
THE CYCLIC WHOLENESS OF BING, TAO AND LAW IN SUN TZU'S "THE ART OF WAR"

Wang Qi, John Giordano, and Wang Shang-wen

ABSTRACT

The Art of War by Sun Tzu (Pingyin: *Sunzi Bing Fa*) is well-known as one of the oldest writings in Chinese history attributed to an individual author. It is the most famous treatise of the Military School (*Bingjia*), of The Hundred Schools of Thought of the Pre-Qin and Han period. However, the text is often misunderstood in the based upon the misunderstanding of its terms. Readers and scholars often interpret the text in a pragmatic or utilitarian way, ignoring its philosophical Taoist subtexts. In the text, the term translated as war – Bing – is related to two complicated philosophical terms and concepts: Tao (*Dao*) and Law (*Fa*). Therefore, for fully understanding Sun Tzu's philosophical treatise on Bing, this paper will investigate, how changes of Tao (*Dao*) and Law (*Fa*) in relation to Bing occur in a holistic cycle. Bing, Tao and Law must be coordinated, otherwise any operation whether military or political will not be in conformity with the Grand Tao, and will not be able to achieve its aims.

Keywords: War (*Bing*), Tao (*Dao*), Law (*Fa*), Yin-Yang Dialectic, Cyclic Wholeness

Introduction:

Sun Tzu (*Sunzi* 孙子, *Sun Wu* 孙武; or Master Sun), is the most famous representative philosopher of the Military School 兵家 (*Bing Jia*), which is one of main schools of thought within the Hundred Schools of Thought (*Zhuzi Baijia* 诸子百家) during the Pre-Qin and Han dynasties. His ancient Chinese military treatise writing: *The Art of War* by Sun Tzu (*Sunzi Bing Fa* 孙子兵法) emerged from around 2533 years ago (about 512B.C.). Through the modern archaeological discovery at Yinque Mountain, Linyi City, Shandong Province, China in 1972 and after some research, Ping-ti Ho, the famous Chinese-American historian, believes that “it was the oldest extant private writings in the whole Chinese history until now.”¹ And it has been used to guide the resolution of wars and conflicts, and even for utilitarian purposes such as commerce.

Outside of China, only some elements of the text are studied and interpreted, and usually from a utilitarian approach. This selective interpretation neglects the philosophical connotations of the text and reflects a source of difference between China and the West on the use of military force and sovereign violence during war. Although the practicability and applicability of Sun Tzu’s theory on a large number of fields has been demonstrated by many rulers for more than 2500 years, a deeper appreciation of its cultural context analysis and philosophical basis is still required.

The text is quite short, it only has 13 chapters and 6075 Chinese characters. While the terms are seemingly simple, there is an ambivalence of meanings and philosophical terms and concepts, which makes it difficult to explain or translate in a direct and simple way. This is the case not only for this short Chinese treatise, but also for most ancient Chinese texts. This is an extremely difficulty not only for Western scholars but for Chinese scholars as well.

These difficulties are immediately evident in the translation of the title itself. The Western translation of Sun Tzu’s *Bing Fa* 兵法 as *The Art of War* suggests that Sun Tzu wrote a treatise about ‘war,’ affirming it as an aesthetic practice, as an ‘art.’ But in fact, the sense of ‘*Bing Fa*’

does not refer to art in an aesthetic sense, or to art as a kind of practical or utilitarian form of *techne*. In the strict sense, ‘*Bing*’ 兵 isn’t ‘war’, neither is ‘*Fa*’ 法 ‘art’; but ‘*Bing*’ can be seen as a collective name referring to the mobilization of people, raw materials and instruments which can be used in certain circumstances for producing ‘sovereign violence’ or ‘war’, while ‘*Fa*’ can be seen as a collective name for natural and man-made ‘Laws.’ This is ultimately grounded in the philosophy of Tao and on other factors. Therefore, with reference to Sun Tzu’s *Bing Fa*, the Law of *Bing*, would seem to be a more accurate title, since its main aim is to discuss the problem about how to use *Bing*. But as we shall see, the term Tao is equally important. In this short text, the terms Tao (*Dao* 道) and Law (*Fa* 法) are used up to 23 and 21 times each.

We can situate the text based upon its cultural and historical setting. According to Ping-ti Ho’s historical research, *Sunzi Bing Fa* was the first book attributable to an individual writer and appeared about 512 B.C. This is earlier than “The Analects of Confucius” (*Lun Yu* 论语). It may have been influenced by the culture and thought of Qi-state² (*Qi guo* 齐国), that is, the earlier teachings of *Jiang Taigong*³ 姜太公, which were recorded in the text *Six Secret Teachings* (*Liutao* 六韬)⁴, and the historical thought of *Guan Zhong*⁵ 管仲, which were recorded by the text *Guan Tzu* (*Guanzi* 管子)⁶. Furthermore, Ping-ti Ho revealed that it also had a possible impact on Lao Tzu’s 老子 “Tao Te Ching”⁷ (*Daode Jing* 道德经), especially on its dialectical thinking.⁸ In recent years, Derek M.C. Yuen⁹ also researched these connections with Sun Tzu’s ideas in *Tao Te Ching*, and concluded that these two classical texts showed a mutual influence and that both The Taoist School of Thought (*Daojia Sixiang* 道家思想) and The Military School of Thought (*Bingjia Sixiang* 兵家思想) possessed the same cultural origins during pre-Qin’s Spring and Autumn period. In fact, Guan Zhong and the text *Guan Tzu*, was also considered by later generations as an early representative of the Legalist School of Thought / the School of Law (*Fajia Sixiang* 法家思想). Moreover, the recent research about the relationship between Military (*Bingjia*) and Legalist (*Fajia*) School of Thoughts by Zhao Zhichao¹⁰, concluded that

the military strategists were the direct product of the war environment in the Spring and Autumn Period and the Warring States Period, while the Legalists came into being in order to frame this intense and frequent war environment within a broader intellectual field. In terms of time, the pre-Qin military theories and military strategists came first, while the Legalists came later. The military strategists influenced the value systems and the main thinking of the Legalists, while the Legalists extended the scope of its application to the social and political fields, so that even the core philosophical connotations of Sun Tzu and Lao Tzu as the sources both evolved over the years to the later Legalist generations' representative treatise - Han Fei's *Han Fei Tzu*¹¹ (*Han Fei Zi* 韩非子), which was the theoretical expansion and practice of the generalization and concretization of Sun Tzu's theory in the aspect of the law on social and political rule and governance. In a manner of speaking, Sun Tzu's theory of "*Bing Fa*" as a foundation, had epoch making significance, which led, expanded and guided the development of the historical trends during the chaos of Pre-Qin times.

