

The *Shangjun shu* 商君書 (Book of Lord Shang) occupies an odd place in studies of early Chinese political thought. On the one hand, its putative author, Shang Yang 商鞅 (d. 338 BCE), is widely credited as an outstanding, even if controversial, statesman, whose reforms propelled the state of Qin 秦 to the position of supremacy in the world of the Warring States (Zhanguo 戰國, 453–221 BCE). He is also recognized as one of the founders of the so-called Legalist School of thought (*fajia* 法家). Almost any textbook in Chinese history and thought will therefore duly contain references to Shang Yang and to the *Shangjun shu*. On the other hand, in-depth studies of the *Shangjun shu* outside China and Japan are few and far between; and even in Asian countries this book merits less attention than most other texts of the Warring States-period Masters (*zi* 子). Paradoxically, the text associated with the singularly important reformer in the history of pre-imperial China seems to attract little interest in the scholarly community.¹

The reasons why scholars tend to ignore the *Shangjun shu* vary: the text's poor state preservation, the ongoing debates about its authorship and dating, and – at least for some scholars – the notoriety of Shang Yang, about whom traditional scholars were reportedly “ashamed to speak.”² Yet another factor that may discourage intensive study

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1 Prior to 2016, the *Shangjun shu* merited several translations cum studies, of which the most outstanding are Duyvendak 1928 and Perelomov 1968. Two simpler translations are Lévi 1981 and Moriya Hiroshi 1995; the latter is superseded by Yoshinami Takashi 1992. To these, insofar as European languages are concerned, one may add the manuscript-long study Kroker 1953 and a very useful edited collection of translated Chinese articles from the 1970s (Li Yu-ning 1977). Only a very few articles dedicated to the *Shangjun shu* had been published in European languages in the last century; see a summary in Pines 2017, 251–252, n3–5. Very recently, though, we witness a renewed interest in this text as is indicated in particular by the almost simultaneous publication of Pines 2017 and Vogelsang 2017. For Chinese studies, see references in later footnotes.

2 For “being ashamed to speak about Shang Yang” see Su Shi’s 蘇軾 (1036–1101) *Dongpo*

of the *Shangjun shu* is the relatively low literary quality of much of the text. As a result, almost millennium-old recommendation from Zhou Duanchao 周端朝 (1172–1234) that Shang Yang’s legacy should be learned about from the “Shangjun liezhuan” 商君列傳 (Biography of Lord of Shang) in Sima Qian’s 司馬遷 (ca. 145–90 BCE) *Shiji* 史記 (Records of the Historian) seems to still hold sway.³ Despite the fact that this biography was obviously composed *after* the *Shangjun shu*, and that it intermingles in the narrative later legends and literary embellishments,⁴ scholars routinely treat it as the primary source for Shang Yang’s thought.

Two points in the *Shiji* have been particularly influential in analyses of Shang Yang’s legacy. The first is Sima Qian’s summary of “The Biography of Lord of Shang,” in which he observes that Shang Yang “was a man of little kindness.”⁵ This shaped the traditional view of Shang Yang as an advocate of merciless punishments, a point that overshadowed most other policy recommendations in the *Shangjun shu*.⁶ The second point is the famous summary of the Legalist School ideas by Sima Qian’s father, Sima Tan 司馬談 (d. 110 BCE). In his essay “Liu jia zhi yaozhi” 六家之要指 (The Essentials of the Six Schools), the elder Sima notices that “The Legalists ... neither distinguish between kin and stranger, nor differentiate between noble and base: everything is determined by the law [or standard, *fa* 法].”⁷ This statement – in addition to Han Fei’s 韓非 (d. 233 BCE) identification of Shang Yang as the champion of *fa*⁸ – influenced modern perceptions of Shang Yang. From the early twentieth century on, this thinker became associated with an idea of the “rule of law” (or “rule by law” which are confusingly translated into Chinese by the same term *fazhi* 法治), a viewpoint which remains

quanji 東坡全集 105, 14. For the state of preservation: the first collated edition was published by Yan Wanli 嚴萬里, better known by his later name, Yan Kejun 嚴可均 (1762–1843), in 1793, and it took more than a century of meticulous philological studies before the text became more-or-less readable. Currently, the best critical edition is Zhang Jue 2012. For debates about the text’s dating, see Pines 2016(1).

3 Cited in Ma Duanlin’s 馬端臨 (1254–1332) *Wenxian tongkao* 文獻通考 212, 7. Zhou is identified in Ma Duanlin’s compendium only as “Mr. Zhou”; his identity was tentatively restored in Tong Weimin 2007.

4 See Yoshimoto Michimasa 2000.

5 See *Shiji* 68, 2237.

6 Traditional views of the *Shangjun shu* are conveniently summarized in Li Yu-ning’s “Introduction” to her study *Shang Yang’s Reforms* from 1977. For a more detailed collection of reference to Shang Yang and the *Shangjun shu*, see Zhang Jue 2012, 352–415.

7 *Shiji* 130, 3289–3291.

8 *Han Feizi* XVII.43 (“Ding fa” 定法), 397–400.

prominent in studies of Shang Yang and the *Shangjun shu* in mainland China to this day.⁹

My goal in the present study is not to deny either the overwhelming emphasis on harsh punishments in the *Shangjun shu*, or the fact that some ideas of the book may indeed be interpreted in relation to the notion of the “rule by law” – insofar as we accept this notion as referring to the primacy of impersonal standards and regulations over individualized decision-making.¹⁰ Yet I think that the crux of the book’s message and its major intellectual achievements can be found elsewhere. The real novelty of the *Shangjun shu* lies in its advocacy not just of harsh punishments, but of equally important positive incentives, namely the distribution of ranks of merit and accompanying social, economic, and other privileges to meritorious fighters (and possibly tillers as well). By allowing the subjects to realize their legitimate aspirations for enhanced economic and social status exclusively through the state-mandated system of ranks of merit, the ruler would be able to direct their energies to the goals deemed essential to the state’s prosperity, namely agriculture and warfare.

The overarching importance of ranks of merit in Shang Yang’s theory and practice stands at the center of my analysis of the *Shangjun shu*. The fact that the historical Shang Yang introduced the system of ranks of merit was well known since antiquity. The magnitude of this system’s impact on Qin’s society, however, did not become fully visible until the paleographic and archeological discoveries of recent decades (see more below). Understanding the role of this system in the ideology of the *Shangjun shu* allows us re-reading this book as a much more sophisticated text than was usually noticed. The authors’ proposals curiously resemble modern ideas of social engineering, namely designing political institutions so as to channel social forces toward desirable social and political ends.¹¹ By promulgating transparent, fair, and inviolable rules of promotion

9 The first Chinese scholars to turn Shang Yang into a champion of the “rule of law” (obscuring the difference between the rule “of” and “by” law) were Mai Menghua 麥孟華 (1875–1915) in his *Shang jun pingzhuan* 商君評傳 published 1903, and Liang Qichao 梁啟超 (1873–1929) in his “Zhongguo falixue fada shi lun” 中國法理學發達史論 dated 1906. This line of analysis of Shang Yang’s thought remained highly influential throughout the twentieth century and beyond. For a recent example, see, e. g., Wu and Lin 2016. Notably, some scholars reject the association of Shang Yang with modern ideas of the “rule of law”; see e. g., Cheng Liaoyuan 2011.

10 For the problems related to the usage of the term “law” in relation to the so-called Legalist School, see Goldin 2011.

11 For the concept of “social engineering” and related debates, see Alexander and Schmidt 1996; Podgórecki 1996. My definition borrows from their discussion but is not identical to what they formulate.

and demotion, and by monopolizing the sources of social prestige and economic well-being, the ruler will create a situation in which a subject's selfish desires become attainable only through serving the state's goals. The resultant comprehensive utilization of the subjects' energies will allow the ruler to realize the cherished goal of attaining "a rich state and a strong army" (*fuguo qiangbing* 富國強兵) and eventually unifying "All-under-Heaven."¹²

In what follows, I want to explore how the *Shangjun shu* envisioned a new society of tillers and soldiers. I shall focus on the ideological rationale behind the text's proposals, outline the functioning of the real system of ranks of merit in Qin, and explore how this system shaped social, economic, administrative, and cultural policies as advocated in the *Shangjun shu*. In the epilogue to this article, I will demonstrate that some of the text's insights outlived the usefulness of the system it advocated and remain relevant well beyond the book's original framework.

Background: The Warring States' transformation

The Warring States period, the time in which the *Shangjun shu* was written, is viewed in traditional Chinese historiography as a miserable age that witnessed the demise of the ritually-based Zhou 周 sociopolitical order.¹³ Yet, for a modern observer, this age has greater appeal. The Warring States period was a dynamic era of technological, economic, military, and intellectual breakthroughs and of novel departures in every walk of life. It was an age rife with opportunity for ambitious intellectuals such as Shang Yang and his followers. Two developments are especially important for understanding the background of Shang Yang's thought:¹⁴ namely, breakthroughs in the areas of economics and warfare. The text's ideology of turning every male into a tiller and a soldier emerged in response to these developments.

The economic revolution of the Warring States period was primarily prompted by the widespread introduction of iron utensils. They revolutionized agriculture, allowing

12 Among manifold studies of the *Shangjun shu* the one that most closely parallels my approach (amid considerable difference in details), is Hu Tiejie 2016. For an earlier insightful analysis, see Chen Qitian 1935.

13 For the classical summary, see Gu Yanwu 顧炎武 (1613–1682), *Rizhi lu* 日知錄 13 ("Zhou mo fengsu" 周末風俗); Huang Rucheng 1994, 467.

