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Between the State and Their Superiors: The Anxiety of Low-Ranked Scribes in the Qin and Han Bureaucracies

ABSTRACT:

This paper challenges to some degree the traditional stereotypes surrounding Qin- and Han-era official scribes. It explores certain anxieties they encountered in their service to the bureaucratic hierarchy. Han texts have portrayed them as “knife-and-brush officials,” “harsh officials,” and “legal clerks,” but are silent on the realities of a scribe’s life under the unified empire. Incorporating newly unearthed administrative documents, the following study examines the processes undertaken by local scribes in preparing annual account-books to be forwarded to the next bureaucratic level. Given the complexities, tight schedule, and material constraints, to prepare such accounts could be a nightmare, even for these professionals. While struggling with endless paperwork and meager salaries, low-ranked scribes faced pressure from two quarters: the state and their superiors. By examining the legal regulations for monitoring related administrative practices as well as corruption cases pertaining to the forwarding of account-books, this paper shows that the low-ranked scribes were placed in a dilemma: to choose between the state’s regulations and the orders of their often locally-dominant superiors.

KEYWORDS:

scribes, anxiety, forwarding of accounts, hierarchy of documents, Qin and Han periods

INTRODUCTION

Scholars have rightly recognized that bureaucratic scribes (*shi* 史) of the Qin 秦 (221–207 BC) and Han 漢 (206 BC–220 AD) periods were indispensable to maintaining the legal and administrative system.¹ They earned the name “knife-and-brush officials” (*daobi li* 刀筆吏) by using a

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¹ See, e.g., Jin Ye (Kim Yop) 金燁, “Qin Han de shuji” 秦漢的書記, *Qin Han shi luncong*

writing knife 書刀 and a brush 筆 to do their work.² Han historical narratives and descriptions often pointedly associate them with Qin rule, as well as with Qin's fall. The fact that a few knife-and-brush officials made profound contributions to Han imperial rule did not significantly change their image in the textual tradition. Highly-educated Han intellectuals categorized them into "harsh officials" (*kuli* 酷吏) in contrast to "reasonable officials" (*xunli* 循吏), and "legal clerks" (*wenli* 文吏)³ in contrast to "Confucian scholars" (*rusheng* 儒生). Yet, newly excavated documents suggest that these stereotypical portrayals fail to capture the actual working life of the scribes, especially those who served at the bottom of the bureaucracy. This paper questions those traditional portrayals of scribes in transmitted texts of Han provenance and explores the anxiety encountered among low-ranked scribes working in the Qin and Han bureaucratic hierarchies.

Most scholars of early China agree that the job of scribes required special knowledge and skills, but little research has taken up the diffi-

秦漢史論叢 9 (2004), pp. 284–302; Robin D. S. Yates, "Introduction: The Empire of the Scribes," in Yuri Pines et al., ed., *Birth of an Empire: The State of Qin Revisited* (Berkeley: U. California P., 2014), pp. 141–49.

² The "writing knife" was much different from the "pen knife" of the Roman world; the former was used to erase written errors on a bamboo or wooden manuscript as well as to modify material features of them in order to transmit information. The "pen knife" however was merely employed for sharpening a reed pen. For writing knives in Qin and Han China, see Tsang Wing Ma, "Scribes, Assistants, and the Materiality of Administrative Documents in Qin-Early Han China: Excavated Evidence from Liye, Shuihudi, and Zhangjiashan," *TP* 103.4–5 (2017), pp. 297–333, in which I followed Tsuen-hsuei Tsien, who translated *shudao* into "book knife." The graph *shu* in this context would be better understood as "writing" rather than "book." See also Tsuen-hsuei Tsien, *Written on Bamboo and Silk: The Beginnings of Chinese Books and Inscriptions* (2d edn. Chicago: U. Chicago P., 2004), pp. 194–98. For pen knives in the Roman world, see Hella Eckardt, *Writing and Power in the Roman World: Literacies and Material Culture* (Cambridge: Cambridge U.P., 2018), pp. 33, 34, fig. 2.5d.

³ The term *wenli* could sometimes refer to civil officials as opposed to *wuli* 武吏, martial officials, in Han transmitted texts. For representative passages regarding this dichotomy, see *Hanshu* 漢書 (Beijing: Zhonghua shuju, 1962) 77, p. 3268; 90, p. 3673; *Hou Hanshu* 後漢書 (Beijing: Zhonghua shuju, 1965) 1B, p. 85; 5, p. 227. However, the distinction between civil and martial officials in early-imperial China was not as clearcut as in later periods. An ideal official in the Han was expected to be excellent in both civil and martial aspects 允文允武. See Hsing I-tien 邢義田, "Yun wen yun wu: Han dai guanli de yizhong dianxing" 允文允武, 漢代官吏的一種典型, in his *Tianxia yijia: huangdi, guanliao yu shehui* 天下一家, 皇帝、官僚與社會 (Beijing: Zhonghua shuju, 2011), pp. 224–84. Even though their major duties were to deal with administrative and legal processes, scribes were also expected to participate in military affairs when necessary. For example, the occupant of tomb no. 11 at Shuihudi 睡虎地, Xi 喜, had joined the Qin army at least twice when he was serving in the position of scribe director (*lingshi* 令史). See Shuihudi Qin mu zhujian zhengli xiaozu 睡虎地秦墓竹簡整理小組, *Shuihudi Qin mu zhujian* 睡虎地秦墓竹簡 (Beijing: Wenwu chubanshe, 1990; hereafter referred to as *SHD*), p. 7. Unless otherwise stated, all the translations of official titles in this article follow Anthony J. Barbieri-Low and Robin D. S. Yates, *Law, State, and Society in Early Imperial China: A Study with Critical Edition and Translation of the Legal Texts from Zhangjiashan Tomb no. 247* (Leiden: Brill, 2015; hereafter referred to as *LSS*), section 1.6.

culties and complexities of the job itself. This paper employs the newly unearthed evidence from the sites at Liye 里耶, Songbai 松柏, Tianchang 天長, and Yinwan 尹灣 in mainland China, and at Chǒngbaek-tong 貞柏洞 in Pyongyang, North Korea. It examines the workload that might have been generated in a local commandery 郡 for the preparation of an annual account-book 計簿 that was to be forwarded to the central government. With reference to the document management system in Mesopotamia, I use the concept “hierarchy of documents” to analyze the multiple processes the scribes had to undergo before producing the final version of an annual account-book. In doing so, we can see how the task could be a “nightmare,” even for such professionals.

In fact, the scribes who were ranked at or below one hundred bushels 百石 constituted the largest population of scribes during the Qin and Han periods. While struggling with their daily work at the bottom of the bureaucracy, the low-ranked scribes faced pressure from two sides: the state and their superiors. Despite serving in a highly centralized empire, officials during the Qin and Han periods were also independent actors whose pursuit of self-interest might put them at odds with the state’s interest. Corruption was endemic in the official system.⁴ In response, the Qin and Han governments established severe laws to prevent such corruption. By looking at the legal regulations for monitoring related administrative practices and a few real and suspected cases of irregularity in the forwarding of the accounts, I demonstrate how the low-ranked scribes were placed in a dilemma, having to choose between conforming to the state’s legal regulations and following the orders of their superiors.

PORTRAYALS OF SCRIBES IN HAN-TRANSMITTED TEXTS: KNIFE-AND-BRUSH OFFICIALS, HARSH OFFICIALS, LEGAL CLERKS

Qin- and Han-period scribes dealt with the documents generated through government routine by means of a writing knife and a brush. This earned them the name “knife-and-brush officials.” It is a term that vividly reflects how the scribes actually performed their tasks with their tools of administrative literacy, that is, with the use of a brush for writing graphs and a writing knife to modify the material features of the bamboo or wooden media in order to convey messages for admin-

⁴ For corruption in premodern China. See Anthony J. Barbieri-Low, “Intransigent and Corrupt Officials in Early Imperial China,” in N. Harry Rothschild and Leslie V. Wallace, eds., *Behaving Badly in Early and Medieval China* (Honolulu: U. Hawai’i P., 2017), pp. 70–87; Bradley Ward Reed, *Talons and Teeth: County Clerks and Runners in the Qing Dynasty* (Stanford: Stanford U.P., 2000), pp. 18–25.

istrative purposes.⁵ Although the Qin state and empire had employed enormous number of scribes in its administration, no reference to the term *daobi li* survives in extant Qin primary sources. All the accounts of *daobi li* in early-imperial China were transmitted through the texts composed or compiled during the Han,⁶ and in which such officials are often associated with Qin rule – and its fall. Qin governance was widely excoriated in the following Han period, and this contributed to the tainted image of Qin's hard-working operatives.

A representative passage can be found in the *Historical Records* (*Shiji* 史記). It is said there that emperor Wen 文 of Han (r. 180–157 BC) ordered Zhang Shizhi 張釋之, the chief administrator of the palace receptionists (*yezhe puye* 謁者僕射), to appoint a certain bailiff of the Tiger Enclosure (*huquan sefu* 虎圈嗇夫) to the position of the director of Shanglin Park (*Shanglin ling* 上林令) for his excellent oral response to the emperor's inquiries about the account books that recorded the situation of the Park's birds and animals 禽獸簿. Instead of following the order, Zhang referred to Zhou Bo 周勃 and Zhang Xiangru 張相如, officials who, although never good at oral expression, had nevertheless been praised by emperor Wen as wise “elders 長者.” Zhang Shizhi was attempting in this way to convince the emperor that a person who is merely good at talking should not be praised. Zhang then drew a moral lesson about Qin rule in his next remark:

Because Qin relied on officials who used the knife and brush, [those] officials competed to outdo one another in urging bothersome inquiries. This being so, its disadvantage was that they merely sought to satisfy the letter of the law, but [their actions] were not prompted by sincere compassion. Therefore, [the Qin] would hear nothing of their own excesses, and the situation deteriorated until the world collapsed like a mountain at the time of the Second Emperor.⁷ 秦以任刀筆之吏，吏爭以亟疾苛察相高，然其敝徒文具耳，無惻隱之實。以故不聞其過，陵遲而至於二世，天下土崩。

⁵ Ma, “Scribes, Assistants, and Materiality,” pp. 330–32.

⁶ Prior to the recent excavation of the Qin texts, most Qin sources were transmitted through Han texts. See Yuri Pines et al., “General Introduction: Qin History Revisited,” in *Birth of an Empire*, pp. 4–7. A passage regarding the conversation between the king of Zhao 趙 and Sikong Ma 司空馬 exists in the transmitted version of *Intrigues of the Warring States* (*Zhanguo ce* 戰國策) in which Sikong Ma refers to himself as a “Qin daobi 秦刀筆.” Although *Intrigues of the Warring States* contains sources from earlier periods, it was compiled by Liu Xiang 劉向 between 26 and 8 BC. It is uncertain whether or not or to what degree Liu Xiang modified the text. See Zhu Zugeng 諸祖耿, annot., *Zhanguo ce jizhu huikao* (*zengbu ben*) 戰國策集注匯考 (增補本) (Nanjing: Fenghuang chubanshe, 2008), p. 450. See also Tsuen-hsuei Tsien, “Chan kuo ts'e,” in Michael Loewe, ed., *Early Chinese Texts: A Bibliographical Guide* (Berkeley: Institute of East Asian Studies, U. California Berkeley, 1993), pp. 1–11.

⁷ *Shiji* 史記 (Beijing: Zhonghua shuju, 1959) 102, p. 2752; Trans. Hans van Ess, “Chang

It was common, as mentioned, for early-Han court officials to use Qin as a negative example when they advised the ruler.⁸ This passage specifically attributes the fall of Qin to the knife-and-brush officials. It is worth noting that Zhang Shizhi used the example of the elders to justify his recommendation that the bailiff of the Tiger Enclosure not be promoted. The term “elder” in early-imperial China was frequently used for praising those senior people who were considered merciful and virtuous in contrast to the “young 少年,” who caused disorder and chaos in society.⁹ Here, the contrast to the elders was to the disfavor of the bailiff, who had demonstrated his excellence in responding to imperial inquiries on administrative affairs just as those knife-and-brush officials did in the Qin period.¹⁰

Though viewed negatively by the court, the knife-and-brush officials were not excluded from the Han bureaucracy. On the contrary, it was these officials who helped lay the foundation of the Han empire. An important figure among them was Xiao He 蕭何, who used the legal and clerical knowledge gained from his scribal positions during the late years of Qin to contribute to the building of the new empire.

