

Chapter 1

Shang Yang and *The Book of Lord Shang*



Yuri Pines

Shang Yang 商鞅 (also known as Gongsun Yang 公孫鞅, or Lord of Shang 商君, d. 338 BCE) is one of the best known—and most controversial—statesmen in China’s long history. He is renowned primarily as the major reformer whose policies propelled the state of Qin from relative marginality early in the Warring States period (Zhanguo 戰國, 453–221 BCE) to center stage of the Chinese world, setting it on course to eventual unification of “All-under-Heaven” (*tianxia* 天下). At the same time, Shang Yang is also infamous as a ruthless and cynical politician, the author of a series of appalling statements and of oppressive policies. A millennium-old verdict of Su Shi 蘇軾 (1036–1101), “from the Han 漢 [206/202 BCE–220 CE] onward, scholars have been ashamed to speak about Shang Yang” 自漢以來，學者恥言商鞅 (*Dongpo quanji* 105: 14), remains to a certain extent valid nowadays. The thinker and the text associated with him—the *Book of Lord Shang* (*Shangjunshu* 商君書)—continue to ignite strong emotions (see Pines, Chap. 17, this volume). Recently, the situation started changing, as scholars are more eager to look at the text not as a foil in current ideological struggles but as repository of novel and engaging, even if at

This research was supported by the Israel Science Foundation (grant No. 568/19) and by the Michael William Lipson Chair in Chinese Studies.

Y. Pines (✉)

Hebrew University of Jerusalem, Jerusalem, Israel

e-mail: yuri.pines@mail.huji.ac.il

times controversial or even appalling ideas.¹ In the context of the current volume, this book is valuable as the foundational text for studying the concept of the rule by impartial standards (*fa* 法).

1 Shang Yang: The Reformer

Shang Yang, the alleged author of the *Book of Lord Shang*, is arguably the most famous and most influential statesman of the Warring States period. His biography is narrated in chapter 68 of *Records of the Historian* (*Shiji* 史記) by Sima Qian 司馬遷 (ca. 145–ca. 90 BCE); other chapters provide additional details about Shang Yang's career. The biography itself is not entirely reliable: it contains many literary embellishments and the admixture of later legends; many of the stories told by Sima Qian (or by the authors of his primary sources) should be read *cum grano salis* (Yoshimoto 2000; Jiang Chongyue 2021: 1–5). Nonetheless, the biography is not pure fiction, either; some of its details can now be corroborated thanks to new paleographic discoveries (Tong 2013: 311–19). It can therefore be conveniently utilized to reconstruct the factual skeleton of Shang Yang's career.

Gongsun Yang (the future Shang Yang) was a scion of the ducal house of the tiny state of Wei 衛. He looked for employment in the neighboring state of Wei 魏, the major power of his time. Having failed to advance there, he turned westward to the court of Qin, where the newly ascendant Lord Xiao 秦孝公 (r. 361–338 BCE) invited foreign advisors to come and propose ways of strengthening the state and restoring its erstwhile glory. Gongsun Yang succeeded in impressing his new employer; in 359 BCE, he overpowered his conservative opponents in court debates that are purportedly reproduced in the first chapter (“Revising the Laws” 更法) of the *Book of Lord Shang*, and gained the lord's confidence. He was appointed to the position of chief minister and launched two series of reforms, which profoundly reshaped Qin's entire sociopolitical structure. Following a successful 20-year career—which also included diplomatic and military achievements—Gongsun Yang was granted a fief at the location named Shang, and henceforth he was known as the Lord of Shang or Shang Yang (Pines 2017: 7–24).

The range of reforms attributed to Shang Yang in Sima Qian's biography is extraordinarily broad. They encompass almost every important aspect of life in the state—from the penal code to taxation, from unification of weights and measures to changes in land allocation, from administrative centralization to reform of the

¹On the dearth of studies of the *Book of Lord Shang*, especially in the West, see Pines 2017: 251–52, notes 3–5. Among signs of renewed interest in the *Book of Lord Shang*, see two simultaneous translations cum studies of the text (Pines 2017; Vogelsang 2017) and a forthcoming special issue of *Bochumer Jahrbuch zur Ostasienforschung* 46 (2023). Tao Jiang's recent monograph (2021: 243–67) is the first major study of early Chinese philosophy in which Shang Yang's thought is systematically discussed. Interest in the *Book of Lord Shang* increases in mainland China as well (see, e.g. Jiang Chongyue 2021 and 2022).

regional administration. It is highly likely that some of the reforms started before Shang Yang's arrival and many matured only after his death (Lewis 1999: 603–04), but there is no doubt that many real reforms were initiated by Shang Yang. The boldest and most consequential of these was the introduction of the system of ranks of merit which replaced the erstwhile aristocratic ranks. Ranks of merit became the major positive incentive through which the population was directed toward two tasks deemed by Shang Yang as essential, namely, agriculture and warfare. This system, which profoundly reshaped Qin's society, may be considered one of the boldest experiments in social engineering worldwide (Pines 2016b).

The new system was based on twenty (initially fewer) ranks of merit for which most males were eligible regardless of pedigree or economic status. The eight lowest ranks were distributed in exchange for military achievements, in particular the decapitation of enemy soldiers, or could be purchased by wealthy individuals in exchange for grain. Successful rank holders could be incorporated into the military or civilian administration and thereafter be promoted up the social ladder. Each rank granted its holder economic, social, legal, and sumptuary privileges, such as the right to cultivate a certain amount of land, the right to be given slaves to assist in its cultivation, the right to redeem certain punishments, and so forth. From the unearthed Qin and early Han legal and administrative materials, we know that the ranks were not fully inheritable; under normal circumstances, a man could designate one heir to his rank, but the heir received a rank one or two positions lower than his father, and the decrease was sharper for the holders of higher ranks (except for the one or two highest ones). The system therefore generated a much higher degree of social mobility than had prevailed in the aristocratic age.²

The system of ranks of merit effectively transformed society from one based on pedigree, in which the individual's position was determined primarily by his or her lineage affiliation, into a more open one in which individual merit, especially military merit, for the most part determined social position. This system dramatically increased the motivation of Qin's soldiers to fight and attain merit on the battlefield, which contributed to Qin's army becoming one of the most formidable war machines in China's history. Besides, the system had far-reaching sociopolitical consequences. First, it broke the monopoly of the hereditary aristocracy on power and effectively abolished this stratum or at the very least radically weakened it. Second, it empowered the state, which henceforth gained unprecedented control over determining an individual's social and economic status. And third, it brought about a radical change in the composition of the elite and even its cultural outlook. This change, which is most clearly observable from the changing mortuary customs

²The earliest systematic introduction to the system of ranks of merit in English comes from Michael Loewe (1960), updated in Loewe 2010. For other magisterial studies, see Nishijima 2004, Zhu 2008, and Korolkov 2010: 101–12. For the most detailed attempt to apprehend the impact of Shang Yang's reforms on Qin's social structure, see Du 1985. Many insightful observations about the system's functioning are scattered throughout Barbieri-Low and Yates 2015; see especially pp. 872–76 and pp. 437–38n130, q.v. for further references. See also Yang 2021 for important observations about the system's transformation from Shang Yang's times into the early Han era.

of Qin elites after Shang Yang's reforms (Shelach and Pines 2006), demonstrates the reform's depth, comprehensiveness, and ultimate success.

His successes notwithstanding, Shang Yang met a tragic end. Soon after the death of his patron, Lord Xiao, Shang Yang was accused of plotting rebellion and summarily executed. The details of his clash with the son and heir of his patron are too mired in later legend to allow reliable reconstruction (Pines 2017: 22–23). What matters is that Shang Yang's reform program was not abandoned. The state of Qin, reinvigorated by Shang Yang's reforms, continued its steady expansion for over a century until it finally unified the Chinese world in 221 BCE.

2 The Text: Dating and Style

The *Book of Lord Shang* survived the vicissitudes of history better than most other texts associated by early Han bibliographers with the “school of *fa*,” but it still was badly battered due to centuries of neglect. The text has suffered the loss of five out of an original twenty-nine chapters and considerable corruption in some of the remaining chapters. Serious studies of the text—such as parsing it into paragraphs and sentences (*zhangju* 章句), providing it with adequate glosses, and analyzing the dates of its composition—started in earnest only in the late nineteenth century and only recently can be said to have reached a relatively advanced level (Pines 2017: 26–31). This bad state of preservation—aside from ideological biases mentioned above—is one of the reasons for the dearth of studies of the *Book of Lord Shang* in the modern era.

Two additional factors that hindered engagement with the *Book of Lord Shang* are the text's low literary quality and its perceived inauthenticity. Zhou Duanchao 周端朝 (1172–1234) was probably the first to note that the text, full as it is of “redundant and excessive words” 汎濫淫辭, is inadequate as an introduction to Shang Yang's ideas; instead, one would be better off reading the biography in the *Records of the Historian* (*Wenxian tongkao* 212: 7). Slightly later Huang Zhen 黃震 (1213–1280) also noted the low literary quality of the text and claimed that the book is too “disordered” 煩亂 to have been produced by a “gifted law official” such as Shang Yang: “its authenticity is doubtful and cannot be verified” 真偽殆未可知 (*Huangshi richao* 55: 30). These comments did not inspire further studies of the text. Indeed, well into the twentieth century the overwhelming majority of discussions about Shang Yang were based on his biography penned by Sima Qian rather than on the *Book of Lord Shang*. Even today, Shang Yang's image in the *Records of the Historian* casts a long shadow over studies of Shang Yang and his intellectual legacy (Pines, Chap. 17, this volume).

Throughout much of the twentieth century, the question of authenticity of the *Book of Lord Shang* was particularly contestable. Since some of the book's chapters, most notably chapter 15, “Attracting the People” (“Lai min” 徠民), contains information that postdates Shang Yang's death by almost 80 years (Tong 2016; Pines 2023), it is clear that at the very least some of the book is not related to the

historical Shang Yang. These instances of belated information prompted many scholars, especially in the first half of the twentieth century, to conclude that the book as a whole is “inauthentic,” which, in turn discouraged in-depth engagement with the text (Pines, Chap. 17, this volume). Only gradually a more nuanced view of the *Book of Lord Shang* as a composite text gained prominence. This approach was most productively utilized by Zheng Liangshu (1989). Zheng averred that the book is a collective product of “Shang Yang’s school” (*Shang Yang xuepai* 商鞅學派): its production started with Shang Yang and continued by his disciples and followers through more than a century after his death. Whereas some of Zheng’s conclusions are debatable, his overall approach can be validated. First, the *Book of Lord Shang* is not a mishmash of unrelated chapters (such as, e.g., *Guanzi* 管子) but rather a product of a relatively close group of thinkers; hence the text is highly coherent in terms of its style, lexicon, and basic ideas. Second, this coherence notwithstanding, one may observe subtle dialogue among different chapters, which indeed may reflect intellectual evolution within “Shang Yang’s school” (for a few examples, see Pines 2012, Yoshinami 1985, and Pines 2023). And third, whereas it is pointless to speculate which of the chapters were penned by Shang Yang personally, or try to date each of the chapters with any precision, we can at the very least conclude that most of the datable chapters were composed either during Shang Yang’s lifetime or in a generation or so after his death. As such the bulk (but by no means all) of the text reflects the realities of the first decades of Shang Yang’s reforms in Qin (Pines 2017: 36–54).

