

The Basic Unit of an Empire:
Studies of the Household System in Early Imperial China (ca.
3rd-1st century BCE)

Dissertation
zur Erlangung des Grades des Doktors der Philosophie
der Universität Hamburg

vorgelegt von
Wang Xiao

Hamburg 2021

Datum der Disputation: 12.04.2022

Prüfungskommission: Prof. Dr. Michael Friedrich

PD. Dr. Ulrich Lau

Prof. Dr. Kaja Harter-Uibopuu

Abstract

The Basic Unit of an Empire:

Studies of the Household System in Early Imperial China (ca. 3rd-1st century BCE)

Xiao Wang

This dissertation explores the household system developed in the Qin and early Han periods (ca. 3rd-1st century BCE) mainly by examining the transmitted and excavated textual materials. It shows that the household unit, as an artificial unit legitimized by the authorities, enabled the direct control of the population by the central government. Except for reconstructing the general management theoretically, this dissertation pays much attention to the local society and focuses on real administration.

Chapter one starts with the analysis of two crucial legal terms—"household member" and "co-resident"—that frequently occur in the legal texts. "Household members" denotes the people on the same household register, which was not determined by kinship; besides, subjects and slaves were considered their masters' household members as well. Distinctly, the "co-resident" group did not include the subjects and slaves, and only formal family members who lived in the same residence were attributed to it.

Then we investigate the succession and establishment of households which constitute the fundamental issue in functioning the household system. The succession for a household concerns two aspects: the succession to the householder status and the succession to the rank. Nonetheless, these two aspects represent two distinguished systems, the rank system and the heir system, respectively, which were not always consistent with each other. The succession for households signifies the maintenance of pre-existing households, while the establishment of households implies the creation of new households. Separation of a household by adult sons was encouraged in Qin and early Han times. With more households, the government could extract more taxes and labor services.

Chapter Three engages in reconstructing the hierarchical household management in administration by illustrating the functions of different-level organizations and the relevant personnel. Among the local levels composed of the village, district, prefecture and commandery, the role played by the district level was particularly prominent. Its significance was primarily counted on the exclusive manipulation of the original household registers. Additionally, the functions of the Bureau of Households and the Commandant Office in household management at the prefecture level are also examined.

In Chapter Four, household tax is explored as one of the economic responsibilities imposed on households. Based on the analysis of various accounts and records, we have shown the amount of household tax each household should pay, the time when to hand the tax in, the free conversion between in-kind and cash, etc., from both legal and administrative perspectives. Moreover, we have reconstructed the processing procedure of this part of government revenue by different offices.

Chapter Five elaborates on confiscation and collective liability, two legal punishments directing to the household unit and its extension. By comparison, confiscation was inclined to penalize the householder by impounding his/her spouse, non-adult children and properties, whereas collective liability was used to punish the people for their dereliction of the duty to monitor and report the offenses of the people around.

The sixth chapter is a supplementary discussion on the nature of Qianling Prefecture and the role played by the District Office. We conclude that Qianling was a town of immigrants primarily made up of outsiders who were transported there. Although the District Office was in charge of household and population management and collecting the household tax, which was crucial in many aspects, it was not the only connection between the bottom of the society and the Prefecture Court. Other Offices, such as the Fields Offices, were in the same level with it.

Zusammenfassung

Diese Dissertation untersucht das in der Qin und frühen Han Zeit (ca. 3.-1. Jh. v. Chr.) entwickelte Haushaltssystem vor allem anhand der überlieferten und ausgegrabenen Textmaterialien. Sie zeigt, dass die Haushaltseinheit als künstliche, von der Obrigkeit legitimierte Einheit die direkte Kontrolle der Bevölkerung durch die Zentralregierung ermöglichte. Abgesehen von der theoretischen Rekonstruktion der allgemeinen Verwaltung widmet diese Dissertation der lokalen Gesellschaft viel Aufmerksamkeit und konzentriert sich auf die reale Verwaltung.

Das erste Kapitel beginnt mit der Analyse von zwei wichtigen Rechtsbegriffen—“Haushaltsmitglied” und “Mitbewohner”, die in den Gesetzestexten häufig vorkommen. “Haushaltsmitglieder” bezeichnet die Personen, die im selben Haushaltsregister eingetragen sind, das nicht durch die Verwandtschaft bestimmt war; außerdem galten Untertanen und Sklaven auch als Haushaltsmitglieder ihrer Herren. Die Gruppe der “Mitbewohner” umfasste nicht die Untertanen und Sklaven, sondern nur formelle Familienmitglieder, die im selben Haus wohnten.

Anschließend untersuchen wir die Nachfolge und die Gründung von Haushalten, die die grundlegende Frage für das Funktionieren des Haushaltssystems darstellen. Die Nachfolge in einem Haushalt betrifft zwei Aspekte: die Nachfolge im Status des Hausherrn und die Nachfolge im Rang. Diese beiden Aspekte stellen jedoch zwei unterschiedliche Systeme dar, das Rangsystem bzw. das Erbsystem, die nicht immer miteinander vereinbar waren. Die Haushaltsnachfolge bedeutet die Aufrechterhaltung bereits bestehender Haushalte, während die Gründung von Haushalten die Schaffung neuer Haushalte impliziert. Die Abtrennung eines Haushalts durch erwachsene Söhne wurde in der Qin- und frühen Han-Zeit gefördert. Je mehr Haushalte vorhanden waren, desto mehr Steuern und Arbeitsleistungen konnte die Regierung eintreiben.

In Kapitel drei wird die hierarchische Haushaltsführung in der Verwaltung rekonstruiert, indem die Funktionen der Organisationen auf den verschiedenen Ebenen und das entsprechende Personal dargestellt werden. Unter den lokalen Ebenen, die sich aus Dorf, Bezirk, Präfektur und Kommandantur zusammensetzen, spielte die

Bezirksebene eine besonders wichtige Rolle. Ihre Bedeutung beruhte in erster Linie auf der ausschließlichen Bearbeitung der ursprünglichen Haushaltsregister. Darüber hinaus werden auch die Funktionen des Haushaltsbüros und der Kommandantur bei der Haushaltsverwaltung auf der Präfektur-Ebene untersucht.

Im vierten Kapitel wird die Haushaltssteuer als eine der den Haushalten auferlegten wirtschaftlichen Pflichten untersucht. Auf der Grundlage der Analyse verschiedener Konten und Aufzeichnungen haben wir sowohl aus rechtlicher als auch aus verwaltungstechnischer Sicht aufgezeigt, wie hoch die von jedem Haushalt zu entrichtende Haushaltssteuer ist, zu welchem Zeitpunkt die Steuer abzugeben ist, wie die freie Umrechnung zwischen Sachleistungen und Bargeld erfolgt, usw. Außerdem haben wir das Verfahren zur Bearbeitung dieses Teils der Staatseinnahmen durch die verschiedenen Ämter rekonstruiert.

Das fünfte Kapitel befasst sich mit der Konfiskation und der kollektiven Haftung, zwei rechtlichen Sanktionen, die sich auf die Haushaltseinheit und ihre Ausweitung beziehen. Die Konfiskation diente dazu, den Hausherrn zu bestrafen, indem sein Ehepartner, seine nicht erwachsenen Kinder und sein Vermögen beschlagnahmt wurden, während die Kollektivhaftung dazu diente, die Bürger für die Vernachlässigung ihrer Pflicht zu bestrafen, die Vergehen ihrer Mitmenschen zu überwachen und zu melden.

Das sechste Kapitel ist eine ergänzende Diskussion über das Wesen der Präfektur Qianling und die Rolle des Bezirksamtes. Wir kommen zu dem Schluss, dass Qianling eine Stadt der Einwanderer war, die sich hauptsächlich aus Außenseitern zusammensetzte, die dorthin gebracht wurden. Obwohl das Bezirksamt für die Haushalts- und Bevölkerungsverwaltung und die Erhebung der Haushaltssteuer zuständig war, was in vielerlei Hinsicht von entscheidender Bedeutung war, stellte es nicht die einzige Verbindung zwischen der Basis der Gesellschaft und dem Präfekturgericht dar. Andere Ämter, wie z. B. die Bezirksamter, befanden sich auf derselben Ebene wie das Bezirksamt.

Table of Contents

List of Tables.....	iv
List of Figures.....	v
Abbreviations	vii
Acknowledgements	ix
Introduction.....	1
1. Period	1
2. Limited Perspectives on Historical Narrative	3
3. A Collective New Identity.....	6
4. Sources	7
5. State of the Art	12
6. Methodology	17
7. Summary of Contents.....	19
Chapter 1: The Discussion of Two Legal Terms Related to the Household System	22
1.1 Household Member (<i>tong ju</i> 同居)	22
1.2 Co-resident (<i>shi ren</i> 室人).....	33
Chapter 2: The Succession and the Establishment of Households.....	44
2.1 To Succeed to a Household.....	44
2.2 To Establish a Household (<i>wei hu</i> 為戶)	58
2.3. The Migration of Households	63
2.4 Separation of Property within a Household	72
Chapter 3: The Running of the Household System	80
3.1 The Functions of the Hierarchical Organizations	81
3.1.1 The village size and the appointment of the Head of the Village.....	84
3.1.2 The function of the district level in the household system and the examples of household registers in different periods	93
3.1.3 The function of the prefecture level in the household system.....	114
3.1.4 The running of the household system at the commandery level	120

3.2 The Bureau of Households (<i>hu cao</i> 戶曹) and the Commandant (<i>wei</i> 尉) at the Prefecture Level	126
3.2.1 The Bureau of Households and the related manuscripts	127
3.2.2 The Commandant and its relation to the household management.....	138
3.3 Summary	145
Chapter 4: Household Tax (<i>hu fu</i> 戶賦).....	148
4.1 The Regulations in the Qin and Han Statutes on Household Tax.....	150
4.1.1 The payers of household tax and the Ministerial rank.....	154
4.1.2 The quantities and the payment methods of household tax.....	160
4.2 The Management of Household Tax by the Local Administration.....	172
4.2.1 Tallies and notches	176
4.2.2 The processing procedure of household tax by the local administration ..	194
4.2.3 The budget ahead of the collection of household tax	198
4.3 Summary	200
Chapter 5: Confiscation, Collective Liability and Their Association with the Household System	202
5.1 The Regulations on Avoiding Confiscation	204
5.1.1 The statute on male criminals	204
5.1.2 The statute on female criminals	211
5.2 Collective Liability Based on the Household System.....	222
5.2.1 The development of collective liability in a transformative context	223
5.2.2 The collective liability imposed on the household unit and its extension ..	231
5.3 A Brief Comparison between Confiscation and Collective Punishment	238
Chapter 6: A Discussion of the Nature of Qianling Prefecture and a Rethink of the District Office	241
6.1 The Nature of Qianling Prefecture	241
6.2 A Rethink of the District Office	254
Conclusion	261
Bibliography	266
Appendix 1: The house plans drawn according to the cases in the <i>FZS</i>.....	279
Appendix 2: Tables of Units of Measurements in Qin and Han times	280

Appendix 3: The chronicle of the case “Shi jie wan an”	281
Appendix 4: The image of board no. 53 of Songbai tomb	282
Appendix 5: Images of “Lelang jun chuyuan sinian xianbie hukou jibu” 樂浪郡 初元四年縣別戶口【集】簿	283

List of Tables

Table 0.1: Texts from tombs and texts from hoards	11
Table 1.1: The occurrence numbers of the term <i>tong ju</i> in the manuscripts	23
Table 1.2: The LY household registers noted with <i>wu shi</i> 毋室.....	40
Table 2.1: The sequences of diverse succession orders.....	48
Table 2.2: A part of the text from “The Household and Population Account of West District in the Second Year”	63
Table 3.1: The villages with household numbers on the Mawangdui Military Map (ca. 180 BCE)	84
Table 3.2: A household register from the LY moat: K1/25/50 (ca. 222 BCE)	96
Table 3.3: A household register among the LY administrative documents: 9-2037+9-2059 (ca. 222-208 BCE) in <i>LY</i> 2, 408.....	96
Table 3.4: A household register in the Zoumalou Wu Manuscripts 走馬樓吳簡 (196-237 CE) reconstructed by Zhang Rongqiang	101
Table 3.5: A household register from the Dunhuang manuscripts (416 CE) preserved in the British Library (S. 0113).....	101
Table 3.5: The Household and Population Account of West District in the Second Year (139 BCE).....	106
Table 3.6: Household Account of [Qiling] District in Qianling Prefecture (board no. 8-19, in <i>LY</i> 1, 32-33)	108
Table 3.7: Household Account of [Erchun] District in Qianling Prefecture (slip no. 8-1236+8-1791, in <i>LY</i> 1, 297)	109
Table 3.8: The Household and Population Account of Dongyang Prefecture 東陽縣	117
Table 3.9: Part of the text of the Lelang Household and Population Accounts (45 BCE)	122
Table 3.10: The duties of each sub-/administrative level in household management	123

Table 3.11: The numbers of occurrences of <i>hu cao</i> in the LY manuscripts.....	127
Table 3.12: The documents (type 3 in Table 3.11) related to <i>hu cao</i> and the summaries of the contents	131
Table 3.13: The content of board no. 8-488 (<i>LY</i> 1, 167) and the English translation	133
Table 3.14: The occurrences of <i>wei shi</i> 尉史 “Scribe of the Commandant” in the manuscripts	142
Table 4.1: The corresponding tax obligations of different rank holders	158
Table 4.2: The norm quotas of household tax in the Qin and the early Han respectively	161
Table 4.3: Chinese units of weight in Qin and Han times.....	161
Table 4.4: The records of household hay, land hay and land straw of Ping Village and Gaoshang.....	163
Table 5.1: The enforcement of confiscation in different conditions	219

List of Figures

Figure 1.1: The extracted images of <i>wu shi</i> 毋室 and <i>mu yue cuo</i> 母曰錯 “Mother called Cuo” from the LY household registers	40
Figure 2.1: The images of recto and verso sides of board no. 2 and the recto side of board no. 3	71
Figure 2.2: The images of the slips of <i>Xian ling quan shu</i>	77
Figure 3.1: The population distribution of the Western Han dynasty in 2 CE.....	86
Figure 3.2: The image of board no. 8-550	93
Figure 3.3: Images of K1/25/50 and 9-2037+9-2059	97
Figure 3.4: The image of S. 0113.....	102
Figure 3.5: The image of “The Household and Population Account of West District in the Second Year”	107
Figure 3.6: Images of board no. 8-19 and slip no. 8-1236+8-1791	110

Figure 3.7: The administrative structure of Qianling Prefecture	113
Figure 3.8: The image of the board containing “The Household and Population Account”	117
Figure 3.9: Images of slip nos. 8-1292 and 9-236	129
Figure 3.10: The image of board no. 8-488	133
Figure 4.1: The image of the board with records of household hay, land hay and land straw of Ping Village and Gaoshang Village.....	162
Figure 4.2: Images of boards nos. 8-518, 9-661	167
Figure 4.4: The image of board no. 9-1115 (a label of a basket)	184
Figure 4.5: The image of a tripartite tally from Tuzishan tomb no. 6 (length: 24.7 cm; width: 1.1 cm×3; thickness: 0.5 cm)	185
Figure 4.6: The image of Xuanquan slip no. T0114①: 26AB.....	187
Figure 4.7: An ideal model of a semi-manufactured tripartite tally	189
Figure 4.8: Two examples of the cross-sectional views of the notches	192
Figure 4.9: Images of different shapes of notches on the LY tallies	192
Figure 4.10: The flow chart of the household tax processing	197
Figure 5.1: The image of <i>Houma mengshu</i> (67:6)	226
Figure 6.1: The plan of the archeological site of the seat of Qianling Prefecture.....	242
Figure 6.2: Images of board no. 8-1817 and board no. 8-659+8-2088	252
4. The building layout of the house occurring in “Robbery by tunneling”	279

Abbreviations

<i>ENLL</i>	The <i>Ernian lüling</i> 二年律令 text in Peng Hao 彭浩, Chen Wei 陳偉, and Kudō Moto'o 工藤元男, ed. 2007. <i>Ernian lüling yu Zou yan shu—Zhangjiashan er si qi hao Han mu chutu falü wenxian shidu</i> 二年律令與奏讞書——張家山二四七號漢墓法律文獻釋讀. Shanghai: Shanghai guji.
<i>FLDW</i>	<i>Falü dawen</i> 法律答問
<i>FZS</i>	<i>Feng zhen shi</i> 封診式
<i>HS</i>	<i>Hanshu</i> 漢書
<i>HHS</i>	<i>Houhanshu</i> 後漢書
<i>LY</i>	Liye 里耶
<i>LY 1</i>	Chen Wei, ed. 2012. <i>Liye Qin jiandu jiaoshi (yi)</i> 里耶秦簡牘校釋（壹）. Wuchang: Wuhan daxue.
<i>LY 2</i>	Chen Wei, ed. 2018. <i>Liye Qin jiandu jiaoshi (er)</i> 里耶秦簡牘校釋（貳）. Wuchang: Wuhan daxue.
<i>LYQJ 1</i>	Hunan sheng wenwu kaogu yanjiusuo 湖南省文物考古研究所. 2012. <i>Liye Qinjian (yi)</i> 里耶秦簡（壹）. Beijing: Wenwu.
<i>LYQJ 2</i>	Hunan sheng wenwu kaogu yanjiusuo. 2017. <i>Liye Qinjian (er)</i> 里耶秦簡（貳）. Beijing: Wenwu.
<i>QJDHJ</i>	Chen Wie, ed. 2014. <i>Qin Jiandu heji (yi)</i> 秦簡牘合集（壹）. Wuhan: Wuhan daxue.
<i>SHD</i>	Shuihudi 睡虎地
<i>SHD (1990)</i>	Shuihudi Qinmu zhujian zhengli xiaozu 睡虎地秦墓竹簡整理小組. 1990. <i>Shuihudi Qinmu zhujian</i> 睡虎地秦墓竹簡. Beijing: Wenwu.
<i>SJ</i>	<i>Shiji</i> 史記

- YL Yuelu shuyuan 岳麓書院
- ZJS Zhangjiashan 張家山
- ZYS The *Zou yan shu* 奏讞書 text in Peng Hao, Chen Wei, and Kudō
Moto’o, ed. 2007. *Ernian lüling yu Zou yan shu—Zhangjiashan
er si qi hao Han mu chutu falü wenxian shidu* 二年律令與奏讞
書——張家山二四七號漢墓法律文獻釋讀. Shanghai:
Shanghai guji.

Acknowledgements

I would first like to thank my supervisor, Professor Dr. Michael Friedrich, for his patience, encouragement, and guidance over the course of my Ph.D. research. He always carefully read and closely examined the papers I wrote and gave me a lot of comments and inspirations. Also, from reading and reviewing the theses that he recommended, I really learned a lot, and many of my previous views have changed. I am also very grateful for his supports during the Corona pandemic. It was a tough time for me, not only for the stress from finishing the dissertation but also keeping mental health with little communication with other people. He organized colloquiums and sessions to make us gather online and stay in touch with each other.

My second supervisor, Dr. Ulrich Lau, is always very kind and helpful. He has been deeply involved in legal manuscripts studies for many years and never hesitates to share his views and academic resources with us. The legal manuscripts reading sessions he organized have helped me better understand the manuscripts and inspired me with many innovative ideas.

Professor Chen Songchang, as my Master's advisor, is the person who inspired me to pursue research in Early Chinese studies. He helped me recognize and acknowledge my interest in bamboo and wooden slips and boards. He has also kindly shared valuable manuscripts collected by Yuelu Academy.

I am also very appreciative to have the opportunity to study at CSMC. Series of lectures, regular workshops and multiple presentations have widened my horizon, equipped me with more knowledge on diverse manuscripts and different cultures. Besides, I have made three formal presentations and several small ones at CSMC, which were challenges but also good chances for me. I want to thank my lovely worldwide colleagues as well, who provided a lot of help, accompanied my office hours, and shared their viewpoints about the world with me.

I also thank my colleagues in Sinology, whose presentations and discussions in our

colloquiums were fascinating. They also gave me much advice on my work.

Finally, I would like to express my gratitude towards my family and friends for supporting me to finish my Ph.D. study in every possible way they could. Due to the Covid-19, my parents were worried about me since I was alone and stayed far away from them. They often talked with me online and shared even very tiny things to make me surrounded with warmth. Many of my friends kept in touch with me and encouraged me to finish my dissertation. They are always my strongest support.

Introduction

1. Period

As Michael Loewe has pointed out, “many of Qin’s and Han’s institutions survived to form characteristic features of government in later times.”¹ The household system, which arose around the 4th century BCE, and was formally established by the imperial Qin government, is unquestionably one of the institutions that have had a lasting impact on later imperial China.

My project concentrates on the research of the household system in Qin and early Han times, primarily supported by the multiple manuscripts including but not limited to the Shuihudi manuscripts 睡虎地秦簡 (ca. the late 3rd cent. BCE), the Yuelu manuscripts 岳麓秦簡 (around 212 BCE), the Liye manuscripts 里耶秦簡 (222-208 BCE) and the Zhangjiashan manuscripts 張家山漢簡 (approximately 186 BCE); in reverse, the dates of these manuscripts virtually determine the time span of my research topic, by and large, from the 3rd century BCE to the 1st century BCE. The end of the state competitions and the establishment of the first empire—Qin and its successor—Han mark this period as being full of highly sophisticated social changes.

Many reforms of the Qin state, including the introduction of the household system, were credited to Lord Shang (Shang Yang 商鞅, 390-338 BCE).² He came to the Qin state in 362 BCE. Supported by Duke Xiao of Qin (reign 361-338 BCE), he introduced two sets of changes to the Qin state, with the first one in 356 BCE. In my following discussions, some texts recording the policies purportedly put forward by Lord Shang are also cited to show the embryonic development of the household system. The emphasis on Lord Shang’s influences in Qin’s history impresses us with a

¹ See Michael Loewe (2006), 17.

² His reforms and their significance have been extensively discussed by many scholars worldwide, cf. Mark Edward Lewis. 1999. “Warring States: Political History”. In *The Cambridge History of Ancient China*, edited by Michael Loewe and Edward L. Shaughnessy. Cambridge: Cambridge University Press, 611-616; Yang Kuan 楊寬. 1998. *Zhanguo shi* 戰國史. Shanghai: Renmin, 201-212.

stereotype that many changes abruptly happened due to his appearance in the Qin state;³ however, take the promotion of the household system as an example, the reform had already taken place during the era of Duke Xian of Qin (reign 384-362 BCE). Lord Shang's contributions to the Qin state cannot be denied, though it should be noted that his reforms were not implemented abruptly and were based on certain social foundations that had already experienced changes for many years prior to his arrival.

Another point about this period that also deserves our attention is the longtime overemphasis of the 26th year of the First Emperor of Qin (221 BE) when the Qin state realized the unification and established the first empire. It has been identified as a crucial turning point in Chinese history. As a milestone that signified the establishment of the first empire, many new institutions, policies, regulations, etc., were launched this year. For example, the standardization of the units of measurements such as weights and measures, the unification of script, and the abolishment of feudalism were all essential changes promulgated empire-wide. However, Maxim Korolkov notices that “excavated contemporary documents, on the contrary, do not single out the 26th reign year of the Qin King Zheng as a momentous turning point in political history... neither the change in the Qin royal title in 221 BCE nor the reign of the First Qin Emperor appear to have been treated as a critical historical watershed at the beginning of the Western Han period.”⁴ Early on Robin D.S. Yates (2013) and Takamura Takeyuki 高村武幸 (2019) argued that “the Qin essentially became an empire as early as 316 BCE when its armies crossed the Qinling 秦嶺 Mountains and conquered the Chengdu Plain in Sichuan”.⁵

It is definite that the unification process started earlier than the 26th year (221 BCE). Take Qianling Prefecture 遷陵縣 as an example. It was established in the 25th

³ Lord Shang first came to the State Qin in 362 BCE during the reign of Duke Xiao of Qin (381-338 BCE) and his first set of changes to the State of Qin took place in 356 BCE.

⁴ See Korolkov (2020), 16.

⁵ Quoted from Korolkov (2020), 17. For details, see Yates (2013), 473-506; Takamura (2019), 51-66.

year of King Zheng of Qin (222 BCE),⁶ one year earlier than the conquest of the last state, the Qi state 齊, in the 26th year (221 BCE). The twenty-fifth-year documents that circulated in Qianling Prefecture had already been produced in Qin style, demonstrating an immediate transformation of this new territory by the Qin conquerors. Undoubtedly, the other territories seized by the Qin army earlier than Qianling must have undergone Qin-ization before 222 BCE; that is to say, most of the conquered territories had been reformed or were in the process of reformation before the unification. In terms of the dynamic Qin-ization process in most territories, this date does not have much impact. Nevertheless, signifying changes of multiple aspects of the empire, the year 221 BCE still should be highlighted as a watershed moment in Chinese history.

The research period from the 3rd to the 1st century BCE spans the Qin and the early Han. After the establishment of the Han Empire, with the revival of enfeoffed lords and their coexistence with the commanderies under the control of the central government, there must have occurred some changes in population control in the early Han period. We know little about the management of the populace residing on the lands allotted to the enfeoffed lords due to a lack of related materials; therefore, my discussion cannot cover this segment of the population. Nevertheless, in the central government-led commanderies, the Han government succeeded the Qin household system to a large extent, particularly in its early years within this research scope.

2. Limited Perspectives on Historical Narrative

The majority of the sources that underpinned this study are legal texts and administrative documents. In particular, the administrative documents provide evidence from the lower social strata and concern many minor offices and inferior officials active in local regions. They were, however, still representatives of the higher authorities' ideas. Based on this foundation, this research inevitably proceeded from

⁶ It was recorded on slip no. 8-757 (*LY* 1, 217): “Now Qianling was established as a prefecture in the twenty-fifth year” 今遷陵廿五年為縣.

the perspectives of various levels of government or extensive organs, in general, rulers, other than the local populace.

Some of the texts, such as those from the criminal cases⁷ and the Last Will (*xian ling quan shu* 先令券書), show some aspects of the real life of the common people and usually account the stories on account of the individuals' narratives; however, even in these cases, the local governments or offices were ubiquitous. The doubtful cases were, of course, compiled by local officials, and they could have been heavily influenced by the compilers' wills; to authenticate a last will, representatives from the government must be present to witness the making of the document.

The extant data reflect almost exclusively the ideas envisioned by the authorities and reveal the affairs dealt with by the government functionaries, from which we could learn the authorities' likes and dislikes, what they expected the society to be, and the implementation of their ideas in administration through the trained local officials. In spite of this, some texts disclose the real situations of the society in an indirect way. Many legal items focusing on absconding, for example, could lead one to believe that the people's absconding was a widespread and serious problem faced by the government. However, these indirect hints are not the essence of the legal and administrative texts. The living conditions of the commoners and their perceptions about the society are hard to reach, let alone those of the conscripts, convicts and slaves. Many scholars have already noticed this gap and done much work committing to describe the world of the commoners;⁸ however, confined to present sources, nearly all the works aiming to reconstruct the commoners' life practically resort to the texts

⁷ Represented by the *Book of Submitted Doubtful Cases* (*zou yan shu* 奏讞書) and the Qin criminal cases from the Yuelu Academy collection.

⁸ In the book *Envisioning Eternal Empire*, Yuri Pines (2009) has devoted great lengths to deal with "the people", which part he believes is one of the components of imperial polity, along with "the ruler" and "the intellectual"; moreover, as he states, he "focuses on the commoners not as objects of monarchical munificence, but as political actors". He notices the confusing usage of different designations of people, and attempts to figure them out. He translates *bai xing* 百姓 as "the hundred clans", *shu min* 庶民 as "multiple people/commoners", *guo ren* 國人 as "capital dwellers", and *ye ren* 野人 as "people of the fields". See Yuri Pines. 2009. *Envisioning Eternal Empire: Chinese Political Thought of the Warring States Era*. Honolulu: University of Hawaii Press. Glenda Ellen Chao (2017) has attempted to focus on the study of the commoners using the archaeological materials in the Middle Han River Valley. See Glenda Ellen Chao. 2017. *Culture Change and Imperial Incorporation in Early China: An Archaeological Study of the Middle Han River Valley (ca. 8th century BCE-1st century CE)*. A Ph. D dissertation of Columbia University.

produced, compiled or copied by the rulers or social elites other than the direct evidence from the commoners themselves.

Another limitation is that the sources that served as evidence were made from the standpoint of the rulers based in the north. Admittedly, most of our sources were excavated from the south, mainly in present Hunan Province and Hubei Province. During the Qin and Han periods, this region was remote and underdeveloped, and its customs and traditions differed greatly from those of the north. The LY Qin administrative documents uncover a local world, from which we could learn a lot about the local products, the specific agricultural tradition, the components of people and so forth, but of particular notice is that these documents were made and handled according to the Qin's pattern; moreover, the officials and the assistants who were responsible for these documents were undoubtedly trained by Qin's standards.⁹ These documents do not only show the regional characteristics but demonstrate a way how the north rulers viewed the so-called barbarian south people. Take the term "pawnd son-in-law" (*zhui xu* 贅婿) as an example, this group of people was assumed as some loose morals by the rulers and there are many prohibitions on them in the Qin and Han law. For example, they were not allowed to establish households and were forbidden to serve in the government. The fact that this term appears so frequently could indicate that this group of people was not small in the south, where related statutes and ordinances were excavated. The people of the south were likely to accept this social group, but the rulers of the north did not, and as a result, imposed strict restrictions and treated them as inferiors.

Considering the north as the center of the world and the people living in other areas as barbarians is certainly not only a problem in the study of the Qin and Han history. In the long run of Chinese imperial history, this worldview profoundly

⁹ Based on the LY texts, the officials working in Qianling whose origins were traceable were all transported to Qianling from other places other than being recruited from the indigenous people, and the same goes for the assistants. For details, see You Yifei, 2015. This result suggests that the Qin government transported old Qin officials or the officials from the regions that were occupied earlier and had been transformed to the Qin tradition to work in new territories. There must have been some Chu officials who used to be in charge of the region conquered by Qin, but their whereabouts is a question that cannot be answered yet. It is very likely that they would be deported to other regions where they were alienated.

impacted “Chinese” people’s recognition of the neighboring areas and the ethnic groups living in them.

3. A Collective New Identity

Before the unification of the empire, the building of regional identities was an effective strategy in the competitions among territorial states, which could, as addressed by Shelach and Pines, “increase social cohesion and the motivation of the common people to fight for their state. Moreover, opposing this local identity to that of the enemy reduces the likelihood of defection”.¹⁰ Apart from creating a tension between the domestic common people and the people of the opposing enemy states, the formation of regional identities also provided legitimacy to states that could no longer rely on the weakening Zhou Royal House for legitimacy. In addition to the regional identities based on the geographical sense of belonging, personal attachments that were prevalent in nearly all the states at that time forged strong private connections between masters and followers and created loyalty-based identities. A YL text (YL 5, 43: 1029) records the disposal of the followers of a general named Yue Tu 樂突 from the Zhao state.¹¹ The emergence of these various identities during the Warring States period, however, became great resistance for the enterprise of a unified Qin empire.

After the unification, the people who were formerly not Qin people became the Qin subjects. By creating a new identity—black-head (*qian shou* 黔首),¹² the Qin government intended to impose this new collective identity on all its people to displace their former identities. Another term, “new black-head” (*xin qian shou* 新黔

¹⁰ See Shelach and Pines, 222.

¹¹ For the YL text, see fn. 506, p. 235.

¹² The phrase *qian shou* 黔首 literally means “black-head”. It is recorded in the *Shiji* that in 221 BCE, the First Emperor of Qin instructed that the common people should be called black-heads (*Shiji* 6, 240: 二十六年……更名民曰黔首). Kong Yingda 孔穎達 (574-648 CE) annotates in the *Book of Rites* that “common people used black scarves to cover their heads; therefore they were called black-heads” 凡人以黑巾覆頭，故謂之黔首. See Li Xueqin 李學勤, ed. (1999), 1326. Zhang Chuanxi 張傳璽 says that the designation *qian shou* had been in use since the early Warring States period and further states that the generalized naming of the common people was just one of the institutions set up at the beginning of the newly unified empire, which did not mean freeing the slaves. See Zhang Chuanxi, 1980.

首), was applied to call the people of the other states whose territories had been occupied by Qin. The use of this term could avoid the use of regional or personal designations in order to homogenize the new subjects with the older Qin subjects while still keeping the people apart. However, under which condition or from which point the prefix “new” would be eliminated and the new black-heads became black-heads is a question that cannot be answered yet.

Nevertheless, this attempt of the Qin authorities to peel off the people’s former identities, such as the Chu people, the Yue people, and the Yan People, was by no means successful. Many rebellions waged at the end of the Qin ruling period were in the name of the revitalization of the other states in order to get rid of the Qin rule, which implies that the former identities still imprinted into the blood of the local people after the Qin’s decades of governing.

4. Sources

The ideas on population control and the creation of the concept “household (*hu hu*)” in early China can be traced back approximately to the 4th century BCE. The principal policies about the household system in the Qin state were described in the *Shangjunshu* 商君書 (260 BCE-?), which acts as the source of many arguments on this topic. Some records in the *Shangjunshu* find correspondences in the *Shiji* 史記 (ca. 90 BCE), but only a tiny part of texts from the *Shiji* sheds light on the household system. In the *Guanzi* 管子 (around 5th -1st cent. BCE), which was compiled in the name of the famous Qi chancellor Guan Zhong 管仲 (723-645 BCE), more detailed accounts about the organization of the Units of Ten or Five (*shi wu* 什伍) that were designed to put households under scrutiny with less cost and make the people of a certain community responsible for each other are available. Some of the texts in the *Guanzi* are nearly identical to those that were recorded to be enforced in Qin. This situation could allude to the constant interactions of policies and ideas among states prior to the unification. This hypothesis, however, might be problematic due to the nature of the texts, whose dates are both disputable, and the different chapters might

be compiled in different periods by different hands. Additionally, they presumably convey the ideas envisioned by social elites, other than record the actual implementation of the policies, and it is hard to determine whether these ideas were carried out or not.

Michael Nylan has formulated this dilemma in dealing with received literature and says, “formidable difficulties arise whenever scholars attempt to separate out the prescriptive or idealized texts or accounts from the seemingly straightforward and descriptive.”¹³ This is not only the issue we should consider when facing received literature; it also concerns pieces of research with bamboo and wood slips and boards (with very small amount of silk pieces). These manuscripts have “allegedly” direct evidence that has survived tampering and has received a lot of attention from academics. Some of them serve as the foundation for my research into the Qin and early Han household system, allowing me to observe the local society in greater detail. In terms of the content of the texts contained by the slips and boards, the texts can be roughly classified into two categories: legal texts (including statutes, ordinances, and files of criminal cases) and administrative documents (including letters between offices, registers, inventories, tallies, records, etc.). Given the legal texts, what are to be frequently cited in my following chapters are:¹⁴ the Shuihudi texts (ca. the late 3rd cent. BCE),¹⁵ the Yuelu texts (around 212 BCE)¹⁶ and the Zhangjiashan texts (around

¹³ Michael Nylan. 2010. “Administration of the family”. In *China's Early Empires: A Re-appraisal*, edited by Michael Nylan and Michael Loewe. Cambridge University Press, 293.

¹⁴ The following listed texts are all collections of multiple texts, with not only the legal texts included. For instance, there are Daybooks in the SHD texts, calendars in the YL texts, mathematics in the ZJS texts, making this classification not very rigorous. However, most texts that will be referred to in the following discussions are primarily their legal parts. Therefore, they were classified into the “legal texts”, in comparison with the administrative ones. Besides, the criminal cases were essentially not legal texts but files documenting the investigations and courses of trials. Statutes and ordinances were sometimes presented as grounds of judgments. Nevertheless, in the records, information about local traditions, the compositions of households, the levy of labor service, etc., is accessible as well. Since these criminal cases are by and large involved in the legal domain, we put them in this category.

¹⁵ The Shuihudi manuscripts in this dissertation specifically indicate the Qin manuscripts excavated from the no. 11 tomb in 1975. New Han manuscripts that were also excavated from Shuihudi have been partly published in *Wenwu* 文物, cf. Xiong Beisheng 熊北生, Chen Wei 陳偉 and Cai Dan 蔡丹. 2018. “Hubei Yunmeng Shuihudi 77 hao Xihan mu chutu jiandu gaishu” 湖北云梦睡虎地 77 号西汉墓出土简牍概述. *Wenwu* 3: 43-53.

The Shuihudi Qin manuscripts were excavated at Chengguan Town 城關鎮, Yunmeng County 雲夢縣, Xiaogan City 孝感市, Hubei Province 湖北省. Chen Wei believes these texts were probably copied and compiled after the tomb occupant became a scribe, namely, after 244 BCE, see Chen Wei, ed. 2016. *Qin jiandu heji* 秦簡牘合集. Wuhan daxue. 3. The tomb occupant died probably around 217 BCE; therefore, these texts were roughly

186 BCE)¹⁷. These three collections of legal texts have been introduced and studied by many scholars in many respects, but what I want to note here is that these legal texts, especially statutes and ordinances, actually display the law ideas instead of the enforcement of these ideas, a similar problem as the one pointed out by Nylan. Discreet patience should be paid when we apply the legal texts for different purposes and sometimes it is necessary to discern their nature as “idealized” texts or “descriptive” texts.

Regarding the second category, the administrative documents that are also very crucial components of my dissertation mainly comprise the following collections: the Liye texts (222-208 BCE),¹⁸ the Songbai texts 松柏木牘 (approximately 180-87 BCE),¹⁹ the Yinwan Han texts 尹灣漢簡 (ca. 32-7 BCE),²⁰ the Last Will text (5 CE),²¹

produced in the second half 3rd century BCE. For general introductions of the Shuihudi manuscripts, cf. Daniel S. Sou (2013), 8-10; Ma Tsang Wing 馬增榮 (2017), 8-9. For an annotated revised version of the transcription of the Shuihudi texts, see Chen Wei, ed. 2016. For the English translation of the majority of the texts, see Hulsewé, A. F. P. 1985. *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.

¹⁶ The unprovenanced Yuelu manuscripts were bought by the Yuelu Academy, Hunan University from Hongkong. The chronicles contained in this collection record the calendars of 220 BCE, 213 BCE and 212 BCE. It is accepted by scholars that these manuscripts were produced after the unification of Qin. For general introductions of the Yuelu manuscripts, cf. Daniel S. Sou (2013), 17-18; Maxim Korolkov (2020), 38-39. For a detailed discussion on the authenticity of the unprovenanced Yuelu texts and the nature of the collection of the doubtful cases, as well as an annotated English translation of the 15 criminal cases, see Lau and Staack. 2016. *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 and Boston: Brill.

¹⁷ The Zhangjiashan manuscripts were excavated at Jiangling County 江陵縣, Jingzhou City 荊州市, Hubei Province. The collection was probably compiled around 186 BCE when the tomb owner died, but the content of the texts underwent a longer period, with the earliest doubtful case dated to 246 BCE under the reign of King Zheng of Qin. For general introductions of the Zhangjiashan manuscripts, cf. Lau and Staack (2016), 8-9; Ma Tsang Wing (2017), 10-11. For a comprehensive study on its excavation, conservation, publication, physical features and an annotated English translation of *Ernian liling* 二年律令 and *Zouyanshu* 奏讞書 (the central part of the Zhangjiashan texts), see Barbieri-Low and Yates. 2015. *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 and Boston: Brill, 2 vols.

¹⁸ The Liye manuscripts were excavated at Liye Town 里耶鎮, Longshan County 龍山縣, Hunan Province 湖南省. For general introductions of the Liye manuscripts, cf. Barbieri-Low and Yates (2015), 45-46; Ma Tsang Wing (2017), 9-10; Maxim Korolkov (2020), 41-42. For the annotated transcription of the published texts, see Chen Wei, ed. 2012. *Liye Qin jiandu jiaoshi (yi)* 里耶秦簡牘校釋 (一). Wuhan daxue; Chen Wei, ed. 2018. *Liye Qin jiandu jiaoshi (er)* 里耶秦簡牘校釋 (二). Wuhan daxue.

¹⁹ The Songbai boards were excavated at Jinan Town 紀南鎮, Jingzhou City, Hubei Province, dated approximately between the reign of Emperor Wen 漢文帝 (180-157 BCE) and Emperor Wu 漢武帝 (141 BCE-87 BCE). This group of boards contains records on different topics, e.g., Account of Households in Xi District in the 2nd year, Account of the Number of Population on Service, Account of the New Enrolled Population, etc. For general introductions of the Songbai boards, cf. Barbieri-Low and Yates (2015), 46; Ma Tsang Wing (2017), 11-12. For a detailed discussion of the published boards, see Yang Zhenhong 楊振紅. “Songbai Xi-Han mu buji kaoshi” 松柏西漢墓簿籍考釋. *Chutu jiandu yu Qin Han shehui*: 223-242.

²⁰ The Yinwan manuscripts were excavated at Wenquan Town 溫泉鎮, Lianyungang City 連雲港市, Jiangsu

etc. These administrative documents exhibit what the household registers of different periods look like,²² provide records on household numbers in villages, districts, prefectures or commanderies, reveal the related taxations imposed on the populace, illustrate the transfer of properties among family members and so forth. Unlike the legal texts, they do not often meet the question on their nature as “idealized” texts or “descriptive” texts; moreover, what these administrative documents show are nearly all specific events that happened in the local places, which considerably complements the history reconstructed upon the received literature written by social elites. Besides, their existence benefits our verification of the implementation of the statutes and ordinances.

These administrative texts provide a local perspective to better understand the society and give the lower strata a chance to tell their stories, which they had previously been politically invisible and inaudible. Meanwhile, the administrative texts are highly restricted by the places where they were discovered; in other words, the majority of them might only reflect the situations of the local places instead of general situations common to the whole empire. In comparison, the legal texts, especially the statutes, were of more universality and applied empire-wide. Some ordinances were most likely written to address local issues, but they were frequently implemented across larger areas once they were passed.

Apart from the above classification method, according to the provenances of the manuscripts, the texts contained by them can otherwise be divided into the other two types: texts from tombs and texts from hoards (mainly from wells, post-relay stations, fortification sites). The texts that are mainly referred to in my dissertation are listed

Province 江蘇省. For general introductions on the Yinwan manuscripts, cf. Barbieri-Low and Yates (2015), 44-45; Ma Tsang Wing (2017), 13. For a specific analysis of the texts related to household, see Gao Dalun 高大倫. 1998. “Yinwan Han mu mudu ‘jibu’ zhong hukou tongji ziliao yanjiu” 尹灣漢墓木牘“集簿”中戶口統計資料研究. *Lishi yanjiu* 5: 110-123.

²¹ The Last Will slips bearing the text written in 5 CE were excavated at present-day Xupu Town 胥浦鎮, Yizheng City 儀征市, Jiangsu Province. Bret Hinsch has made a comprehensive study of this manuscript, including the introduction of its excavation, the English translation of the text, the discussions on technical terms and the further investigation on women’s rights, see Bret Hinsch. 1998. “Women, Kinship, and Property as Seen in a Han Dynasty Will”. *T’oung Pao* vol. 84: 1-20.

²² Cf. Chapter 3, 96-101.

and classified accordingly into the following table. Additionally, the legal texts are highlighted in a different color to distinguish them from the administrative texts, so the first type of classification can be seen in this table as well.

Table 0.1: Texts from tombs and texts from hoards

Texts from tombs	The Shuihudi texts
	The Yuelu texts
	The Zhangjiashan texts
	The texts on the Mawangdui military map
	The Gaotai Han texts
	The Dongyang Prefecture Household and Population Accounts
	The Fenghuangshan texts
	The Songbai texts
	The Lelang Commandery Household and Population Accounts
	The Yinwan texts
	The Last Will text
Texts from hoards	The Liye texts
	The Juyan texts
	The Xuanquan texts
	The Zoumalou Wu texts

Regarding the manuscripts excavated from tombs, there are many debates on the problem of whether they were made for the funerals or had been used in practice, namely the dispute on their nature as grave goods (*ming qi* 明器) or daily goods (*sheng qi* 生器). Despite the fact that many scholars have discussed this issue,²³ there

²³ Regarding the grave goods, Enno Giele has made a general introduction and listed many examples, but he concludes that the principle of grave goods could not be simply extended to manuscripts. See Enno Giele. 2003. "Using Early Chinese Manuscripts as Historical Source Materials." *Monumenta Serica* 51: 409–438. Li Jingrong 李婧嵘 elaborates on the nature of *Ernian lüling* texts, and she believes this collection was specifically produced for the funeral other than had been practically used. See Li Jingrong. 2014. *The Ernian lü ling Manuscript*. A Ph.D. dissertation of Hamburg University, 72-82.

is no universal rule for determining the nature of the manuscripts. Some may have been produced specifically for the funeral, while others were mostly likely copies of real documents. The nature of the manuscripts from tombs needs to be analyzed case by case. The legal texts and the administrative documents buried in tombs were likely not practically used in daily life; nevertheless, it is hard to create all the stipulations, cases, or documents out of nothing. Even if they were exclusively produced for funerals, they were presumably copied from the texts that had been used.

5. State of the Art

The development of the household system in the Qin and Han periods has piqued the interest of many scholars as an important institution with a significant impact on imperial China's population control. Nevertheless, due to the very limited sources, most works were speculations based on the fragmented texts extracted from the received literature and the commentaries made by scholars of later imperial China. The scarcity of sources that limited the study of related topics changed with the discovery of the Qin and Han manuscripts, which began in 1976 with the excavation of the SHD manuscripts. These manuscripts containing various types of texts furnish new sources for a further study of the household system and disclose the Qin and Han society more immediately, which generated considerable research results.

Some monographs have made general or comprehensive introductions of the population distribution, the policies practiced in the household control, the responsibilities of the household, etc. Though not especially focused on Qin and Han times, Liang Fangzhong 梁方仲 (1980) has collected the demographic and land data recorded in received literature, official archives, local chronicles from the Western Han to the end of the Qing dynasty and compiled them into charts, which provides a general impression on the distribution of population in different periods.²⁴ Du Zhengsheng 杜正勝 (1990) has done a synthetic study of the household system and

²⁴ Liang Fangzhong 梁方仲. 1980. *Zhongguo lidai hukou tiandi tianfu tongji* 中國歷代戶口、田地、田賦統計. Shanghai: Renmin.

its relevance with the military system, the bureaucratic institution, legal provisions, and the rank system from the mid Springs and Autumns period to the end of the Qin empire.²⁵ In the book *The Construction of Space in Early China*, Mark Edward Lewis (2005) elaborates on the household by weaving it into the units composed of “Human body”, “Household”, “Cities and capitals”, and “World and cosmos” that people inhabited in the Warring States period and early imperial China. He interprets the household mainly from its nature as a political and residential unit and a component of a larger world.²⁶ Although these scholars had access to some manuscripts, their research was primarily based on the interpretation of existing literature.

With more and more manuscripts published in recent years, their role as foundational research materials is increasing. Many works begin to analyze the household system revealed by the manuscripts instead of relying on the received literature. Assisted by different types of manuscripts, Liu Min 劉敏 (2014) focuses on the study of the household system and the commoners. At the same time, his emphasis lays on clarifying the impact of the rank order on the household system and how the authorities imposed their ideologies on population control.²⁷ Considering the household as a formalized unit set by law, Zhang Wenjiang 張文江 (2015) puts more effort into studying the legal regulations on household and family, respectively. Starting from differentiating the two concepts “family” and “household”, he then specifies the duties and responsibilities on each of these two units regulated by law. Apart from his main focus on legal provisions, he further illustrates the family structures prevalent in Qin and Han times.²⁸ Before shedding light on the household system, Wang Yanhui 王彥輝 (2016) starts his argument by exploring the local administration, including the prefecture and the district levels. He then goes into detail

²⁵ Du Zhengsheng 杜正勝. 1990. *Bian hu qi min: Chuantong zhengzhi shehui jiegou zhi xingcheng* 編戶齊民：傳統政治社會結構之形成. Taipei: Lianjing.

²⁶ Mark Edward Lewis. 2005. *The Construction of Space in Early China*. State University of New York Press.

²⁷ Liu Min 劉敏. 2014. *Qin Han bianhu min wenti yanjiu: yi yu limin, juezhi, huangquan guanxi wei zhongdian* 秦漢編戶民問題研究：以與吏民、爵制、皇權關係為重點. Beijing: Zhonghua.

²⁸ Zhang Wenjiang 張文江. 2015. *Qin Han jia hu falü yanjiu—Yi jiahu falü gouzao wei shijiao* 秦漢家、戶法律研究——以家戶法律構造為視角. Beijing: Renmin ribao.

about the various accounts and registers that are used in household management. His work is highlighted by his examination of the household property registration and the tax collected on the household property. The military and labor services, both of which were closely linked to the household system, are investigated. Moreover, he has reviewed numerous previous researches and made detailed analyses of many concepts involved in the related texts.²⁹ Yuan Yansheng 袁延勝 (2018) has collected and compiled the key texts related to households from the excavated materials and engages in figuring out the unintelligible terms and intricate legal provisions in them.³⁰ The work of Maxim Korolkov (2020) has reconstructed a southern frontier world in the process of Qin colonization with consolidated analyses of received and excavated textual materials and archaeological evidence. He has primarily focused on the Qin government's economic management in the Dongting region (present-day Hunan Province), including the use of convict labor, the transportation of goods and people, and the development of the private economy; in addition, his dissertation includes discussions of administrative organization, taxation, and military procurement. Taking Qianling prefecture as a case study, he attempts to exemplify the process of incorporating the conquered regions into the Qin empire, while he notes that most of the policies attested to fail.³¹

There are also many arguments attempting to more deeply understand the household system by discussing a specific manuscript, interpreting particular statutes or ordinances, clarifying disputed terms, and so on. As the earliest household registers discovered so far, the LY household registers have been the subject of many studies. Zhang Rongqiang 張榮強 (2008) has made a minute introduction of both their physical features and the texts carried by them. He concludes that these registers were made probably shortly after the Qin army occupied the area (approximately 225 BCE) and these were the household registers produced by the district. He also tries to show

²⁹ Wang Yanhui 王彥輝. 2016. *Qin Han huji guanli yu fuyi zhidu yanjiu* 秦漢戶籍管理與賦役制度研究. Beijing: Zhonghua.

³⁰ Yuan Yansheng 袁延勝. 2018. *Qin Han jiandu huji ziliao yanjiu* 秦漢簡牘戶籍資料研究. Beijing: Renmin.

³¹ Maxim Korolkov. 2020. *Empire-Building and Market-Making at the Qin Frontier: Imperial Expansion and Economic Change, 221–207 BCE*. A Ph.D. dissertation of Columbia University.

the descriptions linked with the household registers in received literature and the other excavated texts and find out the correlation between the textual description and the real objects.³² Primarily agreeing with Zhang's conclusion of the date and the nature of the LY household registers, Chen Jie 陳絜 (2009) further discusses the family structures reflected by these registers, and he identifies nuclear families, stem families, and extended families from them. He does say, however, that extended families did not make up typical family structures. Besides, female servants and subjects on the boards suggest that their status as the affiliated population was recognized by the government.³³

The articles from “Statutes on Household” (*Hu lü* 戶律), “Statutes on Enrollment” (*Fu lü* 傅律) and “Statutes on Establishment of Heirs” (*Zhi hou lü* 置後律) in ENLL provide rich sources for profound studies of the legal ideologies on the household system, the allocation of land, the inheritance institution, the enrollment standards and so forth, which has attracted much attention from scholars. Based on these early Han legal texts, Xu Shihong 徐世虹 (2002) states that the inheritance in a household can be divided into mainly two types: the succession of identities and the inheritance of properties. She divides the first type into the succession of householder status and the succession of rank order. The inheritance of properties might happen under two conditions, when the householder was alive or after the householder died.³⁴ Yun Jaeseug 尹在碩 (2003) pays more attention to explore the legitimate son, and he points out that the legitimate son system in the Qin and Han time was centered on the lineal primogeniture system. In addition to the households established by succession, he also examines the establishment of new households.³⁵

³² Zhang Rongqiang 張榮強. 2008. “Hunan Liye suo chu ‘Qindai Qianling xian Nanyang li huban’ yanjiu” 湖南里耶所出“秦代遷陵縣南陽里戶版”研究. *Beijing shifan daxue xuebao* vol. 4: 68-80.

³³ Chen Jie 陳絜. 2009. “Liye ‘hujijian’ yu Zhanguo moqi de jiceng shehui” 里耶“戶籍簡”與戰國末期的基層社會. *Lishi yanjiu* vol. 5: 23-40.

³⁴ Xu Shihong 徐世虹. 2002. “Zhangjiashan *Ernian lilüing* suojian Handai de jichengfa” 張家山二年律令所見漢代的繼承法. *Zhengfa luntan* vol. 5: 9-17.

³⁵ Yun Jaeseug 尹在碩. 2003. “Shuihudi Qin jian he Zhangjiashan Han jian fanying de Qin Han shiqi houzi zhi he jiaxi jicheng” 睡虎地秦簡和張家山漢簡反映的秦漢時期後子制和家系繼承. *Zhongguo lishi wenwu* vol. 1: 31-43.

With the disclosure of both the legal regulations and the administrative records, the research on household tax became a crucial topic. Yu Zhenbo 于振波 (2005) addresses that the household tax was a separate tax item that was not a general tax item for all the taxes imposed on a household; and he further notes the influence of rank orders on the collection of the household tax.³⁶ After having argued the presence and the nature of the household tax, Zhu Shengming 朱聖明 (2014) illustrates the tax targets, the payment of this tax and the management of this part of revenue.³⁷

Furthermore, Tong Chun fung 唐俊峰 (2014) clarifies two terms concerning the statistics of the household numbers—the present household (*xian hu* 見戶) and the aggregate household (*ji hu* 積戶) and he believes the present households were those that should pay rents and taxes to the government.³⁸ Song Lei 宋磊 (2016) notices the likelihood of the slaves inheriting the householder status and the properties, which he points out could only be found in the Qin and Han provisions and seems to have disappeared later.³⁹ Zhang Rongqiang (2019) displays the change in carriers of the writing and its corresponding impact on the alteration of the household system and the re-division of the functions of different administrative levels.⁴⁰ Much more work concerning the topics related to the household system in Qin and early Han times has been done by scholars, but it is impossible to list them all here. Many of them will be referred to in the following chapters.

³⁶ Yu Zhenbo 于振波. 2005. “Cong jiandu kan Handai de hufu yu chugaoshui” 從簡牘看漢代的戶賦與芻稿稅. *Gugong bowuyuan yuankan* vol. 2: 151-155.

³⁷ Zhu Shengming 朱聖明. 2014. “Qin zhi Hanchu ‘hufu’ xiangkao—Yi Qin Han jiandu wei zhongxin” 秦至漢初“戶賦”詳考——以秦漢簡牘為中心. *Zhongguo jingjishi yanjiu* vol. 1: 152-161.

³⁸ Tong Chun Fung 唐俊峰. 2014. “Liye Qin jian suoshi Qindai de ‘jianhu’ yu ‘jihu’- Jianlun Qin dai Qianling xian de hushu” 里耶秦簡所示秦代的“見戶”與“積戶”——兼論秦代遷陵縣的戶數. <http://www.bsm.org.cn/show_article.php?id=1987>, accessed July, 2021.

³⁹ Song Lei 宋磊. 2016. “Zhangjiashan Hanjian ‘nubi daihu’ lü kaolun” 張家山漢簡“奴婢代戶”律考論. *Wenshi tiandi* vol. 7: 77-83.

⁴⁰ Zhang Rongqiang. 2019. “Zhongguo gudai shuxie zaiti yu huji zhidu de yanbian” 中國古代書寫載體與戶籍制度的演變. *Wuhan daxue xuebao* vol. 3: 92-106.

6. Methodology

The dissertation aims to reconstruct the household system in theory and practice in the Qin and early Han period, including the examination of the administrative structure, the comprehension of the related law, the exploration of the economic responsibilities, etc. The analyses were founded on the study of multiple manuscripts with a contextualized comprehension of the received literature, which outlines the background and the social context.

The manuscripts I'm working with are over two thousand years old and difficult to approach. I attempted to examine the manuscripts comprising the content and physical nature using all possible methods, including philology, paleography, codicology, and the like, in order to get a closer look at their various aspects and gain a better understanding of the texts.

The evidence that backed up my arguments cannot be obtained without the paleographic analysis. Not only were the characters written in distinct forms, but also the punctuation differed a lot. A scrutinization of the images of these manuscripts was the first step; otherwise, an unprecise decipherment of the texts might lead to deviations in interpreting the content. Based on editors' versions, all the cited texts were transcribed after having re-checked against the images. Some graphs that were missing or unidentified were added. In addition, where I disagreed with the editors on punctuation, I made changes based on my interpretation of the texts. Furthermore, the paleographic study aided document dating. We can roughly determine the date of a document by comparing the writing styles, formulaic phrases, and layout formats of an un-dated document with a confirmed one. For instance, no dating information was recorded on the LY household registers, but the graphs were written in the Qin style; moreover, the graph *jing* 荆 noted before most of the householders indicating their origins as Chu people implies that these registers were probably made just after this Chu area was occupied by the Qin army, around 222 BCE.

The physical aspects of the manuscripts that present their nature as artifacts and deliver non-textural information were exciting research subjects as well. Although

what grounded my discussion was overwhelmingly texts contained by the manuscripts, the codicological approach in analyzing the manuscripts was indispensable in almost every part of the dissertation. The binding traces assist us in distinguishing the slips from the scrolls. The different shapes of the boards suggest different usages in administrative procedures; for example, the arrow-shaped boards were most likely used as official letter envelopes. The household registers as distinguished documents had their formats and sizes, which experienced alterations through different periods. Tallies were used in the household tax collection not only to carry the content of the certificates but also to have notches engraved on their sides. These side-notches serve as the duplex proof marks of the numbers recorded in the texts.

Having grasped the meaning of the texts by drawing support from deciphering, textual criticism, categorization, etc., my dissertation proceeded to reconstruct the terminology, administrative procedures, and the content of specific stipulations.

Many terms used in ancient law have not been transmitted, and we are not clear about their meanings and usages. This has to be reconstructed from the new sources. I first collected all the texts containing the terms and the relevant content and then looked up their occurrences in the received literature. I attempted to offer an elucidation of the collected texts from several corpora after categorizing them and relying on some archaeological evidence. The manuscripts revealed a local world that has been little explored in the received literature. My further investigation of administrative procedures relating to household control was based on a hierarchical analysis of administration and bureaucracy, which is difficult to achieve without detailed evidence from documents and legal texts. The reconstruction of the legal provisions was primarily processed by comparative analysis. The two punishments caused not by one's own crime but by a certain relationship with the criminal within a household were confiscation and collective liability. By exploring their respective target groups and the punishments incurred by each level of offenses, this part has shown an interesting result of the distinction between them.

Due to the fragmentation and limitation of the sources, how far a systematical

reconstruction of the household system can reach is limited. Nevertheless, more efforts with careful scrutinization of the excavated objects and contextualized comprehension of the texts helped draw a clearer picture of what the legal provisions regulated, that is, what the rulers' ideal designs were, and how the household system functioned in real administration.

7. Summary of Contents

As Michael Loewe addresses, "...such provision for social order and economic sufficiency, coupled with measures to discourage crime and to maintain family solidarity, are seen in three institutions: the orders of honor (*jue* 爵), taxable households (*hu* 户) and groups with shared responsibility for crime (*wu* 伍)", the household system cannot be exclusively analyzed with no reference of the paralleling policies, institutions, and systems. In my following chapters, the order of rank as an important influence factor can find its crucial role in mitigating punishments, allocating agricultural lands and homesteads, and levying the household tax. Accordingly, the inheritance of rank in a ranked household was an essential issue that concerned the household members, and involved the interest of the government.

By examining historical and archaeological evidence related to household and population, in particular, the excavated manuscripts of the Qin and early Han periods, my dissertation attempts to draw the research attention to the local society and focus on what happened in the lower-level strata against the general rules derived from the statutes and ordinances with most of them applied empire-wide.

This dissertation consists of six chapters. Chapter One devotes to the clarification of two technical terms that occur quite often in the legal texts related to the household: "household member" (*tong ju* 同居) and "co-resident" (*shi ren* 室人). These two terms present some relationships formed in a certain unit, either physically or legally. To get a deeper comprehension of them will facilitate the following analysis of many stipulations.

Chapter Two explores the regulations on the establishment and migration of

households, as well as the disposal of properties and the rank (if the householder held one) before or after a householder died. The emphasis of this chapter lays on presenting and interpreting the inconsistent orders of succession to the householder status and the rank respectively within the same household. Many legal texts include information about inheritance rules, which helps us better understand the logic behind the replacement of an existing household and the establishment of a new one. Furthermore, these detailed provisions on specific issues reflect the authorities' high regard for households. This chapter then explores the regulations on migration combining with the analysis of the real migration cases. The last part engaging in the discussion of the separation of properties within a household mainly specifies one document from Liye and the Last Will from Xupu.

In Chapter Three, I focus on examining the roles played by different levels of local governments in the household and population control. I collect the available data on household numbers and exhibit the household registers of various periods to show what the governments had done and how each level in the hierarchical administration system functioned. Additionally, the household accounts made by each level administrative unit are listed to hint at the scales of a district, a prefecture or a commandery. In the course of interpreting the texts, the frequent appearance of the Prefecture Commandant demonstrates its deep involvement in this aspect.

Chapter Four discusses the taxation imposed on households. Assisted by the legal texts and administrative documents, I try to present the payers, the quantities and the payment methods of the household tax, and the influence of the rank system on them. Besides, the offices and officials that participated in the household tax collection will also be illustrated. On account of these analyses, I attempt to reconstruct the processing procedure of the household tax collection in the local administration.

Chapter Five shifts the attention from the administration to the legal mechanism, in which two types of punishments—confiscation and collective liability are elucidated. The collective liability as an essential means to put the people under mutual supervision has been argued by many scholars. However, this is not the main

topic of this chapter. The confiscation and collective liability, both pertaining to the household unit and its extension, appear to target similar groups, but a close examination of the relevant statutes and ordinances reveals that the confiscation was intended to punish the householder by impounding his or her household members and properties.

Chapter Six further discusses the nature of the Qianling Prefecture and presents a rethink of the district office. After my previous efforts in collecting, understanding, and interpreting texts related to the household, I've concluded that Qianling Prefecture was most likely a migration town, with the majority of its residents transported there. Besides, the district office's role cannot be overlooked, and it played a far greater role in practice than we have recognized.

Chapter 1: The Discussion of Two Legal Terms Related to the Household System

The legal language, usually more formal and clearly defined than the daily language, has its own characteristics. Even for the Chinese legal texts that were produced two thousand years ago, they have already displayed an independent language system. Some of the terms that appear in the legal texts cannot be found from the contemporaneous administrative texts, or the received texts. Two terms, “household member” (*tong ju* 同居) and “co-resident” (*shi ren* 室人), frequently occur in the legal texts related to the household. The boundary between the connotations of these two terms is blurred. Furthermore, it is interesting to find that the ancient officials were also confused by these two terms since they made extra notes to distinguish them. In this first chapter, I attempt to clarify these two terms, which is one of the crucial tasks for the following study of deeper and broader subjects.

1.1 Household Member (*tong ju* 同居)

The legal term *tong ju* appears in many provisions related to the household, but its meaning is unclear, although it has been discussed by many scholars. In the *Falü dawen*,⁴¹ Hulsewé translates it as “those who dwell together”.⁴² In other passages, he translates the term as “household members”.⁴³ Barbieri-Low and Yates translate the phrase as “co-residents”, and they say “in Qin and Han law, *tong ju* appears to indicate all those members of the household who dwell together, including male and female slaves, parents, children, and brothers and their wives and offspring. Such co-

⁴¹ It is a component of the SHD manuscripts, which is believed by most scholars to be a supplement text of the statutes and ordinances. See Xu Shihong (1999), 65-66.

⁴² See Hulsewé (1985), 126.

⁴³ See Hulsewé (1985), 51.

residents were held mutually liable for criminal activity.”⁴⁴ Lau and Staack gloss it as “(those persons who) live together (in the same household)”.⁴⁵

In the legal texts, the term *tong ju* could be used as either a verb or a noun. The following table illustrates the occurrence numbers of this term in the following manuscripts:

Table 1.1: The occurrence numbers of the term *tong ju* in the manuscripts

Manuscript	Occurrence Number		
	As Noun	As Verb	Total Number
SHD Manuscripts	10	5	15
YL Manuscripts	17	8	25
ZJS Manuscripts	7	3	10

Nearly all of these occurrences are in statutes, ordinances or criminal cases, with only one exception in the *Rishu* 日書 (Daybook)⁴⁶ from the SHD collection. When it was used as a verb, it means living together; when it was used as a noun, its meaning is not that clear, and it is the noun *tong ju* that attracts more attention from scholars, which will also be the focus of the coming passages.

Two items from the *FLDW* provide the definitions of the legal term *tong ju* with two different short sentences. These two definitions are not identical, probably because the term was used in distinct contexts. Before analyzing the two items, it might be helpful to introduce the *FLDW* text briefly. The overall items of the *FLDW* can be mainly classified into two types according to the raised questions. One type is to ask how to judge certain crimes, and the formulae *he lun* 何論 “how is...to be

⁴⁴ See Barbieri-Low and Yates (2015), 486.

⁴⁵ See Lau and Staack (2016), 195.

⁴⁶ The Daybook is a kind of divinatory book in ancient China, primarily concerned with practical methods of selecting auspicious times and places for various activities in daily life, such as travel, marriage, planting crops, or burying the dead.

sentenced” and *dang... bu dang* 當……不當 “... by law to be...or not” were often used. The other type of items engages in clarifying puzzling terms, and they often start with the words *he wei* 何謂 “what is the meaning of...” or *he ru* 何如 “what is...”. The two items related to the term *tong ju* both raise questions with the phrase *he wei* 何謂, and each of them was written on one bamboo slip without being broken. The content of the two items is as follows:

A. “盜及諸它罪同居所當坐[...]”⁴⁷。何謂“同居”？●戶為“同居”。坐隸，隸不坐戶謂也。²²⁴⁸ *QJDHJ*, 203

“Robbery and all other crimes that the household members are liable for prosecution...”. What is the meaning of “household members”? The household implies the household members. The household members are liable for the crimes committed by the subordinates⁴⁹, but the subordinates are not liable for the criminal activity of the household. That is the meaning.²²⁵⁰

B. 何謂“室人”？何謂“同居”？“同居”，獨戶母之謂也。●“室人”者，一室盡當坐罪人之謂也。²⁰¹ *QJDHJ*, 277

What is the meaning of *shi ren*? What is the meaning of *tong ju*? *Tong ju* means “the single household registration board”⁵¹. *Shi ren* means all the members who

⁴⁷ The transcription of this sentence in *QJDHJ* is “盜及者（諸）它隸（罪），同居所當坐。” with a comma in the middle and a full point at the end of the sentence. See *QJDHJ*, 203.

⁴⁸ All the texts cited in this dissertation are presented in their critical editions. In these editions, modern punctuation marks were added, and some ancient Chinese characters, especially some phonetic loan characters, were transcribed in their original forms. If there are any disputes about the punctuations or transcriptions that impact the understanding of the content, they would be expressly noted.

⁴⁹ The meaning of *li* 隸 is not clear, and whether or not it should be translated as “subordinate” is not assured. Gao Heng 高恆, Li Jing 栗勁, and Su Chengjian 蘇誠鑑 believe a *li* is a slave, while Jia Liying 賈麗英 does not agree with this opinion. Jia says this group of people were those subordinated to someone. Quoted from *QJDHJ*, 203-204. The editors of *QJDHJ* prefer his opinion and further argue that they were different from the bondservant convicts (*li chen qie* 隸臣妾). See *QJDHJ*, 204. Another designation, *chen* 臣 “subject”, which might represent a similar status as *li*, has not been explicitly clarified, either. These two groups of people presumably differed from slaves, and they attached to some wealthier households but not completely depended on them.

⁵⁰ Translation from Hulsewé (1985, 126), with modifications.

⁵¹ The phrase *du hu mu* 獨戶母 is hard to understand. There is no other record of this phrase in the manuscripts or received literature. The editors of *SHD* (1990) say it means the persons born by the same mother in a household. See *SHD* (1990), 142. Based on this annotation, Li Jing further explains the phrase as the brothers born by the same mother living in the same household and did not separate from each other. See Li Jing (1985), 208. Tomiya Itaru 富谷至 thinks *mu* 母 is a phonetic loan for *wu* 戊, and it is the same as *hu guan* 戶關, which occurs in the Juyan manuscripts. Wang Guowei 王國維 interprets it as “bolt”, thereby, Tomiya says *du hu mu* means the house with the same bolt. See Tomiya (2006), 155, quoted after *QJDHJ*, 278. Hulsewé translates it as “only the mother of

hold mutually liable for criminal activity living in one and the same house. 201⁵²

In item A, a very short passage extracted from an unknown statute or ordinance was quoted to lead to the question on the meaning of *tong ju*, whereas only the question and the interpretation were recorded in item B without any context provided. One possibility to explain the phenomenon in item B is that the context of the term was lost, but after checking the other items in the *FLDW*, many cases⁵³ likewise directly start with questions, and item B is not an exception. That is to say, the scribe who produced or copied this item did not ignore the context by mistake. The two terms *shi ren* and *tong ju*, explained in item B, might pertain to a statute or an ordinance that contains both of them. The source legal text was not copied before raising the question like item A; therefore, item B seems to be a separated annotation or comment of this unknown source text.

Regarding item A, it incorporates two parts. In the quotation part, the latter phrase 同居所當坐 “the *tong ju* people are liable for prosecution” is supposed to be a postposed attribute of 盜及諸它罪 “robbery and all other crimes”. This quotation is not a complete sentence, which suggests that the scribe only copied a section from its source text. Thus, we put an ellipsis by its end, differing from the editors’ punctuation. The second part was composed of the question on the term *tong ju* and the explanation. The explanation is straightforward, with only one character *hu* 戶 “household”. Accordingly, *tong ju* denotes the people of the same household; then, the definition of the household becomes crucial.

The following part of the explanation part is not redundant, which furnishes more

the household”. Satake Yasuhiko 佐竹靖彦 suggests that the character *mu* 母 is actually *guan* 母 for *guan* 貫, and he believes the sentence means “those who dwell together”, which indicates the persons inscribed on the household register. See Satake, 1980, quoted after Hulsewé (1985, 179). This explanation seems to be very helpful to understand this legal text, but one problem is that the phrase *hu guan* 戶貫 does not occur in the Qin and Han texts. Only one occurrence could be found in *Weishu* 魏書 (WS 60, 1333): 往年校比戶貫，租賦輕少。 “Checking the household registers of the past years, the tax rates were very low.”

⁵² Translation referred to Hulsewé (1985, 179) and Barbieri-Low and Yates (2015, 486).

⁵³ For one example, cf. (*QJDHJ*, 234: 99) 何謂“四鄰”? “四鄰”即伍人謂毆。 “What is the meaning of ‘four neighbors’? The four neighbors are the people of the unit of five.” (Translation from Hulsewé (1985, 146), with modifications.)

information. Why the household members are liable for the crimes committed by the subordinates but the subordinates are not liable for the household members' crimes? Yates believes this is because the subordinates could not have their own household registers and so were entered on their master's register as part of his family property; moreover, they were not considered to be human and could not be responsible for the other members of the household.⁵⁴ His argument that subordinates were not considered human is not very convincing. It might be infeasible to explain their un-involvement in their master's household members' crimes by analyzing their social status. Liu Xinning 劉欣寧 views this phenomenon from a legal perspective and points out that the subordinates not being allowed to report their masters' offenses to the authority might be the reason for their exemption of the mutual liability.⁵⁵

Although it is hard to provide a better understanding of this regulation so far, the main point of the continuation sentence is to specify the particularity of the subordinates. According to the household registers excavated at the LY site, subordinates were also entered into the household registers. Another entry from a criminal case in the YL collection records that a subordinate named Shi 識 was registered with his master and was separated from his master's household later. The text reads: "Shi formerly was a subordinate of Pei and was enumerated in the same household register" 識故為沛隸，同居 (YL 3, 155). This evidence illustrates that subordinates who had no blood relationship with the master family were considered members of this household. The stipulation that "the household members are liable for the crimes committed by the subordinates, but the subordinates are not liable for the criminal activity of the household" probably does not aim to rule the subordinates out of the household member group but to point out their distinction in the regulations concerning collective liability.

Compared with item A, item B focuses on differentiating between the term *tong ju* and the term *shi ren*. Nonetheless, it has one thing in common with item A that it

⁵⁴ See Yates, 1987. In this paper, Yates translates *li* 隸 as bondservants, but he explained *li* as servile persons in his later book. See Barbieri-Low and Yates (2015), 711.

