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The Reformation of Social Order in the Qin Empire

ABSTRACT:
This paper examines the interplay between ideology and social reforms under Qin governance. It demonstrates that although the Qin rulers honored the social values of the preceding Zhou tradition (e.g., benevolence, uprightness, filial piety), the way in which they instilled them into the populace was through the quintessential twin Legalist instruments – punishment and reward. The present argument goes another step further: it takes note of new Qin evidence that reveals state coercive power as the primary means to materialize the Qin regime's social engineering program that sought to rectify its subjects' behavior and reconfigure family relations, hopefully thus eliminating unsanctioned learning, institutionalizing certain social values, and disarming the empire's new territories in the east and south. The ultimate implication of the interplay as suggested, is that the ideal social order that the Qin rulers envisioned might have been conceived as extending to the farthest ends of the known world though aggressive military campaigns. The paper's conclusion summarizes the foregoing as "moral-legalist supremacism."

KEYWORDS:
Qin empire, social order, social engineering, burning of books, moral-legalist supremacism

INTRODUCTION

After the Qin unification in 221 BC, the new ruler, titled First Emperor of Qin 秦始皇帝 (also known as Ying Zheng 嬴政; 259–210 BC), instigated a series of political and social reforms. Despite the historical irony of their mighty empire falling after only fourteen years, their reforms were explicitly created to provide for an eternal polity, an *imperium sine fine*, whose institutions and practices would last for endless generations. This mentality was unequivocally articulated in the stele inscription erected at Kuaiji 會稽, where the self-declared "Sage of Qin" (*Qin sheng* 秦聖) proclaimed that he "standardized rules

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and models and meticulously distinguished tasks from duties, thereby establishing constancy and permanence 初平法式, 審別職任, 以立恒常."[1] A multi-piece manuscript from Liye 里耶 also reveals that the First Emperor disseminated an imperial decision 制書, requesting local governments to "present forth [to the central authorities] such affairs as can be made permanent standards 舉事可爲恒程者."[2]

Establishing permanent standards was both ideological and practical. Given that the world ("all-under-heaven") was embracing a new epoch – one of political and social unification – timely measures and new standards had to be implemented to cope with the challenges.[3] One of the Qin's most radical social and ideological reforms was to eliminate unsanctioned learning and to unify the political and social values of the people. Previous scholarship often perceived the above as meaning that Qin was a totalitarian regime that put into practice a harsh, oppressive, and uncompromising so-called "Legalist" (*fajia* 法家) ideology.[4] Recent scholars, however, have begun to question this

[1] The translation is modified from Martin Kern, *The Stele Inscriptions of Ch'in Shih-huang: Text and Ritual in Early Chinese Imperial Representation* (New Haven: American Oriental Society, 2000), p. 46. All translations, in the main text are my own, except as explained otherwise.

[2] Chen Wei 陳偉, chief ed., *Liye Qin jiandu jiaoshi* 里耶秦簡牘校釋 (Wuhan: Wuhan daxue, 2012; hereafter cited as *LQJJ*) 1, p. 96, slip 8-159. For the numbering of Liye mss., the editors of the corpus have created two sets, namely, excavation numbers 出土登記號 and edition numbers 整理號, the latter of which are adopted in both the official reports (i.e., *Liye Qin jian*) and *LQJJ*. The number preceding the hyphen designates an archeological layer, and that after should indicate the sequence of this ms. within an archeological layer or a folio. For example, "8-159" means that this slip is the 159th ms. of layer eight. Since edn. numbers and excavation numbers are not entirely identical, in this paper I cite the Liye mss. from layers eight and nine using the edn. numbers because they are more convenient for checking; those from other layers, without edn. numbers, are cited via excavation numbers.

[3] This mirrors the propositions of Shang Yang 商鞅 (also known as the Lord of Shang 商君; Gongsun Yang 公孫鞅; Wey Yang 衛鞅) and Han Fei 韓非, both of whom entertained that institutional reforms were crucial to meet the challenges that a state faced in the course of time and changing circumstances.

[4] For the term *fajia*, most of the post-Qin sources and traditional scholarship usually relate it to the philosophical texts ascribed to Warring States thinkers like Shen Dao 愼到, Shen Buhai 申不害, Shang Yang, and Han Fei. Both *fajia* and its conventional English translation – "legalism" – are controversial. It is evident that the semantic field of the term "*fa*" in the early Chinese context was much wider than simply "law"; other common usages, especially in the philosophical treatises of the so-called *fajia* thinkers, include "method," "standard," or "administrative technique." Because of these drawbacks, scholars like Herrlee Creel and Paul Goldin advocate that "legalism" is not "useful as a heuristic device" and should be shunned. Kai Vogelsang, for instance, proposes to replace "legalism" with "political realism"; see Paul R. Goldin, "Persistent Misconceptions about Chinese Legalism," *Journal of Chinese Philosophy* 38.1 (2011), pp. 88–94; Herrlee G. Creel, *What Is Taoism? and Other Studies in Chinese Cultural History* (Chicago: U. Chicago P., 1970), pp. 92–120; Kai Vogelsang, "Getting the Words Right: Political Realism, Politics, and the State in Ancient China," *OE* 55 (2016), pp. 39–71.

In full awareness of the controversies around the term "Legalism," "Legalist," and the like, I do not completely abandon these terms for the sake of convenience; however, their application is restricted. The reader is reminded that in the current context, these terms primarily designate a category of thinkers who argued the paramount role played by the state in main-

interpretation. Using both textual and archeological evidence, they suggest that the material culture and ritual representations of the Qin state were profoundly influenced by Zhou cultural traditions, which inspired humility, loyalty, and hierarchy among local elites.[5] Consequently, the Qin sought to communicate with their subjects and thus to incentivize compliance and cooperation, instead of merely coercing them by force.[6]

These revisionist accounts have helped pry Qin history away from allegedly prejudiced Western Han narratives of it. That said, overemphasizing the cultural continuity between the Qin state and the preceding Zhou legacy may undermine the idiosyncrasy of the former's ideology. Additionally, the First Emperor's inscriptions on stelae and on measurement devices were, in essence, claims of the legitimacy of his political rule. Rather than documenting Qin's political ideology in praxis, their contents – like those of the Western Zhou bronze inscriptions – were predominantly designated for ceremonial purposes and served more to publicize the authority of the Qin rulers and create a common cultural memory.[7] Extant inscriptions of this type certainly remain important sources for understanding how their creation and dissemination embodied the power of the state, but to draw arguments solely on their textual contents might ignore crucial details that point to the coercion used in Qin statecraft.

The inherent bias of the First Emperor's panegyrical stele inscriptions calls for a reexamination of the Qin ideology by comparing with other sources. Newly discovered Qin legal texts, which reflect the Qin regime's blueprint for its empire as well as the means to actualize such an ideal,[8] are well suited to this purpose. In what follows I will first

taining proper governance, and who considered "personal virtues disruptive of or even hostile toward political power"; see Tao Jiang, *Origins of Moral-Political Philosophy in Early China: Contestation of Humaneness, Justice, and Personal Freedom* (Oxford: Oxford U.P., 2021), p. 237. Additionally, "legalist" in this paper chiefly represents the philosophical views of Shang Yang and Han Fei, and less so those of Shen Dao, Shen Buhai, and others.

5 For an overview on the material cultural commonalities between Qin and Zhou, see Lothar von Falkenhausen, with Gideon Shelach, "Introduction: Archaeological Perspectives on the Qin 'Unification' of China," in Yuri Pines et al., eds., *Birth of an Empire: The State of Qin Revisited* (Berkeley: U. California P., 2014), pp. 37–51. As for textual evidence, see Kern, *Stele Inscriptions of Ch'in Shih-huang*, pp. 135–37.

6 Charles Sanft, *Communication and Cooperation in Early Imperial China: Publicizing the Qin Dynasty* (Albany: SUNY P., 2014), pp. 57–146.

7 On the ritualistic nature of the Zhou bronze inscriptions, see Edward L. Shaughnessy, *Sources of Western Zhou History: Inscribed Bronze Vessels* (Berkeley: U. California P., 1991), pp. 176–82.

8 In the words of Barbieri-Low and Yates, statutes and ordinances "construct an idealized image of rational laws, an orderly society, and a well-functioning bureaucracy"; see Anthony

outline the imperial Qin regime's vision of a utopian empire and its ideology of "moral-legalist supremacism." Then, I will examine how this ideology is reflected in the regime's grand social-engineering program to materialize its vision of utopian society. Specifically, I discern how the Qin rulers installed a new social order through: 1. a unified ordering of thought and writing, plus a monopolization of violence ("modes of inflicting harm or taking life which men accept, approve, and even prescribe");[9] 2. the reformation of people's behavior and family relations; and 3. the expansion of such a new social order through military campaigns that were construed as a "civilizing mission."

THE QIN FIRST EMPEROR'S DREAM OF UTOPIA AND HIS SOCIAL ENGINEERING PROGRAM

The Zhou cultural tradition profoundly influenced the Qin empire in areas such as material culture and ritual representation. Martin Kern notes that the stele inscriptions erected by the First Emperor during his inspection tours strongly resemble the theme, style, and lexicon of those bronze and stone inscriptions of the preimperial period of the Qin state, which inherited these techniques from Zhou culture. After a thorough study of the textual content of these inscriptions, Kern points out that a wide spectrum of cultural and moral values (for example, filial piety, loyalty, benevolence) that had been later attributed to different "schools" (*jia* 家) were simultaneously upheld by the Qin government. Moreover, evidence indicates that the Qin court employed a large number of erudites (*boshi* 博士), ritual experts who specialized in Ru 儒 knowledge.[10] Considering these features, Kern contends that the Qin rule was by no means as oppressive as that represented in Han historiography, and the Qin empire was "highly traditionalist in its quest for and expression of political legitimacy" and thus was not an extreme, anti-traditional state as it was portrayed by the Han or later commentators.[11]

Despite accepting the proposition that the Qin dynasty was neither "anti-traditional" nor "anti-Confucian," Yuri Pines takes a relatively

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Barbieri-Low and Robin D.S. Yates, *Law, State, and Society in Early Imperial China: A Study with Critical Edition and Translation of the Legal Texts from Zhangjiashan Tomb no. 247* (Leiden: Brill, 2015), p. 5. For a meticulous study and translations of the dated legal provisions in the Yuelu corpus, see Robin D.S. Yates, "Dated Legislation in the Late-Qin State and Early Empire," *AM* 3d ser. 35.1 (2022), pp. 121–63.

9 Mark Edward Lewis, *Sanctioned Violence in Early China* (Albany: SUNY P, 1990), p. 1.

10 Kern, *Stele Inscriptions of Ch'in Shih-huang*, pp. 164–69.

11 Ibid., p. 188.

moderate position toward the peculiarity of the Qin empire. He suggests that the self-representation of the First Emperor in his stele inscriptions and the megalomaniacal construction projects that he initiated displayed his eagerness to present himself as the long-awaited "True Monarch," who was envisioned by Warring States thinkers as the sage to end the turmoil of warfare and bring universal peace to myriads.[12] The First Emperor's self-declared apotheosis may be ascribed to his effort to legitimize the new empire by claiming that he had restored the social order and built a utopia that attained a sociopolitical order both distinctive from and superior to earlier times.[13] Such an endeavor evidently was meant to distinguish the First Emperor from other rulers throughout the whole of previous history and somehow ruptured the connection between the Qin empire and the Warring States polities.[14]

Pines' account highlights the peculiar attitude that the imperial Qin regime adopted toward traditional practices. Rather than being a successor of the past, the First Emperor preferred to position himself as a pioneer, the groundbreaker of a new epoch. The mentality underlying such utopia-building efforts was consonant with the idea of historical evolution, which in fact remains one of the most iconic perspectives shared by early thinkers who have been described as "Legalists."

The strong sense of historical evolution behind the Qin regime's utopia-building project calls into question its attitude toward the so-called "tradition" or "traditional culture." While values such as rites, music, filial piety, benevolence, and reverence did occupy a prominent position in the ideological system during the Qin imperial period, it seems inadequate to characterize them as "traditional" at the outset. From the perspective of the Qin rulers, these elements were probably chosen not because they were traditional practices in the past or because they were advocated by ancient paragons, but due to the fact that they were believed to be cornerstones for strengthening the ulti-

12 Yuri Pines, "The Messianic Emperor: A New Look at Qin's Place in China's History," in idem, ed., *Birth of an Empire*, pp. 259–79. Pines' description of the True Monarch is mainly based on Xunzi's discourses; see Dong Zhian 董治安 and Zheng Jiewen 鄭傑文, *Xunzi huijiao huizhu* 荀子彙校彙注 (Jinan: Qilu, 1997; hereafter cited as Xunzi; numerals preceding the p. nos. refer to *juan*) 9, pp. 280–89; 18, pp. 570–71; 24, p. 824.

13 Pines, "Messianic Emperor," 268–73. Regarding the self-divination of the First Emperor of Qin, see also Hsing I-tien 邢義田, "Qin Han Huangdi yu 'shengren'" 秦漢皇帝與聖人, in idem, *Tianxia yi jia: Huangdi, guanliao yu shehui* 天下一家, 皇帝、官僚與社會 (Beijing: Zhonghua, 2011), pp. 51–59; Michael J. Puett, *To Become a God: Cosmology, Sacrifice, and Self-Divinization in Early China* (Cambridge, Mass.: Harvard U. Asia Center, 2002), pp. 240–41.