For truer understanding Sun Tzu's philosophical connotations, it is important to understand the conceptual and philosophical meanings of three terms: Bing (*Bing* 兵), Tao (*Dao* 道), and Law (*Fa* 法).

Bing (*Bing* 兵)

At first, the Chinese term - *Bing* 兵, as the main character both in the title and the first character of Sun Tzu's treatise, is a general term referring to all beings, things and affairs related to the military aspects of the state, it has much more wide and broad meaning than the term of 'War', in other words, it is not 'war' itself. As a Chinese character and as an ancient Chinese word, its basic meaning was the "implements, instruments weapons or arms" (兵, 械也 *Bing, xie ye*)¹² according to the record of *Shuo Wen Jie Zi* 说文解字, and later, "those using *Bing*" were also called "*Bing*" (soldiers or troops) and this became the second derived meaning of *Bing*. Eventually it became a general term for all people and things relating to the military or war. So that here *Bing* can be summarized as a

general term about armed forces of the states, and their military might, power and affairs etc., in other words, *Bing* covers anything and anyone related to military and even to war. Therefore, just like as producers and users make wood into wooden products, war is made from *Bing* by their producers (involved and armed people of the states) and users (who are usually kings, military generals or commanders and others within the state). In fact, there is no one word in English can directly describe its whole meaning, so that this article will use the term ‘Bing’ (*Bing* 兵) the transliterated word from its Pinyin (Chinese phonetic alphabet) of its Chinese character.

Bing was always seen and recognized as a lethal weapon or a tool in Chinese ancient culture and philosophy. In the ancient text *Six Secret Teachings*, Jiang Taigong stated: “the Holy Kings called *Bing* as lethal weapon of death, when they had no any option for avoiding but to use it, then they had to unwillingly choose to use it.”¹³ (故圣王号兵为凶器·不得已而用之。 *Gu shengwang hao bing wei xiongqi, budeyi er yongzhi.*). In chapter 31, of the *Tao Te Ching*, Lao Tzu also said something similar: “No matter however excellent the use of ‘*Bing*’, it involves ominous implements and instruments of evil omen, and it may say that all creatures always held it in abhorrence. Therefore, they who have the ‘*Tao*’ are not willing to put *Bing* into use.”¹⁴ (夫佳兵者·不祥之器·物或恶之·故有道者不处。 *Fu jia bing zhe, buxiang zhi qi, wu huo e zhi, gu youdao zhe bu chu.*). *Guan Zi* of *Guan Zhong*, also pointed out something similar: “There is nothing greater than *Bing* which can create the poverty by harming people’s wealth and properties to the utmost extent; there is nothing more rapid than *Bing* which can accelerate the risks, crises and dangers of the state, while increasing the worry and depression of the Kings.”¹⁵ (贫民伤财·莫大于兵·危国忧主·莫速于兵。 *Pinmin shangcai, mo da yu bing, weiguo youzhu, mo su yu bing.*). Hence, in all periods of Chinese history and in all the schools of ancient Chinese thought, there has been a negative perception of *Bing*.

In a sense, there are some similar ideas in the West concerning this aspect of *Bing* or on the connection of violence and law. If we consider

Bing as a States' entire military might, power, and affairs which support their sovereignty, then Bing is similar to the German philosopher Walter Benjamin's idea of divine or sovereign violence which he described in his essay "The Critique of Violence."

All mythic lawmaking violence, which we may call 'executive', is pernicious. Pernicious too is the law-preserving, "administrative" violence that serves it. Divine violence, which is the sign and seal but never the means of sacred dispatch, may be called "sovereign" violence.¹⁶

However, precisely because of Bing's dangerous power, Chinese culture made various attempts to balance its potential destructiveness with the ability to use it legitimately and effectively as a way or a means for protecting the safety and security of the states and ensure the survival of the people. Bing was used when it was considered unavoidable by the rulers and generals etc. That was the reason why Sun Tzu wrote this treatise for revealing the Law (*Fa*) of using Bing. So again, this sense, the more accurate translation of Sun Tzu's 'the Art of War' should be 'The Law of Bing'.

Tao (*Dao* 道)

Sun Tzu's work was called *Sunzi Bing Fa*, and so it would seem that the main topic was to be a discussion about the Law (*Fa*) of Bing. But in fact it is the Tao (*Dao*) of Bing which has more emphasis than Law (*Fa*) of Bing.

Tao (*Dao* 道) is a very complex ancient Chinese word with subtle meanings. In *Shuowen Jiezi*, its original meaning as a noun refers to a "road, route or path" (所行道也 *Suo Xing Dao ye*).¹⁷ This basic original meaning of Tao is also used as a noun about 'physical' "roads" (道路 *Daolu*)¹⁸ in chapter 13 or "paths for marching or carrying army provisions" (粮道 *Liangdao*)¹⁹ in chapter 10 of *Sunzi Bing Fa*. Its second meaning as a verb is "to reach / to arrive / to attain" (一达,谓之道 *Yida, weizhi dao*)²⁰

as in *Shuowen Jiezi*. It is also used as a verb by Sun Tzu, for instance in his chapter 7, he uses it in the sense, “to attain / arrive by marching on through the route with double speed (倍道兼行 *Bei dao jia xing*)”²¹. Besides these two meanings as noun and verb, it also means “guide, tell or speak out”, for instance, in the passage: “to teach and guide or speak out the orders not clearly and distinctly”²² (教道不明 *Jiao dao buming*) in chapter 10, *Sunzi Bing Fa*.

So there are two main layers of cultural derived metaphysical meanings of Tao that inform Sun Tzu’s Tao of Bing. Each of these layers has two levels of meanings. The understanding of these four senses of Tao are very important for understanding how they can be combined and harmonized together for the sake of understanding the use of Bing.