Named by Sima Qian 司馬遷 a knife-and-brush official, Xiao He was highly competent in the letter of the law (*wen wuhai* 文無害),¹¹ and was made a Pei county “bureau head in charge of the officials” (*zhuli yuan* 主吏掾),¹² a position that he once left temporarily to work as an ac-

Shih-chih and Feng T'ang, Memoir 42,” in William H. Nienhauser, Jr., ed., *The Grand Scribe's Records* (Bloomington & Indianapolis: Indiana U.P., 2008) 8, pp. 358–59, with modifications. Note that Wang Chong 王充 quoted an excerpt of this passage in *Balanced Inquiries* (*Lunheng* 論衡), which suggests that the book's view on Qin knife-and-brush officials might well have been received among Han intellectuals; see Huang Hui 黃暉, coll. and annot., *Lunheng jiaoshi* 論衡校釋 (Beijing: Zhonghua shuju, 1990) 12, p. 534.

⁸ For a typical e.g., Jia Yi's 賈誼 “Essay on the Faults of Qin” (“Gui Qin lun” 過秦論), in *Shiji* 6, pp. 276–84. See also Charles Sanft's discussion on the Han portrayal of the Qin in his *Communication and Cooperation in Early Imperial China* (Albany: SUNY P., 2014), pp. 147–54.

⁹ See Ma, “Scribes, Assistants, and Materiality,” pp. 314–15.

¹⁰ As shown in the Liye materials, bailiff (*sefu*) was one of the few low-ranked officials other than the scribes and assistants in Qianling county who would handle administrative documents by himself; *ibid.*, pp. 326–27.

¹¹ The word *wen* refers to *wen fa* 文法 (the letter of the law). For the term *wuhai* as “highly competent,” see *LSS*, p. 1416, n. 66.

¹² The meaning of the term *zhuli yuan* is ambiguous. Sima Zhen 司馬貞, a Tang-era annotator of the *Historical Records*, argues that the term meant head of the Bureau of Merit (Gongcao yuan 功曹掾). See *Shiji* 53, p. 2013. However, Xun Yue 荀悅, who in 203 AD compiled the *Annals of the Former Han* (*Qian Han ji* 前漢紀) based mostly on the *History of the Han* (*Hanshu* 漢書), states that Xiao He was an official in charge of judiciary affairs in Pei county (*Pei zhu yuli* 沛主獄吏). See Zhang Lie 張烈, punct., *Liang Hanji* 兩漢紀 (Beijing: Zhonghua shuju, 2002) *j.* 1, p. 4. Newly excavated documents shed light on the problem. Tsuchiguchi Fuminori 土口史記 points out that the term *zhuli* in the Liye material (slip 8–272) could refer to the scribe director (*lingshi*) who worked in the Bureau of the Officials (*licao* 吏曹) in Qianling 遷陵 coun-

cessory scribe in Sishui commandery (*ji sishui zushi shi* 給泗水卒史事),¹³ and his performance was evaluated to be the best of all others. When the Han-founder Liu Bang 劉邦 (256/247–195 BC; r. 206–195 BC) and his generals arrived in the Qin capital of Xianyang 咸陽, Xiao He was the only one who realized the value of the statutes, ordinances, maps, and documents stored in the offices of the chief minister (*chengxiang* 丞相) and chief prosecutor (*yushi dafu* 御史大夫). Thanks to these materials, Liu Bang was able to know “all the strategic defense points of the empire, the population and relative strength of the various districts, and the ills and grievances of the people 天下阨塞, 戶口多少, 彊弱之處, 民所疾苦者.”¹⁴ Although he did not physically take part in any fighting in the civil war at the end of Qin, Xiao’s merit in the founding of the Han dynasty was considered the highest of all of Liu Bang’s followers. He was also credited with compiling the *Statutes in Nine Fascicles* (*Jiuzhang lü* 九章律), which was based on Qin laws and considered a crucial basis of Han legislation.¹⁵ After Liu Bang’s death, Xiao He continued to gain empress-dowager Lü’s 呂 trust and served in the position of chancellor of state (*xiangguo* 相國) until his death in 193 BC.¹⁶

Xiao He was not the only late-Qin knife-and-brush official who contributed to the building of the Han dynasty. Some other well-known examples include: Zhang Cang 張蒼, who was a censor (*yushi* 御史) at the late-Qin court, and was enfeoffed as a marquis (*liehou* 列侯) in charge of the forwarding of account books 主計 for four years and subsequently served as a chief minister for more than ten years in the early part of Han; Cao Shen 曹參, who was the head of the bureau of legal cases in Pei (*Pei yuyuan* 沛獄掾) also late in Qin, and succeeded Xiao He to become chief minister under the reign of emperor Hui 惠; the Zhou brothers,

ty; see his “Shin dai no reishi to sō” 秦代の令史と曹, *THGH* 90 (2015.12), pp. 8 and 46–47, n. 101. As for the term *yuan*, Li Yingchun’s 李迎春 research on the excavated Han slips from Juyan 居延, Gansu, shows that it was a position held by scribes in charge of their affiliated bureau; Li, “Lun Juyan Han jian ‘zhuguan’ chengwei: jiantan Han dai ‘yuan’ ‘shi’ chengwei zhi guanxi” 論居延漢簡“主官”稱謂, 兼談漢代“掾”、“史”稱謂之關係, in Gansu jiandu bowuguan 甘肅簡牘博物館 et al., eds., *Jinta Juyan yizhi yu sichouzhilu lishi wenhua yanjiu* 金塔居延遺址與絲綢之路歷史文化研究 (Lanzhou: Gansu jiaoyu chubanshe, 2014), pp. 318–21. Despite the ambiguity, it is safe to say that *zhuli yuan* was a position held by scribes.

¹³ Hou Xudong 侯旭東 argues that the term *jishi* 給事 could refer to the practice where an official temporarily leaves his current position to work at another office; Hou, “Changsha Zoumalou Sanguo Wu jian suojian jili yu lizidi: cong Han dai de ‘jishi’ shuoqi” 長沙走馬樓三國吳簡所見給吏與吏子弟, 從漢代的“給事”說起, *Zhongguo shi yanjiu* 中國史研究 (2011.3), p. 23.

¹⁴ *Shiji* 53, p. 2014; trans. Burton Watson, *Records of the Grand Historian of China: Translation from the Shih Chi of Su-ma Ch’ien* (New York and London: Columbia U.P., 1961) 1, p. 126.

¹⁵ The title *jiuzhang* (nine fascicles) could be just a general indication of its size, meaning “many fascicles.” No evidence suggests that it refers to nine specific statutes. See *LSS*, p. 80.

¹⁶ *Shiji* 53, pp. 2013–20. See also Michael Loewe, *A Biographical Dictionary of the Qin, Former Han and Xin Periods* (221 BC–AD 24) (Leiden: Brill, 2000), pp. 603–5, for the life of Xiao He.

Zhou Chang 周昌 and Zhou Ke 周苛, both of whom worked as accessory scribes in Qin's Sishui commandery and successively became chief prosecutor under the reign of emperor Gaozu 高祖, that is, Liu Bang as posthumously titled.¹⁷ Given the fact that Gaozu could not completely replace all the experienced bureaucrats of the Qin with his own trusted followers, it is without doubt that many more late-Qin knife-and-brush officials continued to serve in the early-Han government but were not named in any of the transmitted texts. It was these officials who can be credited for founding the Han administration.

The fact that a few knife-and-brush officials like Xiao He had earned a good reputation in the course of the building of the Han empire did not significantly change the generally bad impression of these officials that was established during the Han. In Han-time transmitted texts, they mostly appear as a group of dishonorable officials who were notorious for manipulating administrative and legal systems. A typical example is Zhang Tang 張湯, who was the son of the assistant magistrate (*cheng* 丞) of Chang'an 長安. Zhang Tang was known for his familiarity with legal processes and documents since childhood. His father once flogged him for his negligence in letting a rat steal meat from their house when his father left for work. Zhang Tang then set up a trial to prosecute the rat and went through all the legal processes just as in a real trial. His familiarity with the legal procedures and documents greatly surprised his father, who then entrusted him with the task of writing judiciary documents 書獄. After Zhang Tang grew up, he served in multiple scribal and judiciary positions in the local and central administrations. In 126 BC, he was made commandant of the court (*tingwei* 廷尉) for his work in recompiling the Han statutes and ordinances. In the meantime, his severity and harshness in dealing with legal matters raised serious criticisms from other officials,¹⁸ most notably from Ji An 汲黯 who, as a follower of the Huang-Lao tradition, was known for advocating a policy of "non-action" (*wuwei* 無爲) in governing people.¹⁹ During the reign of emperor Wu 武 of Han (r. 141–87 BC), Ji was a frequent critic of the aggressive policies of that time.²⁰

¹⁷ *Shiji* 54, p. 2021; 96, pp. 2675–82. See also Loewe, *Biographical Dictionary*, pp. 20–22, 675–76, and 731–32.

¹⁸ *Shiji* 122, pp. 3137–38. See also Loewe, *Biographical Dictionary*, pp. 692–94.

¹⁹ For the Huang-Lao tradition in early Han China, see Hans van Ess, "The Meaning of Huang-Lao in 'Shi ji' and 'Han shu,'" *Etudes chinoises* 12.2 (1993), pp. 161–77; Robin D. S. Yates, *Five Lost Classics: Tao, Huang-lao, and Yin-yang in Han China* (New York: Ballantine Books, 1997), pp. 3–46; Mark Edward Lewis, *Writing and Authority in Early China* (Albany: SUNY P., 1999), pp. 340–51.

²⁰ *Shiji* 120, pp. 3105–11. See also Loewe, *Biographical Dictionary*, pp. 179–80.

According to the *Historical Records*, Ji An debated with Zhang Tang on various issues at the imperial court. Outraged by Zhang Tang, who always followed the letter of the law to the most trivial details, Ji cursed him: “People all over say that knife-and-brush officials have no business becoming high government officials. How right they are! 天下謂刀筆吏不可以爲公卿，果然。”²¹

On another occasion, Ji An strongly criticized Zhang Tang and other officials for frequently submitting doubtful cases for imperial decision in order to seek favor from the emperor:²²

Knife-and-brush officials are intent only on making the laws more severe and thinking up clever ways to ruin people – trapping them into committing some offense, making it impossible for them to tell the truth, and then gloating over their own victory!”²³ 刀筆吏專深文巧詆，陷人於罪，使不得反其真，以勝爲功。

Ironically, Zhang Tang was brought down by the manipulation of laws and documents in the hands of other knife-and-brush officials. After Zhang had been chief prosecutor for seven years, he committed suicide because of the charges brought against him by three senior scribes of the chief minister (*chengxiang zhangshi* 丞相長史).²⁴

It is worth noting that Sima Qian places Zhang Tang, along with ten other persons,²⁵ in the section titled “Biographies of Harsh Officials” (“Kuli liezhuan” 酷吏列傳) in the *Historical Records*. As William H. Nienhauser, Jr., indicates, these persons are linked together via keywords such as *yanku* 嚴酷 (severe and harsh), *baoku* 暴酷 (fiercely severe), *wenshen* 文深 (making the law extreme), and *shenke* 深刻 (extremely brutal).²⁶ Moreover, it should be noted that three of these persons (Zhao Yu, Zhang Tang, Yin Qi) were called knife-and-brush officials by Sima Qian or other contemporaries; four of them (Zhao Yu, Zhang Tang, Jian Xuan, and Du Zhou) received recommendations for promotion because they were highly competent (*wuhai*; see above) in their assigned administrative and legal duties; and seven of them (Zhao Yu, Zhang

²¹ *Shiji* 120, p. 3108; trans. Watson, *Records of the Grand Historian of China* 2, p. 347, with modifications.

²² For submitting doubtful cases, see *LSS*, pp. 171–80.

²³ *Shiji* 120, p. 3108; trans. Watson, *Records of the Grand Historian of China* 2, p. 347, with modifications.

²⁴ *Shiji* 122, pp. 3142–43.

²⁵ They are: Zhi Dou 鄧都, Ning Cheng 寧成, Zhou Yangyou 周陽由, Zhao Yu 趙禹, Yi Zong 義縱, Wang Wenshu 王溫舒, Yin Qi 尹齊, Yang Pu 楊僕, Jian Xuan 減宣, and Du Zhou 杜周.