Speaking of the text’s style, it is true that the *Book of Lord Shang* is not a literary masterpiece. In terms of sophistication of its arguments and literary richness, it fares badly in comparison with texts by many other preimperial masters, most notably with the ideologically close *Han Feizi* 韓非子 (for which see, e.g., Goldin 2020: 218). This is especially true of its early chapters, the language of which is dull and devoid of such literary embellishments such as metaphors, parables, and the like. The authors’ individual voices are rarely heard, and we know next to nothing of their aspirations or frustrations. Although the text is bitterly polemical, the opponents remain nameless, as is the case in most other texts from the first half of the Warring States period. The style of many chapters resembles, even if superficially, the style of *Laozi* 老子, as William Baxter summarizes it: “It is entirely free of narration, in the sense that its statements are general and not anchored to any particular persons, times, or places. There is no indication of who is speaking, no direct reference to historical events. This contrasts strikingly with Confucian discourse” (Baxter 1998: 240).

Baxter’s observations are applicable to most of the *Book of Lord Shang*’s chapters. They, too, are free of narration; the statements are not anchored to particular persons, times, or places; the authors remain nameless; and historical events are referred to only in a couple of demonstrably late chapters (e.g., 15, 17). The book’s style is plain and straightforward. The authors seek neither religious nor metaphysical justifications for their proposals; philosophical digressions in the text are few and far between (although when they do occur, they are highly insightful, as discussed below). This ostensible simplicity is most appropriate for a book that

repeatedly derides “argumentativeness and cleverness” 辯慧 (*Book of Lord Shang* 3.4, 3.5, 4.3, 5.1, 25.4; Zhang 2012: 42, 46, 62, 74, 275).³ In some of the chapters, most notably 4, “Eliminating the Strong” (“Qu qiang” 去強), minimalism and straightforwardness are brought to their extremes. The chapter, which may have been designed as the text’s “canon” (Pines 2017: 141–42), consists of short and energetic sentences. Everything—including grammatical particles—is sacrificed for the sake of brevity (even the ubiquitous particle *ye* 也 is present only once). The text’s messages are clarified in an almost sloganlike fashion; one may dislike them, but one cannot miss them. A correct policy will make the state strong (*qiang* 強) and turn its leader into the True Monarch (*wang* 王)⁴; a wrong choice will cause the state’s collapse (*wang* 亡). These are one’s policy choices: take it or leave it.

The style of chapter 4 is reflective, to a certain extent, of the bulk of the *Book of Lord Shang*. For instance, most of the chapters similarly (even if less radically) reduce the usage of particles (the so-called empty words, *xuci* 虛詞) to an absolute minimum, as is appropriate for a text that deals with “substantial” (*shi* 實) matters.⁵ Not all “empty words” are excluded, though. Some are hugely popular with the authors, in particular the words that create an impression of logicity and the absolute correctness of their proposals. One of their favorite terms is *bi* 必 (surely, inevitably): it recurs no fewer than 186 times in the *Book of Lord Shang* (in comparison, in the much longer *Mengzi* this particle is used 100 times). Even more popular are illative expressions meaning “hence” or “therefore,” such as *gu* 故 (252 times), *shigu* 是故 (15 times), and *shiyi* 是以 (16 times), and especially a related term for indicating the policy’s outcome, *ze* 則, “then” (more than 500 times).⁶

Another interesting feature of the *Book of Lord Shang* is the number of chapters—no fewer than seven—that use the first-person pronoun *chen* 臣, literally meaning “I, your subject/your minister.” It is conceivable that these chapters derived from court memorials submitted by Shang Yang and his successors to Qin rulers. It may be significant, though, that the editors who collected these memorials preferred to retain *chen* rather than a common first-person pronoun such as *wu* 吾. Perhaps they were hinting that an appropriate mode of intellectual activity is that directed exclusively from a minister toward the ruler rather than being directed at fellow intellectuals. This being said, it is clear that by circulating these memorials, the editors did hope to engage a much broader audience than the ruler alone. Despite the text’s derision of “argumentativeness and cleverness,” it is fully engaged in polemics with members of the educated elite. This polemical perspective explains the selection of

³ Hereafter, all the references to the *Book of Lord Shang* are to the paragraphs as adopted in Pines 2017 (without adding the book’s title); Chinese references are to Zhang’s 2012 edition.

⁴ The True Monarch (a notion associated with the verbal usage of *wang* 王) refers not to the self-proclaimed kings of the Warring States, but to the one who acts as appropriate to the Monarch, that is able to unify All-under-Heaven. In most texts (but not in the *Book of Lord Shang*), the True Monarch is also identified as a moral paragon (Pines 2014: 259–63).

⁵ For insightful observations about the interrelation between the style and the content of early Chinese texts, see Gentz and Meyer 2015: 13.

⁶ My calculations are based on Miao and Wu 1998.

the topics covered. The *Book of Lord Shang* is not—and was never designed to be—a comprehensive introduction to Shang Yang’s reforms. Rather, its focus is providing the reforms’ rationale and defending some of their more controversial aspects.

3 Beyond “Alienating Rhetoric”: The Goal of Self-Strengthening

Perceptions of the *Book of Lord Shang* were largely shaped by Shang Yang’s portrait in *Records of the Historian*. Sima Qian’s verdict that Shang Yang “was a man of little kindness” 少恩 (*Shiji* 68: 2237) determined the image of Qin’s statesman for millennia to come (Song, Chap. 16, this volume). The *Book of Lord Shang* itself amply contributes to this image. Take for instance, “When penalties are heavy and rewards are light, then superiors love the people, and the people are [ready] to die for their superiors” 重罰輕賞，則上愛民，民死上 (4.4; Zhang 2012: 64 [“Qu qiang”]). One does not need additional negative PR as an advocate of merciless punishments.

Sima Qian’s portrait of Shang Yang aside, the unfavorable image of the Qin thinker and the book attributed to him are strongly influenced by a series of provocative and fairly appalling pronouncements that permeate the *Book of Lord Shang*. The book derides fundamental moral norms, such as benevolence, righteousness, filiality, fraternal duty, trustworthiness, and honesty, as “parasites” (or “lice,” *shi* 虱; see 13.4 [“Jin ling” 靳令], 3.5 [“Nong zhan” 農戰], and 4.3 [“Qu qiang”]; Zhang 2012: 158, 47, 62); calls for the creation of a regime in which “villains ... rule [the] good” 以姦民治善民, and advocates military victory by performing “whatever the enemy is ashamed of” 事興敵所羞為 (4.3 and 4.1; Zhang 2012: 62 and 57 [“Qu qiang”]). Appalling as they are, however, these statements are not the core message of the book. They are concentrated primarily in a few early chapters, whereas in later ones, they are moderated, qualifying the amoral image proudly adopted by the author of the early chapters (Pines 2012). Notably, however, the editors who moderated the abusive pronouncements of early chapters did not eradicate them completely. Perhaps the appalling statements were considered by then a hallmark of Shang Yang’s message, a feature that signified the text’s novelty, a source of attraction to certain elite followers disgusted with the dominant moralizing discourse of their days. Anyhow, we should look beyond the smokescreen of the text’s alienating rhetoric, and discern its more fundamental and by far more sophisticated messages.

The overarching commitment of the *Book of Lord Shang* (and, arguably, of historical Shang Yang) is to create “a rich country and a strong army” (*fu guo qiang bing* 富國強兵, a stock phrase whose earliest usage is documented precisely in the *Book of Lord Shang* 8.2; Zhang 2012: 122 [“Yi yan” 壹言]). This is viewed as the first crucial step toward the ultimate goal of unifying All-under-Heaven and establishing the “fourth” dynasty after the Xia 夏, Shang 商 and Zhou 周 (see the next passage). All the rest—the rule through impartial standards, advocacy of harsh

punishments, and, more broadly, the idea of “social engineering” (Sect. 5 below)—are secondary to the immediate objective of the state’s enrichment and empowerment; these are just useful tools. Ditto for the rest of the authors’ concrete proposals. Shang Yang and other contributors to “his” text are dealing with the concrete problem of the state’s survival and ultimate victory in the bitter competition with its rivals. The value of their proposals should be judged vis-à-vis this goal.

The authors perceive the world as being enmeshed in a zero-sum game: “Nowadays... every state of ten thousand chariots is engaged in [offensive] war, and every state of one thousand chariots is engaged in defense” 今世.....萬乘莫不戰，千乘莫不守。This is the basic premise: the only solution is to commit the state to warfare. Alas, the rulers continue to follow the ways of the former paragon monarchs, which are no longer appropriate. “These ways [of the former paragons] have been blocked for a long time, but contemporary rulers are unable to discard them; hence, the Three Dynasties lack the fourth” 此道之塞久矣，而世主莫之能廢也，故三代不四 (7.3; Zhang 2012: 111 [“Kai sai”]).

War is essential, but its outcome is not decided on the battlefield alone. Rather, full granaries are an equally important precondition for success. This requires comprehensive utilization of the country’s natural resources, the most important of which is land. The toughest task is to maintain a balance between agricultural development (without which the army cannot be fed) and waging war. One who is able to maintain the balance will emerge victorious: “Hence, when an army is dispatched, provisions are ample, and resources are abundant; when the army is at rest, the people are working, and the accumulated [surplus] suffices for a long time. This is what is called the standard of utilizing territory and being ready for battle” 故兵出，糧給而財有餘；兵休，民作而畜長足。此所謂任地待役之律也 (6.2; Zhang 2012: 89 [“Suan di” 算地]).

Shang Yang’s quest for the state’s enrichment and empowerment should be understood against the backdrop of dramatic changes in economic and military life during the Warring States period. The first of these was the formation of an agro-managerial state, aimed at maximizing its grain surplus by expanding cultivated lands and increasing agricultural yields. This new type of the state activism was evidently related to the widespread introduction of iron utensils, which revolutionized agriculture, accelerated demographic growth and contributed toward urbanization and commercialization in the economy (Wagner 1993; Yang 1998: 42–57). One of the major policy goals outlined in the *Book of Lord Shang* is to encourage an unwilling population to engage in wasteland cultivation rather than to move into burgeoning non-agricultural economic sectors.