⁵⁵ See Liu Xinning, 2012.

also relates to collective liability. It says that *shi ren* includes all the people living in one and the same house that should be liable for the criminal activity, but item A states that subordinates should not be liable. Comparing these two items, it is reasonable to infer that subordinates did not belong to the “co-resident” *shi ren* group. The people respectively belonged to “household members” *tong ju* and “co-residents” *shi ren* might overlap, but the affiliation of subordinates is clear now. Those people who subordinated to someone else were listed in the same household register with their master, whereas they were not responsible for the crimes committed by the other members of the household.

The above two items selected from the *FLDW* highlight that the point of understanding the term *tong ju* is the “household” (*hu* 戶). However, what is the definition of a household at that time? Does it mean a group of people who dwelled in the same building? Or does it mean a unit composed of people listed in the same household register? A household was the fundamental unit for a bureaucratic government. It was a concept used when dealing with governmental administration rather than evolved from common people’s daily life. What was the standard of establishing a household in Qin and early Han times?

One stipulation on forming households was recorded in the “Statutes on Households” in the ZJS texts, which reads:

所分田宅，不爲戶，得有之，至八月書戶。³³⁵⁵⁶ *ENLL*, 224

As for the agricultural fields and homesteads that have been divided, if the recipients have not yet formed households, they still could get the properties. When the eighth month arrives, write down [their information] as households.³³⁵⁵⁷

In this case, even a person has not established his own household, he still could

⁵⁶ An identical piece of text could be found from one newly published statute on households from the Shuihudi Han manuscripts, which is (slip no. 048) 所分田宅，不為戶得有之，至八月書戶. See Xiong Beisheng, Chen Wei and Cai Dan, 2018.

⁵⁷ Translation from Barbieri-Low and Yates (2015, 801), with modifications.

get the allocated agricultural fields and homesteads, but only after he was registered in the government in the eighth month of a year would a new household be established. The most important procedure recorded in this statute is to “write down as households” (*shu hu* 書戶), which implies entering the information including people, locations, property and so forth in the administrative documents as households.

Stringing these materials together, the indication of a household is the registration document, which contains the basic information of this small unit called “household”. From the perspective of the authorities, household registers were the only stable and liable data sources for collecting taxes and state services. Nailed in certain locations, the people were not allowed to migrate freely and even if they had to travel, they must get passports; otherwise, they would be considered absconders. These measures, especially the household controlling system to immobilizing the population, account partly for the sedentary Chinese way of life for thousands of years.

The source of legitimacy of a unit as a household was its register document, regardless of blood relationship. In this sense, the “household” was an artificial administrative concept adopted by the government to better control the population, other than a naturally formed social unit based on kinship and marriage.

The term *tong ju* was not widely used in the received literature. However, one text in the *Hanshu* 漢書 and the annotation added by Yan Shigu 顏師古 (581–645) could help us better understand this term. The text is as follows:

今吏六百石以上父母妻子與同居，及故吏嘗佩將軍都尉印將兵及佩二千石官印者，家唯給軍賦，他無有所與。⁵⁸

師古曰：“同居，謂父母妻子之外若兄弟及兄弟之子等見與同居業者，若今言同籍及同財也。”⁵⁹

For the parents, wives, children and household members of present (195 BCE) officials with a salary grade of six hundred bushels or higher as well as for the

⁵⁸ See *HS*, 85-86.

⁵⁹ See *HS*, 88.

former officials who once wore the seals of generals or provincial commanders to command the troops or who once wore the seals of two-thousand-bushel officials, they just need to pay the military tax, and shall not give other things to the government.

Yan Shigu says: *tong ju* means one's father, mother, wife and children in addition to his brothers, the children of his brothers and so forth who could be found in the same household register.⁶⁰ It is like the present (Tang dynasty, 618-907) saying of the people in the same household register and sharing properties.⁶¹

The text in the *Hanshu* was excerpted from an edict issued by Emperor Hui of Han 漢惠帝 (211-188 BCE) in 195 BCE to celebrate his ascending to the throne. Han Shufeng 韓樹峰 argues that the Emperor extended the people who could enjoy the preferential treatment of tax and state service reduction or exemption to the relatives of the officials with a salary grade of six hundred bushels or higher and some former high-ranking officials. However, he believes that *tong ju* does not include parents, wives and children. Wives and slaves, in his viewpoint, must be registered with the householders, so it is not necessary to define them as “people in the same register”. He also excludes parents and children from the *tong ju* group since he believes they were immediate family members who could enjoy the preferential treatment unconditionally. Therefore, he concludes that *tong ju* only denotes the officials' relatives who were enumerated in the same household registers.⁶² In terms of this text, many scholars attempt to lay out the composition of the *tong ju* group, and the debate mainly focuses on figuring out whether parents, wives and children were considered

⁶⁰ Peng Nian says the phrase *tong ju ye* 同居業 equals to *tong ji tong cai* 同籍同財, but he does not explain the meaning of *ye* 業. See Peng Nian, 1990. *Ye* 業 is probably the phonetic loan of *ye* 葉, which stands for the boards used for household registrations.

⁶¹ One commentary in the Tang Code (Tang Lü 唐律) elaborates on the term *tong ju*, which reads: “同居”, 謂同財共居, 不限籍之同異, 雖無服者, 並是。 “*Tong ju* means those persons sharing property and dwelling together, who are not limited by differences in household registration. There may even be no mourning relationship.” See Liu Junwen 劉俊文 (1996), 466. Translation referred to Wallace Johnson (1979), 247. This text illustrates that in Tang times, the *tong ju* people were defined by sharing property and living space, who were not necessarily listed in the same household register, nor had blood relationships. Moreover, Yan Shigu's annotation on the term *tong ju* was very probably based on this commentary in the Tang Code.

⁶² See Han Shufeng (2011), 186.

as *tong ju* or not. Zhang Shichao 張世超 analyzes the implication of the term *tong ju* in Qin times and points out that fathers were not allowed to live together with their adult sons; thus, parents could not be their adult sons' household members in the Qin period.⁶³ Peng Nian 彭年 says parents, wives and children were all considered as household members, but servants and slaves were not.⁶⁴ These different views on the composition of the *tong ju* people mainly derive from the different interpretations of Yan Shigu's annotation. Yan says the term *tong ju* used in the *Hanshu* designates similarly to “the people in the same household register and sharing property” of Tang times; wives and children were undoubtedly among these people.⁶⁵ Thus, his annotation did not exclude parents, wives, children from the *tong ju* people.

After the ZJS manuscripts were published, the occurrences of the term *tong ju shu zhe* 同居數者 provide new perspectives to understand the term *tong ju*. The word *shu* 數 appears in the SHD texts as well, and the editors of *SHD* (1990) says *shu* denotes *ming shu* 名數,⁶⁶ which was rendered as “household register” *hu ji* 戶籍 in the *Hanshu* by Yan Shigu.⁶⁷ Based on the ZJS texts, Jia Liying 賈麗英 assumes that the *tong ju* people include three categories: living in the same house and enumerated in the same household register; not living in the same house, but enumerated in the same register; living together in the same house but not enumerated in the same register.⁶⁸ Innovative as Jia's viewpoint is, he seems to have over-interpreted the term *tong ju shu zhe* 同居數者.

According to the analysis above, the term *tong ju* does not simply mean living together determined by the physical proximity, while it is deeply concerned with household registers. The phrase *tong ju shu zhe* undoubtedly facilitates the rendering of the term *tong ju*. It is easy to be taken for granted that the object of the verb

⁶³ See Zhang Shichao, 1989.

⁶⁴ See Peng Nian, 1990.

⁶⁵ In Qin and Han times, the authorities encouraged adult sons to get out of their natal households and establish new ones. Parents were normally not allowed to live together with their children.

⁶⁶ See *SHD* (1990), 35.

⁶⁷ In *HS* 1, 54: 師古曰：名數，謂戶籍也。“Yan Shigu says: ‘*Ming shu* is called household register.’”

⁶⁸ See Jia Liying, 2013.

“live/be in” (*ju* 居) is a house, and we conventionally think *tong ju* means “living together in a house”. However, with the appearance of the phrase *tong ju shu zhe*, it can be speculated that the omitted object of “live/be in” (*ju* 居) is the boards or slips that bearing the household registers (*shu* 數). The term *tong ju* is more likely to be the abbreviation of the phrase *tong ju shu zhe*. One legal text from the *ENLL* containing the phrase shows more information, which reads:

死毋子男代戶, [...]毋大父母令同產³⁷⁹子代戶。同產子代戶, 必同居數。³⁸⁰

ENLL, 238

When a person dies without a male offspring to substitute as householder, ...when there is no paternal grandfather or grandmother, order a child of a sibling born of the same father³⁷⁹ to substitute as householder. When a child of a sibling born of the same father substitutes as householder, he or she must have been enumerated in the same household register [with the deceased].³⁸⁰⁶⁹

In this text, the word *ju* 居 is virtually the predicate verb of the sentence, and its object is the “household register” (*shu* 數). Hence, the phrase *tong ju shu* means “to be in the same household register”, other than to live in the same house.

Liu Xinning believes that *tong ju* means a special group defined by the spatial relationship, other than the blood relationship.⁷⁰ It has been attested in the LY household registers that subordinates (*li* 隸) and subjects (*chen* 臣) were listed in the household registers with their masters’ families⁷¹ and the YL text (YL 3, 155) saying that a subordinate named Shi was the *tong ju* of his master was presented above (see p. 26). Therefore, whether a person is the household member (*tong ju*) of someone is not determined by the blood relationship. However, to conclude that *tong ju* is a term

⁶⁹ Translation from Barbieri-Low and Yates (2015, 859), with modifications.

⁷⁰ See Liu Xinning, 2012.

⁷¹ In the LY household registers, on boards nos. K27 and K2/23, subjects were registered in the fifth sections; on board no. K4, a female subordinate was registered in its second section.

defined merely by the spatial relationship is not completely convincing, either. There are some exceptional cases when the household members did not live together. Here is one example from the *ENLL* texts:

孫爲戶，與大父母居，養之不³³⁷善，令孫且外居，令大父母居其室，食其田，使其奴婢，勿貿賣。³³⁸ *ENLL*, 235

For a grandson who forms a household, and who resides together with a grandfather or grandmother but does not nourish them³³⁷ well: order the grandson, for the time being, to reside elsewhere. Order the grandfather or grandmother to reside in his house and be fed from the produce of his fields, and employ his male and female slaves, but they are not to exchange or sell off any of the property.³³⁸⁷²

In this text, it is the grandson who forms a household and his grandparents live together with him. If the grandson does not treat them well, then he would be ordered to reside somewhere else. It does not mean the grandson would form another household but means that he no longer lives together with the grandparents. In this situation, the spatial relationship between the grandson and the grandparents must have been changed, but they were probably still enumerated in the same household register and their identities as household members would not change.

Spatial relationship plays a vital role in defining the household-member relationship since generally the people living together form a household. Nevertheless, this is not the decisive factor, and what determines the relationship as household members legally depends on the household registers. In conclusion, the term “household member” (*tong ju*) represents all the people listed in a household register, including the relatives and the affiliated persons. The argument for excluding parents, children and wives from the household members is not very persuasive.

⁷² Translation from Barbieri-Low and Yates (2015, 801).

1.2 Co-resident (*shi ren* 室人)

The term “co-resident” *shi ren* often occurs in the legal texts concerning collective liability. As shown in the last subchapter, this term was annotated in the *FLDW* text in parallel with the term “household member”, and the text says “*shi ren* means all the members who hold mutually liable for criminal activity living in one and the same house.” This elaboration places emphasis on the legal liability of the co-residents, but which group of people would be called the co-residents of someone?

After searching the term *shi ren* from the Qin and Han manuscripts, it occurs eight times in the *SHD* manuscripts, and three of them are from the Daybooks; thirteen times in the *YL* manuscripts, and most of its occurrences are involved in the punishments of the crimes about hiding criminals in one’s residence. What should be remarked is that *shi ren* does not occur in the *ZJS* manuscripts, nor the manuscripts belonging to the later periods. Moreover, this term only occurs once in the *Book of Songs* (*Shijing* 詩經),⁷³ twice in the *Mozi* 墨子⁷⁴ and once in the *Book of Rites* (*Liji* 禮記);⁷⁵ otherwise, it cannot be found in the received literature in Qin and Han times. Speculation that this term was not used from the Han times onward might be drawn from this result. Namely, it was obsolete or replaced by another term.

Hulsewé translates *shi ren* as “the people of the house”, and he thinks it seems to include non-relatives, like servants and slaves.⁷⁶ The editors of the *SHD* (1990) refer to its occurrence in the *Book of Rites*, of which the commentator Zheng Xuan 鄭玄 (127-200) gives an entirely different explanation and says *shi ren* means the elder and younger sisters of one’s husband,⁷⁷ which seems to make no sense in the legal texts.

⁷³ The *Book of Songs* is the oldest collection of poems in China, containing 305 poems from the early Western Zhou Dynasty to the middle of the Spring and Autumn Period (from the 11th to 7th century BCE).

⁷⁴ The *Mozi* is an ancient Chinese text, which is ascribed to Mo Di (ca. 470-391 BCE) and accounts for the philosophy of Mohism.

⁷⁵ The *Book of Rites* is a collection of diverse texts without certain origins. “The date of each section and its provenance are subjects of considerable dispute, just as the date and origin of the *Liji* as a whole have proved to be controversial throughout Chinese intellectual history”, stated Jeffrey K. Riegel. He also points out that parts of the text have been traced to pre-Han, while others are believed to date from the Former Han period. See Riegel, 1993.

⁷⁶ See Hulsewé (1985), 179.

⁷⁷ See *SHD* (1990), 141.

Zhang Shichao argues that *shi ren* represents those persons living in the same house, an equivalent of the term “household member”. In addition, he believes one house (*yi shi* 一室) is the same as one household (*yi hu* 一戶).⁷⁸ Although *shi* “house” and *hu* “household” were closely connected, it is not plausible to say they were the same. Yun Jae Seug analyzes the term mainly based on the related materials in the Daybooks from the SHD collection and tries to reconstruct the buildings where the commoners lived. From his point of view, *shi ren* encompasses all those who lived in the same house sharing food, which was not defined by the blood relationship, but the architecture space.⁷⁹ Xia Liya 夏利亞 briefly says it generally refers to the family.⁸⁰

Yun Jae Seug and Wen Xia 文霞⁸¹ both start their analysis by interpreting the word *shi* 室 “house”. Learning what a house was would facilitate our understanding of the term *shi ren*, and get further insight of the people’s life at that time. A case from the *Fengzhenshi* 封診式⁸² in the SHD manuscripts shows what a house might comprise in the Qin state. It reads as follows:

封守[⋯]●甲室、人：一 𠂔 字二內，各有戶，內室皆瓦蓋，木大具，門桑十木。⁸³ ●妻曰某，亡，不會封。●子大女子某，未有夫。●子小男子某，高六尺五寸。●臣某，妾小女子某。●牡犬一。⁸⁴ [⋯] *QJDHJ*, 288

“Sealing and guarding”⁸⁴...As regards A’s house and the people related: one hall⁸⁵ and two rooms⁸⁶, each with a door; the rooms are both covered with tiles; a

⁷⁸ See Zhang Shichao, 1989.

⁷⁹ See Yun Jae Seug, 1995.

⁸⁰ See Xia Liya, 2011.

⁸¹ See Wen Xia 文霞, 2013.

⁸² Abbreviated as *FZS* in the following text. The title was translated by Hulsewé (1985) as “Models for Sealing and Investigating”.

⁸³ The last two parts of this sentence could be punctuated as either 木大具，門桑十木 or 木大具門，桑十木. The editors of the *QJDHJ* prefer the first reading, while Hulsewé is more inclined to the second one. See *QJDHJ*, 288; Hulsewé (1985), 184. Here we follow the reading of Hulsewé.

⁸⁴ “Sealing and guarding” *feng shou* 封守 is the title of this model. The two characters were written on the space over the first trace of binding on the slip, which was commonly left blank in the manuscripts.

⁸⁵ The editors of the *SHD* (1990) believe that *yu* 宇 is the same as *tang* 堂 “hall”, which is the main room of a house, typically used for performing sacrifices and receiving guests. See *SHD* (1990), 149. The editors of *QJDHJ* suggest that *yu* represents the homestead. See *QJDHJ*, 289. Yun Jae Seug argues that there is no evidence in the

large wooden post at the gate; ten mulberry trees. His wife is called X; she had absconded and did not attend the sealing. A child: an adult daughter X, who does not yet have a husband.⁹ A child: a minor boy X, six feet and five inches tall. A subject X. A slave woman: a minor girl X.⁸⁷ One male dog...¹⁰⁸⁸

This is a part of the text from the “Sealing and guarding” case, which demonstrates the model of a written report from the district level for sealing one’s property and put them under surveillance. This text lists the entire property and the closely related living beings of the commoner A of X village. One interesting point is that one dog was registered at the end, which can hardly be classified into the two categories—“house” and “people” listed at the beginning. Clearly, the “house” is not a single building, yet it is a combination of several buildings and presumably includes the trees. Some descriptions in the Daybooks also hint at this point, which reads:

1. 一室井血而星（腥）臭，地蟲斷於下[...]¹¹⁴ *QJDHJ*, 447

The well of one whole house overflows and stinks and many worms are active underground...¹¹⁴

2. □□□□□亥，不可伐室中樹木。¹²⁷ *QJDHJ*, 540

On the day of...*hai*, do not cut down trees in the courtyard.¹²⁷

The first entry indicates that the well was also a component of the house. In the second text, it might be incorrect to translate *shi* as “courtyard” according to the

Qin manuscripts that *yu* is the same as *tang*, instead, he explains *yu* as the roof of a house. See Yun Jae Seug, 1995. However, in his subsequently published paper, he changes his view and states *yu* is an independent room, separated from the bedrooms. See Yun Jae Seug, 2013.

⁸⁶ The editors of the *SHD* (1990) says *nei* 內 is a bedroom, but there is another case in the *FZS* showing that *nei* denotes several kinds of rooms, such as side rooms (*fang nei* 房內), main rooms (*da nei* 大內), and they are not necessarily bedrooms.

⁸⁷ Lau and Staack claims that *chen* 臣 refers to private male slaves and *qie* 妾 private female slaves and these two designations were then replaced by *nu* 奴 and *bi* 婢 respectively at the beginning of the Han dynasty. See Lau and Staack (2016), 196. However, *nu* and *bi* were also used in the Qin manuscripts, so it is more likely that they were different affiliated persons of a household, whose status were not equal.

⁸⁸ Translation from Hulsewé (1985, 184-185), with modifications.

general understanding of it. However, since trees normally grow in the yard, it might be better to translate it as a courtyard other than a literal translation as a house. Yun Jae Seug points out that *shi* is the combination of houses, wells, sheds, toilets and so forth, surrounded by a yard wall.⁸⁹ It is the basic private sphere of a family's activity and it does not only mean a building.⁹⁰

One compelling criminal case mentioned above from the YL manuscripts highlights the importance of houses, especially for newly established households. In this case, the subordinate Shi 識 was separated from his master's household after his master bought him a house and gave him some other properties. The related part is as follows:

識故爲沛隸，同居。沛¹¹⁵以三歲時爲識娶妻；居一歲爲識買室，價五千錢；分馬一匹、稻田廿畝，異識。¹¹⁶ YL 3, 155

Shi formerly was a subordinate of Pei and registered together with him in the same household.¹¹⁵ Three years ago, Pei arranged a marriage for Shi; one year later, he bought a house for Shi at a price of 5,000 cash, allotted him a horse and a 20-acre⁹¹ rice field and separated⁹² him from his household.¹¹⁶⁹³

In this case, Shi's property included a house, a horse and a 20-acre rice field, and the price of the house was specifically noted, accounting for his main part of the property. Moreover, after Shi got a house where he and his wife could live, he was separated from his master's household and established his own.

⁸⁹ See Yun Jae Seug, 1995.

⁹⁰ In the light of the descriptions about the dwellings in the preceding case "Sealing and guarding" and another case "Robbery by tunneling" from the *FZS*, the layouts of the houses occurring in those cases can be roughly reconstructed. See Appendix 1. From these two figures, we can get an impression of what a "house" in Qin times might comprise.

⁹¹ *Mu* 畝 "acre" is a Chinese unit of land area equal to approximately 461 square meters. See appendix 2.

⁹² *Yi* 異 means "to separate". However, in the texts related to the household, it appears to mean the separation from the household register. It is recorded in *SJ*, 2230: 民有二男以上不分異者，倍其賦。 "If one commoner has two (adult) sons and does not separate them with his household, impose double taxation on them." This separation might not only signify to separate physically, but also to separate legally, implying the division of the household register and the subsequent creation of a new one, which results in two households recorded in the government.

⁹³ Translation from Lau and Staack (2016, 200), with modifications.

In addition to representing living space and household property, the word *shi* can also be used in conjunction with numerals as a particular unit. Here is one example from the *Book on Computation* (*Shu* 數).⁹⁴ It lists one math problem about the allocation of fields. Since this text was not recorded in the legal texts, it appears to be ignored by many scholars. It says:

田五十五畝，租四石三斗而三室共假之，一室十七畝，一室十五畝，一室廿三畝，今欲分其租。 0842 YL 2, 57

A field of fifty-five acres, on which the tax is four bushels and three pecks,⁹⁵ was rented by three houses: one house seventeen acres, one house fifteen acres and one house twenty-three acres. Now it is required to divide the tax. 0842

The allocation of agriculture fields is a significant issue in the “Statutes on Households” in the ZJS manuscripts. This is an example to show how it worked in real life. Fields were typically allocated according to the unit “household” (*hu* 戶) in the Han statutes, while in this math text, this field was divided according to the physical unit “house” *shi*. Does it mean that a house could be used to represent a household? Or is the casual use of the unit just because it is a general mathematic text, the language of which was not necessary to be standardized? It is hard to jump to a conclusion at this point, but it might suggest that, in daily life, the two units “house” and “household” can be interchangeable. However, in a legal context, they are different.

This usage of “house” also occurs in other two legal texts, but they might be taken as one example since the content of them is almost identical, with only several characters different. These two texts are:

⁹⁴ This is a collection of mathematical manuscripts from the YL corpus, and the title *Shu* 數 can be found on one of the slips. It comprises 81 computational problems and the methods to solve them, which resembles the earlier published *Suan shu shu* 算數書 in the ZJS collection. For more details, see Zhu Hanmin 朱漢民 and Chen Songchang 陳松長, ed. 2011. *Yuelu shuyuan cang Qinjian (er)* 嶽麓書院藏秦簡 (貳). Shanghai: Shanghai cishu.

⁹⁵ *Shi* 石 “bushel” and *dou* 斗 “peck” are both units of capacity. One Chinese bushel is approximate 20 liters and one peck 2 liters, cf. appendix 2.

1. 一室二人以上居¹³⁶ 貲贖債而莫見其室者，出其一人，令相為兼居之。¹³⁷

QJDHJ, 121

When in one and the same house⁹⁶ two persons or more are made to work off fines, redemption fees or debts and there is nobody to look after their house, one person is to be released; they should be made to work off in turn.⁹⁷

2. 一室二人以上居貲贖債莫現室者，出其一人，令更居之。⁰¹¹⁸ *YL* 4, 157

When in one and the same house two persons or more are made to work off fines, redemption fees or debts and there is nobody to look after their house, one person is to be released; they should be made to work off in turn.⁰¹¹⁸

The overlap of the content from different corpora demonstrates that this practice might be enacted empire-wide. Like the former text in the *Book on Computation*, it is also the unit *shi* 室 other than *hu* 戶 was used in these texts. Literally, it seems that one house is the same as one household, but it should be noted that another prerequisite for the effectiveness of this stipulation is the later part “there is nobody to look after their house”. What was emphasized in this sentence is the physical entity—“house”. This might also explain why the unit “house” instead of “household” was used at the beginning of the sentences. Besides, the following appearances of the physical entity “house” also address the point that the term *shi* was used to describe a unit from the geographical space, and the “co-residents” *shi ren* 室人 were the people bound together by geographical attachment and were labeled the same-place identity. Moreover, the “house” as a unit has not yet been found in the legal provisions about taxes, labor services, military services, etc., which concerned the definite obligations of a household.

Another relevant text from the “Statutes on the Forwarding of Documents” (*Xing shu lü* 行書律) should also be paid attention to. It reads:

⁹⁶ Hulsewé translates this *shi* as “household”, see Hulsewé (1985), 68.

⁹⁷ Translation from Hulsewé (1985, 68), with modifications.

一郵十二室，長安廣郵廿四室，警事郵十八室。有物故、去，輒代者有其田宅。²⁶⁵ *ENLL*, 199

A courier station is to have twelve houses. For those in the Chang'an area, enlarge each courier station to twenty-four houses. Where emergencies often happen, a courier station is to have eighteen houses. When there is a death or departure among the couriers, the replacement is to immediately take possession of his agricultural fields and homestead.²⁶⁵⁹⁸

The editors of the *ENLL* gloss the word *shi* in this statute as *jia* 家 “family”. Barbieri-Low and Yates translate *shi* as “room” in this text, but they also think it implies one family per room. The meaning of *shi* in this text might not be identical to those we discussed previously since this text applies to the special living space of courier stations. Nevertheless, this text shows the physical basis of the unit “house”, which is presumably to be the difference between the “house” *shi* and the “household” *hu* 戶. By contrast, the “household” is an imagined idea created in order to organize the people more efficiently, with some written documents to certify the identities of every household and its members. However, the members of a “house” were not officially defined, whose identities might be acknowledged by the neighbors and the Heads or Elders of the village.

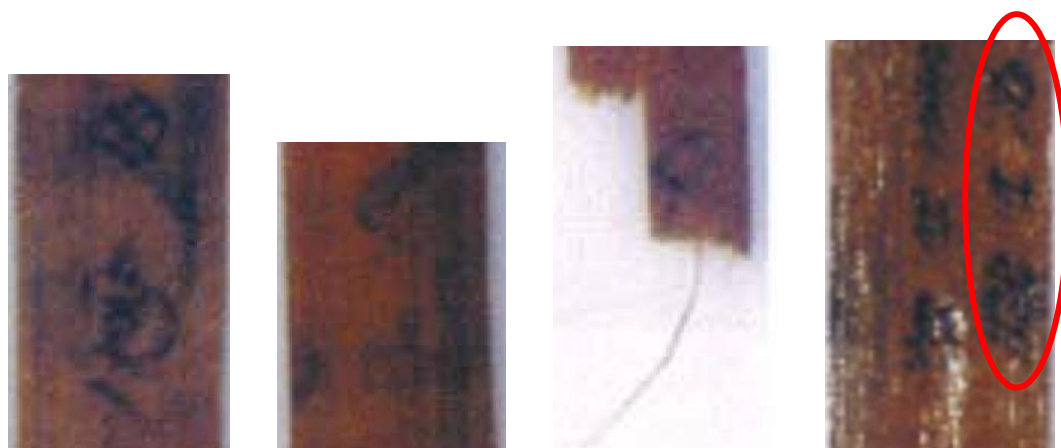
Furthermore, the un-equivalence between “house” *shi* and “household” *hu* is illustrated by the specific notations “no house” *wu shi* 毋室 on the household registers excavated in the LY moat surrounding the LY site where the seat of Qianling Prefecture was. Around twenty-five wooden pieces including some fragments provide the evidence of the earliest household registers found so far. Since there is no dating information on the registers, it is impossible to know the exact date of them. However, according to the character style, the content and the format, Zhang Rongqian believes that these household registers were written shortly after this area was conquered by

⁹⁸ Translation from Barbieri-Low and Yates (2015, 739), with modifications.

the Qin army.⁹⁹ Qianling Prefecture was established in the 25th year (222 BCE); therefore, these registers were assumed to be produced around that year. One puzzling problem about the information contained by these registers is the notations “no house” *wu shi* 毋室 recorded on the fourth sections of three registers (see Table 1.2).

Table 1.2: The LY household registers noted with *wu shi* 毋室¹⁰⁰

Board nos.	Section 1	Section 2	Section 3	Section 4	Section 5
K28/29	南陽戶人荊不更黃□ Nanyang Village, householder: Jing, ¹⁰¹ fourth-rank holder, Huang?	妻曰負 Wife: called Fu	子小上造□ Child: minor second-rank holder, ?	子小女子祠 毋室 Child: minor female, Ci No house	
K42/46	南陽戶人荊不更□□ Nanyang Village, householder: Jing, fourth- rank holder, ??	妻曰義 Wife: called Yi	毋室 No house	伍長 Head of the Unit of Five
K13/48	南陽戶人荊不更□□ Nanyang Village, householder: Jing, fourth- rank holder, ??	妻曰有 Wife: called You	子小上造綽 Child: minor second-rank holder, Chuo	毋? No [house]	



K28/29 “毋室” K42/46 “毋室” K13/48 “毋” K30/45 “母曰錯”

Figure 1.1: The extracted images of *wu shi* 毋室 and *mu yue cuo* 母曰錯 “Mother called Cuo”

⁹⁹ See Zhang Rongqiang, 2008.

¹⁰⁰ See Hunan sheng wenwu kaogu yanjiu suo 湖南省文物考古研究所, ed. (2006), 203-208. All the registers were separated into five sections by black-ink lines to classify the household members.

¹⁰¹ Jing 荊, also known as Chu 楚 (704–223 BCE), was based primarily along the Yangtze River during the Springs and Autumns and the Warring States period. Qianling Prefecture, in which these manuscripts were discovered, was under the control of the Chu state before the Qin army seized it. These households recorded as *Jing* were probably surrendered Chu households.

from the LY household registers

Source: *Liye fajue baogao*, image nos. 36-39.

The two characters in the fourth section of board no. K28/29 are rather clear and were deciphered as *wu shi* 毋室 without dispute. But the other two phrases on boards K42/46 and K13/48 are illegible or fragmented, respectively transcribed by the editors as *mu sui* 母睢 and *mu ? 母?*. Disagreed with these two transcriptions, Suzuki Naomi 鈴木直美 suggests that these two phrases are also *wu shi* 毋室.¹⁰² Liu Xinning thinks her opinion makes sense.¹⁰³ Despite the poor quality of the images, the two characters on board no. K42/46 are somewhat similar to the two characters on board no. K28/29, but there is only a fragmented character on board no. K13/48, which might be the character *wu* 毋. Examining all these registers, the division of the sections roughly depends on the ages of the persons. All adult male persons excluding subjects were written in the first section; adult female persons were written in the second section; non-adult male persons in the third section; and non-adult female persons in the fourth section. Therefore, the mothers being registered in the fourth sections together with the non-adult female persons seems illogical. Besides, compared with the graphs *mu yue Cuo* 母曰錯 on board no. K30/45, the graphs on board nos. K42/46 and K13/48 look different. Hence, we follow the transcription of these two words by Suzuki as *wu shi*.

What does the word “*wu shi*” mean? Unfortunately, it does not occur in either the received texts or the manuscripts. Wen Xia states that the term *wu shi* on board no. K28/29 implies the minor daughter did not live together with this household that finds her register, and probably she lived somewhere else away from this household.¹⁰⁴ Zhang Rongqiang says this term was used to signify that the daughter was not married yet.¹⁰⁵ Associated with the other two occurrences of *wu shi*, its meaning probably has

¹⁰² See Suzuki Naomi, 2008.

¹⁰³ See Liu Xinning, 2012.

¹⁰⁴ See Wen Xia, 2013.

¹⁰⁵ See Zhang Rongqiang, 2008.

little relationship with the minor daughter since there was no daughter recorded in the other two entries. The word *wu* 毋 “no, not have” was mainly used to represent the negative of a word, group, or clause, and thereby the literal meaning of this phrase is “do not have a house”. Why were those households without houses noted down? One hypothesis is that these households shared houses with other households, probably with their parents or brothers. The second possibility is that this information was intentionally written down so that the new Qin government would allocate them new houses. As mentioned above, these manuscripts were probably written shortly after the Qin army seized this area. Furthermore, another critical piece of information noted in these files is the word *jing* 荆 (an alternative of Chu 楚). All these householders were marked with their origin as Jing people with only one exception. That is to say, they were local people who had suffered the warfare, and many of their houses were probably destroyed. Based on this evidence, the second explanation seems more plausible. Also, this phenomenon indicates that a living space was not a prerequisite for the establishment of a household, and the unit “house” was different from the unit “household”.

The purpose of analyzing the implication of *shi* “house” is to reach the meaning of the term *shi ren* 室人. After retrieving all the texts about *shi ren*, many of the contexts are related to the physical buildings. The term *shi ren* occurs eighteen times in the legal texts, and it is noteworthy that at least seven of them are involved in the punishments of the crimes on lodging or hiding criminals. This kind of crime took place in a certain building, and the people of the same building were liable. Take one stipulation as an example:

主匿亡收、隸臣妾，耐爲隸臣妾，其室人存而年十八歲者，各與其疑¹⁰⁶同灋，其奴婢弗坐，典、田¹⁹⁶⁵典、伍不告，貲一盾。²¹⁵⁰⁻¹ YL 4, 39-40

A master of the house hides absconding impounded persons or bond servant convicts: shave [the master] and make him or her a bond servant convict. His or

¹⁰⁶ The editors of YL vol. 4 gloss that *yi* 疑 should be read as *ni* 儼, which means “compare to”. See YL 4, 74.

her co-residents who are present and aged eighteen or more: each compares to the criminal by the same law; his or her slaves are not liable; the Head of the Village, the Head of Fields¹⁹⁶⁵ and the members of the Unit of Five who do not make a denunciation: fine one shield. ²¹⁵⁰⁻¹

More stipulations relating to *shi ren* “co-residents” concern the crimes on “lodging” *she* 舍 or “hiding” *ni* 匿 criminals. These crimes that were conducted by using the living space result in the implication of the co-residents who were defined by the living space instead of the household members determined by administrative registers.

According to the two texts referring to “household members” *tong ju* 同居 and “co-residents” *shi ren* 室人 (slips no.22 and no.201) in the *FLDW*, co-residents include all the persons living in the same house who “hold mutual liable for criminal activity”; therefore, subordinates, subjects, slaves and other affiliated people probably did not belong to the co-resident group since they did not hold liable for their masters’ crimes. However, these affiliated people were assumed to be in the “household member” group. According to the above evidence, they were recorded on household registers with their masters and the masters’ family members. It seems that the co-resident group only encompasses the formal family members bound together by blood relationship or marriage who lived in the same residence, while the other people subject to this household are not included. Nevertheless, the household members are all those listed on the same household register. There must be some overlapping between one’s co-residents and the household members. In most cases regarding taxes, state services, mutual supervision, collective liability, etc., the term “household member” was often referred to. In contrast, the term “co-resident” was used in those contexts concerning the living space.

Chapter 2: The Succession and the Establishment of Households

After discussing the two legal terms, the possible relationships established among the members of a household are clearer to some extent. However, some elementary questions, such as what signified a legitimate household in Qin and Han times, how a household was formed, what would happen after a householder died, etc., have not been investigated yet.

With respect to forming households, there are basically two ways: by succession or by separation. The succession of a household mainly concerns the substituting for a former householder, which signifies the maintenance of the pre-existing household, while the separation from the natal household increases the overall number of households. How did it work to substitute a pre-existing household? Who could establish a household? What was regulated in the law about these issues? This part will demonstrate the relevant terms and regulations on these two ways of forming households. Besides, population migration and property separation, two related aspects that the government kept a close eye on, will be discussed here.

2.1 To Succeed to a Household

In terms of succeeding a household, the core issue is what the law regulated on succession. After examining the related texts, it can be found the legal provisions highlight two systems on the succession of the householder status and the rank order, respectively.

Dai hu 代戶 was one of the most frequently used terms in the legal texts on the succession of a household. *Dai hu*, according to Xu Shihong 徐世虹, means substituting for one householder.¹⁰⁷ Yun Jae Seug says in the case one householder dies, it should be decided the next generation of the householder, and this is called *dai*

¹⁰⁷ See Xu Shihong, 2002.

hu.¹⁰⁸ Hsing I-tien argues that the term *dai hu* implies two possible consequences: the succession as a new householder upon the death of the former one and the establishment of additional households by other sons (excluding the heir).¹⁰⁹ It is not difficult to find that these explanations on *dai hu* are all linked to the householder status. Meanwhile, another technical term *hu hou* 戶後 which denotes the heir to householder status was used in the legal texts. Do these two terms mean the same thing?

Despite being comparatively widely used in the legal texts, the term *dai hu* could not be found in the received texts of the Qin and early Han periods. The criminal case no. 7 (229 BCE)¹¹⁰ in the YL manuscripts might shed some light on this term. The following text is excerpted from this case and is a part of the testimony of the householder's mother, Wan 婉, who did not report the real amount of property to the government in order to help her son evade taxes and thus was being blackmailed by a former subordinate to her deceased husband, the former householder. The text reads:

婉即入宗，里₁₁₄ 人不幸死者出單賦，如它人妻。居六歲，沛死。義代爲戶、爵後，有肆、宅。₁₁₅ YL 5, 155

[I,] Wan, gained entry to their ancestral lineage. [Whenever] an inhabitant of this village₁₁₄ died unexpectedly, I paid the contribution to the funeral expenses for the destitute, just like any other men's wives. After six years¹¹¹, Pei died. [My son] Yi took over his place as the heir to the householder status and rank, taking possession of the stall and the residence.₁₁₅¹¹²

¹⁰⁸ See Yun Jae Seug, 2003.

¹⁰⁹ See Hing I-tien, 2006.

¹¹⁰ This case was entitled by the editors as *Shi Jie Wan An* 識劫婉案. The transcription of this case is in YL 3, 153-162.

¹¹¹ In interpreting another clause *ju san ri* 居三日 on slip no. 77 from the YL collection, Lau and Staack believe that *ju* 居 is used as a preposition determining a length of time. See Lau and Staack (2016), 160. Similarly, Barbieri-Low and Yates say that *ju* in the clause *ju shi yu ri* 居十餘日 represents the span of time that has transpired, see Barbieri-Low and Yates (2015), 1301. While they translate *ju* as “after a pause of X time” in the clauses *ju shu ri* 居數日 and *ju ba jiu ri* 居八九日. The formula 居 X 歲 occurs four times in the *Shi Jie Wan An*. After drawing up a timeline of this case, *ju* seems to refer to the time passed from a point in the past, see appendix 3. By contrast, the preposition *yi* 以 means the time that dates back from the present point.

¹¹² Translation from Lau and Staack (2016, 199-200), with modifications.

This case is quite impressive in that it touches on many aspects of the household system, including the household registration, the status of the subordinate, the role of the lineage members and meanwhile, it provides an example about a newly succeeded householder, a non-adult named Yi 義. In the context, Yi, a minor holder of the third rank, became the heir to the householder, possessing the property left by his father. In this statement, the clause “took over his place as the heir to the householder status and rank” (*dai wei hu jue hou* 代為戶、爵後) was used to describe his changing identity. In this process, no new household was formed and only one person replaced the deceased householder. The property passed to him without any reduction, but the rank he succeeded was lowered by two degrees, corresponding to the regulation “the heir-son of one holding the fifth rank attains the third rank” 大夫後子為簪褭¹¹³ in the *ENLL*. Barbieri-Low and Yates state that “the heir could possess only a certain amount of land based on his rank and was supposed to surrender the excess to the state for redistribution to other rank holders”¹¹⁴. In this case, however, the property appeared not to have been re-distributed by the government, but only re-registered by the mother of the householder who was underage on the occasion. It is recorded that what Yi inherited from his father were some stalls, estates and the identity as a creditor of several debtors and no agricultural field was listed as his property. The composition of the legacy might partly explain the exception where the heir surrendered nothing to the government as he might have no field, but kept all of his father’s property.

As stated by many scholars¹¹⁵, the succession of the property was up to the rank of successors, who were likely to inherit less land from the former householders as they were lower in rank than the deceased. However, Zhang Chaoyang 張朝陽 (2013) notices that there was no record of the fields and homesteads reclaimed by the

¹¹³ See *ENLL*, 235. In this case, Yi’s father was the holder of the fifth rank (*da fu* 大夫). *Zan niao* 簪褭 is an alternative form of *zou ma* 走馬, and they both indicate the third rank.

¹¹⁴ See Barbieri-Low and Yates (2015), 851.

¹¹⁵ See Yang Zhenhong, 2003; Yu Zhenbo, 2004; Wang Yanhui, 2004.

government in either the legal texts or the received texts. He further puts forward the opinion that the quantity of fields and homesteads the heir could inherit was not affected by his/her rank.¹¹⁶ Whether the succession of the property hinged on the new householder's rank is still worth more consideration.

Of the eighteen articles classified into the “Statutes on Establishment of Heirs”, seven are related to the establishment of rank heirs and four involve householder status heirs. It is particularly noteworthy that the four articles on householder status heirs without exception stipulate the allocation of fields and homesteads. This specific phenomenon might indicate that the redistribution of property in the process of succession was in association with the heir to the householder status, rather than the heir to the rank.

As provided in the “Statutes on Establishment of Heirs” that the agricultural fields and homesteads a household had were granted by the government according to the householder's rank,¹¹⁷ so it was commonly believed that the number of fields and homesteads an heir could succeed from the forebear also depended on his or her rank. However, it only applied when new households were formed and the government would present them with corresponding quantities of fields and homesteads according to their ranks, especially when the Han Empire was newly founded. Many people earned ranks during the war and thousands of households were registered in the new government. This regulation appears to be linked to establishing a new household (the technical term for the establishment of a new household is *wei hu* 為戶 “to establish a household”, which will be discussed below), instead of the succession of fields and homesteads from a forebear.

Based on the previously presented text and the content of the criminal case¹¹⁸, it can be considered that the term *dai hu* is the abbreviation of the clause *dai wei hu hou* 代為戶後¹¹⁹, which means replacing the former householder. The essential

¹¹⁶ See Zhang Chaoyang, 2013.

¹¹⁷ See *ENLL*, 216-217: 310-313.

¹¹⁸ See appendix 3.

¹¹⁹ This clause was abstracted from 義代為戶、爵後 (*YL* 3, 155), which comprises two aspects: 代為戶後

information of this clause is included in the phrase *hu hou* 戶後, since the verb *dai* was also used in the clause *dai wei jue hou* 代為爵後. The term *hu hou* which occurs in both the ENLL and YL texts designates the heir to the householder status.¹²⁰

All *dai hu* accessible up to now occurred in the context of the death of former householders. In other words, it is presumable that *dai hu* for the most part implies the succession of the householder status and the incidental property within a household. Owing to the incorporation of the character *hu* 戶 “household” in the phrase, *dai hu* was more often discussed together with *wei hu* 為戶 and associated with household issues. But, it should be argued more in the scope of the establishment of heirs. The term *dai hu*, alternatively *dai wei hu hou*, forms a sharper contrast to the term *dai wei jue hou* 代為爵後 “replace...as the heir to the rank” than the term *wei hu* 為戶.

It used to be taken for granted that the heir to the householder status was also the heir to the rank. The result would make sense if the deceased had a son but the issue would become much more complicated when the deceased had no son.

The regulation (ENLL 235: 367-368; ENLL 236: 369-371) on the succession of the rank consists of two preconditions: one person died of natural causes (*ji si* 疾死) or died in service (*si shi* 死事).¹²¹ If one person died of natural causes, only his sons had the legitimate right to inherit his rank whereas if one person died in service, many of his relatives might have the opportunity to become the heir to rank, including women.

The sequences on the succession of the rank and the householder status were explicitly stated in the “Statutes on the Establishment of Heirs”, as shown in the table below:

Table 2.1: The sequences of diverse succession orders

(replace [him as] the heir to the householder status) and 代為爵後 (replace [him as] the heir to the rank).

¹²⁰ For one example of its usage, cf. (ENLL, 237: 376) 死，其寡有遺腹者，須遺腹產，乃以律為置爵、戶後。 “For a case in which [a man] dies and his widow is carrying an unborn child, wait for the unborn child to be delivered, and then, according to the statutes, carry out the establishment [of the child] as the heir to the rank and householder status [of his deceased father].” Translated (with modifications) by Barbieri-Low and Yates (2015), 857.

¹²¹ One “died in service”, means the person died in military service or in civil service.

	疾死置（爵）後 The establishment of rank heirs for the forebears who died of natural causes	死事置（爵）後 The establishment of rank heirs for the forebears who died in service	置戶後 The establishment of heirs to the householder status
1	嫡子 sons born by the legal wife 下妻 ¹²² 子 sons born by the lesser wife 偏妻 ¹²³ 子 sons born by the side wife	子男 sons	子男 sons
2		子女 daughters	父 father
3		父 father	母 mother
4		母 mother	寡 widow (wife)
5		男同產 male siblings	子女 daughters
6		女同產 female siblings	孫 grandchildren
7		妻 wife	耳孫 great-grandchildren
8		大父 grandfather	大父 grandfather
9		大母 grandmother	大母 grandmother
10		同居數者	同產之子（同居數者）

¹²² The editors of the *ENLL* cite Yan Shigu's commentary in *HS* 99, 4119 that “*xia qi* is like saying *xiao qi* 小妻”. Barbieri-Low and Yates translate this term as “lesser wife”. See Barbieri-Low and Yates (2015), 865.

¹²³ The editors of *ENLL* gloss a *pian qi* 偏妻 as a *pian fang* 偏房, which is also the view of Wang Zijin 王子今 (2003). Tomiya Itaru 冨谷至 hypothesizes that a *pian qi* is a wife who does not live with her husband. SDNRK 專修大學《二年律令》研究會 points out that a *pian qi* can live either with her husband's family or separately on her own or with her natal family. Barbieri-Low and Yates translate it as “side-wife” to avoid confusion with another term “concubine”. Due to the lack of related texts, it is hard to give a precise definition of this term. Therefore, we follow the literal translation of this term by Barbieri-Low and Yates. It is speculated that the status of a side wife is opposite to that of a man's principal wife (*zheng qi* 正妻). The difference between *xia qi* and *pian qi* is unknown by far.

		(the other) people on the same register	children of siblings (on the same register)
11			奴婢 slaves
<p>Note: 1. The sons in the first sequence were listed hierarchically, while in the latter two sequences sons only appear as collective nouns. Although not specifically noted, it is certain that not all sons had the same opportunities to inherit both ranks and householder status. We believe the succession orders within sons in the latter two sequences follow the hierarchy shown in the first sequence.</p> <p>2. At every level, in cases where there were several candidates, the succession order depended on their ages and their mothers' status. For example, in the "sons by the legal wife", only the eldest was eligible to inherit his father's rank, and the other sons might be granted ranks much lower than the heir. Besides, if one person committed a crime with a punishment severer than being shaved, he or she could not be the legitimate heir.</p> <p>3. If the decedent had died of natural causes, the successor would inherit the rank with a certain degree of reduction except for the top two rank orders; while the decedent had perished in performing military or labor service, the successor would inherit the same rank and for one without rank, the heir would be granted the first rank by the government.</p>			

According to this table, the rank seemed to be inherited in most cases only by sons, and women and girls were not allowed to inherit the rank when the forebear died of natural causes. If a man died without a son, this household could still be continued by another person, but he/she would not be entitled to the privileges that came with the rank of the deceased person. In addition to the limitation on sons' succession, the heirs would inherit ranks two degrees lower than their forebears, except for the top two (Penetrating Lord 徹侯 and Lord within the Passes 關內侯) and the Ministerial rank (*qing* 卿).¹²⁴ Cao Ji 曹冀 says the prescription for partial succession of the rank was used to stimulate heirs to earn higher ranks themselves; otherwise, it would lower their motivation to make achievements.¹²⁵ This was especially relevant during wartime, when the authorities wanted soldiers on the battlefields to kill as many

¹²⁴ The Ministerial rank includes ranks ranging from the tenth (*zuo shu zhang* 左庶長) to the eighteenth (*da shu zhang* 大庶長). For the heirs of these rank holders, they could be granted the eighth rank (*gong cheng* 公乘).

¹²⁵ See Cao Ji (2014), 139.

enemies as possible. While in times of relative peace, as when these statutes were promulgated, the maintenance of a stable society is a priority. Designed to encourage people to keep on working hard, this strictly restricted succession of the rank might be intended to prevent the unchecked proliferation of ranks and to safeguard the interests of those who held high ranks. Despite these policies, ranks became less valuable and were widely conferred in the later Han period. Household registers of the Three Kingdoms period unearthed in Changsha 長沙, demonstrate that many householders held the eighth rank (*gong cheng* 公乘), the highest one that could be obtained by commoners.

The second column of Table 2.1 shows the succession of the rank for one died in service. In contrast with the first column, this sequence involves more persons related to the deceased pertaining to generations, respectively. Under this circumstance, more people would benefit from the succession of the rank. In addition, the heirs were permitted to inherit the same rank as the forebears, different from the two-degree-lower rule for those whose forebears died of natural causes. Even if those who died in service had no rank, their heirs would be granted the first rank. It is often an official event of the government to identify heirs for those died in service. These policies were presumably enacted to give preferential treatment to relatives of those who died in service, which, however, happened far less frequently than that in the first situation.

Another point about the second column that should be noted is that this sequence presents a certain regularity, sorted generation by generation. The children occupied the first echelon, parents the second, peers of the dead the third, and grandparents the fourth. In each echelon, males are preferred to inherit the rank.

The third column reflects the sequence of the succession of the householder status. As can be seen from the table, all six generations of relatives of the deceased were involved in this succession order except for the last category, slaves. This sequence is almost identical to the one shown in the second column, with three exceptions.

Firstly, daughters were not in the second place of the sequence but after widows, which means that they had less priority in succeeding the householder status. Cao Ji

believes that daughters were in a relatively backward place because the parents and the widow had more life and social experience, which contributes to the maintaining of the household.¹²⁶ His point of view might go some way to explaining this phenomenon. But it is more likely that daughters had more opportunities to marry out and became members of the husbands' households, resulting in the abandonment of their natal households finally.

Secondly, the siblings of the deceased, even ahead of the widows in the second column, appeared to be excluded from the succession of the householder status. However, one statute seems to conflict with this sequence, which goes that (*ENLL* 238: 378) 同產相爲後，先以同居，無同居乃以不同居，皆先以長者。 “For [siblings of the deceased] who are to become heirs, the first choice is the one who is a household member [of the deceased]. When there is none who is a household member, then take one who is not a household member. In every case, take the eldest first”.¹²⁷ Although it is not explicitly stated which kind of heir the siblings became, according to these three sequences, these siblings of those who died in service may be heirs of the rank rather than the householder status. The regulation that siblings are not allowed to inherit the households of the deceased might be intended to encourage the separation of households. Another probable reason is that these siblings might have already had their own households, as the peer of the deceased.

Thirdly, two more generations—grandchildren and great-grandchildren and slaves were enlisted in the succession order. It seems that almost all the persons related to the deceased (except siblings) had been considered in this sequence to avoid the extinction of one household, illustrating that households and populations were in short supply at least in the early Han period. Wang Yuquan 王毓銓 thinks that households were more important than the agriculture fields for the Han government, even though both were the foundation of the empire.¹²⁸ Li Zhenhong 李振宏 also states that under the condition of low productivity in the Han Dynasty, the value of the

¹²⁶ See Cao Ji (2014), 173.

¹²⁷ Translation from Barbieri-Low and Yates (2016), with modifications.

¹²⁸ See Wang Yuquan, 44.

labor force was much higher than that of the land.¹²⁹ Not only the encouragement to establish new households by the siblings, but also the arrangement for the wide group of people to have the opportunity to inherit a household, are the efforts of the government to maintain as many households as possible.

As shown in the table, the sequences on the establishment of heirs to the rank and the householder status are not identical, that is, there might be some conflicts in reality. Did these different sequences ever contradict each other during execution? In the current state of materials, however, there is no single text documenting this conflict, so it is impossible to give a definite answer right now. What is certain is the contradiction in the idealized regulations. Furthermore, these different sequences also imply that the establishment of heirs to the rank and that to the householder status were put in two different systems, which are relatively independent.

However, it should not be ignored that the listed sequences on heirs in Table 2.1 are all on the grounds of the statutes enacted in the early Han Dynasty. What about the succession provision in the Qin period? Were there any similar statutes or ordinances in use? Several related texts might provide some clues to the Qin situation. In the *FLDW*, there is a text explaining the specific identity of the heir son.

“擅殺、刑、髡其後子，讞之。”·何謂“後子”？·官其男為爵後，及臣邦君長所置為後太子，皆為“後子”。⁷² *QJDHJ*, 224

“When someone kills, mutilates or shaves his heir son without authorization, this is to be reported.” What is the meaning of “heir-son”? A son officially made the heir to the [father’s] rank, as well as the Heirs-Apparent established by the Princes or Chiefs of polities that are subjects [of Qin], are all heir-sons.⁷²¹³⁰

As what has been presented, there are two kinds of heirs—the heir to the rank and the heir to the householder status—following two separate succession orders. But only

¹²⁹ See Li Zhenhong (2003), 275-276.

¹³⁰ Translation from Hulsewé (1985, 139), with modifications.

the heir to the rank was used in this text to specify the meaning of an heir son. It is hard to say whether there is any difference between the Qin law and the Han law regarding the inheritance, but this text might reversely prove that only sons could inherit ranks in most cases, which is consistent with the first succession sequence for those whose forebears died of natural causes in the table. Furthermore, the usage of the graph *guan* 官 “officially” in this text should also be noted. It might suggest that heir-sons must be accredited and registered by the government, and the establishment of heirs was not a private affair.

Another text from the same collection also deals with heir-sons. The text reads:

士伍甲無子，其弟子以為後，與同居，而擅殺之，當棄市。⁷¹ *QJDHJ*, 224
 A rank-and-file¹³¹ man A has no children, and he makes his younger brother’s son his heir, registered together with him. He unauthorizedly kills him. He should be cast away in the marketplace.⁷¹¹³²

According to Table 2.1, this identity of the heir pertains to the group “children of siblings (on the same register)”. There is no exact record of whether the heir was a rank heir or a householder status heir. Since the man mentioned in this case was a commoner without rank, the heir (his younger brother’s son) could only inherit his householder status and his property.

It appears that heirs were protected by the law to a greater extent than other children. Qin law says that “The illegal killing of a child was punished by tattooing and made an earth or grain-pounder convict” 擅殺子，黥為城旦舂，¹³³ while killing an heir son would be executed.

¹³¹ *Shi wu* 士五 (伍) “rank-and-file” refers to a part of people without rank, while their origins are full of disputes. Ru Chun 如淳 (ca. 3rd cent. CE) states that “the statute says, those who formerly held official ranks but were removed for crimes were called *shi wu*” 律曰：“有罪失官爵稱士五”者也 (*SJ* 118, 3077). In the *ENLL*, one statute (slip no. 364+365) records that “sons of the first rank holders, *gong zu*, *shi wu*, *si kou* and *yin guan* are all registered as rank-and-file men” 公士、公卒及士伍、司寇、隱官子，皆為士伍 (*ENLL*, 234). The listed groups of people in this statute include all the people with the first rank and lower who were not slaves.

¹³² Translation from Hulsewé (1985, 139), with modifications.

¹³³ See *QJDHJ*, 223.

Similar regulations concerning the establishment of heirs could be found in the Tang Code 唐律, which reads:

無嫡子及有罪疾，立嫡孫；無嫡孫，以次立嫡子同母弟；無母弟，立庶子；無庶子，立嫡孫同母弟；毋母弟，立庶孫。曾、玄以下准此。無後者，為戶絕。¹³⁴

If there is no son born by the legal wife or the legitimate son is guilty or diseased, establish the legitimate grandson [as the heir]. If there is no legitimate grandson, establish the younger brother born by the same mother of the legitimate son as the heir. If there is no younger brother born by the same mother, establish the illegitimate son. If there is no illegitimate son, establish the younger brother of the legitimate grandson born by the same mother according to the sequence. If there is no younger brother [of the legitimate grandson] born by the same mother, the illegitimate grandson will be established. In the cases of the great-grandson and the great-great-grandson, the same rule is followed. If one has no offspring, the household will become extinct.

It was explicitly stipulated that women had no right to succeed the householder status in the Tang dynasty. The legitimate grandson took precedence over the illegitimate sons of the deceased, indicating the increasing emphasis of the direct line of descents in the later time.

Compared to the Tang law, women had more rights to inherit the rank and the householder status in the Qin and Han periods. This point has been declared by Barbieri-Low and Yates, who say that the legal status of women was considered much more prominent, at least in Qin and early Han times.¹³⁵ In the LY administrative documents, there are many instances of widows and adult women who were householders,¹³⁶ but there is no text on the adult female persons' holding ranks.

¹³⁴ See Liu Junwen 劉俊文 [點校]; Zhangsun Wuji 長孫無忌 [等撰]. 1983. *Tanglü shuyi* 唐律疏議, 943.

¹³⁵ See Barbieri-Low and Yates (2015), 214.

¹³⁶ For examples, see no. 8-237: 南里戶人大女子分 “Nan village adult-female householder named Fen” (LY 1,

Fortunately, one text from the *Shiji* tells of a mother succeeding her son's rank, who died in service. The text reads:

（奚涓）以舍人從起沛，至咸陽為郎中，入漢，以將軍從定諸侯，侯，四千八百戶，功比舞陽侯。死事，母代侯。¹³⁷

[Xi Juan] followed [Emperor Gao] as a retainer rising from Pei [prefecture]. He had become an attendant when they arrived in Xianyang. After the establishment of the Han empire, he was granted the rank of marquis¹³⁸ for having been a general defeating the lords, with the revenue from 4,800 households. His merit is comparable to Marquis of Wuyang¹³⁹. He died in service and his mother succeeded him as a marquis.

Xu Guang 徐廣 (352 CE-425 CE)¹⁴⁰ annotates that Xi Juan had no child, so his mother took over his rank.¹⁴¹ Regarding the limitation on female succession to ranks, Cao Ji argues women could succeed ranks on the premise that the deceased died in service.¹⁴² Whereas, it should be noted that the rank mentioned in this text is marquis, which is the highest one in the rank order, and can be passed on from generation to generation without demotion if no accident happened.¹⁴³ Thereupon it might not represent the general situation of women holding ranks. Still, it demonstrates that some women at that time could inherit and possess ranks.

120); no. 9-567: 東成戶人大夫寡晏 “Dongcheng Village householder widow of a fifth rank holder named Yan” (*Ly* 2, 157).

¹³⁷ *SJ* 18, 917.

¹³⁸ Xi Juan was entitled as Marquis of Lu 魯侯.

¹³⁹ The first generation of Marquis of Wuyang 舞陽侯 is Fan Kuai 樊噲, a famous general who contributed a lot to the Han dynasty's founding, and enjoyed the revenue from 5,000 households, slightly more than that of Xi Juan.

¹⁴⁰ Xu Guang (352 CE-425 CE) was a famous historian and politician.

¹⁴¹ See *SJ* 18, 917.

¹⁴² See Cao Ji, 2014.

¹⁴³ It is recorded in the *Shiji* (*SJ* 10, 419) that “Kings and marquises who first received grants of territory in turn all became founders of their respective lines. It is a basic principle of the empire that their sons and grandsons should succeed them for generations to come” 諸侯王及列侯始受國者皆亦為其國祖。子孫繼嗣，世世弗絕，天下之大義也。 Translation from Burton Watson (1993), 349.

Only the disposal of the agricultural fields and the homesteads was mentioned in the provisions when a female person was the heir to the householder status. This situation might suggest that the majority of female heirs could succeed as householders and inherit the property, but would not hold the ranks. The text related to female heirs is as below:

寡為戶後，予田宅，比子為後者爵。其不當為戶後，而欲為戶以受殺田宅，許以庶人予田宅。³⁸⁶ *ENLL*, 240

When a widow becomes the heir to the householder status, she will be presented with agricultural fields and homestead. She enjoys the privileges comparable to those for the rank of a child who becomes an heir. For one who does not match becoming the heir to householder status, and yet wishes to constitute a household and receive a reduced [number of] agricultural fields and homestead, it is permitted to present her the same amount as to the freedman.³⁸⁶¹⁴⁴

The single statute specifically for widows might imply that multiple widows became heirs to the householder status especially after the civil war between Qin and Han, which must have caused hundreds of thousands of men dying on the battlefields. It was clear that these women heirs could get fields and homesteads, but they could not inherit their husbands' ranks. Yet they could still enjoy the privileges as those heir sons who held ranks. In the LY documents, there are several records about the householders who were *da fu gua* 大夫寡 “the widow of a fifth rank holder” or *shang zao gua* 上造寡 “the widow of a second rank holder”. These rank titles before the widows' names do not denote that these widows were holding those ranks, but their privileges on taxes and labor services were in parallel with those of the heir sons whose fathers held the fifth rank or the second rank.

To review the question raised previously whether the agricultural fields and the homesteads were redistributed by the government upon the death of the former

¹⁴⁴ Translation from Barbieri-Low and Yates (2015, 863), with modifications.

householder, this stipulation provides some evidence that the fields and homesteads were linked to the succession of the householder status rather than the ranks, since no ranks were held by the widows.

Another text on penalties for fraudulent displacing of the status of the householder was also linked to the agricultural fields and homesteads. It seems that the purpose of making fraud was to inherit the fields and the homesteads.

田宅當入縣官而以詐代其戶者，令贖城旦，沒入田宅。³¹⁹ ENLL, 219

For one who fraudulently substitutes [himself as the legitimate heir to] the householder status when agricultural fields and homesteads should be turned over to the prefecture government: order [the perpetrator of the substitution] to redeem an earth pounder convict and confiscate the agricultural fields and homesteads.³¹⁹¹⁴⁵

In short, *dai hu* “substitution to the householder” represents that an heir will inherit the householder status and the property, while the succession of ranks signifies privileges of taxes, immunity from labor service and commutation of sentences for crimes. As addressed by Nishijima Sadao 西嶋定生, ranks held by the people were identities publicly conferred by the authorities.¹⁴⁶ Correspondingly, householders might be the identities for only the other household members, which was not directed to the public. The inheritance of these two identities was not only a very important event within a household, but also subject to government intervention for the heirs must be officially accredited.

2.2 To Establish a Household (*wei hu* 為戶)

Given the term *wei hu*, Yun Jae Seug defines it as establishing new households

¹⁴⁵ Translation from Barbieri-Low and Yates (2015, 795), with modifications.

¹⁴⁶ See Nishijima Sadao, 260.

and getting registered in the government,¹⁴⁷ which is supported by Lu Jialiang 魯家亮.¹⁴⁸ Since almost all the occurrences of *wei hu* are in the ZJS manuscripts produced in the early Han period, the debate on this term is usually under this historical background. Yun Jae Seug suggests that the new households were established either by refugees from the Qin and Han civil wars or by some household members who separated from their original households.¹⁴⁹ The first possible way of establishing new households by the refugees is to the beginning of the Han era, while this term was not only used during this period but also appeared in texts excavated from the SHD Qin tomb. The text encompassing *wei hu* is in the “Wei Statutes on Households” (Wei hu lü 魏戶律), prohibiting pawned sons-in-law (*zhui xü* 贅壻) from establishing households, which reads:

自今以來，假門逆₁₈閭，贅壻後父，勿令為戶，勿予田宇。¹⁹ *QJDHJ*, 345

From now on, pawned sons-in-law¹⁵⁰ and stepfathers who left their natal households and lived in their wives’ houses¹⁵¹₁₈ must not be made to form

¹⁴⁷ See Yun Jae Seug, 2013.

¹⁴⁸ See Lu Jialiang, 2010.

¹⁴⁹ See Yun Jae Seug, 2013.

¹⁵⁰ Hulsewé translates the term *zhui xü* 贅壻 as “debt slaves”, and further points out that it means “a son-in-law living with his wife’s family”. He thinks that a *zhui xü* was “an indentured servant or a bondsman”, given to his father’s creditor by his father in pawn; afterward, the creditor married him one of his daughters. See Hulsewé (1985), 209. The explanation from Hulsewé makes the connotation of this term rather clear, but their origins might be broader. An entry in the *Hanshu* (HS 48, 2244) reads: “if a Qin family was poor and the sons were old enough, they should be sent out to as *zhui xü*” 秦人……家貧子壯則出贅. For those households that did not have enough money for their sons to start households, their sons would probably become pawned sons-in-law. The meaning of this term is not difficult to understand, but its relevance in the social context and the reason for the presence of many prohibitions against this group of people in the statutes and ordinances are not easy to outline. Their “man-made” low status not only expresses the authorities’ dislike for them, but also reflects the fact that female-dominated households were a universal social phenomenon in early times. The deliberate contempt for “pawned sons-in-law” guided by the authorities in the law implies their resolution to “rectify” this phenomenon and the intention to promote a more patrilineal society.

¹⁵¹ The editors of *SHD* (1990) glosses *jia men* 假門 as *gu men* 賈門, which means the houses of the merchants; and *ni lü* 逆閭 as inns. Hulsewé leaves the term *jia men* untranslated and renders *ni lü* as “inn-keepers”. See Hulsewé (1985), 208-209. Nearly all studies have focused on interpreting the meaning of these two terms as two groups of people, who were juxtaposed with the latter pawned sons-in-law and stepfathers, while Zhang Jihai 張繼海 points out the possibility that the phrase *jia men ni lü* can be viewed as an attributive to define the situation of the pawned sons-in-law, who left their natal households and lived in their wives’ houses. See Zhang Jihai, 2005. Stepfathers (*hou fu* 後父) were virtually pawned sons-in-law who also lived in their wives’ houses, and the difference lies in the fact that they married widows and pawned sons-in-law got married to unmarried women. Thus, we take them as the same group of people. The following part of this statute, which is not cited, attests to this hypothesis, which reads: “note in their register: great-grandson of formerly X village pawned son-in-law old man X” 乃署其籍曰：故某閭贅壻某叟之仍孫 (*QJDHJ*, 345). In this following part, only pawned sons-in-law were mentioned; if four

households and be presented with fields and houses.¹⁹

In this context, this statute was presumably put in force in 252 BCE in the Wei 魏 (403-225 BCE), and then, for some unknown reasons, copied by a Qin official and buried in his tomb. Even though this is the only instance of the usage of *wei hu* in pre-Han materials, it is unreasonable to confine the term to a particular historical background and to consider the subjects who formed new households as refugees. Nevertheless, refugees registered with the government constitute one of the main sources of increase in the household number in some abnormal periods. For instance, it was recorded in the *Hanshu* that after Emperor Gaozu of Han ascended to the throne (202 BCE), a decree was enacted to solicit refugees from mountains and marshes to register with the new government. The text reads:

民前或相聚保山澤，不書名數，今天下已定，令各歸其縣，復故爵田宅，吏以文法教訓辨告，勿笞辱。民以飢餓自賣為人奴婢者，皆免為庶人。¹⁵²

(202 BCE) Many people formerly gathered for refuge in the mountains and marshes, and their names and other entries were not registered. Now the world is pacified, and we order each to return to his prefecture and regain his former rank, fields, and homestead. The officials teach and instruct these people using civil and legal models; do not beat or shame them. Those who, because of hunger and famine, have sold themselves as slaves to people should be manumitted as freedmen.¹⁵³

Although it was not explicitly stated that the refugees would establish new households, it can be speculated that the household numbers would increase if refugees were registered with the government. With the exception of those households

groups of people were listed at the beginning, this statute would become inconsistent. Thus, this statute probably only refers to pawned sons-in-law.

¹⁵² See *HS* 1, 54.

¹⁵³ Translation from Barbieri-Low and Yates (2015, 1184), with modifications.

established by the unregistered persons, primarily refugees, the most common way of household reproduction was to separate grown-up children from their natal households so that they would form their own ones. In this regard, Lu Jialiang introduces another term, *fen hu* 分戶, to designate the separation of households and properties, but this term could not be found in either the received texts or the manuscripts. Instead of *fen hu*, the technical term used in the legal texts on separating someone from a household is *yi* 異 “to separate/to alienate”. In the YL criminal case presented above, when the subordinate was separated from the household, it was described as “Three years ago Pei arranged a marriage for Shi; one year later, he bought a house for Shi for 5,000 cash, allotted him a horse and a 20-acre rice field and separated him [from his household]” 沛以三歲時爲識娶妻；居一歲爲識買室，價五千錢；分馬一匹、稻田廿畝，異識。¹⁵⁴ In this text, the term used to designate the separation is *yi* rather than the phrase *fen hu* mentioned by Lu Jialiang.

Another provision recording that *wu yi qi zi* 毋異其子 “do not separate their children” relates to the preferential treatment for those exceptional households, such as those composed of solitary widows or widowers, disabled spouses, or aged spouses. The children of these households were not forcibly separated from the natal households and they could even register back to their parents’ households if they had already been separated.

寡夫、寡婦母子及同居，若有子，子年未盈十四，及寡子年未盈十八，及夫妻皆癰病，及老年七十以上，毋₃₄₂ 異其子；今毋它子，欲令歸戶入養，許之。₃₄₃ *ENLL*, 226

For the case of a widower or widow who has no children or household members, or one who has children, but the children are not a full fourteen years old, as well as one who has only a single child who is not yet a full eighteen years old; or for a husband and wife both suffering from infirmities or are both the elderly more than seventy years old, do not₃₄₂ separate their children [into distinct households].

¹⁵⁴ YL 3, 155. Translation from Lau and Staack (2016), 200.

But now, if they have no other children living with them and desire to make their children return to their households to be nourished: permit it.³⁴³¹⁵⁵

This article also uses the graph *yi* “to separate” to designate the separation of children from the households. Moreover, there seems to be a general perception that most of the sons were separated from their natal households, except under the conditions set out in this article.

In the legal texts, *bie wei hu* 別為戶 “form a separate household” was also used to describe the separation from the original household and the establishment of another one, which is supposed to denote the same meaning as *yi*. The text reads:

民欲別為戶者皆以八月戶時，非戶時勿許。³⁴⁵ *ENLL*, 227

For a common person who desires to form a separate household: in every case, [perform this] in the eighth month, the household [-register examination] time.¹⁵⁶ When it is not the time of the household [-register examination], do not permit it.³⁴⁵¹⁵⁷

Therefore, the sources of new households might come down to two categories: new households established by unregistered persons; and new households established by those who left their natal households to start their own. During Qin and Han times, adult sons’ separation from households was encouraged and more taxes were levied on those that should separate from their households but did not.¹⁵⁸

¹⁵⁵ Translation from Barbieri-Low and Yates (2015, 803), with modifications.

¹⁵⁶ The term *hu shi* 戶時 “the household [register examination] time” refers to the eighth month of a year, when officials examine the household registers, entering new households and deleting nonexistent ones. Also, they were supposed to make accounts of households and population of the region under their jurisdictions and sent them to the higher authorities. For the term *hu shi*, cf. *ENLL* 345, 227: 民欲別為戶者皆以八月戶時，非戶時勿許. “For a commoner who desires to separate and form a [new] household: in every case, [carry this out] in the eighth month, the household [register examination] time. When it is not the household time, do not permit it.” Translated by Barbieri-Low and Yates (2015, 803), with modifications.

¹⁵⁷ Translation from Barbieri-Low and Yates (2015, 803), with modifications.

¹⁵⁸ It is recorded in the *Shiji* that the Qin state promulgated a decree stipulating that “(ca. 347 BCE) tax should be doubled on the common people who have two sons or more but do not separate them from the households” 民有二男以上不分異者，倍其賦 (*SJ* 68, 2230).

Compared with inheriting a household from the former householder, which implies preserving the pre-existing households, “to establish a household” (*wei hu*) represents the creation of new ones, contributing to the increase in the household number in a region. The increase in the household number was a significant component of the evaluation of local officials. A demographic account (139 BCE) of Xi District (*Xi xiang* 西鄉) in Jiangling Prefecture (modern Jingzhou, Hubei Province) illustrates the chief entries in making a household account. Here is a part of the text containing the statistics in association with household:

Table 2.2: A part of the text from “The Household and Population Account of West District in the Second Year”

•二年西鄉戶口簿	The Household and Population Account of West District in the Second Year (139 BCE)
戶千一百九十六	The total number of households: 1196
息戶七十	The increase in households: 70
耗戶三十五	The decrease in households: 35
相除定息四十五戶	The increase minus the decrease: 45 ¹⁵⁹

With reference to this table, those newly established households constituted the majority of the entry “the increase in households” *xi hu* 息戶 in the third row. The maintenance of old households and the establishment of new ones both concern the foundation of an empire, and their significance can be seen to some extent in the many detailed provisions on these respects.

2.3. The Migration of Households

In addition to the establishment of new households, another vital source of new households was often overlooked, namely, the migration of households. The

¹⁵⁹ The increased household number minus the decreased household number should be 35. The number 45 recorded in this document was miscalculated. It might be an error made by the scribe who copied this text due to his carelessness, which probably hints that the accuracy of this document was not very crucial.

households that migrated to one place while composing a proportion of the increase in the household number in the destination area, resulted in the decrease in the household number in the area of origin.

Migration was strictly controlled in the Qin and early Han periods, but not banned at all. Some households might migrate driven by the government, while some might move based on their own circumstances. Many cases of people being forced or tempted by the government to migrate could be found in the received texts. Here are two examples:

徙謫，實之初縣。¹⁶⁰

(214 BCE) Transport the convicts to fill the new established prefectures.