14 For the peculiarity of the Qin empire, see Michael J. Puett, *The Ambivalence of Creation: Debates Concerning Innovation and Artifice in Early China* (Stanford: Stanford U.P., 2001), pp. 188–89; Pines, "Messianic Emperor," p. 272.

mate political order, seen as a historical phenomenon. In this regard, these elements, although inspired by the earlier Zhou tradition, were rejuvenated and incorporated into the revolutionary grand design of the "True Monarch," the First Emperor of Qin. To contextualize the position of ideas such as filial piety, reverence, and loyalty – all often associated with Ruism – in Qin's ideological framework, I will simply describe them as *social values.*

The above characterization implies that the complexity underlying Qin's ideology makes descriptions such as "traditionalist" or "Legalist" unidimensional and inadequate.[15] This point becomes even clearer when we look at the legal stipulations pertaining to the imperial Qin regime's social reforms. On the one hand, the regime indeed incorporated Zhou material culture, ritual representation, and social values into its grand social-engineering program. On the other hand, such a program, as I illustrate below, was mostly carried out by means of the institutions of Shang Yang 商鞅 (ca. 390–338 BC) and Han Fei 韓非 (ca. 280–233 BC). To meet new challenges and create a utopian empire, the Qin rulers took a much more aggressive path to constructing a new social order than the relative noninterventionist approach in the preimperial period.[16] To this end, the government actively reshaped social actions at the grassroots level, tried to unify people's notions and expectations through the institutionalization of the abovementioned social values and, infamously, attempted to ban unsanctioned circulation of Ruist knowledge. The implementation of these measures essentially relied on the quintessential twin "Legalist" instruments – punishment and reward.[17]

15 This resembles Mark Edward Lewis's idea that institutions developed during the Warring States, such as laws, bureaucratic government, and the mechanism of rewards and punishments, were rooted in the earlier Zhou ritual tradition; see idem, *Writing and Authority in Early China* (Albany: SUNY P., 1999), pp. 18–28.

16 It is worthwhile to note that despite the emperor's authority in dictating decisions, government policies were seldom conceived singlehandedly on his own. It is evident that high-level officials such as chancellors, ministers, and commandery governors (*jun shou* 郡守) could present policies to the emperor, who often approved them without changes or with only minor alterations; sometimes high-level officials could even venture to modify the emperor's original designs. In this light, the government policies of the Qin and Han empires should be better understood as the collective efforts between the emperor and his aides; see Enno Giele, *Imperial Decision-making and Communication in Early China: A Study of Cai Yong's Duduan* (Wiesbaden: Harrassowitz, 2006), pp. 47–48. Thus, I use "rulers" and "founders" here in the plural form, including not only the Qin emperors but also their ministers at the central court and magistrates of local governments.

17 With respect to this issue, Dingxin Zhao offers an excellent observation: "the inscriptions [of the First Emperor of Qin] do not undermine the traditional conviction that the First Emperor was primarily a Legalist, or that Qin's major institutional framework and state policies were Legalist. The non-Legalist elements the First Emperor incorporated into his governance pertained mostly to rituals and family ethics; in no way did they palliate or limit the Legal-

In sum, newly-surfaced Qin legal material reveals two features of the regime's ideology and statecraft during the imperial period. First, the ideology of the Qin rulers after 221 BC was not identical with that of the proceeding era. Second, although the imperial Qin regime referenced Zhou tenets, the ideas of Shang Yang and Han Fei permeated its policy design and enforcement.[18] In view of the composite nature of the regime's ideology, perhaps it can be tentatively summarized as "moral-legalist supremacism."

Before proceeding to discuss the details of Qin's utopian social reforms, it is worth mentioning that this program was different from the Ruist idea of institutionalizing social values. Specifically, Xunzi 荀子 (fl. 238 BC) had posited that the only way to attain the rule of sage kings was through the institutionalization of ritual propriety (*li* 禮). Although he acknowledged the importance of law in maintaining social order, it was secondary to ritual propriety and its application was limited to commoners 百姓 and excluded those who reached the status of *shi* 士.[19] The fundamental of governance rests on educating the masses on rightful behavior, thereby deterring them in the first place from breaking the law.[20] Xunzi also suggested that punishments should accord with the crime committed, and their use should be minimized.[21] Consequently, the ruler could "use no rewards yet the people are motivated; use no punishments and yet the people are obedient 賞不用而民勸, 罰不用而民服."[22] Simply put, Xunzi prioritized the indoctrination of the people and the self-cultivation of refined men, namely, the *junzi* 君子, above institutions such as laws, punishments, and rewards.[23]

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ist institutional framework"; see Zhao, *The Confucian-Legalist State: A New Theory of Chinese History* (Oxford: Oxford U.P., 2015), pp. 264–65. While one should be aware of Zhao's employment of the shaky designation "legalist," his summary concerning the institutional framework of the Qin empire is sound.

[18] Interestingly, both Shang Yang and Han Fei seemed to despise values such as ritual, music, benevolence, and uprightness in their writings, although they did champion the importance of justice and impartiality in maintaining governance and state interests. For Shang Yang's views on personal moral virtues see Yuri Pines, *The Book of Lord Shang: Apologetics of State Power in Early China* (New York: Columbia U.P., 2017), pp. 89–91; for those of Han Fei see discussion to follow. Regarding "legalist" thinkers' emphasis on justice and impartiality, see Jiang, *Origins of Moral-Political Philosophy*, pp. 238, 400–1.

[19] *Xunzi* 10, p. 316. See also Yuri Pines, "Disputers of the 'Li': Breakthroughs in the Concept of Ritual in Preimperial China," *AM* 3d ser. 13.1 (2000), pp. 36.

[20] *Xunzi* 9, p. 268; 10, p. 335; 16, pp. 507–9. Regarding Xunzi's combination of the sociopolitical and ethical functions of *li*, see Pines, "Disputers of the 'Li'," pp. 37–38.

[21] *Xunzi* 15, p. 492; 24, p. 824.

[22] *Xunzi* 12, p. 404.

[23] *Xunzi* 9, p. 271. Also note that the transmitted *Xunzi* includes passages that openly criticize the oppressiveness and lack of *ren* and *yi* of Qin statecraft; see *Xunzi* 15, pp. 470, 491; 16, p. 526.

Xunzi's program to implement the virtue politics and construct an ideal society differs considerably from that of the Qin regime.[24] Although Xunzi is thought to have taught Li Si 李斯 (ca. 280–208 BC), who was likely the mastermind behind the Qin government policies in the imperial period, the regime's program adopted the Legalist levers of punishments and rewards rather than indoctrination. Therefore, even though Xunzi's idea of institutionalizing social values to transform the populace was echoed in Qin social reforms, the Qin's guiding principles in the formulation and implementation of a social-engineering program turned out radically different from Xunzi's.[25]

STATE MONOPOLIZATION OF IDEAS AND THE USE OF VIOLENCE

One of Qin's prominent social reforms was the unification of thought, which revolved around the proscription of unsanctioned learning via the destruction of books (the 213 BC biblioclasm) and the alleged massacre of Ruist scholars 儒生.[26] As one of the most notorious events in Chinese history, this has already been the subject of countless discussions. Modern scholars often interpret the biblioclasm as the culmination of an ideological conflict between Legalist and Ruist ideals, or the power struggle between these two interest groups. Their interpretation consists of Legalist ministers on the one hand and Ruist erudites at the Qin court, on the other.[27] This traditional narrative,

24 Of course, this does not deny the possibility that Qin's program was partly inspired by that of Xunzi, whose ideas made a profound impact on the political culture of the succeeding Han dynasty; see Pines, "Disputers of the 'Li'," p. 40.

25 For the differences between the statecraft thinking of Xunzi and thinkers such as Shang Yang, see Scott Cook, "The Use and Abuse of History in Early China from *Xun Zi* to *Lüshi chunqiu*," *AM* 3d ser. 18.1 (2005), pp. 59–67.

26 Scholars have been debating the identity and number of victims that the First Emperor ordered killed. Some even doubt the veracity of records of the event. See Derk Bodde, "The State and Empire of Ch'in," in Denis Twitchett and Michael Loewe, eds., *The Cambridge History of China*, vol. 1: *Ch'in and Han Empires* (Cambridge: Cambridge U. P., 1986), pp. 72, 95–96; Li Kaiyuan, "Fenshu kengru de zhen wei xushi: ban zhuang weizao de lishi" 焚書坑儒的真僞虛實, 半椿僞造的歷史, *Shixue jikan* 史學集刊 2010.6, pp. 39–43.

27 Some of the most notable contributions in this field include: Bodde, "State and Empire of Ch'in," p. 73; Stephen Durrant, "Ssu-ma Ch'ien's Portrayal of the First Ch'in Emperor," in Frederick Brandauer and Chun-chieh Huang, eds., *Imperial Rulership and Cultural Change in Traditional China* (Seattle: U. Washington P., 1994), p. 39; Enno Giele, "Von Autodafé bis Rasur: Aspekte der Zerstörung von Geschriebenem und das Beispiel China," in Carina Kühne-Wespi, Klaus Oschema, and Joachim Friedrich Quack, eds., *Zerstörung von Geschriebenem: Historische und transkulturelle Perspektiven* (Berlin: de Gruyter, 2019), pp. 202–12; Li Jin 栗勁, *Qinlü tonglun* 秦律通論 (Jinan: Shandong renmin, 1985), p. 54. Zhang Huasong 張華松, "Qindai de boshi yu fangshi" 秦代的博士與方士, *Kongzi yanjiu* 孔子研究 1999.1, pp. 102–3; Wang Chien-wen 王健文, "Xueshu yu zhengzhi zhi jian: Shilun Qinhuang Hanwu sixiang zhengce de lishi yiyi" 學術與政治之間, 試論秦皇漢武思想政策的歷史意義, *QHXB* 30.3 (2000),

which is based on the account in *Shiji* 史記,[28] has only been challenged sporadically.[29]

Intriguing as this purported ideological conflict may be, its credibility should be called into question. In the *Shiji* account, the biblioclasm of 213 BC was triggered by the fearless remonstrance of the Ruist erudite Chunyu Yue 淳于越 (fl. 213 BC). However, such court-appointed erudites only performed a marginal role within the Qin political hierarchy and in reality had little stake in the daily dimension of the policy-setting process. Although they could participate in court deliberations, they had little influence on policy decisions. Most of their advice that has come down to us concerned ritual and religious issues that hardly involved a regime's policies toward social programs and economic production.[30] Even when acting as ritual critics and directors, erudites and Ru were often ignored by Qin authorities. It is hardly conceivable that the petition of Chunyu Yue, an inconsequential erudite, if it indeed ever occurred, would precipitate a policy as radical as a biblioclasm.[31]

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p. 260–61; Lin Cunguang 林存光, ed., *Zhongguo zhengzhi sixiang tongshi (Qin Han juan)* 中國政治思想通史(秦漢卷) (Beijing: Zhongguo renmin daxue, 2014), p. 56.

[28] Sima Qian (d. ca. 86 BC), *Shiji* 史記 (Beijing: Zhonghua, 2014; hereafter cited as *SJ*) 6, pp. 325–26.

[29] Jens Østergård Petersen, e.g., posits that rather than opposing to the diversity of opinions entertained by scholars, Li Si's proposal was only against "those who valued their own scholarly traditions higher than the institutions of the state" as they damaged the ruler's authority. Martin Kern also argues that both the proscription of unsanctioned learning and the biblioclasm in 213 BC were meant to appropriate and consolidate the official textual tradition, so that traditional knowledge would not be used to attack the new empire. In this respect, "the highly traditional inscriptions and the burning of the books are no longer contradictory but complementary aspects of the same impulse toward political and cultural unification and imperial authority." In a similar vein, Yuri Pines suggests that the suppression of unsanctioned learning was primarily not ideological but institutional, because "Li Si did not suggest any reprisals against his ideological opponents at court." Pines further relates this policy to Li Si's aspiration to nationalize learning, which was "the only way to establish proper relations between the *shi* and the finally solidified ruler-centered policy." From this perspective, "the suppression of private learning was an inevitable outcome of this outlook." See Petersen, "Which Books Did the First Emperor of Ch'in Burn? On the Meaning of *Pai Chia* in Early Chinese Sources," *MS* 43 (1995), p. 6; Kern, *Stele Inscriptions of Ch'in Shih-huang*, pp. 194–96; Yuri Pines, *Envisioning Eternal Empire: Chinese Political Thought of the Warring States Era* (Honolulu: U. Hawaii P., 2009), p. 182.

[30] *SJ* 6, pp. 304, 311, 318, 330, 335; 28, p. 1644. The only exception occurred in the Qin Second Emperor's reign. After the outbreak of the Chen Sheng rebellion in 209 BC, we know that the emperor summoned some thirty erudites for their advice on handling the rebels. Again, their advice was ignored; see *SJ* 99, pp. 3294–95.

[31] Likewise, during the preparatory stage of the *feng* 封 and *shan* 禪 sacrifices at Mount Tai in 219 BC, the First Emperor summoned seventy Ruist scholars and court erudites who accompanied him on the trip to the Qi 齊 and Lu 魯 regions, advising about the ritual setting and procedures of the sacrifices. Some of these experts proposed that the emperor adopt a modest sacrifice to avoid damaging the environment on the mountain, but he rejected all their suggestions because "each of their proposals was perverse and strange and difficult to practice 議各

We can say now that the historical background of the biblioclasm as given in *Shiji* was probably a construct. The *Shiji* account is comprised of Chunyu Yue's remonstrance and a putative memorial of Li Si. As I have demonstrated elsewhere, the Li Si memorial can be divided into two parts. The first part was a speech likely taken from an anecdote (or anecdotes) composed later by someone who seemed to have limited knowledge of Qin administrative culture and language, thus making it rather dubious. However, the second part should be seen as containing the text of a genuine imperial decision promulgated by the First Emperor.[32] Any claim, therefore, of an ideological conflict behind the biblioclasm remains dubious.

Now that we can put aside the dubious aspect, it is possible to trace the origin of the Qin's book proscriptions to the earlier social reform framework of Shang Yang and Han Fei. I suggest that the radical measures discussed to this point resulted from the state's efforts to implement their utopia-building project, and not from any ideological court debate over values.[33] Qin's policies were directly intended to induce the populace's acquiescence by prohibiting specific corrupting teachings and by forcing the people to internalize only sanctioned social values.

ELIMINATION OF PRIVATE-INTEREST STAKEHOLDERS AND UNSANCTIONED LEARNING

The proscription of unsanctioned learning can be traced to the philosophical discourse of Han Fei. Many have argued that he was a fellow student along with Li Si, and that he gained personal admiration from the First Emperor. Han Fei's writings show that he thought prohibiting the circulation of certain ideas and techniques was pivotal

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乖異，難施用." In the end, a ceremony was performed based on the Qin sacrificial rite originally designed for the sacrifice at the High Thearch's (Shang Di 上帝) altar in Yong county 雍縣. See *SJ* 28, p. 1644. For a summary of the First Emperor's *feng* and *shan* sacrifices, see Mark Edward Lewis, *The Early Chinese Empires: Qin and Han* (Cambridge, Mass.: Belknap Press of Harvard U.P., 2007), pp. 185–86.

