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Accounting for Status: Excavated Texts and Social Identity in Early Imperial China



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# Accounting for Status:
# Excavated Texts and Social Identity in Early Imperial China

By
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A dissertation submitted in partial satisfaction of the
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Committee in Charge:
Professor Mark Csikszentmihalyi, Chair
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Abstract

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This dissertation delves into the formation of legal identities among commoners in China's earliest empires, focusing on the transitional period from the fourth century BCE to the first century CE. It seeks to contextualize the interest of early Chinese philosophers in self and identity within broader social engineering projects initiated by the early states. It examines how the ancient Chinese states constructed and tracked identity through administrative devices, creating a rudimentary version of a "status credit system." Analyzing recently unearthed documents including birth registries, passports, "wanted" posters, and funerary relocation documents, my work particularly highlights the experiences of underprivileged groups, which recent archaeological discoveries have depicted in unprecedented detail. Examining a diverse array of such groups, including petty officials, slaves, and convict laborers, I seek to complicate the relatively static models of social stratification of this period, paying special attention to how legal punishments and various administrative devices shaped identity, status, and relationship to the state. My dissertation proposes a framework that views status as a form of currency, emphasizing the fluidity of social mobility and the fungibility of merits and debts within the social order.

This dissertation is structured in four chapters, each focusing on a certain group or an aspect of identity and status in early imperial China. Chapter 1 traces the formation of legal and administrative identity from the late Warring States period to the Han Dynasty, examining the bureaucratic drive to identify and categorize the population. This process, detailed in various registers and local census documents, involved gathering comprehensive information, and materially transformed individuals, integrating them into the state's legal and administrative framework. Chapter 2 contextualizes commentaries on the term "*jiaren*" (lit. "family member")

to consider family relationships in early imperial China and to reflect on the status of domestic servants in Chinese history. Chapter 3 traces the pre-history of hereditary occupations, emphasizing the role of occupations in the shaping of identity and social status. Chapter 4 explores how ranks of honor served as status credits, influencing social hierarchy and defining one's merit and debt to the state. These chapters provide an in-depth analysis of the various mechanisms and factors influencing social mobility and status change, from legal punishments, occupational roles, and the ranks of honor system.

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## Acknowledgements

Throughout my educational journey, I have been blessed with outstanding and supportive teachers and mentors, from my primary school years through to the completion of my Ph.D. Their nurturing, care, teaching, encouragement and support have continuously motivated me to move forward. I am particularly grateful to my advisor, Mark Csikszentmihalyi, for his guidance, inspiration, and selfless support throughout the years. His patience afforded me the time to delve into my academic interests, observe my slow and quiet growth, and consistently provided me with timely feedback on a range of matters. I also want to express my sincere gratitude to my dissertation committee: Robert Ashmore and Matthias Richter. It has been a pleasure to read classical texts with Robert and to partake in his wisdom. Matthias is a model in both research and personal life. I always expect to receive his emails, both for his insightful comments on my writing and the photos he shares with me. Michael Nylan taught me extensively, from translation skills to critical thinking, in her seminar room and at her kitchen table. I cannot find the right words to express my gratitude to Sarah Allan, whose relocation to Berkeley not only presented me with abundant opportunities for extra learning opportunities, but also extended immeasurable warmth and support. Over the years, I learned so much from scholars across EALC, History, Geography, Linguistics and Classical studies. I particularly wish to acknowledge Paula Varsano, Andrew Jones, Nicolas Tackett, and Susanna Elm for their knowledge and perspectives.

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Michimasa at Kyoto University hosted me with all-encompassing care and rigorous training. I also had the privilege of participating in the Qin manuscripts reading group led by Miyake Kiyoshi. I wish I could come back in the future. The Yuelu Academy in Changsha provided me with not only necessary funding but also the most beautiful working environment during the Covid year of 2021. Romance during the pandemic led me to Princeton, where I found not just my love, but also a perfect sanctuary. I have made progress in my thinking and writing at the Gest Library, Firestone, and while walking through the forest at the Institute for Advanced Study.

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This dissertation is dedicated to my beloved family, whose love and support sustains me. My mother and father may not have anticipated that it would take me so long to complete a degree in Chinese language and history, but they never complained. I also owe the time for companion to my elder sister's beautiful children, who have always longed to see me, but my visit has been brief since starting graduate school. Yunxiao's joining the family has completed it perfectly. I believe we will remain best friends, colleagues, partners, and lovers until the end of our lives.

## Introduction

This dissertation studies the formation of legal identity and social status in early imperial China, from the 4th century BCE to the beginning of the first century CE. This critical juncture of social and political history marks the transition from the classical age to the imperial era. A major aspect of this transition was the increasing attention of the state to questions of status and identity. The primary corpus used to examine this topic is the estimated 300,000 texts that archaeologists began to discover in the 1970s in the territories formerly occupied by the Qin (221–207 BCE) and Han (202 BCE–220 CE) empires. In practice, these records are dynamic corpus that is undergoing ongoing compilation, and which makes early China studies one of the world's most active and fast-changing research fields, allowing modern researchers to answer many of the questions that have puzzled their predecessors for centuries.[1] I find that the bulk of these unearthed materials—primarily legal and administrative records—reflects a preoccupation with legal identity and social status, suggesting that these were among the core concerns of these early empires.[2]

The transition from the classical age to the imperial era is characterized by particular transformations political and social life, often characterized as the shift from a "feudal" (*fengjian* 封建) system to a "commandery-county" (*junxian* 郡縣) one, as well as the disintegration of clan-based social organization. The state also initiated new methods of governance, and reformed existing models. It began to "administer through documentation" (*wenshu xingzheng* 文書行政),[3] for example, and to base awards of "ranks of honor" (*jue* 爵) on meritocratic deeds rather

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[1] For a comprehensive overview of the archaeological discoveries and scholarly research on bamboo and silk manuscripts from the 20th and 21st centuries, see Li Junming 李均明 *et al*., *Dangdai zhongguo jianboxue yanjiu* (1949–2019) 當代中國簡帛學研究 (1949–2019), Beijing: Zhongguo shehui kexue, 2019; Edward L. Shaughnessy. *Chinese Annals in the Western Observatory: An Outline of Western Studies of Chinese Unearthed Documents*. Berlin and Boston: De Gruyter, 2019, particularly 280-375.

[2] Research in this area began with the discovery of the Yunmeng Shuihudi no. 11 Qin Tomb in 1975, and was further enriched by the excavation of the Zhangjiashan no. 247 Western Han Tomb first discovered in 1983. Both excavations produced statutes detailing various aspects of the Qin and Han societies. A key focus of these documents is delineating the status individuals or groups within society. Unlike the bamboo slips from the Warring States period, which primarily contained philosophical texts, the majority of manuscripts from the Qin and Han dynasties are legal and administrative in nature. See A.F.P. Hulsewé. "Qin and Han Legal Manuscripts." In Edward L. Shaughnessy ed. *New Sources of Early Chinese History: An Introduction to the Reading of Inscriptions and Manuscripts*. Berkeley, CA: Early China Special Monograph Series 3, 1997, 193-221. A.F.P. Hulsewé. *Remnants of Ch'in Law: An Annotated Translation of the Ch'in Legal and Administrative Rules of the 3rd century B.C. Discovered in Yün-meng Prefecture, Hu-pei Province, in 1975*. Leiden: Brill, 1985. Robin D.S. Yates. "Social Status in the Ch'in: Evidence from the Yün-meng Legal Documents. Part One: Commoners." *Harvard Journal of Asiatic Studies* 47.1 (1987): 211-248. Ernest Caldwell. "Social Change and Written Law in Early Chinese Legal thought." *Law and History Review* 32.1 (2014): 1-30.

[3] The most representative research from this perspective is found in Michael Loewe. *Records of Han Administration*. University of Cambridge Oriental Publications. 2 vols. London: Cambridge University

than aristocratic titles alone, two measures which in effect atomized its subjects to a previously unprecedented degree. The sea change in political management and social stratification of this period has had a significant impact on revisions of understandings of early society, and each of the four chapters of this dissertation is devoted to synthesizing a new perspective in one area of Chinese social history.

Chapter One, "Legal Identity of the People and the Creation of 'Identification Information' in Early China" traces the creation of legal identity back the competing times of late Warring States period and observe its changes throughout the Han Dynasties. How, I ask, did the early states identify and organize their subjects? The Han historian Ban Gu 班固 (32-92 CE) asked this same question some two thousand years ago in earliest court history, *History of Han* (*Hanshu* 漢書) , [4] and his answer has dominated historiography concerning early periods. Ban's idea that all commoners were "equal" in their common subjection to imperial power—encapsulated in his invented concept of "registered households and equalized commoners" (*bianhu qimin* 編戶齊民)—flattens the heterogenous relationships between sovereign and subordinates. Similar to the administrative procedure of "registering households" (discussed below),[5] the notion of "equalizing commoners" is a political and legal fiction, an ideal that represents the culmination of a long process of social transformation. For much of the early empires, in other words, some were more "subjected" than others, and commoners were predominately unequal in terms of their social and economic status.

This chapter makes use of legal case records from the Shuihudi and Zhangjiashan manuscripts to show that "inequality" was utterly pervasive among commoners at this time. One case in particular collected in the "Record of Submitted Doubtful Cases" (*Zouyanshu* 奏讞書) from the Zhangjiashan manuscripts, which I briefly discuss here, points to the important implications of this corpus and the argumentative thrust of this chapter. Here is a brief summary of the legal case:

On the thirty-first day of the seventh month, 241 BCE, a murder case was reported to have occurred in a market of Xianyang 咸陽, the capital of the Qin State. The assistant magistrate ordered judicial officials to investigate this case and successively summoned four different groups of people for interrogation. After two months of detective work, the case was solved by a low-level clerk Julü 舉旅, who is the first criminal detective and judicial investigator whose name was recorded in Chinese history. This dramatic judicial record amazed modern scholars with its dramatic and vivid narrative rich information on local administration and commoners' mundane life in the Qin State.[6] It also provides a snapshot of the lower strata of the social structure, describing a floating population of great variety and shifting occupations,

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Press, 1967. Tomiya Itaru 富谷至. *Mokkan, chikukan no kataru Chūgoku kodai: shoki no bunkashi.* 木簡・竹簡の語る中国古代: 書記の文化史. Tokyo: Iwanami shoten, 2003.

[4] For the most pioneering and thorough research of this topic, see Tu Chengsheng 杜正勝. *Bianhu qimin* 編戶齊民, Taipei: Linking publishing company, 1990.

[5] "Registered" means being held by the state. "Registration" entitled a commoner to certain amounts of land, but also required the payment of poll taxes, military service and corvée labor.

[6] For detailed information on this legal record, refer to Case 22 from the "*Book of Submitted and Doubtful Cases*: A Cunning Scribe Solves A Robbery and Attempted Murder," in Anthony Barbieri-Low and Robin 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*. (2 vols) Leiden: Brill. 2015, 1394-1416.

which is very different from the neat picture from the received texts—either the four occupations or the Marxist landlords vs. tenants division, or the more traditional twenty ranks of honor system. The four groups of people that were summoned by the judicial officials were hard to be categorized into any certain type of grouping. Instead, we see a variety of social markers about whom we know very little about.[7] The interrogation started from people who were close and had contacts with the victim, but in general, those who were most marginalized were the first to be suspected, especially migrant laborers, peddlers, and people in dependent relationships. The existence of these diverse groups of people shows us a tumultuous social landscape in the local communities.

One of the aims of this chapter and the dissertation more generally, is to reveal a more diverse picture of early imperial China's social structure during this transitional period, focusing on the lower strata of society such as slaves, convicts, petty officials and clerks in local communities. These groups were among the most underprivileged during their time and continue to be unrepresented in contemporary scholarship. But because the early empires attempted to make them legible and known through a series of documents, and because these materials are newly available, we can now study these obscure groups at a level of detail that was unimaginable only a few decades ago. Household registers, records of legal cases, administrative documents, wills, contracts and tallies, as well as funerary texts—these materials bear witness to a world in which social relationships came to be increasingly mediated by the state using such inscribed objects.

The bureaucratic desire to register and control the population created a sophisticated legal and administrative system for tracking individual identities. In studying how imperial subjects were made legible and controllable by the state, I argue that the formation of "identification information" and social categorization in early imperial China was a result of a series of innovative and sophisticated management techniques. Recently excavated and otherwise discovered early manuscripts have shown multi-dimensional (i.e., personal, social and legal, etc.) individual identities to an equivalent degree of its complexity in modern days. In my dissertation,

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[7] These four groups include: 1. "relatives and neighbors with whom the victim had altercation or mutual resentments, merchants, indentured laborers, fellow village members, acquaintances, impoverished 'brothers'" 婢黨有與爭鬬、相怨，及商販、葆庸、里人、智識、弟兄貧窮; 2. "domestic servants, private retainers, bond servants, disrespect and wealthy and powerful servants of the marketplace traders, migrant wage laborers" 人豎子，及賈市者舍人、人臣僕、僕隸臣、貴大人臣不敬愿、它縣人來流庸; 3. "those who do not work diligently, who were profligate in their drinking and eating" 視行作不勉，歙食靡大; 4. "those who trade in markets not during the day time, the extremely 'destitute, those who were immoderate in the comings and goings" 不日作市販、貧急窮困、出入不節. A more illustrative example that captures the complexity of personal identity during this period is the status denoted by "*shiwu* 士伍," usually translated as "rank and file." However, newly unearthed texts reveal that this term is used in various compound terms of status, such as *tushiwu* 徒士伍, *fashu shiwu* 罰戍士伍, which had not been documented prior to recent archaeological discoveries. For research on the status of *shiwu* in the Qin and Han periods, see Robin D.S. Yates. "Social Status in the Ch'in: Evidence from the Yün-meng Legal Documents. Part One: Commoners." Su Junlin 蘇俊林 2017. 'Kan Shin ki ni okeru shigo no mibun oyobi sono henka: shutsudo kandoku shiryōo chūshin toshite 漢晋期における士伍の身分およびその変化: 出土簡牘資料を中心として.In Fujita Katsuhisa 藤田勝久 and Sekio Shiro 關尾史郎 eds. *Kandoku ga kaku Chūgoku kodai no seiji to shakai* 簡牘が描く中国古代の政治と社会. Tokyo: Kyūko shoin, 235–260.

I focus on legal identity, which is the "external identity" of subjects in front of the state that was defined by legal documents and administrative procedures. The ancient Chinese axial age saw the sudden flowering of philosophical inquiry, an age when renowned figures like Confucius, Zhuangzi, Han Fei, and others inquired into problems of body, self, and identity. My research as a social historian is to excavate the social revolutions underlying this intellectual moment. In other words, part of my goal in this dissertation is to contextualize this "philosophical interest"[8] in knowledge about self and identity within the broader social engineering projects initiated by the early states.

For example, excavated manuscripts from the Chu tomb of Baoshan 包山, Liye of Qin, as well as different types of Han registration documents, show that the core information that constituted individual identity had changed from "residing place-name-clan" (*juchu mingzu* 居處名族) to "name-occupation-village/ward"[9] (*ming shi li* 名事里) to the more standardized and well-known "name-county-rank of honor-village/ward" (*mingxian jueli* 名縣爵里) system. Other identification information seen from local census documents and arrest warrants also included one's height, skin color, physical features, and social relations, etc. This information played a role similar to that of a passport or ID in modern days.

These registers reflect a system that apparently originated in fourth-century BCE reforms within the Qin kingdom, which were later promoted empire-wide after the unification of 221 BCE. Mandating the use of birth registries and the adoption of numerical ages, the household registers transformed individuals into "commoners," who were listed on the registers and thus rendered administratively visible. Age and height were used to determine fitness for labor and military service, reflecting a dynamic process of state domination. The demand to register the entire population resulted in a more widespread naming system, which assigned names to people previously unnamed or changed their original names to be more identifiable. I argue that these documents, institutions, and practices defined the early imperial subjects and created their legal personality. The statutes transformed the individual bodies into the range of the law and the body politic of the state and affixed to them the part they were expected on the public scene. Through this transformation, the natural man became a right-and-duty-bearing person created by the law. In that sense, an absconded person would lose his legal identity with his name being erased from the registers. A *man* 蠻 or *yi* 夷 person being labeled a "barbarian" may not have been based on his ethnic origin but on his non-enrollment in the registration system.

Shifting the scope from the state to the family level, Chapter Two "Re-examine *Jiaren* and Contextualize the Legal Status of Servants in Early Chinese Households," aims to complicate the prevailing narrative concerning the social stratification of China's early empires, especially as it pertains to its slave society. Until the 1980s, Chinese historiography of a Marxist bent has characterized the social stratification of this period using economic factors such as the control of the means of production, arguing that the transition from the classical age to the imperial era represents a transition from a slave to a feudal society.[10] This description is

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[8] For an exploration of concepts like "self" and "identity," see Erica Brindley. *Individualism in Early China: Human Agency and the Self in Thought and Politics*. Manoa: University of Hawaii Press, 2010.

[9] *Li* 里 in early China as the fundamental residential and administrative unit can be translated as "village," "hamlet," or "ward," depending on whether it is situated within a city settlement or outside urban areas.

[10] Due to a rigid adherence to Marx's "five-stage" theory of historiography, the idea of a unilinear historical progression through modes of production—from primitive communist, through slave society

predicated on the view that the majority of the population was divided between landlords (including and nobles and the emperor), peasant proprietors (comprising the main body of society), and tenant farmers. This perspective has been criticized for portraying social strata as static and for excessively focusing on economic factors to the detriment of other factors like legal and cultural ones.[11]

This chapter begins with an overview of the philological ambiguity in the interpretations of "*jiaren*" 家人 in early histories and their commentaries. I show that some of these works—under the assumption that *jiaren* refers to a "Daoist" or a "Master of the Hundred Schools"—focus on the "Daoist-Ruist" debates of this period. This interpretation, I argue, fails to grasp *jiaren*'s ever-changing connotations and neglects other plausible explanations, such as: *jiaren* as "domestic servants" or "commoners." This chapter brings these important senses of *jiaren* to the fore through a systematic study of contemporaneous and later texts. Making use of newly excavated materials, I investigate early Chinese family status and relationships along their legal, social and political dimensions. Early legal texts show that servants were integrated and assimilated into the family and had status comparable to that of children in the household. In this way, we find that *jiaren* can refer to a "domestic servant," similar to the concept of *familia* in Roman society. Newly excavated early manuscripts reveal that servants were integrated and assimilated within families. In the early Chinese households, they held a legal status comparable to that of children and became quasi-family members.

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and feudalism, to capitalism, and finally to communist—was widely accepted. Discussions often focus on the periodization of these stages, particularly concerning the transition from a slave to a feudal society in China. This topic was one of the most heated historical debates in the 1950s and 1960s, known as the "five debates on Chinese social history" (*shehuishi lunzhan* 社會史論戰). For further reading, see Chapter 7 "National Identity and the State in the Controversy on Chinese Social History" in Germaine A. Hoston's *The State, Identity, and the National Question in China and Japan* (Princeton: Princeton University Press, 1994, 273-325) and Chen Minzhen 陳民鎮. "Nuli shehui zhibian: chongshen Zhongguo nuli shehui jieduan lunzheng" 奴隸社會之辯——重審中國奴隸社會階段論爭 (*Lishi yanjiu* 歷史研究 2017.1: 159-178). Although there was some disagreement about the precise timing of China's entry into a slavey society, many scholars identify the period between the 4th century BCE and the 2nd century BCE as the transition from the slave society to a feudal society. They argue that the Qin Empire initiated the "feudal mode" of production, persisting until the late 19th century—a span of two millennia. However, the translation of "feudal" as *fengjian* 封建 captures certain parallels (e.g., decentralization) between ancient China (more specifically, the Zhou Dynasty) and Medieval Europe, but fails in other areas. One is that it does not align with the centralized "commandery-county" (*junxian* 郡縣) system, which was established as a departure from the "feudal" governance. This discrepancy and anachronism have been highlighted by scholars, such as Feng Tianyu 馮天瑜 in *Fengjian kaolun* 封建考論 (Wuhan: Wuhan daxue, 2007) and Li Feng in "'Feudalism' and Western Zhou China: A Criticism," *Harvard Journal of Asiatic Studies*, vol. 63, no. 1 (2003): 115-144.

[11] For these reasons, the term "class" is deliberately avoided in this dissertation due to its implication of stasis and the emphasis it places on position within the social production system. Neville Morley explores the nuanced differences between "class" and "status" in the context of ancient history research in his work, "Chapter 4: Class and Status," In *Theories, Models and Concepts in Ancient History* (Routledge, 2004), 66-81. Similarly, Ch'u T'ung-tsu 瞿同祖 identifies four primary determinants of one's status in ancient China: occupation, knowledge and education, wealth, and political power, in his *Han Social Structure* (Tokyo: University of Tokyo Press, 1972), 63.

This chapter aims to contribute to a wider project of comparing people of servile status in Early China and the ancient Mediterranean world, hoping to encourage the possibility of more nuanced dialogue between historians of Europe and China. Marxist questions about whether China went through a "slavery stage" have finally given way to more empirically grounded inquiries. Euro-American historians from Moses I. Finley down to the recent work of Noel Lenski have refined our understanding of the nature of early slave societies, and have queried whether, and to what degree, the early empires in China represent slave societies at all.[12] With these new perspectives and new materials in hand, we are in a better position to provide more nuanced answers to such questions. Further, the ruler—subject relations and those between family members constitute two distinct orders: public/universal vs. private/partial. These orders, I argue, establish a framework for understanding the interchangeability of "family" and "commoner" as two common meanings for *jiaren* in early texts. This chapter aims to contextualize these two different commentaries to *jiaren* in early histories, and to clarify family relationships and social status in early Chinese history.

Chapter Three, "The Legal Status of 'Hereditary Occupations' (*Chouguan* 疇官) in Early Imperial China," continues the line of argumentation of Chapter Two, aiming to further complicate the prevailing narrative concerning the social stratification of China's early empires, turning now to the factor of occupational division. Traditional historians typically posits a dichotomy between two major groups: *guoren* 國人 and *yeren* 野人, a pair of binomes that often appear in early texts, respectively denoting "people living within the walled cities" and those living in the surrounding wilderness."[13] They argued that with the emergence of the territorial states in the Warring States period, the distinction between city and countryside has largely disappeared, and the majority of these two groups merged with the lower nobility class (usually referred to as the *shi* 士 status[14]) to form a new category, the "commoners."[15] The

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[12] For an updated and nuanced discussion on the definition of "slavery" across civilizations, see Noel Lenski ed. with Catherine M. Cameron. *What is a Slave Society? The Practice of Slavery in Global Perspective*, Cambridge University Press, 2018.

[13] For an analysis of the dichotomy between these two groups, refer to Hans Beck and Griet Vankeerberghen. "The Many Faces of 'the People' in the Ancient World: δῆμος–populus–民 min" In Hans Beck and Griet Vankeerberghen eds., *Rulers and Ruled in Ancient Greece, Rome and China*. Cambridge: University of Cambridge Press, 2021, 1-16. It is generally believed that the former group possessed substantial political and social rights and responsibilities, particularly the exclusive right to military service, while the latter was marginalized from political participation.

[14] For example, Matthias Richter was certainly right in pointing out that the term *shi* is never defined except with the vague literal meaning of "someone in service" or "an officer," but as a social group, *shi* could have risen from the ranks of commoners or could have sunk into the lowest stratum of nobility from families who had previously ruled or had served in high offices. See Matthias Richter. "Roots of *Ru* 儒 Ethics in *Shi* 士 Status Anxiety." *Journal of the American Oriental Society* 137.3 (2017): 449-471.

[15] The term "commoners" encompasses a wide array of groups, historically designated by various names across different periods, including *min* 民, *shuren* 庶人, *shumin* 庶民 and *qianshou* 黔首. Although some of these designations appeared in earlier historical records, it was during the Qin and Han dynasties that the category of "commoners" was systematically formalized by the government for administrative purposes. The definition of "commoners" during the Qin and Han eras was primarily in contrast to officialdom and those possessing higher ranks of honor (above the 8th rank). In this sense, "commoner" marked out a set of relations and was not a thing simply existing out there in the world. This concept aligns with E. P. Thompson's assertion that "class is a relationship, not a thing." (*The Making of the*

following passage from the *Zuozhuan* 左傳 illustrates the position of the "commoners" on the lower rungs of a tall ladder of social stratification:

> [The ancient system was that] the Son of Heaven determined the borders, and the princes rectified the frontiers. Within the borders and frontiers, what land did not belong to the ruler? Of those who eat what grows upon the land, who was not a subject of the ruler? Therefore, as it says in the *Odes*, everywhere under heaven, no land is not the king's; to the very edges of the land, no one is not a subject of the king. In heavens there are the ten day-periods; among men there are the ten ranks. In the way that inferiors serve their superiors, and superiors show reverence for the spirits. Therefore, a king is served by his lords, the lords are served by high officers, high officers are served by low officers, low officers are served by menials, menials are served by commoners, commoners are served by convicts, convicts are served by hard laborers, hard laborers are served by bondsmen, and bondsmen are served by slaves. For horses there are grooms and for cattle there are herdsmen, and in this way the hundred affairs are handled.
>
> 天子經略，諸侯正封，古之制也。封略之內，何非君土，食土之毛，誰非君臣。故詩曰，普天之下，莫非王土，率土之濱，莫非王臣，天有十日，人有十等，下所以事上，上所以共神也。故王臣公，公臣大夫，大夫臣士，士臣皁，皁臣輿，輿臣隸，隸臣僚，僚臣僕，僕臣臺，馬有圉，牛有牧，以待百事 。[16]

The *Zuo Tradition* depicts a ten-tiered status structure based on the subordinate relationship between each group. In this model, each member or each group only has a direct dependent relation with members of the tier immediately above or below. The dependent relationship in this scheme is both relative and cumulative. For example, a "retainer" of the king at the same time is a lord in his own fief and estate. Originating in the socio-political background of the Zhou dynasty, this model contrasts with the Qin-Han social structure in which each subject is directly subordinate to a single individual, the emperor.

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*English Working Class*, New York: Vintage Book Press, 1966, ii.) In the Qin and Han times, commoners were assigned surnames and land, expected to undertake various labor services, and integrated into the rank of honor system, highlighting their defined role within the social structure.

[16] Stephen Durrant, Wai-yee Li and David Schaberg, trans. *Zuo Tradition*, Seattle: University of Washington Press, 2016, 1413-1415. Minor changes are made based on my own reading of this text.

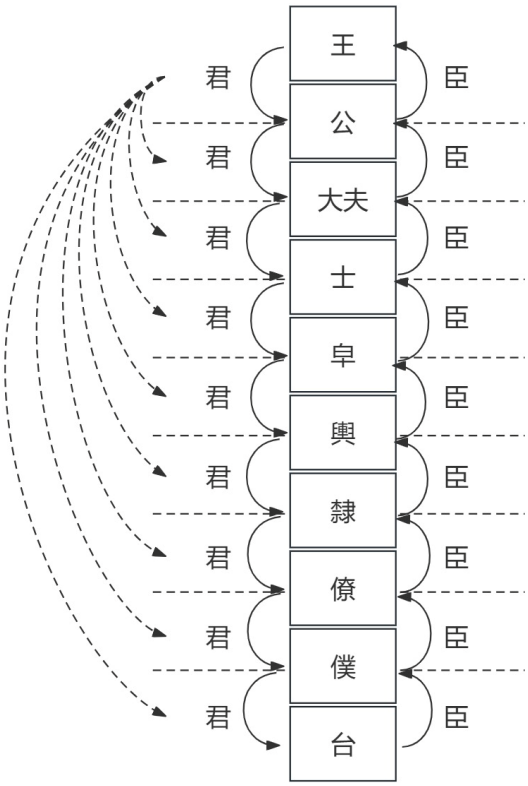


Figure 1-1: Depiction of Subordinate Relationships and Social Structure in the Zuo Tradition17

Besides relationships based on personal dependency, another traditional scheme of social structure is based on occupational divisions. Such depictions may be seen in the *Guanzi* 管子, the *Guliang Tradition* 穀梁傳, *Zhouli* 周禮 and *Hanshu* 漢書. The "Xiaokuang" 小匡 chapter of *Guanzi*, for example, classified commoners into four categories, in the following order: *shi* 士, farmers 農, artisans 工 and merchants 商.[18] Ban Gu summed up the social roles of each of the four classifications in his "Treatise on Food and Money" ("Shihuo zhi" 食貨志) in the *Hanshu*:

> *Shi*, farmers, artisans, and merchants; each of the four groups had their respective occupations. Those who studied in order to occupy positions of rank were called the *shi*. Those who cultivated the soil and propagated grains were called *nong* (farmers). Those who manifested skill and made utensils were called gong (artisans). Those who transported valuable articles and sold commodities were called *shang* (merchants).

[17] This diagram is made based on Arnd Helmut Hafner's (=陶安あんど), *Shin Kan keibatsu taikei no kenkū* 秦漢刑罰体系の研究, Tokyo: Tōkyō gaikokugo daigaku, 2009, 94, Diagram 2.2.

[18] Li Xiangfeng 黎翔鳳, *Guanzi jiaozhu* 管子校注, Beijing: zhongahua shuju, 2004, 400.

士農工商，四民有業。學以居位曰士，闢土殖穀曰農，作巧成器曰工，通財鬻貨曰商。[19]

Although there is also relative hierarchy in the fixed order of the four classes, this categorization scheme, which is based on occupational divisions, provides an alternative depiction of the social structure. Chapter three addresses this organization, providing a pre-history of the hereditary occupations with government-assigned service tasks. It reveals how work creates engagement or a way for one to express the self in the material world, and thus constitutes one's identity. The important role that occupation played in determining one's status has a long tradition in Chinese history. Historians are generally more familiar with the government-assigned occupational system, which tied certain state bond households (*guanhu* 官户) to hereditary service to the state in the early Medieval period. This chapter shows that an earlier form of that governing technique developed in Qin and early Han period.

Chapter three starts with a review of the term *chouguan* 疇官, which has been rarely seen in transmitted documents, and has been usually understood as the hereditary position in the court that in charge of divination, astrology and calendar making. However, recently excavated texts shows that this term should have included a much broader range of specialized workers including scribes, diviners, musicians, coachmen, physicians, and artisans, etc. The Qin and Han States instituted a parallel system to train and administer these specialized workers with requisite skills. Many of the *chou-guan* occupations during this period were hereditary, and the training for these specialized groups usually started from the teenager years, with varying period of training for different occupations. The trainees were supposed to pass the official test so that they could get enrolled as an official member of the *chou-guan* rank. After they were enrolled as specialized workers for service, the state would assign intensive labor service obligations to them. Their service terms and the intensity of their work vary depending on the individual worker's age, status and their level of skills. From the perspective of historical change, the *chou'guan* system during the Qin and Han period can be seen as remnant of the prevalent hereditary system in the Zhou Dynasty, which only then focused on certain specialized occupations. It can also be considered as a precursor to the special service households' system in the early medieval period.

Chapter Four "'Status Currency' and the Commodification of Ranks of Honor in Early Imperial China" proposes a conceptual framework to understand social status and mobility in early China. I coin the term "status currency" to mean the precise measure of credit or debt in one's social status. This chapter explores how ranks of honor (*jue* 爵) played the role of "status credit" that the early imperial states used as a political device to solve administrative difficulties and that commoners used as a currency. While previous scholarship has tended to focus on the use of ranks noble titles or benevolent largesse to advertise the imperial rule, I emphasize its ability to reflect meritocratic deed, and the subsequent fungibility of social status, which in fact characterizes the transition period from classical to imperial China.

The twenty ranks of honor established a value equation system and conversion mechanism involving human labor, social status, political privileges, and judicial treatment, and this system was at the core of a series of institutional innovations introduced by the earliest

[19] The translation is made based on Nancy Lee Swann, *Food and Money in Ancient China*, University of Princeton Press, 2013 (reprint of 1950 edition), 115.

empire in China, whose effort promulgated number-based matrices for various social situations. Along with the twenty-ranks of honor system, the state also established elaborate hierarchy of punishments that correlates with degrees of bodily damage, labor intensity, and limitations on the social lives of the criminals. Meanwhile, mutilating punishments were gradually replaced by precisely articulated convict labor periods, a rationalization of penal law that even early writers recognized as harsher than the mutilating punishments they replaced. These numerical sets and calculation systems allowed the early state to assess its people and resources in a quantifiable way and shaped the administrative thinking and practice of traditional Chinese governance.

Scholars have been accustomed to seeing the system of ranks of honor as one-directional favor from the beneficent emperor who occasionally grants honors to his subjects, as a Confucian way of cementing connections between the monarch and his subjects. However, I draw attention to the commodification of honors and how it functioned as a monetary medium, through which the state distributed various resources and obligations based on the subject's location on the social ladder. I argue that the becoming-currency of status had the counterintuitive consequence of flattening social structure by depersonalizing and quantifying status. Status was no longer a particular personal characteristic or something more innate, but a number. The twenty ranks of honor (*ershi deng jue* 二十等爵) applied to commoners, together with a gradient punitive status applied to convict laborers, situated each person on a rung of the social ladder, often obscuring other gaps between any two groups of people.

Through the case study of the ranks of honor system, my dissertation proposes a new framework for understanding social standing and social mobility in early imperial China, as well as the relationship between state and subjects. Examining the mechanisms for establishing and changing status, I view status as a kind of currency or debt, the entire social order is arranged as a banking system in which people are in the black or in the red——they are credited or in debt to various degrees. For example, holding certain ranks of honor (*jue* 爵) is a form of credit because ranks could be exchanged for grains, land, or certain privileges in the local community. Conversely, committing crimes put a person in debt to the state, a debt that could be paid off by cash, a certain period of redemptive labor service, or deprivation of ranks of honor. Following this model, I view state and subjects as creditors and debtors, and coin the term "status currency" to suggest a wide range of material resources and institutional devices such as cash, grain, land, military merit (*jungong* 軍功), ranks of honor, legal punishment, general amnesty (*dashe* 大赦), emancipation (*mian* 免), and various forms of labor service, etc. Each transaction goes hand in hand with a change in one's status. The idea of currency shares two fundamental characteristics with social status: 1) circulating currency (*liu tong* 流通) has fluidity or mobility, like social status; 2) currency expresses the relative value of a commodity, similar to the high or low evaluation of a person's social standing, *gui* 貴 or *jian* 賤.

In terms of method, I draw on a range of scholarship from a variety of disciplines, particularly legal history. Significantly, many of the excavated texts I utilize in this dissertation build upon the work of a set of eminent scholars who write in Japanese.[20] The priorities of legal

[20] Research on the Qin and Han histories within Japanese scholarship has traditionally legal history since the 1930s. Over time, numerous outstanding studies have emerged, with the most representative works including the following: Ōba Osamu 大庭脩. *Shin Kan hōseishi no kenkyū* 秦漢法制史の研究. Tokyo: Sōbunsha, 1982. Kyoto: Dōhōsha, 1992. Tomiya Itaru 冨谷至. *Qin Han xingfa zhidu yanjiu* 秦漢刑罰

history as a discipline tend to define the social standing of individuals based on defined rights and duties, usually arriving at a more fixed definition of identity. Our future research should emphasize more on the actual conditions of individual groups in their everyday life. A special category of research in the study of excavated manuscripts involves the systematic translations and annotations of primary sources. Significant contributions include Hulsewe's translation of the Shuihudi Qin slips, the collaborative translation of the Zhangjiashan Han slips by Robin Yates and Anthony Barbieri-Low, as well as Tomiya Itaru's team, and the translations of the Yuelu Qin slips by Ulrich Lau and Thies Staack.[21] Because these primary source materials usually do not have a modern Chinese translation, their translations into English, Japanese and other languages contain significant information and insights, not to mention the detailed annotations. Moreover, in the process of translating the primary sources into another language, translators are forced to develop comparative methodologies, which enriched the understanding of these early texts. In this dissertation, I draw on these foundational translations of the primary texts, as well as a wide range of expertly conducted philological analysis, in order to synthesize a more systematic take on key administrative technologies and institutional reforms.

In general, this dissertation adopts perspectives from multiple scholarly traditions and aims to provide a more holistic understanding of status, social and legal identity in early China. A fundamental human concern comes from a preoccupation with our position in this world or the afterlife. As an historian, I seek to know what determines one's place and social standing within a society. The answer, of course, varies widely across time and space. In the context of Chinese history, the imperial period witnessed the creation of a spectrum of social strata through the sophisticated institutional mechanisms and administrative procedures, wherein each member of society was defined and situated on the stratum. Through the examination of a range of documents ranging from birth registries to funerary relocation documents, I explore the interactions between these social groups and local governance structures, paying special attention to the roles of legal punishments and administrative devices in shaping individuals' identities, statuses, and their relationship with the state.

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制度研究. Guilin: Guangxi shifan daxue, 2006. Miyake Keyoshi 宮宅潔. *Zhongguo gudai xingzhi shi yanjiu* 中國古代刑制史研究. Guilin: Guangxi shifan daxue, 2016.

[21] See A.F.P. Hulsewé. *Remnants of Ch'in Law: An Annotated Translation of the Ch'in Legal and Administrative Rules of the 3rd century B.C. Discovered in Yün-meng Prefecture, Hu-pei Province, in 1975*. Anthony Barbieri-Low and Robin 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*. (2 vols) Leiden: Brill. 2015. 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. Tomiya Itaru 冨谷至 ed., *Kōryō chokasan 247 go bo shutsudo Kan ritsuryō no kenkyū* 江陵張家山二四七號墓出土漢律令の研究. Kyoto: Hōyū, 2006.

## Chapter 1: Legal Identity of the People and the Creation of "Identification Information" in Early China

*For what is "identity" but our power to control others' definition of us?*
—Joyce Carol Oates

### Introduction

This chapter traces the creation of legal and administrative identities back to the late Warring States period and observes their development throughout the Han dynasty. It broadly engages with a series of questions, such as, how were individuals identified and described before modern technologies such as photography and facial recognition? What constituted individual identities in early China? How was identification made legible and labor made usable by the state? I find that the bureaucratic imperative to register and control the population created a sophisticated legal and administrative system for tracking individual identities. Local census documents contained identification information including a person's height, skin color, physical features, and social relations, in addition to the more standardized "name, place of origin, rank of honor" system. This information played a role similar to that of a passport or ID today. As people were described and registered, they were also being transformed. For example, by mandating the use of birth registries and the adoption of numerical age, the household registration system transformed individuals into "commoners" who were listed on the registers, thus rendering them administratively visible. The demand to register the entire population resulted in a more widespread naming system that assigned names to people who were previously unnamed or changed their original names to be more identifiable. This creation of identity integrated a person as subject to state law into the body politic of the state.

How transparent our life should be to others and especially to the state is a question with which modern societies are constantly struggling. Observers worldwide have expressed concerns about how the COVID-19 pandemic accelerated governments' investment in mass surveillance technologies. In China, the three-colored health code generated by software on smartphones became only the most visible example of an augmented "digital identity" during the pandemic. The scale of surveillance technologies rolled out in response to COVID-19 was unprecedented, but the rationales for such practices have not been new and may be traced back to the regulatory urge of the earliest empires in China. I argue that the practice of recording and tracking identities and a rudimentary version of the "status credit system" was established in early imperial times through a series of administrative devices and documents. In order to control the bodies of their subjects, local authorities used several types of information including individual names, ranks of honor, and locations of household registration, sometimes supplemented by a person's height and physical appearance. During the course of their lives, imperial subjects were made legible, controllable, and usable through a series of administrative devices and documents. I argue that the imperial gaze not only monitored its subjects but also created new legal identities and social statuses for them. Through the integration of information about each individual, the state transformed the "natural" bodies into measurable components—objective descriptions that were placed in a precise place in the system. I see the standardization of identification information as one part of an entire system of social engineering parallel to the standardization in various fields

such as writing, weights and measures, legal terms, and road networks, to name a few. These standardization projects attempted to create efficient governance through creating a homogeneous society that was easy to intervene.


Figure 2-1: The "Three-Colored" QR Code: A Representation of Individual "Digital Identity" During the COVID-19 Pandemic

Changes in other aspects of society occurred around the time of the creation of this identification system—a time when early Chinese philosophers also started to be interested in topics such as self and others, and the individual and society. We see in different textual sources the proliferation of what we would call today philosophical texts regarding the self, the body, and identity from different perspectives. Part of my goal in this chapter is to contextualize this "philosophical interest" in knowledge about self and identity by examining how this social engineering projects initiated by the early states might have influenced people's ideas about the self and the state.

I begin this chapter with two stories. The protagonist of the first story is Shang Yang 商鞅 (390–338 BCE) who laid the foundation for the unification of the six kingdoms by leading a series of political and social reforms. The exceptional power with which he was entrusted by Lord Xiao 孝 (r. 362–338 BCE) of Qin caused envy and frustration among members of the Qin ruling lineage. After the death of his patron, Lord Xiao, Shang Yang was expelled from the palace and had to flee into exile. When this formerly highly influential minister arrived at an inn midway through his journey, he was refused lodging because one of the statutes that he himself had promulgated prevented the admission of a guest without proper proof of identification. "The Biography of Lord Shang" 商君列傳 in the *Shiji* records the details of Shang Yang's desperate experience:

> Five months later, Duke Xiao of Qin died, and his heir was enthroned. Prince Qian's follower accused the Lord of Shang of attempting to rebel, and the duke sent officials to arrest him. Lord Shang fled to below the pass, wanting to lodge at an inn there. The guest of the inn did not know that he was Lord Shang, and said: "According to the laws of Lord Shang, one who puts up a person without proper identification will be prosecuted." Lord Shang heaved a sigh and said: "Alas, I cannot believe that the administration of law has come to this!" He fled to the state of Wei.
> 後五月而秦孝公卒，太子立。公子虔之徒告商君欲反，發吏捕商君。商君亡至關下，欲舍客舍。客人不知其是商君也，曰：「商君之法，舍人無驗者坐之。」商君喟然歎曰：「嗟乎，為法之敝一至此哉！」去之魏.[22]

Based on this ironic story, people created the idiom "*zuofa zibi*" 作法自斃, which means "to bring about one's own downfall by one's own actions." Shang Yang was refused admission to the lodge because he could not provide proper identification. This resembles a "hotel check-in registration" in the state of Qin during the fourth century BCE. The purpose was probably to prevent individuals with unclear identities or restricted statuses from freely moving within the state. The *Shiji* uses the term *yan* 驗 as a verb "to verify" someone's identity. Since the innkeeper did not know Shang Yang, he could only compare the person in front of him with the description in the document that Shang carried. The *Shiji* does not explain whether it was because Shang Yang had hurriedly escaped and forgotten to bring his documents, or whether he chose to conceal his identity to travel incognito or indeed whether this episode actually occurred. Nor do we know what documents were required to prove identity during that time. However, based on the excavated historical records, we do know that various types of documents for verifying personal identities were commonly used. A second story, which we turn to next, involves one such document.

The "Record of Submitted Doubtful Cases" (*Zouyanshu* 奏讞書) of the Zhangjiashan manuscripts records a story of two eloping lovers, which takes place in 197 BCE, the sixth year after the establishment of the Western Han dynasty. A judiciary clerk named Lan 闌 from Linzi 臨淄, the capital of the state of Qi 齊, was arrested when going through the Han-gu Pass 函谷關 during an official trip from Chang'an to Qi. Lan was accused of "coming from the territories of the regional lords to lure the Han people" (*cong zhuhou laiyou* 從諸侯來誘).[23] With him was a woman called Nan 南, who claimed to be Lan's wife but was dressed as a man; she was also accused and arrested.

Through their interrogation statements, we learn that both Lan and Nan were originally from the state of Qi. They relocated to Chang'an when the ninth year of Emperor Gaozu (198

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[22] *Shiji*, 68. 2236.

[23] Peng Hao 彭浩, Chen Wei 陳偉, and Kudō Motoo 工藤元男, eds., *Ernian lüling yu Zouyanshu: Zhangjiashan ersiqihao Han mu chutu falü wenxian shidu* 二年律令與奏讞書：張家山二四七號漢墓出土法律文獻釋讀 (Shanghai: Shanghai guji, 2007), 345, slips 49–50; see also Anthony 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), vol. 2, 1198–1201.

BCE), the court ordered members of aristocratic families of the former six kingdoms to resettle in the Guanzhong area in order to stabilize the eastern regions. Nan, as a member of the Tian 田 clan, a noble family in the state of Qi, was forced to relocate to Chang'an. Lan's job as a judiciary clerk was to escort Nan to Chang'an. During the long journey from Linzi to Chang'an, Lan and Nan got "married." While their marital relationship was consensual and recognized by both parties, it probably did not receive official approval, which is why during the official court trial, their relationship was defined as "adultery" (*jian* 奸). The end of this journey to Chang'an meant their separation since Lan had to return to Qi to report the completion of his trip. They were destined to live in different worlds, with one being a low-level functionary in Qi, and the other a member of the diaspora in Han territory, making the chances of seeing each other again extremely slim. Of course, Lan wanted to return to Qi together with his partner. He took a risky approach and had Nan disguise herself as a man, pretend to be sick, and lie down in the carriage while they appropriated someone else's pass to go through the Han'gu Pass.[24] Unfortunately, their plan did not work out.

When Nan was forcibly relocated to Chang'an, she officially became a person of the "Han territory" while Lan retained his position as a Qi official. Their opportunity to spend time together became confined solely to their trip to the Guanzhong area. The law of this time stipulated that people from the territory of regional lords (i.e., the former six kingdoms) and the Han court-controlled territory (mainly the Guanzhong area) were not allowed to intermarry, or even to travel across these territories without official approval. The crime of "luring people of the Han territory" that Lan was accused of refers to his action of enticing Nan to leave Han for Qi. The maximum penalty for this charge was capital punishment. In the end, Lan managed to escape the death penalty and was sentenced to be tattooed and made a convict laborer—a "wall-builder" (*qing wei chengdan* 黥為城旦). The "Record of Submitted Doubtful Cases" does not record how Nan was dealt with but at the very least we know she was separated from Lan. Both anecdotes highlight the importance for restricting travel based on identity verification. There is one sentence in the case document that deserves special attention:

> The judiciary clerk Lan, from Linzi [of Qi], told the woman, Nan, to wear a man's cap of undyed silk, pretend to be ill and lie in the carriage. They appropriated the passport of Yu, holder of the fifth rank of honor, and used it to exit through the [Hangu] Pass.
>
> 臨菑（淄）獄史闌令女子南冠繳（縞）冠，詳（佯）病臥車中，襲大夫虞傳，以闌出關。[25]

Reflecting a preoccupation with the regulation of mobility across the Western Han Empire, this story adds further evidence that identification information could be of critical importance to premodern subjects, and it takes us to consider how people in early China were

[24] For an analysis of themes related to disguise and identity substitution, particularly when across species and gender within the literary works of the Six Dynasties period, see Antje Richter. "Mistaken Identities: Negotiating Passing and Replacement in Chinese Records of the Stange." *Early Medieval China* 29 (2023): 3-23.

[25] The English translation follows Anthony Barbieri-Low and Robin Yates, *Law, State, and Society in Early Imperial China*, 1198–99, with minor changes.

identified so that they could be verified, authenticated, or found to be impersonating another's identity.

**Defining the "Identification Information"**

Proper identification could only be possible based on the premise that all personal information had been previously recorded somewhere; identification thus involved tracing the officially registered information in the records and comparing it with an individual's details to verify it. This process involved not only legal and administrative regulations but also physical documents such as the *chuan* 傳 (tentatively translated as "passport") appropriated by Nan in the above case. What information was collected and recorded and how this information was translated and standardized to create legible, standard data, is also a matter of concern in this chapter.

We learn from the "Ordinances on Fords and Passes" ("Jinguan ling" 津關令) in the Zhangjiashan manuscripts (c.a. 186 BCE) that officers at the checkpoints of the passes needed to verify the information written on the passports against the passport holder and that such information included their social rank, place of registration (the county and village), age, height, complexion, and other visible marks, as well as their belongings:

> No. □. The imperial counselor petitioned: "All those who attempt to exit or enter by way of fords and passes, in all cases, are to submit their passports, which have written [on them] their rank of honor, county, and village/ward [of residence], age and height, complexion, and visible marks and blemishes, as well as the distinguishing marks and colors of their horses, [along with the name of] the recording officer at the pass. When the [officials of] the fords and passes have carefully enumerated and checked [the persons and their documents], then they are to send them off or let them enter [the ford or pass]."
>
> □、御史請:「諸出入津關者, 皆入傳, 書【爵】、【縣】、里、年、長、物色、疵瑕見外者及馬職 (識) 物、關舍人占者。津關謹閱，出入之。[26]

This ordinance requires that officials of the fords check the person with the information recorded on their passport. It must have been during this check that Nan was discovered appropriating someone else's document. A great number of such passports that have been discovered in the northwest military fortresses. Scholarly research indicates that the documents used for passing through checkpoints included three types: transit tallies (*guosuo* 過所), passports (*zhuan* 傳) and letters of mobilization (*zhishu* 致書). Guo Weitao 郭偉濤 points out that there were two types of passports in the Han dynasty, official passports and private passports. The issuance of a private passport usually required the following process: First, the individual filed an application with the local bailiff of the district (*xiang* 鄉) or township; second, the bailiff verified the information with the village chief as they were the most familiar with the applicant; third, the

[26] Peng, Chen, and Kudō, *Ernian lüling yu Zouyanshu*, 312–13, slip 498; the English translation follows Barbieri-Low and Yates, *Law, State, and Society*, 1129, slip no. 498, with minor revisions.

bailiff of the district reported to the county; and fourth, the county prefect or his deputy approved and issued the document.[27]

What did the passports of two thousand years ago look like? Fujita Katsuhisa 藤田勝久 and Wang Guihai 汪桂海 once speculated that the form of the early passport was a tablet with a groove for an impression left by a seal, which was confirmed by later discoveries.[28] This unique form allowed officials to leave their credentials after checking and verifying the information written on them. The functionality of this document is characterized by a unique mechanism: the cavity within the document acts as a "seal container," designed to be filled with clay. To securely transmit a document, one would apply clay into the document's cavity, assemble all relevant documents, wrap them together, and bind them with strings. The clay was then applied over the strings and a seal pressed into the clay. This seal, once dried naturally or fired for expedited solidification if time constraints demanded, ensured that the document could not be opened without breaking the seal. Below are images of a few selected passports from the Juyan new discoveries:

[27] Guo Weitao 郭偉濤, "Handai Zhangye jun Jianshui sai yanjiu" 漢代張掖郡肩水塞研究 [Research on the Jianshui Fortress in Zhangye Commandery during the Han Dynasty] (PhD Diss., Tsinghua University, 2017), 211–28.

[28] Wang Guihai 汪桂海, *Handai guanwenshu zhidu* 漢代官文書制度 (Nanning: Guangxi jiaoyu, 1999), 63; Fujita Katsuhisa 藤田勝久, "Jinguan Hanjian de zhuan yu Handai jiaotong" 金關漢簡的傳與漢代交通, trans. Xiao Yunxiao, *Jianbo* 簡帛 7 (2012): 203–4.

Figure 2-2: Sample Han Dynasty "Passports" Discovered in the Juyan Area[29]

As is shown above, the groove on top of the passport is designed to be filled with clay, onto which the officials would press their stamps, and the notches are for the binding strings. This special shape and structure were not only convenient for officials to verify the information written on the board, but also to ensure the reliability of the contents when they saw the seal imprint on the mud, which was supposed to remain intact. In other words, what made these identification documents valid and genuine was the seal of the institutional authority that processed them. The identification information recorded on the passports generally aligned with the regulations of the "Ordinances of Fords and Passes." Below I have translated two passports from the Jianshui jinguan 肩水金關 site with individual information as examples:

> [From] Henan commandery, Ping County, Heshang village/ward, a holder of the *gongcheng* [eighth rank of honor] ; Name: Zuo Xiang; Age: twenty-three; Height: seven *chi*, two *cun*; dark complexion, carrying one sword.
> 河南郡平縣河上里公乘左相年廿三長七尺二寸黑色　劍一枚
> 73EJT10:104

[29] Gansu jiandu bowuguan 甘肅簡牘博物館 *et al*., eds., *Juyan xinjian jishi* 居延新簡集釋 (Lanzhou: Gansu wenhua, 2016), vol. 5, 88, slip EPT59: 677.

[From] Henei commandery, Wen County, Zhongshi village/ward; Name: Wang Bajun; Age: thirty-eight; Style name: Jun Chang; Riding in a square carriage [pulled by] a fifteen-year-old variegated mare. On the *xinmao* day of the eighth month, [he] entered.
河內溫中侍里汪罷軍年卅八字君長　乘方相車馬騅牡馬一匹齒十五　八月辛卯入
73EJT26:35 [30]

These two examples show that the information recorded on the passports generally included the following data in a set: place of residence (commandery-county-village), rank of honor, name(s), age, height, complexion, accompanying weapons, number and type of vehicles and horses. This information is quite standardized, as we can see in the table below:

Table 2-1: Identification Information on "Passports" from Northwestern Frontier Garrisons during the Han Dynasties

| Commandery | County | Village/Ward | Rank of honor | Age | Height | Complexion | Slip No. |
|---|---|---|---|---|---|---|---|
| Wei 魏 | Suiyang 睢陽 | Nanli 南利 | Dafu 大夫 (fifth order) | 23 | Seven *chi* two *cun* | Dark | 73EJT2:3 |
| Dong 東 | Dong'e 東阿 | Dangxia 當夏 | Guandafu 官大夫 (sixth order) | 26 | Seven *chi* two *cun* | Dark | 73EJT9:90 |
| Dong 東 | Xiyi 西邑 | Li 利 | 公大夫 Gong dafu (seventh order) | 29 | Seven *chi* two *cun* | Dark | 73EJT9:116 |
| Ji 濟 | Dingtao 定陶 | Yu 虞 | Dafu 大夫 (fifth order) | 37 | Seven *chi* two *cun* | Dark | 73EJT37:14 |
| Jiyin 濟陰 | Yuangou 冤句 | Changcheng 昌成 | Dafu 大夫 (fifth order) | 39 | Seven *chi* and two *cun* | Dark | 73EJT37:970 |

[30] Gansu jiandu baohu yanjiu zhongxin 甘肅簡牘保護研究中心 et al., eds., *Jianshui Jinguan Han jian* 肩水金關漢簡 [*Han slips from Jin'guan, Jianshui*], vol. 1, part 1 (Shanghai: Zhongxi, 2011), 253, slip 73EJT10: 104; vol. 3, part 1 (Shanghai: Zhongxi, 2013), 75, slip 73EJT 26:35.

It should be noted that this table only contains the most basic information about the traveler, while other documents also included the holder's criminal status, clothing, description of other body features, etc. In addition to this identification information, another important component of the travel document was the official letter explaining the purpose of the travel, as is shown in the front side of the illustration of their passports. Here is one example of a complete letter from the Jianshui jin'guan 肩水金關 manuscript collection:

> On the *gengshen* day of the twelfth month which begins with the *guimao* day in the third year of the Wufeng reign (55 BCE), Anshi, the Magistrate's Acting Scribe dared to request: Peng Qianqiu, an adult male and redemptive laborer, formerly from the Gao Village of Chenliu County, was sentenced for injuring a person. On the occasion of the amnesty on the *bingchen* day in the third month of the fourth year of the Shenque reign (58 BCE), he was lessened to do redeeming labor service for the government for one year plus ten months and another ten days. After completing the full number of days of labor service, he was released and was converted to a *shuren* (a type of commoner). Thereupon, he was to be sent back to Chenliu with a passport that he must carry all along the way. Request that the document be sent to the counties, rivers, and fords, and the Hangu Pass through which he will travel on the way to Chenliu. He should not be harassed or detained as he travels. I dare to request this.
> On the *gengshen* day of the twelfth month, Hong, prefect of Juyan, and Anshi, the acting assistant prefect, sends the document to the counties, rivers and fords, and Hangu Pass through which Qianqiu was to pass. [He gave the command]: Do not treat him harshly or delay him, as this is in accordance with the law. Signature: The magistrate's acting scribe Anshi.
> Verso: The seal reads: Seal of the Juyan Magistrate.
> 五鳳三年十二月癸卯朔庚申，守令史安世敢言之：復作大男彭千秋，陳留高里，坐傷人論。會神爵四年三月丙辰赦令，復作縣官一歲十月十日。作日備，免爲庶人。道〈遣〉自致，移陳留。過所縣道、河津、函谷關毋苛留止，如律令。敢言之。
> 十二月庚申，居延令弘、守丞安世移過所縣道、河津、函谷關。毋苛留止，如律令。 掾守令史安世。章曰：居延令印。[31]

As is seen from this instance, the official letter provides information complementing the personal identification information. Such complementary information mainly included background information about the investigation and criminal record, and status of the traveler, his destination and the kind of assistance the passes and stations could provide along the way. The recurring phrase "he should not be harassed or detained" suggests that the use of identification information was not only for control, but also to offer convenience to individuals or facilitate their life under specific conditions. This information represents the state's description of the proper treatment of Peng Qianqiu. The practice of repeatedly describing and checking personal information via

[31] Gansu jiandu bowuguan 甘肅簡牘博物館 et al., eds., *Jianshui Jinguan Han jian* 肩水金關漢簡 [*Han slips from Jinguan, Jianshui*], vol. 4, part 1 (Shanghai: Zhongxi, 2015), 19, slip 73EJT34: 6A–B.

various official documents was commonly seen in legal texts and administrative archives of this time. Confirming an individual's identity posed a serious challenge to the state apparatus of early imperial China, which was of course devoid of digital technology. Volume 3 of the Yuelu manuscripts records a case in which a juvenile scribe named Xue 學 claimed to be the son of a general and forged a letter to request a loan of 20,000 cash and provisions from a neighboring county. Since the recipient of the letter, the head of the treasury of the county, had not seen this pretender or his father before, he was plagued with indecision, although became suspicious after reading the letter. As a trained scribe, Xue obviously knew how to write a letter; yet, he counterfeited the letter using his personal name instead of writing an official letter. Xue was found to be an imposter and was sentenced to the status of a bondservant convict.[32]

If we turn our attention from the passports to various other types of documents and archives, we will see that identity descriptions and confirmations were crucial and ubiquitous concerns in early imperial China. One fragmentary wooden slip excavated from the No. 115 Tomb of the Sunjiazhai 孫家寨 site in modern Datong 大通 county, Qinghai Province, mentions that conscripts in the frontier garrisons were required to wear a badge called the "seven chips" (*qice* 七策).[33] Im Joong Hyuk has pointed out that this special type of document included seven pieces of information written on it: given name, rank of honor, county, village/ward, age, surname, official rank or position when applicable.[34] There were many other configurations of different types of identity information. For example, when reporting the case of the "abscondence of the civilians, soldiers and officials" 吏卒民屯士亡, the information that needed to be confirmed about those who absconded was regulated in the Juyan manuscripts and included commandery, county, village/ward, given name, surname, age, height, complexion, last known clothing worn, and items carried.[35]

Choosing which information to use in order to represent an individual's identity in the limited space available on passports or other documents was a challenge. Different types of official documents had varying demands and levels of detail regarding personal identity information. The Qin and Han periods, besides the more common household registers, a wide

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[32] For an introduction and English translation of this legal 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), 276–94. It should be noted taht we do not have the archaeological information because the Yuelu manuscripts were purchased from the antique market of Hong Kong and therefore lacks provenance. But Ulrich Lau and Thies Staack among others have compellingly argued that the Yuelu manuscripts are highly unlikely to be forged texts, when we consider material features such as the verso lines, and semantic as well as syntactic peculiarities. See Lau and Staack 2015, 11-14.

[33] This term was first transcribed as *qifei* 七菲 in *Zhongguo jiandu jicheng* 中國簡牘集成, without explanation. See *Zhongguo jiandu jicheng bianji weiyuanhui* 中國簡牘集成編輯委員會 and Chu Shibin 初師斌 eds., *Zhongguo jiandu jicheng* vol. 17, (Lanzhou: Dunhuang wenyi, 2005), 1343–44. It was corrected to *qice* 七策 in Li Junming 李均明 and He Shuangquan 何雙全 eds., *Sanjian jiandu heji* 散見簡牘合輯 (Beijing: Wenwu chubanshe, 1990), 39.

[34] Gansu sheng wenwu kaogu yanjiusuo 甘肅省文物考古研究所 *et al*., eds., *Juyan xinjian* 居延新簡 (Beijing: Wenwu chubanshe, 1990), 457–59, slips E.P.T 68: 29–53.

[35] Xie Guihua 謝桂華 et al., eds., *Juyan Hanjian shiwen hejiao* 居延漢簡釋文合校 (Beijing: wenwu, 1987), slips 303.15, 513.17.

variety of miscellaneous registries, rosters, and tallies were used.[36] This variety in terms of types of documents raise several questions: How were these pieces of information collected and "translated"? What did the early states want to know about their subjects? How did they use the information? How were the people defined by the identification information?

Speaking to how much a state knew about its individual subject, James Scott sees legibility as a central problem in statecraft, finding that constituted the foundation for the state's attempt to arrange the population in ways that simplified state functions in areas like taxation and conscription.[37] Scott views legibility as a "condition of manipulation," because

> Any substantial state intervention in society—to vaccinate a population, produce goods, mobilize labor, tax people and their property, conduct literacy campaigns, conscript soldiers, enforce sanitation standards, catch criminals, start universal schooling—requires the invention of units that are visible. The units in question might be citizens, villages, trees, fields, houses, or people grouped according to age, depending on the type of intervention. Whatever the units being manipulated, they must be organized in a manner that permits them to be identified, observed, recorded, counted, aggregated, and monitored. The degree of knowledge required would have to be roughly commensurate with the depth of the intervention. In other words, one might say that the greater the manipulation envisaged, the greater the legibility required to effect it.[38]

Scott's perspective involves examining general patterns in human societies across different time periods and regions. The concept of "legibility" is prefigured in discussions in early Chinese texts. For example, Shang Yang, who initiated the general household registration system in the fourth century BCE, argued that to build a strong state, the ruler must first have a clear knowledge of his people. The chapter of "Eliminating the Strong" ("Qu qiang" 去強) in the *Book of Lord Shang* reads:

> A strong state knows the thirteen numbers: the number of granaries, the number of adult men and women, the number of the elderly and infirm, the number of officials and servicemen, the number of those who obtain compensation by their words, the number of the beneficial population, the number of horses, oxen, hay and straw. If [the ruler] wants to strengthen his state but does not know these thirteen numbers, then even if the state's soil is

[36] Hsing I-tien, "Qin-Han Census and Tax and Corvée Administration: Notes on Newly Discovered Materials," in Yuri Pines, Gideon Shelach, Lothar von Falkenhausen, and Robin D. S. Yates eds., *Birth of An Empire: The State of Qin Revisited* (Berkeley: University of California Press, 2013), 155–86, esp. 176.
[37] See James Scott, *Seeing Like A State: How Certain Schemes to Improve the Human Condition Have Failed* (New Haven: Yale University Press, 1998), 2. Scott also sees legibility as a judgement indicator of a society because he sees that the premodern state was in many crucial respects, partially blind; it knew precious little about its subjects, their wealth, their landholdings and yields, their location, their very identity.
[38] Scott, *Seeing Like A State*, 183.

> advantageous and the people are many, it will be increasingly weakened to the point of dismemberment.
> 強國知十三數：境內倉口之數，壯男壯女之數，老弱之數，官士之數，以言說取食者之數，利民之數，馬牛芻藁之數。欲強國，不知國十三數，地雖利，民雖眾，國愈弱至削。[39]

This administrative theory emerged from the rivalry among the Warring States, which competed over crucial factors like population, taxation, and natural resources. These elements signified each state's power and played a decisive role in their destinies in the intensive power struggles of this period. The legalist reformers established this registration system which included all inhabitants from birth to death in the form of the "thirteen numbers." This quantifiable data allowed the state to ascertain and deploy the labor and human resources. Shang Yang's perspective is reflected in the *Rites of Zhou* and its administrative blueprint imagined by the Han scholars:

> The Director of People was in charge of presenting the counts of the myriad people, from the time of teething on, which were all written on wooden boards…In the first month of winter, the Minister of Justice presented the population figures to the king who respectfully received them. They were also presented to the heavenly repository. The Royal Secretary, Accountant, and Secretary of State had copies.
> 司民掌登萬民之數。自生齒以上，皆書於版……司寇及孟冬祀司民之日，獻其數于王；王拜受之，登于天府；內史、司會、冢宰貳之，以贊王治。 [40]

This passage describes a system for institutional control of personal information. "Written on wooden boards" resembles an early version of household registration. It involved registering births and deaths annually, and required a general demographic census every three years. The king's role in "presenting the records to the heavenly repository" shows how much importance the ruler placed on it. The information that the state wanted went beyond just population, and included all sorts of enumeration such as the numbers of disabled, men liable/suitable for military and corvée service, and the numbers of "mountains, forests, rivers and marshes" 山林川澤.[41] These numbers were for use by officials in making policy decisions, as is stated in the "Du di" 度地 chapter of *Guanzi*:

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[39] Jiang Lihong 蔣禮鴻, ed., *Shangjun shu zhuizhi* 商君書錐指. (Beijing: Zhonghua shuju, 1986), Chapter 4 "Quqiang" 去強, 34. For the English translation, see Yuri Pines, *The Book of Lord Shang: Apologetics of State Power in Early China* (New York: Columbia University Press, 2017), 154.

[40] Sun Yirang 孫詒讓 ed., *Zhouli zhengyi* 周禮正義 (Beijing: Zhonghua shuju, 1987), 68.2833–35.

[41] Other specialized offices in charge of registers and maps include *sishu* 司書, see *Zhouli zhengyi* 12. 479–83: 司書掌邦之六典、八法、八則、九職、九正、九事，邦中之版，土地之圖，以周知入出百物，以敘其財；受其幣，使入于職幣。凡上之用財，必考于司會。三歲，則大計群吏之治，以知民之財用器械之數，以知田野、夫家、六畜之數，以知山林川澤之數，以逆群吏之徵令。凡稅斂，掌事者受法焉。及事成，則入要貳焉。凡邦治，考焉. For the discussion on official knowledge of the people and territory, see Maxim Korolkov and Brian Lander, "Knowledge Production in China's

> Make it a constant rule to examine the people every autumn, at the end of the harvest. Compare the number of people in each household with the amount of land they have and determine the population for the groups of ten and five. Distinguish the number of men and women, adults and minors. Exempt those who are not suitable for service. Release those who have chronic illnesses and cannot work. Reduce the amount of work for those who are eligible. Conduct an evaluation to determine the number of men in armor who are on active military service and report the summary [of these numbers].
>
> 常以秋歲末之時閱其民，案家人、比地、定什伍口數，別男女大小，其不為用者，輒免之。有錮病不可作者，疾之。可省作者，且事之。並行以定甲士，當被兵之數，上其都。[42]

Reading between the lines, we will find that the ultimate purpose of having a detailed grasp of identity information is primarily indexed to employment of the population. The system of administration was organized to determine the work and service based on the eligibility and obligations of the subjects. Three main factors determined the eligibility and obligations: the individual's physical qualifications, their place in the social hierarchy, and the priorities of the state and regional policies. These factors and variables decided what individual information was important to the state and "translated" the human information into a standardized format for the state to "read" in an efficient way. The Eastern Han scholar Xu Gan 徐幹 (171–218 AD) even made it clear that the core concern for the state was to maintain direct control of land and people, and this required institutionalized knowledge in the form of land registers and population censuses. This control depended on both quantitative and qualitative information—the former included age, height, etc., and the latter represented the people:

> The stability of orderly rule depends on a variety of public works being established. These various public works depend upon an evenly distributed selection of those undertaking labor services. This evenly distributed selection depends upon having a complete tally of the population figures. Having a complete tally of the population figures is fundamental to administering a state. Hence having a complete knowledge of the size of the population of the myriad people living in their states, the former kings made the division of nine professions for their people. Being divided into the nine professions, the industrious could be seen and the lazy could be heard about, and so there was never an unevenly distributed selection of those undertaking labor service. The selection of those undertaking labor service

Early Empires: How Qin and Han Officials Gathered Information." *Journal of the American Oriental Society*, 143, no. 4 (2023): 859–80.