募民徙雲陵，賜錢田宅。¹⁶¹

(84 BCE) People were recruited to move to Yunling,¹⁶² and given cash, fields, and residences.¹⁶³

The context of the first case is that the famous general Meng Tian 蒙恬 (250-210 BCE) conquered new territories on the north border of the Qin empire and established thirty-four new prefectures in the 33rd year (214 BCE), which the convicts were forced to move to in order to expel the Rong people¹⁶⁴ and consolidate the new frontier. Different from the first case, the second case is that people were tempted by the government with rewards to move to new places. Such population movements for the defense of royal tombs were common in the received texts, which expanded the

¹⁶⁰ *SJ* 6, 253.

¹⁶¹ *HS* 7, 221.


¹⁶² Yunling 雲陵 is the tomb of the concubine Gouyi (鉤弋夫人, 113-88 BCE), the mother of Emperor Zhao of Han (漢昭帝, 94-74 BCE).

¹⁶³ Translated by Lau and Staack (2016), 137.

¹⁶⁴ The Rong 戎 people probably designate various ethnic groups living in the northwest China, considered as “barbarians” by people in the interior.

population near the capital area.¹⁶⁵ It was sometimes employed to disintegrate the big families belonging to the other states during the Warring States period by detaching them from their hometowns and social networks.

The above two instances both illustrate some anomalies related to either punishment or governmental recruitment. In the LY documents, there is a record of one household originally affiliated to Qianling Prefecture moving to another place. It reads:




陽里户人司寇寄、妻曰備，以户遷廬江，卅五【年】 8-1873+8-1946¹⁶⁶

Yang Village,¹⁶⁷ householder, Robber Guard,¹⁶⁸ Ji, and his wife called Bei, moved their household to Lujiang [Commadery]¹⁶⁹. The 35th year...8-1873+8-1946

This document was probably made by the officials of Qianling Prefecture to certify the emigration of this household. The reason why this household moved to Lujiang was not stated. Nevertheless, *qian* 遷 “move” was used to account for this migration, implying that it was a normal household migration other than those caused by any punishment or political enforcement. This decreased the household number of Qianling, but increased that of Lujiang Commandery.

As the LY documents were preserved in Qianling Prefecture, there are more

¹⁶⁵ Based on the *Hanshu*, people were recruited to live nearby the royal tombs to defense them. Except for the above example, there are many other records, for instance, 五年春正月，作陽陵邑。夏，募民徙陽陵，賜錢二十萬 “In the spring of the fifth year of Emperor Jing of Han (153 BCE), in the first month, built the Yangling town (Yangling is the mausoleum of Emperor Jing, located near the capital Chang’an). In the summer, recruited people to move to Yangling, conferring each [household] 200,000 cash.” In the *Shiji*, it is said that after the First Emperor ascended the throne, he ordered to move many big families to live in the capital, which reads: (*SJ* 6, 240) 徙天下豪富於咸陽十二萬戶 “(221 BCE) Migrated 120,000 rich and powerful households to Xianyang”.

¹⁶⁶ Reconstructed by He Youzu 何有祖. See He Youzu, 2013. These two fragments were published separately as two slips: 8-1873: 妻曰備，以户遷廬江，卅五【年】 and 8-1946: 陽里户人司寇寄. He Youzu reconstructed these two slips according to the remaining strokes.

¹⁶⁷ Yang Village 陽里 was a village in Central District 都鄉, Qianling Prefecture.

¹⁶⁸ “Robber guard” *si kou* 司寇 literally means a person who was assigned to watch other convicts. The robber guards were convicts but their status was higher than that of all the other convicts. They were granted half the amounts of fields and homesteads of the freedmen according to the “Statutes on Households” in the *ENLL*. Hence, they were probably treated as half freedmen. For more discussions, cf. Barbieri-Low and Yates (2015), 519-520; Lau and Staack (2016), 234.

¹⁶⁹ Lujiang Commandery was located mainly in present Anhui Province 安徽省.

instances of people moving into Qianling and getting registered there. For example:

卅三年三月辛未朔丙戌，尉廣敢言之：□□

自言：謁徙遷陵陽里，謁告襄城□□

何計受？署計年名爲報。署□ 8-1141+8-1477 side A

三月丙戌旦，守府交以來。／履發。□ 8-1477 side B¹⁷⁰ LY 1, 283, 336

In the 33rd year (214 BCE), on the *bingxu* day (the 16th day) of the third month, the first day of which fell on a *xinwei* day, the Commandant, Guang dares to state: ...

[...] self-reported: [I] request to move to Yang Village, Qianling [Prefecture]. [I] request to report to the Xiangcheng¹⁷¹ [Prefecture]...

... which [office] is to receive the certificate? Record his entry, age, name as a report. Mark to... 8-1141+8-1477 side A

In the morning of the *bingxu* day of the third month, Storehouse Guard,¹⁷² Jiao arrived [with the document]. / Lü opened the letter. 8-1477 side B

Since some sections of this document are missing, the person who moved into Qianling is unknown. Based on the available information, he/she probably moved from Xiangcheng to Qianling, and the official in charge of this immigration is the Commandant.

Another two texts that do not display the household migration directly record the persons' area of origin and hint at the fact that they moved to Qianling from other places. They read:

¹⁷⁰ Reconstructed by He Youzu. See He Youzu, 2013.

¹⁷¹ Xiangcheng 襄城 was the name of a prefecture belonging to Yingchuan Commandery 潁川郡, which was located in modern Henan Province.

¹⁷² The term *shou fu* 守府 “Storehouse Guard”, also *shou guan fu* 守官府 or *guan shou fu* 官守府, appears frequently in the LY documents. Its status might be comparable to that of the people who served the government as *pu* 僕 “(official) servant” and *yang* 養 “cook”. For an instance, cf. (QJDHJ, 130: 150) 司寇勿以爲僕、養、守官府及除有爲殿。 “Robber guard convicts should not be used as servants or cooks, as well as office and storehouse guards or appointed for other tasks.” Hulsewé translates the term in this text as a verb, “[they] guard government storehouses”. See Hulsewé (1985), 73. As it is juxtaposed with servants and cooks, it was more likely to be used as a noun. Another instance reads: (YL 4, 122: 1370) 倉律曰：毋以隸妾爲吏僕、養、官【守】府。 “Statutes on Granaries say: do not use bondwomen convicts as official servants, cooks or office and storehouse guards.”

丹子大女子魏嬰婉，一名□(line 1)

年可七十歲，故居魏箕李□₈₋₂₀₉₈ (line 2) *LY* 1, 429

The child of Dan, adult female, Wei Yinggui, also called...(line 1)

Her age is about seventy. She used to live in Li (Village), Weiji¹⁷³ (Prefecture)...₈₋₂₀₉₈(line 2)

□年可卅歲，故居魏箕攻₈₋₂₁₃₃ *LY* 1, 435

... age is about forty, used to live in Gong (Village), Weiji (Prefecture)...₈₋₂₁₃₃

These two documents registered the names, ages and origins of two non-indigenous persons.¹⁷⁴ One word that should be paid more attention to is *ke* 可 “approximate/ about”, which was used to describe the ages of these two persons in both texts. The usage of this graph indicates that the government might not know their ages precisely. These documents were probably their registers made by the Qianling government shortly after their relocation. The imprecisely registered ages suggest that they did not have official registers that the Qianling government could refer to before their arrival.¹⁷⁵

In addition to administrative documents, one text from No. 18 tomb at Gaotai 高臺 in Hubei Province, which was argued by many scholars as *gao di ce* 告地策 “the document informing the underworld”,¹⁷⁶ is a relatively complete document on migration incorporating the information on the household members, the area of

¹⁷³ Weiji was a prefecture in Langya Commandery 瑯邪郡, modern Shandong Province.

¹⁷⁴ Some information of slip no. 8-2133 is missing, but presumably, this slip carries a similar text as slip no. 8-2098.

¹⁷⁵ Another LY text (*LY* 2, 302: 9-1411) might declare that these two persons surrendered to the Qin government in the 26th year (221 BCE) and were then moved to Qianling. It says that “in the twenty-sixth year (221 BCE), on the *wuzi* day (the 5th day) of the eleventh month, whose first day fell on a *jiashen* day, Bailiff of Erchun District, Hou, dares to report: “The Chancellor states: ‘If one captures some people from Wei cities and towns and makes them surrender and take refuge [under the Qin rule], present him with the persons [captured by him] who used to be slaves and then become captives.’ The ordinance has arrived. I dare to report.” 【廿】六年十一月甲申朔戊子，貳春鄉後敢言之：丞相言：“得魏城邑民降歸義者，有故臣妾為拾虜，以予之。”令書已到。敢言之。

¹⁷⁶ It is a kind of burial document that prevailed in Han times, which was used to inform the underground government about the information of the deceased in order to get him passed to underground and registered in Hades.

destination, the area of origin and their privilege of being exempt from taxes and labor services. Four boards bound together were excavated from this tomb. Board no. 1 served as a cover containing the name of the destination and an imitated seal of the Vice Prefect of Jiangling. Board no.2 and board no.3 were laid face to face, recording the migration document and the household register respectively (see Figure 2.1 for images of board nos. 2-3). What was written on board no. 4 is an inventory of burial items. Here are the texts on boards no. 2 and no. 3:

Board no. 2:

七年十月丙子朔庚子，中鄉起敢言之：新安大女燕自言，與大奴甲、乙、
【大】婢妨徙安都，謁告安都受【名】數，書到為報，敢言之。

十月庚子，江陵龍氏丞敬移安都丞/亭手 side A

產手 side B¹⁷⁷

In the 7th year (173 BCE), on the *gengzi* day (the 25th day) of the tenth month, the first day of which fell on a *bingzi* day, Bailiff of Central District, Qi, dares to state: Xin'an Prefecture,¹⁷⁸ adult woman, Yan made a self-report to move to Andu¹⁷⁹ together with adult male slaves Jia and Yi and an adult female slave Fang. [I] request to inform Andu to accept the household register and report after the document arrives. I venture to report this.

On the *gengzi* day of the tenth month, Jiangling [Prefecture], Longshi, Vice Prefect, respectfully forwarded this document to Andu Vice Prefect. / Written by Ting. side A

Written by Chan. side B

¹⁷⁷ See Jingzhou bowuguan 荊州博物館 (ed, 2000), 222.

¹⁷⁸ Xin'an Prefecture was in Hongnong Commandery 弘農郡, to the east of present-day Mianchi County 澠池縣, Henan Province. Xin'an is the place of Yan's registration, and probably the domicile of her husband.

¹⁷⁹ Andu 安都 was a town to the southwest of present-day Gaoyang County 高陽縣, Hebei Province. It is recorded in the *Shiji* that in the fourth year of Emperor Wen of Han 漢文帝 (177 BCE), Zhi 志, the son of King Daohui of Qi 齊悼惠王 was granted the title of Marquis of Andu 安都侯. The editors of *Jingzhou Gaotai Hanmu* believe that Andu was the birthplace of Yan and she hoped her soul could return to her hometown after her death. See Jingzhou bowuguan (ed, 2000), 226. Since this is a document to the underworld, Andu and other places mentioned in the text were places in the underworld instead of the real ones.

Board no. 3:

新安戶人大女子燕，關內侯寡

大奴甲

大奴乙

大婢妨 家優，不算不顯 side A

Xin'an, householder, adult female, Yan, widow of a holder of the 19th rank

Adult male slave: Jia

Adult male slave: Yi

Adult female slave: Fang This household is exempted from taxation and labor service, and does not have to pay the poll tax.¹⁸⁰ side A

The text on board no. 2 is the document submitted by the Bailiff of Central District, presumably where Yan lived, to the Vice Prefect of Jiangling Prefecture to request him to forward the document and the household register to Andu. Board no. 3 is the household register of Yan's household, which bears the information of the household members, similar to the household registers found in the LY moat (cf. pp. 40, 96), although it is much simpler, recording only identities and the names of the people. Even though most scholars consider it a funeral object, as if it were a letter sent to the official of underground,¹⁸¹ it was at least a document produced in imitation of a real one in administrative communication. Besides, the names of officials including Qi, Bailiff of the Central District, and Longshi, Vice Prefect of Jiangling, were likely to be real rather than fictitious. Also, the fourth line on board no. 2 was written by a different hand and probably added to the margin of the board later. These pieces of evidence yet may not prove that it was a genuine document transmitted among offices for the migration of this household, but at least one could assume it as

¹⁸⁰ Although the last graph is transcribed as *hao* 颯, we do not know its meaning. Huang Shengzhang 黃盛璋 thinks this graph should be transcribed as *qing* 黥 and explains that it means the slaves were not tattooed. See Huang Shengzhang, 1994. The whole sentence appears to emphasize the preferential treatment to this household in terms of taxation and labor service, which makes his argument not very convincing.

¹⁸¹ See Wang Guihai 汪桂海, 2006. Li Xueqin says this document was a copy of the practical document, which was not followed by most scholars. See Li Xueqin, 2003.

a high degree of simulation.

With this tomb text as a sample, it is not difficult to imagine that such a document with the household register attached was transmitted among offices for the migration of a household in the real world.

These several texts documenting the affairs related to household migration provide the instances of how migration increases (or decreases) household numbers. The migration of households was strictly controlled in early imperial China, but still widespread.

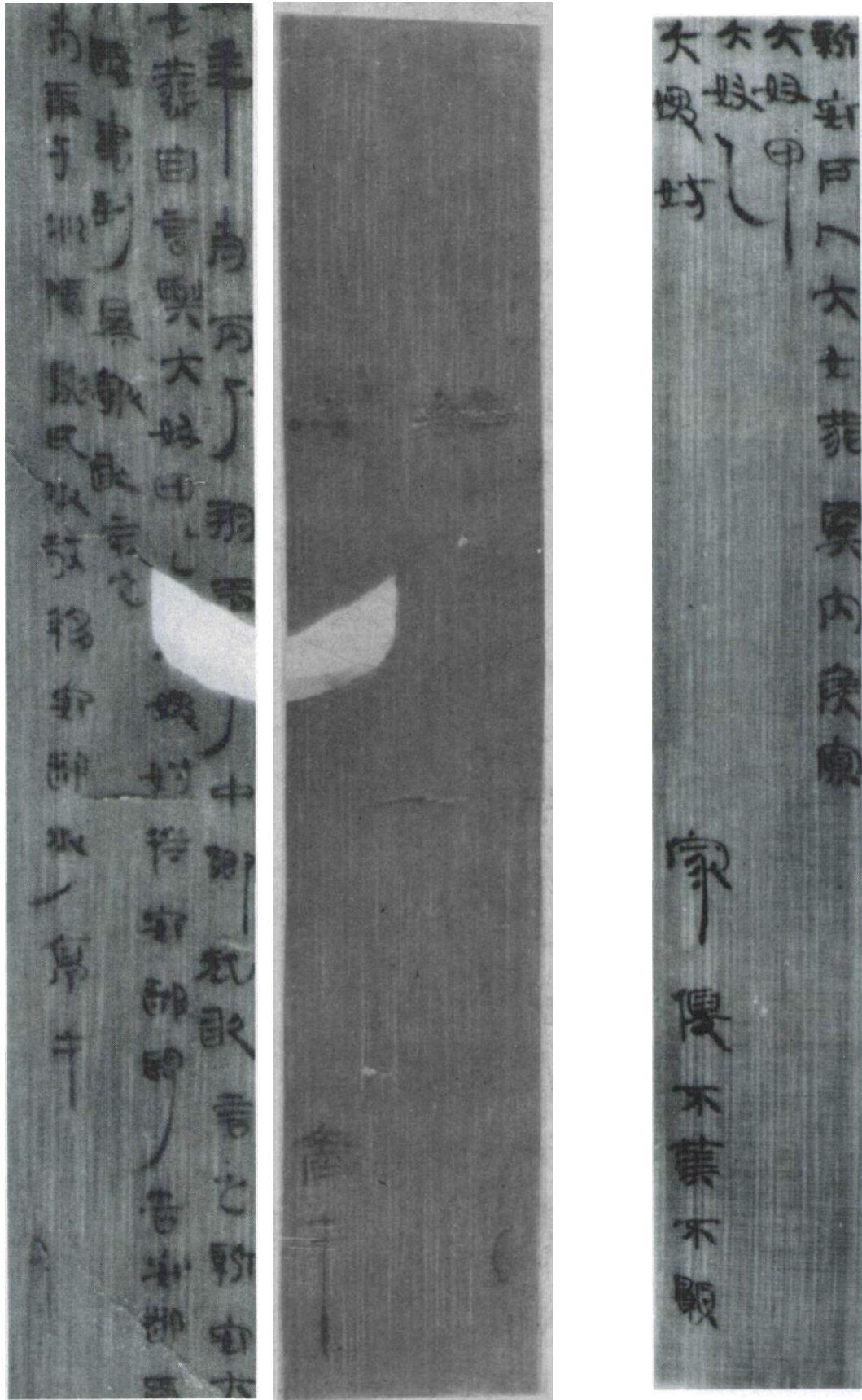


Figure 2.1: The images of recto and verso sides of board no. 2 and the recto side of board no. 3
Source: *Jingzhou Gaotai Hanmu* 荊州高臺漢墓, 222.

2.4 Separation of Property within a Household

It is evident that the succession of the householder status encompasses the inheritance of the property, while the transfer of the ownership of properties does not only happen after the former householder died. According to the statutes and administrative documents, there are two forms of property separation before the householder dies: “property division while the householder is still alive” *sheng fen* 生分 and “the last will [made on one’s deathbed]” *xian ling* 先令.¹⁸² The second form, though closely related to inheritance, is still a kind of property division before a householder dies and it is basically a reflection of his/her will other than following the rules of succession laid down by law.

The term *sheng fen* is used in the *Hanshu*, which reads:

（河內郡）故俗剛彊，多豪桀侵奪，薄恩禮，好生分。

師古曰：“生分，謂父母在而昆弟不同財產。”¹⁸³

The original custom [of Henei Commandery]¹⁸⁴ was belligerent and aggressive. There were many local tyrants who wanted to grab and pillage. They did not appreciate kindness and courtesy and liked to divide up [property while their parents were still alive].

[Yan] Shigu says: *sheng fen* refers to the division of assets between the brothers while their parents were still alive.

From the attitude reflected in this received text, *sheng fen* was a very bad custom,

¹⁸² On the entry from the *Hanshu* (HS 77, 3268): (何並) 疾病，召丞掾作先令書 “[He Bing] fell ill, and he called his assistant scribe to make the last will document”, Yan Shigu comments *xian ling* as “to make the directives by the deceased in advance” 先為遺令也. The term *xian ling* was also used in the ENLL texts, and there is a document made in 5 CE with an instruction at the beginning “to make a contract document of the last will” 為先令券書, which will be described below. All the occurrences of the term in the legal texts are related to the property distribution within a household, while in the received texts, other contents, such as the requirements about the funerals, were written in last wills. Therefore, *xian ling* was not equalized to the division of property, but it is generally a document containing the information on how to distribute the property.

¹⁸³ See HS 28, 1647.

¹⁸⁴ Henei Commandery 河內郡 was established during the reign of Emperor Gaozu of Han, in 201 BCE, located in modern northern Henan, southern Hebei, and western Shandong.

which was against the filial piety and a great damage to the relationship among siblings. Looking back at Qin and Han manuscripts, however, the property division that was made while the parents were alive was not despised or viewed as a breach of morality. Moreover, it is permitted in the Han law. The related provision in the “Statutes on Households” is as follows:

民大父母、父母、子、孫、同產、同產子，欲相分予奴婢、馬、牛、羊、
它財物者皆許之，輒爲定籍。³³⁷ *ENLL*, 225

For cases among the ordinary people of grandparents, parents, children, grandchildren, siblings born of the same mother, or children of siblings born of the same mother who wish to divide among themselves, or give to each other, male and female slaves, horses, cattle, sheep, or other valuable items: in every case, permit it. Immediately make a confirmed recording in the register.³³⁷¹⁸⁵

The editors of *SDNRK*¹⁸⁶ point out that this is clearly a division of property while the householder is still alive, not the division by testament.¹⁸⁷ In light of this legal text, division of property within relatives was a normal affair, and only requested to be registered with the government.

In addition to this statute, two instances (boards nos. 8-1443+8-1455 and 8-1554) from the LY documents illustrate the division of property in two households. In these two documents, the householders gave part of their properties, including slaves, grain, and other movables, to a minor son and an adult daughter, respectively. Here is the text of one of the instances:

卅二年六月乙巳朔壬申，都鄉守武爰書：高里士五武自言以大奴幸、甘多，
大婢言、言子益等，牝馬一匹予子小男子產。典私占。初手。 8-1443+8-1455

¹⁸⁵ Translation from Barbieri-Low and Yates (2015, 801), with modifications.

¹⁸⁶ For the abbreviation of *Senshū daigaku Ninen ritsuryō kenkyūkai* 專修大學《二年律令》研究會.

¹⁸⁷ See *SDNRK* 2006, 171. Quoted from Barbieri-Low and Yates (2015), 819.

side A

六月壬申，都鄉守武敢言：上。敢言之。/ 初手。

六月壬申日，佐初以來。/ 欣發。 初手 8-1443+8-1455 side B LY 1, 326

In the thirty-second year (215 BCE), on the *renshen* day (the 28th day) of the sixth month, the first day of which fell on a *yisi* day, Acting Bailiff of Central District,¹⁸⁸ Wu formally reports:¹⁸⁹ Gao village, rank-and-file man, Wu, requests on behalf of himself to give his adult male slaves Xing and Ganduo, adult female slave Yan and Yan's son Yi and other slaves, and one mare to his minor son Chan. Head of the Village, Si, registered. Written by Chu₈₋₁₄₄₃₊₈₋₁₄₅₅

On the *renshen* day of the sixth month, Acting Bailiff of Central District, Wu dares to report: Submit it. I dare to report this. Written by Chu.

On the *renshen* day of the sixth month, Assistant Chu arrived with the document. Xin opened it. Written by Chu₈₋₁₄₄₃₊₈₋₁₄₅₅

This is an administrative document reported to the prefecture by the Bailiff of the District, about an ordinary person named Wu dividing his slaves and one mare to his son. The division was registered by the Head of the Village, probably in the presence of the Bailiff of the District and his assistant.

What was submitted to the prefecture was the record of the statement of the person whose property was to be divided and the handling of the issue by the functionaries in the village and the district. It appears that the changed registers were kept at the district instead of being delivered to the prefecture.

In terms of the items listed in this document and “slaves, horses, cattle, sheep, or other valuable items” recorded in slip no. 337 in the *ENLL*, agricultural fields and homesteads were not mentioned, which might suggest that only movable properties

¹⁸⁸ “Central District” *du xiang* 都鄉 is the district where the seat of a prefecture lies.

¹⁸⁹ *Yuan shu* 爰書 mostly refers to a type of legal documents that were written by lower-level officials recording the statements of the persons involved, the examinations of the scenes, the investigations of the identities, etc. Nevertheless, as stated by Barbieri-Low and Yates, it “Later... came to mean just various types of report”. See Barbieri-Low and Yates (2015), 1298. This document is obviously not a legal one, but it uses the term *yuan shu*. It appears to be a paraphrase of the oral statement of Wu who wished to distribute his property to his son.

were permitted to be separated when a householder was still alive. The immovable could probably only be divided by last wills or the law of succession. The stipulation relating to the separation of property based on the directives of the deceased was also set out in the *ENLL*, which reads:

民欲先令相分田宅、奴婢、財物，鄉部嗇夫身聽其令，皆三辨券書之，輒上³³⁴縣道廷。⁴²⁶¹⁹⁰ *ENLL*, 223

When an ordinary person wishes to make a will dividing his agricultural fields, homestead, slaves, and valuable items, the Bailiff of the District is to listen personally to his directives and, in every case, is to enter them into the record of a tripartite contract tally and immediately report it to³³⁴ the prefecture or march court.⁴²⁶¹⁹¹

In comparison, both immovable and movable properties were listed in this statute. Besides, the Bailiff of the District must be present at the time of making a last will and a tripartite tally must be made as the proof of the property separation, which was speculated to be kept by the household, the District Office and the Prefecture Court, respectively.

The oldest extant last will in China was unearthed at tomb no. 101 in Xupu Town 胥浦鎮, Jiangsu Province. The date, the introduction of the background of the dying person, the people who were present, and how the property would be distributed were explicitly recorded in this document. It reads:

元始五年九月壬辰朔辛丑，今高都里朱凌，廬居新安里。甚疾其死，故請縣鄉三老、都鄉有秩佐、里師田譚等，爲先令券書：
凌自言：有三父，子男、女六人，皆不同父。欲令子各知其父、家次。

¹⁹⁰ In the *ENLL* (*ENLL*, 223), slip no. 334 was connected with slip no. 335, but an identical statute from the Shuihudi Han tomb was published, which corroborates that slip no. 334 should be connected with slip no. 426. See Xiong Beisheng, Chen Wei and Cai Dan, 2018.

¹⁹¹ Translation Barbieri-Low and Yates (2015, 801), with modifications.

子女以君、子真、子方、刪君，父爲朱孫；弟公文，父吳衰近君；女弟弱君，父曲阿病長賓。

嫗言：公文年十五去家自出爲姓，遂居外，未嘗持一錢來歸。嫗予子真、子方自爲產業。子女刪君、弱君等貧無產業。五年四月十日，嫗以稻田一處、桑田二處分予弱君；陂田一處分予刪君，於至十二月。公文傷人爲徒，貧無產業。於至十二月十一日，刪君、弱君各歸田於嫗；嫗即受田，以田分予公文：稻田二處，桑田二處，田界易如故；公文不得移賣田予他人。

時任知者：里師伍人譚等，及親屬孔聚、田文、滿真等。先令券書明白，可以從事。¹⁹²

In the 5th year of the era Yuanshi (5 CE) on the *xinchou* day (the 10th day) of the ninth month, the first day of which fell on a *renchen* day, now, Zhu Ling of Gaodu Village, who inhabits in Xin'an Village, is seriously ill and dying. Therefore, the Three Elders of the prefecture and the district, the salaried assistant of Central District, the teacher of the village Tan and some other persons were invited to witnesses the making of his will:

Ling himself says: "There were three fathers and six sons and daughters whose fathers are different. I wish to let them know their fathers and his or her place in the household. Sons and daughters are Yijun, Zizhen, Zifang and Xianjun, whose father is Zhu Sun; younger brother Gongwen, whose father is Shuai Jinjun of Wu Prefecture; younger sister Ruojun, whose father is Bing Changbin of Qu'e Prefecture."

The old woman (their mother) says, "Gongwen left home at the age of fifteen and went out under his own surname. Then he lived outside and he never sent back a single cash. I gave Zizhen and Zifang some property to let them live on their own. My daughters Xianjun and Ruojun are very poor and have no property. In the 5th year [of the era Yuanshi] (5 CE), on the 10th day of the fourth month, I distributed one rice field and two mulberry fields to Ruojun, and gave Xianjun one paddy field. They could cultivate the fields until the twelfth month. Gongwen

¹⁹² See Yangzhou bowuguan 揚州博物館, 1987.

injured someone and was sentenced to become a convict. He is very poor and has no property. On the eleventh day of the twelfth month, Xianjun and Ruojun each return the fields to me. I will immediately take over the fields and distribute them to Gongwen, including two rice fields and two mulberry fields. The boundaries of the fields should be remained as they were before. Gongwen must not resell them to anyone else.”

The currently witnesses are: the teacher of the village, a member of the same Unit of Five, Tan, etc., and the relatives Kong Ju, Tian Wen and Man Zhen. This will is clear and its provisions can be followed.¹⁹³

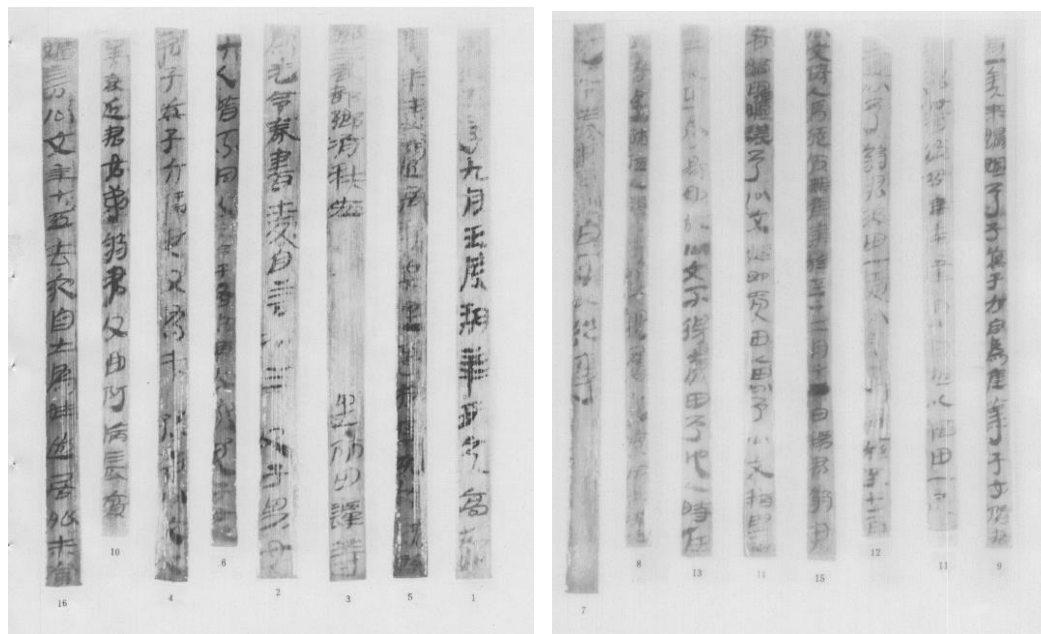


Figure 2.2: The images of the slips of *Xian ling quan shu*

Source: “Jiangsu Yizheng Xupu yi ling yi hao Xihan mu” 江蘇儀征胥浦 101 號西漢墓. *Wenwu* vol.1: 1-22.

The last will, written in the year 5 CE, exemplifies the property division before decease. Although it was not made in the Qin and early Han periods, the analogous last wills of the period earlier on can be speculated on this basis. This is the last will of a man called Zhu Ling, the eldest son in the household and probably the

¹⁹³ Translation referred to Hinsch, 1998.

householder, but it appears that his mother was in charge and had the authority to decide the division of the property.

Nevertheless, it is also very likely that this is the result of a discussion between Zhu Ling and his mother who has just expressed their joint opinion on his behalf due to his coming death. It was recorded at both the beginning and the end of the document that this will was made in the presence of representatives from the prefecture, the district and the village, which conforms to the regulation in the ENLL statute.

In effect, this document illustrates the property division while the householder (*sheng fen* 生分) was alive. It was recorded that the mother gave some fields to her daughters, which was at odds with the aforementioned point that only the movable properties would be distributed while the householder was alive. However, it should be remarked that the mother requested the return of the fields and wished them to be redistributed to her son on this occasion. If this was the case, the properties distributed while the householder was alive were not permanently fixed, and the householder could change them at any time before one deceased. In contrast, the last will made on one's deathbed, by contrast, works as a permanent document with the force of law.

This chapter primarily expounds the two separated systems on the inheritance of the householder status and the rank order when succeeding a household. Although the two sequences of succession orders are not identical, the conflict between two persons within a household respectively inheriting the rank and the householder status might not happen frequently. Besides, women enjoyed a higher status in succeeding in Qin and Han times than in the later period.

Establishing households by separation was encouraged by the Qin and early Han governments, and only in special circumstances, sons were not required to be detached from their natal households to give priority to the disadvantaged individuals and households. The newly established households could only register with the government in the eighth month of a year. Free movement was restricted through household registers and mutual supervision, but migration was not banned. If one

household wished to move to another place, the householder must request the local government to send an official document as well as the household register to the destination government to receive the migration.

The last part of this chapter focused on the property distribution within a household. The property could be distributed not only when a householder was dying, but also when a householder was alive. Nevertheless, it is very likely that only the movable properties were permitted to be transferred to another person in the second situation.¹⁹⁴

¹⁹⁴ There is no clear regulation stating the ownership of fields and homesteads. Presumably, the people only had the right to use them but did not own them. According to one statute (*ENLL* 219: 319) in the *ENLL*, “for one who fraudulently substitutes to the householder status when agricultural fields and homesteads match being turned over to the government: order [the perpetrator of the substitution] to redeem earth pounder convict and confiscate the agricultural fields and homesteads” 田宅當入縣官而以詐代其戶者，令贖城旦，沒入田宅 (translation from Barbieri-Low and Yates, 795), it can be surmised that if there was no person who could legally substitute one household, the fields and homesteads formerly used by this household should be turned over to the government and probably then be redistributed to other households. Although private persons did not own immovable properties, their transaction was not forbidden. It is stated that (*ENLL* 230: 322) “for cases of substituting a householder, or exchanging or selling agricultural fields and homesteads, when the Bailiff of the District, the Bailiff of the Fields, or [their scribes or other subordinate] officials delay and do not make a confirmed recording [of the changes] for one full day [of delay]: fine two *liang* of gold each.” 代戶、買賣田宅，鄉部、田嗇夫、吏留弗爲定籍，盈一日，罰金各二兩。 (Translation from Barbieri-Low and Yates, 797) This statute highlights the punishment for the delay of registration but indirectly attests to the legitimacy of the transaction of fields and homesteads among the people.

Chapter 3: The Running of the Household System

The household system was a dynamic system that did not always stay the same, and it was not suddenly enforced by the first united Qin empire. The system evolved over time, and during the Warring States period almost all the states developed their patterns to manage the population and attempted to extract tax and labor from them in order to stand out from the competition with the other states. It says in the *Shiji*: (獻公) 十年，為戶籍相伍。¹⁹⁵ “In the tenth year [of Duke Xian] (375 BCE), [Duke Xian] had the people enumerated into household registers and been [mutual responsible] in the Units of Five.” It is recorded in this text that the year 375 BCE was the outset of the Qin state registering the people into households. Even though it seems impossible to reconstruct when and how the household system was run in other states of the Warring States period, some texts provide clues on their efforts to control the population. For instance, one text from the *Guanzi* might give some impression on the household system that worked in the Qi state. It reads:

令曰：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。

¹⁹⁶

The order says: Always in the autumn, at the end of the year, inspect the people. Investigate¹⁹⁷ the family members, compare the [quality of] land, determine the number of the people in the Units of Ten and Five, and distinguish between male and female, adult and non-adult.

¹⁹⁵ *SJ* 6, 289.

¹⁹⁶ *Guanzi jiaozhu* 管子校注, 1059.

¹⁹⁷ In the *Houhanshu*, the two characters *an* 案 and *bi* 比 were used together as a compound, which might refer to a technical word for checking the population. *HHS* 39, 1302: 每至歲時，縣當案比……李賢注：案驗以比之，猶今兒閱也。 “When it is the end of the year, the prefecture should investigate and compare [the people under its jurisdiction] ...Li Xian (655-684 CE) annotates: investigate [the people] to compare them, which is like nowadays inspecting the appearance of the people.” In Sui and Tang times, the term *mao yue* 貌閱 was used to denote the inspection of the population. In the Qin and early Han periods, in the eighth month of a year, the local officials investigated the population and updated the household registers, and this period was called *hu shi* 戶時 “the household [register examination] time”. Cf. fn. 155, p. 63.

To some extent, this text corresponds to the rules on household management of the Qin and Han periods, which will be discussed in the following parts. It might reflect a general practice that the people were registered into household units throughout nearly all the states in the later part of the Warring States period, although the detailed stipulations of each state might be distinct from one another. After the Qin conquered the other states and unified the empire, they tried to carry out the Qin system in the whole territory. Putting its actual results aside, the hints from the legal and administrative texts demonstrate the efforts the Qin authorities made. Many Han sources further show how this system was continued in the early Han time.

The working of the household system in the local area of the Qin and early Han time will be examined according to the organizational hierarchy, which from bottom to top were village, district, prefecture and commandery. By the legal and administrative texts, it becomes possible to gain an insight into how the household system was functioned by the officials and offices of each level.

3.1 The Functions of the Hierarchical Organizations

One stipulation from the “Statutes on Households” in the *ENLL* partly shows the respective liabilities of three levels of territorial organizations on running the household system, with the commandery level excluded. It reads:

恒以八月令鄉部嗇夫、吏、令史相雜案戶籍，副藏其廷。其移徙者，輒移戶及年籍爵細徙所，并封。留弗移，移不并封，³²⁸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¹⁹⁸嗇夫、吏主及案戶者弗得，罰金³²⁹各一兩。³³⁰ *ENLL*, 222

Regularly, in the eighth month, order the Bailiff of the District, the [subordinate] officials and the Head Scribe, together, to mutually examine the household

¹⁹⁸ *Bu* 部, which occurs frequently in the phrases like *wei bu* 尉部, *xiang bu* 鄉部, *ting bu* 亭部, might indicate the authority sphere of different organizations, while for the most part, the character *bu* was omitted. In the following statute (see p. 83, *YL* 4, no.1397: 尉月牒部之), which concerns the population management at the prefecture level, *bu* was probably used as a verb, referring to the compilation of the documents containing the changes of the population according to district sections.

registers, and store a copy [of the household registers] at the [Prefecture or March] Court. For the households that have been transferred or have relocated, immediately transfer the household registers, as well as the detailed registers of ages and ranks, to the places where they have relocated and seal [these registers] together. For delaying thereby not transferring the registers, or transferring them but not sealing them together, ³²⁸ as well as when the household registers were in reality not transferred for a full ten days: in every case, fine four *liang*¹⁹⁹ of gold. When the Head of the Village²⁰⁰ of the place where the [person's household] register was stored does not report it: sharing the same crime. When the Bailiff of the District, the officials in charge, as well as the one who examined the households do not discover it: fine ³²⁹ one *liang* of gold each. ³³⁰²⁰¹

This stipulation illustrates a three-step household-controlling mechanism composed of the officials and functionaries from the village, the district and the prefecture. The Head of the Village occupied the lowest level. The responsibility of the Head of the Village was not explicitly regulated in this text, instead, what was recorded is that he was liable for not reporting the delay of the transfer of the household registers for those who relocated to another place. Further information about the roles played by different-level offices and functionaries in this process was displayed in a YL text, which reads:

尉雜律曰：為計，鄉嗇夫及典、老月辟其鄉里之入、穀²⁰²、徙、除²⁰³及死、

¹⁹⁹ One *liang* 兩 is approximately equivalent to 15.6 grams.

²⁰⁰ The titles *zheng* 正 and *dian* 典 both appear to represent the Head of the Village. Bu Xianqun 卜憲群 says the early Han was still a transition period when *zheng* and *dian* were used interchangeably. See Bu Xianqun, 2006. However, the title *zheng* as the Head of the Village was not found in the Qin manuscripts.

²⁰¹ Translation from Barbieri-Low and Yates (2015, 799), with modifications.

²⁰² The editors of YL 4 believe that the graph *gou* 穀 should be read as *gu* 穀, and the phrase *ru gu* 入穀 represents the amount of grain that was turned over by the commoners to the state. See YL 4, 165. He Youzu disagrees with this explanation and he points out that *gou* signifies the newly born babies and *ru* means those who just moved into this place. These two aspects both imply the increase of the population of this district. See He Youzu, 2016. Considering the context, it seems that the other accounts that should be submitted were all related to the population, such as emigration, death and absconding. Thus, it might be more proper to understand the phrase *ru gou* as the people who moved into this place and who were newly born instead of the amount of grain that was turned in. Also, the character was transcribed as its origin.

亡者，謁于尉，尉月牒部之，到十月乃¹³⁹⁷比其牒，里相就毀以會計。黔[首]之闕亡者卒歲而不歸，結²⁰⁴其計，籍書其初亡之年月于結，善藏以戒其得。¹³⁷²

YL 4, 114-115

Miscellaneous Statutes on the Commandant say: when making accounts, the Bailiff of the District and the Head of the Village, the Elder of the Village every month should respectively check the people of the district or the village about who moved into this place, who were newly born, who moved out, who were exempt from taxes and labor services, who died or absconded and report the situation to the [Prefecture] Commandant Office. The [functionaries of the] Commandant Office should note them in a document according to [district] sections every month, and in the tenth month,¹³⁹⁷ thereupon compare all these [monthly] documents [with the household registers]. [The Heads or Elders of] Villages should be present when making the overall account. For the black-heads who unauthorizedly absconded and did not return for one year and more: make a register and write down the dates when they absconded on the register. This document should be carefully preserved by means of preparing for [the judgment of] the absconded people being captured.¹³⁷²

What is mentioned in this text is the duties of the different-level functionaries when making the population account. The Head and the Elder of the Village should report the increase and decrease of the population probably first to the district level and then the Bailiff of the District would report it to the prefecture level. Moreover, when making the prefectural account, the Head or the Elder of the Village should

²⁰³ The editors say *chu* 除 representing the persons who were appointed, while Hsing I-tien assumes that word was used to designate the persons who were exempted from taxes and labor services. See YL 4, 165; Hsing I-tien, 2016.

²⁰⁴ The editors say *gu* 結 should be read as *gu* 觚 which is originally a kind of document made of wood, whereas in this clause, it was used as a verb, meaning “register”. See YL 4, 165. He Youzu follows the argument of Chen Wei that interprets *gu* as *gu* 嫗 and he thinks it represents the records about the guarantees of those people who absconded. See He Youzu, 2016. Hsing I-tien thinks *gu* should be interpreted as *chou* 紬, and the clause *gu qi ji* 結其計 could be comprehended as extracting some parts of a certain document and re-editing them into a new one. See Hsing I-tien, 2016.

also be present. Accordingly, they were in charge of surveilling the fluctuations of the population within their village.

3.1.1 The village size and the appointment of the Head of the Village

Based on the document with the original title *Zheng li lin ji* 鄭里廩籍²⁰⁵ “Grain Loan Registers of Zheng Village” excavated at Jingzhou 荊州, Hubei Province, which is dated to the reign of Emperor Wen and Emperor Jing of the Han (ca. 180-142 BCE), 25 households were recorded in these registers. Since these are not household registers, it is not definite to say that there were precisely 25 households in this village, but at least 25. In addition, 20 villages with the numbers of households were noted on the Military Map of Mawangdui 馬王堆, which might reflect the household condition of a certain area belonging to present Hunan Province, around 180 BCE.²⁰⁶ The map might be related to the military actions between the Han Empire and the Nanyue State 南越國 (ca. 203-111 BCE). Thus, it is not unusual to find that on the map some of the villages were empty or merged into other villages during this special period. The table below lists the names of the villages noted with household numbers:

Table 3.1: The villages with household numbers on the Mawangdui Military Map (ca. 180 BCE)²⁰⁷

²⁰⁵ *Jiangling Fenghuangshan Xihan jianpu* 江陵鳳凰山西漢簡牘, 106-112. These registers include the information of the householder, the number of household members and the number of the persons who were capable of farming in each household, the amount of fields each household had, and how much grain was loaned to each household.

²⁰⁶ The Military Map, on which nine garrisons’ encampment locations, defensive area, military installations, as well as the landform were marked, was allegedly drawn during the military confrontation between the Han Empire and the Nanyue State 南越國 (ca. 203-111 BCE). This event was recorded in the *Shiji* (SJ 53, 2969): 高后遣將軍隆慮侯竈往擊之。會暑溼，士卒大疫，兵不能踰嶺。歲餘，高后崩，即罷兵。“Empress Gao dispatched the General Marquis Longlü (Zhou) Zao to proceed and fight against [the Nanyue army]. [When they arrived there, the soldiers] suffered from the summer-heat and damp and a plague outbreak among them. They could not go over the hills. After one year, Empress Gao died, and the military action was halted.” Based on this text, the military confrontation lasted for about one year, and Empress Gao died in 180 BCE, therefore, this military map was suspected to be made around 180 BCE.

²⁰⁷ In all, 44 villages were noted on this map, but only 20 of them were noted with household numbers. Some villages were recorded to be merged into some other ones. Also, other information such as *jin wu ren* 今无人 “now there are no people” and *bu fan* 不反 “have not returned” was written after some of the household numbers, which might imply the inexistence or temporal inexistence of these villages when this map was drawn, but the ever existing household numbers could still be used as references.

Names of villages	Household numbers	Names of villages	Household numbers
Shang she 上蛇	23	Sha li 沙里	43
Zhe li 子里	30	Zhi li 智里	68
She li 蛇里	47	Cheng yang li 乘陽里	17
E li 紇里	53	Long li 龍里	108
Liu li 溜里	13	Yuan li 垣里	81
Lü li 慮里	35	Ji li 沛里	35
Bo li 波里	17	Lu li 路里	43
Zi li 資里	12	Chi li 瘞里	57
? li □[里]	?4	He li 郛里	??
?li □[里]	?0	? li □里	?6

In light of this table, the household numbers of different villages certainly varied a lot, ranging from the most 108 households of Longli to the least 12 of Zili. Due to some missing characters, the household numbers of the last four villages in the table are unreadable; thus, the average household number of the other 16 villages is about 42.

According to the Yinwan 尹灣 administrative texts (ca. 32-7 BCE), there were 2,534 villages and 266,290 households in Donghai Commandery 東海郡, located mainly in present Jiangsu Province, and the average household number of each village is about 105.²⁰⁸ However, this source, dated to almost the end of the Western Han and provide the information of the region located in the rich and exploited east part of the empire, might show a denser population situation that exceeded the village sizes of the above-listed examples.

²⁰⁸ *Yinwan Hanmu jiandu* 尹灣漢墓簡牘, 77.

Based on the population data of the Han time collected by Liang Fangzhong,²⁰⁹ Yu Zhenbo points out that the geographical disparity did not cause many variations in the numbers of household members, but its impact on the size of villages is quite obvious.²¹⁰ The numbers of household members of each region across the empire varied nearly between 4 to 6 in Qin and Han times. The household numbers of the villages in the exploited areas such as Donghai Commandery (nowadays Jiangsu Province) could reach more than 100, while the villages in the south might only have around 20 to 30 households each. The following figure shows the population density of the Western Han in 2 CE, which provides the visualized impression of the population distribution.

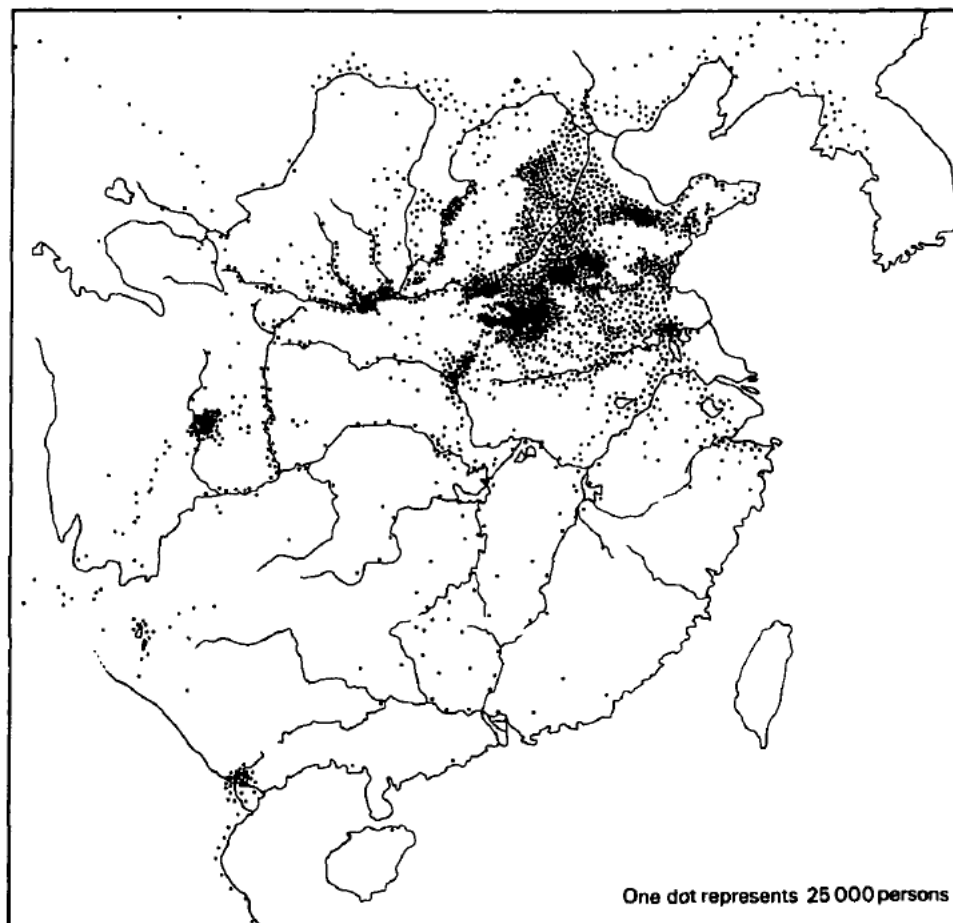


Figure 3.1: The population distribution of the Western Han dynasty in 2 CE

Source: *The Cambridge History of China: volume 1, The Ch'in and Han Empires, 221 BC–AD 220*, 241.

²⁰⁹ Liang Fangzhong (1980), 14-20.

²¹⁰ See Yu Zhenbo, 2009.

This figure clearly shows that the population in the Han was concentrated in the middle and lower reaches of the Yellow River, while to the south, along the Yangtze River, it was thinly populated. Most of our sources were discovered in the areas near the Yangtze River; therefore, it can be speculated that the village sizes, such as the 27 households in Zheng Village, the average 42 households on the Mangwangdui Military Map, were smaller than the general village size of the north, for instance, the average 105 households in each village in Donghai Commandery. With these figures, a general awareness of the village sizes and the population distribution in the Han period can be obtained.

Compared with these Han materials, the information about the household numbers of the Qin period is relatively sparse. The only evidence is the 27 households of Cheng Village 成里 recorded on board no. 8-157 in the LY corpus. This document not only contains the household number, but also associates with the appointment of the Head of the Village, which reads:

卅二年正月戊寅朔甲午，啓陵鄉夫敢言之：成里典、啓陵郵人缺。除士五成里句、成，成為典，句為郵人，謁令尉以從事，敢言之。 8-157 side A

正月戊寅朔丁酉，遷陵丞昌郤之：啓陵廿七戶已有一典，²¹¹今又除成為典，何律令應？尉已除成、句為啓陵郵人，其以律令。/氣手。/正月戊戌日中，守府快行。

正月丁酉旦食時，隸妾冉以來。/欣發。 壬手 8-157 side B LY 1, 94

In the thirty-second year (215 BCE), on the *jiawu* day (the 17th day) of the first month whose first day fell on a *wuyin* day, Bailiff of Qiling District²¹² Fu dares to report: The positions of Head of Cheng Village and Courier of Qiling remain vacant. Appoint²¹³ Gai and Cheng, members of the rank-and-file in Cheng Village

²¹¹ The punctuation of this sentence in LY 1 is: 遷陵丞昌郤之啓陵：廿七戶已有一典. According to the reconstruction of the composition of Qianling Prefecture, there was only one village under Qiling District, hence, the junction of the sentence as 啓陵廿七戶 (27 households in Qiling) makes sense.

²¹² The word *xiang* 鄉 is used for the abbreviation of *xiang se fu* 鄉嗇夫 “the Bailiff of the District”.

²¹³ *Chu* 除 “to appoint”. Cf. (*QJDHJ*, 136: 160) 除吏，尉已除之，乃令視事及遣之. “To appoint an official,

and make Cheng the Head of the Village and Gai the Courier. [I] request to order the Commandant deal with it. [I] dare to report this. 8-157 Side A

On the *dingyou* day (the 20th day) of the first month whose first day fell on a *wuyin* day, Vice Prefect of Qianling Chang rejects the request: There is already a Head of the Village for 27 households in Qiling. Now to appoint Cheng to be the one more Head of the Village, which statute or ordinance does this correspond to? The Commandant has already appointed Cheng and Gai as Couriers of Qiling according to the statutes and ordinances. / Written by Qi. / At mid-day on the *wuxu* day (the 21st day) of the first month, Storehouse Guard Kuai forwarded [the document].

At daybreak of the *dingyou* day (the 20th day) of the first month, bondwoman²¹⁴ convict Ran arrived with the document. / Opened by Xin Written by Ren⁸⁻¹⁵⁷

side B

This rather complete administrative document transferred between the district and the prefecture elaborates on the appointment of a new Head of Cheng Village. The document was first written and submitted to the Prefecture Court by the Bailiff of Qiling District. The Bailiff requested the Vice Prefect to order the Commandant to deal with the appointment. Although it seems that the Vice Prefect was the person who communicated with the district and made the final decision, the official who was in charge of appointing the Head of the Village is the Commandant. The request was rejected because there was already a Head of the Village for the 27 households. In the Vice Prefect's reply, he noted that the Commandant had appointed those two persons as Couriers. Although the Commandant was not immediately involved in this communication, his essential role in this process was implied between the lines, who was mentioned by both the Bailiff and the Vice Prefect.

It appears that the higher authorities did not directly appoint the Head of the

after the Commandant has already appointed one, then he can be ordered to take office as well as to be sent out.”

²¹⁴ Bondwomen convicts were commonly seen in the LY texts as carriers of documents.

Village; instead, a candidate would be suggested by the district-level officials, and a request would be submitted to the prefecture. However, the Prefect or the Vice Prefect was not entitled to appoint the suggested person. He must transfer the document to the Commandant, who would finally determine whether to approve the nomination or not. Later, the Prefect or the Vice Prefect would tell the district the decision made by the Commandant. Although the Head of the Village was a very minor position, which probably provided no salary, the complicated appointment reflects the strict control by the government over the elementary organizations. Moreover, this process might hint at the authorities' intention to separate powers between the two local leaders, the Prefect and the Commandant, which strengthened the centralization of the Central Court.

One item from “Miscellaneous Statutes on the Commandant” in the YL manuscripts reveals more details about the appointment of the Head of the Village. Besides, it shows that if an ineligible person was appointed as the Head or the Elder, the first group of officials who would be punished comprises the Commandant and his subordinate officials. The statute reads as follows:

●尉雜律曰：里自卅戶以上置典、老各一人。不盈卅戶以下，便利，令與其旁里共典、老；其不便者，予之典¹³⁷³而勿予老。公大夫以上擅啟門者附其旁里，旁里典、老坐之。置典老，必里相推，以其里公卒、士伍年長而毋害¹⁴⁰⁵者為典、老。毋長者，令它里年長者為它里典、老，毋以公士，及毋敢以丁²¹⁵者。丁者為典、老，貲尉、尉史、士吏主¹²⁹¹者各一甲，丞、令、令史各一盾。毋爵者不足，以公士。縣毋命為典、老者，以不更以下，先以下爵。其或復未當事¹²⁹³或不復而不能自給者，令不更以下無復不復，更為典、老。¹²³⁵

YL 4, 115-

²¹⁵ *Ding* 丁 was widely used in the later period to denote the adults who were capable of paying taxes and serving in the government. However, in the Qin and Han manuscripts, this word was not often used. The only evidence is in the *ENLL* (*ENLL*, 278: 246): 丁女子各二人，它各一人。 “There should be two each of adult females and one each of another type.” Translated by Barbieri-Low and Yates (2015), 759. People were required to enroll as adults in the government at age 17, and their government service duty was half reduced when they were 62. Therefore, the “adult persons” in Qin and early Han aged between 17 and 62. But concerning the rank system and the other granted priorities, there might be various criteria for people being adults.

Miscellaneous Statutes on the Commandant say: establish one Head and one Elder respectively for a village with thirty households or more. When there are less than thirty households, if it is convenient, let the village share the Head and the Elder with its neighbor village; if it is not convenient, grant²¹⁶ them one Head¹³⁷³ but do not grant them one Elder. If a person holding the seventh or a higher rank opens the village gate without authorization²¹⁷ but is affiliated to the neighbor village, the Head and the Elder of the neighbor village are liable. For establishing the Head or the Elder [of a village], [they] must be recommended by the villagers. Make [the members of] Soldier of the Realm²¹⁸ or rank-and-file who are senior and flawless²¹⁹ in the village¹⁴⁰⁵ to be the Head or the Elder. When there is no senior person, make a senior person of another village be the Head or the Elder [of the village]. Do not dare to appoint one holding the first rank or an adult person [who still needs to provide government service]. If one adult person becomes the Head or the Elder, the Commandant, the Scribe of the Commandant

²¹⁶ The usage of the verb *yu* 予 in this context seems to be unusual. In the foregoing sentence, the verb *zhi* 置 was used to designate the establishment of the Head or the Elder. The application of the word *yu* probably implies that the establishment of the Head and the Elder as the lowest level leaders might not be as formal as the officials and their assistants, for this verb was not found in the context related to other posts.

²¹⁷ The village gate was prohibited from being opened casually. As what was regulated in the “Statutes on Households” in the *ENLL* says (*ENLL*, 215: 305): 典、田典更挾里門鑰，以時開。“The Head of the Village and the Head of the Fields take turns to keep the key of the village gate and open it at the set time.”

²¹⁸ *Gong zu* 公卒 “Soldier of the Realm” is not one of the twenty ranks in Qin and Han times, but it is used as a designation for a special group of free men without any rank, whose status was between holders of the first rank and convicts. In the *ENLL*, it often appears with *shi wu* 士伍 and *shu ren* 庶人, which might imply that the status of Soldier of the Realm resembles a commoner. In the “Statutes on Enrollment” of the *ENLL*, several items are related to *gong zu*, for instance, (*ENLL*, 233: 359+360) 不爲後而傳者……不更至上造子爲公卒 “As for one who does not act as the successor [-son to the father’s rank] and is to be enrolled… sons of one holding the fourth rank down to the second rank are made Soldiers of the Realm.” Translation from Barbieri-Low and Yates (2015, 839), with modifications. Based on this item and other related statutes, Cao Ji concludes that the people who held this title came from the households that the householders held ranks ranging from the second to the fourth. See Cao Ji, 2013. In the “Statutes on the Establishment of Heirs”, the status which the successor of the holder of the first rank or the second rank should inherit was not mentioned, but according to the “two-degree lower” rule, heirs of the first and second rank holders were probably made Soldiers of the Realm as well.

²¹⁹ The phrase *wu hai* 毋害 “flawless”, literally meaning “without harm”, appears to describe people’s good quality, especially those who were officials in Qin and early Han times. Barbieri-Low and Yates translate the term which occurs in the *ZYS* (*ZYS* 228: 378) as “highly competent”, and they refer to the annotation of Yu Zhenbo (1999; 200, 219), who states that *wu hai* was used to describe officials who are highly competent in their assigned duties, do not make mistakes, and are very serious about their job. Quoted in Barbieri-Low and Yates (2015), 1416. Lau and Staack argue that *wu hai* was a precondition for recommending somebody to office, and they translate this term as “impeccable”. See Lau and Staack (2016), 67.

and the Military Officer¹²⁹¹²²⁰ are fined one suit of armor, respectively; the Vice Prefect, the Prefect and the Head Scribe each are fined one suit of shield. When there is no [eligible] person without rank, make one holding the first rank the Head or the Elder. [Even so] the prefecture court still has no one to appoint as Head or Elder, appoint someone holding the fourth or a lower rank, starting with the people holding the lower rank. If someone is exempt [from taxes and labor service] and should not be employed, ¹²⁹³ or one is not exempt but could not afford himself, order those holding the fourth or lower ranks to be Head or Elder in rotation no matter they are exempt or not. ¹²³⁵

Based on this stipulation, it appears that the household number 30 was a threshold during Qin times for the establishment of the Head of the Village. It is reasonable to presume that there were many villages without a Head or an Elder. However, in the previous LY text (LY 1, 94: 8-157), the household number of Cheng Village is 27, less than 30, but there was still a Head. According to this statute, it should share a Head with its neighbor village. We do not know the exact location of Cheng Village, but it was probably because this village was not convenient to share a Head with its neighboring village.

Additionally, this text distinctly prescribes that the Head and the Elder of the Village must be recommended by the villagers, other than directly nominated by the higher authorities. Also, they must be senior and prestigious. Besides, the candidate should not hold ranks (except when no eligible person meeting the requirements), nor he was a convict. The people classified as *ding* 丁 “adult person” were excluded from being appointed as the Head or the Elder, probably because making the adult persons who still should provide government service be the Head or the Elder is a waste of labor force. Besides, it seems that appointing the adult persons to be the Head or the

²²⁰ For *shi li* 士吏, Lau and Staack translate it as ‘military officer’, while Barbieri-Low and Yates translate it as “Sergeant Major”. In the YL manuscripts, *wei* 尉 (the Prefecture Commandant), *wei shi* 尉史 (the Scribe of the Commandant) and *shi li* (the Military Officer) were often listed together in sequence. The Scribe of the Commandant and the Military Officer are supposed to be the subordinates of the Commandant. The Scribe was more responsible for the civilian sphere, while the Military Officer might primarily deal with the military and public security affairs.

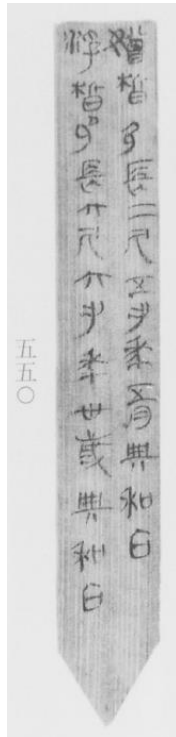
Elder was prohibited, and the principal officials of the prefecture would be punished.

Consequently, it can be assumed that the Head of the Village was firstly recommended by the villagers, then this candidate would be proposed by the Bailiff of the District to the Prefect or the Vice Prefect. The Prefect or the Vice Prefect would then transfer the proposal to the Commandant, who was in charge of appointing the Head and the Elder. According to the relevant provisions and the actual situation of the village, the Commandant would decide whether to appoint the candidate or not and to which position the candidate would be assigned. The Prefect or the Vice Prefect would finally publish the decision of the Commandant to the lower levels.

It is hard to classify the Head of the Village into the official group. In the “Statutes on Salaries” (*zhi li* 秩律), which presents different salary grades in the hierarchical order, the Bailiff of the District and the Head of the Fields stay at the bottom each with a salary of 200 bushels (“For [Bailiff of] the Fields, and [Bailiff of] the District: [a salary grade of] 200 bushels.” 田、鄉部二百石).²²¹ The Head of the Village was not included in this hierarchical salary order, which implies that it was not considered an official title. Nevertheless, as a kind of the autonomous leader of a semiofficial organization—“village” *li* 里, the Head of the Village, or sometimes with the Elder, was the person who should report the changes of households and population of the village to the district and assist the officials from the district and the prefecture to examine the household registers each year.

One board of a specific shape from the LY manuscripts contains two entries registered by a Head named He 和. The image of the board and the text are in below:

²²¹ ENLL, 264: 450. Some of them would only receive 160 bushels according to different regions. Translation referred to Barbieri-Low and Yates (2015), 969.



增皙色，長二尺五寸，年五月，典和占。

浮皙色，長六尺六寸，年卅歲，典和占。 8-550

LY 1, 178

Zeng, fair skin, 2 feet and 5 inches tall, five months old. Head
He registered.

Fu, fair skin, 6 feet and 6 inches tall, thirty years old. Head
He registered.

Figure 3.2: The image of board no. 8-550

Source: *LYQJ* 1, 81.

The information recorded in this document comprises name, skin color, height, age and the person who was liable for the registration. Compared with the household registers, this document solely kept the individual information, without any hints about their social status and the relationship between these two persons. Besides, the unknown date of this document also increases the difficulty of defining the function of this document. However, it shows that one of the routine jobs of the Head of the Village was to keep the people registered and easy to be tracked.

3.1.2 The function of the district level in the household system and the examples of household registers in different periods

The Head and the Elder of the Village were not granted the authority to make household registers, and they could only report the situation to the district-level officials and assist them with the examination and registration. It is prescribed in the statute that a copy of the household registers would be forwarded to the prefecture (*ENLL*, 222: 328), hence, we can speculate that the source registers were preserved in the district, although it is not explicitly stated. Zhang Rongqiang points out that the household registers were made and kept at the district level, and a copy would be sent

up to the prefecture.²²² In other words, the household registers and the copies were not directly accessible to the commandery and the imperial court. Thereupon, the commandery and the central government could not keep track of individual households and had to rely on the cooperation of lower-level administration, which makes the district level a crucial segment in this chain.

3.1.2.1 *Ming ji* 名籍 “name register” and *hu ji* 戶籍 “household register” and the examples of household registers

An administrative document from the Juyan manuscripts clearly says that:

建平三年二月壬子朔丙辰，都鄉嗇夫長敢言之：□□同均，戶籍藏鄉，名籍如牒，毋官獄征事，當得□□。^{81·10}²²³

In the third year of *Jianping* (4 BCE), on the *bingchen* day (the 5th day) of the second month whose first day fell on a *renzi* day, Bailiff of the Central District, Chang, dares to report: [...] ²²⁴ the household registers are kept in the district, and the name registers are handled the same as *die*.²²⁵ The people who are not involved in any offense or exempt from governmental service should [...] ^{81·10}

This document lays out that the household registers were kept in the district. The regulation about the disposal of the household registers of the Qin and the early Western Han can be compared to this regulation, although it was dated later.

One more point that should also be noted is the occurrence of the term *ming ji* 名籍, following the term *hu ji* 戶籍 in this text. There have been some debates in

²²² See Zhang Rongqiang, 2019.

²²³ *Juyan Hanjian shiwen hejiao* 居延漢簡釋文合校, 144.

²²⁴ Due to the lack of the beginning of this sentence, the meaning of *tong jun* 同均 is unintelligible. Thus, this phrase was not translated, so as the last two characters *dang de* 當得 at the end of this sentence.

²²⁵ The definition of *die* 牒 is not clear. Staack compares the two types of carriers of documents *du* 牘 and *die* 牒, and he believes that a *du* represents a single piece manuscript, while a *die* was composed of many slips that were bound together by strings. See Staack, 2018. The nature of *die* is worth discussing, but it is hard to reach a definite conclusion, according to the current limited materials. In this Juyan text, we believe what the word *die* denotes are the carriers of household registers.

scholarship about the difference between these two terms. Chen Zhi 陳直 believes that *ming ji* is the same as *hu ji*, and as a generalized concept *hu ji* could be used to designate many types of registers.²²⁶ After the publication of more manuscripts, Hsing I-tien, Zhang Rongqiang and Wang Yanhui further specify *hu ji* from two aspects. They think *hu ji* merely represents the household registers in a narrow sense. While in a broad sense, it might indicate many different registers, an equivalent of *ming ji*.²²⁷ Except for these two views, Hu Pingsheng 胡平生 and Han Shufeng stick to the point that *hu ji* is the title of only one type of register, the household register, and they argue that it is not appropriate to classify the other registers to the category of *hu ji*.²²⁸ Many documents with the name “XX *ming ji*”, for example, *li zu chu ru zhe ming ji* 吏卒出入者名籍²²⁹ “Name register of the officials and conscripts who exit and enter”, *yi wu ming ji* 衣物名籍²³⁰ “Name register of clothes and other items”, and *chuan ma ming ji* 傳馬名籍²³¹ “Name register of official conveyance horses”, could be found from the manuscripts of Han times. Even though little evidence from the Qin manuscripts is available,²³² it is still reasonable to assume that “name register” *ming ji* is different from “household register” *hu ji*. “Name register” is a more general term indicating various types of rosters, which could be used to name not only the lists of related persons but also the lists of a special group of objects, whereas “household register” particularly denotes the register containing the information including names, locations, ages, ranks and the relationships of the members in a household. Household registers of pre-imperial Qin, Qin (221- 207 BCE), the Three Kingdoms period 三國 (220-280

²²⁶ See Chen Zhi (1986), 47-51.

²²⁷ See Hsing I-tien (2011), 299-300; Zhang Rongqiang (2010), 257-264; Wang Yanhui, 2013.

²²⁸ See Hu Pingsheng, 2011; Han Shufeng, 2015.

²²⁹ *ENLL*, 310: 495.

²³⁰ *Juyan Hanjian shiwen hejiao* 居延漢簡釋文合校 143-14, 237. The name of this register was written on a separate slip, but Li Junming reconstructed the entries under this title. According to his reconstruction, each entry lists the personal information, including the owner’s status, origin and name, and his clothes and other items. See Li Junming (2009), 372-376.

²³¹ *Chuanma mingji* is one of the documents excavated from ancient *Xuanquan zhi* 懸泉置, which served as a postal-relay station. The register lists the names of the horses and their appearances. See Hu Pingsheng and Zhang Defang 張德芳 (2001), 81-84.

²³² Only one fragment in the LY corpus bears the term *ming ji* 名籍, cf. LY 2, 322: 9-1529 名籍.

CE) and Western Liang 西涼 (400-421 CE) have been published. The respective examples are to be respectively illustrated below.

The first two examples are the pre-imperial Qin and Qin household registers,²³³ they are:

Table 3.2: A household register from the LY moat: K1/25/50 (ca. 222 BCE)²³⁴

南陽戶人荊不更 黃得	Nanyang Village, householder: Jing, fourth-rank holder, Huangde
妻曰噦	Wife: called Jian
子小上造臺 子小上造□ 子小上造定	Child: minor second-rank holder, Tai Child: minor second-rank holder, ? Child: minor second-rank holder, Ding
子小女虜 子小女移 子小女平	Child: minor female, Hu Child: minor female, Yi Child: minor female, Ping
五長	Head of the Unit of Five

Table 3.3: A household register among the LY administrative documents: 9-2037+9-2059 (ca. 222-208 BCE) in *LY* 2, 408

東成戶人士伍夫。☐ 妻大女子沙。☐ 子小女子澤若。☐ 子小女子傷。☐	Dongcheng Village, householder: rank-and-file member, Fu Wife: adult female, Sha Child: minor female, Zeruo Child: minor female, Shang
子小男子嘉。☐ 夫下妻曰泥。☐	Child: minor male, Jia Fu's lesser wife: called Ni

²³³ For a brief introduction of the date and background of the household registers excavated from the LY moat, cf. chapter 1, p. 40.

²³⁴ The separation of these tables into rows is according to the original formats of the documents that were written in different vertical lines or divided into several sections.



Figure 3.3: Images of K1/25/50 and 9-2037+9-2059
Source: *Liye fajue baogao*, image 36; *LYQJ* 2, 219, 222.

These two household registers are both Qin documents. The first one is viewed as

one of the earliest household registers ever found, probably made in 222 BCE.²³⁵ They were excavated from the moat surrounding the LY site. The second one was unearthed from the ancient well in the LY site together with other administrative documents used by the officials from 222 BCE to 208 BCE;²³⁶ thus, this register was likely produced in this period, but the precise date was unknown. There are about 13 scattered household registers among the LY administrative documents in the two published volumes. This example is in a rather good condition, while some were badly damaged with only the information of the householders readable.

The formats of listing the information and content carried by these two registers are quite similar. Additionally, no precise ages of the registered persons were noted in both these two registers. At least from the 16th year of King Zheng (231 BCE), the people were ordered to register their ages in the government.²³⁷ Moreover, the Shuihudi Qin tomb owner self-reported his age to the government when he was seventeen, in the year 231 BCE, which further proves that age registering was implemented in the Qin state from that year afterward.²³⁸ It seems unreasonable that two household registers made after 231 BCE contained no ages. Why were the ages of the household members not recorded in these registers? According to the statutes and the administrative documents, there remain two possibilities. The first possibility is that the government had not yet got their age information when these formerly not Qin people were registered under the Qin government. No evidence of the other states registering ages of their people during the Warring States period could be found, which might, in turn, imply that after the Qin conquered the other states, the Qin conquerors did not know the precise ages of these people. For instance, the usage of the word *ke* 可 “about” in describing the persons’ ages in the LY manuscripts indicates that the functionaries who were in charge of registering people had to guess

²³⁵ Cf. Chapter 1, pp. 39-40.

²³⁶ Cf. p. 9.

²³⁷ *SJ* 6, 232: 十六年……初令男子書年 “In the 16th year (231 BCE)...for the first time men were ordered to register their ages”.

²³⁸ *QJDHJ*, 11: (喜) 十六年……自占年。 “[Xi] in the 16th year (231 BCE)...he himself reported his age [to the government].”

the persons' ages based on their own reports and their appearances. One of the examples reads as follows:²³⁹

丹子大女子魏嬰婉，一名□ (line 1)

年可七十歲，故居魏箕李□₈₋₂₀₉₈ (line 2) LY 1, 429

The child of Dan, adult female, Wei Yinggui, also called [...] (line 1)

[Her] age is about seventy. She used to live in Li [Village], Weiji (Prefecture),²⁴⁰

[...] ₈₋₂₀₉₈ (line 2)

One document further shows that the ages of some persons were not registered, which reads:

廿六年五月辛巳朔庚子，啓陵鄉推敢言之：都鄉守嘉言“渚里不更（？）²⁴¹劾等十七戶徙都鄉，皆不移年籍。令曰移。言今問之劾等徒□，書告都鄉。”曰啓陵鄉未有牒，毋以知劾等初產至今年數，□□□□□謁令，都鄉具問劾等年數。敢言之。J1 (16) 9 ²⁴²

In the twenty-six year (221 BCE), on the *gengzi* day (the 20th day) of the fifth month whose first day fell on a *xinsi* day, [Bailiff of] Qiling District, Tui, dares to report: Acting Bailiff of Central District, Jia, said, “seventeen households of Zhu Village, fourth-rank holder, He and the others were transferred to Central District, but their age registers were not transferred. The order says [the age registers] should be transferred. Now Yan asks about He and the other conscripts... report it to Central District in documents.” [I, Bailiff of Qiling District] reply: Qiling District does not have the registers, and [we] have no means to know the number of years from their dates of birth up to now of He and the other persons [...]