32 See Chun Fung Tong, "Framing the Qin Collapse: Redaction and Authorship of the *SJ* 史記," *Asiatische Studien–Études Asiatiques* 75.4 (2021), pp. 924–31.

33 Vincent Leung also relates the banning of unsanctioned learning to "legalist" discourses, whose ideas of historical evolution, as Leung argues, engender three intellectual complications concerning historical knowledge, and Qin's proscription of unsanctioned learning was the solution to resolve such tension by positioning the new empire as the end of history; see Vincent S. Leung, *The Politics of the Past in Early China* (Cambridge: Cambridge U.P., 2019), pp. 104–29. While I agree that Qin proclaimed itself as "the final form of government in all human history," Leung does not seem to realize that this policy stemmed from the regime's social engineering program.

in unifying the populace, and thus in laying a foundation for building the optimal state.

Propositions concerning the unification of the political and ethical-social thinking of the populace were first introduced in the discourse of Shang Yang. Based on Shang's ideas, Han Fei advocated a complete repudiation of the Ruists' unsanctioned "*wen* studies" (*wenxue* 文學). Consider Han's "Five Parasites" ("Wu Du" 五蠹) chapter, a text that the First Emperor reportedly admired,[34] and is included in the transmitted *Master Han Fei* (*Han Feizi* 韓非子). It famously states that although Ruist followers "employed *wen* to wreck the laws 儒以文亂法," rulers still appointed them because of their *wenxue*.[35] The passage, below, is a good example of this usage:

> Regarding the orations of the present generation, they all utter speeches replete with flatulent discussions and flowery proses, and when people's rulers read such flowery [language], they forget what is truly useful. 今世之談也, 皆道辯說文辭之言, 人主覽其文而忘有用.[36]

A similar idea is expressed in the concluding section of "Five Parasites":

> As for the customs of a chaotic state, its scholars praise the way of former monarchs, thereby registering benevolence and righteousness; they show off fine clothing and embellish flatulent discussions. Accordingly, [such people] question the principles of their own time and make duplicitous the mind of the people's ruler. 是故亂國之俗, 其學者, 則稱先王之道, 以籍仁義; 盛容服而飾辯說, 以疑當世之法而貳人主之心.[37]

Although Han Fei did not explicitly mention Ru in this passage, the "scholars" mentioned clearly were Ruists whom he had censured earlier in the same chapter. Han criticized such people as merely justifying the empty moral values of *ren* and *yi* by attributing them to an ancient origin, and even more pathetically, used a mannered demeanor and belles-lettres (both regarded as *wen*) to decorate their unlawful propositions, which challenged the status quo for their own benefit.[38] In other

[34] *SJ* 63, p. 2621.

[35] Zhang Jue 張覺, ed., *Han Feizi jiaoshu xilun* 韓非子校疏析論 (Beijing: Zhishi chanquan, 2011; hereafter cited as *HFZ*) 3, p. 1124, sect. 49.9.

[36] *HFZ* 2, p. 654, sect. 32.1.2. See also *HFZ* 1, p. 130, sect. 9.1.6; 2, p. 672, sect. 32.2.13; 3, p. 1021, sect. 44.11; p. 1052, sect. 46.9; p. 1155, sect. 50.5.

[37] *HFZ* 3, p. 1143, sect. 49.18.

[38] For the connection between personal appearance and the ideas of *wen* and *wenzhang*, see Martin Kern, "Ritual, Text, and the Formation of the Canon: Historical Transitions of *Wen* in Early China," *TP* 87 (2001), pp. 51–52.

words, the danger of Ruist thinkers' discourses rests not only on their ideas but also the frame in which such ideas were presented. This may partly explain why the Qin would have targeted the unsanctioned learning and circulation of "songs, documents, and speeches of the hundred schools 詩、書、百家語" in the 213 BC biblioclasm,[39] even though the values that they advocated were often not far removed from those in approved works. To the state, what mattered more was the frame–the ancient setting and *wen* techniques.

With respect to the detrimental effects of Ruist followers and their propositions, a more elaborate account is provided in a *Han Feizi* chapter named "Employment in Contradiction to State Interest" ("Gui Shi" 詭使).[40] Here, Han Fei laments that inept rulers in the past "called 'crude' those who were not dual-minded and did not undertake private (namely, unsanctioned) learning, but who listened to officials and followed instructions 無二心私學, 聽吏從教者, 則謂之陋." There was a reversed situation, wherein those who practiced what they learned to chastise their leaders, slander the law, and incite the populace were held in high esteem. Comparing the propositions herein to those in "Five Parasites," the group to which Han refers here are primarily Ruist thinkers; what they studied likely included *wen* techniques. Han Fei believed that learned people holding onto their private interests were inherently damaging the law. Moreover, such people (in Han Fei's terms, "the sage and the wise 聖智") would try to influence the ruler to practice unlawful behavior. Consequently, the lower rungs would obey neither orders nor leaders.[41] In short, what Han Fei attempted to prove is the stark political contradiction between notions of private-interest (Ruists) and those in favor of a strong state.

To eradicate private-interest and direct people's minds and actions to the right path, Han Fei proposed eliminating *wen*, the Ruists' primary tool to disrupt the law. To this end, he advocated the following scheme:

> In a state whose master is clear and brilliant, there will be no *wen* written on [bamboo and wooden] slips, thereby law becomes the

[39] *SJ* 6, p. 326.

[40] My translation of "*gui shi*" is somewhat free. In the transmitted *Master Han Fei*, this term also appears in chapter 30 as one of the techniques that a ruler could wield to manipulate his subordinates. In that context, it roughly means to order your subordinates in a distorted way. This, however, does not conform to the theme of the "Gui Shi" chapter, which is otherwise centered on contradictions between the ruler's preferences and the interest of the state. The words "*gui*" and "*shi*" are mentioned only once and connote, respectively, "to contradict" and "to employ."

[41] *HFZ* 3, p. 1034, sect. 45.6.

> instruction; there will be no sayings of former monarchs, thereby officials become the instructors; there will be none of the ferocity [inherent in] private swordsmanship, thereby the slicing off of heads becomes valorous. [Consider] a population that is within a certain boundary: those [among them] who are speaking-advisors must be set on a track [determined by] the law; those who [tend to] take up action should make their intent be [to gain] merit; those who are valiant should apply fully [their valor] in the military. For these reasons, when there are no [military] affairs, the state becomes rich; when there are such affairs, the military becomes strong. This [method] is what [we] call "the monarchical stuff." [In cases of] those who have managed to amass "the monarchical stuff" and have exploited the weaknesses of enemy states and surpassed the Five Thearchs and matched the Three Monarchs: it must be this method [that was employed].
>
> 故明主之國, 無書簡之文, 以法爲教; 無先王之語, 以吏爲師; 無私劍之捍, 以斬首爲勇. 是境內之民, 其言談者必軌於法, 動作者歸之於功, 爲勇者盡之於軍. 是故無事則國富, 有事則兵強, 此之謂王資. 既畜王資而承敵國之釁, 超五帝、侔三王者, 必此法也.[42]

There can be seen a parallel usage of the phrase "thereby officials become instructors" that appears in Li Si's memorial dated to 213 BC, as recorded in *Shiji*.[43] Scholars have thus related Han Fei's proposition to Qin's policies of prohibiting unsanctioned learning and causing the biblioclasm.[44] However, few contemporary scholars ever touch upon the remaining part of Han's proposition, which is vital for deciphering the objective of his proposal, as well as the motivation of Li Si given the apparent connection between the two.

The main objective of Qin's harsh policy was to forge a strong state for themselves. What Han Fei remonstrated against seems to have been ideas embellished by *wen* techniques and transmitted in written form 書簡之文, as well as the dicta of the ancient paragons that were transmitted mostly orally. That Han Fei targeted both written and oral texts may rest on his idea that, to eliminate treachery 姦, "the best method is to forbid [people's] heart-minds; the next to forbid their speech; the next their affairs 太上禁其心, 其次禁其言, 其次禁其事."[45] Therefore, ban-

[42] Ibid., pp. 1133–34, sect. 49.13.

[43] *SJ* 6, p. 325–26.

[44] Yü Ying-shih 余英時, "Fanzhi lun yu Zhongguo zhengzhi chuantong" 反智論與中國政治傳統, in Yu, *Lishi yu sixiang* 歷史與思想 (Taipei: Lianjing, 1987), pp. 29–31; Wang, "Xueshu yu zhengzhi zhijian," p. 261; Pines, *Envisioning Eternal Empire*, pp. 176, 182.

[45] The passage is from the "Explication of Doubts" ("Shui Yi" 說疑) chapter; *HFZ*, p. 997, sect. 44.1.

ning only *wen* technique was not enough. A better way was to eliminate texts—especially written ones—which manifested *wen*. This mentality may also be one of the reasons that the Qin chose to instigate a seemingly unpractical biblioclasm.

Han Fei's remonstration is not limited to the proscriptions against *wen*'s proponents and the oral traditions of the ancient paragons, as unsanctioned violence—which will be elaborated in more detail later—also falls within the proscription. By deploying such a program of proscriptions, the circulation of knowledge becomes completely controlled by the state, learning material is replaced by laws, and unsanctioned violence is prohibited. In this fashion, people's minds and actions will be directed to a certain correct path, and they will internalize devotion to the law, to merit arising from valor and loyalty, and to military affairs. Han Fei asserts that this method is the one that accumulates "the monarchical stuff" and allows a ruler to surpass the sage kings of antiquity.

Given that surpassing the achievements of antiquity was something that the First Emperor often declared as his success, one can understand why it was reported that he showed such a strong affinity for Han Fei's "Five Parasites" chapter. Based on the proposition there, even though the First Emperor did end the chaos of the Warring States period, so long as the trouble-making nonofficial Ruist scholars and their instruments (*wen* writings and dicta) still existed and distorted the law and the minds of the people, his achievements were blemished. This would then be seen as an obstacle to both the surpassing of ancient paragons and the building of a perfect state. The proscriptions, then, including that of blocking oral transmissions of the ancient paragons' sayings and the execution of those who spread, discussed, and used them without authorization, may be seen as essential steps that completed the ideological puzzle for the Qin. Given the potential of these proscriptions to integrate the political and intellectual spheres,[46] unification of thought was a highly ideological policy.

Nevertheless, neither the First Emperor of Qin nor Li Si fully implemented what Han Fei advocated. Although they did try to eradicate unsanctioned learning and manuscripts being used by erudites and their associates, this policy left untouched the study of traditional knowledge and the holding of literary manuscripts occurring within the state sphere. Such a self-serving containment policy might have been due to a practical reason: the Qin were keen to disseminate social values

[46] For a discussion of the latter aspect, see Wang, "Xueshu yu zhengzhi zhijian," pp. 283–85.

to the people and thus adopted the traditional ritual language into its propaganda. To them, it was reasonable to retain certain ritual specialists who were required in the performance of court services.

INSTITUTIONALIZATION OF SOCIAL VALUES

Unification of thought cannot be accomplished merely by sanctioning what is being learned. To achieve the intended unification, the regime also had to instill values in the populace. This led to the Qin's institutionalization of social values such as filial piety, devotion, and reverence, plus a more direct intervention into people's lives. This section will examine this aspect of the Qin's social engineering program, especially how it began to exert legal control over people's domestic matters. Such measures set imperial Qin apart from classical "Legalism," which often "saw morals as politically irrelevant at best and politically disruptive or subversive at worst."[47]

Preimperial Qin law had not extended the state's jurisdiction to private affairs. But soon the state showed signs of asserting a more direct intervention into private lives. This came about by a policy change: the Qin regime began to reject the traditional principle that the state should have no jurisdiction over "denunciations concerning nonofficial (i.e, domestic) crimes 非公室告." Thus, imperial Qin, going forward, sought to claim such jurisdiction over domestic affairs.

Preimperial Qin law had prescribed that officials should not accept accusations of crimes pertaining, for example, to the murder, mutilation or shaving of a suspect's children or servants who might have stolen the suspect's property, if such accusations were filed by the suspect's other child or servant. Even if the suspect (the parent) were dead, the accusation of his or her crime could still not be accepted.[48] However, this principle favoring nonintervention in domestic suits and crimes was probably abolished shortly before the 221 BC unification, though we do not know exactly when. Since then, the Qin moved toward ju-

[47] Jiang, *Origins of Moral-Political Philosophy*, p. 411.

[48] Scholars have used Shuihudi legal mss. to discuss how the notion of *fei gong shi gao* came into Qin laws on family affairs. See Ulrich Lau, "The Scope of Private Jurisdiction in Early Imperial China: The Evidence of Newly Excavated Legal Documents." *Asiatische Studien – Études Asiatiques* 59.1 (2005), pp. 343–45; Paul R. Goldin, "Han Law and the Regulation of Interpersonal Relations: 'The Confucianization of the Law' Revisited," *AM* 3d ser. 25.1 (2012), pp. 14–18; Barbieri-Low and Yates, *Law, State, and Society*, pp. 138, 555, n. 32; Mizuma Daisuke 水間大輔, "Shuihudi Qin jian 'fei gongshi gao' xin kao" 睡虎地秦簡非公室告新考, in Wang Jie 王捷, ed., *Chutu wenxian yu falü shi yanjiu* 出土文獻與法律史研究 6 (Beijing: Falü, 2017), pp. 151–64.

risdiction into domestic matters, which was continued in the imperial Qin period.[49]

There is a piece of relatively more direct evidence proving this new development. It comes from the following statute from "Statutes on Assaults" ("Zei lü" 賊律) of the early-Western Han *Statutes and Ordinances of the Second Year* (*Ernian lüling* 二年律令):

> A father or mother beating [with the hands or feet] or caning [with a bamboo rod] a child or male or female slave, and the child or male or female slave dies of the beating or caning within the [time limit of] culpability: order [him or her] to redeem the death penalty 父母毆笞子及奴婢, 子及奴婢以毆笞辜死, 令贖死.[50]

Since early-Western Han penal laws were predominantly inherited from those of the fallen Qin, this statute likely predated the rise of Western Han. In contrast to the above-mentioned early legal principle concerning lack of jurisdiction into private matters, the statute here demonstrates something new with regard to how the state ought to treat parents and masters. The point is that they had to bear the punitive consequences of murdering children or servants. Although the punishment meted out to them was significantly lighter than that for an assault on unrelated or subordinate persons, this statute still bespeaks in a general way Qin's efforts to directly intervene in internal family affairs that were formerly deemed untouchable.