²⁶ William H. Nienhauser, Jr., “A Reexamination of ‘The Biographies of the Reasonable Officials’ in the *Records of the Grand Historian*,” *EC* 16 (1991), p. 213.

Tang, Wang Wenshu, Yin Qi, Yang Pu, Jian Xuan, and Du Zhou) began their career as scribal or judiciary officials in local administrations,²⁷ eventually securing higher positions such as commandant of the court or chief prosecutor in the central government. I am suggesting that the “Biographies of Harsh Officials” in the *Historical Records* not only initiated a specific genre of biographical writings in traditional Chinese historiography, but also created a notorious image of the scribes and knife-and-brush officials within the textual tradition.

Notably, Sima Qian also created another genre of biographical writing, but whose figures contrasted with those in the “Biographies of Harsh Officials” – namely, the “Biographies of Reasonable Officials” (“Xunli liezhuan” 循吏列傳). In the preface to the latter, Sima Qian expresses his view of these two types: “As long as officials fulfill their duties and act according to reason, they can effect their rule. What need is there for severity? 奉職循理, 亦可以爲治, 何必威嚴哉.”²⁸ As Ying-shih Yü 余英時 observes, the persons included in the “Biographies of Reasonable Officials” are all from the pre-Qin periods, and the ways they used to govern people were in accordance with the Huang-Lao tradition, not simply with laws and strictures. Indeed, the reasonable officials acted as a contrast to those harsh officials who were mostly active under the reign of emperor Wu of Han. It is considered to be Sima Qian’s subtle criticism of emperor Wu’s policy of employing harsh officials.²⁹

²⁷ Zhi Dou, Ning Cheng, Zhou Yangyou, and Yi Zong began their careers as court gentlemen (*lang* 郎), a post tasked with guarding the palace compounds; on this see Yen Keng-wang 嚴耕望, “Qin Han langli zhidu kao” 秦漢郎吏制度考, *BIHP* 23 (1951), pp. 89–143; Hans Bielenstein, *The Bureaucracy of Han Times* (Cambridge and New York: Cambridge U.P., 1980), p. 24; Michael Loewe, *The Men Who Governed Han China: Companion to A Biographical Dictionary of the Qin, Former Han and Xin Periods* (Leiden; Boston: Brill, 2004), pp. 131–32.

²⁸ Trans. Nienhauser, “A Reexamination of ‘The Biographies of the Reasonable Officials,’” p. 216, with modifications.

²⁹ See Yü Ying-shih 余英時, “Han dai xunli yu wenhua chuanbo” 漢代循吏與文化傳播, in his *Shi yu Zhongguo wenhua* 士與中國文化 (Shanghai: Shanghai renmin chubanshe, 1987), pp. 151–55. One may also note that Sima Qian’s “Letter to Ren An” 任安 implies at least twice that he suffered from torture at the hands of judiciary officials when he was held in prison. While Sima Qian does not indicate the specific titles of such judiciary officials, it is without doubt that judiciary scribes (*yushi* 獄史) were the officials who carried out the major work in the Qin and Han prisons. Born in a hereditary scribal family, Sima Qian succeeded to his father’s position of *taishi ling* 太史令 (director of the grand scribes), which was responsible for appointing, evaluating, and managing the low-ranked scribes. Although that position was ranked 600 bushels, thus being mid-level in the Han bureaucracy, it was usually held by highly-educated scribes and much higher than those judiciary scribes who were normally ranked at or below 100 bushels. This might explain Sima Qian’s attitude towards the low-ranked judiciary officials and those who started their careers as such officials but eventually secured higher positions in the central government. For Sima Qian’s famous letter, see *Hanshu* 62, pp. 2730–32; for Sima Qian and his family, see Tsang Wing Ma, “Scribes in Early Imperial China,” Ph.D. diss. (University of California, Santa Barbara, 2017), chap. 2; for judiciary scribes, see Mizuma Daisuke 水間大輔, “Qin Han shiqi xian yushi de zhize” 秦漢時期縣獄史的職責, in

In fact, the portrayal of scribes in the Han textual tradition metamorphosed along with the political culture. As the Confucian ideology became more influential among the Han intellectuals after the reign of emperor Wu,³⁰ the idea of “reasonable officials” changed accordingly. At the time when Ban Gu 班固 (32–92 AD) compiled the *History of the Han*, only those officials whose ways of governing people were in line with aspects of Confucian ideology were considered as reasonable officials.³¹ In the meantime, a dichotomy between legal clerk (*wenli*) and Confucian scholar (*rusheng*) began to appear in Han texts.

We do not see any comparisons between those two types when the term *wenli* first appeared in the *Historical Records*, which treats Xiao He, Cao Shen, and chief minister Wei 魏丞相 as representatives.³² Sima Qian comments, “Xiao [He] and Cao [Shen] were both legal clerks and concerned only for themselves 蕭、曹等皆文吏, 自愛.”³³ *Wenli* appears as an alternative term for knife-and-brush officials or scribes. From the mid-Western Han onwards, however, we observe that Han intellectuals frequently contrasted the legal clerks with Confucian scholars.

Emperor Xuan 宣 (r. 74–48 BC), the great-grandson of emperor Wu, was famous with his hybrid use of Confucian scholars and legal clerks in his reign. In an edict issued in 64 BC and now preserved in Ban’s *History of the Han*, he speaks about his expectation of the legal clerks:

Criminal trials are that on which the fate of the myriad [common] people [hangs]. They are the means of arresting violence and of stopping evil, of rearing and developing all living beings. If anyone can make the living be without cause of resentment [against him] and the dead [whom he has sentenced] be without hatred [for

Wang Pei 王沛, ed., *Chutu wenxian yu falü shi yanjiu (diyi ji)* 出土文獻與法律史研究 (第一輯) (Shanghai: Shanghai renmin chubanshe, 2012), pp. 201–28.

³⁰ Emperor Wu has long been credited with causing the Confucian school to dominate ideologically in letters and scholarship from this point forward in the Han. Scholars tend to call it the “triumph of Confucianism.” Mark Edward Lewis states that it was actually a result of long-term intellectual and social developments; *Writing and Authority in Early China*, chap. 8. In contrast, Liang Cai attributes it to a certain political event, namely, the witchcraft scandal (91–87 BC) under the reign of emperor Wu, which created a power vacuum that enabled the rise of Confucian officials. See idem, *Witchcraft and the Rise of the First Confucian Empire* (Albany: SUNY P., 2014), pp. 113–97. I follow the convention of translating *ru* 儒 as “Confucian.” For a critique of this translation, see Michael Nylan, “A Problematic Model: The Han ‘Orthodox Synthesis,’ Then and Now,” in Kai-wing Chow, On-cho Ng, and John B. Henderson, eds., *Imagining Boundaries: Changing Confucian Doctrines, Texts, and Hermeneutics* (Albany, SUNY P., 1999), pp. 17–56, in which the author refers to *ru* as “classicalist.”

³¹ *Hanshu* 89, pp. 3623–43. See also Yu, “Han dai xunli yu wenhua chuanbo,” pp. 155–57.

³² *Shiji* 8, p. 350; 96, p. 2686.

³³ *Ibid.* 8, p. 350.

him], he may indeed be called a legal clerk.³⁴ 獄者萬民之命, 所以禁暴止邪, 養育羣生也。能使生者不怨, 死者不恨, 則可謂文吏矣。

However, as the edict continues, it becomes clear that most legal clerks did not perform in the way the ruler expected. They manipulated the letter of the law with devious intentions. As a result, people could not receive a fair judgement and the ruler had no means of knowing the truth concealed by them. They appeared to be no different than the knife-and-brush officials in the Qin and the harsh officials under the reign of emperor Wu of Han.

In Han texts, the group of officials that was in some sense opposite to the legal clerks was the Confucian scholars who specialized in the Six Classics 六經. In response to the proposal of his heir-apparent, the future emperor Yuan 元 (r. 48–33 BC), that the court employ Confucian scholars rather than legal clerks to take charge of the state, emperor Xuan said that, “The Han dynasty has its own institutes and laws, which are variously [taken from] the ways of the Hegemons and the [ideal] Kings. How could I trust purely to moral instruction and use [the kind of] government [exercised by] the Zhou [dynasty] 漢家自有制度, 本以霸王道雜之, 奈何純任德教, 用周政乎?”³⁵ A passage in the *History of the Han* shows that under the reign of emperor Cheng 成 (r. 33–7 BC), the Confucian scholars and legal clerks had formed their own factions 朋黨 to act against each other.³⁶ The dichotomy of Confucian scholars versus legal clerks became one of the dominant political discourses later, at the Eastern Han (25 AD–220 AD) courts, something that became evident in the writings of Han intellectuals like Wang Chong 王充 (27–ca. 97 AD).³⁷ Notably, the dichotomy is even reflected at the institutional level. After the reform of the recommendation system (*chaju* 察舉) undertaken in 132 AD, Confucian scholars and legal clerks who had been recommended and placed under the general title “Filial [Sons] and Incorrupt [Officials]” (*xiaolian* 孝廉) were mandated to take an exam on different subjects upon their arrival in the capital. While the Confucian scholars would be tested on how much they knew about the accepted schools of interpretation at the time, the legal clerks would be evaluated for their ability to write legal and administrative documents. It seems that Confucian scholars and legal clerks had by this point developed their own different tracks of official appointment.³⁸

³⁴ *Hanshu* 8, p. 255; trans. Homer H. Dubs, *The History of the Former Han Dynasty* (Baltimore: Waverly Press, 1938) 2, pp. 231–32.

³⁵ *Hanshu* 9, p. 277; trans. Dubs, *History of the Former Han* 2, p. 301, with modifications.

³⁶ *Hanshu* 86, p. 3485.

³⁷ See *Lunheng jiaoshi* 12, pp. 533–78; 13, pp. 579–89.

³⁸ See Yan Buke 閻步克, *Chaju zhidu bianqian shigao* 察舉制度變遷史稿 (Beijing: Renmin

However, one may note that the dichotomy cannot apply to every official in the empire. There were officials who were both immersed in the Six Classics and competent in legal and administrative affairs as well. Officials of this hybrid type, such as Gongsun Hong 公孫弘 under the reign of emperor Wu and Zhai Fangjin 翟方進 under emperor Cheng,³⁹ were found throughout both Han periods. In addition, fragments of classics excavated from the fortification sites on the Han-era northwestern border suggest that the utilitarian nature of the low-ranked officials did not stop them from pursuing a Confucian course of learning.⁴⁰ Yet, the Han textual discourse that was offering the dichotomy of Confucian scholars vs. legal clerks strengthened the stereotypical image of scribes and knife-and-brush officials that, when put together with the image of the legal clerk, showed them as lacking the kind of higher learning of which the Confucians were utterly capable and respected for.⁴¹

To what degree can the portrayals of scribes – knife-and-brush officials, harsh officials, and legal clerks – in Han sources help us understand the real professional life of the scribes in the Qin and Han bureaucracies? It is important to note that while criticizing the scribes for manipulating the letter of the law, Han intellectuals had also noticed that the Han laws were so complicated that even a trained specialist would encounter difficulties in dealing with them. Ban Gu tells us that:

There are 359 sections in total to the statutes and ordinances: for the death penalty 409 articles (covering) 1882 cases, and 13,472 cases of judicial precedents for crimes (deserving) death. Writings and documents filled tables and shelves, and the officials in charge were unable to look at them all.⁴² 律令凡三百五十九章, 大辟四百九條, 千八百八十二事, 死罪決事比萬三千四百七十二事. 文書盈於几閣, 典者不能徧睹.

daxue chubanshe, 2009), pp. 57–65; Bielenstein, *Bureaucracy of Han Times*, p. 136.

³⁹ *Shiji* 112, p. 2950; *Hanshu* 84, p. 3421. See also Loewe, *Biographical Dictionary*, pp. 125–28, 669–71.

⁴⁰ See Hsing I-tien 邢義田, “Han dai biansai suizhang de wenshu nengli yu jiaoyu: dui Zhongguo gudai jiceng shehui duxie nengli de fansi” 漢代邊塞隧長的文書能力與教育, 對中國古代基層社會讀寫能力的反思, *BIHP* 88.1 (2017), pp. 98–99, n. 34.