²³⁹ More instances see 8-439+8-519+8-537 (LY 1, 149), 8-894 (LY 1, 244), 8-2133 (LY 1, 435), 9-259+9-272 (LY 2, 96), 8-1863+8-1866+9-1733 (LY 2, 355).

²⁴⁰ Weiji was a prefecture in Langya Commandery 瑯邪郡, in present Shandong Province.

²⁴¹ The phrase *bu geng* 不更 was not deciphered by the editors of *Liye fajue baogao*.

²⁴² *Liye fajue baogao* 里耶發掘報告, 194.

require to order. [The Bailiff of Central District] specifically required the age registers of He and the other persons. I dare to report. J1 (16) 9

Zhu Village mentioned in this text was not in Qianling Prefecture; consequently, these seventeen households were not from the local. Since this document was made in 221 BCE, the year in which the Qin unified the empire, these seventeen households were likely transferred to Qianling from another region that belonged to the other states. The ages of these household members were probably not required to be registered beforehand.

These clues account for the possibility that the Qin government did not know the precise ages of every person, in particular, the new black-heads from the newly conquered territories. The other possibility is that the ages were listed separately from the household registers. The above-cited text says that “the age registers were not transferred”, hinting at the presence of separated registers of ages. Also, another text quoted previously, which reads “for the households that have been transferred or have relocated, immediately transfer the household registers, as well as the detailed registers of ages and ranks, to the places where they have relocated and seal [these registers] together” (*ENLL*, 222: 328), suggests a specific category of register for ages. Therefore, the separation of the household register and the age register might explain why ages were not noted on the Qin household registers. Hu Pingsheng states that the household registers of Qin and Han times only recorded the very basic information of the households, and they served as the foundations of making other registers (*ming ji*); these other registers were not called household registers (*hu ji*).²⁴³ The age registers might be one of the other registers separately made on the basis of the household registers.

Unfortunately, we have not got any household registers dating to the Han period, so the next examples are of the Three Kingdoms period and the Western Liang.

²⁴³ See Hu Pingsheng, 2011.

Table 3.4: A household register in the Zoumalou Wu Manuscripts 走馬樓吳簡 (196-237 CE) reconstructed by Zhang Rongqiang²⁴⁴

平樂里戶人公乘鄭張年五十一	5460	Pingle Village, householder: eighth-rank holder, Zheng Zhang, age fifty-one
張妻大女姑年卅八踵兩足 【復】	5480	Zhang's wife: adult female, Gu, age thirty-eight, two swollen feet. Exempted [from tax and labor service].
張子男仁年十三	5531	Zhang's child: male, San, age thirteen
右張家口食三人 訾 五【十】	5348	In total Zhang's household, three persons. The property tax [they should pay]: 50

Table 3.5: A household register from the Dunhuang manuscripts (416 CE) preserved in the British Library (S. 0113)

敦煌郡敦煌縣西 宕鄉高昌里散呂 沾年五十六		Dunhuang Commandery, Dunhuang Prefecture, Xidang District, Gaochang Village, Irregular Functionary, ²⁴⁵ Lü, age fifty-six	
妻趙年卅三	丁 男 【二】	Wife: Zhao, age forty-three	Adult male: 2
息男元年十七	小 男 【一】	Biological son: Yuan, age seventeen	Non-adult male: 1
元男弟騰年七本 名鵬	女口二	Yuan's younger brother: Teng, age seven, originally named Peng	Female: 2
騰女妹華年二	凡五口	Teng's younger sister: Hua, age two	In total: 5
	居趙羽塢		Place of residence: Zhaoyu Block
	建初十二 年正月籍		Register of the first month in the twelfth year of <i>Jianchu</i> (416 CE)

²⁴⁴ Zhang Rongqiang (2010), 147.

²⁴⁵ Du Zhengsheng says *san* 散 probably denoting the temporary lower officials without fixed posts. See Du Zhengsheng (1990), 9. Hucker translates *san li* 散吏 as “Irregular Functionary”. See Hucker (1985), 399. Combined with the other household registers of the same batch, there are four households of *san*, three households of *bing* 兵, and one household of *da fu li* 大府吏. The *san* might indicate *san hu* 散戶. However, the certain meaning of *san hu* is debatable. Does it represent the household of an Irregular Functionary? Or a common household differentiated from the household of a soldier? There is still not a definite answer.



Figure 3.4: The image of S. 0113

Source: Quoted in Du Zhengsheng (1990), 9.

To compare these two registers with the Qin ones, the formats of the household registers changed to some extent over time. The most significant difference is that the household registers of the Qin did not involve the ages of the household members. With the passage of time, more details comprising age, tax, and labor service were added to the household registers, and maybe several separated registers, such as the age registers and the tax registers, were integrated as a whole which was more efficient to the administration.

Apart from these variations, one point that did not change in the first three registers is that the household members were all registered based on his or her relationship with the householder. However, the last one enumerated the household members in a different style, mainly referring to one's relationship with the former registered person, indirectly related to the householder.

Another point also worth noting is that the first three registers only noted the names of villages, but the Dunhuang register listed the names of commanderies, prefectures, districts and villages. As previously stated, the original household registers were stored in the District Office in Qin and early Han times. For the district

level, knowing the names of villages was enough to track every household and every person, and there is no necessity to write down the names of districts, prefectures and commanderies. Nevertheless, in the later time, the authority of making household registers was shifted to the prefecture-level,²⁴⁶ and the central government directly kept the registers; hereafter, it was essential to record the names of commanderies, prefectures, districts, and villages. Otherwise, the locations of some households might be difficult to access for the central government.

Except for the differences in content, the carriers of these registers are not the same. Both the two registers of the Qin were written on wooden boards, while the register of the Three Kingdoms period was written on bound bamboo slips and the Dunhuang register was written on paper. To write down all household members on a board was easy to keep the integrity of information, while on bound slips, there is a high possibility that the string might get broken and the information of a household would thereby be in disorder. Why did the Wu government use bound slips to register households rather than boards? Although slips are easy to be scattered, they could be bound together into scrolls and the scrolls might extend to include two or three hundred slips, which significantly increases their capacities for more registers. By comparison, one board might carry more information than one slip, which makes it more difficult to change the content on a board, especially when one board could not carry all the information of a household with the expansion of its population. This change might imply an increase in the household number in the Wu region and an expansion of the single household. The Dunhuang household register was written on paper, which has the advantages of both the boards and the slips. It is lighter in weight, larger in capacity, and easier to store and transfer, but it is not difficult to find that the household registers were laid out in a similar way to those written on boards and slips. This phenomenon might indicate that the norms in text layout formed due to the limitation of boards and slips were continued in paper times.

²⁴⁶ See Zhang Rongqiang, 2019a.

3.1.2.2 The Annual Check of the households and the exclusive authority to change household registers

In addition to making and preserving household registers, another responsibility of the district-level officials was to check the actual conditions of the households in their sphere of authority every year, which was named *an hu ji* 案戶籍²⁴⁷ “investigate the household registers” in the legal texts. Hsing I-tien states that the main purpose of the investigation is to deal with the changes of the household registers, rather than gather together all the people to re-check their appearances, ages, heights, etc.²⁴⁸ It was commented by the editors of the *ENLL*, however, that this investigation might be enforced in the districts and there is a high possibility that it was checked village by village.²⁴⁹ Moreover, it should also be remarked that the “investigation team” probably comprises the Bailiff of the District, his assistant and an official assigned by the prefecture court, presumably the Head Scribe from the Bureau of Households.²⁵⁰

Another text from the criminal case no. 7 in the YL manuscripts specifies more on the significance of the district level, which reads:

●鄉唐、佐更曰：“沛免媼爲庶人，即書戶籍曰：‘免妾。’沛後妻媼，不告唐、更。今籍爲免妾。不知它。”¹²⁶ YL 3, 159

The Bailiff of the District, Tang, and his assistant Geng stated: “Pei manumitted Wan and made her a released person and then we wrote in the household register: ‘manumitted female slave’. When Pei later took Wan as his wife, he did not inform us about this. In the present register, Wan is a manumitted female slave. We do not know of anything else.”¹²⁶²⁵¹

This is a part of the testimony from the Bailiff of the District and his assistant to

²⁴⁷ *ENLL*, 222: 328.

²⁴⁸ See Hsing I-tien (2011), 158.

²⁴⁹ *ENLL*, 223.

²⁵⁰ *ENLL*, 222: 328 恒以八月令鄉部嗇夫、吏、令史相雜案戶籍 (translation see p. 82).

²⁵¹ Translation from Lau and Staack (2016, 204), with modifications.

verify the status of the accuser, Wan. They stated that her husband changed her register from a female slave to a manumitted female slave, but after she became his wife, he did not go to the district and change her register again. However, according to the narrative of the accuser and the clansmen, her status as the man's wife was recognized by her husband's clan and the neighborhood. In other words, her status as a wife of the fifth-rank holder (her husband) was conventionalized but not legitimized.

The reason why this case was perceived as doubtful is the ambiguity of the accuser's status. The official proposed two judgements to the higher authorities, if the accuser was considered as the wife of a fifth-rank holder, the defendant would be fined two suits of armor; if the accuser was treated as a manumitted female slave, the defendant would be made a wall builder and dispatched to Shu Commandery 蜀郡 (present Sichuan Province). It is unfortunate that we do not know the final verdict made by the higher authorities, from which it might be possible to estimate how important the household registers were.

The point of the paraphrase of this case is not only to emphasize the household registers, but also to demonstrate that the district level had the exclusive right to change one's household register. Furthermore, it is worth noting that when the officials of the prefecture needed to know the status of a person, they had to make the district-level officials to cooperate with them, even though there might be a copy of the household registers kept in the prefecture court. After paper was invented, the household registers were directly controlled by the central government and the role played by the district level was hugely weakened, argued by Zhang Rongqiang (2019).²⁵² But that is three or four hundred years later.

3.1.2.3 The Household Account of the District

Other than examining, changing and verifying the household registers, making accounts of the households and the population was another elementary duty of the district-level officials. "The household accounts of districts" (*xiang hu ji* 鄉戶計)

²⁵² See Zhang Rongqiang, 2019.

occupies the number-one spot in the inventory listed by the Bureau of Households of Qianling Prefecture (*hu cao ji lu* 戶曹計錄).²⁵³ One document recording the forwarding of the household account of Erchun District could be found from the LY manuscripts. In spite of the poor condition of this board, which results in many missing characters, the key words of this document were preserved. The remaining text reads:

□八月□□

□【貳】春鄉戶計 8-731 side A

□以郵行，不求報，敢言之 8-731 side B LY 1, 211

[...] the eighth month [...]

[...] the household account of [Er]chun District. 8-731 side A

[...] forward this document by courier, and do not request a response. [I] dare to report this. 8-731 side B

The household account mentioned in this text is not available, though it should have been attached to this document. One household account named “The Household and Population Account of West District 西鄉 in the Second Year (139 BCE)” was excavated from tomb no. M1 in Songbai Village 松柏村, Jinan Town 紀南鎮, Jingzhou City, Hubei Province, which could serve as an illustrative example of the household account made by the district.

Table 3.5: The Household and Population Account of West District in the Second Year (139 BCE)

•二年西鄉戶口簿	The Household and Population Account of West District 西鄉 in the Second Year (139 BCE)
戶千一百九十六	Households: 1,196
息戶七十	Increase of households: 70
耗戶三十五	Decrease of households: 35
相除定息四十五戶	Increase minus Decrease: 45 [the correct number is 35]

²⁵³ See LY 1, 167: 8-488.

大男九百九十一人	Adult male: 991
小男千四十五人	Minor male: 1,045
大女千六百九十五人	Adult female: 1,695
小女六百四十二人	Minor female: 642
息口八十六人	Increase of population: 86
耗口四十三人	Decrease of population: 43
相除定息口四十三	Increase minus Decrease: 43
•凡口四千三百七十三人	Total population: 4,373



Figure 3.5: The image of “The Household and Population Account of West District in the Second Year”
Source: “Hanjian de Handai Songbai mudu” 罕見的漢代松柏木牘, 211.

The first half part of this account is the number of households and their increase and decrease. The latter part is the account of the population, which was classified into four categories, adult male, minor male, adult female, and minor female, and likewise the increase and decrease of the population. This document is an integration of the account of households and the account of the population. Was it also practiced in the Qin administration? According to a LY document, the Qin practice of making population accounts probably proceeded in a distinct way. The text reads:

卅四年十月戊戌朔辛丑，遷陵守【丞】說敢言之：上卅三(line 1) 年黔首息耗八牒。敢言之。(line 2) 8-183+8-

290+8-530 side A

壬手。 8-183+8-290+8-530 side B LY 1, 106

In the thirty-fourth year (213 BCE), on the *xinchou* day (the 4th day) of the tenth month, whose first day fell on a *wuxu* day, Acting [Magistrate of] Qianling, Shuo, dares to report: [I] submit the increase and decrease of the black-heads in eight *die*. I dare to report. 8-183+8-290+8-530 side A

In this document, the account of the increase and decrease of the population was stated to be submitted to the higher authorities, but there is no reference to the household account. Accordingly, we assume that the household account and the population account were likely submitted separately to the higher authorities in the Qin period. Despite that the account mentioned in this text was presumably the district-level population account, it could be speculated that the household account and the population account made by the district level were also handed in separately. The district-level household account of Qin was unlikely a combination of the household account and the population account as the Han style.

Thereupon, the account of West District might not represent the household account of the district of Qin times. What might be a Qin household account of the district level? Two administrative documents (board no. 8-19 and slip no. 8-1236+8-1791) from the LY site recorded the composition of households of two unknown units and the function of these two texts is not defined yet. These texts just listed the entries of the household numbers without any descriptive words. The first text was written on a board in two sections and the second one was written on one slip (see figure 3.6).²⁵⁴ Both the nature and the layout of board no. 8-19 resemble the board containing the account of West District. Even though the nature of slip no. 8-1236+8-1791 is distinct from these two boards, the content which it bears is comparable. The similarity of the two LY documents with the account of West District might suggest that these two LY texts were the district-level accounts of the Qin. The contents of the two LY texts are as follows:

Table 3.6: Household Account of [Qiling]²⁵⁵ District in Qianling Prefecture (board no. 8-19, in *LY*

²⁵⁴ These two kinds of writing supports might be compared to *du* 牘 and *die* 牒, which has been discussed by Staack. See Staack, 2018.

²⁵⁵ No record on this board gives the name of this district, but according to board no. 8-518 (see p. 111), we hypothesize this is the household account of Qiling District. So as the following household account of Erchun District. It was also speculated to be the household account of Erchun District on account of a board (board no. 9-661, see p. 111) with the household numbers of Erchun.

1, 32-33)

〇〇二戶 大夫一戶 大夫寡三戶 不更一戶 小上造三戶 小公士一戶	〇〇: 2 Fifth rank ²⁵⁶ : 1 Widow of the fifth rank: 3 Fourth rank: 1 Minor second rank: 3 Minor first rank: 1
士五七戶〇 司寇一戶〇 小男子三〇 大女子三〇 • 凡廿五〇	Rank-and-file: 7 Robber guard: 1 Minor male: 3 Adult female: 3 In total: 25

Table 3.7: Household Account of [Erchun] District in Qianling Prefecture (slip no. 8-1236+8-1791, in *LY* 1, 297)

今見一邑二里 大夫七戶 大夫寡二戶 大夫子三戶 不更五戶 〇〇四戶 上造十二戶 公士二戶 從廿六戶〇	Now there is present one hamlet ²⁵⁷ and two villages: Fifth rank: 7 Widow of the fifth rank: 2 Son of the fifth rank: 3 Fourth rank: 5 [Third rank]: 4 Second rank: 12 First rank: 2 Other households ²⁵⁸ : 26 (In total: 61)
--	---

²⁵⁶ The ranks appear before the household numbers were the householders' ranks.

²⁵⁷ The word *yi* 邑 could designate either a town or a small settlement. In this circumstance, it should represent a small settlement comparable to *li* 里 "village". In *Erya* 爾雅, vol. 3, "Shiyan" 釋言, *li* 里 is glossed as *yi* 邑. See *Erya zhushu* 爾雅註疏 (1999), 76. According to Chen Wei's statistic, 49 *yi* occur in the Baoshan manuscripts 包山楚簡, and he points out that *yi* and *li* might belong to the same level. See Chen Wei, 1995. However, Yuan Yansheng 袁延勝 and Shi Junjun 時軍軍 provide another explanation that they believe *yi* in this text designates a district. See Yuan Yansheng and Shi Junjun, 2019.

²⁵⁸ The meaning of *cong* 從 is not clear. The editors say these twenty-six households were commoners without any rank. See *LY* 1, 297. Compared with board no. 8-19, *cong* might constitute the households that the householders were members of rank-and-file, robber guard, minor male, adult female and so forth. Also, there is another possibility that *cong* could be read as *zong* 縱. Li Hongcai 李洪財 interprets the word *cong ren* 從人 in *YL* and *LY* texts as *zong ren* 縱人, which comprises the people who were involved in the famous military action *he zong* 合縱 that initiated by mainly the six states excluded the Qin state to fight against the Qin military. See Li Hongcai, 2016. Whether the 26 households that occurred in this text were from that group of people is indefinite.



Figure 3.6: Images of board no. 8-19 and slip no. 8-1236+8-1791
Source: *LYQJ* 1, 16; *LYQJ* 1, 157, 227.

In total, twenty-five households were listed in the first document and sixty-one in the second one. It might be questioned that only twenty-five households were

recorded in the first document, then how could it be a district-level household account? Especially compared with the 1,196 households in West District, this number seems to be too small. Another two LY texts offer some evidence on the authenticity of these figures as the household accounts of the districts. They are:

卅四年，啓陵鄉見戶、當出戶賦者志：□(line 1)

見戶廿八戶，當出繭十斤八兩□(line 2)⁸⁻⁵¹⁸ LY 1,172

In the thirty-fourth year (213 BCE), the records of the present households²⁵⁹ of Qiling District and the household tax they should pay: ...(line 1)

The present households are 28 and they should hand in 10 pounds²⁶⁰ and 8 ounces of silkworm cocoons...(line 2)

卅四年貳春鄉見戶□(line 1)

見戶六十戶，當出繭廿二□(line 2)⁹⁻⁶⁶¹ LY 2, 173

In the thirty-fourth year (213 BCE), the present [households] of Erchun...(line 1)

The present households are 60 and they should hand in 22... of silkworm cocoons...(line 2)

It is explicitly presented in these two texts that there were 28 households in Qiling District and 60 households in Erchun District in 213 BCE. Based on board no. 8-1519 in the LY manuscripts,²⁶¹ a document with the accounts of cultivated lands and

²⁵⁹ Chen Wei thinks that the character *jian* 見 in the phrase *jian hu* 見戶 is the phonetic loan of the character *xian* 現. He assumes *xian hu* is a term related to the land tax and other levies, and the households classified into *xian hu* were those that should pay taxes. See Chen Wei, 2014. Tong Chun Fung compares the phrase *xian hu* with another phrase *ji hu* 積戶 “the aggregate households”, and he translates *xian hu* as “present households”. He points out that the number of *xian hu* may not represent the whole household number of an administrative unit since there might be some other households that did not pay taxes. See Tong Chun Fung, 2014. There are several phrases often used in the manuscripts to depict the various accounts of households, such as *xian hu* 見戶, *ji hu* 積戶, *xi hu* 息戶, but their meanings are not very clear. The household number of Qianling Prefecture in the thirty-fifth year was recorded on board no. 8-1519 (LY1, 345): 遷陵卅五年.....戶百五十二 “The household numbers of Qianling Prefecture of the 35th year is 152”, and this number is the same as what was listed in this document, but *xian* was not used, so whether *xian hu* indicates those households obliged to pay taxes or all households is not determined.

²⁶⁰ One *jīn* “pound” is approximate 248 grams.

²⁶¹ Board no. 8-1519 (LY 1, 345-46) states: (side A)遷陵卅五年墾田與五十二頃九十五畝，稅田四頃，□□。戶百五十二，租六百七十七石，率之，畝一石五；戶嬰四石四斗五升，奇不率六斗。(side B)啓田九頃十畝，租九十七石六斗。都田十七頃五十一畝，租二百卅一石。貳田廿六頃卅四畝，租三百卅九石三。凡田

the taxes that should be collected from the three districts under Qianling in the 35th year (212 BCE), Tong Chung Fung calculated the household numbers of each district. His result is 22 households in Qiling, 54 households in Central District and 76 households in Erchun.²⁶² The numbers 22 and 76 did not deviate far from 28 and 60, so it is reasonable to hypothesize that board no. 8-19 and slip no.8-1236+8-1791 were the household accounts of Qiling District and Erchun District, respectively. The household numbers of 25 and 61 stand in stark contrast to the number 1,196 recorded in the account of West District of the middle Han period. Although Qianling Prefecture and West District were not in the same commandery, they were not far from each other and their natural conditions were quite similar; theoretically, there should not be such a big difference in the numbers of households between the two places. The population of Qianling Prefecture was mainly composed of transported officials, commoners and convicts from other regions, which constituted a prefecture of immigrants. Regarding its particularity, the number of households registered in the local government was probably fewer than the other places. Besides, the increase of population with the efforts of the Han authorities in the first decades of their rule also contributed to the enormous growth of household numbers in the household account of West District (139 BCE).

With the evidence available to date, Yan Changgui 晏昌貴 (2017) reconstructed the organization structure of Qianling Prefecture, which consisted of three districts and six villages.²⁶³ The names of these units and their hierarchical relationship can be illustrated in the following chart:

七十頃冊二畝。·租凡九百一十。六百七十七石。“(side A) Qianling Prefecture, thirty-fifth year (212 BCE), opened up and recorded 52 hides and 95 acres of fields, the tax is the harvests of four acres of fields...households: 152; tax: 676 bushels; ratio, 1.5 bushels per acre. Each household was assigned 4 bushels 4 pecks and 5 pints, remainder 6 pecks. (side B) Qi[ling District]: fields, 9 hides 10 acres; tax, 97 bushels 6 pecks. Central [District]: fields, 17 hides 51 acres; tax, 241 bushes. Er[chun District]: fields, 26 hides 34 acres; tax, 339 bushels 3 pecks. Total: fields, 70 hides 42 acres; tax 910 [bushels]. 677 bushels.” Translation referred to Korolkov (2020), 696.

²⁶² See Tong Chung Fung, 2014.

²⁶³ Yan Changgui (2017), 189-225.

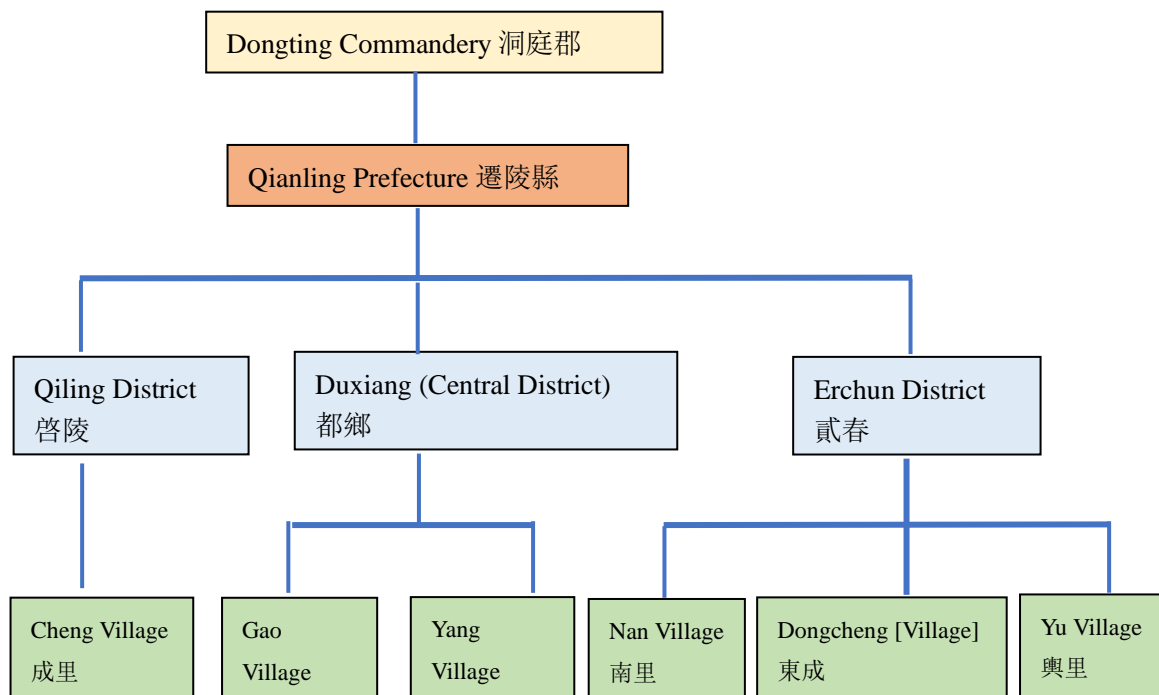


Figure 3.7: The administrative structure of Qianling Prefecture

Source: Drawn by the author.

This organization frame might support the comprehension of the household accounts and the small numbers of households in the two introduced districts. One village under Qiling District and three villages under Erchun District also explain the smaller household number in Qiling than Erchun.

The household and the population account of West District in 139 BCE demonstrates an example of the district-level household account of the middle Han period. In Qin times, the LY documents no. 8-19 and no. 8-1236+8-1791 are likely the instances of the district-level household accounts.

In conclusion, the district level constituted the lowest level of the administration in the hierarchical household system, which played a crucial part. The district-level officials were the persons who were in charge of making household registers; besides, they had to make copies of them and sent the copies to the prefecture. Meanwhile, they had to store the original ones properly in the district. It was also their routine work to investigate and update the data of the households under their jurisdiction in the eighth month of every year. If there was any doubt about a person's status, the

higher authorities might have to ask the district-level officials to verify the real condition.

3.1.3 The function of the prefecture level in the household system

The bureau at the prefecture court responsible for processing the copies of the household registers and the accounts submitted by its districts was probably the Bureau of Households (*hu cao* 戶曹) which occurs in YL and LY texts, but concrete evidence is still insufficient. The only document related to the duty of the Bureau of Households is the LY board no.8-488 containing the original title “Accounts Inventory of the Bureau of Households (*Hu cao ji lu* 戶曹記錄)” with the “household accounts of districts” (*Xiang hu ji* 鄉戶計) occupying the first entry, which was mentioned above.

As the statute (*ENLL*, 222: 328) stipulates that “regularly, in the eighth month, order the Bailiff of the District, the [subordinate] officials and the Head Scribe, together, to mutually examine the household registers”, it is clear that the functionaries who were obligated to examine the household registers were the Bailiff of the District, the subordinate officials (most likely the “assistant of the Bailiff” *xiang zuo* 鄉佐) and the Head Scribe. Hsing I-tien suggests that this Head Scribe must have been sent by the prefecture court to work with the Bailiff of the District.²⁶⁴ Yates further points out that the Head Scribe would have been attached to the Bureau of Households.²⁶⁵ There is a great possibility that the Head Scribe occurring in slip no. 328 is a Scribe attached to the Bureau of Households. Though it is difficult to clarify how many Head Scribes there were at a prefecture court, the existence of the Head Scribe of the Bureau of Households (*hu cao ling shi* 戶曹令史) is certain. This title appears on the LY board no.8-487+8-2004, and it is linked with the submission of the household account of Qianling Prefecture.

Most of the routine work on household management in the prefecture might be in

²⁶⁴ See Hsing I-tien, 2011.

²⁶⁵ See Yates, 2012.

a similar vein to the work of the district, including preserving the copies of the household registers, investigating these registers in the eighth month of a year, being responsible for the transfer of the household registers when some persons moved in or out, submitting the prefectural household account to the commandery. Among them, one specific practice that was applied at the prefecture level was the utilization of a technical place for storing the copies of the household registers and other related documents.²⁶⁶ This place was named *fu* 府 “storehouse” in the legal texts. The *Shuowen* defines *fu* 府 as *wen shu zang* 文書藏 “a repository for documents”.²⁶⁷ Barbieri-Low and Yates translate the word as “archive”.²⁶⁸ The related texts are as follows:

民宅園戶籍、年細籍、田比地籍、田合籍、田租籍，謹副上縣廷，皆以篋若匣匱盛，緘閉，以令若丞、³³¹官嗇夫印封，獨別爲府，封府戶。³³²

ENLL, 223

As for the people’s household registers and the registers of their homesteads and grounds, the detailed age registers, the registers indicating neighboring fields, the unified registers of fields, and the registers of field taxes, carefully make copies of them and forward these up to the Prefecture Court. In every case, keep them in a chest or a coffer, bound shut with cords, and seal it using the seal of the Prefect or the Vice Prefect,³³¹ or the Bailiff of the Office²⁶⁹. Place them separately in a storehouse and seal its door.³³²²⁷⁰

²⁶⁶ There is no evidence showing the presence of such a storage place in the District Office, so how the documents were kept in the district was unknown. We do not have that knowledge about the commandery level, either. However, it is undoubted that the Commandery Court must have to deal with more documents than the Prefecture Court, so it can be imagined that such a storage place might also be used in the commandery.

²⁶⁷ See *Shuowen jiezi zhu*, 442

²⁶⁸ See Barbieri-Low and Yates (2015), 799.

²⁶⁹ The official title *guan se fu* 官嗇夫 “Bailiff of the Office” mentioned in this text does not explicitly indicate which official it represents. Zhang Rongqiang believes it designates the Bailiff of the District in this context. See Zhang Rongqiang, 2019. Many registers were listed in this statute, and not all of them were handled by the Bailiff of the District. For instance, the registers of field taxes were more likely dealt with by the Bailiff of the Fields Office. Hence, this “Bailiff of Office” would be determined by the actual situation.

²⁷⁰ Translation from Barbieri-Low and Yates (2015, 799), with modifications.

(先令) 券書上其廷，移居縣道，居縣道皆封臧（藏）。⁴²⁶ 如戶籍。³³⁵ ²⁷¹

ENLL, 223

Write up a [last will] tally and submit it up to the [Prefecture] Court and [the Prefecture Court] forwards it to the prefecture or march of residence,²⁷² which is, in every case, to seal and store [the last will tallies]⁴²⁶ like the household registers.³³⁵ ²⁷³

It is evidently described in the first text that the copies of the household registers were carefully preserved in a unique storehouse along with other associated registers such as the detailed age registers and the homestead registers. Also, the last will tallies were stored in this storehouse based on the regulation in the second text. The storehouse exclusively used to keep the household registers might be one of the many storehouses at the Prefecture Court, but whether there was a specific name for this one is not certain.

Unlike the district level, the prefecture level did not need to copy the household registers and send them to the commandery. What they had to do was to make an overall household and population account of the whole prefecture and submit it to the commandery. There is one prefectural account excavated from a tomb in Jizhuang Village 紀莊村, Tianchang City 天長市, Anhui Province 安徽省. The tomb owner was supposed to be the Commandant of Dongyang Prefecture 東陽縣. In view of other items excavated from the same tomb, the editors believe that this document might have been produced around the middle Western Han period.²⁷⁴ After analyzing

²⁷¹ Slip no. 426 was previously arranged in the “Statutes on Finance” (*Jin bu li* 金布律), but according to one of the newly published Shuihudi texts of the Western Han which comprises the parallel content as the ENLL text, the former connection should be rearranged, and this is the reconstructed version of this section. For the Shuihudi Han text, see Xiong Beisheng, Chen Wei, and Cai Dan, 2018.

²⁷² The phrase *ju xian dao* 居縣道 “prefecture or march of residence” appears in this sentence might be opposite to *xing xian dao* 行縣道 “prefecture or march along the way” in the preceding text. Due to the missing characters at the beginning of this slip, it is not easy to know the context of this phrase. However, combing the parallel Shuihudi text which reads “the office belonging to the prefecture or the march where he passes by” 過在所縣道官, the phrase might refer to the situation when an official or a clerk was on a business trip, and he hoped to make a last will in this process.

²⁷³ Translation from Barbieri-Low and Yates (2015, 923), with modifications.

²⁷⁴ Anhui Tianchang Xihanmu fajue jianbao 安徽天長西漢墓發掘簡報, pp. 4-21.

some of the texts related to military affairs, He Youzu assumes that the tomb owner might have participated in some affairs related to the Rebellion of the Seven States (*qi wang zhi luan* 七王之亂) in 154 BCE and this tomb was thus probably built shortly after this year.²⁷⁵ Yuan Yansheng follows his view.²⁷⁶

The tablet is 22.7 cm long and 6.9 cm wide. Its title was written horizontally on the top. Eight vertical lines listed the numbers of the households and the population of the six districts under its jurisdiction. The other side of this tablet is a document with



the original title *Suan bu* 算簿 “The Poll Tax Account” illustrating the taxes collected from the same six districts as the Household and Population Account (see table 3.8).

Although the date of this account is not precisely in 154 BCE, presumably, it was made not far from the year 139 BCE; namely, it almost fell in the same period as “The Household and Population Account of West District in the Second Year”. To compare the district-level account and the prefecture-level account, the layouts and the writing supports of the two documents are nearly identical. Only a few details about the texts should be remarked. In this prefecture account, the household numbers and the population of each district under Dongyang Prefecture were listed, while in the district account, there is no figure referring to the villages under West District.

Figure 3.8: The image of the board containing “The Household and Population Account”

Source: “Anhui Tianchang Xihan mu fajue jianbao” 安徽天長西漢墓發掘簡報, *Wenwu* 11: 14.

Table 3.8: The Household and Population Account of Dongyang Prefecture 東陽縣

²⁷⁵ See He Youzu, 2006.

²⁷⁶ See Yuan Yansheng, 2011.

戶口簿	The Household and Population Account
●戶凡九千一百六十九，少前	●Households in total: 9,169, less than last year
口四萬九百七十，少前	Population: 40,970, less than last year
●東鄉戶千七百八十三，口七千七百九十五	●East District: households, 1,783; population, 7,795
都鄉戶二千三百九十八，口萬八百一十九	Central District: households, 2,398; population, 10,819
楊池鄉戶千四百五十一，口六千三百廿八	Yangchi District: households, 1,451; population, 6,328
鞠鄉戶八百八十，口四千五	Ju District: households, 880; population, 4,005
垣雍北鄉戶千三百七十五，口六千三百五十四	Yuanyong North District: households, 1,375; population, 6,354
垣雍南鄉千二百八十二，口五千六百六十九	Yuanyong South District: households, 1,282; population, 5,669
卿 ²⁷⁷	Qing

Another point is that in the account of West District, the numbers of adult persons and the numbers of minor persons were noted. These numbers were quite essential since they were the basis of collecting taxes and levying labor services. Nonetheless, this information was not present in the prefecture account. The likelihood is that this account was just a copy of many documents the tomb owner ever dealt with, and there might be some separate accounts recording the numbers of adult persons and non-adult persons. A document excavated from the same tomb as the district account of West District lists the respective numbers of the adult male, adult female, minor male and minor female persons of 7 prefectures and 3 marquisates in South Commandery 南郡 (the image see appendix 5).²⁷⁸ Here we take the account of Anlu Prefecture 安

²⁷⁷ Yang Zhenhong 楊振紅 assumes *qing* 卿 was a respectful way to address Xie Meng 謝孟, the Commandant of Dongyang Prefecture. She thinks that this account might be submitted by some lower officials to him. See Yang Zhenhong, 2011.

²⁷⁸ This piece of board was given the number 53 by the editors without any original title on it. The numbers of adult male, adult female, minor male, minor female, tax and labor service exempt situation of seven prefectures and three marquisates were listed.

陸縣 as an instance:

安陸：使大男四百七十五人，大女八百一十八人，小男五百五十八人，小女三百六十九人•凡口二千二百二十人，其二百二十九人復²⁷⁹

Anlu [Prefecture]: serviceable adult male:²⁸⁰ 475; adult female: 818; minor male: 558; minor female: 369. •Total population: 2,220, among them 229 exempted.

This account shows that the numbers of adult persons and non-adult persons of the prefecture level were also counted, but they might be presented in a separate document. It is recorded in the *Houhanshu* that the prefecture should submit the household and population account to the commandery every year. Unfortunately, only the submission of the accounts by the commandery level to the imperial court was available in the *Shiji* and the *Hanshu*. Although the period the *Houhanshu* depicts is much later, its records can benefit our understanding of the earlier practices. The record in the *Houhanshu* is as follows:

秋冬集課，上計于所屬郡國。

胡廣曰：“秋冬歲盡，各計縣戶口墾田，錢穀入出，盜賊多少，上其集簿。”²⁸¹

In autumn and winter, make evaluations collectively and submit the accounts to the commandery or the kingdom to which it (the prefecture) is attached.

Hu Guang (91-172) says: Autumn and Winter is the end of a year, calculate the households and the population, the amount of cultivated land, the income and expenditure of cash and grain as well as the number of bandits in a prefecture, and submit the integrated accounts [to

²⁷⁹ The text was transcribed by Peng Hao. See Peng Hao, 2009.

²⁸⁰ The phrase *shi nan* 使男 does not occur in SHD, YL, or LY texts. In the ZJS texts, there are similar phrases such as *shi xiao nan* 使小男, *shi xiao nü* 使小女, *wei shi xiao nan* 未使小男 and *wei shi xiao nü* 未使小女. In the Juyan texts, there are *shi nan* 使男, *shi nü* 使女, *wei shi nan* 未使男 and *wei shi nü* 未使女. Peng Hao says the phrases *shi da nan* and *da nü* in this text denote the adult male and female persons aged between 15 and the year he or she became a *mian lao* 免老 “to be released from service due to old age”; in other words, those who could provide labor service. Since there is not a fixed age for people of different status to become a *mian lao*, there is not a standard upper age limit. See Peng Hao, 2009. Barbieri-Low and Yates translate the term *shi xiao nan* in the ENLL as “serviceable non-adult males”. See Barbieri-Low and Yates (2015), 921.

²⁸¹ *HHS* 30, 3263.

the commandery or the kingdom].

To sum up, the Bureau of Households might be the principal organ managing household-related affairs at the prefecture level. When investigating the households in the eighth month, a Head Scribe was sent to the district to make the investigation together with the Bailiff of the District, his assistants and the Head or the Elder of the Village. Moreover, a specific storehouse was utilized to maintain the copies of the household registers and other related registers. Submitting the household and population related accounts to the commandery was also one of the crucial jobs of the prefectural officials. The accounts might consist of many individual ones, for instance, the account of adult persons and non-adult persons.

3.1.4 The running of the household system at the commandery level

There are few records about the running of the household system in the commandery in the manuscripts. As stated in the previous text, the household registers and the copies were kept in the district and the prefecture, respectively, and the copies were made at the district level. Namely, the central part of the household management had been completed below the commandery level. The duty of the officials in the commandery was supposed to be similar to the prefectural officials. Likewise, the Bureau of Households was also the principal organ in the commandery to manage the related affairs. One slip (YL 4, 194: 1521) with the title “Ordinances of the Bureau of Households of the Capital Area”²⁸² (*Neishi hucao ling* 内史戸曹令) could be found among the YL manuscripts. The capital area was at the same administrative level as the commandery. Hence, it is reasonable to suspect that the Bureau of Households also existed at the commandery level as its counterpart at the prefecture level. More evidence is available in the received texts, although it should be remarked that this example was in a later time. Here is one of the instances:

²⁸² Translation from Barbieri-Low and Yates (2015), 783.

(孟)嘗少脩操行，仕郡為戶曹史。²⁸³

[Meng] Chang (ca. 2 cent. CE) once cultivated his behavior and conduct when he was young. He served in the commandery government as a scribe of the Bureau of Households.

On account of this text, it is definite that the Bureau of Households was not only an organ in the prefecture but also one of the organs in the commandery. Freed from the disposal of the household registers, the commandery officials were primarily responsible for submitting the household and population account to the central government, which was technically named *shang ji* 上計 (submitting the accounts). Here are two records about the commandery-level accounts:

(秦昭王四十一年)昭王召王稽，拜為河東守，三歲不上計。²⁸⁴

(266 BCE) King Zhao summoned Wang Ji, honored him with the post of Governor of Hedong, and did not require him to submit accounts for three years.

(太初元年)十二月……春還，受計于甘泉。²⁸⁵

師古曰：“受郡國所上計簿也。”

(104 BCE) In the twelfth month [... Emperor Wu] returned [to the capital] in spring and received the accounts in Ganquan Palace.

[Yan] Shigu says: to receive the accounts submitted by the commanderies and the kingdoms.

The first instance, “not require to submit accounts for three years”, is an exception, which was a privilege granted by the King. In general, the accounts should be submitted to the central government every year. The second text indicates that the accounts were received by the Emperor.

Boards recording the household and population accounts in 45 BCE of the Lelang

²⁸³ HHS 80, 2472.

²⁸⁴ SJ 79, 2415.

²⁸⁵ HS 6, 199.

Commandery 樂浪郡 was excavated on the Korean Peninsula where was named Lelang Commandery from 1st cent. BCE- 4th cent. CE.²⁸⁶ They exhibit the material object of the commandery-level accounts that were expected to be submitted to the central government (images see appendix 6).

The information of the households and the population was recorded on three wooden tablets. Except for the title, this document encompasses two parts: the first 25 vertical lines list the numbers of households and the population of twenty-five prefectures, respectively. The last two vertical lines list the total numbers of the households and the population of the whole commandery.

Since the text is too long, three lines were abstracted to show the general format and content of the document:

Table 3.9: Part of the text of the Lelang Household and Population Accounts (45 BCE)

樂浪郡初元四年縣別戶口【集】簿	The Household and Population Integration Accounts by the Prefectures of Lelang Commandery in the Fourth Year of Chuyuan (45 BCE)
朝鮮戶九千六百七十八，多前九十三，口五萬六千八百九十，多前千八百六十二。	Chaoxian [Prefecture]: Households: 9,678; 93 more than last year; Population: 56,890; 1,862 more than last year.
增地戶五百卅八，多前廿，口三千三百五十三，多前七十一。	Zengdi [Prefecture]: Households: 548; 20 more than last year; Population: 3,353; 71 more than last year.

The layout is very similar to the preceding account of Dongyang Prefecture. Also, the separated entries of each prefecture are comparable to the separated entries of each district. Furthermore, analogous words “more than last year” *duo qian* 多前 or “less than last year” *shao qian* 少前 were employed in this document as well.

So far, we have illustrated how the functionaries or the offices from the village level up to the commandery functioned in running the household system and

²⁸⁶ See Yang Zhenhong and Yun Jae Seug, 2007.

controlling the population. Their corresponding duties can be roughly summarized as follows:

Table 3.10: The duties of each sub-/administrative level in household management

sub-/administrative level	Duties
Village (Head/Elder of the Village)	1. report the changes of the household and population to the district 2. assist the functionaries from the district and the prefecture to examine the registers with the changes every year
District (Bailiff of the District, his assistant)	1. make the household registers and their duplicates and store the original ones 2. send the duplicates and an account of the household and the population to the prefecture 3. examine the registers every year 4. control the migration
Prefecture (the Bureau of Households, scribes)	1. store the duplicates in a separate storehouse 2. make accounts of the household and the population of the prefecture and send them to the commandery 3. send scribes to examine the registers together with the district functionaries and the Head of the Village
Commandery (the Bureau of Households, scribes)	make the household and population account of the commandery, as well as accounts of adult and non-adult males and females, and send them to the central government

These are just some basic and regular works done by each level, and the actual situations must be much more complicated. Since most of the manuscripts were excavated from local regions, we know little about what happened in the central government. Nevertheless, it is speculated that the central government only got the accounts from the commanderies. The fact that the central government did not directly grasp the household registers caused a lot of problems. It is easy for the local officials to falsify numbers and report fake information. In the *Hanshu*, there is one instance:

(元封四年)今流民愈多，計文不改，君不繩責長吏，而請以興徙四十萬口.....²⁸⁷

(107 BCE) Now there are more and more refugees, while the accounts and books were not changed. You (Shi Qing 石慶)²⁸⁸ did not punish and criticize the senior

²⁸⁷ HS 46, 2198.

²⁸⁸ Shi Qing 石慶 (? -103 BCE) was Chancellor during the reign of Emperor Wu of Han. This is a part of the reply from Emperor Wu after he received the memorial from Shi Qing about resigning from his position as the

officials, but rather request to levy and migrate 400,000 people....

This text describes the case when there were plenty of refugees left where they lived, but the accounts submitted to the central government were the same as before. The reasons for committing fraud were multiple. In this case, the commandery officials were probably afraid to be punished for numerous people migrating without authorization resulting in dramatic population decreases in their authority spheres. The increase or decrease of the population was an essential indicator to evaluate the merits of the officials.

Although the multiple inevitable problems that might arise in the process, the household system of the Qin and early Han periods was still an efficient institution devised by the authorities, which made the management of households and population possible. In particular, the compilation of household registers and the submission of the related accounts laid the foundation for the household system of the later time.

Reviewing this hierarchical household management process from bottom up, it appears undisputed that two types of documents were the cornerstones to make the system run efficiently. They are the household registers (*hu ji* 戶籍) and the household and population accounts (*hu kou bu* 戶口簿). Li Junming states that in Qin and Western Han times, the difference between *ji* and *bu* is that the contents contained by the *bu* documents are figures and what the *ji* documents bear is the detailed information of people or objects.²⁸⁹ Han Shufeng further proposes that the usages of the two terms *bu* and *ji* were strictly distinguished in Qin and Western Han times, while from the later part of Eastern Han the two terms were muddled.²⁹⁰ In terms of the content, *bu* and *ji* are easy to be discriminated, which has been pointed out by Li Junming. However, their difference in the writing supports has not been clarified. With reference to the available household and population accounts, virtually all the

Chancellor after the overflow of the Yellow River, which caused thousands of refugees and a substantial number of unregistered people.

²⁸⁹ See Li Junming (2009), 247.

²⁹⁰ See Han Shufeng, 2014.

accounts were written on wood boards that should be classified into the *du* 牘 “single wood tablet” category. The household registers were written on separated boards in Qin times, while in the Three Kingdoms period,²⁹¹ bound slips became the carriers of them. These bound slips were technically called *die* 牒 “multi-piece manuscript”,²⁹² showing the change of the writing supports of the household registers over time.

Although in the later time, the household-related institutions and the organs involved in the process might have changed significantly, many traces of the earlier time were preserved. The following text, which composed one section of the Ordinances on Households of Tang times, shows the legal legacy of the previous eras, which reads:

諸戶籍三年一造，起正月上旬，縣司責里正收所部手實，具注家口、年紀、田地。若全戶不在鄉者，即依舊籍轉寫，並顯不在所由。收訖依式勘造，鄉別為卷，總寫三通，其縫皆注某州、某縣、某鄉、某年籍。州名用州印，縣名用縣印，三月三十日納訖。並裝潢，一通送尚書省，州縣各一通……其籍至省，並即先納後勘。若有增減隱沒不同，隨狀下推，州縣承錯失，即于省籍具注事由，州縣亦注賬籍。²⁹³

All the household registers are to be made every three years. It starts from the first third of the first month. The prefecture requires Heads of Villages to collect the registers recording the situations of households and their lands, and specially note the number of household members, their ages and the amount of lands [of each household]. If the whole household is absent from the district, just transcribe [the register] according to the former register and mark why it is not there. After they have collected all the registers, check them and make copies conforming to the layouts. Make [the household registers of] each district into one scroll. Overall, make three copies. Note every joint the names of the province, the prefecture, the district and the date. Stamp on the name of the province with the

²⁹¹ No evidence about the Han household registers is available up to date.

²⁹² Translated by Staack, 2018. Cf. fn. 225, p. 94.

²⁹³ See Song Jiayu (1988), 46-47.

provincial seal and stamp on the name of the prefecture with the prefectural seal. This should be finished before the thirtieth of the third month. Pack them simultaneously and send one package to the Department of State Affairs, one to the province and one to the prefecture... After the registers arrive in the Department of State Affairs, instantly accept them and then check them. If there is any inconsistency of the increase, decrease, concealing, death (with the previous registers), pursue the lower levels according to the notes. The province and the prefecture are reliable for the mistake. Instantly state the causes on the registers kept in the Department of State Affairs as well as the registers kept by the province and the prefecture, respectively.

This section demonstrates a hierarchical household management institution comprising village, district, prefecture, province and the central government. The essential distinction is that the copies of the household registers were kept at the prefecture and the above administrative levels in the Tang, whereas in Qin and early Han times, the accessibility of the household registers and their copies only reached the prefecture level.

3.2 The Bureau of Households (*hu cao* 戶曹) and the Commandant (*wei* 尉) at the Prefecture Level

Having investigated the roles played by each sub-/administrative level in the household management, two participants at the prefecture level deserve more attention. One is the Bureau of Households, which functioned in not only the prefecture but also the commandery. The other one is the Commandant relating to the military and security affairs. What role did it play in household management? In this sub-chapter, these two seemingly not closely related organs are to be discussed.

3.2.1 The Bureau of Households and the related manuscripts

At the local level, the household related affairs were most likely administered by the Bureau of Households, as what was described in the *Houhanshu*:

戶曹主民戶、祠祀、農桑。²⁹⁴

The Bureau of Households is in charge of households, sacrifices and agriculture.

Although this text does not tell many details about the actual practice of the Bureau of Households, the preliminary responsibilities of this bureau can be outlined. For its three functions listed in this text, its primary duty was to control *min hu* 民戶 “households”, an alternate of the phrase *ren hu* 人戶 occurring in the Qin texts.²⁹⁵

The term *hu cao* does not occur in the SHD and ZJS manuscripts, and only one slip (YL 4, 194: 1521) with solely the title “Ordinances of the Bureau of Households for the Governor of the Capital Area”²⁹⁶ (*Neishi hucao ling* 內史戶曹令) in the YL manuscripts survived. Despite this unsatisfying result, the term appears more frequently in the administrative documents. The table below briefly illustrates the numbers of the occurrences of *hu cao* in the published LY manuscripts.

Table 3.11: The numbers of occurrences of *hu cao* in the LY manuscripts²⁹⁷

<i>Ting hu cao fa</i> 廷戶曹發 (廷主戶發/廷戶發/行戶 曹/守府戶曹發)	<i>Hu cao</i> 戶曹		Total
Type 1: courier receipt	Type 2: addressee	Type 3: others	

²⁹⁴ *HHS* 30, 3559. This is also a reference from the *Houhanshu*, compiled about 5 centuries later than the Qin and early Han periods, but this text describes a general impression that probably did not differ much from the earlier time. Therefore, we still referred to it.

²⁹⁵ The phrase *ren hu* 人戶 occurs three times in the SHD texts and one time in the YL texts. The contexts of these occurrences all concern the punishments for officials when they made mistakes on accounts. In the received texts, *ren hu* and *min hu* seem to designate the same meaning, but it should be noted that the phrase *min hu* was not used in the *Shiji*.

²⁹⁶ Translated by Barbieri-Low and Yates. See Barbieri-Low and Yates (2015), 783.

²⁹⁷ The occurrences of the single character *hu* 戶 used as the abbreviation of *hu cao* were included.

41	5	7	53
----	---	---	----

In some documents, the term *hu cao* was abbreviated to *hu* 戶. Including those abbreviated ones, 53 documents encompassing the term *hu cao* were collected from the LY manuscripts. Among them, 41 documents are courier receipts, which accounts for 77.4% of the total occurrences. With one receipt taking one board, the attached documents that might have been transferred together with the receipts were isolated, making the reconstruction of the complete official letters impossible. Nevertheless, 77.4% as a very high proportion should not be ignored, and at least it shows that the documents handled by the Bureau of Households were not few.

In fact, the definition of these courier receipts is not clear. The editors of the *LYQJ* 1 classify this kind of boards and slips that were used to mark the destinations and the delivery routes as *jian* 檢 “address plate”, and differentiate it from *feng jian* 封檢 “envelope”.²⁹⁸ Typically, there is one cavity on each *feng jian* to contain the lump of clay on which to stamp the official’s seal to ensure the document would not be opened by people not concerned. However, the boards and slips named *jian* are not three dimensions and there is no cavity on them. They look almost the same as the other boards and slips containing the administrative documents. Aoki Shunsuke 青木俊介 names them *ping ban jian* 平板檢 “flat address plate”.²⁹⁹ Yao Lei 姚磊 prefers to follow the editors of the *LYQJ* 1, and he gathers all the courier receipts published in the *LYQJ* 1. According to the diverse bottom shapes of these boards and slips, he puts them into seven categories and notices a one-character space is vacant occasionally. Meanwhile, on some slips or boards, the characters were written into two columns. Another interesting point he addresses is that some of these courier receipts were reused, mainly for practicing writing.³⁰⁰

Having gone through all the images of the courier receipts concerning the Bureau

²⁹⁸ *LYQJ* 1, 2.

²⁹⁹ See Aoki Shunsuke, 2014.

³⁰⁰ See Yao Lei, 2015.

of Households, it is hard to sort them into groups since they were written randomly to some extent. In terms of their physical nature, some of their bottoms were cut into arrowheads, while some were not (see figure 3.9). Regarding the layout, some texts were written into two columns, some were left with vacant spaces, and the others were written regularly. Here are two examples:



8-1292

廷戶發

To be opened by the (Bureau of)
Households at the (Prefecture) Court



9-236

廷戶曹發

To be opened by the Bureau of
Households at the (Prefecture) Court

Figure 3.9: Images of slip nos. 8-1292 and 9-236

Source: *LYQJ* 1, 163; *LYQJ* 2, 41.

For slip no. 8-1292, its bottom was cut into an arrowhead. With this sharpened end, this slip as courier receipt supposed to be posted outside the administrative documents could be inserted into the scrolls much more easily. Besides, there is a one-character space left vacant in the vertical line. It was not caused by natural forces since the other characters are legible. Eight other receipts also have vacant spaces between the recorded graphs, but the spaces were left between different graphs, and

there is no general rule. Maybe these spaces were just left by the scribes depending on the length and width of the boards and slips.

Slip no. 9-236 has a different shape, and its bottom is even. By comparison with the arrowhead ones that were assumed to be inserted into scrolls, the even-headed ones were probably bound together with boards that could not be rolled but were stacked up. The four characters on slip no. 9-236 were separately written in two vertical lines on the slip. Seven more slips also have this kind of layout, but whether it is just the scribes' writing habit or regulated by some provisions is unknown yet.

Except for the courier receipts, the bureau name—*hu cao* (or sometimes *hu*) also appears in the documents as addressees. The addressees were pointed out in the formulae *shu zhu hu fa* 署主戶發 “marked to be opened by the official in charge of households”, *shu hu cao fa* 署戶曹發 “marked to be opened by the Bureau of Households”, or *shu hu fa* 署戶發 “marked to be opened by [the Bureau of] Households”.³⁰¹ The following is one example from the LY collection:

卅一年後九月庚辰【朔乙巳，啓陵】鄉守貳³⁰²敢言之：佐貳為假令史，以乙巳視事。謁令官假養、走。敢言之。 / 卅二年十月己酉朔辛亥，啟陵鄉守貳敢言之：重竭令官問貳當得養、走不當。當，何令史與共？不當，問不當狀。皆具為報。署主戶發。敢言之。 / 貳手。 9-30 side A LY 2, 42

In the thirty-first year (216 BCE), [on the *yisi* day (the 26th day) of the later ninth month], whose first day fell on a *gengchen* day, Acting Bailiff [of Qiling District], Zui, dares to report: Assistant Zui is a Probationary Head Scribe and he began his duty from today. I request [the Prefect] to order the Office to lend him a cook and a runner. I dare to report this.

In the thirty-second year (216 BCE),³⁰³ on the *xinhai* day (the 3rd day) of the tenth

³⁰¹ One statute from the YL collection (YL 4, 161: 0798) reads 興律曰：諸書求報者，皆告，令署某曹發。“Statutes on Levies say: those letters that request for responses all should inform the addressees. Order them to mark: to be opened by X bureau.”

³⁰² It seems that the Acting Bailiff of Qiling District and the Probationary Head Scribe had the same name, Zui 貳.

³⁰³ The tenth month was the beginning of a year during the Qin and the Early Han. The second request which was made in the tenth month of the 32nd year was just several days later and actually the two requests were made in the same year of Common Era, 216 BCE.

month, whose first day fell on a *jiyou* day, Acting Bailiff of Qiling District, Zui, dares to report: I request [the Prefect] again to order the Office and ask whether Zui should be lent a cook and a runner or not. If he should be lent these assistants, which Head Scribe should share the assistants with him? If not, I ask [how to deal with] the situation. [I request to] compile all [the situations] for a response.

This document is to be opened by the official in charge of households. I dare to report this. Written by Zui 9-30 side A

The context of this document is to apply for a cook and a runner for the new acting Scribe. It seems odd why a document to apply for a cook and a runner was signed to be opened by the official in charge of households. According to the following uncited part of this text, this document was finally accepted by the Vice Prefect of Qianling Prefecture and he then forwarded this letter to the Bailiff of the Granary. It was regulated that (LY 1, 68: 8–130+8–190+8–193) 諸徒隸當為吏僕養者皆屬倉 “All convicts who by law are to become servants or cooks of officials are attached to the Granary ”.³⁰⁴ Correspondingly, this letter was forwarded to the Bailiff of the Granary by the Vice Prefect. Maybe this lesser official who made the request was not sure which Bureau or Office was in charge of arranging cooks and runners for the functionaries; thereupon, he made a mistake to address the official in charge of households.

Revealing more details about the Bureau of Households than the previous two types, the texts of type 3 in table 3.11 are more significant. The list of numbers of the boards and slips as well as the short summaries of the texts are in the table below.

Table 3.12: The documents (type 3 in Table 3.11) related to *hu cao* and the summaries of the contents

Board/slip number	Summary of the content	Note
8-487+8-2004	An integration document of the household	

³⁰⁴ Translated by Lau and Staack (2016), 222.

	numbers of Qianling Prefecture in six years forwarded by the Head Scribe of the Bureau of Households (see pp. 134-135)	
8-488	An inventory of accounts handled by the Bureau of Households	
8-769	A response from the Acting Bailiff of Qiling District to an order from the imperial court about inquiring some rare species of fish ³⁰⁵	
8-1533	A record of four letters being sent out from the Bureau of Households to four locations, respectively ³⁰⁶	
9-1220	The remaining characters seem to indicate a person named Hou 後 from the Bureau of Households	fragment
9-1409	The rank and registers mentioned, other information is unreadable	fragment
9-1502	It might say that a document was sent by the Bureau of Households to a person named Zi 茲	fragment

Among them, document no. 8-488 lists the accounts that were assembled in the Bureau of Households. Only the names of the accounts were listed, but no concrete details about these accounts were provided; thus, it is more likely a catalog of a compilation of the detailed accounts. Li Junming argues that it is more proper to take it as an integrated catalog of many account books rather than regard it as an account

³⁰⁵ The phrase *hu cao* is at the end of the document, separated from the other content with a black dot. The content seems to have no relation with the Bureau of Households. It is hard to explain why this document was marked with the Bureau of Households.

³⁰⁶ Compared to the classification of the documents put forward by Li Junming, this document should be under the name *you shu ci* 郵書刺 “postal brand”. In the Juyan manuscripts, there are several slips recording the names *you shu ci* 郵書刺 or *guo shu ci* 過書刺, such as EPT 51·391 : 臨木燧建始二年二月郵書刺 “the postal brands of the second month in the second year of *Jianshi* (31 BCE) of Linmu Sui”. Li says they were used to keep track of the transmission of documents. See Li Junming, 2009. The document slip no. 8-1533 might be the main body under this kind of name. The text of slip no. 8-1533 (*LY* 1, 352) is: 戶曹書四封，遷陵印，一咸陽、一高陵、一陰密、一競陵。 “Four letters from the Bureau of Households sealed by [the Prefect of] Qianling: one to Xianyang, one to Gaoling, one to Yinmi and one to Jingling”.

book, and he thinks there should be copies of the listed account books attached.³⁰⁷



Figure 3.10: The image of board no. 8-488
Source: *LYQJ* 1, 73.

The inventory is composed of seven subcategories, from which we could get a glimpse of the function of the Bureau of Households, despite the high possibility that they were just a selection of the subcategories collected by the Bureau. Here are the board image and the translation of the text:

Table 3.13: The content of board no. 8-488 (*LY* 1, 167) and the English translation

The upper part	
戶曹計錄	Accounts Inventory of the Bureau of Households
鄉戶計	The household accounts of districts
繇計	The corvee account
器計	The implement account
租質 ³⁰⁸ 計	The account of market tax and cash from redeeming pledges

³⁰⁷ See Li Junming, 2013.

³⁰⁸ It is stated by Swann (1974, 366-376) that the *zu* 租 tax included “all taxes connected in any way with earnings by the use of land”, while Chen Wei (2012) argues that the *zu* tax probably included both the market tax and the excise taxes on mining and salt production (quoted from Barbieri-Low and Yates, fn. 58, 937). Barbieri-Low and Yates also suggest that *zu* included the “market tax”, “which each merchant paid yearly for the privilege of operating a stall in the official marketplace, and possibly the excise taxes on mines, mining products, or other use of government land or water such as for forestry, hunting, and fishing”. See Barbieri-Low and Yates (2015), 937. When the context is about marketing or the word was used together with *zhi* 質 “pledge”, it is supposed to represent the market tax collected from the official marketplace, with agricultural field tax and others excluded. For one example, see *ENLL* (354: slip no.429): 官爲作務、市及受租、質錢，皆爲緡，封以令、丞印而人與參辨券之，輒入錢緡中，上中辨其廷。 “After coin receptacles for all the cash from official engagement in workshops and trade as well as from collecting taxes or redeeming pledges have been made, they are sealed by the prefect’s or vice prefect’s seal, and the persons concerned are given the third part of a tripartite tally to certify [the amount of money paid in]. The cash [coins] are to be put into the coin receptacle immediately. The middle part of the tally is submitted to the concerned prefecture court.” Translated by Lau and Staack (2016), 98. One fragment (*LY* 2, 427: 9-2162) in the *LY* corpus records that 市租質計餘 “...the surplus of the market tax and cash from pledges in the marketplace”. In this short sentence, an attributive word *shi* 市 “marketplace” was written before *zu* and *zhi*, which might signify that these two incomes were both from the marketplace.

The lower part	
田提封 ³⁰⁹ 計	The agricultural field account
漆計	The lacquer account
鞫 ³¹⁰ 計	The account of summaries of investigations
• 凡七計	In total: seven.

The seven subcategories involve different aspects, including household management, corvee, taxes, agriculture and law. Among these accounts, the seventh “account of summaries of investigations” were supposed to be assembled by the Commandant or the Bureau of Legal Cases (*yu cao* 獄曹), which seems not should be listed here. Given that no other evidence about this irregular phenomenon could be found, the reason why this entry was listed here was not widely discussed. Nevertheless, another document about *hu cao* “Bureau of Household” on board no. 8-487+8-200 brings up some clues. It documents the household numbers of Qianling Prefecture submitted by the Head Scribe of the Bureau of Households probably to the prefecture court. The recto presents the text explaining the content of this document and the verso lists the household numbers of six years.


卅四年八月癸巳朔癸卯，戶曹令史韡疏書廿八年以盡卅三年見戶數牘背。

移獄具集上，如請史³¹¹書。 / 韡手。 8-487+8-2004 side A


廿八年見百九十一戶。

廿九年見百六十六戶。

卅年見百五十五戶。

³⁰⁹ The phrase *ti feng* 提封 means the total area of agriculture fields. In the *Hanshu*, it says (*HS* 23, 1081) 一同百里，提封万井。“The area of one *tong* is one hundred *li*, and the total area of the whole field is ten thousand *jing*.” *Ti feng* also occurs in the Book of Calculation in the YL manuscripts, which reads: (*YL* 2, 57) 術曰：以田提封數  “The solution method says: use the total number of the fields...”. The editors say it means the total number of fields within a certain boundary. See *YL* 2, 57.

³¹⁰ *Ju* 鞫 is a standard formula used when introducing the summary of the investigations, which often occurs in doubtful criminal cases.

³¹¹ The editors suggest that *shi* 史 might be *shi* 事 and the phrase *qing shi* 請事 means to interrogate the cause of some incidents. See *LY* 1, 166. Slip no. 188 (*QJDHJ*, 146) from the “Miscellaneous Statutes on the Governor of the Capital Area” (*Nei shi za* 內史雜) states that 有事請毆，必以書，毋口請，毋  請 “When in the case of business requests have to be made, they must be made in writing. They shall not be made orally, nor through another person.” Translated by Hulsewé (1985), 87.

卅一年見百五十九戶。

卅二年見百六十一戶。

卅三年見百六十三戶。 8-2004 side B LY 1, 166

In the 34th year (213 BCE), on the *guimao* day (the 11th day) of the eighth month, whose first day fell on a *guisi* day, Head Scribe of the Bureau of Households, Wei, has written down the numbers of present households from the 28th year to 33rd year in respective entries on the back of this tablet and submits it together with the files of legal cases, similar to the document for making request. / Written by Wei. 8-487+8-2004 side A

The 28th year: 191 households.

The 29th year: 166 households.

The 30th year: 155 households.

The 31st year: 159 households.

The 32nd year: 161 households.

The 33rd year: 163 households. 8-2004 side B

This is a rather complete document with the content of the letter on one side and the attached accounts on the other side. What draws our attention is those files of legal cases mentioned by the scribe that might have been forwarded together with this document. Because of this short sentence noted here, Hu Pingsheng says those household numbers listed on the backside were related to legal files forwarding, and he explains that those households were *yi yu min hu* 移獄民戶, but he does not further say what *yi yu min hu* signifies.³¹² Yun Jae Seug also analyzes this board and links it with the phrase *ju ji* 鞠計 “the account of summaries of investigations” on board no. 8-488 (previously presented). In his opinion, the households counted into the backside list were those households pertaining to the finding of facts, and these numbers were collected yearly and then submitted to the Prefecture Court.³¹³ They both notice the

³¹² See Hu Pingsheng, 2011.

³¹³ See Yun Jae Seug, 2012.

seemingly irrelevant sentence “submits it together with the files of legal cases” 移獄具集上 and try to connect it with the households accounting. However, due to the correspondence between this board and board no. 8-1519,³¹⁴ the numbers listed on side B appear to be the total numbers of households of the whole prefecture other than only those involved in legal cases.

Notwithstanding, both the above two scholars hint that there might be a connection between the household accounts and the mentioned legal files. One hypothesis is that the legal files unavailable anymore were not the conventional legal files but some files specialized on crimes violating the statutes or ordinances on households. Alternatively, these legal files only related to the Bureau of Households instead of those listed household numbers. If this is true, the Head Scribe of the Bureau of Households was assumed to share some responsibilities on handling legal affairs. From this standpoint, it is not accidental that “the account of summaries of investigations” was in the inventory of the accounts collected by the Bureau of Households on board no.8-488.

The texts on boards nos. 8-488 and 8-487+8-2004 containing the Bureau of Households both referred to the legal files. With only these two examples, it might be improper to jump to a conclusion whether this is a coincidence or not. When counting the occurrences of the phrase *hu cao* in the LY manuscripts, three courier receipts might provide some insights into this respect. Here are the images of them:

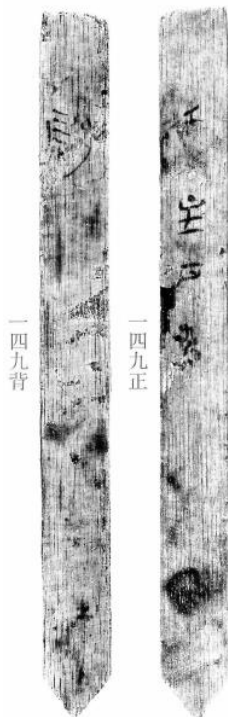
³¹⁴ See fn. 261, pp.111-112.



8-1489 *LYQJ* 1, 187

廷戶曹
尉

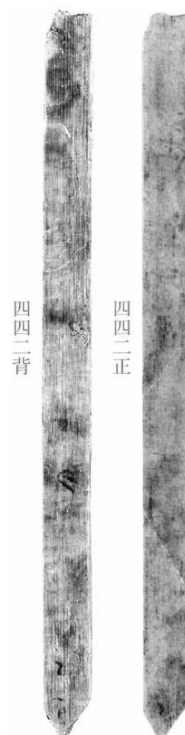
The Bureau of
Households at the
[Prefecture] Court
The Commandant [Office]



9-149 *LYQJ* 2, 33

廷主戶發
尉

To be opened by the
official in charge of the
[Bureau of] Households at
the [Prefecture] Court
The Commandant [Office]



9-442 *LYQJ* 2, 60

廷主戶發
尉³¹⁵

To be opened by the
official in charge of the
[Bureau of] Households at
the [Prefecture] Court
The Commandant [Office]

These three slips have writing on both sides, and the content of them is almost the same. One side³¹⁶ of each of these three slips recorded the Commandant (*wei* 尉). The graphs on the other sides of them were a little different, with one marked to be sent to the Bureau of Households and the other two to be opened by the officials in charge of the Bureau, but they virtually convey the same meaning.

Two sides of these slips were both marked with the Commandant and the Bureau

³¹⁵ Due to the poor condition of this slip, the editors of *LYQJ* 2 and *LY* 2 did not provide the transcription of the side with the graph *wei* 尉. Although this graph seems to be undecipherable, it is almost identical to the graph *wei* after comparing it with the other deciphered graphs *wei*.

³¹⁶ The editors named the two sides of these slips rectos and versos, respectively, but they do not tell how they discriminate between these two sides. For some slips or boards that contain the beginning of the documents, it is easy to define the front sides and the backsides. However, for some slips or boards, as these three examples, the rectos or versos are not explicitly marked. For this kind of slips and boards, it might be more proper to leave the question open.

of Households. This might indicate that the documents attached to these courier receipts would be sent to one of these two places firstly and the other subsequently. However, since the front sides and the back sides of them are hard to distinguish, the speculation about which bureau or official received the document first cannot be easily made. The situation that these documents having been transmitted to both addressees simultaneously is also possible. Another hypothesis could be made from the perspective of the attribution relationship between the two noted addressees. The Bureau of Households might locate at the place where the Commandant Office was, and it is likely to be one of the affiliated bureaus supervised by the Commandant. Another courier receipt on slip no.1498 (YL 1, 339-340) recording *ting zhu cang* 廷主倉 “the official in charge of the Granary at the Prefecture Court” and *cang* 倉 “the Granary” on the two sides, respectively, is the only comparable example. In the light of this slip, the side with one graph might indicate the place where the official mentioned on the other side worked. Even though only three instances contain the Bureau of Households and the Commandant simultaneously, it might not be a coincidence that these two addressees occurred on the same slip. The relation between them is worth more attention.

3.2.2 The Commandant and its relation to the household management

As for the prefecture-level Commandant, there is no precise definition of this office. We only have some general ideas that it was in charge of the military force and responsible for the public security. In addition, its head, also called Commandant, was perceived to be in a lower status than the head of the Prefecture Court, the Prefect. One very brief record about *wei*, the head of the Commandant Office, in the *Hanshu* states:

縣令、長，皆秦官，掌治其縣。……皆有丞、尉，秩四百石至二百石，是為長吏。³¹⁷

³¹⁷ HS 8, 742.

The prefectural Prefect,³¹⁸ an official established by the Qin, governs the whole prefecture. ... [all prefectures] have Vice Prefect and Commandant³¹⁹ each, whose salaries vary between 400 bushels and 200 bushels. They are all superior officials.

The information provided by this text is quite limited. Yan Gengwang 嚴耕望 analyzes the Commandant based on the record in the *Houhanshu*³²⁰ and makes three points about it. He believes that the duty of the Commandant was to deal with the affairs related to theft, rebellion and other crimes, and to ensure public security. The official was also responsible for arranging the soldiers' scheduling. In addition, he says that the territorial scope under the jurisdiction of the prefectural Commandant was named *bu* 部 "section"; thus, the Commandant Office was normally located away from where the Prefect worked.³²¹ Some other scholars also discuss this official title, but most of the arguments follow Yan's viewpoint, and they mainly focus on the comparison between the Commandant and the Vice Prefect (*cheng* 丞).³²²

Due to more and more manuscripts having been published, it is evident that the functions of the Commandant are sophisticated. Five selected provisions from the "Miscellaneous Statutes on the Commandant" (*Wei zu lü* 尉卒律)³²³ and four slips

³¹⁸ The titles *ling* 令 and *zhang* 長 refer to the same position. The head of a prefecture with 10,000 households and more was called *ling*, with a salary varied between 1000-600 bushels per year. The head of a smaller prefecture with less than 10,000 households was called *zhang*, paid 500-300 bushels.

