



General Arguments in Shang Yang's Reform

Xueling Zhang

University of Buenos Aires, Buenos Aires, Argentina

Email: 184673001@qq.com

How to cite this paper: Zhang, X.L. (2022) General Arguments in Shang Yang's Reform. *Open Access Library Journal*, 9: e8146. <https://doi.org/10.4236/oalib.1108146>

Received: November 2, 2021

Accepted: January 7, 2022

Published: January 10, 2022

Copyright © 2022 by author(s) and Open Access Library Inc.

This work is licensed under the Creative Commons Attribution International License (CC BY 4.0).

<http://creativecommons.org/licenses/by/4.0/>



Open Access

Abstract

The purpose of this article is to make an objective and comprehensive evaluation of Shang Yang's reform. Shang Yang's reform mainly included the supremacy of the monarchy, the rule of law, and the harsh criminal law. By comparing the positive and negative effects of Shangyang Reform, the following conclusions can be drawn: Reform is a good way to solve social problems. Each reform is proposed for the current social problems. They are forward-looking, but they can not accurately predict future changes. Therefore, no reform will be completely successful without defects, and no reform achievements will never die in the long river of history. Only when we constantly study history and learn from experience can we not be submerged by the torrent of the times.

Subject Areas

Law

Keywords

Shang Yang's Reform, The Unification of Qin State, Rule of Law, Strict Criminal Law

1. Introduction

1.1. Shang Yang

Shang Yang (BC395-BC338) was a native of Wei state. He was a famous statesman, reformer, and military strategist during the Warring States Period in China.

Shang Yang assisted the king of Qin and actively implemented reforms, making Qin a prosperous and powerful country, known as the "Shang Yang Reform" in history. Politically, he reformed Qin's household registration, military honors, land system, administrative divisions, taxation, weights and measures, and folk

customs, and enacted harsh laws. Economically, he advocated emphasizing agriculture and suppressing commerce, and that the state should reward farming and military merits. Military, he commanded the Qin army to regain the land of Hexi, and the king of Qin gave Shang Yang the title and land.

It can be seen from Shang Yang's sculpture that Shang Yang was wearing the official clothes of the Qin Dynasty, holding a sword in his left hand and a roll of documents in his right hand. His facial expression was very serious and his facial features looked very dignified. The depiction of the facial expression of the sculpture also reflects people's evaluation of Shang Yang: ruthlessness. The reason why people think Shang Yang is a cruel man is that Shang Yang's reform formulated many terrible and cruel punishments.

Although Shang Yang's reform led the Qin State to become stronger, it harmed the interests of some of the Qin aristocrats. Shang Yang made great contributions to the Qin State, but he still did not escape the fate of being killed by the Qin nobles.

1.2. The Social Background of Shang Yang's Reform

The Warring States Period was a period of great transformation when China changed from a slave society to a feudal society. The kings of various countries continue to wage wars with each other, vying for living space. Military wars replaced the political hegemony in the Spring and Autumn Period. The kings of various countries launched many world-famous reforms and reforms in order to strengthen their own countries. Shang Yang Reform was one of them.

The Warring States period (BC475-BC221) is one of the important historical periods in ancient China and one of the most frequent wars in Chinese history. During this period, wars among countries have made dozens of small countries integrate into more than a dozen countries, and the original strategic buffer space no longer exists (Xu Shihong, 2017) [1]. All big countries have to face the pattern of direct and cruel competition. The concentration of resources makes the scale and intensity of war among countries rise sharply. In the continuous fierce attacks on each other, "how to survive in the competition and enrich the country and strengthen the army" has become the primary consideration goal of the decision-making level of all countries. Under the general needs of this era, the reforms of various countries began one after another. Qin State started Shang Yang's reform (Niu Jintao, 2021) [2].

1.3. The Main Contents of Shang Yang's Reform

The main contents of Shang Yang's reform include:

- 1) The state recognizes private ownership of land and allows free trading.
- 2) Encourage the people who are engaged in farming wars and produce a lot of grain and can be exempted from corvee.
- 3) Grant titles and fields according to military merits, and abolish the privileges of old nobles without military merits.