Parallel to the “iron revolution” in agriculture another revolution occurred on the battlefields. The introduction of the crossbow and concurrent developments in other military technologies prompted the replacement of aristocratic chariot-based armies with mass infantry armies staffed by peasant conscripts. Military campaigns became longer, more devastating, and crueler. At home, administrators had to learn how to mobilize, train, and motivate the entire male population and how to ensure adequate supplies. In the army, commanders had to ensure the conscripts’ loyalty, to turn them into valiant fighters, or, at a minimum, prevent them from deserting (Lewis

1990: 53–96 and 1999: 620–30; Yates 1999: 25–30). It is in this respect that the *Book of Lord Shang* presents a set of radical and arguably highly efficient solutions that had far-reaching consequences for the military prowess of the state of Qin.

The desire of Qin rulers to direct the population to agriculture and warfare was not exceptional. To a significant extent, this was a common vector of development of the competing Warring States. Questions of agricultural policy and mass conscription were addressed by most of the thinkers of this age. While their specific answers differed, the need to maintain large standing armies and have granaries full was broadly approved across the spectrum of ideological divides. The achievement of historical Shang Yang and the *Book of Lord Shang*'s authors was in providing highly compelling—albeit often morally dubious—answers to the questions of common concern.

4 Philosophical Foundations: History, the State, and Human Nature

The *Book of Lord Shang* advocates a variety of novel departures in social, political, and economic life. Predictably, this novelty aroused considerable opposition; and many chapters of the text are focused on providing justifications for the radical alteration of established patterns. These justifications amount to what may be the major and best-known contribution of the *Book of Lord Shang* to early Chinese philosophy: the idea that sociopolitical system should be modified to adapt to ever changing circumstances. This point is vividly elucidated in the book's first chapter, "Revising the Laws" ("Geng fa" 更法). During an alleged discussion in front of Lord Xiao of Qin, Gongsun Yang, a newcomer to the court of Qin, rebuffed his conservative opponents, who claimed that "one who imitates antiquity does not err" (法古無過):

前世不同教，何古之法？帝王不相復，何禮之循？伏羲神農教而不誅，黃帝堯舜誅而不怒（→拏），及至文武，各當時而立法，因事而制禮。禮、法以時而定，制、令各順其宜，兵甲器備各便其用。臣故曰：「治世不一道，便國不必法古。」

Former generations did not adopt the same teaching: So which antiquity should one imitate? Thearchs and Monarchs did not repeat one another: So which rituals should one conform to? Fuxi and Shennong taught but did not punish; the Yellow Thearch, Yao, and Shun punished but did not implicate [the criminals'] families; and Kings Wen and Wu both established laws appropriate to the times and regulated rituals according to their undertakings. Rituals and laws are fixed according to the times; regulations and orders are all expedient; weapons, armor, utensils, and equipment, all are used according to their utility. Hence, I, your subject, say, "there is no single way to order the generation; to benefit the state, one need not imitate antiquity." (1.4; Zhang 2012: 11)

This statement encapsulates the essentials of Shang Yang's message. Antiquity and its paragons are not disparaged, but their model was appropriate for their time only and cannot be followed today. Simply put, there can be no unified model of the past. The lesson to be learned from the paragons' successes—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. Responding to “the times” and modifying one’s methods of rule constitute the book’s major recipes for political success.

The idea of “changing with the times” was not controversial in itself; rather, as Martin Kern argues, it was advocated in a great variety of preimperial and early imperial texts (Kern 2000: 170–74). Unlike these texts, however, the *Book of Lord Shang* put forward a new vision of history, which curiously resembles the notion of historical evolution (cf. Vogelsang, Chap. 12, this volume). This novel vision is presented with utmost clarity in those sections of the *Book of Lord Shang* that explore the origins of the state, most notably the opening section of chapter 7, “Opening the Blocked” (“Kai sai” 開塞). This chapter starts with the following observation:

天地設，而民生之。當此之時也，民知其母而不知其父，其道親親而愛私。親親則別，愛私則險。民眾而以別、險為務，則有亂。當此時也，民務勝而力征。

When Heaven and Earth were formed, 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, there was turmoil. At that time, the people began seeking victories and forcefully seizing [each other’s property]. (7.1; Zhang 2012: 107)

From the first phrases we can see the distinctiveness of Shang Yang’s approach. The majority of preimperial narratives of state formation depicted primeval society as plagued by intrinsic turmoil; by contrast, a minority view, evident in some chapters of *Zhuangzi* 莊子, considered the prepolitical age as an era of harmony and peace (Pines and Shelach 2005; Pines 2013: 27–31). “Opening the Blocked” combines both approaches: turmoil is not intrinsic to a stateless society, but it evolves eventually because of population pressure. Elsewhere, the text states with greater clarity that when “the people were few, but trees and animals plenty” (人民少而木獸多), there were indeed no reasons for social conflict; hence, “neither punishments nor administrative [means] were used, yet there was order” (刑政不用而治; *Book of Lord Shang* 18.1; Zhang 2012: 207). That primeval harmony was unsustainable, however. As “Opening the Blocked” chapter explains, when “the people multiplied,” their intrinsic selfishness began endangering social order. As the weaknesses of stateless society became evident, it had to be reformed:

務勝則爭，力征則訟（→爭），訟而無正，則莫得其性也。故賢者立中正，設無私，而民說仁。當此時也，親親廢，上賢立矣。

Seeking victories results in struggles; forceful seizure results in quarrels. When there are quarrels but no proper [norms], no one attains his natural life span. Therefore, the worthies established impartiality and propriety and instituted selflessness; and the people began rejoicing in benevolence. At that time, attachment to relatives declined, and elevation of the worthy was established. (7.1; Zhang 2012: 107)

The promiscuous (or matriarchal?) kin-based order, which fostered selfishness, proved inadequate for coping with population pressure and the resulting struggles; hence, unidentified “worthies” (*xianzhe* 賢者) intervened, replacing that order 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 the forceful mutual seizure of property of the earlier age. We witness, then, profound social, ideological, and political change. However, morality and social stratification alone could not resolve the fundamental problem of human selfishness, which, after a new cycle of population increase, became equally damaging to the new social order:

凡仁者以愛利為務，而賢者以相出為道。民眾而無制，久而相出為道，則有（→又）亂。故聖人承之，作為土地、貨財、男女之分。分定而無制，不可，故立禁。禁立而莫之司，不可，故立官。官設而莫之一，不可，故立君。既立君，則上賢廢而貴貴立矣。

In general, the benevolent are devoted to the love of benefit, whereas the worthy view overcoming one another as the [proper] Way. 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 created distinctions among lands, property, men, and women. When distinctions were fixed 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, the elevation of the worthy declined, and the esteem of nobility was established. (7.1; Zhang 2012: 107)

Once again, the population increase and the resultant turmoil caused profound change in social, political, and even ethical norms: this time the result was dispensing with the morality-based order run by the worthies and its replacement with a powerful bureaucratic polity. The text’s insistence on the correlation between the human’s objective conditions and the sociopolitical and moral order curiously resembles Karl Marx’s (1818–1883) famous thesis that “it is not the consciousness of men that determines their existence, but their social existence that determines their consciousness” (Marx [1859] 2010: 263). The text brings the reader to the conclusion that nothing is permanent. Kinship structures, morality, social regulations—everything is prone to change once new economic situation prompted by the struggle for limited resources ensues. This, view allows unprecedented dynamism to the degree unencountered in other premodern Chinese texts with the possible exception of *Han Feizi* (for which see Chap. 4, Sect. 2.2, this volume).

This dynamism permeates the entire narrative of the state formation. The state was not established by the sages’ fiat, as argued in a great majority of other texts (including in chapter 23 of the *Book of Lord Shang* itself), nor was it intrinsic to human society from its inception, as argued, for example, in *Xunzi* 荀子.⁷ Rather, its formation was a result of a lengthy process of increasing political complexity. Society evolved from an egalitarian, promiscuous, kin-based order to an incipient stratified order and then to a mature political organization based on property

⁷ See *Xunzi* 9:164–65 (“Wang zhi” 王制). For the state as the creation of the sages, see *Guanzi* 31:568–69 (“Junchen xia” 君臣下), *Book of Lord Shang* 23.1 (Zhang 2012: 258 [“Jun chen” 君臣]), and *Zhuangzi* 29: 778 (“Dao Zhi” 盜跖) (where the sages are depicted as malevolent beings who destroyed the primeval idyll).

distinctions, prohibitions, and officials. This process was crowned with the establishment of a ruler, and it is only then that we can speak of a fully formed state. In the earlier stages of human history, kinship ties and moral upbringing could provide effective substitutes to the powerful bureaucratic entity. However, in the current situation of fierce competition for limited resources, the situation in which “the generation is knowledgeable” and “extra crafty,” the only effective means of preserving order is enforcing it from above (see *Book of Lord Shang* 6.7 [“Suan di”] and 7.2 [“Kai sai”]; Zhang 2012: 97 and 110). The political system based on laws, regulations, and prohibitions and run by officials under the unifying aegis of the supreme sovereign provides the singularly effective remedy for social turmoil.

Enforcement of order is the must; but it is not sufficient to make the state truly effective. Real success will come when the leaders learn how to channel the subjects’ aspirations into directions deemed necessary for the state’s success. This brings us to the second (and much less noted) pillar of the *Book of Lord Shang*’s ideology—the view of human nature (*xing* 性, or “disposition,” *qing* 情).⁸ Humans are intrinsically selfish (*si* 私) and covetous of material and social benefits. This selfishness may endanger social order; as the authors note “The people’s disposition is to be ruled well; but their activities bring about turmoil” (民之情也治，其事也亂; 5.4; Zhang 2012: 78 [“Shuo min” 說民]). Namely, unrestricted desire to satisfy one’s interests may undermine the foundations of orderly rule, without which the people will not be able to satisfy their basic needs. For a clever ruler, however, the fact that humans are selfish is also a source of opportunity. The text explains:

民之於利也，若水於下也，四旁無擇也。民徒可以得利而為之者，上與之也。

The people follow after benefit as water flows downward: it has no preference among the four directions. The people do only whatever brings them benefit; and the benefit is granted by superiors. (23.3; Zhang 2012: 260 [“Jun chen” 君臣])

It is impossible to prevent the people from seeking benefit. What is required is just to allow them pursue personal benefit only in the ways that serve the common (*gong* 公) good. The authors explain how to achieve this in chapter 6, “Calculating the Land” (‘Suan di’ 算地):

民之性：饑而求食，勞而求佚，苦則索樂，辱則求榮，此民之情也。民之求利，失禮之法；求名，失性之常。奚以論其然也？今夫盜賊，上犯君上之所禁，而下失臣民之禮，故名辱而身危，猶不止者，利也。其上世之士，衣不煖膚，食不滿腸，苦其志意，勞其四肢，傷其五臟，而益裕廣耳，非性之常，而為之者，名也。故曰名利之所湊，則民道之。

The nature of the people is to seek food when they are hungry, to seek respite when they are labored, to seek joy when they are embittered, to seek glory when they are humiliated: this is the people’s disposition. In seeking benefit, the people lose the standard of ritual,⁹ in

⁸Although the *Book of Lord Shang* is one of the earliest texts in China to systematically base its political vision on the views of human nature (or, as Harris, Chap. 10, this volume, prefers, “human motivations”), this point is only rarely acknowledged in research. For laudable exceptions, see Xiao 2006, Sato 2013a: 155–57 and 2013b: 249–50, Jiang 2021: 253–55, and Harris, Chap. 10, this volume.

