

## READING HAN FEI AS “SOCIAL SCIENTIST”: A CASE-STUDY IN “HISTORICAL CORRESPONDENCE”

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**ABSTRACT:** *Han Fei was one of the main proponents of Legalism in Qin-era China. Although his works are mostly read from a historic perspective, the aim of this paper is to advance an interpretation of Han Fei as a “social scientist”. The social sciences are the fields of academic scholarship that study society and its institutions as a consequence of human behavior. Methodologically, social sciences combine abstract approaches in model-building with empiric investigations, seeking to prove the functioning of the models. In a third step, social sciences also aim at providing policy advice. Han Fei can be read as operating similarly. First, he builds a model of the nature of men, the state, and its interconnections, and then he uses history as empiric ground to prove his models. Again, after studying society as a “raw fact”, Han Fei develops models on how to deal with “society”. This article examines the “social scientific” inclinations of Han Fei by re-reading Chapter 49 of his book and applying an analysis in “historical correspondence”. This article serves as a case-study in this new type of analysis that can prove fruitful for the advancement of comparative philosophy.*

**Keywords:** *Han Fei, Social Science, Qin, Chinese Legalism, Philosophy of Law*

### 1. INTRODUCTION

Han Fei (韓非, 280? – 233 b.c.e.) was one of the main proponents of Legalism in *Qin*-era China. Although his works are mostly read from a historic perspective, the aim of this paper is to advance an interpretation of Han Fei as a “social scientist” in a sense that still has to be developed. The social sciences are the fields of academic scholarship that study society and its institutions as a consequence of human behavior. Methodologically, social sciences combine abstract approaches in model-building with empiric investigations, seeking to prove the functioning of the models. In a third step, social sciences also aim at providing policy advice.

Can Han Fei be read as operating similarly? If the answer to this question is to be positive, a three-step approach should be identified in his work. First, Han Fei would

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have to have analyzed the social reality he was dealing with. This entails identifying behavior, structures, and interconnections. Second, he would have had to test his analysis empirically, and, third, he would have had to derive his policy advice from his analysis and its empirical testing. The first challenge to become apparent when answering the question above is the historicity of the author. Obviously, the term “social science” applies to a specific range of modern academic disciplines. Therefore, applying the term to Han Fei automatically entails some sort of anachronism; this means, applying terms outside their historical contexts. This however, does not make the enterprise impossible. Following Boff (1983), it is possible to construct a parallelism as follows: The meaning of being a social scientist with regard to today’s standard of the academic discourse corresponds to Han Fei’s social philosophy in relation to the standard of scholarly discourse in his time.

This “historical correspondence” allows the re-reading of a classic or ancient text in today’s academic context. It is, however, always a construct, meaning that it departs from the original text, evaluated from a scientific perspective. It does not mean that Han Fei actually thought like a social scientist, or even that he wanted to practice social science. The “historical correspondence” allows a certain type of interpretation by comparing two relationships: The thinker being analyzed in the context of his time or culture and similar philosophies/approaches today in the context of our time or culture.

Even if this article is concerned with a specific Chinese philosopher, this technique of establishing a “historical correspondence” may prove a fruitful approach in comparative philosophy. It would allow not only comparing different philosophies across the cultural border but also over the historical timeframe. This technique also anchors the comparative approach to a specific context: It claims that a set of thoughts has to be analyzed and interpreted within the historical and cultural context in which it was formulated. As such, “historical correspondence” allows a comparative approach but also expands the comparison to take the relevant context into consideration. Therefore, readers interested in Chinese philosophy will find an article about the philosopher Han Fei. Readers interested in comparative philosophy will find a case-study for the application of “historical correspondence”.

