



From Jane's Weibo article column: It is simple to be healthy and happy

## 浅谈《史记.论六家要旨》对现代生活的启发 (五)

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Talking about the Inspiration of "Historical Records. On the Essentials of Six Schools" to Modern Life

### 尽明职分的法家

#### Chapter 5

#### Legalists who thoroughly fulfill their duties

说到法家，现代人可能比较熟悉，因为经常可以看到关于秦朝的电影和电视剧。整个春秋战国时期，法家的代表人物，要从管仲开始，还有乐毅，子产，吴起，李悝，商鞅，慎到，申不害，直到战国末期的韩非子和李斯，都属于法家。

When it comes to Legalism, modern people might be quite familiar with it because they often see movies and TV dramas about the Qin Dynasty. Throughout the entire Spring and Autumn and Warring States periods, the representative figures of Legalism started with Guan Zhong and included Yue Yi, Zichan, Wu Qi, Li Kui, Shang Yang, Shen Dao, Shen Buhai, and towards the end of the Warring States period, Han Feizi and Li Si. All of these individuals belonged to the Legalist school of thought.

我们先读太史公的论述：

Let's first read the discussion by the Grand Historian Tai Shigong:

**法家严而少恩；然其正君臣上下之分，不可改矣。**

**“Legalism is strict and lacks benevolence; however, its emphasis on the clear distinction between rulers and subjects cannot be altered.”**

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法家主张严刑峻法却刻薄寡恩，但法家主张的君主和臣民都要遵守自己的本分和职责，则是不可更改的。

The Legalists advocate for strict laws and harsh punishments, and are often seen as harsh and lacking in benevolence. However, their insistence on the separation of rulers and subjects, and the adherence to one's duties and responsibilities, is something that cannot be changed.

法家不别亲疏，不殊贵贱，一断于法，则亲亲尊尊之恩绝矣。可以行一时之计，而不可长用也，故曰“严而少恩”。若尊主卑臣，明分职不得相逾越，虽百家弗能改也。

**“The Legalists do not differentiate between kinship or social status; once a judgment is made according to the law, the favor of personal relationships and distinctions of rank are entirely disregarded. This approach may work as a temporary measure, but it cannot be sustained in the long term, which is why it is said to be "strict and lacking in benevolence." However, respecting the distinction between rulers and subjects, and ensuring that each person adheres to their proper role and responsibilities, cannot be altered even by the Hundred Schools of Thought.”**

法家不论亲疏远近，不论贵贱尊卑，一律依据法令来决断，那么这样就没有亲情和人情可以讲，与亲人和尊长的亲情和恩情就断绝了。这样的做法，可以作为一时之计来施行，偶尔用一次，可能就是历史上的英雄，但是却不可以长期执行，如果长期执行的话，就变成六亲不认，最终众叛亲离。所以历史上说很多法家的人完全讲法制，不顾人情道义，是“刻薄少恩”的人。法家的精要之处在于主张“明分职不相逾越”，就是要遵守自己的本分和职责。不论君主还是臣民，都要遵守自己的本分，责任和义务，不能做出逾越法令和规矩的事，这是诸子百家的任何学派都不能更改的。

Legalism does not make distinctions based on kinship, social proximity, or rank; it judges everyone according to the law, resulting in the abandonment of familial and personal relationships. Such an approach might be effective as a temporary measure or in rare instances, and may be seen as heroic in historical contexts, but it cannot be sustained in the long term. If applied consistently, it would lead to a loss of personal connections and eventually result in isolation and betrayal. Thus, history often characterizes Legalists as "cold and ruthless" because they adhered to legal principles and ignored human feelings and sympathy. The essence of Legalism lies in advocating for the "clear separation of roles and responsibilities," meaning that both rulers and subjects must adhere to their proper duties and obligations without overstepping legal

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and regulatory boundaries. This principle of maintaining clear and defined roles is a standard that cannot be altered by any of the various schools of thought.

