From Historical Evolution to the End of History: Past, Present and Future from Shang Yang to the First Emperor

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Traditional Chinese ("Confucian") political thought is commonly associated with staunch conservatism. From Confucius's putative claim that he just "transmits" the wisdom of the ancients and does not create anything anew (*Analects* 7.1 Yang Bojun 1992a, 7.1: 66), through the habitual invocation of the past as the model for the present by his countless followers, and down to the stubborn resistance of the majority of the "Confucianized" educated elite to adopt reforms in the late nineteenth century C.E.—Confucianism indeed appears as a conservative ideology that is averse to substantial changes in sociopolitical practices. Many observers connected this conservatism to the predominantly cyclical view of history characteristic of Chinese traditional thought: insofar as the past was just a chain of alterations between order and disorder (*Mencius* 3B.9 Yang Bojun 1992b 6.9: 154), there was no place for a really new departure. According to this perception, it was only with the introduction of Western concepts of progress and historical evolution that "there emerged a definite longing for the dynamic development of their country among the Chinese" (Hu Chang-tze 1995: 329).

I begin with these generalizations not to demonstrate their inaccuracy or fallacy, but to remind readers that they were shared by a significant segment of China's intellectual elite at the beginning of the twentieth century. Frustrated by China's evident inability to reconstitute itself in a modern world as a "powerful state with a strong army" (*fuguo qiangbing* 富國強兵), young intellectuals began searching for a variety of non-traditional responses to domestic and external challenges. Some, like the failed reformer, Kang Youwei 康有爲 (1858–1927), attempted to reinterpret

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Confucian legacy as conducive rather than detrimental to reform and modernization; others, like iconoclastic members of the "New Culture Movement" (1915-) turned their back to Chinese cultural tradition altogether looking for pure Western remedies to China's illness (Lin Yü-sheng 1979); while still others sought inspiration from non-Confucian native traditions. It was the members of the latter group who "rediscovered" the Legalist ideology and revived the interest in its legacy.

The renewed interest in the so-called "Legalist" school[1] legacy was spurred by its demonstrable practical achievements: after all, major "Legalist" thinkers, such as Shang Yang 商鞅 (d. 338 B.C.E.), Han Fei, and Li Si 李斯 (d. 208 B.C.E.), are credited for skyrocketing the state of Qin 秦 from a minor polity into a powerful empire. Yet beyond these achievements, the appeal of Legalism derived in no small measure from its innovativeness, willingness to depart from the past patterns, and even from its quasi-scientific outlook. Thus, the first major promulgator of interest in Shang Yang's thought, Mai Menghua 麥夢華 (1874–1915), was positively attracted by the surprising similarity between Shang Yang's views of history and evolutionary ideas of Occidental social theorists (Li Yu-ning 1977: lviii–lix). This "scientific" flavor of the Legalist ideology, coupled with its vehement anti-conservatism, increased its appeal to such an extent that even a leading liberal thinker, Hu Shi 胡適 (1891–1962), was willing to forgive the "Legalists" their notorious harshness and oppressiveness. Hu even hailed what is usually considered the major Legalist-inspired atrocity, namely the book burning of 213 B.C.E.:

> Political dictatorship is surely frightening, but the dictatorship of adoring the past is even more frightening. … After two thousand years, fed up with two millennia of "narrating the past to harm the present and adorning empty words to harm the substance," we cannot but admit that Han Fei and Li Si were the greatest statesmen in Chinese history. Although we cannot completely endorse their methods, we should never let fall into oblivion their brave spirit of opposing those who "do not make the present into their teacher but learn from the past": it deserves our utmost adoration! (Hu Shi 1930: 6.480–81)

Hu Shi's willingness to endorse the Qin biblioclasm is revealing: the association of Legalism with historical progress turned the supposed suppression of conservative opposition from a despotic act into a glorious step toward liberation of mind. While not all modern Chinese thinkers shared Hu Shi's enthusiasm, many others were similarly impressed by the innovativeness and "progressive spirit" of Shang Yang, Han Fei and their associates. This view of the Legalists as "progressive" in both their outlook and in their historical role peaked during the Mao Zedong era (1949–1976), especially in the anti-Confucian campaign of the early 1970s, when Legalism was briefly elevated to the position of a direct predecessor of Mao Zedong Thought.[2]

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[1] The problématique of dividing Chinese thinkers into putative "schools of thought" had been raised several times in the past (e.g. Csikszentmihalyi and Nylan 2003; cf. Pines 2009: 4–5); specifically, the fallacy of the "Legalist" label was recently demonstrated in Goldin 2011. Inasmuch as I employ this label, I do it exclusively for heuristic reasons and not as an analytical tool. In this article, by "Legalists" I refer primarily to Shang Yang, Han Fei and to other contributors to "their" books, leaving aside many thinkers (such as Shen Buhai, Shen Dao or the authors of the *Guanzi*) who are labeled as "Legalists" in other studies.

[2] See details in Li Yu-ning 1977: l-cv; cf. Liu Zehua, unpublished.

The identification of the "Legalist" view of history as evolutionary had been broadly endorsed in Western Sinology as well, with scholars frequently juxtaposing it to the conservative "Confucian" outlook (Schwartz 1985: 333–335; cf. Graham 1989: 270–273; Cheng 1997: 235–238). Recently, however, this interpretation was challenged by Martin Kern. In his seminal *Stele Inscriptions of Ch'in Shih-huang*, Kern demonstrated that the idea of "changing with the times" was endorsed by the majority of the thinkers of the Warring States period 戰國 (453-221 B.C.E.) and was not an exclusively "Legalist" concept (Kern 2000: 170–174). Kern's views are echoed by Zhang Linxiang, who had further argued that Shang Yang's views of history are incompatible with the Occidental concept of "historical progress," superficial similarities notwithstanding (Zhang Linxiang 2008: 167–186).

I share Kern's and Zhang's willingness to dispel any simplistic dichotomy between "Confucian" and "Legalist" ideas; and I also share Zhang's reservations regarding the usage of modern Occidental terms to depict early Chinese thought. Yet I think that both scholars went too far in glossing over substantial differences between Shang Yang and Han Fei on the one side, and the majority of other pre-imperial thinkers on the other. In what follows, I shall first try to contextualize Shang Yang's and Han Fei's views of history within the broader intellectual milieu of the Warring States period. Second, I shall demonstrate that their concepts of historical development contained significant departures from the dominant notion of "changing with the times" as advocated by their opponents. Finally, I shall show that quasi-evolutionary concepts of history presented by Shang Yang and Han Fei might have contributed toward the peculiar notion of the "end of history" as is evident in the Qin dynasty propaganda and shall ask why the nascent evolutionary view of history promulgated by the "Legalists" had been ultimately abandoned by the mainstream Chinese political thought.

