

FA [1]: DID ITS MEANING CHANGE
IN CHINESE PHILOSOPHY?
SOME REMARKS ON *FA* IN CONFUCIANISM
AND LEGALISM

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The aim of this article is to briefly analyse the use of the character *fa* in early Chinese philosophical texts and in the works of so-called Legalists, and give some justifications for the claim that the meaning of the character did not simply change from 'standard', 'to model' in the texts of the Confucians into the meaning 'law' in the intentions of legal positivism, as it is often interpreted in the books on Chinese philosophy.

First of all I want to say that the primary impulse for writing this essay was an article by Chad Hansen: *Fa (Standards:Laws) and Meaning Changes in Chinese Philosophy*,¹ published a few years ago. In his paper he treats the problem of the meaning changes of Chinese characters. He says: "The orthodoxy is that Chinese characters (1) have more meanings and (2) change meanings more frequently than words of other languages."² Then he gives an example of *fa* (standards:laws), saying that the usual view is that this character means *standard* or *to model* for early Confucians, Mohists, and Daoists, but for those called Legalists (and perhaps for Xunzi [2] (fl. 298-238 B.C.))³ it means *laws*.

¹HANSEN, Chad. *Fa (Standards:Laws) and Meaning Changes in Chinese Philosophy*. In: *Philosophy East and West*, Volume 44, July 1994, pp. 435-488.

²Ibid., p. 435.

³Xunzi is believed to be diametrically opposed to an 'idealistic' Confucian Mencius [3] (371-289 B.C.), who taught that the human nature is originally good, thus the source of political and social development should be a cultivation of the 'moral intuition'. The 'naturalistic' Confucian Xunzi, on the other hand, propagated the idea of the original evil nature of man and (Wing-Tsit Chan (trans. and compiled) *A Source Book in Chinese Philosophy*. Princeton: Princeton University Press, 1963, p. 115): "the necessity for its control through law and rules of propriety."

Then Hansen critically depicts the usual practice of using the 'translation paradigm' when translating the text in classical Chinese into Western languages, which dominates Sinology: "Simply put, we assume that in classes and with dictionaries and grammar books, we learn how to read (translate) Chinese. (We tend to learn Chinese grammar as a set of algorithms for translating correctly). Then, armed with this prior, independent knowledge of *meaning*, we tackle the texts and come to discover what Chinese thinkers *believed*. The paradigm encourages us to think of translation as objective, disciplined, and basic. Interpretation – the theory of what philosophers believed – is by contrast speculative, subjective, and undisciplined. These attitudes coexist (surprisingly) with the platitude that the correct translation depends on Chinese characters having the same meaning as the translation term."⁴

Hansen then suggests that in his article he wants to reject the 'translation paradigm' and appeal to philosophical analyses of meaning and interpretation (p. 435). And, he takes as an example the character *fa*, one of the basic *signs* (I deliberately do not use the word *term*, the problem which will be analysed below) in Chinese philosophical texts. In the beginning of the paper, in his survey of arguments for the changes of meaning of *fa* he notices three known scholars (Benjamin Schwartz,⁵ Angus Graham,⁶ Roger Ames⁷) who are believed to accept the orthodoxy that the meaning of *fa* changed (p. 453): "One position emphasizes the *law* sense of *fa* even for the early thinkers, the second approach emphasizes the *standards* and the meaning change to *law* as a minor adjustment, and the third approach treats the two meanings as independent and the change as a real, localizable, and significant meaning event." His issues on Graham's⁸ analysis of *fa* is especially noticeable: "He similarly gives a careful and detailed account of the early 'standards' meaning, stressing the connection of *fa* and *measurement*. He explains the novelty of the Legalist position as lying only in repudiating the view that *fa* require cultured gentlemen to use them. He then provides this exiguous motivation for clinging to the meaning-change hypothesis: 'It is standards enforced by punishment (what for us is penal law) which get fully codified.'⁹ Graham then concludes: "The scope of *fa* thus contracts towards what in Western terms is law." In this respect Hansen points out that Gra-

⁴Ibid., p. 435.

