

# *Analysis of the Rise and Fall of the Qin Dynasty in Relation to Legalism*

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**Abstract:** This study mainly focuses on how the ancient Chinese philosophy, Legalism, affected the Qin in its warring state and empire periods. This essay will proceed chronologically from how the idea of Legalism emerged in Qin-Shang Yang's law reformation, how it brought Qin to become a glorious state in the warring state period, how it affected Qin to become a centralized empire with the system of prefectures and counties, and finally, how it caused the fall of Qin. Legalism was one of the core reasons why Qin could evolve into the first empire and others could not, but due to its cruelty, it was abandoned by the empire afterward eventually. Legalism was a practical philosophy under some specific circumstances but not always. The core of Legalism is how everyone will be doing things due to their best interest, so there is a need for strict and precise laws is correct. However, the way of processing Legalism in an extreme way was not acceptable under a peace period, and Qin fell to establish cultural recognition of the new empire.

**Keywords:** Chinese history, Qin, legalism

## 1. Introduction

The Qin dynasty (221 BC ~ 207 BC) was the first empire in Chinese history. Its origin is Qin State (born in 770 BC), a vassal state in the Warring States Period. In 221 BC, Ying Zheng (259 BC ~ 210 BC), the ruler of the Qin State, unified the six states and then established the Qin Empire. He was the first emperor in Chinese history and called himself Shi Huang Di. In history, he was called Qin Shi Huang. In 210 BC, Qin Shi Huang died, and then his youngest son Huhai (230 BC ~ 207 BC) ascended the throne. He was known as Qin Ershi. In 207 BC, Qin Ershi committed suicide. Ziying (? ~ 206 BC) became emperor of the Qin Empire, which collapsed after only 46 days of his reign.

The development of Qin from a vassal state to an empire and its quick collapse were closely related to Legalism, which is the fundamental thought of governing the state. The connection between Qin and Legalism emerged during the reign of Qin Xiao Gong (Ying Qu Liang, 381 BC ~ 338 BC) in the Qin State era. In 359 BC, Qin Xiao Gong appointed Shang Yang (c. 390 BC ~ 338 BC), a representative of Legalism, to carry out a reform known in history as Shang Yang's Reform. During the reign of Qin Shi Huang, he greatly appreciated the ideas of the legalist thinker Han Fei (c. 280 BC ~ 233 BC). Qin Shi Huang also highly valued another legalist, Li Si (? ~ 208 BC). After Qin Ershi

ascended the throne, he still basically followed ideas of Legalism to govern the empire. Legalism profoundly influenced the Qin; Qin was also a practical embodiment of Legalism.

In this paper, the authors will divide the process of rising and fall of Qin into three main parts: the development of the Qin State before the establishment of the Qin Empire, the growth of the Qin Empire, and the decline and collapse of the Qin Empire. By analyzing Qin's policies and its rulers' decisions, the authors will discuss the positive effects of Legalism on the development and expansion of Qin and how Legalism led to the decline and fall of the Qin Empire. In addition, the authors will also focus on the analysis of the main reasons causing the collapse of the Qin Empire and the defects of Legalism reflected in practical applications.

## **2. Establishment of Qin Empire**

Legalism was already developed in the warring state time period of Qin. Han Fei Zi was considered as the philosopher who created the official concept of Legalism. Before digging into what impact Han Fei Zi's thought had on Qin. There is another character that must be mentioned. Shang Yang, a Chinese statesman. Shang Yang's thought and reformation of the Qin has a large impact on Han Fei Zi's idea. His reformation of Qin and ideas generally can be considered as the early version of the Legalism. Many historians think that the reason why Qin could success later in time is because of what Shang Yang did to Qin. His law reformation of Qin is one of the main factors of why Qin could success [1].

