

# Moral Order And Statecraft: A Comparative Study Of Dharma In Ancient India And Legalism In Ancient China

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## Abstract:

**Background:** This research undertakes a comparative study of Dharma in ancient Indian polity and Legalism in ancient Chinese statecraft two contrasting governance models that shaped political, legal, and moral life in early civilizations. Dharma, rooted in Vedic philosophy and epic traditions, emphasized moral duty, cosmic harmony, and the ruler's role as a guardian of justice. In contrast, Legalism, crystallizing during China's Warring States period, prioritized codified laws, centralized authority, and strict enforcement as the basis of political order.

**Materials and Methods:** The study applies a qualitative, historical-comparative method, drawing on primary sources such as the Arthashastra, Manusmriti, and Han Feizi's writings, alongside secondary scholarly analyses. Philosophical origins, administrative mechanisms, and socio-political consequences are examined to identify points of convergence and divergence between the two traditions.

**Results:** Findings reveal that Dharma's strength lay in its moral legitimacy and community trust, but it risked rigidity through caste-bound duties and reliance on the virtue of rulers. Legalism achieved administrative efficiency and predictable governance but risked alienation through excessive coercion and suppression of dissent. Both systems addressed the universal challenge of maintaining order and legitimacy, albeit through distinct moral foundations.

**Conclusion:** The contrast between Dharma's ethical self-regulation and Legalism's deterrence-based order offers enduring lessons for modern governance. Sustainable political systems may require a synthesis of moral persuasion and legal enforcement to ensure both justice and stability.

**Key Word:** Dharma, Legalism, Ancient Administration, Indian Polity, Chinese Statecraft, Moral Philosophy, Governance, Ethics and Law, Comparative Political Thought.

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## I. Introduction

Civilizations have always grappled with the same perennial question: How should human societies be governed in a way that ensures stability, justice, and prosperity? The answers to this question have been as diverse as the cultures that attempted them, shaped by geography, historical experience, and prevailing philosophies. Two of the most strikingly different yet equally influential responses emerged in ancient India and ancient China Dharma and Legalism. Though born of different civilizational contexts, both aimed to create order and cohesion, yet they diverged fundamentally in their moral assumptions and administrative methods.

In the Indian tradition, Dharma is not merely a legal code or political doctrine; it is a multi-dimensional concept that integrates ethics, law, religion, and cosmic order. Derived from the Sanskrit root *dhṛ*, meaning "to hold" or "to sustain," Dharma signifies that which upholds the universe social harmony, moral conduct, and justice. As the Mahabharata reminds us, "Dharma protects those who protect it" (*Dharmo rakṣati rakṣitaḥ*). In governance, Dharma demanded that rulers act as moral exemplars, placing the welfare of their subjects above personal ambition. Power was legitimized not by force alone, but by adherence to righteousness (*nyāya*) and the welfare of all beings (*sarva-bhūta-hita*).

In contrast, the Chinese tradition of Legalism (*Fa Jia*) took shape during the Warring States period (475–221 BCE), a time when China was fragmented into rival kingdoms locked in almost perpetual warfare. Philosophers like Shang Yang and Han Feizi rejected the optimistic moralism of Confucianism and the mysticism of Daoism, arguing that humans are inherently self-interested and that moral exhortation is insufficient for social order. Han Feizi asserted bluntly, "If you govern by virtue, it is like the North Star stationary, but it cannot control the winds." Legalism placed its faith in codified laws (*fa*), rigorous enforcement, and a centralized bureaucracy. Rulers were to maintain strict rewards and punishments, ensuring compliance through fear and uniformity rather than appeals to virtue.

The divergence between Dharma and Legalism rests largely on their view of human nature and the source of legitimacy in governance. Dharma assumes that people, though imperfect, are capable of moral

improvement when guided by ethical principles, education, and the example of virtuous leadership. Legalism assumes that people act primarily from self-interest and that only firm laws, impartial enforcement, and the monopolization of power by the ruler can prevent disorder.

