

MAXIM KOROLKOV

From the “Empire of Convicts” to Labor Market: Convict Labor Regime in the Early Chinese Empires and Its Legacy

ABSTRACT:

This essay offers a new perspective on the evolution of a regime of labor management employed during the formative period of China’s first empires. It analyzes the convict-labor system as historically contingent upon the state’s effort to control manpower in general; and it argues that official policies that reduced the costs required to run a convict regime contributed to commodification of labor in the Qin and Han empires, in turn facilitating the transition to a market-based recruitment of labor. The essay also looks at the consequential impact that the regime had on the historical trajectory of slavery. The shift of state control of labor resources from direct mobilization of subjects to monetary taxation and employment of a paid workforce involved the legal recognition of slaves as household members who were targeted by the universal capitation tax. Coupled with a low rate of land taxation, these fiscal measures strongly discouraged large-scale employment of slave labor in the private economy, resulting in very low levels of slave ownership in the mature Han empire and the development of alternative forms of private dependency.

KEYWORDS:

convict labor, slavery, labor market, early Chinese empires, state control of labor resources

INTRODUCTION

For a good reason, one prominent scholar of ancient China’s penal law called the first Chinese empire of Qin 秦 (221–207 BC) “the state of convicts.”¹ According to the “Annals of the First Emperor” (“Qin Shihuang benji” 秦始皇本紀) in the *Grand Scribe’s Records* (*Shiji* 史記, early-first century BC), 700,000 convicts were at one point working at the construction of Apang Palace 阿房宮 and the First Emperor’s (r. 246–210 BC; 221–210 BC as emperor) mausoleum near his capital Xianyang 咸陽.² Even if this figure is exaggerated, these two projects alone could have employed well over 1 per cent of the empire’s popu-

➤ Maxim Korolkov, Heidelberg University

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¹ Tomiya Itaru 冨谷至, *Qin Han xingfa zhidu yanjiu* 秦漢刑罰制度研究 (Guilin: Guangxi shifan daxue chubanshe, 2006), p. 107.

² Sima Qian 司馬遷, *Shiji* 史記 (Beijing: Zhonghua shuju, 2006) 6, p. 256.

lation and a considerably greater proportion of its adult males.³ However, only with the archeological discovery of the Qin-era documents did researchers realize the pervasiveness of convicts in China's early empires. Excavated statutes and administrative records show that penal labor was one of the most oft-used punishments in the legal system of the Qin and early-Western Han (202 BC–9 AD).⁴ In the exceptionally well-documented Qianling county 遷陵縣 of the Qin empire (in western present-day Hunan province), convicts may have constituted one-third of its registered population.⁵

Rather than being a monolithic, brutally exploited workforce, the convicts were divided into groups with varying legal rights, economic opportunities, life conditions, and degrees of alienation from the general populace. The convict society was an extension of the rank-based hierarchy instituted in the mid-fourth-century BC state of Qin. One's social rank (*jue* 爵) reflected the balance of obligations between individual and state. Awarded for meritorious service to the state, especially on the battlefield, these ranks entitled holders to legal privileges, exemption from statute labor, and economic resources such as farmland.⁶ On the other hand, criminal offenses intensified the state's claim on the transgressor's labor and private resources. In the case of convicts, their property and labor were appropriated by the government.⁷

³ Accurate population numbers are lacking for the Qin empire; estimates vary between 20 and 40 million. See Wang Yumin 王育民, *Zhongguo renkou shi* 中國人口史 (Nanjing: Jiangsu renmin chubanshe, 1995), pp. 70–81; Ge Jianxiong, *Zhongguo renkou shi* 中國人口史 (Shanghai: Fudan daxue chubanshe, 2002) 1, pp. 300–12.

⁴ For a list of crimes subject to hard-labor sentences according to the early-Western Han statutes, see Anthony Barbieri-Low, *Artisans in Early Imperial China* (Seattle: Washington U.P., 2007), pp. 128–29; and Anthony Barbieri-Low and Robin D.S. Yates, *Law, State, and Society in Early Imperial China: A Study with Critical Edition and Translation of the Legal Texts from Zhangjiaoshan Tomb no. 247* (Leiden: Brill, 2015) 1, pp. lxviii–cx.

⁵ Liu Ziwen 劉自穩, “Liye Qin jian 7–304 jianwen jixi: jianlun Qin Qianling xian tuli renshu wenti” 里耶秦簡 7–304 簡文解析, 兼論秦遷陵縣徒隸人數問題, in Wu Wenling 鄔文玲, ed., *Jianbo yanjiu 2017 chunxia juan* 簡帛研究 2017 春夏卷 (Guiling: Guangxi shifan daxue chubanshe, 2017), pp. 151–62.

⁶ For the early-imperial social-rank system, see Zhu Shaohou 朱紹侯, *Jingong jue zhi kao-lun* 軍功爵制考論 (Beijing: Shangwu yinshuguan chubanshe, 2008). For a short account in English, see Michael Loewe, *The Government of the Qin and Han Empires, 221 BCE–220 CE* (Cambridge: Cambridge U.P., 2006), pp. 135–38.

⁷ For the continuity between the social ranks and convict statuses, see Takatori Yūji 鷹取祐司, “Shin Kan jidai no keibatsu to shakuseiteki mibun joretsu” 秦漢時代の刑罰と爵制的身分序列, *Ritsumeikan bungaku* 立命館文學 608 (2008), pp. 22–42; Arnd Helmut Hafner (Sueyasu Ando 陶安あんど), *Shin Kan keibatsu taikei no kenkyū* 秦漢刑罰体系の研究 (Tokyo: Tōkyō gaikokugo daigaku, 2009), pp. 80–90; Sun Wenbo 孫聞博, “Qin ji Han chu de sikou yu tuli” 秦及漢初的司寇與徒隸, *Zhongguo shi yanjiu* 中國史研究 3 (2015), pp. 73–96, esp. 89–96; and Takatori Yūji, “Qin Han shidai juezhi shang de shenfen xulie de gongneng” 秦漢時代爵制上的身份序列的功能, in Zhou Dongping 周東平 and Zhu Teng 朱騰, eds., *Falü shi yiping* 法律史評 (vol. 11: Shanghai: Zhongxi shuju, 2023) pp. 66–97.

Some features of Qin and early-Western Han penal labor have prompted a debate among historians about the existence of public slavery in early-imperial China. Should the Qin and Han convicts be properly characterized as state slaves?⁸ The proponents of this thesis refer to life-long duration of penal labor sentences prior to emperor Wen's 文帝 (Liu Heng 劉恆; r. 181–157 BC) legal reform and the possibility, under certain circumstances, of the sale of convicts into private slavery. So far, the debate has not produced a definite outcome. Some scholars eschewed the problem by limiting their analysis of slavery to private forms of dependency.⁹ However, such an approach overlooks the important relationship between the convict-labor regime and private slavery, particularly the notably limited scale of private slave economy in the early-Chinese empires, compared to the classical-period Mediterranean.¹⁰ The contrast between the role of slaves in Roman versus Han imperial economies underscores far-reaching conclusions about the degree of economic and institutional development in eastern and western Eurasia. For example, an economic historian, Walter Scheidel, claims that the state in China could not rely on its underdeveloped markets to access the labor it needed and consequently had to create an “extensive gulag-like system of penal servitude.” The Roman state, on the contrary, “relied more on the labor market for the completion of public works.”¹¹

⁸ The publication of the Qin legal texts from tomb no. 11 at Shuihudi 睡虎地 (Hubei province) in the late 1970s triggered debates concerning the definition of one of the oft-mentioned groups of convict laborers, the *lichenqie* 隸臣妾 (conventionally translated “bondservants and bondwomen”), as either convicts or slaves. See, e.g., Gao Min 高敏, *Yunmeng Qin jian chutan* 雲夢秦簡初探 (Zhengzhou: Henan renmin chubanshe, 1981), pp. 91–108; and Zhang Jinguang 張金光, *Qin zhi yanjiu* 秦制研究 (Shanghai: Shanghai guji chubanshe, 2004), pp. 520–34. Some scholars proposed that the slave and convict statuses were not strictly differentiated until emperor Wen's legal reform of 167 BC; see Lim Byeong-Deog 林炳德, “Qin Han de guan nubi he Han Wendi xingzhi gaige” 秦漢的官奴婢和漢文帝刑制改革, in Bu Xianqun 卜憲群 and Yang Zhenhong 楊振紅, eds., *Jianbo yanjiu 2006* 簡帛研究2006 (Guilin: Guangxi shifan daxue chubanshe, 2008), pp. 90–103. Others have tried to identify the contexts in which the term *lichenqie* was used in order to denote either slave or convict; see Li Li 李力, “Yi tan lichenqie yu Qin dai de xingfa” 亦談隸臣妾與秦代的刑罰, *Faxue yanjiu* 法學研究 6 (1985), pp. 78–80; Zhang Boyuan 張伯元, *Chutu falü wenxian yanjiu* 出土法律文獻研究 (Beijing: Shangwu yinshuguan chubanshe, 2005), pp. 121–39; and Li Li, “*Lichen qie*” *shenfen zaiyanjiu* “隸臣妾”身分再研究 (Beijing: Zhongguo fazhi chubanshe, 2007).

⁹ See Robin D. S. Yates, “Slavery in Early China: A Socio-cultural Perspective,” *Journal of East Asian Archaeology* 31.1–2 (2001), pp. 283–331.