⁴¹ For a study on the Confucian scholars and legal clerks, see Yan Buke, *Shidafu zhengzhi yansheng shigao* 士大夫政治演生史稿 (Beijing: Beijing daxue chubanshe, 1996). Note that Yan applied the dichotomy of Confucian scholars and legal clerks in the Han textual tradition to analyze the changes of political culture in the Qin and Han periods, which may oversimplify the role of scribes played in those periods.

⁴² *Hanshu* 23.1101. Translation after A. F. P. Hulsewé, *Remnants of Han Law. Vol. I: Introductory Studies and an Annotated Translation of Chapters 22 and 23 of the History of the Former Han Dynasty* (Leiden: E.J. Brill, 1955), p. 338, with modifications.

Ban Gu's observation is in accordance with the statement in the *Discourses on Salt and Iron* (*Yantielun* 鹽鐵論) in which the "literati" (*wenxue* 文學) comment that even officials who were familiar with the Han statutes and ordinances would have found them confusing.⁴³ Thanks to the newly excavated legal and administrative documents, we are now able to describe how scribes actually executed their assigned tasks and what difficulties they encountered at work. In light of these new materials, I argue that the role of scribes in the Qin and Han empires cannot be merely subsumed into the stereotypes shown in Han transmitted texts. The following sections explore the anxiety encountered in serving as a scribe in the Qin and Han empires; it does so by studying the preparation of an annual account-book in the offices of a commandery.

THE NIGHTMARE OF SCRIBES:

PREPARING A COMMANDERY'S ANNUAL ACCOUNT-BOOK

Commenting on early Mesopotamian accounting, Marc Van De Mieroop, a specialist on the ancient Near East, remarks:

The greatest challenge to the ancient accountants was not the recording of a single transfer, but the combination of a multitude of transfers into a summary. When information piles up and is not synthesized, it becomes useless: *a good bureaucrat needs to be able to compress data*. The summary account requires that the scribe combine information from various records, and more important, that he excludes what is redundant or overly specific. He also has to organize the results in a systematic whole. In the end he must account for every unit for which he is responsible.⁴⁴

Van De Mieroop then explains how the material restrictions of clay tablets in Mesopotamia would further complicate the work of the scribes: "[W]ith clay they could not build up a single account over time, cumulatively."⁴⁵ Because no record or change could be made after a clay tablet had fully dried, the Mesopotamian scribes had to utilize the time to inscribe all the data on a clay tablet at a single moment. The

⁴³ Wang Liqi 王利器, coll. and annot., *Yantielun jiaozhu (dingben)* 鹽鐵論校注(定本) (Beijing: Zhonghua shuchu, 1992), 10.566. Han Shufeng 韓樹峰 has discussed this problem in detail in a recently published article. See his "Han Jin falü de qingyuehua zhi lu" 漢晉法律的清約化之路, *BIHP* 86.2 (2015), pp. 272–80.

⁴⁴ Marc Van De Mieroop, "Accounting in Early Mesopotamia: Some Remarks," in Michael Hudson et al., eds., *Creating Economic Order: Record-keeping, Standardization, and the Development of Accounting in the Ancient Near East: A Colloquium Held at the British Museum, November 2000* (Bethesda: CDL Press, 2004), p. 49, my italics.

⁴⁵ Ibid.

job became even more challenging in compiling a summary account, since it would involve much more data that was extracted from numerous primary accounts. Given the tremendous amount of documents that the Mesopotamian scribes had to deal with, Van De Mieroop reminds his readers that “the complexity of their work should not be underestimated, and we should not deny them the respect they deserve.”⁴⁶

The Qin and Han scribes were not generally more fortunate than the Mesopotamian scribes. Although the major writing materials – bamboo and wood – during Qin and Han might seem to have been more advanced in that they allowed the creation of a cumulative record over time and the correction of errors by scraping off existing writing, they still had to face the problems caused by the material restrictions of bamboo and wood per se. Hsing I-tien 邢義田 has brought our attention to the problems caused by the weight and size of bamboo and wooden documents. To take the *Historical Records* as an example, which is composed of 130 chapters and 526,500 graphs, Hsing estimates that it would have used about 13,855 bamboo or wooden slips. Supposing that Sima Qian used bamboo to write the *Historical Records*, it would weigh about 58.33 kilograms!⁴⁷ In addition to the weight of bamboo and wooden documents, their size was a real headache for scribes. Again, Hsing takes the *Historical Records* as an example. He estimates that it would occupy 284,310 cubic centimeters! It would require at least 225 times the space of a modern paper edition of the *Historical Records*.⁴⁸ We can imagine that the Qin and Han scribes would have had to overcome a series of problems, including the transportation, storing, filing and writing of documents, caused by the weight and size of bamboo and wooden documents.⁴⁹

⁴⁶ Ibid., p. 54. In another article, whose title (modified) was the inspiration for the section-heading of the present article, Van De Mieroop illustrates the difficulty and complexity of drafting a year's summary in the Ur III period; see Van De Mieroop, “An Accountant's Nightmare: the Drafting of a Year's Summary,” *Archiv für Orientforschung* 46–47 (1999/2000), pp. 111–29. For a study of Mesopotamian scribes, see Laurie E. Pearce, “The Scribes and Scholars of Ancient Mesopotamia,” in Jack M. Sasson, ed., *Civilizations of the Ancient Near East* (New York: Scribner, 1995) 4, pp. 2265–78.

⁴⁷ Hsing I-tien, “Handai jiandu de tiji, zhongliang he shiyong: yi Zhongyanyuan shiyusuo cang Juyan Hanjian wei li 漢代簡牘的體積、重量和使用，以中研院史語所藏居延漢簡為例,” in idem, *Di bu ai bao: Handai jiandu* 地不愛寶，漢代簡牘 (Beijing: Zhonghua shuju, 2011), p. 12. For another attempt to calculate the possible number and weight of the bamboo slips used in writing out the *Historical Records*, see Endymion Wilkinson, *Chinese History: A New Manual* (Cambridge, Mass.: Harvard University Asia Center, 2013), p. 708.

⁴⁸ Hsing, “Handai jiandu de tiji, zhongliang he shiyong,” p. 14.

⁴⁹ Ibid., pp. 14–40. See also Han, “Han Jin falü de qingyuehua zhi lu,” pp. 275–80. It is highly possible that, as Wilkinson suggests, the limited circulation of the *Historical Records* during Han times was due to the physical constraints of the writing materials; Wilkinson, *Chinese History*, p. 708. Given those physical constraints, Nienhauser speculates that Sima Qian

Because they had to compress a tremendous amount of data into a summary account under the physical constraints of the writing materials, Qin and Han scribes faced the same challenge as Mesopotamian scribes. Given the vastness of the Qin and Han empires, their job might seem even more difficult. I argue that there existed a hierarchy for administrative documents that was in parallel with the bureaucratic hierarchy during the Qin and Han periods. At the top of the bureaucratic hierarchy was the emperor, and he would receive only the highest level of documentation. A famous portrayal of the First Emperor of Qin in the *Historical Records* reads: “Things in the world, great or small, are all decided by His Majesty. His Majesty even measures the weight of his paperwork by the *shi*. Every day and night he has an allotment of work. He does not rest until he meets the allotment. 天下之事無小大皆決於上, 上至以衡石量書, 日夜有呈(程), 不中呈(程)不得休息.”⁵⁰ The passage tells us that the First Emperor would never entrust his power to others. In order for that to happen, he ruled over the world with documents, which allowed him to extend his power without the restriction of time and space. His ambition is reflected in the quantity of his daily paperwork. Ban Gu’s own history work adds, “[The First Emperor] decided on lawsuits in the day-time and put in order the writing during the night. He himself measured the decisions, daily weighing off one *shi*. 晝斷獄, 夜理書, 自程決事, 日縣(懸)石之一.”⁵¹ One *shi* during the Qin was equivalent to 30.36 kilograms,⁵² which is more than half the weight of an ancient bamboo-scroll edition of the *Historical Records*!

It is important to note that the documents that the First Emperor read every day and night were those at the top of the hierarchy of documents. No matter how ambitious and energetic he might be, he would never be able to read every single document within the empire. All the information presented to him had to be therefore highly compressed; otherwise, in Van De Mieroop’s words, it would become useless.⁵³ It

might have received assistance from his subordinates at the office of the director of the grand scribes when composing *Historical Records*; see Nienhauser, “A Note on a Textual Problem in the *Shih Chi* and Some Speculations Concerning the Compilation of the Hereditary Houses,” *TP* 89.3 (2003), pp. 53–58.

⁵⁰ *Shiji* 6, p. 258; trans. Nienhauser, *The Grand Scribe’s Records* 1, p. 150, with modifications.

⁵¹ *Hanshu* 23, p. 1096; trans. Hulsewé, *Remnants of Han Law*, p. 332, with modifications.

⁵² See Luo Zhufeng 羅竹風, ed., *Hanyu da zidian (fulu, suoyin)* 漢語大字典 (附錄, 索引) (Shanghai: Hanyu da zidian chubanshe, 1994), p. 16.

⁵³ In most cases, the First Emperor might have only skimmed through the documents to look up useful information. A story regarding Dongfang Shuo 東方朔 and Han emperor Wu mentions the immense difficulty for anyone to read a huge document speedily. We are told that when Dongfang Shuo first reached Chang’an, he submitted to the throne an extraordi-

was the scribes on different administrative levels who synthesized the data from numerous documents into concise reports for His Majesty's reference. In cursing the scribes for manipulating the administrative and legal systems, Han transmitted texts seldom mention the processes by which the scribes compressed useful information to present it in a relatively more efficient form to the higher level of the bureaucratic hierarchy. Fortunately, the newly unearthed evidence from Liye, Songbai, Tianchang and Yinwan (in mainland China), and Chǒngbaek-tong in Pyongyang, North Korea, will shed light on the processes by which accounts were forwarded from the district to the commandery level.

Initiated during the much earlier Warring States period,⁵⁴ the forwarding of accounts was part of the Qin and Han supervision system for monitoring and evaluating the performance of local government officials. Each year, the government of every county in the empire had to report to the commandery-level government the numbers of households and opened-up fields, balances of cash and grain, numbers of thieves and robbers, and anything that related to the county administration.⁵⁵ Upon receiving the data from its affiliated counties, each commandery-level government had to cross-check (*chou* 讎) all of them, confirm their accuracy, and compile an annual account-book before the close of the fiscal year at the end of the ninth month, also the last month of the calendar during the Qin and early Western Han periods.⁵⁶ An assistant governor of the commandery (*jun cheng* 郡丞), or the senior scribe of the kingdom (*wangguo zhangshi* 王國長史),⁵⁷ would then carry the annual account-book along with supplementary account-books and registers

narily long memorial of 3,000 wooden boards. Emperor Wu, who was no less dedicated and enthusiastic than the First Emperor of Qin, spent two months reading it in detail; *Shiji* 126, p. 3205; also Wang Zijin 王子今, "Qin shihuang de yuedu sudu" 秦始皇的閱讀速度, *Bolan qunshu* 博覽群書 (2008.1), pp. 51-55.

⁵⁴ Apart from the Qin state, the states of Wei 魏, Qi 齊, and Zhao 趙 also adopted the system of forwarding accounts. See Yen Keng-wang, *Zhongguo difang xingzheng zhidu shi jiahu: Qin Han difang xingzheng zhidu* 中國地方行政制度史甲部, 秦漢地方行政制度 (Taipei: Zhongyang yanjiuyuan lishi yuyan yanjiusuo, 1961), pp. 257-58; Gao Min 高敏, "Qin Han shangji zhidu shulüe" 秦漢上計制度述略, in his *Qin Han shi tantao* 秦漢史探討 (Zhengzhou: Zhongzhou guji chubanshe, 1998), pp. 180-81.

⁵⁵ County (*xian* 縣), march (*dao* 道), town (*yi* 邑), and fiefdom (*houguo* 侯國) were all county-level government; commandery (*jun* 郡) and kingdom (*wangguo* 王國) were the commandery level.

⁵⁶ See Zhang Rongqiang 張榮強, "Cong jiduan jiuyue dao suizhong weiduan: Han Tang jian caizheng niandu de yanbian" 從計斷九月到歲終爲斷, 漢唐間財政年度的演變, *Beijing shifan daxue xuebao* 北京師範大學學報 (2005.1), pp. 80-93.

