Dynasty to the Republic of China, 290.

²⁵³ 秦晖, Qinhui260-61.

²⁵⁴ 秦晖, Qinhui,291.

According to the study of the Mao Zedong Chronicle series written by the Document Research Office of the Central Committee of the Communist Party of China, it can be seen that, long before the founding of the CCP, Mao Zedong in his youth became interested in Legalist writings, Legalist thought and Legalist characters, and at the same time developed a high degree of emotion and ideological approval. On the eve of the 1911 Revolution, when he was 17 years old, he was strongly interested in reading Chinese history. He admires the achievements of Yao, Shun, Qin Shi Huang and Emperor Wu of Han in ancient Huaxia history. At school, he wrote three to four articles on the topic of how to rescuing the country, which went viral at the school. In those years, he admired Liang Qichao the most and supported his ideas of Legal reformation. He told his classmate Su San, "We should focus on enriching the country and strengthening the army"²⁵⁵, which is the motto of the Legalist school and Legalist Qin Dynasty. Yu Zhong, a professor, at China University of Political Science and Law, said that at this time Mao Zedong was already attracted to and infected by Legalist figures. He said that among the Chinese emperors, Mao Zedong envied Qin Shi Huang, the only one who publicly advocated it²⁵⁶. In 1912, he wrote an essay on Shang Yang's famous reformation story called "Establish Credibility by Rewarding People for Moving a Log" while he was studying at Hunan Provincial No. 1 High School. In his essay, he expressed his high esteem for Shang Yang and other Legalists. He called Shang Yang a "great statesman" and highly approved his reformation of rewarding and punishing based on the fixed standard in the field of agriculture and war. In addition, he emphasized the rule by law²⁵⁷.

In 1917, while reading German Neo-Kantian philosopher and educator Friedrich Paulsen, he wrote his own view as comments. In his comments, he mentioned the Confucianism as an utopic idea of governing the state by sage and denied it²⁵⁸. Boldly enough, Mao published an article in the Da Gong Magazine of Changsha in September 1920 and demonstrated his revolutionary idea

²⁵⁵ 中共中央文献研究室, *毛泽东年谱: 1893-1949 (上)* (人民出版社, 2013), Document Research Office of the Central Committee of the Communist Party of China, *Chronicle of Mao Zedong: 1893-1949 (Part 1)* (People's Publishing House, 2013), 9.

²⁵⁶ 喻中, 法家的现代性, Yu Zhong, the legalist modernity, 248.

²⁵⁷ 中共中央文献研究室, *毛泽东年谱: 1893-1949 (上)*, Document Research Office of the Central Committee of the Communist Party of China, *Chronicle of Mao Zedong: 1893-1949 (Part 1)*, 12.

²⁵⁸ 中共中央文献研究室, Document Research Office of the Central Committee of the Communist Party of China, 29.

and capability of carrying out legal reformation in Hunan province to realize the establishment of self-governing. As to the doubt of whether a bunch of peasants could carry out legal reformation, he said that all laws and legal issues originated from the practice, thus not only those who study law but also the common people could do it as Soviet peasants did in Soviet Russia²⁵⁹. This time he was a “Legalist reformer” and showed his revolutionary nature and idea of rule by law. His admiration for Qin Shihuang and his pursuit of a strong military and rich country to his openly praising Shang Yang’s rule by law indicates that he has a complete agreement with the Legalist way of thinking. Thus, his courage to set up laws for self-governing Hunan can be seen as the result of the influence of the revolutionist, progressive and law-based spirit of Legalist thought on him. All these reveal that the youth Mao had already been deeply influenced by traditional legalists before the founding of the Communist Party of China.

From the founding of the Communist Party of China in 1921 to 1958, except for his favoritism to Zhu Yuanzhang, the tyrant emperor of Ming Dynasty,²⁶⁰ we can't see his comments or views on Legalism too much as the whole period was the time Mao Zedong devoted himself entirely to the political power struggle with Japan and Kuomintang. He was busy for spreading the communist revolution into the whole territory in order to curtail the influence of Jiang Kai-Shak and domestic power struggle and ideological unification. Despite he had not had time to write articles or comments on Legalism, his political path to be the single most powerful man in the communist government and his practice of territorial and ideological unification quite fit with Legalist practice. It is also so interesting to see the Communist class struggle and Legalist practice of “eliminating the strong” have intrinsic similarities in both theory and practice. The aim of both is achieving dictatorship by widening the power gap between the state and citizens. Communist revolution eliminates the bourgeois who are middle-class entrepreneurs and rich peasants to establish the dictatorship of the proletariat while Legalism advocates eliminating the strong who have an

²⁵⁹ 中共中央文献研究室, Document Research Office of the Central Committee of the Communist Party of China, 65.

²⁶⁰ In November 1948, regarding the manuscript of Zhu Yuanzhang's biography sent by Wu Han, Mao Zedong met with Wu Han twice and criticized him for making too many accusations against Zhu Yuanzhang's "violence," "indiscriminate killing," and "authoritarianism." After the two interviews, Mao Zedong wrote to Wu Han in an indirect way, accusing him of being "wrong" in his view of history. In his book "Biography of Zhu Yuanzhang," published in the early 1960s, Wu Han rewrote Zhu Yuanzhang's past "from a monk's bowl to imperial power" into a "peasant revolutionary leader."

influence on the field of economy, ideology, and politics for the purpose of constructing the dictatorship of the monarch. The history of the Chinese Communist Party in his period tells us that he practiced both. He eliminated the bourgeois and realized the dictatorship of the CCP and built his own kingdom by eliminating his comrades such as Wang Ming, top leader of CCP, vice president Liu Shaoqi and many others through endless ideological movements. Someone may say Communist Lenin and Stalin of Russia also did the same. That is true, this paper would not reject it, however, this study argues that rulers who have the Legalist mentality, like Mao would practice it without the influence of Communism or other “isms”. A very large proportion of Huaxia history is the history of the dictatorship of the rulers and the forceful unification of the ideology thanks to the strong influence of the Legalist art of ruling that was approved by Mao as well.

Mao's path from the loyal member of Communist International to autocratic leader of the People's Republic of China was accomplished through two steps; becoming undisputed leader of the party by domestic power struggle and creating new China in his own image. In the first step he founded ideological base for Legalist governing through various ideological campaigns. His main targets in this stage were eliminating his political rivals, rescuing CCP from the control of Soviet Union and making his ideology as a leading thought. Until the establishment of People's Republic of China in 1949, he realized these goals. In the second step, since 1949 to 1976, he not only implemented Legalist style of administration method in new China, but publicly praised Legalism in academic and practical fields and encouraged Chinese people to read and learn them. During this period of time, he claimed himself as Legalist emperor Qin Shihuang and did not hesitate to said this to the foreign diplomats. It is hard to say Mao is not communist but a Legalist, however, as it is mentioned in the introduction section, it can be said that communist and Legalist governing system has similarity on the practice even though the ultimate goal is fundamentally different. It is impossible to neglect the impact of both Qin-Han style Legalist governing philosophy and Marxist-Leninist Communist ideology on Mao and what he did in his entire political life is combining these two ideologies and inventing the Communism with Chinese Characteristics. As many Legalist thinkers in Huaxia history, Mao is also very pragmatist on the way to achieve his ideal governing model. As Mao's private assertion was mentioned in the recollections of Mao

Zedong's top intelligence officials, his regime was neither a true communist nor a replica of the Soviet Union, and that was his real goal to run the world in his own way²⁶¹.

Turning Marxist – Leninist Communism into the Communism with Chinese Characteristics is the big task Mao fulfilled in order to make himself single powerful leader. Political and ideological movements such as Rectification Movement, political struggle with Wang Ming, the senior leader of the early Chinese Communist Party and CCP representative in Comintern in Moscow, and new interpretation of Communist sense of democracy, called New Democracy by Mao, are important campaigns in this respect. Since CCP was built with help of Communist Party of the Soviet Union, the Central Committee of the Communist Party of China are controlled by personnel sent by the Comintern. It means that in actual work, the CCP's political structure and aim are required to same with of the Soviet model. Luckily, the Soviet-German war broke in June, 1941, provided huge opportunity for Mao to be independent from the control of Soviet Union. Mao needs to accomplish three tasks in order to achieve this goal; first, purging the power of Comintern, Wang Ming and his comrades, second, re-interpreting the democracy and finally localizing the communism, more specifically Sinicizing the Marxism and Leninism. That is to say establishing the Mao Zedong's Thought as leading ideology.

In order to do that Mao Zedong announced the Rectification Movement at the opening ceremony of the Party School of the Central Committee of the Communist Party of China in February 1942 and he began with rectifying senior cadres. Without doubt, the representative of Comintern lead by Wang Ming and senior leaders are the main targets. During the Movement, members of various institutions formed study groups to study the 22 documents, include official documents and personnel speech, designated by the Central Committee of the CCP. Even if there are the articles written by foreign authors such as Lenin and Stalin, Mao's works accounted were the most majority²⁶². The Rectification Movement Committee announced that among the documents

²⁶¹ 邢和明, “八大前后中共对苏联模式的思考与改革——兼论党对中国社会主义建设道路的有益探索,” 当代中国史研究 12, Xing Heming, "The Chinese Communist Party's Thinking and Reform of the Soviet Model Before and After the Eighth National Congress——Also on the Party's Beneficial Exploration of the Road of Socialist Construction in China," Contemporary Chinese History Research 12, no. 1 (2005): 16–23.

²⁶² It is also interesting to note that the content of the document mainly focuses on the interests of the party, obeys the leadership of the higher authorities, does not engage in small groups, does not engage in individualism or liberalism, attaches great importance to the theory and practice of Marxism-Leninism, and follows the views of the masses and the instructions of the higher authorities. They all the instructions to weakening the power of the people and unifying their ideas and constraining the freedom of speech.

comrade Mao's writings are correct and in line with China's national conditions and Mao's article "On New Democracy" is the most important basic theoretical work. They also pointed out the Comintern and previous CCP documents, as well as the articles of the Comintern are all incorrect. In the expanded meeting of the Political Bureau of the CPC Central Committee in March 1943, the core of power was reorganized, the seat of the general secretary of the CPC Central Committee was abolished, and the chairman was replaced by Mao himself and he officially ascended to the position of the top leader of the CCP. Then at the politburo meeting of the Central Committee of the CCP in September 1943, Mao Zedong instructed to review the history of the Communist Party of China since 1928, especially for the relevant figures of the international faction. Under the pressure of the masses, Wang Ming was finally made to review and "admitted" his "mistakes". In this way, Mao bolstered his position and Wang Ming and Comintern lost its control over CCP.

Through these movements, Mao not only purged his biggest political rival Wang Ming and influence of Comintern and Soviet Union, but he made his thought, Maoism, guiding ideology that the ideology within the CCP is highly unified. In addition, the Rectification Movement left deep legacy in the party that the way of self-admitting and mutual criticism has become a classic way of power struggle within the CCP. Interestingly, the Movement of Rectification experienced mutual monitoring, convicting of speaking, excluding other ideologies, which were happened in Legalist Qin state under the instruction of Shang Yang, Li Si and others. After the Movement, except for the Jiefang Daily, other newspapers and periodicals, even the posters in the Yan'an area basically ceased publication. Party Central Committee encouraged people to speak in the beginning, however, "don't blame the speaker" was quickly turned into "convicting of speaking", at least speaking casually was categorized as the liberalist behavior. Under such circumstances, of course, the Party and the government are not subject to the supervision of public opinion. On the contrary, the Party Central Committee directly controls and supervises the public opinion, and organizes people to censor all news reports. Due to tightening control over newspapers, even works of Marx, Engels, Lenin, and Stalin were stop publishing, and related to "rectification", which were the works of Mao's studies, was the only print documents and materials. What also needs to be explained here is that not long after the Rectification Movement started, various learning and academic activities and their organizational forms such as seminars were also completely stopped.

Since then, the freedom of speech and the press that Marx and Engels had repeatedly insisted on replaced by uniformed public opinion²⁶³.

Last but not least, Mao re-interpreted democracy and sinicized Marxism. He rejected all forms of democracies and theory and practice of Marxism. He mentioned the reality of modern China as a reason and introduced the new form of these concepts. Regarding the political system of New Democracy, Mao said that it is democratic centralism and only a government of democratic centralism can give full play to the will of all revolutionary people. On the economic program of the new democracy, however, Mao stated that big banks, big industries, and big commerce are belong to the state. He also pointed out the state-run economy is the leading force of the entire national economy. What is more, he said CCP will take some necessary method to confiscate the land of the landlord and distribute it to the peasants who have no or little land. When it comes to the cultural ideology of New Democracy Mao highlighted it is cultural ideology of culture of the masses of the people against imperialism and feudalism and this culture can only be led by the culture of the proletariat, and the cultural ideology of any other class cannot be led. It is clear that except for the one that was imposed by Mao, all the ideologies, political systems and forms of social life were

Until 1949, Mao purged his potential opponents in the party and defeated the Kuomintang in the mainland. It seems that he truly became the most powerful man in China so that it is the time to lead China to the direction where he believed to be correct. Comparing to his previous years, this is the period he enthusiastically attached himself to advocating Legalism and protecting the Legalist politicians. It is worth nothing that he assumed the shoulder to absolve the Legalist figures, which were considered bad in Chinese history, and therefore to rewrite their history. The years from 1958 to 1975 were the period in which Mao openly praised Legalism and shared his favoritism with the Legalist figures. During this period of time, he repeatedly got stuck in the old historical discourse “the struggle between Confucianism and Legalism”. He repeatedly read

²⁶³ 何方, “‘延安整风’与个人崇拜,” He Fang, "'Yan'an Rectification Movement' and Personality Cult," *Modern Chinese Studies*, 2005, no. 1 (2005), <http://www.modernchinastudies.org/cn/issues/past-issues/87-mcs-2005-issue-1/895-2012-01-05-15-34-56.html>.

Legalist literature, expressed more meticulous care about Legalism, and demonstrated his Legalist view more deeply²⁶⁴.

He is well-known for his emulation of the Legalist emperor Qin Shihuang and his statement “Marx + Qin Shihuang”. He said these during the time of the Great Leap Forward (1958-1961), one of several national-wide vain movements launched by him. In 1958, on May 8, at the second meeting of the 8th National Congress of the Communist Party of China, Mao Zedong mentioned Qin Shihuang when he praised famous historian Fan Wenlan for his article titled "Historical Research Must Value Today and Despise the Past". Mao stood up and gave a speech: “Comrade Fan Wenlan wrote an article recently, I was very happy to read it. This article cited many facts to prove the tradition of history that it is attaching importance to today and less focusing on the past. The article quoted Sima Qian, Sima Guang..., but unfortunately, it did not quote Qin Shihuang, who advocated 'valuing today and despising the past'” he also said that Qin Shihuang is an expert in this regard. On August 19, 1958, in the first meeting of the directors of the cooperation district held by the Political Bureau of the Central Committee of the Communist Party of China held in Bei Daihe, he said “In order to obtain 80,000 to 90 million tons of steel in 1962, only decentralization and no dictatorship will not work. To be quick, there must be control, [we] can't talk about democracy. Marx should be combined with Qin Shi Huang”²⁶⁵. However, it is worth paying very close attention that, the statement above was not mentioned in the Chronicle of Mao Zedong which was edited in 2013. Yet, in his relevant article, Xu Quanxing (许全兴, 1941-), Professor at the Central Party School, mentioned that Mao Zedong not only demanded that Marx and Qin Shihuang should be combined, but also proposed that Han Feizi taught the rule by law, and Confucianism taught the rule by man. Every resolution we make is the law and every meeting we organized are also the law.²⁶⁶

²⁶⁴ 喻中, “毛泽东的法家观,” 理论探索, Yu Zhong, "Mao Zedong's Legalism," Theoretical Exploration, no. 1 (2017): 10.

²⁶⁵ 许全兴, “‘马克思加秦始皇’的出处和本义,” 湖南科技大学学报 (社会科学版) 3 (2009). Xu Quanxing, "The Origin and Original Meaning of 'Marx Plus Qin Shihuang'," Journal of Hunan University of Science and Technology (Social Science Edition) 3 (2009).

²⁶⁶ 许全兴. Xu Quanxing

His admiration for this Legalist emperor and other Legalist politicians and thinkers continued. In November 1958, at the first Zhengzhou Conference, Mao Zedong highly exalted the King Zhou of Yin (殷纣王, ?-1046 B.C), a famous tyrant in Huaxia history by saying that Zhou was proficient in literature and military affairs. Then he expressed his disturbance on historical view on Qin Shihuang and Cao Cao, the Legalist politician during the period of three kingdoms (222-280). Cao Cao was also one of the Legalist politicians Mao held in high esteem. Mao commented that categorizing them as bad figures in history is not correct²⁶⁷. In 1958, Mao Zedong repeatedly engaged in the case for Cao Cao, saying that Cao Cao was an "extraordinary person" and a "superhero" who appeared during the period of great chaos in the world, and he "represents the side of justice." In February 1959, Uyghur historian Jian Bozan published the article named "Should Restoring Cao Cao's Reputation". In the article Jian said that "Cao Cao was not only a first-class statesman, strategist, and poet among the nobles of the Three Kingdoms, but also a number of outstanding figures among the Chinese feudal ruling class. It is unfair to treat such an outstanding figure as a traitor for a long time. We should take off the hat of a traitor for Cao Cao and restore his reputation." After reading Jian Bozan's article, Mao Zedong further developed his views on Cao Cao, and from the perspective of Cao Cao, he told the people that the proletariat must talk about dictatorship²⁶⁸.

Legalist emperor Qin Shihuang is also among the Mao's idol. He even glorified the Legalist tyrant emperor to foreign leaders. On June 24, 1964, when Mao Zedong met with a delegation from the Mali government, he said: "You probably know that China has a Confucius and Qin Shihuang, right? These two people are like this. Qin Shihuang had always been seen as bad, but in recent decades, bourgeois historians have overturned the case for him. We think it is fair to say that Qin Shihuang is much greater than Confucius. Confucius is empty talk, Qin Shihuang was the first figure who unified China. He not only unified China politically but also unified Chinese writing, and various Chinese systems such as weights and measures, etc. Some systems have been used since then. There is no second feudal monarch in China who can surpass him." In his comment he

²⁶⁷ 王子今, "毛泽东论析秦始皇," 报刊荟萃, Wang Zijin, "Mao Zedong's Analysis of Qin Shihuang," a collection of newspapers and periodicals, no. 1 (2004). P.10.

²⁶⁸ 邢金亮 and 霞飞, "1950年代毛泽东为什么频繁为曹操翻案?," 人民网 Xing Jinliang and Xia Fei, "Why did Mao Zedong frequently reverse the case for Cao Cao in the 1950s?" peoples daily, May 1, 2016, http://news.ifeng.com/a/20160501/48649343_0.shtml.

vividly showed his political and ideological stance; first, he is a fan of Qin Shihuang and his governing style and second, he openly, yet not surprisingly, belittled Confucius. Again, in September 1973, when met with Egyptian Vice President Shafee, he said "When talking about China's history, we used to be called Chin (Qin), add an "A" to become China. Qin Shi Huang is famous in China, He was the first emperor. China has always been divided into two factions. One has a positive attitude towards Qin Shi Huang, and the has negative. I agree with Qin Shi Huang and disapprove of Confucius, Lin Biao also called me Qin Shi Huang. Qin Shi Huang ... built the broad road to establishing a centralized system instead of a state within the state, and instead of implementing a hereditary system, the central government sends people to various places and changes them every few years."²⁶⁹.

Although Mao Zedong did not call himself China's "Marx", he clearly called himself "Qin Shi Huang" before the Cultural Revolution. Before and during the Cultural Revolution, he considered himself to have upheld and developed Marxism, especially Marx's theory of class struggle and the theory of the dictatorship of the proletariat. However, it is interesting to note that he attached importance to Marx's theory of class struggle before 1956, while after 1956, he attached importance to Marx's theory of the dictatorship of the proletariat²⁷⁰. In order to achieve dictatorship, worshipping a Marx who did not participate in any political party and had no experience in governing the party, the country, and the people is unlikely to provide Mao Zedong with any practical experience of the dictatorship of the proletariat. In the last twenty years of Mao Zedong's career, it can be said that his idol and line were not Marx but Stalin and his practical experience of dictatorship. Nationwide movements such as the movement of Collectivization of Agriculture, the Great Famine, the Great Suppression of the Counter-Revolutionary Movement, and the continuous Great Cleansing of the Party's top leaders in Soviet Union under the leadership of Stalin's dictatorship all happened with Chinese characteristics in China under the command of Mao Zedong.

²⁶⁹ 中共中央文献研究室, *毛泽东年谱: 1949-1976 (第6卷)* (人民出版社, 2013), Literature Research Office of the Central Committee of the Communist Party of China, *Chronicle of Mao Zedong: 1949-1976 (Volume 6)* (People's Publishing House, 2013), 500.

²⁷⁰ 余敏玲, "同中有异的两岸党国体制," *记忆 Yu Minling, "The Party-State System on Both Sides of the Taiwan Strait, Same as China but Different," REMEMBRANCE*, no. 105 (2013): 33.

As it is widely known, Mao is not only a politician and revolutionist, he also has deep knowledge about history and sociology. It seems that he never loses his passion for academic debate in his entire life. He has a clear vision and a critical way of thinking. He had a habit to evaluate important figures and events in Huaxia history. As noted above, he was stuck in the case of “bringing back the reputation” of Legalist politicians, thinkers, and statesmen. Qin Shihuang is again Mao’s main concern in his quasi-academic debate. His dispute with Guo Moruo, a famous historian and archaeologist, the first President of the Chinese Academy of Sciences, over Qin Shihuang can be an outstanding example of this. Guo Moruo is one of the rare historians of that time with his excellent history research in both qualitative and quantitative sense. From the list of his studies, it is easy to detect that he has deep research on Legalism and Qinshihuang. For instance, he spent whole three months of time on “Criticism on Han Feizi” (韩非子的批判) while usually, he spends a relatively short time on the rest of his research. Through his profound research, more specifically in his famous work “Ten Criticism” (十批判书), he reached the conclusion that Legalism is a malice school, Han Fei is the master of this wickedness, and Qin Shihuang is the merciless dictator who implemented Han Fei’s philosophy word by word. He expressed his antipathy to Qin Shihuang by mentioning his order of “burning the Confucian classics and burying Confucian scholars alive”. He said this was the attempt to control the spirit of people and eliminate the right of independent thinking that had flourished since the end of the Spring and Autumn Period²⁷¹. Furthermore, he evaluates the “monumental contributions” of the Qin Shihuang from a very unique perspective. He believed that Qin Shihuang’s unification of the six warring states was mostly made up of the times and was a lucky success. It was later generations who made these achievements in connection with Qin Shihuang’s name. It is also the trend of the times that unification of the measures of weights, size of roads and carriage. Guo stepped further and claimed that associating the completion of the Great Wall with Qin Shihuang also contradicts historical facts. Because the Great Wall was not a project started by the State of Qin or the Qin Dynasty. During the Warring States Period, the States of Yan, Zhao, Qin, and Qi all built the Great Wall. What had been done during the Qin Dynasty is just to connect the walls in the north. He diminished Qin Shihuang’s military accomplishments as well and argued that all the credit for this was established by the

²⁷¹ 王骏骥, “郭沫若与秦始皇,” 郭沫若学刊 2 (2001): Wang Junji, "Guo Moruo and Qin Shihuang," Guo Moruo Academic Journal 2 (2001): 129–31.

famous combat commander family of the Qin State, the family Wang, generals Wang Jian and Wang Gui²⁷².

Guo Moruo's criticism of Qin Shihuang was not all outrageous words but on the basis of his research into ancient Huaxia social history and the theories of the pre-Qin scholars and serious academic discussion. However, Guo's research could not change Mao's view on this Legalist emperor. On the topic of the assessment of Qin Shihuang, Mao argued everywhere that not only Guo, but all historians from Si Maqian to his time were wrong. Thus, Mao never agreed to Guo's criticism. At the 2nd Session of the 8th National Congress of the Communist Party of China in 1958, he attacked Vice President Linbiao over his comment on Qin Shihuang. At the meeting, Mao discussed the issue of "honoring the present but not the past", saying that Qin Shihuang is an expert in this worldview. However, Lin Biao interjected, expressing his dissent, saying that Qin Shihuang burned books and pit Confucian scholars alive. This comment was refuted by Mao immediately and said "who is Qin Shihuang, he only buried 460 Confucians, but we buried 46,000 of them". In October 1968, at the closing meeting of the 12th Plenary Session of the 8th Central Committee of the Communist Party of China, Mao criticized Guo Moruo by taking his name and added Guo's "Ten Criticisms" advocates Confucianism and opposing Legalism so he does not agree with his opinion. Mao even did not forget to scorn Guo Moro when he met Kissinger on October 1972. He asked Kissinger if he heard about Guo who knows the German language and continued his talk and said Guo is one who warships Confucian ideology²⁷³.

Facing Mao's strong attack originated obsession with Legalist politicians, Guo finally confessed that he had failed to understand properly the thought of Mao, the historical fact about Qin Shihuang and other Legalist thinkers, so all his own work should be burned. It forced him to completely betray the research results he did with great passion. Cao Cao, a Legalist statesmen who had been traditionally portrayed as a villain, was depicted as a heroic figure by Guo this time on his drama "Cai Wenji". Astonished by his U-turn, Chen Geng (陈赓 1903—1961), the General of the Chinese People's Liberation Army said ironically "I think Cao Cao can fill out a registration form for

²⁷² 郭沫若, 郭沫若全集·历史编第02卷·十批判书, ed. 郭沫若著作编辑出版委员会 (北京: 人民出版社, 1982), Guo Moruo, The Complete Works of Guo Moruo·History Series Volume 02 Ten Criticisms, ed. Guo Moruo Works Editing and Publishing Committee (Beijing: People's Publishing House, 1982), 447–52, <https://book4you.org/book/11865536/532287>.

²⁷³ United States Department of State, *China, 1973-1976* (U.S. Government Printing Office, 2008), 395.

applying to join the Chinese Communist Party, and Mr. Guo can be introducer” when Guo asked to talk about his view on the show. Tragically enough, once he said Qin Shihuang’s act of burned books must be regarded as a catastrophe in the history of Chinese culture in any case, yet, in 1972 he remarked Qin Shihuang as the emperor conforms to the trend of history²⁷⁴. However, all these could not protect his family. Two of his sons, Guo Mingyong and Guo Shiyong, "committed suicide" in 1967 and 1968 following "criticism" and persecution by Mao’s Red Guardians²⁷⁵.

Despite He turned to loyal scholar who praised Mao, Mao's wife Jiang Qing (she later became one of “Gang Four”) and the Cultural Revolution and also criticized former friends and colleagues as counterrevolutionaries, in the 1970s, during the most devastating period of the Cultural Revolution, his status suddenly became precarious due to Mao’s famous ideological movement "Criticize Lin, Criticize Confucius". It turned out that the Lin Biao’s anti-Party clique opposed Mao, and one of the methods was to scold Mao for acting as the Qin Shi Huang. In the "571 Project", they attacked Mao as "the greatest feudal tyrant in Chinese history who used the skin of Marxism-Leninism to enforce Qin Shi Huang's law" and chanted "let’s eliminate contemporary Qin Shi Huang." On July 4, 1973, he summoned Wang Hongwen and Zhang Chunqiao, the two of “the Gang Four” and suddenly talked about Guo Moruo after too much complained about their diplomatic work. He said that in the "Ten Criticisms", Guo claimed to be humanistic, that is, people-oriented, and Confucius was also humanistic, just like him. The same goes for the Kuomintang, and so does Lin Biao. Mao stepped further and wrote a poetry under the title of “To Guo the Senior After Reading ‘On Feudal System,’ Written in qilü Style” (七律·讀《封建論》呈郭老), in order to accuse Guo Moruo even more openly, attack Linbiao ideologically and show his clear stance on Legalism. Mao’s idea in his poem was uncovered with the lines below²⁷⁶:

²⁷⁴ 王骏骥, “郭沫若与秦始皇,” Wang Junji, "Guo Moruo and Qin Shihuang," 129.

²⁷⁵ Xu Weixin, “China Historical Figures: 1966-1976,” Wayback Machine, March 25, 2009, 15–16, https://web.archive.org/web/20090325122009/http://www.china-historical-figures.com/bilder_assets/Krev_Ausstellung_Biographien.pdf. see also “《郭沫若的晚年岁月》：郭民英与郭世英-读书-文化频道-搜狐网站,” July 2004, <http://nr.book.sohu.com/20040722/n221137247.shtml>.

²⁷⁶ Pu Wang, *The Translatability of Revolution* (BRILL, 2020), 271.

“My friend, please stop criticizing Qin Shi Huang;
His actions of burning books and burying the Confucians should be reevaluated.
The founding emperor is long gone, but the achievements of Qin remain,

And notwithstanding its high renown, the learning of Confucius is in fact
worthless chaff.
All later generations followed the political-legal system of Qin,
And your book *Ten Critiques* is not a good treatise.
Please carefully reread the Tang thinker [Liu Zongyuan]’s “On Feudal System,”
And don’t retreat from Liu to the King Wen of Zhou. ”

Also, in the movement of "Criticize Lin, Criticize Confucius", he said that “opposition faction always respects Confucius”, “If the Communist Party reaches the point where it has no law to rule or encounters difficulties, and invite Confucius back, which means that you are 「People’s Republic of China」 almost finished.”²⁷⁷ During this period of time, reading and researching Shang Yang, systemizer of Legalist law, reached an unprecedented level. Everyone, from scholars and cadres to toilers in the workshops and peasants amid their fields, should support Shang Yang and to attack Confucians²⁷⁸. Mao really sees Confucian ideology as threat to progressive and revolutionary spirit of communism and to his position as the single powerful leader dominant all filed of Chinese society. In accordance with this purpose, a pamphlet appeared under the title of "Comprehensive Liquidation of Confucius' Educational Thoughts" in June 1975. This pamphlet was not only popular for a long time since its Han Chinese version was published, but also continued to be published in various non-Han languages even after the "Gang of Four" was smashed, and its influence was indeed very wide. However, in criticism against Confucian educational thought, it is difficult to find the scientific attitude and scientific conclusion both on Confucianism and Marxism. On the contrary, the “scholars” did a lot of allusions to historiography,

²⁷⁷ 宋书星, 云烟未散: 记忆与反思 Song Shuxing, *Clouds and Smoke: Memory and Reflection* (Remembering Publishing, LLC, 2021), 232.

²⁷⁸ Yuri Pines and Carine Defoort, “Chinese Academic Views on Shang Yang Since the Open-Up-and-Reform Era,” *Contemporary Chinese Thought* 47, no. 2 (2016): 60.

such as arbitrarily distorted materials, nonsense textual research, absurd explanations, arbitrary conclusions, etc., which can be seen everywhere²⁷⁹.

Beyond the question, Mao's superpower was enough to lead everything, including science, in new China. He kneeled down the academia and scholars devoted their time and energy to proving what Mao said rather than doing research on what is on the ground. There was no hypothesis and independent research on the process of conducting academic work. That was their duty to "scientifically" verify the ideas of Mao. In fact, as it happened in many powerful, unified and cartelized Huaxia dynasties, the unification of ideology by political power came back to China thanks to the triumph of Communism and the dictatorial leadership of Mao. Multiple academic blossoms happened in the Autumn and Spring periods, the Warring States period, as well as in the period between 1850-1950 almost ended. The academic study turned from "serve science and people" to "serve the politics and CCP". All disciplines follow the lead of politicians and politics; literature and art serve politics, history serves politics...even science serves politics, such as legitimating authoritative regimes, personal warship, state propaganda, and most importantly to ideological unification. Academic creativity is wiped out and it turned into the "scientific" tool of Mao. For example, during the Great Leap Forward, the state-led economic and social campaign that brought ironic and catastrophic consequences such as great famine, violence, resistance, etc., a great scientist provided the scientific basis for this movement by visioning the production of ten thousand catties in one mu farmland, which has become a wonderful irony of this mindset.

As part of ideological unification, Mao personally ordered the public and Communist cadres to read Legalist books and instructed to nationwide publish Huaxia classics which were include key Legalist books. A historian, economist, and liberal public intellectual, Professor Qin Hui (秦晖, 1953-) of the Chinese University of Hong Kong said in his memory of the Cultural Revolution "Mao was still engaged in mass movements, "the Praising the Legalism and Criticizing Confucianism", under the call of Mao, reading the "Han Feizi" by the whole people, including me, became widespread appeared the phenomenon... Stalin wrote a comment in the Prince 'It is greater to be feared than to be loved.' I think the main idea of Han Feizi's book is just this idea, and so is

²⁷⁹ 张成权 and 李永生, "评《孔丘教育思想批判》," 安徽师范大学学报: 人文社会科学版, Chengquan Zhang and Yongsheng Li, "Comment on Criticism of Confucius' Educational Thought," Journal of Anhui Normal University: Humanities and Social Sciences Edition, no. 1 (1979): 1.

Mao's political logic.”²⁸⁰ From August 5, 1973 to July 1974, under the instruction of Mao, large number of "Legalist Writings" were annotated and published. It is quite interesting that the classics and even the chapters to be published were decided by Mao and Mao made decision according to the domestic and foreign political atmosphere. During this period, a total of 26 "Legalist works" from pre-Qin to modern times were selected, including "the Book of Lord Shang, Han Feizi, Xunzi, Chao Cuo, Liu Zongyuan, Liu Yuxi, Wang Anshi, Li Zhi, Wang Fuzhi, Zhang Binglin, etc. On the same day wrote “To Guo the Senior After Reading ‘On Feudal System,’ Written in qilü Style” Mao assigned the task of annotation on Liu Zongyuan’s On Feudalism (封建论) and later Zhang Binglin's Records on Qin Shihuang’s Contribution (秦献记) and Records on Qin’s Politics (秦政记), Wang Fuzhi's Reading Tongjian Lun: Qin Shihuang(读通鉴论·秦始皇), Han Yu's Ode to Stone Drums(石鼓歌), Liu Zongyuan's Ode to Jingke (咏荆轲) were all to affirm Qin Shihuang's historical achievements in unifying Huaxia society. From March 1974 to July, according to Mao's intention, proof annotation was arranged, including "Difficulty of Speaking", "Solitary Indignation", "Loyalty and Filial Piety" and "On Assumers" in Han Feizi. In addition, there were articles by Xunzi and Shang Yang, as well as by Liu Zongyuan. In July 1974, Mao also arranged to print Wang Anshi, the Legalist reformer in Song Dynasty²⁸¹.

Last but not least, Mao made possible ideological unification, eliminating the strong and profiting from a single hub through mass movements. While he carried out these movements, he applied the method of surveillance, creating fear, and using the power of the state. In 1950-53, nationwide land reform was implemented, which forced the expropriation of private land and distributed it per capita. To this end, the relatively successful, wealthy peasants, the so-called landlord, and the rich peasant class, were eliminated through the bloody and violent land reform movement and it is estimated to have killed as many as 2 to 4.5 million “landlords and rich peasants” and their families²⁸². Almost immediately, the entire land was nationalized despite the land having been distributed to the peasants not long ago, and the policy of rationing the grain and almost all-

²⁸⁰ 秦晖, “对文革的四种判断,” 爱思想, Qin Hui, "Four Judgments on the Cultural Revolution," Love Thoughts, 2014, <https://www.aisixiang.com/data/80779.html>.

²⁸¹ 刘修明, “毛泽东‘文革’期间嘱影大字本”古籍的回忆,” 人民政协报, Liu Xiuming, "Reminiscences of Ancient Books of Mao Zedong's "Cultural Revolution" Instructions in Large Characters," People's Political Consultative Conference January 23, 2009.

²⁸² 张国焘, 我的回忆: 第二册 (明报月刊, 1966), Zhang Guotao, My Memories: Volume Two (Ming Pao Monthly, 1966), 215–19.

important commodities had also been put into practice as of 1953. The people's land and assets, basic daily necessities, and even the migration of citizens are all under the complete and centralized control of the people's communes, various "units" and institutions controlled by the CCP. The urban residents directly or indirectly became powerless dependents who depended on the regime only for their necessities; in the name of serving the people, the CCP became the sole landlord and property owner²⁸³.

With the purpose of unifying ideology and suppressing different views, Mao quickly launched movements of the "ideological transformation of intellectuals". Under the framework of this movement, he started an uninterrupted power struggle within the party from 1950 to 1955, brutally purging any CCP officials who dared to dissent. Then he started the most radical campaigns which lasted two decades. The series of events that took place in China from 1957 to Mao's death in 1976 constituted the worst record of Mao's totalitarian rule, and also demonstrated the highest power of control and destruction of the Legalist style regime. Mao Zedong planned the so-called Anti-right Movement two times in 1957 and 1959. During these movements, the conscience of intellectuals and ordinary people was abused and destroyed. Between 500,000 and 1 million "intellectuals," including college students, and their family members are treated as enemy classes and subjected to severe punishment, discrimination and abuse, including imprisonment, re-education through labor, and execution²⁸⁴.

Despite everyone on the street, chanting great slogans and expressing something, in reality, they only repeated what Mao ordered. No one was free from expressing their views. Flattering by artificial praising and false reports caused by fear, Mao fantasized that his Legalist style regime could miraculously become prosperous and strong, and then took over the leadership of the world communist revolution from Moscow and the world leadership from the United States. In order to achieve this great mission, he promotes another nationwide campaign, the "Great Leap Forward" (1958-61). This hasty, arrogant, silly, and ruthless campaign set its goal to catch up with the United Kingdom and the United States in economic indicators such as steel and grain output. As a result,

²⁸³ Jonathan D. Spence, *The search for modern China* (Norton, 1990), 575–83.

²⁸⁴ 王飛凌, 中華秩序: 中原、世界帝國, 與中國力量的本質 (讀書共和國/八旗文化, 2018), Wang Feiling, *Chinese Order: The Central Plains, World Empire, and the Nature of Chinese Power* (Shushu Republic/Eight Banners Culture, 2018), 235–36.

the Great Leap Forward caused an economic collapse and a great famine that lasted for more than three years (1958-62), resulting in about 30 to 45 million unnatural deaths, which was about 7% of China's total population at the time. In the great famine caused by the Great Leap Forward, cannibalism driven by hunger had been reported in many parts of China²⁸⁵.

After the fiasco of the Great Leap Forward, Mao Zedong was forced to give up the field of economic management. However, in order to cover up the incompetence and failure of his governance and to smash those whom he believed to dare to reduce his power, and threatened his authority within the party, he launched the Four Cleansing Movement (1964-66) and the Cultural Revolution (1966-76/7). These two ended up in national purges and civil war-style mass chaos. Mao manipulated these movements, brutally purging tens of millions of people, including his designated heirs Liu Shaoqi, Lin Biao, and their families, in order to consolidate his imperial personal power²⁸⁶. The decade-long Cultural Revolution once again resulted in a large number of deaths of Chinese people (estimated at 1.8 million to 7.3 million or even 20 million), created various unjust cases and persecuted as many as 100 million people, and inflicted Chinese cultural, artistic, and historical catastrophe and destruction. Luckily, the tempo of destructions was largely pacified in 1976, along with his death.

Along with various power struggles and ceaseless campaigns, the era of Mao was thus full of constant tensions, crises, failures and a record of terribly poor governance²⁸⁷. Endless mass movements caused great fear, strange silence and hypocritical mass support. New China in the era of Mao tuned into a society ruled by horror. Interestingly, the methods Mao used in the movements he launched carried similar features with those Legalist methods he favored most. His totalitarian rule was called "all under the party" by his former friend Chu Anping, a CCP scholar who was purged and disappeared in 1957, and described as the world required nonstop sociopolitical movements and mass purges and executions from the start to be maintain²⁸⁸. Historian Frank

²⁸⁵ Frank Dikötter, *Mao's Great Famine: The History of China's Most Devastating Catastrophe, 1958-1962* (Bloomsbury USA, 2011), 169.

²⁸⁶ 王若水, 新發現的毛澤東: 僕人眼中的偉人 (明報出版社, 2003), Wang Ruoshui, *The Newly Discovered Mao Zedong: A Great Man in the Eyes of Servants* (Ming Pao Publishing House, 2003), 146-53.

²⁸⁷ 储安平, 储安平: 一条河流般的忧郁 (中国青年出版社, 1999), Chu Anping, *Chu Anping: A River of Melancholy* (China Youth Publishing House, 1999), 54-55.

²⁸⁸ 王飛凌, 中華秩序, Wang Feiling, *Chinese Order*, 233.

Dikötter also stated that the CCP's "liberation" and "revolution" did not bring much peace, freedom and justice very clearly, even in the first few honeymoon years. It started out primarily as a well-planned story of terror and systemic violence”²⁸⁹. In terms of its thoroughness, extensiveness, and unscrupulousness, Mao Zedong's autocratic regime reached a new height, which was completely comparable to other typical totalitarian regimes, such as Qin Shihuang's Qin Empire. Indeed, it now appears that the Leninist-Stalinist party-state regime and the traditional Huaxia Qin style regimes seem to be perfectly matched in concept and in practice. According to professor Wang Feiling (王飞凌), Mao's totalitarian rule is Legalist autocracy at the core and, the "scientific" thought of Mao-style Marxism in the shell. Essentially, Mao's People's Republic of China replaced the authoritarian politics of traditional Confucianized Legalists with a set of Legalist totalitarian dictatorships painted in pseudo-communism²⁹⁰.

It is hard to find the differences between the system of “all under the heaven” and “all under the party” or “all under the single man”. Along with Qin Shihuang, Mao might be only one of two top leaders who publicly praised Legalism, and criticized Confucianism in the entire Huaxia history since the Qin Dynasty. Nonetheless, neglecting the influence of Communist ideology, Marxist theory and Leninist-Stalinist party state on him is not wise research. We can't also say Mao is exactly the same as Qin Shihuang, Han Fei, and Shang Yang. Just like Huaxia scholars in the early 20th century tried to combine Legalism with the Western legal system and other values such as liberalism, individualism, and democracy, Mao also combined the Communist administrative method with his favorite Huaxia governing philosophy, Legalism. Since the concept of the dictatorship of the proletariat carried similarity with the centralized autocratic system advocated by Legalism, Mao successfully combined these two “isms” and created Communism with Chinese Characteristics.

This combination remained a deep impact on the governance style of the CCP after his death even if the dictatorship of a single man was changed into the dictatorship of a small group of party members. One-person totalitarian dictatorship evolved into an authoritarian dictatorship of five to nine male members of the CCP Politburo Standing Committee who have red aristocratic

²⁸⁹ Frank Dikötter, *The Tragedy of Liberation: A History of the Chinese Revolution, 1945-57* (A&C Black, 2013), ix.

²⁹⁰ 王飛凌, 中華秩序, Wang Feiling, Chinese Order, 231.

backgrounds. The enormous power gap between the state and citizens still remained and the law of new China failed to constrain the behavior of the ruling body again as Shu Suntong and Dong Zhongshu failed to curtail the supreme power of the Han emperors. The road to Mao and Qin Shihuang style of totalitarianism was consciously kept open and not surprisingly, Xi Jinping steps on this road with jingoistic slogans of great rejuvenation and reviving outstanding traditional Huaxia culture and the idea of “ruling the country by law”. He openly challenged the liberal international order and values and declared that it could not suit the cultural code of Huaxia nation and thus, the great rejuvenation lies in reviving traditional culture and governing the state by law. Then what are the implications of rejuvenating outstanding traditional Huaxia culture and governing the state by law? the last section of this chapter mainly discusses this question.

2.4. Legalism as an alternative to Western Liberal Order

As it is widely known, the Western liberal order and values have been challenging in recent years and this phenomenon is leading the way for the emergence of new international order. As to the structure and nature of this developing order, contemporary scholars have been making more or less the same argument, which is the order is or will be multipolar structurally and conflict-prone in nature. Acharya believed that the world entered into a decentered, complex multidimensional order in which a number of actors including old powers, emerging states, regional forces, and transnational non-state organizations coexist with the US and Europe even if the US will remain a major force in world affairs²⁹¹ Ziya Öniş and Mustafa Kutlay on the other hand, characterized the emergent post-liberal international order as a new age of hybridity where there is no room for overriding value and ideology. Rather, different competing norms rival each other that is generating instability, uncertainty, and anxiety. He also added, non-Western big powers led by China increasingly challenge the US-led western liberal international order, which will open the gate to shaping the ontologically fragmented, normatively inconsistent, and institutionally incoherent international order.²⁹² By underlining the ending of unipolarity, Yan Xuetong, a realist scholar of international relations in mainland China, dean, professor, and doctoral supervisor of

²⁹¹ Amitav Acharya, *The End of American World Order* (John Wiley & Sons, 2018), 7–8.

²⁹² Ziya Öniş and Mustafa Kutlay, “The New Age of Hybridity and Clash of Norms: China, BRICS, and Challenges of Global Governance in a Postliberal International Order,” *Alternatives* 45, no. 3 (August 1, 2020): 123–42, <https://doi.org/10.1177/0304375420921086>.

the Department of International Relations of Tsinghua University, and founder of international relations Tsinghua circle, states that the US and China will find themselves on the course of a clash over their interests and even it will be tumultuous and violent on the path of transition²⁹³. His argument is more like the “ratchet effect” that there is no escape from the collision in a multipolar world system. Thomas J. Christensen and Jack Snyder particularly showed the two fundamental problems of the multipolar world order, which are unconditionally chaining themselves to the reckless alliance which tends to engage in unnecessary war or avoid themselves to take the risks of balancing the revisionist state that pose threat to the global security²⁹⁴. The world we live in today proved what these scholars argued is correct. It is even possible to show some indications for this such as the formation of “the China polar” in the UN, the escalation of the Taiwan crisis, Russian involvement in the Syrian war, and the continuing Russian invasion of Ukraine.

It is readily apparent that the hostility of multipolarity reflects the argument of the Neo-realist school and the political reality of the Warring States period. In other words, both the Warring States period in ancient China and the international order we are in or heading towards is the multipolar order and have many similarities. Even though there is hope that the multipolar order may bring multilateralism, there is no guarantee for it since every single power and polarity uses a multipolar structure when it fits their interests²⁹⁵. Traditionally, the Chinese perspective on the multipolar order is not optimistic, it is the source of chaos. This historical perception lies in the political narrative “unifying makes strong, the division brings chaos” (统则强、分必乱), the common phrase widely chanted by CCP for a long time and has been emphasized by Xi Jinping frequently today. In fact, this is a general conclusion made by Chinese historians by examining the history of Huaxia dynasties. Xi also described this narrative as the rule of history when he meets with the joint delegation of the Taiwan Peaceful Reunification Group²⁹⁶ and also in the White

²⁹³ Yan Xuetong, “The Age of Uneasy Peace: Chinese Power in a Divided World Who Will Run the World,” *Foreign Affairs* 98, no. 1 (2019): 40.

²⁹⁴ Thomas J. Christensen and Jack Snyder, “Chain Gangs and Passed Bucks: Predicting Alliance Patterns in Multipolarity,” *International Organization* 44, no. 2 (1990): 138.

²⁹⁵ Kemal Derviş, “Can Multilateralism Survive?,” *Brookings* (blog), July 23, 2018, <https://www.brookings.edu/opinions/can-multilateralism-survive/>; Jean Pisani-Ferry, “Can Economic Multilateralism Survive?,” *Economic Affairs* 39, no. 1 (2019): 3–24, <https://doi.org/10.1111/ecaf.12331>.

²⁹⁶ “习近平总书记会见台湾和平统一团体联合参访团-新华网,” “General Secretary Xi Jinping Meets with Taiwan Peaceful Reunification Group Joint Visiting Delegation - Xinhuanet,” accessed November 7, 2022, http://www.xinhuanet.com/politics/2014-09/26/c_1112641354.htm.

Paper on Taiwan Issue and China's Unification in the New Era²⁹⁷. Referencing about 2800 years long historical experience, existing in more than one power in Huaxia territory has always been described as great chaos by both traditional and modern Huaxia intellectuals and interestingly they always have a tendency to resemble such order to the inter-state relations that happened in the Warring States period that emerged due to the decline of the predominant order of the Western Zhou dynasty.

By not contradicting Heraclitus' famous philosophy "no man ever steps in the same river twice, for it's not the same river and he's not the same man", it would not be wrong to put forward a hypothesis as follows: the decline of the West-lead liberal international order can be analog to the decline of the Western Zhou dynasty and the emergence of new powers like China, India, Russia, Brazil, and Japan similar to the rise of Zhou's vassal states such as Zheng, Chu, Qin, Jin, Qi, Song, and several others. Also, the trivialization of many common rules, articles and declarations signed within the framework of the UN or the ignorance of these joint agreements by certain states remind us of being ineffectiveness of the socio-political system of the Zhou and the violation of its the rite-based order in the 8th Century B.C, which was described as the period when "the rites collapsed and the elegant music disproportionated" by Confucius. Although concepts in the pre-Qin, such as the state, society, and actors are somewhat different from that of their modern counterparts, ancient and modern international politics, its patterns, and trends have commonalities. Professor Yan also came up with the same logic in this respect. He believes that from the Spring and Autumn period and the Warring States period to today, in human history, whether in Europe, Africa, the Middle East, Latin America, or any other region, the nature of strategic competition between great powers has remained unchanged²⁹⁸. Beyond everything, the political atmosphere of the old and new warring states is the same, which leads policymakers to think in this framework for the reason that policy comes from knowledge, and knowledge comes from reality and practice.

²⁹⁷ “《台湾问题与新时代中国统一事业》白皮书——中华人民共和国驻阿德莱德总领事馆,” "White Paper on "Taiwan Issue and China's Unification in the New Era" — Consulate General of the People's Republic of China in Adelaide," accessed November 7, 2022, http://adelaide.china-consulate.gov.cn/zlgxw/202208/t20220810_10738729.htm.

²⁹⁸ 于金翠, “阎学通: 我们正面临一种陌生的国际政治,” 时代邮刊 16 Yu Jincui, "Yan Xuetong: We Are Facing an Unfamiliar International Politics," Times Post 16, (2019).

Despite the multipolarity of 19th century showing differences from the multipolar world we are heading to today we still use old multipolar world reality as a reference source when we try to solve problems of the new one and produce new thoughts for it. Invariably, old warring states' wisdom would have a strong impact on the formation of ideology, strategy, and policy in the new warring states era. For instance, four important strategists and generals of the People's Republic of China, Chao Liang, Wang Xingasui, Wang Jian, and Li Xiaoning described the post-Cold war order as the New Warring States period in their book called the New Warring States Era published in 2004²⁹⁹. They argued that so-called New Warring States are divided by financial circles such as the USA, EU, Russia, Japan, China, and South Korea. They explained that political and military blocs compete for financial and monetary interests and conflict, even the war is inevitable³⁰⁰. It is beneficial to highlight the intellectual importance of the Warring States “syndrome” in modern Chinese scholars and politicians. Just as Peloponnesian Wars offered great insights into understanding real politics and constructing the Realist School of international relations theory, the Warring States period provides fertile soil for the development of Chinese policies and Chinese IR. Professor Yan can be only one among many in this respect. In the course to develop Chinese IR theory, he published three outstanding books, which are *Selected Readings of Political Thought Between Pre-Qin Countries in China* (2008), *Ancient Chinese Thought, Modern Chinese Power* (2013), and *Leadership and the Rise of Great Powers* (2019). So, it would not hurt to try to understand modern-day Chinese politics with the philosophy and historical experience of the Warring States period. Especially, in a such crucial period when Western liberal values and order are declining and China is trying to build its unique value and order under Xi Jinping’s jingoistic narrative of reviewing the traditional culture and realizing the Chinese Dream, ancient Chinese

²⁹⁹ knowing the title and position of these authors might be helpful to understand this is not a marginal view or the simple argument made by popular authors. Qiao Liang, Professor of National Defense University, Air Force Major General. China's cutting-edge military theorist, a famous military writer, a member of the Air Force Expert Committee, a member of the Rocket Army's Military Theory Advisory Expert Group, and the keynote speaker of CCTV's "Hundred Schools Platform". Wang Jian, Vice-President, and Secretary-General of the Chinese Society of Macroeconomics. Li Xiaoning, is a polymath, a member of the Academic Committee of the China Society for Strategic and Management Studies (CISM), a special researcher of the China Economic System Reform Research Society, and a special researcher of the China Center for Strategic Studies of Peking University. Wang Xiangsui is a retired Air Force colonel. He is currently a professor at the Beijing Aeronautics and Astronautics University and director of the Center for Strategic Issues. He is also the Deputy Secretary-General of the Center's Reform and Development Research Foundation. Their position in such important government institutions may reflect how China sees the world without single hegemony to a certain extent.

³⁰⁰ For details see 王建, *新战国时代* (新华出版社, 2004). Wang Jian, *The New Warring States Era* (Xinhua Publishing House, 2004).

thoughts, particularly the thoughts in the Warring States period, positioned itself in the center of ideology and politics.

As a high-speed emerging nation, China has naturally been trying to be compatible enough for the power competition in a multipolar world. The first step of course should be rejecting the values of the existing liberal order and demonstrating its own values as an alternative. On March 23, 2013, Xi Jinping paid his first visit since becoming China's president to Russia and made a speech at the Moscow State Institute of International Relations. In his speech, Xi not only shared both the Chinese Dream and China's objection to the spread of Western liberal values but expressed China's ambition to balance the West without mentioning any specific nation or region. He mentioned the emergent new centers, and new balancing in power, the multipolarity of the world, and evaluated it as "to evolve in a direction favorable for peace and development." He indirectly criticized and complained about the values and norms of liberal international order by saying "one who lingers in the age of colonial expansion or with the zero-sum mentality of the Cold War cannot live in the 21st Century". He also said "Only the wearer of the shoes knows if they fit or not. Only the people can best tell if the development path they have chosen for their country suits them or not." Finally, he attached great importance to the strategic cooperation between China and Russia. This relationship, in addition to serving the mutual interest of the two countries, according to Xi, provides crucial safeguards for maintaining the international strategic balance as well as peace and stability in the world. By quoting and fully approving president Putin's previous comment "Russia needs a prosperous and stable China, and China needs a strong and successful Russia", the Chinese president said the two countries will provide positive energy to the international order and global systems by achieving common development³⁰¹.

Three months later, on 7th June, he mentioned a new model of major-country relationships when he spoke to the press with President Obama during his visit to the USA³⁰². The important message delivered to both the US and the world is that "US supremacy is over; we are an equal now so let's reshape the role of two nations". On 26th December 2013, at the symposium to commemorate the 120th anniversary of Mao Zedong's birth, Xi Jinping more clearly stated he will lead China in a

³⁰¹ 习近平, 习近平谈治国理政 (外文出版社, 2014), Xi Jinping, Xi Jinping on Governance (Foreign Languages Press, 2014), 271-78.

³⁰² 习近平, Xi jingping, 280.

different direction. In his speech, he said “We should... respect the right of each people in deciding its own development path independently, and never allow anyone to impose theirs’ upon us. We ...oppose all forms of hegemony and power politics... No country should assume that we will trade away our core interests, nor will we accept anything that harms our sovereignty, security or development interests.”³⁰³ The same message had been given to the US was delivered on 1st April 2014 during his visit to the EU. In his speech at the College of Europe in Bruges, Belgium he stated that China values “harmony without uniformity” as the EU stresses the “united in diversity.”³⁰⁴

It is not difficult to find that Xi has already sent two important signals to the world, one, China believes the unipolar world order ended and China is a peer competitor with the USA and EU; two, China has ambitious to change the existing order by developing strategic alignment with anti-Western nations. However, being economically strong and militarily powerful is not enough to win the power competition. Without question, along with the economy and military, ideology is one of the three pillars of this rivalry. We should bear in mind that, although the universal power of the West is declining and alternative ideologies, such as Islamic, Indian, and Confucian values are starting to revive, values like human rights, rule of law, equality, liberty, etc, are the universal values and they were developed thanks to the great contribution of Western philosophers and unique historical experience of Europe. These values are not much related to the material power of the West. In other words, the West would not abandon them because of the weakening of the West. The balancer can only be the alternative values based on the different cultures. Being a long-term ideological rival of the West, China deeply realized the importance of having a strong cultural shield in order to lead its own citizens and alliance. Not surprisingly, “Westernization” is openly and widely accused of barrier to China’s effort to establish its modern value, and political multi-polarization and the spread of Christianity are seen as problems as discussed below. Hopefully, to counter this trend, China, under the leadership of Xi Jinping, sees its three advantageous positions in this regard; declining of the West, the gaining strength of China, and having rich, long, living, and unique culture.

³⁰³ 习近平, Xi Jinping, 27–29.

³⁰⁴ 习近平, Xi Jinping, 283.

China's ambitious project of revitalizing traditional culture can be categorized as reviving traditional Huaxia culture, combining it with so-called socialism, and inventing universal values from it to present its citizens and to the world. Among them equipping Chinese citizens with traditional culture and socialist value are vital for CCP to legitimize its sovereignty domestically and to defend its people from Western values by building strong self-identity. The most important one in this context is the Chinese ruling elites' decision on the direction of governance style within the framework of revitalizing the tradition. The coming pages of this study will discuss this by examining president Xi Jinping's policies, speech, and instructions and comparing them with the domestic and global reality in which China is involved. This study focuses on Xi and his paramount policy rather than discussing the socialist system or ideology. As to the reason, when it comes to China, the author agrees with the opinion of professor Yan Xuetong's revisionist argument that the crucial role is the leader, not the system, which is contrary to Western intellectuals' general belief that the system is decisive³⁰⁵. As the decisive role of the system comes from the evolution of the Western political system, the vitality of the leader is also the result of the historical experience of the Huaxia system.

At the 18th Party Congress, the importance of the reviving of traditional culture was underlined and regarded as beneficial power for the Chinese Communist Party³⁰⁶. With regard to a believed civil moral crisis, the combination of rule of law and the rule of virtue is emphasized. This congress is the beginning of the Xi era in China and with its implication to build new China, it is dubbed a "new historical starting point" marking the resurrection of Chinese tradition – whose mission is to mitigate the negative consequences of globalization³⁰⁷. No sooner was he elected as the top leader of China than Xi showed an ongoing commitment to inherit the cultural and philosophical heritage of the Huaxia civilization. In August 2013, at the National Propaganda and Ideological Work Conference, Xi Jinping pointed out that traditional culture is the "deepest cultural soft power" of China and added, "For our traditional culture, we must adhere to the principle of serving the past

³⁰⁵ See his thought-provoking book, 阎学通, 大国领导力, Yan Xuetong, Power of Leadership ed. Yan Xue Tong (CITIC Press Corporation, 2020).

³⁰⁶ "Full Text of Hu Jintao's Report at 18th Party Congress," accessed November 14, 2022, http://np.china-embassy.gov.cn/eng/Diplomacy/201211/t20121118_1586373.htm.

³⁰⁷ "十八大以来中国特色社会主义实践新境界-新华网," "Since the 18th National Congress of the Communist Party of China, a new realm of socialism with Chinese characteristics has been practiced - Xinhuanet," accessed November 14, 2022, http://www.xinhuanet.com/politics/2017-10/02/c_1121757137.htm.

for the present.”³⁰⁸ Attaching great importance to traditional culture, Xi directly said revitalizing it is a strategic task on the path to building a strong and prosperous socialist country, and patriotic education, all-encompassed propaganda, and unified school material are mentioned as important methods to realize it³⁰⁹. On 26th February 2014, at the 13th Collective Study Session, Xi emphasized clarifying the historical origins of Chinese excellent traditional culture, conscientiously absorbing the ideological and moral essence of it, deeply excavating and elucidating the tradition and making traditional Huaxia culture an important source for cultivating the core values of socialism³¹⁰. It seems that he set an example by visiting, the Confucius House and the Confucius Institute in Qufu, Shandong, in November 2013³¹¹. As widely seen in the books attributed to Xi Jinping, he likes to talk by quoting the phrases of old Huaxia philosophers and politicians. He has given reference to ancient philosophy and political practice to put forward proposals for state management and anti-corruption campaigns³¹². He also depicted the CCP as the rightful beneficiary of and successor to China's cultural traditions³¹³.

