

The Book of Lord Shang (*Shangjunshu*)

To Shang Yang (died 338 BCE) is attributed the earliest document associated with the fa-chia or "School of Law," commonly referred to in the West as "Legalism." Yang himself was a senior official in the state of Qin, which later (221 BCE) prevailed over the other "Warring States" of the third century and established the first, albeit short-lived, Chinese empire. For Yang, it was the rigorous application of strict and impartially applied laws, not humaneness (ren) or virtue (de), upon which successful rule and a flourishing society depended. As ruthlessly implemented by Li Si, the Qin prime minister from 246 to 208, the policies attributed to Yang in the eponymous Book of Lord Shang served as the legal basis of the Qin empire. Below are brief extracts from three chapters.

Making Orders Strict

When orders are strict, there is no procrastination in governing. When laws are fair, there are no depraved officials. When laws have been fixed, one should not harm them with talk about "goodness." When the meritorious are appointed, the people talk little; when the "good" are appointed, the people talk a lot. Rule through punishments; make war through rewards.

Pursue transgressions, not goodness. Thus, after the law has been established, if it is not modified, the eminent people will have to change their plans; when their plans are changed, the punishments will stop. Nobles and commoners are employed differently; the ranks of the hundred officials are respected; lavish emoluments are issued according to their [the recipients'] merits. Then there are neither villainous people in the capital nor villainous markets in regional capitals. When things are superfluous and the multitudes are engaged in branch [occupations], farmers are lax, and villains are victorious, then the state will surely be dismembered..

When the people have extra provisions, let them receive offices and ranks in exchange for grain. When office and rank reflect [the people's] hard toil, farmers are not indolent.

When a four-inch pipe has no bottom, it surely cannot be filled. When office is received, rank bestowed, and emolument issued not according to one's merit, then this is "having no bottom."

The six parasites are rites and music, odes and history, cultivation and goodness, filial devotion and brotherly love, sincerity and trustworthiness, uprightness and integrity, humaneness and righteousness, criticism of the army and being ashamed of fighting. When these twelve take root, [the state] will surely be dismembered.

In applying punishments, light offenses should be punished heavily; if light offenses do not appear, heavy offenses will not come. This is said to be abolishing penalties by means of penalties, and if penalties are abolished, affairs will succeed. If crimes are serious and penalties light, penalties will appear and trouble will arise. This is said to be bringing about penalties by means of penalties, and such a state will surely be dismembered.

The sage ruler understands what is essential in affairs and so, in the governing of the people, there is that which is most essential. Therefore in administering rewards and punishments he relies on uniformity. Humaneness is extending the heart. The sage ruler, by his governing of men, is certain to win their hearts; consequently he is able to exert strength. Strength produces force; force produces prestige; prestige produces virtue. Virtue has its origin in strength. The sage ruler alone possesses it, and therefore he is able to transmit humaneness and righteousness to All-under-Heaven.

Rewards and Punishments

When the sage rules the state, he unifies rewards, unifies punishments, and unifies teaching. When rewards are unified, the army has no rivals. When punishments are unified, orders are implemented. When teaching is unified, inferiors heed superiors. Thus, clarifying rewards eliminates waste, clarifying punishments eliminates executions, clarifying teaching eliminates alterations: then the people know how to commit themselves to the people's task, and the state has no divergent customs. Clarifying rewards is like arriving at no rewards; clarifying punishments is like arriving at no punishments; clarifying teaching is like arriving at no teaching.

Punishments should know no degree or grade, but from ministers of state and generals down to great officers and ordinary folk, whoever does not obey the king's commands, violates the interdicts of the state, or rebels against the statutes fixed by the ruler should be guilty of death and should not be pardoned. Merit acquired in the past should not cause a decrease in the punishment for demerit later, nor should good behavior in the past cause any derogation of the law for wrong done later. If loyal ministers and filial sons do wrong, they should be judged according to the full measure of their guilt, and if among the officials who have to maintain the law and to uphold an office, there are those who do not carry out the king's law, they are guilty of death and should not be pardoned, but their punishment should be extended to their family for three generations. Colleagues who, knowing their offense, inform their superiors will themselves escape punishment. In neither high nor low offices should there be automatic hereditary succession to the office, rank, lands, or emoluments of officials. Therefore I say that if there are severe penalties that extend to the whole family, people will not dare to try [how far they can go], and as they dare not try, no punishments will be necessary.

All-under-Heaven know that when the knife and the saw are employed at court, all within the seas will be properly ruled. Therefore it is said, "Clarifying punishments is like arriving at no punishments."

What is called the "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 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. The solid will be broken; the sharp will be blunted. 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.

Weakening the People

A weak people means a strong state, and a strong state means a weak people. Therefore, a state that has the right way is concerned with weakening the people. If they are simple, they become strong, and if they are licentious, they become weak. Being weak, they are law-abiding, being licentious, they let their ambition go too far; being weak they are serviceable, but if they let their ambition go too far, they will become strong.

[from translations of Jan J.L. Duyvendak (1928) and Yuri Pines (2019)]