⁵⁷ A personal letter excavated from tomb no. 19 at Tianchang shows that assistant governor of the commandery and senior scribe of the kingdom were the responsible officials who forwarded account books from local to central governments. For a recent study of this letter, see Hirose Kunio 廣瀨薰雄, "Anhui Tianchang Jizhuang Han mu 'biqie' shudu jieshi" 安徽天

計偕簿籍 and present them to the central government.⁵⁸ During the Western Han, the chief minister and chief prosecutor and their offices were responsible for evaluating the performance of each commandery-level government, and were to decide the reward and punishment to be parceled to the officials based on the evaluation results. In the Eastern Han, it finally became a regular practice for the emperor to receive personally the officials who were responsible for the forwarding of accounts at a ceremony on New Year's Day.⁵⁹

The newly unearthed household registers (*huji* 戶籍) from Liye,⁶⁰ the “household account-books” (*hukou bu* 戶口簿) of different administrative levels from Songbai,⁶¹ Tianchang,⁶² and Chǒngbaek-tong,⁶³ and the “aggregated account-book” (*jibu* 集簿) from Yinwan,⁶⁴ represent, variously, the different stages in the process of forwarding accounts to the central government (see table 1).

長紀莊漢墓“賁且”書牘解釋, *Jianbo yanjiu 2011* 簡帛研究 2011 (Guilin: Guangxi shifan daxue chubanshe, 2013), pp. 99–100.

⁵⁸ These supplementary account-books and registers were the primary sources for compiling an annual account-book. The central government would use them to cross-check the data in the accounts. See Wang Guihai 汪桂海, “Han dai de xiaoji yu jixie buji” 漢代的校計與計偕簿籍, *Jianbo yanjiu 2008* 簡帛研究 2008 (Guilin: Guangxi shifan daxue chubanshe, 2010), pp. 200–2.

⁵⁹ See Hou Xudong, “Chengxiang, huangdi yu junguo jili: Liang Han shangji zhidu bianqian tanwei” 丞相、皇帝與郡國計吏，兩漢上計制度變遷探微, *Zhongguo shi yanjiu* (2014.4), pp. 99–120.

⁶⁰ 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, 2007), pp. 203–8, board nos. K1–51. (K: *keng* 坑; 1–51: boards [incl. fragments] nos. 1–51 in that pit.)

⁶¹ Zhu Jiangsong 朱江松, “Hanjian de Songbai Han dai mudu” 罕見的松柏漢代木牘, in *Jingzhou bowuguan, Jingzhou zhongyao kaogu faxian* 荊州重要考古發現 (Beijing: Wenwu chubanshe, 2008), p. 211.

⁶² Tianchang shi wenwu guanlisuo 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, *WW* (2006.11), p. 11, M19: 40–1. (M: *mu* 墓; 19: tomb no.; 40–1: wooden board no.)

⁶³ Yun Yong-gu 尹龍九, “Heijō shutsudo ‘Rakurō-gun shogen yonen kenbetsu toguchi-bo’ kenkyū” 平壤出土“樂浪郡初元四年縣別戶口簿”研究, trans. Hashimoto Shigeru 橋本繁, *Chūgoku shutsudo shiryō kenkyū* 中國出土資料研究 13 (2009), p. 208.

⁶⁴ Lianyangang shi bowuguan 連雲港市博物館 et al., *Yinwan Han mu jiandu* 尹灣漢墓簡牘 (Beijing: Zhonghua shuju, 1997), pp. 77–78, board no. YM6D1. (YM: Yinwan 尹灣 *mu* 墓; 6: tomb no.; D1: board 牘 no. 1 of that tomb.)

Table 1: Documents Related to the Forwarding of Accounts from Liye, Songbai, Tianchang, Chǒngbaek-tong, and Yinwan

DOCUMENT TYPE	DATE	ADMINISTRATIVE AFFILIATION	LOCALE, SITE
Household register	222–208 BC	Unknown district in Qianling county, Dongting commandery	Pit no. 11, Liye, Hunan
District household account-book	139 BC	Western district of Jiangling county, Nan commandery	Tomb no. 1, Songbai, Hubei
County household account-book	120 BC–9 AD	Dongyang county of Linhuai commandery	Tomb no. 19, Tianchang, Anhui
Commandery household account-book	45 BC	Lelang commandery	Tomb no. 364, Chǒngbaek-tong, Pyongyang
Commandery aggregated account-book	ca. 16–ca. 9 BC	Donghai commandery	Tomb no. 6, Yinwan, Jiangsu

Although the dates of these documents spread from the late-third century BC to the early-first century AD, and the geographical locations span from the far northeast to south within the sway of the Qin-Han empires, the consistent material features and similar written formats of these documents suggest that the practice of the forwarding of accounts, at least on the material level, had already become highly institutionalized during the Qin. These documents are all written on flat rectangular wooden boards. The writing formats of the documents from Songbai, Tianchang, Chǒngbaek-tong, and Yinwan are particularly similar: all are composed of a list of numbers under different names or titles (figures 1A–D).⁶⁵ A documentary hierarchy parallel to the bureaucratic one – from district to commandery level – is identifiable.

⁶⁵ This may be due to the wide employment of model forms (*shi* 式) used administratively during Qin and Han. For this, see Hsing I-tien, “Cong jian du kan Han dai de xingzheng wen-shu fanben: ‘shi’” 從簡牘看漢代的行政文書範本, “式”, in his *Zhiguo anbang: Fazhi, xingzheng yu junshi* 治國安邦, 法制、行政與軍事 (Beijing: Zhonghua shuju, 2011), pp. 450–72; Anthony J. Barbieri-Low, “Model Legal and Administrative Forms from the Qin, Han, and Tang and Their Role in the Facilitation of Bureaucracy and Literacy,” *OE* 50 (2011), pp. 125–56. There is no doubt that such model forms helped produce standardized account-books, but as will be argued below, all the data in the latter must have undergone a process of extraction and compression, which should not be understood as the work of simply filling out prepared forms.

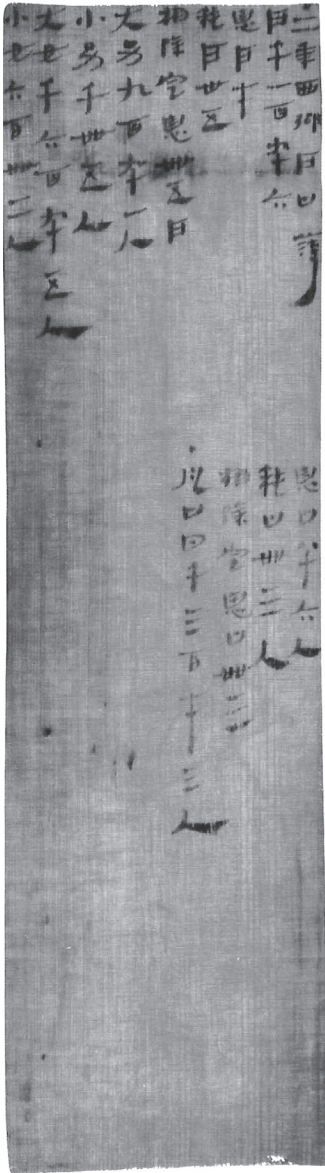


Figure 1A. District Household Account-Book from Songbai

After Zhu, "Hanjian de Songbai Han dai mudu" (cited fn. 61), p. 211.

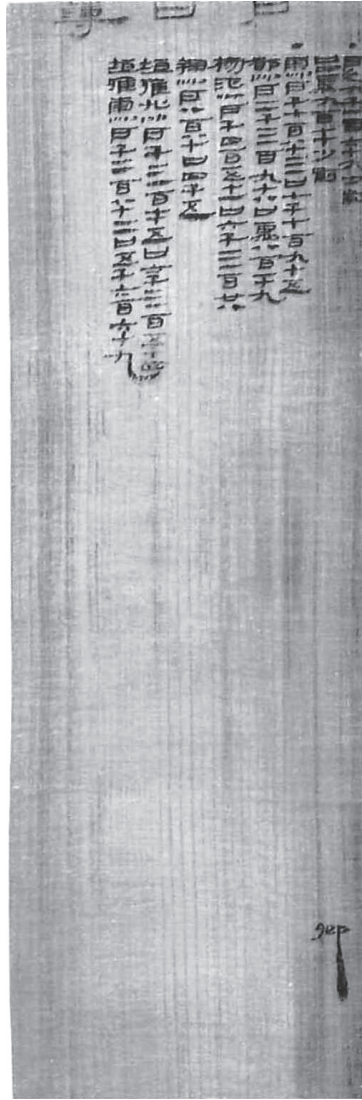


Figure 1B. County Household Account-Book from Tianchang

After "Anhui Tianchang Xi Han mu fajue jianbao" (cited fn. 62), p. 14, board no. M19: 40-1.

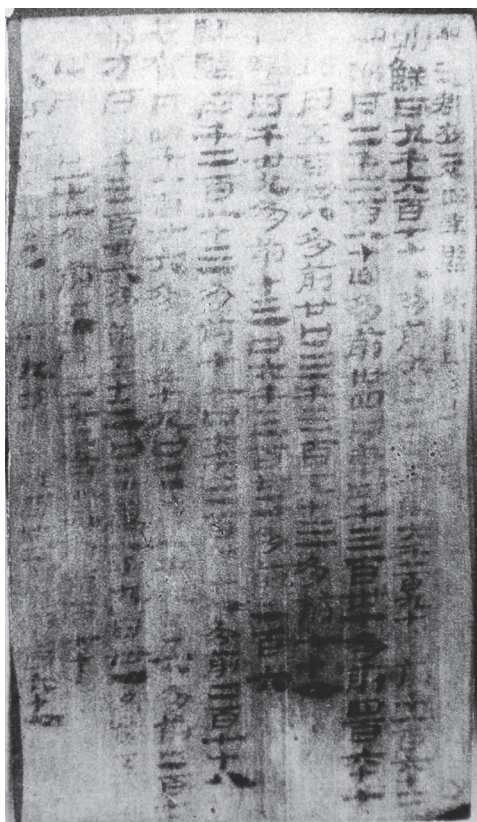


Figure 1C. Commandery Household Account-Book from Chôngbaek-tong

Photograph courtesy of Prof. Kim Kyung-ho.



Figure 1D. Commandery Aggregated Account-Book from Yinwan

After Yinwan Han mu jiandu (cited fn. 64), pp. 77-78, board no. YM6D1.

The aggregated account-book of Donghai commandery discovered in Yinwan was on the top end of this hierarchy. Concerning the term *jibu*, which is written on board 1, Hu Guang 胡廣, a specialist of Han rituals and institutions in the second century AD, wrote:

Upon the end of each year, in fall and winter, each county calculates the numbers of households and opened-up fields, the receiving and disbursing of cash and grain, and numbers of thieves and robbers, and submits an *aggregated account-book* on these matters.⁶⁶ 秋冬歲盡, 各計縣戶口墾田, 錢穀入出, 盜賊多少, 上其集簿。

The Donghai commandery account-book was thus an aggregated account-book summarizing every detail regarding the governing of a local administrative unit during the Qin and Han periods.⁶⁷ It is thought to be a draft or a copy of the summary account that had been forwarded to the central government for evaluation.⁶⁸ This is the kind of documents that would have been read by the emperor and the highest officials at court. It summarizes information of the following type, with indications of changes from the previous year:

1. numbers of counties, towns, fiefdoms, districts, villages, police stations and courier stations;
2. measured area of the commandery;
3. numbers of honorable title-holders including “Three Elders” (*sanlao* 三老), “Filial Son” (*xiao* 孝), “Fraternal Brother” (*di* 弟),⁶⁹ and “Diligent Farmer” (*litian* 力田);
4. number of officials;
5. numbers of households and individuals;
6. area of arable and orchard land;
7. area of land used for planting winter wheat 宿麥;
8. population of different gender and age groups;
9. area of the land for planting trees in spring 春種樹;
10. number of households formed and the quantity of grain distributed

⁶⁶ Liu Zhao's 劉昭 annotation to *Xu Hanzhi* 續漢志, in *Hou Hanshu* 後漢書 (Beijing: Zhonghua shujiu, 1965) 28, p. 3623.

⁶⁷ It remains a matter of dispute whether we can treat the aggregated account-book as the annual account-book (*jibu*) or not. As Xie Guihua 謝桂華 indicates, *jibu* can refer to many different types of account books. But there is no doubt that the aggregated account-book prepared by a commandery government would be forwarded to the central government for evaluation; see Xie Guihua, “Yinwan Han mu jian du he Xi Han difang xingzheng zhidu” 尹灣漢墓簡牘和西漢地方行政制度, *WW* (1997.1), p. 42. If the aggregated account-book was not the annual account-book, it probably was a supplement to the latter, to be forwarded along with the annual account-book.