These philosophies did not exist in isolation. Ancient Indian statecraft, as outlined in the Arthashastra of Kautilya, combined pragmatic techniques such as espionage, military discipline, and fiscal management with the overarching framework of Dharma. Similarly, while Legalism dominated the Qin dynasty, later Chinese dynasties integrated its administrative efficiency with Confucian moral ideals. Yet, in their purest form, Dharma and Legalism represent two poles of governance: one leaning towards moral persuasion, the other towards coercive regulation.

The historical conditions that produced these systems were deeply influential. In India, relatively stable agrarian kingdoms and a long-standing tradition of philosophical and religious pluralism allowed moral-religious principles to permeate politics. The ruler was bound by a sense of duty, often advised by councils of elders or ministers versed in law and ethics. In China, the chaos of constant warfare and the need to unify vast, diverse territories under one central authority favored a more rigid, law-driven approach. The Qin state's remarkable success in unification through Legalist methods standardizing weights, measures, currency, and even script demonstrated the short-term effectiveness of this philosophy, though its oppressive harshness also led to rapid collapse.

From an analytical standpoint, the Dharma - Legalism contrast illuminates two enduring modes of governance still relevant today. Modern democracies often strive to blend moral legitimacy (through constitutional values, civic education, and human rights) with legal authority (through codified laws, enforcement agencies, and regulatory frameworks). Conversely, authoritarian regimes often lean toward Legalist principles, prioritizing control, surveillance, and deterrence over moral persuasion.

This study approaches Dharma and Legalism not as relics of ancient history, but as living legacies. By engaging with primary texts such as the Manusmriti, Mahabharata, Arthashastra, and the writings of Han Feizi, this paper examines how each system articulated the relationship between ruler and ruled, the role of law, and the moral obligations of governance. The analysis will also explore the limitations of each: how Dharma could be co-opted to preserve hierarchy and privilege, and how Legalism could foster resentment and rebellion when law became synonymous with oppression.

Ultimately, the contrast between Dharma and Legalism is not merely East versus East, nor morality versus law, but a deeper philosophical question: Should order arise from within, through cultivated virtue, or from without, through enforced law? As the contemporary world struggles with issues of governance, ethics, and legal compliance, this ancient dialogue offers not only historical insight but also practical wisdom for balancing moral and legal authority in the pursuit of just and stable societies.

## II. Philosophical Foundations

The administrative frameworks of Dharma in ancient India and Legalism in ancient China rest on markedly different philosophical underpinnings. Both aimed at ensuring order, stability, and the smooth functioning of society, but their guiding assumptions about *human nature*, *law*, and *morality* shaped radically different approaches to governance.

### Dharma: Cosmic Order and Ethical Duty

In the Indian tradition, Dharma is at once a metaphysical principle, a moral code, and a socio-political guideline. Derived from the Sanskrit root *dhr* ("to hold" or "to sustain"), Dharma denotes that which sustains and upholds the cosmic order (*ṛta*). It is not simply a set of man-made laws; it is an eternal and universal principle that harmonizes individual conduct with the well-being of the whole universe.

Texts such as the *Manusmriti* define Dharma as "*that which is followed by those learned in the Vedas and by those who are devoted to the good of all beings*". In this conception, governance is not purely a matter of controlling behavior through fear or sanction, but of aligning rulers and subjects alike with a shared moral purpose. The ruler (*rajan*) is seen as a dharmic custodian, obligated to govern not for personal gain but for *lokasangraha* the welfare and stability of society.

The *Mahabharata* emphasizes this duty when it states:

*"The king should always act in such a manner that his subjects, united in harmony, may prosper without fear."*

This ideal places moral legitimacy above brute force. Even the highly pragmatic *Arthashastra* of Kautilya often cited for its strategic realism frames its recommendations within the larger aim of upholding Dharma. Thus, Indian political thought integrates realism with moral idealism, assuming that human beings are capable of self-regulation when properly guided by ethical norms and leadership.