Change and Stability in Warring States Thought

The image of early Chinese thought—"Confucian" and "non-Confucian" alike —as excessively conservative and static has been shattered in recent years. Scholars have demonstrated that Chinese perceptions of time were fairly complex and not limited to cyclical views; that Chinese philosophy accommodated such non-static notions as creation *ex nihilo* and the desirability of innovativeness, and that Chinese political thought in general was dominated by premises of timeliness, flexibility and responding to situational challenges rather than by stasis and blind conservatism.[3] Surely, Chinese views of history were neither motionless nor static—but does this mean that the "conservative" label is entirely wrong? Not necessarily. From a closer look at the ubiquitous concept of "changing with the times," we may easily discern

[3] See, e.g., Puett 2001; Plaks 2005; Pines and Shelach 2005; Goldin 2008; see also several articles in Huang and Zürcher 1995 and Huang and Henderson 2006.

that the majority of thinkers advocated only minor modifications and alterations of extant practices, while rejecting the idea of fundamental change in sociopolitical structure and in basic institutional arrangements. Although changes were inevitable, they were to occur within a stable framework. As I shall show, it is with this regard that the "Legalists" differ markedly from the rest of major thinkers.

To demonstrate how the ideas of change and stability are interwoven into pre-imperial intellectual fabric, I shall briefly focus on what is supposed to be the least conservative *topos* in political thought: the notion of the emergence of the organized society and the state. While this choice narrows the scope of the texts under discussion, it still leaves us with a sufficiently broad sample of pre-imperial writings to allow meaningful comparison. As I and Gideol Shelach have suggested elsewhere, the topic of the state formation became increasingly important in pre-imperial political thought, and it was addressed by many leading thinkers. As in the modern West, profound political changes of the Warring States period, in addition to encounters with stateless societies at the fringes of the Zhou civilization, spurred interest in the origins and early evolution of the state; and, again as in the West, conflicting narratives of the state formation were employed primarily to bolster the thinkers' general political theories. In particular, these narratives could be utilized to highlight institutional changes in the past as a means of advocating similar changes in the present (Pines and Shelach 2005; cf. Puett 2001: 92–140).

Behind the variety of early Chinese narratives of the state formation we may discern two distinct approaches. The first, shared by most thinkers aside from the "Legalists," viewed the creation of the state as a singular event, a blessed (or, in a minority view, a negative) result of the intervention of the Sages, who created the political order *ex nihilo*. This approach is apparent, for instance, in the narrative presented by Mozi 墨子 (c. 460-390 B.C.E.) in his chapters entitled "Elevating Uniformity" (or "Conforming Upwards": "Shang tong" 尚同). According to Mozi, primeval society was plagued by a bestial war of all against all. "It was clear that disorder under Heaven derived from the absence of a ruler. Therefore, the worthiest and the most able [man] in All under Heaven was selected and established as the Son of Heaven" (Wu, Yujiang 1993: 3.11.109). Once the Son of Heaven was established, he created state institutions, such as a centralized bureaucracy, regional governorships, and local administration down to the hamlet level. These institutions are presumed to be the final and ideal political system, which may malfunction at the present, but is not to be fundamentally altered. The task of current political leaders is implied to be restoration of this erstwhile ideal order rather than the creation of something novel (Pines 2009: 31–34).[4]

Mozi's version of state formation is echoed in other texts, which likewise depict the creation of the state as a response to inevitable turmoil in stateless society

[4] The authors of the *Mozi* clarify elsewhere that the right to invent and innovate was exclusively that of the ancient sage kings; once those created the civilization, one should not deviate from their perfect model. See "Rejecting the Excesses" ("Ci guo"辭過) chapter (Wu Yujiang 1993: 1.6.45–48). For an analysis of this chapter and its possible dating to the 4th century B.C.E., see Puett 2001: 54–55 and 234n51.

(see, e.g., *Guanzi* 管子, Li Xiangfeng 2004: 11.31.568–69; and more below). Yet even thinkers who did not consider the state as a positive mechanism and lamented its emergence, shared Mozi's basic premise according to which the creation of the state was a singular event. Thus, the authors of the "Robber Zhi" ("Dao Zhi" 盜跖) chapter of the *Zhuangzi* 莊子 turn Mozi's narrative upside down and argue that the state was formed by greedy and malevolent sages who destroyed the harmonious and peaceful primeval society (Guo Qingfan 1961: 9B.29.995).[5] Yet while rejecting Mozi's view of the state as a vehicle of morality, the "Robber Zhi" authors share Mozi's belief that the state was created through a singular mental effort of its sage founders. Like other crucial innovations, such as inventions of agriculture, sericulture, writing, music and so on, the creation of the state is therefore viewed as a one-time contribution of former demiurges; once formed, the state is not supposed to undergo fundamental modifications, minor alterations notwithstanding (cf. Puett 2001: 39–140).

We shall examine later the second, "Legalist" approach, which interprets the state formation as a lengthy and dynamic process; but first let us explore further examples of the desirability of limited changes coexisting with the insistence on the fundamental stability of sociopolitical institutions. This coexistence is most explicit in the writings of Xunzi 荀子 (ca. 310-210 B.C.E.), arguably the single most sophisticated political thinker of the Warring States era.[6] Xunzi is not a diehard conservative: he is aware of the impossibility of emulating the historically unverifiable ways of pre-dynastic and early dynastic paragons, and calls instead to adopt the way of "later kings" (presumably the Zhou dynastic founders; Wang Xianqian 1988: 3.5.79–83). Certain changes and modifications are inevitable: "the methods [or laws, 法] of the Hundred Monarchs were not the same." Yet having stated this, Xunzi immediately adds: "their fundamentals are uniform" (*suo guizhe yi ye* 所歸者一也; Wang Xianqian 1988: 7.11.220). These fundamentals of political order remain unchangeable throughout human history. Xunzi explains:

> Thus, the essence of thousands and myriads of people is the same as the essence of a single man; [what was valid] at the beginning of Heaven and Earth is so today; the Way of the Hundred Monarchs is that of the later monarchs. The superior man investigates the Way of the later monarchs, and analyzes what happened before the Hundred Monarchs; he discusses this as effortlessly as if wearing an official dress and folding hands together.[7] (Wang Xianqian 1988: 2.3.48–49)

Just as human nature is unchangeable, so are the basics of the political order, which remain "the identical in the reigns of the Hundred Monarchs" (*baiwang zhi suo tong ye* 百王之所同也; Wang Xianqian 1988: 7.11.220–21). These fundamentals are embedded in the state from its very inception. Xunzi de-historicizes the state: while he acknowledges that some of its institutions were created by the past

[5] For similar ideas in the *Zhuangzi*, see "Horses' Hoofs" ("Ma ti" 馬蹄) and "Opening Satchels" ("Qu qie" 胠篋) chapters.