¹⁰ Martin Wilbur, *Slavery in China during the Former Han Dynasty, 206 B.C.–A.D. 25* (Chicago: Field Museum of Natural History, 1943), remains the most comprehensive English-language account of private slavery in early-imperial China. For a more recent comparison between slavery regimes in early-imperial China and classical-period Mediterranean, see Wen Xia 文霞, *Qin Han nubi de falü diwei* 秦漢奴婢的法律地位 (Beijing: Shehui kexue wenxian chubanshe, 2016), pp. 102–19.

¹¹ Walter Scheidel, “Slavery and Forced Labour in Early China and the Roman World,”

In this essay, I will argue that the evolution of the convict-labor regime during the Qin and early-Western Han empires facilitated the formation of a labor market, albeit in ways very different from those observed in the classical Mediterranean. In particular, the close relationship between public and private forms of personal dependency in the early Chinese empires coupled the fortunes of a state penal system centered on forced labor with those of private, non-state, slavery. Decline of the convict regime in the early-second century BC coincided with the emergence of new mechanisms of state control of people and mobilization of workforces, which discouraged slavery and favored alternative strategies of exploitation, such as tenancy and wage labor.

The next section outlines the institutions of convict-labor during Qin and early-Western Han, including the composition of convict society and the continuity between public and private forms of personal dependency. The third section explores the afterlife of these institutions and their impact on the labor regime during the high imperial era (second century BC to second century AD). The fourth, concluding section summarizes the findings.

CONVICT-LABOR INSTITUTIONS IN QIN AND EARLY-WESTERN HAN

The Qin system of convict labor was a complex socio-economic organization developed to coerce legally degraded men, women, and children to contribute to state projects ranging from construction works to delivering government documents. Convicts were divided into several status groups defined by the severity of criminal penalty. The harshest sentences involved expropriation of material possessions and forced disruption of family and community ties. Milder sentences left convicts' households, places of residence, occupations, and properties intact, while curtailing the size of their landholding and exposing them to harsher legal treatment in the event of further delinquencies, and prioritizing them for labor mobilization.

Differences in the legal and economic conditions of convicts should be understood in the context of the objectives and challenges of this forced-labor regime. On the one hand, the state needed year-round

in Hyun Jin Kim, Frederik Vervaeke, and Selim Adali, eds., *Eurasian Empires in Antiquity and the Early Middle Ages: Contact and Exchange between the Graeco-Roman World, Inner Asia and China* (Cambridge: Cambridge U.P., 2017), pp. 133–50.

access to a mobile workforce that could be deployed far from home, as conscripted farmers could not. Convicts were indispensable for the empire because they released its government from seasonal and geographic limitations on labor availability. On the other hand, the size of this labor force had to be calibrated to the government's demand lest the state resources became strained by its maintenance cost. Large numbers of people who depended on the government for provisioning were a serious liability. By the end of the Warring States era (453–221 BC), the Qin state struggled to find a balance between access to labor and its mounting costs.¹²

One solution was to externalize these costs by making convicts responsible for their provisioning, at least when they were not employed by the government. In the early empires, some convicts were allowed a degree of economic agency. Some of them were hardly distinguishable from the general population, as their households resided in rural villages and urban wards and were allowed to hold agricultural land. Other convicts engaged in non-farming occupations. Another solution was to bridge the gap between state-dependent and privately dependent labor. Specific groups of convicts were earmarked for leasing out to private employers or even for the sale to private owners. At the same time, the government could replenish its labor force by purchasing slaves at the private market.

One of the distinctive features of the Qin and early-Western Han convict regime was the life-long duration of most of the labor penalties.¹³ This does not mean that all convicts served their terms till they died. Those sentenced to lighter forms of labor, the *lichenqie* 隸臣妾 (known in English-language literature as “bondservants and bond-women,” the term adopted here as well), could redeem themselves or be redeemed by others in return for social ranks (*jue*), while some fe-

¹² Maxim Korolkov, “Building Empire, Creating Markets: Commercial Policies and Practices in Imperial Qin (221–207 BCE),” *Journal of the Economic and Social History of the Orient* 66 (2023), pp. 206–36, esp. 225–28.

¹³ The literature on this subject is extensive. See, e.g., Xing Yitian (Hsing I-tien) 邢義田, “Cong Zhangjiashan Han jian ‘Ernian lüling’ chonglun Qin Han de xingqi wenti” 從張家山漢簡“二年律令”重論秦漢的刑期問題, *Taida lishi xuebao* 台大歷史學報 36 (2005), pp. 407–32; Han Shufeng 韓樹峰, “Qin Han tuxing lunjiu” 秦漢徒刑論究, in Sun Jiazhou 孫家洲, ed., *Qin Han falü wenhua yanjiu* 秦漢法律文化研究 (Beijing: Zhongguo renmin daxue chubanshe, 2007), pp. 214–40; Zhu Honglin 朱紅林, *Zhangjiashan Han jian “Ernian lüling” yanjiu* 張家山漢簡“二年律令”研究 (Haerbin: Heilongjiang renmin chubanshe, 2008), pp. 58–80; Miyake Kiyoshi 宮宅潔, “Laoyixing tixi de jiegou yu bianqian” 勞役刑體系的結構與變遷, in Miyake Kiyoshi, *Zhongguo gudai xingzhi shi yanjiu* 中國古代刑制史研究 (Guilin: Guangxi shifan daxue chubanshe, 2016), pp. 60–158; Sasaki Mami 佐佐木滿實, “Qin ji Han chu de xingtu: guanyu xingtu zhijian de chabie” 秦及漢初的刑徒, 關於刑徒之間的差別, in Zhou and Zhu, eds., *Falü shi yiping* (vol. 10: Shanghai: Zhongxi shuju, 2022), pp. 34–45.

male convicts could be redeemed by their male relatives' volunteering for five years of frontier service.¹⁴ This illustrates the porous boundary between the convict and other forms of compulsory labor in early-imperial China, particularly the labor *corvée* and obligatory military services levied on the male population.¹⁵ It is a topic to be explored in greater detail throughout this paper.

Periodic amnesties presented another opportunity for terminating labor sentences.¹⁶ During late-Warring States Qin, amnestied criminals were often permanently settled on newly conquered lands.¹⁷ The convict regime was, therefore, instrumental in supplying the government with a pool of settlers to control and exploit the expanding territories. The introduction of fixed-term penal labor during the reign of emperor Wen in early-Western Han marked momentous changes in the economic and social organization of the early empires as well as in modes of frontier expansion and colonization.¹⁸

Convict Society

Let us focus more specifically on the legal and economic profiles of three main groups within convict society as documented in excavated documents. These were the hard-labor convicts (for which the special terms used in our sources are “wall-builders” [*chengdan* 城旦] for men and “grain-pounders” [*chong* 舂] for women), the bondservants (*lichen-qie*), and the groups who straddled the boundary between convicts and the general population. When sentenced to a hard-labor punishment, some privileged persons, such as the imperial relatives or holders of social ranks upward of the second level, received a distinct status that

¹⁴ Shuihudi Qin mu zhujian zhengli xiaozu 睡虎地秦墓竹簡整理小組, ed., *Shuihudi Qin mu zhujian* 睡虎地秦墓竹簡 (Beijing: Wenwu chubanshe, 1990; hereafter, *Shuihudi*), pp. 54–55, slips 151–52; A.F.P. Hulsewé, *Remnants of Ch'in Law: An Annotated Translation of the Ch'in Legal and Administrative Rules of the 3rd Century B.C. Discovered in Yün-meng Prefecture, Hupei Province, in 1975* (Leiden: Brill, 1985), p. 73.

¹⁵ For a recent survey of the *corvée* institutions in the early Chinese empires, see Ling Wenchao 凌文超, “Yaoyi zhidu” 徭役制度, in Chen Kanli 陳侃理, ed., *Chongxie Qin Han shi: chutu wenxian de shiye* 重寫秦漢史, 出土文獻的視野 (Shanghai: Shanghai guji chubanshe, 2023), pp. 211–73.

¹⁶ For an analysis of the frequency of amnesties ca. 4th to late-3d c. bc, see Yang Lin 楊琳 and Yu Zhenbo 于振波, “Cong laoli xuqiu kan Qin dai shemian zhidu” 從勞力需求看秦代赦免制度, in Yang Zhenhong and Wu Wenling, eds., *Jianbo yanjiu 2016 chunxia juan* 簡帛研究 2016 春夏卷 (Guiling: Guangxi shifan daxue chubanshe, 2016), pp. 58–66. See also Brian McKnight, *The Quality of Mercy: Amnesties and Traditional Chinese Justice* (Honolulu: U. Hawaii P., 1981), pp. 24–27.

¹⁷ Anthony Barbieri-Low, “Coerced Migration and Resettlement in the Qin Imperial Expansion,” *Journal of Chinese History* 5 (2021), pp. 181–202.

¹⁸ For Emperor Wen's legal reform, see Ban Gu 班固, *Hanshu* 漢書 (Beijing: Zhonghua shuju, 1962) 23, pp. 1097–100.

was officially termed “gatherers of fuel for the shrines of spirits” (*guixin* 鬼薪) for men and “white-rice sorters” (*baican* 白粲) for women.¹⁹ Judging by the frequency of mentions in the excavated legal texts, such convicts were far less numerous than “wall-builders and grain-pounders,” and they were treated somewhat better.²⁰ Here, the two groups are discussed together under the category of hard-labor punishments.

