

An Examination of the Historical Materialism of *the Book of Lord Shang's Thought on Governance by Law*

Wei Wenshan^{1,*}, Pan Yinghong¹, Gao Lu²

¹School of Marxism, Ningxia Institute of Technology, Shizuishan, Ningxia, 753000, China

²Marxism College, Shizuishan Institute of Industry and Trade, Shizuishan, Ningxia, 753000, China

^a 2025132349@qq.com

*Corresponding author

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Abstract: As traditional means of national governance, “rule of virtue” and “rule of law” have been valued and respected by successive rulers, which not only greatly improve the efficiency of national governance, but also play an important role in maintaining their rule and social order. From the perspective of historical materialism, it is of great significance and lasting value to explore the logical considerations, realistic factors, historical rationality and limitations of Shang Yang's thought of governing the country by law.

1. Introduction

The thought of the book of lord shang is broad and profound, which contains rich thoughts on the rule of law and national governance. There are a total of 29 records in Han Shu Yi Wen Zhi, 26 of which remain at present, of which 16 and 24 have nothing to say, and their political, economic, cultural and military thoughts constitute an organic part of national governance. it forms the main ideological content of governing the country by law in the book of lord shang. In this paper, it is mainly recorded that in order to restore the hegemony of Mugong, the monarch of Shang took winning the revival of the Qin ethnic group as his own duty, centered on national departmentalism, and gave no consideration to the public at the expense of private interests. Shang Yang took the rule of law as the main line, he took the agricultural war as the central work of the reform to help Qin Xiaogong enrich the country and strengthen the army, and gradually achieve the social governance effect of endless roads and beautiful customs. However, the success of Shang Yang's reform and the final demise of the Qin Empire cast a veil over the thought of the rule of law in the book of lord shang. Shang Yang believes that the choice of the path and mode of governing the country in troubled times is not the same, or even diametrically opposite. He believes that “troubled times” requires severe punishment, and “governing the world” also uses light punishment. So, is the rule of law the public instrument of Shang Yang's reform and the prosperity of the country and the army, or is it the culprit that led to the final fall of the Qin Empire? Why did Shang Yang's reform choose to govern the country by law instead of morality? What factors have been taken into account in Shang Yang's historical choice? In order to find out the reason and historical inevitability of Shang Yang's choice of the rule of law, we introduce historical materialism to analyze the thought of governing the country in the book of lord shang, in an attempt to objectively reveal the law of historical development. We try to correctly understand and grasp the rationality and historical inevitability of the concept of rule of law in the book of lord shang .

Historical materialism holds that the relationship between social existence and social consciousness is the basic problem of social history. A correct understanding of the relationship between social existence and social consciousness is the basis and premise of scientifically grasping the law of the development of human society. In the process of the development of social history, there will always be a variety of contradictions and affect the development of history and social societies, among which the basic social contradictions always run through the social history and play a decisive role. The basic contradiction of human society is a contradiction system composed of many hierarchical and systematic contradictions. Social basic spear and shield is the fundamental

driving force to promote social development, that is, productive forces and production relations, and the contradiction between economic base and superstructure is the fundamental driving force that determines social development. In order to analyze the relationship between them clearly, we must think about the realistic material conditions and foundation of the society and examine the historical materialism.

Historical materialism holds that social existence determines social consciousness, and social consciousness reacts on social existence. The consciousness of rule of law in the choice of governing the country in the book of lord shang is based on the real social existence of the State of Qin. Historical materialism holds that social existence refers to social material living conditions and material aspects of social life, including natural geographical environment, population factors and material mode of production. Therefore, the formation of Shang Yang's view of the rule of law and the practice of Qin's reform are rooted in the geographical environment, population and social material conditions of Qin. The emergence of the thought of governing the country by law in the book of lord shang has its special spatio-temporal environment, realistic population basis and objective material conditions.

