Hanfei and Truth: Between Pragmatism and Coherentism?

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Abstract:

Han Fei 韓非 (280–233 BC) was a legalist Chinese philosopher. His philosophy advocates that all realms of the state and thus of society should be governed by steady and measurable standards. This paper shows that Han Fei thought in a systematic manner about truth. It will be using the common theories of truth in order to explain Han Fei's approach.

First, Hanfei is interpreted as having a substantial idea of what truth is and what role it plays in his legalist system. Truth is a property of consistency, completeness, and applicability of a framework of rules, standards, or laws. Using the coherence theory of truth, this system is explored. Truth is, as standards are, a social construct.

Second, there is the application of the system of standards in everyday life, or how the ruler finds out about the truth in the ministers' accounts. Hanfei develops a system of instruments that use language to assess the truth. It is in this process that the true account is approached asymptotically.

Keywords: Hanfei, Chinese Legalism, Truth, Political Systems, Language

Justice is truth in action. Benjamin Disraeli, speech (Feb. 11, 1851)

Investigating Hanfei on truth is at least as much about how to raise the relevant questions. A viable strategy would involve asking what concept of truth – if any – Hanfei had. Another way is to ask what Hanfei needed truth to do. In other words: What role does truth play in his system of statecraft or in his philosophy?

The first strategy might be difficult to pursue. Hansen (1985, 491) radically said: "Classical Chinese philosophers had no concept of truth at all. Of course, for Chinese (philosophers and laymen) the truth of a doctrine did make a difference, and, in general, Chinese did de re reject false propositions and adopt true ones. However, they did not "use a concept of truth" in philosophizing about what they were doing." However, Hansen himself may have made a twofold claim: First, early Chinese philosophers tended to conceive of their reasons for accepting or rejecting claims in pragmatic rather than semantic terms. And second, early Chinese philosophers never distinguished sentence-like units of language or thought as having any special significance, and instead focused on the meanings of whole texts – often whole rules of behavior. This distinction is hinted at by Hansen himself, when he acknowledges that there is semantic, syntactic, and pragmatic truth (1985, 495).

It may well be that Chinese Philosophy is primarily practical. However, when dealing with practical theory, a curiosity sparks which is whether there is any objective philosophical theory to support the doctrine and guide the direction of the activity as suggested by the practical theory. This is an important question within a philosophic system itself, and it becomes even more apparent form a comparative perspective.

Xu (2010) also investigates, generally, the relations between *dao* (道) and Truth (although it seems that he is especially interested in the Greek ἀλήθεια, *aletheia*) and, less radical than Hansen, he acknowledges that there are some commonalities between both, but also fundamental differences. As "subtle differences", Xu notes:

> In terms of nomenclature and etymology, the Western philosophic concept of "Truth" and the Chinese philosophic concept of "Dao" originated from quite different sources of daily languages. … "Truth" in traditional Western philosophy means something objectively existed and can only be discovered or recognized by people, while the "Dao" in Chinese philosophy is more or less something that can be constituted by people in their practice, or in other words, it is a result of interaction and construction between subjects and objects. … The "Truth" in ancient Greek philosophy is supposed to be the exclusive Oneness, while the "Dao" or "Daos" in early Chinese texts can be diversified. … Searching for "Truth" in traditional Western philosophy mainly asks the question of "What is?"

While searching for "Dao" in Pre-Qin Chinese philosophy mainly asks the question of "How to?" … The "Truth" orientation has led to the thriving of a spirit of scientific reasoning, which is more suitable for the development of natural science and technology; the "Dao" orientation has nourished the thriving of a spirit of practical reasoning, which is more suitable for the development of social morality and political art, etc. … *The motive of pursuing "Truth" is apt to cultivate an indomitable and aggressive will, but sometimes it will lead to bigoted or self-opinioned stances; while the orientation of pursuing "Dao" is apt to cultivate an attitude of incorporating and all-embracing, but sometimes it may become too slick and sly and lead to relativism. …The "Truth" pursuing focuses more on, and cares more about the final goal, in order to achieve the final goal sometimes any means may be taken. While the "Dao" pursuing emphasizes more on the process itself, sometimes even doesn't care about the final goal* [my italics] (Xu 2010, 44-46).

This is not the place to discuss all facets of Xu's paper; however, if his views are representative for a part of the scientific community, then at least the text in italics should be noted. If the pursuit of truth is, in fact, associated with having a final and objective goal and following the *dao* might lead into relativism, then there should be an intuition that Hanfei was indeed looking for truth, for he is not known for leniency, aimless ideological roaming, or leeway in his idea of order. If anyone would go against relativism and pursue his goal with indomitable will, Hanfei seems like the candidate.