Hard-labor punishments were often accompanied by mutilation, especially tattooing (*qing* 黥) or, less typically, severing of a foot (*zhan zhi* 斬趾), and were the harshest form of criminal penalty after capital punishment. Families of men sentenced to hard labor were impounded (*shou* 收) by the government, to become bondservants and bondwomen.²¹ Their farmlands, residences, and all movable properties were confiscated.²² Stripped of all possessions and without support from families, these people became dependent on the government for their subsistence.²³ When female convicts had children, the latter were from the moment of birth reduced to convict status.²⁴

The government provided hard-labor convicts with food and clothing. The size of food rations depended on age, gender, and the nature of labor tasks. A Qin statute from Shuihudi 睡虎地 (present-day Hubei province) set up monthly rations of 1.5 *shi* 石 (30 liters) of unhusked grain

¹⁹ For this group, see, e.g., Barbieri-Low and Yates, *Law, State, and Society* 1, pp. lxxx–lxxxii; Miyake, “Laoyixing tixi de jiegou yu bianqian,” pp. 87–88; Tomiya, *Qin Han xingfa zhidu yanjiu*, pp. 205–13; Zhang Zhongwei 張忠偉, “Lüling faxi” 律令法系, in *Chongxie Qin Han shi*, pp. 159–209, esp. 188.

²⁰ See, e.g., Takatori, “Qin Han shidai juezhi shang de shenfen xulie de gongneng,” pp. 76–81.

²¹ For the impoundment of property and families of men sentenced to hard labor, see the early-Western Han “Statute on Impoundment” (*shou lü* 收律) in Peng Hao 彭浩, Chen Wei, and Kudō Motoo 工藤元男, eds., *Ernian lüling yu Zouyanshu: Zhangjiashan ersiqihao Han mu chutu falü wenxian shidu* 二年律令與奏讞書, 張家山二四七號漢墓出土法律文獻釋讀 (Shanghai: Shanghai guji chubanshe, 2007; hereafter, *Ernian lüling*), pp. 159–60, slips 174–75. This regulation did not apply to female convicts whose family members presumably retained their commoner status. For a study of the impoundment regime in early-Western Han legislation, see Ishihara Ryōhei 石原遼平, “Shū no genri to engen” 収の原理と淵源, in Tōyō bunko Chūgoku kodai chiikishi kenkyū 東洋文庫中国古代地域史研究, ed., *Hakasan Kankan “Ninen ritsuryō” no kenkyū* 張家山漢簡“二年律令”の研究 (Tokyo: Tōyō bunko, 2014), pp. 141–85.

²² “Models for Sealing and Investigating” (*feng zhen shi* 封診式) from the Qin tomb at Shuihudi outline the procedure for arresting the property and family members of criminals awaiting their sentence. See *Shuihudi*, p. 149, slips 8–12.

²³ Miyake, “Laoyixing tixi de jiegou yu bianqian,” p. 130; Gao Zhenhuan 高震寰, “Qin Han xingtu zhidu de fazhan: cong laodongli yunyong de jiaodu zhuyan” 秦漢刑徒制度的發展, 從勞動力運用的角度著眼, unpub. Ph.D. diss. (Taiwan University, 2017), chap. 2.

²⁴ See, e.g., *Shuihudi*, pp. 32–33, slips 49–52. For the child convicts (“small wall-builders,” *xiao chengdan* 小城旦) at the service of a local government, see Chen Wei 陳偉, ed., *Liye Qin jiaodu jiaoshi* 里耶秦簡牘校釋 (vol. 1: Wuhan: Wuhan daxue chubanshe, 2012; vol. 2: Wuhan daxue chubanshe, 2018 [hereafter, *Liye*]) 1, p. 343, tablet 8–1515; p. 362, tablet 8–1566; *Liye* 2, pp. 455–63, tablet 9–2289. See also Sun Wenbo, “Qin ji Han chu de sikou yu tuli,” p. 89.

for females and underage males, one *shi* and two-and-a-half *dou* 斗 (25 liters) for underage females, and one *shi* (20 liters) for those minors yet unable to work.²⁵ It does not mention monthly ration norms for adult male convicts who were fed on a day-to-day basis (*ri shi* 日食). Their rations depended on the type of work they were assigned. Construction works were considered particularly onerous, and convicts received 5/6 *dou* (1 2/3 liters) of grain every day. For other types of work, the daily ration was 2/3 *dou* (1 1/3 liters). Rations for convicts who were unable to work due to illness were decided by their managing officials.²⁶

Sasaki Mami 佐佐木満實 has recently argued that changes in the conditions of hard-labor convicts were underway during the imperial Qin and the early decades of Western Han; these reduced the differences among the legal terms of various convict groups. For example, even though their original households were dissolved, hard-labor convicts were now allowed to marry commoner women. These women were obliged to move outside the villages or urban wards in which they previously resided: doubtlessly, a potent deterrent against such marriages. It also appears that at the beginning of the Western Han period, hard-labor convicts were no longer obliged to wear distinctive red robes.²⁷

Bondservants and bondwomen (hereafter shortened to bond-servant[s]) were markedly distinct from hard-labor convicts in their social and economic standing. The ambivalence of their conditions that were characterized, on the one hand, by the extreme restriction of personal freedom, and, on the other, a high degree of economic agency, led to a prolonged debate about their place in both Qin and Han systems of forced labor and society at large. To make things more complicated, while most of them were sentenced criminals, during the Warring States period, some war captives could also be made bondservants.²⁸

What is clear is that bondservants enjoyed wider social and economic opportunities than the hard-labor convicts.²⁹ Unlike the latter, who typically performed labor-intensive work in farming, construction, and transportation, bondservants were often trusted with care-intensive tasks as administrative assistants, runners, servants, cooks, or supervisors of other convicts.³⁰ Their households were not forcibly dissolved,

²⁵ *Shuihudi*, pp. 32–33, slips 49–52.

²⁶ *Shuihudi*, pp. 33–34, slips 55–56.

²⁷ Sasaki, “Qin ji Han chu de xingtu,” pp. 34–45.

²⁸ See, e.g., *Shuihudi*, p. 89, slip 38. For a discussion, see Robin D. S. Yates, “The Fate of the Defeated: Qin’s Treatment of Their Enemies,” *Bamboo and Silk* 5 (2022), pp. 1–72, esp. p. 6.

²⁹ See, e.g., Zhu, *Zhangjiashan Han jian “Ernian lüling” yanjiu*, pp. 58–80.

³⁰ See, e.g., *Liye* 1, pp. 68–69, tablet 8130+8–190+8–193; *Liye Qin jian bowuguan* 里耶秦簡博物館 et al., eds., *Liye Qin jian bowuguan cang Qin jian* 里耶秦簡博物館藏秦簡 (Shang-

although they were not permitted to hold agricultural land distributed by the state. Bondservant families had to live outside the villages and wards of the general populace.³¹

Many bondservants were not permanently employed by the government and received their rations only when they were called to work for the state.³² For the rest of the time, they had to provide for themselves. Excavated Qin documents show that bondservants engaged in nonagricultural activities such as craftsmanship and commerce, or hired themselves out to private employers. A case record from the Yuelu Academy 岳麓書院 collection of unprovenanced Qin manuscripts involves a bondservant who shared his market booth with two other traders. Although his actions were illegal in that he secretly assisted the merchants whose request for this particular plot of commercially usable land had previously been rejected by the government, the convict's right to hold such land and develop a market stall was not in question. Moreover, the merchants involved in this case saw a bondservant as a matter-of-course partner in their scheme. Indeed, the convict's application was initially approved until it transpired that he was acting on behalf of other men.³³ The whole story suggests that it was normal for a Qin bondservant to trade at the market in his own name. Bondservants could also enter legally binding agreements. A case from the Qianling county archive indicates that some bondservants were considered creditworthy enough to be lent substantial amounts of cash.³⁴

hai: Zhongxi shuju, 2016), pp. 197–98, tablet 10–1170. For a discussion, see Miyake, “Laoyixing tixi de jiegou yu bianqian,” pp. 90–99; Gao, “Qin Han xingtu zhidu de fazhan,” chap. 3; Tsang Wing Ma, “Categorizing Laborers: Glimpses of Qin Management of Human Resources from an Administrative Document from Liye, Hunan Province,” *EC* 44 (2021), pp. 351–91, esp. 386.

³¹ The earliest evidence for the exclusion of bondservants from the state-sponsored regime of land distribution dates from early-Western Han. The “Statute on Households” (*hu lü* 戶律) from Tomb no. 247 at Zhangjiashan provides the size of land entitlements for the holders of social ranks, non-ranked commoners, *sikou* 司寇 (“robber-guard”) convicts (discussed below in the main text), and amnestied criminals who underwent mutilating punishments, but not for bondservants. The statute prohibits all convicts except “robber-guards” from residing in villages and wards of “common people 民.” See *Ernian lüling*, pp. 216–18, slips 307, 310–13.

³² See, for example, *Shuithudi*, 32, slip 49. For a discussion, see Li Jing 栗勁, *Qin lü tong-lun* 秦律通論 (Jinan: Shandong renmin chubanshe, 1985), pp. 267–71; Zhu, *Zhangjiashan Han jian* “*Ernian lüling*” *yanjiu*, pp. 67–68; Miyake, “Laoyixing tixi de jiegou yu bianqian,” pp. 115–17.

³³ Chen Songchang 陳松長, ed., *Yuelu shuyuan cang Qin jian* 岳麓書院藏秦簡 (vol. 3: Shanghai: Shanghai cishu chubanshe, 2013; vol. 4: Shanghai cishu chubanshe, 2014 [hereafter, *Yuelu*]) 3, pp. 129–40, slips 62–87; translated in Ulrich Lau and Thies Staack, *Legal Practice in the Formative Stages of the Chinese Empire: An Annotated Translation of the Exemplary Qin Criminal Cases from the Yuelu Academy Collection* (Leiden: Brill, 2016), pp. 145–66.

³⁴ *Liye* 1, p. 261, tablet 8–1008+8–1461+8–1532.