[42] Li Xiangfeng 黎翔鳳 ed., *Guanzi jiaozhu* 管子校注, *juan* 18, chapter 57 "Duodi" 度地, (Beijing: Zhonghua shuju, 2004), 1059. The English translation follows Rickett with minor revisions. See Allyn W. Rickett trans., *Guanzi: Political, Economic, and Philosophical Essays from Early China Volume 1* (Princeton: Princeton University Press, 1985), 247.

being evenly distributed, people were willing to exert themselves fully, in both heart and body, and a variety of public works was established.
治平在庶功興，庶功興在事役均，事役均在民數周，民數周、為國之本也。故先王周知其萬民眾寡之數，乃分九職焉。九職既分，則劬勞者可見，怠惰者可聞也。然而事役不均者，未之有也。事役既均，故民盡其心而人竭其力。然而庶功不興者，未之有也。

When reckless rulers governed, however, there were households that were missed when compiling the national census register and many families were left out of the *lian* and *wu* mutual responsibility groups. There were those who avoided labor service obligations, those who were neglected and passed over, and those who became vagrants. Thereupon the deceitful hearts multiplied in profusion, and the seeds of falsehood sprouted together. These people engaged in activities ranging from robbery and theft to raiding and pillaging. Even harsh laws and draconian punishments were of no avail. Hence it is from population figures the various undertakings necessarily emerge. These affairs all rely on these figures for accuracy. This is the case, whether it be apportioning land for fields and dwelling areas, ordering the payment of tributes and taxes, manufacturing implements and utensils, regulating emoluments and salaries, raising numbers of people for hunting and corvee service, or conscripting troops for battalions and armies. The state relies on population figures to establish principles, and ministers' domains rely on them to set their standards. The five rituals depend on population figures for their practice, and the nine punishments depend on them for application. All in all, all state affairs depend on checking the figures of the population.
迨及亂君之為政也，戶口漏於國版，夫家脫於聯伍，避役者有之，棄捐者有之，浮食者有之；於是姦心競生，偽端並作矣。小則盜竊，大則攻劫，嚴刑峻法不能救也。故民數者，庶事之所自出也，莫不取正焉；以分田里，以令貢賦，以造罷用，以制祿食，以起田役，以作軍旅。國以之建典，家以之立度；五禮用脩、九刑用措者，其惟審民數乎！[43]

In Xu Gan's view, an effective mastery of the knowledge of people was the basis for orderly rule, and a criterion for judging good governance. A lack of such knowledge would not only lead to the stagnation of public projects, but also to a deterioration in social morality. This view was frequently repeated in later historiography whenever historians evaluated previous dynasties. Xu Gan suggests that through the "technology of power," a panoptic view could be achieved in which the individual's actions may be "seen" and "heard." It should be noted that this "knowledge of people" was not merely comprised of population figures, but also the individual's needs and situation, because "evenly distributed" did not mean imposing the same amount of work on every member of the society. To borrow the words of Foucault, population is the "object

[43] Sun Qizhi 孫啟治, ed., *Zhonglun jiegu* 中論解詁 (Beijing: Zhonghua shuju, 2014), 364–67. For the English translation, I consulted John Makeham, trans., *Balanced Discourse* (New Haven: Yale University Press, 2002), 271–75.

of government manipulation" as well as "the subjects of needs and aspirations." [44] In other words, the ultimate goal of the state is a kind of "bio-politics," not just a population figure.

A core concern with maintaining effective control of people and resources required institutionalized knowledge and depended on regularly conducted surveys to maintain the accuracy of information. Due to such demands, the governments of various kingdoms during the Warring States period established systems of administrative documents and developed conventional forms of recording individual information. Depending on the administrative functions and the specific types of official documents, the contents of identity information varied in both their degree of complexity and level of detail. But the core identification information remained relatively stable and seems to have had a traceable developmental trajectory. This system had matured by the Han dynasty and scholars usually refer to it as "name-county-rank-village/ward" (*mingxian jueli* 名縣爵里).[45] But that is not the earliest form of identification information. Excavated manuscripts from the Chu tomb of Baoshan 包山 (c.a. 320 BCE) and the Liye 里耶 cache (c.a. 220 BCE) from Qianling County show that the core information that constituted individual identity had changed from "place of residence-name-clan" (*juchu mingzu* 居處名族[46]) to "name- status-village" (*ming shi li* 名事里) to the more standardized and well-known "name-county-rank-village/ward" system.

From the legal records in the Warring States Chu Baoshan manuscripts, we know that the Chu state statutes required that in all judicial proceedings, the main task was to figure out all the involved parties' "place of residence" and "name and clan."[47] In the Baoshan administrative texts, there are also many instances in which, whenever a person is mentioned, they are first

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[44] Michel Foucault, *Security, Territory, Population: Lectures at the Collège de France (1977–1978)*, ed., Michel Senellart, trans. Graham Burchell, (London: Palgrave Macmillan, 2007), Lecture 5 (February 1, 1978), 105.

[45] *Hanshu*, 8.253: "[Emperor Xuan] ordered that all commanderies and kingdoms annually submit reports on detainees who died due to excessive beating or privation, noting their crimes, name, county of residence, rank of honor, and home village/ward." 其令郡國歲上繫囚以掠笞若瘐死者所坐、名、縣、爵、里.

[46] During the pre-Qin era, clan names (*xing* 姓) were predominantly associated with elite individuals, often appearing in the names of elite women linked to extensive descent groups. In contrast, lineage names (*shi* 氏) were typically found in the names of males, representing a more narrowly defined unit. Over time, the concept of a "family name" accessible to all social members emerged, leading to the blurring of distinctions between *xing* 姓 and *shi* 氏. This convergence into a unified concept of family name (*xingshi* 姓氏) began in the late Spring and Autumn period and extended into the Warring States period. The evidence presented in this dissertation, drawn from the late Warring States to the early Western Han period, reflects a period when the differentiation between *xing* 姓 and *shi* 氏 had significantly diminished. Consequently, this study treats *zu* 族, *shi* 氏, and *xing* 姓 synonymously as "family name," translating both *zu* and *shi* as "clan" in a broad sense due to the limited information on the social standing and family/clan size of the individuals in question.

[47] Slip 32: On the *gengyin* day of the eighty month, Deng Ying, village chief in the district of Lord Diyang's fief received the appointed date, if by the day of *xinsi* [Deng Ying] does not submit the requested information——place of residence, name, lineage of the people who died in his jurisdiction, the trial would [automatically] fail. 八月戊寅之日，邸阳君之州里公登（鄧）纓受期，辛巳之日不以所死于其州者之居處名族至（致）命，阬门又（有）败。See Zhu Xiaoxue 朱曉雪. *Baoshan chujian zongshu* 包山楚簡綜述. (Fuzhou: Fujian renmin, 2013), 174.

identified as "belonging to X clan/lineage" (*shu mouzu* 屬某族) and "residing in X village" (*chu mouli* 尻某里/邑).[48] From this context, we can see that this rule applied to common people, as well as the aristocrats. Another way of thinking about the question would be that it is due to the legal requirement of specifying one's name that people of low status and obscure origins who did not have a surname either adopted or were assigned one based on factors like their place of residence. The fact that *zu* 族 (clan) is one of the major elements of the core identification information might reflect that the importance of local authority and kinship relationships in Warring States Chu society. It might also suggest that the central state had relatively loose control over the local clan powers. This tradition and practice of using *zu* lasted for a few more years in the former Chu regions, even after they were occupied by the Qin. For example, in the Liye slips, information about rotating soldiers commonly included their *zu*, which was not a Qin administrative convention:

> Rotating garrison soldier, [from] Chengfu County, holder of Knight of the Realm [rank], Xiping [Village], [personal name] He, [height] seven *chi*, age twenty-nine, [member of the] Su clan.
>
> 更戍卒城父公士西平賀，長七尺五寸，年廿九歲，族蘇⍁I 9-885[49]

If we compare every piece of information on this Qin wooden tablet with the Han passport, it is easy to see that information about *zu* corresponds to the surname. In other words, information about one's surname or clan origin remained an essential component, and it only changed from *zu* to the more commonly seen *xing* 姓 or *shi* 氏 during later periods.[50] Nevertheless, the use of *zu* in the Liye I 9-885 was not in accordance with Qin administrative conventions, but was a continuation of the Chu practice. We see in texts earlier than the Liye in the "Models for sealing and investigating" (*feng zhen shi* 封診式) from the Shuihudi, which outlines the procedures for sealing and guarding family members and property of the criminal, that "name-status-village/ward" 名吏{事}里 was the core identification specified in all official documents:

> Under inquiry: I dare to inform the official in charge of X county: Male Y is under inquiry. His statement reads: [I am] a member of the rank and file,

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[48] Hubei sheng jingsha tielu kaogudui 湖北省荊沙鐵路考古隊 ed., *Baoshan chujian* 包山楚簡 (Beijing: Wenwu, 1991), 17; Chen Wei et al., *Chudi chutu Zhanguo jiance [shisi zhong]* 楚地出土戰國簡冊〔十四種〕(Beijing: Jingji kexue, 2009), 3.

[49] Chen Wei, *Liye Qin jiandu jiaoshi* 里耶秦簡牘校釋, vol. 2. (Wuhan: Wuhan daxue, 2018), 220. Another instance comes from slip 19/1021 of volume 5 of the Yuelu manuscripts: 諸治從人者，具書未得者名族、年、長、物色、疵瑕. Those who investigate the followers [of the six kingdom aristocratic families], write down in detail the missing persons' name and lineage, age, height, complexion, visible marks and blemishes…Chen Songchang 陳松長 et al., eds., *Yuelu shuyuan cang Qinjian* 嶽麓書院藏秦簡, vol. 5 (Shanghai: Zhongxi, 2017), 45.

[50] From this point of view, the phrase "曰產曰族" on the Liye 8-461 wooden board can be understood that 姓(生) is replaced by 族 under the *gengming fang* regulation, whereas the rest of the semantic load is undertaken by 產. In other words, the semantic components of (生) are divided and each part of it is taken by one of the two characters 產 and 族 respectively.

resident of Z village. What has been determined are his name, status, resident village, the decisions on his penalty for what he committed, and the applicable redemption. Has his re-interrogation been carried out or not? We have sent people who know him to seal and guard his property. According to the law, copies of records should be made and replies. We dare to inform the official in charge.
有鞫。敢告某縣主。男子某有鞫。辞（辭）曰。士五(伍)。居某里。可定名吏里。所望（坐）論云可(何)=〔何。何〕臯{罪}赦（赦）。或又覆問毋有。遣識者以律封守。當騰=〔騰騰〕。皆爲報。敢告主。[51]

As we see, the standard form of a legal identity marker includes the individual's name (usually the given name), village of residence and *li* 吏, which requires explanation. Scholars are accustomed to reading *li* 吏 as a graphic loan character for *shi* 事 and interpreting it as a person's profession. But if we examine all the instances that it occurs in this context, we will find that what was considered *li* included a broad spectrum of statuses such as specific ranks of honor, official positions, or status as a *shuren* 庶人 commoner or convict laborer.[52] Therefore, "profession" does not cover all the meanings of this word and a tentative translation for *li* in this thesis is "status."[53] Now, if we compare the change of core identification information from Chu to Qin and Han, we find that the major components remained relatively stable—the individual's name, place of residence, and social status. But there are still some nuanced differences between the three sets of identification information. First, Qin law stipulated that a person's given name rather than surname had to be recorded in the official documents, but Chu and the more standardized Han documents usually recorded both the given name and the surname. Second, the place of residence in the Qin and Han was formatted as "county-village" but in the Warring States Chu documents, it took on more varied forms such as "belonging to X *yi* 邑 or Y *zhou*

[51] Chen Wei, *Qin Jiandu heji* 秦简牍合集 [A Comprehensive Collection with Annotations of the Excavated Qin Bamboo and Wood Texts] (Wuhan: Wuhan daxue, 2014), 286–88.

[52] For a further discussion on the use of the two characters, see Weng Mingpeng 翁明鹏: "Tongyi hou Qin jiandu zhong yixie yongwei {shi} de 'li' zi zaiyi" 統一後秦簡牘中一些用為{事}的"吏"字再議, 04-14-2020, http://www.bsm.org.cn/?qinjian/8239.html.

[53] The characters 吏 and 事 are allographs and were used interchangeably until late Warring States period. The major distinction between their graphic forms is that the vertical stroke extends through the entirety of 事, whereas in 吏, the vertical stroke does not continue through the bottom radical "又." Recently, Wang Guiyuan 王貴元 and Li Jieqiong 李潔瓊 reviewed all instances of the character representing the meaning {事} in the Shuihudi Qin manuscripts and discovered that, out of 150 occurrences, 148 were written as 吏 and only 2 were written in the form of 事. Wang Guiyuan argues that even these two instances were inaccurately transcribed by previous editors, proposing that they should be corrected to 吏 and interpreted as such. He further elucidates that in the standard phrase "定名吏里" ("determining one's name, status and village/residence"), frequently seen in Qin legal texts like 'Models for sealing and investigating' (*feng zhen shi* 封診式) from the Shuihudi slip 6, 吏 typically denotes one's social rank, suggesting that it should be read as 吏, in accordance with its written form, rather than 事. See Wang Guiyuan and Lijieqiong, "Qin 'shu tongwen' gaoling banbu juti shijian kao" 秦"書同文"告令頒布具體時間考. *Xueshu yanjiu* 學術研究 2021.1: 165-172.

州" or "subordinate to X."[54] Finally, information about individual status started to emerge in the Qin documents but was quite general, and in the more standardized Han documents had begun to focus on an individual's specific rank of honor.

**Analysis of the Identification Information Item by Item**

The previous section reviewed the core identification information and the general trajectory of its change. If we expand our scope to a broader array of documents, then we will get a longer list of identification information that includes names, place of registration, social status, age and height, complexion, "ethnic" origin, clothing, and social connections. In this section, I will expand my discussion to include the more elaborate identification information, survey each item, and categorize them. To scaffold my argument somewhat, age and height were used to determine fitness for labor and military service, while certain physical features indicated status. For example, tattoo would alert officials of a criminal past, while clothing could denote a person's gender and social roles. It was this rich database of information that provided a comprehensive view of the subjects for the ruler and laid the foundation for the quantification of human resources, social ranking, and the establishment of the status credit system. I argue that taken together, this information constituted the individual's exterior identity to the state.

*The Naming System*

People generate a sense of self through their names. When people's names are registered in official documents, individuals may be subject to the control of state. Hou Xudong 侯旭東 has argued that the very act of submitting one's name tablet (*ce ming* 策名) in pre-imperial China confirmed a subordinate relation between the person who submitted it and the one who received it. By contrast, removing one's name from the registers was a serious offense.[55] Based on a cross-cultural analysis of writing systems, Wang Haicheng noted, "For the state to control its human resources the first thing necessary was to identify people, above all to know their names.[56] James Scott, mainly basing his information on materials from European countries and their colonies, argued that the cross-cultural establishment of permanent family names has always been associated with state-making.[57] This observation is insightful, and indeed, a similar trajectory may be found in the recently discovered Qin household registers. These registers reflect a system that apparently originated in a fourth-century century BCE overhaul of the Qin kingdom that was inherited and promoted nationwide after the unification in 221 BCE. Mandating the use of birth registries and the adoption of numerical ages, the household registers transformed individuals into "commoners" who were to be listed on the registers and thus rendered administratively visible.

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[54] Chen Wei, *Chudi chutu Zhanguo jiance [shisi zhong]* 楚地出土戰國簡冊〔十四種〕,66: 邸易（陽）君之人陳賈, 秦競夫人之人舒慶坦, 鄝莫囂之人周壬。

[55] Hou Xudong 侯旭東, "Zhongguo gudai renming de shiyong jiqi yiyi——zunbei, tongshu yu zeren" 中國古代人名的使用及其意義——尊卑、統屬與責任, in *Jinguan zhonggu shi: Hou Xudong zixuan ji* 近觀中古史：侯旭東自選集 (Shanghai: Zhongxi shuju, 2015), 2–30.

[56] Wang Haicheng, *Writing and the Ancient State: Early China in Comparative Perspective* (Cambridge: Cambridge University Press, 2014), 89.

[57] Scott, *Seeing Like a State*, 64–70.

While the similarities to Scott's analysis are undeniable, the samples of surnames and given names in early China followed a slightly different course of development. Before the fifth and fourth centuries BCE, only the nobility and aristocrats had family names, which were obtained through inheritance or a royal grant from the state.[58] Along with the decline of these noble families starting from the fifth century BCE, there was a great increase in the number of people who rose from obscurity and were transformed into "commoners." Later, in the registers, these commoners were assigned given names, usually vernacular names legible and intelligible only to the local people around them. The demand to register the entire population resulted in a more widespread naming system that assigned names to people that had not previously had one or changed their original names to be more identifiable. That is why we see only given names but not surnames recorded in early Qin registers.

Because the establishment and promotion of a naming system is associated with state-making, the naming of persons on the registers reflected a dynamic process of state intervention. Tu Chengsheng was one of the earliest historians to link the popularization of commoners' surnames with the establishment of the household registration system and the population census process. He argued that surnames were originally exclusively used by the "ruling class," and it gradually became widespread with the emergence of the household registration of the general population.[59] Lu Xiqi 魯西奇 points out that the practice of registering people and the households was the major means of textualizing the names of common people. These local people might have had their names in the relatively fluid phonetic form of local dialects, but for the first time they were recorded in standardized graphs on the household registers.[60] From this perspective, the surnames recorded in the official documents were more like an administrative designation rather than a faithful recording of one's family name or lineage attribute.

Apart from the names, because the application and scope of legal documents generally extended beyond the individual's local community, it was necessary to identify the place of origin and the geographic unit to which individuals belonged. With the gradual disintegration of clan organization and the patriarchal structure in the pre-imperial period, individuals for the first time needed to interact with the state directly without relying on kinship or geographical groupings as intermediaries. From the moment they started to interact with the state, they needed a name in proper written form to represent themselves.

Since Chu statutes stipulated that a person's given name as well as their clan or lineage (*zu* 族) be specified in official documents, as they are in the Baoshan manuscripts. However, the Qin administrative documents in most cases only record the given name (usually in one

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[58] Hou Xudong, *Jinguan Zhonggu shi*, 2. For example, Gu Yanwu 顧炎武 (1613–1682) was among one of the earliest to claim that common people in the ancient times had no surnames. See *Rizhilu jishi* 日知錄集釋 (Hangzhou: Zhejiang guji, 2013), 1305: 最下者庶人，庶人無氏，不稱氏稱名. Ruan Yuan 阮元, *Zuozhuan zhushu* 左傳註疏, in *Chongkan songben shisanjing zhushu* 重刊宋本十三經注疏 (Taipei: Yiwen yinshuguan, 1965), 75-1: 天子建德，因生以賜姓，胙之土而命之氏. When the Son of Heaven establishes the virtuous, he goes by their clan origin in giving them a *xing*; in granting them land, he bestows a lineage name upon them.

[59] Tu Chengsheng 杜正勝, *Bianhu qimin: chuantong zhengzhi shehui jiegou zhi xingcheng* 編戶齊民: 傳統政治社會結構之形成 (Taipei: Lianjing, 1990), 188–96.

[60] Lu Xiqi 魯西奇, "Zhongguo gudai zaoqi shuren de 'ming' yu 'xingming'" 中國古代早期庶人的"名"與"姓名." *Shanxi shifan daxue xuebao (zhexue shehui kexue ban)* 6 (2021): 82–104.

character), which was in line with "名吏里" conventions.[61] The omission of surnames or clan/lineage information might reflect state suppression of clan influences in the local societies. It should be noted that this practice of only using the given name in official documents applied to people of certain statuses including officials, commoners, criminals and servants.[62] A perfect example of this use of names can be seen in a transfer-of-property contract from Liye slip 8-1554:

> *Recto Line 1*: 卅五年七月戊子朔己酉都鄉守沈爰書高里士五廣自言謁以大奴良完小奴嚍饒大婢闌愿多□
> On the *jiyou* day of the seventh month, which had *wuzi* as the first day of that month, in the thirty-fifth year, the statement by Shen, the Acting/Temporary (Bailiff) of Du District: Guang of commoner (*shiwu*) rank from Gao Village personally stated that he had made a presentation [to the officials) in which he gave the adult male slaves, Liang and Wan; the non-adult slaves Shou (?) and Rao; and the adult female slaves Lan, Yuan, Duo, and (?);
> *Line 2*: 禾稼衣器錢六萬盡以予子大女子陽里胡凡十一物同券齒
> as well as grain crops, clothes, and utensils, [together worth] 60,000 cash, to his adult daughter Hu of Yang Village; in all, eleven items together in the same notched contract
> *Line 3*: 典弘占
> Registered by Hong, the (Village) Chief [63]

[61] There are two separate issues here—whether they had surnames, and whether they used them in this specific context. In fact, there are only very few specific types of documents that record one's surname. Qi Meng 祁萌 argues that the surnames listed in the Qin dynasty household registers imply identified them as part of the household, not for individual members. See Qi Meng, "Zhangguo Qin-Han ren 'ming' de shiyong jiqi yiyi" 戰國秦漢人"名"的使用及其意義, lecture notes accessible online: https://history.muc.edu.cn/info/1021/4722.htm.

[62] Ogata Isamu 尾形勇 argues that officials were not supposed to use their surnames in the "public realm," such as when communicating with the emperor, since the surname was an aspect of family lineage. As a conventional practice, officials addressed themselves as "your servant" (*chen* 臣) + "personal name." See Ogata, *Chūgoku kodai no ie to kokka: Kōtai shihayi ka no chitsujō kōzō* 中国古代の家と国家:皇帝支配下の秩序構造, (Tokyo: Iwanami shoten, 1979), 118–28.

[63] Chen Wei, *Liye Qin jiandu jiaoshi*, vol. 1, 356–57, slip 8-1554.

Figure 2-3: Image of the Liye Slip 8-1554 Contract Tally for Property Transfer

In this contract, from the bailiff of the district to the commoner, from the village chief to the male and female servants, everyone was referred to by their given names without any mention of their surnames. The directly involved parties, the applicant and the property receiver are identified as "Commoner Guang of Gao Village" and "female adult of Yang Village," strictly following the Qin standard principle of identifying people by "name-status-village." However, we should not imagine a neatly uniform usage of names in practice under all circumstances. For most ordinary people in the local communities with unclear origins, the process of obtaining and recording their names was to a large extent influenced by their interactions with the bureaucrats and by the fluidity of the official documents. In the first place, the divergence could come from the different representations of names in the local spoken language and the "standard" graphs that officials were required to use. They had to rely on local officials and scribes with certain levels of literacy to "translate" and put their names on various documents. Some of these names were made or chosen for the purpose of administrative convenience such as naming the person by their physical features (e.g., *cuo* 瘥 or *puzu* 僕足), the place that they lived (e.g., place names), the date of their birth or their status (e.g., servant 臣 or adult 丁, *ying* 嬰, or guest 客). Some of the names took very vernacular meanings such as *wusi* 毋死, *buhai* 不害, *maichen* 買臣 (purchased slave), *taren* 它人, *zhuang* 壯, *hu* 狐, *gu* 骨, *ai* 哀, *bian* 扁, *sun* 孫, *chuan*

船, *fu* 婦, *yueren* 越人, *shu* 鼠, *ji* 畸, *shanzhi* 膻之, etc..[64] Some of these names are better understood as phonetic loan characters and were used only to record the sound of the name in the local dialects. It might have been the first time these names were ever taken down in written form.

The Wuyi Guangchang slips include a case involving a property dispute in which a person whose given name was Wu 於 claimed to have his own registered household (*zi minghu* 自名戶) and a surname that had been chosen for him "following his brother's surname, Yang" (*sui xiong xing wei* Yang 隨兄姓為楊).[65] The language in this case indicates that even by the mid-Eastern Han period, surnames were not assigned to a person at birth. It was only when there was an administrative need to investigate the case and check the registers that Wu had to "obtain" his surname and put it in print. Who knows how his brother got this surname to begin with.

*Place of Registration*

Names alone were not enough to identify a person for administrative purposes because we see many instances in which people from different villages shared the same names. So, when the administrative work took place in a broader geographical sphere, it was necessary to add in other personal markers in order to reduce confusion and ambiguity. The connection between geography and human beings, especially for commoners, occurred with the disintegration of the feudal system and the establishment of the commandery-county system. In the classical period during the Zhou dynasties, every person had a subordinate and dependent relationship with superiors and the opposite was true of subordinates, as is elaborated by the *Zuozhuan*.[66] In this tradition, only the various vassal lords were associated with geographical units, and this association was confirmed by the enfeoffment rites. As a result, other members of society were identified by their relationship with the lords, such as "X is a son/grandson of Y" or "grandsons of Prince X" (*gongsun* 公孫), or "a subordinate of Prince X," as in the Baoshan manuscripts.

With the establishment of a centralized government and uniformly divided geographical units, everyone was assigned to a specific locality as their "place of residence" in the tiered "commandery-county-district-village" system. This change is sometimes summarized as "the disintegration of patriarchal kinship systems and the establishment of a territorial society," as a

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[64] Hu Tengyun 胡騰允, "Liye Qinjian (er) suojian renming tongjibiao" 里耶秦簡（貳）所見人名統計表, 09-04-2019, http://www.bsm.org.cn/?qinjian/8128.html.

[65] Changsha shi wenwu kaogu yanjiusuo 長沙市文物考古研究所 et al eds., *Changsha Wuyi guangchang Donghan jiandu xuanshi* 長沙五一廣場東漢簡牘選釋 (Shanghai: Zhongxi shuju, 2015), 166, slip 2010CWJ1③: 325-2-28.

[66] Ruan Yuan, *Zuozhuan zhushu*, 759: 天有十日，人有十等，下所以事上，上所以共神也。故王臣公，公臣大夫，大夫臣士，士臣皁，皁臣輿，輿臣隸，隸臣僚，僚臣僕，僕臣臺. In heavens there are the ten day-periods; among men there are the ten ranks. By this means inferiors serve their superiors and superiors show reverence for the spirits. Therefore, a king is served by his lords, the lords are served by high officials, high officials are served by low officials, low officers are served by menials, *menials are served by commoners*, commoners are served by convicts, convicts are served by hard laborers, hard laborers are served by bondsmen, and bondsmen are served by slaves. The English translation follows *Zuo Tradition* translated and introduced by Stephen Durrant, Wai-yee Li, and David Schaberg (Seattle and London: University of Washington Press, 2016), 1413–15.

way to capture the transformation from the kinship-based *zongfa* 宗法 system of the Zhou to the development of the commandery-county system.[67] The association between common people and geographical units was reinforced by the implementation of the "allocation of land and dwellings" (*ming tianzhai* 名田宅) system that entitled individuals to a certain amount of arable land and a homestead.

The association between people and geographical units made it possible and necessary to identify individuals by their "place of residence" or "registered residence." Just as names were not always assigned at birth, the "place of residence" as an identifier did not always mean the location of a person at a given time. Nevertheless, in order for it to play an effective role as identification information, it was important to choose which combination of geographic/administrative units to use from the commandery-county-district/township-village/ward system. For example, if county was the only geographical marker used in one's identification information, then the immediate problem would be that the information was totally useless for local administrative work within the jurisdiction of that county because it would not differentiate people further. Instead, if the village were chosen to represent one's place of registration, it might be effective in the local contexts of the county or district. For example, Qianling County where the Liye manuscripts were discovered had three districts and six villages under its jurisdiction. Mentioning the village and personal name might be enough to distinguish a person without causing too much confusion.[68] However, as the administrative perspective expanded from the local level to higher levels, if it had been only the village that was used to identify a person, there might have been multiple identities with the same personal names, or multiple villages with the same place names within the jurisdiction of the commandery or the entire state. After all, many of the Qin villages/wards took their names based on locations in the county or district such as Nan Li 南里 or You Li 右里, or they were named with auspicious phrases like "one thousand autumns" (*qian qiu* 千秋) or "eternal joy" (*chang le* 長樂). The duplication of the names of villages and people might have been the driver in the change of the core identification information from the Qin "name-status-village" form to the more precise and effective Han-style "name-county-rank-village."

[67] Guan Donggui 管東貴, *Cong zongfa fengjianzhi dao huangdi junxianzhi de yanbian: yi xueyuan jieniu wei mailuo* 從宗法封建制到皇帝郡縣制的演變——以血緣解紐為脈絡, (Beijing: Zhonghua shuju, 2010).

[68] Yan Changgui 晏昌貴 and Guo Tao 郭濤, "Liye jiandu suojian Qin Qianling xian xiangli kao" 里耶簡牘所見秦遷陵縣鄉里考, *Jianbo* 10 (2015): 145–54.

Figure 2-4: The Present Day View of the Qianling Qin County Site in Liye

The question then becomes why the "county" and "village" were included in the "commandery-county-district-village" system. The short answer is efficiency and precision of administrative work. Liu Hsin-ning used an analogy in which she likened the household registration information to a digital "database" of personal data. In this analogy, the information in the county-village combination was compared to an "index" term, which was used to retrieve corresponding information in the database.[69] This combination could possibly have excluded multiple people with duplicate personal names and same "registered place" names.[70] The number of commanderies ranged between 30 and 100 during the Qin-Han period, so if the commandery had been chosen instead of the county, whether paired with district or village, it would not have effectively excluded the occurrence of duplicate districts or villages with the same names within the same commandery. In contrast, the number of counties during this period ranged between 1000 and 1500, all with distinct names, significantly reducing the likelihood of districts or villages sharing the same names within a single county. Furthermore, if we follow the data from the "Treatise on Geography" ("Dili zhi" 地理志) in the *Hanshu*, the average number of households within one district was 1847, amounting to 9000 people or so. If the district had

[69] Liu Hsin-ning 劉欣寧, "Qin-Han shidai de huji yu gebie renshen zhipei" 秦漢時代的戶籍與個別人身支配, in *Falü shi yiping* 法律史譯評, eds., Zhou Dongping 周東平 and Zhu Teng 朱騰 (Beijing: Zhongguo zhengfa daxue, 2015), 86–111.

[70] In other words, registered place names serve the purpose of de-duplicating the potentially multiple identities held by residents. For a deeper understanding of the "de-duplication" concept and its implementation India's biometric registration program, refer to Lorence Cohen. "The 'Social' De-Duplicated" On the Aadhaar Platform and the Engineering of Service." *South Asia: Journal of South Asian Studies* 42.3 (2019): 1-19.

been used instead of the village, it would have been impossible to avoid a situation in which multiple people with the same personal names resided in the same district, and thus there would be a failure to fully differentiate. So if the counties were paired with the village/wards, which usually had between 30 and 50 or so people, it would effectively avoid the possibility of multiple villages sharing the same names within the same county, and it would also avoid the presence of individuals with the same names within the same village/ward. Considering all these factors, the combination of county and village as an index term was chosen as the system for differentiating individuals.

In addition to considerations of function, the special structure of village/ward and its daily management during the Qin and Han period also made it a crucial link in the administrative system of the Qin and Han states. *Li* of this time served as both a residential unit for the local inhabitants and as an administrative unit for household registration. The residents within a *li* were organized into units of ten (*shi* 什) or five (*wu* 伍) households groups that shared joint legal liability for the criminal actions of anyone in that unit. The village chiefs (*li zheng* 里正 or *li dian* 里典) undertook the frontline responsibility for various administrative matters on behalf of the state, and all personal information about the populace was collected and managed through these village chiefs. A village is described as an example of the governance of an ideal state in the "On Maintaining Restraint" (Jin cang 禁藏) chapter of *Guanzi*:

> Now, those who are skilled in governing the people do not rely on the city walls. They bind the people of ten households together and control them in groups of five households. No group of five households is allowed to have anyone who does not belong to this group, no one is allowed to stay out of any village, and there are no households that do not belong to some village community. Therefore, those who would flee have no place to hide, and those who would move [without authorization] have no place to stay. Without seeking them, the people may be found; without summoning them, they arrive. Thus, the people have no thoughts of wandering away, and the functionaries have no worries about chasing after them.
>
> 夫善牧民者，非以城郭也，輔之以什，司之以伍；伍無非其人，人無非其里，里無非其家，故奔亡者無所匿，頡徙者無所容，不求而約，不召而來，故民無流亡之意，吏無備追之憂。[71]

This method of grouping individuals would support the mutual supervision and monitoring among the populace. Although the passage says "the people do not rely on the city walls," the Zhangjiashan "Statutes on Households" (Hu lü 戶律) tells us that the Qin-Han *li* had an enclosed structure and different *li* were separated by walls. The statute reads:

> For those heads of households holding the ninth or lower rank of honor, the households should be organized into mutually responsible groups of five. They are to use divided contract tallies as proof of their trustworthiness. The residents are to investigate one another and inspect one another's comings and goings. When there is one among them who commits robbery or assault,

[71] *Guanzi jiaozhu, juan* 1, chapter 4, 1023–24. The English translation follows Rickett, vol. 2, 222–23.

> or absconds, they should immediately report it to the officials. The village chief and the chief of the fields should take turns keeping the key to the village gates. They are to open and close the village gates at the appropriate times. During the days of concealment (in mid-summer), they should close the gates and stop travelers and those working in the fields. Only those who present wine offerings, those who use postal or other official conveyances, imperial envoys who hold a tally of authority, as well as those who are rescuing people from water or fire and those pursuing robbers may travel [through the gates]. Not obeying the statute will result in a fine of two *liang* of gold.
> 自五大夫以下，比地為伍，以辨券為信，居處相察，出入相司。有為盜賊及亡者，輒謁吏。典、田典更挾里門籥（鑰），以時開。伏閉門，止行及作田者；其獻酒及乘置乘傳，以節使，救水火，追盜賊，皆得行。不從律，罰金二兩. 3079 [72]

"Statutes on Households" fleshes out details about village-level administration, showing that Qin-Han *li* communities not only had walls but also kept them open or closed according to a fixed schedule. Climbing over these walls or furtively opening up the gate would result in being punished with "redemptive tattooing" (*shu qing* 贖黥).[73] We also know that these villages had full-time management functionaries—the village-chief and the chief of the fields. They took turns keeping the keys to the village gates. There is no mention of the village elder (*li lao* 里老) in the earlier Shuihudi Qin texts. The Shuihudi "Answers to Questions Concerning Statutes" (Falü da wen 法律答問) reads:

> Suppose a murderer enters X's house and wounds X. X cries out, but his neighbors on all sides and the village chief as well as the village elder have all gone out so they are not there, and they do not hear X calling out. Question: Is sentencing [of these people] warranted or not? [Answer:] If the investigation shows that [the four neighbors] were absent, sentencing them is not warranted. As for the village chief and village elder, they were absent so their sentencing is warranted.
>
> 賊入甲室，賊傷甲。甲號寇，其四鄰、典、老皆出不存，不聞號寇。問當論不當。審不存，不當論。典、老雖不存，當論。[74]

Although this is a hypothetical legal case aims to provide a model for judges to use to make decisions, it is useful because it tells us about the conditions of village administration. If the

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[72] Peng Hao et al., eds., *Ernian lüling yu Zouyanshu*, 215. The English translation follows Barbieri-Low and Yates, *Law, State, and Society in Early Imperial China*, 788, slip 3079, with minor revision.

[73] The Zhangjiashan "Statutes on Miscellaneous Matters" (Za lü 襍律) slips 182–83 read: 越邑、里、官、市院垣，若故壞決道出入，及盜啟門戶，皆贖黥。其垣壞高不盈五尺者，除。捕罪人及以縣官事徵召人，所徵召、捕越邑、里、官、市院垣，追捕、徵者得隨跡出入.

[74] Chen Wei, *Qin Jiandu heji*, vol. 1, 234.

"village chief" and "village elder" were not present when the murder occurred, they would still be held responsible. This stipulation implies that the village chief and village elder were stationed full time within the community, and expected to keep a close watch on every movement. The "Li Zheng" 立政 chapter of *Guanzi* records that the *li* officials even had to report cases of "residents wearing improper clothing" (*yifu buzhong* 衣服不中).[75] Because the village/ward officials kept watch over the various aspects of the local residents' lives, the village/ward information became the primary means of obtaining an individual's personal identity information and a hub for intelligence about its inhabitants. Liu Hsin-ning compares the place of residence constituted by the "county-village/ward" structure as the key to acquiring personal information. Even after physically moving to a different place, individuals were still connected to their place of origin or place of residence, like "kites tied to a string."[76]

*Status Identifiers*

The previous section contained a general description of the core information that constituted individual identity, which changed from the "place of residence-name-clan" (*juchu mingzu* 居處名族), to "name-profession/status-village/ward" (*ming shi li* 名事里), to the more standardized and well-known "name-county-rank-village/ward" system. Of the three central pieces of information—name, place of registration, and status, status (*shi* 事) is the most ambiguous and broad. It has been expediently translated as "profession," which is in some cases, inaccurate.[77] Let us first look at an example from the Liye documents 8-136+8-144:

> *Front side*
> In the…month, *jihai* being the first day of that month, on the *xinchou* day, the provisional Director of the Granaries dares to report this: An order was sent down requesting the retrial of a case and the arrest of Deng…, a bondservant working in Qianling…his name and *shi* 事, whether he has any previous criminal record, and his dispatchment. I have asked his name and *shi*, and it has now all been determined: [Deng] was originally a bondservant from Xunyang, and worked as…a scribe according to an agreement. Then he was pursued for a crime that matches [the punishment of] shaving beards or more severe. He was held in custody in Qianling but was not sentenced. There are no words of dispatchment. Now I am reporting to the workplace for the retrial of this case. I dare to…at the lower sixth [section of the] mark [of the water clock]…, a minor scribe Yiwu came and delivered this document. Opened by Chao. Drafted by Shang.

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[75] *Guanzi jiaozhu, juan* 17, chapter 65, 1023–24 reads: 閭有司觀出入者，以復於里尉。凡出入不時，衣服不中，圂屬群徒不順于常者，閭有司見之，復無時。"The gatekeeper observe inhabitants who come and go in order to order to report on them to the village commandant. All cases of leaving or entering at improper times, wearing improper clothing, or members of households or their retainers not conforming to the accepted norms shall be reported by the gatekeeper immediately, no matter what time [they see that]."

[76] Liu Hsin-ning, "Qin-Han shidai," 103.

[77] Chen Wei, *Liye Qin jiandu heji*, volume 1, 76–77, note 3. Specific evidence will be shown in the following paragraphs.

⊠□月己亥朔辛丑，倉守敬敢言之：令下覆獄遝遷陵隸臣鄧Ⅰ⊠□□名吏（事）、它坐、遣言。·問之有名吏，定，故旬陽隸臣，以約爲Ⅱ⊠□□史，有遝耐皋以上，毄（繫）遷陵未央（决），毋遣毆。謁報覆獄治所，敢言Ⅲ⊠□□刻刻下六，小史夷吾以來。/朝半。　　尚手[78]

This document is an official reply from Jing, Director of Granaries of the Qianling County to his supervisor, in which Jing clarifies the status of a bondservant working under his supervision whose name was Deng. There are two points concerning the description of the identification information worth noting in this document. First, the core identification information is "name + *li*" (*ming li* 名吏) rather than the standardized "name + status + village/ward." This is because, as a bondservant, Deng's connection with his place of residence or registration was cut off when left his hometown upon being sent to Qianling to work as a state-bonded laborer. His name was erased from his household register and entered into the "Accounts of Working Convict Laborers" (*zuotu bu* 作徒簿), which may be seen as a kind of collective household register. From the perspective of the state, it would make little sense to mention the specific village/ward of a convict laborer whose identity was reorganized and who was controlled by a state department. That is why the state identified Deng as a "bondservant of Qianling" or "bondservant originally from Xunyang" without mentioning a specific village/ward origin. Second, it is clear that *li* 吏 does not refer to "occupation" in a broad sense but rather to Deng's legal status as a bondservant or *lichen* in this case. In sum, *li* was used to refer to the *status* of "convict laborer."

Other textual evidence suggests that *li* referred to a broad range of social statuses including certain ranks of honor. For example, Liye Slip 9-1887:

> …asks the Supervisor of the Arenal, Wu, whether his assistant should be held responsible. Wu, is a holder of the rank of *shangzao* [2nd], and resides in Xunyang…[His assistant] is a commoner [a member of the rank-and-file] who resides in Qiangong Village/Ward. Their names, *li*, and places of residence are all determined. They do not have any previous criminal records.
>
> □問庫武佐當坐。武，上造，居旬陽，⊠□士五（伍），居灋工里。名吏里皆定，毋（無）它坐。[79]
>
> Yuelu volume 4, "Statutes on Enrollment" slips 160–161: [In cases] when a bondservant takes a commoner (*shuren*) as his wife, or when the wife of any of the various robber-guards and bondservants become pregnant: if the husband was emancipated (and only after he was emancipated) and then the child was born, the *shi* of the child should follow the father's new post-manumission *shi*.

[78] Chen Wei, *Liye Qin jiandu heji*, vol. 1, 76–77.
[79] Chen Wei, *Liye Qin jiandu heji*, vol. 2, 386.

傅律曰：隸臣以庶人爲妻，若羣司寇、隸臣妻懷子，其夫免若冗以免、已拜免，子乃產，皆如其已免吏之子。[80]

In both of these cases, a man's *li* refers to his status and identity as a rank holder, a bondservant, or another type of convict laborer. These are all formal terms of social status that appear in official documents. On the other hand, we do not see evidence of using *li* to refer to a profession, although at times, occupation is specified as a formal status term. In the "Record of Submitted Doubtful Cases" ("Zouyan shu" 奏讞書), there is a case in which a musician named Jiang was wrongfully accused of stealing a black cow. In the reinvestigation, Jiang made the following statement. "The appeal for a new trial by the tattooed wall-builder Jiang stated: 'I was formerly a musician. I did not conspire to steal cattle with Mao, a member of the *shiwu* status.'" 黥城旦講气(乞)鞫，曰：故樂人，不與士五(伍)毛謀盜牛。[81] The terminology used in the Qin and Han legal documents is usually very precise. In this case, "a former musician" indicates that Jiang's status changed after he was accused and sentenced. So "musician" and "wall-builder" (a type of convict laborer) were both formal status terms of this time.

The status of "convict laborer" was consistently a core identifier among various social status categories during the Qin and Han dynasties, and it corresponded to the *li* 事 in the Qin and *jue* 爵 in the Han. When referring to the convict laborers, official documents usually omit the name of the village/ward in their place of residence, and only mention the county name, such as "'Fuelwood-gatherer'-convict, male adult Wang Wu from Juyan [County]" 居延鬼薪徒大男王武 and "Shaved and shackled 'wall-builder' convict, male adult Zai Tu from Xiaogu [County]" 效谷髡鉗城旦大男宰土. The omission of village/ward names seems to break the convention I discuss above, but it was actually a deliberate practice—the county names preceding these convict laborers' names were counties where the convicts worked, rather than their original hometowns. This means that once they were sentenced, the convicts' places of residence were changed from their place of origin to the place where they had been relocated and performed their service. In other words, they were excluded from their original community. Only when they had completed their labor service or encountered a general amnesty would their place of origin information be reinstated, marked with the prefix *gu* 故 [previous] to distinguish it.[82]

*Age and Height*

Age and height are examined together as they both served as key determinants in assessing an individual's tax liability and eligibility for corvée labor service. The incorporation of age information into personal identification markers did not occur until the late third century BCE. The "Basic Annals of the First Emperor of Qin" (Qin Shihuang Benji 秦始皇本紀) chapter of the *Shiji* records: "In the sixteenth year of King Zheng 政 of Qin," (231 BCE), [the

[80] Chen Songchang et al., eds., *Yuelu shuyuan cang Qinjian*, vol. 4 (Shanghai: Shanghai cishu, 2015), 121, slips 160–61.

[81] Peng Hao, *Ernian lüling yu zouyanshu*, 359–63.

[82] For example, the Jianshui jinguan slip 73EJT37: 526 reads: 永光四年六月己酉朔癸丑倉嗇夫勃敢言之：徒故潁川郡陽翟宜昌里陳犬，永光三年十二月中坐傷人論鬼薪，會二月乙丑赦令，免罪復作，以詔書贖免為庶人，歸故縣，謁移過所河津關，毋苛留止，縣次贖（續）食. Gansu jiandu bowuguan et al., eds., *Jianshui Jinguan Han jian*, vol. 4, part 1, 86.

State of Qin] for the first time decreed that adult men were to register their age" 初令男子書年.[83] This is the earliest documented instance of an age registration mandate in datable transmitted literature. This record is consistent with the excavated private chronicle from the Shuihudi site of the same period, the "Biannian ji" 編年記, in which a local official named Xi 喜 wrote: "On the *dingsi* day of the seventh month of the sixteenth year [of King Zheng of Qin; 231 BCE], my father died. I self-reported my age." 十六年七月丁巳，公終。自占年。[84] These two texts, originating from distinct sources, corroborate the earliest known date for the implementation of individual age registration.

The *Shiji* also tells us that by this time, it had been over one hundred years since the start of the household registration system in the tenth year of the Lord of Xian of Qin (375 BCE).[85] This indicates that during these hundred years, age was not commonly included in household records. But if that were the case, how did officials gauge each person's physical condition or degree of fitness prior to the widespread practice of recording ages? The "Statutes on Granaries" (Cang lü 倉律) of the Shuihudi manuscripts indicate that height, rather than age, was likely used as a criterion for this assessment:

> Bondservants and wall-builders who do not reach the full height of six *chi* and five *cun*, as well as bondwomen and grain sorters falling short of six *chi* and two *cun* are all categorized as "non-adult."
> 隸臣、城旦高不盈六尺五寸，隸妾、舂高不盈六尺二寸，皆爲小。[86]

In this context, a height standard was established because convict laborers, categorized into different groups, were assigned labor duties of varying intensity and lengths of time. Height was an aspect legal identity and was a factor in determining legal liability for certain legal actions:

> Female X is someone's wife, and she absconded. If she is caught or gives herself up, since she is small and does not reach the full height of six *chi*, is she to be sentenced or not? [Answer:] In the case that [the marriage is recognized] by the officials, she is to be sentenced; if not, she is not to be sentenced.
> 女子甲爲人妻，去亡，得及自出，小未盈六尺，當論不當？已官，當論；未官，不當論。[87]

These excavated Qin examples explain why in many of the legal records, the ages of the parties involved are documented—because it might have affected the determination of the penalties. Another reason height was used as a determinant of a person's legal identity before age is that before the widespread demographic census was implemented, people's biological age information was not easily gauged by the authorities. In many cases, people did not know their exact age, as not everyone had precise annual records of their lives like Xi, the occupant of the

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[83] *Shiji* 6. 232.
[84] Chen Wei, *Qin Jiandu heji*, vol. 1, 11.
[85] *Shiji*, 6. 289: 十年，為戶籍相伍。
[86] Chen Wei, *Qin Jiandu heji*, vol. 1, 77, slip 52.
[87] Chen Wei, vol. 1, 263.

Shuihudi tomb. In contrast, height information was more objective and readily measurable by the authorities, making it a reliable source of identification information pertaining to a person's legal liability and labor capabilities. In fact, even in the Han dynasty, when household registration had become widespread, officials still had doubts about how accurately they could ascertain an individual's age. A Zhangjiashan text from the "Statutes on Households" reads:

> In general, everyone is required to self-report their age. For someone who is too young to self-report and has no father, mother, or older siblings to report for them, the officials are to determine the age based on a [height] comparison. If someone makes a self-report of their own age, or a report of the ages of their children or siblings, that does not accord with the actual [age] by three years or more, then in every case, the criminal shall be shaved.
> [諸]民皆自占年。小未能自占，而毋父母、同産為占者，吏以[長]比定其年。自占、占子、同産年，不以實三歲以上，皆耐。[88]

This statute shows that officials could proactively measure an individual's height when information about their age was lacking, thus demonstrating that height continued to be considered a reliable piece of identity information. The allowed "three-year margin" indicates that precise information about age was often lacking. Neither individuals self-reporting their age, nor local officials registering the ages of others would be penalized for discrepancies within a three-year margin. Registers of northwestern garrison soldiers, where height and age appear together and are used concurrently show that height continued to be used to determine fitness for various services. This dual usage of both age and height even led to the development of a mechanism for their conversion. For instance, The *Rites of Zhou* sets forth criteria for identifying those eligible for employment, stating:

> Within the city-state, [eligibility starts from those whose] heights are seven *chi* [and above] to those whose ages are [lower than] sixty. In the wilderness, [eligibility starts from those whose] height is of six *chi* [and above] to those whose age is [lower than] sixty-five. Jia Gongyan's commentary reads: "The height of seven *chi* corresponds to the age of twenty, while six *chi* corresponds to fifteen."
> 國中自七尺以及六十，野自六尺以及六十五。賈公彥疏：“七尺年二十，六尺年十五。”[89]

Whether this correlation has a biological basis is a separate issue; its primary purpose was to establish compatible standards to meet certain administrative objectives and to translate across areas where different criteria were used. The excavated Han dynasty Songbai 松柏 and Yinwan 尹灣 "Aggregate Accounts" (Jibu 集簿), among other unearthed texts, divided an individual's life into different stages based on their age and gender. This categorization of different stages

[88] See Barbieri-Low and Yates, *Law, State, and Society in Early Imperial China*, Section 3.18, 796–97.
[89] *Zhouli zhengyi*, *juan* 3, 90.

also determined taxation and status for various labor services. The categorization is summarized in the following table[90]:

Table 2-2: Categorization of Population Based on Tax and Corvée Liabilities

| Category | 小 infant | 未使 not liable | 使 liable minor | 大 liable adult | 老 exempt elderly |
|---|---|---|---|---|---|
| Male 男 | 1–2 | 3–6 | 7–14 | 15 | 70+ |
| Female 女 | 1–2 | 3–6 | 7–14 | 15 | 70+ |

The actual situation, of course, was not always as neat and orderly as indicated in the table. First, these statuses were not uniformly classified at the same age for everyone. Specifically, the age at which individuals were considered "elderly" and thereby exempt from service differed according to their rank, with the higher ranks qualifying for an exemption at a younger age. Jesse Watson described these well as "technologies of classification by gradients of rank and age."[91] Second, the ages at which the populace entered and exited various statuses were subject to adjustments over time, reflecting social changes and the evolving needs of the government and social changes. According to Chen Wei's recent study of the "Sui Ji" (Suiji 歲紀) section of the Hujia Caochang Han bamboo slips, it appears that in the Qin and early Han periods, possibly due to wartime needs, the age for being "enrolled" (*fu* 傅) in the registry was relatively low, and the age for exemption from service (as an "elder") was high. During the reigns of Empress Lü and Emperor Wen of the Han, there were two significant adjustments: the age for registry enrollment was increased from 16, as noted in the Shuihudi chronicles, to 20 years during the mid-Han era, and the age for exemption as an "elder" was lowered from 60 to 56 years. This adjustment was called "reducing the range of ages for services" (*jianlao zengfu* 減老增傅, i.e., lowering the age for becoming an "elder" and raising the starting age for service) in the Hujia Caochang texts.[92]

Ling Wenchao has recently pointed out that the standard ages for different classifications should be distinguished according to the specific type of the document, with variations in household registries, granary registries, passports for family members of the garrison soldiers, and so on. In addition to age and height, marital status played a particular role in classifying women, as marital status could determine their categorization as "adult" or "minor" (married women were sometimes classified as "adult" irrespective of age). Another category includes those exempted from certain services due to physical disability, termed "*pilong*" 罷癃, and this

[90] Earlier studies include Michael Loewe, *Records of Han Administration*, University of Cambridge Oriental Publications, no. 11–12 (London: Cambridge University Press, 1967), vol. 2, 67–68. Tu Cheng-sheng, *Bianhu qimin*, 14–15. Different rations of food were designated for people of different age groups.

[91] See Jesse Watson "Paperwork Before Paper" (PhD diss., UC Berkeley, 2019), 82. Similarly, *Ernian lüling* shows that the age of registration practices may be divided into three groups: 1) sons of *shiwu* 士伍 and *bugeng* 不更 were registered at the age of twenty; 2) sons of *dafu* 大夫 and *wu dafu* 五大夫, as well as *xiaojue* 小爵 with rank between *bugeng* and *shangzao* 上造 were registered at twenty-two; and 3) sons of *qing* 卿 and *xiaojue* of rank *dafu* were enrolled at twenty-four.

[92] Chen Wei, "Xinjian jiandu yu Qin zhi Xihan zaoqi de fuji zhidu" 新見簡牘與秦至西漢早期的傅籍制度, *Bulletin of the Institute of History and Philology, Academia Sinica* 93-4-1 (2023): 705–28.

was generally recorded in a separate register. The integration of these varied identity categories into the household registration system was not completed until the Western Jin dynasty, according to Ling Wenchao's study.[93] Ling's work further supports my argument that the service status and identity categorization of the ordinary populace in early China was mainly determined by age and height, it was more than just a reflection of an individual's physiological characteristics. More accurately, it represented a projection of social and political attributes onto the individual based on certain administrative goals.

*Complexion, Signs and Marks, Clothing, and Belongings*

Complexion and distinctive physical characteristics are recorded in certain types of documents as a means of providing a detailed description of a person. In a Qin statute regarding the pursuit of anti-Qin loyalist followers of the aristocratic families from the former six eastern kingdoms, officials were required to record and report detailed descriptions of sought-after individuals:

> Those who investigate the followers [of the aristocratic families of the Six Kingdoms] are to write down in detail the missing person's name and familial lineage, age, height, complexion, visible marks, and blemishes. Transfer the "wanted documents" to the related counties and marches, and officials of these counties and marches shall look for the missing people based on the [description in the] "wanted documents." When these people are caught, the officials shall be clever in their interrogations of them.
> 諸治從人者，具書未得者名族、年、長、物色、疵瑕，移謼縣道，縣道官以謼窮求，得，輒以智巧（潛）訊。[94]

The term "*wu se*" 物色 (literally, colors of physical things) originally referred to the color of animal fur, but following the Warring States period, it came to denote facial color or even general physical features. As increasing numbers of unearthed texts have come to light, we have seen the term "*wu se*" and detailed descriptions of it throughout a range of documents from the late Warring States period to the Han Dynasty, making its common usage during this period even clearer.[95] We observe that detailed descriptions of "*wuse*" vary across documents of different types, and that there are primarily two categories of documents that record such physical features: government registries and travel documents, and "wanted posters" used for apprehending thieves and runaways, focusing on the physical descriptions. For instance, in a reconstructed "wanted notice," a member of the rank-and-file named Liao Ke who allegedly absconded was described in a very detailed way:

> On the *jichou* day of the ninth month in the twenty-fifth year, Zhou, the head of the emergency troops, submitted the transcript of a statement: Corporal Mai and head of the ten households, Jia, both reported that Liao Ke, a

[93] See Ling Wenchao 凌文超, *Qin-Han Wei-Jin dingzhongzhi yansheng shilun* 秦漢魏晉丁中制衍生史論 (Zhengzhou: Henan renmin, 2019), 217–21.

[94] Chen Songchang, *Yuelu shuyuan cang Qin jian*, vol. 5, 45.

[95] For the broad range of meanings of *wu* 物, see Antje Richter. "Mistaken Identities: Negotiating Passing and Replacement in Chinese Records of the Stange," 19-20.

> member of the rank-and-file from You village, absconded as he was passing by the Wuxi bridge of Lingyang County, [and his whereabouts] are unknown…Liao Ke is about twenty five years old, around 6 *chi* and 8 *cun* tall [approximately 157 cm], with reddish skin; he has a lot of hair, but does not have a beard…(Liye vol. 1, slip II8-439+8-519+8-537)
> 廿五年九月己丑，將奔命校長周爰書：敦長買、什長嘉皆告曰：徒士五（伍）右里繚可，行到零陽廡谿橋亡，不智（知）□□ I 繚可年可廿五歲，長可六尺八寸，赤色，多髮，未產鬚。[96]

Liao Ke's complexion was described as "reddish" (*chi se* 赤色), a common term used in this context. Other frequently used colors include "greenish-blue" (*qing se* 青色), "yellow" (*huang se* 黃色), "yellowish-white" (*huangbai se* 黃白色), "greenish-white" (*qingbai se* 青白色), "fair" (*baixi se* 白晳色), "fair with a yellowish tint" (*huangxi se* 黃晳色), "ink-colored" (*mo se* 墨色), and "dark" (*hei se* 黑色 ), with "dark" being the most common. Here, the colors used to describe skin tone (primarily facial complexion) should be seen as relative and subjective perceptions, and it is likely that ancient people's perception and description of colors were different from those of modern people. These terms were not merely descriptions of wanted individuals; they point also to the state's impulse to categorize and control its population.

Occasionally, to enhance the accuracy of the description, additional details are included in addition to complexion, such as detailed portrayals of the habitual facial expressions of people under pursuit. An example from the Han slips excavated in the Jianshui jinguan site in Gansu province reads:

> At the time [of her escape], she was about twenty-three or twenty-four years old, so now she would be around sixty. She was of average height and medium build, with a brown or yellow complexion. She had a small head, dark hair, an oval-shaped face, and a short chin. She often frowned and scowled, and her body was slightly on the taller side. (73EJT1:1)
> 時年可廿三四歲，至今年可六十所。為人中壯，黃色，小頭，黑髮，隋面，拘頤，常戚額胸頻狀，身小長。[97]

In this Western Han document about the pursuit of a runaway female slave from the Jianshui Jinguan, there is a detailed description comprising the facial complexion, physical features, and even the habitual expressions of the fugitive. This level of detail might be considered to prefigure the portraiture and photography used in legal contexts in later times. In another case, a person who was about to exit the pass and return home is described as having "a shaved head" (*kun tou* 髡頭).[98] This is important information because having one's head or facial hair shaved or having tattoos on one's cheeks or forehead was signaled that the person had been sentenced to a "mutilation punishment," which would alert officials to examine the person more closely. In certain cases, individuals received names based on their physical features or distinctive bodily

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[96] Chen Wei, *Liye Qin jiandu jiaoshi*, vol. 1, 149.
[97] *Jianshui Jinguan Han jian*, vol. 1, part 1, 2.
[98] *Jianshui Jinguan Han jian*, vol. 4, part 1, 84, Slip 73EJT37: 522: 居延都尉卒史居延平里徐通大奴宜，長七尺，黑色，髡頭。十一月丙辰出。

traits. Notable figures include Chunyu Kun 淳于髡 (386–310 BCE), a wit and eccentric emissary who lived during the same period as Mencius, and whose name suggests that he may have experienced a punitive head shaving. Another example is Qing Bu 黥布 (otherwise known as Ying Bu 英布 (?–195 BCE), who lived until 195 BCE and was so named because of the punitive tattoos he bore.[99] Slip 9-2552 of the Liye manuscripts mentioned a woman identified as "Hei Rong" 黑容 (literally, "dark face"). Given that descriptions often obscured the distinctions between attire and the body, clothing could be perceived as a seamless extension of the body itself. It was the outward appearance that made the person. For instance, the aforementioned Liye document concerning the search for Liao Ke continued to provide identifying information about his clothing and his belongings:

> He was wearing a long cotton robe and one cotton single *hu*-style tunic, carrying two crossbows, four bowstrings, two hundred arrows, one steel sword, and one bushel of rice.
> 衣絡袍一、絡單胡衣一，操具弩二、絲弦四、矢二百、鉅劍一、米一石

Other than the "wanted" notices, many of the passports that the garrison soldiers had to take when they entered or exited the passes also listed their personal belongings, especially weapons such as swords and bows that were in their possession. The Yuelu texts show that holding swords was a privilege and it might therefore indicate a higher social status. Similarly, the description of the person's clothing not only helped to identify them, and certain types of clothing denoted their social roles.

*Regional Origins*

During the Qin Dynasty, although all registered commoners were broadly referred to as "the black-headed" (*qian shou* 黔首), their original regional and ethnic identities were not completely erased. In the excavated household registers from the moat of the Liye city site, there is a householder named Qiang 強 who is designated as "Man" 蠻 (a non-Han group), and his social rank is labeled as *bugeng* 不更 (the second order) in the Jing 荊 rank system. Here Jing 荊 is an alternative name for the state of Chu 楚, as Chu was a taboo character since it had been the personal name of the First Emperor's father, King Zhuang Xiang 莊襄 (r. 250–247 BCE). Other personal names with the designation of Man 蠻 include 蠻喜 and 蠻孔. These people, although integrated into the Qin ruling order, were still identified in the household registers with information indicating their regional origin, the state of Chu. Besides Chu, Liye slip 9-2300 shows that the populace residing in the Town District 都鄉 of Qianling county included inhabitants from Pu 濮, Yang 杨, and Yu 臾, which were political entities located in the southern mountainous areas and which were originally vassal tribes of the Chu state.[100]

The designation of an individual's region of origin is also seen in the Han documents. In Case No. 1 of the Zhangjiashan "Record of Submitted Doubtful Cases" (Zouyanshu 奏讞書), a person named Wu You 毋憂 was referred to as an "adult male Manyi" (*Manyi nanzi* 蠻夷男子), indicating the continued practice of designating personal regional origin in the Han dynasty.

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[99] *Shiji*, 91. 2597.
[100] Chen Wei, *Liye Qin jiandu jiaoshi*, vol. 2, slip 9-1145.

Here Man and Yi are combined into a binomen to refer to a non-Han origin. Interestingly, Wu You justified his escape from state conscription for garrison service, arguing that he was entitled to provide substitute monetary payment, according to "Statutes on the Man and Yi People" ("Manyi lü" 蠻夷律).[101] His statement shows that regional origin had become an aspect of self-identification, and the title of the "Statutes on the Man and Yi People" has also been found among the recently published Hujia caochang texts. The Hujia caochang statutes make further distinction between the Manyi inhabitants who resided in their original areas; those who had surrendered to the ruling authority, referred to as "*Manyi guiyi min*" 蠻夷歸義民; and those who had been born in Han territory (*zichan Han* 子產漢). Lu Xiqi imagined a political-geographical order in which people of different regional origins were placed in a hierarchical identity system, ranging from the Qin people to people from the six eastern states to the originally non-Han regions, located from the center to the periphery, even though they were all described as "equalized people" 齊民.[102] Notably, the core of the identity in this "political-geographical division" was not so much based on blood ties or "ethnic" distinctions, but on differences in the ecologies and customs of a particular regional origin.[103] Zhu Shengming's recent study shows that people who were labeled "barbarians" during the Qin and Han periods were often originally Han people who chose to travel through the frontier passes and relocate in realms beyond the influence of the central state's ruling order.[104] A Man or Yi person was labeled as such in many cases not based on ethnic origin but on non-enrollment in the registration system.

*Webs of Connection*

Another common way the state described people was according to their social connections and relationships. They categorized these relationships based on their various degrees of proximity, with categories such as "residing together (*tong ju* 同居), "owning property together" (*gong cai* 共財 or *tong cai* 通財), "knowing each other" (*zhi zhuang* 知狀) "close to each other" (*bijin zhixi* 比近知習) and "sharing food and drink" (*tong yinshi* 通飲食). Some of these relationships were fundamentally legal in nature, influencing how people in the vicinity were affected in judicial decisions. People who "reside together," for example, were bonded by mutual liability; "people whom the master or his relatives know" (*zhuqin suozhi* 主親所知) could sometimes act on behalf of the master in reporting a fugitive slave or receiving an absconded slave; and "people who are close to each other" were eligible to act as witnesses in interrogations. On the other hand, lack of social connections could also lead to legal ramifications. When a person absconded and people did not recognize them or know their place

[101] Peng Hao, *Ernian lüling yu zouyanshu*, 332–33.

[102] Lu Xiqi, *Xi: Yige Qinli he tade shijie* 喜：一個秦吏和他的世界 (Beijing: Beijing ribao, 2022), 60–70.

[103] For the discussion of ethnic identity in early China, see Huang Yang, "The Invention of the 'Barbarian' and Ethnic Identity in Early Greece and China," in *Rulers and Ruled in Ancient Greece, Rome and China*, eds. Hans Beck and Griet Vankeerberghen (Cambridge: University of Cambridge Press, 2021), 399–419.

[104] See Zhu Shengming 朱聖明, "Qin Han bianmin yu 'wangren' 'manyi' de yansheng: yi Dongbei biansai weili" 秦漢邊民與"亡人""蠻夷"的演生——以東北邊塞為例. *Xueshu yuekan* 學術月刊 54, no. 4 (2022): 183–96.

of residence (*buren yili* 不認邑里), and there was no way to identify who the person was, this person would be detained and made a wall-builder or grain pounder, according to the Yuelu statutes. In a legal case from the "Four Types of Documents for Trying Criminal Cases" (Weiyu deng zhuang sizhong 為獄等狀四種) in volume 3 of the Qin legal texts collected by the Yuelu Academy, because "contributing to the funeral expenses for the destitute in the same village" (*chu lidan fu* 出里單賦), and "eating and drinking with the inhabitants of the same village" (*yu liren tong yinshi* 與里人通飲食) was used by a widow who was a former servant as evidence to prove her actual marital relationship with her husband who was her former master.[105]

In this section, I have examined information commonly present in the official documents of the Qin and Western Han periods, and used to verify and delineate individual identities. The identification information included a person's names (personal + familial), place of residence/registration, social rank and status, age and height, complexion and other facial and physical features, clothing and belongings, and social connections. The Wuyi Guangchang documents suggest that the core identification information remained stable and valid until at least the mid-Eastern Han period in the beginning of the second century.[106]

The identification information may be analyzed as belonging to several different layers: biological attributes (such as height, age, gender), political attributes (such as social rank, place of household registration), and socio-cultural attributes (such as name, social relationships). Each of the different types of official documents have their own specific concerns and requirements, contain various types of identity information. Additionally, there was a hierarchical distinction in the priority of different identity attributes when they were used to refer to individuals. The formation of this information did not happen instantaneously; it evolved gradually through an extended period of political and administrative practices, and it exhibits variations over time and across different regions. The different types of information allowed the state to translate the natural bodies of its subjects according to a standardized metrics that allowed it with a synoptic view of its people.

**The Gathering, Storing, and Transmitting of Identification Information**

This section focuses on how the identification information of early Chinese people was gathered, stored, and transmitted. I will focus on the institutional practices, the officials and personnel that were involved, and related actions and procedures. Maxim Korolkov and Brian Lander summarize the information tools that were central to the ancient states including maps, surveys, censuses, and also communication and transportation infrastructures such as postal systems as well as road, river, and canal networks. They argue that the information concerning the people was the most important to the Qin and Han states because their political economies were based on labor service and grain taxes.[107] Probably driven by the growing competition among the warring states, officials from the fourth century BCE started to advocate for the collection of information about their subjects. In the "Jingnei" 境內 chapter of the *Book of Lord Shang*, Shang Yang appealed for the establishment of a state-wide registration system:

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[105] Chen Sonchang et al., eds., *Yuelu shuyuan cang Qinjian* (Shanghai: Shanghai cishu, 2013), vol. 3, case 7, 153–65.

[106] Li Junming 李均明, "Changsha Wuyi guangchang Donghan jiandu suojian shenfen rending shu lüe" 長沙五一廣場東漢簡牘所見身份認定述略. *Chutu wenxian yanjiu* 出土文獻研究 17 (2018): 325–33.

[107] Korolkov and Lander, "Knowledge Production in China's Early Empires," 859.

> Within the four borders, the authorities should possess records of the names of all men and women, recording those who are born and erasing those who have died.
> 四境之內，丈夫、女子皆有名於上，生者著，死者削。[108]

The *Shiji* 6. 289 shows that by 375 BCE, the organization of the "groups of five" (*wu* 伍) had been carried out in the state of Qin, and all of its households integrated into it. These household registers were required by statute to be updated annually, which necessitated the verification of information through direct personal contact with the inhabitants. These records not only played a crucial role in monitoring corvée labor and tax responsibilities; they also contributed significantly to defining the identities of individuals. The Zhangjiashan collection contains the "Statutes on Households," which meticulously stipulates the time for registration, the officials responsible, and the pertinent procedures, as well as the corresponding punishments for delaying the updating of data or making mistakes in the process:

> Every [year in the] eighth month have the bailiff of the district, the subordinate officials, and the scribe director together examine the household registers, record a copy, and store them at the county court. When there is a household that has been transferred or relocated, immediately transfer the household register, as well as the detailed registers of ages and ranks to the place where the family has relocated and seal the registers. For delaying and not transferring them, or transferring but not sealing them, as well as cases in which the persons did not actually relocate, if the delay is more than ten days, then the fine is always four *liang* of gold. When the village chief of the place where the persons of the new household have registered does not report this, he shares the same crime. When the bailiff of the district, the officials in charge, as well as the one who examines the households does not catch it, each shall be fined one *liang* of gold.
> 恒以八月令鄉部嗇夫、吏、令史相雜案户籍，副藏其廷。有移徙者，輒移户及年籍爵細徙所，并封。留弗移，移不并封，及實不徙數盈十日，皆罰金四兩；數在所正、典弗告，與同罪。鄉部嗇夫、吏主及案户者弗得，罰金各一兩。[109]

In order to guarantee the accuracy of the household information, officials from different departments of the county, the district, and the village were all required to participate in the process of compiling and checking household information. The original documents were stored in the districts while copies were made and stored in the county court so that they were accessible for rechecking at any time. In cases of providing mistaken information or delaying the transfer of documents, even unintentionally, a legal fine of four *liang* of gold (or other precious metal) was stipulated.

In the process of information transmission, vast numbers of documents were produced by the local officials and scribes. Written on bamboo and wooden tablets and slips, the collected

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[108] Jiang Lihong 蔣禮鴻, ed., *Shangjun shu zhuizhi*, *juan* 5, chapter 19, 114.