### Legalism: Law as the Engine of Order

In stark contrast, Legalism (*Fa Jia*) in ancient China is rooted in a fundamentally pragmatic and often pessimistic view of human nature. Emerging during the *Warring States Period*, a time of political chaos and frequent warfare, Legalism rejected the moral idealism of Confucianism and the laissez-faire tendencies of Daoism.

The central premise of Legalism is that human beings are driven primarily by self-interest and short-term gain. As Han Feizi declared:

*“If the ruler relies on law, the state will be orderly; if he relies on virtue, the state will fall into disorder.”*

Accordingly, Legalism sought to replace moral persuasion with clear, codified, and uniformly applied laws (*fa*), backed by strict enforcement and predictable punishments. The system was built on three pillars:

1. **Fa (Law):** Clear statutes that applied equally to all subjects, regardless of status.
2. **Shu (Administrative Technique):** Methods of statecraft to maintain the ruler’s control over officials and subjects.
3. **Shi (Position of Power):** The authority vested in the ruler’s office, independent of his personal virtues.

Shang Yang, another prominent Legalist thinker, argued that loyalty and morality were unreliable, and that only laws and penalties could ensure obedience. The Qin dynasty (221–206 BCE) implemented these principles on an unprecedented scale, standardizing weights, measures, currency, and even script across the empire.

While Legalism proved highly effective in unifying China and strengthening the central state, it prioritized efficiency and control over moral or ethical considerations. Rulers were advised to be distant, inscrutable, and absolute in authority an approach that often alienated both subjects and officials.

### Core Philosophical Divergences

The philosophical distance between Dharma and Legalism can be distilled into several fundamental contrasts:

Dimension	Dharma (India)	Legalism (China)
<b>View of Human Nature</b>	Capable of virtue when guided by moral principles	Self-interested and disorderly without strict control
<b>Basis of Legitimacy</b>	Moral righteousness and cosmic harmony	Authority of the ruler and the power of law
<b>Role of Law</b>	A tool to uphold moral duty	Primary mechanism for order and control
<b>Governance Approach</b>	Consultative, blending idealism with pragmatism	Centralized, coercive, and performance-driven
<b>Ultimate Aim</b>	Social harmony and spiritual well-being	Political stability and state strength

### Philosophical Legacy

Both Dharma and Legalism left enduring legacies. Dharma’s integration of morality and governance influenced later Indian rulers, from the Mauryan emperor Ashoka’s edicts promoting ethical conduct to medieval kings framing their rule as a service to cosmic order. Legalism, though often tempered by Confucian ethics in later dynasties, shaped China’s bureaucratic centralism and rule-by-law tradition for centuries.

In philosophical terms, Dharma embodies normative idealism seeking to inspire virtue from within while Legalism embodies institutional realism imposing order from without. Their coexistence in historical discourse underscores an ancient yet timeless question: *Should governance cultivate moral virtue, or should it simply manage human behavior through external constraints?*

## III. Administrative Applications

The philosophical foundations of Dharma in ancient India and Legalism in ancient China were not abstract ideals alone they directly shaped administrative institutions, political culture, and methods of governance. By examining how these frameworks were operationalized, we can see how deeply moral assumptions influence bureaucratic structures and state behavior.

### Dharma in Practice: Indian Polity and Governance

In ancient India, Dharma served as both a guiding ideal and a practical administrative principle. Rulers were expected to embody the role of a *rajan dharmika* a king committed to justice, public welfare, and moral order.