I have previously noted the impact that the Qin system of state-dependent labor had on labor commodification in the early Chinese empires.³⁵ Bondservants played a crucial role in the government's effort to optimize the maintenance cost of unfree manpower by routinely hiring convicts out to private employers. A written legal regulation from the Yuelu Academy collection singles out bondservants as convicts "working as servants and hired laborers, or engaging in craft production for nongovernment employers." The proceeds from their employment were payable to the government, while convicts received a subsistence allowance.³⁶ The Qianling documents as well contain records of convicts – most likely bondservants – working for private employers.³⁷

The evidence for the employment of convicts at private farms remains moot. But we know that state-owned farms were one of the biggest users of the convict workforce.³⁸ The accounts of the mid-fourth-century BC Qin reforms described in the *Book of Lord of Shang* (*Shangjun shu* 商君書) and the *Grand Scribe's Records* indicate that agricultural land were awarded to rank-holders along with an allocation of dependent laborers to work these fields.³⁹ Indeed, the land plots of rank-holders, the sizes of which are recorded in the early-Western Han "Statute on Households" (*hu lü* 戶律), could hardly be worked by one household. For example, the holders of the fourth rank could receive 18.4 hectares, the fifth rank warranted 23 hectares, and the largest land plot for the holders of the nineteenth rank amounted to a staggering 437 hectares.⁴⁰ Although these numbers represent potentially maximum entitlements rather than actual distributions,⁴¹ the statute makes it clear that the larger land plots were not supposed to be worked by the rank-holder's

³⁵ Maxim Korolkov, "Between Command and Market: Credit, Labor and Accounting in the Qin Empire (221–207 B.C.E.)," in Elisa Sabattini and Christian Schwermann, eds., *Between Command and Market: Economic Thought and Practice in Early China* (Leiden: Brill, 2022), pp. 162–243, esp. 214–23.

³⁶ *Yuelu* 4, p. 61, slips 68–69.

³⁷ See Korolkov, "Building Empire, Creating Markets," p. 226.

³⁸ Ma, "Categorizing Laborers," pp. 351–91; Maxim Korolkov, *The Imperial Network in Ancient China: The Foundation of Sinitic Empire in Southern East Asia* (London: Routledge, 2022), p. 147.

³⁹ Jiang Lihong 蔣禮鴻, ed., *Shangjun shu zhuizhi* 商君書錐指 (Beijing: Zhonghua shuju, 1986), j. 5, p. 119; *Shiji* 68, p. 2230. Yuri Pines dates the respective chapter of the *Book of Lord Shang* to 350–300 BC, around the time of the Qin reforms; Pines, ed. and trans., *The Book of Lord Shang: Apologetics of State Power in Early China* (New York: Columbia U.P., 2017), pp. 52–53.

⁴⁰ *Ernian lüling*, pp. 216–18, slips 310–13.

⁴¹ *Ernian lüling*, p. 219, slip 318.

household alone, by stipulating that only the part tilled by household members was exempted from the land tax.⁴²

The question about the source of agricultural labor in the time under discussion remains unanswered, despite its obvious centrality for the social and economic functioning of rank-based land distributions. The term used in the *Shiji* biography of Shang Yang 商鞅 (ca. 390–338 BC) for retainers who are mentioned side-by-side with farmland distributed to the rank-holders, is “bond-persons” (*chenqie* 臣妾), which is reminiscent of, though not identical to, *lichenqie*.⁴³ The authors of the *Book of Lord Shang* use the word *shuzi* 庶子, usually translated as “retainer,” when they talk about the grants of agricultural and residential land along with dependent persons to the recipients of social ranks.⁴⁴ In both Warring States and early-imperial texts, *shuzi* typically indicates either the offspring of the nobility born by concubines rather than main wives,⁴⁵ or the members of royal and aristocratic retinues,⁴⁶ with a shared connotation of inferiority and dependency.

While more direct evidence is lacking, I propose the possibility that the Qin and early-Western Han governments assigned a number of bondservant households, or the right to lease them from the government, proportionally to the size of rank-based farmland allotments. As I have previously shown, bondservants were routinely leased out by officials to private employers,⁴⁷ and there is no reason to think they were not used in agriculture, which was by far the largest sector of the economy. This scenario helps to resolve the vexing questions about the source of labor in the contemporary system of rank-based distribution of farmland and the source of subsistence for a sizable population of bondservant convicts.

Interstitial social groups that shared some characteristics with convicts but were otherwise part of commoner population illustrate the Qin government’s quest for a balance between access to labor and keeping its maintenance costs under control. Very little is known about one such group, the *hou* 侯 (“watchmen”), that appears to have mainly consisted of former officials and servicemen sentenced for various mi-

⁴² *Ernian lüling*, p. 218, slip 317.

⁴³ *Shiji* 68, p. 2230.

⁴⁴ Jiang, ed., *Shangjun shu zhuizhi*, j. 5, p. 119; Pines, *Book of Lord Shang*, pp. 224–25.

⁴⁵ Cang Xiuliang 倉修良, ed., *Shiji cidian* 史記辭典 (Jinan: Shandong jiaoyu chubanshe, 1991), p. 484.

⁴⁶ See, e.g., Liu Xiang 劉向 (77–6 BC), comp., *Zhanguoce* 戰國策 (Shanghai: Shanggai guji chubanshe, 1986), j. 22, p. 786.

⁴⁷ Korolkov, “Building Empire, Creating Markets,” pp. 225–28.

nor misdemeanors. This status was discontinued at some point during the Qin-Han interregnum and no longer appears in the Han texts.⁴⁸ We know more about another group, the *sikou* 司寇 (“robber-guards”). Considering that some of the Qin legal statutes mention the two groups together, their socio-economic conditions might have been similar.⁴⁹

Unlike the convict groups discussed above, “robber-guards” were not excluded from the general society. According to the aforementioned Han “Statute on Households,” they were entitled to half the commoner quota of farmland (a half-*qing*, or about 2.3 hectares) and were not removed from the communities where they lived prior to the criminal sentence. Because their households had agricultural land that provided a living, the “robber-guards” could support themselves during the time they were not working for the government.⁵⁰

As their name implies, “robber-guards” were often tasked with supervising other convicted criminals. They could also be employed as couriers and assistants to officials, and those of them who were skilled artisans often ended up working at state-managed workshops.⁵¹ The Qin statutes addressed the problem of the lack of qualified supervisors of convict-labor gangs by prohibiting the employment of “robber-guards” as servants and cooks. They were valued primarily as loyal and competent leaders of the unfree workforce.⁵² The government called “robber-guards” for onerous physical tasks only after other pools of convict manpower had been exhausted.⁵³ Like the bondservants, many “robber-guards” served the government in shifts of duty (*geng* 更), which helped to reduce their maintenance costs for the state.⁵⁴ When a large

⁴⁸ *Shuihudi*, pp. 80–81, slips 4, 6; *Liye* 2, pp. 453–55, tablet 9–2287. For the possible discontinuation of this legal status after the Qin imperial unification or in the beginning of Han, see Miyake, “Laoyixing tixi de jiegou yu bianqian,” p. 60; Sun, “Qin ji Han chu de sikou yu tuli,” p. 76.

⁴⁹ See, e.g., *Shuihudi*, p. 63, slip 193.

⁵⁰ *Ernian lüling*, pp. 216–18, slips 310–16; p. 234, slips 364–65. The Qianling county documents demonstrate that “robber-guards” were registered as community members along with the general populace; see *Liye* 1, pp. 32–33, tablet 8–19; p. 264, tablet 8–1027; p. 409, tablet 8–1946; vol. 2, pp. 60–61, tablet 9–73; p. 201, tablet 9–761. For the participation of *sikou* in state-managed land distribution, see Yang Zhenhong, “Qin Han ‘ming tianzhai 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，in *Zhongguo shehui kexueyuan jianbo yanjiu zhongxin* 中國社會科學院簡帛研究中心, ed., *Zhangjiashan Han jian “Ernian lüling” yanjiu wenji* 張家山漢簡“二年律令”研究文集 (Guilin: Guangxi shifan daxue chubanshe, 2007), pp. 139–67.

⁵¹ *Yuelu* 4, p. 119, slips 154–55; p. 204, slip 329.

⁵² *Shuihudi*, p. 54, slip 150; *Yuelu* 4, p. 158, slip 271.

⁵³ *Liye Qin jian bowuguan*, eds., *Liye Qin jian bowuguan cang Qin jian*, pp. 207–8, tablets 16–5, 16–6.

⁵⁴ The “Statute on Abscondence” (*wang lü* 亡律) from the Yuelu Academy collection mentions “robber-guards serving on a permanent basis” (*sikou rong zuo* 司寇冗作), suggesting oth-

labor project required managerial personnel, “robber-guards” could be mobilized on an ad hoc basis.