4) Establish a county system, and the monarch directly sends officials to govern.

5) Improving population management and taxation systems.

6) Rule the country by law. Law precedes credit and authority; the main content of law is “agriculture” and “war”, and “law” is the means by which the monarch governs the country. In addition, the main tendency of a country under the rule of law is to emphasize law and neglect morality.

7) There is no hierarchy of punishment: the nobles, civilians, and slaves are included in the legal norms, and they are required to abide by the same law.

8) Misdemeanor and severe punishment: The purpose of removing punishment and maintaining social stability is achieved through heavy punishment.

After Shang Yang's reforms, Qin's economy developed and the military's combat effectiveness continued to increase. Qin developed into the most powerful state in the late Warring States period. Qin soon ended the Warring States period. The Qin Dynasty (BC221-BC207) was the first unified dynasty in Chinese history developed from the Qin state during the Warring States Period. In 221 BC, Yingzheng became the emperor and was called “Qin Shihuang” in history (the emperor who ordered the production of terracotta warriors and the Great Wall). Many historians agree that the Shang Yang Reform has laid the economic foundation for Qin Shihuang to dominate the seven countries (Zhao Yanxia and Li Jiayi, 2019) [3].

After Qin Shihuang became the first emperor, in China's long history of more than 2000 years, all Chinese emperors called themselves “the son of God”. The emperor's power was comparable to that of gods. What the emperor said was the supreme law.

2. The Positive Impact of Shang Yang's Reform

2.1. Shang Yang Reform Established a Strict Legal System

Shang Yang believes that only words, actions or things that comply with the law can be followed, respected or handled. Otherwise, no response will be made. In theory, he does not allow anyone to be special before the law, let alone above the law, even the monarch and the prince are no exception. The prince of Qin once broke the law, although Shang Yang did not punish the prince himself, Shang Yang severely punished the courtiers who encouraged the prince to commit the crime. This move put the prince under the legal norms in disguise, challenged the authority of the prince and other powerful figures, and reflected the “equality” in the application of the law.

First of all, Shang Yang's reform created a unified political entity for the development of Chinese feudal legal system. Shang Yang's reform was to inject legalist ideas into the country's rule, promote centralization, make rulers more dependent on the law, and make social groups obey the law. After that, the law as a tool of political governance has truly become authoritative, and it has truly changed from a school theory to a strategy for governing a country.

Second, the legal responsibility of Shang Yang Reform includes not only ordinary people but also nobles and officials. Anyone who violates the law must be punished by the law. The law has become a tool that can restrict people's behavior and protect people's interests. The law has changed from the "penalty" in the slave society to a symbol of justice with the function of "rights protection".

Third, Shang Yang's reform made China's legal culture begin to take shape. Shang Yang clearly opposed Confucian "ethics" and believed that nomocracy was the best way to rule the country. Shang Yang's thoughts made Qin finally unify the six countries through practice, and nomocracy thought also developed and expanded in this process.

2.2. The Implementation of the System of Prefectures and Counties Has Formed a Brand-New Model of National Governance

The system of prefectures and counties is not only the redistribution of interests among various forces but also a brand-new model of national governance. Without the obstruction and distortion of the fief powers, the central government has absolute power over local management and control. Since then, government orders have been smooth, and national strength has been united. Strong centralization can maximize the power of the country and create miracles impossible in the slave age, such as rectifying finances, unifying the six countries, building the Great Wall, promoting water conservancy, improving transportation, and quelling rebellions. Many dynasties after the Qin Dynasty still resolutely inherited this strict hierarchical management system, which promoted the continuous integration and development of Chinese civilization.

2.3. The Policy of Attaching Importance to Agriculture Has Increased Farmers' Income to a Certain Extent, and at the Same Time Increased the Country's Fiscal Revenue

These heavy agricultural policies effectively increased the labor force at that time. Due to the increase in labor force, agricultural production based on grain is bound to expand and develop day by day, which promotes the development of Qin's productivity and improves the country's economic strength. Because of the increase in farmers' income, they will not steal because of poverty. Sima Qian's overview of the peasants at the time was, "The people of Qin are very happy, there are no thieves, and every household is full." The war at that time led to a large loss of national fiscal revenue, which seriously affected farmers' incomes such as grain. It also seriously affected the country's fiscal revenue. In order to rapidly increase the country's fiscal revenue and farmers' personal income, the development of agriculture can play an immediate role and can quickly make up for the country's and personal economic losses caused by war. At that time, the emphasis on agriculture was suited to the needs of the national conditions at that time. This policy resolved the difficulties of the Qin State to a certain extent and promoted the development of the country.