⁹The combination *li zhi fa* 禮之法 (the “standard of ritual”) is peculiar to the *Book of Lord Shang*; it probably implies here the essential norms of behavior embedded in the broader concept of ritual (for which see Pines 2000).

seeking a name (repute), they lose the constant of their nature.¹⁰ How can I demonstrate this? Now, criminals violate the prohibitions of rulers and superiors above and lose the ritual of subjects below; hence, their name is dishonored and their body endangered, but they still do not stop: this is because of benefit. In the generations of old, there were men of service (*shi* 士) who did not have enough clothes to warm their skin or enough food to fill their bowels. They exerted their four limbs and injured their five internal organs above, but they behaved ever more broad-heartedly. This was not the constant of their nature, yet they did it: this was because of the name. Hence, it is said: wherever the name and benefit meet, the people will go in this direction. (6.4; Zhang 2012: 94)

This discussion is one of the earliest systematic analyses of human nature in Chinese history.¹¹ Two major factors influencing human behavior are the quest for riches and for a name. The first does not require much discussion, as it is a commonplace in most early Chinese texts which normally take for granted the importance of material benefits for the people. But the authors add here the second motivation, the quest for a name (*ming* 名). The term *ming* in the above passage refers primarily to one's reputation, but more commonly throughout the text it refers to high social status, which—just like fine reputation—could be passed on to posterity. The quest for a good name was identified from the early Warring States period as one of the chief motivators of the actions of elite members, the men of service (*shi* 士) (Pines 2020; cf. Lewis 2021). In contrast to earlier texts, such as *Lunyu* 論語 and *Mozi* 墨子, however, the *Book of Lord Shang* implies that this quest is shared by everybody and not just by the elite members. This observation is central to the authors' political recommendations.

The authors are aware of the potential negative implications of the quest for riches and name, and even of a certain contradiction between these two desires. The quest for material benefits causes people to transgress against moral and legal norms and even to sacrifice their fine name, which becomes “dishonored.” The quest for a name, on the other hand, may not only cause them to reject material benefits, but it even transcends their quest for life. If unchecked, these two desires may jeopardize the social order. Yet these desires are innate and cannot be altered: “The people's desire for riches and nobility stops only when one's coffin is sealed” (民之欲富貴也，共闔棺而後止。17.4; Zhang 2012: 203 [“Shang xing” 賞刑]). What, then, is to be done? The solution is to understand the people's basic disposition and then to manipulate it to attain the state's goals. The text explains:

夫農，民之所苦；而戰，民之所危也。犯其所苦、行其所危者，計也。故民生則計利，死則慮名。名利之所出，不可不審也。利出於地，則民盡力；名出於戰，則民致死。

Farming is what the people consider bitter; war is what the people consider dangerous. Yet they brave what they consider bitter and perform what they consider dangerous because of calculation [of a name and benefit]. Thus, in [ordinary] life, the people calculate benefits; [facing] death, they think of a name (repute). One cannot but investigate whence the name

¹⁰ The “constant of one's nature” (*xing zhi chang* 性之常) refers here to the fear of death. In seeking fame, the people are ready to sacrifice their lives.

¹¹ The chapter “Calculating the Land” was composed no later than ca. 330 BCE (see Pines 2017: 39–40).

and benefit come. When benefits come from land, the people fully utilize their strength; when the name comes from war, the people are ready to die. (6.5; Zhang 2012: 95 [“Suan di”])

The solution is simple: One’s quest for riches should be realized exclusively through farming, while high social status (the “name”) should be attainable only by those who excel at war. When such a system is built, the population can be directed to the “bitter and dangerous” pursuits of agriculture and warfare simply because of the desire to realize one’s personal aspirations. The people will till, fight, and benefit the state not out of high moral commitment but out of selfish considerations: By benefitting the state, they benefit themselves, and vice versa. The establishment of the system that realized this insight was Shang Yang’s major achievement as a reformer.

5 Social Engineering: Rewards and Punishments

Frequent pronouncements in the *Book of Lord Shang* that advocate enforcing the order on the people through heavy punishments create an impression that the authors’ vision is confined to creation of a coercive and suppressive regime. This impression is not entirely wrong, but it obscures a much more radical aspect of Shang Yang’s program, namely proactively channeling social forces toward desirable social and political ends. This approach, which curiously resembles modern ideas of social engineering,¹² is the hallmark of Shang Yang’s boldness. It is based not on coercion alone but rather on a combination of positive and negative incentives that will direct the people to engage in the “bitter and dangerous” tasks of agriculture and warfare. The rationale is explained in the following passage:

人君(→生)而有好惡，故民可治也。人君不可以不審好惡。好惡者，賞罰之本也。夫人情好爵祿而惡刑罰，人君設二者以御民之志，而立所欲焉。夫民力盡而爵隨之，功立而賞隨之，人君能使其民信於此明如日月，則兵無敵矣。

Human beings have likes and dislikes; hence the people can be ruled. The ruler must investigate likes and dislikes. Likes and dislikes are the root of rewards and penalties. The disposition of the people is to like ranks and emoluments and to dislike punishments and penalties. The ruler sets up the two in order to guide the people’s will and to establish whatever he desires. When ranks come only after the people have fully used their force, when rewards come only after their merits are established, when the ruler is able to let his people trust these [two] as [unequivocally] as they visualize the sun and moon—then the army has no rivals. (9.3; Zhang 2012: 131 [“Cuo fa” 錯法])

The recommendation is clear: To properly motivate the people, the ruler should employ a combination of positive (rewards, ranks, emoluments) and negative (punishments, penalties) incentives. A clear, fair, and unequivocal implementation of these two will direct the people to the pursuits desired by the ruler (in this passage referring primarily to military pursuits, which are elsewhere supplemented by farming). The entire sociopolitical system advocated in the *Book of Lord Shang* can be seen as the realization of this recommendation.

¹² For the concept of “social engineering,” see Alexander 1996, and Podgórecki 1996.

5.1 Punishments

Let us start with the negative incentives. The most (in)famous of these are harsh punishments which are repeatedly proclaimed in the book to be the primary means of causing the people to comply with the ruler's orders. Individual chapters differ with regard to the appropriate mix of rewards and punishments. Some insist on their balanced application (17.1-3; Zhang 2012: 190–97 [“Shang xing”]); some favor nine punishments for a single reward (4.4; Zhang 2012: 64 [“Qu qiang”]); and some—albeit very few—insist that rewards should not be bestowed at all (18.4; Zhang 2012: 214 [“Hua ce”]).¹³ Their discrepancies notwithstanding, the authors of different chapters agree that only harsh and ineluctable punishments will effectively deter the people's transgressions. This is explained for instance in chapter 7, “Opening the Blocked”:

夫民憂則思，思則出度；樂則淫，淫則生佚。故以刑治，則民威；民威，則無姦；無姦，則民安其所樂。以義教，則民縱；民縱，則亂，亂則民傷其所惡。吾所謂刑¹⁴者，義之本也；而世所謂義者，暴之道也。夫正民者，以其所惡，必終其所好；以其所好，必敗其所惡。

When the people worry, they become thoughtful; when they are thoughtful they generate [proper] measures. When the people are happy, they are licentious; when they are licentious they give birth to laxity. Hence, if you order them through punishments, the people are overawed; when they are overawed, there is no depravity; when there is no depravity, the people reside in peace doing what they like. If you instruct them through righteousness, the people indulge themselves; when the people indulge, there is turmoil; when there is turmoil, the people will be hurt by what they detest. What I call “punishments” is the root of righteousness, while what our generation calls righteousness is the way of violence. Hence, if you order the people through what they detest, they will surely end in what they like; if you do it through what they like, they will surely be defeated by what they detest. (7.4; Zhang 2012: 113)

Overawing the people is the principal way of directing them to socially and politically acceptable behavior. Once the people realize that the evildoer will inevitably be denounced, apprehended, and penalized mercilessly for even a minor or “about to be committed transgression” (將過)—they will submit to laws, allowing for a blessed situation of “returning to virtue” (反於德, 7.5; Zhang 2012: 117). These recommendations are further specified in chapter 17, “Rewards and Punishments” (“Shang xing” 賞刑):

¹³Zheng (1989) used these divergent viewpoints as reflective of different dates of origin of individual chapters, arguing that the differences reflect an evolution of views within “Shang Yang’s school.” I doubt, however, that these differences actually reflect a neat evolution: even a single author may alter his specific recommendations when facing different audience or circumstances. Besides, the chapters differ in their understanding of rewards: some focus on rewarding the denouncement of crimes, while other—the majority—discuss rewards for valiant fighters. This is another source of their difference re the balance between rewards and punishments.

¹⁴Most recensions have *li* 利 (“benefit”) instead of *xing* 刑 (“punishments”); Zhang Jue (2012: 114n8) follows Yan Kejun’s amendment and restores *xing*.

所謂壹刑者，刑無等級。自卿相、將軍以至大夫、庶人，有不從王令，犯國禁，亂上制者，罪死不赦。有功於前，有敗於後，不為損刑。有善於前，有過於後，不為虧法。忠臣孝子有過，必以其數斷。守法守職之吏有不行王法者，罪死不赦，刑及三族。周官之人，知而訐之上者，自免於罪。無貴賤，尸襲其官長之官爵田祿。故曰：「重刑連其罪，則民不敢試。」民不敢試，故無刑也。夫先王之禁：刺殺，斷人之足，黥人之面，非求傷民也，以禁姦止過也。故禁姦止過，莫若重刑。刑重而必得，則民不敢試，故國無刑民。國無刑民，故曰：「明刑不戮。」

What is called unifying punishments means imposing punishments without regard for one's status. From chief ministers, chancellors, and generals down to nobles and commoners: Whoever disobeys the king's orders, violates the state's prohibitions, or wreaks havoc on the regulations of one's superior should be executed without pardon. If he had merits before but failed thereafter, this should neither reduce the punishment, nor diminish the law. When loyal ministers and filial sons transgress, their cases should be decided according to the rules.

When an official responsible for safeguarding the royal law does not implement it, he should be executed without pardon. Moreover, the punishments should extend to the three degrees of his family members. When his colleagues know of [his crime] and denounce it to the superiors, they avoid punishment; and, whether noble or base, they inherit their superior's office, rank, fields, and emoluments. Hence, it is said: "When punishments are heavy and criminals are mutually responsible, the people dare not try [to break the law]." When the people dare not try, there are no punishments.