In this case, it may be that the first strategy – asking for the concept of truth – has a chance after all, at least in complementing the second – asking how to find the truth.

Hanfei (韓非), the Chinese Legalist (280–233 BC) was generally not concerned with "theoretical" problems. His main aim was to give advice to rulers on how to build up and maintain a strong state. The goal of his philosophy was to make the state/ruler strong and to provide order (Grazia 1980). Despite of the practical character of his writings, Hanfei had specific positions regarding the foundation or the objective ground of his philosophy. In recent years, many scholars have begun to work on these foundations. Philip Ivanhoe portraits Hanfei as a thinker influenced by Daoism; Eirik Harris Lang investigates Hanfei's views on morality and legality; Aloysius Martinich is working on Hanfei and language (see the dedicated issue of the journal of Chinese Philosophy in 2011 and the Dao Companion to Hanfeizi 2013), to cite a few. So, even if Hanfei did not have a philosophy of truth, it seems interesting to inquire into what he thought about truth and for which practical purpose he needed or used a concept of truth.

Engaging in comparative philosophy, it seems useful, at least for a broader philosophical audience, to reflect on the concept of truth within the framework of common truth theories (and explicitly not in the light of classical Greek philosophy, as implied by Xu (2010) and Hansen 1985)) and to apply their analytical tool-set to inquire about the truth as used by Hanfei.

Relying on Mou's (2003 and 2009) research outline for comparative philosophy, this article intends to use "Western" theories (of truth) to assess and better understand Hanfei's approach.

Generally speaking, there are substantive and minimalist theories about truth. The last group focuses on the notion that the application of the term "truth" to a statement does not assert anything significant about that statement; for example, anything about its nature. Instead, it is claimed that truth is a label utilized in general discourse to express agreement, to stress claims, or to form general assumptions. Substantive theories, although without a consensus, are more broadly developed and claim that there is more to "truth" than just agreement or redundancy (Halbach 2011). For the aims of this paper, three substantive theories shall be briefly discussed: correspondence, coherence, and pragmatism.

For coherence theories in general, truth requires a proper fit of elements within a whole system. Coherence, however, implies more than simple logical consistency; often, there is a demand that the propositions in a coherent system lend mutual inferential support, some sort of scalability, to each other. So, for example, the completeness and comprehensiveness of the underlying set of concepts is a critical factor in judging the validity and usefulness of a coherent system. The most important tenet of coherence theories is the idea *that truth is primarily a property of whole systems of propositions* and can be ascribed to individual propositions only according to their coherence with the whole. Some variants of coherence theory are claimed to characterize the essential and intrinsic properties of formal systems in logic and mathematics. However, formal reasoners are content to contemplate axiomatically independent and sometimes mutually contradictory systems side by side; for example, the various alternative geometries. On the whole, coherence theories have been criticized as lacking justification in their application to other areas of truth, especially with respect to assertions about the natural world, empirical data in general, assertions about practical matters of psychology and society, especially when used without support from the other major theories of truth. However, coherence theories can respond to this criticism by pointing out that they test "empirical reality" by verification of the set of sentences about it.

For correspondence theories in general, true beliefs and true statements correspond with the actual state of affairs. A true statement copies what is known as "objective reality" and then represents it in thoughts, words, and other symbols. This type of theory sees truthbearers, beliefs, thoughts, ideas, judgments, statements, assertions and so on, and truthmakers as a pair working together. A truthmaker is anything that makes a truthbearer true (facts, states of affairs, events, things, tropes, and so on). Correspondence theory has been criticized for being either too simplistic or too obscure. On the other hand, it centers on the very important intuition that there has to be something that allows agents to differentiate between true and false statements.

In a pragmatic theory, truth is verified and confirmed by the results of putting one's concepts into practice. Peirce defines truth as follows: "Truth is that concordance of an abstract statement with the ideal limit towards which endless investigation would tend to bring scientific belief, which concordance the abstract statement may possess by virtue of the confession of its

inaccuracy and one-sidedness, and this confession is an essential ingredient of truth (Peirce 1901, 718)." William James' version of pragmatic theory, while complex, is often summarized by his statement that "the 'true' is only the expedient in our way of thinking, just as the 'right' is only the expedient in our way of behaving (James 1909, 29)." By this, James meant that truth is a quality, the value of which is confirmed by its effectiveness when applying concepts to practice (thus, 'pragmatic').