14 Whenever I refer to "Shang Yang's thought," this is done for heuristic convenience; actually we should speak of the thought of the *Shangjun shu*. I accept Zheng Liangshu's 鄭良樹 (1989) basic assertion that the text was composed by Shang Yang and by anonymous members of his "school," although my personal views of the dating of individual chapters (Pines 2016(1)) differ from Zheng's.

for higher yields, prompting the development of wastelands, and bringing about demographic growth. They also accelerated urbanization and commercialization in the economy.¹⁵ The new possibility of radically expanding cultivated lands was of particular importance for policy makers eager to increase agricultural production. One of the major policy goals outlined in the *Shangjun shu* is to encourage an unwilling population to engage in wasteland cultivation rather than to move into burgeoning non-agricultural economic sectors. Although the authors' recommendations are less sophisticated than the actual Qin policies developed in the aftermath of Shang Yang's reforms, their overall contribution to agricultural expansion in the state of Qin is undeniable.¹⁶

Parallel to the "iron revolution" in agriculture another revolution occurred on the battlefields. The introduction of the crossbow and concurrent developments in other military technologies prompted the replacement of aristocratic chariot-based armies with mass infantry armies staffed by peasant conscripts.¹⁷ Military campaigns became longer, more devastating, and crueler. The chivalric codes of the aristocratic age were abandoned, and commanders on the field were concerned less with personal valor and more with the ability to maintain and adequately supply huge armies and to coordinate their movements. At home, administrators had to learn how to mobilize, train, and motivate the entire male population; in the army, commanders had to ensure the conscripts' loyalty, to turn them into valiant fighters, or, at a minimum, prevent them from deserting.¹⁸ It is in this respect that the *Shangjun shu* presented a set of radical and arguably highly efficient solutions that would have far-reaching consequences for the military prowess of the state of Qin.

The desire of Qin rulers to direct the population to agriculture and warfare was not exceptional. To a significant extent, this was a common vector of development of the competing Warring States. Questions of agricultural policy and mass conscription were accordingly addressed by most of the thinkers of this age. While their specific answers differed, the need to maintain large standing armies and to have granaries full was broadly approved across the spectrum of ideological divides. The achievement of historical Shang Yang and the *Shangjun shu*'s authors was in providing highly compel-

15 See, e. g., Wagner 1993; Yang Kuan 1998, 42–57.

16 For a detailed comparison between the economic policies advocated in the *Shangjun shu* and actual Qin's policies formed during the century after Shang Yang's death, see Pines (forthcoming)(1).

17 Notably, chariots did not disappear entirely, but their role in the army's overall strength became less important. See more in Yang Kuan 1998, 309–311.

18 See details in Lewis 1990, 53–96; Lewis 1999, 620–630; Yates 1999, 25–30.

ling – albeit often morally dubious – answers to the questions addressed by the thinkers of their age.

Foundations: The question of human nature

Ever since the time of Hu Shi's 胡適 (1891–1962) promulgation of his view of “Chinese philosophy,” Shang Yang's position within this discipline has appeared precarious. Hu Shi opined that Shang Yang was a gifted reformer but not a thinker in his own right and this attitude of dissociating the *Shangjun shu* from the field of philosophy remained highly influential thereafter.¹⁹ Yet whereas it is true that the bulk of the book focuses on practical matters, the importance of its creative philosophical foundations should not be neglected. The authors' boldness and originality are particularly notable in their evolutionary concept of history²⁰ and in their views of human nature. The latter topic – which unfortunately is all too often overlooked by the scholarly community – is of utmost importance in the context of the present study.²¹

The text's fundamental premise is that, although humans may be selfish, this is not necessarily bad. Rather than trying to alter this situation, the ruler should utilize the people's covetous inborn nature (*xing* 性) in order to strengthen the political order. The text explains: “The people follow after benefit as water flows downward: it has no preference among the four directions. The people do only whatever brings them benefit; and the benefit is granted by superiors” (23.3).²² What is required, then, is to simply

19 Hu Shi 1919 [1996], 322–323. Hu Shi's omission of Shang Yang from the history of Chinese philosophy dominated studies through much of the Republican period (1911–1949) and beyond. For a notable Western example of a glossing over of Shang Yang in a discussion of the Warring States-period philosophy, see Nivison 1999. Even the very recent “Legalism” issue of the *Journal of Chinese Philosophy* 38.1 (2011) had all but ignored the *Shangjun shu*.

20 For analyzing this concept in comparison with other Warring States-period thinkers, see Pines and Shelach 2005; Pines 2013(1).

21 The lion's share of modern studies concerned with early Chinese views of human nature focus overwhelmingly on Mengzi 孟子 (c. 380–304 BCE) and Xunzi 荀子 (d. after 238 BCE). Even when scholars expand the list of texts consulted, they commonly ignore Shang Yang's important contribution to these debates; e. g. Graham 1967. For laudable exceptions, see Xiao Yang 2006; and Sato Masayuki 2013, 155–157.

22 In what follows citations from the *Shangjun shu* are based on Pines 2017 with references to sections of the text only. In the citation above, *shang* 上 may refer either to the superiors as such or to the ruler alone.

direct the people to pursue personal benefits in ways that will serve common needs. The authors explain how to achieve this in chapter 6, “Calculating the land”:

民之性，饑而求食，勞而求佚，苦則索樂，辱則求榮，此民之情也。民之求利，失禮之法；求名，失性之常。奚以論其然也？今夫盜賊上犯君上之所禁，而下失臣子之禮，故名辱而身危，猶不止者，利也。其上世之士，衣不煖膚，食不滿腸，苦其志意，勞其四肢，傷其五臟，而益裕廣耳，非性之常，而為之者，名也。故曰名利之所湊，則民道之。

The nature of the people is to seek food when they are hungry, to seek respite when they toil, to seek joy when they are embittered, to seek glory when they are humiliated: this is the people's disposition. In seeking benefit, the people lose the standard of ritual,²³ in seeking name (= repute), they lose the constant of their nature.²⁴ How can I demonstrate this? Now, criminals above violate the prohibitions of rulers and superiors, and below lose the ritual of subjects and sons; hence their name is dishonored and their body endangered, but they still do not stop: this is because of benefit. In the generations of old, there were men-of-service (*shi* 士) who did not have enough clothes to warm their skin nor enough food to fill their bellies; they exerted their four limbs and injured their five internal organs, but they behaved ever more broad-heartedly: this is not the constant of their nature, yet they did it because of a [good] name. Hence it is said: wherever name and benefit meet, the people will go in this direction. (6.4)

This discussion is one of the earliest systematic analyses of human nature in Chinese history.²⁵ Two major factors influencing human behavior are the quest for riches and the quest for name. The first does not require much discussion, as it is a commonplace in most early Chinese texts which normally take for granted the importance of material benefits for the people. Yet the authors add here the second prime-mover, the quest for a name (*ming* 名). The term *ming* in the above passage refers primarily to one's reputation, but more generally throughout the text it refers specifically to high social status that – just like fine reputation – can be passed on to posterity. The quest for a good name was identified from the early Warring States period as one of the chief motivators

23 The combination *li zhi fa* 禮之法 (“standard of ritual”) is peculiar to the *Shangjun shu*; it implies here the essential norms of behavior embedded in the broader concept of ritual. For different meanings of the term *li* 禮 (“ritual”) in pre-imperial discourse, see Pines 2000.

24 The “constant of one's nature” (*xing zhi chang* 性之常) refers here to the fear of death. In seeking fame, the people are ready to sacrifice their lives.

25 Note that chapter 6, “Calculating the land” belongs to a relatively early layer of the *Shangjun shu*; judging from its reference to Qin's system of land allocation it could not be produced much after 350 BCE. See Pines2016(1), 165–167.

of the actions of elite members, the men-of-service (*shi* 士).²⁶ In contrast to earlier texts, such as *Lunyu* 論語 and *Mozi* 墨子, the *Shangjun shu* implies that this quest is shared by all people. The fact that every member of society – elites and commoners alike – is driven by the same motivating forces is central to the authors' political recommendations.

The authors are aware of the potential negative implications of the quest for riches and name, and even of a certain contradiction between these two desires. The quest for material benefits causes people to transgress against moral and legal norms and even to sacrifice their fine name, which becomes “dishonored.” The quest for a name, on the other hand, may not only cause them to reject material benefits, but it even transcends their quest for life. If unchecked, these two desires may jeopardize the social order. Yet these desires are innate and cannot be altered: “The people’s desire for riches and nobility stops only when one’s coffin is sealed” (17.4). What, then, is to be done? The solution is to understand the people’s basic disposition (*qing* 情) and then to manipulate it to attain the state’s goals. The text explains:

夫農，民之所苦；而戰，民之所危也。犯其所苦，行其所危者，計也。故民生則計利，死則慮名。名利之所出，不可不審也。利出於地，則民盡力；名出於戰，則民致死。

Farming is what the people consider bitter; war is what the people consider dangerous. Yet they brave what they consider bitter and perform what they consider dangerous because of calculation [of name and benefit]. Thus, in [ordinary] life, the people calculate benefits; [facing] death, they think of name (=repute). One cannot but investigate whence name and benefit come. When benefits come from land, the people fully utilize their strength; when name comes from war, the people are ready to die. (6.5)

The solution therefore is simple: One’s desire for riches should be realized exclusively through farming, while high social status (“name”) should be attainable only by those who excel at war. When such a system is built, the population can be directed to the “bitter and dangerous” pursuits of agriculture and warfare simply because of the desire to realize one’s personal aspirations. The people will till, fight, and benefit the state not out of high moral commitment but out of purely selfish considerations: By benefitting the state, they benefit themselves, and vice versa. The establishment of the system that realized this insight was Shang Yang’s major achievement as a reformer. This system is the focus of the *Shangjun shu*.