Further extant manuscript evidence shows us how direct, state interference in private lives culminated during the imperial Qin period and did so through warning, intimidation, and promotion of social order. For example, an ordinance from the Yuelu manuscripts stipulates that if someone beats his or her grandparents, the culprit would be executed and [his body] cast away in the marketplace 棄市.[51] Such a punishment was far more severe than that designated for the identical crime as recorded in the earlier Shuihudi legal texts, in which a similar offender only had to be tattooed and serve as a wall-builder or grain-pounder.[52] The rationale behind the punishments just stated

[49] Mizuma, "Shuihudi Qin jian 'fei gongshi gao' xin kao," p. 163.

[50] Translation taken from Barbieri-Low and Yates, *Law, State, and Society*, sect. 3.1.31, slip 39, pp. 404–5. Scholars generally agree that the legal stipulations in the *Statutes and Ordinances of the Second Year* were mainly adapted from the Qin laws. For such examples, see ibid, pp. 220–25.

[51] Chen Songchang 陳松長, chief ed., *Yuelu shuyuan cang Qin jian 5* 嶽麓書院藏秦簡5 (Shanghai: Shanghai cishu, 2017; hereafter cited as *Yuelu*; there have been seven *Yuelu* vols. under editorship of Chen; each is cited as "*Yuelu*" but has its unique date and the vol. no. in the title, as here: "5"), pp. 135–36, slips 203–204.

[52] A.F.P. Hulsewé, *Remnants of Ch'in Law: An Annotated Translation of the Ch'in Legal*

was to intimidate family members and others lest they commit future transgressions that corrupt the social order.

According to the program of Shang Yang and his followers, in addition to stern punishment, rewards represented another key method for motivating people's adherence to government regulations.[53] A Qin ordinance, below, reveals the relationships between rewards and the promoting of social values:

> Should the black-headed ones serve their parents with filial piety and their elder brothers and sisters with devotion and reverence, nurture their younger brothers and sisters with kindness and love; and [should the black-headed ones] venerate the elderly[54] when they dwell in villages or communities, and lead other ones to make good, and when there are people who [fulfil the above criteria], [then] document [those details?] on slips ...(counties?) and forward [the ordinance]. On average, the number of awardees should not exceed the ratio of 1,000 households to one person. [The submission of awardees] must be careful and on the basis of truthfulness. Should those responsible officials [who ought to] submit an awardee but do not do so, or should they submit someone who should not be submitted, each of the [village chiefs] and commune overseers should be fined two sets of armor and dismiss the commune overseers; fine the prefect, vice-prefect, and commander one set of armor each. For [those whose names] have been submitted but died afterward, as well as having... immediately discard their slips and use those who match this ordinance to...(replace the old names?)
>
> Now [the lists of exemplary persons] should be submitted to the chancellor. Commune overseers, scribe directors, or village chiefs should read out the ordinance [for the people]. If they have promulgated the ordinance carelessly, officials in charge are to be fined two sets of armor, prefect and vice-prefect one set of armor. After the promulgation of this ordinance, officials, [village] chiefs, or the leader of the mutually-accountable group of five should inspect those who are not making good. Should one be applicable to this ordinance, immediately apprehend them and sentence their crime.

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and Administrative Rules of the 3rd Century B.C., Discovered in Yun-meng Prefecture, Hu-pei Province, in 1975 (Leiden: E.J. Brill, 1985), D63, p. 141.

53 Pines, *Book of Lord Shang*, pp. 67–79.

54 The editors suspect the undeciphered graph to be "縣" (*xian*; "county").

> After [the initial promulgation], officials should reannounce the ordinance in front of the seats of the county and commune officials, as well as the residence of village [chiefs] constantly at the time of the household registration.
>
> ● 黔首或事父母孝, 事兄姊忠敬, 親弟茲(慈)愛, 居邑里長老, 衛(率)黔首爲善, 有如此者牒書, 人☐……☐[55] 別之. 衛(率)之千戶毋過上一人. 上之, 必謹以實; 當上弗上, 不當上而上,【典、鄉部嗇夫貲各二甲, 有(又)免鄉部嗇夫; 貲令、丞、尉各一甲. 已上後而死及有……輒言除其牒, 而以當令者☐.
>
> ● 今上丞相.】鄉部嗇夫、令史、里典[56] 爲讀令; 布令不謹, 吏主者貲二甲, 令、丞一甲. 已布令後乚, 吏、【典、伍譧(廉)問不】善, 當此令者, 輒執論.
>
> • 後恒以戶時復申令縣鄉吏治前及里治所☐[57]

This ordinance is quite compelling from three points of view. First, despite its incompleteness, it reveals that Qin imperial authorities introduced rewards for those who behaved in accordance with sanctioned social values. Accordingly, these social values were not confined to filial piety but comprised a plethora of other elements such as devotion and reverence. (*Here and below, re. translations of bamboo-slip texts, see the Key at the end of the article showing the transcription marks used.*)

Note, in the following example, that such values are consonant with the qualities of exemplary officials required by the Qin regime:

> Beware! Beware! [Unwarranted] properties cannot be received; Be careful! Be careful! Advice cannot be ignored; Be cautious! Be cautious! Promises cannot be broken.[58] Rotten food cannot be tried,[59] and timid hearts cannot be encouraged. If [an official] can

[55] The original transcription reads "即" (immediately). On account of a parallel text appearing in Yuelu 6, Chen Wei suggests that this graph is likely a scribal error for "典." See Chen, "*Yuelu shuyuan cang Qin jian (lu)* jiaodu (er)" 嶽麓書院藏秦簡(陸)校讀(貳), *Jianbowang*, May 8, 2020 <http://www.bsm.org.cn/?qinjian/8255.html> (accessed December 30, 2020).

[56] *Yuelu* 5, p. 134, slips 199–202; *Yuelu* 6 (Shanghai: Shanghai cishu, 2020), pp. 146–47, slips 186–90. Here I follow the reconstruction in Ou Yang 歐揚, "Yuelu Qin jian hushi fushen ling chutan" 嶽麓秦簡戶時復申令初探, unpub. conference paper presented at "Dijiujie chutu wenxian yu falü shi yanjiu guoji xueshu yantao hui" 第九屆出土文獻與法律史研究國際學術研討會, Shanghai, October11-13, 2019.

[57] For the term "長老" here, I follow the reading of Li Meijuan 李美娟, who understands it as a verb-object structure, in which "長" means "to respect"; see Li, "*Yuelu Shuyuan cang Qin jian (wu)* zhaji" 嶽麓書院藏秦簡(伍)札記, *Jianbowang*, May 19, 2018 <http://www.bsm.org.cn/?qinjian/7847.html> (accessed March 28, 2020).

[58] For the text see Chen Wei 陳偉, chief ed., *Qin jiandu heji (Shiwen zhushi xiuding ben)* 秦簡牘合集 (釋文注釋修訂本) (Wuhan: Wuhan daxue, 2016; hereafter cited as *Qin jiandu*) 1, p. 306, slips 33/2–49/2. Here I follow the slip sequence proposed by Zhu Fenghan 朱鳳瀚, "Beida zang Qin jian 'Congzheng zhi jing' shuyao" 北大藏秦簡從政之經述要, *WW* 2012.6, p. 78.

thoroughly practice these [principles], there will be no offices that are not governable and no intention that is not clear.[60] Adopting these [principles], if one becomes another's lord, he will benefit [his people]; if one becomes another's servant, he will be loyal; if one becomes another's father, he will be kind; if one becomes another's child, he or she will be filial; if one becomes another's superior, he will be luminous; if one becomes another's subordinate, he will obey. When a lord is beneficial and his servants are loyal, and a father is kind and his child is filial, these are the fundamentals of politics; when [an official's] intention is clear and an office is well-governed, and a superior is luminous and his subordinates are obedient, these are the cruxes of governance.

● 戒之戒之, 材(財)不可歸; 謹之謹之, 謀不可遺; 慎之慎之, 言不可追. 蓁蓁之食不可賞(嘗), 術(怵)愁(惕)之心不可長. 能審行此, 無官不治, 無志不勶(徹). 以此爲人君則鬼(惠), 爲人臣則忠, 爲人父則茲(慈), 爲人子則孝, 爲人上則明, 爲人下則聖. 君鬼(惠)臣忠、父茲(慈)子孝, 政之本殿(也); 志勶(徹)官治、上明下聖, 治之紀殿(也).[61]

This passage is excerpted from a preimperial Qin manual for officials' conduct, which emphasized professionalism and faithful execution of government affairs.[62] Much like the Qin ordinance discussed above, the manual also highlights social values such as filial piety,[63] devotion, reverence, and kindness. In this respect, one may say that the Qin sought

[59] Note that a similar passage also appears in the transmitted *Guanzi* 2, although the combinations of warnings and unfavorable behavior differ. The above translation has consulted Matthias Richter's German translation of the *Guanzi* text; see idem, *Guan Ren: Texte der altchinesischen Literatur zur Charakterkunde und Beamtenrekrutierung* (Bern: Lang, 2005), pp. 100–1.

[60] Literally, the adjective "蓁蓁" connotes a dark and gray color; "food in dark and gray color" should refer to decayed food. Here the character "賞" (*shang*; "to reward") probably serves as a loan for "嘗" (*chang*; "to try," "to taste"). A similar usage can be found in the second daybook manuscript from the Fangmatan 放馬灘 tomb no. 1; see *Qin jiandu* 4, p. 95, slip 164.

[61] Slip 15/1 of the second daybook manuscript from the Fangmatan tomb no. 1 contains this prediction: "Chu (Remove) days: those who run away will not be caught; those who are sick from exhaustion will die. Permitted to deal with an overseer; permitted to talk thoroughly with the *junzi* and be exempted from crime 除日: 逃亡不得, 癉疾死. 可以治嗇夫, 可以勶言君子除辠(罪)." A parallel text on slip 14 in another daybook manuscript from the same tomb writes "勶" as "徹." This proves that the character "勶" can serve as a loan for "徹," which usually denotes notions such as "clear," "thorough" or "to comprehend," "to understand." The above translation is modified from Christopher Cullen, "Calendars and Calendar Making in Qin and Han Times," in Donald Harper and Marc Kalinowski, eds., *Books of Fate and Popular Culture in Early China: The Daybook Manuscripts of the Warring States, Qin, and Han* (Leiden: Brill, 2017), p. 286.

[62] For the Qin's requirements of loyal officials, see Daniel S. Sou, "Shaping Qin Local Officials: Exploring the System of Values and Responsibilities Presented in the Excavated Qin Tomb Bamboo Strips," *MS* 61.1 (2013), pp. 11–21.

[63] It is worth noting that filial piety was commonly associated with loyalty to the state in

to transform the whole population into "perfect subjects" resembling model officials who were perceived as following the state's agenda and order, and fulfilling designated obligations to communities.

Second, the latter half of the ordinance demands commune overseers, scribe directors or village chiefs (*li dian* 里典) to repeatedly announce this ordinance for the population in their respective purview. Apparently, this was to publicize the new policy to an illiterate populace that had to rely on the spoken words of government personnel.[64] This evinces the principle of "making the law become instruction," as discussed above.

Third, the above ordinance is the earliest concrete evidence with regard to an institutionalized selection mechanism based on one's morality.[65] Although we do not know whether the selected persons would, as in the later "observation and recommendation 察舉" system, be recruited as officials, they might at least be given certain remunerations or rewards. Either way, the main objective of such a policy was to entice people to internalize the social values promoted by the state using benefits, which again echoes the Shang Yang ideology. Taken together, although the social values that the Qin regime sanctioned were in close proximity to those of the Ruist followers, the scheme under which they were implemented unmistakably resembled the programs of Shang Yang and Han Fei, already discussed.

DISARMAMENT OF THE NEW TERRITORIES

In Qin propaganda, one of the greatest triumphs of the First Emperor was that he managed to rescue myriads from the endemic warfare of the Warring States and brought "great peace" 太平 to the Qin domain.

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late-Warring States political theories and eventually became a criterion in recommending candidates for government posts in the Han. For an overview, see Michael Nylan, "Confucian Piety and Individualism in Han China," *JAOS* 116.1 (1996), pp. 2–5, 8–11.

64 Such a practice foreshadowed the "posted document" (*bianshu* 扁書) in the Western Han period, during which official documents would be displayed publicly at prominent locations such as offices of market, village, and government so that officers, soldiers, and commoners could recite and understand their contents; see Hsing I-tien 邢義田, "Qin Han pingmin de duxie nengli: shiliao jiedu pian zhiyi" 秦漢平民的讀寫能力, 史料解讀篇之一, in idem, *Jinchen ji: Qin Han shidai de jiandu, huaxiang yu wenhua liubo* 今塵集: 秦漢時代的簡牘、畫像與文化流播, vol. 1: *Gudai wenhua de shangxia ji zhangwai liubo* 古代文化的上下及中外流播 (Taipei: Lianjing, 2021), pp. 37–38; Charles Sanft, *Literate Community in Early Imperial China: The Northwestern Frontier in Han Times* (Albany: SUNY P., 2019), pp. 47–48.

65 Indeed, similar mechanisms recurred in later Chinese dynasties. Mark Elvin suggests that "the use of the political system to confer explicit honours for behaviour defined as virtuous in private, every-day life" was the distinctive feature of late-imperial China; see idem, "Female Virtue and the State in China," *Past & Present* 104 (1984), p. 151.

This accomplishment also served to justify his self-divinization.[66] To this end, a disarmament policy was developed to signify this towering achievement and the inauguration of a new epoch. The policy consisted mainly of two parts, that is, the destruction of walls of large cities in the northern and eastern regions (for example, Handan 邯鄲), as well as the confiscation and redistribution of privately held weapons. It is worth noting that this policy echoed Han Fei's call for the complete state monopolization of violence. This came in the "Five Parasites" chapter, which expresses a strong worry about unsanctioned violence and advocates the prohibition of private swordsmanship. Since the first part of the disarmament policy has been much studied,[67] I will focus on the second part, concerning privately held weapons.