In order to set up the comparative framework: What did it mean in *Qin*-era China to be a legalist? The objective of the legalist philosophers (*fa-jia* 法家) was to strengthen the position of the state or his ruler (*jun* 君, a duke or king, later the emperor).<sup>1</sup> According to Ivanhoe (2011) and Harris (2011), an important instrument of the ruler's power were the ministers and officials (*chen* 臣) as a bureaucratic elite. The ruler had to employ the ministers by using their strength for himself and by countering their intrigues against himself. Furthermore, other bureaucratic measures like unifying weights and measures, promulgating law codes, registering households, collecting taxes, and recruiting men for official work and for the army were some of the other handles of state the rulers were to apply. It is important to remember that for Han Fei, society and state meant the same.

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<sup>1</sup> Legalism is a broad but perhaps wrongly-used term. For a more precise analysis see Goldin 2011.

This paper uses the traditional text, *Han-Fei-Zi*, and re-interprets it in a modern approach as “historical correspondence”. This paper is an attempt to read Han Fei in a specific sense. In order to do so, the awareness of two problems is imperative. First, it cannot be claimed that Han Fei originally intended to be a social scientist in the modern sense – or perhaps in any sense – of the expression. Most probably, the thinker wasn’t even a self-conscious philosopher, but an active member of the ruling class providing counsel to monarchs. Second, there is the issue of clarifying the idea of social science employed. Here again, two possibilities emerge: On a strong claim, Han Fei can be read as a “social scientist”. On a weaker claim, he can be read as *practicing* social science.

The difference between these two claims will be explained in the first section of this paper. The examination of textual evidence and philosophical argumentation will be delivered in a second section. Finally, a third section will examine what it could mean today – in a constructive engagement – to read Han Fei along the lines described above.

## 2. WHAT IS SOCIAL SCIENCE?

In a first, simple approach, the Merriam-Webster (2011) dictionary defines social science as “a branch of science that deals with the institutions and functioning of human society and with the interpersonal relationships of individuals as members of society” and “a science (such as anthropology or social psychology) dealing with a particular phase or aspect of human society”.

Similarly, UK’s Economic and Social Research Council (ESRC, 2011) states that

Social science is, in its broadest sense, the study of society and the manner in which people behave and influence the world around us. Social scientists shape our lives usually without us even being aware. The role of governments in an increasingly market-based society, for example, has been determined by famous thinkers such as John Maynard Keynes and Karl Popper. It was an economist who first dreamt up the idea of National Health Service. And the payment of billions of pounds of state benefits for the needy has been influenced by the work of social scientists.

Both definitions seem to imply that human relationship creates a reality of its own. Whereas the first gives emphasis to institutions and their functioning, the second focuses on human behavior and asserts that social science serves analytical purposes. However, social sciences also have a normative dimension. It is the outcomes of social sciences like sociology, economics and jurisprudence that justify or induce social institutions, regulations and norms. In both definitions, there is a sense of a social reality – similar, albeit not argued for, to Searle’s later work of social facts (Searle 1995) – which on the one hand is created by human interaction and on the other hand in itself influences social behavior. In other words, social science has an analytical as well as a normative side.

What do social scientists do? They aspire to science about social facts – which is to say, they intend to study human action in a systematic, rigorous, evidence-based,

falsifiable, replicable, generalizable, non-subjective, transparent, skeptical, rational, frequently causal, and cumulative fashion (Gerring 2012).<sup>2</sup> Of course, social science is a broad concept encompassing a wide range of different disciplines like anthropology, law, political science, education, economics, or sociology (Byrne 1998); not all use the same methods, and not all value the same approach to their specific subjects. Whereas some (economics, political science, sociology) employ quantitative methods, others (anthropology, history) use a qualitative approach. Flyvbjerg (2001) urges all social scientists to employ both – qualitative and quantitative – approaches. He puts more emphasis on qualitative accounts, however, since he considers them to “matter more”.