诸子百家都出自于道家，法家也同样出于道家。可能有人会觉得奇怪，道家是讲究仁慈，清净无为的。讲究清净无为修道的人，怎么会苛刻严酷呢？这一点就是我们常说的掌握分寸的问题：“过与不及都不好”。道家的人都要修行，修行的人要守戒律，守规矩，就会对自己要求严格，对自己要求严格以后，就会把这样的要求推广到身边或者周围的人，也会对别人要求严格。对自己和别人都严格到一丝不苟，铁面无私，就是法家了。我们平常人还很难做到法家的这一点，人们一般都是对自己比较宽容，对别人比较苛刻。我们经常说，做人应当“严以律己，宽以待人”，对于自己需要严格，对于别人需要宽容。这个宽容的限度怎样掌握？规定是死的，人是活的。制定了规矩，到执行起来的时候，就要看每个人的执行力度了，也就是人情道义和法令规范都要兼顾，都要做得合适。

All the hundred schools of thought, including Legalism, have their roots in Taoism. It may seem strange that Taoism, which emphasizes kindness and effortless action, would give rise to Legalism, which is known for its strictness and severity. This apparent contradiction highlights the issue of finding the right balance: "Excess and deficiency are both undesirable."

Practitioners of Taoism are expected to cultivate themselves and adhere to discipline and rules. As they apply these strict standards to themselves, they may also extend these expectations to those around them, resulting in strictness towards others as well. When one is meticulous and impartial in enforcing rules, they align with Legalism.

For ordinary people, it is challenging to fully embrace the Legalist approach. Typically, people are more lenient with themselves and stricter with others. We often say that one should be "strict with oneself and lenient with others," meaning we should maintain strict self-discipline while being more forgiving towards others. The challenge lies in determining the appropriate balance of leniency. Regulations are fixed, but human behavior is dynamic. When implementing rules, the degree of enforcement varies, and it is essential to balance personal relationships and moral considerations with legal norms.

历史上每一个朝代，随着文明和经济的发展，社会都会变得越来越复杂，越复杂就越难调控。古人说：“法网恢恢，疏而不漏”，这个“疏”就是简明的意思，反过来的意思就是法网越密，可钻的漏洞越多。司马迁写《史记》的年代是汉武帝的年代，当时的法

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令已经不同于汉初时候修养生息的简明法令。《史记·高祖本纪》里有记载，汉高祖刘邦入关中，废除了秦朝的严刑峻法，只与父老约法三章：杀人者死，伤人及盗抵罪。经过汉朝初期的修养生息，到了汉武帝的时期，法律规范就开始越来越复杂了。汉武帝是非常精明的人，也精于法令，法令文字写得越多，漏洞也就越多。越懂得法令的人越会犯法，越会钻法令的漏洞。所以老子在《道德经》里说：“天下多忌讳，而民弥贫；人多利器，国家滋昏；人多伎巧，奇物滋起；法令滋彰，盗贼多有。故圣人云：我无为，而民自化；我好静，而民自正；我无事，而民自富；我无欲，而民自朴。”朴实的民风 and 人情是社会和谐的基础。

Throughout history, each dynasty, as civilization and the economy developed, saw society becoming increasingly complex. The more complex society became, the harder it was to regulate. As the ancient saying goes: “The net of the law is vast which catches everything.” The term vast “疏” (shū) here means simplicity, implying that a more intricate legal system can lead to more loopholes.

In the era when Sima Qian wrote the Records of the Grand Historian, during the reign of Emperor Wu of Han, the laws had evolved significantly from the simpler regulations of the early Han Dynasty. According to the Records of the Grand Historian: Annals of Emperor Gaozu, when Liu Bang, the founder of the Han Dynasty, entered Guanzhong, he abolished the harsh laws of the Qin Dynasty and only established three basic rules with the local elders: murderers should be executed, and those who injure or steal should be punished.

As the Han Dynasty progressed and society grew, the legal regulations became increasingly complex during the reign of Emperor Wu. Emperor Wu was very astute and skilled in legal matters, but the more detailed and numerous the laws, the more loopholes emerged. Those who were more familiar with the laws were also more adept at exploiting them. Hence, Laozi remarked in the Tao Te Ching: “The more prohibitions there are in the world, the poorer the people become; the more weapons people possess, the more chaotic the state; the more skills and tricks people have, the more strange phenomena emerge; the more prominent the laws and regulations, the more thieves and robbers arise. Therefore, the saint says: ‘I take no action, and the people transform themselves; I am content to remain still, and the people correct themselves; I do nothing, and the people become prosperous; I have no desires, and the people return to simplicity.’” Simple and sincere customs and human relationships are the foundation of social harmony.