One who follows the official narrative of “revitalizing the excellent tradition” (弘扬优秀传统文化) would find that the CCP under the leadership of Xi Jinping realized the strong potential power of traditional culture that can protect the CCP’s interest in both abroad and in the country. In the era of ideological and political competition between the West and China, in addition to providing a shell and giving a form against Western cultural dominance, traditional Huaxia culture offers ideological legitimacy for CCP at home. Over and above, socialism, communism, which were hijacked by Maoism, faded away over time due to China following different paths under the

³⁰⁸ “习近平强调：努力把宣传思想工作做得更好,” "Xi Jinping emphasized: strive to do a better job of propaganda and ideology," accessed November 14, 2022, http://www.gov.cn/ldhd/2013-08/20/content_2470599.htm.

³⁰⁹ “中华人民共和国教育部教育涉外监管信息网,” "Ministry of Education of the People's Republic of China Education Foreign-Related Supervision Information Network," accessed November 14, 2022, <http://jsj.moe.gov.cn/news/2/1037.shtml>.

³¹⁰ “中共中央政治局进行第十三次集体学习 习近平主持,” "The Political Bureau of the Central Committee of the Communist Party of China conducts the thirteenth collective study, chaired by Xi Jinping," accessed November 14, 2022, http://www.gov.cn/ldhd/2014-02/25/content_2621669.htm.

³¹¹ “New Designer Xi Jinping Culture Chapter - Current Affairs - People’s Daily Online,” accessed November 14, 2022, <http://politics.people.com.cn/n/2014/1115/c1001-26032453.html>.

³¹² Stephen Angle and Taisu Zhang, “Why Is Xi Jinping Promoting Self-Criticism,” *China File* 7 (2013).

³¹³ “China’s Cosmological Communism: A Challenge to Liberal Democracies | Merics,” accessed November 14, 2022, <https://www.merics.org/en/report/chinas-cosmological-communism-challenge-liberal-democracies>.

name of “Chinese characteristics”. So only traditional culture could feed fresh blood in this regard. For this reason and necessity, Xi Jinping and his circle declared revitalizing the tradition as a state strategy and most academic works and interpretations on this strategy have been done by Chinese scholars. As could be expected, all studies were on the same tune and kept the line drawn by Xi’s speech. Aleksandra Kubat, Lecturer in China Studies at King’s College London, conducted quite insightful research on this subject. As illustrated in the graphic below, she carried statistics on the number of intellectual works done about reviving the Huaxia tradition, main contents, and frequency of traditional Huaxia schools mentioned in these studies. Not surprisingly, Confucianism and Taoism are the most referenced schools while Legalism, along with Mohism, are less quoted. In the Confucian group, Dong Zhongshu, a Han-era Confucian philosopher, one who successfully combined Confucianism with Legalism receives a surprisingly high number of mentions³¹⁴.

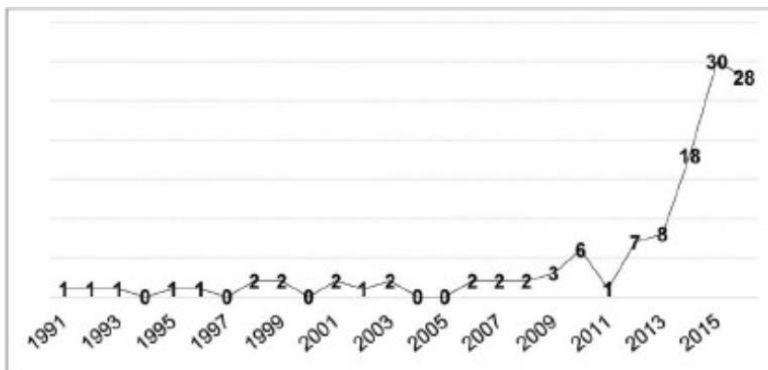


Figure 1 Distribution of Articles Identified by the Phrase 优秀传统文化 1991–2016

Source: Author's own compilation.

It is quite interesting that the scholarly research on revitalizing traditional culture sees a dramatic increase after Xi Jinping came to power and officially announced it as an important state program

³¹⁴ Aleksandra Kubat, “Morality as Legitimacy under Xi Jinping: The Political Functionality of Traditional Culture for the Chinese Communist Party,” *Journal of Current Chinese Affairs* 47, no. 3 (2018): 47–86.

and unsurprisingly, formulations used by Xi were repeated or closely echoed in most attempts to define the phrases. All research depicted Xi as a wise leader and he is right in his governance policy. This phenomenon immediately reminds us of the period of Mao when he showed direction first and scholars did research to prove it is the correct direction. According to Kubat's research, these studies were published by most authoritative institutions like Central Party School and generally aimed at showing CCP is the true carrier of the traditional culture- even though Confucius and his ideology were radically rejected during the Mao era-, legitimizing the party's ongoing or future agendas, such as centralizing political power, leading the citizens ideologically, directing the economic path of the country, Xi's anti-corruption campaign and of course marginalizing Western values, etc. It is oddly enough that, from the 1980s onward, the period when the open-up policy started and China connected to the world economically and ideologically, was accused of periods of cultural confusion³¹⁵. By studying these articles, it can be seen that CCP does not simply follow the philosophy of tradition, but rather strategically selects and exploits it for its international and domestic interests.

To create an image that the CCP is the true conveyer of the traditional Huaxia culture and promoter of tradition into the future communist movements, strategies, as well as big slogans and policies invented by successive CCP leaders, were associated with the philosophies of ancient Huaxia thinkers. Naturally, the ideas that have been leading the party policies have “proved” rooted in classical Huaxia philosophy and classic ethical rules. The general argument in this perspective is the classic tradition is a source of inspiration for Party leaders and policies. The combination of successive PRC leaders' ideology and practice with traditional Huaxia culture is worth paying attention to in this regard. For instance, Xi's emphasis on the traditional concept of “people-oriented governance” is depicted as a proto-democratic value embedded in classical philosophy, the Book of History, and in Mencius. According to modern Chinese scholars, in modern times it received a new incarnation with each new CCP leader. Mao's insistence on the idea of “serving the masses”, Deng's sensational rhetoric “I am the son of the Chinese people”, Jiang's “representing the fundamental interests and the overwhelming majority of the people” Hu Jintao's “New Three People's Principles” are shown as evidence. Moreover, CCP's decades-long economic plan, the

³¹⁵ Kubat.

“well-off society” is traced back to the phrase in the Confucian classic, the Book of Poetry. Then it was transplanted into Deng Xiaoping’s ambitious economic policy. In addition, Jiang Zemin’s theory of “Three Represents” is linked to the passage from the Book of Changes. Ironically, Xi’s slogan of people-centered governance is praised for removing the authoritarian elements of the ancient Huaxia governance model and his comment and campaign against corruption are believed to be active cooperation of cultural thought and associated with the Confucian concept of “clean government”. Xi was praised as one who invented the formula of creative transformation and accommodated Huaxia tradition in Marxist theory just like Mao sinicized Marxism. They discuss the degrees of compatibility of Marxism and Confucianism in the articles and argued losing traditional culture would be tantamount to losing a “spiritual lifeline”. Furthermore, the revolutionary attitude of the Communist peasants is interpreted as an echo of Mohist thought, and interestingly enough that the Confucian “doctrine of the mean” was narrated as the strategic fundament behind the “one country, two systems”.

It is worth paying attention that in their publications scholars directly or indirectly advocate the centralized, autocratic and unified governing system which is the same as the traditional imperial governing system. They argued that value confusion from the 1980s onward is deepened by the existence of multiple and competing sources of values while the crisis in social morality was attributed to long-term neglect of state-supported education in Chinese traditions. Singapore showed as a great beneficiary of state -lead moral education campaigns in this respect. As to the crisis, they stated that the solution lies in enhancing the performance of the CCP. Interestingly, the Legalist Qin dynasty, famous for inhumane policies, is described as having formed a loyal soldier of officials because of institutionalizing moral performance as a professional standard.

Another phrase preached everywhere is “govern the state by law”. This is the phrase repeated frequently almost only by Xi Jinping among the PRC presidents despite this idea being officially declared in 1997. On 4th December 2012, in his speech at the Meeting of the People from All Walks of Life in Beijing, Xi pointed out the shortcomings of the Constitution of the People’s Republic of China that was adopted on 4th December 1982. These complaints include oversight of the monitoring system and ignoring the strict implementation of the law, abuse of power, and

lawbreaking by law-enforcement personnel for personal gain³¹⁶. He also stressed that improving the conduct of CCP members must be based on the rule of law as well as draw on traditional culture. Then two years later, in fall of 2014, China made a legal reform. Broadly speaking, the aim of this legal reform is to centralize control over the judicial system and limit the influence of local officials in order to put Xi Jinping's own agenda. Different from previous reforms that took place in the 1990s and early 2000s, this one not only eliminated the intervention of local government authority in legal cases but also turned the disciplinary apparatus into a tool for curbing the power of Xi's rivals. Interestingly, thanks to his legal reform, party disciplinary authorities, rather than legal organs, led the massive anticorruption campaigns and central disciplinary authorities established physical offices in all central party and government bureaus³¹⁷. These measures centralized the power of the legislative, executive, and judicial hands of Xi Jinping on one hand, and strengthen the party's, -Xi circle's, to tell the truth- function of monitoring on the other. The issue of surveilling became easier and more effective owing to the usage of high technology as it widely discussed Xi's policy in the East Turkistan region. The legal reform extended to ideological unification by politicizing higher education for the purpose of stopping the spread of foreign ideas and highlighting more attention to its own cultural and historical roots³¹⁸.

Party's recent effort to revive the tradition includes many terms and phrases from traditional Huaxia thoughts as well as communist ideology. Based on the language used by Xi Jinping, (in fact, include many other CCP leaders) and others it seems they believe in either communism, socialism, or Confucianism. However, words on paper are often at odds with the practice and this is true of the most repeated phrases in the Xi era and reality in Chinese society. Democracy, human rights, freedom, justice, trust, friendliness, harmony, and rule by law are among the most preached terms. Nevertheless, the fact on the ground tells a different story. China's democracy rank in 2021 is 148th place among 167 countries and its civil liberty index is 0.88 out of 10³¹⁹. While China committed one of the worse human rights crises against Uyghurs since 2016, the basic rights of

³¹⁶ 习近平, 习近平谈治国理政, Xi Jinping, Xi Jinping on Governance, 2014, 137.

³¹⁷ Kubat, "Morality as Legitimacy under Xi Jinping: The Political Functionality of Traditional Culture for the Chinese Communist Party."

³¹⁸ For Minzner's study on this subject see, Carl Minzner, "Legal Reform in the Xi Jinping Era," *Asia Policy*, no. 20 (2015): 4–9.

³¹⁹ Economist Intelligence, "Democracy Index 2021: The China Challenge," 2022, <https://www.eiu.com/n/campaigns/democracy-index-2021/>.

Uyghurs, from going abroad to communicating with their loved ones, were abdicated³²⁰. Wolf-warrior diplomacy alienated China from India, Japan, Taiwan, Australia, the EU, and the USA, while China still is not transparent in the investigation about the origin of Covid and the Human rights crisis in Uyghur and Tibet region. Besides, the law just became the tool that CCP interpret according to its own interests. To mention again, being autocratic has nothing to do with Confucianism, and radically blocking people at home and leaving them at the hand of starvation under the Zero-Covid policy is not people-centric behavior advised by Mencius. By adopting a market economy, and entrepreneurialism, current China is no less capitalistic than the Western country... If anyone accuses China of these reasons, China defends itself by adding the word “Chinese characteristics” in front of the terms.

Rather than fixing China with Communism or Confucianism, it is better to say China has always been following pragmatism. Because, from Mao to Xi, it is really hard to find consistent ideologies believed in. As Perry Link said “Chinese leaders neither believe nor disbelieve a particular ideology, rather consider whether a particular issue will serve or not serve their political goals”³²¹. However, by looking at its history we would find things that haven’t changed are the theory of Legalism such as centralizing power, unifying the ideology, and being autocratic for the interest of the ruling elite. Mao Yuanxin (毛远新,1941-), nephew of Mao Zedong, in his memory about the reason why Mao did criticize Confucius mentioned a very interesting explanation made by Mao. Mao’s explanation may give great insight into understanding Huaxia leaders’ inconsistent attitudes towards Confucius and other “isms”. According to Mao Yuanxin’s memory, Chairman Mao said³²²;

“...Isn't that what Chinese history is all about! When they want to rebel, they must criticize Confucius yet they must respect Confucius when they consolidate their position and become the ruling party. For example, Liu Bang, the person who looked down on Confucian scholars the most.

³²⁰ “China Responsible for ‘Serious Human Rights Violations’ in Xinjiang Province: UN Human Rights Report,” UN News, August 31, 2022, <https://news.un.org/en/story/2022/08/1125932>.

³²¹ Perry Link, “An Anatomy of Chinese,” in *An Anatomy of Chinese* (Harvard University Press, 2013).

³²² “毛泽东：再请回孔子说明共产党快完蛋了！ - 天主教在线,” “Mao Zedong: Invite Confucius back again to show that the Communist Party is almost doomed! - Catholic Online,” accessed November 15, 2022, <https://www.ccccn.org/pinglun/2014-04-04/27887.html>.

When he saw Confucian scholars, he took off their hats and urinated. It is recorded in history books, but when Emperor Wu of the Han Dynasty, he “Dismiss a hundred schools, revere only the Confucian”. This shows that after reaching the ruling position, he invited Confucius back. why? To use Confucian theory to manage the country. Did Genghis Khan read the Analects? His iron hooves killed all over Eurasia, killing anyone he saw. But when the emperors later in the Yuan Dynasty went to Shandong to worship Confucius, they gave Confucius such a high status... Zhu Yuanzhang [the founder of the Ming dynasty] rebelled, and he was against Confucius. But after Zhu Yuanzhang came to power, he had to go to Qufu to worship Confucius. The same is true for the Qing Dynasty. What books did Nurhach read? When the Manchus entered the Great Wall, they killed everyone who did not shave their hair. Does that conform to Confucius’ theory? But after the emperor of the Qing Dynasty came to power, he invited Confucius. Be it the leaders of the Kuomintang and the Communist Party, Sun Yat-sen, Chen Duxiu, and Li Dazhao, the "May 4th Movement" started with the criticism of Confucianism, isn't it so? After Chiang Kai-shek sat on the throne, he respected and worshiped Confucius and invited the descendants of the Confucius family to Taiwan, and they are still there...”

What Mao said and what successive Huaxia rulers in an imperial era or the leader of modern China practiced imply that the ideology is not something to follow for them, but a tool for political interest, even an object they give shape. It seems that it is the same for Xi Jinping. He Shared quasi-Maoist values as veteran Sinologist Warry Lam argued ³²³; advocates the Confucianism yet practices Legalism and tries to marry communism and Huaxia culture. Until November 2022, four volumes of the book titled Governance of China were published under the authorship of Xi Jinping. The idea of “governing the state by law” were mentioned as important content in all. In the second volume the phrase “combining rule by law and rule by virtue” is highlighted again. Xi said they are inseparable and this combination is the distinctive feature of socialist rule by law with Chinese characteristics and it is the summary of historical experience ³²⁴. In order to illustrate the “governing the country by law” as Confucian rather than Legalist, scholars gave reference to

³²³ Willy Wo-Lap Lam, *Chinese Politics in the Era of Xi Jinping: Renaissance, Reform, or Retrogression?* (New York: Routledge, 2015), <https://doi.org/10.4324/9781315719368>.

³²⁴ 习近平, 习近平谈治国理政: 第二卷 Xi Jinping, Xi Jinping on Governance: Volume Two (Wai wen chu ban she you xian ze ren gong si, 2017), 133–39.

Confucius' endorsement of punishment³²⁵. However, Confucius neither advocated ruling by law or punishment nor voiced normalizing it. he just did not exclude the role of punishment in governing society³²⁶. In volume three, Xi pointed out that China is currently at the historical intersection of realizing the "two centenary" goals, and it is even more necessary to rely on the rule by law. It is interesting that strengthening the CCP's centralized and unified leadership for comprehensive law-based governance is the most repeated content in his entire speech³²⁷. The values mentioned in the books represent very different schools and ideologies, and are very selective. Even though the grand strategic project of revitalizing excellent Huaxia tradition is largely filled by Confucian philosophy, the rights Confucius offered to the citizens, for instance, revolting against to monarch if he missed the mandate of heaven and other ethics such as being benevolence, giving priority to family bond than state bond, offering politically maneuvering space to provincial regions, being merciful to the people, etc. almost did not mention. However, "rule by man" is mentioned as an important term.

This kind of selectiveness manner recalls the Huaxia rulers' selective attitudes towards Confucian ideology in imperial times as presented in an interesting debate called "On Tang-Wu Revolution" (汤武革命论). According to the record in Historical Records: Biography of Confucian Scholars, Yuan Gusheng (辕固生), the tutor of king Qinghe (清河王), is a great debater, especially on politically sensitive topics he is the master. After Yuan Gusheng was transferred to the Central Committee by Emperor Xiaojing of the Han dynasty, he brought up a topic when he and Taoist master Huang Sheng (黄生) gave a lecture on the history to Emperor Jing of Han (汉景帝). The topic is whether Tang and Wu are revolutionaries or traitors. Huang Sheng argued that when Tang and Wu overthrew former rulers Jie and Zhou, it was a treasonous act of killing the monarch by their ministers. Yuan Gusheng said that Jie and Zhou had missed the way of justice and lost people's hearts; Tang and Wu console the suffering and punish the wicked, which is an act of righteousness ordered by heaven. Huang Sheng said "it's not right, all things have natural laws and

³²⁵ 罗连祥, "习近平对中国传统法治文化的继承与创新," 江苏大学学报 (社会科学版) 21, Luo Lianxiang, "Xi Jinping's Inheritance and Innovation of Chinese Traditional Rule of Law Culture," Journal of Jiangsu University (Social Science Edition) 21, no. 2 (2019): 7.

³²⁶ 胡水君, "儒家法治: 学理可能及其现代生发," 天府新论, Hu Shuijun, "Confucian rule of law: the possibility of academic theory and its modern development," Tianfu New Theory, no. 1 (2019): 27.

³²⁷ 习近平, 习近平谈治国理政: 第三卷 (外文出版社, 2020), Xi Jinping, Xi Jinping on Governance: Volume Three (Foreign Languages Press, 2020), 259–60.

we have to let nature take its course. A hat cannot be worn under the feet if it is broken, but must be worn on the head; likewise, shoes can't be worn on the head even if they are new, but can only be stepped on under the feet. This is the same as a monarch and a minister. Even if the emperor is a tyrant, he is the emperor, and you cannot offend him. Courtiers, no matter how noble they are, are just courtiers and cannot rebel." Yuan Gusheng objected and said "According to your statement, what kind of thing did Liu Bang [the founder of the Han dynasty] do? Didn't he rebel against the Qin at that time? Is he also a traitor?" When the discussion reached this point, emperor Jing felt embarrassed. If he says it is right to oppose the tyrant, others can also rebel against him and overthrow his throne; If say it is wrong, the establishment of the Han dynasty has no legitimacy. Thus, he directly interrupted the discussion and said "Not eating horse liver does not show you have poor taste; Scholars, don't discuss Tang -Wu rebellion does not mean they are stupid."³²⁸

As discussed above, Confucianism advocates obeying the ruler and following the established order on one hand, and if the ruler oppressed the citizens, it encourages people to abolish the authority on the other. However, as emperor Han Jingdi, rulers always tend to overplay the idea of obeying the ruler and downplay people's right of resisting the government. This debate may show us how Confucian thought can be manipulated by the rulers for their political interests. It is one of the important propositions in traditional Chinese political theory, and its affirmation and denial depend on whether it agrees with the idea of the people or insists on the supremacy of the monarch³²⁹.

³²⁸ 司马迁, 史记注译解简体版: 北戴河书系 (北戴河出版, 2016). Sima Qian, Annotations and Interpretations of Historical Records Simplified Edition: Beidaihe Collection (Beidaihe Publishing, 2016). The Tang-Wu Revolution refers to the revolution in which Shang Tang and King Wu of Zhou overthrew the previous dynasties by force. Tang (17th B.C – 16th B.C) was the Shang Dynasty's founding father. At the time of Xia Jie, the last king of the Xia Dynasty, the internal affairs messed up, and the foreign problems continued, thus the position of the Xia clan was seriously shaken. Tang took the opportunity to raise troops and destroyed Xia through 11 battles. Because Shang Tang destroyed Xia by force and broke the theory of the eternality of the monarch, it was called the "aristocratic revolution" in history. After Tang established the Shang Dynasty, he reduced tax internally, encouraged production, and appeased the hearts of the people, externally, expanding the area of his rule and affecting as far as the upper reaches of the Yellow River, where the Di and Qiang tribes all came to pay tribute. Tang is one of the ancient sage kings respected by Confucianism. Likewise, King Wu of Zhou (1076 B.C - 1043 B.C) is the founder of the Western Zhou Dynasty, the first generation of the emperor. About 1046 B.C, Shang Zhou continued to launch a war against the non-Huaxia tribes in the southeast at the expense of great expenditure. King Wu of Zhou saw this as an opportunity and joined forces with the Yong, Shu, Qiang, Qi, Lu, Peng, Pu, and other tribes to attack the capital of the Shang Dynasty, and launched a final battle in Muye, one of the bloody military campaigns in Huaxia history, and built Western Zhou Dynasty. King Wu of Zhou, together with legendary emperor Yao, Shun, Yu, Tang, and King Wen of Zhou, have always been the pre-Qin sage rulers revered by later Confucian figures.

³²⁹ 张绪山, “‘汤武革命论’与中国传统政治伦理,” 史学月刊 Zhang Xushan, "'Tang-Wu Revolutionary Theory' and Chinese Traditional Political Ethics," History Monthly, no. 4 (2018): 1.

Xi's stress on both the rule by law and the party's centralized and unified leadership versus the reality on the ground tells us the idea of "governing the state by law" is different from building a rule-based society as we get used to understanding. It has a strong smell of Huaxia Legalist school. A related point to consider is that on 30 April 2014, Xi quoted Han Fei, systemizer of Legalist thought, during his inspection work in the Uyghur region where series of crime against humanity committed under the name of "governing the state by law" as it discussed in the final chapter. The core question here, naturally, is what is the implication of the idea of "governing the state by law" under the strategic state project revitalizing the Huaxia tradition? Yu Zhong, Professor of the Law School of Capital University of Economics and Business argued that instead of focusing it on the jurisprudence level, and generally regarding it as a case of law, it should be explained from the perspective of intellectual history. He believes this is the third period of Legalism and it helps to link it with ancient Chinese intellectual wisdom and "Xi's practice under the slogan of 'ruling the state by law' reflecting the classic Legalists narrative of 'ruling by law' and this is the only way to deepen understanding and comprehensively promote the ruling the state by law."³³⁰ As to Xi's legal reform, Carl Minzner, a professor at Fordham Law School, and an expert in Chinese law and governance carried out a detailed study and argued that his top-down vision of legal reform "may have more in common with historical ones in the imperial Chinese censored than it does with Western rule-of-law norms."³³¹

Another point should be cleared what is his Legalist way of governing different from or similar to previous ones? By underlining the idea of "governing the state by law", even if he echoes the wishes of the thinker in the period between the 1850s to 1940s, which was the period of the second wave of Legalism, Xi differentiates his practice from their aspiration when it comes to the most fundamental problem of Legalism, the instrumentalization of law and position of the ruler before the law. Kubat's research and Xi's speech, and even his books show he mentioned Confucian and Taoist schools more compared to Legalist schools in general. However, his approval and quotations from Legalism are not rare in the theme of "governing the state by law". Since revitalizing or backing to the tradition is one of the important national projects under his leadership,

³³⁰ 喻中, "法家第三期: 全面推进依法治国的思想史解释," 法学论坛 30, Yu Zhong, "Legalist Issue III: Comprehensively Promoting the Interpretation of the Ideological History of the Rule of Law," Legal Forum 30, no. 1 (2015): 13–19.

³³¹ Minzner, "Legal Reform in the Xi Jinping Era," 1.

his proposal of “governing by law” must also be fed by the Huaxia tradition. Among the several major classic schools, only Legalism advocated the “governing the state by law” as mentioned in previous chapters. Speaking of Confucianism, it is strongly against the Legalist proposal of punishment for everyone since the Confucian school is against punishing the nobles, junzi. Besides, it disagrees with the harsh punishment of the Legalist practice and Legalist attitude instrumentalizing the law. To be honest, Confucianism has not had too much to say about the idea of “governing the state by law”, instead it has always advocated the idea of “governing the state by man” which is also seen as problematic, particularly by Legalists and other schools. That is the reason why the Confucian master Dong Zhongshu of the Han Dynasty reformed Confucianism by making a compromise with Legalism. As discussed in detail in the previous section of this chapter, it doesn't necessary to repeat it again. However, it was described as “outside Confucianism, inside Legalism” by Huaxia scholars themselves and this study stands by this argument. When discussing the idea of “governing by law” in Xi’s era, “combing rite or virtue with the law”³³², the phrase voiced by him is crucial. Giving too much space to Dong Zhongshu of the Han dynasty in scholars’ research articles on Xi’s ideology, and Xi’s practices under the name of rule by law indicate that his governing style was neither Western style nor Qin style, but more Han style, which is systemized by the Dong.

Of course, no one could talk about bringing back the exact copy of Han Legalism today since time, technology, and socio-political interaction at home and abroad shows differences. While it was combined with Confucianism in the Han period, today it has been updated by mixing hybrid Communism with Chinese characteristics; while the Han emperor was equipped with Confucianism and Legalism, the ruler of the PRC has three weapons in hand with the addition of Communism. As to the degree of centralization of the power, this study argues that it wouldn’t be less centralized than the Han period thanks to the development of technology. As we have seen today and as it is widely discussed in the last chapter, China has been using high technology in social engineering and administration. Surveillance cameras, detecting apps, facial recognition system, and big data algorism makes monitoring and controlling cheap, easy, effective and

³³² “习近平：坚持依法治国和以德治国相结合-新华网,” "Xi Jinping: Adhere to the Combination of Rule of Law and Rule of Virtue - Xinhuanet," accessed November 15, 2022, http://www.xinhuanet.com/politics/2016-12/10/c_1120093133.htm.

widespread. As result, the power gap between the state and citizens and non-state actors remains more widen. However, the common feature and framework remain as same with Han style Legalism that the ruler is above the law and the law is the weapon of the ruler rather than being a common agreement made for protecting the interest of society and citizens.

Many contemporary Chinese scholars have consciously or unconsciously praised the revitalizing of excellent traditional culture and the idea of “governing the state by law”. At the first, it can be a historical phenomenon in a special time that deserves applause. Nonetheless, governing by law is almost impossible to achieve unless the ruler or ruling elites positioned themselves under the law. positioning the law above the ruler was the goal that almost more than half of the Legalist scholars in the period of the second wave of Legalism achieved. Trying to govern the state by law under the circumstance that the legal procedure is manipulated by the ruling institution or by someone is nothing but Legalism in the Warring States period. It is such confusion that the term “governing the state by law” sends the message that the law is decided and changed with the opinion of the majority and it values people and facts. Yet, in traditional Huaxia politics, the law is made by the ruler and there is no participation from the public. It is the same as the Chinese Communist Party and Xi’s government. The law is made by these elites and it is interesting that they themselves violated the law made by themselves. For example, freedom of speech is given to the citizens of the PRC in the Chinese constitution, nevertheless, the Literary inquisition is widespread in current China³³³. This shows the law is the instrument and it does not work for the ruling class and it can be random as it was in the Legalist practice.

In order to establish a society that is governed by law, the whole system and governing mentality should be changed. From Liu Bang of the Han dynasty to Jiang Kai-Shek; from Mao to Xi Jinping, the Legalist mentality of managing the country has not changed even if they officially declared they entirely believed in other ideologies such as Confucianism or Communism. The main reason lies in the failure in balancing the power of the ruler. Interestingly, every ruler or ruling elite succeeded in maintaining a huge gap between the government and citizens, including privet businessmen and institutions. This supremacy prevented bringing the ruling class under the law and the same thing is happening today. No matter how loudly “governing the state by law” is

³³³ For more research content on the subject see, Hermann Aubié, “Freedom of Opinion and Expression,” in *Handbook on Human Rights in China* (Edward Elgar Publishing, 2019), 301–22.

chanted by Xi Jinping, as long as the great national project revitalizing excellent tradition and governing the state by law is proposed to realize under the leadership of the Chinese Communist Party as Xi Jinping has repeated every time, there is no escape from Legalist governing method.

Another crucial point is combining the law with virtue, which was the method implemented first by Dong Zhongshu. Under the framework of revitalizing the traditional culture, this combination has two crucial meanings; first, it gives more Confucian color to this strategy so that it could be easy to marketing in both domestically and internationally, and second, it legitimizes Legalist governing methods, in other words, virtually or morally tailored rulers, the sage rulers in Confucian philosophy, can be above the law, rather than equal and this turned the law an instrument in the hands of the ruler to cast and give a shape on the bases of “his” or “their” interest. As a matter of fact, blending “rule by law” and “rule by virtue” makes the matter worse and trickier since the latter could violate the former or the former could be a tool of the latter, and later could be very subjective and arbitrary. It is also important to know that behind the Confucian concept of “rule of virtue” lies the absoluteness of kingship and the fundamental inequality in political status and values between the “ruler” and “ruled”³³⁴. The “virtue” is a vague term and is open to manipulation and it is the “rule by man” in the end. Thus, mixing the two always saves space for autocracy, centralization, and dictatorship because any dictator could claim himself a wise ruler such as Stalin and Mao.

In conclusion, the CCP launched this strategy in order to legitimate itself at home and defend itself from outside by building a self-cultural identity. By looking at the terms they used, speeches Xi made some may argue this is the cultural and political movement to revive Confucian governing philosophy. However, considering both theoretically and practically, revitalizing the traditional culture, the combination of tradition with socialism with Chinese characteristics, ruling the state by law and mixing it with virtue reflects many aspects of Legalism rather than Confucianism or socialism. Another dimension of reviving of Legalism under the strategy of revitalizing the excellent traditional culture is the world order that just transformed from unipolarity to multipolarity and competition for supremacy and building its own order. As widely and frequently discussed from the beginning, Confucianism lost to Legalism on the idea of how to govern in a

³³⁴ 董平, “儒家德治思想及其价值的现代阐释,” 孔子研究, Dong Ping, “A Modern Interpretation of Confucian Rule of Virtue and Its Values,” *Confucius Studies*, no. 1 (2004): 16–26.

political environment that is shaped by fierce competition on many occasions. Also, as Confucian Master Shu Shuntong of the Han Dynasty acknowledged, Confucianism is the school needs most in peacetime and while Legalism is the statecraft that rear its head when the struggle for power was most intense as Dennis Bloodworth claimed in his book, *The Chinese Machiavelli: 3,000 Years of Chinese Statecraft*³³⁵. Thus, revitalizing Huaxia culture and “ruling the state by law” in Xi Jinping era implicate that Legalism in the coast of Confucianism is reviving and this revival is the reincarnation of the Han style Confucianized Legalism.



³³⁵ Dennis Bloodworth, *The Chinese Machiavelli: 3000 Years of Chinese Statecraft* (Routledge, 2017), ii.

CHAPTER III

STRATEGY TOWARDS BARBARIANS IN THE HUAXIA- BARBARIAN ORDER

INTRODUCTION

Huaxia culture was originally formed in the middle reaches of the Yangtze and the Yellow Rivers. Through centuries of wars and cultural assimilation, it has now acquired a vast territory and a huge population. The non-Huaxia people recorded as “four barbarians” in Chinese historical data had played a crucial role in the formation of current-day Chinese civilization and territory. These “barbarians” were sometimes in a dominating relationship with Huaxia polities or dynasties and sometimes associated with a submissive relationship. In the process of expanding Huaxia political territory from Central Plain to four directions, non-Huaxia people provided vast physical geography while Huaxia people filled this region with their socio-political culture, and this political, geographical, and cultural combination brought about the formation of present-day Han Chinese people and political map of the Peoples Republic of China. For example, after the Huns were defeated by the Han dynasty, the political sphere of Huaxia people first time reached out of its traditional territory, the Great Wall, on one hand, and a large number of southern Huns migrated into Huaxia territory. By applying various policies, Huaxia polities melted them into their culture, as a result, the Huns and their land turned into part of Huaxia polity. The same instances can be seen in the history of successive Huaxia and nomadic dynasties.

Similar process also happened in opposite way that Huaxia culture expanded even through defeating themselves from “barbarians”. With the domination of the northern Huaxia territory by Xianpei, a nomadic nation on Mongolian Highland, Huaxia culture and political institutions expanded out to out of the Great Wall as a consequence of Xianpei ruler Xiao Wendi’s willful

political choice to be Sinicization in 5th century³³⁶. In the long course of Chinese history, these two examples constantly repeated and even happening today in non-Huaxia regions such as East Turkistan, Tibet and Inner Mongolia. In order to maintain national security, Huaxia dynasties adopted different policy to those “barbarians” according to what type of relations they had. Interestingly, appeasement policy was applied when Huaxia polities were weak and policy of aggressive assimilation preferred when they were able to dominated them. As long as non-Huaxia people lived in the same political entity as the Huaxia people, either associated or submissive relationships had not escaped the fate of assimilation into their culture. This assimilation was enforced either by the Huaxia authorities or by the political desire of non-Huaxia rulers to take over the whole of Huaxia territory. In both cases, the “barbarian” government and people became Huaxia over time.

Legalism and Confucianism and ideas and the ruling arts they invented play a crucial role in this process. Huaxia culture or Huaxia political entities had always developed the discourse of the Hua (华) and Yi (夷), civilized and barbarian, in their relations with others and saw the pure nature of “barbarian” culture as a threat. This idea gradually developed into the systematic socio-political philosophy named “Huaxia-‘Barbarian’ Order” (华夷秩序) / “Hua-Yi distinction” (华夷之辨), crucially key thoughts in Huaxia political philosophy in managing ethnic policy . When Huaxia find themselves in the same or interconnected political sphere with “barbarians”, they have always tried to find a way to change them to the image of a civilized Huaxia nation because “barbarians” are generally considered as ones who don't know the li, the series of code of ethic of Confucian society. Most importantly they believed the fall of domination into the hands of these barbarians was the end of civilization³³⁷. Thus these “wild barbarians” needs to be tamed or their raw nature should be cooked in the words of Professor Magnus Fiskesjö³³⁸. By applying various strategies, the process of cooking them ends up with assimilation and this phenomenon is euphemistically

³³⁶ 范文澜, 中国通史, 第二册, (人民出版社:2004 <1963>), Fan Wenlan, General History of China, Volume Two, (People's Publishing House: 2004 <1963>), 673-674

³³⁷ 孙晓春, 中国政治思想通史, 宋元卷, Sun Xiaochun, A General History of Chinese Political Thought, Song and Yuan Volumes, 361

³³⁸ For prof Fiskesjö's study on this, see Magnus Fiskesjö, “On the ‘Raw’ and the ‘Cooked’ Barbarians of Imperial China,” *Inner Asia* 1, no. 2 (1999): 139–68.

defined as “great unification” (大一统), is the political goal of the Huaxia civilization as well as the pretext of cultural assimilation.

If we need to look at the philosophical legitimacy for applying assimilation policy towards “barbarian” nations, the ideas of “great unification” (大一统) and “change barbarian with Huaxia” (用夏变夷) of Confucian philosophy appears as the original form of the idea behind it. Also, as a Huaxia–barbarian dichotomy and a historical concept asserting the superiority of the Huaxia nation, the “Huaxia-‘Barbarian’ Order” claims Huaxia excellence and patronage over “barbarians”, yet the reverse of the situation is not accepted. This order legitimizes “great unification” that weaponizes the idea of “change barbarian with Huaxia”. However, the implementation of the “great unification” shows differences from what Confucian philosophy advised in the process of actualization in many cases throughout history. Interestingly, the “barbarians” dynasties also set “great unification” as their mission after they adopted themselves into Huaxia culture for political purposes. In other words, assimilation happens as long as Huaxia political institutions became dominant in non-Huaxia communities.

How was the assimilation process successful? What kind of governance method was applied? How did Legalist and Confucian ruling philosophy played role in these processes? This study argues that since the two made a consensus with the contributions of Dong Zhongshu in the Han dynasty, they have become the two sides of the same coin. As to ruling the non-Huaxia nations, Confucianism provides ideological legitimization for assimilation by formalizing the “great unification” and the “Huaxia-‘barbarian’ order” (华夷秩序), while Legalist methods are implemented to fulfil it. In this regard, it is also important to know that both governance philosophies advocate political and ideological unification which made them have the same view on the crucial question of how to govern others in general. By putting the “great unification” and the “Huaxia-‘barbarian’ order” / “Hua-Yi distinction” in the center, this chapter first tries to show if Confucian “great unification” suggests aggressive assimilation policy towards non-Huaxia people as successive Huaxia dynasties applied and then tries to uncover the fundamental difference of Legalist and Confucian “great unification”. Then discuss Huaxia-Barbarian relations and implemented strategies in order to show how Legalist practice has frequently been used to fulfill this Confucian idea. By chronologically mentioning Huaxia governance strategies against non-

Huaxia nations in and out of its political territory, the main point of this section uncovering how the Legalist – Confucian combination played an important role, including instrumentalized role, in materializing the political desire for Huaxia authorities.

3.1. Great Unification

Before moving to the idea of “great unification” and “Hua-Yi distinction”, mentioning core principles of two different governances form, the Confucian governance of the kingly way (wang dao 王道) and Legalist autocratic way (ba dao 霸道) largely help us to understand in which way, Legalist or Confucian, cultural great unification realized through Huaxia history. In Chapter II named “Gongsun Chou” of Mencius (孟子·公孙丑) kingly way or benevolent government and autocratic way were discussed in the form of conversations between Mencius and his pupil. In the conversation Mencius said one who relied on the power under the guise of benevolence and righteousness in governance is the ba dao and one who relied on the true benevolence and winning people’s heart is the wang dao. He also cited two famous rulers in early times as an example. He said “Shang Tang (商汤) relied on seventy li of land, and Zhou Wenwang (周文王) relied on more than one hundred li of land, and finally achieved the title of king. They unite small forces with virtue, gradually gain prestige, and finally become kings.”³³⁹ The same argument could be found many times in Confucius’ teaching as well as widely discussed in the first chapter. In nutshell, the king uses virtue, and the autocratic tyrant uses power. As two great masters of Confucian thought, Confucius and Mencius vividly defined what is Confucian and the Legalist way of governance. Any form of unification which is based on cruel punishment and tyrannic policies, instead of teaching and attracting, is not Confucian.

“Great unification” is the main political thought and ideal in the Confucian classic Gongyang Zhuan (公羊传), written by another Confucian scholar Gong Yanggao (公羊高). This idea was the fruit of the transitional political environment between the Spring and Autumn period to the Warring States period. In order to terminate long-lasting political turmoil, Confucius advised reviving and strengthening the political system of the later Zhou dynasty. He manifested this idea

³³⁹ 以力假仁者霸，霸必有大国；以德行仁者王，王不待大。” See, 周生春, 经典会读：孟子 A hegemony who presupposes benevolence with power will surely lead to a great country; a king who uses virtue to practice benevolence will not wait for greatness.” See, Zhou Shengchun, classics will be read: Mencius (Beijing Book Co. Inc., 2012).

in the form of great unification. He took the kingly way represented by Zhou king (also mentioned as Zhou Tianzi), the Son of Heaven, as a copy, and yearn for the realization of a single power to rule the world. It is very clear that what Confucius suggested was back to the old political system, which was the system of the Zhou dynasty. The political system of Zhou was pretty much the same as the Western feudal system, that is to say, there were several feudal vassals who hold autonomous status over the certain land given by the Zhou Tianzi. Two main terms, li (礼) and dao (德) were crucial to binding them to the Zhou Tianzi. While li emphasize hierarchal relations between King and feudal lords, dao advocates an ethical code applied to this hierarchal system. This is a so-called harmonious system that is based on hierarchal social order and determined behavior patterns of the groups of varying degrees in it. In order to further consolidate the unique authority of the tianzi, the wang, Gong Yanggao clearly raised the issue of the highest land ownership and put forward the idea that the supreme ownership of the country's land is attributed to the Tianzi (the king). In this way, Gong Yanggao made Tianzi a true supreme ruler with centralized political and economic power. This is the basic Confucian political system called the kingly way or wang dao (王道) .

In this system, understanding two notions is vitally important for making “great unification” in kingly way; one is political structure and distribution of power and the other is a code of ethics or morality that is formed based on the political hierarchy. Unlike the political system of successive Huaxia dynasties, Confucian political philosophy proposed a political structure that allow the coexistence of the king and lord vassal in a real manner and underlined the function of morality in order to maintain hierarchal relations between them. Feudal lords have internal self-determination but they admit the highest superiority of the king and attached themselves to him by loyalty, the zhong (忠) also the king keeps them close to himself by benevolence, the ren (仁). Loyalty and benevolence are two core notions that maintain ruler-subject relations and this is the manifestation of “great unification” of the kingly way. It mainly refers to the political unification in the Huaxia land. Since the concern of this chapter is “great unification” in the form of cultural assimilation, it is important to show whether Confucian statecraft encourages it. In Gong Yangzhuan, as the origin of the idea of great unification, it was not clearly mentioned if it also includes the assimilation of others or unifying their ideas of them. What is clear is great unification refers to rebuilding the Zhou political system and making it strong and unified on the basis of a powerful yet merciful king with morality.

However, in Confucian thought, in Gong Yangzhuan more specifically, there is the idea of “Hua-Yi distinction” or “Huaxia-barbarian order”, (华夷观) and this idea suggests “change barbarians with Huaxia nation” (用夏变夷). This idea proposes to assimilate barbarians into Huaxia by teaching them li, the Confucian code of ethics. However, the Confucian way of assimilation expected others to want to be Huaxia due to the attractiveness of Confucian morality and way of life. This is very clearly unpacked during a great debate between Confucian scholars and Legalist officials on the Discourse on Salt and Iron in the Han dynasty. As to war against Huns, Confucian scholars strongly opposed the war and suggested changing Huns with the power of moral influence to make them take the initiative to come and obey the Han dynasty³⁴⁰. They reject any kind of change by using force and there is no room for cruelty and aggressiveness to change others. In short, the idea of “change barbarians with Huaxia nation” (用夏变夷) should also be applied in a kingly way.

However, almost 150 years after Confucius, the Lord Shang of state Qin implemented the “uniform the people” yimin (壹民) policy. This policy required turning all people in the country into one type of people who only do the things the state wants them to do, farming and fighting for instance. In 221 B.C., king Yingzheng of Qin completed the long period of bloody war by unifying six great states on the land of Huaxia which includes southern “barbarian” land (state of Chu 楚国) and established the first totalitarian monarchy in Chinese history, that is Qin Dynasty. He mainly used Legalist statecraft as his ruling strategy, forming a pyramid-style political structure, and making imperial power supreme over everything. In order to maintain his rule and strengthen the centralized autocracy, Qin Shihuang must find an ideological culture that is compatible with it. He fully realized that since the Warring States period, the contention of a hundred schools of thought was closely related to the situation of competition and social chaos, and recognized the importance of the unity from ideology and culture to society and politics, thus the Qin dynasty

³⁴⁰ 桐生陈, 中华经典名著, 盐铁论 (北京: 中华书局, 2015), Tong Shengchen, Chinese Classics, On Salt and Iron (Beijing: Zhonghua Book Company, 2015), 381–447.

took various measures to promote the unification of ideology and culture³⁴¹. In this context, they followed Li Si's suggestion that banned private academies, and burned books of other schools of thought; scholars and people were allowed only to follow their Legalist officials to learn the rules and instructions of Legalism. In this way, the educational proposition of Legalism is implemented throughout the whole country. Two striking examples in this regard were “burning books” and “burying Confucian scholars alive”. The intention here was to end ideological pluralism and realize ideological unification by ending the academic freedom of the Warring States period and self-exploration in the era of contending of hundred schools of thought. When they headed to achieve this goal, as a pure Legalist state they used brutal and inhumane punishment methods such as collective punishment. As Sima Qian recorded in his masterpieces Historical Records Shiji, the emperor ratified the grand vizier Lisi's advice that one who knew someone was hiding other classics but did not report it, would be punished with him³⁴². Shortly, what Qin Dynasty implemented was an autocratic way, not a kingly way.

Even if the political unification of the seven warring states was the natural trend of history, however, ideological unification was a result of various exclusionist politics such as yimin and banning any other school of thought except for Legalism and other autocratic ruling methods. Here are the differences between Confucian and Legalist “great unification” that tuned with Mencius's definition; the former defends a holistic unified feudal political system that allows the existence of autonomous polities and culturally tries to affect others with moral behaviors and rejects brutality. Latter, nevertheless, advocates political as well as cultural unification, but no room for the coexistence of central government and self-ruling feudal entities altogether. Monarch-subjects' relations are maintained by implementing instrumentalized Legalist law (fa), the art of governing (shu), and brut power (shi). Culturally and ideologically, Legalist unification advocates only one ideology that is approved by the ruler, and it can be Legalism as in the period of the Qin dynasty and it also can be a modified Confucianism like in Han dynasty. When Legalist unification tries to

³⁴¹ 张宗福 and 董彬, “论秦汉时期思想文化的统一,” 阿壩師範高等專科學校學報 21, Zhang Zongfu and Dong Bin, "On the Unification of Ideology and Culture in the Qin and Han Dynasties," Journal of Aba Normal College 21, no. 3 (2004): 93–94.

³⁴² 司马迁, 二十四史全释史记 (汉语大词典出版社, 2004), Sima Qian, The Complete Explanation of the Twenty-Four Histories of Shiji (Chinese Dictionary Press, 2004), 81.

unify the realm, whether it is political or cultural, usually they have a strong inclination to achieve it by force.

Now if we look at the Huaxia dynasties' strategy towards non-Huaxia "barbarians", as discussed below, it could be found that most tactics they used served for assimilating them into the Huaxia nation in the end. As long as non-Huaxias found themselves in the political territory of the Huaxia dynasties, they had always been targeted to be assimilated into Huaxia culture. Again, the assimilation project was implemented by various methods of using brutal force, and mostly not carried what Confucian philosophy advised. Even though the framework of this policy originated from the Confucian idea of "Huaxia-barbarian order" and "changing barbarians with Huaxia" (用夏变夷) in a broad sense, the way of changing, and methods applied for this purpose were pretty much Legalist. In other words, thanks to the political desire of Huaxia dynasties, the Confucian idea of the "Hua-Yi Order" (华夷观) and the idea of "changing barbarians with Huaxia" (用夏变夷) were developed and made it offensive assimilation ideology by applying Legalist statecraft. Thus, it can be said that governing method of "barbarians", especially in the political territory of the Huaxia dynasties, was the sophisticated harmonization of Legalism and Confucianism. The following parts of this chapter analyze strategy and the methods of managing the barbarians under this harmonized method.

Regarding the policies of Hua-xia dynasties against non-Huaxia nations, in general, it can be said that policies against powerful neighbors were not the same with the policy against nations that accepted or forced to accept Huaxia authority. While policies towards strong neighbors such as Huns, Turks, Uyghurs and Tibetans, were designed for appease them for not posing threat to Huaxia dynasties, strategies against conquered or forced to voluntarily surrounded "barbarians" like southern Huns (匈奴), Xianbei (鲜卑), Kathy (契丹) and Simu³⁴³ (色目人) purposed to change them in to Huaxia, the assimilations. In first relations, policies that applied were diplomatic marriage or he qin (和亲) and he qin mainly included commercial exchange such as business of horse, silk and tea and using against other "barbarians" if possible. When it comes to the second

³⁴³ Simu (色目人) meaning of colored eyes if translate by words. It was general term used for Muslims in the territory of Ming Dynasty. For detailed information,

relations, the situation was more complex and policies were more diverse and sophisticated, however, the ultimate goal had always been assimilation and strategy and tactics have been determined and implemented around this goal. Administrative policies had always changed from guaranteeing self-ruled autonomy to transferring into the system of junxian (郡县), a provincial system characterized centripetally, on the purpose of connecting directly to the center of Huaxia dynasties. He qin (和亲) or marriage alliance, Ji mi (羁縻), Tusi (土司), Beg (伯克), Jasak, autonomy with Chinese characteristics can be the official governing policies in this regard. As to specific tactics, the Huaxia dynasties used policies, such as deploying military-agricultural colonies, sending Huaxia settlers, banning culture and changing local administrative structures, changing economic lifestyle, keeping ignorance, eliminating the strong, collective punishment, weakening the people, etc. The following pages of the chapter try to discuss these techniques under the different administrative system that applied against different non-Huaxia nations in different time.

3.2. Against Powerful Barbarians: He qin as an Appeasement

He qin was a marriage alliance policy that dated back to the Xia Dynasty and the purpose of that time was to build alliances between various states. Yet, the case of he qin can be seen in almost all Huaxia dynasties in various forms and for different purposes. Cui Deming(崔德明), a history professor, defined the term as the marriage between the leaders of two different nations or two different regimes of the same race for the purpose of "for my own use". Cui explained the aim of policy to avoid war and make peace and maintain it in long term. Other studies added another important purpose of this strategy which is getting the inner secrets of the rival side, trying to destroy them from the inside, eventually making them politically dependent on the Huaxia political body or forcing them to become Huaxia in terms of socio-psychological, socio-economic, and socio-cultural aspects³⁴⁴. As an appeasement strategy expected to achieve by establishing kinship, this strategy could generate short- and long-term consequences. In the short run, it eases the tension between the two states and even leads to building an alliance against enemies of the Huaxia

³⁴⁴ Abdürreşit Celil KARLUK, "Çin Tarihinde Çinli Olmayan Halkların Yönetiminde Uygulanan Stratejiler," *Doğu Asya Araştırmaları Dergisi* 2, Abdürreşit Celil KARLUK, "Strategies Applied in the Management of Non-Chinese Peoples in Chinese History," *Journal of East Asian Studies* 2, no. 1 (2019): 6.

dynasties; in the long run, however, it offers the opportunity for Huaxia dynasties to know the top secrets of “barbarian” states or control them by creating pro-Huaxia atmosphere. Being one of the main strategies to handle the relations between the two different government, he qin can be categorized into several types based on its purpose. In his book *History of He Qin in Ancient China*, Professor Cui, divides the he qin into seven categories according to the function and nature of the relationship: they are 1) to appease; 2) to make military alliances between two independent power; 3) to divide and disintegrate non-Huaxia states; 4) repaying kindness for borrowing troops or thanksgiving as this paper called; 5) developing relationships; 6) consolidating alliances; 7) making political alliance between strong ethnic groups in the same state such as represented by the marriage of Manchu and Mongols³⁴⁵ in Qing dynasty.

Chinese historians have long held different views on this strategy. One opinion holds a negative attitude, believing that having he qin relationships was a humiliating compromise. Contrary to this, another opinion holds the idea that it was the best way for feudal society to maintain friendly relations between Huaxia and “barbarians” and it leads to reconciliation among nations, and strengthens communication and understanding between two different people. However, if examine it objectively, we would find that this policy created a beneficial political atmosphere for the Huaxia dynasties by appeasing its strong neighbors. For example, in the early years of the Western Han dynasty, he qin played a positive role in the relaxation of the relationship between the Han government and the powerful Hun empire and created a relatively peaceful environment for the recovery of the national strength of Han that had been declining year by year since the end of the Qin dynasty. The rulers of the Han dynasty devoted more time and energy to the recovery of the people's livelihood and the economy. By the time of Emperor Wu, the national strength was sufficient to start a full-scale counterattack against the Huns, which reversed the situation of the Han and Huns. Fundamentally speaking, he qin served for the ruling purpose of the emperors of all Huaxia dynasties. In general, this policy was applied during the all-imperial age of the Huaxia civilization in different frequencies and different extents, but that was the period until the end of the Tang dynasty (618-907) that he qin applied as a major policy towards non-Huaxia nations.

³⁴⁵ 管彦波, “中国古代和亲的类型, 特点及其历史作用,” *历史教学: 中学版*, Guan Yanbo, "Types, Characteristics and Historical Functions of Ancient Chinese Marriages," *History Teaching: Secondary School Edition*, no. 4 (2015): 73.

The objectives of this policy during the pre-Han Dynasty were somewhat different from than mentioned above. It was more sophisticated and arranged for a very precise target because of the risky political atmosphere of all against all during the period of Warring States. If here to talk about some of them, “desecrating with lust”, “balancing power against strong”, “building alliance” and “making peace” can be mentioned. For instance, Zhou dynasty was constantly harassed by “barbarians” from the north called Di (狄) and Xian Yun(猃狁). In order to seek an alliance and deal with them, Zhou Tianzi, married Tai Jiang, a woman from “Eastern Barbarian” (东夷). Also, during the fragmented blood-spattered period of the Zhou dynasty, he qin was applied for very specific tasks. Xi Shi (施西), one of the four great beauties of ancient China, was a part of this policy and she was weaponized for the aim of “desecrating with lust”. After the State of Yue (越国) was defeated by the State of Wu (吴国) in 494 B.C, Yue king Gou Jian (勾践) was forced to be a slave of Fu Chai (夫差), King of Wu, for three years. After Gou Jian returned to his state, he determined to take revenge. He actively developed agricultural production and strengthened national strength on one hand, and designed a strategy against his enemy on the other. He adopted the suggestions of conspirators Wen Zhong (文重) and sent a famous beauty Xi Shi and a group of charming girls to Fu Chai. Xi Shi always flattered Fu Chai by cooperating closely with the beauties of Yue, so that Fuchai became infatuated with her and abandoned the state affairs and all day had fun with those women. Flattering by Xi Shi, he ordered his army to attack the state of Qi regardless of weak national strength. Gou Jian, the king of Yue took advantage of the situation and finally achieved the goal of destroying Wu³⁴⁶.

The examples above indicates that he qin was existed long before Qin dynasty unified Huaxia land. However, this strategy applied among Huaxia states even if State of Chu (楚国) and State of Wu (吴国) was regarded as “barbarian” at that time and it played on professional level because of frequent interactions and zero-sum rivalry between the warring states. Another interesting point is that historians generally see the he qin as a phenomenon that emerged since Han dynasty. The reason for this narrative is probably because they believe he qin was the strategy used by the

³⁴⁶ 田素义, “西施与范蠡考,” 齐鲁学刊, Tian Suyi, "A Study of Xi Shi and Fan Li," Qilu Academic Journal, no. 5 (1993): 22–26.

Huaxia dynasties towards non-Huaxia dynasties. Nevertheless, it should be borne in mind that he qin had already gained great experience before the Han dynasty. As to the function of this strategy, it showed differences from pre-Qin period and generally followed the 8 different purposes mentioned by professor Cui.

After Qin was replaced by the Han dynasty, Han emperors applied this policy to its powerful foreign neighbor Huns first time in 201 B.C.³⁴⁷. When the Western Han dynasty was just established, the Huns were in a rising period. Mo Dun Tengrikut³⁴⁸ (莫顿单于), the powerful leader of the Huns, defeated Donghu (东胡), the king of Henan, Yuezhi (月氏), king of Baiyang Henan and then invaded the land of the State of Yan (燕国); all the Hun areas that occupied by Meng Tian (蒙恬), the famous general of Qin dynasty, was returned by Mo Dun. Han dynasty, on the other hand, was tired of domestic fighting and reformations. People of the Han dynasty lost their jobs and lived in such poverty that they ate each other³⁴⁹. Facing a powerful rival, Han Gaozu (汉高祖) Liu Bang waged war without adequate preparation and thus failed miserably in the war of Baideng Mountain when he was surrounded by Huns in 200 B.C. Liu Bang took Chen Ping's advice of visiting the Hun empress with a huge number of bribes with the tactics of the bluff. When met the empress, the Han envoy said a large number of young and beautiful Han girls were on the way to be present to the Hun leader for being harem in exchange for Liu Bang's liberation from the siege. Envoy threatened her she would lose her position if those women handed to the Hun tengrikut. Thinking about that, the Hun empress persuaded her husband to release the Han emperor.

Realizing the huge power gap between the Huns and Han dynasty, Liu Bang took Li Jing's (刘敬) advice to adopt he qin as an important means to appease the Huns for ensuring national security. This policy continued for about 60 years under the reign of Emperor Hui, Empress Lü, Emperor Wen, and Emperor Jing when six Han princesses married to Hun tengrikuts³⁵⁰. According to this

³⁴⁷ Sophia-Karin Psarras, "Han and Xiongnu a Reexamination of Cultural and Political Relations (I)," *Monumenta Serica* 51, no. 1 (2003): 132.

³⁴⁸ Tengrikut is a title of the King of the Huns. In Chinese and English sources this title written as shanyu or chanyu, which was the Chinese pronunciation of the word of "tengrikut". This study preferred the original title of tengrikut instead of shanyu and chanyu.

³⁴⁹ 《汉书》卷24《食货志》, "The Book of Han" Volume 24 "Food and Good Records "

³⁵⁰ 余兆木, "叙论两汉对匈奴政策的演变," Yu Zhaomu, "A Discussion on the Evolution of the Han Dynasty's Policy towards the Xiongnu," 2006, 5-6.

policy, the Han dynasty send princesses to Hun leader and in return, Huns do not attack Han territory passing through the Great Wall. Chinese historians An Zuozhang (安作璋) and Tian Changwu (田昌五) said the he qin includes three treaties, namely, the Han marries the princess to Hun leaders and pays tribute every year; the Han opens the "border cities" to allow free trade between the two nations; and the Han and Huns become brothers, and the Great Wall would be the boundary for non-infringement³⁵¹. With present day foreign policy term, it was kind of appeasement policy. What is more, Li Jing, originator of the idea of application of He qin policy to Huns, put forward another interesting expectation that is controlling the Hun with a Hun-Huaxia hybrid ruler who would also be a grandson of the Han emperor. In Shiji his advice is mentioned as follows:

Our military force could not conquer Xiongnu. (Huns) Modun ... has great power. We have not been able to convince him of our benevolence or of our virtue. All we can do is prepare a long-term strategy so that the sons and grandsons [of Modun] will be our subjects ... Marry a high-ranking princess to Chanyu [tengrikut of the Huns] and grant him generous gifts. When he learns the Han are giving him a wife and such rich gifts, the barbarian will want to make the princess his principal wife. She will give birth to a son who will of course be the heir. He will succeed the Chanyu ... how grandson would dare to behave unfilially toward his grandfather?"³⁵²

This paragraph quoted from Shiji of Sima Qian reveals one of the very important purposes of the policy that was controlling the Hun empire. It was like the strategy of defeating the enemy without fighting as was mentioned in Sun Zi's Art of War. This may show he qin was designed with two different intentions; maintaining peace by the agreement of non-infringement and doing business as mentioned above, which is the short-term tactic and another one was controlling Huns by getting

³⁵¹ 江俊伟, "西汉前期汉匈和亲之性质及汉匈关系," 中州学刊 41, Jiang Junwei, "The Nature of Han-Hungarian Amity and Han-Hungarian Relations in the Early Western Han Dynasty," Zhongzhou Academic Journal 41, no. 01 (2019): 118.

³⁵² "匈奴无入塞, 汉无出塞". 《史记·卷九十九·刘敬叔孙通列传第三十九》 - 古籍备览 - 国学书苑 - 国学网'. "The Huns never entered the frontier, and the Han never left the frontier." "Historical Records Volume Ninety-nine Biography of Liu Jingshu Suntong Thirty-ninth" - Ancient Books - Guoxue Shuyuan - Guoxue.com'. See also 《史记》卷 刘敬列传, "Historical Records.Biography of Liu Jing"

the chance to make hybrid prince the Hun leader in the long run. In this context, although Han-Hun relations around he qin were ups and downs, according to another famous historian Bangu(班固), “ thanks to he qin policy, the Huns did not enter the gate of Great Wall, and the Han did not out it as well.”³⁵³ Considering their weaknesses against his rival, in addition to giving various gifts to the Huns, Han dynasty married daughter of the imperial family as the princess with Hun tengrikuts in the time of Emperor Gao, the third year of Emperor Hui (192 B.C), the sixth year of Emperor Wen (174 B.C), and the fifth year of Emperor Jing (152 B.C)³⁵⁴. Even, Hun tengrikut Modun asked widowed ruler, Empress Lü Zhi(吕雉), the wife of founder Liu Bang, to marry himself. Although Lü Zhi believed this proposal is a great humiliation, she controlled her rage and replied letter with his apology by mentioning her age and also added her country did nothing wrong...³⁵⁵ This shows the position of two sides in this policy.