2. The Special spatio-temporal environment of the thought of governing the country by Law in the book of lord shang

2.1. The background of the thought of governing the country by Law in the book of lord shang

During the reform of Shang Yang, great changes and obvious changes have taken place in politics, economy and culture, which is in the warring States period of socio-economic transformation, political change and cultural agitation. "strong national strength annexation, weak state defense", the rise of the "scholar" class, countries have to reform in order to be strong, reform and war have become the theme of the times. At that time, various countries carried out political reforms one after another in order to stand out and win in the merger. Of course, reform is also the most direct and effective means of enriching the country and strengthening the armed forces. In the face of this situation, the pursuit of strength and innovation and wealth has become the most urgent task for the country. For example, Li Gou's reform in the State of Wei and Gong Zhonglian's reform in the State of Zhao made Wei and Zhao become the most powerful countries in the early warring States period. Then the reform of mourning King of Chu Ren Wuqi and King Wei of Qi appointed Shen not to harm in Qi all achieved a series of successes, and the reform made the dream of some countries to become a "world" power come true. It can be seen that the earlier the reform, the faster the country develops and starts earlier, the more likely it is to become a big country, while the country with late reform starts relatively late, develops slowly, and lags behind relatively. Therefore, in the warring States period of "a hundred schools of thought contend", various countries carried out reforms in order to enrich the country and strengthen their troops. From the point of view of the characteristics of the times, reform has become a major feature of the early warring States period, but also an irresistible trend of historical development.

2.2. The Space Environment of the thought of governing the country by Law in the book of lord shang

Historical materialism holds that the natural geographical environment refers to the sum total of natural conditions associated with the geographical location of human society, the eternal and necessary condition for the survival and development of human society, and the natural basis for people's life and production. The natural geographical environment provides the source of social life and means of production. Without certain natural conditions, it is impossible for people to live and produce. However, the winning Qin people, who live in the west and around many ethnic minorities, have been marginalized by the Central Plains, and their people and nations are stumbling outside the "San Jin cultural circle" and are often facing the national crisis of life and death. The cruel environment of the times and the harsh geographical environment created the historical tradition of "good courage and martial arts" and the national custom of being vulgar and ruthless. "Historical Records" mostly recorded that the Qin Ying ethnic group was in the "land of Xihe

County” (now the north of Xihe County and the east of Lixian County, Gansu Province), and its ancestor Qin Zhong was named “Xidi Doctor”. This was once the place where many ethnic minorities lived together, such as Xirong, belonging to the edge of Chinese civilization. Qin was surrounded by a small number of ethnic groups and was often faced with the crisis of national survival.

The Historical Records of Qin Benji reads: “during the three years of Qin Zhongli, the king of Zhou Li had no way, and the princes might betray him. Room, kill the Quanqiu Daluo clan. King Xuan of Zhou ascended the throne, taking Qin Zhong as a senior official in feudal China and Zhu Xirong. Xi Rong killed Qin Zhong.”^[1]

The Historical Records of Qin Benji reads: “Qin was in Yongzhou and did not form an alliance with the main vassal states.”^[1]

From the above historical data, we can see that under King Li of Zhou, the relationship between Zhou and ethnic minorities deteriorated in an all-round way, and the Da Luo clan, a branch of the Qin people, was completely wiped out by the Rong people. When King Xuan was declared, Qin Zhong was killed by the army during the battle. In the middle and late warring States period, several generations of kings have done nothing since the Communist Party of Qin Li, resulting in the winning Qin ethnic group being excluded from the center of political culture by the Central Plains for a long time. For a long time, they drifted away from the cultural circle of the Central Plains and lived in the gap between the great countries of the Central Plains and ethnic minorities. As for spatio-temporal environment before the reform of the State of Qin, it has the following three characteristics: the objective fact that the first army is ill-prepared, the combat strength is weak, and the princes Pei Qin is facing the military crisis; second, the clan's struggle for power and interests leads to the situation of inferiority and inferiority, which causes internal political unrest and increasingly complex and sharp struggle is the political crisis it faces. Third, the social contradiction of being brave in private struggle, timid in public war and bullying is the social crisis it faces. This realistic social existence determines that all the Qin people are soldiers and have a strong sense of crisis, and their sense of crisis and national character are deeply rooted in the plight of the State of Qin.