[6] For studies of Xunzi, see, e.g., Goldin 1999; Sato 2003; cf. Pines 2009: 82–97 *et passim*.

[7] Following Wang Niansun, I read 端拜 as 端拱.

sages (Wang Xianqian 1988: 12.19.346), he does not view the state itself as a product of historical circumstances, but rather as a given feature of human society. Xunzi explains that forming collectives (*qun* 群) is essential for the very survival of the humankind in its struggle to subdue the nature; and that these collectives, in turn, cannot exist without basic sociopolitical arrangements:

> How are men able to form collectives? I answer: through distinctions [or divisions (*fen*分)]. How are they able to implement distinctions? I answer: through the sense of propriety. Therefore, when distinctions are based on the sense of propriety, there is harmony. Harmony results in unity; unity results in plenty of force; plenty of force results in strength; strength enables the subjugation of things.
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> In their lives, people cannot but form collectives; when they form collectives, but there are no distinctions, there is contention; contention, and then chaos; chaos, and then separation; separation, and then weakness; when [the people] are weak, they cannot overcome things; hence they cannot obtain palaces and houses to dwell in. This is why it is said that ritual and propriety cannot be abandoned for the shortest while. … He who is able to employ his subjects is called the ruler. The ruler 君 [Old Chinese *kun] is the one who is good at [making people] flock together into a collective 群 [*gun]. (Wang Xianqian 1988: 5.9.164–65)

Xunzi's message is clear. First, human beings are political animals: their very survival in the natural world requires maintaining collective entities. Second, human collectives cannot function unless based on hierarchical distinctions, which are embedded in the notions of ritual and propriety (*liyi* 禮義). Third, these collectives can exist only under a monarchical system, in which a single ruler is placed above his subjects and employs them. These are the basics of human existence, and they are supposed to remain unchanged throughout the human history; they are "the identical in the reign of the Hundred Kings."

Putting aside Zhuangzi's radically iconoclastic approach, we may notice fundamental similarities between Mozi's and Xunzi's views. These thinkers do differ in details—thus Mozi sanctifies the authority of the former sages who created a singularly correct and inviolable model of political order in the remote past, while Xunzi provides more sophisticated socioeconomic justifications for the political system, and is more accommodative toward minor modifications of the past models—but both agree on the essentials. In the eyes of both, once fundamental sociopolitical structures had been established, they become transhistorical: they cannot—and should not—be altered in any meaningful way. Many more contemporaneous texts share this perspective, and it may well represent the dominant view of the Warring States period thinkers.[8]

In the long term, Xunzi's—and others'—conservative approach, which sanctifies the extant sociopolitical system as singularly acceptable, became the foundation of China's imperial political ideology; but in the short term it was not unanimously endorsed. Thinkers such as Shang Yang and Han Fei presented an incomparably

[8] See, e.g., *Springs and Autumns of Mr. Lü* (*Lüshi chunqiu* 呂氏春秋), Chen Qiyou 2002: 20.1.1321–22; *Guanzi* 管子, Li Xiangfeng 2004: 11.31.568–69; *Mencius* 3B.9 (Yang Bojun 1992b 6.9: 154); the "Minute Rites" ("Qu li" 曲禮) chapter of the *Records of Rites* (*Liji* 禮記) (Sun Xidan 1995, 1.1–6.1–162).

more dynamic vision of the evolution of human society, presupposing major changes in political institutions, social structure and even in human morality. I shall turn now to their arguments.

The Book of Lord Shang

Significant portions of the *Book of Lord Shang* revolve around the justification of radical political change. Not coincidentally, the first, and arguably the most famous, of the book's chapters, "Changing the Laws" ("Gengfa" 更法), is devoted squarely to this issue. During an alleged discussion in front of Lord Xiao of Qin 秦孝公 (r. 361–338), Shang Yang (then still named Gongsun Yang, as a newcomer to the court of Qin) rebuffed his conservative opponents who claimed that "one who imitates the antiquity does not err" (*fagu wu guo* 法古無過):

> Former generations did not adopt the same teaching: so which antiquity should one imitate? The Thearchs and Kings did not repeat one another: so what rituals should one conform to? Fuxi 伏羲 and Shennong 神農 taught but did not punish; the Yellow Emperor 黃帝, Yao 堯 and Shun 舜 punished but did not display anger; while Kings Wen and Wu both established laws as appropriate to the times, and regulated rituals according to their affairs. Rituals and laws are fixed according to the times; regulations and orders all follow what is expedient; weapons, armor, implements and equipment are all used according to their utility. Hence, I say: "There is no single way to govern the generation; to benefit the state, one should not imitate antiquity." (Jiang Lihong 1996: 1.1.4)

This statement encapsulates the essentials of Shang Yang's message. Antiquity and its paragons are not disparaged; but their model cannot be followed, because there is no unified model of the past. The lesson to be learned from the paragons' success—if there is one—is to be flexible and adaptive. This idea permeates the *Book of Lord Shang*: the ruler should never confine himself to established patterns, but rather do whatever is expedient. While the laws should not be whimsically changed, nor should they remain immutable. Responding to "the times" and modifying one's methods of rule is the book's major recipe for political success. The surviving section of the now lost "Six Laws" ("Liufa" 六法) chapter states:

> The former Kings established the laws as appropriate to the times; they estimated their tasks and then regulated the affairs. When the laws are appropriate to their times, there is orderly rule; when affairs correspond to the tasks, there is success… Hence, when Sage Monarchs ordered their states, they neither imitated the antiquity nor conformed to the current [demands]: they did what is appropriate to the times, and hence succeeded; and when facing difficulties, were able to escape. (Jiang Lihong 1996: 5.147)

This and many similar pronouncements scattered throughout the *Book of Lord Shang* are representative of "changing with the times" paradigm, and I agree with Kern that they do not distinguish Shang Yang critically from the majority of the Warring States period thinkers. However, these pronouncements are only part of Shang Yang's intellectual legacy. Of greater philosophical depth and greater interest for the current discussion are those sections of the *Book of Lord Shang* that explore

the origins of the state and reveal the authors' philosophy of history, and it is to these sections that I shall turn now.