[109] Peng Hao, *Ernian lüling yu zouyanshu*, 222–23. The English translation follows Barbieri-Low and Yates, *Law, State, and Society in Early Imperial China*, 798–99.

information was relayed through the postal system, which ran throughout the vast empire into even the most remote and peripheral mountainous areas such as Qianling county. Village chiefs and district officials gathered information on local residents and relayed this information up the administrative hierarchy. The Liye administrative documents provide a glimpse into how information about local residents was circulated across various districts.

> The twenty-sixth year [of the King of Qin State] (221 BCE), the fifth month, *xinsi* being the first day of that month, on the *gengzi* day. Tui, head of the Qiling District, dares to report: Jia, the acting head of the Town District, states the following: In Zhu Village…[A man named] He and others, altogether seventeen households, relocated to the Town District, but none of their registers of age have been transferred. The ordinance prescribes these to be transferred and reported. Now I have inquired into this matter of He and the others who relocated. I hereby report to the Town District: There are no records in Qiling District, therefore we have no way of knowing how many years have passed since they were born…[I] request that the authorities of the Town District inquire into the ages of He and the others. I dare to report this.
> 廿六年五月辛巳朔庚子，啓陵鄉庳敢言之。都鄉守嘉言渚里□Ⅰ劾等十七戶徙都鄉，皆不移年籍。令曰：移，言。●今問之劾等徙Ⅱ書告都鄉曰：啓陵鄉未有枼（牒），毋以智（知）劾等初産至今年數。Ⅲ……謁令都鄉自問劾等年數。敢言之。Ⅳ 16-9[110]

In this newly conquered area where the household registration system had probably only been established for a couple of years, we see that the heads of the two districts, Qiling District and the Town District, were communicating about the transfer of "registers of age" of seventeen relocated households. Analysis of the household registers retrieved from the moat of the Liye archaeological site reveals a notable absence of age information in them, indicating a likelihood that such information was instead documented in a separate record known as the "register of age." These administrative documents for internal communication between departments meticulously record the time of receipt down to the minute, and note the name of the person delivering them, to ensure the accurate and efficient transfer and updating of administrative information.

Another document from Liye illustrates that at the grassroots level of administrative organization, the village chief served as the intermediary between county officials and district heads:

> Zeng, fair complexion, 2 *chi* 5 *cun* tall, at the age of 5 months, registered by Chief He.
> Fu, fair complexion, 6 *chi* 5 *cun* tall, at the age of 30 years, registered by Chief He.
> 嬙，晢色，長二尺五寸，年五月，典和占。

[110] Liye Qinjian bowuguan 里耶秦簡博物館 et al., eds., *Liye Qin jian bowuguan cang Qin jian* 里耶秦簡博物館藏秦簡 (Shanghai: Zhongxi shuju, 2016), 70, tablet 16-9.

浮，晢色，長六尺六寸，年卅歲，典和占。[111]

This document records the personal name of village chief He, who registered two local residents: a five-month-old infant, and a thirty-year-old adult. According to the household registration system of the Qin and Han periods, a population census was carried out annually in eighth month (*bayue anbi* 八月案比). Thus, newborns were expected to be recorded in the household registry each year before the subsequent eighth month. The second individual mentioned, Fu, was a thirty-year-old adult, who was presumably either a recent immigrant or a local resident who had never been recorded in the government registries. This is plausible considering Qianling county's location in the newly conquered frontier region, as many residents were originally from the central counties or were assimilated from the local Chu inhabitants. Slip 9-885 offers a more detailed depiction of such circumstances:

> A rotating garrison soldier, [from] Xiping [Village], Chengfu County, is a holder of the rank of Knight of the Realm; [his personal name is] He, [his height is] seven *chi* five *cun* (approx. 173 cm), [he is] age twenty-nine, [and a member of the] Su clan. (Liye vol. 2, slip I9-885)
> On the *jiachen* day, *jiawu* being the first day of that month, in the thirty-fourth year (213 BCE), Assistant to the County Magistrate Zhang inspected [He] in front of provisional Magistrate Chang, …
> 更戍卒城父公士西平賀，長七尺五寸，年廿九歲，族蘇☐Ⅰ
> 卅四年甲午朔甲辰，令佐張探遷陵守丞昌前，令☐Ⅱ9-885[112]

This document provides the exact date, 213 BCE, eight years after the unification of the Qin Empire. The person in question, Su He, immigrated from Chengfu County in the north plain to this newly conquered place. Su He was asked to stand before the county magistrate while an assistant "inspected" (*tan* 探) him for registration. On this fragmented bamboo slip, we are able to see what the inspectors recorded about Su. Although we do not have much information about Su's personal life, this encounter between the individual and the state represents a common practice in the Qin empire writ large.[113] It is through this kind of direct contact and "inspection" that identification information was collected and official knowledge about people was produced. This practice encompassed various levels of the social hierarchy, evident in the requirement for even convict laborers to adhere to the same procedure and be registered annually in the eighth month. Slip 53 of the "Statutes on Granaries" of the Shuihudi manuscripts reads:

> Non-adult male and female bondservants are registered as adult male and female bondservants in the eighth month; increase their food allowance in the tenth.

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[111] Chen Wei, *Liye Qin jiandu jiaoshi*, vol. 1, 178.
[112] Chen Wei, *Liye Qin jiandu jiaoshi*, vol. 2, 220.
[113] Another example is seen in slip 8-988 : 遷陵獄佐士五（伍）朐忍成都謝，長七尺二寸，年廿八歲，白晢色。舍人令佐冣占。Commoner Xie, Judiciary Assistant of Qianling, from Chengdu Village of Quren County; he is 7 *chi* 2 *cun* tall, 28 years old; pale and with a fair complexion. Registered by Qu, the retainer magistrate's assistant. Chen Wei, *Liye Qin jiandu jiaoshi*, vol. 1, 257.

小隸臣妾以八月傅為大隸臣妾，以十月益食。[114]

In this document, "*fu*" 傅 is an official term denoting the institutional requirement to register the names of people at a certain age for military conscription and various public services.[115] It is usually translated as "to register" or "to enroll." It was believed to have been an obligation only for civilians, even conveying a sense of "citizenship." But here it is clear that convict laborers also had to go through this official procedure. Being registered as an adult laborer increased workload, its intensity, and allowances for food and clothing.

The *Shuowen jiezi* 說文解字 provides the lexical definition for the character *fu* 傅 of "to observe" (傅, 相也) while defining *xiang* 相 as "to scrutinize" (相, 省視也).[116] We know that *xiang* 相 as a technical term specifically means to examine and discern physiognomic features. The connection between the concept of "scrutinize" in the term *fu* 傅 and its institutional connotation of "to register/enroll" is rooted in the practice of inspecting and examining individual bodies and registering the gathered data and information for administrative use. The process of gathering, categorizing, and documenting identification information for administrative knowledge involved a series of actions including "inspection" and "registration." The biometrics were achieved through the collaborative efforts of local officials such as village chiefs, leaders of five-household groups, scribes, and county magistrates. When people were described and registered by the authorities, they were also transformed. This transformation of individuals into various identities—such as male adult, second-rank honor holder, disabled person, son and heir to a householder, ex-slave, or de facto wife of a recently deceased husband—was accomplished through the detailed inscriptions found on bamboo slips.

**The Functions of Identification Information and How It Transformed People**

The question remains, what could the state do with this biometric data and identification information? The information gathered provided officials a panoptic view and enabled them to allocate resources and labor across the empire. The strategic concentration and distribution of human labor and various resources, of course, relied on the efficiency of the flow of information. In this vein, we can see the utility of keeping track of information and storing it from a set of twelve wooden tablets which record messages concerning the transfer of debt between two counties. The beginning tablet of this set reads:

> *Front side*
> Thirty-third year [of the First Emperor] (213 BCE), fourth month, *xinchou* being the first day of the month, the *bingwu* day. Teng, the controller of workers dares to report the following: Wusi, a commoner from Yiju [Village], Yangling County, has a remaining fine of 8,064 cash. Wusi is in garrison service in the Dongting Commandery, but we do not know what county he is stationed in. Now I have made this debt tally to submit and request that the Commandant of Dongting order the county where Wusi is stationed to collect his fine and return it to the controller of workers of

[114] Chen Wei, *Qin Jiandu heji*, vol. 1, 84.
[115] Hanshu 1. 37: Yan Shigu's commentary reads: 著名籍，給公家徭使.
[116] Duan Yucai 段玉裁, *Shuowen jiezi zhu* 说文解字注 (Shanghai: Shanghai guji, 1981), 372b.

Yangling County. [Since] the controller of workers does not have the name record, I ask to be informed which county office has the record, and also of the dates [of Wusi's service at his assigned location]. We have already inquired of his family, which is poor and cannot pay his fine, so we have to transfer his fine to the place of his present service. Please have the person who is in charge of debts [at his station] open this. I dare to report [this]. Fourth month, *jiyou* day. Chu, the acting assistant-magistrate of Yangling County dares to report: Please respond in regard to the abovementioned. In the reply, please write that the Bureau of Finance of Yangling opened this. I dare to report [this]. Draft by Dan.

卅（卅）三年四月辛丑朔丙午，司空騰敢言之：陽陵宜居士五(伍)毋死有貲餘錢八千六十四。毋死戍洞庭郡，不知何縣署。●今爲錢校券一上，謁言洞庭尉，令毋死署所縣責，以受(授)陽陵司空= 〔司空，司空〕不名計，問何縣官計，年爲報。已訾其家= 〔家，家〕貧弗能入，乃移戍所。報署主責發。敢言之。

四月己酉，陽陵守丞廚敢言之：寫上，謁報= 〔報，報〕署金布發。敢言之。/儋手。

*Back side*
Thirty-fourth year (212 BCE), sixth month, the *jiawu* day being the first day of the month, the *wuwu* day. Qing, the acting vice-magistrate of Yangling dares to report: I have not received the report, and therefore request that you pursue this matter. I dare to report this. Drafted by Kan.

Thirty-fifth year (211 BCE), fourth month, *jiwei* being the first day of the month, the *yichou* day. Xi, the acting commandant of Dongting commandery, addresses the vice-magistrate of Qianling: [Wusi was] a Yangling conscript who was assigned to Qianling. Pursue this matter in accordance with the statutes and ordinances, then submit the report. Copy whatever warrants should be copied. / Drafted by Jia. To be processed under the authority of the seal of the military commander of Dongting. Drafted by Jing.
卅四年六月甲午朔戊午，陽陵守慶敢言之：未報，謁追。敢言之。/堪手。卅（卅）五年四月己未朔乙丑，洞庭叚假尉觿謂遷陵丞：陽陵卒署遷陵，其以律令從事，報之，當騰= 〔騰騰〕。/嘉手。●以洞庭司馬印行事。敬手。[117]

This series of twelve documents details the circumstances of twelve commoners from Yangling County in the Guanzhong area, who each owe debts to the government in amounts that vary from 384 to 8,064 cash. Based on the archival contents, the front side of each document represents correspondence between the debtors' home county government (Yangling) and the county where they are presently stationed for service (Qianling, which is also where the Liye Qin slips were discovered) concerning the process of transferring and settling debts. The controller of workers

[117] Chen Wei, *Liye Qin jiandu jiaoshi*, vol. 2, 1–9.

seeks to ascertain the specific county within Dongting Commandery where these debtors, tasked with working off their fines, are stationed. This information is necessary to efficiently orchestrate the transfer and payment process between the identified county and Yangling County. In essence, this means utilizing the remuneration they accumulate through their work to settle the debts they owe to the government.


Figure 2-5: Sample Image of the Twelve “Debt Transfer” Official Request Documents

Under the Qin statutes, working off debt to the state by providing labor services to the government was compensated at a rate of eight cash per day.[118] In the case of Wu Si, as documented on this wooden slip, an outstanding debt of 8064 cash required him to perform 1008 days of labor. Each of the twelve wooden tablets also references a "debt tally" (*jiaoquan* 校券) that likely served as the foundational record for the amounts owed by these debtors. The document notes that the government of the debtor's hometown county had previously visited their homes to collect the debts. Owing to their impoverishment and the resulting failure to recover any funds, the government dispatched documents to the administration of the location where the laborers were employed, seeking to arrange for the transfer of payments.

The inscriptions on the verso side of the wooden slip reveal that, to manage the long-distance transfer of payments (the two locations being about 1500 kilometers apart), the two counties engaged in multiple exchanges of official correspondence over a period of one year. It can be reasonably inferred that the eventual resolution involved Qianling County transferring the remuneration Wu Si had accrued through his work to Yangling County. Additionally, a duplicate of the correspondence was created, resulting in the wooden slip that we have access to today. The efficacy of this long-distance transfer protocol evidently relied on several key elements, including an efficient documentary administrative system, a robust transportation and postal network, precise calculations of the daily and monthly workload for each individual debt laborer, and meticulous archiving of official document copies. A crucial aspect that must not be overlooked is the state's attempt to meticulously understand each individual within the empire, an attempt which encompassed the documentation of physical attributes, as well as the preservation and application of their core identification information. In other words, we notice the political utilization of biometrics over two thousand years ago.

Now that we have examined each item of the identification information at the individual level, we must turn to the process through which this identification information was categorized, synthesized, quantified, and converted to more readable briefs—a kind of "map" for the top-level policymakers to see the panorama and quickly grasp the overall situation of a territory. One specific type of such brief called "Aggregate Accounts" (*jibu* 集簿 or 計簿) provides an overview account of an administrative unit. To date there have been at least three different versions of *jibu* excavated and published: the earliest is the Huxi shan 虎溪山 *jibu* of the Yuanling Princedom 沅陵侯國 (modern-day Yuanling county, Hunan Province) from approximately 162 BCE; next, the better studied Yinwan 尹灣 *jibu* of the Donghai Commandery 東海郡 (modern-day Lianyungang city, Jiangsu Province) from around 10 BCE; and finally the Suxianqiao 蘇仙橋 *jibu* of the Guiyang Commandery 桂陽郡 (modern-day Chenzhou city 郴州, Hunan Province) from the Western Jin dynasty around 300 CE.[119]

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[118] Chen Songchang et al., eds., *Yuelu shuyuan cang Qinjian*, vol. 4, 155, slip 262–63 reads：諸有貲贖責（債）者，訾之，能入者令入，貧弗能入，令居之。徒隸不足以給僕、養，以居貲責（債）者給之。令出 262/1260□受錢，毋過日八錢。

[119] Hunan sheng wenwu kaogu yanjiusuo 湖南省文物考古研究所 ed., Yuanling Huxishan yihao Hanmu 沅陵虎溪山一號漢墓 (Beijing: Wenwu chubanshe, 2020), 118–22; Lianyungang shi bowuguan et al. *Yinwan Hanmu jiandu* 尹灣漢墓簡牘 (Beijing: Zhonghua shuju, 1997), 79–80; Kong Xiangjun 孔祥軍, "Xijin shangji bushu fuyuan yu xiangguan lishi yanjiu: yi Hunan Chenzhou Suxianqiao chutu Jinjian wei zhongxin" 西晉上計簿書復原與相關歷史研究——以湖南郴州蘇仙橋出土晉簡為中心

The categories of information recorded in the "aggregate accounts" remain relatively stable in the three "*jibu*" from the second century BCE to the beginning of the fourth century CE. They usually start with an account of the administrative units and number of officials and staff of each county and the whole commandery, followed by the statistics on population, households, cultivated land, and fiscal revenues. The Huxishan account has a separate section on the distances of water and land routes from Yuanling to the capital Chang'an and its neighboring counties and commanderies. The latest of the three, the Suxianqiao *jibu*, developed into an all-encompassing local gazetteer comparable to those from the late imperial period. Its contents include an overview of Guiyang Commandery and its subordinate counties, the detailed number of staff at different levels, the commandry's territory and its city walls; the geographical terrain, with details of the origins and courses of mountains, rivers, and streams within Guiyang Commandery; the transportation and postal system, specifically the distances between post stations; records of the total land area, including mountains and rivers, the cultivated and arable lands, and the irrigated and dry fields; natural resources—a catalog of plants and animals in Guiyang Commandery, both wild and domesticated, including aquatic and terrestrial species; various types of taxes on items such as grain, cotton, silk, and currency, along with the aggregate tax collected from each county annually; and finally, mineral resources and their administration.

Despite the different categories in the three accounts, demographic information remained the primary concern for the state. These documents divided the registered population according to their tax and corvée liabilities. These different categories of population included liable adult males, liable adult females, active conscripts, exempt elderly and disabled, as well as the increase in numbers (newborn or newly registered) in each category from the previous year. In the Han dynasty, an empire-wide census was conducted annually. By the tenth month of each year, various counties compiled documents containing comprehensive information, which they then submitted to the commanderies whose jurisdiction they were under. Based on these submissions, the commanderies prepared consolidated reports, known as "aggregate accounts." Appointed officials (*jili* 計吏) were tasked with delivering these accounts and reports to the central government. This systematic approach guaranteed that the Han empire maintained a continuous and up-to-date repository of demographic and economic data. The arrival of these census officials at the capital constituted a significant occasion, imbued with the dual character of administrative importance and ceremonial ritual.[120]

Owing to the central government's prioritization, the annual dispatch of designated officials such as *jili* to the capital in the tenth month for the "submission of accounts" (*shangji* 上計) became a standard institutional procedure. This evolved into the most consistent and enduring channel for exchanging information between the central and local governments. As a result, whenever any person, object, or document needed to be sent from the local regions to the central authority, the documents typically included the specific phrase: "[transmit] with the

in *Zhonghua lishi yu chuantong wenhua yanjiu luncong* 中華歷史與傳統文化研究論叢 4 (Beijing: Zhongguo shehui kexue, 2018), 139–77.

[120] Hans Beck, "Registers of 'the People' in Greece, Rome, and China" in Hans Beck and Griet Vankeerberghen eds., *Rulers and Ruled in Ancient Greece, Rome, Rome and China*, especially 203–5.

accounts" (*yuji xie* 與計偕), indicating that these items should be conveyed alongside the "aggregate accounts" submission.[121]

Based on the official knowledge about people, the state categorized its subjects into four groups: the "black-headed" (*qianshou* 黔首, i.e., civilians), officials and staff (*li* 吏), state-bonded laborers (*guan tuli* 官徒隸) and domestic servants (*nubi* 奴婢). This categorization is made clear in multiple statutes and official documents. For instance, in order to fulfill the tribute assignment from the central government, the county officials had to send down documents and urge the district staff to ask the local inhabitants who might be able to identify certain kinds of fish (*jiaoyu* 鮫魚 and *luyu* 鱸魚). These inhabitants were specified as including the local officials, the black-headed, and the dependent laborers.[122] In a statute supposed to be addressed to all subjects, concerning the pursuit of the followers of the former six kingdoms, it was requested that every member of the "black-headed," the officials, the state-bonded laborers, and the domestic male and female servants should be made aware of this statute.[123] One fragment slip 9-557 from Liye reports that "barbarians constantly come to plunder the land cultivated by the civilians and the dependent laborers, and there is a lack of protection from the officials and servicemen."[124] This short and probably incomplete sentence perfectly included all the inhabitants that were categorized by the state of Qin: the civilians, the dependent laborers, the officials and servicemen, and those who were not registered but excluded from the system, the "barbarians."

The categorization of people and the creation of identification information was a result of conflation, simplification and standardization. The information retrieved from various registers and survey documents was a big data project in early China. The standardization of this identification information was part of the social engineering projects that unified and standardized the scripts and writing system, measures and currency, highway and postal systems, etc., conducted in the Qin, which continued in early Western Han. The standardization project provided a comprehensive but neat grid for social stratification across legal, military, and economic domains, and it engendered the extraction of taxes and labor services from an estimated 30 to 50 million individuals. It also sheds light on the governing philosophies and strategies of the ruler.

There was a price for the clarity and efficiency, however.

Gideon Shelach, taking cues from systems theory, argues that "the attempt to create a hyper-precise system" is one of the reasons for the collapse of the Qin empire: the pursuit of standardization and efficiency inevitably led to a loss of internal buffers such as autonomy and the interaction effects between different variables, giving way to invasive management. The

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[121] Cao Tianjiang 曹天江. "Yuelu shuyuan cang Qinjian (si) 'xianguan shangji zhifa' lingwen kaoshi: jianlun Han yiqian de 'shangji zhidu'" 《岳麓書院藏秦簡（肆）》"縣官上計執法"令文考釋——兼論漢以前的"上計制度." *Chutu wenxian* 出土文獻 2022.3 : 99—115.

[122] Chen Wei, *Liye Qin jiandu jiaoshi*, vol. 1, 222–23, slip 8-769 reads: 卅五年八月丁巳朔己未，啓陵鄉守狐敢言之：廷下令書曰取鮫魚與Ⅰ山今盧（鱸）魚獻之。問津吏徒莫智（知）。·問智（知）此魚者具署Ⅱ物色，以書言。·問之啓陵鄉吏、黔首、官徒，莫智（知）。敢言之。

[123] Chen Songchang et al eds., *Yuelu shuyuan cang Qin jian*, vol. 5, 48, slip 029/1038 reads: 謹布令，令黔首、吏、官徒隸、奴婢明智（知）之，毋巨舉。

[124] Chen Wei, *Liye Qin jiandu jiaoshi*, vol. 2, 155, slip 9-557: 首皆蠻夷，時來盜黔首、徒隸田薗者，毋束卒☑.

establishment of a standardized information system and grid-management that initially seems beneficial for the extraction of resources and governance, led to the malfunction and the eventual collapse of the entire political system. By contrast, the virtue of fuzzy systems lies in their ability to admit variety and flexibility, crucial for adapting to empirical conditions. Shelach argues that Qin dynasty's failure, which they attribute to its mechanical, legible, and hyper-precise system, starkly contrasts with the Han dynasty's success, which utilized a more fuzzy and complex system, embracing ambiguity and adaptability.[125]

James Scott presents a compelling analysis of the dichotomy between precise, well-planned and centralized systems and more adaptable, diverse and fuzzy ones that rely on practical knowledge. He argues that diversity, often seen as an impediment to streamlined governance, is in fact a bulwark against emergent and external stresses. This diversity, akin to ecological variety, enhances stability, self-sufficiency, and resilience. Scott's insights are particularly pertinent in the context of human institutions, in which he contrasts the fragility of rigid, single-purpose entities with the adaptability of decentralized, multipurpose social forms.[126] Furthermore, Scott highlights the limitations of premodern states, characterized by partial blindness to the complexities of their subjects and territories. The modern state's attempts at simplification, through measures like standardized naming, cadastral surveys, and uniform legal systems, sought to create legibility but often resulted in crude and counterproductive interventions. My evidence shows that the state of Qin and the early imperial China by and large demonstrated similar attempts at legibility in administration. Legibility and standardization diminished variables such as regional variations, but as Scott argued, there are always contingencies beyond the planner's grasp.

[125] Gideon Shelach. "Collapse or Transformation? Anthropological and Archaeological Perspectives on the Fall of Qin." In Yuri Pines, Gideon Shelach, Lothar von Falkenhausen, and Robin D. S. Yates eds., *Birth of an Empire: The State of Qin Revisited*. (Berkeley: University of California Press, 2014), 113–38.
[126] James Scott, *Seeing Like a State*, 269, 353–54.


Figure 2-6: Example of Legibility in Administrative Practice: Screenshot of a WeChat Group Discussing the Creation of Profile Pictures with Individual House Numbers for Rapid Location Identification

A centralized, efficient and rigid administration might have the power to react and build strong preventative measures against threats such as war, natural disasters, or epidemics, but its top–down administrative approach also negates the people's agency that could have prevented the disaster in the first place. In their pursuit of a legible, precise and efficient administration, the hands-on ruler and single-minded officials automatically filter any heterogeneous elements, which, in a more diverse system, might have acted as an intervention or buffer. As a result, legibility and simplicity cause another type of "blindness." In many cases, the centralized administration with its rapid development and tight and flattened structure is dragged down by its high cost and counterproductive maintenance.

On the other hand, individuals who were defined and described through continual recording, examination, measurements, and inspection, in the process of being identified and responding, may have gradually developed a sense of their own identity. This official definition also shaped how they were perceived and understood by those around them. As Proudhon writes, "To be ruled is to be kept an eye on, inspected, spied on, regulated, indoctrinated, sermonized, listed and checked off, estimated, appraised, censured, ordered about…To be ruled is at every operation, transaction, movement, to be noted, registered, counted, priced, admonished, prevented, reformed redressed, corrected."[127]

[127] Pierre-Joseph Proudhon, "Q'est-ce que c'est la propriété?" in Daniel Guerin, *Anarchism: From Theory to Practice*, (trans., by Mary Klopper, New York : Monthly Review Press, 1970), 15–16.

## Chapter 2: Re-examine *Jiaren* and Contextualize
## The Legal Status of Servants in Early Chinese Households

*The main classification in the law of person is this: all men are either free or slaves.*
——*The Institutes of Gaius* I.3.9

*All human beings under heaven are the servants [of the emperor].*
生民之屬皆為臣妾 ——*Hanshu* 64.2784

### Introduction

In Chapter 1, it is established that an individual's surname or family name was a crucial component of the identification information, reflecting the family's role as a significant unit of social organization for distinguishing individuals. In this chapter, we will explore the legal status of family members in the early imperial households, with a particular focus on two groups: children and domestic servants. This chapter begins with an overview of the philological ambiguity in the interpretations of *jiaren* 家人 (lit., "family person") in early histories and their commentaries. My research objective in this paper is twofold: First, I examine the pre-modern exegeses and modern scholarly discussions of a puzzling anecdote concerning *jiaren* and propose my own reading of it. Second, in order to make sense of this reading, I contextualize the early exegesis and explore the status of domestic servants in early Chinese households from 3rd to 1st century B.C.E. Newly excavated early manuscripts show that servants were integrated and assimilated into families. In the early Chinese households, they had a status comparable to that of children and became quasi-family members, which is distinct from the traditional Marxist view of early Chinese society as being at the "slavery stage." Based on major theoretical discussions of slavery, I suggest that we should be more prudent when applying the term "slave" to early Chinese history so that it does not become a loose category which includes different kinds of "asymmetrical dependency" on a continuum. In this chapter, I also examine another common reading of *jiaren* as "commoners" and try to contextualize this interchangeable usage in early literature from the perspective of the state-family relationship. Scholarship on the legal development of the notion of family (*familia* and *domus*) in ancient Rome offers a fresh perspective from which to examine changes in the connotations of the ancient Chinese terminology.

Readers will note that my aim is to reconcile the multiple seemingly conflicting interpretations of the problematic term *jiaren* rather than simply proving one interpretation to be correct and the other wrong. Instead, I believe all the interpretations can be valid in their own context, and it is meaningful to contextualize the different readings through the analysis of the changing historical contexts.

**An Anecdote in Early Chinese Histories and the Puzzle**

The "Rulin zhuan" 儒林傳 (Collective Biographies of Ru Scholars) chapter of the *Shiji* 史記 records a dramatic scene of the confrontation between Yuan Gu 轅固, an expert on the *Odes* (*Shi* 詩) and the Empress Dowager Dou 竇太后 (?-135 BCE):

> Empress Dowager Dou liked the writings of Laozi and once summoned Yuan Gu to ask him about them. Gu replied, "These are merely the words of *jiaren*." The Empress Dowager was furious and said, "And what about the books of the convicts (*chengdan*, literally meaning 'wall builders' as a type of convict laborers) composed by the Director of Public Works (*sikong*)?" She ordered Gu to be thrown into a pigpen to fight with a pig. Emperor Jing knew that the empress dowager was angry and that Gu was not guilty but just being frank, and therefore he lent Gu a sharp dagger to take with him. With only one blow, Gu stabbed the pig right into its heart, and the pig fell down under his hand. The empress dowager was silent and, with no further crime to charge him with, released him.
> 竇太后好老子書，召轅固生問老子書。固曰："此是家人言耳。"太后怒曰："安得司空城旦書乎？"乃使固入圈刺豕。景帝知太后怒而固直言無罪，乃假固利兵，下圈刺豕，正中其心，一刺，豕應手而倒。太后默然，無以復罪，罷之。[128]

This confrontation between the empress and the scholar comments on the political situation of the early Western Han in a very vivid and condensed episode. The rhetorical function of this passage in the *Shiji* is no doubt legitimate. However, in the context of examining conception of identity in early imperial China, this confrontation may be read in a different light. Many commentators have been preoccupied with identifying a "scholastic conflict" behind the drama portrayed in the anecdote and overlooked the problematic explanation of *jiaren* as "domestic servants," based on a 6th century A.D. exegesis. I propose that a more straightforward way to understand this anecdote is to see both sides of the conflict as an exchange of pejorative words concerning one's social status (servants versus convicts), rather than a scholastic debate representing two "schools"—Confucianist and the Daoist.

Empress Dowager Dou, a patron of the so-called "Huang-Lao 黃老 school of thought," which was prevalent during early Western Han and in Sima Qian's eyes was a major competitor of the Ru 儒—had nothing but contempt for the classicism of Yuan Gu.[129] Even

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[128] *Shiji* 121.3123. I consulted Burton Watson and Mark Csikszentmihalyi's translations and have made some changes based on my own reading. See Burton Watson, *Shiji* 121: "The Biographies of the Confucian Scholars," 364; Mark Csikszentmihalyi, "Emulating the Yellow Emperor: The Theory and Practice of Huang-Lao, 180-141 B.C.E." (Ph.D. dissertation, Stanford University, 1994), pp. 19-20. See also William H. Nienhauser et al. trans., *The Grand Scribe's Records*, vol. X: *The Memoirs of Han China*, part III, Bloomington: Indiana University, 2016, 289-90.

[129] Scholars have challenged the traditional assumption that "Huang-Lao was a discrete philosophical movement equivalent to the Han Dynasty Daoism," and have suggested viewing it rather as "an amalgam of different ideas, techniques, and practices" that was "adopted by certain factions." See Mark Csikszentmihalyi, "Emulating the Yellow Emperor: The Theory and Practice of HuangLao, 180-141

Emperor Jing 景 (r. 157-141 BCE) had to bend to his mother's demand to "read the teachings of the Yellow Emperor and Laozi" and "revere the [governing] techniques therein" (竇太后好黃帝、老子言，帝及太子諸竇不得不讀黃帝、老子，尊其術).[130] The empress' endorsement of Huang-Lao teachings prevented the Ru scholars from gaining the upper hand until the reign of Emperor Wu (r. 141-87 BCE).[131] Yuan Gu was not the only victim in these continuous struggles. Two other experts on the *Odes*, Zhao Wan 趙綰 (?-139 BCE) and Wang Zang 王臧 (?-139 BCE) attempted to persuade Emperor Wu to adopt Ru techniques of governance, but encountered similar challenges. The same chapter of the *Shiji* records:

> The Empress Dowager Dou was fond of the words of Laozi and was displeased with Ru techniques. She became aware of Zhao Wan and Wang Zang's blunders and reported it to the emperor [Wu]. Taking the opportunity provided by the abandonment of the Bright Hall project, Emperor Wu turned Zhao and Wang over to the relevant officials for trial. Both of them committed suicide shortly afterwards.
> 太皇竇太后好老子言，不說儒術，得趙綰、王臧之過以讓上，上因廢明堂事，盡下趙綰、王臧吏，後皆自殺。[132]

Zhao and Wang were not as lucky as Yuan Gu, who survived, if only barely. Despite the possibility that these affiliations might well be nothing more than banners that different cliques chose as covers for their political battles, the obvious tensions between the two groups made the very act of asking Yuan Gu—a Qi school expert on the *Odes*—about his opinions on the teachings of Laozi a provocation. Yuan Gu did not back down and obviously enraged the Empress Dowager, who struck back. The questions this raises for us are why the empress dowager was offended by Yuan Gu's description of Laozi's teachings as "words of *jiaren*," and in what sense the empress dowager's reply constituted a rejoinder.

**Examination of the Exegeses**

***Jiaren* 家人 and the "Daoist"?——The Contending interpretations**

The key to unlocking these questions lies in understanding the two phrases *jiaren* 家人 and *sikong chengdan shu* 司空城旦書 (written accounts of the wall-builders under the Director of Works). Of the two, *jiaren* appears to be more straightforward. Modern readers with even only a little knowledge of Chinese will be aware of its meaning as "family member," with no need to look the phrase up in the dictionary.[133] But if we pay attention to its historical connotations in

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B.C.E," pp. 142-5. Hans van Ess, "The Meaning of Huang-Lao in *Shiji* and *Hanshu*," *Études chinoises* 12 (Autumn, 1993), pp. 161-77. Mark Csikszentmihalyi and Michael Nylan, "Constructing Lineages and Inventing Traditions through Exemplary Figures in Early China." *T'oung Pao* 89 (2003): 82-87.

[130] *Shiji* 49.1975. See also *Hanshu* 97.3945.

[131] As Mark Csikszentmihalyi has noted, "until her death in 153 B.C.E., Empress Dou was credited with effectively freezing the promotion of members of the Ru 儒, the classically-trained literati." See "Emulating the Yellow Emperor," pp. 19.

[132] *Shiji* 121.3122.

[133] For an introduction to the conceptions of family in Chinese history, read Patricia Ebrey, "Conceptions of the Family in the Sung Dynasty," *Journal of Asian Studies*, vol. XLIII, No. 2 (1984): 219-45.

classical Chinese, the character *jia* could also mean the domain or principality of the nobility *dafu* 大夫, or a "scholastic lineage."[134] *Sikong chengdan shu* on the contrary, requires more historical knowledge but it has a relatively fixed meaning. The office of *sikong* in the Qin and early Han was a government institution (and also signified the official of that institution) in charge of public works and management of convict laborers, among whom one specific category was *chengdan*, often translated as "wall-builders."[135]

If we use these conventional explanations to understand the story, the reason why the Empress Dowager Dou was offended remains opaque. Another question is, although we know exactly what the "*jiaren yan*" referred to—it has to be related to the *Laozi* since that was what the empress dowager was asking about—we have no idea what text (or texts) the phrase *sikong chengdan shu* denoted. With these two questions in mind, this section reviews the early medieval commentaries collected in the "Three Commentaries to *Shiji*" (*sanjia zhu* 三家注) and Takigawa Kametarō's 瀧川竜太郎 (1865-1946) collection of commentaries to the *Shiji*, and exegeses by several modern scholars. The range of perspectives reflected in these works is laid out in the tables below[136]:

Table 3-1: Representative of exegeses of "*Jiaren yan*" (words of *jiaren*)

| Proposed meanings | Exegeses |
|---|---|
| *Daode Jing* 道德經 (*The Classic of* Dao *and* De) | Sima Zhen 司馬貞 (679-732): "If you take a close look at the texts of the *Classic of Dao and De*, it simply teaches people how to govern a state and cultivate themselves, therefore here Yuan called it 'the words of *jiaren.*'" 老子道德篇近而觀之，理國理身而已，故言此家人之言也. |

[134] In this context, Mark Csikszentmihalyi and Michael Nylan proposed a translation for *jia* as "experts" rather than "schools." For a fuller treatment of many relevant facets of this work, see "Constructing Lineages and Inventing Traditions through Exemplary Figures in Early China."

[135] Recently published Qin administrative manuscripts show that by Qin and Han times, wall-builders were performing a variety of tasks other than building walls. The job duties for *chengdan* included plowing, cooking, delivering mails and transporting supplies by cart, collecting feathers and making armor, etc., as well as assisting officials in various administrative tasks. For a detailed introduction of the Liye manuscripts and the work of convict laborers, read Robin D. S. Yates, "The Qin Slips and Boards from Well No. 1, Liye, Hunan: A Brief Introduction to the Qin Qianling County Archives." *Early China*, vol. 35/36 (2012-2013): 291-329. Tsang Wing Ma, "Categorizing Laborers: Glimpse of Qin Management of Human Resources from An Administrative Document from Liye, Hunan Province." *Early China* vol. 44 (2021): 351-391.

[136] I should note that scholars have done the work of surveying the occurrences of jiaren in Qin and Han literature. They counted a total of 111 occurrences of the word "*jiaren*," of which only 28 mean "family member" or "kin" while 61 means commoners, and the rest of them means "palace maids" or "domestic servants". Consult Zheng Huiren 鄭慧仁 and Huang Zhuoying 黃卓穎, "'Jiaren yan' bianzheng" "家人言"辨正, *Yindu xuekan* 殷都學刊 No. 4 (2011): 118-121. See also Zhao Caihua 趙彩花, "Shiji, Hanshu 'jiaren' jie"史記、漢書 "家人" 解, *Yuwen yanjiu* 語文研究 2003.3: 31-34. But in this section, I mostly focus on the treatment of this term in commentarial sources.

| | |
|---|---|
| | Yu Xi 虞喜 (281-356): "The methods of Daoism elevate the teaching of non-action." 道家之法，尚於無為之教. |
| Words of "Commoners" 庶人言[137] | Nakai Sekitoku 中井積德 (1732-1817): "*Jiaren* means 'commoner.' This simply refers to techniques commoners used to manage themselves and their households. It could not be applied to [governing] a state." 家人謂庶人，言庶人理身家之術耳。不可施之邦國也.<br>William H. Nienhauser: "These are just words for commoners."[138] |
| Words of the Palace Maids | Yu Zhengxie 俞正燮 (1775-1840): "Those who were named '*jiaren*' in the palace were probably the palace maids without titles. …The root meaning of 'the words of *jiaren*' was 'compassionate and weak,' like an old woman at home." 宮中名家人者，蓋宮人無位號……家人言本意謂仁弱似嫗媼. |
| The Sayings of a Menial | Burton Watson: "The sayings of a menial, nothing more." He replied. [139] |
| Doctrine of "The Hundred Masters" 諸子百家言 | Qian Mu 錢穆 (1895-1990): "The 'words of *jiaren*' is another way to say 'words of the *jia*,' and 'words of the *jia*' is another way to say 'words of the many masters and hundred lineages.'" "家人言"便是"家言"，"家言"便是"諸子百家言". |

Paired with these words are the "accounts of wall-builders under the Controller of Works," which is also interpreted in a variety of ways:

Table 3-2: Collection of Exegeses of "*Sikong chengdan shu*"

| Proposed meanings | Exegeses |
|---|---|
| Ru 儒 and Legalist (*fa* 法) texts | Pei Yin 裴駰 (430?-?) cites the *Hanshu yinyi* 漢書音義: "From the perspective of the Daoists, the Ruist and Legalist doctrines were |

[137] It should be noted that most modern scholars chose to follow this interpretation. To name a few: Yang Shuda 楊樹達. *Hanshu kuiguan* 漢書窺管. Shanghai: Shanghai guji, 1984, 697. Lao Gan 勞榦 *Gudai Zhongguo de lishi yu wenhua* 古代中國的歷史與文化. Beijing: Zhonghua shuju, 2006, 222. Qian Zhongshu 錢鍾書. *Guanzhui bian* 管錐編 (vol. 1). Beijing: Sanlian shudian, 2001, 684.

[138] William H. Nienhauser et al. trans., *The Grand Scribe's Records*, vol. X, Bloomington and Nanjing:Indiana University and Nanjing University Press, 2016, 289.

[139] Burton Watson trans., *Records of the Grand Historian of China*, vol. 2, New York and London: Columbia University Press, 1958, p. 364.

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| | so oppressive that [the Empress] compared them to statutes and ordinances." 道家以儒、法為急，比之於律令. |
| | Burton Watson: "Where can I get one of your Confucian books on the Director of Public Works and the convict labor system"[140] |
| Ru texts in general | Yu Xi 虞喜 (281-356 A.D.): "The methods of the Daoists elevate the teaching of non-action. The Ru books always teach people to guard their every action. Empress Dowager Dou compares this to statutes and ordinances, and so asked, 'Where did you get the records of the wall-builders?'" 道家之法，尚於無為之教。儒書動有所防，竇太后方之於律令，故言得司空城旦書也.<br>Takigawa Kametarō: "To call it '*sikong chengdan shu*' is to insult the Ru texts. At this time, [officials] made judicial decisions according to the principles of the Classics, and that is the basis of this statement." 司空城旦書，罵儒書也。當時以經義斷獄，故云.[141] |
| *Shi* 詩 or the *Odes* | Wang Jiru 王繼如 (1943-): "The sections and sentences of the *Odes* are short, and every chapter has a title. This is just like the registry of convicts that lists the names in the beginning and follows this with the details of the cases. Therefore, the empress dowager compared the *Odes*, which Yuan Gu mastered, to the registry of convicts"《詩經》章句簡短，篇有其目，與刑徒簿籍首 |

[140] Burton Watson explains, "Some of the Confucian works such as the 'Institutes of Chou' dealt with the bureaucratic system, of the Chou Dynasty and its officials, such as the Director of Public Works, etc. The empress dowager is here deriding this attention to bureaucratic and legal details which seems to have absorbed much of the time of Han Confucian scholars. From the Taoist point of view the Confucians were hopelessly concerned with such 'artificial means of government.'" Mark Csikszentmihalyi has compellingly argued against this reading and pointed out that "the Ministry and the punishment are linked for a specific reason, and not just a general representation of Confucian concerns." See "Emulating the Yellow Emperor," pp. 20, note 45.

[141] Takigawa Kametarō's 瀧川竜太郎, ed., *Shiji huizhu kaozheng* 史記會注考證 (Shanghai: Shanghai guji, 1986), 1951.

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| | 標姓名，次陳案由相似，故將轅固所治《詩》比作司空罪徒的名籍.[142] |
| *Chunqiu* 春秋 or the *Spring and Autumn Annals* | Wang Yinglin 王應麟 (1223-1296): "Dong Zhongshu's (179-104 BCE) *Judging Lawsuits Based on the Spring and Autumn* has not been transmitted to modern times. […] Gongsun Hong took the *yi* [principle] of the *Spring and Autumn* to restrain his subordinates. Zhang Tang requested that disciples of the academicians study the *Document Classic* and the *Spring and Autumn* so that they could take up office as clerks of the Superintendent of Trials. Therefore, the work the *Annals* was treated as a 'accounts of the wall-builders under the Director of Works.'" 董仲舒《春秋決獄》，其書今不傳……公孫弘以《春秋》之義繩臣下，張湯請博士弟子治《尚書》、《春秋》，補廷尉史，是以《春秋》為司空城旦書也.[143] |

Let us examine these exegeses by category and test their validity in explaining the confrontation between Yuan Gu and the Empress Dowager. Many of the commentators, from the third century classicist Yu Xi to the modern translator Burton Watson, attempt to fit the two words into the framework of the "scholastic conflict" between the Daoist and another "school,"[144] be it that of the Ru or the Legalists. This hermeneutic strategy identifies the conflict in the anecdote with an intellectual divide between "Confucians" and "Daoists." For instance, Sima Zhen stresses that the teachings of Laozi were useful for self-cultivation and household management, and Yu Xi emphasizes the Daoist principle of "non-action". But how would this constitute an insult, and at what did the Empress Dowager Dou take offense? Qian Mu, on the other hand, argues that Yuan Gu took the stance of the classicists and despised "*jiaren yan*," which in this context could be equated with "teachings of the masters" (since "master" is another translation of the word *jia*.)[145] Yuan could be seen as that of belittling the teachings of Laozi and

[142] Wang Jiru 王繼如, ed., *Hanshu jinzhu* 漢書今注 (Nanjing: Fenghuang, 2013), 2129.

[143] Sun Tonghai 孫通海 ed., *Kunxue jiwen zhu* 困學紀聞注 (Beijing: Zhonghua shuju, 2016), 826-27.

[144] I use the word "school" only for the convenience of repeating commentators' viewpoints. Csikszentmihalyi and Nylan's work shows that the early texts did not use it to "connote a continuous text-based transmission instead to refer to individuals and their methods." see Mark Csikszentmihalyi and Michael Nylan, "Constructing Lineages and Inventing Traditions through Exemplary Figures in Early China."

[145] Qian Mu 錢穆 explains, "家人言"便是"家言"，"家言"便是"諸子百家言"。轅固生站在經學的立場看不起"家人言"。竇太后是因為看重老子書才對轅固生發怒。"*Jiaren yan*" is "*jia yan*," and "*jia yan*" is the "teachings of the Hundred Masters." Yuan Gu took the stance of the classicists and despised "*jiaren yan.*" It was because the Empress Dowager Dou valued the teaching of Laozi that she became

supporting a hierarchy in which the Classics were ranked higher than the texts of the various masters.[146]

Qian's evaluation of the situation might well explain why the empress dowager was offended by Yuan Gu's valuation of the Classics, including the *Odes*, as being worth more than the teachings of the "hundred masters" that includes Huang-Lao. This argumentation is representative of those who advocated for the "scholastic competition" and was widely accepted.[147] However, Qian equated "words of *jiaren*" with "words of the hundred masters" with hardly any textual evidence. Although this might explain the offensive tone of the word *jiaren*, it is based on a logical leap.

In similar ways, commentators who tried to draw a direct connection between the "accounts of wall-builders" and certain specific works faced the same problem that Qian Mu did in his argumentation. The connections were either groundless or invalid. For example, Pei Yin, Wang Yinglin and Takigawa linked the Ru texts to law and legal practice, but this would not have had the rhetorical force that the story requires. Instead, it simply reflects a new development in the tradition of *Chunqiu* hermeneutics, and the social application of that tradition during early Western Han.[148] Actually, the urge shared by the commentators to connect the phrase with specific texts is a result of the propensity to interpret the confrontation as a point of "scholastic conflict." In the following sections, I will show that this assumption, so fundamental to all the

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vexed with Yuan. See Qian Mu, *Jingxue dayao* 經學大要, Taipei: Sushulou wenjiao jijinhui, 2000, 162-63.

[146] See Mark Csikszentmihalyi and Zheng Yifan, "Narratives of Decline and Fragmentation and the Hanshu Bibliography's Taxonomies of Technical Arts," in Mark Csikszentmihalyi and Michael Nylan, eds. *Technical Arts in the Han Histories: Tables and Treaties in the Shiji and Hanshu*. (Albany: State University of New York Press, 2021), 367-406.

[147] Su Chengjian 蘇誠鑒, "Jiaren yan" yu "sikong chengdan shu" "家人言"與"司空城旦書," *Zhongguo gudai shi luncong* (Series 1) 中國古代史論叢（第七輯）(Fuzhou: Fujian renmin, 1983): 381-385. The "Struggle between 'Confucianism' and 'Legalism'" (*Rufa douzheng* 儒法鬥爭) was a topic that was heatedly discussed during the Cultural Revolution, and it attracted the attention of many scholars, stimulating them to participate in this debate. In order to treat this anecdote as a manifestation of the fierce struggle between the "Confucian" and Legalist" camps, scholars argued that Daoist and Legalist political philosophy had emerged in the Western Han, which allowed them to see the Empress Dowager Dou as a representative of the Legalist camp. Gao Heng 高亨 (1900-1986), for example, interpreted the anecdote as a reflection of the political struggle between Legalists who supported the Huang-Lao Daoists and Confucianists who opposed them. Gao suggested that "book of wall-builders" referred to the specific chapter "*Yue ming* 說命" in the *Document Classic*, because the author of that text, Fu Yue 傅說 was a former slave who had worked as a wall builder. See Gao Heng and Chi Xichao 池曦朝, "Shitan Mawangdui Hanmu zhong de boshu Laozi" 試談馬王堆漢墓中的帛書《老子》, *Wenwu* 文物 vol. 11 (1974):1-7.

[148] Michael Loewe collected and analyzed the fragments of Dong Zhongshu's legal opinions. See Michael Loewe, "Dong Zhongshu as a Consultant," *Asia Major*, Third Series, vol. 22, No. 1 (2009): 163-182. Charles Sanft has done excellent work revisiting this topic with legal evidence from the Shuihudi manuscripts. See Charles Sanft, "Dong Zhongshu's 'Chunqiu Jueyu' Reconsidered: On the Legal Interest in Subjective States and The Privilege of Hiding Family Members' Crimes as Developments from Earlier Practice," *Early China* 33/34 (2010-2011): 141-169. Sanft has a discussion of "family crimes" in this paper, which inspired my own interests in the legal aspect of family relationships.

readings examined thus far, makes less sense than reading the confrontation in an entirely different light.

**Commoners or Servants? A Theory of "Status Accusation"**

Nakai Sekitoku's reading of *jiaren* as "commoners," summarized in table 1, signals a totally different perspective from which this story may be re-examined. Nakai suggests that the Empress Dowager's disparagement may not be related to scholastic patronage but rather words of ridicule based on social status. The seventh century exegete Yan Shigu 顏師古 (581-645) has a similar reading.

The standard history of Western Han, *Hanshu* 漢書 (*History of Han*), records this same anecdote in its "Rulin zhuan" 儒林傳 (Collected Biographies of Ru Scholars) with only a few variations from the *Shiji* version. In his commentary to the text, Yan Shigu notes: "*Jiaren* means household servants and the like." 家人，言僮隸之屬.[149] Yan and Nakai represent a different approach to understanding the anecdote, reading the terms exchanged in the conflict as insults pertaining to one's social status. The Empress Dowager and Yuan may have been criticizing each other by respectively linking the texts their opponents valued to a certain court faction that each disdained, rather than linking them to the doctrines of certain "schools of thought." What has prevented many later readers from reading it this way has been the wide range of connotations of the common phrase *jiaren*.

This approach is complicated by the fact that "servants" is not the only reading that Yan Shigu gives for the word *jiaren*. In the "Waiqi zhuan" 外戚傳 (Biographies of the Consort Family) of the *Hanshu*, when Shangguan An 上官安 (-80 BCE), father-in-law of Emperor Zhao 昭 (r. 87-74 BCE) discussed the possible consequences if the palace coup that he was plotting failed, Shangguan says: "Even if I wish to be a *jiaren* by then, I will not be allowed to." 雖欲為家人亦不可得.[150] Yan Shigu's exegesis reads: "*Jiaren* means an ordinary commoner" 家人言凡庶匹夫. An examination of the use of the word *jiaren* in early historical documents shows the modern meaning of "family" was not a very common connotation of *jiaren* in the early Han texts. More frequently, connotations of the term were "commoners" and "servants." Zheng Huiren 鄭慧仁 and Huang Zhuoying 黃卓穎, among others, have searched the early texts for the occurrences of the term *jiaren*. Of the total 111 occurrences of the word *jiaren*, only 28 are used to mean "family" or kin while 61 mean "commoners," and the rest of them means "palace maids" or "domestic servants".[151]

There is also contemporary evidence that supports a reading of *jiaren* as "servants." The very famous example is that of Wei Qing 衛青 (-106BC), one of the most meritorious generals of Western Han, who was born as a servant at Princess Ping Yang's 平陽公主 mansion:

> Wei Qing was a *jiaren* in the household of the marquis [of Pingyang]. When he was young, Qing went back to live with his father, and his father sent him to herd sheep. His half-brothers [i.e., sons of his father's principal wife]

[149] *Hanshu* 88.3612.

[150] *Hanshu* 97.3959.

[151] Consult Zheng Huiren 鄭慧仁 and Huang Zhuoying 黃卓穎, "'Jiaren yan' bianzheng" "家人言"辨正, *Yindu xuekan* 殷都學刊 No. 4 (2011): 118-121. See also Zhao Caihua 趙彩花, "Shiji, Hanshu 'jiaren' jie"史記、漢書"家人"解, *Yuwen yanjiu* 語文研究 2003.3: 31-34.

> treated him like a servant and did not treat him as a brother. Once Qing went to the prison of the Palace of Sweet Springs. There was a convict in shackles who examined Qing's physiognomy and said, "Noble man, you will rise to the position of marquis." Qing laughed and replied, "I was born a servant, and if I can get by without being beaten and abused that will be good enough. How would I ever get to be a marquis?"
> 青為侯家人，少時歸其父，其父使牧羊。先母之子皆奴畜之，不以為兄弟數。青嘗從入至甘泉居室，有一鉗徒相青曰："貴人也，官至封侯。"青笑曰："人奴之生，得毋笞罵即足矣，安得封侯事乎！"[152]

Wei Qing claimed to be "born a servant" but was called *jiaren* of the marquis. Looking back to the anecdote cited at the outset, Empress Dowager Dou would have had good reason to be offended if Yuan Gu was comparing the teaching she favored, of Laozi, to "words of servants/menials" or even just to "words of commoners." Moreover, both servants and commoners are levels of social status that are comparable to convict "wall-builders" convicts, all three are categories in the lower stratum of the social hierarchy, below the twenty ranks of honor (*jue* 爵). As two major sources of manpower, servants and government bonded convict laborers were often associated with one and other in early texts.

Is it possible, especially in light of the wealth of newly discovered administrative documents from the Qin and Han periods, to establish a more precise understanding of the use of *jiaren* in the sense of "domestic servants"? If we better understood how domestic servants were incorporated in early Chinese households, the rhetorical connotations of the term might also become clearer. These are not simply questions of philology but require analysis of the legal, social, and even ethical aspects of early Chinese families and society.

**Definitions and Theoretical Framework Regarding the Status of Servants and Children**

In this section, I explore the historical context of the philological connection between servants and *jiaren*. Based on discoveries of legal and administrative manuscripts over the past four decades in southern China, we are now in a better position to understand many details of daily life in ancient Chinese society, and to recover the voices of people usually omitted from mainstream histories. As a result, we can describe the status of servants in the Qin and Han periods with greater precision. This section will demonstrate that, based on their responsibilities to the masters, servants had a "quasi-familial" status in early Chinese households and a legal status comparable to that of biological children in the family.

Before discussing the matter in detail, it is important to first lay out relevant terms and definitions. As readers might have noticed, I have not made frequent use of the word "slave" in this chapter. I believe that a careful analysis of the definition of this freighted term should precede its application to its possible counter parts in history, such as *nubi* 奴婢, *chenqie* 臣妾 or various convict laborers instead of using it broadly.[153] Slavery and slave society were subjects

[152] *Shiji* 111.2922. Wang Chong 王充 also talked about this story in his discussion of Qing's physiognomy. See Huang Hui 黃暉, ed., *Lunheng jiaoshi* 論衡校釋, (Beijing: Zhonghuashuju, 1990), *juan* 3 "Gu xiang" 骨相, p.117.

[153] One of the premises of this discussion is that there is no scholarly consensus on a precise meaning of the terms "slave" or "slavery." Susanne Adamski suggests in her recent research that we should not

of heated discussion in China from the 1930s through the 1980s, but consensus on the topic has been hindered by the dearth of textual materials from the ancient period and the influence of modern ideological frameworks.[154] In Western-language scholarship, slavery has always been a topic of much research, but slavery in China has been relatively neglected.[155] In recent years, debates on whether China went through a "slavery stage" as described in Marxist historiography have finally given way to more empirically grounded inquiries. Research by European and American historians from Moses I. Finley down to the recent work of Noel Lenski have refined our understanding of the nature of early slave societies and questioned whether, and to what degree, the early empires in China represent slave societies at all.[156] With new perspectives and materials in hand, we are now in a better position to discuss slavery in China. Let us first look at Noel Lenski's recent definition:

> Slavery is the enduring, violent domination of natally alienated and inherently dishonored individuals (slaves) that are controlled by owners (masters) who are permitted in their social context to use and enjoy, sell and exchange, and abuse and destroy them as property.[157]

This definition remains very general and should be seen as an "ideal type" rather than an absolute definition. That means when it is applied to other places in the world, it might lose some of its nuances. On the other hand, although different areas at different times exhibit variations on this general theme, many scholars would posit three elements shared by many slave societies: the

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assume the existence of certain social categories without defining the terms involved. She also reminds us that early Chinese texts largely fail to describe the lowest social strata and do not explain social status. Therefore, we should be careful about defining certain forms of "asymmetrical dependency" or "bondage" as slavery in its most extreme form. See Susanne Adamski, "Indefinite Terms? Social Groups in Early Ancient China (ca.1300-771 BC) and 'Strong Asymmetrical Dependency.'" *Slavery and Other Forms of Strong Asymmetrical Dependencies: Semantics and Lexical Fields*. ed. Jeannine Bischoff and Stephan Conermann. *Dependency and Slavery Studies*. Berlin: De Gruyter, 2022. 11-72.

[154] For a most recent review of this issue, see Chen Minzhen 陳民鎮 "Nuli shehui zhibian——chongshen zhongguo nuli shehui jieduan lunzheng" 奴隸社會之辯——重審中國奴隸社會階段論爭, *Lishi yanjiu* 歷史研究 Issue 1 (2017): 159-78.

[155] Significant research on slavery in Chinese history in English scholarship includes Martin Wilbur, *Slavery in China During the Former Han Dynasty 206 B.C.-A.D. 25*, Chicago: Field Museum of Natural History Publication, 1943; Edwin G. Pulleyblank, "The Origins and Nature of Chattel Slavery in China," *Journal of the Economic and Social History of the Orient*, vol. 1, No. 2 (1958): 185-220; Robin D. S. Yates, "Slavery in Early China: A Socio-Cultural Approach," *Journal of East Asian Archaeology*, Issue 1 (2001): 283-331. Some explicitly comparative studies are Watler Scheidel, "Slavery and Forced Labour in Early China and the Roman World," in John Bodel and Watler Scheidel ed., *On Human Bondage: After Slavery and Social Death*, Malden, MA: Wiley-Blackwell, 2017. And most recently Susanne Adamski, "Indefinite Terms? Social Groups in Early Ancient China (ca.1300-771 BC) and 'Strong Asymmetrical Dependency.'"

[156] For example, Noel Lenski criticized the classical model of slavery for being ethnocentric in scope and vague in its criteria. See Noel Lenski ed. with Catherine M. Cameron, *What Is a Slave Society? The Practice of Slavery in Global Perspective* (Cambridge University Press, 2018), 15-60. Please also refer to Moses I. Finley, *Ancient Slavery and Modern Ideology*, New York: The Viking Press, 1980.

[157] Noel Lenski, "Framing the Question: What Is a Slave Society," in Lenski and Cameron ed. *What is a Slave Society? The Practice of Slavery in Global Perspective*, 51.

attribute of slaves as being property, the masters' domination of the slaves' bodies, and the status of slaves as being "socially dead."[158] Based on these general considerations, early China had slaves in the most general sense. More specifically, it had several different forms of bond servitude on a spectrum of varying "asymmetrical dependency" (to use Susanne Adamski's words) and a multi-status system (with twenty ranks, other than the two-rank dichotomy of "free or slave"); there was no clear-cut or caste distinction in early China. Also, given partible inheritance, social mobility in early China (both upward and downward) was far more fluid than, for example, in ancient Rome.[159]

As for the property aspect of slavery, we do find cases of masters buying and selling their indentured servants. There is clear evidence that these indentured servants, both the government-bond and domestic servants, could be sold, and we have information about the market for them in early China as well as their price.[160] Owners could even use their servants to pay off debt to the government. Other evidence shows that when an individual was transferred to another household as a servant, this transaction had to be reported to and recorded by the authorities.[161]

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[158] For the study of slavery from a social and cultural perspective, see Orlando Patterson, *Slavery and Social Death: A Comparative Study*, Cambridge: Harvard University Press, 1982.

[159] Legally speaking, Roman society had two conditions—slave and free, as stated in *The Institutes of Gaius* I.3.9: "The main classification in the law of person is this: all men are either free or slaves." But there were at least twenty ranks of honor, plus number-based hierarchies of punishment and various degrees of other servile status in China at around the same time. Paying a certain amount of cash for redemption, being granted general amnesty, which was regularly issued, or performing hard labor for a certain period of time could pull one up from the levels of servitude in ancient China. In comparison, manumission of a slave in the Roman society had a very high bar (given the low frequency of issuing manumission, requirement of the presence of a magistrate/censor, and of course, the cost and willingness of the masters) and involved complicated legal procedures the slave had to go through. Even after manumission, the status of freed slave was not one that afforded complete liberty. See Susan Treggiari, *Roman Freedmen during the Late Republic*. Oxford: Clarendon Press, 1969, 20-36. Anthony Barbieri-Low analyzes an excellent example of a case study of "manumission" concerning a female salve mentioned in the Zhangjiashan legal texts. Read Anthony Barbieri-Low, "Becoming Almost Somebody: Manumission and its Complications in the Early Han Empire," in *On Human Bondage: After Slavery and Social Death*, 122-135, edited by John Bodel and Watler Scheidel. Wiley-Blackwell: Malden MA, Oxford and Chichester, 2017, 122-135. On the status of "freedman" (*shuren* 庶人) in China, see Im Joong Hyuk 任仲爀. "Qin Han lü zhong de shuren" 秦漢律中的庶人. *Jianbo yanjiu* 簡帛研究 2009: 274-314.

[160] For the price of slaves in the Qin and Han Dynasties, see Yu Kunqi 于琨奇, "Qin-Han nujia kaobian" 秦漢奴價考辨, *Zhongguo jingjishi yanjiu* 中國經濟史研究 No. 1 (1987):33-43. See also Martin Wilbur, *Slavery in China During the Former Han Dynasty*, 206 B.C.-A.D. 25, 56-66. Michael Loewe also mentions that excavated documents "referred to a fixed market price for slaves" in his *The Government of the Qin and Han Empires: 221 BCE-220 CE*, Indianapolis/Cambridge: Hackett Publishing Company, Inc., 2006, p. 159.

[161] Chen Songchang 陳松長, ed., *Yuelu shuyuan cang Qinjian* (*si*) 岳麓書院藏秦簡（肆）(Shanghai cishu, 2015): 134-35, slips 200-202 shows that slaves owned privately or by the state could be traded for one another. The text also says: "If the 'black-headed ones' (meaning commoners) purchase and sell male or female slaves, horses or oxen, both the purchaser and the seller should remit a deposit of twenty-two cash coins to the office of the market. If the emperor wishes to buy slaves and horses [from commoners], or use horses, flocks and herds owned by the state to trade with commoners, he shall pay the flat price and give that money to the owners directly." 黔首賣奴卑（婢）、馬牛及買者，各出廿二錢以質市亭。

Pulleyblank once noted, "Chinese did not draw the logical conclusion that if a slave was property, he was a 'thing' and not a human being."[162] Robin Yates has also pointed out that "an individual can be seen both as a member of the kin group and as part of the group's corporate property and constitutes lineage wealth."[163] With more new evidence that gives us a nuanced picture of the status of slaves in ancient China, it seems that a binary conception of a slave as a non-human possession versus a human being does not fit the Chinese context. The nuanced nature of servile status in ancient China was sometimes formulated by scholars as "half human being and half animal/property" (*banren banwu* 半人半物).[164] I agree with Susanne Adamski's stance that we should be more careful about using the term "slavery" so that it does not become a loose category or come to cover all kinds of "asymmetrical dependency" on a continuum including debt bondage, wage labor, and indentured servitude, etc. Instead, we should study the exact living and working conditions of the people involved and how their relations with their superiors were shaped and how these determined their everyday lives.[165]

Evidence also shows that masters in early China never had absolute control over their servants, especially in the legal sense, as they were neither entitled to kill them nor even to mutilate them. Legal case records show that masters needed to request that the government punish their servants on their behalf.[166] State intervention in the master-servant relationship was so ingrained that we might say that servants had two masters—their household master and the emperor. Recently excavated manuscripts further show that mention is made of servants in many types of documents, including household registers, property registers, contracts and tallies (*fu* 符), passports (*zhuan* 傳), etc. Among them, household registers are of particular significance because they reflect the composition of households.

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皇帝其買奴卑（婢）、馬，以縣官馬牛羊貿黔首馬牛羊及買以爲義者，以平賈（價）買之，輒予其主錢。

[162] Edwin G. Pulleyblank, "The Origins and Nature of Chattel Slavery in China," 213.

[163] Robin D. S. Yates, "Slavery in Early China: A Socio-Cultural Approach," 292.

[164] See Wen Xia 文霞. *Qin Han nubi de falü diwei* 秦漢奴婢的法律地位. Beijing: Shehui kexue wenxian chubanshe, 2016, 222-223. Wang Mang 王莽 (45 BCE-23CE) criticized Qin for "establishing market places for male and female slaves and putting them in enclosures with those for cattle and horses" 又置奴婢之市，與牛馬同欄. (See *Hanshu* 69.4110.) The flexibility of the Chinese word *wu* 物 often makes it hard to translate it with one single English word; in classical Chinese, *wu* could refer to animals, things and matters, or even humans depending on the context.

[165] See Susanne Adamski, "Indefinite Terms? Social Groups in Early Ancient China (ca.1300-771 BC) and 'Strong Asymmetrical Dependency,'" 63-65.

[166] In both Qin and Western Han, the masters' power to mutilate their servants was strictly limited. One example is a formal model of an indictment found in the Shuihudi legal texts which shows that masters had to request that the county magistrate tattoo their disobedient slaves: "Knight of the Realm A of X Neighborhood bound and brought in an adult women C and reported, 'I am a household retainer of the Fifth Grandee B. C is B's female slave. B makes me say, 'C is obstreperous. I request that C be tattooed and have her nose cut off.'" 某里公士甲縛詣大女子丙，告曰: "某里五大夫乙家吏。丙，乙妾（也）。乙使甲曰：丙悍，謁黥劓丙." See Shuihudi Qinmu zhujian zhengli xiaozu 睡虎地秦墓竹簡整理小組, ed., *Shuihudi qinmu zhujian* 睡虎地秦墓竹簡 (Beijing: Wenwu, 1990):155.

**The Status of Servants in Households**

In December of 2005, archaeologists excavated a set of fragmented wooden boards from the moat of a two-thousand year old county-level city site Qianling 遷陵 in Liye 里耶, Hunan Province; they later identified these boards as 28 household registers.[167] These turned out to be among the earliest examples of household registers discovered so far, and they provided new insights into the composition of families in the Qin Dynasty.[168] Scholars have used them to study various issues including intra-family relationships, demographic statistics, and the social structure of local society.[169]

Figure 3-1: Image of the Moat Surrounding the Qianling County Site, the Excavation Location of the Qin Dynasty Household Registers

[167] Zhang Rongqiang 張榮強, "Hunan Liye suochu 'Qindai Qianling xian Nanyangli huban'yanjiu" 湖南里耶所出"秦代遷陵縣南陽里戶版"研究, *Beijing shifan daxue xuebao* 北京師範大學學報（社會科學版）No. 4 (2008): 68-80.

[168] It should be noted that there are different ideas about whether these should be seen as actual household registries. Some scholars have suggested that they should be called "sample household registries" (huji yang jian 戶籍樣簡). Charles Sanft has a review of these disagreements and I follow his identification of documents as Qin household registries. See Charles Sanft, "Population Records from Liye: Ideology in Practice," in *Ideology of Power and Power of Ideology in Early China*, edited by Yuri Pines, Paul Goldin and Martin Kern, Leiden: Brill, 2015, 255-258.

[169] Chen Jie 陳絜 "Liye 'huji jian' yu Zhanguo moqi de jicheng shehui" 里耶"戶籍簡"與戰國末期的基層社會, *Lishi yanjiu* 歷史研究 No. 5 (2009): 23-40.

The standard format for this set of household registers is as follows:

Column A:
Line 1: Village name + Head of Household + (Origin) + Order of Social Rank + Surname + Given Name
Line 2: Other Adult Male Members including Brothers and Sons of the Householder
Column B:
Line 1: Wife + Given Name
Line 2: Wives of Other Adult Male Listed in the First Column
Column C:
Line 1: Non-adult Son X + Order of Social Rank + Given Name
Line 2: Non-adult Son Y
…
Column D:
Line 1: Non-adult Daughter X + Given Name
…
Column E:
Male Servant (*chen* 臣) + Given Name
Female Servant (*qie* 妾) + Given Name[170]

These household registers show clearly that servants were listed along with other family members as human beings rather than in a separate list of possessions, reflecting a recognized membership of the servants in the household as more than just things. They were usually put at the end of the registers, along with information about their gender and given names.[171] This is not the only instance indicating that servants were recorded on the household registers. In one of the "funerary relocation documents" excavated from Gaotai 高臺 M18 Tomb (174 BCE) in Jiangsu Province, a female householder named Yan 燕 (most likely the name of the tomb occupant) requested that her family, property and privilege (social ranks and tax redemption) be transferred to the underground bureaucracy.[172] In her statement, she made it clear that all three of her male and female servants were included on the household register (*ming shu* 名數). Scholars believe that these funerary administrative documents emulated bureaucratic documents in the real world, which once again suggests that servants were listed on household registers. Here it should also be noted that in the "funerary relocation documents," and in the Liye 8-1554

[170] Hsing I-tien 邢義田 has examined the Liye household registration documents excavated from Pit KII of the ancient county Qianling. See Hsing I-tien, "Qin-Han Census and Tax and Corvee Administration—Notes on Newly Discovered Materials," in *Birth of An Empire: The State of Qin Revisited*, edited by Yuri Pines, Gideon Shelach, Lothar von Falkenhausen, and Robin D. S. Yates, Berkeley: University of California Press, 2013, 155-186.

[171] Only the surname of the household head is recorded. We could assume that all the other family members, including the servants, also might be identified using the householder's family name. Most slaves had no family names, which is a sign of their separation from their natal families.