26 See details in Pines (forthcoming)(2).

Rewards and punishments

One of the programmatic passages of the *Shangjun shu* explains the rationale behind the proposed policies:

人君_生²⁷而有好惡；故民可治也。人君不可以不審好惡；好惡者，賞罰之本也。夫人情好爵祿而惡刑罰，人君設二者以御民之志，而立所欲焉。夫民力盡而爵隨之，功立而賞隨之，人君能使其民信於此明如日月，則兵無敵矣。

Human beings have likes and dislikes; hence the people can be ruled. The ruler must investigate likes and dislikes. Likes and dislikes are the root of rewards and penalties. The disposition of the people is to like ranks and emoluments and to dislike punishments and penalties. The ruler sets up the two in order to guide the people's will and to establish whatever he desires. When ranks come only after the people have fully used their force, when rewards come only after their merits are established, when the ruler is able to let his people trust these [two] as [unequivocally] as they visualize the sun and moon – then the army has no rivals. (9.3)

The recommendation is clear: To properly motivate the people, the ruler should employ a combination of positive (rewards, ranks, emoluments) and negative (punishments, penalties) incentives. A clear, fair, and unequivocal implementation of these two will direct the people to the pursuits desired by the ruler (in this passage referring primarily to military pursuits, which are elsewhere supplemented by farming). The entire sociopolitical system that Shang Yang advocates can be seen as the realization of this recommendation.

Punishments

Let us start with the negative incentives. The most (in)famous of these are the harsh punishments which are repeatedly proclaimed in the book to be the primary means of causing the people to comply with the ruler's orders. Individual chapters differ with regard to the appropriate mix of rewards and punishments. Some insist on their balanced application (17.1–3); some favor nine punishments for a single reward (4.4); and some – albeit very few – insist that rewards should not be bestowed at all (18.4).²⁸ Their

27 Following Tao Hongqing 陶鴻慶 (1859–1918), I replace 人君 with 人生. See Zhang Jue 2012, 132n6.

28 Zheng Liangshu used these divergent viewpoints as reflective of different dates of origin of individual chapters, arguing that the differences reflect an evolution of views within “Shang Yang's school.” See Zheng Liangshu 1989. I doubt, however, that these differences actually reflect a neat evolution: even a single author may alter his specific recommendations when facing different audiences or circumstances. Besides, the chapters differ in their understanding of rewards: some focus on rewarding the denouncement of crimes, while other – the

discrepancies notwithstanding, the authors of different chapters agree that only harsh and inevitable punishments will effectively deter the people's transgressions. This is explained for instance in chapter 7, "Opening the blocked" ("Kai sai" 開塞):

夫民憂則思，思則出度；樂則淫，淫則生佚。故以刑治則民威，民威則無姦，無姦則民安其所樂。以義教則民縱，民縱則亂，亂則民傷其所惡。吾所謂刑 29 者，義之本也；而世所謂義者，暴之道也。夫正民者：以其所惡，必終其所好；以其所好，必敗其所惡。

When the people worry, they become thoughtful; when they are thoughtful they generate [proper] measures. When the people are happy, they are licentious; when they are licentious they give birth to laxity. Hence, if you order them through punishments, the people are overawed; when they are overawed, there is no depravity; when there is no depravity, the people reside in peace doing what they like. If you instruct them through righteousness, the people indulge themselves; when the people indulge, there is turmoil; when there is turmoil, the people will be hurt by what they detest. What I call "punishments" is the root of righteousness, while what our generation calls righteousness is the way of violence. Hence, if you order the people through what they detest, they will surely end in what they like; if you do it through what they like, they will surely be defeated by what they detest. (7.4)

Overawing the people is the principal way of directing them to socially and politically acceptable behavior. This in turn implies a comprehensive imposition of merciless punishments even on minor transgressions. The chapter continues:

故王者刑用於將過，則大邪不生；賞施於告姦，則細過不失。治民能使大邪不生，細過不失，則國治，國治必強。……天下行之，至德復立。此吾以殺刑之反於德，而義合於暴也。

The True Monarch inflicts punishments on about to be committed transgressions: then major wickedness will not be born. He rewards [those who] inform about the depraved: then [even] minor transgressions are not lost. When, in ordering the people, you can prevent depravity from being born and minor transgressions from being lost, the state is well ordered. When the state is well ordered, you are surely powerful. [...] When All-under-Heaven implements this, the utmost virtue is restored. Thus, by killing and punishing, I return to virtue, whereas [what is called] righteousness corresponds to violence. (7.5)

majority – discuss rewards for valiant fighters. This is another source of their difference re the balance between rewards and punishments.

29 Most recensions have *li* 利 (benefit) instead of *xing* 刑 (punishments); Zhang Jue (2012, 114, n8) follows Yan Kejun's emendation and restores *xing*.

The authors reject the common view that punishments should be commensurate with the offence. Rather, their goal is to overawe the evildoer. Only when “about to be committed transgressions” are punished – i. e. when the evildoer is inevitably denounced and is penalized mercilessly for even a minor or just pre-planned transgression – will the people submit to laws and eventually enter the blessed situation of restoring “the utmost virtue” (*zhi de* 至德). These recommendations are further specified in chapter 17, “Rewards and punishments” (“Shangxing” 賞刑):

所謂壹刑者，刑無等級。自卿相將軍以至大夫庶人，有不從王令，犯國禁，亂上制者，罪死不赦。有功於前，有敗於後，不為損刑。有善於前，有過於後，不為虧法。忠臣孝子有過，必以其數斷。守法守職之吏有不行王法者，罪死不赦，刑及三族。同官之人，知而許之上者，自免於罪。無貴賤，尸襲其官長之官爵田祿。故曰：「重刑連其罪，則民不敢試。」民不敢試，故無刑也。夫先王之禁：刺殺，斷人之足，黥人之面，非求傷民也，以禁姦止過也。故禁姦止過，莫若重刑。刑重而必得，則民不敢試，故國無刑民。國無刑民，故曰：「明刑不戮。」

What is called unifying punishments means imposing punishments without regard for one's status. From chief ministers, chancellors, and generals down to nobles and commoners: Whoever disobeys the king's orders, violates the state's prohibitions, or wreaks havoc on the regulations of one's superior should be executed without pardon. If he had merits before but failed thereafter, this should neither reduce the punishment, nor diminish the law. When loyal ministers and filial sons transgress, their cases should be decided according to the rules.

When an official responsible for safeguarding the royal law does not implement it, he should be executed without pardon. Moreover, the punishments should extend to the three degrees of his family members. When his colleagues know of [his crime] and denounce it to the superiors, they avoid punishment; and, whether noble or base, they inherit their superior's office, rank, fields, and emoluments. Hence, it is said: “When punishments are heavy and criminals are mutually responsible, the people dare not try [to break the law].” When the people dare not try, there are no punishments.

Hence, the prohibitions of the former kings, such as [carrying out] executions, cutting off feet, or branding the face, were imposed not because they sought to harm the people but only to prohibit depravity and to stop transgressions. Hence, to prohibit depravity and to stop transgressions nothing is better than to make punishments heavy. When punishments are heavy and [criminals] are inevitably captured, then the people dare not try [to break the law]. Hence, there are no penalized people in the state. When there are no penalized people in the state, it is said: “Clarifying punishments [means] no executions.” (17.3)

This passage presents the text's three main postulates with regard to punishments. First, there is equality before the law: Every transgressor should be punished, his background

notwithstanding (although as we shall see, the Qin law allowed rank holders to redeem certain punishments). Second, the system of mutual responsibility – including within the ruling apparatus – should ensure the culprit’s inevitable apprehension. Third, the notorious severity of punishments – e.g., a variety of mutilations and outright execution of the transgressor – is essential to preserving the law’s deterrence. In combination, these premises are expected to bring about the blessed situation of “eradicating punishments through punishments,” which is the authors’ ultimate goal.

Making the people fight

The repeated advocacy of harsh punishments in the *Shangjun shu* often obscures other positive and negative incentives advocated throughout the text to direct the population toward desirable ends. Positive incentives, i. e. “rewards,” are especially important. In the above quote from section 7.5, rewards are supposed to be applied only to those who denounce the culprits. This limited meaning, however, is rarely used in the text. The predominant meaning of “rewards” in the *Shangjun shu* refers to granting ranks of merit and related social, economic, and legal benefits to those who excel at war. The details of Shang Yang’s system of ranks of merit will be discussed in the next section. Here I only want to emphasize its exceptional role in the military field. It is primarily through granting the ranks of merit to meritorious soldiers that the peasant conscripts can be induced to fight valiantly. The book reiterates time and again: “the way of using soldiers is to commit oneself to unifying rewards” (6.1); “Ranks and emoluments are the essence of the army” (9.1); “Rule through punishments; make war through rewards” (13.1). Elsewhere, the authors explain their point in more detail:

聖人之為國也：壹賞，壹刑，壹教。壹賞則兵無敵。……所謂壹賞者，利祿官爵，擗出於兵，無有異施也。夫固知愚，貴賤，勇怯，賢不肖，皆盡其胸臆之知，竭其股肱之力，出死而為上用也。天下豪傑賢良從之如流水；是故兵無敵，而令行於天下。

When the sage rules the state, he unifies rewards, unifies punishments, and unifies teaching. When rewards are unified, the army has no rivals. ... What is called “unifying rewards” means that benefits, emoluments, official position, and rank uniformly derive from military [attainments] and that there are no other ways to dispense them. Therefore, the knowledgeable and the ignorant, the noble and the base, the courageous and cowardly, the worthy and unworthy – all fully utilize their innermost wisdom and fully exhaust the power of their limbs, going forth to die in the service of their superiors. The bravos and the worthies from All-under-Heaven will follow [the ruler] just as water flows downward. Hence, his troops will have no rivals, and his orders will be implemented throughout All-under-Heaven. (17.1–2)

The only reason the conscripts will be ready “to die in the service of their superiors” is that they will be able to obtain “benefits, emoluments, official position, and rank.” The ranks

are singularly important, for their bestowal was the necessary precondition for gaining a variety of social, material, and political benefits. The possibility of bequeathing one's rank to an heir made them an attractive compensation for the risk the soldier faced on the battlefield (see below). It was the realization of one's quest for a transcendent "name." Once granted, the rank – much like one's reputation – could outlive its mortal bearer and benefit one's descendants. As such, ranks became a reasonable compensation for death in the service of the lord of Qin.