Hence, the prohibitions of the former kings, such as [carrying out] executions, cutting off feet, or branding the face, were imposed not because they sought to harm the people but only to prohibit depravity and to stop transgressions. Hence, to prohibit depravity and to stop transgressions nothing is better than to make punishments heavy. When punishments are heavy and [criminals] are inevitably captured, then the people dare not try [to break the law]. Hence, there are no penalized people in the state. When there are no penalized people in the state, it is said: "Clarifying punishments [means] no executions." (17.3; Zhang 2012: 196)

This passage presents the text's three main postulates with regard to punishments. First, there is equality before the law: Every transgressor should be punished, his background notwithstanding (note that in practice, the Qin law allowed rank holders to redeem certain punishments). Second, the system of mutual responsibility—including within the ruling apparatus—should ensure the culprit's inevitable apprehension. Third, the notorious severity of punishments—e.g., a variety of mutilations and outright execution of the transgressor—is essential to preserve the law's deterrence. In combination, these premises are expected to bring about the blessed situation of "eradicating punishments through punishments," which is the authors' ultimate goal.

5.2 *Making the People Fight*

As noted above, the repeated advocacy of harsh punishments in the *Book of Lord Shang* often obscures other positive and negative incentives advocated throughout the text to direct the population toward desirable ends. Positive incentives, i.e. "rewards," are especially important. The predominant meaning of "rewards" in the *Book of Lord Shang* refers to granting ranks of merit and related social, economic,

and legal benefits to those who excel at war. These are the major means of motivating the peasant conscripts to fight valiantly. The text reiterates: “The way of using soldiers is to commit oneself to unifying rewards” 用兵之道，務在一賞；“Ranks and emoluments are the essence of the army” 爵祿者，兵之實也；“Rule through punishments; make war through rewards” 以刑治，以賞戰 (6.1 [“Suan di”], 9.1 [“Cuo fa”], 13.1 [“Jin ling”]; Zhang 2012: 92, 128, 153). Elsewhere, the authors explain their point in more detail:

聖人之為國也，壹賞、壹刑、壹教。壹賞，則兵無敵。……所謂壹賞者，利祿官爵，搏出於兵，無有異施也。夫固知愚、貴賤、勇怯、賢不肖，皆盡其胸臆之知，竭其股肱之力，出死而為上用也。天下豪傑賢良從之如流水；是故兵無敵，而令行於天下。

When the sage rules the state, he unifies rewards, unifies punishments, and unifies teaching. When rewards are unified, the army has no rivals. . . . What is called “unifying rewards” means that benefits, emoluments, official position, and rank uniformly derive from military [attainments] and that there are no other ways to dispense them. Therefore, the knowledgeable and the ignorant, the noble and the base, the courageous and cowardly, the worthy and unworthy—all fully utilize their innermost wisdom and fully exhaust the power of their limbs, going forth to die in the service of their superiors. The bravos and the worthies from All-under-Heaven will follow [the ruler] just as water flows downward. Hence, his troops will have no rivals, and his orders will be implemented throughout All-under-Heaven. (17.1–2; Zhang 2012: 190–91 [“Shang xing”])

The only reason the conscripts will be ready “to die in the service of their superiors” is that they will be able to obtain “benefits, emoluments, official position, and rank.” The ranks are singularly important for the reasons outlined above (pp. 25–26). They mattered not just because of the accompanying social, material, and political benefits, but also because soldiers killed in action could bequeath their rank in full (i.e., without reduction) onto the heir. This made the ranks an attractive compensation for the risk the soldier faced on the battlefield. This was also the realization of one’s quest for a transcendent “name.” Once granted, the rank—much like one’s reputation—could outlive its mortal bearer and benefit one’s descendants. As such, ranks became a reasonable compensation for death in the service of the lord of Qin.¹⁵

Ranks aside, the *Book of Lord Shang* recognizes other means of encouraging soldiers to fight. Whereas the above passage reduces the problem of motivation to the need to reward meritorious soldiers and officers with enhanced socioeconomic status, this policy is supplemented elsewhere by negative incentives. In particular, inflicting swift and ineluctable punishments on deserters from the battlefield is essential to deterring timid soldiers. “Use punishments to handle cowards: they will surely become brave. Use rewards to handle the brave: they will [be ready to] die” 怯民使以刑必勇，勇民使以賞則死 (4.4; Zhang 2012: 64 [“Qu qiang”]). The text clarifies:

凡戰者，民之所惡也；能使民樂戰者，王。強國之民，父遺其子，兄遺其弟，妻遺其夫，皆曰：「不得，無返！」又曰：「失法離令，若死，我死。鄉治之，行間無所

¹⁵ One of the earliest chapters of the *Book of Lord Shang*, 19, “Within the Borders” (“Jing nei” 境內) contains several important hints about practical implementation of the ranks system during military campaigns. See detailed discussion in Pines 2016a: 119–25.

逃，遷徙無所入。」行間之治，連以五，辨之以章，束之以令。拙(→趙)無所處，罷無所生。是以三軍之眾，從令如流，死而不旋踵。

As for war, it is something the people hate. He who is able to make the people delight in war is the [True] Monarch. Among the people of a powerful state, fathers send off their sons, older brothers send off their younger brothers, wives send off their husbands, and all say: "Do not come back without achievements!" They also say: "If you violate the [military] law and disobey orders, you will die, and I shall die. Under the canton's control,¹⁶ there is no place to flee from the army ranks, and migrants can find no refuge."

To order the army ranks, link them into five-men squads, distinguish them with badges, and bind them with orders. Then there will be no place to flee, and defeat will never ensue. Thus, the multitudes of the three armies will follow the orders as [water] flows [downward], and even facing death they will not turn back. (18.3; Zhang 2012: 211–12 ["Hua ce" 畫策])

The discussion here is more sophisticated than the previous references to ranks and emoluments as the sole means of enhancing martial valor. Rewards, even if substantial, are insufficient for creating a powerful army. Equally important are strict military discipline and the rule of terror against deserters and other transgressors. The inevitability of punishment—thanks in part to the system of mutual responsibility, which causes family members (and neighbors and superiors) to be implicated in case of a major crime—is the guarantee of compliance.¹⁷ Then, the combination of positive and negative incentives brings about a profound internalization of military values—that is, a militarization of culture (see more below, pp. 49–51). Soldiers will fight to the death not out of an abstract commitment to the ruler and the state. Even if they continue to hate war, they will know that it is their only chance to not just survive, but to advance socially and economically.

5.3 *Making the People Till*

The combination of positive and negative incentives also figures prominently in the authors' second goal of directing the population to farming. Here, however, the balance between the two types of incentives changes. Whereas the text does speak intermittently of granting ranks in exchange for high grain yields (4.11 ["Qu qiang"], 20.3 ["Ruo min" 弱民]; Zhang 2012: 72 and 240) or selling ranks to the rich (8.2; Zhang 2012: 122 ["Yi yan"]), it never specifies how the system is supposed to work. It seems that unlike the military-based bestowal of ranks, which could rest on uniform and quantifiable criteria, such as cutting off the enemy's heads, it was impossible to fix a ratio of yield per rank in the field of agriculture because of its fluctuating productivity. This may explain why in encouraging agricultural pursuits the authors' focus shifts from positive to negative incentives, reducing the attractiveness of non-agricultural occupations.

The aim of discouraging non-agricultural occupations is particularly noticeable in chapter 2, "Orders to Cultivate Wastelands" ("Ken ling" 墾令). It is arguably the

¹⁶ A canton (*xiang* 鄉) was a sub-county unit.

¹⁷ For the functioning of the system of mutual responsibility in practice, see Barbieri-Low and Yates 2015: 786.

dullest and least sophisticated chapter in the entire *Book of Lord Shang* (and probably one of the earliest; Pines 2021: 87–91). The chapter presents twenty short recommendations about how to push the population toward farming. Each one briefly introduces the desired policies, summarizes their social effects, and concludes with the uniform desideratum “then wastelands will surely be cultivated” (則草必墾矣). In marked difference from what we know of Qin’s practical measures for expanding arable lands, such as distributing iron tools and draft animals, initiating irrigation projects, and even granting ranks of merit to the new settlers, the chapter focuses exclusively on discriminatory measures against those who do not engage in agriculture. Three groups figure prominently in the text as targets for discrimination. The first are members of the high elite, nobles, and officials, whose lavish lifestyle (2.4, 2.6, 2.7; Zhang 2012: 20, 22) and social advancement due to “broad learning” (2.14; Zhang 2012: 30) spoil the people’s *mores* and distract them from farming. Moreover, members of the elite protect their dependents, who thereby escape agricultural labor. These dependents—composed of a variety of members of the lower elite and sub-elite—are the second group targeted by the text (2.4, 2.7, 2.8, 2.11, 2.13, 2.16, 2.20; Zhang 2012: 20, 22–24, 26, 28, 32, 37). In restricting their ability to enjoy elite patronage, the state will direct these people toward agricultural production. The third targeted group is merchants. They should be squeezed of their profits, humiliated, and discriminated against to make their occupation exceedingly unattractive (2.5, 2.6, 2.10, 2.15, 2.17, 2.19; Zhang 2012: 21, 22, 25, 31, 34, 36). The chapter’s argument is exemplified in the following passage:

祿厚而稅多，食口眾者，敗農者也。則以其食口之數賤(→賦)而重使之，則僻淫、游惰之民無所於食。無所於食，則必農；農，則草必墾矣。

If emoluments are bountiful and taxes abundant, then too many people rely on their mouths to eat, and agriculture is devastated.¹⁸ So impose [on rich households] levies according to the number of mouths in their households and double their conscript obligations.¹⁹ Then deviant, floating, and idle people will have nothing to rely upon for sustenance; if they have nothing to rely upon for sustenance, they will have to be engaged in agriculture, and should they be engaged in agriculture, then wastelands will surely be cultivated. (2.4; Zhang 2012: 20)

From this passage, it seems that in pre-reform Qin society elite members could shield some of their dependents from levies and conscript obligations, which allowed the “deviant, floating and drifting people” to enter into the nobles’ service and avoid agricultural work. By closing this loophole, the authors hoped to steer this undesirable social element back to farming. This idea permeates chapter 2 of the *Book of Lord Shang*.

¹⁸This hints at the pre-reform situation, in which the nobles’ income derived directly from the subordinate population of their allotments (*cai yi* 采邑), whose tax quotas could be adjusted by the master (Zhu 1990: 544–55). Hence, rich emoluments meant increase in taxation. This is how the authors of *Comprehensive History of China’s Economy* interpret the sentence (Zhou 2007: 1143–44); see also Zhang 2012: 20n1.

¹⁹From the context, it seems that those “who rely on their mouths” are the retainers of officers and nobles whose bountiful emoluments allowed them to sustain many dependents.