- **The Mauryan Model:** Under the Mauryan Empire (4th–2nd century BCE), especially during Ashoka’s reign, Dharma was institutionalized through a network of officials tasked with promoting ethical governance. Ashoka’s *edicts* inscribed on pillars and rocks across the subcontinent stressed compassion, tolerance, and non-violence (*ahimsa*), alongside pragmatic measures for justice and administration. He appointed Dhamma Mahamatras (officers of morality) to oversee public welfare, mediate disputes, and encourage moral conduct among both officials and citizens.

- **Bureaucratic Structure:** Texts like the *Arthashastra* reveal a sophisticated administrative apparatus:
  - **Mantriparishad (Council of Ministers):** Provided strategic advice while grounding decisions in Dharma.
  - **Amatyas (High Officials):** Selected based on competence, loyalty, and moral integrity.
  - **Village Administration:** Local headmen and councils managed daily affairs, with justice often delivered through customary norms guided by Dharma.

Even when pragmatic or coercive measures were employed such as espionage or strict tax enforcement Kautilya framed them as necessary for *raja dharma*, the king's duty to protect the realm and ensure prosperity. Punishments, while present, were often tempered with opportunities for restitution, reflecting a preference for restorative justice over purely retributive measures.

### Legalism in Practice: Qin Centralization and Control

In ancient China, Legalism found its most complete expression under the **Qin dynasty** (221–206 BCE). Qin Shi Huang, the first emperor, and his chief minister Li Si applied Legalist principles to consolidate power, unify the warring states, and standardize governance across an immense territory.

- **Centralization of Authority:** Legalism's distrust of local autonomy led to the abolition of hereditary feudal titles in favor of centrally appointed officials. Authority flowed strictly from the emperor, and all officials were accountable directly to him through performance-based evaluation systems.
- **Bureaucratic Measures:** The Qin administration introduced sweeping reforms:
  - **Standardization:** Weights, measures, currency, and writing systems were made uniform, facilitating trade, taxation, and record-keeping.
  - **Strict Legal Codes:** Laws were clearly codified and applied uniformly, with little room for judicial discretion.
  - **Punitive Discipline:** Rewards for service were generous, but punishments for failure or disobedience were severe, ranging from fines and forced labor to execution.

Han Feizi's maxim, "*If the law is clear, even a weak ruler can control a strong people*", found its direct application here. Legalist governance was less concerned with moral instruction and more with ensuring compliance through **predictable enforcement**.

### Comparative Dynamics in Administration

Feature	Dharma-based Administration (India)	Legalist Administration (China)
<b>Administrative Philosophy</b>	Guided by moral duty, justice, and welfare	Guided by law, central authority, and efficiency
<b>Role of Officials</b>	Advisors and moral exemplars as well as administrators	Instruments of state control and law enforcement
<b>Local Governance</b>	Significant autonomy via village councils and customary law	Minimal local autonomy; centralized decision-making
<b>Law Enforcement</b>	Blended moral persuasion with punitive measures	Reliant on strict, impersonal punishment and reward
<b>Citizen-State Relationship</b>	Mutual obligation grounded in moral duty	Hierarchical obedience enforced by law

## IV. Limitations And Outcomes

**In India,** Dharma-based governance fostered a sense of legitimacy and trust, but its reliance on caste duties and traditional norms sometimes ossified into social rigidity. The emphasis on moral persuasion could also falter when rulers lacked personal virtue or when moral consensus broke down.

**In China,** Legalist administration achieved remarkable efficiency in unifying and governing vast territories. However, its heavy reliance on coercion, surveillance, and harsh punishments bred resentment, contributing to the Qin dynasty's rapid collapse after only 15 years. Later dynasties retained Legalist administrative techniques but softened them with Confucian ethical ideals to maintain long-term stability.

### Synthesis

Administrative application reveals that Dharma and Legalism were not merely philosophical abstractions but operational frameworks with measurable impacts. Dharma sought to cultivate *inner regulation* citizens following the law because it was morally right while Legalism sought *outer compliance* citizens obeying because disobedience carried certain punishment. Both achieved order, but through different paths, each with trade-offs between moral legitimacy and administrative efficiency.