[172] Guo Jue, "Western Han Funerary Relocation Documents and the Making of the Dead in Early Imperial China," *Bamboo and Silk* 2 (2019): 141-273.

testament, male and female slaves were referred to as both human and *wu* 物 in different contexts, indicating their nuanced status.[173]

If the listing of the servants on the master's household registers reflects the economic and administrative integration of servants into the family, regarding servants as being bound by the norms of filial piety (*xiao* 孝) reveals another dimension of their relationship to their masters. The "Record of Submitted Doubtful Cases" (*Zouyanshu* 奏讞書) found among the Zhangjiashan tomb cache of legal documents contains the following record of an indictment:

> The Commandant of Hanzhong forwards the following doubtful case: "Chang, holder of [the rank] Grandee of the Realm, caned the male slave Xiangru, who died within the time limit of culpability of twenty days. Chang preemptively indicted himself, stating, 'Xiangru was formerly a commoner, who should have been manumitted and sent to work for the Ministry of Resources. I made a contract with Xiangru and did not manumit him.' The case was misjudged, because Xiangru had [previously] been inappropriately indicted by Chang for being unfilial. I am in doubt as to what crime [Chang] is guilty of." The report of the court stated, "[Chang] has inappropriately indicted [Xiangru]; he should be judged [for caning Xiangru to death]."
> 漢中守瀸（讞）："公大夫昌荅（笞）奴相如，以辜死。先自告：'相如故民，當免，作少府，昌與相如約，弗免已。'獄治不當，爲昌錯告不孝，疑罪。"廷報："錯告，當治。"[174]

There must be details omitted from this summary of a legal case, which makes it difficult to understand. But what is interesting in this case is that Chang acknowledged the beating, and attempted to use an indictment of Xiangru for being "unfilial" in order to cover the fact that Xiangru should have been manumitted, or as a false pretext for continuing Xiangru's servitude. Chang's self-indictment, in which he confessed his wrongful enslavement of Xiangru, sheds light

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[173] See respectively Guo Jue, "Western Han Funerary Relocation Documents and the Making of the Dead in Early Imperial China," 244-247; Chen Wei 陳偉 ed., *Liye Qin jiandu jiaoshi* 里耶秦簡牘校釋, vol.1, Wuhan: Wuhan daxue, 2012, 356-357.

[174] Peng Hao 彭浩, Chen Wei, and Kudō Motoo 工藤元男, eds., *Ernian lüling yu Zouyanshu: Zhangjiashan ersiqihao Han mu chutu falü wenxian shidu* 二年律令與奏讞書：張家山二四七號漢墓出土法律文獻釋讀 (Shanghai: Shanghai guji, 2007), 345, slips 49-50; Anthony Barbieri-Low and Robin 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), vol. 2, 1228-29. Lau and Staack punctuated and translated the last sentence as follows: "We tried [the matter] in a criminal case/remand prison; it was not lawful/justified that [Xiangru] was under false pretences reported for having committed impiety by Chang." 已獄治,不當爲昌錯告不孝. 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: Bril, 2016, 281. Here I follow Han Houming's 韓厚明 most recent punctuation, which separates "獄治不當" from the following "爲昌錯告不孝." This way, both of the separated phrases serve as the commandant's comments on the county's judgement of this legal case. See Han Houming, "Zhangjiashan Hanjian zici jishi" 張家山漢簡字詞集釋, (Ph.D. Dissertation, Jilin University, 2018), 202.

on his previous denunciation of Xiangru for being unfilial to him. This case shows that the accusation of unfiliality could be made by a master against his servant. What invalidated that denunciation was the fact that Xiangru should have been manumitted in the first place, which would have terminated their master-servant relationship. In any case, this case shows clearly that masters could denounce their servants for lacking "filial piety" with respect to them.[175]

The bond of filial piety between servants and masters also altered the relationship between servants and their original families. It dissolved the family obligations they had to their natal/original families. In the statutes that stipulated punishment for children who were denounced by their parents for lacking filial piety, a supplementary provision reads:

> Should the child be guilty of a crime and sentenced to be a wall-builder, or grain-pounder, gatherer of fuel for the spirits or grain pounder convict on up, as well as when he or she is another person's private slave, and the father or mother denounce the child for lack of filial piety, do not hear the case.
> 其子有罪當城旦舂、鬼薪、白粲以上，及為人奴婢者，父母告不孝，勿聽。[176]

This legal provision limited the obligation of filial piety. In cases where a child became liable to perform penal labor service for the government or became someone else's servant, filial obligation was transferred to the government or the child's master. Similar provisions required: "If a [privately held] male servant was found guilty of a crime, do not confiscate his wife or offspring who were male or female slaves [of someone else]." 奴有罪，毋收其妻子為奴婢者.[177]

This was the case because if the wife or offspring were someone else's servants, they had already been removed from their own natal relationship and integrated into their masters' family. Their service and loyalty to their master took precedence over their responsibility to their own families; the government, moreover, would take full consideration of the masters' legitimate rights and interests in their servants.[178] The significance of master-servant obligation stands out

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[175] Jesse Watson noted that legal terms in early China such as *zei* 賊, *dao* 盜, and *xiao* 孝 do not always refer to discreet acts but instead to the legal techniques that should be brought to bear in a case. The performance of *xiao* in the Han dynasties had a wider semantic field and it could be applied to relations besides that of parent and child. See Jesse Watson "Paperwork Before Paper" (Ph.D. dissertation, UC Berkeley, 2019), 55-58.

[176] Peng Hao, Chen Wei, and Kudō Motoo, eds., *Ernian lüling yu Zouyanshu: Zhangjiashan ersiqihao Han mu chutu falü wenxian shidu*, 104, slip, 34-35. The English translation is based on Anthony Barbieri-Low and Robin 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*, vol. 2, 602-603.

[177] *Zhangjiashan*, 161, slip 180.

[178] For example, if someone's slave committed a crime, the government would apply a punishment of mutilation to them but would then return them to their master after the punishment. This is probably because the government had to respect the master's property rights and therefore would not make the slave a convict laborer. One instance from *Shuihudi Qin mu zhujian zhengli xiaozu* 睡虎地秦墓整理小組, ed., *Shuihudi Qin mu zhujian* 睡虎地秦墓竹簡 [*The Documents on Bamboo Slips from the Qin Yomb at Shuihudi*] (Beijing: Wenwu, 1990), 94 reads as follows: "Answers to Questions Concerning Qin Statutes" (*falü dawen* 法律答問): "A male servant A plotted with and sent a female servant B to steal

even more clearly when we think of the rule of impounding members of the families of commoners': "When the father or mother denounces the child for lacking filial piety, and his wife and children are to be impounded, their legal status should be restricted and may not allow them to use neither the rank of honor, nor reparation payments to commute, nor yet removal or redemption of punishment" 父母告子不孝，其妻子爲收者，皆錮，令毋得以爵償、免除及贖. Here, the reason that servants were subject to less severe legal treatment than commoners in terms of the impoundment of their families, was that the master-servant obligation took priority over the natal family relationship.

Other than being found "unfilial," another kind of misconduct among family members that is discussed in legal documents is being "obstreperous and arrogant" (*ao han* 敖悍). In most cases, this phrase was used to describe the disobedient behavior of wives toward their husbands, or servants toward their masters: "If a wife acts domineeringly/insubordinately, and the husband strikes or canes her, but it is not with the blade of a weapon, even though he may injure her, he is not guilty of a crime." 妻悍而夫毆（毆）笞之，非以兵刃也，雖傷之，毋罪. Similarly, if "a servant is obstreperous toward their master, and the master requests that they be killed, cast them away in the marketplace." 其悍主而謁殺之，亦棄市. Here we see again that the government monopolized the power of imposing legal penalties, and the master needed to make a request in order to have a servant punished. The same request procedure was in effect when parents wished to have their children punished, as well. The "Submitted Doubtful Cases" shows that "being obstreperous" was a formal term of a type of misconduct that deserved punishment less severe than that of being unfilial: "[actions] one degree below being unfilial warrants tattooing and being made a wall-builder or grain pounder. Next is being obstreperous, which deserves [a sentence of being made a wall-builder or grain pounder] but kept intact/unshaved." 不孝之次，當黥爲城旦舂；敖悍，完之。

As is shown above, I discussed how servants were bound to other family members (especially the master) by legal obligations of different dimensions. The examples show how the master-servant relationship effectively dissolved the servants' natal relationships and obligations. On the other hand, just as the Rome historian Jonathan Edmondson noted, "Slaves also played a key part in defining how Roman fathers related to their children, since children were often assimilated to slaves in the social dynamics of the household. Children and slaves both fell under the legal power of the *paterfamilias*, a term that was flexible enough to convey that the head of a household was at the same time the biological father of his freeborn children and paternalistic master of his slave *familia*."[179] This observation of status in the Roman households overlaps with the status of servants and children in early imperial Chinese households.

**The Comparability of Servants' Positions in the Families to that of Children**

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their master's cattle and sold it. They took the money and fled the state. They were caught beyond the pass. What punishments should be imposed on each of them? Answer: Tattoo their cheeks to mark them as wall-builders and then return them to their master." 人臣甲謀遣人妾乙盜主牛，買（賣），把錢偕邦亡，出徼，得，論各可（何）毆？當城旦黥之，各畀主。

[179] Jonathan Edmondson. Chapter 16 "Slavery and the Roman Family," in *The Cambridge World History of Slavery Volume I: The Ancient Mediterranean World*, 337-361, edited by Keith Bradley and Paul Cartledge. New York: Cambridge University Press, 2011, 357.

With these observations, I will show in the following section that, in terms of their legal treatment, servants occupied a status or position comparable to that of children in early Chinese households as well.[180] First, both servants and children were punished more severely than offenders from outside the household if they committed crimes against the masters/parents of the family. Despite the changes that occurred between the Qin and Han, both the Qin and Han administrations separated cases that call for "public denunciation" from those that call for "non-public denunciation." The latter privileged masters/parents:

> What is "public denunciation"? What is "non-public denunciation"? To kill or wound with murderous intent or to rob other people are cases that fall under public denunciation. When a child robs his parents, or when the parents kill, mutilate or shave their children or their male or female servants without authorization, these cases do not fall under public indictment.
> "公室告"【何】殹（也）？"非公室告" 可（何）殹（也）？賊殺傷、盜它人為"公室"；子盜父母，父母擅殺、刑、髡子及奴妾，不為"公室告"。[181]

> For children denouncing their parents and male and female servants denouncing their masters; [if it is a] "non-public indictment," [their cases] are not to be accepted. What is the meaning of "non-public indictment"? When a master kills, mutilates, or shaves his children or servants without authorization, this is "non-public indictment." [If the denunciation is initiated by the children or servants,] it will not be accepted. If they [i.e., the children or servants] still lodge an indictment, the denouncer will be punished. If this punishment has already been carried out and another person in succession denounces [the same person], this likewise does not warrant acceptance.
> "子告父母，臣妾告主，非公室告，勿聽。"可（何）謂"非公室告"？主擅殺、刑、髡其子、臣妾，是謂"非公室告"，勿聽。而行告，告者罪。告【者】罪已行，它人有（又）襲其告之，亦不當聽。[182]

The traditional reading of the first sentence interprets "子告父母" and "臣妾告主" as two kinds of suits that were defined as "非公室告." But later in this passage, a definition of "非公室告" comes right after the first sentence in the form of a question and answer. Consequently, Yu Zhenbo 于振波 and Charles Sanft have convincingly argued that "勿聽" (not to be heard) was based on two preconditions: 1) the denouncer was a child or slave, and 2) the case is a "non-public suit." That is to say, the condition applies when a child robs his parents, or when the

[180] See Yates, Robin. D. S. "The Changing Status of Slaves in the Qin-Han Transition," in *Birth of An Empire: The State of Qin Revisited*, 206-226.
[181] *Shuihudi Qin mu zhujian zhengli xiaozu* 睡虎地秦墓整理小組, ed., *Shuihudi Qin mu zhujian* 睡虎地秦墓竹簡, 117, slip 103. See also Hulsewé, *Remnants of Ch'in Law: An Annotated Translation of the Ch'in Legal and Administrative Rules of the 3rd Century B.C. Discovered in Yün-meng Prefecture, Hu-pei Province, in 1975* (Leiden: Brill, 1985), 148.
[182] *Shuihudi*, 118, slip 104-105. Hulsewé, 148-49.

parents arbitrarily kill, mutilate or shave their children or their servants.[183] In other words, these statutes were not to prevent children or servants from denouncing their parents or masters for unlawful conduct. On the contrary, we have seen in other statutes that family members were encouraged to report on each other with respect to certain crimes such as treason so that they could be exempted from being imprisoned. The "non-public indictment" was not to prevent parents/masters from denouncing their children/servants either, as is shown clearly in the legal records. It was not intended to prevent people outside of the household to initiate the denunciation either, otherwise it would be hard to explain why there are so many cases that parents/masters had to request the government to punish their children/servants for being unfilial or other reasons on their behalf. As a result, the "non-public indictment" benefited parents and masters because children/servants could not expect people outside of the family to denounce their parents/master on behalf of them. As a result, this "non-public indictment" clearly privileged the parents and masters.

This situation might have changed over the decades separating the texts from Shuihudi and Zhangjiashan since we do not see the terms "public indictment" or "non-public indictment" in the *Zhangjiashan* statutes. Nevertheless, the state still treated accusations by children and slaves against parents and masters separately from other accusations:

> [With] a child denouncing [their] father or mother, a consort denouncing her parents-in-law, or a male or female slave denouncing [his/her] master or the master's father, mother, wife, or children: do not listen to the case, but rather cast the denouncer away in the marketplace.
> 子告父母，婦告威公，奴婢告主、主父母妻子，勿聽而棄告者市。[184]

Compared to Qin law, not only would the indictment not be heard, but the denouncer would get a more severe punishment. The range of individuals to whom this applied also expanded from the master to the members of the master's immediate family. Moreover, as Charles Sanft argues, "the privilege of the superior extended the right of the householder to decide matters within the family."[185] From the Shuihudi to the Zhangjiashan statutes, we see a tightening of restrictions on the inferiors' right to sue their superiors.

There is another law in the "Answers to Questions Concerning Qin Statutes" (*falü dawen* 法律答問) of the *Shuihudi* statutes that specifically defined crimes between family members, male and female slaves included, which are called "household crimes":

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[183] Yu Zhenbo was among the earliest scholars to argue that if we follow the traditional reading, it would not only contradict the preceding and following definition of "non-public indictment" but also contradict our historical knowledge that Qin and Han law did permit children to denounce their parents under certain circumstances. See Yu Zhenbo 于振波. "Cong 'Gongshi gao' yu 'jiazui' kan Qin lü de lifa jingshen" 從"公室告"與"家罪"看秦律的立法精神, *Hu'nan daxue xuebao (shehui kexue ban)* 湖南大學學報（社會科學版）19 (2005): 40. Charles Sanft translated this correctly as "If a son should bring suit against his parents, or a slave bring suit against his master, and it is a non-public suit, it is not heard." Sanft argued, "This refers only to particular kinds of suits, namely those under private denunciation." See Charles Sanft, "Dong Zhongshu's 'Chunqiu Jueyu' Reconsidered: On the Legal Interest in Subjective States and The Privilege of Hiding Family Members' Crimes as Developments from Earlier Practice," 161.

[184] *Zhangjiashan*, 146, slip 133. Barbieri-Low and Yates, 548-49.

[185] Charles Sanft, "Dong Zhongshu's 'Chunqiu Jueyu' Reconsidered," 165.

何謂家罪？家罪者，父殺傷人及奴妾，父死而告之，勿治[186]。
What is meant by "household crimes"? "Household crimes" are fathers killing family members and servants; If someone else denounces this when the father has died; do not bring it to trial.
何謂家罪？父子同居，殺傷父臣妾、畜產及盜之，父已死，或告，勿聽。是謂家罪。
What is meant by "household crimes"? When father and son live together, and the son kills or wounds the father's servants or cattle, or he steals them; If someone else denounces them when the father has already died, this case is not to be heard. This is called "household crimes."

Here, I translated *ren* 人 as "family members" in the first statute cited above rather than using the standard translation "person" or "human being" for two reasons. First, if a father kills a person outside the household, it would not fall under "non-public denunciation" in the first place. In that situation, anyone could denounce the father and it would not make sense to call it a "household crime." Zhangjiashan statutes show that even for crimes such as robbery that would incur less severe punishment than murder, if the offender's families did report to officials, they were liable to be impounded.[187] Second, if we put the above two statutes together, it is quite possible that they are complementary—the first one concerns the father relative to family members' or slave's crimes, and the second one *vice versa*.

Compared to "non-public indictment," there is an additional condition for "household crimes" which follows the death of the father. In cases in which a son killed, wounded or stole his father's slaves or cattle, "living together" (*tongju* 同居) is given as another precondition for these to be treated as household crimes. In general, non-public indictment had a broader scope of application than a charge of household crimes, but in both cases, slaves were in a comparable situation and had similar status to that of children in the family. Slaves could be regarded as family members or *jiaren*, at least in a legal sense.

Other than those relating to non-public indictment and household crimes, there are several other laws that treat slaves and children as members of the same group. Take, for instance, one more example from the "Statutes on Abscondence" (*wang lü* 亡律) of the Qin legal texts collected by the Yuelu Academy:

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[186] It is an interesting to think about how *zhi* 治 is different from *ting* 聽. I do not have clear answer about the difference, but here, the point is to keep news of what happens in the family from being known outside. An interesting parallel could be found in the establishment of Buddhist monastic courts, and the state intervention in its independent denunciation. See Cuilan Liu, "Hybrid Courts and Hybrid Laws: The Legal Governance of Buddhism in Imperial China," *Journal of Chinese Religions* 47.2 (2019): 153-93.

[187] *Zhangjiashan*, 144, slip 68-69. Barbieri-Low and Yates, 466-67 reads: "[For one who] uses or conspires to use extortion against another person in order to seek cash or valuables, although he may not yet have obtained [the cash or valuables] or not yet used extortion: in every case, carve him into pieces and expose his corpse. Leave his wife and children intact and make them wall-builders or grain pounders. Should his wife or children who are liable [for his crime] entirely arrest [the extortionist and his co-conspirators] pr denounce [them] to the officials, and the officials arrest and catch them: in very case, remove the crime of those held liable." 人、謀劫人求錢財，雖未得若未劫，皆磔之；完其妻子，以為城旦舂。其妻子當坐者偏（徧）捕，若告吏，吏捕得之，皆除坐者罪。

> When a child kills or injures, strikes or curses, or conspires to kill his or her father or mother, as well as when the father or mother has denounced the child for lack of filial piety; or when the male or female servant kills or injures, strikes or conspires to kill their master, the master's children or parents, as well as when the master requests [the state] to have their servants killed; in every case, if the servant or the child turns themselves in voluntarily only after they have absconded and have been hunted, it does not count as a voluntary surrender.
> 子殺傷、毆詈、牧殺父母，父母告子不孝及奴婢殺傷、毆、牧殺主、主子父母，及告殺，其奴婢及子亡已命而自出者，不得爲自出。[188]

Again, in its treatment of the inferiors and superiors in a household, the law specified punishments of different severity for each group. Children or servants who murdered their parents or masters would have their heads cut off and exposed in the marketplace, while parents or masters who beat their children or servants to death received a punishment called a "redeemable death penalty" (*shu si* 贖死), which was actually a monetary punishment that amounted to about twenty-two ounces of metal.[189] In all these cases, the bond between parents and children and between masters and servants comes first on the hierarchy of family obligations. It should also be noted that, in contrast to the supreme paternal authority that existed in Roman families, sometimes called "the very basis of Roman social stability and political order,"[190] masters (*zhu* 主) in early China included the mother of the family.[191] However, both the early Chinese and ancient Roman family structures were based on patriarchal authority, placing children along with slaves/servants under the head of household, such that the father could treat them in a similar way if he so wished.[192]

In addition to servants' having the same position in a household as children with respect to laws such as those considered above, servants could also potentially become candidates for the heir of a household should the head of the household die without other legitimate heirs. Of course, this entailed careful and deliberate arrangements made according to detailed procedures revealed in the "Statutes on Establishing Heirs" (*Zhihou lü* 置後律) of the Zhangjiashan collection of legal texts:

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[188] Chen Songchang 陳松長, ed., *Yuelu shuyuan cang Qinjian* (*si*) 岳麓書院藏秦簡（肆）, 43, slips 13-14. For the provenance of these manuscripts, see Lau and Staack 2015, 11-14.

[189] *Zhangjiashan*, 106, slip 39, 119. Barbieri-Low and Yates, 511. Slip 119: "贖死，金二斤八兩." Since the weight unit here is *liang*, it is more likely to be gold; when the unit is *qian* 錢 cash, it is bronze.

[190] Eva Cantarella, "Fathers and Sons in Rome," *The Classical World*, vol. 96, No. 3 (2003): 282.

[191] Robin Yates has already noted this point in his "Slavery in Early China: A Socio-Cultural Approach": 293.

[192] William V. Harris, "The Roman Father's Power of Life and Death," in Roger S. Bagnall and William V. Harris ed., Studies in Roman Law in Memory of A. Arthur Schiller (Leiden: Brill, 1986), 81-96. For a general reference, please read Beryl Rawson, ed., *A Companion to Families in the Greek and Roman Worlds*, Malden, MA and Oxford: Wiley Blackwell, 2011. Jane Gardner and Thomas Weideman, eds., *The Roman Household: A Sourcebook*. London: Routledge, 1991. Josiah Osgood, "Making Romans in the Family," in Michael Peachin ed., *The Oxford Handbook of Social Relations in the Roman World* (Oxford and New York: Oxford University Press, 2011), 69-83.

> In the case of someone who died without an heir but has male and female servants, manumit the servants and make them freedmen. Use the "Statutes on Freedmen" to give them their master's agricultural fields, homestead [plots], and remaining wealth. When there are many male and female servants, no more than one person may become a substitute householder; first opt for the one who has worked [for the master] the longest, or the one whom the husband, son, or master trusted in employment.
> 死毋後而有奴婢者，免奴婢以為庶人，以庶人律予之其主田宅及餘財。奴婢多，代戶者毋過一人，先用勞久、有夫（？）子若主所信使者。[193]

These statutes show that servants not only could be manumitted; they were also eligible to inherit their master's property if the master did not have other heirs. Other parts of the "Statutes on Establishing Heirs" and "Statutes on Abscondence" other cases in which a servant could get manumitted: if "a female servant serving [at the bedside of] her master bore a child of his" (婢御其主而有子), or a male or female servant "performed well" (*wei shan* 為善). The "Statutes on Abscondence" reads: "In cases when a male or female servant has performed well [in serving the master], and the master wishes to manumit him or her: permit it. The male servant is to be called a 'private dependent,' and the female servant is to be made a freedman. In both cases, exempt them from government service obligations and the poll tax. Continue to employ them as when they were male and female servants." 奴婢爲善而主欲免者，許之，奴命曰私屬，婢爲庶人，皆復使及筭（算），事之如奴婢. Even manumission did not dissolve the obligation of a servant to his or her former masters, however. To allow for this private obligation to be fulfilled, the state was willing to exempt manumitted people from government service obligations.

Scholars used to doubt the practical possibility of servants being manumitted and even becoming the master's heir, but the publication of the "Four Types of Documents for Trying Criminal Cases" (*weiyu deng zhuang sizhong* 為獄等狀四種) in volume 3 of the Qin legal texts collected by the Yuelu Academy provide details about how servants worked the rules of manumission to their best advantage. In case 7 (dated to 229 BCE), Shi 識, a former retainer of Pei 沛 of "grandee" (*dafu* 大夫) rank, blackmailed Pei's widowed wife Wan 婉 for hiding her property in order to evade taxes. Wan then preemptively indicted herself. From her statement, we know that Wan was formerly Pei's female servant and had given birth to three of his children. Pei manumitted Wan and made her his principal wife, and within both the family clan and the local community, Wan was recognized as the wife of the household. In the end, they did not finish the official paperwork for registering the marriage. It is perhaps surprising to see how much a master might do for his servants and dependents. Pei not only found Shi—his retainer, a wife of commoner status, but also provided him with life necessities including a house, horse, and rice fields.[194]

All these details demonstrate that the manumission of servants and the possibility for them to become the head of the household were not just abstract legal notions. The Qin-Han almanac

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[193] *Zhangjiashan*, 239, slip 382-83. Barbieri-Low and Yates, 860-61.

[194] Anne Behnke Kinney speculated that Pei looked upon Shi as his surrogate son at a time when he did not have other children. See Anne Behnke Kinney, "Husbands and Wives in Qin and Han-Dynasty Bamboo Legal Texts," *Journal of Chinese History* (2021): 1-21.

texts (*rishu* 日書, or "day books") reveal this to have been one source of the master's anxiety. In addition to warning that servants bought on a certain day would be more likely to flee, the possibility that servants might "replace the master and take over the household" is another reason the texts give for avoiding certain days when buying a servant. For instance, the *Kongjiapo* 孔家坡 almanac texts listed the days on which one should not buy servants as follows:

> [On the days of] *jiayin, guichou, renchen, xinyou, xinmao,* you should not buy male or female servants, [because] they will replace the master and occupy the house.
> 甲寅、癸丑、壬辰、辛酉、辛卯，不可入奴婢，必代主，有室。[195]

Similarly, the *Shuihudi* almanac texts also list certain days that should be avoided when hosting guests (*ke* 客) or sojourners (*jiren* 寄人), or when buying servants (*chenqie* 臣妾) because they would "certainly take over the house (*bi dai jushi* 必代居室)." These statements prompt us not just to rethink the servants' or other dependents' positions and roles in the family, but also to rethink early Chinese household structure in general.

Another piece of direct evidence for reading the term *jiaren* as domestic servants is seen from the almanac texts excavated from the Fangmatan 放馬灘 Tomb in Tianshui, Gansu, which reads: "A north-facing gate is beneficial to be set as the gate of the village or community. However, it is downgraded to be a gate of *jiaren*, then the owner cannot reside" 北門，利爲邦門，詘以爲家人之門，其主弗居. [196] In this sentence, *jiaren* is put in a position in contrast to the "owners," which suggests that it should be understood as domestic servants subject to their owner or master.

If we examine this question from a comparative perspective, the word *jiaren* in early China has two close counterparts in other cultures: *familia* or *domus* in the Roman society, and *kenin* 家人[197] or even *gokenin* 御家人 in premodern Japanese history. Similar to *jiaren*, the English word "family" has connotations that differ from those of the original Latin term *familia*, which included servile dependents in a household, having become gradually more focused on the "family members" who were blood relations. Studies by historians of ancient Rome have shown that one ordinary usage of the Latin word *familia* was to refer to those in the power of a

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[195] Hubei sheng wenwu kaogu yanjiusuo 湖北省文物考古研究所 and Suizhou shi kaogudui 隨州市考古隊, ed. *Suizhou Kongjiapo Hanmu jiandu* 隨州孔家坡漢墓簡牘 (Beijing: Wenwu chubanshe, 2006), 153.

[196] Chen Wei et al. eds., *Qin Jiandu heji* 秦簡牘合集. Wuhan: Wuhan daxue, 2014, 40-43, slips 23-24. For the explanation of bang 邦 used in daybooks, see Poo Mu-chou, "Ritual and Ritual Texts in Early China" in John Lagerwey and Marc Kalinowski eds., *Early Chinese Religion volume 1*, Leiden and Boston: Brill, 301.

[197] Similar to the *jiaren* 家人 in early medieval China, *kenin* 家人 in Japanese history originally referred to a group that was privately owned and had lowly status similar to that of retainers. The origin of the *buke* 武家 warriors may be traced to the *gokenin* 御家人. See Yasuda Matohisa 安田元久. "Gokenin sei seiritsu ni kansuru yichiron" 御家人制成立に関する一試論. *The Annual Collection of Essays and Studies, Faculty of Letters of the Gakushuin University* 16 (1970): 81-110.

*paterfamilias*, whether kin or slaves.[198] In some contexts, *familia* is also used for "the group of slaves under a *dominus*, to the exclusion of the free members of the household."[199] The trajectory of change of the connotations from those of the Latin term *familia* to those of the English term "family" makes the term interesting counterpart for the word *jiaren* in Chinese. The reasons for the linguistic change are rooted in the historical social context.[200]

In this section, I hope to have shown that domestic servants had a quasi-family status in households of early imperial China from different perspectives. I hope this survey contextualizes the early exegesis that indicated *jiaren* as servants. In the following section, I am going review and contextualize another common exegesis which reads *jiaren* as "commoners."

**The Reading of *Jiaren* as "Commoners" (*Shuren* 庶人) in Early Exegeses**

In the preceding section, we saw how domestic servants had quasi-familial status in early imperial households. In this section, I am going to review and contextualize another common exegetical reading of *jiaren* as "commoners." I have already made the case to read *jiaren* in the anecdote about Empress Dou as servants or menials, in other words as a pejorative. Yet, the reading of *jiaren* as commoners has the highest number of instances in early Chinese texts and has been chosen by many modern scholars.[201] Often scholars have argued for this interpretation mainly by identifying a person referred to as a *jiaren* and then showing that he or she was a

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[198] Susan M. Treggiari, "Roman Family" in *Oxford Classical Dictionary* (published online in December of 2015). Another related term is *domus*, which in a broader sense meant "everyone living in the house regardless of kinship, cognates and slaves." In certain contexts, *domus* also referred to the physical house, including the family and slaves in it, which makes it similar to the Chinese term *shi* 室, which literally means room but could also include families living in the room, such as *jiashi* 家室 and *shiren* 室人. But the range of *shiren* as a legal term, was narrower in ancient China and usually only included the householder's wife and non-adult children. For more details, see Suzuki Naomi 鈴木直美, "Liya shinkan ni miru Shin no toguchi haaku—dōkyo·shinin saikō" 里耶秦簡にみる秦の戸口把握—同居・室人再考, *Tōyō gakubō* 東洋学報, vol. 89, No. 4 (2008): 407-437.

[199] Richard P. Saller, "'*Familia, Domus*', and the Roman Concept of the Family," *Phoenix*, vol. 38 (1984): 336-355.

[200] However, it is not enough to point out such surface similarities; we should take a close look at the underlying differences. Tu Cheng-sheng 杜正勝, argued that the similarity in status between slaves and children should actually be seen as a result of the "commonerization" (*pingmin hua* 平民化, meaning to become like a commoner) of slaves, rather than "slaveification" (*nuli hua* 奴隸化, lit. to become like a slave) of children. See Hsing I-tien and Liu Tseng-kui eds., *Gudai shumin shehui* 古代庶民社會, (Taipei: Academia Sinica, 2013), 12. This argument was based on the efforts of Qin and Han administrations to maximize independent manpower and preserve as many households as possible. Interestingly, scholars of Roman history have argued that it is more probable that the sons were increasingly treated like the slaves rather than the other way round. See William V. Harris, "The Roman Father's Power of Life and Death." In Henry Sumner Maine ed., *Ancient Law: Its Connection with the Early History of Society and Its Relation to Modern Ideas*, (Boston: Beacon Press, 1963), 159-160.

[201] To name a few, see Yang Shuda 楊樹達. *Hanshu kuiguan* 漢書窺管. Shanghai: Shanghai guji, 1984, 697. Lao Gan 勞榦 *Gudai Zhongguo de lishi yu wenhua* 古代中國的歷史與文化. Beijing: Zhonghua shuju, 2006, 222. Qian Zhongshu 錢鍾書. *Guanzhui bian* 管錐編 (vol. 1). Beijing: Sanlian shudian, 2001, 684.

commoner. Reading *jiaren* as *shuren* may be misguided, but the equation of the two terms is also a production in social identity of the time of the Qin unification.

Before I explain why *jiaren* could be interpreted as *shuren*, it is important to note that *shuren* in the Qin and early Western Han period was often used as a legal term with very specific meaning.[202] In the statutes cited in previous sections, we have seen that a manumitted male or female servant was called a *shuren* (an ad hoc translation would be "freedman"). In contrast to the more general term *shumin* 庶民 (usually translated as "commoners"), *shuren* in the Qin and early Western Han connoted a specific social identity. As a step on the social ladder, *shuren* was between the groups that had one of the "twenty ranks of honor" and those who were of servile status or subject to punitive servitude, such as domestic servants and convict laborers. A person could become a *shuren* through 1) redemption of their status as a convict laborer or servant in exchange for rank, or for money and grain; 2) redemption of their status as a convict laborer or servant by amnesty issued by the state; 3) emancipation from masters; and 4) demotion or deprivation of social rank. The status of *shuren* was usually transitional. The "Statutes on Households" (*Hu lü* 户律) show that *shuren* were entitled to receive one *qing* 頃 of land for fields and one plot per homestead, the same amount as other "zero-rank"[203] groups, Soldier of the Realm (*gongshi* 公士) and Member of Rank and File (*shiwu* 士伍).

However, it should be noted that in Nakai Sekitoku's and the modern scholars' commentaries to the *Shiji* anecdote, the word *shuren* is used in its more general meaning of "commoners." Therefore, in this section and elsewhere in this paper, I analyze the use of the term *shuren* in the exegeses based on its traditional meaning of "commoners."

Below I have selected a few instances of "*jia ren*" from the *Shiji* and *Hanshu* that are usually interpreted as "commoners" and arranged them in a table:

Table 3-3: Instance of *jiaren* interpreted as "commoners"

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| 1. "Wei Bao was a prince of the Wei State, and his brother was Wei Jiu…When Qin conquered Wei, Jiu was degraded to be a *jiaren*" 魏豹者，故魏諸公子也。其兄魏咎…秦滅魏，遷(魏)咎為家人.[204] *Hanshu*: "Wei Bao was a prince of the Wei State…When Qin conquered Wei, (Jiu) became a commoner" 魏豹，故魏諸公子也…秦滅魏，為庶人.[205] |
| 2. "When Peng Yue, King of Liang was a *jiaren*, he used to hang out with Luan Bu" 始梁王彭越為家人時，嘗與(欒)布遊.[206] Exegesis by Sima Zhen: "It means a person who stays at home, because he has no official position" 謂居家之人，無 |

[202] Im Joong Hyuk 任仲爀. "Qin Han lü zhong de shuren" 秦漢律中的庶人, 274-314. Wang Yanhui 王彥輝, "Lun Qin ji Hanchu shenfen zhixu zhongde 'shuren'" 論秦及漢初身份秩序中的"庶人" *Lishi yanjiu* 歷史研究, No. 4 (2018): 19-36. Takatori Yūji 鷹取祐司 in his most recent research argues that *shuren* should not be understood as a specific legal term. Consult Takatori Yūji "Shin Kandai 'Shojin' Kōshō" 秦漢代「庶人」考證, *Chūgoku shutsudo shiryō kenkyū* 中国出土資料研究 26 (2022), 1-28.

[203] This idea is well developed by Takatori Yūji 鷹取祐司, "Shin Kan jidai no keibatsu to shakuseiteki mibun joretsu" 秦漢時代の刑罰と爵制的身分序列, *Ritsumeikan bungaku* 立命館文學 608 (2008): 22-42.

[204] *Shiji* 90.2589

[205] *Hanshu* 33.1845.

[206] *Shiji* 100.2733, *Hanshu* 37.1980

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|---|
| 官職也. Exegesis by Yan Shigu: "*Jiaren* is like to saying member of a registered household" 家人，猶言編戶之人也. |
| 3. "Liu Bang usually had great plans and did not serve in the productive enterprises like other *jiaren* did" (劉邦)常有大度，不事家人生產作業.[207] |
| 4. "Those soldiers are all sons of *jiaren*, rising up from the fields to join the army" 夫士卒盡家人子，起田中從軍.[208] Exegesis by Yan Shigu: "That is to say a son of a commoners' family" 謂庶人之家子也. |
| 5. "Even the *jiaren* do not wish to see the sacrifices in their ancestral temple cease" 家人尚不欲絕种祠.[209] Exegesis by Yan Shigu: "*jiaren* means families of the commoners" 師古曰："家人，謂庶人之家也." |
| 6. "Even if I wished to be a *jiaren*, [it] is not possible" 雖欲為家人，亦不可得.[210] Exegesis by Yan Shigu: "*jiaren* means commoners" 家人言凡庶匹夫. |
| 7. "During Wang Mang's reign, all the kings of the Liu family were abolished and became *jiaren*" 王莽時，皆廢漢藩王為家人[211] |
| 8. "It says that a monarch sees people all under heaven as his servants, and therefore he does not have a private family. Now your majesty abandons the extreme nobility of ten thousand carriages and takes pleasure in the lowly things that only *jiaren* would do" 言王者臣天下，無私家也。今陛下棄萬乘之至貴，樂家人之賤事.[212] Exegesis by Yan Shigu: "It speaks of amassing land, slaves and fortunes" 謂私畜田及奴婢財物. |

Of the instances listed above, the first has the clearest equivalence because *jiaren* in the *Shiji* passage is substituted by *shuren* in the *Hanshu*. The explanations by Sima Zhen 司馬貞 (679-732 CE) and Yan Shigu in the second instance are also interesting because Sima stresses that *jiaren* means a person who stayed at home and held no official position" (謂居家之人，無官職也) while Yan glosses that the term as a member of a registered household. Hamaguchi Shigekuni 浜口重国 argued that the reason commoners could be called *jiaren* was that commoners were the *jiaren* (be it family members or servants) of the emperor since "the whole world is one family" (*tianxia yijia* 天下一家).[213] Therefore, Luan Bu was called a *jiaren* since he held no official post and stayed at home. In other words, *jia* constituted a realm apart from that of public service. By taking office, men left their families (*chujia* 出家).

Ogata Isamu 尾形勇 expanded the definition of the "public realm" from people holding official posts to soldiers, convicts and slaves, all of whom could be seen as serving the public or

[207] *Shiji* 8.342
[208] *Shiji* 102.2759, *Hanshu* 50.2314.
[209] *Hanshu* 25.1258.
[210] *Hanshu* 97.3959.
[211] *Hanshu* 63.2759.
[212] *Hanshu* 27.1368.
[213] Hamaguchi Shigekuni 浜口重国, "Kantō kan no kajin to iu kotoba ni tsuite" 漢唐間の家人という言葉について，*Memoirs of the Faculty of Liberal Arts & Education, Yamanashi University*, 11 (1959): 57-74.

serving in an official capacity. These groups of people had to leave, or be deprived of, their natal families so that they could serve the state or join the family of their masters. Ogata's idea was recently promoted by Mark Lewis, who summarized it as "the early imperial state was based on two distinct orders or domains—the relations of a ruler to his officials, and those of family members to one another."[214] Ogata also argued that officials were not supposed to use their surnames in the public realm, say, when communicating with the emperor, because that was a symbol of family lineage. Instead, they used "your servant (*chen* 臣)," [215] which was exactly the word that was used to refer to a domestic servant in the Qin, as we have seen in the formula used in the household registers "臣+ personal name."

The structural contrast between public and familial realms that underlie the sociopolitical reasoning presented in the Qin and Han texts. This also informs the conventions listed below.

Table 3-4: Representative Texts Demonstrating the Relation between State and Family

| Text | Source |
|---|---|
| 1. "Those who serve the public are called *chen* or officials; those who serve in a household are called servants." 仕於公曰臣，仕於家曰僕. | "The Conveyance of Rites" 禮運 chapter in *The Classic of Rites.*[216] |
| 2. "Those in the capital are *chen* of the marketplace; those in the field are *chen* of the wilderness. Both of them are called commoners." 在國曰市井之臣，在野曰草莽之臣，皆謂庶人. | "Wan Zhang" 萬章 chapter in *Mengzi.*[217] |
| 3. "The Son of Heaven takes the whole world as his home, and the male and female subjects serve in their official posts during designated times. This is the shared meaning in both ancient and modern times." 天子以天下為家，臣妾各以其時供公職，古今之通義也. | The "Discourse on Insufficiency" 散不足論 chapter in *Discourses on Salt and Iron.*[218] |
| 4. "The King takes the whole world as his home; why bother with county offices?" 王者以天下為家，何必縣官？ | The "Collective Biographies of Wang, Gong, the two Gongs and Bao" 王貢兩龔鮑傳 in *Hanshu.*[219] |
| 5. "Your Majesty takes the four seas as the border of your territory and the "nine provinces" as your home. | The "Collective Biographies of Zhu, Yan, Wuqiu, Zhufu, Xu, Yan, Zhong, |

[214] Mark E. Lewis, *Honor and Shame in Early China* (Cambridge: Cambridge University Press, 2020), 152-53.

[215] Ogata Isamu 尾形勇, *Chūgoku kodai no ie to kokka: Kōtai shihayi ka no chitsujō kōzō* 中国古代の家と国家：皇帝支配下の秩序構造, (Tokyo: Iwanami Shoten, 1979), 118-134.

[216] Ruan Yuan 阮元, *Zuozhuan zhushu* 禮記正義, in *Chongkan Songben shisanjing zhushu* 重刊宋本十三經注疏 (Taipei: Yiwen yinshuguan, 1965), 421-2.

[217] Ruan Yuan, *Mengzi zhengyi* 孟子正義, 190-2.

[218] Wang Liqi 王利器, *Yantie lun jiaozhu* 鹽鐵論校注, (Beijing: Zhonghua shuju, 2015), 355.

[219] *Hanshu* 72.3084.

| | |
|---|---|
| The eight marshes are your garden, and the rivers of Jiang and Han are your ponds. All living human beings are your male and female servants." 陛下以四海為境，九州為家，八藪為囿，江漢為池，生民之屬皆為臣妾. | Wang and Jia" 朱嚴吾丘主父徐偃終王賈傳 chapter in *Hanshu*.[220] |
| 6. "The royal house is to be called county office; A ducal house is to be called county office." 王室曰縣官；公室曰縣官. | The no. 8-461 "Tablet of Nomenclature Changes" (*gengming fang* 更名方) discovered from the Liye manuscripts.[221] |

All the instances listed above reflect a shared need to distinguish between two categories while at the same time stressing their unity on an underlying level. We can see this distinction more clearly if we arrange the instances according to the two categories as presented in the table below:

Table 3-5: Distinctions between Words Representing Public vs. Private Realms

| Public/universal realm | Private/partial realm |
|---|---|
| 1. *gong* 公 (public) | *jia* 家 (home, household) |
| 2. *chen* 臣(official) | *pu* 僕 (servant) |
| 3. subjects in the capital (*guo* 國) | subjects in the wilderness (*ye* 野) |
| 4. folks (*shengmin* 生民) | subjects (*chenqie* 臣妾) |
| 5. *xianguan* 縣官 (county office, i.e. government) | *wangshi* 王室 (royal house)/*gongshi* 公室 (ducal house)[222] |

The Liye No. 8-461 "Board of Changes in Nomenclature" (*gengming fang* 更名方) lists over fifty changes of terms implemented by the Qin government. Among these changes, Chen Wei has shown that only after the year 216 BC did the more common words *nu* 奴 for male servant and *bi* 婢 for female servant begin to replace the original *chen* 臣 (same as the character for officials) and *qie* 妾 (same as the character for concubines) respectively.[223] Trenton Wilson convincingly argues that the changing of words for male and female servants should be seen as an attempt to "resolve confusions," so that people would not get confused about these words referring to people of different status.[224] Following their previous work, I

[220] *Hanshu* 64.2784.

[221] You Yifei 游逸飛, "Liye Qin jian 8-455 hao mufang xuanshi"里耶秦簡 8-455 號木方選釋[Selected annotations of the square wooden tablet number 8-455 of the Qin documents from Liye]，*Jianbo* 簡帛 6 (2011): 87-104.

[222] Thinking about the relation between the use fo "*gongshi*" here and that in the phrase "public indictment" (*gongshi gao*), which that appeared in preceding sections, may prove insightful.

[223] Chen Wei, "'Nuqie' 'chenqie' yu 'nubi'" "奴妾" "臣妾"與"奴婢" Wang Jie 王捷 ed., *Chutu wenxian yu falüshi yanjiu* (Issue 6), (Beijing: Falü chubanshe, 2017), 217-26.

[224] Trenton Wilson, "Empire of Luck: Trust and Suspicion in Early China": 66-67.

argue that the changing of words for servants should be examined together with other changes in nomenclature, especially that of the word for government from "royal house"/"ducal house" to "county office." Historically speaking, *jia* used to refer to the appanage of a vassal lord or high official, as stated in the *Zuozhuan*: "The Son of Heaven establishes his domain/state, the vassal lords establish their principalities/appanages." (*Tianzi jianguo, zhuhou lijia* 天子建國，諸侯立家).[225] Patricia Ebrey's explains *jia* in the sense as referring to a ministate, a unit of political and economic means that the officers and gentlemen used to maintain their ancestral sacrifices.[226] The changing of the word for government from "royal/ducal house" to "county office" could be seen as a linguistic reflection of the expansion of Qin governance from covering the territory of a vassal state (partial/private) to covering the realm under heaven (universal/public). Similarly, although *chen* and *nu* were both words for male servants, they represent two different political and social orders/realms. The changing of the word for male servants from *chen* to *nu* excluded the use of *chen* for referring to privately owned servants so that the sole meaning of *chen* became "official."

This is reflected in wider macrohistorical changes with the collapse of the "patriarchal lineage" (*zong fa* 宗法) system, people who used to be subjects (*chen* or *qie* 臣妾) of their lords became subjects (*shumin* 庶民) of the emperor himself in the new order of the world—All under Heaven (*tianxia* 天下). This new order was made possible for the first time with the creation of the system of "equal commoners in the registered households" (*bianhu qimin* 編戶齊民). Here, the word "equal" referred to a political and legal fiction wherein all commoners were considered "equal" in their shared subjection (*chen* 臣) to imperial power, even though they were clearly unequal in terms of status. Occupying a transitional moment in Chinese history, the state of Qin created (or altered the use of) a set of terms that were purely "public" and established a political order that was radically different from that of pre-Qin societies.

The breakdown of the "royal house" and "ducal house" made people who used to be sheltered by their dependence on noble houses as dependent members (i.e., *jiaren*) into the "registered and equalized commoners" (*qimin* 齊民) of the new world. They became equal subjects (*chen* or *qie*) of a sole master and *pater*-the emperor. In the same way, a commoner (*shuren*) could also be called a *jiaren*, since there was only one *jia* left—the world under heaven, with the emperor as its householder. That is the reason why I argue that *shuren* was interchangeable with *jiaren*, because they referred to the same group of people (the emperor's subjects and also his servants) but from different perspectives. This interpretation united the two readings of *jiaren*, as servants and as commoners. The merging of the two readings demonstrates the process of the formation of the earliest states in China, and the birth of a new political order.

This survey of the two exegeses of *jiaren* as servants and as commoners offers a more comprehensive understanding of this term and of the *Shiji* episode within a broad context. Now I will turn to the other term used in the anecdote, *sikong chengdan*, and see what newly excavated manuscripts tell us about it.

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[225] Ruan Yuan, *Zuozhuan zhushu* 左傳注疏, in *Chongkan songben shisanjing zhushu* (Taipei: Yiwen yinshuguan, 1965), Duke Huan 桓, Year 2, 218-2.

[226] Patricia Ebrey, "Conceptions of the Family in the Sung Dynasty," pp. 222.

**Who Were the "Wall-builders" (*Chengdan* 城旦)?**

After reviewing and contextualizing the two intepretations of *jiaren*—servants and commoners, let us now turn to the term *chengdan* used in the anecdote by Empress Dou. The enormous amount of information concerning convict laborers in the legal and administrative manuscripts provides a new perspective on the Empress Dowager's use of this word. The compound word *sikong chengdan* 司空城旦 consists of two parts: *sikong*, referred to an institution as well as the official who was in charge of that institution. This official was one of the prominent officials in the central government during the Zhou Dynasty, one of the "Six Ministers" (*liu qing* 六卿).[227] By the Qin and early Western Han period, *sikong* as an institution was widely established at different levels of the government from the commanderies to the counties and districts.[228] Usually translated as the Director of Public Works, the *sikong* was responsible for managing public construction and maintenance work, and the manufacturing of handicrafts. Because the Qin and Western Han states depended heavily on convict laborers for various public works, one of the primary responsibilities of *sikong* was managing convicts, and wall builder, or *chengdan*, was one of the major types of convict laborer at that time.[229] In order to distribute human labor within the state economy in the most efficient way, the state developed highly innovative and sophisticated management techniques and specialized agencies that applied standardized bureaucratic procedures to manage these convict laborers.[230]

Recent research demonstrates that two agencies—the Office of Granaries (*cang* 倉) and the Office of the Controller of Works (*sikong* 司空)—were responsible for the management of two major sources of unfree laborers: bondservants 隸臣妾, and "wall-builders and grain-pounders convicts" (*chengdan chong* 城旦舂) respectively. Convict laborers tended to be recipients of punitive mutilations such as tattooing (*qing* 黥) or severing off the nose (*yi* 劓) or feet/toes (*zhan zhi* 斬趾). Officials kept records of the tasks performed by convicts each day. The registers they used included detailed information about their places of origin, their daily/monthly workloads, birth and mortality rates, consumption of food and usage of clothing. These accounts,

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[227] The term *sikong* is often mentioned in parallel with other major ministers such as *situ* 司徒, *sima* 司馬, and *sikou* 司寇 in the *Classic of Documents*. See Ruan Yuan, *Shangshu zhushu*, "Hong fan" 洪範 171-1: […] 四曰司空，五曰司徒，六曰司寇。 "[…] the fourth, Minister of Works; the fifth, Minister of Instruction; the sixth, Minister of Justice." Regarding "Li zheng" 立政 263-1, Kong Yingda notes: 司徒，司馬，司空者，舉之三卿者。 "Minister of Instruction, Minister of Military and the Minister of Works are raised as the three major ministers because […]." *Hanshu* 19.722: 天官冢宰，地官司徒，春官宗伯，夏官司馬，秋官司寇，冬官司空，是為六卿。 "The office of heaven is *zhongzai*, the office of earth is *situ*, the office of spring is *zongbo*, the office of summer is *sima*, the office of autumn is *sikou*, the office of winter is *sikong*. The heads of these offices are the six ministers."

[228] Song Jie 宋傑. "Qin-Han guojia tongzhi jigou zhongde 'sikong'" 秦漢國家統治機構中的 "司空", *Lishi yanjiu* 歷史研究 2011.4: 15–34.

[229] For a comprehensive study on this topic, see Kao Chen-huan 高震寰, "Cong laodongli yunyong jiaodu kan Qin-Han xingtu guanli zhidu de fazhan" 從勞動力運用角度看秦漢刑徒管理制度的發展, PhD Dissertation, National Taiwan University, 2017.

[230] For the most recent research on the state economy and resource exploitation in the Qin and Western Han, see Maxim Korolkov. *The Imperial Network in Ancient China: The Foundation of Sinitic Empire in Southern East Asia*. New York: Routledge, 2021.

which were typically titled "work registers of convict laborers" (*zuotu bu* 作徒簿), were submitted by county offices that used convict laborers. A large number of such documents were found in the Qianling County Archive, which allows us a more detailed look at the regulations on administering convicts.[231]

Based on these documents, the "*sikong chengdan shu*" that Empress Dowager Dou spoke of in her she retort to Yuan Gu may have referred to such accounts of convict labor. The application of this label to the Ru books may have simply been intended to insult Yuan Gu, because convicts and servants were both at the bottom of the social hierarchy at this time, and they were commonly paired with each other in writing.[232] Given the "punitive genesis of slavery in China" and its traditional "association with criminality in China,"[233] it would be a perfect match for these two most underprivileged groups to be compared and paralleled in the Qin and Han context. Considering Empress Dowager Dou's humble origin[234] and her early life as a palace maid, the use of the word *jiaren* would not only have been interpreted as a depreciation of her favored book but also inevitably constituted an allusion to the empress' origin and early status. Especially considering the fact that at this point the Ru scholars were criticizing the empress dowager as a woman for monopolizing power, the use of *jiaren* connotes that palace women were supposed to be limited in private life and should only indirectly hold political responsibility, if any. Therefore, it is understandable that she was irritated by this status-based accusation.

The remaining question is, what was the connection between these accounts of convicts and Yuan Gu himself or his preferred text (presumably the *Odes*)? In this regard, the traditional interpretation pointing out that possession of the classics would have been a crime that carried a sentence under the Decree of Burning Books (*xieshu ling* 挾書令) still holds water. For example, Mark Csikszentmihalyi explains that the punishment of *chengdan* was a penalty associated with the literary inquisition of the First Emperor of Qin and was applied to those who did not burn banned books after a certain period.[235] By mentioning the *Classic of Odes* of which Yuan Gu was a master, the Empress Dowager made a smart retort connecting him to the convict wall builders, despite the fact that the Decree of Burning Books had been abrogated by Emperor Hui 惠. It may have been a more destructive counterattack according to Trenton Wilson's recent reading, which suggests that mentioning *sikong* was an allusion to Kongzi (Confucius), because he had served in this position in the State of Lu. There are at least two early historical texts that mention this; one is the *Shiji*, and the other is *Kongzi jiayu* 孔子家語, which reads:

> 於是二年，定公以為司空。乃別五土之性，而物各得其所生之宜。

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[231] Tsang Wing Ma, "Categorizing Laborers: Glimpse of Qin Management of Human Resources from An Administrative Document from Liye, Hunan Province." *Early China* 44 (2021): 351-391.

[232] "Wall-builders" received the most severe punishment of all the convict laborers and had restrictions on their places of residence, personal freedom, the impoundment of their original families, etc. They also had various personal marks of identification, from being forced to wear red clothing, being tattooed on their cheek bones, having their beards or hair shaved off, to even having their feet severed, depending on the punishments to which they were sentenced.

[233] See Don J. Wyatt. *Slavery in East Asia*. Cambridge: Cambridge University, 2022, p. 5.

[234] When Empress Dowager Dou became the empress, her brother Dou Guangguo 竇廣國 (?-151 BCE) was still an indentured servant laborer working in the mountains for his master. See *Shiji* 49.1973-74.

[235] Mark Csikszentmihalyi, "Emulating the Yellow Emperor," pp. 20, note 45.

> In the next year (501 BCE), Lord Ding appointed [Kongzi] as the *sikong* of Lu. [Kongzi] differentiated the properties of the five types of soil, whereupon all living things on earth attained suitable environments for them to grow.[236]

Note that here in the Zhou Dynasty, *sikong* was a much higher-ranking and esteemed position than its later incarnation as the county-level bailiff of convict laborers. The *Classic of Documents* depicts the *sikong* as a major minister in the Zhou tradition:

> 司空掌邦土，居四民，時地利。
> The *sikong* is in charge of the land within the state. [His duty is to] provide dwellings for people of the four [occupations] and determine the proper seasons for the production of the land.[237]

Although there is some continuity between the duty of Minister of Public Works as in the Zhou Dynasty and that of county-level bailiff of laborers, or prison *sikong* (*yu sikong* 獄司空), as in Qin and Western Han, the change in the semantic content of the title *sikong* already caused confusion among Eastern Han scholars. As Ying Shao 應劭 (153–196) noted in the *Han Guanyi* 漢官儀,

> 綏和元年，罷御史大夫官，法周制，初置司空。議者又以縣道官獄司空，故覆加 "大"，為大司空，亦所以別大小之文。
> In the first year of *Suihe* (8 BCE), the title of Imperial Counselor was abolished. Following the Zhou institution, the title of Sikong was first established. Proposers suggested adding "great" to the title making it "Great Sikong" because there were "prison *sikong*" in the offices of the counties and marches. This is also for the purpose of distinguishing the great and the little.[238]

The Eastern Han court only borrowed the Zhou title of *sikong* to replace the Western Han title *yushi dafu*, but the official's duty remained unchanged, so the title should still be translated as Imperial Counselor. In any case, the existence of *sikong* at different levels of the government and in different offices was so confusing to the Qin and Han people that they had to work out a way to distinguish these different titles. The Empress Dowager might have used this "status confusion"[239] in her exchange in the anecdote as a pun to allude to Kongzi. She may have juxtaposed these two different positions with the same title

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[236] Yang Chaoming 楊朝明 and Song Lilin 宋立林. *Kongzi jiayu tongjie* 孔子家語通解. Jinan: Qilu shushe, 2013, p. 2-3. *Shiji* 47.1909 also records: [孔子] 嘗為季氏史，料量平; 嘗為司職吏而畜蕃息，由是為司空。 "[When Kong-zi] was working as keeper of the granaries for the Ji Clan, he handled the measurement fairly; when he was keeper of the livestock, the animals flourished, and so he was made Minister of Works [of the State of Lu]."

[237] *Houhan shu* 22.774: 司空，水土之官也。 "*Sikong* is the office that deals with water and earth [related construction]." *Hanshu* 19.730: 司空主水及罪人。 "The *sikong* is in charge of the irrigation works and convicts."

[238] *Houhan shu*, "Baiguan zhi" 百官志 (Monograph of the Hundred Offices) 1.3562, note 3.

[239] See Trenton Wilson, "Empire of Luck: Trust and Suspicion in Early China" (PhD Dissertation, UC Berkeley, 2021): 81-82. The strength of this smart reading is that it explains how Yuan Gu as a Ru scholar could be connected to *sikong chengdan* by reading *sikong* as a pun that draws a connection between him and Kongzi, another Ru scholar.

intentionally so that *sikong* could connect Kongzi to one of the types of the convicts, *chengdan*,[240] which furthermore constitutes a pejorative word drawing a comparison with the servant status. If this interpretation is valid, it creates a double parallelism – between servants and convicts, Laozi and Kongzi.

**Conclusion**

In this chapter, I started from an inquiry into the intriguing terms *jiaren* and *sikong chengdanshu* drawn from an anecdote in the Han histories, which has attracted debates for centuries. A comprehensive examination of the interpretations of the terms *jiaren* and *sikong chengdan* in exegeses shows that many commentators became preoccupied with framing these terms within the "scholastic conflict" between Daoist and Ruist inspired approaches to politics in early Western Han. The broad semantic range of "*jia"* and its changes over time led to divergences among commentators, and fruitful conversations about the term and its implications have ensued. Although it is true that there was a "scholastic conflict" underlying the conflict between Empress Dowager Dou and Yuan Gu, the words they used to disparage each other might simply have been terms of abuse. In other words, they may have just been trading insults using derogatory languages.

The use of the term *jiaren* to refer to a domestic servant is rooted in the social and economic context of the early Chinese family and its historical relationship with the state. Recently excavated legal and administrative manuscripts have shown that domestic servants were seen as quasi-family members in Qin and early Han households. They were listed in household registers, bound to their masters by family norms, often had a status comparable to that of children in the household, and were eligible to inherit their masters' property under certain circumstances. New materials also show *chengdan*, or wall-builders, was a type of convict laborer, and that this counted as the one of the most severe punishments. Those who endured it occupied the bottom rung of the social ladder. In the anecdote on the Empress Dowager, servants and wall builders create the perfect association for an exchange of insults based on status. Each of the two words alludes to her early life as a palace maid, and Kongzi's having served in the position of *sikong* (or "supervisor of convicts", if only intentionally misinterpreted) would only have intensified the impact of the Empress Dowager's retort.

My investigation of the reading of *jiaren* as servants is not only based on substantial evidence from newly discovered manuscripts but also incorporates modern definitions of slavery and the methodology involved in research on the subject. I advocate that scholars should be more careful when using the term "slavery" in the Chinese context so that we do not brush over the nuanced connotations that term has in history. Legal and administrative evidence show that state intervention into the master-servant relationship was so ingrained that masters never had absolute domination of their servants. As a result, there was no clear-cut or caste distinction between any two groups of people. Instead, ancient China had several different forms of bond servitude that fall on a spectrum. It is this specific sociohistorical context that allowed the term *jiaren* to be used to express the different meanings of "servants" and "commoners" in different texts.

To shed light on the second reading of *jiaren*, as commoners, I introduced ideas presented in primary sources and modern scholarly works concerning the state-family relationship. Ogata's and Hamaguchi's work has shown that *jiaren* and commoners were interchangeable because they referred

[240] One could even imagine that the compound word *sikong chengdan* points to Kongzi and his disciples/followers (a group to which Yuan Gu could be identified as belonging), since the construction work of *chengdan* was supervised by the *sikong*.

to the same group of people based on different conceptions of the state-family relation. As a creation of the Qin and Han bureaucratic administrations, the "equal commoners in the registered households" were those who had formerly been dependent members (i.e., *jiaren*) living in the fiefs of the high nobility and their vassals were transformed into the emperor's "equalized" subjects. The two terms *jiaren* and *shuren* were interchangeable because the former signified that one was outside public service and inside the private realm while the latter indicated a status of direct subjection to the Qin/Han government, in contrast to a relationship of dependency on a lord as in the pre-Qin period.

The changes in the term *jiaren*'s connotations over time are in line with the historical development of family structures. As the Qing scholar Zhao Yi 趙翼 (1727-1814) noted, "the tradition of kin living under one roof for cumulative generations started in the late Eastern Han" 家族累世同居之風，起於東漢後期.[241] The meaning of *jiaren* connoting biological kinship also starts to become dominant in the transmitted literature during the Eastern Han. At the same time, *shuren* as a specific level of social status disappeared, and it gradually became a general word for "commoners." As a social group, it stood in opposition to that of the *shi* 士, a new group that emerged during the period of disunion, over which time, the gap between servants and other members of the family widened. As a result, the society was separated into two groups—the base (*jian* 賤) and the good (*liang* 良)—whose distinction was increasingly solidified distinction as compared to the Qin-Han period.[242] It would be impossible to imagine a quasi-familial status for servants in this new era. The changes in meaning of the terms *jiaren* and *shuren* reflect the development of family structures from the Qin and Han to the early medieval period.

[241] Zhao Yi 趙翼, *Gaiyu congkao* 陔餘叢考, (Beijing: Shangwu yinshuguan, 1957), 853-55.

[242] On the development of this binary legal and institutional system from the third to the fifth century, see Hori Toshikazu 堀敏一. *Chūgoku kodai no mibunsei: Ryō to shizu* 中国古代の身分制 : 良と賤. Tokyo: Kyuko shoyin, 1987.

## Chapter 3: The Legal Status of the "Hereditary Occupations" (*Chouguan* 疇官) in Early China

*Some labor with their brains and some labor with their brawn. Those who labor with their brains govern others; those who labor with their brawn are governed by others. Those governed by others, feed them. Those who govern others are fed by them.*

或勞心，或勞力；勞心者治人，勞力者治於人；治於人者食人，治人者食於人。
—Mencius (372? –279 BCE)[243]

*Artisans and merchants are fed by the government.*[244] 工商食官—*Guoyu* 國語

The Tang Dynasty political philosopher Lu Zhi 陸贄 (754–805) once commented on the *zuyongdiao* 租庸調[245] taxation system by stating that: "On land, there is tax; on households, there are levies; and on bodies, there is corvée." 有田則有租，有家則有調，有身則有庸.[246] In ancient societies, where the monetary economy was not yet fully developed and wage labor was not yet widespread, labor service was an inescapable duty for all social members. The specific type of service owed to the state differed based on each individual's social standing. Apart from those who "labor with their brains" and those who "labor with their brawn," each dynasty also relied on laborers who possessed specialized skills to provide specialized services and maintain the state machinery in various fields. These skilled professionals were particularly valued by the state, and often managed under a parallel system distinct from that of ordinary registered peasant households. This system was typically characterized by hereditary succession, and was subject to direct control of the state.

The origins of hereditary occupational groups date back to antiquity. Zhang Taiyan 章太炎 (1869–1936) mentioned them in his discussion of "the three rites classics" that "*The Rites of Zhou* records over 370 offices and officials. Generally speaking, their categories mostly comprised specialized professions and hereditary officials." 周官三百七十有餘品，約其文辭，其凡目在疇人世官.[247] In the Zhou dynasty, the whole system of offices, emoluments and professions was essentially hereditary, and the roles of officials and teachers were united, making specialized professions merely an undifferentiated aspect of the hereditary system. The implementation of the commandery and county system and the establishment of Qin-Han bureaucratic system marked a shift away from kinship ties and allowed for some degree of

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[243] Jiao Xun 焦循. *Mengzi Zhengyi* 孟子正義 vol. 11, Beijing: Zhonghua shuju, 1987, 372-373.

[244] Xu Yuangao 徐元誥. Guoyu jijie 國語集解. Beijing: Zhonghua shuju, 2019, 237.

[245] The three principal components of this taxation system are: a land tax paid in grain called *zu*, a tax levied on households paid in cloth called *diao*, and labor service assessed on adult males, called *yong*. For a detailed background about this taxation systems, see Richard von Glahn, *The Economic History of China from Antiquity to the Nineteenth Century*, Cambridge: Cambridge University Press, 2016, 186.

[246] *Xin Tangshu* 新唐書 52. 1354.

[247] Chen Pingyuan 陳平原 ed., *Zhongguo xiandai xueshu jingdian: Zhang Taiyan juan* 中國現代學術經典: 章太炎卷. Shijiazhuang: Hebei jiaoyu, 1996, 185.

professional mobility. Meanwhile, in certain specialized fields, a significant degree of hereditary succession and distinct means of management persisted, which was epitomized by *chouguan* 疇官 (lit., specialized service workers).

The term "*chouguan*" 疇官 is rarely seen in transmitted documents, and it is generally understood as workers with highly sophisticated knowledge and skills in areas such as celestial signs and calendrics.[248] The excavated manuscripts show that this term included a variety of professional service workers such as scribes, musicians, physicians, and artisans. The Qin and Han states designed a strict system for the training and management of these special skills, which laid the foundation for the emergence of the "special services households" (*zahu* 雜戶) in the early medieval period. Many of these *chouguan* specialties during the Qin and Western Han period were hereditary occupations, and the training for them usually started in the teenage years. After they were formally registered as laborers ready for service, the state would assign them to compulsory highly labor-intensive service duties.

The term *chouguan* is found only once in the transmitted early texts, and it refers to the officials who were in charge of divination and calendrical calculations. With the discovery of Qin-Han manuscripts, and the publication of the Shuihudi, Zhangjiashan and the Yuelu documents, we have more texts related to this topic, but so far not much attention has been paid to it.[249] This chapter focuses on the special service system during the Qin and Western Han period, when it had just started to come into being. In this chapter, I will bring together all the relevant materials and investigate the identity of the *chouguan* in the Qin and Han periods. I will focus on their training and examination, their labor service obligations, as well as their status, in order to understand who they were and what their lives were like in early imperial China.

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[248] For a background information about the knowledge and discipline of celestial signs and calendrics, see Jesse Chapman, "The Rhetoric and Ritual of Celestial Signs in Early Imperial China," (Ph.D. dissertation, University of California, Berkeley, 2015), 1–20.

[249] Because of the limited historical sources, there is very little research on this group of people. Current scholarly attention focuses on certain single hereditary professions during this period, such as the musicians and scribes. See Li Li 李立, "Chutu wenxian yu Qin yinyue jigou shezhi ji guanli wenti yanjiu—cong Yuelu shuyuan cang qinjian 'lu xuechui' 'mianwei xuezi chuiren' kan Qin yueren de laiyuan yu guanli" 出土文獻與秦音樂機構設置及管理問題研究——從嶽麓書院藏秦簡"虜學炊"、"免為學子炊人"看秦樂人的來源與管理, *Zhongyuan wenhua yanjiu* 中原文化研究 2020.1: 71–76; Li Li, "Xihan shiqi yueren gongzhi fuwu wenti kaolun—yi Zoumalou Xihan jian 'Duxiang qinian kentian zubu' wei zhongxin" 西漢時期樂人公職服務問題考論——以走馬樓西漢簡〈都鄉七年墾田租簿〉為中心, Zhongyuan wenhua yanjiu 2021.3: 102–12. Recently, Wang Yanhui 王彥輝 has discussed the special mode of service of musicians, scribes and diviners and sees them as one group that shared this hereditary aspect, and were trained in specialized professions. Comprehensive research on *chouguan* as a single group of people in early imperial China is still limited and these include: Li Jun 李均, "XiZhou 'chou xue' shulüe" 西周"疇學"述略，*Shantou daxue xuebao* 汕头大學學報 2002.1 期: 74-78. Lu Baoli 路寶利, *Zhongguo gudai zhiye jiaoyu shi* 中國古代職業教育史. Beijing: Jingji kexue, 2011, chapters 1-3 on pre-Qin and Qin-Han periods. Wang Yanhui, "Qin Han shiqi de 'geng' yu 'yao'" 秦漢時期的"更"與"徭", *Zhongguo shehui kexue* 中國社會科學 2022.2: 185–208. Scott Pearce studied the special service households in the early medieval period. See Scott Pearce, "Status, Labor and Law: Special Service Households under the Northern Dynasties," *Harvard Journal of Asiatic Studies* 51, no. 1 (1991): 89–138.