Is there a difference between being a social scientist and practicing social science? At a first glance, the social scientist is conscious of being an academician dedicated to a specific branch of science. Usually, social scientists are focused on the rigor of the methods they employ, for since the “*Methodenstreit*”, there has been considerable quarrel over the question whether there is a specific social-scientific methodology (Winch 1990, 66-71). Furthermore, social scientists are aware of the normative character of their research, and due to the double-nature of social science, they try to discern analytical from normative factors when researching (Winch 1990, 73-75). Therefore, to claim that a given person is a social scientist implies that this person is aware of these characteristics and the person qua scientist follows the rigor of being an academician working on a double-natured field. It is not easy to identify when which nature of the field comes into question and when they are questionable. While descriptive science has academic rigor, the description occurs within normative parameters. There is instrumental normativity instructing research and disciplines towards efficiency, the standards of rigor etc. This type of normativity is accepted and needed. The second type consists of value judgments; usually, it is considered that they should not influence the practice of social science.

Stating that Han Fei was a social scientist is a strong claim – too strong to hold, since the legalist didn’t seem to be aware of working as a scientist and had never meant to separate analytical from normative claims.<sup>3</sup> In fact, his enmity towards intellectualism strongly suggests that he was no social-scientist and didn’t consider himself to be a scholar.<sup>4</sup>

This paper contemplates whether Han Fei practiced social science. This entails treating human society as a factual reality and its institutions and outcomes as social

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<sup>2</sup> For a compendium of definitions from prominent writers see: [www.gly.uga.edu/railsback/1122sciencedefns.html](http://www.gly.uga.edu/railsback/1122sciencedefns.html). For work addressing the meaning of science in a more nuanced and extended fashion see Laudan 1983, Schaffer 1997. Evidently, there is disagreement over how to define science, and over the utility of the scientific ideal - however defined. For critical views, see Barnes and Bloor 1982, Feyerabend 1978, Harding 1986 and 1987, Latour and Woolgar 1979, Shulamit 1992, Woolgar 1988.

<sup>3</sup> JeeLoo Liu argues in different papers (e.g. 2011) that the separation of fact and value is not made in Chinese philosophy and is in itself a bold claim.

<sup>4</sup> A good proof of this is the end of Chapter 49 of the Han-Fei-Zi in which scholars are the first group of vermin. Of course, he meant Ruist (Confucian) scholars, but his general anti-intellectualism also leads him to condone ministers, speech-makers and other typically intellectual groups.

facts. Social facts can be easily described as a reality created only by social interaction. An example of social fact is money. It is a factual reality that is created by the interaction of people (Searle 1995). To *practice* social science is to think about these matters in a systematic, rigorous, evidence-based, falsifiable, replicable, generalizable, non-subjective, rational, and causal way, as specified above. Practicing social science does not necessarily oblige the academician to scientific rigor in his demeanor. In this sense, it is a much weaker claim than stating that Han Fei was a social scientist, and yet it points to something important: It entails that he at least analyzed society carefully and within the constraints of society itself, i.e. without regress to ontological or cosmological principles. The next section intends to make this reading of Han Fei plausible.

### 3. READING HAN FEI

In this section, the argument for Han Fei as *practicing* social science is going to be made. Methodologically, in order to make this argument, the concept of “historical correspondence” will be put in use. It is important, therefore, to understand the practice of social science under a double caveat. First, it is always meant in the sense of “historical correspondence”, i.e. in the sense of comparing the relationship of social science with today’s academic standard to Han Fei’s thoughts in relation to his epoch’s social standard. The second caveat is an understanding of the practice of social science in the broad sense, as outlined above; i.e. thinking about human society’s actions in a systematic, rigorous, evidence-based, falsifiable, replicable, generalizable, non-subjective, transparent, skeptical, rational, frequently causal, and cumulative fashion. In order to do so, some exemplary passages of the text will be used to analyze Han Fei’s argumentation.