Although the main demands of the Han dynasty were not to violate each other's borders and to make peace between the Han and Hun government, ultimately, he qin did not have much binding power over the Huns. This policy of appeasement, in fact can't be a fair bilateral treaty because of two powers position on the structure of international system of the time. For instance, in practice, the Huns practice of taking away Chinese goods under the name of gift without giving any thing in exchange, and attacking by either Huns themselves or by Hun supported Han rebellious vassals like Han Wang Xin (韩王信) and Chen Xi (陈希) did not stop³⁵⁶. However, by looking at another side of the coin, it can be seen that Han dynasty also consistently tried to take advantage especially when new tengrikut come to power. So, the agreements based on he qin was always keep changing. German historian and sinologist Eberhard discussed the topic in his book Chinese History and said that the Chinese tried to deceive the Huns by not keeping their promises. In other words, while delaying or trying to give grains and silks less than what had to be given as per the treaty, they began to secretly seek ways to take revenge³⁵⁷. In fact, the behaviors of the two sides made the agreements not as perfect as expected. Moreover, none of the princes born by Huaxia princesses

³⁵³ 《汉书》卷 094 上, "The Book of Han " Volume 094, Part 1

³⁵⁴ 余兆木, “叙论两汉对匈奴政策的演变,” Yu Zhaomu, "A Discussion on the Evolution of the Han Dynasty's Policy towards the Xiongnu," 5.

³⁵⁵ SC 110, p. 2902 (Watson, *Records*, Vol. II, p. 173); HS 94A, p. 3762.

³⁵⁶ Psarras, “Han and Xiongnu a Reexamination of Cultural and Political Relations (I),” 134.

³⁵⁷ Wolfram BERHARD, *Çin Tarihi*, 3rd ed. (Ankara: Türk Tarih Kurumu Basımevi, 1995), 89.

were able to sit on the throne of the Hun Empire. Thus, the Han dynasty's rejection of the he qin policy and fighting with Huns under martial emperor Wu Di in 133 B.C., at the highest of its national power, was inevitable.

By the time of Emperor Wu Di, the objective conditions for fighting against Huns had already met. The implementation of the he qin policy in the early period won the time for the Han dynasty. After more than 60 years of development, "the people of the Han dynasty are full for foods, all the storehouses are full of grains, and the government treasury has surplus money..."³⁵⁸ In addition, the development of the mutual business between Huns and Han brought great benefit that it strengthened cavalry power of Han dynasty by creating horse market given that horse an important strategic weapon at that time. According to scholars' research, in the Han dynasty, feeding war horse was expensive and complicated issue, must have "eleven families to work hard" for feeding one horse, and the equipment of war horses was another big burden, so the Han was very scarce in this regard. However, through the customs trade, the Huns horses and introduction of horse-raising techniques has brought unprecedented development of the horse-raising industry of the Han dynasty. In "Foods and Goods" chapter of the Book of Han (汉书·食货志), describing the grand occasion of horse-raising during Emperor Wu's time in the Han Dynasty, it is said: "The Son of Heaven, in order to defeat the enemies, the Hu, raises horses in abundance, and the there are tens of thousands of horses coming and going to capital Chang'an"³⁵⁹. Horses a crucial role in enhancing military strength of the Han dynasty.

Possessing enough power to fight with his rival, in 133 B.C, emperor Wu Di started Four- decade long military campaign against Huns. Although his large scale and unprecedented expensive war led the declining of the Han dynasty, the power of the Hun's was destroyed at large extent. During the struggle Huns lost base places such as Yinshan where they lived and depended on, which was a heavy blow to the Huns politically, economically, militarily, and even spiritually. The damage caused by war was depicted in a popular folk song of the Huns as follow: " when we left Qilian Mountains, our animals stopped breeding; when we lost Yanzhi Mountain, our women's face lost

³⁵⁸ 《汉书》卷24《食货志》, "The Book of Han" Volume 24 "Food and Good Records "

³⁵⁹ 《汉书》卷24《食货志》, "The Book of Han" Volume 24 "Food and Good Records "

colors”³⁶⁰. However, Wu Di's war, based on weapons and power, did not make the Hun tengrikuts obey despite almost more than 20 high-ranked Hun aristocrats surrendering until 112 B.C.³⁶¹. It was the internal factor of the Huns that led to being the vassal of the Han. Very soon after the fateful setback, Huns and other nomadic states found themselves in severe internal conflict, therefore, there were no wars between the Han dynasty and Huns. On the other hand, Wu Di's military campaigns against the Huns turned the Han Dynasty from prosperity to decline, which enforced Han court ceased to attack the others. When Emperor Zhao succeeded to the throne, Huo Guang, an assistant minister, guided the emperor by abiding by Emperor Wu's last wish not to launch military conquest. Emperor Xuan basically followed his father's footsteps and finally, the political situation of the time led Huns and several other nomadic nations such as Wusun to submit his throne. Long-lasting and frequent natural disasters, fragmentation of the Hun Empire into five tengrikuts and plague brought disaster to the Mongolian High Land, where the political base of the Huns, and great famine caused the surrender of the southern Huns tengrikut Hu Han-xie (呼韩邪) to Han Dynasty in 51 B.C.³⁶². Willingly submission of Hu Han-Xie was a great achievement in the international relations history of the Han dynasty. The power of the strong Huns divided and the Huns had never been able to establish superiority over the Han dynasty even if Kut-ush Tengrikut, brother of Hu Han-xie, emerged as a powerful Hun leader in the north for a while since 59 B.C. Hu Han-Xie was like the shield of the Han dynasty since he established his government in the middle of the Han and unyielded Northern Huns. Because of that, he was entertained as a king. For the fellowship of Hu Han-Xie, in 33 B.C., the Han emperor married Wang Zhao-jun (王昭君), one of the four beauties of ancient China to him, which was the last he qin with the Huns.

The surrender of Southern Huns was a sign of changing of the power structure in East Asia. Huns turned from superpower to subjected polity and Han dynasties policy towards them also changed from appeasement, he qin, to manipulation and finally to assimilation. No sooner did Southern Huns lay down arms and accepted the superiority of the Han than Huns were divided into eight

³⁶⁰ “亡我祁连山，使我六畜不蕃息；失我燕支山，使我嫁妇无颜色”。《史记》卷 110《匈奴列传》，"Historical Records" Volume 110 "Biography of the Huns"

³⁶¹ 武沐，匈奴史研究（民族出版社，2005），Wu Mu, Studies on the History of the Huns (Minzu Publishing House, 2005), 163–65.

³⁶² 《汉书·匈奴传》，"Historical Records.Biography of the Huns"

different groups and were settled down alongside the northern border and interestingly, top leaders were ordered to "relocate to Xihe Meiji", the important corridor located along the northwest, today's Gansu province. It was not until 140 A.D. that Hun leaders moved to Lishi in the Xihe River. Huns were used for reconnaissance, patrolling counties, assisting the garrison, and defending the frontier fortresses, even for the fight against Northern Huns who were still in fierce political rivalry with Han³⁶³. As to Hun tribes, they were settled in the Great Wall and mixed with the Huaxia people, which provided favorable conditions for the Southern Huns to gradually embark on the road of assimilation into Huaxia people.

It is also worth mentioning how the Han dynasty met the marriage request from the Hun leaders after the Huns suffered heavy losses. Here are two examples showing how Han Dynasty intended to employ the Huns in exchange for dynastic marriage. In 119 B.C, when Tengrikut I Chi-hisia was defeated by famous Han generals Hu qi-bing (霍去病) and Wei Cheng (卫青), he sent an envoy to the Han court asking for peace in return for marrying Han princess. Han dynasty informed their willingness on the condition of Hun leaders' willingness to be an outer vassals of the Han court. The request of the Han made I Chi-hisia so furious that the peace talk ended. On another occasion, the Han government asked Hun tengrikut Wu-Wei to send his son to the capital Chang'an as a hostage when tengrikut expressed his desire to end the war by restoring the marriage alliance. This negotiation also did not yield any result because of the request of hostage³⁶⁴. These two instances reveal the purpose of the Qin could change from appeasement to harness as it is aimed in the policy of Ji mi, which will mention next part of the chapter.

The appeasement policy showed itself again during the early period of the Eastern Han Dynasty. Against Huns in the north, emperor Liu Xiu Guangwu (Guangwu 光武帝刘秀) applied a defensive strategy as his grandfather Liu Bang did. The reason for turning back defensive position proceeded from the political situation of Huaxia land. Politically, the Eastern Han regime had just been established, local separatist forces had not yet been eliminated, and the whole country had not yet

³⁶³ 余兆木, "叙论两汉对匈奴政策的演变," Yu Zhaomu, "A Discussion on the Evolution of the Han Dynasty's Policy towards the Xiongnu," 35-36.

³⁶⁴ DENIS TWITCHETT and JOHN K. FAIRBANK, eds., *The Cambridge History of China, Vol. 1_ The Ch'in and Han Empires, 221 BC-AD 220* (The Cambridge University Press, 2008), 394.

been unified; socially and economically, the people were exhausted, and the population had plummeted sharply. Based on this reality, the new government implemented an appeasement policy towards its neighbor again, but this time, sending a princess is not the main policy however bribing, manipulating, dividing, surveillance, and assimilating were applied as key strategies. Also, very different from the previous Han, the tun tian (屯田) policy was added as a defensive strategy towards Huns.

In 30 A.D, in order to ease the relationship, emperor Liu Xiu sent an envoy to the Huns and presented a huge amount of gold coins, and ask to keep the old friendship. However, interestingly Hun leader's request of getting marry Han princesses was rejected. As can learned from the example above, the Huaxia dynasties applied he qin when they were in a weaker position in general with some exceptions. Although Eastern Han Dynasty suffered too much from internal and external conflicts, the power gap between the Huns and Han was not as big as it was. So, they tried to maintain their security with another type of appeasement, with the gold and active arrangements on the border. In 31 A.D, the Han emperor ordered the hussar general Du Mao to lead troops to the north to settle in Jinyang and defend the Huns; and two years later, in 33 B.C, Han generals Zhu Hu, Wang Chang and Hou Jin were ordered to install near the Great Wall, precisely, Changshan, Zhuojun, and Yuyang respectively. In another example, the Han palace organized Han people to resettle to the north and established the min tian(民田), one of the two versions of the tun tian (屯田) or tun ken(屯垦).

Tun tian refers to a system in which the state forces farmers or soldiers to cultivate the borderland. It originated from the Western Han dynasty yet, Cao Cao of Wei Kingdom, famous politician during the period of three kingdoms (184-280 A.D), turned it more sophisticated system. First time, in 169 BC, emperor Han Wendi (汉文帝) used criminals, and slaves and recruited peasants to garrison frontier fields, and later emperor Wu Di (汉武帝) dispatched a large number of garrison soldiers to settle fields in the Western Regions, where traditional land of Huns and other nomadic nations. After a while, tun tian was developed into two different formats, which were jun tun (军屯) and min tuan (民屯). Here are the differences between the two. In Chinese, Jun means solder and min is normal people. Jun tun refers to the establishment of land for soldiers who do not need

to fight and requiring them to cultivate their own crops and produce food for military campaigning. Min tun however, refers to the issuance of land to the common people for farming, but the land ownership still belongs to the government, and the income of the people's farming is deducted from the tenant rent, and the rest is owned by private individuals. The people in this system cannot abandon the rationed land without authorization, otherwise, they will be punished.

Since Wu Di reject the appeasement Huns by launching a military campaign to the Guang Wu's embracement of appeasement again in the early period of the Eastern Han Dynasty, Huaxia rulers deployed soldiers and peasants to the north in order to ensure their security. With self-sufficient soldiers and a large number of Huaxia people, the tun tian system formed a strong defense line where far away from the capital of the Han government, while it played a crucial role in assimilating Huns and others. It brings to mind the method that Cagnat-Jan mentioned about Huaxia's method of assimilation applied to the non-Huaxia peoples around them. The methods Cagnat-Jan mentioned in this context are³⁶⁵:

1. Sending immigrants to the regions where under the influence of China.
2. Deploying them in the same place in order to keep Huaxia culture alive and maintain a sense of belonging to the Huaxia proper land.
3. Through the power of Huaxia governments, applying various methods towards non-Huaxia for melting the Huaxia into the community and accepting Huaxia values
4. Imposing various restrictions on the natives.

From 200 B.C, in the reign of Han Gao-zu (汉高祖) to in 33 B.C, the period of Guang Wu-di (光武帝), Han policy towards the Huns changed from appeasement to harness; bagging not to attack to manipulating to attack others, broadly, from he qin to ji mi. As it was discussed below, Han ruler Wang Mang violated the agreement which formed around the system of ji mi and tried to forcefully assimilate the Huns. Despite Wang failed to assimilate them, Cao Cao realized it by using various tactics. Before jumping to the ji mi management system, the following section of the chapter discussed he qin towards other nomadic nations like Turks and Uyghurs.

³⁶⁵ Rene Cagnat et al., *İmparatorluklar Beşiği: SSCB, Çin ve İslam'ın Arasında Orta Asya'nın Yazgısı* (Alan Yayıncılık, 1992), 74.

3.2.1. He Qin as Disintegrating the “Barbarians”

The most typical examples of he qin on the purpose of disintegrating was seen in the policy towards Turkic Khanate during the period of the Sui and Tang Dynasty. In the middle of 6th century, Turks appeared as another great power in the Mongolian Highland after the Huns. Heritage political system and sphere of the Huns, Turks very quickly became the strongest nation in Asia. As a confederation that included different tribes and races, Turkic Khanate had many autonomous bodies in it; most importantly, the booty and land-sharing tradition of these people naturally prevent the formation of a centralized state as it happens in the Huaxia dynasties. Thus, for northern nomadic nations, it was quite normal to be divided into two or four pieces. Having deeply realized these features, Sui and Tang dynasties applied he qin as a tool to divide Turk Khanates' power.

During the political unification process in the 6th Century Yang Jian (杨坚), prime minister of the Northern Zhou dynasty (北周), executed a coup d'etat, killed the king and the royal lineage dukes and proclaimed himself emperor by changing the name Zhou to Sui in 581. Princess Qian Jin (千金公主) of Zhou, the wife Turk kagan Dou Lan, decided to take revenge on Yang Jian. She constantly provoked her husband to attack Sui Dynasty (隋朝). Yang Jian was also seeking ways to kill her given that she was a member of the Zhou royal family who were assassinated by him, and now she is the queen of the powerful Turkic Khaganate. Almost at the same time, the Tuli Khan, the leader of Northern Turks sent an envoy to Yang Jian and asked to get married to the Sui princess. Emperor Yang Jian told the envoy that if Tuli Kagan kill Princess Qian Jin, the marriage will be granted. So Tuli Kagan kept slandering the princess and finally made Du Lan Kagan angered to execute her³⁶⁶.

Then Sui emperor Yang Jian decided to alienate the Northern Turkic Khanate from the South by leveraging Tu Li's proposal and in 597 he sent Niu Hong, Su Wei, Xie Lu Xiao Qing as envoys one after another. Tuli Kagan originally lived in the north, but because he married Sui princess

³⁶⁶ 资治通鉴 卷一百七十八 隋纪二, Zi Zhi Tong Jian, Volume 178, Sui Ji II

An Yi (安义), he moved south to the old town of Du jin³⁶⁷, which made Dou Lan Kagan extremely furious. After princess An Yi died, Yang Jian married princess Yi Cheng to Tuli Kagan again. In response to all these actions, Dou Lan Kagan led an army to attack Tuli Khan. This was exactly what Yang Jian wanted to see. Because, if things unfold like this, the Turks will be exhausted by internal disputes and will be easier to control. Yang Jian's son, the emperor Yang Guang or Sui Yangdi, continued this strategy when dealing with Western Turkic chiefs A Shi-na Shi Bian (阿史那·射廬) who were proposing marriage.

That was the time Göktürks Khanate partitioned into two rival powers East and West and ruled by Shi Bian and Iltebir Kagan or Chu Luo Kagan (处罗可汗) in Chinese sources. In order to show his superiority over Göktürks, Yang Guang requested Iltebir to meet in Da Dougu (大斗谷). Yet, Iltebir rejected the request and said “the people of this country would not obey”. Sui emperor Yang Guang was inflamed about this but there was nothing he could do. Accepting strategist Pei Ju's conspiracy, Emperor Yang Guang summoned Shi Bian's messenger. In response to Iltebir Khan's disobedience, he said that Shi Bian is in a good mood and he would like to help him to be a great khan. As to marrying a princess, the Huaxia emperor ask Shi Bian to send troops to kill and punish Ilterish Khan, and then he would agree to give him a princess. Shi Bian was very happy after hearing about it and sent troops to attack Ilterish and defeated him in the end. Ilterish Kagan fled and moved eastward with few thousand cavalries³⁶⁸.

At the end of the Sui Dynasty, Huaxia land entered into chaos. Li Yuan, the lord of State Tang took advantage of the situation and revolted against royal palace in Jinyang, proclaimed himself emperor in 618, and established the Tang dynasty. The long war between the Turks and the Tang Dynasty ended up victory of the late. In the monuments of Tonyukuk, Kültegin and Bilge Kagan, the most famous Göktürk inscriptions, the reasons for the collapse of the Göktürk Khanate are summarized in three important points. These are 1) the incompetence of the other Turk rulers who came to the throne after the successful rulers, 2) the failure of the Turkish people to fulfill their duties towards their country 3) the consistent Tang intrigues and their sneaky policies.³⁶⁹ As for the

³⁶⁷ 《隋书》卷 84 《北狄传》, "The Book of Sui " Volume 84 "Beidi Biography"

³⁶⁸ 《隋书》卷 84 《北狄传》, "The Book of Sui " Volume 84 "Beidi Biography"

³⁶⁹ Ahmet Taşağıl, *Gök Türkler 2* (Ankara: Turk Tarihi Kurumu, 1999), 10–11.

Tang intrigues and their cunning policy, it was emphasized that Huaxia policy against Turkic khanates were brought foreign tribes closer to them with sweetly and effective words as well as silk fabrics, then deceiving them after they obey ; scattering seeds of mischief; turning younger brother against older brother, making the people against their khan, which led collapse of the state.³⁷⁰ This situation reminds us of the following lines in the Bilge Kagan inscriptions /monuments also known as Khöshöö Tsaidam monuments that estimated to have been erected by Bilge Kagan's son in 735: “The word of the Tabgach (Tang Dynasty) nation are sweet, and the silk fabric is soft. With sweet words and soft silk cloth they used to deceive the distant nation. After making others getting close and landing, that's when they think of bad things. They did not allow well-informed and brave persons to be exist. If one person were mistaken, they would punish his relatives, his tribe and even his. Deceived by their sweet word and soft silk fabric, many Turks died. Turks! you died; Turkic people! you will die!”³⁷¹.

However, Chinese sources recorded things slightly different than what was carved on the Göktürk monuments. They mostly tried to depict the barbaric nature of Turks and Tang’s “kindness” towards them. Nevertheless, they both tried to manipulate one another. While the Tang dynasty showed their “generosity” in order to push back its other strong rivals like Toles and Tibetans as well as to use them for their awe-inspiring westward military campaign, the Turks, on the other hand, saw Tang as shelter and a source of legitimacy. Because of the Tang dynasty's cosmopolitan nature and the power structure of East Asia at that period, Tang and Göktürks developed very complex and multilayer relations. Heated clash, ultra-loyalty, strong fear, Confucian “benevolence”, Legalist governance, and intention of Sinicization mixed with each other. Regarding the Legalist art of management, as mentioned coming section, it can be mentioned collective punishment (连坐) as mentioned on Göktürks monument, benefiting from a single hub (利出一孔), eliminating the strong with the weak(以弱去强) and assimilation. Another fact worth mentioning is the repetition of the deeply ingrained view of Huaxia society towards others, that is “those who are not of my kin are sure to have a different mind” (非我族类，其心必异), which is true for both Confucian and Legalist mindset.

³⁷⁰ Kul Tiğin Kitabesi, güney cephesi 5-7; Bilge Tigin Kitabesi kuzey cephesi 4-6 saurlar.

³⁷¹ Hüseyin Namık Orkun, Eski Türk Yazıtları (Ankara: Türk Dil Kurumu,2011),24-25.

3.2.2. He qin as Thanksgiving

The marriage alliance policy has also been carried out in the form of gratitude. The Tang's he qin policy against Uyghur Khanate belongs to this type. Although a notable number of qualified Turks came under the command of the Tang, the lifestyle and nature of the nomadic peoples formed by the geography they live in, caused new conflicts and the power balance in the Mongolian Plateau, the main political area of nomadic nations, began to turn upside down. Competition for the leadership position reached its highest level since 740. The fact that their neighbours, who have been constantly threatening their north for nearly two hundred years, found themselves in a heated clash, prompted the Tang government to act. Sun Lao-nu, the Tang embassy, was given a special task by the emperor and sent to Uyghurs, Karluks, and Basmils, which were the most powerful Turkic tribes under the influence of the Göktürks and seeking their independence. These tribes were offered to stop obeying the Göktürk state and join the Tang dynasty.³⁷² The three Turkic tribes revolted against the Göktürks, which were already weakened by the provocation of the Tang dynasty, and killed Kutlug Yabgu, the Göktürk leader, and the leaders of these three tribes sent an envoy to the Tang palace.³⁷³

despite the death of the leader, a large number of Göktürk people were still able to avoid the attack of the Basmils, Uyghur, and Karluks and put the son of the former general of the eastern wing Pan Kül Tegin on the throne with the title of Ozmiş Kagan. Taking advantage of this complex situation, the Tang dynasty sent General Wang Chung-su to the north to destroy his strong rival. In order to legitimize his position, Ozmiş Kagan informed the Tang palace he would visit the Tang emperor and show his loyalty. However, when he later gave up on his intention, the aforementioned Tang commander took action to destroy him. However, instead of fighting himself, he persuaded Uyghur, Basmil, and Karluks to attack Ozmiş. He himself only repaired the castle in the north of China in order to close the attacking path of the northern tribes in the future³⁷⁴.Ozmis was defeated and

³⁷² Tsu-chih T'ung-chien 214, p.6809

³⁷³ TCTC 215, s. 60.

³⁷⁴ HTS 133, s. 4553.

more than one thousand Turk families, including Turk princesses, subdued to Tang and took shelter there.

Uyghur leader Kutlug Bilge declared himself Kagan, the top ruler of the tribal confederation. and sent an envoy to Tang emperor Xuan Zong (唐玄宗) to inform the new development. All the northern steppes came under the rule of the Uyghurs, and a situation of balancing each other emerged among the three great powers in Asia: the Uyghurs, the Tang dynasty, and the Tibetans. Having a large number of cavalry troops Uyghurs were regarded as the strongest power compared to Tang and Tibetans yet Tibetan Empire was seen as the biggest threat for both the Uyghurs and Tang dynasty. The political conjuncture of the period forced the Huaxia dynasty to behave more respectfully towards the Uyghur Khaganate. The Tang government applied the strategy of “using barbarians to subdue barbarians” (以夷制夷) and resumed the marriage alliance in addition to offering economic privilege so as to keep good relations with Uyghurs.

Unlike previous nomadic empires who always carried military campaign into the Huaxia territory, Uyghur Khanate kept friendly relations with Tang government. The reasons could be said Tang’s dependence on Uyghurs in both internal security and external power balance strategy. Due to such need, the Tang dynasty not only sent princesses to the Uyghur ruler and granted privileges in the horse trade, but also sent a large amount of silk and gifts every year. Apart from these, many Uyghurs were offered official Tang administrative ranks and titles, and were granted extraordinary liberties in Tang territory³⁷⁵. Besides, due to the request of Uyghurs, Tang agree to assume the shoulder to protect and support existence and development of the Manicheism, one of the official religions of the Uyghur Khanate, despite Tang were furious about this request since Tang saw it as the intervention of their domestic affairs³⁷⁶. Reciprocally, the Uyghurs also did not turn down any request for help from the Tang dynasty. Interestingly, borrowing troops from Uyghurs in exchange for plundering and paying tribute became normal for Tang government. It was kind of win-win negotiation that Uyghurs gets material benefits while Tang makes sure to pacify internal

³⁷⁵ Michael C Brose, “The Medieval Uyghurs of the 8th through 14th Centuries,” 2017, 6.

³⁷⁶ Drompp, Michael R. "The Uighur-Chinese Conflict of 840-848." *Warfare in Inner Asian History (500-1800)*. Brill, 2002. 73-103.

rebellion and external threats. Examples in this context would be the Uyghurs' help to suppress two major internal revolts in the Tang dynasty and their military support against the Tibetan threat.

In 755, Tang general An Lushan (安祿山) rebelled against the Tang dynasty. Starting from Hebei province, he marched towards the east for the purpose of claiming himself emperor by overthrowing Xuan Zong (唐玄宗). Luoyang (洛阳) and Chang-an (长安), two capitals of the dynasty were captured by rebellions and the Tang court fled to the south, the city of Chengdu (成都). At a such critical moment, the Tang emperor sent an envoy led by grand vizier Guo Ziyi (郭子仪) to the Uyghur capital Kara Balasagun. Reaching an agreement with a Tang envoy, Uyghurs sent cavalries and took back two capitals by defeating An Lu-shan in 757. Besides the agreements mentioned above, Tang palace married Princess Ning Guo (宁国公主), the second daughter of Emperor Suzong to Uyghur Kagan Bayanchur in 758. In the same year, Princess Xiao Ningguo (小宁国公主), the niece of the Tang emperor married to Bögü Kagan.

In 759, Shi Chaoyi (史朝义) started another big rebellion and occupied capital city Luoyang. There years later, in 762, Tang palace sent envoy with prince Li Kuo (李适) to Uyghur capital again. Uprising suppressed by Uyghur troops again and in return, huge number of booties were given and Tang dynasties agreed to buy maximum 100,000 horse from Uyghurs on an annual basis. The business created huge economic burden for Tang and debt had been paid Uyghurs until 842, the year that Uyghur Khanate fallen³⁷⁷. In order to maintain good relation, Tang Dynasty again married three princesses to Uyghur Khans. They are Princess Chonghui (崇徽公主) in 769, Princess Xian'an (咸安公主), the eighth daughter of Emperor Dezong, in 788 and Princess Taihe (太和公主), the fourth sister of Emperor Muzong of Tang, in 821. All these princesses married to Uyghur khagans for the sake of “repaying kindness” or “reward” Uyghur for their military aid.

³⁷⁷ 范文澜, 蔡美彪, 中国通史, 第四册, 1994th ed., vol. 10 (北京: 人民出版社, n.d.), Fan Wenlan, Cai Meibiao, General History of China, Volume 4, 1994th ed., vol. 10 (Beijing: People's Publishing House, n.d.), 74–76.

3.3. Against Barbarians in Huaxia Political Sphere: Ji mi Administrative System

ji mi is the administrative tactic of Huaxia dynasties towards non-Huaxia nations by controlling their head. The title of this system resulted from Huaxia governors' discriminative views on other nations. It is stated in Biography of Sima Xiangru Liu of Shiji that during the consultation on how to govern "four barbarians", Shu Yelao suggested "the four barbarians must be controlled just as the ox and horse are controlled by headstall and bits."³⁷⁸ While he qin was the strategy of appeasement and mostly used against independent non-Huaxia nations, Ji mi (羈縻制度) was applied "barbarians" who accepted the superiority of Huaxia states, yet remained self-governing in their internal affairs. Generally speaking, here are key differences of the two systems. To begin with, the political status of the two sides shows differences, in he qin strategy, two states represent equally independent polities, however, in the case of Hun-Han relations, the Huns were in an active and stronger position, while Han was in a passive and weaker position. In Ji mi strategy, however, two polities are the in the relation of central government and autonomous region. As a leader of an autonomous body, the Hun leader, for instance, accepted the Han emperor's authority over him. In addition, the purpose is not the same. He qin was mainly used to appease strong Huns even though sometimes used for inciting "barbarians" to attack others, yet, that is the goal of ji mi that "using barbarians to subdue barbarians" (以夷制夷). It is not hard to notice that from he qin to ji mi, the Huaxia dynasties poisoned themselves from passive to active in bilateral relations. This administrative system was used from the Qin (221 B.C-206 B.C) to the Song dynasty (960-1279) and replaced by another strict management system called tu si (土司制度) which applied from the Mongol Yuan (1271-1368) to the late Qing dynasty (1636-1912). This part mainly analyzes what was the main goal of Ji mi governance system, how it works and what kind of administrative methods were applied within the system, and what consequences it brought.

³⁷⁸ 司马迁, 史记. 117 卷, 《司马相如刘转》, 第 57, (中华书局出版社), Sima Qian, Shi Ji. Volume 117, "Sima Xiangru Liu Zhuan", No. 57, (Zhonghua Book Company Publishing House),.3049-3050

The term Ji mi first appeared in Shiji of Sima Qian, which implied to a man directing a horse or ox by use of reins³⁷⁹. Whenever Ji mi system establishes, it is the time when the non-Huaxia leader is officially accepted to be a vassal of Huaxia ruler by receiving the title. Except for acknowledging his belonging to the Huaxia court, the “barbarian” leader is free to organize his nation's inner affairs³⁸⁰. Even if it is a relatively loose and autonomous system in the beginning, like in Qin and Han, along with the expansion of the Huaxia culture and accumulation of the governance experience, the system was developed into the tu si, a strict way of administration. Thus, ji mi and tu si have very close relations that tu si is the developed and updated version of Ji mi. The system was started and developed during the period of the Qin and Han Dynasty and was sophisticated in Tang and Song periods. From 221 B.C. when the Qin Dynasty unified Huaxia land and began to govern the "Southwest Barbarians", to 1253 A.D when the throne of the Southern Song dynasty collapsed in the southwest region, the Ji mi administrative system lasted a total of 1474 years.

By looking at Chinese history, it can be found that, initially the Qin dynasty initiated this policy. After the Qin unified the western and southern non-Huaxia regions, the leaders of the “Southwestern Barbarian” (nan-yi 南夷) groups who had surrendered were conferred the title of prince (hou 侯) and king (jun zhang 君长). For example, after the Qin eliminated the “Southwestern Barbarians”, State Ba and the Shu, the leaders of these two Yi nationality countries were still named "prince" and "barbarian king", and they continued to rule the people and territory of Ba and Shu. Huaxia court's management, penalties and taxes on them are relatively light. In addition, in order to fasten the headstall, the Qin also married a “barbarian” prince with a Qin woman³⁸¹. During the Han period, the system further developed by adding royal rank if “barbarian” rulers were believed to be loyal to the Han court. In this fashion, yielded non-Huaxia ruler become not only the leader of the “barbarians”, but also an official of the Huaxia dynasty. This development indicates the “gracefulness” of the emperor on one hand, it also shows the “barbarian”

³⁷⁹ Yuan, Bolan, Min, Shenglan and Huang, Li. "Tang Song Minzu Zhengce Ji mi Wenti Zhi Bijiao Yanjiu" ("Ethnic Policy of the Tang and Song Dynasties, A Comparative Study on the Question of Ji mi"). Journal of Northwest University for Nationalities. 2004.5.

³⁸⁰ 龚荫, 中国土司制度 (云南民族出版社, 1992), Gong Yin, Chieftain System in China (Yunnan Nationalities Publishing House, 1992), 1.

³⁸¹ 班固, 后汉书.86卷, 《南蛮西南夷》列传, 第76, (中华书局标点本), Ban Gu, Book of the Later Han Dynasty. Volume 86, Biography of "Southern Barbarians and Southwestern Yi", No. 76, (Punctuated by Zhonghua Book Company), 2841.

leader's further obedience. Simultaneously, it spread the fame and authority of the Huaxia emperor into the "barbarian" territory³⁸².

It is important to understand that ji mi system is the governance method towards submitted "barbarians" and it is also noteworthy that until Wu-di (汉武帝) of the Han dynasty pushed back the Huns, application of this method was limited in the south of the Great Wall. In other words, it was used against only two of the "four barbarians", which were Eastern Yi(东夷) and Southern Man (南蛮). It is also interesting that so-called "barbarians", especially these two, were very quickly integrated into the Huaxia culture and became the backbone of the Huaxia civilization. Xiang Yu, (项羽), a legendary warlord, and terminator of the powerful Qin dynasty for example, was a royal member of the State of Chu (楚国)³⁸³, one of the Southern Barbarians; Liu Bang (刘邦), the founder of the dynasty of Han, origin of the current ethnic name Han, was also a citizen from the State of Chu. This situation again helps us to know what is being Huaxia or being Chinese and how cultural assimilation is the guarantor of the "great unification" as successive Huaxia dynasties have been followed under different admirative systems or methods.

However, its application of ji mi to northern nomadic nations was quite different from the two "barbarians" in the south. Since northern "barbarians" were more powerful and they had very long and complex relations with the Huaxia dynasties, the ji mi gained very different dimensions and methods. Compare to those two who share a relatively similar culture with Huaxia nations due to their close geographical distance and long interaction, northern steppe people had multilayer, complex, and fresh bilateral relations with Central Plain. Thus, ji mi policy is displayed vividly when it is applied to Huns, Turks, and Uyghurs. That is why ji mi was said to be applied in the Tang period in general. Along with mentioning the existence in the Qin and Han periods, its applications in the Sui and Tang periods will be explained in this part.

When Huaxia authorities applied ji mi against "northern barbarians", they tried to change the statue of the "barbarians" from an autonomous political body to subordinated servants who has no

³⁸² 龚荫, 中国土司制度, Gong Yin, Chinese chieftain system, 5.

³⁸³ See Sima Qian, 史记. 卷四十. 楚世家第十, Historical Records. Volume 40. Chu Family Tenth

right to be free in internal affairs, even tried to assimilate them by force in order to build unified state. It is interesting to find that, such a harsh, Confucian-Legalist style of assimilation policy was applied when the Huaxia dynasties united its traditional lands. When they accomplished unification, four types of Huaxia-“barbarian” relations either appeared as a reality or gradually guided to, which were an equal rivalry, hierarchal tributary, quasi-autonomous and direct submission to the Huaxia court. These relations and policy against “barbarians” headed towards loose to strict control. To some extent, the policy they applied vividly depicted in Bilge Kagan Monument that “the words of Tabgach nation (Huaxia Chinese) are sweet and their silk fabrics are soft. With sweet words and soft silk cloth they used to deceive the distant nation. Once they got others close and landed, that's when Tabgach thought of bad things.”

The policy they used against “barbarians” mostly depended on the time they had dominated them and the geographical distance between the two polities. In other words, harsh and more assimilationist policies were used at when certain time after guaranteeing autonomous status to “barbarians” or when “barbarians” found themselves in the south of the Great Wall, China proper. As mentioned by professor Wang Ke (王柯), the Japanese-Chinese anthropologist, and ethnic minority study expert, while the Tang dynasty did not collect taxes from those under the *ji mi* rule, it did collect taxes from non-Huaxia groups who migrated from the north or from those near Tang's territory, even Tang asked them to fulfill all obligations that asked from Huaxia people³⁸⁴. However, despite the distance having consistently shown differences, in general, it expanded from traditional Huaxia land to “barbarian” regions due to cultural assimilations that were generated from various administrative methods.

Due to the deep effect of Confucian thoughts such as “Huaxia-barbarian order” (华夷之辨), “great unification” (大一统), and “changing barbarians with Huaxia nation” (用夏变夷) and biased narratives such as “those who are not of my kin are sure to have a different mind”(非我族类其心必异) “Huaxia society without a ruler is better than the barbarian community has the ruler”, (夷狄之有君，不如诸夏者亡也), “I have only heart to change barbarians with Huaxia, but never

³⁸⁴ 王柯 and 冯谊光, 民族与国家: 中国多民族统一国家思想的系谱 (中国社会科学出版社, 2001), Wang Ke and Feng Yiguang, *Nation and State: The Genealogy of China's Thought of Multi-Ethnic Unification* (China Social Science Press, 2001), 114.

heart to change Huaxia with barbarians ” (吾闻用夏变夷者，未闻变于夷者也). Among the Huaxia dynasties or the non-Huaxia dynasties which inherited Huaxia culture and political system, there was a tradition and thought of not tolerating pluralism and always defending homogeneity. For this reason, the regions governed by the Ji mi system in the status of autonomy were often prone to the attack of the Huaxia dynasties, and the forcible imposition of their own values and understandings. When non-Huaxia peoples under the Ji mi policy were made dependent on Huaxia dynasties in all respects by such methods, the Ji mi policy was gradually replaced by a rather strict administrative system, all differences were repealed and the same policy as in the interior of Huaxia land began to be applied. It can be said without exaggeration that both Confucianism and Legalism are almost the same when it comes to governing “others”. While Confucianism advocates changing them in a benevolent way, Legalism intends to do it by force.

3.3.1. Huns: from powerful satellite state to slaves

The Huns maintained their dominance over the Han dynasty until Han Wu-di's expensive military expedition. During this long period, as it was mentioned above, he qin was the main strategy applied by the Han government. However, Ji mi system was applied when Southern Hun leader Hu Han-ye (呼韩邪) surrendered to Han Dynasty in 51 B.C and sent his request to enter to capital. This was the first time powerful and active Huns willingly come to be a subject of the Huaxia dynasty. That was the main reason why the Han Dynasty attached great importance to Hu Han-ye's decision and his entry into the capital for greeting the Han emperor. Han Chang, the commander of the chariot and cavalry, was sent to the border to meet him. On the way to Chang-an, he passed through seven counties, and each county sent 2,000 cavalries to express the Han dynasty's warm welcome for his entry. Hu Han-ye stayed in Chang-an for more than a month and returned. Again, the Han sent Gao-chang, duke Dong Zhong, and chariot captain Han Chang to lead 16,000 cavalries to escort and protect him, and immediately sent huge amounts of grains to relieve hungry among his people. Without a doubt, the Han court deeply impressed him the first time.

This is exactly reminding us “five baits” that were advised by a minister in the Han dynasty to manage Huns. The “five baits” suggested by him covered almost all aspects of cultural life. He said³⁸⁵:

To give them ... elaborate clothes and carriages in order to corrupt their eyes; to give them fine food in order to corrupt their mouth; to give them music and women in order to corrupt their ears; to provide them with lofty buildings, granaries and slaves in order to corrupt their stomach ... and, as for those who come to surrender, the emperor [should] show them a favor by honoring them with an imperial reception party in which the emperor should personally serve them wine and food so as to corrupt their mind. These are what may be called the five baits.

Such “generosity” and “benevolence” showed to many ruler and commanders Huns, Turks, Uyghurs, and other nomadic nations.

Although Hun tenrikut Hu Han-xie surrendered to the Han court after Hun’s defeat, there was no clear sign of implementation of ji mi system towards the Huns. It was Legalist eunuch Wang Mang (王莽) who applied racist version of ji mi in order to fulfil “great unification”³⁸⁶. While earlier Huaxia politician applied ji mi in order to achieve the goal of “great unification” in the form of confederation, Wang Mang instrumentalized it for political purpose of “great unification” in the form of cultural and ideological assimilation. He believed the realization and fundamental guarantee of political “great unification” ultimately depends on the “great unification” in ideology. In this regard, he sees the existence of other nations hurdle for political “unification”. So, he made up his mind to deal with the relationship between the Huaxia people and other ethnic groups. Wang Mang’s guiding ideology in dealing with ethnic relations was the idea of “great unification”, and he was also influenced by the early Confucian thought of “Huaxia-barbarians distinction” (华夷之辨) or “Huaxia-barbarian order” (华夷秩序) which is the socio-political view based on Huaxia nation’s superiority over “four barbarians”.

³⁸⁵ Henry Kissinger and Nicholas Hormann, *World Order*, vol. 9 (Penguin Press New York, 2014), 128.

³⁸⁶ 王晓轩, “王莽的民族思想和政策研究,” Wang Xiaoxuan, “Research on Wang Mang’s Ethnic Thought and Policy,” 2011, 29.

It is also worth mentioning that, based on the influence of the traditional "great unification" thought and the political unification situation since the Qin dynasties, many politicians, thinkers, and historians in the Han dynasties mostly inherited and developed the "great unification". In this context, they expanded the idea of "great unification" from the traditional territory of the Zhou dynasty to any other territory or the "barbarians" that were included in the political sphere of the Huaxia dynasty and designed their policy on the purpose of "changing barbarians with Huaxia" (用夏变夷) and make them members of the extended family of Huaxia nation. During the Han period, many policies, ideas, and thoughts were produced for accomplishments of this strategy, such as Emperor Wen's (汉文帝) thought of "making the people of the two nations as one family", Han Chang (韩昌) and Zhang Meng's (张猛) thought of "Han and Huns as one family", Du Qin's (杜钦) concept of "unification of yin and yang", and the thought of "the barbarian circle" in "Huainanzi" (淮南子), etc. In terms of how to deal with ethnic relations, the ideas of politicians and thinkers during that period were also improving day by day. For instance, Emperor Wen's thought of "pacifying the barbarians with kindness", Zhao Chongguo's (赵充国) thought of "fighting barbarians with barbarians", Hou Ying's (侯应) view of "controlling all barbarians with authority", Ban Gu's (班固) view of "using both kindness and power", so on and so forth.

Through the combination of classical Confucian "great unification" which advocate unification of the Zhou territory by rituals and behaviors with the political and territorial "great unification" in Qin and Han dynasties, the unique view on the relationship between "barbarians" and Huaxia emerged: "Huaxia-barbarians distinction" can only be seen in a certain historical stage. According to their view, along with the deepening of ethnic exchanges, the full development and continuous integration of ethnic groups, the situation of "Huaxia-barbarians distinction" will eventually be replaced by the situation of "integration of Huaxia and barbarians" (华夷一体). This inclination can be seen in the aforementioned ideas. In emergence of this idea, combination of Legalism and Confucianism by Shu Xun-tong and Dong Zhong-shu provided a philosophical foundation. Wang Mang's policy toward Huns reflected the extremist version of this trend.

During Wang Mang's reign, in order to strengthen his control over all under the heaven, he successively adopted a series of reform measures, and ethnic policy was one of the important

contents of his reform. Among the ethnic groups, the Huns, the "head of the hundred barbarians", were a key point of Wang Mang's ethnic policy, given that most of the ethnic groups in the Western Regions and the Northeast were controlled by the Huns that time. Therefore, if Wang Mang dealt with the problems between the Han and these ethnic groups, he must first consider Hun tengrikut's reaction. No sooner he seized the power than he tried to change the autonomous status of Huns in order to build the power-centralized political system as Legalist political philosophy advocated. Being the initial application towards such a great power, ji mi had experienced its prototype and loosest stage during the past half-century. Combining Confucian ethnic policy with Legalist political structure, Wang Mang tried to turn ji mi system into the system of the province by decreasing the title of Hun leader. The most pertinent point is that he demoted the title of king (王) to the duke(侯) and changed the degree of the Hun tengrikut's seal. As he decided to change it, he went further and intervene in the inner affairs of the Huns that asked them not to provide shelter to any fugitive from any other people, including the Han dynasty itself. In order to realize the political ambition of unifying the world, Wang Mang implemented a racist national policy and implied that the ruler of "the four barbarians" have the status of only a duke due to their ethnicity. In 9 A.D, he declared that "There are no two suns in the sky, and there are no two kings on the earth. The way of a hundred kings is not easy. The princes of the Han family are called kings, and he who believes the same is true for the four barbarians goes against the classics and core of the idea of unification. The four barbarians arrogantly claimed to be kings are in fact no more than dukes."³⁸⁷

Furthermore, Wang Mang carried out indoctrination and mind control with the aim of controlling both politically and ideologically. He dispatched customary envoys to tour all over the country to promote education and national prestige. In 4 A.D., he widely initiated the practice of indoctrination. Wang Mang sent "Chen Chong and other eight people to travel around the world to observe the customs... and assigned eight people as the customs envoy and ordered them to deliver the new rules that the customs all under the heaven should be the same. In order to show off the national prestige of Wang's authority, the customs envoy also deceived the vassal states by composing thirty thousand words-long songs and poems praising the merits and virtues of Wang's

³⁸⁷ 《汉书》卷 99 《王莽传》, "The Book of Han" Volume 99 "Wang Mang Biography"

reign³⁸⁸. Apart from this, aiming at exercising spiritual control over “barbarians” by shocking and threatening, he also tried to install the religious belief of the Huaxia nation of seeing the emperor as the son of heaven and believing his legitimacy was given by God so that people absolutely obey him by spreading the idea of “being ordered by heaven” (受名于天).³⁸⁹

As to the Hun tengrikut’s seal with the word of “(匈奴單于玺) royal seal of Hun tengrikut” on it, changed the seal that with the word of “(匈奴單于章) new seal of Hun tengrikut”. In order to took the old royal seal away Wang Mang bribed tengrikut with a lot of gold and replaced it with deception³⁹⁰. Then, Wang Mang further suppressed the Huns, and changed the name of Xiongnu (匈奴) to “jiangnu” (降奴), meaning of “surrendered slaves”, and tengrikut (Chanyu 單于) to fu yu (服于), that is "submissive", which caused great dissatisfaction among the Huns³⁹¹. The reason why Wang Mang wanted to change the royal seal, title of the tengrikut, and even the ethnic name of the Hun was to change the situation that the Hun tengrikut was "on top of the vassals and kings" and had excessive autonomy since the two emperors Xuan and Yuan, so as to strengthen his control on the Huns and consolidate the monarch-subject relationship between Han and Huns. Yet, his policy towards the Huns backfired. Despite Hun tengrikut agreeing to change seals in return for gold, Wang Mang’s pressure to return other “barbarian” refugees and his discriminative ethnic policy and other activities made Hun tengrikut extremely furious that he invades Han territory under the name of protecting Wu Huans (乌桓), another non-Huaxia nation who took shelter in Huns. In the beginning, Wang Mang organized a counterattack, however, the Han dynasty was not strong enough to fight with Huns. In order to supplement his troops, Wang recruited incompetent and inexperienced people to fight against the mighty Huns, yet the result can be imagined. Then he tried to apply the strategy of “using barbarians to subdue barbarians” by bribing. In this way, he attempts to buy Hun princes like Deng, Zhu, and others with the goal in order to divide and disintegrate the Huns. However, this approach was too explicit and made tengrikut angry instead³⁹².

³⁸⁸ [汉]班固:《汉书·王莽传》, 中华书局 1962 年版, [Han] Ban Gu: "Han Shu·Wang Mang Biography", Zhonghua Book Company 1962 edition, 4066, 4076

³⁸⁹ 《汉书·王莽传》, "The Book of Han" Volume 99 "Wang Mang Biography"

³⁹⁰ 余兆木, “叙论两汉对匈奴政策的演变,” Yu Zhaomu, "A Discussion on the Evolution of the Han Dynasty's Policy towards the Xiongnu," 23.

³⁹¹ 王晓轩, “王莽的民族思想和政策研究,” Wang Xiaoxuan, "Research on Wang Mang's Ethnic Thought and Policy," 2011, 42.

³⁹² 《汉书》卷 94《匈奴传》, "The Book of Han " Volume 94 "Hun Biography"

This strategy not only failed to achieve the purpose of dividing and disintegrating the Huns but caused a more violent attack.

From the perspective of subjective aspirations, the realization of the unification of Huaxia and “barbarians” is the political ambition of the rulers of each Huaxia dynasty. As pointed out by Li Dalong (李大龙), editor and researcher of the China Frontier Research Institute of the Chinese Academy of Social Sciences, Wang Mang, like other Huaxia rulers of the Chinese dynasties, firmly possessed the Huaxia orthodox idea of “Huaxia-barbarian order” (华夷秩序) and his ethnic policy under the system of Ji mi was the result of this idea³⁹³. Wang Mang believed that the Western Han dynasty's indirect rule of “governing without change culture” (因俗而治) had its “loose” side, thus he attempted to “fasten the reins” and build a direct monarch-subject relationship in order to establish a centralized autocratic system in the form of unified in both politically and culturally. Even if the motivation for his ethnic policy originated from a Confucian idea his methods were purely Legalist.

After Wang Mang was abolished, Han-Hun relations continued. As we mentioned very beginning of this chapter, the ultimate goal of Huaxia rulers' strategy towards “barbarian” is assimilation or “cook” as professor Magnus Fiskesjö used. Han government paid very much attention to educating the Southern Xiongnu in ideological and cultural ways. The Eastern Han dynasty ordered the children of the Southern Huns to come to Luoyang to study the Confucian classics and to teach Confucian etiquette. In addition, the Han palace asked the son of the Southern Hun tenrikut to worship the mausoleum and temple on the first lunar month of each year, which was also an important way to educate the Southern Xiongnu in Huaxia culture. The intensity of the campaign was obviously increased, which undoubtedly had great significance for the direct spread of Han culture among the Southern Huns. “Book of the Later Han Dynasty: Biography of the Southern Hun” (后汉书·南匈奴列传) contains: “Shan Yu (tengrikut) sent a memorial service at the end of the year, and sent his son to the palace... congratulated and worshipped the mausoleum and temple

³⁹³ 李大龙, “国家建构视野下游牧与农耕族群互动的分期与特点,” 思想战线 44, Li Dalong, “Staging and Characteristics of the Interaction Between Pastoral and Farming Ethnic Groups from the Perspective of State Construction,” Ideological Front 44, no. 1 (2018): 100.

at the beginning of the year"³⁹⁴. The reason why the Eastern Han dynasty required the Hun leaders to do servant worship at the mausoleum and temple on the first lunar month of the dynasty every year was obviously to instill the idea of the ruler and minister relations (君臣关系) of traditional Huaxia political culture and made it a custom among the Huns.

Another method applied by Han for controlling Southern Huns was accompanying superintendent. This policy mainly towards top Hun leaders that entitled by Han emperor and appointed to some place. Huaxia official is accompanying to the Hun leader under the disguise of "protector of the Southern Hun Tengrikut" (主护南单于). This official called Zhonglang Jiang (中郎将) or Duliao Jiangjun (度辽将军) in Chinese. In AD 50, after Southern Hun's tengrikut established his palace in Meiji, Xihe, they became a permanent official sent by the Eastern Han Dynasty to tengrikut for guardianship. The Book of the Later Han Dynasty: Biography of the Southern Xiongnu (后汉书·南匈奴列传) recorded as follow³⁹⁵:

In AD 50, Emperor Guangwu "edicted Shanyu (tengrikut) to move to Meiji in Xihe and he entrusted Duan Bin, the general of Zhonglang, and the deputy general Wang Yu, to support Xihe. The main purpose is to set up government offices, engage in work, and control officials."

By leading the envoy assigned by the royal palace, the duty of the Zhonglang was to "mainly protect Hun tengrikut", so he led the prisoners " with weapons, bows and arrows and follow the place where Shanyu (tengrikut) lived; participate in the legal proceedings, and observe the movements". The envoy represents the Han palace's surveillance over Hun tengrikut. Interestingly this policy may remind us present-day party secretaries in five autonomous regions in China. Moreover, by looking at such well-designed surveillance, we again could not stop to recall deep rooted biased view of Huaxia culture of "those who are not of my kin are sure to have a different mind".

³⁹⁴ 后汉书·南匈奴列传, Book of the Later Han Dynasty: Biography of the Southern Huns

³⁹⁵ 后汉书·南匈奴列传, Book of the Later Han Dynasty: Biography of the Southern Huns

Even though war with the Han dynasty and submission, political division, natural disasters, and largely weakened the Huns, they were still able to live as an independent body in the north. They were still powerful enough to change the power structure of the region. In some vicinity of 190 A.D, the Han dynasty was heading towards a civil war between various warlords. Through years of dogfighting against one another, a triangle power structure was formed by three major powers, Wei (魏), Wu (吴), and Shu (蜀). Cao Cao (曹操) a famous general, Legalist politician, and founder of the Wei Kingdom, deeply realized the potential powers of the Huns, who were just living on the border of his political realm. He applied lethal devastating politics against remained Huns that made Huns as powerless as those very random warlords even if Huns would be able to build another state called Han Zhao (汉赵) in 304 A.D during the period called "Sixteen Kingdoms of the Five Barbarians" (五胡十六国).

Huns were residing in the provinces alongside the Yellow River thanks to the redeployment of the Eastern Han, however, the interregnum environment provide an opportunity to get strong again. Considering them as a threat, Cao Cao decided to further divide, relocated, and scatter them despite the Hun leader surrounding Cao Cao in 202 A.D. When Hun tengrikut came to visit Cao Cao in 216, he was captured and kept in Beijing as a hostage and sent another official to govern and monitor his people³⁹⁶. Lin Gan, a well-known Chinese historian who is professional in the history of Huns, concluded Cao Cao's policy as mentioned below³⁹⁷;

1. Brought the Hun tengrikut to his capital and dispersed his people to six different provinces as well as assigned one Huaxia supervisor to each of them.
2. The remaining Huns were divided into five groups and scattered them into 5 different Huaxia regions. He appointed a tribal chief for each group and accompanied a Huaxia official with him to check his loyalty.
3. In order to separate high-ranking Huns from Hun tribes, Cao Cao appointed Hun aristocrats to official positions in Huaxia's proper region.

³⁹⁶ 林幹, 匈奴史 (内蒙古人民出版社 人民出版社, 2010), Lin Gan, History of the Huns (Inner Mongolia People's Publishing House People's Publishing House, 2010), 123.

³⁹⁷ 林幹, Lin Gan, 123–25.

4. By making their families and relatives hostage by relocating them to the capital Ye Cheng, Cao Cao sent brave and young Hun soldiers to different border regions to fight for him.
5. The remaining Southern Huns were placed under the authority of local Huaxia officials in different prefectures and counties and were incorporated into the household registration as Huaxia people were required.

Along with the implementation of these measures, a large number of Hun tribesmen were forced to live together with Huaxia people for a long time and engaged in farming as a result. It can be said that after Huns were accustomed to the living method of Huaxia, they changed from cavalry to peasants. However, due to the Huns having no farmland, they naturally had to rent lands from local Huaxia landlords. As a result, Huns turned into the slaves of the locals very soon³⁹⁸. It is recorded in chapter 104 of the Book of Jin Dynasty (Jinshu 金书) as follows³⁹⁹:

“in provinces like Taiyuan, there were some landlords who enslaved the Hun tenant farmers. This is why the Hun-ghoz (hu 胡) slave trade prospered in Bingzhou and other provinces on the Yellow River during the Wei (魏) and Jin (金) dynasties.”

According to chapter 22 of History of the Wei Kingdom, numerous boreoarctic aristocrats from the capital Xianyang sent precious gifts to Qintai, a protectorate of the Huns, and asked for Hun slaves...⁴⁰⁰

Since the time when Huns was forcefully changed their lifestyle from nomadic cavalry to peasants who tied to the agricultural land, they had never become the united single power. Relocating, scattering and altering traditional lifestyle accelerated their assimilation into the Huaxia nation. Moreover, Huns learned Huaxia culture and language either willingly or unwillingly and as time went by, they started to see or pretend themselves as Huaxia for various purpose. This can be seen from the behavior of Liu Yuan, the founder of the Hun state called Han Zhao (汉赵). Although

³⁹⁹ 《金书》卷 104 《石勒载记》, "The Book of Jin" Volume 104 "Records of Shi Le "

⁴⁰⁰ 《三国志·魏志》卷 22 《陈群附子泰赚》, "Three Kingdoms. Wei " Volume 22 "Chen Qun Fuzi Taizhuan"

Huns followed him due to exploitation and ethnic oppression of Jin Dynasty, he built the kingdom called Han and interestingly, his surname was also Liu (刘), same with the royal family of Han dynasty. Liu Yuan himself, according to the historical records, was raised in Huaxia culture and strongly affected by their philosophy. He was profoundly familiar with Huaxia classics and also learned the military strategy of Sunzi (孙子) and Wuqi (吴起) and the political system of his kingdom was completely the same with the Huaxia dynasties. For example, he called himself di (帝) not tengrikut or shan yu (单于) and named his vassals Wang (王)⁴⁰¹ as the tradition of Huaxia dynasties. This example was the same for other Hun states. They maintained themselves ethnically Hun thanks to political fragmentation in Huaxia territory, however, Huns disappeared since Sui Dynasty unified Huaxia people and territory in 6th century. This time Göktürks and Uyghurs appeared as the next strong “barbarians”. Interestingly, bilateral relations started with he qin, marriage alliance or appeasement again and followed the same course of Han-Hun relations, finally terminated with ethnic assimilation, that is the “great unification”.

3.3.2. Turks: sworn adversary and loyal Vassal

Just like the Huns, the Göktürks emerged as Huaxia's biggest rivals. Between the 6th and 8th centuries, it maintained a long-standing but complex relationship with the Tang dynasty. In fact, it would be more correct to take the relationship of the Turks with the Huaxia dynasty back a little, to the Sui Dynasty (581-618). The Turks experienced very interesting relations with the Sui, which continued its existence for only 37 years but united almost all of the Huaxia lands of the period. Turks, very different from other steppe states, used the tactic of "use barbarians to subdued barbarians", which was the main tactic of Tang governments against Göktürks as discussed below, against the Sui dynasty in order to prevent the Huaxia lands from becoming a great power by uniting. Instead of Huaxia emperors, this time Turk khagans appointed Huaxia vassals and generals as Kagan. Since the subject of our thesis is the management strategies used by the Huaxia against the "barbarians", this paper will not touch on the details of this strategy.

⁴⁰¹ 林幹, 匈奴史, Lin Gan, History of the Huns, 189-193.

From the beginning to the end, the Turkic khagans often competed with Huaxia emperors for supremacy in Asia. Turk's absolute upper-hand position lasts until the 630s, yet at other times certain parts of them were subordinated to the authority of the Tang emperor, especially when the Eastern Turks suffered a military defeat at the hand of Tang Tai-zong (唐太宗). The number of people who migrate into Tang territory after the collapse of the Eastern Turkic State was about one hundred thousand. The change in the political atmosphere in the north of the Great Wall made all Huaxia statesmen, including Emperor Tai Zong extremely worried. Filling the power vacuum and rebuilding the balance in the north were also urgent and important issues that should give priority to doing, however, the core of their concerns was the different lifestyles of non-resident Turks, who came from the steppes⁴⁰².

Emperor Tai Zong held a great discussion among the statesmen in the palace about how to deal with the Göktürks who took refuge in Tang territory. All of the viziers expressed the following opinion:

“Let's deploy them on the south of the Yellow River and place them between Yan and Yü (the places on the Ordos plateau today). This placement should be done in order to distribute them to the provinces and towns, and they should be assigned to work in the weaving sector. In other words, teach them to weave, in this way, tens of thousands of Turks change their culture and lifestyle and become Chinese. As a result, our number increases by adding households to Huaxia people; On the other hand, the north of the Gobi Desert, that is, the Eastern Turkic country, remains empty for a long time and there would not be an attack on the Tang Dynasty.⁴⁰³”

Yan, who was the deputy director of the Imperial Clerk's Affairs, suggested that separate chiefs should be appointed to manage the Göktürks tribes in order to solve the Göktürks problem at its root⁴⁰⁴. Li, the deputy minister of ceremonial and protocol affairs, added that these chiefs should be subordinated only to the Tang emperor, in order to prevent unity and connection among themselves and make them independent from each other. Even the A-shih-na family, who are

⁴⁰² Taşağıl, *Gök Türkler* 2, 20.

⁴⁰³ TCTC 193. p6075-6077,

⁴⁰⁴ CTS 73. Biography of Yan Shi kuo s. 2594

members of the Turk royal family, should be allowed to rule only their own tribe. As such, Turkish tribes would become rivals and enemies to one another⁴⁰⁵.

The strategy here is to assimilate Turks by dividing and changing their lifestyle and making them needy and poverty by connecting all of them directly to the Tang emperor. It should be noted that changing lifestyle not only contributes to weakening and assimilating them into the Tang culture, but it makes Turks directly subordinate to the Tang palace (because of its centralized character) by alienating them from their traditional way of life and linking them to weaning sector and also by eliminating their social rank and structure. This is, in fact, Legalist art of ruling called “all benefit from the single hub”, there should not be another political, social and economic group between citizens and top ruler as Han Fei advised. Apart from these, this strategy would generate other consequences such as poverty, as weaving is not Turks’ master field and they would depend on the Tang palace or Tang people in the entire business chain from weaving to selling. In other words, they would force to do a single thing they have never done before, which caused misery. This again reminds us of Lord Shang’s administrative strategy, keeping the people poor and powerless (qiong min 穷民).