³¹⁹ On the basis of the Yinwan manuscripts, it is not uncommon that two commandants were present in one prefecture. Here is one instance (YW, 3): 海西吏員百七人，令一人.....尉二人，秩四百石。"There are 107 officials and functionaries in Haixi Prefecture: one Prefect... two Commandants, with a salary level of four hundred bushels".

³²⁰ See *HHS* 28, 3623: (縣)丞各一人。尉大縣二人，小縣一人。本注曰：.....尉主盜賊。"(Establish) one Vice Prefect for each prefecture. (Establish) two Commandants for one large prefecture and one Commandant for a small prefecture. Liu Zhao 劉昭 (ca. 6th cent. CE) annotates: ...the Commandant is in charge of robberies and assaults."

³²¹ See Yan Gengwang (2007), 220-221. Although Yan says the territorial scope managed by the Commandant was named *bu*, the phrase *wei bu* 尉部 could not be found from the manuscripts. Some other phrases related to *bu* such as *xiang bu* 鄉部, *xiao zhang X bu* 校長某部, *zhang bu* 鄣部 might be taken as references. *Wei bu* as an area in which the duty of a Commandant performed was assumed to be different from the administrative division.

³²² See Zou Shuijie, 2006; Wu Fangji, 2017.

³²³ The editors of the YL manuscripts provide two possible interpretations of this statute title. They think the character *zu* 卒 might be an alternative of *za* 雜, and the title means the "Miscellaneous Statutes on the Commandant. Another possibility is that *zu* may be the abbreviation of *zu shi* 卒史 "provincial secretaries". Zhou Haifeng 周海鋒 believes *zu* is a phonetic loan of *cui* 萃, and the title means the assembly of the statutes related to

bearing the title “Miscellaneous Ordinances on the Provincial Commandant (*Wei jun zu ling* 尉郡卒令)” from the YL manuscripts are available. According to these materials, Zhou Haifeng 周海鋒 argues that the Commandant plays a vital role in accounting and population management.³²⁴ The articles under the title “Miscellaneous Ordinances on the Provincial Commandant” are not available, and the only additional information provided by these title slips is the serial numbers *jia* 甲 “No. 1”, *yi* 乙 “No. 2”, *bing* 丙 “No. 3”, and *ding* 丁 “No. 4”, probably marked by the scribes when they were compiling these ordinances. Five articles under the title “Miscellaneous Statutes on the Commandant” have been reconstructed by the editors of YL 4. Among those five items, two of them concern population management. One regulates how to make accounts of the changing status of the population from the village level to the prefecture level. The other is about controlling the people passing through boundaries. It is no wonder that the Commandant was liable to control the passes and boundaries and punish the absconding, but its duty on population management has not received much attention.

The statute (YL 4, 114-115: 1397+1372) related to making accounts from the village level to the prefecture level was cited in the proceeding part (sub-chapter 3.1, pp. 82-83). Although this item was not put in the “Statutes on Households”, all the situations listed in the statute, including the people who were newly born, who immigrated or emigrated, who died or absconded, all imply the increase or decrease of the population in a region, which suggests that the Commandant was deeply involved in population management. What warrants more attention is that these population changes were prescribed to be reported to the Commandant. Furthermore, after the changed information was assembled, the person who would note the changes in the registers was the functionary in the Commandant Office, probably the Scribe of

the prefectural Commandant. Since there are two statutes placed under the title *wei za* 尉雜 in the SHD manuscripts, which was translated by Hulsewé as “Statutes concerning the Commandant; miscellaneous”, this statute title “*wei zu li* 尉卒律” was tentatively translated as “Miscellaneous Statutes on the Commandant”. In addition, whether the Commandant in this title was the provincial Commandant or the prefectural Commandant is not assured. The stipulations under this title are basically related to the prefectural Commandant, but it is also reasonable to interpret it as the provincial Commandant, for the prefectural Commandant must be supervised by the provincial Commandant.

³²⁴ See Zhou Haifeng, 2016.

the Commandant. Coincidentally, the household and population account of Dongyang Prefecture (see pp. 117-118) was discovered in the tomb of a person who was probably the Commandant of Dongyang.

Combining this statute with the three previously presented courier receipts that bear “the Commandant [Office]” and “the Bureau of the Households [at the Prefecture Court]”, it appears to make sense why the Commandant Office was marked on these slips together with the Bureau of Households. The Commandant Office was responsible for population control; thus, the Bureau of Households might be under the jurisdiction of the Commandant. If this hypothesis is true, the Bureau of Households might also need to share some responsibilities for processing the legal documents. Then it becomes intelligible that the account of summaries of investigations was included in the inventory of accounts handled by the Bureau of Households (board no. 8-488, pp. 133-134). Also, the record about the legal files mentioned to be forwarded together with the household numbers by the Head Scribe of the Bureau of Households (board no. 8-487+8-2002, pp.134-135) is not implausible.

Another possibility is that the Bureau of Households was subject to both the civil administration and the military. Two systems respectively led by the Prefect and the Commandant functioned throughout the Qin and early Han periods. The Bureau of Households, which could provide the data of households and population necessary for both the civil administration and the military system, might need to coordinate with both the Prefect and the Commandant.

Several other statutes and administrative documents shed light on the population control and the household management practiced by the Commandant Office. One statute from the YL collection gives the example that the Scribe of the Commandant was responsible for the population registration, though some fractions of this statute are missing. It reads:

……尉史知其不自占而弗籍及弗論者，貲二甲，廢。其有移徙它縣者，必
□□₁₁₈₁□有能告不自占者一人，購金一兩。₁₁₈₃ YL 5, 208-209

... the Scribe of the Commandant, who knows that some people do not make self-reports to the government thereby are not registered yet do not sentence them, is fined two suits of armor and dismissed from office. Those who moved to other prefectures¹¹⁸¹... someone who could report one person not having made a self-report to the government shall be rewarded with one *liang* of gold. ¹¹⁸³

In this statute, the Scribe of the Commandant was liable for failing to report those people not registered in the government. Besides, the punishment for this dereliction of duty would cost him his position in the government. This regulation reversely states that one crucial obligation of the Scribe of the Commandant was to keep the population registration under scrutiny.

Table 3.14: The occurrences of *wei shi* 尉史 “Scribe of the Commandant” in the manuscripts

LY	SHD	YL	ZJS
13	0	12	4

Most occurrences of the Scribe of the Commandant in the manuscripts were involved in affairs about labor services, military services, and public security, while two provisions from the “Statutes on Establishment of Heirs” show some other cases that the Commandant and the Scribe would be punished for not establishing heirs on time. The texts are as follows:

1. □□□不審，尉、尉史主者罰金各四兩。³⁸⁸ *ENLL*, 240

... carelessly: the Commandant and the Scribe of the Commandant in charge, fine four *liang* of gold each. ³⁸⁸³²⁵

2. 當置後，留弗爲置後過旬，尉、尉史主者罰金各四兩。³⁸⁹ *ENLL*, 240

[A person] matching being established as an heir, but [the officials] delaying and

³²⁵ Translation from Barbieri-Low and Yates (2015, 863), with modifications.

not acting to establish him as heir for more than ten days: for the Commandant and the Scribe of the Commandant in charge, fine four *liang* of gold each. 389³²⁶

Slip no.388 is broken, and the precondition of the punishment is unknown, but the fragment recording the Commandant and his Scribe who should be punished was preserved. The content of slip no. 389 directly demonstrates that it was the Commandant and his Scribe responsible for the establishment of heirs. Establishing heirs is an important business that relates to almost every household and the transition of the householder status. These two provisions further imply the deep engagement of the Commandant Office in the household and population management.


The “Statutes on Establishment of Heirs” could only be found in the ZJS manuscripts, whereas an ordinance from the YL collection also deals with the establishment of heirs, which would supplement more information. It reads:

• 丞相上南陽假尉書言：【責】³²⁷興耆、小、簪裹未等追群盜，未與鬪，死
事。議：為未置後。它⁰⁶⁶¹有等比。 • 卅⁰⁵⁷⁷³²⁸

The Chief Minister submitted a document from the Probationary Commandant of Nanyang Commandery that stated: [Ze] levied Qi, Xiao, the third rank holder Wei and other people to pursue a robber gang. Wei fought [with the robbers] and died in service. We propose: to establish an heir for Wei. Other similar cases⁰⁶⁶¹ compare to this one. • Thirty⁰⁶⁶¹

Initially reported by the Probationary Commandant of Nanyang Commandery, this document was submitted to the imperial court by the Chief Minister.³²⁹ It is clear

³²⁶ Translation from Barbieri-Low and Yates (2015, 863), with modifications.

³²⁷ The picture of this graph is , composing three parts: *ze* 責, *fu* 夫 and *yi* 邑, which has not been deciphered yet. It might be the name of the official who levied the following people to pursue the robber gang.

³²⁸ This ordinance has not been published yet, which was put in the forthcoming seventh volume of the YL collection by the editors.

³²⁹ According to this ordinance, the establishment of the heir for the person who died in service was an official business, finally decided by the imperial court. This might be because the heir was probably conferred the same

that the Commandant was obliged to the affairs related to the establishment of heirs; otherwise, this document would be handed in by other officials. However, this case has its particularity because the person for whom an heir would be established died in service. Thus, we could not conclude that all the heirs were established by the Commandant.

Another fragmentary document excavated from Wuwei City 武威, Gansu Province 甘肅省 bears the title “Ordinances on the Commandant” (*Wei ling* 尉令), and a short passage probably abstracted from the ordinances under this title. The extracted part is a stipulation linked to substituting as householders. The date *Jianwu shijiu nian* 建武十九年 (43 CE) appears on one of the slips excavated at the same site; thus, this slip was presumably produced around the beginning of the Eastern Han. Compared to the statutes and ordinances of the Qin or the beginning of the Western Han, the date of this text is rather late, but it reveals some hints about the relationship between the Commandant and the household management. The text is:

“代戶，父不當為正，奪戶。”在尉令第五十五。行事太原武鄉嗇夫□□

330

“For substituting as a householder, if his father is not the firstborn legitimate son, his substitution to the householder should be deprived.” [It is] in the no. 55th article of Ordinances on the Commandant. Processed (?)³³¹ by the Bailiff of Wu District, Taiyuan Commandery...

The phrase “to substitute as a householder” (*dai hu* 代戶) has been discussed in Chapter 2 under the subtitle “succeed a household”.³³² This phrase occurs in the

rank as his predecessor, unlike the general rank inheritance.

³³⁰ See Li Junming and Liu Jun, 1993.

³³¹ Since the following text is missing, the phrase *xing shi* 行事 is hard to understand. This phrase was used in both the legal texts and the administrative documents. In the legal texts, it appears as *ting xing shi* 廷行事 “precedents of the court” or *bi xing shi* 比行事 “analogous cases and precedents” (cf. Lau and Staack, 71-72). In the LY administrative documents, it was used in the formulaic phrase *yi...xing shi* 以.....印行事 “processed with the seal of X”. We tentatively translated this phrase in this sentence as “processed”.

³³² See Chapter 2, pp 44-58.

“Statutes on Households” and the “Statutes on Establishment of Heirs” in the *ENLL*. As stated by Barbieri-Low and Yates, “this is usually the case when a legal heir, such as a child, grandchild, parent, or wife, ‘substitutes’ (*dai* 代) for the householder when he or she dies.”³³³ Different from the two *ENLL* statutes, this text was clearly stated to be extracted from the “Ordinances on the Commandant”.

Li Junming and Liu Jun 劉軍 believe that the Commandant mentioned in this text should be the Commandant of the Court (*ting wei* 廷尉),³³⁴ while on the basis of this short text, it is not easy to identify which level this Commandant denotes to. Nevertheless, this short text demonstrates that there might be some provisions in association with households in the “Ordinances on the Commandant”; namely, in household management, the Commandant must have played an important role.

To briefly sum up, the Commandant was widely and deeply involved in household management. Compared with the Bureau of Households, the Commandant or the Commandant Office seems to figure more prominently in making household and population accounts, establishing heirs and processing household-related administrative communication. The Bureau of Households might fundamentally deal with the written records, the annual population census and the maintenance of the storehouse. Reviewing the “Accounts Inventory of the Bureau of Households”, it is possible that there was a storehouse governed by the Bureau of Households placing the documents that were handled by this bureau. The functionaries of this bureau might primarily provide secretarial service and were not principal participants in administrative communication.

3.3 Summary

The chapter aims to elaborate on household management of the Qin and early Han periods. The discussion was proceeded by examining the functions of the four local levels—village, district, prefecture and commandery, respectively. Firstly, we

³³³ See Barbieri-Low and Yates (2015), 810-811.

³³⁴ *Ibid.*, n. 128.

started by illustrating the village sizes revealed by the manuscripts, but due to the regions' diversity and unbalanced development, it is hard to reach a conclusion of a general village size throughout the whole empire. Nevertheless, we have got the basic impressions about the population distribution, and in the area—present-day Huan Province and Hubei Province where most of our manuscripts were discovered, each village had an average of approximately 30 households. Then, the appointment of the Head of the Village was analyzed, including two sections: the procedure of the appointment and the requirements for the candidates. The Prefectural Commandant was entitled to the appointment of a Head, while the administrative document was transferred by the Prefect or the Vice Prefect. The priority of candidates of the Head of the Village goes to the persons who were aged and did not hold ranks. Of particular notice is that the adult persons in their ages of government service were not allowed to be appointed.

The district was an essential part of the hierarchical process of household management. The functionaries of the District Office were responsible for making the household registers of the village and a copy. The original ones were kept in the district and the duplicates were forwarded to the prefecture. Besides, they also needed to submit the annual district account of the household and population. In the argument of the functions, household registers of different periods were listed to show how the government pinpointed and controlled the people. The district-level accounts of households in Qin and Han times were displayed as well.

At the prefecture level, a specific storehouse was used to store the household registers, the census accounts reported by the districts and other household-related documents such as the last wills. Besides, the household and population accounts that were submitted to the commandery were probably composed of several detailed accounts, with the accounts of the adult and non-adult persons and the exempted persons separated. There are not many records about household management in the commandery government. However, one household and population account of the Lelang Commandery (present-day Korean Peninsula) was available, exemplifying the

commandery-level account. In addition, the Bureau of Households was also present at the Commandery Court, which might deal with the secretarial work of household related.

In the following part, more efforts were devoted to clarifying two organs in the prefecture: the Bureau of Households and the Commandant Office. The exploration of the Bureau of Households was based on the classification and collection of the related documents from the LY corpus. Many slips and boards recording the Bureau of Households served as the addressees of official letters, implying that many documents were sent to this bureau. Moreover, three slips bear the Bureau of the Households on one side and the Commandant on the other side. It is unreasonable to conclude that the Bureau of Households was subject to the Commandant Office, but it suggests that these two organs were closely related.

Chapter 4: Household Tax (*hu fu* 戶賦)

The term *hu fu* 戶賦 “household tax” was barely used in the received texts of the Qin and Western Han periods, and only one occurrence is available in the Biography of Xiao Wangzhi (ca. 114-47 BCE) (《蕭望之傳》) in the *Hanshu*. The text reads:

今有西邊之役，民失作業，雖戶賦口斂以贍其困乏，古之通義，百姓莫以為非。

師古曰：“率戶而賦，計口而斂也。”³³⁵

Now there is warfare in the West and the people lost what they lived by. [Under this circumstance], even if collecting household tax and poll tax to relieve poverty has been a common understanding since ancient times, and people do not think it is incorrect.

Yan Shigu (581-645) says: “[Household tax] is levied per household, and [poll tax] is collected by counting the heads.”

This occurrence might only point to the collection of this tax category in Western Han’s latter time. Due to a lack of documentation, it was unclear if the household tax was collected throughout the Qin and early Western Han periods. With the term *hu fu* 戶賦 featuring in the SHD manuscripts, the existence of a tax or a collection of taxes with this name in Qin times is out of question. Furthermore, the subsequent published publications, which include legal texts and administrative records, provide additional information on how the relevant policies were implemented.

The definition of *hu fu* has been widely argued. Some scholars believe the phrase *hu fu* denotes a collection of multiple taxes encompassing all the taxes levied from a household, including poll tax, child tax and the narrow sense household tax.³³⁶ Nevertheless, Yu Zhenbo and Zhu Shengming 朱聖明 argue that *hu fu* is a single

³³⁵ HS 78, 3276.

³³⁶ For more, see Gao Min, 2003; Zhang Rongqiang, 2004.

category of tax distinguished from poll tax and hay and straw tax,³³⁷ which has been accepted by many scholars at present. In the Qin and early Han legal texts, household tax, land tax and poll tax are differentiated. Also, in the Fenghuangshan corpus, the poll tax collected from three villages was recorded as exclusive entries.³³⁸ Therefore, we follow the viewpoint of Yu Zhenbo and Zhu Shengming, and refer to *hu fu* as a technical term, excluding poll tax and land tax in this chapter.

Based on the record in the *Shiji*: “In the 14th year [of Duke Xiao] (348 BCE), the tax was initially levied” (秦孝公十四年，初為賦，³³⁹ Zhang Jinguang 張金光, Li Hengquan 李恆全, and Zhu Degui 朱德貴 assume that the “tax” mentioned in this text designates a household tax and this entry signifies the initiation of this tax in the Qin state.³⁴⁰ The Qin commoners were required to register their households with the government beginning in the year 375 BCE.³⁴¹ It is possible that a levy was established in the Qin state shortly after this occurrence to tax the new units—households—but this notion has yet to be confirmed. Despite the fact that we may never know when or from which state this levy was imposed, the new sources convince us that the household tax was in use during the Qin and early Han periods.

The related statutes and ordinances in a few corpora illustrate the concrete stipulations on the household tax collection of that period. The specially carved tallies from the LY site used as certificates of the reception of household tax preserved by the Lesser Treasury (*shao nei* 少內) as well as one document with records of the household tax collected from two villages of the Han time, which very likely have functioned in the administrative process, are also available.

³³⁷ See Yu Zhenbo, 2004; Zhu Shenming, 2019.

³³⁸ See *Jiangling Fenghuangshan Xihan jiandu*, 97-102. Two boards bear the poll tax records of three villages: Shiyang 市陽, Zhengli 鄭里 and Dangli 當利. It is marked in the *Hanshu* that from the fourth year of Emperor Gaozu (203 BCE), the levy of the poll tax (*suan fu* 算賦) was put into practice. See *HS* 1, 46. Seemingly, such a poll tax was not levied in Qin.

³³⁹ *SJ* 5, 203.

³⁴⁰ See Zhang Jinguang, 1983; Li Hengquan, 2012; Zhu Degui, 2019.

³⁴¹ *Shiji* records that “in the tenth year [of Duke Xian] (375 BCE), [Duke Xian] had the people enumerated into household registers and been [mutual responsible] in the Units of Five” (秦獻公十年，為戶籍相伍).

4.1 The Regulations in the Qin and Han Statutes on Household Tax

Apart from the above-cited text from the *Hanshu*, the uncovering of the SHD manuscripts provides one more evidence of the usage of the term *hu fu*, which occurs in the *FLDW* elaborating on the phrase “conceal households” (*ni hu* 匿戶). It states:

何謂“匿戶”及“敖童弗傅”？匿戶弗徭使，弗令出戶賦之謂匿。¹⁶⁵

QJDHJ, 262

What is the meaning of “conceal households” as well as of “older children³⁴² not enrolled [as adults in the government]”? To “conceal households” is not to levy corvée and other labor services, as well as not to order these households to pay household tax. That is the meaning.¹⁶⁵

At the start of this paragraph, a question about the meanings of two terms is posed, yet it appears that the answer section only explains the first phrase. In the *FLDW* corpus, all the other analogous texts with a question about the meanings of two phrases explain both the problematic words. We thereupon suspect that the interpretation of the second phrase—“older children not enrolled” (*ao tong fu fu* 敖童弗傅) of this text might have been omitted intentionally or unintentionally by the scribe, or it had already been missing in its original text from which this text copied.³⁴³ Although this text uses the phrase *hu fu*, it does not go into great length about its meaning. Nonetheless, the YL and ZJS texts confirmed the practice of levying the household tax in both the Qin and early Han periods; moreover, they further disclose the specific rules for how the tax should be collected and how much each household should pay in the form of written legislation. Ahead of specifying the

³⁴² Hulsewé translates the term *ao tong* 敖童 as “stalwart youths” (Hulsewé, 1985: 115), but he does not translate this legal text. Although scholars have already brought forward many explanations about this phrase, it still remains problematic. For more detailed arguments, cf. *QJDHJ*, 183-184. We follow the interpretation of the *SHD* (1990), in which *ao tong* is rendered as *cheng tong* 成童, referring to the young male persons aged 15-year-old or above but had not reached the age of registration as adults, presumably 17-year-old in Qin and early Han times. See *SHD* (1990), 87.

³⁴³ The picture of the slip is clear, and there is still much space left after the text. The lack of an explanation of the second phrase was not caused by physical damages to the slip.

provisions from these two corpora, an item from the YL collection comparable to the above SHD text (slip no. 165) is noteworthy. The text is as follows:

匿戶弗事、匿敖童弗傅，匿者及所匿，皆贖耐。逋傅，貲一甲。其有物故，不得會傅，²⁰⁷² 爲匿之。²⁰¹⁷ YL 4, 64-65

（何謂“匿戶”及“敖童弗傅”？匿戶弗徭使，弗令出戶賦之謂匿。¹⁶⁵）

For concealing households so that they do not serve, as well as concealing older children so that they are not enrolled as adults, all the people who conceal and are concealed, in any case, pay the fee for redemption from shaving. For those who evade enrolling as adults, fine one suit of armor. Should a relative die thereby one could not catch up with the enrollment,³⁴⁴²⁰⁷² it is considered as concealing.³⁴⁵²⁰¹⁷

Comparing this statute with the SHD text (slip no. 165), it is not difficult to find that two same phrases—*ni hu* 匿戶 and *ao tong fu fu* 敖童弗傅—were used in these two different types of legal texts. As neither a statute nor an ordinance, the SHD text engages in explaining technical terms other than specifying a legal affair, making it an annotation or, as it were, a marginal note of a similar or identical statute to this YL item. Despite the fact that these two texts, which employ the same terminology at the same time, are from two different sorts and collections, they both reflect the authorities' aim to restrict its people from “concealing households”. Both those who concealed and those who were concealed would face harsh consequences as a result of their actions. The importance of households as critical resources for the government is formulated by the repeated usages of the appropriate terms in these two texts, although they do not include minute restrictions on household tax.

How the household tax should be collected and how much each household

³⁴⁴ The time for enrollment as adults is probable the eighth month of a year. There is no hint about the enrollment time in the “Statutes on Enrollment” from the ZJS collection, but one slip in the SHD records: “For the minor bond servant convicts who are enrolled as adult bond servant convicts in the eighth month, increase their food rations in the tenth month” 小隸臣妾以八月傅為大隸臣妾，以十月益食 (QJDHJ, 84: 53). According to this stipulation, it can be surmised that the eighth month is the set time for one being enrolled as adults in the government. However, the SHD text only concerns a certain group of people; thus, whether the eighth month is the enrollment time for the general public needs further evidence.

³⁴⁵ The connection between these two slips is not very plausible, and some words between them are likely missing.

should pay in the Qin and the early Han are shown by two statutes from the YL collection (YL 4, 107: 1287+1230+1280) and the ZJS collection (*ENLL*, 193: 255), respectively. Remarkably, these two statutes of distinct periods are quite similar, but they were put under different articles. The editors of the *ENLL* compiled the statute, basically according to the position of the slip when it was cleaned up, into the “Statutes on Agriculture” (*Tian lü* 田律); however, the comparable statute in the YL corpus was noted with the title “Statutes on Finance” (*Jinbu lü* 金布律). Based on the later published YL text, Chen Songchang says the statute (slip no. 255) related to household tax in the *ENLL* should be re-compiled into the “Statutes on Finance”.³⁴⁶ When we look through all the other items under the title “Statutes on Agriculture” in the *ENLL*, they virtually all concern agricultural fields, land tax, woods and livestock, and only one item (slip no. 255) refers to household tax. There is a high possibility that this item was originally a component of the “Statutes on Finance”, and the current reconstruction of the slip order is improper. Nevertheless, throughout Qin and early Han times, categorization of statutes and regulations was still in its infancy, and overlapping or mixing of some items under several categories was not uncommon. Thus, the affiliation of the statute in the *ENLL* remains uncertain.

The two texts read as follows:

• 金布律曰：出戶賦者，自泰庶長以下，十月戶出芻一石十五斤；五月戶出十六錢，其欲出布者，許₁₂₈₇之。十月戶賦，以十二月朔日入之，五月戶賦，以六月望日入之，歲輸泰守。十月戶賦不入芻而入錢₁₂₃₀者，入十六錢。———吏先【為？】印斂，毋令典、老挾戶賦錢。₁₂₈₀³⁴⁷ YL 4, 107

Statutes on Finance say: those who pay household tax, for [holders of] the eighteenth rank or lower, in the tenth month, per household is to pay out one hundredweight and 15 pounds of hay;³⁴⁸ in the fifth month, per household is to

³⁴⁶ See Chen Songchang, 2016.

³⁴⁷ The character *wei* 為 is not very clear, but currently we do not have a better proposal.

³⁴⁸ For the classification of units of weight and volume used in Qin and early Han times, see appendix 2. One

pay out 16 cash. For those who wish to pay out cloth,³⁴⁹ it is permitted.¹²⁸⁷ The household tax of the tenth month should be handed in [before or] on the first day of the twelfth month; the household tax of the fifth month should be handed in [before or] on the fifteenth of the sixth month; [the collected household tax should be] annually transported to [the office of] the Commandery Governor. Those who do not pay out the household tax of the tenth month by hay but by cash, pay 16 cash. ————— Officials [who collect the household tax] must [use] seals. Do not order the Head and the Elder of the Village to hold the household tax cash.¹²⁸⁰

卿以下，五月戶出賦十六錢，十月戶出芻一石，足其縣用，餘以入頃芻律入錢。²⁵⁵ ENLL, 193

For one holding Ministerial rank (rank nos. 10th- 18th) or lower,³⁵⁰ in the fifth month, per household is to pay out 16 cash as household tax; in the tenth month, per household is to pay out one hundredweight of hay. [After] the prefecture's needs are satisfied, the surplus is to be taken in cash according to the statute on taking in hay with respect to the number of hides [of agricultural fields].²⁵⁵³⁵¹

It is worth noting that in the YL text, a space of about ten characters was left between the last two sentences on slip no. 1280, and the sentence after the space was supposedly written by another hand. Chen Songchang thinks the last sentence might

hundredweight is equal to 120 pounds.

³⁴⁹ The cloth (*bu* 布), here referring to a standard-size cloth made of silk or hemp, was one of the currencies circulated in Qin times. Cloth and cash could be exchanged with a certain conversion rate. According to the record (QJDHJ 91: 67) 錢十一當一布。其出入錢以當金、布，以律。“Eleven cash are equivalent to one ‘cloth’.” When cash are disbursed or entered to serve as equivalent for gold or cloth, this is to be done by the statute.” (Translation from Lau and Staack, 114) It appears that cloth had lost its monetary attribute since the Han period, but the usage of the character *bu* in the title “*Jinbu lü*” was sustained in the Han law.

³⁵⁰ Ministerial rank (*qing* 卿) refers to all the ranks from the tenth rank (*zuo shu zhang* 左庶長) to the eighteenth rank (*da shu zhang* 大庶長). This classification of ranks into larger categories might derive from the Zhou period, during which nobles were sorted out as *hou* 侯 (Marquis), *qing* 卿 (Minister), *da fu* 大夫 (Grandee), and *shi* 士 (Knight). Cf. Li Junming, 2002; Yu Zhenbo, 2004. For more discussions about the Ministerial rank and its relationship with the household tax, cf. subchapter 4.1.1.

³⁵¹ Translation from Barbieri-Low and Yates (2015, 701), with modifications.

be later added to the statute to exemplify the implementation of the regulation.³⁵² Compared with the second cited statute from the *ENLL*, the first few lines before the blank space appear to compose a general regulation on household tax that circulated empire-wide, whereas the last sentence after the space explicitly referring to the Head and the Elder of the Village was probably supplemented by a functionary from the local administration. We can get a peek of household tax management at the village level with this little addendum, which we haven't seen anywhere else. Furthermore, the addition of text by another hand to the same slip shows that this statute was evaluated and collated by another individual after it had been copied.

In contrast, these two texts share many similarities, and some parts even appear to be almost identical, indicating that the regulations on household tax through the Qin and the early Han remain roughly consistent. However, some subtle changes that will be further discussed in the following passages are not difficult to notice. In summary, these two statutes show who should pay household tax, how much household tax per household should submit, and how the household tax revenue (cash and in-kind) was managed at various (administrative) levels in the Qin and early Han periods. With the aid of other related legal texts and administrative documents, it is possible to substantially outline the provisions and the real practices on the household tax collection.

4.1.1 The payers of household tax and the Ministerial rank

The payers of household tax were described in different phrases in the above two statutes, with the phrase *tai shu zhang yi xia* 泰庶長以下 “the 18th rank and lower” in the YL text and the phrase *qing yi xia* 卿以下 “Ministerial rank and lower” in the ENLL text. Zhu Jiping 朱繼平 and Zhu Shengming address that the payers of household tax only involve the households with their householders ranking lower than the Ministerial rank or without ranks, namely, the households of Ministerial rank

³⁵² See Chen Songchang, 2016.

holders were not obliged to pay household tax.³⁵³ However, it is assumed by Yu Zhenbo and Yang Zhenhong that the phrase *qing yi xia* should be understood as the Ministerial rank and the lower ranks, and the households of the Ministerial rank holders should also pay household tax.³⁵⁴ In view of the paralleling formulation—*tai shu zhang yi xia* “the 18th rank and lower” in the YL statute, it is undisputed that the phrase *qing yi xia* “Ministerial rank and lower” implies the Ministerial rank and the lower. Thereupon, the households with householders ranked 18th and lower were the ones that paid the household tax. The use of the word “Ministerial rank” in another statute draws even more emphasis to this fact. Despite that it is not directly associated with household tax, it contributes to the comprehension of the household system, which states:

【卿】³⁵⁵以上所自³⁵⁶占³⁵⁷戶田，不租，不出頃芻藁。³¹⁷³⁵⁸ *ENLL*, 218

For the agricultural fields of [a man holding] Ministerial or higher rank which are registered in his own name: one does not assess the [agricultural fields] tax nor require payment of the hay and straw tax, assessed according to each hide of land.³¹⁷³⁵⁹

³⁵³ See Zhu Jiping, 2011; Zhu Shengming, 2014.

³⁵⁴ See Yu Zhenbo, 2004; Yang Zhenhong, 2012.

³⁵⁵ Half of this graph is missing, but according to the left part and the context, it is reasonable to decipher this graph as *qing* 卿.

³⁵⁶ Barbieri-Low and Yates quote the view pointed by Zhangjiashan Hanjian yandu ban (2005), which suggests that “*zi* 自 (self/personally) might be an orthographic loan for *zhan* 占 (to assess and report)”, but they follow the original transcription in the *ENLL*. See Barbieri-Low and Yates (2015, 792: fn. 10). In terms of the image, this graph is *zi*.

³⁵⁷ This graph was transcribed as *tian* 田 in the *ENLL*, but by contrast to other images of *zhan* 占 (e.g., slip no. 260), it is very likely that this graph should be transcribed as *zhan* other than *tian*.

³⁵⁸ Wu Wenling 鄔文玲 transcribes this sentence as: [卿]以上所受田、戶，田不租，不出頃芻藁. See Wu Wenling, 2013. There are three versions of the transcription of this text now:

ENLL: [卿]以上所自田戶田，不租，不出頃芻藁。

Wu Wenling: [卿]以上所受田、戶，田不租，不出頃芻藁。

This paper: [卿]以上所自占戶田，不租，不出頃芻藁。

³⁵⁹ Translation from Barbieri-Low and Yates (2015, 793), with modifications.

Based on the transcription in the *ENLL*, reading as *suo zi tian hu tian* 所自田戶田, Barbieri-Low and Yates quote the interpretations by Gao Min, Tomiya Itaru, and SDNRK³⁶⁰. Gao Min (2002) believes *zi tian* 自田 signifies the fields owned by the Ministerial rank holders who got the distribution from the Qin government, and after the establishment of the Han empire, Emperor Gaozu allowed them to resume the ownership of these fields and did not allocate them new fields.³⁶¹ Tomiya Itaru (2006) suggests that the ‘household fields’ (*hu tian* 戶田) indicate all the state-allotted fields owned by one household, and *suo zi tian* 所自田 are “those that one personally cultivates,” opposed to those rented out to tenants.³⁶² SDNRK (2006) follows his opinion and adds that the high-ranking persons would not have to work the land personally, but their slaves or other household members could have worked it.³⁶³ In light of the translation of this statute, Barbieri-Low and Yates also follow the explanation of Tomiya Itaru and they translate the phrase as the fields “that he personally cultivates.”

Different from the *ENLL* transcription, Wu Wenling (2013) suggests that it should read as “*suo shou tian hu* 所受田、戶”. Based on her transcription, she notes that people in Ministerial or higher positions had relatively high prestige, and they were given fields and towns from which they could extort tax payments. Their agricultural lands were exempt from land tax, but the households who lived in their enfeoffed towns were still required to pay land tax. Also, she addresses that if the high-rank holders had above-quota fields apart from the fields allotted by the government, they should pay taxes for them.³⁶⁴

The above discussions that centered on interpreting the text *de facto* all concern the privileges of the land-use right entitled to the elevated rank holders. On the basis

³⁶⁰ Barbieri-Low and Yates use it for the abbreviation of Senshū daigaku *Ninen ritsuryō kenkyūkai* 專修大學『二年律令』研究會.

³⁶¹ See Gao Min, 2002. Quoted from Barbieri-Low and Yates (2015, 809).

³⁶² See Tomiya Itaru, 2006. Quoted from Barbieri-Low and Yates (2015, 809).

³⁶³ See SDNRK, 2006. Quoted from Barbieri-Low and Yates (2015, 809).

³⁶⁴ See Wu Wenling, 2013.

of the *ENLL* transcription, the explanation of Tomiya Itaru is literally convincing. Wu Wenling's point of view also seems reasonable, but her modified transcription is groundless speculation that she does not provide any evidence. Besides, the taxation system in the enfeoffed towns of the Han needs further exploration, and it appears to be illogical for the residents of the enfeoffed towns to pay a double tax separately to the landlord and the state. After a re-examination of the image of the slip, we transcribe the sentence as *suo zi zhan hu tian* 所自占戶田 “the agricultural fields registered in one's own household”. Except for the orthographic similarity to other images of the graph *zhan* 占 “register”, this reading could also be attested by the received literature. According to the record in the *Hanshu*, by the time of Emperor Wu, the rich and powerful households registering too much land had become a severe problem, which resulted in a proposal on restricting the amount of land owned by each household submitted by Dong Zhongshu 董仲舒 (192-104 BCE). Although in the Han text, an alternative term *ming tian* 名田 was used, it is annotated by Yan Shigu that it has the same meaning as *zhan tian* 占田. The text reads:

古井田法雖難卒行，宜少近古，限民名田，以澹不足，塞并兼之路。

師古曰：“名田，占田也。各為立限，不使富者過制，則貧弱之家可足也。”³⁶⁵

Although the ancient well-field system is challenging to carry out, we should approach the ancient method and restrict people from naming too many fields, thereby removing the insufficiency and blocking the path to land annexation.

(Yan) Shigu (581-645) says: to name the fields is to register the fields [under one's name].

Limitations should be each established to prevent the rich from possessing fields exceeding the standard so the poor families would have enough [fields to cultivate].

Aside from this entry, another text refers to a similar issue, stating “the fields named by Lords within the Passes, officials and commoners, in all cases, should not

³⁶⁵ *HS* 24, 1137.

exceed 30 hides” 關內侯、吏民名田，皆無得過三十頃。³⁶⁶ The text is a part of the proposal forwarded by the Chief Minister Kong Guang 孔光 (65 BCE-5 CE) and the Grand Minister of Works He Wu 何武 (?-3 CE) in 7 BCE during the reign of Emperor Ai (26 BCE-1 CE).

According to our transcription of the statute, households with elevated ranks, namely, the 10th or above, were exempt from land tax, including the agricultural field tax and the hay and straw tax, for fields registered under their own names. This regulation might account for the more and more severe land annexation problem of the later Han period to a great extent. Many fields were likely registered under the names of high-ranking people in order to evade taxes, which resulted in a decrease in central government revenues and drew the attention of the authorities.

Compared with the previous statute (slip no. 255), it is evident that the people holding the Ministerial rank (ranks 10-18) had to pay household tax but were not obliged with a land tax (agricultural field tax or hay and straw tax). The corresponding tax obligations of the households with various ranks have been summarized by Yu Zhenbo,³⁶⁷ which the following table basically refers to:

Table 4.1: The corresponding tax obligations of different rank holders

Taxation	Holders with various ranks		
	Holders of the Grandee rank and no ranks (rank nos. 0-9)	Holders of the Ministerial rank (rank nos. 10-18)	Holders of the Marquis rank (rank nos. 19-20)
Household tax	√	√	
Land tax	√		

Obviously, from this table, rank no. 9 (*wu da fu* 五大夫) and rank no.18 (*da shu zhang* 大庶長) serve as two lines that not only divide the 20 ranks into three major

³⁶⁶ HS 11, 336.

³⁶⁷ See Yu Zhenbo, 2004. In his table (p. 153 in his paper), he separates the agricultural field tax (*tian zu* 田租) and the hay and straw tax (*chu gao shui* 芻稿稅) into two lines.

hierarchical groups but also symbolize different economic responsibilities imposed on different rank holders. With the notice of the demarcation lines, one text in the “Statutes on Household” regarding the organization rule of the Unit of Five is now intelligible. The text is:

自五大夫以下，比地爲伍，以辨【券】爲信，居處相察，出入相司。³⁰⁵

ENLL, 215

For [the householders holding] the ninth rank or lower, adjoining lands shall form Units of Five. They are to use divided [tallies] as proof of their trustworthiness. The residents are to investigate one another and inspect one another’s comings and goings.³⁰⁵³⁶⁸

The interpretation of the phrase *bi di* 比地 “adjoining lands” in this statute has arisen many disputes. Barbieri-Low and Yates translate this phrase as “adjoining properties”,³⁶⁹ but they still cite the viewpoint of Tomiya Itaru who glosses the phrase *bi di* as “land that is adjoining”.³⁷⁰ Lau and Staack also translate this phrase as “adjoining land”.³⁷¹ However, none of them specifies the reason why the Unit of Five was formed according to the “adjoining lands” or “adjoining properties”.

Linking the conclusion drawn from Table 4.1 that only the households holding the ninth rank or lower were obliged to pay land tax, it is hypothesized that one of the main principles upon the organization of the Unit of Five was to facilitate the land tax collection; therefore, it is more reasonable to understand *bi di* as “adjoining lands”. It was possible to group newly-registered households into Units of Five according to the adjoining lands during the process of re-allocating homesteads and agricultural fields at the beginning of the early Han after many years of civil war. However, we do not know if this principle was also used by the Qin. In any case, during the Qin and early

³⁶⁸ Translation from Barbieri-Low and Yates (2015, 789), with modifications.

³⁶⁹ See Barbieri-Low and Yates (2015), 789.

³⁷⁰ Quoted from Barbieri-Low and Yates (2015), 804.

³⁷¹ See Lau and Staack (2016), 298.

Han periods, households of the Ministerial rank holders were required to pay a household tax.

4.1.2 The quantities and the payment methods of household tax

4.1.2.1 The prescribed quantities of household tax

It is regulated in both the Qin and the early Han statutes that the household tax was levied twice a year with theoretically the fifth month in cash and the tenth month in kind. 16 cash were required to be paid by each household in the fifth month without change over time. However, the amounts of household tax prescribed to be collected in the tenth month of the Qin and the early Han were not identical. In the Qin statute, 1.125 hundredweights of hay were the norm quota of the household tax of the tenth month (“in the tenth month, per household is to pay out one hundredweight and 15 pounds of hay” 十月戶出芻一石十五斤),³⁷² while in the Han statute, the tenth-month household tax was one hundredweight of hay (“in the tenth month, per household is to pay out one hundredweight of hay” 十月戶出芻一石). Despite the minor discrepancy between these two figures, hay was permitted to be converted to cash in both cases. The 1.125 hundredweights of hay in Qin times was allowed to be replaced by 16 cash (十月戶賦不入芻而入錢者，入十六錢)³⁷³ and 15 cash could be handed over to supplant one hundredweight of hay in early Han times.³⁷⁴ The figures, as well as the Chinese-English measures, are shown in the following tables:

³⁷² 15 pounds=0.125 hundredweights.

³⁷³ Another text in the *Mathematics* (*Shu* 數) from the YL collection concerning the conversion of hay and cash displays a different rate: (YL 2, 73: 0973) 芻一石十六錢 “One hundredweight of hay is sixteen cash”, contradicted to the 16 cash supplanting 1 hundredweight and 15 pounds of hay in the above statute. It is hard to explain why there were two different conversion rates in the same collection. It might have been conceived that the regulation from a statute was authentic, but the record from the *Mathematics* might reflect the practice in daily life. As will be discussed in the following text, the government might have applied a float conversion rate according to the flux of prices of hay and straw in different years. The regulation from the statute might be an ideal conversion rate when the statute was codified, but the record in the *Mathematics* might reflect the actual conversion rate when the mathematics text was composed.

³⁷⁴ The statute does not directly say that one hundredweight of hay was equivalent to 15 cash but regulates that it could be collected in cash “according to [the number of] hides [of agricultural fields]”. One item (ENLL, 187: 241) in the “Statutes on Agriculture” clearly stipulates that “One hundredweight of hay matches fifteen cash” 芻一石當十五錢.

Table 4.2: The norm quotas of household tax in the Qin and the early Han respectively

	Qin	early Han
Fifth month	16 cash	16 cash
Tenth month	1 hundredweight 15 pounds of hay (=1.25 hundredweights=16 cash)	1 hundredweight of hay (=15 cash)
In total	32 cash	31 cash

Table 4.3: Chinese units of weight in Qin and Han times

Pinyin	Character	Translation	Relative value	Metric value
<i>dan</i>	石	hundredweight	1	29.76 kg
<i>jun</i>	鈞	quarter	1/4	7.44 kg
<i>jin</i>	斤	pound	1/120	248 g
<i>liang</i>	兩	ounce	1/1920	15.5 g

It seems that the yearly household tax (all converted to cash) collected in the early Han was one cash less than what was stipulated to be turned over in Qin times, but the conclusion that the ruler of the Han was more lenient to the commoners could not be simply reached. Leaving out the 15 pounds of the ten-month hay tax to simplify the calculation might be a reasonable ground.³⁷⁵ Besides, the flux of the conversion rate might have partly given rise to this subtle change. A statute from the ENLL proves that the conversion rate was not constant over time, and it says:

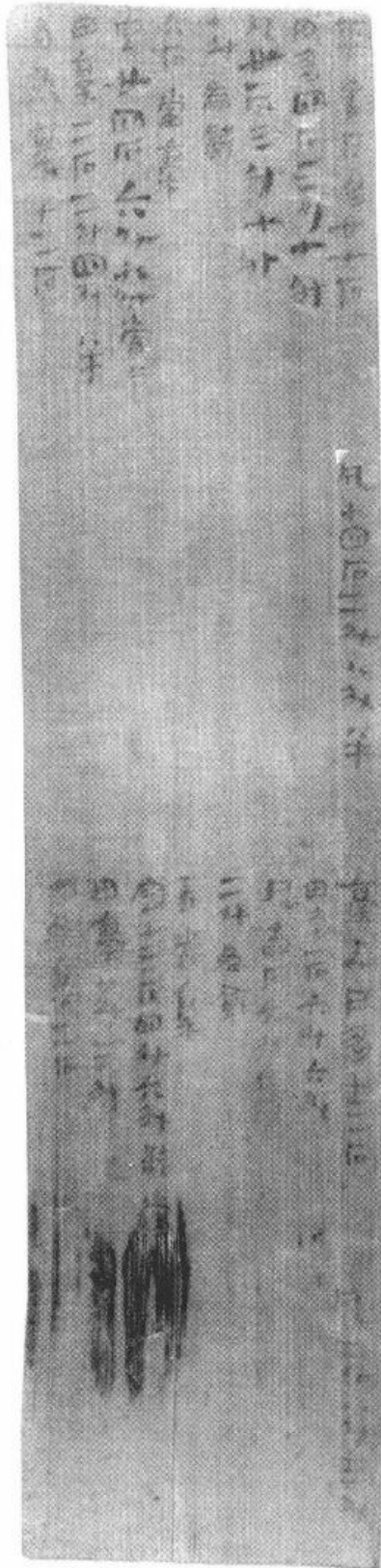
芻稟節貴於律，以入芻稟時平價入錢。²⁴² ENLL, 188

When hay or straw is more expensive than what is stated in the statute (viz., fifteen cash per hundredweight of hay, five cash per hundredweight of straw), take in cash at the fair-market price³⁷⁶ [of the hay or straw, assessed] during the time when the hay and straw were to be taken in. ²⁴²³⁷⁷

³⁷⁵ 15 pounds of hay approximately equal to 1.87 cash.

³⁷⁶ For a detailed explanation of *ping jia* 平價 (fair-market price), cf. Barbieri-Low and Yates (2015), 489-490. This term indicates a moving price opposed to the fixed price (of hay, straw, livestock, etc.) regulated by the government, which hinged on the market price at the time, namely a floating price determined by a local market.

³⁷⁷ Translation from Barbieri-Low and Yates (2015, 697).



This statute demonstrates that the legal text's usual price did not always apply, and the conversion rate of cash to hay was essentially determined by the current market price. This flexibility complicated real-world administration while leaving plenty of room for official interpretation of matters involving the conversion rate, particularly tax collection.

4.1.2.2 The practice of the household tax collection

The statutes mentioned above show the amounts and the payment methods of household tax in Qin and early Han times at the legislative level. By contrast, minute changes between them were visible, but the tax policies throughout the Qin and the early Han arguably maintained constant. The provisions in the legal texts are explicit, but how many were those carried over into the administration? Fortunately, several documents relating to collection of the household tax exemplify the household tax practice. Moreover, the specific physical characteristics of the boards excavated from the LY site reveal their material nature as tallies in addition to their function as document carriers.

A board (Figure 4.1) containing the records of household hay tax, land hay tax and land straw tax collected from two villages—Ping Village 平里 and Gaoshang 藁上 of Jiangling

Figure 4.1: The image of the board with records of household hay, land hay and land straw of Ping Village and Gaoshang Village

Source: *Jiangling Fenghuangshan Xihan jian*¹⁶², 104.

Prefecture, South Commandery, was excavated from the Fenghuangshan 鳳凰山 tomb no. 10, present-day Jingzhou City, Hubei Province. Another board excavated from the same tomb was noted with the date “the fourth year of Emperor Jing of Han (153 BCE), in the latter ninth month” (*si nian hou jiu yue* [景帝]四年後九月);³⁷⁸ thus, this document presumably bears the tax records around that year.

The records of the tax collection of the two villages are separated into two large sections on the board, easy to be recognized. Probably because the board is not wide enough, the last sentence of each record was entered for a new line. The following table shows the transcription of the text and its translation according to the layout of the text on the board:

Table 4.4: The records of household hay, land hay and land straw of Ping Village and Gaoshang³⁷⁹

平里戶芻廿七石	Ping Village household hay: 27 bushels ³⁸⁰
田芻四石三斗七升	Land hay: ³⁸¹ 4 bushels 3 pecks 7 pints
凡卅一石三斗七升	In total: 31 bushels 3 pecks 7 pints
八斗為錢	8 pecks [of hay] is converted to cash
六石當稟	6 bushels [of hay] serves as equivalent to

³⁷⁸ This date was noted on the funeral inventory of this tomb; therefore, all the documents excavated from this tomb must have been made no later than this date. After retrieving the years in which there were latter ninth months (*hou jiu yue* 後九月), Qiu Xigui 裘錫圭 surmises that this year should be the fourth year of Emperor Jing (153 BCE). See Qiu Xigui, 1974.

³⁷⁹ The Chinese transcription is from *Jiangling Fenghuangshan Xihan jiandu*, 104.

³⁸⁰ Different from the measurement units mentioned in the above Qin and Han statutes with the usage of *shi* 石 “hundredweight” and *jin* 斤 “pound”, which were weight units, the units listed in these two texts are *shi* 石 “bushel”, *dou* 斗 “peck”, and *sheng* 升 “pint”, which were volume units. As volume unit, 1 bushel (approximate 20 liters) is equivalent to 10 pecks, and 1 peck is equivalent to 10 pints (1 石=10 斗=100 升). In the *ENLL* text, the weight units: hundredweight, quarter (*jun* 鈞) and pound (1 石=4 鈞=120 斤) were used to measure hay, cf. *ENLL*, 251: 421-422. Why the measurement units were not unified when referring to hay and straw? Hulsewé suggests that straw and hay might have been chopped before the measuring, thus the units of weight were applied. See Hulsewé (1985), 23-24. From this perspective, a possible explanation for the inconsistency of units might be that the straw and the hay recorded in this Fenghuangshan text probably refer to raw materials that had not been processed, thus the units of volume were used.

³⁸¹ Land hay (*tian chu* 田芻), together with the following land straw (*tian gao* 田藁) constituted a specific tax named *qing chu gao* 頃芻稿, which was collected according to the amount of fields one possessed. One item from the “Statutes on Agriculture” in the SHD collection says: (*QJDHJ*, 47: 8) 入頃芻藁, 以其受田之數, 無墾不墾, 頃入芻三石、藁二石 “The taking in hay and straw per hide is to be done according to the number of fields bestowed. Irrespective of whether the fields are cultivated or uncultivated, take in three hundredweights of hay and two hundredweights of straw per hide.” (Translation from Hulsewé 1985, 23, with modifications). A similar regulation is found in the “Statutes on Agriculture” in the *ENLL* and the amounts of hay and straw required to be levied were the same; for more details, see *ENLL*, 187: 240.

	straw
定廿四石六斗九升當【食】 382	Fixed: 24 bushels 6 pecks 9 pints [of hay] serves as [provisions]
田藁二石二斗四升半	Land straw: 2 bushels 2 pecks 4.5 pints
芻為藁十二石	Straw converted by hay: 12 bushels
凡十四石二斗八升半	In total: 14 bushels 2 pecks 8.5 pints
藁上戶芻十三石	Gaoshang [Village] household hay: 13 bushels
田芻一石六斗八升	Land hay: 1 bushel 6 pecks 8 pints
凡十四石六斗六升	In total: 14 bushels 6 pecks 6 pints
二斗為錢	2 bushels [of hay] is converted to cash
一石當藁	1 bushel [of hay] serves as equivalent to straw
定十三石四斗六升給當【食】	Fixed: 13 bushels 4 pecks 6 pints [of hay] serves as [provisions]
田藁八斗三升	Land straw: 8 pecks 3 pints
芻為藁二石	Straw converted by hay: 2 bushels
凡二石八斗三升	In total: 2 bushels 8 pecks 3 pints

Based on the Han statute (*ENLL*, 193: 255), which states “per household is to pay one hundredweight of hay in the tenth month”, this board might bear merely the records of the household tax (household hay) of the tenth month, which constituted half of the household tax collection of a year. If the amount of hay each household should pay did not change over time, it could be inferred that there were 27

³⁸² This graph is only partly legible, which the editors did not transcribe. Hu Pingsheng and Li Tianhong 李天虹 assume this graph is *shi* 食. See Hu and Zhang (2004), 337. Zhang Shuigen 章水根 follows their opinion, and he further contends that the number listed before this graph was the amount of hay that would serve as the food of horses and cattle. See Zhang Shuigen (2013), 215. The number 24 hundredweights 6 pecks 9 pints seems to have been miscalculated, and the correct result should be 24 hundredweights 5 pecks 7 pints.

households in Ping Village and 13 households in Gaoshang Village.³⁸³

It is also worth noting that the amount of the levied household hay of each village is much more considerable than that of the land hay. Even the total amount of the land hay and the land straw is still smaller. Wu Wenling believes that the household tax revenue was tiny,³⁸⁴ but according to this document, the household tax revenue probably accounted for a significant portion of government revenue. A statute from the *ENLL* clearly shows that land hay and land straw were collected according to the amounts of fields, and it says that “when taking in hay and straw according to [the number of] hides [of agricultural fields], take in 3 bushels of hay per hide. In Shang Commandery, where the land is poor, take in 2 bushels [of hay] per hide. In every case, [take in] 2 bushels of straw [per hide]”³⁸⁵ 入頃芻藁，頃入芻三石；上郡地惡，頃入二石；藁皆二石 (*ENLL*, 187: 240). Following this statute, it can be worked out that the land hay of Ping Village was taken approximately from 1.46 hides of fields, and the land hay of Gaoshang Village was taken nearly from 0.56 hides. These numbers reveal that the amounts of fields cultivated by the villagers were relatively small, and when these fields were distributed to households, the tiny share of fields cultivated by each household is conceivable.³⁸⁶ In terms of these two examples, the local government extracted much more revenue from household tax than land tax.

In addition, this document shows that a portion of hay was converted to cash or straw during the tax collection process, and a portion of straw was converted to hay. Although only cash and hay were regulated as standard household tax payments in the statutes, these records illustrate that the administration was much more flexible in practice. This kind of pragmatic flexibility could be further manifested by the boards

³⁸³ We are not definite about the numbers of households in these two villages because some householders with the 19th and 20th ranks might reside in these two villages, and these high-rank households were exempt from household tax. However, this possibility is very low. With the accessible accounts in administrative documents, there is no entry that the residents in those small villages located in the remote south corners of the empire holding such high ranks.

³⁸⁴ See Wu Wenling, 227.

³⁸⁵ Translation from Barbieri-Low and Yates (2015, 697), with modifications.

³⁸⁶ To which extent the people of that area (south part of the empire) relied on agriculture should also be considered. Many people living in the south at that time might still live by fishing, hunting and gathering. Therefore, the fields cultivated by the people might not be their single source of income.

excavated from the LY site, on which silkworm cocoons were recorded as the payment of household tax in Qianling Prefecture. The following two instances list the presupposed amounts of household tax that would be collected from two districts in Qianling in the 34th year (213 BCE) of the First Emperor:

卅四年，啓陵鄉見戶、當出戶賦者志：□ (line 1)

見戶廿八戶，當出繭十斤八兩□ (line 2)⁸⁻⁵¹⁸ LY 1, 172

In the thirty-fourth year (213 BCE), the records of the present households and the household tax should be paid in Qiling District... (line 1)

Present households: 28; [the amount of] silkworm cocoons should be paid: 10 pounds and 8 ounces... (line 2)⁸⁻⁵¹⁸

卅四年，貳春鄉見戶□(line 1)

見戶六十戶，當出繭廿二□(line 2)⁹⁻⁶⁶¹ LY 2, 173

In the thirty-fourth year (213 BCE), the present households... in Erchun District (line 1)

Present households: 60; [the amount of] silkworm cocoons should be paid: 22... (line 2)⁹⁻⁶⁶¹



Figure 4.2: Images of boards nos. 8-518, 9-661
Source: 8-518 (LYQJ 1, 76); 9-661 (LYQJ 2, 86)

Written in the same format and by the same hand, the second text is definitely the same kind of document as the first one, despite its missing lower part and the absence of the term *hu fu* 戶賦 “household tax”. These two documents clearly show that the household tax of these two districts was paid in silkworm cocoons.

On account of the first text recording that 10 pounds and 8 ounces (168 ounces) silkworm cocoons would be extracted from 28 households, Wu Wenling points out the household tax that each household should pay was 6 ounces of silkworm cocoons. She also notices that some of the boards from the Liye site bearing “silkworm cocoons: six ounces” (*jian liu liang* 繭六兩) are very likely further proofs of her conclusion that the household tax was paid by each household 6 ounces of silkworm cocoons in

Qianling Prefecture.³⁸⁷ The boards with “silkworm cocoons: six ounces” are as follows:

繭六兩 卅五年六月戊午朔丁卯，少內守□₈₋₉₆ LY 1, 61

Silkworm cocoons: six ounces. In the thirty-fifth year (212 BCE), on the *dingmao* day (10th day) of **the six month** whose first day fell on a *wuwu* day, Acting Treasurer...₈₋₉₆³⁸⁸

繭六兩 卅五年五月己丑朔甲□₈₋₄₄₇ LY 1, 151

Silkworm cocoons: six ounces. In the thirty-fifth year (212 BCE), on the X day of **the fifth month** whose first day fell on a *jichou* day...

繭六兩 卅五年六月戊午朔乙□₈₋₈₈₉ LY 1, 242

Silkworm cocoons: six ounces. In the thirty-fifth year (212 BCE), on the X day of **the six month** whose first day fell on a *wuwu* day...

繭六兩 卅₈₋₁₆₇₃ LY 1, 376

Silkworm cocoons: six ounces. In the thirty...

³⁸⁷ See Wu Wenling, 2013.

³⁸⁸ The translations of the other three texts (8-447, 8-889 and 8-1673) are comparable with this text, except for the date.



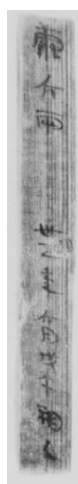
8-96

LYQJ 1, 26



8-447

LYQJ 1, 66



8-889

LYQJ 1, 126



8-1673

LYQJ 1, 217

Note: The above four texts and images were collected and classified by Wu Wenling. See Wu Wenling 2013, pp.217-218.

These four instances were written in a unified format. The editors of *LYQJ* introduce that the right side of each of these four boards was carved with six notches, complying with the number “six” written in the texts. Upon the evidence, Wu Wenling thus concludes that these specifically-made boards might have served as tallies for the reception of household tax preserved by the Lesser Treasury (*shao nei* 少內). On the basis of her conclusion, the fragmented text (*LY* 2, 173: 9-661) could be completed as:

卅四年，貳春鄉見戶、【當出戶賦者志】☐

見戶六十戶，當出繭廿二【斤八兩】☐³⁸⁹

In the thirty-fourth year (213 BCE), [the records of the] present households [and the amount of household tax that should be paid] in Erchun District:

³⁸⁹ Each household should pay 6 ounces of silkworm cocoons, so the 60 present households should pay 360 ounces of silkworm cocoons in total. 16 ounces was equivalent to 1 pound; thus, the number of silkworm cocoons that the households of Erchun District should pay is 22 pounds 8 ounces.

Present households: 60; [the amount of] silkworm cocoons should be paid: 22 [pounds 8 ounces] ...

Among the four tallies, it should be remarked that on the first three boards³⁹⁰ the silkworm cocoons were recorded to be received by the Lesser Treasury in the fifth or the sixth month, in line with the aforementioned YL statute (slip no. 1230) stating that “the household tax of the fifth month should be handed in before the fifteenth of the sixth month” 五月戶賦，以六月望日入之. This compliance adds to the body of evidence supporting the statute’s implementation in practice. The statute required cash to be paid as household tax in the fifth month, but the two districts’ fifth-month household tax was to be paid with silkworm cocoons. This situation elucidates the flexibility of household tax collection, as well as the fact that cash was allowed to be converted to in-kind. One text that contains this type of conversion will add to our knowledge on this point:

☐入新繭六兩以當錢 9-1432 side A

☐六月 避 9-1432 side B LY 2, 308

[...] enter six ounces of new silkworm cocoons to serve as the equivalent for cash^{9-1432 side A}

[...] sixth month Bi³⁹¹ 9-1432 side B

Distinguished from hay as the legally regulated payment, the household tax paid by silkworm cocoons in Qianling Prefecture manifests the localization of the household tax collection. Silkworm cocoons might not only be turned over in Qianling Prefecture, Dongting Commandery. A legal text regarding the excessive concern on mulberry leaves from the SHD collection proves that silkworm cocoons were also crucial resources in South Commandery (present Hubei Province). The text

³⁹⁰ The date on the fourth board is missing.

³⁹¹ Bi 避 might be the name of the person who wrote this document.

reads:

或盜采人桑葉，贓不盈一錢，何論？貲徭三旬。⁷ *QJDHJ*, 198

Someone stealthily picks another's mulberry leaves, and the illicit profit is not fully one cash. How is he to be sentenced? He is to be fined thirty days' statute labor.³⁹²

Insofar as the statutes and ordinances accessible up to date, it appears that when the illicit profit from stealing was less than one cash, the criminal was not to be punished.³⁹³ However, in the case of stealing mulberry leaves worth less than one cash, one would not be exempt from punishment. This statutory emphasis on mulberry leaves suggests that they were important resources, at least in the region where this legal text was discovered (South Commandery). Planting mulberries was almost certainly for the purpose of producing silkworm cocoons, so it is reasonable to assume that silkworm cocoons were also handed in as household tax in South Commandery. Aside from hay, straw and silkworm cocoons, other products are also surmised to have been paid as household tax according to the local products on an empire scale.

It could be summed up that the practice of household tax collection in localities was fairly flexible. Free conversions were permitted between cash and in-kind and among different products (such as hay and straw). The flexibility is likewise reflected by the multiple household tax payments embodied by localized products, which were not only limited to hay and straw.

An argument in the *Discourses on Salt and Iron* (*Yantie lun* 鹽鐵論)³⁹⁴ says: "The Literati responded: Taxation levied by the ancient [government] from its people

³⁹² Translation from Hulsewé (1985, 122), with modifications.

³⁹³ For more details, see *QJDHJ*, 193: 1-2; *ENLL*, 112: 55-56. These two texts both specialize in the punishments of different levels of illicit profits and the minimum amount that occurs in either of these two texts is one cash. No record about the illicit profit of less than one cash could be found from the Qin and Han legal texts. Hence, the speculation that it was impunity when one stole something valued less than one cash could be put forward.

³⁹⁴ Compiled by Huan Kuan 桓寬, whose dates of birth and death were unclear, but he might have lived during the reign of Emperor Xuan (74–48 BCE). This book was regarded as a compilation of the debates on the government's economic policies launched at a court conference held in the year 81 BCE.

relied on what the people were expert in rather than what they were not skilled at” 文學曰：“古者之賦稅於民，因其所工，不求所拙。”³⁹⁵ Although it is difficult to determine whether this text reflects real political practice or is a theoretical concept, it demonstrates an awareness of various local conditions and the theoretical basis for taxing what the people had. This theoretical foundation could help to explain the household tax collection’s flexible payment conversion. The legal texts may also be a contributing factor to this phenomenon. It was clearly addressed in the statute that the revenue from the household tax was to “satisfy the prefecture’s needs” 足其縣用 (ENLL, 193: 255). Furthermore, the surplus of the household tax collected by a prefecture would be submitted to the commandery in cash, as regulated in the statute that “the surplus is to be taken in cash according to the [conversion rate seen in] statute on taking in hay according to [the number of] hides [of agricultural fields]” 餘以入頃芻律入錢 (ENLL, 193: 255). Consequently, what kind of products were paid by the commoners to the prefecture did not make a difference to the commandery governments and the central government.

4.2 The Management of Household Tax by the Local Administration

The amount of household tax to collect, the time to hand it over, and its multiple payments have been outlined in the previous subchapter. After the taxable households paid the household tax either in cash or in-kind, where did these objects and cash go? Which officials were responsible for the processing of this government revenue? How were they reported to higher authorities? These questions, which mostly concern administrative management offices and officials, are intertwined with our growing understanding of the household tax system; additionally, learning more about household tax processing will shed light on the government organization structure at the local level.

Based on the provision stating that “[After] the prefecture’s needs are satisfied, the surplus is to be taken in cash according to the statute on taking in hay with respect

³⁹⁵ *Yantielun jiaozhu*, 1992: 4.

to the number of hides [of agricultural fields]” (*ENLL*, 193: 255), the household tax collected in kind was supposedly not to be transported to the higher authorities. Given the regulation in the YL statute stating “[the collected household tax should be] annually transported to [the office of] the Commandery Governor” 歲輸泰守, it can be speculated that the portion of the household tax revenue transported to the commandery was exclusively composed of cash. Another text in the “Statutes on Finance” from the *ENLL* collection confirms this assumption. The cash from household tax and other sources of revenue, it claims, was restricted from being used arbitrarily by the prefecture or march. The text is as follows:

官爲作務、市及受租、質錢，皆爲銖，封以令、丞印，而人與參辦券之，
³⁹⁶ 輒入錢銖中，上中辨其廷。質者勿與券。租、質、戶賦、園池入錢 ⁴²⁹，
 縣道官勿敢擅用。三月壹上見金、錢數二千石官，二千石官上丞相、御
 史……⁴³⁰

(金布律) *ENLL*, 254

For [prefectural] offices that engage in workshops or marketplace transactions, as well as receive cash from [market and excise] taxes³⁹⁷ or pledges³⁹⁸, in every case, make jars, seal them with the seal of the Prefect or the Vice Prefect, and give each person (viz., the payee) a portion of the triplicate tally. Immediately insert the cash into the jar and submit the Middle Portion of the tally to the Prefecture Court. For one pledges, do not give him a portion of the tally. As for cash that has been inserted from [market and excise] taxes, pledges, household tax, and plantations

³⁹⁶ The transcription of this sentence in the *ENLL* is 封以令、丞印而入，與參辦券之, while Tomiya Itaru (2006) argues that the sentence should be read as 封以令、丞印，而人與參辦券之. (Quoted from Barbieri-Low and Yates, 924). Barbieri-Low and Yates follow his transcription. However, the YL collection finds a similar statute which reads 以令若丞印封銖而入，與入錢者參辦券之 (see the following page). In contrast, both transcriptions of the *ENLL* statute seem plausible. Here we follow the transcription of Tomiya Itaru. As stated by Barbieri-Low and Yates, the graph looks more like *ren* 人 which is different from the other appearances of *ru* 入 on the same slip.

³⁹⁷ Cf. fn. 308, p. 133. The *zu* taxes might be different from *fu* 賦 taxes. People levied *zu* taxes were probably because they have used or rented some sources from the government, while *fu* taxes such as household tax were more likely to be collected based on the liabilities imposed by the authorities.

³⁹⁸ Ibid. A text from the YL collection shows some hints about the cash from pledges, which reads: (YL 4, 134: 1300+1301) 黔首賣奴婢、馬、牛及買者，各出廿二錢以質市亭 “Black-heads who sell or buy slaves, horses and cattle, each should pay 22 cash as a pledge to the police station at the marketplace”. The taken-in money from pledges was basically from this kind of activity.

and ponds, ⁴²⁹ the offices of the prefecture or march must not dare to use it without authorization. Once every three months, report the amount of present gold and present cash to the office of the 2,000-bushel official, and the office of the 2,000-bushel official is to forward this up to the Chief Minister and the Chief Prosecutor...⁴³⁰³⁹⁹ (Statutes on Finance)

Seemingly the first sentence of this statute is irrelevant to household tax, which might not be necessary to be cited, but this sentence virtually shows the processing procedure of multiple money incomes of a prefecture government. The money collected from household tax, as one of the specific categories of revenues, was highlighted in the following sentence as not to be used arbitrarily by the prefecture or march. The cash from household tax was most likely a composition of the incomes listed in the first sentence, but we have no idea to which category it belongs. Nevertheless, the household tax cash was in principle processed compared to the description of the first sentence. This clue renders us take into account of another statute from the YL collection, which elaborates on nearly the same situation but without any reference to household tax. Without the comparison with the ENLL statute, its association with household tax would be hardly reached. The YL statute reads:

●金布律曰：官府為作務、市受錢，及受齋、租、質、它稍入錢，皆官為鈔，謹為鈔孔，須毋令錢 ¹⁴¹¹ 能出，以令若丞印封鈔而入，與入錢者參辨券之，輒入錢鈔中，令入錢者見其入。月壹輸 ¹³⁹⁹ 鈔錢，及上券中辨其縣廷，月未盡而鈔盈者，輒輸之，不如律，貲一甲。¹⁴⁰³ YL 4, 108

Statutes on Finance say: Offices and storehouses receive cash from the engagement in workshops or marketplace transactions, as well as receive cash from compensation,⁴⁰⁰ [market and excise] taxes, pledges, and other sources,⁴⁰¹ in

³⁹⁹ Translated by Barbieri-Low and Yates (2015, 925), with modifications. Lau and Staack also translated part of this statute, see Lau and Staack (2016), 98.

⁴⁰⁰ The editors comment that *ji* 齋 represents the compensation paid by the persons who damaged the

every case, the government makes jars. Be cautious when making the holes of the jars and the holes must not let coins¹⁴¹¹ get out.⁴⁰² Seal them with the seal of the Prefect or the Vice Prefect, and give the person who turns in the cash a portion of the tripartite tally. Immediately put the cash into the jar and let the payer see the cash being put into it. Once a month, transport¹³⁹⁹ the cash in jars as well as the Middle Portions of the tallies to the Prefecture Court [which the office or the storehouse belongs to]. If the jars have been fulfilled before the end of the month, transport them immediately; if not, fine one suit of armor.¹⁴⁰³

Except for a few minor differences, the contents of these two statutes from different periods are nearly identical, and they both illustrate the types of governmental incomes, the participants in the processing procedure, and the objects involved. The cash received by offices or storehouses was required to be preserved in jars that were then sealed with the seal of the Prefect or Vice Prefect. Although neither of these officials will be directly involved in the processing, their seals are important. Furthermore, the seals were probably impressed by a Scribe of the Prefect or an Assistant of the Prefect on account of the widely used formula 令史/令佐 X 視平 “Scribe of the Prefect/Assistant of the Prefect X oversaw it” in the LY documents on

governmental belongings according to their original prices. See *YL* 4, 164. In the SHD collection, a phrase *ji lü* 齋律 was contained in a text from the “Statutes on Workshops” (*Gong lü* 工律) whose items mainly concern the regulations about workshops, public weapons, governmental tools, etc. For more annotations of *ji*, cf. *QJDHJ* (2014, 109).

⁴⁰¹ The editors do not provide a precise explanation of the term *shao ru* 稍入 and only say that it is one of the local government revenues. See *YL* 4, 164. This term also features in the LY texts, but it still remains inexplicable. Wu Wenling believes that the household tax money belongs to *shao ru* together with the cash from compensation, market and excise taxes, and pledges. Moreover, she says the money of *shao ru* was exclusively used by local governments, which would not be transported to the Grand Treasury (*da nei* 大内). See Wu Wenling, 2013.

⁴⁰² The holes of these jars were presumably made into slots. Even though there is not yet a dated Qin or Han jar found from the archeological excavations, some jars (ca. 9th cent.) excavated from the Changsha Yao 長沙窯 site can illustrate the appearance of this kind of jars. For more information on Changsha Yao jars, cf. <<http://collection.sina.com.cn/jczs/20140424/1751150080.shtml>>, accessed January 30, 2021. The highlighting on the hole of a jar in the Qin statute was probably to prevent the cash being arbitrarily or wrongly used by the local officials. Barbieri-Low and Yates cite Yan Shigu’s commentary on the *Han shu*, in which Yan glosses *xiang* 甕 as “like the current (Tang) bottles for placing and storing cash. A small hole was made on it and cash can be put in but cannot be taken out.” (*HS* 76, 3220: 師古曰: “甕, 若今盛錢臧瓶, 為小孔, 可入而不可出。”) They also point out that the jars were similar to our piggy banks. For more description of this object, cf. Barbieri-Low and Yates (2015), 938.

disbursing or receiving goods or money.⁴⁰³ The Scribes or Assistants of the Prefect were the functionaries immediately involved in the transfer of governmental incomes. Other specific work must also have been handled by the lower-level functionaries, although none of the other functionaries except for scribes and assistants was mentioned in these two statutes.

Aside from jars and seals, another object that also played a crucial role in this process is the tripartite tally. In addition to the tripartite tallies regulated to be employed in receiving cash in these two statutes, the household registers were also assumed by Hsing I-tien made into tripartite.⁴⁰⁴ Furthermore, tripartite tallies may have been used as certificates in testaments and other contracts involving the division of household property. The widespread use of tripartite tallies in household management necessitates further research. Identifying the owners of each portion of a tripartite tally will undoubtedly improve our understanding of how to operate the household system. A quick digression on tripartite tallies is necessary before reconstructing the household tax management procedure.

4.2.1 Tallies and notches

Regarding the three portions of a tripartite tally described in the above two statutes, a portion is stated to be given to “the person who turns in the cash”; the middle part was submitted to the Prefecture Court, and the last portion was very likely preserved in the office or storehouse that received the cash.

Almost all of the tallies to be debated concern government offices or officials, particularly in the areas of disbursing and receiving provisions, salaries, and governmental utensils. Tallies were also recorded in the manuscripts for use in private loans, property divisions, marriages, and other transactions, but no such tally object has yet been discovered. As a result, we do not know whether the government held one portion of the tallies used in these private affairs or not. Nevertheless, it is hard to

⁴⁰³ For instances of the occurrences of this formula, cf. *LY* 1, 39:8-45; *LY* 2, 88: 9-209.

⁴⁰⁴ See Hsing I-tien, 2017.

rule out the possibility that governmental functionaries might have served as guarantors or witnesses in these private affairs.⁴⁰⁵ Since the household tax collection was in the scope of civil service, we will focus on the study of the tallies related to government affairs rather than private issues; and the available examples at large from the LY sources are almost all official tallies or at least regarding government offices.