Ranks aside, the *Shangjun shu* recognizes other means of encouraging soldiers to fight. Whereas the above passage reduced the problem of motivation to the need to reward meritorious soldiers and officers with enhanced socioeconomic status, this policy is supplemented elsewhere by negative incentives. In particular, inflicting swift and inevitable punishments on deserters from the battlefield is essential to deterring timid soldiers. "Use punishments to handle cowards: they will surely become brave. Use rewards to handle the brave: they will [be ready to] die" (4.4). The text clarifies:

民勇者，戰勝；民不勇者，戰敗。能壹民於戰者，民勇；不能壹民於戰者，民不勇。……入其國，觀其治，民用者強。奚以知民之見用者也？民之見戰也，如餓狼之見肉，則民用矣。凡戰者，民之所惡也；能使民樂戰者，王。強國之民，父遺其子，兄遺其弟，妻遺其夫，皆曰：「不得，無返。」又曰：「失法離令，若死我死。鄉治之，行間無所逃，遷徙無所入。」行間之治，連以五，辯之以章，束之以令，拙(趯)無所處，罷無所生。是以三軍之眾，從令如流，死而不旋踵。

When the people are brave, war ends in victory; when the people are not brave, war ends in defeat. He who is able to unify the people in war, his people are brave; he who is unable to unify the people in war, his people are not brave. ... When you enter a state and observe its governance, you know that he whose people are usable is powerful. How can I know that the people are usable? When the people look at war as a hungry wolf looks at meat, the people are usable.

As for war, it is something the people hate. He who is able to make the people delight in war is the [True] Monarch. Among the people of a powerful state, fathers send off their sons, older brothers send off their younger brothers, wives send off their husbands, and all say: "Do not come back without achievements!" They also say: "If you violate the [military] law and disobey orders, you will die, and I shall die. Under the canton's control,³⁰ there is no place to flee from the army ranks, and migrants can find no refuge."

30 A *xiang* 鄉 (canton) was a sub-county unit.

To order the army ranks, link them into five-men squads, distinguish them with badges, and bind them with orders. Then there will be no place to flee, and defeat will never ensue. Thus, the multitudes of the three armies will follow the orders as [water] flows [downward], and even facing death they will not turn back. (18.3)

The discussion here is more sophisticated than the previous references to ranks and emoluments as the sole means of enhancing martial valor. Rewards, even if substantial, are insufficient for creating a powerful army. Equally important are strict military discipline and the rule of terror against deserters and other transgressors. The inevitability of punishment – thanks in part to the system of mutual responsibility, which causes family members (and neighbors and superiors) to be implicated in case of a major crime – is the guarantee of compliance.³¹ Then, the combination of positive and negative incentives brings about a profound internalization of military values – that is, a militarization of culture. Soldiers will fight to the death not out of an abstract commitment to the ruler and the state. Even if they continue to hate war, they will know that it is their only chance to not just survive, but to advance socially and economically.

Making the people till

The combination of positive and negative incentives also figures prominently in the authors' second goal of directing the population to farming. Here, however, the balance between the two types of incentives changes. Whereas the text does speak intermittently of granting ranks in exchange for high grain yields (4.11, 20.3) or selling ranks to the rich (8.2), it never specifies how the system is supposed to work. It seems that unlike the military-based bestowal of ranks, which could rest on uniform and quantifiable criteria, such as cutting off the enemy's heads (see below), it was impossible to fix a ratio of yield per rank in the field of agriculture because of its fluctuating productivity. This may explain why in encouraging agricultural pursuits the author's focus shifts from positive to negative incentives, reducing the attractiveness of non-agricultural occupations.

The aim to discourage non-agricultural occupations is particularly noticeable in chapter 2, "Orders to cultivate wastelands" ("Ken ling" 墾令). It is arguably the dullest and least sophisticated chapter in the entire *Shangjun shu* (and probably one of the earliest).³² The chapter presents twenty short recommendations about how to push the population toward farming. Each one briefly introduces the desired policies, summarizes their social effects, and concludes with the uniform desideratum "then wastelands will surely be culti-

31 For the functioning of the system of mutual responsibility in practice, see Barbieri-Low and Yates 2015, 786.

32 See the detailed discussion in Pines (forthcoming)(1).

vated” (則草必墾矣). In marked distinction from what we know of Qin’s practical measures for expanding arable lands – e.g. distributing iron tools and draft animals, initiating irrigation projects, and even granting ranks of merit to the new settlers – the chapter focuses exclusively on discriminatory measures against those who do not engage in agriculture. Three groups figure prominently in the text as targets for discrimination. The first are members of the high elite, nobles, and officials, whose lavish lifestyle (2.4, 2.6, 2.7) and social advancement due to “broad learning” (2.14) spoil the people’s *mores* and distract them from farming. Moreover, members of the elite protect their dependents, who thereby escape agricultural labor. These dependents – composed of a variety of members of the lower elite and sub-elite – are the second group targeted by the text (2.4, 2.7, 2.8, 2.11, 2.13, 2.16, 2.20). In restricting their ability to enjoy elite patronage for their livelihoods, the state directs these people toward agricultural production. The third targeted group is merchants. They should be squeezed of their profits, humiliated, and discriminated against to make their occupation exceedingly unattractive (2.5, 2.6, 2.10, 2.15, 2.17, 2.19). The chapter’s argument is exemplified in the following passage:

祿厚而稅多，食口眾者，敗農者也。則以其食口之數賤(賦)而重使之，則僻淫、游惰之民無所於食。無所於食則必農，農則草必墾矣。

If emoluments are bountiful and taxes abundant, then too many people rely on their mouths to eat, and agriculture is devastated.³³ So impose [on rich households] levies according to the number of mouths in their households and double their conscript obligations.³⁴ Then deviant, floating, and idle people will have nothing to rely upon for sustenance; if they have nothing to rely upon for sustenance, they will have to be engaged in agriculture, and should they be engaged in agriculture, then wastelands will surely be cultivated. (2.4)

From this passage, it seems that in pre-reform Qin society the elite members could shield some of their dependants from levies and conscript obligations, which allowed the “deviant, floating and drifting people” to enter into the nobles’ service and avoid agricultural work. By closing this loophole, the authors hoped to steer this undesirable social element back to farming. This idea permeates chapter 2 of the *Shangjun shu*.

33 This hints at the pre-reform situation, in which the nobles’ income derived directly from the subordinate population of their allotments (*cai yi* 采邑), whose tax quotas could be adjusted by the master (Zhu Fenghan 1990, 544–555). Hence, rich emoluments meant increase in taxation. This is how the authors of *General History of Chinese Economy* interpret the sentence (Zhou Ziqiang 2007, 1143–1144); see also Zhang Jue 2012, 20, n1.

34 From the context, it seems that those “who rely on their mouths” are the retainers of officers and nobles whose bountiful emoluments allowed them to sustain many dependents.

As I have demonstrated elsewhere, the somewhat simplistic approach of chapter 2 with regard to agricultural activities is balanced out by later chapters of the *Shangjun shu*, which present a more sophisticated view of the ways to expand arable lands and maximize the state's profits.³⁵ Yet one topic remains consistent throughout most of the text: the authors' belief that squeezing merchants of their profits is the best way to encourage agricultural prosperity. Chapter 22, "External and Internal" ("Wai nei" 外内), specifies:

苟能令商賈技巧之人無繁，則欲國之無富，不可得也。故曰欲農富其國者，境內之食必貴，而不農之徵必多，市利之租必重，則民不得無田。無田，不得不易其食；食貴則田者利，田者利則事者眾。食貴，糴食不利，而又加重徵，則民不得無去其商賈技巧，而事地利矣。故民之力盡在於地利矣。

If you can cause merchants and peddlers and crafty and tricky people not to prosper, then even if you do not want to enrich the state, you will not but attain that. Hence, it is said: "He who wants the farmers to enrich his state makes food within the borders expensive. He must impose multiple taxes on those who do not farm and heavy levies on profits from the markets." Then the people will have to work in the fields. Those who do not work in the fields will have to exchange [their products] for food; when food is expensive, those who work in the fields benefit. When working in the fields brings benefit, then those who engage in it are many. When food is expensive, and purchasing it is not profitable, and in addition [it] is heavily taxed, then the people will have to cast away [the occupations of] merchants and peddlers and crafty and tricky people and engage in profiting from the soil. Thus, the people's strength is fully committed to the soil alone. (22.2)