Shiji provides no information on the details apart from a succinct statement that the Qin empire confiscated weapons everywhere ("all-under-heaven") and smelted them into various bronze vessels and statues.[68] When was the exact date of the Qin promulgation? Were there specific criteria with respect to weapons confiscation? Again, excavated sources partly fill these lacunae. A legal ordinance from Yuelu reveals an arms restriction that the Qin regime imposed on its new subjects:

> Some new black-headed ones may not be working hard in cultivating fields or repairing their rooms and houses, and instead carry swords, keep weapons, and go to and fro in groups; these are not good customs. [Functionaries must] carefully prohibit such behavior: only those who rank *gongdafu* (seventh rank) or above are allowed to carry swords, but they are not allowed to keep other weapons as well as large knives longer than one foot and five inches; those who rank *guandafu* (sixth rank) or below are not allowed to carry swords and keep other weapons and long knives. The county prefect, scribe directors, commune overseer, and village [chief] should immediately gather the new black-headed ones and inform them of this ordinance. For those who keep swords, weapons, and large knives should instantly reach officials and immediately hand [them] in to the government.
>
> 新黔首或不勉田作、繕室屋, 而帶劍、挾兵曹蠶(偶)出入, 非善谷(俗)殹(也). 其謹禁御(禦)之: 公大夫以上乃得帶劍, 而不得挾它兵及大刀長尺

[66] Pines, "Messianic Emperor," p. 266.

[67] For a discussion of the Qin regime's demolition of city walls, see Ōkushi Atsuhiro 大櫛敦弘, "Sansengun no mamori: 'Shin dai kokka no tōitsu shihai' horon" 三川郡のまもり, 秦代国家の統一支配補論, *Jinmon kagaku kenkyū* 人文科学研究 15 (2009), pp. 35–38; Chun Fung Tong, "The Construction of Territories in the Qin Empire," *TP* 107 (2021), pp. 536–37.

[68] *SJ* 6, p. 307.

五寸以上者; 官大夫以下不得帶劍, 挾兵、長刀. 縣令、令史、鄉嗇夫、里即贅新黔首, 以此令告. 有挾劍、兵、長刀者, 亟詣吏, 輒入縣官L.[69]

In the Qin law, the term "new black-headed ones" refers to the newly conquered and registered populaces living in the "new territories 新地" of the empire.[70] This ordinance indicates that new subjects could only have the right to carry arms if their ranks (*jue* 爵) reached the seventh grade. Another ordinance further supplemented the number of arms that the new subjects were allowed to carry, stipulating that they could carry a maximum of three swords – the only type of authorized arms.[71] Despite the dubious practicality of these regulations, they bespeak the regime's efforts to control the circulation of arms among new subjects.[72]

Considering that new subjects were forbidden to keep arms beyond the sanctioned quotas, doing so likely led to the confiscation and destruction of their weapons, as evidenced in the aforementioned burning of unsanctioned manuscripts. Three wooden tablets from Liye speak to such efforts.[73] These administrative letters are datable to the twenty-seventh year of the First Emperor (220 BC) and contain an identical message from the governor of Dongting commandery 洞庭郡. They reveal that commanderies such as Dongting, Ba 巴, Nan 南 and Cangwu 蒼梧 were transferring armors and weapons to the Metropolitan Area (*nei shi* 內史) in the Guanzhong Basin. This seems to suggest that the Qin government set in motion an empire-wide weaponry transfer from regional administrative units to the central region in that year.

Another report sent from the overseer of the office of warehouse (*ku guan* 庫官) to the acting vice-prefect, or *shou cheng* 守丞,[74] of Qianling 遷陵 county may also be related to this event:

69 *Yuelu* 7 (Shanghai: Shanghai cishu, 2022), p. 77, slips 48–50.

70 On the term "new black-headed ones," see Barbieri-Low and Yates, *Law, State, and Society*, p. 1352, n. 23. Also, in the imperial Qin context "new territories" refers to lands that Qin invaded and occupied after 230 BC; see Tong, "Construction of Territories," p. 540.

71 *Yuelu* 7, p. 80, slips 58-59. For a translation and discussion of this ordinance, see Tong, "Construction of Territories," pp. 545–46.

72 Note that an ordinance dated to 233 BC already prohibited the holding of state-owned weapons. However, that ordinance did not target privately made or owned weapons as did the one discussed, above; see Yates, "Dated Legislation," pp. 133–37.

73 For the texts of tablets 16-5 and 16-6, see Chutu wenxian yu Zhongguo gudai wenming yanjiu xietong chuangxin zhongxin Zhongguo renmin daxue zhongxin 出土文獻與中國古代文明研究協同創新中心中國人民大學中心, ed., *Liye Qin jian bowuguan cang Qin jian* 里耶秦簡博物館藏秦簡 (Shanghai: Zhongxi, 2016), pp. 207–8; for that of tablet 9-2283 see *LQJJ* 2 (Wuhan: Wuhan daxue, 2018), pp. 447–48.

74 It should be noted the Qin regime had yet to invent the protocol of promoting officials on probation to full positions. For example, it is evident that the acting overseer (*shou sefu* 守嗇夫) of an office was often chosen among scribe directors or assistant directors. In other

> In the twenty-seventh year (220 BC), in the third month, which began on a day *bingwu*, on the *jiyou* (fourth) day, Hou [overseer of the office of] warehouse presumes to report: Weapons that should be transferred to the Metropolitan Area are at Erchun [commune],… (weigh)… five *shi*, one *jun*, and seven *jin* (ca. 164.5 kg), which I estimate that four ships whose length exceeds six *zhang* (ca. 13.86 m) or more are needed for this mission. I call upon you to order the office of convict labor to send officers and ship-laborers to take the ships and weapons. This I presume to report.
>
> 廿七年三月丙午朔己酉,庫後敢言之: 兵當輸內史在貳春□□□□五石一鈞七斤, 度用船六丈以上者四艘. 謁令司空遣吏、船徒取. 敢言之. 🗹[75]

Given that this letter postdates the previously mentioned three tablets (numbers 16-5, 16-6, and 9-2283) by only nineteen days, they likely refer to the same incident. Hou's report reveals that the weapons that Qianling planned to transfer were stored at Erchun commune, where a wharf was located.[76] From Hou's calculation, the number of weapons was ample and required four large ships to carry them. The letters listed above evince two vital messages with regard to the disarmament scheme. First, they confirm that the policy was probably promulgated not later than early 220 BC. Second, they show that even a peripheral county such as Qianling was involved in this campaign. This hints at the wide net of Qin disarmament.

Another multi-piece manuscript discloses details about the weapons transfer. Among the Liye manuscripts so far published there are at least ten slips whose texts revolve around quantities of useable weapons.[77] They show similar handwriting, thus all likely written by one scribe; and the intact slips are of identical length. Given these features, the ten slips might have belonged to one multi-piece manuscript.

Based on what we can decipher, Qianling county seems to have had to demarcate between weapons to be transferred to the Metropolitan Area and those that should be redistributed among the subordinate counties of Dongting commandery. It appears that only intact or re-

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words, in the Qin context, the action of "*shou*" does not connote the notion of present-day "probation." Therefore, I render the term as "acting" instead of the more common "probationary." For this, see also Lu Jialiang 魯家亮, "Liye Qin jian suojian Qin qianling xian liyuan de goucheng yu laiyuan" 里耶秦簡所見秦遷陵縣吏員的構成與來源, *Chutu wenxian* 出土文獻 13 (2018), p. 217.

[75] *LQJJ* 1, p. 341, tablet 8-1510.

[76] *Liye Qin jian bowuguan cang Qin jian* (cited n. 66, above), p. 200, tablet 12-849.

[77] *LQJJ* 2, pp. 50, 71, 86, 101, 118, 192, 203, 228, 336, slips 9-42, 9-124, 9-200, 9-285, 9-289, 9-394, 9-724+9-1465, 9-770, 9-946, 9-1616.

paired weapons were subject to delivery or redistribution. These criteria indicate three facts: 1. The policy targeted functional weapons that could inflict actual casualties. In other words, the weapons that Qianling delivered were not discarded products. 2. Given the large number of weapons that awaited transfer, they might have encompassed both those originally stored at administrative units and those collected from households. 3. Qin's policy entailed not only transfer of weaponry to its center, but also a redistribution of weapons among the subordinate counties in a commandery. Although the policy would reduce the number of weapons kept in local administrative units, the empire did not transfer out all the armaments thereof.

Moreover, the disarmament policy was ideological. Qin propaganda often expresses a positive idea about prohibiting weapons. Consider the stele inscription at Mount Langye 琅邪 (219 BC), which states that: "The black-headed ones are peaceful and tranquil, and do not use weapons and armor 黔首安寧, 不用兵革."[78] In the Mount Zhifu 之罘 inscription (218 BC), the First Emperor also proclaimed that he "inaugurated the unification of all-under-heaven, severed and stopped disaster and hazard, and forever halted chariots and weapons 闡并天下, 甾害絕息, 永偃戎兵."[79] Given that the halting or prohibiting of weapons could be seen now as an anti-warfare and -violence symbol,[80] the disarmament policy, which took privately held weapons out of the new subjects' hands and strictly sanctioned ownership, naturally implied the maintaining of peace – an ideal social order. In this respect, although the disarmament policy mainly served to install regulations for weapon redistribution, it may also be understood as an ideational program of ritualized imperial writ to promote order and peace.

REFORMING SOCIAL ACTIVITIES

A significant social reform under the Qin empire was the rectification of undesirable social activity. It is no secret that the Qin state sought to revolutionize the heterogeneous old customs 俗 of the people – especially those in the new territories – through a large, centralized bureaucratic machine and its legal devices. While such reforms were likely ubiquitous among Warring States polities in pre-Qin times,[81]

78 The translation is modified from Kern, *Stele Inscriptions of Ch'in Shih-huang*, p. 32.

79 The translation is modified from ibid., p. 39.

80 For example, one of the reasons that the First Emperor refuted the reestablishment of regional kingdoms was that this would "sow the seeds of war 樹兵 and therefore could not bring peace to the new empire; see *SJ* 6, p. 307.

81 As Wang Chien-wen 王健文 notes, both Qin and Chu seem to have adopted reforms to

what distinguished the imperial Qin period from what went before was that the Qin rulers began to intervene greatly in people's lives. In the implicit utopia, all customs could be made uniform and regulated according to the social values sanctioned by the state. This section will discuss how and in which aspects people's lives were changed by Qin social reforms.

Rectification of Ritualistic Behavior in Light of Hemerology

The following Qin ordinance in the possession of the Yuelu Academy illustrates the effort to control ritual activity by means of ordinances and hemerology:

> Henceforth, prohibit and do not wail and hold memorial service,[82] make interment…, and report [the sentencing of] prisoners on either a *ren* or *gui* day. For those who violate the ordinance, fine [the offender] two sets of armor. Article 2.17 of the "[Ordinances] pertaining to Accessory [Scribes] of the Court [Commandant]."
>
> ●自今以來, 禁毋以壬、癸哭臨、**篡**(葬)□[83]、報囚[84]. 犯令者, 貲二甲. • 廷卒乙十七.[85]

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rectify local customs deemed unfavorable to their respective regimes during the late Warring States; see idem, "'Wanli tong feng': dizhi Zhongguo chuqi 'yifeng yisu' de lishi yiyi" 萬里同風, 帝制中國初期移風易俗的歷史意義, in Hsing I-tien and Liu Tseng-kuei 劉增貴, eds., *Gudai shumin shehui: disijie guoji Hanxue huiyi lunwenji* 古代庶民社會, 第四屆國際漢學會議論文集 (Taipei: Zhongyang yanjiuyuan lishi yuyan yanjiusuo, 2013), p. 37–38.

82 The editors of the Yuelu manuscripts originally transcribe this character as "以." However, its graph is hardly legible in the infrared photo ("[illegible]"). A color photo of poor quality indicates that this character does not accord with the conventional form for "以." Rather, it resembles the lower part of the "父" graph, although it is unclear why only one's father was mentioned here. In view of these doubts, I have left this graph undeciphered.

83 The editors transcribe the graph as "日"; here I follow the transcription and reading proposed by Chen Wei. As Chen has pointed out, the term "報囚" also appears in the Han sources. It refers to the process of reporting sentenced punishments of convicts to the chief decision-maker – both some commandery governors and the emperor. An Eastern Han imperial decision dated to 85 AD states that, "the statute says: 'The twelfth month is Beginning Spring, so it is not [the time] to report [the sentencing of] prisoners.'… [I, the emperor,] believe that the prospering and killing conducted by the Monarch ought follow the seasons. Now I promulgate this statute: Do not report [the sentencing of] prisoners in the eleventh and twelfth months 律: 十二月立春, 不以報囚 … …以爲王者生殺, 宜順時氣. 其定律: 無以十一月、十二月報囚." Despite their differences, the spirits of the above Qin ordinance and the Eastern Han decree are similar, in that they both prevent the reporting of sentencing and inflicting of punishment –often entailing mutilation and execution – in the wrong season; see *Hou Hanshu* (Beijing: Zhonghua, 1965) 3, pp. 152–53; Chen Wei 陳偉, "*Yuelu shuyuan cang Qin jian (wu)* jiaodu (xu wu)" 嶽麓書院藏秦簡 (伍) 校讀 (續五), *Jianbowang*, March 21, 2018 <http://www.bsm.org.cn/?qinjian/7784.html> (accessed March 28, 2020). For relevant discussions of the reform promulgated through this Eastern Han imperial decision, see Xue Mengxiao 薛夢瀟, *Zaoqi Zhongguo de yueling yu "zhengzhi shijian"* 早期中國的月令與政治時間 (Shanghai: Shanghai guji, 2018), pp. 187–90.

84 *Yuelu* 5, p. 123, slip 165.

85 Although in the transmitted sources, the act of "哭臨" often relates to the funeral ceremo-

This ordinance regulates the days of mortuary activities and the reporting of prisoner sentencing. While the stipulation is straightforward, it is the choice of days that deserves attention. That the Qin regime decided to prohibit the aforementioned social activities from taking place on days comprising the heavenly stems 天干 *ren* and *gui* may have something to do with the well-known concept of Five Phases cyclicity.

According to the hemerological theory in the excavated daybooks (*rishu* 日書), both *ren* and *gui* days were associated with the agent (or phase) of water.[86] Additionally, slip 351 of the Wangjiatai 王家臺 daybook prescribes that *renxu* 壬戌, *renzi* 壬子, *guichou* 癸丑, and *guiwei* 癸未 were suitable days for conducting the "sacrifice to the Black [Phase]" (*heici* 黑祠).[87] These strands of evidence indicate that the *ren* and *gui* heavenly stems corresponded with the Qin's phase that consisted of both water and black, among other aspects.