The first layer of Tao is the “Grand Tao” (大道 *Dadao*) and its changes, its meaning approximates the ancient Greek terminology - Laws of Nature or the Universe, and has two levels of meaning:

The first level of meaning: the ultimate universal grand Tao of unity (oneness or wholeness); and combined with

The second level of meaning: the harmonized dialectic changes of Yin (*Yin* 阴) and Yang (*Yang* 阳) within the united circle or dynamic cycle of grand Tao’s unity (oneness or wholeness).

There are many descriptions about this layer of “Tao.” Regarding to the first sentence of chapter 1, of the *Tao Te Ching*, it can be explained as the first layer of the grand Tao (or the embodiment of the Tao) as Lao Tzu said, “The Tao that can be reached or can be spoken, is not the enduring and unchanging Tao.” (道可道 · 非常道。 *Dao kedao, fei changdao*);²³ and, in chapter 42 of the *Tao Te Ching*, Lao Tzu further described the transformations or changes of the Tao, “The Tao produced One; One produced Two; Two produced Three; Three produces All things. All things leave behind them the Yin - Obscurity (out of which they have come), and go forward to embrace the Yang - Brightness (into which they have emerged), while they are harmonized by the Breath of Vacancy.” (道生一 · 一生二 · 二生三 · 三生万物。万物负阴而抱阳 · 冲气以为和。 *Dao sheng yi, yi sheng er, er sheng san, san sheng wanwu. Wanwu fuyin er*

baoyang, chongqi yi weihe.);²⁴ and in the chapter entitled Xing Shi, *Guan Tzu* (Guan Zhong) mentioned that, “What the Tao said is just oneness / wholeness, but whose usages of Tao are different with each other.” (道之所言者一也 · 而用之者异 · *Dao zhi suoyan zhe yi ye, er yongzhizhe yi.*);²⁵ and in the chapter Xi Ci I, *Book of Changes (Yijing易经)*, there is also similar description that, “The successive movement of the Yin (inactive, dark, hard to be known) and Yang (active, bright, easy to be known) operations constitutes what is called Tao - the course (of things). That which ensues as the result (of their movement) is goodness; that which shows it in its completeness is the natures (of men and things). (一阴一阳之谓道 · 继之者善也 · 成之者性也 *Yiyin yiyang zhi wei dao, jizhizhe shan ye, chengzhizhe xing ye*)”.²⁶

In this first layer of Tao, the universal ‘Laws of Nature’ is comparable with Western philosophy. But if we focus on the differences, in general the ancient Chinese philosophers tend to explain the term of “Tao” in a more abstract and universal through imagery and metaphorical expression, while, the Western philosophers tend to explain the term of “Laws of Nature” by observation and experiences or through logic and mathematics.

The second layer of Tao is for the human being’s understanding and application, about how to one reach the grand Tao and how to find the way of using Tao in real life according to first layer of Tao (both the Grand Tao and the harmonized dialectic changes of Tao). This is for the purpose of coordinating one’s actions with the ultimate grand Tao of oneness / wholeness. Its meaning is approximate to Western concepts of Natural Law with its homologous courses for Law-making, and it also has two levels of meaning:

The first level of meaning involves the human being’s ability through observing, thinking and planning to find the correct way / path to harmonize the Yin-Yang dialectic changes of Tao, to coordinate with the grand Tao of oneness / wholeness.

The second level of meaning involves the ability to speak out or make plans, standards, doctrines, moralities, policies, methods or solutions

for guiding real life.

There are also many descriptions about this layer of Tao. Regarding to the first sentence of chapter 1, of the *Tao Te Ching*, although Lao Tzu's expression can also be interpreted within this second layer of Tao meaningful for the human being: "to speak out yes or no, affirmation or negation, positive or negative in terms of Yang or Yin, the manifestation of dialectics is always the unchanging Tao." (*Dao ke, dao fei, chang dao.* 道可, 道非, 常道);²⁷ and in chapter 37, *Tao Te Ching*, Lao Tzu writes concerning the exercise of government: "The Tao in its regular course does nothing (for the sake of doing it), and so there is nothing which it does not do." (道常无为而无不为。 *Dao chang wu wei er wu buwei.*);²⁸ and in Shu Yan, *Guan Zi*, Guan Zhong said that, "Movement of Tao in the heaven is at the Sun, and in the human being at the heart of people." (道之在天者日也 · 其在人者心也。 *Dao zhi zai tian zhe ri ye, qi zai ren zhe xin ye.*);²⁹ and in chapter entitled "King Wen's Teacher", of *The Six Secret Teachings*, Jiang Taigong said that, "in general, the heart of people hates death and takes pleasure in life, they love and welcome good virtue and also pursue the returns of Benefits / Profits. With the capability to produce or provide the Benefits / Profits is in accord with the Tao, where the Tao resides, all people under Heaven will come over and pay their allegiance to it." (凡人恶死而乐生 · 好德而归利 · 能生利者, 道也, 道之所在, 天下归之 *Fanren wuzi er lesheng, haode er guili, nengshenglizhe, dao ye, dao zhi suo zai, tianxia gui zhi*);³⁰ and in chapter 40, of *Tao Te Ching*, Lao Tzu stated that, "The changes and movements within Tao proceed by the dialectic of Yin and Yang and able to be reversed; and the Tao's running can serve the weak." (反者道之动; 弱者道之用。 *Fanzhe dao zhi dong, ruozhe dao zhi yong*);³¹ and in Guan Zhong's chapter entitled "Shu Yan," of *Guan Tzu*, it borrowed *Shu Yan*'s statement that, "to love people and also to return them benefits, to make interests for them and also to ensure them peace and security.' these four things comes out from Tao. If the emperors or sage kings use them, the world would have good governance." (枢言曰: "爱之利之 · 益之安之。" 四者道之出。帝王者用之而天下治矣。 *Shu Yan yue: "aizhi lizhi, yizhi anzhi."* *si zhe dao zhi chu. Diwangzhe yong*

zhi er tianxia zhi yi)³²

This layer of Tao running through human society, reveals the universal common basic orientation which originated in the heart of the people and should serve people as far as possible. It is similar as the Western concept of Natural Law, while, which is about achieving justice in the West.

