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The Ideology of Legalism:
Shang Yang, State Power & the Art of Ruling in
Ancient China



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Every human civilization has confronted the most perennial and existential questions of being and belonging since time immemorial – the questions of human nature and how to organize people in a social arrangement.

Before there were Western philosophies on notions of human nature and state organization such as Thomas Hobbes's, "Leviathan," and Adam Smith's, "Wealth of Nations," Ancient China offered its own unique set of ideas and

LEGACY OF LEGALIST SHANG YANG



conceptions of these profoundly existential questions.

During the Warring States period where rival Chinese statelets were challenging each other to rule all of the Chinese realm, the question of human nature was central to this historical experience as war was the normative reality of the people in the statelets. Ravaged by the constant streams of brutalities of war, structural violence, and social inequalities, a distinct philosophy of power, rule, and law – legalism - emerged in this context of mayhem and disorder. The legalist tradition in Chinese politico-legal thought considered a view of human nature as wicked, impulsive, and self-interested individuals out to claw at every opportunity to their benefit at the cost of the welfare and protection of society and the state. This crucial insight into human nature was offered millennia before Niccolo Machiavelli's, "The Prince," and allowed one of the warring states – the Qin statelet – to eliminate the challenges from the other statelets and establish the Qin dynasty. Shang Yang, or Lord Shang (after he was promoted later on by Duke Xiao) was one of the earliest theorists and



resolute implementers of the philosophy of legalism whose core foundation rests on two principle ideas:

- Human nature is inherently wicked and should not be left to its own devices. The state as an organizing entity must regulate the conduct and affairs of individuals under its domain
- To build and assert state power and authority, it must have a socioeconomic policy that doesn't discriminate between peasantry and nobility, standardized administrative structures, and formalized legal code.

Under this legalistic thought, Lord Shang set about to revolutionize the Qin statelet's structures of power, rule, law, and legality as he became an advisor to Duke Xiao. The first order of business was to reorganize and restructure the society-state relations by eradicating the discriminatory practices of rule and inequalities before law and economy that other Warring states were replete with. In this radical reform, Lord Shang instituted a non-discriminatory and uniform legal, penal code that treated every individual – be it peasant or nobility – as equal before the law and established a regime of reward and punishment. The privileges of hereditary and lineage were shunned in favor of the uniform application of law. Under this, he also issued a decree to people to denounce lawbreakers. This led to a sense of social order and mobility under the Qin statelet.

The radical reform of the uniform penal code was carried out with other radical reforms that were designed to annihilate the prevailing political order of feudalism and institute a grand sociopolitical innovation in the Qin power structure. One of the governing reforms

Shang Yang enacted in this regard was the formalization of the appointment of governors by the central government instead of those who were close to the ruling circles of power. Further angering the nobility, Shang Yang promulgated compulsory military service and designated that nobility and all that it entails would come to those who would give their services on the battlefields and stripping the nobles of their ranks who had no military achievements.



On social reorganization, his reforms favored occupations such as farming and soldiering instead of merchants and traders as he thought the latter were profit-seeking endeavors and usurp the state's monopoly over economic policy. He favored higher taxation for the latter profession. This reform tied into a demographic reform as Qin people signed into military service and people from other statelets migrated into Qin for the farming and cultivation of land. This reform was an effective stratagem as it increased the manpower of the Qin statelet.

More land for farming and cultivation became available after Shang Yang enacted a wide-reaching land reform that restructured the land-owning system in Qin putting another dent in the feudal power. The land-owning system was replaced with feudal ownership to individual ownership, freeing up more land from feudal control and appropriation. This land reform led to the expansive growth in agricultural production, satiating the requirements of the state's granaries and strengthening the logistical supply to the military.



As a great iconoclast of his age, the philosophical innovations and original thinking represented in the ideation of Shang Yang and his legalist tradition were instrumental in the evolution from a kin-based model to a legal-based model of political order and social life. Shang Yang's originality in thought and practice turned around the fortunes of the Qin statelet as the instituted social, political, economic, and military reforms paved the way for the Qin to defeat its enemies and unify the Chinese realm under its control as it established the Qin dynasty.

As a legal-philosophical tradition, legalism embodies an art of ruling to develop and strengthen the viability and vitality of the state structures and institutions and organize polity with standardized and non-discriminatory penal codes, equal and emancipatory economic policy, and upward mobility-centric social development. Collectively, these radical reforms reorganized the polity and power structures of the Qin statelet and reshaped it into a formidable and preeminent military and political power that consolidated its grip in the warring states period and unified all of Ancient China under its rule.