### **2.1. Shang Yang's Law Reformation**

"Shang Yang believed that the integrity of a state could be maintained only with power and that power consisted of a large army and full granaries." [2]. Shang Yang's idea is somewhat related to the ideas that Han Fei Zi conducted about Legalism in the end. Legalism is based on the belief that humans are easy to do the wrong things more than the right things because they are all starting from their own perspectives and interest. Legalism believed in strict laws and laws needed to have complete power because those clear and strict rules can restrict those biased things in people's minds. Shang Yang's law reformation in Qin has connection with the idea of Legalism because Shang Yang made Qin to have a stricter law system than before, and strict laws is the core of Legalism.

At this point, it's important to research what Shang yang really did to Qin's law reformation. He first made a compulsory military system. Because of this compulsory military system, Qin was able to have the most powerful military when Qing Shi Huang was trying to conquer all the other warring states. This new military system increased Qin's military power by a lot. He also made a complicated award system called twenty-class nobility for the military, and basically, when Qin's people are in the military, each enemy they killed on the battlefield will count, and everything they did will be recorded. Awards will be given to everyone after battles. soldiers will receive servants, land, and all kinds of different awards based on their actions on the battlefield The defined rules of promotion and demotions under Shang Yang's new system provided people a chance to climb up in the social pyramid if they want to. This new award soldier system made people fight more bravely in battles, which again increase Qin's military power. Shang Yang's law reformation in Qin's military made an incredibly strong base for Qin's military power [3].

Other than reforming the military system, he also made changes to the land and taxation system. Shang Yang somewhat made a new land division and taxation system, and under that new system, everyone was treated equally. Nobles would not have more power or more right under the law of the new system. Under this new system, all the taxation and division of land and the rent of land were under strict and clear rules. At the same time, under this new system, the law favored farming rather than doing business. Taxes on business was increased and Shang Yang encourage people to develop

agriculturally. Shang Yang planned to make Qin focus on developing its own agriculture economy, and there were even awards given to farmers who were willing to open up wastelands. Also, Shang Yang eliminated the old land rule where the nobles in the warring state had control of all the land. Under the old system, nobles had the main control of the lands. In the new system, Shang Yang made private land legal, and lands were open to the market. This eliminated noble's power, but it would boost Qin's economy [3].

## **2.2. Connections between Shang Yang's Law Reformation and Legalism**

In Shang Yang's law reformation, there are many connections that can be discovered between his idea and the overall Legalism idea. Strict laws were obvious, but also, the idea of people being equally treated under administrative regulations. For example, Qin nobles had less power and fewer privileges after the law reformation, because Shang Yang made it clear that laws are on top of the nobles. Also, Shang Yang changed the whole system of who can be nobles and who cannot. Before, if one is family related to the King in Qin, they were considered nobles, but now under Shang Yang's new system everyone who wanted to be considered nobles need to have military merit. That made all the Qin's old nobles become just normal peasants like everyone else, which angered the nobles a lot. The new system reformed by Shang Yang took away the nobles' special rights and powers, which led to Shang Yang's death at the end [3].

Shang Yang's idea is like a prototype of Legalism. idea is more focused on one part of Legalism—the law, while Legalism is a relatively larger scale of philosophy for the emperor to rule an empire, and laws are just part of it. His law reformation is the earliest impact Legalism had on Qin before Qin had grown into an empire. From Shang Yang's law reformation, it can be discovered that ideas in Legalism had many positive effects on Qin during its high development stage (Qin Xiao Gong period). His law reformation increases Qin's military power and agricultural economy. The new military system is what makes Qin's army way stronger than other warring state' armies.

## **3. The Qin Empire in the System of Prefectures and Counties**

In 221 BC, Qin Shi Huang united six states and established the Qin Empire. Legalism, as the most important way of helping the development of the Qin State, was highly valued by Qin Shi Huang and regarded as the fundamental thought of the Qin Empire. Since Qin Shi Huang appreciated Legalism and valued Li Si, a legalist, most of Qin Shi Huang's decisions for the development of the empire and the consolidation of imperial power were influenced by and consistent with Legalist thought.