As was motioned in previous paragraphs, the same strategy was applied to southern Huns by Legalist politician Cao Cao. Also, quite interestingly the policy of both dividing and changing lifestyles for the purpose of assimilation is still applying to Uyghurs and Kazakhs in Est Turkistan by the Chinese communist government by launching various state-organized campaigns such as seizing grassland, and farmland as well as demolishing Uyghur and Kazakh populated villages, sending thousands of Uyghurs to factories across the Uyghur region and China proper under the euphemistic strategies such as “township planning”, “labor transfer” and “poverty alleviation” etc. Again, all these strategies and their consequences can be concluded under another general art of Legalism, which is weakening the people (ruo min 弱民).

Coming back to Tang's strategy towards Turks, Xia province commander Tong Ching put forward a different idea:

⁴⁰⁵ CTS, chapter 72, Biography of Lǐ Pài-yao. 2571-2577;

"The Göktürks, like other neighbouring nations, have animal-like behaviors. Laws and punishments couldn't change them. Love and righteousness couldn't teach them anything. Even though they surrender to us now, they will not easily forget their homeland. For this reason, it seems harmful for us to allow them to settle in our lands. Because if they revolt, they may raid our capital city, Chang-an. Therefore, let's take advantage of their destruction, on the one hand, show extraordinary grace, let's give the Göktürk khans Tang titles. Let's marry Tang princesses. On the other hand, let's divide their lands based on different tribes. Thus, the Göktürks will always remain as our vassals. In this way, we can provide real security to our border provinces ... ⁴⁰⁶".

The proposals were evaluated and the strategy of dividing the Turks into six military garrisons was implemented. A new army was formed by the belligerent Turks and used in wars with their other neighbors. The chieftains, on the other hand, were awarded the title of general of Chung-lang (中郎将), fourth-degree second class; some of them were given the surname Li, which is the family name of the Tang dynasty, and were married to Tang princess. When it comes to common Turk people it was made tied to the land as it was advised, that is, those who entered China started farming⁴⁰⁷.

Several years later, Tang Dynasty was forced to shift the policy of “changing barbarians with Huaxia” (用夏变夷) to “using barbarians to subdue barbarians” (以夷制夷). When 40 Turkic warriors led by Turk prince Jie Shih-Shuai (also known as Kurşad in Turkish) attacked the Tang palace in 639, made Huaxia ruler panicked deeply, and interestingly, the Tang government decided to drive all Turks out of the border of Tang provinces. However, they had to be under the control of the Tang, so someone very loyal to the Tang palace, but from the Göktürk dynasty needed to be chosen and the chosen one was Su Mo. Su Mo was the grandson of Eastern Göktürk Kagan Chi Min, who took refuge in Tang, and when the Tang Dynasty wind him up, Chi Min attacked the Western Turkic khagan Tou Lan yet was defeated miserably. While appointing Su Mo as Kagan to the north, the Tang emperor arranged a party and said, "Your mother's and father's tombs are in the north of the river, now you are going back to your old place, I arranged a party for your

⁴⁰⁶ CTS , Chapter 61, Biography of Ton Ching , P 2369

⁴⁰⁷ Taşağıl, *Gök Türkler* 2, 48.

comfort." At this time, Su Mo wept, wishing the emperor a long life, and also said: "When we were destroyed, the emperor made us revived and restored our bones. Son to son, grandchild to grandchild, and generation after generation, we will be at the service of the Tang dynasty. We will respond with deep respect and morality. ⁴⁰⁸"

It is very interesting that in Chinese sources, those who accepted superiority of Huaxia dynasties or one who adopted Huaxia culture and devoted himself to service are recorded with positive and beautiful words such as knowledgeable, brave, conscious, which is similar to what was found in Professor Magnus Fiskesjö's article on Raw and Cooked barbarians. For example, A-Shih-na Shir, who surrendered to the Tang dynasty and served them until the end of his life, costing thousands of Turks' lives in the military campaigns against the Turks, is depicted as "He was knowledgeable and brave when he was only 11 years old". This Turkic general made the whole Western Region, called Xi Yu (西域) in Chinese, including East Turkistan, the territory of the Tang dynasty by fighting by fighting with Göktürks⁴⁰⁹.

Tang government did not let the surrendered Turkish tribes into their regions since the Kurşad's revolt. They divided Turks into three major military governorships, but their lords were well treated. Tang appointed the noble lords and members of the Turkic royal family as administrators and gave them the title of khagan. The reason for this was to ensure that the Turkic tribes were connected to the aforementioned chosen rulers. If necessary, Tang dynasty make them fight against other rival neighbours by marrying them to Huaxia princesses. For example, A shih-na Shir was given the title of Left Brave Guard and married Princess Heng Yang-chang. In 640 he was sent to fight the Gao Chang Khanate. In fact, the Gao Chang was the khanate founded by the Turkic tribes and refused to recognize the Tang as suzerain and defeated the Tang general by building an alliance with the Western Göktürk Khaganate. After Huaxia general's failure, Tang sent A Shih-na Shir in 648 and he defeated Gao Chang and the Göktürks and brought Gao Chang under Tang's rule⁴¹⁰.

There is another case Tangs "using barbarians to subdue barbarians" (以夷制夷) strategy. During the military rivalry with Ishbara Kagan or A Shi-na Helu in Chinese sources, who is the

⁴⁰⁸ HTS 215A, s.6040

⁴⁰⁹ Taşağıl, *Gök Türkler* 2, 50.

⁴¹⁰ Grousset, René (1970). *The Empire of the Steppes: A History of Central Asia*. Rutgers University Press. P99.

ruler of Western Göktürk Khaganate, Tang Dynasty sent Turk generals such as A shi-na Mishe and A Shi-na Buzhen. Besides, 10,000 Uyghur horsemen were provided by Uyghur leader Eltabir under the command of Tang general Su Dingfang. Famous and loyal warrior A Shi-na Shir was also a commander of the general of another wing of Tang troops in attendance. As result, Ishbara Kagan, with his 100,000 cavalries, lost the battle that took place along the Irtysh River near the Altai Mountains⁴¹¹ and the entire territory came under the control of the Tang dynasty.

When we look at the Göktürk monuments, besides all the above, Turk aristocrats gave up the Turkic name; took the name and titles of Huaxia, and bowed to them⁴¹². This caused the Turks to dissolve into the Huaxia culture over time. Because what distinguishes Huaxias from others is their language and lifestyle, that is, the Li that is what Confucius speaks. It is not hard to know that, it is the cultural patterns that are important to the Huaxia or to becoming Huaixia, just as indicated in the work of Chinese researchers (Wang, 2001: 35, 55; Liu, 1995: 5; Chen, 1999: 338)⁴¹³. In fact, as mentioned above, whichever the Huaxia's methods of ruling the "barbarians" were, assimilation of them was the ultimate goal. Sometimes this was accomplished in the long run, with relatively soft politics, as it was applied to the Huns and Göktürks, and sometimes it was achieved or tried to be achieved in the short run, by hard means, as was done to the Muslims of the Ming Dynasty and the Uyghurs and Kazakhs today. In any case, there were ample example of application of Legalist art of governance.

3.3.3. Uyghurs: A Betrayed Dude

The Uyghurs, who replaced the Göktürks, followed very different policies from the steppe states of the past. Instead of fighting with the Tang dynasty, they preferred to get along with them. When we look at bilateral relations, it may possible to see that there is no need to fight. For example, the

⁴¹¹ Skaff, Jonathan Karem (2009). Nicola Di Cosmo (ed.). *Military Culture in Imperial China*. Harvard University Press, p182-188.

⁴¹² Kül Tegin Kitabesi, doğu cephesi. 6. 7; Bilge Kagan Kitabesi doğu cephesi, 6, 7. saurlar.

⁴¹³ CHEN Liankai/陈连开 (1999), "Genleneksel Milliyet Anlayışı ve Çin Milliyeti Tek Gövde Anlayışı /传统民族观与中华民族一体观", Feixiaotong/费孝通: *Çin Milliyeti, Çok Kökenli Tek Gövdeli Desen/中华民族多元一体格局*, Merkezi Milliyetler Üniversitesi Yayınevi/中央民族大学出版社, Sayfa: 332-353. Also see, WANG Ke/王柯 (2001), *Ulus ve Devlet: Çin'in Çok Uluslu, Birleşik Devlet İdeolojisinin Şeceresi/民族与国家: 中国多民族统一国家思想的谱系*, Çin Sosyal Bilimler Yayınevi/中国社会科学出版社, and LİU'E/刘鄂 (1995), "Milliyet ve Onun Gelişme Kanuniyeti/民族及其发展规律", *Çin'in Milliyetleri Tanımlaması/中国的民族识别*, Ed.: Huang Guangxue/黄光学, Pekin: Milliyetler Yayınevi/民族出版社.

Tang dynasty continued the marriage alliance policy, marrying the princesses to the Uyghur khans. They sent a large number of silk fabrics to the Uyghurs every year. Besides, the Tang empire granted privileges to the Uyghurs in the horse and silk trade, and finally, at the request of the Uyghurs, the inviolability of the Manichaean religion in Tang territory, the protection of the temples and the safety of the priests were guaranteed. In return, the Uyghurs became the guarantor of the internal and external security of the Tang dynasty. that is, it suppressed revolts against the Tang government at home while protecting it from the threat of the Tibetans abroad as it was mentioned above.

Uyghurs have always been in a superior position in bilateral relations. For example, when the Tang prince went to the Uyghur capital with envoys to ask for military aid, he was asked to dance according to Uyghur customs. However, the prince, who saw himself as the son of Heaven, refused to obey the Uyghur custom. While the prince was going to be punished, a few other ambassadors were punished with heavy sticks instead upon the begging of the Tang envoys. Moreover, it is mentioned in Chinese sources that the Uyghurs were not punished when they violated the law in the Tang capital Chang-an. However, as members of a civilization that always considers itself superior to others, the Tang dynasty could not digest the relationship between the two powers and therefore did not become sincere in their relations. Despite such an asymmetrical situation, the friendship between the two sides had generally continued well almost for a century.

Brotherhood ended when Uyghur found themselves in unprecedented crisis resulted from natural disaster, internal conflict and most decisively attack by Kirgiz's in 840. Tragedy such a great that all Turkic tribes were forced to abandon Mongolian Highland, thousand-year-old political center since Huns, and immigrate in to south, southwest and west. These destinations, except south, in the southwest and west were the traditional territory of the Turkic people, yet was not the political center. Among them was Altai Mountains which located in the northern part of East Turkistan/Uyghuristan today, the cradle of the Turkic nation.⁴¹⁴ Uyghurs moved to the south engaged in noteworthy relations with Tang dynasty.

⁴¹⁴ Parker, Edward Harper. "The Origin of the Turks." *The English Historical Review* 11, no. 43 (1896): 431–45. <http://www.jstor.org/stable/547136>.

In 840s, the Uyghurs, led by prince Ormizt and Öge Kagan, moved south and reached the northern border of Fing Zhou, the largest bay on the northern shore of the Yellow River. as a result of Ormizt's consistent pressure for asylum and his expressed intention for being servant to Tang dynasty, his group formally relocated to Tiandi on June 2, 842. Ormizt and some of his key officials rewarded titles by Tang. Since they were accepted to be the subject of Tang Dynasty, emperor again rewarded these submissive Uyghur nobles with grain, silk, and silver. However, surrounded Uyghurs were reorganized and formed an army named "banner of return to the truth" and this army was combined with the military structure of the Tang dynasty. Ormizt was endowed with the surname Li (李), the royal surname of the Tang dynasty, and the name of Si Zong while his family members financially supported by palace. When it comes to his people, they were deported to the border, probably due to the lesson drawn from Kurşad and the 40 Turk warriors' attack on the royal palace during the period of Göktürks.

Öge Kagan, on the other hand, never sought to be a refugee or servant of the Tang dynasty. He introduced himself as a legitimated Uyghur Kagan, thus saw himself as one who has the right to ask the Tang dynasty for help in return for their friendly relationship, most crucially, for their hand in two devastated rebellions that took place in the Tang dynasty. Besides, Tang princess Tai He was in his hand. So, he made several requests such as approving his status as legitimated Kagan of Uyghurs, providing troops and grains for retaking their capital from Kirgiz's, guarantying safety of Manichean monasteries and monks in Tang territory, and giving Tian-de city where next to his location, as a temporary shelter. Later he also demanded the return of Ormizt, who had surrendered. Tang refused his requests except for providing grains and ask Öge to send princess Tai He to the Tang dynasty in order to reduce his leverage⁴¹⁵.

The Tang Dynasty again sent a decree issued by the emperor to Uyghurs. The indictment alleges that they disarranged the border and violated the long-standing friendly relations between the two nations. The Tang dynasty was quite sensitive and felt even more uneasy about the small movements of Öge Kagan, and eventually decided to exterminate the "rebellion" Uyghurs. In pursuance of eliminating them, the Tang border sought the weaknesses of the Uyghurs and they

⁴¹⁵ Michael R Drompp, "The Uighur-Chinese Conflict of 840-848," in *Warfare in Inner Asian History (500-1800)* (Brill, 2002), 79.

discovered a distinctive feature of the Uyghurs different from other nomadic nations that are, that the Uyghurs were loyal to their families and tribes and that they do not abandon them, which makes them too vulnerable to sudden attack with siege.

They formed an army against the Öge based on non-Huaxia peoples in the north. In 842, Ormizt was appointed group commander of the Tanguts of Hexi and southwest Uyghur chastisement commissioner⁴¹⁶; large number of nomadic cavalries were assigned under the command of two Tang generals Liu Mian and Zhang Zhongwu⁴¹⁷. In this way, The Tang court established a tripartite military structure with Liu Mian in the north-central region, Zhang Zhongwu in the northeast, and Ormizt in the northwest⁴¹⁸. On the other hand, Tang side conspired with the Khitan, Tatabi, and Shi Wei tribes to assassinate the Uyghurs secretly⁴¹⁹ and consistently incited the Kyrgyz to attack the Öge Kagan⁴²⁰.

On February of 843, Öge Kagan was defeated and escaped at the end by a sudden attack as Tang generals planned in advance. Many Uyghurs were killed, and between 5,000 and 20,000 were captured. Despite few amounts of Uyghurs were left along the northern frontier, Tang forces decided to eliminate them at all and again urged the Kyrgyz to carry out a final crackdown on the Uyghurs who had been beaten and left behind. The Kyrgyz initially offered to attack together but the Tang dynasty refused by citing the long distance. In March 848, 70,000 Kyrgyz troops launched a military operation against the Shirvi, a Mongolian tribe, and killed Uyghurs who seeking asylum here. A small number of the remaining Uyghurs migrated to today's Gansu province and established the Gansu Uyghur Khaganate there.

Ormizt and other Tang commanders who took part in the campaign to exterminate the Uyghurs were rewarded. Ormizt was given a residence in the capital Chang-an, however his Uyghur army named "banner of return to the truth" was disbanded. Many of the soldiers of this banner were assigned to join the Tang armies given that Tang dynasty did not want to remain foreign army

⁴¹⁶ Sima Guang , *Zizhi tongjian*, ch. 246, p. 7966

⁴¹⁷ *Jiu Tang shu*, ch. 18a, p. 593

⁴¹⁸ *Zizhi tongjian*, ch. 246, p. 7959.

⁴¹⁹ *Zizhi tongjian*, ch. 246, p. 7967.

⁴²⁰ Drompp, "The Uighur-Chinese Conflict of 840-848," 89.

without change and redesignated. They were therefore divided into several divisions, and deployed to garrisons. The decision eventually led to a tragic outcome that more than 3,000 Uyghur soldiers who refused to comply with the order to be dispersed were all massacred by Tang general Liu Mian without waiting for order from the court⁴²¹. The tactic against the Öge Kagan can also called Legalist tactic of eliminating the strong with weak (以弱去强), which is manipulating relatively weak against strong.

3.3.4. Grandiosity Brought by Diversity

Tang Dynasty, due to its multiethnic structure and political reality of coexisting of four big powers which are Tang itself, Tibetans, Göktürks and Uyghurs, exercised relatively decant ji mi policy against submitted nomadic nations that the method they used created long peace and prosperous for them. Since they did not apply forceful assimilationist or discriminative policy as Wang Mang of Han dynasty did towards the Huns, many Turk generals obeyed them by heart and died for them during Tang's military campaigning towards non-Huaxia regions. In Tang's practice, we can see the ji mi governance system's strategic purpose of "subdue barbarians with barbarians" (以夷制夷) much vividly fulfilled. However, this situation should not let us to make conclusion that Tang Dynasty was a Confucian state that stay away from Legalist government mentality. Employing of the true sense of ji mi is the result of power structure that formed in that time and multicultural world that emerged as a result of long-lasting fragmentation and interaction. Political atmosphere of multiculturalism, diversity, interaction and tolerance in that period such sensible that several rulers of the Tang dynasty used the title of "Tengri Kagan" which was the traditional title of the northern nomadic nations. Also, even if the popularity of the Turkic culture in Huaxia nation very rarely mentioned in academic materials, nomadic culture, especially Göktürk and Uyghur culture gained great reputation in Tang Dynasty. The following poetry written by famous Tang poet Yuan Zhen (元稹) may help us to sense it. It reads:

Ever since the Western horsemen began raising smut and dust,
Fur and fleece, rank and rancid, have filled Hsien and Lo.

⁴²¹ Cen Zhongmian, "Li Deyu Huichang fa pan ji bian zheng shang," p. 221 also see Drompp, 93.

Women make themselves Western matrons by the study of Western makeup
Entertainers present Western tunes, in their devotion to Western music.

Furthermore, some Huaxia people, at any rate, knew the Turkic. Moreover, there was a Turkic-Tang dictionary available for serious learners⁴²².

Most interestingly, the lifestyle of nomadic people even entered into the Tang royal family and palace. Tang prince Li Cheng-Qian, (李承乾) the son of famous martial emperor Tang Tai-zong (唐太宗), imitated the Turks in everything that he preferred to speak Turkic rather than Huaxia language, dressed in the style of Turk khagans and sat in front of his Turkic tent under the wolf's – head flag⁴²³. Such diversity, forbearance, and openness to “others” made the Tang unique in many aspects. It provided a political atmosphere that embrace cultural differences represented by Turks and later Uyghurs. Simultaneously, this perspective generated the implementation of a genuine autonomous administrative system, *ji mi*, towards non-Huaxia nations.

Despite the *ji mi* system towards northern nomadic nations continued with almost the same administrative methods in Song Dynasty which was a state that was relatively weak in the military sense yet very prosperous culturally and economically, the southern “barbarians” however faced heavy taxation and more strict control by the Song, which gave way to *tu si* governance system later⁴²⁴. Studies on the *ji mi* reveal that this strategy along with the methods such as *tun tian* and deploying Huaxia settlers and army, mostly applied in the north or the north regarded as the region should give priority⁴²⁵. This is because, the Southern Barbarians” or Nan-man and “Eastern Barbarians”, Dong-yi had already been heavily affected by Huaxia culture due to long-time

⁴²² Edward H Schafer, *The Golden Peaches of Samarkand* (University of California Press, 1963), 28.

⁴²³ Schafer, 29.

⁴²⁴ 方铁, “论羁縻治策向土官土司制度的演变,” 中国边疆史地研究 2, Fang Tie, "On the Evolution of Jumi Governance Policy to the Native Official Tusi System," Research on History and Geography of China's Borderlands 2 (2011): 4.

⁴²⁵ 方铁 and 邹建达, “论中国古代治边之重北轻南倾向及其形成原因,” 雲南師範大學學報 (哲學社會科學版) 38, Fang Tie and Zou Jianda, "On the Tendency of Emphasizing the North and Lighting the South in Ancient China's Frontier Governance and Its Causes," Journal of Yunnan Normal University (Philosophy and Social Science Edition) 38,no. 3 (2006): 174–81.

interaction. They had already ready to be cooked that the non-Huaxia nations in these areas were on the first steps of being governed by tu si system.

3.4. Tu Si: It is the Time to Cook

The tu si system (土司制度), which was the upgraded version of ji mi was introduced under the Mongols and it was more developed during the Ming period. Even if there is a discussion if the Mongol Yuan dynasty introduced the true meaning of tu si administrative system on the level of institutionalization, Yuan started its prototype application by appointing local chief and made it stricter than the previous ji mi system. The Mongols were the first “barbarians” who dominated the entire Huaxia region and exhibited a different management style on these lands. They played an important role in expanding of Huaxia culture by creating single, vast and multicultural geography. South and southeastern region, where had germ of tu si administrative system left from Song dynasty played a key role in introducing and wide spread implementation of the system. Tu si system was first applied by the Yuan dynasty in these regions. There were two reasons why it was firstly introduced here; to begin with, these regions had already experienced a quasi-tu si system during the Song period. Secondly, ji mi was in fact mostly applied to northern nomadic nations that it developed according to the relations with the north, not with the south. Ji mi governance policy emphasizes the principles of rigid defense and careful contact with “barbarians” that it may not be suitable for the complex and diverse social forms of the southern “barbarians” who experienced the long-term integration with the Huaxia nation.

The purpose of this system was to rule the peoples in the occupied territories by the native chief who is loyal and recognized by the emperor in their territory and to collect taxes from them. It also allowed the tu si to have soldiers in some border regions. Since the title of tu si obtain from the Huaxia palace the system only preserves the political influence and position of local leaders and their children among their own people. Yet, his people, land, tax income, and resources are under the control of the Huaxia government in return. This is also another type of strategy of “ruling barbarians with barbarians” that Huaxia rulers control “barbarians” by only controlling elected or appointed “barbarian” chiefs. From the point of view of the leader of the “barbarian” people, tu si system enormously curtails his power to resist the Huaxia ruler.

To understand the nature of this system, it will be more helpful to compare it with the previous management system, *ji mi*.

1. In this system, although, the leader of the “barbarians” is mostly elected from “barbarians” people, it is impossible to compare his power with the previous leader’s power. Huaxia emperor could remove the local leader at any time or could restrict his power. With the exception of the fact that the governor is a local, *tu si* almost not much different from the Huaxia prefectural system that deals with its own people. Nevertheless, in *ji mi* administrative system, what is expected from the “barbarian” leaders is accepting the superior status of the dominant state, tributing, and ensuring peace on the border.
2. In the *ji mi* system, when the leader of other nations came to Huaxia palace to greet the emperor, he could bring him the gift of his choice. However, in the latter case, the type and amounts of gifts will be determined by the Huaxia court and will be severely punished if the *tu si* leader does not meet the prescribed standards⁴²⁶.
3. In *ji mi*, the Huaxia dynasty does not collect taxes from “barbarian” regions and does not care about the population of the people. Moreover, the regions were governed not by Huaxia law but they according to their own laws and customs. However, the chief of the regions under the *tu si* system has to report the population of the region and the amount of arable land to the Huaxia central government and pay taxes according to the population⁴²⁷. By the Ming period, these regions had to pay excessive taxes and learn Chinese compulsorily.
4. Non-Huaxia peoples in *tu si* system of governance are being forced to learn Huaxia values, and even the Huaxia population could be relocated to these areas over time, the “barbarian” leader could be abolished and the governor from the Huaxia court could be sent directly⁴²⁸.

⁴²⁶ 田玉隆, ‘土司制与羁縻制, 土官与流官的关系和区别’, 贵州大学学报 (社会科学版) 3, Tian Yulong, ‘The Tusi System and the Prison System, and the Relationship and Difference between Native Officials and Liu Officials’, *Journal of Guizhou University (Social Science Edition)* 3 (1988): 87–91./ Tiányùlóng, ‘tǔsī zhì yǔ jīmí zhì, tǔ guān yǔ liú guān de guānxì hé qūbié’, *guìzhōu dàxué xuébào (shèhuì kēxué bǎn)* 3 (1988): 87–91.

⁴²⁷ 王柯 and 冯谊光, 民族与国家: 中国多民族统一国家思想的系谱, Wang Ke and Feng Yiguang, *Nation and State: The Genealogy of China's Multiethnic Unified State Thought*, 2001, 145.

⁴²⁸ KARLUK, “Çin Tarihinde Çinli Olmayan Halkların Yönetiminde Uygulanan Stratejiler,” KARLUK, “Strategies Applied in the Governance of Non-Chinese Peoples in Chinese History,” 15–16.

However, as can see in the previous paragraphs, none of these methods could apply the exception of dividing and educating top leaders and a certain number of their family members.

Interestingly, both racist and tolerant policy implemented simultaneously during the Mongol period. On one hand, a cosmopolitan understanding and tolerance towards religion have never been seen before or after in Huaxia history and thanks to this attitude of the Mongols, they created favorable conditions that enabled the Turks and other Muslims to settle all the way from Turkistan to the inner regions of China. In this way, Islam began to spread rapidly in China⁴²⁹. On the other hand, the whole ethnic group was divided into four classes. The first class is the Mongol tribes. The second class called colored eyes, or Se Mu (色目) in Chinese literature, who included the Uyghurs, Muslims, and other Turkic nations. The third was Kathy and northern Huaxia nations and the lowest class was southern Huaxia people or the people of the Southern Song dynasty.

Although Mongols set such a racist socio-political class system and established a rather restricted administrative system in the south, they granted autonomous status to non-Huaxia nations. Uyghurs for instance, lived under the administration of two states, the Karakhanids and the Idikut Uyghur kingdom (also known as the Kingdom of Qocho), in today's Turkistan geography. In 1209, Barchuk Art Tekin, Kagan of the Idikut Uyghur Kingdom declared his allegiance to Genghis Khan and voluntarily submitted to him, in return he was given Genghis Khan's daughter, Altani⁴³⁰. The Uyghur kingdom existed as a vassal state until 1335. The Uyghurs held high positions at the Mongol court given that they are one of the culturally highly developed nations within the Mongol territory. Tata-tunga, the great Uyghur scholar, was the first scribe of Genghis Khan and creator of the Uyghur-Mongolian script that the Mongols used until today⁴³¹. Mongol's ruling method of Uyghurs was exactly *ji mi* that Uyghurs enjoyed full self-governing in inner affairs. *Tu si*, as a system developed by Huaxia political culture and it was designed for the southern semi-cooked

⁴²⁹ Hans Braker, "Çin-Sovyet İlişkilerinde Milliyet Hareketleri," Hans Braker, "National Movements in Sino-Soviet Relations," 1999, 75.

⁴³⁰ Thomas T Allsen, "The Yüan Dynasty and the Uighurs of Turfan in the 13th Century," *China Among Equals*, 1983, 204.

⁴³¹ Aleksandr Kadyrbaev, "Turks (Uighurs, Kipchaks and Kangelis) in the History of the Mongols," *Acta Orientalia* 58, no. 3 (2005): 249–53.

“barbarians”, it had not systemized during the Mongol Yuan period and its application limited to certain areas. It was the Ming, who popularized the system in all its territory.

In the Ming period, *ji mi* was completely discarded and *tu si* was implemented as a general administrative system against non-Huaxia nations. Their policy even headed towards an extremist level of racism and as if it is a return for taking revenge, forceful Sinicization was implemented especially towards the second class of Mongols, the Coloured Eyes nations, including Muslims, in a radical way. As to the implementation of such policies, the cultural mentality behind them, the thoughts of the rulers, and the political atmosphere of the period are important for our understanding of the events.

Implementation of every political strategy has two important factors in its background, which are traditional socio-political culture and the political reality of the time. Looking at Ming’s policy towards non-Huaxia nations from this perspective largely helps us to understand its policy. Here is very interesting dichotomy exist in Huaxia culture towards “barbarians”. They always isolated themselves from foreigners on one hand, and tried to assimilate them on the other. “Change barbarians with Huaxia”, one of the main pillars of Huaxia cultural idea about Huaxia-“barbarian” relations also depicts this view. They viewed non-Huaxias as people of inferior, peacebreakers or villains. This perspective is known to lasted throughout the entire Ming period⁴³². Besides, Zhu Yuan-zhang, the founder of the Ming Dynasty, being one who establish a new Huaxia dynasty by overt roughing the “barbarian” Mongol Yuan dynasty, his main slogan was “to expel Hulu, revive Huaxia” (驱逐胡虏，恢复中华)⁴³³. Hulu is a derogatory term used by the Huaxia people for non-Huaxia nations in the north, such as Mongols and Manchus. In addition to that, despite the power of the Mongols “forced” Huaxia intellectuals to accept the legitimacy of the “barbarian” Yuan dynasty and led to re-interpreting the traditional Huaxia idea of “heavenly destiny” (天命观), Zhu Yuan-zhang’s ministers and scholars believed that this situation did not conform to the intrinsic master-subordinate order between the Huaxia nations and the barbarians⁴³⁴.

⁴³² BERHARD, *Çin Tarihi*, 270.

⁴³³ 葛荃, 中国政治思想史, 明清卷, (中国人民大学出版社:2014), Ge Quan, History of Chinese Political Thought, Ming and Qing Dynasties, (Renmin University of China Press: 2014),17

⁴³⁴ 葛荃, 中国政治思想史, 明清卷, (中国人民大学出版社:2014), Ge Quan, History of Chinese Political Thought, Ming and Qing Dynasties, (Renmin University of China Press: 2014),17

These views played a decisive role in Ming's administrative policy towards "barbarian" nations. Examining the issue from the angle of the political reality of the time on the other hand, it can be seen that the facts such as the distrust against the Mongol (or remaining those from Yuan dynasty) officials was widespread. Also, the separation between the alliances, and the newly established Mongol Khaganate by the last Yuan emperor Xun-di on the north of the Gobi Desert posed a threat to the Ming. Ming rulers who inherited such jingoistic Huaxia values in such a political atmosphere clearly realized and came to the consensus that strengthening the monarchical centralization is the only way to consolidate the imperial power and maintain order. Thus, like many emperors in Chinese history, in order to consolidate the monarchy and stabilize the order, Zhu Yuan-zhang worked hard to achieve ideological and culture unification⁴³⁵.

Based on the aforementioned mindset, the Ming Dynasty forbade everything belonging to the Mongols. Moreover, the imperial edicts it issued, it made compulsory for the non-Huaxia people in its territory to Sinicize their own traditions, customs, customs, and languages⁴³⁶. In particular, the Ming perceived the existence and development of non-Huaxia elements that remained from the Mongol period in the Central Plain as a dangerous trend. This way of thinking also originated from Chinese political thought, especially before the Mongolian Yuan period that, it was believed when the authority fell into the hands of non-Huaxias, it would end up with the destruction of civilization. Based on the traditional fear that the proliferation of non-Huaxia culture and coexistence of "barbarians" with Huaxia could disrupt Huaxia values and threaten the excellent culture, Ming implemented policies to ensure the internal integrity and unity of its society by cutting off the relations of Huaxia and non-Huaxia nations within its borders with "outsiders"⁴³⁷. For instance, Zhu Yuan-zhang, stated in his edict published in 1372 that "Mongolian Colored people live in China, are allowed to marry Chinese, yet, they are prohibited from intermarrying with their own people."⁴³⁸ Mongol Yuan government divided the people within the borders into

⁴³⁵ 葛荃, 中国政治思想史, Ge Quan, History of Chinese Political Thought, 25.

⁴³⁶ 费孝通, "《中华民族多元一体格局》," 中国民族, Fei Xiaotong, "The Pattern of Diversity and Unity of the Chinese Nation," Chinese Nationality, no. 4 (2019): 18.

⁴³⁷ KARLUK, "Çin Tarihinde Çinli Olmayan Halkların Yönetiminde Uygulanan Stratejiler," KARLUK, "Strategies Applied in the Governance of Non-Chinese Peoples in Chinese History," 17.

⁴³⁸ 大明律, & Cilt/卷律, "Moğol Renklillerin Evlilik Maddeleri/蒙古色目人婚姻條" also see, 周建新. "回族形成发展过程中的族际族内通婚." 中央民族大学学报: 哲学社会科学版 28.3 Zhou Jianxin. "Inter-ethnic and intra-

four strata, which are Mongols, Coloreds⁴³⁹ (these people, called "Semu"⁴⁴⁰色目人" in Chinese literature), Northern – Huaxia nation and Southern Huaxia who were the people of Southern Song dynasty⁴⁴¹.

It is known that the majority of the Semu people, who are in the second layer in the classification of the Mongols, are Turkic Muslims and other Muslim peoples like Arab and Persian. It is believed that they ruled Ying together with the Mongols so Muslims had very extensive rights during the Yuan dynasty, and in China, Islam took root well in this period⁴⁴². When Zhu Yuan-zhang, one from the lower class in the southern Huaxia family, established Ming dynasty. It is not clear whether it was a reason of racial hatred towards the Mongols and the Semu nations, or because of the traditional "Huaxia-barbarian distinction" worldview of the Huaxia society, he applied a racist and assimilationist policy to the non-Huaxias. If it is necessary to give an example of his policies, it is possible to say the policies he applied to Semu as read below:

1. At the beginning of the establishment of the regime (1386), Ming issued some clear racist decrees. In the first year of Hongwu, "Hu (Semu people) were officially banned from wearing their traditional cloths, using their own language and using their own names and surnames⁴⁴³. As result a large amount of non-Huaxia names that remined from Yuan

ethnic intermarriage in the formation and development of the Hui nationality." *Journal of Minzu University of China: Philosophy and Social Science Edition* 28.3 (2001): 52-56. 54

⁴³⁹ Mongols at the top of this stratified system, Colored people at the second stratum, consisted of Uyghurs, Turkistanis, Middle Easterners, Eastern Europeans and Tibetans); Northern Huaxia people,, Kathays (契丹), Manchu (at that time they were called Jurjans-女真) at the third stratum, and the fourth stratum consisted of Huaxia people living in the Southern Song Dynasty. See, Song Lian (宋濂), *Yuan Tarihi/元史*, Pekin Çin Kitap İdaresi Neşri/北京: 中华书局, 1976, ss.45.

⁴⁴⁰ Semu (色目), literarily meaning "coloured eyes". The term was especially used in Ming Dynasty to refer to non-Huaxia people. It included mainly the nations on the second strata that were categorized in the Yuan period. Specifically, it encompasses all Arab-Persian originated Muslims and Turkic origins. There were another two terms at the time used for non-Huaxia nations, they were Hu (胡) and Huihui (回回). It is difficult to say exactly which peoples these terms represented, but Huihui was used for Muslims, Hu denoted nomadic peoples who were living north of the Great Wall, such as Mongol, Turk, and Kathy, and It is known that the mentioned practices are applied to all of these peoples.

⁴⁴¹ Qi Liang (启良), *中国文明史, History of Chinese Civilization (II/下)*, Kanton/广州: Huazheng Neşriyatı/花城出版社, 2001, ss.315.

⁴⁴² Ma Qicheng (马启成), *回族历史与文化暨民族 学研究*, 中央民族大学出版社, *Hui Nationality History and Culture and Ethnological Studies*, Minzu University of China Press, 2006, ss.241.

⁴⁴³ 谈迁.国榷:卷 3·太祖洪武元年[M] .北京:中华书局, Tan Qian. *National Discussion: Volume 3. The first year of Taizu Hongwu* [M]. Beijing: Zhonghua Book Company,1958 , 375

dynasty were rarely seen that there were many people changed their names and surnames to Huaxia name and surname⁴⁴⁴.

2. In an effort to assimilate the non-Huaxia people more effectively, in the 5th year of Hongwu (1372), more than two years after the promulgation of the ban on Hu's clothing, language and names, Zhu Yuan-zhang issued a new edict. "All Mongolian and Semu people must marry to Huaxia people, and they are not allowed to marry each other. Those who violate the law will be punished with eighty sticks and both man and woman will be enslaved. It is not limited to those who have Simu and Huihui Kipchaks (Semu and Hu) married each other."⁴⁴⁵ This decree played huge role in reducing "barbarians" population as quickly as possible and it accelerated the assimilation speed.
3. In order to further suppress Semu nations, Ming carried out racial discrimination policy, as *ru min* in Legalist way of governing. It was stipulated that Semu in brothels must wear "pig leather shoes" and also stated that Semu is not allowed to ride horses... If they dared to walk in the middle of the street, the civilians are allowed to beat them to death⁴⁴⁶. As a result, "The people of Semu are forbidden to act freely and have no room for freedom in their actions, conduct and accommodation."⁴⁴⁷

Generally, Ming treated tough against all non-Huaxia nations and applied various policies. However, its policy in the south, where the homeland of semi-barbarians different from those against Semu. Cultural assimilation through Huaxia institutions and an examination system named *kejü* (科举) were applied, also settling military units in frontier areas, *tun ken* (屯垦) in Chinese was implemented in order to change the demographic structure and establishing military superiority in this region. Huaxia language and philosophies were spread officially and Confucian philosophy was made compulsory along with decrees of 1382 and 1395⁴⁴⁸. The spreading of

⁴⁴⁴ 马明达, "朱元璋歧视色目人," 回族研究, Ma Mingda, "Zhu Yuanzhang Discriminated against Semu People," Hui Studies, no. 1 (2006): 99.

⁴⁴⁵ 中国政法大学, 法律史学研究: 第一辑 (中国法制出版社, n.d.), China University of Political Science and Law, Research on Legal History: The First Series (China Legal Publishing House, n.d.), 134. also see 明会典: 卷 141·刑部十六: 律令·婚姻 [M]. Ming Huidian: Volume 141. Criminal Department Sixteen: Laws and Marriage [M].

⁴⁴⁶ 邓之诚. 骨董琐记: 卷 5·教坊司题名碑记 [M]. 中国书店, Deng Zhicheng. Suoji of Bone Antiques: Volume 5. Inscription on the Inscription of Jiaofang Division [M]. China Bookstore, 1991.138.

⁴⁴⁷ 马明达, "朱元璋歧视色目人," Ma Mingda, "Zhu Yuanzhang discriminates against Semu people," 99.

⁴⁴⁸ 王柯 and 冯谊光, 民族与国家: 中国多民族统一国家思想的系谱, Wang Ke and Feng Yiguang, Nation and State: The Genealogy of China's Multiethnic Unified State Thought, 2001, 148.

Huaxia language education and Confucian philosophy gave rise to the assimilation of “barbarians” into the Huaxia nation. The Ming dynasty accelerated this trend by establishing 69 Confucian schools in only the Guizhou area. Besides, kejü imperial examination system made talented non-Huaxia scholars learn Huaxia cultural code, political ideas, and worldview in order to rescue themselves from the social inferiority that resulted from Ming’s ethnic discrimination policy. In another word, the Ming authority closed the door to cultural diversity and open the door to ethnic and ideological integration with the Huaxia nation. When non-Huax people began to spontaneously adopt Huaxia culture and join the bureaucratic class, assimilation automatically began to take place⁴⁴⁹.

Imposing the Huaxia language and Confucian culture and making kejü the only way to gain social and political status for non-Huaxia people easily created conditions for Legalist administrative method, “making all profits through single hub” (利出一孔). This tactic was strongly advocated by both two key Legalist figures Guanzhong and Lord Shang. Guanzhong said the former kings knew the importance of making all profits through single hub, so they blocked the channels for the common people to obtain surplus money and restricted the ways to make profits. Therefore, the giving and taking of all benefits should depend on the monarch, and the monarch can make the people rich or poor. In Shang Yang's thinking, the state not only controls all profit opportunities and channels, but also can force the common people to survive only according to the channel approved by the state, and all other channels should be completely blocked⁴⁵⁰.

As time dose by, in the tu si region, the system developed in to the another more harsh, restrictive system and autocratic method named gui liu (改土归流 gai tu gui liu) thanks to the increasing of Huaxia population, beginning to widespread use of Huaxia language and adopting culture as well as due to emergence of dictatorial statecraft since the middle period of the Ming dynasty. The purpose was ensuring the administrative, social and cultural integrity between traditional Huaxia and “barbarian” regions. The literarily meaning of gui liu is “change tu si to adopt main trend”. Main trend refers to the main political and cultural code of Huaxia people. Although the tu si was

⁴⁴⁹ 王柯 and 冯谊光, Wang Ke and Feng Yiguang, 149.

⁴⁵⁰ 梁发芾, “利出一孔: 管仲的思想, 商鞅的实践,” 中国经济报告, Liang Fafu, "Benefits from a Hole: Guan Zhong's Thought, Shang Yang's Practice," China Economic Report, no. 11 (2016): 122–24.

much stricter than the ji mi rule, at least the ruler was mostly indigenous official who proved to be loyal to the palace. With the new amendment, this indirect rule was ended, and the local people and the region were ruled by a palace official appointed by the Ming emperor himself. In fact, from ji mi to tu si and tu si to gui liu, the aim of the Ming dynasty was melting all nations in its territory into Huaxia nation. Thus, Ming style tu si has autocratic and assimilative nature from the beginning and that is why it was very quickly upgraded to gui liu. Professor Wang also stated that “from the beginning of the tu si system, there was a trend of ” changing the barbarians with Huaxia”⁴⁵¹. With the implementation of this system, Huaxia territory not only expanded physically, but the culture of Huaxia also expanded in parallel with it, and such great unified states like Yuan, Ming, and Qing provided fertile soil and socio-political and socio-cultural atmosphere for the realization of “great unification”. After establishing its authority in these regions, Ming brought various restrictions on the non-Huaxia people and eventually went on the path of complete Sinicization policies with persistent merciless Legalist methods.

Some historical events during the Ming dynasty also alluded Ming’s intention of applying tu si as nominal and temporary that turning into gui liu was inevitable. During the period of Ming, tu si was not a single administrative strategy towards “barbarians”. Here were wei suo (卫所), the protectorate, and jun tun (军屯), the military farming system too. When Ming ruled the Tibetan region located in today’s Gansu province, they established wei suo. There is also an example of appointing the chief of the “barbarians” as the chief commander in the guardhouse. The Ming authority attached great importance to appointing more Huaxia officials than the local counterparts. For instance, in one case the recruitment asked for five Huaxia and two native officials. Basically, the administrative system of the Ming Dynasty was designed for governing all regions including “barbarian” regions, by Huaxia officials⁴⁵². In another case, at the same time when the Ming Dynasty implemented the chieftain system in the Yunnan area, in order to solve the food problem of the army, they brought a large-scale army to engage in agriculture, which was in fact the system of the jun tun. Some scholars believe that this is actually a planned and organized military

⁴⁵¹ 王柯 and 冯谊光, 民族与国家: 中国多民族统一国家思想的系谱, Wang Ke and Feng Yiguang, *Nation and State: The Genealogy of China's Multiethnic Unified State Thought*, 2001, 147.

⁴⁵² 曾均: “五凉考六德全”五凉考治平番县官师志, 引自龚荫前述著作, Zeng Jun: "Five Liang Examination and Six Virtues Complete" Wu Liang Examination Zhipingfan County Officials and Teachers, quoted from the aforementioned works of Gong Yin, 67.

immigration⁴⁵³. It is not hard to see that the ultimate goal of Huaxia dynasties in the tu si area is eliminating the tu si system and introducing the gui liu officials in order to accomplish great unification.

Parallel with changing administrative style, Ming also applied the strategy of changing demographic structure in the non-Huaxia region in order to accelerate the process of assimilation and “great unification”. Through military campaign and deployment, criminal migration, civilian settlements, commercial migration, official appointments, education, and population relocation, a large number of Huaxia immigrants entered the Yunnan region. By 1620, the Huaxia population in Yunnan reached about 3 million, making it the largest ethnic group in area that completely changed the situation from “more barbarians and fewer Huaxia” to Huaxia majority region and Semu population hugely diminished⁴⁵⁴.

Except for Ming’s ethnic policy, its rulers’ mindset and governing method were also quiet Legalist. Here below is another Legalist method of governing which is eliminating strong.

In the Jiangnan area, after the Yuan dynasty overthrew the Song, rich families continued to develop their power, and they were not controlled and restricted or their power was not intended to curtail by the Yuan dynasty. Zhu Yuan-zhang said to Liu Ji in this regard, "barbarian Yuan has lost because of his leniency. When I take over the Middle Kingdom, I must be brutal." (胡元以宽而失去，朕收枰中国，非猛不可) One of his onslaughts against the local powerful families was to forcibly move them out of their homelands. Soon after the founding of the Ming Dynasty, it was ordered to move 140,000 households from Jiangnan (江南) to Fengyang (凤阳). After that, in 1391, 5,300 wealthy households all under the heaven were relocated to Nanjing (南京). In 1397, some 14,300 wealthy households were forced to move to Nanjing. Nanjing and Fengyang both were positioned as capitals, both of which were directly ruled by the imperial court and possessed extremely strong ruling power. After the rich and wealthy landlords moved to these two cities,

⁴⁵³ 张捷夫, “清代土司制度”, “清史论丛”3rd ed, Zhang Jiefu, "The Tusi System in the Qing Dynasty", "Qing History Essays" 3rd ed, 1982, 200.

⁴⁵⁴ 钱秉毅, “明清时期对云南非汉民族的认知演进与西南边疆治理,” Qian Bingyi, "The Evolution of the Cognitive Evolution of the South-Han People in Yunnan and the Governance of the Southwest Frontier during the Ming and Qing Dynasties," 2017, 76.

they lived under a high degree of supervision and control that their power was greatly weakened. Records of Emperor Taizu of the Ming Dynasty, Volume 210, (明太祖实录, 第 210 卷) Bei Jing (贝璟) wrote "Three powerful family of Wu (吴), were enjoying the benefits of farming and not working hard. In a few years, however, they were died or removed, and no one survived."⁴⁵⁵ Ironically, for all these despotic and cruel policy, Ming set Confucianism as a state ideology and Zhu Yuan-zhang expressed his admiration and confirmation of Confucian philosophy⁴⁵⁶.

3.5. Isolating “Barbarians” from the Huaxia Civilization: The System of Jasak and Beg

In 1644, Ming was replaced by Qing of Manchus, another steppe nation. Manchus were a second northern nomadic nation who was able to govern whole Huaxia territory and population successfully as Mongols did. Yet one thing made them different from Mongols was made Huaxia intellectuals and people accept them as a legitimated authority. Manchus also largely willingly Sinicized and very soon, their administrative systems largely adopted to traditional Huaxia administrative system. Since they adopted themselves in to the Huaxia political system they inherited the inlandization⁴⁵⁷ and Sinicization policy of Ming dynasty in southwestern region of their territory. Inlandization and Sinicization, the phenomenon centred on *gui liu* (土司归流), has a direct relationship with the Manch dynasty rulers' understanding of "Huaxia barbarian order" and their self-definition on this basis. The Manchu emperor Yong-zheng (雍正 1673-1735) acknowledged that the Manchus were different from the Huaxia nationally, but emphasized that the Manchus who founded the great Qing were culturally comparable to the Huaxia people. He again underlined that the Manchus had perfect morals and perfect religion and were never inferior to the Huaxia nation. The Qing after Yongzheng and Qianlong awakened such a view that if "Yi" (夷) means uncivilized and barbaric, then the Manchus are not "Yi" but "Hua" (华); If "Yi" only

⁴⁵⁵ 范文澜, and 蔡美彪, 中国通史: 第八册 (北京: 人民出版社, 1995), Fan Wenlan, and Cai Meibiao, General History of China; Volume Eight (Beijing: People's Publishing House, 1995), 14.

⁴⁵⁶ 葛荃, 中国政治思想史, Ge Quan, History of Chinese Political Thought, 19.

⁴⁵⁷ Here is the widely used term of “nei di” (内地), meaning of “inland” literarily and shows the proper China where the political and cultural area of Huaxia nation. By inlandization, this paper refers to installation of Huaxia style, or Qin-Huan style more specifically, of political administration in “barbarian” region.

means alien races, then it doesn't matter if we are "Yi" and not "Hua"⁴⁵⁸. Even Yong-zheng added that Heaven dislike immoral and Ming ruler lost morality and thus Heaven ordered Manchus to rule the Huaxia land by toppling immoral Ming. He also said his Manchu dynasty unified all under the haven not by using power but by morality⁴⁵⁹. By saying that Manchu emperor Yong-zheng made an argument that "Hua" or being civilized, does not relate to race or region, but relates to morality, and since Manchus have morality, they have the legitimacy to rule the civilized Huaxia nation and their territory.

Most importantly, it was not wrong when he said the Manchu Qing Dynasty brought unparalleled benefit to "the Middle Kingdom" (中国) by realizing "great unification" which previous Huaxia dynasties did not due to their insufficient power⁴⁶⁰. Being the most powerful empire of the time that ruled many nations and an enormous large territory, Manchus not only represents the pinnacle of the nomadic states, but it was exactly comparable with any Huaxia dynasty as emperor Yong-zheng said. It is also an undeniable fact that Manchus formed the territory of current-day China by changing all "four barbarians" land into Huaxia land by implementing different administrative methods which were suitable to the political, cultural and social reality of the regions. It is really interesting that until the reign of the Qian Long Emperor when the Huaxia authorities became dominant in the empire's administrative system, Qing applied a tough and restrictive Ming-style administrative system in Huaxia proper land, while carrying out loose and even "friendly" and "protective" strategy towards "barbarians" out of the Great Wall, which is quite different from previous dynasties. Among such diverse and different policies, this section tries to discuss Manchu dynasty's administrative policy towards Uyghurs and other Turkic nations in East Turkistan.

Military campaigns of Manchus since their establishment and their governing policy in the East Turkistan region showed that they did not see the region in the circle of the territory of political "great unification". It is also worth mentioning that the East Turkistan region was not in the targeted area that Manchu Empire planned to conquer. It was the Dzungar Mongols, who were a

⁴⁵⁸ 王柯 and 冯谊光, 民族 与 国家: 中国多民族统一国家思想的系谱, Wang Ke and Feng Yiguang, Nation and State: The Genealogy of China's Multiethnic Unified State Thought, 2001, 155.

⁴⁵⁹ 王柯 and 冯谊光, Wang Ke and Feng Yiguang, 156.

⁴⁶⁰ 《大义觉迷录》, 卷一, "Da Yi Jue Mi Lu", Volume 1

deadly enemy of Manchus and led the Qing army into the region. Unlike Halha Mongols who were the iron brother of Manchus, Dzungars never yield to the Qing dynasty and lasted their resistance until they were almost entirely exterminated. While fighting with Manchus in the east, Dzungars toppled Saidia Khanate (1514-1689), the local kingdom in East Turkistan in the west in 1689 at the request of Hidayetullah Afak, a Naqshbandi hodja, who was expelled from the Saidia Khanate by the last king Abdullah for his long-lasting political intrigues aimed at taking down the authority. Manchus annexed the region to their political realm when they defeated the Dzungars.

In 1762, Emperor Qianlong appointed the "Ili General Mansion" and established a ruling system in the form of "military mansion system", that is, military self-administration. Under Ili General Mansion, they established several different levels of ministers and counsellors according to the size of each city. The Junior military centre was established in Urumqi in order to maintain stability in three different regions of East Turkistan region, which were north, south and east. The number of troops stationed in Turkestan by the Qing dynasty was 39,793, of which only 5,185 were responsible for the south where Uyghurs populated region. There rest were stationed in the Urumqi and northern part of Tengritag Mountain Ranges⁴⁶¹ (also famous for Tian-shan Mountain). In terms of civil affairs, the Qing dynasty implemented three administrative systems in this area. State and county system (州县制) of China proper (nei-di 内地) implemented in Urumqi and its surrounding areas; the Kazakhs and Mongolian herdsmen in the north, Uyghur areas in the east, Kumul and the Turpan governed under the Mongolian military and political integration system, named *jasak*. *Jasak* recognizes the system of self-control of the ruled nation. The Manchu dynasty in Kumul and Turpan canonized Obaidullah and Imin Hodja, who had old relations with the Qing dynasty, as a *jasak*. Third, the system of *beg* was applied in the Southern part of East Turkestan. *Beg* means "leader" who has certain autonomous status in the Turkic language, and is a title that indicates the identity of the ruling class. For example, Osman and Orhan, the first Ottoman rulers, were *beg*. The Qing dynasty stipulated the official ranks of various *begs* from the third grade to the seventh grade. There were 32 types of *beg* established in southern Uyghur region⁴⁶². The power of *begs* was hugely curtailed and they only have the right to manage local administration, social

⁴⁶¹ 片冈一忠, 清朝新疆统治研究, Kazutada Kataoka, Studies on the Qing Dynasty's Xinjiang Rule, 1991, 65.

⁴⁶² 王柯 and 冯谊光, 民族与国家: 中国多民族统一国家思想的系谱, Wang Ke and Feng Yiguang, Nation and State: The Genealogy of China's Multiethnic Unified State Thought, 2001, 168.

security, justice, taxation, agriculture, industry and commerce, education, and religious affairs on behalf of the Qing government in Uyghur society. With regard to establishing an army for the purpose of military defence, the Manchu armies mentioned above were responsible, not the Uyghurs. However, in order to maintain local security, they were allowed to set up a certain number of local security guards.

In addition to allowing Uyghurs and other Turkic ethnic groups to develop their own religion, language, and culture, special policies were also implemented as below;

1. strictly prohibit the communication between Uyghurs and Huaxia (Han-Chinese) people, and prevent Uyghurs and other native ethnic groups from accepting the influence of Huaxia culture.
2. The Qing Dynasty did not allow their Manchu army, which was mainly composed of Huaxia nationality, to be long-term stationed in the Southern East Turkestan area, nor did the family members of the soldiers follow the army. According to the official regulations, the army must change within a certain period of time and must live in 18 "New Cities" (新城) or "Han City" (汉城) that were built by the Manchu dynasty and marriage with local Uyghur and other Muslim women was strictly prohibited⁴⁶³. The practice of allowing the army to live only in the Han City has indeed played a role in maintaining social order in the region by preventing the army from harming and threatening the people.
3. The Qing dynasty paid special attention to the participation of the Huaxia people in the society of southern East Turkestan. They not only banned the Huaxia people from the mainland (or inner land, China proper) from entering the area, but also implemented an approval system for Huaxia businessmen to go to trade. Only let them allow to do "buy and sell" business on the established transactions area between Han cities and Muslim cities⁴⁶⁴.

⁴⁶³ 王柯 and 冯谊光, Wang Ke and Feng Yiguang, 169.

⁴⁶⁴ 大清历朝实录.高宗实录, 卷 764, Records of the Great Qing Dynasties. Records of Emperor Gaozong, Volume 764

4. Qing decided to govern the region only by Manchu and Mongol officials on the top and Uyghur begs under them that Huaxia officials again were not appointed for the positions. In 1760, the total number of appointments in Uyghur socially resident ministers rose to 23, all of whom were Manchus and Mongols. It seems that Manchu empire decided to turn the region into a military autonomous region of Manchu.

Whichever way we look at it, Manchus during that time applied the policy for the purpose of completely preventing the power and influence of the Huaxia people from entering the area. According to Professor Wang Ke, the Qing was a dynasty that ruled the majority of Huaxia nation with very less populated nomadic nations, so it was extremely important to pull the forces of non-Huaxia nations into their own camp⁴⁶⁵. The Qing Dynasty made great efforts to cultivate the Uyghurs' sense of closeness and unity with the Manchus.

5. In the Qianlong era, the Qing government uniformly produced the official seal for Uyghur bags. The official seal was engraved in Uyghur, Manchu, and Mongolian, but with no Chinese characters⁴⁶⁶.
6. In addition, while the Manchu- Mongolian Eight Banners soldiers are required to learn Chinese, the children of Uyghur begs are encouraged and rewarded for learning Manchu⁴⁶⁷.
7. Although the Qing government forced the Huaxia people to have Manchu-style long hair and even wear traditional Manchu clothes in the Huaxia area, in the Uyghur region however, it only required senior begs to do so and this was implemented as a kind of favour to the Uyghur high-rank officials⁴⁶⁸.
8. Financially, a different policy from that of China proper was also implemented in the entire East Turkistan region. A special currency called “pul”, which was different from the

⁴⁶⁵ 王柯 and 冯谊光, 民族与国家: 中国多民族统一国家思想的系谱, Wang Ke and Feng Yiguang, Nation and State: The Genealogy of China's Multiethnic Unified State Thought, 2001, 171.

⁴⁶⁶ 王柯, 東突厥斯坦獨立運動: 1930 年代至 1940 年代 (香港中文大學出版社, 2013), Wang Ke, East Turkestan Independence Movement: 1930s to 1940s (Chinese University of Hong Kong Press, 2013), 9.

⁴⁶⁷ “王柯: 在中华与‘乌玛’之间——清王朝对新疆维吾尔社会的统治 (第 2 页) _爱思想,” “Wang Ke: Between China and the 'Uma'—Qing Dynasty's Rule over Xinjiang Uyghur Society (p 2)_ Love Thoughts,” accessed March 28, 2023, <http://www.aisixiang.com/data/56863-2.html>.

⁴⁶⁸ “王柯: 在中华与‘乌玛’之间——清王朝对新疆维吾尔社会的统治 (第 2 页) _爱思想.” “Wang Ke: Between China and the 'Uma'—Qing Dynasty's Rule over Xinjiang Uyghur Society (p 2)_ Love Thoughts,”

currency used in the mainland, was used throughout East Turkestan and this policy limited the economic impact of the inland region on the Uyghurs⁴⁶⁹.

9. When the Uyghur begs to visit the emperor, they were also asked to avoid the areas where the Han people lived and required to travel through the Mongolian areas in the north⁴⁷⁰.

This policy actually revealed the ruling ideology of the Manchu dynasty. Unlike the Huaxia Ming Dynasty who aimed to make frontier areas gradually moved closer to the Huaxia area and gradually or abruptly turn into Huaxia land, Manchus did not seek to unify the whole country in cultural and administrative sense. What they applied was made Mongolia, Tibet and Uyghur nations, the nations located in the north and west of the Huaxia region, the vassal states, and thus basically did not touch the culture, religion, language and original traditional social structure of the local nations. For example, in addition to the establishment of the beg system in the Uyghur society, in the Mongolian region used the Mongolian princes to implement the *jasak* system, and in Tibet, the system that integrated politics and religion was implemented. Such privilege to some extent made these non-Huaxia ethnic groups only allowed to have relations with the ruling ethnic Manchus, in order to develop a sense of closeness with the Manchus and turned these ethnic groups into an alliance of the Manchu ethnic groups. This was true, especially for Mongols. Also, the Manchu perspective on “great unification” was fundamentally different from previous dynasties. While “great unification” in terms of cultural, political, and social was the case for previous Huaxia dynasties, for the Manchu Qing dynasty “great unification” in a territorial sense was the main goal. By sincerely accepting the superiority of Huaxia culture and gradually adopting themselves to the political and socio-cultural structure of this culture, Manchus very successfully cultivated a unique administrative style. As an empire that kept three very different regions, where traditional Huaxia territory, northern nomadic land, and newly conquered Tibet and East Turkistan, under the same authority in a wise way, without doubt, the Manchu dynasty was the zenith of the nomadic states.

⁴⁶⁹ 王柯, 中國, 從天下到民族國家 (國立政治大學出版社出版, 2014), Wang Ke, China, From Tianxia to Nation-State (Published by National Chengchi University Press, 2014), 165.

⁴⁷⁰ 中国边疆史地研究 (《中国边疆史地研究》编辑部, 2008), Research on History and Geography of China's Borderlands (Editorial Department of "Research on History and Geography of China's Frontiers", 2008), 44.