The main thesis of this paper is twofold: First, Hanfei's approach to truth can be considered as coherentist – with an important deviation, however: The coherent system of standards has a non-causal, but intrinsic dependence on its correspondence (!) to the Dao, one might even call it correspondence by intermediation. Second, in its operative use, finding out the truth is a linguistic procedure that relies on pragmatism. But there is a problem with both theses: If truth is interpreted in this coherentist/pragmatist way, it is dependent on language, and language is particularly unreliable – according to the Legalists themselves.

Keeping in mind that truth mostly (but not always) has an instrumental property in Hanfei's philosophy, these two theses will be examined in the next two sections. This paper aims to develop these theses by using many quotes from Hanfei's book (or the writings attributed to him) in order to show the diversity and complexity of his treatment of legal or normative-system, language and truth. Because of convenience and accessibility, the W.K. Liao translation[1] will be used.

1. COHERENTISM – AND A BIT OF CORRESPONDENCE

In (traditional) Chinese the expression for truth is 實話 (shi1 hua4), the first character meaning truth or honest, the second meaning words or talk. It may be that in Chinese philosophy truth is a quality dependent on the propositions to be examined. McLeod (2011, 45) makes a point in saying: "One of the features of this use of 實 is its reference to linguistic entities, such as names, rather than physical objects, as in other uses of the term. The reason that this term becomes linked with the consideration of names (ming) is that it is the consideration of 實 that is connected with appropriateness of names. Wang … thinks of 實 not as primarily connected with names, but rather with sentences. This is why the majority of his discussions of 實 are connected with yan (words or what is said) rather than ming – Wang is attempting to make clear that the contents of what is said in statements can be 實."

The interesting part of the statement is the first, which opposes names – or linguistic entities – to physical objects. This distinction leads to two consequences. First, correspondence cannot be a primary concern for truth, if linking the truthbearer and the truthmaker is not central, and second, the link suggests a semantic place for the judgment of whether something is true or

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[1] There are concerns in using this translation. Most consider it either outdated or imprecise or ideological. These concerns may apply. However, it is a widely accessible translation and one that has been used by academia for a while. It is being used here for these practical purposes, among other.

false. The expression "truth" and the statement above are about the meaning of words (or sentences) and not about their place in relationship to any context. This strongly suggests that within language, meanings are clear, and therefore the label 實 can be applied. Alternatively, with 實, meanings can be clarified.

As Schneider claimed (e.g. 2011 and 2013), Hanfei needs a stable system of rules, laws, or standards, which he himself calls 法 (fa3), to bring order to society and enrich or strengthen the state and its ruler. Standards are by necessity a linguistic entity, especially if they, or some of them, are laws. For the legal system to work and dominate the entirety of human and institutional societal behavior, Hanfei needs his system to be complete, unambiguous, stable, consistent, and applicable – in short: coherent. One might even say that the underlying idea of the standard is its completeness and infallibility.

At first glance, rule by law or standards seems to be a relatively simple claim, as chapter 6, on having regulations, proposes:

> 故以法治國，舉措而已矣。

> Hence, to govern the state by law is to praise the right and blame the wrong.

The question is how to do so. What is necessary in order to be able to blame the wrong and praise the right? Hanfei comes up with his two handles and with an intricate system of rules and stratagems. Common to all this is his insistence on a complete system of standards: First, what he needs is a system; this entails consistency and coherence. For Hanfei, the rules should be applicable to all circumstances of life. Therefore, the subjects to the rule as well as its enforcers need to rely on its stability and inherent connection in order to be able to "know" the correct behavior in a given situation, even if they do not have actual knowledge of the specific rule. The idea behind this is that subjects and enforcers can infer the appropriateness of a situation from the knowledge of the workings of the system. The set of rules or standards works as a frame of reference, the rules or standards lending mutual inferential support or some sort of scalability to each other.

Second, this system has to be complete. It must offer a standard or a method to deal with each and every situation it envisages covering. This does not mean that it needs to make a rule for every situation in life. On the contrary: Its completeness refers to those relationships it focuses on; for example, the exchange between ministers and from ruler to minister. For Hanfei, there are some relationships that are more important than others for the state's sake and for maintaining order, so these more important relationships need more detailed standardization than the others.