Convicts and Slaves: Public and Private Dependency in Early China

Much of the debate about the nature of Qin’s unfree labor regime revolves around the blurriness of the dividing line between convicts and slaves, which is reflected in legal terminology. Despite his belief that “there was a clear difference between slaves and convicts” and a “definite distinction between private and state slaves in both the Qin and the Han,” Robin D. S. Yates, the author of several studies on slavery in early-imperial China, recognizes “great confusion” in the use of such terms as “male and female bondservants,” which could refer to state slaves as well as convicts.⁵⁵

Another term, *tuli* 徒隸, in the Qin documents refers to convicts in general, with the exception of “robber-guards,” whose specific status set them apart from the rest of the convicts.⁵⁶ One Qianling document quotes an imperial law that orders county governments to report to the higher authorities on the first day of each month the number of *tuli* they purchased.⁵⁷ Another text mentions that on one occasion in 218 BC, the county treasury (Shaonei 少內) spent 33,000 coins to purchase *tuli*.⁵⁸ Although these records do not identify the sellers, a contemporaneous model-case record from the tomb of a local Qin official north of the Middle Yangzi makes it clear that private owners could sell their slaves to the government, and that such slaves were amalgamated into the convict ranks.⁵⁹ It is very likely that the state-dependent unfree workforce in Qianling county and elsewhere was replenished in the same manner.

ers were employed in shifts. See *Yuelu* 4, p. 44, slip 17. For an analysis of the forms of labor conscription in the Qin and Han empires, including service in the shifts of duty and permanent employment, see Yang Zhenhong, “Qin Han jian zhong de ‘rong’, ‘geng’ yu gongshe fangshi” 秦漢簡中的“冗”“更”與供設方式, in *Chutu jiandu yu Qin Han shehui (xubian)* 出土簡牘與秦漢社會(續編) (Guilin: Guangxi shifan daxue chubanshe, 2015), pp. 210–22; Zhu, *Zhangjiashan Han jian “Ernian luling” yanjiu*, pp. 59–60.

⁵⁵ Robin D. S. Yates, “The Changing Status of Slaves in the Qin-Han Transition,” in Yuri Pines, Gideon Shelach, Lothar von Falkenhausen, and Robin D. S. Yates, eds., *Birth of an Empire: The State of Qin Revisited* (Berkeley, Los Angeles, and London: U. California P., 2014), pp. 206–23, esp. 212.

⁵⁶ See, e.g., *Liye* 1, pp. 20–21, tablet 6–7; pp. 68–69, tablet 8–130+8–190+8–193; p. 168, tablet 8–490+8–501; pp. 169–70, tablet 8–495; vol. 2, pp. 122–24, tablet 9–436+9–464; p. 380, tablet 9–1872. For a discussion of this term, see Sun, “Qin ji Han chu de sikou yu tuli,” pp. 73–96.

⁵⁷ *Liye* 1, pp. 93–94, tablet 8–154.

⁵⁸ *Liye* 2, pp. 300–1, tablet 9–1406.

⁵⁹ *Shuihudi*, pp. 154–55, slips 37–41; Hulsewé, *Remnants*, pp. 193–94.

Transfers across the divide of private and state dependency could also go the opposite way. The Qin laws allowed temporary private employment of convicts by individuals willing to supply them with food and clothes in return for their services.⁶⁰ Persons belonging to some state-dependent groups could be sold to private owners on a permanent basis. For example, family members of criminals sentenced to hard labor were impounded by the government, becoming bondservants. A legal case from the mid-third century BC deals with a situation in which the impounded wife and children of a sentenced person were sold to a private owner. The government kept track of their whereabouts and thus could redeem them when their original criminal sentence was revised.⁶¹

It has been observed, above, that the historical trajectory of the convict regime in the early empires reflects the fluctuations in state demands for both physical laborers and low-level administrative personnel. The growing private demand for labor in the expanding economy provided government with another opportunity to calibrate the size of unfree workforce by selling or leasing convicts to private employers or replenishing it through market purchases.⁶²

While we lack quantifiable data on the supply of slaves in the early Chinese empires, the scale of the state-managed forced-labor system and the continuity between public and private dependency suggest that the state was a major supplier of dependent workforce, which allowed it to set the terms of private dependency to a certain degree. This is best illustrated by the government's right to redeem the impounded family members of convicted criminals even after they had been sold into private slavery. To sustain this control, the legislators sought to restrict the alternative avenues to private dependency, especially debt bondage, which, by the Warring States era, had come to be seen as detrimental to the state-sponsored matrix of mutually independent farmer households that owed their labor and allegiance solely to the monarch.⁶³ The next section explores how the state arbitration of the terms of labor employment, including private slavery, evolved with the decline of the convict regime from the second century BC onward.

⁶⁰ *Shuihudi*, p. 32, slip 48; Hulsewé, *Remnants*, pp. 30–31.

⁶¹ *Ernian lǚling*, pp. 359–63, slips 99–123; Barbieri-Low and Yates, *Law, State, and Society* 2, pp. 1305–31.

⁶² For a recent analysis of the role of markets in government procurement during imperial Qin, see Korolkov, “Building Empire, Creating Markets,” pp. 220–30.

⁶³ For measures against private debt bondage in Qin law, see Korolkov, “Between Command and Market,” pp. 210–11.

EVOLUTION OF LABOR CONTROL IN THE HAN EMPIRE

Thanks to the ongoing publication of excavated documents, we now have a much more nuanced understanding of the unfree labor regime in the formative period of the ancient Chinese empires. In particular, it is clear that the pervasive state-managed system of convict labor emerged from specific economic conditions and administrative and fiscal institutions of the expanding Qin state as early as during the late-Warring States. This regime was, however, relatively short-lived and had already come under severe stress by the time of imperial Qin.

The Convict-Labor System's Decline at the Beginning of Han

The convict system was as much an economic solution to the problem of resource allocation in the rapidly expanding state as it was a political strategy of monopolizing control over dependent labor and blocking alternative avenues to private dependency, in particular debt bondage.⁶⁴ While recognizing private slavery, the state claimed for itself the role of the distributor of labor resources through the exclusive access to the pool of convict laborers who could be assigned to private users.

The notion of a state's sovereignty over unfree manpower, anchored to its control of the source of forced labor, was enshrined in the paradigm of criminal penalty as the origin of all forms of private dependency, which is reflected in China's classical texts.⁶⁵ It was enforced through the state-managed institutions of compulsory labor, including corvée, penal, and debtor labor. The corvée provided a steady flow of workforce, which, however, could be used only for a limited time every year – typically one month, and mainly outside the agricultural seasons – and because of this, only within a relatively short distance from a conscript's place of residence. The latter two types of compulsory labor provided a means to bridge the seasonal shortages in state-controlled manpower and expand its geographical range of operation, which was particularly important at the time of Qin's fast territorial expansion in the late-Warring States period.⁶⁶

⁶⁴ See Korolkov, "Between Command and Market," pp. 162–243.

⁶⁵ *Records on Rites* (*Liji* 禮記) refers to the state-sponsored penal regime as the ultimate source of all degraded and unfree populations, including private slaves who were defined as descendants of convicted criminals; see Sun Xidan 孫希旦, ed., *Liji jijie* 禮記集解 (Beijing: Zhonghua, 1998), j. 12, pp. 325–26.

⁶⁶ See Anthony Barbieri-Low's insightful analysis of the administrative and economic thinking behind the mobilization of various pools of labor for the construction of Chang'an city walls; idem, *Artisans in Early Imperial China*, pp. 220–23.

However, the cost of maintaining such a standing labor force was high, and the quest for alternative solutions was already underway when Qin established its empire. As employers of convict workers, local governments decided on the preferable way of exploitation, either through direct command of manpower or through making their subordinates engage with the private sector and create monetary revenues for the state. Members of the convict groups who were not allowed to hold agricultural land came to specialize in craft and trading, could accumulate assets, and were sought-after agents in commercial enterprises, not unlike the socially degraded but economically active groups in other ancient societies.⁶⁷

These convicts also constituted an important source of wage labor in the private economy. As already mentioned, state officials regularly hired out convicts to claim their emolument, effectively creating a mechanism of substituting cash payments for labor obligations. The imperial Qin codes also increasingly recognized the practice of hiring substitutes to perform corvée labor, albeit with certain restrictions: one was allowed to hire a substitute only within one's home county, and the local government made the final decision as to the equivalence of substitute to his hirer in terms of their physical conditions.⁶⁸ During the Western Han period, further monetization of corvée went hand in hand with the replacement of labor penalties with monetary fines.⁶⁹

The fall of the Qin empire and the subsequent civil wars greatly curtailed the administrative capacity of the central government.⁷⁰ Retrenchment of production and distribution systems operated by the state, contraction of territories administered by the central government, temporary cessation of frontier expansion, and transition to fiscal policies that relied less on the direct control of human resources all contributed to the decline in demand for unfree labor. For example, one of the major employers of large convict gangs during the Qin empire,

⁶⁷ Comparison with metics in classical Athens may be instructive. Metics were denied land ownership and political participation in the community of citizens and engaged in artisanship and commercial enterprises as agents of wealthy citizens or in their own name. Some of them could accumulate enormous wealth. See, e.g., James Watson, "The Origin of Metic Status in Athens," *The Cambridge Classical Journal* 56 (2010), pp. 259–78.

⁶⁸ *Yèulu* 4, p. 128, slips 182–83.

⁶⁹ For the monetization of labor penalties during Han, see Gao, "Qin Han xingtu zhidu de fazhan," chap. 6.

⁷⁰ I have discussed these processes in Korolkov, "Fiscal Transformation during the Formative Period of Ancient Chinese Empire (Late Fourth to First Century B.C.)," in Jonathan Valk and Irene Soto Marín, eds., *Ancient Taxation: The Mechanics of Extraction in Comparative Perspective* (New York: SUNY P., 2021), pp. 203–71, esp. 232–43; and Korolkov, "Between Command and Market," pp. 162–243.

the county-level offices of agriculture (*tianguan* 田官), were stripped of all but ritual functions in the course of the Western Han.⁷¹ Centralized administration contracted when about two-thirds of the imperial territory including almost all lands south of the Yangzi River were surrendered to the supporters and relatives of the Han founder as autonomous regional principalities.⁷² The demand for administrative assistants and runners, who were often recruited among the convicts, was reduced accordingly.