As it was mentioned above, Manchus “protected” Uyghurs from Huaxia culture by applying a rather “loose” and “benevolent” policy on one hand, they curtailed Uyghur rulers’ power hugely and made them directly connected to the Manchu palace on the other. The Qing also adopted various policies to prevent Uyghur from resistance against their rule. In 1758, Emperor Qianlong instructed how to rule the Uyghur society after the conquest and pointed out that he did not have to use Uyghurs as general managers. That is to say, there will be no unified administrative system in the Uyghur region so that all regions and their begs that are not affiliated with each other and are directly subjected to the Qing court. Also, during the conquer of East Turkistan region, Manchus deeply realized hodjas, as both religious and political leaders in most regions, plays a crucial role in the community and introduced many rules and regulations to weaken their influence⁴⁷¹. Moreover, the power of begs was also in the target of the dynasty since Manchus decided to rule the region with the hands of Uyghur begs. In order to limit the power of hodjas and Uyghur begs, the Manchus took the following measures⁴⁷²:

1. Abolish the traditional hereditary system of beg, and establish a two-step beg appointment system. According to this system, the Manchu minister residing in East Turkistan recommends candidate beg from local Uyghurs first and then the Qing court appointed him as a beg.
2. The evadite system (回避) was introduced. That was, high-level begs ranked from third to seventh rank were not allowed to serve as officials in their birthplaces;

⁴⁷¹ Hodjas were believed to be descendants of the prophet Mohammed. Naqshbandi hodjas who were believed to be or self-claimed from this bloodline came into the East Turkistan region and possessed great power with the permission to spread their religious sect, Naqshbandi by the Sultans of Saidia Khanate (1514-1689). However, the division of the sect finally led to a political clash between hodjas and the legitimate ruler of the region, Sultan Abdullah-han of Saidia Khanate. Aiming to take over political power from the hand of the sultan, Afak Hodja, a well-known leader of Naqshbandi traveled to Tibet and asked Dalai Lama for help. At his request, Dalai Lama appointed his religious pupil Galdan who was on the throne of Dzungar Mongols, to “help” Muslim hodja. Dzungars eliminated Saidia Khanate yet they were completely destroyed by their long-term deadly enemy, Manchus. East Turkistan fell into the hand of Manchus in this way. Even if hodjas betrayed Muslim Saidia Khanate by inviting Buddhist Dzungars into the region and again cooperated with Manchu during their fight against Dzungars, they barely accepted the legitimacy of Manchu over Turkic Muslims and always tried to expel them from the region. Political ambition and religious views made them such belligerent that they fought with Manchu Qing Dynasty without yield until they were exterminated almost entirely. Deeply witnessing their stance against Qing Dynasty, Manchus had always tried to sash their power and influence.

⁴⁷² 王柯 and 冯谊光, 民族与国家: 中国多民族统一国家思想的系谱 (中国社会科学出版社, 2001), Wang Ke and Feng Yiguang, Nation and State: The Genealogy of China's Thought of Multi-Ethnic Unification (China Social Science Press, 2001), 173–74.

3. Disperse the power of the top beg so that ended the political relations between the senior begs.
4. Applied tribute system that asks begs to visit the emperor on regular base.
5. Hostage untrusted begs and hodjas in the capital Beijing. The Qing Dynasty believed that the root cause of social instability in Uyghur region was the existence of the hodjas family and existence of their political and especially religious power. So, with the exception of hodja who were able to fled to the Kokand Khanate during Manchu invasion or uprising after the conquest, all other hodjas were sent to Beijing and isolated from Uyghur society.
6. The principle of political and religious separation was thoroughly implemented in Muslim societies of Uyghur and other Turkic ethnic groups. According to Qianlong's regulations in 1760, begs were appointed by the Qing government and they were only responsible to the Qing government; hodja and Imams were strictly prohibited from interfering in the administration, depriving them of the power to supervise, criticize and condemn begs. Qianlong also repeatedly ordered the prohibition of the appointment of imams as beg, as well as the use of begs as imams concurrently, and also prohibited the resident ministers of the Qing dynasty from personal communication with imams. This is also another way to restrict the influence of hodjas and break the unification of the power of the local community⁴⁷³.

From keeping Uyghurs free from Huaxia influence to restricting the power of religious and civil leaders by dividing and narrowing their responsibility, Manchu Qing Dynasty applied a Legalist style of governing methods which are benefiting from a single hub (利出一孔), “eliminating strong” (去强), creating centralized big society by ruining small society (摧毁小共同体). Even if, keeping Uyghurs pure from Huaxia influence played a positive role in maintaining traditional Uyghur culture alive without assimilation, in fact, it is a part of the Manchus policy of hindering the formation of an alliance between different nations under its control. Also, a policy of balancing the power of the Huaxia nation through making close relations and showing benevolence to “barbarians”. While implementing such a balancing strategy, the Manchus never neglected the potential of the Uyghur leaders and identified a strategy of weakening this potential as a policy of

⁴⁷³ 王柯 and 冯谊光, 民族与国家: 中国多民族统一国家思想的系谱, Wang Ke and Feng Yiguang, Nation and State: The Genealogy of China's Multiethnic Unified State Thought, 2001, 174–75.

priority. Nevertheless, it should also not be neglected that Uyghur and other Muslim nations' culture, religious beliefs, social structure, and way of living were kept untouched under the Qing rule⁴⁷⁴. Even they allowed the existence of sharia law on the condition of not interfering implementation of civil law.

However, such generosity not showed to the Muslims in Huaxia land/inland. Contrarily, the anti-Islamic policies applied to Semu by Ming period continued and put pressure on Islam constantly. In this direction, the Manchus resorted to the following practice against Muslims in Huaxia territory⁴⁷⁵:

“If a Muslim violates the law, punishment should be aggravated many times than usual; “If a Muslim injures Chinese (Huaxia), his punishment is ten times heavy than normal. If a Chinese injures a Muslim, his punishment will be ten times loose than normal”.

The courts were always able to act according to their own will when making decisions.

“If a Muslim kills a Chinese, the penalty is always death, while if a Chinese kills a Muslim, he only needs to pay 24 silvers as funeral expenses.”

Such discriminative policy had never applied to Uyghurs and other Turkic Muslims in the East Turkistan region, yet any kind of resistance was brutally suppressed by the Manchu armies. Mostly under the leadership of hodjas about eight big and small uprisings (in 1820, 1824, 1826, 1828, 1830, 1847, 1852, 1857) took place against Manchu rule before Yakub Beg, the military commander of Kokand Khanate in 1865. Among them, the longest and strongest one was the resistance led by legendary hodja Jahangir in the years between 1820-1828. All revolts, especially the Jahangir Hodja Revolt, were suppressed so brutally that in some cities the population was completely massacred. In order to beat down Jahangir Hodja, Qing Dynasty fought for seven years,

⁴⁷⁴ Laura J Newby, “The Begs of Xinjiang: Between Two Worlds1,” *Bulletin of the School of Oriental and African Studies* 61, no. 2 (1998): 1.

⁴⁷⁵ 黄庭辉, “1862-1873 年陕甘宁清回民起义期间的民族关系,” in 中国民族关系史研究, ed. 翁独健 (Beijing: 中国社会科学出版社, 1984), Huang Tinghui, "Ethnic Relations During the Hui Uprising in Shaanxi, Gansu, Ningxia, and Qing Dynasties, 1862-1873," in *Studies on the History of Ethnic Relations in China*, ed. Weng Dujian (Beijing: China Social Sciences Press, 1984), 395.

allocated 10 million Qing silver, and mobilized 36,000 troops. Jahangir was brought to Beijing and was brutally executed after being shown to emperor Qianlong.⁴⁷⁶

Another Legalist policy implemented against Uyghurs by Manchus was the policy of isolation by cutting their connection and communication with others. In Legalist statecraft this is a part of the policy of remaining ignorance (愚民政策). Manchu Dynasty implemented this policy to prevent political support from Central Asian (Western Turkistan) khanates and isolate the Uyghur community from hodjas influence. The Qing dynasty restricted communication between the Uyghurs and other Turkic Muslims in neighboring countries. The reason was mainly that hodjas had very close relations with Kokand Khanate, and besides, Kokand Khanate was a relatively strong base of Naqshbandi sects. Moreover, the Uyghurs and others at that time actually felt that there was no difference between themselves and the Kokand people in an ethnic and religious sense. Since ancient times, there had been frequent economic and cultural exchanges and strong mutual visits between the two communities. After the Qianlong era (1736-1796), free communication between Kokand Khanate and all Uyghur and other local Turkic people was forbidden and in the Jiaqing period (1796-1820), the correspondence between senior begs and the Kokand Khanate was also included in the list of prohibitions⁴⁷⁷.

The Manchu dynasty re-occupied the region in 1878 by eliminating the 13-year independent state that Yakub Beg had established in East Turkestan by expelling the Manchu army in 1865, and completely changed the former political status of the region in 1884 by eliminating begs and implementing the provincial system in use in the Huaxia region. Since then, the name of East Turkestan changed to “Xinjiang” and the military autonomous dominion of the Manchus had become the territory of the “Huaxia state”. For the first time, the Han nationality has become the highest head of the region. Many Han Chinese were dispatched to various parts of Xinjiang Province as officials of the Qing government. The migration of Han Chinese to the whole region has also been actively promoted. In order to let the local people gradually break away from their own ethnic customs and get closer to Chinese culture, the Qing government established official

⁴⁷⁶ John K Fairbank, *The Cambridge History of China: Volume 10*, vol. 1 (Cambridge University Press, 1978), 366.

⁴⁷⁷ 王柯 and 冯谊光, 民族与国家: 中国多民族统一国家思想的系谱, Wang Ke and Feng Yiguang, *Nation and State: The Genealogy of China's Multiethnic Unified State Thought*, 2001, 175.

schools in various places, and at the same time forced Chinese language education for Uyghurs and other Turkic peoples. In 1887-89 years, with the intention of changing the Turkic homeland in Huaxia image, Buddhist temples were also established and Buddhist monks transferred from inner land according to the suggestion of Liu Jin-tang (刘锦棠), chief governor from ethnic Huaxia nation⁴⁷⁸. From then on, it promoted the Sinicization of East Turkestan politically and the assimilation of Uyghurs culturally. When viewed from the big picture, on the basis of the decision of heading towards the strategy of inlandization of East Turkestan and to Sinicization of the Uyghurs and other Turkish nations, three crucial reasons could appear as important backgrounds, which were;

1. Heavy defeat of the Manchu Dynasty from the West on the sea side from the 1840s.
2. Frequent rising of great rebellions against the Manchu Dynasty such as the Taiping Rebellion or Heavenly Kingdom of Great Peace (1851-1864), Yunnan Hui Muslim Rebellion (1856-1873), the Muslim Tungan Rebellion (1862-1873) in Shan-xi Guan-su and Ning-xia and most importantly Yakub Beg's victory against Qing Dynasty in East Turkistan;
3. the increasing influence of Huaxia officials in the Qing administrative system after the Qianlong period.

While Western inflict and widespread long-term rebellions forced the Qing government to be stricter and cruel to non-Huaxia nations and foreign ideologies, the growing domination of the Huaxia ministers in the Qing governance system revived “great unification” in both cultural and political/administrative sense, which was unlike Manchurian “great unification” that only targeted territory. The next part of this chapter mainly examines Qing governance policy in the region in the socio-political background mentioned above.

⁴⁷⁸ 彭亭亭, “刘锦棠治理新疆政策刍议,” Peng Tingting, "Liu Jintang's Policies for Governing Xinjiang," 2012, 73.

3.6. “Isolating” and “Keeping in Ignorance” in Purgatory

The post-Qianlong era was the declining period of the Qing dynasty, also it was the period when Huaxia officials became dominant in different arenas of the dynasty. Nationalism, the idea that originated in Europe, was introduced into Qing land through Japan during the last period of the Manchu Empire. With the introduction of nationalism, the Huaxia people intentionally started to differentiate themselves from the Manchus. Western bullying of the Qing dynasty and the following political, social, and economic crisis gave rise to discontent, complaining, and hatred towards Manchus largely because of the crisis, most importantly the national humiliation attributed to the Manchus' incompetence. Regarding the future of China, there were two groups, which were revolutionaries and reformists and they hold different visions. The focus of the struggle between the two factions lies in the question of whether there is a national or racial revolution that must be carried out about the exclusion of the Manchus. The famous thinker and reformist Liang Qichao(梁启超) was the leader of the reformists and most important debater of this wing. Although he was very disgusted with the various policies of the Qing dynasty, he opposed the racial revolution from the idea of the unification of the country. He believed that the racial revolution aimed at "excluding Manchu" would lead to the division of the country and the interference of foreign powers. He, therefore, advocated a political revolution, a revolution that changed the absolute monarchy into a constitutional monarchy. As to Manchu – Han relations, he advocated the idea of Manchu assimilation into the Han nation. He believed this is not only good for the Han-Manchu relation, but it is the most effective way for resisting white races and saving yellow races. He also considered this assimilation as the natural law of history⁴⁷⁹.

On the other hand, in 1903, built by Han intellectuals under the leadership of Huang Sheng (黄生), the "Huaxia/China Revival Society" (华兴会) advocated a national revolution, that is a racial revolution. They even wrote in their own charter that "the Manchus are our enemies, and all countries are our friends." In 1903, Zou Rong's "Revolutionary Army" first described the

⁴⁷⁹ Edward JM Rhoads, *Manchus and Han: Ethnic Relations and Political Power in Late Qing and Early Republican China, 1861–1928* (University of Washington Press, 2000), 3–4.

establishment of the "Republic of China". Among them, the first, second, and third articles of the National Founding Program respectively stated that "the aliens are not allowed to have any interference in China, overthrow the Beijing government established by the Manchus, and kill the emperor supported by the Manchus" and so on. Although Sun Yat-sen did not support the hatred of the Manchus when he organized the establishment of the "Chinese United League" (中国同盟会) together with these revolutionaries in 1905, he did not oppose the oath formulated by the League that "expelling the Manchus and Mongols and Revive Zhonghua/Huaxia" (驱除鞑虏, 恢复中华)⁴⁸⁰. Besides, in his "Three Principles of the People" (三民主义) he turned this oath into his first principle, Civic nationalism (民族主义). Interestingly, this principle is completely the same as the racist doctrine of Zhu Yuan-zhang, the founder of the Ming dynasty, that "expelling the Mongols and Revive Zhonghua/Huaxia" (驱除鞑虏, 恢复中华).

Sun-Yat-sen very soon put forward the idea of Five Races Under One Union (五族共和) which, includes the Han, the Manchus, the Mongols, the Hui/Uyghur⁴⁸¹, and the Tibetans as a political structure of the oncoming republic. This idea shows that, like Liang Qi-Chao, he also tried to keep the "great unification" alive that was realized by the Manchus. Despite he was the most famous thinker of the time and one who introduced a democratic and liberal government model into China, it is hard to explain his view on Huaxia – "barbarian" relations without the traditional Huaxia idea of "changing barbarians with Huaxia nation" (夷夏变夷). Looking at the development of his ideas over time may help to see how much traditional Chinese values of culture were still occupying the thoughts of Sun, the Huaxia/Han scholar and elite who accepted Western values.

1. 1906 ~ 1920: Establishment of a five-nations republic with equal rights. At the time, Sun Yat-sen was indeed a proponent of democracy⁴⁸².
2. 1919 ~ 1921: At this time, he demonstrated that he was moving from democracy to the path of "greater unification". On November 4, 1920, on "Speech at the Meeting of the

⁴⁸⁰ 吴雁南, 清末社会思潮, 福建人民出版社, Wu Yannan, Social Thoughts in the Late Qing Dynasty, Fujian People's Publishing House, 1992, 189

⁴⁸¹ During the Manchu period "Hui" was the general name for all Muslims under the Manchu rule. In practice it refers to current day Hui Muslims in Ningxia, Gansu, Xi-an and Turkic Muslims (Uyghur, Kazakh, Kirgiz, Salar, Uzbek, Tatar) East Turkistan.

⁴⁸² 邓丽兰, 中国政治思想史, 现代卷, (中国人民大学出版社:2014), Deng Lilan, History of Chinese Political Thought, Modern Volume, (Renmin University of China Press: 2014), 204.

Headquarters of the Chinese Kuomintang in Shanghai", he said "what I mean is that all the ethnic groups in China should be integrated into one Chinese nation."⁴⁸³

3. March 6, 1921, in a speech at the Kuomintang headquarters in Macau he said "we should work hard on nationalism, so that the Manchus, Mongolians, Uyghurs, and Tibetans should assimilate into our Han nationality and become a big nationalist country." At this time, Sun Yat-sen openly advocated for the assimilation of non-Huaxia nations into the Han/Huaxia nation⁴⁸⁴.

Some contemporary Han scholars explain this idea as forming one big Chinese nation-state that allows the existence of all these five nations, yet Sun Yat-sen already used the term assimilation as quoted. He used the phrase "assimilate others into Han nation" many times⁴⁸⁵. It is obvious that in the process of the systematization of the "Three Principles of the People" he returned to traditional Huaxia thought of "change barbarians with Huaxia nation."⁴⁸⁶ What is even more strange is that after a period of time, Zhang Kei-shek, who succeeded Sun Yat-sen, Confucianized the Three People's Principles⁴⁸⁷. Although they tried to be the bearers of the Western value and the system of governance, they could not escape the shadow of the traditional Huaxia view towards "the others" or the barbarians with their term. "The great unification" which is based on the idea of "Huaxia-barbarian order" (华夷秩序) and "change barbarians with Huaxia nation" was still the cornerstone of their ethnic policy.

Equipped with the Western state model and traditional Huaxia mindset, nationalist Han Chinese took over the authority of Manchu Qing dynasty. In order to consolidate anti-Manchu Qing sentiment and establish modern Huaxia state, nationalist revolutionists define themselves and "the other", the enemy. Without dispute, "barbarian" Manchus was defined as "the others". Parallel to

⁴⁸³ 葛荃, 中国政治思想史, 明清卷, (中国人民大学出版社:2014), Ge Quan, History of Chinese Political Thought, Ming and Qing Dynasties, (Renmin University of China Press: 2014),17

⁴⁸⁴ 邓丽兰, 中国政治思想史, 现代卷, Teresa Teng, History of Chinese Political Thought, Modern Volume, 205.

⁴⁸⁵ For details see 邓丽兰, 中国政治思想史, 现代卷, Teresa Teng, History of Chinese Political Thought, Modern Volume, 203-222.

⁴⁸⁶ 邓丽兰, 中国政治思想史, 现代卷, (中国人民大学出版社:2014), Deng Lilan, History of Chinese Political Thought, Modern Volume, (Renmin University of China Press: 2014), 203

⁴⁸⁷ 邓丽兰, 中国政治思想史, 现代卷, Teresa Teng, History of Chinese Political Thought, Modern Volume, 222

this exclusionary morale, widespread of the nationalism pushed Huaxia intellectuals define themselves as a unique ethnic groups too. Well-known thinker Liang Qi-Chao first time used the “Han” for ethnic name of Huaxia people. The name of “Han” dispersed and accepted very quickly and finally became their ethnic name. when we look back to the history, we would find that whenever a powerful dynasty appeared in Chinese history, the name of the dynasty became the self-name or other name of the people living under the direct rule of the dynasty, such as Qin people, Han people, Tang people, Song people, Ming people, etc. Among them, because the Han and Tang dynasties were more influential, the names of the “Han people” and the “Tang people” had more vitality. Then when the Han people are compared with the Tang people, in addition to the fact that the Han dynasty was earlier than the Tang dynasty, the more important point is that as far back as the era of the "Sixteen Kingdoms of the Five Barbarians/Hu" (五胡十六国, 304-439 A.D), there was a relationship between "Han" and "Hu" in China. Historically, "Han people" have played a role in distinguishing "Hu people". From Professor Wang's point of view, the Chinese thinkers in the late Qing dynasty chose "Han " as the ethnic name of Huaxia people because of this⁴⁸⁸.

The versed general and the politician, a conservative Han nationalist⁴⁸⁹ and expert of Huaxia culture, a witness of turbulent times, Yang Zeng-Xin (杨增新), was appointed as the governor of East Turkestan aka Xinjiang Province was the official name, in 1906, 6 years before the collapse of the Manchu empire. Although he was not a defender of the parliamentary state system like Sun Yat-sen and his friends, he was a strong advocator of the "great unification" doctrine, which put the Huaxia nation and culture in the center of the socio-political structure in the border inherited from the borders of the Manchu dynasty. To this end, he successfully isolated the Xinjiang

⁴⁸⁸ 王柯 and 冯谊光, 民族 与 国家: 中国多民族统一国家思想的系谱, Wang Ke and Feng Yiguang, Nation and State: The Genealogy of China's Multiethnic Unified State Thought, 2001, 188.

⁴⁸⁹ As to Yang's nationalist idea, be careful to put it Revolutionist Wing that led by Huang Sheng and Sun Yat-sen. His stance shows that he was closer to Liang Qi-chao's Reformist Wing that keep the integrity of the Qing territory. Parallel with Revolutionist, there were also great number of Huaxia intellectuals and high-rank ministers who believed that Manchus have already became the member of the Huaxia people in culturally. For example, vanguard revolutionist Huaxia ministers such as Zeng Guo-fan (曾国藩), Li Hong-zhang (李鸿章), Zuo Zong-tang (左宗棠) and Manchu minister Gong qin Wang Yi-xin (恭亲王奕訢) never blocked themselves in the Manchu -Han distinction. They had had not any problem with using the term of Zhongguo (中国), Da Qing(大清), Huaxia (华人), Huaxia nation (华民), etc. Yang was closer to this ideology; however, he had also never clashed with nationalist warlords and nationalist Beijing central government and expressed his subordination to them.

Providence from the worldwide revolutionary flame and WWI of the period by implementing a variety of Legalist strategies, mainly “keeping the people in ignorance” (愚民政策), governing with unwise officials (以贱管良), “put travel restriction”, empowering the people, establishing centralized system (中央集权制度).

Looking at China itself, that was the period when the foresighted Mongols had declared their independence, and the whole Manchu territory had entered a period of turmoil. Yang Zeng-xin, an autocratic warlord, followed a very special administrative method that closed himself in Xinjiang Province with handful of troops that remained from the Manchu Qing Dynasty. Most importantly, as a traditional Huaxia intellectual, he was an advocator of “great unification” with all his might that always tried to keep the region as a province of government in Beijing. Entire policies and strategies he had implemented during his 17-year-long period of governing were kept in line with this purpose. Even though the central government changed frequently, and the rulers successively included Yuan Shi-kai, Li Yuan-hong, Duan Qi-rui and Cao Kun during the years of his personal dictatorship in Xinjiang Province, he always recognized and accepted the legitimacy of all central governments in Beijing despite he didn't like and trust any president except for Yuan Shi-kai⁴⁹⁰.

As a management philosophy, he was deeply influenced by Laozi's Taoist administrative policy of “inaction” and “ignorance”. He believed that in the political atmosphere of that time, as long as the Uyghur region could be protected from external influences, the region would not be separated from China. In his view, the first thing needs to do is to make Xinjiang Province free from the influence of the war in the Huaxia regions and the Russian October Revolution in this regard. In order to prevent the revolution from happening in Xinjiang Province, he adopted the strategies of "rule by inaction" (无为而治), "governing action with stillness" (以静治动) and “keeping the people in ignorance” (愚民政策) which are also Legalist statecraft imported from Taoist thought, advocated by Shang Yang⁴⁹¹ and systemized by Han Feizi. At the same time, every effort has been

⁴⁹⁰ 杨圣敏, “杨增新治理新疆的思想与措施,” 中国边疆史地研究, Yang Shengmin, "Yang Zengxin's Thoughts and Measures in Governing Xinjiang," Research on History and Geography of China's Borderlands, no. 4 (2018): 3.

⁴⁹¹ 饶宗颐, 中信国学大典: 商君书, 2nd ed. (北京: 中信出版社集团, 2019, Jao Tsung-I, Citic Classics of Chinese Studies: Shang Junshu, 2nd ed. (Beijing: CITIC Press Group, 2019), 46. On the purpose of building strong state, Shang Yang (also known as Lord Shang in English sources) suggested the policy of keeping in ignorance in order the

made to prevent Uyghurs from joining the political process. The method was "close and rule" (关而治), turning Uyghur and other Turkic societies into a "small country" where "the only voices of chickens and dogs are heard, yet the people do not communicate with each other until old age and death"⁴⁹². To this end, he also printed and distributed his "Reading Laozi's Diary" (读老子日记) to his subordinates for study.

Under the domination of the idea of "ruling by closing the door", Yang adopted the following "closing and self-defense" policy⁴⁹³;

1. Opposes opening to the outside world. He believes that the governance of the Uyghur region should eliminate all contact between people of all ethnic groups and the outside world. The so-called "close and rule" means "do not open the door of gratitude and grudges", "do not open the door of race-walk", "do not open the door of competition", "do not open the door of chaos", only "close the door, then the world will be peaceful". He believes that if there is communication, there will be competition, and if there is communication, there will be foreign aggression. It was precisely because of his political ideology that the introduction of advanced technology has been affected so that Uyghur society, economy, culture, and ideology cannot get due development.
2. Opposing big machine production and people hold modern ideas. His small country essentially replaced the production of large machines with manual workshops. This policy in fact due to prevent social revolution and "left people in poverty" (穷民) which is another method of Legalist Lord Shang.
3. prevent social revolution. Yang opposed the modernization of large-scale machine production in the region, mainly because he believed it caused a wave of strikes and revolutions that affected his warlord rule.

weakening the citizens said *"if they are ignorant, they will have no external ties; if they have no external ties, the state will be at peace and will not be endangered."*

⁴⁹² 杨增新, "补过斋日记", 卷 19, Yang Zengxin, "Bu Guozhai Diary", Volume 19

⁴⁹³ 陈瑞芳, "试论杨增新 '无为而治' 的治新政策," 喀什师范学院学报 27, Chen Ruifang, "On Yang Zengxin's 'Governance by Doing Nothing' Policy," Journal of Kashi Teachers College 27, no. 4 (2006): 38–39.

4. Make every effort to prevent mainland and foreign forces from interfering in region's affairs. Even those sent by the Beijing government, including officials who come to the region to work or serve, were generally rejected. At the same time, a checking point was set up in Ara Yultuz / Xingxing xia (星星峡, Stars Valley) which is the natural border of China proper and East Turkistan, and no one was allowed to cross the customs without his approval.

Another legalist strategy he applied was “keeping people in ignorance”. The policy of “keeping ignoring” is a Legalist management idea absorbed from Taoism that it has been frequently implemented in Chinese history. Lao Tzu strongly opposes the development of the people's wisdom, and requires spiritual and material elimination of any measures that can stimulate the people's wisdom and cause disputes⁴⁹⁴. Shang Yang, on the other hand, made this idea one of the important methods of Legalist management. He said "If the monarch wants the country to be prosperous and strong, he must weaken the power of the people and minimize their resistance"⁴⁹⁵. Yang as a conservative governor who had studied the art of Taoism, Legalism, and other traditional political philosophy for many years, actually applies this idea when his reign in the East Turkistan. His ignorance policy can be summed up as follows⁴⁹⁶:

1. Turn the people of all ethnic groups in the East Turkistan into "people of primitive society" (混沌之民) who are "illiterate and can't read books" and "stay foolish and wander happily" in order to realize his "rule by inaction". He believes that as long as the education of the Uyghurs is not developed, the Uyghurs will be in a state of backwardness in all aspects so that his rule will be peaceful. When he was in charge of Xinjiang Province, he changed his early years policy when he was an official in Gansu Province, where he attached importance to education and cultivated talents, and implemented the policy of keeping ignorance. According to the survey conducted in 1918, there was only one primary normal

⁴⁹⁴ 徐奇堂, “试论商鞅的愚民思想,” 广州大学学报: 社会科学版 1, Xu Qitang, "On Shang Yang's Foolish Thought," *Journal of Guangzhou University: Social Science Edition* 1, no. 9 (2002): 38–42.

⁴⁹⁵ 饶宗颐, 中信国学大典: 商君书, 2nd ed. (北京: 中信出版社集团, 2019), Jao Tsung-i, *Citic Classics of Chinese Studies: Shang Junshu*, 2nd ed. (Beijing: CITIC Press Group, 2019), 255.

⁴⁹⁶ 陈瑞芳, “试论杨增新 ‘无为而治’ 的治新政策,” Chen Ruifang, "Trying to Discuss Yang Zengxin's Governance Policy of 'Governance by Doing Nothing'," 39.

school with 40 students in the region; 62 high-level primary schools with more than 1,600 students; one women's junior high school with 20 students and the annual educational expenses were less than 50,000 yuan⁴⁹⁷. Even the newspapers, books, letters, etc. sent into the region were strictly inspected, and the newspapers from the China proper such as "Shen Bao" (申报), "The News" (新闻报), "Da Gong Bao" (大公报) were not allowed to be distributed in Xinjiang at all. In order to keep the people absolutely isolated from new ideologies and remain them under the influence of Huaxia culture, he also gave priority to designing textbooks. The textbooks of high-primary schools and private schools in various places were still the Three Character Classics (三字经), Hundred Family Surnames (百家姓), and Confucian Classics (四书五经). What was instilled in the mind of local people was still the traditional morality of the Huaxia nation. As for bourgeois democratic politics, communist ideology, and textbooks for scientific and cultural knowledge, there were almost did not exist.

2. Oppose "governing the country with wisdom". He believed that the establishment of academies, schools, and the development of education would increase the knowledge of the people and promote their awakening, which harms his authority in the region. Thus, except for hindering the development of education, he preferred to use cowardly and incompetent people. He himself despised them in his heart but thought that using them would do no harm to his regime. Therefore, they were often used, and more of them were appointed as local county governors.
3. Opposing social progress. He believed that the more technologically savvy people were, the greater the social instability would emerge. "Fantastic things" like modern runs, cars and steamboats can cause chaos.
4. He Makes every effort to prohibit new ideas and new cultures from entering Uyghur society. It was because he was afraid that these new things would wake up the people of all ethnic groups in Xinjiang to revolt against him.

⁴⁹⁷ 包尔汉, *新疆50年* (北京: 文史资料出版社, n.d.). Baoerhan, *50 Years of Xinjiang* (Beijing: Literature and History Materials Publishing House, n.d.).

On July 7, 1928, at the graduation banquet of the Russian Language School of Law and Politics Yang Zeng-xin was assassinated by Fan Yaonan (樊耀南), the then Minister of Military Affairs and Director of Foreign Affairs of Xinjiang Province. Soon after the coup, Jin Shuren (金树仁) who was in charge of the army, successfully sent troops to attack Fan Yaonan and became the ruler of the region. On April 12, 1933, Chief of Staff Chen Zhong (陈中) and others planned a coup to drive Jin Shuren out of the area. Sheng Shicai (盛世才), the commander-in-chief of the East Route Army of the Xinjiang Provincial Government Army, ascended the throne of the supreme ruler of the region. From Yang Zengxin to Sheng Shicai, the central government was basically unable to interfere in the change of regime in the East Turkistan. This shows that from Yang Zengxin to Jin Shuren, East Turkistan maintained its political independence. For example, in order to purchase weapons from the Soviet Union, Jin Shuren signed the "Xinjiang-Soviet Provisional Trade Agreement" with the Soviet Union without consulting the central government⁴⁹⁸.

In order to break the situation of East Turkistan's political independence from the central government, several leaders of the Nanjing National Government, including Chiang Kai-shek and Wang Jingwei, planned to send the Hui Muslim warlord Bai Chongxi, who was based in Guangxi Province, to lead the army into the East Turkistan when the supreme power in the region was changing⁴⁹⁹. However, due to the outbreak of the Chinese Civil War, Bai Chongxi was unable to enter the region. But Han intellectuals attached great importance to the fate of Turkic land. They agreed that in order to maintain the unity of the country, the political independence of the region must first be ended. It is crucial to know that at this time in the East Turkistan, the anti-Han dictatorship warlord forces had already been organized by Uyghur and Kazakh warlords. Hoja Niyaz Haji and Timur were the most powerful among them. Moreover, Uyghurs in Kashgar and Hotan declared the establishment of an independent East Turkistan Islamic Republic in Kashgar on 12 November 1933. Han intellectuals' opinions on the situation were divided into two types. One group advocated appeasement of all ethnic groups in the region, so as to gradually silence the ethnic problem; the other group set preventing the entry of foreign forces was also one of the goals

⁴⁹⁸ 王柯 and 冯谊光, 民族与国家: 中国多民族统一国家思想的系谱, Wang Ke and Feng Yiguang, *Nation and State: The Genealogy of China's Multiethnic Unified State Thought*, 2001, 223.

⁴⁹⁹ 长大军, 新疆风暴七十年, (台湾兰溪出版社, 1990), Long Army, *Seventy Years of Xinjiang Storm*, (Taiwan Lanxi Publishing House, 1990), 3027

and clearly advocated that the ethnic issue should be completely resolved by suppressing local ethnic groups. Even Kong Xiang-zhe believed that "the ignorant people are not grateful, they can only manage with the law", so the national rebellion must be suppressed⁵⁰⁰.

Although the two opinions were against each other, both sides agreed that in order to completely solve the ethnic issue in this region, the policy of ethnic assimilation must be implemented, and they advocated rectifying school education in the East Turkistan, the purpose of which was actually to assimilate the Turkic ethnic group culturally. An organization called the New Asia Society advocated "cultural integration" in order to "melt the Han and Muslim people with one furnace." The intellectual Zhao Jing-yuan (赵镜元) clearly proposed that the children of Turkic Muslim ethnic groups should be educated in Han culture. Zhao also pointed out importance of the region for Han nation. Except for its natural resources and endless territory, he indicated sparsely populated features of the region. He suggested dealing the over-populated situation of China proper by immigrating the Han population into Xinjiang ⁵⁰¹... such Confucian and Legalist advocates on governing Uyghurs and other Turkic nations just remaining in the level of debate that political, cultural, and demographic reality of the region prevented its implementation. However, just 20 years later, when the Chinese Communist party took over the region by negotiating with the Soviet Union and some top ministers of the East Turkistan Republic, the aforementioned policies of suppression and assimilation began to implement and as of 2016, in purpose of "great unification" and "establishing Huaxia big family", Legalist methods of oppression and assimilation have been applied in all aspects in an unprecedented way as stated in the next chapter.

Another person worth mentioning in terms of management is Sheng Shicai. Unlike Yang Zengxin, Sheng was an opportunist and his interests were at the forefront of his diplomatic relations. For this reason, in his 10 years reign in East Turkistan, he formed an alliance with the Nationalist Nanjing Government, the Communist Party, and the Soviet Union. He had no such ideology of the

⁵⁰⁰ 孔祥哲，新疆事变及目前应有之补救，卷1（5），Kong Xiangzhe, The Xinjiang Incident and Its Remedy, Volume 1 (5), 44-46

⁵⁰¹ 赵镜元，新疆事变及其善后，新中华杂志，1933，1（10），Zhao Jingyuan, Xinjiang Incident and Its Aftermath, New China Magazine, 1933, 1(10), 3-5

“building great Huaxia family” and the “great union”. It would not be wrong to say that his goal was to make East Turkistan his own dynasty and make himself a king. In the region, he applied Legalist policies such as preventing the formation of cliques, eliminating the strong, and ruling with fear. Sheng Shicai introduced a series of political innovations by declaring the "Six Great Policies" in 1934, some of which was really beneficial to the region. For example, he advocated the idea of ethnic equality and appointed influential people from all ethnic groups as government officials. For example, Hoja Niyaz Haji (خوجا نياز حاجم, 1889-1941), an Uyghur warlord with a large military presence, was appointed as deputy prime minister. Such a policy was in fact only his tactic of pulling the string to his side. Otherwise, they could make an alliance with Hui militarist Ma Zhongying (马仲英, 1910-1937), the Soviet Union, or the Communist Party.

Very soon, He exposed his insincere with “Six Great Policies” and assassinated most of the local officials he had appointed. Hoja Niyaz Haji was one of them. Moreover, he used nationalism as a weapon to divide and weaken the Turkic people in the region while Politicians and philosophers in China proper, such as Liang Qichao and even Sun Yat-sen, had used nationalism to form many peoples living in the territory of the Qing Dynasty under the banner of the Han nation. Even another eminent philosopher, Zhang Tai-yen (章太炎), claimed that the people of Vietnam, North and South Korea, and Myanmar belong to the Han ethnic group or at least closer to the circle of Huaxia culture rather than Uyghurs, Tibetans, Mongols, and Manchus. In doing so, he argued that the establishment of a large Han nation, including those aforementioned people in the cultural circle of Huaxia, is theoretically correct⁵⁰².

However, the Sheng government, which made East Turkestan its own kingdom, used the idea of nationalism to divide the Turkic people in the region, who belong to the same language, religion, script, and culture, into many minorities. By doing so, in fact, Sheng also sent a signal to the Stalin that he is ally of the Soviet Union. Sheng allowed the idea of the "Uyghur nation" which began to take shape in the Soviet Kazakhstan region during the 1920s to enter East Turkestan that the Turkic people engaged in agriculture in the south of East Turkestan were officially called "Uyghurs"⁵⁰³.

⁵⁰² 王柯 and 冯谊光, 民族与国家: 中国多民族统一国家思想的系谱, 2001, Wang Ke and Feng Yiguang, Nation and State: The Genealogy of China's Multi-Ethnic Unification State Thought, 2001, 194–95.

⁵⁰³ Rian Thum, “The Uyghurs in Modern China,” in *Oxford Research Encyclopedia of Asian History*, 2018, 7.

The Turkic peoples engaged in pastoralism in the north, on the other hand, were called Kazakhs. In this way, during Sheng's period, 14 ethnic groups were formed. They were the Uyghurs, Kazakhs, Kyrgyz, Uzbeks, Taranchi (Uyghurs in the Northern parts of East Turkistan), Tatar, Tajik, Manchu, Mongolian, Solun, Russian, Han, and Hui⁵⁰⁴. Under the guidance and instruction of Sheng government, these nations formed various "enlightenment organizations" and began to highlight their different aspects and uniqueness compare to others. As a result, in a region that was culturally and economically backward intentionally, the 14 nations have grown up with a narrow sense of nationalism that only fights for their own interest. Sheng also used various educational institutions, the press, and his own spy agencies to make the various nations incompatible, marginalized, and divided⁵⁰⁵.

Besides, he had always seen powerful and influential people as a threat to his authority that he eliminated them by using various tactics. One of those tactics was inviting/appointing them to his government as an official. Not only warlords but any kind of "strong" people such as scholars, riches, religious leaders, teachers, writers, poets, etc. were among his target. In the 1937, during the war with the Hui militarist Ma Zhongying, more than 1,000 Uyghurs in the Kucha district were arrested and killed on suspicion of aiding and abetting the "bandits." From October to December, bureaucrats who has certain powers were assassinated under the guise of reactionaries. Anyone who supported his rivals, Tömür Ali (تۆمۈر ئالى, 1886-1933), Shah Mansur, Sabit Damolla (سابىت داموللا, 1883-1941), Mahmud Muhiti (مەھمۇد مۇھىتى, 1887-1945) and Hui Muslim Ma Hushan (馬虎山, 1910-1954), or any others who had little contact with Indian merchants in the region or British people did not survive. Beggars and intellectuals, especially among the Uyghurs, experienced more tragic days. Almost at the same time, 3-4,000 people were arrested again and they were tortured, some of them buried alive, which made the people extremally terrified. In 1937, Sheng

⁵⁰⁴ As to Sheng's policy famous Uyghur scholars and politicians Masud Sabri, Isa Yusuf Alptekin, and Muhammad Imin Bughra fiercely against and put forward the idea that people of region were Turks, and Uyghurs, Kazakhs, Kirghiz, Uzbek or Tatar were the different tribes of the of it. They also revealed Sheng's instrumentalized approach to Han, precisely to Nationalist government audience by pointed out that Sheng's division of Xinjiang's population into fourteen nationalities was a clear yet unacceptable violation of the Sun Yat-sen's theory of great republic of five races (五族共和).

⁵⁰⁵ جۇڭگو خەلق سىياسىي مەسلىھەت كېڭەشى ش ئۇ ئار كومىتېتى تارىخ ماتېرىياللار تەتقىقات ھەيئىتى, 'شىنجاڭ تارىخ ماتېرىياللىرى 6', in 23-22, 2018. (نۇرۇمچى: شىنجاڭ خەلق نەشرىياتى, 1981), 23-22. Chinese People's Political Consultative Conference Committee on Historical Materials Research Committee, 'Xinjiang Historical Materials 6' (Collector: Xinjiang People's Press, 1981), 22-23

fabricated a plot called "the great conspiracy" by spreading rumours that a group of people were plotting to assassinate him. The purpose was to arrest and eliminate those who had power. By using various methods, he coerced captors into confessing the crimes they had never committed. He would call police directly to instruct which "offender" should confess which "crime". For this reason, he used to select cruel people as his police. Those who are mild or not willing to be cruel during the interrogation would be fired or arrested. For example, he arrested a police officer named Peng Liang for failing to get confession of two officials for cooperation with the Japanese⁵⁰⁶.

In this way, Sheng arrested hundreds of officials of all nationalities, excluding the Uyghur Vice President Hoja Niyaz Haji. In order to avoid his policies from attention of Soviet Union, he reported them as reactionaries. In his report, he described them as Trotskyists, as well as the rebellious who were enticed by nationalist from Uzbekistan and took financial assistance from the Japanese invaders, at the aim of undermine Sino-Soviet friendship against Japan aggression. He also added that the Soviet side could send police to investigate issue. When the Soviet police came to investigate, the oppressive and substandard polices selectively used by the Sheng would make prisoners to confess for the crime that fabricated by Sheng. The Soviet polices then believes what Sheng reports and translates the confession into Russian and back. To please the Soviets, Sheng also rewarded the Russians in the region for not joining "the organization". Riches were also in the scope of his target. Well-known businessmen and rich people, including Hussein Bay and Tursun Baba, were arrested under the same "crime" and their gold were confiscated. Another method he applied for the detainees was never allowing them to meet their families or relatives and never provide any information about them. Even polices working in prisons also not allowed to know or ask about captors' condition that their condition was kept strictly confidential⁵⁰⁷.

Along with the method of torturing and deportation, Sheng applied the Legalist statecraft of collective punishment by punishing the intellectuals and family members of those he eliminated. According to the memory of Halik Saqi, an Uyghur scholar who was exiled from Urumqi to Altai by Sheng, from the winter of 1939 to May 1940, the family member of people of different ranks

⁵⁰⁶ جۇڭگو خەلق سىياسىي مەسلىھەت كېڭەشچى شۇئار كومىتېتى تارىخ ماتېرىياللار تەتقىقات ھەيئىتى، 71.

.Chinese People's Political Consultative Conference Committee on Historical Materials Research Committee, 71

⁵⁰⁷ جۇڭگو خەلق سىياسىي مەسلىھەت كېڭەشچى شۇئار كومىتېتى تارىخ ماتېرىياللار تەتقىقات ھەيئىتى، 72-75.

.Chinese People's Political Consultative Conference Committee on Historical Materials Research Committee, 71

and professions were deported three times to remote areas in the north, among them the wife of vice president Hoja Niyaz Haji, the children of division commander Mahmud Muhiti, the intellectuals such as Abdukerim Abbasov, Halik Saqi, Eminniyaz Leysov, Asmatullah Masumi, Bahawudun Nuri, etc. They were labelled family of traitorous by the Sheng government yet were strongly warned not to tell their identity to the locals and communicated and exchange views with them on topic. So, these people were subjected to strict surveillance by the gendarmes. In addition, the authority required them to report their daily routine life to the police almost every week, and it was strictly forbidden to leave the area without police permission⁵⁰⁸. not surprisingly, such a policy practiced widely since 2017 by Chen Quan-guo (陈全国, 1955-) in the region again.

Even if Sheng played well with both the Soviet Union and the nationalist Guomintang government for some years, both sides learned his hypocritical stance. Besides, his terror regime caused nationwide unrest and wrath. The first signs of resistance to his regime started by Kazakhs in Altay and very soon the flame of the uprising reached the Gulja, which is Uyghur dominant region in the north. In 1944, Stalin pulled the plug on his dishonest ally Sheng by giving the green light to Uyghurs. The independent movement escalated very quickly and it led to the formation of the second East Turkistan Republic in November 1944⁵⁰⁹. Worried by the situation, in 1944, Jiang Kai-shek ordered Sheng Shicai's resignation, and Wu Zhongxin replaced him as the region's first Guomintang-appointed provincial chairman. One year later, in August 1945 when WWII ended, great power politics return to the region. Stalin had already turned Mongolia into a Soviet satellite state and now Guomintang authority formally assured soviet interest in the railway and territory of Manchuria by signing of the Treaty of Friendship and Alliance. In return, Stalin implicitly recognized the region as a part of China. Due to this secret agreement, the Soviet side pressed the

⁵⁰⁸ خالىق ساقى، مىللىتارىست شىنڭ شىسەي دەۋرىدە ھەرمىلەت زىيالىيلارنىڭ سۈرگۈن قىلىنىش ئەھۋالى توغرىسىدا ئەسلىمە.

.A memoir about the exile of intellectuals of all nationalities during the era of militarist Xing Shicai
⁵⁰⁹ Also known for Republic of East Turkistan. It was the independent political body established by Turkic people such as Uyghurs Kazakhs, Kirgiz, Tatar and Russians. It was built in Gulca, major city of Northern East Turkistan and existed in the region from 1944 to 1949, when they agreed to be a autonomous part of Peoples Republic in China. The republic deeply supported by Soviet Union from the beginning and they successfully defeated the power of Guo Min Dang government of Jiang Kai-shek. Republican Army was stopped on the bank of Manas River, which was the natural border of Guo Min Dang controlled Urumqi due to long-lasting negotiation between Stalin and Jiang Kai-shek and later between Stalin and Mao. Regarding further development of the situation, there are two different narratives from different sources.

East Turkistan government to cease fire and stop on the Manas River which is the natural border of Urumqi, the only region that remained in the hands of Kuomintang⁵¹⁰.

In China proper, a major event happened the Chinese Communist Party defeated the Guomintang authority. This time Stalin decided to fully support the new communist regime and ultimately reached a common agreement with Mao on the future status of East Turkistan; the whole region would be given to communist rule. Top rulers of the East Turkistan Republic mysteriously disappeared by so-called “plane crash”⁵¹¹ allegedly on their flight to Beijing to meet Mao via Soviet territory on August 27, 1949, and by mid-October 1949, units of the People's Liberation Army under the general Wang Zhen (王震, 1908-1993) entered East Turkistan. The national army of the East Turkistan Republic faced the same destiny with surrendered “barbarian” warriors faced in the past. It was re-organized as the 5th Corps of Peoples Liberation Army on December 12, 1949, and in March 1950, the Corps was further divided into over 10 divisions and deployed to all regions of East Turkistan with the special order of Mao⁵¹² and dozens of Han Chinese commanders were appointed as Political Commissar for each division.

This was when Osman Islam (also famous for Osman Batur), the legendary Kazakh leader in Altai district of East Turkistan, Janimkhan and Yolwas⁵¹³, famous Uyghur general in Kumul district made alliance and revolt against Chinese Communist Party's newly established authority in the region⁵¹⁴. 5th Corps, re-organized national army, and Chinese 6th Corps were ordered to attack

⁵¹⁰ James A Millward and Nabijan Tursun, “Political History and Strategies of Control, 1884-1978,” in *Xinjiang: China's Muslim Borderland*, 2015, 85.

⁵¹¹ According to official statement of China with Soviet Union. These top leaders such as president Ahmetjan Qasimi (Uyghur), General-in-chief Ishakbek Mononov (Kirgiz) Dalilkan Sugurbayev (Kazakh) were died in a plane crash on their way to Beijing via Kazakhstan to attend the declaration ceremony of the establishment of PRC. Local sources generally reject this narrative. They believe, since Stalin and Mao reached agreement, aforementioned leaders of the East Turkistan Republic were summoned to Almaty, the capital city of Kazakhstan by Soviet Union in 24 August, 1949, and forced to accept to be a part of China. There the leaders were disappeared by Soviets when they rejected to be autonomous region of communist China. For second narration, see (ئاسىم باقى ئوغلى، سىرلىق سۇنقىمەت،) ۋەھشىيە قانخورلۇق: قەدىرلىك ئەخمەتجان قاسىمى باشلىق رەھبەرلىرىمىزنىڭ پاجىئەلىك قەتلى قىلىنغانلىقىنىڭ مەجبىي تارىخى، ئۆزبېكىستان، تاشكەنت، 1991-يىل، 11-ئاينىڭ 5-كۈنى

⁵¹² زاهىر ساۋدانۇپ، ئۇنتۇلماس مۇساپە (شىنجاڭ خەلق نەشرىياتى، 2000)، 217.

Zahir Sawdanup, *An Unforgettable Journey* (Xinjiang People's Press, 2000), 217

⁵¹³ Osman, Janimkhan and Yolwas were all very famous war leader during the East Turkistan Republic era.

However, they did not accept Republic's authority due to their disbelief towards Soviet Union and communism, so that they kept distance with East Turkistan government. When PLA entered into the region after disappearance of top leader of the republic, Osman and other did not accept communist government and final decided to fight with them.

⁵¹⁴ زاهىر ساۋدانوف، 5-كۈرپۇسنىڭ بېسىپ ئۆتكەن ئىنقىلابىي مۇساپىسى (ئۈرۈمچى: شىنجاڭ خەلق نەشرىياتى، 1989)، 240.

them. 5th Corps played key role in fight against powerful Osman and Yolwas even rescued the Chinese 6th Corps from the siege of Yolwas in Kumul⁵¹⁵. Due to the troublesome combat took place whole northern and eastern part of the region, Osman and Yolwas were defeated and in 19 February 1951, Osman was capture alive in Gansu province on his way flee to India⁵¹⁶ while Yolwas successfully reached to Taiwan where he lived rest of his life. Furthermore, 5th Corps was again appointed to carry out another military campaign when Kazakh Orazbay, Sidiq and Weli rose against Chinese communists in Urumqi, Manas, Kutubi and Sanji⁵¹⁷. They were also pacified until April 1951. Osman and Orazbay were trialed before 80 thousand of people and shot on stage⁵¹⁸. By doing so, the newly established Peoples Republic of China guaranteed its authority in the remote non-Huaxia region.

Since there was no more resisted military power, CCP started change 5th Corps in various level. In spring 1952, 5th Corps' pagon which crescent and star on in white and blue color, was removed and PLA pagon replaced instead⁵¹⁹. Commanders of the corps were started to send party school for learning Marxism, Leninism, Maoism and mandarin⁵²⁰. It seems that Chinese government took the education serious and saw it as urgent thing should give priority. On every session, highest rank Han general such as Wang Zhen, general in chief in the region, vice commissar Shui Li-qin and party secretary Wang En-mao attended and lectured⁵²¹. Since 1952, remained army members were organized to do agricultural cultivation and building water canals, also ordered them to farm 350,000 mu⁵²² land⁵²³.

Zahir Savdanov, *The Revolutionary Journey of the 5th Corps* (Urumchi: Xinjiang People's Publishing House, 1989), 240.

⁵¹⁵ ساۋدانوف, 246-47.

Savdanov

⁵¹⁶ ساۋدانوف, 249.

Savdanov

⁵¹⁷ ساۋدانوف, 249.

Savdanov

⁵¹⁸ ساۋدانوف, 252.

Savdanov.

⁵¹⁹ ساۋدانوف, ئۇنتۇلماس مۇساپە, 205.

The Unforgettable Journey, 205.

⁵²⁰ ساۋدانوف, 246.

Savdanov

⁵²¹ ساۋدانوف, 5-كورپۇسنىڭ بېسىپ ئۆتكەن ئىنقىلابىي مۇساپىسى, 221.

Savdanov, *The Revolutionary Course of the 5th Corps*, 221.

Mu (亩) is a measure word uses for land. One mu equal to 666 square meters. ⁵²²

⁵²³ ساۋدانوف, 5-كورپۇسنىڭ بېسىپ ئۆتكەن ئىنقىلابىي مۇساپىسى, 263-65.

Redesignation of 5th Corps had not stopped there, further indoctrination and purge carried on the years between 1951 to 1952 under the program of “complaining about old society”, “unearthing three” (unearthing personal background, unearthing political stance and unearthing ideology) and “anti-three” (anti-corruption, anti-over wasting, anti- bureaucracy)⁵²⁴. Among them “complaining about old society” was a first step of “anti-capitalist” or “anti-feudalism” movement that, 5th Corps was turned into the vanguard army to suppress the rich Uyghurs and landowners when they joined the state organized mobilized movements such as “land reformation”, “decreasing the renting” and “anti-local villains” movements later⁵²⁵. Moreover, during the “complaining about old society”, hatred against “rich class” deliberately incited by organizing propaganda meetings. By adding other educations like “unearthing three” and “self-denunciation” these programs carried clear character of surveillance for further redesignation as it would happen quite soon.

In 1953, according to the instruction of CCP central government, majority divisions of 5th Corps were transferred under the command of Xinjiang Production and Construction Corps or Bingtuan, Han populated military-agricultural organization re-organized by surrendered Guomindang Han troops and some communist soldiers. Some soldiers of 5th Corps were dismissed and sent back to their home and it was June 1954 that the Corps was officially abolished⁵²⁶. The destiny of the Army of East Turkistan Republic ended up totally disfunctioned due to traditional way of cooking “barbarian” of Huaxia civilization. They were used against other anti-communist Turk generals and local powerful elites. The destiny of this army is quite similar with the fate of Ozmis’s army.

3.7. Regional Ethnic Autonomy with Chinese Characteristics

The system of regional ethnic autonomy is an important political system of the People's Republic of China, and it is also a self-control system with Chinese characteristics based on the basic principles of Marxism on ethnic issues and the traditional Huaxia statecraft and experience of

.Savdanov, The Revolutionary Course of the 5th Corps, 228. ⁵²⁴ ساۋدانوف, 228.

Savdanov, 224. ⁵²⁵

270. ⁵²⁶ ساۋدانوف, 270. Savdanov.

"governing barbarians". In terms of governing other nations, new China had rich administrative experiences such as *ji mi* and *tu si*, and cultural assimilation skills that were accumulated through historical relations with non-Huaxia nations. Therefore, it should be noted that the Chinese Communist Party did not take the "ethnic autonomy" policy which was applied in the Soviet Union, as the basic policy for solving China's ethnic problems from the very beginning. Just like Mao called Communism in China Communism with Chinese characteristics, the autonomy policy implemented for non-Huaxia nations is also autonomous with Chinese characteristics which have very close ties with Huaxia historical experience. The governance policy implemented against modern Uyghurs, Tibetans, and Mongolians also proves this. Different policies were proposed in different years and these policies went through a process of first advocating "ethnic self-determination", then "regional ethnic autonomy", and finally headed towards "complete ethnic assimilation"⁵²⁷.

From the years of its establishment to today, governing non-Huaxia nation policy of the Chinese Communist party experienced four different stages in general;

1. The period between 1922-1937. During this period, the CCP encouraged and supported the self-determination of the nations that were in Manchu Qing dynasty territory. They allowed "non-Han nations to establish their own nation-states or they wish non-Han nations use the right of national autonomy and build a federation together with Han nation". In fact, the idea of federation was borrowed from Sun Yat-Sen. Such discourses are seen as documents of the CCP's 2nd Convention in 1922 and the relevant documents⁵²⁸.
2. 1937-1945 period. This is the period of the Sino-Japanese war. During this period the Guomindang started to weaken by the heavy inflicted by the Japanese army, yet CCP established its own army and began to consolidate its unique dominance in certain regions of China through various reformations. In this period, the CCP changed its policy of guaranteeing nations' right of determining their own destiny and started to develop a

⁵²⁷ 王柯, 民族与国家: 中国多民族统一国家思想的系谱 (中国社会科学出版社, 2001), Wang Ke, Nation and State: The Genealogy of China's Thought of Multi-Ethnic Unification of the State (China Social Science Press, 2001), 246.

⁵²⁸ 中共中央统战部, 民族问题文献汇编 (中共中央党校出版社, 1991), The United Front Work Department of the Central Committee of the Communist Party of China, A Collection of Literature on Ethnic Issues (Party School Press of the Central Committee of the Communist Party of China, 1991), 21–22.

discourse against the establishment of independent nation-states by non-Chinese nations. For example, in 1937 CCP issued an important instruction about the fate of Mongols in what is called today's Inner Mongolian Autonomous Region. In the instruction CCP formally eliminated its long-term promise of supporting the independence of the inner Mongolian people. They showed the Anti-Japanese War as a reason for this decision and said it was very inappropriate to promote the independence of the Mongols because the Mongol region could be a good base for the Japanese invasion of China proper⁵²⁹. There was plausible another reason that in 1938, the Chinese Communist Party began to alienate itself from the full control of the Comintern since Mao became the top leader of the party. Therefore, they could interpret the ethnic policy of the Communist International in different ways.

3. The period of 1946-1949. This was the period when the civil war between the CCP and Nationalist China outbreak after the end of the Sino-Japanese war. In this period, the CCP administration abandoned the idea of "federation" which was the idea they had been chanting and began to develop another discourse in favor of granting "regional ethnic autonomy" to non-Huaxia people. The system of regional ethnic autonomy briefly refers to realizing autonomous management for other nations through establishing autonomous areas. According to this policy, all ethnicities are members of the Zhonghua/Huaxia nation, and except for the Han people, all others are categorized into ethnic minorities. In this method, the destiny of non-Huaxia nations is confined to the territory of the state. In other words, the seriousness of the problem decreased to the ethnic problem in the independent country. The true intention of the policy was not to guarantee the regional and cultural autonomy of the different nations but to ensure the complete integration of the non-Han nation/people with the Han nation over time as it had happened in the past. The current policy of the CCP also proved this.
4. From 1991 to the present. Assimilating or changing "barbarians" with Huaxia culture (用夏变夷) is a crucial idea in Confucian Huaxia-"barbarian" ethnic relations. The historical relationship between the two groups and the expansion method of Huaxia culture revealed that Huaxia authorities have always been see the idea of "change barbarians with Huaxia

⁵²⁹ 王柯 and 冯谊光, 民族与国家: 中国多民族统一国家思想的系谱, 2001, Wang Ke and Feng Yiguang, Nation and State: The Genealogy of China's Multi-Ethnic Unification State Thought, 2001, 256-57.

nation” as their ultimate policy towards non-Huaxia nations. As it was mentioned above the idea originated from Confucianism fulfilled by the force and methods of Legalism in many cases. As long as the Huaxia authorities realized political unification, they often tried to realize cultural and ethnic unification as well. CCP also followed in their footsteps in this regard. Since October 1, 1955, CCP established Xinjiang Uygur Autonomous Region, however, the programs aimed at assimilation and inlandization had been progressing with great determination although the process was relatively slow. Nevertheless, along with the Huaxia population and influence in the region increased by state-sponsored settlement programs, the limited rights granted once were withdrawn. In this process, laws and regulations could be shelved from time to time. The collapse of the Soviet Union forced the CCP to reconsider its ethnic policy towards non-Huaxia nationalities. By examining Soviet policy in East Europe and Central Asia, they came to the conclusion that the policy implemented in these countries has failed and led to the collapse of the Soviet Union. In order to make non-Han nationalities even more dependent on the state in terms of socio-economic and socio-cultural sense, as well as to integrate them into Huaxia nation, CCP began to apply more radical and extremist methods towards other nations, especially Uyghurs and Tibetans. With the coming power of Xi Jinping in 2013, the policy of assimilation applied to non-Han nations reached its peak. Xi put the Uyghurs, who were regarded as a problem for the security of the One Belt One Road Initiatives, as the first target and decided to assimilate or eliminate them as quickly as possible. To this end, as of appointing former Tibetan Party secretary Chen Quan-guo as party secretary of Xinjiang Uyghur Autonomous Region in 2016, policies aimed at assimilation have continued with fully Legalist methods as discussed in the next chapter.

Huaxia civilization, which has grown like a snowball, has been in contact with many nations throughout history. Sometimes it ruled them, sometimes it came under their rule. The fact that they have always lived under an authoritarian political structure and their agrarian lifestyle played a decisive role in shaping their unique lifestyle, civilization and way of thinking. The Chinese, or rather the Huaxia nation, have always considered their culture superior to that of others. Based on this idea, they developed the idea of a "Huaxia-barbarian order" against foreign tribes and placed this thought at the center of all relations. The sense of seeing themselves as superior to others

naturally led to the display of racist attitudes in bilateral relations with other nations. The rule of non-Huaxia peoples was perceived as the destruction of civilization as is mentioned in Confucian philosophy.