Third, the rules rely on a standard, which on its account implies the idea that the rule is clearly measurable in function of the standard and can exist on its own, i.e. infallibly. It is the exactness and infallibility of measures that creates a connection of quantitative criteria and methods with indubitable knowledge. When the criteria of institutional and human behavior

and action are as clear and definite as for example indubitable mathematical laws are, then no quarrel, struggles, and strife can arise, since they would be completely meaningless (Paul 1988, 294). Hanfei is comparing law to measures, as for instance the plumb line or the carpenter's square, thus appealing not only to the indubitable standard, but also to its applicability. There is a difference, however, between the carpenter's mold and the legalist's 法: It is conceivable that the former might exist in direct correspondence with whatever makes it true, but laws are linguistic entities. Even for Hanfei, rules or standards do not exist as something self-evident; they have to be made or molded (and eventually changed) by the ruler. In order to be made applicable, they have to be fixed beforehand in linguistic terms.

This possibly correspondist implication of the first and third arguments deserves an explanation. It might seem that if a rule 'corresponds' with a worldly state of affairs, taking this to be the "real world", correspondence theory is at stake. Especially Hanfei's metaphorical use of the carpenter's square makes this suspicion even stronger. This confusion arises if the direction of Hanfei's thought is not observed. For the Legalist, it is the standard that stands first and the interdependence of all rules that determines the completeness of his frame of reference. The real world interacts with this frame, but it does not have a constituent role. This does not mean that the real world does not matter – it does. But is also does for coherentist and pragmatic truth theories. The question is how to make statements about the real world and how these statements are verified. For Hanfei, this is done within the framework of the standards. This becomes even clearer in Hanfei's deterrence theory. According to him, if rules, especially punishment, are strongly implemented, people will not try to break them. It means that because of deterrence, the framework of reference influences – and for Hanfei ultimately controls – people's lives out of its textual authority alone. In order for this to happen, it must be a complete system of standards, i.e. one with consistent rules. Agents will be able to combine the coherent rules in order to expand the scope of the system to validate the actions they are evaluating to perform. It is the coherence of the system that allows it to be valid; and the system is one formulated in language.

It is in chapter 8 that the philosopher links the stability of the legal system to language: "In using the method of maintaining uniformity, names are of primary importance. When names have been rectified, things will be fixed. When names have not been rectified, things undergo change. Therefore the Sage holds to uniformity and rests in quiescence. He causes names to be self-applying and commands that things remain fixed in themselves (Fung 1952, 324)." And here again, the Legalist is putting the framework logically before the real world. First, names have to be rectified (i.e., first, the frame of reference has to be developed), then they can be applied.

The system of rules envisaged by Hanfei is inherently linked to language – to the names – and it is through the rectification of names that the philosopher proposes to achieve his unified system of standards and methods that is coherent and applicable – as a whole. "Fixing things", as Hanfei himself refers to it, means that there is a standard way things should be, there is one

true state of affairs that is uncovered, or restored, by developing the frame of reference and applying the rules. And these rules seem to be of quasi-mathematical nature. But what is the nature of the standards? Hansen (1994, 471) takes on this point:

> On the present analysis, what happened in ancient China is this: Han Feizi, still a Xunzi-like authoritarian, splits with Xunzi (the Confucians) on one issue. They otherwise both agree that we need some way to solve the problem of interpretative or justification of standards. Han Feizi rejects Xunzi's solution. It erodes the original point of fa. Conventionally cultivated intuition is not in the spirit of fa. Any code that requires such an intuitive or esoterically educated standard of interpretation is also not a fa. We should only call a publicly accessible code with clear measurement-like connections to punishment and reward fa. Thus fa is not the name of the ruler-generated code, but of the underlying ideal of measurement-like explicitness. Only that feature justifies adopting such an explicit code rather than the traditional code. A look at fa jia theory, from Guanzi and Shangyang to Han Feizi, confirms that all of them thought of fa as important in reward, advancement, appointment, and job evaluation, as much as in guiding punishment. Han Feizi and Xunzi perfectly agree on the appropriateness of draconian punishment; they are equally enthusiastic about physically mutilating and crippling those they judge to be miscreants. The semantic point, in conclusion, is that Chinese thinkers come to see penal codes as instances of fa. That result does not justify saying fa's meaning changed. They can cite the fact that published codes are fa in their reasoning, using the prior meaning of fa as measurement is an evolution of political and moral theory, no one in the Chinese tradition had developed a notion of either a sentence or a sentence in universal law-like form. In that key respect, they simply do not use any counterpart of our formal, syntactic notion of law. They, however, clearly already had terms for promulgated codes of behavior – and it is not fa that is mainly required to interpret these codes. But Mohist and especially Daoist analyses have led to skepticism that we can separate discourse and interpretative standards. The standards are merely more discourse that guide behavior-including speech and evaluative behavior. Thus public discourse is now regarded as fa – as the measurement-like standard guiding behavior in general.