Tallies that had once been used in administrative processes appeared a lot in the Juyan and Dunhuang Han manuscripts as well. Although they illustrate the examples of a later period, many aspects of them are comparable to the Qin tallies. These Han tallies were all noted with indicating graphs *chu* 出 “disburse” or *ru* 入 “receive” at the top of the slips (except for the fragmented ones that could not be identified), while these notations have not been found on the available Qin tallies up to date. Is it unnecessary to note “disburse” or “receive” on the Qin tallies? Are there other notations distinct from graphs to indicate the nature of each portion of a tally? These concerns will be addressed during the subsequent discussion.

The tallies in the LY collection range from 36.5 to 37.2 cm (ca. 1.6 feet) long and 0.8 to 2.1 cm wide, and many of them were engraved with notches on their edges. They were principally made of wood split into nearly identical halves or three portions.⁴⁰⁶ In terms of tripartite tallies, which were bound up with the processing of household tax, the three portions were referred to in the Qin and Han texts as the Left

⁴⁰⁵ In the testament named *xian ling quan shu* 先令券書, which was presented previously, officials and functionaries from the district and the village were recorded to have attended the making of the last will, which might prove that even in private affairs, the government was still involved in, but, probably, the government would not hold one portion of the tally for a private affair.

⁴⁰⁶ Based on the analysis of the Juyan and Dunhuang tallies with notches, Momiyama Akira 末山明 concludes that all these tallies were made out of wood; some of the tallies still have bark on their sides. See Momiyama, 1995. Except for the bi-/tripartite tallies, there must have been many single-part tallies. Hu Pingsheng says there might be quadripartite tallies as well. See Hu Pingsheng (2012), 71. The number of the splits of a tally probably changes based upon the parties that involved in a certain affair. Detail regulations on the usage specifications of various tallies and their production criteria are supposed to be clearly presented. For example, slip no. 1852 from the YL collection says that “the office tallies are to be made into one foot six inches” 官券牒尺六寸 (YL 5, 105). The length of the LY tallies (36.5-37.2 cm) well fits into this standard. Other provisions elaborating on the appliance of bipartite tallies, tripartite tallies and other conditions can be inferred to have existed. Just as the Statutes on Finance say, in the process of handling revenues from governmental workshops, market transactions, market taxes, etc., tripartite tallies were regulated to be used. The classification of tallies to single tallies, bipartite tallies, tripartite tallies or so is based on their physical appearances. At the same time, in terms of their purposes, there find distinctive designations, for instance, some of these tallies were named *zhai quan* 債券 (debt tally), *xianling quan* 先令券 (testament tally), and *fu quan* 付券 (delivery tally).

Portion (*zuo quan* 左券),⁴⁰⁷ the Middle Portion (*zhong bian quan* 中辨券) and the Right Portion (*you quan* 右券).⁴⁰⁸ Although there are some distinctions between the Qin tallies and the Han tallies, the designation of each portion did not change.

Chen Wei and Xiong Beisheng analyze a tripartite tally (ca. 170 BCE-157BCE) excavated at the Shuihudi Han tomb no.77 concerning the transfer of goods from the Yangwu District 陽武鄉 (in present-day Anlu City, Hubei Province) to the Granary. They point out that the Middle Portion was handed over to the Prefecture Court, the Right Portion was delivered to the Granary, and the Left Portion was kept in the Yangwu District.⁴⁰⁹ Hsing I-tien argues that for a tripartite tally distributed at and under the commandery level, the Left Portion was in the hand of the person involved, and the Right Portion and the Middle Portion were firstly kept by a Bailiff of the District or a Scribe of the Prefect or other officials in charge of the related affair. After a short gathering period, the gathered Middle Portions would be transported to the Prefecture Court and stored there.⁴¹⁰ In Xing's argument, he cites Chen Wei's annotation, which states that in ancient times, contract tallies were mostly divided into left and right two pieces, with the left part known as a Left Tally and kept by the loaner for repayment claims.⁴¹¹

The terms *zuo quan* “Left Portion” and *you quan* “Right Portion” each occurs one time in the *Shiji*, while *zhong bian quan* “Middle Portion” could not be found from the received literature of the Qin and early Han period. Notably, the contexts in which “Left Portion” and “Right Portion” occur in the *Shiji* are pretty similar, which read:

⁴⁰⁷ Referring to the term *zhong bian quan* 中辨券, the terms *zuo quan* 左券 and *you quan* 右券 are very probably the abbreviations of *zuo bian quan* 左辨券 and *you bian quan* 右辨券. Besides, bipartite tallies also have Left Portions and Right Portions; thus, it could not be discerned whether a tally was a tripartite one or a bipartite one with only the occurrences of the terms *zuo quan* or *you quan*.

⁴⁰⁸ In the literal sense of the language, the three portions should be respectively translated as the Left Tally, the Middle Tally, and the Right Tally, but each of them was merely a constituent of a tripartite tally that was divided into three portions. Thus, it might be better to translate them as the Left Portion, the Middle Portion, and the Right Portion.

⁴⁰⁹ See Chen Wei and Xiong Beisheng, 2019.

⁴¹⁰ See Hsing I-tien, 2017.

⁴¹¹ Cf. the footnote of slip no. 8-435 (*LY* 1, 148).

公常執左券以責於秦、韓。⁴¹²

“You (Tian Zhen 田軫) can hold the Left Portion to demand repayment from Qin and Han.”

事成，操右券以責。⁴¹³

“If the undertaking is accomplished, you (Lord of Pingyuan 平原君) can hold the Right Portion to require a repayment”.

From the above texts, it appears impossible to tell the difference between these two tallies; additionally, their rather obscure usage may indicate that these two types of tallies were not strictly differentiated from one another or that it was not necessary to tell them apart in some cases. Also rarely appearing in the Qin and Han manuscripts, either of these two terms occurs once in the LY corpus,⁴¹⁴ and the texts are as follows:

不知器及左券在所未⁸⁻⁴³⁵ LY 1, 148

Do not know where the utensil and the Left Portion are [...] ⁸⁻⁴³⁵

少內主移【所】市，出右券⁹⁻²⁰⁸⁷

以從事。敢告主⁹⁻²⁰⁸⁷ LY 2, 418

[...] The Head of the Lesser Treasury delivered what was transacted, sent out the Right Portion [...]

[...] deal with the matter according to [...]. I dare to report it to the Head [...] 9-

⁴¹² SJ 46, 1897.

⁴¹³ SJ 76, 2370.

⁴¹⁴ There is another occurrence of *zuo quan* “Left Porion” in the Dunhuang Han manuscripts, which reads: (D 38:39) 平望青堆燧驚候符左券齒百 “Pingwang [Company], Qingdui Sui, Alerting and Watching Tally, Left Portion with the notch ‘[character] bai’”. The date of this slip is not clear. According to some clues on other slips of the same batch, most of the manuscripts of this site were presumably used under the period of Emperor Zhao (87–74 BCE) and Emperor Xuan (74–48 BCE). The editors say that there are notches on the right side of this slip, indicating that it is the left part of a tally noted with *zuo* “left”. However, this left part of a tally, different from the tallies excavated at the LY site which were employed in civil administration, was a credential to validate one’s on guard duty. Besides, it is 14.5 cm (ca. 6 inches) long, much shorter than the LY tallies, but its length coincides with the *liu cun fu* 六寸符 “six-foot tally”. Six-foot tallies were relatively common in the Juyan collection used for entering or exiting passes. For more details, cf. *Hanjian yanjiu wenji*, pp. 5-6. From our point of view, this tally does not affiliate to the type of tallies from the LY site.

The text on slip no. 8-435 was written in an untidy way, making it look like an informal text other than an administrative document. It is hard to determine the nature of board no. 9-2087 due to the damage, whereas this board probably plays a comparable role as the following adduced board no.8-890+8-1583 (see pp. 182-183) according to their similar layouts. Among hundreds of tallies uncovered from the LY site, no board contains symbolic graphs *zuo* “left” or *you* “right”. Only one board carries two graphs *zhong bian* 中辨 “Middle Portion” on its backside, which very likely indicates its nature as the Middle Portion of a tally. Its images and transcription are as follows:

(Side A) 粟米五石九斗。卅七年六□□

□月食□₉₋₈₀₀

(Side B) 中辨 □₉₋₈₀₀ LY 2, 207

(Side A) Husked grain: 5 bushels 9 pecks.
Thirty-seven year (210 BCE) six...
... month provision.

(Side B) Middle Portion.

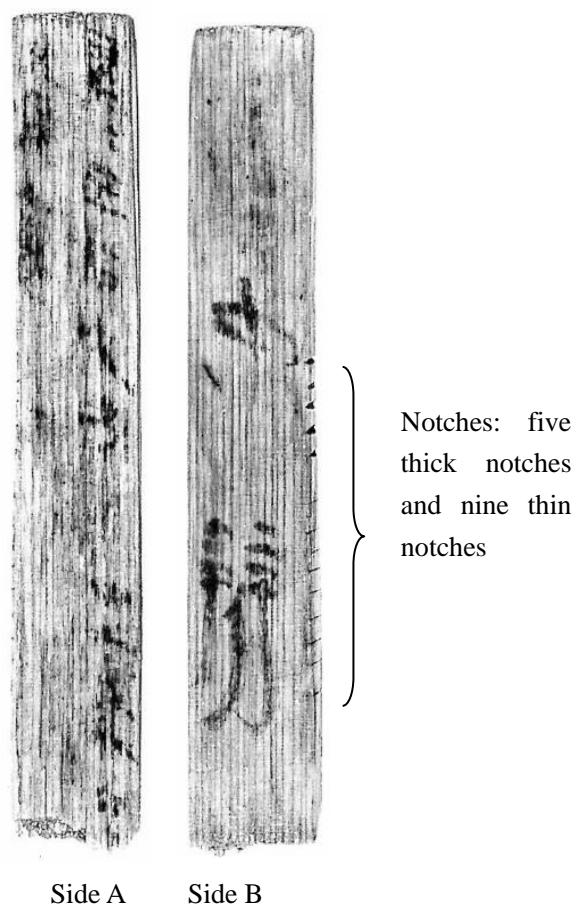


Figure 4.3: Images of the two sides of board no. 9-800

Source: *LYQJ* 2, 104

Despite its fragmentation, it is clear that this is a tally, with one side bearing the value of the goods and the date, and the other bearing the indication “Middle Portion”. The image also clearly shows the notches on the edge that indicate the number “5 bushels 9 pecks”.

This board is the only evidence with a mark of which portion of a tally a board is. With the occurrences of the terms “Left Portion”, “Right Portion” and “Middle Portion”, there should be a way to distinguish among them. However, little research focuses on identifying one board or slip as a portion of left, middle, or right. We seem to take it for granted that a Left Portion is a self-evident Left Portion, and so as the Middle Portion and the Right Portion. In fact, no board or slip of the Qin and early Han periods was ever found noted with *zuo* “left” or *you* “right”;⁴¹⁵ what is more,

⁴¹⁵ The slip D 38:39 presented in fn. 411 with the term *zuo quan* 左券 in the text might not be taken into account.

many tri-/bipartite tallies were not divided into three/two portions from the front, but in edgewise (see Figure 4. 7, p. 189), from which immediate visual guidance of right or left cannot be obtained. How did a Left Portion or a Right Portion get their names back then? Are there any indications on the tallies? Unfortunately, there is little evidence to solve this problem in the Qin and Han manuscript collections, which forces us to look at it from different perspectives.

In Qin and Han tallies, instead of the rarely appearing terms “Left Portion”, “Right Portion” and “Middle Portion”, what were commonly used are *chu quan* 出券 “Disbursal Tally” and *ru quan* 入券 “Receipt Tally”. From an inquiry of the occurrences of the terms “Disbursal Tally” and “Receipt Tally”, more knowledge of “Left Portion” and “Right Portion” can be accessed. The practice of noting *chu* 出 “disburse” or *ru* 入 “receive” at the top of boards or slips was relatively pervasive in the later Western Han and the subsequent era; however, it might not have been put into effect at Qin times or earlier. Nonetheless, a board (8-890+8-1583) with a definition of its nature as a Disbursal Tally hinted by the attached document is available from the LY collection. The text is:

卅年九月庚申，少內守增出錢六千七百廿，環（還）令佐朝、義、佐盍貲各一甲，史犴二甲。(line 1)

九月丙辰朔庚申，少內守增敢言之：上出券，敢言之。/欣手。九月庚申日中時，佐欣行。(line 2) 8-890+8-1583 LY 1, 242

In the thirtieth year (217 BCE), on the *gengshen* day (the 5th day) of the ninth month, Acting Treasurer Zeng disbursed 6,720 cash to repay Assistants of the Prefect Chao and Yi, and Assistant Gu[?] for the fine of one set of armor each, and Scribe Yu[?] two sets of armor. (line 1)

On the *gengshen* day of the ninth month, whose first day fell on a *bingchen* day, Acting Treasurer Zeng dares to say: [I] submit the Disbursal Tally; I dare to say. /Written by Xin. In the ninth month, on the *gengshen* day, at noon, forwarded by

As stated in fn. 411, the nature of this slip is very probably distinct from the tallies employed in administrative affairs. It may be correct to call it a tally from a broad sense, but more precisely, it served as identification.

Assistant Xin. (line 2) 8-890+8-1583⁴¹⁶

Noted by the editors that this board was carved with notches indicating the number 6,820 on its left side,⁴¹⁷ it was very probably one portion of a tally and was later added with the following administrative text in line 2, then sent to the prefecture court. Line 1 is most likely the content of the “Disbursal Tally” mentioned in line 2, which includes the date, the amount of cash, the disburser, and the receivers in a standard format used in other tallies.

Except for this instance, there are other objects containing the terms “Disbursal Tally” and “Receipt Tally”, for example:⁴¹⁸

金布 廿九年庫工用器、兵、車，少內器計出入券。丁 9-1115 *LY* 2, 262

[Bureau of] Finance Twenty-ninth year (218 BCE), Disbursal and Receipt Tallies of accounts on craft materials, weapons and carts used by [the Office of] the Arsenal, and the implements stored by the Lesser Treasury. No. 49-1115

⁴¹⁶ Translation from Barbieri-Low and Yates (2015, 204), with modifications.

⁴¹⁷ This number does not coincide with the number 6,720 in the text. Without a check of the object, it is impossible to affirm whether the editors’ translation of the number conveyed by the notches is correct or not.

⁴¹⁸ For more occurrences of “Disbursal Tally” and “Receipt Tally”, see slips nos. 8-776, 8-500 and 9-1285. Remarkably, there are two other references of *chu zhong bian quan* 出中辨券 “disburse the Middle Portion” (slips nos. 8-1452 and 9-1872), which might indicate that they were the Middle Portions of tripartite tallies utilized in disbursing.



Figure 4.4: The image of board no. 9-1115 (a label of a basket)
Source: *LYQJ* 2, 135

In light of the specific shape, this board has initially been a label attached to an unknown basket (*si* 筥) used to store the Disbursal and Receipt Tallies illustrated by the text. Some of the tallies discovered at the LY site may have been kept in this basket, though sorting them out is unlikely.

The existence of Disbursal Tallies and Receipt Tallies is confirmative, but no hint tends to show any correlation between them and the Left/Right Portions. Dated 214 CE, although much later than the LY manuscripts, a relatively intact tripartite tally was excavated at the Tuzishan 兔子山 tomb no. 6, which has not been thoroughly split.⁴¹⁹ The left part of this tripartite tally was noted with the graph *chu* 出 “disburse” at the top; the middle and right parts were each noted with a graph *ru* 入 “receive”. The image of the tally and the transcription of the text are as follows:

⁴¹⁹ “Yiyang Tuzishan yizhi chutu jiandu (san)” 益陽 兔子山 遺址 出土 簡牘 (叁) <http://www.hnkg.com/show_news.aspx?id=975>, accessed October 24th, 2020. Hsing I-tien (2017) also cites the picture and the transcription.

<p>Receive/Disburse: Assistant Hu Sheng, flat <i>hu</i>, standard rice, 3 bushels 5 pecks 2 pints 6 cups. In the 19th year of Jian'an (214 CE), on the 2nd day of the 2nd month, [Hu Sheng] delivered it to the Bailiff of the Granary, Wen.</p> <p style="text-align: center;">Xiong handled.</p>		
入掾胡盛平斛品米三斛五斗二升六合	建安十九年二月二日付倉嗇夫文	熊受
入掾胡盛平斛品米三斛五斗二升六合	建安十九年二月二日付倉嗇夫文	熊受
出掾胡盛平斛品米三斛五斗二升六合	建安十九年二月二日付倉嗇夫文	熊受



Figure 4.5: The image of a tripartite tally from Tuzishan tomb no. 6 (length: 24.7 cm; width: 1.1 cm × 3; thickness: 0.5 cm)

Source: <http://www.hnkgs.com/show_news.aspx?id=975>, accessed December, 2020.

For a tripartite tally that has not been split off, as this one, its Left Portion,

Middle Portion and Right Portion can be immediately recognized. The combination of the image and the notations strongly suggest that the left portion is a Disbursal Tally, and the right portion is a Receipt Tally.⁴²⁰ Is this phenomenon reflected by this tally a general rule? Does it apply to other Qin and Han tallies? With this single evidence, it is inadvisable to jump to a conclusion, while this clue provides a direction of thinking.

Another point worth noting is that once this tally was split, the three portions could no longer be identified as Left, Middle, or Right, and we could only tell whether it was a Disbursal Tally or a Receipt Tally. Nevertheless, this is a half-finished tally, and it is unknown whether other marks that signify left, middle or right would be made on it or not. Alternatively, having been noted with “disburse” or “receive”, there is no necessity to distinguish among left, middle and right. The terms “Left Portion”, “Middle Portion” and “Right Portion” were probably abandoned after the notations “disburse” and “receive” were used. Not coincidentally, the terms “Left Portion”, “Middle Portion” and “Right Portion” cannot be found in the received texts of the era later than the Western Han.

Does the correspondence between Disbursal/Receipt Tally and Left/Right Portion apply to the Qin and early Han tallies? As stated by Zhang Chunlong, Ōkawa Toshitaka 大川俊隆, Momiyama Akira 籾山明, unfortunately, the tallies from the LY site were not split into parts as the Tuzishan tally; instead, they were cut into pieces in edgewise. Despite the lack of an intact tripartite tally that has not been split like the one from Tuzishan, the scholars describe the physical features of a tripartite tally based on a semi-manufactured bipartite tally excavated at the LY site, but they do not provide an image of this semi-manufactured tally.⁴²¹ The picture of an undivided tally (1 CE) excavated at the Xuanquan 懸泉 postal-relay station, also split from the side of the board, was disclosed by Zhang Junmin 張俊民 (2015), which exemplifies another way of bi-/tripartite tallies’ division. The image of the bipartite tally from Xuanquan,

⁴²⁰ In terms of this instance, its middle portion is also a Receipt Tally, but we are not sure whether all the middle portions of tripartite tallies were noted with “receive”. We guess that the notations made at the top of the middle portions were up to the roles, either disburser or receiver, played by the involved offices responsible for delivering the middle portions to the prefecture courts. In other words, the notations on the middle portions were presumably not invariable.

⁴²¹ See Zhang Chunlong, Ōkawa Toshitaka, and Momiyama Akira, 2015.

which has not been thoroughly cut off, is as follows:

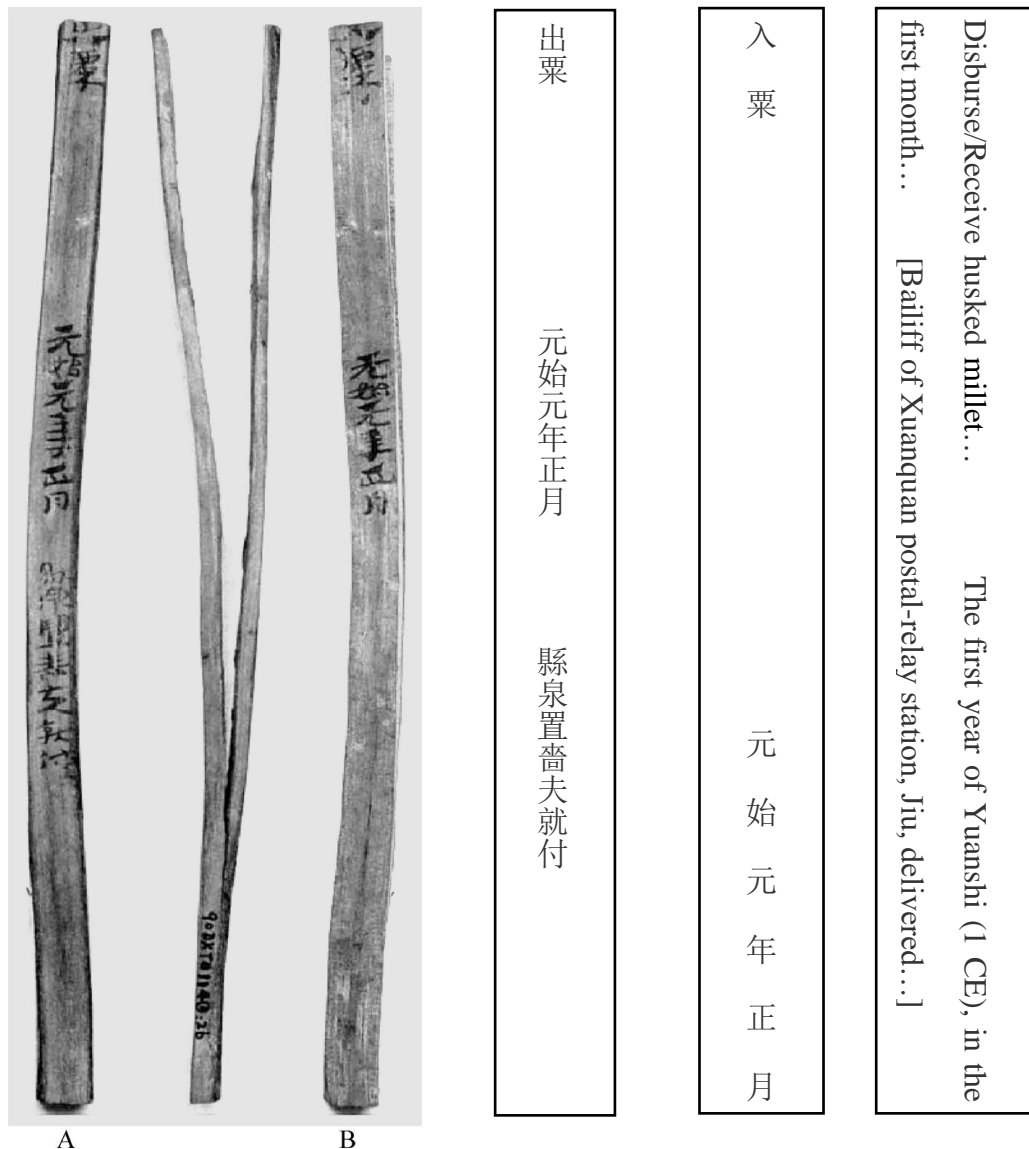


Figure 4.6: The image of Xuanquan slip no. T0114①: 26AB

Source: Zhang Junmin. 2012. “Xuanquanzhi chutu kechi jiandu gaishuo” 懸泉置出土刻齒簡牘概說. *Jianbo* vol.7: 236.

The layout and content of the texts on this tally are similar to those on the Tuzishan tally, with the exception of the different division methods. On both portions, there are no records of the husked millet amounts; additionally, the Receipt Tally does not contain the information of the involved official that is shown on the Disbursal Tally. These traces imply that the texts have not been completed yet; thereby, this tally is supposed to be a pre-made template before the disbursal or reception. More details

would be added to the blank space when it was in use, and the partly split two pieces would be easily and thoroughly broken into two portions. Additionally, notches were expected to be carved on the edge before the division.

It is reasonable to assume that many semi-manufactured tallies, either bipartite or tripartite, could have been prepared in the offices. These prepared tallies would undoubtedly aid administrative efficiency, particularly in situations where large numbers of tallies must be processed quickly, such as tax collection.

With reference to the picture provided by Zhang Junmin, the image of a semi-manufactured tripartite tally can be reconstructed as follows:

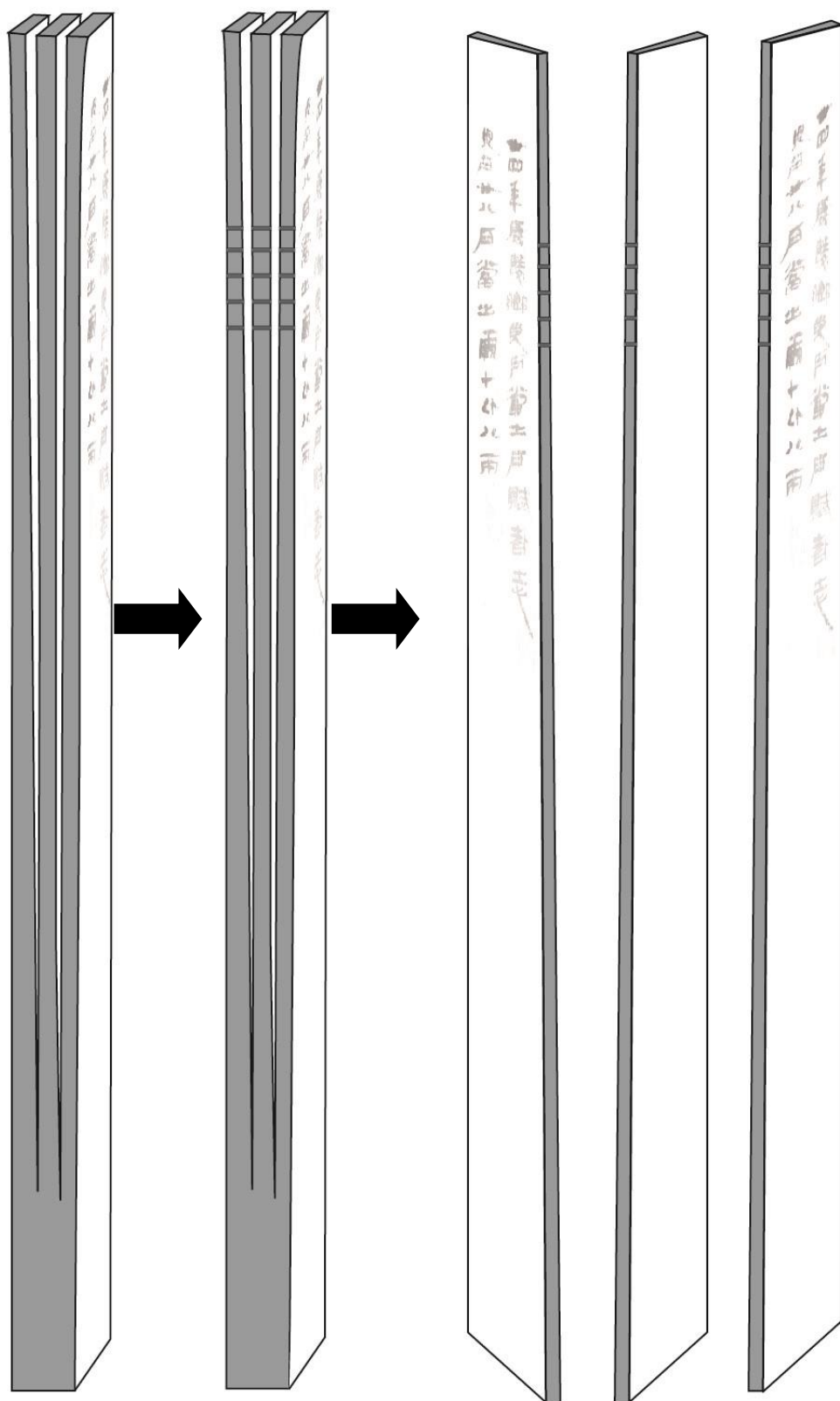


Figure 4.7: An ideal model of a semi-manufactured tripartite tally
Source: Drawn by the author

It would be more difficult to distinguish between the Left Portion, the Middle Portion, and the Right Portion once a tally like this was split into three parts than it was with the Tuzishan tally. Furthermore, there are no “Disburse” or “Receive” notations at the top of Qin tallies from the LY collection. Are there any indicators on these tallies that show their characteristics?

Connecting the above LY text on board no. 8-890+8-1583 (pp. 182-183), which addresses itself as a Disbursal Tally, with the notches engraved at the left edge of the board, it is hypothesized that the notches were used not only for verifying the numbers recorded in the text but also for indicating the board as a Left Portion. By examining all the 225 tallies with notches noted by Zhang Chunlong in the LY corpus,⁴²² nearly all the Disbursal Tallies were engraved with notches at the left edges, and almost all the Receipt Tallies have notches on their right sides. This finding backs up the theory that at Qin times, notches were used to distinguish between a Left and a Right Portion. The function of notches in signifying a Left Portion or a Right Portion was mentioned by Qi Jiwei 齊繼偉 (2018), while he mainly focuses on analyzing the bipartite tallies performing as certificates for getting in or out passes; besides, the function of notches is not the highlight of his research.⁴²³

A piece of evidence from a criminal case that happened in 241 BCE in the ZYS exemplifies notches as function indicators of tallies from another perspective. The text is:

……婢債所有尺半荊券一枚，其齒類賈人券。²⁰² ZYS, 377

At the place where Bi had been knocked down, there was a one and one-half feet long tally made of chaste-tree wood,⁴²⁴ whose notches look like those of a tally

⁴²² The analysis depends on the information provided by Zhang Chunlong because it is hard to observe notches from two-dimensional images only which are available to us. Some of the notches are easy to recognize from the images, while some are undetectable; thus, we cannot check whether all the information provided by Zhang is correct. It has been proved that some errors are contained, for instance, the notches on slips nos. 8-450, 8-838, 8-1352 and 9-465+9-1412 were erroneously noted. This might also account for the inconsistency of several tallies with “wrong-side” notches.

⁴²³ See Qi Jiwei, 2018.

⁴²⁴ Barbieri-Low and Yates translate the phrase *jing quan* 荊券 as “a Chu-style contract”, but they also cite the opinions of Wan Rong 萬榮 (2006) and Lau and Lüdke (2012), who interpreted *jing* as a kind of tree. Lau and

used by merchants. 202⁴²⁵

This text shows that the identification of the tally as one used by merchants was predicated on its notches. Although the record on a tally often determines its nature, its physical features show instrumental information as well.

Notches are basic proofs for verification in addition to their function as Left or Right marks. One of the most important reasons for dividing a tally into two or three parts is to check the portions held by different parties involved in an affair in case the records have been tampered with. The backsides of the two portions of a bipartite tally were natural anti-forgery tokens that could match when they were put together according to the grain of the two pieces of wood. However, due to the wood grain, a tripartite tally could not be checked because the Left Portion and Right Portion were separated by a Middle Portion. On this occasion, the presence of notches seems requisite. They are the most noticeable marks that could fit among portions in addition to the texts.

Another remarkable function of notches noticed by Barbieri-Low and Yates is its contribution to illiterate people,⁴²⁶ which has not been widely discussed in the scholarship but should be paid more attention to. The records on tallies could be read by functionaries in bureau, offices, and warehouses, but most ordinary people at the time were unable to read. It was necessary to inform the taxpayers of the amount of tax they paid in a way that they could understand for an issue like household tax collection, which primarily affected the people at the bottom of the society.

Momiyama Akira (1995) first noticed that differently shaped notches were utilized to convey different numerical information.⁴²⁷ Zhang Chunlong, Ōkawa

Lüdke think it might be the chaste tree (*Vitex agnus-castus*). Quoted from Barbieri-Low and Yates, fn. 15, p.1409. Chen Wei and Xiong Beisheng say that there are tallies made out of branches in the Shuihudi Han manuscripts which might be the so-called *jing quan*. See Chen Wei and Xiong Beisheng, 2019. Therefore, we translate it as a tally made of chaste-tree wood.

⁴²⁵ Translation from Barbieri-Low and Yates (2015, 1399), with modifications.

⁴²⁶ See Barbieri-Low and Yates (2015), 1409.

⁴²⁷ See Momiyama Akira, 1995. Quoted from Barbieri-Low and Yates (2015), 1409.

Toshitaka and Momiyama Akira re-checked the slips and boards with notches from the no. 8 layer of the LY collection and portrayed the different shapes of these notches.⁴²⁸ From their research, notches are visualized and readable. Even an illiterate person could get the essential information of a tally through the notches.

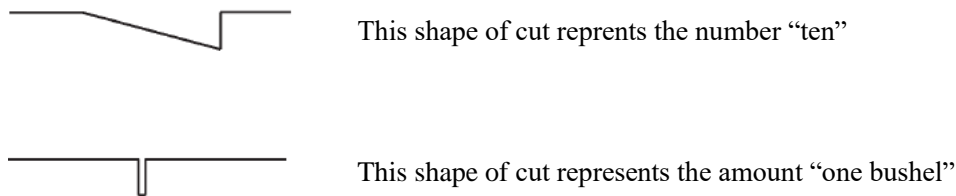


Figure 4.8: Two examples of the cross-sectional views of the notches

Note: Physical images of these two kinds of cuts see the first image in Figure 4.9.

Source: Zhang Chunlong, Ōkawa Toshitaka and Momiyama Akira. 2015. “Liye Qinjian kechijian yanjiu——Jianlun Yuelu Qinjian *Shu* zhong de weijiedu jian” 里耶秦简刻齿简研究——兼论岳麓秦简《数》中的未解读简. *Wenwu* 3: 53-69; 96.



Figure 4.9: Images of different shapes of notches on the LY tallies

⁴²⁸ See Zhang Chunlong, Ōkawa Toshitaka, and Momiyama Akira, 2015.

Source: Ibid. Figure 4.8.

Unlike the Tuzishan tally, which was split from the front of the board, dividing a tripartite tally in edgeways seems a little more complicated. However, they were easier to be carved with notches on three portions at the same time. With regard to the analyses from Zhang Chunlong, Ōkawa Toshitaka, Momiyama Akira and Zhang Junmin, the producing process of a tripartite tally with notches could be basically summarized as follows (cf. Figure 4.7):

1. cut a thick board into three parts but do not cut it off;
2. write down the same texts on both the front and back sides;
3. engrave notches at an edge according to the numerical records in the text;
4. cut off the board;
5. polish the middle portion and copy the text on it;
6. the Left Portion would be kept by the disburser and the Right Portion by the receiver.
7. monthly transport the gathered Middle Portions to the Prefecture Court by a certain office.

It may be questioned why it is necessary to distinguish between left and right portions. It was not uncommon for an office or a storehouse to act as a disburser at times and become a receiver at other times. In other words, the roles played by an office or a storehouse in different activities were not constant. Take the Lesser Treasury as an example:

牝豚一。 卅三年二月壬寅朔庚戌，少内守履付倉是。 ⁸⁻⁵⁶¹ LY 1, 179

Sow: One. In the thirty-third year (214 BCE), on the *gengxu* day (the 9th day) of the second month, whose first day fell on a *renyin* day, Acting Treasurer, Lü disbursed it to Shi of the Granary.⁸⁻⁵⁶¹

𠄎朔壬戌，少内沈受司空佐友。 8-1352 LY 1, 314

[...] on the day *renxu*, Treasurer, Shen received [...] from Controller of Works,
You.8-1352

The Acting Treasurer was the disburser in the first case, while the Treasurer was the receiver in the second, demonstrating that the role played by an office, a storehouse, or other organs was relative. Meanwhile, the first slip was engraved with a notch indicating the number 1 on its left-hand side, and notches indicating the number 482 were found on the right-hand side of the second slip (although we could not compare it to the record in the text due to its damage). These two examples not only support the theory that notches indicate Left or Right Portions, but they also demonstrate the need to distinguish the portions, especially in Qin tallies that were not even marked with “Disburse” or “Receive” at the tops. Classifying different tallies and balancing the income and expenditure were critical for an organ that could act as both a disburser and a receiver. The tallies recording income or expenditure with notches on different sides were easily identifiable by the functionaries.

More information from tallies and other administrative documents is accessible with the basic idea of notches, which will aid our understanding of household tax management at the local level.

4.2.2 The processing procedure of household tax by the local administration

Back to the cited statutes concerning the management of household tax cash,⁴²⁹ the office in charge of this portion of money at the prefecture-level is not mentioned. A fragmented tally from the LY corpus might have served as a Receipt Tally of the household tax cash converted by household hay, which reads:

戶芻錢六十四 卅五年𠄎₈₋₁₁₆₅ LY 1, 286

Household hay [converted to] cash: 64. Thirty-fifth year (212 BCE) [...] ₈₋₁₁₆₅

⁴²⁹ For *ENLL*, 254: 429-430 and *YL* 4, 108: 1411+1399+1403, see pp. 173-175.

Due to the break of this slip, we do not know which organ received the household hay cash. Limited though the information provided by this document is, an analogous tally recording the management of the cash from land hay and land straw shows some indirect clues. This tally reads:

田芻稿錢千一百卅四。元年二月癸酉朔辛巳，少內守疵受右田守□(line 1)

令佐丁監。(line 2)⁹⁻⁷⁴³ LY 2, 196

Land hay and straw [converted to] cash: 1,134. In the first year [of the Second Emperor] (209 BCE), on the *xinsi* day (29th) of the second month, whose first day fell on a *guiyou* day, Acting Treasurer, Ci received it from Acting Head of Right Fields Office,⁴³⁰ X. (line 1)

Assistant of the Prefect, Ding Oversaw it. (line 2)⁹⁻⁷⁴³

The cash from the land hay and land straw was transferred from the Right Fields Office to the Lesser Treasury, according to this document. It is reasonable to assume that the Right Fields Office collected the money from the peasants in its territory and then passed it on to the Lesser Treasury, which was in charge of the prefecture's revenues. Notches signifying 1,134 at the right edge of the board, in addition to the written text, identify it as the Right Portion preserved by the cash receiver—the Lesser Treasury.

Slip no. 8-1165 containing the household hay cash was half broken, and no notch was introduced by the editors on its side. The image is not clear enough to make a reexamination. Nevertheless, its format appears to be similar to board no. 9-743. By comparison, the office at the prefecture-level that took charge of the household tax

⁴³⁰ The presence of the graph *you* 右 “right” in the office title implies the probable existence of a Left Fields Office (*zuo tian guan* 左田官), which might share the same authority but over separated territories in a prefecture. For more references of *zuo tian* 左田, cf. 9-470 (LY 2, 134); *you tian* 右田, cf. 9-470 (LY 2, 134), 9-1418+9-1419+9-2190 (LY 2, 304). No other occurrence of these two terms is available in the Qin and Han manuscripts or received literature. However, among the sealing clays collected in the book *Qin fengni jicun* 秦封泥集存, one lump was impressed with *zuo tian zhi yin* 左田之印. See Liu Rui (2020), 186. Other lumps with seals like “XX 左田” and “XX 右田” could also be found in this collection, cf. Liu Rui (2020), 1231, 189.

cash was probably the Lesser Treasury. This assumption can be corroborated by one slip (*LY* 1, 62: 8-96) bearing the silkworm cocoons that were received by the Lesser Treasury.⁴³¹ Furthermore, the four tallies, each listing the taken-in of 6 ounces of silkworm cocoons, were engraved with notches on their right sides, showing that these four tallies were the Right Portions of the tripartite tallies preserved in the Lesser Treasury.

Apart from the Fields Office as the disburser in the transfer of the cash converted by the land hay and straw to the Lesser Treasury, which office transferred the household tax in cash or in-kind to the Lesser Treasury, or in other words, which office collects the household tax, becomes a key issue.

The household registers were kept in the District Office, as mentioned in the previous chapter. The District Office also prepared and submitted household accounts to the prefecture. The household tax was collected based on the household registers, so it is reasonable to assume that the District Office was responsible for collecting it. Besides, the two *LY* documents (boards nos. 8-518 and 9-661, see this chapter p. 166) containing the numbers of households and the amounts of household tax were both district-based and assumed to be submitted by the two District Offices of Qianling. They also attest to the District Office's duty to conduct the household tax collection and deliver it to the Lesser Treasury.

Furthermore, as specifically stated in the *YL* statute (*YL* 4, 107: 1280), the Head and the Elder of a village were not entitled to hold the household tax cash, implying that their job responsibilities were limited to assisting the District Office officials in collecting taxes, but neither the in-kind nor the cash would pass through their hands.

Based on our current knowledge, the processing of the household tax can be arguably illustrated in the following diagram:

⁴³¹ See p. 168. This slip was broken and the text after the Acting Treasurer was missing. Therefore, it is only affirmed that the Lesser Treasury handled the silkworm cocoons paid by a taxable household.

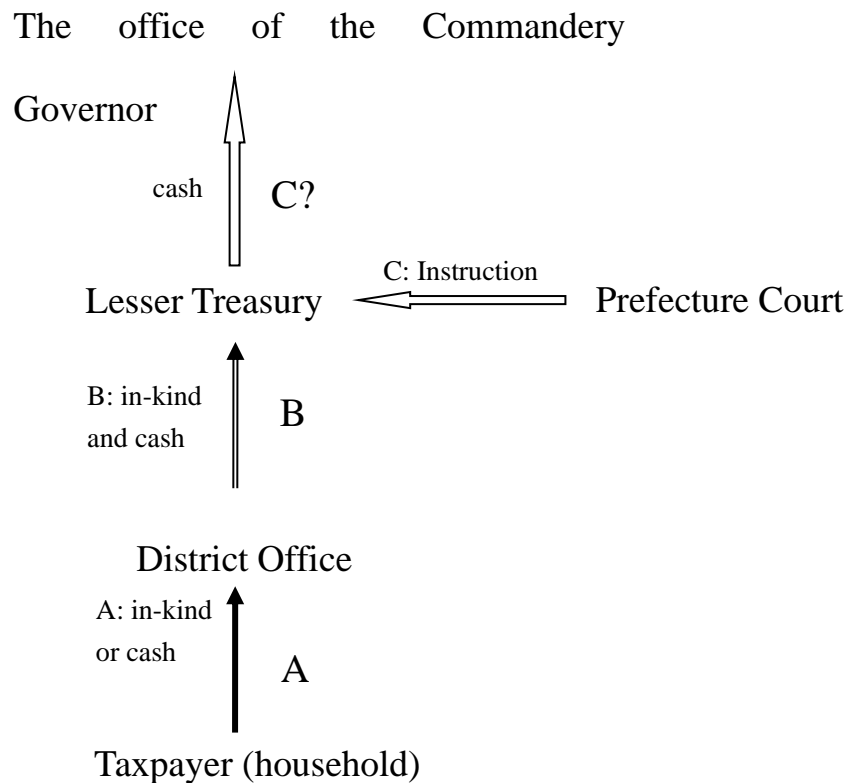


Figure 4.10: The flow chart of the household tax processing

Note: This chart shows three stages of household tax processing among the participants. The three stages are: (A) the taxable households hand over in-kind or cash to the District Office; (B) the District Office transports the in-kind and cash to the Lesser Treasury in the prefecture; (C) and the Prefecture Court instructs the Lesser Treasury to annually transport the cash tax revenue to the office of the Commandery Governor, or likely, an office comparable to the Lesser Treasury at the Commandery Court. Due to the fact that the related source regarding this part is very limited, we cannot help but be met with more questions on this topic.

This quick diagram focuses on identifying the various agencies involved in household tax management. The actual situation is likely to be more complicated, and many details such as the coin-holding jars, the specific officials involved, and the communication between offices are not depicted in this diagram. Above the prefecture-level, according to the ENLL statute (*ENLL*, 254: 430), only cash was regulated to be turned over to the office of the 2000-bushel official every three months, seemingly contradicted to the YL statute (*YL* 4, 107: 1230) which says that the household tax cash should be annually transported to the office of the Commandery Governor; however, the ENLL statute concerns the management of

diverse money incomes from taxes, pledges, official-run plantations and so forth, and as one of these revenues, the household tax cash being annually transported to the commandery still has its validity.

Tallies were used in this procedure, despite the fact that they are not shown in this diagram. At first, the taxpayer was the disburser, receiving a Left Portion of a tally from the District Office, and the District Office was the receiver, keeping the Right Portion. Besides, the District Office would transport the gathered Middle Portions to the Prefecture Court. At the second stage, the District Office became the disburser and held a Left Portion of a tally; the Lesser Treasury was the receiver keeping its Right Portion; the Middle Portion would also be transported to the Prefecture Court. At the third stage, in transporting the cash to the office of the Commandery Governor, a tally was supposed to be used as well, but there is no evidence, so we will not further discuss it.

In addition, the prefecture or march was prohibited from using the cash from the household tax and other businesses without authorization. This restriction implies that only in-kind taxes were available to the prefecture, while currency taxes (the fifth-month tax) and in-kind taxes that exceeded the prefecture's needs and were converted to currency would be handled with caution and transported to the higher authorities according to the prescribed schedule.

4.2.3 The budget ahead of the collection of household tax

As previously stated, only the tax in currency would be transported to the commandery, and it appears that the responsible officials and functionaries have already determined how much the prefecture requires and how much in-kind should be converted to cash prior to the imposition of the household tax. Although this implicit point is not introduced in the statutes, a regulation on the hay and straw collection shows some respects of this issue. The statute says:

……收²⁴⁰入芻藁，縣各度一歲用芻藁，足其縣用，其餘令頃入五十五錢以

當芻藁。芻一石當十五錢，藁一石當五錢。²⁴¹ ENLL, 187

[...] When collecting²⁴⁰ and entering hay and straw, each prefecture is to estimate how much it will use of hay and straw in one year, to satisfy the prefecture's needs. Should there be a surplus (i.e., after the prefecture has satisfied its needs), order the surplus part to be entered fifty-five cash per hide [of agricultural fields] to match the hay and straw. One bushel of hay matches fifteen cash, and one bushel of straw matches five cash.²⁴¹⁴³²

The usage of the verb *duo* 度 “estimate” in this text indicates the existence of a budget before the levy of taxes, arguably the budget of the required objects to fund prefectural government spending and public expenditures. Additionally, the two documents (*LY* 1, 172: 8-518; *LY* 2, 173: 9-661) from the LY site using the phrase *dang chu hu fu* 當出戶賦 “the household tax should be paid” also present the supposed amounts of household tax that should be paid instead of the amounts that had already been taken in. The two LY documents, on the other hand, appear to be physical evidence of the budgets for household tax collection made by the two districts in Qianling Prefecture.

The process of making budgets before the levy of taxes could be complemented by the following statute:

官各以二尺牒疏書一歲馬、牛、它物用藁數，餘見芻藁數，上內史，恒會八月望。²⁵⁶ ENLL, 193

Each office is to write down in separate entries, on two feet long (approx. 46 cm) bound slips, the amount of [hay and] straw used in one year by its horses, cattle, and for other purposes, and the amount of the surplus of hay and straw remaining, and forward it to the Ministry of Finance.⁴³³ The deadline is always the 15th day

⁴³² Translation from Barbieri-Low and Yates (2015, 697).

⁴³³ Barbieri-Low and Yates believe *nei shi* is for the abbreviation of *zhi su nei shi* 治粟內史, changed in 144 BCE to *da nong ling* 大農令 and in 104 BCE to *da si nong* 大司農 (Grand Minister of Agriculture). In the SHD corpus, a section with a title rendered by Hulsewé as “(Statutes concerning) the Ministry of Finance; miscellaneous” (*Nei shi za* 內史雜) (Barbieri-Low and Yates translate this title as “Miscellaneous [Ordinances] of the Governor of the

of the eighth month.²⁵⁶⁴³⁴

According to this text, an overall budget of the required quantity of straw and hay by an office would be made and submitted to the Ministry of Finance, and the amount of the remaining hay and straw of last year would be reported as well. The budget deadline is in the eighth month, which corresponds to the time for levying household hay in the tenth month of the year. Which offices were responsible for preparing budgets and submitting them to the Ministry of Finance was not specified. In view of the administrative hierarchy, the Ministry of Finance was from the central government, and the offices from the prefecture level were prohibited from reporting to the central government directly; therefore, the offices mentioned in this statute are supposed to be commandery-level offices.⁴³⁵ But their work was undoubtedly based on gathering the budgets from the prefectures and making a summary of them.

4.3 Summary

The purpose of this chapter was to clarify the issues surrounding household tax management during the Qin and early Han periods. We got the impression that households were important resources that were strictly restricted from being concealed based on the records about the household tax in the received texts and two legal texts in the SHD collection containing overlapping phrases.

The households required to pay the household tax were those with householders

Capital Area”) displays the ordinances related to hay, straw, granaries, and so on. Hulsewé argues that the term *nei shi* occurring in this title refers to the Ministry of Finance, while the editors of SHD (1990) think it refers to the Governor of the Capital Area. Barbieri-Low and Yates also point out that *nei shi* in the Qin texts always refers to the *zhi su nei shi*. For more details, see Barbieri-Low and Yates (2015, 660). The term *zhi su nei shi* designates either a department or the head of this department hinged on the context. Its translation has different versions: Hucker translates it as “National Treasury/Chamberlain of the National Treasury” (Hucker, 163); Hulsewé translates it as “the Ministry of Finance” (Hulsewé, 86); Loewe translates it as “Grand Minister of Agriculture” (Quoted from Barbieri-Low and Yates, XLVII); and Barbieri-Low and Yates translate it as “the Scribe of the Capital Area of Grain” (Barbieri-Low and Yates, XLVII). In this statute, we follow the translation of Hulsewé.

⁴³⁴ Translation from Barbieri-Low and Yates (2015, 703), with modifications.

⁴³⁵ Nevertheless, offices located in prefectures reported directly to a central department should also be taken into account. As stated by one statute in the SHD manuscripts: “The Metropolitan Offices transfer (the discarded government tools that cannot be amended) to the Grand Treasury. The Grand Treasury receives and sells them” 都官輸大內，【大】內受賣之 (QJDHJ, 100: 86-88). From this statute, it is clear that the Metropolitan Offices were directly controlled by the central department, so they did not need to report to the commandery firstly.

holding the Ministerial rank (rank nos. 10-18) or lower, while the Ministerial rank holders were exempt from land tax. According to the statutes, the quantities of household tax that each household should pay was in total (all converted to cash) 32 cash in Qin times and 31 cash in Han times. This one cash deviation might be caused by the flux of the conversion rate in different periods. Nonetheless, the administration's approach to collecting household taxes was very flexible. Many examples were given to demonstrate the free conversion of cash and in-kind, as well as between different products. Also, the payments in in-kind were localized depending on the products of a local area. For instance, the household tax was paid in silkworm cocoons in Qianling Prefecture.

Furthermore, the processing procedure of the household tax collection was reconstructed, which primarily affects the taxpayers, the District Office and the Lesser Treasury. Tallies played an important role in this process. To learn more about tallies, we looked into how the different parts of a tally are distinguished and what the notches engraved on the sides mean. Although we do not have sources at the commandery level, it is clear that only the cash part of the household tax revenue would be transported to the commandery, which is easier to be delivered than the in-kind. The in-kind portion was primarily to meet the needs of the prefecture.

Chapter 5: Confiscation, Collective Liability and Their Association with the Household System

Confiscation and collective punishment, two common methods of punishing criminals' family members and other relevant people, have been hotly debated in academia for many years. The majority of the research focuses on the connection between these punishment systems and kinship. Peng Nian says the law on confiscation was based on kinship by which the criminals implicated the innocent families, and it conveyed the heavy punishment law logic,⁴³⁶ while Ishihara Ryohei 石原遼平 points out some new ideas. He argues that the primary purpose of confiscation was to lift state productivity by dismantling the households that were not able to engage in agricultural production and population increase anymore rather than to intensify crime control.⁴³⁷ In his statement, he connects confiscation to the household unit, which many scholars appear to have overlooked. Collective punishment based on mutual liability is frequently regarded as a punishment similar to confiscation. Liu Xinning assumes that the collective punishment is based on kinship, or geo-relation, according to the different relationships between the criminal and the implicated persons.⁴³⁸

In the legal texts of the Qin and early Han period, the stipulations on collective liability and confiscation both emphasize the punishments imposed on the related persons of the criminals, some of them were families, while some were not. The similarities often make these two genres not easy to be distinguished from each other. Even among the policies promulgated by Shang Yang recorded in *Shiji*, these two genres were in parallel in the same paragraph, which reads:

令民為什伍，而相牧司連坐。不告姦者腰斬，告姦者與斬敵首同賞，匿姦

⁴³⁶ See Peng Nian, 1987.

⁴³⁷ See Ishihara, 2017.

⁴³⁸ See Liu Xinning, 2012.

者與降敵同罰。……事末利及怠而貧者，舉以為收孥。⁴³⁹

Order the people to be grouped into Units of Ten and Five to supervise each other and be collectively responsible mutually. Anyone failing to report an offense is to be cut in two at the waist. Reporting an offense is to be rewarded in the same way as cutting off the head of an enemy. Concealing an offender is to be punished in the same way as surrendering to an enemy...those who engage in mercantile pursuits or are too lazy, thereby become poor, should be reported [to the government] and their wives and children are warranted to be confiscated.⁴⁴⁰

The phrase *shou nu* 收孥 in this text was annotated by Sima Zhen 司馬貞 (679–732), saying that the wives and children were to be confiscated as government slaves.⁴⁴¹ More words and sentences were devoted to explaining mutual liability in this paragraph, while the content related to confiscation only occupies one line. This paragraph demonstrates that mutual liability is more than just a punishment, as one can be punished or rewarded for taking on this responsibility, depending on whether or not one has made a denunciation. Despite the fact that confiscation appears to be an unavoidable punishment, there were some instances in which it was possible to avoid confiscation, as will be discussed further in the following sections. Since confiscation is a type of punishment, we will mainly discuss collective liability in the circumstances when it was used as a punishment, and it will be primarily referred to as collective punishment in this chapter; besides, the rewards one might get from collective liability by making denouncement is not the main subject.

These two punishments, which were no doubt in association with the household system, will be principally analyzed in the following sections from the perspective of their relations to the household unit supplemented by the comprehension of their respective peculiarities. Also, the relationship between these two types of punishments

⁴³⁹ *SJ* 68, 2230.

⁴⁴⁰ The translation is partly referred to: <http://tls.uni-hd.de/procSearch/procSearchTxt.lasso>, accessed June 10th, 2020.

⁴⁴¹ *SJ* 68, 2230.

needs more clarification.

5.1 The Regulations on Avoiding Confiscation

Five articles were reconstructed and compiled by the editors of the *ENLL* (2007) into the “Statutes on Confiscation” (Shou lǜ 收律). They firstly show us the details of the statutes related to confiscation known by the famous edict “abolish all the statutes and ordinances on confiscation (of wives and children) and other collective punishments” 除收帑諸相坐律令⁴⁴² issued by Emperor Wen of Han in 179 BCE, even though whether the concrete punishments were abolished is still debatable.

The provisions regulating under which conditions one could be exempt from being confiscated should be noted among the five articles, as they were closely related to the household system. Only two of the five articles deal with this topic, but when we compare them, we can see that one text contains the rules that apply to male criminals, while the other text explicitly targets female criminals (except for the first sentence, which contains a general rule that applies to both men and women). This phenomenon could indicate that, at least at the start of the Han dynasty, female-headed households were not uncommon. Due to the different standpoints of these two articles, they will be presented separately.

5.1.1 The statute on male criminals

Slips nos.174+175 contain the statute formulating for what crimes a male person committed would result in confiscation, while the latter text focuses on introducing under which conditions a male criminal’s wife and children would not be confiscated. The text is as follows:

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，若爲戶、有爵及年十七以上，若爲人妻而棄、寡者，¹⁷⁴ 皆勿收。

⁴⁴² *SJ* 10, 419.

坐奸、略妻及傷其妻以收，毋收其妻。¹⁷⁵

ENLL, 159

As for the criminal [guilty of a crime that matches] being left intact and made an earth pounder convict or firewood gatherer convict 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, confiscate his wife, children, valuables, agricultural fields, and homesteads. Should his offspring have a wife or a husband, or have formed a [separate] household, hold a rank, be seventeen years of age or older, or had been the wife of someone else but be divorced or widowed:¹⁷⁴ in every case, do not confiscate them. As for those cases in which the wife is to be confiscated because [the husband] is liable for illicit intercourse, abducting her to be his wife, or injuring his wife: do not confiscate his wife.¹⁷⁵⁴⁴³

What is visible in this article is what would be confiscated if a person committed a serious crime: his wife, children, and movable and immovable property. Other relatives of the criminal, such as parents, brothers, and sisters, who may still live with him, were not mentioned among the confiscated persons under this rule. It is very likely that confiscation was not enforced in keeping with the household register or the kinship, and what was stated to be confiscated in this stipulation only involves wives and children.

On account of the latter part of this article, children and wives could avoid being confiscated for one of the following conditions:

1. children who have been married;
2. children who have formed households separated from his/her father's household;
3. children who hold ranks;
4. children aged seventeen and above;
5. daughters who had got married but were divorced or whose husbands died;

⁴⁴³ Translation from Barbieri-Low and Yates (2015, 601), with modifications.

6. wives whose husbands were liable for illegal intercourse or who were victims of the husbands' crimes.

One of these six items is “have formed households” (*wei hu* 為戶), which means that the children, whether they were adults or not, would not be confiscated if they had established separate households. On the other hand, this provision demonstrates the authorities' desire to keep as many households as possible. Although the people who would be imprisoned were not determined by the household register, one of the requirements for the children to avoid being imprisoned was that they have their own households, implying that they were not registered with the criminal father when the father's guilt was prosecuted.

Regarding no.4, the age seventeen appears to be a significant threshold. What does the age seventeen mean? According to the stipulation (*ENLL*, 234: 364) 不更以下子年廿歲……皆傳之 “For sons of [a father holding] the fourth rank or lower, who are twenty years of age...in every case, enroll them [for service]”⁴⁴⁴ in the “Statutes on Enrollment” (*Fu lü* 傳律), it might be presumed that the age for the commoners' enrollment was twenty. However, Gao Min points out that ‘*yi xia* (lower)’ in this sentence only entails the three ranks below the fourth rank, whereas unranked commoners should not be included in this group. He thinks the age for unranked commoners to be enrolled in the government was fifteen, the same as the enrollment age of the Qin times.⁴⁴⁵ In terms of this statute on confiscation, Ishihara says the age for enrollment in the Han period is not seventeen. He attempts to figure out why the age seventeen occurred in the stipulation on avoiding confiscation, and he concludes that seventeen was considered to be an age from which year one was able to perform as a householder and thereby could substitute the father's status in the household.⁴⁴⁶ Fortunately, an ordinance from the YL collection provides more evidence on this

⁴⁴⁴ Translation from Barbieri-Low and Yates (2015, 841), with modifications.

⁴⁴⁵ See Gao Min, 2002. Referred to the paraphrase of Gao Min's viewpoint from Barbieri-Low and Yates (2015, 847). However, whether the enrollment age in the Qin times is fifteen still needs further discussion.

⁴⁴⁶ See Ishihara, 2017.

aspect, which reads:

• 御史言：巴縣鹽多人，請¹⁰²⁸令夫輸紹等廿四人，故代、齊從人之妻、子、同產、舍人及其子已傅、嫁不當收者，比故魏、荊從人之⁰⁹⁶⁰【妻】⁴⁴⁷、子、同產、舍人及其子已傅、嫁者。⁰⁹²¹ *YL 5, 43*

The Chief Prosecutor reports: “There are too many people in the saltworks in the prefectures of the Ba [Commandery]. [I] request¹⁰²⁸ to order Fu to transport Shao and the other altogether twenty-four people, who were former Dai⁴⁴⁸ or Qi followers’⁴⁴⁹ wives, children, siblings, retainers and the children having enrolled [in the government] or married out who should not be confiscated, compared to the Wei and Jing followers’⁰⁹⁶⁰ wives, children, siblings, retainers and the children having enrolled [in the government] or married out who should not be confiscated.”⁰⁹²¹

This is an excerpt from an ordinance dealing with the transportation of people attributed to the other states following Qin’s unification. It is not a confiscation-focused ordinance. Nevertheless, the brief phrase “those children having enrolled [in the government] or married out who should not be confiscated” 其子已傅、嫁不當收者 is noteworthy. This group of children was not among those warranted confiscation, but since this is a special case concerning the relevant persons of some leading figures in the process of fighting against Qin forces, those who normally would not be confiscated were unconventionally counted in. Additionally, “wives

⁴⁴⁷ This word could not be found on the slip due to the break of its top part, while the editors added this word here according to the context.

⁴⁴⁸ Dai 代 (228-222 BCE). After the Zhao state was defeated by the Qin army in 228 BCE, the Zhao prince Zhao Jia 趙嘉 fled to Dai Commandery, northeastern quarter of the Zhao state, and established a small kingdom named Dai. Dai, Qi 齊, and the following Wei 魏, Jing 荆, were four states in the Warring States period and were conquered by Qin forces in 222 BCE, 221 BCE, 225 BCE and 223 BCE, respectively. Comparing these points-in-time, the Dai state and the Qi state were conquered after the states of Wei and Jing; therefore, the disposal of the certain people from Dai and Qi was compared to the precedent disposal of corresponding people from Wei and Jing.

⁴⁴⁹ For *cong ren* 從人, cf. fn. 258, p. 109. The term *cong ren* in this text probably refers to Yue Tu 樂突 (occurs in the former text of this section), whom the editors of the *YL 5* annotated as an unrecorded general of the Zhao state, a relative of the well-known general Yue Yi 樂毅 (about 3rd cent. BCE). See *YL 5, 74*. He might be one of the major leaders who ever participated in the fights against the Qin state at the end of the Warring States period.

and children” (*qi zi* 妻子) were already listed before this short sentence, the repeated occurrence of “children” in one sentence indicates that the latter one—the children who were enrolled or married out, was not among the originally regulated “wives and children” who warranted confiscation; thus, it is necessary to introduce the qualifiers of the children out of the confiscated scope. In light of the previous text from the “Statutes on Confiscation”, which stated that children aged seventeen and up were exempt from confiscation, it is reasonable to assume that seventeen was the age for government enrolment in the early Han period, as well as the age at which a person became an adult. As a result, adult children are not among those who belonged to the confiscation group. That is to say, the two words “wives and children” (*qi zi* 妻子) that were often put together as the foremost two groups that would be confiscated and frequently appear in the legal texts related to this punishment, only entail the non-adult children. The children who had already enrolled in the government, which symbolized their ability to fulfill government and military service, would not be taken away because of their father's guilt.

Except for the age seventeen as a threshold of exemption from being confiscated, more details on age are available from another ordinance in the YL collection, stating that:

●泰山守言：新黔首不更昌等夫妻盜，耐為鬼薪白粲，子當為收。彼有嬰兒未可事，不能自食，¹¹¹⁴別傳輸之，恐行死。

議：令寄長其父母及親所，勿庸別輸。

丞相議：年未盈八歲者令寄長其⁰⁹¹⁸父母、親所，盈八歲輒輸之如令。琅琊郡比。 • 十三¹⁹³⁵ YL 5, 63

The Governor of Taishan [Commandery] reported: “The new black-head Chang, holder of the fourth rank, and other new black-heads committed theft in couples. They were shaved and made firewood gatherer convicts or rice sifter convicts, and their children should be confiscated. Among these children, an infant could not yet serve [in the government], nor could it feed itself.¹¹¹⁴ If it would be

transported separately, [We are] afraid it will die.”

[The Chief Prosecutor/the Commandant of the Court]⁴⁵⁰ delivered his opinion: “Order [the infant] to be fostered in the criminals’⁰⁹¹⁸ parents’ or relatives’ place, and there is no need to transport it separately.”

The Chancellor delivered his opinion: “For those [children of the criminals] aged under eight, order them to be fostered in the criminals’ parents’ or relatives’ places. For those aged eight and above, transport them immediately according to the ordinance. This is applicable to Langyang Commandery.” No. 13¹⁹³⁵

Based on this ordinance, it is very easy to assume that children under the age of eight would be raised by relatives and would not be confiscated to serve in the government, implying that the confiscated children are between the ages of 8 and 17. However, the fact that the infant’s parents were both criminals who had been sentenced to prison should not be overlooked. The infant cannot survive if both its father and mother are absent at the same time, which is why this ordinance was passed. Moreover, according to the text, this ordinance was only applicable in two commanderies, and whether it was promulgated empire-wide is uncertain, which further implies that it is probably not a general provision. When the criminal is only the father, all non-adult children under the age of seventeen are usually confiscated (along with the confiscated mother).

A legal text in the SHD collection complements the rule under the general condition when the children warranted confiscation were too young, which reads:

“隸臣將城旦，亡之，完為城旦，收其外妻、子。子小未可別，令從母為收。” ●何謂“從母為收”？人固買⁴⁵¹，子小不可別，弗賣子母謂毆。¹¹⁶

⁴⁵⁰ No reference in this ordinance tells who delivered this opinion. According to legal texts and the historical literature, the most common persons involved in delivering opinions were the Chancellor, the Chief Prosecutor and the Commandant of the Court. Since the Chancellor occurs in the following text, the person who delivered this opinion is supposed to be the Chief Prosecutor or the Commandant of the Court.

⁴⁵¹ The editors of *SHD* (1990) take this *mai* 買 as a phonetic loan of *mai* 賣. See *SHD*, 121. Hulsewé thinks this word should be read as its original one, which means other people attempted to buy the impounded mother. See Hulsewé (1985), 153.

“When a bondservant convict leads an earth pounder convict and lets him abscond, he is made an earth pounder convict without mutilation, and his wife and children who are outside [government workshops] are confiscated.⁴⁵² If the children are too young to be separated from their mother, let them follow their mother as confiscated [persons].” •What is the meaning of “follow their mother as confiscated [persons]”? People initially [want to] buy [the mother], but the children are young and cannot be separated; thus, the children’s mother must not be sold. That is the meaning. ¹¹⁶⁴⁵³

This text, which begins with a fragment of a statute and then moves on to a question-and-answer section, deals with a peculiar case in which the confiscated children were too young. Unlike the previous ordinance, the children were regulated in the statute to be confiscated with the mother. Even if the non-adult children were too young, they would still be confiscated in general, but they would be given special care to remain with their confiscated mother.

These legal texts lead to the conclusion that the children who would be implicated and confiscated by the father’s guilt only include those who had not enrolled in the government, apart from exceptional situations. It should also be remarked that there were some deviations about the enrollment age at different times and for different rank holders. Nonetheless, the enrollment age for commoners was supposed to be seventeen in Qin and early Han times, according to the above argument.

In regards to No. 5, if a daughter became single again after she married, she would not be confiscated, regardless of whether she returned to the natal household or not. Such a daughter could end up in one of two situations: she could return to her parent's home and live with them, or she could start her own household.

⁴⁵² The editors of *SHD* (1990) say *wai* 外 means the wife and children of the bondservant convict were free and did not serve in the government before this punishment was carried out. See *SHD*, 121

⁴⁵³ Translation from Hulsewé (1985, 153), with modifications.

The six items on display show the conditions under which wives and children were exempt from confiscation, demonstrating that confiscation as a form of punishment was not unlimited. These restrictions show the government's favor of the children who were adults or who established separate households and the attempt to protect them from being implicated, manifesting the authorities' inclination to maintain as many households and as much workforce as possible.

5.1.2 The statute on female criminals

[A]夫有罪，妻告之，除于收及論；妻有罪，夫告之，亦除其夫罪。[B] ●無夫，及爲人偏妻，爲戶若別居不同數者，有罪完舂、白¹⁷⁶粲以上，收之，毋收其子。內孫毋爲夫收。¹⁷⁷ *ENLL*, 160

[A] When a husband is guilty of a crime, and the wife denounces him: remove [her liability] for confiscation as well as for sentencing. When a wife is guilty of a crime, and her husband denounces her: also remove the husband's [liability for the] crime. [B]●For one who has no husband, as well as for one who acts as a side-wife for a person, who has formed a household, or who is not enumerated together [with a husband or children on a household register], when she is guilty of a crime [that matches a punishment] of being left intact and made a grain pounder convict or ¹⁷⁶ rice sifter convict or higher [in severity]: confiscate her [properties], but do not confiscate her children. As for grandchildren [through the male line], do not confiscate them because of the [grandmothers'] husbands' [crimes].¹⁷⁷⁴⁵⁴

This statute would be cut into two parts to be clarified, marked by the serial numbers A and B, respectively, due to the separation marked by the black dot and the inconsistency in content between the two sections.

In contrast to part B, part A describes the provision referring to both men and women. Given this short sentence, many scholars present their various understandings.

⁴⁵⁴ Translation from Barbieri-Low and Yates (2015, 601), with modifications.

Li Junming, Yun Jae Seug and Li Guofeng 李國鋒 believe the denouncement from either wife or husband could remove her or him from confiscation.⁴⁵⁵ Li Guofeng further states that this stipulation embodies the relatively equal status of wife and husband concerning criminal responsibility. However, Sumiya Tsuneko 角谷常子 and Lu Jialiang argue that husbands would not be confiscated by the crimes committed by the wives in any case.⁴⁵⁶ Barbieri-Low and Yates also say that “this passage once again makes clear that a husband was never liable for impoundment; he was only mutually liable for his wife’s original crime, which he could remove by denouncing her”.⁴⁵⁷

In the legal texts, there was no mention of whether a husband’s property would be confiscated if his wife committed a crime that warranted confiscation. Furthermore, in contrast to the previously presented statute on male criminals, there is no description of the conditions under which a husband would be exempt from confiscation in part B. This evidence tends to support Sumiya Tsuneko and Lu Jialiang’s viewpoints; however, it is difficult to conclude that a husband would never be confiscated for his wife’s crime.

Given the focus on the description of female criminals in part B, especially female householders and those whose household registers were separated from the husbands’, it is hypothesized that the second clause of part A stating that “when a wife is guilty of a crime, and her husband denounces her: also remove the husband’s [liability for the] crime” 妻有罪，夫告之，亦除其夫罪 does not manifest a normal spouse relationship, but a particular situation when a wife was the householder. When a woman was the householder, her husband was probably liable for confiscation. If a husband would never be confiscated for his wife’s crime, what is the necessity to notice a husband’s denouncement paralleling with a wife’s denouncement? Even though we have no evidence about the confiscation of husbands in female-headed households or matrilocal families, the possible presence of related regulations in these

⁴⁵⁵ See Li Junming, 2002; Yun Jae Seug, 2004. Li Guofeng, 2004.

⁴⁵⁶ See Sumiya Tsuneko, 2006; Lu Jialiang, 2007.

⁴⁵⁷ See Barbieri-Low and Yates (2015), 605.

special situations should also be taken into consideration.

Generally, when a male person leads a household, the husband (the householder) would not be confiscated for his wife's crime that matches confiscation for the sake of the reservation of this household. Two texts from the SHD collection elaborate on the gender discriminatory law on confiscation, and slip no.171 (see below) provides some evidence on the assumption that a male householder would not be confiscated by his wife's crime. Besides, the husband's escape of confiscation seems unconditional, which did not require him to denounce his wife. This point could be used to show that the regulation requiring a husband to denounce his wife in order to avoid punishment was intended for households led by female householders and that under this condition, a husband could avoid confiscation only by denouncing his wife, the householder. The two SHD texts are as follows:

“夫有罪，妻先告，不收。”妻媵臣妾、衣、器當收不當？不當收。¹⁷⁰

QJDHJ, 264

“When the husband has committed a crime and his wife denounces him in advance, she is not to be confiscated.” Are the slaves, clothes and vessels [which came to this household] as her dowry⁴⁵⁸ warranted to be confiscated or are they not warranted? They are not warranted to be confiscated.¹⁷⁰⁴⁵⁹

妻有罪以收，妻媵臣妾、衣、器當收，且畀夫？畀夫。¹⁷¹ *QJDHJ*, 264

If a wife has committed a crime that matches to be confiscated, are the slaves, clothes and vessels of her dowry warranted to be confiscated, or are these given to her husband? To be given to her husband.¹⁷¹⁴⁶⁰

⁴⁵⁸ Gao Heng says male and female slaves (*chen qie* 臣妾) were regarded the same as clothes and vessels as the wife's property. See Gao Heng, 1981. For *ying* 媵, Hulsewé comments that it means “specifically to present servants or slaves to accompany the bride.” And he says, “For simplicity's sake, I have rendered the word by ‘dowry’”. See Hulsewé (1985), 169. The translation of the word *ying* follows his opinion.

⁴⁵⁹ Translation from Hulsewé (1985, 168), with modifications.

⁴⁶⁰ Translation from Hulsewé (1985, 169), with modifications.

The cited law part of the first text is almost identical to part A of the aforementioned ENLL text. Barbieri-Low and Yates address it as additional clear evidence of a Qin version of the “Statutes on Confiscation”.⁴⁶¹ The question-and-answer part supplemented the formal law, saying that not only the wife but also her property brought in from her natal family would avoid forfeiture from her prior denunciation.