Historical materialism holds that social existence determines social consciousness. The strong sense of crisis, the national consciousness that emerges from the comparison that lives around many minority ethnic groups but does not belong to the same nation, and the winning Qin culture, customs, social psychology and the sense of suffering that can only survive in the western region that are not accepted by the Central Plains constitute the bottom line thinking and enterprising innovative consciousness of winning Qin people in urgent need of reform. Therefore, it is the time background, geographical environment and severe and complex internal and external situation of the State of Qin that gave birth to Qin Xiaogong's desire to force the reform of the shear law and to enrich the country and the army, and also laid a solid social psychology for Shang Yang's practice of the rule of law. At the same time, the crisis consciousness and national consciousness of the Ying Qin people who produced and lived in the special spatio-temporal environment in previous dynasties also “gave birth” to Shang Yang's rule of law and gave birth and hope to win the Qin ethnic group.

3. The realistic population basis of the thought of governing the country by Law in the book of lord shang

3.1. The actual population produced by the thought of governing the country by Law in the book of lord shang

Historical materialism holds that population factor is also an important social material living condition, which affects and restricts social development. Population is a comprehensive category which includes many factors, such as population quantity, quality, composition, distribution, migration, natural change and social change, and it is the sum of all living individuals in human society. Population is an important factor in the development of a country, which can promote and hinder social development. The quantity, quality, composition and distribution of population play

an important role in production, social development and national strength. Shang Yang's emphasis on population is reflected not only in the theoretical expression of the thought of governing the country in the book of lord shang, but also in the practice of his reform. In the book of lord shang, Shang Yang not only examined the quantity and quality of Qin's population, but also distribution of land and other resources and population are analyzed. From this, we can know that Shang Yang attaches great importance to the importance of population to national and social development, and can also slightly explore Shang Yang's original consideration of the choice of the mode of governing the country by law and the earth-shaking changes based on the state of Qin.

“Laimin” : in today's Qin Dynasty, there are five thousand miles, but the grain land cannot be divided into two places, and the number of land is less than one million, and the materials and treasures of its serval, valley, famous mountains, and great rivers are not all used. This person is not called land. The place of Qin and its neighbors were also in the three Jin dynasties; those who wanted to use troops were Han and Wei. The land is narrow and the people live together, and their mansions live together; they have no common name at the top and no farmland houses at the bottom, and rely on the last place of treachery; more than half of the people restore yin and yang and water. This land is not enough to give birth to its people, it seems that the people of Qin are not enough to live up to their land, the feelings of the people, their desired farmland and houses, and the Jin Dynasty also believe that there is nothing, and more than Qin will be necessary. In this way, if the people are not in the west, Qin Shi Qi and the people will suffer. ^[2]

3.2. The realistic population quality produced by the thought of governing the country by Law in the book of lord shang

In Reclamation order, Land calculation and Laimin, Shang Yang not only carefully analyzed the population basis of Qin, but also believed that the quantity and quality of population were often closely related to the problem of land, and the amount of land was related to the growth of population. in traditional countries, population often represents the level of productivity and the level of national material foundation.

“calculate the land” : “all the trouble of the Lord of the world, the use of troops is beyond the limits of strength, those who control grass and lai go too far.” Therefore, if the land is narrow and the people are, the people will win over the land; if the land is wide but the people are few, the land will prevail over the people. If the people prevail over the land, do not open it; if the land prevails over the people, things will be touted. ” ^[2]

“calculating the land” : “in this world, the Lord has a place of thousands of miles, and the food is not enough to wait for duty, but the soldiers are the neighbors, and the subjects are the masters of the world. Those who do not reclaim the land without land are the same as those who do not use it, and those who do not use it are the same as those who do not use it. ” ^[2]