⁵SCHWARTZ, Benjamin. *The World of Thought in Ancient China*. Cambridge, Massachusetts: Harvard University Press, 1985.

⁶See note 8.

⁷ROGER AMES in his *The Art of Rulership. A Study in Ancient Chinese Political Thought*. (Honolulu: University of Hawaii Press, 1983, p.108) proposes to "discuss the evolution of *fa* from its primary meaning of 'model or standard' to the notion of 'penal law'."

⁸See: GRAHAM, Angus. *Disputers of the Tao: Philosophical Argument in Ancient China*. La Salle, Illinois: Open Court, 1989, p. 275.

⁹HANSEN (1994), p. 455.

ham, surprisingly, immediately takes the claim back when saying: "But even among those classed as Legalists it can include, for example, methods of regulating the bureaucracy".¹⁰ Regarding Ames, Hansen criticizes him for his conventional practice of translating: "Ames simply translates the character as 'standards' until he gets to Xunzi and conventionally recognized Legalists, and then he translates the term as 'laws'."¹¹ Moreover, as for Graham and Schwartz, he says that their translations are based on the tradition of change and the *confidence* that Han Feizi [4] (d. 233 B.C.) is a legal positivist.

Hansen again and again stresses that Ames, Graham and Schwartz, though using different approaches, "take the meaning change as given, and read the texts on that assumption".¹² Afterwards, he tries to refute the notions stated above. He then analyses the *meaning* of the English term 'law'¹³ and the system of the interpretations of *fa* in Han Feizi and other ancient Chinese thinkers, giving us many inspirational challenges for future research. However, in the scope of this paper we cannot tackle them in detail. But, what is very important for our topic, I think, is this Hansen's notion (p. 474): "Han Feizi doesn't use *fa* to make people be good according to the world's antecedent idea of good. He uses *fa* to fix what is *shi-fei* [5]." As we will see below, I will try to argue that it is the effort of the so-called Legalist to fix in *fa* the implications of what is *shi-fei* ('right'-'wrong') in a positivist sense, which distinguishes them, to some degree, from the Confucians, who mainly used *fa* in the *meaning* which connotes 'to model the deeds corresponding with the world's antecedent idea of good'. For example, from *Analects* we can derive Confucius' general idea on the 'moral conduct of a man' and punishments which Herrlee G. Creel¹⁴ characterized like this: "The people should be positively motivated by *Li* [6],¹⁵ to do that which they ought; if they are intimidated by fear of punishment they will merely strive to avoid the punishment, but will not be made good. To render justice in lawsuits is all very well, but the important thing, Confucius said, is to bring about a condition in which there will be no lawsuits." However, regarding *fa* it-

¹⁰Ibid., p. 455.

¹¹Ibid., p. 456.

¹²Ibid., p. 456.

¹³*Encyclopædia Britannica* (1997, Vol. 7, p. 200) introduces 'law' as: "the discipline and profession concerned with the customs, practices and rules of conduct of a community that are recognized as binding by the community. Enforcement of the body of rules is through a controlling authority."

¹⁴CREEL, Herrlee G. *Legal Institutions and Procedures During the Chou Dynasty*. In: *Essays on China's Legal Tradition*. Ed. by Jerome A. Cohen. Princeton: Princeton University Press, 1980, p. 39.

¹⁵CREEL (1980), p. 38 properly points out that while in Spring and Autumn times, the term *Li* was used to denote 'a code of aristocratic conduct', Confucius universalized it, making it the 'code of proper conduct of all men' as well as the just and benevolent methods by which government should be conducted.

self, in Confucius' *Analects* it occurs only twice,¹⁶ but in the texts by Mencius (Mengzi [6]) it is used more frequently. Thus, in my analysis of the character *fa* below I will use Mencius as a representative of the school.