In philosophical terms, Dharma embodies normative idealism seeking to inspire virtue from within while Legalism embodies institutional realism imposing order from without. Their coexistence in historical discourse underscores an

## V. Moral Legitimacy And Social Consequences

The endurance and stability of any political order depend not only on its ability to enforce rules but also on the *perceived legitimacy* of those rules. Both Dharma in ancient India and Legalism in ancient China sought to justify state authority, but they did so through different pathways one through moral duty and cosmic alignment, the other through law, order, and the ruler's unchallengeable authority. The consequences of these approaches were felt in the nature of the social contract, patterns of public trust, and the sustainability of governance.

### Moral Legitimacy under Dharma

In the Indian tradition, legitimacy was derived from the ruler's adherence to *rāja dharma* the king's sacred duty to govern justly, protect subjects, and uphold cosmic harmony. The belief that "*Dharma protects those who protect it*" (*Dharma rakṣati rakṣitah*) served as both a moral compass for rulers and a measure by which the public judged their conduct.

- **Social Contract and Trust:** This moral foundation cultivated a form of reciprocal obligation: subjects obeyed the ruler not simply out of fear but because they believed he acted for the greater good. Local councils, assemblies, and community elders played a role in governance, reinforcing the sense that law was an expression of shared moral principles, not merely an instrument of domination.
- **Social Stability and Risks:** While this approach fostered communal cohesion and trust, it carried risks. When rulers failed to uphold Dharma, public trust eroded, sometimes leading to moral crises or political instability. Furthermore, the integration of Dharma with social hierarchies especially the caste system meant that moral legitimacy could be manipulated to preserve inequality, limiting upward mobility and sometimes suppressing dissent.

### Moral Legitimacy under Legalism

Legalism's legitimacy rested less on the virtue of the ruler and more on the effectiveness of the state apparatus. Han Feizi argued that a ruler need not be virtuous if he ensured strict enforcement of clear laws: "*If the law is clear and penalties are certain, people will obey regardless of the ruler's moral character.*"

- **Social Contract and Compliance:** The Legalist "social contract" was unidirectional subjects owed absolute obedience to the state, and in return, the state provided security, order, and predictable administration. Public trust was not grounded in moral ideals but in the expectation that laws would be applied uniformly and infractions would be met with swift punishment.
- **Social Stability and Risks:** Legalism's strength lay in its ability to enforce unity and efficiency, particularly in times of crisis. However, its heavy reliance on fear, surveillance, and harsh penalties risked alienating the populace. Dissent was often treated as disloyalty, and intellectual freedom was curtailed, most famously during the Qin dynasty's book burnings and suppression of scholars. Such policies fostered resentment, which, combined with over-centralization, contributed to the Qin's short-lived rule.

### Comparative Consequences

Aspect	Dharma (India)	Legalism (China)
Source of Legitimacy	Moral virtue, cosmic harmony, and public welfare	Authority of the ruler, uniform enforcement of laws
Public Trust	Based on shared ethical values and reciprocity	Based on predictability and deterrence
Social Cohesion	Cultivated through moral persuasion and community participation	Enforced through centralized authority and penalties
Long-term Sustainability	Dependent on moral integrity of rulers	Dependent on efficiency and ability to suppress dissent
Potential Weakness	Vulnerable to moral hypocrisy and elite capture	Vulnerable to popular resentment and rebellion

### Enduring Lessons

Both systems highlight that legitimacy is not static it must be continually maintained. Dharma shows that moral alignment between ruler and ruled can produce lasting trust, but also that moral ideals can be co-opted by entrenched elites. Legalism demonstrates that efficiency and control can produce rapid results, but without moral legitimacy, such regimes are prone to collapse once coercive pressure weakens.