The discussion encapsulates the recommendations in the *Shangjun shu*, which are detailed in chapter 2 and elsewhere. A series of discriminatory measures against merchants and "crafty and tricky" artisans are supposed to discourage the people from engaging in these professions. As a result, they will ultimately have no alternative but to shift to agriculture. As Roel Sterckx has noted, this advocacy of clear anti-merchant policies distinguishes the *Shangjun shu* from other pre-imperial texts.³⁶ The authors' excessive dislike of merchants – who should be humiliated, suppressed, and see their profits diminished – demonstrates their insufficient understanding of the positive aspects of a market economy. Their view of artisans as exclusively engaged in parasitic "skillful arts" (*jiji* 技藝) (3.2, 3.3) is similarly odd: The authors seem to be unaware of – or unwilling to acknowledge – the artisans' huge contribution to the Qin economy.³⁷ Yet insofar as the authors' goal is to direct the entire population toward farming, their recommenda-

35 Pines (forthcoming)(1).

36 Sterckx 2015; see also Ōchi Shigeaki 1993, 182–188.

37 See Barbieri-Low 2007.

tions are understandable. To make “the bitter task” of tilling the soil into a highly attractive occupation, the policy makers had to actively discourage any alternatives.³⁸ While unsound over the long term, the policy is clearly effective in the short term. One passage summarizes:

故吾教令民之欲利者，非耕不得；避害者，非戰不免。境內之民，莫不先務耕戰而得其所樂。故地少粟多，民少兵強。能行二者於境內，則霸王之道畢矣。

Hence, my teaching causes those among the people who seek benefits to gain them nowhere else but in tilling and those who want to avoid harm to escape nowhere but to war. Within the borders, everyone among the people first devotes himself to tilling and warfare and only then obtains whatever pleases him. Hence, though the territory is small, grain is plenty, and though the people are few, the army is powerful. He who is able to implement these two within the borders will accomplish the way of Hegemon and Monarch. (25.5)

The Qin rank system

The discussion above has already demonstrated the primary importance of ranks of merit in the *Shangjun shu* as the major motivating force on the battlefield and elsewhere. To fully understand the role of ranks for the text’s authors, let us turn now to aspects of the real system of ranks of merit established by Shang Yang and to its impact on Qin’s social life. One of the earliest depictions of this system appears in the “Biography of Lord Shang” in the *Shiji*:

有軍功者，各以率受上爵；為私斗者，各以輕重被刑大小。……宗室非有軍功論，不得為屬籍。明尊卑爵秩等級，各以差次名田宅，臣妾衣服以家次。有功者顯榮，無功者雖富無所芬華。

Those with military merit would receive ranks proportionally. Those engaged in private feuds would be penalized according to the gravity [of the offense]. [...] Members of the ruling lineage who had no military merit would not be listed in the rosters [of nobility]. [Shang Yang] clarified degrees of ranks and status of the noble and the base; each were allocated fields and houses, slaves and clothes according to their rank. Those with merits would be glorious and prosperous, while those without merit, even if rich, would not be permitted to show off [their wealth].³⁹

38 Recall that farmers are not just economically useful but are also politically preferable to merchants, artisans, and the scholars: They are less able to escape the state’s control, are less sophisticated, and are more prone to heed the rulers orders (6.6–6.8); see also Sterckx 2015.

39 *Shiji* 68, 2230; modifying the translation in Watson 1993, 92–93.

This narration encapsulates two of the essentials of Shang Yang's reform: the replacement of an aristocratic system based on birthright with a meritocratic one which above all values military achievement; and an attempt to unify social and economic status so that only those with sufficient merit "would be glorious and prosperous." The discussion, however, is too sketchy and does not fully express how the system functioned over all. Until recently, our answers to this question relied primarily on the Han-dynasty sources and on a badly damaged section of chapter 19, "Within the borders" ("Jing nei" 境内), of the *Shangjun shu* (translated below). Today, this information can be augmented by paleographic sources, most notably legal documents from the early Han Tomb 247 at Zhangjiashan, Jiangling 江陵張家山 (Hubei), Qin administrative and legal materials discovered in Tomb 11, Shuihudi, Yunmeng 雲夢睡虎地 (Hubei) and in a well and moat from the former Imperial Qin county of Qianling 遷陵, unearthed at Liye, Longshan 龍山里耶 (Hunan), and Han military documents from Tomb 5, Shangsunjiazhai, Datong County 大通縣上孫家寨 (Qinghai). While it is likely that the system Shang Yang designed differed in certain respects from the one employed in the Imperial Qin and Former Han dynasties, it was probably the same in its essential details.

The system of ranks of merit has attracted manifold scholarly discussions in recent decades. It is not my intention to present a detailed study of this system here.⁴⁰ My goal is rather to analyze it in the context of the *Shangjun shu*, first, by presenting internal evidence from chapter 19, second, by expanding upon this discussion with findings derived from the Qin and Han paleographic sources, and, third, by presenting further evidence for the revolutionary impact of the system of ranks of merit on Qin's society during Shang Yang's time and thereafter.

Chapter 19 of the *Shangjun shu* differs from the rest of the book most notably in its lack of polemical zeal compared to the other chapters. It presents a largely technical account of the functioning of Qin's military. The system of ranks of merit is at the center of this discussion. The chapter suffers from severe textual corruption. Only through the efforts of late imperial commentators, such as Yu Yue 俞樾 (1821–1907) and Sun Yirang 孫詒讓 (1848–1908), as well as modern scholars, most notably Li Ling⁴¹ did it

40 The earliest systematic introduction to the system of ranks of merit in English comes from Loewe 1960 (revised in Loewe 2010). For other magisterial studies, see Nishijima Sadao 2004; Zhu Shaohou 2008; Korolkov 2010, 101–112. For the most detailed attempt to apprehend the impact of Shang Yang's reforms on Qin social structure, see Du Zhengsheng 1985. Many insightful observations about the system's functioning are scattered throughout Barbieri-Low and Yates 2015; see especially 872–876 and 437–438, n130, q. v. for further references to relevant secondary studies.

41 Li Ling 1991. For Yu Yue and Sun Yirang's notes, see Zhang Jue 2012.

become fully legible again. In what follows, I focus exclusively on those sections of the chapter that are pertinent to the system of ranks of merit. Readers interested in its military ideas are encouraged to consult my other study.⁴²

Chapter 19 is preoccupied with clarifying two points: first, who is eligible for a rank of merit and under what circumstances; and, second, what are the privileges granted to the rank holders. The chapter clearly explains that the most common way to gain a rank of merit is to cut off an enemy's head. The authors clarify:

以戰故，暴首三，乃校三日，將軍以不疑致士大夫勞爵。夫勞爵，其縣過三日，有不致士大夫勞爵，能（罷）其縣四尉⁴³，訾由丞尉。能得甲首一者，賞爵一級，益田一頃，益宅九畝。級除庶子一人，乃得人（入）兵官之吏。

After the battle, when [severed] heads are exposed, they are checked for three days; if the general has no doubts, he delivers ranks of merit to soldiers and officers.⁴⁴ As for delivering ranks of merit: if this was not done after [the heads] were hung for three days, the four subcommandants of the county⁴⁵ should be dismissed, and the county's assistant magistrate and commandant should be fined. He who is able to attain one head of an armored soldier should be promoted one rank; his field should be increased by one *qing*;⁴⁶ his house plot should be increased by nine *mu*. For every rank, he is granted the right to appoint one retainer, and then he is allowed to become a military or civilian official. (19.6)

Three points stand out here: First, the grants are bestowed primarily for cutting off enemies' heads. Second, they are not a mere formality, but rather bring about real economic, social, and political privileges, e.g. the right to an increased plot of land, the right to ap-

42 Pines 2016(2), especially 119–125.

43 Here and hereafter the figure brackets indicate segments of text that were transposed elsewhere in the process of the book's transmission and were restored to their original position by Yu Yue and Sun Yirang.

44 *Shi dafu* 士大夫 here refers to holders of the lowest four ranks (equivalent to *shi*, the lower segment of traditional nobility) and of the next six ranks (equivalent to *dafu* – that is, mid-level nobles).

45 Qin counties normally had one commandant (*wei* 尉), who is duly mentioned in the next sentence, so clearly the four *wei* here are his subordinates. One of the military chapters of *Mozi chengshou gepian* – 52.47 (“Bei cheng men” 備城門), Cen Zhongmian 2005, 19 – mentions a *wei* as a low-level military-cum-police official akin to what was later known as “constable” (*tingzhang* 亭長). Yet if this is the case, the number four is inexplicable: there were surely more than four constables in a county. I prefer to render “four *wei*” as “four subcommandants.”

46 One *qing* 頃 equals one hundred *mu* 畝 or 4.6 hectares.

point retainers (*shuzi* 庶子), and the possibility of entering lower levels of military or civilian officialdom (*li* 吏 here perhaps refers to low-rank officials or clerks).⁴⁷ Third, the importance of the ranks is underpinned by a meticulous procedure of checking one's eligibility, and by punishing officials for any procrastination in granting the rank. These topics recur in another section of the text, which depicts the mass bestowal of ranks to soldiers and officers of a victorious army:

能攻城圍邑斬首八千已上，則盈論；野戰斬首二千，則盈論。吏自操及校以上，大將盡賞行間之吏也。故爵公士也，就為上造也。故爵上造，就為簪裹。故爵簪裹，就為不更。故爵不更，就為大夫。爵吏而為縣尉，則賜虜六，加五千六百。爵大夫而為國治，就為官大夫。故爵官大夫，就為公大夫。故爵公大夫，就為公乘。故爵公乘，就為五大夫，則稅邑三百家。故爵五大夫，就為大庶長；故大庶長，就為左更；故四更也，就為大良造。皆有賜邑三百家，有賜稅三百家。爵五大夫(?)有稅邑六百家者，受客。大將、御、參，皆賜爵三級。故客卿相，論盈，就正卿。

In attacking a besieged fortress, [an army] that is able to cut off eight thousand heads and more has fulfilled the quota. In a battle in an open field, [an army] that is able to cut off two thousand heads and more has fulfilled the quota.⁴⁸ As for the personnel from the rank of *cao* and *xiao* and higher:⁴⁹ the generalissimo rewards all the personnel from the army ranks. Those whose rank was *gongshi* (first rank) become *shangzao* (second rank); those whose rank was *shangzao* become *zanniao* (third rank); those whose rank was *zanniao* become *bugeng* (fourth rank). Those whose rank was *bugeng* become *dafu* (fifth rank). Those who rank as officers and act as commandants of a county are granted six prisoners as their slaves and 5,600 in cash.⁵⁰

47 The term *li* 吏 could refer in different contexts – including in different parts of the *Shangjun shu* – either to officials as a whole, or to lower officials, or just to clerks. See Liu Min 2014, 167.