Later Hansen treats the problem of the interpretation of the character *fa* from another point of view. Han Feizi is traditionally considered to be a legal positivist, and his *fa* is usually translated into English as 'law', but Hansen, in my opinion, correctly attacks this theory saying: "The theories that Han Feizi is a legal positivist and that *fa*^{standards} means *laws* in his writings do not rest on some neutral, independent ground. They support each other."¹⁷ However, I think, Hansen also provides us with the tenets according to which he implicitly expresses that Han Feizi's *fa* does not satisfactorily correspond with the English concept of 'law', so he is *not* a legal positivist. I do not want to disagree with this notion, however, we should always keep in mind: we should simply accept the fact that the semantic field of the word 'A' in the language 'X' does not inevitably correspond with the word 'B' in the language 'Y'. Of course, this is not just the case of Oriental languages on the one hand and Western languages on the other. In the above text we could see how much is the interpretation of the philosophical texts associated with the culture and the language of the translator. For example, the Anglo-Saxon concept of the term 'law' does not simply correspond with the Slovak term 'zákon'. For example, in an English-Slovak dictionary the word 'law' is translated into many Slovak *equivalents*, which, on the other hand, cannot be translated into English as 'law'. Moreover, Hansen (p. 450) correctly points out: "Classical Chinese philosophy did not use concepts such as *meaning* or *belief* in their theory of language. Briefly, in the classical Chinese view, all dispute is disagreement about the reference, scope, or use of crucial terms. ... Chinese dictionaries, thus, routinely consist of etymologies followed by long list of alternative substitutions. Each gives an example of a character's use drawn from literature with the substitute character for that context."

Generally speaking, the semantic field of a word can be broadened by new meaning connotations, on the other hand, some other connotations of this word can become obsolete or out of use. However, I think, if the semantic field of the word does not generally shift into a *new* semantic field, we cannot say that the *meaning* of the word *changed*. Let us take an example of the Chinese character *zou* [7], which in classical Chinese expressed the meaning 'to run'. While in modern Chinese it is used to express the meaning 'to go', in this respect we can take into consideration another character *with similar meaning*: *xing* [8] 'to go'. In modern Chinese the character *zou* no longer expresses the meaning 'to run', which is expressed instead by the character *pao* [9]. So, we can say that the word *pao* substituted the word *zou* in its semantic field, while *zou* substituted

¹⁶*Analects*, 9.23; 20.1.6.

¹⁷HANSEN (1994), p. 452.

xing in the meaning 'to go'. In modern Chinese, *xing* cannot be used in the simple meaning 'to go', it can be used only in its idiomatic sense. Thus, I think, in this case we can argue that the character *zou* changed its meaning.

Some meaning connotations of a word have the nature of a *term*. As far as I understand the function of a *term*, it is intended to serve for special purposes and reasons, mainly as a subject for a debate or discussion, and it can be conceived differently by different users, by the representatives of different philosophical schools, cultures or by the members of different political parties or interests. For all of them, the *term* is a subject for discussion or debate, all of them have their own *interpretations* and *beliefs* about the *word*, usually supporting the *meaning* which defines and fixes the meaning of the *term* in favour of their interests, philosophical or political theories. In this respect we should stress the idea that the dimension of 'truth' or 'falsity' in these *debates* is not evoked by all the utterances of the languages; therefore it cannot provide an exclusive source of meaning – there are other dimensions, such as feasibility (in case of orders and promises), utility (in case of regulations and prescriptions), and moral worth (in case of advice and laws).

On the other hand, discussions on the *meaning* and content of the *term* hardly affect the use of the *word* by common users of the language in everyday situations, and we should notice that the *word* not used as a *term* is used much more frequently. In everyday situations we mainly use the *word* which we learnt from the coiner, regardless of what kind of *beliefs* about the *meaning* of the *word* we have. For example, we all are citizens of our *state*. We use this *word* in different contexts in common situations: we pay taxes to our *state*, the inflation in our *state* is 10% etc. But, as for our politicians, for example, they would agree that Slovakia and Hungary are neighbouring *states*, but they hardly find consensus on the question of who is 'more important' for our *state*: teachers or judges? – when debating about their salaries. Discussing about this problem, the *term state* must be defined or explained, therefore *fixed*. What does 'the *state*' mean? What or who is the *state*, what idea can serve as characterization of a *state*? Of course, every member of the parliament would interpret this *term* in different ways, and, during the discussion the *state* will be treated as a *term* which should be *fixed*.¹⁸ The same situation might have existed in China during the Warring States and a few centuries later. In the times of the political or philosophical stir, too many *interpretations* of the *terms* of philosophical, social or political theories existed, often mutually contradicting, and in the bitter struggles for power, the rulers, ministers or generals had to define their 'methods' of controlling the society and *fix* their strategies, often labelled as *fa*.