The texts or passages analyzed below are considered to be exemplary for the work of Han Fei. They were chosen on two grounds: Either they are well-known and often quoted by today’s works on Han Fei, comparative philosophy, and Chinese philosophy, or they are important for Han Fei himself, meaning that the overall work refers to these passages. In both contexts, this article does not intend to enter into sinologists’ debates about composition of the texts and authenticity of various chapters in the book by Han Fei. The overall argument is not affected by the fact that the book was not written by one person but is the product of an evolution, since Han Fei can easily be understood and interpreted as a school of thought within Legalism. If sinology should expose the work as a multi-layered text with different authors, then the re-reading offered here would only change in so far as the authors (instead of the author) of Han Fei will be interpreted as having practiced social science (see Smith 2003).

#### 3.1 THE GENERAL AND REPLICABLE

One of the best known allegories in the *Han-Fei-Zi* is the following:

A man from Song was plowing his field, which had within it a tree stump. A rabbit ran through his field, crashing into the stump, breaking its neck, and dying. At this point, the man from Song laid down his plough and kept watch over the tree stump, hoping that he would get another rabbit. However, getting another rabbit in this manner was impossible, and so this man became the laughingstock of the state of Song. As such, if one desires to govern the people of the present age by means of the governing methods of the former kings, this is the same as keeping watch over the tree stump. HFZ 49/145/19-21 (Watson 2003, 98)

As a metaphor, the story is illuminating. However, does it hold a social-scientific point? Han Fei's primary concern is how to govern. He is looking to provide the monarch with instruments for ruling a state; the instruments to be employed must work, i.e., once applied, they must always produce the same outcome. In other words, Han Fei is looking for a causal system. The rabbit running through the field and crashing into the stump is contingent and thus does not qualify. For Han Fei, analyzing events as they are is an important part of his activity as a thinker and counselor, because it is from this analysis that he can discern the causal, i.e. the necessary, from the contingent.

In this text example, Han Fei is criticizing a view on ruling that relies on history and experience. The author makes a point of differentiating between what happens randomly and what happens because constructed, man-made conditions make it likely to happen. It is important to note that the man from Song does not set up a trap; he just waits for something to happen, i.e., he is not applying himself to change his environment in order to allow for more rabbits to come or be caught. For Han Fei, rulers have the ability to influence society; this ability goes even so far as to create a whole system of interacting relationships that enable desirable outcomes to materialize. It is certainly anachronistic to think of Han Fei as reflecting on causality, but in the sense of "historical correspondence", it is safe to assume that he wanted to create a system that creates replicable situations with replicable outcomes. He did not want this to be based on possibilities, he aimed for certainty.<sup>5</sup>

In this passage, Han Fei turns his argument skeptically against history and makes three relevant points. First, the past may be a guide, but one must carefully scrutinize whether it still fits into the reality of present-day human society. Second, the methods employed for governing must be non-subjective, since they are not to be bent to the monarch's will, but the ruler has to utilize them according to the social realities he sees himself involved in (the monarch does not influence social reality (first layer) around himself, he creates a more potent social reality (second layer) that he can apply for dealing with the first layer). Third, the desire to govern alone is not sufficient for governing; it is the employment of certain methods – social facts themselves – that empowers the ruler.

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<sup>5</sup> An even stronger claim could be made: In the sense of the paragraph, Han Fei has the idea of applying interlinked instruments according to a standard core concept of what is commonly called causality. Of course, this does not follow from the above and it still needs a more in-depth argument. This, however, is not in the scope of this article.