This can be found in the earlier texts of Jiang Taigong. In the chapter 12 entitled “The Tao of Bing”, of *The Six Secret Teachings*, it recorded:

King Wu asked Tai Gong: “What is the Tao of Bing?” Then Tai Gong replied: “In general, as for the Tao of Bing, nothing surpasses Unity (Oneness / Wholeness). The unified oneness / wholeness can come alone, can depart alone. The Yellow Emperor said, ‘Unification approaches the Tao and touches on the spiritual.’ Its employment lies in the subtle; its conspicuous manifestation lies in the strategic configurations of power, circumstance and its potential trends; its completion lies with the ruler. Thus the Sage Kings termed Bing as weapons and evil implements, but when they had no any other alternative, they employed them unwillingly.” (武王问太公曰：“兵道如何？”太公曰：“凡兵之道，莫过乎一。一者、能独往独来。黄帝曰：一者、阶于道，几于神。用之在于机，显之在于势，成之在于君。故圣王号兵为凶器，不得已而用之。” *Wuwang wen Taigong yue: “bing dao ruhe?” Taigong yue: “fan Bing zhi Dao, mo guo hu yi. Yi zhe, neng duwang dulai. HuangDi yue: Yi zhe, jie yu Dao, ji yu shen. Yongzhi zaiyu ji, xianzhi zaiyu shi, chengzhi zaiyu jun. Gu shengwang hao bing wei xiongqi, budeyi er yongzhi*).³³

Therefore, there are two main intrinsically connected layers of Tao which influence the use of Bing, which could be applied to *Sunzi Bing Fa*. We find this clearly expressed in the following:

Chapter 1.1 “Tao of survival or downfall” (存亡之道 *Cun wang zhi Dao*);³⁴

Chapter 1.2 “The first constant factor is Tao” (一曰道 *Yi yue Dao*);³⁵

Chapter 1.3 “Tao is to cause the people to be in complete accord with their rulers” (道者·令民与上同意也 *Dao zhe, ling min yu shang tongyi ye*);³⁶

Chapter 1.4 “Which of the sovereigns is imbued with Tao?” (主孰有道 *Zhu shu you dao*);³⁷

Chapter 1.6 “Bing is with Tao of *Gui* (Secretiveness / Surreptitious / Slyness / Deceptions)” (兵者·诡道也 *Bing zhe, gui dao ye*);³⁸

Chapter 11.4 “The Tao on which to manage an army is to set up one standard of courage which all must reach” (齐勇若一·政之道也 *Qi yong ruoyi, zheng zhi dao ye*);³⁹

Chapter 12.3 “This is the Tao to keep a country at peace and an army intact.” (安国全军之道 *Anguo quanjun zhi dao*).⁴⁰

Based upon the discussions above we can see that these two layers with their two levels each constitute four levels of Tao constitute a hierarchy and can be considered as operating from the top down, from level of the grand Tao, down to level of guiding human action in real life. Although ‘Tao’ appeared in different ways in different chapters of *Sunzi Bing Fa*, they are to be understood according to this hierarchy. This is crucial for understanding the proper use of Bing. We can now discuss the relation of each layer and level to the use of Bing.

The first layer of Tao (hereafter short as Tao₁) on using Bing is the Universal Grand Tao accords with Taoist thought, hereby, it has two levels of philosophical meanings to reveal and answer to the first problem “What causes the rulers of the states to use Bing?” So Sun Tzu provides the explanation in the first sentence of the first chapter:

“Sunzi said: Bing is the greatest affairs of the State, it is place / basis to decide life and death, and the Tao to survival or extinction, hence it has to be thoroughly pondered, observed, and analyzed carefully.” (孙子曰：兵者·国之大事·死生之地·存亡之道·不可不察也。 *Sunzi yue: Bingzhe, guo zhi dashi, si sheng zhidi, cun wang zhidao, buke bucha ye.*)⁴¹

The first level of the first layer: Grand Tao is oneness / wholeness, and within it, its own movements and changes are naturally of the Yin-Yang dialectic, so that every movement leading to survival or to ruin is a chosen of the movement of Tao. Because the Grand Tao is the origin of all things, and the Grand Tao’s usage and its immanent movements covers all things especially for the general population or the weaker multitudes, so that the preservation of the multitude and the social of vulnerable is the fundamental to the grand Tao, and it is the basis for the existence of any country. Lao Tzu also said that:

Thus it is that dignity finds its (firm) root in its (previous) meanness, and what is lofty finds its stability in the lowness (from which it rises). Hence princes and kings call themselves ‘Orphans,’ ‘Men of small virtue,’ and as ‘Carriages without a nave.’ Is not this an acknowledgment that in their considering themselves mean they see the foundation of their dignity?” (故贵以贱为本·高以下为基·是以侯王自称孤、寡、不谷·此非以贱为本耶? 非乎? *Gu gui yi jian wei ben, gao yi xia wei ji. Shi yi houwang zicheng gu gua bugu. Ci fei yi jian wei ben ye? Fei hu?*)⁴²

Because in the Grand Tao of oneness / wholeness, the Tao of Survival always exists along with its potential opposite the Tao of Ruin, therefore it is these considerations of survival that guide the rulers of states to carefully and skillfully use Bing.

The second level of the first layer: As Guan Tzu said, The Grand Tao of Oneness / Wholeness in human being is at the heart of people.⁴³

On the basis of Yin-Yang dialectic thoughts within the Tao, because all people desire life and avoid death, and the survival of their society. The Tao of ruin is always a constant threat. Thus, people tend to come together and follow those who can lead them against this potential threat. The ruler should guide the heart of people to come together for the sake of survival, by the correct use of Bing within the Grand Tao. Therefore, that was why Sun Tzu believed that among the five constant factors it was the ‘Tao’ which should be taken into account at first.⁴⁴ And Sun Tzu further explained, “The Tao is what and why to cause people to be of unified as oneness / wholeness and fully in accord with their rulers / leaders, no matter where or when to go alive or dead with their rulers / leaders all together without any fear of any danger.” (道者·令民与上同意也·可与之死·可与之生·而不畏危·*Dao zhe, ling min yu shang tongyi ye, ke yuzhi si, ke yuzhi sheng, er buwei wei.*).⁴⁵

In summary, Sun Tzu developed the Tao of survival in his first chapter, to preserve the life and survival of the multitude by unifying the heart of people.