Thus, the homogeneous political structure shaped by legalism and cultural codes formed by Confucianism imposed on non-Huaxia nations who found themselves under the political authority of the Huaxia polities. In this process, the ideas of "Huaxia-barbarian order", "great unification" and "change barbarians with Huaxia nation", which came from the thought of Confucius, prepared a philosophical ground for their views towards others. When it comes to the method and strategies of realizing these ideas, unlike Confucius's attempt to influence with morality and benevolence, Legalist methods, which depend on power, deceit, and fear, have preferred more. Legalist strategies such as "eliminating strong", "keeping ignorance", "keeping poverty", "weakening the citizens", "collective punishment", "ruing social structure", "implementing travel restriction", "isolation", "to instill fear" and "ideological despotism" can be some examples in this regard. Interestingly these tactics have also been applied in the modern People's Republic of China. Xi Jinping, the strongest leader since Mao decided to build new China which is based on Huaxia civilization and raised the crucial term of "revitalizing the excellent Huaxia culture" and "ruling the country by law". He frequently pointed out that China has rich experience in ruling the state by law as a signal of not following the Western Legal and political system. So, what is the implication of reviving the tradition and ruling the state by law? by examining CCP policy in Xinjiang Uyghur Autonomous Region since 2016, the next chapter tries to answer this question.

CHAPTER IV

LEGALIST STYLE OF STATECRAFT IN EAST TURKISTAN

4.1. Autonomous Region with Legalist Characteristics

As mentioned in the previous chapter the year initially the region of East Turkistan became the political subject of Pekin-centric authority was 1757 when the Manchu Qing dynasty defeated the Jungar Mongols who had just controlled the region by aligning with Afak Hodja, a religious leader of Islamic Naqshbandi sect. From 1759 to 1864, the region was under the rule of the military system at the top and the weakened beg and Jasak system at the bottom. Yakup Beg, military commander of Khanate of Kokand in Central Asia (also known as Western Turkistan or Russian Turkistan) ruled the whole areas of East Turkistan for thirteen years and his rule was replaced by the Huaxia Qing general Zuo Zongtang (左宗棠) in 1884. The current official name, that is Xinjiang, which means newly acquired land, was given. The system of Jun-xian(郡县, system of prefectures and counties), which is being applied in China proper, was introduced⁵³⁰ and the first step of inlandizing the region was taken⁵³¹. The year 1884 was a turning point in the region's political status (of Uyghurs too) because Manchu Qing Empire introduced the jun xian system and Legalist power-centralized statecraft by appointing the governor directly from the palace instead of appointing a local leader.

However, due to the region being still unfamiliar and remote and not enough Huaxia population had immigrated yet, the common people still had not seen or felt the Legalist governance method or practice of “great unification.” Even though politically directly governed by Beijing, East Turkistan remained culturally pure until the 1950s. At that time, it was also impossible for the central government to implement the policy of “changing barbarian with Huaxia” (用夏变夷) as

⁵³⁰ TIAN Huan, “Trade and Population in Late Qing Xinjiang: A GIS Study,” 2003, 5.

⁵³¹ 王力, “清代治理回疆政策研究” (兰州大学, 2010), Wang Li, “Research on the Policy of Governing Huijiang in the Qing Dynasty” (Lanzhou University, 2010), 9.

they used to other non-Huaxia nations throughout history. If we look at history, this policy requires government intention, close distance, and enough Huaxia, mainly Han population. As Cagnat-Jan discussed, Immigrants sent to the regions under the political influence of Huaxia polity prepare the social infrastructure for the region to be fully integrated with China proper in the future by carrying the values and lifestyle of the original region to the region they came from⁵³². One thing particularly interesting in the Huaxia statecraft method is that cultural and political indoctrination always depend on how far the region is from its political capital and how long the non-Huaxia region is governed by the Huaxia authority. While relatively autonomous status was guaranteed to the remote non-Huaxia region, politically more restrictive and culturally assimilationist policy was implemented for the foreign people that are close in distance or had been subjected to China for a certain period of time. For instance, while the Tang dynasty did not collect taxes from those living in newly conquered land under the Ji mi rule, it did collect taxes from non-Huaxia groups who migrated from these regions to its near provinces and asked them to fulfill the obligations of the Chinese people⁵³³. This situation reminds us of the following lines in the Bilge Kagan monuments (also known as Khöshöö Tsaidam monuments) that estimated to have been erected by Bilge Kagan's son in 735, “The word of the Chinese nation was sweet, and the silk fabric was soft. With sweet words and soft silk cloth they used to deceive the distant nation. After getting close and landing, that's when they think of bad things.”⁵³⁴.

The building of the Peoples Republic of China is another important turning point in Uyghur history and their social life. This is the period when the Chinese government has been implementing Legalist statecraft more visibly and effectively. From 1884 to 1950, we can also find the traces of legalist statecraft such as weakening the people (ruomin 弱民), and policy of keeping the people in ignorance (yumin policy 愚民政策), and the system of prefectures and counties (jun xian 郡县制). Nevertheless, these policies could not deeply affect the people. During this period, the notion of great unification (大一统) was only accomplished in the sense of the territorial land. However,

⁵³² Abdürreşit Celil Karluk, “Çin Tarihinde Çinli Olmayan Halkların Yönetiminde Uygulanan Stratejiler,” *Doğu Asya Araştırmaları Dergisi* 1, no. 1 (2018): 5.

⁵³³ 王柯, 民族与国家: 中国多民族统一国家思想得系谱, (北京: 中国社会科学出版社, 2001), Wang Ke, Nation and State: The Genealogy of China's Thought of Multi-Ethnic Unification, (Beijing: China Social Sciences Press, 2001), 114.

⁵³⁴ Hüseyin Namık Orkun, *Eski Türk Yazıtları* (Ankara: Türk Dil Kurumu, 2011), 24-25.

since 1949, along with the presence of Huaxia migration and the strengthening of the power-centralized authority of the CCP, the policy towards the region has been getting harsh.

In 1950, when the Peoples Liberation Army of China enter the region with the consensus of the National Army of the East Turkistan Republic, Uyghur, and Kazak leaders believed soviet style Autonomous status would be guaranteed. In fact, from 1949 to 1954, Uyghur leaders pressed Mao and other communist leaders for a literal interpretation of Lenin's doctrine of self-determination. At a 1951 Gulja conference, the former seat of government of the East Turkistan Republic proposed the establishment of a "Republic of Uyghuristan" with the capacity to regulate all its internal affairs. Xinjiang CCP officials, based on instructions from Beijing, hastily hold a meeting to condemn the proposal and ensure that this "incorrect idea" should not spread widely⁵³⁵. Zhou Enlai, in his speech at Qingdao Conference in 1957, stated that China could not establish and had not to need to establish a Soviet model of federal system⁵³⁶.

However, the region got a very different form of autonomous status in 1955. The name Uyghuristan, mostly wanted by the leaders of East Turkistan Republic at Gulja Conference, was not permitted, and interestingly the name Xinjinag which was named in 1884 used as the name of the autonomous region. Another disappointment was the fragmentation of the territory of the "Xinjiang Uyghur Autonomous Region". CCP divided the region into a number of smaller autonomous bodies. By parcelling out sub-autonomous, the Chinese government simultaneously achieved the goal of counterbalancing the overwhelming political and demographic weight of the Uyghurs. Bayinguoleng autonomous prefecture for instance, occupy about 30% of the Xinjiang Uyghur Autonomous Region and 35% of the population of the prefecture. Nonetheless, Mongol population had never been majority in the region, yet the region was named as Mongol autonomous region⁵³⁷. Either Different Ethnic groups, like Turk, Mongol, Hui or the culturally and linguistically same people, such as Uyghur, Kazak, Kirgiz, and Uzbek, who united under the flag of East Turkistan Republic, divided into 13 different ethnic groups (民族, min zu) by granting

⁵³⁵ Zhu Peimin. 2000. *20shiji Xinjiang shi yanjiu* (Research on the history of Xinjiang in the 20th century). Ürümci: Xinjiang renmin, 335.

⁵³⁶ Zhou Enlai. 1980 (1957). "Guanyu woguo minzu zhengce de jige wenti" (A few problems of our country's minzu policies). *Minzu yanjiu* (1): 1–11.

⁵³⁷ Atwood, Christopher P. 2004. *Encyclopedia of Mongolia and the Mongol Empire*. New York: Facts on File. 39.

different autonomous region to each of them. This is also the Legalist method of power centralization by weakening the people and preventing the formation of the union⁵³⁸.

Parallel to the quasi-autonomous governance system, the system of "military-agricultural colonies" (屯垦制) or Xinjiang Production and Construction Corps (新疆生产建设兵团) with present-day name and it is literally meaning 'military settlement for agricultural cultivation'⁵³⁹. The Corps mainly Han populated military-agricultural settlements in various localities, which is originally initiated by another famous Legalist politician Cao Cao during the Three Kingdoms period in the late Eastern Han Dynasty⁵⁴⁰. In 196, Cao Cao reclaimed the barren and unowned farmland as state property when he defeated the Yellow Turban Army in Runan of Yingchuan and recruited a large number of refugees, exiled people, and immigrants into groups according to the army's organization. The state provided land, seeds, cattle, and farming tools, and farmers cultivated it, and the harvest is divided into proportions between the state and farmers. He also ordered the army to open up wasteland and farming and integrated the military and civilian garrisons, setting up field officials in various places to take charge of garrisoning fields⁵⁴¹. After the gradual establishment of the farming and defending system, it had become a source of income for the state power, and it also solved the livelihoods of the soldiers and civilians themselves.

Since Cao Cao launched this system, various following dynasties applied it for achieving direct control in border regions. Tunkun or Bingtuan has always been the initial step to turn autonomous or semi-autonomous status in border regions into the provincial system that has been applied for China proper since Qin Dynasty. Establishing this political apparatus in East Turkistan in 1954, according to the official statement issued by The Information Office of the State Council on the

⁵³⁸ “‘大共同体本位’与传统中国社会”, 中国社会科学院社会学研究所, "Great Community Standard" and Traditional Chinese Society", Institute of Sociology, Chinese Academy of Social Sciences, no. 5 (1995): 19.

⁵³⁹ “The History and Development of the Xinjiang Production and Construction Corps (Full Text),” accessed November 2, 2021, http://english.www.gov.cn/archive/white_paper/2014/10/05/content_281474992384669.htm.

⁵⁴⁰ 方英楷, 新疆兵团屯垦戍边史 (新疆科技卫生出版社, 1997), Fang Yingkai, History of the Xinjiang Corps' Frontier Reclamation (Xinjiang Science and Technology Health Publishing House, 1997), 66. For the source about Cao being a Legalist see, 唐长孺. "曹操法家路线的形成及其局限性." 武汉大学学报: 人文科学版 Z1 (1975): 61-68. Tang Changru. "The Formation of Cao Cao's Legalist Line and Its Limitations." Journal of Wuhan University: Humanities Edition Z1 (1975)

⁵⁴¹ “屯田制,” in 维基百科, 自由的百科全书, “Tuntian System,” in Wikipedia, the free encyclopedia, March 26, 2021, <https://zh.wikipedia.org/w/index.php?title=%E5%B1%AF%E7%94%B0%E5%88%B6&oldid=64929692>.

China White Paper in 2014, is representing a continuation and development of historical experience under new conditions⁵⁴². According to the white paper, the function of Bingtuan is the same in general as its previous Tunken model in different dynasties. Institutionally, Bingtuan is a renewed form of traditional tunken practice even if it has different features as its existence at different times.

Two interesting innovations Bingtuan has shown it is a special political unit that serve for strengthening the power-centralized political system of CCP. These two innovations are being highly integrated into the existing party-state system of the PRC since its beginning and maintain its parallel political status with the Xinjiang Regional Government. For example, Bingtuan's top leader, the Political Commissar, is always the Communist Party General Secretary of Xinjiang Uyghur Autonomous Region, normally a Han/Huaxia official⁵⁴³ and the Commander of Bingtuan was traditionally often a military officer, which means a separate centrally planned and provincial-level unit⁵⁴⁴. The People's Republic of China transformed the autonomy status it promised into the centralized junxian system by appointing a general secretary directly by the Chinese central committee on the one hand, and by establishing a parallel political unit called Bingtuan that was directly controlled by Beijing on the other. Establishing both an autonomous region and a military colonial system in it, the governing method of China in the region shows the "Outside Confucian, Inside Legalist" nature of traditional Huaxia administrative culture. More importantly, Bingtuan has always been undermining the autonomous status of the region and made an enormous contribution to the realization of a Legalist centralized autocratic political system as discussed below. Especially in the era of Xi Jinping, bingtuan played a key role on the frontline of the central government's settlement and Sinicization policy, which is always an important precondition to making the autonomous region in faraway border region into provincial inner land of China that we mentioned above.

Developments in the economy and technology make it easy for the Chinese central government to build infrastructures, railroads, and the state apparatus, and the Chinese Communist Party became

⁵⁴² "The History and Development of the Xinjiang Production and Construction Corps (Full Text)."

⁵⁴³ Yuchao Zhu and Dongyan Blachford, "'Old Bottle, New Wine'? Xinjiang Bingtuan and China's Ethnic Frontier Governance", *Journal of Contemporary China* 25, no. 97 (2016): 32.

⁵⁴⁴ Zhu and Blachford, "'Old Bottle, New Wine'? Xinjiang Bingtuan and China's Ethnic Frontier Governance."

a single absolute authority in both East Turkistan and other parts of China. Until 2013, the quasi-autonomous policy was carried out at the beginning of annexation, and various Legalist practices were applied at different degrees in different periods for various purposes, including to fulfill Confucian “great unification”. As a result, the local Turkic Muslims were left almost powerless 70 years after granting autonomy status. This paper would not discuss the Chinese Communist Party’s administrative methods against Uyghurs and other Turkic people from 1949 to the present but rather focuses on the policy in the Xi Jinping era. While reviewing this, this study examines how specific Legalist methods of governing implemented since Xi launched the great national strategy called “inherit and carry forward the excellent traditional Chinese culture” (传承和弘扬中华优秀传统文化) and “ruling the country by law”(依法治国). Here, it is important to know that traditional Chinese culture refers to the Huaxia culture based mainly on the Confucian social philosophy and it requires the society to adopt the Confucian Rite (礼) under the framework of “Huaxia-barbarian order” (华夷秩序) and “great unification”. Law, on the other hand, mainly refers to Legalist law, which advocates harsh punishment, and fear, and has the nature of being an instrument of authority, as discussed extensively in chapters one and two.

Besides the standardized Legalist methods such as heavy punishment for the small crime (Yixing quxing 以刑去刑), humiliating the people (rumin 辱民), and visible collective punishment (lianzuo 连坐), cultivating only single type of citizens or oneness (yimin 壹民); keeping the citizens poor and hungry (pinmin 贫民); weakening the citizens (ruomin 弱民), benefiting all from single (Li chu yi kong, 利出一空); that this paper also focuses on Legalist advocations of the ruling by fear, instrumentalizing the law as well as Confucian attitudes toward non-Huaxia rulers. Because, since Legalism and modified Confucianism became the two sides of the same coin during the Han dynasty, Confucianism provides philosophical legitimacy for cultural and political despotism with its worldview of “Huaxia-barbarian distinction” and the idea of “educating” the citizens while Legalism has been weaponized to fulfill it.

4.2. “Huaxia-‘barbarian’ order” (华夷秩序) or “Huaxia-barbarian distinction” (华夷之辨) and distrust against non-Huaxia people

In the framework of this Chinese style autonomous policy, the seat of a chairman is given to local officials, generally Uyghur but there is another position named shuji 书记 or Communist Party secretary, generally given to the Han Chinese officials who are directly appointed by the chairman of the Peoples Republic of China or the ruling elites. Shuji is one of the judicial positions of the People's Court and the People's Procuratorate. It is the responsibility of the shuji that to assist prosecutors in handling civil and administrative appeals and supervision of trial activities⁵⁴⁵. His or her main job initially was supervision. However, in Xinjiang Uyghur Autonomous Region shuji has become the top ruler, and the Chairman from the local population was turned just a nominal over time. This again reminded us of policy with Chinese characteristics that tightened in due course. From Seypidin Azizi (赛福鼎·艾则孜/سەپىدىن ئەزىزى, 1915-2003), who was the first Chairman of the autonomous region to Shöhret Zakir (雪克来提·扎克尔/شۆھرەت زاكىر, 1953-) and Erkin Tuniyaz (艾尔肯·吐尼亚孜/ئەركىن تۇنىياز, 1961-), newly appointed in October 2021, we have seen, over the time, an enormous weakening of the power of chairman and dramatically increase the influence of the shuji instead.

The dramatic change started with the coming of Wang Lequan (王乐泉, 1944-), King of Xinjiang⁵⁴⁶, in 1995 and reached the worst level when Chen Quanguo, one who is seen as one of the designers and primer runner of the notorious “re-education camp”⁵⁴⁷, was appointed by Xi Jinping as a shuji to the region in 2016. From this period of time, the local chairman was left unprecedently powerless. Two reasons may help to explain why CCP entrusts Han officials and always tries to find a way to curtail the power of local governors. Firstly, it is an inherited

⁵⁴⁵ “书记员,” 百度百科, “Scribe” Baidu Encyclopedia, accessed October 7, 2021, <https://baike.baidu.com/item/%E4%B9%A6%E8%AE%B0%E5%91%98/5091770>.

⁵⁴⁶ “‘King of Xinjiang’ Wang Lequan Replaced by Man with ‘a Spirit of Creative Thought,’” *Shanghaiist* (blog), April 26, 2010, <http://shanghaiist.com/2010/04/26/xinjiang-wang-lequan-replaced/>.

⁵⁴⁷ “Chen Quanguo, Architect of Xinjiang Crackdown, Likely to Be Rewarded With Central Position in 2022,” accessed October 7, 2021, <https://thediplomat.com/2021/06/chen-quanguo-architect-of-xinjiang-crackdown-likely-to-be-rewarded-with-central-position-in-2022/>.

governing policy that is passed down from historical experience. From Qin to the Qing dynasty, appointing officials directly from the imperial palace was a political tradition. As Legalist politicians recommended, this method binds local people directly to the emperor/monarch by excluding local governors or leaving them ineffective, which prevents the strength of aristocrats⁵⁴⁸. This policy was first advocated by the famous Legalist Li Si (李斯), the grand minister of the first emperor Qin Shihuang. After state Qin just ended the bloody Warring States period by eliminating the other six states, the political discussion was raised on whether or not to reestablish the feudal system of the Western Zhou dynasty. Li Si strongly opposed the idea of ruling the country by feudal aristocrats or fellows. He believes that the melee of the princes in the Spring and Autumn period and the Warring States Period was caused by the enfeoffment system of the Western Zhou dynasty⁵⁴⁹.

In the beginning, the Han dynasty brought back the enfeoffment system for the purpose of differentiating itself from its enemy, the brutal, Legalist Qin dynasty. However, Liu Bang, the founder of the dynasty believed that dukes not from the emperor's family were a threat to the dynasty. Therefore, through war and purge, he eliminated almost all dukes who were his comrades in arms when he fought with the Qin dynasty and Xiangyu, the legendary warlord, and supreme king of Chu. In the reign of the emperor Han Jingdi (188-141 B.C) princes from the emperor's family were also eliminated after the rebellion of seven princes. Since then, the system of prefectures and counties has been dominant even though the system of enfeoffment has also existed for a long time in a different form from the Western Zhou Dynasty⁵⁵⁰. This is the ruling method from historical experience and it has proved to be the ideal method for a centralized administration.

⁵⁴⁸ 刘泽华, “先秦法家关于君主专制主义的理论,” 中国史研究动态, Liu Zehua, "Pre-Qin Legalists' Theories on Absolute Monarchy," *Research Trends in Chinese History*, no. 1 (1985): 1.

⁵⁴⁹ “中国古代治理智慧①郡县制：郡县治，天下安——头条——中央纪委国家监委网站,” "Ancient Chinese Governance Wisdom ①Prefecture and County System: Prefectural and County Administration, Peace of the World——Headline——Central Commission for Discipline Inspection and State Supervisory Commission Website," accessed October 19, 2021, https://www.ccdi.gov.cn/toutiao/201910/t20191031_203358.html.

⁵⁵⁰ 冯辉 and 齐书深, ‘中国古代分封制与郡县制之争’, 学习与探索, Feng Hui and Qi Shushen, 'The Dispute between the Enfeoffment System and the County and County System in Ancient China', *Study and Exploration*, no. 3 (2001): 3.

Secondly, there is a traditional Chinese view of disbelieving one who is not from the Huaxia culture. This view is famous with the Chinese old saying “those who are not of my kin are sure to have a different mind” (非我族类，其心必异) mentioned in the Book of Documents(尚书), one of the five Confucian classics⁵⁵¹. By looking at Huaxia history, it is possible to find that this idea has a deep root and long history. Many politicians, rulers, and philosophers including Confucius and Mencius believed that the falling of authority in the hands of the non-Huaxia nation was equal to the destruction of civilization⁵⁵². Today, Han /Huaxia Party leaders have also considered Uyghur counterparts as politically untrustworthy, allotting them very little power⁵⁵³. Along with the power shifting between autonomous region chairman and shuji, the political status of the Xinjiang has already turned into the status of the province. During the period of Xi Jinping, nearly all institutions at all levels have reserved decisive authority to trusted Han Chinese from China proper. In this regard, German-based researcher Dr. Adrian Zenz found current political reality of the region that “being distrustful of the true intentions of its minority citizens”⁵⁵⁴.

Researchers at Australian Strategic Policy Institute have collected the information about the names and basic information of the region’s hundreds of principals and deputy county party secretaries who served between 2014 and August 2021. They found that throughout the hard strike and re-education campaigns, the great majority of “frontline commanders” at the local level are the Han. “In most counties, an Uyghur or other minority official plays the ceremonial role of second-in-

⁵⁵¹ 成臻铭, 土司制度与西南边疆治理研究 (社会科学文献出版社, 2016), Cheng Zhenming, Chieftain System and Southwest Frontier Governance Research (Social Science Literature Press, 2016), 49. The most famous source of this passage is what Ji Wenzi (季文子) said to Lu Chenggong (鲁成公), the monarch of the state of Lu, in "左传·成公四年". At that time, Lu Chenggong went to visit the state of Jin (晋), but he felt that he was not taken seriously in Jin and felt very shameless. After returning to his state, he discussed with the minister Ji Wenzi severing ties with Jin and seeking refuge in another big country-Chu State (楚国). When Ji Wenzi heard this, he quickly said to Lu Chenggong: "This kind of thing can't be done. Although Jin is not a good thing, we can't just betray Jin. Jin is a big country, and it is very appealing among the princes. The most important thing is that Jin is very close to Lu. "Immediately afterward, Ji Wenzi took out the words from the ancient book to persuade Lu Chenggong, Ji Wenzi said: "In the ancient book "History of Lost Records"史佚之志, it is recorded: 'If you are not of my race, your heart must be different.' Although Chu is a big country, after all, he is not a descendant of Ji (Jin and Lu are both descendants of Ji in the Zhou Dynasty), so how could chu get close to Lu?" So Lu Chenggong gave up. In a different period of times, this “old saying” used for a different group of people. After the Qin dynasty, the Chu people became a part of the Huaxia people, so this phrase was used for Huns, and during Tang, used for Turks, etc.

⁵⁵² 孙晓春, 中国政治思想,宋元卷, (中国人民大学出版社: 2014) Sun Xiaochun, Chinese Political Thought, Song and Yuan Volumes, (Renmin University of China Press: 2014),361)

⁵⁵³ Gardner Bovingdon, “Autonomy in Xinjiang: Han Nationalist Imperatives and Uyghur Discontent,” 2004, 14.

⁵⁵⁴ Adrian Zenz, “The Karakax List: Dissecting the Anatomy of Beijing’s Internment Drive in Xinjiang,” *Journal of Political Risk* 8, no. 2 (2020): 3.

command. Despite the region's legal status as an Uyghur Autonomous Region, researchers could not identify a single Uyghur party secretary at the county level at present", said ASPI in their latest report⁵⁵⁵. Their research further concretely unveiled that during the period between 2013 to 2015, there are about 5-6 non-Han (Uyghur and Kazak) county party secretaries in contrast to approximately 85 Han/Huaxia counterparts, while zero Uyghurs and Kazaks hold this position in the years from 2019 to 2021 comparing to about 85 Han/Huaxia county party secretaries⁵⁵⁶. The statistics show a systematic distrust against Uyghurs and other local officials.

Besides distrust against local officials and making effort to curtail their influence, radical administrative policies that carry astonishing similarities with Legalist ruling methods advocated by Lord Shang and Han Fei applied in the Uyghur region as of 2016 under the so-called "hard strike against terrorism and radicalism within the framework of the law". The following pages try to shed light on these tactics.

4.3. Legalist Way of Building a Prosperous State

The most important aspect that distinguishes the Legalism form of governance from other administrative methods is that it defines state-citizen relations within the framework of a zero-sum game. Legalist classics and philosophers are very open in this regard. The book of Lord Shang has specific articles and chapters that claim "when the people are weak, the state is strong; when the people are strong, the state is weak" (民弱国强;民强国弱)⁵⁵⁷. Even it advocates and elaborates on specific methods of weakening (弱民)the defeating the people(胜民). The following sections of the chapter examine the application of the aforementioned Legalist governance methods in the East Turkistan region under the three titles which are weakening the people, defeating the citizens, and high-tech Legalism and each title discuss various tactics.

⁵⁵⁵ Vicky Xiuzhong Xu, Dr James Leibold, and Daria Impiombato, "The Architecture of Repression" (Australian Strategic Policy Institute, October 19, 2020), 33.

⁵⁵⁶ Vicky Xiuzhong Xu, Dr James Leibold, and Daria Impiombato, 33.

⁵⁵⁷ See that chapter 10 of 商鞅, 商君书 (中华书局, 2011). Also se Shang, Yang. *The book of Lord Shang: apologetics of state power in early China*. Columbia University Press, 2017. P144

4.3.1. Methods for Weakening the People

As any administrative philosophy advocated, Legalism also pursues making a strong nation and fulfilling decent management. However, when it comes to the question of “who’s strong state”, the Legalist answer is very clear, that is, the people can only enjoy the prosperity of the state to the extent in the ruler allowed. Interestingly enough, a strong nation needs weak citizens and good governing means making people powerless and absolutely loyal to the ruler. By arguing the power of citizens and states is in opposite relation the Legalists advocate “the state that possesses the way devotes itself to weakening the people⁵⁵⁸. His logic was named “perceiving the people as an enemy of the state” (yumin weidi, 与民为敌). The state must defeat the people, Shang Yang or Lord Shang, one of the founders of the Legalism, suggests this for achieving a “prosperous country and a strong army” (富国强兵), and the way to triumph over the people, according to him, is to implement the policy of weakening the people, (ruo min 弱民). As to weakening the people, methods such as building only a single type of people (yi min 壹民), keeping the people in ignorance (yu min 愚民), eliminating the strong (qu qiang 去强), humiliating the People (ru min 辱民), making the people poor and powerless (qiong min 穷民) and mind reading and literary inquisition can be discussed as below.

4.3.1.1. Building Only a Single Type of People (yi min 壹民)

Yi min here had two levels of interpretation; one was making people only do one thing, that was war and farming; another one was fulfilling ideological unification by collecting all books except for the books on farming⁵⁵⁹. In this respect, Han Fei, the most famous systemizer of Legalism, also said that the sage monarch should sweep away five villainous which are scholars, martial arts, businessmen, political strategists, and deserters⁵⁶⁰. If the state successfully fulfils these tasks, then

⁵⁵⁸ Yuri Pine, *The Book of Lord Shang: Apologetics of State Power in Early China* (Columbia University Press, 2019), 143.

⁵⁵⁹ See chapter eight, 商鞅, 商君书. Shang Yang, Shang Junshu

⁵⁶⁰ 高华平, 王齐洲, and 张三夕, *中华经典名著-韩非子*, Gao Huaping, Wang Qizhou, and Zhang Sanxi, *Chinese Classics - Han Feizi*, 2010, 697.

the state could defeat the people, if the state defeats the people, then the state will be strong and prosperous (富国强兵).

As to ideological unification, the legalist idea of “ruling by law” also serves for unifying thought through rules and regulations. Since the law is designed by the ruling class and the fundamental goal of the “rule by law” is to defend the absolute monarchy, Legalist law can be arbitrary and the tool of the ruler to fulfil his political agenda, including ideological unification⁵⁶¹. The first attempt at unifying the ideology was the well-known “Burning Books and Bury Confucian Scholars Alive” incident that took place in 213-212 B.C.⁵⁶². After burning and confiscating all written materials, the Qin dynasty ordered people to learn rules and regulations only from government officials. Since there were no other sources available, people only had a chance to learn the ideology of the ruler Qin dynasty and this in fact is nothing but unifying the thought of the people. This idea, generated by Legalist cultural monopolistic view, set an example for later ideological unification goals which were mostly achieved. Different thoughts, cultures, and religions survived only to the extent permitted by the government.

We would not be wrong if we say forcing a single ideology and being wary of diversity or seeing different ideologies as dangerous is the political reality of Huaxia political tradition in general. In East Turkistan we can find several versions of “onenesses”, such as building one nation, forming a single Huaxia nation through ethnic assimilation; defending one-party leadership, not allowing to exist any kind of party, sect, or groups in a real sense; cultivating one ideology, that is traditional Chinese ideology; creating one belief system, Sinicized Islam, probably atheism at the end, etc. Among them, one-party leadership was already realized. Now creating one nation, one ideology, and one belief system are on the agenda of regional authority. By banning the absolute majority of books written in the Uyghur language, banning the Uyghur language outside of daily life, closing the schools providing education in Uyghur, taking Uyghur children to boarding schools from primary school, marrying Uyghur women to Chinese by force or Uyghur – Han/Huaxia marriage encouragement, forcing the Uyghurs to celebrate Chinese traditional holidays instead of Uyghur

⁵⁶¹ 艾惠萍, “法家以法律统一思想评析,” 福建教育学院学报, Ai Huiping, "Legalists' Commentary on the Unification of Laws," Journal of Fujian Institute of Education, no. 3 (2000): 1.

⁵⁶² 郭轩瑜, “秦朝文化专制浅论,” 收藏 11, Guo Xuanyu, "On the Cultural Despotism of the Qin Dynasty," Collection 11 (2017): 2.

national holidays, China under Xi Jinping's "China Dream" that relied on the revitalizing traditional the Hauxia culture as Xi himself empathized, carries out its policy of formulating one Huaxia nation, Huaxia big family in their term, at its highest speed.

Collecting written materials that defend different views from CCP's main ideology is a well-known fact in East Turkistan. Even if this is the case, there were still many materials about Uyghurs' unique culture and history that were written in the method and ideology the Chinese Communist Party instructed. Yet, the radical change took place in 2016 when China appointed Chen Quanguo as a secretary of the CCP to the region. Pressing and digital materials related to East Turkistan's history, religion, and culture were collected and anyone involved in the publishing was jailed or sent to "re-education camps".

A long article written by famous Uyghur poet and film director Tahir Hamut who fled to the USA in 2017 shows how the campaign of collecting Uyghur books was harsh and wide-scale. He writes in his article that he sent six Uyghur language books to his relative in the distant city of Gulja, the most Uyghur-dominant region in the northern parts of East Turkistan, but his relative had to destroy those books after a certain time passed when the large scale of home investigating for "illegal items" started there. He also states that his editor friend, who had been translating the Western classics from Chinese to Uyghur, was taken to camp⁵⁶³. A story of a 70-year-old Uyghur uncle in his article also showed how authority is tough on Uyghurs' religious belief, another factor differentiating Uyghurs from Huaxia culture and how Legalist practice of "heavy punishment for small crimes" applied. When the authority launched a mass scale home investigation in 2017, he wrapped up the Qur'an and threw it into the Tumen River in Kashgar in order not to be punished on the excuse of saving "illegal materials" and having "incorrect ideology". However, the authority had installed wire mesh under all bridges long ago, and the Quran remained filtered in wire mesh when it was cleaned and seized by the police. Police found a photocopy of the Uyghur uncle's ID card among the pages of the Qur'an and finally sentenced the old man to 7 years in prison⁵⁶⁴.

⁵⁶³ "One by One, My Friends Were Sent to the Camps," The Atlantic, accessed November 1, 2021, <https://www.theatlantic.com/the-uyghur-chronicles/>.

⁵⁶⁴ "One by One, My Friends Were Sent to the Camps."

On the purpose of eliminating Uyghur language and Uyghur language materials both Uyghur language and bilingual schools changed into Chinese language schools and speaking in their native tongues was banned along with the promulgation of a relevant directive in 2017. The directive requested the authorities to firmly implement teaching in Chinese in the three years of preschool and the first years of elementary and middle school, to achieve full coverage by 2020. The directive not only banned the use in the educational system of texts and pictures in the Uyghur language but also prohibit the Uyghur language in collective and public activities and management work⁵⁶⁵. The story of Zumret Davut, an Uyghur woman, who immigrated to the USA after staying in the “re-education camp” for a while, is in line with what was said above. She said no single Uyghur or bilingual schools left in Urumqi, the capital of the autonomous region, and even children are not allowed to speak in Uyghur at school. Her father-in-law, a Pakistani man, had written in Urdu on Zumrat’s daughter’s textbook and the whole family was bothered the whole week by school administration officials just because they thought the words were Uyghur. Finally, Zumret wrote a letter of self-denounce according to the request of the school then they stopped to bother her family.

Building one nation policy is applied to both young and old native people. While adults and elderly Uyghurs are systematically forced to abandon their way of life, the kids are put into state-run orphanages even if their parents are alive. This is the program that systematically distances young Uyghurs from their families and culture⁵⁶⁶. A review of procurement notices shows that from 2107 to September 2018, the regional government allocated more than \$30 million to build or expand at least 45 orphanages, known as "welfare centers" and "protection centers". However, “protection centers” are so sensitive that foreign reporters were surrounded by armed police officers and were ordered to delete all photos when they arrived there to visit ⁵⁶⁷. Independent investigations reveal that in such centers, kids are taught in Chinese and are adopted into Chinese culture, and the main purpose of this program is erasing their ethnic and religious

⁵⁶⁵ United Nation Human Rights Watch, “OHCHR Assessment of Human Rights Concerns in the Xinjiang Uyghur Autonomous Region, People’s Republic of China,” 2022, 28–29, <https://www.ohchr.org/en/documents/country-reports/ohchr-assessment-human-rights-concerns-xinjiang-uyghur-autonomous-region>.

⁵⁶⁶ “China Is Putting Uighur Children in ‘orphanages’ Even If Their Parents Are Alive,” The Independent, September 21, 2018, <https://www.independent.co.uk/news/world/asia/china-uighurs-human-rights-muslims-orphanages-xinjiang-province-reeducation-a8548341.html>.

⁵⁶⁷ “China Is Putting Uighur Children in ‘orphanages’ Even If Their Parents Are Alive.”

identity by brainwashing and training to make them “proper Chinese” who hasn’t any tie to Uyghur culture and Islam⁵⁶⁸.

As to the attempt eroding religious faith, the regular religious practice once allowed by the Chinese government was declared as an illegal and the religious teachers were blacklisted. Almost all of them were arrested and sent to camps since the Hard Strike and “Re-education” Campaign launched in 2016⁵⁶⁹. Furthermore, Uyghurs and other Turkic Muslims are forced to celebrate Chinese traditional festivals by eating non-halal meats that brought by their Han/Huaxia “relatives”⁵⁷⁰ or by Chinese officials who stay with Uyghurs for some days or weeks under the framework of state launched policy called “family visiting”. During Ramadan most basically, if any Uyghur restaurant that closes loses its license⁵⁷¹.

The creating one nation policy is also carried out under the state-sponsored resettlement policy. The ethnic composition of the region has changed dramatically in the past 50 years. Government census in 1953 shows Han Chinese constituted 6% of the region’s population while Uyghurs made up 75%. The 2000 census found out the Han population at 40.57% and Uyghurs at 45.21% of a total population of 18.46 million. The last census (2021) according to the National Bureau of Statistics of China, Han/Huaxia population accounts 42.24% compared to 44.96% of Uyghurs⁵⁷². Recently the percentage of Han reached more than 50% in the region for the first time thanks to planned settlements and state promise on various subsidies and accommodation. For example, by making a video on TikTok, the Chinese who have just immigrated to Bingtuan tell how much the state encourages the Han/Huaxia people to come to the region. According to what they said, the

⁵⁶⁸ Ali Çaksu, “Islamophobia, Chinese Style: Total Internment of Uyghur Muslims by the People’s Republic of China,” *Islamophobia Studies Journal* 5, no. 2 (2020): 183.

⁵⁶⁹ By Caravanseraï, “China Arrested over 1,000 Imams amid Crackdown on Islam in Xinjiang,” Caravanseraï, accessed November 9, 2021, https://central.asia-news.com/en_GB/articles/cnmi_ca/features/2021/05/19/feature-01.

⁵⁷⁰ “China ‘Forcing Muslims to Eat Pork and Drink Alcohol’ for Lunar New Year Festival | The Independent | The Independent,” accessed November 5, 2021, <https://www.independent.co.uk/news/world/asia/china-muslims-xinjiang-pork-alcohol-lunar-new-year-spring-festival-uyghur-islam-a8767561.html>.

⁵⁷¹ “Fasting ‘a Sign of Extremism’: Beijing Cracks down on Ramadan as Activists Call for China Boycott,” *ABC News*, May 7, 2019, <https://www.abc.net.au/news/2019-05-07/china-cracks-down-on-fasting-during-ramadan/11082244>.

⁵⁷² Error! Hyperlink reference not valid.. www.fmprc.gov.cn.

state immediately registers the immigrants, gives them villa-style houses and them large farmland⁵⁷³.

The campaign “Pairing Up and Becoming Family” is accompanied by the settlement policy and practiced in the form of forced marriages. While Uyghur men are put in “re-education camps”, Uyghur women are forced to marry Chinese men in order to rescue their relatives from the camps⁵⁷⁴ or for other reasons like being “trustworthy” and living under relatively safe environment given that they are regarded as role model citizens. In fact, encouraging intermarriage officially started in 2014 as Xi’s policy of assimilating Uyghurs into mainstream Chinese society⁵⁷⁵. Since 2017, as mass detention started, the policy developed into a level of state coercion. By using the power of authority, Party-State cadres encourage intermarriage by emphasizing the idea of “ethnic unity.” The measures include both reward and punishment couples are offered gifts and various benefits. For instance, according to an article posted in March 2021, two village committees in Aksu County awarded 40,000 yuan (US \$5,622) to the families of a newlywed interethnic couple⁵⁷⁶. In another video posted in August 2020 Uyghur voiceover with Chinese subtitles, it is said that there is an “urgent need” for 100 brides to “actively respond to the call from the government to promote marriage between Uyghurs and Han.”⁵⁷⁷ Uyghurs are so weak to reject them because they may be taken to the camp for the accusation of “having incorrect thought” such as radicalism, ethnic hatred, ethnic separatist, etc. This reminds us of Ming emperor Zhu’s policy towards the Simu people in China proper. As mentioned in the previous chapter, he forced Simu women to marriage to Han people.

The Legalist social engineering of creating a single type of people ethnically and ideologically encouraged the state to attack the social structure of Uyghurs on all fronts. Darren Byler, well-

⁵⁷³ “Subsidies For Han Settlers ‘Engineering Demographics’ in Uyghur-Majority Southern Xinjiang,” Radio Free Asia, accessed November 5, 2021, <https://www.rfa.org/english/news/uyghur/settlers-04132020172143.html>.

⁵⁷⁴ Çaksu, “Islamophobia, Chinese Style: Total Internment of Uyghur Muslims by the People’s Republic of China,” 185.

⁵⁷⁵ Edward Wong, “Weighing In on Paid Interethnic Marriages in Xinjiang,” Sinosphere Blog, 1409899994, <https://archive.nytimes.com/sinosphere.blogs.nytimes.com/2014/09/05/weighing-in-on-paid-interethnic-marriages-in-xinjiang/>.

⁵⁷⁶ “驻村工作队表彰‘民汉’通婚家庭_生活,” “Village Work Team Commends ‘Minor-Han’ Intermarried Families_Life,” accessed April 1, 2023, https://www.sohu.com/a/456939376_100101617.

⁵⁷⁷ “Destinee Bright on Twitter: ” “Thanks for the Beautiful Life #CCP and ...,” archive.md, March 31, 2023, <https://archive.md/MXvih>.

known anthropologist and researcher in China's ethnic policy, suggests that with the support of the Xi administration, Chen Quanguo made the decision to move from simply a police state security approach to a mass human re-engineering approach in managing the Uyghur population. He added since 2016 there has been state implement widespread existential damage to basic aspects of Uyghur life—ranging from religious practice to family unity, language use, and food culture. Now all of these basic Uyghur social institutions are being erased.⁵⁷⁸

4.3.1.2. Keeping the People in Ignorance (yumin 愚民)

The following way of weakening the people is implementing the policy of keeping the people in ignorance. In the Huaxia history, Lao Zi (老子) founder of Taoism, and Guan Zhong (管仲), the forefather of Legalism, are those who put forward the view of "keeping the people in ignorance" initially. Lao Zi once publicly advocated using the policy of keeping in ignorance to suffocate the people's rebellious thinking and paralyze the people's ambitious spirit⁵⁷⁹. He strongly opposes the development of the people's wisdom and requires spiritual and material elimination of any measures that can stimulate the people's wisdom and cause disputes⁵⁸⁰. However, it should be known that Laozi suggested it not because of seeing the citizens as the enemy of the government but for the benefit of the whole society.

Shang Yang yet examine the issue from a different angle and actually advocated and realized this policy. He strongly believed that "If the monarch who wants to control the world, defeat the enemy, and make himself invincible must first subdue the civilians in his territory."⁵⁸¹ If the monarch wants the country to be prosperous and strong, he must weaken. the way to weaken the people is

⁵⁷⁸ Sinopsis, "Xinjiang Specialist Darren Byler for Sinopsis: A Project Far More Extreme than the Stanford Prison Experiment," Sinopsis, November 21, 2018, <https://sinopsis.cz/en/xinjiang-specialist-darren-byler-for-sinopsis-a-project-far-more-extreme-than-the-stanford-prison-experiment/>.

⁵⁷⁹ Feng and Aydın, *Çin Felsefesi Tarihi*, 2009, 137–39.

⁵⁸⁰ 徐奇堂, "试论商鞅的愚民思想." Xu Qitang, "On Shang Yang's Making Citizens Foolish Thought."

⁵⁸¹ "昔能制天下者, 必先制其民者也;能胜强敌, 必先制其民者也" "In the past, those who could control the world must first control their people; those who can defeat powerful enemies must first control their people." see 饶宗颐, 中信国学大典: 商君书, Jao Tsung-I, CITIC Classics of Chinese Studies: Books of Lord Shang, 2019, 255. 画策

to make them simple, in other words to keep them in ignorance⁵⁸². Shang Yang believed that if people are simple when they are simple, “they fear orders” and he opposed the educated the citizens and said “both economically and politically, education is harmful”⁵⁸³. When they are ignorant, it is easy to make them to obey the arbitrary orchestrations of the ruler honestly. In this way, the country will be easy to govern and the status of the monarch will be stronger.

According to Shang Yang’s teaching the ruler should not allow people to attach important to knowledge and learning. He said “Do not fix ranks or offices according to foreign powers: then the people will not esteem learning. If the people do not esteem learning, they will be ignorant; if they are ignorant, they will have no external ties; if they have no external ties, the state will be at peace and will not be endangered.”⁵⁸⁴ After Shang Yang, the rule of Legalist thought of keeping ignorance was further developed by Han Feizi and became Qin's guiding ideology⁵⁸⁵ and the legalists banned books, banned private schools, burned books, and buried the Confucianists alive, and prohibited traveling. As to the current application of this policy, Professor Bao Peng-shan (鲍鹏山, 1963-), said that the policy of keeping people ignorant is not to prevent the people from being educated but to allow the people to receive only one type of education, that is his [authority] education, his thoughts, and his views⁵⁸⁶.

The policies implemented by China in the East Turkistan region are surprisingly similar to the recommendations of the Legalist school. The policy of keeping people in ignorance is demonstrated in state practice of banning history books, putting a limitation on the publishing of foreign-based written materials (including books and articles), not allowing open foreign language training centers, putting restrictions on traveling, and limiting or not allowing Uyghur students to

⁵⁸² ‘故有国之道，务在弱民。”固而弱民的根本手段则是使民“朴”，也就是愚民。"Therefore, there is a way of governing the country, and it is for the weakening the citizens. "The fundamental means of strengthening and weakening the people is to make the people "simple", that is, to make citizens fool the. See 商君书, 2nd ed, 弱民, The book of Lord Shang, The Weakening the Citizens

⁵⁸³ Yuri Pine, *The Book of Lord Shang: Apologetics of State Power in Early China* (Columbia University Press, 2019), 92.

⁵⁸⁴ 无以外权任爵与官，泽民不贵学问。民不贵学则愚，愚则无外交。无外交，则国安而不殆。 See 饶宗颐，中信国学大典：商君书, Rao Zongyi, CITIC Classics of Chinese Studies: Books of Shang Jun, 2019, 46.

⁵⁸⁵ 徐奇堂，“试论商鞅的愚民思想,” Xu Qitang, "On Shang Yang's Foolish Thought," 3.

⁵⁸⁶ XJH 三弟，“真正的愚民教育是什么？-鲍鹏山讲《商君书》_哔哩哔哩_bilibili,” "What is the real education of foolishing people? -Bao Pengshan talks about "Book of Lord Shang " accessed October 20, 2021, <https://www.bilibili.com/video/BV1ae411x795/>.

study certain majors. Being sensitive to different written materials is both tradition of the Huaxia governments and it is part of Legalist governance philosophy and practice. Han Fei emphasized the impotence of restriction on written materials and the harm of learning about the history of the past as follows;

In the state of an enlightened ruler, there are no books written on bamboo slips; law supplies the only instruction. There are no sermons on the former kings; the officials serve as the only teachers...Its scholars praise the ways of the former kings and imitate their benevolence and righteousness, put on a fair appearance and speak in elegant phrases, thus casting doubt upon the laws of the time and causing the ruler to be of two minds⁵⁸⁷.

The clearest example is the banning of three books, the Uyghurs, A Brief History of the Huns, and the History of Uyghur Literature, written by the Uyghur historian Turgun Almas in 1989, and widespread criticism held by mobilizing the intellectuals. These books were written by giving reference to large number of Chinese sources however, very quickly banned all across China due to the book is not written on the historical method of party line. The party line is the great unification on its base and propagate distorted historical narrative that the Uyghur region has been a part of China since ancient time. Yet, the Uyghurs regarded these three books as the pillar of Uyghur history. Censoring Uyghur history materials can be very arbitrarily. There was the Uyghur History Writing Committee established by the state, and that was their responsibility to write history within the framework drawn by China. However, after 2016, books written by this committee were also banned, and Uyghurs who wrote or translated history under the committee were arrested and sent to the camp or sentenced to imprisonment⁵⁸⁸. The Medieval Uyghur History, written by famous Uyghur Historian Tohti Muzat was published in 2014 by Minzu University Press, yet it was banned after 2016.

Another worth mentioning restriction is that not allowing the publishing Uyghur books in certain areas. It is interesting that although the level of publication and writing of the Uyghurs in their

⁵⁸⁷ 高华平, 王齐洲, and 张三夕, 中华经典名著-韩非子, *Gao Huaping, Wang Qizhou, and Zhang Sanxi, Chinese Classics – Han Feizi, Hanfeizi*, 2010, 112,117. See also Fei, Han., *Han Feizi basic writings*. New York: Columbia UP, 2003. Print. 112

⁵⁸⁸ “China: Big Data Program Targets Xinjiang’s Muslims,” *Human Rights Watch* (blog), December 9, 2020, <https://www.hrw.org/news/2020/12/09/china-big-data-program-targets-xinjiangs-muslims>.

own language is second only to the Han/Huaxia nation in China and there are many books published in the Uyghur language, the number of books published in important fields such as politics, management, international relations, philosophy were negligible. This is because publishers are afraid of self-harm due to censorship. For example, in 2015, when an interview was made with the owner of a publishing house in Urumqi for translating and publishing David Passig's 2050 into Uyghur, it was rejected because the publishing house believe the content of the book is sensitive. Well-known Uyghur educator, writer and poet Abdukadir Jalalidin was arrested and disappeared⁵⁸⁹ due to his academic works. He was one translated book of Western political philosophy such as *The Republic of Plato* and *The Prince of Machiavelli*. But as mentioned above, after 2016, a large number of books, except for books on state law and propaganda, published in the Uyghur language were banned. It should be noted that all of the banned books were published with official permission from the state. The banning of books on such a large scale and applying severe punishment for those who wrote and kept these books in their homes brings to mind the event of Burying Confucianists and Burning Books during the time of the Legalist Qin Dynasty.

Putting restriction or not allowing Uyghur students to apply to branded universities or certain majors is another example in this regard. It is a widely known reality that extremely small numbers of Uyghurs, even one or two, are allowed to apply to famous Chinese universities like Beijing University, Tsing Hua, and Fudan as there is a quota (zero for some years) fixed by the government for Uyghur and other local high school students. Tsinghua University for instance accepted 28 students across the East Turkestan region in 2011 and Han students, Uyghur, and other local students studying at the Chinese school were the majority among them⁵⁹⁰. It is also so strange that teaching foreign languages such as Turkish and Arabic is astonishingly rare even if local people in the region are ethnically Turkic and religiously Muslim.

Without a doubt, traveling is one of the best ways to expand one's vision and knowledge. It is a good opportunity to have a chance to exchange ideas and do a comparison. However, Taoist Lao

⁵⁸⁹ Joshua L. Freeman, "Opinion | China Disappeared My Professor. It Can't Silence His Poetry.," *The New York Times*, November 23, 2020, sec. Opinion, <https://www.nytimes.com/2020/11/23/opinion/uighur-poetry-xinjiang-china.html>.

⁵⁹⁰ "清华在新疆高考招生结束 录取人数创历史新高_新浪教育_新浪网," "Tsinghua's Xinjiang college entrance examination enrollment has ended, and the number of admitted students has reached a record high_Sina Education_Sina.com," accessed November 6, 2021, <http://edu.sina.com.cn/gaokao/2011-07-15/1633306332.shtml>.

Zi and Legalist Shang Yang advocated banning people's freedom of movement. The Book of Lord Shang repeatedly insists that the population's movements should be closely monitored: "Do not let the people shift locations on their own initiative"⁵⁹¹. A similar policy is applied to Uyghurs, Tibetans, and Kazakhs. We can think of restricting the freedom of travel that the CCP applies to Uyghurs as two-fold, one is to prevent going abroad, and the other is to restrict the freedom of traveling within the state or in certain regions. Restricting the freedom to travel abroad has always been practiced since the Chinese communist government came to power⁵⁹². Only Uyghurs, who were very wealthy and able to pay bribes, or had broad personal relations, could obtain the passport. It should also be noted here that until 2012, Uyghur university students who went to the inner provinces of China for education could obtain passports if they were not related to the blacklisted people. For normal Uyghurs, having a passport was an extraordinary event. However, an interesting event happen in 2015-2016 the Chinese government suddenly launched new regulations on issuing passports. The government publicly announced that any citizen can apply for a passport, with a very basic process⁵⁹³. Thousands of Uyghurs, Kazakhs, and other local citizens applied for a passport and traveled to other countries under the organization of legal Chinese travel agencies. However, since 2017, almost anyone who got a passport and visit other countries sent to the camps, regardless of whether they have gone abroad or not⁵⁹⁴. Even the CCP government officially announced the list of the country which end up with put in to the "re-education" camps if being visited.

Going further, travel between villages became impossible without a state permit. Neighbourhood Committee (社区居委会) is one of the key unit to govern the citizens in absolute tight way. Its main functions include issuing travel permits for Uyghur residents⁵⁹⁵, monitoring residents'

⁵⁹¹ Yuri Pine, *The Book of Lord Shang: Apologetics of State Power in Early China*, 2019, 83.

⁵⁹² Human Rights Watch, "'Eradicating Ideological Viruses' China's Campaign of Repression Against Xinjiang's Muslims" (Human Rights Watch, September 9, 2018), 13.; Human Rights Watch interview with Tohti (pseudonym), who left Xinjiang in 2017, March 23, 2018.

⁵⁹³ "新疆和田改革普通护照签发 又快又方便_央广网," "Issuance of ordinary passports for Xinjiang Hetian reform is fast and convenient_Central Broadcasting Network," accessed January 14, 2022, http://news.cnr.cn/native/city/20150823/t20150823_519623840.shtml.

⁵⁹⁴ "China's Xinjiang Records Revealed: Uyghurs Thrown into Detention for Growing Beards or Bearing Too Many Children, Leaked Chinese Document Shows," accessed November 9, 2021, <https://www.cnn.com/interactive/2020/02/asia/xinjiang-china-karakax-document-intl-hnk/>.

⁵⁹⁵ "'Eradicating Ideological Viruses': China's Campaign of Repression Against Xinjiang's Muslims" (Human Rights Watch, September 9, 2018), <https://www.hrw.org/report/2018/09/09/eradicating-ideological-viruses/chinas-campaign-repression-against-xinjiangs>.

actions and emotions in their homes⁵⁹⁶. Traveling from one village to another within the region has also been subject to official permission since 2016. In a stamped official document released on social media, it is said that the village communist office witnessed and allowed the fact that the Uyghur woman Kuvanhan's toothache was real so that she could go to the dentist in another village and get her tooth to pull out⁵⁹⁷.

As to moving to other places and accommodation, Legalist master Shang Yang also stipulated people who do not have official permission should not be allowed to stay in the hotel, otherwise, both the hotel owner and the guest would be guilty of the same crime⁵⁹⁸. This method had widely applied to Uyghur and Tibetans in inner provinces of China⁵⁹⁹. Hotels even could openly inform they don't host Uyghurs⁶⁰⁰. Recent development in East Turkistan shows that people cannot move from one place to another place without an official certificate given by the neighborhood committee or police station. All hotels in China are demanded to sign the so-called "anti-terrorism responsibility" statements. By signing them, hotels agree not to accept people from "Xinjiang" without prior government approval. In September 2019, an Uyghur college student girl checked into her hotel. In the afternoon, the girl's father and uncle brought her food. But soon after, four local police officers entered the girl's room and took the hotel employee along with the three Uyghurs to the police station for questioning. The girl's uncle was detained as a "suspect of terrorism" and the employee was fined for "neglecting anti-terrorism duty". It was also learned that the amount of fine for hosting Uyghurs or other locals of East Turkistan without official permission is from 50,000 to 100,000 RMB (about \$ 7,000 to 14,000)⁶⁰¹.

⁵⁹⁶ Vicky Xiuzhong Xu, Dr James Leibold, and Daria Impiombato, "The Architecture of Repression," 15.

⁵⁹⁷ Memet Tohti ATAWULLA, Nureddin İZBASAR, and Yalkun ULUYOL, "Doğu Türkistan Raporu: Kültürel Asimilasyon ve Etnik Soykırım," *Uygur Akademisi* (blog), 30, accessed November 6, 2021, <https://akademiye.org/tr/?p=5107>.

⁵⁹⁸ 林剑鸣. 《秦史稿》. (上海人民出版社, 上海: 1981 年 2 月): Lin Jianming. "Drafts of Qin History". (Shanghai People's Publishing House, Shanghai: February 1981): 183-185, 190, 204.

⁵⁹⁹ "Tibetans, Uyghurs & Blacklisted at Hotels in Chinese Cities," Radio Free Asia, accessed October 23, 2021, <https://www.rfa.org/english/news/china/china-minorities-05142015143907.html>.

⁶⁰⁰ "Fan Zhijie: How The Uyghurs Vanished From Daily Life In China - 報導者 The Reporter," accessed November 6, 2021, <https://www.twreporter.org/a/opinion-xinjiang-enforced-disappearance-reeducation-camps-english>.

⁶⁰¹ Tang Zhe, "Hotels Penalized for 'Insufficient Control' of Uyghur Guests," accessed November 6, 2021, <https://bitterwinter.org/hotels-penalized-for-insufficient-control-of-uyghur-guests/>.

Moreover, development of the high technology makes it easy for the government monitor and restrict the travel of Uyghurs and other local people. An impenetrable “public security defence network” consisting of citizen patrols, border security posts, police check posts, surveillance systems, internet controls, identity card monitoring, travel restrictions, management of “focus personnel,” grid unit offices, informant networks, and other mechanisms that aim to control or monitor movement of people and ideas into, out of, or within a region or society. It describes the ideal of “stability maintenance” work, where authorities have successfully sealed off a region or society from people or ideas they regard as threatening or problematic⁶⁰².

4.3.1.3. Eliminating the Strong (quqiang 去强)

Based on the logic of the relationship between the state and the people, Legalist thinkers propose eliminating the strong (quqiang 去强). Because when the strong are eliminated, the people become headless and weak and the state becomes strong. In Shang Yang’s view, ordinary people can be divided into two types: the weak and the strong. The strong and the weak can be embodied in two aspects; one is physically tall and strong; the other is people who have ideas, knowledge, culture, and opinions⁶⁰³. Shang Yang’s logic is very special. If the country is to be strong, it must eliminate such strong people. He also said that if one part of the strong people are used to destroy another part of the strong people, the strong people will remain, and the country cannot be strong. Only when the weak are used to abolish the strong, the weak will remain. These weak people have no ideas, no culture, no knowledge, and stupidity. Such people can be controlled by the state so that the country can remain as strong⁶⁰⁴. In his article titled “Five Villains”, Han Fei also mentioned the “strong” people who should be eliminated. The five villains he referred to are intellectuals

⁶⁰² ‘MAKING SINCERITY MANDATORY: THE CHINA DREAM OF PERFECT SURVEILLANCE AND CORRECTION OF ALL CITIZEN BEHAVIOUR– Rukor’, accessed 5 November 2021, <https://rukor.org/making-sincerity-mandatory/>.

⁶⁰³ 博士道 Free Way, 鲍鹏山批商君书 40 分钟精炼版 | 专制思想的黑暗核心, Bao Pengshan's Criticism of The Book of Lord 40 Minutes Refined Edition | The Dark Core of Autocratic Thought, 2020, <https://www.youtube.com/watch?v=Y0RTI61y7Uo>.

⁶⁰⁴ 李林林, “论商鞅的强国弱民思想,” 现代商贸工业 23, Li Linlin, "On Shang Yang's Thought of Strengthening the Country and Weakening the People," Modern Commerce and Industry 23, no. 24 (2011): 1.

（学者），free warriors（武侠），merchants（商业家），politicians（纵横家），and draft dodgers（逃兵役者）⁶⁰⁵.

After Chen Quanguo came to power, he arrested Uyghur religious leaders, wealthy businessmen, intellectuals, researchers, professors, and even famous artists and sportsmen on ambiguous charges such as radicalism, extremism, nationalism, and inciting hatred and resentment in the society, and put them in the “re-education camps” and later sentenced to prison. It is striking that they were sentenced to longer prison terms compared to others. For example, Peking University economics professor Ilham Tohti, who has worked throughout his life to eliminate the unnecessary tension between the Uyghurs and the Han/Huaxia people due to the misunderstanding each other, called the government to treat Uyghurs and Kazakhs equally with the Han people. However, he was arrested in 2014 and sentenced to life imprisonment⁶⁰⁶.

The philanthropic businessman Nurtay Iskender (Hajim), is known as one of the wealthiest Uyghurs and he was an owner of international tourism and shipping firm that was established shortly after China expanded trade relations with Central Asia in the early 1990s thanks to the fall of Soviet Union. In 2007, he invested 3.8 million RMB to build the "Nurtay Iskender School for Orphans" for free accommodation, food, and education to Uyghur orphan children as well as other children without caretakers. He was also taken into the camp in April 2018 and his whereabouts has remained unknown⁶⁰⁷. Similarly, Nur Bakri, the head of the Autonomous Region, was sentenced to life imprisonment as well⁶⁰⁸. Famous writer and thinker, professor Abdukadir Jalalidin (unknown)⁶⁰⁹; writer and literary critic, one who has a strong influence among the public, Yalqun Rozi (18 years)⁶¹⁰; famous both in the region and abroad, post-modern poet Perhat Tursun

⁶⁰⁵ 高华平, 王齐洲, and 张三夕, *中华经典名著-韩非子*, Gao Huaping, Wang Qizhou, and Zhang Sanxi, *Chinese classics, Hanfeizi*, 2010, 697.