### **3.1. Thought of “Running a Country without Following the Ancient Methods” and the Implementation of the System of Prefectures and Counties**

The system of enfeoffment was the primary political system of the Western Zhou Dynasty. Since the territory owned by the Zhou was too wide to be efficiently controlled by the central government, the king distributed the land and people to the seigneurs. He then granted them the authority of land management, administration, and military in these territories [4].

*Shiji: Basic Annals of Qin Shi Huang*, a famous ancient Chinese history book written in the Han dynasty, tells that after the Qin Empire was established, most ministers contended that the emperor should follow the ancient method, which is the system of enfeoffment. They suggested that Qin Shi Huang should title princes as kings who needed to manage fiefs since the territories of Yan, Qi and Chu were far away from the location of the Qin. For instance, a minister named Chun Yuyue believed that the Zhou Dynasty survived for more than a thousand years because the king conferred titles to relatives and officials to assist himself.

However, Qin Shi Huang still decided to implement the system of prefectures and counties. To a large degree, this decision was affected by the thought of “running a country without following the ancient methods” of Legalism. Han Fei, a legalist, wrote in *Wu Du* that he opposed the ruler’s practice of governing the state by following ancient methods because ancient customs did not apply to the actual circumstances and conditions of today. He believed the king should make policies in light of the status quo. Qin Shi Huang read *Wu Du* and agreed with Han Fei’s view.

Li Si, another legalist, who was highly regarded by Qin Shi Huang, also encouraged Qin Shi Huang to promote the system of prefectures and counties. According to *Shiji: Basic Annals of Qin Shi Huang*, Li Si said that the practices of past dynasties were not worth imitating and that the emperor should study the current situation and make new decisions.

Thus, the thought of “running a country without following the ancient methods” of Legalism was primarily responsible for Qin Shi Huang’s insistence on implementing the system of prefectures and counties. Qin Emperor abandoned the system of enfeoffment, which had many disadvantages, and chose the system of prefectures and counties, which was more suitable for the present environment. This decision was a bold innovation. It played a positive role in the development of Qin.

### 3.2. Centralization as well as the System of Prefectures and Counties

Kings of the Zhou Dynasty used the system of enfeoffment to manage the state. Some disadvantages of this system led to the collapse of Zhou. Seigneur states were relatively independent. Gradually, they became more and more powerful. Eventually, they were not under the control of the king. Under the system of enfeoffment, the imperial power was dispersed so that the king usually could not rule the entire state.

Legalists found the disadvantage and put forward the idea of centralization.

In an article named *Developing Power in Han Feizi*, which is a collection of Han Fei’s works compiled by later generations after his death, Han Fei mentions that a centralized state with the characteristic that “affairs lie at the local level and the key lies at the central level; the sage king holds the key, and then all the subjects come to service” should be established. The king needed to independently control the state’s military, political and financial power.

According to *Shiji: Basic Annals of Qin Shi Huang*, Li Si said, “Now all within the seas has been unified thanks to Your Majesty’s divine power, and everywhere has been turned into provinces and districts. Moreover, if the sons and the successful officials are richly rewarded from the public revenues, that will be sufficient to secure easy control. If there is no dissension throughout the empire, this is the technique for securing tranquillity” [5]. He believed that the system of prefectures and counties based on the centralized system was an effective way for the emperor to strengthen the imperial power and rule and manage the state efficiently.

In addition, legalists sought a “king - government staffs - the people” social structure, allowing all state members, including officials and peasants, to be directly under the king’s control. In this way, centralization can be further strengthened [6].

Qin Shi Huang agreed with the ideas of Legalism and then implemented the system of prefectures and counties. According to *Shiji: Basic Annals of Qin Shi Huang*, Qin Shi Huang divided the Qin into thirty-six provinces and then established a governor, an army commander, and an inspector for each. Under this system, officials were appointed and removed directly by the emperor. Besides, land and people were owned by the central government. This system is consistent with the political ruling pattern of “king - government staffs - the people” supported by Legalists [6].