The expansion of the monetary economy during early-Western Han reinforced market solutions to the problem of labor supply with which the Qin bureaucrats had already experimented. The collapse of the Qin reduced the central government's productive capacity, including the ability to mint coin. Private coinage filled the gap and was legalized for much of the first century of Han rule.⁷³ The result was an expansion of coin supply, which allowed state rulers to further monetize labor levies and in-kind taxes.⁷⁴

The momentous transformation of the convict regime in China's early empires is associated with the legal reforms of Han emperor Wen that included the abolition of mutilating punishments and impoundment laws and introduction of fixed-term penal labor.⁷⁵ Recently discovered legal manuscripts from emperor Wen's time corroborate the transmitted sources. While the Han statutes excavated from Tomb no. 247 at Zhangjiashan 張家山 (present-day Hubei province), dated to ca. 186 BC, refer to mutilating punishments, the identical statutes from Tomb no. 12 at Hujia Caochang 胡家草場 (also Hubei), which was sealed around 163 BC, substitute these with nonmutilating markers of convicted persons, such as head-shaving.⁷⁶ The government no longer needed people

⁷¹ Yamada Katsuyoshi 山田勝芳, *Shin Kan zaisei shūnyū no kenkyū* 秦漢財政收入の研究 (Tokyo: Kyūko shoin, 1993), pp. 56–58.

⁷² For a survey of the political organization of the early Western Han Empire, see Michael Loewe, "The Former Han Dynasty," in Dennis Twitchett and Michael Loewe, eds., *The Cambridge History of China*. Vol. 1: *The Ch'in and Han Empires* (Cambridge: Cambridge U.P., 1986), pp. 103–52.

⁷³ *Hanshu* 24B, pp. 1152–57.

⁷⁴ Kakinuma Yōhei 柿沼陽平, *Chūgoku kodai kahei keizai shi kenkyū* 中国古代貨幣經濟史研究 (Tokyo: Kyūko Shoin, 2011), pp. 120–27; Hsing I-tien, "Qin-Han Census and Tax and Corvée Administration: Notes on Newly Discovered Materials," in Pines et al., eds., *Birth of an Empire*, pp. 155–86, esp. 173.

⁷⁵ *Hanshu* 23, pp. 1097–100, 1104–5.

⁷⁶ For the two otherwise identical articles in the "Statute on Assault" (*zei lü* 賊律), where the earlier recension prescribes the mutilating punishment of tattooing, and the later one substitutes with head shaving 髡, see *Ernian lüling*, pp. 91–92, slips 4–5; Jingzhou bowuguan 荊州博物館 and Wuhan daxue jianbo yanjiu zhongxin 武漢大學簡帛研究中心, *Jingzhou Hujia Caochang Xi Han jiandu xuancui* 荊州胡家草場西漢簡牘選粹 (Beijing: Wenwu chubanshe, 2021), p. 192, slip 1260.

whose bodily “incompleteness” excluded them from the general society and made them permanently tied to the state. The abolition of mutilating punishments was the first step towards a thorough revision of the Qin convict system as a framework for state control of labor.⁷⁷

In traditional historiography, emperor Wen’s reforms were celebrated as an example of humane rule. Modern researchers point out that the emperor and his advisors continued long-term trends in the evolution of penal labor that can be traced back to the Qin period. Fixed-term labor sentences, in particular, originated in the practice of debtor labor (when a person was requested to work off the amount owed to the government), which was limited by the time needed to work off the amounts owed, and of the additional sentences passed to individuals who committed crimes after having been reduced to the convict status.⁷⁸ Scholars also emphasize the linkage between the legal reforms, the abatement of government’s demand for unfree workforce, and the need to reduce the costs of the state economy, of which the standing army of convicts was one of the most expensive components.⁷⁹

The Han-era criticism of the Qin state for its excessive use of forced labor and enormous numbers of convicts conveys the impression that by the mid-Western Han times, the size of unfree manpower had reduced significantly from its Qin heights.⁸⁰ This is supported by the analysis of the composition of the workforces employed by the government for specific tasks. Transporting tax grain and other state-owned materials was one of the most burdensome services provided by the conscripted farmers as well as convicts.⁸¹ Following emperor Wen’s reforms, hired transportation workers gradually replaced forced laborers (both convicts and corvée conscripts).⁸² The decline of the convict system was part of a broader transition from direct mobilization to market-mediated forms of labor mobilization.

⁷⁷ See Tomiya Itaru, “Handai laoyi xing: xingqi yu xingyi” 漢代勞役刑, 刑期與刑役, in Tomiya, *Qin Han xingfa zhidu yanjiu*, pp. 81–116.

⁷⁸ You Yifei 游逸飛, “Shuo ‘ji chengdan chong’: Qin Han xingqi zhidu xinlun” 說“繫城旦春”, 秦漢刑期制度新論, *Xin shixue* 新史學 20.3 (2009), pp. 1–52, esp. pp. 42–44.

⁷⁹ Miyake, “Laoyixing tixi,” pp. 147–51; You, “Shuo ‘ji chengdan chong,” p. 43; Sun, “Qin ji Han chu de sikou yu tuli,” p. 96.

⁸⁰ See, e.g., *Shiji* 112, p. 2958; *Hanshu* 24A, p. 1137.

⁸¹ For the use of conscripted workers and convicts in transportation, see, e.g., *Yulu* 4, pp. 150–51, slips 248–52; *Ernian lüling*, pp. 248–50, slips 411–15.

⁸² Li Zhouxuan 李周炫, “Qin Han guanfu de wuzi yunshu yu renli liyong” 秦漢官府的物資運輸與人力利用, in Zhou and Zhu, eds., *Falu shi yiping* (vol. 9: Shanghai: Zhongxi shuju, 2021), pp. 58–71.

While the convict labor never subsided entirely, and convicts continued to perform many onerous and dangerous tasks, especially in construction and mining,⁸³ the contrast in the modes of workforce recruitment between the imperial Qin (late-third century BC) and the mature Han (first century BC to first century AD) is thrown into high relief by comparison with the relatively well-documented frontier regions. Although the proportion of convicts and other unfree individuals among the inhabitants of the Qin southern frontier cannot be established with precision, the Qianling archive data suggests it was very considerable. Convicts who were forcibly transferred to the frontier probably represented the majority of labor forces available to the local governments.⁸⁴

The early-Western Han government, too, relocated people from the interior regions of the empire to defend the northern borders against various steppe pastoralists. Measures masterminded by Chao Cuo 晁錯 (d. 154 BC), an influential advisor at the court of emperor Wen, show much continuity with the tried and tested Qin policies, including the resettlement of sentenced and amnestied criminals along with private slaves handed to the government by their owners as a redemption payment for minor offences. However, Chao Cuo also emphasized a positive motivation for commoners who volunteered to settle the frontier – the grants of social ranks, tax exemptions, houses, and farming tools – and criticized Qin for excessive use of convicts in what he called “penal garrisons” (*zhe shu* 謫戍).⁸⁵

Chao Cuo submitted his memorials to the throne at the time of momentous transition in the empire’s legal system, when the number of convicts available to the government contracted in the wake of emperor Wen’s reform. While Chao was still taking convicts into account as potential frontier colonists, the large-scale campaigns to populate the newly conquered territories on the Ordos Plateau and in the Hexi Corridor under emperor Wu 武帝 (Liu Che 劉徹; r. 141–87 BC) relied on free commoners, not convicts or other forced persons, even though the people involved did not necessarily move on their own volition. The dike breeches in the lower Yellow River valley created hundreds

⁸³ For a discussion of the conditions of convict laborers under the Han, see Barbieri-Low, *Artisans in Early Imperial China*, pp. 227–45; and Roderick Campbell, “Transformation of Violence: On Humanity and Inhumanity in Early China,” in Campbell, ed., *Violence and Civilization: Studies of Social Violence in History and Prehistory* (Oxford: Oxbow Books, 2014), pp. 94–118.

⁸⁴ See, for example, Liu, “Liye Qin jian 7–304 jianwen jixi,” pp. 151–62; Korolkov, *Imperial Network in Ancient China*, pp. 129–34.

⁸⁵ *Hanshu* 49, pp. 2283–87.

of thousands of flood refugees after 132 BC, many of whom had little choice but to migrate – with some assistance from the state – to the recently conquered lands in the north and northwest.⁸⁶

In the course of the Han era, monetary instruments became crucial in labor mobilization in the frontier regions. Archeological finds, including coins and documents excavated from the Han frontier fortifications, document the massive influx of coinage from the empire's heartland. These funds were partly raised as substitute payments for labor services – such payments increasingly came to replace the actual performance of labor and military services during the Western Han era – and were used to hire soldiers, administrative personnel, and general workforce.⁸⁷ By the beginning of the Common Era, the local residents of the northwestern commanderies, who were receiving money for their services, increasingly substituted recruits from the interior provinces of the empire.⁸⁸

Concentration of purchasing power at the frontier contributed to the influx of goods, especially textiles, from the empire's heartland that were often traded further down the Inner Asian routes.⁸⁹ It also spurred professionalization of military service, a spread of mercenary soldiery, and inclusion of contingents of northern pastoralists into the empire's frontier forces.⁹⁰ Closer engagement with the empire expedited migrations of nomadic groups into imperial territory and polity formation on the steppe in the first centuries AD.⁹¹

⁸⁶ Maxim Korolkov and Anke Hein, “State-Induced Migration and the Creation of State Spaces in Early Chinese Empires: Perspectives from History and Archaeology,” *Journal of Chinese History* 5 (2021), pp. 203–25, esp. 218.