When a person commits a crime that corresponds to confiscation, certain related people and property are usually confiscated. The second text, on the other hand, expressly states that if his wife commits a crime that is punishable by confiscation, the husband will not be penalized and that the wife’s property will be given to him. Since the property was given to the husband, it appears that only the children could be impounded for their mother’s crime. Would her children be confiscated when a woman committed a rather severe crime in a male-headed household? Ishihara believes that, in principle, children would not be confiscated for their mothers’ crimes,⁴⁶² but he did not give a clear explanation. Based on the fact that a wife’s property would be presented to her husband once she committed a crime warranted confiscation, it is hard to imagine their children would be impounded. Nevertheless, a definite answer to this question is not available without confirmatory evidence. If the mother’s crime would not implicate the children, it seems that nothing would be confiscated on the occasion of a wife’s crime that matched confiscation.

Therefore, it turns out to be that confiscation was a punishment at large imposed to sanction male householders in the male-headed households since it made no sense when it was imposed on a wife. Adult children, married (or once married) children, rank-holders, and children who established separate households would not be implicated in any way. It is clear that confiscation was intended to punish male householders, but was it also intended to punish female householders? Would a female householder’s husband and children be impounded? Unfortunately, based on

⁴⁶¹ See Barbieri-Low and Yates (2015), 605.

⁴⁶² See Ishihara, 2017.

the current sources, no further analysis of the application of confiscation to female-headed households could be provided.

Part B of this statute exhibits some special circumstances. The underlying subject of this sentence is no doubt women, while they were not the general wives in male-headed households. These women consisted of those who had no husbands and who were side-wives. There is still no complete agreement on the meaning of the term “side-wife” (*pian qi* 偏妻), a term that could only be found from the ZJS corpus. The editors of the *ENLL* (2006) and Wang Zijin 王子今 both think a side-wife is a concubine.⁴⁶³ Another hypothesis was presented by Tomiya Itaru (2006) that a *pian qi* is a wife who does not reside with her husband. Owing to the impossibility of a clear explanation of this term, it does nothing for understanding this statute, but a speculation might be made conversely that a side-wife was allowed to establish a household or register separately from her husband, which was abnormal for the identity as one’s wife. Thereupon, it seems the connection between a side wife and her husband was very fragile, or she might be considered to have a nominal husband.

Lu Jialiang says part B lists four circumstances under which the children would not be confiscated (by the mother’s crime), and these circumstances are when the mother: had no husband, was a side-wife, self-established a household, or had a separate household register.⁴⁶⁴ Regardless of the plausibility of his interpretation, these women very likely served as householders in these cases. Although the meaning of a side-wife is not definite, she probably lived away from her husband; if so, she might be the householder on the separate household register.

The first phrase *wu fu* 無夫 “(women) have no husband” presumably denotes widows, divorced women or other adult women who established their own households. Several entries in the LY texts record adult women as householders who seemingly were not married. The available female householders are as follows:

⁴⁶³ See Wang Zijin, 2003.

⁴⁶⁴ See Lu Jialiang, 2007.

南里戶人大女子分□

子小男子□□₈₋₂₃₇ *LY* 1, 120

Nan Village, householder, adult female: Fen

Child, minor male [...] ₈₋₂₃₇

南里小女子苗，卅五年徙爲陽里戶人大女子嬰隸 ₈₋₁₅₄₆ *LY* 1, 355

Nan Village, minor female, Miao, in the thirty-fifth year (212 BCE), was moved to be the subordinate of Ying, an adult female householder in Yang Village. ₈₋₁₅₄₆

高里戶人大女子杜衡□₉₋₄₃ *LY* 2, 50

Gao Village, householder, adult female: Duheng₉₋₄₃

高里戶人大女子暋□₉₋₁₄₇₄ *LY* 2, 316

Gao Village, householder, adult female: Mai₉₋₁₄₇₄

南里戶人大夫寡茆□

□□【公士】□□₈₋₁₆₂₃ *LY* 1, 370

Nan Village, householder, widow of the fifth rank holder: Mao

[...] the first rank [...] ₈₋₁₆₂₃

東成戶人大夫寡晏□

子小女子女巳□

子小女子不唯□₉₋₅₆₇ *LY* 2, 157

Dongcheng [Village], householder, widow of the fifth rank holder: Yan

Child, minor female, Nüsi

Child, minor female, Buwei₉₋₅₆₇



8-237 *LYQJ* 1, 51



9-567 *LYQJ* 2, 78

Among these six households, four of the householders were female adults and two were widows. Certainly, widows did not have husbands, but there are no records of husbands in those households led by female adults. The first household includes the female householder and her son, who might get divorced. The second one is not a register but an administrative document, so the composition of this household cannot

be identified. The other two instances (board nos. 9-43, 9-1474) only record the female householders, while no other members were listed. It is likely that these two women had their own households but had not got married yet. By and large, these six householders conform to what was described in the statute as “(women) have no husband” (*wu fu* 無夫) and “have formed households” (*wei hu* 為戶).

Although female householders were not predominant in Qin and Han times, they still partly constituted the society and made up a certain percentage of the whole household number of an empire. Based on the household account of Qiling District (*LY* 1, 32-33: 8-19; see p. 109) cited before, three widow-headed households and three adult-female-headed households were counted in the total twenty-five households of the district, with a rate of 24%. In another household account of Erchun District (*LY* 1, 297: 8-1236+8-1791; see p. 109), there were two widow-headed households. We do not know whether there were households led by female adults in this district since all the households led by householders without ranks were counted together; therefore, it is impossible to calculate the proportion of the households led by female persons.

Returning to the statute, when the listed women committed crimes that matched the punishments of being left intact and made grain-pounder convicts or rice sifter convicts or higher in severity, confiscation would be imposed on them. Only their property (money, homesteads, fields, etc.) would be seized because they did not have husbands or were registered separately from them, and their children were exempt from confiscation. The regulation appears to be clear, but two questions might be raised: 1. without any property, how would the non-confiscated children survive? Should they be fostered by other relatives like the ordinance from the *YL* collection mentioned? 2. it seems that confiscation was only applied to the women who served as householders; does that mean confiscation would not be imposed on wives in male-headed households?

We will not know the answer to the first question until we have more information. In regards to the second question, more evidence appears to be unavailable. Nonetheless, Ishihara made the assumption that these women were householders, and

he goes on to say that confiscation was only valid when it was imposed on householders and married people. He believes that confiscation as a form of additional punishment was pointless for unmarried people because they did not have wives or children to confiscate. As a result, he summarizes that confiscation was a practice that was deeply involved in the household and marriage system.⁴⁶⁵ Even though his argument might not answer the second question directly, it could be laid out as a reference. In his argument, properties seem to be neglected by him, which accounted for a considerable proportion of the confiscated things. For those unmarried persons who possessed disposable properties, they could still be punished by the forfeiture of their properties. In other words, marriage was not a requirement for the application of confiscation.

In light of the two statutes on confiscation oriented to male criminals and female criminals, respectively, the implementation of confiscation might be currently summarized as follows:

Table 5.1: The enforcement of confiscation in different conditions

In male-headed households	For the crime committed by a husband (householder): his wife, [non-adult] children and properties would be confiscated
	For the crime committed by a wife: no one would be confiscated, and her dowry would be given to her husband
In female-headed households with no husband (including widows and female adults who had no husbands)	Properties would be seized, but the children would not be confiscated
In female-headed households with husbands (presumably pawned sons-in-law)	We do not know, but the assumption goes to the parallel of male-headed households

This table might display the theoretical foundation of the implementation of confiscation, but how far these theoretical words were translated into practice?

⁴⁶⁵ See Ishihara, 109.

Confiscation as a kind of punishment did not frequently occur in legal cases and only one doubtful case from the ZJS collection reveals an actual situation. It concerns a reinvestigation about an erroneous conviction in which an innocent commoner whose name was Jiang 講 was tattooed and made an earth pounder convict. Jiang was falsely accused of robbing a head of cattle with another person, and his confession was coerced out of him by the official. Later, Jiang appealed the decision and was finally released. In the first instance judgment, the additional punishment to confiscate his wife and children was not copied in this text, but pragmatically they were confiscated as shown in the final verdict. The following part was extracted from the final verdict made by the Commandant of the Court (*ting wei* 廷尉), which reads:

二年十月癸酉朔戊寅，……覆之，講不盜牛，講繫子縣，其除講以爲隱官，令自常，畀其收。收妻、子已賣¹²²者，縣官爲贖。它收已賣，以價畀之；及除坐者貲，貲已入還之。騰書雍。¹²³ *ENLL*, 360

In the second year [of King Zheng of Qin] (246 BCE), on the *wuyin* day (the 30th day) in the tenth month, whose first day fell on a *guiyou* day, “... The case was reinvestigated. Jiang did not rob any cattle. Jiang is under detention in your prefecture (Qian Prefecture 汧縣)⁴⁶⁶. Release Jiang from his crime and make him [a person of] Hidden Office.⁴⁶⁷ Order that he be on his own recognizance.⁴⁶⁸ Give back his confiscated [persons and things]. As for his confiscated wife and children, who may have already been sold off,¹²² the government is to redeem

⁴⁶⁶ On the southeast of present-day Long County 隴縣, Shaanxi Province.

⁴⁶⁷ The term *yin guan* 隱官 (Hidden Office) designates either a workplace or the status of the people who worked there. For the people who were mutilated but then released, they could not return to normal life as there were mutilation marks on them, distinguishing them from the other commoners. Hidden Offices were the places that the government set to place them, where they could work and got paid. One legal text from the *FLDW* (*QJDHJ*, 247: 125) says 已刑者處隱官 “those mutilated are placed in the Hidden Office” (Translated by Hulseyé, 155). This explanation is also suitable for this cited case from the ZJS collection. Jiang was tattooed and then he appealed for a re-judgment, and after that, he was released to work in the Hidden Office.

⁴⁶⁸ The phrase *ling zi chang* 令自常 was transcribed by the editors as *ling zi shang* 令自尚. The phrase *ling zi shang* also occurs in the “Statutes on the Composition of Judgements” (*Jü lu* 具律, slip no. 124, in *ENLL*, 143) and in *Longgang Qinjian* 龍崗秦簡, p. 144. Many debates about the interpretation of this phrase have been launched in the scholarship, but there is not yet a conclusion. Li Xueqin “proposes that the phrase means that a person was to be free to control his own life and was not to be subject to servitude”. Quoted from Barbieri-Low and Yates (2015), 540. Barbieri-Low and Yates follow his idea. For more reference to this phrase, see *ENLL*, 143.

them. Those other things that were confiscated and already sold off, give them back to him according to their value, and remove the fines from those who were held liable. If the fines have already been taken in, return them. Posthaste, write to Yong [Prefecture]⁴⁶⁹.”⁴⁷⁰₁₂₃

In line with the statute, “As for the criminal [guilty of a crime that matches] being left intact and made an earth pounder convict or firewood gatherer convict 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, confiscate his wife, children, valuables, agricultural fields, and homesteads” 罪人完城旦、鬼薪以上及坐奸腐者，皆收其妻、子、財、田、宅 (*ENLL*, 159: 174) in the *ENLL*, the criminal Jiang was punished with undergoing tattooing and being made an earth pounder convict, and accordingly, his wife, children and other properties were confiscated. Based on the final verdict cited above, one of the fates waiting for the confiscated persons was to be sold off, as illustrated. Although it is not said in this case whether Jiang’s wife and children were sold to private persons or government offices, becoming private or governmental slaves was the most probable result implied by the judgment. Shu Zhelan 舒哲嵐 points out that there were three possible futures for the confiscated persons: redeemed by ranks or money (most likely from those wives’ natal families); sold to governments or private persons as slaves; or converted to bondservant convicts.⁴⁷¹

Aside from Jiang’s confiscated wife and children, it is worth noting that some other people were found to be responsible for Jiang’s alleged crime and were fined. Unfortunately, the names of those found guilty and the amount of money fined were not included in the text. Nevertheless, it tells that the wife and children of the criminal were not reckoned in the persons who held mutual liability in this case. What is the

⁴⁶⁹ Yong Prefecture 雍縣 was on the southwest of present-day Fengxiang County 鳳翔, Shaanxi Province, in which this case took place. It was probably also the resident place of Jiang, although not stated in the text.

⁴⁷⁰ Translation from Barbieri-Low and Yates (2015, 1319), with modifications.

⁴⁷¹ See Shu Zhelan, 2018.

difference between confiscation and collective punishment? Which groups of people were mutually responsible for a certain crime? What were the criteria to assess diverse levels of responsibility? Collective liability will be the main topic of the succeeding paragraphs.

5.2 Collective Liability Based on the Household System

Collective liability (*lian zuo* 連坐) in the Chinese tradition is not an approach to penalize group faults. It was imposed on the people who did not violate the law but were implicated by somehow related persons. Namely, the enforcement of this punishment was based on a certain interpersonal relationship. In many works, this legal term is often interpreted in a broad sense. Liu Xinning classifies the implicated persons by collective liability as three types: relatives, members of the Units of Ten and Five, and officials.⁴⁷² In some references, the collective liability among the members of the Units of Ten and Five is rendered as a geo-relation liability.⁴⁷³

A few instances about the collective liability among the officials on the basis of their duties were accessible in the legal manuscripts, but this respect did not correspond to the institutive logic underlying the implementation of collective liability. According to the record about Shang Yang's reforms in the Qin state in the *Shiji*, which was cited at the beginning of this chapter, it was said from the year 356 BCE that the general populace of Qin was ordered "to be grouped into units of Ten and Five to make them mutually supervise each other and be collective responsible". Collective liability was by no means created by Shang Yang, but its application in the Qin state might be credited to him. Essentially, the intended target of this order is the common people who were requested to be settled in small units created by the authorities, and it did not pay attention to the officials' duties. In view of this very original practice of collective liability, the accountability of the officials from holding their positions will be discussed only briefly in the following sections.

⁴⁷² See Liu Xinning, 141.

⁴⁷³ See Zhang Wanjun 張萬軍 (2006), 8.

5.2.1 The development of collective liability in a transformative context

The widely and thoroughly exercise of collective liability in the local societies of the Qin state greatly benefited from the household registration system and the division of Units of Five, practically introduced by Duke Xian to the Qin state in 375 BCE,⁴⁷⁴ decades earlier than Shang Yang's reforms. Before the reign of Duke Xian, Qin was a comparatively backward state located in the north-west corner and was far from the Central Plains. Duke Xian took refuge in the Wei state before he ascended the Qin throne, during which Wei's successful reforms under Duke Wen (aided by the reformer Li Kui 李悝) strengthened the state enough to pose a major threat to Qin. Thereafter, Wei invaded Qin several times, seized a large part of Qin territory around 400 BCE and defeated a Qin army of 500,000 soldiers in 389 BCE.⁴⁷⁵ These events substantially stimulated Duke Xian to take actions to enhance Qin's competitiveness. The introduction of the household registration system and the new division of Units of Five were among his reforms, following the relocation of Qin's capital from Yong 雍⁴⁷⁶ to Yueyang 櫟陽⁴⁷⁷.

In this context, one of the most significant changes in the society was from lineage-based to household-based, as described by Mark E. Lewis based on his analysis of the Houma covenants (*Houma mengshu* 侯馬盟書),⁴⁷⁸ which states:

⁴⁷⁴ See Chapter 3, p.80.

⁴⁷⁵ See Kiser and Cai, 2003.

⁴⁷⁶ Yong City was the capital of the Qin state from 677-383 BCE. The remains of Yong were found in present-day Fengxiang County 鳳翔縣, Baoji City 寶雞市, Shaanxi Province, to the west of Xianyang 咸陽.

⁴⁷⁷ Yueyang City was the capital of the Qin state from 384-350 BCE. Its remains locate in present Yanliang District 閭良區, Xi'an City, Shaanxi Province, to the northeast of Xianyang.

⁴⁷⁸ The Houma covenants (*Houma mengshu* 侯馬盟書) were excavated at Qin Village 秦村, Houma City 侯馬市, Shanxi Province during 1965-1966. These texts were named after the excavation location, dating around to the 5th century BCE. Most of these covenant texts were written on jade or stone tablets in official scripts of the Jin state 晉 in red ink with a fraction in black ink. The shape of the majority of these tablets is not arbitrary, which was described by scholars as to the shape *gui* 圭 (scepter), a kind of jade tablet held in the hands of ancient rulers on ceremonial occasions. For an example, see the image of *Houma mengshu* 67: 6 on the following pages. More than five thousand tablets were unearthed from this site, but only around 600 pieces are readable. The covenant texts were excavated from many pits, separately from the buried goats, horses and cows, etc., that were sacrifices offered to gods in the rituals. For more details, cf. *Houma mengshu* 侯馬盟書.

“... in their bans on individual households and the listing of their members [of the Houma covenants] reveal a transitional phase in the political history of the family in China, the gradual disappearance of the kin group as a state-like unit and its replacement by the individual household as a unit of economic production and the provision of service.”⁴⁷⁹

He notices the peculiarity of this “transitional phase” in the period when the covenants prevailed.⁴⁸⁰ The covenants undoubtedly played a critical role in the dissolution of kinship lineage groups, but his claim that they signify the replacement of the kin group by the newly formed household is unconvincing. The names of some lineages or clans mentioned in the covenants do not refer to modern-day common household units but rather to powerful noble houses and their subjects. Regardless of their tenuous connection to the household unit, these covenants alternatively reveal some hints on the preliminary practice of collective punishment.

Reviewing the backdrop of the widespread use of covenants, it was after the collapse of Western Zhou. The state power of Western Zhou was founded on the alliance of many relatively independent states and fiefs and the Zhou royal house could only directly govern the territories and the populace near the capital. The enfeoffment of each state was further distributed to ministerial families. With the growth of the states, this original balanced and stable pyramid structure did not work efficiently as before. Some of them were already equipped with the capacity to challenge the leader status of the Zhou royal house, yet none of them was formidable enough to annex all the other states. Consequently, they endeavored to establish a new order with the constraint of sanctified “covenants”, just as Lewis mentioned in the above text.

Ernest Caldwell translates the covenant as a kind of “quasicontractual agreement”,

⁴⁷⁹ See Lewis (1990), 50.

⁴⁸⁰ Covenants were widely used to build alliances among lords in the Springs and Autumns and the Warring States periods. Although its precise date of origin cannot be determined, it prevailed at least for three centuries. Therefore, whether we could call this rather long period a “transitional period” can still be further argued.

which was non-kinship based.⁴⁸¹ Zhao Ruimin 趙瑞民 and Lang Baoli 郎保利 argue that the reliance on covenants implies the decrease of the cohesive force between the former alliances.⁴⁸² What should be particularly remarked is the view pointed out by Susan Roosevelt Weld and Crispin Williams. Based on an in-depth observation of the Houma and Wenxian 溫縣 covenants,⁴⁸³ Weld addresses that “the covenant texts themselves can be seen as examples of collective responsibility, insofar as they extend the self-curse to the covenantor’s entire *shi* 氏 ‘clan’ and the proscription to the named enemies’ descendants, and sometimes specify that the covenantors enforce the covenant on his fellow kinsmen (*zong ren xiong di* 宗人兄弟).”⁴⁸⁴ Williams mainly focuses on the analysis of the imprecations in the Wenxian covenant texts, and he shows that “two of the covenant types from Houma and Wenxian threaten to punish not only one who commits the act prohibited in the oath, but also anyone who knows of this action having been committed by someone else but who does not report it.”⁴⁸⁵ According to his argument, it seems that the rule displayed by the covenant texts resembles the collective liability applied to enforce mutual surveillance and denouncement in the Qin and Han legal texts. Li Li 李力 underlines the role of the covenant in lawmaking and interprets it as an irreplaceable and transitional credit form in the conversion of rule-by-ritual into rule-by-law.⁴⁸⁶

With reference to these statements, covenant texts, which not only are bound up with law but also present a particular format of written documents distinct from the bulk of bamboo and wooden boards and slips frequently listed in this dissertation, deserve a place in the formation process of collective responsibility. Here is one instance from Houma covenant texts:

⁴⁸¹ See Caldwell, 2014.

⁴⁸² See Zhao Ruimin and Lang Baoli, 2007.

⁴⁸³ Wenxian covenants were excavated at Wude Town 武德鎮, Wenxian County 溫縣, Henan Province, during 1980~1982. According to the record in one text: (晉定公)十五年十二月乙未朔辛酉 (the 16th day of the twelfth month, 497 BCE), these covenants were dated to the period around 497 BCE. Their nature and content are similar to those of the previously introduced Houma covenants.

⁴⁸⁴ See Weld (1990), 423-4.

⁴⁸⁵ See Williams, 449.

⁴⁸⁶ See Li Li, 1995.

□自今已往，敢不率從此盟質之言，而尚敢或
納室者，而或聞宗人兄弟納室者而弗執弗獻，
丕顯晉公大冢，明極視之。靡夷彼氏。⁴⁸⁷

...from today onwards, if [the covenantors] dare not to
abide by the words of this covenant, and furthermore, dare
to seize property, or know of lineage members who have
seized property but do not apprehend them and turn them in,
may the glorious former Dukes of Jin, in their grand tombs,
perspicaciously and tirelessly watch them; and wipeout
that lineage.⁴⁸⁸

Figure 5.1: The image of *Houma mengshu* (67:6)
Source: *Houma mengshu*, 151



In this covenant text, the lineage members were responsible for supervising each other for abiding by the covenant and responding to the members' violating it. The collective responsibility implied by this text explicitly entangled the lineage members, which laid a foundation distinguished from the collective responsibility based on the later developed concept "household" and its extension—the Unit of Five. Williams further reaches a conclusion that "the forms of collective punishment and collective responsibility present in the excavated covenant texts are precursors of those the later legalist state."⁴⁸⁹ His argument helps to explain the various foundations of the collective responsibilities instituted at various times. However, it is not cautious to completely rule out the possibility that these two types of collective responsibility

⁴⁸⁷ *Houma mengshu*, 40: (67:6). This is one of the texts that were classified into the *na shi* 納室 type by the editors of *Houma mengshu*, and they interpret this term as the confiscation of goods and chattels, while Weld prefers to its involvement of only the people making up the families of the enemies. See *Houma mengshu*, 73-74; Weld (1997), 149.

⁴⁸⁸ Translated (with modifications) by Williams (2011), 456, with reference to Weld's translation. See Weld (1997), 149.

⁴⁸⁹ See Williams, 449.

were not exactly the same in the narrow sense. The collective punishment revealed in the covenant texts more likely conforms to the “execution of three generations of the clan (parents, wives, children and siblings)”⁴⁹⁰ (*yi san zu* 夷三族) of the later periods typically targeting the rebels. One statute in the ZJS texts sheds light on this severe punishment, which reads:

以城邑亭障反降諸侯，及守乘城亭障，諸侯人來攻盜，不堅守而棄去之，若降之，及謀反者，皆一腰斬，其父母、妻子、同產，無少長皆棄市，其坐謀反者，能徧捕，若先告吏，皆除坐者罪。² ENLL, 89

For one who rebelliously surrenders a walled city or town, a station or border post to the Regional Lords, as well as for one who, when mounting upon the walls of a city, a station or border post for defense, and the men of the Regional Lords come to raid, does not firmly defend but instead abandons and leaves it (viz., his position) or surrenders it, as well as for one who conspires to rebel: in every case,¹ cut [him] in two at the waist. As for his father and mother, wife and children, siblings [born of the same father], without regard to age: in every case, cast [them] away in the marketplace. As for one held liable for the one who is conspiring to rebel, when he is able to arrest [the conspirators] entirely, or to denounce them to the officials before [the rebellion is carried out]: in every case, remove the crime from the one who was held liable.²⁴⁹¹

In this statute, parents, wife, children and siblings were undoubtedly implicated by the criminal’s offense, and the whole family would be exterminated. Concerning the execution of the family members except for the perpetrator, it is a punishment incurred not by oneself but by somehow related persons; besides, the persons held liable could be exempt from being punished by arresting or reporting the criminal. These characteristics assimilate this liability with collective responsibility. Thus, the

⁴⁹⁰ The translation of this term is taken from Lau and Staack (2016), 38. Barbieri-Low and Yates translate it as “extinction of the three sets of relatives”. See Barbieri-Low and Yates (2015), 411.

⁴⁹¹ Translated (with modifications) by Barbieri-Low and Yates (2015), 389.

“family extermination” is often incorporated into the broadly defined collective responsibility. Nevertheless, in the narrow sense, it does not work. Williams’ link between the covenant texts and collective responsibility makes a lot of sense, especially since the rule hinted at in the covenant texts also targeted family members, which could be a precursor to the later “family extermination” compared to the Han statute. Even though the covenants’ “collective punishment” is more comparable to family extermination, we should not jump to conclusions about their positive relationship, especially at a time of transformations and transitions.

The period (ca. 5th-4th century BCE) when the covenants prevailed is approximately the initial formative stage of the household system, during which ongoing competitions between independent states constituted a central part of that period of history. In order to win the military contest, a matter of urgency was to access more resources, which forced direct control over the populace without the revenues shared by the “middlemen”, namely, the aristocratic lineages. Apart from the inter-state competition, resource competition between the state government and the aristocratic lineages was unavoidable. In the agrarian society, the two most crucial resources of production were labor and land. Insofar as the vast and sparsely Qin state, the land resource was not an issue, yet an ordinance to attract more peasants from other states with a commitment to grant them fields was enacted in the Qin, indicating their scarcity of labor. In the chapter “Encouragement of Immigration” (Lai min 徠民) in the *Shang Jun Shu* 商君書, the Qin was described as a state that “the population is ill-proportioned to the territory”⁴⁹² 人不稱土也. Incidentally, the considerable land resource contributed significantly to Qin’s more successful reforms than the other states, particularly its capacity to buy out the peasant families from the aristocrats. As a result, the labor force became the determinant factor. The household concept was appropriately envisaged to confront this intra-state and inter-states resource contest, and it ultimately played a key role in this process.

Lewis and Williams are inclined to attribute the institution of the household

⁴⁹² The translation refers to: <https://ctext.org/dictionary.pl?if=en&id=47214#s10039038>, accessed June, 2020.

system to an endeavor of destructing lineages. Lewis says, “this era (the Warring States period) was defined by the destruction of the old nobility, whose power had been based in large, autarkic estates that included land and peasants, and the recreation of the state on the basis of service and labor provided by individual peasant households.”⁴⁹³ Williams follows his opinion and he addresses that “lineages were not targeted as groups because they no longer acted politically as groups: they were factionalized and lineage affiliation did not necessarily correspond to political allegiance.”⁴⁹⁴ Many large families were destroyed, and their power was weakened as a result; a question might be asked: was the primary goal of the household system to destroy noble families?

Some Qin and Han regulations on the organization of Units of Five, the small units each formed by five households, might shed light on this question. Slip no. 305 from the *ENLL* explicitly provides the primary organizing principle of Units of Five, which says that “for [those householders holding] ninth rank or lower, adjoining homesteads shall form [mutually-responsible] Units of Five”⁴⁹⁵ 自五大夫以下，比地為伍 (*ENLL*, 305: 215). Households with the householders’ holding the ninth rank and lower would be organized into Units of Five, which reversely demonstrates that households with high ranks were very likely not grouped into Units of Five with the other common households, and presumably, they were registered separately. Although this evidence dates to sometime later, it is conceivable to infer that noble families before the Qin unification were not grouped with the peasant households into Units of Five. Another text from the SHD site supplements more evidence, prescribing that “for widows of fifth-rank holders, should they be grouped into Units of Five or not? They should not [be grouped into Units of Five]” 大夫寡，當伍及人不當？不當。 (*QJDHJ*, 257: 156). It is unclear whether these widow households were exempt from being organized into Units of Five because of preferential treatment for widows or because of their deceased husbands’ fifth rank. However, this text inarguably

⁴⁹³ See Lewis (2006), 77.

⁴⁹⁴ See Williams, 454.

⁴⁹⁵ Translation from Barbieri-Low and Yates (2015, 789), with modifications.

manifests the existence of the households beyond the Unit of Five scheme. It may thereupon be surmised that the privileged households with high ranks were likewise out of the regular household registration system. In the earlier period of the formative stage of the household system, to a great degree, the noble families were not organized into general Units of Five. The reform measure “in the tenth year [of Duke Xian] (375 BCE), [Duke Xian] had the people enumerated into household registers and been [mutual responsible] in the Units of Five” (獻公)十年，為戶籍相伍 initiated by Duke Xian was mainly targeted the peasant families other than the noble ones.

Another point that should also be noted is that setting the household unit against the family organization might be impractical. As an organic development, a family formed by marriage and kinship was the undisputed foundation of a household. The household was an imagined conception manufactured by the authorities to entitle an individual unit with additional legal and administrative relevance based on its natural social significance. Consequently, it is reasonable to hypothesize that the primary function of the employment of the conception— household was not to directly destruct or break big noble families but rather to draw as many peasant families out of their manipulation as possible, which in effect weakened the noble families in a mild, gradual process. Thereafter, these peasant families were put into the conceptional units—households that were immediately controlled by the central government with the increasingly progressive administrative techniques. Many scholars argue that the household unit was a non-kinship-based unit, which seems to be persuasive when incorporating the non-kinship-based persons, such as retainers and slaves, into households. Although the “household register” certificate became the only source of legitimacy of a basic unit, displacing the original social recognition in the legal and political sense, the underlying kinship as its cornerstone was not overthrown. From this perspective, the household could be considered as a contour of an extended family.

To use the household to define the people of a certain group necessarily appealed for the formulation of new legal measures. At the same time, the mutual responsibility

could not be laid on lineages any further but on the newly formed layered units, composed of the household, the Unit of Five and the village.

5.2.2 The collective liability imposed on the household unit and its extension

In respect of the Han statute concerning family extermination in the preceding text, the people involved are “parents, wife, children and siblings” that were all based on kinship. However, these kinship-based designations were scarcely employed in the legal texts related to collective liability. Instead, household members (*tong ju* 同居), members of the Unit of Five (*wu ren* 伍人), Head or Elder of the Village (*dian* 典 or *lao* 老) were more commonly seen. In this light, the collective liability that frequently appears in Qin and Han legal texts is virtually distinct from family extermination because its viability was predicated on the new organizational system centered on the household.

Slips nos. 201-202 from the ZJS collection provide a rather complete example of the collective punishment imposed on the diverse groups based on the household system, which reads:

盜鑄錢及佐者，棄市。同居不告，贖耐。正典、田典、伍人不告，罰金四兩。或頗告，皆相除。尉、尉史、鄉部官²⁰¹ 嗇夫、士吏、部主者弗得，罰金四兩。²⁰² *ENLL*, 170

For one who illegally casts cash, as well as for one who assists: cast [the criminal] away in the marketplace. For the household members who do not make a denunciation: [order him or her] to redeem shaving. For Head of the Village, Head of the Fields, and members in the [same] Unit of Five who do not make a denunciation: fine four *liang* of gold. Should they denounce some [of the counterfeiters]: in every case, remove their mutual [liability for the crime]. For the [Prefecture] Commandant, Scribe of the Commandant, Bailiff of the District,²⁰¹ Bailiff of the Office, Military Officer, and those in charge of the

related post who do not capture them: fine four *liang* of gold. 202⁴⁹⁶

This text shows three-layered groups for the implementation of collective punishment in illegal cash casting. Three groups were mentioned: the household members indicating the closest persons related to the criminals would be punished most severely; members of the same Unit of Five and the Heads were in the second layer, who would only be fined; the last group, the Commandant, his subordinates, and other related officials would not be punished if they could catch the criminals, not depending on making a prior denunciation. One noticeable difference is that the responsibility of the first two groups was in effect ahead of the disclosure of an offense, which means conducting supervision and making denunciation before the criminals were prosecuted. In contrast, the responsibility of the last group would only come into force after the crime entered into legal proceedings. Moreover, the punishment on the third group was hinged on whether they could fulfill their job duties, distinguishing it from the other two groups' collective liability on mutual supervision to forestall a potential crime.

The term *tong ju* “household member” as a specific product of the practice of the household system and the usage of written registration has been discussed above. Household members, as the constituent elements of the very basic unit of the population-control system, were undoubtedly the first in order liable for mutual surveillance and making denunciations in advance.

The Unit of Five (*wu* 伍) is often referred to together with the Unit of Ten (*shi* 什). These two terms being put together make up the well-known “System of Units of Ten and Five” (*shi wu zhi du* 什伍制度) reputedly prevailing in Early China. Due to the insufficient sources for this system, it was generally interpreted literally. By virtue of more legal texts relevant with *wu*, the comprehension of this term has been furthered, whereas the exercise of the Unit of Ten remains somewhat obscure. The word *shi* only occurs once in the SHD texts (*QJDHD*, 186: 36), once in the LY texts

⁴⁹⁶ Translation from Barbieri-Low and Yates (2015, 633), with modifications.

(LY 1, 149: 8-439+8-519+8-537) and twice in the YL texts (YL 3, 115: 1339; YL 7: J61⁴⁹⁷). Almost all the four occurrences of this term concern military affairs.⁴⁹⁸ Different from the theoretical description of this term, Lu Xiqi 魯西奇 puts forward a novel idea. Even though he does not explain *shi* directly, he assumes that the Elder of the Village was probably the Head of the Unit of Ten,⁴⁹⁹ but he could not show any concrete evidence, so this idea could merely serve as a way of thinking. Focusing on the analysis of the Shang Yang's reforms, Yoshinami Takashi 好並隆司 argues that *shi* in the "System of Units of Ten and Five" did not convey an exceptional signification, and it might perform as a designation of two Units of Five.⁵⁰⁰ Based on the sporadic occurrences of *shi* and their connection to military affairs, I believe that the Unit of Ten was not extended to the civil control sphere, and it retained its military nature. In addition, the average household number of a village at that time principally varied between 20 and 30. Accordingly, it might not be expedient to divide these small numbers of households into Units of Ten. Nevertheless, a definite conclusion on the application of the *shi* system could not be furnished until more evidence is achieved.

As noted above, households were grouped into Units of Five depending on their adjoined homesteads (*bi di wei wu* 比地為伍), revealing its organizational rule based on physical proximity. Another text from SHD reinforces this point, which defines the term *si lin* 四鄰 "four neighbors" as *wu ren* 伍人 "members of the Unit of Five". The text says, "What is the meaning of 'four neighbors'? The four neighbors mean the people of the Unit of Five."⁵⁰¹ 何謂“四鄰”？“四鄰”即伍人謂毆。(QJDHJ, 234: 99). Conversely, the Unit of Five members of someone can be rendered as the people from his/her four neighboring households. In accordance with these sources,

⁴⁹⁷ This slip has not been published yet.

⁴⁹⁸ The slip no. J61 in the YL collection is a fragment, so it is hard to confirm its context.

⁴⁹⁹ See Lu Xiqi, 2018.

⁵⁰⁰ See Yoshinami, 1982. Quoted from Ikeda Yuichi 池田雄一 (2017), 467, fn. 3.

⁵⁰¹ Translated by Hulsewé, 146. Barbieri-Low and Yates translate the answer part of this sentence as "one's four neighbors constitute the other members of one's group of five". See Barbieri-Low and Yates, 596.

this unit, therefore, embodies a kind of geographical relationship. Regardless of this feature, its link with the household system should not be overlooked. It is explicitly stated in the SHD text that the collective punishment imposed on the Unit of Five did not mean to punish every member of the unit; alternatively, the punishment was put on each household. The text is:

●百姓不當老，至老時不用請，敢為詐偽者，貲₃₂二甲；典、老弗告，貲各一甲；伍人，戶一盾；皆遷之。 ●傳律。₃₃ *QJDHJ*, 183

●When commoners are not warranted to be considered old⁵⁰², or when they have reached old age not to put in a request, those who venture to engage in deceit will be fined₃₂ two suits of armor. The Head and the Elder of the Village who do not denounce this will each be fined one suit of armor, and the members of the Unit of Five will be fined one shield per household. All are to be banished.

●Statutes on Enrolment₃₃⁵⁰³

Members of the Unit of Five were not treated as independent legal entities on which fines were imposed, according to this text, while the households to which these individuals belonged were the actual bearers of the punishment. In other words, the Unit of Five members' liability was transferred to their affiliated households. The Unit of Five thus might be perceived as a broader unit envisaged above the individual household. Five households, neither less nor more for the effective use of mutual responsibility, were bound together by the geographical location chain.

Since the members' failure to fulfill the collective responsibility in the Unit of Five would most likely incur punishments on the households they belonging to other than sanctions to every member of the unit, the penalties on the liable households

⁵⁰² The word *lao* 老 "old" was a technical term to denote that one reached certain age so that he/she did not undertake statutory services anymore. However, the age criteria varied depending on the status of rank one held. According to the "Statutes on Enrolment" in the *ENLL*, "men were released from service due to old age when they were between fifty-eight and sixty-six years old" (Barbieri-Low and Yates, 835) in the early Han, but the old age criteria of the Qin has not been proved yet.

⁵⁰³ Translation from Hulsewé (1985, 115), with modifications.

were overwhelmingly by fines. Insofar as current sources, only two cases concerning the penalties on the Unit of Five or its members were not by fines. One case⁵⁰⁴ relates to the person who gave lodging to the followers (*cong ren* 從人),⁵⁰⁵ the members of their Units of Five were stated to be punished in the same way as the person who offered to lodge, and they were probably “to be made unmutated earth pounder convicts” (*wan wei cheng dan* 完為城旦).⁵⁰⁶ The penalty to the Unit of Five members in another text concerns one offering lodging to the rebelled persons. It prescribes that if the members knew one’s lodging but did not report it to the government, they would be sentenced to be “made unmutated earth or grain pounder convicts”, identical to the punishment in the first case.⁵⁰⁷ Non-fine penalties in collective punishment were used, but the related texts do not go into detail about how these non-fine penalties were enforced. We do not know if these penalties would only be imposed on the householders of the other four households in the Unit of Five or every member of this unit. Apart from these two exceptions, nearly all the other legal texts concerning penalties for members of the Unit of Five were fines, which were supposed to be converted into punishments for each household of the unit.

As leaders of a community at the lowest level, the Head and the Elder of the Village constitute the third group to exercise mutual liability in the local society. However, their responsibility was not completely consistent with the members of the Unit of Five. Even though they were also obliged to conduct surveillance and prior denunciation, their obligations were chiefly from their job duty, which is not the same

⁵⁰⁴ Cf. *YL* 5, 45: 1021+1019+1016.

⁵⁰⁵ Cf. fn. 258, p. 109.

⁵⁰⁶ The punishment to the person who offered lodging was not described in the legal text, but it says that this person would be punished the same way as those whom he offered lodging to (*cong ren* “followers”). The only available text that provides the evidence on how the followers would be punished was slip no.1029 (*YL* 5, 43): ●假正夫言：得從人故趙將軍樂突弟、舍人招等廿四人，皆當完為城旦，輸巴縣鹽。“Temporary Administrator of Law Enforcement, Fu, reported: [we] caught followers of Yue Tu, the former general of the Zhao state, including his brother, his retainer Shao and the other, in total twenty-four persons. They are warranted to be made unmutated earth pounder convicts and deported to the saltworks in the prefectures of the Ba [Commandery].” According to this text, the followers would be made unmutated earth pounder convicts and banished. Even though this is a specific case that might not represent the universal penalty to all the followers, at any rate, it exemplifies one possibility. That is to say, the punishment on the members of the Unit of Five of the person who offered lodging to the followers would probably be made earth pounder convicts and banished.

⁵⁰⁷ Cf. *YL* 5, 124-125: 1792+1813+1855.

as the mutual responsibility coerced to the neighbors on account of physical proximity. The following text shows the obligation of the Head and the Elder, which goes beyond the geographical limit. It reads:

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。⁹⁸ *QJDHJ*, 234

A murderer enters into A's house and murderously wounds A. A cries out: "Robbers!", but his neighbors [of the other four households in the Unit of Five], the Head and the Elder of the Village have all gone out and are absent, and they do not hear A crying "Robbers". Question: are they by law to be sentenced or not? If the investigation shows that they were absent, they are not warranted to be sentenced, but the Head and the Elder of the Village, although they were absent, are warranted to be sentenced.⁵⁰⁸

On the scene or not was a significant reference when making judgments in the Qin and Han legal texts. Different premises would lead to different sentences, especially in those cases associated with shared space, such as offering lodging to a perpetrator. This text clearly demonstrates the different treatments to two groups of people—members of the Unit of Five, and the Head and the Elder of the Village—when a particular case happened while they were absent; and therefrom it displays the divergent logical frameworks in which the various mutual-responsible groups rooted. Due to the temporal unbinding of their neighborhood affiliation when the members were not at home, the four neighboring households would be immune from being punished in this text. However, the Head and the Elder were liable for not preventing the murder from entering the community, for their job duties would not change along with their physical locations.

Nonetheless, in the case of coin counterfeiting, the Head and the Elder's job duties differ from those of the Commandant, his subordinates, and other related

⁵⁰⁸ Translation from Hulsewé (1985, 145-146), with modifications.

officials. The Commandant, his subordinates, and other officials were in charge of apprehending the criminals, and they would only be punished if they failed to do so. The Head and the Elder's job was to supervise and report any potential criminal behavior that occurred prior to the disclosure of a crime. In this sense, their obligation was the same as the members of the Unit of Five and the household members. Concomitantly, a crime prevention-and-exposure mechanism at the bottom of the society comprising three-layered groups at a very low cost of the government took shape.

It is also worth noting that the collective liability figuring in this SHD text is unlike the occurrences in other cases. Apparently, the perpetrator was from outside, who did not belong to the violated household or this Unit of Five. The fact is that: one member of this Unit of Five was offended at home; the other members and the Head and the Elder should have helped him, but they failed to do so due to their absence. As a result, it is reasonable to assume that mutual surveillance was not the only reason for the Unit of Five's formation. It was also designed to be a mutual-support organization, despite the fact that this feature did not frequently appear in both legal and historical records. Yoshinami points out the nature of the *wu* "Unit of Five" system in mutual assistance in farming aside from its function in collective liability.⁵⁰⁹ More broadly, this mutual assistance was not only limited to farming.

Reviewing the above texts, both the household unit and the Unit of Five were certainly man-made organizations with defined borders and regulated responsibilities and obligations based on the spontaneously formed interpersonal connections, primarily caused by families and neighborhoods. Why could the binding of the naturally formed families into the man-made units successfully replace the former affiliation relationship between individually families and noble families? This is a highly complex question, but as noted in the previous introduction of the development of collective responsibility in a transformative context, the sufficient fields and homesteads held by the state governments, particularly the Qin government, played

⁵⁰⁹ See Yoshinami, 1966.

important roles in the process of attracting families to be subjects of the state instead of the nobles. By getting registered in the government and organized into these units, one would be granted fields and homesteads, which might partly account for this question.

5.3 A Brief Comparison between Confiscation and Collective Punishment

In a broad sense, confiscation is a kind of collective punishment, but when compared with the collective liability based on the household system, they are arguably two different genres. Many scholars have worked on the analysis of these two punishments. The statement by Sumiya Tsuneko is very instructive, in which she argues that confiscation and collective punishment are two mechanisms of different nature. Confiscation is a complement penalty applied to the perpetrator, while collective punishment was wittingly imposed on the implicated people.⁵¹⁰ Ishihara Ryohei and Shu Zhelan follow her opinion.⁵¹¹ Ishihara Ryohei further points out that the penalty to the implicated persons caused by collective responsibility was determined by the type of the criminal's offense. However, the basis for the judgment of one's being confiscated was predicated on the outcome of the trial of the criminal's offense.⁵¹²

The people involved in these two punishments were not the same. Except for properties, people who would be confiscated normally include the criminal's wife and non-adult children on the same household register. The household register was used during the sentencing process to verify the age of the children as well as whether or not they were separated from the household. By contrast, the persons implicated by collective liability more widely reach the members of the Unit of Five and the Head and the Elder of the Village.

⁵¹⁰ See Sumiya Tsuneko, 2006.

⁵¹¹ See Ishihara, 2017; Shu Zhelan, 2018.

⁵¹² See Ishihara, 2017.

Besides, the penalties respectively imposed on the confiscated persons and the collectively punished ones varied a lot. It is prescribed that: “For all cases of confiscated persons: in every case, enter and make them bond servant convicts.”⁵¹³ 諸收人，皆入以爲隸臣妾 (*ENLL*, 255: 435). That is, the confiscated persons would become bond servant convicts after the verdict. In many legal stipulations, the confiscated persons were enumerated in parallel with the bond servant convicts, proving their equivalent legal status. One example of these stipulations reads as: “When offices in the marches deport bond servant convicts and confiscated persons to each other, one must note the years, days and months they were already given rations”⁵¹⁴ 道官相輸隸臣妾、收人，必署其已稟年日月 (*QJDHJ*, 151: 201). Wang Zhantong and Li Jing define the confiscated persons as pretrial prisoners and the bond servant convicts as convicted prisoners.⁵¹⁵ Considering these two kinds of prisoners from another standpoint, confiscated persons might be a vital source of bond servant convicts. Additionally, in the doubtful case cited at the end of the last subchapter, it says: “As for his confiscated wife and children, who may have already been sold off, the government is to redeem them.” Another possible destination of the confiscated persons is illustrated in this case that they might be sold off to private persons by the government and became private slaves. This case also shows the penalty imposed on the persons who were held liable, and they were finally sentenced to be removed from the fines from the former erroneous judgment. If the fines had been taken in, they would be returned.⁵¹⁶ As discussed above, the members of the Unit of Five who were punished because of collective liability were fined by households in the majority of cases. They were made to be unmutilated earth pounder convicts for the perpetrators’ extremely serious crimes with very few exceptions.

Although distinguished from each other in many aspects, confiscation and

⁵¹³ Translation from Barbieri-Low and Yates (2015, 927), with modifications.

⁵¹⁴ Translation from Hulsewé (1985, 91), with modifications.

⁵¹⁵ See Wang Zhantong and Li Jing, 1984.

⁵¹⁶ The verdict reads: “remove the fines from those who were held liable. If the fines have already been taken in, return them.”

collective punishment, at least, share one thing in common. The implicated persons, no matter by confiscation or collective liability could avoid being punished by prior denunciation before the criminal was prosecuted.

Chapter 6: A Discussion of the Nature of Qianling

Prefecture and a Rethink of the District Office

6.1 The Nature of Qianling Prefecture

The archeological site of Qianling is made up of several layers piled up, which went through a broad chronological span. According to the archeological report, it is preliminarily determined that two cities under different jurisdictions were once built on this site. In the first phase, the city wall was built on raw soil, overlaid with the no. 11 layer, dated to the middle of the Warring States period to the imperial Qin. The city wall of the second phase was built on the no. 11 layer and covered by the no. 9 layer, dated to the Western Han era.⁵¹⁷ The slips and boards that were frequently cited in this dissertation were dated to the 25th year of the First Emperor of Qin (222 BCE) to the 2nd year of the Second Emperor (208 BCE), which definitely deliver the information of this area under the governance of Qin. Nevertheless, the traces of this region was formerly occupied by the Chu State can still be observed; for instance, many household registers excavated from the LY moat record the character *jing* 荆 before the names of the householders.

⁵¹⁷ *Liye fajue jianbao*, 12.

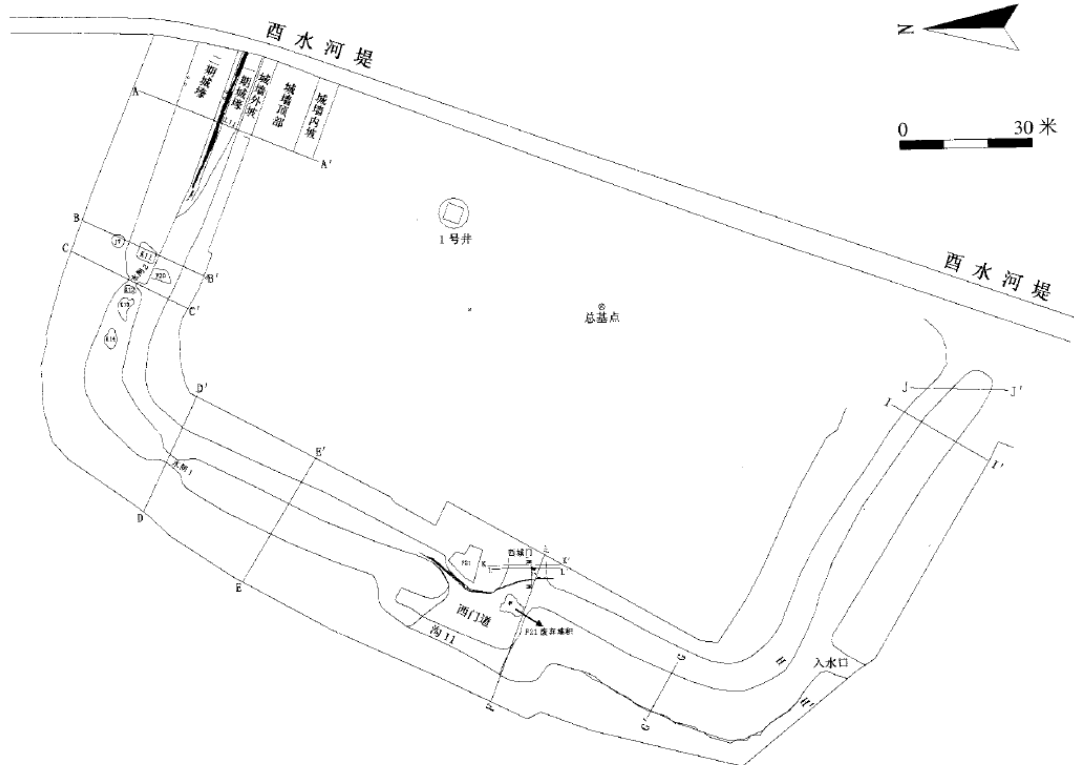


Figure 6.1: The plan of the archeological site of the seat of Qianling Prefecture

Source: *Liye fajue baogao*, 18.

The archeological site, which is supposed to be the location of the prefecture government, is very exceptional, backed by the You River 酉水 and surrounded by three town walls with deep moats enclosed. (See Figure 6.1) This geographic position has inspired little intervention from outsiders. Furthermore, the whole territory of Qianling Prefecture lies in impregnable mountains, which cannot be easily approached. Even for this small remote prefecture which seems to be shut off from the world, it was not run autonomously nor left unattended; instead, all the documents appeared to have been appropriately processed and well filed before they were thrown to the ancient wells. It is somewhat unexpected that the administrative apparatus extended to such a remote corner. The officials and the assistants were well trained and the local society was organized in order. Why could an old Chu region exhibit such a radical Qin style? How could the Qin authorities transform a non-Qin area in such a short time?

It has been widely recognized in scholarship that Qianling Prefecture was at the

frontier of the Qin empire in the first few years after the unification by and large before the incursion of the further south, after which three new commanderies, Guilin 桂林, Xiang 象 and Nanhai 南海 were established in 214 BCE. This event was respectively recorded in the *Shiji* and the *Hanshu* as follows:

三十三年，發諸嘗逋亡人、贅壻、賈人略取陸梁地，為桂林、象郡、南海，以適遣戍。⁵¹⁸

In the 33rd year (214 BCE), [the authorities] set out those who were once absconders, pawned sons-in-law, merchants to seize the territories of Luliang,⁵¹⁹ thereafter established Guilin, Xiang and Nanhai, and transferred those who committed offenses to garrison them.

秦并天下，略定揚粵，置桂林、南海、象郡，以適徙民與粵雜處。⁵²⁰

The Qin has annexed all territories under heaven, seized and suppressed the areas of Yang and Yue, established Guilin, Nanhai and Xiang Commandery, banished those who committed offenses to reside mixed with the Yue people.

To cite these two texts is not just to corroborate the location of Qianling Prefecture as frontier (in fact, it is hard to determine whether Qianling was on the frontier, while at least it lay near the frontier), but what is more noteworthy is the action taken by the Qin authorities after the occupation of the new territories. In both these two texts, it was stated that the Qin government mobilized the people who were guilty to resettle the newly established commanderies and lived together with the local people. This policy, to a great extent, reflects the Qin strategy in the process of annexing the territories of the other states at the end of the Warring States Period.

⁵¹⁸ *SJ* 6, 253.

⁵¹⁹ *Lu liang* 陸梁 literally means “aggressive, wild”, and was used to describe the nature of the people in the south. Based on the *Suoyin* commentary on *SJ* 6, 253, *lu liang* denotes the people in the South of the Nanling Mountains 南嶺. In this text, *lu liang* certainly designates a place, but we do not know whether it is a specific geographic name with defined borders or a general name without clear boundaries.

⁵²⁰ *HS* 95, 3847.

Established in the 25th year of the First Emperor (222 BCE), the situation of Qianling Prefecture revealed by the numerous documents (222 BCE-208 BCE) was probably an example of the process of Qin-ization in a new territory or, as it were, a miniature of the open up and exploitation of uncultivated lands. For whatever purpose, the extension of a radical Qin administration in this former Chu area must have been one of the crucial steps. However, what happened to the indigenous people? Did they surrender to the Qin army or flee away with the Chu government? Were they deported to other places and substituted by the immigrated Qin people?

Based on a fragmented text recording: “new black-head households, 106; [adult] male, 1040; minor male [...]” 新黔首戶百六，男千冊人，小男子□，⁵²¹ the average number of adult male persons of these households is approximately 9.8; further speculation leads to large size households each with more than 10 individuals on average since at any rate there must be a certain number of minor male persons. Tong Chun Fung thereof points out that this abnormal large number of adult male persons might indicate that these households were probably “surrendered households of other ethnic groups”.⁵²² In terms of this evidence, Maxim Korolkov holds a similar view and adds that these households may be composed of the indigenous people organized in extended kinship groups. Moreover, he also refers to the household registers excavated from the moat of the Liye site and calculates that the average household size is 6.2 persons per household, contrasting to the average household size of these 106 households.⁵²³ Their arguments seem reasonable, but the problem is whether new black-heads necessarily signified the indigenous people. Is there a possibility that they were new residents of Qianling? If so, why did these households have such a large population?

Due to the lack of the context, it is impossible to figure out the source of these 106 new black-head households. However, on account of the household registers

⁵²¹ See Zhang Chunlong, 2009.

⁵²² See Tong Chun Fung, 2014. Attention should be paid when we discuss groups out of the Chinese culture sphere. It seems that ethnicity was not stressed at that time; besides, the Han ethnic group has not been established yet.

⁵²³ See Korolkov, 225.

mentioned by Korolkov, it should be particularly remarked that the notation *jing* 荆 before the names of the householders with only one exception was in effect used to indicate their origins as indigenous Chu people,⁵²⁴ distinguishing them from the other residents. If our inference is correct, this in reverse attests that the 106 new black-head households were not composed of the indigenous people since there were more individuals in these households and only 6.2 persons on average in the *jing* households.

Regarding these 106 households, it can be hypothesized that they were transported from other conquered territories to resettle Qianling. One LY document hints at this kind of transportation of people to relocate in Qianling, which reads:

廿六年五月辛巳朔庚子，啟陵鄉推敢言之：都鄉守嘉言：渚里不更（？）
劾等十七戶徙都鄉，皆不移年籍【……】⁵²⁵₁₆₋₉

In the twenty-sixth year (221 BCE), on the *gengzi* day (the 20th day) of the fifth month whose first day fell on a *xinsi* day, [I, Bailiff of] Qiling District, Tui, dare to say: Acting Bailiff of Central District, Jia, said “Zhu Village, holder of the fourth rank, He and the other seventeen households were transferred to Central District, but their age registers were not transferred [...]”₁₆₋₉

Although we do not know where Zhu Village was, it certainly was not part of Central District of Qianling.⁵²⁶ Moreover, this event happened in the 26th year, the year after Qianling Prefecture was established, when it was still at the initial stage of the construction of this new prefecture. More households than the seventeen recorded ones were very likely moved to settle in Qianling. It is not rigorous to say these new moved-in residents were new black-heads, but it provides another possible

⁵²⁴ For one example of these registers: (K1/25/50) 南陽戶人荆不更黃得 “Nanyang [Village], householder, Jing, holder of the fourth rank, Huang De”.

⁵²⁵ *Liye fajue baogao* (2006), 194.

⁵²⁶ The editors of *LY 2* assume that Zhu Village was in Qianling, but no evidence was provided. See *LY 2*, 570. According to the accessible texts, none of the three districts in Qianling had a subordinate village named Zhu Village; therefore, we inclined to believe it was a village of another region.

interpretation.

Except for these seventeen moved-in households, the occurrences of three groups of people were noticed by scholars as well. Other occurrences of them are available,⁵²⁷ but they are mostly discussed based on the following text:

都鄉黔首毋濮人、楊人、與人。□₉₋₂₃₀₀ LY 2, 466

The black-heads of Central District do not comprise Pu people, Yang people and Yu people [...]. ₉₋₂₃₀₀

Concerning the three groups of people, Tong Chun Fung, You Yifei and Korolkov believe that they were presumably the non-*huaxia* indigenous people.⁵²⁸ You Yifei argues that this text which describes the absence of these three groups of people in Central District discloses the bad living situation of the indigenous people who were expelled from their settlements.⁵²⁹ Regardless of the origins of these three groups of people, You seems to have over-interpreted the text which does not manifest any clue on expelling these people. Instead, this text conveys that these three groups of people were not mobilized to Central District or had not been registered under the new government yet. Given the scarce usages of these three terms, it is hard to conclude whether they were indigenous people or not. However, according to the record in *Zuozhuan*: “Mi people led multiple tribes of Pu people to assemble in Xuan and were going to attack the Chu state” 麋人率百濮聚於選，將伐楚，⁵³⁰ the Pu people were evidently not Chu people. The situations of the Yang people and the Yu people might be similar. Hence, there might be two possible explanations of them: first, these three groups of people were indigenous non-Chu people and the new Qin government attempted to register them as new black-heads; second, they were transported probably from Ba or Shu regions to fill the newly established prefecture, but they

⁵²⁷ Cf. LY 2, 268: 9-1145.

⁵²⁸ See Tong, 2014; You Yifei, 2015; Korolkov, 2020.

⁵²⁹ See You, 2015.

⁵³⁰ *Chunqiu Zuozhuan zhu*, 617.

were not assigned to reside in Central District. For either possibility, they made up part of the new black-heads.

Back to the previously brought up question of why there were more individuals in the 106 new black-head households, the appearance of a term might contribute to answering this question to some degree. The text reads:

廿八年正月辛丑朔丁未，貳春鄉敬敢言之：從人城旦皆非知鑿田也，當可作治縣官府。謁盡令從人作官府及負土、佐甄【……】⁹⁻²² LY 2, 33-34

In the twenty-eighth year (219 BCE), on the *dingwei* day (the 7th day) of the first month whose first day fell on a *xinchou* day, [I, Bailiff of] Erchun District, Jing, dare to say: the followers who were made earth pounder convicts all do not know how to cut down trees to cultivate fields (*cha tian*); they should be capable of working or managing the government offices or storehouses. [I] require in every case to order the followers to work in offices or storehouses, as well as to bear soil, or to assist with the making of potteries [...].⁹⁻²²

The meaning of the phrase 鑿田 is not very clear. The editors of LY 2 note that it might be read as *cha tian* 槎田, signifying the farming method of cutting down trees for cultivating.⁵³¹ The phrase *cha tian* 槎田 features in another LY text, which states “its convention is to cut down trees to cultivate and to shift the land every year which is different from the prefectures within the Passes” 其習俗槎田歲更，以異中縣 (slip no. 8-355, LY 1, 136). This text probably describes the slash-and-burn farming tradition of the non-Chinese people living in the south, different from the other areas of the empire, on which the immigrated followers from other regions had little knowledge. The quite a few appearances of the term “follower” (*cong ren* 從人) in the LY corpus manifest this group of people was not rare in Qianling. This term was also used in the YL texts to designate a general notion, such as the Qi followers (*Qi cong ren* 齊從人), the Dai followers (*Dai cong ren* 代從人), the Jing followers (*Jing cong*

⁵³¹ LY 2, 34.

ren 荊從人) and so forth, instead of a limited group of followers following a specified person or a family. Given the LY context, it seems unlikely to determine after whom these followers were deported to Qianling. The only clue offered by the LY source is the record “the followers of the three clans” 三族從人 contained on board no. 8-389+8-404+9-1701 (LY 2, 349). This short text might suggest that three clans and their followers were deported to resettle in regions away from their hometown, and Qianling was one of their destinations.

Looking back to the aforementioned household registers with the notation *jing* on them, apart from family members, subjects (*chen* 臣) and female slaves (*li* 隸) were also registered under their affiliated households.⁵³² Therefore, we might surmise that the followers were very likely registered under their masters’ households as well, resulting in a large number of adult male persons in a relatively small number of households (1,004 adult males in 106 households).

Except for our discussion on the followers constituting a great deal of the residents in Qianling, there are other texts shedding light on the moved-in population of this region as well. After making a statistic of the available origins of the commoners, convicts, conscripts, and officials in LY 1, You Yifei reaches the conclusion that all of the conscripts and government functionaries including the very low-level subordinates were outsiders; many of the commoners and convicts were outsiders, too.⁵³³ Even though the sample size provided by the LY source is not very large, with only part of the people’s origins noted, it still strongly indicates that the overwhelming majority of the Qianling population were immigrants.

The situation of Qianling when it was a newly established prefecture might be compared to the vivid description in a letter excavated from the SHD Qin tomb no. 4, which says, “[I] heard that the cities of the newly conquered territories were empty without people filled in, and it is commanded that old people (Qin people) who have

⁵³² For the registrations of subjects and female slaves, cf. board nos. K27, K4, K2/23 in *Liye fajue baogao*, pp. 203, 205.

⁵³³ See You Yifei, 2015. The data from LY 2 shows an identical result, but this is only the result got from those people whose origins were recorded. There are still many people we do not know their origins, especially the commoners and convicts.

conducted themselves against orders to fill [...]” 聞新地城多空不實者，且令故民有為不如令者實【……】。⁵³⁴ We cannot be definite to assert that all the former local people of the region in which Qianling was established all fled away,⁵³⁵ but based on the previous paragraphs, most of the residents of Qianling being new moved-in people from other regions can be imagined. As its name *qian* 遷 (remove/migrate/relocate) connotes, the newly established prefecture was presumably a region mainly composed of and exploited by immigrants comprising officials, commoners, conscripts, convicts, etc. Meanwhile, the latter word *ling* 陵 (mountain) in the name reflects that this area was mountainous.

Another problem that should be mentioned once again is the small household numbers of Qianling Prefecture, with the high number of 191 in the 28th year (219 BCE) and the low number of 155 in the 30th year (217 BCE).⁵³⁶ Such small numbers of households have led many scholars to be suspicious of whether they were the total household numbers of a prefecture.⁵³⁷ This kind of suspicion is reasonable; however, the small number of households does not necessarily amount to a small population. As listed earlier, there were more than nine adult males on average in every household and the size of a household was undoubtedly larger than this since the other categories of the population have not been counted in due to the missing of the following text. Although the consensus that the average number of individuals in a household was 5 to 6 in Qin and Han times has been widely accepted for a long time, this general number might only fit into the relatively stable regions, which probably applied to Qianling after a period of Qin-ization. Nevertheless, when it was still a new prefecture founded on the basis of a former Chu region, it might not be plausible to simply use

⁵³⁴ *QJDHJ*, 637.

⁵³⁵ We do not know what this region was called before the establishment of Qianling Prefecture under Qin, and it is very probable that it was not called Qianling.

⁵³⁶ Cf. 8-487+8-2004, *LY* 1, 166. This board only bears the household numbers of Qianling from the 28th year (219 BCE) to the 33rd year (214 BCE) of the First Emperor, the household numbers of the other years, therefore, are not available up to date. Nevertheless, the household numbers might not have undergone great changes before or after since the numbers of the recorded six years did not drastically fluctuate.

⁵³⁷ Zhang Chunlong believes it is the number of households of a village (cf. Zhang Chunlong, 2009); Yates has a similar viewpoint (cf. Yates, 2013); Hu Pingsheng argues that these households were those involved in legal cases (cf. Hu Pingsheng, 2011).

this ideal number to infer the size of the households in Qianling. Additionally, Qianling had also been the frontier of the unified Qin empire for many years (approximately 222-214 BCE), resulting in continuous moving in of conscripts, convicts, officials being punished, etc.

It is not difficult to find that the demographic composition of Qianling was rather complicated. Instead of constituting a society composed of commoners, a large portion of its population were conscripts, convicts, and deported officials. Multiple of the documents from the LY corpus deal with the affairs related to conscripts and convicts. For instance, board no. 9-2289 bears the account book of convicts working in the Office of Controller of Works on which 125 male convicts, 87 female convicts, 9 minor male convicts and 5 minor female convicts, in total 226 convicts were listed.⁵³⁸ Board no. 9-1247 states that 200 conscripts should be engaged in agriculture.⁵³⁹ Besides, many documents were tallies exhibiting the issue of provisions to conscripts, convicts and officials.⁵⁴⁰ By these figures, the immigrated multiple persons accounted for a large number of the local population that may even exceed the commoners. Addressed by You Yifei, Qianling was a migrant prefecture.⁵⁴¹ Thereupon, it can be pointed out that the small number of households of the commoners were not the main component of the local society. The documents from the Liye site show a transformation and transition period of a newly built frontier prefecture with its regional particularities that should not be viewed from a general point.

In terms of the particularities of Qianling, a private letter mingled with thousands of official documents, which You Yifei addressed as a home letter,⁵⁴² might provide some clues on the local environment. The letter not only expresses a kind of sentiment

⁵³⁸ Cf. *LY* 2, pp. 455-458. More analogous documents from other offices or storehouses are available, see examples in: *LY* 1, 272-273: 8-1520; *LY* 1, 111: 8-199; *LY* 2, 23: 9-18; *LY* 2, 476: 9-2341.

⁵³⁹ Cf. *LY* 2, 281.

⁵⁴⁰ For examples of these documents, cf. *LY* 1, 219: 8-762; *LY* 1, 354-355: 8-1545; *LY* 1, 363: 8-1584; *LY* 2, 82: 9-174+9-908; *LY* 2, 98: 9-268.

⁵⁴¹ See You, 2015.

⁵⁴² See You Yifei, 2015. The nature of this letter needs more discussion.

but also shows the living condition of Qianling Prefecture from the perspective of an individual who was experiencing everything. Its content is as follows:

七月壬辰，贛敢大心再拜多問芒季：得毋為事□

居諸深山中，毋物可問，進書為敬。季丈人、柏及□

毋恙毆？季幸少者，時賜□

史來不來之故，敢謁□□^{8-659+8-2088 side A}

□官□^{8-659+8-2088 side B} LY 1, 194

In the seventh month, on the day *renchen*, Gan dares to indecorously do obeisance again and repeatedly ask Mangji.⁵⁴³ Does nothing go wrong with your work [...] [I] reside deep in the mountains, and have nothing else to ask. I send this letter to show my respect. Your parents, Bai and [...] are they in good health? Ji is close to young people and frequently give [...] whether the scribe comes or not. I pay my respect [...]^{8-659+8-2088 side A}

[...] office [...] ^{8-659+8-2088 side B}

⁵⁴³ The editors say *da dan* 大心, *zai bai* 再拜, and *duo wen* 多問 are formulas used in letters. Tang Yuhui 湯餘惠 explains *da xin* as “boldly” (*da dan* 大膽), which also appears in the letter written on the board no.6 from the SHD tomb. See Tang Yuhui (1993, 177).

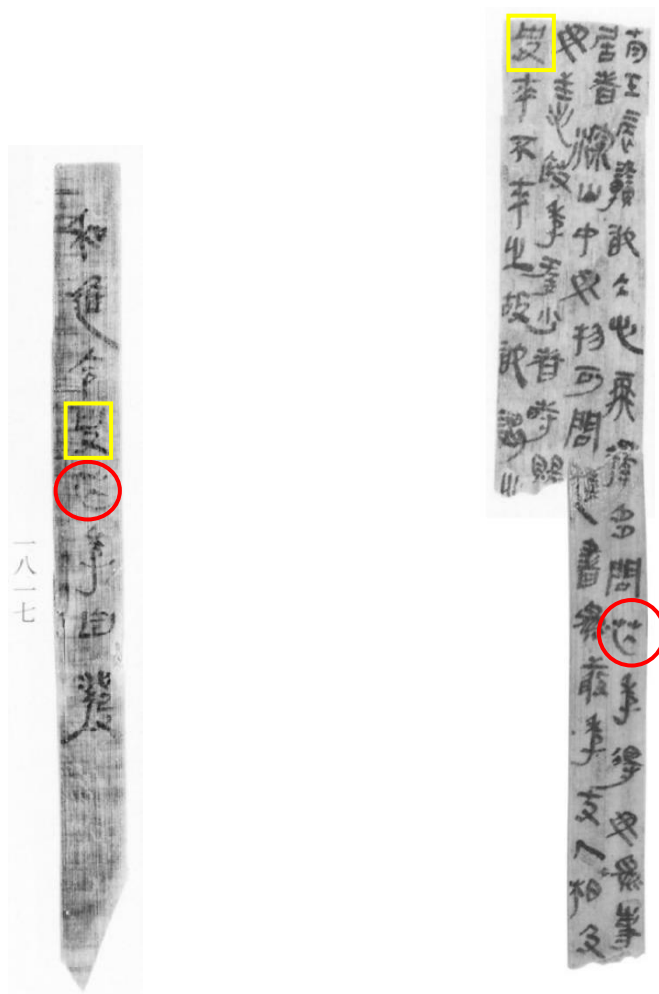


Figure 6.2: Images of board no. 8-1817 and board no. 8-659+8-2088
Source: *LYQJ* 1, 228; *LYQJ* 1, 92, 253

You Yifei notes that this was a home letter written by Gan to his relatives in his hometown.⁵⁴⁴ From the content, we can learn that it was sent by Gan to Mangji. According to other LY documents, Gan was a Prefect Assistant at least in the first year of the Second Emperor and Mang Ji was the Prefect Scribe of Qianling. Moreover, the editors point out that another board (no. 8-1817, see Figure 6.2) bearing “privately forward to Prefect Scribe Mangji for personally opening” 私進令史芒季自發, seemingly written by the same hand,⁵⁴⁵ was presumably the envelope of this letter. This could reasonably explain why this letter was found in Qianling rather than Gan’s

⁵⁴⁴ See You Yifei, 2015.

⁵⁴⁵ Based on the examination of the same graphs occurring in both these two boards, which were marked with specific notations on the images, I assume that they were written by the same person.

hometown. It can thereby be speculated that the Prefect Scribe Mangji was mainly based in the seat of Qianling Prefecture, and the Prefect Assistant Gan was likely based in another detached office of Qianling.

As stated in the letter, the place where Gan lived was deep in the mountains, and the reason he sent this letter to Mangji was partly that his life was boring. He did not write anything urgent or important and the major part of the letter is just composed of some greeting words, although a quarter of the board is missing. Arnd Helmut Hafner (陶安 あんど) suspects that *wu wu ke wen* 毋物可問 is a set form used in letters and it might not reflect the real situation.⁵⁴⁶ Nevertheless, You Yifei thinks it describes a kind of feeling of the immigrant people, especially those who came from the Qin state or other Central Plain states, even if it was just a formula.⁵⁴⁷ This instance might not declare that the minor officials at Qin times were less occupied and had much leisure time, but it inclines to show their status of being short of spiritual supports without families and friends surrounded since they were deported to relocate Qianling.

To sum up, Qianling was a newly-established frontier prefecture by the Qin authorities in the 25th year of Emperor Shihuang (222 BCE). Before that, this area was alleged controlled by the Chu government, but whether a prefecture stood at this place was suspectable. With many records of land reclamation in the LY corpus,⁵⁴⁸ this region was mainly exploited by the Qin government. Because it was not the frontier of the Chu state, it might be less significant to be developed under its control. However, we do not know to which year Qianling was not a frontier region anymore. Despite the aforementioned establishment of three new commanderies to the south in 214 BCE, these new territories seemingly did not stay well controlled even until the early Western Han. Meanwhile, Qianling Prefecture did not undergo a great change after that year.

The registered population of Qianling was probably made up of conscripts, convicts, deported officials, and relocated commoners from other states conquered by

⁵⁴⁶ Quoted from You Yifei (2015), fn. 246.

⁵⁴⁷ See You Yifei, 2015.

⁵⁴⁸ For instances, cf. board nos. 8-1519 (LY 1, 345-346); 9-40 (LY 2, 49); 9-1865 (LY 2, 377).

the Qin army in the process of unification. Although there is no manifest evidence to hint at the proportion of the indigenous people, they probably only account for a tiny part.

6.2 A Rethink of the District Office

Most of the Qin and Han administrative and legal manuscripts are of the prefecture level. In particular, the large corpus of documents from Qianling that were piled up in the prefecture seat shows the collection and distribution of documents passing through the prefecture court. However, in the previous chapters of retrieving the household registrations, the processing procedure of the related affairs as well as the clarification of collective responsibilities, the roles played by the district level in multiple affairs repeatedly remind us of its greater significance than what we might have been aware of.