⁶⁸ Ge Jianxiong 葛劍雄 tends to see it a draft of the summary account, as it could explain why there are mistakes recorded on it; Ge Jianxiong, ed., *Zhongguo renkou shi* 中國人口史 (Shanghai: Fudan daxue chubanshe, 2002), vol. 1, pp. 323–27.

⁶⁹ It could be the variant of the graph *ti* 悌.

in accordance with the Ordinance of Spring 春令; and
 11. amounts of received and disbursed cash and grain.⁷⁰

The information recorded in the aggregated account-book appears to be highly compressed. No name of any individual is mentioned. All the individuals were depersonalized and turned into numbers.⁷¹ What kinds of primary documents would the scribes have gone through in order to summarize the information into a number? The “Statutes on Households” (“Hu lǜ” 戶律) in the contemporary legal source named *Statutes and Ordinances of the Second Year* (*Ernian lǜling* 二年律令) gives us some leads.⁷² Several types of register are mentioned in it, including: household registers, excerpts of age registers (*nianchou ji* 年紬籍),⁷³ excerpts of rank registers (*juechou [ji]* 爵紬[籍]), household registers of homesteads and grounds (*zhaiyuan huji* 宅園戶籍), land registers indicating neighboring fields (*tianbidi ji* 田比地籍), unified registers of agricultural fields (*tianhe ji* 田合籍), and registers of agricultural field taxes (*tianzu ji* 田租籍). Though not mentioned in the “Statutes on Households,” the officials, the honorable title-holders, and the households formed in accordance with the Ordinance of Spring (*chunling*) must have had their specific registers. In the same tomb at Yinwan, other more detailed account books and registers were buried along with the aggregated account-book regarding the officials of Donghai commandery.⁷⁴ All of these documents could have been the primary sources

⁷⁰ *Yinwan Han mu jiandu*, 77–78, board no. YM6D1. See also the discussion of this board in Gao Heng 高恒, “Han dai shangji zhidu lunkao” 漢代上計制度論考, in idem, *Qin Han jiandu zhong fazhi wenshu jikao* 秦漢簡牘中法制文書輯考 (Beijing: Shehui kexue wenxian chubanshe, 2008), pp. 330–40; and Loewe, *Men Who Governed Han China*, pp. 60–61.

⁷¹ Current studies reveal that the Qin and Han rulers governed their empires through numerical techniques. See Wang Haicheng, *Writing and the Ancient State: Early China in Comparative Perspective* (Cambridge: Cambridge U.P., 2014), pp. 231–37; Barbieri-Low, “Coerced Migration and Resettlement in the Qin Imperial Expansion,” *Journal of Chinese History* (2019), p. 22.

⁷² Peng Hao 彭浩, Chen Wei 陳偉, and Kudō Motoo 工藤元男, *Ernian lǜling yu zouyan-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出土法律文獻釋讀 (Shanghai: Shanghai guji chubanshe, 2007; hereafter referred to as *ENLL*), pp. 222–23. See also *LSS*, pp. 798–99. For the compilation of this text, see Anthony Barbieri-Low, “Copyists, Compilers, and Commentators: Constructing the *Statutes and Ordinances of the Second Year* and the *Book of Submitted Doubtful Cases*,” *AM* 3d ser. 32.2 (2019), pp. 33–56.

⁷³ *ENLL*, p. 223, and *LSS*, p. 798, both transcribe the graph as *xi* 細 (detail). I follow Chen Jian 陳劍, who transcribes it as *chou* 紬. Hsing I-tien reads the graph as *chou* 抽. As a verb it means “to extract.” Thus: “extract-record from an age-[register] (*nian chouji* 年紬籍).” See Chen Jian, “Du Qin Han jian zhaji sanpian” 讀秦漢簡札記三篇, *Chutu wenxian yu guwen zhi yanjiu* 出土文獻與古文字研究 4 (2011), pp. 358–66; Hsing I-tien, “‘Gu qi ji’ yijie: Du Yuelu shuyuan cang Qing jian zhaji zhi er” “結其計”臆解, 讀秦麓書院藏秦簡札記之二, *Bamboo and Silk Manuscripts website* 簡帛網, March 29, 2016, accessed September 4, 2019 <http://www.bsm.org.cn/show_article.php?id=2507>.

⁷⁴ *Yinwan Han mu jiandu*, pp. 79–102, board nos. YM6D2–5. For a brief introduction of

for the compilation of an aggregated account-book. In the following, I shall use the household documents excavated from Liye, Songbai, Tianchang, and Chǒngbaek-tong to demonstrate how the numbers of households and individuals were calculated and finally condensed into an entry in an aggregated account-book that would be forwarded to the central government.

The Qin registers excavated from Liye give us some physical examples of the household registers in early-imperial China.⁷⁵ K27 reads:

- [Row 1:] 南陽戶人荆不更蠻強 Nanyang [village] householder Man
Qiang, of Chu [rank] service rotation
exempt.
- [Row 2:] 妻曰噤 Wife called Xian.
- [Row 3:] 子小上造口 Son, of minor's sovereign's accomplished rank,
[named] ...
- [Row 4:] 子小女子駝 Child, minor, daughter Tuo.
- [Row 5:] 臣曰聚 Male slave called Ju.
伍長 Chief of the Group of Five.⁷⁶

These Qin registers provide information about the size of the household, the legal status and gender of each member, and their relations to the householder. The age of each member was recorded in a separate “age register 年籍” from which an “excerpt of age register” was extracted.⁷⁷ The aggregated account-book from Yinwan records that Donghai commandery had 266,290 households, which means there were 266,290 household registers! The large number of household registers required a systematic management. According to the “Statutes on Households,” the eighth month of each year was the month for household registration. Bailiff of the district (*xiang sefu* 鄉嗇夫), his subordinate officials including his scribe and assistant (*zuo* 佐), and scribe director (*lingshi* 令史) of the county-level government would together

these boards, see Loewe, *Men Who Governed Han China*, pp. 64–75.

⁷⁵ They are also the only physical examples of household registers from early-imperial China that have been found so far.

⁷⁶ Hunan sheng, *Liye fajue baogao*, p. 203; trans. *LSS*, p. 785.

⁷⁷ *Ibid.*, p. 194, slip no. J1(16)9. (J: *jing* 井, no. 1; 16: level where slip discovered; 9: slip no.) Hsing I-tien argues that “household register” was a broad concept and a general term that included a range of records with different content and designations. He suggests that information of a household such as the age of each member could have been separately recorded on different types of registers. See Hsing I-tien, “Qin-Han Census, Tax and Corvée Administration,” in Pines et al., ed., *Birth of an Empire*, pp. 160–61. See also Charles Sanft, “Population Records from Liye: Ideology in Practice,” in Yuri Pines et al., ed., *Ideology of Power and Power of Ideology in Early China* (Leiden and Boston: Brill, 2015), pp. 255–58.

examine 雜案 the household registers. After the household inspection was carried out, a copy of the registers would be sent to the county-level government for recording, and the originals would be kept at the district level.⁷⁸ It is worth noting that between the eighth month and the close of fiscal year there was only one month.

Meanwhile, each district had to extract useful information from these household registers and compile a district household account-book to submit to the county-level government. As revealed in the wooden board from Songbai, this district accounting included information on the number of households, the increased 息 and reduced 耗 numbers of households and individuals, and the population of different sex and age groups in the district. The first five lines of the inscription of this board read:

[line 1:] • 二年西鄉戶口簿(簿) • Household Account book of Western District in the Second Year [of Jian Yuan] (139 BC).⁷⁹

[line 2:] 戶千一百九十六 Households: 1,196.

[line 3:] 息戶七十 Increased number of households: 70.

[line 4:] 耗戶卅五 Reduced number of households: 35.

[line 5:] 相除定息冊五戶 Subtract the reduced number of households from the increased number of households: 45.⁸⁰

We immediately notice the calculation error of line 5. The increased number of households minus the reduced number of households should be thirty-five, which is ten households fewer than the number calculated by the responsible scribe.⁸¹ Although we do not know how such an error would have been punished under the Han laws, as will be discussed in the next section, the Qin ruler apparently considered it a “serious mistake (*dawu* 大誤.)” Under a tight schedule, errors and mistakes easily occurred during the process of the forwarding of accounts.

⁷⁸ ENLL, pp. 222–27; LSS, pp. 798–803. Yun Jaeseung 尹在碩 suggests that the scribe director sent from the county-level government was the one who worked in the Bureau of Households (*hucuo* 戶曹); see his “Qin Han hukou tongji zhidu yu hukou bu” 秦漢戶口統計制度與戶口簿, in Lai Ming Chiu 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), p. 82. For detailed research on the household inspection held in the eighth month at the district level, see Hsing, “Han dai anbi zai xian huo zai xiang” 漢代案比在縣或在鄉, in his *Zhiguo anbang*, pp. 211–48.

⁷⁹ The dating of this household account-book follows that of Yun, “Qin Han hukou tongji zhidu yu hukou bu,” p. 86.

⁸⁰ For the image of this board, see Zhu, “Hanjian de Songbai Han dai mudu,” p. 211. For transcription of the board, see Yun, “Qin Han hukou tongji zhidu yu hukou bu,” p. 85.

⁸¹ The increase and decrease of households in a district could be caused by various reasons. Increase could reflect establishment of new households, division of extant households, or immigration from other districts. Decrease could be from the death of householders and the lack of legal heirs to the households, or migration to other districts. From the “Household Account-Book of Western District in the Second Year,” we learn that these two numbers had

Upon receiving the copy of the household registers and the district household account-books, the county-level government had to cross-check all the data and compile another household account-book. A physical example is the same type of book discovered in Tianchang. The first two lines present the total numbers of households and individuals in the subordinated districts of Dongyang county with indications of changes from the previous year:

[line 1:] 戶凡九千一百六十九少前 • Households in total: 9,169; less than the previous year.

[line 2:] 口四萬九百七十少前 Population: 40,970; less than the previous year.⁸²

Both the district- and county-level governmental household account-books then had to be forwarded to the commandery-level government along with the county's annual account book for inspection.⁸³ The commandery-level government would then produce its own household account-book listing the numbers of the households and individuals in each of its subordinated counties with indications of changes from the previous year. The "Aggregated Account-Book on the Numbers of Households in Lelang Commandery's Counties in the Fourth Year of Chu Yuan (45 BC)" ("Lelang jun chuyuan sinian xianbie hukou duoshao jibu" 樂浪郡初元四年縣別戶口多少集簿 discovered at Chǒngbaek-tong, in Pyongyang, North Korea, is a physical example. An entry regarding Chaoxian 朝鮮 county reads:

[line 2:] • 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千八百六十二⁸⁴

to be first calculated and recorded separately before condensed into a single number indicating the overall change from the previous year. This practice also applied to the counting of increases and decreases of the total of individuals in a district.

⁸² "Anhui Tianchang xi Han mu fajue jianbao," p. 11, board no. M19: 40-1.

⁸³ It is worth mentioning that a physical example of a similar county-level account-book was discovered in Shangdong province in 2017. Excavated in tomb no. 147 at Tushantun 土山屯 in Qingdao 青島, a wooden board titled "Detailed Summary Account-Book of Tangyi County in the Second Year of Yuanshou" ("Tangyi Yuanshou er nian yaoju bu" 堂邑元壽二年要具簿) includes the total numbers of households and individuals of Tangyi county, Linhuai 臨淮 commandery in 1 BC. These numbers must have been calculated based on the data in the household account-books submitted by the subordinate districts of Tangyi county, just as those seen on the "Household Account-Book of Western District" from the Songbai tomb. See 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 (2019.3), p. 427.

⁸⁴ Transcription after Yun, "Qin Han hukou tongji zhidu yu hukou bu," p. 91.

[line 3:] • Chaoxian [county]: 9,678 households; 93 more than the previous year. 56,890 individuals; 1,862 more than the previous year.⁸⁵

These numbers had to be cross-checked with the numbers recorded in the household account-book submitted by Chaoxian county. Eventually, the sums of the numbers of the households and individuals would become one of the entries in a commandery’s aggregated account-book that would be forwarded to the central government. Figure 2 presents the hierarchy of these documents.