### 3.2 HISTORY AND ADAPTATION

Han Fei does not only create a system for governing; he is not only dedicated to social and political philosophy, he is also devoted to studying historic realities. His main interest is to learn from history and adapt some of the once successful stratagems. On the other hand, he is also very skeptical about accepting historical facts or even history in itself as a guiding principle. For example:

So, if people were to praise the ways of [the ancient sages] Yao, Shun, Tang, Wu, and Yu in the present age, they would certainly be laughed at by new sages. Therefore, [true] sages do not expect to follow antiquity, nor do they take as their model an unchanging standard of what is acceptable. They examine the affairs of their age and make preparations based on these. HFZ 49/145/17-19 (Watson 2003, 98)

Here again, Han Fei makes two points: First, he uses the classic term “sage” but gives it a new meaning. The gentleman does not hold to history for its own sake, but the true gentleman (or the intelligent man) is the one that succeeds in adapting the standards and making them into something useful to him. This statement – poetic itself – presupposes the idea of a reasoning person who is able to make evidence-based judgments despite his liking or disliking of the evidence and despite the evidence accommodating virtue, the good, or even depravation. This deserves attention, since it hints at descriptive versus normative approaches. For Han Fei, it does not seem to be important which value-judgment one associates with historic developments, but it is important what history can teach in relation to actual circumstances. Han Fei presupposes an analytical separation between the narration of history and the moral content the recipient associates with the narrative.

Second, but similar to the above, Han Fei takes the actual state of (social) affairs to be a base for the development of a causal system on how to influence them. Making preparations – as the text suggests – could be read as setting the standards and their interrelations in order to use the handles of society or the state. Setting uniform standards is necessary for “taming” the constant change social systems go through. Or, mirroring the argument above, since the 1<sup>st</sup> layer of social reality is highly dynamic, the 2<sup>nd</sup> layer is able to analyze and transform it into a more stable frame of reference. The social system and its changing character are made clear in the following text:

In general, those who object to varying the old do so because they fear to make changes in the face of people’s contentment. Those who do not vary the old are carrying on in the footsteps of disorder. Those who satisfy the people’s hearts throw off the restraints to people’s wicked behavior. If people are stupid and do not understand [what results in] disorder, and if the ruler is weak and cannot implement change, this results in a failure of order. As for a [true] ruler, his clear-sightedness enables him to understand [the conditions of] order. His severity is such that he will certainly implement it, and so, even if he goes against the hearts of the people, he will establish order. HFZ 18/31/19-21 (Watson 2003, 95)

In contrast to the passages quoted before, Han Fei does not employ the anecdote as a figure here, something typical for his style. This in itself may have meaning. On the one hand, anecdotes are used to make texts readable and were (and are) widely employed in Chinese literature. On the other hand, for Han Fei, the different stories he tells also serve as empirical proof of his different points. As a thinker, he seems to be aware that there are abstract arguments, but that these arguments must be mirrored by the social facts they try to describe. The anecdotes he employs illustrate the social facts and their relations as they were explained in the abstract argument. It may be that Han Fei did not have a concept of representativeness for the different stories he tells, but he seems to deem them reliable, for he not only gives them weight in his statements, he also tells anecdotes that may contradict his thesis, analyzing them and showing that, all things considered, the *prima-facie* contradiction doesn't hold.

The passage quoted above features two main arguments. First, the non-subjectivity of the ruler is emphasized. Not only may he not apply the handles of the state according to his sympathies, but he is also required to recognize the state in which the system is, since the system will not adapt itself to his desires. Here, Han Fei requires the ruler to bend – epistemically – to the social facts. Again, he separates the first layer of social reality (what happens) from the second layer (which instruments to employ) and from personal preferences or value-judgment.

Second, the legalist addresses behavior not as something to be judged by morality, but as something real that cannot be trained away, but which can nevertheless be dealt with or employed without completely disappearing. Han Fei does not say that the stupidity of the people or their wicked behavior will go away; he only states that they can be contained by order. This is not a moral or ideal argumentation; it is a practical analysis of a given state of affairs.