48 The difference between the two numbers strongly suggests that the army, after occupying the fortress, was supposed to massacre all of its defenders.

49 The exact position of *cao* 操 and *xiao* 校 is not clear, but surely they did not belong to the system of ranks of merit. In all likelihood these were military ranks of infantrymen. For a view that they were minor officers, see Tong Weimin 2012.

50 The sentence is not entirely clear; Gao Heng (1974, 238) assumes that it speaks of promoting petty officers to county commandants (*xian wei* 縣尉). I think he is wrong: it clearly would be impossible to create many new commandant offices. Rather, the text speaks of a special reward for an officer who holds the position of a county commandant. I am perplexed by the placement of the sentence here: logically it should be placed in the next section which discusses high rank holders (a commandant of the county was high-level executive). In interpreting the otherwise inexplicable term *jia* 加 as referring to a cash reward, I

Those who rank as *dafu* and are employed by the state become *guan dafu* (sixth rank). Those whose rank was *guan dafu* become *gong dafu* (seventh rank). Those whose rank was *gong dafu* become *gong sheng* (eighth rank). Those whose rank was *gong sheng* become *wu dafu* (ninth rank) and can then utilize taxes from the settlements of three hundred families. Those whose rank was *wu dafu* become left and right *shuzhang* (tenth and eleventh rank). Those who were left and right *shuzhang* become left *geng* (twelfth rank); those who were one of the three *geng* (twelfth to fourteenth rank) become great *liangzao* (fifteenth rank); each of these is granted settlements of three hundred families and taxes from three hundred families.⁵¹ Those who rank *wu dafu* [?] enjoy taxes from six hundred families and can raise retainers.⁵² The generalissimo, his charioteer, and the third member of the chariot team are granted three ranks' promotion. Those who were guest-minister chancellors become regular ministers if the quota is fulfilled.⁵³ (19.5)

This is the earliest systematic exposition of the system of ranks of merit introduced by Shang Yang. It shows that – assuming the reconstructions on which the translation above is based are correct – the system initially comprised fifteen ranks distinguished between eight lower ranks and seven higher ones. Possessors of the latter were the counterpart of the upper nobility of the aristocratic age: They were granted small allotments and addi-

follow Gao Heng. Because we do not know the dating of the chapter, it is impossible to assert the value of 5,600 coins at the time of its composition, but, judging from the Imperial Qin documents from Liye and from the Yuelu hoard, it was a considerable sum: an adult male slave was worth 4,300 in cash – *Liye Qin jian (yi)*, 66, board 8-1282; Chen Wei 2012, 306–307 –, and one set of armor (in which fines were calculated) was worth 1,344 in cash. See Yu Zhenbo 2010, 36–38.

- 51 Granting settlements is different from granting tax income derived from them; settlements become the owner's fief. This vestige of the aristocratic system was not abolished under Shang Yang, but much later; we have a document of enfeoffment from Shang Yang's time ("Clay Document" 瓦書); see Yuan Zhongyi 1993.
- 52 Gao Heng (1974, 150, n40) correctly points out that the text is wrong: *wu dafu* is a lower rank that can enjoy the tax collected from only three hundred families; the tax from six hundred families belongs to the upper ranks, two *shuzhang*, three *geng*, and grand *liangzao* (ranks 10–15), who, as is clear from the text, were allotted three hundred families as a fief in addition to the income from the taxes of an additional three hundred families. Raising retainers (literally "guests" 客) was a common practice among the highest nobility of the Warring States period. See Shen Gang 2003.
- 53 "Guest-minister" chancellors (*keqing* 客卿) were top appointees in the Qin government apparatus who were not Qin natives; they were of great importance after Shang Yang's era. See Huang Liuzhu 2002, 41–50; cf. Moriya Kazuki 2001. However, it seems that at the time of this chapter's composition, these ministers still ranked below regular ministers (*zhengqing* 正卿).

tional income from the taxes of three to six hundred families. Lower ranks enjoyed economic privileges, though of lesser magnitude than their superiors. The system seems to encompass all the military men: from unranked soldiers to holders of the highest positions in the military and political hierarchy. Actually, both hierarchies seem to be strongly intertwined: Civilian positions from the commandant of the county to guest chancellor seem to be directly related to military performance.

The discussion above focused on the bestowals of ranks and of rewards to high rank holders. The advantages for smaller rank holders are specified elsewhere:

其獄法：高爵訾下爵級。高爵能（罷），無給有爵人隸僕。爵自二級以上，有刑罪則貶。爵自一級以下，有刑罪則已。

The rules for litigation among them [the rank holders]: a holder of higher rank investigates holders of lower ranks. When a person has his high rank abolished, he [still] should not be given as a slave or servant for a ranked person. From the second rank upward, if they [the rank holders] have committed a punishable crime, their [rank] should be decreased; for the holders of the first rank and below, if they have committed a punishable crime, their rank should be abolished. (19.7)

小夫死，以上至大夫，其官級一等，其墓樹級一樹。

When an unranked inferior dies, or when it happens to everyone up to the *dafu* rank, for each rank they should be allowed to plant one tree on their tomb. (19.8)

These two passages stipulate legal privileges and sumptuary rights of rank holders. These privileges were highly significant because unlike the bestowal of land and servants (or slaves in Sima Qian's account), which depended on their availability, legal and sumptuary privileges could be conferred without reservations. The first of these is extremely important. While the concise text of section 19.7 does not allow for a full understanding of the authors' recommendations, we do know from the Qin legal texts from Shuihudi and from the early Han codes from Zhangjiashan that Qin (and later Han) allowed rank holders to remit mutilating punishments by forced labor for the state's needs. This privilege may have been a particularly important incentive for getting a higher rank given the notorious harshness of Qin law.⁵⁴ In addition, rank holders were granted significant tax exemptions, especially partial or full exemption from government service, which further increased the attractiveness of ranks.⁵⁵

54 Barbieri-Low and Yates 2015, 876; Pines et al. 2014, 26–27 (“General Introduction: Qin History Revisited”).

55 For these exemptions and the regulations concerning levies and service obligations to the government, see relevant sections of Barbieri-Low and Yates 2015, esp. 832–912.

With its exclusively military focus, chapter 19 of the *Shangjun shu* gives the impression – which is also reflected later in *Han Feizi* and in the *Shiji* – that ranks of merit were distributed exclusively to military personnel. The discussion in the previous section, however, demonstrated that this is untrue: The system also aimed, if less successfully, to encompass diligent tillers. Yet even if we consider only the military, it should be borne in mind that Qin conscribed every able-bodied man to military or quasi-military service. Therefore, in Qin’s society, the imposition of the new system meant that most of the male (and segments of female)⁵⁶ population would be able to benefit from ranks of merit. Eventually, this is what happened: Two of the Liye population registers suggest that the majority of households were headed by ranked individuals, approximately one-quarter of whom were identified as “nobles” (*dafu* 大夫), i. e., holders of rank five or higher.⁵⁷ This high proportion of ranked individuals may reflect either widespread opportunities for individual advancement in the wake of the wars of unification, or the lavish bestowal of ranks on the recently subjugated population in an attempt to legitimize the Qin regime.⁵⁸ Yet it also suggests that Qin’s ranks of merit did indeed encompass the majority, or at least a significant proportion, of the country’s population.

One important aspect of the system of ranks of merit – namely, passing them on to the holder’s descendants – is not discussed in the *Shangjun shu*. It is also not clear whether or not Shang Yang envisioned this himself. What is undeniable, however, is that the issue of the ranks’ bequeathal eventually became an essential part of the system of ranks of merit. The Zhangjiashan “Statutes on Establishment of Heirs” (“*Zhihou lü*” 置後律) and the related “Statutes on Enrollment” (“*Fu lü*” 傅律) specify that normally the primary son of the deceased would inherit his rank with a certain reduction. This reduction was quite considerable for holders of ranks 9 to 18, all of whom received rank 8 and thus lost their high nobility status. The lesser rank holders, conversely, only lost one rank. Sons of high elite members were thus encouraged to earn their rank through their own efforts, which dramatically reduced the ability of the aristocracy to reproduce itself.⁵⁹ On the other hand, the rank was fully inheritable if the holder died in service. As a consequence, death on the battlefield ensured the preservation of the family’s status. Overall, the system appears to

56 Widows of rank holders were allowed under specific circumstances to inherit the husband’s rank. See Barbieri-Low and Yates 2015, 863; section 3.21, item 15.

57 *Liye Qin jian (yi)*, slips 8-19; 8-1236+8-1791; Chen Wei 2012, 32–33 and 297.