Since mortuary activities and reporting of prisoners entailed death and punishment, the regime might have regarded them as inauspicious and thus forbidden these activities on inappropriate days. In doing so, the purity of the Qin polity, and its own ritual needs in relation to the Five Phases, could be protected.[88] These ordinances vividly display how the Qin authorities reshaped social behavior by means of ritual and legal codes.

Another ordinance from the Yuelu corpus reveals the regime's efforts to control minds and bodies:

> [As regards] officials and black-headed ones who have not strived to become upper-most: when they have requests and dare to appeal for themselves using written statements[89] or to file lawsuits against

ny of deceased rulers, it likely had much wider applications. E.g., slip 183/1 of the daybook manuscript from the early-Han Kongjiapo tomb no. 8 prescribes: "The twentieth day of the first of the month is the death day of Chiyou. It is not permitted to wail and hold memorial service, to gather a multitude, nor assemble soldiers 入月二旬齒（蚩）尤死日也, 不可哭臨、聚眾、合卒." This suggests that 哭臨 was a mortuary custom widely adopted even by commoners; above transl. modified from Yan Changgui, "Daybooks and the Spirit World," in Harper and Kalinowski, eds., *Books of Fate*, p. 232.

86 Two similar texts can be found in the Second Daybook (Ri Shu yizhong 日書乙種) from the Shuihudi Tomb 11, and the Daybook from the Zhoujiatai Tomb 30; see *Qin jiandu* 2, p. 499, slip 82/2; 4, p. 213, slip 259.

87 Jingzhou diqu bowuguan 荆州地區博物館, "Jiangling Wangjiatai 15 hao Qin mu" 江陵王家臺15號秦墓, *WW* 1995.1, p. 40.

88 Another Qin ordinance proscribes the use of the character *qin* – the title of the polity – in the given names of commoners and convict laborers; if one's current given name contained this character, he or she had to replace it. Such a measure also evinces an effort to maintain the utmost authority of the Qin regime, even though one cannot call it the reshaping of social behavior; see *Yuelu* 5, p. 200, slip 306.

89 The editors transcribe this graph ("") as "正," which is in fact hardly legible. Thus, I choose to leave it undeciphered.

> others, and, for [these purposes] have shaved their hair and carried the *zhi* (punishment devices?), or shaved their hair but not carried the *zhi*, [then one should] order them to serve in the new territories for four years; should they… carry the *zhi* but do not shave their hair, [then] they are to serve two years. Number Nineteen.
>
> 【●吏】、黔首非奮爲上, 有求毆(也)而敢以辟(辭)自訟及訟人故, 而鬍(鬄)髮負志及鬍(鬄)髮而不負志者, 令戍新地四歲; 其□[90]負志而不鬍(鬄)髮者, 戍二歲. ・第十九.[91]

Admittedly, the content of the above ordinance remains in some sense a mystery and the translation is tentative at best. That "*fu zhi* 負志" is listed along with "shaving hair" seems to indicate that they belonged to the same category of offense.

Regarding the exact meaning of "*fu zhi*," a comment from the history of Eastern Han is worth noting:

> The pupils and acquaintances [of Jiao Kuang 焦貺] feared that they would be held liable for or be associated with [Jiao's crime], so they all changed their names to escape calamity. [Zheng 鄭] Hong alone *shaved his head and carried an executioner's ax and a chopping block*, reached the palace gate and submitted a petition, and appealed for the crime of [Jian] Kuang. 諸生故人懼相連及, 皆改變名姓, 以逃其禍, 弘獨髡頭負鈇鑕, 詣闕上章, 爲貺訟罪.[92]

Although the above event took place long after the Qin, the similarities between "to shave head and *fu fuzhi*" and the phrase "to shave hair and *fu zhi*" found in the Qin ordinance are obvious. In Zheng Hong's case, "*fu fuzhi*" clearly refers to the action of carrying the devices for the *yaozhan* 腰斬 punishment ("cut in two at the waist"). The purpose of his carrying the devices was to show Zheng's sheer determination. In this light, "*fu zhi*" may also have referred to carrying a kind of punitive implement, although the exact meaning of "*zhi*" is still subject to investigation.

The abovementioned Qin ordinance forbids officials and commoners from shaving hair and carrying the *zhi* whenever said person is not truly among the high-ranked and have pushed forward litigations. It implies that if said persons should "strive to be among the upper-most,"

[90] *Yuelu* 6 (Shanghai: Shanghai cishu, 2020), pp. 116–17, slips 152–53.

[91] Here I understand "辭自訟" as a separate clause. It is worthwhile to note that *Hanshu* 76 comprises the line "those who lodge a written appeal to represent themselves 以辭訟自言者," which may express a meaning similar to "辭自訟"; see *Hanshu* 漢書 (Beijing: Zhonghua, 1962) 76, p. 3213.

[92] *Hou Hanshu* 33, p. 1155.

they would be allowed to perform these two actions when submitting requests or making appeals. Finally, in order to enforce this regulation, it is conceivable that the Qin authorities established standards to delineate parameters for "striving to be among the higher ranks." However, details of this kind remain unknown to date.

Regardless of the possible difficulties in the enforcement of this ordinance, it indicates that the Qin regime paid special attention to the bodies and minds of its subjects through the law. That "shaving hair" was considered a serious offense may be attributable to the popular culture of the Qin and Han people. For them, "shaving hair" was often associated with people of low social status, such as government and private slaves.[93] Additionally, it is listed in *Xinshu* 新書 as a punishment to stigmatize culprits coming from lower social backgrounds (this is attributed to the eminent early-Han thinker Jia Yi 賈誼.)[94] Indeed, the ancients often believed that hair symbolized the life-force and carried supernatural power. The completeness of the body, including one's hair, was an important criterion for maintaining filial piety; washing one's hair was perceived to be a crucial means of removing pollution and re-establishing purity.[95] A daybook entry states that if one encounters a spirit 鬼 on the road, he or she "should untie and shake his or her hair in order to pass it by 解髮奮以過之."[96] The ritual and spiritual values involving hair might explain why the Qin considered "shaving hair" as a more serious crime than "carrying the *zhi*."[97]

Reformulation of Family Relations

To perfect society, the empire also devoted tremendous efforts to reformulating family relations. This social goal was expressed in the stele inscription at Mount Tai:

93 *Hanshu* 1B, p. 67; 37, p. 1975; 59, p. 2655.

94 Yan Zhenyi 閻振益 and Zhong Xia 鐘夏, *Xin shu jiaozhu* 新書校注 (Beijing: Zhonghua, 2000) 2, p. 138. However, it should be noted that "shaving hair" likely remained an extrajudicial punishment prior to Han emperor Wen's penal reform of 168 BC; see Tomiya Itaru 冨谷至, Chai Shengfang 柴生芳 and Zhu Hengye 朱恒曄, trans., *Qin Han xingfa zhidu yanjiu* 秦漢刑罰制度研究 (Guilin: Guangxi shifan daxue, 2006), pp. 88–89.

95 Robin D.S. Yates, "Purity and Pollution in Early China," in Tsang Cheng-hwa 臧振華, ed., *Zhongguo kaoguxue yu lishixue zhi zhenghe yanjiu* 中國考古學與歷史學之整合研究 (Taipei: Zhongyang yanjiuyuan lishi yuyan yanjiusuo, 1997), pp. 511–12, 515–16.

96 *Qin jiandu* 2, p. 418, slip 46b/3; p. 443, n. 177. For a comprehensive analysis of hair's cultural implications in ancient China, see Takagi Satomi 高木智見, *Senshin no shakai to shisō: Chūgoku bunka no kakushin* 先秦の社会と思想: 中国文化の核心 (Tokyo: Sōbunsha, 2001), 49–69.

97 In fact, slip 84 of the so-called "Answers to Questions concerning Laws" 法律答問 reveals that if one uses a sword to sever another's hair topknot, he warrants the punishment of "being left intact and made a wall-builder 完爲城旦," which is even more serious than the punishment for biting off another's nose or ear (slip 83). This also suggests that Qin valued hair over other

貴賤分明　The noble and the mean are distinguished and made clear,
男女禮順　Men and women embody compliance,
慎遵職事　Cautiously follow their duties and affairs.
昭隔內外　The inner and outer spheres are distinctly demarcated,
糜不清淨　Nothing that is not clear and pure,
施及後嗣　Extending down to the later descendants.[98]

A similar message was repeated in the Kuaiji stele inscription, in which the First Emperor of Qin demanded that the inhabitants of this newly conquered region had to abandon their licentious behavior.[99] However, Qin's reformulation of family relations was not confined to the customs of new subjects. Rather, stigmatized social identities such as "temporary father" (*jiafu* 叚父) and "uxorilocal son-in-law" (*zhuixu* 贅婿; namely a husband who resides in or near the household of his wife's family) – which were prevalent even in the traditional Qin domain – were also among the regime's targets. It should be noted that in two late-Warring States legal statutes of the Wei 魏 state, "stepfather" (*houfu* 後父) and "uxorilocal son-in-law" were both labelled as unproductive and dishonorable social groups.[100] Given that the slips inscribed with the Wei statutes were bound together with the "Way of Making a Good Official" ("Weili zhi dao" 爲吏之道) manuscript from Shuihudi tomb no. 11,[101] it is conceivable that the tomb occupant Xi 喜 still considered the Wei statutes a useful reference. This implies that some of the Qin's functionaries, or probably the regime in general, shared the Wei state's hostile attitudes toward these two social identities.

The term "叚父" was written as "假父" in a transmitted text.[102] This discrepancy likely resulted from the new orthography propagated by the Qin after 221 BC. Recent philological studies reveal that in Qin legal and administrative texts, the character "叚" was used to connote the

body parts; see Hulsewé, *Remnants of Ch'in Law*, D68, p. 142; D69, p. 142.

98 Translation taken from Kern, *Stele Inscriptions of Ch'in Shih-huang*, pp. 22–23, with minor emendations.

99 Ibid., p. 48.

100 *Qin jiandu* 1, pp. 321–23, slips 16/5–28/5.

101 The title comes from the ms. text's beginning line: "To summarize the way of making a good official 凡爲吏之道." However, a recent reconstruction by Chen Kanli 陳侃理 suggests that the actual title of this manuscript should be the *Document of Statements* (*Yu Shu* 語書); see idem, "Shuihudi Qin jian 'Weili zhi dao' ying gengming 'Yu shu': jian tan 'Yu shu' mingyi ji Qin jian zhong leisi wenxian de xingzhi" 睡虎地秦簡爲吏之道應更名語書, 兼談語書名義及秦簡中類似文獻的性質, *Chutu wenxian* 出土文獻 6 (2015), pp. 247–52. In this article I will keep using the old title.

102 Xiang Zonglu 向宗魯, *Shuo Yuan jiaozheng* 說苑校證 (Beijing: Zhonghua, 1987) 9, p. 215.

notion of "to loan" or "to lend," whereas "假" connoted "to borrow."[103] In view of this bifurcation, Shi Yang 石洋 recently posits that the key feature of "叚官" was the transient duration of its appointment, meaning that the ruler only temporarily gave individuals the authority of performing certain official duties. All of this is simply to clarify that "叚父" may imply that a ruler/state lent individuals the authority of act as father for a person or persons who were not biologically related to said father.[104] In other words, the Qin perceived that the relationship between a "叚父" and his stepchildren was temporary by nature.[105]

Although the preimperial Qin regime likely followed Wei practices from previous centuries and had set up various discriminatory policies against relevant parties, the First Emperor went further: his state was determined to erase such a weak social identity, as shown in the following ordinance:

> Since the *wuyin* (twenty-sixth) day of the twelfth month of the twenty-sixth year [of the First Emperor] (221 BC), prohibit and do not dare to call the second husband of one's mother "temporary father"; should one's [siblings and one] have different fathers, do not dare recognize [said half-siblings] as elder or younger brothers and sisters. If people violate this ordinance, shave and make them bondservants or bondwomen, and do not allow [half-siblings] to take each other as spouses; should [half-siblings] take each other as spouses, as well as engage in illicit intercourse with each other, in every case, tattoo [both offenders] and make them wall-builders and grain-pounders.
>
> ● 廿六年十二月戊寅以來, 禁毋敢謂母之後夫叚父; 不同父者, 毋敢相仁爲兄、姊、弟ㄴ. 犯令者耐隸臣妾, 而毋得相爲夫妻, 相爲夫妻及相與奸者, 皆黥爲城旦舂.[106]

The ordinance proscribes people from addressing a new husband of a biological mother as a "temporary father" and their half-siblings after their mother's second marriage as brothers and sisters. Although the

103 Tian Wei 田煒, "Shuo 'jia' 'jia'" 說叚假, *Chutu wenxian* 出土文獻 2021.1, pp. 84–85; Shi Yang 石洋, "Liye Qin fang 'jia rugu geng jia ren' xinjie" 里耶秦方叚如故更假人新解, *Chutu wenxian yanjiu* 出土文獻研究 18 (Shanghai: Zhongxi, 2019), pp. 114–27.

104 Ibid., p. 122.

105 This point is also reflected in an entry in "Answers to Questions concerning Laws," which states that when a *jiafu* stole from his *jiazi* 叚子 ("temporary son"), it was considered as robbery. Although this treatment was diametrically opposed to "a father stealing from his son" and illustrates the temporary nature of *jiafu*, it nonetheless suggests that preimperial Qin did not try to eliminate this social identity; for a complete translation of this item, see Hulsewé, *Remnants of Ch'in Law*, D17, p. 125.

106 *Yuelu* 5, p. 39, slips 1–2.

ordinance makes no explicit mention, it is conceivable that the Qin authorities also did not recognize the family relationship between a remarried widow's child and his or her step-sibling(s). After the reformation of family relations, step-siblings and half-siblings of a different biological father were no longer "siblings" from the legal perspective. To proscribe the loophole of their potential incestuous behavior, the ordinance concomitantly forbids the intermarriage or sexual intercourse between them. These new arrangements potentially made serious changes to the legal identities of and interpersonal relationships between a person and his or her stepfather as well half- and step-siblings.