¹⁸Philosophers of the 20th century have written a great deal about the ways in which linguistic *signs* carry meaning. They felt that the 'natural' language (the languages used in ordinary human communication, as opposed to 'artificial' or 'theoretical') were imprecise and sought to elaborate a theory of semantics based on 'ideal' language free of vagueness and ambiguity.

Before I will do my own analysis of the character *fa*, I want to write a few words on the use of this character in translating the Buddhist texts that were imported into China from India. *Fa* came to be used as an equivalent for the Sanskrit word *dharma*. The use of Chinese characters when the foreign ideas were introduced into the Chinese cultural and philosophical context is a special situation. In the particular case of *fa*, Hansen argues that the meaning *did* change.¹⁹ This notion will not be treated in detail in this paper, so in this respect I only will state few remarks on this topic. First of all, what did the word *dharma* mean in Indian Buddhism? The *Shambala Dictionary of Buddhism and Zen*²⁰ defines it as having six basic meanings:

1. The cosmic law, the 'great norm', underlying our world; above all, the law of karmically determined rebirth.
2. The teaching of the Buddha, who recognized and formulated this 'law'; thus the teaching that expresses the universal truth. ...
3. Norms of behaviour and ethical rules.
4. Manifestation of reality, of the general state of affairs; thing, phenomenon.
5. Mental content, object of thought, idea – a reflection of a thing in the human mind.
6. Term for so-called factors of existence, which the Hinayana considers as building blocks of the empirical personality and its world.

In the text below I will try to argue that in Chinese philosophy the character *fa* did not change its meaning from the times of early Confucians to the times of the philosophers labeled as 'Legalists', mainly because (1) the semantic field of the character did not generally shift, only in the texts of the representatives of the 'Legalists' (Fajia [10]) it is 'nominalized' and used rather in nominal functions, as a term, (2) already in the oldest times this character was firmly connected either with the 'punishment' and either with the idea of the 'norm', 'standard', 'rite' or 'to model', 'to imitate'. So, we simply cannot claim that *fa* changed its meaning from the 'standard' or 'to model' in the texts of Confucians into comprehending it as 'law' in the system of legal positivism. Regarding Buddhism, in Chinese the character *fa* is used to translate the Sanskrit word 'dharma'. In the Buddhist texts the '*dharma*' (that is then translated into Chinese as *fa*) is most often comprehended as 'law', but, I think, it lacks the connotation of 'legalism', since in Buddhism there is no arbiter of the axiological aspects of our deeds, no authority to fix what is 'right' or 'wrong'. *Dharma* should be understood more as a kind of 'natural law', a form of 'law' without axiological relevance judged by someone.

¹⁹HANSEN (1994), p. 452. Hansen accepts that meaning change can occur when foreign ideologies are imported. In that case, he says, the translators use existing ideographs to limn terms in the foreign theories (p. 447). Regarding the sign *fa*, the mechanism was the importation of a foreign idea system and the appropriation of *fa*^{standards} as a common translation for 'dharma'.

²⁰*The Shambala Dictionary of Buddhism and Zen*. Boston: Shambala Publications, Inc., 1991, p. 54.

