

When the Ch'in gained imperial power after decades of civil war, they adopted the ideas of the Legalists as their political theory. In practice, under legalists such as Li Ssu (d. 208 B.C.) and Chao Kao, the Legalism of the Ch'in dynasty (221-207) involved a uniform totalitarianism. People were conscripted to labor for long periods of time on state projects, such as irrigation projects or the series of defensive walls in northern China which we know as the Great Wall; all disagreement with the government was made a capital crime; all alternative ways of thinking, which the Legalists saw as encouraging the natural fractiousness of humanity, were banned. The policies eventually led to the downfall of the dynasty itself after only fourteen years in power. Local peoples began to revolt and the government did nothing about it, for local officials feared to bring these revolts to the attention of the authorities since the reports themselves might be construed as a criticism of the government and so result in their executions. The emperor's court did not discover these revolts until it was far too late, and the Ch'in and the policies they pursued were discredited for the rest of Chinese history.

But it is not so easy to dismiss Legalism as this short, anomolous, unpleasant period of totalitarianism in Chinese history, for the Legalists established ways of doing government that would profoundly influence later governments. First, they adopted Mo Tzu's ideas about utilitarianism; the only occupations that people should be engaged in should be occupations that materially benefited others, particularly agriculture. Most of the Ch'in laws were attempts to move people from useless activities, such as scholarship or philosophy, to useful ones. This utilitarianism would survive as a dynamic strain of Chinese political theory up to and including the Maoist revolution. Second, the Legalists invented what we call "rule of law," that is, the notion that the law is supreme over every individual, including individual rulers. The law should rule rather than individuals, who have authority only to administer the law. Third, the Legalists adopted Mo Tzu's ideas of uniform standardization of law and culture. In order to be effective, the law has to be uniformly applied; no one is to be punished more or less severely because of their social standing. This notion of "equality before the law" would, with some changes, remain a central concept in theories of Chinese government. In their quest for uniform standards, the Ch'in undertook a project of standardizing Chinese culture: the writing system, the monetary system, weights and measures, and the philosophical systems (which they mainly accomplished by destroying rival schools of thought). This standardization profoundly affected the coherence of Chinese culture and the centralization of government; the attempt to standardize Chinese thought would lead in the early Han dynasty (202 B.C.-9 A.D.) to the fusion of the rival schools into one system of thought, the so-called Han Synthesis.