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在人情道义和法令规范上都做得恰到好处，就能够国富民强，例如春秋时期的管仲。管仲担任齐国的宰相辅佐齐桓公“九合诸侯，一匡天下”，成为春秋第一霸主。管仲最有名的一段话就是：“仓廩实而知礼节，衣食足而知荣辱。上服度则六亲固。四维不张，国乃灭亡。下令如流水之原，令顺民心。”意思是，国家政府的府库财富充盈，人们的衣食住行都能够安稳而有保障了，才能顾及到礼仪，重视荣誉和耻辱。君王的享用要有一定制度和限制，才能得到六亲的支持和依附；“四维”，指礼、义、廉、耻四种纲纪，是中国传统社会共同的行为规范与道德标准。如果这四维的价值观不能在社会中盛行，国家就会走向灭亡。颁布政令就好像流水的源头，要能顺乎民心。

When both human relationships and legal norms are properly balanced, a country can become wealthy and strong, as demonstrated by Guan Zhong during the Spring and Autumn period. Guan Zhong served as the Prime Minister of Qi and assisted Duke Huan of Qi in uniting the various lords and becoming the foremost power in the Spring and Autumn period.

One of Guan Zhong's most famous statements is: “When the granaries are full and people have their needs met, they will observe rituals and understand honor and shame. When the ruler's conduct is regulated, even close relatives will be steadfast. If the four virtues—ritual, righteousness, integrity, and shame—are not upheld, the country will perish. Orders should flow smoothly like a stream to align with the people's hearts.”

This means that when the state's resources are ample and people's basic needs are secured, they can then focus on rituals, honor, and shame. The ruler's conduct must be regulated and restrained to gain the support and loyalty of relatives. The “four virtues” refer to the traditional Chinese standards of behavior and morality: ritual (礼), righteousness (义), integrity (廉), and shame (耻). If these virtues are not prevalent in society, the nation will decline. Issuing policies should be like the source of a flowing stream, aligning with the people's will.

在人情道义上完全不留余地，只顾法令规范，就会“作法自毙”，这是《史记·商君列传》里记载的商鞅自己的叹息。秦孝公时期的商鞅坚持严格执法，违法必究，那个时候还有“连坐”的法律。一人犯法，还要连累家人。连当时的太子也不能逃脱责任，当时的秦孝公的太子犯法，太子的师傅就要被问责受罚，所以当时的太子太傅，公子虔就被商鞅处以刑罚。虽然商鞅变法是成功了，但是秦国的贵族公卿都对商鞅恨之入骨，最后商鞅的结局也是悲惨的。

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When human relationships and sympathy considerations are completely disregarded in favor of strict adherence to legal norms, it can lead to one's downfall, as lamented by Shang Yang himself in the *Records of the Grand Historian: Biographies of Shang Yang*. During the reign of Duke Xiao of Qin, Shang Yang enforced strict laws, holding everyone accountable for violations, including through the "collective punishment" system. Under this system, if one person broke the law, their family could also be punished. Even the Crown Prince was not exempt; if the Crown Prince committed a crime, his tutor would be held accountable and punished. Thus, the Crown Prince's tutor, Duke of Qian, was penalized by Shang Yang.

Although Shang Yang's reforms were ultimately successful, they generated deep resentment among the Qin nobility and officials. In the end, Shang Yang's fate was a tragic one.

另外一个法家的著名代表人物是李斯，是荀子的弟子。荀子和孟子都是战国时期的大儒，在对人性的分析上，孟子主张“人性善”，荀子主张“人性恶”，要靠后天的教育来纠正人性的恶习，儒家都是讲仁义道德教育的。韩非子和李斯都是荀子的学生，李斯追求功名富贵，却抛弃了仁义道德，李斯跟他的老师荀子说：人都没有饭吃了，还讲什么学问道德，荀子就把李斯赶走了。后来李斯到了秦国做了宰相，还因为嫉妒害死了韩非子，虽然帮助秦始皇统一中国，但是李斯的结局同样是悲惨的。