⁶⁰⁶ “China Wants You to Forget Ilham Tohti,” *Human Rights Watch* (blog), September 20, 2016, <https://www.hrw.org/news/2016/09/20/china-wants-you-forget-ilham-tohti>.

⁶⁰⁷ “Xinjiang Authorities Detain Prominent Uyghur Philanthropist,” Radio Free Asia, accessed April 1, 2023, <https://www.rfa.org/english/news/uyghur/philanthropist-11052018151422.html>.

⁶⁰⁸ “Former Chair of China’s Xinjiang Region Nur Bekri Arrested for Graft,” Hong Kong Free Press HKFP, April 2, 2019, <https://hongkongfp.com/2019/04/03/former-chair-chinas-xinjiang-region-nur-bekri-arrested-graft/>.

⁶⁰⁹ Freeman, “Opinion | China Disappeared My Professor. It Can’t Silence His Poetry.”

⁶¹⁰ “Yalqun Rozi | USCIRF,” 0515:34:30 2021, <https://www.uscifr.gov/yalqun-rozi>.

(16 years)⁶¹¹, etc all arrested and sentenced to long imprisonment. Young Uyghur singer Ablajan Awut Ayup, who combined rap music with Uyghur songs most successfully and was on the verge of opening to the world, was also disappeared in March 2018 and imprisoned for more than 10 years⁶¹². This list does not end here and many influential Uyghurs can be added. Xinjiang Database Project listed 348 influential Uyghurs who were detained, imprisoned, or disappeared⁶¹³.

With regard to the CCP's method of eliminating the strong people, surprisingly there is a similarity with what Legalist Shang Yang advised. As soon as Chen Quanguo arrived in the autonomous region, he increased the number of policemen tremendously. These policemen were recruited as auxiliary police, and most of them are unemployed, uneducated youth in the neighborhood, they have a low education level that not graduated from university. They always play a leading role in state-led campaigns targeting Uyghurs and other Turkic people. In addition to this, mobilizing the public to denounce influential people has similarity with the explanation of the tactic of eliminating the strong by using the weak (以弱去强). Surprisingly, most of those arrested or those sent to the re-education camps are between the ages of 18-55. According to the Xinjiang Victims Database, among the 50621 East Turkestani detainees who were able to obtain information, it was verified that 18203 were between the ages of 18-35, 22624 were between the ages of 35-55, and a total number of aged 18-55 is 40825, accounts 80.06%. The number of male detainees is 44605 and it makes up 79.5% of the total number⁶¹⁴. These are the physically strong citizens that Legalist Shang Yang indicated.

4.3.1.4. Humiliating the People (ru min 辱民)

On the light of state – citizens relations, Legalist statecraft thought humiliating citizens, could resulted in inferiority complex that citizens realizes their status never equal

⁶¹¹ “Disappearance of Perhat Tursun,” MCLC Resource Center, March 18, 2020, <https://u.osu.edu/mclc/2020/03/18/disappearance-of-perhat-tursun/>.

⁶¹² Freemuse, “Uyghur Pop Star Detained in China,” *Freemuse* (blog), accessed November 7, 2021, <https://freemuse.org/news/uyghur-pop-star-detained-in-china/>. Also see ⁶¹² “Entry 3: Ablajan Awut Ayup,” accessed November 7, 2021, <https://shahit.biz/eng/viewentry.php?entryno=3>.

⁶¹³ “List_003.Pdf,” accessed October 27, 2021, https://shahit.biz/supp/list_003.pdf. also see ⁶¹³ Uyghur Tribunal and Abduveli Ayup, “Abduveli Ayup Testimony to Uyghur Tribunal” (2021).

⁶¹⁴ ‘Xinjiang Victims Database’, accessed 7 November 2021, <https://shahit.biz/eng/#stats>

with officials. Again, it is mentioned, ruo min (weakening the people) chapter of the Book of Lord Shang that “If the people live within humiliation, they value rank; if they are weak, they honor officials; and if they are poor, they prize rewards.”⁶¹⁵ Professor, Qin Hui at Tsinghua University explains this logic as follows: “Therefore, the people must be humiliated so that they would understand the greatness of officials; They must be humble so that they can understand how powerful officials are; They must be poor so that they will die for your reward; Therefore, in order to prosper the country and strengthen the army, we (state) must let the people sink into humiliation, weakness, and poverty.”⁶¹⁶ Another prominent Chinese philosopher Wang Dongyue, also explained the Legalist mentality on humiliating people that “humiliate people, let them know they do not have dignity as good as dogs have so that they will respect the officials and listen to them.” Thus, the purpose of humiliating people is to win people psychologically and break their will and confidence.

It is not a new phenomenon that people such as Uyghur, Kazakh, and Tibet are treated as second-class in China. For instance, there are numerous difficulties in their hotel reservations in order not to allow them to stay in the hotel and this has become a normal situation in provinces in China proper. As mentioned above it is the government's order for hotel personnel to do so. Besides, Uyghurs and other Turkic people are subject to strict controls, always being seen as people who pose a security threat. However, as of 2016, the colour of the business has completely changed and the policies of humiliation have been carried out very openly. By combining the biometric data collected from the Uyghurs with artificial intelligence technology, China has developed a system of recognizing ethnic groups, creating the ability to tag Uyghurs and send an alarm to polis station⁶¹⁷. According to the information received, in the newly developed digital system, the Uyghurs and other indigenous peoples are marked in red colour if they are identified that they are descent to second-class people openly compared to the Han/Huaxia people who live in the same

⁶¹⁵ 民，辱则贵爵，弱则尊官，贫则重赏 As for the people, if they are humiliated, will be cherish the rank; if they are weak, you will respect officials; if they are poor, they will be cherish reward. See, J.J.L Duyvendak, *The Book of Lord Shang* (London, 1928), 154.

⁶¹⁶ 科技探索与发现, 法家的统治 (下) ---- 《中华秦朝与汉朝的历史》, Exploration and discovery of science and technology, legalist rule (Part 2) ---- "History of Qin and Han Dynasties in China", 2020, <https://www.youtube.com/watch?v=iw4AlGzMTUU>.

⁶¹⁷ “Huawei Tested AI Software That Could Recognize Uighur Minorities and Alert Police, Report Says,” *Washington Post*, accessed November 7, 2021, <https://www.washingtonpost.com/technology/2020/12/08/huawei-tested-ai-software-that-could-recognize-uighur-minorities-alert-police-report-says/>.

region. When Han people see the Uyghurs who passed through the same security gate with them are stopped, controlled, and interrogated, it is also difficult for them to hold positive thoughts about the Uyghurs and other local Turkic people. In the atmosphere created by such a system, local people may see themselves as really despicable people, feel ashamed of themselves, and reject the group they belong to, even if they don't want to.

On top of that, government officials scrutinize the level of Turkic Muslims' political loyalty by dividing people into three categories: "trustworthy" "average", and "untrustworthy"⁶¹⁸. People classified as "untrustworthy" are doomed to live through hardship, their families are visited more often by officials, and their fate is left on the cadre's decision. As mentioned in this article, Han/Huaxia officials who visit Uyghurs' homes even take notes about their feelings. Another dimension of the event is cultural humiliation. Since 2016, the formerly normal Uyghur clothes, religious beliefs, customs and even traditional architecture have seen as signs of backwardness or uncivilized. Here is the official slogan in Urumqi "Wear civilized, good-looking clothes, be beautiful Urumqi people, and resolutely oppose abnormal clothing and behaviour!"⁶¹⁹ Besides, punishing one who has contact with relatives who have got detained or are abroad⁶²⁰, accusing Uyghurs of the harsh political atmosphere of the region, openly saying Uyghurs don't have a view of being Chinese citizens and most importantly open self-denouncement both in and out of the camp⁶²¹, etc would cause the people to feel guilty and insecure and live in a psychology of inferiority. In short, inferiority give way to insecurity, which is another way of governing Legalism as discussed in the coming pages.

It is said that humiliation is the most severe in the camps. According to survivors of the camp, Tursunay Ziyawudun, Zumret Davut, Sayragül Savutbay and Gülbahar Jelilova, local people are incredibly despised regardless of their age. Torture, rape, insults, denial of religion, banning of mother tongue, and accusations of enemies of the state have become normal in the "re-education" camps. According to their statements, people in the camp walk always with heavy chains, and in

⁶¹⁸ Human Rights Watch, "Eradicating Ideological Viruses" China's Campaign of Repression Against Xinjiang's Muslims', 12.

⁶¹⁹ Çaksu, "Islamophobia, Chinese Style: Total Internment of Uyghur Muslims by the People's Republic of China," 186.

⁶²⁰ Tanner Greer, "48 Ways to Get Sent to a Chinese Concentration Camp," *Foreign Policy* 13 (2018).

⁶²¹ Rachel Harris, "Repression and Quiet Resistance in Xinjiang," *Current History* 118, no. 810 (2019): 278.

brainwashing class, there is iron fencing between detainees and “teachers”. It seems that we are wild animals in the zoo, said Ziyawudun. In weekly program, it is compulsory for everyone that they should think about their fault in the past and write letter of regret. After so much torture and humiliation, they are able to eat a little food in return for delivering their gratitude to the government that persecuted them. Han police, who worked in these camps before leaving China for Europe to seek asylum, testified that the mentioned humiliations were real and also stated the people brought to the camp were innocent⁶²².

4.3.1.5. Making the People Poor and Powerless (qiong min 穷民)

Making the people poor and powerless is another method of weakening the citizens. This is specifically referring to connecting the people to the profession that the state wants them to do, to close the doors of earning other income except for the state, making the people economically depend only on the state. This method is referred to as "making all profits go through a single hub" (lichu yikong 利出一孔) in the Legalist classic *Guanzi* (管子). Then it also mentioned another Legalist classic the *Book of Lord Shang*. This term can also be described as “Guan Zhong Trap”. Guan Zhong said “If one channel is exploited, the country will be invincible, if two channels are exploited, the country will be half-benefited, and if ten channels are exploited, the country will not be defended.”⁶²³ This is the Legalist economic method that aimed at forcibly bind the broad masses of the people to the land so that they can be driven by the ruler at any time⁶²⁴. Another Legalist master Shang Yang also used the same phrase to emphasize the importance of leaving only one channel for the citizens to live. In chapter 5, “Explaining the People” (Shuo min 说民) of the *Book of Lord Shang*, it is stated that “the citizens have many desires, but the country should make all their desires come true through one channel.”⁶²⁵

⁶²² “Torture Inflicted on Uyghurs in Xinjiang Revealed by Chinese Detective in Exile - CNN,” accessed November 7, 2021, <https://edition.cnn.com/2021/10/04/china/xinjiang-detective-torture-intl-hnk-dst/index.html>.

⁶²³ 管子选注 (吉林人民出版社, 1975), *Guanzi Selected Notes* (Jilin People's Publishing House, 1975), 146.

⁶²⁴ “利出一孔的管仲陷阱：解读中国专制历史的钥匙_历史_凤凰网,” “Guan Zhong's Trap: The Key to Interpreting China's Autocratic History_History_Fengwang.com,” accessed April 2, 2023, https://news.ifeng.com/history/special/shiyan/201001/0103_9078_1496614.shtml.

⁶²⁵ 民之所欲万，而利之所出一（说民）

"Making all profits go through a single hub/channel" is a monopolistic economic policy that limits the source of income of the people to only the area that is profitable for the state, which ends up making people poor. The poor are weak and according to the Legalist philosophy "the weakening the people" is a tactic that the state could utilize in order to maintain stability within society. Han Feizi also advised the future Emperor of the Qin State that preventing the accumulation of wealth by individuals is crucial in maintaining order within the state⁶²⁶. Instead of allowing the people to accumulate wealth in various ways by setting them free, Han Fei suggested the monarch accumulate the power of the people and make them the tool for achieving the goal of building a prosperous state by strictly controlling them. This idea was expressed in Han Fei's words "When the world is in chaos, make the people die for you; when the world is settled down, exploit the people to produce wealth for you until they are exhausted⁶²⁷." Professor Bao Pengshan explain this "suggestion" and said it is "depriving all natural and mental capital in order to enforce citizens to only depend on one hub, that is the state, monarch. They [the Legalist] believe as long as people have nothing depending on except the state, then they would be very obedient and loyal, then the state would be safe and strong⁶²⁸."

If we give an example from another Legalist politician, other than Shang Yang and Hanfei, who implemented this kind of policy, it is possible to show the policy of towards the Huns by Cao Cao (曹操 155-220), the famous statesman, politician, the founder of the Wei Kingdom, one of the famous Three Kingdoms in Huaxia history. (As a result of a series of policies by Cao Cao, Wei kingdom would end the political fragmentation at that time and establish the Jin Dynasty). While talking about Cao Cao, it is important to underline that some of his policies has implemented in East Turkestan. One of them is to change the lifestyle of the Huns, as it will be mentioned below, and make them economically dependent on the Huaxia/Chinese life style, or most correctly on the state; and the other, as mentioned above, is Tunken management system (屯垦), the old version of

⁶²⁶ "Confucianism or Legalism? A Grand Debate on Human Nature and Economic Thought," *E-International Relations* (blog), July 3, 2018, <https://www.e-ir.info/2018/07/03/confucianism-or-legalism-a-grand-debate-on-human-nature-and-economic-thought/>.

⁶²⁷ 高华平, 王齐洲, and 张三夕, *中华经典名著-韩非子*, Gao Huaping, Wang Qizhou, and Zhang Sanxi, *Chinese Classics - Hanfeizi*, 2010, 658=660.

⁶²⁸ 欧张酱, "鲍鹏山讲述《商君书》: 剥夺个人资产, 造成一个无恒产、无恒心的社会。_哔哩哔哩_bilibili," Ou Zhangjiang, "Bao Pengshan narrates 'Book of Lord Shang': Deprivation of personal assets creates a society without property and perseverance.accessed October 20, 2021, <https://www.bilibili.com/video/BV1cT4y1g76D/>.

the current day Xinjiang Production and Construction Corps (新疆生产建设兵团 Xīnjiāng Shēngchǎn Jiànshè Bīngtuán), which is the parallel political and economic structure in Xin Jiang Uyghur Autonomous Region.

After taking the Hun leader hostage in Ye Chang city, Cao Cao made the Hun people accept the authority of the local Huaxia governors. For the Huns, in order to adjust themselves to the living method of the Huaxia people, they should change from cavalry to peasants as they were forced to do. However, due to the Huns having no farmland, they naturally had to rent lands from local Huaxia landlords. As a result, Huns turned into the slaves of the locals very soon⁶²⁹. It is recorded in chapter 93 of the Book of Jin Dynasty (Jinshu 金书) as follows:

“There were some landowners in provinces like Taiyuan who enslaved the Hun tenant farmers. This is why the Hun-ghoz (hu 胡) slave trade prospered in Bingzhou and other provinces on the Yellow River during the Wei 魏 and Jin 金 dynasties.”⁶³⁰

According to chapter 22 of History of the Wei Kingdom, numerous boreoarctic aristocrats from the capital Xian Yang sent precious gifts to Qintai, a protectorate of the Huns, and asked for Hun slaves...⁶³¹

The important point here is Cao Cao's policy of changing the economic lifestyle of the Huns and forcing them to be a renter, of the state or governors, which is another form of Legalist statecraft of "making only single type of citizen" (yi min 壹民), and "making all profits through a single channel" (lichu yikong 利出一孔) policy. The Hun's destiny of turning into slaves is the result of that policy. When Legalist Shang yang talked about yi min he suggested that policies must be adopted to make people change their careers and make them the kind of person that the country

⁶²⁹ 林幹 匈奴通史 (匈奴通史), 乌鲁木齐: 新疆人民出版社, 2004, 189. (Lin Gan, A General History of the Huns, (Urumchi: Xinjiang People's Publishing House, 2004

⁶³⁰ «جيننامه. شىمالىي دىلار ۋە ھۇنلار ھەققىدە قىسسە.»

The Book of Jin Dynasty.Genome About Northern Dollars and Huns

⁶³¹ «ئۈچ پادىشاھلىق تەزكىرىسى. ۋېي پادىشاھلىقى تەزكىرىسى» 22- جىلد «چىن تەڭنىڭ تەرجىمىھالى»

needs. All people should only do one thing, that is, farming and war. If a person can't be like this, what awaits him is the prison, which is decapitation⁶³².

Since 2017, the Chinese authority has demolished Uyghur's villages under the guise of Town and County Planning and distributing their farmlands either to Han immigrants⁶³³, settlers or Chinese companies⁶³⁴. Then the government initiated a large-scale and systematic economic strategy called "Poverty Alleviation" (扶贫) and Xinjiang Aid (援疆) that those Uyghur villagers and Kazakh herdsmen who lost their farmlands and grasslands defined as poor villagers and surplus labors⁶³⁵. At the same time, China shifted its key industries, the textile sector for instance, from China proper to the Uyghur region due to the geopolitical advantages of the region for China's One Belt, One Road initiatives. So-called "poor surplus labors" who almost made a living from agriculture and animal breeding mostly forcefully turned into workers of industrial companies mostly in region⁶³⁶ and some out of region⁶³⁷. These are the sectors that the local people have never experienced.

The weirdest part of this policy is that the personal data of these locals are kept in state institutions such as the neighborhood committees, the police office, the human resources and social security bureau, and industrial incubation centers. Under the pre-issued government instruction, the employers call those institutions, not the Uyghur individuals for recruiting workers, and the government of state-affiliated institutions arranges it. Apart from the political purposes business of Uyghur workers can be quite lucrative the local authority and commercial brokers⁶³⁸. The Xinjiang provincial government provides per capita compensation to these institutions and private

⁶³² 李林林, "论商鞅的强国弱民思想." Li Linlin, "On Shang Yang's thought of Strong the country and weak the people."

⁶³³ "The Uighur Tragedy," accessed November 12, 2021, <https://eng.majalla.com/node/97471/the-uighur-tragedy>.

⁶³⁴ United Nations High Commissioner for Refugees, "Refworld | China: Situation of Uyghurs: COI Compilation," Refworld, accessed November 12, 2021, <https://www.refworld.org/docid/571f843c4.html>; "Uyghur Tribunal Wraps up With Testimony on Enforced Disappearances, Detentions, And Deaths," Radio Free Asia, accessed November 12, 2021, <https://www.rfa.org/english/news/uyghur/uyghur-tribunal-06072021173432.html>.

⁶³⁵ Adrian Zenz, "Beyond the Camps: Beijing's Long-Term Scheme of Coercive Labor, Poverty Alleviation and Social Control in Xinjiang," *Journal of Political Risk* 7, no. 12 (2019).

⁶³⁶ Amy Lehr and Mariefaye Bechrakis, "Connecting the Dots in Xinjiang: Forced Labor, Forced Assimilation, and Western Supply Chains," 2020.

⁶³⁷ 'Xinjiang Aid, to the hearts of the masses' (对口援疆, 做到群众心坎上), Anhui Guoyuan Financial Holdings Group Co. Ltd (安徽国元金融控股集团有限责任公司), 26 July 2018, online; 'Hoten migrant workers find employment in Ji- anxi Nanchang's high-tech enterprises' (和田外出务工人员江西南昌高新 企业就业掠影), Hoten People's government (和田市人民政府), 8 April 2019, online.

⁶³⁸ Vicky Xiuzhong Xu et al., "Uyghurs for Sale," *Australian Strategic Policy Institute* 1 (2020): 15.

intermediaries for their work in organizing labor migrants⁶³⁹. It is also worth mentioning that owing to repressive policies carried out under the name of counter-terrorism, separatism, and extremism, Uyghur businessmen and other job providers also lost their power, position, and money⁶⁴⁰. Therefore, job opportunities have almost completely fallen into the hands of the Chinese state or Chinese companies that are operated in parallel with the state policy and the livelihood of the Uyghurs has remained as completely dependent on the state or state officials and institutions. The entire community, especially local population those who lived in rural areas left quite vulnerable and government collectively sent them to the companies without consent of the people, which damaged the socio-culture of the Uyghur and other Turkic people unprecedented level. As a consequence of the policies under the framework of poverty alleviation and Xinjiang aid, the issue of Uyghur forced labor, one of the worst human rights crises that widely discussing today happened⁶⁴¹.

Furthermore, in factories or pre-factory training, these people are given Chinese language training because, contrary to the autonomy status, Chinese will be spoken in the factory. Thus, both traditional lifestyles and language will have changed. While carrying out these policies, the government simultaneously moved many Uyghur and Kazakh villages to areas that could easily be observed. It will be much easier than in the past to subject it to high-tech surveillance since it has already turned into a populated area due to the resettlement of a large number of villagers, and these resettled areas are regions chosen by the government considering their logistics and infrastructure availability and needs. Here they would have a home that is totally different and decorated from their traditional Turkic-Islamic architecture.

⁶³⁹ Interim measures for the management of the Xinjiang Uyghur Autonomous Region's rural surplus labour forces to transfer employment to reward funds (新疆维吾尔自治区农村富余劳动力转移就业以奖代补资金管理暂行办法).

⁶⁴⁰ Eva Xiao, "China Locks Up Xinjiang's Uyghur Businessmen; 'In Their Eyes, We Are All Guilty,'" *Wall Street Journal*, July 14, 2021, sec. World, <https://www.wsj.com/articles/china-imprisons-uyghur-businessmen-once-seen-as-bridges-to-community-11626174001>.

⁶⁴¹ For details see Laura T. Murphy, et al., "Driving Force | Sheffield Hallam University" (Sheffield: THE HELENA KENNEDY CENTRE FOR INTERNATIONAL JUSTICE AT SHEFFIELD HALLAM UNIVERSITY, 2022), <https://www.shu.ac.uk/helena-kennedy-centre-international-justice/research-and-projects/all-projects/driving-force>; Laura T. Murphy, et al., "Laundering Cotton | Sheffield Hallam University" (Sheffield: THE HELENA KENNEDY CENTRE FOR INTERNATIONAL JUSTICE AT SHEFFIELD HALLAM UNIVERSITY, 2021), <https://www.shu.ac.uk/helena-kennedy-centre-international-justice/research-and-projects/all-projects/laundered-cotton>.

All these policies made the people tool to increase the state economy on one hand and made numerous citizens largely depend on the state for work on the other. Economic strategies, such as poverty alleviation and Xinjiang aid made Uyghurs economically weak and vulnerable while various long-lasting political campaigns like Strike Hard Campaign turned them politically anxious and feeling insecure. With the pressure from political, economic, and cultural fronts, Uyghurs were changed to a group that only worked for economic growth and social security, and ethnic harmonization, that is assimilation.

4.3.1.6. Mind Reading and Literary Inquisition

Putting restriction on freedom of speech and implementing literary inquisition is not new for Huaxia civilization and it is a well-known fact. As widely discussed in the first chapter, ideological despotism was originally advocated by the Legalist school and since the Confucian master Dong Zhongshu combined the Confucianism with Legalism in the Han dynasty and the emperor Han Wudi officially made Confucianism a state ideology by supporting Dong's purpose of banning all schools except for the Confucianism, the Confucianism also became the thought exclude other ideas. With regard to the Legalist advocacy of ideological despotism, here is one extreme method put forward by the greatest contributor Hanfei. He said, "As to dealing law-violator, the best law prohibits their thoughts, the good one prohibits their speech, and the worst one prohibits their actions."⁶⁴²

In history, prohibiting one's thoughts had been trying to accomplish by prohibiting certain kinds of books, foreign religions, and foreign ideas. Qin dynasty, for instance, collected all books except for the books on law and agriculture. However, the most radical method emerged in the Han dynasty, the one that embraced Confucianism officials and rejected Legalism. Here is a crime called a "crime of unspoken criticism" (fufei zhizui 腹诽之罪), mentioned in Han Shu, Volume 24, Chapter Four, Annals of Good and Good, Volume Four (汉书 卷二十四下 食货志第四下). Initially, this crime was an expanded version of a crime called "defamation" (fei bang 诽谤) which originated in the Qin dynasty. It was about verbally criticizing or expressing personal dissatisfying with the policy of the state (by the state means the emperor or his officials). It was something

⁶⁴² “禁奸之法，太上禁其信，其次禁其言，其次禁其事” see 高华平, 王齐洲, and 张三夕, *中华经典名著-韩非子*, Gao Huaping, Wang Qizhou, and Zhang Sanxi, *Chinese Classics -Hanfeizi*, 2010, 627.

visible. However, the Han Dynasty upgraded it to a disastrous level. “Unspoken criticism” was categorized as a crime by Zhangtang (张汤, 155-115 B.C.), an unapologetic tough-official (ku li 酷吏) of the Han dynasty⁶⁴³. This crime is also mentioned in Historical Records on the Biography of Wei Qiwu and Anhou (史记·魏其武安侯列传)⁶⁴⁴. This crime is not about the visible behavior or action, but the internal thoughts and feelings. Even if someone didn't do anything or say anything, it's just some guessing that certain thoughts in someone's mind were making the ruler unhappy and would kill him.⁶⁴⁵ This is the extreme level of civil monitoring that was legalized in the Han dynasty.

Although the critical words have not yet been spoken, the ruler can give severe punishment based on his own assumptions. This legislation is more stringent than the "defamation" crime. One prominent example in Han Dynasty was the death penalty for the famous general, chief minister Dou Ying (窦婴). According to the Book of Han, Volume 52, " Biography of Dou Ying" the accusation goes as “Wei Qihou Dou Ying and Guan Fu gathering best warriors of the country, discussing day and night. Vent dissatisfaction secretly, looking at the sky, drawing on the ground, and watching the two palaces. Hoping the change would happen”⁶⁴⁶. Dou Ying, according to The Book of Han, did not say anything about to change the world or even did not gather generals of the palace. Just kept good relationships with them as a former chief minister. However, he has beheaded just because of the rulers’ allegation.

Sometimes this crime emerged as Literary Inquisition (wenzi yu 文字狱). In Chinese history, there are numerous examples of this. The most well-known and extreme one happened in Qing Dynasty. In 1730, Xu Jun (徐骏) was accused of disrespecting the imperial court in his poems. When he was reading a book, the breezing wind turn off the pages of his book. Then he wrote the poetry that includes two lines “The mild breeze is illiterate, why turn the book indiscriminately” (清风不

⁶⁴³ “汉书：志：食货志 - 中国哲学书电子化计划,” "Han Shu: Zhi: Shi Huo Zhi - Chinese Philosophy Books Electronic Project," accessed October 17, 2021, <https://ctext.org/han-shu/shi-huo-zhi/zhs>.

⁶⁴⁴ “史记·魏其武安侯列传原文、注释与翻译_华语网,” "Historical Records Wei Qiwu Anhou Biography Original Text, Annotation and Translation_Chinese Language Network," accessed October 17, 2021, https://www.thn21.com/wen/famous/40067_5.html.

⁶⁴⁵ 徐卓人, “说说‘腹诽,’” 绿叶 5, Xu Zhuoren, "Talk about defamation'," Green Leaf (2002): 1.

⁶⁴⁶ 史记·魏其武安侯列传, Historical Records Biography of Wei Qiwu Anhou

识字，何故乱翻书). Later someone read the poetry and said that the word “qing” (清, mild) in his poem symbolized the Qing dynasty (清朝). Thus, his poem was interpreted as satirizing the illiteracy of the Qing dynasty and described it as barbaric and without culture in a euphemistic way... The court decide his crime as defamation and was sentenced to the death penalty⁶⁴⁷. Similar instances can be seen in almost all governments, including modern China, in Huaxia governments and there are a large number of written materials available in this regard.

In The "Chinese Dictionary" (汉语大词典) and The "Encyclopedia of China" (中国大百科全书) also defines what it is and its purpose. The former read "In the old days, it was said that the rulers deliberately extracted words and sentences from their works to persecute intellectuals, and weaved them into crimes" while the latter stated "a prison set up during the Ming and Qing Dynasties to eliminate dissidents because of the prohibition of writing or the use of writing to weave crimes."⁶⁴⁸

Since re-education camps were established, Chinese authorities arrested a large number of Uyghur scholars, writers, poets, and singers. The accusation is that creating hatred among the different ethnic groups or inciting terrorism or spreading problematic thoughts such as nationalism, Pan-Islamism, Pan-Turkism, etc. since the number of detained or imprisoned Uyghur intellectuals is huge this study could not discuss them in detail. Here are two prominent cases. A famous Uyghur literary critic, writer, public speaker, and publisher, Yalqun Rozi is well-known for his writing on Uyghur identity and his work on compiling Uyghur-literature textbooks in Xinjiang education department, a state-run publishing bureau. He is directly or indirectly involved in more than 150 books covering textbooks, literature, culture, religion to political science. He also wrote on leading scholars in the Jadidism Movement - a reform movement among Turkic intellectuals in Central Asia at the beginning of the 20th century. He published books and articles about famous Uyghur Jadidist thinkers such as Mamatali Efendi, Musabayev Brothers, Mehsut Muhiti so on. He was interrogated and taken into a “re-education” camp in October 2016 for having problematic

⁶⁴⁷ 李修生, “清风不识字 何故乱翻书,” 物理教学探讨: 中学教学教研专辑 30, Li Xiusheng, "Qingfeng is illiterate, why turn the pages randomly," Discussion on Physics Teaching: Teaching and Research Special of Middle School Teaching and Research 30, no. 2 (2012): 62–62.

⁶⁴⁸ “文字獄,” in 维基百科, 自由的百科全书, “Literary Inquisition,” in Wikipedia, the free encyclopedia April 2, 2023, <https://zh.wikipedia.org/w/index.php?title=%E6%96%87%E5%AD%A7%E7%8D%84&oldid=76630895>.

thoughts in his published works and then was sentenced to 16 years in prison in January 2018 for the accusation of Pan-Turkism⁶⁴⁹. His all books published with official permission were banned and taken off the shelves.

Also known among Western scholars, Perhat Tursun, one of the most influential contemporary Uyghur authors, a prominent Uyghur poet author of *The Art of Suicide*, the book considered to be one of the 100 greatest works of Uyghur literature culture. He was one who introduced post-modern literature to Uyghur intellectual community and set many examples with his poetry and novels. He was disappeared on January 30, 2018, and sentenced to 16 years of prison⁶⁵⁰ for the accusation of nationalism and patriotism⁶⁵¹ due to his poetries and novels. One of his poetries is along these lines:

Like the waters of the Tarim⁶⁵²
We began in this place
and we will finish here
We came from nowhere else
and we will not leave for anywhere
If God made humanity
God made us for this place
If man evolved from apes
We evolved from the apes of this place⁶⁵³

(translated by J Freeman)

⁶⁴⁹ “Xinjiang Victims Database,” accessed January 15, 2022, <https://shahit.biz/eng/>.

⁶⁵⁰ “Perhat Tursun | USCIRF,” 1512:28:03 2021, <https://www.uscifr.gov/perhat-tursun>; “Disappearance of Perhat Tursun.”

⁶⁵¹ “Xinjiang Victims Database.”

⁶⁵² Tarim is the name of longest river in East Turkistan.

⁶⁵³ Joshua L. Freeman, “Like the Waters of the Tarim We Began in This Place and We Will Finish Here We Came from Nowhere Else and We Will Not Leave for Anywhere If God Made Humanity God Made Us for This Place If Man Evolved from Apes We Evolved from the Apes of This Place —Perhat Tursun (Tr J Freeman) <https://t.co/NI2RMoQ1hZ>,” Tweet, @jlfreeman6 (blog), December 10, 2020, <https://twitter.com/jlfreeman6/status/1337051508513386500>.

These two are just mentioned here for example about the case of the literary Inquisition. A similar accusation applied to many writers and scholars that was mentioned as “strong” people above. Their literary productions are the main reason for their punishment because writing was their main occupation and the banning of their pieces proves it.

Here is the new version of mind control applied to the Uyghurs and other Turkic people by the CCP cadres and members. The state-planned "Pair Up and Become Family" (Fanghuiju 访惠聚) program, mobilized mostly Han/Huaxia cadres to stay at the home of Uyghur and other local residents. Many resources confirmed that purpose of this program is monitor and create fear among the locals. Between 2015 and 2020, Chinese government sent 12,000 Fanghuiju work teams and 1.1 million officials to local people's homes in southern parts of East Turkistan⁶⁵⁴. According to the Uyghurs from the region, local people are not allowed to ask personal details about visitors. However, Uyghurs need to answer any questions they ask. Indoctrination and surveillance are the main jobs of the visitors. They are also called “relatives” in daily language. The main purpose of the “relatives” is to know what is inside the people like if Uyghur and Kazaks have any dissatisfaction inside towards the policy of the government and if they practice religion and Uyghur culture in their daily life. They have notebooks carrying with them and take notes when they talk with the local people. The notes taken during the homestay are vitally important for categorizing residents into different groups and deciding whether need to send the “re-education camps”⁶⁵⁵. In the report titled *The Architecture of Repression* published by ASPI, a daily note during the visit shows that every day these visitors write a general conclusion about the feelings and emotions of local residents⁶⁵⁶. Any unconscious words, even facial expressions could interpret as dissatisfaction by these relatives and end up with sending the camps.

The project named “Shahidbiz” (“We Witness” in English) or Xinjiang Victims Database by another name, conducts the most comprehensive research on the persons taken to the re-education camps by using first-hand sources. Their quantitative research provides more enlightening information on this subject. According to the statistic made by the project about the reason for the

⁶⁵⁴ Sui Yunyan [隋云雁], “‘7th Five-year Plan’ legal education - laid firm foundation for ruling Xinjiang in accordance with law” [‘七五’普法:为依法治疆奠定坚实基础], *Xinjiang Daily* [新疆日报], 26 December 2020,

⁶⁵⁵ Darren Byler, ‘China’s government has ordered a million citizens to occupy Uighur homes. Here’s what they think they’re doing’, *China File*, 24 October 2018

⁶⁵⁶ Vicky Xiuzhong Xu, Dr James Leibold, and Daria Impiombato, “The Architecture of Repression,” 21–22.

detaining or imprisoning of 10115 people arrested since 2016, 8030 people were arrested for the accusation of "endangering state security", 117 for "untrustworthy person", 33 for "two-faced", 11 people for the reason of "having problematic thoughts"⁶⁵⁷. All these "crimes" have not been defined clearly by authority. Most of them were detained either because of official allegations and suspicions or because of their speech, literary products, and evaluations of the home-stayed government officials.

Thanks to the literary inquisition, home surveillance such a fearful atmosphere created that according to the Human Right Watch's report, people afraid of speaking to each other and talk to someone detained for any reason, even if the detainee is their relative. In the reporting witness, Nur Muhammed said "Before I left, I wanted to go to [my hometown] to say goodbye to my parents, but I didn't because I was worried that I would bring them trouble." While another witness Anigul "People didn't visit each other. People didn't want to talk to each other and they avoided each other. If someone crosses the street to come to talk to me I'd run away. I was afraid I'd have a slip of tongue."⁶⁵⁸ As Han Fei explained, the best law enforced by the government has not only banned the actions of the local people but has gone further to the level of banning the thoughts and even the words of the people.

4.3.2. Defeating the People (sheng min 胜民)

Since the Legalist philosophy defines state and citizens relations as rivaling each other, it is natural they come up with the idea of weakening and defeating the people. It is not hard to find that Legalist classics such as Guanzi, the Book of Lord Shang and Han Feizi, etc., all admonish rulers on conquering and manipulating the people. It seems that the citizens are both a good source for making the state strong and also, they are beasts who pose a great threat to the authority. This idea is vividly expressed in the Book of Lord Shang. It is read that "In the past, the person who can conquer the world must be the one who conquers his people first; the person who can defeat a powerful enemy must be the one who defeats his people first. So, the essence of defeating the

⁶⁵⁷ "Xinjiang Victims Database."

⁶⁵⁸ Human Rights Watch, "Eradicating Ideological Viruses' China's Campaign of Repression Against Xinjiang's Muslims," 74–75.

people is to control and subdue the people, as the smelter does to metal, and the potter does to clay.”

Legalist philosophy sees eloquent, clever, and resourceful are the helpers of breaking the law and discipline and regarded Confucian ritual and music are the prelude of licentiousness. Also believes, a Confucian model of appointment and recommendation (举荐) are the hiding places of treachery. Then Legalist art of governance advised if the ruler allows these kinds of people and behaviors to exist in the country the power of the people will prevail over the government while if eliminate them, the government can suppress the people, and the army will be strong. If the ruler allows the people to be strong, he will not be able to send the people to defend and fight and the country will be weakened or even destroyed. However, the ruler will be able to enslave the people to defend and fight and the country will surely prosper and dominates the world if the country eliminates them⁶⁵⁹. Legalist philosophy mentioned various governing methods to defeat the people and make the state strong which include employing bad officials, eliminating crime by punishment or heavy punishment for a trivial crime, governing by fear, and weaponizing the law. the following sections try to shed light on how the current Chinese government has used these methods on the people in East Turkistan.

4.3.2.1. Govern People by Unapologetic Tough- Officials (yijian guanliang 以贱管良/以奸驭良)

The most famous philosophy of Legalism is “When the people are weak, the state is strong; when the people are strong, the state is weak”. Thus, the state should prevail over the citizens in order to build absolute power over the people domestically and to be a strong state among its rival states. As representatives of the state’s interest, government officials are very important in this regard. With regard to hiring officials who govern the people, Legalists suggested using cruel and corrupted people (yijian guan liang. 以贱管良/以奸驭良). This was also suggested by Lord Shang and systemized by Han Fei. This is first because they, especially Shang Yang and his followers believe in opposed relations between the state and citizens and cruel officials would not show mercy, which weakens the people; secondly, the corrupted one is easy to control by rewarding and

⁶⁵⁹ 饶宗颐, 中信国学大典: 商君书, 2nd ed. (北京: 中信出版社集团, 2019), Rao Zongyi, Citic Classics of Chinese Studies: The Book of Lord Shang, 2nd ed. (Beijing: CITIC Press Group, 2019), 105.

it can turn them into the tool of the ruler. Finally, bad officials wouldn't pose threat to the ruler since he could not win the heart of the people and the ruler could both use them to surpass the people and punish them to pacify the wrath of citizens when necessary.

Conversely suing good officials is problematic. In one of his articles, Han Fei states the disadvantages of using good and wise officials. He said, "If a wise man is appointed, his subordinates will use his reputation to hijack his monarch; if the monarch chooses talents at will, then things will be corrupted and unsuccessful."⁶⁶⁰ Another Legalist master Shang Yang also said if appoint the "good people"(善民), then the people will only love their relatives; If the people work together to cover up each other's crime, this is the result of using the so-called "good people". However if people distance themselves from each other and supervise each other, this is the result of using "evil people" (奸民) and crimes among the people will be punished. Shang continues his logic by making arguments good official makes the people above the law while evil officials make the law above the people and the military strength of the country will be strong. Therefore, the country under a good official will definitely become chaotic and it is weakened, yet if an evil one governs the country, the country will be governed well and becomes strong⁶⁶¹. Han Fei in this regard suggested that Wise ruler, would not use clean ministers, but need to use one who know the art⁶⁶². The art Han mentioned is the Legalist art of governing as its detailed discussed in the first chapter.

Here is another interesting example of advice for hiring corrupt officials. During the period of North-Western Dynasties (南北朝时代 420-589), Yu Wentai (宇文泰), the founder of the Western Wei dynasty (西魏 535-557), asked Su Chuo (苏绰 498 年—546 年), one of the Legalist politician, grand minister of the time, about how he should rule the state after uniting the territory. Su Chuo

⁶⁶⁰ “任贤 则臣将乘于贤以劫其君, 妄举, 则事沮不胜”,高华平, 王齐洲, and 张三夕, *中华经典名著-韩非子*, Gao Huaping, Wang Qizhou, and Zhang Sanxi, *Chinese classics-Hanfeizi*, 2010, 56.

⁶⁶¹ 饶宗颐, *中信国学大典: 商君书*, Rao Zongyi, *Citic Classics of Chinese Studies: The Book of Lord Shang*, 2019, 106.

⁶⁶² “有道之方, 不求清洁之吏, 而务必知之术”高华平, 王齐洲, and 张三夕, trans., *中华经典名著-韩非子*, *Hanfeizi* (中华书局, 2010), Gao Huaping, Wang Qizhou, and Zhang Sanxi, trans., *Chinese Classics-Han Feizi*, *Hanfeizi* (Zhonghua Book Company, 2010), 674.

counsels him on using corrupted people as statesmen. He also describes the advantages of using them as follows:

用贪官，以结其忠，
罢贪官，以排异己，
杀大贪，以平民愤，
没其财，以充宫用。
此乃千古帝王之术也⁶⁶³。

1. A corrupted and greedy person can be very loyal to their lord given that they know they can get rich if follows.
2. If officials are corrupted, it is easy to crush dissidents under the name of anti-corruption campaign.
3. By killing some of them, it can be to quell the hatred of the people and you would be a wise monarch.
4. Confiscate their property, the ruler can hire other (corrupted) officials.

Su Chuo also added, “This is the emperors’ art for thousands of years.”

Besides advocating hiring bad officials, the Legalist art of management also doesn't hesitate to mention being merciless and applying heavy punishment. Shang Yang makes the connection between the degree of punishment with the power of the state in his art of ruling. “A country claiming to be the best (王者) uses nine-tenths of the penalty and one-tenth of the reward. A strong country's penal sanction is seven out of ten, the reward is three out of ten, and a weak country's punishment and reward are equal, that is, both five out of ten⁶⁶⁴.” The weakest country in his philosophy those who sued reward and penalty equally.

⁶⁶³ 张先昌, “论苏绰的政治思想,” 殷都学刊, Zhang Xianchang, "On Su Chuo's Political Thought," Yin Du Academic Journal, no. 2 (1987): 34.

⁶⁶⁴ 饶宗颐, 中信国学大典: 商君书, Jao Zongyi, CITIC Classics of Chinese Studies: Books of Shang Jun, 2019, 92.

With the coming of Xi Jinping to power (2012), the launching of the Hard Strike Campaign (2014), and the appointment of Chen Quanguo (2016), who is known for his oppressive policies in Tibet, to Xinjiang Uyghur Autonomous Region as a party secretary, the phenomenon of giving importance to hiring havey-handed and cruel officials and using heavy punishment for petty crimes has become the norm. These days many officers have been forced to not show mercy and be tough, otherwise, as we will mention below, they being discharged or sent to the camps. In addition, the leaked document regarding the CCP's Uyghur policy underlines that the officials should not show any mercy to the Uyghurs and other Turkish peoples.⁶⁶⁵

Looking at the most powerful, most rewarded, or “role model” officials in the region, it is easy to find that they are brutal, cold-blooded, and loyal to the communist party, more correctly to Xi. Most impotently, they are someone who is not welcomed by locals. Most of them have a past of being tough to the people or someone who was appointed by the Chinese Communist Party for a certain purpose. Chen Quanguo is absolutely number one in this regard. He had notorious fame for governing Tibet. In 2011, three years after the protest took place in Lhasa, Chen was appointed as Party Secretary of the Tibet Autonomous Region. During his rule of Tibet, the region advertised more than 12,000 police-related positions, more than four times in the previous five years. In addition, more than 600 new police stations were built within six months. The Legalist method of mutual household spying was implemented in Tibet too under his instruction. Using both mem power and high technology, Chen built a surveillance state that a senior CCP official referred to Chen’s suffocating surveillance policies as creating “nets in the sky and traps on the ground.”⁶⁶⁶

China’s most ambitious economic project, The Belt and Road Initiative is open to central Asia and Europe from East Turkistan, where regarded as unstable by the Chinese government. In order to maintain stability and guarantee the security of this commercial line, according to Chinese authority, the region must be stabilized at any cost and by considering his performance in Tibet,

⁶⁶⁵ Austin Ramzy and Chris Buckley, “‘Absolutely No Mercy’: Leaked Files Expose How China Organized Mass Detentions of Muslims,” *The New York Times*, November 16, 2019, sec. World, <https://www.nytimes.com/interactive/2019/11/16/world/asia/china-xinjiang-documents.html>.

⁶⁶⁶ “Chen Quanguo in Tibet | Free Tibet,” accessed October 26, 2021, <https://freetibet.org/take-action/ban-chen/chen-in-tibet>.

Xi Jinping saw Chen Quanguo as a capable and politically reliable⁶⁶⁷. Chen was appointed to East Turkistan to “bring stability” as he did in Tibet⁶⁶⁸. He not only applied his “Tibetan experience” to the region but expanded, added, and sophisticated at all levels. Back in Xinjiang, in 2017, Chen Quanguo repeatedly instructed officials to “round up everyone who should be rounded up”⁶⁶⁹ which was originally an order of Xi Jinping⁶⁷⁰. Mass internment, high-tech surveillance, forced labour, and separating children from their families are the jobs he has done since coming to the region. He is now a sit on the party’s 25-member Politburo for his political performance in Tibet and East Turkistan and is expected to see a promotion, perhaps to the vice premier⁶⁷¹.

Zhu Hailun, (朱海仑), a deputy chief of Xinjiang’s Communist Party and top security official, is another official who carried out a brutal policy therefore loved and reward by the state in return. Known as China Cable, the leaked secret government documents show China’s plans for sweeping extrajudicial detentions and internment camps in East Turkistan are all signed by him. It is said that “Zhu’s signature was on five of the six documents at the heart of the China Cables, which documented China’s use of prison-like structures and highly sophisticated mass-surveillance technology to detain and control members of the Uyghur community in Xinjiang.”⁶⁷² With his deep knowledge of ethnic groups in the region and long work experience, he is considered to be one of the architects of the mass detention camps.

Zhu came to the region in 1975 as part of Mao’s “sent-down youth” campaign, a CCP initiative program on the purpose of facilitate the Maoist revolution. Unlike many youths back to their home province, Zhu stayed in the region and his position has risen year by year. He worked as a party leader in two of the most Uyghur majority regions, Kashgar and Hoten. When the ethnic clash took place between Uyghurs and Han/Huaxia groups in Urumqi, in 2009, he was brought in to take charge and the promotion came for his brutal and one-sided oppression. “Having spent so much

⁶⁶⁷ Adrian Zenz and James Leibold, “Chen Quanguo: The Strongman behind Beijing’s Securitization Strategy in Tibet and Xinjiang,” *China Brief* 17, no. 12 (2017): 4.

⁶⁶⁸ “Chen Quanguo in the Uyghur Region | Free Tibet,” accessed October 26, 2021, <https://freetibet.org/take-action/ban-chen-chen-in-xinjiang>.

⁶⁶⁹ Ramzy and Buckley, “‘Absolutely No Mercy.’”

⁶⁷⁰ Dr. Adrian Zenz, “The Xinjiang Papers: An Introduction,” November 27, 2021, 3; Ku Pan, Nancy Lee Swann, and Ch’ien Ssu-ma, “Food & Money in Ancient China,” 1950, 51.

⁶⁷¹ “Chen Quanguo, Architect of Xinjiang Crackdown, Likely to Be Rewarded With Central Position in 2022,” 202.

⁶⁷² “Xinjiang’s Architect of Mass Detention: Zhu Hailun - ICIJ,” accessed October 26, 2021, <https://www.icij.org/investigations/china-cables/xinjiangs-architect-of-mass-detention-zhu-hailun/>.

time in this Uyghur region, he might have had crucial insight into how to implement this brutal crackdown” said Adrian Zenz, an independent researcher who specialized in China’s policy in East Turkistan and Tibet. Zhu was an ultra-Han nationalist and has a very biased view toward Uyghurs and Islam. He sees the Uyghur culture and religion as problematic and always says needs to make it the same as Chinese culture⁶⁷³. Since the construction of camps, he played a key role in planning and executing the whole of Campaign⁶⁷⁴. He is now, appointed as the second most powerful official in the region as a reward for his work.

Here is another instance in this respect. On 31 May 2021, just one day before the 100th anniversary of the Chinese Communist Party, Xi Jinping met with 103 “Outstanding County Party Secretary” in the Great Hall of the People. Among them was Yao Ning (药宁), the Party Secretary of Maralbeshi County (巴楚县). He is 36 years old and has an outstanding background that he was educated world’s two best universities, Harvard and Tsinghua. At the student election held at Tsinghua in 2008, Yao demonstrated extraordinary patriotism, saying he hoped to work in frontier regions of the country. Later that year, he was selected by the university to be an “outstanding undergraduate Communist Party member”⁶⁷⁵. He sees working in the East Turkistan region as a rare opportunity for getting experience in counterterrorism, stability maintenance, and poverty alleviation⁶⁷⁶.

In 2019, Yao was appointed Party Secretary of Maralbeshi, a small but predominantly Uyghur county where ASPI researchers have identified nine “re-education” camps built or expanded since 2017.⁶⁷⁷ Months before Yao’s arrival, Maralbeshi authorities planned to recruit 320 new “re-education camp” staff members; the positions were open to only Han/Huaxia men between the age of 18 to 45 ⁶⁷⁸. In a recent interview, Yao openly speak out his efforts to promote Maralbeshi’s

⁶⁷³ Uyghur Tribunal and Abduveli Ayup, Abduweli Ayup testimony to Uyghur Tribunal, 10–11.

⁶⁷⁴ A. B. C. News, “The Man behind China’s Detention of 1 Million Muslims,” ABC News, accessed October 26, 2021, <https://abcnews.go.com/US/wireStory/man-chinas-detention-million-muslims-67272006>.

⁶⁷⁵ ‘Ning Yao: Asia Fellow, AY 2010–2011’, Harvard Kennedy School Ash Centre for Democratic Governance and Innovation.

⁶⁷⁶ Zhang Rui, ‘Yao Ning: Go where the motherland needs him most’.

⁶⁷⁷ Nathan Ruser, *Xinjiang detention facilities dataset*, ASPI

⁶⁷⁸ ‘The 2018 Xinjiang Maralbeshi County recruitment of 320 staff for vocational education and training centres’ [2018 年新疆巴楚县招聘职业技能教育培训中心工作人员 320 名简章], *Xinjiang Public Sector Net* [新疆公务员网],

labour transfer policies, which has been criticizing world widely as a slave labour program. He claimed that 37,700 people in Maralbeshi were assigned as employment during his two years in office⁶⁷⁹. He became one of the 103 county party secretary who met Xi Jinping and became a role model in East Turkistan and attracted considerable media attention due to his policy of “re-educating” Uyghurs in the camps and send the youth to China's factories as a labour force.

Another winner of “outstanding county party secretary” title is Yang Fasen who served as Party Secretary, Deputy Party Secretary of Bay County (拜城县) and Hoten Prefecture (和田地区) where both remote and Uyghur dominant region before he was appointed a youngest ministerial-level official⁶⁸⁰. Yang is originally from Gansu province and joined the PLA in East Turkistan in his 19. Except for suppressing local people, his another “contribution” is launching propaganda activity, mobilizing the people from all walks of life to combat “religious extremism” by delivering lecture and organizing spying each other. Bus drivers for instance, especially were asked to propagate the passengers and simultaneously spy on them for signs of “extremism” and other “illegal” activities⁶⁸¹. His method was named as “Bay County Experience” and was rewarded as an innovative method. A regionwide campaign, learning from Bay County Experience was held and propaganda officials from all parts of East Turkistan travelled to Propaganda Centre and learn from his experience⁶⁸². In 2015, he was five among 100 “outstanding county party secretaries” who shake Xi Jinping’s hand and speak at Great Hall of the People. When many Uyghurs were detained for being labelled untrustworthy individuals born after the 1980s and 1990s⁶⁸³, Yang asserted in front of Xi Jinping that subjecting young, uneducated Uyghurs to labour program can bring about stability. In December 2016, just when the “Re-education” Campaign started, he was promoted to Deputy Party Secretary of the Hoten Prefecture where the region that most human

⁶⁷⁹ ‘Young cadres look here! Xi Jinping is paying attention to you!’ 年轻干部看过来! 习近平在关注你们, *Xinhua Net* [新华网], 3 July 2018.

⁶⁸⁰ “‘Post-70s’ Yang Fasen assumes his new post and becomes the youngest provincial and ministerial level official in Xinjiang. He was once awarded the title of “outstanding county party secretary”

⁶⁸¹ Wang Tao 王涛, ‘Xinjiang transportation industry promotes “Bay County Experience” in order to further efforts in “de-extremification”’ 新疆交通运输行业推广‘拜城经验’ 深入推进‘去极端化’, *Tianshan News* 天山网 via *Sohu News* 搜狐新闻, 11 April 2015,

⁶⁸² Leaders of Aksu’s Onsu County went on inspection tour in Bay County’ 阿克苏温宿县领导赴拜城县观摩, Xinjiang People’s Government 新疆维吾尔自治区人民政府, 7 November 2014

⁶⁸³ ‘Big data program targets Xinjiang’s Muslims: leaked list of over 2,000 detainees demonstrates automated repression’, *Human Rights Watch*, 9 December 2020

right violations have taken place and most destroyed region in all levels. ASPI researchers have identified 52 detention facilities newly built or expanded⁶⁸⁴. According to the leaked document, Karakash List, which named from the Karakash county of Hoten prefecture, local authority carried the method of collective punishments in the region⁶⁸⁵. In spite of all these, he was preferred by the authority and rewarded as a role model official.

Obulqasim Mettursun is a Uyghur who promoted to be Deputy Party Secretary of Awat County for his viral article titled “A wake-up call to fellow Uyghurs”. When he was a simple Deputy Party Secretary of Jay township, wrote an article in Uyghur and translated it into Chinese given that he was poor in Mandarin. In his piece, he expressed his deep gratitude for the CCP’s policy and claimed that “Uyghurs were not fully accepted or respected in Chinese society because many Uyghurs had enabled the ‘three evil forces’ due to their failing to ‘brandish their sword’ [against terrorism, radicalism and separatism]”⁶⁸⁶. He also said in his article that Uyghurs should use courage and responsibility in order to win the understanding and respect of the people and make contributions to gain the dignity that has been lost. His article went viral and was strongly approved by the authority. Authority organized a lecture series for his article and speech across the region, including small villages and even a prison in Urumqi. Two rounds of “Learning from Obulqasim” activity were held; Chen Quanguo officially received him and rewarded him with the title of “outstanding Communist Party member” and “vanguard model of national unity”⁶⁸⁷. Even if he is not fluent in Mandarin, he was promoted as deputy Party Secretary of Awat County in August 2017. In October he attended the National People’s Congress as a member of “Xinjiang delegate”.

The list would not stop here, it can be much longer. As it is mentioned previous paragraphs, Chen Quanguo recruited more than 60,000 police by 2017. The most of them are assistant police and it is a well-known fact that most of them are quarrelsome street children who are not well-educated and are not liked by the public. Besides the treatment of guardians, police and teachers worked in

⁶⁸⁴ *The Xinjiang Data Project*, ASPI, Canberra,

⁶⁸⁵ Zenz, “The Karakax List: Dissecting the Anatomy of Beijing’s Internment Drive in Xinjiang,” 3.

⁶⁸⁶ “A wake up call to fellow Uyghurs”, Keriye County Jay Township Party Committee Deputy Party Secretary and Mayor, Obulkasim Mettursun’ 致维吾尔族同胞觉醒书 于田县加依乡党委副书记、乡长 吾布力喀斯木·买吐送, *Aksu Daily* 阿克苏日报, 25 March 2017,

⁶⁸⁷ ‘Learn from Obulqasim Mettursun’s example and experience’ 学习吾布力喀斯木·买吐送先进事迹心得体会, Xinjiang High People’s Court 新疆高级人民法院, 6 April 2017.

“re-education” camps clearly shows how cruel and merciless staffs preferred rather than fair and righteous people. Jiang (nickname), former Chinese police in the “re-education” camp told CNN how cruel officials are in the camps. He said "Everyone uses different methods. Some even use a wrecking bar, or iron chains with locks." He also added the policies use unimaginable torturing methods and they see it as a job, and even some of the policies are just psychopathic⁶⁸⁸.

While such cruel, biased, and cool-blood officials are cherished and rewarded, one who acts in fair and speaks about justice faces heavy punishment for various accusations. Some of the accusations are so-called “two-faced” persons disloyal officials, including many state officials who disagree with the heavy-handed approach and thus are not tough and aggressive toward the people. They can be subjected to detention or imprisonment by authority⁶⁸⁹. One among them was a party secretary of Yarkent county Wang Yongzhi, ethnic Han/Huaxia who was removed from his position for quietly complaining about the party's policy of mass detention and for secretly freeing 7,000 Uyghur detainees from Yarkant “re-education” camp for fearing that mass incarcerations would increase ethnic hatred⁶⁹⁰.

Another example was Ablet Turgun, ethnic Uyghur, a village headman from Tokkuzak, who was sentenced to 14 years in prison for removing an 82-year-old former prisoner from the list of those to be sent to the camp. Taking the 82-year-old man to the re-education camp did not cross his mind. He said that doing so is not only a threat to the health of the person but also tarnishes the reputation of the party and government he served to. But by the end of 2017, he was summoned by the state security police on suspicion of “taking the criminal under the wing” and disappeared. Later it was informed that he was sentenced to 14 years in prison ⁶⁹¹.

⁶⁸⁸ “Torture Inflicted on Uyghurs in Xinjiang Revealed by Chinese Detective in Exile - CNN.”

⁶⁸⁹ Human Rights Watch, “‘Eradicating Ideological Viruses’ China’s Campaign of Repression Against Xinjiang’s Muslims,” 13.

⁶⁹⁰ Ramzy and Buckley, “‘Absolutely No Mercy.’”

⁶⁹¹ “توقۇزاق بۇلاقسۇنىڭ يېزا باشلىقى ئابلەت تۇرغۇن «قانائەت ئاستىغا ئېلىش جىنايىتى» بىلەن 14 يىللىق كېسىلگەن» Radio Free Asia, accessed October 27, 2021, <https://www.rfa.org/uyghur/xewerler/ablet-turghun-10132021173513.html>.

"Tokkuzak Bulagsu village chief Ablat Turman was sentenced to 14 years for the crime of "taking under the wing"

4.3.2.2. Eliminating Crime by Punishment (yixing quxing 以刑去刑).

One of the main ideas put forth by both Lord Shang and Han Feizi is that of “eliminating crime through punishments” expressing their (mainly Hanfei's) basic and overarching belief that a country can be ruled through law and punishments that severe punishments, both monetary and capital, are to be used to stop crime, especially those of minor offenses⁶⁹².

When the whole process is examined, it can be found that almost all citizens are under severe surveillance and those who are considered to break the law are punished harshly that they don't deserve. For example, long imprisonment, inhumane torture, and collective punishment have become the norm in East Turkistan. Since the case of Long presentments and physical and mental torturing was given previous part it is not necessary to go into details here. However, empirical research has been conducted by Xinjiang Victims Database make us to see the whole picture regarding the subject. Considering the result of the research conducted on the duration of imprisonment based on 14710 people, 14112 (%99.5) were sentenced to more than 5 years in prison and the accusation to the absolute majority is "endangering state security", which is the term has never clearly defined in Chinese legal system. One example of having 5 years imprisonment is Uyghur woman Suriye Tursun, mother of Jewlan Shirmamat who has been studying in Turkey. She was detained at the beginning of 2018 and sentenced to five years in prison in early 2019 for her visiting Turkey with a Chinese tour group in 2012 and seeing her son and his university during the journey.⁶⁹³ All these treatments done by authority echo another Legalist ruling method, eliminating crime with severe punishment or heavy punishment for trivial crimes (以刑去刑).

4.3.2.3. Ruling by fear

The final purpose of applying the tactics of eliminating crime by punishment or severe punishment for a trivial crime (Yixing quxing 以刑去刑) is to create fear in the society for achieving the goal of building absolute authority. Creating fear is the main object of the shi, power (勢), one of three

⁶⁹² 蘇德昌, “《韓非子》‘以刑去刑’說疑義論析,” 漢學研究集刊, Su Dechang, "Analysis on the Doubts of the Theory of 'Removing Punishment with Punishment' in Han Feizi," Journal of Sinology Studies, no. 9 (2009): 1.