Morgenthau once said, “vast territory is a permanent source of great strength.” The famous Ratzel law holds that the survival of a country should follow seven laws: first, the space of a country grows with the expansion of population, and population growth is a powerful factor for a country to expand its territory. Second, the territory of the country expands with the development of other areas, such as commerce and transportation. Third, national territory grows through the integration of smaller territorial units. Fourth, the boundary is the marginal organ of the country and the indicator of national strength. Fifth, in the process of territorial expansion, countries often seek the land with the most political value. Sixth, the driving force for a country's territorial expansion comes from its more developed countries. Seventh, the trend of territorial expansion develops and grows in the process of transformation. ^[3]

Shang Yang believes that the realistic contradiction in the State of Qin is that there is no contradiction between population and land, and the population and land have not been fully reclaimed and used reasonably. He believes that the contradictions of the State of Qin are: first, the population of Qin is small, vast and sparsely populated, and there is little grain but more wasteland; second, the proportion of population and land is inappropriate and uneven distribution; third, the population is small and the land is large, and the land and other national resources have not been well exploited; fourth, the Qin people are suffering and do not concentrate on farming. From the

perspective of the population basis faced by Shang Yang's reform, if the State of Qin wants to develop and achieve a rich country and a strong army, it must use "teaching to the best of its ability" to fully mobilize the people to reclaim wasteland and make the proportion of population and land appropriate. Only by making the people of a country concentrate on the "agricultural war" can we make the people rich and strong, otherwise the family will be in trouble. However, since ancient times, "farming" has been difficult, and the people of the State of Qin have all "avoided the agricultural war". Therefore, if we want to drive the people in the "agricultural war", we must resort to the rule of law. Only by governing the country by law can we drive the people in the "agricultural war" and save them from water and fire. The practice of the thought of governing the country by the rule of law in the book of lord shang and the monarch's support for reform come from the urgent need of the people of Qin to change the status quo, hoping for the underlying consciousness and deep logic of enriching the country and strengthening the army.

4. The objective material conditions of the thought of governing the country by Law in the book of lord shang

4.1. The Productivity conditions of the thought of governing the country by Law in the book of lord shang

The emergence of the thought of governing the country by law in the book of lord shang has its historical inevitability and theme selectivity. We can not stop at the scope of thought and theory to explain and prove its rationality. We can not use thought to explain thought, theory to explain theory always stay in circles within the scope of thought, we must understand the reality, find the reason and solve the historical mystery from the practice of Shang Yang's reform and the realistic social foundation. We believe that the emergence of a kind of thinking must have its profound social foundation and social psychology. Historical materialism holds that we can not explain another form with the form of the upper structure of the society, and we should look at the solid objective material foundation when we go deep into the theoretical abyss, otherwise, we cannot reveal the relationship between the traditional view of the rule of law and the social mode of production. The enlightenment of historical materialism is that whether it is the exploration of the root causes of social system or ideology, we should start with the social economy, that is, take the mode of production formed by people in the process of production as the logical starting point. Marx said: "the dominant thought is only the conceptual expression of the dominant material relationship, but the dominant material relationship." [4] therefore, according to the logic of historical materialism, the traditional concept of rule of law, as an idea in a specific historical period, must be rooted in a specific mode of production.

Historical materialism holds that "the mode of production of material life restricts the whole process of social life, political life and spiritual life. "It is not people's consciousness that determines people's existence, on the contrary, it is people's social existence that determines people's consciousness." [5] in particular, the material mode of production determines the ideology of people living under specific historical conditions. Qin, which was dominated by farming and natural economy in the Spring and Autumn and warring States period, was relatively backward in its mode of production, and people's life and production depended heavily on natural conditions. restricted by natural conditions and material production level. In the era of the king of Shang, the development of agriculture and the level of productivity were higher than those in the Spring and Autumn period. the use of iron and cattle ploughing technology greatly increased labor productivity, reclaimed a large amount of land, and promoted the development of productive forces. However, on the other hand, the improvement of productivity makes the land merger more and more serious, intensifies the social contradiction and deepens the social crisis. With the continuous development of productive forces, the disintegration of the old system and the transformation of land privatization become very obvious. The tax revenue has changed from the previous work on the public land to the payment of the fruits of free farming, which not only liberates the shackles of the public land on farmers, but also increases their enthusiasm for production, but the merger and sale of land also follow. In the Spring and Autumn period, the practice of "nothing under the world is a king's land, and the shore of the land is no more than a king's minister" was replaced by the

phenomenon of “the rich Lian Tian Mo, the poor no place” in the warring States period.