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在平时生活中，我们每天都可能碰到人情和规范之间的矛盾问题。在人情和规范之间找到一个平衡，是千古的话题。人类是群居动物，人类与动物最大的区别就是在礼仪和情感上。中国人自古就讲人情道义。在人际关系上面，不论是工作关系，还是家庭成员之间的关系，父母和孩子们的交流，都有这样的分寸问题。我们是否能在坚持原

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则的情况之下，也不伤害彼此的感情？例如，小孩子要糖吃，是给还是不给？吃多了会影响牙齿生长，不给的话，又觉得孩子想吃，很可怜。这就是作为父母的矛盾心理。古人说“恩生于害，害生于恩”，严格管教孩子，打骂的目的也是爱，父母亲一边打，一边自己流泪；另一方面，过分的纵容就是溺爱，反而害了孩子。中国人的传统教育是守规矩，现代西方人又说要自由，发挥个性。讲规矩还是放任自由，这样的分寸，怎样掌握？

In daily life, we often encounter conflicts between personal relationships and established norms. Finding a balance between these two is an age-old topic. Humans are social creatures, and our most significant distinction from animals lies in our rituals and emotions. Since ancient times, Chinese culture has emphasized the importance of human relationships and moral values.

In interpersonal relationships—whether in the workplace, among family members, or between parents and children—there are always issues of balance and discretion. The question is whether we can uphold principles without harming our relationships. For example, should a parent give candy to a child? While too much candy can affect dental health, not giving it might make the child feel disappointed and unhappy. This is a dilemma for parents.

Ancient wisdom suggests, “Favor arises from harm, and harm arises from favor.” Strict discipline, including punishment, is often intended out of love, with parents sometimes crying as they reprimand their children. On the other hand, excessive indulgence can lead to spoiling, ultimately harming the child. Traditional Chinese education emphasizes following rules, while modern Western perspectives often advocate for freedom and self-expression. The challenge lies in determining how to balance adherence to rules with granting freedom.

太史公说，法家主张的“明分职不得相逾越”是任何学派都不能修改的。可见这是人类社会的真理，因为道德上的本分和职责是和谐社会的根本，任何学派都不能放弃这样的主张。说得简单一点，就是要守本分。每一个人都应当明白自己的本分和职责，不能做违法乱纪的事情，做人做事要讲信用，要有责任心。古人讲尽忠职守，诸葛亮说的一句千古名言：“鞠躬尽瘁，死而后已”，让多少人落泪和感动。我们每一个人都有自己的本分，要担负家庭责任和社会责任。家庭的责任方面，例如，学生的本分是听话和学习；成年人的本分是养家糊口，教育子女，赡养老人；老年人的本分是颐养天年，为年轻人做个榜样。社会责任的本分就是职业道德。做农民，做手工艺者，做老师，做职员，做商人，不论做什么职业，都要讲诚信和责任心。

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Tai Shigong remarked that the Legalist principle of “clear separation of roles and responsibilities” is a concept that cannot be altered by any school of thought. This indicates that it is a fundamental truth in human society, as moral duties and responsibilities are essential for a harmonious society. No school of thought can abandon this principle. In simpler terms, it means adhering to one's duties.

Each person should understand their own role and responsibilities and avoid illegal or unethical behavior. One should be trustworthy and responsible in their actions. The ancient principle of loyalty and dedication is captured in Prime Minister, Zhuge Liang's (诸葛亮, 181 – September or October 234) famous saying: “I will dedicate myself fully and will not rest until my death,” which has moved and inspired countless people.

Everyone has their own responsibilities, which include both family and societal duties. For example, a student's duty is to obey and learn; an adult's duty is to provide for the family, educate children, and care for the elderly; and an elderly person's duty is to enjoy their later years and set an example for the younger generation. Societal responsibilities include professional ethics. Regardless of one's profession—whether a farmer, artisan, teacher, employee, or merchant—one should uphold integrity and responsibility.

我们是否能够做到自己的本分和职责呢？如果做不到会怎样呢？我们可以在古人的智慧中寻找答案。

Can we fulfill our own roles and responsibilities? What happens if we fail to do so? We can seek answers in the wisdom of the ancients.