This somewhat simplistic approach of chapter 2 with regard to agricultural activities is balanced out by later chapters of the *Book of Lord Shang*, which present a more sophisticated view of the ways to expand arable lands and maximize the state's profits (Pines 2021). One topic, however, remains consistent throughout most of the text: the authors' belief that squeezing merchants of their profits is the best way to encourage agricultural prosperity. Chapter 22, "External and Internal" ("Wai nei" 外内), specifies:

苟能令商賈技巧之人無繁，則欲國之無富，不可得也。故曰：欲農富其國者，境內之食必貴，而不農之徵必多，市利之租必重，則民不得無田。無田，不得不易其食；食貴則田者利，田者利則事者眾。食貴，糴食不利，而又加重徵，則民不得無去其商賈、技巧，而事地利矣。故民之力盡在於地利矣。

If you can cause merchants and peddlers and crafty and tricky people not to prosper, then even if you do not want to enrich the state, you will not but attain that. Hence, it is said: "He who wants the farmers to enrich his state makes food within the borders expensive. He must impose multiple taxes on those who do not farm and heavy levies on profits from the markets." Then the people will have to work in the fields. Those who do not work in the fields will have to exchange [their products] for food; when food is expensive, those who work in the fields benefit. When working in the fields brings benefit, then those who engage in it are many. When food is expensive, and purchasing it is not profitable, and in addition [it] is heavily taxed, then the people will have to cast away [the occupations of] merchants and peddlers and crafty and tricky people and engage in profiting from the soil. Thus, the people's strength is fully committed to the soil alone. (22.2; Zhang 2012: 255)

The discussion encapsulates the recommendations in the *Book of Lord Shang*, which are detailed in chapter 2 and elsewhere. A series of discriminatory measures against merchants and "crafty and tricky" artisans are supposed to discourage the people from engaging in these professions. As a result, they will ultimately have no alternative but to shift to agriculture. As Roel Sterckx (2015) has noted, this advocacy of clear anti-merchant policies distinguishes the *Book of Lord Shang* from other pre-imperial texts (see also Ochi 1993: 182–88). The authors' excessive dislike of merchants—who should be humiliated, suppressed, and see their profits diminished—demonstrates their insufficient understanding of the positive aspects of a market economy.²⁰ Their view of artisans as exclusively engaged in parasitic "skillful arts" (*jiyi* 技藝) (3.2, 3.3; Zhang 2012: 40, 43) is equally odd: The authors seem to be unaware of—or unwilling to acknowledge—the artisans' huge contribution to the Qin economy (Barbieri-Low 2007). Yet insofar as the authors' avowed goal is to direct the entire population toward farming, their recommendations are understandable (cf. Bai, Chap. 23, this volume). To turn "the bitter task" of tilling into an attractive occupation, the policy makers had to discourage any alternative.

²⁰The Warring States period witnessed rapid marketization of economy (von Falkenhausen [Forthcoming](#)); but Qin apparently lagged behind its eastern peers in the pace of its transition to market; thus, coinage was introduced to it only after Shang Yang's death, in 337 BCE, centuries after it spread in the Zhou royal domain and the adjacent areas (*Shiji* 6: 289; for archeological evidence of Qin coinage's belatedness, see Chen 2006: 222–24). For examples of more sophisticated understandings of the market laws than those demonstrated in the *Book of Lord Shang*, see articles in Levi Sabattini and Schwermann 2021.

Although unsound over the long term, the policy was clearly effective in the short term. One passage summarizes:

故吾教令：民之欲利者，非耕不得；避害者，非戰不免。境內之民莫不先務耕戰而得其所樂。故地少粟多，民少兵強。能行二者於境內，則霸王之道畢矣。

Hence, my teaching causes those among the people who seek benefits to gain them nowhere else but in tilling and those who want to avoid harm to escape nowhere but to war. Within the borders, everyone among the people first devotes himself to tilling and warfare and only then obtains whatever pleases him. Hence, though the territory is small, grain is plenty, and though the people are few, the army is powerful. He who is able to implement these two within the borders will accomplish the way of Hegemon and Monarch. (25.5; Zhang 2012: 277 [“Shen fa” 慎法])

6 Safeguarding Impersonal Standards

The vision of a universal system of positive and negative incentives centered on the ranks of merit promulgated in the *Book of Lord Shang* is the core of the book’s concept of the rule by *fa* 法. The term *fa* in the text at times refers squarely to laws, including codified legal regulations (see, e.g., chapter 26, “Fixing Divisions” [“Ming fen” 明分]), but equally often the referent are broader norms and standards governing all aspects of social, political, and legal life. *Fa* is the major keyword denoting impersonal standards; rarely it is supplemented by such terms as *du* 度, “gauges” or “measures,” *shù* 數, “methods,” and *shù* 術, “techniques.” The two latter terms can refer to the governing of the administrative apparatus, but this usage in the *Book of Lord Shang* is much less frequent than in *Han Feizi*. The real focus of *fa* and related concepts is employment of uniform standards of promotion and demotion and of conferring ranks and offices.

To be efficient, the system of impartial rules should be clear and fair. The emphasis on the clarity (*ming* 明) of laws, regulations, and promotion procedures permeates the *Book of Lord Shang*. “He who excels at ruling the state, his methods of appointing officials are clear; hence, he does not rely on knowledge and deliberations” 善為國者，官法明，故不任智慮；“The people participate in [military and agricultural] undertakings and die for the sake of regulations because the superiors are clear in establishing glorious names and doling out rewards and penalties” 夫民之從事死制也，以上之設榮名，置賞罰之明也；“Hence, when the ruler bestows ranks and emoluments, the way [they are distributed] should be clear. When the way is clear, the state daily grows stronger; when the way is obscure, the state daily approaches dismemberment” (是故人君之出爵祿也，道明；道明，則國日強；道幽，則國日削 (3.4 [“Nong zhan”], 8.1 [“Yi yan”], 9.1 [“Cuo fa”]; Zhang 2012: 46, 120, 128). Transparency of regulations is the *sine qua non* for ensuring the people’s compliance with the state’s rules.

Nevertheless, even the most transparent regulations and laws will remain a dead letter if they are whimsically circumvented by power holders. The need to fairly and impartially adhere to *fa* is the second source of the authors’ concern. Laws and norms can be distorted by unscrupulous ministers who may sell official positions to

their cronies (3.3; Zhang 2012: 42–43 [“Nong zhan”]), but the major threat to the impartiality of *fa* comes from the ruler himself. Time and again, the text urges the sovereign to observe standards (laws) and not to give in to his personal predilections, especially when determining promotions and demotions. It clarifies:

今上論材能知慧而任之，則知慧之人希(希)主好惡，使官制物，以適主心。是以官無常，國亂而不壹，辯說之人而無法也。如此，則民務焉得無多，而地焉得無荒？

Now, if the ruler appoints [the people] only after considering their talents, abilities, knowledge, and cleverness, then the knowledgeable and the clever will observe the sovereign's likes and dislikes and how he employs officials to manage affairs so as to conform to the sovereign's mind. Therefore, [the appointment of] officials will lack constant [norms], the state will be in turmoil and not engaged in the One (i.e., agriculture cum warfare), and argumentative persuaders will not [be reined in by] the law. In this case, how can the people's pursuits not be numerous; how can land not be laid to waste? (3.5; Zhang 2012: 47 [“Nong zhan”])

The ruler's over-reliance on his personal skills in determining who is worthy to serve and who is not is doubly damaging. First, it undermines his authority, allowing scheming ministers to dupe the sovereign and shift the power to their own hands (see also 3.3 [“Nong zhan”], 14.3 [“Xiu quan” 修權], 25.1–2 [“Shen fa”]; Zhang 2012: 42–43, 168, 271–73). Second, it wreaks havoc on the norms of promotion and demotion, causing the people to abandon the One—agriculture-cum-warfare—for the sake of easier routes of individual advancement. The criticism of the ruler, whose fondness of personal appointees jeopardizes the meritocratic system of government service, culminates in chapter 14, “Cultivation of Authority” (“Xiu quan” 修權):

世之為治者，多釋法而任私議，此國之所以亂也。……不以法論智、能、賢、不肖者，惟堯；而世不盡為堯。是故先王知自議譽私之不可任也，故立法明分，中程者賞之，毀公者誅之。賞誅之法，不失其議，故民不爭。

Rulers of our age frequently cast away standards and rely on private deliberations: this is why their states are in turmoil. [...] Only [the sage thearch] Yao 堯 was able to discuss one's wisdom, ability, worthiness, or unworthiness without resorting to standards; yet the world does not consist only of the likes of Yao. Therefore, the former kings knew that they could not rely on their own deliberations and private appointments; hence, they established standards and clarified divisions so that those who were within the norms were rewarded, and those who damaged the common [interests] were prosecuted. The standards of rewards and prosecutions did not lose their appropriateness; hence, the people did not struggle. (14.2; Zhang 2012: 166)

今亂世之君、臣，區區然皆擅一國之利，而當一官之重，以便其私，此國之所以危也。故公私之交，存亡之本也。

Now all rulers and ministers of [this] calamitous age act in a petty way, monopolizing the benefits of a single state and appropriating the authority of their office so as to benefit their private [interests]. This is the reason why the state is endangered. Hence, the interrelationship between the common and the private is the root of survival or ruin. (14.4; Zhang 2012: 170)

The ruler should represent the common (*gong* 公, also meaning “duke”) interests of the polity. However, like any other individual, he may, due to private (*si* 私) motives,

promote favorites and obstruct those from whom he is estranged.²¹ If this were to happen, the system would stop working, because becoming the ruler's (or a high minister's) favorite would open an easier way upwards than engagement in fighting and tilling. Here, we find the seeds of the ruler's depersonalization that are fully observable in the *Han Feizi* (see Chap. 4, Sect. 3.3, this volume). While the sovereign is supposed to be the major beneficiary of a properly functioning sociopolitical system, he should nevertheless sacrifice his personal predilections for the sake of the system's success.

This brings us to the touchy question: the relation between the ruler and the laws. On the one hand, it is clear that the ruler is the sole law-giver and law-changer. The first chapter, "Changing the Laws," focuses precisely on the crucial role of Lord Xiao of Qin who decided "to change the laws so as to attain orderly rule" 變法以治 (1.2; Zhang 2012: 7 ["Geng fa"]). On the other hand, once the laws were enacted, they should not be changed whimsically. The enigmatic sentence "The sovereign values multiple changes; the state values minimal changes" 主貴多變，國貴少變 (4.1; Zhang 2012: 57 ["Qu qiang"]) is explained in the text's internal exegesis as follows: standards (or laws) should be constant; policies, on the other hand, should be flexible (20.5; Zhang 2012: 242 ["Ruo min"]). The importance of the laws' stability is reflected in the frequent use of the adjective *chang* 常 (constant) throughout the text (3.3–3.5 ["Nong zhan"]; 5.9 ["Shuo min"], 17.4 ["Shang xing"], 18.8 ["Hua ce"]; Zhang 2012: 42–47; 84; 202; 220).