2.4. The Implementation of the System of Prefectures and Counties Has Formed a Brand-New Model of National Governance

Shang Yang reforms abolished the hereditary system of official nobility and implemented the system of military merit nobility. Shang Yang advocated the award of military merit, and formulated a system of twenty-class nobility, which was awarded according to the size of the military merit. The State of Qin began to select and appoint officials from among those with military merits and titles. These reforms improved the combat effectiveness of the army, achieved the goal of strengthening the army, greatly improved the combat effectiveness of the army, and created favorable conditions for Qin's next strategic development.

3. The Negative Impact of Shang Yang's Reform

3.1. Strict Laws and Severe Punishments Have Increased the Burden and Suffering of Ordinary People

Shang Yang formulated a very strict criminal law based on the principle of severe punishment. He believed that this would increase the cost of crime for the offender. Once the crime was committed, he would have to pay a huge price, which would make people fearful and dare not violate the law casually. Among the laws enacted by Shang Yang's Reform, the cruelest punishments are clan punishment and "lianzuo" law.

Clan punishment means that one person commits a crime and his relatives are executed together with him. Generally used for serious crimes those directly endanger the rule of the monarch and violate the royal power. This is to eliminate the roots and leave no troubles; otherwise, it will not be enough to punish this kind of felony. This kind of punishment further expands the scope of criminal responsibility. In addition to the punishment of the offender, it is guilty and innocent to his relatives. It is an extreme manifestation of severe punishment. This punishment unites parents, brothers, wives, and even wider relatives within a family. If one person commits a crime, they are involved in each other's crimes. Greatly enhance the deterrent of penalties. Sadly, Shang Yang attempted to use this severe punishment to "the people dare not commit crimes" and defend the King of Qin's rule, but in the end he was victimized by himself, and the King of Qin used the "rebellion" to kill ShangYang and his family.

"Lianzuo" is another punishment for "innocent huo'zui" which is different from clan punishment. One person commits a crime, and those who have a certain relationship with him are jointly tortured. The scope of the relationship is not limited to relatives, and the applicable penalty is not limited to the death penalty. Shang Yang's criminal law caused a large number of innocent people to be tortured for no reason. According to historical records, Shang Yang executed more than 700 prisoners by the Weihe River in one day, and the Weihe River was completely red (Sima Qian, BC104) [4].

During the actual implementation of the reform of Shang Yang, he was punished for misdemeanor and severe punishment. He emphasized the criminal

law and despised morality, which made the people feel resentful, intensified social contradictions, and caused the tragedy of his death due to torture. The comprehensive control of Shang Yang Reform on politics, economy and culture made the entire social life lack of vitality. Everyone lived in fear and felt insecure. The long-term high-pressure policy will inevitably lead to people's resistance (Mei Zhonghui, 2009) [5].

3.2. Advocating the Dictatorship of the Monarch has Deepened the People's Opposition to the Monarch

In Shang Yang's view, only by fully guaranteeing the supremacy of the monarchy, can the power of the monarch be used to weaken the bureaucratic aristocracy. However, these are only Shang Yang's wishful thinking. He may not have thought that once the monarch has autocratic power, his desire to rule the country by law will be greatly reduced. In fact, Chinese history has shown that the periods known as the "golden age" were periods when the ruling group headed by the emperor worked hard to govern and consciously abide by the law. However, there are too few monarchs who are willing to abide by the law, so the "golden age" of each dynasty has a relatively short period of time (Zhang Junying, 2017) [6].