《庄子·人间世》里面有一段孔子讲的人世间的哲学：

In the *Zhuangzi: Human World* (《庄子·人间世》), there is a passage where Confucius discusses the philosophy of human affairs:

**“凡事若小若大，寡不道以欢成。事若不成，则必有人道之患；事若成，则必有阴阳之患。若成若不成，而后无患者，唯有德者能之。”**

**“Whether a matter is large or small, it is seldom completed without some disregard for righteousness. If a matter fails, there will certainly be issues related to human principles; if a matter succeeds, there will inevitably be problems related to the interplay of yin and yang. Whether it succeeds or fails, if there are no issues afterward, it is only achievable by those who possess virtue.”**

“凡事若小若大，寡不道以欢成。”意思是，人世间的事情，不论大小，很少有圆满完成，皆大欢喜的结果。在人世间做人做事是很难的，有三种情况和结果。第一种情



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况，“事若不成，则必有人道之患”，在接到一项任务和工作的時候，如果事情如果没有办成，就可能有“人道之患”，古时候，如果皇帝交代给大臣办的事情，没有办好，就会受到刑罚甚至杀头的危险。在现代社会，如果职员失职，就要受到同事和老板的埋怨，如果公司管理层失职，经营不善，欠下无数的债务，就把公司搞垮了，同样是人道之患。第二种情况，“事若成，则必有阴阳之患。”如果事情做成了，还是会有“阴阳”的后患。阴的祸患是指做成功的事情是坏事，古人说“丧尽天良”，做了违背良心的事情，冥冥之中就会受到报应，现代人同样有这样的問題，事业做成功了，是否是正当的事业，是否符合道德，是否合法，是否合情合理？靠欺骗得到的财富和成功不会有好结果。阳的祸患是指，如果做成的事情是好事，成就了功业，就会功高盖主，就会遭人嫉恨，“羡慕嫉妒恨”同样是现代人流行的一个词。第三种情况，“若成若不成，而后无患者，唯有德者能之。”不论成功与否都不会有祸患的人，只有那些有最高道德和得道的人才能做到。

The phrase “**Whether a matter is large or small, it is seldom completed without some disregard for righteousness** 凡事若小若大，寡不道以欢成” means that in human affairs, whether large or small, it is rare to achieve a perfectly satisfying outcome. In the human world, it is challenging to navigate and complete tasks without encountering issues. There are three possible scenarios and their outcomes:

- 1. If a matter fails, there will certainly be issues related to human principles:**  
When a task is not completed successfully, there can be significant consequences related to ethical principles. In ancient times, if a task assigned by an emperor was not carried out properly, it could result in severe punishment or even death. In modern times, if an employee fails in their duties, they may face criticism from colleagues and supervisors. If a company's management fails, it could lead to financial ruin and company collapse, reflecting a similar concern for human consequences.
- 2. If a matter succeeds, there will inevitably be problems related to yin and yang:** Success in an endeavor can still lead to various kinds of problems. The “yin” issues refer to negative consequences associated with unethical or immoral actions. For example, success achieved through deceit or unethical practices may eventually lead to repercussions or moral reckoning. In modern contexts, this could involve questioning whether a successful business or career was achieved through fair and ethical means. On the other hand, the “yang” issues refer to the potential problems arising from positive outcomes. Success and prominence might lead to envy and resentment from others, reflecting the modern notion of "envy, jealousy, and hatred."

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- 3. Whether success or failure, if there are no subsequent issues, it can only be achieved by those with virtue:** The only individuals who can achieve outcomes without subsequent problems, regardless of success or failure, are those who possess the highest moral virtues. Such individuals are able to navigate challenges and complete tasks while maintaining ethical integrity, avoiding the negative consequences associated with both failure and success.

这一段话，不管到底是庄子借孔子的名义说的这一段话，还是孔子的确说了这一段话，都是给我们讲述了人生做人做事的哲学和指导。凡事都应当以伦理道德为先，无论做什么事情都要问心无愧，才不会有祸患。要想怎样选择，还是在我们自己。

Whether this passage is attributed to Confucius by Zhuangzi or whether Confucius himself actually said it, it provides valuable philosophical guidance on life and conduct. It emphasizes that ethics and morality should be our foremost considerations in all endeavors. To avoid problems and misfortune, one must act with a clear conscience and integrity. Ultimately, how we choose to act remains within our own control.