This notion is especially valid in the case of the ‘law of karma’ – good or bad rebirths are not seen as ‘rewards’ or ‘punishments’, but as simply the natural results of certain kinds of actions. Peter Harvey in his *Introduction to Buddhism* supports this idea: “The law of karma is seen as a natural law inherent in the nature of things, like a law of physics.”²¹ Of course, there exist rules and regulations for monks and nuns, good examples of ‘lay adherents of the Buddha’ like Vimalakirti, Buddhist hells etc., however the general concept is out of ‘axiological positivism’. Of course, as for ‘phenomena’ or ‘factors of existence’, we simply should accept that in this case the character *fa* is used in a *new meaning*, expressing the terms of a foreign ideology.

Now I will try to do my own analysis of the character *fa*. I agree with Chad Hansen that the *meaning* of *fa* is relatively stable, but in my text below I will try to avoid to take this assumption as a basis for my further notions.

First of all, I would try to show that the semantic field of *fa* from the very beginning contained both *meaning* connotations: (1) ‘standard’ (2) ‘law’. The dictionary *Shuo wen jie zi* [11], composed around 100 A.D., explains this character as follows:

Fa xing ye. Ping zhi ru shui. Cong shui. Zhi suoyi chu bu zhi zhe qu zhi. Cong zhi qu. Fa jin wen sheng. Fa gu wen. [12] (10.A).

Fa means ‘xing’. It is ‘even’ like water. It follows ‘water’. A unicorn touches one who is not in the right²² and drives him away. It follows ‘unicorn’ and ‘drive away’. Nowadays the character *fa* is simplified. The old character²³ is *fa*.

If we notice the two variants of the writing of the character *fa*, we can see that both belong to the category of ‘ideograms’ *huiyizi* [18], but their motivations differ. The first variant contains ‘water’, the symbol of the equitable justice, and the unicorn who punishes all, who are not in the right.²⁴ This variant prevails in the inscriptions on the bronzes, the ‘nowadays’ form is simplified, omitting the unicorn.

The second variant (‘the old form’) consists of [19] and *zheng* [20] ‘right’, [19] has the same meaning as *he* [21], ‘to join’, so the motivation of the character is ‘to join with the right’, ‘to compare with the norm’.

²¹HARVEY, Peter. *An Introduction to Buddhism. Teachings, History and Practices*. Cambridge: Cambridge University Press, 1990, p. 39.

²²Translating the character *zhi* [13], we again tackle the problem of *interpretation*. This character, of course, has many *meanings* in dictionaries. So, first of all, I tried to find its motivation. E.g., Bernhard KARLGRÉN in his *Analytic Dictionary of Chinese and Sino-Japanese* (NY: Dover Publications, Inc., 1974, p. 346) explains the motivation of *zhi* like this: “when ten (*shi* [14]) eyes (*mu* [15]) have controlled if there is any bend [16], it is sure to be straight” – so, I think we can translate it as ‘honest’ or ‘to be in the rights’.

²³*Guwen* – in *Shuo wen jie zi* the characters which were used in the states apart from Qin [17] were labelled *guwen*.

²⁴See note 22.

What does the equivalent character *xing* [22]? Already in the oldest times two characters *xing* and *fa* were often referred together:

Wei zuo wu nüe zhi xing yue fa. [23] “To establish five cruel punishments is called *fa*.” (*Book of Documents (Shu jing* [24]), chapter ‘Punishments of Lü’(Lü *Xing* [25]))

“*Li yong xing ren*” *yi zheng fa ye.* [26] “To use a convict” to straighten *fa*. (*Book of Changes (Yi jing* [27]), hexagram 4: ‘Meng’[28])

Xing usually means ‘punishment’, here the connection with ‘law’ is obvious. The semantic fields of both words partly overlap. Moreover, the character *xing* can also correspond with the meaning ‘standard’ (later this character was written like *xing* [29] in this meaning):

Xing yu gua qie, zhi yu xiong di. [30] “[He] served as an example for the empress, as well as for his brothers.” (*Records of the Historian (Shi ji* [31]), 24.2).

We can also find proof of the meaning relatedness of both characters in both meaning connotations in the oldest dictionary of synonyms *Erya* [32]:

Dian, yi, fa, ze, xing, fan, ju, yong, heng, lu, jia, zhi, zhi, chang ye.