The issue of the origins of the state and of organized society appears to be singularly significant for the authors of the *Book of Lord Shang*: this relatively short "book" contains no fewer than three distinct narratives that focus on the creation of the state in the remote past. The three narratives differ in their detail and in the degree of their sophistication, and it is highly likely that they were produced by different authors and at different stages of the formation of the *Book of Lord Shang*.[9] Of the three, the one in the "Ruler and Ministers" ("Jun chen" 君臣) chapter is the least interesting: it resembles an account in the *Guanzi*, and belongs to the mainstream view of the Warring States period: the state was created by the sages as a singular act aimed at reining in the turmoil of stateless society. I shall focus instead on what is likely to be the earliest and most sophisticated account, "Opening the Blocked" ("Kaisai" 開塞);[10] and will supplement the discussion with references to a later and possibly derivative account in "Planning the Policies" ("Huace" 畫策).

"Opening the Blocked" begins with the following statement:

> When Heaven and Earth were established, the people were born. At that time, the people knew their mothers but not their fathers; their way was one of attachment to relatives and of selfishness. Attachment to relatives results in particularity; selfishness results in malignity. The people multiplied, and as they were engaged in particularity and malignity, the people fell into turmoil. At that time, the people began seeking victories and forcefully contending [with each other]. (Jiang Lihong 1996: 2.7.51)

From the first phrases we can see the distinctiveness of Shang Yang's approach. As we have noted above, the majority of pre-imperial narratives of the state formation envisioned the primeval society as plagued by intrinsic turmoil; while a minority view, evident in the *Zhuangzi*, considered the pre-political age as an era of harmony and peace. Shang Yang combines both approaches: turmoil is not intrinsic to his stateless society; rather, it evolves gradually because of population pressure. The idea of primeval harmony is more clearly pronounced in the "Planning the Policies" chapter:

> Formerly, in the age of Hao Ying 昊英, the people cut trees and slew animals [for food]; the people were few, while trees and animals plenty. At the age of Rendi 人帝[11] the people consumed neither fawns nor eggs; officials had no servants to support them, and at the death

[9] The question of the authenticity of the *Book of Lord Shang* and of its individual chapters is too complex to be dealt with adequately here; for detailed discussions, see Zheng Liangshu 1989; Yoshinami 1992; Zhang Jue 1993; Tong Weimin 2007; Zhang Linxiang 2008; cf. Pines 2002: 703–704. There is no doubt that the book is multi-layered; thus, some of its chapters refer to the ruler as "lord" (*jun* 君), while other employ the term "king" (*wang* 王), adopted by the Qin rulers after 325 B.C.E.; these and other chapters that refer to the events which occurred long after Shang Yang's death, were obviously produced by Shang Yang's followers. Among the three chapters that discuss the origin of the state, two ("Huace" 畫策 and "Junchen" 君臣) are likely to belong to the later layers of the text, although probably both were produced in the first generation(s) of the text's accretion; i.e. both predate Han Fei.

[10] For debates on the dating of this chapter, see Zhang Linxiang 2008: 250–262.

[11] For emending Huangdi 黃帝 to Rendi 人帝, see Jiang Lihong's gloss, *Shang jun shu*, 106–7.

> they could not obtain outer coffins. [Hao Ying's and Rendi's] affairs were not similar [to each other], but they all reigned as Monarchs: this is because the times were different. At the age of Shennong, men plowed to obtain food, women wove to obtain clothing; there was no use in either punishments or administration, but there was order; armors and weapons were not raised, but [Shennong] became the Monarch. (Jiang Lihong 1996: 4.18.106–7)

In a stateless society, harmony and plentitude are possible, and the idyll of eating the food one plows and wearing the clothes one weaves is fully realizable. The problem, as is outlined in both chapters of the *Book of Lord Shang*, is that this primeval harmony is unsustainable in the long term: it is attainable only when "the people were few, while trees and animals plenty." Going back to "Opening the Blocked," we see that as "the people multiplied," the weaknesses of this stateless society became evident:

> Seeking victories results in [mutual] struggle; forceful contention results in lawsuits. When there are lawsuits but no proper [norms], nobody achieves his natural life. Therefore, the worthies established impartiality and propriety, instituted selflessness, and the people began preaching benevolence. At that time, attachment to relatives declined, and elevation of the worthy was established. (Jiang Lihong 1996: 2.7.51–52)

The promiscuous (or matriarchal?) kin-based order, which fostered selfishness, proved inadequate in coping with population pressure and resulting struggles; hence, unidentified "worthies" (*xianzhe* 賢者) intervened, replacing it with the incipient stratified society based on "elevation of the worthy." It was at this stage that morality was first taught to the populace, apparently calming the struggles and lawsuits of the earlier age. We witness then profound social, ideological and political change. However, even the new society proved inadequate to the perils of the population increase:

> In general, the benevolent are devoted to the love of benefit,[12] while the worthy view overcoming one another as the [proper] Way.[13] The people multiplied, yet lacked regulations; for a long time they viewed overcoming one another as the [proper] Way, and hence there again was turmoil. Therefore, the sages took responsibility. They established distinctions between lands, property, men, and women. When distinctions were established but regulations were still lacking, this was unacceptable; hence they established prohibitions. When prohibitions were established but none supervised [their implementation], this was unacceptable; hence they established officials. When officials were instituted but not unified, this was unacceptable; hence they established the ruler. When the ruler was established, elevation of the worthy declined and the esteem of nobility was established. (Jiang Lihong 1996: 2.7.52).

Shang Yang's narrative differs markedly from that of most other thinkers. The state was created not as a singular act of the sages, but as a result of a lengthy process of increasing political sophistication and social change. Society evolves from an egalitarian, promiscuous, kin-based order towards an incipient stratified order,

[12] The word "benefit" (*li* 利) is absent from some versions.

[13] The precise meaning of *xiang chu* 相出 in the text is disputed. Some suggest that the term refers to "mutual support" or "mutual promotion" by the worthies (e.g. Zhang Yan 2009: 322); but this reading would contradict the text's clear rejection of the worthies behavior. I follow Gao Heng's gloss (Gao Heng 1974: 74).

and then to a mature political organization, based on property distinctions, prohibitions, and officials. This process is crowned with, rather than starting with, the establishment of a ruler; and it is only then that we can speak of a fully formed state. From Shang Yang's point of view it is conceivable that during a lengthy pre-state period there were no rulers, and this situation was not necessarily unmanageable—at least until the population pressure and the resultant social tensions necessitated overall adjustment of the political system. Shang Yang's model appears as extraordinarily flexible and dynamic in comparison with that of other thinkers. This dynamism is emphasized in the summary of his narrative:

> Thus, in the early ages, [the people] were attached to relatives and were devoted to themselves; in the middle ages, they elevated the worthy and preached benevolence; in the latest age, they esteemed nobility and respected officials. When they elevated the worthy, they overcame each other with their abilities;[14] but the establishment of the ruler caused the worthies to become useless. Being attached to the relatives, they considered selfishness as the Way; but the establishment of impartiality and propriety caused selfishness to be no longer practiced. In these three cases, it is not that their affairs are opposite; it is because the Way of the people is base and what they value changes. When the affairs of the world change, the Way that is implemented alternates as well. … Hence it is said: "When the people are stupid, one can become the monarch by means of one's knowledge; when the generation is knowledgeable, then one can become the monarch by means of one's force." (Jiang Lihong 1996: 2.7.52–53)

Proper rule is based not on uniform precepts, but on constant adaptation to the ever-changing circumstances. The scope of change and of the required modifications is incomparably larger than in other texts that advocate "changing with the times": it may include modifications not only to the political but also to the social structure, and even to morality. Innovation and readiness to depart from the extant patterns are the most essential feature of the rule of the true sage. Shang Yang decries the ineptitude of current rulers who try to open the path of the former kings, not realizing that "this path has been blocked for a long time" (*ci dao zhi sai jiu yi* 此道之塞久矣). Hence, he laments, "the Three Dynasties lack a fourth" (*sandai bu si* 三代不四).

This view forwards, toward the future unification, raises an intriguing question: what would happen after the fourth dynasty is established? Will it involve further modification of political, social and ideological realities—e.g., departure from the harshness and oppressiveness advocated by Shang Yang—as the only means to restore political order? While *The Book of Lord Shang* does not often address this issue, a few statements scattered throughout the text may hint at the possibility of future modification of the political system. For example:

> The sage ruler understands the essentials of things. Hence, in ordering the people, he possesses the most essential; thus he firmly holds on to rewards and punishments, supporting thereby the One. [Benevolent is the one whose heart is affluent].[15] The sage ruler, in ordering

[14] In reading *ying* 贏 as *neng* 能, I follow Jiang Lihong's gloss, *Shang jun shu* pp. 52–53.

[15] The last sentence appears to be corrupt, and so is possibly the end of the previous one. I accept Jiang Lihong's punctuation and his substitution of *yi fu* 壹輔 with *fu yi* 輔壹 (Jiang suggests adding the word *jiao* 教, as in Chapter 3 of the *Book of Lord Shang*, but I am not convinced; *yi* 壹 is frequently employed by Shang Yang as noun and not as an adjective; the One as the synonym of proper policy). For *renzhe, xin zhi xu ye* 仁者,心之續也, I accept Gao Heng's substitute of *xu* 續 with *yu* 裕 (Gao Heng 1974: 109); but I also strongly suspect that this sentence is an old gloss that was inadvertently incorporated into the main text.

> men, should first attain their heart; hence he will be able to employ force. Force gives birth to strength; strength gives birth to awesomeness; awesomeness gives birth to virtue; virtue is born of force. The sage ruler is singularly possessive of it; hence he is able to implement benevolence and righteousness in All under Heaven. (Jiang Lihong 1996: 3.13.82)

Possible corruption of the text makes translation difficult, but the message is clear: force and violence would eventually evolve into the rule by benevolence and righteousness. For the current discussion it is less important whether or not this message, which recurs in several chapters of the *Book of Lord Shang*, belongs to Shang Yang's original vision, or was produced by his followers eager to demonstrate that they consider violence and oppression not as an end, but as a means toward the truly moral world in which "war will eliminate wars" and "punishments will eliminate punishments" (Jiang Lihong 1996: 418.107).[16] What merits our attention is that this sentiment was firmly incorporated in the *Book of Lord Shang*, adding a surprisingly idealistic flavor to this otherwise pragmatic and this-worldly text. As we shall see, hopes for the transformation of the Warring States model into something new and more "moral" would figure prominently in the aftermath of Qin unification.

Past, Present and Future in Han Fei

Han Fei's ideological indebtedness to Shang Yang is well known, and is strongly observable in his attitude toward the past and toward the relevance of history to the present. Although Han Fei adopts at times more Xunzian (or Laozi-like) stance, according to which the political system reflects eternal principles of the Way (see, e.g., "The Way of the Ruler" and "Brandishing Authority"), these philosophical digressions do not lead him to a static view of political formation. Rather, much like Shang Yang, Han Fei advocates innovativeness, flexibility and open-mindedness in dealing with the past models, and he is similarly derisive of conservative statesmen. However, there are certain novel features in Han Fei's views of the past and the present that deserve a closer look.

Han Fei is generally much more interested in history—both in the remote and in the immediate past—than Shang Yang. Whole chapters of the *Han Feizi* (especially the sequence of "Outer Compendium of Explanations" 外儲說 and "Critiques" 難) revolve around historical anecdotes which are selected and analyzed so as to demonstrate the correctness of Han Fei's ideological premises. At times Han Fei even employs the common device of "using the past to serve the present," seeking in the deeds of the sage kings of antiquity justification for his political recipes (e.g., Chen Qiyou 2000: 5.19.344 and 359). Elsewhere, however, he ridicules or criticizes those paragons, mercilessly exposing their immoral and selfish behavior and calling the very discourse that praises them subversive of political order (Chen Qiyou 2000:

[16] I investigate the modification of the rhetoric in the *Book of Lord Shang* from an alienating into an accommodative one in Pines, forthcoming B.

20.51.1151–55). Han Fei seems to be aware of the intrinsically manipulative usage of the putative legacy of the former paragons, as he explains elsewhere:

> [Followers] of Confucius and Mozi all speak about Yao and Shun, but they differ in what they accept and what they reject; yet each of them claims himself to be a real follower of Yao and Shun. But Yao and Shun cannot come back to life, so who would settle who is right: Confucians or Mohists? Seven hundred years have passed since Yin [i.e. Shang] and Zhou, two thousand odd years have passed since Yu 虞 [Shun] and Xia 夏, and it is impossible to verify the truth of Confucians and Mohists. Now, if we are to examine the three-thousand-year-old way of Yao and Shun, we understand that it is impossible to fix it with certainty. He who claims certain knowledge without examining the issue is a fool; he who relies on things which are impossible to ascertain is an impostor. It is therefore clear that those who rely on former kings, and claim they can fix with certainty [the way of] Yao and Shun, should be either fools or impostors. Teachings of fools and impostors, erratic and contradictory conduct—this is what the clear-sighted sovereign does not accept! (Chen Qiyou 2000: 19.50.1124–25)

The past cannot serve as the guide for the present because there is no singularly acceptable model of the past, and it is impossible in any case to discern the true legacy of the paragon kings amidst conflicting narratives. The clear-sighted sovereign should abandon attempts to rely on the past, because this reliance would just lead him into a trap set by his advisors. Han Fei concludes in a manner that clearly echoes Shang Yang:

> Thus the sage does not follow the past, nor imitates what is considered constantly acceptable; rather, he discusses the affairs of his generation, and makes preparations accordingly. (Chen Qiyou 2000: 19.49.1085)

While the argumentation of Han Fei slightly differs from that of Shang Yang, his general recommendation to "make preparations" according to the "affairs of the [current] generation" is identical to that of his predecessor; and, again, it belongs to the "changing with the times" framework. Yet, just like Shang Yang, at times Han Fei deviates from pure political polemics and presents a more coherent view of the past and present—a view, which is, again, embedded in the narrative of the state formation. This narrative is presented in "The Five Vermin" ("Wu du" 五蠹), one of the most ideologically significant chapters in the entire text:

> In high antiquity the people were few, while birds and beasts were plentiful. The people could not overcome birds and beasts, insects and snakes. Then a sage appeared; he trained the people to make nests in the trees so that they could avoid being hurt, and the people were happy and made him Monarch of All under Heaven, calling him the Possessor of Nests. People ate fruits and berries, mussels and clams—foul-smelling, disgusting things that hurt their stomachs, and many of the people fell ill. Then a sage appeared; he taught the people to create fire by drilling sticks and thereby change the foul smell, and the people were happy and made him Monarch of All under Heaven, calling him the Drilling Man. In middle antiquity, there was a great flood in the world, and Gun 鯀 and Yu 禹 excavated channels. In recent antiquity, Jie 桀 and Zhòu 紂 behaved violently and calamitously, and Tang and Wu attacked them.[17] Now, if in the Xia dynasty somebody would begin making nests or creating

[17] Referring to the replacement of the Xia and the Shang by the Shang and Zhou dynasties, respectively.

> fire by drilling, he would have been ridiculed by Gun and Yu; if in the Shang and Zhou dynasties somebody would begin excavating channels, he would have been ridiculed by Tang and Wu. Thus, those who nowadays adore the Way of Yao, Shun, Tang, Wu and Yu and [recommend implementing it] in the current generation, will be ridiculed by the new Sage. (Chen Qiyou 2000: 19.49.1085)

There are obvious similarities between Han Fei's account and the narratives of the state formation from the *Book of Lord Shang* discussed above. While Han Fei's outline of successive social changes is less systematic and less sophisticated than that of Shang Yang, his idea of technological advancement as a possible prime mover of sociopolitical change is even more modern-looking than Shang Yang's speculations (Pines and Shelach 2005: 150–51). Yet, for the current discussion, Han Fei's most significant innovation is the last phrase, which refers to a "new Sage" (*xin sheng* 新聖), apparently the awaited creator of a new order. Han Fei's reference to a "new Sage" is unprecedented in pre-imperial texts and it raises an intriguing question: would the new sage radically reshape sociopolitical life as former sages did? As we shall see below, Han Fei leaves this question unanswered; but before we deal with it, let us first focus on the rest of Han Fei's narrative in which he explores the impact of the population pressure on sociopolitical and even on ethical life:

> In ancient times, men did not plow, [because] fruits of herbs and trees sufficed for food; women did not weave, [because] the skins of birds and beasts sufficed for clothes. Without wasting their force, they had enough to nourish themselves; the people were few while goods were plenty; hence people did not compete. Therefore, no rich rewards were bestowed, no severe punishments used, but the people were ordered by themselves. Nowadays, five children are not considered too many, and each child also has five children; the grandfather is still alive, and he already has twenty-five grandchildren. Therefore, the people are plenty while commodities and goods are few; people work laboriously, but provisions are scanty; hence the people compete. Even if [the ruler] multiplies rewards and piles on punishments, he will not avoid calamity. (Chen Qiyou 2000: 19.49.1087)

Han Fei's awareness of the negative impact of population pressure on social mores is stronger and more clearly pronounced than that of Shang Yang, apparently reflecting the demographic realities of his age.[18] With greater clarity than his predecessor, Han Fei assumes that people in the under-populated primeval society could have enjoyed plentitude, and their lives would have been happy and tranquil. Yet this tranquility was doomed: with the population increase and subsequent dearth of commodities, struggles and contest ensued, and they could not be reined in without coercion from above. Human morality is, therefore, not given once and for all, but, rather, is influenced primarily by material conditions. Han Fei clarifies this point:

> When Yao ruled All under Heaven, his thatched roof remained untrimmed, his speckled beams unplaned. He consumed coarse millet and a soup of greens, wore deerskin in winter and rough fiber robes in summer. Even the food and clothes of a gatekeeper are not as

[18] No population statistics exist from the Warring States period, but anecdotal data testify overwhelmingly to the significant increase of the population in the aftermath of the "iron revolution" (for which see Wagner 1993). This observation is supported by the recently published census data from Qianling 遷陵 county in the Qin dynasty (Zhang Chunlong 2009: 188). I intend to explore this topic in a future study.

> miserable. When Yu ruled All under Heaven, he personally took plow and spade to lead his people, working until there was no more skin on his thighs or hair on his shins. Even a slave's toil is not as bitter as this. From this we see that those in antiquity who yielded the position of the Son of Heaven in reality abandoned food fit for a gatekeeper and toil fit for a slave. Therefore, the transfer of rule over All under Heaven was not considered a great matter. Nowadays, however, when the district governor dies, his descendants for generations go on riding in carriages; hence the people respect this position. … People relinquished the position of the Son of Heaven not because they were high-minded, but because the advantages [of this position] were light; [now] people struggle for sinecures in the government[19] not because they are low-minded, but because the power [of this position] is weighty. (Chen Qiyou 2000: 19.49.1088–89)

Han Fei's understanding of the interrelations between human morality and economic conditions surprisingly resembles Marx's famous dictum, "It is not the consciousness of men that determines their existence, but their social existence that determines their consciousness" (Marx and Engels 1975–2004: I, 283). Selflessness is possible only in the underdeveloped age of primitive equality; but it is unattainable in the current age of unequal distribution of prestige and riches. Yet this understanding has important implications for the foreseeable future. Insofar as there is no way to recover the world of universal sufficiency, it may be inferred that the political system based on coercion and mutual mistrust would remain intact even under the forthcoming "new Sage." Thus, considerable changes occurred in the past—but it is not at all clear that they will take place in the future.

If my analysis is correct, it explains why Han Fei refrains from speculating about the future regime. His writings are not devoid of utopian digressions, but these utopias are placed in the past rather than in the future (Chen Qiyou 2000: 8.29.555). With regard to the future, he promises that the implementation of his recommendations would bring about orderly rule, tranquility, military prowess, and even improved morality with "few petty men and many superior men" (Chen Qiyou: 2.6.91 and 8.25.526), but he never depicts the future as radically different from the present. Such notions as a world without war and punishments, as we have encountered in the *Book of Lord Shang*, are alien to Han Fei. Perhaps, because material conditions make people selfish and greedy, even the best regime would be unable to change this.