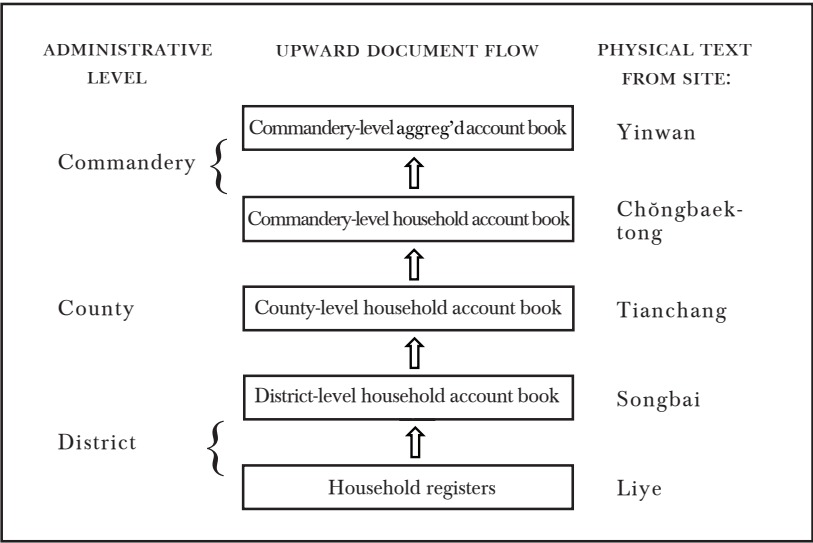


Figure 2. Movement of Documents Upwards in the Administrative Hierarchy

It is important to understand that the numbers of the households and individuals in a commandery only constituted part of the information forwarded to the central government. Each of the entries that appeared in an aggregated account-book must have undergone a similar process of extraction and compression of data. Besides, we should not forget that the scribes had to complete the job under the physical constraints inherent in bamboo and wooden materials and under a tight

⁸⁵ If we divide the increased number of individuals by the increased number of households, each household should have at least twenty persons, which is much larger than the size of a normal five-person household during the Han. Would that be a careless written error, an exaggeration for a better result during the annual evaluation, or a true record reflecting a special household system in the frontier area? For households during the Han, see Ming Chiu Lai, “Family Morphology in Han China: 206 B.C.–A.D. 220,” Ph.D. diss. (University of Toronto, 1995).

schedule, thus creating even greater challenges. Although we might never know the exact amount of work generated during the process of preparing an annual account-book, the complexity and difficulty of the job should not be underestimated. Moreover, as will be discussed below, the Qin and Han governments established detailed legal regulations to make sure that the product was made properly and satisfactorily and that the scribes held collective liability for any mistakes or falsified data in these books.

In accordance with statements referring to the complexity of Han laws present in the *History of the Han* and the *Discourses on Salt and Iron*, my reconstruction in this section of the hierarchy of documents during the process of the forwarding of accounts would thus question the assumption that a scribe in early-imperial China could easily manipulate the laws and documents to their own benefit. The next section, again taking up the forwarding of accounts, considers the anxiety most likely experienced by a low-ranked scribe caught in the conflict between the state and his superior. I argue that he would have to face the dilemma of choosing to follow the state's laws and his superior's order on many occasions throughout his career.

THE ANXIETY OF BEING A SCRIBE: CAUGHT BETWEEN THE STATE AND HIS SUPERIOR

Despite serving in a highly centralized empire, officials of the Qin and Han periods did not always act according to the state's interest. Corruption was by no mean rare. Since the annual evaluation based on the account books could directly affect the careers of local government heads, there were many instances of irregularities in the process of the forwarding of accounts. The aggregated account-book discovered from Yinwan provides an example. Scholars like Gao Dalun 高大倫, Lee Sung-kyu 李成珪, and Hsing I-tien have questioned the authenticity of the statistics that were recorded in such books, suspecting that some of them were made up by the officials in Donghai commandery in order to receive a better result in the annual evaluation.⁸⁶ Evidence in Han transmitted texts well attests to this kind of activity. It was not

⁸⁶ Gao Dalun, "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, *LSYJ* (1998.5), pp. 110–23; see also Lee Sung-kyu, "Xuxiang de taiping: Han diguo zhi furui yu shangji de zaозuo" 虛像的太平, 漢帝國之符瑞與上計的造作, *Guoji jiandu xuehui huikan* 國際簡牘學會會刊 4 (2002), pp. 279–315; and Hsing, "Qin-Han Census," 182–84. Despite his belief that the statistics on the aggregated account-book from Yinwan are mostly reliable, Ge Jianxiong admits that the numbers of senior people over 70 years old are too large to be true; see his *Zhongguo renkou shi* 1, p. 326.

uncommon for the heads of local governments to report forged data for the purposes of earning a good reputation, receiving a reward, or avoiding punishment. In 107 BC, emperor Wu complained that local governments did not update the increasing number of vagrants (*liumin* 流民) within their territory.⁸⁷ The following edict issued by emperor Xuan in 49 BC shows that the account books forwarded from the local governments at the time did not reflect reality:

Just now the empire has very little trouble, forced labor and military service have been dispensed with or lessened, and the armies are not in motion, yet there is much poverty among the common people and robberies and thefts have not stopped. Wherein lies the cause [for this situation? It lies in] sending up [to central government the yearly] account books, which are no more than padded verbiage and which strive to deceive and lie [to Us], in order to avoid a trial for [blamable conduct].⁸⁸ 方今天下少事，繇役省減，兵革不動，而民多貧，盜賊不止，其咎安在？上計簿，具文而已，務爲欺謾，以避其課。

In a memorial submitted to emperor Yuan in 44 BC, Gong Yu 貢禹, the chief prosecutor at the court, criticized the way commanderies and kingdoms “selected those who are skillful in administrative writings and familiar with [the writing of] account books and are able to deceive the superiors to serve in the higher position 擇便巧史書習於計簿能欺上府者，以爲右職。”⁸⁹ Cases of such a corrupt practice are recorded in Han transmitted texts. In 67 BC, chancellor (*xiang* 相) of Jiaodong 膠東 kingdom Wang Cheng 王成 claimed that 80,000 vagrants self-registered under his governance. Yet it was later discovered that Wang Cheng had inflated the number so as to receive a reward from the emperor.⁹⁰ Another record concerns the governor of Shanggu 上谷 commandery Hao Xian 郝賢, who was held liable for falsifying the information about conscripted soldiers and government-owned properties in the annual account-book forwarded to the central government in 121 BC.⁹¹

⁸⁷ *Hanshu* 46, p. 2199. Movement of population was undesirable in an agricultural-based empire and considered a threat to social stability. See Hsing, “Cong antu chongqian lun Qin Han shidai de ximin yu qianxi xing” 從安土重遷論秦漢時代的徙民與遷徙刑, in his *Zhiguo anbang*, pp. 62–100. In this sense, the Donghai commandery government had enough motivation to falsify increase of population caused by the settling of vagrants 獲流.

⁸⁸ *Hanshu* 8, p. 273; trans. Dubs trans., *History of the Former Han Dynasty* 2, pp. 262–63, with modifications.

⁸⁹ *Hanshu* 72, p. 3077.

⁹⁰ *Ibid.*, 89, p. 3627.

⁹¹ *Shiji* 20, p. 1038.

The Qin and Han rulers were well aware of the problem. To prevent deception of this kind, they established severe laws to monitor the authenticity and accuracy of the data recorded in account books. Two entries in the Qin “Statutes on Checking” (“Xiao lǜ” 效律) state that:

When in checking the accounts there are mistakes, for [those concerning] 220 cash and less the bailiff of the office is blamed; if [the mistake] exceeds 220 cash, up to 2,200 cash, he is fined one shield; if it exceeds 2,200 cash, he is fined one suit of armor. For one household, horse, or ox he is fined one shield; for two or more he is fined one suit of armor.⁹² 計校相繆(謬)毆(也), 自二百廿錢以下, 誅官畜夫; 過二百廿錢以到二千二百錢, 貲一盾; 過二千二百錢以上, 貲一甲. 人戶、馬牛一, 貲一盾; 自二以上, 貲一甲.

...

When in accounting stores there are omissions, or when issuing stores one issues more than the norm [established by] the Statutes, as well as when one issues what should not be issued, the value is estimated. If it is not fully 22 cash, it is excused; from 22 cash up to 660 cash, the bailiff of the office is fined one shield. If it exceeds 660 cash, the bailiff of the office is fined one suit of armor and he is furthermore charged with [the value of] what he had issued. More than one household, horse, or ox is a serious mistake; if he traces [the mistake] himself, the punishment is decreased by one degree.⁹³ 計脫實及出實多於律程, 及不當出而出之, 直(值)其賈(價), 不盈廿二錢, 除; 廿二錢以到六百六十錢, 貲官畜夫一盾; 過六百六十錢以上, 貲官畜夫一甲, 而復責其出毆(也). 人戶、馬牛一以上爲大誤. 誤自重毆(也), 減罪一等.

A recently published Qin wooden slip from Liye confirms that for an official who made a serious mistake (*dawu*), he would be fined one suit of armor.⁹⁴ More extensive legal regulations on the authenticity of documents can be found in the “Statutes on Assault” (“Zei lǜ” 賊律) in the *Statutes and Ordinances of the Second Year*. These early-Han regu-

⁹² SHD, p. 76, slips 56–57; trans. 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 Yun-meng Prefecture, Hu-pei Province, in 1975* (Leiden: E.J. Brill, 1985; hereafter referred to as RCL), p. 100, with modifications.

⁹³ SHD, p. 76, slips 58–60; trans. RCL, with modifications. A similar Qin regulation is seen in the newly published Yuelu Qin slips (1244 and 1246+1395); see Chen Songchang 陳松長, ed., *Yuelu shuyuan cang Qin jian (si)* 嶽麓書院藏秦簡(肆) (Shanghai: Shanghai cishu chubanshe, 2015), pp. 142–43.

⁹⁴ Chen Wei 陳偉, ed., *Liye Qin jiandu jiaoshi (di er juan)* 里耶秦簡牘校釋(第二卷) (Wuhan: Wuhan daxue chubanshe, 2018), p. 183, slip no. 9–706

lations consider the punishments for submitting deceptive documents, making counterfeit documents, fraudulently adding to or subtracting from a written contract tally, destroying sealing clays, and making mistakes in a document.⁹⁵

Two entries of the Qin's "Statutes on Checking" show that scribes held collective liability if either the bailiff of the office (*guan sefu* 官嗇夫) or official in charge (*lizhu zhe* 吏主者) was accused of making mistakes in the accounts. One of the entries stipulates that the scribe director, who was responsible for examining accounts (*lingshi luji* 令史錄計),⁹⁶ held the same collective liability as the magistrate (*ling* 令) and his assistant (*cheng*) when the bailiff of the office was charged with fines 貲 or the official in charge was charged fines or blamed 誅. In another entry, the scribe director, who had examined the "accounts of parks" 苑計, held liability with the overseer of horses (*sima* 司馬) when an accusation was made against the accounts.⁹⁷

This paper concerns how a scribe might react if his superior ordered him to intentionally falsify the data in an account book? An entry in "Answers to Questions on Legal Principles and Statutes" ("Falü dawen" 法律答問) give us some hints:

When a redeemable crime [is found being tried] not uprightly, and the scribe did not participate in the bailiff [of the office's conspiracy], one asks how the scribe should be sentenced. [For him] it matches being fined one shield.⁹⁸ 贖罪不直, 史不與嗇夫和, 問史可 (何) 論? 當貲一盾.

Even though he did not participate in the conspiracy with his superiors against the state's laws, the scribe would still hold collective liability for the crime. Should he then stick with the laws or follow his supe-

⁹⁵ *ENLL*, pp. 95-97; *LSS*, pp. 394-95.

⁹⁶ *SHD*, p. 75, slips 51-53, transcribes it as *lingshi yuanji* 令史掾計. Hulsewé earlier pointed out that the graph between *lingshi* and *ji* must be a verb; see *RCL*, p. 99. I follow a new transcription proposed in Amd H. Hafner's 陶安 annotations given in Zhu Hanmin 朱漢民 and Chen Songchang, eds., *Yuelu shuyuan cang Qin jian (san)* 嶽麓書院藏秦簡(叁) (Shanghai: Shanghai cishu chubanshe, 2013), p. 125, n. 4.