**The "Chouguan" and Hereditary Occupations**

*Chouguan* is first mentioned in the *Shiji*, where it appears seems to denotes specialists in divination. At the beginning of the "Biographies of the Tortoise-Shell and Milfoil-Stalk Diviners" (*Guice liezhuan* 龜策列傳), Sima Qian traced the origin of the divination technique and its later development during early Western Han. He wrote:

> Emperor Hui's reign was of short duration; Empress Lü ruled as a female monarch; Emperor Wen and Jing only followed the precedents. [Therefore during this period, diviners] did not have time to investigate and improve their expertise. Even between fathers and their sons were both *chouguan* [in such knowledge], as they passed it down from generation to generation, much of its refined subtlety has been lost.
> 及孝惠享國日少，呂后女主，孝文、孝景因襲掌故，未遑講試，雖父子疇官，世世相傳，其精微深妙，多所遺失.[250]

This is the earliest occurrence of the term *chouguan* in transmitted early texts, which, from the context, refers to the hereditary experts engaged in divination and numerology. There is another closely related term, *chouren* 疇人, in the early literature and is found in the "Calendrics Book" (Lishu 曆書) of the *Shiji*, and the "Treatise on the Pitchpipes and the Calendar" (Lüli zhi 律曆志) of the *Hanshu*. For example, when discussing experts who were in charge of astrology and calendars, the "Calendrics Book" said that after the Zhou royal court moved east to Luoyang:

> …when the Zhou court was weak—subsidiary ministers took power, scribes (*shi* 史) did not record the time, and the king did not announce the calendar any longer. Furthermore, the disciples and descendants of the experts (*chouren* 疇人) scattered; some of them to the central states while others to the Yi and Di polities.
> 周室微，陪臣執政，史不記時，君不告朔，故疇人子弟分散，或在諸夏，或在夷狄.[251]

This passage indicates that the *chouren* were those who managed calendar during the Zhou Dynasty. Most of the premodern commentators did not distinguish *chouren* from *chouguan*, and they seem to agree that both terms refer to experts who were in charge of quantitative methods related to astronomy and the calendar, just like the grand historian Sima Qian himself. For example, the Eastern Han historian Ru Chun 如淳 noted that "*Chou* means that [this expertise] was a family business that was passed down from generation to generation." 家業世世相傳為疇. Ru Chun's contemporary, the historian Meng Kang 孟康, specified that "[*Chouren*] refers

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[250] *Shiji* 128. 3224.

[251] *Shiji* 26. 1258–59. See also *Hanshu* 21.973: "After the fall of the Three Dynasties, at the end of the period of the Five Hegemons, the scribes lost their historical records, the sons and younger brothers of the *chouren* scattered, and some of them are in the *yi* and *di* barbarous regions…" 三代既沒，五伯之末史官喪紀，疇人子弟分散，或在夷狄…

to people of the same type and they all had intimate knowledge of calendars" 同類之人明曆者也.[252] The Qing dynasty encyclopedic scholar Ruan Yuan 阮元 (1764–1849) compiled the *Collected Biographies of* Chouren (疇人傳), bringing together more than two hundred astronomers from mythical times until the early nineteenth century, including experts of calendars and mathematics (including a few European Jesuits). This project may be seen as a recognition of the historical importance of these experts and their technical knowledge traditions.[253]

Modern scholarly understanding of *chouguan* is also limited to the context of the earliest occurrence of the term. For example, the comprehensive Chinese word dictionary, the *Hanyu Da Cidian* 漢語大詞典, explains *chouguan* as: "A hereditary specialized professional post. It refers in particular to the calendrical officials such as the grand historian" 世代相傳的專業性官職。特指太史之類的曆算官.[254] Obviously, the explanation of this term is confined by its context in the *Shiji*. But in fact, the scope of this term was not limited to the calendrical or numerological experts. Another Qing scholar, Wang Mingsheng 王鳴盛 (1722–1797), in his famous *Critical Study of the Seventeenth Histories* (*Shiqi shi shangque* 十七史商榷) pointed out that "official musicians could also be called *chouren*; this term does not necessarily refer to only those numerologists." 樂官亦曰疇人，則不必定屬治算數者矣.[255]

Wang Mingsheng is not the only scholar who has taken issue with the narrowness of the *Shiji* derived definitions of *chouren*. Qianlong 乾隆 period (r. 1735–1796) scholar and mathematician Tan Tai 談泰 wrote a piece titled "Interpretation of *Chouren*" 疇人解, in which he made a comprehensive investigation of this term and concluded that the word *chou* means hereditary, therefore *chouguan* should include all professions that are transmitted within a family from generation to generation, and are not confined to calendrical experts and numerologists.[256] An early meaning of the word *chou* 疇 was the ridges in the field that divided the cultivated lands into different domains, consistent with the *tian* 田 classifier in the character. Extended meanings of this word include "domain" or "category," as is seen in the compound word *choulei*

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[252] *Shiji* 26. 1258–59.

[253] See Feng Lisheng 馮立昇 ed., *Chouren zhuan hebian jiaozhu* 疇人傳合編校注, Zhengzhou: Zhongzhou guji, 2012.

[254] See Hanyu da cidian bianzuan zu 漢語大詞典編纂組 ed., *Hanyu da cidian* 漢語大詞典, vol. 7, Shanghai: Shanghai cishu, 1991, 1407. In the same section on page 1406, there is another term, *chosen* 疇人, which is defined as such: "In ancient times, the study of astrology and calendars was usually managed by specialized personnel. This profession was passed down from generation to generation within families, known as '*chouren*'. It also refers to general scholars who are skilled at astronomy and calendar making." 古代天文曆算之學，有專人執掌，父子世代相傳為業，稱為'疇人'。亦指精通天文曆算的學者. In this definition, *chouguan* and *chouren* have the same meaning, and the definitions for these two entries derive from the above-cited *Shiji* passage. In this chapter, I will translate both terms in the same ways.

[255] Wang Mingsheng 王鳴盛, *Shiqi shi shangque* 十七史商榷, vol. 11, Shanghai: Shanghai guji, 2016, 117.

[256] See Tan Tai 談泰, "Chouren jie" 疇人解, in Zhou Junfu 周駿富 ed., *Qingdai zhuanji congkan* 清代傳記叢刊, Taipei: Mingwen shuju, 1985, 3–6.

儔 (疇) 類, which means people of similar kind, peers, or even a well-matched couple in certain contexts. So *chouguan* may have originally meant experts of the same category or that belong to the same office. *Guan* 官 here does not mean officials,[257] but might simply suggest the expertise was (or was supposed to be) found in the offices of the court.[258] A similar use of *guan* is found in the *Guoyu* 國語 where it lays out schemes for workers in different occupations (farmers, artisans, officials, servants, etc.) and their designated means of livelihood. It states, "craftsmen and merchants are provisioned by offices of the state" (*gongshang shi guan* 工商食官) because they work for the state.[259] On the other hand, in the universally hereditary official system during the pre-Qin period, which was also a time when knowledge and techniques were controlled in the government offices, individuals with special techniques and skills did serve in the court of Zhou ruler and his vassal lords, holding official positions (*guan* 官). Following the establishment of the merit-based bureaucratic system in the Qin and Han dynasties, the *shi* 士 class, initially central to the hereditary system, was gradually came to occupy lower-level professional positions and joined the category of "ordinary people." As a result, hereditary professions became associated with skills such as diviners, scribes and healers, thereby narrowing the connotations of *chouguan*.

If scope of *chouguan* is not limited to calendarial experts and numerologists, what kinds of skilled workers did it include? The transmitted literature alone does not provide a clear answer to this question. The Zhangjiashan 張家山 legal texts suggest a new understanding of this term and the institutions behind it. The "Statutes on Enrollment" (Fulü 傅律) of the Statutes and Ordinances of the Second Year (Ernian lüling 二年律令) is a regulation that requires young man to register their names at a certain age and enroll for various state services. It stipulates the enrollment ages for sons of men with different ranks of honor and different occupations. At the very end of this text, slips 364–366 read:

> For sons of [a father holding] the *bugeng* (2nd order) or lower rank, the age [for enrollment] is twenty…Sons of [a father holding] Ministerial (10th-18th order) or higher rank, as well as those minors holding ranks of Grandee (5th order) or higher, their age [for enrollment] is twenty-four. In the case of a *chouguan*, each son shall follow his father's occupation [at the time of enrollment]. If there is a master available, the son is to be trained under the master. When being enrolled for service, those whose height is less than six *chi* and two *cun*, as well as those who are congenitally deformed: in every case, they are considered to be disabled.

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[257] For changes in the meanings of *guan* 官 from the Western to Eastern Han, consult Michael Loewe, "Officials of Western Han and Their Background," *Archiv Orientální* 82: 384.

[258] *Chou* in transmitted literature usually means "category" or "domain," which comes from the graphic meaning of this graph, a "field ridge" or "field ditch" that divides the field into several blocks. This idea of making differentiation and creating categorization assembles things and people of the same category. The compound word *chouguan* literally means a group of workers of the same category belong to a single department. *Guan* in this term does not signify the social status of these people as officials, but implies that they were not privately-employed but served the government.

[259] See Xu Yuangao 徐元誥, *Guoyu jijie* 國語集解, Beijing: Zhonghuashuju, Chapter 10 "Jinyu" 晉語, 350.

> 不更以下子年廿歲……卿以上子及小爵大夫以上年廿四歲，皆傅之……疇官各從其父疇，有學師者學之。當傅，高不盈六尺二寸以下，及天烏，皆以為罷瘚（癃）.[260]

"The Statutes on Enrollment" defined an institutional obligation that the sons of men with a designated specialty had to follow their father's occupation, which was recognized through official enrollment. It is understandable that some of the technical skills or knowledge were better transmitted within the family, but the state also encouraged extra training with a master when available. Ru Chun's commentary on the *Shiji* text reads: "The statutes require that men be enrolled as a *chouguan* at the age of twenty-three, and they will each follow their father in study." 律："年二十三傅之疇官，各從其父學."[261] It is hard for us to know which statutes Ru Chun was citing today, but his information overlaps with that found in the "Statutes on Enrollment." The registration and enrollment system created a written record of the relationship between the state and its subjects bound by their defined obligations. The individual *chouguan* and their households fell under a hereditary obligation to provide requisite services to the state. In other words, they were institutionally segregated from commoners, through a system parallel to the household registration system that governed the farming population who were also compelled to provide labor services for state construction projects. The status and functions of the *chouguan* were indexed to designated occupations and requisite services.

What specific professions were included in the *chouguan* domain during the Qin and Han dynasties? The Zhangjiashan "Statutes on Enrollment" does not offer a clear classification. Fortunately, recently unearthed documents mention a few specific names for these professions, thereby broadening scholarly insight into this category. The "Statutes on Scribes" (Shi lü 史律) of the Zhangjiashan texts deals with the regulations on training and examination as well as the manner and periods of service for professional scribes, diviners, and impersonators of the deities, as recorded on slip 486 reads:

> Hereditary (*chou*) impersonators of the dead, ritual masters supervising the wine offerings, and musicians of the cult of Lord Du are to be put in the category of a one-month rotation service every five months, and are subordinate to the Director of the Grand Invocators. An invocator who is over sixty years old should be put in the category of a one-month rotation service every twelve months, and he should perform his rotation service under the Director of the Grand Invocators.

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[260] Peng Hao 彭浩, Chen Wei 陳偉, and Kudō Motoo 工藤元男, eds., *Ernian lüling yu Zouyanshu: Zhangjiashan ersiqihao Han mu chutu falü wenxian shidu* 二年律令與奏讞書：張家山二四七號漢墓出土法律文獻釋讀, Shanghai: Shanghai guji chubanshe, 2007, 234.

[261] Ru Chun's commentary to *Shiji* 7. 324 contains some of the same information as the Zhangjiashan text: "According to the statutes, those of the age of twenty-three should register as the *chouguan*, and each [individual] is to follow his father's profession in study. Those whose height is less than 6 *chi* 2 *cun* are to be considered disabled." 律年二十三傅之疇官，各從其父疇內學之。高不滿六尺二寸以下為罷癃.

> 疇尸、茜御、杜主樂皆五更，屬大祝。祝年盈六十者，十二更，踐更大祝。[262]

The compilers of the Zhangjiashan manuscripts noted that 疇尸 refers to the professional ritual masters who acted as impersonators (*shi* 尸) of the spirits in a sacrifice.[263] *Chou* means that this profession was hereditary. *Qian* 茜 was a kind of plant (*Cyperus alternifolius* subsp. *flabelliformis*) that was used to filter the libation and 茜御 here means the ritual personnel in charge of filtering the wine for sacrifice. [264] According to the "Book of Feng and Shan Sacrifice" (*Fengshan shu* 封禪書), Du Zhu 杜主 was a Zhou Dynasty general who was killed by King Xuan 宣王 (r. 828–782 BCE) and became a cult deity in the Guanzhong area who was worshiped by local people. 杜主樂 refers to ritual musicians who served the cult of Du Bo. Since the three types of skilled workers were professional ritual experts, they were subordinates of the Director of the Grand Invocators under the Court for State Sacrifices (Taichang si 太常寺). Probably influenced by the "Calendrical" chapter of *Shiji*, Li Li 李立 argues that *chou* in the beginning of the paragraph should be separated from 尸 and understood as calendrical masters. [265] But as we have discussed in previous passages, *chou* by itself does not connotate calendrical knowledge or any specific skill or specialty; it just implies that these professions are handed down from generation to generation. Nevertheless, Li Li's reading supports the idea that *chou* in the beginning of the text does not only modify 尸 but applies to and covers all the subsequent three types of professions. After all, the three categories of personnel all performed ritual related services and together with scribes, and diviners, they all belonged to the tradition of technical arts.[266] That is likely why they appear in the "Statutes on Scribes" in the Zhangjiashan texts.[267]

Members of the *chouguan* system had service and terms that differed from the common population. This has recently been confirmed by the newly published bamboo slips

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[262] Peng Hao 彭浩, Chen Wei 陳偉, and Kudō Motoo 工藤元男, eds., *Ernian lüling yu Zouyanshu: Zhangjiashan ersiqihao Han mu chutu falü wenxian shidu*, 304–5.

[263] In the family sacrifices, usually the youngest grandson performed the role of the deceased grandfather to consume the sacrificial food and drink.

[264] Editors of the Zhangjiashan manuscripts cite the *Shuowen jiezi* to explain that "According to the ritual protocol, when making a sacrificial wine offering [to the impersonator of the ancestor], tie the lemongrass into a bundle and put it on the jade vessel, and then sprinkle the aromatic liquor onto the ground. This is called the rite of *qian*. It is to imitate the deities drinking the liquor." 禮祭，束茅，加於祼圭，而灌鬯酒，是為茜。象神歆之也.

[265] See Li Li, "Zhangjiashan Hanjian—Ernian lüling shilü—'choushi' kao,'" 張家山漢簡《二年律令·史律》 "疇尸" 考 *Jianbo* 簡帛 Issue 21, Shanghai: Shanghai guji, 2020, 191–98.

[266] For a recent study of "technical arts" in the Han dynasty, see Mark Csikszentmihalyi and Michael Nylan eds., *Technical Arts in the Han Histories: Tables and Treatises in the* Shiji *and* Hanshu, Albany, New York State: SUNY Press, 2021.

[267] Xu Fuguan 徐復觀 traces the origin of scribes in ancient China and the development of the various scribal officials in the Zhou Dynasty. See Xu Fuguan, "Yuan shi" 原史 in *Liang Han sixiang shi* 兩漢思想史 vol. 3, Shanghai: Huadong shifan daxue, 2001, 132–40. Li Ling's 李零 "Shushu kao" 數術考 sorts out the lineage and taxonomy of the knowledge tradition in the fields of numerology and techniques. See Li Ling: *Zhongguo fangshu kao* (revised version), Shanghai: Dongfang chuban she, 2001.

from the Zhangjiashan Tomb No. 336 tomb (ca. 170 BCE) in 2023, in which there is an "Ordinances on Merit" (*gongling* 功令) that lists eleven categories of *chouguan* including 尸:

> The Minister of Ceremonial submitted a document, reporting: As for scribes, diviners, invocators, impersonators of the deities, libationers, coachmen, musicians of the cult of Lord Du, horse-trainers, assistant horse-trainers; sacrificial butchers, assistant sacrificial butchers, and sacrificial animal caretakers, these are all specialized hereditary professions. As for the horse-trainers and assistant horse-trainers that are subordinate to the Grand Invocator, as well as the secret invocators, if their ranks are equivalent to or higher than the Fifth Grandee (9th order), remove them from the *chouguan* system according to the ordinances. However, if the remaining staff are not enough to practice their duties, or they are reluctant to leave their positions, I petition not to remove them.
> 奉常書言：史、卜、祝、尸、茜、御、杜主樂，治綷（騑）、治綷（騑）佐，宰、宰監，治豢皆疇。祝治綷（騑）、治綷（騑）佐、秘，爵頗五大夫，當以令罷。罷官或少不足以給事，及頗不欲去疇，請勿罷。[268]

The "Ordinances on Merit" draw a parallel between 尸 and several categories of *chouguan*, explicitly identifing them as part of the *chou* group. This confirms the previous assumption that *chou* in the "Statutes on Scribes" should encompass a variety of specialized professions subsequently, not limited to 尸. Moreover, the compilers of the "Ordinances on Merit" separate 茜 and 御 as two distinct professions, with the former referring to libationers and the latter to coachmen. Horse-trainers, sacrificial butchers, sacrificial animal caretakers and secret invocators appeared for the first time in any texts and are mentioned as *chouguan*.[269]

In addition to these newly discovered professions, Hsing I-tien has examined the instances of hereditary family occupations in transmitted literatures and concludes that the passing down of certain occupations from one family member to another was a common phenomenon during this period. As a result, occupation became one of the major sources of surnames or clan names such as Tao 陶 (potter), Wei 韋 (leatherworker) and Bu 卜 (diviner).[270] In addition to the occupations listed in the "Wang zhi" 王制 chapter of *Liji*, such

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[268] Peng Hao et al eds., *Zhangjiashan Hanmu zhujian [tomb no. 336]*, Beijing: Wenwu, 2022, volume 1, 109, and volume 2, 21.

[269] For a further discussion of the punctuation and interpretation of this ordinance, see Wang Yu 王玉, Zhangjiashan M336 "gongling" no. 21 xiaoshi" 張家山 M336〈功令〉"廿一"小識，*Bamboo and Silk Manuscripts*, 03-24-2023，http://www.bsm.org.cn/?hanjian/8943.html，2023 年 9 月 8 日。

[270] See Hsing I-tien, "Cong Zhanguo zhi Xihan de zuju, zuzang, shiye lun Zhongguo gudai zongzu shehui de yanxu" 從戰國至西漢的族居、族葬、世業論中國古代宗族社會的延續 in *Tianxia yijia—huangdi, guanliao yu shehui* 天下一家——皇帝、官僚與社會, Beijing: Zhonghua shuju, 2011, 396–435. The "Kaogong ji" 考工記 of the *Zhouli* reads: "The wise create things, and the skilled workers transmit them. This craftsmanship is passed down through generations, and people call these skills crafts." 知者創物，巧者述之，守之世，謂之工. Zheng Xuan's commentary reads: "When the Classics mention 'X

as invocators, scribes, archers, physicians and artisans, another common occupation is musician. There are several famous musicians in the received literature. The "Biography of Li Yannian" 李延年傳 in the *Hanshu* records that "Yannian himself, his parents and brothers were all musicians." [延年]身及父母兄弟皆故倡也.[271] The "Treatise of Ritual and Music" of the *Hanshu* notes that "As for the musician families, there was a Zhi clan, whose members, every generation, have served at the Bureau of Music and are known for their refined music and pitch standard." 樂家有制氏，以雅樂聲律世世在大樂官.[272] Musical expertise in the early imperial period was a family business, which makes musicians part of the *chouguan* system, as was pointed out by Wang Mingsheng.

Qin and Han musicians are also mentioned in excavated texts. In the "Submitted Questionable Cases" (Zouyan shu 奏讞書) of the Zhangjiashan manuscripts, Case 17 tells the story of a musician named Jiang 講 who successfully appealed his conviction for conspiring to steal cattle. He was unjustly sentenced to be tattooed and forced into labor as a wall-builder; his wife and children were impounded by the state, and their property confiscated. After the appeal, he was assigned to hidden-office (*yinguan* 隱官) status because his mutilation punishment was irreparable, and the state redeemed his wife and children from slave status.[273] In this legal case is that Jiang's status as a musician (*yueren* 樂人) was made clear: 樂人講 (Musician) Jiang was parallel to 士伍 (Rank and File) Mao 毛 and 走馬 (Third Rank) Kui Du 魁都. The language used in this kind of legal texts is very precise because after Jiang was sentenced, his title and status became "Tattooed Wall-builder Jiang" (*qing chengdan* Jiang 黥城旦講). This means that musician (and probably other hereditary occupations as well) was an officially recognized status and used as a way to categorize social groups.

What deserves special attention in this legal case is the manner and term of service of musical Jiang. Jiang's statement in the interrogation said that he was "performing a tour of rotation service at Xianyang for the [Director of the] External Musicians in the eleventh month" 踐十一月更外樂. This "[Director of the] External Musicians" is also found in the "Statutes on Salary Rank" (Zhi lü 秩律) of the Zhangjiashan texts as an auxiliary official under Director of the Court for Imperial Sacrifices 太常. Jiang's service mode is similar to that of the scribes, diviners and invocators (details will be discussed in the next section) seen in the "Statutes on

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*ren* 人,' this is to name the office by its function/business." *Zhouli zhushu* 周禮注疏 *juan* 46, Shanghai guji, 2010, 1525. "X *ren*" is widely seen in both transmitted and excavated texts such as *yuren* 輿人, *lunren* 輪人, *taoren* 陶人, *linren* 廩人, *cangshi* 倉氏, etc. These titles reflect a tradition in which people of certain occupations are named by their specialized profession, and their professions are passed down through the generations as a way to preserve the skills.

[271] *Hanshu* 93.3725.

[272] *Hanshu* 22.1043.

[273] Peng Hao 彭浩, Chen Wei 陳偉, and Kudō Motoo 工藤元男, eds., *Ernian lüling yu Zouyanshu: Zhangjiashan ersiqihao Han mu chutu falü wenxian shidu*, 359–63. For the English translation and an introduction to this legal case, see Mark Csikszentmihalyi, *Readings in Han Chinese Thought*, Indianapolis and Cambridge: Hackett Publishing Company, Inc., 2006, 29–35.

Scribes," indicating a similar status of these special service personnel.[274] Based on these and other texts, Yao Xiao'ou 姚小鷗 argues that musician households (*yue hu* 樂戶) were administered with special registers that already existed in the Qin and Western Han period. Yao's claim awaits more substantial evidence.[275] Another register excavated from Changsha dated mid-Western Han entitled "Register of Newly Cultivated Field and Field Tax of the Town District in the Seventh Year" 都鄉七年墾田租簿 records that Musician Ying 嬰 was exempted from field tax because of their service for the court.[276] Li Li notes that, given the number of fields and taxes, this exemption was not for Ying alone but for a group of thirteen musicians who served at the court of the Kingdom of Changsha. The kingdom exempted their taxes as a way to compensate them for their service..[277] Jiang, in his story, mentioned that he worked for other people when he was not on rotating service terms, which indicates the relatively free and less coercive conditions of the status of commoner musicians. However, it is worth noting that there was a spectrum among the specialized musicians in terms of their living situations. Those who were originally convicts or government bond servants lived in a segregated environment and the music specialty was a way to lift them from debt slavery and redeem their commoner status. [278] For example, the "Statutes on Abscondence" (Wanglü 亡律) of the Yuelu manuscripts record how bondservants and war captives were placed under requisite training as musicians:

> For those captives who are made to learn to play wind instruments in Xunyi, Huaide, Duyang, Yinmi, Niyang and at the Left Bureau of Music and the

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[274] Hirose Kunio 廣瀨薰雄, "Zhangjiashan Hanjian suowei 'shilü' zhong youguan jiangeng zhi guiding de tantao'" 張家山漢簡所謂〈史律〉中有關踐更之規定的探討. *Jianbo yanjiu lunji* 簡帛研究論集, Shanghai guji, 2019, 457–75.

[275] Yao Xiaoou 姚小鷗 and Wang Kejia 王克家, "'Waiyue' yu Qin Han yueguan zhidu" "外樂" 與秦漢樂官制度. *Wenyi yanjiu* 文藝研究 2015.8: 58–63. This research brings forward the emergence of the "musician households" from the Northern Wei dynasty to the Han dynasties.

[276] The original text reads "出田二頃六十一畝半，租卅三石八鬥六升，樂人嬰給事柱下以命令田不出租." The transcription is seen in Li Li, "Xihan shiqi yueren gongzhi fuwu wenti kaolun."

[277] See Ma Daizhong 馬代忠, "Changsha Zoumalou Xihan jian 'duxiang qinian kentian zubu' chubu kaocha" 長沙走馬樓西漢簡〈都鄉七年墾田租簿〉初步考察, *Chutu wenxian yanjiu* 出土文獻研究, Issue 12, Shanghai: Zhongxi shuju, 2013. The recently published Hujia caochang 胡家草場 Western Han manuscripts have "Statutes on External Music" 外樂律. See Li Zhifang 李志芳 and Li Tianhong 李天虹 eds., *Jingzhou Hujia caochang Xihan jiandu xuancui* 荊州胡家草場西漢簡牘選粹, Beijing: Wenwu chubanshe, 2021. See also Tong Chun Fung 唐俊峰, "Xinjian Jingzhou Hujiacaochang 12 hao Han mu 'Waiyue lü' 'Manyi lü' tiaowen duji yu jiaoshi" 新見荊州胡家草場 12 號漢墓《外樂律》《蠻夷律》條文讀記與校釋 (A Reflection on the Critical Edition of the Newly Discovered "Statutes on External Musicians" and "Statutes on Barbarians" from Han Tomb no.12 of Hujiacaochang, Jingzhou). In *Falü shi yi ping* 法律史譯評, Vol. 8. Edited by Zhou Dongping 周東平 and Zhu Teng 朱騰. Shanghai: Zhongxi, 2020, 72–93.

[278] Li Li investigates the different origins of musicians in public service and points out that there were two major types of musicians—one was selected from the commoner population and the other was to redeem the convict laborers and bondservants and train them to be musicians. See Li Li, "Xihan shiqi yueren gongzhi fuwu wenti kaolun—yi Zoumalou Xihan jian 'Duxiang qinian kentian zubu' wei zhongxin."

> Bureau of Music, as well as those bondservant convicts who are made to learn to sing at the Left Bureau of Music or the Bureau of Music, relieve them of their servile status and make them apprentices. However, if they abscond after they have been relieved, whether they are recaptured or emerge voluntarily, they are to be made bondservant convicts again if they have absconded for three full months. If they have not absconded for three full months, cane them fifty strokes and register the number of days they have absconded. If they abscond again in the future, calculate the number of days that they have absconded with the addition of the previous days they absconded; if it is now three full months or more, make them bondservant convicts again, and make them perform the service of singing for the government offices.
> 虜學炊（吹）栒邑、壞(懷)德、杜陽、陰密、泥陽及在左樂、樂府者，及左樂、樂府謳隸臣妾，免為學子、炊（吹）人，已免而亡，得及自出，盈三月以為隸臣妾，不盈三月，笞五十，籍亡日，後復亡，軵盈三月，亦復以為隸臣妾，皆復炊（吹）謳於官。[279]

This statute mentions two types of musicians: the singers (*ou* 謳) and those who played wind instruments (*chui ren* 吹人). In the "Book of Rites and Music" (Liyue zhi 禮樂志) of the *Hanshu*, we can find more categories of music personnel such as "cavalier musicians of wind and drum ensembles" (*qi chuigu yuan* 騎吹鼓員), "musicians of wind and drum ensembles from Pei" (*Pei chuigu yuan* 沛吹鼓員), "singers from Cai" (*Cai ouyuan* 蔡謳員), and "singers from Qi" (*Qi ouyuan* 齊謳員). These professional musicians served under the Director of the Grand Musicians 太樂. The "Book of Rites and Music" also mentions the quota for "apprentice musicians" (*shi xue* 師學) among others. [280]

The existence of these different types of musicians in the received literature helps us to identify the terms for them in the newly discovered manuscripts. I am most interested in the different stages of development of the musicians' career path. According to the "Statutes on Abscondence" cited above, captives were first selected and assigned to learn to become musicians and they were called "singing bondservant convicts" (*ou li chenqie* 謳隸臣妾), meaning that they still held the status of bondservant. At a certain stage, presumably after they had made progress in their musical profession, they could be redeemed to the status of "student," i.e., apprentice musician (*mian wei xuezi* 免為學子). Only in the last stage of their career would they be qualified to be called a "musician" (*chui ren* 吹人), indicating a similar status to that of a commoner. *Xuezi* 學子, an intermediate transitional status, is also seen in other occupations such as "student scribe" (*shi xuetong* 史學童) and "novice artisan" (*xin gong* 新工). The word "redeem" (*mian* 免) shows that their specialty (in this case, music skills) and performance exempted them from a harsh dependent status and lifted their social status to one on a par with the commoners. This change in status because of a worker's skills or specialty is also seen in other occupational groups. For example, the Yuelu "Statutes on Abscondence" also stipulates

[279] Chen Songchang ed., *Yuelu shuyuan cang Qin jian* 嶽麓書院藏秦簡, vol. 4, 67.
[280] *Hanshu* 22. 1073–74.

that "bondservants and white-rice sorters [a type of female convict whose status was lower than bondservants] can be redeemed by virtue of their skills and hardship and become *shiwu* and *shuren* commoners, or artisans, or artisans concealed in the government offices" 隸臣妾、白粲以巧及勞免為士伍、庶人、工、工隸隱官.[281] We can also see the records of convict laborers "learning to drive carts" (*xue che* 學車), "learning to make pottery" (*xue zhen* 學甄), and "learning to write" (*xue shu* 學書) in the Liye documents, all of which should indicate government-assigned training for certain targeted skills.[282] "Being able to write" (*neng shu* 能書) was one of the most important skills, as we see in the registrations of Han officials.

In addition to the scribes, diviners, invocators and musicians mentioned above, the *chouguan* system also included "hereditary functionaries" (*chou li* 疇吏), who were assigned to undertake miscellaneous long-term services and were not allowed to change their occupations. "Hereditary functionaries" as an official term first appears in volume 5 of the Yuelu statutes:

> The ordinance says: officials and commoners who have fines or debts (owed to the state) that are less than ten thousand cash, and who request removal of one order of their ranks to pay off [the fine or debt]; and those who are the successor-sons of a person who has died of illness or who has died while in service, and who request to remove the fines or debts instead of receiving ranks of honor: in every case, permit it…For the removal of one order of rank, do not exempt the holder more than ten thousand cash. For those who request to pay off [the fine or debt] for their parents or other people and for themselves altogether, if the number of people they request to pay off does not exceed three, and amount of the debt or fine does not exceed ten thousand, permit it. Those over the age of forty-five are not allowed to remove their honors or to not receive honors [as a means to] pay off fines or debts for others. As for those whose age matches semiretirement status,[283] those who are disabled, those who follow the requirements for people of semiretirement status, those whose lifetime service obligation was exempted by a special edict, and the hereditary functionaries who would return to their service track if they remove their ranks of honor: these people are not allowed to remove their ranks in order to get rid of the fine or debt for themselves or for others.
> 令曰：吏及黔首有貲贖萬錢以下而謁解爵一級以除，【及】當為疾死、死事者後謁毋受爵 ㄴ以除貲贖，皆許之……一級除貲贖毋過萬】錢，其

[281] Chen Songchang ed., *Yuelu shuyuan cang Qin jian*, vol. 4, 40–41, slips 6–9, and 49–50, slips 33–34.
[282] See Zhang Chunlong 張春龍, "Liye Qinjian zhong Qianling xian xueguan he xiangguan jilu" 里耶秦簡中遷陵縣學官和相關記錄, *Chutu wenxian* 出土文獻 2010.1: 232–34.
[283] This category entitles people to work only half of the time every year, and is one step next to the category of "released from labor due to age" (*mian lao* 免老). See Anthony Barbieri-Low and Robin 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), vol. 2, 835. See also Hirose Kunio 廣瀨薰雄, "Zhangjiashan Hanjian suowei 'shilü' zhong youguan jiangeng zhi guiding de tantao'" 張家山漢簡所謂〈史律〉中有關踐更之規定的探討, 274.

> 皆謁以除親及它人及並自為除毋過三人、貲贖不盈萬錢以下，亦皆【許之。其年過冊五以上者，不得解】爵、毋受爵，毋免以除它人。年睆老以上及罷𡧓（癃）不事、從睆老事，及有令終身不事、疇吏解爵而當復疇者，皆不得解爵以自除、除它人。[284]

This very dense statute contains a number of complex rules at the intersection of economic and social status. Ranks of honor could be used to pay off fines and debts owed to the state as the result of various legal punishments. Not only the ranks of honor held in hand, but also the to-be-inherited honors could be used in lieu of fines and debts. One rank of honor was worth no more than ten thousand cash. This institutional regulation made the ranks of honor a device for the holders to store their merit and then cash them out if needed. It also established a relationship of mutual exchange between the legal punishments and various sorts of labor services. But if it was not properly handled, this institution could have canceled too many labor service obligations that were essential for the state to function. Therefore, the state of Qin preemptively made strict, detailed legal provisions to regulate the possible damage to the state labor supply. As a result, people over the age of forty-five were not allowed to pay off debts or fines for other people; people who fell into the category of semiretirement or disabled, as well as those who had already been exempted from labor services by a special edict were not allowed to use honors to pay off debts or fines for themselves or other people. This is because the elderly were more likely to have accumulated higher ranks of honor (based on their merit or the occasional general bestowal) that would allow them to transfer to others. At the same time, labor exemptions were also made based on age and rank of honor so the elderly were more likely to have avoided labor service in the first place. The state, of course, wanted to ensure that there were still enough people who would choose to work off their debts and fines to ensure labor supply for construction and the daily business of governing.

Following this logic, the "hereditary functionaries" were limited in their use of ranks of honor for exempting themselves from their service obligations. This restriction reflects the fact that, for many people, this work opportunity was not a privilege, but rather a burden that common people wanted to avoid when they could. We have seen from the Liye manuscripts that not only low-level functionaries but even convict laborers were heavily involved in work in local government affairs.[285] It is understandable that the state did not want this stable labor source to be easily freed from assigned work. I argue that, similar to the case of personnel with specialized skills, some functionaries were also placed under a hereditary obligation to provide service to the state. By the third century CE, a new type of hereditary household, *lihu* 吏戶, came into being, which continually provided candidates for government offices. Members of these special

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[284] Chen Songchang ed., *Yuelu shuyuan cang Qin jian* 嶽麓書院藏秦簡, vol. 5 (Shanghai: Shanghai cishu, 2017), 113–15. This last *chou* 疇 in this passage was originally transcribed as *jue* 爵, which does not make sense in the context. A large portion of this ordinance also appears in volume 7 of the Yuelu texts, and in that redaction the word *chou* appears instead of *jue* in the same place in the sentence. See Chen Songchang ed., *Yuelu shuyuan cang Qin jian* 嶽麓書院藏秦簡, vol. 7 (Shanghai: Shanghai cishu, 2022), 70.

[285] See Shen Gang 沈剛, *Qinjian suojian difang xingzheng zhidu yanjiu* 秦簡所見地方行政制度研究, Beijing: Zhongguo shehui kexue, 2021, chapter 4 in part I.

households were identified in the registers as "sons and brothers of *li*" and they became backup personnel for the government to call up.[286]

The recently published volume 7 of the Yuelu slips reveals that the list of designated service had expanded from diviners and scribes to many other professions:

> In the eighth month of the nineteenth year [of the First Emperor] (228 BCE), on the *xinchou* day, the Chancellor made a request: Make it a permanent policy for an official test to be held when people are enrolled for service. Test the newly enrolled *chou* coachmen, physicians, drummers, metallurgists, and veterinarians. If they do not pass the official test, deprive them of their occupational status and exile them to the newly conquered territory. After their days of service are completed, they are not allowed to resume their former occupation. If they already abandoned their occupations before this edict was issued, they should still follow this edict.
> 十九年八月辛丑，丞相請：恒以傅時識（試）疇司御、醫、鼓人、執濟（劑）、鬻騷醫之新傅，不中識（試）者，奪【疇】令戍新地三歲，日備，勿令復疇。其前令棄疇者，以此令從事。[287]

This statute reveals names of five new types of *chouguan* that were not seen in any previous texts. The editors of this Yuelu volume and Chen Wei have made an effort to clarify the five occupational categories, among which that of *siyu* has already been seen in the Dunhuang and Xuanquan manuscripts. Wang Jincheng's research shows that the *siyu* were coachmen for the official vehicles.[288] The editor notes that *zhiji* 執濟 refers to the "technicians whose job is to adjust the proportions of various metal components in metallurgy" based on the meaning of *ji* in archaeological sources.[289] Chen Wei explains that *tisao yi* 鬻騷醫 means veterinarians, especially those who specialize in treating horses.[290] All five occupations fit into the scope of designated services and are connoted by the word *chou* 疇. As we see from the list, the specialists designated for special service performed a variety of duties. Their function and status were relatively fixed. They were tested and placed under a hereditary obligation so that they could provide more professional service to the state. Failing to pass the test resulted in a punishment of three-years of frontier service and being expelled from the profession.

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[286] Hou Xudong 侯旭東, "Changsha Zoumalou Wujian suojian '*jili*' yu '*li zidi*'—cong Handai de '*jishi*' shuoqi" 長沙走馬樓吳簡所見給吏與吏子弟——從漢代的"給事"說起, *Zhongguo shi yanjiu* 中國史研究 2011.3: 19–43.

[287] Chen Songchang ed., *Yuelu shuyuan cang Qin jian*, vol. 7, 75–76.

[288] See Wang Jincheng 王錦城, "Xibei Hanjian suojian 'siyu qian' kao" 西北漢簡所見"司御錢"考, *Dunhuang yanjiu* 敦煌研究 2018. 6: 134–39.

[289] Editors of the Yuelu manuscripts read it as another *ji* 劑, which means "a technician responsible for adjusting the proportions of various metal components in metallurgy." See Chen Songchang ed., *Yuelu shuyuan cang Qin jian*, vol. 7, 111, note 25.

[290] See Chen Wei 陳偉, "Yuelu shuyuan cang Qinjian qi jiaodu"《岳麓書院藏秦簡（柒）》校讀 (http://www.bsm.org.cn/?qinjian/8746.html)

Thanks to the newly discovered early texts, we know that the scope of *chouguan* or *chouren* was not restricted to the diviners and calendrical experts suggested by the *Shiji* to a much broader range of occupations including musicians, scribes, physicians, coachmen, certain artisans, and some low-level functionaries. These people had some common characteristics. First, each of the group members had their individual classification or *chou*, based on the skills they had cultivated and the service they could provide. Second, their status and function were presumably passed down generationally and they were therefore institutionally segregated from the farming population. In the "Wang zhi" 王制 Chapter of the *Liji* 禮記, they were classified as "people possessing special skills to serve the rulers" 執技以事上者, followed by an elaborate description of these workers:

> All those who possess particular skills and serve their rulers [include] invocators, scribes, archers, carriage-drivers, physicians, diviners, and various artisans. Those who possess particular skills for serving their rulers are not allowed to provide other service, or to change their offices (occupations); when outside their local districts, they are not to rank with the *shi* based on their ages.
> 凡執技以事上者，祝、史、射、御、醫、卜及百工。凡執技以事上者，不貳事、不移官，出鄉不與士齒.[291]

This passage mentions a total of seven professions, including five (diviners, scribes, coachmen, invocators, and physicians) that have already been identified as *chouguan* by the excavated texts. The identity of artisans, referred to as *baigong* 百工, is notably complex due to their wide array of categories and diverse membership. For example, the single text *Kaogong ji* 考工記, an appendix to *Zhouli*, details dozens of categories, such as the "seven types of woodworkers" 攻木之工七 and "six types of metalworkers" 攻金之工六, the latter of which includes metallurgists (*zhiji* 執劑).[292] As for other types of artisans, their origins can be very diverse, with some from the hereditary artisan families, while others may come from commoners or even slaves who transitioned into artisans after being selected by the state and receiving specialized training.[293]

The nature of the status of *chouguan* is summarized by the phrase "possess skills and serve the ruler," which means that these specialized workers were under the control of the state and provided service to the state. The purpose of "not changing occupation or practicing a second occupation" (不貳事, 不移官) was to ensure that stable service was provided as well as the transmission of the requisite skills within the category, echoing the "Statutes on Enrollment"

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[291] Ruan Yuan 阮元 ed., *Liji zhengyi* 禮記正義, in *Chongkan Songben Shisan jing zhushu* 重刊宋本十三經注疏, Beijing: Zhonghua shuju, 1980, *juan* 13, "Wang Zhi" 王制, 1343.

[292] *Zhouli zhushu* 周禮注疏, *juan* 40, 914.

[293] Anthony Barbieri categorized the artisans into seven groups mainly based on their varied degrees of coercion and restriction of life choices. The seven groups included: self-employed artisan, wage labor artisan, indentured artisan, apprenticed artisan, conscripted artisan, convicted-criminal artisan, slave artisan. See Anthony Barbieri-Low, *Artisans in Early Imperial China*, Seattle: University of Washington Press, 2008, 213.

of Zhangjiashan. Based on this, we might summarize the two basic characteristics of the status of *chouguan* are first, they were under the control of the state, and second, their status was hereditary. On the other hand, "not to rank with the *shi* based on their ages" 不與士齒, annotated by Zheng Xuan as "because they were considered lowly" 賤也, indicates their distinct social categorization, separate from the *shi* class, and were placed within a separate parallel administrative sector.

**The Training and Examination of *Chouguan* and Others**

The first section of this chapter provides a comprehensive overview of the *chouguan* groups as seen in both the transmitted and newly discovered texts. I define them in terms of their requisite skills and designated services, as well as their hereditary status. However, historical records concerning specific types within *chouguan* differ in quantity. The materials concerning scribes are the most abundant. In this section, I will focus on the training, education, and examination of the *chouguan*, as well as issues related to their enrollment and service. Some of the issues can be explained more clearly using the specific example of scribes.

Miyake Kiyoshi pointed out that although various types of scribal clerks have a common origin—the ritual masters in the Zhou—they developed and were differentiated into different categories at least by the time of the Qin dynasty.[294] For example, the "magistrate's scribe" (*ling shi* 令史) was the chief secretary of the magistrate and ranked third only after the magistrate and the assistant magistrate in the "Record of the Qianling County Officials" (Qianling lizhi 遷陵吏志) excavated at Liye. This position should not be regarded as equal to that of the various low-level scribes responsible for running errands and performing miscellaneous tasks. Ma Tsang Wing argues that the Qin and Western Han was in a transition period when the profession of scribes changed from a hereditary family enterprise to an "administrative literacy" that was open to non-hereditary families.[295] The "Statutes on Scribes" (Shi lü 史律) from Zhangjiashan reveals a wealth of information about the training and testing of scribes, diviners, and invocators, and their services to the government. The opening section reads:

> Sons of scribes and diviners, when they are seventeen years old, start their apprenticeship. When the student scribes, diviners, and invocators have studied for three years, student mentors are to present them to the Director of the Grand Scribes, the Director of the Grand Diviners, or the Director of the Grand Invocators. The student scribes in the commanderies are to be presented to their respective Commandery Governors. In every case, test them on the first day of eighth month of the appointed time.

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[294] Miyake Kiyoshi 宮宅潔, "Handai guanliao zuzhi de zui xiaceng—'guan' yu 'min' zhijian" 漢代官僚組織的最下層——"官"與"民"之間 (translated by Gu Qisha 顧其莎), in Xu Shihong 徐世虹 ed., *Zhongguo gudai falü wenxian yanjiu (7)* 中國古代法律文獻研究 (第七輯). Beijing: Shehui kexue wenxian, 2013, 127–61. See also Constance Cook, "Scribes, Cooks and Artisans: Breaking Zhou Tradition," *Early China* 20 (1995), 241–77.

[295] See Ma Tsang Wing, "Scribes, Assistants, and the Materiality of Administrative Documents in Qin-Early Han China: Excavated Evidence from Liye, Shuihudi and Zhangjiashan." *T'oung Pao* 103-4-5: 297–333.

> 史、卜子年十七歲學。史、卜、祝學童學三歲。學佴將詣大史、大卜、大祝，郡史學童詣其守，皆會八月朔日試之。[296]

According to this statute, the sons of scribes and diviners should inherit their fathers' professions and receive training to become a scribe or a diviner, demonstrating the hereditary nature of their status. In comparison, the regulations in the "Miscellaneous Ordinances of the Governor of the Capital Area" (內史雜律) collection from the Shuihudi Qin manuscripts seem to be stricter: "If a person is not the son of a scribe, he must not dare to study in the study room. Violating this ordinance is considered a crime." 非史子殹（也），毋敢學學室。犯令者有罪.[297] The term "*shi zi*" 史子 (son of a scribe) here is similar to the "*xue tong*" 學童 ([scribe] pupils) mentioned in the Zhangjiashan slips. The Shuihu Qin regulations prohibit anyone other than scribes and diviners from studying in the study room, while the "Statutes on Scribes" of the Zhangjiashan Statutes stipulate that only the children of historians and diviners should follow their fathers' professions. Li Xueqin 李學勤 has pointed out that the *Shuowen jiezi* 說文解字, when quoting this regulation, only refers to the students without mentioning anything about the fathers' profession, probably because by the Eastern Han dynasty, there were no longer restrictions based on ancestry, to the extent that people at the time were not even aware of the existence of the hereditary nature of status.[298] This development reflects the gradual opening up of the scribal position from the Qin dynasty to the Han dynasty. Similar trajectory is seen with respect to physicians. For example, the "Biographies of Methods and Skills" (Fangji zhuan 方技傳) in the *History of Later Wei* (Weishu 魏書) of *Sanguo zhi* 三國志 records that the renowned physician Hua Tuo 華佗 (145-208) did not originate from a family of medical practitioners. Instead, he was "initially a member of the *shi* class, then pursued a career in medicine, often expressed regretting about his choice." 然本作士人，以醫見業，意常自悔.[299] This instance might reflect a broader trend during the Eastern Han Dynasty, where the medical profession was also transitioning from a rigidly hereditary practice to a more open and accessible field.

Different historical documents share evidence regarding *chouguan*. For instance, the "student mentors" (*xue er* 學佴) in the aforementioned Zhangjiashan texts are also found in the Liye and Yuelu manuscripts. A wooden tablet numbered 14–18 tells of a Qianling county prefect who solicited information from the student mentor about the identity of a student who had absconded. We can see that the student mentor was not only a teacher of the students, but was also directly responsible for them.[300] The existence of the study room 學室 and the mentor shows that this training program had become an institutional arrangement in the Qin and Western Han. In order to ensure that the student scribes, diviners, and invocators were focused

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[296] Peng Hao, Chen Wei, and Kudō Motoo, eds., *Ernian lüling yu Zouyanshu: Zhangjiashan ersiqihao Han mu chutu falü wenxian shidu*, 296.

[297] Chen Wei 陳偉, ed., *Qin jiandu heji*, vol.1 秦簡牘合集, Wuhan: Wuhan daxue, 2014, 148.

[298] Li Xueqin 李學勤, "Shishuo Zhangjiashan jian 'shilü'" 試說張家山簡《史律》. *Wenwu* 2002.4: 69–72. See also Zhang Jinguang 張金光, "Lun Qin-Han de xueli zhidu" 論秦漢的學吏制度, *Wenshizhe* 文史哲 1984.1: 30–39.

[299] *Sanguo zhi* 三國志 29. 802.

[300] Zhang Chunlong 張春龍, "Liye Qinjian zhong Qianling xueguan he xiangguan jilu."

on improving their professional skills, the "Statutes on Scribes" also stipulates that "if the student mentor dares to illegally employ apprentice scribes, diviners, and invocators, he will be fined four *liang* of gold." 學佴敢擅繇（徭）使史、卜、祝學童者，罰金四兩.[301] This was to prevent the mentor from employing the students for personal services or to pass off as his own work. However, there are times when the student scribes could be employed by the government, as recorded in volume 4 of the Yuelu Qin Texts: "The son of a scribe should study in the study room before he is enrolled officially. Order him to participate in handling matters related to grain." 史子未傅先覺（學）覺（學）室，令與粟事.[302] This is probably because the urgency of grain transportation is higher; any delays en route could result in the spoilage of the grain. Hence, as an exception, the conscription of certain underage students is permitted.

Depending on the occupation, the various groups of *chouguan* focused on different kinds of learning and training. For example, the training of student scribes primarily emphasized literacy, reading, writing, and recitation. Student invocators were required to memorize and recite fourteen chapters of invocations, while the student diviners needed practical training in making divinations. As for other categories of *chouguan* such as the coachmen, drummers, musicians and physicians, their professional nature meant placing more emphasis on practical operational skills. The recently published volume 7 of the Yuelu texts contains a set of regulations on how to conduct examinations of the "sons of the coachmen" (*chou siyu zi* 疇司御子):

> The enrolled sons of the coachmen must take an examination in the county. [Each of the county] should provide carriages and good horses—the horses must not be impeded—as well as other implements that are used in the examination. Order the Bailiff of the Stable to meticulously teach the students to ride and drive for a period of twenty full days. The Prefect or the Assistant Prefect, and the County Commander should jointly test the students. The Bailiff of the related County Department, the County Prefect's Scribe and the Assistant Scribes should present at the examination. The time for the examination must be sufficient. If the Bailiff of the Stable does not teach the students well, or the horses they provide are not good, fine the Bailiff one suit of armor.
> 縣已傅疇司御子各自識（試），給車、善馬，馬毋（無）奔驁者及所以肄識（試）具，令廄嗇夫謹先教駕=御 =，駕御 041/0578 具盈廿日，令若丞與尉禊識（試）之，官嗇夫、令史、佐史肄識（試），皆期足。廄嗇夫教之不謹及予馬不善，貲一甲。[303]

The editors noted that *yishi* 肄識 (試) means to test and evaluate; *zhi* 驁 in the *Shuowen jiezi* means that a horse walks slowly.[304] This ordinance pertains to the assessment of the sons of the coachmen, who were in a status position similar to the sons of the scribes and diviners must

[301] Peng Hao, Chen Wei, and Kudō Motoo, eds., *Ernian lüling yu Zouyanshu: Zhangjiashan ersiqihao Han mu chutu falü wenxian shidu*, 301–3.
[302] Chen Songchang ed., *Yuelu shuyuan cang Qin jian*, vol. 4, 120.
[303] Chen Songchang ed., *Yuelu shuyuan cang Qin jian*, vol. 7, 74–75.
[304] Chen Songchang ed., *Yuelu shuyuan cang Qin jian*, vol. 7, 110, note 22.

"follow their fathers' occupation." To ensure a valid examination, the regulation states that if the stableman does not provide serious guidance and instructions, or if the horses prepared for the examination are deemed unfit, punishment will be imposed. The text also mentions that before the examination, the stableman teaches riding and driving for twenty days. This is much shorter than the three-year requirement for the sons of the scribes and diviners to qualify for their exams. The twenty-day period mentioned here might only refer to the concentrated training period before the exam. Since the sons of the coachmen must follow their fathers' professions, it can be assumed that they have already had relevant learning experience before this period. Of course, different skills required different durations of training according to the occupational characteristics. The punishment of "one suit of armor" for a negligent stableman is the same as the punishment in the "Statutes on Scribes" for the mentor of the student scribes.[305]

The time for testing the students of scribes, diviner and invocators is "the first day of the eighth month" as is recorded in the Zhangjiashan "Statutes on Scribes," which is by no means a coincidence given that the "*xinchou* day of the eighth month" was the date for testing the coachmen, physicians, drummers and such other groups, that was recorded in the Yuelu Qin texts. Formerly, there was a wide range of professions that were part of the hereditary *chouguan* system in the Zhou tradition when kin-based hierarchical genealogical practices were the mainstream. A major component of this traditional *chouguan* arrangement was the hereditary aristocratic family (*shiguan* 世官) and the warrior (*shi* 士) system that existed before hereditary rights were challenged in the Spring and Autumn period by the competing claim that virtue and talent should be the criteria for recruiting officials.[306] Within this context, most of the specialized personnel of this period were attached to the royal or noble lineages and were part of this hereditary system rather than independent workers. It was the decline of hereditary aristocratic rights and the transformation to imperial governance beginning in the late Warring States period that saw the *chouguan* system focus on several highly skilled, specialized occupations such as the diviners and physicians, as only a part of the old hereditary system. There are still enough traces and evidence in the legal and administrative documents from the Qin and early Western Han period for us to glimpse the original state of this system. First, the most important regulation we have about *chouguan*—"people who belong to the *chouguan* professions should follow their fathers' profession"—is found in the Zhangjiashan "Statutes on Enrollment." These statutes that we have today mainly deal with the titles and age requirements for the sons of the different rank holders, as well as the ages of retirement for different rank holders. These regulations created a multi-tiered system for various government services and for military conscription, and the several specialized professions that persisted in the Western Han are the only remnants of a much broader system. For example, the same section of the "Statutes on Enrollment" and only two slips before the *chouguan* regulation states that those whose height was under six *chi* and two *cun* were considered disabled and not qualified for conscription. Given that the origin of the twenty-orders-of-rank system is deeply rooted in the military hierarchy system, this requirement is probably not specified for the professional *chouguan* track but for the warriors. In other words, warriors were also part of the *chouguan* system in the pre-

[305] Peng Hao, Chen Wei, and Kudō Motoo, eds., *Ernian lüling yu Zouyanshu: Zhangjiashan ersiqihao Han mu chutu falü wenxian shidu*, 301.

[306] For the hereditary aristocratic tradition in the Zhou dynasties, see Edward Shaughnessy, *Imprints of Kinship: Studies of Recently Discovered Bronze Inscriptions from Ancient China*. Hong Kong: The Chinese University of Hong Kong Press, 2017, 245–47.

Qin tradition and probably outnumbered the scribes and diviners. On the one hand, that could explain why the existing legal regulations about *chouguan* are only seen in the statutes on enrollment, rank and establishment of heirs, which were originally concerned with the hereditary warriors. It also explains why the existing exegeses about *chouguan* in transmitted histories are always within the military context. For example, *Shiji* 7. 324 reads:

> When [Liu Bang] arrived in Xingyang, all the defeated troops also gathered together there. Xiao He sent the elderly and weak soldiers who were not enrolled on registers from the Guanzhong area and they also arrived in Xingyang.
> 至滎陽，諸敗軍皆會，蕭何亦發關中老弱未傅悉詣滎陽。

Ru Chun's note on the "enrollment" (*fu* 傅) reads:

> "The statutes require that people be enrolled as *chouguan* at the age of twenty-three, and each should follow their father's category (*chou*) to study. Those whose height is under six *chi* and two *cun* are considered disabled. According to the *Glosses on Han Protocols* (*Han Yizhu*): 'Those whose age reaches twenty-three become formal warriors. They serve one year as a guard and one year as a skilled soldier or cavalryman. They learn archery, chariot driving and horse riding, running, fighting, and tactical formation.'"
> 如淳曰：律年二十三傅之疇官，各從其父疇內學之。高不滿六尺二寸以下為罷癃。漢儀注『民年二十三為正，一歲為衛士，一歲為材官騎士，習射御騎馳戰陣』。

Ru Chun's exegesis provides an important context for the *chouguan* and its relationship with "enrollment." It would be difficult to understand this text if we read the *chouguan* from a narrow perspective and take it to mean occupations like scribes and diviners. The whole text concerns the military organization, originally a hereditary system and part of the more general *chouguan* system. Therefore, it is not a coincidence that both Ru Chun's exegesis and the Zhangjiashan "Statutes on Enrollment" have age and height requirements in a section that seems to be talking about specialized occupations. To be more precise, the height requirement was for the warriors (part of the *chouguan* system in the Zhou tradition), not for the designated professional occupations such as scribes and diviners. Another piece of evidence that represents the shared systematic tradition is that the examination for the soldiers at the end of the two-year training program also took place in the eighth month, as is shown in the *Hanguan jiuyi* 漢官舊儀.[307] This is consistent with all the other types of specialized personnel seen from different collections of bamboo texts, indicating that the Qin and Western Han *chouguan* category was part of a much broader hereditary system.

"Enrollment," which literally means to register a name at a certain age for certain obligations and political rights, ensured that military conscription and various corvée services

[307] The original text reads: 民年二十三為正，一歲為衛士，一歲為材官騎士，習射御騎馳戰陣。八月，太守、都尉、令、長、相、丞、尉會都試，課殿最。水處為樓船，亦習戰射行船。See Sun Xingyan 孫星衍 (1753–1818) ed., *Hanguan liuzhong* 漢官六種, Beijing: Zhonghua shuju, 1990, 81.

could be carried out. It is also generally considered the starting point of adulthood.[308] The Zhangjiashan "Statutes on Enrollment" recorded three different ages—twenty, twenty-two, and twenty-four, when young men had to enroll for service, based on the rank of their fathers. Enrollment meant granting eligibility for serving the royal authorities and receiving corresponding treatment at the same time.[309] The age for enrollment increased as the rank rose, which can be interpreted from two different perspectives: 1) It was a privilege for the son of a higher-ranking person to be enrolled at an older age; or 2) It took longer to train the son of a higher-ranking person to qualify for his position, which presumably followed his father's position. As for the sons of scribes and diviners, the "Statutes on Scribes" records that they began their studies at the age of seventeen, and after three years of training, they took the examination to become professional scribes or diviners. This put the age of enrollment at twenty, which was the same as the sons of the "rank and file" group and sons of the holders of the second order of rank.[310]

The "Statutes on Scribes" has a broad scope of "scribes" which included diviners and invocators under the more general category of "scribe." In fact, from the early Zhou tradition until the time of the "Grand Scribe," these professions were always linked to one and other.[311] According to these statutes, the student scribes had to be able to recite and write five thousand graphs to qualify. The requirement for the student diviners was reciting and writing three thousand graphs, chanting three thousand words from the "diviners' book" (*bushu* 卜書), as well as making one or more accurate divinations out of six attempts. The requirement for the student invocators was the ability to chant seven thousand or more words from the "fourteen sections of invocators' book" (*zhu shisi zhang* 祝十四章). The examinations for the student scribes were conducted at two levels, first in the local commanderies, and then by the Director of the Grand Scribe (Taishi 太史) who was subordinate to the Minister of Rites and Ceremony (Taichang si 太常寺). The student scribe who achieved the top rank qualified to be a chief scribe (*ling shi* 令史) for the county prefect, while the student who ranked last would not qualify to serve and was punished:

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[308] See Zhang Rongqiang 張榮強, "'Ernian lüling' yu Handai keyi shenfen"《二年律令》與漢代課役身份, *Zhongguo shi yanjiu* 2, 2005: 25–41.

[309] Miyake Kiyoshi 宮宅潔, *Zhongguo gudai xingzhi shi yanjiu* 中國古代刑制史研究, Guilin: Guangxi shifan daxue, 2016, 283–84.

[310] For the change of the youngest age for enrollment from the Warring States Qin to mid-Western Han, see recent studies Chen Wei, "Xinjian jiandu yu Qin zhi Xihan zaoqi de fuji zhidu" 新見簡牘與秦至西漢早期的傅籍制度, in *Bulletin of the Institute of History and Philology, Academia Sinica*, 93, no. 4 (2022) 705–28. Zhang Rongqiang 張榮強, "Cong 'suijin zengnian' dao 'suichu zengnian'—Zhongguo zhonggu guanfang jiling fangshi de yanbian" 從"歲盡增年"到"歲初增年"——中國中古官方計齡方式的演變，*Lishi yanjiu* 2, 2015: 51–67. Ling Wenchao 淩文超, "Qindai fuji biaozhun xinkao—jianlun zizhan nian yu nianling jisuan" 秦代傅籍標準新考——兼論自占年與年齡計算，*Wenshi* 文史 3, 2019: 5–16.

[311] See Constance Cook, "Scribes, Cooks and Artisans: Breaking Zhou Tradition." Cao Luning 2005, 175. See also Cao Lüning 曹旅寧, "Zhangjiashan Hanjian 'shilü' kao" 張家山漢簡《史律》考, in *Zhangjiashan Hanlü yanjiu* 張家山漢律研究 (Zhonghua shuju: 2005), 175.

> For those who do not enter the government service as scribe, diviner, or invocator: fine them each four *liang* of gold and fine their mentor two *liang* of gold.
> 不入史、卜、祝者，罰金四兩，學佴二兩。480[312]

So there was punishment for students who failed the examinations to become official scribes and diviners, and for their mentors who were responsible for their training and management. To be precise, "not entering the service as a scribe" not only includes those who failed the examination but also those who evaded serving. In volume 6 of the Yuelu Qin manuscripts, there is a legal case regarding students who refused to "enter the rank of the scribe":

> Altogether there were 841 apprentice scribes in the central counties [i.e., counties located in the Guanzhong area within the territory of the State of Qin] who attended the examinations this year. There were 111 who did not enter the rank of the scribe. I have heard that of those who did not enter [government service and become functionaries], for the most part hated [the idea of] becoming functionaries or serving the government and therefore acted fraudulently and were unwilling to enter the scribal row and thereby avoided becoming functionaries. To act fraudulently like this and receive no punishment is not suitable. I petition: "Order the senior scribe to send them to counties in the Liaodong (Commandery) and make them [serve as] office assistants for four years. When the time is up, dismiss them. If they commit a crime before the time is up (for which the punishment is) banishment, as a consequence make them [permanent] residents of Liaodong. As for those who commit a crime (for which the punishment is) head shaving, also relocate them in Liaodong and in all cases order their fathers and mothers, wives and children, together with those registered as their co-residents to follow them, and thereby punish them for acting fraudulently. That would be fitting. Your subject petitions, on pain of death." The Imperial ruling stated: "Approved." On the *jiaxu* day, in the fourth month of the 29th year, the document arrived in Huyang. Ordinance on Student Scribes Fraudulently Not Entering (the Scribal Row) or Taking the Examination.
> 中縣史學童今茲會試者凡八百卌一人，其不入史者百一十一人。臣聞其不入者泰抵惡為吏而與其□繇(徭)故為詐(詐)，不肯入史，以避為吏。為詐如此而毋罰，不便。·臣請：令泰史遣以為潦東縣官佐四歲，日備免之。日未備而有遷皋，因處之潦東。其有耐皋，亦徙之潦東，而皆令其父母、妻子與同居數者從之，以罰其為詐，便。臣昧死請。制曰：可。廿九年四月甲戌到胡陽。·史學童詐不入試令。[313]

This ordinance was aimed at addressing the issue of student scribes refusing to enter the rank of professional scribes and attempting to evade the functionary positions. Among the 841 student

[312] Peng Hao, Chen Wei, and Kudō Motoo, eds., *Ernian lüling yu Zouyans hu: Zhangjiashan ersiqihao Han mu chutu falü wenxian shidu*, 301.
[313] Chen Songchang ed., *Yuelu shuyuan cang Qin jian*, vol. 6, 170–180.

scribes, an astonishing 111 of them refused to enter the rank of the scribe, not because they failed the examinations, but because they did not want to become functionaries so they "acted fraudulently" 為詐 to avoid doing so.[314] As a result, those who refused to perform the occupational role assigned by the state were to be sent to the remote border area of Liaodong Commandery as functionaries for four years. Their immediate family members would also be affected by their acts. These regulations highlight the compulsory aspect of the status of scribes. In fact, the hereditary nature of *chouguan* positions was to ensure both the stable transmission of professional skills and to meet the needs of the state for a large number of professionals in certain fields.

Slips 44–45 of the previously mentioned volume 7 of the Yuelu texts also show that the newly enrolled *chouguan* (coachmen, physicians, drummers, etc.) could receive the punishment of being stationed in a newly conquered area, such as Liaodong, for three years should they fail the examination. In that ordinance, when the duration of the punishment was completed, they were to be stripped of their *chouguan* ranks and not allowed to return. The ordinances about the pathway for the student scribes are consistent with each other, indicating that a strict management was in place. Those who passed the examination and entered the ranks of *chouguan* would have opportunities for promotion within their respective tracks.[315] In general, the states of Qin and Western Han established strict educational, management, and assessment mechanisms for the *chouguan*. Although the content of their studies varied and their skills aligned with their hereditary specialties, they all needed to pass exams to enter the *chouguan* ranks through a process that began with official enrollment. Once their names were listed on the registers, they were not allowed to change their occupations. Those who failed to learn the requisite skills or who sought to evade their duties were to be punished.

**Service Obligations of the *Chouguan***

The states of Qin and Western Han created several different methods to extract services from different groups of subjects. Commoners performed corvée services such as rotation soldiers on the frontier or workers on government construction projects. Convicts and bondservants undertook the most labor intensive and arduous work on certain fixed terms as a form of punishment.[316] Certain services required specialized skills, and posed unique challenges to maintain the labor supply for the government. A need for these special services drove the state to place hereditary labor requirements on assigned households, and develop a separate service requirements for these *chouguan* class.

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[314] The Liye texts show that many of the county-level officials and even functionaries were from the "central counties" 中縣. The newly conquered areas experienced constant staff shortages in their local governments. See Lu Jialiang 魯家亮, "Liye Qinjian 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 Issue 13 (2018), Zhongxi shuju, 201–21.

[315] Ma Tsang Wing analyzed the resume and promotion track of Xi 喜, occupant of the Shuihudi M11 tomb. See Ma Tsang Wing, "Scribes, Assistants, and the Materiality of Administrative Documents in Qin-Early Han China: Excavated Evidence from Liye, Shuihudi and Zhangjiashan."

[316] Maxim Korolkov "Empire-Building and Market-Making at the Qin Frontier: Imperial Expansion and Economic Change, 221–207 BCE." PhD Dissertation, Columbia University, 2020, 320–21.

Generally speaking, during the Qin and Western Han every adult man was obliged to perform thirty days of corvée labor service (*yao* 徭 in the narrow sense) every year, one year of frontier service (*shu* 戍) in one's lifetime, and pay various *ad hoc* levies raised by local government.[317] The content of these labor services included public construction, transportation, some administrative document processing work in the local governments, and some specialized work that required highly specialized skills. Scholars used to believe that the duration for these routine services was definite (one month, and one year), but recent evidence shows that the state of Qin adopted a more precise way to split the service duration into individual days and allowed the transfer of the days between different years.[318] Specific to each person, these service obligations varied depending on the rank of honor, and age and status; the state also allowed individuals to pay in lieu of serving or to hire other people to perform their service. There were a few groups who were exempted from these routine services, including high-ranking aristocrats, government bondservants, and convict laborers, as well as various groups undertaking designated special services—the *chouguan*. The latter two groups were exempted from routine service not as a privilege but because they were supposed to undertake long-term, more burdensome services.[319] It might be hard for modern people to imagine why ritual specialists and musicians were in great demand in the imperial administration, but the "Biography of Wei Xian 韋賢" in the *Hanshu* records:

> During the reign of Emperor Gaozu, it was ordered that all the vassal kings should establish a temple to the Supreme High Emperor [i.e., Liu Bang's father]. In the time of Emperor Hui, the temple of Emperor Gaozu was elevated to the status of the Ancestral Temple of the Founding Ancestor, while during the reign of Emperor Jing, the temple of Emperor Wen was elevated to the status of the Temple of the Grand Founder. Temples were also established in various regions that the emperors had visited. In the second year of Emperor Xuan's reign, *benshi* (72 BCE), the temple for Emperor Jing was elevated as the Shizong Ancestral Temple, and temples were also established in places where the emperor had conducted his imperial tours. In total, there were sixty-eight ancestral temples in the various commanderies and kingdoms, amounting to 167 in total around the entire empire. In the capital area, temples from Emperor Gaozu to Emperor Xuan, along with the Supreme Grand Emperor and the deposed crown prince (Liu Ju 劉據, 128–91 BCE) were established in addition to each of their mausoleums, totaling 176. Moreover, there were rest halls and side halls established in the mausoleum parks. Daily sacrifices were made in the rest

[317] See Richard von Glahn, *The Economic History of China: From Antiquity to the Nineteenth Century* (Cambridge: Cambridge University Press, 2016) Chapter 3, "Economic foundations of the universal empire (250–81 BCE)."

[318] Miyake Kiyoshi, "Shindaiyi yōeki heieki seido no saikendō" 秦代徭役・兵役制度の再檢討, *Tōhō gakuhō* 東方学報 94 (2019): 1–32.

[319] Anthony Barbieri noted that "artisans appear to have been subject to a special labor corvée that might have lasted longer than the customary one month served by other groups." See Barbieri-Low, *Artisans in Early Imperial China*, 37.