⁸⁷ For monetization at the Han-era northwestern frontier, see Helen Wang, *Money on the Silk Road: The Evidence from Eastern Central Asia to c. AD 800* (London: The British Museum Press, 2004), pp. 47–56; Wang, “Official Salaries and Local Wages at Juyan, North-West China, First Century BCE to First Century CE,” in Jan Lucassen, ed., *Wages and Currency: Global Comparisons from Antiquity to the Twentieth Century* (Bern and Berlin: Peter Lang, 2007), pp. 59–76, esp. 67–68. For the growth of a labor market in northwestern frontier commanderies, see, e.g., Li Zhenhong 李振宏, *Juyan Han jian yu Handai shehui* 居延漢簡與漢代社會 (Beijing: Zhonghua shuju, 2003), pp. 79–89.

⁸⁸ Takatori Yuji 鷹取祐司, “Handai changcheng fangwei tizhi de bianhua” 漢代長城防衛體制的變化, in Zhou and Zhu, eds., *Falüshi yiping* (vol. 8 : Shanghai: Zhongxi shuju, 2020), pp. 142–94.

⁸⁹ See Valerie Hansen, *The Silk Road: A New History* (Oxford: Oxford U.P., 2012), pp. 81–82.

⁹⁰ See, for example, Mark Lewis, “The Han Abolition of Universal Military Service,” in Hans van de Ven, ed., *Warfare in Chinese History* (Leiden: Brill, 2000), pp. 33–76. For the growing importance of nomadic cavalry in the Han military, see Sun Wenbo, *Qin Han junzhi yanbian shi gao* 秦漢軍制演變史稿 (Beijing: Zhongguo shehui kexue chubanshe, 2016), pp. 191–204.

⁹¹ For a classic study of relationship between nomadic polity formation and interaction with sedentary empires, see Thomas Barfield, *The Perilous Frontier: Nomadic Empires and China* (Cambridge, Mass., and Oxford: Blackwell, 1989); and Barfield, “The Shadow Empires: Impe-

Private Slavery in the Transition from Convict to Paid Labor

A comparison between the excavated Qin- and Han-period documents sheds light on the fates of private slavery at the time when the imperial government transitioned from direct mobilization of subjects' labor to monetary taxation and employment of paid workforce.

The Qin official texts of the late-Warring States period used several terms for slaves, including *chenqie* 臣妾 (“male and female servants”), *nugie* 奴妾 (“slaves and female servants”), and *ren nugie* 人奴妾 (“slaves and female servants of [private] persons”). At some point between 219 and 216 BC, a new term was introduced, most likely by an official decree, to replace the existing ones: *nubi* 奴婢 (“slaves”). The old terminology immediately fell out of official use, as illustrated by the Qianling county documents.⁹²

The Qianling archive suggests a relatively high proportion of slaves in the population of a Qin-period frontier county. Slaves are mentioned among the main population groups along with officials, soldiers, and commoners.⁹³ Inventories of movable property owned by the county residents include slaves.⁹⁴ In one case, eight slaves probably represented half of a household's property value.⁹⁵ The fact that they were listed along with horses, clothing, grain, and cash belonging to a household seems to suggest that slaves were considered as property. However, several household registers excavated from the defensive moat around the Qianling county seat, mention slaves as household members.⁹⁶ While the status of slaves is ambiguous in the excavated Qin records, the early-Western Han law-givers took further steps to recognize them as household members, particularly by including the slaves into the order of inheritance.⁹⁷ The distinction between slaves and property is also

rial State Formation Along the Chinese-Nomad Frontier,” in Susan Alcock, Terence D'Altroy, Kathleen Morrison, and Carla Sinopli, eds., *Empires: Perspectives from Archaeology and History* (Cambridge: Cambridge U.P., 2001), pp. 10–41. For a recent account of polity-building among the steppe people during the Eastern Han era, see Bryan Miller, *Xiongnu: The World's First Nomadic Empire* (Oxford: Oxford U.P., 2024), pp. 220–40.

⁹² Chen Wei 陳偉, “Nuqie,” “chenqie” yu “nubi” “奴妾”, “臣妾” 與 “奴婢”, in Wang Jie 王捷, ed., *Chutu wenxian yu falü shi yanjiu* 出土文獻與法律史研究 (Beijing: Falü, 2017) 6, pp. 217–26. I am thankful to the anonymous reviewer for bringing my attention to this article.

⁹³ *Liye* 1, p. 142, tablet 8–389+8–404.

⁹⁴ *Liye* 1, pp. 326–27, tablet 8–1443+8–1455; pp. 356–57, tablet 8–1554.

⁹⁵ Korolkov, “Building Empire, Creating Markets,” p. 219.

⁹⁶ Hunan sheng wenwu kaogu yanjiusuo 湖南省文物考古研究所, *Liye fajue baogao* 里耶發掘報告 (Changsha: Yuelu shushe, 2006), pp. 203–8. For an English-language introduction to household registers from Liye, see Charles Sanft, “Population Records from Liye: Ideology in Practice,” in Yuri Pines, Paul Goldin, and Martin Kern, eds., *Ideology of Power and Power of Ideology in Early China* (Leiden: Brill, 2015), pp. 249–69.

⁹⁷ Yates, “Changing Status of Slaves,” pp. 214–16.

observable in funerary texts, such as the four wooden tablets excavated from the Han Tomb no. 18 at Gaotai 高臺 (Hubei province), which is dated to ca. 173 BC. Together, these tablets constituted a report to the netherworld officials, or an “informing-the-underground” (*gaodi* 告地) text. It declared the arrival to the netherworld of the recently deceased woman Yan 燕. One of the tablets imitates a household register, headed by the name and rank of the householder (*huren* 戶人) and followed by the names of household members, in this case, two male (*nu* 奴) and one female (*bi* 婢) slaves. The household’s property that accompanies the deceased into the afterlife is listed on a separate tablet.⁹⁸

How large was the proportion of private slaves within the Qin and Han populations? For the Qin, all numbers are based on the Qianling data. The household registers excavated from the defensive moat suggest that an average household was composed of six persons, relatively close to the numbers in transmitted and excavated texts from the Han period.⁹⁹ Assuming that the property lists from Liye reflect the average number of slaves owned by a Qianling household, private slaves may have represented almost half of the county’s permanent population. However, these lists likely represent especially wealthy households rather than the average ones.¹⁰⁰ For an alternative indication of the slave proportion, we can look at the above-mentioned household registers, ten of which are fully preserved. Of these ten households, four (40%) owned one slave each.¹⁰¹ The number of people in ten recorded households was sixty, so the proportion of slaves in this particular sample is 6.66%.

⁹⁸ Hubei sheng Jingzhou diqu bowuguan 湖北省荊州地區博物館, “Jiangling Gaotai 18 hao mu fajue jianbao” 江陵高臺18號墓發掘簡報, *WW* 8 (1993), pp. 12–20. For the adoption of household register templates in the funerary texts from Gaotai, see Guo Jue, “Concepts of Death and Afterlife Reflected in Newly Discovered Tomb Objects and Texts from Han China,” in Amy Olberding and Philip Ivanhoe, eds., *Morality in Traditional Chinese Thought* (Albany: SUNY P., 2011), pp. 85–115, esp. 98–101; and Yoon Jaeseok 尹在碩, “Qin Han hukou tongji zhidu yu hukoubu” 秦漢戶口統計制度與戶口簿, in Li Mingzhao 黎明釗, ed., *Han diguo de zhidu yu shehui zhixu* 漢帝國的制度與社會秩序 (Hong Kong: Oxford U.P., 2012), pp. 67–104, esp. 76.

⁹⁹ For an average household size as seen from the Liye documents, see Korolkov, *Imperial Network in Ancient China*, p. 106. For a “household of five” in the Han-era texts, see, e.g., *Han-shu* 24A, p. 1132. For the average number of people per household in excavated documents, see Yuan Yansheng 袁延勝, “Chutu mudu ‘hukoubu’ bijiao yanjiu” 出土木牘“戶口簿”比較研究, in Yuan Yansheng, *Qin Han jiandu huji ziliao yanjiu* 秦漢簡牘戶籍資料研究 (Beijing: Renmin, 2018), pp. 178–92; and Brian Lander, Ling Wenchao, and Xin Wen, *State and Local Society in Third Century South China: Administrative Documents Excavated at Zoumalou, Hunan* (Leiden: Brill, 2024), p. 30.

¹⁰⁰ This point was brought up by the two anonymous reviewers of the present paper.

¹⁰¹ Nos. 1, 8, 9, and 10 in Hunan sheng wenwu kaogu yanjiusuo, *Liye fajue baogao*, pp. 203–5.

Earlier estimates by modern scholars of the size of the slave population in the Han empire used ambiguous references in transmitted sources, especially the official histories. These estimates varied between 1% and 10% of the empire's population.¹⁰² The higher figures have long been criticized as exaggerated.¹⁰³ In 2016–2017, archeologists recovered eleven inscribed wooden tablets from a late-Western Han tomb at Tushantun 土山屯 in Qingdao 青島 municipality, Shandong province. The tomb owner was a wealthy individual who may have belonged to the imperial Liu 劉 clan.¹⁰⁴ One of the texts records the population and resources of Tangyi county 堂邑縣 of Linhuai commandery 臨淮郡 for the year 1 BC.¹⁰⁵ The county's population was 132,104 persons in 25,007 households, of whom 330, or less than 0.25% of registered population, were slaves (*nubi*).¹⁰⁶ This is the first figure for the proportion of slaves in Han society that is based on the official population records, and it is much lower than the earlier estimates. For comparison, in the subsequent Three Kingdoms (220–280 AD) period, Linxiang marquissate 臨湘國 of the state of Wu 吳 (in present-day Changsha municipality, Hunan), the proportion of private slaves in the local population hovered around 1.8%.¹⁰⁷

The Tushantun document also provides an explanation for the very low proportion of slaves late in Western Han. While every adult subject between the ages of 15 and 56 paid the annual poll tax of 120 cash, known as *suan* 算, 330 slaves owned by Tangyi county residents

¹⁰² For a low estimate, see, e.g., Wilbur, *Slavery in China*, pp. 174–77. For a high estimate, see, e.g., Chen Lianqing 陳連慶, “Shilun Handai de shehui xingzhi” 試論漢代的社會性質, in idem, *Zhongguo gudai shi yanjiu: Chen Lianqing jiaoshou xueshu lunwenji* 中國古代史研究, 陳連慶教授學術論文集 (Changchun: Jilin wenshi chubanshe, 1991), pp. 197–220. Wen Xia's 2016 book on the legal status of private slaves in early-imperial China states that there are no reliable records for estimating the proportion of slaves in the Qin and Han populations, yet she claimed that the proportion was probably relatively low. See Wen, *Qin Han nubi de falü diwei*, p. 119.