Ke, xian, xing, fan, pi, lü, ju, ze fa ye. [33] (Erya, 1A/13)

From this dictionary we can see that the words *fa* [1] and *xing* [22] are referred together with *dian* [34], *ze* [35], *fan* [36] that also mean ‘standard’, ‘norm’, etc., ‘that which should be imitated and obeyed’. On the other hand, both these characters are classified among the characters also expressing the meaning ‘punishment’, ‘law’, etc. So, we can say that this dictionary of synonyms gives some legitimacy to Hansen’s words: “Graham, Ames, and Schwartz all agree that *xing*^{punishment} originally referred to penal codes, and argue that *fa* came to duplicate *xing*.”²⁵ According to Herrlee Creel,²⁶ the oldest Chinese work extant that discusses ‘justice’ is a chapter from *Book of Documents* entitled ‘Announcement to Kang’ (*Kang gao* [37]). It is a charge by King Wu [38] to his younger brother Kang Shu [39], who was appointed a *sikou* [40] (literally ‘director of crime’), a title often rendered as ‘minister of justice’.²⁷ In

²⁵HANSEN (1994), p. 459.

²⁶CREEL, Herrlee G. *Legal Institutions and Procedures During the Chou Dynasty*. In: *Essays on China’s Legal Tradition*. Ed. by Jerome A. Cohen. Princeton: Princeton University Press, 1980, p.29.

²⁷CREEL (1980), pp. 29-30: “[In *Announcement*] King Wu describes the ‘primary evildoers’ as ‘robbers and thieves and villains and traitors...’. However, even these, he says, are to be deplored less than ‘the son who does not serve his father with respect, but greatly wounds his father’s heart; the father who cannot love his son, but hates him; the younger brother who does not think of Heaven’s brightness, and cannot be respectful to his elder brother; the elder brother who feels no compassion for his tender younger brother, and treats him coldly... all these must be punished without pardon.’ [*Book of Documents*, ‘Announcement to Kang’]”

this context we can recall the words by Max Weber which can also give us some justifications for our notions. According to Weber, the distinctively *legal* emerges when “there exists a ‘coercive apparatus’, i.e., that there are one or more persons whose special task is to hold themselves ready to apply specially provided means of coercion (legal coercion) for the purpose of norm enforcement.”²⁸ Sure, there must have been ‘norm enforcement’ in all civilizations in all times, and, in China as we can see, the character *fa* (like the character *xing* [22]) was, from ancient times, also referred in connection with ‘norm enforcement’ – thus, it was also used in a *legal* sense.

As we have seen above, we can find justifications for both hypotheses: the *meaning* of *fa* changed, and the *meaning* of *fa* did not change. So, I decided to explore this problem from another point of view. The primary notion on which I based my further analysis was the assumption that if the so-called Legalists were legal positivists, they primarily must have used *fa* in a nominal function – as a ‘law’, that is as a ‘term’ which can be a subject to interpretation (for example, by the judges, bureaucrats, philosophers), or as a ‘technique’, ‘method’ (for example to control society). Therefore, now I want to briefly analyse the use of the character *fa* in the texts of Mencius, Mozi [41] (fl. 479-438 B.C.),²⁹ Xunzi and Han Feizi. My analysis is focused on the use of this character in (1) a nominal function and in (2) a verbal function. As a nominal I understand the function as a subject, object and nominal predicate, as a verbal function is labeled the use of *fa* as a verbal predicate, with or without the object. The other grammatical functions will not be taken into consideration in my statistics.

²⁸WEBER, Max. *Max Weber on Law in Economy and Society*. Edited with an introduction and annotations by Max Rheinstein. Cambridge, Mass: Harvard University Press, 1954, p. 13.