The brutal rule of the Qin Dynasty was formed with Shang Yang's reform as the basic principle of political management. Shang Yang's reform used fierce and efficient political reforms to make Qin prosperous and unified the six countries. However, because of Qin's brutal rule, the Qin Dynasty quickly went to ruin.

3.3. The Policy of "Emphasizing Agriculture and Restraining Business" Violates the Laws of Social and Economic Development, Leading to the Weakening of National Democratic Consciousness

Shang Yang's policy of "emphasizing agriculture and restraining business" was implemented since the Shang Yang Reform in Qin, and was inherited by Qin monarchs in subsequent dynasties. The Han Dynasty inherited the Qin system, and its practice was even worse than in the Han Dynasty. Since then, focusing on agriculture and suppressing business has been the basic policy of maintaining the feudal economic foundation, and it has been adopted by successive feudal dynasties for thousands of years and has been continued. Although there were commercial production developments in the Han, Tang, Song, and Ming dynasty, they were eventually suppressed by the policy of emphasizing agriculture and suppressing commerce. The source of this result was Shang Yang's Reform. In the long course of historical development, although the policy of emphasizing agriculture and suppressing commerce has benefited for a while, its drawbacks have become more and more exposed and have a great negative impact on a nation. With the frequent circulation of products and the continuous development of agriculture and handicrafts, due to the long-term existence of the natural economy dominated by feudal agriculture, it is difficult to form commodity production in a complete sense.

The anti-business policy disrupted the internal balance of the feudal social and economic structure, hindered the division of labor, hindered product circulation and the normal development of industry and commerce, and directly led to the stagnation of social development and the single social industry. With the unprecedentedly active development of the commodity economy, the budding of capitalism emerged in the middle and late Ming dynasties, and the negative effect of the policy of focusing on agriculture and suppressing commerce has become more obvious. However, the rulers tried their best to suppress the development of capitalism, forcing commercial capital to flow to the land, affecting the accumulation of commercial capital, and also intensifying land mergers to a certain extent. In such a society, it is difficult to produce new ideas. The society lacks an equal and fair competition mechanism, which eventually leads to the weakening of the whole national democratic consciousness and the lack of foundation for the emergence and development of humanistic spirit, which fundamentally leads to the backwardness of ancient and modern China.

The success of Shang Yang's reform played an undeniable historical role in the unification of China by Qin Dynasty. However, this reform also brought an inestimable negative impact on the development of Chinese society after Qin Dynasty. The main factors are: the reform by means of fooling the people eventually led to the shrinkage and suffocation of the creative consciousness of the whole nation; The reform measures of focusing on agriculture and suppressing the development of industry and Commerce eventually led to the weakening of the democratic consciousness of the whole nation; Shang Yang's reform established the development model of China's feudal society in politics, economy, ideology and culture for more than 2000 years since Qin Dynasty.

4. Conclusions

Shang Yang's reform holds an important status in Chinese history. As a profound, all-around and successful reform, it has changed the overall strength and social reality of Qin, promoted social progress and historic development, and laid a solid foundation for Qin to unite China.

Reform is a good way to solve social problems. Each reform is proposed for the current social problems. They are forward-looking, but they can not accurately predict future changes. Therefore, no reform will be completely successful without defects, and no reform achievements will never die in the long river of history. Only when we constantly study history and learn from experience can we not be submerged by the torrent of the times.

Conflicts of Interest

The author declares no conflicts of interest.

References

- [1] Xu, S.H. (2017) Qin Law Research. Wuhan University Press, Wuhan.

- [2] Niu, J.T. (2021) Shang Yang's Reform and the Rise of Qin. People's Armed Police Daily, Version 004.
- [3] Zhao, Y.X. and Li, J.Y. (2019) Shang Yang's Reform and the Rise of Qin. *Legal System and Society*, No. 8, 242-243.
- [4] Sima, Q. (BC104) Records of the Historian.
- [5] Mei, Z.H. (2009) Thoughts on Shang Yang's Reform Thought and Its Connotation of Legal Philosophy. Hunan University, Changsha.
- [6] Zhang, J.Y. (2017) Study on Shang Yang's Reform and the Rise and Fall of the Qin Dynasty. *Journal of Liupanshui Normal University*, **29**, 51-53.