In this way, the local government had no absolute control over the land and people of the area, while all the power was concentrated on the emperor. Due to the use of the system of prefectures and counties, which was based on the idea of Legalism, the centralization of power in the emperor

promoted the empire's political stability and economic development and helped the Qin Empire further develop.

#### 4. The Decline and Fall of the Qin Empire

The Qin Emperor always regarded Legalism, which has many advantages, as the primary thought governing the empire. However, the Qin collapsed in 207 BC. The decline and fall of the Qin Empire were also closely related to Legalism, mainly caused by the limitation of Legalism and the emperor's distortion and violation of Legalism.

##### 4.1. Obscurantism as well as Burning Books and Burying the Literati

During the Spring and Autumn Period and the Warring States Period, the vassal states fought with each other, and various schools of thought were scrambling to develop. People from various schools traveled from country to country, spreading their ideas.

However, Qin Shi Huang thought different ideas would deceive the people and lead to chaos and instability in the state. After the establishment of the Qin Empire, to maintain his rule over the empire and his leadership over the people, Qin Shi Huang decided to implement obscurantist policy, which was one of the propositions of Legalism.

Shang Yang, as a Legalist, was the proponent of obscurantism. According to "The Book of Lord Shang: Quieting Strife", an article in a book that is one of the masterpieces of Legalism in the Warring States Period, Shang Yang stated, "It is easier to govern when the people are stupid". Han Fei also agreed with obscurantism. He wrote in *Han Feizi: Discussing Doubt* that to avoid the occurrence of things that are not conducive to the king's rule and the stability of the state, the ruler should forbid the people from thinking against the king and unify the people's thoughts.

Besides, Li Si put forward some opinions related to obscurantism. According to *Shiji: Basic Annals of Qin Shi Huang*, Li Si stated that people criticized the current system by praising their favorite doctrines and expressing different opinions. This kind of slander would cause the formation of political parties. It would be harmful to the emperor's rule.

Qin Shi Huang agreed with the statements above and then carried out some obscurantist policies.

First and Foremost, *Shiji: Basic Annals of Qin Shi Huang* states Qin Shi Huang ordered all books other than *Qinji* to be burned, especially *Shijing*, *Shangshu*, and books related to a hundred schools of thought. Also, people who discuss *Shijing* and *Shangshu* would be executed.

Besides, according to *Shiji: Basic Annals of Qin Shi Huang*, Qin Shi Huang buried alive all the Confucians in Xianyang whom he believed had slandered him by hearing rumors. By killing more than 460 scholars, Qin Shi Huang told others not to criticize him.

Burning books and burying Confucian scholars alive are extreme practices that destroyed culture and thought. Such strict laws restricted the people's minds in Qin and led to the intensification of social conflicts. In addition, these laws aroused the general resistance of literati and officialdom to the Qin Empire, so Qin gradually failed to unite the people [7]. These policies also excluded intellectuals, which prevented Qin Shi Huang from incorporating advantages of each school of thought in governing the state, instead continuing the old traditions.

The implementation of the policies above, connected with the Legalism thought of keeping the people in ignorance, accelerated the decline of the Qin Empire. It shows that Legalism did have some limitations and flaws.



#### 4.2. Doctrine of Severe Punishment and Harsh Penalties

Law is essential to regulate people's behavior and strengthen the king or emperor's rule. Criminal law is a type of law used against serious crimes. Legalists advocated the doctrine of severe punishment. Qin Shi Huang accepted this idea of Legalism and enacted many harsh penal laws.

Shang Yang claims in *The Book of Lord Shang: Rewards and Penalties*, "there is no better way to deter crime than to use harsh punishment". In *Han Feizi: Six Kinds of Treacherous and Useless People*, Han Fei states, "People do not want to suffer severe penalties for a small profit so that evil will be stopped". They claim that severe punishment is the most effective way to avoid evil.