In addition to regulating how family members addressed each other, two even more profound implications of the above prohibition concerned the division of economic roles between stepchildren and the families of the stepfather, as well as a separation of their household registers in government administration. The subsequent sections of the ordinance cited above make painstaking efforts to deter the temporary father's family from receiving the inheritance of a widow or her children.[107] Thus, a widow was forbidden to bring the inheritance of her ex-husband or children into the marriage to her second husband. Nor could she transfer any property to her new husband, her stepchildren, or the children she conceived with her new husband. Likewise, if the children of that widow give their share of inheritance to their stepfather or step- and half-sibling(s), they warrant a death penalty, which is even more severe than the punishment for the property receiver or a widow who committed the same crime. The ordinance further states that if a stepchild lived in the same residence alongside his or her stepfather or step- and half-sibling(s), or if they jointly engaged in handicraft work or shared property with each other, the stepchild had to separate his or her household register from that of the step-father's family. The last two sections of this ordinance comprise the legal responsibility and rights of the widow. While a remarried widow cannot denounce the crime of the children that she conceives with her ex-husband, the reward that she receives for "arresting 捕" them is higher than that in normal situations.[108] The

[107] For an English translation of the whole ordinance, see Yates, "Dated Legislation," pp. 147–48.

[108] This fact was implied rather than openly stated. According to the ordinance, if the remarried former widow has arrested one person (viz. the child of her ex-husband) whose crime fell under the level of the shaving punishment, the reward that she would get was 2,000 cash, which is 800 higher than arresting a retainer of former aristocrats of the six states. For catching an offender whose crime fell under the punishment of being left intact and made a wall-builder or grain-pounder, 3,000 cash, which is 500 higher than a retainer; see *Yuelu* 5, p. 40, slips 5–6; pp. 46–47, slips 24–26.

last section proscribes the forceful remarriage of a widow, regardless of whether she had a child.[109]

These measures, once again, mark a deliberate intervention in social relations at the grassroots level. One can imagine that the measures would have compelled a full division of both property rights and household register between a stepchild and his or her step-father's family. Although the Qin ruler did not forbid the remarriage of widows, the new legal relationship between a remarried widow's child and his or her stepfamily was no different from strangers.

Regarding the creation of this ordinance, Yang Zhenhong 楊振紅 relates it to the First Emperor's personal hatred of the term "temporary father." She posits that the prohibition of the term and the subsequent divisions of property and household might have been driven by the scandalous event involving empress-dowager Zhao (Zhao Tai Hou 趙太后), mother of the First Emperor, namely, her dalliance that produced two children with her lover Lao Ai 嫪毐. According to an anecdote compiled in the Western Han dynasty, Lao once enraged the young First Emperor (then king Zheng) after Lao addressed himself as the king's "temporary father."[110]

Lao later conspired in a failed rebellion against king Zheng in 238 BC. The abovementioned anecdote states that both Lao Ai and his two children, who were Zheng's half-bothers, were executed after quelling the rebellion. A passage in *Shiji* records that the penalty extended to three generations of Lao's family and to major accomplices, while his retainers (*sheren* 舍人) were exiled to Shu 蜀 commandery for hard labor. All these cruel measures, Yang suggests, prove that the First Emperor loathed his "temporary father" and could use statutory punishments to thereby exterminate his social identity.[111]

However one reacts to Yang's inference, one automatically wonders if the individual aspiration of the First Emperor might suffice to explain all the underlying motives of the new legal regulation of this type – promulgated in 221 BC. Therefore, scholars have instead delved into the spirit and agenda of this ordinance from social and economic

[109] The text reads: "When a woman is widowed, regardless of whether she has a child or not, and does not want to get married again, allow it 女子寡，有子及毋子而欲毋稼（嫁）者，許之"; see ibid., p. 41, slip 7.

[110] Xiang, *Shuo Yuan jiaozheng* 9, p. 215.

[111] *SJ* 6, pp. 293–94. Yang Zhenhong 楊振紅, "*Yuelu Qin jian (wu)* youguan nüzi chongzu jiating de faling yu Lao Ai zhi luan" 嶽麓秦簡(伍)有關女子重組家庭的法令與嫪毐之亂, in Xibei shifan daxue lishi wenhua xueyuan 西北師範大學歷史文化學院 et al., ed., *Jiandu xue yanjiu* 簡牘學研究 8 (2019), p. 182.

perspectives.[112] They make good points, but they tend to overlook the ideological factors that likely lay behind such stipulations. Since "temporary father" was among the unproductive social groups whose existence alone had a negative effect on society, the elimination of this social identity, and its relevant social relations and phenomena, was perhaps seen as eventually assisting in the creation of the Qin's' utopia. In this way, the spirit of the ordinance was presumably in conformity with the grand design of the First Emperor himself and pertinent to the building of an ideal social order.

Conditions Placed on Uxorilocal Sons-in-Law

Aside from the "temporary father" matter, the Qin authorities also targeted another aberrant social group: the "uxorilocal son-in-law." Like a "temporary father," an "uxorilocal son-in-law" would have relied on the financial support of his wife or her family. Because of such an unorthodox economic situation, uxorilocal sons-in-law were regarded as another undesirable social group. Jia Yi once stated:

> The Lord of Shang went against ritual propriety and righteousness; he discarded the patterns of ethical relations; and was wholehearted about advancing his choices. Two years after implementing [his policies], the customs of Qin were deteriorating on a daily basis. In Qin, concerning one's son, if the family was rich, the son having reached maturity would move out and divide [his household from his family]; if the family was poor, the mature son would go out and [opt for] an uxorilocal marriage.
>
> 商君違禮義, 棄倫理, 并心於進取. 行之二歲, 秦俗日敗. 秦人有子: 家富, 子壯則出分; 家貧, 子壯則出贅.[113]

Due to the composite nature of early Chinese texts,[114] it is difficult to assert that the cited passage is truly from the historical Jia Yi, whose time did greatly postdate Shang Yang's and the Qin unification. We also do not know if Jia was referring to a social phenomenon in fourth-century BC Qin or to his own time early in Western Han. Despite all

[112] Robin Yates, e.g., contends that the main purpose of these regulations was to reform local customs that the Qin authorities regarded as unacceptable, whereas Chen Chung-lung 陳中龍 suggests that these regulations were meant to reinforce Qin's policy of creating patrilineal families; see Yates, "Dated Legislation," pp. 149–50; Chen, "Qinfa yu Qinguo fuxi jiating de xingcheng" 秦法與秦國父系家庭的形成, *Zaoqi Zhongguoshi yanjiu* 早期中國史研究 11 (2019), p. 268.

[113] Yan and Zhong, *Xin shu jiaozhu* 3, p. 97.

[114] For a recent discussion regarding the relationship between author-figure and textual production in early China, see Heng Du, "The Author's Two Bodies: The Death of Qu Yuan and the Birth of *Chuci zhangju*," *TP* 105 (2019), pp. 259–314.

the doubts, it at least tells us that in the (early) Western Han dynasty, the uxorilocal son-in-law was believed by numerous scholars to have been a Qin practice that concerned family branchings and wealth. In fact, scholars have long suggested that Shang Yang's policy of family division in particular might have encouraged adult men to pursue uxorilocal marriage.[115]

Extant evidence reveals that the Qin exercised various discriminatory measures against uxorilocal sons-in-law. For example, the Qin ordinance below records a grade restriction placed upon those who served as officials:

> For judicial scribes, scribe directors, salaried officials, on up to [personnel carrying the title] subordinate or assistant to a commander and higher, who for the first time in the last two years have become uxorilocal sons-in-law, dismiss them. If they have become uxorilocal sons-in-law prior to the last two years but are able to leave the wives' households, do not dismiss them; should they fail to proceed [with the separation from the wives' households], then dismiss them.
>
> • 獄史、令史、有秩吏及屬、尉佐以上, 二歲以來新爲人贅埴(壻)者免之. 其以二歲前爲人贅埴(壻)而能去妻室者勿免, 其弗能行者免之ㄴ.[116]

Notably, in the bureaucracy of the Qin and Han period, judicial scribes and scribe directors were major constituents in the grade known as "fed by the *dou* 斗食," which refers to a salary grade below "100 bushels."[117] Both "fed by the *dou*" and "salaried official 有秩" were salary grades held by relatively low-level functionaries.[118] Given that the above discriminatory regulation seemed to exclude officials whose salary grade was lower than "fed by the *dou*," it probably did not affect all officials who were uxorilocal sons-in-law.[119] Rather, the main purpose was to impose a ceiling on such officials, thereby guaranteeing that they could not be promoted to higher posts.[120] This policy was

115 Takigawa Kametarō 瀧川龜太郎 has already suggested that the prevalence of uxorilocal marriage resulted from the division of the family; see Takigawa, punctuated by Yang Haizheng 楊海崢, *Shiki kaichū kōshō* 史記會注考證 (Shanghai: Shanghai guji, 2015), vol. 6, *j*. 68, p. 2877, n. 5.

116 *Yuelu* (Shanghai: Shanghai cishu, 2015) 4, pp. 205–06, slips 334–35.

117 Barbieri-Low and Yates, *Law, State, and Society in Early Imperial China*, p. 780, n. 67.

118 Ibid., p. 450, n. 195.

119 They likely included officials such as junior scribe (*xiaoshi* 小史) and junior assistant (*xiaozuo* 小佐).

120 A similar policy can be observed in the reign of Western Han emperor Wen. A memorial in the biographical chapter of Gong Yu 貢禹 in *Hanshu* states: "During the time of the emperor Wen, he valued probity and despised corruption; therefore merchants, uxorilocal sons-in-law, as well as officials liable for illicit profit were in every case forbidden and could

likely to have discouraged adult males who intended to become higher officials from pursuing uxorilocal marriages.

The discriminatory treatment of uxorilocal sons-in-law was also seen in conscription practices. It is recorded that this social group, in conjunction with arrested absconders and merchants, was prioritized in the deployment of "exile conscripts" (*zhe shu* 謫戍) to seize the land of Luliang 陸梁 during the southern campaign in 214 BC.[121] This arrangement might have been directly influenced by Warring States practices. The "Wei Statute on Emergency Troops" (Wei Benming lü 魏奔命律), for instance, also prescribes that the "uxorilocal son-in-law" should be sent to join the army, where they should serve in the most dangerous situations with inferior provisions.[122]

IMPERIALISM AND EXPANSION OF QIN'S SOCIAL ORDER

A kind of supremacism prompted the Qin rulers to pursue imperialism. The construction of a universal empire could not be completed until the Qin's perfect social order was expanded holistically to "all-under-heaven," encompassing regions that traditionally had primitive or no affinity with the Zhou *ecumene*.[123] This idea was expressed most audaciously in the First Emperor's stele inscription at Mount Langye:

> The virtue of the August Thearch inheres in and makes stable the Four Endpoints …Within the six directions, this is the land of the August Thearch. To the west He fords the flowing sands; to the south He gets all the way to the end of where people's doors face north[124]; to the east He possesses the Eastern Sea; and to the north

not be made officials 孝文皇帝時, 貴廉絜, 賤貪汙, 賈人、贅婿及吏坐贓者, 皆禁錮不得爲吏." Obviously, this policy echoes the Qin ordinance discussed here, although we do not know if it was a continuation of the Qin practice; see *Hanshu* 72, p. 3077.

121 *SJ* 6, p. 322.

122 Hulsewé, *Remnants of Ch'in* Law, F2, p. 210.

123 For another relevant discussion of this subject, see Yuri Pines, "Limits of All-Under-Heaven: Ideology and Praxis of 'Great Unity' in Early Chinese Empire," in Yuri Pines, Michal Biran, and Jörg Rüpke, eds., *The Limits of Universal Rule: Eurasian Empires Compared* (Cambridge: Cambridge U.P., 2021), pp. 93–97. In order to denote the aggressiveness behind the ambition to establish a world-empire, I prefer "imperialism" to the more neutral "universalism" that Pines adopts.

124 The appearance of "北戶" (Beihu) is relatively rare, compared with other three geographic designations. As pointed out by Zhou Zhenhe 周振鶴, the term should be an abbreviation of "北嚮戶" (lit., "north-facing door") and describes a special celestial event in regions that are south of the Tropic of Cancer, where on the day of the summer solstice, the sun would be situated to the north of the zenith for a human observer. As a result, even if someone's door is facing the north, the sunlight can still shine through the house; see idem, "Qin Han Xiang jun xinkao" 秦漢象郡新考, in idem, *Xue la yishijiu* 學臘一十九 (Jinan: Shandong jiaoyu, 1999), pp. 47–48.

> He goes beyond the Daxia.[125] Wherever human traces reach, there is none who does not submit to the August Thearch. His merit covers over that of the Five Thearchs; His kindness extends [even] to oxen and horses. There is no [life form] that does not receive His virtue; and every [living thing] is settled in its own abode.[126]
>
> 皇帝之德, 存定四極. …… 六合之內, 皇帝之土. 西涉流沙, 南盡北戶; 東有東海, 北過大夏. 人跡所至, 無不臣者. 功蓋五帝, 澤及牛馬. 莫不受德, 各安其宇.

In the early-Chinese geographical context, the terms "Four Endpoints" (*siji* 四極) implies a cosmic extent of the world beyond the controllable territories of a state. Along the same line, the notions of "flowing sands," "north-facing doors," "eastern sea," and "Daxia" all referred to the mysterious ends of the world as defined in mythic antiquity by sagacious figures.[127] As scholars such as Hsing I-tien 邢義田 and Yuri Pines observe, the inscription at Langye boasts the comprehensiveness and universality of the First Emperor's power.[128] Enlightened by their insights, I want to bring in two specific ideas. First, when delineating the imagined boundary, the scribe(s) who composed this inscription advertently adopted human action verbs such as "*she*" (涉; "to fond").[129] In this fashion, the statement does not merely delineate Qin as an abstractly configured universality, but, more importantly, its language symbolizes that the *de* of the emperor reached and even passed over the known world, which consists of many far-flung peoples. Second, at the end it specifies that this ideal Qin order could only be attained through becoming the First Emperor's subjects and receiving

125 In reference to the term "Daxia", Martin Kern follows Chavannes' interpretation and glosses it as "the area between the Yellow River and the Fen 汾 River in present western Shanxi" (Kern, *Stele Inscriptions of Ch'in Shih-huang*, p. 33, n. 77). While such a reading might be applicable to the account in the *Zuo Tradition* 左傳, this seems inappropriate in the present context. Given that the other three enumerated locations manifest the ends of the three respective directions, the "Daxia" in this sentence is more like a symbolic rather than a concrete place.