The second layer of Tao (hereinafter short as Tao₂) on using Bing is about cultivation of the intellect of human beings especially the rulers or generals who are directly and deeply involved in the Tao₁ of Bing. This leads to the two questions: 1) “How could they have Tao₁ as much as possible or reach ultimate Tao₁ as far as possible, meanwhile, 2) How could they further know how to deal with the changes of Tao’s operation using Bing?”

The first level of the second layer: for achieving Grand Tao₁ as far as possible, is to serve the prosperity and survival of the population or the multitudes - the socially vulnerable groups (by the smaller group of rulers and authorities). The rule should demonstrate good virtues; to provide benefits / profits for them, and to ensure them peace and security according with ultimate Tao₁. That was why Sun Tzu poses the question: “Which of the sovereigns is imbued with Tao” (孰孰有道 *Zhu shu you dao*).⁴⁶ The first factor to consider when using Bing is to know which rulers had more Tao₁ than the rulers of other states even so-called their

enemy's as explained in the first chapter of *Sunzi Bing Fa*. At this point, because the soldiers and troops also are recruited from the multitude or the vulnerable groups, Sun Tzu outlined three main concepts: maintaining "National Security" (*An* 安), "Intactness of Troops" (*Quan* 全), and the "Use of Spys" (*Jian* 间) which was to allow the heart of people come together for achieving grand Tao of oneness / wholeness. Above three concepts structured the complete usage of this level of Tao₂ as "Tao to keep a country at peace and an army intact" (*An guo quanjun zhi dao*), Sun Tzu summarized it in the 12th chapter "The Attack by Fire," that the ruler must have the ability to maintain the Tao of national security and wholeness / intactness of the population because: "a kingdom that has once been destroyed can never come again into being; nor can the dead ever be brought back to life. Hence the enlightened ruler is heedful, and the good general is full of caution. This is the way to keep a country at peace and an army intact." (亡国不可以复存 · 死者不可以复生 · 故明君慎之 · 良将警之 · 此安国全军之道也 · *Wangguo bukeyi fucun, sizhe bukeyi fusheng. Gu mingjun shen zhi, liangjiang jin zhi, ci anguo quanjun zhi dao.*)⁴⁷

The second level of the second layer: Facing up to the changes and movement of Tao which is always involves a Yin-Yang dialectics with contradictory directions along with opposite potentials and trends within its oneness / wholeness, this level of Tao₂ on using Bing means the way for human beings to deal with the changes and to know how to make plans and Law (*Fa*). Sun Tzu proposed the answer to this problem in his first chapter that, "Using Bing was on the Tao of *Gui*" (兵者 · 诡道也 *Bing zhe, gui dao ye*; the term of *Gui* can be interpreted in a much boarder sense which stand for Secretiveness, Surreptitious, Slyness, Deceptions, Sophistry, the Strange, the Anomalous, or the Paradoxical)⁴⁸ in the first chapter of *Sunzi Bing Fa*. This term of *Gui* 诡 is a concept that covers two meanings. The first meaning is that to observe and know the changing and movement laws or rules of Tao is the foundational Yin-Yang dialectical principle within oneness / wholeness, which was often with subtle and mysterious situation and unpredictable. Therefore, the second meaning is for human being, especially for the rulers or generals, who have to use

Bing should do so based on the knowledge of the above laws or rules, and to make plans and execute practices in seemingly opposite or contradictory ways to guard against their enemies. Actually, this term of *Gui* 诡 had been always misunderstood as merely “deception” by the West. But in fact it is a recognition that the changes of Tao are always unfathomable by human beings. This has a major effect on the measurement of the five main factors⁴⁹ - Tao (*Dao*), Heaven (*Tian*, 天; Time elements), Earth (*Di*, 地; Space elements), General (*Jiang*, 将; Capable Planners, Participators and Performers) and Law (*Fa*) of the changing situations and conditions which following with the changing laws or rules of Tao (Oneness / Wholeness and Yin-Yang dialectic and so on). Only when these variable are all considered in connection can the practice of Bing be exercised. This is why Sun Tzu claims that after observing these five elements, he could foresee who was likely to wins or lose before the war or combat takes place.

In other words, in the above four levels of two layers of meanings, Tao₁ shows what is the origination, reason, orientation and purpose to use Bing, and Tao₂ shows how to observe the situation, know the conditions, measure the variables, lay the plans, and then execute the Law (*Fa*) of using Bing.

Law (*Fa* 法)

The third Chinese term - Law (*Fa* 法), is also a key character in the title of this Sun Tzu’s treatise, which has subtle differences of meaning based upon whether it is used as a noun or a verb. in ancient Chinese, e.g. the head of *the chapter 16th* is *Fa Fa* 法法 in *Guan Zi* 管子⁵⁰, hereby, the first *Fa* is a verb., which means to abide, follow or maintain etc. [Hereinafter short as Fa_(Verb.), which meaning is approximate to the Western concept about Law-preserving], the second *Fa* is a noun., and with general meaning of the laws, which refers to the specific Laws, Statutes, Disciplines, and Ordinances etc. [Hereinafter short as Fa_(Noun.), which meaning is approximate to the Western concept about Law-making of Positive Law or Man-made Law]:

Guang Tzu, in the chapter entitled *Fa Fa* 法法, *Guan Zi*, stated that:

If not for $Fa_{(Verb.)}$ the $Fa_{(Noun.)}$, the things can't be controlled or managed and always change without any standards or rules, if abiding without methods or laws, then the commands or orders of kings, leaders or generals will not pass to the people or soldiers rightly, the commands can't be executed, that means the commands or orders are without the Law - $Fa_{(Noun.)}$. If there is Law - $Fa_{(Noun.)}$, but no one executes, then the result is that who make the commands, ordinances or orders cannot check, control, adjust the directions for keeping executing them rightly.” (不法法则事毋常·法不法则令不行·令而不行·则令不法也·法而不行·则修令者不审也。 *Bu fa fa ze shi wuchang, fa bufa ze ling buxing, ling er buxing, ze ling bufa ye. Fa er buxing, ze xiulingzhe bushen ye.*)⁵¹