Historical materialism holds that the material mode of production is the basis and decisive force of social existence and development. In people's social and material living conditions, the mode of production is the decisive force of social and historical development. The thoughts of great men and historical figures of the times were inevitably influenced and restricted by objective material conditions. during the Spring and Autumn and warring States period, both Shang Jun and Qin people suffered from social chaos and exile, and they personally felt that they wanted to restore social order. to establish an ideal society and country, we must pay attention to the “national conditions” of Qin, and fully consider the role of economy in supporting the prosperity and strength of the country in the practice of reform. Full attention must be given to people's economic conditions, the reality of life and production, political and ideological outlook, cultural psychology and other conditions.

4.2. The conditions of production Relations produced by the thought of governing the country by Law in the book of lord shang

The Qin Ying ethnic group was originally a Dongyi people. From the early signs of life, its ancestors were nomads. According to the Historical Records of Qin Benji, it is recorded that the Qin people have a very close relationship with birds, animals and animals. they are good at domesticating birds and animals and animal husbandry, showing extremely strong nomadic characteristics. it can be affirmed that the Qin Ying people gradually changed from the nomadic life of living after water and grass in the early days to the agricultural production mode of half-farming and half-animal husbandry. In Shang Yang's practice of political reform, he mainly used the rule of law as a means and tool to put the central work of the Qin people on the “agricultural war” of “teaching to the best of one's strength”. From the perspective of historical materialism, in order to produce, there are certain connections and relations between people. In the practice of production and life, the most natural control of man and the relationship between nature is the relationship of production, in essence, in material production. The combination of various elements is twofold, one is the combination of people and the means of production, and the other is the combination between people. The combination of man and means of production is the combination of man and nature, which reflects the relationship between man and nature, that is, the relationship between people to the natural objects and forces used to produce material materials. On the other hand, the combination between people is the combination of society. Moreover, in material production, this kind of social combination between people appears in a certain way of social connection or social combination, that is, a certain form of social organization of production. At the same time, they also established social relations according to the development of material production, creating corresponding legal, political, religious, artistic or philosophical, in short, the form of ideology. In this way, on the basis of their economic foundation, there is a superstructure that serves the economic base.

In the preface to critique of political economy, Marx said that what I have obtained, and once it has been used to guide my research work, can be briefly expressed as follows: “people will have a certain, inevitable, independent relationship in the production of the society in which they live, that is, the relations of production appropriate to a certain stage of development of their material productive forces. The sum of these relations of production constitutes the economic structure of the society, that is, there is a legal and political superstructure erected above it and a certain form of social consciousness adapts to it. As a result, these relationships have changed from the development form of productive forces to the shackles of productive forces. At that time, the era of social revolution came. With the change of the economic base, all the huge superstructures are changing slowly or quickly. In examining these changes, we must always distinguish between the following two: one is the material changes that have taken place in the economic conditions of production, which can be indicated by the accuracy of natural science. One is the legal, political, religious, artistic or philosophical form by which people become aware of the conflict and strive to overcome it, in short, the form of ideology. ”^[5] The scholar Ma Wenbao thinks that it emphasizes two different dimensions and perspectives of Max's analysis of the problem, that is, the former is a metaphysical perspective, the latter is a metaphysical perspective, the first perspective explains that

production relations or economic relations constitute the economic foundation, political relations and ideological relations constitute the superstructure. The author believes that in essence, this has pointed out two structural forms of change: one is the economic foundation-the change of the superstructure (that is, when the country is on the rise, the order of governing the country is dominated by the economic base, supplemented by the superstructure and supported by each other. "Governance") the second is the superstructure-the reform of the economic foundation (That is, the country is in a period of decline, the order of governing the country is the superstructure, the economic foundation is auxiliary, supporting each other, focusing on "rule")