In this interpretation, the ruler makes his laws based on the underlying general *fa* that is different from the single standards used for ruling by law; it is a fundamental standard underlying all other standards. Does this mean that the law corresponds with this fundamental *fa* (as the *fa* corresponds with the *dao,* both being entities in the real world)? There is one side of the story that suggests so: Hanfei seems to imply that the laws can be directly derived from the fundamental *fa*; again, by comparing an abstract *fa* with the artisan's methods, he is implying that even *fa* might be directly applicable, and if Hansen is correct, it is the *fa* that

makes a law true. On the other hand, Hanfei knows that law changes – indeed, change is one of his constant concerns, since, as circumstances change, laws must be able to adapt flexibly. The flexibility, however, comes from the ruler and not from a fundamental *fa* as such. If the specifications of the fundamental standard – i.e. the single rules or laws – have to be changed when the underlying fundamental *fa* changes, the ruler would be nothing more than an instrument of the *fa*, having to pay attention to its developments in order to change his rules. The monarch would be causally dependent on this fundamental *fa*. From Hanfei's point of view, this would be absurd, for the monarch stands at the beginning of everything, and he formulates the standard and changes it according to his will. For Hanfei, it is not the *fa* that dictates the ruler, but the ruler that uses the *fa* to standardize those relationships he considers important for his reign (and not all). *Fa* is submitted to the ruler's usage of it. Does this, in turn, mean that the ruler is free to do as he wishes? Not precisely.

Hanfei not only recurs to the *fa* as the underlying element of the justification of rules, he also ties the ruler's (and his laws') fate to the *dao*. In chapter 5, *dao* of the ruler, he states:

> 道者，萬物之始，是非之紀也。是以明君守始以知萬物之源，治紀以知善敗之端。故**虛**靜以待令，令名自命也，令事自定也。**虛**則知實之情，靜則知動者正。有言者自為名，有事者自為形， 形名參同，君乃無事焉，歸之其情。

> Tao is the beginning of the myriad things, the standard of right and wrong. That being so, the intelligent ruler, by holding to the beginning, knows the source of everything and, by keeping to the standard, knows the origin of good and evil. Therefore, by virtue of resting empty and reposed, he waits for the course of nature to enforce itself, so that all names will be defined of themselves and all affairs will be settled of themselves. Empty, he knows the essence of fullness, reposed, he becomes the corrector of motion. Who utters a word creates himself a name; who has an affair creates himself a form. Compare forms and names and see if they are identical. Then the ruler will find nothing to worry about, as everything is reduced to its reality.

This problem is even made more explicit when Hanfei links the legal system to the *dao*, as for example in chapter 29, on the principal features of legalism:

> 因道全法，君子樂而大姦止。澹然閒靜，因天命，持大體。 故使人無離法之罪，魚無失水之禍。如此，故天下少不可。

> If in accordance with Tao, the law is successfully enforced, the superior man will rejoice, and the great culprit will give way. Placid, serene, and leisurely, the enlightened ruler should, in accordance with the decree of heaven, maintain the principal features of legalism. Therefore, he makes the people commit no crime of going astray from law and the fish suffer no disaster by losing water. Consequently, nothing in All-under-Heaven will be unattainable.

Does this mean that there is a correspondence of the system of standards with the *dao*? And would it not make things much simpler to explore Hanfei as stating the correspondence of law to truth to the *dao*? Prima facie, it would. However, many questions arise, as for example about the truthmakers. They cannot always be the *dao*. Not everything can only refer to the *dao*, or, if it were so, how could one tell truth from non-truth, since this would have to refer to the *dao* as well? The *dao* is a holistic concept that necessarily encompasses truth, non-truth, and a possibly ambivalent state of affairs. Moreover, if everything corresponds with the *dao*, then nothing does so specifically, and without the specificity of the truthbearer–truthmaker relation, correspondence cannot be achieved. Then, there are several arguments against a correspondence that arise within legalism itself: Just considering the passage quoted above; it is about the *dao* of the ruler, and not the *dao* of the standard. Much of the rebuttal of the direct link of the system of rules and the underlying system stated above also applies here. It is the ruler's task to recognize the *dao* and navigate its state by using *de* (德, dexterity; see Schneider 2013), to be an example for others by using *yi* (義, public persona), and to formulate laws by using *fa* (法, standard). Not in the first text, that the linguistic spectrum is once again created before the real-world state of affairs. And in this last text one does not correspond with the first, but is created after it. It would not be too far-fetched to interpret Han Fei as stating that the frame of reference has to be conceptually before the things that it applies to. Therefore, there is no direct link between these four concepts; they are mediated by the ruler. Without the direct link, a certain common influence, even some type of interdependence can be postulated, but no direct correspondence. The ruler must be able to use his system of law or frame of reference as he deems fit. Once the system is "set up", it becomes a functional frame of reference that encompasses the realm it is intended to rule in its coherent totality.