Then, if the state is run as a perfect mechanism, what is the ruler's role in maintaining this mechanism? The answer—surprising in light of the staunchly authoritarian image of the "school of *fa*"—is that the ruler should not interfere much in policy making. This point was well noted by the editors of the *Book of Lord Shang*. The first chapter is the only one in which Lord Xiao of Qin makes a meaningful appearance: he outlines his plans to alter the existent laws, then listens to the advisors' opinions, and finally approves Shang Yang's proposal to institute radical reforms. Henceforth, the lord disappears from the text entirely except for the final chapter in which he asks a single question how to let the officials internalize laws and regulations and remains silent thereafter. Perhaps for the book's editors this was the desirable degree of the ruler's activism: to outline his plans, to listen to his ministers' arguments, then to make the decision and cease intervening in everyday running of the state.

7 Intellectuals and Elites in the Total State

One of the most notable features of the *Book of Lord Shang* is its perceived anti-intellectualism. The book derides intellectuals as "peripatetic eaters" 游食者 (*Book of Lord Shang* 3.6, 3.10 ["Nong zhan"], 22.2 ["Wai nei"], 23.3 ["Jun chen"]; Zhang

²¹For more about the meanings of *gong* and its relation to the ruler's interests, see the Chap. 4, p. 116.

2012: 49, 55, 255, 259) and “caterpillars” 螟螣蚱蜢 (3.6; Zhang 2012: 49 [“Nong zhan”]); dismisses traditional culture and advocacy of moral values as state-ruining “parasites” (蠹; 13.4; cf. 3.5, 4.3; Zhang 2012: 158, 47, 62); warns against allowing the peasants to become “knowledgeable” 知 and “fond of learning” 好學問 (2.14; Zhang 2012: 30 [“Ken ling”]), and the like. This anti-intellectual stance is perplexing. Not only that it could not endear the author(s) to the vast majority of educated elite, but it also was to a certain extent self-defeating. After all, the contributors to the *Book of Lord Shang* did not rise in ranks as peasants and soldiers. Nor were they necessarily shy of demonstrating their intellectual expertise and even superiority over the rulers (the topic is hinted at in chapters 1, 6, 7, and 15, among others). As such they clearly partake in the common ethos of intellectually active men-of-service of the Warring States period, who positioned themselves as society’s and the rulers’ guides (Pines 2009: 123–31). Why then the authors adopted the self-damaging anti-intellectual stance?

A possible explanation will take us back to the concept of the rule by impersonal standards. The efficiency of the system of ranks of merit promulgated by Shang Yang depended not only on its transparency and fairness but also on its exclusivity. Namely, to make this system fully effective, the state had to cut off any alternative routes of social, economic, and political advancement. The authors duly warn, “If the ruler advances flatterers and those who request audiences yet degrades the meritorious and strong, then even if ranks are bestowed, the army remains weak. If the people can get benefits and emoluments without having to risk their lives in the face of difficulty, then emoluments are issued, but the state remains poor” (人君者先便請謁，而後功力，則爵行而兵弱矣。民不死犯難，而利祿可致也，則祿行而國貧矣; 9.4; Zhang 2012: 132 [“Cuo fa”]). Opening outlets for social and political advancement outside the system of ranks of merit inevitably causes the people to seek better routes for improving their economic and social status than engagement in the “bitter and dangerous” pursuit of agriculture cum warfare.

This insight explains the authors’ repeated assaults on groups that sought advancing outside the “single outlet” (*yi kong* 壹空) of tilling and fighting. In particular, the authors reserve their ire for travelling scholars on the one hand and for merchants and artisans on the other:

善為國者，其教民也，皆從壹而得官爵。是故{不作壹，}²²不官無爵。國去言，則民樸；民樸，則不淫。民見上利之從壹空出也，則作壹，作壹則民不偷營。民不偷營，則多力；多力，則國強。今境內之民，皆曰：「農戰可避，而官爵可得也。」是故豪傑皆可變業，務學《詩》、《書》，隨從外權，上可以得顯，下可以求官爵；要靡事商賈，為技藝：皆以避農戰。具備，國之危也。民以此為教者，其國必削。

He who excels at ruling the state teaches the people to engage exclusively in the One (i.e., agriculture-cum-warfare) in order to attain offices and ranks. Hence, {those who are not engaged in the One} will have neither offices nor ranks. When the state eliminates [superfluous] talk, the people will be simple; if they are simple, they will not be licentious. If the people see that the benefits above come from a single outlet, they will engage in the One. If they engage in the One, the people will not recklessly demand [riches]. If the people

²² The addition in figure brackets follows Gao Heng’s suggestion (1974: 32n5).

do not make reckless demands, they will have abundant force; when force is abundant, the state will be powerful. Yet nowadays all the people within the borders say: “One can escape from agriculture and war and still get offices and ranks.” Therefore, the powerful and eminent are able to change their occupation: they diligently study *Poems* and *Documents* and then follow foreign powers.²³ At best, they attain renown, and at the least they are able to seek after offices and emoluments. As for the petty and insignificant: they become merchants and peddlers, engage in skillful arts, and all escape agriculture and warfare. In such a situation, the state is endangered. If the people consider this a [proper] teaching, the state will be dismembered. (3.2; Zhang 2012: 40 [“Nong zhan”])

Travelling scholars, who excel in learning and “superfluous talk,” acquire official positions that should be granted exclusively to those who excel at war. For their part, merchants, peddlers, and skillful artisans attain a decent livelihood without having to engage in agriculture. The authors’ vehement attacks on these segments of the population reflect not just ideological dislike of the scholars’ proposals or a misguided rejection of the merchants and artisans’ economic usefulness but rather the idea of these groups’ social undesirability. Scholars, merchants, and artisans should be suppressed because their very existence creates alternative means of individuals’ empowerment and enrichment and undermines the system of ranks of merit. This conclusion is summarized in chapter 18, “Charting the Policies”:

不作而食，不戰而榮，無爵而尊，無祿而富，無官而長，此之謂姦民。

Those who do not work but eat, who do not fight but attain glory, who have no rank but are respected, who have no emolument but are rich, who have no office but lead—these are called “villains.” (18.6; Zhang 2012: 216 [“Hua ce”])

Behind this short and robust statement, one can discern the authors’ bold idea: to prevent those outside the system of ranks from possessing political, social, and economic power. The state is to exclusively grant this power; it is up to the government to decide who should enjoy food, glory, respect, riches, and leadership. Those identified in the text as “villains” are actually remnants of autonomous social and economic elites, who, in the authors’ eyes, have no right to exist. Whether Shang Yang’s reforms succeeded in eliminating these elites is debatable, yet it needs be mentioned here that the currently available Qin paleographic sources give no indications of their later existence.²⁴ This means that the ranks granted by the state became the exclusive, or at the very least the primary, means of enhancing one’s status.

This understanding sheds a new light on the reasons for the immense dislike of Shang Yang among the vast majority of educated elite members throughout Chinese history. His vision was of the total state that controls social, economic, and to a certain degree also intellectual and cultural life, so as to maximize the utilization of its material and human resources. This total state left no place either for the elite’s

²³ “Foreign powers” evidently refers to foreign states, which often meddled in the domestic affairs of their rivals by fostering ties with powerful statesmen.

²⁴ For a survey of paleographic materials from pre-imperial and imperial Qin, see Pines et al. 2014: 8–11. One needs to exercise particular caution in dealing with these materials, which overwhelmingly reflect the viewpoint of Qin administrators; yet it is important to note that from the currently available materials, there is no evidence for the existence of independent elites in late Warring States-era Qin, nor even lineages as notable social units.

power, or for the intellectuals' autonomy. Even the very dignity of the educated elite—the hallmark of Confucius's legacy (Pines, Chap. 18, this volume)—was viewed by the authors of the *Book of Lord Shang* with deep suspicion. That the intellectuals reciprocated in kind comes as no surprise.

8 The State and Its People: The Limits of Indoctrination

Shang Yang is often perceived as “people-basher,” or a leader of “little kindness” 少恩 (*Shiji* 68: 2237). Many of the *Book of Lord Shang*'s statements support this impression:

昔之能制天下者，必先制其民者也；能勝強敵者，必先勝其民者也。故勝民之本在制民，若治於金、陶於土也。本不堅，則民如飛鳥走獸，其孰能制之？民本，法也。故善治者，塞民以法，而名地作矣。

In the past, those who were able to regulate All-under-Heaven first had to regulate their own people; those who were able to overcome the enemy had first to overcome their own people. The root of overcoming the people is controlling the people as the metalworker controls metal and the potter clay. When the roots are not firm, the people will be like flying birds and running animals: Who will then be able to regulate them? The root of the people is law. Hence, those who excel at orderly rule block the people with law; then a [good] name and lands can be attained. (18.2; Zhang 2012: 210 [“Hua ce”])

The people are equated with the state's enemy; they are potentially unruly “like flying birds and running animals”; they should be controlled “as the metalworker controls metal and the potter clay.” These similes alone suffice to demonstrate the authors' overt pejorative attitude toward the people (cf. Graziani, Chap. 13, this volume). Elsewhere, the text plainly summarizes, “When the people are weak, the state is strong; when the people are strong, the state is weak” 民弱國強，民強國弱 (20.1; Zhang 2012: 238 [“Ruo min”]). These pronouncements fully support the image of Shang Yang as “people-basher.”

And yet this conclusion would be premature. The authors insist throughout the book that the ultimate goal of the political system is to benefit the people. By overawing them and preventing them from misbehaving, the rulers actually demonstrate their “care” or “love” for the people 愛民 (1.2 [“Geng fa”], 4.4 [“Qu qiang”], 5.4 [“Shuo min”], 13.5 [“Jin ling”]; Zhang 2012: 7, 64, 78, 161). Moreover, the political and legal system should also be attentive to the people's sentiments. Laws in particular should be adopted only after taking careful account of the people's disposition:

故聖人之為國也，觀俗立法則治，察國事本則宜。不觀時俗，不察國本，則其法立而民亂，事劇而功寡。此臣之所謂過也。

Hence, in ruling the state, the sage establishes laws after observing customs and then attains orderly rule; he inspects the roots of the state's affairs and then acts appropriately. Without the observation of current customs and without the inspection of the roots of the state, laws can be established, but the people will be in turmoil; undertakings will be numerous, but achievements few. This is what I, your minister, call “to err.” (6.9; Zhang 2012: 100 [“Suan di”])

Why should laws be established only after observing the people's customs? The authors explain that such observation is a precondition for the commoners' full internalization of and compliance with the laws. Some statements in the text sound surprisingly "democratic," e.g., "The well-ordered state values decisions made below" (治國貴下斷; 5.9; Zhang 2012: 84 ["Shuo min"]). Of course, this does not mean blindly following public opinion. Rather, the authors envision a dialectic relation between the laws and the people. Laws should be based on an understanding of the people's disposition (i.e., their intrinsic quest for rewards and fear of punishments) and should accord with their customs. Then, strict enforcement of the laws will cause the people not just to comply with but also to internalize the laws, making the laws fully efficient (Wu and Lin 2016).