> halls, monthly sacrifices in the temples, and occasional sacrifices in the side halls. The rest halls received four daily offerings, the temples received sacrifices twenty-five times a year, and the side halls received sacrifices four times a year. Furthermore, there was a ceremonial moving of Emperor Gaozu's clothing and cap from the mausoleum to his temple.
>
> There were also mausoleum parks for Empress Zhaoling, King and Lady of Empress Wuai, Empress Zhaoai, Empress Dowager Xiaowen, Empress Dowager Xiaozhao, Empress Weisi, Crown Prince Li and his wife, together with a total of thirty mausoleums. For the annual sacrificial rites, there were food offerings comprising 24,455 items. It required 45,129 guards, 12,147 invocators, ritual specialists, and musicians. The sacrificial animals were too numerous to be even counted.
>
> 初，高祖時，令諸侯王都皆立太上皇廟。至惠帝尊高帝廟為太祖廟，景帝尊孝文廟為太宗廟，行所嘗幸郡國各立太祖、太宗廟。至宣帝本始二年，復尊孝武廟為世宗廟，行所巡狩亦立焉。凡祖宗廟在郡國六十八，合百六十七所。而京師自高祖下至宣帝，與太上皇、悼皇考各自居陵旁立廟，並為百七十六。又園中各有寢、便殿。日祭於寢，月祭於廟，時祭於便殿。寢，日四上食；廟，歲二十五祠；便殿，歲四祠。又月一遊衣冠。而昭靈后、武哀王、昭哀后、孝文太后、孝昭太后、衛思后、戾太子、戾后各有寢園，與諸帝合，凡三十所。一歲祠，上食二萬四千四百五十五，用衛士四萬五千一百二十九人，祝宰樂人萬二千一百四十七人，養犧牲卒不在數中。[320]

This passage describes the scale of the annual sacrificial ceremonies and the personnel involved, with a large number of invocators, ritual masters and musicians dedicated to the event. While these were only central court level ceremonies, local governments were required to perform separate ritual ceremonies in their respective localities.[321] This great demand led the government to develop a special system of training and employment of the ritual specialists and musicians because the regular service requirements imposed on the ordinary populations could not meet this demand.

What remains unclear is the work schedules of these specialized workers during the year. Their specialized skills required some training to maintain and enhance their professional skills. Perhaps because of this, specialized service workers were employed as full-time laborers and were exempted from the regular corvée labor services assigned to ordinary farming populations. This is implicit in the "Miscellaneous excerpts of Qin statutes" (Qinlü zachao 秦律雜抄) of the Shuihudi manuscripts:

> If a coachman has been appointed for four years and yet is still unable to drive, the person who taught him should be fined one shield [i.e., 384 cash].

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[320] *Hanshu* 73. 3115–16.

[321] Charles Sanft, "Paleographic Evidence of Qin Religious Practice from Liye and Zhoujiatai 周家臺," *Early China* 37 (2014): 327–58.

> The coachman should be dismissed and has to make up for four years' corvée labor and military services.
> 駕騶除四歲，不能駕御，貲教者一盾（盾）。免，賞（償）四歲繇（徭）戍。[322]

Here, the statutes stating that a person trained as a coachman faces punishment for failing to perform his duties, which echoes the previously mentioned regulations where the Bailiff of the Stable and the coachmen are held jointly accountable. The requirement to compensate for four years of services likely corresponds to the duration of four years since the appointment of the coachman, which indicates that coachmen were exempted from the usual labor and military services during their role as coachmen. It is reasonable to infer that, given the Qin and Han States' investment in the training, assessment and selection of the specialized service workers, those who became qualified were expected to render long-term services to the state and were exempted from the standard labor service obligations that burdened the agricultural populace. The Zhangjiashan Tomb slips provide further support:

> If a scribe or diviner receives a transfer document from the Grand Scribe or the Grand Diviner but he evades service or delays, or without authorization fails to attend to matters for a full three months, then dismiss him from office and do not ever make him a scribe or diviner. The officials who without authorization appoint them to service share the same crime. If the person [responsible for appointing them to service] is not an official: remove one order of rank. The scribes or diviners who are at the level of the commandery should also follow this regulation in performing service.
> 史、卜受調書大（太）史、大（太）卜而逋留，及亶（擅）不視事盈三月，斥勿以為史、卜。吏壹〈亶〉弗除事者，與同罪；其非吏也，奪爵一級。史人〈卜〉屬郡者，亦以從事。[323]

Scribes and diviners who fail to fulfill their job responsibilities for three months would be stripped of their position, indicating that these roles are expected to be in continuous full-time service status. The specific service mode of *chouguan* has long puzzled scholars, primarily due to the provisions regarding *geng* 更 (periodic service obligation) of the *chouguan*, which diverge significantly from the previous consensus on the service terms for the general populace. To clarify, the pertinent rules are outlined below in the form of table as follows:

Table 4-1: The Specialized Workers' Periodic Service Obligations

| Category and Subcategory of *Chouguan* | | Service Term |
|---|---|---|
| Diviners, 卜 | "higher proficiency" diviners 卜上計 (those we can chant 30,000 words) | Six *geng* 更 |
| | Age of 56 [or above 56 but below 60] | Eight *geng* |
| | At the age of 60 [or above] | Twelve *geng* |

[322] Shuihudi Qinmu zhujian zhengli xiaozu 睡虎地秦墓竹简整理小组编：*Shuihudi Qinmu zhujian* 睡虎地秦墓竹简, Beijing: Wenwu, 1990, 79.
[323] Peng Hao et al eds., *Ernian lüling yu zouyanshu*, 302.

| | | |
|---|---|---|
| Invocators, 祝 | Regular invocators | Five *geng* |
| | Impersonators of the deities, libationers, coachmen, musicians for the Du [Bo] sacrifices | Five *geng* |
| | Invocators, age of 60 or above | Twelve *geng*, perform service for the Grand Invocator |
| | Those who excel at invoking and sacrificial affairs (善祝、明祠事者) | Full-time service |
| Scribes, 史 | Scribes, age of 56 [or above 56 but below 60] | Eight *geng* |
| | Scribes, age of 60 [or above] | Twelve *geng* |
| Musician 樂人 | Musician named Jiang 講 [324] | Perform service for the Director of the External Musicians in the eleventh month |

During the Qin and Han dynasties, men of the general populace was obliged to perform one month of periodic service as a *gengzu* 更卒 per year.[325] This understanding of *geng* service applies only to the general farming populace but not the specialized workers. As indicated by the table above, the older the workers, the greater amount of *geng* service, which contradicts the general principle that the labor burden for individuals usually decreases as they age. To resolve this discrepancy, several interpretations have been proposed in previous studies. For example, Zang Zhifei 臧知非 proposed that the "X 更" means that specialized service workers should have X exemptions from service. Alternatively, X refers to the different rank of specialized workers so that the older they get, the more experience they have accumulated. The most widely accepted explanation interprets X preceding *geng* 更 (periodic service) as "every X month," proposed by Hirose Kunio and others.[326] The idea is that each fiscal year is divided into several

[324] See Mark Csikszentmihalyi, *Readings in Han Chinese Thought*, Indianapolis and Cambridge: Hackett Publishing Company, Inc., 2006, 29–35.

[325] See Sun Wenbo 孫聞博, "Qin ji Hanchu 'yao' de neihan yu zuzhi guanli——jianlun 'yue wei gengzu' de xingzhi" 秦及漢初"徭"的內涵與組織管理——兼論"月為更卒"的性質. *Zhongguo jingjishi yanjiu* 中國經濟史研究 2015. 5: 85-99. Miyake Kiyoshi, "Shindaiyi yōeki heieki seido no saikendō," 25-27. Ling Wenchao 凌文超, "yaoyi zhidu" 徭役制度 in Chen Kanli 陳侃理 ed., *Chongxie Qin-Han shi: chutu wenxian de shiye* 重寫秦漢史：出土文獻的視野. Shanghai: Shanghai guji, 2023, 213-273.

[326] Editors of the Zhangjiashan manuscripts have assembled various theories, see Peng Hao et al eds., *Ernian lüling yu zouyanshu*, 300-301. For the earliest and most representative research on the "rotational" theory, see Hirose Kunio 廣瀨薰雄, "Zhangjiashan Hanjian suowei 'shilü' zhong youguan jiangeng zhi guiding de tantao.'" After Hirose, Yang Zhenhong and Miyake Kiyoshi's research advanced this line of argument. See Yang Zhenhong 楊振紅： "Qin Han jian zhongde 'rong,' 'geng' yu gongyi fangshi——cong *Ernian lüling shilü* tanqi" 秦漢簡中的"冗"、"更"與供役方式——從〈二年律令·史律〉談起，*Jianbo yanjiu* (2006) 簡帛研究二〇〇六. Guilin: Guangxi shifan daxue, 2008, 81-89; Miyake

rotational terms, called "X 更," and the specialized workers were divided into several groups, and they took turns in rotation to perform their services. It can be seen from the table that the number of *geng* 更 rotations was related to both performance type and age.[327] For example, if the diviners performed well on the examination, they would be appointed as "higher proficiency diviners" (*bu shangji* 卜上計) and their periodic service term was five *geng*. (My tentative understanding of this is one term in service out of every six periods.)[328] The "every X periods" theory better explains the general rule that the duration of service decreases with increasing age. For example, for an invocator over sixty years old, the service burden was shortened to a one-month rotation service in a twelve-month term.[329]

However, the "every X periods" rotational service interpretation also has flaws. According to this theory, most specialized workers only need to serve up to 2.5 months (five *geng*, i.e., every five months in a year) annually. Distinct from the general farming populace, the specialized workers were trained to provide services with requisite skills and techniques as their primary duty, therefore they were exempted from the regular service duties intended for the general populace. Serving merely two months a year seems disproportionate to the investment and effort in their training and administration by the state. More concretely, it contradicts the aforementioned "Statutes on Scribes," which suggest that scribes and diviners would lose their positions if they failed to perform their duties for three months. To address this problem, Wang Yanhui 王彥輝 draws from the "Statutes on Labor Services" (*yaolü* 徭律) in the Yuelu manuscripts to suggest that the days allocated for service duty could be cumulatively calculated in several segments throughout the year, and even transferred or reconciled over consecutive years. Wang proposes that the "X 更" likely denotes the annual frequency of service duties, and that the duration of each service period does not necessarily have to be limited to a full month. As for the correlation between the frequency of rotations and age, Wang argues that the requirements for specialized workers do not have to follow the same age principles as the regular labor service of the common populace. Because the expertise and skill proficiency of the specialized workers dictate that with increasing age, they become more proficient in their requisite skills and therefore expected to undertake more tasks.[330] Although it still remains inconclusive whether "X 更" refers to the periodic cycles or the number of service terms, the

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Kiyoshi 宮宅潔, "Handai guanliao zuzhi de zui xiaceng—'guan' yu 'min' zhijian" 漢代官僚組織的最下層——"官"與"民"之間, 127-161.

[327] For example, "scribes and diviners who are fifty-six years old, and assistants who have been officials for a full twenty years and are fifty-six years old, are all to be considered men in the category of a one-month tour of periodic service every eight months" 史、卜子年五十六，佐為吏盈廿歲，年五十六，皆為八更.

[328] The original text is: "卜上計，六更." In contrast, if invocators performed well on the examination, they would be selected for service under the Grand Invocator (*taipu* 太祝) as a full-time non-staff invocators: "大（太）祝試祝，善祝、明祠事者，以為冗祝，冗之."

[329] The Liye texts reveal that boatmen (*chuanren* 船人) in the Qin used the same method of performing service by rotational term, which was called "*jiangeng* 踐更." See Chen Wei ed., *Liye Qin jiandu jiaoshi* (vol. 1) 里耶秦簡牘校釋 (第一卷), Wuhan daxue, 2012, 191–92, wooden board nos. 8-651: "啓陵津船人高里士五（伍）啓封當踐十二月更."

[330] Wang Yanhui, "Qin Han shiqi de 'geng' yu 'yao.'"

view that each service term need not be limited to one month seems valid. In Case 17 in the "Submitted Questionable Cases" of the Zhangjiashan manuscripts, for instance, although the interrogation record states that musician Jiang 講 "was performing a tour of service at Xianyang in the capacity of the [Institute of the] External Musician in the eleventh month" 踐十一月更外樂. According his testimony, Jiang was on duty for service outside of his residence place continuously from the 22nd day of the tenth month until the end of the twelfth month. Zeng Zhian 曾智安 suggests that the location for the eleventh month might have been in Yong 庸, the ritual center of Qin since the Warring States period.[331] By the end of the eleventh month, he "moved down to Xianyang" 下總咸陽 to serve until the 25th day of the twelfth month, a period exceeding one month. This shows that the duration of service sessions for the specialized workers need not be confined to a month, and a more flexible calculation method might exist. In light of this, I suggest amending the interpretations of "X *geng*" as follows: it might specifically refer to the number of external service assignments, during which the specialized personnel are required to depart from their usual place of residence location to fulfill duties in a distant location. In principle, specialized workers are supposed to be in a state of service or on standby for extended periods. That explains why they are exempted from other regular services for general population and are required to compensate for the exemption if they are not able to perform their duty as specialized personnel. But they probably also had some personal time that they could control, as long as they were not employed as full-time (*rong* 冗) workers, because even government bondservants were able to manage their businesses during their free time.[332]

Miyake Kiyoshi argues that, in terms of sharing similar ways of serving for the state and receiving material allowance from it, there was no clear boundary between specialized professionals such as artisans and physicians, and the low-level functionaries and staff serving in the government.[333] There were also significant differences in status among members of each of these groups. Some of them were from common populations, such as the "boatman" in the Liye texts, whose status is clearly noted as *shiwu* 士伍, a commoner holding no ranks of honor. The state imposed certain professional identities on many of them, and social prejudice against such groups affected their social status. When the state selected and cultivated professionals with specialized skills, it took into account their professional characteristics and prioritized professionalism to differentiate them. For example, scribes in Qin and Han times took on a variety of roles ranging from secretaries and bailiffs to librarians and stable attendants. Their professionalization was relative to the general population who had not received any formal education, because their work required literacy, numeracy, familiarity with laws and ordinances, and terminology required for government work. But compared to professions that required technical skills, the scarcity of the scribal work is not as apparent. For example, there is one

[331] Zeng Zhi'an 曾智安, " 'Waiyue' fafu——jianlun Qin Han shiqi liyue jianshe de zhongxin zhi bian" "外樂" 發覆——兼論秦漢時期禮樂建設的重心之變 in Zhao Minli 趙敏俐 ed., *Yuefu Xue* 樂府學 vol. 27, Beijing: Shehui kexue wenxian, 2023, 3-25.

[332] Kao Chen-huan 高震寰, "Cong laodongli yunyong jiaodu kan Qin-Han xingtu guanli zhidu de fazhan" 從勞動力運用角度看秦漢刑徒管理制度的發展, PhD Dissertation, National Taiwan University, 2017, 31–35.

[333] Miyake Kiyoshi, "Handai guanliao zuzhi de zui xiaceng—'guan' yu 'min' zhijian," 127–61.

fragmentary ordinance saying that people with high-level skills were not allowed to work as assistant scribes:

> The various musicians and artisans engaged in embroidery-work, as well as those who have special skills, shall not be appointed as scribes to assist the officials to draft documents; if their age is not over sixty, do not make them guardians of the bells or the *ding*-tripod vessels, or guardian of the internal…as a…
> 諸樂人及工若操緍紅，有技能者皆毋得為臣史佐吏書，年不盈六十者毋得守鐘、鼎，守內為…[334]

*Mingong* 緍紅 is a term found in the Shuihudi documents, and the editors explain it as a type of embroidery work.[335] Although this decree is not complete, it may be need to prevent the use of musicians and artisans with special skills from serving as assistant scribes. Chen Wei notes that "to assist the officials and draft documents" is a description of the duties of lower-ranking assistant scribes.[336] Even though literacy and document-drafting was considered a specialization, scribal work was not highly specialized compared to the work of musicians and embroidery artisans, which were even scarcer. The "Statutes on Artisans" of the Shuihudi documents also state that "If bondservants who have special skills and can be selected to work as artisans, do not appoint them as servants or cooks."[337] This was also to ensure that people with professional skills could be placed in positions of specialized work instead of engaging them in tasks that needed relatively less training. Just as shown in the aforementioned "Wang zhi" chapter of the *Liji* 禮記, artisans who "possessed particular skills to serve their ruler," were required by the authorities to "not engage in a second occupation, nor to change their current occupation" 不貳事, 不移官.[338]

Artisans, one of the four major occupational groups (*simin* 四民), were once among the hereditary professions. The "Ruxiao" 儒效 chapter of *Xunzi* says "As for the sons of the artisans, none of them does not continue their [familial] profession" 工匠之子，莫不繼事. [339] The "Chengdian" 程典 chapter of Yizhoushu 逸周書 also reads "If artisans do not reside in a clan community, they will be in insufficient supply for the government" 工不族居，不足以給

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[334] Chen Songchang ed., *Yuelu shuyuan cang Qin jian* 5 (2017), 203.
[335] Chen Wei, ed., *Qin jiandu heji*, vol. 1, 89.
[336] Chen Wei, "Yuelu shuyuan cang Qinjian wu jiaodu (xu wu)"《岳麓書院藏秦簡（伍）》校讀（續五）(http://www.bsm.org.cn/?qinjian/7784.html )
[337] Chen Wei, ed., *Qin jiandu heji*, Vol .1, 112.
[338] In a broad sense, "gong" sometimes also includes musicians because there is a term "yuegong" 樂工, which means a skilled musician. For example, the "Dashe li" 大射禮 in the *Yili* 儀禮 reads: "The lesser servitor receives *gong*. There are six *gong*, four of whom [play the] *se*." 小臣納工，工六人，四瑟. Zheng Xuan's commentary reads: "*Gong* here refers to the blind who are good at singing and reciting poetry." 工，謂瞽矇善歌諷誦詩者也. Ruan Yuan ed., *Yili zhushu* 儀禮注疏 in *Chongkan Songben Shisan jing zhushu* 重刊宋本十三經注疏 (Beijing: Zhonghua shuju, 1980), 199-1.
[339] *Xunzi* 荀子, *juan* 4, Chapter 8 "Ruxiao" 儒效, in Wang Xianqian 王先謙, *Xunzi jijie* 荀子集解, Zhonghua shuju, 1988, 144.

官.[340] The idea of "supplying the government" 給官 is similar to the aforementioned "serve the rulers" 事上, both implying the state-owned status attribute of artisans and their role in the traditional society. In the universally hereditary Zhou tradition, artisans could not freely make a living based on their skills. Instead, they were placed on the professional track of artisan, owned by the state in family units, and supplied services of various kinds to the state. Until the Qin and Han period, artisans were still controlled by the state to a considerable extent,[341] and the state provided them with food and clothing, which is the meaning of "nourished by officialdom" (*shiguan* 食官). Their hereditary status was a result of official enforcement in order to ensure a sufficient supply of their services.[342] The "Xiao kuang" 小匡 chapter of the Guanzi lists artisans as one of the four major occupations, and states that the dwellings of different occupational groups should be separate. "In situating the artisans, they should be sent to dwell in the bureaus [responsible for them]" 處工必就官府.[343] This means that artisans received official supplies and provided their service and were managed by the state. The "Xiao kuang" chapter has a passage about how residing in clan communities was beneficial for the cultivation of artisans:

> If artisans are made to assemble and dwell together, they can examine their best materials and pay careful attention to the four seasons. They can differentiate between well and poorly made [products], assess their needs, discuss and compare their estimates and procedures as well as instruments that are well-made and sharp. They will talk with each other about their business and show each other their achievements. They will display their skills to each other and value each other's knowledge. From dawn till late at night they will work on this, and in this way teaching their sons and younger brothers. From childhood, they will become accustomed to this and their minds will settle on this. They will not see something new and turn to it. For this reason their fathers and elder brothers are effective in their teaching without being severe, while sons the younger brothers are able to learn without overexerting themselves. Thus it is that the sons of artisans always become artisans.
> 令夫工，群萃而州處，相良材，審其四時，辨其功苦，權節其用，論比計制，斷器尚完利，相語以事，相示以功，相陳以巧，相高以知事。旦夕從事於此，以教其子弟，少而習焉，其心安焉。不見異物而頡焉，是

[340] *Yizhoushu* 逸周書, *juan* 2, Chapter 12 "Chengdian" 程典, in Huang Huaixin 黃懷信, Zhang Maorong 張懋鎔, Tian Xudong 田旭東, *Yizhoushu huijiao jizhu* 逸周書匯校集注 (Shanghai: Shanghai guji, 1995), 186.

[341] Anthony Barbieri-Low, *Artisans in Early Imperial China*, 212–56.

[342] Yamada Katsuyoshi 山田勝芳. "Shin Kandai shūkōgyō no tenkai: Shin Kandai kōkan no hensen kara kangaeru" 秦漢代手工業の展開 : 秦漢代工官の變遷から考える, *Tōyōshi kenkyū* 東洋史研究 56.4 (1988): 701–32.

[343] Li Xiangfeng 黎翔鳳 ed., *Guanzi jiaozhu* 管子校注, *juan* 8, Chapter 20 "Xiaokuang" 小匡, Zhonghua shuju, 2004, 401–02. See also *Zhouli zhushu*, 905: "The state has six major professions, and the hundred artisans constitute one of them." 國有六職，百工與居一焉.

> 故其父兄之教不肅而成，其子弟之學不勞而能，夫是故工之子常為工.[344]

This passage uses an idealistic tone to argue why making occupations hereditary and making people of the same occupation "reside in clan communities" benefit the cultivation of craftsmanship. Only in this way can the descendants of artisans be immersed in an environment of constant learning and improvement from an early age. This advocacy reflects the state's intent in ensuring a stable service supply.[345]

From a redescriptive perspective, artisans and craftsmen may be regarded as part of the *chouguan* class considering they are both hereditary and state-controlled. In fact, the "Statutes on Artisans" from the Shuihudi manuscripts shows that the process of cultivating and evaluating artisans is quite similar to *chouguan* categories such as scribes and coachmen:

> When a novice artisan begins their work as an artisan, in one year [they will be assigned] half the work; in the years thereafter the work imposed will be

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[344] Li Xiangfeng ed., *Guanzi jiaozhu*, 402. The English translation is based on Allyn W. Rickett, *Guanzi: Political, Economic, and Philosophical Essays from Early China* (Princeton: Princeton University Press, 1985), Vol. 1, 326–27. See also *Hanshu* 90. 3679–80. *Hanshu* contains a parallel section that justifies the division of the four major occupational groups in a more literary vein: "管子云古之四民不得雜處。士相與言仁誼於閑宴，工相與議技巧于官府，商相與語財利於市井，農相與謀稼穡于田野，朝夕從事，不見異物而遷焉。故其父兄之教不肅而成，子弟之學不勞而能，各安其居而樂其業，甘其食而美其服，雖見奇麗紛華，非其所習，辟猶戎翟之與於越，不相入矣。是以欲寡而事節，財足而不爭。於是在民上者，道之以德，齊之以禮，故民有恥而且敬，貴誼而賤利。" See *Hanshu* 90. 3679-80.

[345] Wu Rongzeng has examined the status of artisans within the governmental workshops during the Qin dynasty, highlighting that while some craftsmen enjoyed free status and others were hired workers, the vast majority were deprived of freedom, including numerous convicts and state-owned slaves and maidservants. See Wu Rongzeng 吳榮曾. "Qin de guanfu shougongye" 秦的官府手工業, in Zhonghua shuju bianjibu ed., *Yunmeng Qinjian yanjiu* 雲夢秦簡研究, Beijing: Zhonghua shuju, 1981, 38–52. Chen Zhi divided workers from the Han dynasty into two main groups: those employed in state-run workshops and those in private enterprises, positing that the majority belonged to the former category. Within the realm of state workshops, he further identified three sub-categories: craftsmen, conscripted laborers, and penal workers. The craftsmen were mainly urban free citizens and insolvent farmers, laborers were individuals conscripted for corvée duty, and penal workers were criminals undergoing punitive labor. See Chen Zhi 陳直, *LiangHan jingji shiliao luncong* 兩漢經濟史料論叢, Xi'an: Shanxi renmin, 1980, 196-210. The artisans seen in the transmitted literature, who have passed down their skills through generations, are likely to predominantly belong to families of free craftsmen. It would be difficult for groups mainly composed of conscripted laborers and penal workers to maintain hereditary status, and they are more likely to engage in physically demanding tasks with lower technical requirements, complementing craftsmen from specialized households. In contrast, historical records occasionally mention musicians being managed by household units. For instance, *Taiping yulan* 太平御覽 vol. 569 "Section on Music" 樂部: "Emperor Hui was buried in Anling mausoleum, and 5,000 households of entertainers and musicians from the regions east of the [Han'gu] Pass were resettled to form the community serving the mausoleum." 惠帝葬安陵，徙關東倡優、樂人五千戶以為陵邑. *Sibu congkan* edition, 3428.

> equal to that of an old hand. If the master of the artisans teaches them well, what the old artisan can accomplish in one year, the novice artisan will be able to accomplish in two years. When someone is capable of accomplishing his or her training before the term, this is to be reported to the superior; the superior will reward them. When someone does not accomplish his or her training within the term, this is noted in the register and reported to the Minister of Finance. If a bondservant convict has special skills or crafts, do not make him a servant or a cook.
> 新工初工事，一歲半紅（功），其後歲賦紅（功）與故等。工師善教之，故工一歲而成，新工二歲而成。能先期成學者謁上，上且有以賞之。盈期不成學者，籍書而上內史。均工。隸臣有巧可以為工者，勿以為人僕、養。[346]

The state identified masters and instructors to train and direct apprentice artisans, who were divided into two groups, the "novice artisans" and the "experienced artisans." The process of their training was similar to that of scribes, diviners and invocators—novice artisans needed to study for two years, while the "experienced" artisans completed their training in only one year. During the first year, the workload of the novice artisans was only half of that of the experienced artisans, and afterwards, it was the same. The state also designed a system of rewards and punishments—those who achieved the training objectives ahead of time were to report it and receive the rewards, while those who could not complete the training within the designated period would also be recorded and reported to the Ministry of Finance. The last sentence stipulates that even bondservants and penal laborers who had special skills could be selected and trained to be artisans. As for the artisans "being nourished by officialdom," the Zhangjiashan "Statutes on Government Service" 徭律 has a more detailed description of this process. It reads:

> [For individuals who perform] artisan labor service in the county office: exempt their entire household from regular government service and poll tax and separate the artisans from the household. For large groups, proportionately, take the three most skilled artisans out of every ten and grant them exemptions because of their skill levels. Out of those three, there should be two adult females and one of other types. Do not levy a poll tax or a government service tax on their households. For cases in which one person in the family qualifies to perform such government service, the officials may exempt others in the artisan's home county. For a case in which the entire home county has already been exempted from government service, and there is no one else to exempt, officials may exempt others in the county in which the government office is located. When a novice artisan has apprenticed for one full year, exempt their household because of that. In each case, grant the exemption according to their level of skill. For one whose skills, after two full years, still have not reached perfection, do not grant an exemption to their family.

[346] Chen Wei, ed., *Qin jiandu heji*, vol. 1, 111–12.

> □□工事縣官者復其戶而各其工。大數衛（率）取上手什（十）三人為復，丁女子各二人，它各一人，勿筭（算）緐（徭）賦。家毋當緐（徭）者，得復縣中它人。縣復而毋復者，得復官在所縣人。新學盈一歲，乃為復、各如其手次。盈二歲而巧不成者，勿為復。[347]

Professional artisans gained exemption from corvée labor service, and this privilege was granted to the entire household as a unit. This suggests that the artisan's original family structure could be retained, and they were managed in household units. This privilege also implies that the artisans' service was year-round.[348] The privilege of exemption from corvée labor could only be obtained after completing one year of training, and it was awarded based on the level of skill proficiency. It may be assumed that the artisans' skills were assessed and ranked at least annually, and, if they failed to meet the requirements to become a qualified artisan after two years of training, they would lose the privilege of exemption. The two-year training period was identical to that found in the Shuihudi statutes. Among those who were trained as artisans, some were selected from the convict laborers, including male and female bondservants, and the same was true for musicians. Li Li compares the musicians who undertook official service in the Qin and Han periods and points out the two types—the commoner musicians who were selected as such, and the musicians who were elevated from the various servile and criminal statuses.[349] In the "Statutes on Abscondence" from the Yuelu texts, there are provisions regarding the treatment of "captive musicians" (*lu xuechui* 虜學炊) and "bondservant singers" (*ou li chenqie* 謳隸臣妾):

> For those captives who are compelled to learn to play wind instruments in Xunyi, Huaide, Duyang, Yinmi, Niyang and at the Left Bureau of Music and the Bureau of Music, as well as those bondservant convicts who are compelled to learn to sing at the Left Bureau of Music or the Bureau of Music, exempt them from servile status and make them apprentices or singers. However, if they abscond after they have been relieved, whether they are recaptured or emerge voluntarily, they are to be made bondservant convicts again if they absconded for three full months. If they did not abscond for three full months, cane them fifty strokes and register the number of days they absconded. If they abscond again in the future, add the number of days that they absconded to the days they previously absconded; if it is now three full months or more, make them bondservant convicts again, and make them perform the service of singing for the government offices.
> 虜學炊（吹）枸邑、壞(懷)德、杜陽、陰密、泥陽及在左樂、樂府者，及左樂、樂府謳隸臣妾，免為學子、炊（吹）人，已免而亡，得及自

[347] Peng Hao *et al* eds., *Ernian lüling yu Zouyanshu*, 246.
[348] Anthony Barbieri speculated that this might be similar to the Tang system under which the state artisans served a month of the year without pay but were paid for the remainder of the year. See *Artisans in Early Imperial China*, 222.
[349] Li Li, "Xihan shiqi yueren gongzhi fuwu wenti kaolun—yi Zoumalou Xihan jian 'Duxiang qinian kentian zubu' wei zhongxin."

出，盈三月以為隸臣妾，不盈三月，笞五十，籍亡日，後復亡，軵盈三月，亦復以為隸臣妾，皆復炊（吹）謳於官。[350]

This statute is mainly concerned with the absconding of these professional musicians, but my interest lies in the origins of the musicians and the transition of their statuses along with the *chouguan* class. "Captive musician" is only a tentative translation for *lu* 虜 and is probably not accurate because it is parallel to other servile and dependent status groups such as "children of domestic servants" (*rennu zi* 人奴子) on slips 212–13 of the Yuelu texts, so it is presumably a servile status. *Chuiren* 吹人 is likely to be a type of wind instrument player and it is parallel with the "bondservant singers" (*ou li chenqie* 謳隸臣妾) in the statute. In the "Treatise of Rites and Music" (Liyue zhi 禮樂志) of the *Hanshu*, various categories of rites related musicians are listed, such as "the (horse) riding players of wind instruments and drums" (*qi chuigu yuan* 騎吹鼓員), "musicians from Pei who play wind instruments and drums" (Pei *chuigu yuan* 沛吹鼓員), and "three singers from Cai 蔡, six singers from Qi 齊…for a total of 142 apprenticed musicians" 蔡謳員三人，齊謳員六人……師學百四十二人 performing musical services under the supervision of the Bureau of Music.[351] The drummers, singers, and wind instrument players seen in the transmitted texts are all found in the excavated texts as well.

These texts contain different terms of status at different stages of the professional development of these musicians that provide a window into the nature of their training. There is a parallel developmental track between the apprenticed musician—musician/singer, the student scribe—scribe, and the novice artisan—experienced artisan, and so on. The use of the character "exempt" (*mian* 免) suggests that their professional skills earned them to be exempted from their servile or dependent status, enabling them to become dedicated musicians serving the state. The institutional design of the *chouguan* system made professional skills or services an important factor in changing one's social status. The "Statutes on Abscondence" from volume 4 of the Yuelu texts also record that "The male and female bondservants and grain-sorters may be exempted and be rank-and-file commoners, artisans or hidden-office artisans because of their professional skills and services" 隸臣妾、白粲以巧及勞免為士伍、庶人、工、工隸隱官.[352] It seems that the change of status because of one's special skills was universal among different professional groups. In order to meet the great demands for different services, the state constantly selected different laborers and trained them to become specialists in different fields, as is shown in the Liye "Registers of convict laborers" (*zuotu bu* 作徒簿).[353]

Another important issue is the way other groups held a low opinion of the *chouguan* group. During the Han, imperial disdain toward the *chouguan* was still limited to prohibiting them from holding official office of certain level, serving the palace guard, wearing silk, or bearing a sword when walking on the road. In these ways, members of the *chouguan* were still included in the general stratum of commoners. It was not until the third century in the Northern dynasties that a new understanding of "good" and "base" emerged, and the hereditary

[350] Chen Songchang ed., *Yuelu shuyuan cang Qin jian*, vol. 4, 67.
[351] *Hanshu* 22. 1073–74.
[352] Chen Songchang ed., *Yuelu shuyuan cang Qin jian*, vol. 4, 40–41, slips 6–9, and 49–50, slip 33–34.
[353] Zhang Chunlong 張春龍, "Liye Qinjian zhong Qianling xueguan he xiangguan jilu."

occupations began to be considered base and were gradually excluded from the "good" class of people (*liang min* 良民).[354] Special occupational groups experienced institutional marginalization during the Three Kingdoms (220–280) and Northern Wei dynasties (386–534), leading to the emergence of various special service households such as music households (*yuehu* 樂戶), soldier households (*binghu* 兵戶), and artisan households (*jianghu* 匠戶).[355] The state managed these special service households based on their registers and prohibited intermarriage between different occupations. Although early signs of this transformation may be traced to the Qin and Han period, such as social grouping by occupations and their hereditary nature, it had not developed into a fully discriminatory and marginalizing system.[356] Evidence of this trend is the *Shiji* records that both the First Emperor of Qin and the Emperor Wu of Western Han assembled troops from the base social groups to conduct military actions, and there was a special term for them—the "seven categories of disgraced persons" (*qike zhe* 七科謫). Zhang Yan in his commentary explains that the seven categories included:

> Officials who are guilty [of crimes], those escaping their sentences, uxorilocal sons-in-law,[357] merchants, those who formerly had market registers, those whose parents had market registers, and those whose grandparents had market registers. In total, there are seven categories.
> 吏有罪一，亡命二，贅婿三，賈人四，故有市籍五，父母有市籍六，大父母有籍七：凡七科。[358]

Of these seven categories, four are related to merchants, while the remaining three involve individuals of criminal or dependent status. The presence of the term "market register" indicates that certain occupational identities were recorded in a separate registration system. Apart from the "market register," the Shuihudi cache contains two articles from the state of Wei 魏 statutes during the Warring States period. These suggest that other identity and status information might also have been recorded in the household registers:

> In the twenty-fifth year, in the intercalary doubled twelfth month, the first day of which is the day of *bingwu*: on the *xinhai* day, this nnouncement to the Generals is made: …From now on, innkeepers and uxorilocal sons-in-law and stepfathers must not be allowed to form households, and must not be given fields and residence. After three generations, if their descendants desire to serve [as officials], allow them to serve, but still note in their

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[354] Scott Pearce, "Status, Labor and Law: Special Service Households Under the Northern Dynasties," 109.

[355] See Hori Toshikazu 堀敏一. *Chūgoku kodai no mibunsei: Ryō to sen* 中国古代の身分制: 良と賤. Tokyo: Kyuko shoyin, 1987.

[356] Hamaguchi Shigekuni 浜口重国, *Tō ōchō no senjin seido* 唐王朝の賤人制度. Tokyo: *Tōyōshi kenkyū kai* 東洋史研究會, 1966.

[357] Hulsewé argues that "*zhuixu*" originally indicated a son who was given to a creditor as an indentured servant or bond slave. See A. F. P. Hulsewé, *Remnants of Ch'in Law: An Annotated Translation of the Ch'in Legal and Administrative Rules of the 3rd Century B.C. Discovered in Yün-meng Prefecture, Hu-pei Province, in 1975* (Leiden: Brill, 1985), 209, note 12. See also Barbieri-Low and Yates, 820.

[358] *Shiji* 123.3176.

registers: “Formerly the uxorilocal son-in-law X of Y village, so and so old man Z’s great grandson.”
廿五年閏再十二月丙午朔辛亥…自今以來，叚(假)門逆呂(旅)，贅壻（婿）後父，勿令為戶，勿鼠（予）田宅。三栜（世）之後，欲士（仕）士（仕）之，乃（仍）署其籍曰：故某慮贅壻（婿）某叟之乃（仍）孫。[359]

This statute shows that one’s status and identity information was recorded in the household registers, and it could be accessed after several generations. The social and official prejudice applies to the merchants and people of dependent and servile status. Regarding the awareness of occupational differentiation and discriminatory attitudes, the “Treatise of Geography” (Dili zhi 地理志) of the *Hanshu* records that soldiers were “selected from among the sons of good families of the six [northwest frontier] commanderies to serve as [the two regiments of calvary] Yulin 羽林 and Qimen 期門” 六郡良家子選給羽林、期門，其中的 “良家子.” The annotation by Ru Chun explains that the “sons of good families” excluded the households of “physicians, merchants, and the hundred artificers.” 醫、商賈、百工不得豫也.[360] These professional households are contrasted with the farming households, which were presumably “good families” and the “root of the state.” The lowly and gradually marginalized status of the occupational groups was formally regulated in the legal system during the transition from the Western Jin (266–317 CE) to the Northern Wei (386–535 CE) period, when the northern nomadic groups started to rule the Han people and apply more coercive management over the local population in the Han hinterland.[361] This kind of institutional prejudice can also be attributed to the traditional contempt for professional occupations among officials and intellectuals, who usually derogated the specialized skills as “bizarre techniques and excessive skills” (*qiji yinqiao* 奇技淫巧).[362] As for the period under examination in this chapter, this kind of systematic occupational discrimination or occupational caste cannot be seen in the existing

[359] Chen Wei, ed., *Qin jiandu heji*, vol. 1, 346–47. The author consulted Hulsewé’s English translation and made minor changes. See A. F. P. Hulsewé, *Remnants of Ch’in Law*, 208.
[360] *Hanshu* 28. 1644.
[361] Tang Zhangru 唐長孺 argues that the conscripted craftsmen bore labor as a family unit. Once they were conscripted and assigned certain work, they were not allowed to change their professions. Other members of the family who were not conscripted served as reserves but had certain degree of freedom for doing work as private employees until they were conscripted. By the time of Emperor Wen’s reign (r. 471–499) in Northern Wei, an edict was issued to forbid intermarriage between commoners and the various craftsmen and artisans [*baigong jiqiao* 百工伎巧]. See Tang Zhangru “Wei-Jin zhi Tang guanfu zuochang ji guanfu gongcheng de gongjiang” 魏晉至唐官府作場及官府工程的工匠, in his *Wei-Jin Nanbeichao shi luncong xubian* 魏晉南北朝史論叢續編 (Beijing: Zhonghua shuju, 1959), 29–92. See also Scott Pearce, “Status, Labor and Law: Special Service Households Under the Northern Dynasties,” 91.
[362] There is a critical and disdainful attitude towards basic skills and crafts in the traditional Chinese intellectual tradition. For a general discussion, see Zhang Jie 張潔 and Zhong Xuemin 鍾學敏, “Lun Zhongguo gudai keji fazhan de wenhua quexian” 論中國古代科技發展的文化缺陷, *Renwen zazhi* 人文雜誌 2 (1998): 114–17.

historical documents.[363] In any case, specialized workers in the Qin and Han periods did not seem to share the base status of the hereditary menial households (*zahu* 雜戶) of the Northern dynasties, which established a strict dichotomy between the various servile households and the commoners.[364] Qin and Han societies, on the other hand, adopted a unitary social order to include all members of society and placed each individual in a well-defined hierarchical system. Status in this system was more fluid and instrumental, insofar as the differences in status levels were created not so much for the purpose of demarcation but rather for the purpose of moving up along the ladder of social status. On one hand, the existence of such possibilities for status change encouraged subject to strive for upward mobility. At the same time, the process of changing status also allowed the state to position itself more favorably in terms of resource allocation through certain mechanisms of equivalent exchange.

On the other hand, professional skills had unique place in early imperial China. They shift focus away from lineage, celebrating productive endeavors. Their presence also minimized the importance of other systems of rank emphasizing certain activities. Despite lacking familial connections to gain social prestige, individuals in practical professions could obtain the essential material basis to claim their social standing. Even though access to government office was closed to them, professional skills were a path to a situation that was certainly not the worst. For bondservants and convict laborers, becoming craftsman or musicians or scribes offered an opportunity to escape from their servile status. Even for common farming populations, acquiring specialized skills could be a means to improve their social and economic livelihood. Chao Cuo 晁錯 (200–154 BCE) once reviewed the economic living conditions of the peasant households in the Han dynasty with concern and pointed out that the heavy taxes and corvée duties imposed on the farming populations made it so difficult for them to survive that they had to sell their children just to get food and pay their debts.[365] In comparison, becoming an artisan or acquiring certain skills could potentially lead to an improvement in one's economic life, at least by receiving food rations from the state and gaining the privilege of exempting family members from labor obligations.

Of course, we should be aware that there were diversified strata among the *chouguan* in terms of different degrees of dependent status and economic conditions.[366] Artisans and musicians from among the bondservants and convict laborers had much less freedom and more

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[363] For example, intermarriage between different occupational groups was not prohibited according to Qin and Han documents. Anthony Barberi argues that artisan was not a caste-bound occupation in early imperial China and they had certain degree of social mobility, although many children of artisans did indeed become artisans as a matter of tradition. See *Artisans in Early Imperial China*, 56–63.

[364] See Scott Pearce, "Status, Labor and Law: Special Service Households under the Northern Dynasties," *Harvard Journal of Asiatic Studies* 51, no. 1 (1991): 89–138.

[365] *Hanshu* 24. 1125, 1132. Hsu Chuo-yun estimated the "expenditure of a farming family" and found that the farming households in Han dynasty were constantly in a state of extreme poverty where income did not cover regular expenses even without any natural calamity or disease. See Hsu Chou-yun, *Han Agriculture: The Formation of Early Chinese Agrarian Economy (206 B.C.—A.D. 220)*, University of Washington Press, 1980, 63–80.

[366] Anthony Barbieri has made a more detailed classification based on multiple variables to replace the simplified division between the "free and unfree categories." His subdivision includes self-employed artisan, wage-labor artisan, indentured artisan, apprenticed artisan, conscripted artisan, convicted-criminal artisan and slave artisan. See *Artisans in Early Imperial China*, 212–13.

intense labor demands than their counterparts who were selected from among the commoners. They could not take serve in shifts, but instead worked full-time only to get limited food and clothing rations that were just enough to allow them to continue their work. Not surprisingly, many of those who were exploited in this way sought to escape from their obligations. To prevent them from absconding, the government imposed rigid controls over people with specialized skills and did not allow them to change their occupations. It is for this reason that the hereditary nature of status, which was a universal feature of Zhou society across all social groups and occupations, was chosen by the Qin-Han states as an institutional means to maintain stable supply of services. This *chouguan* system had developed into its later form by the Northern Dynasties, which was known as the various special service households, and the statutes defined their periphery and discriminatory status.[367] These special service workers were controlled in household units with rigorous discipline and this system became the predominant method for recruiting state laborers by the third century. They also formed an important category separate from and parallel to the major farming populations, with the major dichotomy in these two groups that was labeled "good" (*liang* 良) on one side and "base" (*jian* 賤) on the other.[368]

From scattered and limited evidence, we do not see a fully elaborated special service household system in the Qin and Han period like we see in the Northern Dynasties. But the practice of categorizing social groups based on specialized skills and occupations in the Qin and Han had laid the foundation for the emergence of a fully developed special service household system. Although the Qin and Han states initiated a bureaucratic system in which officials were recruited based on their meritocratic performance to replace the old Zhou system of hereditary emoluments and offices, they kept the hereditary status for certain occupations of specialized skills. This was partly influenced by the traditional idea that different social groups had to be isolated from each other so that their offspring could naturally follow in their fathers' occupations.[369] This idea is best expressed in the Zhangjiashan statute that states "the son of a *chouguan* occupation must follow in his father's occupation" 疇官各從其父疇. Another reason for the rigid management of the *chouguan* might have been that, unlike sedentary farmers who naturally depended on the land for production and a livelihood, skilled professionals could rely on their craftsmanship to make a living without being tied to a specific location, making them naturally inclined to mobility, like the merchants. This inherent mobility increased the difficulty of government management and posed challenges in utilizing their skills to provide stable services to the state. From the perspective of the exploited subjects, sacrificing some individual freedom for a relatively stable source of food and clothing and achieving social status by honing their professional skills may not have been a bad choice. A series of intermediate statuses was created, and training and skills played a role in the change of one's social identity.

After the Han dynasty, the term *chouguan* was no longer used, but the institutional practice of defining roles and responsibilities through one's occupation persisted over time, manifesting through different nomenclature across various historical periods. Households designated for special service performed a variety of different functions. For example, in the

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[367] Li Tianshi 李天石, *Zhongguo zhonggu liangjian zhidu yanjiu* 中國中古良賤制度研究. Nanjing: Nanjing shifan daxue, 2004, 215. See also Pearce, "Status, Labor and Law: Special Service Households Under the Northern Dynasties."

[368] See See Hori Toshikazu, *Chūgoku kodai no mibunsei: Ryō to sen.*

[369] See Anthony Barbieri's discussion in his *Artisans in Early Imperial China*, 56–57.

medieval era, there were music households and soldier households, and in the Ming Dynasty, certain occupations such as artisans, salt producers, medical practitioners, and geomancers remained hereditary. The ideology behind the special service system and the compartmentalization of society based on professions spans different geographical regions and historical periods.

## Chapter 4: "Status Currency" and the Commodification of Ranks of Honor in Early Imperial China

*Honor always comes at a price, else it would be worthless*——Michelle Griep

### Introduction: The Sales and Purchases of *Jue* 爵

In his groundbreaking research on ranks of honor (*jue* 爵), Michael Loewe laid out two different concepts of governance in terms of their different uses of the ranks of honor: a conservative, Confucian exercise of frequently bestowing *jue* on the population as an act of largesse and to advertise the imperial rule; and a realist method of exploiting *jue* "as a political device in order to solve administrative difficulties."[370] In this chapter, I examine the latter practice and review how ranks of honor were adopted as a financial lever, and how their sale and purchase was used by the state and its subjects. I argue that ranks of honor were effectively employed as credit that common people could use to store their "merit" and then cash it out as needed. This "merit," as defined by the state, included military service, migration to less populated areas, transportation of grain for the state, and other services, depending on the demands and agendas of the preferential policies at different times. This "commodification" of the ranks of honor eventually reached the point of direct exchange between ranks of honor and money. Chao Cuo 晁錯 (200–154 BCE) argued in a memorial that ranks of honor "were bestowed by the emperor, pouring from his mouth endlessly" [爵者，]上之所擅，出於口而亡窮. [371]

In this chapter, I will also analyze how economic factors interact with social status to define the hierarchy within the social-economic system. There were several social consequences of the commodification of the ranks of honor. First, as a major indicator of social status and hierarchy, the commodified ranks of honor could be used to dictate clear prices for various materials and services, leading to a higher degree of social quantification. Further, the important function of ranks of honor, redeeming the holder from legal punishments, extended to the realm of "negative merit," that is, statuses like debtors to the state and convicts. The state distributed various kinds of resources and obligations based on the subject's place on the social ladder, with ranks of honor and legal punishments as the two most important aspects of a person's status and determining their merit and debts to the state. Therefore, if the social order is viewed as a banking system in which people held credit or were in debt to various degrees, then ranks of honor could be seen as a kind of "status currency." From this perspective, the function of redeeming legal punishments, which Tomiya Itaru 冨谷至 argued as the "essential feature" of ranks of honor as a Han institution, was actually no more than a type of "equivalent exchange" and a means of restoring money and other forms of material wealth.

Another effect of the number-based hierarchy of the reward and punishment system was to flatten the social structure by depersonalizing and quantifying subjects. It supported the state's position atop that structure that based on the established simplicity and clarity of its rules, and by providing a predictable life with rewards and punishments for the common people. However, this

[370] See Michael Loewe, "The Orders of Aristocratic Rank of Han China," *T'oung Pao* 48, no. 1/3 (1960): 97–174.
[371] *Hanshu* 24. 1134.

kind of quantification and exchangeability could also demystify the sense of esteem or "charisma," which could be broken down in terms of accumulated merit rather than something innate or even personal characteristics that justified deeming certain people as worthy of a higher status. In other words, the perception of social status was affected by the possibility of exchanging economic for social power, potentially diminishing the nuanced sense of prestige associated with esteemed status through this quantifiable reduction.

In contrast to the approach of Nishijima Sadao, who portrayed an organic incorporation of the ranks of honor into the existing local customs and traditions, I describe the social order established by the twenty ranks system as an "outward order." In order to prevent anyone from acting as an intermediary between the state and its subjects, and to curb the concentration of power among higher-rank holders, the state prioritized placing lower-rank holders in local administrative roles. It also discouraged celebrations such as banquets for acquiring ranks of honor, thereby limiting their influence within local communities. In other words, maintaining of this outward order required constant state intervention. However, as ranks became commodified and experienced "inflation," their value decreased after the middle of the Western Han period. Consequently, the social order that was built upon this institution gradually gave way to more direct economic forces. By the beginning of the Eastern Han, only the top two ranks of honor were still favored by people. The complete disintegration of the Twenty Ranks of Honor had to wait until the Cao Wei period, by which time a new system—the "Five Ranks of Honor" (*wudeng jue* 五等爵) that emulated the imagined Zhou tradition—was initiated and replaced the Twenty Ranks system.

In a memorial to Emperor Wen 文 (r. 180–157 BCE), Jia Yi 賈誼 (200–168 BCE) advocated the emphasis of agricultural production and grain storage, and lamented the suffering caused by a devastating famine, during which the populace desperately request permission to "sell their ranks of honor and their children" (*qing mai jue zi* 請賣爵子) in order to survive.[372] This memorial, documented in *Hanshu* 24 and also included in the *Xinshu* 新書,[373] attributed to Jia Yi, became widely known as the "Memorial on Accumulation and Storage [of Grain]" (*Lun jizhu shu* 論積貯疏). In his second-century commentary on the *Hanshu*, Ru Chun 如淳 explained it meant "[people begged to] sell their ranks of honor and their children" (*mai jueji you maizi ye* 賣爵級又賣子也). However, the modern interpretation in the textbook, *Classical Chinese* (*Gudai Hanyu* 古代漢語), edited by Wang Li 王力 (1900–1986), explains the phrase "the state sells rank while the commoners sell their children" (*zhi chaoting mai jue, renmin mai*

[372] The full sentence, as recorded in *Hanshu* 24.1128, reads "when the weather is irregular and it does not rain, people anxiously glance backward as if followed by wolves the wolves. In harsh years when nothing is harvested, they beg to sell their ranks and children" 失時不雨，民且狼顧。歲惡不入，請賣爵子. Nancy Lee Swann's translation reads: "Since the proper seasons [for agricultural pursuits] are neglected, and it does not rain, the people the more cast furtive glances behind. When the year is evil, and nothing enters the [government treasuries, there are those who] beg for sale of ranks and of children." See Nancy Lee Swann, *Food and Money in Ancient China*, University of Princeton Press, 2013 reprint of the 1950 edition, 152–55.

[373] See Yan Zhenyi 閻振益 and Zhong Xia 鍾夏, eds., *Xinshu jiaozhu* 新書校注 (Beijing: Zhonghua shuju, 2000) *juan* 4 "Wuxu" 無蓄, 163. For the authenticity of *Xinshu* and its relationship to *Hanshu*, see Michael Nylan's summary of the *Xinshu* editions in Michael Loewe ed. *Early Chinese Texts: A Bibliographical Guide* (Berkeley: The Society for the Study of Early China, 1993), 161–70.

*zi* 指朝廷賣爵，人民賣子), offering a different perspective on the desperate measures taken during the famine.[374]

On the surface, the disagreement appears to be grammatical, with the two readers identifying different subjects in the sentence. The recurring phrases "selling ranks of honor" and "purchasing ranks of honor" (*mai jue* 買爵) in historical documents, combined with the visual and phonetic similarity between the two characters mài 賣 and mǎi 買, have caused confusion among both modern and pre-modern readers. The Qing scholar Wang Xianqian's 王先謙 (1842–1917) *Supplementary Annotations to the Hanshu* (*Hanshu buzhu* 漢書補注) once pointed out such a character error:

> On the *xinchou* day of the tenth month in the winter, sixth year [of Emperor Hui], the King of Qi, [Liu] Fei died. An order was issued that people were entitled to sell their ranks of honor.
> [惠帝]六年冬十月辛丑，齊王肥薨。令民得賣爵。[375]

Wang Xianqian's annotation highlights an error in the "official edition," where the character for "sell" *mài* is mistakenly written as "buy" *mǎi* 官本賣作買.[376] The phrase "official edition" typically refers to the *Wuying dian* 武英殿 edition, which is based on the edition collected by the Directorate of Education, known as the *nan* [*guozi*]*jian ben* 南[國子]監本 in Nanjing, the southern capital during the Ming Dynasty.[377] Examination of that edition confirms that 賣 is indeed erroneously recorded as 買 in the specified section of the text.[378] The beginning of the sixth year (189 BCE) marked a significant period for Emperor Hui, notably impacted by the death of his elder brother Liu Fei, as well as the passing of Chancellor Cao Can 曹參 (d. 190 BCE) just two months prior, and a severe drought one month before these events.[379] Likely in response to this series of hardships, a decree was issued in the ninth month of the fifth year, following the drought, granting a general bestowal of one rank of honor as a disaster relief measure.[380]

Considering that the sale of ranks of honor was permitted merely a few months following their bestowal, it is plausible that these honors were primarily intended as a form of economic relief for the populace, enabling them to exchange these ranks for essential resources like money

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[374] See Wang Li 王力, *Gudai Hanyu* 古代漢語, Beijing: Zhonghua shuju, reprinted version in 2001, 891–93, note 19.

[375] *Hanshu* 2.91.

[376] Cited in Wang Xianqian 王先謙, *Hanshu buzhu* 漢書補注 (Shanghai: Shanghai guji, 2016), 1581.

[377] See the preface to *Hanshu buzhu*, 2.

[378] High-quality photos of each page of this edition are readily accessible online, thanks to the comprehensive database "Ancient Texts and Special Collection Resources" (*Guji yu tecang wenxian ziyuan* 古籍與特藏文獻資源) provided by the National Library of Taiwan. For further reference, please visit: https://rbook.ncl.edu.tw/NCLSearch/Search/SearchDetail?item=9eaa5942558b47c681d96dfef78590d8fDQxMjQy0&image=1&page=&whereString=&sourceWhereString=&SourceID=#

[379] *Hanshu* 2.90-91: "In the summer, there was a severe drought" 夏，大旱.

[380] *Hanshu* 2.91 reads "Bestow the people ranks of honor in the unit of household, with each household [receiving] one rank" 賜民爵，戶一級.

and food. This practice bears resemblance to the issuance of stimulus checks by the modern government during the pandemic, serving as economic aid during crises. Therefore, in the historical records of the sixth year of Emperor Hui's reign, the reading of "selling" 賣 is more accurate than "purchasing" 買. Similarly, Jia Yi's lament should be understood as expressing the desperation of people "to sell their ranks and their children" rather than implicating the state "in selling ranks while commoners were forced to sell their children." The underlying urgency was not for rank and status but for sustenance amidst famine.

However, "selling ranks" was a Han phenomenon. Historical records in the *Shiji* and *Hanshu*
document instances where the state not only allowed but encouraged the purchase of ranks of honor. This practice served as a direct method for generating revenue, particularly when the state faced severe financial difficulties. For instance:

> Four years later (124–123 BCE), Wei Qing (?–106 BCE) led over a hundred thousand soldiers in consecutive campaigns against the Xiongnu. Soldiers who either beheaded or captured Xiongnu were rewarded with gifts totaling more than two hundred thousand *jin* of gold. However, the Han forces suffered significant losses, with over a hundred thousand officers, soldiers, and horses killed. Additional costs were incurred for weapons, armor, and transportation by land and water. Consequently, the Superintendent of Agriculture reported that the reserves of supplies and money, accumulated over years, had been depleted, and the budgetary taxes were also exhausted, leaving insufficient funds for the armies. In response, officials requested an imperial decree (123 BCE) that would allow the purchase ranks and the requalification for official posts, as well as the mitigation of penalties. They also suggested establishing a system of "rank of military merit" (*wugong jue* 武功爵), with each order of ranks priced at one hundred seventy thousand cash. The proceeds from these sales, totaling more than three hundred thousand *jin* of gold, would give buyers a priority in official appointments.
> 此後四年，衛青比歲十餘萬衆擊胡，斬捕首虜之士受賜黃金二十餘萬斤，而漢軍士馬死者十餘萬，兵甲轉漕之費不與焉。於是大司農陳臧錢經用，賦稅既竭，不足以奉戰士。有司請令民得買爵及贖禁錮、免減罪；請置賞官，名曰武功爵。級十七萬，凡直三十餘萬金。諸買武功爵官首者試補吏，先除.[381]

Emperor Wu's court introduced the "ranks of military merit" (*wugong jue* 武功爵) as a strategy to manage the lavish expenditures of ongoing warfare and to ease the financial strain. Ironically, despite the name, these ranks were not linked to military merit, which had been the traditional method for Qin people to attain merit-based ranks. The Han court expanded the criteria for awarding ranks to encompass a range of meritorious services beyond military deeds, establishing a direct and explicit transactional relationship between ranks of honor and monetary compensation. Using another modern analogy, government bonds might be a suitable

[381] *Hanshu* 24.1159. See the English translation in Nance Lee Swann, *Food and Money in Ancient China*, 250–53. See also *Shiji* 30, 1422–23.

comparison for the practice of common people purchasing ranks from the state. How did ranks of honor evolve from being exclusively tied to military accomplishments during the Warring States period to becoming a commodified monetary instrument akin to vouchers or government bonds? Additionally, what were the accompanying social, economic, and legal privileges associated with these ranks that motivated common people to acquire them, and how did these privileges alter the social hierarchy and status of the individuals who held these ranks?

The institution of ranks of honor has attracted much scholarly interest over the past decades.[382] Traditionally, scholars have been accustomed seeing this system as one-directional gesture of generosity from the benevolent emperor and as a means of reinforcing social cohesion. In this chapter, my aim is to explore how ranks of honor were used by the state to distribute resources, labor, and wealth effectively. I will also highlight the commodification of these ranks and their role as a monetary medium. Since its inception, the institution of ranks has played a crucial role in structuring social hierarchies. The dynamic relationship between social status and ranks of honor during the Qin and Han periods is also one of the research focuses of this chapter.

## The Development of Acquisition Channels for Ranks of Honor

The primary means of obtaining ranks of honor in their initial form involved earning them as rewards for merit, including military accomplishment and official service. Although the sale and purchase of ranks of honor became prevalent during the Han period, this practice was not originally considered a legitimate method for acquiring or transferring ranks. Shang Yang 商鞅 (390–338 BCE) is credited with formalizing this institution in the state of Qin around the same time that the other six states in the east adopted similar versions of the system of ranks.[383] Traditionally, ranks of honor were awarded based on military service, quantified by a precise scale of achievements in battle. Shang Yang's reforms introduced a system of seventeen military ranks, aimed at dismantling the hereditary status and exclusive privileges of the nobility, establishing a new social hierarchy based on meritorious service. A succinct and relevant description of this system can be found in Shang Yang's biography in the *Shiji*, which reads:

> Members of the ruling lineage who had no military merit were not to be listed in the registers of nobility. Orders of rank and status of the noble and the base were clarified, and each were allocated fields and houses, slaves, and clothes according to their rank. Those with merits were to be glorious

[382] For a selection of pertinent and valuable research, refer to: Michael Loewe, "Social distinctions, groups and privileges" in Michael Nylan and Michael Loewe eds., *China's Early Empires: A Re-appraisal*. Cambridge: Cambridge University Press, 2010, 296–307; Zhu Shaohou 朱紹侯, *Jungong juezhi yanjiu* 軍功爵制研究, Beijing: Shangwu yinshu guan, 2017; Shi Binbin 師彬彬, "Liang Han ershi deng jue zhi wenti yanjiu zongshu" 兩漢二十等爵制問題研究綜述, *Shizhi xuekan* 史志學刊 2016 (3): 21–71; Nishijima Sadao 西島定生, *Chūgoku kodai teikoku no keisei to kōzō: Nijūtō shakusei no kenkyū* 中國古代帝國の形成と構造:二十等爵制の研究. Tokyo: Tokyo daigaku, 1961; For Chinese translation, see Nishijima, *Zhongguo gudai diguo de xingcheng yu jiegou: Ershi dengjue zhi yanjiu* 中國古代帝國的形成與結構：二十等爵制研究, trans., Wu Shangqing 武尚清. Beijing: Zhonghua shuju, 2004; and Tatemi Satoshi 楯身智志, *Kandai nijūtō shakusei no kenkyū* 漢代二十等爵制の研究, Tokyo: Waseda daigaku, 2016.

[383] Zhu Shaohou, *Jungong juezhi yanjiu*, 15–20.

> and prosperous while those without merit, even if wealthy, would not be permitted to show off [their wealth].
> 宗室非有軍功論，不得為屬籍。明尊卑爵秩等級，各以差次名田宅，臣妾衣服以家次。有功者顯榮，無功者雖富無所芬華。[384]

The establishment of the rank system marked a significant departure from the previous aristocratic system that was based on hereditary lineage. In this new system, an individual's social and economic status was primarily determined by military accomplishments.[385] Furthermore, acquiring a rank also brought with it various privileges, including allocations of land, residences, and a specified number of servants, etc. This system of land allocation, known as *mingtianzhai* 名田宅, was adopted and further developed by the state of Han.[386] *The Book of Lord Shang* (*Shangjun shu* 商君書) outlines the pathway for acquiring ranks of honor: engagement in agriculture and achievements in warfare.

> Those who excel at ruling the state teach the people to engage exclusively in pursuing the "unity" in order to attain offices and ranks. Hence, those who are not engaged in agriculture or war will have neither offices nor ranks.
> 善為國者，其教民也，皆從壹而得官爵。是故不以農戰，則無官爵.[387]

It is important to note that the term "unity" in this passage is a pivotal concept in Shang Yang's philosophy, which usually refers to the combined institutions of agriculture and warfare. This political philosophy advocates that access to official posts and ranks should be strictly confined within the established rank system, explicitly excluding means of acquiring ranks aside from commitment to agriculture and military achievement. The clarity of this doctrine is especially evident in the "Within the Territory" (*Jingnei* 境內) chapter, where the definition of "military accomplishment" is articulated with unequivocal precision:

> Someone who has been able to obtain one head of an armored soldier shall be rewarded with one order of rank, his land increased by one *qing*, and his residence plot increased by nine *mu*. For each order of his rank, he is entitled to appoint one retainer, and he is qualified to become a military or civilian official…From the second order of rank upward, if the rank holder has committed a crime that deserves corporal punishment, his rank shall be reduced; for the holder of the first order of rank and below, if the rank holder

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[384] *Shiji* 68. 2230.

[385] For this reason, the English translation for 二十等爵 should not contain the word "aristocratic" because this new system was inherently anti-aristocratic since its inception.

[386] For a detailed introduction, see Richard von Glahn, *The Economic History of China: From Antiquity to the Nineteenth Century* (Cambridge: Cambridge University Press, 2016) Chapter 3, 90–91.

[387] Zhou Lisheng 周立昇 ed. *Shangzi huijiao huizhu* 商子匯校匯注, "Agriculture and War" (Nongzhan 農戰), Nanjing: Fenghuang chubanshe, 2017, 96 (notes). See also Gao Heng 高亨 ed., *Shangjun shu zhuyi* 商君書注譯, Beijing: Tsinghua University Press, 2011, 45–46.

has committed a crime that deserves corporal punishment, his rank shall be removed.
能得甲首一者，賞爵一級，益田一頃，益宅九畝。級除庶子一人，乃得入兵官之吏……爵自二級以上，有刑罪則貶。爵自一級以下，有刑罪則已.[388]

This record marks the earliest known documentation specifying the exact amount of land and residence plot that came with a given rank of honor. These land and residence plots were economic privileges accompanied the rank and could be seen as by-products of it. By the end of the Qin dynasty, there is no evidence to suggest that any possibility of people selling or transferring their ranks to other society members. As the name of the *ming tian zhai* 名田宅 system indicates, the allocation of rank and land was exclusively associated with the "name" (*ming* 名) of the individual recipient. The conversion rate of one head for one grade of rank[389] should be viewed as a situational or provisional rather than a universal standard. For instance, according to historical records, if "the shock troops collectively fight valiantly in battle, and succeeded in killing five enemy soldiers, each member of the team would be rewarded one order of rank" 陷隊之士知疾鬥，而得斬首隊五人，則陷隊之士，人賜爵一級.[390] In contrast to the Han system, which set a ceiling at the eighth order of rank, the State of Qin during the Warring States periods allowed ranks of honor to be accumulated indefinitely by an individual.[391]

In the initial stages, merits were assessed not only through enemy decapitations but also through "toiling" (*lao* 勞), a term that quantified work by totaling service days. The *Shuihudi* 睡虎地 Qin legal manuscripts include a section titled "Statutes on Quantifiable Labor" (*Zhonglao lü* 中勞律),[392] and the "Within the Territory" (*Jingnei* 境內) chapter of *The Book of Lord Shang* introduces a specific type of rank system known as "labor ranks of merit" (*laojue* 勞爵).[393] From this, it is clear that the most accurate translation for the rank system established by Shang Yang should be "ranks of merit" rather than something like "aristocratic ranks," as the

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[388] See Gao Heng, *Shangjun shu zhuyi*, "*Jing nei*" 境內, 152. For the meaning of *shuzi* 庶子, see note 4, 147.

[389] We can find a more systematic record of the neat equation between the number of heads and the orders of honor granted in the *Hanfeizi*, which reads 商君之法曰：『斬一首者爵一級，欲為官者為五十石之官；斬二首者爵二級，欲為官者為百石之官。』官爵之遷與斬首之功相稱也。See Wang Xianshen 王先慎 ed., *Hanfeizi jijie* 韓非子集解 (Beijing: Zhonghua shuju, 2013) *juan* 17, "Dingfa" 定法, 435.

[390] See Gao Heng, *Shangjun shu zhuyi*, 153–54, note 64.

[391] Zhu Shaohou, *Jungong juezhi yanjiu*, 178–79.

[392] Chen Wei 陳偉, ed., *Qin jiandu heji*, vol.1 秦簡牘合集, Wuhan: Wuhan daxue, 2014, 176–177. The Juyan administrative documents reveal more details about how this system worked by accumulating an individual's service counted by days. For recent research on this topic, consult Huang Yijun 黃怡君, "Handai gongci shengqian zhidu kao" 漢代功次升遷制度考, *Zhongyang yanjiuyuan lishi yuyan yanjiusuo jikan* 中央研究院歷史語言研究所集刊 93.2: 331–65.

[393] Gao Heng, *Shangjun shu zhuyi*, *juan* 4 "Jing nei" 境內, 151–52.

term “merit” encompasses both military achievements and service in the army or official capacities.

The second major means of obtaining ranks of honor comes to the bestowal or ranks, and this method has developed from an interim and regional practice to a more regular and universal one. For most common people in the Qin and Han dynasties, the governmental bestowal of ranks was likely the most accessible method of acquisition, particularly following the cessation of continuous conquest wars. From the state’s perspective, the distribution of ranks sometimes served as strategic tool to mobilize the population for both military and economic initiatives. The earliest documented instance of ranks being bestowed without merit-based criteria occurred in the twenty-first year (286 BCE) of King Zhaoxiang 昭襄王 (r. 306–251 BCE) in the state of Qin:

> In the twenty-first year [Sima] Cuo invaded the Henei Prefecture of Wei. Wei had to surrender the city of An’yi to the Qin. The Qin expelled the inhabitants of An’yi, recruited people to move in, and granted the immigrants ranks of honor. The state of Qin also exempted convicts and transferred them to An’yi.
> 二十一年，錯攻魏河內。魏獻安邑，秦出其人，募徙河東賜爵，赦罪人遷之.[394]

Twenty-six years later, just before the decisive battle between these two states, Qin employed a similar strategy against the State of Zhao 趙:

> [In the forty-seventh year of the king of Zhaoxiang,] since the King had heard that Zhao’s route for providing grain was cut off, he went to the prefecture of He’nei in person. He bestowed on each one of the inhabitants one order of rank, conscripted people over the age of fifteen, and sent them all to Changping in order to block Zhao’s rescue troops and grains.
> 秦王聞趙食道絕，王自之河內，賜民爵各一級，發年十五以上悉詣長平，遮絕趙救及糧食.[395]

In the first instance, the bestowal of ranks served as an incentive to motivate the local Qin residents to settle in newly conquered territory. In the second scenario, ranks were distributed both to boost army morale in preparation for war and to foster a sense of community among the troops.[396] While the state of Qin initiated the practice of granting ranks to common people, these instances were limited in scope. It was not until the reign of Emperor Hui that ranks were generally bestowed upon all qualified members across the realm:

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394 *Shiji* 5.212.

395 *Shiji* 73.2334.