⁶⁹³ “Entry 7239: Suriye Tursun,” accessed November 15, 2021, <https://shahit.biz/eng/viewentry.php?entryno=7239>.

pillars of the Legalist statecraft. As they defend using merciless, jian (奸) officials rather than using kind-hearted, shan(善), they also mentioned the advantages of preferring fear to love in governing. In his article, xianxue (显学) Hanfei argued “Even if the monarchs of other equal states admire our moral principles, we cannot make them pay tribute to us; even if the vassals within the borders oppose our policy, we will surely be able to make them come to our palace by carry the wild birds as gifts... Strictly disciplined families will not have brutal servants, but under the doting of a loving mother, there will be a prodigal son. I, therefore, understand that fear and power can prohibit atrocities, but kindness and virtue cannot prevent chaos.”⁶⁹⁴ This is very different from ruling by benevolence (renyi 仁义) as suggested by the Confucianists and ruling by equality as advocated by Western democrats.

Legalist law (法) and power (势) complement each other in order to create a fearful atmosphere in this regard. While law sets rules to control the citizens, the power protects and implement it as the relation between the two mentioned in the first chapter. Han Fei advocates the ideal governed society that is ruled by Legalist law by saying that “under the world established by sage monarch the subjects attach great importance to the law of punishment and fear the prohibition. they wish not to violate the law, let alone expect a reward.” As to the law and regulations that the ruler applies for, he suggested “Therefore, the best-governed country. Be good at taking the prohibition of treacherous as a priority. In that case, what method should be used to get rid of those treacherous acts that are not easily detectable? The key is to let the people spy on each other's secrets. So how do people spy on each other? Roughly speaking, collective punishment. it means holding them all accountable for one's crimes. Assuming that the punishment involves themselves, from a logical point of view, they have to monitor each other for fear of getting themselves into trouble as well.”

⁶⁹⁵ Hanfei suggested by applying the collective punishment the ruler could even be able to find out and punish “invisible” crimes.

⁶⁹⁴ “夫严家无悍虏，而慈母有败子。吾以此知威势之可以禁暴，而德厚之不足止乱也” 高华平，王齐洲，and 张三夕，*中华经典名著-韩非子*，Gao Huaping, Wang Qizhou, and Zhang Sanxi, *Chinese Classics - Han Feizi* , 2010, 734-35.

⁶⁹⁵ “是故夫至治之国，善以止奸为务。然则去微奸之道奈何？其务令之相规其情者也。则使相窥奈何？曰：盖里相坐而已。禁尚有连于己者，理不得相窥，唯恐不得免。有奸心者不令得忘，窥者多”。高华平，王齐洲，and 张三夕，高华平，王齐洲，and 张三夕，*中华经典名著-韩非子*，Gao Huaping, Wang Qizhou, and Zhang Sanxi, 761.

Mutual support between law and power creates a fearful political and social atmosphere and it leads to absolute obedience to the ruler or authority, which is important to maintain stability and built a prosperous state. In practice, some ways of achieving the aim of creating a fearful atmosphere include collective punishment (lianzuo 连坐 or baojia 保甲), forcing people spying each other, eliminating crime with punishment (Yixing quxing 以刑去刑) and heavy surveillance by both states and within the community.

Collective punishment is a system in which a person commits a crime and those who have a certain relationship with him are also implicated and considered guilty. As of the period of Shang Yang, Qin State (it became Qin Dynasty in 221 B.C.), the policy of making citizens spy on each other was an omnipresent situation. If any family commits a crime, his or her neighbors were also collectively punished, which makes the relationship between neighbors trembling and fearful. In the Book of Lord Shang, the suggestion about collective and heavy punishment goes by as follows “Implement heavy punishment and establish a collective punishment system, so that impatient people will not dare to yell, fierce and strong people will not dare to fight, lazy people will not dare to wander around, and extravagant and wasteful people will not dare to squander and have unpredictable hearts. People don't dare to change.”

重刑而连其罪，则褊急之民不讼，很刚之民不斗，怠惰之民不游，费资之民不作巧谀、恶心之民无变也。（选自《商君书·垦令第二》）

Thus, Shang Yang explored the method of making a group out of ten families to better implement the collective punishment system. According to this system, ten families were obliged to watch over each other and to report anything "wrong" to the state immediately. Noticing but not reporting would be punished together with the criminal, and other families would be punished as well. Those who failed to report would be cut in two at the waist. It is said in the Book of Lord Shang that “people should be grouped into teams of five and ten; it is necessary to ensure that they watch each other by imposing mutually binding legal responsibility. Those who report the villains should be

rewarded equally with those who beheaded the enemy, and those who hide the traitors should be punished equally with those who surrender to the enemy.”⁶⁹⁶

This method faced Confucianists’ strong opposition. A book compiled based on the Discourse on Salt and Iron (盐铁论) by a senior official Huan Kuan during the reign of Emperor Xuandi (74 B.C.-49 B.C.) of the Han Dynasty, recorded two important debates between Legalists officials and Confucian scholars. One topic was should salt and iron be government-owned or let private businessmen carry them out. Confucian advocates private ownership and Legalists advocate the opposite; another debate was about whether the punishment should apply to relatives or not. Legalists advocated collective punishment while Confucianists opposed it and suggested protecting relatives and the private realm⁶⁹⁷. In the end, Legalists won the debate and it led to the legitimization of collective punishment that lasted for more than 2000 years. During the last period of the Eastern Han Dynasty, it is the law that "If a soldier enlisted by the army flees, his wife and son can be tortured"⁶⁹⁸.

Since Shang Yang, the collective punishment has been accompanied by the systematic “whistle-blower” culture, which publicly and officially rewards “whistle-blowers” in the name of the state. Emperor Han Wudi (157-87 B.C) of the Han Dynasty issued a "suan min order"(算缗令), to collect wealth from wealthy businessmen because of the emptiness of the treasury. He encouraged the public to inform people who concealed wealth from the private sector. Whistle-blowers were rewarded with half of their wealth. This action not only destroyed the non-state commerce industry, but also ruined the folk customs and credibility⁶⁹⁹.

⁶⁹⁶ “令民为什伍，而相牧司连坐。不告奸者腰斩，告奸者与斩敌首同赏，匿奸者与降敌同罚”“《史记·卷六十八·商君列传第八》 - 古籍备览 - 国学书苑 - 国学网,” "Historical Records, Volume 68, The Eighth Biographies of Lord Shang" accessed October 21, 2021, <http://www.guoxue.com/book/shiji/0068.htm>.

⁶⁹⁷ “郭齐勇：‘亲亲相隐’与‘大义灭亲’的伦理与法理之反思（第3页）_爱思想,” "Guo Qiyong: Reflections on the Ethics and Jurisprudence of 'Kindlings Concealing Each Other' and 'Great Righteousness Killing Relatives'" (page 3)_Love Thoughts accessed October 15, 2021, <https://www.aisixiang.com/data/97306-3.html>.

⁶⁹⁸ “郭齐勇：‘亲亲相隐’与‘大义灭亲’的伦理与法理之反思（第3页）_爱思想.” "Guo Qiyong: Reflections on the Ethics and Jurisprudence of 'Kindlings Concealing Each Other' and 'Great Righteousness Killing Relatives'" (page 3)_Love Thoughts

⁶⁹⁹ 严清华 and 方小玉, “先秦两汉商人分层之变迁及其政策分析,” Yan Qinghua and Fang Xiaoyu, "Change of Merchants Stratification and Policy Analysis in the Pre-Qin and Han Dynasties," 2009.

Wu Zetian (624-705), the famous empress in Tang Dynasty pushed China's whistle-blower culture to another peak. In order to stop any sort of opposing voices from the palace or citizens, she specially set up a box for letters of accusation, tong gui (铜匭) and it also issued an imperial edict to encourage people to report each other. Regardless of whether the informer is true or not, he can be received a reward from the imperial court. As a result, the "whistle-blowers" became prevalent in the country and cruel staff were rampant⁷⁰⁰. During the Ming Dynasty (1368-1644), special agencies such as Dongchang (东厂), xichang (西厂) and Jinyiwei jing yi wei (锦衣卫) were specially set up to spy on intelligence. One of the main methods was to accept and reward "whistle-blowers"⁷⁰¹. During the Qing Dynasty (1644-1912), the Secret Memorial System was established that the emperor allows and encourage the central and local officials of level four or above to directly pass the secret report to the emperor. The system played a role in making officials, especially colleagues, inform each other. It is important to notice that the target of the "whistle-blowers" generally subjected to collective punishment as we will mention below.

In different periods of history, the scope of punishment circle showed differences. Historians argue the system continued until 1905, the last years of Manch Qing Dynasty. In the "Ming History Case" in the Qing Kangxi period, Zhuang Tingzheng, the author of the book "Ming History", was dead and still beheaded his corpse. His brothers and nephews, the readers and savers of the "Ming History", a total of more than 70 local officials who were not aware of it in advance were put to death, and more than 700 people were condemned and exiled. This shows us how this method can be applied to such wide range of people. Of course, it does not always include such huge numbers. According to Shang Yang's law, for instance, the three circles, the family of the criminal; the family of his/her fathers, and the father-in-law, would be punished. Later it was extended to seven or even nine-family circle⁷⁰².

⁷⁰⁰ 王世积, "我国古代的 '举报箱,'" 文史天地, Wang Shiji, "Ancient my country's 'Reporting Box,'" Literature and History World, no. 7 (2003): 63-64.

⁷⁰¹ 江卫社, "明朝的 '秘密警察': 极权统治的血腥工具," 北京人民警察学院学报, Jiang Weishe, "The 'Secret Police' of the Ming Dynasty: A Bloody Tool of Totalitarian Rule," Journal of Beijing People's Police Academy, no. 5 (2006): 81-84.

⁷⁰² "法治的细节 | 族诛的中国古史_澎湃新闻研究所_澎湃新闻-The Paper," "The details of the rule of law | The ancient Chinese history of family punishment_The Paper Research Institute_澎湃新闻 accessed October 31, 2021, http://m.thepaper.cn/kuaibao_detail.jsp?contid=2192318&from=kuaibao.

Even if, it is said that the method of collective punishment was forbidden after the collapse of Qing dynasty, or there is no single written article neither in Chinese constitutional or regional law, we can see many collective punishments example in reality. Especially in East Turkistan, the Legalist system of collective punishment and “whistle-blowers” culture revived under the leadership of Xi Jinping since China launched the “Hard Strike” and “Re-education” campaigns. Here again, it is good to mention that, some forms of collective punishment were exist before, however, since 2016, it has turned into more Shang Yang style that became clearer and more visible. With a combination of high technology, the accusation and surveillance became easier and more frequent.

Surprisingly, Chinese authority in East Turkistan has applied this method openly since Chen Quanguo was transferred from Tibet in 2016. Authority built a unit made up of 10 householders as Shang Yang did. Called ‘ten-household joint defence’ (十户联防), this unit has ‘ten households’ manager’ (十户长) whose main job is gathering intelligence, making them monitor each other⁷⁰³, listing potential camp detainees, delivering propaganda and arrange labour assignments⁷⁰⁴. Based on their performance, they were rewarded financially⁷⁰⁵. As a result, many people reported their neighbors, and even relatives about their “crimes” or “illegal behaviors” such as keeping Qur’an or attending religious ceremonies even in the past, which all were legal before⁷⁰⁶. Because of both household and high-tech monitoring, local people speak in whispers outside⁷⁰⁷.

With regard to this, camp Survivor Zumret Davut explained how this unit works as follows;

“The neighbourhood community made a group(zu 组) by connecting every 10 households. We had to watch over each other and be responsible for each other’s actions. When we noticed a ‘wrong’ thought or action in any member of the zu, we should report it...”.

She also explained how the situation was desperate. She witnessed how her neighbor cling to her door to listen to them several times. Poet Tahir Hamut also attested to spying on each other on his

⁷⁰³ Vicky Xiuzhong Xu, Dr James Leibold, and Daria Impiombato, “The Architecture of Repression,” 20.

⁷⁰⁴ ‘IJOP daily crucial information bulletin’ [‘一体化联合作战平台’每日要情通报], *The International Consortium of Investigative Journalists*, 29 June 2017.

⁷⁰⁵ Neighbourhood watch and social interactions help to create harmonious and safe households: Aksu, Xinjiang uses the ‘joint households’ mechanism to regenerate social governance’, *Legal Daily*, 22 November 2018.

⁷⁰⁶ “One by One, My Friends Were Sent to the Camps.”

⁷⁰⁷ “One by One, My Friends Were Sent to the Camps.”

memory published in the Atlantic as the long story titled “One by One, My Friends Were Sent to the Camps”⁷⁰⁸. This method not only caused mutual distrust among the community and greatly destroyed the social bond of the local people but created a severe fearful atmosphere as well. As was mentioned, people tried to avoid themselves to speak to others.

In 2017, stuck on the walls, an official poster named Announcement on Reporting Clues on the Issue of "Two-Faced People" (关于对“两面人”问题线索举报的通告) draw the picture of “two-faced” people, one of seven articles of it describes a general picture of "two-faced people":

“One who do not oppose national separatism and extreme religious thoughts, words and deeds; do not shed swords; fail to report, latest report, incorrect report or lightly report violent terrorist activities; failing to educated, criticize and correct the wrong words and deeds, vague ideas of the family members, relatives and colleagues.”⁷⁰⁹ .

Camp survivor Zumret Davut also said that “there are reporting box installed on the wall of every residence building for putting reporting letters in it. Everyone needs to report at least one thing, even if the things that happened 10 years ago.” Davut also talked about Flag Raising Ceremony as follows“...we need to openly confess our incorrect ideas and deeds, or need to talk about the false maybe criminal tendency of our family members, neighbors, relatives, and colleagues.” “48 ways to get sent to a Chinese concentration camp”, an article written by Tanner Greer also verify what Zumret Davut acknowledged in this regard. In the article, it is said that Uyghurs gather in public meetings to denounce their relatives and publicly admitted their personal crimes.⁷¹⁰ Note that most of these “48 ways” are what people in most of the world would consider normal or even trivial practices⁷¹¹ and this again echoes Legalist heavy punishment for trivial crime philosophy.

By looking at 48 ways to get sent to the camp it can be learned how collective punishment system is a part of Chinese policy that has been applying to Uyghur and other local people. Refusing to

⁷⁰⁸ “One by One, My Friends Were Sent to the Camps.”

⁷⁰⁹ “Xinjiang Residents Told to Hand Over ‘Two-Faced’ Officials,” Radio Free Asia, accessed October 14, 2021, <https://www.rfa.org/english/news/uyghur/two-faced-11032017153427.html>.

⁷¹⁰ Greer, “48 Ways to Get Sent to a Chinese Concentration Camp.”

⁷¹¹ Greer.

denounce your family members, inviting multiple guests to your house, speaking with someone who travelled abroad, merely know someone who has travelled abroad, speaking with someone abroad through Skype, WeChat, etc. and most oddly enough, being related to anyone who has done any of 48 “crimes” can be reason for the punishment⁷¹². The most repeated word in the list of “crime” is “abroad”. The question of whether China really talking about someone who actually commits a crime abroad is not the subject of our paper. The important thing is that collectively punishing of many people for the reason having connected with someone who is considered guilty by China because of living / lived abroad. Some ways in “48 ways” is reflected Legalist way of governing, denounce family member for instance (大义灭亲).

Reporting or denouncing relatives is one of the intriguing ongoing debates in the Chinese legal system and political philosophy from the very beginning. While Confucians advocated protecting their family by not reporting them to the government as it violates the theory of father and son, the Legalists however, strongly opposed it and encourage citizens to denounce their relatives⁷¹³. Of course, Confucianists didn't /don't suggest/ed deliberately hide family's crime but highlight/ed superiority of the kinship to citizenship and superiority of filial piety to loyalty. In the state Chu for instance, a son reported his father to the court. Aftermath officer sent the young man to death because he thought the son was not filial. Legalists examine the issue from opposite angle. They suggest ruin the relationship of mutual defend and mutual depend within society. Professor Qinhui at Tsing Hua University, call it small society. It can be a family, clan or autonomous neighborhoods. Legalists consider them as a hurdle for the unification and absolute authority of the king; thus, the small society should be ruined in order to create a big society, centralized state. “In the perspective of legalists, the concept of governance is to monopolize organizational resources and destroy mutual trust and self-organization⁷¹⁴” he said.

The leaked document called titled “Internees related to 'unreturned' persons” or named “Students sent to re-education [who are] family members of those who went abroad and have not returned”,

⁷¹² Greer.

⁷¹³ “【黄启祥】论‘父为子隐，子为父隐，直在其中’ - 儒家网,” “[Huang Qixiang] On 'Father hides from son, son hides from father, straight in it' - Confucianism, accessed November 12, 2021, <https://www.rujiagz.com/article/11824>.

⁷¹⁴ 科技探索与发现, 法家的统治 (下) ---- 《中华秦朝与汉朝的历史》. Science and Technology Exploration and Discovery, Legalist Rule (Part 2) ---- "History of the Qin and Han Dynasties in China".

if literally translate from Chinese to English (出境未归人员亲属送培学员), commonly known as Karakash List, contains unique identities of 311 “main person”, all are Uyghurs from Karakash (Qaraqash) county of Hoten Prefecture, a region with Uyghur population shares over 90 percent. They are all related to persons who have gone abroad and not returned to China (出境未归人员). On the list there are one big column contains description. In this column each main person’s circle of relatives (亲属圈), community circle (社会圈) and an account of their “religious inheritance circle” (宗教传承圈), etc. are precisely described⁷¹⁵. It is evident in this document that family circles are held hostage to their behavioural performance – jointly and as individuals.⁷¹⁶ This put others relatives in danger given that usually if one Uyghur were arrested, the authorities could also target a person's close friends and family members or even could arrest them. On a minimum level, they are often visited by officials or put restrictions on their freedom of movement.

Here is another example that happened in the capital city of Urumqi. On 14 September 2017, a log from Urumqi’s convenience police station SY-150 described how officials openly threatened the people with collective punishment. On the log relatives of detainees were forced to move away from the Minghua Street Area in the Tianshan District which was set to be demolished and reconstructed. The neighbourhood officials told Uyghur residents that “You have family members who have been detained and investigated by the public security agencies, so you can no longer purchase properties or live here. If you don’t move away promptly, your entire family will be detained”⁷¹⁷. A similar threatening method is widely applied in the Chinese factory that engaged in Uyghur labour transfer programs. Uyghur workers who had been able to leave China described the constant fear of being sent back to a detention camp or even a traditional prison while working at the factories⁷¹⁸. A person with knowledge of an Uyghur labor transfer program in Fujian told Bitter Winter, a religious and human rights NGO, that the all workers were former ‘re-education

⁷¹⁵ Zenz, “The Karakax List: Dissecting the Anatomy of Beijing’s Internment Drive in Xinjiang,” 4.

⁷¹⁶ Zenz, 2.

⁷¹⁷ ‘Urumqi Public Security Bureau, convenience police station SY-150’ (便民警务室 SY-150), *Urumqi Police Records*, 14 September 2017.

⁷¹⁸ Darren Byler, ‘How companies profit from forced labour in Xinjiang’, *supchina*, 4 September 2019, online; Ye Ling, ‘Released from Camps, Uyghurs Subjected to Forced Labor’, *Bitter Winter*, 23 December 2019, online.

camp' detainees and were threatened with further detention if they disobeyed the government's work assignments⁷¹⁹.

Intimidating people by creating an atmosphere of fear is done in many ways. The public trial could be one of them to give one more example. Along with public denunciation, public trial is also carried out in the region in order to cause fear among the people. In May 2014, one of the most high-profile show trials took place in Gulja, the northern city of East Turkistan, the capital of the second East Turkistan Republic (1944-1949), where truckloads of alleged "separatists" and "terrorists", mostly Uyghurs, were driven into a sports stadium and sentenced before a crowd of 7,000 people, their heads pushed down by police officers⁷²⁰ and sentenced in front of the citizens⁷²¹. It is also engrossing that all these campaigns are delineated along ethnic and religious lines⁷²². "It seemed that the aim of these campaigns are to keep us in a constant state of fear", said Tahir Hamut, Uyghur poet and film director who was able to flee from the region in 2018⁷²³.

Governing by fear and threat is not limited to the Chinese territory and it expanded to the abroad. According the survey done by Washington-based Uyghur Human Rights Project and Oxus Society for Central Asian Affairs, among 72 Uyghurs living in diaspora communities, 95.8 % of them reported feeling threatened and 73.5% noted they had experienced digital risks, threats, or other forms of online harassment. In one case Uyghur young man Yusuf who lived in Japan was instructed by Chinese police to provide information on the activity of Uyghurs in Tokyo. When he rejected the request, the police threatened him and said "Your family will suffer. Remember that I am your friend, and I want to help you and your family."⁷²⁴ The research shows that this is a very common situation many Uyghurs abroad faced.

⁷¹⁹ Ye Ling, 'Released from Camps, Uyghurs Subjected to Forced Labor', Bitter Winter, 23 December 2019, online.

⁷²⁰ Li Xin'an 李新安, 'Xinjiang's Ili Prefecture conducts mass public sentencing, public arrest and public detention and publicly sentencing 55 defendants' 新疆伊犁州举行公判、公捕、公拘大会 对 55 名被告人公开宣判, *People's Daily Online* 人民网, 27 May 2014.

⁷²¹ Klaus Mühlhahn, 'How shaming was used in Chinese history', *The New York Times*, 31 July 2010.

⁷²² Vicky Xiuzhong Xu, Dr James Leibold, and Daria Impiombato, "The Architecture of Repression," 13.

⁷²³ "One by One, My Friends Were Sent to the Camps."

⁷²⁴ "Uyghurs Surveilled and Harassed in 22 Countries, New Research Reveals," Uyghur Human Rights Project, accessed April 7, 2023, <https://uhrp.org/report/your-family-will-suffer-how-china-is-hacking-surveilling-and-intimidating-uyghurs-in-liberal-democracies/>.

such examples are not limited to these, more examples can be given. Although rule by fear existed before, it has not been as wide-ranging, open, planned, and violent as it was after 2016. this creates an atmosphere of distrust and insecurity among people. This is exactly the example of the Legalist management philosophy's method of ruling the people with fear and weakening and defeating them by creating an insecure and fearful socio-political atmosphere. Professor Bao Pengshan explained why Legalist governance prefers fear to love and said “Their purpose is to make people feel insecure, and if they do not feel secure, they will have a sense of attachment and find an external power to attach themselves to it, and in such power-centralized system the people attach themselves to the state”⁷²⁵.

4.3.2.4. Weaponizing the Law

Making law the instrument for the interest of authority is the most distinct nature of the Legalist way of governing. Despite the founder of the Legalist philosophy putting emphasis on the equality of all citizens before the law, as examined several times in the previous chapters the ruler (it can be a single person or a group) is above the law, and the Legalist law was not designed for the constrain the power of the ruler in the beginning, on the contrary, it was specially developed for increasing the power of the ruler. Originally it was not existed to bring benefit to society or people, but to bring benefit to the ruler by controlling people. But it does not mean that it could not bring people anything positive, it's dependent ruler's will and decision. Its problem is keeping the ruler out of its regulations and being arbitrary. Frankly speaking, the Legalist law is the tool of authority⁷²⁶. As long as there is no separation of power and the law couldn't control the behaviour of the ruler, making all the citizens equal before the law could not bring change. As a country governed by a single-party three branches of the government, a legislature, an executive, and a judiciary are all under the control of the Chinese Communist Party, as everything, including the judiciary under the control of the monarch in the past. The law in a one-party system also could not escape being the tool of the ruling elites. Thus, the law in both imperial China and current-day

⁷²⁵ 肥洲, 鲍鹏山 商鞅与商君书 (鲍鹏山通过讲商鞅描述他眼中的秦制) 【完整版】, Feizhou, Bao Pengshan Shang Yang and The Book of Lord Shang (Bao Pengshan described the Qin system in his eyes by talking about Shang Yang) [full version] 2018, <https://www.youtube.com/watch?v=eYHB5iKKzt0>.

⁷²⁶ 张茜诺, “法律工具主义,” 法制博览 Zhang Qiannuo, "Legal Instrumentalism," Legal Expo 12 (2017): 1.

China is a weapon of authority and no objectivity. The coming will examine how Legalist arbitrary law applied in the Uyghur region under the name of ruling the state by law.

Without a doubt, the law played a huge role in the ongoing human rights crisis, including mass detention, imprisonment without trial, forced labor, family separation, etc. The ramification of these policies was officially recognized as genocide by 11 countries. One of the important examples of the arbitrariness of the law is the categorization of behaviors that are considered to be a crime that ends up with getting into the camp and “48 ways to get sent to the camp” was a salient example in this regard. Almost all of these 48 behaviors are not written in any of the Chinese laws. These are simply made by local officials to send more people to “re-education” camps to fill the quota ordered by the top and to create fear among the local people. Among these “crimes” are owning extra food, abstaining from cigarettes, speaking native languages in school, refusing to denounce family members, not letting officials take DNA, eating breakfast before sunrise, having traveled abroad, being related to anyone who has done any of the above and you name it⁷²⁷. As a result, local people stopped talking to neighbors and strangers altogether because they did not want to unintentionally say something that might bring the police to their door⁷²⁸.

Since the launching of the “Hard Striking Campaign”, law enforcement decisions turned out to be hasty, harsh, and arbitrary. Senior officials have declared new laws and regulations which contradict existing ones in order to meet the expedient needs of the campaigns. As a result, officers exaggerated them on the ground. Interestingly, no high-level officials have ever criticized them for acting out of the existing law or being harsh. Conversely, the more officials harsh and aggressive, the more they praised and rewarded. Aggressive officers’ writings posted on the official social media platforms and they become the role model for society, might be for colleagues.

One best example about how official turned the law into the instrument and how they made it vague is the statement written by senior regional police officer Ma Fei on the media platform of Kunlun Research Institute, a well-known state-run think tank. He wrote that do everything possible to send capricious, over-religious people in jurisdiction place to re-education center. He also added

⁷²⁷ Greer, “48 Ways to Get Sent to a Chinese Concentration Camp.”

⁷²⁸ Human Rights Watch, “‘Eradicating Ideological Viruses’ China’s Campaign of Repression Against Xinjiang’s Muslims,” 74–75.

“Please don't talk to me about what is the crime. When the case is established, it is time to be beheaded. To the crackdown on religious extremism, we would rather be excessive than forgiving...”⁷²⁹

In 2016, the Public Security Bureau of Altay City defined the “Counterterrorism Campaign” as imposing “harsh and heavy penalties” on their social media statement. They explain if someone has a suspended sentence record in the past, then he/she will be actually in prison; if someone could have been sentenced to 3 to 10 years in accordance with the criminal law, they will now definitely be sentenced to 10 years⁷³⁰. In 2019, a local official told Human Right Watch that every locale has quotas for detaining, so they arrest the people randomly. He also added they accuse any kind of behaviors, let's say argue in the neighborhood, drunkards, even “lazy” as extremists⁷³¹. Ekrem Imin, Uyghur, resides in Urumqi, he was detained in 2017 and was told has been detained just because filling the quotas ordered to his neighborhood⁷³². In the same year another Uyghur man, Ekber Tursun was sent to “re-education” camps in 2018 because he has not fixed income⁷³³.

There are countless examples of other legalized illegal behaviors of Chinese officials since 2016, such as missing verdicts and records, the fabrication of legal documents, forcing to sign the statement of collective punishment, and more broadly, the criminalization of normal religious and cultural activity of Uyghurs and other Turkic Muslim people⁷³⁴. “Break their lineage, break their roots”, a report by Human Right Watch mentioned that religious expressions including fasting, prayer, wearing a headscarf or having a beard, foreign links such as past overseas travel, contact

⁷²⁹ Ma Feng, ‘The sentiments of a front-line public security chief in southern Xinjiang’ 马飞: 一个南疆一线公安局长的感悟!, Kunlun Research Institute on WeChat 昆仑策研究院微信公众号, 16 July 2017

⁷³⁰ ‘Xinjiang High People’s Court demands’, State Council Information Office, 23 December 2014; Pang Congwu, ‘Xinjiang High People’s Court’, *Legal Daily*, 23 December 2014.

⁷³¹ “China: Big Data Program Targets Xinjiang’s Muslims,” *Human Rights Watch* (blog), December 9, 2020, <https://www.hrw.org/news/2020/12/09/china-big-data-program-targets-xinjiangs-muslims>.

⁷³² “Room for 10,000: Inside China’s Largest Detention Center,” accessed October 28, 2021, <https://apnews.com/article/business-religion-china-only-on-ap-f89c20645e69208a416c64d229c072de>.

⁷³³ ‘Ürümqi Public Security Bureau, Shuimogou District Branch, Shuimogou Police Station’ 乌鲁木齐市公安局水磨沟区分局水磨沟派出所, *Ürümqi Police Records*, 18 March 2019,

⁷³⁴ “The Elephant in the XUAR: III. ‘In Accordance with the Law,’” *Art of Life in Chinese Central Asia* (blog), April 19, 2021, <https://livingotherwise.com/2021/04/19/the-elephant-in-the-xuar-iii-in-accordance-with-the-law/>.

with someone abroad, or applying for a passport and using of the document transferring app Zapya and communication tool WhatsApp could be the reason for sending locals to re-education camps⁷³⁵.

This illegal law enforcement in the region is a salient example of China's harsh and instrumentalist approach to the law as it is in the Legalist model of governing. All these have ironically happened at a time when the famous slogan of "governing the state by law" (依法治国) is spoken nationwide as a cornerstone of the "Xi Jinpings' Thought". This phrase, precisely the law they mentioned, is an expression of the party's will; and follows China's ancient legalist tradition, in which harsh punishment is viewed as essential for good governance⁷³⁶.

As a result of various methods aimed at weakening and defeating the citizens, the social, cultural, and religious structures of Uyghurs and other Turkic people were ruined at an unprecedented level and this destruction, was officially recognized as genocide by 11 countries, parliaments, and an independent tribunal⁷³⁷. United Nations also officially reported the situation and said "China may constitute international crimes, in particular crimes against humanity."⁷³⁸ However, China is also officially praised its policy against Uyghurs and declared they would continue it. As Legalist philosophy advocated, the people in the region weakened, the authority became the strong, the people defeated by applying various tactics discussed above and Chinese officials very satisfied with it. The development of technology takes the phenomenon to another dimension. It offers CCP the chance to combine Legalism with high technology. The next section briefly discusses this.

4.4. High-tech Legalism

The development of technology has brought the Legalist method, including surveillance, to another level. It makes High-Tech Legalism possible for the combination of traditional spying methods with high-tech surveillance to be successfully integrated. Thanks to technology Legalist

⁷³⁵ "'Break Their Lineage, Break Their Roots': China's Crimes against Humanity Targeting Uyghurs and Other Turkic Muslims" (Human Rights Watch, April 19, 2021), <https://www.hrw.org/report/2021/04/19/break-their-lineage-break-their-roots/chinas-crimes-against-humanity-targeting>.

⁷³⁶ Li Lin 李林, 'The origin of Xi Jinping's rule by law theory', 习近平法治思想的理论渊源, *Guangming Daily* [光明日报] via *Xinhua Net* [新华网], 22 January 2021,

⁷³⁷ "PRESS RELEASE: WUC APPLAUDS PASSING OF GENOCIDE RESOLUTION IN TAIWANESE PARLIAMENT," *World Uyghur Congress* (blog), January 2, 2023, <https://www.uyghurcongress.org/en/press-release-wuc-applauds-passing-of-genocide-resolution-in-taiwanese-parliament/>.

⁷³⁸ "China Responsible for 'Serious Human Rights Violations' in Xinjiang Province: UN Human Rights Report | UN News," August 31, 2022, <https://news.un.org/en/story/2022/08/1125932>.

style of spying has reached a more sophisticated level; not only human monitoring but AI monitoring was also added; besides monitoring one's movement and speech, the reading mind also starting to introduce. Governing the citizens by monitoring with more advanced methods or technology is not a new method. It is not even a phenomenon unique to China. The same idea and framework were mentioned by English utilitarian philosopher Jeremy Bentham and French philosopher Michael Foucault too. Comparing the three may be helpful to understand similarities and differences in specific methods, tactics, and purposes.

Inspired by his brother's idea gained from his work experience in Tsar Russia and ancient Greek words, παν- ('all') and -οπτικός ('seeing'), Bentham put forward the governing methods called Panopticons in order to make sure getting more benefit from labor work of prisoners. The main idea of his project is realizing surveillance of all prison inmates in a very single cell at any moment and not allow them to interact with each other and even make it possible for a guardian to speak to them as a warning and terrifying. In this way, Bentham expected prisoners to assume that their all actions are being watched by the omnipotent state and that inmates would work hard in order to avoid punishment⁷³⁹. He also tried to solve the technical problem by coming up with a visualized drawing of the prison. That is the circular building, with the prisoners' cells arranged around the big tower where the guardian or police sit. In fact, Bentham believed such prison reform could be a model for how society should function. Interestingly, there were several prisoners were built in England based on this idea and one of them was Millbank Prison which was accused of causing mental illness among prisoners.

Foucault also visioned a panopticon society yet analyses the process of statecraft in a modern, civilized, and progressive way and he called it governmentality. While Bentham tried to control the people by watching with the naked eyes of guardians, Foucault suggested a model works through surveillance with modern technologies, normalizing the behaviors of government institutions, and producing knowledge that is on the line of government interest and purpose. According to Foucault governing has three purposes in our modern times; those are to help “things” follow their natural course, to safeguard and protect the population, and to help “advance” the people. As tools for creating such a society, Foucault mentioned various institutions such as

⁷³⁹ Michel Foucault, *Discipline and Punish: The Birth of the Prison* (Penguin Books, 1977), 201.

university classrooms, urban planning hospitals and factory architecture, etc. By coming up with this new idea he tried to make the governing method of our contemporary society different from the previous one and still sees monitoring, educating the people, and manipulating knowledge as the most important ways to maintain society.

Compared to Bentham's idea of Panopticon, in Foucauldian Panopticon the watchman on the tower changed into a discipline that was imposed by the government by means of various laws, institutions, and education; individuals in the different cells remained as individuals but outside of the cells. Watchtower doesn't need to exist as well because it now exists in peoples' minds. Thus, people in their daily life strictly adhere to the rules as if they were being surveilled or being watched from a central watch tower⁷⁴⁰. Another progress worth mentioning in his Panopticon society, the target of the governing changed from the visible body to the invisible mind and soul as well as the governing of the people by physical torture shifted to guiding the way of thinking through various forms of education. Governmentality Foucault developed is like bringing up a child in some way; parents want their children to act as they want even if they are not around them. They do this by using various codes of conduct of what to do and what not to do and finally, the child internalizes what he learns and makes it an inseparable norm in his daily behavior. As a result, surveillance would be more effective, people would highly internalize rules, regulations, and knowledge produced by the government also cruel and unusual punishment could be turned into rehabilitation⁷⁴¹, which makes governing more effective, modern, civilized, and humanistic.

Since China has different cultural background and historical experience, it shows differences in several aspects. Especially it is practice that characterized by the traditional Legalist method with cutting-edge technology widened the gap significantly. In general, controlling through sophisticated surveillance methods and guidance based on the power-knowledge relations are common for the three, however, the way of implementing them shows differences. The Chinese one includes both panopticons and reached methods and tactics at a radical and extreme level. While Foucauldian governmentality aimed at maintaining society by guiding and educating, the

⁷⁴⁰ Foucault, 202–3.

⁷⁴¹ Dino Felluga, "Modules on Foucault: On Panoptic and Carceral Society," *Introductory Guide to Critical Theory* 31 (2011).

same purpose was tried to be fulfilled by severe punishment and terrifying by the Chinese way of governing. By considering the nature, purpose, and method of the Chinese style of administration, this study called it High-tech Legalism.

Surveillant and normalizing are mentioned as two important tactics of the Foucauldian Panopticon. Thanks to the development of technology, High-tech Legalism made surveillance unprecedentedly effective by using biological metrics, surveillance cameras, and app programs. With regard to normalizing, on the purpose of achieving great cultural unification, demonstrating Uyghur cultural identity, national self-awareness, and religious status, etc are categorized as radical nationalism, Pan Turkism, extremism and terrorism, or anti-Sinicism by the authority, and such state behavior normalized by using various institutions and apparatus. On top of that, Uyghurs, Kazakhs, and other local people have been forcefully subjected to various economic programs under the euphemistic terms of “poverty alleviation”, “job offering for surplus labors”, “land corporatization”, etc, which believed forced labor by independent research organizations⁷⁴². Instead, celebrating Chinese festivals and singing red songs have been normalized as a sign of ethnic unity and bolstering national identity. During this process, Legalist methods of governing such as collective punishment, and heavy punishment for trivial crimes is also accepted by the people as legitimate legal procedures. These policies demonstrated both Bentham's economic pragmatist mentality and Confucian-Legalist “great unification” that aimed at assimilating other nations into the Huaxia community.

As to tools and instruments, cutting-edge technology and government hard forces like police, prison, Legalist law, and re-education camps were used by Chinese authorities, while were the high technology, teaching, and guiding institutions suggested by Foucault. Also, in the Chinese way of governing, Foucauldian power-knowledge interpretation manifested clearly. In fact, this is the case since the Chinese Communist Party came to power in 1949. Strict censorship of educational institutions, publishing sectors, and media as well as brainwashing propaganda are widely known facts in China for a very long time. One particular example in the most recent time

⁷⁴² For further research on the forced labor see Laura Murphy and Nyrola Elimä, “In Broad Daylight: Uyghur Forced Labour in Global Solar Supply Chains,” 2021; Vicky Xiuzhong Xu et al., “Uyghurs for Sale,” *Australian Strategic Policy Institute* 1 (2020).

in East Turkistan is the article titled The History of the Uyghur Nation Must be Explained Correctly, written by Erkin Tuniyaz, Chairman of Xinjiang Uyghur Autonomous Region. The article rejects the Turkic identity of Uyghurs and Uyghurs -Turk relations depicted as a mutual enemy, enslaving and being slave relations. Yet, it propagates the ethnic closeness of Uyghurs and Chinese.

In general, controlling both body and mind made High-tech Legalism different from its two counterparts. Foucault mentioned the development of society as a main atmosphere that changed the target of control from the body to the mind. Then one may naturally ask why this transformation has not happened in China. Maybe the answer lies in the government's definition of its relations with the citizens. In Foucault's theory or historical experience of France or even of Europe, the aim of governing is helping "things" follow their natural course and safeguarding and protecting the population. In China, however, the aim of government by controlling the population is to guarantee absolute obedience of the people and maintain the undisputable power of the state over the population as Legalist philosophy advocated. The power relations between the state and non-state actors (including individual citizens as well) defines as a zero-sum game and people should be kept under heavy surveillance and control. This is similar to the Machiavellian art of governing that maintains the transcendent position of the prince.

Another distinction between the Chinese and Foucauldian art of governing can be found in possession of the power. According to the governmentality of Foucault, the power is distributed to various institutions during the process of the target of controlling from the body to mind. In Chinese art of governing power is concentrated on the hand of the ruling body in essence. Moreover, if we consider Foucauldian governmentality as a new way of governing and see Bentham's method as old, we can claim that the Chinese administrative method is one which uses the technics of the new one to serve the old one. In other words, has used high technology and government institution mentioned in the Foucauldian panopticon, to assist the government's pragmatist and utilitarian purpose suggested by Bentham.

Again, with regard to surveillance, this study would like to make differentiate general surveillance which is common in many countries with Legalist way of spying. Even if there is deep concern about surveillance around the world, as many experts said, it depends on the purpose of the

government. Technology and its products are just a tool and power holders can use them for different purposes. Power-separated democratic nations and power-centralized autocratic use them in a very different ways given that their destination to serve is different in nature. One serves the interest of a certain group or individual(s) while another serves the public, and the country itself; the former separate rulers' interest from the interest of the state, latter combines the interest of ruling elites with the fate of the state. Therefore, when it comes to employing high technology Legalist mentality uses it for suppressing, in their terms defeating the people (胜民) in favor of the ruling circle, yet, democratic nations employ high- tech for maintaining social stability and structure of the system to prevent manipulation of technology by certain statesmen. This paper will try to show how high-technology adopted Legalist statecraft and used it for the purpose of defeating the people (胜民) as suggested in Legalist statecraft.

Chinese authority in East Turkistan seems expanded their control on both actions and feeling by using digital surveys and facial recognition thanks to having enough man power and the development of technology. Since Xi Jinping came to power, the authority established several monitoring apparatuses throughout the region. Various campaigns under different euphemisms had also held in this context. Though monitoring is not a new method introduced to the region, the scale, level, and harshness are unprecedented. Through establishing several institutions, CCP authority built absolute hegemony in the region. Surprisingly tactics they use are highly similar to what Legalist political philosophers Shang yang and Hanfei suggested. It seems that even some methods are just directly copied without any change but in high-tech ways.

While mutual spying encouraged in traditional Legalist governance, in the high-tech era it combined with the big data collected by various applications and methods. The Chinese Communist Party bolstered its hold on the country's vast reserves of data by issuing a new law regarding data security, and privacy in 2022⁷⁴³ and Xi Jinping proclaimed an urgent yearning to 'fully exploit' advances in AI and big data 'to improve the ability to sense, predict and prevent risks'⁷⁴⁴. China called it "smart governance" and platforms service to smart governance connect to social governance goals—the remit of criminal justice authorities. Public security authorities have

⁷⁴³ Josh Chin and Liza Lin, *Surveillance State: Inside China's Quest to Launch a New Era of Social Control* (St. Martin's Publishing Group, 2022), 251.

⁷⁴⁴ Chin and Lin, 92.

collected data for 3D biometric profiles of Uyghur and other Turkic Muslim people comprised of coercively collected facial, voice, genetic and fingerprint data⁷⁴⁵. these data are connected with detailed records of personal information and paired up with on-the-ground systems of surveillance. As an output, the sophisticated systems ‘sort’ individuals according to their risk levels of ill-defined "illegal" activities such as radical Islamic tendencies, political ideology, attitudes toward state policy, daily behaviors, etc. Anything as trivial as a routine Islamic practice of keeping a beard or going to a mosque can be reason enough to send an individual to a so-called "re-education" camp⁷⁴⁶.

Until 2016, surveillance of people and filing documents was the job of guobao(国保), the national security brigade. However, the system turned more complex and comprehensive since new authority gave priority to implementing a “strike hard campaign” that was launched in 2014 and “ ‘re-education’ campaign” in 2017. As Mao did in Cultural Revolution, Xi Jinping personally ordered officials to bring back neighborhood informants in region⁷⁴⁷. Through six local and national policies, authority successfully built the Orwellian state. At the center of all surveillance processes the shequ (社区), a local neighbourhood committee was known as an institution for residents to self-govern. In fact, it is a tool of the state to strengthen grassroots governance. Before Xi Jinping, these units had been encouraged to self-govern by local elections, yet, Xi exerts more direct party control on them. He used this unit to expand the party’s visibility, power, and control at every single layer of Uyghur society. This unit has become the principal judge of the re-education processes at the end.

Another unit that was built for this purpose of the surveillance was a police substation (jingwushi 警务室). This unit was established in every neighborhood or village. By 2018, the government built more than 9,000 stations, among them 7,400 were located in rural village⁷⁴⁸. Moreover, thousands of new police checkpoints, named convenience police stations (便民警务站) have been

⁷⁴⁵ Chin and Lin, 264.

⁷⁴⁶ Ausma Bernot, “Surveillance State: Inside China’s Quest to Launch a New Era of Social Control. By Josh Chin and Liza Lin (St Martin’s Press, 2022, 336pp, \$29.99 Hbk),” 2023, 2.

⁷⁴⁷ Ramzy & Buckley, “‘Absolutely no mercy’: Leaked files expose how China organized mass detentions of Muslims’.

⁷⁴⁸ Yang Rui, Li Na, ‘Concerns and recommendations for rural police work in Xinjiang’, *Journal of Guangxi Police College*, 2018, 31(1).

constructed as of 2016⁷⁴⁹. Camps survivor Zumrat Davut said these checkpoints and police substations are just for monitoring the activities of the people. They usually check Uyghur's cell phones and interrogate them on the street. Not allow 5-6 people to walk together. These units are highly weaponized by high technology that they can listen to what people talk via the phone and handle them according to the instruction given. Also, the government requires every citizen must install a China-made surveillance app called Jingwang Weishi, which makes it easy for the government to monitor the daily activity of the people.

Another unit that makes surveillance more effective is the grid-management system (网格化管理) that was introduced in 2012. Grid management is a kind of administrative management reform. Relying on unified city management and digital platform, the city management area is divided into unit grids according to certain standards. By strengthening the inspection of the components and events of the unit grid, a form of separation of supervision and handling is established. By dividing communities into many small geographical and administrative cell, this unit collects and analyze information about individuals, their locations, events, and goods and also report anything perceived as a potential problem.

Besides, the government also monitors the people's daily food and energy consumption and questions if there is fluctuation. During the interview, Zumret Davut said every shop equipped with an alarm button for the purpose of reporting exceeded shopping. In the baker, she said, if you buy more than ten pieces of bread, the baker should push the button for informing the police. In less than 3-5 minutes police would come from the most nearby convenience police stations and ask reasons such as if someone would visit the family, who is he /she, when would come, and how long will stay, etc. The same method was applied to the monthly electricity and gas consumption by the neighborhood committee and the same questions would be asked if there is fluctuation in comparison to the normal consumption.

In all likelihood, Legalism adapted itself to the information era thanks to the contribution of the ambitious national strategy of revitalizing the traditional Chinese culture and ruling the state by

⁷⁴⁹ Adrian Zenz, James Leibold, 'Xinjiang's rapidly evolving security state', *China Brief*, 14 March 2017; Adrian Zenz, James Leibold, 'Chen Quanguo: The strongman Behind Beijing's securitization strategy in Tibet and Xinjiang', *China Brief*, 21 September 2017, 17(12).

law. The combination of Legalist governance philosophy with the "datatopia" is heading towards high-tech Legalism which fits the digital age.



CONCLUSION

As one of the oldest civilizations in the world and the only civilization that hasn't been subject to great change and can continue without being interrupted until today, the Chinese civilization has its own unique features compared to other civilizations. As in other civilizations, the question of "how to govern" has been the most important question of this civilization, especially in the era called the Warring States period, which was characterized by the bloody conflict between the dozens of vassal states of the feudal Zhou dynasty due the decline of the supreme power of the royal family. Various schools have emerged as an answer to this question, and although they are known as a hundred schools of thought, Taoism, Confucianism, Mohism, and Legalism have remained four big different schools. Taoism advocated governing by doing nothing and by making people ignorant while Confucianism held the idea of governing by fully engaging under the rulership of the sage king with morality. Mohism however, came up with the ruling by universal love and Legalism rejected all and voiced governing by reward and punishment, depending on the law, power, and art rather than holding hope on the wise ruler, and ethical behaviors such as benevolence and filial piety.

The monarch of the Warring States period did not show any interest in the ruling philosophy of the Confucian school, yet all of them found the Legalist governance method could assist their common purpose of pacifying the world and building a prosperous state. They found Confucian philosophy utopic and doesn't fit their ruling style and instance political interest while Legalism provides what they want due to its pragmatist and simplistic nature. As to Mohism, the doctrine of universal love was also considered to be very utopic and unrealistic. Taoism however, retreated from politics yet, Legalism absorbed some of Taoist governing models such as keeping people ignorant and ruling by doing nothing. The State of Qin, one which made Legalism a state doctrine won the battle and unified Huaxia/ Chinese territory by defeating all other states. The Qin State became the Qin Empire and made Legalism its official ideological and political doctrine.

Under the rulership of the emperor Qin Shihuang and the grand vizier Li Si, the Qin implemented the pure Legalist governance method based on the practice and teachings of Legalist politician

Guan Zhong, Wu Qi, Lord Shang (or Shang Yang), Legalist philosophers Shen Dao, Shen Buhai and Han Fei. Han Fei was the systemizer of the Legalist administrative philosophy by combining previous teachings and practices and most importantly by his unique individualistic contribution. His work called Han Feizi is full of counterarguments against Confucian ruling philosophy. The main attack on Confucianism is being hypocritical, arbitrary, utopic, naïve, conservative, and illogical. Confucians on the other hand, criticized them for being cruel, unethical, and immoral. The two philosophies are categorized as the advocator of “ruling by law” (Legalism) and “ruling by man” (Confucianism). Confucian’s rejection of the Legalist governing such strong that they had a joint agreement called “Confucian will not enter the State Qin, the political lab of Legalism”. In reality, Legalism is not as objective as they claimed and positioning the ruler above the law is its fatal weakness because it was created for being the tool of the ruler at the very beginning. However, the widespread favoritism toward Legalism changed the stance of Confucians. Xun Zi, one of the three great thinkers of Confucianism, “betrayed” the oath of his school and traveled to the Qin and visited the king. He was the teacher of two distinguished Legalist persons, grand vizier Li Si and Han Fei, Caser of Legalism. Xun Zi showed his inclination toward some views of Legalism and this was the first compromise of Confucianism.

The Legalist Qin dynasty only lasted 13 years since it united all of Huaxia territory. During these 13 years, it unified the Legal system, script, and standardized measures, and not surprisingly unified the ideology by banning the classics of other schools and burying the Confucians alive. The cruelty of Legalism caused a nationwide peasant uprising and ended up with the collapse of the Qin dynasty. Qin was replaced by the Han dynasty and the most significant event in Huaxia governance philosophy took place in this era. The Confucian master of the time Shu Suntong entered the Han palace with his 40 followers and set rules and regulations as well as ceremonies by adopting the rules of the Legalist Qin dynasty in order to help the Han emperor Liu Bang to manage his misters. Liu Bang also inherited many aspects of the political system of the Qin and on top of that, he was one who scolds Confucians too much.

The fundamental turning point of the Huaxia administrative philosophy took place in the reign of the emperor Han Wudi. Dong Zhongshu, also known as the Confucius of the Han dynasty, successfully made Confucianism the official doctrine of the Han dynasty by making great

consensus with the Legalist ruling philosophy. He constructed a set of the political theory of the “unity of man and heaven” and “great unification” aimed at safeguarding the centralized monarchy. While the idea of “unity of man and heaven” sanctified the king, the idea of “great unification” provided the legitimacy ground for political and ideological despotism. He advised banning all schools except for Confucianism as the Legalist politicians banned all schools except for Legalism in the Qin era. While Legalist law and Confucian rite were mutually excluded before, Dong made a consensus with Legalism and advocated a combination of punishment and benevolence. He turned the Legalist law into a tool to safeguard Confucian values by Confucianizing the law. He also rejected the good human nature theory of Confucianism and argued that human nature can only be transformed for good when it is educated. In a short, his philosophy could make the emperor more autocratic and could make the political system more centralized because thanks to his contribution, the ruler has two weapons now, that is Legalism and Confucianism. Making Confucianism official doctrine and remaining as despotic as Dong Zhongshu and Emperor Wudi completed the integration of Confucianism and Legalism in theory and practice, and established the political structure of Chinese feudal society that is “outside Confucianism, inside Legalism”. His Confucian philosophy, could not prevent the autocratic nature of Legalism and the arbitrariness of the ruler politically. on the contrary, it has often become the political instrument of Legalism.

From the Han dynasty to today, Huaxia territory was controlled by many polities and numerous politicians and philosophers attempted to create different political philosophies and administrative methods. However, every single dynasty or polity that was able to unify the entire Huaxia region concentrated power on their hand and asked scholars to develop a theory and ideology to serve the authority as happened in Qin and Han dynasties. Since the Legalist style of autocracy controlled everything in the territory and doesn’t allow to development of independent inquiring and the creation of objective political philosophy, scholars find themselves in the everlasting vicious cycle of developing ideology for the ruler. As well-known contemporary Chinese philosopher, Liu Zhihua said every emerging trend of Confucianism starts with the idea of a “savior”, but it is destined to go to its opposite in the course of history⁷⁵⁰. Thus, the Han style “outside Confucianism,

⁷⁵⁰ 刘志华, 中国政治思想史(隋唐宋元明清卷) (浙江人民出版社: 1996). Liu Zhihua, History of Chinese Political Thought (Sui, Tang, Song, Yuan, Ming and Qing volumes) (Zhejiang People's Publishing House: 1996).

inside Legalism” governing style remained fundamentally unchanged. Even so, these two philosophies played a very important role in the shaping, preservation, and expansion of the Huaxia civilization. such that it has become indispensable and complemented each other in the way of creating the Huaxia civilization. The two philosophies formed the political and cultural pillar of the Huaxia civilization they have become exactly two sides of the same coin, so to speak. Legalism became the shield and backbone while Confucianism is the spirit and soft power of this civilization.

The codes of Confucianism are the fruit of the Huaxia civilization which constantly expand towards all quarters along with the expansion of the political territory of the Huaxia dynasties. Political expansion naturally accompanies the confrontation of different cultures and how to manage relations with foreign societies is another big topic. The Confucian idea of “great unification” provides the solution for this. One of the theoretical levels of the "great unification" political blueprint is the “Huaxia-barbarian distinction” or “Huaxia-barbarian order” and Huaxia and non-Huaxia relation is formed around this view. This order advocates "to value Huaxia and despise barbarians” and resists the influence of non-Huaxia nations and denies the legitimacy of “barbarians” ruling China since it is believed that allowing the other to govern the Huaxia nation leads to the collapse of the civilization. The progress of history and the integration of different nations couldn’t change the nature of "great unification". Under the philosophical base provided by the Confucianism and dealing method originated from Legalism, the “Huaxia-Barbarian order” finally serves to the cultural and ethnic assimilation against non-Huaxia nations.

It is possible to compare the development process of Huaxia culture to the most famous dish of Chinese cuisine, the hot pot, with its complexity, diversity of the elements it contains, and the melting of these varieties in the same pot. Hot-pot culture, Legalism fire under it, Confucianism is the species for the ideal hot-pot, and combination of the fire and species makes various raw ingredients a single staple, hot-pot. Just as the burning of the fire does not make the food in the cauldron a hot-pot, the various foods that are simply thrown into the spices cannot be a hot-pot without fire. this will only happen with the cooperation of fire and spice. none of the different foods thrown into the hot-pot cauldron retain their former taste, but become an ingredient in a whole hot-pot dish. The fact that it is geographically surrounded by the Great Wall of China in the

north, the Himalayan Mountain ranges in the southwest, the Pacific Ocean in the east, and the Tibetan Plateau in the west has made the Huaxia civilization naturally protected from the influence of other civilizations. In the north, which is the weakest part of the Huaxia civilization fortress, the steppe civilization of nomadic nations existed, and they could neither pose a threat to the Huaxia society nor had such thoughts. It is very interesting that this weak part of the fort turned into the gateway to the expansion of the Huaxia civilization.

despite the Legalist method of governing being actively applied and even developed throughout history, rulers always claimed themselves as a follower of Confucianism due to the bad reputation of Legalism. However, that was the late period of the Manchu Qing dynasty when scholars and politicians started to openly advocate Legalism because they blamed Confucianism for their defeat at the hands of Western countries. They seriously looked for a way to make them powerful and found Legalism could make the state prosperous and strong as it did in the Warring States period. They also resembled the political atmosphere they were in the political to the crisis of the warring States period. Legalism is even believed to be the most excellent governing philosophy of the Huaxia civilization that could compete with the Western political system. However, by comparing Legalism to Western law-based society, the intellectuals of that time criticized the inhumane punishment practice of Legalism and also condemn the instrumentalization of the law by politicians of the past. Praise for legalism was mainly due to admiration for the Western socio-political system and the accusation of Confucianism as the cause of backwardness. When nationalism was introduced to China, nationalist scholars also found Legalism suitable for building nation-states.

Advent and the spread of communism brought a new change to modern China. The founders of the Chinese Communist Party were those defenders of Legalism and critics of Confucianism. Marxist historians on the other hand devoted themselves to fundamental similarities between Legalism and Communism and they claimed it lies in the revolutionist and scientific nature of Legalism. After the Second World War, Communists took over China and Mao became the undisputable leader of the new China. Mao was one who had a strong passion and admiration for Legalism and a very negative attitude towards Confucianism. In his entire life, he was decisively obsessed with re-establishing the reputation of Legalist scholars and politicians. He fought anyone

who has a negative comment on Legalism and in his publishing, reading, and studying Legalism reached an unprecedented level. Even if he was the head of Chinese Communism, he put forward the idea of combining Marx with Legalist emperor Qin Shihuang. Also, he strongly criticized Confucius and because of his criticism the Confucius and Confucian culture became the target of Red Guardians, and Confucian temples were largely destroyed as relics of feudalism. Besides he made Communism with Chinese characteristics that have many similarities with Legalism. His authority headed toward autocracy and despotism and was characterized by fear, famine, and hypocrites due to various radical revolutions and unscientific movements that were launched in his era.

The social, political, economic, and cultural destruction of Mao ended when he died. Modern China applied a quasi-liberal market economy under the leadership of Deng Xiaoping. Although despotism, economic monopolism, and heavy punishments still remained, China integrated the liberal West and its economy enjoyed great prosperity and became the second-largest economy. Contrary to the expectations of Western theorists, China, which has grown economically and raised more middle classes than any other country in the world, has not made the transition to democracy. Thriving in all directions, China began to become more autocratic at home and assertive abroad with the coming to power of Xi Jinping. Declaring an all-out war on the West due to the frictions arising from the differences in the political system, China was looking for a soul besides its developed economy and for this purpose, it resorted to the way of reviving the traditional Huaxia civilization and officially declared the great national strategy of “China Dream of Great Rejuvenation”. At the same time “Xi Jinping Thought on Socialism with Chinese Characteristics in the New Era,” known as Xi Jinping Thought, was incorporated into the state Constitution in 2018 and thus became the guiding political doctrine. Xi’s “Thought” is one of the only two “Thoughts” that Mao Zedong Thought.

Two important aspects in the attempt to revive the excellent Huaxia culture are "great unification" and "ruling the state by law", as Xi Jinping's government chanted everywhere.

The question to ponder, then, is what do these two undertakings mean under the name of “Chinese characteristics”? China's overt rejection of Western values and Chinese authority's underlining that the Huaxia civilization has a rich experience on the subject may give us some clues. Among

the different schools that provide the idea of governance with law, that is Legalism and Confucianism is the one that offered great insights into the “great” unification. Unlike Mao, Xi never openly expressed his admiration of Legalism, however, constantly mentioned the excellence of traditional Huaxia culture in a ruling by law, and very importantly, he empathized with the ruling the country by combining law and virtue, which is the combination of the Legalist “rule by law” with the Confucian “rule of man”. The academic research also showed that Confucianism was more mentioned in prestige propaganda research on the initiatives “China Dream of Great Rejuvenation” and a very interestingly large number of references were given to Confucian master Dong, one who combined Legalism and Confucianism. However, his practice and governing methods largely overlap with Legalist teachings. The policy implemented in the Uyghur region is, undoubtedly, a salient example of this. Advocating the reviving of the traditional culture and emphasizing the merger of Confucian virtue with Legalist law, China’s governance method under Xi is Han style, which is “outside Confucianism, inside Legalism.”

Then, quite naturally, such a question should be asked. How can a management philosophy shaped 2000 years ago be effective until today? It may seem very difficult to answer the question, but academia, which does not see any difficulty in trying to understand China with the Confucian, the school that was shaped long before Legalism, should believe that answering to this question will not be difficult either. Just as Confucianism has been effective so far, Legalism can also be effective. If the answer to the question of how this teaching can live up to now lies in the geographical location of China, an unchanged writing system that formed 2000 years ago, the excellent political cooperation between Legalism and Confucianism, and deeply rooting of the Huaxia civilization in Huaxia political culture. All these factors ensured that the Chinese civilization, especially its political culture, did not change fundamentally, which is very different from the Western civilization. That is why this paper argues to study China phenomenon from a historical perspective, not in the progressive method that some Western scholars advocated. It is impossible to speak about a hundred percentage of purity and zero change. What matters is how much it has changed. Looking at Chinese history, it is not difficult to see that all ideologies and “isms” from the outside failed to be dominant in Huaxia society and contrarily, those foreign ideologies are very sophisticatedly adopted and melted in the Huaxia civilization and Socialism with Chinese Characteristics can be one of many examples in this regard. Thus, when we examine the

phenomenon in different civilizations, rather than define them the in the framework of strict theories, taking historical experience into account might be more explanatory. Finally, by discussing all the above, this study strongly argues that examining China from only Confucianism never offers us meaningful insight into the understanding of China, Legalism, as a powerful realistic school of Huaxia civilization, deserves equal attention.



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