In modern contexts, governance systems that combine ethical legitimacy (public belief in the fairness and morality of leadership) with institutional legitimacy (confidence in the reliability and impartiality of laws) tend to be the most resilient. The balance between these two forms of legitimacy moral persuasion and legal enforcement remains as relevant today as it was in ancient India and China.

## **VI. Comparative Insights**

The juxtaposition of Dharma and Legalism reveals two archetypal models of governance: one anchored in moral persuasion and cosmic harmony, the other in codified law and centralized control.

### **Points of Convergence:**

- **Order as a Priority:** Both systems recognized that political stability is essential for prosperity and security.
- **Structured Administration:** Each developed sophisticated bureaucratic mechanisms to implement their principles whether through village councils in India or performance-based officialdom in China.
- **Rule over Arbitrary Power:** While their approaches differed, both sought to constrain governance within a framework. Dharma bound rulers to moral obligations, Legalism bound them to institutional norms and standardized laws.

### **Points of Divergence:**

- **View of Human Nature:** Dharma assumes moral improvability; Legalism assumes immutable self-interest.
- **Source of Legitimacy:** Dharma relies on ethical trust and reciprocity; Legalism relies on predictability and deterrence.
- **Flexibility:** Dharma's moral flexibility allowed adaptation to context, whereas Legalism's rigid codification left little room for discretion.

These divergences shaped not only administrative style but also long-term resilience. Dharma-inspired polities often survived through moral adaptation, while Legalist regimes risked collapse if central enforcement faltered.

## **VII. Contemporary Relevance**

Modern states, whether democratic, authoritarian, or hybrid, still grapple with the Dharma–Legalism dilemma: Should governance focus on cultivating virtue or enforcing compliance?

### **Dharma-like Principles Today**

- **Constitutional Values & Civic Education:** Democracies promote civic ethics, human rights, and public service values to encourage voluntary compliance.
- **Restorative Justice Systems:** Legal reforms in countries like New Zealand and Norway emphasize moral rehabilitation over punishment, echoing Dharma's preference for reconciliation.

### **Legalist Echoes in Modern Governance**

- **Regulatory Frameworks & Compliance Mechanisms:** Complex laws, administrative audits, and anti-corruption agencies reflect Legalism's insistence on codified, enforceable rules.
- **Crisis Governance:** During pandemics or security threats, states often resort to Legalist-like emergency laws and centralized decision-making to ensure swift action.

### **The Balanced Model**

The most successful governance models blend moral legitimacy with institutional efficiency. For example:

- **Singapore's Governance** combines strict legal enforcement (Legalist) with public service ethics and social trust (Dharma-like).
- **Nordic States** integrate strong welfare ethics with precise legal frameworks, ensuring both trust and compliance.

The historical dialogue between Dharma and Legalism reminds policymakers that law without morality breeds alienation, and morality without law risks ineffectiveness.

## **VIII. Conclusion**

The study of Dharma in ancient India and Legalism in ancient China is more than a comparative exercise in historical political thought; it is a reflection on the perennial challenge of governance balancing moral legitimacy and coercive authority.

Dharma offers a vision of governance where rulers are moral custodians, laws are aligned with cosmic order, and trust is cultivated through shared ethical values. Its strength lies in its ability to inspire voluntary obedience, though its reliance on moral virtue makes it vulnerable to hypocrisy and social rigidity.

Legalism presents a model where laws, not individuals, govern. Its power lies in predictability, standardization, and administrative efficiency. Yet, its overreliance on fear and centralized control risks alienating the populace and undermining long-term stability.

Both systems show that legitimacy whether derived from morality or law is fragile without the other. The sustainable governance model is not one of pure Dharma or pure Legalism, but one that fuses ethical ideals with enforceable legal structures, ensuring both justice and order.

As modern societies face increasing complexity globalization, technological disruption, environmental crises the ancient wisdom embedded in these two traditions offers a guiding principle: Governance must be strong enough to maintain order, yet wise enough to inspire trust.

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