58 See Hsing I-t’ien 2014, 163–164.

59 An exception was made for the owners of the two highest ranks whose heirs could inherit the father’s full rank. It is unclear whether this stipulation reflects the Han modification of the Qin practices or the original Qin design. In any case, it may be recalled that the top five ranks were added to the ledger of ranks several generations after Shang Yang’s death.

have been a skillful amalgamation of the principles of individual merits as the primary means of access to ranks with the possibility of bequeathing them to one's heirs which made them attractive even in case of the holder's death.⁶⁰

The success of Shang Yang's system of ranks of merit is undeniable. It generated a new spirit of military commitment, which may explain the dramatic improvement in Qin's military performance after Shang Yang's reforms.⁶¹ The importance of severed heads – along with the adjacent ranks – is demonstrated by legal cases in which a head was stolen to shift the reward from one soldier to another.⁶² Most significant, however, are the system's sociopolitical consequences. First, it broke the hereditary aristocracy's monopoly on power and either eliminated this stratum or at least radically weakened it.⁶³ Second, it empowered the state, which henceforth gained unprecedented control over determining an individual's social (and to a certain extent economic) status and, *mutatis mutandis*, over social life in general. And third, the new system brought about a radical change in the composition of the elite and even in their cultural outlook. This change is most clearly observable from the mortuary customs of Qin elites and sub-elites. After Shang Yang's reforms, there was a true mortuary revolution. For instance, bronze ritual vessels, the hallmark of aristocratic culture, disappeared almost entirely from post-350 BCE Qin tombs, while new and previously unattested mortuary customs – such as the so-called catacomb burials – proliferated.⁶⁴ This is a rare instance when material data neatly confirm textual information, and it is yet another indication of the reform's depth, comprehensiveness, and ultimate success. Indeed, even if Shang Yang's entire corpus of reforms were reduced to the introduction of the ranks-of-merit system alone, this single reform would suffice to make him one of the most remarkable statesmen in China's long history.

60 See more in Barbieri-Low and Yates 2015, 833–872.

61 Prior to Shang Yang's arrival to Qin, this state was relatively weak, even though it scored several significant victories over the major power of that age, Wei 魏 in 366 BCE and thereafter. Yet by the latter years of Shang Yang's service, Qin emerged as the dominant power in the western part of the Zhou world. Even the establishment of an anti-Qin "vertical alliance" could only slow the pace of its expansion but not stop it. See more in Yang Kuan 1998, 278–421.

62 Hulswé 1985, 191–193, items E13 and E14.

63 The process of weakening of the hereditary aristocracy developed simultaneously in each of the competing Warring States in the wake of the administrative and sociopolitical reforms of that age, but nowhere was this process as comprehensive as in the state of Qin. See Lewis 1999, 597–616; Tian Changwu 1996, 256–287.

64 Shelach and Pines 2006.

Ranks of merit: clarity, fairness, exclusivity

The discussion above introduced the rationale and fundamental parameters of Shang Yang's system of ranks of merit. We may now return to the *Shangjun shu* and explore more fully the authors' vision of a universal system of positive and negative incentives centered on the ranks of merit. To be efficient, this system had to be based on clear rules that were implemented without bias. Moreover, it had to be an exclusive means of social, economic, and political advancement or else its advantages would be undermined. The principles of clarity, fairness, and exclusivity are the three pillars on which Shang Yang's system rests.

The emphasis on the clarity of laws, regulations, and promotion procedures permeates the *Shangjun shu*. "He who excels at ruling the state, his methods of appointing officials are clear; hence, he does not rely on knowledge and deliberations" (3.4). "The people participate in [military and agricultural] undertakings and die for the sake of regulations because the superiors are clear in establishing glorious names and doling out rewards and penalties" (8.1). "Hence, when the ruler bestows ranks and emoluments, the way [they are distributed] should be clear. When the way is clear, the state daily grows stronger; when the way is obscure, the state daily approaches dismemberment" (9.1). Clarity of laws and regulations, in other words, is the *sine qua non* for the people's readiness to comply with the state's rules.

Yet regulations and laws, however transparent, will remain a dead letter if they are whimsically circumvented by power holders. The need to fairly and impartially adhere to the law is the second source of the authors' concern. Laws can be distorted by unscrupulous ministers who may sell official positions to their cronies (3.3). Yet the major threat to the impartiality of the laws comes from the ruler himself. Time and again, the text urges the sovereign to observe standards (or laws, *fa* 法) and not to give in to his personal predilections when determining promotions and demotions. It clarifies:

今上論材能知慧而任之，則知慧之人希(晞)主好惡，使官制物，以適主心。是以官無常，國亂而不壹，辯說之人而無法也。如此，則民務焉得無多，而地焉得無荒？

Now, if the ruler appoints [the people] only after considering their talents, abilities, knowledge, and cleverness, then the knowledgeable and the clever will observe the sovereign's likes and dislikes and how he employs officials to manage affairs so as to conform to the sovereign's mind. Therefore, [the appointment of] officials will lack constant [norms], the state will be in turmoil and not engaged in the One (i. e., agriculture cum warfare), and argumentative persuaders will not [be reined in by] the law. In this case, how can the people's pursuits not be numerous; how can land not be laid to waste? (3.5)

The ruler's over-reliance on his personal skills in determining who is worthy to serve and who is not is doubly damaging. First, it undermines his authority, allowing scheming

ministers to dupe the sovereign and shift the power to their own hands (see also 3.3, 14.3, 25.1–25.2). Second, it wreaks havoc on the norms of promotion and demotion, causing the people to abandon the One – agriculture cum warfare – for the sake of easier routes of individual advancement. The criticism of the ruler, whose fondness of personal appointees jeopardizes the meritocratic system of government service, culminates in chapter 14, “Cultivation of authority” (“Xiu quan” 修權):

世之為治者，多釋法而任私議，此國之所以亂也。……不以法論智、能、賢、不肖者，惟堯，而世不盡為堯。是故先王知自讓譽私之不可任也，故立法明分，中程者賞之，毀公者誅之。賞誅之法，不失其議，故民不爭。

Rulers of our age frequently cast away standards and rely on private deliberations: this is why their states are in turmoil. [...] Only [the sage thearch] Yao 堯 was able to discuss one’s wisdom, ability, worthiness, or unworthiness without resorting to standards; yet the world does not consist only of the likes of Yao. Therefore, the former kings knew that they could not rely on their own deliberations and private appointments; hence, they established standards and clarified divisions so that those who were within the norms were rewarded, and those who damaged the common [interests] were prosecuted. The standards of rewards and prosecutions did not lose their appropriateness; hence, the people did not struggle. (14.2)

今亂世之君臣，區區然皆擅一國之利，而當一官之重，以便其私，此國之所以危也。故公私之交，存亡之本也。

Now all rulers and ministers of [this] calamitous age act in a petty way, monopolizing the benefits of a single state and appropriating the authority of their office so as to benefit their private [interests]. This is the reason why the state is endangered. Hence, the inter-relationship between the common and the private is the root of survival or ruin. (14.4)

The ruler should represent the common (*gong* 公) interests of the polity. Yet, as any other individual, he may be influenced by private (*si* 私) motives, promoting his favorites and obstructing those from whom he is estranged.⁶⁵ If this were to happen, the system would stop working, because becoming the ruler’s (or a high minister’s) favorite would open an easier way upwards than engagement in fighting and tilling. Here, we find the seeds of the ruler’s depersonalization that are fully observable in the *Han Feizi*.⁶⁶ While the sovereign is supposed to be the major beneficiary of a properly functioning sociopolitical system, he should nevertheless sacrifice his personal predilections for the sake of the system’s success.

65 For a general discussion of *gong* and *si* in early Chinese thought, see Liu Zehua 2003, 332–375. For the inapplicability of the term “public” for *gong*, see Goldin 2005, 58–65.

66 Pines 2013(2); Graziani 2015.

The final point about the system of ranks of merit is its exclusivity. Allowing for additional routes of social, economic, and political advancement would undermine the very rationale behind the idea that only diligent tillers and valiant fighters deserve upward mobility. The authors warn:

人君有爵行而兵弱者，有祿行而國貧者，有法立而治亂者，此三者，國之患也。故人君者先便請謁，而後功力，則爵行而兵弱矣。民不死犯難，而利祿可致也，則祿行而國貧矣。法無度數，而事日煩，則法立而治亂矣。

When the ruler bestows ranks but the army remains weak, when he confers emoluments but the state remains poor, when laws are established but [governance] remains disordered – these three are the worry of the state. Hence, if the ruler advances flatterers and those who request audiences yet degrades the meritorious and strong, then even if ranks are bestowed, the army remains weak. If the people can get benefits and emoluments without having to risk their lives in the face of difficulty, then emoluments are issued, but the state remains poor. If laws lack measures and methods but undertakings every day become even more superfluous, then even after the laws are established, governance remains disordered. (9.4)

Opening any outlet for social and political advancement outside the system of ranks of merit inevitably causes the people to seek other routes for improving their economic and social status than engagement in the “bitter and dangerous” pursuit of agriculture cum warfare. This insight explains the authors’ repeated assaults on groups that advanced outside of the “single opening” (*yi kong* 壹空) of tilling and fighting. In particular, the authors reserve their ire for the elite group of travelling scholars and the sub-elite of merchants and artisans:

善為國者，其教民也，皆從壹而得官爵。是故不作壹，⁶⁷不官無爵。國去言則民樸，民樸則不淫。民見上利之從壹空出也，則作壹，作壹則民不偷營。民不偷營則多力，多力則國強。今境內之民，皆曰：「農戰可避，而官爵可得也。」是故豪傑皆可變業，務學《詩》、《書》，隨從外權，上可以得顯，下可以求官爵；要靡事商賈，為技藝：皆以避農戰。具備，國之危也。民以此為教者，其國必削。

He who excels at ruling the state teaches the people to engage exclusively in the One in order to attain offices and ranks. Hence, those who are not engaged in the One will have neither offices nor ranks. When the state eliminates [superfluous] talk, the people will be simple; if they are simple, they will not be licentious. If the people see that the benefits above come from a single opening (i. e., agriculture cum warfare), they will engage in the One. If they engage in the One, the people will not recklessly demand [rich-