Again, a point can be made for correspondence: If the ruler's system does not work well with the *dao*, the ruler will lose his reign. This argument, however, can also be dismissed if the causality of failing is carefully studied. If the bad ruler sets up a bad framework, either the system of rewards and punishments will not work, corruption among officials will gain the upper hand, the state will become militarily weak, or the institutions will show flaws, and so on. So it is the failure in the system of standards that triggers the downfall of the ruler, only then will his diminishing *dao* become apparent. It is not the "bad following of the *dao*" that causes failure, but the incoherence in the rule or legal system itself, and through this, the ruler's failure to skillfully navigate the *dao* surfaces.

The *dao* as an abstract entity that cannot be directly referred to guarantees that a coherent system of rules emerges from it through the skillful ruler, and it even takes account of changes in this system, when the skilful ruler transmits them to changes in the legal framework. The *dao*, however, is not causally responsible for every or any part of the system and cannot be the reference for every or any part of the system. The most important problem of correspondence, however, is that it does not help Hanfei in the main purpose of his philosophy, in offering a

system on how to run the state machinery. For Hanfei, coherence as defined above is a much more important feature of legalism than correspondence.

As mentioned differently and argued in this section, there is still a hint of correspondence. It generally takes the form of some sort of influence that the *dao* and the fundamental *fa* have on the system of standards as set up by the ruler. It has been claimed that it is the consistency and completeness of the frame of reference created by the ruler that makes the system work. However, the ruler plays the role of a sort of mediator between the dao and the frame of reference. This type of indirect and non-causal correspondence could be labeled correspondence by intermediation.

This section has argued that Hanfei has a concept of truth that, although not being treated systematically, can still be assessed as a robust idea of what truth is. The question is now, how to operate it in a practical way.

2. FINDING OUT THE TRUTH, THE PRAGMATIST WAY

If the discussion in the first section was about the more general concept of what makes a system, particularly a system of rules, true, this second section asks the question of how to find the truth in language. Basing on this, some of the research program outlined by Lenk and Paul (1993) will be followed in this section.

For Hanfei, a major aspect of ruling is assigning tasks to ministers and controlling their fulfillment. These are both linguistic acts, meaning that the ruler must assess the truthfulness of the minister's accounts. Harbsmeier (1998) puts it nicely: "If you do not check and compare what you see and hear, then the genuine facts will not reach your ear." How does Hanfei propose for the ruler to assess the statements? In chapter 18, facing south, Hanfei shows the technique:

> 人主使人臣言者必知其端以責其實，不言者必問其取舍以為之責。則人臣莫敢妄言矣，又不敢默然矣，言、默則皆有責也

> The lord of men, in keeping ministers in service, ought to know the motive and purpose of every speaker in order to hold his words responsible for an equivalent fact and ask the non-speakers to decide between the pros and cons of the proposition, so as to hold them accountable for the result of the work. If so, nobody will dare to give any arbitrary opinions nor to keep silent. Because both speaking and silence equally involve accountabilities.

Hanfei is aware of the limits of language (Tanaka 2004). So his main idea is to explore the accounts given by ministers and to test their coherence. If they are coherent from all angles, they must be true. If not, trouble arises. Hanfei is also aware that there are differences between first-person and third-person accounts and figures out how to explore these differences in favor

of the ruler. In chapter 32, he explicitly warns the monarch to explore all accounts from all angles and maintain the practicability of his inquiries:

經二： 人主之聽言也，不以功用為的，則**說**者多棘刺白馬之**說**；不以儀的
為關，則射者皆如羿也。 人主於**說**也，皆如燕王學道也；而長**說**者，皆如
鄭人爭年也。是以言有纖察微難而非務也， 故（李）〔季〕、惠、宋、墨
皆畫策也；論有〔迂〕深閎大，非用也，故（畏）〔魏〕、（震）〔長〕、
瞻、（車）〔陳〕、（**狀**）〔莊〕皆鬼魅也；（言而）〔行有〕拂難堅确，
非功也， 故務、卞、鮑、介、（墨翟）〔田仲〕皆堅瓠也。且虞慶詘匠也
而屋壞，范且窮工而弓折。 是故求其誠者，非歸餉也不可。