Regarding the function of the Bailiff of the District, Barbieri-Low and Yates summarize it as follows:

“The Bailiff of the District was responsible for the settlements in his jurisdiction, including the maintenance of their household registers [...], the maintenance of roads in the settlements [...], and catching counterfeiters [...], their salaries were ranked at 200, 160, or 120 bushels [...]. According to the ‘Baiguan gongqing biao’ 百官公卿表 in *Hanshu*, 19A.742, the duties of a Bailiff of the District also included tax collection and listening to lawsuits.”⁵⁴⁹

Although the functions of the district-level management are not our concerns, most of the points listed in the words of Barbieri-Low and Yates can find their correspondences more or less in our previous narratives on the household system, which indicates a heavy involvement of the District Office in the process of household control. It is stated in the “Table of officials and dignitaries” (Baiguan

⁵⁴⁹ See Barbieri-Low and Yates (2015), 417.

gongqing biao) that “the District [Office] consists of Three Elders, Officials with a Salary, Bailiff and Patrol Leader” 鄉有三老、有秩、嗇夫、游徼,⁵⁵⁰ but in the Qin and early Han manuscripts, these functionaries except the Bailiff did not occur at all. It is recorded in *Hanshu* that the Three Elders of the District was set up in the second year of King Han (205 BCE),⁵⁵¹ but this term cannot be found in the ENLL texts. Alternatively, based on the Qin and early Han manuscripts, the functionaries that filled the District Office were a Bailiff of the District, Scribe(s) of the District (*xiang shi* 鄉史)⁵⁵² and Assistant(s) of the District (*xiang zuo* 鄉佐). In this respect, the composition of the District Office did not vary much from the other offices, presumably suggesting that the District Office was just one of the subordinate offices of the Prefecture Court in parallel with the Fields Office, the Livestock Office, the Artisans Office, etc., other than the sole lower level under the prefecture in the administration system.

As stated by Barbieri-Low and Yates, the District Office was “responsible for the settlements”, the emphasis of which was the management of people and households in these settlements. By contrast to the Fields Office in charge of the fields and agriculture-related affairs, the households-related affairs of a prefecture were practically handled by several District Offices rather than the Bureau of Households. In retrospect, why the Bureau of Household which by its name was supposed to be the main organ responsible for the management of households occurred so rarely in the Qin and Han texts has all along puzzled us. So far, the role played by the District Office in this regard might help to answer this question.

Apparently, the district did not constitute a tier in the two-tier administrative system composed of prefecture and commandery known to exist in Qin and Han. It has impressed us for a long time that the state authority could only reach the prefecture level and the social units below that were charged by District Offices were to some extent autonomous or half autonomous. In terms of this situation, Wen Tiejun

⁵⁵⁰ *HS* 19, 742.

⁵⁵¹ *HS* 1, 33.

⁵⁵² For *xiang shi*, cf. 8-269, *LY* 1, 125; 8-342, *LY* 1, 135; for *xiang zuo*, cf. 8-580, *LY* 1, 182; 9-1896, *LY* 2, 390.

溫鐵軍 brings about the prevalent declaration “the imperial power does not extend below prefectures” 皇權不下縣,⁵⁵³ while this viewpoint has been questioned by many scholars in multiple disciplines.⁵⁵⁴ In the interpretation of the rural organizations, Qin Hui 秦暉 also cites Wen’s declaration, but he disagrees with his opinion. Besides, he addresses that the functionaries, including Station Heads, Three Elders and Bailiffs of Districts attributed to the authorized size of the prefecture administrative personnel, but they performed their duties in the districts.⁵⁵⁵ His viewpoint offers another way of thinking about the nature of the District Office as well as its functionaries. In a similar vein, we believe that the District Office was one of the prefectural offices, but it was a detached one that did not locate in the prefecture seat except for the Central District (*du xiang* 都鄉).

Lu Xiqi points out that many scholars attempt to argue that the state authority did not reach the prefecture level below by proving that the functionaries of the district and the village did not belong to the bureaucratic system, and states his doubt about this approach. He further adds that the appointment of the functionaries of the district and the village were generally ratified by the Prefecture Court.⁵⁵⁶ In Chapter 3, in the discussion of a document related to the 27 households in a village, it is evident that the appointment of the Head of the Village was in the hand of the Prefecture Court, although the nomination of the candidate was led by the District Office.⁵⁵⁷ Another text from the LY site sheds more light on the appointment of the Bailiff of the District, which reads:

卅四年二月丙申朔己亥，貳春鄉守平敢言之：廷令平代鄉茲守貳春鄉，今茲下之廷而不屬平以倉粟米【……】⁹⁻⁵⁰ LY 2, 54

In the thirty-fourth year of the First Emperor (213 BCE), on the *jihai* day (the 4th

⁵⁵³ See Wen Tiejun, 1999.

⁵⁵⁴ Cf. Zhang Xinguang 張新光, 2007; Hu Heng 胡恆, 2015.

⁵⁵⁵ See Qin Hui, 2003.

⁵⁵⁶ See Lu Xiqi, 2019.

⁵⁵⁷ Cf. Chapter 3, pp. 87-88.

day) of the second month, whose first day fell on a *bingshen* day, the Acting [Bailiff of] Erchun District dares to say: the Prefecture Court ordered [me] Ping to substitute for Zi to govern Erchun District, and now Zi is off the Prefecture Court but has not handed the grain in the granary over to Ping [...]⁹⁻⁵⁰

Although this text refers to the appointment of an Acting Bailiff for a temporary replacement of the probable real Bailiff, it might still exemplify the appointment of the Bailiff of the District. Obviously, the Bailiff of the District was not directly appointed by the central government, instead, he was prefecture-appointed. Nevertheless, as an agent of the Prefecture Court in charge of a smaller unit, the Bailiff's qualification was determined by the Prefecture Court. Furthermore, in the "Statutes on Salaries", the Bailiff of the District was on the list of officials with salaries, and its salary depended on the size of the prefecture, which varied among 200, 160 and 120 bushels. With this respect, the assertion that the Bailiff of the District did not belong to the bureaucratic system seems untenable.

As for the trunk administration, the state power seemed to end at the prefecture level without further extension to a lower one. As described, the District Office was part of a Prefecture Court, which might be arguably called a sub-tier of the administration. In view of the resources—population and households, namely labor service and tax revenues—that under the jurisdiction of the District Office, its significance and specific status cannot be overlooked.

Based on the household registers excavated from the LY moat, Hsing I-tien points out that the household registries recorded only hamlet names (e.g., Nanyang), merit ranks, household heads, surnames and given names, taxation and service status, and kinship.⁵⁵⁸ Names of districts, prefectures and commanderies not being noted down implies an exclusive manipulation of these registers by the District Office. It has been illustrated by a few statutes that the original registers were preserved by the District Office and a copy was sent to the Prefecture Court, while for the higher

⁵⁵⁸ See Hsing I-tien, 162.

administrations, namely the commandery and the central government, population and households were just some counted numbers.

The template of household registers and the arrangement of their storage had not been changed until paper was introduced and widely used, almost in the Tang era around the 5th century. As shown by one of the Dunhuang registers (see Chapter 3, p. 101), the accurate location of a household, including its subordinate commandery, prefecture, district and village, could be obtained which differed distinctively from the household registers of the Qin and Han times with only names of villages traceable. As introduced by Zhang Rongqiang, after paper was used, the making of household registers became the responsibility of the Prefecture Court in place of the District Office and the registers were not only kept by districts and prefectures anymore, but also commanderies and the central government had them. He further speculates that the original registers were stored in the central government.⁵⁵⁹ It is reasonable to speculate that the District Office, although under the supervision of the Prefecture Court, had much more power in the earlier eras before paper was used to register households.

Looking back on the sources we have been worked on, it is evident that the registers, account books, administrative documents were virtually all from the prefecture level and below. What caused this situation is not only limited by the level of the tombs or sites that contained these materials, but it might also be because what was required to report to the prefecture above was the accounts, namely, the number of the population, not the detail records of the information of the people.

The absence of the district in the two-tier system does not mean that the state authority could not permeate districts. As a subdivision of the Prefecture Court, it was well organized by efficient administrative communication as disclosed in the LY texts. This high efficiency and good control were partly due to the relatively small numbers of households and less dense population. For a prefecture like Qianling, most of its residents were newcomers, and they were unfamiliar with the local environment. As

⁵⁵⁹ See Zhang Rongqiang, 2019.

displayed by a text in the preceding part, these newcomers did not know how to cultivate the regional farmland. Thereupon, they had not got enough time to build a local network by neighborhood, brotherhood, as well as marriage, which would be realized after dozens of years. A document of the 35th year (212 BCE) recording the transfer of property by a villager to his adult daughter living in another village might indicate that the local tie primarily formed by marriage was underway.⁵⁶⁰ Another point that should also be noted is that for a region that was still developing, there were not many resources as well as surpluses that could support the influence exerting of a big family. However, this situation of the underdeveloped region and the weakness of local social power might not reflect the general condition of the whole empire; in other words, the local condition of Qianling cannot be completely copied to other better-developed regions such as the Central Plain.

In spite of the particularity of Qianling, the household management pattern, especially the essential role played by the District Office, was otherwise a state-wide system, in great likelihood resulting in the growth of local power and the forming of prominent families. We will not go further into the discussion of the prominent families flourishing at the end of Eastern Han and the Three Kingdoms Period, but the continuous increasing local power becoming an issue for the central government was indeed a fact, as described in a text in the *Shiji*:

當此之時，網疏而民富，役財驕溢，或至兼并豪黨之徒，以武斷於鄉曲。

561

At this time (Emperor Wu, 141-87 BCE), the net [of justice] is sparse and the people are rich; labors and treasures are overflowed. Someone became those persons who merged [lands], gathered crowds, and used forces to dictate districts and villages.

⁵⁶⁰ Slip no. 8- 1554, *LY* 1, 356-357.

⁵⁶¹ *SJ* 30, 1420.

The growth of population and the development of lands caused more surpluses in the local society; however, the complementary policies and measures had not been synchronously developed in the districts and villages, which left great space for the expansion of the local power represented by large families and big landlords boomed in the Wei and Jin periods.

Conclusion

The establishment and expansion of the household system constituted an essential part of imperial China, which provided the financial and physical resources for running the state apparatus signified by the highly developed bureaucracy. The household system, which enabled direct control of households by the central government, in place of the commoners' affiliation to vassals in the Zhou period, was developed and consolidated in the Qin and early Han periods. This system laid the foundation of the population and household management for the next millennia, albeit with intermittent variations later.

The initiation of the household system was no doubt earlier than the Qin unification. Despite most of the sources, especially the bamboo and wooden slips, are Qin texts presumably reflecting the attempts at population control of the Qin state and the imperial Qin, we should still keep in mind that the other contemporaneous states before the unification had also introduced many policies to strengthen social control and extract more resources. The knowledge on the household system revealed by the Qin manuscripts is, to some extent, an integration consisting of the effective elements of these “alien” policies.

Before the imperial Qin—during the Warring States period, the era was full of transformations from multiple aspects. Among them, in particular, the creation and employment of the concept “household” (*hu* 戶) were one of the critical projects, which had dissociated the populace from kinship-based lineages that were the elementary organizations of the patriarchal Zhou society and redivided the social groups into smaller artificial legitimized units—households. It is certain that marriage and blood relationships still constructed the underlying logic for the formation of households. However, from the perspective of the authorities, the households being controlled by hierarchical administrations other than big lineages signified more direct access to money and labor and less resistance from the bottom of the society.

To ensure the effectiveness of this newly developed system, the matched legal

provisions and administrative measurements were indispensable. Not coincidentally, the sources that support this research of the household system are mainly made up of legal texts and administrative documents. These sources make it possible to get a bigger picture of how the system functioned in the Qin and early Han periods; moreover, the relevant concrete regulations and the corresponding enforcement in the local society can also be detected.

In the first chapter, we mainly elaborate on two technical terms: “household member” (*tong ju* 同居) and “co-resident” (*shi ren* 室人). These two terms are involved in many legal provisions, while they cannot be found in the LY administrative documents, which indicates that they were very likely not daily used words but exclusively legal terms. After classifying the texts containing them, we find out that the only source of legitimacy of the identity as someone’s “household member” was the household register, regardless of blood or marriage relationship. Even subjects and slaves were considered their masters’ household members. The term “co-resident” is easy to mix up with the term “household member”, and we have to admit that the respective group of people designated by each of these two terms are largely overlapping. Nevertheless, co-residents only signified the formal family members determined by blood and marriage relationships and lived together in the same residence, while the other people affiliated to this household, such as subjects and slaves, were not among them.

The second chapter concentrates on illustrating the establishment of heirs and new households, which constitutes one of the core issues to the Qin and the early Han governments. Many detailed regulations were about this aspect. The unidentical sequences of succession orders on the householder status and the rank suggest two separated systems on each of them, which might cause a dilemma that the successors of the householder status and the rank of a deceased householder were not the same person. However, this kind of dilemma has not been exemplified by the available sources yet. The status as a householder represents the access to lands and homesteads allocated by the government as well as the domination over the other household

members, which primarily embodies a higher status within a household. In contrast, the order of rank stands for the corresponding reduction of labor service, taxes and potential legal responsibilities, which warrants a privileged social status. Another interesting point is that women were not excluded in both of these two sequences; moreover, compared to the Tang law, it seems that females had more right to inherit both the rank and the householder status in the Qin and Han periods.

The function of the administration in household control was displayed in the third chapter. I have tried to further understand the roles played by different-level organizations and the relevant personnel by an in-depth study of various texts, including statutes, ordinances, registers, account books, etc. Regarding the appointment of the Head of the Village, a position which did not belong to the bureaucratic team, priorities were given to those who were senior and prestigious, while the adult persons who were of their working ages were excluded from being appointed. Although it is regulated that the Head of the Village should be recommended by villagers, the final decision would still be made by the Commandant based on the report from the District Office. Up to the district level, the lowest-level state administration, as the conjunction between the bottom of the society and the Prefecture Court, the district-level administration led by the District Office was even more significant than we have presumed. This significance was mainly counted on the exclusive manipulation of the original household registers by the District Office, making it the only source of information of the local people to the higher authorities.

After a study on the Bureau of Households and the Commandant Office at the prefecture level, it is astonishing to reach the conclusion that the Commandant Office led to a greater engagement in household and population management than the Bureau of Households, for the latter was a secretarial supporting agency that fundamentally dealt with the written records, the annual population census and the maintenance of the storehouse containing the records. The Commandant Office evolved from the military system was mainly in charge of the public security, which necessitates its presence in many affairs concerning migration, absconding, the substitution of the

householder, etc.

In Chapter 4, we have shown the amount of household tax each household should pay, the time when the government collected the tax, the free conversion of the in-kind and cash, and the processing procedure of this part of government revenue in the related offices. It is no wonder to find the impact of the rank order on the tax obligation, which evokes us the household registers that bear many householders with the fourth rank excavated from the moat of the LY site. According to my findings, the fourth rank and the above ones were supposed to be exempt from labor service, but only the Marquis (19th or 20th rank) holders were not required to pay the household tax. What should be particularly noticed in this part is the usage of tripartite tallies in the processing of the household tax. Except for the correspondence between the notches and the numbers in the written texts, the side on which the notches were carved has remarkable meanings. Based on the analysis, it can be concluded that the right portions of bi-/tripartite tallies were kept by the receivers and the left portions were given to the disbursers. To get a closer look at the tallies from both their physical nature and the texts they are bearing has extensively promoted our understanding of the handling of the household tax and the extent to which the local administration was standardized.

In Chapter 5, I devote to clarify two legal liabilities, particularly directing at households—confiscation and collective liability. Compared to collective liability, which was established to punish the people for their dereliction of the duty to monitor and report the offenses of the people around, confiscation was more inclined to be a punishment imposed on the householder with the forfeiture of his/her properties and the impoundment of his/her spouse and children. For a male householder that occurs in most texts, the people who would be confiscated typically include his wife and non-adult children listed on the same household register, during which the household register was a crucial basis of measurement of the penalty.

The sixth chapter is a supplementary discussion. Since most of my sources are the administrative documents excavated at the ancient Qianling Prefecture, they

inevitably show the local traditions, the components of the population, the living environment, and so on. This information does not only serve as a background for the study on the household system but point to a fact that Qianling was, in effect, a town of immigrants primarily made up of outsiders who were transported there by the Qin government after it was seized from the Chu state. According to the available data, from the Prefect to the conscripts, they were not indigenous people. Although the LY household registers with the householders noted with Jing (the Chu state) testify the presence of the indigenous population, they were probably not the main body. Except for the discussion on the nature of Qianling Prefecture, the role played by the District Office in the household management calls for a rethink of its position. The view of a two-tier system composed of the commandery and the prefecture functioned in Qin and Han times is widely accepted, and the district level was always excluded from it. However, the District Office as an agency of the prefecture court was also a component of this two-tier system. It is not the only sub-tier set between the people and the prefecture court, but paralleled with other offices, such as the Field Office.

I hope to have contributed to the study of the household system in early imperial China. A detailed scrutinization of the multiple manuscripts underpinned the analyses but brought about many questions that cannot be approached. For example, the term “pawnd son-in-law” (*zhui xu* 贅壻), which might disclose a world led by female persons, and reflects the endeavor of the authorities to promote a more patriarchal society, is very intriguing, but we do not have enough materials to present a conclusive explanation of this term. In addition, many measurements that the government used to organize households were obviously descended from the military system, while we do not know how the military institutions were transplanted to civil service and to what extent they were altered. There is still much more to do concerning this topic and the related materials. The publication of more sources in the future will definitely advance our knowledge and provide more evidence to rethink what I have done.

Bibliography

- Aoki Shunsuke 青木俊介. 2014. “Fueken no keitai hatten: ‘Heibanken’ no shiyo hoho no kosatsu kara” 封檢の形態發展——“平板檢”の使用方法的考察から. In *Bunken to ibutsu no kyōkai: Chūgoku shutsudo kandoku shiryō no seitateki kenkyū* vol. 2. 文獻と遺物の境界: 中國出土簡牘史料の生態的研究 II, edited by Momiyama Akira 末山明 and Satō Makoto 佐藤信, 239-241. Tōkyō: Tōkyō gaikokugo daigaku.
- Barbieri-Low, Anthony J. and Robin D.S. Yates. 2015. *Law, State, and Society in Early Imperial China (2 vols): A Study with Critical Edition and Translation of the Legal Texts from Zhangjiashan Tomb no. 247*. Leiden and Boston: Brill.
- Bu Xianqun 卜憲群. “Qin Han zhiji xiang li liyuan zakao—Yi Liye Qin jian wei zhongxin de tantao” 秦漢之際鄉里吏員雜考——以里耶秦簡為中心的探討. *Nandu xuetan* 1, 1-6.
- Caldwell, Ernest. 2014. “Social Change and Written Law in Early Chinese Legal Thought”. In *Law and History Review*, vol 32, no.1: 1-30.
- Cao Ji 曹冀. 2013. “Qin Han jian zhong de ‘gongzu’ he ‘shiwu’” 秦漢簡中的“公卒”和“庶人”. *Tangdu xuekan* vol. 29: 44-47.
- . 2014. *Qin Han jiating jicheng yanjiu* 秦漢家庭繼承研究. A Ph.D. dissertation of Henan Universtiy.
- Chao, Glenda Ellen. 2017. *Culture Change and Imperial Incorporation in Early China: An Archaeological Study of the Middle Han River Valley (ca. 8th century BCE-1st century CE)*. A Ph. D dissertation of Columbia University.
- Chen Jie 陳絜. 2009. “Liye ‘hujijian’ yu Zhanguo moqi de jiceng shehui” 里耶“戶籍簡”與戰國末期的基層社會. *Lishi yanjiu* vol. 5: 23-40.
- Chen Songchang 陳松長. 2009. “Yuelu shuyuan suo cang Qinjian zongshu” 嶽麓書院所藏秦簡綜述. *Wenwu* 3: 75–88.
- , ed. 2015. *Yuelu shuyuan cang Qinjian (si)* 嶽麓書院藏秦簡（肆）. Shanghai: Shanghai cishu.
- , ed. 2017. *Yuelu shuyuan cang Qinjian (wu)* 嶽麓書院藏秦簡（伍）. Shanghai: Shanghai cishu.
- , ed. 2020. *Yuelu shuyuan cang Qinjian (liu)* 嶽麓書院藏秦簡（陸）. Shanghai: Shanghai cishu.
- Chen Wei 陳偉, ed. 2012a. *Liye Qin jian du jiaoshi (yi)* 里耶秦簡牘校釋（壹）. Wuchang: Wuhan daxue.
- . 2012b. “Guanyu Qin yu Han chu ‘ru qianxiang zhong’ lü de jige wenti” 關於秦與漢初“入錢鉅中”律的幾個問題. *Kaogu* 8: 69–79.
- , ed. 2014a. *Qin Jiandu heji (yi)* 秦簡牘合集（壹）. Wuhan: Wuhan daxue.
- . 2014b. “Liye Qin jian suojian Qin dai xingzheng yu suanshu” 里耶秦簡所見秦

- 代行政與算術. <http://www.bsm.org.cn/show_article.php?id=1986>, accessed October 2, 2019.
- , ed. 2018. *Liye Qin jian du jiaoshi (er)* 里耶秦簡牘校釋（貳）. Wuchang: Wuhan daxue.
- Chen Wei 陳偉 and Xiong Beisheng 熊北生. 2019. “Shuihudi Hanjian zhong de quan yu xiangguan wenshu” 睡虎地漢簡中的券與相關文書. *Wenwu* 12: 53-62.
- Chen Zhi 陳直. 1986. *Juyan Hanjian yanjiu* 居延漢簡研究. Tianjin: Guji.
- Chunqiu Zuozhuan zhu (xiuding ben)* 春秋左傳注（修訂本）. Edited by Yang Bojun 楊伯峻. 1981. Beijing: Zhonghua.
- Cui Zhaorui 崔兆瑞. 2013. *Henan Neihuang Sanyang zhuang Handai tingyuan jianzhu yizhi fuyuan yanjiu* 河南內黃三楊莊漢代庭院建築遺址復原研究. A master thesis of Xi'an University of Architecture and Technology, 129.
- Du Zhengsheng 杜正勝. 1990. *Bian hu qi min: Chuantong zhengzhi shehui jigou zhi xingcheng* 編戶齊民：傳統政治社會結構之形成. Taipei: Lianjing.
- Gao Heng 高恆. 1981. “Qinjian zhong de siren nubi wenti” 秦簡中的私人奴婢問題. In *Yunmeng Qinjian yanjiu*: 140-151. Beijing: Zhonghua.
- Gao Min 高敏. 2002. “Cong Ernian lüling kan Xi-Han qianqi de cijue zhidu” 從《二年律令》看西漢前期的賜爵制度. *Wenwu* 9: 49-53.
- . 2002. “Xihan qianqi de funian tantao—du Zhangjiashan Han mu zhujian zhaji zhi liu” 西漢前期的傳年探討——讀《張家山漢墓竹簡》札記之六. *Xinxiang shifan gaodeng zhuanke xuexiao xuebao* 3: 27-29.
- . 2003. “Guanyu Handai you’hufu’ ‘zhiqian’ ji gezhong kuangchanshui de xinzheng—du Zhangjiashan Hanmu zhujian” 關於漢代有“戶賦”、“質錢”及各種礦產稅的新證——讀《張家山漢墓竹簡》. *Shixue yuekan* 4: 121-122.
- Giele, Enno. 2003. “Using Early Chinese Manuscripts as Historical Source Materials.” *Monumenta Serica* 51: 409-438.
- . 2005. “Signatures of ‘Scribes’ in Early Imperial China.” *Asiatische Studien/Études Asiatiques* 59: 353-387.
- Hanshu* 漢書. 12 vols. 1962. Beijing: Zhonghua.
- Han Shufeng 韓樹峰. 2011. *Han Wei falü yu shehui* 漢魏法律與社會. Beijing: Shehui kexue wenxian, 186.
- . 2014. “Lun Han Wei shiqi huji wenshu de diancang jigou de bianhua” 論漢魏時期戶籍文書的典藏機構的變化. *Renwen zazhi* 4, 72-80.
- . 2015. “Lun Qin Han shiqi huji gainian yu huji shiti de duiying guanxi” 論秦漢時期戶籍概念與戶籍實體的對應關係. *Guoxue xuekan* 4, 88-98.
- He Youzu 何有祖. 2006. “Anhui Tianchang Xihan mu suojian Xihan mudu guankui” 安徽天長西漢墓所見西漢木牘管窺. <http://www.bsm.org.cn/show_article.php?id=488>, accessed January 13, 2020.
- . 2013. “Liye Qinjian zhuihe (baze)” 里耶秦簡綴合（八則）. <http://www.bsm.org.cn/show_article.php?id=1852>, accessed March 12, 2019.
- . 2016. “Du Yuelu Qinjian Si zhaji (yi)” 讀嶽麓秦簡肆札記（一）.

- <http://www.bsm.org.cn/show_article.php?id=2492>, accessed October 18, 2019.
- Henan sheng wenwu kaogu yanjiusuo 河南省文物考古研究所 and Neihuang xian wenwu baohu guanlisuo 內黃縣文物保護管理所. 2004. “Henan Neihuang xian Sanyang zhuang Handai tingyuan yizhi” 河南內黃縣三楊莊漢代庭院遺址. *Kaogu* 7: 34-39.
- Hinsch, Bret. 1998. “Women, Kinship, and Property as Seen in a Han Dynasty Will”. *T’oung Pao* vol. 84: 1-20.
- Houhanshu* 後漢書. 12 vols. 1965. Beijing: Zhonghua.
- Hsing I-tien 邢義田. 2006. “Zhangjiashan Hanjian *Ernianlüling duji*” 張家山漢簡《二年律令》讀記. <http://www.bsm.org.cn/show_article.php?id=175> accessed October 30, 2019.
- . 2011a. *Di bu ai bao: Han dai de jiandu* 地不愛寶：漢代的簡牘. Beijing: Zhonghua shuju, 144–99.
- . 2011b. *Zhiguo anbang: Fazhi, xingzheng he junshi* 治國安邦：法制、行政和軍事. Beijing: Zhonghua shuju.
- . 2016. “‘Guqiji’ yijie- Du Yuelu shuyuan cang Qinjian zhaji zhier” “結其計”臆解 —— 讀 嶽 麓 書 院 藏 秦 簡 札 記 之 二 . <http://www.bsm.org.cn/show_article.php?id=2507>, accessed October 18, 2019.
- . 2017. “Zailun sanbianquan—Du Yuelu shuyuan cang Qinjian zhaji zhisi” 再論三辨券——讀嶽麓書院藏秦簡札記之四. *Jianbo* 1: 29-35.
- Hubei sheng wenwu kaogu yanjiusuo 湖北省文物考古研究所, ed. 2012. *Jiangling Fenghuangshan Xihan jiandu* 江陵鳳凰山西漢簡牘. Beijing: Zhonghua.
- Hu Heng 胡恆. 2015. “‘Huangquan bu xiaxian’ de youlai jiqi fansi” “皇權不下縣”的由來及其反思. *Zhonghua dushubao* (Nov.04, 2015): 5.
- Hu Pingsheng 胡平生 and Li Tianhong 李天虹. 2004. *Changjiang liuyu chutu jiandu yu yanjiu* 長江流域出土簡牘與研究. Wuhan: Hubei jiaoyu, 337.
- Hu Pingsheng. 2011. “Xinchu Hanjian hukou buji yanjiu” 新出漢簡戶口簿籍研究. *Chutu wenxian yanjiu* 10, 250-83.
- . 2012. *Hupingsheng jiandu wenwu lungao* 胡平生簡牘文物論稿. Shanghai: Zhongxi shuju.
- Hu Pingsheng and Zhang Defang 張德芳. 2001. *Dunhuang Xuanquanzhi hanjian shicui* 敦煌懸泉置漢簡釋粹. Shanghai: Guji, 81-84.
- Huang Jinyan 黃今言. 2007. “Cong Zhangjiashan zhujian kan Hanchu de fushui zhengke zhidu” 從張家山竹簡看漢初的賦稅征課制度. *Shixue jikan* 2: 3-10.
- Huang Shengzhang 黃盛璋. 1994. “Jiangling Gaotai Hanmu xinchu ‘Gaodice’, qiance yu xiangguan zhidu fafu” 江陵高臺漢墓新出“告地策”、遣策與相關制度發復. *Jiangnan kaogu* 2: 41-44.
- Hucker, Charles O. 1985. *A Dictionary of Official Titles in Imperial China*. California: Stanford University Press.
- Hulsewé, A. F. P. 1985. *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.
- Hunan sheng wenwu kaogu yanjiusuo 湖南省文物考古研究所, ed. 2006. *Liye fajue baogao* 里耶發掘報告. Changsha: Yuelu shushe. 203-208.
- , ed. 2012. *Liye Qinjian (yi)* 里耶秦簡（壹）. Beijing: Wenwu.
- , ed. 2017. *Liye Qinjian (er)* 里耶秦簡（貳）. Beijing: Wenwu.
- Ikeda Yuichi 池田雄一. 2007. *Zhongguo de juluo yu defang xingzheng* 中国的聚落与地方行政. Translated by Zheng Wie 郑威. Shanghai: Fudan.
- Ishihara Ryohei 石原遼平. 2017. “‘Shou’ de yuanli yu yuanyuan” “收”的原理与淵源. *Falü shi yiping* vol.4: 95-118, translated by Wang Yi 汪益.
- Jia Liying 賈麗英. 2013. “Qin Han jiandu tongju kaolun” 秦漢簡牘“同居”考論, *Shijiazhuang xüeyuan xuebao* 15: 26-33.
- Jingzhou bowuguan 荊州博物館, ed. 2000. *Jingzhou Gaotai Hanmu* 荊州高臺漢墓. Beijing: Kexue.
- Kiser, Edger ang Yong Cai. 2003. “War and Bureaucratization in Qin China: Exploring an Anomalous Case”. *American Sociological Review*, vol. 68, no. 1: 511-539.
- Korolkov, Maxim. 2020. *Empire-Building and Market-Making at the Qin Frontier: Imperial Expansion and Economic Change, 221–207 BCE*. A Ph.D. dissertation of Columbia University.
- Lau, Ulrich and Thies Staack. 2016. *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 and Boston: Brill.
- Lewis, Mark Edward. 1990. *Sanctioned Violence in Early China*. (Sunny Series in Chinese Philosophy and Culture). Albany: State University of New York Press.
- . 1999. “Warring States: Political History”. In *The Cambridge History of Ancient China*, edited by Michael Loewe and Edward L. Shaughnessy. Cambridge: Cambridge University Press, 611-616.
- . 2006. *The Construction of Space in Early China*. (Sunny Series in Chinese Philosophy and Culture). Albany: State University of New York Press.
- Li Guofeng 李國鋒. 2004. “Shilun Hanchu dui jiating guanxi de falü tiaozheng” 試論漢初對家庭關係的法律調整. *Henan shifan daxue xuebao* 4: 129–31.
- Li Hengquan 李恆全. 2012. “Cong chutu jiandu kan Qin Han shiqi de hushui zhengshou” 從出土簡牘看秦漢時期的戶稅征收. *Ganshu shehui kexue* 6: 160-163.
- Li Hongcai 李洪財. 2016. “Qin jiandu ‘congren’ kao” 秦簡牘“從人”考. *Wenwu* 12, 65-71.
- Li Jing 栗勁. 1985. *Qinlu tonglun* 秦律通論. Jinan: Shandong renmin.
- Li Jingrong 李靖嶸. 2014. *The Ernian lü ling Manuscript*. A Ph.D. dissertation of Hamburg University.

- Li Junming 李均明 and Liu Jun 劉軍. 1993. "Wuwei Hantanpo chutu Hanjian kaoshu- Jianlun 'Qiling'" 武威旱灘坡出土漢簡考述——兼論“挈令”. *Wenwu* 10: 37.
- Li Junming 李均明. 2002a. "Zhangjiashan Hanjian shoulü yu jiazuo lianzuo" 張家山漢簡《收律》與家族連坐. *Wenwu* 9: 60-63.
- . 2002b. "Zhangjiashan Hanjian suo fanying de ershi deng juezhi" 張家山漢簡所反映的二十等爵制. *Zhongguo shi yanjiu* 2: 37-47.
- . 2009. *Qin Han jian du wenshu fenlei jijie* 秦漢簡牘文書分類輯解. Beijing: Wenwu. 421-425.
- . 2013. "Liye Qin jian 'jilu' yu 'kezhi' jie" 里耶秦簡“計錄”與“課志”解. *Jianbo* 8: 149-159.
- Li Li 李力. 1995. "Dongzhou mengshu yu Chunqiu Zhanguo fazhi de bianhua" 東周盟書與春秋戰國法制的變化. *Faxue yanjiu* 4: 61-69.
- Li Xiangfeng 黎翔鳳. 2009. *Guanzi jiaozhu* 管子校注. Beijing: Zhonghua.
- Li Xueqin 李學勤. 1997. "Yunmeng Longgang mudu shishi" 雲夢龍崗木牘試釋. *Jianduxue yanjiu* 1: 53-55.
- , ed. 1999. *Shisanjing zhushu —Liji Zhengyi* 十三經注疏·禮記正義. Beijing: Beijing daue, 1326.
- . 2003. "Chudu Liye Qinjian" 初讀里耶秦簡. *Wenwu* 1: 73-81.
- Li Zhenghong 李振宏. 2003. *Juyan Hanjian yu Handai shehui* 居延漢簡與漢代社會. Beijing: Zhonghua, 275-276.
- Lianyungang shi bowuguan 連雲港市博物館, Donghai xian bowuguan 東海縣博物館, Zhongguo shehui kexueyuan jianbo yanjiu zhongxin 中國社會科學院簡帛研究中心 and Zhongguo wenwu yanjiusuo 中國文物研究所, ed. 1997. *Yinwan Hanmu jian du* 尹灣漢墓簡牘. Beijing: Zhonghua.
- Liang Fangzhong 梁方仲. 1980. *Zhongguo lidai hukou tiandi tianfu tongji* 中國歷代戶口、田地、田賦統計. Shanghai: Renmin.
- Liu Junwen 劉俊文 [點校]; Zhangsun Wuji 長孫無忌 [等撰]. 1983. *Tanglü shuyi* 唐律疏議. Beijing: Zhonghua.
- Liu Junwen 劉俊文. 1996. *Tanglü shuyi jianjie* 唐律疏議箋解. Beijing: Zhonghua, 466.
- Liu Min 劉敏. 2014. *Qin Han bianhu min wenti yanjiu: yi yu limin, juezhi, huangquan guanxi wei zhongdian* 秦漢編戶民問題研究：以與吏民、爵制、皇權關係為重點. Beijing: Zhonghua.
- Liu Rui 劉瑞. 2020. *Qin fengni jicun* 秦封泥集存. Beijing: Zhongguo shehui kexue.
- Liu Xinning 劉欣寧. 2012. "Qin Han lüling zhong de tongju lianzuo" 秦漢律令中的同居連坐. *Chutu wenxian yufalüshi yanjiu* vol. 1: 139-170.
- Loewe, Michael and Edward L. Shaughnessy, ed. 1999. *The Cambridge History of Ancient China*. Cambridge: Cambridge University Press.
- Loewe, Michael. 1960. "The Orders of Aristocratic Rank of Han China." *T'oung Pao* 49, no. 1-3: 97-174.

- . 1967. *Records of Han Administration*. 2 vols. Cambridge: Cambridge University Press.
- , ed. 1993. *Early Chinese Texts: A Bibliographical Guide*. Berkeley: The Society for the Study of Early China and The Institute of East Asian Studies, University of California.
- . 2006. *The Government of the Qin and Han Empires: 221 BCE-220 CE*. Indianapolis: Hackett Publishing Company, Inc.
- Lu Jialiang 魯家亮. 2007. “Shilun Zhangjiashan Hanjian ‘shou’ ji xiangguan de jige wenti” 試論張家山漢簡“收”及相關的幾個問題. *Guji zhengli yanjiu xuekan* 2: 57-64.
- . 2010. “Zhangjiashan Han jian <Ernian lüling> zhong de ‘fenhu’ yu ‘daihu’” 張家山漢簡《二年律令》中的“分戶”與“代戶”. In *Jinian Xu Zhongshu xiansheng danchen 110 zhounian guoji xueshu yantaohui lunwenji* edited by Sichuan daxue lishi wenhua xueyuan: 269-276.
- Lu Xiqi 魯西奇. 2018. “Handai xiangli zhidu de jige wenti” 漢代鄉里制度的幾個問題. *Yunnan daxue xuebao* vol. 6: 53-63.
- Ma Tsang Wing 馬增榮. 2017. *Scribes in Early Imperial China*. A dissertation of University of California.
- Momiyama Akira 初山明. 1995. “Kokushi kantoku shotan—Kankan keitairon no tame-ni” 刻齒簡牘初探——漢簡形態論ののために. *Mokkan kenkyū* 木簡研究 17:165–87. Translated into Chinese by Hu Pingsheng. *Jianbo yanjiu yicong (di er ji)* 簡帛研究譯叢（第二集）(1998): 147–77.
- Nishijima Sadao 西島定生. 1961. *Chûgoku kodai teikoku no keisei to kôzô: Nijûtô shakusei no kenkyû* 中國古代帝國の形成と構造：二十等爵制の研究. Tôkyô: Tôkyô daigaku.
- Nylan, Michael. 2010. “Administration of the family”. In *China’s Early Empires: A Re-appraisal*, edited by Michael Nylan and Michael Loewe. Cambridge University Press.
- Peng Hao 彭浩. 2009. “Du Songbai chutu de Xihan mudu (san)” 讀松柏出土的西漢木牘（三）. < http://www.bsm.org.cn/show_article.php?id=1017>, accessed January 13, 2020.
- Peng Nian 彭年. 1987. “Dui Xihan shounufa yanjiu zhong de liangge wenti de shangque” 對西漢收孥法研究中的兩個問題的商榷. *Shehui kexue yanjiu* vol.1: 69-75.
- . 1990. “Qin Han tongju kaobian” 秦漢“同居”考辨, *Shehui kexue yanjiu* 6: 04-10.
- Pines, Yuri. 2009. *Envisioning Eternal Empire: Chinese Political Thought of the Warring States Era*. Honolulu: University of Hawaii Press.
- Qi Jiwei 齊繼偉. 2018. “Xibei Hanjian suojian li ji jiashu churufu bidui yanjiu” 西北

- 漢簡所見吏及家屬出入符比對研究. *Dunhuang yanjiu* 6: 122-133.
- Qin Hui 秦暉. 2003. “Chuantong Zhonghua diguo de xiangcun jiceng kongzhi: Han Tang jian de xiangcun zuzhi” 傳統中華帝國的鄉村基層控制：漢唐間的鄉村組織. *Zhongguo xiangcun yanjiu* vol. 1: 1-31.
- Ren Rixin 任日新. 1981. “Shandong Zhucheng Han mu huaxiang shi” 山東諸城漢墓畫像石. *Wenwu* 10: 14-21.
- Riegel, Jeffrey K. 1993. “*Li chi* 禮記”, in Loewe, Michael, ed. *Early Chinese Texts: A Bibliographical Guide, Society for the Study of Early China*, 293-297.
- SDNRK (Senshū daigaku *Ninen ritsuryō kenkyūkai* 專修大學《二年律令》研究會), ed. 2006. “Chōkazan Kankan *Ninen ritsuryō yakuchū* (nana)—Fukuritsu, Shiritsu, Koritsu” 張家山漢簡《二年律令》詁注(七)—復律·賜律·戶律. *Senshū shigaku* 專修大學 41:99-184.
- Shan Yinfei 單印飛. 2017. “Qin dai fengjian tishu xintan- Yi Liye Qin jian wei zhongxin” 秦代封檢題署新探——以里耶秦簡為中心. *Chutu wenxian yanjiu* 16: 175-190.
- Shelach, Gideon and Yuri Pines. 2006. “Secondary State Formation and the Development of Local Identity: Change and Continuity in the State of Qin (770-221 B.C.)”. In *Archaeology of Asia*, edited by Miriam Stark. Oxford: Blackwell. 202-230.
- Shiji* 史記. 10 vols. 1959. Beijing: Zhonghua.
- Shu Zhelan 舒哲嵐. 2018. “Qin Han lǚ zhong de ‘shouren’” 秦漢律中的“收人”. *Gudai wenming*, vol. 12: 61-70.
- Shuihudi Qinmu zhujian zhengli xiaozu 睡虎地秦墓竹簡整理小組. 1978. *Shuihudi Qinmu zhujian* 睡虎地秦墓竹簡. Beijing: Wenwu.
- . 1990. *Shuihudi Qinmu zhujian* 睡虎地秦墓竹簡. Beijing: Wenwu.
- Shuowen jiezi zhu* 說文解字注. 1988. Compiled by Xu Shen 許慎. Edited and annotated by Duan Yucai 段玉裁. Shanghai: Shanghai guji.
- Song Jiayu 宋家鈺. 1988. *Tangchao huji fa yu juntian zhi yanjiu* 唐朝戶籍法與均田制研究. Zhongzhou guji.
- Song Lei 宋磊. 2016. “Zhangjiashan Hanjian ‘nubi daihu’ lǚ kaolun” 張家山漢簡“奴婢代戶”律考論. *Wenshi tiandi* vol. 7: 77-83.
- Soul, Daniel S. 2013. *In the Government's Service: A Study of the Role and Practice of Early China's Officials based on Excavated Manuscripts*. A dissertation of the University of Pennsylvania.
- Staack, Thies. 2018. “Single- and Multi-Piece Manuscripts in Early Imperial China: On the Background and Significance of a Terminological Distinction”. *Early China* 41, 245-95.
- Sumiya Tsuneko 角谷常子. 2006. “Shinkan jidai ni okeru kazoku no renza ni tsuite” 秦漢時代における家族の連坐について. In *Kōryō Chōkasan nihyakuyonjūnana-gō bo shutsudo Kanritsuryō no kenkyū* 江陵張家山二四七號

- 墓出土漢律令の研究, edited by Tomiya Itaru 富谷至, 1: 171–95. Kyoto: Hōyū shoten.
- Suzuki Naomi 鈴木直美. 2008. “Riya Shinkan ni miru Shin no koko haaku – dokyo shitusujin saiko” 里耶秦簡にみる秦の的戸口把握——同居・室人再考. *Toyo gakuho* 89.4: 1-31.
- Takamura Takeyuki 高村武幸. 2019. “Sengoku Shin no “teikoku” ka to shūen ryōiki tōchi no henshen 戦国秦の「帝国」化と周縁領域統治の変遷, in Takamura et al., eds., *Shūen ryōiki kara mita Shin Kan teikoku* 周縁領域からみた秦漢帝国. Tokyo: Rokuichi shobō, 51–66.
- Tianchang shi wenwu guanli suo 天長市文物管理所 and Tianchang shi bowuguan 天長市博物館. “Anhui Tianchang Xi Han mu fajue jianbao” 安徽天長西漢墓發掘簡報. *Wenwu* 11: 4-21.
- Tomiya Itaru 富谷至, ed. 2006. *Kōryō Chōkasan nihyakuyonjūnana-gō bo shutsudo Kan ritsuryō no kenkyū* 江陵張家山二四七號墓出土漢律令の研究. 2 vols. Kyoto: Hōyū shoten, 209.
- Tong Chun Fung 唐俊峰. 2014. “Liye Qin jian suoshi Qin dai de ‘jianhu’ yu ‘jihu’-Jianlun Qin dai Qianling xian de hushu” 里耶秦簡所示秦代的“見戶”與“積戶”——兼論秦代遷陵縣的戶數. <http://www.bsm.org.cn/show_article.php?id=1987>, accessed October 2, 2019.
- Twitchett, Denis and Michael Loewe. 1986. *The Cambridge History of China: Volume 1, The Ch'in and Han Empires, 221 BC–AD 220*. Cambridge: Cambridge University Press.
- Wang Guihai 汪桂海. 2006. “Handai jian du zhong de gaodice ziliao” 漢代簡牘中的告地策資料. *Jianbo yanjiu* 2006: 246-247.
- Wang Zijin 王子今. 2003. “‘Pianqi’ ‘xiaqi’ kao” “偏妻”“下妻”考. *Huaxue* 華學 6:147–54.
- Wang Yanhui 王彥輝. 2004. “Lun Zhangjiashan Han jian zhong de jungong mingtianzhai zhidu” 論張家山漢簡中的軍功名田宅制度. *Dongbei shida xuebao* 4:13–21
- . 2013. “Chutu Qin Han huji jian de leibie ji dengji neirong de yanbian” 出土秦漢戶籍簡的類別及登記內容的演變. *Shixue jikan* vol.3, 20-29.
- . 2016. *Qin Han huji guanli yu fuyi zhidu yanjiu* 秦漢戶籍管理與賦役制度研究. Beijing: Zhonghua.
- Wang Yuquan 王毓銓. 1983. *Laiwu ji* 萊蕪集. Beijing: Zhonghua: 44.
- Wang Zhantong 王占通 and Li Jing. 1984. “‘Lichenqie’ shi daiyou nuli canyu shuxing de xingtu” “隸臣妾”是帶有奴隸殘餘屬性的刑徒. *Jilin daxue shehui kexue xuebao*, vol. 2: 80-81.
- Watson, Burton. 1993. *Records of the Grand Historian: Han Dynasty I*. New York: Columbia University Press.
- Weld, Susan Roosevelt. 1990. *Covenant in Jin's Walled Cities: The Discoveries at*

- Houma and Wenxian*. A Ph.D. dissertation of Harvard University.
- . 1997. “The Covenant Texts from Houma and Wenxian”, in Edward L. Shaughnessy (ed.), *New Sources of Chinese History*. Berkeley: The Society for the Study of Early China and The Institute of East Asian Studies, University of California, Berkeley: 125-60.
- Wen Tiejun 温铁军. 1999. “Bange shijie de nongcun zhidu bianqian” 半個世紀的農村制度變遷. *Zhanlue yu guanli* vol. 6: 76-82.
- Wen Xia 文霞. 2013. “Shilun Qin Han jiandu zhong de ‘shi’ he ‘shiren’” 試論秦漢簡牘中的“室”和“室人”. *Shixue jikan*, vol.3 30-36.
- Williams, Crispin. 2011. Early References to Collective Punishment in an excavated Chinese text: an analysis and discussion of an imprecation from the Wenxian covenant texts. *Bulletin of the School of Oriental and African Studies*, vol.74, no.3: 437-62.
- Wu Fangji 吴方基. 2017. “Jiandu suojian Qin dai xianwei ji ling cheng guanxi xintan” 簡牘所見秦代縣尉及與令、丞關係新探. *Lishilunheng*, 2: 5-12.
- Wu Wenling 鄔文玲. 2013. “Liye qinjian suojian ‘hufu’ ji xiangguan wenti suoyi” 里耶秦簡所見“戶賦”及相關問題瑣議. *Jianbo* 8: 215-228.
- Xia Liya 夏利亞. 2011. *Qinjian wenzi jishi* 秦簡文字集釋. A Ph.D. dissertation of Huadong Normal University, 371.
- Xie Guihua 謝桂華, Li Junming and Zhu Guozhao 朱國炤. 1987. *Juyan Hanjian shiwen hejiao* 居延漢簡釋文合校. 2 vols. Beijing: Wenwu.
- Xiong Beisheng 熊北生, Chen Wie, and Cai Dan 蔡丹. 2018. “Hubei Yunmeng Shuihudi 77 hao Xihan mu chutu jiandu gaishu” 湖北雲夢睡虎地 77 號西漢墓出土簡牘概述. *Wenwu* 3: 43-53.
- Xu Shihong 徐世虹. 1999. *Zhongguo fazhi tongshi* 中國法制通史. Beijing: Falü, 65-66.
- . 2002. “Zhangjiashan Ernianluling jian suojian Handai de jichengfa” 張家山二年律令簡所見漢代的繼承法. *Zhongguo zhengfa daxue xuebao* 5: 9-17.
- Yan Gengwang 嚴耕望. 2007. *Qin Han difang xingzheng zhidu* 秦漢地方行政制度. Shanghai: Shanghai guji.
- Yang Kuan 楊寬. 1998. *Zhanguo shi* 戰國史. Shanghai: Renmin. 201-212.
- Yang Zhenhong 楊振紅. 2003. “Qin Han ‘mingtianzhai zhi’ shuo—Cong Zhangjiashan Han jian kan Zhanguo Qin Han de tudi zhidu” 秦漢“名田宅制”說——從張家山漢簡看戰國秦漢的土地制度. *Zhongguo shi yanjiu* 3: 49-72.
- . 2011. “Tianchang Jizhuang Hanmu Xie Meng de ming, zi, shenfen ji yu muzhuren guanxi liche” 天長紀莊漢墓謝孟的名、字、身份及與墓主人關係蠡測. *Zhejiang xuekan* 6: 47-56.
- . 2012. “Cong chutu jiandu kan Qin Han shiqi de chugaoshui” 從出土簡牘看秦漢時期的芻稿稅. In *Jiandu yu gudaishi yanjiu*, edited by Wu Rongzeng 吳榮增 and Wang Guihai, Beijing: Beijing daxue.
- Yang Zhenhong and Yun Jae Seug 尹在碩. 2007. “Han bandao chutu jiandu yu

- Hanguo Qingzhou Fuyu mujian shiwen buzheng” 韓半島出土簡牘與韓國慶州、扶餘木簡釋文補正. *Jianbo yanjiu* 2007: 277-299.
- Yangzhou bowuguan 揚州博物館. 1987. “Jiangsu Yizheng Xupu yi ling yi hao Xihan mu” 江蘇儀征胥浦101號西漢墓. *Wenwu* vol.1: 1-22.
- Yao Lei 姚磊. 2015. “Liye Qin jian (yi) suojian Jian chutan” 《里耶秦簡(壹)》所見“檢”初探. <http://www.bsm.org.cn/show_article.php?id=2407>, accessed October 12, 2019.
- Yates, Robin D.S. 1987. “Social Status in The Ch'in: Evidence from The Yün-meng Legal Documents. Part One: Commoners”. *Harvard Journal of Asiatic Studies* vol. 47: 197-237.
- . 2012. “Bureaucratic Organization of the Qin County of Qianling 遷陵 in the Light of the Newly Published *Liye Qin jian (yi)* and *Liye Qin jiandu jiaoshi (diyi juan)*.” Paper presented at the Fourth International Conference on Sinology, Institute for History and Philology, Academia Sinica, June. Taipei: Academia Sinica. 20-22.
- . 2013a. “Jiedu Liye Qinjian—Qindai defang xingzheng yanjiu” 解讀里耶秦簡—秦代地方行政研究, translated by Hu Chun'an 胡川安. *Jianbo* vol. 8: 89-138.
- . 2013b. “Reflections on the Foundation of the Chinese Empire in the Light of Newly Discovered Legal and Related Manuscripts,” in Kwang-tsuu Chen, ed., *Dongya kaoguxue de zaisi – Zhang Guangzhi xianshengshishi shi zhounian jinian lunwenji* 東亞考古學的再思——張光直先生逝世十週年紀念論文集. Taipei: Academia Sinica, 473-506.
- Yoshinami Takashi 好並隆司. 1966. “Shin Kan teikoku no kozo ni tsuite” 秦漢帝國的構造について. *Rekishigaku kenkyu* 歷史學研究: 312.
- You Yifei 遊逸飛. 2015. “Liye Qinjian suojian de Dongting jun: Zhanguo Qin Han junxianzhi ge'an yanjiu zhiyi” 里耶秦簡所見的洞庭郡：戰國秦漢郡縣制個案研究之一. *Zhongguo wenhua yanjiusuo xuebao* vol. 61: 29-66.
- Yu Zhenbo 于振波. 2004a. “Zhangjiashan Han jian zhong de mingtian zhi jiqi zai Han dai de shishi qingkuang” 張家山漢簡中名田制及其實施情況. *Zhongguo shi yanjiu* 1:29-40.
- . 2004b. “Zhangjiashan Hanjian zhong de ‘qing’” 張家山漢簡中的“卿”. *Wenwu* 8: 73-96.
- . 2005. “Cong jiandu kan Handai de hufu yu chugaoshui” 從簡牘看漢代的戶賦與芻稿稅. *Gugong bowuyuan yuankan* vol. 2: 151-155.
- . 2009. “Zoumalou Wujian suojian li de guimo” 走馬樓吳簡所見戶與里的規模. *Jiangnan kaogu* 1: 127-133.
- Yuan Yansheng 袁延勝. 2011. “Tianchang Jizhuang mudu hukoubu suojian Handai de renkou wenti” 天長紀莊木牘《戶口簿》所見漢代的人口問題. *Nandu xuetao* 2: 1-7.
- . 2018. *Qin Han jiandu huji ziliao yanjiu* 秦漢簡牘戶籍資料研究. Beijing:

Renmin.

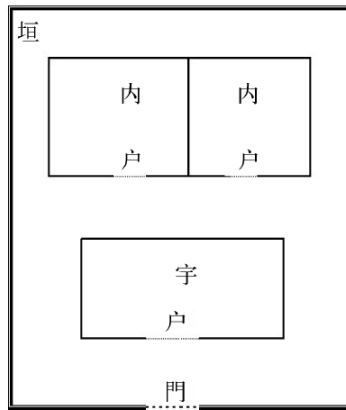
- Yun Jae Seug 尹在碩. 1995. “Shuihudi Qin jian *Rishu* suojian ‘shi’ de jiegou yu zhanguo moqi Qin de jiazu leixing” 睡虎地秦簡《日書》所見“室”的結構與戰國末期秦的家族類型. *Zhongguo shi yanjiu*, vol.3: 137-151.
- . 2003. “Shuihudi Qinjian he Zhangjiashan Hanjian suo fanying de Qin Han shiqi houyizhi he jiaxi jicheng” 睡虎地秦簡和張家山漢簡所反映的秦漢時期後子制和家系繼承. *Zhongguo lishi wenwu* 1: 31-43.
- . 2004. “Zhangjiashan Hanjian suojian de jiating fanzui ji xingfa ziliao” 張家山漢簡所見的家庭犯罪及刑罰資料. *Zhongguo gudai falü wenxian yanjiu* vol.2: 43-65.
- . 2012. “Qin Han hukou tongji zhidu yu hukoushu” 秦漢戶口統計制度與戶口數. In *Han diguo de zhidu yu shehui zhixu*, edited by Li Mingzhao 黎明釗. Hong Kong: Oxford University Press, 67-83.
- Zhang Boyuan 張伯元. 2005. “Qin Han lü zhong de ‘shoulü’ kaoshu” 秦漢律中的“收律”考述. *Chutu wenxian yanjiu*: 121-139.
- Zhang Chaoyang 張朝陽. 2013. “Lun Handai ming tianzhai zhidu de yige wenti: An juewei jicheng jiuhe tianzhai?” 論漢代名田宅制度的一個問題：按爵位繼承舊戶田宅？. *Zhongguo nongshi* 4: 43-53.
- Zhang Chuanxi 張傳璽. 1980. “‘Gengming min yue qianshou’ de lishi kaocha” “更名民曰黔首”的歷史考察. *Beijing daxue xuebao* vol. 1: 92-94.
- Zhang Chunlong 張春龍. 2009. “Liye Qinjian suojian de huji he renkou guanli” 里耶秦簡所見的戶籍和人口管理. In *Liye gucheng: Qin jian yu Qin wenhua yanjiu*, 188-195. Beijing: Kexue.
- Zhang Chunlong, Ōkawa Toshitaka 大川俊隆, and Momiyama Akira 末山明. 2015. “Liye Qinjian kechijian yanjiu—Jianlun Yuelu Qinjian *Shu* zhong de wei jiedujian” 里耶秦簡刻齒簡研究——兼論岳麓秦簡《數》中的未解讀簡. *Wenwu* 3: 53-96.
- Zhang Jihai 張繼海. 2005. “Shuihudi Qinjian Weihulü de zai yanjiu” 睡虎地秦簡魏戶律的再研究. *Zhongguo shi yanjiu* 2: 43-51.
- Zhang Jinguang 張金光. 1983. “Qin zi Shang Yang bianfa de zufu yaoyi zhidu yanjiu” 秦自商鞅變法後的租賦徭役制度研究. *Wenshizhe* 1: 18-25.
- Zhang Junmin 張俊民. 2012. “Xuanquan zhi chutu kechi jiandu gaishuo” 懸泉置出土刻齒簡牘概說. *Jianbo* 7: 235-256.
- Zhang Rongqiang 張榮強. 2008. “Hunan Liye suo chu ‘Qindai Qianling xian Nanyang li huban’ yanjiu” 湖南里耶所出“秦代遷陵縣南陽里戶版”研究. *Beijing shifan daxue xuebao* vol. 4: 68-80.
- . 2010. *Han Tang jizhang zhidu yanjiu* 漢唐籍帳制度研究. Beijing: Shanwen.
- . 2019a. “Jian zhi gengti yu Zhongguo gudai jiceng tongzhi zhongxin de shangyi” 簡紙更替與中國古代基層統治中心的上移. *Zhongguo shehui kexue* 9, 180-203.
- . 2019b. “Zhongguo gudai shuxie zaiti yu huji zhidu de yanbian” 中國古代書寫

- 載體與戶籍制度的演變. *Wuhan daxue xuebao* vol. 3: 92-106.
- Zhang Shichao 張世超. 1989. “Qinjian zhong de tongju yu youguan falü” 秦簡中的“同居”與有關法律. *Dongbei shida xuebao* 3: 88-92.
- Zhang Shuigen 章水根. 2013. “Jiangling Fenghuangshan Hanmu jiandu jishi” 江陵鳳凰山漢墓簡牘集釋. A master thesis of Jilin University.
- Zhang Wanjun 張萬軍. 2006. Qin Han shiqi xingshi lianzuo zeren zhidu yanjiu 秦漢時期刑事連坐責任制度研究. A master thesis of the Southwest University of Political Science & Law.
- Zhang Wenjiang 張文江. 2015. *Qin Han jia hu falü yanjiu—Yi jia hu falü gouzao wei shijiao* 秦漢家、戶法律研究——以家戶法律構造為視角. Beijing: Renmin ribao.
- Zhang Xinguang 張新光. 2007. “Zhiyi gudai Zhongguo shehui ‘huangquan bu xiaxian, xianxia jie zizhi’ zhishuo” 質疑古代中國社會“皇權不下縣、縣下皆自治”之說. *Xuexi yu Shijian* vol. 4: 87-97.
- Zhao Ruimin 趙瑞民 and Lang Baoli 郎保利. 2007. “Zongfazhi yu zongzu jieti zai Houma mengshu zhong de fanying” 宗法與宗族制解體在《侯馬盟書》中的反映. *Jinyang xuekan* 3: 27-31.
- Zhou Haifeng 周海鋒. 2016. *Qin lüling yanjiu—Yi Yuelushuyuan can Qin jian Si wei zhongdian* 秦律令研究——以《岳麓書院藏秦簡》（肆）為重點. A Ph.D. dissertation of Hunan University, 114.
- Zhouyuan bowuguan 周原博物館. 2001. “Shanxi Fufeng xian Guanwu Han mu qingli fajue jianbao” 陝西扶風縣官務漢墓清理發掘簡報. *Kaogu yu wenwu* 5: 17-30.
- Zhu Degui 朱德貴. 2019. “Qin Han jiandu suojian ‘suanfu’ ‘koufu’ zai tantao” 秦漢簡牘所見“算賦”“口賦”再探討. *Zhongguo nongshi* 2: 46-63.
- Zhu Hanmin 朱漢民 and Chen Songchang, ed. 2010. *Yuelu shuyuan cang Qinjian (yi)* 嶽麓書院藏秦簡（壹）. Shanghai: Shanghai cishu.
- , ed. 2011. *Yuelu shuyuan cang Qinjian (er)* 嶽麓書院藏秦簡（貳）. Shanghai: Shanghai cishu.
- , ed. 2013. *Yuelu shuyuan cang Qinjian (san)* 嶽麓書院藏秦簡（叁）. Shanghai: Shanghai cishu.
- Zhu Jiangsong 朱江松. 2009. “Hanjian de songbai Handai mudu” 罕見的松柏漢代木牘, in *Jingzhou zhongyao kaogu faxian* 荊州重要考古發現. Beijing: Wenwu, 209-212.
- Zhu Jiping 朱繼平. 2011. “Cong Zhangjiashan Hanjian tan hanchu de hufu yu huchu” 從《張家山漢簡》談漢初的戶賦與戶芻. *Jiangnan kaogu* 4: 111-116.
- Zhu Shengming 朱聖明. 2014. “Qin zhi Hanchu ‘hufu’ xiangkao—Yi Qin Han jiandu wei zhongxin” 秦至漢初“戶賦”詳考——以秦漢簡牘為中心. *Zhongguo jingjishi yanjiu* 1: 152-161.
- Zou Shuijie 鄒水傑. 2006. “Qin Han xian cheng wei shezhi kao” 秦漢縣丞尉設置考.

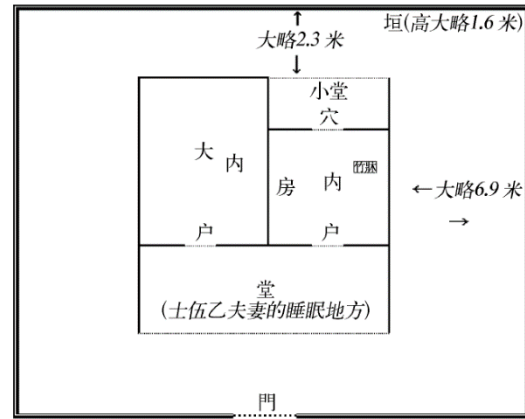
Nanduxuetan, 26: 14-18.

- . 2007. “Jiandu suojian Qin Han xian shuli shezhi ji yanbian” 簡牘所見秦漢縣屬吏設置及演變. *Zhongguoshiyanjiu* 3: 3-21.

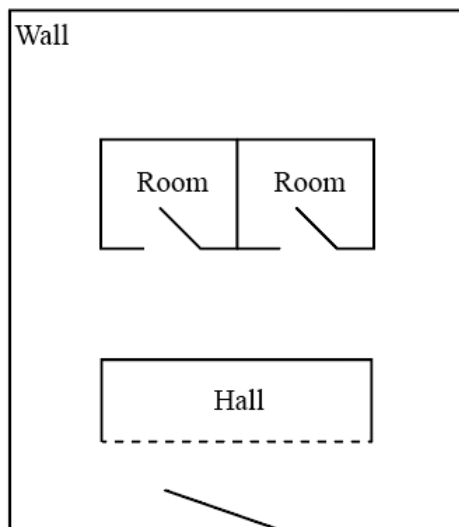
Appendix 1: The house plans drawn according to the cases in the *FZS*⁵⁶²



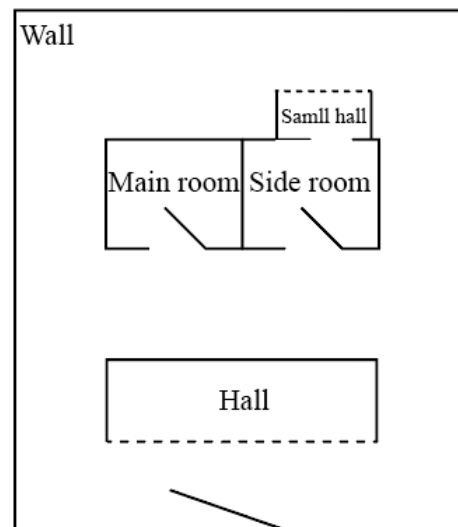
1. The building layout according to
“Sealing and guarding”



2. The building layout according to
“Robbery by tunneling”



3. The building layout of the house occurring in
“Sealing and guarding”



4. The building layout of the house
occurring in “Robbery by tunneling”

⁵⁶² The first two pictures were drawn by Yun Jae Seug. See Yun Jae Seug, 2013. The last two were drawn by the author.

Appendix 2: Tables of Units of Measurements in Qin and Han times

Table 1: Chinese units of weight in Qin and Han times

Pinyin	Character	Translation	Relative value	Metric value
<i>dan</i>	石	hundredweight	1	29.76 kg
<i>jun</i>	鈞	quarter	1/4	7.44 kg
<i>jin</i>	斤	pound	1/120	248 g
<i>liang</i>	兩	ounce	1/1920	15.5 g

Table 2: Chinese units of capacity in Qin and Han times

Pinyin	Character	Translation	Relative value	Metric value
<i>shi</i>	石	bushel	1	20 L
<i>dou</i>	斗	peck	1/10	2 L
<i>sheng</i>	升	pint	1/100	200 ml

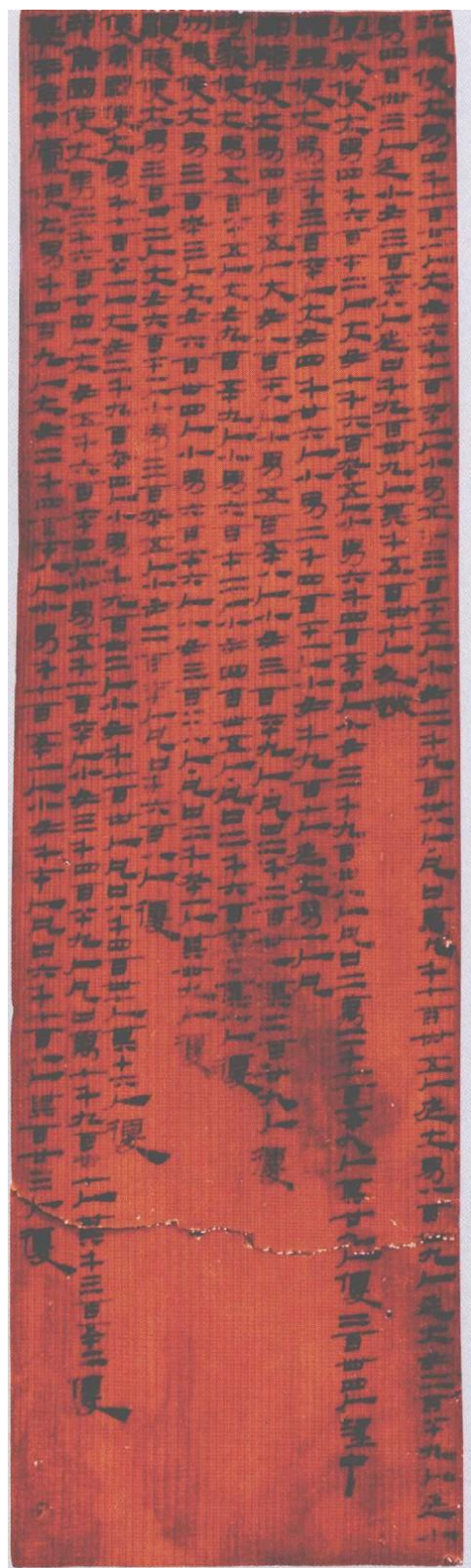
Table 3: Chinese units of area in Qin and Han times

Pinyin	Character	Translation	Relative value	Metric value
<i>qing</i>	頃	hide	1	4.61 hectares
<i>mu</i>	畝	acre	1/100	461 square meters

Appendix 3: The chronicle of the case “Shi jie wan an”

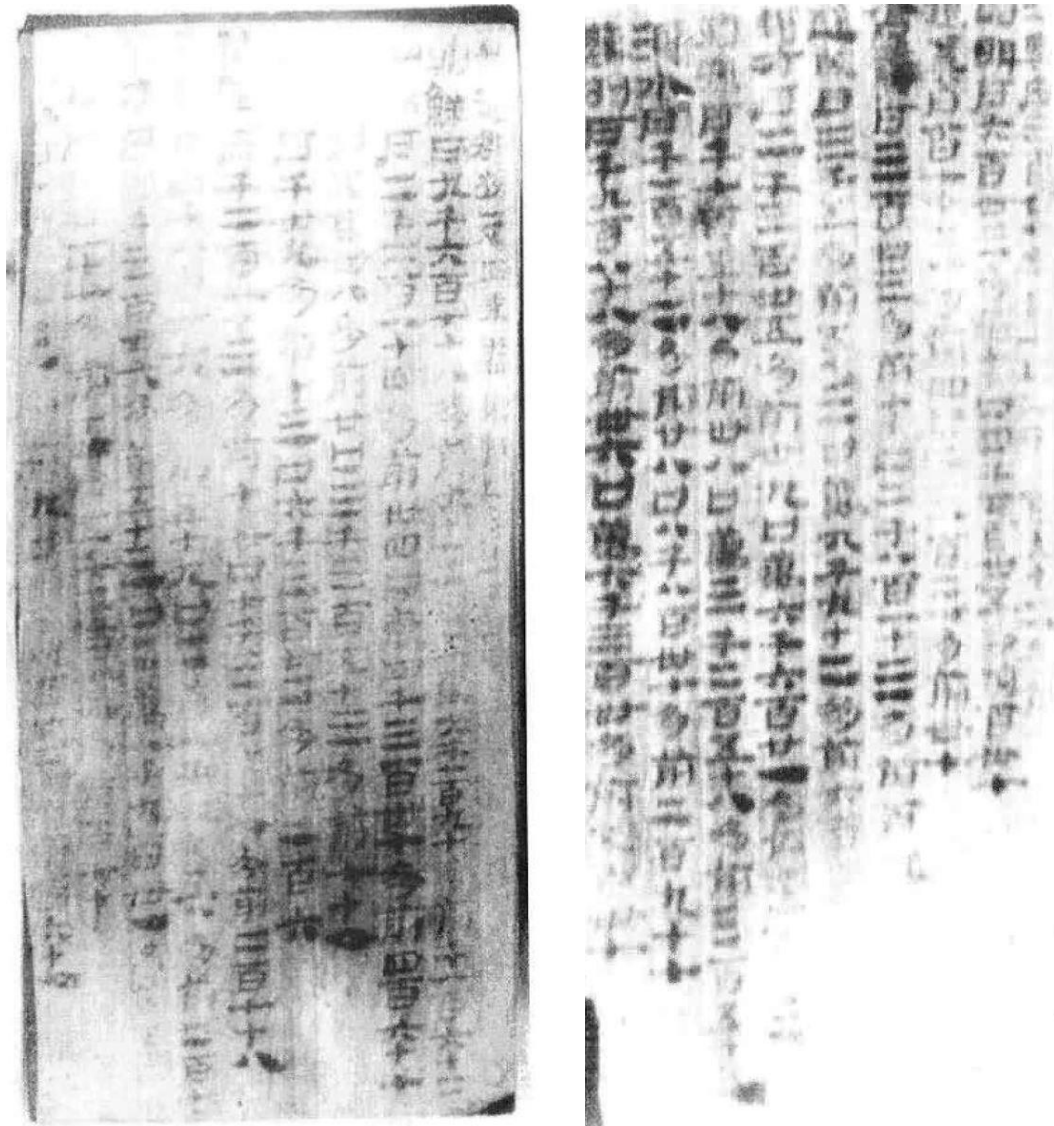
	Wan's timeline	Shi's timeline
.....	Wan gave birth to Yi and Qie (the precise dates of their birth are unknown)	Shi was a menial of Pei since he was a child. 自小爲沛隸。
秦王政八年 The eighth year of King Zheng of Qin (239 BCE)	The legal wife of Pei died ten years ago 沛妻危以十歲時死	
十年 The tenth year (237 BCE)	Around two years passed, Pei manumitted Wan, made her a released person and considered her as his wife. 居可二歲，沛免婉爲庶人，妻婉。	
十二年 The twelfth year (235 BCE)	Two years passed, Pei intended to let Wan gain entry to his ancestral lineage and it was permitted by the other members. 居二歲，.....欲令婉入宗，出里單賦，與里人通飲（飲）食。.....快等曰：“可。”	
十六年 The sixteenth year (231 BCE)		Three years ago Pei arranged a marriage for Shi. 沛以三歲時爲識娶妻。
十七年 The seventeenth year (230 BCE)		One year passed, Pei bought Shi a house and allotted him some property. Shi formed his own household. 居一歲爲識買室，賈（價）五千錢；分馬一匹、稻田廿畝，異識。
十八年 The eighteenth year (229 BCE) (when the criminal case happened)	Pei died. Yi replaced him as the heir of the householder and the rank. 居六歲，沛死。萇（義）代爲戶、爵後，有肆（肆）、宅。	Pei died. Shi returned home. 沛死，（識）來歸。

Appendix 4: The image of board no. 53 of Songbai tomb⁵⁶³



⁵⁶³ Zhu Jiansong, 2009.

Appendix 5: Images of “Lelang jun chuyuan sinian xianbie hukou jibu” 樂浪郡初元四年縣別戶口【集】簿⁵⁶⁴



⁵⁶⁴ See Yang Zhenhong and Yun Jae Seug, 2007.

Declaration on Oath

Hereby, I follow the §7 Paragraph 4 of the “The doctorate regulations for the Faculty of Humanities at the University of Hamburg.”

I confirm that I wrote the dissertation on my own, without using any other than the declared sources, references and tools. All passages included from other works, whether verbatim or in content, have been identified as such. The content of the presented dissertation has not been used as a whole for another scientific work or publication so far. If own publications have been included partially, they have been identified as such.

Hamburg,

Unterschrift der Doktorandin / des Doktoranden