### 3.3 HUMAN BEHAVIOR

As Han Fei proceeds to analyze human behavior in its strict sense, he says:

In general, for governing well (ordering society well), it is necessary to follow the natural dispositions of man. Men have their likes and their dislikes, and thus rewards and punishments can be utilized. Since rewards and punishments can be utilized, prohibitions and orders can be established, and order can be achieved (the way of order materializes). The ruler grasps the [two] handles [of punishment and reward] in order to place himself in a position of power, and thus orders are implemented, and what is prohibited ceases. HFZ 48/142/10-11 (author's translation)

Han Fei recognizes what he calls “natural dispositions”. One might argue that Han Fei is speaking about human nature, but from a more fine-grained point of view, he does not even postulate such things, for the legalist only considers likes and dislikes and seems to refer to human responses to social stimuli. Even if he proceeds to analyze “human nature” elsewhere, Han Fei opts for a less ontologically committed position here and constructs a model in which human beings react to rewards and



punishments, the two handles of the state. By doing so, he is, once again, looking for a system that first explains how people react and which can then be employed successfully, i.e. causally.

Yet, two further characteristics of social reasoning may be noted in this quote: experiments must be replicable and generalizable. Han Fei draws an abstract model of men that serves to explain all individuals. He is not speaking about a memorable sage, nor is he recounting the anecdote of a specific gentleman – instead, he takes a simplified abstract and makes this abstract thought a placeholder for all men. He generalizes in order to replicate his main idea concerning the two handles of the state. By doing so, he has to accept the consequence that he is open to falsification; i.e., by practicing social science, he has to accept the possibility of being proven wrong. This is also one of the reasons of his going to great lengths to prove others wrong. The Han Fei dedicates several chapters to the contradiction of many arguments advanced by the Confucians, but it is also a treatise on how to change Daoism. Han Fei is serious about his arguments, because he seems to know what the scholarly standard of good reasoning is.

A last observation seems crucial to position Han Fei as a thinker who had practiced social science: He confers these two handles of the state's general (i.e. almost causal) powers, and as such he accepts them as social facts. If social science deals with social facts, then Han Fei is an exemplar of such thinking. He conceives the handles not only as instruments, but as realities, for to be real is to have causal power.<sup>6</sup>

### 3.4 THE METHOD OF HAN FEI'S ARGUMENT

In the past three examples, Han Fei is shown as making “social-scientific” observations by structuring a model of argumentation, looking for empirical evidence for or against his model, and on the basis of the model and the evidence, providing policy advice to the ruler. One might object that it is relatively easy to find “social-scientific material” in Han Fei's vast book. A main characteristic of (practicing) social-science is to go beyond isolated arguments, but to be methodic in the overall rationale of a presentation; it is a characteristic of social science to offer thoroughly rational arguments.

It is not mere coincidence that two of the above quoted sections are from Chapter 49 of Han Fei. This chapter could be read not only as having social-scientific content, but as being structured analytically in such a way that its own logic points towards a thinker who is *practicing* social science.

Chapter 9 of the *Han-Fei-Zi* begins with four different types of arguments. It begins with the stories about the nester, the kindler, and the channel builder, in order to make a case for the advancement of technology throughout history. Then, it goes to

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<sup>6</sup> One might argue whether ‘causality’ is an acceptable expression and whether it does not have different meanings in the “East” and in the “West”. This does not seem fruitful for the aims of this paper, since even in so-called western philosophy there are different notions of causality.

a second argument; to the above-discussed man from Song. After this story, a parenthesis lasting from “In ancient times, husbands did not have to till the fields...” to “Circumstances change according to the age, and the ways of dealing with them change with the circumstances” is opened (Watson 2003, 98 - 100). The third argument begins by examining how the efficacy of the use of benevolence and righteousness has declined in history. After examining different patterns of ruling (by virtue, by charisma) and telling the story of the Duke of Ai, the fourth argument begins and continues to the end of the chapter: the case for laws with strong rewards and punishments.