¹⁰³ See, e.g., Yang Zuolong 楊作龍, “Liang Han Nanbeichao nubi zhidu de bijiao yanjiu: jian yu Wei Jin fengjian shuo shangque” 兩漢南北朝奴婢制度的比較研究, 兼與魏晉封建說商榷, *Shixue jikan* 史學季刊 4 (1985), pp. 1–8; Yu Zhenbo 于振波, “Lüelun Zoumalou Wu jian zhong de ‘hu xia nubi’” 略論走馬樓吳簡中的“戶下奴婢”, *Chuanshan xuekan* 船山學刊 3 (2005), pp. 82–85.

¹⁰⁴ Qingdao shi wenwu baohu kaogu yanjiusuo 青島市文物保護考古研究所 and Huangdao qu bowuguan 黃島區博物館, “Shandong Qingdao Tushantun muqun si hao fengtu yu muzang de fajue” 山東青島土山屯墓群四號封土與墓葬的發掘, *Kaogu xuebao* 考古學報 3 (2019), pp. 405–38.

¹⁰⁵ Tangyi was one of the twenty-nine counties of Linhuai commandery that are mentioned in the “Treatise on Geography” (“Dilizhi” 地理志) in the official court history of the Western Han dynasty; see *Hanshu* 28A, pp. 1589–90.

¹⁰⁶ Qingdao shi and Huangdao qu, “Shandong Qingdao Tushantun,” p. 427.

¹⁰⁷ Yu, “Lüelun Zoumalou Wu jian zhong de ‘hu xia nubi,’” p. 84.

had to pay 1,779 *suan*, almost 5.4 times as much as a free person.¹⁰⁸ From the beginning of the Han era, the imperial government used poll taxation to encourage or discourage certain social groups. According to the second century AD official, and author, Ying Shao 應劭 (ca. 144–204 AD), poll tax was doubled for private slaves in the Western Han empire.¹⁰⁹ Tushantun texts intimate that by the end of the Western Han, slaves were taxed at an even higher rate, which was further increased to thirty *suan*, or 3,600 cash per person, during the reign of Wang Mang 王莽 (9–23 AD).¹¹⁰

Continuity between public and private forms of dependency was one of the most distinctive features of the unfree labor regime in both the state and empire of Qin. The government acted as both the provider of unfree laborers in the private economy and probably the largest purchaser of slaves from private owners. The decrease in the number of convicts and limitations on the duration of penal labor sentences impeded transfers between public and private dependency, undermined the supply of slaves in the wake of emperor Wen's reforms, and favored the expansion of hired labor, already driven by the ongoing monetization of the corvée and military services. This was accompanied by the change in the legal status of slaves who were recognized as household members.

The introduction of a monetary capitation tax at the beginning of Western Han stimulated authorities to expand the circle of taxpayers by recognizing all private slaves as such.¹¹¹ This universal monetary taxation represented the new form of state control of the empire's population, which was up to that point primarily exercised through direct requisitioning of labor. The higher taxation of slaves reflected, on the one hand, their reduced utility for the government as a workforce reserve, and, on the other, the deep-seated concern about the political ramifications of private dependency, which was viewed with suspicion by the state authorities since the Warring States period. By taxing slaves at a higher rate, the government targeted them as indi-

¹⁰⁸ Qingdao shi and Huangdao qu, "Shandong Qingdao Tushantun," p. 427.

¹⁰⁹ *Hanshu* 2, p. 91.

¹¹⁰ *Hanshu* 99B, p. 4150.

¹¹¹ For the introduction of universal poll taxation at the beginning of Han and its impact on monetization and commerce, see, e.g., Sahara Yasuo 佐原康夫, *Kandai toshi kikō no kenkyū* 漢代都市機構の研究 (Tokyo: Kyūko Shoin, 2002), pp. 536–37; and Kakinuma, *Chūgoku kōdai kahei keizai shi kenkyū*, pp. 123–24. On the taxation of private slaves as a factor in their official recognition as individuals, see Wen, *Qin Han nubi de falū diwei*, p. 154.

viduals detrimental to social reproduction, along with merchants and unmarried young women.¹¹²

The decline of the state-sponsored convict-labor regime and the fiscal discouragement of private slavery affected the composition of the labor force during Han. Because the capitation tax represented a much greater burden than the relatively light land tax, which was fixed as one-thirtieth of the nominal average harvest in the middle of the second century BC,¹¹³ and because slaves were taxed at an even higher rate, landowners had a strong incentive to use tenants and hired workers instead of slaves. The great estates that came to dominate the agricultural landscape of the Han empire by the turn of the common era were “composed of separate farms cultivated by tenants,”¹¹⁴ markedly different from the latifundia of the classical Mediterranean.

CONCLUSION

This essay offers a new perspective on the evolution of labor regimes during the formative period of the early Chinese empires from the third to the first century BC. Unlike Scheidel, who sees the convict system as a characteristically Chinese institution that impeded the growth of a labor market, I have analyzed it as a historically contingent phase in the state’s effort to control manpower as a resource in empire-building. I also argued that the official policies to diversify the convict economy and reduce the running costs of the convict workforce importantly contributed to labor commodification in the Qin and early-Han empires and facilitated the transition to market-based recruitment of labor. This transition gained momentum with the legal reforms of the 170s and 160s BC, which reduced the size of the convict population and institutionalized its reintegration into the general society, and cul-

¹¹² For the increase of poll tax for the latter two groups, see *Hanshu* 2, p. 91. For a discussion, see Yuan Yansheng 袁延勝 and Wang Bingbing 王冰冰, “Tushantun mudu suojian Handai kouqian suanfu wenti” 土山屯木牘所見漢代口錢算賦問題, *Zhengzhou daxue xuebao (zhexue shehuixue ban)* 鄭州大學學報 (哲學社會學班) 5 (2023), pp. 106–13.

¹¹³ In one particularly well-documented late-Western Han commandery, annual revenues amounted to 266.6 million cash and 506,637 *shi* (ca. 10.1 million liters) of grain equivalent to ca. 25–38 million cash. Given the population of the commandery, about 2/3 of its cash income derived from capitation tax, an amount four to six times greater than the monetary value of the grain tax; see Lianyungang shi bowuguan 連雲港市博物館 et al., eds., *Yinwan Han mu jiandu* 尹灣漢墓簡牘 (Beijing: Zhonghua shuju, 1997), p. 78. For a discussion, see Walter Scheidel, “State Revenue and Expenditure in the Han and Roman Empires,” in Walter Scheidel, ed., *State Power in Ancient China and Rome* (Oxford: Oxford U.P., 2015), pp. 150–80, esp. 151–52.

¹¹⁴ For an overview of the estate economy of the late Western Han and Eastern Han periods, see Richard Von Glahn, *The Economic History of China: From Antiquity to the Nineteenth Century* (Cambridge: Cambridge U.P., 2016), pp. 134–42.

minated with the official abolition of universal military conscription in the first century AD. The commercialization of labor and military services resonated far beyond the empire's borders. It stimulated market growth at the frontiers, intensified the flows of goods that fed into the emerging "Silk Roads," and directed the nomadic populations of the northern steppe into the imperial military organization.

The decline of the convict regime had an equally consequential impact on the trajectories of slavery during the early-imperial era. Thanks to its exclusive access to the main source of unfree workers, the state was the key supplier of unfree labor to its private users during the late-Warring States and imperial Qin periods. The contraction of the convict system in the wake of emperor Wen's reforms should have considerably reduced the availability of slaves in the empire. Just as importantly, the shift in the state control of labor from direct mobilization to monetary taxation and employment of paid workforce involved the legal recognition of slaves as household members who were targeted by the capitation tax charged at a rate much higher than that for common subjects. Coupled with the low rate of land taxation, these fiscal measures strongly discouraged large-scale employment of slaves in the private economy, resulting in very low levels of slave ownership and the development of alternative forms of private dependency, particularly those associated with tenancy, during the late Han and especially at the beginning of the medieval period.

LIST OF ABBREVIATIONS

- Ernian lüling* Peng Hao 彭浩, Chen Wei 陳偉, and Kudō Motoo 工藤元男, eds., *Ernian lüling yu Zouyanshu: Zhangjiashan ersiqihao Han mu chutu falü wenxian shidu* 二年律令與奏讞書, 張家山二四七號漢墓出土法律文獻釋讀
- Liye* Chen Wei, ed., *Liye Qin jiandu jiaoshi* 里耶秦簡牘校釋. Vol. 1, 2012; vol. 2, 2018
- Shuihudi* *Shuihudi Qin mu zhujian* 睡虎地秦墓竹簡
- Yuelu* Chen Songchang 陳松長, ed., *Yuelu shuyuan cang Qin jian* 岳麓書院藏秦簡. Vol. 3, 2013; vol. 4, 2015