67 The addition in figure brackets follows Gao Heng’s suggestion. See Gao Heng 1974, 32n5.

es]. If the people do not make reckless demands, they will have abundant force; when force is abundant, the state will be powerful. Yet nowadays all the people within the borders say: “One can escape from agriculture and war and still get offices and ranks.” Therefore, the powerful and eminent are able to change their occupation: they diligently study *Poems* and *Documents* and then follow foreign powers.⁶⁸ At best, they attain renown, and at the least they are able to seek after offices and emoluments. As for the petty and insignificant: they become merchants and peddlers, engage in skillful arts, and all escape agriculture and warfare. In such a situation, the state is endangered. If the people consider this a [proper] teaching, the state will be dismembered. (3.2)

Travelling scholars, who excel in learning and “superfluous talk,” acquire official positions that should be granted exclusively to those who excel at war. For their part, merchants, peddlers, and skillful artisans attain a decent livelihood without having to engage in agriculture. The authors’ vehement attacks on these segments of the population is explained by the social undesirability of these groups, not pure ideological dislike of the scholars’ proposals or a misguided rejection of the merchants and artisans’ economic usefulness. Scholars, merchants, and artisans should be suppressed because their very existence creates alternative means of empowerment and enrichment and undermines the system of ranks of merit. This conclusion is summarized in chapter 18, “Charting the policies”:

不作而食，不戰而榮，無爵而尊，無祿而富，無官而長，此之謂姦民。

Those who do not work but eat, who do not fight but attain glory, who have no rank but are respected, who have no emolument but are rich, who have no office but lead – these are called “villains” (18.6).

Behind this short and vigorous statement, one can discern the authors’ bold idea: to prevent those outside of the system of ranks from possessing political, social, and economic power. The state is to exclusively grant this power; it is up to the government to decide who should enjoy food, glory, respect, riches, and leadership. Those identified in the text as “villains” are actually remnants of autonomous social and economic elites, who, in the authors’ eyes, have no right to exist.⁶⁹ Whether Shang Yang’s reforms succeeded in elimi-

68 “Foreign powers” evidently refers to foreign states, which often meddled in the domestic affairs of their rivals by fostering ties with powerful statesmen.

69 Note that in the *Shangjun shu*, the term “villains” (*jian min* 姦民) has two distinct meanings. A common connotation of this term is negative as in the passage above and in other texts. However, the term “villains” also rarely appears with a positive connotation, referring to the law-abiding people, who denounce criminals and are dubbed “villains” by a misguided populace. These people should in fact be elevated and put above the so-called “good people” who actually cover for each other’s crimes. For the latter, see *Shangjun shu* 4.3 and

nating these elites is debatable, yet it needs be mentioned here that the currently available Qin paleographic sources give no indications of their later existence.⁷⁰ This means that the ranks granted by the state became the exclusive, or at the very least the primary, means of enhancing one's status. This system turned the ranks into the especially potent tool for directing the people to the occupations deemed essential by the state.

Afterword: The text's ideas from a historical perspective

The idea of "social engineering" – i. e. of creating an ideal political order via properly designed institutions that channel the population toward socially desirable behavior – appeared before the formation of the *Shangjun shu*. Its seeds are observable, for instance, in the early layers of the *Mozi* 墨子.⁷¹ The *Shangjun shu* is exceptional in its sophistication, however. The elaborate system of positive and negative incentives aimed at directing the population to agriculture and warfare, as advocated in this text (and as implemented by the historical Shang Yang), was without parallel among the competing Warring States. Its efficiency was demonstrated by Qin's speedy transformation from a relatively marginal regional power into a formidable military machine and the eventual unifier of All-under-Heaven. From the Warring States-period texts, we may discern immense hatred of post-reform Qin, but also considerable appreciation of its successes, as even expressed by critics like Xunzi 荀子 (d. after 238 BCE).⁷² These successes are intrinsically linked to the ideas outlined above.

The successful implementation of the core recommendations of the *Shangjun shu* may be a reflection of the authors' very realistic approach to human society. The au-

the exegesis in 5.2. See also Du Lirong 2004, 20.

- 70 For a survey of paleographic materials from pre-imperial and imperial Qin, see Pines et al. 2014, 8–11 ("Introduction"). One needs to exercise particular caution in dealing with these materials, which overwhelmingly reflect the viewpoint of Qin administrators; yet it is important to notice that from the currently available materials, there is no evidence for the existence of independent elites or even of lineages as notable social units.
- 71 Mozi recommended basing promotions and demotions exclusively on the candidate's adherence to righteousness (*yi* 義); this would suffice to make everybody behave righteously: "When superiors use a single thing through which to encourage inferiors, inferiors serve superiors through a single technique." See *Mozi* II.8 ("Shang xian shang" 尚賢上); Wu Yujiang 1994, 67. See the elaboration of this idea in "Conforming upward" (or "Elevating uniformity," "Shang tong" 尚同) and "Caring for everyone" (or "Universal love," "Jian'ai" 兼愛) triplets.
- 72 *Xunzi* XI.16 ("Qiang guo" 彊國); Wang Xianqian 1992, 303. For the image of Qin in the Warring States-period texts, see Pines 2013(3).

thors are not interested in improving the people's *mores* or in realizing a moral utopia, as advocated in the *Mozi*, for instance. Nor do they accept the essential feature of Confucian ideology, namely, the belief that some members of society would be able to transcend their meanness and become cultivated "superior men" (*junzi* 君子). No member of society is expected to give up his selfish interests.⁷³ It is pointless then to instill the populace with a novel ideology or to somehow brainwash it. Hence, when the authors speak of "education" or "indoctrination" (*jiao*), they refer exclusively to the people's internalization of the notion that "the gates of riches and nobility are exclusively in the field of war" and that the "stubborn and tenacious will meet with constant punishments and will not be pardoned" (17.4). It is sufficient to clarify the substantial gains or losses from either engaging in war or evading it, and then to let the people's basic "disposition" direct them to the ends desired by the state. The people will fight valiantly not because they love the ruler or for the sake of some ideological chimera, but solely out of desire for riches and "name." This sober attitude distinguishes the *Shangjun shu* from the majority of contemporaneous texts.

Its pragmatism and real-world success notwithstanding, the *Shangjun shu* lost its appeal soon after the imperial unification of 221 BCE. In the Han dynasty 漢 (206/202 BCE–220 CE), the discontinuation of universal military service⁷⁴ and the parallel diversification of the economy made many of the book's recommendations obsolete. As the system of ranks of merit – Shang Yang's hallmark achievement – atrophied and was eventually abandoned in the course of the Latter Han, the interest in the *Shangjun shu* declined as well. Even in the twentieth century, when the book once again attracted considerable scholarly attention and even figured prominently in the ideological debates of the Great Proletarian Cultural Revolution (1966–1976), its ideas about social engineering continued to be largely neglected by most analysts.⁷⁵

Does this mean that the *Shangjun shu* lost its relevance entirely? Not necessarily. Even though the system of turning the population into tillers and soldiers outlived its usefulness, the discerning view of the *Shangjun shu* that the people could be manipulated to act

73 Compare to Han Fei's overarching concept of self-interest as discussed in Goldin 2005, 58–65, and Goldin 2013. For a similar trait in *Shenzi* 慎子 fragments, attributed to Shen Dao 慎到 (fl. ca. 300 BCE), see Harris 2016.

74 Lewis 2000.

75 On the ebbs and flows of interest in Shang Yang and "his" book, see Li Yu-ning's "Introduction" to her study *Shang Yang's Reforms* (which is very useful for analyzing "Shang Yang's fervor" of 1973–1975; Li Yu-ning 1977); see also Zeng Zhenyu 2016; Pines 2017, 100–114.

in accordance with the state's demands did not lose its validity in the aftermath of political changes of the Han dynasty. Recall the following passage:

故民可令農戰，可令游宦，可令學問，在上所與。上以功勞與，則民戰；上以《詩》《書》與，則民學問。

Thus, the people can be induced to till and fight, can be induced to become itinerant servants, and can be induced to study: it all depends on how superiors⁷⁶ grant them [ranks and emoluments]. If superiors grant these in exchange for merit and toil, the people go to war; if they grant them for [studying] the *Poems* and *Documents*, the people study. (23.3)

This statement proved to be prophetic. Even after the state lost its need for a universal commitment of the population to till and fight, it could still utilize ranks and emoluments to induce the people to engage in other endeavors. For instance, at times, it could direct the people to engage either in excessive manifestations of filial piety or, alternatively, encourage them to study the canonical texts that became the *sine qua non* for advancement up the social ladder.⁷⁷ Once a clear way toward “ranks and emoluments” was outlined, considerable segments of the population immediately followed this path.

From this perspective, then, the *Shangjun shu* can teach us one lasting lesson. Once the rules of the game – clear, impartial, and universal norms of social and economic advancement or falling back – are established, the vast majority of the population can indeed be induced to embrace behavioral modes dictated by the ruling elite. Whether or not this understanding has desirable or lamentable social consequences is for political scientists to debate. From the point of view of a historian of China, I would argue that the efficacy of Shang Yang's methods is undeniable. And yet it is also apposite to recall Sima Tan's insight that Shang Yang's is “a one-time policy that could not be constantly applied.”⁷⁸

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76 *Shang* 上 may refer either to the superiors as such or to the ruler alone (cf. note 22 above).

77 See, respectively, Nylan 1996; Elman 2000; Elman 2013.

78 *Shiji* 130, 3291.

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