According to terms and means of Law (*Fa*) in *Guang Tzu*, the first word *Fa* is $Fa_{(Verb.)}$, the second *Fa* is $Fa_{(Noun.)}$. If we compare this with Western concepts of Law, Law as a noun refers to law-making, and Law as a verb refers to its law-preserving function. Therefore, hereby, returning to the term of Law (*Fa*) in Sun Tzu's treatise, it originates from Tao with two main layers of meanings:

$Fa_{(Noun.)}$ as Law-making (hereafter referred to as Law_1): How to follow Tao_2 to systematically set a system of the broad or specific Positive Laws, Disciplines, Methods, Plans, Choices, Usages, Statutes, Ordinances, Rules, Norms, Standards and so on what collectively refer to the right usable way or route for the rulers and generals being capable and possible to put Bing to predicable good use; and

$Fa_{(Verb.)}$ as Law-preserving (hereafter referred to as Law_2): How to take and keep series of right actions to Execute, Abide, Follow and Maintain according to Compliance, Enforcement and Usages of Law_1 on using Bing until the rulers and people of the states finally achieve and reach ultimate grand Tao_1 . That is to say, meanwhile, Law_2 also checks or measures whether it can be rightly achieved and reached to win the

survival of all the people and their states after all the actions have been taken by using Bing.

We also find this in *Guan Tzu*. In the chapter entitled *Fa Fa*, of *Guan Tzu*, it states the question, “How to make the people work together for the rulers by themselves?” Guan Tzu answered, “[The more] the law is established and the law is obeyed, the more people are able to be gathered and able to be led by the rulers.”

Therefore, Law (*Fa*) here in Sun Tzu’s treatise has two layers, Law₁ is a system of nouns which are created by human rulers in accordance with Tao₂, and Law₂ is a series of verbs which are movements / actions taken to rightly maintain the reasonable obeying of Law₁ for finally reach Tao₁. In a sense, Tao₁ is both the reason and the desired result, or we can call it as the rational end according to Laws of Nature and the Natural Law, while, according to Law₂ to use Bing is the means to approach and match the end of ultimate Tao₁ – oneness / wholeness.

That is why Sun Tzu said the fifth constant factor on using Bing is the Law (*Fa*):

The Law (*Fa*) encompass: 1) how to set proper levels and subdivisions of organizations or troops; 2) how to set the matched system of rules and regulations, how to set the ranks, moralities and cultivation modes of organizational officers and to maintain their internal delivery route of the information, orders and supplies; above are both Law₁, and 3) for the rulers and generals, how to let them check, decide, execute and measure the system of the compliance, enforcement and usages of Law₁ on using Bing, which is equal to Law₂ -- how to use Bing by the rulers and generals, including what military material and instrumental supplies, and the forces and effectives of troops supporting the rulers and generals to be capable to rightly put Bing to good use.” (法者 · 曲制 · 官道 · 主用也 · *Fa zhe, qu zhi, guandao, zhu yong ye.* ; my own translation and interpretation)⁵²

Then Sun Tzu said that one of the ways to predict success involves the last four factors within seven as below:

By following and taking the action of Law₂, to observe, account and compare with the advantages and situations: “1) Whose established proper system of Law₁ and expressed series of commands are more thoroughly implemented through Law₂; 2) Whose might, forces, effectives and powers of Bing and masses are more stronger; 3) Whose officers and soldiers of troops are more highly trained; 4) Who have and maintain the greater rightly and clearly unswerving enforcement both in reward and punishment according to the system of Law₁ and the enforcement requirements of Law₂.” (法令執行·兵众孰强·士卒孰练·赏罚孰明 *Fa ling shu xing, bingzhong shu qiang, shizhu shu lian, shangfa shu ming*).⁵³

Actually, these factors among rulers of the states, are all contained in the category of the term Law (*Fa*) on using Bing. Therefore, Sun Tzu provides a very important observation, in chapter 4,

The consummated leaders or rulers who excel at employing Bing into good use, are those whom both cultivate, construct and renovate ‘their Tao’, meanwhile, keep making, maintaining and preserving ‘their Law’, thus, they do can manage and governing political, social and military affairs or whole administration of the states as the regulators to master the key to dealing with relative eventuality of victory (success) and defeat (failure). (善用兵者·修道而保法·故能为胜败之政·*Shan yongbingzhe, xiudao er baofa, gu nengwei shengbai zhi zheng*.)⁵⁴

Therefore, ‘their Tao’ covers above Tao₁ and Tao₂, and ‘their Law’ includes above Law₁ and Law₂. Then the deep actual meanings of Tao (*Dao*) and Law (*Fa*) in the use of Bing can be understood correctly as a mechanism to maintain dynamic cyclic wholeness. In other words, Tao

is both the reason and the end. It is the way to understand the great truth and to observe the changes of the situations and preconditions. Law is the established system by rulers to deal with conditions and situations, therefore this understanding of Law in relationship to Tao allows for the prediction of the use of Bing and its results in terms of victories or defeats, life or death, survival or ruination etc. The final goal in relation to the grand Tao is the protection and survival of the people.

Conclusion

Therefore, according to above analysis and deciphering of Bing, Tao (*Dao*), and Law (*Fa*), it can be seen that the intention is to show a mechanism for maintaining the dynamic cyclic wholeness of Tao (*Dao*) and Law (*Fa*) when using Bing. Benjamin recognized the perniciousness of law-making or law-preserving violence when taken in isolation. Here with Sun Tzu we have the recognition of a higher coordination which Benjamin might recognize as similar to his divine or sovereign violence. Here it is the coordination with the grand Tao. It is a top-down approach, whereby every series of actions to achieve an aim needs to return back to its initial point in the grand Tao. It is a movement from Tao to Law, and then from Law to Tao; a holistic cycle between Tao and Law through the use of Bing. If Tao and Law can be finally coordinated, their cyclic wholeness will constitute a perfect cycle where beginning and end points correspond to the grand Tao. However, if during this process, Law-preserving Bing and Law-making Bing is not coordinated with their origination in the Tao this wholeness can be broken either by the rulers themselves or by their enemies or hostile powers and forces. It is then that their states and their people will face ruin and death. This is the whole systematical philosophical connotation of Sun Tzu's theory about Tao (*Dao*) and Law (*Fa*) on using Bing, no one state can avoid or escape from this dynamic cyclic wholeness in the history, if it does concern to the survival of its people. In other words, it is also a fundamental law of nature which can be understood in relation to all conflicts or competitions in human history. That is why Sun Tzu contends that victory or defeat can be predicted by

through the five main factors. Thus, Sun Tzu's theory is also can be seen as a philosophy which relies on observation, measure, counting, weighing and computation, to predict the results of victory or defeat before the leaders decide to use Bing, so that they can avoid unnecessary sacrifice and to control the use of Bing, when it is unavoidable.