II. If the lord of men, in listening to words, does not take function and utility as objective, dialecticians will present such absurd discussions as the Stories of the Bramble Thorn and the White Horse. If there is no aim and mark concerned, then every archer will become as skillful as Yi. The lord of men inclined towards theories is always like the King of Yen attempting to learn the way to immortality. Those men proficient in argumentation are all like the Ch ângs, contending for seniority in age. Therefore, words that are too minute to be scrutinized and too ineffable to be carried out are not the need of honor. Thus, for instance, Chi Liang, Hui Shih, Sung Hsing, and Mo Ti were like the painter of the whip. As their theories, being roundabout, profound, magnificent, and exaggerating, were not practical; Wey Mou and Chan Ho, when the former was dealing with the latter, were both like devils and demons inasmuch as their deeds, being frequently unnatural, difficult, stubborn, and angular, were unpractical; and Wu Kuang, Pien Sui, Pao Chiao, Chieh Tzǔ-t`ui, and T`ien Chung were all like hard gourds. Moreover, Y ü Ch`ing impressed the carpenter with reasons, wherefore the house fell to pieces; Fan Ch ü brought the bow maker to his wits' end, wherefore the bows broke to pieces. For this reason, to seek for truth, one must trust practical means.

Here, a parallel to pragmatist theories arises: By comparing statements and examining their coherence from different angles and different perspectives, the ruler is trying to eliminate differences, divergences, and contradictions. The idea being that if he does this, he will be eliminating what is not true, and whatever remains is true. Remembering the pragmatist view, truth is verified and confirmed by the results of putting one's concepts into practice. As quoted above, Peirce sees truth assessment as an asymptotic process marked by gathering practices and comparing them. And James says that the 'true' is only the expedient in our way of thinking, just as the 'right' is only the expedient in our way of behaving. Hanfei's comparison of narratives not for their own sake, but with their practicability in mind, is very similar. As seen in the quotation from chapter 32, Hanfei is aware that language can be used to conceal the truth and to take advantage of the ruler. So, at the same time, language is the instrument to find out the truth and a potential source of confusion. The Legalist mistrusts language as used by others,

and he once again pins the task of discerning true from false accounts on the ruler. And because he distrusts language, he relies on the process of asymptotic revelation of the truth. Hanfei, however, does not stop here. In chapter 30, one of the "Chu shuo" chapters, he goes even further:

經一：參觀。 觀聽不參則誠不聞，聽有門戶則臣壅塞。其說〔在〕侏儒之夢見竈， 哀公之稱「莫眾而迷」。故齊人見河伯，與惠子之言「亡其半」也。其患在豎牛之餓叔孫， 而江（乞）〔乙〕之說荊俗也。嗣公欲治不知，故使有敵。是以明主推積鐵之類，而察一市之患。 經二：必罰。 / 經三：賞譽。 /經四：一聽。 一聽則愚智不（分）〔紛〕，責下則人臣不參。其說在索鄭與吹竽。 其患在申子之以趙紹、韓沓為嘗試。故公子氾議割河東，而應侯謀弛上黨。 經五：詭使。 /經六：挾智。 /經七：倒言。

1. Comparing Different Views. If the sovereign does not compare what he sees and hears, he will never get at the real. If his hearing has any particular passage to come through at all, he will be deluded by ministers. The saying is based on the clown's dream of a cooking stove and on Duke Ai's saying that his mind became bewildered for of lack of advisory council. For further illustration, the man of Ch`i claimed to have seen the Earl of the River, and Hui Tzŭ remarked that the ruler had lost half the brains in the country. Its contrary is instanced by the starvation of Shu Sun by Shu Niu and the interpretation of Ching's customary law by Chiang Yi. Duke Ssŭ wanted political order, but, not knowing any special kind of statecraft, merely made the ministers hostile to one another. For the same reason, the intelligent sovereign would infer the need of guarding against rapacious ministers from the reason for piling iron bars on the walls of the room as a measure against stray arrows and judge the existence of an impending calamity in the market place from the allegation of facts by three men. / 2. Making Punishment Definite / 3. Bestowing Reward and Honor / 4. Listening to All Sides of Every Story. If the ruler listens straight to one project alone, he cannot distinguish between the stupid and the intelligent. If he holds every projector responsible, ministers cannot confound their abilities. The saying is based on the demand of the Chăng territory by Wey and on the playing of the Yü instrument. Its opposite is instanced by Shăn Tzŭ's employment of Chao Shao and Han Ta to test the opinion of the Ruler of Han. For further instance, Prince Ch`ih suggested the cession of the territory east of the Yellow River; Marquis Ying proposed to loosen the garrison at Shang-tang. / 5. Making Pretentious Appointments / 6. Manipulating Different Information / 7. Inverting Words