²⁹Herrlee G. CREEL (*Shen Pu-Hai. A Chinese Philosopher of the Fourth Century B.C.*). Chicago and London: The University of Chicago Press, 1974, p. 144) argues that in Mozi, *fa* in almost half of its occurrences means ‘model’; and *fa* used in the sense of ‘method’ or ‘technique’ is three times as frequent as in that of ‘law’. The ‘technique’ ranges from ‘the technique for defending a city’ to ‘the technique of using scaling ladders’. HANSEN (1994, p. 464) argues, that in general, “Mozi applies *fa*^{standards} to language, but in particular he uses it for determining the linguistic content of the moral *dao*^{guiding discourse} [42]”... “*Fa* are publicly, objectively and naturally accessible, measurement standards.” Mozi tries to specify the objective, measurable standards of behaviour. He argues that traditional codes can be morally wrong and to determine if they are moral or not, we must have a standard. The standard he proposed was altruistic utility – general application of the *li-hai* [43] (benefit/harm) distinction, natural standard as opposed to Confucian moral values cultivated in ritualized behaviour.

³⁰References:

MENCIUS: *Mengzi*. In: *Zhuzi jicheng* [44] I. Beijing: Zhonghua shuju, 1986. LEGGE, James. *The Chinese Classics. A translation, critical and exegetical notes, and prolegomena, and copious indexes*. Oxford University Press, second edition, 1969. *Mencius*. Harvard Yenching Institute Sinological Index Series, Peking.

MOZI: *Mozi. Sibei beiyao* [45] edition. MEI, Yibao (trans.) *The Works of Motze*. Taipei: Confucius Publishing Co., 1976.

The results can be summarized in the table:³⁰

	Total number	Nominal function	Verbal function
Mencius	9	44%	56%
Mozi	106	76%	24%
Xunzi	116	78%	22%
Han Feizi	321	97%	3%

As we can see from the table, Mencius speaks about *fa* much less than other thinkers, and he uses this word mainly in a verbal function:

Ze Wen Wang bu zu fa yu? [47] "is King Wen then not worthy to be imitated (*The Works of Mencius*, Book 2, part I., chap.1)³¹

The statistical data taken from the texts by Mozi and Xunzi are very similar, both philosophers use the character mainly in a nominal function, however, the use of *fa* in the verbal function is also quite frequent.³² And, in addition, in Mencius, Mozi and Xunzi, this character when used as a verb, is then followed by the object or by the object in a passive function, having the meaning '[one] who is followed as an example'. In the case of Han Feizi the situation is obviously different. In his texts, he uses *fa* 321 times, but only in 9 examples we can say that this character is a verb, statistically, it is used in a verbal function only in 3% of all instances. Moreover, as I have discovered, this verb in Han Feizi's text is never succeeded by the object, so, we should translate it rather like 'to act in accordance with *fa*':

Fa ze ting zhi, bu fa ze ju zhi. [48] "If [one] acts in accordance with *fa*, [one] will be given ear, if not, then [one] will be rejected." (*Han Feizi*, 9.2)

As Creel (1980, p. 45) points out, in Han Feizi's texts, thought *law* is mentioned constantly, it is only occasionally used as allusion to particular statuses or specific penalties, and, very little is said about the way in which the law is to

XUNZI: *Xunzi*. In: *Zhuzi jicheng*, II. *Xun zi*. Harvard-Yenching Institute Sinological Index Series, Peking. HAN FEIZI: *Han Feizi suoyin* [46] (*A Concordance to Han Feizi*). Beijing: Zhonghua shuju, 1982. W.K. LIAO (trans.). *The Complete Works of Han Fei Tzu*. 2 vols. London 1939 and 1959.

³¹James LEGGE in his *The Chinese Classics. A translation, critical and exegetical notes, and prolegomena, and copious indexes* (Oxford University Press, second edition, 1969, p. 182) translates it as: "is King Wen then not a sufficient object for imitation?"