396 For example, King Hui 惠 of Qin (r. 337–311 BCE) used this method to strengthen the connection between the central court and the “barbarian” groups in the southwest part of Sichuan that used to constitute an independent polity: 秦惠王并巴中，以巴氏為蠻夷君長，世尚秦女，其民爵比不更，有罪得以爵除. See the *Hou Hanshu* 86. 2841.

> In the fourth month of the twelfth year of [Emperor Gaozu] (211 BCE), Liu Bang passed away. On the *bingyin* day of fifth month, the crown prince ascended the throne. He honored the Empress as the Empress Dowager [*lü* 吕]. A general bestowal of rank was issued to the commoners and each person received one order of rank.
> 十二年四月，高祖崩。五月丙寅，太子即皇帝位，尊皇后曰皇太后。賜民爵一級.[397]

A general bestowal of rank can be viewed as an imperial bounty and was often paired with another institution—the general amnesty. Together, these practices enabled individuals to start over and stabilized the empire during transitional periods such as imperial succession.[398] This institution marked the first time that access to ranks was at least theoretically available to all subjects, establishing a direct connection between the emperor and his subjects. Building on the foundational research of Nishijima Sadao from over fifty years ago, Tatemi Satoshi has recently conducted comprehensive research on this topic. In his work, Tatemi documents all instances of general bestowal of ranks during the Western Han and Eastern Han periods as recorded in historical texts. According to his findings, such bestowals occurred fifty-one times during the Western Han, thirty-seven times during the Eastern Han, and once during the reign of Wang Mang 王莽 (9–23 CE).[399] From this data, it is evident that the bestowal of ranks became a regular event starting from the time of Emperor Jing, often coinciding with a general amnesty, the appointment of an heir, a change in reign title, or the occurrence of auspicious omens.

The transformation of the bestowal of ranks from a regional and interim measure into a universal and systematic institution led to a gradual integration of an increasingly broad segment of society into the rank system. Various types of Han dynasty registration documents illustrate that an individual's rank became a fundamental component of their identification information, encapsulated in the standardized "name-county-rank-village" (*mingxian jueli* 名縣爵里) format. This system delineated twenty distinct orders of rank, establishing a hierarchical structure where each individual occupied a specific rung on the social ladder. The position of an individual within this framework directly influenced their rights and duties, impacting aspects such as legal status and obligations related to military and corvée service. Consequently, the bestowal of ranks not only conferred a political identity upon its recipients but also set the groundwork for the commodification of ranks of honor.

Inheritance is another major means of acquiring ranks of honor. The concept of inheritance within the twenty ranks has undergone significant reassessment following the discovery of the Zhangjiashan legal texts, particularly the "Statutes on the Establishment of Heirs" (*Zhihou lü* 置後律) and "Statutes on Enrollment" (*Fulü* 傅律). Previously, scholars inferred from transmitted documents that there was no succession mechanism for these meritocratic ranks. However, these texts have illuminated that, initially, inheritance was not permissible in the ranks of honor, and it was only in later stages that it became possible.[400] This

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397 *Hanshu* 2.85.

398 *Hanshu* 5.139: [景帝元年] 夏四月，赦天下。賜民爵一級。

399 Tatemi Satoshi, *Kandai nijūtō shakusei no kenkyū*, 42–48.

400 Miyake Kiyoshi 宮宅潔, *Zhongguo gudai xingzhi shi yanjiu* 中國古代刑制史研究, Guilin: Guangxi shifan daxue, 2016, 284–85.

documents show that the inheritance of ranks and the inheritance of households were distinct practices. While women were entitled to inherit both property and ranks of honor, it was more usual for them to inherit property and assume the role of head of a household rather than inheriting ranks of honor.[401] From the edict issued in the fifth year (202 BCE) of Emperor Gaozu's reign, it appears that the establishment of a succession system was strategically implemented to secure benefits for military groups who played pivotal roles in the foundation of the Han Empire. This move was likely aimed at ensuring a smooth transition between the periods of continuous warfare and the establishment of a new state, fostering stability and continuity in a time of change.

The ranks of honor could be inherited may seem paradoxical, given that the inception of this system in the Qin state was designed to dismantle the hereditary aristocracy's monopoly on power. However, a nuanced analysis of the "Statutes on the Establishment of Heirs" reveals that the new system restricted hereditary privilege. Specifically, only the top two orders of rank, the *chehou* 徹侯 and *guannei hou* 關內侯, which were later additions by the Han, could be directly inherited without demotion; all other ranks faced a decrement upon succession. For instance, a holder of the eighteenth rank, *da shuzhang* 大庶長, would see their rank reduced to the eighth rank, *gongcheng* 公乘, upon succession. Moreover, there was a distinct boundary, which shifted over time, between the eighth and ninth ranks (*wu dafu* 五大夫) in the early Han.[402] Ranks below the eighth order were categorized as "ranks of the commoners" (*minjue* 民爵), indicating a tiered approach to hereditary succession. Thus, the system imposed a form of degradation and conditional succession, ensuring that while some level of hereditary succession was possible, it did not perpetuate the same level of power and privilege inherent in an unchanging aristocracy.

Secondly, it is crucial to note that the twenty ranks system established a pyramid-shaped hierarchy, where the vast majority of the common people occupied ranks below the third order, *zan'niao* 簪裊, if they held any rank at all. The "Statutes on the Establishment of Heirs" stipulate that heirs to the lowest two ranks, *shangzao* 上造 and *gongshi* 公士, would be relegated to *gongzu* 公卒 or *shiwu* 士伍, both of which belong to the "zero-rank" group. This systematic degradation in succession and the clear distinction between the "ranks for commoners" and the "ranks for officials" (*guanjue* 官爵) markedly differentiates the twenty ranks of honor from the "feudal" mode of hereditary rank system of the Zhou Dynasty. In the Zhou system, ranks were meant to be "passed down to endless generations" (*chuanzhi wuqiong* 傳之無窮) under the patrilineal primogeniture (*zongfa* 宗法) system, allowing familial lineages to maintain power indefinitely. In contrast, the Han system imposed limitations on the perpetuation of power, ensuring a more dynamic and less rigidly hereditary structure in society.

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[401] If there were no son, then a daughter, parents, siblings, wife, grandparents, or even servants could be the successor of a man's rank of honor. Liu Xinning speculates that this might have been a wartime contingency arrangement. In addition, property could be distributed among several different family members or kinship relations but the successor of a rank of honor could only be a single individual. For a detailed examination, see Liu Hsin-ning 劉欣寧 "You Zhangjiashan Hanjian 'Ernian lüling' lun Hanchu de jicheng zhidu" 由張家山漢簡《二年律令》論漢初的繼承制度 (National Taiwan University, MA Thesis, 2006), 142.

[402] See Zhu Shaohou, *Jungong juezhi yanjiu* , 104–06. Shen Dewei, "The First Imperial Transition in China: A Microhistory of Jiangling (369–119 BCE)" Yale University, PhD Dissertation, 2021, 182.

**The Commodification of the Ranks**

Although the benefits package accompanying the bestowal of ranks typically included material bounty, I argue that the commodification of ranks began when the state initiated the exchange of rank for grain or money, or permitted the exchange of rank for material wealth among common people. The earliest documented instance of this practice is found in the "Chronological Table of the Six States" (Liuguo nianbiao 六國年表) in the *Shiji*, which records that commoners could be granted one order of rank for the payment of a thousand *shi* 石 of grain (百姓納粟千石，拜爵一級).[403] This policy was implemented in the seventh month of the thirty-third year of the First Emperor of Qin (214 BCE), coinciding with a severe locust plague. It is conceivable that during this crisis, the state sought to amass grain from affluent farmers and merchants to redistribute in regions most devastated by the famine, thus using the ranks as a form of economic leverage to stabilize the food supply and maintain social order.

Compared to the First Emperor's approach of using ranks as an exchange commodity, Chao Cuo 晁錯 (200–154 BCE) proposed a more strategic use of the rank of honor as a macroeconomic tool in his well-known memorial to Emperor Wen. By this time, the Han empire had spent decades recovering and rebuilding, yet many farmers still struggled to merely feed their families, while a few merchants and landowners were extremely well-off, creating stark economic disparities. Despite various policies and legal measures targeting merchants, the vast inequality led many farmers to "abandon the root and scramble for the branches" (*beiben qumo* 背本趨末), a metaphor for neglecting stable, long-term livelihoods in favor of short-term gains. Hsu Chuo-yun 許倬雲 noted the rise of merchants during the Warring States period as "nobles without ranks and kings without scepters," highlighting their influence despite their lack of formal noble status.[404] This growing social inequality not only weakened the social structure but also reduced parts of the populace to a nearly servile status, undermining the social order that the administration had worked to establish. In response, Emperor Wen chose to confront this challenge by offering merchants something unprecedented since the Warring States period—recognized ranks of honor. By requiring these ranks to be purchased with grain rather than money, the state aimed to achieve several objectives in one fell swoop:

> "At the moment (168 BCE), it is simply the case that nothing is more urgent than to make the people devote themselves to farming. If one desires to make the people farm, it is necessary to enhance the value of grain. The way to enhance the value of grain lies in making the people use grain for obtaining rewards and [commuting] penalties. If now there is a general call to all under heaven [stating] that whoever sends grain to the central government shall obtain the bestowal of ranks of honor and pardon for crimes, then wealthy individuals may have rank and the farmers may have money, and the grain will have means of distribution. Those who are able to submit grain in order to receive ranks are those who have a surplus. Should these surpluses be taken away for the use of the court, then poll taxes on the poor can be reduced. This is called "reducing surpluses and supplying deficiencies,"

[403] *Shiji* 15.751: 七月，蝗蔽天下。百姓納粟千石，拜爵一級.

[404] Hsu Cho-yun, *Ancient China in Transition: An Analysis of Social Mobility (722–222 BCE)*, Stanford: Stanford University Press, 1965, 178.

which as soon as it is implemented will benefit the people. In accordance with the desires of people, this policy will supply three things: (i) sufficient government expenses for the ruler; (ii) a lower poll tax for the people; and (iii) the encouragement of agricultural work.

Ranks are things over which the emperor has the sole authority; they come from the emperor's mouth and there is no end to them. Grain is something that the people sow; it is produced from the land, and there is no end to it. To obtain high rank and to secure pardon for crimes is what people most desire. Should the people all over the empire be allowed to move grain to the frontier area in order to receive rank or to obtain pardon for crimes, in less than three years the grain at the border near the walls will definitely be plentiful." Thereupon Emperor Wen followed the words of Chao Cuo, and ordered people to send grain to the frontiers. For six hundred *shi* of grain, they were to receive the *shangzao*, the second grade of rank; with increasing amounts of grain up to four thousand *shi*, they were to be granted *wu dafu*, the ninth grade; with 12,000 *shi* of grain to receive the *da shuzhang*, the third highest rank. The rank of each individual is determined by the amount of grain they contribute.

方今之務，莫若使民務農而已矣。欲民務農，在於貴粟；貴粟之道，在於使民以粟為賞罰。今募天下入粟縣官，得以拜爵，得以除罪。如此，富人有爵，農民有錢，粟有所渫。夫能入粟以受爵，皆有餘者也；取於有餘，以供上用，則貧民之賦可損，所謂損有餘補不足，令出而民利者也。順於民心，所補者三：一曰主用足，二曰民賦少，三曰勸農功。

爵者，上之所擅，出於口而亡窮；粟者，民之所種，生於地而不乏。夫得高爵與免罪，人之所甚欲也。使天下入粟於邊，以受爵免罪，不過三歲，塞下之粟必多矣。於是文帝從錯之言，令民入粟邊，六百石爵上造，稍增至四千石為五大夫，萬二千石為大庶長，各以多少級數為差.[405]

In this nuanced strategy, ranks of honor were not merely traded for grain; instead, they served as a regulatory mechanism to channel money and grain along specified pathways. The policy operated under the premise that "wealthy individuals will have ranks and the farmers will have money," implying that farmers could sell their surplus grain to affluent individuals, receiving money in return. This arrangement meant that grain would flow from the farmers' granaries to merchants, and the merchants would use it to trade for ranks. In theory, farmers would acquire cash, merchants would obtain ranks, and the state would secure grain, ensuring a mutually beneficial outcome for all parties involved. As Chao Cuo explicitly pointed out, ranks of honor were seen as inexhaustible, issued directly from the emperor. The policy not only incentivized grain production but also facilitated resource distribution without any direct financial expenditure by the state. Thus, the approach cleverly balanced economic incentives and social

[405] *Hanshu* 24. 1133–35. Nancy Lee Swann, *Food and Money in Ancient China*, 166–70.

hierarchy, reinforcing the state's control over economic activities while promoting agricultural productivity and satisfying multiple social strata.

Ranks of honor as an instrument and medium of exchange offered unique advantages over other potential governmental measures aimed at addressing economic inequalities and revenue generation. Consider alternative strategies the state could have employed to achieve similar objectives: Firstly, the state could have increased the price of grain to boost farmers' income. However, this approach would likely lead to widespread inflation, diminishing the purchasing power of the currency and adversely affecting other social groups. Secondly, the state could have opted to raise taxes on wealthy merchants to redistribute wealth. This method would have raised administrative costs and posed challenges in effectively channeling the extra revenue directly to farmers, potentially complicating rather than alleviating economic disparities. Thirdly, the state might have considered trading ranks directly for grain with the farmers themselves. Although some farmers might have had surplus grain, their preference would likely have been cash rather than ranks of honor, in contrast to the desires of merchants. This mismatch in preferences would have made direct transactions less effective. Moreover, trading ranks for grain proved to be a more advantageous approach than the outright sale of official posts. The latter could have led to the appointment of unqualified individuals to government positions, risking administrative inefficiency and corruption, a concern highlighted by the scholar Gong Yu 貢禹: "[Emperor Wu's] policies have allowed people who have committed crimes to redeem themselves [with money or honors], and people who have submitted grains to fill official posts. As a result, the whole country flaunts extravagance, officialdom is chaotic, and the people have fallen into poverty." 使犯法者贖罪，入穀者補吏，是以天下奢侈，官亂民貧.[406] In contrast, using ranks of honor as a tool for economic manipulation allowed for a more balanced and effective management of social and economic objectives, ensuring that the measures taken did not inadvertently destabilize other aspects of society.

Chao Cuo's proposal was submitted during the longest suspension of rank bestowal in the Western Han, a period spanning eleven years.[407] Beyond the three policy goals outlined by Chao, his proposal also facilitated the free transportation of grain to the frontier, bolstering defenses against Xiongnu incursions. This strategic movement of resources not only addressed immediate military needs, but also demonstrated the broader utility of ranks as a tool for economic management. Given these clear advantages, the application of ranks of honor progressively broadened to encompass additional political objectives, showcasing its adaptability and utility across various domains. The *Hanshu* narrates:

> Thirteen years later, in the second year of Emperor Jing (155 BCE), the people were ordered to pay half of the former produce tax on their fields, which was one-thirtieth of their crops. Sometime afterwards, in Shang Commandery and to its west, there was a drought, and the ordinance for the sale of ranks was revised. The price of the rank was cut in order to appeal to the people. Even the convicts and redemptive laborers were allowed to send grain to the state in order to be pardoned for their crimes.

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406 *Hanshu* 72.3077.

407 According to Tatemi Satoshi's statistics, the general granting of orders of honor occurred every four years. See *Kandai nijūtō shakusei no kenkyū*, 42–48.

> 後十三歲，孝景二年，令民半出田租，三十而稅一也。其後，上郡以西旱，復修賣爵令，而裁其賈以招民；及徒復作，得輸粟於縣官以除罪.[408]

The pricing of ranks could be strategically adjusted to address contingencies. In this context, Emperor Jing utilized the system to mobilize the population for both economic and military purposes. Further details about the background of this policy and its specific measures appears in "The Biographies of Yuan Ang 爰盎 (200–150 BCE) and Chao Cuo." This chapter details the implementation and impacts of this strategy are discussed:

> [The state] builds houses and equips them with farm implements in advance, and then recruits convicts and redemptive laborers to reside in these places. If this is insufficient, it recruits adult male and female slaves who want to redeem their crimes, and slaves who were turned in [by their owners] so that they [i.e., the owners] could receive ranks of honor, to reside in these places. If they are still insufficient, then it recruits commoners who want to go there. [For those who would like to go,] grant them all high ranks of honor, and exempt their households from poll taxes. Provide them with winter and summer clothing. Supply food until they are self-sufficient. People in [the hinterland] commanderies and counties are allowed to buy ranks of honor up to the *qing* level (the tenth to eighteenth orders.)[409] For widows and widowers, the government will purchase it for them. For it is natural and normal in human relationships that if one does not have a match [i.e., a spouse], it will be hard to settle down and feel content.
>
> 先為室屋，具田器，乃募辠人及免徒復作令居之；不足，募以丁奴婢贖辠及輸奴婢欲以拜爵者；不足，乃募民之欲往者。皆賜高爵，復其家。予冬夏衣，廩食，能自給而止。郡縣之民得買其爵，以自增至卿。其亡夫若妻者，縣官買予之。人情非有匹敵，不能久安其處.[410]

This source provides a deeper understanding of how the system was adeptly used to address state challenges and enhance governance efficiency. What Chao Cuo proposed here was a long-term frontier policy designated to ensure permanent settlements rather than the transient, rotational service that had proven ineffective under the Qin. To implement this ambitious plan and attract migration from the interior, merely supplying food and clothing was insufficient. Instead, the state needed to fully leverage the rank of honor as a potent policy instrument. This passage illustrates three distinct applications of rank: firstly, commoners were permitted to exchange their slaves for ranks of honor; secondly, the bestowal of ranks served as an incentive to encourage migration to underpopulated areas; and thirdly, special permissions were granted to new immigrants to purchase additional ranks. In this context, ranks of honor functioned as

[408] *Hanshu* 24.1135.
[409] Shen Dewei, "The First Imperial Transition in China," 211.
[410] *Hanshu* 49.2286.

vouchers or instruments of exchange, enabling recipients to convert them into money, thereby relieving the state from any obligation to make direct financial disbursements. Notably, this is the first recorded instance where not just grain and cash, but also slaves could be traded for ranks of honor. Additionally, the passage suggests that the purchase and sale of ranks were subject to special authorization, as indicated by the phrase "allowed to" (*de* 得). This regulatory oversight ensured that the distribution and circulation of ranks were centrally controlled, preventing their monopolization by wealthy merchants and maintaining their value and appeal among the common populace.

The commodification of ranks of honor, characterized by their sale and purchase both between the state and common people and between individuals, represents a significant aspect of the Han social life. Having reviewed the various channels through which ranks of honor could be acquired, I will now concentrate on examining the dynamics of their sale and purchase. For ease of analysis, Table 1 provides a comprehensive listing of all textual references relevant to this discussion, offering a background for my analysis of how these transactions influenced both the economic and social fabric of the time.

Table 5-1: Instances of Trading Ranks of Honor

| Date | Purchase | Sale |
|---|---|---|
| 1. 243 BCE, the fourth year of King Zheng 政 (the First Emperor) of the Qin State | On the *gengyin* day of the tenth month, locusts came from the east, and blotted out the sky. The people of the world suffered a plague. Commoners who want to submit grain to the state will receive one rank of honor for each thousand *shi* submitted.<br>十月庚寅，蝗蟲從東方來，蔽天。天下疫。百姓內粟千石，拜爵一級.[411] | |
| 2. 195 BCE, the first year of Emperor Hui | In the twelfth month of the first year of Emperor Hui, King Yin of Zhao, [Liu] Ruyi died. Common people who have committed a capital crime will be allowed to buy thirty ranks of honor to redeem themselves (Ying Shao's commentary reads: "One order of the rank was worth 2,000 cash, so the total would have been 60,000 cash."). | |

411 *Shiji* 6.224

| | | |
|---|---|---|
| | 元年冬十二月，趙隱王如意薨。民有罪，得買爵三十級以免死罪.(應劭曰：一級直錢二千，凡為六萬)[412] | |
| 3.<br>189 BCE, the sixth year of Emperor Hui | | On the *Xinchou* day of the tenth month in winter, sixth year [of Emperor Hui], [Liu] Fei, the King of Qi, died. An order was sent out stating that commoners were entitled to sell their ranks of honor.<br>（惠帝）六年冬十月辛丑，齊王肥薨。令民得賣爵。[413] |
| 4.<br>178 BCE, the third year of Emperor Wen | | The court of Han has carried on the dynasty for over four decades, but lamentably government and private stores are still depleted. When the proper seasons [for agricultural pursuits] are neglected, and when it does not rain, the people look behind them and cast furtive glances. If the harvest is ruined, and nothing enters the [government treasuries, there are those who] beg for the sale of ranks and of children.<br>漢之為漢幾四十年矣，公私之積猶可哀痛。失時不雨，民且狼顧；歲惡不入，請賣爵、子.[414] |
| 5. 168 BCE, the thirteenth year of Emperor Wen | Now there has been a general call sent out to all under heaven that whoever sends grain to the central government shall be bestowed ranks of honor and pardon for crimes; in this way wealthy individuals may have ranks, farmers may have money, the grain may | |

[412] *Hanshu* 2.87.
[413] *Hanshu* 2.91.
[414] *Hanshu* 24.1128.

| | | |
|---|---|---|
| | have an outlet through which it can be distributed.<br>今募天下入粟縣官，得以拜爵，得以除罪。如此，富人有爵，農民有錢，粟有所渫.[415] | |
| 6. 158 BCE, the twenty-third year of Emperor Wen | | There was a drought and a locust plague in the realm. The emperor showed his favor [to people] by ordering that the feudal lords not pay tributes [to the emperor], the mountains and marsh lands be opened [to the commoners], the number of royal horses and dogs be reduced, and the number of officials and gentlemen who serve the emperor be decreased. The government granaries were opened to help the poor, and the people were allowed to sell their ranks of honor.<br>天下旱，蝗。帝加惠：令諸侯毋入貢，弛山澤，減諸服御狗馬，損郎吏員，發倉庾以振貧民，民得賣爵.[416] |
| 7. 155 BCE, the second year of Emperor Jing | Thirteen years later, in the second year of Emperor Jing (155 BCE), it was ordered that the people pay half of their former produce tax on their fields, which was one-thirtieth of their crops. Sometime thereafter, in the Shang Commendary and to its west, there was a drought and the ordinance concerning the sale of rank was revised. The price of the ranks was cut in order to appeal to people. Even the convicts and redemptive laborers were allowed to transport grain to the state in | |

[415] *Hanshu* 24.1133.
[416] *Shiji* 10.432.

| | | |
|---|---|---|
| | order to be pardoned for their crimes.<br>後十三歲，孝景二年，令民半出田租，三十而稅一也。其後，上郡以西旱，復修賣爵令，而裁其賈以招民；及徒復作，得輸粟於縣官以除罪.[417] | |
| 8. 155 BCE, the second year of Emperor Jing | The fiefdom of the Jiaoxi State was reduced by six counties, because the King of Jiaoxi, [Liu] Ang, was found guilty of committing criminal acts in selling ranks [to people].<br>膠西王卬以賣爵有姦，削其六縣.[418] | |
| 9. 135 BCE, the sixth year of the Jianyuan 建元 reign of Emperor Wu | | In the past few years, there has not been a good harvest. People have been waiting to sell their ranks and uxorilocal sons to get food and clothing.<br>間者，數年歲比不登，民待賣爵贅子以接衣食.[419] |
| 10. 128 BCE, the first year of the Yuan shuo 元朔 reign of Emperor Wu | The state told the people that anyone who wanted to turn in their slaves [to be sent to the frontiers] could have their households exempted and taxes and corvee service were not levied. Those who had already served as court gentlemen could have their ranks raised; those who turned in their sheep could have a chance to be gentlemen at court. The new policy started at this time.<br>乃募民能入奴婢得以終身復，為郎增秩，及入羊為郎，始於此.[420] | |

[417] *Hanshu* 24.1135.
[418] *Shiji* 106.2825.
[419] *Hanshu* 24. 6779.
[420] *Shiji* 30.1422.

| | | |
|---|---|---|
| 11. 123 BCE, the sixth year of the Yuanshuo reign of Emperor Wu | | "Now that the General-in-Chief (Wei Qing) has once more gained victory by decapitating his enemies and also capturing a total of 19,000 of them. Those soldiers who received ranks as reward and want to sell their ranks now have no channel to do so. Please allow discussion of this issue and draft an order." Officials in charge propose to establish "ranks of military merit" to favor the soldiers.<br>今大將軍仍復克獲，斬首虜萬九千級，受爵賞而欲移賣者，無所流貤。其議為令。有司奏請置武功賞官，以寵戰士.[421] |
| 12. 120 BCE, the third year of the Yuanshou reign of Emperor Wu | Since the law has become stricter, quite a few officials have been dismissed and removed from their posts. Because of the frequent military movements, many of commoners chose to purchase exemption [from taxes and conscription] and the rank of Fifth Grandee. As a result, those who could be levied became even fewer. Thereupon, the court decided to appoint those with the rank of Chiliarch (leader of a thousand soldiers) and Fifth Grandee as officials; those who did not wish to become officials, had to submit horses instead.<br>法既益嚴，吏多廢免。兵革數動，民多買復及五大夫，徵發之士益鮮。於是除千夫五大夫為吏，不欲者出馬.[422] | |

[421] *Hanshu* 6.173.
[422] *Shiji* 30.1428.

| | | |
|---|---|---|
| 13. 18 BCE, the third year of the Hongjia reign of Emperor Cheng | In the fourth month of the third year, a general amnesty was issued across the country. It allowed officials and commoners to purchase ranks at the price of 1,000 cash for one rank of honor.<br>三年夏四月，赦天下。令吏民得買爵，賈級千錢.[423] | |
| 14. 15 BCE, the second year of the Yongshi reign of Emperor Cheng<br>成帝永始二年 | Since the Guandong area has had poor harvests for years, those officials and commoners who have provided food for the poor, and those who submitted grain to help the government aid famine relief, will receive rewards matching their expenditures. Following this, those who expended over one million cash will be rewarded by promotion to the fourteenth rank of honor. Those who wish to take an official post, they will be appointed officials at the rank of 300 *shi* of grain. For those who have already been officials, their rank will be raised by two orders. Those who have contributed over 300,000, will be rewarded with the ninth rank of "Fifth Grandee."<br>關東比歲不登，吏民以義收食貧民、入穀物助縣官振贍者，已賜直，其百萬以上，加賜爵右更，欲為吏補三百石，其吏也遷二等。三十萬以上，賜爵五大夫.[424] | |

Table 5-2: Prices of the Ranks of honor during the Qin and Western Han

[423] *Hanshu* 10.318.
[424] *Hanshu* 10.321.

| Date | 243 BCE | Date ? | 95 BCE | 168 BCE | 155 BCE | 123 BCE | 18 BCE |
|---|---|---|---|---|---|---|---|
| Price/per rank | 1,000 *shi* of grain,[425] appr. 30,000 cash | 10,000 cash[426] | 2000 cash | 600 *shi* of grain =2nd rank, 4000 *shi* = 9th rank, 12,000 *shi* = 18th rank[427] | The price was reduced. 裁其賈. | Special Ranks of Military Merits, 170,000 one order.[428] | 1000 cash |

Before I delve into my analysis of the instances of purchase and sale of ranks, it is crucial to highlight that entry 11 in Table 5-2 represents an exceptional scenario. Notably, the figure 170,000 mentioned is not the price per rank but rather the cost of newly created officials posts, which were awarded to soldiers (*shang guan* 賞官). This distinction will become evident as we consolidate and compare the related records found in the "Treatise of Food and Money" and the "Annal of Emperor Wu." By examining these sources together, we can accurately interpret the data and understand the nuances of these transactions within the broader context of the administrative and military practices of the period.

Table 5-3: Comparison of the different records on the "rank of military merit" *wugong jue* 武功爵

| The "Treatise on Food and Money" | The "Annals of Emperor Wu" |
|---|---|
| They also proposed that additional rewards for official posts be established and called the "rank of military merit" (*wugong jue* 武功爵). One grade or order was valued at 170,000 cash, and altogether the funds obtained would be more than three hundred thousand *jin* of gold. Those who first purchased ranks of military merit would have preference in official appointment. | Now the General-in-Chief [Wei Qing] has again achieved victory by decapitating the enemy and capturing a total of 19,000 of them. Those soldiers who have received ranks as a reward and want to sell their ranks of honor now have no place to distribute these ranks. Please discuss this issue and draft an order. Officials in charge have proposed to establish "rank of military merit" to take care of the soldiers. |

[425] According to Shuihudi Qin slip no. 143, the official price for each *shi* 石 of grain was 30 cash 錢. See Chen Wei, ed., *Qin jiandu heji* vol.1, 143.

[426] Chen Songchang 陳松長, ed., *Yuelu shuyuan cang Qinjian* vol. 7 嶽麓書院藏秦簡(柒), Shanghai: Shanghai cishu, 2022, slip 0378/25, 69: "一級除貲贖毋過萬錢."

[427] *Hanshu* 24.1134.

[428] *Shiji 30*. 1422–23.

| | |
|---|---|
| 請置賞官，名曰武功爵。級十七萬，凡直三十餘萬金。諸買武功爵官首者試補吏，先除.[429] | 今大將軍仍復克獲，斬首虜萬九千級，受爵賞而欲移賣者，無所流貤。其議為令。有司奏請置武功賞官，以寵戰士.[430] |

Table 5-3 that the so-called "ranks of military merits" (*wugong jue* 武功爵) mentioned in the "Treatise of Food and Money" correspond to "rewarding official posts for military merits" (*wugong shangguan* 武功賞官) in the "Annals of Emperor Wu." Notably, unlike the typical ranks awarded to commoners, these ranks entitled the recipients to assume official posts. The need for the creation of these additional official positions is explicitly stated: "Those soldiers who have received ranks as a reward and wish to sell their ranks now have no place to distribute their ranks." By 123 BCE, the traditional twenty ranks of honor had diminished in cash value to such an extent that they were no longer attractive purchases. This devaluation could be attributed to the market being flooded with ranks after many soldiers were honored following prolonged conflicts with the Xiongnu during Emperor Wu's reign. However, looking at this from a broader historical perspective, what we see is a consistent "inflation of ranks" throughout the Han Dynasties.[431] This phenomenon of "rank inflation" was the result of systematic institutional changes, including frequent grants, the creation of an oversupply of rank as an incentive for submitting grain, and efforts to move people to sparsely populated areas. The decision by Emperor Wu to create additional official posts as rewards for soldiers marks a significant turning point. It highlights a shift wherein the twenty traditional ranks of honor became less coveted by commoners, compelling the court to utilize official posts as a new form of currency to trade for grain or generate cash revenue. This strategic pivot illustrates the dynamic nature of administrative policies in response to the evolving economic and social landscape of the Han Dynasty.

**The Inflation of the Twenty Ranks and More Direct Economic Force**

In his highly acclaimed book, Nishijima Sadao adopts a cultural history perspective to examine the role of ranks within local communities. He argues that the bestowal of ranks did more than just reinforce the bond between the emperor and his individual subject; it also established a new social order within local communities. According to Nishijima, a person's accumulated ranks typically corresponded with their age, embedding a natural respect for seniority within this system.[432] What stands out brilliantly in Nishijima's theory is how it conceptualizes the ritual order. He vividly illustrates the scene of rank bestowal as a banquet, where seating arrangements are meticulously organized according to each participant's order of rank. This ceremonial distribution of ranks, often conducted during local wine-drinking ceremonies (*xiang yinjiu li* 鄉飲酒禮), created a unique space that both symbolized and reinforced esteem among members of the community. Even though this new order was imposed by imperial authority—an external

429 *Hanshu* 24.1159; Nance Lee Swann, *Food and Money in Ancient China*, 250–53. *Shiji* 30.1422–23.
430 *Hanshu* 6.173.
431 Shen Dewei, "The First Imperial Transition in China" Chapter 5.4, 198.
432 Nishijima, *Zhongguo gudai diguo de xingcheng yu jiegou*, 412–23.

force—it adeptly filled the social void left by the disintegration of clans from the Zhou Dynasty, thereby weaving a new tapestry of social cohesion and order in these communities.

From examining the references in the article, I argue that Nishijima overemphasizes the commoner honors as an insignia of virtue and failed to give adequate attention to another significant aspect of this institution, which I call the "commodity attribute" of honors. By "commodity attribute," I mean the general practicability of ranks of honor, which was devised as an intermediate exchange between people and the state, as well as among commoners themselves. Under this principle, the purchase and sale of ranks of honor was not only allowed but encouraged so that wealth and materials could flow to the ends which favored the state the most. The state used this institution as flexible leverage to adjust the flow and distribution of materials, while common people held it as "prestige wealth" so that it could be exchanged for grain as needed, or for qualification to be an official as the state allowed.

Table 5-1 shows that the use of ranks of honor as a utilitarian tool started early in the Qin state during the late Warring States period. From then on, permission for the sale and purchase of honors became a convention as a disaster relief measure. From the state's perspective, permission for both sales or purchase by the commoners could achieve the same policy effectiveness but it worked in different ways. Permission for the sales of honors usually meant that people suffering famine had channels by which to exchange their accumulated ranks for food with other wealthy members of the society. Permission for the purchase of honors meant that the state could raise money or acquire grain from individuals (usually not from the area hit by famine) who wanted the honors, thus allowing the state relieve its financial shortages, and giving it the ability to help those who needed food more than anything else. The bestowal of honors sometimes worked together with their purchase or sale and on these occasions, bestowal was like distributing coupons. There are two references in the table showing that during the reign of Emperor Hui, permission for the purchase or sale of the honors took place when members of the royal family had died, which could be seen as a combination of two principles—the ruler's beneficent intent towards his people, and a utilitarian policy tool to stabilize the financial situation. One of the two instances deserves special attention:

> In the twelfth month of the first year of Emperor Hui, King Yin of the state of Zhao, [Liu] Ruyi died. The common people who had committed a crime were allowed to buy thirty ranks of honor to redeem their capital crime. [Ying Shao's commentary reads: "One order of the rank was worth 2,000 cash, so it was 60,000 cash in total."]
>
> 元年冬十二月，趙隱王如意薨。民有罪，得買爵三十級以免死罪. [應劭曰：一級直錢二千，凡為六萬.][433]

This passage describes a pivotal moment in the historical function of ranks in reducing criminal punishments. On the one hand, it is the earliest documented evidence showing that ranks could serve as a means to mitigate sentences for crimes. On the other hand, despite the existence of only twenty ranks of honor at the time, the decree mentioned the use of thirty ranks to commute a death penalty. Ying Shao's exegesis reveals that here, ranks of honor played the role as a

[433] *Hanshu* 2.87.

numerical "calculation formula" that converted honors into precise monetary values. This instance signified the beginning of commoner honors as a measurable medium of exchange. By 120 BCE, under Emperor Wu's rule, the system evolved to permit the direct purchase of exemptions from public service duties, known as exemptions (*mai fu* 買復), from the state. This practice, mentioned above in rreference 12 in Table 5-1), signified a substantial change by allowing monetary transactions to replace corvee service obligations, thereby diminishing the intermediary role of ranks. Further changes occurred under Emperor Cheng (see reference 14 in Table 5-1), making it possible to buy one's way direct into official positions. This period also saw a significant devaluation of ranks, reflecting their decreased desirability and effectiveness as a tool for various managing tasks.[434] This devaluation indicates that the role and perception of honors had fundamentally shifted, challenging the state's ability to utilize them as before in administrative functions. In the final years of the Eastern Han Dynasty, Wang Can 王粲 (177–217) once lamented the abandonment of ranks of honor by his contemporaries:

> Now that the ranks of honor have been abandoned, the populace do not even know what they really are. When deprived of their ranks, the people feel no fear; when awarded, they feel no joy. Thus, ranks of honor have become empty words that only exist in the official documents and are of no use. Now if the [principle] of ranks could be followed, those above and below would not lose the realities [in their status], and those involved with merit and toil would be rightfully motivated. This aligns with the way of the ancients and conforms to the rule of the Han Dynasty. Monetary rewards are unsustainable, tax exemptions reduce state revenues, whereas ranks both inspire the people and economize resources. This is the reason that the ancients valued the ranks of honor.
>
> 今爵事廢矣，民不知爵者何也。奪之，民亦不懼，賜之，民亦不喜，是空設文書而無用也。今誠循爵，則上下不失實，而功勞者勸，得古之道，合漢之法，以貨財為賞者不可供，以復除為賞者租稅損滅，以爵為賞者，民勸而費省，故古人重爵也。[435]

Wang Can's observation elucidate two key issues: First, by the late Eastern Han, ranks of honor had inflated to the degree that they were not valued by the populace and were even abandoned by them. Second, Wang Can underscores the efficiency of the rank system as a motivational tool

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[434] As the Zoumalou 走馬樓 manuscripts of Wu 吳 show, by the end of the Eastern Han, all the common people held the eighth order of honors (*gongcheng* 公乘) and the other seven grades of "commoner ranks" had disappeared. People in the mid- and late Eastern Han still purchased ranks of honor but they were only interested in the top two grades, especially the *guannei hou* 關內侯 order, which would have been unimaginable in the Western Han period. See Gao Min 高敏, "Cong 'Changsha Zoumalou Sanguo Wujian zhujian yi' kan Sun Quan shiqi de cijue zhidu" 從《長沙走馬樓三國吳簡·竹簡·壹》看孫權時期的賜爵制度, *Zhongzhou xuekan* 中州學刊 2005.4: 163-65; and Zhu Shaohou, *Jungong juezhi yanjiu*, 153–61.

[435] Yu Shaochu 俞紹初 ed., *Wang Can ji* 王粲集 (Beijing: Zhonghua shuju, 1980), *juan* 3 "*Jue lun*" 爵論, 39–40.

compared to other rewards, echoing the views of Chao Cuo. They both acknowledged that ranks of honor, essentially cost-free since they are proclaimed by the emperor, are most effective in motivating the populace and redistributing wealth. As Chao Cuo put it, ranks of honor come from "the emperor's mouth, and there is no end to them." In other words, their value was based on the commoners' faith in the empire's authority and its social order, their worth to the ruler came from their ability to transform various social roles as a conversion mechanism. Once this trust was lost or the state became less patient with using ranks as a two-step policy tool, the state would lose more than wealth in its direct exchange with the people.[436] A certain scale of state intervention was necessary to maintain the order and social distinctions imposed by the ranks of honor. Otherwise, the economic forces would ruthlessly reshape social structure and relations. As concerns about economic disparities grew, historical records like the *Shiji* and *Hanshu* highlighted the empire's anxiety over the widening economic gaps, with economic disparity leading to social stratification. For instance, within the registered households, those with significantly less wealth were seen as inferior; extreme poverty led to servitude, illustrating the harsh realities of wealth disparity where farmers could not match artisans, and artisans fell short compared to merchants. *Shiji* 129 reads:

> As regards people of the registered households: if their wealth is ten times less than others, then they will feel inferior to them; if a hundred times less, then they will fear and stand in awe of them; if a thousand times [less], then they will serve them; and if ten thousand times [less], then they will be servile to them. As for seeking wealth from poverty, the farmers cannot match the artisans, and the artisans cannot compare to the merchants.[437]
>
> 凡編戶之民，富相什則卑下之，伯則畏憚之，千則役，萬則仆，物之理也。夫用貧求富，農不如工，工不如商。

This growing economic inequality not only destabilized the established social order but also led to a reduction of certain social segments to servility, as noted by Ban Gu in the *Hanshu*:

> Ceremonial rites and righteousness were not sufficient to constrain the educated; penalties and capital punishment were not enough to awe the illiterate. The homes of the rich were hung with brilliant brocades, while their dogs and horses had an oversupply of meat and grains. On the other hand, the poor were clothed in tattered jackets of coarse materials, while they chewed beans and drank water. When those who were registered as

[436] From the state's perspective, implementing the twenty ranks system proved more advantageous than using financial instruments or older methods such as raising money through the sale of official posts. This was because first, the state could define the merits within the twenty ranks system to direct people's actions in ways that best served state interests. Secondly, unlike direct trading, which often resulted in harsh economic dependencies among various social groups, the ranks system allowed for more controlled interactions. Thirdly, the twenty ranks system was inclusive, engaging a broader section of society—not just commoners, but also convicts and servants, who could potentially be redeemed or emancipated through the granting of ranks.

[437] Nancy Lee Swann, *Food and Money in Ancient China*, 451.

> households of common people were empowered through wealth to raise themselves up and lord it over others, then the countenances of the poor, even though they had been reduced to menials and retainers, were not flushed with anger over their disgrace.
>
> 禮誼不足以拘君子，刑戮不足以威小人。富者木土被文錦，犬馬餘肉粟，而貧者裋褐不完，啗菽飲水。其為編戶齊民，同列而以財力相君，雖為僕虜，猶亡慍色。[438]

Through these examples, it becomes evident that wealth redistribution impacts more than just political stability; it also affects traditional rituals and social norms. Despite efforts to mitigate the influence of wealth, such endeavors were largely unsuccessful:

> At the present time the laws and regulations degrade the merchant, but merchants are already rich and honored. Laws and regulations dignify the farmer, but farmers are already poor and disesteemed. Thus, what in practice is honored is what rulers disesteem; what functionaries debase is what the law dignifies. Since the government and the people oppose each other, and what they like and hate are contradictory and conflicting, it is out of the question to want the state to be rich and the law to be upheld.
>
> 今法律賤商人，商人已富貴矣；尊農夫，農夫已貧賤矣。故俗之所貴，主之所賤也；吏之所卑，法之所尊也。上下相反，好惡乖迕，而欲國富法立，不可得也。[439]

Recognizing the limitations of regulatory measures, the Lord of Shang once pronounced:

> Ranks should come only after the people who have fully used their force, and rewards should come only after their merits are established. If the ruler can instill in his people absolute trust in this principle, making it as clear as the sun and moon, then his troops will be unrivaled.
>
> 夫民力盡而爵隨之，功立而賞隨之，人君能使其民信於此明如日月，則兵無敵矣。[440]

It was only through the consistency of policies and the predictability of rewards and punishments that the state could earn the trust of its people. Shang Yang emphasized the critical role of integrating punishment and rewards as a dual strategy to fortify the state. He advocated that such a balanced approach not only enforced discipline but also incentivized positive behavior, thereby enhancing the overall stability and strength of the governance system:

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438 *Hanshu* 91.3682.
439 *Hanshu* 24.1133.
440 Gao Heng, *Shangjun shu zhuyi*, “Cuo fa” 錯法, 88.

> Hence, when people are poor, increase their wealth by punishments, and they will become rich; when they are rich, diminish their wealth by rewards, and they will become poor. To govern a state, what should be valued is causing the poor to become rich and the rich to become poor. When the poor become rich and the rich poor, the state will be strong.
>
> 故貧者益之以刑，則富；富者損之以賞，則貧。治之舉，貴令貧者富、富者貧。貧者富，富者貧，國強。[441]

This passage is somewhat puzzling and requires explanation. The assertion that punishments could enhance the wealth of the poorer sections of society may stem from the idea that such measures compelled individuals to focus solely on agriculture, thereby securing an income. The notion that rewards could diminish the wealth of the affluent might initially appear counterintuitive. What types of rewards could diminish of individual's wealth, and how could the state be strengthened by reducing the wealth of its wealthiest citizens? The answer lies in the nature of the rewards themselves—specifically, ranks of honor, considered as "rewards" when the state permitted its people to purchase them. In other words, ranks were not simply given away but were a privilege that the wealthy could purchase, thereby "diminishing their wealth."

Shang Yang's approach, which was later echoed by Chao Cuo in his memorial to Emperor Wen as we have seen before, viewed ranks as a mechanism for redistributing wealth across different social strata. This system was designed not just to honor but also to strategically reallocate resources, aligning with Shang Yang's policy goals through the conversion function of ranks. In other words, ranks of honor served as an intermediate mechanism between the state and the people. The state's objectives were twofold—acquiring wealth (either in the form of grain or money) and labor (in its various manifestations). What then, was on the other side of this metaphorical equation, and why was rank coveted by the common people? In the next section, I will delve into the "benefits packages" accompanying ranks. We have already seen how, once acquired, ranks of honor functioned as a special kind of currency for accessing a variety of state-controlled resources. Beyond material resources, I will also discuss how ranks influenced individual social status. For instance, a rank holder could leverage his status to mitigate legal punishments or exchange rank for manumission of bondservants to whom he was related by blood or marriage.

Further exploration will reveal how ranks of honor became a significant emblem within Qin-Han societies through various legal norms. As a result, the interplay between state intervention and economic force shaped social order and status. To conclude this chapter, I will argue that the institution of honors acted as a kind of "status currency" within a system where individuals accrued varying degrees of credits or debts. Possessing certain ranks of honor was akin to holding credit, as ranks could be traded for grains, land, or specific local privileges. Conversely, committing crimes placed an individual in debt to the state—a debt that could be settled through cash, a period of redemptive labor service, etc.

[441] Gao Heng, *Shangjun shu zhuyi*, "Shuo min" 說民, 56.

**"Benefit Packages," Legal Treatments and Social Differentiation**

Since the discovery of the Zhangjiashan legal manuscripts, considerable scholarly effort has been devoted to elucidating the benefits and privileges associated with the ranks of honor. Given the extensive work already completed, this discussion will not reiterate those findings in full. Instead, I will provide a summary of the most detailed and comprehensive analyses conducted by previous scholars. Table 5-4 categorizes these benefits and privileges in terms of two main types: economic and sociopolitical. [442]This table provides a background for the following discussion of how ranks functioned within the broader socio-political and economic frameworks of the time.

Table 5-4: Economic Benefits and Political Privileges of Ranks of Honor

| Economic Benefits | Socio-political Privileges |
|---|---|
| 1.The allocation of lands and dwellings, in accordance with the ranks of honor* (slips 310–316[443]) | 1.The enrollment age for corvee obligations varied depending on individual's rank of honor: the higher their rank is, the later they would be drafted for services (slips 364–365) |
| 2.The exemption of land taxation for holders of the tenth rank *Zuo shuzhang* 左庶長 and above (slip 317) | 2. The age at which a person was qualified to receive the turtledove staff (*jiuzhang* 鳩杖): it varied depending on one's rank of honor, the higher their rank is, the earlier they can retire from services (slips 354–357) |
| 3. The bestowal of textiles, clothes, coffins, and a certain ratio of food and drinks in accordance with the ranks of honor* (slips 282–293) | 3. An exemption from corvee service, for holders of the seventh rank *Gong dafu* 公大夫 and above (slips 413-414) |
| 4. The occasional granting of cash during the bestowal of honors (strips 150–151) | 4. An exemption from having to live in the five-household unit (*wu* 伍) for holders of the rank of *Zuo shuzhang* and above (slip 305) |

Scholars were initially struck by the extensive range of benefits and privileges detailed in the Zhangjiashan manuscripts. Generally, ranks of honor significantly shaped almost every aspect of an individual's life during the Qin and Han dynasties, establishing a well-defined hierarchical structure. However, it is important to recognize that the implementation of these ranks may have evolved since their inception in the Warring States period. This structured hierarchy is vividly illustrated in Table 5-5, which lists the specific amounts of land and the number of dwellings

[442] Legal privileges are intentionally omitted here, as they warrant detailed exploration in a dedicated section later in this work. For clarity, an asterisk (*) appears next to the columns in the table that indicate benefits applicable to most subjects holding ranks. Entries without an asterisk have accompanying notes clarify conditions of applicability.

[443] These are the slip numbers from the Zhangjiashan manuscripts. I use the annotated edition by Peng Hao 彭浩, Chen Wei 陳偉, and Kudō Motoo 工藤元男, eds., *Ernian lüling yu Zouyanshu: Zhangjiashan ersiqihao Han mu chutu falü wenxian shidu* 二年律令與奏讞書：張家山二四七號漢墓出土法律文獻釋讀, Shanghai: Shanghai guji chubanshe, 2007.

allocated to holders of each order of rank. This table not only reflects the material advantages associated with each rank but also underscores the deep integration of the honor system into the social and economic fabric of the period, delineating the tangible expressions of status and privilege accorded by these ranks.

Table 5-5: Hierarchy Extending Beyond the Twenty Ranks

| Rank of honor | Land (*qing* 頃) | Dwelling (*zhai* 宅) | Rank of honor | Land (*qing* 頃) | Dwelling (*zhai* 宅) |
|---|---|---|---|---|---|
| 20 徹侯 | | 105 | 10 左庶長 | 74 | 74 |
| 19 關內侯 | 95 | 95 | 9 五大夫 | 25 | 25 |
| 18 大庶長 | 90 | 90 | 8 公乘 | 20 | 20 |
| 17 駟車庶長 | 88 | 88 | 7 公大夫 | 9 | 9 |
| 16 大上造 | 86 | 86 | 6 官大夫 | 7 | 7 |
| 15 少上造 | 84 | 84 | 5 大夫 | 5 | 5 |
| 14 右更 | 82 | 82 | 4 不更 | 4 | 4 |
| 13 中更 | 80 | 80 | 3 簪裊 | 3 | 3 |
| 12 左更 | 78 | 78 | 2 上造 | 2 | 2 |
| 11 右庶長 | 76 | 76 | 1 公士 | 1.5 | 1.5 |
| 0. Members of the "Rank and file" (including *gongzu* 公卒, *shiwu* 士伍), people released from bond-service (*shuren* 庶人) | 1 | 1 | -1 Retention to work in government office (*yin'guan* 隱官), robber guards (*sikou* 司寇) | 0.5 | 0.5 |

As illustrated in the tables above, this institution of ranks of honor is characterized by a quantifiable hierarchy. It also embodies a pyramid-shaped demographic structure, reflecting varied degrees of privilege and responsibility across social strata. Yet it is not a linear system for several reasons. First, there is a sharp decline in the number of allocations between the tenth and the ninth ranks, marking a critical threshold between the commoners' rank (*min jue* 民爵) and officials' rank (*guan jue* 官爵). Second, this system included individuals positioned below the first rank, encompassing a spectrum of social statuses below the commoners. Among them, the category of *shiwu* 士伍 included both those who deprived of their ranks and those who never received any. *Shuren* comprises individuals such as freed slaves and those exempted government bond labor. Similarly, *yin'guan* 隱官 included individuals who were kept under detention and worked for government offices; these were often released convicts who, due to mutilating

punishments, were unable to reintegrate as commoners.[444] In other words, this hierarchical system extended to underprivileged groups of society without rank.

Figure 5-1: A Zhou Dynasty Bronze Vessel Featuring a Doorkeeper Figurine with an Amputated Left Foot

To better understand the nuanced treatment of various social groups within this framework, let us consider Shang Yang's succinct summary of the principles governing the differential treatment accorded to people based on their ranks of honor:

> Those who had decapitated an armored soldier should be rewarded one rank of honor, their farmland increased by one *qing*, and their dwelling plot enlarged by nine *mu*, accordingly. Each order of the honors attained qualifies a person to have one retainer at his service. That person is also entitled to join the army or hold civilian offices. The rule for legal investigations is that only holders of higher ranks of honor are qualified to interrogate those of lower orders. Even if a high rank holder receives the punishment of shaving his head and beard, he does not have to work as a bondservant for another rank holder. The honors of those whose ranks of honor equal or exceed the

[444] See Michael Loewe, "On the Terms *baozi*, *yin gong*, *yin guan*, *huan*, and *shou*—Was Zhao Gao a Eunuch?" in *T'oung Pao*, second series, vol. 91, Fasc. 4/5 (2005): 301–319.

second order will be lowered if they commit a crime. The rank equal to the first order or below of those who commit a crime will be removed.

能得甲首一者，賞爵一級，益田一頃，益宅九畝。級除庶子一人，乃得入兵官之吏。其獄法：高爵訾下爵級。高爵能(耐)，無給有爵人隸僕。爵自二級以上，有刑罪則貶。爵自一級以下，有刑罪則已.[445]

This passage details the extensive privileges associated with rank holders. The notable last sentence discusses how ranks could be used to mitigate and redeem legal punishments. In *Han jiuyi* 漢舊儀, which is collected in the Qing scholar Sun Xingyan's 孫星衍 (1753–1818) *Hanguan liuzhong* 漢官六種, there is a description mirroring the narrative found in *Shangjun shu*: "For men who have received honors that equal or exceed the first order, if they commit a crime, their punishment can be reduced. They could be released from labor at the age of fifty-six. For those who have no rank of honor and are rank and file, they could be released from labor at the age of sixty. If they commit a crime, they will exhaust the deserved punishment." 男子賜爵一級以上，有罪以減，年五十六免；無爵為士伍，年六十乃免老，有罪各盡其刑.[446] While it is explicitly stated, it is implied that demoted or removed ranks of honor could have been used to gain exemptions from legal punishments. Writing in 1998, before the official publication of the Zhangjiashan manuscripts, Tomiya Itaru 冨谷至 has convincingly argued that the term *xing* 刑 in early texts specifically refers to mutilating punishments rather than being a generic term for various forms of punishments.[447] But limited by this interpretation, Tomiya contended that ranks of honor could only be used to circumvent mutilating punishments. Now we are in a better position to see that ranks of honor could indeed mitigate various forms of punishments in different ways. Broadly speaking, there were two primary paths: i) they could be directly applied to offset certain crimes and avoid corresponding punishments when applicable, and ii) for identical crimes, individuals holding different ranks of honor might receive varied degrees of punishment.

Table 5-6: Different Legal and Administrative Treatments for Different Ranks of Honor

| Type I: Ranks of honor used to offset crimes and avoid punishment | Type II: Holders of different ranks of honor received different degrees of punishment for the same crime |
|---|---|
| 1. "Statutes on Cash" (*Qian lü* 錢律) slips 204–205：<br>When those who counterfeit cash, as well as those who assist, are arrested and found guilty of a crime that matches the death penalty, one rank of honor for each person [arrested] can be presented. | 4. *Hanshu* 2.85: For those who hold the ninth rank of honor or above, officials whose salary is more than 600 bushels of grain, as well as those who work for and whose names are known to the emperor, if they commit crimes that match being shackled, do not shackle them. For those |

[445] Gao Heng, *Shangjun shu zhuyi*, "*Jing nei*" 境內, 152.

[446] See Sun Xingyan 孫星衍 (1753–1818) ed., *Hanguan liuzhong* 漢官六種, Beijing: Zhonghua shuju, 1990, 85.

[447] Tomiya Itaru 冨谷至. *Qin Han xingfa zhidu yanjiu* 秦漢刑罰制度研究. Guilin: Guangxi shifan daxue, 2006, 8–10, 20.

| | |
|---|---|
| Should a person wish to use it to commute the sentence or remove the culpability of criminals, permit it. For the arrest of one person, remove the culpability of one individual who is guilty of a crime that matches the death penalty; for two people, if they are guilty of crimes that match the wall-building penalty, grain-pounding, fuel gathering for the spirits, or white-rice sorting; or if three individuals are found guilty of crimes that match being made a bondservant, impounded person, or robber-guard, make all of them freedmen.<br>捕盜鑄錢及佐者死罪：一人予爵一級。其欲以免除罪人者，許之。捕一人，免除死罪一人，若城旦舂、鬼薪白粲二人，隸臣妾、收人、司空三人以為庶人.[448] | who hold the second rank of honor or above, including their grandchildren and great grandchildren, if they commit crimes that match being mutilated and made wall-builders or grain-pounders, shave them and make them firewood gatherers for the spirits.<br>爵五大夫、吏六百石以上及宦皇帝而知名者有罪當盜械者，皆頌繫。上造以上及內外公孫耳孫有罪當刑及當為城旦舂者，皆耐為鬼薪白粲.[449] |
| 2.“Statutes on Ranks of honor for Military Merits” (*Junjue lü* 軍爵律) slips 155–156: Persons who desire to return two degrees of aristocratic rank in order to liberate one person—their own father or mother—who is a bond-servant or bond-woman, as well as bond-servants who have been *gongshi* for having cut off the head of an enemy, and who request to return the rank of *gongshi* in order to liberate their wife who is a bond-woman: for one person, this is to be permitted; they are to be liberated and made | 5. “Statutes of the Director of Works” (*Sikong lü* 司空律) slips 133–135: For those who have committed crimes and therefore have to pay fines or redemption fees, as well as those who have debts to the government, ask them on the day designated for payment. Those who are unable to pay or to refund are to work off their obligations as of the designated day. They will work off eight cash per day; those fed by government will work off six cash per day…For people with the first rank of honor or below who are working off their redemption of a mutilating |

[448] Anthony Barbieri-Low and Robin 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), vol. 2, 634–35.

[449] *Hanshu* 2.85. For a similar provision, see “Statutes on the Composition of Judgements” (*ju lü* 具律) slips 82–83: For one who holds the second order of honor or higher, or the wife of one who holds a second order or higher rank, as well as for a grandchild, or a great grandchild, or a great-great grandchild of the ruling house who is guilty of a crime, should the crime match mutilation, or match being made a wall-builder or grain-pounder: shave the criminal and make him or her a gatherer of fuel for the spirits or a white-rice sorter. 上造、上造妻以上，及內公孫、外公孫、內公耳玄孫有罪，其當刑及當為城旦舂者，耐以為鬼薪白粲。公士、公士妻及□民年七十以上，若年不盈十七歲，有罪當刑者，皆完之. See Peng Hao 彭浩, Chen Wei 陳偉, and Kudō Motoo 工藤元男, eds., *Ernian lüling yu Zouyanshu: Zhangjiashan ersiqihao Han mu chutu falü wenxian shidu*, 123–24.

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| commoners. Artisan bond-servants who cut off the head of an enemy as well as persons for whom others have cut off a head in order to have them liberated are all ordered to become artisans; those who are not "intact" are to be made artisans in the hidden offices.<br>欲歸爵二級以免親父母爲隸臣妾者一人。及隸臣斬首爲公士。謁歸公士而免故妻隸妾一人者。許之。免以爲庶人。工隸臣斬首及人爲斬首以免者。皆令爲工。其不完者。以爲隱官工.[450] | punishment or the death penalty, and who work this off among the wall-builders and grain-pounders; and people's slaves who work off redemption fees, fines or debts, who work these off among the wall-builders, will all have their clothes made red and they are to be manacled and fettered. There will be personnel who supervise them. Gatherers of firewood for the spirits and white rice pounders, and persons under detention who have not had their beards shaved off, do not make their clothes red, or have them manacled or fettered.<br>有罪以貲贖及有債於公，以其令日問之。其弗能入及償，以令日居之，日居八錢；公食者，日居六錢…公士以下居贖刑罪、死罪者，居于城旦舂；人奴妾居贖貲債于城旦，皆赤其衣，枸櫝欙杕，將司之。鬼薪白粲、羣下吏毋耐者，毋赤其衣勿枸櫝欙杕.[451] |
| 3."Statutes on Arrest" (*Bu lü* 捕律) slips 142–143: Encountering robbers or assailants and running away, as well when the [servicemen's] strength is sufficient to pursue, chase, and arrest the robbers, but the officials…linger and delay from fear and timidity and do not dare to approach them: strip their leader of one order of rank and dismiss him; for a leader who holds no rank, fine him two years of garrison duty at the frontier.<br>與盜賊遇而去北，及力足以追逮捕之而官□□□□□逗留畏耎(懦)弗敢就，奪其將爵一級，免之，毋爵者戍邊二歲. | "Miscellaneous Excerpts of Qin Statutes" (Qin lü zachao 秦律雜抄) slip 5: [When] those who used to be members of the old Qin population leave the country, remove them from the registers. For those who hold the second rank of honor and above, make them a gatherers of fuel for spirits; for those who hold the first rank of honor and below, make them wall-builders.<br>有爲故秦人出，削籍，上造以上爲鬼薪；公士以下刑爲城旦.[452] |

[450] See also Hulsewé, *Remnants of Ch'in Law: An Annotated Translation of the Ch'in Legal and Administrative Rules of the 3rd Century B.C. Discovered in Yün-meng Prefecture, Hu-pei Province, in 1975* (Leiden: Brill, 1985), 82–83.

[451] Miyake Kiyoshi has corrected the sequence of slips 133–140. See Miyake Keyoshi 宮宅潔, "Shinkan jidai no shaku to keibatsu" 秦漢時代の爵と刑罰, *Tōyōshi kenkyū* 東洋史研究 58.4 (2000), 16–17.

[452] Chen Wei 陳偉, ed., *Qin jiandu heji* vol.1 秦簡牘合集, 169. Hulsewé, *Remnants of Ch'in Law*, 104.

From the information displayed in the left column of the table, it is clear that ranks of honor could be leveraged in several significant ways: they could mitigate various degrees of punishments, secure the release of one's parents or wife from servile status, and exempt individuals from mandatory frontier service duties. Turning to the right column, it becomes evident that the legal system applied different standards to individuals holding various ranks of honor, even when accused of the same crime. A critical point of divergence is noted at the second rank of honor, *shangzao* 上造. Individuals guilty of offenses warranting mutilating punishments could circumvent such severe penalties if they possessed at least the second rank of honor. Instead of mutilation, a person of such rank would be assigned less humiliating tasks such as gathering firewood for rituals or sorting white rice. Additionally, during their period of service, they would not be required to wear stigmatizing red clothing or endure shackling, typical of lower-ranked or rankless offenders. This treatment starkly contrasts with that of individuals holding the first rank of honor or lower, who would not be entitled to these mitigated penalties or "privileges." To better elucidate these social dynamics, I have constructed another table that delineates the distinctions among the four major groups of convict laborers: robber-guards (*sikou* 司寇), bondservants (*li chenqie* 隶臣妾), gatherers of firewood for the spirits/white rice sorters (*guixin baican* 鬼薪白粲), and wall-builders/grain-pounders (*chengdan chong* 城旦舂). From at least the late Warring States period onward, the labels assigned to each category of convicts no longer directly corresponded to their actual work duties. Historical evidence indicates that these convicts were employed in a variety of public works projects, with many tasks being interchangeable among the different groups. This overlap suggests a more fluid division of labor than the specific titles might imply, reflecting a broader, more versatile use of convict labor in public works.[453]

Table 5-7: Major categories of Convict Groups and Inheritance Conditions in the Qin and Early Western Han Periods

| Remarks: primary sources based on Shuihudi, Liye, Yuelu and Zhangjiashan[454] | Robber-guards (*sikou* 司寇) | Bondservants (*li chenqie* 隶臣妾) | Gatherers of firewood for the spirits or white rice sorters (*guixin baican* 鬼薪白粲) | Wall-builders (male) or grain-pounders (female) (*chengdan chong* 城旦舂) |
|---|---|---|---|---|

[453] Kao chen-huan 高震寰, "Cong laodongli yunyong jiaodu kan Qin-Han xingtu guanli zhidu de fazhan" 從勞動力運用角度看秦漢刑徒管理制度的發展, PhD Dissertation, National Taiwan University, 2017.

[454] Recent scholarship such as the meticulous analysis of the legal texts by Tomiya Itaru and Miyake Kiyoshi show that the distinctions among different categories of these convict groups remained considerable until the thirteenth year of Emperor Wen (167 BCE), when the mutilating punishments disappeared and were replaced by precisely articulated convict labor terms, an apparent rationalization of penal law that even early Chinese writers recognized was actually harsher than the mutilating punishments they replaced. Consult Tomiya Itaru 冨谷至, *Qin Han xingfa zhidu yanjiu* 秦漢刑罰制度研究, chapter 3 "Handai laoyi xing—xingqi yu xingyi" 漢代勞役刑——刑期與刑役 , 81–109.

| | | | | |
|---|---|---|---|---|
| Residential limits | Could stay in original residence | Removed from original residence | Strictly controlled in the service location | Strictly controlled in the service location |
| Personal privileges | Could keep family relation; status not inheritable.[455] Qualified to receive allocation of land and residence plot | Could be bought or sold as government property, but could also own their own property; status inheritable | Could not own property; status inheritable | Could not own property; status inheritable |
| Families impounded | No | No | Yes | Yes |
| Shackled, wore red clothing as identification | No | No | No | Yes |
| Duration of convict sentences before and after the legal reform in 167 BCE | Took precedence to be levied for various obligations compared to commoners/2 years | Lifetime/3 years | Lifetime/4 years | Lifetime/5 years |

There are several practices that raise the question of whether the Qin and Han convict laborers might appropriately be described as state-owned slaves. For instance, Maxim Korolkov highlighted some distinct aspects of penal labor in the Qin and early Western Han periods, such as the life-long terms of labor sentences and the fluid conversion between private and state dependency. This included instances where the government bought slaves from private individuals to incorporate them into the convict labor force, or alternatively, leased convicts out to private entities.[456] Meanwhile, it is also important to recognize that significant gradations existed among different convict groups, differentiated by legal status, economic opportunities, living conditions, and their relationships to family members. The upper stratum within these groups enjoyed "privileges" comparable to those of other non-criminal segments of society, engaging in important tasks typically assigned to low-ranking officers. As we see in Table 5-5, groups such as robber-guards and *yinguan* were allocated lands and residence plots. Takatori Yūji 鷹取祐司 has compellingly argued that the stratification among convicts could be viewed as an extension of the twenty-rank system. The "zero-rank" holders such as *shuren* and *shiwu*,

[455] Their children automatically became *shuren* 庶人, zero-rank commoners.

[456] Maxim Korolkov "Empire-Building and Market-Making at the Qin Frontier: Imperial Expansion and Economic Change, 221–207 BCE" PhD Dissertation, Columbia University, 2020, 309.

comprised individuals who had either had their ranks of honor reduced or stripped, or were former convicts or slaves released from servitude. Thus, these individuals straddle the boundary and serve as a benchmark for distinguishing the two primary groups. Takatori's theory not only integrated these two groups—"commoner honor" (*min jue* 民爵) holders and convicts—into a "mirror structure" system, but also elucidates the underlying dynamics of "merits" and "obligations" and their interrelationship.[457] On one hand, certain privileges and allocations extended beyond the twenty ranks system, benefiting the upper strata of the convict groups, as shown in the table. On the other hand, individuals of varying statuses shared obligations towards the state, which they had to pay or work them off.

Table 5-8: Gradation of Privileges, Obligations, and Punishments Within the Twenty Ranks of Honor system, Commoners, and People of Servile Statuses

| | |
|---|---|
| A. Bestowal of Food and Drinks | …*wu dafu* 五大夫 (the ninth order)[458] received the same amount as officials at the rank of eight hundred bushels…*shangzao* (the second order) and *gongshi* (first order) were comparable to [the salary grade of] Assistant Scribe. [For a bestowal upon] one without rank (0-rank): one *dou* (approx. 2 L ) of cooked grain, five *jin* (approx. 1.24 kg) or pork; two-thirds of a *dou* (1.31 L) of grain liquor and one-third of a *sheng* (approx. 66.7 ml) of fermented sauce. For a robber-guard (-1 order) or laborer-servant: one *dou* of cooked grain, three *jin* of pork, one-third of a *dou* (approx. 666.7 ml) of grain liquor, and one-twentieth of a *sheng* (approx. 10 ml) of salt. |
| B. Order to be Called up for the Transportation of Materials | Garrison-soldiers—bond-servants—wall-builders and grain pounders—collectors of firewood for the spirits—people working off their fines, redemption fees, and debts—robber guards—people hidden in the offices—people on rotational duty at the county—conscript levy among the commoners[459] |

[457] Takatori Yūji 鷹取祐司, "Shin Kan jidai no keibatsu to shakuseiteki mibun joretsu" 秦漢時代の刑罰と爵制的身分序列, *Ritsumeikan bungaku* 立命館文学 608 (2008): 22–42. Based on this theory, the convict groups *sikou*, *lichenqie*, *guixin baican* and *chengdan chong*, can be seen as sitting on the extended line of the twenty-order system, with each category corresponding respectively to grades -1, -2, -2.5, -3 of the system.

[458] See the annotated edition of "Statutes on Bestowals" 賜律 in the Zhangjiashan texts, Peng Hao 彭浩, Chen Wei 陳偉, and Kudō Motoo 工藤元男, eds., *Ernian lüling yu Zouyanshu*, 211: "賜不為吏及宦皇帝者，關內侯以上比二千石，卿比千石，五大夫比八百石，公乘比六百石，公大夫、官大夫比五百石，大夫比三百石，不更比有秩，簪裹比斗食，上造、公士比佐史。毋爵者，飯一斗、肉五斤、酒大半斗、醬少半升。司寇、徒隸，飯一斗、肉三斤、酒少半斗、鹽廿分升一." These statutes established equivalence between the twenty orders of honor and the grades of the salary system. Most interestingly, the system was extended to include convict and servant groups.