Despite the content of the chapter, it is worth noticing how Han Fei constructs it. By first giving an overview on how technology and rulership are interlinked and how they evolve in history, the Legalist makes a twofold claim; that power relies on certain means to steer (or control) society, on the one side, and on the other side, that these means have to be continually improved. Switching to the second argument, replicability and predictability in the employment of those means are exemplarily explained by showing what they are not – the rabbit running into a stump. Both arguments together make a bigger, more complete one.

However, Han Fei does not rely only on this logic, but opens the mentioned parenthesis to explain how human society developed over time. Here, history provides the empirical ground for testing the sum of both arguments described above. In analyzing that human society lives within constraints, and that these constraints change society as well as human agency changes these constraints, the Legalist is suggesting that mankind creates facts as it evolves. Among these socially created facts, there are technology, relationships, systems of administration and organization of the society itself – and, of course, also values.

This opens the way for the third argument, where Han Fei compares different styles of rulership, basically distinguishing between value or virtue-based and charisma-based. It is interesting, once again, to note the analytic quality of Han Fei’s style. He begins the chapter by linking technology to power, then making a case for a system that can be determined by the person holding power, and strengthening the convergence of both steps by showing how history unfolds. At the same time, the historical analysis is used to prepare the third argument: If virtue is the product of a social evolution (and not a natural given), then it is possible and easier to compare it to other products of this process and, eventually, to discard it as a guiding principle.

Exactly this happens in the further course of this third argument. As Han Fei shows that values are a social creation, he treats them as a further tool to steer (or control) society. Without diminishing the historical efficacy of rulership by values, the Legalist notes that values are not as replicable and predictable as technology, i.e., he intends to mirror the argument he used at the beginning of the chapter. After this fails, Han Fei points toward the second problem with virtue: Even if virtue served well for administration once, social realities change and warrant new means. These are further exposed in the fourth argument as a solution for this problem.

Instead of just writing about what a monarch has to do, Han Fei is extremely careful to construct a rational and analytic argument. Despite its content, Han Fei

shows many characteristics of social science, not only constructing a model and using empiric data – as far-fetched as it might seem – to prove the model, but by applying the same structure of argumentation to each claim, sorting out different pro and contra facts, and measuring them in the light of social reality, i.e. without further appeal to nature, intuition, or other instances.

In sum, this section argues for the consideration of Han Fei as a philosopher *doing* social science. With four exemplary quotes, several of the main features that can count as characteristic traits of social sciences were shown to be present in Han Fei's work. His thinking about human society and action is undertaken in a systematic, rigorous, evidence-based, falsifiable, replicable, generalizable, non-subjective, transparent, skeptical, rational, frequently causal, and cumulative fashion. After a closer look at the structure of the argument in Chapter 49, the social-scientific dimension of Han Fei's thinking becomes even more plausible. Watson (2003, 11) unconsciously admits this as his historical introduction to the Han Fei states: "Han Fei wrote his essays on political science for the king of Han."

#### 4. HOW DOES THIS MATTER?

What is there to learn today from a social-scientific reading of Han Fei? There are several implications for philosophy in China as well as in the so-called "West". First, if Han Fei is read as someone who thought about social reality as it exists independent from morality, cosmology, or ontology, then he would have been among the first philosophers to practice social science in the history of mankind. This, on the one hand, refutes an old cliché about Chinese philosophy as a sort of "speculative morality". On the other hand, it could teach the "Western" thinker that the influence of social science today (see the ESRC's definition) doesn't necessarily make it irreplaceable, since Han Fei and the other Legalists were quickly quieted after their era. Moreover, it would show that social science could be based on different approaches, other than the now-dominating formal rigorism. Han Fei shows – to some degree, of course – how it is possible to practice social science within a narrative framework without giving up many of the principles that characterize its approach.