This apparent lack of any orientation toward the future makes Han Fei's model of historical development less dynamic than that of Shang Yang. While both share the belief that substantial social, political and behavioral changes did occur in the past; and while both use this notion to advocate departure from earlier models of rule, their view of the future is not identical. Shang Yang (or later contributors to the *Book of Lord Shang*) seemingly believes in the possibility of a moral universe under the future sage monarch, though this topic is never fully elaborated. Han Fei appears less enthusiastic, or possibly more sober, and remains silent about the possible changes that "the new sage" would introduce. Somewhat surprisingly for a thinker

[19] Following the gloss by Wang Xianshen, I emend *shi tuo* 士橐 to *shi tuo* 仕托 (Wang Xianshen 1998: 444).

who lived on the eve of the imperial unification (and who sought to contribute to this unification), Han Fei never speculates about how the unified realm would look. The thinker who reportedly impressed—even if posthumously—King Zheng of Qin, the future First Emperor, left the King without a clear blueprint for the new era of the unified empire.

Qin's "End of History" and Its Aftermath

In 221 B.C.E., just 12 years after Han Fei's death in Qin custody, King Zheng of Qin annihilated the rival states, proclaimed himself the First Emperor, and inaugurated a new era. The Qin unification was a momentous event. Within a few years, the Qin armies eliminated every powerful polity within the Zhou cultural sphere, and put an end to centuries of warfare and bloodshed. The immense pride in this achievement permeates the pronouncements of the Qin leaders and their deeds. Many measures taken by the new regime were aimed at demonstrating that the new era had arrived: from the adoption of a novel title for the supreme ruler (*huangdi* 皇帝, "the August Thearch," the designation that Chinese monarchs held thenceforth for 2,132 years); to ritual and administrative innovations, and the highly symbolic act of collecting bronze weapons from the populace and melting them down to create huge statues and bells. An empire-wide feast celebrated the new era; everybody's rank of merit was raised by one degree, and the newly unified weights and measures were inscribed with the uniform inscription glorifying the Emperor's achievement: "In his 26 year, the Emperor annexed all the regional lords under Heaven; the black-haired people [i.e. the commoners] are greatly tranquil."[20] All these actions were to symbolize a new departure, the end of the age of warfare and the beginning of a new era of peace and tranquility.

The understandable sense of novelty that permeates the manifold reforms of Qin leaders does not by itself signify Qin as an exceptional regime; rather any new dynasty was expected to initiate symbolic renovations at the beginning of its rule.[21] Yet Qin differs from its predecessors and successors by its strongly emphasized

[20] For Qin's innovations in the aftermath of the unification, see Sima Qian 1959: 235–51; for the inscriptions on weights and measures, see Wang and Cheng 1999: 63–69; and Sanft, forthcoming.

[21] The idea of periodic renovations is present in many texts of the Warring States period; it might have crystallized in the theory of the "five phases" (*wu xing* 五行) associated with Zou Yan 鄒衍 (ca. 305–240) and his followers. This theory, as presented in the "Responding to the Similar" ("Ying tong" 應同) chapter of the *Lüshi chunqiu* stipulates that every unifying dynasty rules under a certain cosmic element, and that the choice of the element should be reflected appropriate in ritual, administrative and symbolic alterations. Interestingly, "Responding to similar" chapter allows both cyclical and linear interpretation of the elements' change; it is constructed so as to present the water (Qin's cosmic element) as the fifth, and possibly the final stage of the elements' cycle. See more in Puett 2001: 143–44.

sense of a radical breakaway from the past. Rather than claiming that they restored the golden age of the former paragons, the Qin leaders opted to present their regime as infinitely superior to that of the past. This self-image is vivid in Qin's imperial inscriptions made on the steles, which the First Emperor erected on the holy sites of the newly conquered territories (see details in Kern 2000). Thus, the earliest of these inscriptions, from the Mt. Yi 嶧山 stele (219 B.C.E.), hails the August Thearch:

> [The Qin ministers] recall and contemplate the times of chaos:
> When [regional lords] apportioned the land, established their states,
> And thus unfolded the pattern of struggle.
> Attacks and campaigns were waged daily;
> Blood was shed in the open countryside—
> This had begun in highest antiquity;
> Through untold generations,
> One [rule] followed another down to the Five Thearchs,
> And no one could prohibit or stop them.
> Now today, the August Thearch
> Has unified All-under-Heaven into one family—
> Warfare will not arise again!
> Disaster and harm are exterminated and erased,
> The black-haired people live in peace and stability,
> Benefits and blessings are lasting and enduring.[22]

This inscription is an excellent testimony to the mindset of Qin leaders in the aftermath of imperial unification. First, it identifies the past, including the age of the paragon Five Thearchs, with persistent debilitating warfare. Second, it hails the First Emperor for bringing about unity, peace, and stability, dwarfing thereby the achievements of his predecessors. Third, it promises that the Emperor's achievements will be "lasting and enduring" and "warfare will never rise again." In a few sentences the inscription encapsulates the Qin vision of the past, present, and the future.

The Mt. Yi inscription is representative of the dominant mood in the First Emperor's entourage. This mood is easily observable in many stories collected in *Records of the Historian*, which repeatedly narrate the instances in which the Emperor and his aides ridiculed the former paragons for their insufficiently effective unification (Sima Qian 1959: 6.236, 245, 246), and in other inscriptions, which proudly proclaim that "viewed against the old, [our times] are definitely superior" (Sima Qian 1959: 6.250; Kern 2000: 39). This derisive attitude to the past is matched by insistence on the newness of the Qin. The very language of the stele inscriptions, which abounds with terms such as "to create" (*zuo* 作, 5 times), "for the first time" (*chu* 初, 4 times) and "the beginning" (*shi* 始, 4 times), emphasizes the regime's determination to draw a clear line between what was and what is going to be.

The Qin leaders not only rejected the past but also firmly appropriated the future, boldly declaring that history had ended. Their propaganda lacks any reference to the possibility of their losing power in the future, a *topos* which figures so prominently in the supposedly early Zhou texts in the *Documents* (*Shu* 書) and in

[22] Cited with minor modifications from Kern 2000: 13–14.

some of the *Odes* (*Shi* 詩).[23] Qin propaganda presents history not as a cyclical alteration of order and disorder as assumed by Mencius, but as a lengthy age of disorder under various dynasties, ending with a new, eternal Qin era. This desire to conquer the future was expressed soon after the unification when the Emperor decided to abolish the tradition of giving posthumous names to the late monarchs, saying that henceforth his posterity would be numbered according to their generation: "the Second Generation [Emperor], the Third Generation [Emperor] and so on for myriad generations, to be inherited endlessly" (Sima Qian 1959: 6.236). This endlessness, eternity, and longevity is repeatedly mentioned in the Qin inscriptions, going much further than the traditional hopes of the lineage longevity expressed in the Zhou bronze texts.[24] For the Qin leaders, there could be no return to the past, with its fragmentation and disorder.