We can divide the state governance of Qin after Shang Yang's reform into two stages: the first stage is the history of more than 200 years from Shang Yang's reform to the unification of the Qin empire; the second stage is the death of a hundred years after the unification of the Qin empire. In the first stage, the focus of national governance lies in the stage of reshaping the new world order; in the second stage, the focus of national governance lies in the stage of establishing and perfecting the social governance mechanism. At different stages, it is necessary for the rulers or ruling class to grasp the trend of the times and the "international" trend to adjust the national governance policies and measures at a new historical starting point and at a new historical height. All the practical experience that Shang Yang's reform laid the foundation for the rise of the Qin Empire to the death of Qin II shows that in the warring States period when slavery was transformed into feudal system, a series of reform measures of the State of Qin with the theme of Shang Yang's reform, including a series of social changes and reshaping of economy, politics, military affairs, culture, ideas and people's hearts. Although Shang Yang's reform has made remarkable achievements in the State of Qin, it is far away from national unity, good social governance, achieving the ideal society and the great harmony of the world, and is still facing unprecedented risks and challenges. many sharp contradictions and problems remain to be solved, which is an extremely complex and difficult process. Shang Yang only completed the first stage of social rule and the second stage of social governance, Shang Yang has not yet participated. After that, several generations of monarchs of the Qin Dynasty did not really understand the "unity" and "governance" of governing the country, and grasp the historical law that social existence determines social consciousness.

5. Conclusion

Historical materialism holds that the superstructure, including politics, law, religion, art, morality and philosophy, influence and restrict each other and play an important role in national governance. From the traditional state governance to the modern state governance, we can see that the rule of virtue and the rule of law have always been valued by successive rulers, but the choice and generation of the concept of rule of virtue and the rule of law has its own logic. Although under different historical conditions, when choosing the policy and strategy of governing the country, there will be different emphasis on the realistic social conditions or factors. the choice of governing the country needs to consider the social environment, demographic factors, politics, culture, military affairs, economy and other conditions, but fundamentally speaking, the basic social contradiction is the driving force to promote social development and determines the direction and trend of social development. The development of society has its own historical inevitability, and it is also the choice of the people under specific historical conditions. Finally, the progress and development of society is a process of the unity of historical inevitability and the selectivity of historical subjects. General Secretary President xi stresses "what kind of governance system a country chooses is determined by the country's historical heritage, cultural tradition, and the level of economic and social development, and by the people of the country. Today's national governance system in China is the result of long-term development, gradual improvement and endogenous evolution on the basis of China's historical inheritance, cultural tradition, economic and social development. "[6]

Historical materialism holds that the fundamental force promoting the development of human society is the basic social contradiction, that is, the contradiction between productive forces and the relationship between birth and production, economic base and superstructure, which is the objective law of the development of human society. however, people are not powerless in the face of objective laws, and the development and replacement of history is the result of people's conscious

choice in objective laws and historical activities. Therefore, dialectical historicism is the unity of historical determinism and historical choice theory. Therefore, the specific development path of a country is the result of people's realistic choice in the space of various development possibilities formed by the level of productivity development and the specific circumstances of the social history of the country. This choice is often not determined by the subjective will of the subject, but by the country's historical heritage, cultural tradition and the level of economic and social development. Therefore, in terms of the choice of governance mode, although the roles of "rule of virtue" and "rule of law" are different, they cannot be opposed to each other, let alone regard the relationship between "rule of virtue" and "rule of law" as a kind of dependent relationship. As the two means of governing the country, "rule of virtue" and "rule of law" can really play their respective roles only if they cooperate with each other. Objectively speaking, the formation and evolution of the rule of law in the book of lord shang is also determined by its special social existence, and is the result of the historical inevitability and the independent choice of the subject of governance.

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