ENDNOTES

¹ Ping-ti Ho, 何炳棣, Ping-ti Ho, Trans. and Ed. “*Zhongguo xiancun zui gu de sijia zhushu Sunzi bingfa*中国现存最古的私家著述《孙子兵法》 [Sun Tzu's Art of War, the oldest extant Private Writings in China]”, in *Youguan 'Sunzi' 'Laozi' de san pian kaozheng* 有关《孙子》《老子》的三篇考证 [Three Studies on Sun Tzu and Lao Tzu], (Taiwan: Institute of Modern History, Academia Sinica, Lecture Series No.2, 2002), pp.35-69.

² Qi-state, The state of Qi was the fief of Jiang Ziya, and the activity place of Guan Zhong, which left an extremely rich military legacy. After Duke Huan of Qi sought hegemony, Qi once again became the center of China's political, economic, cultural, diplomatic and military activities and a place. Such a social environment provided Sun Tzu many convenient conditions for military research, making him a knowledgeable military talent in his youth.

³ Jiang, Taigong 姜太公. [Grand Duke Jiang], (fl. 12th century BC – fl. 11th century BC), one of earliest representative of military school of thought in Chinese history. He is the first marquis of Qi-state bore the given name Jiang Shang and Lü Shang, and also known as Jiang Ziya, respectively. Following the elevation of Qi to a duchy, Grand Duke Jiang was a Chinese noble who helped kings Wen and Wu of Zhou overthrow the Shang in ancient China.

⁴ *The Six Secret Teachings (Liutao 六韬)* is a typical book of Chinese pre-Qin military school of thought which recorded the teachings of Jiang Taigong to King Wen and King Wu of Zhou Dynasty on civil and military strategy at around the eleventh century BC. It is one of the Seven Military Classics in ancient China.

⁵ Guan Zhong, 管仲, (c.720–645 B.C.) was a Chinese philosopher as early Legalist with Taoist tradition, and also a politician as chancellor and was a reformer of Qi-state during the Spring and Autumn period of Chinese history. His teaching was recorded in the treatise of *Guanzi*.

⁶ *The Guanzi* 管子 is an ancient Chinese political and philosophical text that is named for and traditionally attributed to the 7th century BCE philosopher and statesman Guan Zhong.

⁷ Lao, Tzu.老子. *Tao Te Ching 道德经*, is a Chinese classic text of Taoists School of thought, traditionally credited to the 6th-century BC sage Laozi.

⁸ Ping-ti Ho, 何炳棣, “*Zhongguo sixiangshi shang yixiang jibenxing de fan'an: Laozi bianzheng siwei yuanyu Sunzi bingfa de lunzheng* 中国思想史上一项基本性的翻案：《老子》辩证思维源于《孙子兵法》的论证, [Three Studies on Sun Tzu and Lao Tzu, A fundamental reversion in the history of Chinese thought: an argumentation that the dialectical thinking in Laozi's Dao De Jing was derived from Sunzi's Art of War]”, in *Youguan 'Sunzi' 'Laozi' de san pian kaozheng* 有关《孙子》《老子》的三篇考证, (Taiwan: Institute of Modern History, Academia Sinica, Lecture Series No.2, 2002), pp.1-35.

⁹ Derek M.C. Yuen, *Deciphering Sun Tzu How to Read 'The Art of War'* (New York: Oxford University Press, 2014), p.6.

¹⁰ Zhao Zhichao 赵志超, *Xianqin fajia yu bingjia guanxi yanjiu* 先秦法家与兵家关系研究 [The Research of the Relationship between Pre-Qin Legalist School and Military School]. (*Zhongguo Zhiwang* 中国知网(CNKI) 中国学术期刊(光盘版)电子杂志社有限公司 CNKI China Academic Journals (CD-ROM) Electronic journal Society Co., LTD, 2012), p.120.

¹¹ *The Han Feizi* 韩非子 is a treatise attributed to Han Fei 韩非, who was a typical representative of foundational Legalists School of Thought. It comprises a selection of essays in the tradition of Legalist school on theories of state power, synthesizing the methodologies of his predecessors.

¹² Xu Shen 许慎, “*Gong bu.*” in *Shuowen Jiezi* 说文解字 [lit. Discussing or Explaining Graphic Writing, and Analyzing or Explaining Characters], volumes 4, entries 1759. (*Sibu congkan chubian* 四部丛刊初编 volumes 66~69. *Jing riben yanqishi jingjiatang cang beisong kanben benshu yiwu juan* 景日本岩崎氏静嘉堂藏北宋刊本 本书一五卷, Han Dynasty), Reprinted in Sturgeon (2011); Translated by my own). Accessed by: <https://ctext.org/shuo-wen-jie-zi/bu3/ens#n27983>

¹³ Jiang Taigong 姜太公, “Chapter 12 - *Bing dao*” 兵道 [Tao of Bing; Tao of Military], in *Liu Tao* 六韬 [The Six Secret Teaching] Volumes 1 - *Wentao* 文韬 [The Civil Strategy], ed. in *Si Ku Quan Shu* 四库全书[Complete Library in the Four Branches of Literature], Volumes 1-6, chapter 12, 1782, pp. 30-31; Translated by my own. Reprinted in Sturgeon (2011); accessed by: <https://ctext.org/library.pl?if=en&file=162547&page=30&remap=gb>

¹⁴ Lao Tzu 老子, “Chapter 39”, in *The Tao Te Ching (Dao de jing 道德经)*, annotated in *Zhengtong dao zang ben Wang bi zhu Dao de zhenjing* 《正统道藏》本王弼注《道德真经》, (Annotated by Wang Bi, *Sanguo* Three Kingdoms Period; Translated by James Legge, 1891). Reprinted in Sturgeon (2011); edited by my own. Accessed by: <https://ctext.org/dao-de-jing/ens>