This article itself has two readings. In a first, bold one, Han Fei is shown as a practitioner of social science. Of course, he would not submit to today's techniques, but in the sense of a "historical correspondence", his approach in relation to the scholarly standard of his time is parallel to today's social scientific approach compared to our academic settings.<sup>7</sup> But even in a second, more timid reading, this paper bears an important point concerning Han Fei: He at least had an intellectual inclination closer to social science than anyone of his generation and a long time to follow. Even if he was not as systematic as social science is today, in a "historical correspondence", many of today's qualities of social scientific research can be conferred upon him. His thinking about human society and action is done in a

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<sup>7</sup> By Han Fei's telling stories, even the qualitative element, present in some of today's disciplines (history, anthropology) and advocated by Flyvbjerg is fulfilled.

systematic, rigorous, evidence-based, falsifiable, replicable, generalizable, non-subjective, transparent, skeptical, rational, frequently causal, and cumulative fashion.

For Chinese philosophy, and especially in the light of a constructive engagement with the “West”, reading Han Fei as a thinker who practiced social science has an important implication. Making sense of his acknowledgement of the products of social interaction creates a new common ground for comparative philosophy. Not only the comparison of cosmological, metaphysic, and moral thinking can be achieved – but since the common fact is given, Han Fei’s theories could be used to enrich “western” approaches, and vice versa.

This article also intends to advance a technique in comparative philosophy called “historical correspondence”. Applying this technique, this article made the following claim plausible: The meaning of being a social scientist with regard to today’s standard of the academic discourse corresponds to Han Fei’s social philosophy in relation to the standard of scholarly discourse in his time.

This “historical correspondence” allows the re-reading of a classic or ancient text in today’s academic context. It is, however, always a construct, meaning that it departs from the original text, evaluated from a scientific perspective. It does not mean that Han Fei actually thought like a social scientist, or even that he wanted to practice social science. The “historical correspondence” allows a certain type of interpretation by comparing two relationships: The thinker being analyzed in the context of his time and culture and similar philosophies/approaches today in the context of our time and culture. This technique enriches the methodological “toolbox” of comparative philosophy. This article, therefore, can be read as a case-study of the application of “historical correspondence”.

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#### REFERENCES

- Boff, Clodovis (1983), *Theologie und Praxis - Die erkenntnistheoretischen Grundlagen der Theologie der Befreiung* (München: Kaiser Verlag).
- Byrne, David (1998), *Complexity theory and the social sciences: an introduction* (London: Routledge).
- Flyvbjerg, Bent (2001), *Making social science matter: Why social inquiry fails and how it can succeed again* (Oxford, UK: Cambridge University Press).
- Gerring, John (2012), *Social Science Methodology: A Unified Framework* (Cambridge: Cambridge University Press).

- Goldin, Paul (2011), "Persistent Misconceptions about Chinese 'Legalism'", *Journal of Chinese Philosophy*, 38 (1): 88-104.
- Han-Fei-Zi* 《韓非子》 trans. and with notes by W. K. Liao (1959), *Complete Works of Han Fei Tzu: A Classic of Chinese Political Science* (London: Arthur Probsthain).
- Han-Fei-Zi* 《韓非子》 trans. by Burton Watson (2003), *Han Fei: Basic Writings* (New York: Columbia University Press).
- Harris, Eirik (2011), "Is the Law in the Way? On the Source on Han Fei's Laws", *Journal of Chinese Philosophy*, 38 (1): 73-87.
- Ivanhoe, Philip (2011), "Han Fei and Moral Self-Cultivation", *Journal of Chinese Philosophy*, 38 (1): 31-45.
- Liu, JeeLoo (2011), "The Is-Ought Correlation in Neo-Confucian *Qi*-Realism", *Contemporary Chinese Thought*, 43 (1): 60-77.
- Searle, John (1995), *The Construction of Social Reality* (New York: The Free Press).
- Smith, Kidder (2003), "Sima Tan and the Invention of Daoism, 'Legalism', et cetera", *The Journal of Asian Studies*, 62 (1): 129-56.
- Winch, Peter (1990), *The Idea of Social Science* (London: Routledge).