[459] See Chen Wei eds., *Liye Qin jiandu* (vol. 2) 里耶秦簡牘（第二卷）Wuhan: Wuhan daxue, 2018, 447–452: "廿七年二月丙子朔庚寅，洞庭守禮謂縣嗇夫、卒史嘉、叚卒（假）史穀、屬尉：令曰："傳送委輸，必先【行】I 城旦舂、隸臣妾、居貲贖責（債）。急事不可留，乃興縣（徭）。"今洞庭兵輸內史，及巴、南郡、蒼梧【輸甲】兵，當傳者多。節（即）傳之，必先悉行乘城卒、

| | |
|---|---|
| C. Hierarchy of Punishments among Convicts | *Shuren* (released or redemptive persons, 0 rank)—robber-guards (-1 order)—bondservants (-2 order)—detained among the wall-builders and grain-pounders (temporary status)—intact wall-builders and grain-pounders (-3 order)—tattooed wall-builders and grain-pounders[460] |

Row A in the table shows that the general allocation of certain resources was extended to robber-guards and "laborer-servants" (*tu li* 徒隸), a term encompassing three major groups: bondservants, wall-builders/grain-pounders, and collectors of firewood for the spirits/white rice sorters.[461] This inclusion allowed these convict groups to align themselves along the extended continuum of the twenty ranks of honor. Row C delineates a clear hierarchical structure among these convict groups, while Row B sets out the sequence in which different groups were mobilized for public works. The ordinance stipulates that corvée service should not be levied until all other labor resources have been exhausted. Typically, garrison soldiers, who were full-time servicemen and formed the largest contingent in the newly conquered Qianling area, were summoned first. They were followed by the major categories of convict groups and then by individuals in rotational service, with commoners being called upon last. This sequence represents a reversal compared to the distribution of privileges and the decreasing amount of state bestowals received. In this schema, merits and privileges correspond to one end of a spectrum, while debts and obligations occupy the opposite end, representing the positive and negative coordinates of the system respectively.

From a different perspective, everyone was essentially a debtor to the state, differing only in the magnitude of their debt.[462] Debt was an unlimited obligation, and when the state chose to grant some groups a certain degree of exemption from some service (e.g., in the form of bestowing ranks of honor), it was called a "privilege." In this "status society," where the state manipulates various resources based on an individual's social ranking, ranks of honor and legal punishments emerge as crucial institutions defining a person's status and quantifying their merits and debts to the state. In this context, debts are perceived as negative merits, and ranks of honor are considered privileges because they can offset certain obligations.

This perspective clarifies how the twenty ranks system functioned as a mechanism for establishing and changing status, and how association of ranks with legal punishments integrates a significant segment of society into this structured system. Status, in this model, acts both as a currency and a form of debt, organizing the social order into a kind of banking system where

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隸臣妾、城旦舂、鬼薪白粲、居貲贖責（債）、司寇、【隱】Ⅲ官踐更縣者。田時毆（也），不欲興黔首。嘉、穀、尉各謹案所部縣卒、徒隸、居貲贖責（債）、司寇、隱官、踐更縣者簿."

[460] In the "Statutes on the Composition of Judgements" (Ju lü 具律), slips 90–91 show the hierarchy of different groups of convicts: "有罪當耐，其灋(法)不名耐者，庶人以上耐為司寇，司寇耐為隸臣妾，隸臣妾及收人有耐罪，毄(繫)城旦舂六歲，毄(繫)日未備而復有耐罪，完為城旦舂，城旦舂有罪耐以上，黥之." See Peng Hao 彭浩, Chen Wei 陳偉, and Kudō Motoo 工藤元男, eds., *Ernian lüling yu Zouyanshu*, 127–28.

[461] Refer to Cao Lüning 曹旅寧. "Shi 'tuli': Jianlun Qin xingtu de shenfen ji xingqi wenti" 釋"徒隸": 兼論秦刑徒的身份及刑期問題, *Shanghai shifan daxue xuebao* 上海師範大學學報 2008.5: 61–65.

[462] For the notion and discussion of social debt, see David Graeber, *Debt: The First 5,000 Years*, New York: Melville House, 2011.

individuals are variably credited or indebted. Thus, ranks of honor stand as one of the most pivotal "status currencies" in the Qin and Western Han societies, fundamentally influencing the social dynamics and the distribution of resources.

**The Use of Mutilation Punishments as Stigmas to Differentiate Social Status**

I view ranks of honor as a form of status currency, not only because rank itself defines and determines one's place in the social structure, but also because the legal punishments that can be offset by these ranks significantly differentiate statuses among individuals. Referencing Table 5-7, it becomes evident that "firewood gatherers for the spirits and white rice sorters" were convicts who committed crimes that matched exactly being made a "wall-builder." However, if an offender possessed a second rank of honor or higher, he was able to circumvent mutilating punishments. As a result, such a rank also enabled him to avoid punitive measures like wearing red clothes or being shackled during punishment. This differentiation in treatment based on rank is elucidated in the Yuelu legal texts, which provide detailed guidelines:

> Wall-builders and grain-pounders should wear red clothes and red hats, and be prodded with instruments of torture. For those who are to wear red clothes, their clothes should be painted red regardless of whether they are large or small, and from the inside to the outside. For those who wear fur clothing, paint the inside [the leather side] of their clothes and make them wear their clothes inside out.
>
> 城旦舂衣赤衣，冒赤氈，枸櫝杕之。諸當衣赤衣者，其衣物毋（無）小大及表裹盡赤之，其衣正裘者，赤其裹而反衣之.[463]

The practice of making convicts wear distinctive, conspicuous clothing to stigmatize them bears a resemblance to mutilating punishments, both aimed at imposing a visible identifier on the convicts to ostracize them from their original kinship groups and communities. This visibility explains why convicts who underwent mutilating punishments, even upon release, remained under detention and were assigned to obscure government positions, hence being termed "*yin guan*" (literally, hidden officers). Scholars widely agree that the period of the Qin and early Western Han dynasties marked a pivotal shift in Chinese legal history—from "status law" (*shenfen fa* 身份法), where one's legal rights and duties were determined by their social status, to a system more focused on "penal servitude punishment" (*laoyi xing* 勞役刑), where punishments involved mandatory labor.[464] This transition is consistent with a system in which distinctive clothing could differentiate the levels of punishment between groups like wall-builders and gatherers of firewood for the spirits, even though they performed similar tasks with equivalent labor intensity. As such, it was strictly forbidden for convicts to remove their red clothing, as doing so could be perceived as an attempt to "falsify/arrogate the rank of honor for oneself" (*zi jue* 自爵), a serious offense aimed at obscuring their penal status and undermining the administrative order. The Yuelu statutes record:

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[463] Chen Songchang 陳松長 ed., *Yuelu shuyuan cang Qin jian* 嶽麓書院藏秦簡, vol. 4 (Shanghai: Shanghai cishu, 2015), 123, slips 167–68.

[464] Lü Li 呂利, *Lüjian shenfen fa kaolun: Qin Han chuqi guojia zhixu zhong de shenfen* 律簡身份法考論： 秦漢初期國家秩序中的身份 (Beijing: Falü chubanshe, 2011), 257, 280, 286.

> For those who should wear red clothes and hats or iron collars or be restrained with fetters and manacles: if they remove their clothes or the above [restraining devices] without authorization and stop wearing them, they shall be sentenced according to the statutes on arrogating honors.
>
> 諸當【衣赤衣冒氈】、枸櫝鈦及當鉗及當盜械而擅解衣物以上弗服者，皆以自爵律論之.[465]

This is not the first instance of "falsely arrogates ranks of honor" (*zijue* 自爵) being identified as a criminal act[466] but it is the first time we see specific statutes formulated to address this offense. Intriguingly, the actions involved are not merely categorized as "disobeying" or violating administrative rules, but rather as unauthorized self-elevation of one's social status. This terminology perfectly encapsulates several key insights: i) The red clothing worn by convicts was primarily intended to signal their status, above all other considerations; ii) A change in status was a principal aim of legal punishments, reflecting the deep-seated significance of social hierarchy within the legal framework; iii) Since ranks of honor influenced the legal treatment of individuals, any alterations to such treatments were equated with changes in an individual's rank of honor, illustrating the profound impact of social status on legal outcomes.

The practice of dressing convicts in red has historical parallels with slaves, who were also required to wear red. This is evidenced in the historical account of Zhang Ao 張敖 (241–182 BCE), the King of Zhao 趙, who was implicated in a conspiracy to assassinate Emperor Gaozu. Upon the discovery of the plot, the emperor decreed the extermination of Zhang Ao's family. In this dire situation, only a handful of loyal retainers courageously came forward to defend him:

> Only Meng Shu, Tian Shu and the other dozen people painted their clothes red, shaved their heads, and put on iron collars, proclaiming themselves to be slaves of the King's house, and followed Ao, King of Zhao to Chang'an.
>
> 唯孟舒、田叔等十餘人赭衣自髡鉗，稱王家奴，隨趙王敖至長安.[467]

Red clothing, due to its striking visual impact, was historically used to distinguish individuals in various servile statuses, akin to the role of mutilating punishments. But unlike physical mutilations, the marker of red clothing was mutable, signifying a temporary rather than permanent mark of servitude. In this context, one of the roles of ranks of honor becomes clear: they served as a protective mechanism to prevent rank holders from falling into an irreversible servile status.

We have evidence that individuals holding the second rank of honor or higher were able to circumvent mutilating punishments and prevent their families from being detained or

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[465] Chen Songchang ed., *Yuelu shuyuan cang Qin jian* 嶽麓書院藏秦簡, vol. 6 (Shanghai: Shanghai cishu, 2020), slips 37, 220–23.

[466] Zhangjiashan slip 394 reads: "諸詐(詐)僞自爵=免=(爵、爵免、免)人者，皆黥為城旦舂。吏智(知)而行者，與同罪." See Peng Hao, Chen Wei, and Kudō Motoo, eds., *Ernian lüling yu Zouyanshu*, 242.

[467] *Shiji* 104. 2776.

enslaved. This is supported by the "Treatise on Punishments and Law" (Xingfa zhi 刑法志) in the *Hanshu*, which states "As for those who had been enslaved, the men were entered among the government bondservants, and the women were entered among the grain pounders and cooks. Those who hold ranks of honor and are older than the seventy years of age or younger than the age of growing permanent teeth (i.e., 7 for females and 8 for males) shall not be made slaves." 其奴，男子入于罪隸，女子入于舂、槁。凡有爵者，與七十者，與未齔者，皆不為奴.[468] Since impounded people would most probably become bondservants, this provision highlights the protective status conferred by ranks of honor, emphasizing their significance not just as symbols of status but also as shields against the harshest penalties and social demotions, preserving the dignity and freedom of their bearers and their families.[469] In a sense, it was meant to prevent the fall of or decline in of status of certain ranks of honor holders.

From our modern perspective, convicts and slaves are often considered distinct social categories. However, in the context of Chinese historical tradition, these two groups were frequently viewed as equivalent. For instance, Zheng Xuan 鄭玄 (127–200) made an observation that "today's male and female slaves are akin to the convicts in ancient times" 今之奴婢，古之罪人也.[470] This equivalence highlights a significant overlap in the roles and perceptions of these groups within ancient Chinese society.

From a global perspective, the practice of transforming legal punishments and the impounding of convicts into a source of slaves has been but one method among many. In ancient China, this method constituted a primary avenue for the creation of slave labor.[471] This historical approach reflects the deeply intertwined nature of legal, punitive, and labor systems in traditional Chinese governance, where legal infractions could lead directly to a reduction in social status and personal freedom, effectively transforming individuals into state or privately owned slaves. Martin Wilbur asserts that "crimes led always to government slavery, while economic distress and illegal bondage produced private slaves."[472] In *Slavery in China during the Former Han Dynasty*, he identifies six forms of enslavement, with "enslavement of criminals and their families" as the foremost category. A distinctive characteristic of early Chinese slavery was the significant proportion of government-bond slaves, comprising compulsory laborers and convict laborers, within the overall slave population. Orlando Patterson enumerates six major sources of slaves globally: capture in warfare, kidnapping, tribute and tax payment, punishment for crime,

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[468] *Hanshu* 23.1091. This sentence also appears in《周禮·秋官·司厲》, see Sun Yirang 孫詒讓 (1848–1908) ed., *Zhouli zhengyi* 周禮正義, Beijing: Zhonghua shuju, 2015, 2451–54.

[469] The Zhangjiashan "Statutes on Impoundment" (*Shou lü* 收律) slip 174–75 states: As for the criminal guilty of a crime that matches being left intact and made a wall-builder or gatherer of fuel for the spirits or higher in severity, as well as for one who is liable for a crime of illicit intercourse for which he has undergone castration: in every case, his wife, offspring, material wealth, agricultural fields and residence plots shall be impounded. Should his offspring have a wife or a husband, or have formed a separate household, or hold rank of honor…in any of these cases, they shall not be impounded. 罪人完城旦、鬼薪以上，及坐奸腐者，皆收其妻、子、財、田宅。其子有妻、夫，若為户、有爵…皆勿收. Peng Hao, Chen Wei , and Kudō Motoo, eds., *Ernian lüling yu Zouyanshu*, 159.

[470] Sun Yirang ed., *Zhouli Zhengyi*, 3451; Zheng Sinong 鄭司農 (?–83) notes.

[471] Orlando Patterson, *Slavery and Social Death: A Comparative Study* (Cambridge, MA and London: Harvard University Press, 1982) Chapter 6 "The Acquisition of Slaves," 148–171.

[472] Martin Wilbur, *Slavery in China During the Former Han Dynasty, 206 BC—AD 25* (Chicago: Field Museum of Natural History Publication, 1943), 72

abandonment, and the sale of children.[473] By comparison, in the Roman empire, captives served as a considerable source of manpower during its rise, transitioning to self-supply in subsequent periods. My research indicates that in China, punishment for crimes and the subsequent enslavement of the offenders' families were major manpower source, with debtor slavery and self-sale also playing significant roles.

Forced labor and convict labor are common attributes of many early states, yet it is not inherently obvious to categorize a convict laborer as a slave. However, early China exhibited two specific practices that support the classification of convicts as slaves. Initially, prior to the legal reform enacted in the fourteenth year of Emperor Wen's reign (167 BC), penal terms were undefined, often resulting in a lifetime of public service unless a general amnesty intervened. Convicts could expect a lifetime of public service as punishment unless a general amnesty was issued and applied to their specific cases. Moreover, most punishments extended their impact to the convict's family members, affecting their status and detaining them. Crucially, this servile status was hereditary, with children of convicts raised and controlled by the government, inherently regarded as convict laborers from birth. Consequently, slaves and convicts in early China were often indistinguishably grouped within a broadly servile class, reflecting a deeply entrenched system where legal and penal mechanisms firmly intertwined the fates of individuals and their families into a continuous cycle of servitude.

The broad utility of ranks of honor in redeeming or reducing punishments is reflected in a statute that delineates exceptions to the use of ranks under certain conditions:

> For a man who maliciously kills or injures his father or mother, or conspires to kill his father or mother, or beats or curses his father or mother, or when he is denounced by his father or mother for being unfilial, he and his wife and children are to be impounded: in every case, the person should be detained. It is also decreed that the criminal may not use his rank or reparation payments to commute, remove, or redeem the punishment.
>
> 賊殺傷父母，牧殺父母，毆詈父母，父母告子不孝，其妻子為收者，皆錮，令毋得以爵償、免除及贖.

This scenario offers an ideal opportunity to examine the situation from a different angle: for crimes not specified in the statute, ranks of honor could indeed be employed to commute, eliminate, or redeem certain punishments. This application is also confirmed by a specific statute that forbade "arrogating ranks or the use ranks through fraud or counterfeiting in order to commute their own or punishment or that of another person."[474] The existence of such a statute suggests that these practices were likely prevalent at the time, indicating a widespread manipulation of the system of honors to alter legal outcomes.

Scholars often link the function of ranks of honor in exempting punishments to a tradition solidified in the *Liji*, which states, "Rituals do not reach down to commoners, while legal

[473] See Patterson, *Slavery and Social Death*, 148-171.

[474] Peng Hao, Chen Wei, and Kudō Motoo, eds., *Ernian lüling yu Zouyanshu*, 242, slip 394.

punishments do not rise to the grandees." 禮不下庶人，刑不上大夫.[475] The system of rank, including the aristocratic titles and the twenty ranks, can be seen as an institutionalized embodiment of the ritual tradition, thus viewed as a structure inherently exclusive of legal punishments. For instance, Nishijima Sadao interprets this passage from the *Liji* as reaching back to the Zhou Dynasty aristocratical rank system, which was originally exclusive to nobles and officials. By the late Warring States period, as the system of commoners' rank system developed, rituals began to extend to the common people, engaging with them in ways such as the bestowal of gifts.[476] Similarly, legal privileges that traditionally shielded only the nobility evolved into a principle of rank deduction applicable to anyone possessing a second rank of honor or higher. Drawing on these developments, Nishijima concludes that the use of rank reduction to redeem punishments represents an "essential feature" (*benzhi tezheng* 本質特征) intrinsic to the institution of ranks. He further argues that this feature distinctly sets apart the system of honors from other political and economic privileges associated with it. Momiyama Akira 籾山明 delves into the origin of the ranks of military merits and posits that ranks of honor should be viewed as rewards for those who have "served the kingship" (奉仕) in various capacities and contributed to its reinforcement. Conversely, any unlawful acts that threaten or disrupt this kingly order should be met with punishment. Thus, the use of rank to redeem punishments can be seen as a form of pardon for those who have made contributions to the state.[477]

Tomiya Itaru, on the other hand, insists that the only punishment eligible for redemption through rank deduction is mutilating punishment, primarily because it serves to exclude criminals from their communities. According to his perspective, exempting individuals from mutilating punishments allows them to remain within the community, as a way to reward their past contributions despite their offenses. This approach aligns with the notion that certain punishments "do not apply to the grandees," specifically targeting mutilating punishments that could permanently stigmatize and socially degrade the punished.[478] Jia Yi offers a variety of intriguing perspectives in the "Stairs and Steps" (*Jieji* 階級) of his *Xinshu*:

> A common proverb says, "You want to throw something at a rat, but you worry about breaking the vessel." This is a good metaphor. When a rat is near a vessel, you shy away and do not throw anything at it because you fear damaging the vessel. How much more does this apply to the esteemed great ministers that are close to the lord and emperor! Integrity and a sense of shame, ritual, and moderation are the means to regulate the prince. Thus, there should be the permission to commit suicide, but not the humiliation of punishment. For this reason, the punishments of fettering, binding, beating, caning, shaving, amputation, tattooing, and cutting off the nose should not reach to the grandees because their distance from the ruler is not far…The favored ministers of the ruler—even those who commit a transgression—should have neither punishment nor execution applied to their bodies. This

[475] Ruan Yuan 阮元 ed., *Liji zhushu* 禮記注疏, in *Chongkan Sonben Shisan jing zhushu* 重刊宋本十三經注疏 (Taipei: Yiwen yinshuguan, 1965) (rpt. of 1815), Chapter 1, "Qu li" 曲禮, 55-2.
[476] Nishijima, *Zhongguo gudai diguo de xingcheng yu jiegou*, 241.
[477] See Miyake Kiyoshi's summary and review, *Zhongguo gudai xingzhi shi yanjiu*, 267–69.
[478] Tomiya Itaru, *Qin Han xingfa zhidu yanjiu*, 193–99.

ensures respect for the position of the ruler. Doing so is the means by which one prevents disrespect towards the ruler and the means by which to keep up the appearances of the ministers and to encourage their integrity…For those who have been in an esteemed and favored position, the Son of Heaven changes his demeanor to show them ritual reverence, and officials and the masses prostrate themselves to express their respect and veneration. Now, if they commit transgressions, they may be demoted, exiled, or even allowed to commit suicide. But as for binding them, chaining them, sending them to the department of public works and putting them among convict laborers, robber-guards, and jailers who would abuse and beat them—these are not what the masses should witness. For a base and lowly person to learn the affairs of the esteemed and noble, for a day, we could also do so; But that is not the way to train the masses of the world, or to acculturate them to esteem the esteemed and ennoble the noble. This is not the proper influence for revering the revered and esteeming the esteemed. For any that the Son of Heaven has once favored and that the populace has once respected, if they are to die, then they should die, and nothing more. Those who have once been respected by the Son of Heaven and beloved by the masses, if they must die, then so be it, but how could the base people be allowed to humiliate them in this way?

鄙諺曰：「欲投鼠而忌器」，此善喻也。鼠近於器，尚憚而弗投，恐傷器也，況乎貴大臣之近於主上乎。廉醜禮節，以治君子，故有賜死而無戮辱，是以係、縛、榜、笞、髡、刖、黥、劓之罪，不及士大夫，以其離主上不遠也。……君之寵臣，雖或有過，刑戮不加其身，尊君之勢也，此則所以為主上豫遠不敬也，所以體貌群臣而厲其節也。……夫嘗以在貴寵之位，天子改容而嘗體貌之矣，吏民嘗俯伏以敬畏之矣，今而有過，令廢之可也，退之可也，賜之死可也。若夫束縛之，係紲之，輸之司空，編之徒官。司寇牢正徒長小吏罵詈而榜笞之，殆非所以令眾庶見也。夫卑賤者習知尊貴者之一旦吾亦乃可以加也，非所以習天下也，非尊尊貴貴之化也。夫天子之所嘗敬，眾庶之所嘗寵，死而死爾，賤人安宜得此而頓辱之哉.[479]

Jia Yi advocated for the exemption of mutilating punishments for nobles and officials, grounding his arguments in the belief that the humiliation associated with these punishments was more damaging than the physical mutilation or even death itself. According to Jia, the public infliction of such punishments would not only dishonor the affected nobles and officials but also undermine the dignity of the emperor's position. Utilizing the metaphor of stairs to illustrate social stratification, Jia Yi depicted he emperor as standing on the top stair of the hall, with the commoners on the ground level. Nobles and officials were likened to the steps between the emperor and the commoners, serving as a crucial buffer. This arrangement not only reinforced

[479] *Xinshu jiaozhu, juan* 2 "Jieji" 階級, 80. This passage is recorded in *Hanshu* 48.2254-56 with minor variations.

but also magnified the status gap between the common people and the emperor, thereby enhancing his revered position. Jia Yi further argues that publicly dishonoring officials and nobles could weaken the common people's acceptance of the established status hierarchy and might even incite violence among the populace. This potential disruption of social order was a core concern in his theory, emphasizing the importance of maintaining the dignity and respect of higher status individuals to preserve overall social stability.

**Ranks of Honor in Local Communities**

In this section, I will delve into the social relationships defined by ranks of honor and examine the roles they played in local communities. Insights from the *Book of Lord Shang* highlight the protective aspects of ranks of honor, noting that "Even if a high rank holder received the punishment of shaving his heads and beard, he should not work as a bondservant for another rank holder."[480] This rule parallels the stipulations found in the "Treatise on Punishments and Legal Principles," which aim to prevents rank holders from being demoted to a servile status.[481] Furthermore, individuals holding high rank were entitled to retainers, illustrating how status disparities defined by ranks of honor could foster dependent relationships.[482] Such dynamics underscore the integral role that ranks of honor played not just in formal governance but in shaping everyday social structures. Nishijima Sadao notably referenced a word problem from the mathematics text *The Nine Chapters on the Mathematical Art* (*Jiuzhang suanshu* 九章算術) to illustrate how deeply ranks of honor were embedded in the daily lives of the Qin and Han peoples. To enrich this discussion, we can also examine a related example from the *Shu* 數 text found in volume 3 of the Yuelu manuscripts. Comparing these instances will provide a clearer understanding of how the concept of ranks influenced both social norms and personal interactions. The relevant passages from these two texts are:

> Now there are five people whose ranks are, respectively, *dafu* (5th rank), *bugeng* (4th rank), *zanniao* (3rd rank), *shangzao* (2nd rank) and *gongshi* (1st rank). They have captured five deer in total and wish to distribute the deer in accordance with their ranks of honor. If we ask how much each of them should get, the answer is that the person who holds the rank of *dafu* would get one and two thirds of the deer, the person with the rank of *bugeng* would get one and one third, the person with the rank of *zanniao* would get a whole deer, the person with the rank of shangzao would get two thirds, and the person with the rank of *gongshi* would get one third of the deer.

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[480] 其獄法：高爵訾下爵級。高爵能(耐)，無給有爵人隸僕。The rule for legal investigations is that only holders of higher ranks of honor are qualified to interrogate those of lower orders. Even if a high rank holder receives the punishment of shaving his head and beard, he does not have to work as a bondservant for another rank holder. See Gao Heng, *Shangjun shu zhuyi*, "*Jing nei*" 境內, 152.

[481] *Hanshu* 23.1091: "凡有爵者，與七十者，與未齔者，皆不為奴."

[482] Gao Heng, *Shangjun shu zhuyi*, "*Jingnei*" 境內, 152: 能得甲首一者，賞爵一級，益田一頃，益宅九畝。級除庶子一人…In general, the state is cautious about any kind of dependency relationship among its subjects so that it could keep the ideal political landscape of "equalized people in registered households." This privilege in the *Book of Lord Shang* should be seen as an ad hoc policy in a time of fierce wars of conquest.

今有大夫、不更、簪裊、上造、公士，凡五人。共獵得五鹿，欲以爵次分之，問各得幾何？答曰：大夫得一鹿三分鹿之二，不更得一鹿三分鹿之一，簪裊得一鹿，上造得三分鹿之二，公士得三分鹿之一。[483]

[Five people respectively with the rank of] *dafu* [5th rank], *bugeng* [4th rank], *zouma* [3rd rank], *shangzao* [2rd rank], and *gongshi* [1st rank] together distribute rice in the amount of one *shi* (which equals ten *dou* 斗). Now if they distribute rice in accordance with their ranks of honor, how much rice should each one of them get? The person who holds the rank of *dafu* would get 3 5/15 *dou* (i.e., 3 1/3), *bugeng* would get 2 10/15 (i.e., 2 2/3) *dou*, *zouma* would get 2 *dou*, *shangzao* would get 1 5/15 (i.e., 1 1/3) *dou*, and *gongshi* would get 2/3 *dou*.

大夫、不更、走馬、上造、公士，共除米一石。今以爵衰分之，各得幾何？大夫三斗十五分斗五，不更二斗十五分斗十，走 122/0978 馬二斗，上造一斗十五分五，公士大半斗.[484]

In both word problems, the allocation of food an individual deserves is proportional to his rank of honor. The proportions follow a 5:4:3:2:1 ratio in each case. This observation underscores how disparities in ranks of honor were translated into concrete and tangible differences in the daily lives of people during the Qin and Western Han periods. Those with higher ranks of honor consistently found themselves in more advantageous positions, whether in terms of receiving state-granted materials, being taxed for various services, or within the private sphere of local communities. Nishijima posited that "the primary function of ranks of honor should be its definition of social status, not its formulation of various privileges."[485] In other words, he viewed ranks of honor as possessing an intrinsic significance and function, separate from the various privileges they conferred. His perspective is partly rooted in his observation that "there is hardly any evidence that records people with 'commoner ranks' being entitled to any status privileges in the Han Dynasty."[486] The Zhangjiashan texts shed light on the pervasive inequality of treatment based on ranks of honor that permeated almost every aspect of life, including economic, legal, and social spheres. For instance, the "Statutes on Assault" (Zei lü 賊律), which dictates punishments based on the extent of injury and the social status of the involved parties, stating:

In a case in which a person of lower rank strikes a person of higher rank but there is no injury, the fine should be four *liang* of gold. For striking a person of the same rank or lower, the fine should be two *liang* of gold. Should there

[483] Li Jimin 李繼閔 ed., *Jiuzhang suanshu daodu yu yizhu* 九章算術導讀與譯注, Xi'an: Shanxi kexue jishu, 1998, 342.

[484] Zhu Hanmin 朱漢民 and Chen Songchang eds., *Yuelu shuyuan cang Qin jian* 嶽麓書院藏秦簡, vol. 2 (Shanghai: Shanghai cishu, 2011), 95.

[485] Nishijima, *Zhongguo gudai diguo de xingcheng yu jiegou*, 318–19, 358: 爵的第一義的機能，應認為在於社會身份之形成，而不是直接規定特權.

[486] Nishijima, *Zhongguo gudai diguo de xingcheng yu jiegou*, 331.

> be welts and bruises as well as other skin disfigurements, the fine should be four *liang* of gold.
>
> 其毋傷也，下爵毆上爵，罰金四兩。毆同列以下，罰金二兩；其有疢痍及□，罰金四兩.[487]

This legal stipulation emphasizes that both the nature of the offense and the rank of the individuals involved significantly influenced the legal outcomes. This type of inequality undoubtedly instilled a palpable sense of disparity among community members holding different ranks of honor. In other Han Dynasty texts, such as those from Dunhuang 敦煌 and Juyan 居延, we observe that while the state permitted individuals to "pay for others in lieu of one's own corvee service" (取傭代役), those hired had to possess either the same rank of honor or a lower one than the those who employed them.[488] This stipulation likely aimed to maintain a consistency between economic relationships and the political hierarchy, as the state was intent on preventing wealth from translating directly into control over others through the commodification of labor service. The more recently discovered Yuelu texts indicate that this policy marked a departure from earlier practices during the Qin era, which did not impose restrictions on employment relations between people of different statuses.[489]

Perhaps a good example of how ranks of honor permeated daily life can be seen in the "Statutes on Miscellaneous Matters" (*Za lü* 雜律):

> For those playing a game of *liubo* and forcibly seize cash or other valuable items, or even one acts the role as a banker in the game: one rank of honor from all parties involved shall be removed, while those without rank shall be fined two years of frontier service.
>
> 博戲相奪錢財，若為平者，奪爵各一級，[無爵者]，戍二歲.[490]

This document provides detailed regulations that reflect the integration of social hierarchy into the fabric of everyday interactions, further illustrating the extensive influence of ranks of honor beyond mere ceremonial or symbolic functions. In this context, ranks of honor functioned as an instrumental mechanism for enforcing social order. Given that possession of a rank could exempt an individual from specific legal punishments, the threat of removing such ranks became a potent form of discipline. Moreover, this situation highlights a flexible and transactional relationship

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[487] Peng Hao, Chen Wei , and Kudō Motoo, eds., *Ernian lüling yu Zouyanshu*, 100–01.

[488] See Xie Guihua 謝桂華, "Hanjian he Handai de quyong daishu zhidu" 漢簡和漢代的取庸代戍制度, in Gansu wenwu kaogu yanjiusuo ed., *Qin Han jiandu lunwen ji* 秦漢簡牘論文集 (Lanzhou: Gansu renmin, 1989), 77–112.

[489] 戍律曰：下爵欲代上爵、上爵代下爵及毋（無）爵欲代有爵者戍，皆許之。以弱代者及不同縣而相代，勿許. 182/1414-1【不當相代】而擅相代，貲二甲；雖當相代而不謁書于吏，其庸代人者及取代者，貲各一甲.183/1298 See Chen Songchang ed., *Yuelu shuyuan cang Qin jian* 嶽麓書院藏秦簡, vol. 4, 128.

[490] Peng Hao, Chen Wei , and Kudō Motoo, eds., *Ernian lüling yu Zouyanshu*, 165, slip 186. See also note 3 for the supplemented characters.

between ranks of honor and frontier service, wherein one rank of honor was equivalent to two years of service. This equivalence made ranks of honor particularly valuable and sought after among the common people. Evidence of this desirability is found in the daybooks (*rishu* 日書), which record that certain auspicious dates that were chosen specifically to encourage the birth of children who, under the social policies, would be eligible to attain certain ranks of honor when they grew up.[491]

Nishijima Sadao's influential theory on the Twenty Ranks of Honor holds that the social order instituted by these ranks was not merely a unilateral political imposition but was organically integrated with existing local customs. Specifically, he points to the traditional Zhou wine-drinking ceremony (*xiang yinjiu li* 鄉飲酒禮) as providing a venue (*chang* 場) for the state to bestow ranks, thereby reinforcing and acknowledging the existing status order among local residents.[492] This argument is based on the assumption that older individuals typically held higher ranks of honor, presumably because they had more opportunities to be granted such ranks over time.[493] However, later discoveries from texts like those found at Zhangjiashan have significantly challenged this view by illustrating various methods of obtaining ranks of honor, including inheritance routes that extended to non-adults (*xiao jue* 小爵) and female successors. Moreover, as demonstrated in preceding sections, the sale and purchase of ranks likely skewed these ranks towards wealthier groups, further complicating the relationship between age and rank. This suggests that multiple channels for acquiring ranks could have significantly altered the expected correlation between age and hierarchical status. Furthermore, Nishijima's reliance on classical texts for the study of early history is also notable. His interpretations often draw heavily from works like the *Rites of Zhou* and *Mengzi*, which idealize the goal of "rectifying the order of the old and young" (正長幼之序). While these sources provide valuable cultural insights, Nishijima sometimes accepts these classical ideals uncritically, viewing them as historical realities rather than considering the possibility that they might represent aspirational myths rather than factual accounts.

The notion of a seamless alignment between the naturally evolving local order and the state-imposed political order was not a constant reality in Qin and Han history. When examining historical accounts from the fourth century regarding the impact of ranks of honor on human relationships and social order in local communities during the Qin Dynasty, the descriptions often convey a sense of disruption rather than harmony. These accounts suggest that the implementation of ranks of honor could sometimes destabilize existing social structures rather than reinforcing them. This perspective challenges the idealized view of a perfectly ordered society and highlights the dynamic and sometimes contentious nature of historical social transformations. For example, when people in the fourth century talked about how ranks of honor affected human relationships and social order in local communities in the Qin Dynasty, their testimony could be quite unsettling:

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[491] 亢。祠、爲門、行。吉。可入貨。生子。必有爵。【壹】【69】
亢。祠、爲門行。吉。可入貨。生子。必有爵。【壹】【97】

[492] Nishijima, *Zhongguo gudai diguo de xingcheng yu jiegou*, 410–25.

[493] Nishijima, *Zhongguo gudai diguo de xingcheng yu jiegou*, 420.

> For people living in the same village ward, those with the rank of *gongcheng* (eighth rank of honor) bullied their fellow villagers, and those with the rank *langzhong* or higher were arrogant towards their father and elder brothers.
>
> 故閭閻以公乘侮其鄉人，郎中以上爵傲其父兄.[494]

The local social order, traditionally based on kinship relations and age precedence, could be disrupted by the external imposition of a political hierarchy rooted in the rank system.

In this context, age was not merely a biological attribute but a critical component of one's political identity. He Xiu 何休 (129–182 AD), a classicist of the Gongyang tradition, once praised the "venerable elderly" 耆老有高德者 and the "eloquent and competent" 有辯護伉健者 as ideal candidates for roles such as the village chief (*li zheng* 里正) and village elders (*fu lao* 父老), emphasizing that such positions should be filled by those possessing wisdom and experience.[495] By contrast, the statute "On the Servicemen [subordinate to] the County Commandant (*Weizu lü* 尉卒律)" from the Yuelu Academy collection suggests a different approach, stipulating that individuals with lower ranks or without any rank should be prioritized for roles like village chief and village elder. The directive likely stems from a practical consideration: elderly individuals were often exempt from being drafted for frontier service, and by positioning them in local administrative roles, the state could maximize the utilization of available manpower. This statute reads:

> The "Statutes on the Servicemen [subordinate to the county] Commandant" state: "In villages or wards with over thirty households, a village/ward chief and one village/ward elder should be appointed…The residents must select candidates for these positions from among the elderly *gongzu* or *shiwu* (both zero rank), who are deemed harmless. If there are no available elderly people in the village/ward, select elderly candidates from a neighboring village/ward. A *gongshi* (first rank) [as the chief or elder] is not to be appointed, and the people should not dare appoint an able-bodied man as the village/ward chief or elder. If they dare to do so, fine the commandant, the commandant's scribes, and the military officers who were in charge of this appointment—each of them one suit of armor (1344 cash); fine the magistrate, vice-magistrate, and magistrate's scribe—each one of them one shield (384 cash). Only when people without any rank are lacking should a *gongshi* (first rank) be appointed [as the village/ward chief or elder]. If the county still has no appropriate candidates, people with ranks of honor lower than *bugeng* (the fourth order) should be selected, and people with lower ranks of honor should take priority in serving as the village/ward chief and elder.

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[494] *Jinshu* 50.1393.

[495] He Xiu's commentary reads: 選其耆老有高德者名曰"父老" ，其有辯護伉健者為"里正" ，皆受倍田，得乘馬. See Ruan Yuan ed., *Chunqiu gongyangzhuan zhushu* 春秋公羊傳注疏, in *Chongkan Sonben Shisan jing zhushu, juan* 16 宣公十五年, 4965.

> 尉卒律曰：里自卅戶以上置典、老各一人……必里相推，以其里公卒、士伍年長而毋害者爲典、老，毋長者令它里年長者爲它里典、老，毋以公士，及毋敢以丁者。丁者爲典、老，貲尉、尉史、士吏主者各一甲，丞、令、令史各一盾。毋（無）爵者不足，以公士。縣毋命爲典、老者，以不更以下，先以下爵.[496]

This policy reflects a strategic deployment of human resources, where the state's need to harness manpower for administrative and defensive purposes could override traditional local preferences for leadership based on age and kinship. It presents a different view of local functionaries from the traditional image of local elites serving as community leaders. Primarily, the priority was given to individuals with no rank or those holding lower ranks of honor for roles as village or ward chiefs and elders. This suggests that the state might have been cautious about concentrating administrative power and status prestige within the same group of people. While the traditional rationale for appointing "elders" as local administrators often emphasized their virtuousness and experience, it is important to recognize that age also played a significant role in defining one's political identity. For example, the "Statutes on Registration" (Fu lü 傅律) from the Zhangjiashan manuscripts specify different ages at which individuals of various ranks of honor could begin to be "released from labor service due to age" (*mian lao* 免老). According to these statutes, individuals with zero rank were eligible for this exemption at age 66; the higher one's rank, the younger the age at which they qualified for *mian lao* (retired elderly).[497] Furthermore, the directive stating, "do not dare to appoint an able-bodied male as the village/ward chief or elder" indicates that a major concern of local government was to keep able-bodied males available for more demanding tasks such as frontier garrison duties or construction works, where their physical capabilities were deemed more necessary than in local administration.[498] Therefore, the precedence given to elders in serving as village or ward chiefs might not solely be attributed to their greater life experience or presumed wisdom. Instead, it might have been a pragmatic decision by the state to maximize the use of available manpower.

Another intriguing observation from these statutes is the lack of a syncretic conformity between the hierarchical order structured by the twenty ranks system and the pre-existing local social order. Instead, what becomes apparent is the state's cautious approach towards preventing the consolidation of stronger personal influence and local power that could be facilitated by the ranks of honor within community settings. This concern about the potential misuse of ranks to accumulate local power is further highlighted by another set of intriguing statutes. These regulations specifically prohibited men who had earned military ranks from using their newfound status to influence local dynamics through generosity or bribes, such as offering money to entertain fellow villagers with wine and meat:

> Villagers who ask soldiers who have received honors or bestowals to offer money and buy liquor and meat to serve them, and soldiers who offer money, or buy liquor and meat shall both be punished with one year's

[496] Chen Songchang ed., *Yuelu shuyuan cang Qin jian* 嶽麓書院藏秦簡, vol. 4, 115–16.

[497] See Jesse Watson, "Paperwork Before Paper," 82, Table 4.2

[498] Chen Kanli 陳侃理 has researched the changing roles of local functionaries in his recent work "Qin Han lili yu jiceng tongzhi" 秦漢里吏與基層統治, *Lishi yanjiu* 歷史研究 2022.1: 53–76.

> frontier service. If they preemptively prosecute themselves, fine the village chief and the village elder, one armor (1, 344 cash) each; if the village chief and the village elder were unaware of it, fine them one shield (384 cash)…
>
> 里人令軍人得爵受賜者出錢酒肉歠（飲）食之，及予錢酒肉者，皆貲戍各一歲。其先自告，貲典、老各一甲，弗智（知），貲各一盾.[499]

This prohibition suggests a deliberate effort by the state to curtail the ability of rank holders to convert their military honors into social capital, thereby controlling the social and political leverage that could be gained from such acts. The state's intervention indicates an awareness of the potential for ranks of honor to disrupt traditional local hierarchies and power structures, preferring instead to maintain a degree of control over how these honors could be used within the community. While earning a military rank might naturally be a cause for celebration among one's fellow villagers, the act of celebrating with lavish displays of hospitality could inadvertently transform military honor into local prestige and power. The state, wary of the emergence of intermediary powers that could challenge its authority, aimed to ensure that any form of celebration involving gifts of wine and meat came directly from the state itself, rather than from individuals, thereby reinforcing the state's role as the primary source of honor and reward.

However, maintaining such a controlled order required constant vigilance and intervention by the state. This need became especially evident in the turbulent period following the collapse of the Qin dynasty. By the time Liu Bang 劉邦 (256–195 BCE) ascended to the throne in 202 BCE, he recognized that the value and perception of ranks of honor had diminished compared to their status during the Qin era. In response, Liu Bang issued an edict aimed at restoring the value of these honors and reestablishing order in the aftermath of prolonged warfare. This directive became known as the "Fifth Year Edict" (五年詔書):

> In the past, the Qin people whose ranks of honor surpassed that of *gong dafu* (seventh rank) would receive the same level of etiquette as a magistrate or deputy magistrate. Now, I myself have never taken the ranks of honor lightly—how dare these officials alone take an indifferent attitude?…Order all the officials to treat high rank-holders with respect to satisfy my wish.
>
> 異日秦民爵公大夫以上，令丞與亢禮 。今吾於爵非輕也，吏獨安取此！……其令諸吏善遇高爵，稱吾意。[500]

This edict underscores the ongoing challenge of balancing the traditional social structure with the central authority's objectives. But this type of political enforcement inevitably waned, giving way to other forms of power, among which economic influence consistently posed a challenge. One anecdote from the *Shiji* illustrates this point vividly, in which there is a successful merchant, named Dao Xian 刀閒, who was so adept at leveraging his servants to generate wealth that a saying is coined: "Is it better to seek ranks of honor or to work for Mr. Dao [as his servant] (寧爵

[499] Chen Songchang ed., *Yuelu shuyuan cang Qin jian*, vol. 4, 220–21.
[500] *Hanshu* 1.54.

毋刀)?" The stark contrast between wealth and status shows the potent challenge that economic power posed to political authority in shaping social order. In effect, the state not only legitimized the conversion from wealth to status (and vice versa) by selling ranks of honor but also capitalized on this system to enhance its own revenues. The state sought to create a situation in which its subjects are depersonalized and quantifiable in a flattened structure that excludes any intermediaries between the state and its subjects. From this perspective, the role of ranks of honor in the redemption of legal punishments should not be viewed as their "essential" or "intrinsic" function. Rather, this function represents a form of equivalent exchange, where the redemption of crimes is balanced against various forms of material wealth, with ranks of honor serving merely as a conversion tool. The table below illustrates the complex interplay between ranks of honor, material wealth, labor service, and the redemption of legal punishments.

Tabe 5-9: Convertible Honors and Their Equivalents

| | | |
|---|---|---|
| 1000 *shi* of grain | 10, 000 cash[501] | Privilege of keeping one retainer[502] |
| 2 years of frontier service[503] | 1 rank of honor | Emancipation of one's parents from bond-servants to commoners: 1/2[504] |
| Redemption of 1 case of capital punishment | Redemption of 2 wall-builders | Redemption of 3 robber-guards |

Through a variety of institutional stipulations and policy regulations, ranks of honor established a system of equivalences and provided gradations that reflected existing distinctions between

[501] There are two pieces of evidence indicating the price, one from Zhangjiashan and the other from Yuelu. The "Statutes on Arrest" (Bu lü 捕律) slips 150–51 read: "捕從諸侯來為閒者一人，捧(拜)爵一級，有(又)購二萬錢。不當捧(拜)爵者，級賜萬錢，有(又)行其購。數人共捕罪人而當購賞，欲相移者，許之." See Peng Hao, Chen Wei, and Kudō Motoo, eds., *Ernian lüling yu Zouyanshu*, 151–52. It is interesting that this reward could be shared or transferred even if the capture were carried out by more than one person. In the previous section, we also saw that in the "Statutes on cash" (*Qian lü* 錢律) slips 204–205, the reward of one order of honor could be split and used to redeem up to three individuals guilty of crimes that matched being made a bondservant. The Yuelu text reads: 0378：自今以來，吏及黔首有貲贖萬錢以下而謁解爵一級以除，及當為疾死死事者後謁毋受爵以除 0581 貲贖，皆許之。其所【除】貲贖過萬錢而謁益解爵，毋受爵者，亦許之。一級除貲贖毋過萬錢. See Chen Songchang ed., *Yuelu shuyuan cang Qin jian*, vol. 7, 69–70.

[502] *Shangjun shu zhuyi* "*jing nei*" 境內: "能得甲首一者，賞爵一級，益田一頃，益宅九畝。級除庶子一人."

[503] The Zhangjiashan Bu lü 捕律 slip 143 reads: "逗留畏耎弗敢就，夺其将爵一级，免之; 毋爵者戍边二岁." See Peng Hao, Chen Wei, and Kudō Motoo, eds., *Ernian lüling yu Zouyanshu*, 149.

[504] Chen Wei, ed., *Qin jiandu heji* vol.1, Slips 155–156 reads: "欲歸爵二級以免親父母爲隸臣妾者一人。及隸臣斬首爲公士。謁歸公士而免故妻隸妾一人者。許之。免以爲庶人。工隸臣斬首及人爲斬首以免者。皆令爲工。其不完者。以爲隱官工。軍爵"

various groups, bound by various regulations and social norms. This system of equivalences, which integrated individual merits, facilitated the commodification of social status. The numbers-based hierarchical system not only flattened the social structure but also depersonalized and quantified its subjects, transforming them into quantities within a vast network governed by quantifiable merits and punishments, and the commodification of status.
The state likely saw great advantage in this arrangement as it enabled efficient extraction of money, grain, and labor service, while simultaneously legitimizing its governance. This legitimacy was bolstered by the simplicity and predictability of the rules, creating a system where life's outcomes, whether rewards or punishments, were foreseeable and understandable.

However, the very quantification and exchangeability of status could also diminish respect for it. For those engaged in this system, status became a matter of accumulated merits rather than something innate or profoundly ingrained in one's identity. As Chen She 陳涉 (?—208 BCE) famously questioned, "Is there really a seed to grow kings, nobles, generals, and ministers?" 王侯將相, 寧有種乎?[505] Ranks of honor, by making status tangible and exchangeable, diminished the esteem for status. Here is an example demonstrating how this system impacted social perceptions of status:

> The new subjects are not dedicated to agricultural works or repairing houses; instead they carry swords and other weapons and stealthily enter and leave [through passes]: this is not good custom and it must be prohibited. [It is ordered that] only people with a rank of honor higher than *gong dafu* (seventh rank) are allowed to carry swords, but even they are not allowed to carry broadswords longer than one *chi* and five *cun*. Persons with a rank of honor are lower than *guan dafu* (sixth rank) are not allowed to carry any weapons…However, those who report two criminals deserving of being sentenced to death, or four criminals deserving of being sentenced to serving as wall-builders, are allowed to carry swords.
>
> 新黔首或不勉田作、繕室屋，而帶劍挾兵竊出入，非善俗殹（也），其謹禁禦之。公大夫以上乃得帶劍，而不得挾它兵及大刀長尺五寸以上者，官大夫以下不得帶劍挾兵長刀……若告罪人，死罪二人若城旦罪四人，令得帶劍……[506]

In this context, the act of carrying swords was apparently rendered as a status identifier associated with individuals of higher ranks. Yet, even this marker of prestige could be acquired through the act of reporting criminals, employing the familiar mathematical formula linking various degrees of "merits." This concept of replaceability of status indicates a deeper social transformation where traditional reverence for status based on heritage or intrinsic qualities was being challenged by a new system where status could be quantified, earned, and lost based on measurable actions and merits.

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[505] *Shiji* 48.1952.

[506] Chen Songchang 陳松長 ed., *Yuelu shuyuan cang Qin jian* 嶽麓書院藏秦簡, vol. 7 (Shanghai: Shanghai cishu, 2022), 77–78.

Certainly, there were significant concerns regarding the practice of redeeming crimes with ranks of honor and money. This conversion of wealth into a form of amnesty not only paved the way for corruption but also severely compromised the fairness and integrity of the judicial system. Xiao Wangzhi 蕭望之 (d. 46 BCE) criticized the policy that permitted people to submit grain in order to redeem their crimes. He argued, "Now you wish to issue an order that common people are allowed to measure grain to redeem their crimes. If this happens, then wealthy people will be able to survive and the poor alone are going to die. This amounts to applying different punishments to the rich and the poor and having inconsistent statutes." 今欲令民量粟以贖罪，如此則富者得生，貧者獨死，是貧富異刑而法不壹也.[507] The commodification of ranks of honor further exacerbated this issue, magnifying the influence of wealth in corrupting legal proceedings. Gong Yu 貢禹 (124–44 BCE), an advisory counselor at Emperor Yuan's court, attributed many of the social problems of his era to the inception of policies that allowed for the redemption of crimes. Gong Yu wrote:

> During the time of Emperor Wen, integrity and incorruptibility was esteemed and corruption was despised. Merchants, uxorilocal retainers, and officials who had committed the crime of corruption were prohibited from being officials. Good deeds were rewarded, and evil actions were punished.…There was no permission given for criminals to ransom themselves from punishment by means of payment. Therefore, the orders and bans were enforced strictly, and the whole world was transformed [by the teachings]. Of the four hundred legal cases judged, none failed to accord with the statutes. By the time that Emperor Wu came to the throne …criminals were allowed to ransom themselves from punishment by means of payment, and those who paid grain to the state could fill official posts. Consequently, the whole world pursued extravagance, the officials were in disorder while common people were in poverty; bandits came from all directions, and desperadoes were in great numbers. [Officials of the] commanderies and kingdoms were afraid of being executed because of the chaos; they selected cunning clerks skilled at accounting and deceiving their superior offices and put them in their prior positions…As a result, those who were tattooed, shaved or shackled still rolled up their sleeves and went into politics. Their conduct was like that of dogs and pigs, but since their families were wealthy and powerful, they were insufferably arrogant and bossy. These are the "worthies" [of our time].
>
> 孝文皇帝時，貴廉絜，賤貪汙，賈人贅壻及吏坐贓者皆禁錮不得為吏，賞善罰惡…亡贖罪之法，故令行禁止，海內大化，天下斷獄四百，與刑錯亡異。武帝始臨天下…使犯法者贖罪，入穀者補吏，是以天下奢侈，官亂民貧，盜賊並起，亡命者衆。郡國恐伏其誅，則擇便巧史書習於計

[507] *Hanshu* 78. 3275.

> 簿能欺上府者，以為右職…故黥劓而髡鉗者猶復攘臂為政於世，行雖犬彘，家富勢足，目指氣使，是為賢耳.[508]

Gong Yu's critique sheds light on the policy changes that occurred under Emperor Wu, a period marked by the increasing commodification of ranks of honor. During this time, the state appeared to facilitate "equivalent exchanges" where ranks of honor, material wealth, manpower and the redemption of crimes were all traded in a seemingly equitable manner. On the surface, this system might have appeared fair to all parties involved, providing a structured way to balance various social contributions and penalties. However, Gong Yu—and likely many contemporary observers—saw this "exchange" as fundamentally corrupt and damaging to the integrity of the legal system. He argued that the essence of justice, which demands that all men are equal before the law irrespective of their financial status, was compromised. The ability to buy one's way out of legal accountability not only undermined the principle of equal treatment but also eroded public trust in the system's impartiality and fairness. This corruption also enabled unqualified individuals to assume positions they were not suited for, disrupting the traditional regard for precedence and propriety. In summary, while the system of equivalent exchange appeared fair on the surface, with no party ostensibly losing out, Gong Yu highlighted that it reinforced unjust principles.

**Conclusion**

In this chapter, I explored how the early imperial states leveraged ranks of honor as a financial mechanism and a socio-political tool to address administrative challenges. This included the development of a market for buying and selling these ranks between the state and its subjects, as well as among individuals. I argue that ranks of honor were adaptively used much like "government bonds" or "vouchers," allowing common people to accumulate "merits" and redeem it when needed. This "merit" was defined by the state and could include acts such as military service, resettling in sparsely populated areas, or transporting grain for the state, tailored to fit the shifting demands and objectives of preferential policies over time. The "commodification" of ranks of honor eventually facilitated a direct exchange between ranks and money, transforming these honors into a tradable asset. From the state's perspective, as Chao Cuo articulated in his memorial, the system of ranks of honor was a renewable resource that "comes from the emperor's mouth, and there is no end to it." This perspective highlights the flexibility and utility of ranks of honor as a tool within the broader administrative strategy, designed to incentivize and reward behaviors that aligned with the state's shifting priorities and needs.

There are several social consequences of the commodification of the ranks of honor. First, as a major scale for social status and hierarchy, the commodified ranks enabled the assignment of clear prices to various materials and services, thereby facilitating a higher degree of quantification. Moreover, the important function of ranks of honor to ransom holders from legal punishments extended to the realm of "negative merits" such as state debts, convict and servile status, etc. The state allocated resources and obligations based an individual's position within the social hierarchy, utilizing ranks of honor and legal punishments as the two principal tools for defining one's status and determining their merits and debts. Thus, ranks of honor

[508] *Hanshu* 72.3077.

functioned as a sort of status currency within the social order that resembled a banking system, where people were credited or indebted to various degrees. From this perspective, its function of redeeming legal punishments, which Nishijima and others view as the "essential feature" of the ranks of honor as an institution, actually was merely a relationship of "equivalent exchange" supported by money and other forms of material stored in it. Consequently, the English translation for "二十等爵" should avoid the term "aristocratic" since it fails to capture the essence of this institution.

Second, a numbers-based hierarchical system of rewards and punishments flattens the social structure, depersonalizing and quantifying the subjects. However, such quantification and exchangeability also led to a loss of esteem for status, reducing it to a sum of accumulated merit rather than an innate quality, or something intrinsic that made one worthy of higher status. This reductionist view eroded the nuanced sense of esteem traditionally associated with higher status.

Unlike Nishijima Sadao, who saw the integration of ranks of honor with local customs and traditions as organic, I highlight it as "imposed from outside." To prevent any intermediary influence between the state and its subjects and to curb power concentration among high-ranking individuals, the state favored lower rank-holders for local administrative roles and discouraged public celebrations of newly acquired ranks to minimize their influence within local communities. Maintaining this outward order necessitated ongoing state intervention. However, with the ranks' commodification and subsequent "inflation," their value diminished by the mid-Western Han period, and the social structure built upon this institution gradually succumbed to more direct, potent economic forces. By the start of the Eastern Han, only the top two ranks retained any perceived value. The complete dissolution of the Twenty Ranks of Honor awaited the Cao Wei period when they were replaced by a new "Five Ranks of Honor" (*wudeng jue* 五等爵) system that ostensibly revived the old Zhou tradition.

## Epilogue

This dissertation has examined how the early Chinese empires identified and categorized their subjects, especially the lower strata of the society, such as slaves of the households and the specialized workers who were placed under a parallel system of administration with peasants. It has also argued for the fluidity and fungibility of status in early China, which is exemplified by institutional mechanisms such as the system of rank of honor and legal punishments. I conclude with a story (refer to Appendix I), which encapsulates the multiple themes this dissertation addresses. This story is documented on three wooden tablets, unearthed by archaeologists at the Jianshui jinguan site in Jinta 金塔 County, Gansu Province and catalogued as 73EJT1: 1-3.

These three tablets form an official document issued by the junior clerks of the Chancellor and the Imperial Councilor, whose function was akin to that of a contemporary arrest warrant for the apprehension of the fugitive slave named Li Rong 麗戎. This document was circulated widely across the territory on the sixteenth day of the fifth month, in the second year of the Ganlu 甘露 reign (52 BCE). In less than two months, by the fifth day of the seventh month, it arrived on a northwest frontier fortification, approximately, 1,400 miles from the capital Chang'an, and it was discovered there by archaeologists in 1973. This document comprises over 500 words, featuring the protagonist Li Rong (also named Wai Ren 外人), with astonishing detail. Li Rong was a female servant to Princess E Yi 鄂邑 (?–80 BCE, named Gai Qing 蓋卿 in the document), Emperor Wu's daughter. Following the princess's involvement in a conspiracy and subsequent suicide, Li Rong escaped amidst the chaos, thereafter disappearing into anonymity. It wasn't until 28 years later that this new warrant for her capture was issued, with a detailed description of her appearance:

> At the time of her escape, she was about twenty-three or four, and now she would be around sixty. As a person, she was average height and stocky, jaundiced; her head was small, her hair was dark, and she has an oval shape face and short chin, often frowning in a scowl, her body was somewhat tall; she is cunning and taciturn.
>
> 時年可廿三四歲，至今年可六十所。為人中壯，黃色，小頭，黑髮，隋面，拘頤，常戚額胸頻狀，身小長，詐魔少言。

This account looks familiar, resembling many texts that I have called "identification information" in Chapter 1. It also raises the question: Are these descriptions of appearance and physique still applicable after 28 years? Is it feasible to identify somebody based on their physical likeness? What is the rationale behind these tireless efforts to transport documents all across the empire, even to a frontier fortification 1400 miles away? Was it merely to fulfill administrative necessity?

Some of these questions might be answered by the following meticulous description of Li Rong's social relationships, unveiling her fivefold identities: initially a servant to Princess E Yi, she was trusted and participated in raising the princess's offspring with her private consort Ding Wairen 丁外人 (?–80 BCE), who coincidentally shared a name with Li Rong; younger sister to

Hui 惠, a coachman for Prince Guangling 廣陵 Liu Xu 劉胥 (?–54 BCE); wife to Ying Qi 嬰齊, a former servant of the demoted crown Prince Li 戾, Liu Ju 劉據 (128–91 BCE); cousin and very likely a secret lover to Yan 偃, a servant of Marquis of An Dao 安道侯 [named Dang Shi 當時]; and daughter to Juan Zhi 捐之, who was also a former servant of Princess E Yi, and who later accompanied the Princess's granddaughter to the Kingdom of Hejian 河間, where she married the King of Hejian [named Liu Qing 劉慶] (?–55 BCE). Li Rong's multifaceted identities intricately interlink various distinguished figures across the reigns of Emperors Wu, Zhao 昭 (r. 87–74 BCE), and Xuan 宣 (r. 74–48 BCE), touching upon almost all the significant political conflicts of those times.

> Li Rong and her family's extensive connections to various notable historical figures partially elucidate the court's intent, 28 years later, to continue a nationwide search for a fugitive royal servant from the previous reign. Especially Li Rong's dual role as the wife of the former servant of the demoted Crown Prince Li, and the cousin and secret lover of the servant of Marquis An Dao, potentially privy to secrets of the "witchcraft scandal," drew Emperor Xuan's attention. The year preceding the document's issuance marked the exposure and execution of Prince Guangling Liu Xu 劉胥 (?–54 BCE), a major threat and potential rival for the throne, and a concern long held by Emperor Xuan. The connection of 28 years between two seemingly independent political events is thus made through this minor figure, revealing unseen intricacies beyond the official historical records.

This story underscores the pivotal roles minor characters played in history. Their social relationships and connections offer insights beyond the purview of conventional historiography. Is Li Rong a significant figure? Is she a slave or a noble? What role did she actually play in history? She was nearly confiscated to be a state bond laborer when her master the Princess died, and we only accidentally came to know her name through this archaeological discovery. Yet, such a person was repeatedly involved in significant political events over the decades of her life. We don't even know what ultimately happened to Li Rong, whether she was still alive when the document was issued, or if she was able to live out her final years in peace. Had it not been for the unearthing of these wooden tablets, our knowledge of the events that occurred in this region in that year (52 BCE) would be minimal, possibly limited to just one event: the Xiongnu chieftain Huhanye 呼韓邪 (?–31 BCE) fled south and agreed to submit to the Han court with tribute and five thousand of his followers.[509]

[509] *Hanshu* 8. 270: "The Chieftain of Xiongnu, Huhanye, came to visit the Pass of Wuyuan, expressing his willingness to pay a visit to the court of Han with state treasures, in the following first month of the third year (51 BCE)." 匈奴呼韓邪單于款五原塞，願奉國珍朝三年正月。

## Appendix I: What A Warrant of a Fugitive Female Servant

## Tells Us about Western Han History?

甘露二年五月己丑朔甲辰朔，丞相少史充、御史守少史仁以請詔：有逐驗大逆無道故廣陵王胥、御者惠同/[510]

On the *jiachen* day of the fifth month, which had *jichou* as its first day, in the second year of the Ganlu reign (52 BCE), Chong, the junior clerk to the Chancellor, and Ren, the acting junior clerk to the Imperial Councilor hereby request: that the imperial edict concerning the search and verification of the identity of the adult female slave, named Wai Ren be transmitted to the provincial governors to seek out those who knew her. Wai Ren, who formerly belonged to Gai Qing, the Senior Princess (?–80 BCE), was the younger sister of Hui, a coachman of the former King of Guangling [Liu] Xu (?–54 BCE), who was guilty of Great Impiety.

產弟故長公主蓋卿大婢外人，移郡大守，逐得試知外人者。故長公主大奴千秋等曰：外人，一名麗戎，字中夫，前大子守觀/

Qian Qiu, a former adult male slave of the Senior Princess and others say: Wai Ren, was named Li Rong, courtesy named Zhong Fu, was the former wife of Ying Qi, who was a gate tower guard slave of the late heir-apparent [Prince Li 戾, Liu Ju 劉據 (128–91 BCE)]

奴嬰齊妻。前死，麗戎從母捐之字子文，私男弟偃，居主馬市里弟。捐之姊子，故安道侯奴材取不審縣里男子字游為麗戎/

After Ying Qi died, Li Rong followed her mother Juan Zhi, style named Zi Wen, and her illegitimate son, aka Li Rong's younger brother Yan, lived in the Senior Princess' mansion in Mashi ward. Juan Zhi's elder sister's son, Cai, a former slave of Lord of An Dao [named Dang Shi 當時] (?–89 BCE), chose Zi You, a man from unknown county and village as Li Rong's uxorilocal husband, who made his living by hauling an ox cart at the Imperial Field Granary.

聟，以牛車就載籍田倉為事。始元二年中，主女孫為河間王后，與捐之偕之國。後，麗戎、游從居主杌棻弟，養男孫丁子沱。元鳳元年/

In the middle of the second year of Shiyuan reign (85 BCE), the Princess' granddaughter became the queen of the King of He Jian [named Liu Qing 劉慶] (?–55 BCE), and Juan Zhi followed her to the kingdom. Later on, Li Rong and You followed the Princess and lived in the Princess's mansion in Wu Fen ward, where they raised the Princess' grandson Ding Zituo.

中，主死，絕戶，奴婢沒入詣官。麗戎、游俱亡。麗戎脫籍，疑麗戎變更名字，匿走絕迹，更為人妻，介罪民間，若死無從知。麗戎此/

In the middle of the first year of the Yuan Feng reign (80 BCE), the Princess died. Her household ceased to exist, and her servants were confiscated by the government. Li Rong and her husband You both absconded, and thereupon ran off from the register. We suspect that Li Rong changed her name and went into hiding, leaving no traces, and becoming someone else' wife.

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[510] The segmentation of the Chinese texts follows the shifts in the inscriptions' lines on each wooden slip and is indicated by "/."

She became a fugitive among the masses, or she might have died. We have no way to know her trace.

時年可廿三四歲，至今年可六十所。為人中壯，黃色，小頭，黑髮，隋面，拘頤，常戚額朐頻狀，身小長，詐魔少言。書到，二千石遣毋害都吏　73EJT1:1

At the time of her escape, she was about twenty-three or four, and now she would be around sixty. As a person, she was average height and stocky, she was jaundiced coloring, with a small, her hair was dark, she has oval-shape face and short chin. She always frowns and scowl, her body was somewhat tall, she is cunning and reserved. After the edict arrive, official ranked at two thousand bushels [of grain] should send out incorruptible officers with a clean record to

嚴教屬縣官，令以下嗇夫、吏、正、父老，襍驗問鄉里吏民，賞取婢及免婢以為妻，年五十以上，刑狀類麗戎者，問父母昆弟，本誰生子務/

strictly instruct the officials of the county offices within their jurisdiction, from magistrate down to bailiffs, village heads, elders to collectively make investigative inquires of the officials and people of the townships and villages to work in pairs and ask officials and commoners: Whether they had known anyone having married a slave or a freed slave as his wife, whose age being over fifty, and resembling Li Rong in appearance. Interrogating their parents, brothers and paternal cousins, about the wife's original parentage.

得請實，發生從迹，毋督聚煩擾民。大逆同產當坐，重事，推迹未窮，毋令居部界中不覺。得者書言白報，以郵亭行詣長安傳舍。重事，當奏聞，必謹密之，毋留，如律令。/

Make sure they get the true facts about her origin and history.

Do not assemble and harass the people. As a sibling of a person who committed the crime of "great impiety" is a serious matter. Before exhausting all the clues, do not overlook any suspects residing within your jurisdiction.

In case Li Rong is caught, please report back in writing, and transmit the documents by the courier stations system all along to the capital Chang'an.

This is a serious matter, and you should send memorials to inform us and must be careful and circumspect and do not delay. Act in accordance with the statutes and ordinances.

六月，張掖大守毋適、丞勳，敢告部都尉卒人，謂："縣寫移書到，趣報如御史書律令。敢告卒人/掾佷守卒史禹置佐財。　73EJT1:2

In the sixth month, the Governor of Zhang Ye, Wu Shi, the deputy Governor Xun, dare to inform the Chief Commandant of the Division: After the counties copied the transmitted documents, they should promptly come to report back in accordance with the Imperial Councilors' statutes and ordinances."

七月壬辰，張掖肩水司馬陽，以秩次兼行都尉事，謂候城尉寫移書到，廋索部界中，毋有，以書言，會月廿日。如律令/掾遂守屬況/

On the *renchen* day of the seventh month, Yang, the Marshal of the Jianshui Pass in Zhang Ye Prefecture, who temporarily conduct the business of the Chief Commandant informs the Captains of fortification walls (*chengwei* 城尉) of the Lookout Officer (*hou* 候) that when the

copied documents arrive, make a search within your jurisdiction and make a report in writing if anyone is found. The deadline is the twentieth day of the month. / Clerk Yuan, Assistant of the Governor, Kuang.

七月乙未，肩水候福，謂候長廣宗□，寫移書到，廋索界中，毋有，以書言。會月十五日須報府毋忽，□□如律令/令史□　73EJT1:3

On the *yiwei* day of the seventh month, Fu, the Lookout Officer (*hou* 候) of Jianshui, informs the Lookout Head (*houzhang* 候長), Guang Zong: when the copied documents reach you, make a search within your jurisdiction; Report back in writing whether she is found or not. The report should arrive by the fifteenth day of the month and do not delay it. …Act in accordance with the statutes and ordinances. / The Scribe Director… 73EJT1:3


甘露二年五月己丑朔甲辰朔丞相少史充御史守少史仁以請詔有逐驗大逆無道故廣陵王胥御者惠同
産弟故長公主蓋卿大婢外人移郡大守逐得試知外人者故長公主大奴千秋等曰外人一名麗戎字中夫前大子守觀
奴嬰齊妻前死麗戎從母捐之字子文私男弟偃居主馬市里弟捐之姊子故安道侯奴材取不審縣里男子字游爲麗戎
聟以牛車就載藉田倉爲事始元二年中主女孫爲河間王后與捐之偕之國後麗戎游從居主杌菜弟養男孫丁子沱元鳳元年
中主死絕戶奴婢沒入詣官麗戎游俱亡麗戎脫籍疑變更名字匿走絕迹更爲人妻介罪民聞若死毋從知麗戎此
時年可廿三四歲至今年可六十所爲人中壯黃色小頭黑髮隋面拘頤常戚額胸頻狀身小長詐庶少言書到二千石遣毋害都吏

嚴教屬縣官令以下嗇夫吏正父老襍驗問鄉里吏民賞取婢及免婢以爲妻年五十以上刑狀類麗戎者問父母昆弟本誰生子務
得請實發生從迹毋督聚煩擾民大逆同産當坐重事推迹未窮毋令居部界中不覺得者書言白報以郵亭行詣長安
傳舍重事當奏聞必謹密之毋留如律令
六月張掖大守毋適丞勳敢告部都尉卒人謂縣寫移書到趣報如御史書律令敢告卒人／掾很守卒史禹置佐財　73EJT1:2

七月壬辰張掖肩水司馬陽以秩次兼行都尉事謂候城尉寫移書到廋索部界中毋有以書言會廿日如律令／掾遂守屬況
七月乙未肩水候福謂候長廣宗□寫□□到廋索界中毋有以書言會月十五日須報府毋□□如律令／令史□　73EJT1:3

Figure 5.1 “Warrant of the Chancellor and Imperial Councilor in the Second Year of the Ganlu Reign” (*Ganlu ernian chengxiang yushi shu* 甘露二年丞相御史書). Gansu Jiandu Bohu Zhongxin 甘肅簡牘保護中心等 et al eds. *Jianshui jinguan Hanjian* 肩水金關漢簡（壹） vol. 1, part 2. Shanghai: Zhongxi shuju, 2011, 2.

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