¹⁵ Guan Zhong 管仲, “Chapter 16 - *Fa Fa*” 法法 [To execute / preserve the Law], in ‘*Si bu cong kan chubian*’ ben ‘*Guanzi*’ 《四部丛刊初编》本《管子》, volumes 344~347; (annotated by Fang Xuanling, Tang Dynasty; ed. Zhang Yuanji, in *Jing Changshu Qushi Tieqintongjianlou cang Song kan ben ben shu er si juan* 景常熟瞿氏铁琴铜剑楼藏宋刊本 本书二四卷, Shangwu yinshuguan 商务印书馆, 1919-1936); Translated by my own). Reprinted in Sturgeon (2011); accessed by: <https://ctext.org/guanzi/ens>

¹⁶ Walter Benjamin, “Critique of Violence”, *Walter Benjamin Selected Writings Volume 1 1913-1926*, edited by Marcus Bullock and Michael W. Jennings, p.252. (London: The Belknap Press of Harvard University Press, Cambridge, Massachusetts, 1996).

¹⁷ Xu Shen, “*Chuo bu*” 辵部, in *Shuowen Jiezi*.

¹⁸ Sun Tzu, “*Yong jian*” 用间 [Use of Spy], in *Sunzi Bingfa* 孙子兵法 [The Art of War]; English translation by Lionel Giles, 1910. Reprinted in Sturgeon (2011); accessed by: <https://ctext.org/art-of-war/ens>

¹⁹ Sun Tzu, “Chapter 10 - *Dixing*” 地形 [Terrain]. in *Sunzi Bingfa*.

²⁰ Ibid.

²¹ Sun Tzu, “Chapter 7 - *Junzheng*” 军争 [Maneuvering]. in *Sunzi Bingfa*.

²² Sun Tzu, “Chapter 10 - *Dixing*”, in *Sunzi Bingfa*.

²³ Lao Tzu, “Chapter 1 - Embodying the Dao”. in *Tao Te Ching*.

²⁴ Lao Tzu, “Chapter 42 - The transformations of the Dao”. in *Tao Te Ching*.

²⁵ Guan Zhong, “Chapter 2 - *Xing Shi*” 形势, in *Guanzi*.

²⁶ I Ching (*Yijing* 易经) [The Book of Changes]. “*Xi Ci P*”, in *Wuyingdian shisan jing zhushu ben Yijing* 《武英殿十三經注疏》本《易经》; ed. Wang Bi 王弼, Wei of Three kingdom period 魏; annotated by Han Kangbo 韩康伯, Jin dynasty 晋; notes and commentaries by Kong Yingda 孔穎達; (Translated by James Legge in *Sacred Books of the East*, volume 16, 1899; edited by my own). Reprinted in Sturgeon (2011); accessed by: <https://ctext.org/book-of-changes/ens>

²⁷ Lao Tzu, “Chapter 1 - Embodying the Dao”. in *Tao Te Ching*; edited and translated by my own.

²⁸ Lao Tzu, “Chapter 37”, in *Tao Te Ching*.

²⁹ Guan Zhong, “Chapter 12-*Shu yan*” 樞言, in *Guanzi*; translated by my own.

³⁰ Jiang Taigong, “Chapter 1 - King Wen’s Teacher” 文师, in *Six Secret Teaching*; translated by my own.

³¹ Lao Tzu, “Chapter 40”, in *The Tao Te Ching*; translated by my own.

³² Guan Zhong, “Chapter 12-*Shu yan*”, in *Guanzi*; translated by my own.

³³ Jiang Taigong, “The Tao of the Military”, in *T’ai Kung’s Six Secret Teachings*, in *The Seven Military Classics of Ancient China*; translation and commentary by Ralph D. Sawyer with Mei-chtin Sawyer (US,Boulder & UK,Oxford: Westview Press, 1993), p51; edited by my own.

³⁴ Sun Tzu, “Chapter 1 - *Shiji*”, in *Sunzi Bingfa*.

³⁵ Ibid.

³⁶ Ibid.

³⁷ Ibid.

³⁸ Ibid.

³⁹ Sun Tzu, “Chapter 11 - *Jiu di*” 九地 [The Nine Situations], in *Sunzi Bingfa*.

⁴⁰ Sun Tzu, “Chapter 12-*Huogong*” 火攻[The Attack by Fire],in *Sunzi Bingfa*.

- ⁴¹ Sun Tzu, “Chapter 1 - *Shiji*” 始计 [Making the Plans / Initial Estimations], in Chapter of “Sun-tzu The Art of War in Translation”, translated with a historical introduction and commentary by Ralph D. Sawyer, (Colorado, US and Oxford, UK: Westview Press, 1994); ed. and translated by my own.
- ⁴² Lao Tzu, “Chapter 39”, in Tao Te Ching.
- ⁴³ Guan Zhong, “Chapter 12-*Shu yan*” 枢言, in *Guanzi*; translated by my own.
- ⁴⁴ Sun Tzu, “Chapter 1 - *Shiji*”, in *Sunzi Bingfa*.
- ⁴⁵ Sun Tzu, “Chapter 1 - *Shiji*”, translated by Ralph D. Sawyer; ed. and translated by my own.
- ⁴⁶ Ibid. Translated by my own.
- ⁴⁷ Sun Tzu, “Chapter 12-*Huogong*” 火攻 [The Attack by Fire], in *Sunzi Bingfa*.
- ⁴⁸ Sun Tzu, “Chapter 1 - *Shiji*” 始计 [Making the Plans], in *Sunzi Bingfa*.
- ⁴⁹ Ibid.
- ⁵⁰ Guan Zhong, “Chapter 16 - *Fa Fa*” 法法, in *Guanzi*; translated by my own.
- ⁵¹ Ibid.
- ⁵² Sun Tzu, “Chapter 1 - *Shiji*” 始计 [Laying the Plans], in *Sunzi Bingfa*; ed. and translated by my own.
- ⁵³ Sun Tzu, “Chapter 1 - *Shiji*”, translated by Ralph D. Sawyer; ed. and translated by my own.
- ⁵⁴ Sun Tzu, “Chapter 4-*Junxing*” 军形 [Tactical Dispositions], in *Sunzi Bingfa*. translated by Ralph D. Sawyer; ed. and translated by my own.

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