Agreeing with the Legalist thoughts above, Qin Shi Huang established many extremely harsh punitive laws. One kind of punishment is depriving persons' lives, including hanging, beheading, cutting at the waist, tearing by five carts, burying alive, and so on. People who divulged the emperor's residence criticized the emperor, talked about *Shijing* and *Shangshu*, disobeyed filial piety, and assembled in the military late than the scheduled time were sentenced to death. Another kind of punishment was corporal punishment. It includes "Bin" which is a penalty of amputation of a prisoner's foot or kneecap; "Gong" which means to castrate a male's genitalia or destroy a female's reproductive function; and so on [8].

In the Qin, two or three kinds of punishments depriving a person's life were often used together [8]. According to *Shiji: Basic Annals of Qin Shi Huang*, when Qin Ershi acceded to the throne, he introduced more draconian laws.

The people suffered from harsh punishments. They became increasingly dissatisfied with the ruling class, and social conflicts soared. Uprisings and rebellions followed. Witten in *Shiji: Chen Family*, for example, Qin Ershi summoned poor civilians to guard Yuyang. However, the deadline was missed because of heavy rain. Chen Sheng and Wu Guang, who are in the team, had been oppressed by the Qin for a long time. Considering they would be sentenced to death if they missed the deadline according to the military law of the Qin Empire, they revolted.

Therefore, the Qin emperor's application of the Legalism doctrine of severe punishment was one of the most important causes of social chaos and the collapse of the Qin empire. It shows that Legalist thoughts have some limitations and downsides.

#### 4.3. The Thought of Non-existence of Powerful Officials and the Favoring of Ministers by the Emperors of Qin

In some cases, favored subjects of kings would do things to the detriment of him and the state for their benefit, such as confusing the king, plotting against him, or usurping the throne.

Legalists suggested that the king should not over-trust and favor ministers. For instance, in *Being Lonely and Angry* written by Han Fei, thinks that a good ruler should not favor his ministers. Besides, powerful ministers are harmful to the state. However, neither of the two emperors of the Qin Empire, Qin Shi Huang, and Qin Ershi, followed this advice of Legalism, which indirectly or directly led to the collapse of Qin.

Qin Shi Huang highly valued Li Si and Zhao Gao and doted on prince Huhai. According to *Shiji: the Biography of Li Si*, Li Si was appointed the prime minister by Qin Shi Huang, which means no other minister at that time had a higher status than him. Besides, *Shiji: the Biography of Meng Tian* indicates that Qin Shi Huang appointed Zhao Gao, a minister, as Zhong Che Fu Ling, an official in charge of chariots in ancient China. In addition, written in *Shiji: the Biography of Li Si*, Huhai was the favored youngest son of Qin Shi Huang.

Favoring these people by Qin Shi Huang led to tragedy. Zhao Gao and Li Si betrayed Qin Shi Huang by borrowing his trust and their power for personal gain. As stated in *Shiji: Basic Annals of Qin Shi Huang*, after Qin Shi Huang's death, Zhao and Li tampered with his testamentary edict, in

which he had designated his eldest son Fusu to ascend to the throne. Therefore, Huhai, who lacked the intellect and ability of an emperor, became the emperor of the Qin Dynasty. The succession of Huhai indirectly led to the collapse of the Qin Empire.

When Hushai succeeded to the throne, he went against the Legalists' idea of not valuing ministers and favored Zhao Gao. According to *Shiji: Basic Annals of Qin Shi Huang*, Qin Ershi appointed Zhao Gao to be Lang Zhong Ling, who was in charge of the palace guards, and then promoted him to the prime minister. Qin Ershi listened to Zhao Gao's advice on almost all matters and allowed him to manage the affairs of the court.