126 Transl. modified from ibid., pp. 31, 33–34. For other stele inscriptions that convey a similar message, see ibid., pp. 36–37, 47.

127 See Huang Huaixin 黃懷信, Kong Deli 孔德立, and Zhou Haisheng 周海生, *Da Dai Liji huijiao jizhu* 大戴禮記彙校集注 (Xi'an: Sanqin, 2004) 7, p. 741; Yan and Zhong, *Xinshu jiaozhu* 9, p. 359-60; Li Xiangfeng 黎翔鳳, punctuated by Liang Yunhua 梁運華, *Guanzi jiaozhu* 管子校注 (Beijing: Zhonghua, 2004) 16, p. 953.

128 Hsing I-tien, "Cong gudai tianxia guan kan Qin Han de changcheng" 從古代天下觀看秦漢的長城, in idem, *Google diqiu yu Qin Han changcheng* Google地球與秦漢長城 (Taipei: Sanmin, 2022), pp. 309–10; Pines, "Messianic Emperor," pp. 265–66.

129 Admittedly, "*jin* 盡," "*you* 有," and "*guo* 過" are less palpable in this regard. Nonetheless, given that "*she*" in early Chinese contexts always adheres with human actions, the other three verbs should also perform a similar function. That these mysterious ends were often connected with the movements of ancient sages also supports the interpretation of these verbs as connotations of human actions.

his *de*. This claim undoubtedly served to bolster the legitimacy of the First Emperor's reign.

It is worth noting that by 219 BC the territories of the Qin empire did not reach the above, vaguely rendered regions. The First Emperor did arrive at the coast of the Eastern Sea (roughly coastal Shandong), but he had yet to explore the attendant areas in order to "possess" the sea. Nor did the long arm of the empire stretch to the northern steppe or reach the region south of the Tropic of Cancer. In fact, the Han-era *Shiji* records that the western extent of the Qin empire was a line running from Lintao 臨洮 county (present-day Min county, Dingxi city, Gansu) to the Qiangzhong 羌中 region of southwestern Gansu.[130] The encroachment and colonization of the so-called Hexi Corridor was not completed until approximately one century later, during the reign of Western Han emperor Wu.[131]

It is easy to say that the above passage of the Mount Langye inscription does not aim to depict any effectively marked out boundaries of the Qin empire. That said, it would be inappropriate to treat the narrative as an empty claim. Although the First Emperor probably did not intend to set out his strategic planning in the Langye inscription, his empire indeed started to intrude into three of the four directions as early as the following year (218 BC). It is as if the inscription was a carefully drafted manifesto that outlined the imminent agenda of the emperor. To civilize the barbarians through my supreme virtue, he seems to say, in the form of the empire's ideal social order and superior culture, I am going to conquer the farthest ends of the world. This imperialistic ideology can explain the ostensible contradiction between the empire's expansionist policy after 221 BC, and the First Emperor's claims about attaining the "great peace" and abandoning weapons and armor.[132] To the Qin ruler, the war after 221 BC might have been a just

[130] According to *Shiji*, the Qin empire's territory "reached the seas and Chaoxian in the east, Lintao and the heartland of the Qiang in the west, so far south that [it] reached where doors [of houses] face north, and so far north that [it] occupied the River to make fortifications, which encompass the Yin mountain range up to the Liaodong 地東至海暨朝鮮, 西至臨洮、羌中, 南至北向戶, 北據河爲塞, 并陰山至遼東." Although this passage is put after the events dated to 221 BC, its content is anachronistic and recounts the Qin territory after the second expansion between 219–214 BC; see *SJ* 6, p. 308; Shi Nianhai 史念海, *Zhongguo lishi dili gangyao* 中國歷史地理綱要, in *Shi Nianhai quanji* 史念海全集 (Beijing: Renmin, 2013) 2, p. 307. The translation is modified from William Nienhauser, ed., *The Grand Scribe's Records*, rev. vol. 1: *The Basic Annals of Pre-Han China* (Bloomington: Indiana U.P., 2018), p. 254.

[131] For the process of Han colonization of the Hexi region, see Chun-shu Chang, *The Rise of the Chinese Empire*, vol. 1: *Nation, State, and Imperialism in Early China, ca. 1600 B.C.–A.D. 8* (Ann Arbor: U. Michigan P., 2007), pp. 191–213; Wicky W.K. Tse, *The Collapse of China's Later Han Dynasty, 25-220 CE* (Abingdon: Routledge, 2018), pp. 36–40.

[132] Conventional historiographies often condemn the expansionist policy as one of the Qin

war integral to bringing the greater good, in that military expansion was simply on the way toward his peaceful and perfect society. In this way, war and peace, as incompatible as they are, somehow maintained an awkward balance in the Qin's ideological framework.

Such an idea of "civilizing mission" was not invented by the Qin rulers. Similar discourses about transforming "barbarians" into "civilized" beings are ubiquitous among late-Spring and Autumn to Warring States thinkers, especially those of a Ruist character. Bred by their adamant faith in the superiority of the Zhou cultural tradition, they pondered that by indoctrinating the non-Huaxia outsiders with their own cultural values, such other-cultured people might eventually be elevated to civilization.[133] "A monarch has no outer sphere 王者無外" is stated in the *Chunqiu*'s commentary *Gongyang Tradition* (*Gongyang zhuan* 公羊傳).[134] The Qin rulers might have already been influenced by such ideas of a civilizing mission when they worked to create their manifesto.

As late as the late-Warring States period, a new social identity called *gui yi* (歸義; "returning to the right way") was used by Qin rulers to describe non-Qin refugees. The phrase was for those who, on their own initiative, absconded from their homelands and submitted themselves, rightly, to Qin authority. It should be emphasized that this phrase was not confined to non-Huaxia people, but was applied to all refugees from the Huaxia cultural sphere. For instance, a legal case in the Yuelu collection describes how a gang of Chu natives absconded and then wished to "return to the right way."[135] Another administrative letter from Liye reveals the existence of a "subject from the Wei state who had surrendered and returned to the right way 魏城邑民降歸義者."[136]

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rulers' biggest mistakes because it exhausted human resources and provoked the Qin's collapse. Such a view is sometimes also accepted in modern scholarship. Mark Lewis, for example, contends that the military expeditions resulted from the military nature of the Qin and served to utilize the abundant conscripts after unification: "To occupy these conscripts, the Qin state engaged in an orgy of expansion and building that had little logic except employing Warring States institutions that had been rendered obsolete by their own success. Armies were launched on massive, pointless expeditions to the south, north, and northeast"; Lewis, *Early Chinese Empires*, p. 71.

133 Hsing, "Qin Han Huang Di yu 'shengren'," pp. 104–6; Mu-chou Poo, *Enemies of Civilization: Attitudes toward Foreigners in Ancient Mesopotamia, Egypt, and China* (Albany: SUNY P., 2012), pp. 121–26.

134 Shisanjing zhengli zhushu weiyuanhui 十三經整理注疏委員會, ed., *Chunqiu Gongyang Zhuan zhushu* 春秋公羊傳注疏 (Beijing: Peking daxue, 2000) 1, p. 29.

135 For a summary of this case, see Ulrich Lau and Thies Staack, *Legal Practice in the Formative Stages of the Chinese Empire: An Annotated Translation of the Exemplary Qin Criminal Cases from the Yuelu Academy Collection* (Leiden: Brill, 2016), p. 118.

136 *LQJJ* 2, p. 302, tablet 9-1411.

Although regional cultural identities were still documented through household registration after the Qin unification, their political implications of regional other-loyalties became, at least on paper, history. Henceforth, *gui yi* was exclusively attached to non-Huaxia cultural groups. As reward for their voluntary subjugation to the "right way," *gui yi* provided certain economic privileges. Later sources figured that such persons or peoples were exempted from land tax and/or statutory labor service, although they were conscripted to engage in military activities whenever needed.[137] While the emergence of the *gui yi* policy might not be ideological but carry a strategic and economic agenda,[138] it somehow evinces the idea that preimperial Qin did not hold a hostile attitude toward accepting those outsiders who were willing to convert themselves to the Qin identity. This might well have gone a long way towards establishing the foundation of the First Emperor's bold scheme.

Some commonalities notwithstanding, the mentality embedded in the Mount Langye inscription significantly differs from the rhetoric of Ruist thinkers and the notion of *gui yi*. The biggest difference lies in the aggressive strategy that the inscription narrates. Consider that Ruist thinkers sought to transform "barbarians" who dwelt in the Zhou cultural sphere and anyone attracted by the *de* of the legendary sagacious monarchs into civilized subjects. They would do this by means of the superior Huaxia culture. It was after all a passive strategy, since it does not encourage Huaxia to actively invade their "barbarian" neighbors' lands to bring them up to their high stage of civilization. The same rationale is also attributable to *gui yi*, which, as its literal meaning denotes, only applied to those who voluntarily returned to the correct path. From this perspective, the First Emperor's appropriation of Ruist ideas in the Mount Langye inscription was a novel reconfiguration, in that it – like Roman imperialism[139] – related the project to acculturr-

137 Lai Ming Chiu 黎明釗 and Tong Chun Fung 唐俊峰, "Qin zhi Xi Han shuguo de zhiguan zhidu yu anzhi moshi" 秦至西漢屬國的職官制度與安置模式, *Zhongguoshi yanjiu* 中國史研究 2018.3, p. 58.

138 With regard to the economic function of *gui yi*, the "Attracting the People" chapter of the *Book of Lord Shang* is specifically noteworthy. It says: "those men-of-service who come from the regional lords and submit to your justice should now be exempted from taxes for three generations and should not be liable for military service 諸侯之士來歸義者, 今使復之三世, 無知軍事." The major purpose of this policy was to attract migrants from regional kingdoms to correct the shortage in human resources caused by the increasingly prevalent and massive warfare undertaken during the late-Warring States period; see Pines, *Book of Lord Shang*, p. 199; p. 202, sect. 15.3.

139 For a discussion of the Roman empire's self-proclaimed "civilizing mission," see Krishan Kumar, *Visions of Empire: How Five Imperial Regimes Shaped the World* (Princeton: Princeton U.P., 2017), pp. 6–13, 42–68.

ate the non-Huaxia "other" (that is, the "barbarians" in the regime's scheme) to the empire's territorial expansion. It provided an excellent pretext for the upcoming military invasion.

CONCLUDING REMARKS

In this paper, I have examined the Qin empire's design and practice of ideology from a sociopolitical perspective. Let me first remind the reader that, due to the sparcity of primary sources, the policies addressed above were only a few, relatively discernable, facets of the unprecedented social engineering program that the Qin regime launched. Still, I believe that this paper demonstrates several prominent aspects of this program, one intended to intensify and diffuse power over widely spread populations.

In a nutshell, the Qin rulers strove to construct a utopia that far exceeded any other one in China's history. In it undesirable social activities were revolutionized, its subjects' minds were unified, and eternal peace was advertised to have been achieved. What hid beneath this brave new world, however, was a sheer "moral-legalist supremacist" mentality. It was "legalist" not only because the implementation of this program relied on instruments such as rigid legal prescriptions, punishment, and reward, but also because the regime's fundamental disbelief at the idea that the populace could be duly guided through education. It was "moral" because the Qin tried to instill social values such as filial piety, devotion, and reverence in the populace so as to unify their minds. This differed from the classical "Legalism" that tends to deny the importance of these values. It was "supremacist" because of the Qin rulers' conviction about expanding their perfect social order even unto the farthest ends of the world in the name of a civilizing mission.

As a result of this social engineering program, state interventions in people's personal and domestic lives and minds became a legal pursuit of the Qin empire. Those who were indiscreet about or defied the state-encouraged social values–for example by acting unfilially–would be severely punished, whereas those who adhered strictly to them would receive handsome rewards. Stigmatized social identities such as "temporary father" and "uxorilocal son-in-law" were either discarded or discriminated against through legal measures. An institutionalized selection mechanism based on one's level of morality was contemplated to internalize social values into the people's minds. A disarmament policy was exercised to demolish city walls in the newly-conquered territories and control the circulation of weapons among

newly acquired subjects. These strategies resemble the purported programs of the earlier Shang Yang and Han Fei. A full materialization of the regime's grand design, which we may easily speculate never happened, would likely have led to a quasi-totalitarian state dictated by a strong emphasis on social values.

Before ending this paper, I want to say a few words about the relationship between the Qin's ideology and its demise. Scholars, ancient or modern, often blame the repressive policies of the Qin empire for its quick downfall. This attribution, albeit tantalizing and convenient, could easily fall into the trap of oversimplification. On the one hand, the policies of the empire, especially as evidenced in its radical social engineering project, were often harsh and uncompromising. On the other hand, given the peace-making and morality-encouraging schemes in the Qin project (insofar as these policies were effectively enforced), they could still have contributed to the longevity of the Qin empire, even if it might not have been as utopian as its rulers envisaged. Hence, the more relevant questions to ask are whether Qin ideology and its practice fulfilled the goal of consolidating their new empire; or whether it, in turn, exacerbated the regime's existing problems and precipitated its doom. These are subjects for future research.

LIST OF ABBREVIATIONS

HFZ	Zhang Jue 張覺, ed., ***Han Feizi jiaoshu xilun*** 韓非子校疏析論
LQJJ	Chen Wei 陳偉, chief ed., ***Liye Qin jiandu jiaoshi*** 里耶秦簡牘校釋
Qin jiandu	Chen Wei, chief ed., ***Qin jiandu heji (Shiwen zhushi xiuding ben)*** 秦簡牘合集(釋文注釋修訂本)
SJ	Sima Qian 司馬遷, ***Shiji*** 史記
Xunzi	Dong Zhian 董治安 and Zheng Jiewen 鄭傑文, ***Xunzi huijiao huizhu*** 荀子彙校彙注
Yuelu	Chen Songchang 陳松長, chief ed., ***Yuelu shuyuan cang Qin jian*** 嶽麓書院藏秦簡

Key to the Transcriptions

【】	Transcription of the graph(s) is tentative, or is interpolated by modern editors or commentators.
( )	Substitution or reduplication with the graph in parentheses.
ㄴ	Hook symbol in the original text.
●, •	Black dots in the original text.
□	A graph is clearly present but is too damaged to transcribe.
書	A damaged graph is interpolated by modern editors or commentators.
☒	Mark indicating a break in the text, with an unknown number of graphs missing.
…	Same as the above mark.