The text's complex attitude to the people is reflected also in its views of their intellectual capabilities. On the one hand, the *Book of Lord Shang* echoes *Laozi*, valorizing the people's simplicity (*pu* 樸) and even ignorance (*yu* 愚).²⁵ "Knowledgeable" peasants are considered a malady (2.14; Zhang 2012: 30 ["Ken ling"]). The authors insist that "when [the people] are committed to farming, they are simple; when they are simple, they fear orders" 屬於農則樸, 樸則畏令 (6.3; Zhang 2012: 92 ["Suan di"]). Simultaneously, however, they recognize that this simplicity may not be attainable any longer: the generation is said to be knowledgeable 知 and crafty 巧 (6.7 ["Suan di"], 7.2, 7.4 ["Kai sai"]; Zhang 2012: 97, 110, 113). As specified in Sect. 5 above, these knowledgeable people should be coerced to obey the rulers. But what about more efficient means employed by the modern advocates of the "total" (totalitarian) state? Should the state imbue the people with the desirable values? Should it brainwash them?

The answer is quite surprising. In a single passage that deals with "teaching" (or "indoctrination," *jiao* 教) as a positive goal, the authors outline a simpler way for making the people internalize the norms. This will be done in a very fair and transparent way: let the people understand where their benefit lies and whence the danger comes, so that they comply with the state's demands out of sheer self-interest. Chapter 17, "Rewards and Punishments," clarifies:

所謂壹教者，博聞、辯慧、信廉、禮樂、修行、羣黨、任譽、清濁(→請謁)，不可以富貴，不可以評刑，不可獨立私議以陳其上。……雖曰聖智、巧佞、厚樸，則不能以非功罔上利。然富貴之門，要存戰而已矣。彼能戰者，踐富貴之門；強梗焉，有常刑而不赦。是父兄、昆弟、知識、婚姻、合同者，皆曰：「務之所加，存戰而已矣。」夫故當壯者務於戰，老弱者務於守；死者不悔，生者務勸。此臣之所謂壹教也。民之欲富貴也，共闔棺而後止。而富貴之門，必出於兵。是故民聞戰而相賀也；起居飲食所歌謠者，戰也。此臣之所謂「明教之猶至於無教也。」

What is called "unification of teaching" is that none of these—the broadly educated, the argumentative, the knowledgeable, the trustworthy, the honest, those skilled at ritual and music, those who cultivate their conduct, those who establish cliques, or those who are

²⁵ For *Laozi*'s valorization of the people's ignorance, see, e.g., stanza 3 (*Boshu Laozi* 237). In the short text of the *Laozi*, statements in favor of the people's simplicity (*pu* 樸) recur thrice (stanzas 19, 33, 57). In the *Book of Lord Shang*, the term *pu* is used no less than seventeen times to depict the desirable condition of the people—more than in the entire corpus of preimperial philosophical texts combined.

appointed due to their reputation or [after] having requested an audience—will be allowed to become rich and noble, to criticize punishments, or to establish their private opinions independently and submit them to superiors. ... Even if one is sagacious and knowledgeable, crafty and glib-tongued, generous or simple, he should not be able to seek benefits from superiors unless he has merit. Thus, the gates of riches and nobility are exclusively in the field of war. He who is able to [distinguish himself at] war will pass through the gates of riches and nobility; he who is stubborn and tenacious will meet with constant punishments and will not be pardoned.

Therefore, fathers and elder brothers, minor brothers, acquaintances, relatives by marriage, and colleagues all say: “What we should be devoted to is only war and that is all.” Hence, the able-bodied are devoted to war, the elderly and infirm are devoted to defense; the dead have nothing to regret; the living are ever more devoted and encouraged. This is what I, your minister, call the “unification of teaching.”

The people’s desire for riches and nobility stops only when their coffin is sealed. And [entering] the gates of riches and nobility must be through military [service]. Therefore, when they hear about war, the people congratulate each other; whenever they move or rest, drink or eat, they sing and chant only about war. This is why I, your minister, say: “Clarifying teaching is like arriving at no teaching.” (17.4; Zhang 2012: 202–203)

This passage is fascinating. From the first phrases, the authors dissociate the “Confucian-sounding” term *jiao* from any kind of educational activity, which they perceive as actually detrimental to *jiao*. What is called “unification of teaching” here refers to a recurring topic in the *Book of Lord Shang*: strict adherence to the system of the exclusive distribution of ranks and honor through military service. When this system functions, it causes the people to understand that the only way to satisfy their desires for riches and glory is to engage in war; hence, war becomes the focus of the people’s aspirations. We have encountered the same war-oriented mentality in passage 18.3, quoted earlier (pp. 40–41). There, too, the adoration of war comes purely from egoistic motives: first, war is the only way to enhance one’s status; and, second, fighting is also the only way to avoid a deserter’s due punishment. When the inevitability and desirability of war are internalized, the people no longer need to be encouraged to go to the front: they will eagerly volunteer to do it.

It is important to note here that, fundamentally, the *Book of Lord Shang* does not envision any more sophisticated military indoctrination. Any person knowledgeable of the history of mass armies in the West may be perplexed: Why did the authors not promote any positive means of encouraging the people’s commitment to war? Why do we never encounter in this text (or any other) the adoration of the martial spirit akin, for example, to the Romans’ maxim “*Dulce et decorum est pro patria mori*” (It is sweet and glorious to die for the fatherland); the dehumanization of the enemy; the identification of martiality with masculinity; the presentation of war as the only way to ensure the people’s security; or any other device employed worldwide to encourage men to fight? The answer perhaps has to do with the authors’ fundamental mistrust of any education and indoctrination. Rather than being brainwashed to sacrifice themselves for the state out of abstract commitment, the people should be directed to do so according to their intrinsic and immutable selfishness. Fighting to the death in order to attain rank or just to avoid the inevitable punishment inflicted on deserters and their kin is preferable to fighting for the sake of some chimera. Instead of cheating the people with hollow ideological constructs, the authors prefer

to clarify substantial gains and losses from engagement in war or evading it, respectively, and then let the people's basic "disposition" direct them to the ends desired by the state.

In the final reckoning, the *Book of Lord Shang* does not propose an ideological superstructure that should bind the people together or that should somehow influence their actions. Indoctrination is envisioned primarily as a negative action, which should prevent the corrosive impact of moralizing discourse from distracting the people from agriculture and warfare. The authors, however, do not put forward any alternative set of messages to replace this discourse. Similarly, whenever they talk of "teaching" or of "transforming" (*hua* 化) and unifying the people's customs (8.1 ["Yi yan"], 17.1 ["Shang xing"]); Zhang 2012: 120, 190), they do not imply any active dissemination of ideas or ideals among the populace. A perfect state should manipulate its subjects exclusively through the combination of rewards and punishments: clearly outlined rules that explicate personal gains and losses for compliance or transgression. Any ideological incentives then become redundant. Thus, the text's lack of interest in brainwashing makes it insufficiently "totalitarian."²⁶

9 Epilogue: Immoral Means and Moral Ends?

The *Book of Lord Shang*, full as it is with harsh and provocative pronouncements is often identified as representative of the "amoral science of statecraft" (Graham 1989: 267–85). More radical critics place it squarely among the anti-utopias (e.g., Lévi 2005: 38–42; Zhang 2016) or identify it with "antihumanistic" spirit (Huang 2010). But to understand the text, one should look beyond its "alienating rhetoric" (Pines 2012). Actually, as noted above, the authors frequently identify the oppressive measures they advocate as a necessary means toward attaining laudable moral ends (cf. McLeod, Chap. 15, this volume). For instance, chapter 18 summarizes its brief narrative of state formation in the past and its relevance to the present as follows: "Therefore, in order to eradicate war with war, even waging war is permissible; to eradicate murder with murder, even murdering is permissible; to eradicate punishments with punishments, even making punishments heavy is permissible" 故以戰去戰，雖戰可也；以殺去殺，雖殺可也；以刑去刑，雖重刑可也 (18.1; Zhang 2012: 208 ["Hua ce"]). The same idea is echoed elsewhere (4.8 ["Qu qiang"], 5.7 ["Shuo min"]; Zhang 2012: 69, 81). Once the text promises that implementation of its ideas would eventually restore "the utmost virtue" 至德 in All-under-Heaven (7.5; Zhang 2012: 116 ["Kai sai"]). And on one occasion it promotes an even loftier moral ideal:

聖君知物之要，故其治民有至要。故執賞罰以壹輔。……聖君之治人也，必得其心，故能用力。力生強，強生威，威生德，德生於力。聖君獨有之，故能述仁義於天下。

²⁶For a different analysis of the unfitness of "totalitarian" label to the *Book of Lord Shang*, see Schiele, Chap. 22, this volume

The sage ruler understands the essentials of things. Hence, in ordering the people, he possesses the most essential; thus, he firmly holds the rewards and punishments to support the One. ... The sage ruler, in ordering others, should first attain their hearts; hence, he is 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 alone possesses it; hence, he is able to implement benevolence and righteousness in All-under-Heaven. (13.6; Zhang 2012: 162 ["Jin ling"])

How should we understand this passage about "implementing benevolence and righteousness in All-under-Heaven," coming as it is from the chapter that identified "benevolence and righteousness" as "parasites" (13.4; Zhang 2012: 158)? Is it a later addition aimed to alleviate the alienating impact of the rest of the chapter? Without ruling out this possibility, we may entertain another option: namely, that the passage above (and a few other "moralizing" passages scattered throughout the text) speak not of the present but of the future. Currently, in the age of bitter warfare, the goal is to create "a rich state and a strong army." This requires full mobilization of human and material resources which cannot be achieved without coercion. Hence the text dispenses with the misleading moralizing discourse, and advocates employing whatever means available to empower the state. In the long term, however, perhaps after the establishment of the "fourth dynasty" (p. 30 above), morality will prevail. In the unspecified future, as laws and regulations are fully internalized, even the coercive state will wither and the people will attain the blessed situation of "self-governance" 自治 (26.6; Zhang 2012: 288 ["Ding fen"]).

It is tempting to discuss here the dialectical spirit of the *Book of Lord Shang*. Rather than the wishful thinking of Mengzi 孟子 (d. ca. 304 BCE) and his ilk, according to whom moral ends, such as unification of All-under-Heaven, should be attained by moral means only (*Mengzi* 1.6), the authors of the *Book of Lord Shang* are ready to accommodate harsh and cruel means that will serve the same moral ends (cf. McLeod, Chap. 15, this volume). Once peace and tranquility are attained, there will be no need in excessive coercion, and morality (perhaps even moralizing discourse itself) will be legitimate again. These utopian goals are only rarely outlined in the text, though. The authors' focus is on the here and now, and insofar as moralizing discourse in the here and now is practiced by self-serving peripatetic advisors who distract the people from agriculture and warfare, it should be silenced. In the final account this became the hallmark of Shang Yang's ideas, turning the thinker into an odious figure of whom "scholars are ashamed to speak."

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