The Qin Empire was nearly destroyed as Qin Ershi highly favored Zhao Gao and listened to his advice. Qin Ershi killed all the loyal officials in the court. The ministers did not dare to voice their opinions. Zhao Gao gradually gained government control, and Qin Ershi Emperor lost real power. Eventually, Zhao Gao rebelled, and the emperor was forced to commit suicide.

Qin Shi Huang and Qin Ershi went against Legalism's advice that rulers should not highly value ministers, which had many severe negative impacts on the Qin Empire. The emperor gradually came under the control of his ministers, and the empire was hurt by these powerful ministers for their own benefit.

## 5. The Shortcomings of Legalism during the Qin Dynasty

### 5.1. Suitability of Legalism for the Qin Empire

After Qin has grown into an empire, Shi Huang Di still heavily favors the idea of Legalism. However, Legalism's idea was useful for Qin during the warring state time period and the positive effects it has was way much greater than some of its negative effects, but when Qin conquered all the other warring states and become this huge empire, Legalism's negative effect has been completely exposed on the surface. The first reason is the growth in size. With such a huge size that no one had ruled before, there were way too many uncontrollable variables. During the Qin warring state time, it was small, and soldiers and people were able to easily arrive at the location they were sent to, but when it grew into that big of a size, it was not controllable how long it would take someone to arrive at a certain location, and since the law is too cruel, soldiers would be killed because of late arriving [9]. Therefore, it is seen that the Legalism is not suitable for the Qin Dynasty as a giant empire.

### 5.2. Unable to Absorb New Citizens

At the same time, there were more new citizens getting absorbed into the Qin empire. All of those people were from the old warring state, and they were still emotionally attached to the old warring state more than this new Qin empire. Because of the idea of Legalism, Qin's government instead of treating those new comings more gently and absorbing them slowly, the Qin's government put the new coming people under cruel rules. Under this kind of circumstance, the people would miss the old warring state they came from and would eventually rebel.

Legalism would work in Qin because the people in Qin all agrees to the supreme authority of the king, but after Qin become an empire, there were not only Qin people in the Qin empire. Those people absorbed from other warring states would not think the emperor has supreme authority yet. A few generations were needed in order to let those people completely get assimilated by Qin, and when Qin put them under this Legalism cruel rule that they had never been through, they would eventually not able to tolerate it. Instead of blaming the fault on Qin's government, Legalism is the main reason why Qin went to its downfall. Legalism has its positive side. It has been stated that it really fit the warring state time where the situation was intense, and military discipline and strict laws, and heavy punishment were needed. The thing is, Legalism is way too cold and cruel. It is necessary for the

warring state period, but it is not that important when everything came down to peace especially when the people in the Qin empire did not get assimilated completely [10].

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## 6. Conclusions

The study focuses on the relationship between Legalism and Qin's policies during the rise and fall of it, analyzing the influences of Legalism on Qin.

Before the establishment of the Qin Empire, according to the legalist thought of the rule of law, Qin carried out Shang Yang's reform which strengthened the Qin State. In the development period after the establishment of the Qin Empire, the thought of Legalism "running a country without following the ancient methods" and centralization promoted the implementation and improvement of the system of prefectures and counties, which made the Qin Empire stronger. However, the limitations of Legalism and the ruler's violation of Legalism led to the gradual decline of the empire. Following obscurantism, the Qin Empire burned books and buried scholars; the doctrine of severe punishment led to harsh punishments. The emperor did not value legalist thought of the non-existence of powerful officials but rather highly favored them, which is one of the reasons for the collapse of Qin. Besides, the growing size of the empire, the inability to create cultural recognition of new citizens, and the shortcomings of Legalism all led to the fact that the Qin Empire ended only 15 years after its establishment.

Studying the relationship between Legalism and Qin's history can help people better understand the constitution, core, and significance of Qin's policies. Besides, people can find positive and negative aspects of Legalism and Qin policies. By drawing lessons from the collapse of the Qin Empire, avoiding shortcomings of Legalism, and using advantages of Legalism and Qin policies, it is effective for people nowadays to promote the stability and development of society.

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