³²See note 28.

be enforced. Thus, it is rather a philosophical treatise. It is obvious that in Han Feizi, from the grammatical point of view, we can see the shift into the ‘fixation’ or ‘nominalization’ of *fa*. In my opinion, it is because of that Han Feizi uses this *fa* (1) as a *term*, which can potentially serve as a topic for argumentation or as a subject to appropriation and, of course (2) because, as for example Creel (1980, p. 45) stresses, “the impression [of the *Book of Lord Shang*³³ and *Han Feizi*] is constantly given that the mere existence of *law* [penal law] is all that is necessary”. Needless to say, primarily, the *fa* was intended to serve as a way that makes people ‘terrified with punishments’,³⁴ thus denoting a penal law. The tenet advocated by myself, I want to support by, for example, Han Feizi’s utterance: “The sage does not seek to follow [the ways of] antiquity, nor to conform to any constant standard; he is able to examine the affairs of his own time, and devise measures appropriate to it.”³⁵ So, the ruler (or the bureaucracy) can *fix* the *law* not to ‘follow the ways of antiquity’, but, in favour of their ‘technique of power’, which can change due to circumstances or the ideology.

However, the *meaning* of *fa* in Han Feizi cannot be totally *out* of the semantic field of character *fa* as used by the coiner or in the texts composed before him. *What* is the *meaning* of this character in Han Feizi, and to what degree his *beliefs* about the concept of the *term* differ from those of his contemporaries, should be a matter of detailed research into their works. However, I think that my above claims on the use of *fa* satisfactorily correspond to what Hansen (p. 469) points out: “Han Feizi’s theory is not moral or political theory, rather it is a strategy, addressed to the king, about how to preserve his power. And the threat to the ruler according to Han Feizi did not come from the people, but from the scholar-bureaucrat stratum. The doctrine that made that scholar-bureaucrat powerful was his self-appointed role of directing public discourse.”³⁶

Conclusion

In principle, we can hardly object to the notion by Chad Hansen: “We notice that members of a community sometimes debate. They disagree – have different beliefs. We more naturally explain that interaction by saying that they use the same word with the same meaning and disagree in their beliefs. We also say that their beliefs change over time. In the normal case, we hold meaning constant and allow for differences in beliefs.”³⁷

I would like to conclude this paper asserting that already in the oldest philosophical texts in China *fa* was also used in the connotation ‘law’, ‘justice’ or

³³See: J.J.L. DUYVENDAK. *The Book of Lord Shang*. London, 1928.

³⁴LEGGE (1969), p. 317.

³⁵W.K. LIAO (transl.) *The Complete Works of Han Fei Tzu*, Vol. 2. London, 1959, p. 276.

³⁶HANSEN (1994), p. 469.

³⁷HANSEN (1994), pp. 444–5.

‘punishments’. When the so-called Legalists started to discuss *fa* in terms of the crucial means for controlling society, they used this word as a ‘term’, into which they put their own interpretations and beliefs, supporting their political strategy and interests. This ‘conceptualization’ of *fa* is formally obvious in the change of its grammatical function – unlike the Confucians (in whose texts it is used in most cases in a verbal function) Han Feizi uses it almost exclusively as a substantive.

[1] 法 [2] 荀子 [3] 孟子 [4] 韓非子 [5] 是非 [6] 禮

[7] 走 [8] 行 [9] 跑

[10] 法家 [11] 說文解字

[12]

𠄎 刑也。平之如水。從水。廌所以觸不直者去之。從廌去。𠄎 今文省。𠄎 古文。

[13] 直 [14] 十 [15] 目 [16] 𠄎 [17] 秦 [18] 會意字 [19] 厶 [20] 正

[21] 合 [22] 刑

[23] 惟作五虐之刑曰法。 [24] 書經 [25] 𠄎刑

[26] “利用刑人”以正法也。 [27] 易經 [28] 蒙

[29] 型

[30] 刑于寡妻，至于兄弟。 [31] 史記

[32] 爾雅

[33]

典、彝、法、則、刑、範、矩、庸、恆、律、戛、職、秩，常也。

柯、憲、刑、範、辟、律、矩、則，法也。

[34] 典 [35] 則 [36] 範 [37] 康誥 [38] 武 [39] 康叔 [40] 司寇 [41] 墨子

[42] 道 [43] 利害 [44] 諸子集成 [45] 司部備要 [46] 韓非子索引

[47] 則文王不足法與？ [48] 法則聽之，不法則距之。