⁹⁷ *SHD*, p. 76, slip 55 reads *sima* 司馬 and *lingshi* 令史 together as an official title in this statute. I follow Ulrich Lau and Thies Staack, who read as two separate titles; see Lau and Staack, *Legal Practice in the Formative Stages of the Chinese Empire: An Annotated Translation of the Exemplary Qin Criminal Cases from the Yuelu Academy Collection* (Leiden: Brill, 2016), p. 179, n. 863. As Hulsewé indicates, the *sima* mentioned in the statute was the official in charge of the state stud-farms; quite different from the "*sima*" that refers to a military officer; see *RCL*, p. 100.

⁹⁸ *SHD*, p. 115, slip 94. *LSS*, p. 164, argues that *dang* 當 was a specific legal process in which the appropriate punishment was "matched" to the crime.

rior's order? On many occasions, it seems that such was the dilemma a scribe faced in the Qin state and empire.

Although some of the scribes could hold relatively higher offices in the Qin and Han bureaucracy, such as Sima Qian's serving in the position of director of grand scribes, the majority of them took up only subordinate positions. Throughout the history of the Han dynasty, and increasingly during the second, or Eastern Han dynasty, close bonds came to be formed between many top local officials and their immediate subordinates there; these bonds were seen as a threat to the authority of the emperor. In this period, heads of offices in central and local administrations could even appoint their own subordinated officials,⁹⁹ and in a commandery government, the governor had absolute authority.¹⁰⁰ He could issue his own ordinances, termed *jiao* 教, within the commandery.¹⁰¹ The subordinates would call their governor "Lord" (*jun* 君) and refer to themselves as "subject" (*chen* 臣). Qian Mu 錢穆 named this the "the two-part monarchy concept 二重的君主觀念," namely the major, unique emperor in the capital plus the minor kings or little emperors in local governments. This profoundly shaped the worldview of the dynasty's officials.¹⁰² The local (and sometimes central government) superior and his subordinates maintained a tight relationship even after the former left office, as reflected in the subordinates' obligation to mourn for him on his passing.¹⁰³ The closeness of the bond placed subordinates in an unfavorable position: they could not reject their superior's order even it were against the state's laws. A key phrase often seen in Han official accusations (*he* 劾) by low-ranked officials is: "I make the official accusation because of personal knowledge of this [crime]. In no respect was I instigated by a senior official [in making this accusation] 以此知而劾, 無長吏使劾者."¹⁰⁴ Yet, evidence in both transmitted and excavated texts suggests that it was common that a subordinate would bring charge against *other* officials at the be-

⁹⁹ See Zhao Yi 趙翼, *Gaiyu congkao* 陔餘叢考 (Beijing: Zhonghua shuju, 2006), pp. 296–97; Huang Liuzhu 黃留珠, *Qin Han shijin zhidu* 秦漢仕進制度 (Xi'an: Xibei daxue chubanshe, 1985), pp. 196–201.

¹⁰⁰ See Yen, *Qin Han difang xingzheng zhidu*, pp. 77–79.

¹⁰¹ See Yu, "Han dai xunli yu wenhua chuanbo," pp. 200–11.

¹⁰² Qian Mu, *Guoshi dagang* 國史大綱 (Hong Kong: Shangwu yin shuguan, 1998), pp. 217–18. See also Huai-chen Kan 甘懷真, *Huangquan, liyi yu jingdian quanshi: Zhongguo gudai zhengzhi shi yanjiu* 皇權、禮儀與經典詮釋, 中國古代政治史研究 (Taipei: Guoli Taiwan daxue chubanshe zhongxin, 2004), pp. 227–35.

¹⁰³ See Zhao Yi, *Nianershi zhaji jiao zheng* 廿二史劄記校證, Wang Shumin 王樹民, coll. and annot. (Beijing: Zhonghua shuju, 2001), pp. 102–3; Miranda Brown, *The Politics of Mourning in Early China* (Albany: SUNY P., 2007), pp. 86–94.

¹⁰⁴ *LSS*, p. 140, n. 121.

hest of his own superior. The above phrase might well reflect only an effort to fulfill the expectation and requirement of the ruler.¹⁰⁵

In addition, we can surmise that the low salary would have made the lives of low-ranked scribes even harder. The problems caused by underpaid low-ranked officials in Han constantly troubled the ruler. In an edict issued in 59 BC, emperor Xuan stated that such salaries were so small that they could not help but to inspire those officials to exploit commoners in various ways.

If officials are not incorrupt and just, then the way of ruling falls. At present the minor officials are all industrious in their work, yet their salaries are small, [so that although we] wish that they should not encroach upon or make demands upon the people, it is difficult [for them not to do so]. Let five-tenths [of their present salary be added to the salary of] officials [ranking at] one hundred bushels and [those of] lesser [ranks].¹⁰⁶ 吏不廉平則治道衰。今小吏皆勤事，而奉祿薄，欲其毋侵漁百姓，難矣。其益吏百石以下奉十五。

It is questionable whether the scribes who were ranked at or below one hundred bushels could survive with their small salary.¹⁰⁷

It has already been noted that the evidence presented, above, contrasts with the stereotypical image of scribes found in Han-era transmitted texts. In reality, however, low-ranked scribes appear not to have been a group of stereotyped corrupt officials who acted generally in the same way, but rather as a diverse collection of hierarchically low officials struggling with overwhelming “paperwork,” insufficient salaries, and the contradiction between their obligations to the state and to their superiors. The real life of a low-ranked scribe in the Qin and Han regimes has been obscured by those stereotypical portrayals. The picture of their working conditions as reconstructed in this article might well put them in the company of clerical or secretarial staff member of today, who have to labor under a mountain of documents and undergo tremendous stress because of it (figure 3).

¹⁰⁵ See *ibid.* and Hsing, “Han Jin gongwenshu shang de ‘jun jiao nuo’” 漢晉公文書上的“君教諾”, *Bamboo and Silk Manuscripts Website*, September 26, 2016, accessed December 20, 2016 <http://www.bsm.org.cn/show_article.php?id=2638>.

¹⁰⁶ *Hanshu* 8, p. 2630; trans. Dubs, *History of the Former Han Dynasty* 2, pp. 243–44, with minor modifications.

¹⁰⁷ See Bielenstein, *Bureaucracy of Han Times*, p. 129. See also Moon-sil Lee Kim, “Food Redistribution during China’s Qin and Han Periods: Accordance and Discordance among Ideologies, Policies, and Their Implementation,” Ph.D. diss. (University of California, Santa Barbara, 2014), chap. 2. Cf. Reed, *Talons and Teeth*, pp. 18–25, for corruption during China’s Qing era.



Figure 3: A Trained Clerk in Modern Tampa, Florida, Works Her Way through a Mountain of Legal Cases Piling up around Her Desk

After “Foreclosures Pounding Court Clerks with Paperwork,” Tampa Bay Times, April 17, 2009, accessed December 15, 2016. <http://www.tampabay.com/news/courts/civil/foreclosures-pounding-court-clerks-with-paperwork/993055>.

CONCLUSION

This paper does not seek to overturn completely the traditional view of the scribes as inherited from very early, Han-period, notions, or to suggest that all scribes were innocent of the crimes of which they were accused.¹⁰⁸ Rather, it aims to provide a perspective about scribes that has long been neglected in the study of Han-period transmitted texts. Without the type of perspective offered here, I believe that we will not be able to reconstruct a relatively fuller picture of the lives of scribes, and even other low-ranking officials, under the new forms of empires. To end, I would like to take a closer look at a story about the downfall of Kuang Heng 匡衡, who is considered to have been a “reformist” during the reigns of emperor Yuan and emperor Cheng in the Western Han.¹⁰⁹

¹⁰⁸ The *Book of Submitted Doubtful Cases* does include a legal case showing that a scribe director instructed an assistant to make counterfeit documents 爲偽書 for his own benefit; see *ENLL*, p. 347; *LSS*, pp. 1252–53.

¹⁰⁹ For Kuang Heng as a reformist, see Michael Loewe, *Crisis and Conflict in Han China, 104 BC to AD 9* (London: Allen & Unwin, 1974), pp. 154–59.

In 48 BC, Linhuai 臨淮 commandery made an error concerning parcels of land along the southern boundary of its Le'an 樂安 district. As a result, twelve years later (36 BC), when Kuang Heng was enfeoffed as marquis of Le'an, his marquise was already swollen by 400 extra *qing* 頃 of land (1,844 hectares). It was not until four years more that Linhuai commandery corrected the error and forwarded its corrected map and corresponding annual account-book for an annual evaluation to the office of chief minister in the central government at the capital. But any correction was not to be realized, because Kuang was then in fact the chief minister! He assigned his accountant (*zhubu* 主簿) Lu Ci 陸賜 the job of evaluating the annual account-book,¹¹⁰ in order to prevent losing the profit that had accrued to his holdings from the sixteen-year-old error. Lu Ci and his attaché (*shu* 屬), named Ming 明, questioned the commandery's government about the inconsistency of their records concerning the southern boundary of Le'an marquise and succeeded in "uncorrecting" the map and annual account-book, thus causing the extra land to be returned to Kuang. When the crime was discovered, Kuang Heng, Lu Ci, and his attaché were all accused of being impious 不道 officials. Kuang was not tried, but was dismissed and stripped of noble titles in about 30 BC; his career was ended.¹¹¹

Ban Gu does not give us much detail about Lu Ci and his attaché Ming, because they are not the focus of the story and are, in any event, way too low on the ladder. We do not even know how or if they were punished for the crime in the end. Their appearance in the story does, however, help explain how Kuang could successfully have deceived through the handling of an account book. Lu Ci and Ming thus become, for our purposes, the actual, stereotypical knife-and-brush officials who were extremely familiar with administrative procedures. Such lowly placed scribes are mentioned everywhere in a host of genres of literature, memorials, list-making, and historiography, but their voices, as seen with Lu Ci and Ming, eventually became muted in Han-era transmitted texts and their reception over the centuries.

In the *History of the Han*, Ban Gu gives us a figure for the size of the Western Han bureaucracy, which includes the numbers of assistants and scribes starting from the bottom, and upwards to the chief

¹¹⁰ The official title *zhubu* could be a term originally employed to describe a specific scribal duty. Here, "zhu" could mean "to be in charge of," and thus "zhubu" means "to be in charge of account books." Similar terms, such as *zhuji* 主計 (to be in charge of accounts), *zhucang* 主倉 (to be in charge of granaries), and *zhuli* 主吏 (to be in charge of officials), frequently appear in Qin and Han sources. See Tsuchiguchi, "Shin dai no reishi to sō," pp. 8–9. See also n. 12, above, for *zhuli*.

¹¹¹ *Hanshu* 81, p. 3346.

minister at the top: 120,285 persons.¹¹² As to the number of the highest officials, when we consider those ranked at fully 2,000 bushels 中二千石 and above, such as the “Three Excellencies of State” 三公 and “Nine Ministers of State” (*jiuqing* 九卿), the number of highest officials in the empire might not have exceeded twenty. This accounts for less than one percent of the total number of officials! I wonder how many scribes could have risen up from the bottom to the very top of such a bureaucracy and how many of them would have gone down in history as famous official leaders, such as Xiao He and Zhang Tang. In fact, most scribes stayed mired in their struggles at the bottom of the bureaucracy throughout their entire careers. They figured out ways to survive under the tension between the state and their superiors.

LIST OF ABBREVIATIONS

- ENLL* Peng Hao 彭浩, Chen Wei 陳偉, and Kudō Motoo 工藤元男, *Er-nian lüling yu zouyanshu: 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出土法律文獻釋讀
- LSS* Anthony J. Barbieri-Low and Robin D. S. Yates, *Law, State, and Society in Early Imperial China: A Study with Critical Edition and Translation of the Legal Texts from Zhangjiashan Tomb no. 247*
- RCL* A. F. P. Hulsewé, *Remnants of Ch'in Law: An Annotated Translation of the Ch'in Legal and Administrative Rules of the 3rd Century B.C., Discovered in Yün-meng Prefecture, Hu-pei Province, in 1975*
- SHD* Shuihudi Qin mu zhujian zhengli xiaozu 睡虎地秦墓竹簡整理小組, *Shuihudi Qin mu zhujian* 睡虎地秦墓竹簡

¹¹² Ibid. 19A, p. 743.