Knowing the potential dangers of language, Hanfei tries to invert them by making the ruler use exactly those properties of language that his ministers might use against him. This list is particularly interesting, because it specifies how to use language in order to find out the truth. If comparing different views and listening to all sides of every story were also mentioned in

chapter 18 and 30 above, here Hanfei makes the list more complete. Especially the last two items show how complete the process of truth assessment should be. He wants the monarch to lead his ministers astray by manipulating information or willingly changing the meaning of their accounts in order to see their reaction and to potentially find out whether they were lying to him. The idea might be that ministers would have to correct the monarch's previously twisted story, offering him again a chance to see the coherence in the accounts. Also, this method would help him to identify those ministers that could not or did not want to correct him and those that would go along with the manipulation if they thought that it would serve their own interest. So, by manipulating the linguistic evidence, the ruler does not only find out more about the truth of the accounts, but also about the personality of the ministers (Du 2010).

Two important features of the overall legalist approach are also part of this list: making punishment definite and bestowing reward and honor. This may be just a logical consequence of chapter 6 (see above). However, it also makes clear that even blame and praise are linguistic acts, or at least have their conceptual begin in the (spoken or written) word. Hanfei himself acknowledges that not all forms of praise need to have a real-world consequence. Sometimes, just by uttering words that fit into the overall framework, the monarch will be doing great favor to a minister. Also, the installment of someone with a title or a rank does not need to be followed by anything, yet the linguistic fact as such is enough to impact on the whole life of the minister. With punishments, it is different: They necessarily need to be followed by real-world consequences. But again, Hanfei relies on precise language in order to instruct how punishments are to be applied. Both are in the list, because the monarch, by mentioning them, can again influence the account of his ministers by incentivizing them to tell him the truth.

The list above provides the monarch with different instruments for finding out the truth. All the instruments are grounded in language, and they work as a whole. The monarch cannot and should not rely on just one of them, because if used in isolation, a given instrument may incentivize the ministers perversely and make them lie to the ruler. By using all of them, there is a balance of incentives which makes it more likely to achieve a "bottom line" about what the truth of an account is; this is the process of asymptotic truth revelation as envisaged by Hanfei. Since the legalist is primarily focused on the relationship between ruler and his ministers, it remains unclear whether he envisages the ministers as using the same system with their subordinates and ultimately with the populace. Using these instruments, however, requires dexterity in their application as well as deep knowledge of the system of rules and standards, i.e. of the frame of reference.

If coherence is a feature of the legal system to be complete, unambiguous, stable, consistent, and applicable on the basis of *fa,* the pragmatist method of finding out whether statements are true can be used by the monarch for different purposes. He can assess ministers by finding out if what they say is coherent with what they and others say and do. By twisting the truth, he will find out if they adhere to his system of rules, since it is from the system that one knows whether a given action in a given circumstance is desirable or not. By "laying out traps", the ruler can

observe how well ministers deal with the system as a whole and thus how loyal they are or how correctly they perform their duties.

3. CONCLUSION

This paper makes some bold claims about Hanfei's view on truth. First, Hanfei is interpreted as having a substantial idea of what truth is and what role it plays in his legalist system. Truth is a property of the consistency, completeness, and applicability of a framework of rules, standards, or laws. Using the coherence theory of truth, this system has been explored, and a particular emphasis has been made against a direct or causal link of this framework with the *dao.* This prevents Hanfei's idea of the truth to be correspondence-style. However, there are clear influences of the *dao* on the framework through the ruler, so that Hanfei's concept of truth might also entail correspondence by intermediation.

Another question concerns the application of the system of rules, laws, or standards in everyday life, or how the ruler finds out about the truth in the ministers' accounts. Hanfei again develops a system of instruments that use language to assess the truth. He relies on repetition, different perspectives, manipulation, praise, and blame in order to find out if a minister is reporting the truth. Hanfei tries to turn the weaknesses of language into an asset for the ruler by making him use those weaknesses to his advantage. It is in this process that the true account is approached asymptotically.

In conclusion, for Hanfei, the coherence of his system of rules is the property that "makes it right", or true. The pragmatist concept of truth, on the other hand, is a tool for the day-to-day duties of the monarch.

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