As I have argued elsewhere, disclaiming the past in Qin official propaganda might have eventually contributed toward Qin's misidentification as an "anti-Traditionalist" regime (Pines, forthcoming A). In retrospect, then, the Qin leaders' decision to present their regime as a breakaway from the past might have been a miscalculation; but this was not necessarily so in the immediate intellectual and political context of the founding of the empire. Ideologically, the discourse of innovation and of legitimacy of dissociation from the past, promulgated by Shang Yang, Han Fei and their associates, might have been more appealing than the more cautious notion of "changing with the times" within a given sociopolitical framework. Politically, presenting the Qin regime as completely novel might have been conducive for the successful integration of the newly conquered population. Recall that the occupiers radically changed the lives of their new subjects, imposing on them the legal and administrative regulations of Qin, its weights and measures, script and coins, rites and laws, and even its specific administrative vocabulary. Qin altered the social system of the occupied states by decapitating local elites and by imposing the Qin system of twenty ranks of merit.[25] It might have been more expedient to present these measures not as subjugation to Qin rule but as a radical renovation of the lives of the new subjects. The discourse of novelty with its strong emphasis on peace,

[23] The fear of the potential loss of the Mandate is evident in many supposedly early Western Zhou texts, such as "Kang gao" 康誥 and "Duo fang" 多方 documents or the "Wen wang" 文王 ode.

[24] See such terms as "for long time" (*chang* 長, 5 times); "forever" (*yong* 永, 3 times); similar references to longevity for "myriad generations" (*wanshi* 萬世) are scattered in the speeches cited in the "Basic Annals of the First Emperor." For the quest for the lineage longevity in the Zhou bronze inscriptions, see Xu Zhongshu 1988.

[25] The Liye 里耶 documents, coming from the Chu area that was occupied by the Qin armies just on the eve of the unification provide us with valuable insights with regard to the scope and profoundness of Qin's intervention into the lives of the conquered population. From the household registration data we learn of the immediate imposition of the Qin ranks system on the occupied (Hsing, forthcoming); other documents testify to the deep penetration of Qin administration into the local society down to the hamlet level (Bu Xianqun 2009), and even to the imposition of Qin's vocabulary on the local administrators (Hu Pingsheng 2009). For the decapitation of local elites and their forceful removal to the vicinity of Qin capital, Xianyang 咸陽, see Sima Qian 1959: 6.234.

tranquility and orderly rule under the Sage August Thearch was supposed to bolster the regime's legitimacy—and possibly it did so, at least in the short term.[26]

The discourse of breaking away from the past and the end of history could be compelling enough for the Qin leaders; but how did it influence Qin political practices? It is here that the gap between lofty pronouncements and actual policies becomes clear. Aside from the outburst of creativity in the immediate aftermath of the imperial unification, most notably the creation of the institution of emperorship, Qin imperial policies remained largely confined to the Warring States model. Having repeatedly declared the coming of eternal peace and universal prosperity, the Qin leaders continued to maintain their pre-imperial military and economic organization aimed at extracting the maximum from their subjects, mobilizing population to a variety of military and economic projects, and eventually exhausting its strength (Lewis 2007; Shelach, forthcoming). Ironically, Jia Yi 賈誼 (200–168 B.C.E.), arguably the most astute analyst of Qin's experience, criticized the Qin not for excessive innovation, but for its inability to change. Qin had "neither changed its Way nor reformed its government, because it did not distinguish between the means used to seize power and those needed to preserve it" (Sima Qian 1959: 6.283; cf. Watson 1993: 81). This observation seems to me singularly correct. Qin's discourse of "modernity" was not matched by real alteration of old practices.

It may be unfair to blame Shang Yang and Han Fei for failing to provide the Qin with a clear blueprint for maintaining unified rule. After all, these thinkers excelled at proposing solutions to current problems rather than at creating future-oriented utopia; and in any case no ready model for the future imperial rule had been proposed by any thinker of the Warring States era.[27] Yet we may also speculate that Qin's full commitment to the forward-looking ideology might have prevented its leaders from contemplating reversal from the Warring States model of an assertive, all-penetrating and all-mobilizing state toward a less centralized model, promulgated by those thinkers who sought inspiration in the putative golden age of the Zhou dynasty, or even in earlier periods. Whether or not this ideological rigidity contributed directly to the Qin collapsed, as suggested by Jia Yi, is disputable; but a comparison between the Qin and the subsequent Han 漢 dynasty (206 B.C.E.-220 C.E.) suggests that what Gideon Shelach aptly calls a "fuzzy" Han system might have been less efficient but proved to be more viable in the long term (Shelach, forthcoming).

[26] For the opinion that "the gentlemen of All under Heaven docilely bowed before [the First Emperor's] wind" in the aftermath of unification, see Jia Yi's 賈誼 words in Sima Qian 1959: 6.283.

[27] As I argue elsewhere (Pines 2009), thinkers of the Warring States period bequeathed to their descendants a set of ideas and ideals associated with the unified imperial rule, but not a definite model of this rule. While some of the thinkers sought inspiration from the Western Zhou model (as imagined or reinterpreted by ritual specialists of the Warring States age), this model was considered inadequate by many, especially because of the limited territorial expansion and limited centralization of the early Zhou rule; and it was duly rejected by the First Emperor (Sima Qian 1959: 6.238–39; see more in Pines 2008).

The swift collapse of the Qin dynasty discredited its political discourse, if not necessarily its practices. Thenceforth, the idea of a radical break from the past was discontinued, and former paragons were no longer derided. It was under the Han that a substantial change occurred and a new viable imperial model evolved, which synthesized the Qin (or, more precisely, the Warring States period) system of centralized bureaucracy with looser patterns resurrected from the (imagined) Zhou past. The new system, which emerged gradually and in a piecemeal fashion during the first two centuries of the Han rule, was novel, to be sure —but this novelty was conveniently concealed behind the veneer of declared respect to the past. Thenceforth, modifications and alterations of the imperial system occurred within the uniform conceptual framework. In the final analysis, the moderate conservative idea of "changing with the times" proved more viable than advance into unknown future sketched by the "Legalists"—until the major blow to the imperial enterprise in the nineteenth century resurrected the interest in radical departures—and in the all but forgotten legacy of Shang Yang, Han Fei, and their associates.

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